

HOUSE JOURNAL  
OF THE  
SIXTY-SIXTH LEGISLATURE  
OF THE  
STATE OF WASHINGTON  
AT  
OLYMPIA, THE STATE CAPITOL

2020 Regular Session  
Convened January 13, 2020  
Adjourned Sine Die March 12, 2020

VOLUME 1



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**Laurie Jenkins**, Speaker  
**Tina Orwall**, Speaker Pro Tempore  
**Bernard Dean**, Chief Clerk

Compiled and edited by Gary Holt & Maureen Mueller, House Journal Clerks

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## SIXTY SIXTH LEGISLATURE - REGULAR SESSION

## FIRST DAY

House Chamber, Olympia, Monday, January 13, 2020

The House was called to order at 12:00 p.m. by the Acting Speaker, Representative Lovick. The Clerk called the roll and a quorum was present.

by Kim Archer. The prayer was offered by Connie McCloud, Cultural Director, Puyallup Tribe, Puyallup, Washington.

The flags were escorted to the rostrum by the Washington State Patrol Honor Guard. The Speaker (Representative Lovick presiding) led the Chamber in the Pledge of Allegiance. The National Anthem was performed

Reading of the Journal of the previous day was dispensed with and it was ordered to stand approved.

\*\*\*\*\*Format changed to accommodate text\*\*\*\*\*

## MESSAGE FROM THE SECRETARY OF STATE

The Honorable Speaker of the House of Representatives  
The Legislature of the State of Washington Olympia, Washington

Madam Speaker:

I, Kim Wyman, Secretary of State of the state of Washington, do hereby certify that the following is a full, true, and correct list of persons elected to the Office of State Representative at the state General Election held in the state of Washington on the 5<sup>th</sup> day of November 2019, as shown by the official returns of said election now on file in the Office of the Secretary of State:  
Representatives Elected November 5, 2019

District	Name	Party	Counties Represented
13	Alex Ybarra	Prefers Republican Party	Grant, Kittitas, Lincoln, Yakima

## Returning Representatives

District	Name	Party	Counties Represented
1	Davina Duerr	Prefers Democratic Party	King, Snohomish
	Shelley Kloba	Prefers Democratic Party	
2	Andrew Barkis	Prefers Republican Party	Pierce, Thurston
	JT Wilcox	Prefers Republican Party	
3	Marcus Riccelli	Prefers Democratic Party	Spokane
	Timm Ormsby	Prefers Democratic Party	
4	Matt Shea	Prefers Republican Party	Spokane
	Bob McCaslin	Prefers Republican Party	
5	Bill Ramos	Prefers Democratic Party	King
	Lisa Callan	Prefers Democratic Party	
6	Mike Volz	Prefers Republican Party	Spokane

	Jenny Graham	Prefers Republican Party	
7	Jacquelin Maycumber	Prefers Republican Party	Ferry, Okanogan, Pend Oreille, Spokane, Stevens
	Joel Kretz	Prefers Republican Party	
8	Brad Klippert	Prefers Republican Party	Benton
	Matt Boehnke	Prefers Republican Party	
9	Mary Dye	Prefers Republican Party	Adams, Asotin, Franklin, Garfield, Spokane, Whitman
	Joe Schmick	Prefers GOP Party	
10	Norma Smith	Prefers GOP Party	Island, Skagit, Snohomish
	Dave Paul	Prefers Democratic Party	
11	Zack Hudgins	Prefers Democratic Party	King
	Steve Bergquist	Prefers Democratic Party	
12	Keith Goehner	Prefers Republican Party	Chelan, Douglas, Grant, Okanogan
	Mike Steele	Prefers Republican Party	
13	Tom Dent	Prefers Republican Party	Grant, Kittitas, Lincoln, Yakima
14	Chris Corry	Prefers Republican Party	Clark, Klickitat, Skamania, Yakima
	Gina Mosbrucker	Prefers Republican Party	
15	Bruce Chandler	Prefers Republican Party	Yakima
	Jeremie Dufault	Prefers Republican Party	
16	William 'Bill' Jenkin	Prefers Republican Party	Benton, Columbia, Franklin, Walla Walla
	Skyler Rude	Prefers Republican Party	
17	Vicki Kraft	Prefers Republican Party	Clark
	Paul Harris	Prefers Republican Party	
18	Brandon Vick	Prefers Republican Party	Clark
	Larry A. Hoff	Prefers Republican Party	

19	Jim Walsh	Prefers Republican Party	Cowlitz, Grays Harbor, Lewis, Pacific, Wahkiakum
	Brian E. Blake	Prefers Democratic Party	
20	Richard DeBolt	Prefers GOP Party	Clark, Cowlitz, Lewis, Thurston
	Ed Orcutt	Prefers Republican Party	
21	Strom Peterson	Prefers Democratic Party	Snohomish
	Lillian Ortiz-Self	Prefers Democratic Party	
22	Laurie Dolan	Prefers Democratic Party	Thurston
	Beth Doglio	Prefers Democratic Party	
23	Sherry V. Appleton	Prefers Democratic Party	Kitsap
	Drew Hansen	Prefers Democratic Party	
24	Mike Chapman	Prefers Democratic Party	Clallam, Grays Harbor, Jefferson
	Steve Tharinger	Prefers Democratic Party	
25	Kelly Chambers	Prefers Republican Party	Pierce
	Chris Gildon	Prefers Republican Party	
26	Jesse L. Young	Prefers Republican Party	Kitsap, Pierce
	Michelle Caldier	Prefers Republican Party	
27	Laurie Jenkins	Prefers Democratic Party	Pierce
	Jake Fey	Prefers Democratic Party	
28	Mari Leavitt	Prefers Democratic Party	Pierce
	Christine Kilduff	Prefers Democratic Party	
29	Melanie Morgan	Prefers Democratic Party	Pierce
	Steve Kirby	Prefers Democratic Party	

30	Mike Pellicciotti	Prefers Democratic Party	King, Pierce
	Kristine M. Reeves	Prefers Democratic Party	
31	Drew Stokesbary	Prefers Republican Party	King, Pierce
	Morgan Irwin	Prefers Republican Party	
32	Cindy Ryu	Prefers Democratic Party	King, Snohomish
	Lauren Davis	Prefers Democratic Party	
33	Tina L. Orwall	Prefers Democratic Party	King
	Mia Su-Ling Gregerson	Prefers Democratic Party	
34	Eileen L. Cody	Prefers Democratic Party	King
	Joe Fitzgibbon	Prefers Democratic Party	
35	Dan Griffey	Prefers Republican Party	Kitsap, Mason, Thurston
	Drew C. MacEwen	Prefers Republican Party	
36	Noel Christina Frame	Prefers Democratic Party	King
	Gael Tarleton	Prefers Democratic Party	
37	Sharon Tomiko Santos	Prefers Democratic Party	King
	Eric Pettigrew	Prefers Democratic Party	
38	June Robinson	Prefers Democratic Party	Snohomish
	Mike Sells	Prefers Democratic Party	
39	Robert J. Sutherland	Prefers Republican Party	King, Skagit, Snohomish
	Carolyn Eslick	Prefers Republican Party	
40	Debra Lekanoff	Prefers Democratic Party	San Juan, Skagit, Whatcom
	Jeff Morris	Prefers Democratic Party	

41	Tana Senn	Prefers Democratic Party	King
	My-Linh Thai	Prefers Democratic Party	
42	Luanne Van Werven	Prefers Republican Party	Whatcom
	Sharon Shewmake	Prefers Democratic Party	
43	Nicole Macri	Prefers Democratic Party	King
	Frank Chopp	Prefers Democratic Party	
44	John Lovick	Prefers Democratic Party	Snohomish
	Jared M. Mead	Prefers Democratic Party	
45	Roger Goodman	Prefers Democratic Party	King
	Larry Springer	Prefers Democratic Party	
46	Gerry Pollet	Prefers Democratic Party	King
	Javier Valdez	Prefers Democratic Party	
47	Debra Entenman	Prefers Democratic Party	King
	Pat Sullivan	Prefers Democratic Party	
48	Vandana Slatter	Prefers Democratic Party	King
	Amy Walen	Prefers Democratic Party	
49	Sharon Wylie	Prefers Democratic Party	Clark
	Monica Jurado Stonier	Prefers Democratic Party	

IN TESTIMONY WHEREOF, I have hereunto set my hand, and affixed the seal of the state of Washington at Olympia, this 2<sup>nd</sup> day of December 2019.

Kim Wyman, Secretary of State

**Canvass of the Returns of the General Election**  
**Held on November 5, 2019**

I, Kim Wyman, Secretary of State of the State of Washington, do hereby certify that according to the provisions of RCW 29A.60.250, I have canvassed the returns of the 2,035,401 votes cast in the November 5, 2019 General Election by the registered voters of the state for all statewide measures and those legislative and judicial offices whose jurisdiction encompasses more than one county, as received from the County Auditors. The votes cast for these measures and these candidates are as follows:

**Referendum Measure No. 88**

The legislature passed Initiative Measure No. 1000 concerning affirmative action and remedying discrimination, and voters have filed a sufficient referendum petition on this act. Initiative 1000 would allow the state to remedy discrimination for certain groups and to implement affirmative action, without the use of quotas or preferential treatment (as defined), in public education, employment, and contracting.

Approved	952,053
Rejected	973,610

#### **Initiative Measure No. 976**

Initiative Measure No. 976 concerns motor vehicle taxes and fees. This measure would repeal, reduce, or remove authority to impose certain vehicle taxes and fees; limit annual motor-vehicle-license fees to \$30, except voter-approved charges; and base vehicle taxes on Kelley Blue Book value.

Yes	1,055,749
No	936,751

#### **Advisory Vote No. 20**

##### **Second Substitute House Bill 1087**

The legislature imposed, without a vote of the people, an additional wage premium for long-term care services, costing an indeterminate amount in its first ten years, for government spending.

Repealed	1,160,463
Maintained	683,870

#### **Advisory Vote No. 21**

##### **Engrossed Third Substitute House Bill 1324**

The legislature extended, without a vote of the people, the business and occupation tax for extracting, manufacturing, and selling timber and timber-related products, costing \$21,000,000 in its first ten years, for government spending.

Repealed	1,094,028
Maintained	763,429

#### **Advisory Vote No. 22**

##### **Substitute House Bill 1652**

The legislature increased, without a vote of the people, retail sales tax on architectural paint by adding an assessment to the purchase price, costing \$6,000,000 in its first ten years, for government spending.

Repealed	1,144,394
Maintained	700,391

#### **Advisory Vote No. 23**

##### **Engrossed Second Substitute House Bill 1873**

The legislature imposed, without a vote of the people, a tax on the sale, use, consumption, handling, possession, and distribution of vapor products costing \$178,000,000 in its first ten years, for government spending.

Repealed	621,440
Maintained	1,256,542

**Advisory Vote No. 24****Engrossed Second Substitute House Bill 2158**

The legislature imposed, without a vote of the people, an additional service and other business and occupation tax for certain specified business activities, costing \$2,253,000,000 in its first ten years, for government spending.

Repealed	1,140,727
Maintained	680,183

**Advisory Vote No. 25****Substitute House Bill 2167**

The legislature imposed, without a vote of the people, an additional business and occupation tax for certain specified financial institutions, costing \$1,036,000,000 in its first ten years, for government spending.

Repealed	1,013,783
Maintained	816,936

**Advisory Vote No. 26****Substitute Senate Bill 5581**

The legislature expanded, without a vote of the people, application of the state tax code to certain remote sellers, marketplace facilitators, and others, costing \$1,051,000,000 in its first ten years, for government spending.

Repealed	1,009,275
Maintained	818,192

**Advisory Vote No. 27****Engrossed Substitute Senate Bill 5993**

The legislature increased, without a vote of the people, taxes on petroleum products, costing \$2,760,000,000 in its first ten years, for government spending.

Repealed	1,129,203
Maintained	728,566

**Advisory Vote No. 28****Engrossed Substitute Senate Bill 5997**

The legislature increased, without a vote of the people, sales and use taxes on certain nonresidents by limiting the exemption applicable to them, costing \$313,000,000 in its first ten years, for government spending.

Repealed	819,232
Maintained	1,012,991

**Advisory Vote No. 29****Engrossed Substitute Senate Bill 5998**

The legislature increased, without a vote of the people, the real estate excise tax on certain sales of real property, costing \$1,747,000,000 in its first ten years, for government spending.

Repealed	1,188,272
Maintained	645,358

**Advisory Vote No. 30****Engrossed Substitute Senate Bill 6004**

The legislature increased, without a vote of the people, the business and occupation tax on certain travel agents and tour operators, costing \$28,000,000 in its first ten years, for government spending.

Repealed	1,021,792
Maintained	809,164

**Advisory Vote No. 31****Engrossed Senate Bill 6016**

The legislature increased, without a *vote* of the people, the business and occupation tax on certain international investment management services, costing \$367,000,000 in its first ten years, for government spending.

Repealed	792,401
Maintained	1,039,887

**Senate Joint Resolution No. 8200**

The legislature has proposed a constitutional amendment concerning legislative powers in times of emergency. This measure would add "catastrophic incidents" to the specified times of emergency that the legislature may take certain immediate actions to ensure continuity of state and local governmental operations.

Approved	1,247,265
Rejected	670,086

**Legislative District 13 State Representative - Position 2**

Ballot Name	Party Preference	Votes
Alex Ybarra	(Prefers Republican Party)	24,211
Steve Verhey	(Prefers Democratic Party)	8,271

**Legislative District 40 State Senator**

Ballot Name	Party Preference	Votes
Elizabeth (Liz) Lavelett	(Prefers Democratic Party)	35,061
Daniel Miller	(Prefers Republican Party)	14,908

**Court of Appeals, Division 2, District 3 - Judge Position 2**

Ballot Name	Party Preference	Votes
Anne Cruser	Nonpartisan	109,551

**Pacific, Wahkiakum Superior Court - Judge Position 1**

Ballot Name	Party Preference	Votes
Michael S. Turner	Nonpartisan	3,927
Donald J. Richter	Nonpartisan	4,359

In Testimony Whereof, I have hereunto set my hand and affixed the Seal of the State of Washington on this 2<sup>nd</sup> day of December 2019, at Olympia, the State Capital.

Kim Wyman,  
Secretary of State



**MESSAGE FROM THE SNOHOMISH COUNTY  
COUNCIL AND THE METROPOLITAN KING  
COUNTY COUNCIL**

SNOHOMISH COUNTY AND KING COUNTY  
Signature Report 15499  
Amended Joint Motion

Snohomish County Motion No.: 19-196  
Snohomish County Sponsors: Not Required  
King County Motion No.: 2019-0286  
King County Sponsors: Rod Dembowski

A JOINT MOTION of the Snohomish County Council and 2 Metropolitan King County Council making an appointment to fill the vacancy in the position of state house representative for the 1<sup>st</sup> legislative district.

WHEREAS, a vacancy exists in the position of state house representative for the 1<sup>st</sup> legislative district due to the resignation of Representative Derek Stanford, and

WHEREAS, the 1st legislative district is a multicounty legislative district, including parts of Snohomish County and King County, and

WHEREAS, Article II, Section 15 of the Washington state Constitution provides 10 that in the event of a vacancy occurring in a multicounty legislative district the vacancy shall be filled by joint action of the legislative authorities of the respective counties from a list of three candidates nominated by the state central committee of the same political party as the legislator whose office is vacated, and

WHEREAS, the candidates must reside in the 1st legislative district and be of the same political party as the legislator whose office is vacated, and

WHEREAS, the Washington State Democrats Central Committee has submitted the names of three constitutionally qualified candidates to fill the vacancy created by Representative Stanford's resignation, and WHEREAS, to obtain information from the candidates about their qualifications and views each county legislative authority has either interviewed them or provided them with a written questionnaire;

NOW, THEREFORE, BE IT MOVED by the Snohomish County Council and King County Council:

A. Davina Duerr, one of the three nominees, is hereby appointed to the position of state house representative for the 1st legislative district in the Washington state house of representatives and continuing until a successor is elected at the next general election, and has qualified.

B. The clerks of the councils shall provide a copy of this joint motion to the clerk of the Washington state house of representatives, the governor of the state of Washington and the chair of the Washington State Democrats Central Committee.

Joint Motion; Snohomish County Motion No. 19-196 and King County Motion No. 2019-0286 and, was passed by the Snohomish County Council and King County Council on

July 1, 2019, as amended, by the following vote: Weighted Vote, approved 5.66 to .34.

SNOHOMISH COUNTY COUNCIL  
SNOHOMISH COUNTY, WASHINGTON  
Terry Ryan, Council Chair  
Attest: Debbie Eco, Clerk of the Council

KING COUNTY COUNCIL  
KING COUNTY, WASHINGTON  
Rod Dembowski, Chair  
Attest: Melani Pedroza, Clerk of the Council

Attachments: None

**MESSAGE FROM THE SAN JUAN COUNTY  
COUNCIL, THE BOARD OF SKAGIT COUNTY  
COMMISSIONERS AND THE WATCOM COUNTY  
COUNCIL**

RESOLUTION  
SKAGIT COUNTY  
Resolution # R20200001

SAN JUAN NO. 01-2020 SKAGIT NO.  
R20200001 WHATCOM NO. 2020401

JOINT RESOLUTION OF THE SAN JUAN  
COUNTY COUNCIL, THE BOARD OF  
SKAGIT COUNTY COMMISSIONERS AND  
THE WHATCOM COUNTY COUNCIL  
APPOINTMENT TO FILL THE VACANCY  
IN THE POSITION OF STATE  
REPRESENTATIVE FOR THE 40<sup>TH</sup>  
LEGISLATIVE DISTRICT

WHEREAS, a vacancy exists in the position of state representative for the 40th legislative district due to the resignation of Representative Jeff Morris; and

WHEREAS, the 40th legislative district is a multicounty legislative district, including San Juan County and parts of Skagit County and Whatcom County; and

WHEREAS, Article II, Section 15 of the Washington state Constitution provides that in the event of a vacancy occurring in a multicounty legislative district the vacancy shall be filled by joint action of the legislative authorities of the respective counties from a list of three candidates nominated by the state central committee of the same political party as the legislator whose office is vacated; and

WHEREAS, the candidates must reside in the 40th legislative district and be of the same political party as the legislator whose office is vacated; and

WHEREAS, the Washington State Democratic Central Committee has submitted the names of three constitutionally qualified candidates to fill the vacancy created by Representative Morris' resignation.

NOW, THEREFORE, BE IT MOVED AND  
RESOLVED by the San Juan County Council, the Board of

Skagit County Commissioners and the Whatcom County Council:

Alex Ramel, one of the three nominees, is hereby appointed to the position of state representative for the 40th legislative district in the Washington State House of Representatives and continuing until a successor is elected at the next general election, and has qualified.

The vote was passed by the San Juan County Council, the Skagit County Board of Commissioners and the Whatcom County Council by the following weighted vote approved 5 to 4.

The clerks of the councils and board shall provide a copy of this joint resolution to the Clerk of the Washington State House of Representatives, the Governor of the State of Washington and the Chair of the Washington State Democratic Central Committee.

APPROVED this 6th day of January, 2020.

#### COUNTY COUNCIL

SAN JUAN COUNTY, WASHINGTON

Bill Watson, Member, District 1

Jamie Stephens, Chair, District 3

Rick Hughes, Vice Chair, District 2

ATTEST: Ingrid Gabriel, Clerk

APPROVED AS TO FORM ONLY

Randal K. Gaylord

#### BOARD OF COUNTY COMMISSIONERS

SKAGIT COUNTY, WASHINGTON

Ron Wesen, Chair

Kenneth A. Dahlstedt, Commissioner

Lisa Janicki, Commissioner

ATTEST: Amber Epps, Clerk of the Board

APPROVED AS TO FORM

Skagit County Deputy Prosecuting Attorney

#### WATCOM COUNTY COUNCIL

WHATCOM COUNTY, WASHINGTON

Todd Donovan, Council Vice Chair

ATTEST: Dana Brown-Davis, Clerk of the Council

APPROVED AS TO FORM

Civil Deputy Prosecutor

#### SPEAKER'S PRIVILEGE

Acting Speaker Lovick asked the members to join him in welcoming the newest members to the House, Representatives Duerr and Ramel.

#### ELECTION OF THE SPEAKER

##### MOTION

Representative Sullivan moved that Representative Laurie Jenkins be elected Speaker of the House.

Representative Sullivan: "Thank you Mr. Speaker. You know, it's an honor to stand today in support of the nomination of Laurie Jenkins for Speaker of the House of Representatives. I was trying to decide what to say about Laurie today and why everyone in this body should give their vote to her. I needed to do a little investigation; I have to admit, I don't know Laurie that well, so the first thing I did was go to her Wikipedia page and it was really boring, Mr. Speaker. I mean, don't get me wrong, there was lots of stuff about her academic achievements, there was stuff about her civic engagement which was plenty, but nothing like her strange sock addiction was listed on there so I figured I'd better dig a little deeper and what I found out is that Laurie grew up in a small town in Wisconsin with a population of about 500. She was very involved in 4H. She showed cows. She once gave a demonstration on how to make homemade butter and I'm sure she'd be happy to share that with anybody on the floor if you'd like more information. She graduated from the UW; unfortunately it's the wrong UW. It's that one in Madison, Wisconsin not the one here, Go Dawgs. I also learned, I already knew this, but I learned a little more about just how competitive that Laurie is. She was an All-American in shotput, hammer throw and in discus, and for three years, she was Northwest Women's caber tossing champion. That's that thing where you flip those big poles. When she mentioned a few years ago that she was interested in running for Speaker, I should have known that that competitive spirit would lead us to this day today. But you know, it takes more than just that competitive spirit, and when you look at Laurie's legislative history, it's incredible the work that she's done in moving this body forward in so many different areas. As we tried to catch up to other states and really serve our population on mental health, Laurie was right there on the front lines; not only dealing with the policy but also pushing our budget requests to make sure that we actually lived up to the commitment that we made to people around this state. As Chair of the Judiciary Committee for many years, you know that committee gets more bills than any other committee in the Legislature, and she was able to work effectively and efficiently in getting legislation out of that committee. They dealt with many controversial issues, and she was always fair; making sure that all sides were able to give their position on those bills. But, Mr. Speaker, the attribute that I care about the most, the thing that really struck me was her willingness and her ability to listen to people. Within days after she became Speaker Designate, you know I think a lot of people would just go back in that big office over in the corner and just sit behind the desk and wait for people to come and share their opinion or talk to her about their issue, but Laurie set out on the road. She started in Eastern Washington and visited with legislators across this state to not only get to know them better, to listen to their concerns and their questions and learn more about them, but to learn more about their district as well. The only thing that bothers me is Covington is 20 minutes away from Tacoma, you know, I'm still waiting. So hopefully that's going to happen really soon.

This is really an historic day Mr. Speaker. We haven't had a new Speaker in over 20 years. Laurie Jenkins will be the first woman elected Speaker in the history of the state of Washington. Representative Jenkins will be the first lesbian

Speaker in the history of the state of Washington. Mr. Speaker, I know that that is very important and this is a day that we should celebrate and we need to take time to do just that. To celebrate Laurie Jenkins as Speaker of the House of Representatives. But the reason why I ask for your vote for her for Speaker is because I know that she will do an incredible job leading this institution for the next many years and I really enjoy, will enjoy the opportunity to work with her and I know that, and I feel that everyone in this chamber will have that opportunity because she will be there to listen. She will be there to work with us and make us successful and Mr. Speaker, I ask for your vote for Laurie Jenkins for Speaker of the House.”

Representative Sullivan moved that the nominations for the Office of Speaker of the House of Representatives be closed. The motion was carried.

Representative Sullivan moved that Representative Laurie Jenkins be elected Speaker of the House of Representatives. The motion was carried.

Representative Sullivan escorted Speaker Laurie Jenkins to the rostrum.

### OATH OF OFFICE

Justice Mary Fairhurst administered the Oath of Office to Speaker Jenkins.

Representative Lovick: “I want to take a moment to recognize that we are all witnessing history today. Another barrier falls as the first woman in Washington State will stand on this spot and hold this gavel as Speaker of the House. Madam Speaker, congratulations.”

### SPEAKER’S REMARKS

“Thank you, Pat. Thank you, Kim, for your beautiful rendition of the national anthem. You always move me.

Connie, there is no other person in the world I hoped would give the blessing on this day. Thank you.

Justice Fairhurst, you hired both Laura and I to our first jobs. You married us. And I’m incredibly honored that this would be your last official act.

I want to thank the good member from the 44th for his uplifting words.

There is no other member of this body more able to call on our better angels as we struggle with tough policy issues.

And the good member is right. Barriers do not come down by themselves.

I stand here today on the shoulders of many who came before me. A legacy of hard-working, determined people who – to quote from the Broadway musical Hamilton - planted seeds in a garden they never got to see. To my friends Jan, Judie, Gloria, Bill and LaVonne, I know that you are here in spirit.

Many lawmakers in this chamber are honoring that history by wearing white as a tribute to the suffragettes who marched, organized and got arrested until it was possible for a woman to vote, run for office—or to become Speaker of the House.

This year is the 100th anniversary of women’s suffrage, a movement that - while pivotal to giving women opportunities in public and civic life - was not as inclusive as it should have been.

A century later, we are still dismantling barriers.

Many have asked me what it’s like to be the first woman and the first out lesbian Speaker of the House. Well, I’m about to find out.

Another barrier is broken, but it won’t be the last. Today represents another step toward inclusion, toward more seats at the table.

I want to take a moment to thank my own family for their love and support.

My wife, Laura, and our son Wulf, who teach me every day about everything from the finer details of employment law, to the struggles of college students, to how to be present and loving for friends and family.

My parents, Donna and Jack Jenkins, who flew out from rural Wisconsin and remain quite perplexed by a daughter who is this interested in politics.

My sisters, Julie and Karri. My sister-in-law, Tobey, niece Sasha and her new husband Dan. My sister-in-law Glenda and her husband Jim, my backpacking buddy.

I’m the oldest of five siblings and my sister Julie hit it on the head when I was elected to this position. She commented, “Congratulations, but you’ve always been the speaker of our house.”

I’m honored that my family, my friends and many of my mentors are here today as I move into the hardest, and most fulfilling, job I’ll ever have.

The most important people of my legislative career are also here: my current and former legislative assistants. Jessica, Lynda, Cinthia, and Ann, you have been such effective partners, and guided me wisely. Goodness knows I’ve needed it. Thank you.

I also want to thank the good member from the 2nd District, my counterpart from across the aisle.

We were elected in the same year—2011—and have already had a lot of opportunities to work together as colleagues. Both of us call Pierce County our home, and we both come from rural upbringings that shape our views of the world. JT, I appreciate your commitment to making Washington state a better place, and look forward to continuing our work together in these roles.

And I want to extend a warm welcome to the new members of this body.

Please join me in welcoming our colleagues from the 1st and 40th Districts – Rep. Duerr and Rep. Ramel. Please stand. Thank you for stepping up to take on this important work.

You may notice another new face on the House floor. One that most of us are used to seeing on this side of the rostrum. Frank, thank you for your decades of service and commitment to the people of Washington. Your leadership, spirit of cooperation and creativity has transformed this place and our state, and I feel lucky that you remain here.

Over the past few months, I’ve gotten to see a lot of this state. I made the goal - perhaps a tad ambitious - to visit each member in their district before session. It was worth every single minute and every single mile. I shared breakfast with the member from the 19th District in Aberdeen, and with the member from the 29th District in south Tacoma.

Both of their servers knew what to bring them without placing an order. I visited the Pataha Flour Mill with the good member from the 9th District and her faith community. The good member from the 15th District took me on a hike of the Selah Ridge, where we walked in the footsteps of Justice William O. Douglass. Quite an experience for two lawyers. Laura and I ate the best spaghetti dinner ever at the new home of the good member from the 29th District, in the middle of her remodel. I spent Veterans Day at the very wet Vancouver Veterans Day parade with the good member from the 18th District, and I visited with the good member from the 22nd as she was recovering from back surgery. I'm glad you're here and healthy, Representative Dolan. Visiting every district took me to 51 coffee shops and restaurants across Washington, but by far the best cup of coffee was the one I had with my wife just outside of Wauconda, made by the good member from the 7th District. Let me tell you, Starbucks has nothing on Joel Kretz. These visits made me optimistic about what we can accomplish together.

The title of my new role may be Speaker—but I see my primary job as listening, and I promise to listen to all of you, even when we disagree. We're going to have differences on policy. We'll express those differences right here in this chamber. Yet our passion comes from the same source: a deep, abiding commitment to make things better for the people of this state. That commitment has helped us do big things together.

We created a first-in-the-nation long-term care insurance program AND the nation's first public option health care plan. We provided free or reduced college tuition and apprenticeships to families earning up to 100 percent of the median family income. We moved forward on creating a first-in-the-nation behavioral health teaching hospital. We provided our military families and veterans access to college education, and support services to cope with PTSD and address suicide prevention. And in 2020, right now, paid family leave is in effect here in Washington! Every Washingtonian now has up to 12 weeks of paid leave to care for a new baby or an ailing family member. Thank you to the good members from the 38th and 14th Districts for bringing this to Washington. These policies will make a real difference for families in our state. That's why I ran for Speaker. My family is a living example of how the laws passed here have helped people. It's why my wife and I were able to legally marry in 2013, the year of our 25th anniversary. It's why we were able to have our son, who had a great public-school education in Tacoma, and now attends one of our state's incredible public universities. It's why we can afford to pay for his college education. And why as a lesbian, I can serve openly and proudly here in the Legislature.

Our work here is about helping ALL families. Those who are experiencing homelessness or injustices in our criminal justice system. Those who can't access health care due to geography or cost. Those grappling with opioid addiction or another substance use disorder. Those falling behind in an economy that isn't working for everyone.

There are emergencies all across this state, and one felt in every community I visited this year was housing and homelessness. I heard about it from the good member from the 39th in Sultan, and the good member from the 3rd in Spokane, and the good member from the 19th - who drove

me through a homeless encampment in Aberdeen - and many others. We must focus our time in this 60-day session working to ensure greater stability for families and communities by getting people inside and out of the cold with a roof over their heads and somewhere to build a life. Washington has housing shortages across the board. There are not enough shelters for those facing homelessness, but there's also not enough transitional housing, permanent supportive housing, low income housing, affordable housing or housing for working families. Our approach must be comprehensive, creative and strategic.

Another issue that touches all of us is the lack of affordable child care, which hurts working families and businesses. Last year, the Association of Washington Business reported nearly 50 percent of Washington parents found it difficult to find and keep affordable child care. This not only hurts families but it's costing our businesses over 2 billion dollars a year. Over the holidays, my wife and I had two couples with one-year-old kids over for breakfast. It was troubling to hear them talk about how difficult it was to find child care, and how much it costs. Lynda and Yasmin - we're going to do things to help you, Shoshana, Rumi and your families this year.

We're also going to help our families, farms and businesses that are threatened by the effects of climate change. My brother Todd was going to be here to see my swearing in. He's in charge of the Bureau of Land Management Smokejumper station in Boise, Idaho. His team of specially trained wildland firefighters actually parachute into remote and rugged terrain. But Todd isn't here today because he's in Australia helping to fight the massive, catastrophic wildfires. He's one of my heroes. Australia is the latest striking example of our climate crisis. Our own Department of Natural Resources fought a record 1,850 wildfires in our state in 2018. We took a big step on climate last year by passing our 100 percent clean electricity bill, a first-in-nation energy efficiency standard for Washington's buildings, and a bill to advance green transportation in our state. Now we have to take more steps. I'm calling on you to be the leaders our state, our country, and our planet need to protect our future before it's too late.

I'm also hoping we can be leaders this year by bringing down the high cost of health care. My wife is a cancer survivor, and I've been a Type 1 diabetic since childhood. Thanks to the great health care we've been able to access here in Washington state, our family is healthy and I can afford the insulin that helps keep me alive. That's not the case for everyone. The good member from the 9th and I have spent a lot of time talking about her child's new diagnosis with diabetes, and the challenges their family has in finding insurance coverage for pediatric insulin. And, this spring, I was invited to speak at Camp Panther, a week-long day camp for kids who are Type 1 diabetics. After I finished speaking, a five-year-old girl raised her hand and asked if I could help make her insulin less expensive, because it was hard for her family to pay for it. No kid should have to worry about this. If there's one thing we should get done this year, it's ensuring that no one has to worry about affording lifesaving prescription drugs, like insulin. And there are other policies we can pass to protect our children, our families, and our communities. We can take further steps to reduce gun

violence, invest in our K-12 education system, strengthen consumer protections, and safeguard data privacy.

In 60 days, in a supplemental budget year, it might not be possible to accomplish all of this. Sometimes success is measured in increments. In fact, in the Legislature this is often how we measure things. What's important is that we keep moving forward. And it's not always easy.

This session, we're going to be grappling with the effects of Initiative 976 on our transportation system. I'm not going to sugar coat it – the impacts of this initiative are devastating to transportation in our state, particularly for seniors, people with disabilities, and people with low-incomes—many of whom rely on our buses, ferries, trains and other public transportation. We will fight to protect our most vulnerable communities. I'm grateful to my seatmate, the good member from the 27th, who is working with the good member from the 2nd to do this. We'll work with our colleagues across the Rotunda and the Governor to keep Washington moving. It's going to be hard. But we will do this hard work together.

Since my election as Speaker-designate, the number one question I've gotten from folks outside the Legislature is, How do you deal with all that partisanship? I get why they ask the question – we're often confused with the other Washington. But I know from my travels around the state, and from meeting with all of you, that in THIS Washington, there's much that unites us.

I've had the privilege of working with so many of you, from both sides of the aisle, on great legislation. First as a new member, later as a committee chair, and now as Speaker of the House. This body is the most diverse it has ever been! And that is our strength. The poet and civil rights activist Audre Lorde said, "It is not our differences that divide us. It is our inability to recognize, accept, and celebrate those differences." Here in Washington, we celebrate those differences. That's why I am standing here today. It's why I'm so committed to equity and inclusion, to expanding justice and opportunity for everyone in our great state. It's why I'm confident the diversity of this body will bring even better solutions for the people of Washington.

Now is the time to plant seeds in gardens we may never see grow. This session, let's start planting those seeds. Together. Thank you."

Representative Wilcox: "Thank you Madam Speaker. Madam Speaker, today represents a new era in the House. It's a solemn moment and we celebrate many of the same things that you celebrate. It's a little hard for me to remember that the last time all of us were in here, we were celebrating the end of an era, wearing fake mustaches. Ever since then I've been afraid that someday my great grandchildren would run across a picture of that and, no explanation for why we were doing it. Madam Speaker, we all appreciate the effort you've taken so far to visit so many people. The number of miles you put on were amazing and I've had a huge number of calls from people telling me how much they appreciated that and I'm sure that you've heard that too, but I want everyone else to understand that there is a lot of appreciation, and there always is, in this chamber. One thing that I don't appreciate is that you stole about half of my speech, so I'm making up some of this too. But it was a nice thing to see that in many ways we think the same things. I was going to point out how much we do have in

common but I think instead, I will thank your parents – I'm so glad that you're here – these are clearly amazing people who gave you that solid rural upbringing that a lot of us have enjoyed too. And I don't think that anyone here would deny that people on both sides of this aisle, this sometimes divide, care a great deal about the institution. I imagine that as you stand up there you understand that you're a part of history now. In a way that very few people will ever enjoy and my guess is that at the same time, you're filled with a sense of reverence for this building, the people that built it, the people that fill it now and, even more importantly, the dreams of all of those people. We know that this building is full of good feelings, often it's also full of dispute, often, and, it's supposed to be like that. This is a place where you talk about conflict, and at it's best, it's a place where you help resolve conflict. And Madam Speaker, one of the things that I really appreciate that you recently said is you talked about how your job is to listen. And, Madam Speaker, we're the minority. That means that we don't get to win a lot of things. Our number one job is to speak and debate and we can help you do your job and you can help us do our job when you and all of your colleagues are the best possible listeners. We had some moments of serious conflict last session and it got very heated. Some might say that it got ugly. I learned quite a bit from that. In fact, I had a series of long conversations with one of the people that felt the greatest sense of conflict. And when I asked that person to explain, so that I could understand why they expressed themselves the way they did, the answer that I got was, because I need them to listen. Madam Speaker, sometimes it may seem like we are just up here pontificating because we're frustrated, and maybe sometimes I know that I feel that way too, so that's a possibility, but down deep, we, both sides, the 97, normally 98, people in this building feel a deep sense of responsibility to the 130,000 some-odd people that we represent. And, you know America, the state of Washington, it has never been a winner take all system. In fact, I think the reason that it has lasted so long is because people understand that it's not a winner take all system. One of the things that concerns me the most, and because it concerns the minority it should concern the majority as well, is that we're seeing incidents across the country where I think there has been the sense that elections matter so we're going to implement our whole agenda. We saw that in Oregon last year, and the process broke down at one point. I hope we never go through an experience like they had. There are many that think that that is going to happen in the state of Virginia, soon; let's not get there. The way that we avoid that, Madam Speaker, is for us, in the minority, to express ourselves without reservation but understanding that the process has value too. And that the rules matter. What we would like your side to do, Madam Speaker is understand that it is our job to speak. And these serious conflicts that we have sometimes come from frustration, but other times they come because we have the sense that either we're not being allowed to express the things that are important to us, and we may even feel like the rules are being unfairly used against us, or we get the sense that somehow we have to create more controversy because people are not listening to us. So let's both, let's both sides get better at that. In that vein, I'll share with you some of the things that we're going to be most concerned about this year. First of all, we believe the people that live in the state

of Washington have a right to be safe. And many people feel like their ability to be safe has declined over time. Some of this involves homelessness and it used to be that we thought homelessness was a big city problem only, and you probably didn't see as much concern as there should have been across the whole spectrum but now, especially you as you've been in every single corner of the state in the last few months, know that, unfortunately, it's a problem that brings us all together; we see the tragedy of homelessness and all the other tragedies that surround it in the biggest cities, where we always thought it always was, and the smallest towns. And Madam Speaker, it's been fun going around doing the press circuit with you because we both get to show some of our cards, not all of them. But one of the things you said the other day that I appreciate more than can tell you is that it's not just about a roof over your head; it's all these other things. You and I came into the Legislature at exactly the same time. I remember being the only freshman in what we called "Ways and Means" then at a time of budget crisis, long long hearings, people in trouble and people needing the help of the state and not being able to get it. And what I took away from that I've never forgotten. As you probably know, I had kind of a sheltered life; we worked hard but we saw life on the farm, not life everywhere else and for the first time, I saw people who had somehow become disconnected from their family, their community, and their faith. And there are people that are perfectly functional when that happens but life is much harder when it is; and I interpret what you've said today and what you said the other day as one of our jobs is not just to figure out how to get a roof over people's heads but it's to reconnect them to their families and their communities and although we can't establish a faith for people, we can certainly make it easier for faith of all kinds to flourish and we would love to join you with that. We also want to join you in supporting our law enforcement community. It's hard to be a cop. It's hard to be any kind of law enforcement officer and we're absolutely right to have the highest possible standards for people that have that kind of responsibility, but at the same time, it's absolutely critical that we help people to do that hard job understand that we support them; that we appreciate them, and we understand that they've got faults. We want them to get better, but we know that we don't have a civil society unless they understand that they can do their jobs effectively and well. And when it comes to safety, we know that we've got a wildfire problem and we really want to solve that. Madam Speaker, you lined out a number of policies that we've worked on in the past and that we'll work on in the future. Probably we want to work on just about the same ones but at the same time, we don't want to break things and affordability is a broad term for something that I think the Legislature often breaks. Sometimes it's across the whole economy, sometimes it is in an individual sector and you mentioned childcare. One of my greatest regrets in the 9 years that I have been here is been the fact that through policy sometimes passed here, sometimes passed through the voters, we've really broken that system, and instead of having better availability and affordability childcare over the 9 years that you and I have been here, it's gotten worse; it's one of the most common complaints that people write to us about and it's a lot more than a complaint, too. It affects lives and families. And, Madam Speaker, when we create

solutions, a lot of times we create excess cost and thank goodness we have a strong economy. Washington State has a uniquely strong economy – wages are going up, but at the same time we hear over and over and over from people that they can't afford the things that they used to. So, as we think about the great things that we've got to give them, let's think hard about, let's not break what we're trying to fix and let's not create a system where it's impossible to afford the thing that we're trying to fix as well. And when we get into housing, in particular Madam Speaker, let's try to deescalate the ideology. I thought that we had some tragedy last year when we did housing; there was a report that came out recently that said there was 250, there was a shortage of 255,000 housing units over the last 15 years. The private sector used to produce housing in abundant quantities. I know my parents built the house that I live in for almost nothing in today's terms and to reproduce that now is out of reach for many people, so let's not just try to provide public housing; let's try to fix the regulator and the tax and the cost system so that the private sector can do their part when it comes to housing. And lastly, Madam Speaker, we need to work on government accountability. There's two areas that I think are critical. First of all, I thought it was good to hear, after all, of the struggle that we've had that this body and all four corners have decided that the public does have a right to know; that we're gonna figure out how to work with the Public Records Act, just like every other level of government is doing and we've got a lot to learn and we're going to do that. The other reform issue that I really hope you'll work with us on is the idea of title only bills and I've heard you say that we don't really have that here and that's probably strictly true but Madam Speaker, we can address this ourselves by really trying hard to make sure that we're not surprising people. That the groups and the public that are affected by any bill really gets a chance to evaluate those things, come down here, do their citizen's duty, lobby themselves and help us make the very best possible decisions. Madam Speaker, these 60 days have great promise. We've had a huge transition in authority in this building. As you've noticed before, over the last 18 months, three of the four corners have changed leadership and oddly, it was all people that came in here together; that's something that means a lot to me. Let's go forward and really create an example that people can take joy in and have faith in. We're going to fight just as hard as we possibly can for the things that we believe in; nobody sent us here to give up. At the same, we're going to do it respectfully. Madam Speaker, I'm quite sure that you have all the capacity in the world to make sure that we get a chance to conduct that debate, to present our ideas, and that you and all of your caucus are going to listen carefully too. Thank you Madam Speaker."

#### **ELECTION OF SPEAKER PRO TEMPORE**

With the consent of the House, Representative Tina Orwall was elected Speaker Pro Tempore of the House.

#### **OATH OF OFFICE**

Justice Mary Fairhurst administered the Oath of Office to Speaker Pro Tempore Orwall.

## ELECTION OF DEPUTY SPEAKER PRO TEMPORE

With the consent of the House, Representative John Lovick was elected Deputy Speaker Pro Tempore of the House.

## OATH OF OFFICE

Justice Mary Fairhurst administered the Oath of Office to Deputy Speaker Pro Tempore Lovick.

## SPEAKER'S PRIVILEGE

The Speaker thanked Justice Fairhurst for administering the Oaths of Office.

There being no objection, the House advanced to the fourth order of business.

## INTRODUCTION & FIRST READING

**HB 2185** by Representatives Leavitt, Van Werven, Bergquist, Eslick, Chambers, Dufault, Blake, Paul, Kirby, Chapman, Shewmake, Gildon, Frame, Slatter, Young, Orwall, Ormsby, Harris, Caldier, Irwin, Wylie, Doglio, Volz, Goodman and Hudgins

AN ACT Relating to assisting spouses and dependents of active duty military by ensuring affordable access to higher education; and amending RCW 28B.15.012.

Referred to Committee on College & Workforce Development.

**HB 2186** by Representatives Kilduff, Lovick, Kloba, Walen, Thai, Callan, Frame, Fitzgibbon, Ryu, Appleton, Ramos, Slatter and Gregerson

AN ACT Relating to debris escaping from vehicles on public highways; amending RCW 46.61.655, 46.63.020, 7.68.020, and 70.93.097; prescribing penalties; and providing an effective date.

Referred to Committee on Transportation.

**HB 2187** by Representatives Kilduff, Mosbrucker, Morgan, Leavitt, Orwall, Callan, Dufault, Graham, Kraft, Appleton, Paul, Lovick, Chapman, Ryu, Van Werven, Barkis, Slatter, Bergquist, Griffey, Sells, Doglio and Riccelli

AN ACT Relating to creating Washington state women veterans special license plates; reenacting and amending RCW 46.17.220, 46.18.200, and 46.68.420; adding a new section to chapter 46.04 RCW; creating a new section; and providing an effective date.

Referred to Committee on Transportation.

**HB 2188** by Representatives Leavitt, Gildon, Dufault, Chapman, Eslick, Orwall, Appleton, Slatter, Ryu, Van Werven, Griffey, Young, Wylie, Doglio, Volz and Riccelli

AN ACT Relating to increasing the types of commercial driver's license qualification waivers allowed for military veterans; amending RCW 46.25.060; and creating a new section.

Referred to Committee on Transportation.

**HB 2189** by Representatives Leavitt, Irwin, Sells, MacEwen, Fitzgibbon, Wylie, Corry, Tharinger, Kilduff, Callan, Davis, Robinson, Doglio, Slatter, Ryu, Griffey, Ormsby and Harris

AN ACT Relating to including specified competency restoration workers at department of social and health services institutional and residential sites in the public safety employees retirement system; and amending RCW 41.37.010.

Referred to Committee on Appropriations.

**HB 2190** by Representatives Walsh, Young, Blake, Dufault, Graham, Eslick, Jenkin, Hoff, McCaslin, Sutherland, Kraft, Gildon, Stokesbary, Corry, Klippert, Barkis, Vick, MacEwen, Harris, Mosbrucker, Maycumber, DeBolt, Kretz, Van Werven, Griffey, Caldier, Irwin and Volz

AN ACT Relating to increasing legislative transparency; adding new sections to chapter 44.04 RCW; and creating a new section.

Referred to Committee on State Government & Tribal Relations.

**HB 2191** by Representative Dufault

AN ACT Relating to family and medical leave program coverage for bona fide corporate officers and members of limited liability companies; and adding a new section to chapter 50A.05 RCW.

Referred to Committee on Labor & Workplace Standards.

**HB 2192** by Representative Santos

AN ACT Relating to complimentary liquor by short-term rental operators; and amending RCW 66.20.010 and 66.24.200.

Referred to Committee on Commerce & Gaming.

**HB 2193** by Representatives Kirby, Irwin, Kilduff, Leavitt, Ryu, Ormsby, Wylie, Goodman and Hudgins

AN ACT Relating to reauthorizing and expanding the financial fraud and identity theft crimes investigation and prosecution program; amending RCW 43.330.300 and 62A.9A-525; repealing 2008 c 290 s 4, 2009 c 565 s 57, 2015 c 65 ss 3 and 4, and 2016 c 202 s 59 (uncodified); and providing an expiration date.

Referred to Committee on Appropriations.

HB 2194 by Representatives Walsh, Gildon, Goehner, Barkis, Griffey, Young, Jenkin, Dufault and Corry

AN ACT Relating to restricting executive discretion in adjusting transportation budgets; repealing 2019 c 416 s 601 (uncodified); and declaring an emergency.

Referred to Committee on Transportation.

HB 2195 by Representatives Walsh, Van Werven, Schmick and Caldier

AN ACT Relating to nursing home payment rate setting; and amending RCW 74.46.561.

Referred to Committee on Appropriations.

HB 2196 by Representatives Walsh and Young

AN ACT Relating to standards for issuance and enforcement of extreme risk protection orders; amending RCW 7.94.040, 7.94.050, and 7.94.080; adding a new section to chapter 7.94 RCW; and creating a new section.

Referred to Committee on Civil Rights & Judiciary.

HB 2197 by Representatives Thai, McCaslin, Walen, Slatter, Tarleton, Appleton, Orwall, Shewmake and Wylie

AN ACT Relating to establishing an exception to the requirement that vehicle license plates be visible at all times for vehicles using certain cargo carrying devices; and reenacting and amending RCW 46.16A.200.

Referred to Committee on Transportation.

HB 2198 by Representatives Klippert and Shewmake

AN ACT Relating to uncovered tires; amending RCW 46.37.500; and creating a new section.

Referred to Committee on Transportation.

HB 2199 by Representatives Klippert, Shewmake and Dent

AN ACT Relating to marijuana use in guest rooms of hotels, motels, and inns in violation of the owner or operator's rules; amending RCW 69.50.445; and prescribing penalties.

Referred to Committee on Commerce & Gaming.

HB 2200 by Representatives Klippert, Kilduff, Leavitt, Van Werven, Griffey and Volz

AN ACT Relating to creating the position of military spouse liaison; and adding a new section to chapter 43.60A RCW.

Referred to Committee on Appropriations.

HB 2201 by Representatives Klippert, Griffey and Young

AN ACT Relating to equitable competition between students who participate in school athletic activities; amending RCW 28A.600.200; and adding a new section to chapter 28A.600 RCW.

Referred to Committee on Education.

HB 2202 by Representatives Klippert, Gildon, Griffey and Dent

AN ACT Relating to firearm safety training requirements for the sale or transfer of a semiautomatic assault rifle; amending RCW 9.41.090 and 9.41.090; and amending 2019 c 244 s 2 (uncodified).

Referred to Committee on Civil Rights & Judiciary.

HB 2203 by Representatives Thai, Harris, Cody, Pettigrew, Chambers, Tharinger, Stonier, Riccelli, Robinson, Ryu, Ormsby, Wylie and Doglio

AN ACT Relating to acupuncture and Eastern medicine; and amending RCW 18.06.010 and 18.06.230.

Referred to Committee on Health Care & Wellness.

HB 2204 by Representatives Kirby, Vick, Walen, Corry, Jenkin, Hoff, Fey, Chapman and Wylie

AN ACT Relating to the creation of a limited spirits retail license; amending RCW 66.24.055; and adding new sections to chapter 66.24 RCW.

Referred to Committee on Commerce & Gaming.

HB 2205 by Representatives Goodman, Dufault and Appleton

AN ACT Relating to making technical corrections and removing obsolete language from the Revised Code of Washington pursuant to RCW 1.08.025; amending RCW 9A.42.010, 28A.400.210, 41.05.175, 43.09.025, 46.18.255, 46.18.265, 46.18.285, 46.18.290, 48.20.389, 48.21.223, 48.44.323, 48.46.274, 64.50.010, 69.50.414, and 69.52.030; reenacting and amending RCW 43.79A.040, 43.84.092, 10.77.088, and 70.105D.030; and creating a new section.



Referred to Committee on Civil Rights & Judiciary.

HB 2206 by Representatives MacEwen, Van Werven and Young

AN ACT Relating to equity by authorizing government services outside of urban growth areas; amending RCW 36.70A.108 and 36.70A.110; reenacting and amending RCW 36.70A.030 and 36.70A.070; and creating a new section.

Referred to Committee on Environment & Energy.

HB 2207 by Representative Walen

AN ACT Relating to the group-wide supervision of internationally active insurance groups; amending RCW 48.31B.005, 48.31B.038, and 42.56.400; and adding a new section to chapter 48.31B RCW.

Referred to Committee on Consumer Protection & Business.

HB 2208 by Representative Kirby

AN ACT Relating to implementation credits and performance standards; amending RCW 48.30.140 and 48.30.150; adding new sections to chapter 48.30 RCW; and providing an effective date.

Referred to Committee on Consumer Protection & Business.

HB 2209 by Representatives Cody, Macri, Tharinger, Stonier and Riccelli

AN ACT Relating to insurance guaranty fund; and amending RCW 48.32A.015, 48.32A.025, 48.32A.045, 48.32A.055, 48.32A.065, 48.32A.075, 48.32A.085, 48.32A.095, 48.32A.115, 48.32A.135, 48.32A.175, and 48.32A.185.

Referred to Committee on Health Care & Wellness.

HB 2210 by Representatives Harris, Cody, Leavitt and Wylie

AN ACT Relating to health coverage that is supplemental to the coverage provided under an employer or union-sponsored prescription drug coverage that supplements medicare part D provided through an employer group waiver plan authorized under federal law; amending RCW 48.43.733; and reenacting and amending RCW 48.43.005.

Referred to Committee on Health Care & Wellness.

HB 2211 by Representatives Kirby and Vick

AN ACT Relating to life insurance products or services that are intended to incent behavioral changes that improve the health and reduce the risk of death of the

insured; amending RCW 48.30.140, 48.30.150, 48.30.155, and 48.23.525; and providing an effective date.

Referred to Committee on Consumer Protection & Business.

HB 2212 by Representatives Blake, Chapman, Fitzgibbon, Ormsby, Sells, Irwin, Wylie and Goodman

AN ACT Relating to providing department of fish and wildlife officers interest arbitration under certain circumstances; amending RCW 41.80.340; and reenacting and amending RCW 41.80.005 and 41.80.010.

Referred to Committee on Appropriations.

HB 2213 by Representatives MacEwen, Peterson, Schmick and Kloba

AN ACT Relating to modifying Washington state horse racing commission provisions; and amending RCW 67.16.100.

Referred to Committee on Appropriations.

HB 2214 by Representative MacEwen

AN ACT Relating to the public inspection of records of commercial political advertisers; and amending RCW 42.17A.345.

Referred to Committee on State Government & Tribal Relations.

HB 2215 by Representative MacEwen

AN ACT Relating to transferring requirements to maintain records for commercial political advertising to the public disclosure commission; and amending RCW 42.17A.260 and 42.17A.345.

Referred to Committee on State Government & Tribal Relations.

HB 2216 by Representatives Eslick, Dent, Corry and Jenkin

AN ACT Relating to sports pool boards; and amending RCW 9.46.0335.

Referred to Committee on Commerce & Gaming.

HB 2217 by Representatives Eslick, Leavitt, Chambers, Callan, Dent, Walsh, Corry, Jenkin, Van Werven, Shewmake, Young and Wylie

AN ACT Relating to cottage food product labeling requirements; and amending RCW 69.22.020.

Referred to Committee on Rural Development, Agriculture, & Natural Resources.

HB 2218 by Representatives Eslick, Leavitt, Chambers, Callan, Dent, Walsh, Corry, Jenkin, Van Werven, Ryu, Shewmake, Thai, Young and Wylie

AN ACT Relating to increasing the cap on gross sales for cottage food operations; and amending RCW 69.22.050.

Referred to Committee on Rural Development, Agriculture, & Natural Resources.

HB 2219 by Representative Eslick

AN ACT Relating to the gambling commission's authority with respect to sports pool boards; and amending RCW 9.46.0335 and 9.46.070.

Referred to Committee on Commerce & Gaming.

HB 2220 by Representatives Dolan, Callan, Ortiz-Self, Ryu, Appleton, Valdez, Frame, Davis, Ormsby, Irwin, Wylie, Doglio, Santos and Peterson

AN ACT Relating to parental involvement through volunteering in schools after a criminal conviction; amending RCW 28A.320.155 and 28A.400.303; and adding a new section to chapter 28A.320 RCW.

Referred to Committee on Education.

HB 2221 by Representatives Wylie, Jenkin, Tarleton, Chapman and Ryu

AN ACT Relating to providing small winery tax relief; reenacting and amending RCW 66.24.210; and creating a new section.

Referred to Committee on Finance.

HB 2222 by Representatives Walsh, Goehner, Schmick, MacEwen, Maycumber, Orcutt, Gildon, Barkis, Chambers, Griffey, Jenkin, Young, Eslick, Ybarra, Sutherland, Caldier, Dufault, Irwin, Kraft, Van Werven, Volz, Corry, Dent and Steele

AN ACT Relating to reducing the property tax; amending RCW 84.52.065; and creating a new section.

Referred to Committee on Finance.

HB 2223 by Representatives Walsh and Young

AN ACT Relating to the liability of an individual or entity that prohibits the possession of firearms on property owned by, or under the control of, the individual or entity; and adding a new section to chapter 4.24 RCW.

Referred to Committee on Civil Rights & Judiciary.

HB 2224 by Representatives Walsh, Van Werven and Irwin

AN ACT Relating to fiscal impact statements on state ballot measures; and amending RCW 29A.72.025.

Referred to Committee on State Government & Tribal Relations.

HB 2225 by Representatives Walsh, Van Werven and Young

AN ACT Relating to the creation of the legislative budget office to provide fiscal notes on proposed legislation; amending RCW 2.56.120, 28A.300.0401, 29A.72.025, 43.41.110, 43.88A.020, 43.88A.030, 43.88A.040, 43.132.020, 43.132.030, 43.132.040, 43.132.050, and 43.132.810; reenacting and amending RCW 44.04.260; adding a new chapter to Title 44 RCW; and creating a new section.

Referred to Committee on Appropriations.

HB 2226 by Representatives Walsh and Young

AN ACT Relating to federal immigration enforcement; adding a new chapter to Title 43 RCW; and repealing RCW 43.17.420, 43.330.510, 43.10.310, 43.17.425, 10.93.160, and 43.10.315.

Referred to Committee on Civil Rights & Judiciary.

HB 2227 by Representatives Young, Walsh, MacEwen, Gildon, Barkis, Chambers, Griffey, Ybarra, Caldier, Goehner, Kraft, Van Werven, Corry and Dent

AN ACT Relating to limiting state and local taxes, fees, and other charges relating to vehicles; amending RCW 46.17.355, 46.17.323, 82.08.020, 82.44.065, 81.104.140, and 81.104.160; reenacting and amending RCW 46.17.350; adding a new section to chapter 46.17 RCW; adding a new section to chapter 82.44 RCW; adding a new section to chapter 81.112 RCW; creating new sections; repealing RCW 46.17.365, 46.68.415, 82.80.130, 82.80.140, 82.44.035, and 81.104.160; providing contingent effective dates; and declaring an emergency.

Referred to Committee on Transportation.

HB 2228 by Representatives Springer, Dent, Ramos, Griffey, Ryu, Appleton, Leavitt, Ormsby, Wylie and Goodman

AN ACT Relating to early deployment of state fire service resources; and amending RCW 43.43.960.

Referred to Committee on Appropriations.

HB 2229 by Representatives Sullivan, Stokesbary, Bergquist, Gildon and Wylie

AN ACT Relating to clarifying the scope of taxation on land development or management services; amending RCW 82.04.051; and amending 1999 c 212 s 1 (uncodified).

Referred to Committee on Finance.

HB 2230 by Representatives Gregerson, Stokesbary, Entenman, Walsh, Sullivan, Leavitt, Gildon, Ormsby, Santos, Lekanoff and Pollet

AN ACT Relating to subjecting federally recognized Indian tribes to the same conditions as state and local governments for property owned exclusively by the tribe; amending RCW 84.36.010; amending 2017 c 323 s 301 (uncodified); repealing 2014 c 207 s 14, and 2015 3rd sp.s. c 6 s 2306 (uncodified); and creating a new section.

Referred to Committee on State Government & Tribal Relations.

HB 2231 by Representatives Pellicciotti, Hudgins, Appleton, Davis, Gregerson, Santos, Frame, Pollet, Fitzgibbon, Thai, Bergquist, Ormsby, Wylie, Pettigrew, Peterson and Riccelli

AN ACT Relating to bail jumping; amending RCW 9A.76.170; reenacting and amending RCW 9.94A.515; and prescribing penalties.

Referred to Committee on Public Safety.

HB 2232 by Representatives Van Werven and Barkis

AN ACT Relating to the sale of nonalcoholic beverages by a child; adding a new section to chapter 35.21 RCW; and adding a new section to chapter 36.01 RCW.

Referred to Committee on Local Government.

HB 2233 by Representatives Van Werven and Barkis

AN ACT Relating to expanding the college in high school program to students in ninth grade; and amending RCW 28A.600.290.

Referred to Committee on Education.

HB 2234 by Representatives Tarleton and Wylie

AN ACT Relating to the revised uniform unclaimed property act; adding a new chapter to Title 63 RCW; repealing RCW 63.29.010, 63.29.020, 63.29.030, 63.29.040, 63.29.050, 63.29.060, 63.29.070, 63.29.080, 63.29.090, 63.29.100, 63.29.110, 63.29.120, 63.29.130, 63.29.133, 63.29.135, 63.29.140, 63.29.150, 63.29.160, 63.29.165, 63.29.170, 63.29.180, 63.29.190, 63.29.192, 63.29.193, 63.29.194, 63.29.195, 63.29.200, 63.29.210,

63.29.220, 63.29.230, 63.29.240, 63.29.250, 63.29.260, 63.29.270, 63.29.280, 63.29.290, 63.29.300, 63.29.310, 63.29.320, 63.29.330, 63.29.340, 63.29.350, 63.29.360, 63.29.370, 63.29.380, 63.29.900, 63.29.902, 63.29.903, 63.29.905, and 63.29.906; prescribing penalties; and providing an effective date.

Referred to Committee on Finance.

HB 2235 by Representatives Tarleton and Wylie

AN ACT Relating to the sale of liquor at sports entertainment facilities; and amending RCW 66.24.570.

Referred to Committee on Commerce & Gaming.

HB 2236 by Representatives Ybarra, Springer, Dent, Goodman, Stokesbary, Hoff, Wylie, Kraft, Orcutt and Irwin

AN ACT Relating to sales and use tax exemptions for large private airplanes; amending RCW 82.08.215, 82.12.215, 47.68.250, and 82.48.100; amending 2013 2nd sp.s. c 13 ss 1101 and 1906 (uncodified); reenacting and amending RCW 82.48.100; providing an effective date; and providing expiration dates.

Referred to Committee on Finance.

HB 2237 by Representatives Blake, Walsh and Eslick

AN ACT Relating to local effort assistance; amending RCW 28A.500.015; and providing an effective date.

Referred to Committee on Appropriations.

HB 2238 by Representatives Ormsby, Stokesbary, Ryu and Lekanoff

AN ACT Relating to dividing the state wildlife account into the fish, wildlife, and conservation account and the limited fish and wildlife account; amending RCW 46.68.435, 77.12.170, 77.12.177, 77.12.184, 77.12.190, 77.12.210, 77.12.230, 77.12.240, 77.12.323, 77.12.380, 77.12.390, 77.12.670, 77.12.690, 77.32.050, 77.32.430, 77.32.460, 77.32.470, 77.32.530, 77.32.560, 77.36.070, 77.36.170, 77.44.050, 79A.55.090, 79A.80.090, and 82.27.070; reenacting and amending RCW 9.41.070 and 43.84.092; creating a new section; and providing an effective date.

Referred to Committee on Appropriations.

HB 2239 by Representatives Blake, Walsh, Orcutt, Lovick and Appleton

AN ACT Relating to prohibiting unjustified employer searches of employee personal vehicles; adding new sections to chapter 49.12 RCW; and prescribing penalties.

Referred to Committee on Appropriations.

HB 2240 by Representatives Valdez, Peterson, Senn, Doglio, Macri, Robinson, Walen, Thai, Kilduff, Stonier, Frame, Bergquist, Cody, Pellicciotti, Chapman, Fitzgibbon, Orwall, Ortiz-Self, Ramel, Ryu, Tarleton, Appleton, Slatter, Davis, Tharinger, Ormsby, Wylie, Kloba, Gregerson and Pollet

AN ACT Relating to high capacity magazines; adding a new section to chapter 9.41 RCW; and prescribing penalties.

Referred to Committee on Civil Rights & Judiciary.

HB 2241 by Representatives Peterson, Valdez, Doglio, Macri, Robinson, Chapman, Walen, Kilduff, Ortiz-Self, Ramel, Ryu, Tarleton, Appleton, Slatter, Bergquist, Davis, Tharinger, Orwall, Ormsby, Wylie, Cody, Gregerson and Pollet

AN ACT Relating to assault weapons and large capacity magazines; adding new sections to chapter 9.41 RCW; and prescribing penalties.

Referred to Committee on Civil Rights & Judiciary.

HB 2242 by Representatives Wylie, Orcutt, Chapman, Bergquist, Dufault, Blake, Shewmake, Gildon and Irwin

AN ACT Relating to travel trailers; and amending RCW 46.44.030.

Referred to Committee on Transportation.

HB 2243 by Representatives Blake, Barkis, Chapman, Goehner, DeBolt, Orcutt, Eslick and Irwin

AN ACT Relating to all-terrain vehicles; and amending RCW 46.09.360 and 46.09.455.

Referred to Committee on Transportation.

HB 2244 by Representatives Orcutt, Blake, Chapman, Eslick, Barkis, Goehner and Irwin

AN ACT Relating to the authorization of wheeled all-terrain vehicles on state highways; and amending RCW 46.09.455.

Referred to Committee on Transportation.

HB 2245 by Representatives Barkis, Ramos, Goehner and Boehnke

AN ACT Relating to roundabouts; amending RCW 46.61.135 and 46.61.140; and reenacting and amending RCW 47.04.010.

Referred to Committee on Transportation.

HB 2246 by Representatives Fitzgibbon and Lekanoff

AN ACT Relating to the reorganization of laws related to environmental health without making any substantive, policy changes; amending RCW 35.21.120, 35.21.135, 35.21.154, 35.21.156, 35.21.157, 35.21.409, 35.21.755, 35.22.625, 35.23.351, 35.92.020, 35.94.050, 35A.21.152, 35A.21.153, 35A.21.324, 36.32.120, 36.32.304, 36.34.192, 36.58.040, 36.58.045, 36.58.050, 36.58A.010, 36.70A.130, 36.70A.200, 36.93.090, 36.94.010, 43.21A.020, 43.21A.175, 43.21A.702, 43.21A.711, 43.21B.130, 43.21B.260, 43.21B.300, 43.21C.036, 43.21C.0381, 43.21C.210, 43.27A.190, 43.37.050, 43.37.080, 43.37.110, 43.37.140, 43.37.170, 43.37.220, 43.146.900, 43.200.070, 43.200.080, 43.200.170, 43.200.180, 43.200.220, 43.200.230, 43.200.233, 43.200.235, 43.200.905, 43.200.907, 70.05.070, 70.75A.040, 70.75A.060, 70.76.020, 70.76.030, 70.76.040, 70.76.050, 70.76.090, 70.76.100, 70.93.095, 70.93.200, 70.93.220, 70.93.250, 70.94.015, 70.94.030, 70.94.040, 70.94.041, 70.94.053, 70.94.069, 70.94.100, 70.94.130, 70.94.142, 70.94.143, 70.94.151, 70.94.153, 70.94.154, 70.94.161, 70.94.162, 70.94.163, 70.94.165, 70.94.181, 70.94.211, 70.94.231, 70.94.262, 70.94.302, 70.94.331, 70.94.332, 70.94.335, 70.94.385, 70.94.390, 70.94.400, 70.94.410, 70.94.422, 70.94.430, 70.94.431, 70.94.435, 70.94.450, 70.94.453, 70.94.460, 70.94.463, 70.94.467, 70.94.473, 70.94.475, 70.94.477, 70.94.480, 70.94.483, 70.94.524, 70.94.527, 70.94.528, 70.94.531, 70.94.534, 70.94.541, 70.94.544, 70.94.551, 70.94.640, 70.94.6512, 70.94.6514, 70.94.6516, 70.94.6518, 70.94.6520, 70.94.6522, 70.94.6524, 70.94.6528, 70.94.6530, 70.94.6532, 70.94.6534, 70.94.6538, 70.94.6540, 70.94.6542, 70.94.6546, 70.94.6548, 70.94.6552, 70.94.6554, 70.94.6556, 70.94.715, 70.94.725, 70.94.730, 70.94.785, 70.94.805, 70.94.850, 70.94.892, 70.94.960, 70.94.990, 70.95.030, 70.95.065, 70.95.092, 70.95.095, 70.95.100, 70.95.110, 70.95.130, 70.95.150, 70.95.160, 70.95.167, 70.95.170, 70.95.185, 70.95.190, 70.95.205, 70.95.207, 70.95.218, 70.95.240, 70.95.250, 70.95.270, 70.95.280, 70.95.285, 70.95.290, 70.95.295, 70.95.315, 70.95.330, 70.95.400, 70.95.420, 70.95.430, 70.95.510, 70.95.530, 70.95.532, 70.95.535, 70.95.550, 70.95.555, 70.95.560, 70.95.610, 70.95.630, 70.95.650, 70.95.660, 70.95.670, 70.95.715, 70.95.807, 70.95.815, 70.95A.070, 70.95A.100, 70.95B.060, 70.95B.090, 70.95B.095, 70.95B.120, 70.95B.151, 70.95C.010, 70.95C.020, 70.95C.030, 70.95C.040, 70.95C.070, 70.95C.210, 70.95C.220, 70.95C.230, 70.95D.010, 70.95E.010, 70.95E.020, 70.95E.030, 70.95E.040, 70.95E.050, 70.95E.080, 70.95E.090, 70.95F.020, 70.95F.030, 70.95G.030, 70.95G.040, 70.95G.060, 70.95I.010, 70.95I.020, 70.95I.030, 70.95I.040, 70.95I.060, 70.95I.070, 70.95J.010, 70.95J.090, 70.95K.010, 70.95K.011, 70.95L.010, 70.95L.040, 70.95M.080, 70.95M.110, 70.95N.040, 70.95N.060, 70.95N.070, 70.95N.080, 70.95N.130, 70.95N.170, 70.95N.180, 70.95N.190, 70.95N.200, 70.95N.230, 70.95N.260, 70.95N.280, 70.95N.300, 70.95N.310, 70.98.020, 70.98.085, 70.98.095,

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 90.76.040, 90.76.050, 90.76.070, 90.76.090, 90.76.100,  
 90.76.110, and 90.76.902; reenacting and amending  
 RCW 43.21B.110, 43.21B.110, 43.200.015, 70.93.180,

70.94.152, 70.95.090, 70.95N.020, 70.95N.140,  
 70.105D.020, 70.105D.030, 70.119A.020, 70.240.010,  
 70.275.020, 70.365.010, and 90.56.010; adding a new  
 title to the Revised Code of Washington to be codified  
 as Title 70A RCW; creating new sections; recodifying  
 RCW 43.21M.010, 43.21M.020, 43.21M.030,  
 43.21M.040, 43.21M.900, 43.37.010, 43.37.030,  
 43.37.040, 43.37.050, 43.37.060, 43.37.080, 43.37.090,  
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 90.76.070, 90.76.080, 90.76.090, 90.76.100, 90.76.110,  
 90.76.900, 90.76.901, and 90.76.902; providing  
 effective dates; and providing an expiration date.

Referred to Committee on Environment & Energy.

HB 2247 by Representatives Goehner, Boehnke, Duerr,  
 Chambers, Dent and Schmick

AN ACT Relating to aligning marijuana licensing  
 decisions by the liquor and cannabis board with local  
 zoning ordinances; and amending RCW 69.50.331 and  
 69.51A.250.

Referred to Committee on Commerce & Gaming.

HB 2248 by Representatives Doglio, DeBolt, Fey,  
 Lekanoff, Fitzgibbon, Shewmake, Leavitt, Ramel,  
 Ryu, Tarleton, Appleton, Ramos, Slatter, Ormsby,  
 Macri, Wylie, Kloba, Goodman, Peterson,  
 Hudgins, Pollet and Tharinger

AN ACT Relating to expanding equitable access to the  
 benefits of renewable energy through community solar  
 projects; amending RCW 82.16.130, 82.16.160,  
 82.16.165, 82.16.170, 80.60.005, and 80.60.030;  
 reenacting and amending RCW 80.60.010; creating  
 new sections; and declaring an emergency.

Referred to Committee on Environment & Energy.

HB 2249 by Representative Appleton

AN ACT Relating to staggering legislative terms in  
 accordance with the constitutional amendment to  
 extend legislative terms; adding a new section to  
 chapter 44.04 RCW; providing a contingent effective  
 date; and providing an expiration date.

Referred to Committee on State Government & Tribal  
 Relations.

HB 2250 by Representatives Blake, Fitzgibbon, Lekanoff  
 and Tharinger

AN ACT Relating to coastal crab derelict gear  
 recovery; and amending RCW 77.70.500.

Referred to Committee on Rural Development,  
 Agriculture, & Natural Resources.

HB 2251 by Representatives Thai and Cody

AN ACT Relating to the expiration date for notification  
 of dispensing an interchangeable biological product;  
 amending RCW 69.41.193; and providing an expiration  
 date.

Referred to Committee on Health Care & Wellness.

HB 2252 by Representatives Thai, Callan, Macri, Doglio, Cody, Lekanoff and Pollet

AN ACT Relating to student health plans; and amending RCW 48.43.073.

Referred to Committee on Health Care & Wellness.

HB 2253 by Representatives Thai, Hudgins, Kilduff, Ryu, Appleton, Frame, Senn, Ormsby and Gregerson

AN ACT Relating to disclaimers for election-related advertising that encourages votes or includes endorsements for people that are not candidates in that election or for that office; adding a new section to chapter 42.17A RCW; and declaring an emergency.

Referred to Committee on State Government & Tribal Relations.

HB 2254 by Representatives Gildon and Van Werven

AN ACT Relating to encouraging Washington college grant recipients to pursue high demand degrees; amending RCW 28B.92.200 and 28B.92.030; amending 2019 c 406 s 18 (uncodified); and adding new sections to chapter 28B.92 RCW.

Referred to Committee on College & Workforce Development.

HB 2255 by Representatives Gildon and Van Werven

AN ACT Relating to encouraging Washington college grant recipients to reside or work in Washington after graduation; amending RCW 28B.92.200; amending 2019 c 406 s 18 (uncodified); and adding new sections to chapter 28B.92 RCW.

Referred to Committee on College & Workforce Development.

HB 2256 by Representatives Gildon, Van Werven and Barkis

AN ACT Relating to providing tax relief to businesses that support higher education; amending RCW 28B.92.200; adding a new section to chapter 82.04 RCW; and creating a new section.

Referred to Committee on Finance.

HB 2257 by Representatives Gildon, Eslick, Van Werven, Barkis and Dent

AN ACT Relating to the establishment of a regulatory reduction pilot program; adding a new chapter to Title 34 RCW; and providing an expiration date.

Referred to Committee on State Government & Tribal Relations.

HB 2258 by Representatives Dolan, Ortiz-Self, Shewmake, Thai, Frame, Wylie, Doglio, Cody, Kloba and Pollet

AN ACT Relating to appropriations for special education programs; and amending RCW 28A.150.390.

Referred to Committee on Appropriations.

HB 2259 by Representatives Rude, Leavitt and Thai

AN ACT Relating to the office of the superintendent of public instruction's authority to conduct criminal background checks; and amending RCW 28A.400.303.

Referred to Committee on Education.

HB 2260 by Representatives Griffey, Cody, Appleton and Tharinger

AN ACT Relating to the publication of notice for dependency proceedings; and amending RCW 13.34.080.

Referred to Committee on Human Services & Early Learning.

HB 2261 by Representatives Leavitt, Chambers, Orwall, Appleton, Doglio, Pollet, Kilduff, Shewmake, Wylie and Hudgins

AN ACT Relating to marriage licensing and solemnization by county auditors; amending RCW 26.04.050, 26.04.070, and 26.04.180; and adding a new section to chapter 26.04 RCW.

Referred to Committee on Civil Rights & Judiciary.

HB 2262 by Representatives Leavitt, Riccelli, Gildon, Stonier, Doglio, Eslick, Peterson, Shewmake, Pollet, Callan, Frame, Hudgins, Kloba, Fitzgibbon, Ryu, Tarleton, Thai, Appleton, Valdez, Slatter, Bergquist, Ormsby, Wylie, Cody, Goodman, Gregerson and Tharinger

AN ACT Relating to expanding access to nutritious food; amending RCW 43.70.700; and creating a new section.

Referred to Committee on Human Services & Early Learning.

HB 2263 by Representatives Pettigrew, MacEwen, Kirby, Blake, Fitzgibbon, Ryu, Appleton, Frame, Ormsby, Wylie and Peterson

AN ACT Relating to expanding opportunities for marijuana businesses by removing residency barriers and providing access to capital for minority and women-owned businesses through a fee on certain investments; amending RCW 69.50.331 and 69.50.540;



adding new sections to chapter 43.31 RCW; adding a new section to chapter 69.50 RCW; creating a new section; providing an effective date; and providing an expiration date.

Referred to Committee on Commerce & Gaming.

HB 2264 by Representatives Doglio, Dolan, Thai, Appleton, Wylie, Volz and Pollet

AN ACT Relating to increasing the cap on accrued vacation leave; amending RCW 43.01.044, 41.32.010, and 41.40.010; and reenacting and amending RCW 43.01.040.

Referred to Committee on Appropriations.

HB 2265 by Representatives Doglio, Leavitt, Shewmake, Duerr, Fey, Peterson and Pollet

AN ACT Relating to eliminating exemptions from restrictions on the use of perfluoroalkyl and polyfluoroalkyl substances in firefighting foam; amending RCW 70.75A.020; reenacting and amending RCW 70.75A.005; and providing an effective date.

Referred to Committee on Environment & Energy.

HB 2266 by Representatives Doglio, Dolan, Leavitt, Ryu, Tarleton, Appleton, Paul, Ormsby, Sells, Macri, Wylie, Senn, Cody, Kloba, Hudgins and Pollet

AN ACT Relating to reasonable accommodation for the expression of breast milk without requiring written certification from a health care professional; and amending RCW 43.10.005.

Referred to Committee on Labor & Workplace Standards.

HB 2267 by Representatives Walsh, Van Werven, Gildon, Young and Irwin

AN ACT Relating to respecting the will of the people following the rejection of a statewide ballot measure; amending RCW 34.05.570; adding a new section to chapter 43.06 RCW; and adding a new chapter to Title 34 RCW.

Referred to Committee on State Government & Tribal Relations.

HB 2268 by Representatives Walsh, Irwin and Volz

AN ACT Relating to increasing criminal penalties for election violations; amending RCW 29A.08.210, 29A.84.050, 29A.84.110, 29A.84.120, 29A.84.130, 29A.84.140, 29A.84.150, 29A.08.520, 10.64.140, and 29A.08.230; reenacting and amending RCW 9.94A.515; and prescribing penalties.

Referred to Committee on Public Safety.

HB 2269 by Representative Dolan

AN ACT Relating to efficient administration of state education agencies; and amending RCW 28A.305.011, 28C.18.020, 43.30.205, 43.59.030, 28A.310.030, 28A.305.021, 28A.310.050, 28A.310.060, 28A.310.080, 28A.310.090, 28A.310.100, and 28A.525.025.

Referred to Committee on Education.

HB 2270 by Representatives Dolan, Thai and Wylie

AN ACT Relating to stop signal warning devices on school buses; and amending RCW 46.37.190.

Referred to Committee on Transportation.

HB 2271 by Representatives Duerr and Rude

AN ACT Relating to correcting a reference to an omnibus transportation appropriations act within a prior authorization of general obligation bonds for transportation funding; and amending RCW 47.10.873.

Referred to Committee on Transportation.

HB 2272 by Representatives Orwall, Irwin, Kilduff, Leavitt, Thai, Appleton, Wylie, Doglio and Goodman

AN ACT Relating to a designation on driver's licenses for people who are deaf or hard of hearing; amending RCW 46.20.161; and providing an effective date.

Referred to Committee on Transportation.

HB 2273 by Representatives Slatter and Irwin

AN ACT Relating to creating a study committee on human genome editing; adding a new section to chapter 70.220 RCW; creating a new section; and providing an expiration date.

Referred to Committee on Innovation, Technology & Economic Development.

HB 2274 by Representative Stokesbary

AN ACT Relating to the investment of gifts, grants, conveyances, bequests, and devises of the University of Washington; amending RCW 28B.20.130; adding a new section to chapter 43.33A RCW; and creating a new section.

Referred to Committee on College & Workforce Development.

HB 2275 by Representatives Stokesbary, Van Werven and Irwin

AN ACT Relating to certain illegal discharges of sewage wastewater into Puget Sound; amending RCW 90.48.366, 90.48.367, and 90.48.368; and creating a new section.

Referred to Committee on Environment & Energy.

HB 2276 by Representatives Appleton and Fitzgibbon

AN ACT Relating to the collection of derelict fishing gear; and amending RCW 77.12.865.

Referred to Committee on Rural Development, Agriculture, & Natural Resources.

HB 2277 by Representatives Peterson, Ortiz-Self, Frame, Goodman, Kilduff, Callan, Senn, Lovick, Thai, Fitzgibbon, Leavitt, Ryu, Appleton, Valdez, Davis, Ormsby, Macri, Doglio, Gregerson and Pollet

AN ACT Relating to youth solitary confinement; adding a new chapter to Title 13 RCW; and providing expiration dates.

Referred to Committee on Appropriations.

HB 2278 by Representative Wylie

AN ACT Relating to off-road vehicle registrations; amending RCW 46.09.420, 46.09.442, 46.93.210, and 46.09.495; and prescribing penalties.

Referred to Committee on Transportation.

HB 2279 by Representatives Dolan, Appleton and Wylie

AN ACT Relating to improving the development of the marijuana market by enacting provisions specific to craft cannabis production; and adding new sections to chapter 69.50 RCW.

Referred to Committee on Commerce & Gaming.

HB 2280 by Representatives MacEwen, Goodman, Lovick, Kirby, Peterson, Irwin, Thai, Kloba, Kilduff, Klippert, Leavitt and Appleton

AN ACT Relating to authorizing that money laundering forfeited proceeds and property be used for improvement of gambling-related law enforcement activities; and amending RCW 9A.83.030.

Referred to Committee on Appropriations.

HB 2281 by Representatives Kloba and Peterson

AN ACT Relating to amending types of nonprofit organizations qualified to engage in gambling activities; and amending RCW 9.46.0209.

Referred to Committee on Commerce & Gaming.

HB 2282 by Representatives Walsh, Van Werven, Appleton, Gildon, Chambers, Griffey, Young, Eslick, Irwin, Corry, Dent and Mosbrucker

AN ACT Relating to creating a grant program for converting unused public buildings to housing for homeless persons; adding a new section to chapter 43.330 RCW; and providing an expiration date.

Referred to Committee on Capital Budget.

HB 2283 by Representatives Stokesbary and Van Werven

AN ACT Relating to fairness, transparency, and accountability in the admission processes of state universities; adding new sections to chapter 28B.10 RCW; and creating a new section.

Referred to Committee on College & Workforce Development.

HB 2284 by Representatives McCaslin, Dent, Pollet and Tharinger

AN ACT Relating to supporting the cost-effective professional development of early learning providers; amending RCW 43.216.110 and 43.216.255; adding a new section to chapter 43.216 RCW; and creating a new section.

Referred to Committee on Human Services & Early Learning.

HB 2285 by Representatives McCaslin, Thai, Goehner, Barkis, Griffey, Dufault, Van Werven, Volz, Corry and Young

AN ACT Relating to elevating road maintenance and preservation in transportation planning; amending RCW 47.04.280; and creating a new section.

Referred to Committee on Transportation.

HB 2286 by Representative McCaslin

AN ACT Relating to grants to support teacher job sharing; and adding a new section to chapter 28A.630 RCW.

Referred to Committee on Appropriations.

HB 2287 by Representatives Leavitt, Kilduff, Barkis, Lovick, Ramel and Pollet

AN ACT Relating to the assessment of rail safety governance in Washington state; creating new sections; and providing expiration dates.

Referred to Committee on Transportation.

HB 2288 by Representatives Leavitt, Gildon, Barkis, Davis, Callan, Frame, Doglio and Kloba

AN ACT Relating to creating statutory authorization for school-based health centers; adding a new section to chapter 28A.335 RCW; and creating new sections.

Referred to Committee on Education.

HB 2289 by Representatives Leavitt, Gildon, Ortiz-Self, Bergquist, Young, Ormsby and Sells

AN ACT Relating to tuition transparency at postsecondary educational institutions; amending RCW 28B.15.0681; adding new sections to chapter 28B.15 RCW; and creating a new section.

Referred to Committee on College & Workforce Development.

HB 2290 by Representatives Pollet, Leavitt, Tarleton, Appleton, Gildon, Frame, Orwall, Wylie and Doglio

AN ACT Relating to statewide implementation of early screening for dyslexia; and amending RCW 28A.320.270, 28A.300.710, and 28A.300.720.

Referred to Committee on Education.

HB 2291 by Representatives Walen and Wylie

AN ACT Relating to independently procured insurance and applying the state insurance premium tax to such insurance for both in-state and out-of-state risk; amending RCW 48.15.010 and 48.14.095; adding new sections to chapter 48.15 RCW; creating a new section; prescribing penalties; and providing an effective date.

Referred to Committee on Consumer Protection & Business.

HB 2292 by Representatives Dolan, Ramel, Ryu, Frame, Senn, Slatter, Robinson, Walen, Ormsby, Macri, Wylie, Doglio, Cody, Peterson, Pollet and Appleton

AN ACT Relating to restoring voter eligibility for all persons convicted of a felony offense who are not in total confinement under the jurisdiction of the department of corrections; amending RCW 29A.08.520, 29A.08.230, 29A.40.091, 10.64.140, 2.36.010, and 72.09.275; adding a new section to chapter 29A.04 RCW; and providing an effective date.

Referred to Committee on State Government & Tribal Relations.

HB 2293 by Representatives Dolan, Ryu, Tarleton, Ormsby, Wylie, Doglio and Gregerson

AN ACT Relating to exempting election security information from public records disclosure; amending RCW 42.56.420; creating a new section; and declaring an emergency.

Referred to Committee on State Government & Tribal Relations.

HB 2294 by Representatives Kloba, Griffey, Slatter, Thai, Fey, Irwin, Wylie, Volz and Appleton

AN ACT Relating to expanding the scope of assault in the third degree to include all health care providers; and amending RCW 9A.36.031.

Referred to Committee on Public Safety.

HB 2295 by Representatives Goodman, Griffey, Irwin and Wylie

AN ACT Relating to enforcement of small claims court judgments; and amending RCW 12.40.105.

Referred to Committee on Civil Rights & Judiciary.

HB 2296 by Representatives MacEwen and Irwin

AN ACT Relating to the regulation of hemp, including products derived from hemp; amending RCW 15.130.200 and 15.140.040; adding a new section to chapter 69.07 RCW; and adding a new section to chapter 69.10 RCW.

Referred to Committee on Commerce & Gaming.

HB 2297 by Representative MacEwen

AN ACT Relating to resolving ballot disputes before an election; and amending RCW 29A.72.080.

Referred to Committee on State Government & Tribal Relations.

HB 2298 by Representatives Leavitt, Eslick, Shewmake, Kilduff, Bergquist, Wylie, Doglio, Gregerson, Riccelli and Appleton

AN ACT Relating to providing families of public school students with information about free and reduced-price meals; amending RCW 28A.235.160; and creating a new section.

Referred to Committee on Education.

HB 2299 by Representatives Leavitt, Klippert, Lovick, Eslick, Davis, Orwall, Sells, Shewmake, Tarleton, Frame, Bergquist, Tharinger, Fey, Ormsby, Harris, Irwin, Doglio, Goodman and Appleton

AN ACT Relating to creating prison to postsecondary education pathways; amending RCW 72.09.270, 72.09.460, 72.09.465, 72.68.010, and 28B.15.067;

amending 2019 c 397 s 1 (uncodified); adding a new section to chapter 72.68 RCW; adding a new section to chapter 72.09 RCW; creating a new section; and providing an expiration date.

Referred to Committee on College & Workforce Development.

HB 2300 by Representatives MacEwen, Fitzgibbon and Young

AN ACT Relating to authorizing marijuana retailers to sell cannabidiol products; amending RCW 69.50.348 and 69.50.348; reenacting and amending RCW 69.50.357; providing an effective date; and providing an expiration date.

Referred to Committee on Commerce & Gaming.

HB 2301 by Representatives Kilduff, Frame, Leavitt and Irwin

AN ACT Relating to competency to stand trial evaluations; adding a new section to chapter 10.77 RCW; providing an expiration date; and declaring an emergency.

Referred to Committee on Appropriations.

HB 2302 by Representative Kilduff

AN ACT Relating to child support, but only with respect to standards for determination of income, abatement of child support for incarcerated obligors, modification of administrative orders, and notices of support owed; amending RCW 26.19.011, 26.19.071, 26.23.050, 74.20A.055, 74.20A.056, 74.20A.059, 26.09.170, and 26.23.110; reenacting and amending RCW 74.20A.056; adding new sections to chapter 26.09 RCW; creating a new section; providing an effective date; and providing an expiration date.

Referred to Committee on Civil Rights & Judiciary.

HB 2303 by Representatives Leavitt, Dufault, MacEwen, Gildon, Kirby, Fey, Morgan, Barkis, Kilduff, Dolan, Ryu, Young, Wylie, Doglio, Volz and Appleton

AN ACT Relating to professional licensing requirements for service members and military spouses; amending RCW 18.340.010; adding new sections to chapter 18.340 RCW; adding a new section to chapter 43.24 RCW; and adding a new section to chapter 43.22 RCW.

Referred to Committee on Appropriations.

HB 2304 by Representatives Doglio, Dolan, Sells and Volz

AN ACT Relating to shared leave and industrial insurance benefits; and amending RCW 41.04.665.

Referred to Committee on Appropriations.

HB 2305 by Representatives Doglio, Pollet and Appleton

AN ACT Relating to firearms laws concerning persons subject to vulnerable adult protection orders; amending RCW 74.34.130; and reenacting and amending RCW 9.41.800 and 9.41.040.

Referred to Committee on Civil Rights & Judiciary.

HB 2306 by Representatives Kirby, Vick, Walen and Hoff

AN ACT Relating to regulating legal service contractors.

HB 2307 by Representatives Fitzgibbon, Kilduff, Fey, Cody and Pollet

AN ACT Relating to fireworks prohibitions adopted by cities or counties; and amending RCW 70.77.250 and 70.77.395.

Referred to Committee on Local Government.

HB 2308 by Representatives Slatter, Tharinger, Wylie and Appleton

AN ACT Relating to requiring employers to periodically report standard occupational classifications or job titles of workers; amending RCW 50.12.070; creating a new section; and providing an effective date.

Referred to Committee on Appropriations.

HB 2309 by Representative MacEwen

AN ACT Relating to pawnbroker and secondhand dealer transactions; amending RCW 19.60.020; reenacting and amending RCW 19.60.066; adding a new section to chapter 19.60 RCW; and prescribing penalties.

Referred to Committee on Consumer Protection & Business.

HB 2310 by Representatives Fitzgibbon, Ramel, Macri, Doglio, Cody, Hudgins and Pollet

AN ACT Relating to reducing emissions from vehicles associated with on-demand transportation services; amending RCW 70.120.010 and 70.94.015; and adding new sections to chapter 70.120 RCW.

Referred to Committee on Appropriations.

HB 2311 by Representatives Slatter, Fitzgibbon, Callan, Chapman, Orwall, Ramel, Tarleton, Valdez,

Duerr, Frame, Bergquist, Davis, Tharinger, Fey, Ormsby, Macri, Wylie, Doglio, Cody, Kloba, Goodman, Hudgins and Pollet

AN ACT Relating to amending state greenhouse gas emission limits for consistency with the most recent assessment of climate change science; amending RCW 70.235.020 and 70.235.050; reenacting and amending RCW 70.235.010; adding a new section to chapter 70.235 RCW; and creating a new section.

Referred to Committee on Appropriations.

HB 2312 by Representatives Morgan, Lovick, Pettigrew, Entenman, Ortiz-Self, Ramos, Lekanoff, Santos, Gregerson, Valdez, Kirby, Slatter, Thai, Duerr, Hudgins, Bergquist, Stonier, Goodman, Chapman, Pellicciotti, Callan, Appleton, Ormsby, Sullivan, Kilduff, Leavitt, Ramel, Shewmake, Frame, Davis, Walen, Orwall, Sells, Macri, Doglio, Peterson, Riccelli and Pollet

AN ACT Relating to making Juneteenth a legal holiday; and reenacting and amending RCW 1.16.050.

Referred to Committee on State Government & Tribal Relations.

HB 2313 by Representatives Doglio and Appleton

AN ACT Relating to prohibiting maintenance of certification as a condition for a physician to participate in a health carrier's provider network; and adding a new section to chapter 48.43 RCW.

Referred to Committee on Health Care & Wellness.

HB 2314 by Representatives Lovick, Orwall, Davis, Wylie and Goodman

AN ACT Relating to drug offender sentencing alternatives for offenders convicted of driving or control of a vehicle while under the influence; adding a new section to chapter 9.94A RCW; and providing an effective date.

Referred to Committee on Appropriations.

HB 2315 by Representatives Orwall, Fitzgibbon and Pellicciotti

AN ACT Relating to repairing and replacing mitigation equipment installed as part of a remedial program within an impacted area; and amending RCW 53.54.030.

Referred to Committee on Local Government.

HB 2316 by Representatives Orwall, Lovick, Slatter, Morgan and Wylie

AN ACT Relating to fees charged to persons who commit trafficking and prostitution offenses; amending RCW 9.68A.105, 9A.88.120, and 9A.88.140; and prescribing penalties.

Referred to Committee on Public Safety.

HB 2317 by Representatives Orwall, Lovick, Morgan, Fitzgibbon, Leavitt, Thai, Wylie, Pollet and Appleton

AN ACT Relating to animal welfare; amending RCW 16.08.100, 16.52.011, 16.52.085, 16.52.095, 16.52.200, 16.52.205, 16.52.207, 16.54.020, and 16.54.030; repealing RCW 16.08.020, 16.08.030, 16.52.110, and 16.52.165; and prescribing penalties.

Referred to Committee on Public Safety.

HB 2318 by Representatives Orwall, Lovick, Slatter, Morgan, Wylie, Mosbrucker and Pollet

AN ACT Relating to advancing criminal investigatory practices; amending RCW 5.70.010, 70.125.090, 70.125.100, 43.43.545, and 43.43.754; adding a new section to chapter 43.101 RCW; adding new sections to chapter 5.70 RCW; recodifying RCW 70.125.090 and 70.125.100; providing an effective date; and providing an expiration date.

Referred to Committee on Appropriations.

HB 2319 by Representatives Fitzgibbon and Vick

AN ACT Relating to the sale of liquor in kegs or containers containing four gallons or more of liquor; and amending RCW 66.28.200, 66.28.210, and 66.28.220.

Referred to Committee on Commerce & Gaming.

HB 2320 by Representatives Leavitt, Van Werven, Orwall, Eslick, Barkis, Shewmake, Lovick, Harris, Sells, Kilduff, Tarleton, Fey, Irwin, Wylie, Doglio, Pellicciotti, Kloba and Riccelli

AN ACT Relating to requiring training on human trafficking; amending RCW 70.62.260; adding a new section to chapter 70.62 RCW; and creating a new section.

Referred to Committee on Consumer Protection & Business.

HB 2321 by Representatives Leavitt, Harris, Kilduff, Stonier, Thai, Davis, Orwall and Kloba

AN ACT Relating to reducing youth access to products intended for consumption only by adults age twenty-one and over; amending RCW 69.50.369, 70.345.020, 70.345.180, 28A.210.310, and 70.345.150; reenacting and amending RCW 70.345.010; adding new sections

to chapter 70.345 RCW; adding a new section to chapter 28B.10 RCW; and prescribing penalties.

Referred to Committee on Commerce & Gaming.

**HB 2322** by Representatives Fey and Wylie

AN ACT Relating to transportation funding and appropriations; amending RCW 46.68.370, 47.12.340, 82.32.385, and 46.68.320; amending 2019 c 416 ss 103, 105, 108, 109, 201-205, 207-223, 301, 304-311, 401-406, 408, 521-523, 528, 529, 702, and 718 (uncodified); and adding new sections to 2019 c 416 (uncodified); making appropriations and authorizing expenditures for capital improvements; and declaring an emergency.

Referred to Committee on Transportation.

**HB 2323** by Representatives MacEwen, Barkis, Walsh, Goehner, Van Werven, Griffey, Young, Vick, Dufault, Irwin and Volz

AN ACT Relating to dedicating the state sales tax on motor vehicles for transportation; amending RCW 82.08.020 and 82.12.020; reenacting and amending RCW 43.84.092; adding a new section to chapter 46.68 RCW; creating a new section; and providing an effective date.

Referred to Committee on Finance.

**HB 2324** by Representatives Tharinger and Wylie

AN ACT Relating to capital budget; making appropriations and authorizing expenditures for capital improvements; amending RCW 43.19.501; amending 2019 c 413 ss 1009, 1015, 1029, 1030, 1035, 1041, 1042, 1043, 1051, 1059, 1060, 1073, 1078, 1093, 2001, 2002, 2010, 2030, 2037, 2038, 2039, 2041, 2072, 2075, 2080, 2086, 2091, 2093, 2094, 2096, 2098, 3007, 3008, 3009, 3010, 3011, 3016, 3022, 3023, 3026, 3028, 3030, 3031, 3032, 3034, 3036, 3038, 3052, 3056, 3062, 3064, 3081, 3096, 3097, 3115, 3119, 3120, 3123, 3129, 3131, 3132, 3135, 3137, 3141, 3143, 3144, 3145, 3149, 3150, 3151, 3152, 3153, 3156, 3160, 3204, 3223, 3230, 3232, 3236, 3242, 3247, 3252, 3253, 3254, 3255, 3274, 3275, 3294, 5012, 5032, 5033, 5034, 5035, 5060, 5072, 5079, 5093, 5098, 5101, 7001, and 7002 (uncodified); adding new sections to 2019 c 413 (uncodified); creating a new section; making appropriations; repealing 2019 c 413 ss 3099 and 3296 (uncodified); and declaring an emergency.

Referred to Committee on Capital Budget.

**HB 2325** by Representatives Ormsby, Bergquist and Wylie

AN ACT Relating to fiscal matters; amending RCW 28B.145.050, 41.06.280, 41.50.110, 43.185C.060, 71A.20.170, 90.56.510, and 70.105D.190; amending 2019 c 415 ss 101, 102, 103, 104, 105, 106, 107, 108,

111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 401, 402, 501, 503, 504, 505, 506, 507, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 719, 701, 703, 712, 720, 725, 728, 730, 801, 802, 803, 805, 936, 937, 938, 939, 946, and 996, 2019 c 406 s 13, and 2019 c 324 s 12 (uncodified); adding new sections to 2019 c 415 (uncodified); making appropriations; and declaring an emergency.

Referred to Committee on Appropriations.

**HB 2326** by Representatives Macri, Robinson, Rude, Cody, Leavitt, Thai, Ormsby, Wylie, Doglio, Kloba, Riccelli, Tharinger and Appleton

AN ACT Relating to hospital end-of-life care policies; amending RCW 70.41.520; adding a new section to chapter 70.41 RCW; and providing an effective date.

Referred to Committee on Health Care & Wellness.

**HB 2327** by Representatives Pollet, Kilduff, Frame, Bergquist, Orwall, Wylie and Appleton

AN ACT Relating to addressing sexual misconduct at postsecondary educational institutions; adding new sections to chapter 28B.112 RCW; adding a new section to chapter 42.56 RCW; and creating a new section.

Referred to Committee on College & Workforce Development.

**HB 2328** by Representatives Cody, Schmick, Harris, Kilduff, Leavitt, Wylie and Tharinger

AN ACT Relating to nursing facilities; and amending RCW 18.51.091, 18.51.230, 74.42.360, and 74.46.561.

Referred to Committee on Health Care & Wellness.

**HB 2329** by Representatives Cody, Hudgins, Smith, Tarleton and Kloba

AN ACT Relating to health care-related internet web site analytics; and adding a new section to chapter 70.01 RCW.

Referred to Committee on Health Care & Wellness.

**HB 2330** by Representatives Kraft, Klippert, Eslick, Gildon and Dent

AN ACT Relating to agency fairness and accountability in regulatory actions and compliance enforcement; amending RCW 43.05.060, 43.05.090, 43.05.901, 43.05.070, 43.05.050, 43.05.040, 43.05.100, 43.05.110, 43.05.120, 43.12.055, 43.21A.080, 43.22.051, 43.320.040, 43.12.045, 34.05.270, 34.05.630, 34.05.350, and 43.09.050; adding new sections to chapter 43.05 RCW; adding a new section to chapter 43.21A RCW; adding a new section to chapter 43.22 RCW; adding a new section to chapter 43.320 RCW; adding a new section to chapter 43.30 RCW; adding a new section to chapter 34.05 RCW; adding a new section to chapter 43.24 RCW; and prescribing penalties.

Referred to Committee on State Government & Tribal Relations.

HB 2331 by Representatives Kraft, Harris and Pollet

AN ACT Relating to the requirements for posting agendas and notices under the open public meetings act; amending RCW 42.30.077, 42.30.060, and 42.30.080; and providing an effective date.

Referred to Committee on State Government & Tribal Relations.

HB 2332 by Representatives Kraft, Eslick, Van Werven, Blake and Orwall

AN ACT Relating to the treatment of Lyme disease; adding a new section to chapter 69.41 RCW; and creating a new section.

Referred to Committee on Health Care & Wellness.

HB 2333 by Representatives Kraft and Van Werven

AN ACT Relating to advisory vote descriptions in the voters' pamphlet; and amending RCW 29A.72.283 and 43.135.031.

Referred to Committee on State Government & Tribal Relations.

HB 2334 by Representatives Davis, Macri, Wylie, Goodman and Appleton

AN ACT Relating to drug offender sentencing; amending RCW 9.94A.662; reenacting and amending RCW 9.94A.660 and 9.94A.664; and providing an effective date.

Referred to Committee on Appropriations.

HB 2335 by Representatives Davis, Kilduff, Leavitt, Sells, Harris, Macri, Wylie, Doglio, Pollet and Appleton

AN ACT Relating to increasing access to medications for people with opioid use disorder; and amending RCW 18.64.450.

Referred to Committee on Health Care & Wellness.

HB 2336 by Representatives Davis and Macri

AN ACT Relating to contingency management; adding a new section to chapter 71.05 RCW; and providing an expiration date.

Referred to Committee on Health Care & Wellness.

HB 2337 by Representatives Macri, Kilduff, Harris, Wylie, Stonier, Peterson, Pollet and Appleton

AN ACT Relating to requiring a coprescription of opioid overdose reversal medication; adding a new section to chapter 69.41 RCW; and creating a new section.

Referred to Committee on Health Care & Wellness.

HB 2338 by Representatives Macri, Thai, Wylie, Doglio, Cody and Pollet

AN ACT Relating to prohibiting discrimination in health care coverage; and amending RCW 41.05.600, 48.20.580, 48.21.241, 48.41.220, 48.44.341, 48.46.291, 70.47.200, 48.30.300, and 48.43.0128.

Referred to Committee on Appropriations.

HB 2339 by Representatives Fitzgibbon, Leavitt, Lovick, Ormsby, Volz and Appleton

AN ACT Relating to the definition of salary for the Washington state patrol retirement system; amending RCW 43.43.120; and creating a new section.

Referred to Committee on Transportation.

HB 2340 by Representatives Fitzgibbon, Leavitt, Lovick, Ormsby and Volz

AN ACT Relating to the definition of index for the Washington state patrol retirement system; and reenacting and amending RCW 43.43.260.

Referred to Committee on Appropriations.

HB 2341 by Representatives Fitzgibbon, Stokesbary, Ormsby and Volz

AN ACT Relating to the retirement strategy funds in the plan 3 and the deferred compensation programs; and amending RCW 41.34.060, 41.34.140, 41.50.770, and 41.50.780; and creating a new section.

Referred to Committee on Appropriations.

HB 2342 by Representatives Fitzgibbon, Leavitt, Tharinger, Walen, Doglio, Pollet and Appleton

AN ACT Relating to aligning the timing of comprehensive plan updates required by the growth management act with the timing of shoreline master program updates required by the shoreline management act; amending RCW 36.70A.130 and 90.58.080; and providing an effective date.

Referred to Committee on Environment & Energy.

HB 2343 by Representatives Fitzgibbon, Frame, Macri, Doglio, Tharinger and Pollet

AN ACT Relating to urban housing supply; amending RCW 36.70A.600, 43.21C.495, 36.70A.620, and 43.21C.500; reenacting and amending RCW 36.70A.030; creating a new section; and providing an expiration date.

Referred to Committee on Environment & Energy.

HB 2344 by Representatives Appleton, Walen and Pollet

AN ACT Relating to consumer protection with respect to the sale and adoption of dogs and cats; adding a new section to chapter 16.52 RCW; creating a new section; and prescribing penalties.

Referred to Committee on Consumer Protection & Business.

HB 2345 by Representatives Macri, Wylie, Cody, Goodman, Tharinger and Appleton

AN ACT Relating to continuing care retirement communities; amending RCW 18.390.010, 18.390.060, and 18.390.070; and adding a new section to chapter 18.390 RCW.

Referred to Committee on Health Care & Wellness.

HB 2346 by Representatives Young, Walsh, Shewmake and Pollet

AN ACT Relating to increasing the word count for voters' pamphlet statements submitted by state representative candidates; and amending RCW 29A.32.121.

Referred to Committee on State Government & Tribal Relations.

HB 2347 by Representatives Duerr, Pollet, Senn and Gohner

AN ACT Relating to bond requirements for county clerks; and repealing RCW 36.23.020.

Referred to Committee on Local Government.

HB 2348 by Representatives Duerr, Ormsby and Macri

AN ACT Relating to streamlining reporting for recipients of housing-related state funding by removing Washington state quality award program requirements; and amending RCW 43.185C.210.

Referred to Committee on Appropriations.

HB 2349 by Representatives Stonier, Leavitt, Orwall, Irwin, Wylie, Doglio, Cody, Goodman and Pollet

AN ACT Relating to bleeding control kits in schools; and adding a new section to chapter 28A.320 RCW.

Referred to Committee on Education.

HB 2350 by Representatives Kirby, Blake, MacEwen, Davis, Jenkin, Young, Harris and Wylie

AN ACT Relating to preventing youth marijuana consumption by updating marijuana advertising requirements; amending RCW 69.50.369 and 69.50.345; reenacting and amending RCW 69.50.345; creating a new section; providing an effective date; and providing an expiration date.

Referred to Committee on Commerce & Gaming.

HB 2351 by Representatives Tharinger, Wylie, Cody and Appleton

AN ACT Relating to establishing continuing education requirements for medical assistants-certified; and adding a new section to chapter 18.360 RCW.

Referred to Committee on Health Care & Wellness.

HB 2352 by Representatives Tharinger, Fitzgibbon, Leavitt, Harris and Wylie

AN ACT Relating to the building for the arts program; and amending RCW 43.63A.750.

Referred to Committee on Capital Budget.

HB 2353 by Representatives Blake and Dent

AN ACT Relating to fire trailer vehicle registration and license plates; adding a new section to chapter 46.04 RCW; and adding a new section to chapter 46.16A RCW.

Referred to Committee on Transportation.

HB 2354 by Representatives Vick, Hoff, Harris, Thai, Gildon, Wylie and Volz

AN ACT Relating to expediting professional licenses for new Washington residents; adding a new section to chapter 43.24 RCW; and creating a new section.

Referred to Committee on Appropriations.



HB 2355 by Representatives Vick, Hoff, Harris, Gildon and Volz

AN ACT Relating to alternative licensing standards of professional licenses; adding a new section to chapter 43.24 RCW; and creating a new section.

Referred to Committee on Appropriations.

HB 2356 by Representatives Vick, Harris, Hoff, Gildon, Barkis, Young, Wylie and Volz

AN ACT Relating to reducing barriers to professional licensure for individuals with previous criminal convictions; adding a new chapter to Title 18 RCW; and providing an effective date.

Referred to Committee on Appropriations.

HB 2357 by Representatives Hoff, Vick, Harris, Gildon, Barkis and Volz

AN ACT Relating to professional license reform; and adding a new chapter to Title 18 RCW.

Referred to Committee on Consumer Protection & Business.

HB 2358 by Representatives Fitzgibbon, Irwin, Leavitt, Shewmake, Harris, Doglio and Kloba

AN ACT Relating to increasing mobility through the modification of stop sign requirements for bicyclists; amending RCW 46.61.050, 46.61.190, 46.61.200, 46.61.755, and 47.36.110; and providing an effective date.

Referred to Committee on Transportation.

HB 2359 by Representatives Vick and Wylie

AN ACT Relating to creating a certificate of compliance for marijuana business premises that meet the statutory qualifications at the time of application; and amending RCW 69.50.331.

Referred to Committee on Commerce & Gaming.

HB 2360 by Representatives Peterson, Fitzgibbon, Robinson, Orwall, Macri, Doglio, Cody and Riccelli

AN ACT Relating to the sharps waste stewardship program; adding new sections to chapter 70.95 RCW; repealing RCW 70.95K.030; and providing an effective date.

Referred to Committee on Appropriations.

HB 2361 by Representatives Peterson and Appleton

AN ACT Relating to cannabis industry workplace standards; amending RCW 69.50.325; and adding a new section to chapter 69.50 RCW.

Referred to Committee on Commerce & Gaming.

HB 2362 by Representatives Ramos, Callan, Ryu, Chapman, Doglio, Senn, Kloba, Gregerson and Pollet

AN ACT Relating to local transportation revenue options; amending RCW 35.21.870, 36.73.065, 82.14.0455, 82.80.010, and 82.80.080; and providing an effective date.

Referred to Committee on Transportation.

HB 2363 by Representatives Smith, Hudgins, Young, Wylie, Kloba and Pollet

AN ACT Relating to providing remedies for violations of biometric data ownership rights; adding a new chapter to Title 19 RCW; creating a new section; and providing an expiration date.

Referred to Committee on Innovation, Technology & Economic Development.

HB 2364 by Representatives Smith, Hudgins, Young, Wylie and Pollet

AN ACT Relating to creating the charter of personal data rights; adding a new chapter to Title 19 RCW; and prescribing penalties.

Referred to Committee on Innovation, Technology & Economic Development.

HB 2365 by Representatives Smith, Hudgins, Leavitt, Young, Wylie, Kloba and Pollet

AN ACT Relating to notifying Washington consumers of products that transmit user data; adding a new chapter to Title 19 RCW; and providing an expiration date.

Referred to Committee on Innovation, Technology & Economic Development.

HB 2366 by Representatives Smith, Hudgins and Young

AN ACT Relating to making the chief privacy officer an elected position; amending RCW 43.105.369, 43.01.010, 29A.32.031, 29A.36.121, and 43.03.010; adding a new section to chapter 29A.04 RCW; adding a new section to chapter 42.17A RCW; creating a new section; providing an effective date; and providing an expiration date.

Referred to Committee on State Government & Tribal Relations.

**HB 2367** by Representatives Hoff, Vick, Orcutt and Harris

AN ACT Relating to subscription service legal defense funds; amending RCW 48.01.050; adding a new section to chapter 48.01 RCW; and creating a new section.

Referred to Committee on Consumer Protection & Business.

**HB 2368** by Representatives Hoff, Vick, Harris and Chapman

AN ACT Relating to requiring the legislature to fund all easements recommended by the department of natural resources for the forest riparian easement program; and amending RCW 76.13.170.

Referred to Committee on Capital Budget.

**HB 2369** by Representatives Hoff, Vick, Harris, Orcutt, Gildon and Volz

AN ACT Relating to limiting the transfer of moneys in nonappropriated funds and accounts; adding a new section to chapter 43.79 RCW; and adding a new section to chapter 43.88 RCW.

Referred to Committee on Appropriations.

**HB 2370** by Representatives Hoff, Vick, Dye, Harris, Sutherland, Orcutt, Van Werven, Griffey, Young and Dent

AN ACT Relating to standing before the growth management hearings board; amending RCW 36.70A.280 and 36.70A.280; creating a new section; providing an effective date; and providing an expiration date.

Referred to Committee on Environment & Energy.

**HB 2371** by Representatives Hoff, Harris, Wylie and Stonier

AN ACT Relating to the authority of counties to vacate a county road that abuts on a body of water if the county road is hazardous or creates a significant risk to public safety; and amending RCW 36.87.130.

Referred to Committee on Local Government.

**HB 2372** by Representatives Hoff, Vick, Orcutt, Harris, Chapman and Griffey

AN ACT Relating to state building code council membership; and amending RCW 19.27.070.

Referred to Committee on Local Government.

**HB 2373** by Representatives Wylie and Irwin

AN ACT Relating to modifying the requirements for collector vehicle registrations; amending RCW 46.04.126, 46.04.1261, 46.04.199, 46.18.220, 46.18.255, and 46.16A.070; creating a new section; and providing an effective date.

Referred to Committee on Transportation.

**HB 2374** by Representatives Kirby, Vick, Ryu, Barkis, Young, Wylie, Doglio, Goodman and Pollet

AN ACT Relating to preserving the ability of auto dealers to offer consumers products not supplied by an auto manufacturer; amending RCW 63.14.043; and adding a new section to chapter 46.96 RCW.

Referred to Committee on Consumer Protection & Business.

**HB 2375** by Representatives Leavitt, Irwin, Davis, Harris, Klippert and Walen

AN ACT Relating to tableting and encapsulating machines and controlled substance imitation materials; amending RCW 69.52.020, 69.52.030, 69.52.040, 69.52.045, and 9.94A.518; and prescribing penalties.

Referred to Committee on Public Safety.

**HB 2376** by Representatives Riccelli, Volz, Ormsby, Graham, Harris, Kilduff, Ryu, Gildon, Robinson, Caldier, Macri, Wylie, Doglio and Appleton

AN ACT Relating to the multistate nurse licensure compact; amending RCW 18.79.030; reenacting and amending RCW 18.130.040; adding new sections to chapter 18.79 RCW; and adding a new chapter to Title 18 RCW.

Referred to Committee on Health Care & Wellness.

**HB 2377** by Representatives Riccelli and Leavitt

AN ACT Relating to a state dental director; adding a new section to chapter 43.70 RCW; and creating a new section.

Referred to Committee on Health Care & Wellness.

**HB 2378** by Representatives Riccelli, Harris, Macri and Cody

AN ACT Relating to physician assistants; amending RCW 18.71A.020, 18.71A.025, 18.71A.030, 18.71A.050, 18.71A.060, 18.71A.090, 7.68.030, 18.06.140, 18.57.003, 18.79.040, 18.79.060, 18.79.240, 18.79.270, 18.100.050, 18.120.020, 18.130.410, 18.250.010, 28A.210.090, 43.70.220, 43.70.470, 46.19.010, 46.61.506, 46.61.508, 48.42.100, 48.43.094, 48.43.115, 51.04.030, 51.28.100, 69.41.030, 69.45.010, 70.41.210, 70.54.400, 70.128.120, 70.185.090, 70.225.040, 71.32.020, 74.09.010, 74.42.230, and

82.04.050; reenacting and amending RCW 18.71A.010, 18.79.260, 18.89.020, 18.130.040, 18.360.010, 43.70.110, 43.70.442, 69.41.010, 69.50.101, 69.51A.010, 70.180.030, 71.05.020, 71.24.025, 71.34.020, and 74.42.010; adding new sections to chapter 18.71A RCW; creating a new section; repealing RCW 18.57A.010, 18.57A.020, 18.57A.023, 18.57A.025, 18.57A.030, 18.57A.035, 18.57A.040, 18.57A.050, 18.57A.060, 18.57A.070, 18.57A.080, 18.57A.090, 18.57A.100, 18.57A.800, 18.57A.810, 18.71A.035, and 18.71A.040; providing effective dates; and providing an expiration date.

Referred to Committee on Health Care & Wellness.

HB 2379 by Representatives Smith and Fitzgibbon

AN ACT Relating to inventorying and incentivizing the reduction of the potential emissions from sulfur hexafluoride; amending RCW 70.235.020 and 19.405.020; and creating a new section.

Referred to Committee on Environment & Energy.

HB 2380 by Representatives Tharinger, Harris, Macri, Riccelli, Cody, Leavitt, Wylie, Kloba and Appleton

AN ACT Relating to the home care agency vendor rate and repeal of electronic timekeeping; amending RCW 74.39A.310; creating a new section; repealing RCW 74.39A.325; and providing an effective date.

Referred to Committee on Appropriations.

HB 2381 by Representatives Stonier, Harris, Cody, Robinson, Macri, Leavitt, Shewmake, Thai, Frame, Bergquist, Davis, Orwall, Wylie, Doglio, Goodman, Hudgins, Riccelli, Pollet and Appleton

AN ACT Relating to improving maternal health outcomes by extending coverage during the postpartum period; adding a new section to chapter 74.09 RCW; and creating new sections.

Referred to Committee on Health Care & Wellness.

HB 2382 by Representatives Leavitt, Chopp, Ryu, Thai, Senn, Slatter, Fey, Macri, Wylie, Goodman, Pollet and Appleton

AN ACT Relating to housing for community and technical college faculty and employees; amending RCW 28B.50.140; adding a new section to chapter 28B.50 RCW; and creating a new section.

Referred to Committee on Capital Budget.

HB 2383 by Representatives Stonier, Gregerson, Robinson, Cody, Peterson, Hudgins and Riccelli

AN ACT Relating to default beverages for children's meals; and adding a new section to chapter 43.20 RCW.

Referred to Committee on Local Government.

HB 2384 by Representatives Doglio, Ramel, Tarleton, Macri, Kloba and Gregerson

AN ACT Relating to the property tax exemption for nonprofit organizations providing rental housing or mobile home park spaces to qualifying households; amending RCW 84.36.560 and 84.36.815; and creating a new section.

Referred to Committee on Finance.

HB 2385 by Representatives Chapman, Lekanoff, Tharinger and Wylie

AN ACT Relating to antifouling paints on recreational water vessels; amending RCW 70.300.020; and adding new sections to chapter 70.300 RCW.

Referred to Committee on Environment & Energy.

HB 2386 by Representatives Cody, Robinson, Leavitt, Tarleton, Thai, Frame, Fitzgibbon, Slatter, Davis, Tharinger, Sells, Macri and Wylie

AN ACT Relating to the creation of the state office of the behavioral health ombuds; amending RCW 71.24.045; adding a new chapter to Title 71 RCW; repealing RCW 71.24.350; and providing an effective date.

Referred to Committee on Appropriations.

HB 2387 by Representatives Kilduff, Ybarra, Leavitt, Fitzgibbon, Callan, Shewmake, Ormsby, Wylie, Doglio and Pollet

AN ACT Relating to limiting the exposure of public school students and school personnel to diesel emissions from school bus engines; adding a new section to chapter 28A.160 RCW; and creating a new section.

Referred to Committee on Education.

HB 2388 by Representatives Senn, Callan, Leavitt, Thai, Robinson, Ormsby, Macri, Wylie, Doglio, Goodman and Pollet

AN ACT Relating to standardizing definitions of homelessness to improve access to services; amending RCW 43.185C.220, 43.216.505, 74.08A.010, 74.13.802, 26.44.020, and 46.20.117; reenacting and amending RCW 43.216.135 and 13.34.030; and creating a new section.

Referred to Committee on Appropriations.

HB 2389 by Representatives Shewmake, Ramel, Wylie, Doglio and Hudgins

AN ACT Relating to establishing a comprehensive, statewide photovoltaic module recovery, reuse, recycling, and end-of-life program; creating new sections; and repealing RCW 70.355.010.

Referred to Committee on Environment & Energy.

HB 2390 by Representatives Kilduff, Goodman, Klippert, Leavitt, Thai, Dufault, Macri, Senn and Hudgins

AN ACT Relating to using respectful language regarding individuals with developmental disabilities; amending RCW 7.68.020, 18.59.040, 20.01.330, 26.33.350, 26.40.010, 26.40.020, 26.40.030, 26.44.015, 27.04.045, 28B.07.010, 35.58.240, 35.68.075, 35.86A.010, 35.86A.070, 35.92.060, 35.95A.050, 36.57.040, 36.57A.090, 39.23.005, 41.05.095, 43.20A.635, 43.24.090, 43.31.512, 43.63A.670, 43.216.720, 43.220.070, 46.72.010, 47.04.170, 48.20.420, 48.21.150, 48.30.300, 48.30.320, 48.41.140, 48.44.200, 48.44.210, 48.44.220, 48.46.320, 48.46.370, 49.12.110, 49.74.005, 50.12.210, 51.08.030, 57.08.014, 70.82.010, 70.82.030, 70.84.010, 70.84.080, 71A.10.040, 71A.12.010, 71A.12.020, 72.05.010, 72.05.130, 72.60.235, 72.64.150, 72.70.010, 74.04.515, 74.12.290, 74.13.310, 74.13A.085, 74.18.045, 74.26.010, 79.105.210, 82.80.030, and 84.36.350; and reenacting and amending RCW 43.180.070, 66.24.425, 71.34.020, 74.13.031, 74.13A.020, and 82.04.385.

Referred to Committee on Human Services & Early Learning.

HB 2391 by Representatives Young, Ybarra and Gildon

AN ACT Relating to providing certain businesses engaged in affordable housing projects an exemption from the workforce education investment surcharge; amending RCW 82.04.299; and providing an effective date.

Referred to Committee on Finance.

HB 2392 by Representatives Young, Ybarra and Gildon

AN ACT Relating to exempting certain businesses receiving medicaid or medicare payments from paying the workforce education investment surcharge; amending RCW 82.04.299; and providing an effective date.

Referred to Committee on Finance.

HB 2393 by Representatives Goodman, Klippert, Davis, Ormsby and Appleton

AN ACT Relating to earning credit for complying with community custody conditions; amending RCW

9.94A.501; adding a new section to chapter 9.94A RCW; and creating a new section.

Referred to Committee on Appropriations.

HB 2394 by Representatives Klippert, Goodman, Davis, Ormsby and Appleton

AN ACT Relating to community custody; amending RCW 9.94A.589 and 9.94B.050; creating new sections; and prescribing penalties.

Referred to Committee on Appropriations.

HB 2395 by Representatives Dufault, Leavitt, Shewmake, Van Werven, Barkis, Caldier, Volz and Gildon

AN ACT Relating to exemptions for military spouses from professional licensure requirements; and adding a new section to chapter 43.24 RCW.

Referred to Committee on Housing, Community Development & Veterans.

HB 2396 by Representatives Hudgins, Tarleton and Wylie

AN ACT Relating to the regulation of bot communication on public-facing internet web sites; adding a new section to chapter 42.17A RCW; adding a new chapter to Title 19 RCW; and providing an effective date.

Referred to Committee on Appropriations.

HB 2397 by Representatives Hudgins, Smith, Ormsby and Wylie

AN ACT Relating to transferring oversight of filings of statements of financial affairs by legislative staff from the public disclosure commission to the legislative ethics board; amending RCW 42.17A.705, 42.52.320, 42.17A.020, and 42.17A.620; reenacting and amending RCW 42.52.010 and 42.52.150; and adding new sections to chapter 42.52 RCW.

Referred to Committee on State Government & Tribal Relations.

HB 2398 by Representatives Hudgins, Smith, Ryu and Ormsby

AN ACT Relating to prohibiting the statements of financial affairs filed by a professional staff member of the legislature from being posted online; and amending RCW 42.17A.020.

Referred to Committee on State Government & Tribal Relations.

HB 2399 by Representatives Hudgins, Smith, Van Werven, Young, Wylie and Kloba

AN ACT Relating to connected devices with a voice recognition feature; and adding a new chapter to Title 19 RCW.

Referred to Committee on Innovation, Technology & Economic Development.

HB 2400 by Representatives Hudgins, Smith, Van Werven and Wylie

AN ACT Relating to privacy assessment surveys of state agencies; and amending RCW 43.105.369.

Referred to Committee on State Government & Tribal Relations.

HB 2401 by Representatives Hudgins, Smith, Van Werven, Wylie and Kloba

AN ACT Relating to the use of artificial intelligence in job applications; adding a new section to chapter 49.44 RCW; and creating a new section.

Referred to Committee on Labor & Workplace Standards.

HB 2402 by Representatives Hudgins, Gregerson and Wylie

AN ACT Relating to streamlining legislative operations by repealing and amending selected statutory committees; amending RCW 28A.175.075, 28A.657.100, 28B.15.067, 43.15.020, 43.216.572, 43.216.574, 44.04.325, 44.68.010, 44.68.040, 44.68.050, 44.68.060, 44.68.065, 44.68.085, 44.68.090, 44.68.100, and 44.68.105; repealing RCW 28A.657.130, 28B.95.170, 44.55.010, 44.55.020, 44.55.030, 44.55.040, 44.55.050, 44.55.060, 44.68.020, and 44.68.035; and providing an effective date.

Referred to Committee on State Government & Tribal Relations.

HB 2403 by Representatives Dufault and Walsh

AN ACT Relating to legislative direction to manage escalating costs by modifying management responsibilities and operational considerations of state transportation public employees funded biennially by the transportation budget; amending RCW 47.64.120; adding new sections to chapter 47.64 RCW; and creating new sections.

Referred to Committee on Labor & Workplace Standards.

HB 2404 by Representatives Dufault, Hoff, Van Werven and Corry

AN ACT Relating to accounting for differences across counties in setting new wage standards; amending RCW 49.46.010; and creating a new section.

Referred to Committee on Labor & Workplace Standards.

HJM 4014 by Representatives Riccelli, Chapman, Tarleton, Orwall, Fey, Macri, Wylie, Doglio, Stonier, Kloba and Pollet

Asking Congress to include dental care in Medicare.

Referred to Committee on Health Care & Wellness.

HJR 4209 by Representative Appleton

Amending the Constitution with regard to the term length of members of the Legislature.

Referred to Committee on State Government & Tribal Relations.

HCR 4402 by Representatives Sullivan, Kretz and Wylie

Specifying the status of bills, resolutions, and memorials.

HCR 4403 by Representatives Sullivan and Kretz

Calling a Joint Session of the Legislature for the State of the State Address.

There being no objection, HOUSE CONCURRENT RESOLUTION NO. 4402 was read the first time, and under suspension of the rules was placed on the second reading calendar.

There being no objection, HOUSE CONCURRENT RESOLUTION NO. 4403 was read the first time, and under suspension of the rules was placed on the second reading calendar.

## RESOLUTION

HOUSE RESOLUTION NO. 2020-4646, by Representatives Sullivan and Kretz

WHEREAS, The House of Representatives adopted permanent rules for the Sixty-Sixth Legislature under House Resolution No. 2019-4607;

NOW, THEREFORE, BE IT RESOLVED, That House Resolution No. 2019-4607 is amended to read as follows:

PERMANENT RULES OF THE HOUSE OF  
REPRESENTATIVES  
SIXTY-SIXTH LEGISLATURE 2019-2020

## HOUSE RULE NO.

**Rule 1** Definitions

<b>Rule 2</b>	Chief Clerk to Call to Order
<b>Rule 3</b>	Election of Officers
<b>Rule 4</b>	Powers and Duties of the Speaker
<b>Rule 5</b>	Chief Clerk
<b>Rule 6</b>	Duties of Employees
<b>Rule 7</b>	Admission to the House
<b>Rule 8</b>	Absentees and Courtesy
<b>Rule 9</b>	Bills, Memorials and Resolutions - Introductions
<b>Rule 10</b>	Reading of Bills
<b>Rule 11</b>	Amendments
<b>Rule 12</b>	Final Passage
<b>Rule 13</b>	Hour of Meeting, Roll Call and Quorum
<b>Rule 14</b>	Daily Calendar and Order of Business
<b>Rule 15</b>	Motions
<b>Rule 16</b>	Members Right to Debate
<b>Rule 17</b>	Rules of Debate
<b>Rule 18</b>	Ending of Debate - Previous Question
<b>Rule 19</b>	Voting
<b>Rule 20</b>	Reconsideration
<b>Rule 21</b>	Call of the House
<b>Rule 22</b>	Appeal from Decision of Chair
<b>Rule 23</b>	Standing Committees
<b>Rule 24</b>	Duties of Committees
<b>Rule 25</b>	Standing Committees - Expenses - Subpoena Power
<b>Rule 26</b>	Vetoed Bills
<b>Rule 27</b>	Suspension of Compensation
<b>Rule 28</b>	Smoking
<b>Rule 29</b>	Liquor
<b>Rule 30</b>	Parliamentary Rules
<b>Rule 31</b>	Standing Rules Amendment
<b>Rule 32</b>	Rules to Apply for Assembly
<b>Rule 33</b>	Legislative Mailings

### Definitions

**Rule 1.** "Absent" means an unexcused failure to attend.

"Term" means the two-year term during which the members as a body may act.

"Session" means a constitutional gathering of the house in accordance with Article II § 12 of the state Constitution.

"Committee" means any standing, conference, joint, or select committee as so designated by rule or resolution.

"Fiscal committee" means the appropriations, capital budget, finance, and transportation committees.

"Bill" means bill, joint memorial, joint resolution, or concurrent resolution unless the context indicates otherwise.

### Chief Clerk to Call to Order

**Rule 2.** It shall be the duty of the chief clerk of the previous term to call the house to order and to conduct the proceedings until a speaker is chosen.

### Election of Officers

**Rule 3.** The house shall elect the following officers at the commencement of each term: Its presiding officer, who shall be styled speaker of the house; a speaker pro tempore, who shall serve in absence or in case of the inability of the speaker; a deputy speaker pro tempore, who shall serve in absence or in case of the inability of the speaker and speaker pro tempore; and a chief clerk of the house. Such officers shall hold office during all sessions until the convening of the succeeding term: PROVIDED, HOWEVER, That any of these offices may be declared vacant by the vote of a constitutional majority of the house, the members voting viva voce and their votes shall be entered on the journal. If any office is declared vacant, the house shall fill such vacant office as hereinafter provided. In all elections by the house a constitutional majority shall be required, the members shall vote viva voce and their votes shall be entered on the journal. (Art. II § 27)

### Powers and Duties of the Speaker

**Rule 4.** The speaker shall have the following powers and duties:

(A) The speaker shall take the chair and call the house to order precisely at the hour appointed for meeting and if a quorum be present, shall cause the journal of the preceding day to be read and shall proceed with the order of business.

(B) The speaker shall preserve order and decorum, and in case of any disturbance or disorderly conduct within the chamber or legislative area, shall order the sergeant at arms to suppress the same and may order the sergeant at arms to remove any person creating any disturbance within the house chamber or legislative area.

(C) The speaker may speak to points of order in preference to other members, arising from the seat for that purpose, and shall decide all questions of order subject to an appeal to the house by any member, on which appeal no member shall speak more than once without leave of the house.

(D) The speaker shall sign all bills in open session. (Art. II § 32)

(E) The speaker shall sign all writs, warrants, and subpoenas issued by order of the house, all of which shall be attested to by the chief clerk.

(F) The speaker shall have the right to name any member to perform the duties of the chair, but such substitution shall neither extend beyond adjournment nor authorize the representative so substituted to sign any documents requiring the signature of the speaker.

(G) The speaker, in open session, shall appoint committee chairs as selected by the majority party caucus, and shall appoint members to committees in the same ratio as the membership of the respective parties of the house, unless otherwise provided by law or house rules.

(H) The speaker shall serve as chair of the rules committee.

(I) The speaker shall have charge of and see that all officers, attaches, and clerks perform their respective duties.

(J) The speaker pro tempore shall exercise the duties, powers, and prerogatives of the speaker in the event of the speaker's death, illness, removal, or inability to act until the speaker's successor shall be elected.

#### **Chief Clerk**

**Rule 5.** The chief clerk shall perform the usual duties pertaining to the office, and shall hold office until a successor has been elected.

The chief clerk shall perform all administrative duties related to the public records obligations of members of the house.

The chief clerk shall employ, subject to the approval of the speaker, all other house employees; the hours of duty and assignments of all house employees shall be under the chief clerk's directions and instructions, and they may be dismissed by the chief clerk with the approval of the speaker. The speaker shall sign and the chief clerk shall countersign all payrolls and vouchers for all expenses of the house and appropriately transmit the same. In the event of the chief clerk's death, illness, removal, or inability to act, the speaker may appoint an acting chief clerk who shall exercise the duties and powers of the chief clerk until the chief clerk's successor shall be elected.

#### **Duties of Employees**

**Rule 6.** Employees of the house shall perform such duties as are assigned to them by the chief clerk. Under no circumstances shall the compensation of any employee be increased for past services. No house employee shall seek to influence the passage or rejection of proposed legislation.

#### **Admission to the House**

**Rule 7.** It shall be the general policy of the house to keep the chamber clear as follows:

(A) The sergeant at arms shall admit only the following individuals to the wings and adjacent areas of the house chamber for the period of time beginning one-half hour prior to convening and ending one-half hour following the adjournment of the house's daily session:

The governor or designees, or both;  
Members of the senate;  
State elected officials;  
Officers and authorized employees of the legislature;  
Former members of the house who are not advocating any pending or proposed legislation;  
Representatives of the press;  
Other persons with the consent of the speaker.

(B) Only members of the house, pages, sergeants at arms, and clerks are permitted on the floor while the house is in session.

(C) Lobbying in the house chamber or in any committee room or lounge room is prohibited when the house or committee is in session unless expressly permitted by the house or committee. Anyone violating this rule will forfeit his or her right to be admitted to the house chamber or any of its committee rooms.

#### **Absentees and Courtesy**

**Rule 8.** No member shall be absent from the service of the house without leave from the speaker. When the house is in session, only the speaker shall recognize visitors and former members.

#### **Bills, Memorials and Resolutions - Introductions**

**Rule 9.** Any member desiring to introduce a bill shall file the same with the chief clerk. Bills filed by 10:00 a.m. shall be introduced at the next daily session, in the order filed: PROVIDED, That if such introduction is within the last ten days of a regular session, it cannot be considered without a direct vote of two-thirds (2/3) of all the members elected to each house with such vote recorded and entered upon the journal. (Art. II § 36)

Any returning member or member-elect may prefile a bill with the chief clerk commencing the first Monday in December preceding any regular session or twenty (20) days before any special session. Prefiled bills shall be introduced on the first legislative day.

All bills shall be endorsed with a statement of the title and the name of the member or members introducing the same. The chief clerk shall attach to all bills a substantial cover bearing the title and sponsors and shall number each bill in the order filed. All bills shall be printed unless otherwise ordered by the house.

Any bill introduced at any session during the term shall be eligible for action at all subsequent sessions during the term.

No house bill may be introduced that is identical to any other pending house bill.

### **Reading of Bills**

**Rule 10.** Every bill shall be read on three separate days: PROVIDED, That this rule may be temporarily suspended at any time by a two-thirds (2/3) vote of the members present; and that on and after the fifth day prior to the day of adjournment sine die of any session, as determined pursuant to Article II, Section 12 of the state Constitution or concurrent resolution, or on and after the third day prior to the day a bill must be reported from the house as established by concurrent resolution, this rule may be suspended by a majority vote.

A bill may be returned to second reading for the purpose of amendment by a suspension of the rules: PROVIDED, That on and after the fifth day prior to the day of adjournment sine die of any session, as determined pursuant to Article II, section 12 of the state Constitution or concurrent resolution, or on and after the third day prior to the day a bill must be reported from the house as established by concurrent resolution, this rule may be suspended and a bill returned to second reading for the purpose of amendment by a majority vote.

(A) **FIRST READING.** The first reading of a bill shall be by title only, unless a majority of the members present demand a reading in full.

After the first reading the bill shall be referred to an appropriate committee.

Upon being reported out of committee, all bills shall be referred to the rules committee, unless otherwise ordered by the house.

The rules committee may, by majority vote, refer any bill in its possession to a committee for further consideration. Such referral shall be reported to the house and entered in the journal under the fifth order of business.

(B) **SECOND READING.** Upon second reading, the bill number and short title and the last line of the bill shall be read unless a majority of the members present shall

demand its reading in full. The bill shall be subject to amendment section by section. No amendment shall be considered by the house until it has been sent to the chief clerk's desk in writing, distributed to the desk of each member, and read by the clerk. All amendments adopted during second reading shall be securely fastened to the original bill. All amendments rejected by the house shall be passed to the minute clerk, and the journal shall show the disposition of such amendments.

When no further amendments shall be offered, the speaker shall declare the bill has passed its second reading.

(C) **SUBSTITUTE BILLS.** When a committee reports a substitute for an original bill with the recommendation that the substitute bill do pass, it shall be in order to read the substitute the first time and have the same printed. A motion for the substitution shall not be in order until the second reading of the original bill.

(D) **THIRD READING.** Only the last line of bills shall be read on third reading unless a majority of the members present demand a reading in full. No amendments to a bill shall be received on third reading but it may be referred or recommitted for the purpose of amendment.

(E) **SUSPENSION CALENDAR.** Bills may be placed on the second reading suspension calendar by the rules committee if at least two minority party members of the rules committee join in such motion. Bills on the second reading suspension calendar shall not be subject to amendment or substitution except as recommended in the committee report. When a bill is before the house on the suspension calendar, the question shall be to adopt the committee recommendations and advance the bill to third reading. If the question fails to receive a two-thirds vote of the members present, the bill shall be referred to the rules committee for second reading.

(F) **HOUSE RESOLUTIONS.** House resolutions shall be filed with the chief clerk who shall transmit them to the rules committee. If a rules committee meeting is not scheduled to occur prior to a time necessitated by the purpose of a house resolution, the majority leader and minority leader by agreement may waive transmission to the rules committee to permit consideration of the resolution by the house. The rules committee may adopt house resolutions by a sixty percent majority vote of its entire membership or may, by a majority vote of its members, place them on the motions calendar for consideration by the house. House resolutions are not subject to debate, except for resolutions necessary for the operation of the house, and resolutions commemorating Children's Day, Day of Remembrance, Martin Luther King Jr. Day, National Guard Day, and President's Day.



(G) CONCURRENT RESOLUTIONS. Reading of concurrent resolutions may be advanced by majority vote.

### **Amendments**

**Rule 11.** The right of any member to offer amendments to proposed legislation shall not be limited except as provided in Rule 10(E) and as follows:

(A) AMENDMENTS TO BE OFFERED IN PROPER FORM. The chief clerk shall establish the proper form for amendments and all amendments offered shall bear the name of the member who offers the same, as well as the number and section of the bill to be amended.

(B) COMMITTEE AMENDMENTS. When a bill is before the house on second reading, amendments adopted by committees and recommended to the house shall be acted upon by the house before any amendments that may be offered from the floor.

(C) SENATE AMENDMENTS TO HOUSE BILLS. A house bill, passed by the senate with amendment or amendments which shall change the scope and object of the bill, upon being received in the house, shall be referred to the appropriate committee and shall take the same course as for original bills unless a motion not to concur is adopted prior to the bill being referred to committee.

(D) AMENDMENTS TO BE GERMANE. No motion or proposition on a subject different from that under consideration shall be admitted under color of amendment; and no bill or resolution shall at any time be amended by annexing thereto or incorporating therein any other bill or resolution pending before the house.

(E) SCOPE AND OBJECT NOT TO BE CHANGED. No amendment to any bill shall be allowed which shall change the scope and object of the bill. This objection may be raised at any time an amendment is under consideration. The speaker may allow the person raising the objection and the mover of the amendment to provide brief arguments as to the merits of the objection. (Art. II § 38)

(F) NO AMENDMENT BY REFERENCE. No act shall ever be revised or amended without being set forth at full length. (Art. II § 37)

(G) TITLE AMENDMENTS. The subject matter portion of a bill title shall not be amended in committee or on second reading. Changes to that part of the title after the subject matter statement shall either be presented with the text amendment or be incorporated by the chief clerk in the engrossing process.

### **Final Passage**

**Rule 12.** Rules relating to bills on final passage are as follows:

(A) BUDGET BILLS. No final passage vote may be taken on an operating budget, transportation budget, or capital budget bill until twenty-four (24) hours after the bill is placed on the third reading calendar. The twenty-four (24) hour requirement does not apply to conference reports, which are governed by Joint Rule 20, or to bills placed on the third reading calendar by a two-thirds (2/3) vote of the members present.

(B) RECOMMITMENT BEFORE FINAL PASSAGE. A bill may be recommitted at any time before its final passage.

(C) FINAL PASSAGE. No bill shall become a law unless on its final passage the vote be taken by yeas and nays, the names of the members voting for and against the same be entered on the journal of each house, and a majority of the members elected to each house be recorded thereon as voting in its favor. (Art. II § 22)

(D) BILLS PASSED - CERTIFICATION. When a bill passes, it shall be certified to by the chief clerk, said certification to show the date of its passage together with the vote thereon.

### **Hour of Meeting, Roll Call and Quorum**

**Rule 13.** (A) HOUR OF MEETING. The speaker shall call the house to order each day of sitting at 10:00 A.M., unless the house shall have adjourned to some other hour.

(B) ROLL CALL AND QUORUM. Before proceeding with business, the roll of the members shall be called and the names of those absent or excused shall be entered on the journal. A majority of all the members elected must be present to constitute a quorum for the transaction of business. In the absence of a quorum, seven members with the speaker, or eight members in the speaker's absence, having chosen a speaker pro tempore, shall be authorized to demand a call of the house and may compel the attendance of absent members in the manner provided in Rule 21(B). For the purpose of determining if a quorum be present, the speaker shall count all members present, whether voting or not. (Art. II § 8)

(C) The house shall adjourn not later than 10:00 P.M. of each working day. This rule may be suspended by a majority vote.

### **Daily Calendar and Order of Business**

**Rule 14.** The rules relating to the daily calendar and order of business are as follows:

(A) DAILY CALENDAR. Business of the house shall be disposed of in the following order:

First: Roll call, presentation of colors, prayer, and approval of the journal of the preceding day.

Second: Introduction of visiting dignitaries.

Third: Messages from the senate, governor, and other state officials.

Fourth: Introduction and first reading of bills, memorials, joint resolutions, and concurrent resolutions.

Fifth: Committee reports.

Sixth: Second reading of bills.

Seventh: Third reading of bills.

Eighth: Floor resolutions and motions.

Ninth: Presentation of petitions, memorials, and remonstrances addressed to the Legislature.

Tenth: Introduction of visitors and other business to be considered.

Eleventh: Announcements.

(B) UNFINISHED BUSINESS. The unfinished business at which the house was engaged preceding adjournment shall not be taken up until reached in regular order, unless the previous question on such unfinished business has been ordered prior to said adjournment.

(C) EXCEPTIONS. Exceptions to the order of business are as follows:

(1) The order of business may be changed by a majority vote of those present.

(2) By motion under the eighth order of business, a bill in the rules committee may be placed on the calendar by the affirmative vote of a majority of all members of the house.

(3) House resolutions and messages from the senate, governor, or other state officials may be read at any time.

### **Motions**

**Rule 15.** Rules relating to motions are as follows:

(A) MOTIONS TO BE ENTERTAINED OR DEBATED. No motion shall be entertained or debated until announced by the speaker and every motion shall be deemed to have been seconded. A motion shall be reduced to writing and read by the clerk, if desired by the speaker or any member, before it shall be debated and by the consent of the house may be withdrawn before amendment or action.

(B) MOTIONS IN ORDER DURING DEBATE. When a motion has been made and seconded and stated by the chair, the following motions are in order, in the rank named:

(1) Privileged motions:

Adjourn

Adjourn to a time certain

Recess to a time certain

Reconsider

Demand for division

Question of privilege

Orders of the day

(2) Subsidiary motions:

First rank: Question of consideration

Second rank: To lay on the table

Third rank: For the previous question

Fourth rank: To postpone to a day certain

To commit or recommit

To postpone indefinitely

Fifth rank: To amend

(3) Incidental motions:

Points of order and appeal

Method of consideration

Suspension of the rules

Reading papers

Withdraw a motion

Division of a question

(C) THE EFFECT OF POSTPONEMENT - MOTIONS TO POSTPONE OR COMMIT. Once decided, no motion to postpone to a day certain, to commit, or to postpone indefinitely shall again be allowed on the same day and at the same stage of the proceedings. When a question has been postponed indefinitely, it shall not again be introduced during the session. The motion to postpone indefinitely may be made at any stage of the bill except when on first reading.

(D) MOTIONS DECIDED WITHOUT DEBATE. A motion to adjourn, to recess, to lay on the table and to call for the previous question shall be decided without debate.

All incidental motions shall be decided without debate, except that members may speak to points of order and appeal as provided in Rule 22.

Motions to adopt house resolutions shall be decided without debate, except as provided in Rule 10(F).

A motion for suspension of the rules shall not be debatable except that the mover of the motion may briefly explain the purpose of the motion and one member may briefly state the opposition to the motion.

(E) MOTION TO ADJOURN. A motion to adjourn shall always be in order, except when the house is voting or is working under the call of the house; but this rule shall not authorize any member to move for adjournment when another member has the floor.

### **Members Right to Debate**

**Rule 16.** The methods by which a member may exercise his or her right to debate are as follows:

(A) RECOGNITION OF MEMBER. When any member desires to speak in debate or deliver any matter to the house, the member shall rise and respectfully address the speaker and pause until recognized.

(B) ORDER OF SPEAKING. When two or more members arise at once, the speaker shall name the one who is to speak.

(C) LIMITATION OF DEBATE. No member shall speak longer than ten (10) minutes without consent of the house: PROVIDED, That on and after the fifth day prior to the day of adjournment sine die of any session, as determined pursuant to Article II, Section 12 of the state Constitution or concurrent resolution, or on and after the third day prior to the day any bill must be reported from the house as established by concurrent resolution, no member shall speak more than three (3) minutes without the consent of the house. No member shall speak more than twice on the same question without leave of the house: PROVIDED, That the chair of the committee or the mover of the question may close debate if it is consistent with Rule 18 (Previous Question).

### **Rules of Debate**

**Rule 17.** The rules for debate in the house are as follows:

(A) QUESTION OF PRIVILEGE. Any member may rise to a question of privilege and explain a personal matter, by leave of the speaker, but the member shall not discuss any pending question in such explanations.

(B) WITHDRAWAL OF MOTION, BILL, ETC. After a motion is stated by the speaker or a bill, memorial, resolution, petition, or remonstrance is read by the clerk, it shall be deemed to be in possession of the house, but may be withdrawn by consent of the house at any time before decision or amendment.

(C) READING OF A PAPER. When the reading of any paper is called for and is objected to by any member, it shall be determined by a vote of the house.

(D) DISTRIBUTION OF MATERIALS. Any materials of any nature distributed to the members' desks on the floor shall be subject to approval by the speaker and shall bear the name of at least one member granting permission for the distribution. This shall not apply to materials normally distributed by the chief clerk.

(E) ORDER OF QUESTIONS. All questions, whether in committee or in the house, shall be propounded in the order in which they are named except that in filling blanks, the largest sum and the longest time shall be put first.

(F) DIVISION OF POINTS OF DEBATE. Any member may call for a division of a question which shall be divided if it embraces subjects so distinct that one being taken away a substantive proposition shall remain for the decision of the house; but a motion to strike out and to insert shall not be divided. The rejection of a motion to strike out and to insert one proposition shall not prevent a motion to strike out and to insert a different proposition.

(G) DECORUM OF MEMBERS. While the speaker is putting the question, no member shall walk across or out of the house; nor when a member is speaking shall any member entertain private discourse or pass between the speaking member and the rostrum.

(H) REMARKS CONFINED. A member shall confine all remarks to the question under debate and avoid personalities. No member shall impugn the motive of any member's vote or argument.

(I) EXCEPTION TO WORDS SPOKEN IN DEBATE. If any member be called to order for words spoken in debate, the person calling the member to order shall repeat the words excepted to and they shall be taken down in writing at the clerk's table. No member shall be held in answer or be subject to the censure of the house for words spoken in debate if any other member has spoken before exception to them shall have been taken.

(J) TRANSGRESSION OF RULES - APPEAL. If any member, in speaking or otherwise, transgresses the rules of the house the speaker shall, or any member may, call the member to order, in which case the member so called to order shall immediately sit down unless permitted to explain; and the house shall, if appealed to, decide the case without debate; if there be no appeal, the decision of the chair shall prevail.

If the decision be in favor of the member called to order, the member shall be at liberty to proceed; if

otherwise, and the case shall require it, the member shall be liable to the censure of the house.

### **Ending of Debate - Previous Question**

**Rule 18.** The previous question may be ordered by a two-thirds (2/3) vote of the members present on all recognized motions or amendments which are debatable.

The previous question is not debatable and cannot be amended.

The previous question shall be put in this form: "Representative \_\_\_\_\_ demands the previous question. As many as are in favor of ordering the previous question will say 'Aye'; as many as are opposed will say 'No'."

The results of the motion are as follows: If determined in the negative, the consideration goes on as if the motion had never been made; if decided in the affirmative it shall have the effect of cutting off all debate and bringing the house to a direct vote upon the motion or amendment on which it has been ordered: PROVIDED HOWEVER, That when a bill is on final passage or when the motion to postpone indefinitely is pending, one of the sponsors of the bill or the chair of the committee may have the privilege of closing debate after the previous question has been ordered.

If an adjournment is had after the previous question is ordered, the motion or proposition on which the previous question was ordered shall be put to the house immediately following the approval of the journal on the next working day, thus making the main question privileged over all other business, whether new or unfinished.

### **Voting**

**Rule 19. (A) PUTTING OF QUESTION.** The speaker shall put the question in the following form: "The question before the house is (state the question). As many as are in favor say 'Aye'; and after the affirmative vote is expressed, "as many as are opposed say 'No'."

**(B) ALL MEMBERS TO VOTE.** Every member who was in the house when the question was put shall vote unless, for special reasons, excused by the house.

All motions to excuse a member shall be made before the house divides or before the call for yeas and nays is commenced; and any member requesting to be excused from voting may make a brief and verbal statement of the reasons for making such request, and the question shall then be taken without further debate.

Upon a division and count of the house on the question, only members at their desks within the bar of the house shall be counted.

**(C) CHANGE OF VOTE.** When the electric roll call machine is used, no member shall be allowed to vote or

change a vote after the speaker has locked the roll call machine. When an oral roll call is taken, no member shall be allowed to vote or change a vote after the result has been announced.

**(D) PRIVATE INTEREST.** No member shall vote on any question which affects that member privately and particularly. A member who has a private interest in any bill or measure proposed or pending before the legislature shall disclose the fact to the house of which he is a member, and shall not vote thereon. (Art. II § 30)

**(E) INTERRUPTION OF ROLL CALL.** Once begun, the roll call may not be interrupted. No member or other person shall visit or remain at the clerk's desk while the yeas and nays are being called.

**(F) YEAS AND NAYS - RECORDED VOTES.** Upon the final passage of any bill, the vote shall be taken by yeas and nays and shall be recorded by the electric voting system: PROVIDED, HOWEVER, That an oral roll call shall be ordered when demanded by one-sixth (1/6) of the members present. (Art. II § 21)

The speaker may vote last when the yeas and nays are called.

When the vote is by electric voting machine or by oral roll call on any question, it shall be entered upon the journal of the house. A recorded vote may be compelled by one-sixth (1/6) of the members present. A request for a recorded vote must be made before the vote is commenced.

**(G) TIE VOTE, QUESTION LOSES.** In case of an equal division, the question shall be lost.

**(H) DIVISION.** If the speaker is in doubt, or if division is called for by any member, the house shall divide.

**(I) STATEMENT FOR JOURNAL.** A member whose recorded vote does not accurately reflect his or her intent may submit a written statement for the journal clarifying their intent to vote aye or nay. The statement must be submitted to the chief clerk on the same day the vote is taken. A member who is excused for one or more days of recorded votes may submit a written statement for the journal explaining the reason for his or her absence. The statement may not exceed fifty words and must be submitted to the chief clerk on the same day the member returns.

### **Reconsideration**

**Rule 20.** Notice of a motion for reconsideration on the final passage of bills shall be made on the day the vote to be reconsidered was taken and before the house has voted to transmit the bill to the senate.

Reconsideration of the votes on the final passage of bills must be taken on the next working day after such vote

was taken: PROVIDED, That on and after the fifth day prior to the day of adjournment sine die of any session, as determined pursuant to Article II, Section 12 of the state Constitution, or concurrent resolution, or on and after the third day prior to the day a bill must be reported from the house as established by concurrent resolution, then reconsideration of votes on the final passage of bills must be taken on the same day as the original vote was taken.

A motion to reconsider an amendment may be made at any time the bill remains on second reading.

Any member who voted on the prevailing side may move for reconsideration or give notice thereof.

A motion to reconsider can be decided only once when decided in the negative.

When a motion to reconsider has been carried, its effect shall be to place the original question before the house in the exact position it occupied before it was voted upon.

### Call of the House

**Rule 21.** One-sixth (1/6) of the members present may demand a call of the house at any time before the house has divided or the voting has commenced by yeas and nays.

(A) DOORS TO BE CLOSED. When call of the house has been ordered, the sergeant at arms shall close and lock the doors, and no member shall be allowed to leave the chamber: PROVIDED, That the rules committee shall be allowed to meet, upon request of the speaker, while the house stands at ease: AND PROVIDED FURTHER, That the speaker may permit members to use such portions of the fourth floor as may be properly secured.

(B) SERGEANT AT ARMS TO BRING IN THE ABSENTEES. The clerk shall immediately call a roll of the members and note the absentees, whose names shall be read and entered upon the journal in such manner as to show who are excused and who are absent without leave.

The clerk shall furnish the sergeant at arms with a list of those who are absent without leave, and the sergeant at arms shall proceed to bring in such absentees; but arrests of members for absence shall not be made unless ordered by a majority of the members present.

(C) HOUSE UNDER CALL. While the house is under a call, no business shall be transacted except to receive and act on the report of the sergeant at arms; and no other motion shall be in order except a motion to proceed with business under the call of the house, a motion to excuse absentees, or a motion to dispense with the call of the house. The motion to proceed with business under the call of the house and the motion to excuse absent members shall not be adopted unless a majority of the members elected vote in favor thereof. The motion to dispense with

the call of the house may be adopted by a majority of the members present.

### Appeal from Decision of Chair

**Rule 22.** The decision of the chair may be appealed from by any member, on which appeal no member shall speak more than once unless by leave of the house. In all cases of appeal, the question shall be: "Shall the decision of the chair stand as the judgment of the house?"

### Standing Committees

**Rule 23.** The standing committees of the house and the number of members that shall serve on each committee shall be as follows:

1. Appropriations .....	33
2. Capital Budget .....	((23)) <u>25</u>
3. Civil Rights & Judiciary .....	15
4. College & Workforce Development .....	17
5. Commerce & Gaming .....	11
6. Consumer Protection & Business .....	13
7. Education .....	((19)) <u>17</u>
8. Environment & Energy .....	11
9. Finance .....	((13)) <u>12</u>
10. Health Care & Wellness .....	15
11. Housing, Community Development & Veterans .....	9
12. Human Services & Early Learning .....	13
13. Innovation, Technology & Economic Development .....	9
14. Labor & Workplace Standards .....	7
15. Local Government .....	7
16. Public Safety .....	11
17. Rules .....	25
18. Rural Development, Agriculture & Natural Resources .....	15
19. State Government & Tribal Relations .....	9
20. Transportation .....	31

Committee members shall be selected by each party's caucus. The majority party caucus shall select all committee chairs.

### Duties of Committees

**Rule 24.** House committees shall operate as follows:

(A) NOTICE OF COMMITTEE MEETING. The chief clerk shall make public the time, place and subjects to be discussed at committee meetings. All public hearings held by committees shall be scheduled at least five (5) days in advance and shall be given adequate publicity: PROVIDED, That when less than eight (8) days remain for action on a bill, the Speaker may authorize a reduction of the five-day notice period when required by the

circumstances, including but not limited to the time remaining for action on the bill, the nature of the subject, and the number of prior hearings on the subject.

(B) **COMMITTEE QUORUM.** A majority of any committee shall constitute a quorum for the transaction of business.

(C) **SESSION MEETINGS.** No committee shall sit while the house is in session without special leave of the speaker.

(D) **DUTIES OF STANDING COMMITTEES.**

(1) Only such bills as are included on the written notice of a committee meeting may be considered at that meeting except upon the vote of a majority of the entire membership of the committee to consider another bill.

(2) A majority recommendation of a committee must be signed by a majority of the entire membership of the committee in a regularly called meeting before a bill, memorial, or resolution may be reported out: **PROVIDED,** That by motion under the eighth order of business, a majority of the members elected to the house may relieve a committee of a bill and place it on the second reading calendar.

Majority recommendations of a committee can only be "do pass," "do pass as amended," or that "the substitute bill be substituted therefor and that the substitute bill do pass."

(3) Members of the committee not concurring in the majority report may prepare a written minority report containing a recommendation of "do not pass" or "without recommendation," which shall be signed by those members of the committee subscribing thereto, and submitted with the majority report.

(4) All committee reports shall be spread upon the journal. The journal of the house shall contain an exact copy of all committee reports, together with the names of the members signing such reports.

(5) Every vote to report a bill out of committee shall be taken by the yeas and nays, and the names of the members voting for and against, as well as the names of members absent, shall be recorded on the committee report. Any member may call for a recorded vote, which shall include the names of absent members, on any substantive question before the committee. A copy of all recorded committee votes shall be kept by the chief clerk and shall be available for public inspection.

(6) All bills having a direct appropriation shall be referred to the appropriate fiscal committee before their final passage.

(7) No standing committee shall vote by secret written ballot on any issue.

(8) During its consideration of or vote on any bill, resolution, or memorial, the deliberations of any standing

committee of the house of representatives shall be open to the public.

(9) A standing committee to which a bill was originally referred shall, prior to voting the bill out of committee, consider whether the bill authorizes rule-making powers or requires the exercise of rule-making powers and, if so, consider:

(a) The nature of the new rule-making powers; and

(b) To which agencies the new rule-making powers would be delegated and which agencies, if any, may have related rule-making powers.

(10) Standing committee subcommittees established in Rule 23 have the same powers and duties as standing committees.

(11) Insofar as practicable, testimony in public hearings should be balanced between those in support of and in opposition to proposed legislation, with consideration given to providing an opportunity for members of the public to testify within available time.

### **Standing Committees - Expenses - Subpoena Power**

**Rule 25.** Regardless of whether the legislature is in session, members of the house may receive from moneys appropriated for the legislature, reimbursement for necessary travel expenses, and payments in lieu of subsistence and lodging for conducting official business of the house.

The standing committees of the house may have the powers of subpoena, the power to administer oaths, and the power to issue commissions for the examination of witnesses in accordance with the provisions of chapter 44.16 RCW. Before a standing committee of the house may issue any process, the committee chairperson shall submit for approval of the executive rules committee a statement of purpose setting forth the name or names of those subject to process. The process shall not be issued prior to approval by the executive rules committee. The process shall be limited to the named individuals.

### **Vetoed Bills**

**Rule 26.** Veto messages of the governor shall be read in the house and entered upon the journal. It shall then be in order to proceed to reconsider the bill, refer it, lay it on the table, or postpone its consideration to a day certain.

The merits of the bill may be debated before the vote is taken, but the vote on a vetoed bill cannot be reconsidered.

In case of a bill containing several sections or items, one or more of which has been objected to by the governor, each section or item so objected to shall be voted upon separately by the house. Action by the house upon all vetoed bills shall be endorsed upon the bill and certified by the speaker.

Vetoed bills originating in the house, which have not been passed notwithstanding the veto of the governor, shall remain in the custody of the officers of the house until the close of the term, after which they shall be filed with the secretary of state.

### **Suspension of Compensation**

**Rule 27.** (1) Any member of the house of representatives convicted and sentenced for any felony punishable by death or by imprisonment in a Washington state penal institution shall, as of the time of sentencing, be denied the legislative salary for future service and be denied per diem, compensation for expenses, office space facilities, and assistance. Any member convicted of a felony and sentenced therefor under any federal law or the law of any other state shall, as of the time of sentencing, be similarly denied such salary, per diem, expenses, facilities, and assistance if either (a) such crime would also constitute a crime punishable under the laws of Washington by death or by imprisonment in a state penal institution, or (b) the conduct resulting in the conviction and sentencing would also constitute a crime punishable under the laws of Washington by death or by imprisonment in a state penal institution.

(2) At any time, the house may vote by a constitutional majority to restore the salary, per diem, expenses, facilities, and assistance denied a member under subsection (1). If the conviction of a member is reversed, then the salary, per diem, and expense amounts denied the member since sentencing shall be forthwith paid, and the member shall thereafter have the rights and privileges of other members.

### **Smoking**

**Rule 28.** Smoking of cigarettes, pipes, or cigars shall not be permitted at any public meeting of any committee of the house of representatives or within House facilities.

"No smoking" signs shall be posted so as to give notice of this rule.

### **Liquor**

**Rule 29.** The House of Representatives shall strictly adhere to the liquor laws of the state of Washington, including provisions relating to banquet and special occasion permits. The proper permits must always be obtained before consumption of liquor in any house facility.

### **Parliamentary Rules**

**Rule 30.** The rules of parliamentary practice comprised in Reed's Parliamentary Rules shall govern all cases in which they are not inconsistent with the standing rules and orders of the house.

### **Standing Rules Amendment**

**Rule 31.** Any standing rule may be rescinded or changed by a majority vote of the members elected: PROVIDED, That the proposed change or changes be submitted at least one day in advance in writing to the members together with notice of the consideration thereof. Any standing rule may be suspended temporarily by a two-thirds (2/3) vote of the members present except as provided in Rule 10.

### **Rules to Apply for Assembly**

**Rule 32.** The permanent house rules adopted at the beginning of the term are to govern all acts of the house during the course of the term unless amended or repealed.

### **Legislative Publications**

**Rule 33.** The House of Representatives directs the house executive rules committee to adopt procedures and guidelines to ensure that all legislative publications at public expense are for legitimate legislative purposes.

Representative Sullivan moved adoption of HOUSE RESOLUTION NO. 4646

Representatives Sullivan and Kretz spoke in favor of the adoption of the resolution.

HOUSE RESOLUTION NO. 4646 was adopted.

### **RESOLUTION**

**HOUSE RESOLUTION NO. 2020-4644, by Representatives Sullivan and Kretz**

BE IT RESOLVED, That a committee consisting of two members of the House of Representatives be appointed by the Speaker of the House to notify the Governor that the House is organized and ready to conduct business.

Representative Sullivan moved adoption of HOUSE RESOLUTION NO. 4644

Representative Sullivan spoke in favor of the adoption of the resolution.

HOUSE RESOLUTION NO. 4644 was adopted.

The speaker appointed Representatives Duerr and Goehner to notify the Governor that the House is organized and ready to do business.

There being no objection, the House advanced to the sixth order of business.

### **SECOND READING**

**HOUSE CONCURRENT RESOLUTION NO. 4402, by Representatives Sullivan, Kretz and Wylie**

**Specifying the status of bills, resolutions, and memorials.**

The concurrent resolution was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the concurrent resolution was placed on final passage.

Representative Sullivan spoke in favor of the adoption of the concurrent resolution.

The Speaker stated the question before the House to be the adoption of House Concurrent Resolution No. 4402.

With the consent of the House, HOUSE CONCURRENT RESOLUTION NO. 4402, was adopted.

**HOUSE CONCURRENT RESOLUTION NO. 4403, by Representatives Sullivan and Kretz**

**Calling a Joint Session of the Legislature for the State of the State Address.**

The concurrent resolution was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the concurrent resolution was placed on final passage.

Representative Sullivan spoke in favor of the adoption of the concurrent resolution.

The Speaker stated the question before the House to be the adoption of House Concurrent Resolution No. 4403.

With the consent of the House, HOUSE CONCURRENT RESOLUTION NO. 4403, was adopted.

With the consent of the House, HOUSE CONCURRENT RESOLUTION NO. 4402 and HOUSE CONCURRENT RESOLUTION NO. 4403 were immediately transmitted to the Senate.

There being no objection, the remaining bills listed on the day's introduction sheet under the fourth order of business were referred to the committees so designated, with the exception of HOUSE BILL NO. 2306 which was referred to the Committee on Civil Rights & Judiciary, HOUSE BILL NO. 2230 which was referred to the Committee on Finance and HOUSE BILL NO. 2328 which was referred to the Committee on Appropriations.

There being no objection, the House advanced to the eighth order of business.

**MOTIONS**

There being no objection, the Committee on Rules was relieved of the following bills:

SUBSTITUTE HOUSE BILL NO. 1661  
ENGROSSED HOUSE BILL NO. 1912

**SUBSTITUTE HOUSE BILL NO. 2108**

and the bills were referred to the Committee on Appropriations.

There being no objection, the Committee on Rules was relieved of the following bills:

HOUSE BILL NO. 1068  
HOUSE BILL NO. 2069

and the bills were referred to the Committee on Civil Rights & Judiciary.

There being no objection, the Committee on Rules was relieved of the following bill:

HOUSE BILL NO. 1466

and the bill was referred to the Committee on Commerce & Gaming.

There being no objection, the Committee on Rules was relieved of the following bill:

HOUSE BILL NO. 1998

and the bill was referred to the Committee on College & Workforce Development.

There being no objection, the Committee on Rules was relieved of the following bills:

ENGROSSED SECOND SUBSTITUTE HOUSE  
BILL NO. 1660  
HOUSE BILL NO. 1674  
HOUSE BILL NO. 2012  
HOUSE BILL NO. 1076  
HOUSE BILL NO. 1120  
HOUSE BILL NO. 1191

and the bills were referred to the Committee on Education.

There being no objection, the Committee on Rules was relieved of the following bills:

HOUSE BILL NO. 1483  
HOUSE BILL NO. 1738  
HOUSE BILL NO. 2004  
HOUSE BILL NO. 2032

and the bills were referred to the Committee on Finance.

There being no objection, the Committee on Rules was relieved of the following bills:

ENGROSSED SECOND SUBSTITUTE HOUSE  
BILL NO. 1296  
HOUSE BILL NO. 1352  
HOUSE BILL NO. 1630  
SUBSTITUTE HOUSE BILL NO. 1869



and the bills were referred to the Committee on Health Care & Wellness.

There being no objection, the Committee on Rules was relieved of the following bill:

HOUSE BILL NO. 1938

and the bill was referred to the Committee on Housing, Community Development & Veterans.

There being no objection, the Committee on Rules was relieved of the following bill:

HOUSE BILL NO. 2033

and the bill was referred to the Committee on Human Services & Early Learning.

There being no objection, the Committee on Rules was relieved of the following bill:

HOUSE BILL NO. 1854

and the bill was referred to the Committee on Innovation, Technology & Economic Development.

There being no objection, the Committee on Rules was relieved of the following bills:

HOUSE BILL NO. 1357  
HOUSE BILL NO. 1796  
HOUSE BILL NO. 1797

and the bills were referred to the Committee on Local Government.

There being no objection, the Committee on Rules was relieved of the following bills:

HOUSE BILL NO. 1337  
HOUSE BILL NO. 1381  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1504  
HOUSE BILL NO. 1687  
SUBSTITUTE HOUSE BILL NO. 1836  
HOUSE BILL NO. 1837  
HOUSE BILL NO. 1871  
HOUSE BILL NO. 1896  
ENGROSSED HOUSE BILL NO. 2066

and the bills were referred to the Committee on Public Safety

There being no objection, the Committee on Rules was relieved of the following bills:

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1520  
HOUSE BILL NO. 1067  
HOUSE JOINT MEMORIAL NO. 4009

and the bills were referred to the Committee on State Government & Tribal Relations

There being no objection, the Committee on Rules was relieved of the following bills:

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1510  
SUBSTITUTE HOUSE BILL NO. 1633  
HOUSE BILL NO. 1991  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2050  
HOUSE BILL NO. 2085  
SUBSTITUTE HOUSE BILL NO. 1189  
HOUSE BILL NO. 1255  
HOUSE BILL NO. 1256

and the bills were referred to the Committee on Transportation.

There being no objection, the Committee on Appropriations was relieved of HOUSE BILL NO. 1946, and the bill was referred to the Committee on Capital Budget.

There being no objection, the Committee on Appropriations was relieved of HOUSE BILL NO. 1645, and HOUSE BILL NO. 1651 and the bills were referred to the Committee on Human Services & Early Learning.

There being no objection, the House advanced to the eleventh order of business.

#### COMMITTEE APPOINTMENTS

The Speaker announced the following changes to committee appointments:

Representative Appleton was appointed 2nd Vice Chair of Public Safety

Representative Chopp was appointed to Appropriations and Health Care & Wellness, replacing Representative Jinkins, and removed from Rules

Representative Corry was appointed to Appropriations, replacing Representative Volz

Representative DeBolt was appointed Ranking Minority Member of Environment & Energy, replacing Representative Shea

Representative Duerr was appointed to Consumer Protection & Business, to Local Government as Vice Chair, replacing Representative Peterson, and to Transportation, replacing Representative Pellicciotti

Representative Entenmann was appointed to Information Technology & Economic Development and removed from Housing, Community Development & Veterans

Representative Goehner was appointed to Environment & Energy, replacing Representative Shea

Representative Harris was appointed to Capital Budget

Speaker Jinkins was appointed to Rules, replacing Representative Chopp, and removed from Appropriations, Civil Rights & Judiciary, and Health Care & Wellness. Speaker Jinkins also was appointed Chair of Rules, replacing Representative Lovick

Representative Kilduff was appointed Chair of Civil Rights & Judiciary, replacing Representative Jinkins, and was appointed to Appropriations and removed from Education and Rules

Representative Kloba was appointed Vice Chair of Commerce & Gaming

Representative Kraft was removed from Education

Representative Lovick was removed as Chair of Rules

Representative Morgan was appointed to Rules, replacing Representative Kilduff

Representative Pellicciotti was appointed to Capital Budget and removed from Transportation

Representative Peterson was appointed to Commerce & Gaming as Chair and to Civil Rights & Judiciary, replacing Representative Jinkins, and was removed from Environment & Energy, Local Government and as Vice Chair of Capital Budget.

Representative Ramel was appointed to Commerce & Gaming and Housing, Community Development & Veterans

Representative Robinson was appointed to Environment & Energy, replacing Representative Peterson

Representative Rude was appointed to Civil Rights & Judiciary, replacing Representative Shea

Representative Volz was appointed to Transportation, replacing Representative Shea, and removed from Appropriations

Representative Shea was removed from Civil Rights & Judiciary, Environment & Energy and Transportation

There being no objection, the House adjourned until 9:55 a.m., January 14, 2020, the 2nd Day of the Regular Session.

LAURIE JINKINS, Speaker

BERNARD DEAN, Chief Clerk

## SIXTY SIXTH LEGISLATURE - REGULAR SESSION

## SECOND DAY

House Chamber, Olympia, Tuesday, January 14, 2020

The House was called to order at 9:55 a.m. by the Speaker (Representative Orwall presiding).

Reading of the Journal of the previous day was dispensed with and it was ordered to stand approved.

There being no objection, the House advanced to the third order of business.

## MESSAGES FROM THE SENATE

January 13, 2020

Mme. SPEAKER:

The Senate has adopted:

HOUSE CONCURRENT RESOLUTION NO. 4402,  
HOUSE CONCURRENT RESOLUTION NO. 4403,

and the same are herewith transmitted.

Brad Hendrickson, Secretary

January 13, 2020

Mme. SPEAKER:

The Senate has adopted:

SENATE CONCURRENT RESOLUTION NO. 8411,

and the same is herewith transmitted.

Brad Hendrickson, Secretary

## RESOLUTION

## HOUSE RESOLUTION NO. 2020-4645, by Representative Leavitt

WHEREAS, Military spouses and caregivers embody the courage, sense of duty, and love of country that inspire every American; and

WHEREAS, Military spouses make tremendous sacrifices, including enduring long separations, assuming household responsibilities, and caring for children while their loved ones are away; and

WHEREAS, Military spouses and caregivers act with patience, selflessness, and compassion while serving as the frontline of this country's conscience to ensure the appropriate care of soldiers returning from duty; and

WHEREAS, Many military spouses and primary caregivers of veterans care for those with serious conditions, including traumatic brain injuries and posttraumatic stress disorder; and

WHEREAS, Many military spouses and caregivers are also volunteers in their communities who serve the needs of other military families; and

WHEREAS, The nation benefits from the sacrifices of military families and is inspired by their courage, strength, and leadership; and

WHEREAS, Throughout the year, we honor the commitment military spouses and caregivers have made to their loved ones, our country, and our freedom;

NOW, THEREFORE, BE IT RESOLVED, That the Washington state House of Representatives recognize military spouses and caregivers for their service, sacrifice, and dedication to their families and their country.

There being no objection, HOUSE RESOLUTION NO. 4645 was adopted.

There being no objection, the House advanced to the fourth order of business.

## INTRODUCTION &amp; FIRST READING

HB 2405 by Representatives Duerr, Barkis, Fitzgibbon, Shewmake, Hoff, Kloba, Corry, Gildon, Ybarra, Jenkin, Pollet and Doglio

AN ACT Relating to commercial property assessed clean energy and resilience; and adding a new chapter to Title 35 RCW.

Referred to Committee on Appropriations.

HB 2406 by Representatives Lovick, Klippert, Fey, Barkis, Davis, Ryu, Sells and Leavitt

AN ACT Relating to creating Washington law enforcement officer health and wellness special license plates; reenacting and amending RCW 46.18.200, 46.17.220, and 46.68.420; adding a new section to chapter 46.04 RCW; and providing an effective date.

Referred to Committee on Transportation.

HB 2407 by Representatives Kirby and Vick

AN ACT Relating to repealing the debenture company laws from the securities act of Washington; amending RCW 21.20.810; and repealing RCW 21.20.705, 21.20.710, 21.20.715, 21.20.717, 21.20.720, 21.20.725, 21.20.727, 21.20.730, 21.20.732, 21.20.734, 21.20.740,

21.20.745, 21.20.750, 21.20.805, 21.20.815, 21.20.820, 21.20.825, 21.20.830, 21.20.835, 21.20.840, 21.20.845, and 21.20.850.

Referred to Committee on Consumer Protection & Business.

HB 2408 by Representatives Chambers, Riccelli, Harris, Tharinger, Gildon, Stonier and Davis

AN ACT Relating to the psychology interjurisdictional compact; adding a new chapter to Title 18 RCW; and providing a contingent effective date.

Referred to Committee on Health Care & Wellness.

HB 2409 by Representatives Kilduff, Pollet, Sells, Gregerson, Valdez and Ormsby

AN ACT Relating to industrial insurance employer penalties, duties, and the licensing of third-party administrators; amending RCW 51.48.010, 51.48.017, 51.48.030, 51.48.040, 51.48.060, and 51.48.080; adding new sections to chapter 51.48 RCW; adding a new section to chapter 51.14 RCW; and prescribing penalties.

Referred to Committee on Labor & Workplace Standards.

HB 2410 by Representatives Kilduff, Harris, Orwall, Frame, Kloba, Leavitt, Gregerson, Valdez, Stonier, Pollet, Goodman, Wylie, Doglio and Morgan

AN ACT Relating to requiring coverage for hearing instruments for children and adolescents; amending RCW 48.43.0128; and adding a new section to chapter 48.43 RCW.

Referred to Committee on Health Care & Wellness.

HB 2411 by Representatives Orwall, Kilduff, Gildon, Leavitt, Paul, Cody, Davis, Pollet, Goodman, Wylie, Doglio and Morgan

AN ACT Relating to suicide prevention; reenacting and amending RCW 43.70.442; adding a new section to chapter 18.92 RCW; and providing an effective date.

Referred to Committee on Health Care & Wellness.

HB 2412 by Representatives Stonier, MacEwen, Blake, Young, Eslick, Riccelli and Wylie

AN ACT Relating to domestic brewery and microbrewery retail licenses; amending RCW 66.24.244; and reenacting and amending RCW 66.24.240.

Referred to Committee on Commerce & Gaming.

HB 2413 by Representatives Fitzgibbon, Frame, Pollet, Wylie and Doglio

AN ACT Relating to funding for wildfire prevention and preparedness activities; amending RCW 48.14.040; adding new sections to chapter 76.04 RCW; adding a new section to chapter 48.02 RCW; creating new sections; prescribing penalties; and providing an expiration date.

Referred to Committee on Appropriations.

HB 2414 by Representatives Gregerson, Hudgins, Callan, Frame, Peterson, Santos, Wylie, Doglio and Morgan

AN ACT Relating to digital equity; adding a new chapter to Title 43 RCW; and providing an effective date.

Referred to Committee on Innovation, Technology & Economic Development.

HB 2415 by Representatives Hudgins, Gregerson, Pollet and Wylie

AN ACT Relating to conforming elections for certain special districts with Title 29A RCW; amending RCW 29A.04.330, 85.38.010, 85.05.065, 85.05.085, 85.06.015, 85.08.015, 85.08.025, 85.08.300, 85.08.305, 85.08.850, 85.08.860, 85.08.870, 85.20.030, 85.22.030, 85.24.015, 85.32.150, 85.38.050, 85.38.060, 85.38.070, 85.38.090, 85.38.100, 85.38.105, 85.38.115, 85.38.120, 85.38.125, 86.09.020, 86.09.172, 86.09.259, 86.09.601, 86.09.622, 86.15.050, 85.38.127, 85.38.290, 87.03.005, 87.03.020, 87.03.030, 87.03.040, 87.03.075, 87.03.080, 87.03.081, 87.03.190, 87.03.215, 87.03.470, 87.03.480, 87.03.485, 87.03.535, 87.03.560, 87.03.590, 87.03.615, 87.03.630, 87.03.635, 87.03.650, 87.03.675, 87.03.740, 87.03.845, 87.03.847, 87.04.010, 87.04.070, 87.19.010, 87.19.020, 87.22.120, 87.22.125, 87.28.103, 87.52.015, 87.52.030, 87.52.080, 87.52.090, 87.53.040, 87.53.050, 87.56.010, 87.84.020, 87.84.070, 89.08.110, 89.08.120, 89.08.130, 89.08.140, 89.08.160, 89.08.190, and 89.08.200; creating new sections; repealing RCW 85.38.110, 85.38.130, 86.09.377, 86.09.379, 87.03.031, 87.03.032, 87.03.033, 87.03.034, 87.03.035, 87.03.045, 87.03.051, 87.03.071, 87.03.085, 87.03.090, 87.03.095, 87.03.100, 87.03.105, 87.03.110, 87.53.060, and 42.17A.010; and repealing 2002 c 43 s 1 (uncodified).

Referred to Committee on State Government & Tribal Relations.

HB 2416 by Representatives Kilduff, Chopp, Leavitt, Macri, Cody, Stonier, Ormsby and Pollet

AN ACT Relating to disclosures of information and records related to forensic mental health services; and amending RCW 10.77.210 and 70.02.205.

Referred to Committee on Health Care & Wellness.

HB 2417 by Representatives Davis and Peterson

AN ACT Relating to individuals serving community custody terms; amending RCW 9.94A.737, 9.94A.631, and 9.94A.716; and creating a new section.

Referred to Committee on Public Safety.

HB 2418 by Representatives Davis, Kloba, Peterson, Pollet and Wylie

AN ACT Relating to the preferred drug list status of medication-assisted treatment options; and amending RCW 74.09.645.

Referred to Committee on Health Care & Wellness.

HB 2419 by Representatives Rude, Macri, Kloba, Peterson, Springer, Cody, Ormsby, Riccelli and Doglio

AN ACT Relating to studying barriers to the use of the Washington death with dignity act; adding a new section to chapter 70.245 RCW; and providing an expiration date.

Referred to Committee on Health Care & Wellness.

HB 2420 by Representatives Irwin, Chapman, Thai, Goehner, Pollet and Goodman

AN ACT Relating to assumption by the office of public defense of duties for the provision of trial court indigent defense services that have been provided by counties and cities; amending RCW 2.70.030, 39.34.180, and 43.330.190; adding a new section to chapter 10.101 RCW; adding a new section to chapter 2.70 RCW; creating a new section; repealing RCW 10.101.030, 10.101.050, 10.101.060, 10.101.070, 10.101.080, 36.26.010, 36.26.020, 36.26.030, 36.26.040, 36.26.050, 36.26.060, 36.26.070, 36.26.080, 36.26.090, and 36.26.900; and providing an effective date.

Referred to Committee on Appropriations.

HB 2421 by Representatives Tarleton, Pollet and Doglio

AN ACT Relating to state reimbursement of election costs; amending RCW 29A.04.410, 29A.04.420, 29A.04.216, 29A.04.430, 29A.64.081, and 29A.32.210; adding a new section to chapter 29A.04 RCW; making an appropriation; and providing an effective date.

Referred to Committee on Appropriations.

HB 2422 by Representatives Dent, Ybarra, Klippert, Walsh, Boehnke, Goehner, Orcutt, Barkis, Eslick, Young and Shea

AN ACT Relating to repealing certain provisions related to civil immigration enforcement; amending RCW 43.330.510; adding a new section to chapter 10.70 RCW; repealing RCW 43.10.310, 43.10.315, 43.17.420, 43.17.425, and 10.93.160; and repealing 2019 c 440 s 9 (uncodified).

Referred to Committee on Civil Rights & Judiciary.

HB 2423 by Representatives Riccelli, Cody, Tharinger, Ormsby and Pollet

AN ACT Relating to modifying the long-term services and supports trust program by clarifying the ability for individuals with existing long-term care insurance to opt-out of the premium assessment and making technical corrections; amending RCW 50B.04.010, 50B.04.020, 50B.04.050, 50B.04.080, 50B.04.090, and 50B.04.120; and adding a new section to chapter 50B.04 RCW.

Referred to Committee on Health Care & Wellness.

HB 2424 by Representatives Fitzgibbon, DeBolt, Peterson, Young and Doglio

AN ACT Relating to the heating oil insurance program; amending RCW 70.149.010, 70.149.040, 70.340.010, 70.340.020, 70.340.030, 70.340.050, 70.340.060, 70.340.090, and 70.340.130; adding a new section to chapter 70.149 RCW; and repealing RCW 70.149.050.

Referred to Committee on Capital Budget.

HB 2425 by Representatives Dolan, Leavitt, Valdez, Springer, Davis, Pollet and Doglio

AN ACT Relating to state employee leave for organ donation; and adding a new section to chapter 41.06 RCW.

Referred to Committee on State Government & Tribal Relations.

HB 2426 by Representatives Cody, Robinson, Kilduff, Tharinger, Davis, Macri, Riccelli and Pollet

AN ACT Relating to protecting patient safety in psychiatric hospitals and other health care facilities regulated by the department of health through improvements to licensing and enforcement; amending RCW 71.12.460, 71.12.470, 71.12.480, and 71.12.500; reenacting and amending RCW 71.12.455; adding new sections to chapter 43.70 RCW; adding new sections to chapter 71.12 RCW; creating a new section; and declaring an emergency.

Referred to Committee on Health Care & Wellness.

HB 2427 by Representatives Duerr, Springer, Shewmake, Doglio, Fitzgibbon, Ryu, Gregerson, Santos,

Tharinger, Davis, Macri, Pollet, Goodman and Wylie

AN ACT Relating to tackling climate change as a goal of the growth management act; and amending RCW 36.70A.020 and 36.70A.480.

Referred to Committee on Environment & Energy.

HB 2428 by Representatives Duerr, Walen, Springer, Santos, Ramel, Shewmake, Doglio, Kilduff, Paul and Pollet

AN ACT Relating to students' life-threatening allergic reactions; adding a new section to chapter 28A.630 RCW; and providing an expiration date.

Referred to Committee on Education.

HB 2429 by Representatives Duerr, Kloba, Ramel, Fitzgibbon, Gregerson, Peterson, Macri and Pollet

AN ACT Relating to certain expanded polystyrene products; reenacting and amending RCW 43.21B.110 and 43.21B.110; adding a new chapter to Title 70 RCW; providing an effective date; and providing an expiration date.

Referred to Committee on Environment & Energy.

HB 2430 by Representatives Klippert and Eslick

AN ACT Relating to crimes by minors relating to intimate images; amending RCW 9.68A.053, 9.68A.060, 9.68A.070, and 9.68A.075; and prescribing penalties.

Referred to Committee on Human Services & Early Learning.

HB 2431 by Representative Klippert

AN ACT Relating to criminal offenses involving watercraft; amending RCW 79A.60.010, 79A.60.040, 79A.60.050, 79A.60.060, 79A.60.190, and 46.61.506; reenacting and amending RCW 9.94A.515; adding a new section to chapter 79A.60 RCW; and prescribing penalties.

Referred to Committee on Public Safety.

HB 2432 by Representatives Klippert and Goodman

AN ACT Relating to coroners; amending RCW 36.16.030 and 68.50.104; adding new sections to chapter 36.24 RCW; adding a new section to chapter 43.101 RCW; and providing an effective date.

Referred to Committee on Local Government.

HB 2433 by Representatives Klippert and Shea

AN ACT Relating to protecting minors from sexual exploitation; amending RCW 10.112.010; adding new sections to chapter 10.112 RCW; and prescribing penalties.

Referred to Committee on Civil Rights & Judiciary.

HB 2434 by Representative Klippert

AN ACT Relating to sanctions for violating community custody conditions; and amending RCW 9.94A.737.

Referred to Committee on Public Safety.

HB 2435 by Representative Klippert

AN ACT Relating to sanctions for violating community custody conditions; amending RCW 9.94A.737, 9.94A.631, and 9.94A.716; and creating a new section.

Referred to Committee on Public Safety.

HB 2436 by Representatives Klippert and Rude

AN ACT Relating to permitting the reasonable and moderate restraint of students for their own protection; amending RCW 28A.600.485, 28A.600.460, and 9A.16.100; and creating a new section.

Referred to Committee on Education.

HB 2437 by Representatives Kilduff, Leavitt, Gregerson, Santos, Tharinger, Pollet, Wylie and Morgan

AN ACT Relating to increasing voting accessibility and security; amending RCW 29A.04.037, 29A.04.220, 29A.04.570, 29A.40.091, and 29A.60.235; reenacting and amending RCW 29A.40.110; and adding new sections to chapter 29A.12 RCW.

Referred to Committee on State Government & Tribal Relations.

HB 2438 by Representatives Kilduff, Davis, Orwall, Robinson, Kloba, Thai, Peterson, Macri, Ormsby, Pollet, Wylie and Doglio

AN ACT Relating to establishment of the prescription opioid impact account; amending RCW 70.225.040; adding a new chapter to Title 69 RCW; and prescribing penalties.

Referred to Committee on Appropriations.

HB 2439 by Representatives Kilduff, Leavitt, Gregerson and Pollet

AN ACT Relating to making rail investigation and inspection information available to certain state and local governmental entities; and amending RCW 81.04.540.

Referred to Committee on Transportation.

HB 2440 by Representatives Kilduff, Lovick, Chapman, Orwall, Rude, Leavitt, Santos, Pollet and Wylie

AN ACT Relating to a medical alert designation on driver's licenses; amending RCW 46.20.161; creating a new section; and providing an effective date.

Referred to Committee on Transportation.

HB 2441 by Representatives Entenman, Fitzgibbon, Senn, Gregerson, Kilduff, Stonier, Davis, Macri, Ortiz-Self, Riccelli, Pettigrew, Pollet, Goodman, Wylie and Doglio

AN ACT Relating to improving access to temporary assistance for needy families; amending RCW 74.08A.010; reenacting and amending RCW 74.08A.260; adding a new section to chapter 74.08A RCW; and creating a new section.

Referred to Committee on Appropriations.

HB 2442 by Representatives Leavitt, Hudgins, Kloba and Smith

AN ACT Relating to privacy rights for Washington minors; and adding a new chapter to Title 19 RCW.

Referred to Committee on Innovation, Technology & Economic Development.

HB 2443 by Representatives Ryu and Davis

AN ACT Relating to requiring the use of personal flotation devices on smaller vessels; and amending RCW 79A.60.160.

Referred to Committee on Housing, Community Development & Veterans.

HB 2444 by Representative Ryu

AN ACT Relating to boater education cards; and amending RCW 79A.60.630 and 79A.60.640.

Referred to Committee on Housing, Community Development & Veterans.

HB 2445 by Representative Ryu

AN ACT Relating to increasing the price of a discover pass; amending RCW 79A.80.020; and providing an effective date.

Referred to Committee on Appropriations.

HB 2446 by Representatives Ryu, Frame, Kloba, Sells, Valdez, Santos, Ortiz-Self and Wylie

AN ACT Relating to limiting the disclosure of personal information held by the department of licensing; amending RCW 46.12.630, 46.12.635, 46.20.037, 46.20.118, and 46.52.120; and adding a new section to chapter 46.01 RCW.

Referred to Committee on Transportation.

HB 2447 by Representatives Schmick, Barkis and Shea

AN ACT Relating to categorizing certain new entrants to the vehicle market as wheeled all-terrain vehicles; reenacting and amending RCW 46.09.310; and creating a new section.

Referred to Committee on Transportation.

HB 2448 by Representatives Schmick, Chambers and Cody

AN ACT Relating to enhanced services facilities; amending RCW 70.97.030, 70.97.040, 70.97.050, 70.97.060, 70.97.070, 70.97.080, 70.97.100, 70.97.160, 70.97.200, and 70.97.220; and reenacting and amending RCW 70.97.010.

Referred to Committee on Health Care & Wellness.

HB 2449 by Representatives Griffey and Gregerson

AN ACT Relating to water-sewer district commissioner compensation; and amending RCW 57.12.010.

Referred to Committee on Local Government.

HB 2450 by Representatives Schmick and Cody

AN ACT Relating to license fees for emergency medical services personnel under Title 77 RCW; and amending RCW 77.32.480.

Referred to Committee on Appropriations.

HB 2451 by Representatives Tharinger, Harris, Cody, Schmick, Riccelli, Robinson, Stonier, Kloba, Santos, Pollet, Wylie and Doglio

AN ACT Relating to the medicaid home health reimbursement rate for medical assistance clients; amending RCW 74.39A.030; adding a new section to chapter 74.09 RCW; creating new sections; and providing an expiration date.

Referred to Committee on Appropriations.

HB 2452 by Representatives Barkis, Walen, Shewmake, Gildon and Chambers

AN ACT Relating to reducing the real estate excise tax for multiple-unit housing; amending RCW 82.45.060; and creating a new section.

Referred to Committee on Finance.

HB 2453 by Representatives Macri, Thai, Lekanoff, Gregerson, Robinson, Ryu, Frame, Kloba, Peterson, Santos, Bergquist, J. Johnson, Davis and Pollet

AN ACT Relating to providing protections to residential tenants; amending RCW 59.18.220, 59.18.250, 59.18.230, 61.24.060, and 59.12.030; reenacting and amending RCW 59.18.030 and 59.18.200; adding a new section to chapter 59.18 RCW; and prescribing penalties.

Referred to Committee on Civil Rights & Judiciary.

HB 2454 by Representatives Pollet, Harris, Cody, Gregerson, Stonier, Ryu, Riccelli and Wylie

AN ACT Relating to protecting public health and safety by enhancing the regulation of vapor products; amending RCW 70.345.020, 70.345.030, 70.345.075, 70.345.090, 70.345.100, 70.345.110, 70.345.160, 70.345.170, 70.345.180, 43.70.170, 43.70.180, and 43.70.190; reenacting and amending RCW 70.345.010; adding new sections to chapter 70.345 RCW; creating new sections; repealing RCW 70.345.210; prescribing penalties; and declaring an emergency.

Referred to Committee on Commerce & Gaming.

HB 2455 by Representatives Kilduff, Eslick, Senn, Ryu, Kloba, Valdez, Bergquist, Davis, Pollet, Goodman and Wylie

AN ACT Relating to supporting access to child care for parents who are attending high school or working toward completion of a high school equivalency certificate; amending RCW 28A.160.010; adding a new section to chapter 43.216 RCW; and adding a new section to chapter 28A.160 RCW.

Referred to Committee on Human Services & Early Learning.

HB 2456 by Representatives Callan, Eslick, Ramos, Ryu, Shewmake, Chapman, Senn, Frame, Thai, Bergquist, Kilduff, Stonier, Tharinger, Davis, Macri, Pollet, Goodman, Wylie and Doglio

AN ACT Relating to working connections child care eligibility; amending RCW 28B.50.248; reenacting and amending RCW 43.216.135; and adding a new section to chapter 43.216 RCW.

Referred to Committee on Appropriations.

HB 2457 by Representatives Cody, Kloba, Robinson, Schmick, Tharinger, Macri, Pollet and Wylie

AN ACT Relating to the establishment of a board for the evaluation and containment of health care expenditures; and adding a new chapter to Title 70 RCW.

Referred to Committee on Health Care & Wellness.

HB 2458 by Representatives Stonier, Sells, Dolan, Schmick, Boehnke, Bergquist, Vick, Pollet and Wylie

AN ACT Relating to optional benefits offered by school districts; amending RCW 28A.400.280; and creating a new section.

Referred to Committee on Education.

HB 2459 by Representatives Dye, Mosbrucker and Chambers

AN ACT Relating to increasing the public disclosure of registered sex offenders; and amending RCW 4.24.550.

Referred to Committee on Public Safety.

HB 2460 by Representatives Dye and Schmick

AN ACT Relating to allowing small counties to retain ninety-eight percent of a surcharge for local homeless housing and assistance; and amending RCW 36.22.179.

Referred to Committee on Appropriations.

HB 2461 by Representatives Riccelli, Entenman, Fitzgibbon, Lovick, Ortiz-Self, Stonier, Cody, Shewmake, Ramos, Valdez, Mead, Kloba, Thai, Robinson, Santos, Macri, Pollet, Wylie and Doglio

AN ACT Relating to including health in the state transportation system policy goals; amending RCW 47.04.280; and creating a new section.

Referred to Committee on Transportation.

HB 2462 by Representatives Dye, Schmick and Chambers

AN ACT Relating to the recognition of the emergency medical services personnel licensure interstate compact; and adding a new chapter to Title 18 RCW.

Referred to Committee on Health Care & Wellness.

HB 2463 by Representatives Schmick, Walsh, Dye, Rude, Chambers and Pollet

AN ACT Relating to providing a designation on a driver's license or identicard that a person has a developmental disability; adding a new section to chapter 46.20 RCW; and providing an effective date.

Referred to Committee on Transportation.



HB 2464 by Representatives Gildon and Young

AN ACT Relating to protecting patients from excess charges for prescription medications; and adding a new section to chapter 48.43 RCW.

Referred to Committee on Health Care & Wellness.

HB 2465 by Representative Gildon

AN ACT Relating to collecting and publishing information regarding prosecutorial filing policies and practices; and adding a new chapter to Title 10 RCW.

Referred to Committee on Civil Rights & Judiciary.

HB 2466 by Representatives Pollet, Frame, Sells, Tharinger and Wylie

AN ACT Relating to providing for public disclosure of public records of the legislature and legislators; amending RCW 42.56.010, 42.56.580, 40.14.140, 42.56.070, 42.56.090, 42.56.100, 42.56.150, 42.56.120, 42.56.520, and 42.40.030; adding new sections to chapter 42.56 RCW; and repealing RCW 42.56.560.

Referred to Committee on State Government & Tribal Relations.

HB 2467 by Representatives Hansen, Irwin, Griffey, Barkis and Wylie

AN ACT Relating to establishing a centralized single point of contact background check system for firearms transfers; amending RCW 9.41.114, 43.43.823, 36.28A.405, and 36.28A.420; adding new sections to chapter 43.43 RCW; adding a new section to chapter 9.41 RCW; repealing RCW 36.28A.400; and providing a contingent effective date.

Referred to Committee on Appropriations.

HB 2468 by Representatives Hansen, Tharinger, Pollet and Wylie

AN ACT Relating to improving the effectiveness and adequacy of the workforce education investment surcharge by decreasing compliance and administrative burdens for taxpayers and the department of revenue; amending RCW 82.04.299; creating new sections; and declaring an emergency.

Referred to Committee on Finance.

HB 2469 by Representatives Santos, Gregerson, Tharinger, Hudgins and Pollet

AN ACT Relating to small works rosters; amending RCW 39.19.020, 39.19.060, 39.19.080, 39.19.090, 39.19.200, 39.19.250, and 39.04.155; adding a new

section to chapter 39.19 RCW; and repealing RCW 39.19.100 and 39.19.110.

Referred to Committee on Appropriations.

HB 2470 by Representatives Hudgins and Kloba

AN ACT Relating to the automated operation of vehicles; amending RCW 46.04.370, 46.20.025, 46.16A.040, 46.37.010, 46.37.480, 46.61.590, 46.61.600, and 46.61.672; adding new sections to chapter 46.04 RCW; adding a new chapter to Title 46 RCW; and providing an effective date.

Referred to Committee on Transportation.

HB 2471 by Representatives Callan, Eslick, Senn, Corry and Kilduff

AN ACT Relating to working connections child care payment authorizations; amending RCW 28B.50.248; reenacting and amending RCW 43.216.135; adding a new section to chapter 43.216 RCW; and creating a new section.

Referred to Committee on Human Services & Early Learning.

HB 2472 by Representatives Pollet, Fitzgibbon, Thai and Ryu

AN ACT Relating to incorporating comprehensive measurements of greenhouse gas emissions from certain fossil fuels into state environmental laws; amending RCW 80.50.175, 70.94.151, and 19.280.030; adding a new section to chapter 43.21A RCW; adding a new section to chapter 43.21C RCW; adding a new section to chapter 70.94 RCW; adding a new section to chapter 70.235 RCW; adding a new section to chapter 80.70 RCW; adding a new section to chapter 80.28 RCW; and creating a new section.

Referred to Committee on Environment & Energy.

HB 2473 by Representatives Goodman and Wylie

AN ACT Relating to domestic violence; amending RCW 7.77.060, 7.77.080, 9.41.340, 9.41.345, 9A.36.041, 10.14.055, 10.22.010, 10.66.010, 10.95.020, 26.09.015, 41.04.655, 48.18.550, 70.83C.010, and 74.34.145; reenacting and amending RCW 9.41.010, 9.41.040, 10.31.100, and 9.96.060; prescribing penalties; and declaring an emergency.

Referred to Committee on Public Safety.

SCR 8411 by Senators Liias and Short

Establishing cutoff dates for the consideration of legislation during the 2020 regular session of the sixty-sixth legislature.

There being no objection, the bills and concurrent resolution listed on the day's introduction sheet under the fourth order of business were referred to the committees so designated, with the exception of HOUSE BILL NO. 2454 which was referred to the Committee on Health Care & Wellness, and SENATE CONCURRENT RESOLUTION NO. 8411 which, under suspension of the rules, was read the first time and placed on the second reading calendar.

There being no objection, the House advanced to the eighth order of business.

### MOTIONS

There being no objection, the Committee on Rules was relieved of the following bills and the bills were placed on the second reading calendar:

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1023  
 SECOND ENGROSSED HOUSE BILL NO. 1056  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1264  
 ENGROSSED SECOND SUBSTITUTE HOUSE  
 BILL NO. 1272  
 HOUSE BILL NO. 1317  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1422  
 SECOND ENGROSSED SUBSTITUTE HOUSE  
 BILL NO. 1565  
 SECOND SUBSTITUTE HOUSE BILL NO. 1783  
 SUBSTITUTE HOUSE BILL NO. 1826  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2099

There being no objection, the Committee on Civil Rights & Judiciary was relieved of HOUSE BILL NO. 2390, and the bill was referred to the Committee on Human Services & Early Learning.

There being no objection, the Committee on Innovation, Technology & Economic Development was relieved of HOUSE BILL NO. 2400, and the bill was referred to the Committee on State Government & Tribal Relations.

There being no objection, the Committee on Innovation, Technology & Economic Development was relieved of HOUSE BILL NO. 2401, and the bill was referred to the Committee on Labor & Workplace Standards.

The Speaker assumed the chair.

### SIGNED BY THE SPEAKER

The Speaker signed the following bills:

HOUSE CONCURRENT RESOLUTION NO. 4402  
 HOUSE CONCURRENT RESOLUTION NO. 4403

With the consent of the House, House Concurrent Resolution No. 4402 and House Concurrent Resolution No. 4403 previously acted upon were immediately transmitted to the Senate.

There being no objection, the House reverted to the third order of business.

### MESSAGE FROM KING COUNTY

#### KING COUNTY

Signature Report  
 1200 King County Courthouse  
 Third Avenue Seattle, WA 98104

King County 15572 Joint Motion and Resolution

Proposed No.: 2020-00412  
 Sponsors: Balducci and von Reichbauer  
 Proposed No.: JR2020-1  
 Sponsors: Richardson and Roach

A JOINT MOTION AND RESOLUTION of the Metropolitan King County Council and the Pierce County 3 Council making an appointment to fill the vacancy in the 4 position of state representative for the 30th legislative district.

WHEREAS, a vacancy exists in the position of state representative for the 30th legislative district due to the resignation of State Representative Kristine Reeves, and

WHEREAS, the 30th legislative district is a multicounty legislative district, including part of King County and part of Pierce County, and

WHEREAS, Article II, Section 15 of the Washington state Constitution provides 11 that in the event of a vacancy occurring in a multicounty legislative district the vacancy shall be filled by joint action of the legislative authorities of the respective counties from a list of three candidates nominated by the state central committee of the same political 14 party as the legislator whose office is vacated, and

WHEREAS, the candidates must reside in the 30th legislative district and be of the same political party as the legislator whose office is vacated, and

WHEREAS, the Washington State Democratic Central Committee has submitted the names of three constitutionally qualified candidates to fill the vacancy created by State Representative Reeves's resignation;

NOW, THEREFORE, BE IT MOVED AND RESOLVED by the Councils of 21 King and Pierce County:

A. Jesse Johnson, one of the three nominees, is hereby appointed to the position 23 of state representative for the 30th legislative district in the Washington state House of 24 Representatives and continuing until a successor is elected at the next general election, 25 and has qualified.

B. The clerks of the councils shall provide a copy of this joint motion and have resolution to the clerk of the Washington state House of Representatives, the governor of the state of Washington and the chair of the Washington State Democratic Central Committee.

Joint Motion and Resolution; King County Proposed No. 2020-0041 and Pierce County Proposed No. JR2020-1, was passed by King County Council and Pierce County Council on January 13, 2020, as amended, by the following weighted vote of 14-0.

PIERCE COUNTY COUNCIL

PIERCE COUNTY, WASHINGTON  
Doug Richardson, Chair

Attest: Linda Medley, Clerk of the Council

KING COUNTY COUNCIL  
KING COUNTY, WASHINGTON  
Claudia Balducci, Chair

Attest: Melani Pedroza, Clerk of the Council

There being no objection, the House advanced to the eleventh order of business.

### ANNOUNCEMENTS

The Speaker announced the following committee appointments: Representative Johnson was appointed to the committee on Housing, Community Development & Veterans, and appointed Vice Chair of the Committee on Consumer Protection & Business.

### JOINT SESSION

The Senate appeared at the Chamber doors and requested admission. The Sergeant at Arms of the House and the Sergeant at Arms of the Senate escorted President of the Senate, Lieutenant Governor Cyrus Habib, Senator Karen Keiser, Senator Randi Becker and Senator Rebecca Saldana to the rostrum. The Senators were invited to sit within the Chamber.

The Speaker called upon President Habib to preside.

President Habib called the Joint Session to order. The Clerk called the roll of House members. The Clerk called the roll of Senate members. A quorum of the Legislature was present.

President Habib: "The purpose of the Joint Session is to receive the state of the state message from His Excellency, Governor Jay Inslee.

The President appointed a special committee to escort the Supreme Court Justices to the House Chamber: Representatives Robert Sutherland and Javier Valdez, and Senators Sharon Brown and Lisa Wellman.

The President appointed a special committee to escort the Statewide-elected officials to the House Chamber: Representatives Mia Gregerson and Larry Hoff, and Senators Annette Cleveland and Brad Hawkins.

The President appointed a special committee to advise His Excellency, Governor Jay Inslee, that the joint session had assembled and to escort him to the House Chamber: Representatives Sherry Appleton and Gina Mosbrucker, and Senators Bob Hasegawa and Maureen Walsh.

The Supreme Court Justices arrived, were escorted to the floor of the House Chamber and were introduced: Chief Justice Debra Stephens, Associate Chief Justice Charles

Johnson, Justice Barbara Madsen, Justice Susan Owens, Justice Charlie Wiggins, Justice Steven Gonzalez, Justice Sheryl Gordon McCloud, Justice Mary Yu & Justice Raquel Montoya-Lewis.

The Statewide-elected officials arrived, were escorted to the floor of the House and were introduced: Secretary of State Kim Wyman, State Treasurer Duane Davidson, State Auditor Pat McCarthy, Attorney General Bob Ferguson, Superintendent of Public Instruction Chris Reykdal, Commissioner of Public Lands Hilary Franz, and Insurance Commissioner Mike Kreidler.

The President introduced the officers and members of the Consular Association of Washington.

His Excellency Governor Jay Inslee arrived, was escorted to the Rostrum and was introduced.

The flags were escorted to the rostrum by the Washington State Patrol Honor Guard. The National Anthem was performed by students from the Band and Choir Homeschool Musicians of Olympia and the Lewis County Homeschool Band and Music Program, under the direction of Mrs. Ginger Christensen Gerchak and Mrs. Julie Gullett. The President led the Chamber in the Pledge of Allegiance. Prayer was offered by Imam Adam Jamal of the Muslim Association of Puget Sound.

Imam Jamal: "Thank you for giving me, my family who I have brought with me today, the Muslim Association of Puget Sound, and the Muslim community the honor of giving this invocation on this special day. The Koran says in Chapter 49 verse 13, that humanity was created from a single pair of male and female and made in different nations and tribes so that we may learn from one another. This is a recognition of our shared humanity and the value of our diversity. May we continue to celebrate our diversity, stay true to the principles of religious and personal freedom, and preserve these principles for our children and for generations to come. I begin with the name of God the Most Merciful the Most Compassionate, who we call upon by many great names. Dear God we thank you, praise you and sanctify Your name for all that we have; for all our blessings; the roofs over our heads, food in our bellies, and water to quench our thirst. Dear God we pray for peace and not war, righteousness and not irreverence, justice and not tyranny, love and not hatred. We pray for compassion and not cruelty. We pray for faithfulness and not hopelessness. We pray for trust and not mistrust. We pray for good deeds that match what we teach and we seek your protection from speech that undermines our common humanity. We seek your guidance in our pursuit of justice and compassion. We seek your help to be good stewards of our great state of Washington; the state which you have entrusted us with, the earth which you have blessed us with. Let us be kind and gentle to every living being and protect those who are most vulnerable in our society; let us serve them in the most beneficial of ways. Help us, Dear God, to be the change that we wish to see. Grant us the serenity to accept the things which we cannot change, the courage to change the things that we can, and the wisdom to know the difference. Dear

God, show us the truth as the truth and help us to act on it and defend it. Show us falsehood as false and help us to avoid it and protect ourselves against it. Protect our state's leaders as they begin this new year. Guide them to do what's good and beneficial for our state and all the people in it and give them the courage, the conviction and creativity to overcome the challenges ahead with the best ideas words and actions. Amen."

The President introduced Governor Jay Inslee.

### STATE OF THE STATE

Governor Inslee: "Thank you, Imam Adam Jamal, for your moving invocation. Thank you, BACH Home School Choir, for the lovely rendition of the national anthem. This choir was unable to perform as scheduled in the Capitol during December and we're happy we can welcome them back for that missed opportunity. I extend a warm welcome to former Governor and Ambassador Gary Locke and thank him for his distinguished service at the state and federal levels. I also welcome Sweden's Ambassador to the United States Karin Olofsdotter, who is visiting Washington to promote economic development and trade. I'm honored to be the first Washington governor to say Madam Speaker, Mr. President, Madam Chief Justice, distinguished justices of the court, members of the Legislature, tribal leaders, state and local government officials, members of the Consular Corps, and most importantly, my fellow Washingtonians. One of the best things about being the governor is shining the light on how great Washington is. I love that part of my job. I'm inspired by many Washington stories. I'm inspired by Fife High School senior Brynna Nixon, who is here today. She's the first female quarterback in our state's history to throw a touchdown pass for a high school football team. I'm inspired by the development of Washington's newest apple, the Cosmic Crisp. Several people from Washington State University are here, including Kate Evans, who heads WSU's apple breeding program, and Agriculture School Dean André Wright. These Washington apples adorn your desks. There are so many great things going on in our universities. I'm inspired by the University of Washington team who developed an app to monitor a person's breathing rate and detect an opioid overdose. Both the Cougars and Huskies show how broad the innovative culture is in our state. It is inspiring to see Justice Raquel Montoya-Lewis here, the first Native American to join our State Supreme Court. I'm constantly inspired by the work of our public employees. Right now, as we are among friends in the warmth of the Capitol, our State Patrol and Department of Transportation employees are working around the clock to make sure that people are safe on our icy roads. They have our gratitude and well wishes for working safely. Washington has felt deep losses this past year. Courageous first responders gave their lives for us, as they do too often. We lost: Okanogan County Fire District 3's Assistant Fire Chief Christian Johnson; Kittitas County Sheriff's Deputy Ryan Thompson; Cowlitz County Sheriff's Deputy Justin DeRosier; Lynden Interim Police Chief Michael Knapp; Pierce County Deputy Cooper Dyson; East Olympia Volunteer Fire Captain John Ostergard; and a member of our military family on duty, Sergeant First Class Dustin B.

Ard. On behalf of all Washingtonians, I express our respect and condolences to their families. Last year we also lost Bill Ruckelshaus, a true statesman in both Washingtons who left us an unmatched environmental legacy. We are missing a face in the House chambers today. We lost Jim Richards, the communications director for the House majority. Jim's life was dedicated to public service and helping others. Those who put service above self should inspire us all, including the new legislators in your ranks: Senator Ron Muzzall and Representatives Davina Duerr, Alex Ramel and Jesse Johnson. And congratulations to Derek Stanford for moving to the Senate and to Senator Liz Lovelett on her election. I thank them for stepping up to improve the lives of all Washingtonians. Because fundamentally that's why we're here.

One of our deepest Washington values is summoning the courage to explore and embrace big ideas, ideas that change our lives. The people who power our state's successes share a common element: a stalwart and unbending commitment to be better, to get the job done and never resign to those timid souls who think the status quo is good enough. Our embrace of new ideas speaks to who we are as a people. And, as we start a new decade, we should reflect on how we've achieved that. We were willing to imagine where we could go if we accepted challenges that at first felt impossible. We can do this because we recognize we belong to one community.

We forge profound forces for good when we unite — not divide — around our best ideas. Last year, I stood here and challenged us to rise up and write one of the worthiest chapters of our time, one that future generations will thank us for. And I'm incredibly proud and grateful for your leadership. Your accomplishments speak to a remarkably productive and positive session before us. Look at what we've done. Together, we've created a Washington where we can rely on paid family and medical leave so you can be there to care for a spouse during their weekly cancer treatments; a Washington where your 18-year-old daughter graduates from high school as a registered apprentice in aerospace, with full-time employment already lined up; a Washington where we passed the best 100 percent clean energy and energy efficiency measures in the United States; a Washington where people will be able to afford the long-term care they need as they age; and a Washington where we can rightfully boast of the single best college financial aid program in the nation, which means more students qualify for free tuition than ever before. Now this isn't just me talking. The world has noticed. Because of all the things we've done together, U.S. News & World Report named Washington the best state in the country. Washington state indeed embodies the best of America. We've been honored to be both the best place to do business and the best place to be an employee. That combination is a rare and powerful testament to our state. And it says a lot about how we face challenges. I want to tell you a story about how we all achieved one of our greatest successes and how that charts a course as we look to tackle another big challenge. That success story is about Washington's nation-leading, innovative, inclusive and life-changing Career Connect Learning initiative. We have known for a long time that we have some high school students who don't see themselves attending college. We have college students unsure about

what their post-degree future looks like. And we have midcareer workers who need new skills and training to keep the jobs of today and be ready for the jobs of tomorrow. But a number of our educational and training programs across the state weren't integrated, making it hard for people to get the skills they need. So we've built an entire system around helping people find multiple paths to meaningful careers. For some, it's apprenticeships. For others, it's traditional higher education. We are also working to boost training for mid-career workers. Career Connect recognizes every student for who they want to be in any workplace. This involves business, labor, community colleges, universities, K-12, philanthropy, and local and state governments. It took each and every partnership to build a system of registered apprenticeships, job certifications and classroom education. It's so gratifying to hear about people living their dreams because of what we're doing. Ironworkers Local 86 is one of the many apprenticeship programs that expanded pathways to entry and attracted more students — and more diverse students — through Career Connect. One of these students is apprentice Robert Arce, who moved to Washington to make a better life for himself and his fiancée, leaving a gang environment behind. He was homeless for a time — at least six months — sleeping in his car. Robert received boots, tools, hands-on knowledge and experience that set him up for success. This experience, he said, has been everything to him and his family. Before the program, he had never used a drill or a hammer. Today, he's two years into a four-year apprenticeship in Tukwila and looks forward to a better future for himself and his growing family. Thank you, Robert, for being here and sharing your story. Another story comes out of Spokane. Olivia Perkins joined the Production and Manufacturing Academy to get exposure to hands-on welding. She wanted to create and sell her own metal artwork. Greater Spokane Incorporated paired with the academy to make this career-connected opportunity a reality. Olivia took an hour-and-a-half bus ride — each way — and then walked a mile and a half — each way — just to attend class. Because of her efforts, she received a full scholarship to Spokane Community College and will become a professional welder because of her academy experience. Congratulations to Olivia, who is also here with us today. Stories like these show how targeted career launch programs provide opportunity to diverse populations who may not have had a chance before. We are growing registered apprenticeships in new sectors, too. The multiemployer, multi-union health care apprenticeship sponsored by the SEIU 1199 Training Trust, built in partnership with Kaiser Permanente, is one such success. I stood at Kaiser Permanente in a room of business and labor leaders and heard how they worked together to make that happen, and how they are committed to keep working together to make sure it is a success. We are already helping thousands of people across the state. Our goal is nothing short of meaningful career training for anyone who wants it. We want to be able to welcome all people to the prosperity of Washington. We can serve a 19-year-old who wants to learn a technical trade and a 42-year-old midcareer worker who needs the latest skills. We've made it affordable, too, and expect to serve more than 100,000 students this coming school year with help from the Washington College Grant. You can see how groups such as business and labor,

government and philanthropy were important to this success. This is what it's going to take to meet our next big challenge — combating homelessness.

Homelessness reaches all ages, all races, all backgrounds. And we know there is no one cause. This doesn't impact just people experiencing a mental health challenge or a chemical dependency problem. Thousands of people know that Washington is the best place to live and work in the United States. So they came here. That's a good thing. And while we're pleased with our economic growth, we also have people who faced economic problems that put affording a place of their own out of reach — in part because more people are coming to the state than we have housing for. It's not just people living in tents, under freeways, in wet cardboard boxes. We have families living in cars. Veterans who need help staying in their apartment. Single parents facing financial struggles. High school students sleeping on other people's couches when they can find one. Too many people are one financial crisis away from being homeless. Each year in the past decade, we've done more to address homelessness and housing affordability. We've doubled our investment in homelessness response after the recession. I thank you for your leadership on that. We've combated several causes of homelessness, like opioid addiction and mental illness. We've laid a strong foundation. But I've seen this growing crisis firsthand. I've seen how it affects Centralia, Bellingham, Spokane, Tacoma and Bremerton. We have an obligation to help solve the problem. Our compassion will not allow us to look the other way. To be successful, our response level must match the scope of this crisis. Homelessness is a statewide problem and it needs a statewide response. Responding to homelessness can't mean moving people down the road, to someone else's city or to the next bridge. It's about giving them the tools and resources they need to get back on their feet. It's about prevention, it's about rent assistance and it's about supportive housing for our most vulnerable individuals. I've met so many people who, once they've been given the opportunities to improve their lives, have done it and have established a whole new life. I think of Jayson Chambers, who I met a few months ago. Jayson is a former resident of Tacoma's Stability Site, where one big tent shelters smaller, individual tents in the Dome District. This temporary sheltering approach serves as a transitional step from experiencing homelessness to getting into a more permanent housing solution. Jayson was one of the first folks there when it opened. He told me something pretty profound: the Stability Site helped save his life. The resources there helped him work through a chemical dependency problem and get an apartment. When I met him, he was checking in on other residents at the site and is using his experience to help others. I thank Jayson for being here today. Now I know our patience and compassion for this topic can become strained. But we cannot grow cynical or discouraged. The immediate need for many on the streets is a safe place to lay their head while they work to improve their lives. Our goal is to reduce by half the number of people living outdoors in the next two years. This should not come at the expense of building more affordable housing. Some of you may have a different goal on this. And some may want to fund it a different way. I look forward to talking with you about that. But I can't imagine there is anyone here today who doesn't believe we need to

act — and act now — to help the most vulnerable in Washington. I will gauge our success not on where the money comes from, but how many people we can move to safe housing. We know we need to create navigation centers, temporary shelters and necessary support services to successfully move thousands of people out of dangerous, unhealthy campsites. We can house homeless youth through programs like Anchor Community Initiative, envisioned by homeless youth advocate Jim Theofelis. I thank Trudi for her work on this with Jim and for all she does for Washingtonians. And while we implement this new sheltering plan, we will insist on tracking progress with strong accountability and transparency measures to know we're delivering results. We're going to make sure this works. My plan will require financial participation from cities and counties but gives them flexibility to create local solutions to boost shelter capacity. We can help these individuals if we provide a more stable path to housing. I know this is a big challenge. But we don't shy away from those. Let's bring Washingtonians in from the cold.

There's another big step we can take this year: establishing a clean fuel standard. We know the science — and our love for our state — require us to do more to fight climate change. We've done much. You can rightfully be proud for passing some of the best clean energy laws in the United States. But for those who doubt that we need to do more, look at Australia today. That is all of our futures — not just Australia's. I was moved by a recent story and photograph of a small child who received Australia's highest honor on behalf of his father who died battling these devastating fires. Something spoke to the grandfather in me about this boy who represents why we're here today and what we need to do. We don't want such a devastating personal loss to become more common as the ravages of climate change rise each year. The science has shown we have to act more quickly and with greater commitment. That's why we need to fight for all our children's future. This will take many tools and hard efforts. Because, unless we act, here's the truth we have to face: Even with the tremendous work we've done together, we will still fall 30 percent short of our 2035 statutory requirement if we don't continue our clean transportation efforts. While we've made progress, we still haven't addressed the nearly half of our emissions that comes from the transportation sector. This is a huge hole in our efforts. There is an extremely effective tool available to us to reduce transportation emissions, and that's the clean fuel standard. We need what the rest of the West Coast has already built: a clean fuel standard that calls upon the oil and gas industry to give Washington consumers cleaner fuels. That standard has been in place for years in every other state and province on the West Coast, with little impact on fuel costs and significant impact on carbon emissions. Now, there's good news here. We already have a lot of the cleanest transportation fuel you can find. We have some of the cleanest electricity in the country from our renewable energy, including hydropower and wind, which is fueling our electric transportation. We are also creating clean biofuels. Klickitat County PUD implemented an advanced cryogenic nitrogen removal system that allows it to scrub methane from the landfill in Roosevelt. Methane that otherwise pollutes the planet is then put into a pipeline and shipped to California where it replaces dirty and dangerous

diesel in trucks. This Eastern Washington enterprise created jobs in a small town using the best of innovative Washington thinking. That's from one small PUD. Think about what the impact could be across our entire state. Right now, the clean fuel generated in Roosevelt doesn't stay in Washington. It goes to California instead of to our drivers because California has a clean fuel standard. We need to tackle this challenge with the same gusto and belief in inevitable success that have powered our previous triumphs. It can be done. Let's do right by those who have the honor to call themselves Washingtonians in the coming decades. We know this: Washington state is not a state of climate denial. It is a state of climate science acceptance. For those who say we shouldn't take action, I say climate inaction is just as deadly as climate denial. It is time to pass a Washington law, for Washington jobs, Washington drivers and Washington children — and bring this success home.

These aren't our only tasks this year. We also need to make sure more children get early learning opportunities; address diversity and equity, especially in the workplace; pass common-sense gun safety measures; continue to make investments in K-12, including special education; protect our kids from tobacco and vaping, and; help foster care children earlier and more frequently and provide them with more beds. And we need to accelerate our efforts to recover salmon and save the Southern Resident orca. We stand together with tribal governments who inspire us with their stewardship.

The good news is we can do this. We can because we are the state that embraces the biggest ideas and tries new things. Our ambitions can sound daunting. But we know the path to get there. We've made something that is indisputable. We've made something that's inspiring. We've created a spark that ignites our innovation, our collaboration, our communities, our partnerships and the big ideas we fit into this state. We experience the best of Washington when we come together. And one of our own soccer players knows this well. She stands for strength, spirit and the best of who we are — of course I'm talking about Megan Rapinoe. I was inspired by what she said in her speech at the World Cup victory parade. She said, "This is my charge to everyone here ... Every single person who agrees and doesn't agree ... It's our responsibility to make this world a better place." I couldn't say it any better. Let's get to work. Thank you."

The President thanked the Governor for his remarks and asked the special committee to escort Governor Inslee from the House Chamber.

The President thanked the consuls.

The President asked the special committee to escort the Statewide-elected officials from the House Chamber.

The President asked the special committee to escort the Supreme Court Justices from the House Chamber.

On motion of Representative Sullivan, the Joint Session was dissolved. The Speaker assumed the chair.

The Sergeant at Arms of the House and the Sergeant at Arms of the Senate escorted President of the Senate,

Lieutenant Governor Cyrus Habib, Senator Karen Keiser, Senator Randi Becker and Senator Rebecca Saldana and members of the Washington State Senate from the House Chamber.

There being no objection, the House adjourned until 10:00 a.m., January 10, 2018, the 3rd Day of the Regular Session.

FRANK CHOPP, Speaker

BERNARD DEAN, Chief Clerk

## SIXTY SIXTH LEGISLATURE - REGULAR SESSION

## THIRD DAY

House Chamber, Olympia, Wednesday, January 15, 2020

The House was called to order at 10:00 a.m. by the Speaker (Representative Orwall presiding). The Clerk called the roll and a quorum was present.

The flags were escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Lalit Bhimanadam and Syirria Christensen. The Speaker (Representative Orwall presiding) led the Chamber in the Pledge of Allegiance. The prayer was offered by Reverend Tammy Stampfli, The United Churches of Olympia, Washington.

Reading of the Journal of the previous day was dispensed with and it was ordered to stand approved.

There being no objection, the House advanced to the third order of business.

## MESSAGE FROM THE SENATE

January 14, 2020

Mme. SPEAKER:

The President has signed:

HOUSE CONCURRENT RESOLUTION NO. 4402,  
HOUSE CONCURRENT RESOLUTION NO. 4403,

and the same are herewith transmitted.

Brad Hendrickson, Secretary

There being no objection, the House advanced to the fourth order of business.

## INTRODUCTION &amp; FIRST READING

HB 2474 by Representative Sells

AN ACT Relating to sales commissions; and amending RCW 49.48.150, 49.48.160, and 49.48.010.

Referred to Committee on Labor & Workplace Standards.

HB 2475 by Representatives Mead, DeBolt, Peterson, Doglio and Lekanoff

AN ACT Relating to the underground storage tank reinsurance program; amending RCW 70.148.005, 70.148.050, 70.148.020, and 70.148.090; and adding a new section to chapter 70.148 RCW.

Referred to Committee on Environment & Energy.

HB 2476 by Representatives Walen, Duerr, Kloba, Kilduff, Leavitt, Lekanoff, Orwall, Davis, Doglio, Frame, Macri, Goodman and Ormsby

AN ACT Relating to debt buyers; amending RCW 19.16.100, 19.16.260, 19.16.440, and 19.16.450; and creating a new section.

Referred to Committee on Civil Rights & Judiciary.

HB 2477 by Representatives Vick, Hoff, Volz and Kraft

AN ACT Relating to review standards for professional licensing regulation; and adding a new chapter to Title 18 RCW.

Referred to Committee on Consumer Protection & Business.

HB 2478 by Representative Vick

AN ACT Relating to authorizing sports wagering at tribal casinos, card rooms, and racetracks; amending RCW 9.46.0335, 9.46.070, 9.46.130, 9.46.153, 9.46.155, 9.46.190, 9.46.210, 9.46.220, 9.46.240, 67.04.010, 67.04.020, 67.04.030, 67.04.040, 67.04.050, 67.04.060, 67.04.070, and 67.04.080; adding a new section to chapter 82.04 RCW; adding a new section to chapter 67.04 RCW; adding a new chapter to Title 9 RCW; recodifying RCW 67.24.010; repealing RCW 67.24.020; and prescribing penalties.

Referred to Committee on Commerce & Gaming.

HB 2479 by Representatives Stokesbary, Eslick, Caldier, Irwin, Gildon, Barkis, Corry, Walsh, Hoff, Griffey, Kretz, Volz, Dufault, Jenkin, Vick, Rude, Shea and Ybarra

AN ACT Relating to reaffirming the prohibition of the imposition of a local income tax; adding a new section to chapter 84.52 RCW; creating a new section; and declaring an emergency.

Referred to Committee on Finance.

HB 2480 by Representatives Robinson, Rude, Leavitt, Valdez, Doglio, Pollet, Cody and Riccelli

AN ACT Relating to providing a sales and use tax exemption for diapers and diaper services; adding a



new section to chapter 82.08 RCW; adding a new section to chapter 82.12 RCW; and creating new sections.

Referred to Committee on Finance.

HB 2481 by Representatives Thai, Doglio and Ryu

AN ACT Relating to establishing exceptions to trailer license plate display requirements; and reenacting and amending RCW 46.16A.200.

Referred to Committee on Transportation.

HB 2482 by Representatives Macri, Goodman, Harris and Pollet

AN ACT Relating to spinal manipulation endorsement requirements for physical therapists; repealing 2014 c 116 s 2; repealing 2014 c 116 s 7 (uncodified); and providing an effective date.

Referred to Committee on Health Care & Wellness.

HB 2483 by Representatives Van Werven, Goodman and Ormsby

AN ACT Relating to vehicle impoundment and redemption following arrest for driving or being in physical control of a vehicle while under the influence of alcohol or drugs; amending RCW 46.55.113 and 46.55.360; creating a new section; and repealing RCW 46.55.350.

Referred to Committee on Public Safety.

HB 2484 by Representatives Van Werven, Springer and Cody

AN ACT Relating to sunshine committee recommendations regarding juveniles; amending RCW 7.69A.020, 7.69A.030, 10.97.130, 13.50.050, and 42.56.240; and reenacting and amending RCW 42.56.230.

Referred to Committee on State Government & Tribal Relations.

HB 2485 by Representatives Kloba, Slatter, Senn, Lekanoff, Thai, Callan, Valdez, Smith, Davis, Pollet, Hudgins and Ormsby

AN ACT Relating to collection, use, and disclosure of genetic data by direct-to-consumer genetic testing companies; adding a new chapter to Title 19 RCW; and prescribing penalties.

Referred to Committee on Innovation, Technology & Economic Development.

HB 2486 by Representatives Lekanoff, Fitzgibbon, Leavitt, Doglio, Ramel and Hudgins

AN ACT Relating to extending the electric marine battery incentive; amending RCW 82.08.996 and 82.12.996; amending 2019 c 287 s 20 (uncodified); providing an effective date; and providing expiration dates.

Referred to Committee on Finance.

HB 2487 by Representatives Smith, Paul, Leavitt and Ormsby

AN ACT Relating to veterans' scoring criteria status in examinations; and amending RCW 41.04.010.

Referred to Committee on State Government & Tribal Relations.

HB 2488 by Representatives Fitzgibbon and Cody

AN ACT Relating to park and recreation district levies; amending RCW 36.69.145, 84.52.010, and 84.52.043; and creating a new section.

Referred to Committee on Finance.

HB 2489 by Representatives Ryu, Walen, Dolan, Gildon, Duerr, Leavitt, Doglio, Tharinger, Lekanoff and Ormsby

AN ACT Relating to the authority of counties, cities, and towns to exceed statutory property tax limitations for the purpose of financing affordable housing for very low-income households and low-income households; amending RCW 84.52.105 and 84.52.043; amending 1993 c 337 s 1 (uncodified); and providing an effective date.

Referred to Committee on Finance.

HB 2490 by Representative Appleton

AN ACT Relating to expanding the property tax exemption for new and rehabilitated multiple-unit dwellings in urban centers; amending RCW 84.14.010; and creating a new section.

Referred to Committee on Finance.

HB 2491 by Representatives Ramos, Barkis, Leavitt, Valdez, Callan and Lekanoff

AN ACT Relating to authorizing the governor to enter into compacts with federally recognized Indian tribes principally located within Washington state for the issuance of tribal license plates and vehicle registration; and adding a new section to chapter 46.16A RCW.

Referred to Committee on Transportation.

HB 2492 by Representatives Peterson, MacEwen, Eslick and Volz

AN ACT Relating to increasing the dollar limit of pull-tabs; and amending RCW 9.46.110.

Referred to Committee on Commerce & Gaming.

HB 2493 by Representatives Kirby, Vick and Walen

AN ACT Relating to captive insurers; amending RCW 48.14.020, 48.14.095, 48.15.160, and 82.04.320; adding a new chapter to Title 48 RCW; creating a new section; and declaring an emergency.

Referred to Committee on Consumer Protection & Business.

HB 2494 by Representatives Stonier, Vick, Wylie, Boehnke, Riccelli, Van Werven and Chapman

AN ACT Relating to sales and use tax for public facilities in rural or border counties; amending RCW 82.14.370; and providing an effective date.

Referred to Committee on Finance.

HB 2495 by Representatives Shewmake, Peterson, Doglio, Goodman and Lekanoff

AN ACT Relating to the use of electricity from energy recovery facilities using municipal solid waste under the Washington clean energy transformation act; amending RCW 19.405.040 and 19.405.050; and creating a new section.

Referred to Committee on Environment & Energy.

HB 2496 by Representatives Mead, Fitzgibbon, Peterson, Lekanoff, Shewmake, Doglio, Fey, Gregerson, Slatter, Walen, Thai, Kloba, Robinson, Senn, Davis, Ramel, Tharinger, Pollet and Goodman

AN ACT Relating to providing for responsible environmental management of batteries; amending RCW 70.375.130 and 43.21B.300; reenacting and amending RCW 42.56.270, 43.21B.110, and 43.21B.110; adding a new chapter to Title 70 RCW; prescribing penalties; providing an effective date; and providing an expiration date.

Referred to Committee on Environment & Energy.

HB 2497 by Representatives Ormsby, Leavitt, Doglio, Ramel, Tharinger, Goodman, Riccelli and Santos

AN ACT Relating to adding development of permanently affordable housing to the allowable uses of community revitalization financing, the local infrastructure financing tool, and local revitalization financing; and amending RCW 39.89.020, 39.102.020, and 39.104.020.

Referred to Committee on Finance.

HB 2498 by Representatives Corry, Blake, Walsh, Mosbrucker, Chandler, Hoff, Dye, Graham, Davis, Dent, Dufault, Van Werven, Maycumber, Rude, Ybarra, Lekanoff, Eslick and Leavitt

AN ACT Relating to providing compensation to department of natural resources lessees whose leases are terminated for reasons other than default; and amending RCW 79.13.420.

Referred to Committee on Rural Development, Agriculture, & Natural Resources.

HB 2499 by Representatives Appleton, Klippert and Goodman

AN ACT Relating to the certification of corrections officers; amending RCW 43.101.085, 43.101.010, 43.101.380, 43.101.400, 43.101.080, and 43.101.220; adding new sections to chapter 43.101 RCW; and providing an effective date.

Referred to Committee on Public Safety.

HB 2500 by Representatives Ryu, Leavitt, J. Johnson, Tharinger, Pollet and Santos

AN ACT Relating to administration of the senior property tax exemption program; and amending RCW 84.36.387 and 84.36.385.

Referred to Committee on Finance.

HB 2501 by Representatives Eslick, Blake, Barkis, Ybarra and Shea

AN ACT Relating to allowable uses for the multiuse roadway safety account; and amending RCW 46.09.540.

Referred to Committee on Transportation.

HB 2502 by Representative Pettigrew

AN ACT Relating to low-proof alcoholic beverages; reenacting and amending RCW 66.04.010; and adding a new section to chapter 66.28 RCW.

Referred to Committee on Commerce & Gaming.

HB 2503 by Representatives Barkis, Blake, Walsh, Young and Dufault

AN ACT Relating to the removal of fish passage barriers; amending RCW 77.95.160; reenacting and amending RCW 43.84.092; adding a new section to chapter 47.04 RCW; adding a new section to chapter 46.68 RCW; and creating a new section.

Referred to Committee on Transportation.

HB 2504 by Representatives Walsh and Blake

AN ACT Relating to creating the southwest Washington salmon restoration act; adding a new section to chapter 77.95 RCW; and creating a new section.

Referred to Committee on Rural Development, Agriculture, & Natural Resources.

HB 2505 by Representatives Robinson, Boehnke, Chapman, Leavitt, Orcutt, Doglio and Tharinger

AN ACT Relating to extending the business and occupation tax exemption for amounts received as credits against contracts with or funds provided by the Bonneville power administration and used for low-income ratepayer assistance and weatherization; amending RCW 82.04.310; creating a new section; and providing an effective date.

Referred to Committee on Finance.

HB 2506 by Representatives Walsh, Blake and Graham

AN ACT Relating to increasing transparency in the marbled murrelet advisory committee process by requiring advance public notice of all committee meetings; amending RCW 43.30.583; amending 2018 c 255 s 4 (uncodified); and providing a contingent expiration date.

Referred to Committee on Rural Development, Agriculture, & Natural Resources.

HB 2507 by Representatives Irwin, Barkis, Chambers, Fitzgibbon, Walsh, MacEwen, Griffey, Leavitt, Gildon and Graham

AN ACT Relating to addressing illicit discharges of wastewater pollution; amending RCW 90.48.144, 36.89.080, 35.67.020, and 90.48.120; adding new sections to chapter 90.48 RCW; creating new sections; and prescribing penalties.

Referred to Committee on Environment & Energy.

HB 2508 by Representatives Wylie and Vick

AN ACT Relating to simplifying the process for donating low-value surplus property owned by a city-owned utility; and amending RCW 35.94.040.

Referred to Committee on Local Government.

HB 2509 by Representatives Callan, Ybarra, Pettigrew, Corry, Davis and Hudgins

AN ACT Relating to creating a computer science grant program; adding a new section to chapter 28A.300 RCW; creating a new section; making an appropriation; and providing an expiration date.

Referred to Committee on Education.

HB 2510 by Representatives Kirby, MacEwen and Graham

AN ACT Relating to requiring the liquor and cannabis board to provide written interpretations of liquor statutes and rules; adding a new section to chapter 66.08 RCW; and creating a new section.

Referred to Committee on Commerce & Gaming.

HB 2511 by Representatives Stonier, Sells, Gregerson, Ormsby, Chapman, Valdez, Chopp, Bergquist, Davis, Doglio, Frame, Ramel, Pollet, Macri, Goodman, Riccelli and Robinson

AN ACT Relating to providing labor protections for domestic workers; amending RCW 49.46.010 and 49.60.040; adding a new chapter to Title 49 RCW; prescribing penalties; and providing effective dates.

Referred to Committee on Labor & Workplace Standards.

HB 2512 by Representatives Orwall, Stokesbary, Pollet, Ryu, Valdez, Volz, Leavitt, Gildon, Graham, Doglio and Dufault

AN ACT Relating to interest and penalty relief for qualified mobile home and manufactured home owners; and amending RCW 84.56.070.

Referred to Committee on Civil Rights & Judiciary.

HB 2513 by Representatives Slatter, Leavitt, Ortiz-Self, Valdez, Bergquist, Davis, J. Johnson, Pollet, Goodman, Lekanoff, Ormsby and Riccelli

AN ACT Relating to prohibiting the practice of transcript withholding and limiting the practice of registration holds at institutions of higher education as debt collection practices; and amending RCW 28B.10.293.

Referred to Committee on College & Workforce Development.

HB 2514 by Representatives Leavitt, Rude, Slatter, Ortiz-Self, Kilduff, Valdez and Goodman

AN ACT Relating to creating the Washington common application; adding a new section to chapter 28B.77 RCW; and adding a new section to chapter 28B.15 RCW.

Referred to Committee on College & Workforce Development.

**HB 2515** by Representatives Macri, Doglio, Fitzgibbon, Gregerson, Ramel, Senn, Tarleton, Peterson, Pollet and Hudgins

AN ACT Relating to the electrification of transportation; adding new sections to chapter 47.01 RCW; adding a new section to chapter 46.01 RCW; and creating a new section.

Referred to Committee on Transportation.

**HB 2516** by Representatives Duerr, Kirby, Ryu, Kilduff, Springer, Tarleton, Valdez, Tharinger and Ormsby

AN ACT Relating to creating the secure choice retirement savings program; amending RCW 43.330.732, 43.330.735, and 30B.04.040; reenacting and amending RCW 43.79A.040; adding new sections to chapter 43.330 RCW; creating new sections; decodifying RCW 43.330.730; and prescribing penalties.

Referred to Committee on Consumer Protection & Business.

**HB 2517** by Representatives Leavitt and Gildon

AN ACT Relating to the Washington customized employment training program; and amending RCW 82.04.449.

Referred to Committee on Finance.

**HB 2518** by Representatives Shewmake, Ybarra, Boehnke, Tarleton, Mead, Fitzgibbon, Lekanoff, Ramel, Callan, Peterson, Slatter, Davis, Doglio, Pollet and Cody

AN ACT Relating to the safe and efficient transmission and distribution of natural gas; amending RCW 70.235.020; adding a new section to chapter 80.28 RCW; adding a new section to chapter 81.88 RCW; and creating a new section.

Referred to Committee on Environment & Energy.

**HB 2519** by Representatives Walen, Valdez, Orwall, Kilduff, Thai, Chapman, Peterson, Davis, Doglio, Ramel, Tharinger, Pollet, Cody, Ormsby and Robinson

AN ACT Relating to reasonable public safety measures to prevent dangerous individuals from acquiring ammunition; amending RCW 9.41.080 and 9.41.110; reenacting and amending RCW 9.41.010; adding new sections to chapter 9.41 RCW; creating a new section; prescribing penalties; and providing an effective date.

Referred to Committee on Civil Rights & Judiciary.

**HB 2520** by Representatives Thai, Macri, Doglio, Morgan, Entenman, Kilduff, Pollet, Ryu and Robinson

AN ACT Relating to documentation and processes governing landlords' claims for damage to residential premises; amending RCW 59.18.260, 59.18.280, 59.18.060, and 59.18.130; reenacting and amending RCW 59.18.030; adding a new section to chapter 59.18 RCW; and adding a new section to chapter 43.31 RCW.

Referred to Committee on Civil Rights & Judiciary.

**HB 2521** by Representatives Thai, Ortiz-Self, Ryu, Lekanoff, Senn, Kilduff, Walen, Gregerson, Davis, Slatter, Frame, Kloba, Macri, Doglio and Riccelli

AN ACT Relating to adding individual tax identification number filers to the working families tax credit; amending RCW 82.08.0206; creating a new section; and providing an effective date.

Referred to Committee on Finance.

**HB 2522** by Representatives Ormsby, Ryu, Doglio, Frame and Pollet

AN ACT Relating to making expenditures from the budget stabilization account to alleviate the issue of homelessness; creating a new section; making appropriations; and declaring an emergency.

Referred to Committee on Appropriations.

**HB 2523** by Representatives Ortiz-Self, Slatter, Leavitt, Valdez, Pollet and Bergquist

AN ACT Relating to expanding access to higher education; adding new sections to chapter 28B.77 RCW; adding a new section to chapter 28A.230 RCW; adding a new section to chapter 28A.300 RCW; and creating a new section.

Referred to Committee on College & Workforce Development.

**HB 2524** by Representatives Chandler, Blake and Dent

AN ACT Relating to expanding the scope of agricultural products subject to requirements in chapter 15.83 RCW related to negotiation concerning production or marketing; and amending RCW 15.83.010 and 15.83.030.

Referred to Committee on Rural Development, Agriculture, & Natural Resources.

**HB 2525** by Representatives Callan, Corry, Eslick, Springer, Orwall, Ortiz-Self, Shewmake, Goodman, Senn, Caldier, Dent, Leavitt, Davis, Doglio, J. Johnson and Pollet

AN ACT Relating to establishing the family connections program; amending RCW 2.70.060,

2.70.070, 2.70.080, 2.70.090, and 74.13.802; adding a new section to chapter 74.13 RCW; creating a new section; and providing an expiration date.

Referred to Committee on Human Services & Early Learning.

HB 2526 by Representatives Volz, Riccelli, Graham, Ormsby, Vick, Hoff, Barkis, Caldier, Shewmake, Griffey, Jenkin, Leavitt, Dolan, Paul, Valdez, Ybarra, Chambers, Doglio, Dufault and Lekanoff

AN ACT Relating to protecting taxpayers from home foreclosure; and amending RCW 84.56.020.

Referred to Committee on Local Government.

HB 2527 by Representatives Ramos, Kilduff, Gregerson, Valdez, Slatter, Ortiz-Self, Tarleton, Davis, Doglio, Callan, Ramel, Pollet, Hudgins, Ormsby and Santos

AN ACT Relating to protecting the rights of Washingtonians during the United States census; adding a new section to chapter 43.62 RCW; adding a new section to chapter 9A.60 RCW; prescribing penalties; and declaring an emergency.

Referred to Committee on State Government & Tribal Relations.

HB 2528 by Representatives Ramos, DeBolt, Chapman, Boehnke, Blake, Fitzgibbon, Tharinger and Santos

AN ACT Relating to recognizing the contributions of the state's forest products sector as part of the state's global climate response; amending RCW 70.235.005 and 43.330.060; adding a new section to chapter 70.235 RCW; adding a new section to chapter 89.08 RCW; and creating a new section.

Referred to Committee on Rural Development, Agriculture, & Natural Resources.

HB 2529 by Representatives Gregerson, Entenman, Fey, Wylie, Mead, Peterson, Thai, Ramos, Hudgins, Tarleton and Frame

AN ACT Relating to odd-numbered year elections; amending RCW 29A.04.321, 29A.04.330, 29A.04.420, 29A.92.110, 36.105.090, 35.17.020, 35.18.270, 35.23.051, 35.27.090, 35.30.080, 35.61.050, 35A.02.050, 36.32.030, 36.32.054, 36.69.070, 36.105.050, 36.105.060, 36.69.090, 36.93.051, 36.93.061, and 36.93.063; reenacting and amending RCW 29A.92.050; creating a new section; and providing an effective date.

Referred to Committee on State Government & Tribal Relations.

HB 2530 by Representatives Gregerson, Thai, Hudgins, Peterson and Tarleton

AN ACT Relating to making necessary changes to move the primary election date to May; amending RCW 29A.04.311, 29A.04.321, 29A.04.330, 29A.24.050, 42.52.180, 42.52.185, and 29A.60.190; reenacting and amending RCW 42.17A.560; and providing an effective date.

Referred to Committee on State Government & Tribal Relations.

HB 2531 by Representatives Caldier, Leavitt, Harris, Cody and Davis

AN ACT Relating to protecting patients from certain unsafe dental practices; and adding a new section to chapter 18.32 RCW.

Referred to Committee on Health Care & Wellness.

HB 2532 by Representatives Sullivan, Doglio, Goodman and Ormsby

AN ACT Relating to ensuring funding for the workforce education investment act so that students can achieve their dreams of continuing education through modification of the workforce education investment surcharge; amending RCW 28C.18.200, 43.79.195, 82.04.290, and 82.04.299; creating new sections; and declaring an emergency.

Referred to Committee on Finance.

HB 2533 by Representatives Fitzgibbon and Leavitt

AN ACT Relating to disability benefits in the public safety employees' retirement system; and amending RCW 41.37.230.

Referred to Committee on Appropriations.

HB 2534 by Representatives Dufault, Vick, Santos, Hoff, Walen, Ybarra, Barkis, Corry, Paul, Duerr, Caldier, Gildon, Volz, Ormsby and Van Werven

AN ACT Relating to provisional professional licenses for service members and military spouses; adding a new section to chapter 43.24 RCW; and creating a new section.

Referred to Committee on Housing, Community Development & Veterans.

HB 2535 by Representatives Kirby, Pollet, Ormsby and Santos

AN ACT Relating to providing for a grace period before late fees may be imposed for past due rent; and amending RCW 59.18.170 and 59.18.230.

Referred to Committee on Civil Rights & Judiciary.

HB 2536 by Representatives Maycumber, Chapman, Blake, Walsh, Dent, Van Werven, Graham, Goehner, Mosbrucker, Dufault and Tharinger

AN ACT Relating to updating rural character under the growth management act; and reenacting and amending RCW 36.70A.030 and 36.70A.070.

Referred to Committee on Environment & Energy.

HB 2537 by Representatives Maycumber, Klippert, Chambers, Dent, Griffey, Barkis, Graham, Walsh, Mosbrucker, Blake and Volz

AN ACT Relating to establishing the law enforcement training standards and education board for the purpose of improving the basic law enforcement education academy and other programs and curriculum hosted or designed by the criminal justice training commission; amending RCW 43.101.080; and adding new sections to chapter 43.101 RCW.

Referred to Committee on Public Safety.

HB 2538 by Representatives Maycumber, Lovick, Klippert, Chapman, Chambers, Lekanoff, Corry, Mosbrucker, Riccelli, Dent, Griffey, Barkis, Graham, Goehner, Rude, Blake, Leavitt, Valdez, Volz and Ormsby

AN ACT Relating to a pilot project for providing basic law enforcement training in eastern Washington; adding a new section to chapter 43.101 RCW; creating a new section; and providing an expiration date.

Referred to Committee on Appropriations.

HB 2539 by Representatives Maycumber, Lovick, Klippert, Chapman, Lekanoff, Corry, Stonier, Irwin, MacEwen, Frame, Walsh, Harris, Dent, Griffey, Barkis, Graham, Goehner, Chambers, Mosbrucker, Riccelli, Blake, Leavitt, Valdez and Volz

AN ACT Relating to establishing a law enforcement professional development outreach grant program; creating new sections; and providing an expiration date.

Referred to Committee on Appropriations.

HB 2540 by Representatives Maycumber, Lekanoff, Chapman, Senn, Rude, Mead, Walen, Duerr, Chambers, Riccelli, Harris, Van Werven, Stonier, Kloba, Leavitt, Davis, Doglio, Dufault, Pollet and Macri

AN ACT Relating to clarifying when campaign funds may be used for child care expenses; and amending RCW 42.17A.445.

Referred to Committee on State Government & Tribal Relations.

HB 2541 by Representatives Maycumber, Chapman, Blake, Harris, Kloba, Chambers, Stonier, Dent, Griffey, Barkis, Van Werven, Graham, Walsh, Goehner, Rude, Kretz, Tharinger and Lekanoff

AN ACT Relating to creating the Washington rural development act; adding a new section to chapter 48.14 RCW; adding a new section to chapter 82.04 RCW; adding a new chapter to Title 43 RCW; creating a new section; and providing expiration dates.

Referred to Committee on Rural Development, Agriculture, & Natural Resources.

HB 2542 by Representatives Paul, Dufault, Kilduff, Leavitt, Peterson, Graham, Smith, Volz, Ormsby and Shea

AN ACT Relating to tuition waivers for children of eligible veterans; and amending RCW 28B.15.621.

Referred to Committee on College & Workforce Development.

HB 2543 by Representatives Paul, Dufault, Kilduff, Leavitt, Peterson, Graham, Smith, Davis, Volz and Ormsby

AN ACT Relating to ensuring eligible veterans and their dependents qualify for in-state residency; and amending RCW 28B.15.012.

Referred to Committee on College & Workforce Development.

HB 2544 by Representatives Paul, Dufault, Leavitt, Graham, Smith, Volz and Ormsby

AN ACT Relating to the definition of veteran; and amending RCW 41.04.005.

Referred to Committee on Appropriations.

HB 2545 by Representatives Davis, Klippert, Goodman, Robinson, Macri, Griffey, Cody, Sutherland, Graham, Pellicciotti, Leavitt and Ormsby

AN ACT Relating to making jail records available to managed health care systems; and amending RCW 70.48.100.

Referred to Committee on Public Safety.

HB 2546 by Representatives Davis, Corry, Klippert, Dufault, Kilduff, Harris, Callan, Leavitt, Thai, Senn, Appleton, Orwall, Wylie, Dolan, Van Werven, Walen, Chambers, Graham, Ramos, Kloba, Pollet and Lekanoff

AN ACT Relating to the potency of marijuana products; amending RCW 69.50.375 and 69.50.325; reenacting and amending RCW 69.50.357 and 69.50.101; creating a new section.

Referred to Committee on Commerce & Gaming.

HB 2547 by Representative Appleton

AN ACT Relating to allowing qualifying incarcerated persons to apply for possible early release; amending RCW 9.94A.501, 9.94A.570, 9.94A.728, 9.95.422, 9.95.425, 9.95.430, 9.95.435, 9.95.440, 9.94A.533, 9.94A.6332, and 10.95.030; adding a new section to chapter 9.94A RCW; adding a new section to chapter 9.95 RCW; and creating new sections.

Referred to Committee on Public Safety.

HB 2548 by Representatives Lekanoff, Shewmake, Ramel, Leavitt, Davis, Pollet and Santos

AN ACT Relating to the tribally controlled colleges and universities in the state of Washington; and adding a new chapter to Title 28B RCW.

Referred to Committee on College & Workforce Development.

HB 2549 by Representatives Lekanoff, Doglio, Peterson, Pollet, Macri and Hudgins

AN ACT Relating to integrating salmon recovery efforts with growth management; amending RCW 36.70A.020, 36.70A.050, 36.70A.172, 36.70A.320, 36.70A.280, 36.70A.720, 36.70A.705, and 36.70A.480; reenacting and amending RCW 36.70A.030 and 36.70A.070; adding new sections to chapter 36.70A RCW; creating a new section; providing an effective date; and providing an expiration date.

Referred to Committee on Environment & Energy.

HB 2550 by Representatives Lekanoff, Fitzgibbon, Doglio, Peterson, Pollet and Macri

AN ACT Relating to establishing net ecological gain as a policy for application across identified land use, development, and environmental laws; amending RCW 90.74.020 and 90.74.040; reenacting and amending RCW 90.74.010; adding a new chapter to Title 70 RCW; and creating a new section.

Referred to Committee on Environment & Energy.

HB 2551 by Representatives Lekanoff, Ramel, Rude, Leavitt, Valdez, Davis, Doglio, Walen, Pollet, Macri, Ormsby and Santos

AN ACT Relating to permitting students to wear traditional tribal regalia and objects of cultural

significance at graduation ceremonies and related events; adding a new section to chapter 28A.600 RCW; adding a new section to chapter 28B.10 RCW; and creating new sections.

Referred to Committee on State Government & Tribal Relations.

HB 2552 by Representatives Lekanoff, DeBolt, Blake, Mead, Ramel, Shewmake, Ramos, Peterson, Thai, Fey, Tharinger, Fitzgibbon, Rude, Tarleton, Leavitt, Davis and Doglio

AN ACT Relating to creating a joint legislative salmon committee; adding a new chapter to Title 44 RCW; and making appropriations.

Referred to Committee on Rural Development, Agriculture, & Natural Resources.

HB 2553 by Representatives Lekanoff, DeBolt, Shewmake, Peterson, Blake, Fitzgibbon, Senn, Rude, Doglio, Kloba, Pollet and Santos

AN ACT Relating to creating a joint executive, legislative, and interagency work group on water resource policy for the purpose of developing a statewide water action plan; adding a new section to chapter 90.03 RCW; and creating a new section.

Referred to Committee on Rural Development, Agriculture, & Natural Resources.

HB 2554 by Representatives Stonier, Cody, Macri, Riccelli, Robinson, Tharinger, Senn, Peterson, Valdez, Davis, Doglio, Dolan, Fitzgibbon, Walen, Frame, Ramel, Pollet, Ryu, Goodman, Lekanoff, Ormsby and Chapman

AN ACT Relating to mitigating inequity in the health insurance market caused by health plans that exclude certain mandated benefits; adding a new section to chapter 48.43 RCW; and adding a new section to chapter 43.71 RCW.

Referred to Committee on Health Care & Wellness.

HB 2555 by Representative Goodman

AN ACT Relating to background check requirements for firearms classified as other under federal firearms laws; adding a new section to chapter 9.41 RCW; prescribing penalties; and providing a contingent expiration date.

Referred to Committee on Civil Rights & Judiciary.

HB 2556 by Representatives Dent, Corry, Eslick, Caldier, Klippert, Jenkin, Griffey, McCaslin, Mosbrucker, Gildon, Dufault and Tharinger

AN ACT Relating to providing regulatory relief for early learning providers; amending RCW 43.216.110 and 43.216.255; adding new sections to chapter 43.216 RCW; creating a new section; and providing an expiration date.

Referred to Committee on Human Services & Early Learning.

**HB 2557** by Representatives Dye, Blake, Kretz, Eslick, Gildon and Volz

AN ACT Relating to simplifying the hunting seasons and regulations pamphlet published by the department of fish and wildlife; adding a new section to chapter 77.32 RCW; and creating a new section.

Referred to Committee on Rural Development, Agriculture, & Natural Resources.

**HB 2558** by Representatives Bergquist, Tarleton, Stonier, Valdez, Hudgins, J. Johnson, Frame, Pollet and Ormsby

AN ACT Relating to increasing opportunities for young voters; amending RCW 29A.08.210, 29A.08.230, 29A.08.330, 29A.08.810, 29A.08.355, 46.20.155, 28A.230.094, 29A.40.160, 29A.32.031, 29A.32.241, 29A.04.061, 29A.08.110, 29A.08.170, 29A.08.172, 29A.08.174, 29A.08.359, 29A.84.140, 46.20.156, and 29A.08.140; adding a new section to chapter 29A.40 RCW; creating new sections; and providing effective dates.

Referred to Committee on State Government & Tribal Relations.

**HB 2559** by Representatives Springer and Dent

AN ACT Relating to payments in lieu of real property taxes by the department of fish and wildlife; amending RCW 77.12.203; and providing an effective date.

Referred to Committee on Rural Development, Agriculture, & Natural Resources.

**HB 2560** by Representatives Maycumber, Lovick, Klippert, Chapman, Lekanoff, Corry, Walsh, Van Werven, Chambers, Kloba, Dent, Griffey, Barkis, Graham, Goehner, Blake, Leavitt, Irwin, Gildon, Orwall and Volz

AN ACT Relating to basic law enforcement training; amending RCW 43.101.200; and creating a new section.

Referred to Committee on Public Safety.

**HB 2561** by Representatives Macri, Robinson, Stonier, Slatter, Senn, Tharinger, Fitzgibbon, Cody, Walen, Davis, Bergquist, Doglio, J. Johnson,

Frame, Pollet, Goodman, Hudgins, Ormsby, Riccelli and Santos

AN ACT Relating to protecting pregnancy and miscarriage-related patient care; adding a new section to chapter 43.70 RCW; and adding a new chapter to Title 70 RCW.

Referred to Committee on Health Care & Wellness.

**HB 2562** by Representatives Stonier, Harris, Riccelli, Bergquist, Davis, Doglio, Tharinger, Pollet, Ormsby and Santos

AN ACT Relating to providing telehealth services at schools; creating a new section; making an appropriation; providing an effective date; and providing an expiration date.

Referred to Committee on Health Care & Wellness.

**HB 2563** by Representatives Orwall, Davis, Appleton, Lovick, Leavitt, Valdez, Chopp, J. Johnson, Pollet and Lekanoff

AN ACT Relating to enhancing Washington's suicide alert and response system; adding a new section to chapter 43.70 RCW; adding a new section to chapter 28A.300 RCW; creating a new section; and providing an expiration date.

Referred to Committee on Health Care & Wellness.

**HB 2564** by Representatives Orwall, Kilduff, Valdez, Pollet, Appleton and Leavitt

AN ACT Relating to safety and health in construction; adding a new section to chapter 49.17 RCW; creating a new section; and prescribing penalties.

Referred to Committee on Labor & Workplace Standards.

**HB 2565** by Representatives Fitzgibbon, Doglio and Hudgins

AN ACT Relating to the labeling of disposable wipes products; adding a new chapter to Title 70 RCW; creating a new section; prescribing penalties; and providing an effective date.

Referred to Committee on Environment & Energy.

**HB 2566** by Representatives Valdez, Ortiz-Self and Ryu

AN ACT Relating to automated license plate recognition systems; adding a new chapter to Title 46 RCW; prescribing penalties; and providing an effective date.

Referred to Committee on Transportation.



HB 2567 by Representatives Thai, Santos, Ryu, Valdez, Pollet, Davis, Wylie, Gregerson, Slatter, Lekanoff, Ortiz-Self, Frame, Mead and Kloba

AN ACT Relating to the courts open to all act; adding new sections to chapter 2.28 RCW; adding a new section to chapter 3.02 RCW; adding a new section to chapter 35.20 RCW; and creating new sections.

Referred to Committee on Civil Rights & Judiciary.

HB 2568 by Representatives Slatter, Harris, Cody, Schmick, Leavitt, Kloba, Tharinger, Pollet and Macri

AN ACT Relating to reducing barriers to patient care through appropriate use of prior authorization and adoption of appropriate use criteria; amending RCW 41.05.074 and 74.09.758; adding new sections to chapter 48.43 RCW; and adding a new section to chapter 70.250 RCW.

Referred to Committee on Health Care & Wellness.

HB 2569 by Representatives Wylie, Cody, Gregerson, Pollet, Tarleton, Senn, Irwin and Davis

AN ACT Relating to authorizing pretrial detention for certain offenses involving firearms; amending RCW 10.21.010, 10.21.020, 10.21.040, 10.21.060, and 10.19.055; and providing a contingent effective date.

Referred to Committee on Public Safety.

HB 2570 by Representatives Gregerson, Barkis, Ryu, Goodman, Peterson, Fitzgibbon, Walsh, Thai, Corry, Macri, Robinson, Gildon, Doglio, Jenkin, Hudgins, Hoff, Frame, Lekanoff, Kloba, Leavitt, Irwin, Bergquist, Davis, Walen, Tharinger, Cody and Ormsby

AN ACT Relating to managing growth by planning and zoning for accessory dwelling units; amending RCW 43.21C.495, 35.63.210, 35A.63.230, and 36.70A.400; adding new sections to chapter 36.70A RCW; creating a new section; and repealing RCW 36.70.677 and 43.63A.215.

Referred to Committee on Environment & Energy.

HB 2571 by Representatives Goodman, Klippert and Ormsby

AN ACT Relating to increased deterrence and meaningful enforcement of fish and wildlife violations; amending RCW 77.15.075, 77.15.100, and 7.84.070; reenacting and amending RCW 77.15.160; and prescribing penalties.

Referred to Committee on Civil Rights & Judiciary.

HB 2572 by Representatives Robinson, Corry, Senn, Dent, Kilduff, Ryu, Frame, Leavitt, Valdez, Davis and Cody

AN ACT Relating to implementation of the recommendations of the December 2019 report from the William D. Ruckelshaus center regarding residential habilitation center clients; creating new sections; and providing an expiration date.

Referred to Committee on Human Services & Early Learning.

HB 2573 by Representatives Pellicciotti, Leavitt, Valdez, Irwin, Davis, J. Johnson and Ormsby

AN ACT Relating to providing public assistance to victims of certain crimes including human trafficking; amending RCW 74.04.005, 74.08A.120, and 74.09.035; adding a new section to chapter 74.04 RCW; and providing an effective date.

Referred to Committee on Appropriations.

HB 2574 by Representatives Stokesbary, Gildon and Van Werven

AN ACT Relating to administrative staffing at institutions of higher education; adding a new section to chapter 28B.07 RCW; and creating a new section.

Referred to Committee on College & Workforce Development.

HB 2575 by Representatives Pellicciotti, Ryu, Tarleton, Orwall, Dolan, J. Johnson and Pollet

AN ACT Relating to reforms to increase transparency and accountability of the Washington redistricting commission; amending RCW 44.05.020, 44.05.030, 44.05.070, 44.05.080, 44.05.100, 44.05.110, and 42.30.040; adding a new section to chapter 44.05 RCW; and creating a new section.

Referred to Committee on State Government & Tribal Relations.

HB 2576 by Representatives Ortiz-Self, Gregerson, Doglio, Pettigrew, Santos, Peterson, Lekanoff, Ryu, Pollet, Valdez, Thai, Macri, Fitzgibbon, Dolan, Davis, J. Johnson, Walen, Frame, Ormsby and Riccelli

AN ACT Relating to private detention facilities; adding a new chapter to Title 70 RCW; creating new sections; and declaring an emergency.

Referred to Committee on Public Safety.

HB 2577 by Representatives Barkis, Chapman, Schmick, Walen, Chambers, Corry, Tarleton, Leavitt, Vick, Dye, Cody, Macri, Stokesbary, Frame, Tharinger,

Hoff, Pellicciotti, Gildon, Senn, Walsh, Dent, Dolan, Jenkin, Volz, Blake, Lekanoff, Van Werven and Ybarra

AN ACT Relating to agency responsibilities to regulated businesses and professions; adding a new chapter to Title 18 RCW; creating new sections; and providing an expiration date.

Referred to Committee on State Government & Tribal Relations.

HB 2578 by Representatives Dye, Van Werven and Gildon

AN ACT Relating to establishing the Washington excels scholarship program; amending RCW 28A.230.090; adding a new section to chapter 82.04 RCW; and adding a new chapter to Title 28B RCW.

Referred to Committee on College & Workforce Development.

HB 2579 by Representatives Dye, Eslick, Klippert and Ormsby

AN ACT Relating to establishing a wild horse holding and training program at Coyote Ridge corrections center; and creating new sections.

Referred to Committee on Public Safety.

HB 2580 by Representatives Caldier, Callan, Dent, Corry and Frame

AN ACT Relating to requiring the department of children, youth, and families to submit a report regarding independent living services; and amending RCW 74.13.540.

Referred to Committee on Human Services & Early Learning.

HB 2581 by Representatives Caldier, Ybarra, Volz, Steele, Mosbrucker, Hoff and Pollet

AN ACT Relating to removing the special education enrollment limit for funding; and amending RCW 28A.150.390.

Referred to Committee on Appropriations.

HB 2582 by Representatives Caldier, Harris, Schmick, Hoff, Irwin and Gildon

AN ACT Relating to taxation of independent health care providers; adding a new section to chapter 82.04 RCW; and creating a new section.

Referred to Committee on Finance.

HB 2583 by Representatives Caldier, Dent and Corry

AN ACT Relating to student transportation for students in out-of-home placements; and adding a new section to chapter 28A.160 RCW.

Referred to Committee on Education.

HB 2584 by Representatives Caldier, Frame, Leavitt and Davis

AN ACT Relating to establishing rates for behavioral health services; and adding a new section to chapter 71.24 RCW.

Referred to Committee on Appropriations.

HB 2585 by Representatives Schmick, Barkis and Shea

AN ACT Relating to providing discretion to the director of the department of labor and industries to waive or modify penalties and violations when action is taken to avoid imminent danger of loss of life or serious injury; amending RCW 49.17.180; and creating a new section.

Referred to Committee on Labor & Workplace Standards.

HB 2586 by Representatives Ramel, Fitzgibbon, Shewmake, Doglio, Stonier, Mead, Duerr, Lekanoff, Hudgins and Macri

AN ACT Relating to the electrification of homes and buildings; adding a new section to chapter 35.92 RCW; adding a new section to chapter 54.16 RCW; and creating a new section.

Referred to Committee on Environment & Energy.

HB 2587 by Representatives Ramel, Shewmake, Duerr, Stonier, Dufault, Doglio, Mead, Thai, Lekanoff, Fitzgibbon, Pollet, Leavitt and Davis

AN ACT Relating to establishing a program for the designation of state scenic bikeways; and adding a new section to chapter 79A.05 RCW.

Referred to Committee on Housing, Community Development & Veterans.

HB 2588 by Representatives Pollet, Leavitt, Valdez, Senn, Duerr, Ryu, Frame, Boehnke, Hudgins and Kraft

AN ACT Relating to improving openness, accountability, and transparency of special purpose districts; amending RCW 36.96.010, 36.96.020, 36.96.030, 36.96.040, 36.96.050, and 36.96.900; adding new sections to chapter 36.96 RCW; and repealing RCW 42.17A.010.

Referred to Committee on Local Government.

HB 2589 by Representatives Callan, Rude, Pollet, Orwall, Doglio, Steele, Kilduff, Caldier, Davis, Corry, Senn, Ybarra, Thai, Ramos, Ryu, Santos, Leavitt, Gildon, Bergquist, J. Johnson, Frame and Macri

AN ACT Relating to requiring contact information for suicide prevention and crisis intervention organizations on student and staff identification cards; adding a new section to chapter 28A.210 RCW; adding a new section to chapter 28B.10 RCW; creating new sections; and providing an expiration date.

Referred to Committee on Education.

HJR 4210 by Representatives Wylie, Cody, Gregerson, Pollet, Tarleton, Senn and Davis

Authorizing pretrial detention for certain offenses involving firearms.

Referred to Committee on Public Safety.

There being no objection, the bills listed on the day's introduction sheet under the fourth order of business were referred to the committees so designated, with the exception of HOUSE BILL NO. 2544 which was referred to the committee on Appropriations, HOUSE BILL NO. 2545 which was referred to the committee on Public Safety, and HOUSE BILL NO. 2580 which was referred to the committee on Human Services & Early Learning.

There being no objection, the House adjourned until 10:00 a.m., January 16, 2020, the 4th Day of the Regular Session.

LAURIE JINKINS, Speaker

BERNARD DEAN, Chief Clerk

## SIXTY SIXTH LEGISLATURE - REGULAR SESSION

## FOURTH DAY

House Chamber, Olympia, Thursday, January 16, 2020

The House was called to order at 10:00 a.m. by the Speaker (Representative Ramos presiding). The Clerk called the roll and a quorum was present.

Speaker Orwall assumed the chair.

The flags were escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Olivia Snyder and Eric Brown. The Speaker (Representative Orwall presiding) led the Chamber in the Pledge of Allegiance. The prayer was offered by Pastor Matt Daniells, Evergreen Bible Church, Vancouver, Washington.

Reading of the Journal of the previous day was dispensed with and it was ordered to stand approved.

There being no objection, the House advanced to the third order of business.

## MESSAGES FROM THE SENATE

January 15, 2020

Mme. SPEAKER:

The Senate has passed:

ENGROSSED SENATE BILL NO. 5450,  
SECOND ENGROSSED SENATE BILL NO. 5887,

and the same are herewith transmitted.

Brad Hendrickson, Secretary

January 15, 2020

Mme. SPEAKER:

The Senate has passed:

ENGROSSED SUBSTITUTE SENATE BILL NO.  
5323,  
SENATE BILL NO. 5811,  
SECOND SUBSTITUTE SENATE BILL NO. 5947,  
SENATE JOINT MEMORIAL NO. 8014,

and the same are herewith transmitted.

Brad Hendrickson, Secretary

Speaker Jenkins assumed the chair.

There being no objection, the House advanced to the fourth order of business.

## INTRODUCTION &amp; FIRST READING

HB 2590 by Representatives Peterson, Lekanoff and Doglio

AN ACT Relating to unlawful possession of a firearm; amending RCW 9.41.042, 13.40.0357, 13.40.160, 13.40.193, 13.40.265, and 70.02.240; reenacting and amending RCW 9.41.040 and 70.02.230; and prescribing penalties.

Referred to Committee on Civil Rights & Judiciary.

HB 2591 by Representatives Senn, Dent, Kilduff, Eslick, Appleton, Callan, Macri, Corry, Frame, Pollet, Robinson, Thai, Caldier, Fey, Chopp, Bergquist, Lekanoff, Cody, Doglio, Gregerson, Goodman, J. Johnson, Leavitt, Santos, Ormsby, Riccelli and Davis

AN ACT Relating to youth eligible for developmental disability services who are expected to exit the foster care system; amending RCW 43.88C.010 and 74.13.341; adding a new section to chapter 43.88 RCW; and creating a new section.

Referred to Committee on Human Services & Early Learning.

HB 2592 by Representatives Barkis, Doglio, Hoff and Eslick

AN ACT Relating to tracked and wheeled all-terrain vehicles; amending RCW 46.10.300; adding a new section to chapter 46.04 RCW; adding a new section to chapter 46.10 RCW; and adding a new section to chapter 46.09 RCW.

Referred to Committee on Transportation.

HB 2593 by Representatives Boehnke, DeBolt, Goehner, Steele, Gildon and Tharinger

AN ACT Relating to promoting economic development through enhancing state agency permitting; and amending RCW 43.42A.010, 43.42A.020, and 43.42A.040.

Referred to Committee on State Government & Tribal Relations.

**HB 2594** by Representatives Boehnke, DeBolt, Shewmake and Goehner

AN ACT Relating to disclosures to retail electric and natural gas customers; amending 2019 c 288 s 23 (uncodified); adding a new section to chapter 19.29A RCW; adding a new section to chapter 80.28 RCW; and creating a new section.

Referred to Committee on Environment & Energy.

**HB 2595** by Representatives Boehnke, Chapman, Dent, Leavitt, Goehner, Steele and Eslick

AN ACT Relating to smoke detection devices; and amending RCW 43.44.110.

Referred to Committee on Civil Rights & Judiciary.

**HB 2596** by Representatives Boehnke, Kloba, Slatter, Entenman, Hudgins, Steele, Eslick and Santos

AN ACT Relating to fostering economic growth in Washington by supporting emerging businesses in the new space economy; and creating new sections.

Referred to Committee on Innovation, Technology & Economic Development.

**HB 2597** by Representatives Robinson, Harris, Macri, J. Johnson, Tharinger, Santos and Pollet

AN ACT Relating to increasing patient access rights to timely and appropriate postacute care by addressing the medicaid functional assessment and financial eligibility process for medicaid funded long-term services and supports; amending RCW 74.39A.040; adding a new section to chapter 74.39A RCW; creating new sections; and providing an expiration date.

Referred to Committee on Health Care & Wellness.

**HB 2598** by Representatives Tharinger, Schmick, Pollet and Kloba

AN ACT Relating to requiring medicaid managed care organizations to provide reimbursement of health care services provided by substitute providers; and adding a new section to chapter 74.09 RCW.

Referred to Committee on Health Care & Wellness.

**HB 2599** by Representatives Eslick, Kilduff, Doglio and Leavitt

AN ACT Relating to services for children with multiple handicaps; and repealing 74.26.010, 74.26.020, 74.26.030, 74.26.040, 74.26.050, and 74.26.060.

Referred to Committee on Human Services & Early Learning.

**HB 2600** by Representatives Callan, Kilduff and Ramos

AN ACT Relating to the definition of "community residential service business" for the purposes of chapter 74.39A RCW; and amending RCW 74.39A.009.

Referred to Committee on Human Services & Early Learning.

**HB 2601** by Representatives Tharinger, Barkis, Leavitt and Ryu

AN ACT Relating to the authority of the parks and recreation commission to approve leases; and amending RCW 79A.05.025 and 79A.05.030.

Referred to Committee on Housing, Community Development & Veterans.

**HB 2602** by Representatives Morgan, Thai, Pettigrew, Entenman, Lovick, Slatter, Santos, Ryu, Duerr, Appleton, Bergquist, Stonier, Ramos, Leavitt, Corry, Orwall, Dolan, Frame, Valdez, Gregerson, Ortiz-Self, Peterson, Davis, Riccelli, Callan, J. Johnson, Fey, Ramel, Hudgins, Kilduff, Robinson, Irwin, Doglio, Ormsby, Pollet and Macri

AN ACT Relating to hair discrimination; and amending RCW 49.60.040.

Referred to Committee on Civil Rights & Judiciary.

**HB 2603** by Representatives Springer, Chandler, Chapman, Fitzgibbon, Lekanoff and Tharinger

AN ACT Relating to trust water rights; amending RCW 90.42.005, 90.42.010, 90.42.030, 90.42.040, 90.42.080, 90.42.100, 90.42.110, 90.42.130, 90.42.150, 90.42.160, and 90.80.055; reenacting and amending RCW 90.42.020; adding new sections to chapter 90.42 RCW; and repealing RCW 90.42.120.

Referred to Committee on Rural Development, Agriculture, & Natural Resources.

**HB 2604** by Representatives Young, Tarleton, Smith, Slatter and Hudgins

AN ACT Relating to fostering economic growth in Washington by supporting a certain regulatory environment for blockchain and distributed ledger technology solutions; creating new sections; and providing an expiration date.

Referred to Committee on Innovation, Technology & Economic Development.

**HB 2605** by Representatives Young and Eslick

AN ACT Relating to providing a business and occupation tax credit for financial institutions issuing loans to women, minority, and veteran-owned

businesses; adding a new section to chapter 82.04 RCW; creating a new section; and providing an effective date.

Referred to Committee on Finance.

**HB 2606** by Representatives Young, Eslick, Irwin and Barkis

AN ACT Relating to providing a business and occupation tax credit for financial institutions issuing loans for affordable housing programs; adding a new section to chapter 82.04 RCW; creating a new section; and providing an effective date.

Referred to Committee on Finance.

**HB 2607** by Representatives Callan, Corry, Caldier, Eslick, Orwall, Entenman, Davis, Shewmake, Lekanoff, Thai, Chapman, Steele, Fey, Chopp, Robinson, Bergquist, Senn, Cody, Doglio, Goodman, Leavitt, Ramel, Santos, Ormsby, Pollet, Kloba and Macri

AN ACT Relating to assisting homeless individuals in obtaining Washington state identicards; amending RCW 46.20.117; and adding a new section to chapter 43.216 RCW.

Referred to Committee on Human Services & Early Learning.

**HB 2608** by Representatives Blake, Griffey, Van Werven, Chapman, Eslick and Leavitt

AN ACT Relating to project review and approval under the state building code; amending RCW 19.27.015, 19.27.020, 19.27.060, 19.27A.015, and 19.27A.020; adding new sections to chapter 19.27 RCW; adding new sections to chapter 19.27A RCW; and creating a new section.

Referred to Committee on Local Government.

**HB 2609** by Representatives Duerr, Walen, Fitzgibbon, Slatter, Doglio, Lekanoff, Senn, Goodman, Santos, Ormsby and Macri

AN ACT Relating to addressing climate change through growth management; amending RCW 36.70A.020, 36.70A.480, 36.70A.130, 36.70A.210, 36.70A.100, and 47.80.030; reenacting and amending RCW 36.70A.070; adding new sections to chapter 36.70A RCW; and adding a new section to chapter 43.21C RCW.

Referred to Committee on Environment & Energy.

**HB 2610** by Representatives Duerr, Ramel, Kloba, Appleton, Walen, Harris, Ryu, Gregerson, Doglio, Dolan, Valdez, Tharinger, Santos, Pollet and Macri

AN ACT Relating to the sale or lease of manufactured/mobile home communities and the property on which they sit; amending RCW 59.20.300 and 59.20.305; reenacting and amending RCW 59.20.030; adding new sections to chapter 59.20 RCW; creating a new section; and prescribing penalties.

Referred to Committee on Civil Rights & Judiciary.

**HB 2611** by Representatives Duerr, Mead, Ramel, Fitzgibbon, Gregerson and Pollet

AN ACT Relating to promoting the development of the Washington state bioeconomy; and creating new sections.

Referred to Committee on Innovation, Technology & Economic Development.

**HB 2612** by Representatives Kloba, Dolan, Doglio, Morgan, Vick, Blake and Peterson

AN ACT Relating to continuing to improve the regulated marijuana system; amending RCW 69.50.4013, 69.51A.040, 69.51A.055, and 69.51A.060; reenacting and amending RCW 69.51A.010; and repealing RCW 69.51A.043.

Referred to Committee on Health Care & Wellness.

**HB 2613** by Representatives Sells and Mosbrucker

AN ACT Relating to granting relief of unemployment benefit charges when discharge is required by law and removing outdated statutory language; amending RCW 50.12.200, 50.20.190, 50.29.021, 50.50.070, and 50A.05.070; creating a new section; and repealing RCW 50.29.020.

Referred to Committee on Labor & Workplace Standards.

**HB 2614** by Representatives Robinson, Doglio, Sells, Lekanoff, Tharinger and Ormsby

AN ACT Relating to paid family and medical leave; amending RCW 50A.05.010, 50A.10.010, 50A.10.040, 50A.15.020, 50A.15.060, 50A.15.080, 50A.15.100, 50A.25.070, 50A.30.010, 50A.30.035, 50A.40.010, 50A.40.020, 50A.40.030, 50A.50.010, and 26.23.060; adding new sections to chapter 50A.40 RCW; and adding a new section to chapter 50A.05 RCW.

Referred to Committee on Labor & Workplace Standards.

**HB 2615** by Representatives Robinson, Schmick, Cody, Doglio, Macri, Vick, Thai, Senn, Tharinger and Pollet

AN ACT Relating to establishing the primary care collaborative; and creating new sections.

Referred to Committee on Health Care & Wellness.

HB 2616 by Representatives Cody, Macri and Tharinger

AN ACT Relating to nonparticipating providers; and amending RCW 74.09.522.

Referred to Committee on Appropriations.

HB 2617 by Representatives Robinson, Ortiz-Self, Sells, Macri, Valdez, Lekanoff and Senn

AN ACT Relating to the lease or rental of surplus property of school districts; amending RCW 28A.335.040; and creating a new section.

Referred to Committee on Education.

HB 2618 by Representatives Shewmake, Van Werven and Leavitt

AN ACT Relating to restoring the nonresident retail sales tax exemption; amending RCW 82.08.0273; adding a new section to chapter 82.08 RCW; creating a new section; prescribing penalties; providing an effective date; and providing an expiration date.

Referred to Committee on Finance.

HB 2619 by Representatives Shewmake, Chapman, Ramel, Springer, Van Werven, Senn, Doglio, Goodman and Tharinger

AN ACT Relating to increasing early learning access through licensing, eligibility, and rate improvements; amending RCW 43.216.514 and 43.216.305; adding a new section to chapter 43.216 RCW; creating new sections; and providing expiration dates.

Referred to Committee on Human Services & Early Learning.

HB 2620 by Representatives Walen, Barkis, Fitzgibbon, Chapman, Boehnke, Duerr, MacEwen, Gildon, Ortiz-Self, Lekanoff, Senn and Leavitt

AN ACT Relating to expanding the property tax exemption for new and rehabilitated multiple-unit dwellings in urban growth areas; amending RCW 84.14.007, 84.14.010, 84.14.020, 84.14.040, 84.14.060, and 84.14.100; and creating a new section.

Referred to Committee on Finance.

HB 2621 by Representatives Maycumber, Tharinger, Schmick, Chapman, MacEwen and Eslick

AN ACT Relating to creating regulation exemptions for rural health clinics providing services in a designated

home health shortage area; and amending RCW 70.127.040.

Referred to Committee on Health Care & Wellness.

HB 2622 by Representatives Kilduff, Walen, Senn, Pollet and Davis

AN ACT Relating to procedures for ensuring compliance with court orders requiring surrender of firearms, weapons, and concealed pistol licenses; and amending RCW 9.41.801 and 7.94.090.

Referred to Committee on Civil Rights & Judiciary.

HB 2623 by Representatives Walen, Valdez, Macri, Chapman, Kilduff and Senn

AN ACT Relating to prohibiting the possession of firearms by persons convicted of certain criminal offenses; amending RCW 9.41.042, 13.40.0357, 13.40.160, 13.40.193, 13.40.265, and 70.02.240; and reenacting and amending RCW 9.41.040 and 70.02.230.

Referred to Committee on Civil Rights & Judiciary.

HB 2624 by Representatives Shewmake, Kretz, Blake, Dent and Lekanoff

AN ACT Relating to the authority of the director of the department of agriculture with respect to certain examinations and examination fees; and amending RCW 15.58.040, 15.58.240, 17.21.030, and 17.21.134.

Referred to Committee on Rural Development, Agriculture, & Natural Resources.

HB 2625 by Representatives Eslick, Tarleton, Griffey, Pollet, Goehner, Senn and Chapman

AN ACT Relating to local parks funding options; adding a new section to chapter 82.14 RCW; and creating a new section.

Referred to Committee on Local Government.

HB 2626 by Representatives Eslick, Dent, McCaslin, Kraft, Sutherland, Shea, Jenkin, Young, Caldier and Kretz

AN ACT Relating to providing a limited informed consent exemption to state vaccination requirements; amending RCW 28A.210.080 and 43.216.690; adding a new chapter to Title 70 RCW; and declaring an emergency.

Referred to Committee on Health Care & Wellness.

HB 2627 by Representatives Walsh, Corry and Shea

AN ACT Relating to establishing a special allegation and sentencing enhancement for wearing a mask or other disguise during or immediately following the commission of any felony offense; amending RCW 9.94A.533 and 9.94A.729; adding a new section to chapter 9.94A RCW; and prescribing penalties.

Referred to Committee on Public Safety.

HB 2628 by Representative Walsh

AN ACT Relating to the responsibilities of the three branches of government for administrative rules and procedure; amending RCW 34.05.570; adding new sections to chapter 44.04 RCW; adding new sections to chapter 34.05 RCW; and creating new sections.

Referred to Committee on State Government & Tribal Relations.

HB 2629 by Representatives Walen, Goodman, Springer, Macri, Slatter, Duerr, Kloba and Graham

AN ACT Relating to waiving utility connection charges for certain properties; amending RCW 23.86.400, 24.06.600, 36.94.140, and 54.24.080; adding a new section to chapter 35.92 RCW; and adding a new section to chapter 80.28 RCW.

Referred to Committee on Housing, Community Development & Veterans.

HB 2630 by Representatives Walen, Goodman, Slatter, Springer, Duerr, Kloba, Rude, Chapman and Leavitt

AN ACT Relating to providing a limited property tax exemption for the construction of accessory dwelling units; amending RCW 84.36.400; and creating new sections.

Referred to Committee on Finance.

HB 2631 by Representatives Ortiz-Self, Lovick, Frame, Entenman, Dolan, Caldier, Gregerson, Pollet and Davis

AN ACT Relating to creating a family engagement framework; creating a new section; and providing an expiration date.

Referred to Committee on Education.

HB 2632 by Representatives Valdez, Griffey, Ryu, Pellicciotti, Pollet, Orwall, Gregerson, Goodman, Irwin, Ramos, Slatter, Entenman, Davis and Macri

AN ACT Relating to false reporting of a crime or emergency; amending RCW 9A.84.040; reenacting and amending RCW 9.94A.515; creating a new section; and prescribing penalties.

Referred to Committee on Public Safety.

HB 2633 by Representatives Ortiz-Self, Bergquist, Callan, Valdez, Santos, Dolan, Thai, Kilduff, Doglio, Gregerson, Pollet, Davis and Macri

AN ACT Relating to ethnic studies materials and resources for public school students in grades kindergarten through six; amending RCW 28A.655.300 and 28A.300.112; amending 2019 c 279 s 4 (uncodified); and providing an expiration date.

Referred to Committee on Education.

HB 2634 by Representatives Walen, Barkis, Stokesbary, Macri, Chapman, Gildon, Chopp, Robinson, Senn, Leavitt and Tharinger

AN ACT Relating to exempting a sale or transfer of real property for affordable housing to a nonprofit entity, housing authority, or public corporation from the real estate excise tax; amending RCW 82.45.010; reenacting and amending RCW 82.45.010; creating new sections; providing effective dates; and providing an expiration date.

Referred to Committee on Finance.

HB 2635 by Representatives Barkis, Walen, Dufault, Irwin and Ormsby

AN ACT Relating to collection agency transaction fees for processing electronic payments; amending RCW 19.16.100; and reenacting and amending RCW 19.16.250.

Referred to Committee on Consumer Protection & Business.

HB 2636 by Representatives Walen, Dufault, Goodman, Barkis and Ormsby

AN ACT Relating to an affirmative defense for bona fide errors under the Washington collection agency act; and amending RCW 19.16.440.

Referred to Committee on Consumer Protection & Business.

HB 2637 by Representatives Pettigrew, Harris, Steele, Doglio, Rude, Goodman, Stokesbary, Bergquist, Stonier, Fitzgibbon, Callan, Thai, Valdez, Hudgins, Gregerson, Leavitt, Pollet and Riccelli

AN ACT Relating to school library information and technology programs; amending RCW 28A.150.260 and 28A.320.240; adding a new section to chapter 28A.300 RCW; adding new sections to chapter 28A.630 RCW; adding a new section to chapter 28A.320 RCW; and providing expiration dates.

Referred to Committee on Education.



**HB 2638** by Representatives Peterson, MacEwen, Stonier, Harris, Robinson, Young, Ortiz-Self, Stokesbary, Tharinger, Walsh, Riccelli, Appleton, Griffey, Hansen, Kloba, Lekanoff, Sells, Chapman, Gregerson and Ramel

AN ACT Relating to authorizing sports wagering subject to the terms of tribal-state gaming compacts; amending RCW 9.46.070, 9.46.240, and 9.46.090; adding new sections to chapter 9.46 RCW; and creating a new section.

Referred to Committee on Commerce & Gaming.

**HB 2639** by Representatives Caldier, Chambers, Davis, Corry, Macri, Rude, Robinson and Doglio

AN ACT Relating to creating the home sharing support grant program; amending RCW 36.22.179 and 36.22.1791; and adding a new section to chapter 43.185C RCW.

Referred to Committee on Housing, Community Development & Veterans.

**HB 2640** by Representatives Fey, Kirby, Doglio, Fitzgibbon, Orwall, Gregerson, Valdez, Peterson and Ryu

AN ACT Relating to clarifying that facilities that are operated by a private entity in which persons are detained in custody under process of law pending the outcome of legal proceedings are not essential public facilities under the growth management act; amending RCW 36.70A.200; creating a new section; and declaring an emergency.

Referred to Committee on Environment & Energy.

**HB 2641** by Representatives Fey, Valdez, Lekanoff, Doglio, Tharinger, Pollet and Macri

AN ACT Relating to authorizing cities to provide passenger-only ferry service; and adding a new chapter to Title 35 RCW.

Referred to Committee on Transportation.

**HB 2642** by Representatives Davis, Cody, Chopp, Harris, Leavitt, Caldier, Smith, Goodman, Orwall, Thai, Macri, Stonier, Schmick, Tharinger, Riccelli, Robinson, Griffey, Graham, Appleton, Callan, Irwin, Bergquist, Lekanoff, Barkis, Senn, Doglio, Walen, Peterson, Ormsby and Pollet

AN ACT Relating to removing health coverage barriers to accessing substance use disorder treatment services; adding a new section to chapter 41.05 RCW; adding a new section to chapter 48.43 RCW; adding a new section to chapter 71.24 RCW; and creating a new section.

Referred to Committee on Health Care & Wellness.

**HB 2643** by Representatives Callan, Ybarra, Ortiz-Self, Rude, Orwall, Davis, Thai, Steele, Fey, Gildon, Doglio, Leavitt, Harris and Pollet

AN ACT Relating to educator recertification requirements regarding youth suicide screening, referral, and safety planning; and amending RCW 28A.410.226.

Referred to Committee on Education.

**HB 2644** by Representatives Smith, Eslick, Santos, Pollet and Kloba

AN ACT Relating to artificial intelligence-enabled profiling; adding a new chapter to Title 19 RCW; and prescribing penalties.

Referred to Committee on Innovation, Technology & Economic Development.

**HB 2645** by Representatives Smith, Eslick and Pollet

AN ACT Relating to the photovoltaic module stewardship and takeback program; and amending RCW 70.355.010.

Referred to Committee on Environment & Energy.

**HB 2646** by Representatives Kilduff, Ryu, Doglio, Sells, Davis, Macri, Peterson and Pollet

AN ACT Relating to reducing work-related musculoskeletal disorders in the health care sector; adding new sections to chapter 51.16 RCW; creating a new section; and providing an effective date.

Referred to Committee on Labor & Workplace Standards.

**HB 2647** by Representatives Walsh, Blake, Boehnke, Smith, Van Werven, Duerr and Barkis

AN ACT Relating to election security; amending RCW 29A.40.091, 29A.60.235, 29A.04.611, 29A.60.125, 29A.60.170, 29A.60.185, 29A.64.011, 29A.64.021, 29A.64.030, 29A.64.041, 29A.64.050, 29A.64.070, 29A.64.090, and 29A.60.165; reenacting and amending RCW 29A.40.110; adding a new section to chapter 29A.32 RCW; adding new sections to chapter 29A.40 RCW; adding new sections to chapter 29A.84 RCW; adding new sections to chapter 29A.60 RCW; creating a new section; prescribing penalties; and making an appropriation.

Referred to Committee on State Government & Tribal Relations.

HB 2648 by Representatives Klippert, Eslick and McCaslin

AN ACT Relating to sexual health and HIV/AIDs education, medical accuracy, and parental review for public schools; amending 2007 c 265 s 1 (uncodified); adding a new section to chapter 28A.300 RCW; creating a new section; repealing RCW 28A.230.070 and 28A.300.475; and declaring an emergency.

Referred to Committee on Education.

HB 2649 by Representatives Ryu, Doglio, Lekanoff, Ormsby and Pollet

AN ACT Relating to homeless shelter capacity; amending RCW 43.185C.050 and 43.185C.080; and creating a new section.

Referred to Committee on Housing, Community Development & Veterans.

HB 2650 by Representatives Wylie and Volz

AN ACT Relating to possessory liens on motor vehicles that an auction company stores; amending RCW 46.70.330; creating a new section; and providing an effective date.

Referred to Committee on Transportation.

HB 2651 by Representatives Doglio, Fitzgibbon, Ramel, Ryu, Tharinger, Macri, Shewmake, Peterson, Hudgins, Walen, Mead, Tarleton, Gregerson and Riccelli

AN ACT Relating to addressing food waste by standardizing labels communicating the freshness or expiration of food; amending RCW 15.130.300 and 15.130.550; adding a new section to chapter 15.130 RCW; and prescribing penalties.

Referred to Committee on Rural Development, Agriculture, & Natural Resources.

HB 2652 by Representatives Doglio, Ramel, Fitzgibbon, Shewmake, Blake and Santos

AN ACT Relating to renewable ammonia; adding a new section to chapter 42.56 RCW; adding a new chapter to Title 15 RCW; and prescribing penalties.

Referred to Committee on Rural Development, Agriculture, & Natural Resources.

HB 2653 by Representatives Thai, Ybarra, Bergquist, Goodman, Ortiz-Self, Sells, Lovick, Valdez, Entenman, Callan, Senn, Gregerson, Leavitt, Ramos, Pollet, Davis and Kloba

AN ACT Relating to determining cultural bias in kindergarten assessments; creating new sections;

repealing RCW 28A.655.080; and providing an expiration date.

Referred to Committee on Education.

HB 2654 by Representatives Sells, Ybarra, Bergquist, Lovick, Santos, Ortiz-Self, Caldier, Riccelli, Entenman, Leavitt, Robinson and Ramos

AN ACT Relating to uniform reporting in community and technical colleges by requiring certain fiscal details to be available online; adding a new section to chapter 28B.50 RCW; and creating a new section.

Referred to Committee on College & Workforce Development.

HB 2655 by Representatives Griffey, Bergquist, Lovick, Sullivan and Leavitt

AN ACT Relating to the definition of period of war for pensions; and amending RCW 41.26.030, 41.26.520, 41.26.160, and 41.26.510.

Referred to Committee on Appropriations.

HB 2656 by Representatives Gregerson, Dye, Doglio, Peterson, Mead, Fitzgibbon, Thai, Senn, Goodman, Ramos, Pollet and Macri

AN ACT Relating to reducing waste associated with single-use food service products; amending RCW 70.95.080; adding a new chapter to Title 70 RCW; prescribing penalties; providing an effective date; and providing expiration dates.

Referred to Committee on Environment & Energy.

HB 2657 by Representatives Gregerson, Entenman, Macri, Appleton, Doglio, Dolan, Robinson, Peterson, Duerr, Orwall, Morgan, Walen, Pellicciotti, J. Johnson, Leavitt, Valdez, Chopp, Santos, Davis and Kloba

AN ACT Relating to extending the closure notice period for manufactured/mobile home communities; amending RCW 59.20.060, 59.20.073, 59.20.080, and 59.21.030; and creating a new section.

Referred to Committee on Civil Rights & Judiciary.

HB 2658 by Representatives Stokesbary and Barkis

AN ACT Relating to authorizing local option revenue for homelessness services, subject to specified conditions, including prohibiting supervised injection sites and requiring local restrictions on camping on public property; and adding new sections to chapter 82.14 RCW.

Referred to Committee on Finance.

**HB 2659** by Representatives Young, Walsh, Shea, Corry, Gildon, Jenkin, Chambers, Irwin, Van Werven, Ybarra and Kraft

AN ACT Relating to limiting state and local taxes, fees, and other charges relating to vehicles; amending RCW 46.17.355 and 46.17.323; reenacting and amending RCW 46.17.350; adding a new section to chapter 46.17 RCW; creating new sections; repealing RCW 46.17.365 and 46.68.415; and declaring an emergency.

Referred to Committee on Transportation.

**HB 2660** by Representatives Riccelli, Harris, Santos, Shewmake, Leavitt, Steele, Stonier, Hudgins, Senn, Gregerson, Doglio, Peterson, Thai, Rude, Valdez, Chapman, Bergquist, Goodman, Callan, Tharinger, Maycumber, Pollet, Davis, Kretz and Macri

AN ACT Relating to increasing the availability of school meals provided to public school students at no student cost; amending RCW 28A.235.290; adding a new section to chapter 28A.235 RCW; and creating a new section.

Referred to Committee on Education.

**HB 2661** by Representatives Senn, Chopp, Sullivan, Callan, Pettigrew, Mead, Davis, Appleton, Thai, Shewmake, Bergquist, Valdez, Walen, Goodman, Macri, Riccelli, Hudgins, Leavitt, Lekanoff, Pollet, Slatter, Kilduff, Dolan, Tarleton, Chapman, Stonier, Lovick, Robinson, Orwall, Gregerson, Ortiz-Self, Entenman, Fitzgibbon, Morgan, J. Johnson, Pellicciotti, Wylie, Peterson, Kirby, Duerr, DeBolt, Sells, Fey, Ryu, Doglio, Ramel, Ramos, Tharinger and Frame

AN ACT Relating to expanding accessible, affordable child care and early childhood development programs; amending RCW 43.216.075, 43.31.577, 43.216.505, 43.216.512, 43.216.514, 43.216.749, 43.216.578, 43.216.710, 28B.50.248, 43.31.583, 43.31.575, 43.216.089, 43.216.525, and 43.216.655; reenacting and amending RCW 43.216.135, 43.216.010, and 43.84.092; adding a new section to chapter 43.31 RCW; adding a new section to chapter 43.330 RCW; adding new sections to chapter 43.216 RCW; creating new sections; providing effective dates; and providing an expiration date.

Referred to Committee on Human Services & Early Learning.

**HB 2662** by Representatives Maycumber, Cody, DeBolt, Tharinger, Chopp, Harris, Macri, Thai, Chambers, Caldier, Duerr, Hudgins, Chapman, Steele, Gildon, Eslick, Robinson, Irwin, Lekanoff, Senn, Doglio, Gregerson, Peterson, Goodman, Leavitt, Frame, Pollet, Riccelli, Volz, Davis and Kloba

AN ACT Relating to reducing the total cost of insulin; amending RCW 70.14.060, 48.20.391, 48.21.143, 48.44.315, and 48.46.272; adding a new section to chapter 70.14 RCW; adding a new section to chapter 48.43 RCW; creating a new section; and providing expiration dates.

Referred to Committee on Health Care & Wellness.

**HB 2663** by Representatives Dufault, Santos, Steele, Ybarra, Leavitt and Davis

AN ACT Relating to maximum salaries for skill center certificated instructional staff training students to work in skill center identified high-demand fields, including as veterinary technicians, nursing or medical assistants, or cybersecurity specialists; and amending RCW 28A.400.200.

Referred to Committee on Appropriations.

**ESSB 5323** by Senate Committee on Environment, Energy & Technology (originally sponsored by Das, Carlyle, Kuderer, Palumbo, Hunt, Rolfes, Frockt, Keiser, Pedersen and Saldaña)

AN ACT Relating to reducing pollution from plastic bags by establishing minimum state standards for the use of bags at retail establishments; adding a new chapter to Title 70 RCW; creating a new section; and prescribing penalties.

Referred to Committee on Environment & Energy.

**SB 5811** by Senators Nguyen, Rolfes, Wilson, C., Liias, Das, Hunt, Kuderer and Saldaña

AN ACT Relating to reducing emissions by making changes to the clean car standards and clean car program; and amending RCW 70.120A.010 and 70.120A.050.

Referred to Committee on Environment & Energy.

**2SSB 5947** by Senate Committee on Ways & Means (originally sponsored by McCoy, Schoesler, Palumbo, King, Salomon and Warnick)

AN ACT Relating to establishing the sustainable farms and fields grant program; and adding new sections to chapter 43.23 RCW.

Referred to Committee on Rural Development, Agriculture, & Natural Resources.

**SJM 8014** by Senators McCoy and Salomon

Concerning logging and mining in the upper Skagit watershed.

Referred to Committee on Rural Development, Agriculture, & Natural Resources.

There being no objection, the bills and memorial listed on the day's introduction sheet under the fourth order of business were referred to the committees so designated.

There being no objection, the House advanced to the sixth order of business.

## SECOND READING

### SENATE CONCURRENT RESOLUTION NO. 8411, by Senators Liias and Short

**Establishing cutoff dates for the consideration of legislation during the 2020 regular session of the sixty-sixth legislature.**

The concurrent resolution was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the concurrent resolution was placed on final passage.

Representative Sullivan spoke in favor of the passage of the concurrent resolution.

Speaker Jenkins stated the question before the House to be the adoption of Senate Concurrent Resolution No. 8411.

SENATE CONCURRENT RESOLUTION NO. 8411 was adopted.

There being no objection, the House advanced to the seventh order of business.

## THIRD READING

**SUBSTITUTE HOUSE BILL NO. 1023, by House Committee on Health Care & Wellness (originally sponsored by Macri, Harris, Cody, MacEwen, Pollet, DeBolt, Springer, Kretz, Appleton, Caldier, Slatter, Vick, Stanford, Fitzgibbon, Riccelli, Robinson, Kloba, Valdez, Ryu, Tharinger, Jenkins, Wylie, Goodman, Bergquist, Doglio, Chambers, Senn, Ortiz-Self, Stonier, Frame, Ormsby and Reeves)**

**Allowing certain adult family homes to increase capacity to eight beds.**

The bill was read the third time.

There being no objection, the rules were suspended, and SUBSTITUTE HOUSE BILL NO. 1023 was returned to second reading for the purpose of amendment.

## SECOND READING

Representative Macri moved the adoption of the striking amendment (966):

Strike everything after the enacting clause and insert the following:

**"Sec. 1.** RCW 70.128.010 and 2019 c 466 s 2 are each reenacted and amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Adult family home" means a residential home in which a person or persons provide personal care, special care, room, and board to more than one but not more than six adults who are not related by blood or marriage to the person or persons providing the services. An adult family home may provide services to up to eight adults upon approval from the department under section 2 of this act.

(2) "Adult family home licensee" means a provider as defined in this section who does not receive payments from the medicaid and state-funded long-term care programs.

(3) "Adult family home training network" means a nonprofit organization established by the exclusive bargaining representative of adult family homes designated under RCW 41.56.029 with the capacity to provide training, workforce development, and other services to adult family homes.

(4) "Adults" means persons who have attained the age of eighteen years.

(5) "Capacity" means the maximum number of persons in need of personal or special care permitted in an adult family home at a given time. This number shall include related children or adults in the home and who received special care.

(6) "Department" means the department of social and health services.

(7) "Home" means an adult family home.

(8) "Imminent danger" means serious physical harm to or death of a resident has occurred, or there is a serious threat to resident life, health, or safety.

(9) "Provider" means any person who is licensed under this chapter to operate an adult family home. For the purposes of this section, "person" means any individual, partnership, corporation, association, or limited liability company.

(10) "Resident" means an adult in need of personal or special care in an adult family home who is not related to the provider.

(11) "Resident manager" means a person employed or designated by the provider to manage the adult family home.

(12) "Special care" means care beyond personal care as defined by the department, in rule.

NEW SECTION. **Sec. 2.** A new section is added to chapter 70.128 RCW to read as follows:

(1) An applicant requesting to increase bed capacity to seven or eight beds must successfully demonstrate to the department financial solvency and management experience for the home under its ownership and the ability to meet other relevant safety, health, and operating standards pertaining to the operation of an eight bed home, including

the ability to meet the needs of all current and prospective residents and ways to mitigate the potential impact of vehicular traffic related to the operation of the home.

(2) The department may only accept and process an application to increase the bed capacity to seven or eight beds when:

(a) A period of no less than twenty-four months has passed since the issuance of the initial adult family home license;

(b) The home has been licensed for six residents for at least twelve months prior to application;

(c) The home has completed two full inspections that have resulted in no enforcement actions;

(d) The home has submitted an attestation that an increase in the number of beds will not adversely affect the health, safety, or quality of life of current residents of the home;

(e) The home has demonstrated to the department the ability to comply with the emergency evacuation standards established by the department in rule;

(f) The home has a residential sprinkler system in place in order to serve residents who require assistance during an evacuation; and

(g) The home has paid any fees associated with licensure or additional inspections.

(3) The department shall accept and process applications under RCW 70.128.060(13) for a seven or eight bed adult family home only if:

(a) The new provider is a provider of a currently licensed adult family home that has been licensed for a period of no less than twenty-four months since the issuance of the initial adult family home license;

(b) The new provider's current adult family home has been licensed for six or more residents for at least twelve months prior to application; and

(c) The adult family home has completed at least two full inspections, and the most recent two full inspections have resulted in no enforcement actions.

(4) Prior to issuing a license to operate a seven or eight bed adult family home, the department shall:

(a) Notify the local jurisdiction in which the home is located, in writing, of the applicant's request to increase bed capacity; and

(b) Conduct an inspection to determine compliance with licensing standards and the ability to meet the needs of eight residents.

(5) In addition to the consideration of other criteria established in this section, the department shall consider comments received from current residents of the adult family home related to the quality of care and quality of life offered by the home, as well as their views regarding the addition of one or two more residents.

(6) Upon application for an initial seven or eight bed adult family home, a home must provide at least sixty days' notice to all residents and the residents' designated representatives that the home has applied for a license to admit up to seven or eight residents before admitting a seventh resident. The notice must be in writing and written in a manner or language that is understood by the residents and the residents' designated representatives.

(7) In the event of serious noncompliance in a seven or eight bed adult family home, in addition to, or in lieu of, the imposition of one or more actions listed in RCW 70.128.160(2), the department may revoke the adult family home's authority to accept more than six residents.

**Sec. 3.** RCW 70.128.060 and 2015 c 66 s 1 are each amended to read as follows:

(1) An application for license shall be made to the department upon forms provided by it and shall contain such information as the department reasonably requires.

(2) Subject to the provisions of this section, the department shall issue a license to an adult family home if the department finds that the applicant and the home are in compliance with this chapter and the rules adopted under this chapter. The department may not issue a license if (a) the applicant or a person affiliated with the applicant has prior violations of this chapter relating to the adult family home subject to the application or any other adult family home, or of any other law regulating residential care facilities within the past ten years that resulted in revocation, suspension, or nonrenewal of a license or contract with the department; or (b) the applicant or a person affiliated with the applicant has a history of significant noncompliance with federal, state, or local laws, rules, or regulations relating to the provision of care or services to vulnerable adults or to children. A person is considered affiliated with an applicant if the person is listed on the license application as a partner, officer, director, resident manager, or majority owner of the applying entity, or is the spouse of the applicant.

(3) The license fee shall be submitted with the application.

(4) Proof of financial solvency must be submitted when requested by the department.

(5) The department shall serve upon the applicant a copy of the decision granting or denying an application for a license. An applicant shall have the right to contest denial of his or her application for a license as provided in chapter 34.05 RCW by requesting a hearing in writing within twenty-eight days after receipt of the notice of denial.

(6) The department shall not issue a license to a provider if the department finds that the provider or spouse of the provider or any partner, officer, director, managerial employee, or majority owner has a history of significant noncompliance with federal or state regulations, rules, or laws in providing care or services to vulnerable adults or to children.

(7) The department shall license an adult family home for the maximum level of care that the adult family home may provide. The department shall define, in rule, license

levels based upon the education, training, and caregiving experience of the licensed provider or staff.

(8) For adult family homes that serve residents with special needs such as dementia, developmental disabilities, or mental illness, specialty training is required of providers and resident managers consistent with RCW 70.128.230, and also is required for caregivers, with standardized competency testing for caregivers hired after July 28, 2013, as set forth by the department in rule. The department shall examine, with input from experts, providers, consumers, and advocates, whether the existing specialty training courses are adequate for providers, resident managers, and caregivers to meet these residents' special needs, are sufficiently standardized in curricula and instructional techniques, and are accompanied by effective tools to fairly evaluate successful student completion. The department may enhance the existing specialty training requirements by rule, and may update curricula, instructional techniques, and competency testing based upon its review and stakeholder input. In addition, the department shall examine, with input from experts, providers, consumers, and advocates, whether additional specialty training categories should be created for adult family homes serving residents with other special needs, such as traumatic brain injury, skilled nursing, or bariatric care. The department may establish, by rule, additional specialty training categories and requirements for providers, resident managers, and caregivers, if needed to better serve residents with such special needs.

(9) The department shall establish, by rule, standards used to license nonresident providers and multiple facility operators.

(10) The department shall establish, by rule, for multiple facility operators educational standards substantially equivalent to recognized national certification standards for residential care administrators.

(11)(a)(i) At the time of an application for an adult family home license and upon the annual fee renewal date set by the department, the licensee shall pay a license fee. Beginning July 1, 2011, the per bed license fee and any processing fees, including the initial license fee, must be established in the omnibus appropriations act and any amendment or additions made to that act. The license fees established in the omnibus appropriations act and any amendment or additions made to that act may not exceed the department's annual licensing and oversight activity costs and must include the department's cost of paying providers for the amount of the license fee attributed to medicaid clients.

(ii) In addition to the fees established in (a)(i) of this subsection, the department shall charge the licensee a nonrefundable fee to increase bed capacity at the adult family home to seven or eight beds or in the event of a change in ownership of the adult family home. The fee must be established in the omnibus appropriations act and any amendment or additions made to that act.

(b) The department may authorize a one-time waiver of all or any portion of the licensing, processing, or change of ownership fees required under this subsection (11) in any case in which the department determines that an adult family

home is being relicensed because of exceptional circumstances, such as death or incapacity of a provider, and that to require the full payment of the licensing, processing, or change of ownership fees would present a hardship to the applicant.

(12) A provider who receives notification of the department's initiation of a denial, suspension, nonrenewal, or revocation of an adult family home license may, in lieu of appealing the department's action, surrender or relinquish the license. The department shall not issue a new license to or contract with the provider, for the purposes of providing care to vulnerable adults or children, for a period of twenty years following the surrendering or relinquishment of the former license. The licensing record shall indicate that the provider relinquished or surrendered the license, without admitting the violations, after receiving notice of the department's initiation of a denial, suspension, nonrenewal, or revocation of a license.

(13) The department shall establish, by rule, the circumstances requiring a change in the licensed provider, which include, but are not limited to, a change in ownership or control of the adult family home or provider, a change in the provider's form of legal organization, such as from sole proprietorship to partnership or corporation, and a dissolution or merger of the licensed entity with another legal organization. The new provider is subject to the provisions of this chapter, the rules adopted under this chapter, and other applicable law. In order to ensure that the safety of residents is not compromised by a change in provider, the new provider is responsible for correction of all violations that may exist at the time of the new license."

Correct the title.

Representatives Macri and Caldier spoke in favor of the adoption of the striking amendment.

The striking amendment (966) was adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Macri, Caldier, Corry, Smith and Chambers spoke in favor of the passage of the bill.

## MOTIONS

On motion of Representative Riccelli, Representative Hudgins was excused.

On motion of Representative Griffey, Representative Schmick was excused.

The Speaker stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1023.

## ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1023, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Irwin, Jenkin, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Mead, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Sells, Senn, Shea, Shewmake, Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mr. Speaker.

Excused: Representatives Hudgins and Schmick.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1023, having received the necessary constitutional majority, was declared passed.

### THIRD READING

**ENGROSSED HOUSE BILL NO. 1056, by Representatives Mosbrucker, Orwall, Sells, Appleton, Jinkins, Macri, Wylie, Bergquist, Doglio, Stanford and Reeves**

**Creating a task force to identify the role of the workplace in helping curb domestic violence.**

The bill was read the third time.

There being no objection, the rules were suspended, and ENGROSSED HOUSE BILL NO. 1056 was returned to second reading for the purpose of amendment.

### SECOND READING

Representative Mosbrucker moved the adoption of amendment (963):

On page 1, line 21, after "30," strike "2021" and insert "2022"

On page 2, line 32, after "1," strike "2019" and insert "2020"

On page 2, line 35, after "1," strike "2020" and insert "2021"

On page 2, line 36, after "30," strike "2021" and insert "2022"

Representatives Mosbrucker and Sells spoke in favor of the adoption of the amendment.

Amendment (963) was adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Mosbrucker and Sells spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of Second Engrossed House Bill No. 1056.

### ROLL CALL

The Clerk called the roll on the final passage of Second Engrossed House Bill No. 1056, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Irwin, Jenkin, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Mead, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Sells, Senn, Shea, Shewmake, Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mr. Speaker.

Excused: Representatives Hudgins and Schmick.

SECOND ENGROSSED HOUSE BILL NO. 1056, having received the necessary constitutional majority, was declared passed.

### THIRD READING

**SUBSTITUTE HOUSE BILL NO. 1264, by House Committee on Appropriations (originally sponsored by Ortiz-Self, Orwall, Bergquist, Santos, Dolan, Lovick, Peterson, Reeves, Sells, Stanford, Appleton, Callan, Wylie and Pollet)**

**Concerning secondary traumatic stress in public school staff.**

The bill was read the third time.

There being no objection, the rules were suspended, and SUBSTITUTE HOUSE BILL NO. 1264 was returned to second reading for the purpose of amendment.

### SECOND READING

Representative Ortiz-Self moved the adoption of amendment (962):

On page 2, line 16, after "June 30," strike "2019" and insert "2020"

Representatives Ortiz-Self and Sells spoke in favor of the adoption of the amendment.

Amendment (962) was adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Ortiz-Self and Steele spoke in favor of the passage of the bill.

The Speaker stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1264.

### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1264, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Irwin, Jenkin, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Mead, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Sells, Senn, Shea, Shewmake, Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mr. Speaker.

Excused: Representatives Hudgins and Schmick.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1264, having received the necessary constitutional majority, was declared passed.

### THIRD READING

**SECOND SUBSTITUTE HOUSE BILL NO. 1272, by House Committee on Appropriations (originally sponsored by Thai, Harris, Slatter, Ryu, Riccelli, Kilduff, Caldier, Paul, Peterson, Stonier, Shewmake, Appleton, Orwall, Wylie, Gregerson and Pollet)**

**Concerning school lunch durations.**

The bill was read the third time.

There being no objection, the rules were suspended, and SECOND SUBSTITUTE HOUSE BILL NO. 1272 was returned to second reading for the purpose of amendment.

### SECOND READING

With the consent of the House, amendment (989) was withdrawn.

Representative Thai moved the adoption of amendment (991):

On page 2, line 6, after "therefore," insert "in accordance with corresponding provisions in the 2019-2021 omnibus operating appropriations act,"

On page 4, line 31, after "of the" strike "2020-21" and insert "2023-24"

Representatives Thai, McCaslin and Kraft spoke in favor of the adoption of the amendment.

Amendment (991) was adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Thai, McCaslin and Kraft spoke in favor of the passage of the bill.

Representative Klippert spoke against the passage of the bill.

The Speaker stated the question before the House to be the final passage of Engrossed Second Substitute House Bill No. 1272.

### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 1272, and the bill passed the House by the following vote: Yeas, 90; Nays, 6; Absent, 0; Excused, 2.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Davis, Doglio, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Irwin, J. Johnson, Kilduff, Kirby, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Mead, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Sells, Senn, Shea, Shewmake, Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Wilcox, Wylie, Ybarra, Young and Mr. Speaker.

Voting nay: Representatives Corry, DeBolt, Dent, Jenkin, Klippert and Walsh.



Excused: Representatives Hudgins and Schmick.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1272, having received the necessary constitutional majority, was declared passed.

### THIRD READING

**ENGROSSED SUBSTITUTE HOUSE BILL NO. 1565, by House Committee on Health Care & Wellness (originally sponsored by Robinson, Tharinger, Klippert and Lovick)**

**Concerning certain providers sharing background checks.**

The bill was read the third time.

There being no objection, the rules were suspended, and ENGROSSED SUBSTITUTE HOUSE BILL NO. 1565 was returned to second reading for the purpose of amendment.

### SECOND READING

Representative Robinson moved the adoption of the striking amendment (967):

Strike everything after the enacting clause and insert the following:

**"Sec. 4.** RCW 43.43.830 and 2019 c 271 s 10 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout RCW 43.43.830 through 43.43.845.

(1) "Agency" means any person, firm, partnership, association, corporation, or facility which receives, provides services to, houses or otherwise cares for vulnerable adults, juveniles, or children, or which provides child day care, early learning, or early childhood education services.

(2) "Applicant" means:

(a) Any prospective employee who will or may have unsupervised access to children under sixteen years of age or developmentally disabled persons or vulnerable adults during the course of his or her employment or involvement with the business or organization;

(b) Any prospective volunteer who will have regularly scheduled unsupervised access to children under sixteen years of age, developmentally disabled persons, or vulnerable adults during the course of his or her employment or involvement with the business or organization under circumstances where such access will or may involve groups of (i) five or fewer children under twelve years of age, (ii) three or fewer children between twelve and sixteen years of age, (iii) developmentally disabled persons, or (iv) vulnerable adults;

(c) Any prospective adoptive parent, as defined in RCW 26.33.020; or

(d) Any prospective custodian in a nonparental custody proceeding under chapter 26.10 RCW.

(3) "Business or organization" means a person, business, or organization licensed in this state, any agency of the state, or other governmental entity, that educates, trains, treats, supervises, houses, or provides recreation to developmentally disabled persons, vulnerable adults, or children under sixteen years of age, or that provides child day care, early learning, or early learning childhood education services, including but not limited to public housing authorities, school districts, and educational service districts.

(4) "Civil adjudication proceeding" is a judicial or administrative adjudicative proceeding that results in a finding of, or upholds an agency finding of, domestic violence, abuse, sexual abuse, neglect, abandonment, violation of a professional licensing standard regarding a child or vulnerable adult, or exploitation or financial exploitation of a child or vulnerable adult under any provision of law, including but not limited to chapter 13.34, 26.44, or 74.34 RCW, or rules adopted under chapters 18.51 and 74.42 RCW. "Civil adjudication proceeding" also includes judicial or administrative findings that become final due to the failure of the alleged perpetrator to timely exercise a legal right to administratively challenge such findings.

(5) "Client" or "resident" means a child, person with developmental disabilities, or vulnerable adult applying for housing assistance from a business or organization.

(6) "Conviction record" means "conviction record" information as defined in RCW 10.97.030 and 10.97.050 relating to a crime committed by either an adult or a juvenile. It does not include a conviction for an offense that has been the subject of an expungement, pardon, annulment, certificate of rehabilitation, or other equivalent procedure based on a finding of the rehabilitation of the person convicted, or a conviction that has been the subject of a pardon, annulment, or other equivalent procedure based on a finding of innocence. It does include convictions for offenses for which the defendant received a deferred or suspended sentence, unless the record has been expunged according to law.

(7) "Crime against children or other persons" means a conviction of any of the following offenses: Aggravated murder; first or second degree murder; first or second degree kidnapping; first, second, or third degree assault; fourth degree assault (if a violation of RCW 9A.36.041(3)); first, second, or third degree assault of a child; first, second, or third degree rape; first, second, or third degree rape of a child; first or second degree robbery; first degree arson; first degree burglary; first or second degree manslaughter; first or second degree extortion; indecent liberties; incest; vehicular homicide; first degree promoting prostitution; communication with a minor; unlawful imprisonment; simple assault; sexual exploitation of minors; first or second degree criminal mistreatment; endangerment with a controlled substance; child abuse or neglect as defined in RCW 26.44.020; first or second degree custodial interference; first or second degree custodial sexual misconduct; hate crime; first, second, or third degree child

molestation; first or second degree sexual misconduct with a minor; commercial sexual abuse of a minor; child abandonment; promoting pornography; selling or distributing erotic material to a minor; custodial assault; violation of child abuse restraining order; child buying or selling; prostitution; felony indecent exposure; criminal abandonment; or any of these crimes as they may be renamed in the future.

(8) "Crimes relating to drugs" means a conviction of a crime to manufacture, delivery, or possession with intent to manufacture or deliver a controlled substance.

(9) "Crimes relating to financial exploitation" means a conviction for first, second, or third degree extortion; first, second, or third degree theft; first or second degree robbery; forgery; or any of these crimes as they may be renamed in the future.

(10) "Criminal background inquiry information" means only the results from a processed background check, including criminal history record information that may be disclosed without restriction under RCW 10.97.050. "Criminal background inquiry information" does not include any commercial records or financial records of an individual or any criminal history record information that is confidential under state or federal law.

(11) "Financial exploitation" means "financial exploitation" as defined in RCW 74.34.020.

~~((44))~~ (12) "Health care facility" means a nursing home licensed under chapter 18.51 RCW, an assisted living facility licensed under chapter 18.20 RCW, ~~((66))~~ an adult family home licensed under chapter 70.128 RCW, or an enhanced services facility licensed under chapter 70.97 RCW.

~~((42))~~ (13) "Peer counselor" means a nonprofessional person who has equal standing with another person, providing advice on a topic about which the nonprofessional person is more experienced or knowledgeable, and who is a counselor for a peer counseling program that contracts with or is otherwise approved by the department, another state or local agency, or the court.

~~((43))~~ (14) "Provider" means the following types of entities:

(a) A health care facility, as defined in this section;

(b) An in-home services agency, as defined in RCW 70.127.010;

(c) A community residential service business, as defined in RCW 74.39A.009; and

(d) A consumer directed employer, as defined in RCW 74.39A.009.

(15) "Unsupervised" means not in the presence of:

(a) Another employee or volunteer from the same business or organization as the applicant; or

(b) Any relative or guardian of any of the children or developmentally disabled persons or vulnerable adults to which the applicant has access during the course of his or her

employment or involvement with the business or organization.

With regard to peer counselors, "unsupervised" does not include incidental contact with children under age sixteen at the location at which the peer counseling is taking place. "Incidental contact" means minor or casual contact with a child in an area accessible to and within visual or auditory range of others. It could include passing a child while walking down a hallway but would not include being alone with a child for any period of time in a closed room or office.

~~((44))~~ (16) "Vulnerable adult" means "vulnerable adult" as defined in chapter 74.34 RCW, except that for the purposes of requesting and receiving background checks pursuant to RCW 43.43.832, it shall also include adults of any age who lack the functional, mental, or physical ability to care for themselves.

**Sec. 5.** RCW 43.43.832 and 2019 c 146 s 6 are each amended to read as follows:

(1) The Washington state patrol identification and criminal history section shall disclose conviction records as follows:

(a) An applicant's conviction record, upon the request of a business or organization as defined in RCW 43.43.830, a developmentally disabled person, or a vulnerable adult as defined in RCW 43.43.830 or his or her guardian;

(b) The conviction record of an applicant for certification, upon the request of the Washington professional educator standards board;

(c) Any conviction record to aid in the investigation and prosecution of child, developmentally disabled person, and vulnerable adult abuse cases and to protect children and adults from further incidents of abuse, upon the request of a law enforcement agency, the office of the attorney general, prosecuting authority, or the department of social and health services; and

(d) A prospective client's or resident's conviction record, upon the request of a business or organization that qualifies for exemption under section 501(c)(3) of the internal revenue code of 1986 (26 U.S.C. Sec. 501(c)(3)) and that provides emergency shelter or transitional housing for children, persons with developmental disabilities, or vulnerable adults.

(2) The secretary of the department of social and health services and the secretary of children, youth, and families must establish rules and set standards to require specific action when considering the information received pursuant to subsection (1) of this section, and when considering additional information including but not limited to civil adjudication proceedings as defined in RCW 43.43.830 and any out-of-state equivalent, in the following circumstances:

(a) When considering persons for state employment in positions directly responsible for the supervision, care, or treatment of children, vulnerable adults, or individuals with mental illness or developmental disabilities provided that: For persons residing in a home that will be utilized to provide foster care for dependent youth, a criminal

background check will be required for all persons aged sixteen and older and the department of social and health services may require a criminal background check for persons who are younger than sixteen in situations where it may be warranted to ensure the safety of youth in foster care;

(b) When considering persons for state positions involving unsupervised access to vulnerable adults to conduct comprehensive assessments, financial eligibility determinations, licensing and certification activities, investigations, surveys, or case management; or for state positions otherwise required by federal law to meet employment standards;

(c) When licensing agencies or facilities with individuals in positions directly responsible for the care, supervision, or treatment of children, developmentally disabled persons, or vulnerable adults, including but not limited to agencies or facilities licensed under chapter 74.15 or 18.51 RCW;

(d) When contracting with individuals or businesses or organizations for the care, supervision, case management, or treatment, including peer counseling, of children, developmentally disabled persons, or vulnerable adults, including but not limited to services contracted for under chapter 18.20, 70.127, 70.128, 72.36, or 74.39A RCW or Title 71A RCW;

(e) When individual providers are paid by the state or providers are paid by home care agencies to provide in-home services involving unsupervised access to persons with physical, mental, or developmental disabilities or mental illness, or to vulnerable adults as defined in chapter 74.34 RCW, including but not limited to services provided under chapter 74.39 or 74.39A RCW.

(3) The secretary of the department of children, youth, and families shall investigate the conviction records, pending charges, and other information including civil adjudication proceeding records of current employees and of any person actively being considered for any position with the department who will or may have unsupervised access to children, or for state positions otherwise required by federal law to meet employment standards. "Considered for any position" includes decisions about (a) initial hiring, layoffs, reallocations, transfers, promotions, or demotions, or (b) other decisions that result in an individual being in a position that will or may have unsupervised access to children as an employee, an intern, or a volunteer.

(4) The secretary of the department of children, youth, and families shall adopt rules and investigate conviction records, pending charges, and other information including civil adjudication proceeding records, in the following circumstances:

(a) When licensing or certifying agencies with individuals in positions that will or may have unsupervised access to children who are in child day care, in early learning programs, or receiving early childhood education services, including but not limited to licensees, agency staff, interns, volunteers, contracted providers, and persons living on the premises who are sixteen years of age or older;

(b) When authorizing individuals who will or may have unsupervised access to children who are in child day care, in early learning programs, or receiving early childhood learning education services in licensed or certified agencies, including but not limited to licensees, agency staff, interns, volunteers, contracted providers, and persons living on the premises who are sixteen years of age or older;

(c) When contracting with any business or organization for activities that will or may have unsupervised access to children who are in child day care, in early learning programs, or receiving early childhood learning education services;

(d) When establishing the eligibility criteria for individual providers to receive state paid subsidies to provide child day care or early learning services that will or may involve unsupervised access to children.

(5) Whenever a state conviction record check is required by state law, persons may be employed or engaged as volunteers or independent contractors on a conditional basis pending completion of the state background investigation. Whenever a national criminal record check through the federal bureau of investigation is required by state law, a person may be employed or engaged as a volunteer or independent contractor on a conditional basis pending completion of the national check. The office of financial management shall adopt rules to accomplish the purposes of this subsection as it applies to state employees.

(6)(a) For purposes of facilitating timely access to criminal background information and to reasonably minimize the number of requests made under this section, recognizing that certain ~~((health care))~~ providers have staff who change employment frequently, ((health care facilities)) providers may ~~((, upon request from another health care facility,))~~ share copies of completed criminal background inquiry information.

(b) Completed criminal background inquiry information may be shared by a willing ~~((health care facility))~~ provider listed in (a) of this subsection only if the following conditions are satisfied: The ~~((licensed health care facility))~~ provider sharing the criminal background inquiry information is reasonably known to be the person's most recent employer, no more than twelve months has elapsed from the date the person was last employed ~~((at a licensed health care facility))~~ by the provider to the date of their current employment application, and the criminal background information is no more than two years old.

(c) If criminal background inquiry information is shared, the ~~((health care facility))~~ provider employing the subject of the inquiry must require the applicant to sign a disclosure statement indicating that there has been no conviction or finding as described in RCW 43.43.842 since the completion date of the most recent criminal background inquiry.

(d) Any ~~((health care facility))~~ provider that knows or has reason to believe that an applicant has or may have a disqualifying conviction or finding as described in RCW 43.43.842, subsequent to the completion date of their most recent criminal background inquiry, shall be prohibited from relying on the applicant's previous employer's criminal

background inquiry information. A new criminal background inquiry shall be requested pursuant to RCW 43.43.830 through 43.43.842.

(e) ~~((Health care facilities))~~ Providers that share criminal background inquiry information shall be immune from any claim of defamation, invasion of privacy, negligence, or any other claim in connection with any dissemination of this information in accordance with this subsection.

(f) ~~((Health care facilities))~~ Providers shall transmit and receive the criminal background inquiry information in a manner that reasonably protects the subject's rights to privacy and confidentiality.

(7) The department of social and health services may maintain a background check database. The background check database shall be a web-based background check system for the use of authorized internal and external entities to submit background check requests; receive results of background checks based on name, date of birth, fingerprint identification, or any other method of positive identification; review state and federal criminal history records; and process the results of background checks. A business or organization required to complete background checks for long-term care workers under RCW 74.39A.056 may satisfy that requirement by using the results of the background check database in accordance with rules adopted by the department of social and health services."

Correct the title.

Representatives Robinson and Caldier spoke in favor of the adoption of the striking amendment.

The striking amendment (967) was adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Robinson and Caldier spoke in favor of the passage of the bill.

The Speaker stated the question before the House to be the final passage of Second Engrossed Substitute House Bill No. 1565.

### ROLL CALL

The Clerk called the roll on the final passage of Second Engrossed Substitute House Bill No. 1565, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Irwin, Jenkin, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri,

Maycumber, McCaslin, Mead, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Sells, Senn, Shea, Shewmake, Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mr. Speaker.

Excused: Representatives Hudgins and Schmick.

SECOND ENGROSSED SUBSTITUTE HOUSE BILL NO. 1565, having received the necessary constitutional majority, was declared passed.

**SUBSTITUTE HOUSE BILL NO. 1826, by House Committee on Civil Rights & Judiciary (originally sponsored by Leavitt, Kilduff and Morgan)**

**Concerning the disclosure of certain information during the discharge planning process.**

The bill was read the third time.

Representatives Leavitt and Irwin spoke in favor of the passage of the bill.

The Speaker stated the question before the House to be the final passage of Substitute House Bill No. 1826.

### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1826, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Irwin, Jenkin, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Mead, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Sells, Senn, Shea, Shewmake, Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mr. Speaker.

Excused: Representatives Hudgins and Schmick.

SUBSTITUTE HOUSE BILL NO. 1826, having received the necessary constitutional majority, was declared passed.

There being no objection, the House reverted to the sixth order of business.

### SECOND READING

**HOUSE BILL NO. 2099, by Representatives Irwin and Jinkins**

**Concerning the use of video technology under the involuntary treatment act.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 2099 was substituted for House Bill No. 2099 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2099 was read the second time.

Representative Irwin moved the adoption of the striking amendment (1000):

Strike everything after the enacting clause and insert the following:

"Sec. 6. RCW 71.05.020 and 2019 c 446 s 2, 2019 c 444 s 16, and 2019 c 325 s 3001 are each reenacted and amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Admission" or "admit" means a decision by a physician, physician assistant, or psychiatric advanced registered nurse practitioner that a person should be examined or treated as a patient in a hospital;

(2) "Alcoholism" means a disease, characterized by a dependency on alcoholic beverages, loss of control over the amount and circumstances of use, symptoms of tolerance, physiological or psychological withdrawal, or both, if use is reduced or discontinued, and impairment of health or disruption of social or economic functioning;

(3) "Antipsychotic medications" means that class of drugs primarily used to treat serious manifestations of mental illness associated with thought disorders, which includes, but is not limited to atypical antipsychotic medications;

(4) "Approved substance use disorder treatment program" means a program for persons with a substance use disorder provided by a treatment program certified by the department as meeting standards adopted under chapter 71.24 RCW;

(5) "Attending staff" means any person on the staff of a public or private agency having responsibility for the care and treatment of a patient;

(6) "Authority" means the Washington state health care authority;

(7) "Co-occurring disorder specialist" means an individual possessing an enhancement granted by the department of health under chapter 18.205 RCW that certifies the individual to provide substance use disorder counseling subject to the practice limitations under RCW 18.205.105;

(8) "Commitment" means the determination by a court that a person should be detained for a period of either evaluation or treatment, or both, in an inpatient or a less restrictive setting;

(9) "Conditional release" means a revocable modification of a commitment, which may be revoked upon violation of any of its terms;

(10) "Crisis stabilization unit" means a short-term facility or a portion of a facility licensed or certified by the department, such as an evaluation and treatment facility or a hospital, which has been designed to assess, diagnose, and treat individuals experiencing an acute crisis without the use of long-term hospitalization;

(11) "Custody" means involuntary detention under the provisions of this chapter or chapter 10.77 RCW, uninterrupted by any period of unconditional release from commitment from a facility providing involuntary care and treatment;

(12) "Department" means the department of health;

(13) "Designated crisis responder" means a mental health professional appointed by the county or an entity appointed by the county, to perform the duties specified in this chapter;

(14) "Detention" or "detain" means the lawful confinement of a person, under the provisions of this chapter;

(15) "Developmental disabilities professional" means a person who has specialized training and three years of experience in directly treating or working with persons with developmental disabilities and is a psychiatrist, physician assistant working with a supervising psychiatrist, psychologist, psychiatric advanced registered nurse practitioner, or social worker, and such other developmental disabilities professionals as may be defined by rules adopted by the secretary of the department of social and health services;

(16) "Developmental disability" means that condition defined in RCW 71A.10.020(5);

(17) "Director" means the director of the authority;

(18) "Discharge" means the termination of hospital medical authority. The commitment may remain in place, be terminated, or be amended by court order;

(19) "Drug addiction" means a disease, characterized by a dependency on psychoactive chemicals, loss of control over the amount and circumstances of use, symptoms of tolerance, physiological or psychological withdrawal, or both, if use is reduced or discontinued, and impairment of health or disruption of social or economic functioning;

(20) "Evaluation and treatment facility" means any facility which can provide directly, or by direct arrangement with other public or private agencies, emergency evaluation and treatment, outpatient care, and timely and appropriate inpatient care to persons suffering from a mental disorder, and which is licensed or certified as such by the department. The authority may certify single beds as temporary

evaluation and treatment beds under RCW 71.05.745. A physically separate and separately operated portion of a state hospital may be designated as an evaluation and treatment facility. A facility which is part of, or operated by, the department of social and health services or any federal agency will not require certification. No correctional institution or facility, or jail, shall be an evaluation and treatment facility within the meaning of this chapter;

(21) "Gravely disabled" means a condition in which a person, as a result of a mental disorder, or as a result of the use of alcohol or other psychoactive chemicals: (a) Is in danger of serious physical harm resulting from a failure to provide for his or her essential human needs of health or safety; or (b) manifests severe deterioration in routine functioning evidenced by repeated and escalating loss of cognitive or volitional control over his or her actions and is not receiving such care as is essential for his or her health or safety;

(22) "Habilitative services" means those services provided by program personnel to assist persons in acquiring and maintaining life skills and in raising their levels of physical, mental, social, and vocational functioning. Habilitative services include education, training for employment, and therapy. The habilitative process shall be undertaken with recognition of the risk to the public safety presented by the person being assisted as manifested by prior charged criminal conduct;

(23) "Hearing" means any proceeding conducted in open court. For purposes of this chapter, at any hearing the petitioner, the respondent, the witnesses, and the presiding judicial officer may be present and participate either in person or by video, as determined by the court. The term "video" as used herein shall include any functional equivalent. At any hearing conducted by video, the technology used must permit the judicial officer, counsel, all parties, and the witnesses to be able to see, hear, and speak, when authorized, during the hearing; to allow attorneys to use exhibits or other materials during the hearing; and to allow respondent's counsel to be in the same location as the respondent unless otherwise requested by the respondent or the respondent's counsel. Witnesses in a proceeding may also appear in court through other means, including telephonically, pursuant to the requirements of superior court civil rule 43. Notwithstanding the foregoing, the court, upon its own motion or upon a motion for good cause by any party, may require all parties and witnesses to participate in the hearing in person rather than by video. In ruling on any such motion, the court may allow in-person or video testimony; and the court may consider, among other things, whether the respondent's alleged mental illness affects the respondent's ability to perceive or participate in the proceeding by video;

(24) "History of one or more violent acts" refers to the period of time ten years prior to the filing of a petition under this chapter, excluding any time spent, but not any violent acts committed, in a mental health facility, a long-term alcoholism or drug treatment facility, or in confinement as a result of a criminal conviction;

(25) "Imminent" means the state or condition of being likely to occur at any moment or near at hand, rather than distant or remote;

(26) "In need of assisted outpatient behavioral health treatment" means that a person, as a result of a mental disorder or substance use disorder: (a) Has been committed by a court to detention for involuntary behavioral health treatment during the preceding thirty-six months; (b) is unlikely to voluntarily participate in outpatient treatment without an order for less restrictive alternative treatment, based on a history of nonadherence with treatment or in view of the person's current behavior; (c) is likely to benefit from less restrictive alternative treatment; and (d) requires less restrictive alternative treatment to prevent a relapse, decompensation, or deterioration that is likely to result in the person presenting a likelihood of serious harm or the person becoming gravely disabled within a reasonably short period of time;

(27) "Individualized service plan" means a plan prepared by a developmental disabilities professional with other professionals as a team, for a person with developmental disabilities, which shall state:

(a) The nature of the person's specific problems, prior charged criminal behavior, and habilitation needs;

(b) The conditions and strategies necessary to achieve the purposes of habilitation;

(c) The intermediate and long-range goals of the habilitation program, with a projected timetable for the attainment;

(d) The rationale for using this plan of habilitation to achieve those intermediate and long-range goals;

(e) The staff responsible for carrying out the plan;

(f) Where relevant in light of past criminal behavior and due consideration for public safety, the criteria for proposed movement to less-restrictive settings, criteria for proposed eventual discharge or release, and a projected possible date for discharge or release; and

(g) The type of residence immediately anticipated for the person and possible future types of residences;

(28) "Information related to mental health services" means all information and records compiled, obtained, or maintained in the course of providing services to either voluntary or involuntary recipients of services by a mental health service provider. This may include documents of legal proceedings under this chapter or chapter 71.34 or 10.77 RCW, or somatic health care information;

(29) "Intoxicated person" means a person whose mental or physical functioning is substantially impaired as a result of the use of alcohol or other psychoactive chemicals;

(30) "Judicial commitment" means a commitment by a court pursuant to the provisions of this chapter;

(31) "Legal counsel" means attorneys and staff employed by county prosecutor offices or the state attorney general acting in their capacity as legal representatives of

public mental health and substance use disorder service providers under RCW 71.05.130;

(32) "Less restrictive alternative treatment" means a program of individualized treatment in a less restrictive setting than inpatient treatment that includes the services described in RCW 71.05.585;

(33) "Licensed physician" means a person licensed to practice medicine or osteopathic medicine and surgery in the state of Washington;

(34) "Likelihood of serious harm" means:

(a) A substantial risk that: (i) Physical harm will be inflicted by a person upon his or her own person, as evidenced by threats or attempts to commit suicide or inflict physical harm on oneself; (ii) physical harm will be inflicted by a person upon another, as evidenced by behavior which has caused such harm or which places another person or persons in reasonable fear of sustaining such harm; or (iii) physical harm will be inflicted by a person upon the property of others, as evidenced by behavior which has caused substantial loss or damage to the property of others; or

(b) The person has threatened the physical safety of another and has a history of one or more violent acts;

(35) "Medical clearance" means a physician or other health care provider has determined that a person is medically stable and ready for referral to the designated crisis responder;

(36) "Mental disorder" means any organic, mental, or emotional impairment which has substantial adverse effects on a person's cognitive or volitional functions;

(37) "Mental health professional" means a psychiatrist, psychologist, physician assistant working with a supervising psychiatrist, psychiatric advanced registered nurse practitioner, psychiatric nurse, or social worker, and such other mental health professionals as may be defined by rules adopted by the secretary pursuant to the provisions of this chapter;

(38) "Mental health service provider" means a public or private agency that provides mental health services to persons with mental disorders or substance use disorders as defined under this section and receives funding from public sources. This includes, but is not limited to, hospitals licensed under chapter 70.41 RCW, evaluation and treatment facilities as defined in this section, community mental health service delivery systems or community behavioral health programs as defined in RCW 71.24.025, facilities conducting competency evaluations and restoration under chapter 10.77 RCW, approved substance use disorder treatment programs as defined in this section, secure withdrawal management and stabilization facilities as defined in this section, and correctional facilities operated by state and local governments;

(39) "Peace officer" means a law enforcement official of a public agency or governmental unit, and includes persons specifically given peace officer powers by any state law, local ordinance, or judicial order of appointment;

(40) "Physician assistant" means a person licensed as a physician assistant under chapter 18.57A or 18.71A RCW;

(41) "Private agency" means any person, partnership, corporation, or association that is not a public agency, whether or not financed in whole or in part by public funds, which constitutes an evaluation and treatment facility or private institution, or hospital, or approved substance use disorder treatment program, which is conducted for, or includes a department or ward conducted for, the care and treatment of persons with mental illness, substance use disorders, or both mental illness and substance use disorders;

(42) "Professional person" means a mental health professional, substance use disorder professional, or designated crisis responder and shall also mean a physician, physician assistant, psychiatric advanced registered nurse practitioner, registered nurse, and such others as may be defined by rules adopted by the secretary pursuant to the provisions of this chapter;

(43) "Psychiatric advanced registered nurse practitioner" means a person who is licensed as an advanced registered nurse practitioner pursuant to chapter 18.79 RCW; and who is board certified in advanced practice psychiatric and mental health nursing;

(44) "Psychiatrist" means a person having a license as a physician and surgeon in this state who has in addition completed three years of graduate training in psychiatry in a program approved by the American medical association or the American osteopathic association and is certified or eligible to be certified by the American board of psychiatry and neurology;

(45) "Psychologist" means a person who has been licensed as a psychologist pursuant to chapter 18.83 RCW;

(46) "Public agency" means any evaluation and treatment facility or institution, secure withdrawal management and stabilization facility, approved substance use disorder treatment program, or hospital which is conducted for, or includes a department or ward conducted for, the care and treatment of persons with mental illness, substance use disorders, or both mental illness and substance use disorders, if the agency is operated directly by federal, state, county, or municipal government, or a combination of such governments;

(47) "Release" means legal termination of the commitment under the provisions of this chapter;

(48) "Resource management services" has the meaning given in chapter 71.24 RCW;

(49) "Secretary" means the secretary of the department of health, or his or her designee;

(50) "Secure withdrawal management and stabilization facility" means a facility operated by either a public or private agency or by the program of an agency which provides care to voluntary individuals and individuals involuntarily detained and committed under this chapter for whom there is a likelihood of serious harm or who are gravely disabled due to the presence of a substance use

disorder. Secure withdrawal management and stabilization facilities must:

(a) Provide the following services:

(i) Assessment and treatment, provided by certified substance use disorder professionals or co-occurring disorder specialists;

(ii) Clinical stabilization services;

(iii) Acute or subacute detoxification services for intoxicated individuals; and

(iv) Discharge assistance provided by certified substance use disorder professionals or co-occurring disorder specialists, including facilitating transitions to appropriate voluntary or involuntary inpatient services or to less restrictive alternatives as appropriate for the individual;

(b) Include security measures sufficient to protect the patients, staff, and community; and

(c) Be licensed or certified as such by the department of health;

(51) "Serious violent offense" has the same meaning as provided in RCW 9.94A.030;

(52) "Social worker" means a person with a master's or further advanced degree from a social work educational program accredited and approved as provided in RCW 18.320.010;

(53) "Substance use disorder" means a cluster of cognitive, behavioral, and physiological symptoms indicating that an individual continues using the substance despite significant substance-related problems. The diagnosis of a substance use disorder is based on a pathological pattern of behaviors related to the use of the substances;

(54) "Substance use disorder professional" means a person certified as a substance use disorder professional by the department of health under chapter 18.205 RCW;

(55) "Therapeutic court personnel" means the staff of a mental health court or other therapeutic court which has jurisdiction over defendants who are dually diagnosed with mental disorders, including court personnel, probation officers, a court monitor, prosecuting attorney, or defense counsel acting within the scope of therapeutic court duties;

(56) "Treatment records" include registration and all other records concerning persons who are receiving or who at any time have received services for mental illness, which are maintained by the department of social and health services, the department, the authority, behavioral health administrative services organizations and their staffs, managed care organizations and their staffs, and by treatment facilities. Treatment records include mental health information contained in a medical bill including but not limited to mental health drugs, a mental health diagnosis, provider name, and dates of service stemming from a medical service. Treatment records do not include notes or records maintained for personal use by a person providing treatment services for the department of social and health services, the department, the authority, behavioral health

administrative services organizations, managed care organizations, or a treatment facility if the notes or records are not available to others;

(57) "Triage facility" means a short-term facility or a portion of a facility licensed or certified by the department, which is designed as a facility to assess and stabilize an individual or determine the need for involuntary commitment of an individual, and must meet department residential treatment facility standards. A triage facility may be structured as a voluntary or involuntary placement facility;

(58) "Video" means the delivery of health care services through the use of interactive audio and video technology, permitting real-time communication between a person and a designated crisis responder, for the purpose of evaluation. "Video" does not include the use of audio-only telephone, facsimile, email, or store and forward technology. "Store and forward technology" means use of an asynchronous transmission of a person's medical information from a mental health service provider to the designated crisis responder which results in medical diagnosis, consultation, or treatment;

(59) "Violent act" means behavior that resulted in homicide, attempted suicide, nonfatal injuries, or substantial damage to property.

**Sec. 7.** RCW 71.05.150 and 2019 c 446 s 4 are each amended to read as follows:

(1) When a designated crisis responder receives information alleging that a person, as a result of a mental disorder, substance use disorder, or both presents a likelihood of serious harm or is gravely disabled, or that a person is in need of assisted outpatient behavioral health treatment; the designated crisis responder may, after investigation and evaluation of the specific facts alleged and of the reliability and credibility of any person providing information to initiate detention or involuntary outpatient treatment, if satisfied that the allegations are true and that the person will not voluntarily seek appropriate treatment, file a petition for initial detention under this section or a petition for involuntary outpatient behavioral health treatment under RCW 71.05.148. Before filing the petition, the designated crisis responder must personally interview the person, unless the person refuses an interview, and determine whether the person will voluntarily receive appropriate evaluation and treatment at an evaluation and treatment facility, crisis stabilization unit, triage facility, or approved substance use disorder treatment program. The interview performed by the designated crisis responder may be conducted by video provided that a licensed health care professional or professional person who can adequately and accurately assist with obtaining any necessary information is available at the time of the interview.

(2)(a) An order to detain a person with a mental disorder to a designated evaluation and treatment facility, or to detain a person with a substance use disorder to a secure withdrawal management and stabilization facility or approved substance use disorder treatment program, for not more than a seventy-two-hour evaluation and treatment period may be issued by a judge of the superior court upon request of a designated



crisis responder, subject to (d) of this subsection, whenever it appears to the satisfaction of a judge of the superior court:

(i) That there is probable cause to support the petition; and

(ii) That the person has refused or failed to accept appropriate evaluation and treatment voluntarily.

(b) The petition for initial detention, signed under penalty of perjury, or sworn telephonic testimony may be considered by the court in determining whether there are sufficient grounds for issuing the order.

(c) The order shall designate retained counsel or, if counsel is appointed from a list provided by the court, the name, business address, and telephone number of the attorney appointed to represent the person.

(d) A court may not issue an order to detain a person to a secure withdrawal management and stabilization facility or approved substance use disorder treatment program unless there is an available secure withdrawal management and stabilization facility or approved substance use disorder treatment program that has adequate space for the person.

(3) The designated crisis responder shall then serve or cause to be served on such person, his or her guardian, and conservator, if any, a copy of the order together with a notice of rights, and a petition for initial detention. After service on such person the designated crisis responder shall file the return of service in court and provide copies of all papers in the court file to the evaluation and treatment facility, secure withdrawal management and stabilization facility, or approved substance use disorder treatment program, and the designated attorney. The designated crisis responder shall notify the court and the prosecuting attorney that a probable cause hearing will be held within seventy-two hours of the date and time of outpatient evaluation or admission to the evaluation and treatment facility, secure withdrawal management and stabilization facility, or approved substance use disorder treatment program. The person shall be permitted to be accompanied by one or more of his or her relatives, friends, an attorney, a personal physician, or other professional or religious advisor to the place of evaluation. An attorney accompanying the person to the place of evaluation shall be permitted to be present during the admission evaluation. Any other individual accompanying the person may be present during the admission evaluation. The facility may exclude the individual if his or her presence would present a safety risk, delay the proceedings, or otherwise interfere with the evaluation.

(4) The designated crisis responder may notify a peace officer to take such person or cause such person to be taken into custody and placed in an evaluation and treatment facility, secure withdrawal management and stabilization facility, or approved substance use disorder treatment program. At the time such person is taken into custody there shall commence to be served on such person, his or her guardian, and conservator, if any, a copy of the original order together with a notice of rights and a petition for initial detention.

**Sec. 8.** RCW 71.05.150 and 2019 c 446 s 5 are each amended to read as follows:

(1) When a designated crisis responder receives information alleging that a person, as a result of a mental disorder, substance use disorder, or both presents a likelihood of serious harm or is gravely disabled, or that a person is in need of assisted outpatient behavioral health treatment; the designated crisis responder may, after investigation and evaluation of the specific facts alleged and of the reliability and credibility of any person providing information to initiate detention or involuntary outpatient treatment, if satisfied that the allegations are true and that the person will not voluntarily seek appropriate treatment, file a petition for initial detention under this section or a petition for involuntary outpatient behavioral health treatment under RCW 71.05.148. Before filing the petition, the designated crisis responder must personally interview the person, unless the person refuses an interview, and determine whether the person will voluntarily receive appropriate evaluation and treatment at an evaluation and treatment facility, crisis stabilization unit, triage facility, or approved substance use disorder treatment program. The interview performed by the designated crisis responder may be conducted by video provided that a licensed health care professional or professional person who can adequately and accurately assist with obtaining any necessary information is available at the time of the interview.

(2)(a) An order to detain a person with a mental disorder to a designated evaluation and treatment facility, or to detain a person with a substance use disorder to a secure withdrawal management and stabilization facility or approved substance use disorder treatment program, for not more than a seventy-two-hour evaluation and treatment period may be issued by a judge of the superior court upon request of a designated crisis responder whenever it appears to the satisfaction of a judge of the superior court:

(i) That there is probable cause to support the petition; and

(ii) That the person has refused or failed to accept appropriate evaluation and treatment voluntarily.

(b) The petition for initial detention, signed under penalty of perjury, or sworn telephonic testimony may be considered by the court in determining whether there are sufficient grounds for issuing the order.

(c) The order shall designate retained counsel or, if counsel is appointed from a list provided by the court, the name, business address, and telephone number of the attorney appointed to represent the person.

(3) The designated crisis responder shall then serve or cause to be served on such person, his or her guardian, and conservator, if any, a copy of the order together with a notice of rights, and a petition for initial detention. After service on such person the designated crisis responder shall file the return of service in court and provide copies of all papers in the court file to the evaluation and treatment facility, secure withdrawal management and stabilization facility, or approved substance use disorder treatment program, and the designated attorney. The designated crisis responder shall

notify the court and the prosecuting attorney that a probable cause hearing will be held within seventy-two hours of the date and time of outpatient evaluation or admission to the evaluation and treatment facility, secure withdrawal management and stabilization facility, or approved substance use disorder treatment program. The person shall be permitted to be accompanied by one or more of his or her relatives, friends, an attorney, a personal physician, or other professional or religious advisor to the place of evaluation. An attorney accompanying the person to the place of evaluation shall be permitted to be present during the admission evaluation. Any other individual accompanying the person may be present during the admission evaluation. The facility may exclude the individual if his or her presence would present a safety risk, delay the proceedings, or otherwise interfere with the evaluation.

(4) The designated crisis responder may notify a peace officer to take such person or cause such person to be taken into custody and placed in an evaluation and treatment facility, secure withdrawal management and stabilization facility, or approved substance use disorder treatment program. At the time such person is taken into custody there shall commence to be served on such person, his or her guardian, and conservator, if any, a copy of the original order together with a notice of rights and a petition for initial detention.

**Sec. 9.** RCW 71.05.153 and 2019 c 446 s 6 are each amended to read as follows:

(1) When a designated crisis responder receives information alleging that a person, as the result of a mental disorder, presents an imminent likelihood of serious harm, or is in imminent danger because of being gravely disabled, after investigation and evaluation of the specific facts alleged and of the reliability and credibility of the person or persons providing the information if any, the designated crisis responder may take such person, or cause by oral or written order such person to be taken into emergency custody in an evaluation and treatment facility for not more than seventy-two hours as described in RCW 71.05.180.

(2) When a designated crisis responder receives information alleging that a person, as the result of substance use disorder, presents an imminent likelihood of serious harm, or is in imminent danger because of being gravely disabled, after investigation and evaluation of the specific facts alleged and of the reliability and credibility of the person or persons providing the information if any, the designated crisis responder may take the person, or cause by oral or written order the person to be taken, into emergency custody in a secure withdrawal management and stabilization facility or approved substance use disorder treatment program for not more than seventy-two hours as described in RCW 71.05.180, if a secure withdrawal management and stabilization facility or approved substance use disorder treatment program is available and has adequate space for the person.

(3)(a) Subject to (b) of this subsection, a peace officer may take or cause such person to be taken into custody and immediately delivered to a triage facility, crisis stabilization unit, evaluation and treatment facility, secure withdrawal

management and stabilization facility, approved substance use disorder treatment program, or the emergency department of a local hospital under the following circumstances:

(i) Pursuant to subsection (1) or (2) of this section; or

(ii) When he or she has reasonable cause to believe that such person is suffering from a mental disorder or substance use disorder and presents an imminent likelihood of serious harm or is in imminent danger because of being gravely disabled.

(b) A peace officer's delivery of a person, based on a substance use disorder, to a secure withdrawal management and stabilization facility or approved substance use disorder treatment program is subject to the availability of a secure withdrawal management and stabilization facility or approved substance use disorder treatment program with adequate space for the person.

(4) Persons delivered to a crisis stabilization unit, evaluation and treatment facility, emergency department of a local hospital, triage facility that has elected to operate as an involuntary facility, secure withdrawal management and stabilization facility, or approved substance use disorder treatment program by peace officers pursuant to subsection (3) of this section may be held by the facility for a period of up to twelve hours, not counting time periods prior to medical clearance.

(5) Within three hours after arrival, not counting time periods prior to medical clearance, the person must be examined by a mental health professional. Within twelve hours of notice of the need for evaluation, not counting time periods prior to medical clearance, the designated crisis responder must determine whether the individual meets detention criteria. The interview performed by the designated crisis responder may be conducted by video provided that a licensed health care professional or professional person who can adequately and accurately assist with obtaining any necessary information is available at the time of the interview. If the individual is detained, the designated crisis responder shall file a petition for detention or a supplemental petition as appropriate and commence service on the designated attorney for the detained person. If the individual is released to the community, the mental health service provider shall inform the peace officer of the release within a reasonable period of time after the release if the peace officer has specifically requested notification and provided contact information to the provider.

(6) Dismissal of a commitment petition is not the appropriate remedy for a violation of the timeliness requirements of this section based on the intent of this chapter under RCW 71.05.010 except in the few cases where the facility staff or designated mental health professional has totally disregarded the requirements of this section.

**Sec. 10.** RCW 71.05.153 and 2019 c 446 s 7 are each amended to read as follows:

(1) When a designated crisis responder receives information alleging that a person, as the result of a mental disorder, presents an imminent likelihood of serious harm,

or is in imminent danger because of being gravely disabled, after investigation and evaluation of the specific facts alleged and of the reliability and credibility of the person or persons providing the information if any, the designated crisis responder may take such person, or cause by oral or written order such person to be taken into emergency custody in an evaluation and treatment facility for not more than seventy-two hours as described in RCW 71.05.180.

(2) When a designated crisis responder receives information alleging that a person, as the result of substance use disorder, presents an imminent likelihood of serious harm, or is in imminent danger because of being gravely disabled, after investigation and evaluation of the specific facts alleged and of the reliability and credibility of the person or persons providing the information if any, the designated crisis responder may take the person, or cause by oral or written order the person to be taken, into emergency custody in a secure withdrawal management and stabilization facility or approved substance use disorder treatment program for not more than seventy-two hours as described in RCW 71.05.180.

(3) A peace officer may take or cause such person to be taken into custody and immediately delivered to a triage facility, crisis stabilization unit, evaluation and treatment facility, secure withdrawal management and stabilization facility, approved substance use disorder treatment program, or the emergency department of a local hospital under the following circumstances:

(a) Pursuant to subsection (1) or (2) of this section; or

(b) When he or she has reasonable cause to believe that such person is suffering from a mental disorder or substance use disorder and presents an imminent likelihood of serious harm or is in imminent danger because of being gravely disabled.

(4) Persons delivered to a crisis stabilization unit, evaluation and treatment facility, emergency department of a local hospital, triage facility that has elected to operate as an involuntary facility, secure withdrawal management and stabilization facility, or approved substance use disorder treatment program by peace officers pursuant to subsection (3) of this section may be held by the facility for a period of up to twelve hours, not counting time periods prior to medical clearance.

(5) Within three hours after arrival, not counting time periods prior to medical clearance, the person must be examined by a mental health professional. Within twelve hours of notice of the need for evaluation, not counting time periods prior to medical clearance, the designated crisis responder must determine whether the individual meets detention criteria. The interview performed by the designated crisis responder may be conducted by video provided that a licensed health care professional or professional person who can adequately and accurately assist with obtaining any necessary information is available at the time of the interview. If the individual is detained, the designated crisis responder shall file a petition for detention or a supplemental petition as appropriate and commence service on the designated attorney for the detained person. If the individual is released to the community, the mental

health service provider shall inform the peace officer of the release within a reasonable period of time after the release if the peace officer has specifically requested notification and provided contact information to the provider.

(6) Dismissal of a commitment petition is not the appropriate remedy for a violation of the timeliness requirements of this section based on the intent of this chapter under RCW 71.05.010 except in the few cases where the facility staff or designated mental health professional has totally disregarded the requirements of this section.

**Sec. 11.** RCW 71.05.235 and 2016 sp.s. c 29 s 231 are each amended to read as follows:

(1) If an individual is referred to a designated crisis responder under RCW 10.77.088(~~((1)(e)))~~ (2)(d)(i), the designated crisis responder shall examine the individual within forty-eight hours. If the designated crisis responder determines it is not appropriate to detain the individual or petition for a ninety-day less restrictive alternative under RCW 71.05.230(4), that decision shall be immediately presented to the superior court for hearing. The court shall hold a hearing to consider the decision of the designated crisis responder not later than the next judicial day. At the hearing the superior court shall review the determination of the designated crisis responder and determine whether an order should be entered requiring the person to be evaluated at an evaluation and treatment facility. No person referred to an evaluation and treatment facility may be held at the facility longer than seventy-two hours.

(2) If an individual is placed in an evaluation and treatment facility under RCW 10.77.088(~~((1)(e)))~~ (2)(d)(ii), a professional person shall evaluate the individual for purposes of determining whether to file a ninety-day inpatient or outpatient petition under this chapter. Before expiration of the seventy-two hour evaluation period authorized under RCW 10.77.088(~~((1)(e)))~~ (2)(d)(ii), the professional person shall file a petition or, if the recommendation of the professional person is to release the individual, present his or her recommendation to the superior court of the county in which the criminal charge was dismissed. The superior court shall review the recommendation not later than forty-eight hours, excluding Saturdays, Sundays, and holidays, after the recommendation is presented. If the court rejects the recommendation to unconditionally release the individual, the court may order the individual detained at a designated evaluation and treatment facility for not more than a seventy-two hour evaluation and treatment period and direct the individual to appear at a surety hearing before that court within seventy-two hours, or the court may release the individual but direct the individual to appear at a surety hearing set before that court within eleven days, at which time the prosecutor may file a petition under this chapter for ninety-day inpatient or outpatient treatment. If a petition is filed by the prosecutor, the court may order that the person named in the petition be detained at the evaluation and treatment facility that performed the evaluation under this subsection or order the respondent to be in outpatient treatment. If a petition is filed but the individual fails to appear in court for the surety hearing, the court shall order that a mental health professional or peace officer shall take such person or cause

such person to be taken into custody and placed in an evaluation and treatment facility to be brought before the court the next judicial day after detention. Upon the individual's first appearance in court after a petition has been filed, proceedings under RCW 71.05.310 and 71.05.320 shall commence. For an individual subject to this subsection, the prosecutor or professional person may directly file a petition for ninety-day inpatient or outpatient treatment and no petition for initial detention or fourteen-day detention is required before such a petition may be filed.

The court shall conduct the hearing on the petition filed under this subsection within five judicial days of the date the petition is filed. The court may continue the hearing upon the written request of the person named in the petition or the person's attorney, for good cause shown, which continuance shall not exceed five additional judicial days. If the person named in the petition requests a jury trial, the trial shall commence within ten judicial days of the date of the filing of the petition. The burden of proof shall be by clear, cogent, and convincing evidence and shall be upon the petitioner. The person shall be present at such proceeding, which shall in all respects accord with the constitutional guarantees of due process of law and the rules of evidence pursuant to RCW 71.05.360 (8) and (9). Presence at such proceeding shall mean participation either in person or by video as provided in the definition of "hearing" in RCW 71.05.020, as determined by the court.

During the proceeding the person named in the petition shall continue to be detained and treated until released by order of the court. If no order has been made within thirty days after the filing of the petition, not including any extensions of time requested by the detained person or his or her attorney, the detained person shall be released.

(3) If a designated crisis responder or the professional person and prosecuting attorney for the county in which the criminal charge was dismissed or attorney general, as appropriate, stipulate that the individual does not present a likelihood of serious harm or is not gravely disabled, the hearing under this section is not required and the individual, if in custody, shall be released.

(4) The individual shall have the rights specified in RCW 71.05.360 (8) and (9).

**Sec. 12.** RCW 71.05.310 and 2012 c 256 s 8 are each amended to read as follows:

The court shall conduct a hearing on the petition for ninety-day treatment within five judicial days of the first court appearance after the probable cause hearing, or within ten judicial days for a petition filed under RCW 71.05.280(3). The court may continue the hearing for good cause upon the written request of the person named in the petition or the person's attorney. The court may continue for good cause the hearing on a petition filed under RCW 71.05.280(3) upon written request by the person named in the petition, the person's attorney, or the petitioner. If the person named in the petition requests a jury trial, the trial shall commence within ten judicial days of the first court appearance after the probable cause hearing. The burden of proof shall be by clear, cogent, and convincing evidence and shall be upon the petitioner. The person shall be present at

such proceeding, which shall in all respects accord with the constitutional guarantees of due process of law and the rules of evidence pursuant to RCW 71.05.360 (8) and (9). Presence at such proceeding shall mean participation either in person or by video as provided in the definition of "hearing" in RCW 71.05.020, as determined by the court.

During the proceeding, the person named in the petition shall continue to be treated until released by order of the superior court. If no order has been made within thirty days after the filing of the petition, not including extensions of time requested by the detained person or his or her attorney, or the petitioner in the case of a petition filed under RCW 71.05.280(3), the detained person shall be released.

**NEW SECTION. Sec. 13.** Sections 2 and 4 of this act expire July 1, 2026.

**NEW SECTION. Sec. 14.** Sections 3 and 5 of this act take effect July 1, 2026."

Correct the title.

Representative Irwin moved the adoption of amendment (1001) to the striking amendment (1000):

) On page 15, at the beginning of line 26 of the striking amendment, strike "available" and insert "present"

On page 17, at the beginning of line 12 of the striking amendment, strike "available" and insert "present"

Representatives Irwin and Kilduff spoke in favor of the adoption of the amendment to the striking amendment.

Amendment (1001) to the striking amendment (1000) was adopted.

Representatives Irwin and Kilduff spoke in favor of the adoption of the striking amendment as amended.

The striking amendment (1000), as amended, was adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Irwin and Kilduff spoke in favor of the passage of the bill.

The Speaker stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 2099.

## ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2099, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Irwin, Jenkin, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Mead, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Sells, Senn, Shea, Shewmake, Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mr. Speaker.

Excused: Representatives Hudgins and Schmick.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2099, having received the necessary constitutional majority, was declared passed.

There being no objection, the House advanced to the eighth order of business.

### **MOTION**

There being no objection, the Committee on Appropriations was relieved of HOUSE BILL NO. 1775, and the bill was referred to the Committee on Human Services & Early Learning.

There being no objection, the House adjourned until 9:55 a.m., January 17, 2020, the 5th Day of the Regular Session.

LAURIE JINKINS, Speaker

BERNARD DEAN, Chief Clerk

## SIXTY SIXTH LEGISLATURE - REGULAR SESSION

## FIFTH DAY

House Chamber, Olympia, Friday, January 17, 2020

The House was called to order at 9:55 a.m. by the Speaker.

Reading of the Journal of the previous day was dispensed with and it was ordered to stand approved.

There being no objection, the House advanced to the fourth order of business.

**INTRODUCTION & FIRST READING**

HB 2664 by Representatives Lovick, Klippert, Goodman and Fey

AN ACT Relating to sheriff's office qualifications; amending RCW 29A.24.091 and 36.28.025; and adding a new section to chapter 43.101 RCW.

Referred to Committee on Public Safety.

HB 2665 by Representatives Boehnke, Tarleton, Barkis and Eslick

AN ACT Relating to encouraging economic growth in Washington by providing tax preferences for advanced spacecraft manufacturing; amending RCW 82.63.010, 82.63.020, and 82.63.045; adding a new section to chapter 82.04 RCW; adding a new section to chapter 82.63 RCW; creating new sections; and providing expiration dates.

Referred to Committee on Finance.

HB 2666 by Representatives McCaslin, Blake, Dent, Ryu, Chandler, Young, Dufault, Eslick and Shea

AN ACT Relating to establishing the warm water fishing advisory group; and amending RCW 77.44.010 and 77.44.040.

Referred to Committee on Rural Development, Agriculture, & Natural Resources.

HB 2667 by Representatives Chapman, Maycumber, Tharinger, Hoff, Vick, Blake, Dufault, Van Werven, Barkis, Eslick, Springer, Kretz and Schmick

AN ACT Relating to increasing housing access and affordability by decreasing construction costs associated with implementing the Washington state energy code for residential buildings; amending RCW

19.27A.020, 19.27A.045, and 19.27A.160; creating a new section; and declaring an emergency.

Referred to Committee on Local Government.

HB 2668 by Representative Ryu

AN ACT Relating to providing local governments with options to preserve affordable housing in their communities; adding a new chapter to Title 84 RCW; and creating new sections.

Referred to Committee on Finance.

HB 2669 by Representatives Sullivan, MacEwen, Lovick and Tharinger

AN ACT Relating to creating Seattle NHL hockey special license plates; reenacting and amending RCW 46.17.220, 46.18.200, and 46.68.420; adding a new section to chapter 46.04 RCW; and providing an effective date.

Referred to Committee on Transportation.

HB 2670 by Representatives Van Werven and Klippert

AN ACT Relating to removing the state preemption of local regulations pertaining to residency restrictions for persons convicted of sex offenses; and repealing RCW 9.94A.8445.

Referred to Committee on Public Safety.

HB 2671 by Representatives Walsh, Griffey, Barkis, Ybarra, Steele, Gildon, Boehnke, Smith, Chambers, Hoff, Vick, Goehner, Eslick, Volz, Graham, Klippert, Van Werven and Kretz

AN ACT Relating to short subdivisions; and amending RCW 58.17.020 and 58.17.060.

Referred to Committee on Local Government.

HB 2672 by Representatives Barkis, Griffey, Gildon, Steele, Boehnke, Ybarra, Smith, Chambers, Hoff, Vick, Goehner, Eslick, Dye, Volz, Graham, Klippert, Maycumber, Van Werven, Dufault and Kretz

AN ACT Relating to limited areas of more intensive rural development; and reenacting and amending RCW 36.70A.070.

Referred to Committee on Environment & Energy.

HB 2673 by Representatives Barkis, Griffey, Gildon, Steele, Ybarra, Smith, Chambers, Boehnke, Hoff, Vick, Eslick, Volz, Graham, Jenkin, Klippert, Van Werven, Tharinger and Dufault

AN ACT Relating to exemptions for infill development under the state environmental policy act; and amending RCW 43.21C.229 and 36.70A.600.

Referred to Committee on Environment & Energy.

HB 2674 by Representatives Hudgins and Tarleton

AN ACT Relating to the administration of election campaign activities and reporting statements of financial affairs; amending RCW 42.17A.005, 42.17A.100, 42.17A.105, 42.17A.700, 42.17A.710, and 42.17A.785; and adding a new section to chapter 42.17A RCW.

Referred to Committee on State Government & Tribal Relations.

HB 2675 by Representatives Robinson, Leavitt and Senn

AN ACT Relating to allowing the use of parental leave after a pregnancy disability is resolved; and amending RCW 41.04.655.

Referred to Committee on Labor & Workplace Standards.

HB 2676 by Representatives Kloba, Boehnke and Hudgins

AN ACT Relating to establishing minimum requirements for the testing of autonomous vehicles; adding a new section to chapter 46.30 RCW; adding a new chapter to Title 46 RCW; and providing an effective date.

Referred to Committee on Transportation.

HB 2677 by Representatives Chopp, Cody, Tharinger, Leavitt and Davis

AN ACT Relating to sharing health insurance information to improve the coordination of benefits between health insurers and the health care authority; and amending RCW 74.09A.020.

Referred to Committee on Health Care & Wellness.

HB 2678 by Representatives Bergquist, Griffey, Lovick, Sullivan, Ortiz-Self, Davis, Tharinger, Fitzgibbon and Morgan

AN ACT Relating to allowing retirees to change their survivor option election after retirement; and amending RCW 41.26.460.

Referred to Committee on Appropriations.

HB 2679 by Representatives Robinson, Macri, Cody, Chopp, Tarleton, Frame, Stonier, Ormsby, Riccelli, Tharinger, Ortiz-Self, Davis, Pollet and Kloba

AN ACT Relating to funding for individuals who are not eligible for federal insurance subsidies and for foundational public health services; reenacting and amending RCW 43.84.092; adding a new section to chapter 48.43 RCW; adding a new section to chapter 43.70 RCW; creating a new section; and providing an effective date.

Referred to Committee on Health Care & Wellness.

HB 2680 by Representatives Chapman, Jenkin, Steele, Walsh, Tarleton, Ortiz-Self, Gildon, Tharinger, Springer, Santos, Kretz and Pollet

AN ACT Relating to establishing tribal representation on the emergency management council; and amending RCW 38.52.040.

Referred to Committee on State Government & Tribal Relations.

HB 2681 by Representatives Stonier, Eslick, Harris, Macri, Thai, Riccelli, Sells, Robinson, Cody, Kilduff, Davis, Gregerson, Chapman, Tharinger, Ormsby, Walen, Tarleton, Ortiz-Self, Valdez, Shewmake, Lovick, Goodman, Frame, Orwall and Pollet

AN ACT Relating to preventing harassment, abuse, and discrimination experienced by long-term care workers; adding a new chapter to Title 49 RCW; creating a new section; and prescribing penalties.

Referred to Committee on Labor & Workplace Standards.

HB 2682 by Representatives Senn, Kilduff, Leavitt and Pollet

AN ACT Relating to out-of-home services; amending RCW 74.13.350; reenacting and amending RCW 13.04.030; adding a new chapter to Title 71A RCW; recodifying RCW 74.13.350; and repealing RCW 13.34.270.

Referred to Committee on Human Services & Early Learning.

HB 2683 by Representatives Chapman, Jenkin, Wylie, Chambers, Chandler, Tharinger and Kretz

AN ACT Relating to the creation of a local wine industry association license; and adding a new section to chapter 66.24 RCW.

Referred to Committee on Commerce & Gaming.

HB 2684 by Representatives Shewmake, Slatter, Rude, Ortiz-Self and Kloba

AN ACT Relating to traffic control signals; and amending RCW 46.61.055.

Referred to Committee on Transportation.

HB 2685 by Representatives Frame, Dolan, J. Johnson, Leavitt, Mead, Ortiz-Self, Valdez, Bergquist, Pollet and Kloba

AN ACT Relating to sick leave for K-12 employees; amending RCW 28A.400.300; and creating a new section.

Referred to Committee on Education.

HB 2686 by Representatives Orwall, MacEwen, DeBolt, Blake, Fey, Vick and Springer

AN ACT Relating to excluding the common carrier licensees from the definition of retailer for the purposes of the three-tier system; and amending RCW 66.28.285.

Referred to Committee on Commerce & Gaming.

HB 2687 by Representatives Barkis, Griffey, Corry, Blake, DeBolt, Irwin, Springer, Stokesbary, Mead and Van Werven

AN ACT Relating to planning for affordable housing under the growth management act; amending RCW 36.70A.210; and reenacting and amending RCW 36.70A.070.

Referred to Committee on Environment & Energy.

HB 2688 by Representatives Shewmake, Fey, Fitzgibbon, Macri, Doglio, Peterson, Stonier, Riccelli and Davis

AN ACT Relating to transportation policy goals; amending RCW 47.04.280; and adding a new section to chapter 47.04 RCW.

Referred to Committee on Transportation.

HB 2689 by Representatives Mead, Hansen, Pollet, Chapman, Gregerson, Sells, Ramos, Valdez, Doglio and Davis

AN ACT Relating to industrial insurance medical examinations; amending RCW 51.32.110 and 51.36.070; and adding a new section to chapter 51.08 RCW.

Referred to Committee on Labor & Workplace Standards.

HB 2690 by Representatives Callan, Ortiz-Self, Dolan, Stonier, Davis, Bergquist and Pollet

AN ACT Relating to providing students with equitable access to a high-quality public education by developing an infrastructure that assists public schools in the delivery of integrated student supports; creating a new section; and providing an expiration date.

Referred to Committee on Education.

HB 2691 by Representatives Valdez, Ryu, Frame, Doglio, Dolan, Slatter, Lovick, Ortiz-Self, Fitzgibbon, Davis, Pollet and Macri

AN ACT Relating to the scope of collective bargaining for language access providers; and amending RCW 41.56.030 and 41.56.510.

Referred to Committee on Labor & Workplace Standards.

HB 2692 by Representatives Doglio, Irwin, Walsh, Lovick and Fitzgibbon

AN ACT Relating to vehicle combinations that may be operated on public highways; and amending RCW 46.44.030 and 46.44.037.

Referred to Committee on Transportation.

HB 2693 by Representatives Wylie and Eslick

AN ACT Relating to the temporary sale of liquor at special events; and adding new sections to chapter 66.24 RCW.

Referred to Committee on Commerce & Gaming.

HB 2694 by Representatives Pollet, Duerr, Appleton, Goehner and Senn

AN ACT Relating to underground utilities and safety committee; amending RCW 19.122.050 and 19.122.130; and reenacting and amending RCW 19.122.020.

Referred to Committee on Local Government.

HB 2695 by Representatives Pollet, Robinson, Tarleton, Lovick, Valdez, Davis, Goodman, Orwall, Frame and Macri

AN ACT Relating to establishing an asthma statewide home assistance program; and adding a new chapter to Title 70 RCW.

Referred to Committee on Health Care & Wellness.



**HB 2696** by Representatives Dent, Blake, McCaslin, Callan, Eslick, Springer, Griffey, Boehnke, Maycumber, Dye, Chandler, Kretz and Schmick

AN ACT Relating to misbranding of meat and poultry products; amending RCW 15.130.110; and adding a new section to chapter 15.130 RCW.

Referred to Committee on Rural Development, Agriculture, & Natural Resources.

**HB 2697** by Representatives Dent, Blake, Dye, Springer, Boehnke, Callan and Chandler

AN ACT Relating to noxious weeds; and amending RCW 17.10.010, 17.10.030, 17.10.050, 17.10.060, 17.10.070, 17.10.074, 17.10.100, 17.10.140, 17.10.145, 17.10.205, 17.10.235, 17.10.240, and 17.10.890.

Referred to Committee on Rural Development, Agriculture, & Natural Resources.

**HB 2698** by Representatives Walsh, Goehner, Smith, Mosbrucker and Van Werven

AN ACT Relating to increasing participation in the presidential primary; amending RCW 29A.56.050; and declaring an emergency.

Referred to Committee on State Government & Tribal Relations.

**HJM 4015** by Representatives Boehnke and Dufault

Requesting Congress to establish a United States Space Academy in Washington state.

Referred to Committee on Innovation, Technology & Economic Development.

**HJR 4211** by Representatives Gregerson, Walsh, Tarleton, Frame and Morgan

Amending the state Constitution to provide property tax relief.

Referred to Committee on Finance.

**ESB 5450** by Senators Rivers, Wilson and L.

AN ACT Relating to superior court judges; amending RCW 2.08.062 and 2.08.065; and creating new sections.

Referred to Committee on Civil Rights & Judiciary.

**2ESB 5887** by Senators Short, Keiser and Nguyen

AN ACT Relating to health carrier requirements for prior authorization standards; and amending RCW 48.43.016.

Referred to Committee on Health Care & Wellness.

There being no objection, the bills, memorial and resolution listed on the day's introduction sheet under the fourth order of business were referred to the committees so designated, with the exception of HOUSE BILL NO. 2675 which was referred to the Committee on State Government & Tribal Relations and HOUSE BILL NO. 2679 which was referred to the Committee on Appropriations.

There being no objection, the House advanced to the fifth order of business.

## REPORTS OF STANDING COMMITTEES

January 15, 2020 )

**HB 2211** Prime Sponsor, Representative Kirby: Concerning life insurance products or services that are intended to incent behavioral changes that improve the health and reduce the risk of death of the insured. Reported by Committee on Consumer Protection & Business

MAJORITY recommendation: Do pass. Signed by Representatives Kirby, Chair; Vick, Ranking Minority Member; Hoff, Assistant Ranking Minority Member; Barkis; Blake; Duerr; Dufault; Johnson, J.; Ryu; Santos; Volz; Walen and Ybarra.

Referred to Committee on Rules for second reading.

January 16, 2020 )

**HB 2212** Prime Sponsor, Representative Blake: Providing department of fish and wildlife officers interest arbitration under certain circumstances. Reported by Committee on Labor & Workplace Standards

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Sells, Chair; Chapman, Vice Chair; Mosbrucker, Ranking Minority Member; Gregerson and Ormsby.

MINORITY recommendation: Do not pass. Signed by Representatives Chandler, Assistant Ranking Minority Member and Hoff.

Referred to Committee on Appropriations.

January 16, 2020 )

**HB 2266** Prime Sponsor, Representative Doglio: Concerning reasonable accommodation for the expression of breast milk without requiring written certification from a health care professional. Reported by Committee on Labor & Workplace Standards

MAJORITY recommendation: Do pass. Signed by Representatives Sells, Chair; Chapman, Vice Chair; Mosbrucker, Ranking Minority Member; Chandler, Assistant Ranking Minority Member; Gregerson; Hoff and Ormsby.

Referred to Committee on Rules for second reading.

January 16, 2020 )

HB 2304 Prime Sponsor, Representative Doglio:  
Concerning shared leave and industrial  
insurance benefits. Reported by  
Committee on Labor & Workplace  
Standards

MAJORITY recommendation: Do pass. Signed by Representatives Sells, Chair; Chapman, Vice Chair; Mosbrucker, Ranking Minority Member; Gregerson; Hoff and Ormsby.

MINORITY recommendation: Do not pass. Signed by Representative Chandler, Assistant Ranking Minority Member.

Referred to Committee on Appropriations.

There being no objection, the bills listed on the day's committee reports under the fifth order of business were referred to the committees so designated.

There being no objection, the House advanced to the eighth order of business.

#### **MOTION**

There being no objection, the Committee on Health Care & Wellness was relieved of HOUSE BILL NO. 2616, and the bill was referred to the Committee on Appropriations.

There being no objection, the House adjourned until 10:00 a.m., January 20, 2020, the 8th Day of the Regular Session.

LAURIE JINKINS, Speaker

BERNARD DEAN, Chief Clerk

## SIXTY SIXTH LEGISLATURE - REGULAR SESSION

## EIGHTH DAY

House Chamber, Olympia, Monday, January 20, 2020

The House was called to order at 10:00 a.m. by the Speaker (Representative Lovick presiding). The Clerk called the roll and a quorum was present.

The flags were escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Lucas Lund and Sheridan D'Angelo. The Speaker (Representative Lovick presiding) led the Chamber in the Pledge of Allegiance. The prayer was offered by Reverend Troy Carr, Grace United Methodist Church, Seattle, Washington.

Reading of the Journal of the previous day was dispensed with and it was ordered to stand approved.

## SPEAKER'S PRIVILEGE

The Speaker (Representative Lovick presiding) introduced Cece Chan, a first year student from Pacific Lutheran University, a member of the Washington State NAACP Youth Council, and one of the winners of the Black Education Matters Student Activist Award of 2019, for a reading to honor Dr. Martin Luther King, Jr.

Cece Chan: "Dreams aren't anything if we are only sleep-walking  
Injustice anywhere is a threat to justice everywhere.  
We are caught  
Not saying anything is an injustice  
We've dishonored him  
Like a fool  
Raise in hate crimes  
Black bodies in the streets  
Mass incarceration  
These nightmares weren't his dreams  
You see  
He led us so we could lead ourselves  
Justice for all does not mean justice for this wall  
Separating families and communities  
We must take a stand  
The work is not easy  
You must learn to take a passion  
To live and to love  
Could we, through love in action, change the reality  
If your actions do not prove the truth of your words, then  
your words are nothing more than lies.  
Sleepwalking is dreaming without waking up  
SPEAK LOUDER  
For diversity and inclusion is clear  
Diversity benefits the bottom line  
Confront implicit bias  
Stay dreaming but don't stay sleepwalking  
You don't know who you are anymore

We don't always have an awareness of our identity or even  
a loss of identity  
Identity is constantly lost  
Constantly feel drained, depressed or unhappy with  
yourself  
You're always trying to fit in and belong  
Soul-sucking goal  
Dream a new dream.  
Better things wait for us on the horizon  
Clouds hide the sun  
But no clouds can forever prevent the sun from shining  
Only rainbows after rain  
You gotta keep your head up  
Let your hair down  
So encouraged by the women  
Encouraging women to study politics.  
Women's involvement in social activism  
Women of color , immigrant women , LGBTQIA+ women,  
and disabled women  
Barriers and discrimination  
Laws, policies and practices  
Help a school run  
Are you helping your students find their voice  
To help my students see themselves  
Representation in books  
Ethnic studies isn't anything without professional  
development  
Black Lives Matter  
Teachers of color facing racism like their students of color  
But we lay back because it's not me, it's them  
Okay, I'm awake.  
But just because you wake up doesn't mean you stop  
dreaming  
I'm babysitting overnight  
Tip me at the end  
Just an extremely tired person  
Running a marathon  
They roll their eyes  
The internet latches onto these gems  
Pain and past  
I've sat with many wounded people.  
Battle scars remind us that we are strong  
I won't let you down  
Community is the kindest most compassionate place  
Message of hope  
Bring attention to the healing  
Hold the power within ourselves to shift and heal parts of  
ourselves.  
Release anything that is no longer serving you  
Work to become the best version of us ever created to live  
But people wait  
Basic fact is that too many people are waiting  
This "Wait" has almost always meant "Never"

Justice too long delayed is justice denied  
 Lukewarm acceptance is much more bewildering than  
 outright rejection  
 So keeping pushing  
 Racism didn't end with King but it taught us that dreams  
 can become a reality  
 Only when you stop sleepwalking  
 And make your dreams into actions"

#### **SPEAKER'S PRIVILEGE**

The Speaker (Representative Lovick presiding) introduced students from the Institute for Community Leadership: Alpha Sharif, 14 year old freshman; Christopher Castro-Salgado, 16 year old sophomore; and Fayth Njenga, 17 year old senior, who presented readings to commemorate Dr. Martin Luther King Jr.

Alpha Sherif: "Good morning. Thank you for the work you do for our State's families, schools and students.

Today we live in a world where many of us are stuck in neutral. We seem to be unable to shift ourselves into gear. We see this in the lack of civic engagement amongst our peers. Dr. King teaches, one of the greatest tragedies in times of change, is too many of us fail to remain awake.

It is up to all of us to overcome this obstacle. We need to blink back our drowsiness. Open our eyes. We need to gear up, and get out of our comfort zones. We need to move out of the parking lot, and onto the highway of taking risks, and daring to dream.

Indeed, dreaming requires taking risks. We have all felt the devastation of a fallen dream. Dr. King teaches us, there are 3 negative responses to shattered dreams. One, resorting to a bitter, vengeful persona. Two, adopting an introverted self. Or, three, developing a fatalistic, blaming attitude.

Dr. King challenges us, instead of falling into these negative responses, we can take our shattered dreams and turn them into assets. He says, it is not what happens TO us that determines who we are, but what we do with what happens to us that matters. Let us celebrate Dr. King's Life and Legacy by first, getting on the highway, and second, by taking the high road! THANK YOU."

Chris Castro: "Dr. King teaches us how to develop consciousness. The definition of consciousness is to be awake. Developing our ability to stay awake, and to raise our consciousness, will create a stronger democracy and a peaceful tomorrow. Dr. King points out steps we can take to develop our consciousness. The first step begins with changing our conduct. When we change our conduct, our character either grows or shrinks. We probably all know teenagers who open doors for others. And we probably all know teenagers who habitually do not. Simple actions like this, either raise one's character, or lower it.

As we become proficient at conducting ourselves in ways that serve others, our character continues to rise. If we have low character, we have little consciousness. And we all know that when we wrap ourselves up only in ourselves, we make a very, little package! Doing things for others raises character, and if our character is higher, we see people much further away, perhaps even on the other side of the world.

And we see much broader, we see people across town, and across the lines of difference that keep us separated.

With persistent conduct that raises our character we remain alert. We connect with people from different races and cultures, colors and nationalities, in ways that serve the greater good.

Changes we can make, like eating with folks who are different from us in our cafeterias and lunchrooms, opening doors, smiling— simple conduct changes like these assure that the ends are in our means. Dr. King would urge us today, to be the change we wish to see in the world! THANK YOU!"

Fayth Njenga: "Dr. Martin Luther King Jr. challenges us to consider the value of living a life rooted in the principles of nonviolence. Nonviolent power is a beautiful gift given to all. However, we can fail to recognize it, and chose not to accept it. It is a matter of our power and our responsibility to make decisions. We can choose to unify, to bring together. Or we can choose to disunify, to separate and divide. Building the Beloved Community requires intentional sustained acts of nonviolence.

Dr. King teaches us that Nonviolence is neither weak, nor anemic. It requires the harmonious blending of a tough mind and a tender heart. He teaches us, that nonviolence is powerful beyond measure, requiring tremendous courage. Nonviolence does not seek to defeat or humiliate, rather it involves the inner realm strength of a willingness to accept suffering without retaliation. It is rooted in the profound and hopeful conviction that the universe is on the side of justice.

Today we have the opportunity to practice nonviolent power, acknowledging it takes compassion, humility, discipline, and great listening skills. Dr. King's legacy calls upon us to build up and not tear down. To lift up and not push out.

He teaches us, "Nonviolence is peaceful and just weapon which cuts without wounding and ennobles the people who wield it." It is a sword that heals.

This is a pivotal moment in history to heal our communities and create a more perfect union. THANK YOU"

#### **SPEAKER'S PRIVILEGE**

The Speaker (Representative Lovick presiding) introduced Dr. Nyla Rosen, Dr. Karen Bohlke and students from the Institute for Community Leadership and asked the members to acknowledge them.

#### **RESOLUTION**

**HOUSE RESOLUTION NO. 2020-4647**, by Representatives Jinkins, Wilcox, Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Mead, Morgan, Mosbrucker,

**Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shea, Shewmake, Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wylie, Ybarra, and Young**

WHEREAS, Today, January 20, 2020, we join the nation in honor and celebration of the profound legacy of the Reverend Dr. Martin Luther King, Jr.; and

WHEREAS, We remember Dr. King's courage, commitment, and unwavering compassion in the face of tremendous injustice; and

WHEREAS, Dr. King once said that the "arc of the moral universe is long, but it bends toward justice"; and

WHEREAS, He propelled a movement to end unfair laws and fulfill the promises of democracy for every person, bringing the truth of segregation and civil rights into households across America; and

WHEREAS, Dr. King did not let a "C" in his public speaking class deter him from igniting passion in a nonviolent philosophy to an entire nation; and

WHEREAS, We continue to draw inspiration from his teachings, reflecting on what his dream means for a new generation of Washingtonians who strive for complete racial, social, and economic equality; and

WHEREAS, We celebrate Dr. King's historic advocacy and bold vision during a time when unity, community, and dreams are needed most;

NOW, THEREFORE, BE IT RESOLVED, That the Washington state House of Representatives recognize Dr. King for dedicating his life to achieving justice; and

BE IT FURTHER RESOLVED, That the House of Representatives call on the people of the State of Washington to honor Dr. King by pursuing with unwavering resolve his dream of equity and opportunity for all people.

Representative J. Johnson moved adoption of HOUSE RESOLUTION NO. 4647.

Representative Johnson: "Thank you Mr. Speaker, and thank you for your visionary leadership in this chamber. Out of the night that covers me black as the pit from pole to pole, I thank whatever gods may be in my unconquerable soul. In the fell clutch of circumstance I have not winced nor cried aloud. Under the bludgeoning of chance my head is bloody but unbowed. Beyond this place of wrath and tears looms but the horrors of the shade, and yet the minutes of the years finds and shall find me unafraid. It matters not how straight the gate, how charged with punishment the scroll, I am the master of my fate, I am the captain of my soul. That was the poem *Invictus* by William Ernest Henley. Nelson Mandela read that to fellow prisoners during confinement and I believe that poem is the embodiment of Dr. Martin Luther King Jr. A man of character and a man of empathy. His moral compass always, always pointed towards justice

and that's why he could lead a movement that revolutionized the entire world. Because Dr. King used both his voice and his vision to get to people at their core. He made people believe that change was in fact possible. He got people to ask themselves a fundamental, life altering question: "Why?" It's one word, three letters. "Why?" What is your "why?" What is your purpose? What is our "why?" What is our purpose? Your "why" which brings about introspection, looking deep within yourself. Innovation and ingenuity. Dr. King answered that question, not just with deeds, in words, but with action, collaborative action. When they threw him in a Birmingham jail he wrote letters that inspired America. And when he gave his life to the cause of civil rights social justice for all of us, his ideas and legacy lived on. Dr. King awakened us to a moral consciousness, a sense of other. Of what it truly means to be free in this world. That freedom is not just a state but an act. That silence in the face of injustice and oppression is worse than injustice and oppression itself. That regardless of your skin color or gender, every one of us deserves the basic rights of life, liberty and the pursuit of happiness. Because, as a society, we have become far too well adjusted to injustice. We must first recognize our reality before working to change it, and the reality of today has an ugly side. Black men, women and children are still being gunned down in the streets at higher numbers than any time in our history. One hundred years after recognizing women's right to vote, women's rights are still being attacked. Our family, friends and neighbors are living in fear every day of deportation. Refugee children are being locked in cages, and far too many LGBTQ teenagers are living on the streets being kicked out of their homes, homeless. Kids are still going to school hungry, and our economy is not working for everyone. I believe the expectation that a people can be immersed in suffering and injustice without being harmed is as unrealistic as walking on water without getting wet. If he were alive today, what would Dr. King say? He wouldn't be going around writing books, memoirs and going on book tours, but he would be at the funerals of victims of gun violence on Sunday and marching on the streets on Monday. He wouldn't rest until moms and dads with full time jobs or two or three jobs got a fair wage, and those little boys and girls were removed from those cages. Because as Dr. King once said: "The ultimate measure of a man is not where he stands in moments of comfort and convenience but at times of challenge and controversy." We are challenged today. We are in a time of immense and profound conflict and controversy. So on this historic day, Dr. King would not want us to just shower him with praise, he would want us to act – today, tomorrow and the week after that, because in this chamber each of us are the masters of our fate and the captains of our soul. So I leave you with this: I hope we have the courage, Mr. Speaker, to continue the work of Dr. King, even if we are planting seeds in a garden we may never see grow. Seeds of opportunity, seeds of love, seeds of tolerance, seeds of justice, seeds of hope. Because in every corner of the great state of Washington, that's what our people deserve. Thank you."

Representative Ybarra: "Today our nation commemorates Reverend Dr. Martin Luther King who stood on the steps of the Lincoln Memorial and spoke for the dreams of equality and justice for all. Like some of us in this

room, I didn't know who Martin Luther King was. I grew up in the sixties. I saw him on T.V. My family was migrant so there were no African-Americans in our community, so when Martin Luther King was on T.V., I asked my dad, "What's he doing? What's civil rights?" and he said "Well, in the South, across the country, African-Americans are treated badly." and I said "Oh, Ok" so I knew something, I was just a kid at the time so I didn't really know. As time went on, one of the things that Martin Luther King said was that there's prejudice out there. And I'll tell you, some prejudice stuff was not only happening to African-Americans, but also to the Hispanic communities - in my community. I'll give you a story. Sunnyside Washington. My brother was going to be born, my mom went into labor. They lived in a little country home outside of Sunnyside and my dad didn't have a car so he went to the farmhouse, ran about a mile away, went to use a phone to get a car so that my mom could go to the hospital. Well, he gets to the farmhouse, knocks on the door, a farmer comes out and my dad says "Can I use your phone?" and the farmer said no. My dad goes "my wife's in labor I need to call for help." and he said "No, and the only reason I'm telling you no is because you're Mexican." That's prejudice. This is all before Martin Luther King. When I got to my hometown, the way it was set up was just like a Westside story, if you remember that movie back in the day, you had the railroad tracks. You had the white people on one side and the north side, on C street, that's where the Hispanics or the Mexicans lived we called it tortilla flats. That's how we grew up. When I got to high school, as a freshman, my brother, my sophomore brother, took me and he said Alex here's the rules you go down that hall because that's a Mexican hall. You go down this hall, that's a white hall and you don't want to go down that hall because the Mexicans will beat you up. And I said "What are you talking about?" and he said they'll beat you up because you're trying to be like a white guy. And I said "Well how do I get the class? How to move around?" and he said "Well, you just have to maneuver and just not hang around white people or else you're going to get beat up." That is prejudice. and that's what it's like that's the real life of it. When Martin Luther King came all of some things changed. I wasn't being called those violent names I'd been called my whole life. Those names you get called all the time. All of a sudden I was called just a Mexican. Not anything behind it - all those names that we all know what those names are. I was called a Mexican. They still didn't like me too much but at least it was better. I could go down that hall. After a little while, I could go down that hall go to my class, mingle with white people because they let us and we kind of fought the fight and it wasn't because of me, it was because of Martin Luther King and some of the things he did that made people change their mannerisms; their thinking about what it is to be a person - not the color of your skin, but a person. And so as time went on, you know, living in Quincy, all of a sudden I'm a school board member, all the sudden I get voted in twice, all of a sudden I'm a state representative and I'm still here at the floor with these wonderful folks that are here trying to change this world for the better and that was all due to Martin Luther King and his dream to make everybody the same. I can go back home, I can mingle with white people, African-Americans, with Hispanics, and we're all the same.

We have a long ways to go but he's the one that got us started and let's just keep going forward. Thank you."

Representative Hansen: "Thank you, Mr. Speaker. Many of you have probably visited the Martin Luther King Jr. Memorial in Washington D.C.. There's a giant statue of Dr. King emerging from a wall of rock and then quotations around the statue from Dr. King's works. I think the idea is to give the viewer a capsule introduction to the essentials of what Dr King believed. So you will read some of the stirring words that we've heard this morning. "Hate cannot drive out hate only love can do that." "We shall overcome because the arc of the moral universe is long but it bends towards justice." And you'll leave hopeful and comforted by Dr. King's apparent belief that we humans can learn to love each other because we are basically kind and decent, and through hard work and listening to one another and understanding we can together build that beloved community that Dr King wrote about. This is very close to the exact opposite of what Dr. King actually believed. I can say this with some confidence because, as many of you know, some years ago I wrote a book about Dr. King and the I Have a Dream speech. And as part of that project, read every single word of Dr. King's seminary and graduate school essays. The last time I was at the memorial, I was happy to see they had a lot of copies of my book for sale, before I realized that was not exactly a good point, the guy had lots of copies of my book for sale because no one was buying my book. Dr. King, so this belief, right, that humans are perfectible and hopeful and basically good, this was part of theological liberalism which was the dominant school of thought at Crozier Theological Seminary where King got his Master's in Divinity, and Boston University where he got his PhD. King definitely did not believe that, and he made sure his professors knew it. Not because of some theological critique based in the words of Martin Luther from whom he got his name, but from a much simpler and more powerful reason. King grew up as a black man in the segregated South. So as he wrote in a seminary essay quote "Certain experiences that I had in the South with a vicious race problem made it very difficult for me to believe in the essential goodness of man." Instead, he told his professors "Liberal theology has too easily cast aside the term "sin" failing to recognize that many of our evils are due to just plain sin." So white supremacy then for King, is not just a political ideology it is a very very deep sin. One of his theology professors wrote an entire book called Racism and the Christian Understanding of Man, which is a book-length exposition of white supremacy as idolatry as a worship of the false god of race rather than the risen Lord, and King thought that this sin was very very deep in America and deep in the human heart as he said late in his life "The vast majority of whites are racist, either consciously or unconsciously" Now this doesn't mean that there's nothing we can do. Obviously Dr. King's entire career was devoted towards pushing forward state action to limit the damage that racism can do to God's children. As King famously said "The law cannot make a man love me but it can stop him from lynching me." But, our hope in the efficacy of that action doesn't rest in some belief about the power of American democracy or of the inherent goodness of the human heart. It rests instead on King's belief of the transforming power of God which See J the way, that word

“God,” that is not a word you will see on the Martin Luther King Jr. Memorial in Washington D.C. which is astonishing. A memorial honoring the Reverend Dr. Martin Luther King whose doctorate was in theology and who founded the Southern Christian Leadership Conference somehow exists without mentioning the faith that gave Dr. King his own hope. I'll tell one quick story and I'll close here. Early in the Montgomery bus boycott, Dr. King received death threats which he did on a regular basis. But one that they got to him in an unusual way, and he had an experience that he would speak about for the rest of his life. He went into the kitchen and he brewed himself a cup of coffee and he sat there in prayer thinking about what he learned in seminary and graduate school, and he said “and I prayed a prayer and I prayed out loud that night. I said Lord I'm down here trying to do what's right. I think I'm right. I think the cause that we represent is right. But Lord, I must confess that I'm weak now, I'm faltering, I'm losing my courage and I can't let the people see me like this because if they see me weak in losing my courage they will begin to get weak, and it seemed at that moment I could hear an inner voice saying to me Martin Luther stand up for righteousness stand up for justice stand up for truth and lo I will be with you even until the end of the world.” that's what Dr. King believed - that racism is a deep deep sin, very deep in this nation in the human heart. Number two, that we still have a duty to work towards action that will limit the damage racism can do to God's children. But third, that our hope lies ultimately not in American democracy or in human hearts, but in the Risen Lord. This is not necessarily a familiar or comforting version of Dr. King's message but it is what he believed, and on this day we may as well do him the honor of remembering him accurately.”

Representative Young: “Thank you Mr. Speaker. It's an honor to rise and address the body today. I don't find now with my time in the legislature that I get nervous when I speak to the body; I'm nervous now. I don't share a lot of my personal story but it's nerve racking this to stand on a day like this and attempt to address a body when you're really standing in the shadows of such a great man. The words that you say should be poignant and they should be reverent and I hope I do them justice. Martin Luther King Jr. was a man of prayer. If you would oblige me I'd just like to say a quick prayer: “Father I just want to, I want to thank you for such a man as Martin Luther King Jr. I want to thank you for giving our national leaders the wisdom and the courage to enshrine him in 1983 as a man worthy of a national day and a national holiday. I want to thank you for the role that played in my upbringing as a young kid going through elementary school; being allowed to be introduced to such a man of character and example. Father it is so easy for us to overlook, maybe short change, the lessons that we can learn from a man like him because it's easy, it's easy and virtually pain free to read the quotes or hear the quotes that he said because we didn't have to necessarily go through and pay the price that he did to produce those quotes, to come up with the experiences that led him to develop the character that would then bless our nation with such an example, and I would just pray right now that you bless each one of us with a special wisdom. Imbue us with a character that would seek to do more than just short change him by reading his quotes but not taking

the time to internalize them, because it's far too easy to overlook the lessons then if we do. In Jesus' name I pray. I think one of the lessons I've learned as a man: it is not easy to judge one by the content of their character; it's not easy. That line means so much to me; being introduced to it; watching it as a young man growing up in this world, but I've seen far too many people say “mmhmm” and hallelujah to that type of phrase but then immediately forget about it five minutes later and attempt to short change what that phrase really means to judge one by the content of their character. I have a couple of examples: they're personal; I hope you'll indulge me as I try to get through them. In the early eighties in Tacoma, there's a park; it's been on the news recently it's People's Park in Tacoma. There's a rather big homeless camp there; they're cleaning it up and that park sits along Martin Luther King Jr. Avenue. If you grew up there and you know it used to be called K. street, I remember when they dedicated to Martin Luther King Jr. There was a certain time, as my Mom was working out her sobriety, she went to an AA meeting and took my brother and I; we didn't have a place for us to be watched so we came with her and we don't go into the meeting so we went over to People's Park and we had a basketball and we were just shooting hoops by ourselves and a group of kids came up. About ten, a dozen of them maybe; my brother and I are white and they were all black and they came and, now this is on Hilltop if you don't know the history of Tacoma, and they didn't really ask to play, more demanded to play and we obliged; smart enough street smarts to know what we're doing and the long story short was after maybe a round or two of the game, they beat the crap out of my brother and me bad and I had to walk through that and hopefully learn a lesson that wouldn't be imbued with hate. I have another story, it's on the corner of 12th and Union in Tacoma. On the southeast corner of 12th and Union in Tacoma, there used to exist an AM/PM. It's not there any longer, for me and it's kind of a happy happenstance that it's no longer there because on that night during high school, I was out with a couple of friends and we stopped there for gas and another group of kids, there was about eight or nine of them, stopped into the gas station while we were pumping gas and start a fight with us. We were white and they were black and they picked a fight with one of our friends; they picked the wrong one; his name was Reinhold; he knew how to take care of himself and we kind of, a few of my friends, kind of wimps, jumped in the store, didn't want to get around the fighting and Reinhold and this other kid, I don't know his name, got into a squabble and they started fighting and again he picked the wrong guy; Reinhold got the better of him a little bit and in the middle of that scrum a gun was produced and they coldcocked Reinhold in the back of the head and he started bleeding pretty bad. And within short order that gun was introduced into the front of my face; I could still see down the barrel of that gun right now, and while I sat there with that gun pointed at me I had to endure one of those young men who I could only, with the amount of energy that he had, could only believe he was high on drugs, and he came and five times in a row took a running start and punched me right in the face and I could do nothing about it. The best I could do is attempt to deflect it and make it seem like it was worse than it was. How am I supposed to judge the content of their character? It's not easy. Now that I've shared those stories

in that way, I'd like to go back to the first story. I cannot hate, I can't because the truth is, in the first example where we were getting beat up, the kids, you know about a dozen divided, six of them, there were some bigger kids, there were some kids our age; it was a beat down. Half of them went after my brother, half of them went after me and I got to say my brother took the worst of it and the reason why was because there was one particular kid there that protected me. While we were playing basketball he whispered in my ear, one of the older kids that was kind of the ringleader of them, said "Don't, don't go around him." and I stayed away from him but when they came to start beating us up, he took the lead on doing it and every time he would jump in to hit me, he would land a very soft blow and he would make it seem bigger than it was; he would put on a facade for his friends, and while he would throw the punch it would land softly; I didn't really get hurt. I felt bad for my brother that day because he took a much bigger beating, but that young man protected me. Doesn't matter that he was with the group; I doubt he started that day walking down the street with his friends expecting that they were going to get into some type of scrum like that, but the content of that man's character could be easily judged one way but in the sense that he stood up to protect me, I can only have love for him. I can't judge a group on its whole, you need to judge someone by the content of their individual character. We also got a ball back. He ended up grabbing the ball and I remember they were going to take the ball but he ended up making a big show of it and said "You want this ball?" and he booted it, but the fact that he booted it gave us a chance to go get it and go home. Now on the night where that gun was stuck in my face while the scrum was happening after my friend was coldcocked in the back of the head we tried to break it up and there was another gentleman in that group that attempted to break it up with me, from the other group, and when I got in the stuck in my head, that guy put his hand on the arm of the person putting the gun in my face and calmed him down. I don't know, I probably wouldn't be here today if he hadn't done that. so now that guy steps back a few paces, the gun still pointed at me, and this this man that was trying to help break up the fight had calmed him. Now he did another thing too. Every time that the other gentleman came and punched in the face this guy made a big show of it "Ooh you really hit him hard! That should be good." I don't know how many times the guy would've hit me or what they would have done after it, but this guy stopped them from going further; he protected me. How am I supposed to judge that group? Collectively or should I judge him or judge him by the content of his character? Now if the police showed up, he might have gotten arrested. I wouldn't have wanted to see that man go to jail; he stood up for me. I doubt he started that night wanting to be in that situation. Judging the content of one's character is a tough thing to do. The third story, many of you know I have an adopted son Joseph; he's African-American. About seven months ago I got a chance to watch him stand up for his little brother, and I guess I don't have time to give the rest of my my speech on it but it was really touching to me to watch race not be a part of one young man standing up for another young man against friends that he had already had, he already accrued, and it really touched me and maybe I'm doing a good job as a father for my kids. Mr. Speaker I guess what I would end with is I would say this:

each one of us here has our own squabbles. We have our own groups that we come to this with. We have people that surround us every day and we have an opportunity every time we do that, while we might get mad at each other, and I've made you people mad, some of you on the other side of the, I forced you to actually have to gavel me a few times, but I know this: we have an opportunity every day and we have a duty as legislators to try to look beyond the politics, look beyond all the squabbles that we have, the affiliations that we have and judge each and every one of us by the content of our character. If we do we will have earned our seat at the table of brotherhood that Reverend King talked about and Mr. Speaker, I'm looking at you right now to tell you in spite of all the squabbles I hope you know something I love you. I love every member of this body. Regardless of the squabbles I hope you know that if something were to happen, if danger were to present itself I would stand in front of you to protect you because I know the content of your character and I appreciate it and I appreciate every member of this body and I thank you for the opportunity to rise and share those testimonies with you today."

HOUSE RESOLUTION NO. 4647 was adopted.

### MOTION

Representative Santos: Mr. Speaker, I make the motion that the remarks of the preceding speakers be spread upon the Journal.

The motion to spread the remarks of the preceding speakers was adopted.

There being no objection, the House advanced to the third order of business.

### MESSAGES FROM THE SENATE

January 17, 2020

Mme. SPEAKER:

The Senate has passed:

ENGROSSED SENATE BILL NO. 5165,

and the same is herewith transmitted.

Brad Hendrickson, Secretary

January 17, 2020

Mme. SPEAKER:

The Senate has passed:

SECOND ENGROSSED SECOND SUBSTITUTE  
SENATE BILL NO. 5740,

and the same is herewith transmitted.

Brad Hendrickson, Secretary



There being no objection, the House advanced to the fourth order of business.

### INTRODUCTION & FIRST READING

HB 2699 by Representatives Stonier, Appleton, Fitzgibbon, Lekanoff, Goodman, Fey and Pollet

AN ACT Relating to developing comprehensive school counseling programs; adding new sections to chapter 28A.320 RCW; creating a new section; and providing an expiration date.

Referred to Committee on Education.

HB 2700 by Representatives Mosbrucker, Chapman, Chandler, Hoff, Sells, Goehner, Eslick, Dent, Davis and Pollet

AN ACT Relating to insurance coverage of prosthetics and orthotics; and adding a new section to chapter 48.43 RCW.

Referred to Committee on Health Care & Wellness.

HB 2701 by Representatives Ormsby, Eslick and Riccelli

AN ACT Relating to inspection and testing of fire and smoke control systems and dampers; amending RCW 43.43.944; adding new sections to chapter 19.27 RCW; prescribing penalties; and providing an effective date.

Referred to Committee on Local Government.

HB 2702 by Representatives Thai, Chandler, Steele, Rude, Macri, Griffey, Stonier, Dolan, Pettigrew, Appleton, Leavitt, Kloba, Riccelli, Callan, Ramos, Young and Ormsby

AN ACT Relating to allowing chiropractors to deliver care to medicaid patients; and amending RCW 74.09.520.

Referred to Committee on Appropriations.

HB 2703 by Representatives Chapman, Mosbrucker, Irwin, Goehner, Steele, Barkis, Kraft, Chandler, Orcutt, Gildon, Caldier, Eslick, Volz, Shea, Fey and Young

AN ACT Relating to applying the public records act to all courts and offices within the judicial branch; and amending RCW 42.56.010.

Referred to Committee on State Government & Tribal Relations.

HB 2704 by Representatives Caldier, Orwall, Griffey, Mosbrucker, Callan, Appleton, Davis, Tarleton, Pollet and Ormsby

AN ACT Relating to establishing a competitive grant program for community sexual assault programs to provide counseling services in schools; and adding a new section to chapter 43.280 RCW.

Referred to Committee on Appropriations.

HB 2705 by Representatives Dye, Dent, Blake and Eslick

AN ACT Relating to special antlerless deer hunting seasons; and adding a new section to chapter 77.32 RCW.

Referred to Committee on Rural Development, Agriculture, & Natural Resources.

HB 2706 by Representatives Kirby, Thai, Goodman and Davis

AN ACT Relating to licensure of music therapists; amending RCW 18.120.020; reenacting and amending RCW 18.130.040; and adding a new chapter to Title 18 RCW.

Referred to Committee on Health Care & Wellness.

HB 2707 by Representatives Kirby, Thai, Robinson, Riccelli, Goodman and Davis

AN ACT Relating to licensure of music therapists; amending RCW 18.120.020; reenacting and amending RCW 18.130.040; and adding a new chapter to Title 18 RCW.

Referred to Committee on Health Care & Wellness.

HB 2708 by Representatives Stonier, Riccelli, Harris, Robinson, Leavitt, Senn, Pettigrew, Macri, Appleton, Davis, Tharinger, Pollet and Ormsby

AN ACT Relating to establishing a work group on school-based health centers; creating a section; and providing an expiration date.

Referred to Committee on Education.

HB 2709 by Representatives Lovick, Dent and Goodman

AN ACT Relating to food benefits trafficking; amending RCW 9.91.140; reenacting and amending RCW 9.94A.515; repealing RCW 9.91.142 and 9.91.144; and prescribing penalties.

Referred to Committee on Public Safety.

HB 2710 by Representatives Robinson, Tarleton, Cody, Tharinger and Ormsby

AN ACT Relating to modifying the uses, disclosure, and requirement dates of prescription drug price transparency data; and amending RCW 43.71C.020,

43.71C.030, 43.71C.040, 43.71C.050, 43.71C.060, 43.71C.070, 43.71C.080, and 43.71C.100.

Referred to Committee on Health Care & Wellness.

HB 2711 by Representatives J. Johnson, Corry, Stonier, Ormsby, Appleton, Caldier, Davis, Leavitt, Lekanoff, Ramel, Senn, Chopp, Goodman, Fey, Pollet, Callan and Chambers

AN ACT Relating to equitable educational outcomes for foster care and homeless children and youth from prekindergarten to postsecondary education; amending RCW 74.13.1051; adding a new section to chapter 28A.300 RCW; creating a new section; and repealing RCW 28A.300.8001.

Referred to Committee on Education.

HB 2712 by Representatives Kretz, Riccelli, Maycumber, Lekanoff, Mosbrucker, Chopp, Walsh, Chapman, Harris, Blake, Dent, Pettigrew, Rude, Springer, Steele, Appleton, Caldier, Fitzgibbon, Leavitt, Eslick, Volz, Van Werven, Shea, Cody, Tharinger, Robinson, Young and Ormsby

AN ACT Relating to requiring retailers to indicate the country of origin on beef sold to the public; and adding a new section to chapter 15.04 RCW.

Referred to Committee on Rural Development, Agriculture, & Natural Resources.

HB 2713 by Representatives Walen, Chandler, Springer, Kretz, Fitzgibbon, Blake, Doglio, Davis, Ramel, Goodman and Pollet

AN ACT Relating to encouraging compost procurement and use; adding new sections to chapter 43.19A RCW; creating new sections; and providing an expiration date.

Referred to Committee on State Government & Tribal Relations.

HB 2714 by Representatives Hoff, Fitzgibbon, Orcutt, Blake, Chapman, Lekanoff, Van Werven, Tharinger and Kretz

AN ACT Relating to valuing the carbon in forest riparian easements; amending RCW 76.13.120; and creating a new section.

Referred to Committee on Rural Development, Agriculture, & Natural Resources.

HB 2715 by Representatives Gregerson, Orwall, Sells, Lekanoff, Valdez, Goodman and Pollet

AN ACT Relating to minimum labor standards for certain employees working at an airport or air

navigation facility; and amending RCW 14.08.330 and 14.08.120.

Referred to Committee on Labor & Workplace Standards.

HB 2716 by Representatives Fitzgibbon, Walsh, Ormsby, Bergquist, Stokesbary, Volz and Tharinger

AN ACT Relating to protecting the confidentiality of retirement system files and records relating to health information; amending RCW 42.56.360; and adding a new section to chapter 41.04 RCW.

Referred to Committee on Appropriations.

HB 2717 by Representatives Ortiz-Self, Rude, Sullivan, Harris, Bergquist, Stonier, Boehnke, Davis, Eslick, Goodman, Senn, Tharinger and Ormsby

AN ACT Relating to allowing the learning assistance program to support school-wide behavioral health system of supports and interventions; and amending RCW 28A.165.035 and 28A.165.005.

Referred to Committee on Education.

HB 2718 by Representatives Walsh, Shea, Young, Gildon, Eslick, Van Werven, Kretz and Chambers

AN ACT Relating to protecting parental rights with regard to insurance communication confidentiality of minors; reenacting and amending RCW 48.43.005; and creating a new section.

Referred to Committee on Health Care & Wellness.

HB 2719 by Representatives Callan, Bergquist, Thai, Dolan, Duerr, Kilduff, Leavitt, Goodman and Tharinger

AN ACT Relating to the use of K-3 class size funding for student supports; amending RCW 28A.150.260; and adding a new section to chapter 28A.150 RCW.

Referred to Committee on Appropriations.

HB 2720 by Representatives Hudgins, Vick, Jenkin and Blake

AN ACT Relating to the application of gambling loss recovery laws to certain online games of chance; amending RCW 4.24.070; and creating a new section.

Referred to Committee on Civil Rights & Judiciary.

HB 2721 by Representatives Mead, Kilduff, Leavitt and Boehnke

AN ACT Relating to the joint center for aerospace technology innovation; and amending RCW 43.131.417 and 43.131.418.

Referred to Committee on Innovation, Technology & Economic Development.

HB 2722 by Representatives Mead, Fitzgibbon, Peterson, Doglio, Goodman, Gregerson, Slatter, Tarleton, Davis, Duerr, Ramel, Walen, Cody, Senn and Pollet

AN ACT Relating to minimum recycled content requirements; adding a new section to chapter 42.56 RCW; adding a new chapter to Title 70 RCW; creating a new section; and prescribing penalties.

Referred to Committee on Environment & Energy.

HB 2723 by Representative Wylie

AN ACT Relating to off-road vehicle and snowmobile registration enforcement; amending RCW 46.09.420, 46.09.442, 46.10.410, 46.93.210, 46.09.495, and 46.10.505; creating a new section; prescribing penalties; and providing an expiration date.

Referred to Committee on Transportation.

HB 2724 by Representatives Macri, Gregerson, Stonier, Thai, Davis, Chopp, Robinson and Pollet

AN ACT Relating to residential tenant protections; amending RCW 59.18.057, 59.18.365, 59.18.410, 59.18.230, 59.18.290, 59.18.140, and 43.31.605; creating a new section; and declaring an emergency.

Referred to Committee on Civil Rights & Judiciary.

HB 2725 by Representatives Ortiz-Self, Morgan, Frame, Kilduff, Lovick, Callan and Leavitt

AN ACT Relating to foster resource parents; amending RCW 4.24.230, 4.92.060, 4.92.070, 4.92.150, 9A.44.093, 9A.44.096, 13.34.045, 13.34.145, 13.34.215, 13.34.234, 13.34.260, 13.34.385, 13.34.820, 13.36.090, 13.38.130, 26.44.031, 26.44.190, 28A.150.510, 41.04.674, 43.06A.085, 43.216.015, 43.216.035, 46.18.245, 48.18.565, 49.46.210, 50A.05.010, 74.13.250, 74.13.270, 74.13.285, 74.13.310, 74.13.315, 74.13.333, 74.13.335, 74.13.650, 74.13.660, 74.13.700, 74.14B.020, and 74.14B.080; reenacting and amending RCW 70.47.020 and 74.13.031; and creating a new section.

Referred to Committee on Human Services & Early Learning.

HB 2726 by Representatives Tharinger, Appleton, Chapman and Robinson

AN ACT Relating to the types of marijuana-infused edible products that may be lawfully processed and sold in the regulated marijuana market, including products

requiring refrigeration; amending RCW 69.07.200; and adding a new section to chapter 69.50 RCW.

Referred to Committee on Commerce & Gaming.

HB 2727 by Representatives Doglio, Springer, Peterson and MacEwen

AN ACT Relating to creating a retail liquor license for restaurants operated in connection with a course offered by postsecondary institutions; and adding a new section to chapter 66.24 RCW.

Referred to Committee on Commerce & Gaming.

HB 2728 by Representatives Slatter, Davis, Senn, Bergquist, Frame, Fey and Pollet

AN ACT Relating to implementation of a sustainable funding model for the services provided through the children's mental health services consultation program and the telebehavioral health video call center; amending RCW 71.24.061; and adding new sections to chapter 71.24 RCW.

Referred to Committee on Appropriations.

HB 2729 by Representatives Dufault, Chapman, Schmick, Chandler, Corry, Eslick, Rude, MacEwen, Stokesbary, Sutherland, Kretz and Chambers

AN ACT Relating to providing enhanced payment to low volume, small rural hospitals; amending RCW 74.09.5225; and creating a new section.

Referred to Committee on Appropriations.

HB 2730 by Representatives Kilduff, Ryu, Klippert, Appleton, Caldier, Davis, Leavitt and Ormsby

AN ACT Relating to military spouse employment; adding a new section to chapter 73.16 RCW; and adding a new section to chapter 38.42 RCW.

Referred to Committee on Civil Rights & Judiciary.

HB 2731 by Representatives Irwin, Doglio, Davis, Pollet and Leavitt

AN ACT Relating to reporting of student head injury information sustained during athletics and other activities; and adding a new section to chapter 28A.600 RCW.

Referred to Committee on Education.

HB 2732 by Representatives Riccelli, Barkis, Orwall, Mosbrucker, Appleton, Davis, Leavitt, Valdez, Goodman and Pollet

AN ACT Relating to expanding the landlord mitigation program to alleviate the financial burden on victims

attempting to flee domestic violence, sexual assault, unlawful harassment, or stalking; amending RCW 43.31.605, 59.18.280, and 59.18.575; and creating a new section.

Referred to Committee on Civil Rights & Judiciary.

**HB 2733** by Representative Davis

AN ACT Relating to supporting relationships between parents and their children; amending RCW 13.34.020, 13.34.065, 13.34.190, 13.34.210, 26.11.020, 26.11.030, 26.33.295, 26.44.020, 71.12.680, 71.12.682, 71.12.684, and 71.12.686; and prescribing penalties.

Referred to Committee on Human Services & Early Learning.

**HB 2734** by Representatives Davis, Walen, Macri, Frame, Sells, Ramel, Peterson, Bergquist, Santos, Doglio, Valdez, Fitzgibbon, Riccelli, Kloba, Gregerson, Cody, Chopp, Stonier, Thai, Robinson, Appleton, Duerr, Lekanoff, Tarleton, Chapman, Pollet, Ramos, Ormsby and Pellicciotti

AN ACT Relating to creating pathways to recovery from addiction by eliminating a tax preference for the warehousing of opioids and other drugs; amending RCW 82.04.272; adding a new section to chapter 71.24 RCW; creating new sections; and providing an effective date.

Referred to Committee on Finance.

**HB 2735** by Representatives Springer, Walen, Slatter, Fitzgibbon, Kloba and Pollet

AN ACT Relating to allowing limited authority officers to issue infractions for violations detected through automated traffic safety and school bus safety cameras; and amending RCW 46.16A.120, 46.63.030, 46.63.140, 46.63.170, 46.63.180, and 46.75.050.

Referred to Committee on Public Safety.

**HB 2736** by Representatives Kilduff, Klippert and Leavitt

AN ACT Relating to the retirement age for state guard members; and amending RCW 38.16.015.

Referred to Committee on Housing, Community Development & Veterans.

**HB 2737** by Representatives Callan, Dent, Frame, Stonier, Eslick, Lovick, Entenman, Senn, Caldier, Davis, Leavitt, Bergquist, Goodman, Riccelli and Chambers

AN ACT Relating to revising the name, term, membership, and duties of the children's mental health work group; and amending RCW 74.09.4951.

Referred to Committee on Human Services & Early Learning.

**HB 2738** by Representatives Frame, Dent, Kilduff, Klippert, Senn, Ortiz-Self, Leavitt, Chopp, Bergquist, Kloba and Pollet

AN ACT Relating to the budgeting process for services for individuals with developmental disabilities; amending RCW 43.88C.010; adding new sections to chapter 71A.12 RCW; creating a new section; and repealing RCW 71A.18.020.

Referred to Committee on Appropriations.

**HB 2739** by Representatives Kloba, Stonier, Appleton, Davis and Duerr

AN ACT Relating to adjusting certain requirements of the shared leave program; and amending RCW 41.04.665.

Referred to Committee on State Government & Tribal Relations.

**HB 2740** by Representatives Kloba, Macri, Stonier, Appleton, Fitzgibbon, Lekanoff and Tharinger

AN ACT Relating to the employment of individuals who lawfully consume marijuana; amending RCW 69.51A.060; and adding a new section to chapter 49.44 RCW.

Referred to Committee on Labor & Workplace Standards.

**HB 2741** by Representatives Van Werven and Chambers

AN ACT Relating to increasing the abundance of salmonids in Washington waters; amending RCW 77.95.320; and creating new sections.

Referred to Committee on Appropriations.

**HB 2742** by Representatives Kloba, Hudgins, Lekanoff and Pollet

AN ACT Relating to the management and oversight of personal data; adding a new chapter to Title 19 RCW; prescribing penalties; and providing an effective date.

Referred to Committee on Innovation, Technology & Economic Development.

**HB 2743** by Representatives Peterson, Appleton, Lekanoff, Kloba and Tharinger

AN ACT Relating to modifying the excise tax for medical marijuana patients with recognition cards for products identified as beneficial for medical use; amending RCW 69.50.535; and providing an effective date.

Referred to Committee on Finance.

HB 2744 by Representatives Doglio, Duerr, Davis, Fitzgibbon and Ramel

AN ACT Relating to improving environmental and social outcomes associated with the production of building materials; amending RCW 39.04.350, 39.10.330, 39.10.360, 39.26.160, 36.32.245, 36.32.250, 35.23.352, 39.04.155, 53.08.120, 54.04.070, and 57.08.050; adding a new section to chapter 19.27 RCW; adding a new chapter to Title 39 RCW; and providing an expiration date.

Referred to Committee on Capital Budget.

HB 2745 by Representatives Fey, Appleton and Davis

AN ACT Relating to requiring the department of health to conduct a study on treatments for pediatric autoimmune neuropsychiatric disorders associated with streptococcal infections; creating a new section; and providing an expiration date.

Referred to Committee on Health Care & Wellness.

HB 2746 by Representatives Ramel, Macri, Lekanoff, Morgan, Fey, Davis, Duerr, Tharinger, Robinson and Pollet

AN ACT Relating to affordable housing incentives; and amending RCW 84.14.005, 84.14.020, 84.14.040, 84.14.060, and 84.14.100.

Referred to Committee on Finance.

HB 2747 by Representatives Ramel, Lekanoff, Riccelli and Ormsby

AN ACT Relating to establishing the state microanimal; adding a new section to chapter 1.20 RCW; and creating a new section.

Referred to Committee on State Government & Tribal Relations.

HB 2748 by Representatives Ramel, Davis, Fey, Lekanoff and Fitzgibbon

AN ACT Relating to parking cash out programs; adding a new section to chapter 49.64 RCW; and creating a new section.

Referred to Committee on Labor & Workplace Standards.

HB 2749 by Representatives Orwall, Gregerson, Entenman and Sullivan

AN ACT Relating to authorizing an extension of time for certain cities to decline to partner with the

department of revenue for the issuance or renewal of general business licenses; and amending RCW 35.90.020.

Referred to Committee on Finance.

HB 2750 by Representatives Lekanoff, Tharinger, Robinson, Cody, Chopp, Leavitt, Ramel, Appleton, Davis, Valdez, Goodman, Chapman, Riccelli, Pollet and Ormsby

AN ACT Relating to improving the Indian behavioral health system in this state; amending RCW 71.24.035, 71.24.155, 71.05.150, 71.05.150, 71.05.201, 71.05.212, 71.05.435, and 70.02.010; reenacting and amending RCW 71.24.025, 71.05.020, and 70.02.230; providing effective dates; and providing an expiration date.

Referred to Committee on Health Care & Wellness.

HB 2751 by Representatives Pettigrew, DeBolt, Lekanoff, Maycumber, Fitzgibbon, Rude, Chapman, Tharinger, Pollet and Ormsby

AN ACT Relating to tribal-state relations; reenacting and amending RCW 1.16.050; adding a new chapter to Title 44 RCW; creating a new section; and providing an expiration date.

Referred to Committee on State Government & Tribal Relations.

HB 2752 by Representatives Lekanoff, Eslick and Dent

AN ACT Relating to directing the department of fish and wildlife to review certain wildlife management plans; adding new sections to chapter 77.36 RCW; and creating a new section.

Referred to Committee on Rural Development, Agriculture, & Natural Resources.

HB 2753 by Representatives Lekanoff, Ramel, Bergquist and Pollet

AN ACT Relating to school district enrichment levies; and amending RCW 84.52.0531.

Referred to Committee on Education.

HB 2754 by Representatives Lekanoff, Tharinger, Robinson, Cody, Chopp, Leavitt, Ramel, Appleton, Davis, Valdez, Tarleton, Goodman, Chapman, Pollet and Ormsby

AN ACT Relating to addressing the suicide and addiction crisis among American Indians and Alaska Natives in this state; and amending RCW 43.71B.901 and 43.71B.010.

Referred to Committee on Health Care & Wellness.

**HB 2755** by Representatives Schmick, Caldier and Cody

AN ACT Relating to transparency regarding the cost of air ambulance services; amending RCW 43.371.060; and adding a new section to chapter 18.73 RCW.

Referred to Committee on Health Care & Wellness.

**HB 2756** by Representatives Shea and Kretz

AN ACT Relating to advanced metering infrastructure; amending RCW 19.29A.010; and adding a new section to chapter 19.29A RCW.

Referred to Committee on Environment & Energy.

**HJM 4016** by Representatives Riccelli, Volz, Graham, Fey, Lovick, Valdez, Maycumber, Leavitt, Tarleton, Shea and Ormsby

Requesting to commence proceedings in naming state route number 902 the Gold Star Memorial Highway.

Referred to Committee on Transportation.

There being no objection, the bills and memorial listed on the day's introduction sheet under the fourth order of business were referred to the committees so designated, with the exception of HOUSE BILL NO. 2716 which was referred to the Committee on State Government & Tribal Affairs.

There being no objection, the House advanced to the sixth order of business.

**SECOND READING**

**HOUSE BILL NO. 1422, by Representatives Valdez, Harris, Tharinger, Jinkins, Macri, Kilduff, Van Werven, Doglio, Morgan, Fey and Ormsby**

**Concerning the protection of vulnerable adults.**

The bill was read the second time.

There being no objection Substitute House Bill No. 1422 was substituted for House Bill No. 1422 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1422 was read the second time.

Representative Valdez moved the adoption of the striking amendment (990):

Strike everything after the enacting clause and insert the following:

"**Sec. 15.** RCW 74.34.020 and 2019 c 325 s 5030 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Abandonment" means action or inaction by a person or entity with a duty of care for a vulnerable adult that leaves the vulnerable person without the means or ability to obtain necessary food, clothing, shelter, or health care.

(2) "Abuse" means ~~((the willful))~~ an intentional, knowing, or reckless action or inaction that inflicts injury, unreasonable confinement, intimidation, or punishment on a vulnerable adult. Accidental actions that result in injury are not abuse. Actions reasonable to protect a person from an immediate and substantial risk of injury are not physical abuse, mental abuse, or improper use of restraint. In instances of abuse of a vulnerable adult who is unable to express or demonstrate physical harm, pain, or mental anguish, the abuse is presumed to cause physical harm, pain, or mental anguish.

(a) For the purpose of this subsection, the following definitions apply:

(i) INTENTIONAL. A person acts with intent or intentionally when he or she acts with the objective or purpose to inflict injury, unreasonable confinement, intimidation, or punishment on a vulnerable adult.

(ii) KNOWING. A person knows, or acts knowingly or with knowledge, when he or she is aware that his or her actions would inflict injury, unreasonable confinement, intimidation, or punishment on a vulnerable adult.

(iii) RECKLESS. A person is reckless or acts recklessly when he or she knows of and disregards a substantial risk that his or her action is likely to inflict injury, unreasonable confinement, intimidation, or punishment on a vulnerable adult, and his or her disregard of such substantial risk is a gross deviation from conduct that a reasonable person would exercise in the same situation.

(b) Abuse includes sexual abuse, mental abuse, physical abuse, ~~((and))~~ personal exploitation of a vulnerable adult, and improper use of restraint against a vulnerable adult which have the following meanings:

~~((a))~~ (i) "Sexual abuse" means any form of nonconsensual sexual conduct, including but not limited to unwanted or inappropriate touching, rape, sodomy, sexual coercion, sexually explicit photographing, and sexual harassment. Sexual abuse also includes any sexual conduct between a staff person, who is not also a resident or client, of a facility or a staff person of a program authorized under chapter 71A.12 RCW, and a vulnerable adult living in that facility or receiving service from a program authorized under chapter 71A.12 RCW, whether or not it is consensual.

~~((b))~~ (ii) "Physical abuse" means the ~~((willful))~~ action of intentionally, knowingly, or recklessly inflicting bodily injury or physical mistreatment. Physical abuse includes, but is not limited to, striking with or without an object, slapping, pinching, choking, kicking, shoving, or prodding.

~~((c))~~ (iii) "Mental abuse" means a ~~((willful))~~ verbal or nonverbal action that intentionally, knowingly, or recklessly threatens, humiliates, harasses, coerces, intimidates, isolates, unreasonably confines, or punishes a

vulnerable adult. Mental abuse may include ridiculing, yelling, or swearing.

~~((d))~~ (iv) "Personal exploitation" means an act of forcing, compelling, or exerting undue influence over a vulnerable adult causing the vulnerable adult to act in a way that is inconsistent with relevant past behavior, or causing the vulnerable adult to perform services for the benefit of another.

~~((e))~~ (v) "Improper use of restraint" means the inappropriate use of chemical, physical, or mechanical restraints for convenience or discipline or in a manner that: ~~((f))~~ (A) Is inconsistent with federal or state licensing or certification requirements for facilities, hospitals, or programs authorized under chapter 71A.12 RCW; ~~((g))~~ (B) is not medically authorized; or ~~((h))~~ (C) otherwise constitutes abuse under this section.

(3) "Chemical restraint" means the administration of any drug to manage a vulnerable adult's behavior in a way that reduces the safety risk to the vulnerable adult or others, has the temporary effect of restricting the vulnerable adult's freedom of movement, and is not standard treatment for the vulnerable adult's medical or psychiatric condition.

(4) "Consent" means express written consent granted after the vulnerable adult or his or her legal representative has been fully informed of the nature of the services to be offered and that the receipt of services is voluntary.

(5) "Department" means the department of social and health services.

(6) "Facility" means a residence licensed or required to be licensed under chapter 18.20 RCW, assisted living facilities; chapter 18.51 RCW, nursing homes; chapter 70.128 RCW, adult family homes; chapter 72.36 RCW, soldiers' homes; chapter 70.97 RCW, enhanced services facilities; chapter 71A.20 RCW, residential habilitation centers; or any other facility licensed or certified by the department.

(7) "Financial exploitation" means the illegal or improper use, control over, or withholding of the property, income, resources, or trust funds of the vulnerable adult by any person or entity for any person's or entity's profit or advantage other than for the vulnerable adult's profit or advantage. "Financial exploitation" includes, but is not limited to:

(a) The use of deception, intimidation, or undue influence by a person or entity in a position of trust and confidence with a vulnerable adult to obtain or use the property, income, resources, or trust funds of the vulnerable adult for the benefit of a person or entity other than the vulnerable adult;

(b) The breach of a fiduciary duty, including, but not limited to, the misuse of a power of attorney, trust, or a guardianship appointment, that results in the unauthorized appropriation, sale, or transfer of the property, income, resources, or trust funds of the vulnerable adult for the benefit of a person or entity other than the vulnerable adult; or

(c) Obtaining or using a vulnerable adult's property, income, resources, or trust funds without lawful authority, by a person or entity who knows or clearly should know that the vulnerable adult lacks the capacity to consent to the release or use of his or her property, income, resources, or trust funds.

(8) "Financial institution" has the same meaning as in RCW 30A.22.040 and 30A.22.041. For purposes of this chapter only, "financial institution" also means a "broker-dealer" or "investment adviser" as defined in RCW 21.20.005.

(9) "Hospital" means a facility licensed under chapter 70.41 or 71.12 RCW or a state hospital defined in chapter 72.23 RCW and any employee, agent, officer, director, or independent contractor thereof.

(10) "Incapacitated person" means a person who is at a significant risk of personal or financial harm under RCW 11.88.010(1) (a), (b), (c), or (d).

(11) "Individual provider" means a person under contract with the department to provide services in the home under chapter 74.09 or 74.39A RCW.

(12) "Interested person" means a person who demonstrates to the court's satisfaction that the person is interested in the welfare of the vulnerable adult, that the person has a good faith belief that the court's intervention is necessary, and that the vulnerable adult is unable, due to incapacity, undue influence, or duress at the time the petition is filed, to protect his or her own interests.

(13)(a) "Isolate" or "isolation" means to restrict a vulnerable adult's ability to communicate, visit, interact, or otherwise associate with persons of his or her choosing. Isolation may be evidenced by acts including but not limited to:

(i) Acts that prevent a vulnerable adult from sending, making, or receiving his or her personal mail, electronic communications, or telephone calls; or

(ii) Acts that prevent or obstruct the vulnerable adult from meeting with others, such as telling a prospective visitor or caller that a vulnerable adult is not present, or does not wish contact, where the statement is contrary to the express wishes of the vulnerable adult.

(b) The term "isolate" or "isolation" may not be construed in a manner that prevents a guardian or limited guardian from performing his or her fiduciary obligations under chapter 11.92 RCW or prevents a hospital or facility from providing treatment consistent with the standard of care for delivery of health services.

(14) "Mandated reporter" is an employee of the department or the department of children, youth, and families; law enforcement officer; social worker; professional school personnel; individual provider; ~~((an employee of a facility;))~~ an operator of a facility or a certified residential services and supports agency under chapter 71A.12 RCW; an employee of a facility; an employee of a social service, welfare, mental health, adult day health, adult day care, home health, home care, ~~((or))~~ hospice, or certified

residential services and supports agency; county coroner or medical examiner; Christian Science practitioner; or health care provider subject to chapter 18.130 RCW.

(15) "Mechanical restraint" means any device attached or adjacent to the vulnerable adult's body that he or she cannot easily remove that restricts freedom of movement or normal access to his or her body. "Mechanical restraint" does not include the use of devices, materials, or equipment that are (a) medically authorized, as required, and (b) used in a manner that is consistent with federal or state licensing or certification requirements for facilities, hospitals, or programs authorized under chapter 71A.12 RCW.

(16) "Neglect" means (a) a pattern of conduct or inaction by a person or entity with a duty of care that fails to provide the goods and services that maintain physical or mental health of a vulnerable adult, or that fails to avoid or prevent physical or mental harm or pain to a vulnerable adult; or (b) an act or omission by a person or entity with a duty of care that demonstrates a serious disregard of consequences of such a magnitude as to constitute a clear and present danger to the vulnerable adult's health, welfare, or safety, including but not limited to conduct prohibited under RCW 9A.42.100.

(17) "Permissive reporter" means any person, including, but not limited to, an employee of a financial institution, attorney, or volunteer in a facility or program providing services for vulnerable adults.

(18) "Physical restraint" means the application of physical force without the use of any device, for the purpose of restraining the free movement of a vulnerable adult's body. "Physical restraint" does not include (a) briefly holding without undue force a vulnerable adult in order to calm or comfort him or her, or (b) holding a vulnerable adult's hand to safely escort him or her from one area to another.

(19) "Protective services" means any services provided by the department to a vulnerable adult with the consent of the vulnerable adult, or the legal representative of the vulnerable adult, who has been abandoned, abused, financially exploited, neglected, or in a state of self-neglect. These services may include, but are not limited to case management, social casework, home care, placement, arranging for medical evaluations, psychological evaluations, day care, or referral for legal assistance.

(20) "Self-neglect" means the failure of a vulnerable adult, not living in a facility, to provide for himself or herself the goods and services necessary for the vulnerable adult's physical or mental health, and the absence of which impairs or threatens the vulnerable adult's well-being. This definition may include a vulnerable adult who is receiving services through home health, hospice, or a home care agency, or an individual provider when the neglect is not a result of inaction by that agency or individual provider.

(21) "Social worker" means:

(a) A social worker as defined in RCW 18.320.010(2); or

(b) Anyone engaged in a professional capacity during the regular course of employment in encouraging or promoting the health, welfare, support, or education of vulnerable adults, or providing social services to vulnerable adults, whether in an individual capacity or as an employee or agent of any public or private organization or institution.

(22) "Vulnerable adult" includes a person:

(a) Sixty years of age or older who has the functional, mental, or physical inability to care for himself or herself; or

(b) Found incapacitated under chapter 11.88 RCW; or

(c) Who has a developmental disability as defined under RCW 71A.10.020; or

(d) Admitted to any facility; or

(e) Receiving services from home health, hospice, or home care agencies licensed or required to be licensed under chapter 70.127 RCW; or

(f) Receiving services from an individual provider; or

(g) Who self-directs his or her own care and receives services from a personal aide under chapter 74.39 RCW.

(23) "Vulnerable adult abuse registry" means a list of individuals who have a final substantiated finding by the department of abuse, abandonment, neglect, or financial exploitation of a vulnerable adult.

(24) "Vulnerable adult advocacy team" means a team of three or more persons who coordinate a multidisciplinary process, in compliance with chapter 266, Laws of 2017 and the protocol governed by RCW 74.34.320, for preventing, identifying, investigating, prosecuting, and providing services related to abuse, neglect, or financial exploitation of vulnerable adults.

**Sec. 16.** RCW 74.34.063 and 2017 3rd sp.s. c 6 s 818 are each amended to read as follows:

(1) The department shall initiate a response to a report, no later than twenty-four hours after knowledge of the report, of suspected abandonment, abuse, financial exploitation, neglect, or self-neglect of a vulnerable adult.

(2) When the initial report or investigation by the department indicates that the alleged abandonment, abuse, financial exploitation, or neglect may be criminal, the department shall make an immediate report to the appropriate law enforcement agency. The department and law enforcement will coordinate in investigating reports made under this chapter. The department may provide protective services and other remedies as specified in this chapter.

(3) The law enforcement agency or the department shall report the incident in writing to the proper county prosecutor or city attorney for appropriate action whenever the investigation reveals that a crime may have been committed.

(4) Upon request, the department and law enforcement ~~((may))~~ must share information contained in reports and findings of abandonment, abuse, financial exploitation, and



neglect of vulnerable adults with each other, consistent with RCW 74.04.060(~~chapter 42.56 RCW~~), and other applicable confidentiality laws. The information contained in reports and findings may not be further disseminated and is not subject to disclosure under chapter 42.56 RCW.

(5) (~~Unless prohibited by federal law, the department of social and health services may share with the department of children, youth, and families information contained in reports and findings of abandonment, abuse, financial exploitation, and neglect of vulnerable adults.~~) (a) The investigation of alleged abandonment, abuse, financial exploitation, neglect, or self-neglect of a vulnerable adult is a legitimate state purpose. Upon request, the department and the department of children, youth, and families must share information with each other contained in reports and findings of: (i) Abandonment, abuse, financial exploitation, neglect, or self-neglect of vulnerable adults; and (ii) abuse and neglect of children but only for the purposes set forth in (b) of this subsection.

(b) Upon request, the department and the department of children, youth, and families may only share information with each other to the extent that such information pertains to or may assist with (i) investigating or preventing child abuse or neglect; (ii) providing for the health and well-being of children in foster care; or (iii) investigating or preventing the abandonment, abuse, financial exploitation, neglect, or self-neglect of a vulnerable adult.

(c) This information sharing is required for purposes of the federal health insurance portability and accountability act of 1996. The information contained in reports and findings retains its confidentiality under federal and state law and may not be further disseminated except as authorized by law. This information is not subject to public disclosure under chapter 42.56 RCW.

(6) The department shall notify the proper licensing authority concerning any report received under this chapter that alleges that a person who is professionally licensed, certified, or registered under Title 18 RCW has abandoned, abused, financially exploited, or neglected a vulnerable adult.

**Sec. 17.** RCW 74.34.095 and 2013 c 23 s 218 are each amended to read as follows:

(1) The following information is confidential and not subject to disclosure, except as provided in this section:

(a) A report of abandonment, abuse, financial exploitation, or neglect made under this chapter;

(b) The identity of the person making the report; and

(c) All files, reports, records, communications, and working papers used or developed in the investigation or provision of protective services.

(2) Information considered confidential may be disclosed only for a purpose consistent with this chapter, or as authorized by chapter 18.20, 18.51, or 74.39A RCW(~~or as authorized by~~); the long-term care ombuds programs under federal law or state law, chapter 43.190 RCW; or the

office of the developmental disabilities ombuds program under chapter 43.382 RCW.

(3) A court or presiding officer in an administrative proceeding may order disclosure of confidential information only if the court, or presiding officer in an administrative proceeding, determines that disclosure is essential to the administration of justice and will not endanger the life or safety of the vulnerable adult or individual who made the report. The court or presiding officer in an administrative hearing may place restrictions on such disclosure as the court or presiding officer deems proper.

(4)(a) Except as provided in (b) of this subsection, upon a request for information regarding a specifically named vulnerable adult, the department may disclose only the following information:

(i) Whether or not a report was received;

(ii) The status of the report; and

(iii) The outcome of an investigation.

(b) The department may not disclose any information regarding a specifically named vulnerable adult if any of the following circumstances apply:

(i) The information concerns a vulnerable adult residing in or receiving services from a department licensed or certified facility or provider where an unannounced investigation in response to the report has not been initiated;

(ii) The requester is the alleged perpetrator;

(iii) The department has a reasonable belief that disclosure may compromise any investigation by a law enforcement agency, disciplinary authority, the department, or the department of children, youth, and families; or

(iv) The department has a reasonable belief that the information may endanger any person.

**Sec. 18.** RCW 74.34.110 and 2007 c 312 s 3 are each amended to read as follows:

(1) An action known as a petition for an order for protection of a vulnerable adult in cases of abandonment, abuse, financial exploitation, or neglect is created.

~~((1+))~~ (a) A vulnerable adult, or interested person on behalf of the vulnerable adult, may seek relief from abandonment, abuse, financial exploitation, or neglect, or the threat thereof, by filing a petition for an order for protection in superior court.

~~((2))~~ (b) A petition shall allege that the petitioner, or person on whose behalf the petition is brought, is a vulnerable adult and that the petitioner, or person on whose behalf the petition is brought, has been abandoned, abused, financially exploited, or neglected, or is threatened with abandonment, abuse, financial exploitation, or neglect by respondent.

~~((3))~~ (c) A petition shall be accompanied by affidavit made under oath, or a declaration signed under penalty of perjury, stating the specific facts and circumstances which demonstrate the need for the relief sought. If the petition is

filed by an interested person, the affidavit or declaration must also include a statement of why the petitioner qualifies as an interested person.

~~((4))~~ (d) A petition for an order may be made whether or not there is a pending lawsuit, complaint, petition, or other action pending that relates to the issues presented in the petition for an order for protection.

~~((5))~~ (e) Within ninety days of receipt of the master copy from the administrative office of the courts, all court clerk's offices shall make available the standardized forms and instructions required by RCW 74.34.115.

~~((6))~~ (f) Any assistance or information provided by any person, including, but not limited to, court clerks, employees of the department, and other court facilitators, to another to complete the forms provided by the court in (e) of this subsection ~~((5) of this section)~~ does not constitute the practice of law.

~~((7))~~ (g) A petitioner is not required to post bond to obtain relief in any proceeding under this section.

~~((8))~~ (h) An action under this section shall be filed in the county where the vulnerable adult resides; except that if the vulnerable adult has left or been removed from the residence as a result of abandonment, abuse, financial exploitation, or neglect, or in order to avoid abandonment, abuse, financial exploitation, or neglect, the petitioner may bring an action in the county of either the vulnerable adult's previous or new residence.

~~((9))~~ (i) No filing fee may be charged to the petitioner for proceedings under this section. Standard forms and written instructions shall be provided free of charge.

(2) A vulnerable adult who is the victim of stalking, or an interested person on behalf of the vulnerable adult, may apply for a stalking protection order under RCW 7.92.040.

**Sec. 19.** RCW 74.34.300 and 2016 c 172 s 4 are each amended to read as follows:

(1) The department shall conduct quality assurance reviews to monitor processes related to the receipt of and timely response to reports of vulnerable adult abuse, abandonment, neglect, self-neglect, and financial exploitation; quality of investigations; and implementation of protective services.

(a) As part of the quality assurance process, the department shall conduct a vulnerable adult fatality review in the event of a death of a vulnerable adult when the department has reason to believe that the death of the vulnerable adult may be related to the abuse, abandonment, financial exploitation, or neglect of the vulnerable adult, or may be related to the vulnerable adult's self-neglect, and the vulnerable adult was:

~~((a))~~ (i) Receiving home and community-based services in his or her own home or licensed or certified settings, described under chapters 74.39, 74.39A, 18.20, 70.128, and 71A.12 RCW, within sixty days preceding his or her death; or

~~((b))~~ (ii) Living in his or her own home or licensed or certified settings described under chapters 74.39, 74.39A, 18.20, 70.128, and 71A.12 RCW and was the subject of a report under this chapter received by the department within twelve months preceding his or her death.

~~((2))~~ (b) When conducting a vulnerable adult fatality review of a person who had been receiving hospice care services before the person's death, the review shall provide particular consideration to the similarities between the signs and symptoms of abuse and those of many patients receiving hospice care services.

(2)(a) Quality assurance reviews completed pursuant to this section are not subject to discovery in a civil or administrative proceeding and may not be admitted into evidence or otherwise used in a civil or administrative proceeding except pursuant to this section.

(b) A department employee responsible for conducting quality assurance reviews, or a member of a quality assurance team, may not be examined in a civil or administrative proceeding regarding (i) the work of the quality assurance review or quality assurance team, (ii) the incident under review, (iii) his or her statements, deliberations, thoughts, analyses, or impressions relating to the work of the quality assurance review or the incident under review, or (iv) the statements, deliberations, thoughts, analyses, or impressions of any other member of the quality assurance review or quality assurance team, or any person who provided information to the quality assurance review or quality assurance team, relating to the work of the quality assurance review or the incident under review.

(c) Documents prepared by or for a quality assurance review or quality assurance team are inadmissible and may not be used in a civil or administrative proceeding, except that any document that exists before its use or consideration in a quality assurance review, or that is created independently of such review, does not become inadmissible merely because it is reviewed or used by a quality assurance team. A person is not unavailable as a witness merely because the person has been interviewed by or has provided a statement for a quality assurance review, but if called as a witness, a person may not be examined regarding the person's interactions with the quality assurance review including, without limitation, whether the person was interviewed during such review, the questions that were asked during such review, and the answers that the person provided during such review. This section does not restrict the person from testifying fully in any proceeding regarding his or her knowledge of the incident under review.

(3) ((All files, reports, records, communications, and working papers used or developed for purposes of a fatality review are confidential and not subject to disclosure pursuant to RCW 74.34.095.

~~((4))~~ The department may adopt rules to implement this section.

**NEW SECTION. Sec. 20.** A new section is added to chapter 74.34 RCW to read as follows:

(1) The department shall maintain a vulnerable adult abuse registry. Upon request of any person, the department may disclose the identity of a person who has been entered on the registry with a final substantiated finding of abandonment, abuse, financial exploitation, or neglect of a vulnerable adult.

(2) The department must develop a process in rule by which the department may remove individuals from the vulnerable adult abuse registry. The process must not allow a removal that would conflict with federal law.

(3) Except as described in subsection (4) of this section, a person who is on the vulnerable adult abuse registry may petition the department, in writing, for removal from the registry after three years have elapsed from the date on which the final substantiated finding is entered.

(4) A person may not petition the department to be removed from the registry if:

(a) The final substantiated finding that the person abused, abandoned, neglected, or financially exploited a vulnerable adult included information that:

(i) The person sexually abused a vulnerable adult;

(ii) The abuse or neglect caused a vulnerable adult to suffer great bodily harm or death;

(iii) The person financially exploited a vulnerable adult of property, resources, or services exceeding five thousand dollars; or

(iv) The abuse involved a lethal weapon;

(b) The person has a conviction for a disqualifying crime under RCW 43.43.842;

(c) The person has more than one final substantiated finding of abuse, abandonment, neglect, financial exploitation, or any combination thereof, of a vulnerable adult; or has a final substantiated finding involving more than one vulnerable adult victim; or has a final substantiated finding involving multiple instances of misconduct against a single vulnerable adult victim; or

(d) The person is a nursing assistant whose name is on the registry for conduct committed while working as a certified nursing assistant in a nursing facility, unless the removal from the registry maintained by the department under 42 C.F.R. Sec. 483.156 would be authorized under 42 U.S.C. Sec. 1396r(g)(1)(D).

(5) A person may petition the department for removal from the vulnerable adult abuse registry a maximum of three times and may only file one petition in any twelve-month period.

(6) If the petition is granted, the individual is removed from the vulnerable adult abuse registry and the individual is no longer disqualified from employment under RCW 74.39A.056 or 18.20.125 by reason of the final substantiated finding. Nothing in this subsection affects a finding against the individual that is on the vulnerable adult abuse registry maintained by the department under 42 C.F.R. Sec. 483.156 unless removal from that registry is permitted by 42 U.S.C. Sec. 1396r(g)(1)(D).

(7) If the department removes an individual from the vulnerable adult abuse registry, the department shall maintain a record of the individual and the underlying finding. These records are exempt from disclosure under subsection (1) of this section and chapter 42.56 RCW.

(8)(a) The state of Washington and its officers, employees, contractors, agents, and agencies, including the department, are immune from suit in law, equity, or any action under the administrative procedure act, chapter 34.05 RCW, based on the exercise of discretion to remove an individual from the vulnerable adult abuse registry, except as specified in (b) of this subsection. This section does not modify an applicant's right to seek review of an agency's licensing or certification decision under the administrative procedure act, chapter 34.05 RCW, or other applicable statute or agency rule.

(b) A person denied removal from the vulnerable adult abuse registry has the right to an adjudicative proceeding, and to judicial review of that adjudicative proceeding, to challenge the denial pursuant to chapter 34.05 RCW. In any such proceeding, it is the appellant's burden to prove that the appellant should be removed from the registry.

(9)(a) Except as provided in (b) of this subsection, the following information is inadmissible and may not be used against the department or its employees in any civil or administrative action related to the hiring of a person who is or was on the vulnerable adult abuse registry:

(i) Documents prepared by department staff during the department's review and consideration of a petition for removal of a registry finding; and

(ii) Facts related to the underlying finding, including the underlying finding itself.

(b) Any documents that existed before a petition for removal was filed or that were created independently of the department's review and consideration of such petition do not become inadmissible merely because they were used during the department's review process.

(10) An individual's removal from the vulnerable adult abuse registry does not require an employer to use that individual for the care of, or allow that individual unsupervised access to, vulnerable adults.

(11) The department shall adopt rules necessary to implement this section.

(12) Nothing in this section limits any rights or remedies available under federal law, including the removal of a name from the nurse aide registry under 42 U.S.C. Sec. 1395i-3(g)(1)(D).

(13) This section does not create a protected class; private right of action; any right, privilege, or duty; or change any right, privilege, or duty existing under law.

**Sec. 21.** RCW 74.39A.056 and 2018 c 278 s 8 are each amended to read as follows:

(1)(a) All long-term care workers shall be screened through state and federal background checks in a uniform and timely manner to verify that they do not have a history

that would disqualify them from working with vulnerable persons. The department must process background checks for long-term care workers and make the information available to employers, prospective employers, and others as authorized by law.

(b)(i) Except as provided in (b)(ii) of this subsection, for long-term care workers hired on or after January 7, 2012, the background checks required under this section shall include checking against the federal bureau of investigation fingerprint identification records system and against the national sex offenders registry or their successor programs. The department shall require these long-term care workers to submit fingerprints for the purpose of investigating conviction records through both the Washington state patrol and the federal bureau of investigation. The department shall not pass on the cost of these criminal background checks to the workers or their employers.

(ii) This subsection does not apply to long-term care workers employed by community residential service businesses until January 1, 2016.

(c) The department shall share state and federal background check results with the department of health in accordance with RCW 18.88B.080.

(d) Background check screening required under this section and department rules is not required for an employee of a consumer directed employer if all of the following circumstances apply:

(i) The individual has an individual provider contract with the department;

(ii) The last background check on the contracted individual provider is still valid under department rules and did not disqualify the individual from providing personal care services;

(iii) Employment by the consumer directed employer is the only reason a new background check would be required; and

(iv) The department's background check results have been shared with the consumer directed employer.

(2) ~~((No provider, or its staff, or long-term care worker, or prospective provider or long-term care worker, with a stipulated finding of fact, conclusion of law, an agreed order, or finding of fact, conclusion of law, or final order issued by a disciplining authority or a court of law or entered into a state registry with a final substantiated finding of abuse, neglect, exploitation, or abandonment of a minor or a vulnerable adult as defined in chapter 74.34 RCW shall be employed in the care of and have unsupervised access to vulnerable adults.))~~ A provider may not be employed in the care of and have unsupervised access to vulnerable adults if:

(a) The provider is on the vulnerable adult abuse registry as defined in RCW 74.34.020 or on any other registry based upon a finding of abuse, abandonment, neglect, or financial exploitation;

(b) On or after October 1, 1998, the department of children, youth, and families, or its predecessor agency, has

made a founded finding of abuse or neglect of a child against the provider;

(c) A disciplining authority, including the department of health, has made a finding of abuse, abandonment, neglect, or financial exploitation of a minor or a vulnerable adult against the provider; or

(d) A court has issued an order that includes a finding of fact or conclusion of law that the provider has committed abuse, abandonment, neglect, or financial exploitation of a minor or vulnerable adult.

~~(3) ((The department shall establish, by rule, a state registry which contains identifying information about long-term care workers identified under this chapter who have final substantiated findings of abuse, neglect, financial exploitation, or abandonment of a vulnerable adult as defined in RCW 74.34.020. The rule must include disclosure, disposition of findings, notification, findings of fact, appeal rights, and fair hearing requirements. The department shall disclose, upon request, final substantiated findings of abuse, neglect, financial exploitation, or abandonment to any person so requesting this information. This information must also be shared with the department of health to advance the purposes of chapter 18.88B RCW.))~~ For the purposes of this section, "provider" means:

(a) An individual provider as defined in RCW 74.39A.240;

(b) An employee, licensee, or contractor of any of the following: A home care agency licensed under chapter 70.127 RCW, a nursing home under chapter 18.51 RCW, an assisted living facility under chapter 18.20 RCW, an enhanced services facility under chapter 70.97 RCW, a certified residential services and supports agency licensed or certified under chapter 71A.12 RCW, an adult family home under chapter 70.128 RCW, or any other long-term care facility certified to provide medicaid or medicare services; and

(c) Any contractor of the department who may have unsupervised access to vulnerable adults.

(4) The department shall adopt rules to implement this section.

**Sec. 22.** RCW 13.50.010 and 2019 c 470 s 22 and 2019 c 82 s 1 are each reenacted and amended to read as follows:

(1) For purposes of this chapter:

(a) "Good faith effort to pay" means a juvenile offender has either (i) paid the principal amount in full; (ii) made at least eighty percent of the value of full monthly payments within the period from disposition or deferred disposition until the time the amount of restitution owed is under review; or (iii) can show good cause why he or she paid an amount less than eighty percent of the value of full monthly payments;

(b) "Juvenile justice or care agency" means any of the following: Police, diversion units, court, prosecuting attorney, defense attorney, detention center, attorney general, the oversight board for children, youth, and

families, the office of the family and children's ombuds, the department of social and health services and its contracting agencies, the department of children, youth, and families and its contracting agencies, schools; persons or public or private agencies having children committed to their custody; and any placement oversight committee created under RCW 72.05.415;

(c) "Official juvenile court file" means the legal file of the juvenile court containing the petition or information, motions, memorandums, briefs, notices of hearing or appearance, service documents, witness and exhibit lists, findings of the court and court orders, agreements, judgments, decrees, notices of appeal, as well as documents prepared by the clerk, including court minutes, letters, warrants, waivers, affidavits, declarations, invoices, and the index to clerk papers;

(d) "Records" means the official juvenile court file, the social file, and records of any other juvenile justice or care agency in the case;

(e) "Social file" means the juvenile court file containing the records and reports of the probation counselor.

(2) Each petition or information filed with the court may include only one juvenile and each petition or information shall be filed under a separate docket number. The social file shall be filed separately from the official juvenile court file.

(3) It is the duty of any juvenile justice or care agency to maintain accurate records. To this end:

(a) The agency may never knowingly record inaccurate information. Any information in records maintained by the department of social and health services or the department of children, youth, and families relating to a petition filed pursuant to chapter 13.34 RCW that is found by the court to be false or inaccurate shall be corrected or expunged from such records by the agency;

(b) An agency shall take reasonable steps to assure the security of its records and prevent tampering with them; and

(c) An agency shall make reasonable efforts to insure the completeness of its records, including action taken by other agencies with respect to matters in its files.

(4) Each juvenile justice or care agency shall implement procedures consistent with the provisions of this chapter to facilitate inquiries concerning records.

(5) Any person who has reasonable cause to believe information concerning that person is included in the records of a juvenile justice or care agency and who has been denied access to those records by the agency may make a motion to the court for an order authorizing that person to inspect the juvenile justice or care agency record concerning that person. The court shall grant the motion to examine records unless it finds that in the interests of justice or in the best interests of the juvenile the records or parts of them should remain confidential.

(6) A juvenile, or his or her parents, or any person who has reasonable cause to believe information concerning that

person is included in the records of a juvenile justice or care agency may make a motion to the court challenging the accuracy of any information concerning the moving party in the record or challenging the continued possession of the record by the agency. If the court grants the motion, it shall order the record or information to be corrected or destroyed.

(7) The person making a motion under subsection (5) or (6) of this section shall give reasonable notice of the motion to all parties to the original action and to any agency whose records will be affected by the motion.

(8) The court may permit inspection of records by, or release of information to, any clinic, hospital, or agency which has the subject person under care or treatment. The court may also permit inspection by or release to individuals or agencies, including juvenile justice advisory committees of county law and justice councils, engaged in legitimate research for educational, scientific, or public purposes. Each person granted permission to inspect juvenile justice or care agency records for research purposes shall present a notarized statement to the court stating that the names of juveniles and parents will remain confidential.

(9) The court shall release to the caseload forecast council the records needed for its research and data-gathering functions. Access to caseload forecast data may be permitted by the council for research purposes only if the anonymity of all persons mentioned in the records or information will be preserved.

(10) Juvenile detention facilities shall release records to the caseload forecast council upon request. The commission shall not disclose the names of any juveniles or parents mentioned in the records without the named individual's written permission.

(11) Requirements in this chapter relating to the court's authority to compel disclosure shall not apply to the oversight board for children, youth, and families or the office of the family and children's ombuds.

(12) For the purpose of research only, the administrative office of the courts shall maintain an electronic research copy of all records in the judicial information system related to juveniles. Access to the research copy is restricted to the administrative office of the courts for research purposes as authorized by the supreme court or by state statute. The administrative office of the courts shall maintain the confidentiality of all confidential records and shall preserve the anonymity of all persons identified in the research copy. Data contained in the research copy may be shared with other governmental agencies as authorized by state statute, pursuant to data-sharing and research agreements, and consistent with applicable security and confidentiality requirements. The research copy may not be subject to any records retention schedule and must include records destroyed or removed from the judicial information system pursuant to RCW 13.50.270 and 13.50.100(3).

(13) The court shall release to the Washington state office of public defense records needed to implement the agency's oversight, technical assistance, and other functions as required by RCW 2.70.020. Access to the records used as

a basis for oversight, technical assistance, or other agency functions is restricted to the Washington state office of public defense. The Washington state office of public defense shall maintain the confidentiality of all confidential information included in the records.

(14) The court shall release to the Washington state office of civil legal aid records needed to implement the agency's oversight, technical assistance, and other functions as required by RCW 2.53.045. Access to the records used as a basis for oversight, technical assistance, or other agency functions is restricted to the Washington state office of civil legal aid. The Washington state office of civil legal aid shall maintain the confidentiality of all confidential information included in the records, and shall, as soon as possible, destroy any retained notes or records obtained under this section that are not necessary for its functions related to RCW 2.53.045.

(15) For purposes of providing for the educational success of youth in foster care, the department of children, youth, and families may disclose only those confidential child welfare records that pertain to or may assist with meeting the educational needs of current and former foster youth to another state agency or state agency's contracted provider responsible under state law or contract for assisting current and former foster youth to attain educational success. The records retain their confidentiality pursuant to this chapter and federal law and cannot be further disclosed except as allowed under this chapter and federal law.

(16) For the purpose of ensuring the safety and welfare of the youth who are in foster care, the department of children, youth, and families may disclose to the department of commerce and its contracted providers responsible under state law or contract for providing services to youth, only those confidential child welfare records that pertain to ensuring the safety and welfare of the youth who are in foster care who are admitted to crisis residential centers or HOPE centers under contract with the office of homeless youth prevention and protection. Records disclosed under this subsection retain their confidentiality pursuant to this chapter and federal law and may not be further disclosed except as permitted by this chapter and federal law.

(17) Except as provided in subsection (19) of this section, for purposes of investigating and preventing child abuse and neglect, and providing for the health care coordination and the well-being of children in foster care, the department of children, youth, and families may disclose only those confidential child welfare records that pertain to or may assist with investigation and prevention of child abuse and neglect, or may assist with providing for the health and well-being of children in foster care to the department of social and health services, the health care authority, or their contracting agencies. For purposes of investigating and preventing child abuse and neglect, and to provide for the coordination of health care and the well-being of children in foster care, the department of social and health services and the health care authority may disclose only those confidential child welfare records that pertain to or may assist with investigation and prevention of child abuse and neglect, or may assist with providing for the health care coordination and the well-being of children in foster care to

the department of children, youth, and families, or its contracting agencies. The records retain their confidentiality pursuant to this chapter and federal law and cannot be further disclosed except as allowed under this chapter and federal law.

(18) For the purpose of investigating child sexual abuse, online sexual exploitation and commercial sexual exploitation of minors, and child fatality, child physical abuse, and criminal neglect cases for the well-being of the child, the department of children, youth, and families may disclose only those confidential child welfare records that pertain to or may assist with such an investigation pursuant to RCW 26.44.180 and 26.44.175. The records retain their confidentiality pursuant to this chapter and federal law and cannot be further disclosed except as allowed under this chapter and federal law.

(19)(a) Upon request, the department and the department of social and health services must share information with each other contained in reports and findings of: (i) Abandonment, abuse, financial exploitation, self-neglect, and neglect of vulnerable adults; and (ii) abuse and neglect of children.

(b) Upon request, the department and the department of social and health services must share information with each other to the extent that such information pertains to or may assist with (i) investigating or preventing child abuse or neglect; (ii) providing for the health and well-being of children in foster care; or (iii) investigating or preventing the abandonment, abuse, financial exploitation, self-neglect, and neglect of a vulnerable adult.

(c) This information sharing is required for purposes of the federal health insurance portability and accountability act of 1996. The information contained in reports and findings retains its confidentiality under federal and state law and may not be further disseminated except as authorized by law. This information is not subject to public disclosure under chapter 42.56 RCW.

**Sec. 23.** RCW 68.50.105 and 2019 c 470 s 14 are each amended to read as follows:

(1) Reports and records of autopsies or postmortems shall be confidential, except that the following persons may examine and obtain copies of any such report or record: The personal representative of the decedent as defined in RCW 11.02.005, any family member, the attending physician or advanced registered nurse practitioner, the prosecuting attorney or law enforcement agencies having jurisdiction, public health officials, the department of labor and industries in cases in which it has an interest under RCW 68.50.103, ~~((or))~~ the secretary of the department of children, youth, and families or his or her designee in cases being reviewed under RCW 74.13.640, or the secretary of the department of social and health services or his or her designee in cases being reviewed under RCW 74.34.300.

(2)(a) Notwithstanding the restrictions contained in this section regarding the dissemination of records and reports of autopsies or postmortems, nor the exemptions referenced under RCW 42.56.240(1), nothing in this chapter prohibits a coroner, medical examiner, or his or her designee,

from publicly discussing his or her findings as to any death subject to the jurisdiction of his or her office where actions of a law enforcement officer or corrections officer have been determined to be a proximate cause of the death, except as provided in (b) of this subsection.

(b) A coroner, medical examiner, or his or her designee may not publicly discuss his or her findings outside of formal court or inquest proceedings if there is a pending or active criminal investigation, or a criminal or civil action, concerning a death that has commenced prior to January 1, 2014.

(3) The coroner, the medical examiner, or the attending physician shall, upon request, meet with the family of the decedent to discuss the findings of the autopsy or postmortem. For the purposes of this section, the term "family" means the surviving spouse, state registered domestic partner, or any child, parent, grandparent, grandchild, brother, or sister of the decedent, or any person who was guardian of the decedent at the time of death.

NEW SECTION. **Sec. 24.** Section 6 of this act takes effect January 1, 2021."

Correct the title.

Representatives Valdez and Irwin spoke in favor of the adoption of the striking amendment.

Amendment (990) was adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Valdez and Irwin spoke in favor of the passage of the bill.

### **MOTION**

On motion of Representative Jenkin, Representative Griffey was excused.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1422.

### **ROLL CALL**

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1422, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri,

Maycumber, McCaslin, Mead, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shea, Shewmake, Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mr. Speaker.

Excused: Representative Griffey.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1422, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1783, by Representatives Gregerson, Morgan, Ryu, Lovick, Valdez, Ramos, Thai, Reeves, Slatter, Lekanoff, Peterson, Macri, Entenman, Pettigrew, Bergquist, Callan, Stonier, Orwall, Hudgins, Riccelli, Mead, Senn, Santos, Chapman, Walen, Kloba, Doglio, Tarleton, Pollet, Dolan, Davis, Jenkins, Wylie, Shewmake, Pellicciotti, Fey, Stanford, Sells, Morris, Kilduff, Leavitt, Appleton, Tharinger, Ormsby, Frame and Robinson**

### **Creating the Washington state office of equity.**

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 1783 was substituted for House Bill No. 1783 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 1783 was read the second time.

Representative Morgan moved the adoption of the striking amendment (964):

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 25.** The legislature finds that the population of Washington state has become increasingly diverse over the last several decades. The legislature also finds that as the demographics of our state change, historically and currently marginalized communities still do not have the same opportunities to meet parity as their nonmarginalized counterparts across nearly every measure including education, poverty, employment, health, and more. Inequities based on race, ethnicity, gender, and other characteristics continue to be deep, pervasive, and persistent, and they come at a great economic and social cost. When individuals face barriers to achieving their full potential, the impact is felt by the individual, their communities, businesses, governments, and the economy as a whole in the form of lost wages, avoidable public expenditures, and more.

The legislature finds that a more inclusive Washington is possible if agencies identify and implement effective strategies to eliminate systemic inequities. The legislature recognizes that different forms of discrimination and

oppression are related to each other, and these relationships need to be taken into account.

The legislature finds that over the years, significant strides have been made within agencies to address the disparate outcomes faced by historically and currently marginalized communities. While these efforts have yielded positive work, the legislature finds that the work happening in agencies is fragmented across state government. Additionally, smaller agencies may not have the resources necessary to identify and implement policies to address systemic inequities. The legislature finds that state government must identify and coordinate effective strategies that focus on eliminating systemic barriers for historically and currently marginalized groups. To support this objective, an office of equity will provide a unified vision around equity for all state agencies. The office will assist government agencies to apply an equity lens in all aspects of their decision making, including but not limited to services, programming, policy development, budgeting, and staffing. Doing so will foster a culture of accountability within state government that promotes opportunity for marginalized communities and will help normalize language and concepts around equity, race, social justice, diversity, and inclusion.

**NEW SECTION. Sec. 26.** The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Agency" means every state executive office, agency, department, or commission.

(2) "Director" means the director of the Washington state office of equity.

(3) "Equity lens" means providing consideration to the characteristics listed in RCW 49.60.030, as well as immigration status and language access, to evaluate the equitable impacts of an agency's policy or program.

(4) "Office" means the Washington state office of equity.

**NEW SECTION. Sec. 27.** (1) The Washington state office of equity is established within the office of the governor for the purpose of promoting access to equitable opportunities and resources that reduce disparities, and improve outcomes statewide across state government.

(2) The office envisions everyone in Washington having full access to the opportunities and resources they need to flourish and achieve their full potential.

(3) The work of the office must be guided by principles of equity:

(a) Equity requires developing, strengthening, and supporting policies and procedures that distribute and prioritize resources to those who have been historically and currently marginalized, including tribes;

(b) Equity requires the elimination of systemic barriers that have been deeply entrenched in systems of inequality and oppression; and

(c) Equity achieves procedural and outcome fairness, promoting dignity, honor, and respect for all people.

**NEW SECTION. Sec. 28.** (1) The office is administered by a director, who is appointed by, and reports to, the governor. The director must receive a salary as fixed by the governor in accordance with RCW 43.03.040.

(2) The director shall:

(a) Employ and supervise staff as necessary to carry out the purpose of this chapter and the duties of the office; and

(b) Oversee the administration, programs, and policies of the office in accordance with the principles in section 3 of this act.

**NEW SECTION. Sec. 29.** (1) The office shall work to facilitate policy and systems change to promote equitable policies, practices, and outcomes through:

(a) **Agency decision making.** The office shall assist agencies in applying an equity lens in all aspects of agency decision making, including service delivery, program development, policy development, and budgeting. The office shall provide assistance by:

(i) Facilitating information sharing between agencies around diversity, equity, and inclusion issues;

(ii) Convening work groups as needed;

(iii) Developing and providing assessment tools for agencies to use in the development and evaluation of agency programs, services, policies, and budgets;

(iv) Training agency staff on how to effectively use the assessment tools developed under (a)(ii) of this subsection, including developing guidance for agencies on how to apply an equity lens to the agency's work when carrying out the agency's duties under this chapter;

(v) Developing, by rule, a form that will serve as each agency's diversity, equity, and inclusion plan, required to be submitted by all agencies under section 7 of this act, for each agency to report on its work in the area of diversity, equity, and inclusion. The office must develop the format and content of the plan and determine the frequency of reporting. The office must post each agency plan on the dashboard referenced in (d) of this subsection;

(vi) Maintaining an inventory of agency work in the area of diversity, equity, and inclusion;

(vii) Compiling and creating resources for agencies to use as guidance when carrying out the requirements under section 7 of this act; and

(viii) Collaborating with the governor's office of Indian affairs.

(b) **Community outreach and engagement.** The office shall:

(i) Staff the community advisory board created under section 6 of this act; and

(ii) Collaborate with the following: Commission on African American affairs, commission on Asian Pacific American affairs, commission on Hispanic affairs, governor's office of Indian affairs, human rights



commission, LGBTQ commission, women's commission, and any other agency the office deems necessary, in order to identify policy and system barriers, including language access, to meaningful engagement with communities in all aspects of agency decision making.

(c) **Training on maintaining a diverse, inclusive, and culturally sensitive workforce.** The office shall collaborate with the office of financial management and the department of enterprise services to develop policies and provide technical assistance and training to agencies on maintaining a diverse, inclusive, and culturally sensitive workforce that delivers culturally sensitive services.

(d) **Data maintenance and establishing performance metrics.** The office shall:

(i) Collaborate with results Washington and agencies to:

(A) Establish standards for the collection, analysis, and reporting of disaggregated data regarding race and ethnicity, including subracial and subethnic populations as it pertains to tracking population level outcomes, except as provided under (d)(ii) of this subsection;

(B) Create statewide and agency-specific process and outcome measures to show performance:

(I) Using outcome-based methodology to determine the effectiveness of agency programs and services on reducing disparities; and

(II) Taking into consideration community feedback, as necessary, on whether the performance measures established accurately measure the effectiveness of agency programs and services in the communities served; and

(C) Create an online performance dashboard to publish state and agency performance measures and outcomes; and

(ii) Collaborate with the office of financial management to identify additional subcategories in workforce data for disaggregation in order to track disparities in public employment.

(e) **Accountability.** The office shall:

(i) Publish a report for each agency detailing whether the agency has met the performance measures established pursuant to (d)(i) of this subsection and the effectiveness of agency programs and services on reducing disparities. The report must include: The agency's strengths and accomplishments, areas for continued improvement, and areas for corrective action. The office must post each report on the dashboard referenced in subsection (d) of this section;

(ii) Establish, by rule, a process for the office to report on agency performance in accordance with (e)(i) of this subsection and a process for agencies to respond to the report. The agency's response must include the agency's progress on performance, the agency's action plan to address areas for improvement and corrective action, and a timeline for the action plan; and

(iii) Adopt rules to develop accountability and enforcement mechanisms, which may include conducting audits in collaboration with the office of the state auditor,

related to agency compliance with office performance measures.

(2) By July 1, 2022, and every two years thereafter, the office shall report to the legislature and governor. The report must include a summary of the office's work, including strengths and accomplishments, an overview of agency compliance with office standards and performance measures, and an equity analysis of the makeup of the community advisory board established in section 6 of this act to ensure that it accurately reflects historically and currently marginalized groups.

(3) The director and the office shall consider the recommendations submitted pursuant to section 221, chapter 415, Laws of 2019, by the task force established under section 221, chapter 415, Laws of 2019, when carrying out the duties prescribed under this chapter.

**NEW SECTION. Sec. 30.** (1) A community advisory board is created within the office to advise the office on its priorities and timelines.

(2) The director must appoint members to the community advisory board to support diverse representation by geography and identity.

(3) The community advisory board shall, among other duties determined by the director, provide guidance to the office on standards and performance measures.

(4) The community advisory board is staffed by the office.

(5) Board members shall be entitled to compensation of fifty dollars per day for each day spent conducting official business and to reimbursement for travel expenses as provided by RCW 43.03.050 and 43.03.060.

(6) The community advisory board may adopt bylaws for the operation of its business for the purposes of this chapter.

**NEW SECTION. Sec. 31.** Each agency shall:

(1) Designate an agency diversity, equity, and inclusion liaison within existing resources to serve as the liaison between the agency and the office;

(2) Apply an equity lens, as developed by the office in accordance with section 5 of this act, to assess existing and proposed agency policies, services and service delivery, practices, programs, and budget decisions using the assessment tools developed by the office pursuant to section 5 of this act;

(3) Develop and submit a diversity, equity, and inclusion plan to the office, in accordance with section 5 of this act;

(4) Develop and maintain written language access policies and plans;

(5) Collaborate with the office to establish performance measures in accordance with section 5 of this act;

(6) Provide data and information requested by the office in accordance with standards established pursuant to section 5 of this act; and

(7) Submit a response to the office's report on agency performance, pursuant to section 5(1)(e) of this act.

**NEW SECTION. Sec. 32.** The office may:

- (1) Provide technical assistance to agencies;
- (2) Conduct research projects and policy analyses, as needed;
- (3) Develop policy positions and legislative initiatives;
- (4) Fulfill external data requests, as resources allow;
- (5) Receive and solicit gifts, grants, and endowments from public or private sources that are made for the use or benefit of the office and to expend the same or any income therefrom according to their terms and the purpose of this chapter. The director must report funds received from private sources to the office of financial management on a regular basis. Such funds received from private sources may not be applied to reduce or substitute the office's budget as appropriated by the legislature, but must be applied and expended toward projects and functions authorized by this chapter that were not funded by the legislature; and
- (6) Adopt rules as necessary to implement the policy and purpose of this chapter.

**NEW SECTION. Sec. 33.** Nothing in this act creates any right or cause of action, nor may it be relied upon to compel the establishment of any program or special entitlement.

**NEW SECTION. Sec. 34.** Sections 2 through 9 of this act constitute a new chapter in Title 43 RCW.

**NEW SECTION. Sec. 35.** Section 3 of this act takes effect July 1, 2020."

Correct the title.

Representative Walsh moved the adoption of amendment (1006) to the striking amendment (964):

) On page 2, line 3 of the striking amendment, after "development," strike "budgeting, and staffing" and insert "and budgeting"

On page 3, line 16 of the striking amendment, after "budgeting" insert ", but not including hiring, staffing, or workforce management"

On page 4, beginning on line 13 of the striking amendment, strike all of subsection (c)

Renumber the remaining subsections consecutively and correct any internal references accordingly.

On page 4, beginning on line 25 of the striking amendment, after "outcomes" strike ", except as provided under (d)(ii) of this subsection"

On page 4, beginning on line 38 of the striking amendment, strike all of subsection (ii)

On page 5, after line 31 of the striking amendment, insert the following:

"(4) In carrying out its duties under this section, the office is prohibited from developing policies or mechanisms that result in hiring preferences, whether explicit or implied, on the basis of race, sex, color, ethnicity, or national origin, as provided by RCW 49.60.400."

On page 6, after line 27 of the striking amendment, insert the following:

"(8) In carrying out their duties under this section, agencies are prohibited from developing policies or mechanisms that result in hiring preferences, whether explicit or implied, on the basis of race, sex, color, ethnicity, or national origin, as provided by RCW 49.60.400."

Representative Walsh spoke in favor of the adoption of the amendment to the striking amendment.

Representative Gregerson spoke against the adoption of the amendment to the striking amendment.

Amendment (1006) to the striking amendment (964) was not adopted.

Representative Graham moved the adoption of amendment (1008) to the striking amendment (964):

) On page 3, line 2 of the striking amendment, after "is" strike "appointed by, and reports to," and insert "jointly selected by the speaker and minority leader of the house of representatives, and the majority leader and minority leader of the senate. The director reports to"

Representative Graham spoke in favor of the adoption of the amendment to the striking amendment.

Representative Gregerson spoke against the adoption of the amendment to the striking amendment.

Amendment (1008) to the striking amendment (964) was not adopted.

Representative Dufault moved the adoption of amendment (1009) to the striking amendment (964):

) On page 3, line 7 of the striking amendment, after "office" insert ", except that the office's total number of full-time employee positions may not exceed six"

Representative Dufault spoke in favor of the adoption of the amendment to the striking amendment.

Representative Gregerson spoke against the adoption of the amendment to the striking amendment.

Amendment (1009) to the striking amendment (964) was not adopted.

Representative Young moved the adoption of amendment (1007) to the striking amendment (964):

) On page 4, beginning on line 20 of the striking amendment, after "shall" strike ":

(i) Collaborate" and insert "collaborate"

On page 4, at the beginning of line 22 of the striking amendment, strike "(A)" and insert "(i)"

On page 4, line 23 of the striking amendment, after "reporting of" strike "disaggregated"

On page 4, beginning on line 25 of the striking amendment, after "outcomes" strike ", except as provided under (d)(ii) of this subsection"

On page 4, at the beginning of line 27 of the striking amendment, strike "(B)" and insert "(ii)"

On page 4, at the beginning of line 29 of the striking amendment, strike "(I)" and insert "(A)"

On page 4, at the beginning of line 32 of the striking amendment, strike "(II)" and insert "(B)"

On page 4, at the beginning of line 36 of the striking amendment, strike "(C)" and insert "(iii)"

On page 4, beginning on line 38 of the striking amendment, strike all of subsection (ii)

Representative Young and Young (again) spoke in favor of the adoption of the amendment to the striking amendment.

Representative Gregerson spoke against the adoption of the amendment to the striking amendment.

Amendment (1007) to the striking amendment (964) was not adopted.

Representative Smith moved the adoption of amendment (1010) to the striking amendment (964):

) On page 4, line 37 of the striking amendment, after "outcomes;" strike "and"

On page 4, line 40 of the striking amendment, after "employment" insert the following:

"; and

(iii) Coordinate with the office of privacy and data protection to address cybersecurity and data protection for all data collected by the office. When collecting data pursuant to this subsection, the office may not request any personally identifiable information from respondents other than race and ethnicity information identified in (i)(A) of this subsection, in order to protect the data of vulnerable populations"

Representatives Smith and Gregerson spoke in favor of the adoption of the amendment to the striking amendment.

Amendment (1010) to the striking amendment (964) was adopted.

Representative Dufault moved the adoption of amendment (1002) to the striking amendment (964):

) On page 4, line 37 of the striking amendment, after "outcomes;" strike "and"

On page 4, line 40 of the striking amendment, after "employment" insert the following:

"; and

(iii) Coordinate with the office of privacy and data protection to address cybersecurity and data protection for all data collected by the office. When collecting data pursuant to this subsection, the office may not request any personally identifiable information from respondents other than race and ethnicity information identified in (i)(A) of this subsection, in order to protect the data of vulnerable populations"

Representative Dufault spoke in favor of the adoption of the amendment to the striking amendment.

Representative Gregerson spoke against the adoption of the amendment to the striking amendment.

Amendment (1002) to the striking amendment (964) was not adopted.

Representative Goehner moved the adoption of amendment (1003) to the striking amendment (964):

) On page 7, after line 13 of the striking amendment, insert the following:

"NEW SECTION: **Sec. 12.** The office and community advisory board created by this act terminate June 30, 2030.

NEW SECTION: **Sec. 13.** This act expires June 30, 2031."

Representatives Goehner and DeBolt spoke in favor of the adoption of the amendment to the striking amendment.

Representatives Gregerson and Tarleton spoke against the adoption of the amendment to the striking amendment.

Amendment (1003) to the striking amendment (964) was not adopted.

The striking amendment (964), as amended, was adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Gregerson, Morgan and Kilduff spoke in favor of the passage of the bill.

Representatives Dufault, Smith, Klippert and Walsh spoke against the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Second Substitute House Bill No. 1783.

### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 1783, and the bill passed the House by the following vote: Yeas, 56; Nays, 41; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Bergquist, Callan, Chapman, Chopp, Cody, Davis, Doglio, Dolan, Duerr, Entenman, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hansen, Hudgins, J. Johnson, Kilduff, Kirby, Kloba, Leavitt, Lekanoff, Lovick, Macri, Mead, Morgan, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Ryu, Santos, Sells, Senn, Shewmake, Slatter, Springer, Stonier, Sullivan, Tarleton, Thai, Tharinger, Valdez, Walen, Wylie and Mr. Speaker.

Voting nay: Representatives Barkis, Blake, Boehnke, Caldier, Chambers, Chandler, Corry, DeBolt, Dent, Dufault, Dye, Eslick, Gildon, Goehner, Graham, Harris, Hoff, Irwin, Jenkin, Klippert, Kraft, Kretz, MacEwen, Maycumber, McCaslin, Mosbrucker, Orcutt, Rude, Schmick, Shea, Smith, Steele, Stokesbary, Sutherland, Van Werven, Vick, Volz, Walsh, Wilcox, Ybarra and Young.

Excused: Representative Griffey.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1783, having received the necessary constitutional majority, was declared passed.

There being no objection, the House advanced to the eighth order of business.

### MOTIONS

There being no objection, the Committee on Appropriations was relieved of HOUSE BILL NO. 2573, and the bill was referred to the Committee on Human Services & Early Learning.

There being no objection, the Committee on College & Workforce Development was relieved of HOUSE BILL NO. 2256, and the bill was referred to the Committee on Finance.

There being no objection, the House adjourned until 9:55 a.m., January 21, 2020, the 9th Day of the Regular Session.

LAURIE JINKINS, Speaker

BERNARD DEAN, Chief Clerk

## SIXTY SIXTH LEGISLATURE - REGULAR SESSION

## NINTH DAY

House Chamber, Olympia, Tuesday, January 21, 2020

The House was called to order at 9:55 a.m. by the Speaker (Representative Orwall presiding).

Reading of the Journal of the previous day was dispensed with and it was ordered to stand approved.

There being no objection, the House advanced to the fourth order of business.

## INTRODUCTION &amp; FIRST READING

HB 2757 by Representatives Corry, Appleton, Rude, Frame, Dent, Riccelli, Davis and Lekanoff

AN ACT Relating to official state designations; amending RCW 1.20.090 and 1.20.042; adding a new section to chapter 1.20 RCW; and creating a new section.

Referred to Committee on State Government & Tribal Relations.

HB 2758 by Representatives Corry, Pettigrew, Chandler, Davis, Eslick, McCaslin, Dent, Morgan, Gildon, Lekanoff and Pollet

AN ACT Relating to recognizing posttraumatic stress disorders of 911 emergency dispatch personnel; and amending RCW 51.08.142.

Referred to Committee on Labor & Workplace Standards.

HB 2759 by Representatives Hudgins, Wylie, Tarleton, Slatter, Kloba, Morgan, Valdez, Cody, Pollet, Santos and Young

AN ACT Relating to creating a consumer data bill of rights; and adding a new chapter to Title 19 RCW.

Referred to Committee on Innovation, Technology & Economic Development.

HB 2760 by Representatives Hudgins, Wylie, Slatter, Tarleton, Kloba, Morgan, Lekanoff, Pollet and Santos

AN ACT Relating to prohibiting the use of biometric recognition technology and biometric analytics in certain state assisted rental dwelling units; adding a new section to chapter 43.185 RCW; and adding a new section to chapter 43.185A RCW.

Referred to Committee on Housing, Community Development & Veterans.

HB 2761 by Representatives Hudgins, Kloba, Wylie, Slatter, Pollet, Santos and Young

AN ACT Relating to the legislative oversight of technology acquisition and use by law enforcement; and adding a new chapter to Title 10 RCW.

Referred to Committee on Public Safety.

HB 2762 by Representatives Rude, Irwin and Lovick

AN ACT Relating to extending the peer support group testimonial privilege to include staff persons of the department of corrections; and amending RCW 5.60.060.

Referred to Committee on Civil Rights & Judiciary.

HB 2763 by Representatives Chapman, Dent, Hudgins and Tharinger

AN ACT Relating to interest arbitration for department of corrections employees; and amending RCW 41.80.200.

Referred to Committee on Labor & Workplace Standards.

HB 2764 by Representatives Walen, Springer, Hudgins and Valdez

AN ACT Relating to the local government issuance of a certificate of birth resulting in stillbirth; amending RCW 70.58A.530; creating a new section; and providing an effective date.

Referred to Committee on Health Care & Wellness.

HB 2765 by Representatives Lekanoff, Ortiz-Self, Boehnke, Chapman and Slatter

AN ACT Relating to creating a joint select committee on water; adding a new section to chapter 90.03 RCW; and creating a new section.

Referred to Committee on Rural Development, Agriculture, & Natural Resources.

HB 2766 by Representatives Mead, Slatter, Dent, Klippert and Ortiz-Self

AN ACT Relating to establishing an air operations branch; amending RCW 47.68.380 and 47.68.020; and adding a new section to chapter 47.68 RCW.

Referred to Committee on Transportation.

HB 2767 by Representatives Blake, Griffey, Springer, Lekanoff, Eslick, Chapman and Gildon

AN ACT Relating to establishing recreational target shooting areas on public lands; amending RCW 4.24.210; and creating a new section.

Referred to Committee on Civil Rights & Judiciary.

HB 2768 by Representatives Ramos, Shewmake, Kloba, Lekanoff, Callan, Ramel and Pollet

AN ACT Relating to urban and community forestry; amending RCW 76.15.005, 76.15.007, 76.15.010, 76.15.020, 76.15.030, 76.15.050, 76.15.060, 76.15.090, 35.92.390, 35A.80.040, 80.28.300, 89.08.520, 79.105.150, 80.28.300, 43.155.120, 70.146.070, 79A.15.040, 36.01.260, 54.16.400, 89.08.590, 79.105.630, and 79A.15.150; adding new sections to chapter 76.15 RCW; creating a new section; and repealing RCW 35.105.010, 35.105.020, 35.105.030, 35.105.040, 35.105.050, 35.105.060, 35.105.070, 35.105.080, 35.105.090, 35.105.100, 35.105.110, 35.105.120, 76.15.070, and 76.15.080.

Referred to Committee on Rural Development, Agriculture, & Natural Resources.

HB 2769 by Representatives Lekanoff, Blake, Lovick, Shewmake, Ramel, Fitzgibbon, Cody and Tharinger

AN ACT Relating to the prevention of derelict vessels; amending RCW 79.100.160, 79.100.150, 79.100.170, 88.02.380, and 79.10.130; creating new sections; making appropriations; and providing an expiration date.

Referred to Committee on Rural Development, Agriculture, & Natural Resources.

HB 2770 by Representatives Riccelli, Macri, Doglio, Davis and Pollet

AN ACT Relating to reimbursing for telemedicine services at the same rate as in person; amending RCW 48.43.735, 41.05.700, 74.09.325, and 28B.20.830; and providing an effective date.

Referred to Committee on Health Care & Wellness.

HB 2771 by Representative McCaslin

AN ACT Relating to clarifying contributions to and eligibility for school employees' benefits board

coverage; amending RCW 41.05.011 and 41.05.050; adding new sections to chapter 41.05 RCW; creating a new section; and providing an effective date.

Referred to Committee on Appropriations.

HB 2772 by Representatives Walsh, Hudgins and Pollet

AN ACT Relating to the administration of election campaign activities and reporting statements of financial affairs; amending RCW 42.17A.005, 42.17A.105, 42.17A.700, 42.17A.710, and 42.17A.785; and adding a new section to chapter 42.17A RCW.

Referred to Committee on State Government & Tribal Relations.

HB 2773 by Representatives Kirby and Vick

AN ACT Relating to transportation; adding new chapters to Title 46 RCW; creating a new section; and providing an effective date.

Referred to Committee on Consumer Protection & Business.

HB 2774 by Representatives Ryu, Morgan, Ramel, Doglio, Lekanoff, Bergquist and Santos

AN ACT Relating to the inventory of underutilized, state-owned property that may be suitable for the development of affordable housing; and amending RCW 43.63A.510.

Referred to Committee on Housing, Community Development & Veterans.

HB 2775 by Representatives Macri, Van Werven, Shewmake and Doglio

AN ACT Relating to the practice of colon hydrotherapy; amending RCW 18.88A.020 and 18.71.030; adding a new section to chapter 18.88A RCW; and providing an effective date.

Referred to Committee on Health Care & Wellness.

HB 2776 by Representatives Kilduff, Leavitt, Ortiz-Self, Doglio and Ramos

AN ACT Relating to creating a statewide child savings account program; adding a new section to chapter 28B.77 RCW; creating a new section; and providing an expiration date.

Referred to Committee on College & Workforce Development.

HB 2777 by Representatives Frame, Peterson, Macri, Gregerson, Hudgins, Ramel, Fitzgibbon, Riccelli,

J. Johnson, Senn, Doglio, Davis, Pettigrew, Pollet and Slatter

AN ACT Relating to the operation, authorization, and permitting of microenterprise home kitchens; reenacting and amending RCW 43.20.025; adding new sections to chapter 43.20 RCW; adding a new section to chapter 69.07 RCW; adding a new section to chapter 70.54 RCW; and prescribing penalties.

Referred to Committee on Local Government.

HB 2778 by Representatives Sullivan, Springer, Stokesbary, Senn, Slatter, Boehnke and Goehner

AN ACT Relating to community redevelopment financing in apportionment districts; amending RCW 39.88.030, 39.88.040, 39.88.070, 39.88.080, 39.88.100, 84.52.043, and 84.52.050; reenacting and amending RCW 39.88.020; repealing RCW 39.88.060 and 39.88.090; and providing a contingent effective date.

Referred to Committee on Finance.

HB 2779 by Representatives Macri, Pollet, Gregerson, Ormsby, Dolan, Doglio, Morgan, Ramel, Ortiz-Self, Frame, J. Johnson, Chopp and Lekanoff

AN ACT Relating to protecting tenants from excessive rent and related fees; amending RCW 59.18.140; adding a new section to chapter 59.18 RCW; adding a new section to chapter 43.31 RCW; and repealing RCW 35.21.830 and 36.01.130.

Referred to Committee on Civil Rights & Judiciary.

HB 2780 by Representatives Macri, Walen, Fitzgibbon, Gregerson, Morgan, Frame and Lekanoff

AN ACT Relating to creating more housing options in traditionally single-family zones; and adding a new section to chapter 36.70A RCW.

Referred to Committee on Environment & Energy.

HB 2781 by Representatives Riccelli, Ormsby and Pollet

AN ACT Relating to sales and use tax for emergency communication systems and facilities; and amending RCW 82.14.420.

Referred to Committee on Finance.

HB 2782 by Representative Kirby

AN ACT Relating to automobile insurance policies; amending RCW 48.22.030; and adding a new section to chapter 48.22 RCW.

Referred to Committee on Consumer Protection & Business.

HJR 4212 by Representatives Sullivan, Springer, Stokesbary, Senn, Slatter, Sells, Boehnke, Goehner and Lekanoff

Providing for community redevelopment financing in apportionment districts.

Referred to Committee on Finance.

ESB 5165 by Senators Saldaña, Hasegawa, Wellman, Darneille, Keiser, Nguyen, Wilson and C.

AN ACT Relating to discrimination based on citizenship or immigration status; amending RCW 49.60.010, 49.60.020, 49.60.030, 49.60.120, 49.60.130, 49.60.175, 49.60.176, 49.60.178, 49.60.180, 49.60.190, 49.60.200, 49.60.215, 49.60.222, 49.60.223, 49.60.224, and 49.60.225; and adding a new section to chapter 49.60 RCW.

Referred to Committee on Civil Rights & Judiciary.

2E2SSB 5740 by Senate Committee on Ways & Means (originally sponsored by Mullet, Hobbs, Conway and Van De Wege)

AN ACT Relating to creating the secure choice retirement savings program; amending RCW 43.330.732, 43.330.735, and 30B.04.040; reenacting and amending RCW 43.79A.040; adding new sections to chapter 43.330 RCW; creating a new section; decodifying RCW 43.330.730; and prescribing penalties.

Referred to Committee on Consumer Protection & Business.

There being no objection, the bills and resolution listed on the day's introduction sheet under the fourth order of business were referred to the committees so designated.

There being no objection, the House advanced to the fifth order of business.

## REPORTS OF STANDING COMMITTEES

January 17, 2020 )

HB 2193 Prime Sponsor, Representative Kirby: Reauthorizing and expanding the financial fraud and identity theft crimes investigation and prosecution program. Reported by Committee on Civil Rights & Judiciary

MAJORITY recommendation: Do pass. Signed by Representatives Kilduff, Chair; Thai, Vice Chair; Irwin, Ranking Minority Member; Goodman; Graham; Hansen; Kirby; Klippert; Orwall; Peterson; Rude; Valdez; Walen and Ybarra.

Referred to Committee on Appropriations.

January 17, 2020 )

**HB 2205**

Prime Sponsor, Representative Goodman:  
Making technical corrections and removing  
obsolete language from the Revised Code  
of Washington pursuant to RCW 1.08.025.  
Reported by Committee on Civil Rights &  
Judiciary

MAJORITY recommendation: The substitute bill be  
substituted therefor and the substitute bill do pass.  
Signed by Representatives Kilduff, Chair; Thai, Vice  
Chair; Irwin, Ranking Minority Member; Goodman;  
Graham; Hansen; Kirby; Klippert; Orwall; Peterson;  
Rude; Valdez; Walen and Ybarra.

Referred to Committee on Rules for second reading.

January 17, 2020 )

**HB 2295**

Prime Sponsor, Representative Goodman:  
Concerning enforcement of small claims  
court judgments. Reported by Committee  
on Civil Rights & Judiciary

MAJORITY recommendation: The substitute bill be  
substituted therefor and the substitute bill do pass.  
Signed by Representatives Kilduff, Chair; Thai, Vice  
Chair; Irwin, Ranking Minority Member; Goodman;  
Graham; Hansen; Kirby; Klippert; Orwall; Peterson;  
Rude; Valdez; Walen and Ybarra.

Referred to Committee on Rules for second reading.

There being no objection, the bills listed on the day's  
committee reports under the fifth order of business were  
referred to the committees so designated.

There being no objection, the House advanced to the  
eighth order of business.

**MOTION**

There being no objection, the Committee on Health Care  
& Wellness was relieved of HOUSE BILL NO. 2702, and  
the bill was referred to the Committee on Appropriations.

There being no objection, the House advanced to the  
eleventh order of business.

**COMMITTEE APPOINTMENT(S)**

The Speaker (Representative Orwall presiding)  
announced the following committee appointment(s):

Representative Callan was appointed Vice Chair of the  
Committee on Capital Budget.

There being no objection, the House adjourned until  
10:00 a.m., January 22, 2020, the 10th Day of the Regular  
Session.

LAURIE JINKINS, Speaker

BERNARD DEAN, Chief Clerk



**SIXTY SIXTH LEGISLATURE - REGULAR SESSION****TENTH DAY**

House Chamber, Olympia, Wednesday, January 22, 2020

The House was called to order at 10:00 a.m. by the Speaker (Representative Orwall presiding). The Clerk called the roll and a quorum was present.

The flags were escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Cameron Brown and Honor Warburg. The Speaker (Representative Orwall presiding) led the Chamber in the Pledge of Allegiance. The prayer was offered by Imam Abdirahman Kariye, The Islamic Center of Bothell, Washington.

Reading of the Journal of the previous day was dispensed with and it was ordered to stand approved.

There being no objection, the House advanced to the fourth order of business.

**INTRODUCTION & FIRST READING**

HB 2783 by Representatives Griffey, Springer and Walen

AN ACT Relating to standardizing fire safety requirements for mobile on-demand gasoline providers; and adding a new section to chapter 19.27 RCW.

Referred to Committee on Local Government.

HB 2784 by Representatives Walsh, Shea, Sutherland, Young, Van Werven and Eslick

AN ACT Relating to creating sales and use tax exemptions for firearms; adding a new section to chapter 82.08 RCW; adding a new section to chapter 82.12 RCW; and creating a new section.

Referred to Committee on Finance.

HB 2785 by Representatives Lekanoff, Goodman, Klippert, Lovick and Peterson

AN ACT Relating to the membership of the criminal justice training commission; and amending RCW 43.101.030.

Referred to Committee on Public Safety.

HB 2786 by Representatives Robinson, Davis, Chapman, Peterson, Callan, Lekanoff, Pollet and Bergquist

AN ACT Relating to establishing the opioid epidemic response advisory council; and adding a new section to chapter 43.10 RCW.

Referred to Committee on Appropriations.

HB 2787 by Representatives Callan, Harris, Eslick, Senn, Stonier, Santos, Tharinger and Pollet

AN ACT Relating to completing the transfer of the early support for infants and toddlers program from the office of the superintendent of public instruction to the department of children, youth, and families; amending RCW 28A.155.065, 28A.150.390, 43.216.020, 43.216.576, 28A.225.225, 28A.225.270, and 43.216.015; adding a new section to chapter 43.216 RCW; creating a new section; recodifying RCW 28A.155.065; providing an effective date; and providing an expiration date.

Referred to Committee on Human Services & Early Learning.

HB 2788 by Representatives Pettigrew, Stokesbary, Springer, Steele, Walen, Harris, Sullivan, Rude, Dolan and Lekanoff

AN ACT Relating to local effort assistance for charter schools; and amending RCW 28A.500.015.

Referred to Committee on Appropriations.

HB 2789 by Representatives Lovick, Klippert, Davis, Orwall, Valdez, Kilduff, J. Johnson, Ryu, Peterson, Ramel, Pollet, Young and Frame

AN ACT Relating to collecting information regarding police use of deadly force; and adding new sections to chapter 36.28A RCW.

Referred to Committee on Public Safety.

HB 2790 by Representatives Dent, Blake, Klippert, Corry, Frame, Eslick, Dye and Kilduff

AN ACT Relating to license compliance agreements issued by the department of children, youth, and families; amending RCW 43.216.015 and 43.216.395; and creating a new section.

Referred to Committee on Human Services & Early Learning.

HB 2791 by Representatives Tharinger, DeBolt, Blake, Walsh, Chapman, Eslick, Van Werven, Shewmake, MacEwen, Steele, Lekanoff and Santos

AN ACT Relating to eliminating the reduction in state basic education funding that occurs in counties with federal and state forestlands; amending RCW 28A.150.250 and 28A.520.020; and creating a new section.

Referred to Committee on Appropriations.

HB 2792 by Representatives Mosbrucker, Orwall, Steele, Lovick, Goehner, Sells, Rude, Ybarra, Dye, Davis, Pollet and Lekanoff

AN ACT Relating to missing and unidentified persons; amending RCW 68.50.320 and 68.50.330; and creating new sections.

Referred to Committee on Public Safety.

HB 2793 by Representatives Hansen and Irwin

AN ACT Relating to vacating criminal records; reenacting and amending RCW 9.96.060; adding a new chapter to Title 10 RCW; creating new sections; and providing an effective date.

Referred to Committee on Civil Rights & Judiciary.

HB 2794 by Representatives Frame, Davis, Peterson, Lekanoff, Pollet and Santos

AN ACT Relating to juvenile record sealing; amending RCW 13.50.260; and creating a new section.

Referred to Committee on Human Services & Early Learning.

HB 2795 by Representatives Frame, Senn, Kilduff, Davis, Peterson, Lekanoff, Pollet and Santos

AN ACT Relating to convictions for offenses that were committed at age sixteen or seventeen and placed in exclusive jurisdiction of the juvenile court in 2018; adding a new section to chapter 13.04 RCW; adding a new section to chapter 9.94A RCW; creating a new section; making an appropriation; providing an effective date; and declaring an emergency.

Referred to Committee on Human Services & Early Learning.

HB 2796 by Representatives Frame, Peterson, Pollet and Santos

AN ACT Relating to juvenile sex offense registration waivers under the special sexual offender disposition alternative; and amending RCW 13.40.162 and 9A.44.140.

Referred to Committee on Human Services & Early Learning.

HB 2797 by Representatives Robinson, Macri, Davis, Shewmake, Peterson, Ramel, Lekanoff and Pollet

AN ACT Relating to the sales and use tax for affordable and supportive housing; and amending RCW 82.14.540.

Referred to Committee on Finance.

HB 2798 by Representatives Robinson, Shewmake, Goodman and Pollet

AN ACT Relating to creating a new health profession for doulas; reenacting and amending RCW 18.130.040; adding a new chapter to Title 18 RCW; and providing an effective date.

Referred to Committee on Health Care & Wellness.

HB 2799 by Representatives Mead, Van Werven, Pollet, Rude, Bergquist, Graham, Paul, Ramos, Walen, Shewmake, Springer, Callan and Riccelli

AN ACT Relating to membership of the student achievement council; and amending RCW 28B.77.005.

Referred to Committee on College & Workforce Development.

HB 2800 by Representatives Kirby, Vick and Eslick

AN ACT Relating to the performance of personal services by a craft distillery, distiller, spirits certificate of approval holder, or distributor; and amending RCW 66.28.310.

Referred to Committee on Commerce & Gaming.

HB 2801 by Representatives Gregerson, J. Johnson, Ortiz-Self, Lekanoff, Davis, Valdez, Shewmake, Peterson, Ramel, Tarleton, Pollet, Sells, Stonier, Santos, Riccelli and Frame

AN ACT Relating to higher education funding options for dreamers; adding a new chapter to Title 28B RCW; and providing an effective date.

Referred to Committee on College & Workforce Development.

HB 2802 by Representatives Fitzgibbon and Lekanoff

AN ACT Relating to aligning the administration of the growth management hearings board with other boards within the environmental land use and hearings office by modifying requirements pertaining to growth management hearings board membership and the duties and responsibilities of members, streamlining procedures in cases before the growth management hearings board, and allowing the use of administrative appeals judges in growth management hearings board proceedings; and amending RCW 36.70A.250,

36.70A.252, 36.70A.260, 36.70A.270, and 43.21B.005.

Referred to Committee on Environment & Energy.

**HB 2803** by Representatives Tarleton, Robinson, Sells, Lekanoff, Gregerson, Chapman, Orwall, Peterson, Tharinger and Pollet

AN ACT Relating to authorizing the governor to enter into compacts with Indian tribes addressing certain state retail sales tax, certain state use tax, and certain state business and occupation tax revenues, as specified in a memorandum of understanding entered into by the state, Tulalip tribes, and Snohomish county, in January 2020, and including other terms necessary for the department of revenue to administer any such compact; adding new sections to chapter 43.06 RCW; and creating a new section.

Referred to Committee on Finance.

**HB 2804** by Representatives Duerr, Ryu, Pollet, Slatter and Boehnke

AN ACT Relating to local government infrastructure; and amending RCW 39.104.020 and 39.104.100.

Referred to Committee on Local Government.

**HB 2805** by Representatives Steele, Senn and Chapman

AN ACT Relating to the Washington state explosives act; amending RCW 70.74.360 and 70.74.370; adding a new section to chapter 70.74 RCW; and prescribing penalties.

Referred to Committee on Labor & Workplace Standards.

**HB 2806** by Representatives Goodman, Fey and Davis

AN ACT Relating to mediation in family law cases involving children; and amending RCW 26.09.015.

Referred to Committee on Civil Rights & Judiciary.

**HB 2807** by Representatives Walsh and Blake

AN ACT Relating to the treatment of patients with chronic pain; adding a new section to chapter 18.22 RCW; adding a new section to chapter 18.32 RCW; adding a new section to chapter 18.57 RCW; adding a new section to chapter 18.57A RCW; adding a new section to chapter 18.71 RCW; adding a new section to chapter 18.71A RCW; adding a new section to chapter 18.79 RCW; and creating a new section.

Referred to Committee on Civil Rights & Judiciary.

**HB 2808** by Representatives Walsh, Shea, Sutherland, Young, Van Werven and Eslick

AN ACT Relating to ensuring the right of Washington residents to possess legal firearms; and adding a new section to chapter 9.41 RCW.

Referred to Committee on Civil Rights & Judiciary.

There being no objection, the bills listed on the day's introduction sheet under the fourth order of business were referred to the committees so designated, with the exception of HOUSE BILL NO. 2793 which was referred to the Committee on Public Safety.

There being no objection, the House advanced to the sixth order of business.

## SECOND READING

**HOUSE BILL NO. 1948, by Representatives Entenman, Stokesbary, Sullivan, Senn, Chambers, Ramos, Callan and Graham**

**Supporting warehousing and manufacturing job centers.**

The bill was read the second time.

Representative Entenman moved the adoption of amendment (1014):

On page 1, line 19, after "July 1," strike "2019" and insert "2020"

On page 1, line 20, after "July 1," strike "2030" and insert "2031"

On page 3, line 8, after "January 1," strike "2030" and insert "2031"

Representatives Entenman and Orcutt spoke in favor of the adoption of the amendment.

Amendment (1014) was adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Entenman, Stokesbary and Sullivan spoke in favor of the passage of the bill.

Representative Orcutt spoke against passage of the bill.

## MOTION

On motion of Representative Jenkin, Representatives Griffey and Smith were excused.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Engrossed House Bill No. 1948.

**ROLL CALL**

The Clerk called the roll on the final passage of Engrossed House Bill No. 1948, and the bill passed the House by the following vote: Yeas, 84; Nays, 12; Absent, 0; Excused, 2.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Davis, Dent, Doglio, Dolan, Duerr, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goodman, Graham, Gregerson, Hansen, Harris, Hudgins, Irwin, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Mead, Morgan, Mosbrucker, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shea, Shewmake, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Wilcox, Wylie, Young and Mr. Speaker.

Voting nay: Representatives Boehnke, Corry, DeBolt, Dufault, Goehner, Hoff, Jenkin, Kraft, Kretz, Orcutt, Walsh and Ybarra.

Excused: Representatives Griffey and Smith.

ENGROSSED HOUSE BILL NO. 1948, having received the necessary constitutional majority, was declared passed.

There being no objection, the House advanced to the seventh order of business.

**THIRD READING**

**SECOND SUBSTITUTE HOUSE BILL NO. 1304, by House Committee on Appropriations (originally sponsored by MacEwen, Stonier, Santos, Harris, Steele, Griffey, Reeves, Stokesbary, Sells, Dolan, Eslick, Lekanoff, Bergquist, Jenkins, Leavitt, Thai and Wylie)**

**Concerning career and technical education in alternative learning experience programs.**

The bill was read the third time.

There being no objection, the rules were suspended, and SECOND SUBSTITUTE HOUSE BILL NO. 1304 was returned to second reading for the purpose of amendment.

**SECOND READING**

Representative MacEwen moved the adoption of the amendment (1012):

On page 1, line 19, after "the" strike "2019-20" and insert "2020-21"

On page 2, line 10, after "January 1," strike "2025" and insert "2026"

On page 3, line 19, after "the" strike "2020-21" and insert "2021-22"

On page 3, line 32, after "June 30," strike "2019" and insert "2020"

Representatives MacEwen and Santos spoke in favor of the adoption of the amendment.

Amendment (1012) was adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives MacEwen and Santos spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Engrossed Second Substitute House Bill No. 1304.

**ROLL CALL**

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 1304, and the bill passed the House by the following vote: Yeas, 95; Nays, 1; Absent, 0; Excused, 2.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Mead, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shea, Shewmake, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mr. Speaker.

Voting nay: Representative Pollet.

Excused: Representatives Griffey and Smith.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1304, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1702, by Representatives Van Werven, Leavitt, Kraft, Entenman, Rude, Sutherland, Dye, Gildon, Slatter, Chambers, Graham, Caldier, Eslick, Mosbrucker, Young, Jenkins, Bergquist, Doglio and Pollet**

**Informing students of low-cost course materials for community and technical college courses.**

The bill was read the third time.

Representatives Van Werven and Leavitt spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of House Bill No. 1702.

### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1702, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Mead, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shea, Shewmake, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mr. Speaker.

Excused: Representatives Griffey and Smith.

HOUSE BILL NO. 1702, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1755, by Representatives Leavitt, Van Werven, Bergquist, Corry, Ybarra, Volz, Pollet, Dent, Lovick, Doglio, Ormsby and Santos**

**Allowing regional universities to offer doctorate level degrees in education.**

The bill was read the third time.

Representative Leavitt spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of House Bill No. 1755.

### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1755, and the bill passed the House by the following vote: Yeas, 95; Nays, 1; Absent, 0; Excused, 2.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri,

Maycumber, McCaslin, Mead, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shea, Shewmake, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra and Mr. Speaker.

Voting nay: Representative Young.

Excused: Representatives Griffey and Smith.

HOUSE BILL NO. 1755, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1829, by Representatives Chapman, Goehner and Reeves**

**Concerning veterans' assistance levies.**

The bill was read the third time.

Representatives Chapman and Goehner spoke in favor of the passage of the bill.

Representative Orcutt spoke against the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of House Bill No. 1829.

### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1829, and the bill passed the House by the following vote: Yeas, 67; Nays, 29; Absent, 0; Excused, 2.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Callan, Chapman, Chopp, Cody, Davis, Doglio, Dolan, Duerr, Entenman, Fey, Fitzgibbon, Frame, Goehner, Goodman, Graham, Gregerson, Hansen, Harris, Hudgins, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Leavitt, Lekanoff, Lovick, Macri, Mead, Morgan, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Sells, Senn, Shewmake, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Tarleton, Thai, Tharinger, Valdez, Volz, Walen, Wylie and Mr. Speaker.

Voting nay: Representatives Caldier, Chambers, Chandler, Corry, DeBolt, Dent, Dufault, Dye, Eslick, Gildon, Hoff, Irwin, Jenkin, Kraft, Kretz, MacEwen, Maycumber, McCaslin, Mosbrucker, Orcutt, Schmick, Shea, Sutherland, Van Werven, Vick, Walsh, Wilcox, Ybarra and Young.

Excused: Representatives Griffey and Smith.

HOUSE BILL NO. 1829, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 2051, by Representatives Lovick, Chapman, Griffey and Dent**

**Concerning firefighters and law enforcement officers pension and disability boards.**

The bill was read the third time.

Representatives Lovick and Stokesbary spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of House Bill No. 2051.

**ROLL CALL**

The Clerk called the roll on the final passage of House Bill No. 2051, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Hansen, Harris, Hoff, Hudgins, Irwin,

Jenkin, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Mead, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shea, Shewmake, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mr. Speaker.

Excused: Representatives Griffey and Smith.

HOUSE BILL NO. 2051, having received the necessary constitutional majority, was declared passed.

There being no objection, the House adjourned until 10:00 a.m., January 23, 2020, the 11th Day of the Regular Session.

LAURIE JINKINS, Speaker

BERNARD DEAN, Chief Clerk

## SIXTY SIXTH LEGISLATURE - REGULAR SESSION

## ELEVENTH DAY

House Chamber, Olympia, Thursday, January 23, 2020

The House was called to order at 10:00 a.m. by the Speaker (Representative Lovick presiding). The Clerk called the roll and a quorum was present.

The flags were escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Afton Stocker and Britta Thomas. The Speaker (Representative Lovick presiding) led the Chamber in the Pledge of Allegiance. The prayer was offered by Pastor Mike Boisture, Puyallup Nazarene Church, Chaplain for the Puyallup Police Department and Seattle Secret Service, Washington.

Reading of the Journal of the previous day was dispensed with and it was ordered to stand approved.

Speaker Jenkins assumed the chair.

There being no objection, the House advanced to the third order of business.

## MESSAGE FROM THE SENATE

January 22, 2020

Mme. SPEAKER:

The Senate has passed:

ENGROSSED SUBSTITUTE SENATE BILL NO.  
5395,  
ENGROSSED SECOND SUBSTITUTE SENATE  
BILL NO. 5549,  
SENATE BILL NO. 5792,

and the same are herewith transmitted.

Brad Hendrickson, Secretary

There being no objection, the House advanced to the fourth order of business.

## INTRODUCTION &amp; FIRST READING

HB 2809 by Representatives Caldier, Kilduff and Pollet

AN ACT Relating to essential needs and housing support eligibility; and amending RCW 74.04.805.

Referred to Committee on Appropriations.

HB 2810 by Representatives Walsh, Blake and Van Werven

AN ACT Relating to circumstances requiring regionalization adjustments; amending RCW 28A.150.412; and providing an effective date.

Referred to Committee on Appropriations.

HB 2811 by Representatives J. Johnson, Steele, Santos, Ramel, Thai, Mead, Frame, Davis, Valdez, Bergquist, Doglio, Kirby, Lovick, Tarleton, Dolan, Goodman, Gregerson, Slatter, Macri, Hudgins, Pollet, Ryu and Stonier

AN ACT Relating to establishing a statewide environmental sustainability education program; adding a new section to chapter 28A.300 RCW; and creating a new section.

Referred to Committee on Appropriations.

HB 2812 by Representatives Young, Shea and Walsh

AN ACT Relating to uniform due process of land use code violations; amending RCW 36.70.670, 35A.63.120, 19.27.050, and 35.63.080; and creating a new section.

Referred to Committee on Local Government.

HB 2813 by Representatives Walsh, Shea, McCaslin, Klippert, Eslick, Corry, Dent, Gildon and Young

AN ACT Relating to making the early achievers quality rating and improvement system voluntary; amending RCW 43.216.085, 43.216.110, 43.216.255, 43.216.089, 43.216.515, 43.216.555, 26.44.272, 43.31.575, 43.216.090, and 43.216.578; and reenacting and amending RCW 43.216.135.

Referred to Committee on Human Services & Early Learning.

HB 2814 by Representatives Ortiz-Self, Chopp, Frame, Senn, Callan, Sells, Pollet, Stonier, Davis, Gregerson, Valdez, Bergquist, Slatter and Macri

AN ACT Relating to developing best practices for the child care industry as recommended by the child care workforce commission; adding new sections to chapter 43.22 RCW; and creating new sections.

Referred to Committee on Labor & Workplace Standards.

HB 2815 by Representative Ortiz-Self

AN ACT Relating to library districts; and amending RCW 27.12.222 and 27.15.020.

Referred to Committee on Local Government.

HB 2816 by Representatives Corry, Steele, Caldier, Van Werven, Eslick, Chambers and Boehnke

AN ACT Relating to nurturing positive social and emotional school and classroom climates; adding a new section to chapter 28A.345 RCW; and creating a new section.

Referred to Committee on Education.

HB 2817 by Representatives Peterson and Vick

AN ACT Relating to transferring the authority from the liquor and cannabis board to the legislature regarding the issuance and forfeiture of marijuana retailer, marijuana producer, and marijuana processor licenses; amending RCW 69.50.325, 69.50.345, 69.50.354, and 19.85.020; reenacting and amending RCW 69.50.345; creating a new section; providing an effective date; and providing an expiration date.

Referred to Committee on Commerce & Gaming.

HB 2818 by Representatives Harris, Stonier, Dent, Callan, Wylie, Leavitt, Dolan, Davis, Lovick, Ryu, Walen, Shewmake, Eslick, Smith, Chambers, Boehnke, Bergquist, J. Johnson and Slatter

AN ACT Relating to recognizing the eighteenth day of December as blood donor day; reenacting and amending RCW 1.16.050; and creating a new section.

Referred to Committee on State Government & Tribal Relations.

HB 2819 by Representatives Mosbrucker, Blake, Chandler, Hoff, Fitzgibbon, Dent, Shewmake and Boehnke

AN ACT Relating to designating pumped storage projects located in a county bordering the Columbia river utilizing statutorily authorized water rights to be projects of statewide significance; amending RCW 43.157.010; and creating a new section.

Referred to Committee on Environment & Energy.

HB 2820 by Representatives Klippert, Kilduff, Davis, Goodman and Pollet

AN ACT Relating to court orders involving weapons or domestic violence; amending RCW 10.99.040; and reenacting and amending RCW 9.41.800.

Referred to Committee on Civil Rights & Judiciary.

HB 2821 by Representatives Cody, Robinson, Macri and Pollet

AN ACT Relating to establishing and funding the health insurance affordability account; adding a new section to chapter 48.14 RCW; and adding a new section to chapter 41.05 RCW.

Referred to Committee on Finance.

HB 2822 by Representatives Walsh, Shea, Goehner and Chambers

AN ACT Relating to requiring that witnesses to voter signature marks on ballot declarations be verified registered voters; amending RCW 29A.40.091, 29A.40.160, and 29A.60.165; and reenacting and amending RCW 29A.40.110.

Referred to Committee on State Government & Tribal Relations.

HB 2823 by Representatives Ramel, Lekanoff, Bergquist and Pollet

AN ACT Relating to school district levies; and amending RCW 84.52.0531.

Referred to Committee on Education.

HB 2824 by Representatives Appleton, Walen and Pollet

AN ACT Relating to prohibiting the participation of animals in traveling animal acts; amending RCW 16.52.011; adding a new section to chapter 16.52 RCW; creating a new section; prescribing penalties; and providing an effective date.

Referred to Committee on Public Safety.

HB 2825 by Representatives Goehner, Chapman, Steele, Dent, DeBolt, Mosbrucker, Mead, Boehnke, Tarleton, Orcutt, Dufault, McCaslin, Ybarra, Blake, Fitzgibbon and Shea

AN ACT Relating to promoting oil-free hydroelectric turbine technology; adding a new section to chapter 82.08 RCW; adding a new section to chapter 82.12 RCW; creating a new section; providing an effective date; and providing expiration dates.

Referred to Committee on Finance.

HB 2826 by Representatives Peterson and Pollet

AN ACT Relating to clarifying the authority of the liquor and cannabis board to regulate marijuana vapor products; amending RCW 69.50.342; reenacting and amending RCW 69.50.101; adding a new section to chapter 69.50 RCW; creating a new section; and declaring an emergency.



Referred to Committee on Commerce & Gaming.

ESSB 5395 by Senate Committee on Early Learning & K-12 Education (originally sponsored by Wilson, C., Randall, Keiser, Saldaña, Takko, Mullet, Wellman, Das, Nguyen, Billig, Pedersen, Rolfes, Darneille, Dhingra, Hasegawa, Hunt and Kuderer)

AN ACT Relating to requiring comprehensive sexual health education that is consistent with the Washington state health and physical education K-12 learning standards and that requires affirmative consent curriculum; and amending RCW 28A.300.475.

Referred to Committee on Education.

E2SSB 5549 by Senate Committee on Ways & Means (originally sponsored by Liias, King, Hunt and Braun)

AN ACT Relating to modernizing resident distillery marketing and sales restrictions; amending RCW 66.24.140, 66.24.145, 66.28.040, 66.24.630, and 66.28.310; reenacting and amending RCW 42.56.270; adding new sections to chapter 66.24 RCW; and providing an effective date.

Referred to Committee on Commerce & Gaming.

SB 5792 by Senators Salomon, Wellman, Walsh and Honeyford

AN ACT Relating to making statutory requirements and policies for cultural access programs the same in all counties of the state; and amending RCW 36.160.020, 36.160.100, and 36.160.110.

Referred to Committee on Housing, Community Development & Veterans.

There being no objection, the bills listed on the day's introduction sheet under the fourth order of business were referred to the committees so designated.

There being no objection, the House advanced to the fifth order of business.

## REPORTS OF STANDING COMMITTEES

January 21, 2020 )

HB 1067 Prime Sponsor, Representative Pellicciotti: Concerning employment after public service in state government. Reported by Committee on State Government & Tribal Relations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass. Signed by Representatives Gregerson, Chair;

Pellicciotti, Vice Chair; Walsh, Ranking Minority Member; Goehner, Assistant Ranking Minority Member; Appleton; Dolan; Hudgins; Mosbrucker and Smith.

Referred to Committee on Rules for second reading.

January 21, 2020 )

HB 2092 Prime Sponsor, Representative Mosbrucker: Concerning huckleberry buyers retaining and disclosing records to law enforcement. Reported by Committee on Rural Development, Agriculture, & Natural Resources

MAJORITY recommendation: Do pass. Signed by Representatives Blake, Chair; Shewmake, Vice Chair; Chandler, Ranking Minority Member; Dent, Assistant Ranking Minority Member; Chapman; Dye; Fitzgibbon; Kretz; Lekanoff; Orcutt; Pettigrew; Ramos; Schmick; Springer and Walsh.

Referred to Committee on Rules for second reading.

January 21, 2020 )

HB 2213 Prime Sponsor, Representative MacEwen: Modifying Washington state horse racing commission provisions. Reported by Committee on Commerce & Gaming

MAJORITY recommendation: Do pass. Signed by Representatives Peterson, Chair; Kloba, Vice Chair; MacEwen, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Blake; Jenkin; Kirby; Morgan; Ramel; Vick and Young.

Referred to Committee on Appropriations.

January 21, 2020 )

HB 2216 Prime Sponsor, Representative Eslick: Increasing the maximum bet in sports pools. Reported by Committee on Commerce & Gaming

MAJORITY recommendation: Do pass. Signed by Representatives Peterson, Chair; Kloba, Vice Chair; MacEwen, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Blake; Jenkin; Kirby; Morgan; Ramel; Vick and Young.

Referred to Committee on Rules for second reading.

January 21, 2020 )

HB 2246 Prime Sponsor, Representative Fitzgibbon: Concerning the reorganization of laws related to environmental health without making any substantive, policy changes.

Reported by Committee on Environment & Energy

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Fitzgibbon, Chair; Lekanoff, Vice Chair; DeBolt, Ranking Minority Member; Dye, Assistant Ranking Minority Member; Boehnke; Doglio; Fey; Goehner; Mead; Robinson and Shewmake.

Referred to Committee on Rules for second reading.

There being no objection, the bills listed on the day's committee reports under the fifth order of business were referred to the committees so designated.

There being no objection, the House advanced to the sixth order of business.

## SECOND READING

There being no objection, HOUSE BILL NO. 1435 was referred to the Committee on Rules.

**SUBSTITUTE HOUSE BILL NO. 1010, by House Committee on Civil Rights & Judiciary (originally sponsored by Senn, Lovick, Chapman, Walen, Slatter, Kloba, Peterson, Valdez, Kilduff, Ryu, Fitzgibbon, Appleton, Jinkins, Macri, Wylie, Goodman, Cody, Bergquist, Doglio, Robinson, Orwall, Stanford, Ortiz-Self, Santos, Frame and Leavitt)**

**Concerning the disposition of forfeited firearms by the Washington state patrol.**

The bill was read the second time.

Representative McCaslin moved the adoption of amendment (1029):

On page 3, line 27, after "destroyed" insert "and firearms that are damaged beyond repair may be destroyed"

On page 3, line 28, after "retain" strike "a maximum of ten percent of" and insert "~~((a maximum of ten percent of))~~"

On page 3, line 30, after "dealers" strike "or destroyed"

On page 3, beginning on line 32, after "trade." strike all material through "destroyed." on line 35

Representative McCaslin spoke in favor of the adoption of the amendment.

Representative Kilduff spoke against the adoption of the amendment.

Amendment (1029) was not adopted.

Representative Klippert moved the adoption of amendment (1013):

) On page 3, line 30, after "dealers or" insert ", once the requirements of subsection (3) are met,"

On page 3, line 36, after "(3)" insert "The Washington state patrol shall dedicate the first one hundred thousand dollars in proceeds collected on or after the effective date of this section from the auction or trade of legal firearms to pay for additional target zero impaired driving emphasis."

(4)"

On page 4, at the beginning of line 3, strike "(4)" and insert "~~((4))~~ (5)"

On page 4, line 11, after "subsection" strike "(3)" and insert "~~((3))~~ (4)"

Representative Klippert spoke in favor of the adoption of the amendment.

Representative Kilduff spoke against the adoption of the amendment.

Amendment (1013) was not adopted.

Representative Walsh moved the adoption of amendment (1015):

) On page 3, line 30, after "dealers or" insert ", subject to the limitation in subsection (3) of this section,"

On page 3, line 36, after "(3)" insert "The Washington state patrol must auction or trade legal firearms, and may not destroy legal firearms, if the Washington state patrol's total expenditures exceed total allotments for executive protection unit services provided under RCW 43.43.035."

(4)"

On page 4, at the beginning of line 3, strike "(4)" and insert "~~((4))~~ (5)"

On page 4, line 11, after "subsection" strike "(3)" and insert "~~((3))~~ (4)"

Representative Walsh spoke in favor of the adoption of the amendment.

Representative Kilduff spoke against the adoption of the amendment.

Amendment (1015) was not adopted.

Representative Graham moved the adoption of amendment (1025):

) On page 3, line 30, after "dealers" strike "or destroyed"

On page 3, line 31, after "patrol" insert "shall transmit any proceeds of an auction or trade of legal firearms to the state treasurer for deposit in the sexual assault prevention and response account under RCW 36.28A.435 to be used to fund the forensic analysis of sexual assault kits, except that once the sexual assault kit testing backlog is eliminated, the Washington state patrol"

On page 3, beginning on line 32, after "trade." strike all material through "destroyed." on line 35

On page 4, after line 11, insert the following:

"Sec. 2. RCW 36.28A.435 and 2017 c 290 s 6 are each amended to read as follows:

(1) The sexual assault prevention and response account is created in the state treasury. All legislative appropriations and transfers; gifts, grants, and other donations; and all other revenues directed to the account must be deposited into the sexual assault prevention and response account. Moneys in the account may only be spent after appropriation.

(2) The legislature must prioritize appropriations from the account for: The Washington sexual assault kit initiative project created in RCW 36.28A.430; the office of crime victims advocacy for the purpose of providing support and services, including educational and vocational training, to victims of sexual assault and trafficking; victim-centered, trauma-informed training for prosecutors, law enforcement, and victim advocates including, but not limited to, the training in RCW 43.101.272, 43.101.274, and 43.101.276; the Washington state patrol for the purpose of funding the statewide sexual assault kit tracking system and funding the forensic analysis of sexual assault kits.

(3) All moneys transferred to the account from the proceeds of the auction or trade of forfeited firearms by the Washington state patrol under RCW 9.41.098(2)(d) shall be used to fund the forensic analysis of sexual assault kits."

Correct the title.

Representatives Graham and Smith spoke in favor of the adoption of the amendment.

Representative Kilduff spoke against the adoption of the amendment.

Division was demanded and the demand was sustained. The Speaker divided the House. The result was 44 - YEAS; 54 - NAYS.

Amendment (1025) was not adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Senn, Lovick, Kilduff and Chapman spoke in favor of the passage of the bill.

Representatives Irwin, Sutherland, Graham, Jenkin, Barkis, Shea and Klippert spoke against the passage of the bill.

The Speaker stated the question before the House to be the final passage of Substitute House Bill No. 1010.

## ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1010, and the bill passed the House by the following vote: Yeas, 56; Nays, 42; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Bergquist, Callan, Chapman, Chopp, Cody, Davis, Doglio, Dolan, Duerr, Entenman, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hansen, Hudgins, J. Johnson, Kilduff, Kirby, Kloba, Leavitt, Lekanoff, Lovick, Macri, Mead, Morgan, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Ryu, Santos, Sells, Senn, Shewmake, Slatter, Springer, Stonier, Sullivan, Tarleton, Thai, Tharinger, Valdez, Walen, Wylie and Mr. Speaker.

Voting nay: Representatives Barkis, Blake, Boehnke, Caldier, Chambers, Chandler, Corry, DeBolt, Dent, Dufault, Dye, Eslick, Gildon, Goehner, Graham, Griffey, Harris, Hoff, Irwin, Jenkin, Klippert, Kraft, Kretz, MacEwen, Maycumber, McCaslin, Mosbrucker, Orcutt, Rude, Schmick, Shea, Smith, Steele, Stokesbary, Sutherland, Van Werven, Vick, Volz, Walsh, Wilcox, Ybarra and Young.

SUBSTITUTE HOUSE BILL NO. 1010, having received the necessary constitutional majority, was declared passed.

There being no objection, the House advanced to the eighth order of business.

## MOTION

There being no objection, the Committee on Appropriations was relieved of HOUSE BILL NO. 2789, and the bill was referred to the Committee on Public Safety.

There being no objection, the House adjourned until 9:55 a.m., January 24, 2020, the 12th Day of the Regular Session.

LAURIE JINKINS, Speaker

BERNARD DEAN, Chief Clerk

## SIXTY SIXTH LEGISLATURE - REGULAR SESSION

## TWELFTH DAY

House Chamber, Olympia, Friday, January 24, 2020

The House was called to order at 9:55 a.m. by the Speaker (Representative Orwall presiding).

Reading of the Journal of the previous day was dispensed with and it was ordered to stand approved.

## RESOLUTION

**HOUSE RESOLUTION NO. 2020-4648, by Representatives Jenkin, Rude, Ryu, Ybarra, and Boehnke**

WHEREAS, Jerry Cummins completed his graduate degree at Eastern Washington State College in Marketing Education in 1970; and

WHEREAS, Jerry served in the United States Navy from 1960 through 1983, after being in the reserves during his high school years; he retired as Chief Storekeeper (CPO, E-7), and had a shirt named after him upon retirement known as "Old Navy"; and

WHEREAS, Jerry worked as a teacher, education administrator, and vocational director at Walla Walla High School from 1975 through 2000; and during his tenure, he was the administrator of fifteen vocational programs and budgeting; and

WHEREAS, Jerry went on to be elected to serve on the Walla Walla City Council in 1991 and served continually since that date for a total of twenty-eight years; and

WHEREAS, Jerry chaired the City of Walla Walla Legislative Council from its inception until his retirement, and developed the concept of adopting state and federal legislative city council goals and priorities; and

WHEREAS, Jerry has done extensive work with the U.S. Highway 12 Coalition to widen the highway to four lanes from Walla Walla to the Tri-Cities; and

WHEREAS, Jerry has served sixteen years on the Tri-County Good Roads Association (Benton, Franklin, and Walla Walla Counties Good Roads Association), representing the City of Walla Walla; and

WHEREAS, Jerry has also served on the Association of Washington Cities (AWC) board of directors for four years; represented AWC as a Governor appointee to the Juvenile Justice Commission for five years; and was also appointed by the Governor to the Public Works Trust Board for eight years; and

WHEREAS, Jerry has also been an avid hot air balloon pilot and was licensed as a Commercial Lighter-Than-Air Pilot in 1988, he has owned and flown five hot air balloons

for thirty-five years; he has also served as the Balloonmeister for the Walla Walla Balloon Stampede for many years; and

WHEREAS, Jerry married his wife Lynn in June of 1968, and they have four daughters;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State House of Representatives honor Jerry Cummins for his dedication as a leader of education, a passionate civic voice, a great countryman for his service to our great nation, and his love for hot air balloons and, of course, his family; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Chief Clerk of the House of Representatives to Jerry Cummins.

There being no objection, HOUSE RESOLUTION NO. 4648 was adopted.

There being no objection, the House advanced to the third order of business.

## MESSAGE FROM THE SENATE

January 22, 2020

Mme. SPEAKER:

The Senate has passed:

ENGROSSED SUBSTITUTE SENATE BILL NO.  
5167,  
SECOND ENGROSSED SUBSTITUTE SENATE  
BILL NO. 5389,

and the same are herewith transmitted.

Brad Hendrickson, Secretary

There being no objection, the House advanced to the fourth order of business.

## INTRODUCTION &amp; FIRST READING

**HB 2827** by Representatives J. Johnson, Rude, Mead, Morgan, Hudgins, Ryu, Senn, Valdez, Frame, Volz, Pollet and Macri

AN ACT Relating to modernizing legislative operations; creating new sections; making appropriations; and providing an expiration date.

Referred to Committee on State Government & Tribal Relations.

HB 2828 by Representatives Valdez, Hudgins, Blake, Ybarra, Tarleton, Chapman, Fey, Ortiz-Self, Frame, Goodman, Dent, Sells, Pollet and Macri

AN ACT Relating to prohibiting funds available to port districts from being allocated for the purchase of fully automated marine container cargo handling equipment; and adding a new section to chapter 53.08 RCW.

Referred to Committee on Local Government.

HB 2829 by Representatives Kirby, Tarleton, Riccelli, Pollet and Macri

AN ACT Relating to declaring a climate emergency; and adding a new section to chapter 43.21G RCW.

Referred to Committee on Environment & Energy.

HB 2830 by Representatives Gregerson, Eslick, Dent and Senn

AN ACT Relating to updating restrictions on electronic benefit cards; and amending RCW 74.08.580.

Referred to Committee on Human Services & Early Learning.

HB 2831 by Representatives Stonier, Harris and Davis

AN ACT Relating to the field of behavior analysis; amending RCW 18.380.010, 18.380.020, 18.380.030, 18.380.050, 18.380.060, 18.380.070, 18.380.100, and 18.380.110; and creating a new section.

Referred to Committee on Health Care & Wellness.

HB 2832 by Representatives Orwall, Gregerson and Santos

AN ACT Relating to contracts with community service organizations for public improvements; and amending RCW 35.21.278.

Referred to Committee on Local Government.

HB 2833 by Representative Hoff

AN ACT Relating to the board of engineers and land surveyors' appointment of its director and agreement with the department of licensing; and amending RCW 18.43.035 and 18.43.200.

Referred to Committee on Consumer Protection & Business.

HB 2834 by Representatives Harris, Santos, Cody, Senn, Steele, Tarleton, Valdez, Davis and Pollet

AN ACT Relating to implementing an identicard program to provide individuals a Washington state issued identicard; adding a new section to chapter 43.185C RCW; and providing an effective date.

Referred to Committee on Appropriations.

HB 2835 by Representatives Appleton, Davis and Pollet

AN ACT Relating to reducing the criminal penalty for unlawful possession of a controlled substance; amending RCW 9.94A.518, 9.94A.533, 13.40.0357, 69.50.4013, and 69.50.430; reenacting and amending RCW 9.94A.030; and prescribing penalties.

Referred to Committee on Public Safety.

HB 2836 by Representatives Lovick, Boehnke, Valdez, Gregerson, Ortiz-Self, Riccelli, Shewmake, Kloba, Mead, Doglio, Entenman, Tarleton, Hudgins, Ryu, Pettigrew, Thai, Morgan, Santos, Lekanoff, Slatter, Orwall, Davis, Sells, Goodman, Appleton, J. Johnson and Chopp

AN ACT Relating to establishing an unpiloted aircraft system state coordinator; amending RCW 47.68.020; and adding a new section to chapter 47.68 RCW.

Referred to Committee on Transportation.

HB 2837 by Representatives Boehnke and Hudgins

AN ACT Relating to expanding powers granted to state historical societies; and amending RCW 27.34.070.

Referred to Committee on State Government & Tribal Relations.

HB 2838 by Representatives Riccelli, Tarleton, Davis, Tharinger, Pollet and Macri

AN ACT Relating to improving cardiac and stroke outcomes through data-driven continuous quality and system improvement; adding a new chapter to Title 70 RCW; and recodifying RCW 70.168.150.

Referred to Committee on Health Care & Wellness.

HB 2839 by Representatives Kloba, Kirby, Senn and Pollet

AN ACT Relating to regulating interactive digital entertainment products; adding a new chapter to Title 19 RCW; prescribing penalties; and providing an effective date.

Referred to Committee on Commerce & Gaming.

HB 2840 by Representatives Springer and Frame

AN ACT Relating to providing additional funding for the business licensing service program administered by

the department of revenue; amending RCW 19.02.075; and providing an effective date.

Referred to Committee on Finance.

**HB 2841** by Representatives Paul and Pollet

AN ACT Relating to skill center class sizes; and amending RCW 28A.150.260.

Referred to Committee on Appropriations.

**HB 2842** by Representatives Steele, Boehnke and Chambers

AN ACT Relating to nonprofit special occasion liquor licensee compliance with laws administered by the liquor and cannabis board; amending RCW 66.24.380; creating a new section; and prescribing penalties.

Referred to Committee on Commerce & Gaming.

**HB 2843** by Representatives Maycumber, Schmick, Chapman, Springer, DeBolt, Walsh, Chambers, Harris, Kretz, Caldier and Sutherland

AN ACT Relating to providing premium tax relief to health carriers offering coverage in certain counties; amending RCW 48.14.022; creating a new section; and providing an expiration date.

Referred to Committee on Finance.

**ESSB 5167** by Senate Committee on Financial Institutions, Economic Development & Trade (originally sponsored by Hasegawa, Saldaña, Darneille, Frockt, Keiser, Nguyen and Mullet)

AN ACT Relating to the linked deposit program; amending RCW 43.86A.030 and 43.63A.690; reenacting and amending RCW 43.86A.060; adding a new section to chapter 39.19 RCW; and recodifying RCW 43.63A.690.

Referred to Committee on Innovation, Technology & Economic Development.

**2ESSB 5389** by Senate Committee on Ways & Means (originally sponsored by Becker, Cleveland, Bailey, Wilson, L., Brown, Walsh and Warnick)

AN ACT Relating to establishing a telehealth training and treatment program to assist youth; amending RCW 28A.410.226; reenacting and amending RCW 28A.410.035; adding new sections to chapter 28B.20 RCW; adding a new section to chapter 28A.210 RCW; adding a new section to chapter 28A.400 RCW; creating new sections; and declaring an emergency.

Referred to Committee on Education.

There being no objection, the bills listed on the day's introduction sheet under the fourth order of business were referred to the committees so designated.

There being no objection, the House advanced to the fifth order of business.

## REPORTS OF STANDING COMMITTEES

January 21, 2020 )

**HB 1131** Prime Sponsor, Representative Blake: Allowing residential marijuana agriculture. Reported by Committee on Commerce & Gaming

MAJORITY recommendation: Do pass. Signed by Representatives Peterson, Chair; Kloba, Vice Chair; MacEwen, Ranking Minority Member; Blake; Kirby; Morgan; Ramel; Vick and Young.

MINORITY recommendation: Do not pass. Signed by Representative Jenkin.

MINORITY recommendation: Without recommendation. Signed by Representative Chambers, Assistant Ranking Minority Member.

Referred to Committee on Appropriations.

January 23, 2020 )

**HB 1674** Prime Sponsor, Representative Rude: Changing the term alternative learning experience to personalized learning experience. Reported by Committee on Education

MAJORITY recommendation: Do pass. Signed by Representatives Santos, Chair; Dolan, Vice Chair; Paul, Vice Chair; Steele, Ranking Minority Member; McCaslin, Assistant Ranking Minority Member; Volz, Assistant Ranking Minority Member; Bergquist; Caldier; Callan; Corry; Harris; Ortiz-Self; Rude; Stonier; Thai; Valdez and Ybarra.

Referred to Committee on Rules for second reading.

January 21, 2020 )

**HB 1853** Prime Sponsor, Representative Ramos: Developing and coordinating a statewide don't drip and drive program. Reported by Committee on Environment & Energy

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Fitzgibbon, Chair; Lekanoff, Vice Chair; Doglio; Fey; Mead; Robinson and Shewmake.

MINORITY recommendation: Do not pass. Signed by Representatives DeBolt, Ranking Minority Member; Dye, Assistant Ranking Minority Member; Boehnke and Goehner.

Referred to Committee on Transportation.

January 22, 2020 )

HB 2109 Prime Sponsor, Representative Blake: Concerning membership of the Chehalis board. Reported by Committee on Rural Development, Agriculture, & Natural Resources

MAJORITY recommendation: Do pass. Signed by Representatives Blake, Chair; Shewmake, Vice Chair; Chandler, Ranking Minority Member; Dent, Assistant Ranking Minority Member; Chapman; Dye; Fitzgibbon; Kretz; Lekanoff; Orcutt; Pettigrew; Ramos; Schmick; Springer and Walsh.

Referred to Committee on Rules for second reading.

January 22, 2020 )

HB 2138 Prime Sponsor, Representative Blake: Requiring signage on certain lands that are closed to the public. Reported by Committee on Rural Development, Agriculture, & Natural Resources

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Blake, Chair; Shewmake, Vice Chair; Chandler, Ranking Minority Member; Dent, Assistant Ranking Minority Member; Chapman; Dye; Fitzgibbon; Kretz; Lekanoff; Orcutt; Pettigrew; Ramos; Schmick; Springer and Walsh.

Referred to Committee on Rules for second reading.

January 21, 2020 )

HB 2207 Prime Sponsor, Representative Walen: Addressing the group-wide supervision of internationally active insurance groups. Reported by Committee on Consumer Protection & Business

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Kirby, Chair; Vick, Ranking Minority Member; Hoff, Assistant Ranking Minority Member; Barkis; Blake; Duerr; Dufault; Johnson, J.; Ryu; Volz; Walen and Ybarra.

MINORITY recommendation: Do not pass. Signed by Representative Santos.

Referred to Committee on Rules for second reading.

January 21, 2020 )

HB 2281 Prime Sponsor, Representative Kloba: Amending types of nonprofit organizations qualified to engage in gambling activities. Reported by Committee on Commerce & Gaming

MAJORITY recommendation: Do pass. Signed by Representatives Peterson, Chair; Kloba, Vice Chair; MacEwen, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Blake; Jenkin; Kirby; Morgan; Ramel; Vick and Young.

Referred to Committee on Rules for second reading.

January 23, 2020 )

HB 2308 Prime Sponsor, Representative Slatter: Requiring employers to periodically report standard occupational classifications or job titles of workers. Reported by Committee on Labor & Workplace Standards

MAJORITY recommendation: Do pass. Signed by Representatives Sells, Chair; Chapman, Vice Chair; Gregerson and Ormsby.

MINORITY recommendation: Do not pass. Signed by Representatives Mosbrucker, Ranking Minority Member; Chandler, Assistant Ranking Minority Member and Hoff.

Referred to Committee on Appropriations.

January 22, 2020 )

HB 2407 Prime Sponsor, Representative Kirby: Repealing the debenture company laws from the securities act of Washington. Reported by Committee on Consumer Protection & Business

MAJORITY recommendation: Do pass. Signed by Representatives Kirby, Chair; Vick, Ranking Minority Member; Hoff, Assistant Ranking Minority Member; Barkis; Blake; Duerr; Dufault; Johnson, J.; Ryu; Santos; Volz; Walen and Ybarra.

Referred to Committee on Rules for second reading.

January 23, 2020 )

HB 2474 Prime Sponsor, Representative Sells: Concerning sales commissions. Reported by Committee on Labor & Workplace Standards

MAJORITY recommendation: Do pass. Signed by Representatives Sells, Chair; Chapman, Vice Chair; Mosbrucker, Ranking Minority Member; Chandler,

Assistant Ranking Minority Member; Gregerson; Hoff and Ormsby.

Reported by Committee on Labor & Workplace Standards

Referred to Committee on Rules for second reading.

January 23, 2020 )

HB 2475 Prime Sponsor, Representative Mead: Concerning the underground storage tank reinsurance program. Reported by Committee on Environment & Energy

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Fitzgibbon, Chair; Lekanoff, Vice Chair; DeBolt, Ranking Minority Member; Dye, Assistant Ranking Minority Member; Boehnke; Doglio; Fey; Goehner; Mead; Robinson and Shewmake.

Referred to Committee on Appropriations.

January 23, 2020 )

HB 2613 Prime Sponsor, Representative Sells: Granting relief of unemployment benefit charges when discharge is required by law and removing outdated statutory language. Reported by Committee on Labor & Workplace Standards

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Sells, Chair; Chapman, Vice Chair; Mosbrucker, Ranking Minority Member; Chandler, Assistant Ranking Minority Member; Gregerson; Hoff and Ormsby.

Referred to Committee on Rules for second reading.

January 23, 2020 )

HB 2691 Prime Sponsor, Representative Valdez: Concerning the scope of collective bargaining for language access providers.

MAJORITY recommendation: Do pass. Signed by Representatives Sells, Chair; Chapman, Vice Chair; Gregerson and Ormsby.

MINORITY recommendation: Do not pass. Signed by Representatives Mosbrucker, Ranking Minority Member; Chandler, Assistant Ranking Minority Member and Hoff.

Referred to Committee on Appropriations.

January 22, 2020 )

HJM 4012 Prime Sponsor, Representative Lekanoff: Recognizing the international year of the salmon. Reported by Committee on Rural Development, Agriculture, & Natural Resources

MAJORITY recommendation: Do pass. Signed by Representatives Blake, Chair; Shewmake, Vice Chair; Chandler, Ranking Minority Member; Dent, Assistant Ranking Minority Member; Chapman; Dye; Fitzgibbon; Kretz; Lekanoff; Orcutt; Pettigrew; Ramos; Schmick; Springer and Walsh.

Referred to Committee on Rules for second reading.

There being no objection, the bills and memorial listed on the day's committee reports under the fifth order of business were referred to the committees so designated.

There being no objection, the House adjourned until 10:00 a.m., January 27, 2020, the 15th Day of the Regular Session.

LAURIE JINKINS, Speaker

BERNARD DEAN, Chief Clerk



## SIXTY SIXTH LEGISLATURE - REGULAR SESSION

## FIFTEENTH DAY

House Chamber, Olympia, Monday, January 27, 2020

The House was called to order at 10:00 a.m. by the Speaker (Representative Orwall presiding). The Clerk called the roll and a quorum was present.

The flags were escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Trevor Abramson and Freyja Brittell. The Speaker (Representative Orwall presiding) led the Chamber in the Pledge of Allegiance. The prayer was offered by Pastor Rick Payton, Pathways Church, Centralia, Washington.

Reading of the Journal of the previous day was dispensed with and it was ordered to stand approved.

## RESOLUTION

**HOUSE RESOLUTION NO. 2020-4651**, by Representatives Jinkins, Wilcox, Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Mead, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shea, Shewmake, Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wylie, Ybarra, and Young

WHEREAS, On this day, 75 years ago, the Auschwitz-Birkenau death camp was liberated by Allied forces; and

WHEREAS, The people of Washington were heavily involved in the effort to win World War II and stop the Holocaust; and

WHEREAS, Remembering the experiences of Holocaust survivors and the soldiers who freed them is critically important today; and

WHEREAS, It is not simply enough to say, "Never Again," but to understand what led up to death camps such as Auschwitz-Birkenau; and

WHEREAS, The Holocaust did not begin with concentration camps and genocide, but with bigotry, discrimination, and hate; and

WHEREAS, Dehumanization and division still exist today and will only fester unless we stand up against anti-Semitism and other forms of discrimination and hate;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State House of Representatives recognizes the historical significance of this day and lends its voice and support to the global commemoration.

There being no objection, HOUSE RESOLUTION NO. 4651 was adopted.

## SPEAKER'S PRIVILEGE

The Speaker (Representative Orwall presiding) recognized Jerry Cummins, honored by House Resolution 4648 which was adopted on January 24, 2020.

The Speaker (Representative Orwall presiding) called upon Representative Lovick to preside.

There being no objection, the House advanced to the third order of business.

## MESSAGES FROM THE SENATE

January 24, 2020

Mme. SPEAKER:

The Senate has passed:

SUBSTITUTE SENATE BILL NO. 5097,  
SENATE BILL NO. 5197,  
SENATE BILL NO. 5613,  
ENGROSSED SUBSTITUTE SENATE BILL NO.  
5946,  
SUBSTITUTE SENATE BILL NO. 6037,

and the same are herewith transmitted.

Brad Hendrickson, Secretary

January 24, 2020

Mme. SPEAKER:

The Senate has passed:

ENGROSSED SUBSTITUTE SENATE BILL NO.  
5006,  
ENGROSSED SENATE BILL NO. 5282,  
ENGROSSED SENATE BILL NO. 5457,

ENGROSSED SUBSTITUTE SENATE BILL NO.  
5591,  
SECOND ENGROSSED SECOND SUBSTITUTE  
SENATE BILL NO. 5720,

and the same are herewith transmitted.

Brad Hendrickson, Secretary

There being no objection, the House advanced to the fourth order of business.

**INTRODUCTION & FIRST READING**

HB 2844 by Representatives Kloba, Vick, Hoff, Stonier, Leavitt, Davis and Tarleton

AN ACT Relating to promoting a safe learning environment for students with seizure disorders; amending RCW 28A.210.260 and 28A.210.350; adding a new section to chapter 28A.210 RCW; and adding a new section to chapter 28A.235 RCW.

Referred to Committee on Education.

HB 2845 by Representatives Sutherland, McCaslin, Eslick and Shea

AN ACT Relating to concealed pistol licenses; amending RCW 9.41.240; reenacting and amending RCW 9.41.070; and creating a new section.

Referred to Committee on Civil Rights & Judiciary.

HB 2846 by Representatives Tharinger, Riccelli, Davis, Fitzgibbon and Lekanoff

AN ACT Relating to an ambulance transport quality assurance fee; reenacting and amending RCW 43.84.092; adding a new chapter to Title 74 RCW; prescribing penalties; providing an expiration date; and declaring an emergency.

Referred to Committee on Appropriations.

HB 2847 by Representatives Thai, Rude, Davis, Fey, Slatter, Doglio, Ryu, Chopp, Stonier and Morgan

AN ACT Relating to recognizing the ninth day of October as PANDAS/PANS awareness day; reenacting and amending RCW 1.16.050; and creating a new section.

Referred to Committee on State Government & Tribal Relations.

HB 2848 by Representatives Chapman, Orcutt, Tharinger, Walsh, Blake, Tarleton, Springer, Maycumber, Fitzgibbon and Lekanoff

AN ACT Relating to changing the expiration date for the sales and use tax exemption of hog fuel to coincide

with the 2045 deadline for fossil fuel-free electrical generation in Washington state and to protect jobs with health care and retirement benefits in economically distressed communities; amending RCW 82.08.956, 82.12.956, and 82.32.605; creating new sections; and providing expiration dates.

Referred to Committee on Finance.

HB 2849 by Representatives Tharinger, DeBolt, Macri, Robinson, Chopp, Harris, Leavitt, Ramel and Lekanoff

AN ACT Relating to housing programs administered by the department of commerce; amending RCW 43.185.010, 43.185A.010, 43.185.030, 43.185A.020, 43.185.050, 43.185.070, 43.185.110, 43.185A.060, 43.185A.070, 43.185.074, 18.85.285, 18.85.311, 31.04.025, 39.35D.080, 43.63A.680, 43.185C.200, 43.185C.210, 47.12.063, 59.24.060, 82.14.400, and 82.45.100; adding new sections to chapter 43.185A RCW; adding a new section to chapter 43.185B RCW; recodifying RCW 43.185.010, 43.185.030, 43.185.050, 43.185.070, 43.185.074, 43.185.080, 43.185.140, and 43.185.110; and repealing RCW 43.185.015, 43.185.020, 43.185A.030, 43.185A.050, 43.185.060, 43.185.076, 43.185.090, 43.185.100, 43.185A.090, 43.185A.100, 43.185A.110, 43.185A.120, 43.185.120, 43.185.130, 43.185A.900, and 43.185.910.

Referred to Committee on Capital Budget.

HB 2850 by Representatives Lekanoff, Gildon, Ortiz-Self, Wylie, Pollet, Peterson, Gregerson, Fitzgibbon, Valdez and Tarleton

AN ACT Relating to protecting archaeological and cultural sites by state and local governments and all recipients of state funding; amending RCW 27.53.090, 43.88.030, 43.63A.125, and 43.155.075; adding a new section to chapter 27.53 RCW; adding a new section to chapter 39.04 RCW; adding a new section to chapter 39.10 RCW; and creating a new section.

Referred to Committee on State Government & Tribal Relations.

HB 2851 by Representatives Kilduff and Leavitt

AN ACT Relating to the placement and treatment of conditionally released sexually violent predators; amending RCW 71.09.080, 71.09.090, 71.09.092, 71.09.096, 71.09.130, 71.09.140, and 71.09.250; reenacting and amending RCW 71.09.020; adding a new section to chapter 71.09 RCW; and creating a new section.

Referred to Committee on Public Safety.

HB 2852 by Representatives Mosbrucker, Pettigrew, Corry, Steele, Rude and Sells

AN ACT Relating to juvenile rheumatologists; reenacting and amending RCW 28B.115.070; and creating a new section.

Referred to Committee on Appropriations.

HB 2853 by Representatives Harris and Santos

AN ACT Relating to promoting the effective and efficient administration of the Washington state charter school commission; amending RCW 28A.710.050, 28A.710.070, 28A.710.250, and 28A.710.160; and repealing RCW 28A.710.900.

Referred to Committee on Education.

HB 2854 by Representatives Young, Barkis, Walsh, Orcutt, Shea, Boehnke, Chambers and Volz

AN ACT Relating to prohibiting the tracking of the movement of individuals or vehicles for the purposes of determining taxes or fees to be assessed; and adding a new chapter to Title 1 RCW.

Referred to Committee on Transportation.

HB 2855 by Representatives Young, Walsh, Barkis, Eslick, Shea, Boehnke, Chambers and Volz

AN ACT Relating to limiting the manner in which a road usage charge may be implemented; adding a new section to chapter 46.08 RCW; and creating a new section.

Referred to Committee on Transportation.

HB 2856 by Representatives Entenman, Morgan and Santos

AN ACT Relating to a moratorium on facial recognition technology; adding a new chapter to Title 10 RCW; adding a new chapter to Title 19 RCW; creating a new section; prescribing penalties; and providing expiration dates.

Referred to Committee on Innovation, Technology & Economic Development.

HB 2857 by Representative Orcutt

AN ACT Relating to strengthening the state balanced budget requirement and outlook process; amending RCW 43.88.055 and 82.33.060; and reenacting and amending RCW 82.33.020.

Referred to Committee on Appropriations.

HB 2858 by Representatives Orcutt, Dolan and Doglio

AN ACT Relating to requirements for the filing of assessment rolls; and amending RCW 84.40.320.

Referred to Committee on Finance.

HB 2859 by Representatives Orcutt, Dolan and Doglio

AN ACT Relating to modifying deadlines for purposes of the property tax levy process; and amending RCW 84.48.130 and 84.52.070.

Referred to Committee on Finance.

HB 2860 by Representatives Orcutt and Fey

AN ACT Relating to the Washington plane coordinate system; amending RCW 58.20.140, 58.20.160, 58.20.180, 58.20.200, 58.20.210, and 58.20.220; adding new sections to chapter 58.20 RCW; and repealing RCW 58.20.110, 58.20.120, 58.20.130, 58.20.150, 58.20.170, and 58.20.190.

Referred to Committee on Rural Development, Agriculture, & Natural Resources.

HB 2861 by Representatives Orcutt, Blake and Shewmake

AN ACT Relating to direct sales of milk; and adding a new section to chapter 15.36 RCW.

Referred to Committee on Rural Development, Agriculture, & Natural Resources.

HB 2862 by Representative Orcutt

AN ACT Relating to modifying the meaning of motorcycle to include other steering mechanisms; and amending RCW 46.04.330, 46.61.688, 46.37.530, and 47.36.025.

Referred to Committee on Transportation.

HB 2863 by Representatives Davis, Irwin and Kilduff

AN ACT Relating to expanding therapeutic alternatives and interventions through courts of limited jurisdiction for people with behavioral health conditions; reenacting and amending RCW 71.24.580; and creating a new section.

Referred to Committee on Appropriations.

HB 2864 by Representatives Paul, Morgan, Valdez, Bergquist, Lekanoff and Santos

AN ACT Relating to establishing a running start summer school pilot program; amending RCW 28A.600.300 and 28A.600.320; adding a new section to chapter 28B.50 RCW; creating a new section; and providing expiration dates.

Referred to Committee on Education.

HB 2865 by Representatives Chambers, Shewmake, Dent, McCaslin, Callan, Gildon, Senn and Eslick

AN ACT Relating to informing families of kindergarten readiness standards; adding a new section to chapter 28A.300 RCW; adding a new section to chapter 43.216 RCW; adding a new section to chapter 74.04 RCW; adding a new section to chapter 43.70 RCW; adding a new section to chapter 74.09 RCW; and creating a new section.

Referred to Committee on Human Services & Early Learning.

HB 2866 by Representatives Goehner, Blake, Steele, Pettigrew, Dent, Chandler and Eslick

AN ACT Relating to prohibiting transfers of water rights out of their original water resource inventory area; amending RCW 90.03.015 and 90.80.055; adding new sections to chapter 90.03 RCW; adding a new section to chapter 90.44 RCW; and creating a new section.

Referred to Committee on Rural Development, Agriculture, & Natural Resources.

HB 2867 by Representative Blake

AN ACT Relating to the calculation of interest associated with annual tax reporting periods without making any changes to the interest rate; amending RCW 82.32.050 and 82.32.060; creating a new section; and declaring an emergency.

Referred to Committee on Finance.

HJR 4213 by Representatives Young, Walsh, Barkis, Shea and Boehnke

Amending the state Constitution so that road usage charges are limited in relation to how they may be implemented.

Referred to Committee on Transportation.

HJR 4214 by Representatives Young, Barkis, Walsh, Orcutt, Shea, Schmick and Boehnke

Amending the state Constitution so that tracking individuals for the purposes of determining taxes or fees is prohibited.

Referred to Committee on Transportation.

SSB 5097 by Senate Committee on Health & Long Term Care (originally sponsored by Cleveland, Wilson, L., Keiser and Kuderer)

AN ACT Relating to the licensure and certification of massage therapists and reflexologists; and amending RCW 18.108.045.

Referred to Committee on Health Care & Wellness.

SB 5197 by Senators Hobbs, Zeiger, Wagoner, Short, Bailey, Hunt, Fortunato and Keiser

AN ACT Relating to the Washington national guard postsecondary education grant program; and amending RCW 28B.103.010, 28B.103.020, and 28B.103.030.

Referred to Committee on Housing, Community Development & Veterans.

SB 5613 by Senators Rivers, Schoesler, Becker, Brown, Short, Warnick, Wilson, L. and Fortunato

AN ACT Relating to the authority of counties to vacate a county road that abuts on a body of water if the county road is hazardous or creates a significant risk to public safety; and amending RCW 36.87.130.

Referred to Committee on Local Government.

ESSB 5946 by Senate Committee on Housing Stability & Affordability (originally sponsored by Nguyen, Saldaña, Hasegawa, Das and Lovelett)

AN ACT Relating to the application of the state environmental policy act to temporary shelters and transitional encampments; and adding a new section to chapter 43.21C RCW.

Referred to Committee on Environment & Energy.

SSB 6037 by Senate Committee on Law & Justice (originally sponsored by Pedersen, Wellman, Rivers, Keiser, Dhingra, Kuderer, Cleveland, Saldaña, Randall, Darneille, Rolfes, Das, Frockt, Carlyle, Wilson, C., Hunt and Stanford)

AN ACT Relating to business corporations; amending RCW 23B.02.020, 23B.02.060, 23B.01.200, 23B.06.010, 23B.06.240, 23B.08.030, 23B.08.735, 23B.09.020, 23B.10.060, 23B.11.010, 23B.11.020, 23B.07.210, 23B.06.030, and 23B.07.040; adding a new section to chapter 23B.08 RCW; and creating a new section.

Referred to Committee on Civil Rights & Judiciary.

There being no objection, the bills and resolutions listed on the day's introduction sheet under the fourth order of business were referred to the committees so designated.

There being no objection, the House advanced to the fifth order of business.

## REPORTS OF STANDING COMMITTEES

January 23, 2020 )

HB 1076 Prime Sponsor, Representative Dolan:  
Modifying certain common school

provisions. Reported by Committee on Education

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass. Signed by Representatives Santos, Chair; Dolan, Vice Chair; Paul, Vice Chair; Steele, Ranking Minority Member; McCaslin, Assistant Ranking Minority Member; Volz, Assistant Ranking Minority Member; Bergquist; Caldier; Callan; Corry; Harris; Ortiz-Self; Rude; Stonier; Thai; Valdez and Ybarra.

Referred to Committee on Rules for second reading.

January 23, 2020 )

HB 1120 Prime Sponsor, Representative Dolan: Updating the term essential academic learning requirements to state learning standards to reflect current terminology. Reported by Committee on Education

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Santos, Chair; Dolan, Vice Chair; Paul, Vice Chair; Steele, Ranking Minority Member; Volz, Assistant Ranking Minority Member; Bergquist; Caldier; Callan; Corry; Harris; Ortiz-Self; Rude; Stonier; Thai; Valdez and Ybarra.

MINORITY recommendation: Do not pass. Signed by Representative McCaslin, Assistant Ranking Minority Member.

Referred to Committee on Rules for second reading.

January 23, 2020 )

HB 1293 Prime Sponsor, Representative Tharinger: Concerning the distribution of monetary penalties to local courts and state agencies paid for failure to comply with discover pass requirements. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Ormsby, Chair; Stokesbary, Ranking Minority Member; Robinson, 1st Vice Chair; Bergquist, 2nd Vice Chair; MacEwen, Assistant Ranking Minority Member; Rude, Assistant Ranking Minority Member; Caldier; Chandler; Chopp; Cody; Corry; Dolan; Dye; Fitzgibbon; Hansen; Hoff; Hudgins; Kilduff; Kraft; Macri; Mosbrucker; Pettigrew; Pollet; Ryu; Schmick; Senn; Sullivan; Sutherland; Tarleton; Tharinger and Ybarra.

Referred to Committee on Rules for second reading.

January 23, 2020 )

ESHB 1504 Prime Sponsor, Committee on Public Safety: Concerning impaired driving. Reported by Committee on Public Safety

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass. Signed by Representatives Appleton, 2nd Vice Chair; Goodman, Chair; Davis, Vice Chair; Klippert, Ranking Minority Member; Sutherland, Assistant Ranking Minority Member; Graham; Lovick; Orwall; Pellicciotti and Pettigrew.

Referred to Committee on Transportation.

January 23, 2020 )

HB 1871 Prime Sponsor, Representative Klippert: Concerning prison safety. Reported by Committee on Public Safety

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass. Signed by Representatives Appleton, 2nd Vice Chair; Goodman, Chair; Davis, Vice Chair; Klippert, Ranking Minority Member; Sutherland, Assistant Ranking Minority Member; Graham; Lovick; Orwall; Pellicciotti and Pettigrew.

Referred to Committee on Rules for second reading.

January 23, 2020 )

EHB 2066 Prime Sponsor, Representative Davis: Addressing restrictions on driver's licenses associated with certain criminal offenses. Reported by Committee on Public Safety

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Appleton, 2nd Vice Chair; Goodman, Chair; Davis, Vice Chair; Klippert, Ranking Minority Member; Sutherland, Assistant Ranking Minority Member; Graham; Lovick; Orwall; Pellicciotti and Pettigrew.

Referred to Committee on Transportation.

January 22, 2020 )

HB 2188 Prime Sponsor, Representative Leavitt: Increasing the types of commercial driver's license qualification waivers allowed for military veterans. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives Fey, Chair; Slatter, 2nd Vice Chair; Valdez, 2nd Vice Chair; Wylie, 1st Vice Chair; Barkis, Ranking Minority Member; Walsh, Assistant Ranking Minority Member; Young, Assistant Ranking Minority Member; Boehnke; Chambers; Chapman; Dent; Doglio; Duerr; Dufault; Entenman; Eslick; Goehner; Gregerson;

Kloba; Lovick; McCaslin; Mead; Orcutt; Ortiz-Self; Paul; Ramos; Shewmake; Van Werven and Volz.

Referred to Committee on Rules for second reading.

January 24, 2020 )

HB 2200 Prime Sponsor, Representative Klippert: Creating the position of military spouse liaison. Reported by Committee on Housing, Community Development & Veterans

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Jenkin, Ranking Minority Member; Gildon, Assistant Ranking Minority Member; Ryu, Chair; Morgan, Vice Chair; Barkis; Frame; Johnson, J.; Leavitt and Ramel.

Referred to Committee on Appropriations.

January 24, 2020 )

HB 2251 Prime Sponsor, Representative Thai: Concerning the expiration date for notification of dispensing an interchangeable biological product. Reported by Committee on Health Care & Wellness

MAJORITY recommendation: Do pass. Signed by Representatives Cody, Chair; Macri, Vice Chair; Schmick, Ranking Minority Member; Caldier, Assistant Ranking Minority Member; Chambers; Chopp; Davis; Harris; Maycumber; Riccelli; Robinson; Stonier; Thai and Tharinger.

MINORITY recommendation: Do not pass. Signed by Representative DeBolt.

Referred to Committee on Rules for second reading.

January 24, 2020 )

HB 2252 Prime Sponsor, Representative Thai: Concerning student health plans. Reported by Committee on Health Care & Wellness

MAJORITY recommendation: Do pass. Signed by Representatives Cody, Chair; Macri, Vice Chair; Chopp; Davis; Riccelli; Robinson; Stonier; Thai and Tharinger.

MINORITY recommendation: Without recommendation. Signed by Representatives Chambers and Harris.

MINORITY recommendation: Do not pass. Signed by Representatives Schmick, Ranking Minority Member; Caldier, Assistant Ranking Minority Member; DeBolt and Maycumber.

Referred to Committee on Rules for second reading.

January 22, 2020 )

HB 2287 Prime Sponsor, Representative Leavitt: Addressing the assessment of rail safety governance in Washington state. Reported by Committee on Transportation

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Fey, Chair; Slatter, 2nd Vice Chair; Valdez, 2nd Vice Chair; Wylie, 1st Vice Chair; Barkis, Ranking Minority Member; Walsh, Assistant Ranking Minority Member; Young, Assistant Ranking Minority Member; Boehnke; Chambers; Chapman; Dent; Doglio; Duerr; Entenman; Eslick; Goehner; Gregerson; Kloba; Lovick; McCaslin; Mead; Orcutt; Ortiz-Self; Paul; Ramos; Shewmake; Van Werven and Volz.

MINORITY recommendation: Do not pass. Signed by Representative Dufault.

Referred to Committee on Rules for second reading.

January 23, 2020 )

HB 2311 Prime Sponsor, Representative Slatter: Amending state greenhouse gas emission limits for consistency with the most recent assessment of climate change science. Reported by Committee on Environment & Energy

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Fitzgibbon, Chair; Lekanoff, Vice Chair; Doglio; Fey; Mead; Robinson and Shewmake.

MINORITY recommendation: Do not pass. Signed by Representatives DeBolt, Ranking Minority Member; Dye, Assistant Ranking Minority Member; Boehnke and Goehner.

Referred to Committee on Appropriations.

January 23, 2020 )

HB 2314 Prime Sponsor, Representative Lovick: Concerning drug offender sentencing alternatives for offenders convicted of driving or control of a vehicle while under the influence. Reported by Committee on Public Safety

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Appleton, 2nd Vice Chair; Goodman, Chair; Davis, Vice Chair; Lovick; Orwall; Pellicciotti and Pettigrew.

MINORITY recommendation: Without recommendation. Signed by Representatives Klippert, Ranking Minority Member Sutherland, Assistant Ranking Minority Member.

MINORITY recommendation: Do not pass. Signed by Representative Graham.

Referred to Committee on Appropriations.

January 23, 2020 )

HB 2316 Prime Sponsor, Representative Orwall: Concerning fees charged to persons who commit trafficking and prostitution offenses. Reported by Committee on Public Safety

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Appleton, 2nd Vice Chair; Goodman, Chair; Davis, Vice Chair; Klippert, Ranking Minority Member; Sutherland, Assistant Ranking Minority Member; Graham; Lovick; Orwall; Pellicciotti and Pettigrew.

Referred to Committee on Rules for second reading.

January 23, 2020 )

HB 2318 Prime Sponsor, Representative Orwall: Advancing criminal investigatory practices. Reported by Committee on Public Safety

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Appleton, 2nd Vice Chair; Goodman, Chair; Davis, Vice Chair; Lovick; Orwall; Pellicciotti and Pettigrew.

MINORITY recommendation: Do not pass. Signed by Representative Klippert, Ranking Minority Member.

MINORITY recommendation: Without recommendation. Signed by Representatives Sutherland, Assistant Ranking Minority Member and Graham.

Referred to Committee on Appropriations.

January 23, 2020 )

HB 2424 Prime Sponsor, Representative Fitzgibbon: Concerning the heating oil insurance program. Reported by Committee on Environment & Energy

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Fitzgibbon, Chair; Lekanoff,

Vice Chair; DeBolt, Ranking Minority Member; Dye, Assistant Ranking Minority Member; Boehnke; Doglio; Fey; Goehner; Mead; Robinson and Shewmake.

Referred to Committee on Capital Budget.

January 23, 2020 )

HB 2473 Prime Sponsor, Representative Goodman: Concerning domestic violence. Reported by Committee on Public Safety

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Appleton, 2nd Vice Chair; Goodman, Chair; Davis, Vice Chair; Klippert, Ranking Minority Member; Sutherland, Assistant Ranking Minority Member; Graham; Lovick; Orwall; Pellicciotti and Pettigrew.

Referred to Committee on Rules for second reading.

January 23, 2020 )

HB 2614 Prime Sponsor, Representative Robinson: Concerning paid family and medical leave. Reported by Committee on Labor & Workplace Standards

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Sells, Chair; Chapman, Vice Chair; Mosbrucker, Ranking Minority Member; Gregerson and Ormsby.

MINORITY recommendation: Do not pass. Signed by Representatives Chandler, Assistant Ranking Minority Member and Hoff.

Referred to Committee on Appropriations.

There being no objection, the bills listed on the day's committee reports under the fifth order of business were referred to the committees so designated.

There being no objection, the House advanced to the sixth order of business.

## SECOND READING

**HOUSE BILL NO. 1165, by Representatives Orwall, Dent, Blake, Fitzgibbon and Doglio**

**Encouraging low-water landscaping practices as a drought alleviation tool.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Orwall and Dent spoke in favor of the passage of the bill.

### MOTION

On motion of Representative Griffey, Representative Young was excused.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of House Bill No. 1165.

### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1165, and the bill passed the House by the following vote: Yeas, 93; Nays, 4; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, Mead, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra and Mr. Speaker.

Voting nay: Representatives Jenkin, McCaslin, Shea and Sutherland.

Excused: Representative Young.

HOUSE BILL NO. 1165, having received the necessary constitutional majority, was declared passed.

The Speaker (Representative Lovick presiding) called upon Representative Orwall to preside.

There being no objection, the House advanced to the seventh order of business.

### THIRD READING

**ENGROSSED SUBSTITUTE HOUSE BILL NO. 1332, by House Committee on Environment & Energy (originally sponsored by Wylie, DeBolt, Mead, Doglio, Fitzgibbon and Tharinger)**

**Concerning updating and streamlining energy facility site evaluation council operations.**

The bill was read the third time.

There being no objection, the rules were suspended, and ENGROSSED SUBSTITUTE HOUSE BILL NO. 1332 was returned to second reading for the purpose of amendment.

### SECOND READING

Representative Wylie moved the adoption of the striking amendment (1031):

Strike everything after the enacting clause and insert the following:

"**Sec. 36.** RCW 80.50.030 and 2010 c 271 s 601 and 2010 c 152 s 2 are each reenacted and amended to read as follows:

(1) There is created and established the energy facility site evaluation council.

(2)(a) The chair of the council shall be appointed by the governor with the advice and consent of the senate, shall have a vote on matters before the council, shall serve for a term coextensive with the term of the governor, and is removable for cause. The chair may designate a member of the council to serve as acting chair in the event of the chair's absence. The salary of the chair shall be determined under RCW 43.03.040. The chair is a "state employee" for the purposes of chapter 42.52 RCW. As applicable, when attending meetings of the council, members may receive reimbursement for travel expenses in accordance with RCW 43.03.050 and 43.03.060, and are eligible for compensation under RCW 43.03.250.

(b) The chair or a designee shall execute all official documents, contracts, and other materials on behalf of the council. ~~((The Washington utilities and transportation commission shall provide all administrative and staff support for the council.))~~ The ~~((commission))~~ chair is the appointing authority and has supervisory authority over the staff of the council and shall employ such personnel as are necessary to implement this chapter. Not more than three such employees may be exempt from chapter 41.06 RCW. The Washington utilities and transportation commission shall provide administrative support for the council. The council shall ~~((otherwise))~~ retain its independence in exercising its powers, functions, and duties and its supervisory control over ~~((nonadministrative))~~ council staff ~~((support))~~. Membership, powers, functions, and duties of the Washington state utilities and transportation commission and the council shall otherwise remain as provided by law.

(3)~~((a))~~ The council shall consist of the ~~((directors, administrators, or their designees, of the following departments, agencies, commissions, and committees or their statutory successors:))~~

(i) Department of ecology;

(ii) Department of fish and wildlife;

(iii) Department of commerce;

(iv) Utilities and transportation commission; and

(v) Department of natural resources.

~~((b) The directors, administrators, or their designees, of the following departments, agencies, and commissions, or their statutory successors, may participate as councilmembers at their own discretion provided they elect to participate no later than sixty days after an application is filed:))~~



- (i) Department of agriculture;
- (ii) Department of health;
- (iii) Military department; and
- (iv) Department of transportation.

(e) Council membership is discretionary for agencies that choose to participate under (b) of this subsection only for applications that are filed with the council on or after May 8, 2001. For applications filed before May 8, 2001, council membership is mandatory for those agencies listed in (b) of this subsection.

~~(4) The appropriate county legislative authority of every county wherein an application for a proposed site is filed shall appoint a member or designee as a voting member to the council. The member or designee so appointed shall sit with the council only at such times as the council considers the proposed site for the county which he or she represents, and such member or designee shall serve until there has been a final acceptance or rejection of the proposed site.~~

~~(5) The city legislative authority of every city within whose corporate limits an energy facility is proposed to be located shall appoint a member or designee as a voting member to the council. The member or designee so appointed shall sit with the council only at such times as the council considers the proposed site for the city which he or she represents, and such member or designee shall serve until there has been a final acceptance or rejection of the proposed site.~~

~~(6) For any port district wherein an application for a proposed port facility is filed subject to this chapter, the port district shall appoint a member or designee as a nonvoting member to the council. The member or designee so appointed shall sit with the council only at such times as the council considers the proposed site for the port district which he or she represents, and such member or designee shall serve until there has been a final acceptance or rejection of the proposed site. The provisions of this subsection shall not apply if the port district is the applicant, either singly or in partnership or association with any other person)) chair and:~~

(a) The director of the department of ecology or the director's designee;

(b) The director of the department of fish and wildlife or the director's designee;

(c) The director of the department of commerce or the director's designee;

(d) The chair of the utilities and transportation commission or the chair's designee;

(e) The commissioner of public lands or the commissioner's designee;

(f) One member designated by the board of directors of the Washington state association of counties or its successor; and

(g) Two members selected by federally recognized tribes within the state of Washington.

(4) The city legislative authority of every city within whose corporate limits an energy facility is proposed to be located may appoint a member or designee as a voting member to the council. The city legislative authority must make the appointment no later than ninety days after notification from the council. The member or designee so appointed may only sit with the council only at such times as the council considers the proposed site for the city that the member represents.

(5) A quorum of the council consists of a majority of members appointed for business to be conducted.

**Sec. 37.** RCW 80.50.040 and 2001 c 214 s 6 are each amended to read as follows:

The council shall have the following powers:

(1) To adopt, promulgate, amend, or rescind suitable rules and regulations, pursuant to chapter 34.05 RCW, to carry out the provisions of this chapter, and the policies and practices of the council in connection therewith;

(2) To develop and apply environmental and ecological guidelines in relation to the type, design, location, construction, ~~((and))~~ initial operational conditions of certification, and ongoing regulatory oversight of energy facilities subject to this chapter;

(3) To establish rules of practice for the conduct of public hearings pursuant to the provisions of the Administrative Procedure Act, as found in chapter 34.05 RCW;

(4) To prescribe the form, content, and necessary supporting documentation for site certification;

(5) To receive applications for energy facility locations and to investigate the sufficiency thereof;

(6) To ~~((make and contract, when applicable, for independent studies of sites proposed by the applicant))~~ enter into contracts to carry out the provisions of this chapter;

(7) To conduct hearings on the proposed location and operational conditions of the energy facilities;

(8) To prepare written reports to the governor which shall include: (a) A statement indicating whether the application is in compliance with the council's guidelines, (b) criteria specific to the site and transmission line routing, (c) a council recommendation as to the disposition of the application, and (d) a draft certification agreement when the council recommends approval of the application;

(9) To prescribe the means for monitoring of the effects arising from the construction and the operation of energy facilities to assure continued compliance with terms of certification and/or permits issued by the council pursuant to chapter 90.48 RCW or subsection (12) of this section: **PROVIDED**, That any on-site inspection required by the council shall be performed by other state agencies pursuant to interagency agreement: **PROVIDED FURTHER**, That the council may retain authority for determining compliance relative to monitoring;

(10) To integrate its site evaluation activity with activities of federal agencies having jurisdiction in such matters to avoid unnecessary duplication;

(11) To present state concerns and interests to other states, regional organizations, and the federal government on the location, construction, and operation of any energy facility which may affect the environment, health, or safety of the citizens of the state of Washington;

(12) To issue permits in compliance with applicable provisions of the federally approved state implementation plan adopted in accordance with the Federal Clean Air Act, as now existing or hereafter amended, for the new construction, reconstruction, or enlargement or operation of energy facilities: PROVIDED, That such permits shall become effective only if the governor approves an application for certification and executes a certification agreement pursuant to this chapter: AND PROVIDED FURTHER, That all such permits be conditioned upon compliance with all provisions of the federally approved state implementation plan which apply to energy facilities covered within the provisions of this chapter; and

(13) To serve as an interagency coordinating body for energy-related issues.

**Sec. 38.** RCW 80.50.060 and 2007 c 325 s 2 are each amended to read as follows:

(1) The provisions of this chapter apply to the construction of energy facilities which includes the new construction of energy facilities and the reconstruction or enlargement of existing energy facilities where the net increase in physical capacity or dimensions resulting from such reconstruction or enlargement meets or exceeds those capacities or dimensions set forth in RCW 80.50.020 ~~((7) and (15))~~ (12) and (21). No construction of such energy facilities may be undertaken, except as otherwise provided in this chapter, after July 15, 1977, without first obtaining certification in the manner provided in this chapter.

(2) The provisions of this chapter apply to the construction, reconstruction, or enlargement of a new or existing energy facility that exclusively uses alternative energy resources and chooses to receive certification under this chapter, regardless of the generating capacity of the project.

(3)(a) The provisions of this chapter apply to the construction, reconstruction, or modification of electrical transmission facilities when:

(i) The facilities are located in a national interest electric transmission corridor as specified in RCW 80.50.045;

(ii) An applicant chooses to receive certification under this chapter, and the facilities are: (A) Of a nominal voltage of at least one hundred fifteen thousand volts and are located in a completely new corridor, except for the terminus of the new facility or interconnection of the new facility with the existing grid, and the corridor is not otherwise used for electrical transmission facilities; and (B) located in more than one jurisdiction that has promulgated land use plans or zoning ordinances; or

(iii) An applicant chooses to receive certification under this chapter, and the facilities are: (A) Of a nominal voltage in excess of one hundred fifteen thousand volts; and (B) located outside an electrical transmission corridor identified in (a)(i) and (ii) of this subsection (3).

(b) For the purposes of this subsection, "modify" means a significant change to an electrical transmission facility and does not include the following: (i) Minor improvements such as the replacement of existing transmission line facilities or supporting structures with equivalent facilities or structures; (ii) the relocation of existing electrical transmission line facilities; (iii) the conversion of existing overhead lines to underground; or (iv) the placing of new or additional conductors, supporting structures, insulators, or their accessories on or replacement of supporting structures already built.

(4) The provisions of this chapter shall not apply to normal maintenance and repairs which do not increase the capacity or dimensions beyond those set forth in RCW 80.50.020 ~~((7) and (15))~~ (12) and (21).

(5) Applications for certification of energy facilities made prior to July 15, 1977, shall continue to be governed by the applicable provisions of law in effect on the day immediately preceding July 15, 1977, with the exceptions of RCW 80.50.190 and 80.50.071 which shall apply to such prior applications and to site certifications prospectively from July 15, 1977.

(6) Applications for certification shall be upon forms prescribed by the council and shall be supported by such information and technical studies as the council may require.

(7) Upon receipt of an application for certification under this chapter, the chair shall notify:

(a) The department of agriculture;

(b) The department of health;

(c) The military department;

(d) The department of transportation;

(e) The appropriate county legislative authority where the proposed facility is located; and

(f) The appropriate federally recognized tribal governments affected by the proposed facility.

(8) The council shall work with local governments where a project is proposed to be sited in order to ensure meaningful participation and input during siting review and compliance monitoring.

(9) The council must work with all federally recognized tribal governments affected by a proposed facility in order to ensure meaningful participation and input during siting review and compliance monitoring. Consistent with RCW 43.376.020, the chair and designated staff must conduct government-to-government meetings to address tribal issues of concern. The chair must provide regular meeting updates to the council throughout the application review process. The report required in RCW 80.50.100 must include a summary of the government-to-government meetings, including the issues and resolutions.

**Sec. 39.** RCW 80.50.090 and 2006 c 205 s 3 and 2006 c 196 s 6 are each reenacted and amended to read as follows:

(1) The council shall conduct an informational public hearing in the county of the proposed site as soon as practicable but not later than sixty days after receipt of an application for site certification. However, the place of such public hearing shall be as close as practical to the proposed site. ~~((2) Subsequent to the informational public hearing, the council ((shall conduct a public hearing to determine)) must take public comment on the application for site certification, as well as whether or not the proposed site is consistent and in compliance with city, county, or regional land use plans or zoning ordinances in effect on the date of the application. ((If it is determined that the proposed site does conform with existing land use plans or zoning ordinances in effect as of the date of the application, the city, county, or regional planning authority shall not thereafter change such land use plans or zoning ordinances so as to affect the proposed site.))~~

(2) After the completion of tribal consultation and its environmental review under chapter 43.21C RCW, the council shall determine whether genuine issues of fact exist on matters the council deems material to its recommendation to the governor. A council determination that such issues do not exist may only be made after holding a hearing to take public comment on the question and after tribal consultation is complete. If the council determines that such issues do not exist and that under subsection (1) of this section the proposed site is consistent and in compliance with city, county, or regional land use plans or zoning ordinances, the council may waive the adjudicative proceeding required by subsection (3) of this section. Waiving the adjudicative proceeding requires a vote of the council.

(3) Prior to the issuance of a council recommendation to the governor under RCW 80.50.100, a public hearing, conducted as an adjudicative proceeding under chapter 34.05 RCW, the administrative procedure act, shall be held unless previously waived in accordance with subsection (2) of this section. At such a public hearing any person shall be entitled to be heard in support of or in opposition to the application for certification.

(4) Additional public hearings shall be held as deemed appropriate by the council in the exercise of its functions under this chapter.

**Sec. 40.** RCW 80.50.100 and 2011 c 180 s 109 are each amended to read as follows:

(1)(a) The council shall report to the governor its recommendations as to the approval or rejection of an application for certification within twelve months of receipt by the council of ~~((such))~~ an application deemed complete by the council, or such later time as is mutually agreed by the council and the applicant.

(b) In the case of an application filed prior to December 31, 2025, for certification of an energy facility proposed for construction, modification, or expansion for the purpose of providing generating facilities that meet the requirements of RCW 80.80.040 and are located in a county with a coal-fired electric ~~((generating H:\DATA\2020~~

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generation facility subject to RCW 80.80.040(3)(c), the council shall expedite the processing of the application pursuant to RCW 80.50.075 and shall report its recommendations to the governor within one hundred eighty days of receipt by the council of such an application, or a later time as is mutually agreed by the council and the applicant.

(2) If the council recommends approval of an application for certification, it shall also submit a draft certification agreement with the report. The council shall include conditions in the draft certification agreement to implement the provisions of this chapter, including, but not limited to, conditions to protect state or local governmental or community interests affected by the construction or operation of the energy facility, and conditions designed to recognize the purpose of laws or ordinances, or rules or regulations promulgated thereunder, that are preempted or superseded pursuant to RCW 80.50.110 as now or hereafter amended.

(3)(a) Within sixty days of receipt of the council's report the governor shall take one of the following actions:

(i) Approve the application and execute the draft certification agreement; or

(ii) Reject the application; or

(iii) Direct the council to reconsider certain aspects of the draft certification agreement.

(b) The council shall reconsider such aspects of the draft certification agreement by reviewing the existing record of the application or, as necessary, by reopening the adjudicative proceeding for the purposes of receiving additional evidence. Such reconsideration shall be conducted expeditiously. The council shall resubmit the draft certification to the governor incorporating any amendments deemed necessary upon reconsideration. Within sixty days of receipt of such draft certification agreement, the governor shall either approve the application and execute the certification agreement or reject the application. The certification agreement shall be binding upon execution by the governor and the applicant.

(4) The rejection of an application for certification by the governor shall be final as to that application but shall not preclude submission of a subsequent application for the same site on the basis of changed conditions or new information.

**Sec. 41.** RCW 80.50.175 and 1983 c 3 s 205 are each amended to read as follows:

(1) In addition to all other powers conferred on the council under this chapter, the council shall have the powers set forth in this section.

(2)(a) The council, upon ((request of)) agreement with any potential applicant, is authorized, as provided in this section, to conduct a preliminary study of any potential ((site)) project prior to receipt of an application for site certification. A fee of ten thousand dollars for each potential ((site)) project, to be applied toward the cost of any study

agreed upon pursuant to (b) of this subsection ~~((3) of this section))~~, shall accompany the ~~((request))~~ agreement and shall be a condition precedent to any action on the ~~((request))~~ agreement by the council.

~~((3) After receiving a request to study a potential site))~~ (b) Upon agreement with the potential applicant, the council ~~((shall))~~ may commission its own independent consultant to study matters relative to the potential ~~((site))~~ project. The study shall include, but need not be limited to, the preparation and analysis of environmental impact information for the ~~((proposed))~~ potential ~~((site))~~ project and any other matter the council and the potential applicant deem essential to an adequate appraisal of the potential ~~((site))~~ project. In conducting the study, the council is authorized to cooperate and work jointly with the county or counties in which the potential ~~((site))~~ project is located, any federal, state, ~~((or))~~ local, or tribal governmental agency that might be requested to comment upon the potential ~~((site))~~ project, and any municipal or public corporation having an interest in the matter. The full cost of the study shall be paid by the potential applicant: PROVIDED, That such costs exceeding a total of ten thousand dollars shall be payable subject to the potential applicant giving prior approval to such excess amount.

~~((4) Any study prepared by the council pursuant to subsection (3) of this section may be used in place of the "detailed statement" required by RCW 43.21C.030(2)(c) by any branch of government except the council created pursuant to chapter 80.50 RCW.~~

~~((5))~~ (3) All payments required of the potential applicant under this section are to be ~~((made to the state treasurer, who in turn shall pay the consultant as instructed by the council))~~ deposited with the utilities and transportation commission. All such funds shall be subject to state auditing procedures. Any unexpended portions thereof shall be returned to the potential applicant.

~~((6) Nothing in this section shall change the requirements for an application for site certification or the requirement of payment of a fee as))~~ (4) If a potential applicant subsequently submits a formal application for site certification for an energy facility at the site where a preliminary study was conducted, payments made under this section for that study may be considered as payment towards the application fee provided in RCW 80.50.071 ~~((, or change the time for disposition of an application for certification as provided in RCW 80.50.100.~~

~~((7) Nothing in this section shall be construed as preventing a city or county from requiring any information it deems appropriate to make a decision approving a particular location))."~~

Correct the title.

Representative Dent moved the adoption of the amendment (1035) to the striking amendment (1031):

On page 7, after line 17, insert the following:

"**Sec. 4.** RCW 80.50.075 and 2006 c 205 s 2 are each amended to read as follows:

(1) Any person filing an application for certification of an energy facility ~~((or an alternative energy resource facility))~~ pursuant to this chapter may apply to the council for an expedited processing of such an application. The application for expedited processing shall be submitted to the council in such form and manner and accompanied by such information as may be prescribed by council rule. The council may grant an applicant expedited processing of an application for certification upon finding that the environmental impact of the proposed energy facility is not significant or will be mitigated to a nonsignificant level under RCW 43.21C.031 and the project is found under RCW 80.50.090~~((2))~~ (1) to be consistent and in compliance with city, county, or regional land use plans or zoning ordinances.

(2) Upon granting an applicant expedited processing of an application for certification, the council shall not be required to:

(a) Commission an independent study to further measure the consequences of the proposed energy facility ~~((or alternative energy resource facility))~~ on the environment, notwithstanding the other provisions of RCW 80.50.071; nor

(b) Hold an adjudicative proceeding under chapter 34.05 RCW, the administrative procedure act, on the application.

(3) The council shall adopt rules governing the expedited processing of an application for certification pursuant to this section.

(4) An alternative energy resource facility that chooses to receive certification under RCW 80.50.060(2) is not eligible for expedited processing under this section."

Renumber the remaining sections consecutively, correct any internal references accordingly, and correct the title.

Representatives Dent and Dye spoke in favor of the adoption of the amendment to the striking amendment.

Representative Fitzgibbon spoke against the adoption of the amendment to the striking amendment.

Amendment (1035) to the striking amendment (1031) was not adopted.

Representatives Wylie and DeBolt spoke in favor of the striking amendment.

The striking amendment (1031) was adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Wylie and DeBolt spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Second Engrossed Substitute House Bill No. 1332.

### ROLL CALL

The Clerk called the roll on the final passage of Second Engrossed Substitute House Bill No. 1332, and the bill passed the House by the following vote: Yeas, 87; Nays, 10; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Davis, DeBolt, Doglio, Dolan, Duerr, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, J. Johnson, Kilduff, Kirby, Kloba, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, Mead, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Wilcox, Wylie, Ybarra and Mr. Speaker.

Voting nay: Representatives Corry, Dent, Dufault, Irwin, Jenkin, Klippert, Kraft, McCaslin, Shea and Walsh.

Excused: Representative Young.

SECOND ENGROSSED SUBSTITUTE HOUSE BILL NO. 1332, having received the necessary constitutional majority, was declared passed.

### STATEMENT FOR THE JOURNAL

I intended to vote NAY on Second Engrossed Substitute House Bill No. 1332.

Representative Dye, 9th District

### THIRD READING

**ENGROSSED HOUSE BILL NO. 1058, by Representatives Irwin, Blake, Van Werven, Bergquist, Walsh, MacEwen, Shea, Jenkins, Wylie, Goodman and Barkis**

**Establishing permissible methods of parking a motorcycle.**

The bill was read the third time.

Representatives Irwin and Slatter spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Engrossed House Bill No. 1058.

### ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 1058, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Mead, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shea, Shewmake, Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra and Mr. Speaker.

Excused: Representative Young.

ENGROSSED HOUSE BILL NO. 1058, having received the necessary constitutional majority, was declared passed.

### THIRD READING

**SUBSTITUTE HOUSE BILL NO. 1715, by House Committee on Education (originally sponsored by Entenman, Boehnke, Jenkins, Ortiz-Self, Bergquist and Pollet)**

**Removing school districts' ability to withhold pupils' grades and transcripts.**

The bill was read the third time.

Representative Entenman spoke in favor of the passage of the bill.

Representative Steele spoke against the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1715.

### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1715, and the bill passed the House by the following vote: Yeas, 65; Nays, 32; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Bergquist, Blake, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Davis, Doglio, Dolan, Duerr, Dufault, Entenman, Fey, Fitzgibbon, Frame, Gildon, Goodman, Gregerson, Hansen, Hudgins, J. Johnson, Kilduff, Kirby, Kloba, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Mead, Morgan, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli,

Robinson, Rude, Ryu, Santos, Sells, Senn, Shewmake, Slatter, Springer, Stonier, Sullivan, Tarleton, Thai, Tharinger, Valdez, Volz, Walen, Wylie and Mr. Speaker.

Voting nay: Representatives Barkis, Boehnke, Corry, DeBolt, Dent, Dye, Eslick, Goehner, Graham, Griffey, Harris, Hoff, Irwin, Jenkin, Klippert, Kraft, Kretz, Maycumber, McCaslin, Mosbrucker, Orcutt, Schmick, Shea, Smith, Steele, Stokesbary, Sutherland, Van Werven, Vick, Walsh, Wilcox and Ybarra.

Excused: Representative Young.

SUBSTITUTE HOUSE BILL NO. 1715, having received the necessary constitutional majority, was declared passed.

### STATEMENT FOR THE JOURNAL

I intended to vote YEA on Substitute House Bill No. 1715.

Representative Griffey, 35th District

### THIRD READING

**HOUSE BILL NO. 2033, by Representatives Chambers, Paul, Dent, Van Werven, Thai, Eslick, Lekanoff, Corry, Shewmake and Frame**

**Concerning mandatory reporting of child abuse and neglect.**

The bill was read the third time.

Representatives Chambers and Senn spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of House Bill No. 2033.

### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2033, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Mead, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shea, Shewmake, Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra and Mr. Speaker.

Excused: Representative Young.

HOUSE BILL NO. 2033, having received the necessary constitutional majority, was declared passed.

### THIRD READING

**SUBSTITUTE HOUSE BILL NO. 1520, by House Committee on State Government & Tribal Relations (originally sponsored by Morgan, Hudgins, Rude, Mead, Stonier, Frame, Riccelli, Appleton, Pellicciotti, Kilduff, Doglio and Reeves)**

**Concerning calendar election dates on ballot envelopes.**

The bill was read the third time.

There being no objection, the rules were suspended, and SUBSTITUTE HOUSE BILL NO. 1520 was returned to second reading for the purpose of amendment.

### SECOND READING

Representative Morgan moved the adoption of the striking amendment (1016):

Strike everything after the enacting clause and insert the following:

"**Sec. 5.** RCW 29A.40.091 and 2019 c 161 s 3 are each amended to read as follows:

(1) The county auditor shall send each voter a ballot, a security envelope in which to conceal the ballot after voting, a larger envelope in which to return the security envelope, a declaration that the voter must sign, and instructions on how to obtain information about the election, how to mark the ballot, and how to return the ballot to the county auditor. The calendar date of the election must be prominently displayed in bold type, twenty-point font or larger, on the envelope sent to the voter containing the ballot and other materials listed in this subsection:

(a) For all general elections in 2020 and after;

(b) For all primary elections in 2021 and after; and

(c) For all elections in 2022 and after.

(2) The voter must swear under penalty of perjury that he or she meets the qualifications to vote, and has not voted in any other jurisdiction at this election. The declaration must clearly inform the voter that it is illegal to vote if he or she is not a United States citizen; it is illegal to vote if he or she has been convicted of a felony and has not had his or her voting rights restored; and it is illegal to cast a ballot or sign a ballot declaration on behalf of another voter. The ballot materials must provide space for the voter to sign the declaration, indicate the date on which the ballot was voted, and include a telephone number.

(3) For overseas and service voters, the signed declaration constitutes the equivalent of a voter registration. Return envelopes for overseas and service voters must enable the ballot to be returned postage free if mailed through the United States postal service, United States

armed forces postal service, or the postal service of a United States foreign embassy under 39 U.S.C. 3406.

(4) The voter must be instructed to either return the ballot to the county auditor no later than 8:00 p.m. the day of the election or primary, or mail the ballot to the county auditor with a postmark no later than the day of the election or primary. Return envelopes for all election ballots must include prepaid postage. Service and overseas voters must be provided with instructions and a privacy sheet for returning the ballot and signed declaration by fax or email. A voted ballot and signed declaration returned by fax or email must be received by 8:00 p.m. on the day of the election or primary.

(5) The county auditor's name may not appear on the security envelope, the return envelope, or on any voting instructions or materials included with the ballot if he or she is a candidate for office during the same year.

(6) For purposes of this section, "prepaid postage" means any method of return postage paid by the county or state."

Correct the title.

Representative Morgan spoke in favor of the adoption of the striking amendment.

Striking amendment (1016) was adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Morgan and Walsh spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1520.

## ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1520, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Mead, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shea, Shewmake, Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra and Mr. Speaker.

Excused: Representative Young.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1520, having received the necessary constitutional majority, was declared passed.

There being no objection, the House adjourned until 9:55 a.m., January 28, 2020, the 16th Day of the Regular Session.

LAURIE JINKINS, Speaker

BERNARD DEAN, Chief Clerk

**SIXTY SIXTH LEGISLATURE - REGULAR SESSION****SIXTEENTH DAY**

House Chamber, Olympia, Tuesday, January 28, 2020

The House was called to order at 9:55 a.m. by the Speaker (Representative Orwall presiding).

Reading of the Journal of the previous day was dispensed with and it was ordered to stand approved.

There being no objection, the House advanced to the fourth order of business.

**INTRODUCTION & FIRST READING**

**HB 2868** by Representatives Blake and Walsh

AN ACT Relating to allowing for extensions of the special valuation of historic property for certain properties; amending RCW 84.26.070; and creating a new section.

Referred to Committee on Finance.

**HB 2869** by Representatives Graham, Riccelli, Volz, Corry, Irwin, Hoff and Dent

AN ACT Relating to property tax exemptions for certain mobile homes and manufactured homes; adding a new section to chapter 84.36 RCW; and creating a new section.

Referred to Committee on Finance.

**HB 2870** by Representative Pettigrew

AN ACT Relating to allowing additional marijuana retail licenses for social equity purposes; amending RCW 69.50.345 and 69.50.540; reenacting and amending RCW 69.50.345; adding new sections to chapter 69.50 RCW; adding a new section to chapter 43.330 RCW; creating new sections; providing an effective date; and providing an expiration date.

Referred to Committee on Commerce & Gaming.

**HB 2871** by Representative Kirby

AN ACT Relating to establishing a retail privilege endorsement to a marijuana producer license; amending RCW 69.50.328, 69.50.345, 69.50.366, and 69.50.369; reenacting and amending RCW 69.50.345; adding new sections to chapter 69.50 RCW; creating a new section; providing an effective date; and providing an expiration date.

Referred to Committee on Commerce & Gaming.

**HB 2872** by Representatives Kraft, Orcutt, Harris and Jenkin

AN ACT Relating to providing mobile home landlords the option to provide affordable rent for tenants; adding a new section to chapter 84.36 RCW; creating new sections; and providing an expiration date.

Referred to Committee on Finance.

**HB 2873** by Representatives J. Johnson, Frame and Ramel

AN ACT Relating to families in conflict; amending RCW 13.32A.030, 13.32A.040, and 13.32A.150; and adding a new section to chapter 13.32A RCW.

Referred to Committee on Human Services & Early Learning.

**HB 2874** by Representatives J. Johnson and Pellicciotti

AN ACT Relating to Federal Way school district regionalization; and amending 2019 c 415 s 505 (uncodified).

Referred to Committee on Appropriations.

**HB 2875** by Representatives Hoff, Vick, Corry, Graham, Gildon and Mosbrucker

AN ACT Relating to creating a review process for professional licensing regulations and requiring a report to the legislature; and adding a new chapter to Title 18 RCW.

Referred to Committee on Consumer Protection & Business.

**HB 2876** by Representatives Callan and Volz

AN ACT Relating to reductions to maximum enrichment levy authority due to audit findings; amending RCW 43.09.2856 and 84.52.0531; reenacting and amending RCW 43.09.2856; providing an effective date; and providing an expiration date.

Referred to Committee on Appropriations.

**HB 2877** by Representative Sutherland



AN ACT Relating to honoring our disabled veterans by providing financial relief; amending RCW 84.36.381, 46.18.235, and 77.32.480; and creating a new section.

Referred to Committee on Finance.

HB 2878 by Representatives Davis, Macri and Robinson

AN ACT Relating to addressing housing concerns for individuals impacted by the criminal justice system; amending RCW 59.18.257; reenacting and amending RCW 59.18.030; adding a new section to chapter 59.18 RCW; creating new sections; and prescribing penalties.

Referred to Committee on Civil Rights & Judiciary.

HB 2879 by Representative Vick

AN ACT Relating to fostering economic growth in Washington by supporting in-state manufacturing; adding a new section to chapter 44.04 RCW; creating a new section; and providing an expiration date.

Referred to Committee on Innovation, Technology & Economic Development.

HB 2880 by Representatives Dent and Chandler

AN ACT Relating to sales and use tax exemptions for aircraft fuel used for research and development purposes; adding a new section to chapter 82.08 RCW; adding a new section to chapter 82.12 RCW; creating a new section; and providing expiration dates.

Referred to Committee on Finance.

HB 2881 by Representatives Frame and Tarleton

AN ACT Relating to a property tax exemption for eligible commercial properties located within designated business districts; adding a new chapter to Title 84 RCW; creating new sections; prescribing penalties; and providing an expiration date.

Referred to Committee on Finance.

HB 2882 by Representatives Tarleton and Frame

AN ACT Relating to establishing the Interbay community preservation and development authority; amending RCW 43.167.010; and adding a new section to chapter 43.167 RCW.

Referred to Committee on Housing, Community Development & Veterans.

HB 2883 by Representatives Eslick and Frame

AN ACT Relating to implementing policies related to expanding adolescent behavioral health care access as reviewed and recommended by the children's mental health work group; amending RCW 71.34.010,

71.34.610, 71.34.630, and 71.34.730; reenacting and amending RCW 71.34.020, 71.34.600, 71.34.750, and 71.34.750; adding a new section to chapter 71.34 RCW; providing an effective date; and providing an expiration date.

Referred to Committee on Human Services & Early Learning.

HB 2884 by Representatives Mosbrucker, Pettigrew, Harris and Maycumber

AN ACT Relating to establishing a Travis alert outreach demonstration campaign; creating a new section; and providing an expiration date.

Referred to Committee on Housing, Community Development & Veterans.

HB 2885 by Representatives Mosbrucker, Pettigrew, Harris and Maycumber

AN ACT Relating to supporting veterans service organizations; adding a new section to chapter 43.60A RCW; creating a new section; and providing an expiration date.

Referred to Committee on Housing, Community Development & Veterans.

HB 2886 by Representatives Gildon, Barkis and Jenkin

AN ACT Relating to local government permitting and land use decisions; and amending RCW 36.70B.080, 36.70B.140, 43.330.125, 64.40.010, and 64.40.020.

Referred to Committee on Local Government.

HB 2887 by Representatives Vick, Walsh and Hoff

AN ACT Relating to prohibiting local governments from suing over statewide ballot measures; and amending RCW 7.24.010 and 7.40.020.

Referred to Committee on Civil Rights & Judiciary.

HB 2888 by Representatives Mosbrucker, Pettigrew, Corry and Dye

AN ACT Relating to expanding the role of certain pharmacists in the delivery of behavioral health services; amending RCW 71.05.210, 71.05.210, 71.05.215, 71.05.217, 71.05.230, 71.05.290, 71.05.300, 71.05.360, 71.34.355, 71.34.730, and 71.34.770; reenacting and amending RCW 71.05.020, 71.05.660, 71.05.760, 71.34.020, 71.34.720, and 71.34.720; providing an effective date; and providing an expiration date.

Referred to Committee on Health Care & Wellness.

HB 2889 by Representative Griffey

AN ACT Relating to utility tax disclosures; and adding a new section to chapter 35.92 RCW.

Referred to Committee on Local Government.

HB 2890 by Representative MacEwen

AN ACT Relating to boarding homes; adding a new section to chapter 35.21 RCW; adding a new section to chapter 35.63 RCW; adding a new section to chapter 35A.63 RCW; adding a new section to chapter 36.70 RCW; and adding a new section to chapter 36.70A RCW.

Referred to Committee on Local Government.

HJR 4215 by Representatives Vick, Hoff and Walsh

Amending the Constitution concerning the effect of rejection of an act, law, or bill by the people.

Referred to Committee on State Government & Tribal Relations.

There being no objection, the bills and resolution listed on the day's introduction sheet under the fourth order of business were referred to the committees so designated, with the exception of HOUSE BILL NO. 2888 which was referred to the Committee on Civil Rights & Judiciary.

There being no objection, the House advanced to the fifth order of business.

#### REPORTS OF STANDING COMMITTEES

January 23, 2020 )

HB 1333 Prime Sponsor, Representative Valdez: Changing the definition of public employee for public employees' collective bargaining. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Ormsby, Chair; Robinson, 1st Vice Chair; Bergquist, 2nd Vice Chair; Chopp; Cody; Dolan; Fitzgibbon; Hansen; Hudgins; Kilduff; Macri; Pettigrew; Pollet; Ryu; Senn; Sullivan; Tarleton and Tharinger.

MINORITY recommendation: Do not pass. Signed by Representatives Stokesbary, Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Rude, Assistant Ranking Minority Member; Caldier; Chandler; Corry; Dye; Hoff; Kraft; Mosbrucker and Sutherland.

MINORITY recommendation: Without recommendation. Signed by Representatives Schmick and Ybarra.

Referred to Committee on Rules for second reading.

January 24, 2020 )

HB 1671 Prime Sponsor, Representative Dolan: Disposing of confiscated firearms. Reported by Committee on Civil Rights & Judiciary

MAJORITY recommendation: Do pass. Signed by Representatives Kilduff, Chair; Thai, Vice Chair; Irwin, Ranking Minority Member; Goodman; Hansen; Kirby; Klippert; Orwall; Rude; Valdez and Walen.

MINORITY recommendation: Do not pass. Signed by Representatives Graham and Ybarra.

MINORITY recommendation: Without recommendation. Signed by Representative Dufault, Assistant Ranking Minority Member.

Referred to Committee on Rules for second reading.

January 24, 2020 )

HB 2217 Prime Sponsor, Representative Eslick: Concerning cottage food product labeling requirements. Reported by Committee on Rural Development, Agriculture, & Natural Resources

MAJORITY recommendation: Do pass. Signed by Representatives Blake, Chair; Shewmake, Vice Chair; Chandler, Ranking Minority Member; Dent, Assistant Ranking Minority Member; Chapman; Dye; Fitzgibbon; Lekanoff; Orcutt; Ramos; Schmick; Springer and Walsh.

Referred to Committee on Rules for second reading.

January 24, 2020 )

HB 2218 Prime Sponsor, Representative Eslick: Increasing the cap on gross sales for cottage food operations. Reported by Committee on Rural Development, Agriculture, & Natural Resources

MAJORITY recommendation: Do pass. Signed by Representatives Blake, Chair; Shewmake, Vice Chair; Chandler, Ranking Minority Member; Dent, Assistant Ranking Minority Member; Chapman; Dye; Fitzgibbon; Lekanoff; Orcutt; Ramos; Schmick; Springer and Walsh.

Referred to Committee on Rules for second reading.

January 24, 2020 )

HB 2250 Prime Sponsor, Representative Blake: Concerning coastal crab derelict gear recovery. Reported by Committee on

Rural Development, Agriculture, &  
Natural Resources

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Blake, Chair; Shewmake, Vice Chair; Chandler, Ranking Minority Member; Dent, Assistant Ranking Minority Member; Chapman; Dye; Fitzgibbon; Lekanoff; Orcutt; Ramos; Schmick; Springer and Walsh.

Referred to Committee on Rules for second reading.

January 22, 2020 )

HB 2271 Prime Sponsor, Representative Duerr: Correcting a reference to an omnibus transportation appropriations act within a prior authorization of general obligation bonds for transportation funding. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives Fey, Chair; Slatter, 2nd Vice Chair; Valdez, 2nd Vice Chair; Wylie, 1st Vice Chair; Barkis, Ranking Minority Member; Walsh, Assistant Ranking Minority Member; Young, Assistant Ranking Minority Member; Boehnke; Chambers; Chapman; Dent; Doglio; Duerr; Dufault; Entenman; Eslick; Goehner; Gregerson; Kloba; Lovick; McCaslin; Mead; Orcutt; Ortiz-Self; Paul; Ramos; Shewmake; Van Werven and Volz.

Referred to Committee on Rules for second reading.

January 24, 2020 )

HB 2273 Prime Sponsor, Representative Slatter: Creating a study committee on human genome editing. Reported by Committee on Innovation, Technology & Economic Development

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Hudgins, Chair; Kloba, Vice Chair; Smith, Ranking Minority Member; Boehnke, Assistant Ranking Minority Member; Entenman; Slatter; Tarleton; Van Werven and Wylie.

Referred to Committee on Rules for second reading.

January 24, 2020 )

HB 2277 Prime Sponsor, Representative Peterson: Concerning youth solitary confinement. Reported by Committee on Human Services & Early Learning

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Senn, Chair; Callan, Vice

Chair; Frame, Vice Chair; Goodman; Kilduff; Lovick and Ortiz-Self.

MINORITY recommendation: Do not pass. Signed by Representatives Dent, Ranking Minority Member; McCaslin, Assistant Ranking Minority Member; Corry and Klippert.

Referred to Committee on Appropriations.

January 24, 2020 )

HB 2307 Prime Sponsor, Representative Fitzgibbon: Concerning fireworks prohibitions adopted by cities or counties. Reported by Committee on Local Government

MAJORITY recommendation: Do pass. Signed by Representatives Pollet, Chair; Duerr, Vice Chair; Appleton and Senn.

MINORITY recommendation: Do not pass. Signed by Representatives Kraft, Ranking Minority Member and Goehner.

Referred to Committee on Rules for second reading.

January 24, 2020 )

HB 2315 Prime Sponsor, Representative Orwall: Installing, repairing, replacing, and updating mitigation equipment installed within an impacted area. Reported by Committee on Local Government

MAJORITY recommendation: Do pass. Signed by Representatives Pollet, Chair; Duerr, Vice Chair; Kraft, Ranking Minority Member; Appleton; Goehner and Senn.

Referred to Committee on Rules for second reading.

January 24, 2020 )

HB 2326 Prime Sponsor, Representative Macri: Reporting end-of-life care policies. Reported by Committee on Health Care & Wellness

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Cody, Chair; Macri, Vice Chair; Caldier, Assistant Ranking Minority Member; Chambers; Chopp; Davis; Harris; Riccelli; Robinson; Stonier; Thai and Tharinger.

MINORITY recommendation: Do not pass. Signed by Representatives Schmick, Ranking Minority Member; DeBolt and Maycumber.

Referred to Committee on Rules for second reading.

January 23, 2020 )

HB 2339 Prime Sponsor, Representative Fitzgibbon:  
Modifying the definition of salary for the  
Washington state patrol retirement system.  
Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by  
Representatives Ormsby, Chair; Stokesbary, Ranking  
Minority Member; Robinson, 1st Vice Chair; Bergquist,  
2nd Vice Chair; MacEwen, Assistant Ranking Minority  
Member; Rude, Assistant Ranking Minority Member;  
Caldier; Chandler; Chopp; Cody; Corry; Dolan; Dye;  
Fitzgibbon; Hansen; Hoff; Hudgins; Kilduff; Kraft;  
Macri; Mosbrucker; Pettigrew; Pollet; Ryu; Schmick;  
Senn; Sullivan; Sutherland; Tarleton; Tharinger and  
Ybarra.

Referred to Committee on Transportation.

January 23, 2020 )

HB 2340 Prime Sponsor, Representative Fitzgibbon:  
Modifying the definition of index for the  
Washington state patrol retirement system.  
Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by  
Representatives Ormsby, Chair; Stokesbary, Ranking  
Minority Member; Robinson, 1st Vice Chair; Bergquist,  
2nd Vice Chair; MacEwen, Assistant Ranking Minority  
Member; Rude, Assistant Ranking Minority Member;  
Caldier; Chandler; Chopp; Cody; Corry; Dolan; Dye;  
Fitzgibbon; Hansen; Hoff; Hudgins; Kilduff; Kraft;  
Macri; Mosbrucker; Pettigrew; Pollet; Ryu; Schmick;  
Senn; Sullivan; Sutherland; Tarleton; Tharinger and  
Ybarra.

Referred to Committee on Rules for second reading.

January 24, 2020 )

HB 2347 Prime Sponsor, Representative Duerr:  
Concerning bond requirements for county  
clerks. Reported by Committee on Local  
Government

MAJORITY recommendation: Do pass. Signed by  
Representatives Pollet, Chair; Duerr, Vice Chair; Kraft,  
Ranking Minority Member; Appleton; Goehner and  
Senn.

Referred to Committee on Rules for second reading.

January 23, 2020 )

HB 2348 Prime Sponsor, Representative Duerr:  
Streamlining reporting for recipients of  
housing-related state funding by removing  
Washington state quality award program  
requirements. Reported by Committee on  
Appropriations

MAJORITY recommendation: Do pass. Signed by  
Representatives Ormsby, Chair; Stokesbary, Ranking  
Minority Member; Robinson, 1st Vice Chair; Bergquist,  
2nd Vice Chair; MacEwen, Assistant Ranking Minority  
Member; Rude, Assistant Ranking Minority Member;  
Caldier; Chandler; Chopp; Cody; Corry; Dolan; Dye;  
Fitzgibbon; Hansen; Hoff; Hudgins; Kilduff; Kraft;  
Macri; Mosbrucker; Pettigrew; Pollet; Ryu; Schmick;  
Senn; Sullivan; Sutherland; Tarleton; Tharinger and  
Ybarra.

Referred to Committee on Rules for second reading.

January 24, 2020 )

HB 2365 Prime Sponsor, Representative Smith:  
Notifying Washington consumers of  
products that transmit user data. Reported  
by Committee on Innovation, Technology  
& Economic Development

MAJORITY recommendation: The substitute bill be  
substituted therefor and the substitute bill do pass.  
Signed by Representatives Hudgins, Chair; Kloba, Vice  
Chair; Smith, Ranking Minority Member; Boehnke,  
Assistant Ranking Minority Member; Entenman;  
Slatter; Tarleton; Van Werven and Wylie.

Referred to Committee on Rules for second reading.

January 24, 2020 )

HB 2374 Prime Sponsor, Representative Kirby:  
Preserving the ability of auto dealers to  
offer consumers products not supplied by  
an auto manufacturer. Reported by  
Committee on Consumer Protection &  
Business

MAJORITY recommendation: The substitute bill be  
substituted therefor and the substitute bill do pass.  
Signed by Representatives Kirby, Chair; Vick, Ranking  
Minority Member; Hoff, Assistant Ranking Minority  
Member; Barkis; Blake; Duerr; Dufault; Johnson, J.;  
Ryu; Santos; Volz; Walen and Ybarra.

Referred to Committee on Rules for second reading.

January 24, 2020 )

HB 2396 Prime Sponsor, Representative Hudgins:  
Concerning the regulation of bot  
communication on public-facing internet  
web sites. Reported by Committee on  
Innovation, Technology & Economic  
Development

MAJORITY recommendation: Do pass. Signed by  
Representatives Hudgins, Chair; Kloba, Vice Chair;  
Smith, Ranking Minority Member; Boehnke, Assistant

Ranking Minority Member; Entenman; Slatter; Tarleton; Van Werven and Wylie.

eligibility. Reported by Committee on Human Services & Early Learning

Referred to Committee on Appropriations.

MAJORITY recommendation: Do pass. Signed by Representatives Senn, Chair; Callan, Vice Chair; Frame, Vice Chair; Goodman; Kilduff; Lovick and Ortiz-Self.

January 24, 2020 )

HB 2405 Prime Sponsor, Representative Duerr: Concerning commercial property assessed clean energy and resilience. Reported by Committee on Local Government

MINORITY recommendation: Do not pass. Signed by Representatives Dent, Ranking Minority Member; McCaslin, Assistant Ranking Minority Member; Corry and Klippert.

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Pollet, Chair; Duerr, Vice Chair; Appleton; Goehner and Senn.

Referred to Committee on Appropriations.

January 24, 2020 )

MINORITY recommendation: Do not pass. Signed by Representative Kraft, Ranking Minority Member.

HB 2467 Prime Sponsor, Representative Hansen: Establishing a centralized single point of contact background check system for firearms transfers. Reported by Committee on Civil Rights & Judiciary

Referred to Committee on Appropriations.

January 24, 2020 )

HB 2441 Prime Sponsor, Representative Entenman: Improving access to temporary assistance for needy families. Reported by Committee on Human Services & Early Learning

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Kilduff, Chair; Thai, Vice Chair; Irwin, Ranking Minority Member; Goodman; Hansen; Kirby; Klippert; Orwall; Rude; Valdez and Walen.

MAJORITY recommendation: Do pass. Signed by Representatives Senn, Chair; Callan, Vice Chair; Frame, Vice Chair; Goodman; Kilduff; Lovick and Ortiz-Self.

MINORITY recommendation: Without recommendation. Signed by Representative Dufault, Assistant Ranking Minority Member.

MINORITY recommendation: Do not pass. Signed by Representatives Dent, Ranking Minority Member; McCaslin, Assistant Ranking Minority Member; Corry and Klippert.

MINORITY recommendation: Do not pass. Signed by Representatives Graham and Ybarra.

Referred to Committee on Appropriations.

January 24, 2020 )

Referred to Committee on Appropriations.

January 24, 2020 )

HB 2442 Prime Sponsor, Representative Leavitt: Regulating online services and applications that are directed at minors. Reported by Committee on Innovation, Technology & Economic Development

HB 2476 Prime Sponsor, Representative Walen: Concerning debt buyers. Reported by Committee on Civil Rights & Judiciary

MAJORITY recommendation: Do pass. Signed by Representatives Hudgins, Chair; Kloba, Vice Chair; Smith, Ranking Minority Member; Boehnke, Assistant Ranking Minority Member; Entenman; Slatter; Tarleton; Van Werven and Wylie.

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Kilduff, Chair; Thai, Vice Chair; Irwin, Ranking Minority Member; Dufault, Assistant Ranking Minority Member; Goodman; Graham; Hansen; Kirby; Klippert; Orwall; Rude; Valdez; Walen and Ybarra.

Referred to Committee on Rules for second reading.

January 24, 2020 )

Referred to Committee on Rules for second reading.

January 24, 2020 )

HB 2456 Prime Sponsor, Representative Callan: Concerning working connections child care

HB 2588 Prime Sponsor, Representative Pollet: Improving openness, accountability, and transparency of special purpose districts. Reported by Committee on Local Government

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Pollet, Chair; Duerr, Vice Chair; Kraft, Ranking Minority Member; Appleton; Goehner and Senn.

Referred to Committee on Rules for second reading.

January 24, 2020 )

HB 2625 Prime Sponsor, Representative Eslick:  
Concerning local parks funding options.  
Reported by Committee on Local  
Government

MAJORITY recommendation: Do pass. Signed by Representatives Pollet, Chair; Duerr, Vice Chair; Appleton; Goehner and Senn.

MINORITY recommendation: Without recommendation. Signed by Representative Kraft, Ranking Minority Member.

Referred to Committee on Finance.

There being no objection, the bills listed on the day's committee reports under the fifth order of business were referred to the committees so designated.

There being no objection, the House adjourned until 10:00 a.m., January 29, 2020, the 17th Day of the Regular Session.

LAURIE JINKINS, Speaker

BERNARD DEAN, Chief Clerk

## SIXTY SIXTH LEGISLATURE - REGULAR SESSION

## SEVENTEENTH DAY

The House was called to order at 10:00 a.m. by the Speaker (Representative Lovick presiding). The Clerk called the roll and a quorum was present.

The flags were escorted to the rostrum by the Naval Base Kitsap Color Guard. The Speaker (Representative Lovick presiding) led the Chamber in the Pledge of Allegiance. The National Anthem was performed by Navy Band Northwest Brass Quintet. The prayer was offered by Chaplain Lieutenant Yo Kim, Chaplain, Naval Base Kitsap, accompanied by Navy Band Northwest Quintet, Washington.

Reading of the Journal of the previous day was dispensed with and it was ordered to stand approved.

## RESOLUTION

**HOUSE RESOLUTION NO. 2020-4652**, by Representatives **Jenkins, Wilcox, Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Mead, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shea, Shewmake, Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wylie, Ybarra, and Young**

WHEREAS, The citizens of Washington State have set aside this day to honor, appreciate, and remember our Navy personnel; and

WHEREAS, The Washington State House of Representatives honors those who have served and are serving our country as members of the United States military; and

WHEREAS, The Navy is the military service that secures sea lanes, allowing free flow of commerce to and from our state, and the service whose power projection promotes stability for our friends and deters aggression from our foes; and

WHEREAS, Washington State is uniquely positioned, politically, economically, and geographically, to deal with

House Chamber, Olympia, Wednesday, January 29, 2020

the opportunities and challenges presented by Asia and the Pacific Rim countries; and

WHEREAS, Washington State Navy bases support two aircraft carriers, more than five surface ships, thirteen submarines, and one hundred sixty aircraft; and

WHEREAS, Washington State Navy installations provide 78,549 careers and infuses 10.7 billion dollars each year to Washington State's economic stability; and

WHEREAS, Washington State Navy installations are recognized for environmental stewardship successes and continue to actively assist in partnership efforts statewide; and

WHEREAS, The Navy has worked to improve salmon recovery, support southern resident orca recovery, increase orca food supply, conserve energy and water, conduct and invest hundreds of millions of dollars in marine species research, restore and protect critical habitats from development, mitigate ocean acidification, and invest in renewable energy; and

WHEREAS, Washington State naval bases consistently receive awards for the quality of life they provide to service members and family members; and

WHEREAS, Washington State-based Navy personnel and assets regularly deploy around the world to deter aggression, relieve the distressed, and aid America's friends and allies;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State House of Representatives celebrate the contributions of the Navy, its service members, and their families here in Washington state.

Representative Appleton moved the adoption of HOUSE RESOLUTION NO. 4652

Representatives Appleton and Hoff spoke in favor of the adoption of the resolution.

HOUSE RESOLUTION NO. 4652 was adopted.

## SPEAKER'S PRIVILEGE

The Speaker (Representative Lovick presiding) recognized Captain John Fancher, Chief of Staff, Submarine Group 9, Bangor. The Speaker (Representative Lovick presiding) also recognized Navy leadership seated in the House Gallery.

Speaker Jenkins assumed the chair.

There being no objection, the House advanced to the fourth order of business.

### INTRODUCTION & FIRST READING

HB 2891 by Representatives Sells, Lovick, Gregerson, Lekanoff, Callan, Shewmake, Blake, Maycumber, Chapman, Tarleton, Robinson, Valdez, Hudgins, J. Johnson, Peterson, Dolan and Doglio

AN ACT Relating to establishing the American Indian cultural study grant; adding a new chapter to Title 28B RCW; and creating a new section.

Referred to Committee on College & Workforce Development.

HB 2892 by Representative Fitzgibbon

AN ACT Relating to authorizing the department of ecology to regulate greenhouse gas emissions associated with persons who produce or distribute fossil fuel products that emit greenhouse gases in Washington; and amending RCW 70.94.030 and 70.94.331.

Referred to Committee on Environment & Energy.

HB 2893 by Representative Thai

AN ACT Relating to homeless individuals; adding a new section to chapter 35.21 RCW; adding a new section to chapter 35A.21 RCW; and adding a new section to chapter 36.01 RCW.

Referred to Committee on Civil Rights & Judiciary.

HB 2894 by Representative Blake

AN ACT Relating to the taxation of concrete pumping services; and adding a new section to chapter 82.02 RCW.

Referred to Committee on Finance.

HB 2895 by Representatives Gildon, Chambers, Stokesbary, Irwin, Caldier, Barkis and Young

AN ACT Relating to providing a tax preference for rural and nonrural data centers; amending RCW 82.08.986; adding a new section to chapter 82.08 RCW; adding a new section to chapter 82.12 RCW; creating new sections; and providing expiration dates.

Referred to Committee on Finance.

HB 2896 by Representative Ryu

AN ACT Relating to the use of surplus property for public benefit; and amending RCW 43.63A.510 and 39.33.015.

Referred to Committee on Housing, Community Development & Veterans.

HB 2897 by Representative Sullivan

AN ACT Relating to staff funding for school districts; amending RCW 28A.150.260 and 28A.150.415; creating a new section; and providing an effective date.

Referred to Committee on Appropriations.

HB 2898 by Representative Walen

AN ACT Relating to housing benefit districts; amending RCW 36.70A.600, 84.52.010, and 29A.36.210; and adding a new chapter to Title 36 RCW.

Referred to Committee on Housing, Community Development & Veterans.

HB 2899 by Representative Hudgins

AN ACT Relating to establishing the Washington state civil rights trail program; and adding new sections to chapter 27.34 RCW.

Referred to Committee on State Government & Tribal Relations.

HB 2900 by Representative Peterson

AN ACT Relating to marijuana excise tax distributions to local governments; and amending RCW 69.50.540.

Referred to Committee on Appropriations.

HB 2901 by Representative Riccelli

AN ACT Relating to providing health care premium assistance by imposing a tax on claims paid; adding a new section to chapter 48.14 RCW; and adding new sections to chapter 41.05 RCW.

Referred to Committee on Finance.

ESSB 5006 by Senate Committee on Labor & Commerce (originally sponsored by Takko, Fortunato, Palumbo and Mullet)

AN ACT Relating to allowing the sale of wine by microbrewery license holders; amending RCW 66.24.244; and providing an effective date.

Referred to Committee on Commerce & Gaming.

ESB 5282 by Senators Liias, Cleveland, Darneille, Short, Kuderer, Walsh, Brown, Randall, Dhingra, Rolfes, Billig, Das, Hunt, Keiser and Pedersen

AN ACT Relating to informed consent for pelvic exams; reenacting and amending RCW 18.130.180;



adding a new section to chapter 18.130 RCW; and prescribing penalties.

Referred to Committee on Health Care & Wellness.

ESB 5457 by Senators Keiser, Saldaña, Conway, Hasegawa, Hunt and Nguyen

AN ACT Relating to the naming of subcontractors by prime contract bidders on public works contracts; and amending RCW 39.30.060.

Referred to Committee on Capital Budget.

ESSB 5591 by Senate Committee on Transportation (originally sponsored by Schoesler)

AN ACT Relating to exempting previously registered vehicles from the stolen vehicle check fee; amending RCW 46.17.120; and providing an effective date.

Referred to Committee on Transportation.

2E2SSB 5720 by Senate Committee on Ways & Means (originally sponsored by Dhingra, Wagoner and Kuderer)

AN ACT Relating to the involuntary treatment act; amending RCW 71.05.010, 71.05.012, 71.05.025, 71.05.026, 71.05.027, 71.05.030, 71.05.040, 71.05.050, 71.05.100, 71.05.132, 71.05.150, 71.05.150, 71.05.150, 71.05.153, 71.05.153, 71.05.153, 71.05.160, 71.05.170, 71.05.180, 71.05.190, 71.05.195, 71.05.201, 71.05.210, 71.05.210, 71.05.212, 71.05.214, 71.05.215, 71.05.217, 71.05.217, 71.05.230, 71.05.230, 71.05.235, 71.05.235, 71.05.280, 71.05.290, 71.05.300, 71.05.310, 71.05.320, 71.05.320, 71.05.380, 71.05.445, 71.05.455, 71.05.457, 71.05.458, 71.05.525, 71.05.530, 71.05.585, 71.05.720, 71.05.740, 71.05.745, 71.05.750, 71.05.760, 71.34.010, 71.34.020, 71.34.305, 71.34.310, 71.34.355, 71.34.365, 71.34.410, 71.34.420, 71.34.500, 71.34.600, 71.34.600, 71.34.650, 71.34.700, 71.34.700, 71.34.710, 71.34.710, 71.34.710, 71.34.720, 71.34.720, 71.34.720, 71.34.740, 71.34.740, 71.34.740, 71.34.750, 71.34.780, and 71.34.780; reenacting and amending RCW 71.05.020, 71.05.120, 71.05.240, 71.05.240, 71.05.590, 71.05.590, 71.05.590, 71.34.730, 71.34.730, and 71.34.750; adding new sections to chapter 71.05 RCW; adding new sections to chapter 71.34 RCW; recodifying RCW 71.05.525; repealing RCW 71.05.360 and 71.34.370; providing effective dates; and providing expiration dates.

Referred to Committee on Civil Rights & Judiciary.

There being no objection, the bills listed on the day's introduction sheet under the fourth order of business were referred to the committees so designated.

There being no objection, the House advanced to the fifth order of business.

## REPORTS OF STANDING COMMITTEES

January 27, 2020 )

### HB 1733

Prime Sponsor, Representative Gregerson: Retaining productive farmland. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass. Signed by Representatives Ormsby, Chair; Robinson, 1st Vice Chair; Bergquist, 2nd Vice Chair; Rude, Assistant Ranking Minority Member; Chandler; Chopp; Cody; Corry; Dolan; Fitzgibbon; Hansen; Hudgins; Kilduff; Kraft; Macri; Mosbrucker; Pettigrew; Pollet; Ryu; Senn; Steele; Sullivan; Tarleton and Tharinger.

MINORITY recommendation: Do not pass. Signed by Representatives Stokesbary, Ranking Minority Member; Caldier; Dye; Hoff; Schmick; Sutherland and Ybarra.

Referred to Committee on Rules for second reading.

January 24, 2020 )

### HB 2136

Prime Sponsor, Representative Orcutt: Concerning the farm internship program. Reported by Committee on Rural Development, Agriculture, & Natural Resources

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Blake, Chair; Shewmake, Vice Chair; Chandler, Ranking Minority Member; Dent, Assistant Ranking Minority Member; Chapman; Dye; Fitzgibbon; Lekanoff; Orcutt; Ramos; Schmick; Springer and Walsh.

Referred to Committee on Appropriations.

January 27, 2020 )

### HB 2189

Prime Sponsor, Representative Leavitt: Including specified competency restoration workers at department of social and health services institutional and residential sites in the public safety employees retirement system. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Ormsby, Chair; Stokesbary, Ranking Minority Member; Robinson, 1st Vice Chair; Bergquist, 2nd Vice Chair; Rude, Assistant Ranking Minority Member; Caldier; Chandler; Chopp; Cody; Corry; Dolan; Dye; Fitzgibbon; Hansen; Hoff; Hudgins; Kilduff; Kraft; Macri; Mosbrucker; Pettigrew; Pollet; Ryu; Schmick; Senn; Steele; Sullivan; Sutherland; Tarleton; Tharinger and Ybarra.

Referred to Committee on Rules for second reading.

January 27, 2020 )

**HB 2238** Prime Sponsor, Representative Ormsby:  
Dividing the state wildlife account into the fish, wildlife, and conservation account and the limited fish and wildlife account.  
Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Ormsby, Chair; Stokesbary, Ranking Minority Member; Robinson, 1st Vice Chair; Bergquist, 2nd Vice Chair; Rude, Assistant Ranking Minority Member; Caldier; Chandler; Chopp; Cody; Corry; Dolan; Dye; Fitzgibbon; Hansen; Hoff; Hudgins; Kilduff; Kraft; Macri; Mosbrucker; Pettigrew; Pollet; Ryu; Schmick; Senn; Steele; Sullivan; Sutherland; Tarleton; Tharinger and Ybarra.

Referred to Committee on Rules for second reading.

January 24, 2020 )

**HB 2469** Prime Sponsor, Representative Santos:  
Concerning small works rosters. Reported by Committee on Innovation, Technology & Economic Development

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Hudgins, Chair; Kloba, Vice Chair; Smith, Ranking Minority Member; Boehnke, Assistant Ranking Minority Member; Entenman; Slatter; Tarleton; Van Werven and Wylie.

Referred to Committee on Appropriations.

There being no objection, the bills listed on the day's committee reports under the fifth order of business were referred to the committees so designated.

There being no objection, the House advanced to the seventh order of business.

### THIRD READING

**ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1110, by House Committee on Appropriations (originally sponsored by Fitzgibbon, Slatter, Kloba, Peterson, Tharinger, Jinkins, Macri, Cody, Bergquist, Doglio, Robinson, Pollet, Stanford and Frame)**

**Reducing the greenhouse gas emissions associated with transportation fuels.**

The bill was read the third time.

### POINT OF PARLIAMENTARY INQUIRY

Representative Maycumber: "What are the votes required for final passage of this bill?"

### SPEAKER'S RULING

Madam Speaker: "Article 2, section 1 of our state constitution requires a 2/3 vote to amend an initiative within two years of enactment.

Initiative 976 was approved by the voters in 2019 and enacted as Chapter 1, Laws of 2020. Section 14 of the bill before us amends RCW 46.17.365, a section of law that was repealed by the initiative.

The question presented is whether this language in the bill amends the initiative.

The answer can be found in the Washington Supreme Court decision in *State v. Sam*, where the court stated that "a repealed act cannot be amended" and that courts uniformly disregard any purported attempt to amend a repealed act.

The Speaker therefore finds and rules that section 14 of E2SHB 1110 has no legal effect, does not amend the initiative, and that a constitutional majority of 50 votes is required for final passage."

Representatives Fitzgibbon, Orwall, Slatter, Ramel, Doglio, Chapman and Lekanoff spoke in favor of the passage of the bill.

Representatives Walsh, Klippert, Orcutt, Schmick, Van Werven, Jenkin, Graham, Dufault, Kraft, Corry, Vick, Smith, Sutherland, Hoff, Ybarra, Chambers, Griffey, Mosbrucker, Dent, Caldier, Goehner, Stokesbary, Volz, Boehnke, Walsh (again), Shea, Barkis and DeBolt spoke against the passage of the bill.

### MOTION

On motion of Representative Griffey, Representatives MacEwen and Dye were excused.

The Speaker stated the question before the House to be the final passage of Engrossed Second Substitute House Bill No. 1110.

### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 1110, and the bill passed the House by the following vote: Yeas, 52; Nays, 44; Absent, 0; Excused, 2.

Voting yea: Representatives Appleton, Bergquist, Callan, Chapman, Chopp, Cody, Davis, Doglio, Dolan, Duerr, Entenman, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hansen, Hudgins, J. Johnson, Kilduff, Kirby, Kloba, Leavitt, Lekanoff, Lovick, Macri, Mead, Morgan, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Ryu, Santos, Sells, Senn, Slatter, Stonier, Tarleton, Thai, Tharinger, Valdez, Wylie and Mr. Speaker.

Voting nay: Representatives Barkis, Blake, Boehnke, Caldier, Chambers, Chandler, Corry, DeBolt, Dent, Dufault, Eslick, Gildon, Goehner, Graham, Griffey, Harris, Hoff, Irwin, Jenkin, Klippert, Kraft, Kretz, Maycumber, McCaslin, Mosbrucker, Orcutt, Rude, Schmick, Shea, Shewmake, Smith, Springer, Steele, Stokesbary, Sullivan,

Sutherland, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Ybarra and Young.

Excused: Representatives Dye and MacEwen.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1110, having received the necessary constitutional majority, was declared passed.

### THIRD READING

**ENGROSSED SUBSTITUTE HOUSE BILL NO. 1622, by House Committee on Rural Development, Agriculture, & Natural Resources (originally sponsored by Blake, Kretz, Springer, Chandler, Chapman, Dent and Shewmake)**

#### Concerning drought preparedness and response.

The bill was read the third time.

Representatives Blake and Dent spoke in favor of the passage of the bill.

Representative Walsh spoke against the passage of the bill.

The Speaker stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1622.

### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1622, and the bill passed the House by the following vote: Yeas, 79; Nays, 17; Absent, 0; Excused, 2.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Caldier, Callan, Chambers, Chandler,

Chapman, Chopp, Cody, Corry, Davis, Dent, Doglio, Dolan, Duerr, Dufault, Entenman, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Hansen, Harris, Hoff, Hudgins, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Leavitt, Lekanoff, Lovick, Macri, Mead, Morgan, Mosbrucker, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Tarleton, Thai, Tharinger, Valdez, Van Werven, Volz, Walen, Wilcox, Wylie, Ybarra and Mr. Speaker.

Voting nay: Representatives Boehnke, DeBolt, Eslick, Griffey, Irwin, Jenkin, Kraft, Kretz, Maycumber, McCaslin, Orcutt, Shea, Smith, Sutherland, Vick, Walsh and Young.

Excused: Representatives Dye and MacEwen.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1622, having received the necessary constitutional majority, was declared passed.

There being no objection, the House adjourned until 10:00 a.m., January 30, 2020, the 18th Day of the Regular Session.

LAURIE JINKINS, Speaker

BERNARD DEAN, Chief Clerk

## SIXTY SIXTH LEGISLATURE - REGULAR SESSION

## EIGHTEENTH DAY

House Chamber, Olympia, Thursday, January 30, 2020

The House was called to order at 10:00 a.m. by the Speaker (Representative Orwall presiding). The Clerk called the roll and a quorum was present.

The flags were escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Penelope Hendricks and Samuel Jensen. The Speaker (Representative Orwall presiding) led the Chamber in the Pledge of Allegiance. The prayer was offered by Ginger Passarelli, Gracepoint Northwest Church, Enumclaw; Chaplain for Auburn and Black Diamond Police Departments and Mountain View Fire Department, and Executive Director for the Soup Ladies nonprofit that feeds first responders at critical incidents.

Reading of the Journal of the previous day was dispensed with and it was ordered to stand approved.

The Speaker (Representative Orwall presiding) called upon Representative Lovick to preside.

There being no objection, the House advanced to the fourth order of business.

## INTRODUCTION &amp; FIRST READING

HB 2902 by Representative Walen

AN ACT Relating to providing service credit in the law enforcement officers' and firefighters' retirement system plan 2 for certain emergency medical technicians providing emergency medical services for a county; and adding a new section to chapter 41.26 RCW.

Referred to Committee on Appropriations.

HB 2903 by Representatives Chapman and Stokesbary

AN ACT Relating to providing that qualified dealer cash incentives paid to auto dealers are bona fide discounts for purposes of the business and occupation tax; adding a new section to chapter 82.04 RCW; creating a new section; and providing an effective date.

Referred to Committee on Finance.

HB 2904 by Representatives Stonier and Bergquist

AN ACT Relating to training youth athletes; amending RCW 18.250.050; adding a new section to chapter 28A.600 RCW; and providing an effective date.

Referred to Committee on Education.

HB 2905 by Representatives J. Johnson and Riccelli

AN ACT Relating to increasing outreach and engagement with access to baby and child dentistry programs; adding a new section to chapter 74.09 RCW; creating a new section; and making an appropriation.

Referred to Committee on Appropriations.

HB 2906 by Representatives Kretz, Chapman, Lekanoff, Walsh, Schmick, Blake, Dent, Chandler, Orcutt, Springer and Pettigrew

AN ACT Relating to the use of radio collars on gray wolves by the department of fish and wildlife; and adding a new section to chapter 77.12 RCW.

Referred to Committee on Rural Development, Agriculture, & Natural Resources.

HB 2907 by Representatives Macri, Springer, Fitzgibbon, Frame, Pollet, Cody, Chopp, Tarleton, Slatter, Doglio, Hudgins, Senn and Gregerson

AN ACT Relating to providing progressive tax reform by authorizing counties with populations exceeding two million to impose an excise tax on businesses in order to reduce homelessness, save lives, and improve public safety; amending RCW 48.14.080; adding a new chapter to Title 83 RCW; and declaring an emergency.

Referred to Committee on Finance.

There being no objection, the bills listed on the day's introduction sheet under the fourth order of business were referred to the committees so designated.

There being no objection, the House advanced to the fifth order of business.

## REPORTS OF STANDING COMMITTEES

January 28, 2020 )

HB 1552 Prime Sponsor, Representative Dolan: Concerning health care provider credentialing by health carriers. Reported by Committee on Health Care & Wellness

MAJORITY recommendation: Do pass. Signed by Representatives Cody, Chair; Macri, Vice Chair; Schmick, Ranking Minority Member; Caldier, Assistant

Ranking Minority Member; Chambers; Chopp; Davis; DeBolt; Harris; Maycumber; Riccelli; Robinson; Stonier; Thai and Tharinger.

Referred to Committee on Rules for second reading.

January 28, 2020 )

HB 1738 Prime Sponsor, Representative Kraft: Relieving burdens on small businesses by updating the tax return filing thresholds to reflect inflation. Reported by Committee on Finance

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass. Signed by Representatives Tarleton, Chair; Walen, Vice Chair; Orcutt, Ranking Minority Member; Frame; Macri; Orwall; Springer; Stokesbary; Vick and Wylie.

MINORITY recommendation: Without recommendation. Signed by Representative Chapman.

Referred to Committee on Appropriations.

January 28, 2020 )

HB 2036 Prime Sponsor, Representative Macri: Concerning health system transparency. Reported by Committee on Health Care & Wellness

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Cody, Chair; Macri, Vice Chair; Chopp; Davis; Riccelli; Robinson; Stonier; Thai and Tharinger.

MINORITY recommendation: Do not pass. Signed by Representatives Schmick, Ranking Minority Member; Caldier, Assistant Ranking Minority Member; Chambers; DeBolt; Harris and Maycumber.

Referred to Committee on Appropriations.

January 28, 2020 )

HB 2229 Prime Sponsor, Representative Sullivan: Clarifying the scope of taxation on land development or management services. Reported by Committee on Finance

MAJORITY recommendation: Do pass. Signed by Representatives Tarleton, Chair; Walen, Vice Chair; Orcutt, Ranking Minority Member; Chapman; Frame; Macri; Orwall; Springer; Stokesbary; Vick and Wylie.

Referred to Committee on Rules for second reading.

January 28, 2020 )

HB 2230

Prime Sponsor, Representative Gregerson: Subjecting federally recognized Indian tribes to the same conditions as state and local governments for property owned exclusively by the tribe. Reported by Committee on Finance

MAJORITY recommendation: Do pass. Signed by Representatives Tarleton, Chair; Walen, Vice Chair; Chapman; Frame; Macri; Orwall; Springer; Stokesbary and Wylie.

MINORITY recommendation: Do not pass. Signed by Representative Orcutt, Ranking Minority Member.

MINORITY recommendation: Without recommendation. Signed by Representative Vick.

Referred to Committee on Rules for second reading.

January 28, 2020 )

HB 2236

Prime Sponsor, Representative Ybarra: Concerning sales and use tax exemptions for large private airplanes. Reported by Committee on Finance

MAJORITY recommendation: Do pass. Signed by Representatives Tarleton, Chair; Walen, Vice Chair; Orcutt, Ranking Minority Member; Chapman; Macri; Springer; Stokesbary; Vick and Wylie.

MINORITY recommendation: Do not pass. Signed by Representative Orwall.

MINORITY recommendation: Without recommendation. Signed by Representative Frame.

Referred to Committee on Rules for second reading.

January 28, 2020 )

HB 2310

Prime Sponsor, Representative Fitzgibbon: Reducing emissions from vehicles associated with on-demand transportation services. Reported by Committee on Environment & Energy

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Fitzgibbon, Chair; Lekanoff, Vice Chair; Doglio; Fey; Mead; Robinson and Shewmake.

MINORITY recommendation: Do not pass. Signed by Representatives DeBolt, Ranking Minority Member; Boehnke and Goehner.

Referred to Committee on Appropriations.

January 28, 2020 )

HB 2343 Prime Sponsor, Representative Fitzgibbon:  
Concerning urban housing supply.  
Reported by Committee on Environment &  
Energy

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Fitzgibbon, Chair; Lekanoff, Vice Chair; DeBolt, Ranking Minority Member; Boehnke; Doglio; Fey; Goehner; Mead; Robinson and Shewmake.

Referred to Committee on Rules for second reading.

January 28, 2020 )

HB 2345 Prime Sponsor, Representative Macri:  
Concerning continuing care retirement  
communities. Reported by Committee on  
Health Care & Wellness

MAJORITY recommendation: Do pass. Signed by Representatives Cody, Chair; Macri, Vice Chair; Chopp; Davis; Harris; Riccelli; Robinson; Stonier; Thai and Tharinger.

MINORITY recommendation: Do not pass. Signed by Representatives Schmick, Ranking Minority Member; Caldier, Assistant Ranking Minority Member; DeBolt and Maycumber.

MINORITY recommendation: Without  
recommendation. Signed by Representative Chambers.

Referred to Committee on Rules for second reading.

January 28, 2020 )

HB 2366 Prime Sponsor, Representative Smith:  
Making the chief privacy officer an elected  
position. Reported by Committee on State  
Government & Tribal Relations

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Gregerson, Chair; Pellicciotti, Vice Chair; Walsh, Ranking Minority Member; Goehner, Assistant Ranking Minority Member; Appleton; Dolan; Hudgins; Mosbrucker and Smith.

Referred to Committee on Rules for second reading.

January 28, 2020 )

HB 2378 Prime Sponsor, Representative Riccelli:  
Concerning physician assistants. Reported  
by Committee on Health Care & Wellness

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Cody, Chair; Macri, Vice

Chair; Chambers; Chopp; Davis; DeBolt; Harris; Maycumber; Riccelli; Robinson; Stonier; Thai and Tharinger.

MINORITY recommendation: Do not pass. Signed by Representatives Schmick, Ranking Minority Member Caldier, Assistant Ranking Minority Member.

Referred to Committee on Rules for second reading.

January 27, 2020 )

HB 2380 Prime Sponsor, Representative Tharinger:  
Changing the home care agency vendor  
rate and repealing electronic timekeeping.  
Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Ormsby, Chair; Stokesbary, Ranking Minority Member; Robinson, 1st Vice Chair; Bergquist, 2nd Vice Chair; Rude, Assistant Ranking Minority Member; Caldier; Chandler; Chopp; Cody; Corry; Dolan; Dye; Fitzgibbon; Hansen; Hoff; Hudgins; Kilduff; Kraft; Macri; Mosbrucker; Pettigrew; Pollet; Ryu; Schmick; Senn; Steele; Sullivan; Sutherland; Tarleton; Tharinger and Ybarra.

Referred to Committee on Rules for second reading.

January 28, 2020 )

HB 2386 Prime Sponsor, Representative Cody:  
Creating the state office of the behavioral  
health ombuds. Reported by Committee on  
Health Care & Wellness

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Cody, Chair; Macri, Vice Chair; Schmick, Ranking Minority Member; Caldier, Assistant Ranking Minority Member; Chambers; Chopp; Davis; DeBolt; Harris; Maycumber; Riccelli; Robinson; Stonier; Thai and Tharinger.

Referred to Committee on Appropriations.

January 28, 2020 )

HB 2390 Prime Sponsor, Representative Kilduff:  
Using respectful language. Reported by  
Committee on Human Services & Early  
Learning

MAJORITY recommendation: Do pass. Signed by Representatives Senn, Chair; Callan, Vice Chair; Frame, Vice Chair; Dent, Ranking Minority Member; Eslick, Assistant Ranking Minority Member; McCaslin, Assistant Ranking Minority Member; Corry; Goodman; Griffey; Kilduff; Klippert; Lovick and Ortiz-Self.

Referred to Committee on Rules for second reading.

January 28, 2020 )

HB 2450 Prime Sponsor, Representative Schmick:  
Concerning license fees for emergency  
medical services personnel under Title 77  
RCW. Reported by Committee on Rural  
Development, Agriculture, & Natural  
Resources

MAJORITY recommendation: Do pass. Signed by  
Representatives Blake, Chair; Shewmake, Vice Chair;  
Chandler, Ranking Minority Member; Dent, Assistant  
Ranking Minority Member; Chapman; Kretz; Orcutt;  
Schmick and Walsh.

MINORITY recommendation: Do not pass. Signed by  
Representative Fitzgibbon.

MINORITY recommendation: Without  
recommendation. Signed by Representatives Lekanoff  
and Ramos.

Referred to Committee on Appropriations.

January 29, 2020 )

HB 2498 Prime Sponsor, Representative Corry:  
Providing compensation to department of  
natural resources lessees whose leases are  
terminated for reasons other than default.  
Reported by Committee on Rural  
Development, Agriculture, & Natural  
Resources

MAJORITY recommendation: Do pass. Signed by  
Representatives Blake, Chair; Shewmake, Vice Chair;  
Chandler, Ranking Minority Member; Dent, Assistant  
Ranking Minority Member; Kretz; Lekanoff; Orcutt;  
Ramos; Schmick; Springer and Walsh.

Referred to Committee on Appropriations.

January 28, 2020 )

HB 2504 Prime Sponsor, Representative Walsh:  
Creating the southwest Washington salmon  
restoration act. Reported by Committee on  
Rural Development, Agriculture, &  
Natural Resources

MAJORITY recommendation: The substitute bill be  
substituted therefor and the substitute bill do pass.  
Signed by Representatives Blake, Chair; Shewmake,  
Vice Chair; Chandler, Ranking Minority Member; Dent,  
Assistant Ranking Minority Member; Fitzgibbon; Kretz;  
Lekanoff; Orcutt; Schmick and Walsh.

MINORITY recommendation: Without  
recommendation. Signed by Representatives Chapman  
and Ramos.

Referred to Committee on Appropriations.

January 28, 2020 )

HB 2527 Prime Sponsor, Representative Ramos:  
Concerning the rights of Washingtonians  
during the United States census. Reported  
by Committee on State Government &  
Tribal Relations

MAJORITY recommendation: The substitute bill be  
substituted therefor and the substitute bill do pass.  
Signed by Representatives Gregerson, Chair;  
Pellicciotti, Vice Chair; Appleton; Dolan; Hudgins;  
Mosbrucker and Smith.

MINORITY recommendation: Do not pass. Signed by  
Representatives Walsh, Ranking Minority Member  
Goehner, Assistant Ranking Minority Member.

Referred to Committee on Rules for second reading.

January 29, 2020 )

HB 2559 Prime Sponsor, Representative Springer:  
Concerning payments in lieu of real  
property taxes by the department of fish  
and wildlife. Reported by Committee on  
Rural Development, Agriculture, &  
Natural Resources

MAJORITY recommendation: Do pass. Signed by  
Representatives Blake, Chair; Chandler, Ranking  
Minority Member; Dent, Assistant Ranking Minority  
Member; Kretz; Lekanoff; Orcutt; Ramos; Schmick;  
Springer and Walsh.

Referred to Committee on Appropriations.

January 28, 2020 )

HB 2575 Prime Sponsor, Representative Pellicciotti:  
Concerning reforms to increase  
transparency and accountability of the  
Washington redistricting commission.  
Reported by Committee on State  
Government & Tribal Relations

MAJORITY recommendation: The substitute bill be  
substituted therefor and the substitute bill do pass.  
Signed by Representatives Gregerson, Chair;  
Pellicciotti, Vice Chair; Appleton; Dolan and Hudgins.

MINORITY recommendation: Do not pass. Signed by  
Representatives Walsh, Ranking Minority Member;  
Goehner, Assistant Ranking Minority Member and  
Mosbrucker.

Referred to Committee on Appropriations.

January 28, 2020 )

**HB 2772** Prime Sponsor, Representative Walsh:  
Concerning the administration of election  
campaign activities and reporting  
statements of financial affairs. Reported by  
Committee on State Government & Tribal  
Relations

MAJORITY recommendation: The substitute bill be  
substituted therefor and the substitute bill do pass.  
Signed by Representatives Gregerson, Chair;  
Pellicciotti, Vice Chair; Walsh, Ranking Minority  
Member; Goehner, Assistant Ranking Minority  
Member; Appleton; Dolan; Hudgins; Mosbrucker and  
Smith.

Referred to Committee on Rules for second reading.

January 28, 2020 )

**HJM 4014** Prime Sponsor, Representative Riccelli:  
Asking Congress to include dental care in  
Medicare. Reported by Committee on  
Health Care & Wellness

MAJORITY recommendation: The substitute bill be  
substituted therefor and the substitute bill do pass.  
Signed by Representatives Cody, Chair; Macri, Vice  
Chair; Schmick, Ranking Minority Member; Chopp;  
Davis; Harris; Maycumber; Riccelli; Robinson; Stonier;  
Thai and Tharinger.

Referred to Committee on Rules for second reading.

There being no objection, the bills and memorial listed  
on the day's committee reports under the fifth order of  
business were referred to the committees so designated.

There being no objection, the House advanced to the  
seventh order of business.

### THIRD READING

**SUBSTITUTE HOUSE BILL NO. 1251, by House  
Committee on State Government & Tribal Relations  
(originally sponsored by Tarleton, Hudgins and Wylie)**

**Concerning security breaches of election systems or  
election data including by foreign entities.**

The bill was read the third time.

Representative Tarleton spoke in favor of the passage of  
the bill.

### MOTION

On motion of Representative Jenkin, Representatives  
MacEwen and Griffey were excused.

The Speaker (Representative Lovick presiding) stated  
the question before the House to be the final passage of  
Substitute House Bill No. 1251.

### ROLL CALL

The Clerk called the roll on the final passage of  
Substitute House Bill No. 1251, and the bill passed the  
House by the following vote: Yeas, 95; Nays, 1; Absent, 0;  
Excused, 2.

Voting yea: Representatives Appleton, Barkis,  
Bergquist, Blake, Boehnke, Caldier, Callan, Chambers,  
Chandler, Chapman, Chopp, Cody, Corry, Davis, DeBolt,  
Dent, Doglio, Dolan, Duerr, Dufault, Dye, Entenman,  
Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman,  
Graham, Gregerson, Hansen, Harris, Hoff, Hudgins, Irwin,  
Jenkin, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Kraft,  
Kretz, Leavitt, Lekanoff, Lovick, Macri, Maycumber,  
McCaslin, Mead, Morgan, Mosbrucker, Orcutt, Ormsby,  
Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew,  
Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu,  
Santos, Schmick, Sells, Senn, Shea, Shewmake, Slatter,  
Smith, Springer, Steele, Stokesbary, Stonier, Sullivan,  
Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven,  
Vick, Volz, Walen, Wilcox, Wylie, Ybarra, Young and Mr.  
Speaker.

Voting nay: Representative Walsh.

Excused: Representatives Griffey and MacEwen.

SUBSTITUTE HOUSE BILL NO. 1251, having  
received the necessary constitutional majority, was declared  
passed.

### THIRD READING

**HOUSE BILL NO. 1368, by Representatives  
Springer, Kretz, Riccelli, Orcutt, Goodman,  
Maycumber, Wylie, Dent, Steele and Doglio**

**Reauthorizing the business and occupation tax  
deduction for cooperative finance organizations.**

The bill was read the third time.

Representatives Riccelli and Orcutt spoke in favor of the  
passage of the bill.

The Speaker (Representative Lovick presiding) stated  
the question before the House to be the final passage of  
House Bill No. 1368.

### ROLL CALL

The Clerk called the roll on the final passage of House  
Bill No. 1368, and the bill passed the House by the following  
vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Representatives Appleton, Barkis,  
Bergquist, Blake, Boehnke, Caldier, Callan, Chambers,  
Chandler, Chapman, Chopp, Cody, Corry, Davis, DeBolt,  
Dent, Doglio, Dolan, Duerr, Dufault, Dye, Entenman,  
Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman,  
Graham, Gregerson, Hansen, Harris, Hoff, Hudgins, Irwin,  
Jenkin, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Kraft,  
Kretz, Leavitt, Lekanoff, Lovick, Macri, Maycumber,  
McCaslin, Mead, Morgan, Mosbrucker, Orcutt, Ormsby,



Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shea, Shewmake, Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mr. Speaker.

Excused: Representatives Griffey and MacEwen.

HOUSE BILL NO. 1368, having received the necessary constitutional majority, was declared passed.

### THIRD READING

**ENGROSSED SUBSTITUTE HOUSE BILL NO. 1793, by House Committee on Transportation (originally sponsored by Fitzgibbon, Pettigrew, Macri, Valdez, Fey, Cody, Senn, Springer, Pollet and Tarleton)**

**Establishing additional uses for automated traffic safety cameras for traffic congestion reduction and increased safety.**

The bill was read the third time.

Representatives Fitzgibbon, Irwin, Macri and Fey spoke in favor of the passage of the bill.

Representatives Barkis, Shea, Ybarra, Walsh and Young spoke against the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1793.

### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1793, and the bill passed the House by the following vote: Yeas, 56; Nays, 40; Absent, 0; Excused, 2.

Voting yea: Representatives Appleton, Bergquist, Callan, Chapman, Chopp, Cody, Davis, Doglio, Dolan, Duerr, Entenman, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hansen, Hudgins, Irwin, J. Johnson, Kilduff, Kloba, Leavitt, Lekanoff, Lovick, Macri, McCaslin, Mead, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Ryu, Santos, Sells, Senn, Shewmake, Slatter, Springer, Stonier, Sullivan, Tarleton, Thai, Tharinger, Valdez, Walen, Wylie and Mr. Speaker.

Voting nay: Representatives Barkis, Blake, Boehnke, Caldier, Chambers, Chandler, Corry, DeBolt, Dent, Dufault, Dye, Eslick, Gildon, Goehner, Graham, Harris, Hoff, Jenkin, Kirby, Klippert, Kraft, Kretz, Maycumber, Morgan, Mosbrucker, Orcutt, Rude, Schmick, Shea, Smith, Steele, Stokesbary, Sutherland, Van Werven, Vick, Volz, Walsh, Wilcox, Ybarra and Young.

Excused: Representatives Griffey and MacEwen.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1793, having received the necessary constitutional majority, was declared passed.

### STATEMENT FOR THE JOURNAL

I intended to vote NAY on Engrossed Substitute House Bill No. 1793.

Representative McCaslin, 4th District

### THIRD READING

**ENGROSSED SUBSTITUTE HOUSE BILL NO. 1813, by House Committee on Appropriations (originally sponsored by Sullivan, Santos, Ortiz-Self and Ormsby)**

**Incorporating the costs of employee health benefits into school district contracts for pupil transportation.**

The bill was read the third time.

Representative Sullivan spoke in favor of the passage of the bill.

Representative Stokesbary spoke against the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1813.

### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1813, and the bill passed the House by the following vote: Yeas, 60; Nays, 36; Absent, 0; Excused, 2.

Voting yea: Representatives Appleton, Bergquist, Blake, Callan, Chapman, Chopp, Cody, Davis, Doglio, Dolan, Duerr, Entenman, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hansen, Harris, Hudgins, J. Johnson, Kilduff, Kirby, Kloba, Leavitt, Lekanoff, Lovick, Macri, McCaslin, Mead, Morgan, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Ryu, Santos, Sells, Senn, Shea, Shewmake, Slatter, Springer, Stonier, Sullivan, Tarleton, Thai, Tharinger, Valdez, Walen, Wylie and Mr. Speaker.

Voting nay: Representatives Barkis, Boehnke, Caldier, Chambers, Chandler, Corry, DeBolt, Dent, Dufault, Dye, Eslick, Gildon, Goehner, Graham, Hoff, Irwin, Jenkin, Klippert, Kraft, Kretz, Maycumber, Mosbrucker, Orcutt, Rude, Schmick, Smith, Steele, Stokesbary, Sutherland, Van Werven, Vick, Volz, Walsh, Wilcox, Ybarra and Young.

Excused: Representatives Griffey and MacEwen.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1813, having received the necessary constitutional majority, was declared passed.

### THIRD READING

**SUBSTITUTE HOUSE BILL NO. 1847, by House Committee on Local Government (originally sponsored by Pellicciotti, Orwall, Gregerson, Reeves and Santos)**

**Addressing aircraft noise abatement.**

The bill was read the third time.

Representative Pellicciotti spoke in favor of the passage of the bill.

Representative Kraft spoke against the passage of the bill.

**MOTION**

On motion of Representative Jenkin, Representative Wilcox was excused.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1847.

**ROLL CALL**

The Clerk called the roll on the final passage of Substitute House Bill No. 1847, and the bill passed the House by the following vote: Yeas, 58; Nays, 37; Absent, 0; Excused, 3.

Voting yea: Representatives Appleton, Bergquist, Blake, Callan, Chapman, Chopp, Cody, Davis, Doglio, Dolan, Duerr, Entenman, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hansen, Hudgins, J. Johnson, Kilduff, Kirby, Kloba, Leavitt, Lekanoff, Lovick, Macri, Mead, Morgan, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Ryu, Santos, Sells, Senn, Shewmake, Slatter, Springer, Stonier, Sullivan, Tarleton, Thai, Tharinger, Valdez, Walen, Wylie, Young and Mr. Speaker.

Voting nay: Representatives Barkis, Boehnke, Caldier, Chambers, Chandler, Corry, DeBolt, Dent, Dufault, Dye, Eslick, Gildon, Goehner, Graham, Harris, Hoff, Irwin, Jenkin, Klippert, Kraft, Kretz, Maycumber, McCaslin, Mosbrucker, Orcutt, Rude, Schmick, Shea, Smith, Steele, Stokesbary, Sutherland, Van Werven, Vick, Volz, Walsh and Ybarra.

Excused: Representatives Griffey, MacEwen and Wilcox.

SUBSTITUTE HOUSE BILL NO. 1847, having received the necessary constitutional majority, was declared passed.

**STATEMENT FOR THE JOURNAL**

I intended to vote NAY on Substitute House Bill No. 1847.

Representative Young, 26th District

**THIRD READING**

**HOUSE BILL NO. 1952, by Representatives Ortiz-Self, Kilduff, Lovick, Thai and Fey**

**Concerning the building communities fund program.**

The bill was read the third time.

Representatives Ortiz-Self and Steele spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of House Bill No. 1952.

**ROLL CALL**

The Clerk called the roll on the final passage of House Bill No. 1952, and the bill passed the House by the following vote: Yeas, 89; Nays, 6; Absent, 0; Excused, 3.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chapman, Chopp, Cody, Corry, Davis, DeBolt, Doglio, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Kretz, Leavitt, Lekanoff, Lovick, Macri, Maycumber, Mead, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shea, Shewmake, Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wylie and Mr. Speaker.

Voting nay: Representatives Chandler, Dent, Kraft, McCaslin, Ybarra and Young.

Excused: Representatives Griffey, MacEwen and Wilcox.

HOUSE BILL NO. 1952, having received the necessary constitutional majority, was declared passed.

**STATEMENT FOR THE JOURNAL**

I intended to vote YEA on House Bill No. 1952.

Representative Kraft, 17th District

**STATEMENT FOR THE JOURNAL**

I intended to vote NAY on House Bill No. 1952.

Representative Shea, 4th District

**THIRD READING**

**HOUSE BILL NO. 1841, by Representatives Riccelli, Chandler, Blake, Boehnke, Macri, Eslick, Santos, Young, Ryu, Jenkin, Sells, Stokesbary, Senn, Griffey, Harris, Stonier, Morgan, Walsh, Gregerson, Lovick, Fey, Volz, Wylie, Hoff, Ramos, Chambers, Stanford, McCaslin, Fitzgibbon, Van Werven, Peterson, MacEwen, Dent, Graham, Hudgins, Valdez, Pollet, Ortiz-Self, Ybarra, Walen, Ormsby, Dolan, Frame, Cody, Jenkins, Tarleton,**

**Appleton, Bergquist, Callan, Chapman, Pellicciotti, Shewmake, Kilduff, Lekanoff, Davis, Pettigrew, Doglio and Entenman**

**Establishing minimum crew size on certain trains.**

The bill was read the third time.

Representatives Riccelli and Mosbrucker spoke in favor of the passage of the bill.

Representative Barkis spoke against the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of House Bill No. 1841.

**ROLL CALL**

The Clerk called the roll on the final passage of House Bill No. 1841, and the bill passed the House by the following vote: Yeas, 65; Nays, 30; Absent, 0; Excused, 3.

Voting yea: Representatives Appleton, Bergquist, Blake, Boehnke, Callan, Chandler, Chopp, Cody, Davis, Doglio, Dolan, Duerr, Entenman, Eslick, Fey, Fitzgibbon, Frame, Goodman, Graham, Gregerson, Hansen, Hudgins, Irwin, J. Johnson, Kilduff, Kirby, Kloba, Leavitt, Lekanoff, Lovick, Macri, Mead, Morgan, Mosbrucker, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Sells, Senn, Shewmake, Slatter, Smith, Stonier, Sullivan, Tarleton, Thai, Tharinger, Valdez, Volz, Walen, Walsh, Wylie and Mr. Speaker.

Voting nay: Representatives Barkis, Caldier, Chambers, Chapman, Corry, DeBolt, Dent, Dufault, Dye, Gildon, Goehner, Harris, Hoff, Jenkin, Klippert, Kraft, Kretz, Maycumber, McCaslin, Orcutt, Schmick, Shea, Springer, Steele, Stokesbary, Sutherland, Van Werven, Vick, Ybarra and Young.

Excused: Representatives Griffey, MacEwen and Wilcox.

HOUSE BILL NO. 1841, having received the necessary constitutional majority, was declared passed.

**STATEMENT FOR THE JOURNAL**

I intended to vote YEA on House Bill No. 1841.  
Representative Young, 26th District

There being no objection, the House reverted to the sixth order of business.

**SECOND READING**

**HOUSE BILL NO. 1674, by Representatives Rude, Steele, Santos, Jinkins, Bergquist and Doglio**

**Changing the term alternative learning experience to personalized learning experience.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Rude, Santos and DeBolt spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of House Bill No. 1674.

**ROLL CALL**

The Clerk called the roll on the final passage of House Bill No. 1674, and the bill passed the House by the following vote: Yeas, 95; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, Macri, Maycumber, McCaslin, Mead, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shea, Shewmake, Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wylie, Ybarra, Young and Mr. Speaker.

Excused: Representatives Griffey, MacEwen and Wilcox.

HOUSE BILL NO. 1674, having received the necessary constitutional majority, was declared passed.

There being no objection, the House adjourned until 9:55 a.m., January 31, 2020, the 19th Day of the Regular Session.

LAURIE JINKINS, Speaker  
BERNARD DEAN, Chief Clerk

## SIXTY SIXTH LEGISLATURE - REGULAR SESSION

## NINETEENTH DAY

House Chamber, Olympia, Friday, January 31, 2020

The House was called to order at 9:55 a.m. by the Speaker (Representative Lovick presiding).

Reading of the Journal of the previous day was dispensed with and it was ordered to stand approved.

There being no objection, the House advanced to the third order of business.

## MESSAGE FROM THE SENATE

January 30, 2020

Mme. SPEAKER:

The Senate has passed:

ENGROSSED SUBSTITUTE SENATE BILL NO.  
6492,

and the same is herewith transmitted.

Brad Hendrickson, Secretary

There being no objection, the House advanced to the fourth order of business.

## INTRODUCTION &amp; FIRST READING

HB 2908 by Representatives Mead and Irwin

AN ACT Relating to the number of fire protection district commissioners; and amending RCW 52.14.015.

Referred to Committee on Local Government.

HB 2909 by Representatives Griffey and Irwin

AN ACT Relating to restoring state general fund support for the operation of state parks by eliminating the discover pass; amending RCW 79A.05.215, 4.24.210, 7.84.100, 43.12.065, 43.30.385, 46.16A.090, 77.15.750, 77.32.010, 79A.05.070, and 77.12.170; and repealing RCW 79A.80.005, 79A.80.010, 79A.80.020, 79A.80.030, 79A.80.040, 79A.80.050, 79A.80.060, 79A.80.070, 79A.80.080, 79A.80.090, 79A.80.100, 79A.80.110, and 46.01.370.

Referred to Committee on Appropriations.

HB 2910 by Representatives Griffey, Caldier and Irwin

AN ACT Relating to the conditional release of sexually violent predators to less restrictive alternatives; amending RCW 4.24.550, 71.09.092, 71.09.096, and 71.09.345; reenacting and amending RCW 71.09.020; and creating a new section.

Referred to Committee on Public Safety.

HB 2911 by Representatives Entenman and Pollet

AN ACT Relating to charitable solicitation near public roadways; adding a new section to chapter 19.09 RCW; and creating a new section.

Referred to Committee on Local Government.

HB 2912 by Representative Fitzgibbon

AN ACT Relating to term lengths of fire district commissioners; amending RCW 52.14.020, 52.14.060, 52.14.140, and 29A.04.330; and adding a new section to chapter 52.14 RCW.

Referred to Committee on Local Government.

HB 2913 by Representatives Fey and Chapman

AN ACT Relating to transportation revenue; amending RCW 82.38.030 and 46.68.090; reenacting and amending RCW 43.84.092; adding a new section to chapter 46.68 RCW; and providing an effective date.

Referred to Committee on Transportation.

HB 2914 by Representatives Fey and Chapman

AN ACT Relating to authorizing bonds for transportation funding; adding new sections to chapter 47.10 RCW; and providing an effective date.

Referred to Committee on Transportation.

HB 2915 by Representatives Pollet, Robinson, Tarleton, Cody, Fey, Valdez, Doglio, Slatter, Davis, Frame, Gregerson, Riccelli, Macri, Orwall, Callan, Fitzgibbon, J. Johnson, Stonier and Ryu

AN ACT Relating to increasing the relevant taxes to fully fund the foundational public health services account; amending RCW 82.25.010 and 82.25.015; adding a new section to chapter 82.04 RCW; and creating a new section.

Referred to Committee on Finance.

HB 2916 by Representatives Mosbrucker, Ormsby, Chandler, Chapman, Hoff, Gregerson and J. Johnson

AN ACT Relating to voters' pamphlets for overseas and service voters; amending RCW 29A.32.010, 29A.32.260, and 29A.72.025; and creating new sections.

Referred to Committee on State Government & Tribal Relations.

ESSB 6492 by Senate Committee on Ways & Means (originally sponsored by Pedersen, Rolfes, Wilson and C.)

AN ACT Relating to addressing workforce education investment funding through business and occupation tax reform; amending RCW 28C.18.200, 43.79.195, 82.04.290, 82.04.299, and 82.04.4451; reenacting and amending RCW 82.32.045; creating new sections; providing effective dates; and declaring an emergency.

Referred to Committee on Finance.

There being no objection, the bills listed on the day's introduction sheet under the fourth order of business were referred to the committees so designated.

There being no objection, the House advanced to the fifth order of business.

## REPORTS OF STANDING COMMITTEES

January 28, 2020 )

HB 1651 Prime Sponsor, Representative Kilduff: Concerning the rights of clients of the developmental disabilities administration of the department of social and health services. Reported by Committee on Human Services & Early Learning

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass. Signed by Representatives Senn, Chair; Callan, Vice Chair; Frame, Vice Chair; Dent, Ranking Minority Member; Eslick, Assistant Ranking Minority Member; McCaslin, Assistant Ranking Minority Member; Corry; Goodman; Griffey; Kilduff; Klippert; Lovick and Ortiz-Self.

Referred to Committee on Rules for second reading.

January 28, 2020 )

HB 1775 Prime Sponsor, Representative Orwall: Concerning commercially sexually exploited children. Reported by

Committee on Human Services & Early Learning

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass. Signed by Representatives Senn, Chair; Callan, Vice Chair; Frame, Vice Chair; Dent, Ranking Minority Member; Eslick, Assistant Ranking Minority Member; McCaslin, Assistant Ranking Minority Member; Corry; Goodman; Griffey; Kilduff; Klippert; Lovick and Ortiz-Self.

Referred to Committee on Appropriations.

January 29, 2020 )

HB 2197 Prime Sponsor, Representative Thai: Establishing an exception to the requirement that vehicle license plates be visible at all times for vehicles using certain cargo carrying devices. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives Fey, Chair; Slatter, 2nd Vice Chair; Valdez, 2nd Vice Chair; Wylie, 1st Vice Chair; Barkis, Ranking Minority Member; Walsh, Assistant Ranking Minority Member; Young, Assistant Ranking Minority Member; Boehnke; Chambers; Chapman; Dent; Doglio; Duerr; Dufault; Entenman; Eslick; Goehner; Gregerson; Irwin; Kloba; Lovick; McCaslin; Mead; Orcutt; Ortiz-Self; Paul; Ramos; Riccelli; Shewmake; Van Werven and Volz.

Referred to Committee on Rules for second reading.

January 29, 2020 )

HB 2242 Prime Sponsor, Representative Wylie: Concerning travel trailers. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives Fey, Chair; Slatter, 2nd Vice Chair; Valdez, 2nd Vice Chair; Wylie, 1st Vice Chair; Barkis, Ranking Minority Member; Walsh, Assistant Ranking Minority Member; Young, Assistant Ranking Minority Member; Boehnke; Chambers; Chapman; Dent; Doglio; Duerr; Dufault; Entenman; Eslick; Goehner; Gregerson; Irwin; Kloba; Lovick; McCaslin; Mead; Orcutt; Ortiz-Self; Paul; Ramos; Riccelli; Shewmake; Van Werven and Volz.

Referred to Committee on Rules for second reading.

January 29, 2020 )

HB 2270 Prime Sponsor, Representative Dolan: Adjusting stop signal requirements for school buses. Reported by Committee on Transportation

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Fey, Chair; Slatter, 2nd Vice Chair; Valdez, 2nd Vice Chair; Wylie, 1st Vice Chair; Barkis, Ranking Minority Member; Walsh, Assistant Ranking Minority Member; Young, Assistant Ranking Minority Member; Boehnke; Chambers; Chapman; Dent; Doglio; Duerr; Dufault; Entenman; Eslick; Goehner; Gregerson; Irwin; Kloba; Lovick; McCaslin; Mead; Orcutt; Ortiz-Self; Paul; Ramos; Riccelli; Shewmake; Van Werven and Volz.

Referred to Committee on Rules for second reading.

January 28, 2020 )

HB 2280 Prime Sponsor, Representative MacEwen: Authorizing that money laundering forfeited proceeds and property be used for improvement of gambling-related law enforcement activities. Reported by Committee on Commerce & Gaming

MAJORITY recommendation: Do pass. Signed by Representatives Peterson, Chair; Kloba, Vice Chair; Chambers, Assistant Ranking Minority Member; Blake; Jenkin; Kirby and Vick.

MINORITY recommendation: Do not pass. Signed by Representatives Morgan and Ramel.

Referred to Committee on Appropriations.

January 28, 2020 )

HB 2319 Prime Sponsor, Representative Fitzgibbon: Concerning the sale of liquor in kegs or containers containing four gallons or more of liquor. Reported by Committee on Commerce & Gaming

MAJORITY recommendation: Do pass. Signed by Representatives Peterson, Chair; Kloba, Vice Chair; Chambers, Assistant Ranking Minority Member; Blake; Jenkin; Kirby; Morgan; Ramel and Vick.

Referred to Committee on Rules for second reading.

January 28, 2020 )

HB 2320 Prime Sponsor, Representative Leavitt: Requiring training on human trafficking. Reported by Committee on Consumer Protection & Business

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Kirby, Chair; Vick, Ranking Minority Member; Hoff, Assistant Ranking Minority Member; Barkis; Blake; Duerr; Dufault; Johnson, J.; Ryu; Santos; Volz; Walen and Ybarra.

Referred to Committee on Rules for second reading.

January 28, 2020 )

HB 2354 Prime Sponsor, Representative Vick: Expediting professional licenses for new Washington residents. Reported by Committee on Consumer Protection & Business

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Kirby, Chair; Vick, Ranking Minority Member; Hoff, Assistant Ranking Minority Member; Barkis; Blake; Duerr; Dufault; Johnson, J.; Ryu; Santos; Volz; Walen and Ybarra.

Referred to Committee on Appropriations.

January 28, 2020 )

HB 2355 Prime Sponsor, Representative Vick: Creating alternative professional licensing standards. Reported by Committee on Consumer Protection & Business

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Kirby, Chair; Vick, Ranking Minority Member; Hoff, Assistant Ranking Minority Member; Barkis; Blake; Duerr; Dufault; Johnson, J.; Ryu; Santos; Volz; Walen and Ybarra.

Referred to Committee on Appropriations.

January 28, 2020 )

HB 2356 Prime Sponsor, Representative Vick: Reducing barriers to professional licensure for individuals with previous criminal convictions. Reported by Committee on Consumer Protection & Business

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Kirby, Chair; Vick, Ranking Minority Member; Hoff, Assistant Ranking Minority Member; Barkis; Blake; Duerr; Dufault; Johnson, J.; Ryu; Santos; Volz; Walen and Ybarra.

Referred to Committee on Appropriations.

January 28, 2020 )

HB 2388 Prime Sponsor, Representative Senn: Standardizing definitions of homelessness to improve access to services. Reported by Committee on Human Services & Early Learning

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass.

Signed by Representatives Senn, Chair; Callan, Vice Chair; Frame, Vice Chair; Goodman; Kilduff; Lovick and Ortiz-Self.

MINORITY recommendation: Do not pass. Signed by Representatives Dent, Ranking Minority Member; Eslick, Assistant Ranking Minority Member; McCaslin, Assistant Ranking Minority Member; Corry; Griffey and Klippert.

Referred to Committee on Appropriations.

January 28, 2020 )

HB 2412 Prime Sponsor, Representative Stonier: Concerning domestic brewery and microbrewery retail licenses. Reported by Committee on Commerce & Gaming

MAJORITY recommendation: Do pass. Signed by Representatives Peterson, Chair; Kloba, Vice Chair; Chambers, Assistant Ranking Minority Member; Blake; Jenkin; Kirby; Morgan; Ramel and Vick.

Referred to Committee on Rules for second reading.

January 28, 2020 )

HB 2455 Prime Sponsor, Representative Kilduff: Supporting access to child care for parents who are attending high school or working toward completion of a high school equivalency certificate. Reported by Committee on Human Services & Early Learning

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Senn, Chair; Callan, Vice Chair; Frame, Vice Chair; Eslick, Assistant Ranking Minority Member; Goodman; Griffey; Kilduff; Lovick and Ortiz-Self.

MINORITY recommendation: Do not pass. Signed by Representatives Dent, Ranking Minority Member; McCaslin, Assistant Ranking Minority Member; Corry and Klippert.

Referred to Committee on Appropriations.

January 28, 2020 )

HB 2471 Prime Sponsor, Representative Callan: Concerning working connections child care payment authorizations. Reported by Committee on Human Services & Early Learning

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Senn, Chair; Callan, Vice Chair; Frame, Vice Chair; Dent, Ranking Minority

Member; Eslick, Assistant Ranking Minority Member; McCaslin, Assistant Ranking Minority Member; Corry; Goodman; Griffey; Kilduff; Klippert; Lovick and Ortiz-Self.

Referred to Committee on Appropriations.

January 28, 2020 )

HB 2477 Prime Sponsor, Representative Vick: Establishing review standards for professional licensing regulation. Reported by Committee on Consumer Protection & Business

MAJORITY recommendation: Do pass. Signed by Representatives Kirby, Chair; Vick, Ranking Minority Member; Hoff, Assistant Ranking Minority Member; Barkis; Blake; Duerr; Dufault; Johnson, J.; Ryu; Santos; Volz; Walen and Ybarra.

Referred to Committee on Rules for second reading.

January 29, 2020 )

HB 2596 Prime Sponsor, Representative Boehnke: Fostering economic growth in Washington by supporting emerging businesses in the new space economy. Reported by Committee on Innovation, Technology & Economic Development

MAJORITY recommendation: Do pass. Signed by Representatives Hudgins, Chair; Kloba, Vice Chair; Smith, Ranking Minority Member; Boehnke, Assistant Ranking Minority Member; Entenman; Slatter; Tarleton; Van Werven and Wylie.

Referred to Committee on Appropriations.

January 28, 2020 )

HB 2875 Prime Sponsor, Representative Hoff: Creating license review and reporting requirements. Reported by Committee on Consumer Protection & Business

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Kirby, Chair; Vick, Ranking Minority Member; Hoff, Assistant Ranking Minority Member; Barkis; Blake; Duerr; Dufault; Johnson, J.; Ryu; Santos; Volz; Walen and Ybarra.

Referred to Committee on Appropriations.

January 29, 2020 )

HJM 4015 Prime Sponsor, Representative Boehnke: Requesting Congress to establish a United States Space Academy in Washington state. Reported by Committee on

Innovation, Technology & Economic  
Development

MAJORITY recommendation: Do pass. Signed by Representatives Hudgins, Chair; Kloba, Vice Chair; Smith, Ranking Minority Member; Boehnke, Assistant Ranking Minority Member; Entenman; Slatter; Tarleton; Van Werven and Wylie.

Referred to Committee on Rules for second reading.

There being no objection, the bills and memorial listed on the day's committee reports under the fifth order of business were referred to the committees so designated.

There being no objection, the House adjourned until 10:00 a.m., February 3, 2020, the 22nd Day of the Regular Session.

LAURIE JINKINS, Speaker

BERNARD DEAN, Chief Clerk



SIXTY SIXTH LEGISLATURE - REGULAR SESSION

TWENTY SECOND DAY

The House was called to order at 10:00 a.m. by the Speaker (Representative Lovick presiding). The Clerk called the roll and a quorum was present.

The flags were escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Imara Bhanji and Dasher Evans. The Speaker (Representative Lovick presiding) led the Chamber in the Pledge of Allegiance. The prayer was offered by Pastor Dexter W. Clark, Altheimer Memorial Church, Tacoma, Washington.

Reading of the Journal of the previous day was dispensed with and it was ordered to stand approved.

RESOLUTION

**HOUSE RESOLUTION NO. 2020-4655**, by Representatives Jinkins, Wilcox, Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Mead, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwell, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wylie, Ybarra, and Young

WHEREAS, Black History Month is celebrated in Washington state and around the nation due to the efforts of Dr. Carter Woodson, who in 1926 advocated that we set aside a special period in February to recognize the history, heritage, and achievements of black people in the United States; and

WHEREAS, Dr. Woodson chose February to celebrate black history to honor the birth month of the abolitionist Frederick Douglass and President Abraham Lincoln, who signed the Emancipation Proclamation; and

WHEREAS, In 1776, those founding the United States stated they were dedicated to the proposition stated in the Declaration of Independence that all men are created equal, and endowed by their creator with certain unalienable rights, including life, liberty and the pursuit of happiness; and

House Chamber, Olympia, Monday, February 3, 2020

WHEREAS, Much of the history of black Americans can be viewed through the lens of the long, hard struggle to reconcile the reality of slavery, Jim Crow, and segregation with the words and ideals written in the Declaration of Independence and the Bill of Rights; and

WHEREAS, In the face of persistent and entrenched injustice and inequality, countless men and women of good will came together to fight to improve our imperfect union and bring it closer to the ideals of equality and opportunity for all; and

WHEREAS, We recognize the vision and ideas of writers like Maya Angelou, James Baldwin, Alice Walker, and Ralph Ellison; and

WHEREAS, We honor the vision and resolve of national leaders such as Shirley Chisholm and Elijah Cummings, along with local leaders such as Thelma Jackson of Tacoma and Norm Rice, the first black American mayor of Seattle; and

WHEREAS, In 2008, Barack Obama became the first black American to serve as President of the United States; and

WHEREAS, In 2019, Representative John Lovick became Acting Speaker of the House of Representatives and became the first black American to serve as Speaker in the history of Washington, which achieved statehood in 1889;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives recognize the contributions of black men and women to our communities, cities, military, the state of Washington, and the United States of America; and

BE IT FURTHER RESOLVED, That the House of Representatives encourage the celebration of Black History Month in our schools and universities, and in our communities and neighborhoods, to foster a better understanding of that history and its significance here in Washington and throughout this nation.

There being no objection, HOUSE RESOLUTION NO. 4655 was adopted.

There being no objection, the House advanced to the third order of business.

MESSAGE FROM THE SENATE

January 31, 2020

Mme. SPEAKER:

The Senate has passed:

SECOND SUBSTITUTE SENATE BILL NO. 5149,  
SENATE BILL NO. 5339,  
SENATE BILL NO. 5519,  
SUBSTITUTE SENATE BILL NO. 6029,  
SUBSTITUTE SENATE BILL NO. 6052,  
SENATE BILL NO. 6090,  
SENATE BILL NO. 6170,

and the same are herewith transmitted.

Brad Hendrickson, Secretary

There being no objection, the House advanced to the fourth order of business.

### INTRODUCTION & FIRST READING

HB 2917 by Representatives Ramos, Van Werven, Pettigrew, Santos, Chopp, Tarleton, Macri, Sullivan, Valdez and Rude

AN ACT Relating to increasing the maximum Washington college grant award at independent institutions of higher education; and amending RCW 28B.92.030.

Referred to Committee on Appropriations.

HB 2918 by Representative Corry

AN ACT Relating to transportation; adding a new chapter to Title 46 RCW; and providing an effective date.

Referred to Committee on Transportation.

HB 2919 by Representative Chopp

AN ACT Relating to adjusting the amount and use of county fees on the real estate excise tax; and amending RCW 82.45.180.

Referred to Committee on Finance.

HB 2920 by Representative Young

AN ACT Relating to establishing a special permit; and amending RCW 66.20.010.

Referred to Committee on Commerce & Gaming.

2SSB 5149 by Senate Committee on Law & Justice (originally sponsored by Wilson, L., Becker, Kuderer, Short and Takko)

AN ACT Relating to electronic monitoring with victim notification technology; amending RCW 7.90.010 and 7.92.020; reenacting and amending RCW 9.94A.030 and 10.99.020; adding a new section to chapter 2.56 RCW; and creating a new section.

Referred to Committee on Public Safety.

SB 5339 by Senators Carlyle, Walsh, Pedersen, Wellman, Keiser, Liias, Hunt, Kuderer, Nguyen and Saldaña

AN ACT Relating to reducing criminal justice expenses by eliminating the death penalty and instead requiring life imprisonment without possibility of release or parole as the sentence for aggravated first degree murder; amending RCW 10.95.030; and repealing RCW 10.95.040, 10.95.050, 10.95.060, 10.95.070, 10.95.080, 10.95.090, 10.95.100, 10.95.110, 10.95.120, 10.95.130, 10.95.140, 10.95.150, 10.95.160, 10.95.170, 10.95.180, 10.95.185, 10.95.190, and 10.95.200.

Referred to Committee on Public Safety.

SB 5519 by Senators Cleveland, King, Takko, Warnick, Short, Braun, Wilson, L. and Honeyford

AN ACT Relating to mosquito control districts; and amending RCW 17.28.257.

Referred to Committee on Local Government.

SSB 6029 by Senate Committee on Law & Justice (originally sponsored by Pedersen and Padden)

AN ACT Relating to the uniform directed trust act; adding a new chapter to Title 11 RCW; repealing RCW 11.98A.010, 11.98A.020, 11.98A.030, 11.98A.040, 11.98A.050, 11.98A.060, 11.98A.070, 11.98A.080, 11.98A.090, 11.98A.100, 11.98A.110, 11.98A.120, and 11.98A.900; and providing an effective date.

Referred to Committee on Civil Rights & Judiciary.

SSB 6052 by Senate Committee on Financial Institutions, Economic Development & Trade (originally sponsored by Mullet, Wilson, L. and Kuderer)

AN ACT Relating to life insurance products or services that are intended to incent behavioral changes that improve the health and reduce the risk of death of the insured; amending RCW 48.30.140, 48.30.150, 48.30.155, and 48.23.525; and providing an effective date.

Referred to Committee on Consumer Protection & Business.

SB 6090 by Senators Warnick, Honeyford and Liias

AN ACT Relating to limiting fire protection service agency liability for the installation of detection devices; and adding a new section to chapter 4.24 RCW.

Referred to Committee on Civil Rights & Judiciary.

**SB 6170** by Senators Keiser, Conway, Fortunato, Hasegawa and King

AN ACT Relating to plumbing; amending RCW 18.106.010, 18.106.020, 18.106.030, 18.106.040, 18.106.050, 18.106.070, 18.106.100, 18.106.110, 18.106.125, 18.106.150, 18.106.180, 18.106.200, 18.106.220, 18.106.250, 18.106.270, 18.106.320, 18.27.060, 18.27.090, 19.28.041, 19.28.191, 19.28.191, and 19.28.051; reenacting and amending RCW 19.28.091; adding new sections to chapter 18.106 RCW; prescribing penalties; providing effective dates; and providing an expiration date.

Referred to Committee on Labor & Workplace Standards.

There being no objection, the bills listed on the day's introduction sheet under the fourth order of business were referred to the committees so designated, with the exception of HOUSE BILL NO. 2918 which was referred to the Committee on Consumer Protection & Business.

There being no objection, the House advanced to the fifth order of business.

#### REPORTS OF STANDING COMMITTEES

January 30, 2020 )

**HB 2171** Prime Sponsor, Representative Santos: Concerning vested vacation or paid time off upon an employee's termination. Reported by Committee on Labor & Workplace Standards

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Sells, Chair; Chapman, Vice Chair; Gregerson and Ormsby.

MINORITY recommendation: Do not pass. Signed by Representatives Mosbrucker, Ranking Minority Member; Chandler, Assistant Ranking Minority Member and Hoff.

Referred to Committee on Appropriations.

January 29, 2020 )

**HB 2185** Prime Sponsor, Representative Leavitt: Assisting spouses and dependents of active duty military by ensuring affordable access to higher education. Reported by Committee on College & Workforce Development

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Hansen, Chair; Entenman, Vice Chair; Leavitt, Vice Chair; Van Werven, Ranking Minority Member; Gildon, Assistant Ranking Minority

Member; Graham, Assistant Ranking Minority Member; Bergquist; Kraft; Mead; Paul; Pollet; Ramos; Rude; Sells; Slatter; Sutherland and Young.

Referred to Committee on Rules for second reading.

January 30, 2020 )

**HB 2239** Prime Sponsor, Representative Blake: Prohibiting unjustified employer searches of employee personal vehicles. Reported by Committee on Labor & Workplace Standards

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Sells, Chair; Chapman, Vice Chair; Gregerson; Hoff and Ormsby.

MINORITY recommendation: Do not pass. Signed by Representatives Mosbrucker, Ranking Minority Member Chandler, Assistant Ranking Minority Member.

Referred to Committee on Appropriations.

January 30, 2020 )

**HB 2265** Prime Sponsor, Representative Doglio: Eliminating exemptions from restrictions on the use of perfluoroalkyl and polyfluoroalkyl substances in firefighting foam. Reported by Committee on Environment & Energy

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Fitzgibbon, Chair; Lekanoff, Vice Chair; DeBolt, Ranking Minority Member; Dye, Assistant Ranking Minority Member; Boehnke; Doglio; Fey; Goehner; Mead; Robinson and Shewmake.

Referred to Committee on Rules for second reading.

January 29, 2020 )

**HB 2283** Prime Sponsor, Representative Stokesbary: Increasing fairness, transparency, and accountability in the admission processes of state universities. Reported by Committee on College & Workforce Development

MAJORITY recommendation: Do pass. Signed by Representatives Hansen, Chair; Entenman, Vice Chair; Leavitt, Vice Chair; Van Werven, Ranking Minority Member; Gildon, Assistant Ranking Minority Member; Graham, Assistant Ranking Minority Member; Bergquist; Kraft; Mead; Paul; Ramos; Rude; Sells; Slatter; Sutherland and Young.

MINORITY recommendation: Without  
recommendation. Signed by Representative Pollet.

Referred to Committee on Rules for second reading.

January 30, 2020 )

HB 2317 Prime Sponsor, Representative Orwall:  
Concerning animal welfare. Reported by  
Committee on Public Safety

MAJORITY recommendation: The substitute bill be  
substituted therefor and the substitute bill do pass.  
Signed by Representatives Appleton, 2nd Vice Chair;  
Goodman, Chair; Davis, Vice Chair; Klippert, Ranking  
Minority Member; Sutherland, Assistant Ranking  
Minority Member; Graham; Griffey; Lovick; Orwall;  
Pellicciotti and Pettigrew.

Referred to Committee on Rules for second reading.

January 30, 2020 )

HB 2334 Prime Sponsor, Representative Davis:  
Concerning drug offender sentencing.  
Reported by Committee on Public Safety

MAJORITY recommendation: The substitute bill be  
substituted therefor and the substitute bill do pass.  
Signed by Representatives Appleton, 2nd Vice Chair;  
Goodman, Chair; Davis, Vice Chair; Klippert, Ranking  
Minority Member; Sutherland, Assistant Ranking  
Minority Member; Graham; Griffey; Lovick; Orwall;  
Pellicciotti and Pettigrew.

Referred to Committee on Appropriations.

January 30, 2020 )

HB 2341 Prime Sponsor, Representative Fitzgibbon:  
Concerning the retirement strategy funds in  
the plan 3 and the deferred compensation  
programs. Reported by Committee on  
Appropriations

MAJORITY recommendation: Do pass. Signed by  
Representatives Ormsby, Chair; Stokesbary, Ranking  
Minority Member; Robinson, 1st Vice Chair; Bergquist,  
2nd Vice Chair; Rude, Assistant Ranking Minority  
Member; Caldier; Chandler; Chopp; Cody; Corry;  
Dolan; Dye; Fitzgibbon; Hansen; Hoff; Hudgins;  
Kilduff; Kraft; Macri; Mosbrucker; Pettigrew; Pollet;  
Ryu; Schmick; Senn; Springer; Steele; Sullivan;  
Sutherland; Tarleton; Tharinger and Ybarra.

Referred to Committee on Rules for second reading.

January 29, 2020 )

HB 2358 Prime Sponsor, Representative Fitzgibbon:  
Increasing mobility through the  
modification of stop sign requirements for

bicyclists. Reported by Committee on  
Transportation

MAJORITY recommendation: The substitute bill be  
substituted therefor and the substitute bill do pass.  
Signed by Representatives Fey, Chair; Slatter, 2nd Vice  
Chair; Valdez, 2nd Vice Chair; Wylie, 1st Vice Chair;  
Barkis, Ranking Minority Member; Young, Assistant  
Ranking Minority Member; Chapman; Doglio; Duerr;  
Dufault; Entenman; Gregerson; Irwin; Kloba; Lovick;  
Mead; Orcutt; Ortiz-Self; Paul; Ramos; Riccelli;  
Shewmake; Van Werven and Volz.

MINORITY recommendation: Do not pass. Signed by  
Representatives Walsh, Assistant Ranking Minority  
Member; Boehnke; Chambers; Dent; Eslick; Goehner  
and McCaslin.

Referred to Committee on Rules for second reading.

January 30, 2020 )

HB 2375 Prime Sponsor, Representative Leavitt:  
Concerning tableting and encapsulating  
machines and controlled substance  
imitation materials. Reported by  
Committee on Public Safety

MAJORITY recommendation: The substitute bill be  
substituted therefor and the substitute bill do pass.  
Signed by Representatives Appleton, 2nd Vice Chair;  
Goodman, Chair; Davis, Vice Chair; Klippert, Ranking  
Minority Member; Sutherland, Assistant Ranking  
Minority Member; Graham; Griffey; Lovick; Orwall;  
Pellicciotti and Pettigrew.

Referred to Committee on Rules for second reading.

January 29, 2020 )

HB 2382 Prime Sponsor, Representative Leavitt:  
Concerning housing for community and  
technical college faculty and employees.  
Reported by Committee on College &  
Workforce Development

MAJORITY recommendation: Do pass. Signed by  
Representatives Hansen, Chair; Entenman, Vice Chair;  
Leavitt, Vice Chair; Bergquist; Mead; Paul; Pollet;  
Ramos; Sells and Slatter.

MINORITY recommendation: Do not pass. Signed by  
Representatives Van Werven, Ranking Minority  
Member; Gildon, Assistant Ranking Minority Member;  
Graham, Assistant Ranking Minority Member; Kraft;  
Rude; Sutherland and Young.

Referred to Committee on Capital Budget.

January 30, 2020 )

HB 2393 Prime Sponsor, Representative Goodman:  
Earning credit for complying with  
community custody conditions. Reported  
by Committee on Public Safety

MAJORITY recommendation: The substitute bill be  
substituted therefor and the substitute bill do pass.  
Signed by Representatives Appleton, 2nd Vice Chair;  
Goodman, Chair; Davis, Vice Chair; Klippert, Ranking  
Minority Member; Sutherland, Assistant Ranking  
Minority Member; Graham; Griffey; Lovick; Orwall;  
Pellicciotti and Pettigrew.

Referred to Committee on Appropriations.

January 30, 2020 )

HB 2394 Prime Sponsor, Representative Klippert:  
Concerning community custody. Reported  
by Committee on Public Safety

MAJORITY recommendation: The substitute bill be  
substituted therefor and the substitute bill do pass.  
Signed by Representatives Appleton, 2nd Vice Chair;  
Goodman, Chair; Davis, Vice Chair; Klippert, Ranking  
Minority Member; Sutherland, Assistant Ranking  
Minority Member; Graham; Griffey; Lovick; Orwall;  
Pellicciotti and Pettigrew.

Referred to Committee on Appropriations.

January 31, 2020 )

HB 2400 Prime Sponsor, Representative Hudgins:  
Concerning privacy assessment surveys of  
state agencies. Reported by Committee on  
State Government & Tribal Relations

MAJORITY recommendation: The substitute bill be  
substituted therefor and the substitute bill do pass.  
Signed by Representatives Gregerson, Chair;  
Pellicciotti, Vice Chair; Walsh, Ranking Minority  
Member; Appleton; Dolan; Hudgins; Mosbrucker and  
Smith.

MINORITY recommendation: Without  
recommendation. Signed by Representative Goehner,  
Assistant Ranking Minority Member.

Referred to Committee on Rules for second reading.

January 30, 2020 )

HB 2417 Prime Sponsor, Representative Davis:  
Concerning individuals serving community  
custody terms. Reported by Committee on  
Public Safety

MAJORITY recommendation: The substitute bill be  
substituted therefor and the substitute bill do pass.  
Signed by Representatives Appleton, 2nd Vice Chair;  
Goodman, Chair; Davis, Vice Chair; Klippert, Ranking

Minority Member; Sutherland, Assistant Ranking  
Minority Member; Graham; Griffey; Lovick; Orwall;  
Pellicciotti and Pettigrew.

Referred to Committee on Appropriations.

January 30, 2020 )

HB 2431 Prime Sponsor, Representative Klippert:  
Concerning criminal offenses involving  
watercraft. Reported by Committee on  
Public Safety

MAJORITY recommendation: The substitute bill be  
substituted therefor and the substitute bill do pass.  
Signed by Representatives Appleton, 2nd Vice Chair;  
Goodman, Chair; Davis, Vice Chair; Klippert, Ranking  
Minority Member; Sutherland, Assistant Ranking  
Minority Member; Graham; Griffey; Lovick; Orwall;  
Pellicciotti and Pettigrew.

Referred to Committee on Rules for second reading.

January 30, 2020 )

HB 2492 Prime Sponsor, Representative Peterson:  
Increasing the dollar limit of pull-tabs.  
Reported by Committee on Commerce &  
Gaming

MAJORITY recommendation: Do pass. Signed by  
Representatives Peterson, Chair; Kloba, Vice Chair;  
Chambers, Assistant Ranking Minority Member; Blake;  
Jenkin; Kirby; Morgan; Ramel; Vick and Young.

Referred to Committee on Rules for second reading.

January 30, 2020 )

HB 2518 Prime Sponsor, Representative Shewmake:  
Concerning the safe and efficient  
transmission and distribution of natural  
gas. Reported by Committee on  
Environment & Energy

MAJORITY recommendation: The substitute bill be  
substituted therefor and the substitute bill do pass.  
Signed by Representatives Fitzgibbon, Chair; Lekanoff,  
Vice Chair; Boehnke; Doglio; Fey; Mead; Robinson and  
Shewmake.

MINORITY recommendation: Do not pass. Signed by  
Representatives DeBolt, Ranking Minority Member;  
Dye, Assistant Ranking Minority Member and Goehner.

Referred to Committee on Appropriations.

January 29, 2020 )

HB 2525 Prime Sponsor, Representative Callan:  
Establishing the family connections

program. Reported by Committee on Human Services & Early Learning

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Senn, Chair; Callan, Vice Chair; Frame, Vice Chair; Dent, Ranking Minority Member; Eslick, Assistant Ranking Minority Member; McCaslin, Assistant Ranking Minority Member; Corry; Goodman; Griffey; Kilduff; Klippert; Lovick and Ortiz-Self.

Referred to Committee on Appropriations.

January 31, 2020 )

HB 2540 Prime Sponsor, Representative Maycumber: Clarifying when campaign funds may be used for child care expenses. Reported by Committee on State Government & Tribal Relations

MAJORITY recommendation: Do pass. Signed by Representatives Gregerson, Chair; Pellicciotti, Vice Chair; Walsh, Ranking Minority Member; Goehner, Assistant Ranking Minority Member; Appleton; Dolan; Hudgins; Mosbrucker and Smith.

Referred to Committee on Rules for second reading.

January 29, 2020 )

HB 2542 Prime Sponsor, Representative Paul: Concerning tuition waivers for children of eligible veterans. Reported by Committee on College & Workforce Development

MAJORITY recommendation: Do pass. Signed by Representatives Hansen, Chair; Entenman, Vice Chair; Leavitt, Vice Chair; Van Werven, Ranking Minority Member; Gildon, Assistant Ranking Minority Member; Graham, Assistant Ranking Minority Member; Bergquist; Kraft; Mead; Paul; Pollet; Ramos; Sells; Slatter; Sutherland and Young.

MINORITY recommendation: Without recommendation. Signed by Representative Rude.

Referred to Committee on Appropriations.

January 29, 2020 )

HB 2543 Prime Sponsor, Representative Paul: Ensuring eligible veterans and their dependents qualify for in-state residency. Reported by Committee on College & Workforce Development

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Hansen, Chair; Entenman, Vice Chair; Leavitt, Vice Chair; Van Werven, Ranking

Minority Member; Gildon, Assistant Ranking Minority Member; Graham, Assistant Ranking Minority Member; Bergquist; Kraft; Mead; Paul; Pollet; Ramos; Rude; Sells; Slatter; Sutherland and Young.

Referred to Committee on Rules for second reading.

January 30, 2020 )

HB 2545 Prime Sponsor, Representative Davis: Making jail records available to managed health care systems. Reported by Committee on Public Safety

MAJORITY recommendation: Do pass. Signed by Representatives Goodman, Chair; Davis, Vice Chair; Klippert, Ranking Minority Member; Sutherland, Assistant Ranking Minority Member; Graham; Griffey; Lovick; Orwall; Pellicciotti and Pettigrew.

MINORITY recommendation: Without recommendation. Signed by Representative Appleton, 2nd Vice Chair.

Referred to Committee on Rules for second reading.

January 30, 2020 )

HB 2560 Prime Sponsor, Representative Maycumber: Concerning basic law enforcement training. Reported by Committee on Public Safety

MAJORITY recommendation: Do pass. Signed by Representatives Appleton, 2nd Vice Chair; Goodman, Chair; Davis, Vice Chair; Klippert, Ranking Minority Member; Sutherland, Assistant Ranking Minority Member; Graham; Griffey; Lovick; Orwall; Pellicciotti and Pettigrew.

Referred to Committee on Appropriations.

January 30, 2020 )

HB 2565 Prime Sponsor, Representative Fitzgibbon: Concerning the labeling of disposable wipes products. Reported by Committee on Environment & Energy

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Fitzgibbon, Chair; Lekanoff, Vice Chair; DeBolt, Ranking Minority Member; Dye, Assistant Ranking Minority Member; Boehnke; Doglio; Fey; Goehner; Mead; Robinson and Shewmake.

Referred to Committee on Rules for second reading.

January 29, 2020 )

HB 2572 Prime Sponsor, Representative Robinson: Concerning implementation of the

recommendations of the December 2019 report from the William D. Ruckelshaus center regarding residential habilitation center clients. Reported by Committee on Human Services & Early Learning

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Senn, Chair; Callan, Vice Chair; Frame, Vice Chair; Dent, Ranking Minority Member; Eslick, Assistant Ranking Minority Member; McCaslin, Assistant Ranking Minority Member; Corry; Goodman; Griffey; Kilduff; Klippert; Lovick and Ortiz-Self.

Referred to Committee on Appropriations.

January 30, 2020 )

HB 2579 Prime Sponsor, Representative Dye: Establishing a wild horse holding and training program at Coyote Ridge corrections center. Reported by Committee on Public Safety

MAJORITY recommendation: Do pass. Signed by Representatives Appleton, 2nd Vice Chair; Goodman, Chair; Davis, Vice Chair; Klippert, Ranking Minority Member; Sutherland, Assistant Ranking Minority Member; Graham; Griffey; Lovick; Orwall; Pellicciotti and Pettigrew.

Referred to Committee on Rules for second reading.

January 29, 2020 )

HB 2580 Prime Sponsor, Representative Caldier: Reporting on independent living services. Reported by Committee on Human Services & Early Learning

MAJORITY recommendation: Do pass. Signed by Representatives Senn, Chair; Callan, Vice Chair; Frame, Vice Chair; Dent, Ranking Minority Member; Eslick, Assistant Ranking Minority Member; McCaslin, Assistant Ranking Minority Member; Corry; Goodman; Griffey; Kilduff; Klippert; Lovick and Ortiz-Self.

Referred to Committee on Rules for second reading.

January 31, 2020 )

HB 2587 Prime Sponsor, Representative Ramel: Establishing a program for the designation of state scenic bikeways. Reported by Committee on Housing, Community Development & Veterans

MAJORITY recommendation: Do pass. Signed by Representatives Jenkin, Ranking Minority Member; Gildon, Assistant Ranking Minority Member; Ryu,

Chair; Morgan, Vice Chair; Barkis; Frame; Johnson, J.; Leavitt and Ramel.

Referred to Committee on Appropriations.

January 29, 2020 )

HB 2591 Prime Sponsor, Representative Senn: Concerning youth eligible for developmental disability services who are expected to exit the foster care system. Reported by Committee on Human Services & Early Learning

MAJORITY recommendation: Do pass. Signed by Representatives Senn, Chair; Callan, Vice Chair; Frame, Vice Chair; Dent, Ranking Minority Member; Eslick, Assistant Ranking Minority Member; McCaslin, Assistant Ranking Minority Member; Corry; Goodman; Griffey; Kilduff; Klippert; Lovick and Ortiz-Self.

Referred to Committee on Appropriations.

January 29, 2020 )

HB 2607 Prime Sponsor, Representative Callan: Assisting homeless individuals in obtaining Washington state identicards. Reported by Committee on Human Services & Early Learning

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Senn, Chair; Callan, Vice Chair; Frame, Vice Chair; Eslick, Assistant Ranking Minority Member; Corry; Goodman; Griffey; Kilduff; Lovick and Ortiz-Self.

MINORITY recommendation: Do not pass. Signed by Representatives Dent, Ranking Minority Member; McCaslin, Assistant Ranking Minority Member and Klippert.

Referred to Committee on Transportation.

January 30, 2020 )

HB 2638 Prime Sponsor, Representative Peterson: Authorizing sports wagering subject to the terms of tribal-state gaming compacts. Reported by Committee on Commerce & Gaming

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Peterson, Chair; Kloba, Vice Chair; Chambers, Assistant Ranking Minority Member; Blake; Kirby; Morgan; Ramel and Young.

MINORITY recommendation: Do not pass. Signed by Representative Vick.

MINORITY recommendation: Without  
recommendation. Signed by Representative Jenkin.

Referred to Committee on Appropriations.

January 30, 2020 )

HB 2640 Prime Sponsor, Representative Fey:  
Clarifying that facilities that are operated  
by a private entity in which persons are  
detained in custody under process of law  
pending the outcome of legal proceedings  
are not essential public facilities under the  
growth management act. Reported by  
Committee on Environment & Energy

MAJORITY recommendation: Do pass. Signed by  
Representatives Fitzgibbon, Chair; Lekanoff, Vice  
Chair; DeBolt, Ranking Minority Member; Dye,  
Assistant Ranking Minority Member; Boehnke; Doglio;  
Fey; Goehner; Mead; Robinson and Shewmake.

Referred to Committee on Rules for second reading.

January 30, 2020 )

HB 2646 Prime Sponsor, Representative Kilduff:  
Reducing work-related musculoskeletal  
disorders in the health care sector.  
Reported by Committee on Labor &  
Workplace Standards

MAJORITY recommendation: Do pass. Signed by  
Representatives Sells, Chair; Chapman, Vice Chair;  
Mosbrucker, Ranking Minority Member; Chandler,  
Assistant Ranking Minority Member; Gregerson; Hoff  
and Ormsby.

Referred to Committee on Appropriations.

January 29, 2020 )

HB 2654 Prime Sponsor, Representative Sells:  
Requiring uniform reporting of certain  
fiscal details by community and technical  
colleges. Reported by Committee on  
College & Workforce Development

MAJORITY recommendation: The substitute bill be  
substituted therefor and the substitute bill do pass.  
Signed by Representatives Hansen, Chair; Entenman,  
Vice Chair; Leavitt, Vice Chair; Van Werven, Ranking  
Minority Member; Gildon, Assistant Ranking Minority  
Member; Graham, Assistant Ranking Minority Member;  
Bergquist; Kraft; Mead; Paul; Pollet; Ramos; Rude;  
Sells; Slatter; Sutherland and Young.

Referred to Committee on Appropriations.

January 31, 2020 )

HB 2736 Prime Sponsor, Representative Kilduff:  
Concerning the retirement age for state  
guard members. Reported by Committee  
on Housing, Community Development &  
Veterans

MAJORITY recommendation: Do pass. Signed by  
Representatives Jenkin, Ranking Minority Member;  
Gildon, Assistant Ranking Minority Member; Ryu,  
Chair; Morgan, Vice Chair; Barkis; Frame; Johnson, J.;  
Leavitt and Ramel.

Referred to Committee on Rules for second reading.

January 30, 2020 )

HB 2748 Prime Sponsor, Representative Ramel:  
Concerning parking cash out programs.  
Reported by Committee on Labor &  
Workplace Standards

MAJORITY recommendation: Do pass. Signed by  
Representatives Sells, Chair; Chapman, Vice Chair;  
Gregerson and Ormsby.

MINORITY recommendation: Do not pass. Signed by  
Representatives Mosbrucker, Ranking Minority  
Member; Chandler, Assistant Ranking Minority  
Member and Hoff.

Referred to Committee on Rules for second reading.

January 30, 2020 )

HB 2763 Prime Sponsor, Representative Chapman:  
Concerning interest arbitration for  
department of corrections employees.  
Reported by Committee on Labor &  
Workplace Standards

MAJORITY recommendation: Do pass. Signed by  
Representatives Sells, Chair; Chapman, Vice Chair;  
Mosbrucker, Ranking Minority Member; Gregerson;  
Hoff and Ormsby.

MINORITY recommendation: Do not pass. Signed by  
Representative Chandler, Assistant Ranking Minority  
Member.

Referred to Committee on Appropriations.

There being no objection, the bills listed on the day's  
committee reports under the fifth order of business were  
referred to the committees so designated.

There being no objection, the House adjourned until  
9:55 a.m., February 4, 2020, the 23rd Day of the Regular  
Session.

LAURIE JINKINS, Speaker

BERNARD DEAN, Chief Clerk





## SIXTY SIXTH LEGISLATURE - REGULAR SESSION

## TWENTY THIRD DAY

House Chamber, Olympia, Tuesday, February 4, 2020

The House was called to order at 9:55 a.m. by the Speaker (Representative Lovick presiding).

Reading of the Journal of the previous day was dispensed with and it was ordered to stand approved.

There being no objection, the House advanced to the fourth order of business.

**INTRODUCTION & FIRST READING**

**HB 2921** by Representatives Vick and Hoff

AN ACT Relating to reducing the real estate excise tax for undeveloped land; amending RCW 82.45.060; and creating a new section.

Referred to Committee on Finance.

**HB 2922** by Representatives DeBolt and Springer

AN ACT Relating to pole attachments on public utility district facilities; and amending RCW 54.04.045.

Referred to Committee on Environment & Energy.

**HB 2923** by Representative Peterson

AN ACT Relating to railroad grade crossings; adding a new section to chapter 81.53 RCW; and prescribing penalties.

Referred to Committee on Transportation.

**HB 2924** by Representatives Chambers, Gildon, Caldier and Dufault

AN ACT Relating to incentivizing shared housing; and amending RCW 43.185.050.

Referred to Committee on Capital Budget.

**HB 2925** by Representatives Senn and Chapman

AN ACT Relating to prohibiting the possession of weapons on state capitol grounds; and reenacting and amending RCW 9.41.300.

Referred to Committee on Civil Rights & Judiciary.

**HB 2926** by Representatives Maycumber, Blake, Kretz, MacEwen, Van Werven, Mosbrucker, Graham, Hoff, Griffey, Stokesbary, Chambers, Ybarra,

Dent, Barkis, Goehner, Chandler, Kraft, Goodman, Lovick, Ortiz-Self and Senn

AN ACT Relating to expanding access to critical incident stress management programs; adding new sections to chapter 36.28A RCW; and providing an expiration date.

Referred to Committee on Appropriations.

There being no objection, the bills listed on the day's introduction sheet under the fourth order of business were referred to the committees so designated.

There being no objection, the House advanced to the fifth order of business.

**REPORTS OF STANDING COMMITTEES**

January 31, 2020 )

**HB 1315** Prime Sponsor, Representative Lovick: Concerning concealed pistol license training requirements. Reported by Committee on Civil Rights & Judiciary

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Kilduff, Chair; Thai, Vice Chair; Goodman; Hansen; Kirby; Orwall; Peterson; Valdez and Walen.

MINORITY recommendation: Do not pass. Signed by Representatives Irwin, Ranking Minority Member; Dufault, Assistant Ranking Minority Member; Graham; Klippert; Rude and Ybarra.

Referred to Committee on Rules for second reading.

January 30, 2020 )

**SHB 1661** Prime Sponsor, Committee on Appropriations: Concerning the higher education retirement plans. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass. Signed by Representatives Ormsby, Chair; Stokesbary, Ranking Minority Member; Robinson, 1st Vice Chair; Bergquist, 2nd Vice Chair; Rude, Assistant Ranking Minority Member; Caldier; Chandler; Chopp; Cody; Corry; Dolan; Dye; Fitzgibbon; Hansen; Hoff;

Hudgins; Kilduff; Kraft; Macri; Mosbrucker; Pettigrew; Pollet; Ryu; Schmick; Senn; Springer; Steele; Sullivan; Sutherland; Tarleton; Tharinger and Ybarra.

Referred to Committee on Rules for second reading.

January 31, 2020 )

HB 1898 Prime Sponsor, Representative Cody: Regulating health carriers offering dental only coverage. Reported by Committee on Health Care & Wellness

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Cody, Chair; Macri, Vice Chair; Schmick, Ranking Minority Member; Chambers; Chopp; Davis; DeBolt; Harris; Maycumber; Riccelli; Robinson; Stonier; Thai and Tharinger.

Referred to Committee on Rules for second reading.

January 30, 2020 )

HB 2017 Prime Sponsor, Representative Frame: Concerning collective bargaining for administrative law judges. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Ormsby, Chair; Robinson, 1st Vice Chair; Bergquist, 2nd Vice Chair; Chopp; Cody; Dolan; Fitzgibbon; Hansen; Hudgins; Kilduff; Macri; Pettigrew; Pollet; Ryu; Senn; Springer; Sullivan; Tarleton and Tharinger.

MINORITY recommendation: Do not pass. Signed by Representatives Stokesbary, Ranking Minority Member; Caldier; Chandler; Corry; Dye; Hoff; Kraft; Mosbrucker; Schmick; Steele; Sutherland and Ybarra.

MINORITY recommendation: Without recommendation. Signed by Representative Rude, Assistant Ranking Minority Member.

Referred to Committee on Rules for second reading.

January 31, 2020 )

HB 2302 Prime Sponsor, Representative Kilduff: Concerning child support, but only with respect to standards for determination of income, abatement of child support for incarcerated obligors, modification of administrative orders, and notices of support owed. Reported by Committee on Civil Rights & Judiciary

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Kilduff, Chair; Thai, Vice

Chair; Irwin, Ranking Minority Member; Goodman; Hansen; Kirby; Orwall; Peterson; Rude; Valdez and Walen.

MINORITY recommendation: Do not pass. Signed by Representatives Klippert and Ybarra.

MINORITY recommendation: Without recommendation. Signed by Representatives Dufault, Assistant Ranking Minority Member and Graham.

Referred to Committee on Rules for second reading.

January 31, 2020 )

HB 2303 Prime Sponsor, Representative Leavitt: Concerning professional licensing requirements for service members and military spouses. Reported by Committee on Housing, Community Development & Veterans

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Jenkin, Ranking Minority Member; Gildon, Assistant Ranking Minority Member; Ryu, Chair; Morgan, Vice Chair; Barkis; Frame; Johnson, J.; Leavitt and Ramel.

Referred to Committee on Appropriations.

January 31, 2020 )

HB 2335 Prime Sponsor, Representative Davis: Increasing access to medications for opioid use disorder. Reported by Committee on Health Care & Wellness

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Cody, Chair; Macri, Vice Chair; Schmick, Ranking Minority Member; Chambers; Chopp; Davis; DeBolt; Harris; Maycumber; Riccelli; Robinson; Stonier; Thai and Tharinger.

Referred to Committee on Rules for second reading.

January 31, 2020 )

HB 2338 Prime Sponsor, Representative Macri: Prohibiting discrimination in health care coverage. Reported by Committee on Health Care & Wellness

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Cody, Chair; Macri, Vice Chair; Schmick, Ranking Minority Member; Chambers; Chopp; Davis; DeBolt; Harris; Maycumber; Riccelli; Robinson; Stonier; Thai and Tharinger.

Referred to Committee on Appropriations.

January 31, 2020 )

HB 2360 Prime Sponsor, Representative Peterson:  
Establishing the sharps waste stewardship  
program. Reported by Committee on  
Health Care & Wellness

MAJORITY recommendation: Do pass. Signed by  
Representatives Cody, Chair; Macri, Vice Chair; Chopp;  
Davis; Riccelli; Robinson; Stonier; Thai and Tharinger.

MINORITY recommendation: Do not pass. Signed by  
Representatives Schmick, Ranking Minority Member;  
Chambers; DeBolt; Harris and Maycumber.

Referred to Committee on Appropriations.

January 31, 2020 )

HB 2371 Prime Sponsor, Representative Hoff:  
Concerning the authority of counties to  
vacate a county road that abuts on a body  
of water if the county road is hazardous or  
creates a significant risk to public safety.  
Reported by Committee on Local  
Government

MAJORITY recommendation: The substitute bill be  
substituted therefor and the substitute bill do pass.  
Signed by Representatives Pollet, Chair; Duerr, Vice  
Chair; Kraft, Ranking Minority Member; Appleton;  
Goehner and Senn.

Referred to Committee on Rules for second reading.

January 31, 2020 )

HB 2383 Prime Sponsor, Representative Stonier:  
Requiring default beverages for children's  
meals. Reported by Committee on Local  
Government

MAJORITY recommendation: The substitute bill be  
substituted therefor and the substitute bill do pass.  
Signed by Representatives Pollet, Chair; Duerr, Vice  
Chair; Appleton and Senn.

MINORITY recommendation: Do not pass. Signed by  
Representatives Kraft, Ranking Minority Member and  
Goehner.

Referred to Committee on Rules for second reading.

January 31, 2020 )

HB 2411 Prime Sponsor, Representative Orwall:  
Preventing suicide. Reported by  
Committee on Health Care & Wellness

MAJORITY recommendation: The substitute bill be  
substituted therefor and the substitute bill do pass.

Signed by Representatives Cody, Chair; Macri, Vice  
Chair; Schmick, Ranking Minority Member; Chambers;  
Chopp; Davis; DeBolt; Harris; Maycumber; Riccelli;  
Robinson; Stonier; Thai and Tharinger.

Referred to Committee on Rules for second reading.

January 31, 2020 )

HB 2415 Prime Sponsor, Representative Hudgins:  
Conforming elections for certain special  
districts with Title 29A RCW. Reported by  
Committee on State Government & Tribal  
Relations

MAJORITY recommendation: The substitute bill be  
substituted therefor and the substitute bill do pass.  
Signed by Representatives Gregerson, Chair;  
Pellicciotti, Vice Chair; Appleton; Dolan and Hudgins.

MINORITY recommendation: Do not pass. Signed by  
Representatives Walsh, Ranking Minority Member;  
Goehner, Assistant Ranking Minority Member;  
Mosbrucker and Smith.

Referred to Committee on Appropriations.

January 31, 2020 )

HB 2419 Prime Sponsor, Representative Rude:  
Studying barriers to the use of the  
Washington death with dignity act.  
Reported by Committee on Health Care &  
Wellness

MAJORITY recommendation: The substitute bill be  
substituted therefor and the substitute bill do pass.  
Signed by Representatives Cody, Chair; Macri, Vice  
Chair; Chopp; Davis; Harris; Riccelli; Robinson;  
Stonier; Thai and Tharinger.

MINORITY recommendation: Do not pass. Signed by  
Representatives Schmick, Ranking Minority Member;  
Chambers; DeBolt and Maycumber.

Referred to Committee on Appropriations.

January 31, 2020 )

HB 2432 Prime Sponsor, Representative Klippert:  
Concerning coroners. Reported by  
Committee on Local Government

MAJORITY recommendation: The substitute bill be  
substituted therefor and the substitute bill do pass.  
Signed by Representatives Pollet, Chair; Duerr, Vice  
Chair; Kraft, Ranking Minority Member; Appleton;  
Goehner and Senn.

Referred to Committee on Rules for second reading.

January 31, 2020 )

HB 2437 Prime Sponsor, Representative Kilduff:  
Concerning voting accessibility and  
security. Reported by Committee on State  
Government & Tribal Relations

MAJORITY recommendation: The substitute bill be  
substituted therefor and the substitute bill do pass.  
Signed by Representatives Gregerson, Chair;  
Pellicciotti, Vice Chair; Appleton; Dolan and Hudgins.

MINORITY recommendation: Do not pass. Signed by  
Representatives Walsh, Ranking Minority Member;  
Goehner, Assistant Ranking Minority Member and  
Mosbrucker.

MINORITY recommendation: Without  
recommendation. Signed by Representative Smith.

Referred to Committee on Appropriations.

January 31, 2020 )

HB 2443 Prime Sponsor, Representative Ryu:  
Requiring the use of personal flotation  
devices on smaller vessels. Reported by  
Committee on Housing, Community  
Development & Veterans

MAJORITY recommendation: The substitute bill be  
substituted therefor and the substitute bill do pass.  
Signed by Representatives Ryu, Chair; Morgan, Vice  
Chair; Frame; Johnson, J. and Ramel.

MINORITY recommendation: Do not pass. Signed by  
Representatives Jenkin, Ranking Minority Member;  
Gildon, Assistant Ranking Minority Member; Barkis  
and Leavitt.

Referred to Committee on Rules for second reading.

January 31, 2020 )

HB 2449 Prime Sponsor, Representative Griffey:  
Concerning water-sewer district  
commissioner compensation. Reported by  
Committee on Local Government

MAJORITY recommendation: Do pass. Signed by  
Representatives Pollet, Chair; Duerr, Vice Chair; Kraft,  
Ranking Minority Member; Appleton; Goehner and  
Senn.

Referred to Committee on Rules for second reading.

January 31, 2020 )

HB 2464 Prime Sponsor, Representative Gildon:  
Protecting patients from excess  
prescription medication charges. Reported  
by Committee on Health Care & Wellness

MAJORITY recommendation: The substitute bill be  
substituted therefor and the substitute bill do pass.  
Signed by Representatives Cody, Chair; Macri, Vice  
Chair; Schmick, Ranking Minority Member; Chambers;  
Chopp; Davis; DeBolt; Harris; Maycumber; Riccelli;  
Robinson; Stonier; Thai and Tharinger.

Referred to Committee on Rules for second reading.

January 31, 2020 )

HB 2508 Prime Sponsor, Representative Wylie:  
Simplifying the process for donating low-  
value surplus property owned by a city-  
owned utility. Reported by Committee on  
Local Government

MAJORITY recommendation: Do pass. Signed by  
Representatives Pollet, Chair; Duerr, Vice Chair; Kraft,  
Ranking Minority Member; Appleton; Goehner and  
Senn.

Referred to Committee on Rules for second reading.

January 31, 2020 )

HB 2524 Prime Sponsor, Representative Chandler:  
Expanding the scope of agricultural  
products subject to requirements in chapter  
15.83 RCW related to negotiation  
concerning production or marketing.  
Reported by Committee on Rural  
Development, Agriculture, & Natural  
Resources

MAJORITY recommendation: Do pass. Signed by  
Representatives Blake, Chair; Shewmake, Vice Chair;  
Chandler, Ranking Minority Member; Dent, Assistant  
Ranking Minority Member; Chapman; Dye; Kretz;  
Orcutt; Pettigrew; Ramos; Schmick; Springer and  
Walsh.

Referred to Committee on Appropriations.

January 31, 2020 )

HB 2534 Prime Sponsor, Representative Dufault:  
Creating provisional professional licenses  
for service members and military spouses.  
Reported by Committee on Housing,  
Community Development & Veterans

MAJORITY recommendation: The substitute bill be  
substituted therefor and the substitute bill do pass.  
Signed by Representatives Jenkin, Ranking Minority  
Member; Gildon, Assistant Ranking Minority Member;  
Ryu, Chair; Morgan, Vice Chair; Barkis; Frame;  
Johnson, J.; Leavitt and Ramel.

Referred to Committee on Appropriations.

January 31, 2020 )

HB 2535 Prime Sponsor, Representative Kirby:  
Providing for a grace period before late fees  
may be imposed for past due rent.  
Reported by Committee on Civil Rights &  
Judiciary

MAJORITY recommendation: The substitute bill be  
substituted therefor and the substitute bill do pass.  
Signed by Representatives Kilduff, Chair; Thai, Vice  
Chair; Irwin, Ranking Minority Member; Goodman;  
Hansen; Kirby; Orwall; Peterson; Rude; Valdez and  
Walen.

MINORITY recommendation: Do not pass. Signed by  
Representatives Klippert and Ybarra.

MINORITY recommendation: Without  
recommendation. Signed by Representatives Dufault,  
Assistant Ranking Minority Member and Graham.

Referred to Committee on Rules for second reading.

January 31, 2020 )

HB 2555 Prime Sponsor, Representative Goodman:  
Concerning background check  
requirements for firearms classified as  
other under federal firearms laws.  
Reported by Committee on Civil Rights &  
Judiciary

MAJORITY recommendation: The substitute bill be  
substituted therefor and the substitute bill do pass.  
Signed by Representatives Kilduff, Chair; Thai, Vice  
Chair; Irwin, Ranking Minority Member; Goodman;  
Hansen; Kirby; Orwall; Peterson; Valdez and Walen.

MINORITY recommendation: Without  
recommendation. Signed by Representatives Dufault,  
Assistant Ranking Minority Member and Graham.

MINORITY recommendation: Do not pass. Signed by  
Representatives Klippert; Rude and Ybarra.

Referred to Committee on Appropriations.

January 31, 2020 )

HB 2599 Prime Sponsor, Representative Eslick:  
Concerning services for children with  
multiple handicaps. Reported by  
Committee on Human Services & Early  
Learning

MAJORITY recommendation: Do pass. Signed by  
Representatives Senn, Chair; Callan, Vice Chair; Frame,  
Vice Chair; Dent, Ranking Minority Member; Eslick,  
Assistant Ranking Minority Member; McCaslin,  
Assistant Ranking Minority Member; Corry; Goodman;  
Kilduff; Klippert; Lovick and Ortiz-Self.

Referred to Committee on Rules for second reading.

January 31, 2020 )

HB 2600 Prime Sponsor, Representative Callan:  
Concerning the definition of "community  
residential service business" for the  
purposes of chapter 74.39A RCW.  
Reported by Committee on Human  
Services & Early Learning

MAJORITY recommendation: Do pass. Signed by  
Representatives Senn, Chair; Callan, Vice Chair; Frame,  
Vice Chair; Dent, Ranking Minority Member; Eslick,  
Assistant Ranking Minority Member; McCaslin,  
Assistant Ranking Minority Member; Corry; Goodman;  
Kilduff; Klippert; Lovick and Ortiz-Self.

Referred to Committee on Rules for second reading.

January 31, 2020 )

HB 2601 Prime Sponsor, Representative Tharinger:  
Concerning the authority of the parks and  
recreation commission to approve leases.  
Reported by Committee on Housing,  
Community Development & Veterans

MAJORITY recommendation: Do pass. Signed by  
Representatives Jenkin, Ranking Minority Member;  
Gildon, Assistant Ranking Minority Member; Ryu,  
Chair; Morgan, Vice Chair; Barkis; Frame; Johnson, J.;  
Leavitt and Ramel.

Referred to Committee on Capital Budget.

January 31, 2020 )

HB 2619 Prime Sponsor, Representative Shewmake:  
Increasing early learning access through  
licensing, eligibility, and rate  
improvements. Reported by Committee on  
Human Services & Early Learning

MAJORITY recommendation: Do pass. Signed by  
Representatives Senn, Chair; Callan, Vice Chair; Frame,  
Vice Chair; Dent, Ranking Minority Member; Eslick,  
Assistant Ranking Minority Member; McCaslin,  
Assistant Ranking Minority Member; Corry; Goodman;  
Kilduff; Klippert; Lovick and Ortiz-Self.

Referred to Committee on Appropriations.

January 31, 2020 )

HB 2624 Prime Sponsor, Representative Shewmake:  
Concerning the authority of the director of  
the department of agriculture with respect  
to certain examinations and examination  
fees. Reported by Committee on Rural  
Development, Agriculture, & Natural  
Resources

MAJORITY recommendation: Do pass. Signed by Representatives Blake, Chair; Shewmake, Vice Chair; Chandler, Ranking Minority Member; Dent, Assistant Ranking Minority Member; Chapman; Dye; Kretz; Orcutt; Pettigrew; Ramos; Schmick; Springer and Walsh.

Referred to Committee on Rules for second reading.

January 28, 2020 )

HB 2661 Prime Sponsor, Representative Senn: Expanding accessible, affordable child care and early childhood development programs. Reported by Committee on Human Services & Early Learning

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Senn, Chair; Callan, Vice Chair; Frame, Vice Chair; Goodman; Kilduff; Lovick and Ortiz-Self.

MINORITY recommendation: Do not pass. Signed by Representatives Dent, Ranking Minority Member; Eslick, Assistant Ranking Minority Member; McCaslin, Assistant Ranking Minority Member; Corry; Griffey and Klippert.

Referred to Committee on Appropriations.

January 31, 2020 )

HB 2682 Prime Sponsor, Representative Senn: Concerning out-of-home services. Reported by Committee on Human Services & Early Learning

MAJORITY recommendation: Do pass. Signed by Representatives Senn, Chair; Callan, Vice Chair; Frame, Vice Chair; Dent, Ranking Minority Member; Eslick, Assistant Ranking Minority Member; McCaslin, Assistant Ranking Minority Member; Corry; Goodman; Kilduff; Klippert; Lovick and Ortiz-Self.

Referred to Committee on Rules for second reading.

January 31, 2020 )

HB 2694 Prime Sponsor, Representative Pollet: Concerning underground utilities and safety committee. Reported by Committee on Local Government

MAJORITY recommendation: Do pass. Signed by Representatives Pollet, Chair; Duerr, Vice Chair; Appleton; Goehner and Senn.

MINORITY recommendation: Without recommendation. Signed by Representative Kraft, Ranking Minority Member.

Referred to Committee on Rules for second reading.

January 30, 2020 )

HB 2709 Prime Sponsor, Representative Lovick: Trafficking food benefits. Reported by Committee on Public Safety

MAJORITY recommendation: Do pass. Signed by Representatives Appleton, 2nd Vice Chair; Goodman, Chair; Davis, Vice Chair; Klippert, Ranking Minority Member; Sutherland, Assistant Ranking Minority Member; Graham; Griffey; Lovick; Orwall; Pellicciotti and Pettigrew.

Referred to Committee on Rules for second reading.

January 31, 2020 )

HB 2739 Prime Sponsor, Representative Kloba: Adjusting certain requirements of the shared leave program. Reported by Committee on State Government & Tribal Relations

MAJORITY recommendation: Do pass. Signed by Representatives Gregerson, Chair; Pellicciotti, Vice Chair; Walsh, Ranking Minority Member; Goehner, Assistant Ranking Minority Member; Appleton; Dolan; Hudgins; Mosbrucker and Smith.

Referred to Committee on Appropriations.

January 31, 2020 )

HB 2755 Prime Sponsor, Representative Schmick: Concerning transparency regarding the cost of air ambulance services. Reported by Committee on Health Care & Wellness

MAJORITY recommendation: Do pass. Signed by Representatives Cody, Chair; Macri, Vice Chair; Schmick, Ranking Minority Member; Chambers; Chopp; Davis; DeBolt; Maycumber; Riccelli; Robinson; Stonier; Thai and Tharinger.

MINORITY recommendation: Without recommendation. Signed by Representative Harris.

Referred to Committee on Rules for second reading.

There being no objection, the bills listed on the day's committee reports under the fifth order of business were referred to the committees so designated.

There being no objection, the House adjourned until 10:00 a.m., February 5, 2020, the 24th Day of the Regular Session.

LAURIE JINKINS, Speaker

BERNARD DEAN, Chief Clerk





**SIXTY SIXTH LEGISLATURE - REGULAR SESSION**

**TWENTY FOURTH DAY**

House Chamber, Olympia, Wednesday, February 5, 2020

The House was called to order at 10:00 a.m. by the Speaker (Representative Lovick presiding). The Clerk called the roll and a quorum was present.

The flags were escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Aiden Pennington and Bailie Jansons. The Speaker (Representative Lovick presiding) led the Chamber in the Pledge of Allegiance. The prayer was offered by Pastor Douglas Thomison, Yelm Community United Methodist Church, Washington.

Reading of the Journal of the previous day was dispensed with and it was ordered to stand approved.

There being no objection, the House advanced to the fourth order of business.

**INTRODUCTION & FIRST READING**

HB 2927 by Representatives Shewmake and Paul

AN ACT Relating to providing an exemption from the sales and use tax for the sales of breast pumps, breast pump collection and storage supplies, breast pump kits, breast pump parts, and certain services to maintain and repair breast pumps; adding a new section to chapter 82.08 RCW; adding a new section to chapter 82.12 RCW; creating new sections; providing an effective date; and providing expiration dates.

Referred to Committee on Finance.

There being no objection, the bill listed on the day's introduction sheet under the fourth order of business was referred to the committee so designated.

There being no objection, the House advanced to the fifth order of business.

**REPORTS OF STANDING COMMITTEES**

February 3, 2020 )

HB 1201 Prime Sponsor, Representative Kilduff:  
Concerning the Washington national guard  
postsecondary education grant program.  
Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Ormsby, Chair; Stokesbary, Ranking Minority Member; Robinson, 1st Vice Chair; Bergquist, 2nd Vice Chair; MacEwen, Assistant Ranking Minority Member; Rude, Assistant Ranking Minority Member;

Caldier; Chandler; Chopp; Cody; Corry; Dolan; Dye; Fitzgibbon; Hoff; Hudgins; Kilduff; Kraft; Macri; Mosbrucker; Pettigrew; Pollet; Ryu; Schmick; Senn; Springer; Steele; Sullivan; Sutherland; Tarleton; Tharinger and Ybarra.

Referred to Committee on Rules for second reading.

February 3, 2020 )

HB 2184 Prime Sponsor, Representative Stonier:  
Requiring comprehensive sexual health  
education with an affirmative consent  
curriculum in all public schools by the  
2022-23 school year in accordance with the  
recommendations of the sexual health  
education work group. Reported by  
Committee on Education

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Santos, Chair; Dolan, Vice Chair; Paul, Vice Chair; Bergquist; Callan; Ortiz-Self; Stonier; Thai and Valdez.

MINORITY recommendation: Do not pass. Signed by Representatives Steele, Ranking Minority Member; McCaslin, Assistant Ranking Minority Member; Volz, Assistant Ranking Minority Member; Caldier; Corry; Rude and Ybarra.

MINORITY recommendation: Without recommendation. Signed by Representative Harris.

Referred to Committee on Appropriations.

February 3, 2020 )

HB 2193 Prime Sponsor, Representative Kirby:  
Reauthorizing and expanding the financial  
fraud and identity theft crimes  
investigation and prosecution program.  
Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Ormsby, Chair; Stokesbary, Ranking Minority Member; Robinson, 1st Vice Chair; Bergquist, 2nd Vice Chair; MacEwen, Assistant Ranking Minority Member; Rude, Assistant Ranking Minority Member; Caldier; Chandler; Chopp; Cody; Corry; Dolan; Dye; Fitzgibbon; Hoff; Hudgins; Kilduff; Kraft; Macri; Mosbrucker; Pettigrew; Pollet; Ryu; Schmick; Senn;

Springer; Steele; Sullivan; Sutherland; Tarleton;  
Tharinger and Ybarra.

January 31, 2020 )

Referred to Committee on Rules for second reading.

January 30, 2020 )

HB 2231 Prime Sponsor, Representative Pellicciotti:  
Concerning bail jumping. Reported by  
Committee on Public Safety

MAJORITY recommendation: The substitute bill be  
substituted therefor and the substitute bill do pass.  
Signed by Representatives Appleton, 2nd Vice Chair;  
Goodman, Chair; Davis, Vice Chair; Sutherland,  
Assistant Ranking Minority Member; Griffey; Lovick;  
Orwall; Pellicciotti and Pettigrew.

MINORITY recommendation: Do not pass. Signed by  
Representative Klippert, Ranking Minority Member.

MINORITY recommendation: Without  
recommendation. Signed by Representative Graham.

Referred to Committee on Rules for second reading.

January 31, 2020 )

HB 2240 Prime Sponsor, Representative Valdez:  
Concerning high capacity magazines.  
Reported by Committee on Civil Rights &  
Judiciary

MAJORITY recommendation: The substitute bill be  
substituted therefor and the substitute bill do pass.  
Signed by Representatives Kilduff, Chair; Thai, Vice  
Chair; Goodman; Hansen; Kirby; Orwall; Peterson;  
Valdez and Walen.

MINORITY recommendation: Do not pass. Signed by  
Representatives Irwin, Ranking Minority Member;  
Dufault, Assistant Ranking Minority Member; Graham;  
Klippert; Rude and Ybarra.

Referred to Committee on Rules for second reading.

February 3, 2020 )

HB 2290 Prime Sponsor, Representative Pollet:  
Concerning statewide implementation of  
early screening for dyslexia. Reported by  
Committee on Education

MAJORITY recommendation: Do pass. Signed by  
Representatives Santos, Chair; Dolan, Vice Chair; Paul,  
Vice Chair; Steele, Ranking Minority Member;  
McCaslin, Assistant Ranking Minority Member; Volz,  
Assistant Ranking Minority Member; Bergquist;  
Caldier; Callan; Corry; Harris; Ortiz-Self; Rude;  
Stonier; Thai; Valdez and Ybarra.

Referred to Committee on Rules for second reading.

HB 2306

Prime Sponsor, Representative Kirby:  
Regulating legal service contractors.  
Reported by Committee on Civil Rights &  
Judiciary

MAJORITY recommendation: The substitute bill be  
substituted therefor and the substitute bill do pass.  
Signed by Representatives Kilduff, Chair; Thai, Vice  
Chair; Irwin, Ranking Minority Member; Dufault,  
Assistant Ranking Minority Member; Goodman;  
Graham; Hansen; Kirby; Klippert; Orwall; Peterson;  
Rude; Valdez; Walen and Ybarra.

Referred to Committee on Appropriations.

February 3, 2020 )

HB 2401

Prime Sponsor, Representative Hudgins:  
Concerning the use of artificial intelligence  
in job applications. Reported by  
Committee on Labor & Workplace  
Standards

MAJORITY recommendation: The substitute bill be  
substituted therefor and the substitute bill do pass.  
Signed by Representatives Sells, Chair; Chapman, Vice  
Chair; Gregerson and Ormsby.

MINORITY recommendation: Do not pass. Signed by  
Representatives Mosbrucker, Ranking Minority  
Member; Chandler, Assistant Ranking Minority  
Member and Hoff.

Referred to Committee on Rules for second reading.

February 3, 2020 )

HB 2428

Prime Sponsor, Representative Duerr:  
Studying students' life-threatening allergic  
reactions. Reported by Committee on  
Education

MAJORITY recommendation: The substitute bill be  
substituted therefor and the substitute bill do pass.  
Signed by Representatives Santos, Chair; Dolan, Vice  
Chair; Paul, Vice Chair; Steele, Ranking Minority  
Member; McCaslin, Assistant Ranking Minority  
Member; Volz, Assistant Ranking Minority Member;  
Bergquist; Caldier; Callan; Corry; Harris; Ortiz-Self;  
Rude; Stonier; Thai; Valdez and Ybarra.

Referred to Committee on Appropriations.

February 3, 2020 )

HB 2589

Prime Sponsor, Representative Callan:  
Requiring contact information for suicide  
prevention and crisis intervention  
organizations on student and staff

identification cards. Reported by  
Committee on Education

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Santos, Chair; Dolan, Vice Chair; Paul, Vice Chair; Steele, Ranking Minority Member; McCaslin, Assistant Ranking Minority Member; Volz, Assistant Ranking Minority Member; Bergquist; Caldier; Callan; Corry; Harris; Ortiz-Self; Rude; Stonier; Thai; Valdez and Ybarra.

Referred to Committee on Rules for second reading.

January 31, 2020 )

HB 2602 Prime Sponsor, Representative Morgan:  
Concerning hair discrimination. Reported  
by Committee on Civil Rights & Judiciary

MAJORITY recommendation: Do pass. Signed by Representatives Kilduff, Chair; Thai, Vice Chair; Irwin, Ranking Minority Member; Goodman; Hansen; Kirby; Orwall; Peterson; Rude; Valdez and Walen.

MINORITY recommendation: Without  
recommendation. Signed by Representative Graham.

MINORITY recommendation: Do not pass. Signed by Representatives Dufault, Assistant Ranking Minority Member; Klippert and Ybarra.

Referred to Committee on Rules for second reading.

February 3, 2020 )

HB 2616 Prime Sponsor, Representative Cody:  
Concerning nonparticipating providers.  
Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Ormsby, Chair; Stokesbary, Ranking Minority Member; Robinson, 1st Vice Chair; Bergquist, 2nd Vice Chair; MacEwen, Assistant Ranking Minority Member; Rude, Assistant Ranking Minority Member; Caldier; Chandler; Chopp; Cody; Corry; Dolan; Dye; Fitzgibbon; Hoff; Hudgins; Kilduff; Kraft; Macri; Mosbrucker; Pettigrew; Pollet; Ryu; Schmick; Senn; Springer; Steele; Sullivan; Sutherland; Tarleton; Tharinger and Ybarra.

Referred to Committee on Rules for second reading.

February 3, 2020 )

HB 2704 Prime Sponsor, Representative Caldier:  
Establishing a competitive grant program  
for community sexual assault programs to  
provide counseling services in schools.  
Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Ormsby, Chair; Stokesbary, Ranking Minority Member; Robinson, 1st Vice Chair; Bergquist, 2nd Vice Chair; MacEwen, Assistant Ranking Minority Member; Rude, Assistant Ranking Minority Member; Caldier; Chopp; Cody; Corry; Dolan; Dye; Fitzgibbon; Hoff; Hudgins; Kilduff; Macri; Mosbrucker; Pettigrew; Pollet; Ryu; Schmick; Senn; Springer; Steele; Sullivan; Sutherland; Tarleton; Tharinger and Ybarra.

MINORITY recommendation: Do not pass. Signed by Representatives Chandler and Kraft.

Referred to Committee on Rules for second reading.

January 31, 2020 )

HB 2730 Prime Sponsor, Representative Kilduff:  
Addressing military spouse employment.  
Reported by Committee on Civil Rights &  
Judiciary

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Kilduff, Chair; Thai, Vice Chair; Irwin, Ranking Minority Member; Dufault, Assistant Ranking Minority Member; Goodman; Graham; Hansen; Kirby; Klippert; Orwall; Peterson; Rude; Valdez; Walen and Ybarra.

Referred to Committee on Rules for second reading.

January 31, 2020 )

HB 2737 Prime Sponsor, Representative Callan:  
Updating the children's mental health work  
group. Reported by Committee on Human  
Services & Early Learning

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Senn, Chair; Callan, Vice Chair; Frame, Vice Chair; Dent, Ranking Minority Member; Eslick, Assistant Ranking Minority Member; McCaslin, Assistant Ranking Minority Member; Corry; Goodman; Kilduff; Klippert; Lovick and Ortiz-Self.

Referred to Committee on Appropriations.

February 3, 2020 )

HB 2786 Prime Sponsor, Representative Robinson:  
Establishing the opioid epidemic response  
advisory council. Reported by Committee  
on Appropriations

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Ormsby, Chair; Robinson, 1st Vice Chair; Bergquist, 2nd Vice Chair; Chopp; Cody; Dolan; Fitzgibbon; Hudgins; Kilduff; Macri;

Mosbrucker; Pettigrew; Pollet; Ryu; Senn; Springer; Sullivan; Tarleton and Tharinger.

MINORITY recommendation: Do not pass. Signed by Representatives Stokesbary, Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Caldier; Chandler; Corry; Dye; Hoff; Kraft; Schmick; Steele; Sutherland and Ybarra.

MINORITY recommendation: Without recommendation. Signed by Representative Rude, Assistant Ranking Minority Member.

Referred to Committee on Rules for second reading.

February 3, 2020 )

**HB 2811** Prime Sponsor, Representative Johnson, J.: Establishing a statewide environmental sustainability education program. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Ormsby, Chair; Robinson, 1st Vice Chair; Bergquist, 2nd Vice Chair; Chopp; Cody; Dolan; Fitzgibbon; Hudgins; Kilduff; Macri; Pettigrew; Pollet; Ryu; Senn; Springer; Sullivan; Tarleton and Tharinger.

MINORITY recommendation: Do not pass. Signed by Representatives Stokesbary, Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Rude, Assistant Ranking Minority Member; Caldier; Chandler; Corry; Dye; Hoff; Kraft; Mosbrucker; Schmick; Sutherland and Ybarra.

MINORITY recommendation: Without recommendation. Signed by Representative Steele.

Referred to Committee on Rules for second reading.

February 3, 2020 )

**HB 2864** Prime Sponsor, Representative Paul: Establishing a running start summer school pilot program. Reported by Committee on Education

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Santos, Chair; Dolan, Vice Chair; Paul, Vice Chair; Bergquist; Caldier; Callan; Harris; Ortiz-Self; Rude; Stonier; Thai; Valdez and Ybarra.

MINORITY recommendation: Without recommendation. Signed by Representatives McCaslin, Assistant Ranking Minority Member; Volz, Assistant Ranking Minority Member and Corry.

MINORITY recommendation: Do not pass. Signed by Representative Steele, Ranking Minority Member.

Referred to Committee on Appropriations.

February 4, 2020 )

**ESSB 6492** Prime Sponsor, Committee on Ways & Means: Addressing workforce education investment funding through business and occupation tax reform. Reported by Committee on Finance

MAJORITY recommendation: Do pass. Signed by Representatives Tarleton, Chair; Walen, Vice Chair; Chapman; Frame; Macri; Orwall; Springer and Wylie.

MINORITY recommendation: Do not pass. Signed by Representatives Orcutt, Ranking Minority Member; Young, Assistant Ranking Minority Member; Stokesbary and Vick.

There being no objection, the bills listed on the day's committee reports under the fifth order of business were referred to the committees so designated with the exception of ENGROSSED SUBSTITUTE SENATE BILL NO. 6492 which was placed on the second reading calendar.

There being no objection, the House advanced to the sixth order of business.

## SECOND READING

There being no objection, HOUSE BILL NO. 1924 was referred to the Committee on Rules.

**HOUSE BILL NO. 1521, by Representatives Dolan, Harris, Valdez, Frame, Caldier, MacEwen, Griffey, Blake, Sells, Tarleton, Fitzgibbon, Ryu, Kilduff and Ormsby**

**Providing for accountability and transparency in government contracting.**

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 1521 was substituted for House Bill No. 1521 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 1521 was read the second time.

With the consent of the House, amendment (1045) was withdrawn.

Representative Dolan moved the adoption of amendment (1038):

On page 2, line 1, after "that" strike "have, since July 1, 2005," and insert ", on or after July 1, 2005, have"

On page 2, line 8, after "that," strike "since" and insert "on or after"

On page 6, beginning on line 33, after "(c)" strike all material through "surveying" on line 35 and insert "With an estimated cost of contract performance that exceeds five hundred thousand dollars for public work as defined by RCW 39.04.010"

On page 10, at the beginning of line 13, strike "since" and insert "on or after"

On page 10, beginning on line 20, strike all of section 7

Representatives Dolan and Walsh spoke in favor of the adoption of the amendment.

Amendment (1038) was adopted.

Representative Corry moved the adoption of amendment (1043):

) On page 2, beginning on line 22, after "function" strike all material through "service" on line 26

Representative Corry spoke in favor of the adoption of the amendment.

Representative Gregerson spoke against the adoption of the amendment.

Amendment (1043) was not adopted.

Representative Shea withdrew amendment (1046).

Representative Walsh moved the adoption of amendment (1047):

) On page 6, line 32, after "less;" strike "or"

On page 6, beginning on line 33, after "(c)" strike all material through "surveying" on line 35 and insert "Related to construction, land surveying, plumbing as described in chapter 18.106 RCW, and electrical services as described in chapter 19.28 RCW; or

(d) Awarded pursuant to chapter 39.04, 39.10, or 39.80 RCW or chapter 39.26 RCW for heating, ventilation, and air conditioning (HVAC) services"

Representative Walsh spoke in favor of the adoption of the amendment.

Representative Dolan spoke against the adoption of the amendment.

Amendment (1047) was not adopted.

Representative Boehnke moved the adoption of amendment (1044):

) On page 10, after line 15, insert the following:

"NEW SECTION. Sec. 6. A new section is added to chapter 43.09 RCW to read as follows:

(1) By December 1, 2021, the state auditor shall conduct a comprehensive performance audit in accordance with

RCW 43.09.470, of all state functions for the purposes of identifying opportunities for cost savings by contracting for services.

(2) By December 31st of each year, the state auditor shall conduct an audit of the completed comprehensive impact assessments, required under RCW 41.06.142(1)(a), to identify whether the state has made a reasonable financial decision to contract for services or not to contract for services. The state auditor shall post the audit results on its website upon its completion."

Renumber the remaining sections consecutively and correct any internal references accordingly.

Correct the title.

Representative Boehnke spoke in favor of the adoption of the amendment.

Representative Gregerson spoke against the adoption of the amendment.

Amendment (1044) was not adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Dolan and Walsh spoke in favor of the passage of the bill.

## MOTION

On motion of Representative Griffey, Representative Barkis was excused.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Second Substitute House Bill No. 1521.

## ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 1521, and the bill passed the House by the following vote: Yeas, 65; Nays, 32; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Bergquist, Blake, Caldier, Callan, Chambers, Chapman, Chopp, Cody, Davis, Doglio, Dolan, Duerr, Entenman, Fey, Fitzgibbon, Frame, Gildon, Goodman, Gregerson, Griffey, Hansen, Harris, Hudgins, J. Johnson, Kilduff, Kirby, Kloba, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Mead, Morgan, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Sells, Senn, Shewmake, Slatter, Stonier, Sullivan, Tarleton, Thai, Tharinger, Valdez, Volz, Walen, Walsh, Wylie and Mr. Speaker.

Voting nay: Representatives Boehnke, Chandler, Corry, DeBolt, Dent, Dufault, Dye, Eslick, Goehner, Graham, Hoff, Irwin, Jenkin, Klippert, Kraft, Kretz, Maycumber, McCaslin, Mosbrucker, Orcutt, Schmick, Shea, Smith,

Springer, Steele, Stokesbary, Sutherland, Van Werven, Vick, Wilcox, Ybarra and Young.

Excused: Representative Barkis.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1521, having received the necessary constitutional majority, was declared passed.

There being no objection, the House advanced to the eighth order of business.

**MOTION**

There being no objection, the Committee on Appropriations was relieved of HOUSE BILL NO. 2683 and

HOUSE BILL NO. 2739, and the bills were referred to the Committee on Rules.

There being no objection, the House adjourned until 10:00 a.m., February 6, 2020, the 25th Day of the Regular Session.

LAURIE JINKINS, Speaker

BERNARD DEAN, Chief Clerk

**SIXTY SIXTH LEGISLATURE - REGULAR SESSION**

**TWENTY FIFTH DAY**

House Chamber, Olympia, Thursday, February 6, 2020

The House was called to order at 10:00 a.m. by the Speaker (Representative Orwall presiding). The Clerk called the roll and a quorum was present.

The flags were escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Anna Bertlin and James Johnson. The Speaker (Representative Orwall presiding) led the Chamber in the Pledge of Allegiance. The prayer was offered by Pastor Gordy Hutchins, Grace Baptist Church, Tacoma, Washington.

Reading of the Journal of the previous day was dispensed with and it was ordered to stand approved.

The Speaker assumed the chair.

There being no objection, the House advanced to the third order of business.

**MESSAGE FROM THE SENATE**

February 5, 2020

Mme. SPEAKER:

The Senate has passed:

SUBSTITUTE SENATE BILL NO. 5640,  
SENATE BILL NO. 6038,  
SENATE BILL NO. 6119,  
SUBSTITUTE SENATE BILL NO. 6127,  
SENATE BILL NO. 6131,  
SENATE BILL NO. 6136,  
SENATE BILL NO. 6143,  
SUBSTITUTE SENATE BILL NO. 6158,  
SENATE BILL NO. 6305,  
SENATE BILL NO. 6468,

and the same are herewith transmitted.

Brad Hendrickson, Secretary

There being no objection, the House advanced to the fourth order of business.

**INTRODUCTION & FIRST READING**

HB 2928 by Representatives Klippert, Graham, Griffey, McCaslin, Kretz, DeBolt, Goehner, Chambers, Shea, Barkis, Boehnke, Eslick, Corry, Walsh and Van Werven

AN ACT Relating to parental rights; adding a new chapter to Title 26 RCW; and prescribing penalties.

Referred to Committee on Civil Rights & Judiciary.

HJM 4017 by Representatives Shea and Walsh

Requesting Congress and the President to declare the Muslim Brotherhood and unindicted co-conspirators in the 2008 Holy Land Foundation Trial as designated terrorist organizations.

Referred to Committee on State Government & Tribal Relations.

SSB 5640 by Senate Committee on Human Services, Reentry & Rehabilitation (originally sponsored by Holy, Pedersen, Wellman, Billig, Padden, Becker, Warnick, Short, Hasegawa, Walsh, Bailey, Wilson, C. and Kuderer)

AN ACT Relating to youth courts; amending RCW 3.72.005, 3.72.010, 3.72.020, and 3.72.040; and reenacting and amending RCW 13.40.250.

Referred to Committee on Civil Rights & Judiciary.

SB 6038 by Senators Rivers, Cleveland, Keiser, Short, Conway, Kuderer, Saldaña, Wilson and C.

AN ACT Relating to acupuncture and Eastern medicine; and amending RCW 18.06.010 and 18.06.230.

Referred to Committee on Health Care & Wellness.

SB 6119 by Senators Conway, Holy, King, Keiser, Pedersen, Van De Wege, Wilson, L. and Saldaña

AN ACT Relating to authorizing that money laundering forfeited proceeds and property be used for improvement of gambling-related law enforcement activities; and amending RCW 9A.83.030.

Referred to Committee on Commerce & Gaming.

SSB 6127 by Senate Committee on Higher Education & Workforce Development (originally sponsored by Randall, Conway, Hunt, Stanford, Saldaña, Wilson and C.)

AN ACT Relating to membership of the student achievement council; and amending RCW 28B.77.005.

Referred to Committee on College & Workforce Development.

**SB 6131** by Senators Mullet, Hobbs, Short, Wilson, L. and Das

AN ACT Relating to repealing the debenture company laws from the securities act of Washington; amending RCW 21.20.810; and repealing RCW 21.20.705, 21.20.710, 21.20.715, 21.20.717, 21.20.720, 21.20.725, 21.20.727, 21.20.730, 21.20.732, 21.20.734, 21.20.740, 21.20.745, 21.20.750, 21.20.805, 21.20.815, 21.20.820, 21.20.825, 21.20.830, 21.20.835, 21.20.840, 21.20.845, and 21.20.850.

Referred to Committee on Consumer Protection & Business.

**SB 6136** by Senators Nguyen and O'Ban

AN ACT Relating to updating restrictions on electronic benefit cards; and amending RCW 74.08.580.

Referred to Committee on Human Services & Early Learning.

**SB 6143** by Senators Cleveland, Rivers and Becker

AN ACT Relating to the podiatric medical board; and amending RCW 18.22.013 and 18.22.014.

Referred to Committee on Health Care & Wellness.

**SSB 6158** by Senate Committee on Health & Long Term Care (originally sponsored by Dhingra, Cleveland, Wilson, C., Das, Darneille, Hunt, Keiser, Kuderer, Lovelett, Randall, Stanford and Carlyle)

AN ACT Relating to model sexual assault protocols for hospitals and clinics; creating a new section; and providing an expiration date.

Referred to Committee on Public Safety.

**SB 6305** by Senators Liias, Braun, Wagoner, Wilson and C.

AN ACT Relating to library districts; and amending RCW 27.12.222 and 27.15.020.

Referred to Committee on Local Government.

**SB 6468** by Senators Randall, Frockt, Saldaña, Wilson and C.

AN ACT Relating to the legislative advisory committee to the committee on advanced tuition payment; amending RCW 28B.15.067; and repealing RCW 28B.95.170.

Referred to Committee on College & Workforce Development.

There being no objection, the bills and memorial listed on the day's introduction sheet under the fourth order of business were referred to the committees so designated.

There being no objection, the House advanced to the fifth order of business.

## REPORTS OF STANDING COMMITTEES

February 4, 2020 )

**HB 1191** Prime Sponsor, Representative Goodman: Concerning school notifications. Reported by Committee on Education

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass. Signed by Representatives Santos, Chair; Dolan, Vice Chair; Paul, Vice Chair; Bergquist; Callan; Harris; Ortiz-Self; Stonier; Thai and Valdez.

MINORITY recommendation: Do not pass. Signed by Representatives Steele, Ranking Minority Member; McCaslin, Assistant Ranking Minority Member; Volz, Assistant Ranking Minority Member; Caldier; Corry; Rude and Ybarra.

Referred to Committee on Rules for second reading.

February 3, 2020 )

**HB 1650** Prime Sponsor, Representative Kilduff: Promoting access to earned benefits and services for lesbian, gay, bisexual, and transgender veterans. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Ormsby, Chair; Stokesbary, Ranking Minority Member; Robinson, 1st Vice Chair; Bergquist, 2nd Vice Chair; MacEwen, Assistant Ranking Minority Member; Rude, Assistant Ranking Minority Member; Caldier; Chandler; Chopp; Cody; Corry; Dolan; Fitzgibbon; Hoff; Hudgins; Kilduff; Macri; Mosbrucker; Pettigrew; Pollet; Ryu; Schmick; Senn; Springer; Steele; Sullivan; Tarleton; Tharinger and Ybarra.

MINORITY recommendation: Without recommendation. Signed by Representatives Dye; Kraft and Sutherland.

Referred to Committee on Rules for second reading.

February 4, 2020 )

**HB 2116** Prime Sponsor, Representative Callan: Establishing a task force on improving



institutional education programs and outcomes. Reported by Committee on Education

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Santos, Chair; Dolan, Vice Chair; Paul, Vice Chair; Steele, Ranking Minority Member; McCaslin, Assistant Ranking Minority Member; Volz, Assistant Ranking Minority Member; Bergquist; Caldier; Callan; Corry; Harris; Ortiz-Self; Rude; Stonier; Thai; Valdez and Ybarra.

Referred to Committee on Rules for second reading.

February 4, 2020 )

HB 2220 Prime Sponsor, Representative Dolan: Volunteering in schools after a criminal conviction. Reported by Committee on Education

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Santos, Chair; Dolan, Vice Chair; Paul, Vice Chair; Bergquist; Callan; Ortiz-Self; Stonier; Thai and Valdez.

MINORITY recommendation: Do not pass. Signed by Representatives Steele, Ranking Minority Member; McCaslin, Assistant Ranking Minority Member; Volz, Assistant Ranking Minority Member; Caldier; Corry; Rude and Ybarra.

MINORITY recommendation: Without recommendation. Signed by Representative Harris.

Referred to Committee on Rules for second reading.

February 3, 2020 )

HB 2233 Prime Sponsor, Representative Van Werven: Expanding the college in high school program to students in ninth grade. Reported by Committee on Education

MAJORITY recommendation: Do pass. Signed by Representatives Santos, Chair; Dolan, Vice Chair; Paul, Vice Chair; Steele, Ranking Minority Member; McCaslin, Assistant Ranking Minority Member; Volz, Assistant Ranking Minority Member; Bergquist; Caldier; Callan; Corry; Harris; Ortiz-Self; Rude; Stonier; Thai; Valdez and Ybarra.

Referred to Committee on Appropriations.

February 4, 2020 )

HB 2259 Prime Sponsor, Representative Rude: Expanding background check requirements for certain educational institutions. Reported by Committee on Education

MAJORITY recommendation: Do pass. Signed by Representatives Santos, Chair; Dolan, Vice Chair; Paul, Vice Chair; Steele, Ranking Minority Member; McCaslin, Assistant Ranking Minority Member; Volz, Assistant Ranking Minority Member; Bergquist; Caldier; Callan; Corry; Harris; Ortiz-Self; Rude; Stonier; Thai; Valdez and Ybarra.

Referred to Committee on Rules for second reading.

February 4, 2020 )

HB 2363 Prime Sponsor, Representative Smith: Providing remedies for violations of biometric data ownership rights. Reported by Committee on Innovation, Technology & Economic Development

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Hudgins, Chair; Kloba, Vice Chair; Smith, Ranking Minority Member; Boehnke, Assistant Ranking Minority Member; Entenman; Slatter; Tarleton; Van Werven and Wylie.

Referred to Committee on Rules for second reading.

January 31, 2020 )

HB 2414 Prime Sponsor, Representative Gregerson: Concerning digital equity. Reported by Committee on Innovation, Technology & Economic Development

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Hudgins, Chair; Kloba, Vice Chair; Smith, Ranking Minority Member; Entenman; Slatter; Tarleton and Wylie.

MINORITY recommendation: Do not pass. Signed by Representatives Boehnke, Assistant Ranking Minority Member and Van Werven.

Referred to Committee on Appropriations.

February 4, 2020 )

HB 2416 Prime Sponsor, Representative Kilduff: Concerning disclosures of information and records related to forensic mental health services. Reported by Committee on Health Care & Wellness

MAJORITY recommendation: Do pass. Signed by Representatives Cody, Chair; Macri, Vice Chair; Schmick, Ranking Minority Member; Caldier, Assistant Ranking Minority Member; Chambers; Chopp; Davis; DeBolt; Harris; Maycumber; Riccelli; Robinson; Stonier; Thai and Tharinger.

Referred to Committee on Rules for second reading.

February 4, 2020 )

HB 2427 Prime Sponsor, Representative Duerr:  
Tackling climate change as a goal of the  
growth management act. Reported by  
Committee on Environment & Energy

MAJORITY recommendation: The substitute bill be  
substituted therefor and the substitute bill do pass.  
Signed by Representatives Fitzgibbon, Chair; Lekanoff,  
Vice Chair; DeBolt, Ranking Minority Member; Doglio;  
Fey; Mead; Robinson and Shewmake.

MINORITY recommendation: Do not pass. Signed by  
Representatives Dye, Assistant Ranking Minority  
Member; Boehnke and Goehner.

Referred to Committee on Rules for second reading.

February 4, 2020 )

HB 2484 Prime Sponsor, Representative Van  
Werven: Concerning sunshine committee  
recommendations regarding juveniles.  
Reported by Committee on State  
Government & Tribal Relations

MAJORITY recommendation: The substitute bill be  
substituted therefor and the substitute bill do pass.  
Signed by Representatives Gregerson, Chair;  
Pellicciotti, Vice Chair; Goehner, Assistant Ranking  
Minority Member; Appleton; Dolan; Hudgins;  
Mosbrucker and Smith.

MINORITY recommendation: Without  
recommendation. Signed by Representative Walsh,  
Ranking Minority Member.

Referred to Committee on Rules for second reading.

February 4, 2020 )

HB 2485 Prime Sponsor, Representative Kloba:  
Concerning the collection, use, and  
disclosure of genetic data by direct-to-  
consumer genetic testing companies.  
Reported by Committee on Innovation,  
Technology & Economic Development

MAJORITY recommendation: Do pass. Signed by  
Representatives Hudgins, Chair; Kloba, Vice Chair;  
Smith, Ranking Minority Member; Boehnke, Assistant  
Ranking Minority Member; Entenman; Slatter;  
Tarleton; Van Werven and Wylie.

Referred to Committee on Rules for second reading.

February 5, 2020 )

HB 2512

Prime Sponsor, Representative Orwall:  
Concerning interest and penalty relief for  
qualified mobile home and manufactured  
home owners. Reported by Committee on  
Civil Rights & Judiciary

MAJORITY recommendation: Do pass. Signed by  
Representatives Kilduff, Chair; Thai, Vice Chair;  
Dufault, Assistant Ranking Minority Member;  
Goodman; Hansen; Kirby; Klippert; Orwall; Peterson;  
Rude; Valdez; Walen and Ybarra.

Referred to Committee on Rules for second reading.

February 4, 2020 )

HB 2528

Prime Sponsor, Representative Ramos:  
Recognizing the contributions of the state's  
forest products sector as part of the state's  
global climate response. Reported by  
Committee on Rural Development,  
Agriculture, & Natural Resources

MAJORITY recommendation: The substitute bill be  
substituted therefor and the substitute bill do pass.  
Signed by Representatives Blake, Chair; Shewmake,  
Vice Chair; Chandler, Ranking Minority Member; Dent,  
Assistant Ranking Minority Member; Chapman; Dye;  
Fitzgibbon; Kretz; Lekanoff; Orcutt; Pettigrew; Ramos;  
Schmick and Walsh.

Referred to Committee on Appropriations.

February 4, 2020 )

HB 2531

Prime Sponsor, Representative Caldier:  
Protecting patients from certain unsafe  
dental practices. Reported by Committee  
on Health Care & Wellness

MAJORITY recommendation: The substitute bill be  
substituted therefor and the substitute bill do pass.  
Signed by Representatives Cody, Chair; Macri, Vice  
Chair; Schmick, Ranking Minority Member; Caldier,  
Assistant Ranking Minority Member; Chambers;  
Chopp; Davis; DeBolt; Harris; Maycumber; Riccelli;  
Robinson; Stonier; Thai and Tharinger.

Referred to Committee on Rules for second reading.

February 4, 2020 )

HB 2617

Prime Sponsor, Representative Robinson:  
Concerning the lease or rental of surplus  
property of school districts. Reported by  
Committee on Education

MAJORITY recommendation: Do pass. Signed by  
Representatives Santos, Chair; Dolan, Vice Chair; Paul,  
Vice Chair; Steele, Ranking Minority Member;  
McCaslin, Assistant Ranking Minority Member; Volz,  
Assistant Ranking Minority Member; Bergquist;

Caldier; Callan; Harris; Ortiz-Self; Stonier; Thai and Valdez.

February 4, 2020 )

MINORITY recommendation: Do not pass. Signed by Representatives Rude and Ybarra.

MINORITY recommendation: Without recommendation. Signed by Representative Corry.

Referred to Committee on Rules for second reading.

February 4, 2020 )

HB 2621 Prime Sponsor, Representative Maycumber: Creating regulation exemptions for rural health clinics providing services in a designated home health shortage area. Reported by Committee on Health Care & Wellness

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Cody, Chair; Macri, Vice Chair; Schmick, Ranking Minority Member; Caldier, Assistant Ranking Minority Member; Chambers; Chopp; Davis; DeBolt; Harris; Maycumber; Riccelli; Robinson; Stonier; Thai and Tharinger.

Referred to Committee on Rules for second reading.

February 4, 2020 )

HB 2664 Prime Sponsor, Representative Lovick: Concerning sheriff's office qualifications. Reported by Committee on Public Safety

MAJORITY recommendation: Do pass. Signed by Representatives Appleton, 2nd Vice Chair; Goodman, Chair; Davis, Vice Chair; Klippert, Ranking Minority Member; Sutherland, Assistant Ranking Minority Member; Graham; Griffey; Lovick; Orwall; Pellicciotti and Pettigrew.

Referred to Committee on Rules for second reading.

February 4, 2020 )

HB 2677 Prime Sponsor, Representative Chopp: Sharing health insurance information to improve the coordination of benefits between health insurers and the health care authority. Reported by Committee on Health Care & Wellness

MAJORITY recommendation: Do pass. Signed by Representatives Cody, Chair; Macri, Vice Chair; Schmick, Ranking Minority Member; Caldier, Assistant Ranking Minority Member; Chambers; Chopp; Davis; DeBolt; Harris; Maycumber; Riccelli; Robinson; Stonier; Thai and Tharinger.

Referred to Committee on Rules for second reading.

HB 2687 Prime Sponsor, Representative Barkis: Planning for affordable housing under the growth management act. Reported by Committee on Environment & Energy

MAJORITY recommendation: Do pass. Signed by Representatives Fitzgibbon, Chair; Dye, Assistant Ranking Minority Member; Boehnke; Doglio; Fey; Goehner; Mead; Robinson and Shewmake.

Referred to Committee on Rules for second reading.

February 4, 2020 )

HB 2710 Prime Sponsor, Representative Robinson: Modifying the uses, disclosure, and requirement dates of prescription drug price transparency data. Reported by Committee on Health Care & Wellness

MAJORITY recommendation: Do pass. Signed by Representatives Cody, Chair; Macri, Vice Chair; Chopp; Davis; Riccelli; Robinson; Stonier; Thai and Tharinger.

MINORITY recommendation: Do not pass. Signed by Representatives Schmick, Ranking Minority Member; Caldier, Assistant Ranking Minority Member; DeBolt and Maycumber.

MINORITY recommendation: Without recommendation. Signed by Representatives Chambers and Harris.

Referred to Committee on Rules for second reading.

February 4, 2020 )

HB 2714 Prime Sponsor, Representative Hoff: Valuing the carbon in forest riparian easements. Reported by Committee on Rural Development, Agriculture, & Natural Resources

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Blake, Chair; Shewmake, Vice Chair; Chandler, Ranking Minority Member; Dent, Assistant Ranking Minority Member; Chapman; Dye; Fitzgibbon; Kretz; Lekanoff; Orcutt; Pettigrew; Ramos; Schmick and Walsh.

Referred to Committee on Appropriations.

February 4, 2020 )

HB 2726 Prime Sponsor, Representative Tharinger: Regarding marijuana-infused edible products. Reported by Committee on Commerce & Gaming

MAJORITY recommendation: Do pass. Signed by Representatives Peterson, Chair; Kloba, Vice Chair; MacEwen, Ranking Minority Member; Blake; Kirby; Morgan; Ramel; Vick and Young.

MINORITY recommendation: Do not pass. Signed by Representative Chambers, Assistant Ranking Minority Member.

MINORITY recommendation: Without recommendation. Signed by Representative Jenkin.

Referred to Committee on Appropriations.

February 5, 2020 )

HB 2762 Prime Sponsor, Representative Rude: Extending the peer support group testimonial privilege to include staff persons of the department of corrections. Reported by Committee on Civil Rights & Judiciary

MAJORITY recommendation: Do pass. Signed by Representatives Kilduff, Chair; Thai, Vice Chair; Dufault, Assistant Ranking Minority Member; Goodman; Graham; Hansen; Kirby; Klippert; Orwall; Peterson; Rude; Valdez; Walen and Ybarra.

Referred to Committee on Rules for second reading.

February 4, 2020 )

HB 2768 Prime Sponsor, Representative Ramos: Concerning urban and community forestry. Reported by Committee on Rural Development, Agriculture, & Natural Resources

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Blake, Chair; Shewmake, Vice Chair; Dent, Assistant Ranking Minority Member; Chapman; Fitzgibbon; Kretz; Lekanoff; Pettigrew and Ramos.

MINORITY recommendation: Do not pass. Signed by Representatives Chandler, Ranking Minority Member; Dye; Orcutt; Schmick and Walsh.

Referred to Committee on Appropriations.

February 4, 2020 )

HB 2785 Prime Sponsor, Representative Lekanoff: Concerning the membership of the criminal justice training commission. Reported by Committee on Public Safety

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass.

Signed by Representatives Appleton, 2nd Vice Chair; Goodman, Chair; Davis, Vice Chair; Klippert, Ranking Minority Member; Sutherland, Assistant Ranking Minority Member; Graham; Griffey; Lovick; Orwall; Pellicciotti and Pettigrew.

Referred to Committee on Rules for second reading.

February 4, 2020 )

HB 2853 Prime Sponsor, Representative Harris: Promoting the effective and efficient administration of the Washington state charter school commission. Reported by Committee on Education

MAJORITY recommendation: Do pass. Signed by Representatives Santos, Chair; Dolan, Vice Chair; Paul, Vice Chair; Steele, Ranking Minority Member; McCaslin, Assistant Ranking Minority Member; Volz, Assistant Ranking Minority Member; Bergquist; Caldier; Callan; Corry; Harris; Rude; Thai; Valdez and Ybarra.

MINORITY recommendation: Without recommendation. Signed by Representatives Ortiz-Self and Stonier.

Referred to Committee on Rules for second reading.

February 4, 2020 )

HB 2856 Prime Sponsor, Representative Entenman: Concerning a moratorium on facial recognition technology. Reported by Committee on Innovation, Technology & Economic Development

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Hudgins, Chair; Kloba, Vice Chair; Smith, Ranking Minority Member; Boehnke, Assistant Ranking Minority Member; Entenman; Slatter; Tarleton; Van Werven and Wylie.

Referred to Committee on Rules for second reading.

There being no objection, the bills listed on the day's committee reports under the fifth order of business were referred to the committees so designated.

#### POINT OF PERSONAL PRIVILEGE

Representative DeBolt: "Thank you Madam Speaker. I rise for a point of personal privilege. A couple things are happening very soon and I want to remind everybody that Valentine's Day is coming and make sure you take care of your significant other or special person in your life. My special person is in the wings; my wife Amy is here today, and if you're asking why I'm rising up to talk today, I have a story to share with everyone. These shoes, "props" sorry, these shoes were purchased when I was 29 years old and I

was a newly elected member of the House of Representatives and an older member told me it's very important that you have good shoes. So I went and I bought a very expensive pair, which was \$100. Twenty-four years ago, that was a lot. And every three years, or two years, I would have to get them resoled, and I went to get them resoled last year and I dropped them off and I picked them up and he didn't do anything to them. It was Jack's shoe repair; you guys know it, use it, and he said "I can't fix these anymore, they're worn out." And it was funny to me because it was at that moment I knew that it was time for me to retire. And sometimes you can do things in life that you have and you have a purpose, and it's that simple little gesture that kind of tells you it's time to go. And, I love this institution so much, and I love each and every one of you and I am so grateful to my constituents. And so, I won't be seeking reelection. I will be with you till the end so it's not like I'm walking off and leaving you, but I just wanted to do this on the floor because the floor's been such a part of my life. I love this floor, I love the debates, I love being able to, Representative Chopp, we've had a lot of great times up there, and the one thing I would remind everybody is that it's ok to disagree, and we can't fall into the trap of today where if you disagree with me I hate you. We just remember, we disagree on this bill, we move to the next. And Madam Speaker, I'm so proud of you being up there, and you and I have had such a good past and I am looking forward to watching you in the future. So, thank you very much for today in allowing me to do this on the floor.

The Speaker called upon Representative Orwall to preside.

There being no objection, the House advanced to the sixth order of business.

## SECOND READING

**ENGROSSED SUBSTITUTE SENATE BILL NO. 6492, by Senate Committee on Ways & Means (originally sponsored by Pedersen, Rolfes, Wilson and C.)**

**Addressing workforce education investment funding through business and occupation tax reform.**

The bill was read the second time.

Representative Walsh moved the adoption of amendment (1066):

On page 3, line 38, after "(i)" insert "Except as provided in (g) of this subsection (2)."

On page 5, after line 36, insert the following:

"(g) Beginning July 1, 2021, the rate under (a)(i) of this subsection (2) must be reduced by an amount necessary to offset the estimated increase in general fund revenues for the 2019-2021 biennium but such reduction may not exceed 0.25 percent. For the purpose of this subsection, "estimated increase in general fund revenues" means the difference between general fund revenues reflected in the November 2020 revenue forecast and in the November 2019 revenue

forecast for the 2019-2021 fiscal biennium. Beginning in the 2021-2023 biennium and each biennium thereafter, the state treasurer shall transfer from the general fund to the workforce education investment account an amount equal to the revenue reduction in the 2021-2023 biennium from the rate reduction under this subsection (2)(g), increased by the fiscal growth factor."

Representative Walsh spoke in favor of the adoption of the amendment.

Representative Hansen spoke against the adoption of the amendment.

Amendment (1066) was not adopted.

Representative Caldier moved the adoption of amendment (1088):

)

On page 4, line 11, after "year:" strike "and"

On page 4, line 15, after "82.04.260(10)" insert ";

(D) The independent practice of general or specialized medicine or surgery by businesses comprised of one or more health practitioners having the degree of doctor of medicine or doctor of osteopathy. These practitioners operate private or group practices in their own offices or in the facilities of others, such as hospitals or health maintenance organization medical centers;

(E) Providing a range of outpatient services, such as family planning, diagnosis and treatment of mental health disorders and alcohol and other substance abuse, and other general or specialized outpatient care by businesses with medical staff;

(F) Medical and diagnostic laboratories, providing analytic or diagnostic services, including body fluid analysis and diagnostic imaging, generally to the medical profession or to the patient on referral from a health practitioner;

(G) The independent practice of general or specialized dentistry or dental surgery by businesses comprised of one or more health practitioners having the degree of doctor of dental medicine, doctor of dental surgery, or doctor of dental science. These practitioners operate private or group practices in their own offices or in the facilities of others, such as hospitals or health maintenance organization medical centers. They may provide either comprehensive preventive, cosmetic, or emergency care, or specialize in a single field of dentistry;

(H) The independent practice of general or specialized medicine or surgery, or general or specialized dentistry or dental surgery, by businesses comprised of one or more independent health practitioners, other than physicians and dentists; and

(I) Providing ambulatory health care services"

Representative Caldier and Caldier (again) spoke in favor of the adoption of the amendment.

Representatives Frame and Hansen spoke against the adoption of the amendment.

Amendment (1088) was not adopted.

Representative Klippert moved the adoption of amendment (1067):

)

On page 4, line 11, after "year:" strike "and"

On page 4, line 15, after "82.04.260(10)" insert "; and  
(D) Oncologists and cancer care entities"

Representatives Klippert and Orcutt spoke in favor of the adoption of the amendment.

Representative Frame spoke against the adoption of the amendment.

Amendment (1067) was not adopted.

Representative Boehnke moved the adoption of amendment (1068):

)

On page 4, line 11, after "year:" strike "and"

On page 4, line 15, after "82.04.260(10)" insert "; and

(D) Any person engaged in providing infrastructure for hosting or data processing services"

Representatives Boehnke, Orcutt, Stokesbary, Ybarra, Kraft, Irwin and Shea spoke in favor of the adoption of the amendment.

Representative Springer spoke against the adoption of the amendment.

Amendment (1068) was not adopted.

Representative Walsh moved the adoption of amendment (1069):

)

On page 4, line 11, after "year;" strike "and"

On page 4, line 15, after "82.04.260(10)" insert "; and

(D) Architectural, engineering, and related services, such as drafting services, building inspection services, geophysical surveying and mapping services, surveying and mapping, except geophysical services and testing services"

Representatives Walsh, Irwin, Barkis and Walsh (again) spoke in favor of the adoption of the amendment.

Representative Springer spoke against the adoption of the amendment.

## MOTIONS

On motion of Representative Griffey, Representative DeBolt was excused.

On motion of Representative Riccelli, Representative Dolan was excused.

Amendment (1069) was not adopted.

Representative Schmick moved the adoption of amendment (1070):

)

On page 4, line 11, after "year:" strike "and"

On page 4, line 15, after "82.04.260(10)" insert "; and

(D) Amounts received by a health care provider for services performed on patients covered in whole, or in part, by Washington's medicaid health insurance program, including reimbursement from the program and any amounts collected from the patient as part of his or her cost-sharing obligation"

Representatives Schmick, Schmick (again) Caldier and Walsh spoke in favor of the adoption of the amendment.

Representative Sullivan spoke against the adoption of the amendment.

An electronic roll call was requested.

## ROLL CALL

The Clerk called the roll on the adoption of amendment (1070) and the amendment was not adopted by the following vote: Yeas, 48; Nays, 48; Absent, 0; Excused, 2.

Voting yea: Representatives Barkis, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Corry, Dent, Dufault, Dye, Eslick, Gildon, Goehner, Graham, Griffey, Harris, Hoff, Irwin, Jenkin, Klippert, Kraft, Kretz, Leavitt, MacEwen, Maycumber, McCaslin, Mead, Mosbrucker, Orcutt, Paul, Rude, Schmick, Shea, Shewmake, Slatter, Smith, Steele, Stokesbary, Sutherland, Thai, Van Werven, Vick, Volz, Walsh, Wilcox, Ybarra and Young.

Voting nay: Representatives Appleton, Bergquist, Chapman, Chopp, Cody, Davis, Doglio, Duerr, Entenman, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hansen, Hudgins, J. Johnson, Kilduff, Kirby, Kloba, Lekanoff, Lovick, Macri, Morgan, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Ryu, Santos, Sells, Senn, Springer, Stonier, Sullivan, Tarleton, Tharinger, Valdez, Walen, Wylie and Mme. Speaker.

Excused: Representatives DeBolt and Dolan.

Amendment (1070) was not adopted.

Representative Gildon moved the adoption of amendment (1071):

)

On page 4, line 11, after "year:" strike "and"

On page 4, line 15, after "82.04.260(10)" insert "; and  
(D) Any business owned by a veteran"

Representatives Gildon, Irwin, Dufault and Boehnke spoke in favor of the adoption of the amendment.

Representative Tarleton spoke against the adoption of the amendment.

Amendment (1071) was not adopted.

Representative Orcutt moved the adoption of amendment (1072):

)

On page 4, line 11, after "year:" strike "and"

On page 4, line 15, after "82.04.260(10)" insert "; and

(D) Any health care provider who receives medicaid reimbursement, until the state provides a medicaid reimbursement rate that is equal to the cost of the health care services provided"

Representatives Orcutt, Van Werven, Caldier, Smith and Caldier (again) spoke in favor of the adoption of the amendment.

Representatives Sullivan and Robinson spoke against the adoption of the amendment.

Amendment (1072) was not adopted.

Representative Graham moved the adoption of amendment (1073):

)

On page 4, line 11, after "year:" strike "and"

On page 4, line 15, after "82.04.260(10)" insert "; and

(D) Commercial hauling services"

Representatives Graham and Barkis spoke in favor of the adoption of the amendment.

Representative Tarleton spoke against the adoption of the amendment.

### MOTION

On motion of Representative Jenkin, Representative Wilcox was excused.

Amendment (1073) was not adopted.

Representative Caldier moved the adoption of amendment (1074):

)

On page 4, line 11, after "year:" strike "and"

On page 4, line 15, after "82.04.260(10)" insert "; and  
(D) Dental services"

Representative Caldier and Caldier (again) spoke in favor of the adoption of the amendment.

Representative Macri spoke against the adoption of the amendment.

Amendment (1074) was not adopted.

Representative Harris moved the adoption of amendment (1075):

)

On page 4, line 11, after "year:" strike "and"

On page 4, line 15, after "82.04.260(10)" insert "; and

(D) Establishments engaged in retailing prescription or nonprescription drugs and medicines such as pharmacies and drug stores"

Representatives Harris, Irwin, Orcutt and Schmick spoke in favor of the adoption of the amendment.

Representative Springer spoke against the adoption of the amendment.

Amendment (1075) was not adopted.

Representative Orcutt moved the adoption of amendment (1076):

)

On page 4, line 11, after "year:" strike "and"

On page 4, line 15, after "82.04.260(10)" insert "; and

(D) Forestry and logging services"

Representatives Orcutt, Shea and Orcutt (again) spoke in favor of the adoption of the amendment.

Representative Tarleton spoke against the adoption of the amendment.

Amendment (1076) was not adopted.

The Speaker (Representative Orwall presiding) called upon Representative Lovick to preside.

Representative Jenkin moved the adoption of amendment (1077):

)

On page 4, line 11, after "year:" strike "and"

On page 4, line 15, after "82.04.260(10)" insert "; and

(D) Hearing health care professionals, as defined in RCW 18.35.010"

Representatives Jenkin and Chambers spoke in favor of the adoption of the amendment.

Representative Frame spoke against the adoption of the amendment.

Amendment (1077) was not adopted.

Representative Harris moved the adoption of amendment (1078):

)

On page 4, line 11, after "year:" strike "and"

On page 4, line 15, after "82.04.260(10)" insert "; and

(D) Mental health providers"

Representatives Harris, Walsh and Smith spoke in favor of the adoption of the amendment.

Representative Frame spoke against the adoption of the amendment.

An electronic roll call was requested.

### ROLL CALL

The Clerk called the roll on the adoption of amendment (1078) and the amendment was not adopted by the following vote: Yeas, 45; Nays, 52; Absent, 0; Excused, 1.

Voting yea: Representatives Barkis, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Corry, DeBolt, Dent, Dufault, Dye, Eslick, Gildon, Goehner, Graham, Griffey, Harris, Hoff, Irwin, Jenkin, Klippert, Kraft, Kretz, MacEwen, Maycumber, McCaslin, Mead, Mosbrucker, Orcutt, Rude, Schmick, Shea, Shewmake, Slatter, Smith, Steele, Stokesbary, Sutherland, Van Werven, Vick, Volz, Walsh, Ybarra and Young.

Voting nay: Representatives Appleton, Bergquist, Chapman, Chopp, Cody, Davis, Doglio, Dolan, Duerr, Entenman, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hansen, Hudgins, J. Johnson, Kilduff, Kirby, Kloba, Leavitt, Lekanoff, Lovick, Macri, Morgan, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Ryu, Santos, Sells, Senn, Springer, Stonier, Sullivan, Tarleton, Thai, Tharinger, Valdez, Walen, Wylie and Mme. Speaker.

Excused: Representative Wilcox.

Representative Volz moved the adoption of amendment (1079):

)

On page 4, line 11, after "year:" strike "and"

On page 4, line 15, after "82.04.260(10)" insert "; and

(D) Motor vehicle and parts dealers"

Representative Volz spoke in favor of the adoption of the amendment.

Representative Tarleton spoke against the adoption of the amendment.

Amendment (1079) was not adopted.

Representative Chambers moved the adoption of amendment (1080):

)

On page 4, line 11, after "year:" strike "and"

On page 4, line 15, after "82.04.260(10)" insert "; and

(D) Nursing and residential care facilities"

Representatives Chambers, Gildon, Corry, Caldier, Orcutt and Walsh spoke in favor of the adoption of the amendment.

Representative Macri spoke against the adoption of the amendment.

### MOTION

On motion of Representative Jenkin, Representative Boehnke was excused.

Amendment (1080) was not adopted.

Representative Barkis moved the adoption of amendment (1081):

)

On page 4, line 11, after "year:" strike "and"

On page 4, line 15, after "82.04.260(10)" insert "; and

(D) Physician's offices, outpatient care centers, medical and diagnostic laboratories, dentist's offices, offices of other health practitioners, and other ambulatory health care services performed in a rural underserved area. For the purposes of this subsection, "rural underserved area" has the same meaning as in RCW 28B.99.010"

Representatives Barkis, Schmick and Vick spoke in favor of the adoption of the amendment.

Representative Hansen spoke against the adoption of the amendment.

An electronic roll call was requested.

### ROLL CALL

The Clerk called the roll on the adoption of amendment (1081) and the amendment was not adopted by the following vote: Yeas, 44; Nays, 52; Absent, 0; Excused, 2.

Voting yea: Representatives Barkis, Blake, Caldier, Chambers, Chandler, Corry, DeBolt, Dent, Dufault, Dye,



Eslick, Gildon, Goehner, Graham, Griffey, Harris, Hoff, Irwin, Jenkin, Klippert, Kraft, Kretz, Leavitt, MacEwen, Maycumber, McCaslin, Mead, Mosbrucker, Orcutt, Paul, Rude, Schmick, Shea, Shewmake, Smith, Steele, Stokesbary, Sutherland, Van Werven, Vick, Volz, Walsh, Ybarra and Young.

Voting nay: Representatives Appleton, Bergquist, Callan, Chapman, Chopp, Cody, Davis, Doglio, Dolan, Duerr, Entenman, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hansen, Hudgins, J. Johnson, Kilduff, Kirby, Kloba, Lekanoff, Lovick, Macri, Morgan, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Ryu, Santos, Sells, Senn, Slatter, Springer, Stonier, Sullivan, Tarleton, Thai, Tharinger, Valdez, Walen, Wylie and Mme. Speaker.

Excused: Representatives Boehnke and Wilcox.

Representative Goehner moved the adoption of amendment (1082):

)

On page 4, line 11, after "year:" strike "and"

On page 4, line 15, after "82.04.260(10)" insert "; and  
(D) Providing veterinary services"

Representatives Goehner and Caldier spoke in favor of the adoption of the amendment.

Representative Hansen spoke against the adoption of the amendment.

Amendment (1082) was not adopted.

Representative Mosbrucker moved the adoption of amendment (1083):

)

On page 4, line 11, after "year:" strike "and"

On page 4, line 15, after "82.04.260(10)" insert "; and  
(D) Providers that give counseling and treatment to domestic violence victims"

Representative Mosbrucker spoke in favor of the adoption of the amendment.

Representative Frame spoke against the adoption of the amendment.

Amendment (1083) was not adopted.

Representative Hoff moved the adoption of amendment (1084):

)

On page 4, line 11, after "year:" strike "and"

On page 4, line 15, after "82.04.260(10)" insert "; and

(D) Ophthalmology services"

Representative Hoff spoke in favor of the adoption of the amendment.

Representative Hansen spoke against the adoption of the amendment.

Amendment (1084) was not adopted.

Representative Caldier moved the adoption of amendment (1085):

)

On page 4, line 11, after "year:" strike "and"

On page 4, line 15, after "82.04.260(10)" insert "; and  
(D) Optometrists"

Representative Caldier and Caldier (again) spoke in favor of the adoption of the amendment.

Representative Hansen spoke against the adoption of the amendment.

Amendment (1085) was not adopted.

Representative Eslick moved the adoption of amendment (1086):

)

On page 4, line 11, after "year:" strike "and"

On page 4, line 15, after "82.04.260(10)" insert "; and  
(D) Substance use disorder treatment providers"

Representative Eslick spoke in favor of the adoption of the amendment.

Representative Frame spoke against the adoption of the amendment.

Amendment (1086) was not adopted.

Representative Corry moved the adoption of amendment (1087):

)

On page 4, line 11, after "year:" strike "and"

On page 4, line 15, after "82.04.260(10)" insert "; and  
(D) Waste management and remediation services"

Representatives Corry, Corry (again) Orcutt, Walsh and Ybarra spoke in favor of the adoption of the amendment.

Representative Hansen spoke against the adoption of the amendment.

Amendment (1087) was not adopted.

Representative Young moved the adoption of amendment (1093):

)

On page 4, line 11, after "year;" strike "and"

On page 4, line 15, after "82.04.260(10)" insert "; and

(D) A person primarily engaged in architectural, engineering, and related services, such as drafting services, building inspection services, geophysical surveying and mapping services, surveying and mapping, except geophysical services and testing services, who was contracted for those business activities for work on at least two affordable housing projects during the relevant tax year"

Representatives Young and Walsh spoke in favor of the adoption of the amendment.

Representative Springer spoke against the adoption of the amendment.

Amendment (1093) was not adopted.

Representative Young moved the adoption of amendment (1094):

)

On page 4, line 11, after "year;" strike "and"

On page 4, line 15, after "82.04.260(10)" insert "; and

(D) Any health care provider for whom seventy-five percent or more of their cumulative gross amount reportable under this chapter during the entire current or immediately preceding calendar year is from medicaid payments"

Representatives Young, Irwin, Caldier and Smith spoke in favor of the adoption of the amendment.

Representative Frame and Frame (again) spoke against the adoption of the amendment.

Amendment (1094) was not adopted.

Representative Young moved the adoption of amendment (1095):

)

On page 4, line 11, after "year;" strike "and"

On page 4, line 15, after "82.04.260(10)" insert "; and

(D) Any person for whom fifty-one percent or more of their cumulative gross amount reportable under this chapter during the entire current or immediately preceding calendar year is from medicaid payments"

Representative Young spoke in favor of the adoption of the amendment.

Representative Frame spoke against the adoption of the amendment.

An electronic roll call was requested.

### ROLL CALL

The Clerk called the roll on the adoption of amendment (1095) and the amendment was not adopted by the following vote: Yeas, 45; Nays, 51; Absent, 0; Excused, 2.

Voting yea: Representatives Barkis, Blake, Caldier, Callan, Chambers, Chandler, Corry, DeBolt, Dent, Dufault, Dye, Eslick, Gildon, Goehner, Graham, Griffey, Harris, Hoff, Irwin, Jenkin, Klippert, Kraft, Kretz, MacEwen, Maycumber, McCaslin, Mead, Mosbrucker, Orcutt, Paul, Rude, Schmick, Shea, Shewmake, Slatter, Smith, Steele, Stokesbary, Sutherland, Van Werven, Vick, Volz, Walsh, Ybarra and Young.

Voting nay: Representatives Appleton, Bergquist, Chapman, Chopp, Cody, Davis, Doglio, Dolan, Duerr, Entenman, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hansen, Hudgins, J. Johnson, Kilduff, Kirby, Kloba, Leavitt, Lekanoff, Lovick, Macri, Morgan, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Ryu, Santos, Sells, Senn, Springer, Stonier, Sullivan, Tarleton, Thai, Tharinger, Valdez, Walen, Wylie and Mme. Speaker.

Excused: Representatives Boehnke and Wilcox.

Representative Kraft moved the adoption of amendment (1099):

)

On page 4, line 11, after "year;" strike "and"

On page 4, line 15, after "82.04.260(10)" insert "; and

(D) Lawyers who perform more than ten percent pro bono hours when measured against their total hours"

Representative Kraft spoke in favor of the adoption of the amendment.

Representative Hansen spoke against the adoption of the amendment.

Amendment (1099) was not adopted.

Representative Stokesbary moved the adoption of amendment (1100):

)

Beginning on page 1, line 6, strike sections 1 through 3

Re-number the remaining sections consecutively and correct any internal references accordingly.

On page 15, line 29, after "82.04.290(2)" insert "and 82.04.2907"

On page 15, line 30, strike "1.22" and insert "1.5"

On page 18, beginning on line 9, strike sections 7 through 9 and insert the following:

**"NEW SECTION. Sec. 5.4.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately.

**NEW SECTION. Sec. 5.5.** Section 1 of this act applies both prospectively and retrospectively to January 1, 2020."

Correct the title.

Representatives Stokesbary, Orcutt, and Walsh spoke in favor of the adoption of the amendment.

Representative Hansen spoke against the adoption of the amendment.

Amendment (1100) was not adopted.

Representative DeBolt moved the adoption of amendment (1092):

)

On page 1, line 18, after "82.04.299" strike "or subject to the tax rate under RCW 82.04.290(2)(a)(i)"

On page 2, beginning on line 21, after "82.04.299" strike all material through "82.04.290(2)(a)(i)" on line 22

Beginning on page 3, line 9, strike all of sections 2 and 3

Renumber the remaining sections consecutively, correct any internal references accordingly, and correct the title.

Beginning on page 15, line 13, after "imposed on" strike all material through "January 1, 2022.)" on page 18, line 2, and insert "((select advanced computing businesses as follows:

(i) ~~For an affiliated group that has worldwide gross revenue of more than twenty-five billion dollars, but not more than one hundred billion dollars, during the entire current or immediately preceding calendar year, the surcharge is equal to the total amount of tax payable by each member of the affiliated group on all business activities taxed under RCW 82.04.290(2), before application of any tax credits, multiplied by the rate of thirty-three and one-third percent.~~

(ii) ~~For an affiliated group that has worldwide gross revenue of more than one hundred billion dollars during the entire current or immediately preceding calendar year, the surcharge is equal to the total amount of tax payable by each member of the affiliated group on all business activities taxed under RCW 82.04.290(2), before application of any tax credits, multiplied by the rate of sixty-six and two-thirds percent.~~

(b) ~~In no case will the combined surcharge imposed under this subsection (4) paid by all members of an affiliated~~

~~group be less than four million dollars or more than seven million dollars annually.~~

~~(c) For persons subject to the surcharge imposed under this subsection (4) that report under one or more tax classifications, the surcharge applies only to business activities taxed under RCW 82.04.290(2).~~

~~(d) The surcharge imposed under this subsection (4) must be reported and paid in a manner and frequency as required by the department.~~

~~(e) To aid in the effective administration of the surcharge in this subsection (4), the department may require persons believed to be engaging in advanced computing or affiliated with a person believed to be engaging in advanced computing to disclose whether they are a member of an affiliated group and, if so, to identify all other members of the affiliated group subject to the surcharge. If the department determines that a person, with intent to evade the surcharge under this subsection (4), failed to fully comply with this subsection (4)(e), the seven million dollar limitation in (b) of this subsection (4) does not apply to the person's affiliated group.~~

~~(f) For the purposes of this subsection (4) the following definitions apply:~~

~~(i) "Advanced computing" means designing or developing computer software or computer hardware, whether directly or contracting with another person, including modifications to computer software or computer hardware, cloud computing services, or operating an online marketplace, an online search engine, or online social networking platform;~~

~~(ii) "Affiliate" and "affiliated" means a person that directly or indirectly, through one or more intermediaries, controls, is controlled by, or is under common control with another person;~~

~~(iii) "Affiliated group" means a group of two or more persons that are affiliated with each other;~~

~~(iv) "Cloud computing services" means on-demand delivery of computing resources, such as networks, servers, storage, applications, and services, over the internet;~~

~~(v) "Control" means the possession, directly or indirectly, of more than fifty percent of the power to direct or cause the direction of the management and policies of a person, whether through the ownership of voting shares, by contract, or otherwise; and~~

~~(vi) "Select advanced computing business" means a person who is a member of an affiliated group with at least one member of the affiliated group engaging in the business of advanced computing, and the affiliated group has worldwide gross revenue of more than twenty-five billion dollars during the entire current or immediately preceding calendar year. A person who is primarily engaged within this state in the provision of commercial mobile service, as that term is defined in 47 U.S.C. Sec. 332(d)(1), shall not be considered a select advanced computing business. A person who is primarily engaged in this state in the operation and provision of access to transmission facilities and~~

~~infrastructure that the person owns or leases for the transmission of voice, data, text, sound, and video using wired telecommunications networks shall not be considered a select advanced computing business.~~

~~(5) The workforce education investment surcharges under this section do not apply to any hospital as defined in RCW 70.41.020, including any hospital that comes within the scope of chapter 71.12 RCW if the hospital is also licensed under chapter 70.41 RCW.~~

~~(6) Revenues from the surcharges under this section must be deposited directly into the workforce education investment account established in RCW 43.79.195.~~

~~(7) The department has the authority to determine through an audit or other investigation whether a person is subject to the surcharges imposed in this section. The department's determination that a person is subject to the surcharge is presumed to be correct unless the person shows by clear, cogent, and convincing evidence that the department's determination was incorrect. The increased evidentiary standard under this subsection (7) does not apply after January 1, 2022)) specified persons.~~

(b) The surcharge is equal to the greater of:

(i) The gross income of the person subject to the tax under RCW 82.04.290, multiplied by a rate of two and one-half percent; or

(ii) Three hundred million dollars per year.

(2) For the purposes of this section, "specified person" means any person for whom all of the following apply:

(a) The person has been registered with the department for at least thirty-seven years;

(b) At any time after the effective date of this section, the combined employment in this state of the person exceeds forty thousand full-time and part-time employees, based on data reported to the employment security department; and

(c) The business activities of the person primarily include the development, sales, and licensing of computer software and services.

(3) Revenues must be deposited directly into the workforce education investment account established in RCW 43.79.195.

(4) The department has the authority to determine through an audit or other investigation whether a person is subject to the surcharge imposed in this section. The department's determination is presumed to be correct unless the person shows by clear, cogent, and convincing evidence that the department's determination is incorrect."

On page 18, line 13, after "(2)" strike all material through "are" and insert "Section 1 of this act is"

On page 18, line 16, after "and" strike "take" and insert "takes"

On page 18, beginning on line 19, strike all of section 9

Correct the title.

Representatives DeBolt and Smith spoke in favor of the adoption of the amendment.

Representative Springer spoke against the adoption of the amendment.

Amendment (1092) was not adopted.

Representative Stokesbary moved the adoption of amendment (1096):

)

On page 15, line 11, after "after" strike "((January)) April" and insert "January"

On page 15, line 11, after "1," strike "2020" and insert "((2020)) 2021"

On page 18, after line 2, insert the following:

"Sec. 5. RCW 82.04.299 and 2019 c 406 s 74 are each amended to read as follows:

The legislature intends to secure additional revenue via surcharges targeted towards certain industries including select advanced computing businesses.

The legislature intends the provisions of chapter 406, Laws of 2019 to be applied broadly in favor of application of the surcharges. To achieve this intent, any provision within chapter 406, Laws of 2019 that is deemed to be ambiguous by a court of competent jurisdiction, the board of tax appeals, or any other judicial or administrative body, should be construed in favor of application of the surcharges. The rule of statutory construction in favor of the application of the surcharge under this paragraph does not apply on or after January 1, 2022.

(1)(a) Beginning with business activities occurring on or after January 1, 2020, in addition to the taxes imposed under RCW 82.04.290(2), a workforce education investment surcharge is imposed on specified persons. The surcharge is equal to the total amount of tax payable by the person on business activities taxed under RCW 82.04.290(2), before application of any tax credits, multiplied by the rate of ((twenty)) sixteen and seven-tenths of one percent.

(b) For specified persons who report under one or more tax classifications, this surcharge applies only to business activities taxed under RCW 82.04.290(2).

(c) The surcharge imposed under this subsection (1) must be reported and paid in a manner and frequency as required by the department.

(2) For the purposes of this section, "specified person" means a person who is not subject to the surcharge under subsection (4) of this section and who is primarily engaged within this state in any combination of the following activities:

(a) Computer software publishing or publishing and reproduction. Establishments in this industry carry out operations necessary for producing and distributing computer software, such as designing, providing documentation, assisting in installation, and providing

support services to software purchasers. These establishments may design, develop, and publish, or publish only. These establishments may publish and distribute software remotely through subscriptions and downloads;

(b) Conducting original investigation undertaken on a systematic basis to gain new knowledge or the application of research findings or other scientific knowledge for the creation of new or significantly improved products or processes. Techniques may include modeling and simulation. The industries within this industry group are defined on the basis of the domain of research and on scientific expertise of the establishment;

(c) Putting capital at risk in the process of underwriting securities issues or in making markets for securities and commodities and those acting as agents or brokers between buyers and sellers of securities and commodities, usually charging a commission;

(d) Providing expertise in the field of information technologies through one or more of the following activities: (i) Writing, modifying, testing, and supporting computer software to meet the needs of a particular customer; (ii) planning and designing computer systems that integrate computer hardware, computer software, and communication technologies; (iii) on-site management and operation of clients' computer systems and data processing facilities; or (iv) other professional and technical computer-related advice and services;

(e) Performing central banking functions, such as issuing currency, managing the nation's money supply and international reserves, holding deposits that represent the reserves of other banks and other central banks, and acting as a fiscal agent for the central government;

(f)(i) Purchasing access and network capacity from owners and operators of telecommunications networks and reselling wired and wireless telecommunications services, except satellite, to businesses and households; (ii) providing specialized telecommunications services, such as satellite tracking, communications telemetry, and radar station operation; (iii) providing satellite terminal stations and associated facilities connected with one or more terrestrial systems and capable of transmitting telecommunications to, and receiving telecommunications from, satellite systems; or (iv) providing internet access services or voice over internet protocol services via client-supplied telecommunications connections. Establishments in this industry do not operate as telecommunications carriers. Mobile virtual network operators are included in this industry;

(g)(i) Acting as principals in buying or selling financial contracts, except investment bankers, securities dealers, and commodity contracts dealers; (ii) acting as agents or brokers, except securities brokerages and commodity contracts brokerages, in buying or selling financial contracts; or (iii) providing other investment services except securities and commodity exchanges, such as portfolio management, investment advice, and trust, fiduciary, and custody services;

(h) Supplying information, such as news reports, articles, pictures, and features, to the news media. This

industry comprises establishments primarily engaged in providing library or archive services. These establishments are engaged in maintaining collections of documents and facilitating the use of these documents as required to meet the informational, research, educational, or recreational needs of their user. These establishments may also acquire, research, store, preserve, and generally make accessible to the public historical documents, photographs, maps, audio material, audiovisual material, and other archival material of historical interest. All or portions of these collections may be accessible electronically. This industry comprises establishments engaged in: (i) Publishing and broadcasting content on the internet exclusively; or (ii) operating web sites that use a search engine to generate and maintain extensive databases of internet addresses and content in an easily searchable format, known as web search portals. The publishing and broadcasting establishments in this industry do not provide traditional versions of the content they publish or broadcast. They provide textual, audio, or video content of general or specific interest on the internet exclusively. Establishments known as web search portals often provide additional internet services, such as email, connections to other web sites, auctions, news, and other limited content, and serve as a home base for internet users. This industry comprises establishments primarily engaged in providing other information services, except news syndicates, libraries, archives, internet publishing and broadcasting, and web search portals;

(i) Architectural, engineering, and related services, such as drafting services, building inspection services, geophysical surveying and mapping services, surveying and mapping, except geophysical services and testing services;

(j) Retailing all types of merchandise using nonstore means, such as catalogs, toll-free telephone numbers, electronic media, such as interactive television or the internet, or selling directly to consumers in a nonretail, physical environment. Included in this industry are establishments primarily engaged in retailing from catalog showrooms of mail-order houses;

(k) Providing advice and assistance to businesses and other organizations on management, environmental, scientific, and technical issues;

(l) Providing infrastructure for hosting or data processing services. These establishments may provide specialized hosting activities, such as web hosting, streaming services, or application hosting, or they may provide general time-share mainframe facilities to clients. Data processing establishments provide complete processing and specialized reports from data supplied by clients or provide automated data processing and data entry services;

(m) Facilitating credit intermediation by performing activities, such as arranging loans by bringing borrowers and lenders together and clearing checks and credit card transactions;

(n) Offering legal services, such as those offered by offices of lawyers, offices of notaries, and title abstract and settlement offices, and paralegal services;

(o) Operating or providing access to transmission facilities and infrastructure that they own or lease for the transmission of voice, data, text, sound, and video using wired telecommunications networks. Transmission facilities may be based on a single technology or a combination of technologies. Establishments in this industry use the wired telecommunications network facilities that they operate to provide a variety of services, such as wired telephony services, including voice over internet protocol services, wired audio and video programming distribution, and wired broadband internet services. By exception, establishments providing satellite television distribution services using facilities and infrastructure that they operate are included in this industry;

(p) Providing telecommunications services to other establishments in the telecommunications and broadcasting industries by forwarding and receiving communications signals via a system of satellites or reselling satellite telecommunications;

(q) Operating and maintaining switching and transmission facilities to provide communications via the airwaves. Establishments in this industry have spectrum licenses and provide services using that spectrum, such as cellular phone services, paging services, wireless internet access, and wireless video services;

(r) Extending credit or lending funds raised by credit market borrowing, such as issuing commercial paper or other debt instruments or by borrowing from other financial intermediaries;

(s) Underwriting annuities and insurance policies and investing premiums to build up a portfolio of financial assets to be used against future claims. Direct insurance carriers are establishments that are primarily engaged in initially underwriting and assuming the risk of annuities and insurance policies. Reinsurance carriers are establishments that are primarily engaged in assuming all or part of the risk associated with an existing insurance policy originally underwritten by another insurance carrier. Industries are defined in terms of the type of risk being insured against, such as death, loss of employment because of age or disability, or property damage. Contributions and premiums are set on the basis of actuarial calculations of probable payouts based on risk factors from experience tables and expected investment returns on reserves;

(t) Merchant wholesale distribution of photographic equipment and supplies and office, computer, and computer peripheral equipment and medical, dental, hospital, ophthalmic, and other commercial and professional equipment and supplies;

(u) Operating studios and facilities for the broadcasting of programs on a subscription or fee basis. The broadcast programming is typically narrowcast in nature. These establishments produce programming in their own facilities or acquire programming from external sources. The programming material is usually delivered to a third party, such as cable systems or direct-to-home satellite systems, for transmission to viewers;

(v) Publishing newspapers, magazines, other periodicals, books, directories and mailing lists, and other works, such as calendars, greeting cards, and maps. These works are characterized by the intellectual creativity required in their development and are usually protected by copyright. Publishers distribute or arrange for the distribution of these works. Publishing establishments may create the works in-house, or contract for, purchase, or compile works that were originally created by others. These works may be published in one or more formats, such as print or electronic form, including proprietary electronic networks. Establishments in this industry may print, reproduce, or offer direct access to the works themselves or may arrange with others to carry out such functions. Establishments that both print and publish may fill excess capacity with commercial or job printing. However, the publishing activity is still considered to be the primary activity of these establishments;

(w) Generating, transmitting, or distributing electric power. Establishments in this industry group may perform one or more of the following activities: (i) Operate generation facilities that produce electric energy; (ii) operate transmission systems that convey the electricity from the generation facility to the distribution system; or (iii) operate distribution systems that convey electric power received from the generation facility or the transmission system to the final consumer;

(x) Providing specialized design services including interior design, industrial design, graphic design, and others, but not including architectural, engineering, and computer systems design;

(y) Assigning rights to assets, such as patents, trademarks, brand names, or franchise agreements, for which a royalty payment or licensing fee is paid to the asset holder;

(z) Acting as agents in selling annuities and insurance policies or providing other employee benefits and insurance related services, such as claims adjustment and third-party administration;

(aa) Business-to-business electronic markets that bring together buyers and sellers of goods using the internet or other electronic means and generally receive a commission or fee for the service. Business-to-business electronic markets for durable and nondurable goods are included in this industry. This industry comprises wholesale trade agents and brokers acting on behalf of buyers or sellers in the wholesale distribution of goods. Agents and brokers do not take title to the goods being sold but rather receive a commission or fee for their service. Agents and brokers for all durable and nondurable goods are included in this industry;

(bb) Accepting deposits or share deposits and in lending funds from these deposits. Within this group, industries are defined on the basis of differences in the types of deposit liabilities assumed and in the nature of the credit extended;

(cc)(i) Manufacturing complete aircraft, missiles, or space vehicles; (ii) manufacturing aerospace engines, propulsion units, auxiliary equipment or parts; (iii)

developing and making prototypes of aerospace products; (iv) aircraft conversion; or (v) complete aircraft or propulsion systems overhaul and rebuilding;

(dd) Advertising, public relations, and related services, such as media buying, independent media representation, outdoor advertising, direct mail advertising, advertising material distribution services, and other services related to advertising;

(ee) Providing services, such as auditing of accounting records, designing accounting systems, preparing financial statements, developing budgets, preparing tax returns, processing payrolls, bookkeeping, and billing;

(ff) The independent practice of general or specialized medicine or surgery by businesses comprised of one or more health practitioners having the degree of doctor of medicine or doctor of osteopathy. These practitioners operate private or group practices in their own offices or in the facilities of others, such as hospitals or health maintenance organization medical centers;

(gg) Providing a range of outpatient services, such as family planning, diagnosis and treatment of mental health disorders and alcohol and other substance abuse, and other general or specialized outpatient care by businesses with medical staff;

(hh) Pooling securities or other assets, except insurance and employee benefit funds, on behalf of shareholders, unit holders, or beneficiaries, by legal entities such as investment pools or funds;

(ii) Promoting the interests of an organization's members, except religious organizations, social advocacy organizations, and civic and social organizations. Examples of establishments in this industry are business associations, professional organizations, labor unions, and political organizations;

(jj) Holding the securities of or other equity interests in companies and enterprises for the purpose of owning a controlling interest or influencing management decisions or businesses that administer, oversee, and manage other establishments of the company or enterprise and that normally undertake the strategic or organizational planning and decision-making role of the company or enterprise. Establishments that administer, oversee, and manage may hold the securities of the company or enterprise;

(kk) For medical and diagnostic laboratories, providing analytic or diagnostic services, including body fluid analysis and diagnostic imaging, generally to the medical profession or to the patient on referral from a health practitioner;

(ll) Serving as offices of chief executives and their advisory committees and commissions. This industry includes offices of the president, governors, and mayors, in addition to executive advisory commissions. This industry comprises government establishments serving as legislative bodies and their advisory committees and commissions. Included in this industry are legislative bodies, such as congress, state legislatures, and advisory and study legislative commissions. This industry comprises

government establishments primarily engaged in public finance, taxation, and monetary policy. Included are financial administration activities, such as monetary policy, tax administration and collection, custody and disbursement of funds, debt and investment administration, auditing activities, and government employee retirement trust fund administration. This industry comprises government establishments serving as councils and boards of commissioners or supervisors and such bodies where the chief executive is a member of the legislative body itself. This industry comprises American Indian and Alaska Native governing bodies. Establishments in this industry perform legislative, judicial, and administrative functions for their American Indian and Alaska Native lands. Included in this industry are American Indian and Alaska Native councils, courts, and law enforcement bodies. This industry comprises government establishments primarily engaged in providing general support for government. Such support services include personnel services, election boards, and other general government support establishments that are not classified elsewhere in public administration;

(mm) Providing a range of office administrative services, such as financial planning, billing and recordkeeping, personnel, and physical distribution and logistics, for others on a contract or fee basis. These establishments do not provide operating staff to carry out the complete operations of a business;

(nn) Providing professional, scientific, or technical services including marketing research, public opinion polling, photographic services, translation and interpretation services, and veterinary services. This category does not include legal services, accounting, tax preparation, bookkeeping, architectural, engineering, and related services, specialized design services, computer systems design, management, scientific and technical consulting services, scientific research and development services, or advertising services;

(oo) The independent practice of general or specialized dentistry or dental surgery by businesses comprised of one or more health practitioners having the degree of doctor of dental medicine, doctor of dental surgery, or doctor of dental science. These practitioners operate private or group practices in their own offices or in the facilities of others, such as hospitals or health maintenance organization medical centers. They may provide either comprehensive preventive, cosmetic, or emergency care, or specialize in a single field of dentistry;

(pp) The independent practice of general or specialized medicine or surgery, or general or specialized dentistry or dental surgery, by businesses comprised of one or more independent health practitioners, other than physicians and dentists;

(qq) Providing ambulatory health care services.

(3)(a)(i) For the purposes of this section, a person is primarily engaged within this state in any combination of the activities described in subsection (2) of this section if more than fifty percent of the person's cumulative gross amount reportable under this chapter during the entire current or immediately preceding calendar year was generated from

engaging in any one or more of the activities described in subsection (2) of this section. For purposes of this subsection, "gross amount reportable" means the total value of products, gross proceeds of sales, and gross income of the business, reportable to the department before application of any tax deductions.

(ii) If a person was not primarily engaged within this state in any combination of the activities described in subsection (2) of this section during the immediately preceding year, and the person is unsure whether the person will be subject to the workforce investment surcharge for the current calendar year until the close of the current calendar year, the person must, if necessary, file corrected returns with the department of revenue to pay any additional tax due under this section for the current calendar year. Payment of additional tax, along with corrected returns, is due and payable when the person's last return for the calendar year during which the tax liability accrued is due and payable. Additional tax due under this section is subject to penalties and interest as provided under chapter 82.32 RCW only if the tax is not paid in full by the date due as provided in this subsection (3)(a)(ii).

(b) The entire amount of gross income of the business received by a person pursuant to a contract under which the person is obligated to perform any activity described under subsection (2) of this section is deemed to be generated from engaging in any one or more of the activities described in subsection (2) of this section.

(4)(a) Beginning with business activities occurring on or after January 1, 2020, in addition to the taxes imposed under RCW 82.04.290(2), a workforce education investment surcharge is imposed on select advanced computing businesses as follows:

(i) For an affiliated group that has worldwide gross revenue of more than twenty-five billion dollars, but not more than one hundred billion dollars, during the entire current or immediately preceding calendar year, the surcharge is equal to the total amount of tax payable by each member of the affiliated group on all business activities taxed under RCW 82.04.290(2), before application of any tax credits, multiplied by the rate of thirty-three and one-third percent.

(ii) For an affiliated group that has worldwide gross revenue of more than one hundred billion dollars during the entire current or immediately preceding calendar year, the surcharge is equal to the total amount of tax payable by each member of the affiliated group on all business activities taxed under RCW 82.04.290(2), before application of any tax credits, multiplied by the rate of sixty-six and two-thirds percent.

(b) In no case will the combined surcharge imposed under this subsection (4) paid by all members of an affiliated group be less than four million dollars or more than seven million dollars annually.

(c) For persons subject to the surcharge imposed under this subsection (4) that report under one or more tax classifications, the surcharge applies only to business activities taxed under RCW 82.04.290(2).

(d) The surcharge imposed under this subsection (4) must be reported and paid in a manner and frequency as required by the department.

(e) To aid in the effective administration of the surcharge in this subsection (4), the department may require persons believed to be engaging in advanced computing or affiliated with a person believed to be engaging in advanced computing to disclose whether they are a member of an affiliated group and, if so, to identify all other members of the affiliated group subject to the surcharge. If the department determines that a person, with intent to evade the surcharge under this subsection (4), failed to fully comply with this subsection (4)(e), the seven million dollar limitation in (b) of this subsection (4) does not apply to the person's affiliated group.

(f) For the purposes of this subsection (4) the following definitions apply:

(i) "Advanced computing" means designing or developing computer software or computer hardware, whether directly or contracting with another person, including modifications to computer software or computer hardware, cloud computing services, or operating an online marketplace, an online search engine, or online social networking platform;

(ii) "Affiliate" and "affiliated" means a person that directly or indirectly, through one or more intermediaries, controls, is controlled by, or is under common control with another person;

(iii) "Affiliated group" means a group of two or more persons that are affiliated with each other;

(iv) "Cloud computing services" means on-demand delivery of computing resources, such as networks, servers, storage, applications, and services, over the internet;

(v) "Control" means the possession, directly or indirectly, of more than fifty percent of the power to direct or cause the direction of the management and policies of a person, whether through the ownership of voting shares, by contract, or otherwise; and

(vi) "Select advanced computing business" means a person who is a member of an affiliated group with at least one member of the affiliated group engaging in the business of advanced computing, and the affiliated group has worldwide gross revenue of more than twenty-five billion dollars during the entire current or immediately preceding calendar year. A person who is primarily engaged within this state in the provision of commercial mobile service, as that term is defined in 47 U.S.C. Sec. 332(d)(1), shall not be considered a select advanced computing business. A person who is primarily engaged in this state in the operation and provision of access to transmission facilities and infrastructure that the person owns or leases for the transmission of voice, data, text, sound, and video using wired telecommunications networks shall not be considered a select advanced computing business.

(5) The workforce education investment surcharges under this section do not apply to any hospital as defined in RCW 70.41.020, including any hospital that comes within



the scope of chapter 71.12 RCW if the hospital is also licensed under chapter 70.41 RCW.

(6) Revenues from the surcharges under this section must be deposited directly into the workforce education investment account established in RCW 43.79.195.

(7) The department has the authority to determine through an audit or other investigation whether a person is subject to the surcharges imposed in this section. The department's determination that a person is subject to the surcharge is presumed to be correct unless the person shows by clear, cogent, and convincing evidence that the department's determination was incorrect. The increased evidentiary standard under this subsection (7) does not apply after January 1, 2022.

**NEW SECTION. Sec. 6.** Section 5 of this act expires January 1, 2021."

Renumber the remaining sections consecutively and correct any internal references accordingly.

On page 18, beginning on line 9, strike all of section 7 and insert the following:

**"NEW SECTION. Sec. 7.** (1) Sections 1 through 4 of this act take effect January 1, 2021.

(2) Section 5 of this act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

On page 18, line 17, after "Section" strike "4" and insert "5"

On page 18, line 21, after "after" strike "April 1, 2020" and insert "January 1, 2021"

Correct the title.

Representative Stokesbary spoke in favor of the adoption of the amendment.

Representative Hansen spoke against the adoption of the amendment.

Amendment (1096) was not adopted.

Representative Gildon moved the adoption of amendment (1097):

) On page 18, after line 2, insert the following:

**"Sec. 7.5.** RCW 28B.92.200 and 2019 c 406 s 19 are each amended to read as follows:

(1) The Washington college grant program is created to provide a statewide free college program for eligible participants and greater access to postsecondary education for Washington residents. The Washington college grant program is intended to increase the number of high school graduates and adults that can attain a postsecondary credential and provide them with the qualifications needed to compete for job opportunities in Washington.

(2) The office shall implement and administer the Washington college grant program and is authorized to establish rules necessary for implementation of the program.

(3) The legislature shall appropriate funding for the Washington college grant program. Allocations must be made on the basis of estimated eligible participants enrolled in eligible institutions of higher education or apprenticeship programs. All eligible students are entitled to a Washington college grant beginning in academic year 2020-21.

(4) The office shall award Washington college grants to all eligible students beginning in academic year 2020-21.

(5) To be eligible for the Washington college grant, students must meet the following requirements:

(a) Demonstrate financial need under RCW 28B.92.205;

(b)(i) Be enrolled or accepted for enrollment for at least three quarter credits or the equivalent semester credits at an institution of higher education in Washington as defined in RCW 28B.92.030; or

(ii) Be enrolled in a registered apprenticeship program approved under chapter 49.04 RCW;

(c) Be a resident student as defined in RCW 28B.15.012(2) (a) through (e);

(d) File an annual application for financial aid as approved by the office; and

(e) Must not have earned a baccalaureate degree or higher from a postsecondary institution.

(6) Washington college grant eligibility may not extend beyond five years or one hundred twenty-five percent of the published length of the program in which the student is enrolled or the credit or clock-hour equivalent.

(7) Institutional aid administrators shall determine whether a student eligible for the Washington college grant in a given academic year may remain eligible for the ensuing year if the student's family income increases by no more than three percent.

(8) Qualifications for receipt and renewal include maintaining satisfactory academic progress toward completion of an eligible program as determined by the office and established in rule.

(9) Should a recipient terminate his or her enrollment for any reason during the academic year, the unused portion of the grant shall be returned to the state educational grant fund by the institution of higher education according to the institution of higher education's policy for issuing refunds, except as provided in RCW 28B.92.070.

(10) An eligible student enrolled on a part-time basis shall receive a prorated portion of the Washington college grant for any academic period in which he or she is enrolled on a part-time basis.

(11) The Washington college grant is intended to be used to meet the costs of postsecondary education for students with financial need. The student shall be awarded

all need-based financial aid for which the student qualifies as determined by the institution.

(12) Students and participating institutions of higher education shall comply with all the rules adopted by the council for the administration of this chapter.

(13) An eligible student who receives contributions under section 2 of this act:

(a) Must have any grant received from the Washington college grant program under this section reduced by an amount equal to all contributions received from all companies; and

(b) Must submit an affidavit, in a manner and form prescribed by the council, to the council and to the institution of higher education in which the student is enrolled. The affidavit must:

(i) Verify the amount of contributions the student has received from all companies; and

(ii) Attest to the student's reduced Washington college grant funding to be received.

**NEW SECTION. Sec. 8.** A new section is added to chapter 82.04 RCW to read as follows:

(1) Subject to the limitations in this section, a company that owes a surcharge under RCW 82.04.299 or is subject to the tax under RCW 82.04.290(2)(i) is allowed a credit against the surcharge under RCW 82.04.299 for contributions made by that company to any eligible student for the purposes of pursuing higher education.

(2) The credit is equal to the total amount of contributions made to all eligible students in a calendar year. The credit may not exceed the amount of the surcharge otherwise due under RCW 82.04.299 or the amount of the tax otherwise due under RCW 82.04.290(2)(i). The credit may be used against the surcharge due on tax returns due after January 31st of the calendar year in which the application was approved and before February 1st of the following calendar year. No refunds may be granted for credits under this section. A company taking an exemption under this subsection must keep and preserve records for the period required by RCW 82.32.070, documenting contributions made to qualifying students.

(3) To receive the credit, a company must submit an application to the department. Applications for tax credits under this section must be received by the department between the first day of January and the thirty-first day of January, following the calendar year in which the applicant made contributions to eligible students. The application must be made to the department in a form and manner prescribed by the department. The application must contain information including the number of eligible students to which contributions were made, the amounts paid to eligible students in total and by individual contribution, and any other information required by the department.

(4) If the eligible student who is the recipient of a qualifying contribution returns some or all of the contribution to the company for any reason, the company must file an amended return.

(5) An eligible student receiving a contribution from a company under this section must follow notification requirements outlined in RCW 28B.92.200(13). The company providing the contribution must inform the eligible student of these notification requirements upon disbursement of the contribution.

(6) The definitions in this subsection apply throughout this section unless the context clearly requires otherwise.

(a) "Contributions" means direct financial assistance in the form of bona fide grants, scholarships, or tuition reimbursement payments provided to an eligible student for the purposes of assisting the student with the pursuit of higher education. Contributions must be used by the student to cover costs related to tuition, books, fees, room, and housing.

(b) "Eligible student" means any individual who is:

(i) Enrolled in an institution of higher education in Washington state; and

(ii) Eligible for the Washington college grant program under RCW 28B.92.200."

Renumber the remaining sections consecutively and correct any internal references accordingly.

Correct the title.

Representatives Gildon, Corry and Walsh spoke in favor of the adoption of the amendment.

Representative Hansen spoke against the adoption of the amendment.

Amendment (1097) was not adopted.

Representative Barkis moved the adoption of amendment (1089):

)

On page 18, after line 21, insert the following:

**"NEW SECTION. Sec. 10.** By July 1, 2024, the joint legislative audit and review committee must evaluate the impact of the tax rate increases under this act on the regressivity of Washington's excise tax structure on households. The joint legislative audit and review committee must specifically evaluate the amount of Washington excise tax paid by household income threshold, prior to and after April 1, 2020. If the joint legislative audit and review committee determines that the tax structure is more regressive due to the changes in this act, this act expires January 1, 2025. The joint legislative audit and review committee must notify the department of revenue and the fiscal committees of the legislature of its findings and conclusions by August 15, 2024."

Correct the title.

Representative Barkis spoke in favor of the adoption of the amendment.

Representative Frame spoke against the adoption of the amendment.

Amendment (1089) was not adopted.

The Speaker (Representative Lovick presiding) called upon Representative Orwall to preside.

Representative Corry moved the adoption of amendment (1090):

)

On page 18, after line 21, insert the following:

"**Sec. 10.** RCW 43.88.055 and 2012 1st sp.s. c 8 s 1 are each amended to read as follows:

(1) The legislature must adopt a four-year balanced budget as follows:

(a) Beginning in the 2013-2015 fiscal biennium, the legislature shall enact a balanced omnibus operating appropriations bill that leaves, in total, a positive ending fund balance in the general fund and related funds.

(b) Beginning in the 2013-2015 fiscal biennium, the projected maintenance level of the omnibus appropriations bill enacted by the legislature shall not exceed the available fiscal resources for the next ensuing fiscal biennium.

(2) For purposes of this section:

(a) "Available fiscal resources" means the beginning general fund and related fund balances and any fiscal resources estimated for the general fund and related funds, adjusted for enacted legislation, and with forecasted revenues adjusted to the greater of (i) the official general fund and related funds revenue forecast for the ensuing biennium, or (ii) the official general fund and related funds forecast for the second fiscal year of the current fiscal biennium, increased by 4.5 percent for each fiscal year of the ensuing biennium;

(b) "Projected maintenance level" means estimated appropriations necessary to maintain the continuing costs of program and service levels either funded in that appropriations bill or mandated by other state or federal law, and the amount of any general fund moneys projected to be transferred to the budget stabilization account pursuant to Article VII, section 12 of the state Constitution(~~but does not include in the 2013-2015 and 2015-2017 fiscal biennia the costs related to the enhanced funding under the new definition of basic education as established in chapter 548, Laws of 2009, and affirmed by the decision in *Mathew McCleary et al., v. The State of Washington*, 173 Wn.2d 477, 269 P.3d 227, (2012), from which the short term exclusion of these obligations is solely for the purposes of calculating this estimate and does not in any way indicate an intent to avoid full funding of these obligations~~));

(c) "Related funds," as used in this section, means the Washington opportunity pathways account, the workforce education investment account, and the education legacy trust account.

(3) Subsection (1)(a) and (b) of this section does not apply to an appropriations bill that makes net reductions in general fund and related funds appropriations and is enacted between July 1st and February 15th of any fiscal year.

(4) Subsection (1)(b) of this section does not apply in a fiscal biennium in which money is appropriated from the budget stabilization account."

Correct the title.

## POINT OF ORDER

Representative Stonier requested a scope and object ruling on amendment (1090) to ESSB 6492.

## SPEAKER'S RULING

Madame Speaker (Representative Orwall presiding): "The title of the bill is an act relating to "addressing workforce education investment funding through business and occupation tax reform."

The amendment is wholly unrelated to the business and occupation tax and instead addresses whether the workforce education investment account should be included in the calculation of funds for purposes of the state four-year balanced budget requirement.

The Speaker therefore finds and rules that the amendment is outside the scope of the bill as defined by its title.

The point of order is well taken."

Representative Orcutt moved the adoption of the striking amendment (1091):

)

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 11. RCW 82.04.299 (Workforce education investment surcharges) and 2019 c 406 s 74 are each repealed.

NEW SECTION. Sec. 12. The provisions of RCW 82.32.805 and 82.32.808 do not apply to this act.

NEW SECTION. Sec. 13. Section 1 of this act applies both prospectively and retroactively to January 1, 2020.

NEW SECTION. Sec. 14. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

Correct the title.

Representative Orcutt and Orcutt (again) spoke in favor of the adoption of the striking amendment.

Representative Hansen spoke against the adoption of the striking amendment.

The striking amendment (1091) was not adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Hansen, Lekanoff, Riccelli and Chopp spoke in favor of the passage of the bill.

Representatives Vick, Graham, Klippert, Kraft, Eslick, MacEwen, Dent, Jenkin, Walsh, Chambers, Stokesbary and Orcutt spoke against the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Engrossed Substitute Senate Bill No. 6492.

### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 6492, and the bill passed the House by the following vote: Yeas, 52; Nays, 45; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Bergquist, Blake, Callan, Chapman, Chopp, Cody, Davis, Doglio, Dolan, Duerr, Entenman, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hansen, Hudgins, J. Johnson, Kilduff, Kirby, Kloba, Lekanoff, Lovick, Macri, Morgan, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Riccelli, Robinson, Ryu, Santos, Sells, Senn, Slatter,

Springer, Stonier, Sullivan, Tarleton, Thai, Tharinger, Valdez, Walen, Wylie and Mme. Speaker.

Voting nay: Representatives Barkis, Caldier, Chambers, Chandler, Corry, DeBolt, Dent, Dufault, Dye, Eslick, Gildon, Goehner, Graham, Griffey, Harris, Hoff, Irwin, Jenkin, Klippert, Kraft, Kretz, Leavitt, MacEwen, Maycumber, McCaslin, Mead, Mosbrucker, Orcutt, Paul, Ramos, Rude, Schmick, Shea, Shewmake, Smith, Steele, Stokesbary, Sutherland, Van Werven, Vick, Volz, Walsh, Wilcox, Ybarra and Young.

Excused: Representative Boehnke.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6492, having received the necessary constitutional majority, was declared passed.

There being no objection, the House adjourned until 9:55 a.m., February 7, 2020, the 26th Day of the Regular Session.

LAURIE JINKINS, Speaker

BERNARD DEAN, Chief Clerk

**SIXTY SIXTH LEGISLATURE - REGULAR SESSION**

**TWENTY SIXTH DAY**

House Chamber, Olympia, Friday, February 7, 2020

The House was called to order at 9:55 a.m. by the Speaker (Representative Orwall presiding).

Reading of the Journal of the previous day was dispensed with and it was ordered to stand approved.

There being no objection, the House advanced to the fourth order of business.

**INTRODUCTION & FIRST READING**

HB 2929 by Representative Appleton

AN ACT Relating to requiring the appointment of labor members to public transportation governing bodies; and amending RCW 35.58.270, 36.57.030, and 36.57A.050.

Referred to Committee on Transportation.

HB 2930 by Representatives Walsh, Eslick and Graham

AN ACT Relating to narrowing the applicability of restraint and isolation provisions to students with an individualized education program or section 504 plan; amending RCW 28A.600.485; and creating a new section.

Referred to Committee on Education.

HB 2931 by Representative Tharinger

AN ACT Relating to providing a sales and use tax exemption for labor and services rendered related to and tangible personal property incorporated in a qualified community multipurpose arts and events facility; adding a new section to chapter 82.08 RCW; adding a new section to chapter 82.12 RCW; creating new sections; providing expiration dates; and declaring an emergency.

Referred to Committee on Finance.

HB 2932 by Representatives Pettigrew and Pollet

AN ACT Relating to possession of vapor, vapor products, tobacco, and tobacco products by persons under the age of twenty-one; amending RCW 70.155.110 and 70.345.160; creating a new section; and repealing RCW 70.155.080 and 70.345.140.

Referred to Committee on Commerce & Gaming.

HJM 4018 by Representative Shea

Requesting Congress and the President mandate investigations of the John Brown Gun Club, Redneck Revolt, Antifa, and the Socialist Rifle Association, and their ties to international terrorist and other criminal organizations.

Referred to Committee on State Government & Tribal Relations.

There being no objection, the bills and memorial listed on the day's introduction sheet under the fourth order of business were referred to the committees so designated.

The Speaker assumed the chair.

There being no objection, the House reverted to the third order of business.

**MESSAGE FROM THE SENATE**

February 7, 2020

Mme. SPEAKER:

The President has signed:

ENGROSSED SUBSTITUTE SENATE BILL NO.  
6492,

and the same is herewith transmitted.

Brad Hendrickson, Secretary

**SIGNED BY THE SPEAKER**

The Speaker signed the following bills:

ENGROSSED SUBSTITUTE SENATE BILL NO.  
6492

The Speaker called upon Representative Sullivan to preside.

There being no objection, the House advanced to the fifth order of business.

**REPORTS OF STANDING COMMITTEES**

February 4, 2020 )

HB 1084

Prime Sponsor, Representative Stokesbary:  
Concerning unfair practices involving  
compensation of athletes in higher  
education. Reported by Committee on  
College & Workforce Development

February 5, 2020 )

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Hansen, Chair; Entenman, Vice Chair; Leavitt, Vice Chair; Van Werven, Ranking Minority Member; Gildon, Assistant Ranking Minority Member; Graham, Assistant Ranking Minority Member; Bergquist; Kraft; Mead; Paul; Pollet; Ramos; Rude; Sells; Slatter; Sutherland and Young.

Referred to Committee on Appropriations.

February 5, 2020 )

HB 1645

Prime Sponsor, Representative Ortiz-Self:  
Concerning certificates of parental  
improvement. Reported by Committee on  
Human Services & Early Learning

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass. Signed by Representatives Senn, Chair; Callan, Vice Chair; Frame, Vice Chair; Eslick, Assistant Ranking Minority Member; Corry; Goodman; Griffey; Kilduff; Lovick and Ortiz-Self.

MINORITY recommendation: Do not pass. Signed by Representatives Dent, Ranking Minority Member; McCaslin, Assistant Ranking Minority Member and Klippert.

Referred to Committee on Appropriations.

February 4, 2020 )

E2SHB 1660

Prime Sponsor, Committee on  
Appropriations: Concerning the  
participation of students who are low  
income in extracurricular activities.  
Reported by Committee on Education

MAJORITY recommendation: The third substitute bill be substituted therefor and the third substitute bill do pass. Signed by Representatives Santos, Chair; Dolan, Vice Chair; Paul, Vice Chair; Bergquist; Caldier; Callan; Harris; Ortiz-Self; Rude; Stonier; Thai; Valdez and Ybarra.

MINORITY recommendation: Without recommendation. Signed by Representative Corry.

MINORITY recommendation: Do not pass. Signed by Representatives Steele, Ranking Minority Member; McCaslin, Assistant Ranking Minority Member Volz, Assistant Ranking Minority Member.

Referred to Committee on Rules for second reading.

HB 1853

Prime Sponsor, Representative Ramos:  
Developing and coordinating a statewide  
don't drip and drive program. Reported by  
Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives Fey, Chair; Slatter, 2nd Vice Chair; Valdez, 2nd Vice Chair; Wylie, 1st Vice Chair; Barkis, Ranking Minority Member; Chambers; Chapman; Dent; Doglio; Duerr; Entenman; Gregerson; Irwin; Kloba; Lovick; Mead; Ortiz-Self; Paul; Ramos; Riccelli; Shewmake; Van Werven and Volz.

MINORITY recommendation: Do not pass. Signed by Representatives Walsh, Assistant Ranking Minority Member; Young, Assistant Ranking Minority Member; Boehnke; Dufault; Eslick; Goehner; McCaslin and Orcutt.

Referred to Committee on Rules for second reading.

February 5, 2020 )

HB 1861

Prime Sponsor, Representative Mead:  
Concerning ballot rejection rates. Reported  
by Committee on State Government &  
Tribal Relations

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Gregerson, Chair; Pellicciotti, Vice Chair; Walsh, Ranking Minority Member; Appleton; Dolan and Hudgins.

MINORITY recommendation: Do not pass. Signed by Representatives Goehner, Assistant Ranking Minority Member; Mosbrucker and Smith.

Referred to Committee on Appropriations.

February 5, 2020 )

HB 1938

Prime Sponsor, Representative Steele:  
Creating a local infrastructure investment  
program to support the development of  
affordable housing, workforce housing,  
and revitalization efforts. Reported by  
Committee on Housing, Community  
Development & Veterans

MAJORITY recommendation: The third substitute bill be substituted therefor and the third substitute bill do pass. Signed by Representatives Jenkin, Ranking Minority Member; Gildon, Assistant Ranking Minority Member; Ryu, Chair; Morgan, Vice Chair; Barkis; Johnson, J.; Leavitt and Ramel.

MINORITY recommendation: Without recommendation. Signed by Representative Frame.

Referred to Committee on Finance.

February 5, 2020 )

HB 2089 Prime Sponsor, Representative Kraft: Increasing transparency and financial accountability in higher education to students, parents, and taxpayers. Reported by Committee on College & Workforce Development

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Hansen, Chair; Entenman, Vice Chair; Leavitt, Vice Chair; Van Werven, Ranking Minority Member; Gildon, Assistant Ranking Minority Member; Graham, Assistant Ranking Minority Member; Bergquist; Kraft; Mead; Paul; Pollet; Ramos; Rude; Sells; Slatter; Sutherland and Young.

Referred to Committee on Appropriations.

February 4, 2020 )

HB 2248 Prime Sponsor, Representative Doglio: Expanding equitable access to the benefits of renewable energy through community solar projects. Reported by Committee on Environment & Energy

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Fitzgibbon, Chair; Lekanoff, Vice Chair; DeBolt, Ranking Minority Member; Doglio; Fey; Mead; Robinson and Shewmake.

MINORITY recommendation: Do not pass. Signed by Representatives Dye, Assistant Ranking Minority Member; Boehnke and Goehner.

Referred to Committee on Appropriations.

February 5, 2020 )

HB 2293 Prime Sponsor, Representative Dolan: Exempting election security information from public records disclosure. Reported by Committee on State Government & Tribal Relations

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Gregerson, Chair; Pellicciotti, Vice Chair; Goehner, Assistant Ranking Minority Member; Appleton; Dolan; Hudgins; Mosbrucker and Smith.

MINORITY recommendation: Without recommendation. Signed by Representative Walsh, Ranking Minority Member.

Referred to Committee on Rules for second reading.

February 8, 2020 )

HB 2299 Prime Sponsor, Representative Leavitt: Creating prison to postsecondary education pathways. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill by Committee on College & Workforce Development be substituted therefor and the substitute bill do pass. Signed by Representatives Ormsby, Chair; Stokesbary, Ranking Minority Member; Robinson, 1st Vice Chair; Bergquist, 2nd Vice Chair; MacEwen, Assistant Ranking Minority Member; Rude, Assistant Ranking Minority Member; Chandler; Chopp; Cody; Dolan; Fitzgibbon; Hansen; Hoff; Hudgins; Kilduff; Macri; Pettigrew; Pollet; Ryu; Senn; Steele; Sullivan; Sutherland; Tarleton; Tharinger and Ybarra.

MINORITY recommendation: Do not pass. Signed by Representatives Caldier; Dye; Kraft and Schmick.

MINORITY recommendation: Without recommendation. Signed by Representative Mosbrucker.

Referred to Committee on Appropriations.

February 5, 2020 )

HB 2305 Prime Sponsor, Representative Doglio: Concerning firearms laws concerning persons subject to vulnerable adult protection orders. Reported by Committee on Civil Rights & Judiciary

MAJORITY recommendation: Do pass. Signed by Representatives Kilduff, Chair; Thai, Vice Chair; Goodman; Graham; Hansen; Kirby; Orwall; Peterson; Valdez and Walen.

MINORITY recommendation: Do not pass. Signed by Representatives Irwin, Ranking Minority Member; Dufault, Assistant Ranking Minority Member; Klippert; Rude and Ybarra.

Referred to Committee on Rules for second reading.

February 8, 2020 )

HB 2327 Prime Sponsor, Representative Pollet: Addressing sexual misconduct at postsecondary educational institutions. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill by Committee on College & Workforce Development be substituted therefor and the substitute bill do pass. Signed by Representatives Ormsby, Chair; Stokesbary, Ranking Minority Member; Robinson, 1st Vice Chair;

Bergquist, 2nd Vice Chair; MacEwen, Assistant Ranking Minority Member; Chandler; Chopp; Cody; Dolan; Dye; Fitzgibbon; Hansen; Hudgins; Kilduff; Kraft; Macri; Mosbrucker; Pettigrew; Pollet; Ryu; Senn; Steele; Sullivan; Tarleton; Tharinger and Ybarra.

MINORITY recommendation: Do not pass. Signed by Representatives Rude, Assistant Ranking Minority Member; Caldier; Hoff; Schmick and Sutherland.

Referred to Committee on Appropriations.

February 3, 2020 )

HB 2359 Prime Sponsor, Representative Vick: Creating a certificate of compliance for marijuana business premises that meet the statutory qualifications at the time of application. Reported by Committee on Commerce & Gaming

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Peterson, Chair; Kloba, Vice Chair; MacEwen, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Blake; Jenkin; Kirby; Morgan; Ramel; Vick and Young.

Referred to Committee on Rules for second reading.

February 5, 2020 )

HB 2448 Prime Sponsor, Representative Schmick: Concerning enhanced services facilities. Reported by Committee on Health Care & Wellness

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Cody, Chair; Macri, Vice Chair; Schmick, Ranking Minority Member; Caldier, Assistant Ranking Minority Member; Chambers; Chopp; Davis; DeBolt; Harris; Riccelli; Robinson; Stonier; Thai and Tharinger.

Referred to Committee on Rules for second reading.

February 5, 2020 )

HB 2457 Prime Sponsor, Representative Cody: Establishing the health care cost transparency board. Reported by Committee on Health Care & Wellness

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Cody, Chair; Macri, Vice Chair; Schmick, Ranking Minority Member; Caldier, Assistant Ranking Minority Member; Chambers; Chopp; Davis; Riccelli; Robinson; Stonier; Thai and Tharinger.

MINORITY recommendation: Do not pass. Signed by Representative DeBolt.

MINORITY recommendation: Without recommendation. Signed by Representative Harris.

Referred to Committee on Appropriations.

February 4, 2020 )

HB 2458 Prime Sponsor, Representative Stonier: Concerning optional benefits offered by school districts. Reported by Committee on Education

MAJORITY recommendation: Do pass. Signed by Representatives Santos, Chair; Dolan, Vice Chair; Paul, Vice Chair; Steele, Ranking Minority Member; McCaslin, Assistant Ranking Minority Member; Volz, Assistant Ranking Minority Member; Bergquist; Caldier; Callan; Corry; Harris; Ortiz-Self; Rude; Stonier; Thai; Valdez and Ybarra.

Referred to Committee on Rules for second reading.

February 5, 2020 )

HB 2465 Prime Sponsor, Representative Gildon: Collecting and publishing information regarding prosecutorial filing policies and practices. Reported by Committee on Civil Rights & Judiciary

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Kilduff, Chair; Thai, Vice Chair; Dufault, Assistant Ranking Minority Member; Goodman; Hansen; Kirby; Klippert; Orwall; Peterson; Rude; Valdez; Walen and Ybarra.

Referred to Committee on Appropriations.

February 5, 2020 )

HB 2513 Prime Sponsor, Representative Slatter: Prohibiting the practice of transcript withholding and limiting the practice of registration holds at institutions of higher education as debt collection practices. Reported by Committee on College & Workforce Development

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Hansen, Chair; Entenman, Vice Chair; Leavitt, Vice Chair; Bergquist; Mead; Paul; Pollet; Ramos; Rude; Sells; Slatter and Sutherland.

MINORITY recommendation: Without recommendation. Signed by Representative Graham, Assistant Ranking Minority Member.



MINORITY recommendation: Do not pass. Signed by Representatives Van Werven, Ranking Minority Member; Gildon, Assistant Ranking Minority Member; Kraft and Young.

Referred to Committee on Appropriations.

February 4, 2020 )

HB 2514 Prime Sponsor, Representative Leavitt: Creating the Washington common application. Reported by Committee on College & Workforce Development

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Hansen, Chair; Entenman, Vice Chair; Leavitt, Vice Chair; Van Werven, Ranking Minority Member; Gildon, Assistant Ranking Minority Member; Graham, Assistant Ranking Minority Member; Bergquist; Kraft; Mead; Paul; Pollet; Ramos; Rude; Slatter and Sutherland.

MINORITY recommendation: Without recommendation. Signed by Representative Young.

Referred to Committee on Appropriations.

February 4, 2020 )

HB 2523 Prime Sponsor, Representative Ortiz-Self: Expanding access to higher education. Reported by Committee on College & Workforce Development

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Hansen, Chair; Entenman, Vice Chair; Leavitt, Vice Chair; Van Werven, Ranking Minority Member; Gildon, Assistant Ranking Minority Member; Bergquist; Mead; Paul; Pollet; Ramos; Rude; Sells; Slatter and Young.

MINORITY recommendation: Do not pass. Signed by Representatives Graham, Assistant Ranking Minority Member; Kraft and Sutherland.

Referred to Committee on Appropriations.

February 5, 2020 )

HB 2541 Prime Sponsor, Representative Maycumber: Creating the Washington rural development act. Reported by Committee on Rural Development, Agriculture, & Natural Resources

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Blake, Chair; Shewmake, Vice Chair; Chandler, Ranking Minority Member; Dent, Assistant Ranking Minority Member; Chapman; Dye;

Fitzgibbon; Kretz; Lekanoff; Orcutt; Pettigrew; Ramos; Schmick; Springer and Walsh.

Referred to Committee on Finance.

February 4, 2020 )

HB 2550 Prime Sponsor, Representative Lekanoff: Establishing net ecological gain as a policy for application across identified land use, development, and environmental laws. Reported by Committee on Environment & Energy

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Fitzgibbon, Chair; Lekanoff, Vice Chair; Doglio; Fey; Mead; Robinson and Shewmake.

MINORITY recommendation: Do not pass. Signed by Representatives DeBolt, Ranking Minority Member; Dye, Assistant Ranking Minority Member; Boehnke and Goehner.

Referred to Committee on Appropriations.

February 5, 2020 )

HB 2552 Prime Sponsor, Representative Lekanoff: Creating a joint legislative salmon committee. Reported by Committee on Rural Development, Agriculture, & Natural Resources

MAJORITY recommendation: Do pass. Signed by Representatives Blake, Chair; Shewmake, Vice Chair; Chapman; Dye; Fitzgibbon; Kretz; Lekanoff; Orcutt; Pettigrew; Ramos; Springer and Walsh.

MINORITY recommendation: Do not pass. Signed by Representatives Chandler, Ranking Minority Member and Schmick.

MINORITY recommendation: Without recommendation. Signed by Representative Dent, Assistant Ranking Minority Member.

Referred to Committee on Appropriations.

February 5, 2020 )

HB 2554 Prime Sponsor, Representative Stonier: Mitigating inequity in the health insurance market caused by health plans that exclude certain mandated benefits. Reported by Committee on Health Care & Wellness

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Cody, Chair; Macri, Vice

Chair; Chopp; Davis; Riccelli; Robinson; Stonier; Thai and Tharinger.

MINORITY recommendation: Do not pass. Signed by Representatives Schmick, Ranking Minority Member; Caldier, Assistant Ranking Minority Member; Chambers and DeBolt.

MINORITY recommendation: Without recommendation. Signed by Representative Harris.

Referred to Committee on Appropriations.

February 5, 2020 )

HB 2567 Prime Sponsor, Representative Thai: Concerning open courts. Reported by Committee on Civil Rights & Judiciary

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Kilduff, Chair; Thai, Vice Chair; Goodman; Hansen; Kirby; Orwall; Peterson; Valdez and Walen.

MINORITY recommendation: Do not pass. Signed by Representatives Irwin, Ranking Minority Member; Dufault, Assistant Ranking Minority Member; Graham; Klippert; Rude and Ybarra.

Referred to Committee on Rules for second reading.

February 4, 2020 )

HB 2570 Prime Sponsor, Representative Gregerson: Managing growth by planning and zoning for accessory dwelling units. Reported by Committee on Environment & Energy

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Fitzgibbon, Chair; Lekanoff, Vice Chair; DeBolt, Ranking Minority Member; Dye, Assistant Ranking Minority Member; Boehnke; Doglio; Goehner; Mead; Robinson and Shewmake.

MINORITY recommendation: Do not pass. Signed by Representative Fey.

Referred to Committee on Appropriations.

February 5, 2020 )

HB 2571 Prime Sponsor, Representative Goodman: Concerning increased deterrence and meaningful enforcement of fish and wildlife violations. Reported by Committee on Civil Rights & Judiciary

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Kilduff, Chair; Thai, Vice

Chair; Dufault, Assistant Ranking Minority Member; Goodman; Hansen; Kirby; Klippert; Orwall; Peterson; Rude; Valdez; Walen and Ybarra.

Referred to Committee on Rules for second reading.

February 5, 2020 )

HB 2573 Prime Sponsor, Representative Pellicciotti: Providing public assistance to victims of certain crimes including human trafficking. Reported by Committee on Human Services & Early Learning

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Senn, Chair; Callan, Vice Chair; Frame, Vice Chair; Goodman; Kilduff; Lovick and Ortiz-Self.

MINORITY recommendation: Do not pass. Signed by Representatives Dent, Ranking Minority Member; Eslick, Assistant Ranking Minority Member; McCaslin, Assistant Ranking Minority Member; Corry and Klippert.

MINORITY recommendation: Without recommendation. Signed by Representative Griffey.

Referred to Committee on Appropriations.

February 5, 2020 )

HB 2577 Prime Sponsor, Representative Barkis: Concerning agency responsibilities to regulated businesses and professions. Reported by Committee on State Government & Tribal Relations

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Gregerson, Chair; Pellicciotti, Vice Chair; Walsh, Ranking Minority Member; Goehner, Assistant Ranking Minority Member; Appleton; Dolan; Hudgins; Mosbrucker and Smith.

Referred to Committee on Appropriations.

February 4, 2020 )

HB 2586 Prime Sponsor, Representative Ramel: Concerning the electrification of homes and buildings. Reported by Committee on Environment & Energy

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Fitzgibbon, Chair; Lekanoff, Vice Chair; Doglio; Fey; Mead; Robinson and Shewmake.

MINORITY recommendation: Do not pass. Signed by Representatives DeBolt, Ranking Minority Member; Dye, Assistant Ranking Minority Member; Boehnke and Goehner.

Referred to Committee on Rules for second reading.

February 5, 2020 )

HB 2595 Prime Sponsor, Representative Boehnke: Concerning smoke detection devices. Reported by Committee on Civil Rights & Judiciary

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Kilduff, Chair; Thai, Vice Chair; Dufault, Assistant Ranking Minority Member; Goodman; Hansen; Kirby; Klippert; Orwall; Peterson; Rude; Valdez; Walen and Ybarra.

Referred to Committee on Rules for second reading.

February 5, 2020 )

HB 2610 Prime Sponsor, Representative Duerr: Concerning the sale or lease of manufactured/mobile home communities and the property on which they sit. Reported by Committee on Civil Rights & Judiciary

MAJORITY recommendation: Do pass. Signed by Representatives Kilduff, Chair; Thai, Vice Chair; Goodman; Hansen; Kirby; Orwall; Peterson; Valdez and Walen.

MINORITY recommendation: Do not pass. Signed by Representatives Dufault, Assistant Ranking Minority Member; Klippert; Rude and Ybarra.

Referred to Committee on Rules for second reading.

February 4, 2020 )

HB 2611 Prime Sponsor, Representative Duerr: Promoting the development of the Washington state bioeconomy. Reported by Committee on Innovation, Technology & Economic Development

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Hudgins, Chair; Kloba, Vice Chair; Smith, Ranking Minority Member; Boehnke, Assistant Ranking Minority Member; Entenman; Slatter; Tarleton; Van Werven and Wylie.

Referred to Committee on Appropriations.

February 5, 2020 )

HB 2622

Prime Sponsor, Representative Kilduff: Concerning procedures for ensuring compliance with court orders requiring surrender of firearms, weapons, and concealed pistol licenses. Reported by Committee on Civil Rights & Judiciary

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Kilduff, Chair; Thai, Vice Chair; Goodman; Hansen; Kirby; Orwall; Peterson; Valdez and Walen.

MINORITY recommendation: Do not pass. Signed by Representatives Dufault, Assistant Ranking Minority Member; Graham; Klippert; Rude and Ybarra.

Referred to Committee on Rules for second reading.

February 5, 2020 )

HB 2623

Prime Sponsor, Representative Walen: Prohibiting the possession of firearms by persons convicted of certain criminal offenses. Reported by Committee on Civil Rights & Judiciary

MAJORITY recommendation: Do pass. Signed by Representatives Kilduff, Chair; Thai, Vice Chair; Goodman; Hansen; Kirby; Orwall; Peterson; Valdez and Walen.

MINORITY recommendation: Without recommendation. Signed by Representative Rude.

MINORITY recommendation: Do not pass. Signed by Representatives Dufault, Assistant Ranking Minority Member; Graham; Klippert and Ybarra.

Referred to Committee on Rules for second reading.

February 5, 2020 )

HB 2629

Prime Sponsor, Representative Walen: Waiving utility connection charges for certain properties. Reported by Committee on Housing, Community Development & Veterans

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Ryu, Chair; Morgan, Vice Chair; Frame; Johnson, J.; Leavitt and Ramel.

MINORITY recommendation: Do not pass. Signed by Representatives Jenkin, Ranking Minority Member; Gildon, Assistant Ranking Minority Member and Barkis.

Referred to Committee on Rules for second reading.

February 5, 2020 )

HB 2641 Prime Sponsor, Representative Fey: Authorizing cities to provide passenger-only ferry service. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives Fey, Chair; Slatter, 2nd Vice Chair; Valdez, 2nd Vice Chair; Wylie, 1st Vice Chair; Barkis, Ranking Minority Member; Young, Assistant Ranking Minority Member; Chambers; Chapman; Dent; Doglio; Duerr; Dufault; Entenman; Eslick; Goehner; Gregerson; Kloba; Lovick; Mead; Ortiz-Self; Paul; Ramos; Riccelli; Shewmake; Van Werven and Volz.

MINORITY recommendation: Do not pass. Signed by Representatives Walsh, Assistant Ranking Minority Member; Boehnke and McCaslin.

MINORITY recommendation: Without recommendation. Signed by Representatives Irwin and Orcutt.

Referred to Committee on Rules for second reading.

February 4, 2020 )

HB 2645 Prime Sponsor, Representative Smith: Concerning the photovoltaic module stewardship and takeback program. Reported by Committee on Environment & Energy

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Fitzgibbon, Chair; Lekanoff, Vice Chair; DeBolt, Ranking Minority Member; Dye, Assistant Ranking Minority Member; Boehnke; Doglio; Fey; Goehner; Mead; Robinson and Shewmake.

Referred to Committee on Rules for second reading.

February 4, 2020 )

HB 2673 Prime Sponsor, Representative Barkis: Concerning exemptions for infill development under the state environmental policy act. Reported by Committee on Environment & Energy

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Fitzgibbon, Chair; Lekanoff, Vice Chair; DeBolt, Ranking Minority Member; Dye, Assistant Ranking Minority Member; Boehnke; Doglio; Fey; Goehner; Mead; Robinson and Shewmake.

Referred to Committee on Rules for second reading.

February 3, 2020 )

HB 2686 Prime Sponsor, Representative Orwall: Excluding the common carrier licensees from the definition of retailer for the purposes of the three-tier system. Reported by Committee on Commerce & Gaming

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Peterson, Chair; Kloba, Vice Chair; MacEwen, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Blake; Jenkin; Kirby; Morgan; Ramel and Vick.

MINORITY recommendation: Without recommendation. Signed by Representative Young.

Referred to Committee on Rules for second reading.

February 5, 2020 )

HB 2696 Prime Sponsor, Representative Dent: Concerning the misbranding of meat and poultry products. Reported by Committee on Rural Development, Agriculture, & Natural Resources

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Blake, Chair; Shewmake, Vice Chair; Chandler, Ranking Minority Member; Dent, Assistant Ranking Minority Member; Chapman; Dye; Fitzgibbon; Kretz; Lekanoff; Pettigrew; Ramos; Schmick and Springer.

MINORITY recommendation: Without recommendation. Signed by Representatives Orcutt and Walsh.

Referred to Committee on Rules for second reading.

February 5, 2020 )

HB 2712 Prime Sponsor, Representative Kretz: Requiring retailers to indicate the country of origin on beef sold to the public. Reported by Committee on Rural Development, Agriculture, & Natural Resources

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Blake, Chair; Shewmake, Vice Chair; Dent, Assistant Ranking Minority Member; Chapman; Dye; Fitzgibbon; Kretz; Lekanoff; Ramos; Springer and Walsh.

MINORITY recommendation: Without recommendation. Signed by Representatives Orcutt and Pettigrew.

MINORITY recommendation: Do not pass. Signed by Representatives Chandler, Ranking Minority Member and Schmick.

Referred to Committee on Rules for second reading.

February 4, 2020 )

HB 2721 Prime Sponsor, Representative Mead: Extending the joint center for aerospace technology innovation program. Reported by Committee on Innovation, Technology & Economic Development

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Hudgins, Chair; Kloba, Vice Chair; Smith, Ranking Minority Member; Boehnke, Assistant Ranking Minority Member; Entenman; Slatter; Tarleton; Van Werven and Wylie.

Referred to Committee on Appropriations.

February 3, 2020 )

HB 2727 Prime Sponsor, Representative Doglio: Creating a retail liquor license for restaurants operated in connection with a course offered by postsecondary institutions. Reported by Committee on Commerce & Gaming

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Peterson, Chair; Kloba, Vice Chair; MacEwen, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Blake; Jenkin; Kirby; Morgan; Ramel; Vick and Young.

Referred to Committee on Rules for second reading.

February 5, 2020 )

HB 2732 Prime Sponsor, Representative Riccelli: Expanding the landlord mitigation program to alleviate the financial burden on victims attempting to flee domestic violence, sexual assault, unlawful harassment, or stalking. Reported by Committee on Civil Rights & Judiciary

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Kilduff, Chair; Thai, Vice Chair; Goodman; Hansen; Kirby; Klippert; Orwall; Peterson; Rude; Valdez and Walen.

MINORITY recommendation: Do not pass. Signed by Representatives Graham and Ybarra.

MINORITY recommendation: Without recommendation. Signed by Representative Dufault, Assistant Ranking Minority Member.

Referred to Committee on Rules for second reading.

February 5, 2020 )

HB 2747 Prime Sponsor, Representative Ramel: Establishing the state microanimal. Reported by Committee on State Government & Tribal Relations

MAJORITY recommendation: Do pass. Signed by Representatives Gregerson, Chair; Pellicciotti, Vice Chair; Walsh, Ranking Minority Member; Goehner, Assistant Ranking Minority Member; Appleton; Dolan; Hudgins; Mosbrucker and Smith.

Referred to Committee on Rules for second reading.

February 5, 2020 )

HB 2769 Prime Sponsor, Representative Lekanoff: Concerning the prevention of derelict vessels. Reported by Committee on Rural Development, Agriculture, & Natural Resources

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Blake, Chair; Shewmake, Vice Chair; Chandler, Ranking Minority Member; Dent, Assistant Ranking Minority Member; Chapman; Dye; Fitzgibbon; Kretz; Lekanoff; Orcutt; Ramos; Schmick; Springer and Walsh.

Referred to Committee on Appropriations.

February 4, 2020 )

HB 2819 Prime Sponsor, Representative Mosbrucker: Designating pumped storage projects located in a county bordering the Columbia river utilizing statutorily authorized water rights to be projects of statewide significance. Reported by Committee on Environment & Energy

MAJORITY recommendation: Do pass. Signed by Representatives Fitzgibbon, Chair; Lekanoff, Vice Chair; DeBolt, Ranking Minority Member; Dye, Assistant Ranking Minority Member; Boehnke; Doglio; Fey; Goehner; Mead; Robinson and Shewmake.

Referred to Committee on Rules for second reading.

February 5, 2020 )

HB 2820 Prime Sponsor, Representative Klippert: Concerning court orders involving

weapons or domestic violence. Reported by Committee on Civil Rights & Judiciary

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Kilduff, Chair; Thai, Vice Chair; Goodman; Hansen; Kirby; Klippert; Orwall; Peterson; Rude; Valdez; Walen and Ybarra.

MINORITY recommendation: Without recommendation. Signed by Representative Dufault, Assistant Ranking Minority Member.

Referred to Committee on Rules for second reading.

February 5, 2020 )

HB 2830 Prime Sponsor, Representative Gregerson: Updating restrictions on electronic benefit cards. Reported by Committee on Human Services & Early Learning

MAJORITY recommendation: Do pass. Signed by Representatives Senn, Chair; Callan, Vice Chair; Frame, Vice Chair; Dent, Ranking Minority Member; Eslick, Assistant Ranking Minority Member; McCaslin, Assistant Ranking Minority Member; Corry; Goodman; Griffey; Kilduff; Lovick and Ortiz-Self.

MINORITY recommendation: Do not pass. Signed by Representative Klippert.

Referred to Committee on Rules for second reading.

February 4, 2020 )

HB 2833 Prime Sponsor, Representative Hoff: Concerning the board of engineers and land surveyors' appointment of its director and agreement with the department of licensing. Reported by Committee on Consumer Protection & Business

MAJORITY recommendation: Do pass. Signed by Representatives Kirby, Chair; Vick, Ranking Minority Member; Hoff, Assistant Ranking Minority Member; Barkis; Blake; Duerr; Dufault; Johnson, J.; Ryu; Santos; Volz; Walen and Ybarra.

Referred to Committee on Rules for second reading.

February 5, 2020 )

HB 2896 Prime Sponsor, Representative Ryu: Concerning the use of surplus property for public benefit. Reported by Committee on Housing, Community Development & Veterans

MAJORITY recommendation: Do pass. Signed by Representatives Ryu, Chair; Morgan, Vice Chair; Frame; Johnson, J.; Leavitt and Ramel.

MINORITY recommendation: Do not pass. Signed by Representatives Jenkin, Ranking Minority Member; Gildon, Assistant Ranking Minority Member and Barkis.

Referred to Committee on Rules for second reading.

February 5, 2020 )

HB 2916 Prime Sponsor, Representative Mosbrucker: Concerning voters' pamphlets for overseas and service voters. Reported by Committee on State Government & Tribal Relations

MAJORITY recommendation: Do pass. Signed by Representatives Gregerson, Chair; Pellicciotti, Vice Chair; Walsh, Ranking Minority Member; Goehner, Assistant Ranking Minority Member; Appleton; Dolan; Hudgins; Mosbrucker and Smith.

Referred to Committee on Appropriations.

#### **SUPPLEMENTAL REPORTS OF STANDING COMMITTEES**

February 6, 2020 )

HB 1860 Prime Sponsor, Representative Pollet: Addressing lead in drinking water in schools. Reported by Committee on Education

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Santos, Chair; Dolan, Vice Chair; Paul, Vice Chair; Steele, Ranking Minority Member; McCaslin, Assistant Ranking Minority Member; Volz, Assistant Ranking Minority Member; Bergquist; Caldier; Callan; Corry; Harris; Ortiz-Self; Rude; Stonier; Thai; Valdez and Ybarra.

Referred to Committee on Appropriations.

February 5, 2020 )

HB 2002 Prime Sponsor, Representative Ortiz-Self: Creating the social work professional loan repayment program. Reported by Committee on College & Workforce Development

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Hansen, Chair; Entenman, Vice Chair; Leavitt, Vice Chair; Van Werven, Ranking Minority Member; Bergquist; Mead; Paul; Pollet; Ramos; Rude; Sells; Slatter and Sutherland.

MINORITY recommendation: Without recommendation. Signed by Representatives Gildon,

Assistant Ranking Minority Member; Graham, Assistant Ranking Minority Member and Young.

MINORITY recommendation: Do not pass. Signed by Representative Kraft.

Referred to Committee on Appropriations.

February 6, 2020 )

HB 2128 Prime Sponsor, Representative Leavitt: Establishing new reporting requirements for the delivery and improvement of career and technical education. Reported by Committee on Education

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Santos, Chair; Dolan, Vice Chair; Paul, Vice Chair; Steele, Ranking Minority Member; McCaslin, Assistant Ranking Minority Member; Volz, Assistant Ranking Minority Member; Bergquist; Caldier; Callan; Corry; Harris; Ortiz-Self; Rude; Stonier; Thai; Valdez and Ybarra.

Referred to Committee on Rules for second reading.

February 4, 2020 )

HB 2342 Prime Sponsor, Representative Fitzgibbon: Aligning the timing of comprehensive plan updates required by the growth management act with the timing of shoreline master program updates required by the shoreline management act. Reported by Committee on Environment & Energy

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Fitzgibbon, Chair; Lekanoff, Vice Chair; DeBolt, Ranking Minority Member; Dye, Assistant Ranking Minority Member; Boehnke; Doglio; Fey; Goehner; Mead; Robinson and Shewmake.

Referred to Committee on Rules for second reading.

February 5, 2020 )

HB 2353 Prime Sponsor, Representative Blake: Providing for fire trailer vehicle registration and license plates. Reported by Committee on Transportation

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Fey, Chair; Slatter, 2nd Vice Chair; Valdez, 2nd Vice Chair; Wylie, 1st Vice Chair; Barkis, Ranking Minority Member; Walsh, Assistant Ranking Minority Member; Young, Assistant Ranking Minority Member; Boehnke; Chambers; Chapman; Dent; Doglio; Duerr; Dufault; Entenman; Eslick;

Goehner; Gregerson; Irwin; Kloba; Lovick; McCaslin; Mead; Orcutt; Ortiz-Self; Paul; Ramos; Riccelli; Shewmake; Van Werven and Volz.

Referred to Committee on Rules for second reading.

February 6, 2020 )

HB 2387 Prime Sponsor, Representative Kilduff: Limiting the exposure of public school students and school personnel to diesel emissions from school bus engines. Reported by Committee on Education

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Santos, Chair; Dolan, Vice Chair; Paul, Vice Chair; Bergquist; Callan; Ortiz-Self; Stonier; Thai; Valdez and Ybarra.

MINORITY recommendation: Without recommendation. Signed by Representative Harris.

MINORITY recommendation: Do not pass. Signed by Representatives Steele, Ranking Minority Member; McCaslin, Assistant Ranking Minority Member; Volz, Assistant Ranking Minority Member; Caldier; Corry and Rude.

Referred to Committee on Rules for second reading.

February 6, 2020 )

HB 2409 Prime Sponsor, Representative Kilduff: Concerning industrial insurance employer penalties, duties, and the licensing of third-party administrators. Reported by Committee on Labor & Workplace Standards

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Sells, Chair; Chapman, Vice Chair; Gregerson and Ormsby.

MINORITY recommendation: Do not pass. Signed by Representatives Mosbrucker, Ranking Minority Member; Chandler, Assistant Ranking Minority Member and Hoff.

Referred to Committee on Appropriations.

February 6, 2020 )

HB 2483 Prime Sponsor, Representative Van Werven: Clarifying vehicle impoundment and redemption following arrest for driving or being in physical control of a vehicle while under the influence of alcohol or drugs. Reported by Committee on Public Safety

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Appleton, 2nd Vice Chair; Goodman, Chair; Davis, Vice Chair; Klippert, Ranking Minority Member; Sutherland, Assistant Ranking Minority Member; Graham; Griffey; Lovick; Orwall; Pellicciotti and Pettigrew.

Referred to Committee on Rules for second reading.

February 6, 2020 )

HB 2499 Prime Sponsor, Representative Appleton: Certifying corrections officers. Reported by Committee on Public Safety

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Appleton, 2nd Vice Chair; Goodman, Chair; Davis, Vice Chair; Klippert, Ranking Minority Member; Sutherland, Assistant Ranking Minority Member; Graham; Griffey; Lovick; Orwall; Pellicciotti and Pettigrew.

Referred to Committee on Appropriations.

February 5, 2020 )

HB 2501 Prime Sponsor, Representative Eslick: Concerning allowable uses for the multiuse roadway safety account. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives Fey, Chair; Slatter, 2nd Vice Chair; Valdez, 2nd Vice Chair; Wylie, 1st Vice Chair; Barkis, Ranking Minority Member; Walsh, Assistant Ranking Minority Member; Young, Assistant Ranking Minority Member; Boehnke; Chambers; Chapman; Doglio; Duerr; Entenman; Eslick; Goehner; Gregerson; Irwin; Kloba; Lovick; McCaslin; Mead; Ortiz-Self; Paul; Ramos; Riccelli; Shewmake; Van Werven and Volz.

MINORITY recommendation: Without recommendation. Signed by Representatives Dent; Dufault and Orcutt.

Referred to Committee on Rules for second reading.

February 5, 2020 )

HB 2548 Prime Sponsor, Representative Lekanoff: Concerning tribally controlled colleges and universities. Reported by Committee on College & Workforce Development

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Hansen, Chair; Entenman, Vice Chair; Leavitt, Vice Chair; Van Werven, Ranking Minority Member; Gildon, Assistant Ranking Minority Member; Graham, Assistant Ranking Minority Member;

Bergquist; Mead; Paul; Pollet; Ramos; Rude; Sells; Slatter and Young.

MINORITY recommendation: Do not pass. Signed by Representative Kraft.

MINORITY recommendation: Without recommendation. Signed by Representative Sutherland.

Referred to Committee on Appropriations.

February 6, 2020 )

HB 2583 Prime Sponsor, Representative Caldier: Ensuring student transportation for students in out-of-home placements. Reported by Committee on Education

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Santos, Chair; Dolan, Vice Chair; Paul, Vice Chair; Steele, Ranking Minority Member; McCaslin, Assistant Ranking Minority Member; Volz, Assistant Ranking Minority Member; Bergquist; Caldier; Callan; Corry; Harris; Ortiz-Self; Rude; Stonier; Thai; Valdez and Ybarra.

Referred to Committee on Appropriations.

February 5, 2020 )

HB 2592 Prime Sponsor, Representative Barkis: Concerning tracked and wheeled all-terrain vehicles. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives Fey, Chair; Slatter, 2nd Vice Chair; Valdez, 2nd Vice Chair; Wylie, 1st Vice Chair; Barkis, Ranking Minority Member; Walsh, Assistant Ranking Minority Member; Young, Assistant Ranking Minority Member; Boehnke; Chambers; Chapman; Dent; Doglio; Duerr; Dufault; Entenman; Eslick; Goehner; Gregerson; Irwin; Kloba; Lovick; McCaslin; Mead; Orcutt; Ortiz-Self; Paul; Ramos; Riccelli; Shewmake; Van Werven and Volz.

Referred to Committee on Rules for second reading.

February 6, 2020 )

HB 2637 Prime Sponsor, Representative Pettigrew: Expanding school library information and technology programs. Reported by Committee on Education

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Santos, Chair; Dolan, Vice Chair; Paul, Vice Chair; Steele, Ranking Minority Member; McCaslin, Assistant Ranking Minority Member; Volz, Assistant Ranking Minority Member;



Bergquist; Caldier; Callan; Corry; Harris; Ortiz-Self; Rude; Stonier; Thai; Valdez and Ybarra.

February 6, 2020 )

Referred to Committee on Appropriations.

February 6, 2020 )

HB 2643 Prime Sponsor, Representative Callan: Concerning educator recertification requirements regarding youth suicide screening, referral, and safety planning. Reported by Committee on Education

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Santos, Chair; Dolan, Vice Chair; Paul, Vice Chair; McCaslin, Assistant Ranking Minority Member; Volz, Assistant Ranking Minority Member; Bergquist; Callan; Harris; Ortiz-Self; Rude; Stonier; Thai; Valdez and Ybarra.

MINORITY recommendation: Do not pass. Signed by Representatives Steele, Ranking Minority Member; Caldier and Corry.

Referred to Committee on Rules for second reading.

February 6, 2020 )

HB 2660 Prime Sponsor, Representative Riccelli: Increasing the availability of school meals provided to public school students at no student cost. Reported by Committee on Education

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Santos, Chair; Dolan, Vice Chair; Paul, Vice Chair; Steele, Ranking Minority Member; McCaslin, Assistant Ranking Minority Member; Volz, Assistant Ranking Minority Member; Bergquist; Caldier; Callan; Corry; Harris; Ortiz-Self; Rude; Stonier; Thai; Valdez and Ybarra.

Referred to Committee on Appropriations.

February 5, 2020 )

HB 2662 Prime Sponsor, Representative Maycumber: Reducing the total cost of insulin. Reported by Committee on Health Care & Wellness

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Cody, Chair; Macri, Vice Chair; Schmick, Ranking Minority Member; Caldier, Assistant Ranking Minority Member; Chambers; Chopp; Davis; DeBolt; Harris; Maycumber; Riccelli; Robinson; Stonier; Thai and Tharinger.

Referred to Committee on Appropriations.

HB 2681

Prime Sponsor, Representative Stonier: Preventing harassment, abuse, and discrimination experienced by long-term care workers. Reported by Committee on Labor & Workplace Standards

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Sells, Chair; Chapman, Vice Chair; Gregerson and Ormsby.

MINORITY recommendation: Do not pass. Signed by Representatives Mosbrucker, Ranking Minority Member; Chandler, Assistant Ranking Minority Member and Hoff.

Referred to Committee on Appropriations.

February 6, 2020 )

HB 2711

Prime Sponsor, Representative Johnson, J.: Increasing equitable educational outcomes for foster care and homeless children and youth from prekindergarten to postsecondary education. Reported by Committee on Education

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Santos, Chair; Dolan, Vice Chair; Paul, Vice Chair; Steele, Ranking Minority Member; McCaslin, Assistant Ranking Minority Member; Volz, Assistant Ranking Minority Member; Bergquist; Caldier; Callan; Corry; Harris; Ortiz-Self; Rude; Stonier; Thai; Valdez and Ybarra.

Referred to Committee on Appropriations.

February 6, 2020 )

HB 2715

Prime Sponsor, Representative Gregerson: Concerning minimum labor standards for certain employees working at an airport or air navigation facility. Reported by Committee on Labor & Workplace Standards

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Sells, Chair; Chapman, Vice Chair; Gregerson and Ormsby.

MINORITY recommendation: Do not pass. Signed by Representatives Mosbrucker, Ranking Minority Member; Chandler, Assistant Ranking Minority Member and Hoff.

Referred to Committee on Rules for second reading.

February 6, 2020 )

HB 2731 Prime Sponsor, Representative Irwin: Reporting of student head injury information sustained during athletics and other activities. Reported by Committee on Education

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Santos, Chair; Dolan, Vice Chair; Paul, Vice Chair; Steele, Ranking Minority Member; McCaslin, Assistant Ranking Minority Member; Volz, Assistant Ranking Minority Member; Bergquist; Caldier; Callan; Corry; Harris; Ortiz-Self; Rude; Stonier; Thai; Valdez and Ybarra.

Referred to Committee on Rules for second reading.

February 6, 2020 )

HB 2789 Prime Sponsor, Representative Lovick: Collecting information regarding police use of deadly force. Reported by Committee on Public Safety

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Appleton, 2nd Vice Chair; Goodman, Chair; Davis, Vice Chair; Sutherland, Assistant Ranking Minority Member; Griffey; Lovick; Orwall; Pellicciotti and Pettigrew.

MINORITY recommendation: Without recommendation. Signed by Representative Graham.

MINORITY recommendation: Do not pass. Signed by Representative Klippert, Ranking Minority Member.

Referred to Committee on Appropriations.

February 6, 2020 )

HB 2792 Prime Sponsor, Representative Mosbrucker: Concerning missing and unidentified persons. Reported by Committee on Public Safety

MAJORITY recommendation: Do pass. Signed by Representatives Appleton, 2nd Vice Chair; Goodman, Chair; Davis, Vice Chair; Klippert, Ranking Minority Member; Sutherland, Assistant Ranking Minority Member; Graham; Griffey; Lovick; Orwall; Pellicciotti and Pettigrew.

Referred to Committee on Rules for second reading.

February 6, 2020 )

HB 2800 Prime Sponsor, Representative Kirby: Concerning the performance of personal services by a craft distillery, distiller, spirits

certificate of approval holder, or distributor. Reported by Committee on Commerce & Gaming

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Peterson, Chair; Kloba, Vice Chair; MacEwen, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Blake; Jenkin; Kirby; Morgan; Ramel; Vick and Young.

Referred to Committee on Rules for second reading.

February 6, 2020 )

HB 2816 Prime Sponsor, Representative Corry: Nurturing positive social and emotional school and classroom climates. Reported by Committee on Education

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Santos, Chair; Dolan, Vice Chair; Paul, Vice Chair; Steele, Ranking Minority Member; McCaslin, Assistant Ranking Minority Member; Volz, Assistant Ranking Minority Member; Bergquist; Caldier; Callan; Corry; Harris; Ortiz-Self; Rude; Stonier; Thai; Valdez and Ybarra.

Referred to Committee on Rules for second reading.

February 8, 2020 )

HB 2826 Prime Sponsor, Representative Peterson: Clarifying the authority of the liquor and cannabis board to regulate marijuana vapor products. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Ormsby, Chair; Stokesbary, Ranking Minority Member; Robinson, 1st Vice Chair; Bergquist, 2nd Vice Chair; MacEwen, Assistant Ranking Minority Member; Rude, Assistant Ranking Minority Member; Caldier; Chandler; Chopp; Cody; Dolan; Dye; Fitzgibbon; Hansen; Hoff; Hudgins; Kilduff; Kraft; Macri; Mosbrucker; Pettigrew; Pollet; Ryu; Schmick; Senn; Steele; Sullivan; Sutherland; Tarleton; Tharinger and Ybarra.

Referred to Committee on Appropriations.

February 6, 2020 )

HB 2870 Prime Sponsor, Representative Pettigrew: Allowing additional marijuana retail licenses for social equity purposes. Reported by Committee on Commerce & Gaming

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass.

Signed by Representatives Peterson, Chair; Kloba, Vice Chair; Blake; Kirby; Morgan and Ramel.

MINORITY recommendation: Do not pass. Signed by Representatives MacEwen, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Jenkin; Vick and Young.

Referred to Committee on Appropriations.

**2nd SUPPLEMENTAL REPORTS OF STANDING COMMITTEES**

February 6, 2020 )

HB 1701 Prime Sponsor, Representative Van Werven: Notifying students of courses with low-cost instructional materials and open educational resources at the four-year institutions of higher education. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on College & Workforce Development. Signed by Representatives Ormsby, Chair; Stokesbary, Ranking Minority Member; Robinson, 1st Vice Chair; Bergquist, 2nd Vice Chair; MacEwen, Assistant Ranking Minority Member; Rude, Assistant Ranking Minority Member; Caldier; Chandler; Chopp; Cody; Corry; Dolan; Dye; Fitzgibbon; Hansen; Hoff; Hudgins; Kilduff; Kraft; Macri; Mosbrucker; Pettigrew; Pollet; Ryu; Schmick; Senn; Springer; Steele; Sullivan; Sutherland; Tarleton; Tharinger and Ybarra.

Referred to Committee on Rules for second reading.

February 7, 2020 )

HB 1888 Prime Sponsor, Representative Hudgins: Protecting employee information from public disclosure. Reported by Committee on State Government & Tribal Relations

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Gregerson, Chair; Pellicciotti, Vice Chair; Goehner, Assistant Ranking Minority Member; Appleton; Dolan; Hudgins and Smith.

MINORITY recommendation: Without recommendation. Signed by Representatives Walsh, Ranking Minority Member and Mosbrucker.

Referred to Committee on Appropriations.

February 7, 2020 )

HB 2069 Prime Sponsor, Representative Dufault: Concerning a property owner's or tenant's

liability for delinquent and unpaid utility service charges. Reported by Committee on Civil Rights & Judiciary

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Kilduff, Chair; Thai, Vice Chair; Irwin, Ranking Minority Member; Dufault, Assistant Ranking Minority Member; Goodman; Graham; Hansen; Kirby; Klippert; Orwall; Peterson; Rude; Valdez; Walen and Ybarra.

Referred to Committee on Rules for second reading.

February 6, 2020 )

HB 2204 Prime Sponsor, Representative Kirby: Concerning the creation of a limited spirits retail license. Reported by Committee on Commerce & Gaming

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Peterson, Chair; Kloba, Vice Chair; MacEwen, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Blake; Jenkin; Kirby; Morgan; Vick and Young.

MINORITY recommendation: Do not pass. Signed by Representative Ramel.

Referred to Committee on Appropriations.

February 6, 2020 )

HB 2212 Prime Sponsor, Representative Blake: Providing department of fish and wildlife officers interest arbitration under certain circumstances. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Ormsby, Chair; Robinson, 1st Vice Chair; Bergquist, 2nd Vice Chair; MacEwen, Assistant Ranking Minority Member; Rude, Assistant Ranking Minority Member; Chandler; Chopp; Cody; Corry; Dolan; Dye; Fitzgibbon; Hansen; Hudgins; Kilduff; Macri; Mosbrucker; Pettigrew; Pollet; Ryu; Schmick; Senn; Springer; Steele; Sullivan; Tarleton and Tharinger.

MINORITY recommendation: Do not pass. Signed by Representatives Stokesbary, Ranking Minority Member; Caldier; Hoff; Kraft; Sutherland and Ybarra.

Referred to Committee on Rules for second reading.

February 5, 2020 )

HB 2245 Prime Sponsor, Representative Barkis:  
Concerning roundabouts. Reported by  
Committee on Transportation

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Fey, Chair; Slatte, 2nd Vice Chair; Valdez, 2nd Vice Chair; Wylie, 1st Vice Chair; Barkis, Ranking Minority Member; Walsh, Assistant Ranking Minority Member; Young, Assistant Ranking Minority Member; Boehnke; Chambers; Chapman; Dent; Doglio; Duerr; Dufault; Entenman; Eslick; Goehner; Gregerson; Irwin; Kloba; Lovick; McCaslin; Mead; Orcutt; Ortiz-Self; Paul; Ramos; Riccelli; Shewmake; Van Werven and Volz.

Referred to Committee on Rules for second reading.

February 7, 2020 )

HB 2367 Prime Sponsor, Representative Hoff:  
Concerning subscription service legal  
defense funds. Reported by Committee on  
Consumer Protection & Business

MAJORITY recommendation: Do pass. Signed by Representatives Kirby, Chair; Vick, Ranking Minority Member; Hoff, Assistant Ranking Minority Member; Barkis; Blake; Dufault; Volz and Ybarra.

MINORITY recommendation: Do not pass. Signed by Representatives Duerr; Ryu; Santos and Walen.

MINORITY recommendation: Without recommendation. Signed by Representative Johnson, J..

Referred to Committee on Rules for second reading.

February 7, 2020 )

HB 2426 Prime Sponsor, Representative Cody:  
Protecting patient safety in psychiatric  
hospitals and other health care facilities.  
Reported by Committee on Health Care &  
Wellness

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Cody, Chair; Macri, Vice Chair; Caldier, Assistant Ranking Minority Member; Chambers; Chopp; Davis; Riccelli; Robinson; Stonier; Thai and Tharinger.

MINORITY recommendation: Do not pass. Signed by Representative Schmick, Ranking Minority Member.

MINORITY recommendation: Without recommendation. Signed by Representative Harris.

Referred to Committee on Appropriations.

February 5, 2020 )

HB 2439 Prime Sponsor, Representative Kilduff:  
Making rail investigation and inspection  
information available to certain state and  
local governmental entities. Reported by  
Committee on Transportation

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Fey, Chair; Slatte, 2nd Vice Chair; Valdez, 2nd Vice Chair; Wylie, 1st Vice Chair; Doglio; Duerr; Entenman; Gregerson; Kloba; Lovick; Mead; Ortiz-Self; Paul; Ramos; Riccelli and Shewmake.

MINORITY recommendation: Without recommendation. Signed by Representatives Chapman and Irwin.

MINORITY recommendation: Do not pass. Signed by Representatives Barkis, Ranking Minority Member; Walsh, Assistant Ranking Minority Member; Young, Assistant Ranking Minority Member; Boehnke; Chambers; Dent; Dufault; Eslick; Goehner; McCaslin; Orcutt; Van Werven and Volz.

Referred to Committee on Rules for second reading.

February 7, 2020 )

HB 2453 Prime Sponsor, Representative Macri:  
Providing protections to residential tenants.  
Reported by Committee on Civil Rights &  
Judiciary

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Kilduff, Chair; Thai, Vice Chair; Goodman; Hansen; Kirby; Orwall; Peterson; Valdez and Walen.

MINORITY recommendation: Do not pass. Signed by Representatives Irwin, Ranking Minority Member; Dufault, Assistant Ranking Minority Member; Graham; Klippert; Rude and Ybarra.

Referred to Committee on Rules for second reading.

February 7, 2020 )

HB 2493 Prime Sponsor, Representative Kirby:  
Concerning captive insurers. Reported by  
Committee on Consumer Protection &  
Business

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Kirby, Chair; Vick, Ranking Minority Member; Hoff, Assistant Ranking Minority Member; Barkis; Blake; Duerr; Dufault; Johnson, J.; Ryu; Santos; Volz; Walen and Ybarra.

Referred to Committee on Appropriations.

February 6, 2020 )

HB 2511 Prime Sponsor, Representative Stonier:  
Providing labor protections for domestic  
workers. Reported by Committee on Labor  
& Workplace Standards

MAJORITY recommendation: The substitute bill be  
substituted therefor and the substitute bill do pass.  
Signed by Representatives Sells, Chair; Chapman, Vice  
Chair; Gregerson and Ormsby.

MINORITY recommendation: Do not pass. Signed by  
Representatives Mosbrucker, Ranking Minority  
Member; Chandler, Assistant Ranking Minority  
Member and Hoff.

Referred to Committee on Appropriations.

February 7, 2020 )

HB 2516 Prime Sponsor, Representative Duerr:  
Creating the secure choice retirement  
savings program. Reported by Committee  
on Consumer Protection & Business

MAJORITY recommendation: The substitute bill be  
substituted therefor and the substitute bill do pass.  
Signed by Representatives Kirby, Chair; Blake; Duerr;  
Johnson, J.; Ryu; Santos and Walen.

MINORITY recommendation: Do not pass. Signed by  
Representatives Vick, Ranking Minority Member; Hoff,  
Assistant Ranking Minority Member; Barkis; Dufault;  
Volz and Ybarra.

Referred to Committee on Appropriations.

February 7, 2020 )

HB 2520 Prime Sponsor, Representative Thai:  
Addressing documentation and processes  
governing landlords' claims for damage to  
residential premises. Reported by  
Committee on Civil Rights & Judiciary

MAJORITY recommendation: The substitute bill be  
substituted therefor and the substitute bill do pass.  
Signed by Representatives Kilduff, Chair; Thai, Vice  
Chair; Goodman; Hansen; Kirby; Orwall; Peterson;  
Valdez and Walen.

MINORITY recommendation: Do not pass. Signed by  
Representatives Irwin, Ranking Minority Member;  
Dufault, Assistant Ranking Minority Member; Graham;  
Klippert; Rude and Ybarra.

Referred to Committee on Rules for second reading.

February 6, 2020 )

HB 2544

Prime Sponsor, Representative Paul:  
Concerning the definition of veteran.  
Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill be  
substituted therefor and the substitute bill do pass.  
Signed by Representatives Ormsby, Chair; Stokesbary,  
Ranking Minority Member; Robinson, 1st Vice Chair;  
Bergquist, 2nd Vice Chair; MacEwen, Assistant  
Ranking Minority Member; Rude, Assistant Ranking  
Minority Member; Caldier; Chandler; Chopp; Cody;  
Corry; Dolan; Dye; Fitzgibbon; Hansen; Hoff; Hudgins;  
Kilduff; Kraft; Macri; Mosbrucker; Pettigrew; Pollet;  
Ryu; Schmick; Senn; Springer; Steele; Sullivan;  
Sutherland; Tarleton; Tharinger and Ybarra.

Referred to Committee on Rules for second reading.

February 7, 2020 )

HB 2551

Prime Sponsor, Representative Lekanoff:  
Permitting students to wear traditional  
tribal regalia and objects of cultural  
significance at graduation ceremonies and  
related events. Reported by Committee on  
State Government & Tribal Relations

MAJORITY recommendation: The substitute bill be  
substituted therefor and the substitute bill do pass.  
Signed by Representatives Gregerson, Chair;  
Pellicciotti, Vice Chair; Walsh, Ranking Minority  
Member; Appleton; Dolan; Hudgins and Mosbrucker.

MINORITY recommendation: Without  
recommendation. Signed by Representative Smith.

MINORITY recommendation: Do not pass. Signed by  
Representative Goehner, Assistant Ranking Minority  
Member.

Referred to Committee on Rules for second reading.

February 7, 2020 )

HB 2556

Prime Sponsor, Representative Dent:  
Providing regulatory relief for early  
learning providers. Reported by  
Committee on Human Services & Early  
Learning

MAJORITY recommendation: The substitute bill be  
substituted therefor and the substitute bill do pass.  
Signed by Representatives Senn, Chair; Callan, Vice  
Chair; Frame, Vice Chair; Dent, Ranking Minority  
Member; Eslick, Assistant Ranking Minority Member;  
McCaslin, Assistant Ranking Minority Member; Corry;  
Goodman; Griffey; Kilduff; Klippert; Lovick and Ortiz-  
Self.

Referred to Committee on Appropriations.

February 6, 2020 )

**HB 2576** Prime Sponsor, Representative Ortiz-Self:  
Concerning private detention facilities.  
Reported by Committee on Public Safety

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Appleton, 2nd Vice Chair; Goodman, Chair; Davis, Vice Chair; Lovick; Orwall; Pellicciotti and Pettigrew.

MINORITY recommendation: Do not pass. Signed by Representatives Klippert, Ranking Minority Member; Sutherland, Assistant Ranking Minority Member; Graham and Griffey.

Referred to Committee on Appropriations.

February 7, 2020 )

**HB 2593** Prime Sponsor, Representative Boehnke:  
Promoting economic development through  
enhancing state agency permitting.  
Reported by Committee on State  
Government & Tribal Relations

MAJORITY recommendation: Do pass. Signed by Representatives Gregerson, Chair; Pellicciotti, Vice Chair; Walsh, Ranking Minority Member; Goehner, Assistant Ranking Minority Member; Appleton; Dolan; Hudgins; Mosbrucker and Smith.

Referred to Committee on Rules for second reading.

February 6, 2020 )

**HB 2594** Prime Sponsor, Representative Boehnke:  
Concerning disclosures to retail electric  
and natural gas customers. Reported by  
Committee on Environment & Energy

MAJORITY recommendation: Do pass. Signed by Representatives Fitzgibbon, Chair; Lekanoff, Vice Chair; DeBolt, Ranking Minority Member; Dye, Assistant Ranking Minority Member; Boehnke; Doglio; Fey; Goehner; Mead and Shewmake.

MINORITY recommendation: Do not pass. Signed by Representative Robinson.

Referred to Committee on Rules for second reading.

February 7, 2020 )

**HB 2603** Prime Sponsor, Representative Springer:  
Concerning trust water rights. Reported by  
Committee on Rural Development,  
Agriculture, & Natural Resources

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Blake, Chair; Shewmake,

Vice Chair; Dent, Assistant Ranking Minority Member; Chapman; Fitzgibbon; Kretz; Lekanoff; Pettigrew; Ramos; Schmick and Springer.

MINORITY recommendation: Do not pass. Signed by Representatives Chandler, Ranking Minority Member; Dye; Orcutt and Walsh.

Referred to Committee on Rules for second reading.

February 6, 2020 )

**HB 2632** Prime Sponsor, Representative Valdez:  
Concerning false reporting of a crime or  
emergency. Reported by Committee on  
Public Safety

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Appleton, 2nd Vice Chair; Goodman, Chair; Davis, Vice Chair; Klippert, Ranking Minority Member; Sutherland, Assistant Ranking Minority Member; Graham; Griffey; Lovick; Orwall; Pellicciotti and Pettigrew.

Referred to Committee on Rules for second reading.

February 7, 2020 )

**HB 2635** Prime Sponsor, Representative Barkis:  
Concerning collection agency transaction  
fees for processing electronic payments.  
Reported by Committee on Consumer  
Protection & Business

MAJORITY recommendation: Do pass. Signed by Representatives Kirby, Chair; Vick, Ranking Minority Member; Hoff, Assistant Ranking Minority Member; Barkis; Blake; Duerr; Dufault; Johnson, J.; Santos; Volz; Walen and Ybarra.

MINORITY recommendation: Do not pass. Signed by Representative Ryu.

Referred to Committee on Rules for second reading.

February 7, 2020 )

**HB 2642** Prime Sponsor, Representative Davis:  
Removing health coverage barriers to  
accessing substance use disorder treatment  
services. Reported by Committee on  
Health Care & Wellness

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Cody, Chair; Macri, Vice Chair; Schmick, Ranking Minority Member; Caldier, Assistant Ranking Minority Member; Chambers; Chopp; Davis; Harris; Riccelli; Robinson; Stonier; Thai and Tharinger.

Referred to Committee on Appropriations.

February 7, 2020 )

HB 2649 Prime Sponsor, Representative Ryu:  
Concerning homeless shelter capacity.  
Reported by Committee on Housing,  
Community Development & Veterans

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Ryu, Chair; Morgan, Vice Chair; Frame; Johnson, J.; Leavitt and Ramel.

MINORITY recommendation: Do not pass. Signed by Representatives Jenkin, Ranking Minority Member; Gildon, Assistant Ranking Minority Member and Barkis.

Referred to Committee on Rules for second reading.

February 6, 2020 )

HB 2656 Prime Sponsor, Representative Gregerson:  
Reducing waste associated with single-use  
food service products. Reported by  
Committee on Environment & Energy

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Fitzgibbon, Chair; Lekanoff, Vice Chair; DeBolt, Ranking Minority Member; Dye, Assistant Ranking Minority Member; Doglio; Fey; Goehner; Mead; Robinson and Shewmake.

MINORITY recommendation: Do not pass. Signed by Representative Boehnke.

Referred to Committee on Appropriations.

February 7, 2020 )

HB 2680 Prime Sponsor, Representative Chapman:  
Establishing tribal representation on the  
emergency management council. Reported  
by Committee on State Government &  
Tribal Relations

MAJORITY recommendation: Do pass. Signed by Representatives Gregerson, Chair; Pellicciotti, Vice Chair; Walsh, Ranking Minority Member; Goehner, Assistant Ranking Minority Member; Appleton; Dolan; Hudgins; Mosbrucker and Smith.

Referred to Committee on Rules for second reading.

February 4, 2020 )

HB 2683 Prime Sponsor, Representative Chapman:  
Creating a local wine industry association  
license. Reported by Committee on  
Commerce & Gaming

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Peterson, Chair; Kloba, Vice Chair; MacEwen, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Blake; Jenkin; Kirby; Morgan; Ramel; Vick and Young.

Referred to Committee on Rules for second reading.

February 5, 2020 )

HB 2684 Prime Sponsor, Representative Shewmake:  
Concerning traffic control signals.  
Reported by Committee on Transportation

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Fey, Chair; Slatter, 2nd Vice Chair; Valdez, 2nd Vice Chair; Wylie, 1st Vice Chair; Barkis, Ranking Minority Member; Boehnke; Chapman; Doglio; Duerr; Entenman; Goehner; Gregerson; Irwin; Kloba; Lovick; Mead; Ortiz-Self; Paul; Ramos; Riccelli and Shewmake.

MINORITY recommendation: Do not pass. Signed by Representatives Walsh, Assistant Ranking Minority Member; Young, Assistant Ranking Minority Member; Chambers; Dent; Dufault; Eslick; McCaslin; Orcutt; Van Werven and Volz.

Referred to Committee on Rules for second reading.

February 7, 2020 )

HB 2697 Prime Sponsor, Representative Dent:  
Concerning noxious weeds. Reported by  
Committee on Rural Development,  
Agriculture, & Natural Resources

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Blake, Chair; Shewmake, Vice Chair; Chandler, Ranking Minority Member; Dent, Assistant Ranking Minority Member; Dye; Fitzgibbon; Kretz; Lekanoff; Pettigrew; Ramos; Schmick; Springer and Walsh.

MINORITY recommendation: Without recommendation. Signed by Representative Chapman.

MINORITY recommendation: Do not pass. Signed by Representative Orcutt.

Referred to Committee on Appropriations.

February 7, 2020 )

HB 2701 Prime Sponsor, Representative Ormsby:  
Concerning inspection and testing of fire  
and smoke control systems and dampers.

Reported by Committee on Local Government

MAJORITY recommendation: Do pass. Signed by Representatives Pollet, Chair; Duerr, Vice Chair; Kraft, Ranking Minority Member; Griffey, Assistant Ranking Minority Member; Appleton; Goehner and Senn.

Referred to Committee on Rules for second reading.

February 7, 2020 )

HB 2713 Prime Sponsor, Representative Walen: Encouraging compost procurement and use. Reported by Committee on State Government & Tribal Relations

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Gregerson, Chair; Pellicciotti, Vice Chair; Walsh, Ranking Minority Member; Goehner, Assistant Ranking Minority Member; Appleton; Dolan; Hudgins; Mosbrucker and Smith.

Referred to Committee on Appropriations.

February 6, 2020 )

HB 2722 Prime Sponsor, Representative Mead: Concerning minimum recycled content requirements. Reported by Committee on Environment & Energy

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Fitzgibbon, Chair; Lekanoff, Vice Chair; DeBolt, Ranking Minority Member; Boehnke; Doglio; Fey; Goehner; Mead; Robinson and Shewmake.

MINORITY recommendation: Do not pass. Signed by Representative Dye, Assistant Ranking Minority Member.

Referred to Committee on Rules for second reading.

February 7, 2020 )

HB 2725 Prime Sponsor, Representative Ortiz-Self: Renaming foster resource parents. Reported by Committee on Human Services & Early Learning

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Senn, Chair; Callan, Vice Chair; Frame, Vice Chair; Eslick, Assistant Ranking Minority Member; Corry; Goodman; Kilduff; Klippert; Lovick and Ortiz-Self.

MINORITY recommendation: Without recommendation. Signed by Representative Griffey.

MINORITY recommendation: Do not pass. Signed by Representatives Dent, Ranking Minority Member McCaslin, Assistant Ranking Minority Member.

Referred to Committee on Rules for second reading.

February 7, 2020 )

HB 2742 Prime Sponsor, Representative Kloba: Concerning the management and oversight of personal data. Reported by Committee on Innovation, Technology & Economic Development

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Hudgins, Chair; Kloba, Vice Chair; Entenman; Slatter; Tarleton and Wylie.

MINORITY recommendation: Do not pass. Signed by Representatives Smith, Ranking Minority Member and Van Werven.

Referred to Committee on Appropriations.

February 6, 2020 )

HB 2744 Prime Sponsor, Representative Doglio: Improving environmental and social outcomes associated with the production of building materials. Reported by Committee on Capital Budget

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Tharinger, Chair; Callan, Vice Chair; Doglio, Vice Chair; Davis; Harris; Leavitt; Lekanoff; Morgan; Peterson; Riccelli; Santos; Sells and Stonier.

MINORITY recommendation: Do not pass. Signed by Representatives DeBolt, Ranking Minority Member; Smith, Assistant Ranking Minority Member; Steele, Assistant Ranking Minority Member; Corry; Dye; Eslick; Gildon; Irwin; Jenkin and Walsh.

Referred to Committee on Appropriations.

February 7, 2020 )

HB 2757 Prime Sponsor, Representative Corry: Concerning official state designations. Reported by Committee on State Government & Tribal Relations

MAJORITY recommendation: Do pass. Signed by Representatives Gregerson, Chair; Pellicciotti, Vice Chair; Walsh, Ranking Minority Member; Goehner,



Assistant Ranking Minority Member; Appleton; Dolan; Hudgins; Mosbrucker and Smith.

kitchens. Reported by Committee on Local Government

Referred to Committee on Rules for second reading.

February 6, 2020 )

HB 2758 Prime Sponsor, Representative Corry: Recognizing posttraumatic stress disorders of 911 emergency dispatch personnel. Reported by Committee on Labor & Workplace Standards

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Sells, Chair; Chapman, Vice Chair; Gregerson and Ormsby.

MINORITY recommendation: Do not pass. Signed by Representatives Mosbrucker, Ranking Minority Member; Chandler, Assistant Ranking Minority Member and Hoff.

Referred to Committee on Appropriations.

February 7, 2020 )

HB 2773 Prime Sponsor, Representative Kirby: Concerning transportation. Reported by Committee on Consumer Protection & Business

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Kirby, Chair; Vick, Ranking Minority Member; Hoff, Assistant Ranking Minority Member; Barkis; Blake; Duerr; Dufault; Johnson, J.; Ryu; Santos; Volz; Walen and Ybarra.

Referred to Committee on Rules for second reading.

February 7, 2020 )

HB 2775 Prime Sponsor, Representative Macri: Practicing colon hydrotherapy. Reported by Committee on Health Care & Wellness

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Cody, Chair; Macri, Vice Chair; Schmick, Ranking Minority Member; Caldier, Assistant Ranking Minority Member; Chambers; Chopp; Davis; Harris; Riccelli; Robinson; Stonier; Thai and Tharinger.

Referred to Committee on Rules for second reading.

February 7, 2020 )

HB 2777 Prime Sponsor, Representative Frame: Concerning the operation, authorization, and permitting of microenterprise home

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Pollet, Chair; Duerr, Vice Chair; Griffey, Assistant Ranking Minority Member; Appleton; Goehner and Senn.

MINORITY recommendation: Do not pass. Signed by Representative Kraft, Ranking Minority Member.

Referred to Committee on Appropriations.

February 7, 2020 )

HB 2782 Prime Sponsor, Representative Kirby: Concerning automobile insurance policies. Reported by Committee on Consumer Protection & Business

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Kirby, Chair; Blake; Duerr; Johnson, J.; Ryu; Santos and Walen.

MINORITY recommendation: Do not pass. Signed by Representatives Vick, Ranking Minority Member; Hoff, Assistant Ranking Minority Member; Barkis; Dufault; Volz and Ybarra.

Referred to Committee on Rules for second reading.

February 7, 2020 )

HB 2783 Prime Sponsor, Representative Griffey: Standardizing fire safety requirements for mobile on-demand gasoline providers. Reported by Committee on Local Government

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Pollet, Chair; Duerr, Vice Chair; Kraft, Ranking Minority Member; Griffey, Assistant Ranking Minority Member; Appleton; Goehner and Senn.

Referred to Committee on Rules for second reading.

February 7, 2020 )

HB 2787 Prime Sponsor, Representative Callan: Completing the transfer of the early support for infants and toddlers program from the office of the superintendent of public instruction to the department of children, youth, and families. Reported by Committee on Human Services & Early Learning

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Senn, Chair; Callan, Vice Chair; Frame, Vice Chair; Dent, Ranking Minority Member; Eslick, Assistant Ranking Minority Member; McCaslin, Assistant Ranking Minority Member; Corry; Goodman; Griffey; Kilduff; Klippert; Lovick and Ortiz-Self.

Referred to Committee on Appropriations.

February 6, 2020 )

HB 2793 Prime Sponsor, Representative Hansen:  
Vacating criminal records. Reported by  
Committee on Public Safety

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Appleton, 2nd Vice Chair; Goodman, Chair; Davis, Vice Chair; Sutherland, Assistant Ranking Minority Member; Griffey; Lovick; Orwall; Pellicciotti and Pettigrew.

MINORITY recommendation: Do not pass. Signed by Representative Klippert, Ranking Minority Member.

MINORITY recommendation: Without recommendation. Signed by Representative Graham.

Referred to Committee on Appropriations.

February 7, 2020 )

HB 2794 Prime Sponsor, Representative Frame:  
Concerning juvenile record sealing.  
Reported by Committee on Human  
Services & Early Learning

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Senn, Chair; Callan, Vice Chair; Frame, Vice Chair; Eslick, Assistant Ranking Minority Member; Goodman; Griffey; Kilduff; Lovick and Ortiz-Self.

MINORITY recommendation: Do not pass. Signed by Representatives Dent, Ranking Minority Member; McCaslin, Assistant Ranking Minority Member; Corry and Klippert.

Referred to Committee on Rules for second reading.

February 7, 2020 )

HB 2795 Prime Sponsor, Representative Frame:  
Concerning convictions for offenses that  
were committed at age sixteen or seventeen  
and placed in exclusive jurisdiction of the  
juvenile court in 2018. Reported by  
Committee on Human Services & Early  
Learning

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Senn, Chair; Callan, Vice Chair; Frame, Vice Chair; Goodman; Kilduff; Lovick and Ortiz-Self.

MINORITY recommendation: Do not pass. Signed by Representatives Dent, Ranking Minority Member; Eslick, Assistant Ranking Minority Member; McCaslin, Assistant Ranking Minority Member; Corry; Griffey and Klippert.

Referred to Committee on Rules for second reading.

February 7, 2020 )

HB 2796 Prime Sponsor, Representative Frame:  
Concerning juvenile sex offense  
registration waivers under the special  
sexual offender disposition alternative.  
Reported by Committee on Human  
Services & Early Learning

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Senn, Chair; Callan, Vice Chair; Frame, Vice Chair; Dent, Ranking Minority Member; Eslick, Assistant Ranking Minority Member; McCaslin, Assistant Ranking Minority Member; Corry; Goodman; Griffey; Kilduff; Klippert; Lovick and Ortiz-Self.

Referred to Committee on Rules for second reading.

February 7, 2020 )

HB 2804 Prime Sponsor, Representative Duerr:  
Addressing local government  
infrastructure. Reported by Committee on  
Local Government

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Pollet, Chair; Duerr, Vice Chair; Kraft, Ranking Minority Member; Griffey, Assistant Ranking Minority Member; Appleton; Goehner and Senn.

Referred to Committee on Finance.

February 7, 2020 )

HB 2806 Prime Sponsor, Representative Goodman:  
Concerning mediation in family law cases  
involving children. Reported by  
Committee on Civil Rights & Judiciary

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Kilduff, Chair; Thai, Vice Chair; Irwin, Ranking Minority Member; Dufault,

Assistant Ranking Minority Member; Goodman; Kirby; Klippert; Peterson; Rude; Walen and Ybarra.

MINORITY recommendation: Do not pass. Signed by Representatives Hansen and Valdez.

MINORITY recommendation: Without recommendation. Signed by Representatives Graham and Orwall.

Referred to Committee on Rules for second reading.

February 7, 2020 )

HB 2815 Prime Sponsor, Representative Ortiz-Self: Concerning library districts. Reported by Committee on Local Government

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Pollet, Chair; Duerr, Vice Chair; Griffey, Assistant Ranking Minority Member; Appleton; Goehner and Senn.

MINORITY recommendation: Do not pass. Signed by Representative Kraft, Ranking Minority Member.

Referred to Committee on Rules for second reading.

February 7, 2020 )

HB 2828 Prime Sponsor, Representative Valdez: Prohibiting funds available to port districts from being allocated for the purchase of fully automated marine container cargo handling equipment. Reported by Committee on Local Government

MAJORITY recommendation: Do pass. Signed by Representatives Pollet, Chair; Duerr, Vice Chair; Appleton and Senn.

MINORITY recommendation: Do not pass. Signed by Representatives Kraft, Ranking Minority Member and Goehner.

MINORITY recommendation: Without recommendation. Signed by Representative Griffey, Assistant Ranking Minority Member.

Referred to Committee on Rules for second reading.

February 7, 2020 )

HB 2832 Prime Sponsor, Representative Orwall: Concerning contracts with community service organizations for public improvements. Reported by Committee on Local Government

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass.

Signed by Representatives Pollet, Chair; Duerr, Vice Chair; Kraft, Ranking Minority Member; Griffey, Assistant Ranking Minority Member; Appleton; Goehner and Senn.

Referred to Committee on Rules for second reading.

February 7, 2020 )

HB 2837 Prime Sponsor, Representative Boehnke: Expanding powers granted to state historical societies. Reported by Committee on State Government & Tribal Relations

MAJORITY recommendation: Do pass. Signed by Representatives Gregerson, Chair; Pellicciotti, Vice Chair; Goehner, Assistant Ranking Minority Member; Appleton; Dolan; Hudgins; Mosbrucker and Smith.

MINORITY recommendation: Do not pass. Signed by Representative Walsh, Ranking Minority Member.

Referred to Committee on Rules for second reading.

February 7, 2020 )

HB 2860 Prime Sponsor, Representative Orcutt: Concerning the Washington plane coordinate system. Reported by Committee on Rural Development, Agriculture, & Natural Resources

MAJORITY recommendation: Do pass. Signed by Representatives Blake, Chair; Shewmake, Vice Chair; Chandler, Ranking Minority Member; Dent, Assistant Ranking Minority Member; Chapman; Dye; Fitzgibbon; Kretz; Lekanoff; Orcutt; Pettigrew; Ramos; Schmick; Springer and Walsh.

Referred to Committee on Rules for second reading.

February 7, 2020 )

HB 2865 Prime Sponsor, Representative Chambers: Informing families of kindergarten readiness standards. Reported by Committee on Human Services & Early Learning

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Senn, Chair; Callan, Vice Chair; Frame, Vice Chair; Dent, Ranking Minority Member; Eslick, Assistant Ranking Minority Member; McCaslin, Assistant Ranking Minority Member; Corry; Goodman; Griffey; Kilduff; Klippert; Lovick and Ortiz-Self.

Referred to Committee on Rules for second reading.

February 7, 2020 )

HB 2873 Prime Sponsor, Representative Johnson, J.: Concerning families in conflict. Reported by Committee on Human Services & Early Learning

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Senn, Chair; Callan, Vice Chair; Frame, Vice Chair; Eslick, Assistant Ranking Minority Member; Goodman; Griffey; Kilduff; Lovick and Ortiz-Self.

MINORITY recommendation: Do not pass. Signed by Representatives Dent, Ranking Minority Member; McCaslin, Assistant Ranking Minority Member; Corry and Klippert.

Referred to Committee on Appropriations.

February 5, 2020 )

HB 2879 Prime Sponsor, Representative Vick: Fostering economic growth in Washington by supporting in-state manufacturing. Reported by Committee on Innovation, Technology & Economic Development

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Hudgins, Chair; Kloba, Vice Chair; Smith, Ranking Minority Member; Boehnke, Assistant Ranking Minority Member; Entenman; Slatter; Tarleton; Van Werven and Wylie.

Referred to Committee on Rules for second reading.

February 7, 2020 )

HB 2882 Prime Sponsor, Representative Tarleton: Establishing the Interbay community preservation and development authority. Reported by Committee on Housing, Community Development & Veterans

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Jenkin, Ranking Minority Member; Gildon, Assistant Ranking Minority Member; Ryu, Chair; Morgan, Vice Chair; Barkis; Frame; Johnson, J.; Leavitt and Ramel.

Referred to Committee on Rules for second reading.

February 7, 2020 )

HB 2883 Prime Sponsor, Representative Eslick: Expanding adolescent behavioral health care access. Reported by Committee on Human Services & Early Learning

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Senn, Chair; Callan, Vice Chair; Frame, Vice Chair; Dent, Ranking Minority Member; Eslick, Assistant Ranking Minority Member; McCaslin, Assistant Ranking Minority Member; Corry; Goodman; Griffey; Kilduff; Klippert; Lovick and Ortiz-Self.

Referred to Committee on Rules for second reading.

February 7, 2020 )

HB 2884 Prime Sponsor, Representative Mosbrucker: Establishing a Travis alert outreach demonstration campaign. Reported by Committee on Housing, Community Development & Veterans

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Jenkin, Ranking Minority Member; Gildon, Assistant Ranking Minority Member; Ryu, Chair; Morgan, Vice Chair; Barkis; Frame; Johnson, J.; Leavitt and Ramel.

Referred to Committee on Rules for second reading.

February 7, 2020 )

HB 2889 Prime Sponsor, Representative Griffey: Concerning utility tax disclosures. Reported by Committee on Local Government

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Pollet, Chair; Duerr, Vice Chair; Kraft, Ranking Minority Member; Griffey, Assistant Ranking Minority Member; Appleton; Goehner and Senn.

Referred to Committee on Rules for second reading.

February 7, 2020 )

HB 2890 Prime Sponsor, Representative MacEwen: Concerning boarding homes. Reported by Committee on Local Government

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Pollet, Chair; Kraft, Ranking Minority Member; Griffey, Assistant Ranking Minority Member; Goehner and Senn.

MINORITY recommendation: Without recommendation. Signed by Representative Appleton.

MINORITY recommendation: Do not pass. Signed by Representative Duerr, Vice Chair.

Referred to Committee on Rules for second reading.

February 6, 2020 )

HB 2892 Prime Sponsor, Representative Fitzgibbon: Authorizing the department of ecology to regulate greenhouse gas emissions associated with persons who produce or distribute fossil fuel products that emit greenhouse gases in Washington. Reported by Committee on Environment & Energy

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Fitzgibbon, Chair; Lekanoff, Vice Chair; Doglio; Fey; Mead; Robinson and Shewmake.

MINORITY recommendation: Do not pass. Signed by Representatives DeBolt, Ranking Minority Member; Dye, Assistant Ranking Minority Member; Boehnke and Goehner.

Referred to Committee on Appropriations.

February 7, 2020 )

HB 2906 Prime Sponsor, Representative Kretz: Concerning the use of radio collars on gray wolves by the department of fish and wildlife. Reported by Committee on Rural Development, Agriculture, & Natural Resources

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Blake, Chair; Shewmake, Vice Chair; Chandler, Ranking Minority Member; Dent, Assistant Ranking Minority Member; Chapman; Dye; Fitzgibbon; Kretz; Lekanoff; Orcutt; Pettigrew; Ramos; Schmick; Springer and Walsh.

Referred to Committee on Appropriations.

February 5, 2020 )

HJM 4016 Prime Sponsor, Representative Riccelli: Requesting to commence proceedings in naming state route number 902 the Gold Star Memorial Highway. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives Fey, Chair; Slatter, 2nd Vice Chair; Valdez, 2nd Vice Chair; Wylie, 1st Vice Chair; Barkis, Ranking Minority Member; Walsh, Assistant Ranking Minority Member; Young, Assistant Ranking Minority Member; Boehnke; Chambers; Chapman; Dent; Doglio; Duerr; Dufault; Entenman; Eslick; Goehner; Gregerson; Irwin; Kloba; Lovick; McCaslin; Mead; Orcutt; Ortiz-Self; Paul; Ramos; Riccelli; Shewmake; Van Werven and Volz.

Referred to Committee on Rules for second reading.

There being no objection, the bills and memorial listed on the day's committee reports and supplemental committee reports under the fifth order of business were referred to the committees so designated.

There being no objection, the House adjourned until 9:55 a.m., February 10, 2020, the 29th Day of the Regular Session.

LAURIE JINKINS, Speaker

BERNARD DEAN, Chief Clerk

## SIXTY SIXTH LEGISLATURE - REGULAR SESSION

## TWENTY NINTH DAY

House Chamber, Olympia, Monday, February 10, 2020

The House was called to order at 9:55 a.m. by the Speaker (Representative Lovick presiding).

Reading of the Journal of the previous day was dispensed with and it was ordered to stand approved.

There being no objection, the House advanced to the fourth order of business.

## INTRODUCTION &amp; FIRST READING

HB 2933 by Representatives Kraft, Young, Hoff, Jenkin, Vick, McCaslin, Sutherland, Eslick, Chandler, Walsh, Corry, Dent, Kretz, Graham and Boehnke

AN ACT Relating to a comprehensive opt out of public K-12 education through the education choice scholarship program; adding a new section to chapter 43.08 RCW; and adding a new chapter to Title 28A RCW.

Referred to Committee on Education.

HB 2934 by Representatives Blake and Walsh

AN ACT Relating to recreational target shooting; and amending RCW 4.24.210.

Referred to Committee on Civil Rights & Judiciary.

There being no objection, the bills listed on the day's introduction sheet under the fourth order of business were referred to the committees so designated.

The Speaker (Representative Lovick presiding) called upon Representative Riccelli to preside.

There being no objection, the House advanced to the fifth order of business.

## REPORTS OF STANDING COMMITTEES

February 10, 2020 )

HB 2486 Prime Sponsor, Representative Lekanoff: Extending the electric marine battery incentive. Reported by Committee on Finance

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Tarleton, Chair; Walen, Vice Chair; Orcutt, Ranking Minority Member; Young,

Assistant Ranking Minority Member; Chapman; Frame; Macri; Orwall; Springer; Stokesbary; Vick and Wylie.

Referred to Committee on Appropriations.

February 8, 2020 )

HB 2587 Prime Sponsor, Representative Ramel: Establishing a program for the designation of state scenic bikeways. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Ormsby, Chair; Stokesbary, Ranking Minority Member; Robinson, 1st Vice Chair; Bergquist, 2nd Vice Chair; MacEwen, Assistant Ranking Minority Member; Rude, Assistant Ranking Minority Member; Caldier; Chandler; Chopp; Cody; Dolan; Dye; Fitzgibbon; Hansen; Hoff; Hudgins; Kilduff; Kraft; Macri; Mosbrucker; Pettigrew; Pollet; Ryu; Schmick; Senn; Steele; Sullivan; Sutherland; Tarleton; Tharinger and Ybarra.

February 7, 2020 )

HB 2803 Prime Sponsor, Representative Tarleton: Authorizing the governor to enter into compacts with Indian tribes addressing certain state retail sales tax, certain state use tax, and certain state business and occupation tax revenues, as specified in a memorandum of understanding entered into by the state, Tulalip tribes, and Snohomish county, in January 2020, and including other terms necessary for the department of revenue to administer any such compact. Reported by Committee on Finance

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Tarleton, Chair; Walen, Vice Chair; Young, Assistant Ranking Minority Member; Chapman; Frame; Macri; Orwall; Springer; Stokesbary; Vick and Wylie.

MINORITY recommendation: Without recommendation. Signed by Representative Orcutt, Ranking Minority Member.

Referred to Committee on Rules for second reading.

There being no objection, the bills listed on the day's committee reports under the fifth order of business were referred to the committees so designated with the exception of HOUSE BILL NO. 2587 which was placed on the second reading calendar.

There being no objection, the House advanced to the eighth order of business.

# **MOTIONS**

There being no objection, the Committee on Appropriations was relieved of HOUSE BILL NO. 2576, and the bill was referred to the Committee on Rules.

There being no objection, the Committee on Rules was relieved of the following bills and the bills were placed on the second reading calendar:

HOUSE BILL NO. 1201  
HOUSE BILL NO. 1242  
HOUSE BILL NO. 1293  
HOUSE BILL NO. 1524  
HOUSE BILL NO. 1651  
SECOND SUBSTITUTE HOUSE BILL NO. 1660  
SUBSTITUTE HOUSE BILL NO. 1661  
HOUSE BILL NO. 1666  
HOUSE BILL NO. 2013  
HOUSE BILL NO. 2185  
HOUSE BILL NO. 2229  
HOUSE BILL NO. 2240  
HOUSE BILL NO. 2245  
HOUSE BILL NO. 2259  
HOUSE BILL NO. 2271  
HOUSE BILL NO. 2343  
HOUSE BILL NO. 2378  
HOUSE BILL NO. 2411  
HOUSE BILL NO. 2443  
HOUSE BILL NO. 2449  
HOUSE BILL NO. 2484  
HOUSE BILL NO. 2508  
HOUSE BILL NO. 2512  
HOUSE BILL NO. 2551  
HOUSE BILL NO. 2586  
HOUSE BILL NO. 2589  
HOUSE BILL NO. 2592  
HOUSE BILL NO. 2602  
HOUSE BILL NO. 2617  
HOUSE BILL NO. 2621  
HOUSE BILL NO. 2632  
HOUSE BILL NO. 2664  
HOUSE BILL NO. 2687  
HOUSE BILL NO. 2701  
HOUSE BILL NO. 2722  
HOUSE BILL NO. 2731  
HOUSE BILL NO. 2732  
HOUSE BILL NO. 2747  
HOUSE BILL NO. 2755  
HOUSE BILL NO. 2757  
HOUSE BILL NO. 2783  
HOUSE BILL NO. 2786  
HOUSE BILL NO. 2792

HOUSE BILL NO. 2811  
HOUSE BILL NO. 2815  
HOUSE BILL NO. 2816  
HOUSE BILL NO. 2820  
HOUSE BILL NO. 2889

There being no objection, the Committee on Rules was relieved of the following bills and the bills were placed on the third reading calendar:

SUBSTITUTE HOUSE BILL NO. 1009  
HOUSE BILL NO. 1278  
HOUSE BILL NO. 1441  
HOUSE BILL NO. 1676

There being no objection, the House adjourned until 9:55 a.m., February 11, 2020, the 30th Day of the Regular Session.

LAURIE JINKINS, Speaker  
BERNARD DEAN, Chief Clerk

## SIXTY SIXTH LEGISLATURE - REGULAR SESSION

## THIRTIETH DAY

House Chamber, Olympia, Tuesday, February 11, 2020

The House was called to order at 9:55 a.m. by the Speaker (Representative Lovick presiding).

Reading of the Journal of the previous day was dispensed with and it was ordered to stand approved.

There being no objection, the House advanced to the fourth order of business.

## INTRODUCTION &amp; FIRST READING

HB 2935 by Representative Klippert

AN ACT Relating to the prohibition of direct and indirect appropriation of public funds to finance convenience abortions pursuant to the establishment clause of the First Amendment of the United States Constitution and Article I, section 11 of the Washington state Constitution, establishing of the Washington foster care and adoption initiatives fund to be administered by the department of children, youth, and families for the benefit of government and, especially, nongovernment groups, and prohibiting discrimination pursuant to the free exercise clause of the First Amendment and Article I, section 11 of the Washington state Constitution; adding a new chapter to Title 70 RCW; creating new sections; and declaring an emergency.

Referred to Committee on Health Care & Wellness.

HB 2936 by Representative Steele

AN ACT Relating to predesign requirements and thresholds; amending RCW 43.88.110; and creating a new section.

Referred to Committee on Capital Budget.

There being no objection, the bills listed on the day's introduction sheet under the fourth order of business were referred to the committees so designated.

The Speaker assumed the chair.

There being no objection, the House advanced to the fifth order of business.

## REPORTS OF STANDING COMMITTEES

February 10, 2020 )

HB 1154

Prime Sponsor, Representative DeBolt: Concerning the financing of Chehalis basin flood damage reduction and habitat restoration projects. Reported by Committee on Capital Budget

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Tharinger, Chair; Callan, Vice Chair; Doglio, Vice Chair; DeBolt, Ranking Minority Member; Smith, Assistant Ranking Minority Member; Steele, Assistant Ranking Minority Member; Corry; Davis; Dye; Eslick; Gildon; Harris; Irwin; Jenkin; Leavitt; Lekanoff; Maycumber; Morgan; Peterson; Riccelli; Santos; Sells; Stonier and Walsh.

MINORITY recommendation: Do not pass. Signed by Representative Pellicciotti.

Referred to Committee on Rules for second reading.

February 10, 2020 )

HB 1938

Prime Sponsor, Representative Steele: Creating a local infrastructure investment program to support the development of affordable housing, workforce housing, and revitalization efforts. Reported by Committee on Finance

MAJORITY recommendation: The third substitute bill by Committee on Housing, Community Development & Veterans be substituted therefor and the third substitute bill do pass. Signed by Representatives Tarleton, Chair; Walen, Vice Chair; Orcutt, Ranking Minority Member; Young, Assistant Ranking Minority Member; Chapman; Macri; Orwall; Springer; Stokesbary; Vick and Wylie.

MINORITY recommendation: Without recommendation. Signed by Representative Frame.

Referred to Committee on Rules for second reading.

February 10, 2020 )

HB 2032

Prime Sponsor, Representative Tarleton: Providing a tax deferral for the expansion of certain existing public facilities district convention centers. Reported by Committee on Finance

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass.



Signed by Representatives Tarleton, Chair; Walen, Vice Chair; Orcutt, Ranking Minority Member; Chapman; Frame; Macri; Orwall; Springer; Stokesbary; Vick and Wylie.

MINORITY recommendation: Without recommendation. Signed by Representative Young, Assistant Ranking Minority Member.

Referred to Committee on Rules for second reading.

February 8, 2020 )

HB 2200 Prime Sponsor, Representative Klippert: Creating the position of military spouse liaison. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill by Committee on Housing, Community Development & Veterans be substituted therefor and the substitute bill do pass. Signed by Representatives Ormsby, Chair; Stokesbary, Ranking Minority Member; Robinson, 1st Vice Chair; Bergquist, 2nd Vice Chair; MacEwen, Assistant Ranking Minority Member; Rude, Assistant Ranking Minority Member; Caldier; Chandler; Chopp; Cody; Dolan; Dye; Fitzgibbon; Hansen; Hoff; Hudgins; Kilduff; Kraft; Macri; Mosbrucker; Pettigrew; Pollet; Ryu; Schmick; Senn; Steele; Sullivan; Sutherland; Tarleton; Tharinger and Ybarra.

February 8, 2020 )

HB 2277 Prime Sponsor, Representative Peterson: Concerning youth solitary confinement. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Human Services & Early Learning. Signed by Representatives Ormsby, Chair; Robinson, 1st Vice Chair; Bergquist, 2nd Vice Chair; MacEwen, Assistant Ranking Minority Member; Chopp; Cody; Dolan; Fitzgibbon; Hansen; Hudgins; Kilduff; Kraft; Macri; Mosbrucker; Pettigrew; Pollet; Ryu; Senn; Steele; Sullivan; Sutherland; Tarleton; Tharinger and Ybarra.

MINORITY recommendation: Do not pass. Signed by Representatives Stokesbary, Ranking Minority Member; Rude, Assistant Ranking Minority Member; Caldier; Chandler; Dye; Hoff and Schmick.

February 8, 2020 )

HB 2299 Prime Sponsor, Representative Leavitt: Creating prison to postsecondary education

pathways. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill by Committee on College & Workforce Development be substituted therefor and the substitute bill do pass. Signed by Representatives Ormsby, Chair; Stokesbary, Ranking Minority Member; Robinson, 1st Vice Chair; Bergquist, 2nd Vice Chair; MacEwen, Assistant Ranking Minority Member; Rude, Assistant Ranking Minority Member; Chandler; Chopp; Cody; Dolan; Fitzgibbon; Hansen; Hoff; Hudgins; Kilduff; Macri; Pettigrew; Pollet; Ryu; Senn; Steele; Sullivan; Sutherland; Tarleton; Tharinger and Ybarra.

MINORITY recommendation: Do not pass. Signed by Representatives Caldier; Dye; Kraft and Schmick.

MINORITY recommendation: Without recommendation. Signed by Representative Mosbrucker.

February 8, 2020 )

HB 2310 Prime Sponsor, Representative Fitzgibbon: Reducing emissions from vehicles associated with on-demand transportation services. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Environment & Energy. Signed by Representatives Ormsby, Chair; Stokesbary, Ranking Minority Member; Robinson, 1st Vice Chair; Bergquist, 2nd Vice Chair; Chopp; Cody; Dolan; Fitzgibbon; Hansen; Hudgins; Kilduff; Macri; Pettigrew; Pollet; Ryu; Senn; Steele; Sullivan; Tarleton and Tharinger.

MINORITY recommendation: Do not pass. Signed by Representatives MacEwen, Assistant Ranking Minority Member; Rude, Assistant Ranking Minority Member; Caldier; Chandler; Dye; Hoff; Kraft; Mosbrucker; Schmick; Sutherland and Ybarra.

Referred to Committee on Rules for second reading.

February 8, 2020 )

HB 2311 Prime Sponsor, Representative Slatter: Amending state greenhouse gas emission limits for consistency with the most recent assessment of climate change science. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Environment & Energy. Signed by Representatives

Ormsby, Chair; Robinson, 1st Vice Chair; Bergquist, 2nd Vice Chair; Chopp; Cody; Dolan; Fitzgibbon; Hansen; Hudgins; Kilduff; Macri; Pettigrew; Pollet; Ryu; Senn; Sullivan; Tarleton and Tharinger.

MINORITY recommendation: Do not pass. Signed by Representatives Stokesbary, Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Rude, Assistant Ranking Minority Member; Caldier; Chandler; Dye; Hoff; Kraft; Mosbrucker; Schmick; Steele; Sutherland and Ybarra.

Referred to Committee on Rules for second reading.

February 8, 2020 )

HB 2314 Prime Sponsor, Representative Lovick: Concerning drug offender sentencing alternatives for offenders convicted of driving or control of a vehicle while under the influence. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Public Safety. Signed by Representatives Ormsby, Chair; Stokesbary, Ranking Minority Member; Robinson, 1st Vice Chair; Bergquist, 2nd Vice Chair; Chopp; Cody; Dolan; Fitzgibbon; Hansen; Hudgins; Kilduff; Macri; Pettigrew; Pollet; Ryu; Senn; Steele; Sullivan; Sutherland; Tarleton and Tharinger.

MINORITY recommendation: Do not pass. Signed by Representatives MacEwen, Assistant Ranking Minority Member; Rude, Assistant Ranking Minority Member; Caldier; Chandler; Dye; Hoff; Kraft; Mosbrucker; Schmick and Ybarra.

Referred to Committee on Rules for second reading.

February 8, 2020 )

HB 2318 Prime Sponsor, Representative Orwall: Advancing criminal investigatory practices. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill by Committee on Public Safety be substituted therefor and the substitute bill do pass. Signed by Representatives Ormsby, Chair; Stokesbary, Ranking Minority Member; Robinson, 1st Vice Chair; Bergquist, 2nd Vice Chair; MacEwen, Assistant Ranking Minority Member; Rude, Assistant Ranking Minority Member; Caldier; Chandler; Chopp; Cody; Dolan; Dye; Fitzgibbon; Hansen; Hoff; Hudgins; Kilduff; Kraft; Macri; Mosbrucker; Pettigrew; Pollet; Ryu; Schmick; Senn; Steele; Sullivan; Sutherland; Tarleton; Tharinger and Ybarra.

February 8, 2020 )

HB 2327 Prime Sponsor, Representative Pollet: Addressing sexual misconduct at postsecondary educational institutions. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill by Committee on College & Workforce Development be substituted therefor and the substitute bill do pass. Signed by Representatives Ormsby, Chair; Stokesbary, Ranking Minority Member; Robinson, 1st Vice Chair; Bergquist, 2nd Vice Chair; MacEwen, Assistant Ranking Minority Member; Chandler; Chopp; Cody; Dolan; Dye; Fitzgibbon; Hansen; Hudgins; Kilduff; Kraft; Macri; Mosbrucker; Pettigrew; Pollet; Ryu; Senn; Steele; Sullivan; Tarleton; Tharinger and Ybarra.

MINORITY recommendation: Do not pass. Signed by Representatives Rude, Assistant Ranking Minority Member; Caldier; Hoff; Schmick and Sutherland.

February 8, 2020 )

HB 2334 Prime Sponsor, Representative Davis: Concerning drug offender sentencing. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill by Committee on Public Safety be substituted therefor and the substitute bill do pass. Signed by Representatives Ormsby, Chair; Stokesbary, Ranking Minority Member; Robinson, 1st Vice Chair; Bergquist, 2nd Vice Chair; MacEwen, Assistant Ranking Minority Member; Rude, Assistant Ranking Minority Member; Caldier; Chandler; Chopp; Cody; Dolan; Dye; Fitzgibbon; Hansen; Hoff; Hudgins; Kilduff; Macri; Mosbrucker; Pettigrew; Pollet; Ryu; Schmick; Senn; Steele; Sullivan; Sutherland; Tarleton; Tharinger and Ybarra.

MINORITY recommendation: Do not pass. Signed by Representative Kraft.

February 10, 2020 )

HB 2352 Prime Sponsor, Representative Tharinger: Concerning the building for the arts program. Reported by Committee on Capital Budget

MAJORITY recommendation: Do pass. Signed by Representatives Tharinger, Chair; Callan, Vice Chair; Doglio, Vice Chair; DeBolt, Ranking Minority Member; Smith, Assistant Ranking Minority Member; Steele, Assistant Ranking Minority Member; Corry; Davis; Dye; Eslick; Gildon; Harris; Irwin; Jenkin; Leavitt; Lekanoff; Maycumber; Morgan; Pellicciotti; Peterson; Riccelli; Santos; Sells; Stonier and Walsh.

Referred to Committee on Rules for second reading.

February 8, 2020 )

February 10, 2020 )

HB 2382 Prime Sponsor, Representative Leavitt:  
Concerning housing for community and  
technical college faculty and employees.  
Reported by Committee on Capital Budget

MAJORITY recommendation: Do pass. Signed by  
Representatives Tharinger, Chair; Callan, Vice Chair;  
Doglio, Vice Chair; Davis; Leavitt; Lekanoff; Morgan;  
Pellicciotti; Peterson; Riccelli; Santos; Sells and Stonier.

MINORITY recommendation: Do not pass. Signed by  
Representatives DeBolt, Ranking Minority Member;  
Smith, Assistant Ranking Minority Member; Steele,  
Assistant Ranking Minority Member; Corry; Dye;  
Eslick; Gildon; Harris; Irwin; Jenkin; Maycumber and  
Walsh.

Referred to Committee on Rules for second reading.

February 10, 2020 )

HB 2384 Prime Sponsor, Representative Doglio:  
Concerning the property tax exemption for  
nonprofit organizations providing rental  
housing or mobile home park spaces to  
qualifying households. Reported by  
Committee on Finance

MAJORITY recommendation: The substitute bill be  
substituted therefor and the substitute bill do pass.  
Signed by Representatives Tarleton, Chair; Walen, Vice  
Chair; Orcutt, Ranking Minority Member; Young,  
Assistant Ranking Minority Member; Chapman; Frame;  
Macri; Orwall; Springer; Stokesbary; Vick and Wylie.

Referred to Committee on Rules for second reading.

February 8, 2020 )

HB 2393 Prime Sponsor, Representative Goodman:  
Earning credit for complying with  
community custody conditions. Reported  
by Committee on Appropriations

MAJORITY recommendation: The substitute bill by  
Committee on Public Safety be substituted therefor and  
the substitute bill do pass. Signed by Representatives  
Ormsby, Chair; Stokesbary, Ranking Minority Member;  
Robinson, 1st Vice Chair; Bergquist, 2nd Vice Chair;  
MacEwen, Assistant Ranking Minority Member; Rude,  
Assistant Ranking Minority Member; Caldier; Chandler;  
Chopp; Cody; Dolan; Dye; Fitzgibbon; Hansen; Hoff;  
Hudgins; Kilduff; Kraft; Macri; Mosbrucker; Pettigrew;  
Pollet; Ryu; Schmick; Senn; Steele; Sullivan;  
Sutherland; Tarleton; Tharinger and Ybarra.

HB 2394

Prime Sponsor, Representative Klippert:  
Concerning community custody. Reported  
by Committee on Appropriations

MAJORITY recommendation: The substitute bill by  
Committee on Public Safety be substituted therefor and  
the substitute bill do pass. Signed by Representatives  
Ormsby, Chair; Stokesbary, Ranking Minority Member;  
Robinson, 1st Vice Chair; Bergquist, 2nd Vice Chair;  
MacEwen, Assistant Ranking Minority Member; Rude,  
Assistant Ranking Minority Member; Caldier; Chandler;  
Chopp; Cody; Dolan; Dye; Fitzgibbon; Hansen; Hoff;  
Hudgins; Kilduff; Macri; Mosbrucker; Pettigrew; Pollet;  
Ryu; Schmick; Senn; Steele; Sullivan; Sutherland;  
Tarleton; Tharinger and Ybarra.

MINORITY recommendation: Do not pass. Signed by  
Representative Kraft.

February 8, 2020 )

HB 2417

Prime Sponsor, Representative Davis:  
Concerning individuals serving community  
custody terms. Reported by Committee on  
Appropriations

MAJORITY recommendation: The substitute bill by  
Committee on Public Safety be substituted therefor and  
the substitute bill do pass. Signed by Representatives  
Ormsby, Chair; Stokesbary, Ranking Minority Member;  
Robinson, 1st Vice Chair; Bergquist, 2nd Vice Chair;  
MacEwen, Assistant Ranking Minority Member; Rude,  
Assistant Ranking Minority Member; Caldier; Chandler;  
Chopp; Cody; Dolan; Dye; Fitzgibbon; Hansen; Hoff;  
Hudgins; Kilduff; Macri; Mosbrucker; Pettigrew; Pollet;  
Ryu; Schmick; Senn; Steele; Sullivan; Sutherland;  
Tarleton; Tharinger and Ybarra.

MINORITY recommendation: Do not pass. Signed by  
Representative Kraft.

February 8, 2020 )

HB 2421

Prime Sponsor, Representative Tarleton:  
Concerning state reimbursement of  
election costs. Reported by Committee on  
Appropriations

MAJORITY recommendation: The substitute bill be  
substituted therefor and the substitute bill do pass.  
Signed by Representatives Ormsby, Chair; Stokesbary,  
Ranking Minority Member; Robinson, 1st Vice Chair;  
Bergquist, 2nd Vice Chair; MacEwen, Assistant  
Ranking Minority Member; Rude, Assistant Ranking  
Minority Member; Caldier; Chandler; Chopp; Cody;

Dolan; Dye; Fitzgibbon; Hansen; Hoff; Hudgins; Kilduff; Kraft; Macri; Mosbrucker; Pettigrew; Pollet; Ryu; Schmick; Senn; Steele; Sullivan; Sutherland; Tarleton; Tharinger and Ybarra.

February 10, 2020 )

HB 2424 Prime Sponsor, Representative Fitzgibbon: Concerning the heating oil insurance program. Reported by Committee on Capital Budget

MAJORITY recommendation: The substitute bill by Committee on Environment & Energy be substituted therefor and the substitute bill do pass. Signed by Representatives Tharinger, Chair; Callan, Vice Chair; Doglio, Vice Chair; DeBolt, Ranking Minority Member; Smith, Assistant Ranking Minority Member; Steele, Assistant Ranking Minority Member; Corry; Davis; Dye; Eslick; Gildon; Harris; Irwin; Jenkin; Leavitt; Lekanoff; Maycumber; Morgan; Pellicciotti; Peterson; Riccelli; Santos; Sells; Stonier and Walsh.

Referred to Committee on Rules for second reading.

February 8, 2020 )

HB 2456 Prime Sponsor, Representative Callan: Concerning working connections child care eligibility. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Ormsby, Chair; Stokesbary, Ranking Minority Member; Robinson, 1st Vice Chair; Bergquist, 2nd Vice Chair; Chandler; Chopp; Cody; Dolan; Fitzgibbon; Hansen; Hudgins; Kilduff; Macri; Pettigrew; Pollet; Ryu; Senn; Sullivan; Tarleton and Tharinger.

MINORITY recommendation: Do not pass. Signed by Representatives MacEwen, Assistant Ranking Minority Member; Rude, Assistant Ranking Minority Member; Caldier; Dye; Hoff; Kraft; Mosbrucker; Schmick; Steele; Sutherland and Ybarra.

Referred to Committee on Rules for second reading.

February 8, 2020 )

HB 2467 Prime Sponsor, Representative Hansen: Establishing a centralized single point of contact background check system for firearms transfers. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee

on Civil Rights & Judiciary. Signed by Representatives Ormsby, Chair; Stokesbary, Ranking Minority Member; Robinson, 1st Vice Chair; Bergquist, 2nd Vice Chair; MacEwen, Assistant Ranking Minority Member; Rude, Assistant Ranking Minority Member; Chandler; Chopp; Cody; Dolan; Dye; Fitzgibbon; Hansen; Hoff; Hudgins; Kilduff; Macri; Pettigrew; Pollet; Ryu; Schmick; Senn; Steele; Sullivan; Tarleton and Tharinger.

MINORITY recommendation: Do not pass. Signed by Representatives Caldier; Kraft; Sutherland and Ybarra.

MINORITY recommendation: Without recommendation. Signed by Representative Mosbrucker.

February 8, 2020 )

HB 2471 Prime Sponsor, Representative Callan: Concerning working connections child care payment authorizations. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill by Committee on Human Services & Early Learning be substituted therefor and the substitute bill do pass. Signed by Representatives Ormsby, Chair; Stokesbary, Ranking Minority Member; Robinson, 1st Vice Chair; Bergquist, 2nd Vice Chair; MacEwen, Assistant Ranking Minority Member; Rude, Assistant Ranking Minority Member; Caldier; Chandler; Chopp; Cody; Dolan; Dye; Fitzgibbon; Hansen; Hoff; Hudgins; Kilduff; Kraft; Macri; Mosbrucker; Pettigrew; Pollet; Ryu; Schmick; Senn; Steele; Sullivan; Sutherland; Tarleton; Tharinger and Ybarra.

Referred to Committee on Rules for second reading.

February 10, 2020 )

HB 2494 Prime Sponsor, Representative Stonier: Concerning sales and use tax for public facilities in rural or border counties. Reported by Committee on Finance

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Tarleton, Chair; Walen, Vice Chair; Orcutt, Ranking Minority Member; Young, Assistant Ranking Minority Member; Chapman; Macri; Orwall; Springer; Stokesbary; Vick and Wylie.

MINORITY recommendation: Without recommendation. Signed by Representative Frame.

Referred to Committee on Rules for second reading.

February 10, 2020 )

HB 2497 Prime Sponsor, Representative Ormsby: Adding development of permanently affordable housing to the allowable uses of community revitalization financing, the local infrastructure financing tool, and local revitalization financing. Reported by Committee on Finance

MAJORITY recommendation: Do pass. Signed by Representatives Tarleton, Chair; Walen, Vice Chair; Chapman; Frame; Macri; Orwall; Springer and Wylie.

MINORITY recommendation: Do not pass. Signed by Representatives Orcutt, Ranking Minority Member; Young, Assistant Ranking Minority Member; Stokesbary and Vick.

Referred to Committee on Rules for second reading.

February 10, 2020 )

HB 2521 Prime Sponsor, Representative Thai: Adding individual tax identification number filers to the working families tax credit. Reported by Committee on Finance

MAJORITY recommendation: Do pass. Signed by Representatives Tarleton, Chair; Walen, Vice Chair; Chapman; Frame; Macri; Orwall; Springer; Stokesbary and Wylie.

MINORITY recommendation: Do not pass. Signed by Representatives Orcutt, Ranking Minority Member; Young, Assistant Ranking Minority Member and Vick.

Referred to Committee on Rules for second reading.

February 8, 2020 )

HB 2524 Prime Sponsor, Representative Chandler: Expanding the scope of agricultural products subject to requirements in chapter 15.83 RCW related to negotiation concerning production or marketing. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Ormsby, Chair; Stokesbary, Ranking Minority Member; Robinson, 1st Vice Chair; Bergquist, 2nd Vice Chair; MacEwen, Assistant Ranking Minority Member; Rude, Assistant Ranking Minority Member; Caldier; Chandler; Chopp; Cody; Dolan; Dye; Fitzgibbon; Hansen; Hoff; Hudgins; Kilduff; Kraft; Macri; Mosbrucker; Pettigrew; Pollet; Ryu; Schmick; Senn; Steele; Sullivan; Sutherland; Tarleton; Tharinger and Ybarra.

Referred to Committee on Rules for second reading.

February 8, 2020 )

HB 2525 Prime Sponsor, Representative Callan: Establishing the family connections program. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill by Committee on Human Services & Early Learning be substituted therefor and the substitute bill do pass. Signed by Representatives Ormsby, Chair; Stokesbary, Ranking Minority Member; Robinson, 1st Vice Chair; Bergquist, 2nd Vice Chair; MacEwen, Assistant Ranking Minority Member; Rude, Assistant Ranking Minority Member; Caldier; Chandler; Chopp; Cody; Dolan; Dye; Fitzgibbon; Hansen; Hoff; Hudgins; Kilduff; Kraft; Macri; Mosbrucker; Pettigrew; Pollet; Ryu; Schmick; Senn; Steele; Sullivan; Sutherland; Tarleton; Tharinger and Ybarra.

Referred to Committee on Rules for second reading.

February 8, 2020 )

HB 2572 Prime Sponsor, Representative Robinson: Concerning implementation of the recommendations of the December 2019 report from the William D. Ruckelshaus center regarding residential habilitation center clients. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill by Committee on Human Services & Early Learning be substituted therefor and the substitute bill do pass. Signed by Representatives Ormsby, Chair; Stokesbary, Ranking Minority Member; Robinson, 1st Vice Chair; Bergquist, 2nd Vice Chair; MacEwen, Assistant Ranking Minority Member; Rude, Assistant Ranking Minority Member; Caldier; Chandler; Chopp; Cody; Dolan; Dye; Fitzgibbon; Hansen; Hoff; Hudgins; Kilduff; Kraft; Macri; Mosbrucker; Pettigrew; Pollet; Ryu; Schmick; Senn; Steele; Sullivan; Sutherland; Tarleton; Tharinger and Ybarra.

Referred to Committee on Rules for second reading.

February 8, 2020 )

HB 2596 Prime Sponsor, Representative Boehnke: Fostering economic growth in Washington by supporting emerging businesses in the new space economy. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Ormsby, Chair; Stokesbary, Ranking Minority Member; Robinson, 1st Vice Chair; Bergquist, 2nd Vice Chair; MacEwen, Assistant Ranking Minority Member; Rude, Assistant Ranking Minority Member; Caldier; Chandler; Chopp; Cody; Dolan; Dye; Fitzgibbon; Hansen; Hoff; Hudgins; Kilduff; Kraft; Macri; Mosbrucker; Pettigrew; Pollet; Ryu; Schmick;

Senn; Steele; Sullivan; Sutherland; Tarleton; Tharinger and Ybarra.

Referred to Committee on Rules for second reading.

February 10, 2020 )

HB 2601 Prime Sponsor, Representative Tharinger:  
Concerning the authority of the parks and  
recreation commission to approve leases.  
Reported by Committee on Capital Budget

MAJORITY recommendation: Do pass. Signed by  
Representatives Tharinger, Chair; Callan, Vice Chair;  
Doglio, Vice Chair; DeBolt, Ranking Minority Member;  
Corry; Davis; Dye; Eslick; Gildon; Harris; Irwin;  
Jenkin; Lekanoff; Maycumber; Morgan; Pellicciotti;  
Peterson; Riccelli; Santos; Sells and Stonier.

MINORITY recommendation: Without  
recommendation. Signed by Representatives Smith,  
Assistant Ranking Minority Member; Steele, Assistant  
Ranking Minority Member and Walsh.

Referred to Committee on Rules for second reading.

February 10, 2020 )

HB 2620 Prime Sponsor, Representative Walen:  
Expanding the property tax exemption for  
new and rehabilitated multiple-unit  
dwellings in urban growth areas. Reported  
by Committee on Finance

MAJORITY recommendation: The substitute bill be  
substituted therefor and the substitute bill do pass.  
Signed by Representatives Tarleton, Chair; Walen, Vice  
Chair; Orcutt, Ranking Minority Member; Young,  
Assistant Ranking Minority Member; Chapman; Frame;  
Macri; Orwall; Springer; Stokesbary; Vick and Wylie.

Referred to Committee on Rules for second reading.

February 7, 2020 )

HB 2625 Prime Sponsor, Representative Eslick:  
Concerning local parks funding options.  
Reported by Committee on Finance

MAJORITY recommendation: The substitute bill be  
substituted therefor and the substitute bill do pass.  
Signed by Representatives Tarleton, Chair; Walen, Vice  
Chair; Chapman; Frame; Macri; Orwall; Springer;  
Stokesbary; Vick and Wylie.

MINORITY recommendation: Do not pass. Signed by  
Representative Orcutt, Ranking Minority Member.

MINORITY recommendation: Without  
recommendation. Signed by Representative Young,  
Assistant Ranking Minority Member.

Referred to Committee on Rules for second reading.

February 10, 2020 )

HB 2634 Prime Sponsor, Representative Walen:  
Exempting a sale or transfer of real  
property for affordable housing to a  
nonprofit entity, housing authority, or  
public corporation from the real estate  
excise tax. Reported by Committee on  
Finance

MAJORITY recommendation: The substitute bill be  
substituted therefor and the substitute bill do pass.  
Signed by Representatives Tarleton, Chair; Walen, Vice  
Chair; Orcutt, Ranking Minority Member; Young,  
Assistant Ranking Minority Member; Chapman; Macri;  
Orwall; Springer; Stokesbary; Vick and Wylie.

MINORITY recommendation: Without  
recommendation. Signed by Representative Frame.

Referred to Committee on Rules for second reading.

February 7, 2020 )

HB 2749 Prime Sponsor, Representative Orwall:  
Authorizing an extension of time for  
certain cities to decline to partner with the  
department of revenue for the issuance or  
renewal of general business licenses.  
Reported by Committee on Finance

MAJORITY recommendation: Do pass. Signed by  
Representatives Tarleton, Chair; Walen, Vice Chair;  
Orcutt, Ranking Minority Member; Young, Assistant  
Ranking Minority Member; Chapman; Frame; Macri;  
Orwall; Springer; Stokesbary; Vick and Wylie.

Referred to Committee on Rules for second reading.

February 7, 2020 )

HB 2778 Prime Sponsor, Representative Sullivan:  
Concerning community redevelopment  
financing in apportionment districts.  
Reported by Committee on Finance

MAJORITY recommendation: Do pass. Signed by  
Representatives Tarleton, Chair; Walen, Vice Chair;  
Chapman; Frame; Macri; Orwall; Springer; Stokesbary  
and Wylie.

MINORITY recommendation: Do not pass. Signed by  
Representatives Orcutt, Ranking Minority Member;  
Young, Assistant Ranking Minority Member and Vick.

Referred to Committee on Rules for second reading.

February 7, 2020 )

HB 2797 Prime Sponsor, Representative Robinson:  
Concerning the sales and use tax for  
affordable and supportive housing.  
Reported by Committee on Finance

MAJORITY recommendation: Do pass. Signed by  
Representatives Tarleton, Chair; Walen, Vice Chair;  
Chapman; Frame; Macri; Orwall; Springer; Stokesbary  
and Wylie.

MINORITY recommendation: Do not pass. Signed by  
Representatives Orcutt, Ranking Minority Member;  
Young, Assistant Ranking Minority Member and Vick.

Referred to Committee on Rules for second reading.

February 10, 2020 )

HB 2804 Prime Sponsor, Representative Duerr:  
Addressing local government  
infrastructure. Reported by Committee on  
Finance

MAJORITY recommendation: The substitute bill by  
Committee on Local Government be substituted therefor  
and the substitute bill do pass. Signed by  
Representatives Tarleton, Chair; Walen, Vice Chair;  
Orcutt, Ranking Minority Member; Young, Assistant  
Ranking Minority Member; Chapman; Frame; Macri;  
Orwall; Springer; Stokesbary; Vick and Wylie.

Referred to Committee on Rules for second reading.

February 10, 2020 )

HB 2825 Prime Sponsor, Representative Goehner:  
Promoting oil-free hydroelectric turbine  
technology. Reported by Committee on  
Finance

MAJORITY recommendation: The substitute bill be  
substituted therefor and the substitute bill do pass.  
Signed by Representatives Tarleton, Chair; Walen, Vice  
Chair; Orcutt, Ranking Minority Member; Young,  
Assistant Ranking Minority Member; Chapman; Macri;  
Orwall; Springer; Stokesbary; Vick and Wylie.

MINORITY recommendation: Without  
recommendation. Signed by Representative Frame.

Referred to Committee on Rules for second reading.

February 7, 2020 )

HB 2840 Prime Sponsor, Representative Springer:  
Providing additional funding for the  
business licensing service program  
administered by the department of revenue.  
Reported by Committee on Finance

MAJORITY recommendation: The substitute bill be  
substituted therefor and the substitute bill do pass.

Signed by Representatives Tarleton, Chair; Walen, Vice  
Chair; Orcutt, Ranking Minority Member; Chapman;  
Frame; Macri; Orwall; Springer; Vick and Wylie.

MINORITY recommendation: Do not pass. Signed by  
Representatives Young, Assistant Ranking Minority  
Member and Stokesbary.

Referred to Committee on Rules for second reading.

February 7, 2020 )

HB 2848 Prime Sponsor, Representative Chapman:  
Changing the expiration date for the sales  
and use tax exemption of hog fuel to  
coincide with the 2045 deadline for fossil  
fuel-free electrical generation in  
Washington state and to protect jobs with  
health care and retirement benefits in  
economically distressed communities.  
Reported by Committee on Finance

MAJORITY recommendation: Do pass. Signed by  
Representatives Tarleton, Chair; Walen, Vice Chair;  
Orcutt, Ranking Minority Member; Young, Assistant  
Ranking Minority Member; Chapman; Frame; Macri;  
Orwall; Springer; Stokesbary; Vick and Wylie.

Referred to Committee on Rules for second reading.

February 10, 2020 )

HB 2849 Prime Sponsor, Representative Tharinger:  
Concerning housing programs  
administered by the department of  
commerce. Reported by Committee on  
Capital Budget

MAJORITY recommendation: The substitute bill be  
substituted therefor and the substitute bill do pass.  
Signed by Representatives Tharinger, Chair; Callan,  
Vice Chair; Doglio, Vice Chair; Davis; Leavitt;  
Lekanoff; Morgan; Pellicciotti; Peterson; Riccelli;  
Santos; Sells and Stonier.

MINORITY recommendation: Without  
recommendation. Signed by Representatives DeBolt,  
Ranking Minority Member Steele, Assistant Ranking  
Minority Member.

MINORITY recommendation: Do not pass. Signed by  
Representatives Smith, Assistant Ranking Minority  
Member; Corry; Dye; Eslick; Gildon; Harris; Irwin;  
Jenkin; Maycumber and Walsh.

Referred to Committee on Rules for second reading.

February 7, 2020 )

HB 2858 Prime Sponsor, Representative Orcutt:  
Concerning requirements for the filing of

assessment rolls. Reported by Committee on Finance

February 10, 2020 )

MAJORITY recommendation: Do pass. Signed by Representatives Tarleton, Chair; Walen, Vice Chair; Orcutt, Ranking Minority Member; Young, Assistant Ranking Minority Member; Chapman; Frame; Macri; Orwall; Springer; Stokesbary; Vick and Wylie.

Referred to Committee on Rules for second reading.

February 7, 2020 )

HB 2867 Prime Sponsor, Representative Blake: Concerning the calculation of interest associated with annual tax reporting periods without making any changes to the interest rate. Reported by Committee on Finance

MAJORITY recommendation: Do pass. Signed by Representatives Tarleton, Chair; Walen, Vice Chair; Orcutt, Ranking Minority Member; Young, Assistant Ranking Minority Member; Chapman; Frame; Macri; Orwall; Springer; Stokesbary; Vick and Wylie.

Referred to Committee on Rules for second reading.

February 10, 2020 )

HB 2868 Prime Sponsor, Representative Blake: Allowing for extensions of the special valuation of historic property for certain properties. Reported by Committee on Finance

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Tarleton, Chair; Walen, Vice Chair; Orcutt, Ranking Minority Member; Young, Assistant Ranking Minority Member; Chapman; Frame; Macri; Orwall; Springer; Stokesbary; Vick and Wylie.

Referred to Committee on Rules for second reading.

February 10, 2020 )

HB 2880 Prime Sponsor, Representative Dent: Concerning sales and use tax exemptions for aircraft fuel used for research and development purposes. Reported by Committee on Finance

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Tarleton, Chair; Walen, Vice Chair; Orcutt, Ranking Minority Member; Young, Assistant Ranking Minority Member; Chapman; Frame; Macri; Orwall; Springer; Stokesbary; Vick and Wylie.

Referred to Committee on Rules for second reading.

HB 2894 Prime Sponsor, Representative Blake: Concerning the taxation of concrete pumping services. Reported by Committee on Finance

MAJORITY recommendation: Do pass. Signed by Representatives Tarleton, Chair; Walen, Vice Chair; Orcutt, Ranking Minority Member; Young, Assistant Ranking Minority Member; Chapman; Frame; Macri; Orwall; Springer; Stokesbary; Vick and Wylie.

Referred to Committee on Rules for second reading.

February 7, 2020 )

HB 2903 Prime Sponsor, Representative Chapman: Providing that qualified dealer cash incentives paid to auto dealers are bona fide discounts for purposes of the business and occupation tax. Reported by Committee on Finance

MAJORITY recommendation: Do pass. Signed by Representatives Tarleton, Chair; Walen, Vice Chair; Orcutt, Ranking Minority Member; Young, Assistant Ranking Minority Member; Chapman; Frame; Macri; Orwall; Springer; Stokesbary; Vick and Wylie.

Referred to Committee on Rules for second reading.

February 8, 2020 )

HB 2905 Prime Sponsor, Representative Johnson, J.: Increasing outreach and engagement with access to baby and child dentistry programs. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Ormsby, Chair; Stokesbary, Ranking Minority Member; Robinson, 1st Vice Chair; Bergquist, 2nd Vice Chair; MacEwen, Assistant Ranking Minority Member; Rude, Assistant Ranking Minority Member; Caldier; Chandler; Chopp; Cody; Dolan; Dye; Fitzgibbon; Hansen; Hoff; Hudgins; Kilduff; Kraft; Macri; Mosbrucker; Pettigrew; Pollet; Ryu; Schmick; Senn; Steele; Sullivan; Sutherland; Tarleton; Tharinger and Ybarra.

Referred to Committee on Rules for second reading.

February 7, 2020 )

HB 2907 Prime Sponsor, Representative Macri: Authorizing counties with populations over two million to impose an excise tax on business. Reported by Committee on Finance



MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Tarleton, Chair; Walen, Vice Chair; Chapman; Frame; Macri; Orwall; Springer and Wylie.

MINORITY recommendation: Do not pass. Signed by Representatives Orcutt, Ranking Minority Member; Young, Assistant Ranking Minority Member; Stokesbary and Vick.

Referred to Committee on Rules for second reading.

February 7, 2020 )

**HB 2919** Prime Sponsor, Representative Chopp: Adjusting the amount and use of county fees on the real estate excise tax. Reported by Committee on Finance

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Tarleton, Chair; Walen, Vice Chair; Orcutt, Ranking Minority Member; Young, Assistant Ranking Minority Member; Chapman; Frame; Macri; Orwall; Springer; Stokesbary; Vick and Wylie.

Referred to Committee on Rules for second reading.

February 8, 2020 )

**HB 2926** Prime Sponsor, Representative Maycumber: Expanding access to critical incident stress management programs. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Ormsby, Chair; Stokesbary, Ranking Minority Member; Robinson, 1st Vice Chair; Bergquist, 2nd Vice Chair; MacEwen, Assistant Ranking Minority Member; Rude, Assistant Ranking Minority Member; Caldier; Chandler; Chopp; Cody; Dolan; Dye; Fitzgibbon; Hansen; Hoff; Hudgins; Kilduff; Kraft; Macri; Mosbrucker; Pettigrew; Pollet; Ryu; Schmick; Senn; Steele; Sullivan; Sutherland; Tarleton; Tharinger and Ybarra.

Referred to Committee on Rules for second reading.

February 7, 2020 )

**HJR 4212** Prime Sponsor, Representative Sullivan: Providing for community redevelopment financing in apportionment districts. Reported by Committee on Finance

MAJORITY recommendation: Do pass. Signed by Representatives Tarleton, Chair; Walen, Vice Chair; Chapman; Frame; Macri; Orwall; Springer; Stokesbary and Wylie.

MINORITY recommendation: Do not pass. Signed by Representatives Orcutt, Ranking Minority Member; Young, Assistant Ranking Minority Member and Vick.

Referred to Committee on Rules for second reading.

## **SUPPLEMENTAL REPORTS OF STANDING COMMITTEES**

February 11, 2020 )

**HB 1018** Prime Sponsor, Representative Caldier: Concerning fair dental insurance practices. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Health Care & Wellness. Signed by Representatives Ormsby, Chair; Stokesbary, Ranking Minority Member; Robinson, 1st Vice Chair; Bergquist, 2nd Vice Chair; Rude, Assistant Ranking Minority Member; Caldier; Chandler; Chopp; Cody; Corry; Dolan; Dye; Fitzgibbon; Hansen; Hoff; Hudgins; Kilduff; Kraft; Macri; Mosbrucker; Pettigrew; Pollet; Ryu; Schmick; Senn; Springer; Steele; Sullivan; Sutherland; Tarleton; Tharinger and Ybarra.

Referred to Committee on Rules for second reading.

February 11, 2020 )

**HB 1084** Prime Sponsor, Representative Stokesbary: Concerning unfair practices involving compensation of athletes in higher education. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Education. Signed by Representatives Ormsby, Chair; Stokesbary, Ranking Minority Member; Robinson, 1st Vice Chair; Bergquist, 2nd Vice Chair; Rude, Assistant Ranking Minority Member; Caldier; Chandler; Chopp; Cody; Corry; Dolan; Dye; Fitzgibbon; Hansen; Hoff; Hudgins; Kilduff; Kraft; Macri; Mosbrucker; Pettigrew; Pollet; Ryu; Senn; Steele; Sutherland; Tharinger and Ybarra.

MINORITY recommendation: Do not pass. Signed by Representatives Schmick; Springer and Sullivan.

MINORITY recommendation: Without recommendation. Signed by Representative Tarleton.

Referred to Committee on Rules for second reading.

February 11, 2020 )

HB 1182 Prime Sponsor, Representative Santos:  
Modifying the learning assistance program.  
Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Ormsby, Chair; Stokesbary, Ranking Minority Member; Robinson, 1st Vice Chair; Bergquist, 2nd Vice Chair; Rude, Assistant Ranking Minority Member; Caldier; Chandler; Chopp; Cody; Corry; Dolan; Dye; Fitzgibbon; Hansen; Hoff; Hudgins; Kilduff; Kraft; Macri; Mosbrucker; Pettigrew; Pollet; Ryu; Schmick; Senn; Springer; Steele; Sullivan; Sutherland; Tarleton; Tharinger and Ybarra.

Referred to Committee on Rules for second reading.

February 11, 2020 )

ESHB 1504 Prime Sponsor, Committee on Public  
Safety: Concerning impaired driving.  
Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives Fey, Chair; Slatter, 2nd Vice Chair; Valdez, 2nd Vice Chair; Wylie, 1st Vice Chair; Barkis, Ranking Minority Member; Walsh, Assistant Ranking Minority Member; Young, Assistant Ranking Minority Member; Boehnke; Chambers; Chapman; Doglio; Duerr; Dufault; Entenman; Eslick; Goehner; Gregerson; Irwin; Kloba; Lovick; McCaslin; Mead; Orcutt; Ortiz-Self; Paul; Ramos; Riccelli; Shewmake; Van Werven and Volz.

Referred to Committee on Rules for second reading.

February 11, 2020 )

HB 1645 Prime Sponsor, Representative Ortiz-Self:  
Concerning certificates of parental  
improvement. Reported by Committee on  
Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Ormsby, Chair; Stokesbary, Ranking Minority Member; Robinson, 1st Vice Chair; Bergquist, 2nd Vice Chair; Rude, Assistant Ranking Minority Member; Caldier; Chopp; Cody; Corry; Dolan; Fitzgibbon; Hansen; Hoff; Hudgins; Kilduff; Macri; Mosbrucker; Pettigrew; Pollet; Ryu; Senn; Springer; Steele; Sullivan; Sutherland; Tarleton; Tharinger and Ybarra.

MINORITY recommendation: Do not pass. Signed by Representatives Chandler; Dye; Kraft and Schmick.

Referred to Committee on Rules for second reading.

February 10, 2020 )

HB 1659 Prime Sponsor, Representative Corry:  
Modifying dates related to the application  
due date for health sciences and services

authorities and their sales and use tax  
authority. Reported by Committee on  
Finance

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Local Government. Signed by Representatives Tarleton, Chair; Walen, Vice Chair; Orcutt, Ranking Minority Member; Young, Assistant Ranking Minority Member; Chapman; Frame; Macri; Orwall; Springer; Stokesbary; Vick and Wylie.

Referred to Committee on Rules for second reading.

February 10, 2020 )

HB 1738 Prime Sponsor, Representative Kraft:  
Relieving burdens on small businesses by  
updating the tax return filing thresholds to  
reflect inflation. Reported by Committee  
on Appropriations

MAJORITY recommendation: The second substitute bill by Committee on Finance be substituted therefor and the second substitute bill do pass. Signed by Representatives Ormsby, Chair; Stokesbary, Ranking Minority Member; Robinson, 1st Vice Chair; Bergquist, 2nd Vice Chair; Rude, Assistant Ranking Minority Member; Caldier; Chandler; Chopp; Cody; Corry; Dolan; Dye; Fitzgibbon; Hansen; Hoff; Hudgins; Kilduff; Kraft; Macri; Mosbrucker; Pettigrew; Pollet; Ryu; Schmick; Senn; Springer; Steele; Sullivan; Sutherland; Tarleton; Tharinger and Ybarra.

Referred to Committee on Rules for second reading.

February 10, 2020 )

HB 1775 Prime Sponsor, Representative Orwall:  
Concerning commercially sexually  
exploited children. Reported by  
Committee on Appropriations

MAJORITY recommendation: The third substitute bill be substituted therefor and the third substitute bill do pass. Signed by Representatives Ormsby, Chair; Stokesbary, Ranking Minority Member; Robinson, 1st Vice Chair; Bergquist, 2nd Vice Chair; Rude, Assistant Ranking Minority Member; Caldier; Chandler; Chopp; Cody; Corry; Dolan; Dye; Fitzgibbon; Hansen; Hoff; Hudgins; Kilduff; Kraft; Macri; Mosbrucker; Pettigrew; Pollet; Ryu; Schmick; Senn; Springer; Steele; Sullivan; Sutherland; Tarleton; Tharinger and Ybarra.

Referred to Committee on Rules for second reading.

February 11, 2020 )

HB 1860 Prime Sponsor, Representative Pollet:  
Addressing lead in drinking water in

schools. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Education. Signed by Representatives Ormsby, Chair; Stokesbary, Ranking Minority Member; Robinson, 1st Vice Chair; Bergquist, 2nd Vice Chair; Rude, Assistant Ranking Minority Member; Caldier; Chandler; Chopp; Cody; Corry; Dolan; Dye; Fitzgibbon; Hansen; Hoff; Hudgins; Kilduff; Kraft; Macri; Mosbrucker; Pettigrew; Pollet; Ryu; Schmick; Senn; Springer; Steele; Sullivan; Sutherland; Tarleton; Tharinger and Ybarra.

Referred to Committee on Rules for second reading.

February 11, 2020 )

HB 1888 Prime Sponsor, Representative Hudgins: Protecting employee information from public disclosure. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Ormsby, Chair; Robinson, 1st Vice Chair; Bergquist, 2nd Vice Chair; Rude, Assistant Ranking Minority Member; Caldier; Chopp; Cody; Dolan; Fitzgibbon; Hansen; Hoff; Hudgins; Kilduff; Macri; Pettigrew; Pollet; Ryu; Senn; Springer; Steele; Sullivan; Tarleton; Tharinger and Ybarra.

MINORITY recommendation: Do not pass. Signed by Representatives Stokesbary, Ranking Minority Member; Chandler; Corry; Kraft; Mosbrucker; Schmick and Sutherland.

MINORITY recommendation: Without recommendation. Signed by Representative Dye.

Referred to Committee on Rules for second reading.

February 11, 2020 )

HB 1974 Prime Sponsor, Representative Shewmake: Establishing the Washington cannabis commission. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Ormsby, Chair; Robinson, 1st Vice Chair; Chopp; Cody; Dolan; Fitzgibbon; Hansen; Hudgins; Kilduff; Macri; Pettigrew; Pollet; Ryu; Senn; Springer; Sullivan; Tarleton and Ybarra.

MINORITY recommendation: Do not pass. Signed by Representatives Stokesbary, Ranking Minority Member; Rude, Assistant Ranking Minority Member; Caldier; Chandler; Corry; Dye; Hoff; Kraft; Mosbrucker; Schmick; Steele; Sutherland and Tharinger.

MINORITY recommendation: Without recommendation. Signed by Representative Bergquist, 2nd Vice Chair.

Referred to Committee on Rules for second reading.

February 10, 2020 )

HB 2036 Prime Sponsor, Representative Macri: Concerning health system transparency. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill by Committee on Health Care & Wellness be substituted therefor and the substitute bill do pass. Signed by Representatives Ormsby, Chair; Robinson, 1st Vice Chair; Bergquist, 2nd Vice Chair; Chopp; Cody; Dolan; Fitzgibbon; Hansen; Hudgins; Kilduff; Macri; Pettigrew; Pollet; Ryu; Senn; Springer; Sullivan; Tarleton and Tharinger.

MINORITY recommendation: Do not pass. Signed by Representatives Stokesbary, Ranking Minority Member; Rude, Assistant Ranking Minority Member; Caldier; Chandler; Corry; Dye; Hoff; Kraft; Mosbrucker; Steele; Sutherland and Ybarra.

MINORITY recommendation: Without recommendation. Signed by Representative Schmick.

Referred to Committee on Rules for second reading.

February 11, 2020 )

EHB 2066 Prime Sponsor, Representative Davis: Addressing restrictions on driver's licenses associated with certain criminal offenses. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives Fey, Chair; Slatter, 2nd Vice Chair; Valdez, 2nd Vice Chair; Wylie, 1st Vice Chair; Barkis, Ranking Minority Member; Walsh, Assistant Ranking Minority Member; Young, Assistant Ranking Minority Member; Boehnke; Chambers; Chapman; Doglio; Duerr; Dufault; Entenman; Eslick; Goehner; Gregerson; Irwin; Kloba; Lovick; McCaslin; Mead; Orcutt; Ortiz-Self; Paul; Ramos; Riccelli; Shewmake; Van Werven and Volz.

Referred to Committee on Rules for second reading.

February 10, 2020 )

HB 2166 Prime Sponsor, Representative Orcutt: Creating special license plates that support working forests. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives Fey, Chair; Slatter, 2nd Vice Chair; Valdez, 2nd Vice Chair; Wylie, 1st Vice Chair; Barkis,

Ranking Minority Member; Walsh, Assistant Ranking Minority Member; Young, Assistant Ranking Minority Member; Boehnke; Chambers; Chapman; Dent; Doglio; Duerr; Entenman; Eslick; Goehner; Gregerson; Irwin; Kloba; Lovick; McCaslin; Mead; Orcutt; Ortiz-Self; Paul; Ramos; Riccelli; Shewmake; Van Werven and Volz.

Referred to Committee on Rules for second reading.

February 11, 2020 )

HB 2171 Prime Sponsor, Representative Santos: Concerning vested vacation or paid time off upon an employee's termination. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Ormsby, Chair; Robinson, 1st Vice Chair; Bergquist, 2nd Vice Chair; Chopp; Cody; Dolan; Fitzgibbon; Hansen; Hudgins; Kilduff; Macri; Pettigrew; Pollet; Ryu; Senn; Springer; Sullivan; Tarleton and Tharinger.

MINORITY recommendation: Without recommendation. Signed by Representative Mosbrucker.

MINORITY recommendation: Do not pass. Signed by Representatives Stokesbary, Ranking Minority Member; Rude, Assistant Ranking Minority Member; Caldier; Chandler; Corry; Dye; Hoff; Kraft; Schmick; Steele; Sutherland and Ybarra.

Referred to Committee on Rules for second reading.

February 11, 2020 )

HB 2186 Prime Sponsor, Representative Kilduff: Concerning debris escaping from vehicles on public highways. Reported by Committee on Transportation

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Fey, Chair; Slatter, 2nd Vice Chair; Valdez, 2nd Vice Chair; Wylie, 1st Vice Chair; Doglio; Duerr; Entenman; Gregerson; Kloba; Lovick; Mead; Ortiz-Self; Paul; Ramos; Riccelli and Shewmake.

MINORITY recommendation: Do not pass. Signed by Representatives Barkis, Ranking Minority Member; Walsh, Assistant Ranking Minority Member; Young, Assistant Ranking Minority Member; Boehnke; Chambers; Chapman; Dufault; Eslick; Goehner; Irwin; McCaslin; Orcutt; Van Werven and Volz.

Referred to Committee on Rules for second reading.

February 10, 2020 )

HB 2187

Prime Sponsor, Representative Kilduff: Creating Washington state women veterans special license plates. Reported by Committee on Transportation

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Fey, Chair; Slatter, 2nd Vice Chair; Valdez, 2nd Vice Chair; Wylie, 1st Vice Chair; Barkis, Ranking Minority Member; Walsh, Assistant Ranking Minority Member; Young, Assistant Ranking Minority Member; Boehnke; Chambers; Chapman; Dent; Doglio; Duerr; Entenman; Eslick; Goehner; Gregerson; Irwin; Kloba; Lovick; McCaslin; Mead; Orcutt; Ortiz-Self; Paul; Ramos; Riccelli; Shewmake; Van Werven and Volz.

Referred to Committee on Rules for second reading.

February 11, 2020 )

HB 2228

Prime Sponsor, Representative Springer: Permitting early deployment of state fire service resources. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Ormsby, Chair; Stokesbary, Ranking Minority Member; Robinson, 1st Vice Chair; Bergquist, 2nd Vice Chair; Caldier; Chopp; Cody; Dolan; Fitzgibbon; Hansen; Hudgins; Kilduff; Kraft; Macri; Pettigrew; Pollet; Ryu; Senn; Springer; Steele; Sullivan; Tarleton; Tharinger and Ybarra.

MINORITY recommendation: Do not pass. Signed by Representatives Rude, Assistant Ranking Minority Member; Chandler; Corry; Dye; Hoff; Schmick and Sutherland.

MINORITY recommendation: Without recommendation. Signed by Representative Mosbrucker.

Referred to Committee on Rules for second reading.

February 11, 2020 )

HB 2244

Prime Sponsor, Representative Orcutt: Addressing the authorization of wheeled all-terrain vehicles on state highways. Reported by Committee on Transportation

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Fey, Chair; Slatter, 2nd Vice Chair; Valdez, 2nd Vice Chair; Wylie, 1st Vice Chair; Barkis, Ranking Minority Member; Walsh, Assistant Ranking Minority Member; Young, Assistant Ranking Minority Member; Boehnke; Chambers; Chapman; Doglio; Duerr; Dufault; Entenman; Eslick; Goehner; Gregerson; Irwin; Kloba; Lovick; McCaslin; Mead;

Orcutt; Ortiz-Self; Paul; Ramos; Riccelli; Shewmake; Van Werven and Volz.

Referred to Committee on Rules for second reading.

February 11, 2020 )

HB 2248 Prime Sponsor, Representative Doglio: Expanding equitable access to the benefits of renewable energy through community solar projects. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Ormsby, Chair; Robinson, 1st Vice Chair; Bergquist, 2nd Vice Chair; Rude, Assistant Ranking Minority Member; Chopp; Cody; Dolan; Fitzgibbon; Hansen; Hudgins; Kilduff; Macri; Mosbrucker; Pettigrew; Pollet; Ryu; Senn; Springer; Steele; Sullivan; Tarleton and Tharinger.

MINORITY recommendation: Do not pass. Signed by Representatives Stokesbary, Ranking Minority Member; Caldier; Chandler; Corry; Dye; Hoff; Kraft; Schmick; Sutherland and Ybarra.

Referred to Committee on Rules for second reading.

February 8, 2020 )

HB 2264 Prime Sponsor, Representative Doglio: Increasing the cap on accrued vacation leave. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Ormsby, Chair; Robinson, 1st Vice Chair; Bergquist, 2nd Vice Chair; MacEwen, Assistant Ranking Minority Member; Rude, Assistant Ranking Minority Member; Chopp; Cody; Dolan; Fitzgibbon; Hansen; Hudgins; Kilduff; Macri; Pettigrew; Pollet; Ryu; Senn; Sullivan; Tarleton; Tharinger and Ybarra.

MINORITY recommendation: Do not pass. Signed by Representatives Stokesbary, Ranking Minority Member; Caldier; Chandler; Dye; Hoff; Kraft; Mosbrucker; Schmick; Steele and Sutherland.

Referred to Committee on Rules for second reading.

February 11, 2020 )

HB 2272 Prime Sponsor, Representative Orwall: Providing for a designation on driver's licenses for people who are deaf or hard of hearing. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives Fey, Chair; Slatter, 2nd Vice Chair; Valdez, 2nd Vice Chair; Wylie, 1st Vice Chair; Barkis, Ranking Minority Member; Walsh, Assistant Ranking

Minority Member; Young, Assistant Ranking Minority Member; Boehnke; Chambers; Chapman; Doglio; Duerr; Dufault; Entenman; Eslick; Goehner; Gregerson; Irwin; Kloba; Lovick; McCaslin; Mead; Orcutt; Ortiz-Self; Paul; Ramos; Riccelli; Shewmake; Van Werven and Volz.

Referred to Committee on Rules for second reading.

February 10, 2020 )

HB 2303 Prime Sponsor, Representative Leavitt: Concerning professional licensing requirements for service members and military spouses. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Housing, Community Development & Veterans. Signed by Representatives Ormsby, Chair; Stokesbary, Ranking Minority Member; Robinson, 1st Vice Chair; Bergquist, 2nd Vice Chair; Rude, Assistant Ranking Minority Member; Caldier; Chandler; Chopp; Cody; Corry; Dolan; Dye; Fitzgibbon; Hansen; Hoff; Hudgins; Kilduff; Kraft; Macri; Mosbrucker; Pettigrew; Pollet; Ryu; Schmick; Senn; Springer; Steele; Sullivan; Sutherland; Tarleton; Tharinger and Ybarra.

Referred to Committee on Rules for second reading.

February 8, 2020 )

HB 2304 Prime Sponsor, Representative Doglio: Concerning shared leave and industrial insurance benefits. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Ormsby, Chair; Robinson, 1st Vice Chair; Bergquist, 2nd Vice Chair; MacEwen, Assistant Ranking Minority Member; Rude, Assistant Ranking Minority Member; Caldier; Chopp; Cody; Dolan; Fitzgibbon; Hansen; Hoff; Hudgins; Kilduff; Macri; Mosbrucker; Pettigrew; Pollet; Ryu; Senn; Steele; Sullivan; Sutherland; Tarleton; Tharinger and Ybarra.

MINORITY recommendation: Do not pass. Signed by Representatives Stokesbary, Ranking Minority Member; Chandler; Dye; Kraft and Schmick.

Referred to Committee on Rules for second reading.

February 8, 2020 )

HB 2306 Prime Sponsor, Representative Kirby: Regulating legal service contractors. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill by Committee on Civil Rights & Judiciary be substituted therefor and the substitute bill do pass. Signed by Representatives Ormsby, Chair; Stokesbary, Ranking Minority Member; Robinson, 1st Vice Chair; Bergquist, 2nd Vice Chair; MacEwen, Assistant Ranking Minority Member; Rude, Assistant Ranking Minority Member; Caldier; Chandler; Chopp; Cody; Dolan; Dye; Fitzgibbon; Hansen; Hoff; Hudgins; Kilduff; Kraft; Macri; Mosbrucker; Pettigrew; Pollet; Ryu; Schmick; Senn; Steele; Sullivan; Sutherland; Tarleton; Tharinger and Ybarra.

Referred to Committee on Rules for second reading.

February 10, 2020 )

HB 2308 Prime Sponsor, Representative Slatter: Requiring employers to periodically report standard occupational classifications or job titles of workers. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Ormsby, Chair; Robinson, 1st Vice Chair; Bergquist, 2nd Vice Chair; Chopp; Cody; Dolan; Fitzgibbon; Hansen; Hudgins; Kilduff; Macri; Pettigrew; Pollet; Ryu; Senn; Steele; Sullivan; Tarleton and Tharinger.

MINORITY recommendation: Without recommendation. Signed by Representative Springer.

MINORITY recommendation: Do not pass. Signed by Representatives Stokesbary, Ranking Minority Member; Rude, Assistant Ranking Minority Member; Caldier; Chandler; Corry; Dye; Hoff; Kraft; Mosbrucker; Schmick; Sutherland and Ybarra.

Referred to Committee on Rules for second reading.

February 10, 2020 )

HB 2338 Prime Sponsor, Representative Macri: Prohibiting discrimination in health care coverage. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill by Committee on Health Care & Wellness be substituted therefor and the substitute bill do pass. Signed by Representatives Ormsby, Chair; Stokesbary, Ranking Minority Member; Robinson, 1st Vice Chair; Bergquist, 2nd Vice Chair; Rude, Assistant Ranking Minority Member; Caldier; Chopp; Cody; Corry; Dolan; Dye; Fitzgibbon; Hansen; Hoff; Hudgins; Kilduff; Macri; Mosbrucker; Pettigrew; Pollet; Ryu; Schmick; Senn; Springer; Steele; Sullivan; Sutherland; Tarleton; Tharinger and Ybarra.

MINORITY recommendation: Do not pass. Signed by Representatives Chandler and Kraft.

Referred to Committee on Rules for second reading.

February 10, 2020 )

HB 2339 Prime Sponsor, Representative Fitzgibbon: Modifying the definition of salary for the Washington state patrol retirement system. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives Fey, Chair; Slatter, 2nd Vice Chair; Valdez, 2nd Vice Chair; Wylie, 1st Vice Chair; Barkis, Ranking Minority Member; Walsh, Assistant Ranking Minority Member; Young, Assistant Ranking Minority Member; Boehnke; Chambers; Chapman; Dent; Doglio; Duerr; Entenman; Eslick; Goehner; Gregerson; Irwin; Kloba; Lovick; McCaslin; Mead; Orcutt; Ortiz-Self; Paul; Ramos; Riccelli; Shewmake; Van Werven and Volz.

Referred to Committee on Rules for second reading.

February 10, 2020 )

HB 2356 Prime Sponsor, Representative Vick: Reducing barriers to professional licensure for individuals with previous criminal convictions. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill by Committee on Consumer Protection & Business be substituted therefor and the substitute bill do pass. Signed by Representatives Ormsby, Chair; Stokesbary, Ranking Minority Member; Robinson, 1st Vice Chair; Bergquist, 2nd Vice Chair; Rude, Assistant Ranking Minority Member; Caldier; Chandler; Chopp; Cody; Corry; Dolan; Dye; Fitzgibbon; Hansen; Hoff; Hudgins; Kilduff; Kraft; Macri; Mosbrucker; Pettigrew; Pollet; Ryu; Schmick; Senn; Springer; Steele; Sullivan; Sutherland; Tarleton; Tharinger and Ybarra.

Referred to Committee on Rules for second reading.

February 8, 2020 )

HB 2386 Prime Sponsor, Representative Cody: Creating the state office of the behavioral health ombuds. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Health Care & Wellness. Signed by Representatives Ormsby, Chair; Stokesbary, Ranking Minority Member; Robinson, 1st Vice Chair; Bergquist, 2nd Vice Chair; MacEwen, Assistant Ranking Minority Member; Rude, Assistant Ranking Minority Member; Caldier; Chandler;

Chopp; Cody; Dolan; Dye; Fitzgibbon; Hansen; Hoff; Hudgins; Kilduff; Kraft; Macri; Mosbrucker; Pettigrew; Pollet; Ryu; Schmick; Senn; Steele; Sullivan; Sutherland; Tarleton; Tharinger and Ybarra.

Referred to Committee on Rules for second reading.

February 10, 2020 )

HB 2388 Prime Sponsor, Representative Senn: Standardizing definitions of homelessness to improve access to services. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill by Committee on Human Services & Early Learning be substituted therefor and the substitute bill do pass. Signed by Representatives Ormsby, Chair; Robinson, 1st Vice Chair; Bergquist, 2nd Vice Chair; Chopp; Cody; Dolan; Fitzgibbon; Hansen; Hudgins; Kilduff; Macri; Pettigrew; Pollet; Ryu; Senn; Springer; Sullivan; Tarleton and Tharinger.

MINORITY recommendation: Do not pass. Signed by Representatives Stokesbary, Ranking Minority Member; Rude, Assistant Ranking Minority Member; Caldier; Chandler; Corry; Dye; Hoff; Kraft; Mosbrucker; Schmick; Steele; Sutherland and Ybarra.

Referred to Committee on Rules for second reading.

February 10, 2020 )

HB 2396 Prime Sponsor, Representative Hudgins: Concerning the regulation of bot communication on public-facing internet web sites. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Ormsby, Chair; Robinson, 1st Vice Chair; Bergquist, 2nd Vice Chair; Chopp; Cody; Dolan; Fitzgibbon; Hansen; Hudgins; Kilduff; Macri; Pettigrew; Pollet; Ryu; Senn; Springer; Sullivan; Tarleton and Tharinger.

MINORITY recommendation: Do not pass. Signed by Representatives Stokesbary, Ranking Minority Member; Caldier; Chandler; Corry; Dye; Hoff; Kraft; Mosbrucker; Schmick; Steele; Sutherland and Ybarra.

MINORITY recommendation: Without recommendation. Signed by Representative Rude, Assistant Ranking Minority Member.

Referred to Committee on Rules for second reading.

February 11, 2020 )

HB 2405 Prime Sponsor, Representative Duerr: Concerning commercial property assessed

clean energy and resilience. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Ormsby, Chair; Stokesbary, Ranking Minority Member; Robinson, 1st Vice Chair; Bergquist, 2nd Vice Chair; Caldier; Cody; Corry; Dolan; Dye; Fitzgibbon; Hansen; Hoff; Kilduff; Macri; Pettigrew; Pollet; Ryu; Senn; Springer; Steele; Sutherland; Tarleton and Ybarra.

MINORITY recommendation: Without recommendation. Signed by Representative Hudgins.

MINORITY recommendation: Do not pass. Signed by Representatives Rude, Assistant Ranking Minority Member; Chandler; Chopp; Kraft; Mosbrucker; Schmick; Sullivan and Tharinger.

Referred to Committee on Rules for second reading.

February 11, 2020 )

HB 2409 Prime Sponsor, Representative Kilduff: Concerning industrial insurance employer penalties, duties, and the licensing of third-party administrators. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Ormsby, Chair; Robinson, 1st Vice Chair; Bergquist, 2nd Vice Chair; Chopp; Cody; Dolan; Fitzgibbon; Hansen; Hudgins; Kilduff; Macri; Pettigrew; Pollet; Ryu; Senn; Springer; Sullivan; Tarleton and Tharinger.

MINORITY recommendation: Do not pass. Signed by Representatives Stokesbary, Ranking Minority Member; Rude, Assistant Ranking Minority Member; Caldier; Chandler; Corry; Dye; Hoff; Kraft; Mosbrucker; Schmick; Steele; Sutherland and Ybarra.

Referred to Committee on Rules for second reading.

February 11, 2020 )

HB 2426 Prime Sponsor, Representative Cody: Protecting patient safety in psychiatric hospitals and other health care facilities. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Ormsby, Chair; Stokesbary, Ranking Minority Member; Robinson, 1st Vice Chair; Bergquist, 2nd Vice Chair; Rude, Assistant Ranking Minority Member; Caldier; Chopp; Cody; Dolan; Fitzgibbon; Hansen; Hudgins; Kilduff; Macri; Pettigrew; Pollet; Ryu; Senn; Springer; Steele; Sullivan; Sutherland; Tarleton and Tharinger.

MINORITY recommendation: Do not pass. Signed by Representatives Chandler; Corry; Dye; Hoff; Kraft; Schmick and Ybarra.

MINORITY recommendation: Without recommendation. Signed by Representative Mosbrucker.

Referred to Committee on Rules for second reading.

February 11, 2020 )

HB 2438 Prime Sponsor, Representative Kilduff: Concerning establishment of the prescription opioid impact account. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Ormsby, Chair; Robinson, 1st Vice Chair; Bergquist, 2nd Vice Chair; Chopp; Cody; Dolan; Fitzgibbon; Hansen; Hudgins; Kilduff; Macri; Pettigrew; Pollet; Ryu; Senn; Sullivan; Tarleton and Tharinger.

MINORITY recommendation: Do not pass. Signed by Representatives Stokesbary, Ranking Minority Member; Rude, Assistant Ranking Minority Member; Caldier; Chandler; Corry; Dye; Hoff; Kraft; Schmick; Steele; Sutherland and Ybarra.

MINORITY recommendation: Without recommendation. Signed by Representatives Mosbrucker and Springer.

Referred to Committee on Rules for second reading.

February 11, 2020 )

HB 2440 Prime Sponsor, Representative Kilduff: Concerning a medical alert designation on driver's licenses. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives Fey, Chair; Slatter, 2nd Vice Chair; Valdez, 2nd Vice Chair; Wylie, 1st Vice Chair; Barkis, Ranking Minority Member; Walsh, Assistant Ranking Minority Member; Boehnke; Chambers; Chapman; Doglio; Duerr; Entenman; Eslick; Goehner; Gregerson; Irwin; Kloba; Lovick; McCaslin; Mead; Orcutt; Ortiz-Self; Paul; Ramos; Riccelli; Shewmake; Van Werven and Volz.

MINORITY recommendation: Without recommendation. Signed by Representatives Young, Assistant Ranking Minority Member and Dufault.

Referred to Committee on Rules for second reading.

February 11, 2020 )

HB 2441

Prime Sponsor, Representative Entenman: Improving access to temporary assistance for needy families. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Ormsby, Chair; Robinson, 1st Vice Chair; Bergquist, 2nd Vice Chair; Chopp; Cody; Dolan; Fitzgibbon; Hansen; Hudgins; Kilduff; Macri; Pettigrew; Pollet; Ryu; Senn; Springer; Sullivan; Tarleton and Tharinger.

MINORITY recommendation: Do not pass. Signed by Representatives Stokesbary, Ranking Minority Member; Rude, Assistant Ranking Minority Member; Caldier; Chandler; Corry; Dye; Hoff; Kraft; Schmick; Steele; Sutherland and Ybarra.

MINORITY recommendation: Without recommendation. Signed by Representative Mosbrucker.

Referred to Committee on Rules for second reading.

February 10, 2020 )

HB 2446

Prime Sponsor, Representative Ryu: Limiting the disclosure of personal information held by the department of licensing. Reported by Committee on Transportation

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Fey, Chair; Slatter, 2nd Vice Chair; Valdez, 2nd Vice Chair; Wylie, 1st Vice Chair; Chapman; Doglio; Duerr; Entenman; Gregerson; Kloba; Lovick; Mead; Ortiz-Self; Paul; Ramos; Riccelli and Shewmake.

MINORITY recommendation: Do not pass. Signed by Representatives Barkis, Ranking Minority Member; Walsh, Assistant Ranking Minority Member; Young, Assistant Ranking Minority Member; Boehnke; Chambers; Dent; Eslick; Goehner; Irwin; McCaslin; Orcutt; Van Werven and Volz.

Referred to Committee on Rules for second reading.

February 10, 2020 )

HB 2455

Prime Sponsor, Representative Kilduff: Supporting access to child care for parents who are attending high school or working toward completion of a high school equivalency certificate. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill by Committee on Human Services & Early Learning be substituted therefor and the substitute bill do pass.



Signed by Representatives Ormsby, Chair; Stokesbary, Ranking Minority Member; Robinson, 1st Vice Chair; Bergquist, 2nd Vice Chair; Rude, Assistant Ranking Minority Member; Caldier; Chopp; Cody; Dolan; Fitzgibbon; Hansen; Hudgins; Kilduff; Macri; Pettigrew; Pollet; Ryu; Senn; Springer; Steele; Sullivan; Tarleton and Tharinger.

MINORITY recommendation: Do not pass. Signed by Representatives Chandler; Dye; Hoff; Kraft; Schmick; Sutherland and Ybarra.

MINORITY recommendation: Without recommendation. Signed by Representatives Corry and Mosbrucker.

Referred to Committee on Rules for second reading.

February 10, 2020 )

HB 2457 Prime Sponsor, Representative Cody: Establishing the health care cost transparency board. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Health Care & Wellness. Signed by Representatives Ormsby, Chair; Stokesbary, Ranking Minority Member; Robinson, 1st Vice Chair; Bergquist, 2nd Vice Chair; Rude, Assistant Ranking Minority Member; Caldier; Chopp; Cody; Dolan; Fitzgibbon; Hansen; Hudgins; Kilduff; Macri; Pettigrew; Pollet; Ryu; Schmick; Senn; Springer; Steele; Sullivan; Tarleton and Tharinger.

MINORITY recommendation: Do not pass. Signed by Representatives Chandler; Corry; Dye; Hoff; Kraft; Mosbrucker; Sutherland and Ybarra.

Referred to Committee on Rules for second reading.

February 11, 2020 )

HB 2461 Prime Sponsor, Representative Riccelli: Including health in the state transportation system policy goals. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives Fey, Chair; Slatter, 2nd Vice Chair; Valdez, 2nd Vice Chair; Wylie, 1st Vice Chair; Chapman; Doglio; Duerr; Entenman; Gregerson; Kloba; Lovick; Mead; Ortiz-Self; Paul; Ramos; Riccelli and Shewmake.

MINORITY recommendation: Do not pass. Signed by Representatives Barkis, Ranking Minority Member; Walsh, Assistant Ranking Minority Member; Young, Assistant Ranking Minority Member; Boehnke; Chambers; Dufault; Eslick; Goehner; Irwin; McCaslin; Orcutt; Van Werven and Volz.

Referred to Committee on Rules for second reading.

February 11, 2020 )

HB 2463 Prime Sponsor, Representative Schmick: Providing a designation on a driver's license or identicard that a person has a developmental disability. Reported by Committee on Transportation

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Fey, Chair; Slatter, 2nd Vice Chair; Valdez, 2nd Vice Chair; Wylie, 1st Vice Chair; Barkis, Ranking Minority Member; Walsh, Assistant Ranking Minority Member; Young, Assistant Ranking Minority Member; Boehnke; Chambers; Chapman; Doglio; Duerr; Dufault; Entenman; Eslick; Goehner; Gregerson; Irwin; Kloba; Lovick; McCaslin; Mead; Orcutt; Ortiz-Self; Paul; Ramos; Riccelli; Shewmake; Van Werven and Volz.

Referred to Committee on Rules for second reading.

February 10, 2020 )

HB 2469 Prime Sponsor, Representative Santos: Concerning small works rosters. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill by Committee on Innovation, Technology & Economic Development be substituted therefor and the substitute bill do pass. Signed by Representatives Ormsby, Chair; Robinson, 1st Vice Chair; Bergquist, 2nd Vice Chair; Caldier; Chopp; Cody; Corry; Dolan; Fitzgibbon; Hansen; Hudgins; Kilduff; Macri; Mosbrucker; Pettigrew; Pollet; Ryu; Senn; Springer; Steele; Sullivan; Tarleton; Tharinger and Ybarra.

MINORITY recommendation: Do not pass. Signed by Representatives Stokesbary, Ranking Minority Member; Rude, Assistant Ranking Minority Member; Chandler; Dye; Hoff; Kraft; Schmick and Sutherland.

Referred to Committee on Rules for second reading.

February 10, 2020 )

HB 2491 Prime Sponsor, Representative Ramos: Authorizing the governor to enter into compacts with federally recognized Indian tribes principally located within Washington state for the issuance of tribal license plates and vehicle registration. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives Fey, Chair; Slatter, 2nd Vice Chair; Valdez, 2nd Vice Chair; Wylie, 1st Vice Chair; Barkis, Ranking Minority Member; Walsh, Assistant Ranking

Minority Member; Young, Assistant Ranking Minority Member; Chambers; Chapman; Doglio; Duerr; Entenman; Eslick; Goehner; Gregerson; Kloba; Lovick; Mead; Ortiz-Self; Paul; Ramos; Riccelli; Shewmake; Van Werven and Volz.

MINORITY recommendation: Do not pass. Signed by Representatives Boehnke; Dent; Irwin; McCaslin and Orcutt.

Referred to Committee on Rules for second reading.

February 11, 2020 )

HB 2498 Prime Sponsor, Representative Corry: Providing compensation to department of natural resources lessees whose leases are terminated for reasons other than default. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Ormsby, Chair; Stokesbary, Ranking Minority Member; Robinson, 1st Vice Chair; Bergquist, 2nd Vice Chair; Rude, Assistant Ranking Minority Member; Caldier; Chandler; Chopp; Cody; Corry; Dolan; Dye; Fitzgibbon; Hansen; Hoff; Hudgins; Kilduff; Kraft; Macri; Mosbrucker; Pettigrew; Pollet; Ryu; Schmick; Senn; Springer; Steele; Sullivan; Sutherland; Tarleton; Tharinger and Ybarra.

Referred to Committee on Rules for second reading.

February 11, 2020 )

HB 2499 Prime Sponsor, Representative Appleton: Certifying corrections officers. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Public Safety. Signed by Representatives Ormsby, Chair; Stokesbary, Ranking Minority Member; Robinson, 1st Vice Chair; Bergquist, 2nd Vice Chair; Rude, Assistant Ranking Minority Member; Caldier; Chandler; Chopp; Cody; Corry; Dolan; Dye; Fitzgibbon; Hansen; Hoff; Hudgins; Kilduff; Kraft; Macri; Mosbrucker; Pettigrew; Pollet; Ryu; Schmick; Senn; Springer; Steele; Sullivan; Sutherland; Tarleton; Tharinger and Ybarra.

Referred to Committee on Rules for second reading.

February 11, 2020 )

HB 2511 Prime Sponsor, Representative Stonier: Providing labor protections for domestic workers. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Labor & Workplace Standards. Signed by Representatives Ormsby, Chair; Robinson, 1st Vice Chair; Bergquist, 2nd Vice Chair; Caldier; Chopp; Cody; Dolan; Fitzgibbon; Hansen; Hudgins; Kilduff; Macri; Pettigrew; Pollet; Ryu; Senn; Springer; Steele; Sullivan; Tarleton and Tharinger.

MINORITY recommendation: Do not pass. Signed by Representatives Stokesbary, Ranking Minority Member; Rude, Assistant Ranking Minority Member; Chandler; Corry; Dye; Hoff; Kraft; Mosbrucker; Schmick; Sutherland and Ybarra.

Referred to Committee on Rules for second reading.

February 10, 2020 )

HB 2513 Prime Sponsor, Representative Slatter: Prohibiting the practice of transcript withholding and limiting the practice of registration holds at institutions of higher education as debt collection practices. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on College & Workforce Development. Signed by Representatives Ormsby, Chair; Stokesbary, Ranking Minority Member; Robinson, 1st Vice Chair; Bergquist, 2nd Vice Chair; Rude, Assistant Ranking Minority Member; Chopp; Cody; Dolan; Fitzgibbon; Hansen; Hudgins; Kilduff; Macri; Pettigrew; Pollet; Ryu; Senn; Springer; Sullivan; Sutherland; Tarleton and Tharinger.

MINORITY recommendation: Do not pass. Signed by Representatives Caldier; Chandler; Corry; Dye; Hoff; Kraft; Mosbrucker; Schmick; Steele and Ybarra.

Referred to Committee on Rules for second reading.

February 11, 2020 )

HB 2518 Prime Sponsor, Representative Shewmake: Concerning the safe and efficient transmission and distribution of natural gas. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Environment & Energy. Signed by Representatives Ormsby, Chair; Robinson, 1st Vice Chair; Bergquist, 2nd Vice Chair; Chopp; Cody; Dolan; Fitzgibbon; Hansen; Hudgins; Kilduff; Macri; Pettigrew; Pollet; Ryu; Senn; Springer; Steele; Sullivan; Tarleton and Tharinger.

MINORITY recommendation: Do not pass. Signed by Representatives Stokesbary, Ranking Minority Member; Rude, Assistant Ranking Minority Member; Caldier; Chandler; Corry; Dye; Hoff; Kraft; Mosbrucker; Schmick; Sutherland and Ybarra.

Referred to Committee on Rules for second reading.

February 10, 2020 )

HB 2528 Prime Sponsor, Representative Ramos: Recognizing the contributions of the state's forest products sector as part of the state's global climate response. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Rural Development, Agriculture, & Natural Resources. Signed by Representatives Ormsby, Chair; Stokesbary, Ranking Minority Member; Robinson, 1st Vice Chair; Bergquist, 2nd Vice Chair; Rude, Assistant Ranking Minority Member; Caldier; Chandler; Chopp; Cody; Corry; Dolan; Dye; Fitzgibbon; Hansen; Hoff; Hudgins; Kilduff; Kraft; Macri; Mosbrucker; Pettigrew; Pollet; Ryu; Schmick; Senn; Springer; Steele; Sullivan; Sutherland; Tarleton; Tharinger and Ybarra.

Referred to Committee on Rules for second reading.

February 11, 2020 )

HB 2542 Prime Sponsor, Representative Paul: Concerning tuition waivers for children of eligible veterans. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Ormsby, Chair; Stokesbary, Ranking Minority Member; Robinson, 1st Vice Chair; Bergquist, 2nd Vice Chair; Rude, Assistant Ranking Minority Member; Caldier; Chandler; Chopp; Cody; Corry; Dolan; Dye; Fitzgibbon; Hansen; Hoff; Hudgins; Kilduff; Kraft; Macri; Mosbrucker; Pettigrew; Pollet; Ryu; Schmick; Senn; Springer; Steele; Sullivan; Sutherland; Tarleton; Tharinger and Ybarra.

Referred to Committee on Rules for second reading.

February 10, 2020 )

HB 2554 Prime Sponsor, Representative Stonier: Mitigating inequity in the health insurance market caused by health plans that exclude certain mandated benefits. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill by Committee on Health Care & Wellness be substituted therefor and the substitute bill do pass. Signed by Representatives Ormsby, Chair; Robinson, 1st Vice

Chair; Bergquist, 2nd Vice Chair; Chopp; Cody; Dolan; Fitzgibbon; Hansen; Hudgins; Kilduff; Macri; Pettigrew; Pollet; Ryu; Senn; Springer; Sullivan; Tarleton and Tharinger.

MINORITY recommendation: Do not pass. Signed by Representatives Stokesbary, Ranking Minority Member; Rude, Assistant Ranking Minority Member; Caldier; Chandler; Corry; Dye; Hoff; Kraft; Mosbrucker; Schmick; Steele; Sutherland and Ybarra.

Referred to Committee on Rules for second reading.

February 10, 2020 )

HB 2555 Prime Sponsor, Representative Goodman: Concerning background check requirements for firearms classified as other under federal firearms laws. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill by Committee on Civil Rights & Judiciary be substituted therefor and the substitute bill do pass. Signed by Representatives Ormsby, Chair; Robinson, 1st Vice Chair; Bergquist, 2nd Vice Chair; Chopp; Cody; Dolan; Fitzgibbon; Hansen; Hudgins; Kilduff; Macri; Pettigrew; Pollet; Ryu; Senn; Springer; Sullivan; Tarleton and Tharinger.

MINORITY recommendation: Do not pass. Signed by Representatives Stokesbary, Ranking Minority Member; Rude, Assistant Ranking Minority Member; Caldier; Chandler; Corry; Dye; Hoff; Kraft; Mosbrucker; Schmick; Steele; Sutherland and Ybarra.

Referred to Committee on Rules for second reading.

February 11, 2020 )

HB 2556 Prime Sponsor, Representative Dent: Providing regulatory relief for early learning providers. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Ormsby, Chair; Stokesbary, Ranking Minority Member; Robinson, 1st Vice Chair; Bergquist, 2nd Vice Chair; Rude, Assistant Ranking Minority Member; Caldier; Chandler; Chopp; Cody; Corry; Dolan; Dye; Fitzgibbon; Hansen; Hoff; Hudgins; Kilduff; Kraft; Macri; Mosbrucker; Pettigrew; Pollet; Ryu; Schmick; Senn; Springer; Steele; Sullivan; Sutherland; Tarleton; Tharinger and Ybarra.

Referred to Committee on Rules for second reading.

February 11, 2020 )

HB 2570 Prime Sponsor, Representative Gregerson: Managing growth by planning and zoning

for accessory dwelling units. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Environment & Energy. Signed by Representatives Ormsby, Chair; Robinson, 1st Vice Chair; Bergquist, 2nd Vice Chair; Rude, Assistant Ranking Minority Member; Caldier; Chopp; Cody; Dolan; Dye; Fitzgibbon; Hansen; Hoff; Hudgins; Kilduff; Macri; Pettigrew; Ryu; Steele; Sutherland and Tarleton.

MINORITY recommendation: Do not pass. Signed by Representatives Stokesbary, Ranking Minority Member; Chandler; Corry; Kraft; Pollet; Schmick; Senn; Springer; Sullivan; Tharinger and Ybarra.

MINORITY recommendation: Without recommendation. Signed by Representative Mosbrucker.

Referred to Committee on Rules for second reading.

February 11, 2020 )

HB 2575 Prime Sponsor, Representative Pellicciotti: Concerning reforms to increase transparency and accountability of the Washington redistricting commission. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill by Committee on be substituted therefor and the substitute bill do pass. Signed by Representatives Ormsby, Chair; Robinson, 1st Vice Chair; Bergquist, 2nd Vice Chair; Chopp; Cody; Dolan; Fitzgibbon; Hansen; Hudgins; Kilduff; Macri; Pettigrew; Pollet; Ryu; Senn; Springer; Sullivan; Tarleton and Tharinger.

MINORITY recommendation: Do not pass. Signed by Representatives Stokesbary, Ranking Minority Member; Rude, Assistant Ranking Minority Member; Caldier; Chandler; Corry; Dye; Hoff; Kraft; Mosbrucker; Schmick; Steele; Sutherland and Ybarra.

Referred to Committee on Rules for second reading.

February 11, 2020 )

HB 2577 Prime Sponsor, Representative Barkis: Concerning agency responsibilities to regulated businesses and professions. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on State Government & Tribal Relations. Signed by Representatives Ormsby, Chair; Stokesbary, Ranking Minority Member; Robinson, 1st Vice Chair; Bergquist, 2nd Vice Chair; Rude, Assistant Ranking Minority

Member; Caldier; Chandler; Chopp; Cody; Corry; Dolan; Fitzgibbon; Hansen; Hoff; Hudgins; Kraft; Macri; Mosbrucker; Pettigrew; Ryu; Springer; Steele; Sullivan; Sutherland; Tarleton; Tharinger and Ybarra.

MINORITY recommendation: Do not pass. Signed by Representatives Dye; Kilduff; Pollet and Schmick.

MINORITY recommendation: Without recommendation. Signed by Representative Senn.

Referred to Committee on Rules for second reading.

February 11, 2020 )

HB 2583 Prime Sponsor, Representative Caldier: Ensuring student transportation for students in out-of-home placements. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill by Committee on Education be substituted therefor and the substitute bill do pass. Signed by Representatives Ormsby, Chair; Stokesbary, Ranking Minority Member; Robinson, 1st Vice Chair; Bergquist, 2nd Vice Chair; Rude, Assistant Ranking Minority Member; Caldier; Chandler; Chopp; Cody; Corry; Dolan; Dye; Fitzgibbon; Hansen; Hoff; Hudgins; Kilduff; Kraft; Macri; Mosbrucker; Pettigrew; Pollet; Ryu; Schmick; Senn; Springer; Steele; Sullivan; Sutherland; Tarleton; Tharinger and Ybarra.

Referred to Committee on Rules for second reading.

February 8, 2020 )

HB 2584 Prime Sponsor, Representative Caldier: Establishing rates for behavioral health services. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Ormsby, Chair; Stokesbary, Ranking Minority Member; Robinson, 1st Vice Chair; Bergquist, 2nd Vice Chair; MacEwen, Assistant Ranking Minority Member; Rude, Assistant Ranking Minority Member; Caldier; Chandler; Chopp; Cody; Dolan; Dye; Fitzgibbon; Hansen; Hoff; Hudgins; Kilduff; Kraft; Macri; Mosbrucker; Pettigrew; Pollet; Ryu; Schmick; Senn; Steele; Sullivan; Sutherland; Tarleton; Tharinger and Ybarra.

Referred to Committee on Rules for second reading.

February 11, 2020 )

HB 2607 Prime Sponsor, Representative Callan: Assisting homeless individuals in obtaining Washington state identicards. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives Fey, Chair; Slatter, 2nd Vice Chair; Valdez, 2nd Vice Chair; Wylie, 1st Vice Chair; Barkis, Ranking Minority Member; Walsh, Assistant Ranking Minority Member; Young, Assistant Ranking Minority Member; Boehnke; Chambers; Chapman; Doglio; Duerr; Entenman; Eslick; Gregerson; Irwin; Kloba; Lovick; Mead; Orcutt; Ortiz-Self; Paul; Ramos; Riccelli; Shewmake; Van Werven and Volz.

MINORITY recommendation: Do not pass. Signed by Representatives Dufault; Goehner and McCaslin.

Referred to Committee on Rules for second reading.

February 8, 2020 )

HB 2614 Prime Sponsor, Representative Robinson:  
Concerning paid family and medical leave.  
Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill by Committee on Labor & Workplace Standards be substituted therefor and the substitute bill do pass. Signed by Representatives Ormsby, Chair; Stokesbary, Ranking Minority Member; Robinson, 1st Vice Chair; Bergquist, 2nd Vice Chair; Chopp; Cody; Dolan; Fitzgibbon; Hansen; Hudgins; Kilduff; Macri; Mosbrucker; Pettigrew; Pollet; Ryu; Senn; Sullivan; Tarleton and Tharinger.

MINORITY recommendation: Do not pass. Signed by Representatives MacEwen, Assistant Ranking Minority Member; Rude, Assistant Ranking Minority Member; Caldier; Chandler; Dye; Hoff; Kraft; Schmick; Steele; Sutherland and Ybarra.

Referred to Committee on Rules for second reading.

February 10, 2020 )

HB 2619 Prime Sponsor, Representative Shewmake:  
Increasing early learning access through  
licensing, eligibility, and rate  
improvements. Reported by Committee on  
Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Ormsby, Chair; Stokesbary, Ranking Minority Member; Robinson, 1st Vice Chair; Bergquist, 2nd Vice Chair; Rude, Assistant Ranking Minority Member; Caldier; Chandler; Chopp; Cody; Corry; Dolan; Dye; Fitzgibbon; Hansen; Hoff; Hudgins; Kilduff; Macri; Mosbrucker; Pettigrew; Pollet; Ryu; Schmick; Senn; Springer; Steele; Sullivan; Sutherland; Tarleton; Tharinger and Ybarra.

MINORITY recommendation: Do not pass. Signed by Representative Kraft.

Referred to Committee on Rules for second reading.

February 11, 2020 )

HB 2638 Prime Sponsor, Representative Peterson:  
Authorizing sports wagering subject to the  
terms of tribal-state gaming compacts.  
Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Stokesbary, Ranking Minority Member; Robinson, 1st Vice Chair; Bergquist, 2nd Vice Chair; Rude, Assistant Ranking Minority Member; Caldier; Chandler; Corry; Dolan; Dye; Fitzgibbon; Hansen; Hudgins; Kilduff; Macri; Mosbrucker; Pettigrew; Pollet; Ryu; Schmick; Senn; Steele; Sullivan; Tarleton; Tharinger and Ybarra.

MINORITY recommendation: Do not pass. Signed by Representatives Ormsby, Chair; Chopp; Hoff and Kraft.

MINORITY recommendation: Without  
recommendation. Signed by Representatives Cody;  
Springer and Sutherland.

Referred to Committee on Rules for second reading.

February 11, 2020 )

HB 2642 Prime Sponsor, Representative Davis:  
Removing health coverage barriers to  
accessing substance use disorder treatment  
services. Reported by Committee on  
Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Ormsby, Chair; Robinson, 1st Vice Chair; Bergquist, 2nd Vice Chair; Rude, Assistant Ranking Minority Member; Caldier; Chopp; Cody; Corry; Dolan; Dye; Fitzgibbon; Hansen; Hudgins; Kilduff; Kraft; Macri; Mosbrucker; Pettigrew; Pollet; Ryu; Schmick; Senn; Springer; Steele; Sullivan; Tarleton and Tharinger.

MINORITY recommendation: Do not pass. Signed by Representatives Stokesbary, Ranking Minority Member; Chandler; Hoff; Sutherland and Ybarra.

Referred to Committee on Rules for second reading.

February 10, 2020 )

HB 2646 Prime Sponsor, Representative Kilduff:  
Reducing work-related musculoskeletal  
disorders in the health care sector.  
Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Ormsby, Chair; Stokesbary, Ranking Minority Member; Robinson, 1st Vice Chair; Bergquist, 2nd Vice Chair; Rude, Assistant Ranking Minority Member; Caldier; Chandler; Chopp; Cody; Corry; Dolan; Dye; Fitzgibbon; Hansen; Hoff; Hudgins; Kilduff; Kraft; Macri; Mosbrucker; Pettigrew; Pollet;

Ryu; Schmick; Senn; Springer; Steele; Sullivan; Sutherland; Tarleton; Tharinger and Ybarra.

Referred to Committee on Rules for second reading.

February 10, 2020 )

HB 2660 Prime Sponsor, Representative Riccelli: Increasing the availability of school meals provided to public school students at no student cost. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill by Committee on Education be substituted therefor and the substitute bill do pass. Signed by Representatives Ormsby, Chair; Stokesbary, Ranking Minority Member; Robinson, 1st Vice Chair; Bergquist, 2nd Vice Chair; Rude, Assistant Ranking Minority Member; Caldier; Chandler; Chopp; Cody; Corry; Dolan; Dye; Fitzgibbon; Hansen; Hoff; Hudgins; Kilduff; Macri; Mosbrucker; Pettigrew; Pollet; Ryu; Schmick; Senn; Springer; Steele; Sullivan; Sutherland; Tarleton; Tharinger and Ybarra.

MINORITY recommendation: Do not pass. Signed by Representative Kraft.

Referred to Committee on Rules for second reading.

February 11, 2020 )

HB 2662 Prime Sponsor, Representative Maycumber: Reducing the total cost of insulin. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Health Care & Wellness. Signed by Representatives Ormsby, Chair; Stokesbary, Ranking Minority Member; Robinson, 1st Vice Chair; Bergquist, 2nd Vice Chair; Caldier; Chandler; Chopp; Cody; Corry; Dolan; Dye; Fitzgibbon; Hansen; Hoff; Hudgins; Kilduff; Macri; Mosbrucker; Pettigrew; Pollet; Ryu; Schmick; Senn; Springer; Steele; Sullivan; Tarleton; Tharinger and Ybarra.

MINORITY recommendation: Do not pass. Signed by Representatives Rude, Assistant Ranking Minority Member; Kraft and Sutherland.

Referred to Committee on Rules for second reading.

February 10, 2020 )

HB 2669 Prime Sponsor, Representative Sullivan: Creating Seattle NHL hockey special license plates. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives Fey, Chair; Slatter, 2nd Vice Chair; Valdez, 2nd Vice Chair; Wylie, 1st Vice Chair; Barkis, Ranking Minority Member; Walsh, Assistant Ranking Minority Member; Young, Assistant Ranking Minority Member; Boehnke; Chambers; Chapman; Dent; Doglio; Duerr; Entenman; Eslick; Goehner; Gregerson; Irwin; Kloba; Lovick; McCaslin; Mead; Orcutt; Ortiz-Self; Paul; Ramos; Riccelli; Shewmake; Van Werven and Volz.

Referred to Committee on Rules for second reading.

February 11, 2020 )

HB 2676 Prime Sponsor, Representative Kloba: Establishing minimum requirements for the testing of autonomous vehicles. Reported by Committee on Transportation

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Fey, Chair; Slatter, 2nd Vice Chair; Valdez, 2nd Vice Chair; Wylie, 1st Vice Chair; Young, Assistant Ranking Minority Member; Boehnke; Chapman; Doglio; Duerr; Entenman; Goehner; Gregerson; Kloba; Lovick; Mead; Orcutt; Ortiz-Self; Paul; Ramos; Riccelli; Shewmake; Van Werven and Volz.

MINORITY recommendation: Do not pass. Signed by Representatives Barkis, Ranking Minority Member; Walsh, Assistant Ranking Minority Member; Chambers; Dufault; Eslick; Irwin and McCaslin.

Referred to Committee on Rules for second reading.

February 8, 2020 )

HB 2679 Prime Sponsor, Representative Robinson: Concerning funding for individuals who are not eligible for federal insurance subsidies and for foundational public health services. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Ormsby, Chair; Stokesbary, Ranking Minority Member; Robinson, 1st Vice Chair; Bergquist, 2nd Vice Chair; Rude, Assistant Ranking Minority Member; Caldier; Chopp; Cody; Dolan; Fitzgibbon; Hudgins; Kilduff; Macri; Pollet; Ryu; Senn; Steele; Sullivan; Tarleton; Tharinger and Ybarra.

MINORITY recommendation: Do not pass. Signed by Representatives MacEwen, Assistant Ranking Minority Member; Chandler; Dye; Hansen; Hoff; Kraft; Schmick and Sutherland.

MINORITY recommendation: Without recommendation. Signed by Representatives Mosbrucker and Pettigrew.

Referred to Committee on Rules for second reading.

February 11, 2020 )

HB 2681 Prime Sponsor, Representative Stonier: Preventing harassment, abuse, and discrimination experienced by long-term care workers. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Labor & Workplace Standards. Signed by Representatives Ormsby, Chair; Robinson, 1st Vice Chair; Bergquist, 2nd Vice Chair; Rude, Assistant Ranking Minority Member; Caldier; Chopp; Cody; Dolan; Fitzgibbon; Hansen; Hudgins; Kilduff; Macri; Pettigrew; Pollet; Ryu; Senn; Springer; Sullivan; Sutherland; Tarleton and Tharinger.

MINORITY recommendation: Do not pass. Signed by Representatives Chandler; Corry; Dye; Hoff; Mosbrucker; Schmick; Steele and Ybarra.

MINORITY recommendation: Without recommendation. Signed by Representative Stokesbary, Ranking Minority Member.

Referred to Committee on Rules for second reading.

February 8, 2020 )

HB 2691 Prime Sponsor, Representative Valdez: Concerning the scope of collective bargaining for language access providers. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Ormsby, Chair; Robinson, 1st Vice Chair; Bergquist, 2nd Vice Chair; Chopp; Cody; Dolan; Fitzgibbon; Hansen; Hudgins; Kilduff; Macri; Pettigrew; Pollet; Ryu; Senn; Sullivan; Tarleton and Tharinger.

MINORITY recommendation: Do not pass. Signed by Representatives Stokesbary, Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Rude, Assistant Ranking Minority Member; Caldier; Chandler; Dye; Hoff; Kraft; Mosbrucker; Schmick; Steele; Sutherland and Ybarra.

Referred to Committee on Rules for second reading.

February 11, 2020 )

HB 2711 Prime Sponsor, Representative Johnson, J.: Increasing equitable educational outcomes

for foster care and homeless children and youth from prekindergarten to postsecondary education. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Ormsby, Chair; Stokesbary, Ranking Minority Member; Robinson, 1st Vice Chair; Bergquist, 2nd Vice Chair; Rude, Assistant Ranking Minority Member; Caldier; Chopp; Cody; Corry; Dolan; Dye; Fitzgibbon; Hansen; Hoff; Hudgins; Kilduff; Kraft; Macri; Mosbrucker; Pettigrew; Pollet; Ryu; Schmick; Senn; Springer; Steele; Sullivan; Sutherland; Tarleton; Tharinger and Ybarra.

MINORITY recommendation: Do not pass. Signed by Representative Chandler.

Referred to Committee on Rules for second reading.

February 10, 2020 )

HB 2713 Prime Sponsor, Representative Walen: Encouraging compost procurement and use. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill by Committee on State Government & Tribal Relations be substituted therefor and the substitute bill do pass. Signed by Representatives Ormsby, Chair; Stokesbary, Ranking Minority Member; Robinson, 1st Vice Chair; Bergquist, 2nd Vice Chair; Rude, Assistant Ranking Minority Member; Caldier; Chandler; Chopp; Cody; Corry; Dolan; Dye; Fitzgibbon; Hansen; Hoff; Hudgins; Kilduff; Kraft; Macri; Mosbrucker; Pettigrew; Pollet; Ryu; Schmick; Senn; Springer; Steele; Sullivan; Sutherland; Tarleton; Tharinger and Ybarra.

Referred to Committee on Rules for second reading.

February 10, 2020 )

HB 2714 Prime Sponsor, Representative Hoff: Valuing the carbon in forest riparian easements. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill by Committee on Rural Development, Agriculture, & Natural Resources be substituted therefor and the substitute bill do pass. Signed by Representatives Ormsby, Chair; Stokesbary, Ranking Minority Member; Robinson, 1st Vice Chair; Bergquist, 2nd Vice Chair; Rude, Assistant Ranking Minority Member; Caldier; Chandler; Chopp; Cody; Corry; Dolan; Dye; Fitzgibbon; Hansen; Hoff; Kilduff; Kraft; Mosbrucker; Pettigrew; Pollet; Ryu; Schmick; Senn; Springer; Steele; Sullivan; Sutherland; Tarleton; Tharinger and Ybarra.

MINORITY recommendation: Without recommendation. Signed by Representatives Hudgins and Macri.

Referred to Committee on Rules for second reading.

February 10, 2020 )

HB 2723 Prime Sponsor, Representative Wylie: Addressing off-road vehicle and snowmobile registration enforcement. Reported by Committee on Transportation

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Fey, Chair; Slatter, 2nd Vice Chair; Valdez, 2nd Vice Chair; Wylie, 1st Vice Chair; Barkis, Ranking Minority Member; Walsh, Assistant Ranking Minority Member; Young, Assistant Ranking Minority Member; Boehnke; Chapman; Doglio; Duerr; Entenman; Eslick; Gregerson; Irwin; Kloba; Lovick; Mead; Ortiz-Self; Paul; Ramos; Riccelli; Shewmake and Van Werven.

MINORITY recommendation: Do not pass. Signed by Representatives Dent and Goehner.

MINORITY recommendation: Without recommendation. Signed by Representatives Chambers; Orcutt and Volz.

Referred to Committee on Rules for second reading.

February 8, 2020 )

HB 2728 Prime Sponsor, Representative Slatter: Implementing a sustainable funding model for the services provided through the children's mental health services consultation program and the telebehavioral health video call center. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Ormsby, Chair; Robinson, 1st Vice Chair; Bergquist, 2nd Vice Chair; Caldier; Chopp; Cody; Dolan; Fitzgibbon; Hansen; Hudgins; Kilduff; Macri; Pettigrew; Pollet; Ryu; Senn; Sullivan; Tarleton and Tharinger.

MINORITY recommendation: Do not pass. Signed by Representatives Stokesbary, Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Rude, Assistant Ranking Minority Member; Chandler; Dye; Hoff; Kraft; Mosbrucker; Schmick; Steele; Sutherland and Ybarra.

Referred to Committee on Rules for second reading.

February 10, 2020 )

HB 2737 Prime Sponsor, Representative Callan: Updating the children's mental health work group. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Human Services & Early Learning. Signed by Representatives Ormsby, Chair; Stokesbary, Ranking Minority Member; Robinson, 1st Vice Chair; Bergquist, 2nd Vice Chair; Rude, Assistant Ranking Minority Member; Caldier; Chandler; Chopp; Cody; Corry; Dolan; Dye; Fitzgibbon; Hansen; Hoff; Hudgins; Kilduff; Kraft; Macri; Mosbrucker; Pettigrew; Pollet; Ryu; Schmick; Senn; Springer; Steele; Sullivan; Sutherland; Tarleton; Tharinger and Ybarra.

Referred to Committee on Rules for second reading.

February 10, 2020 )

HB 2758 Prime Sponsor, Representative Corry: Recognizing posttraumatic stress disorders of 911 emergency dispatch personnel. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill by Committee on Labor & Workplace Standards be substituted therefor and the substitute bill do pass. Signed by Representatives Ormsby, Chair; Robinson, 1st Vice Chair; Bergquist, 2nd Vice Chair; Rude, Assistant Ranking Minority Member; Caldier; Chandler; Chopp; Cody; Corry; Dolan; Fitzgibbon; Hansen; Hudgins; Kilduff; Macri; Pettigrew; Pollet; Ryu; Senn; Springer; Steele; Sullivan; Tarleton; Tharinger and Ybarra.

MINORITY recommendation: Do not pass. Signed by Representatives Stokesbary, Ranking Minority Member; Dye; Hoff; Kraft; Schmick and Sutherland.

MINORITY recommendation: Without recommendation. Signed by Representative Mosbrucker.

Referred to Committee on Rules for second reading.

February 10, 2020 )

HB 2763 Prime Sponsor, Representative Chapman: Concerning interest arbitration for department of corrections employees. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Ormsby, Chair; Robinson, 1st Vice Chair; Bergquist, 2nd Vice Chair; Rude, Assistant Ranking Minority Member; Caldier; Chandler; Chopp; Cody; Dolan; Fitzgibbon; Hansen; Hudgins; Kilduff; Macri; Mosbrucker; Pettigrew; Pollet; Ryu; Senn; Springer; Sullivan; Tarleton and Tharinger.



MINORITY recommendation: Do not pass. Signed by Representatives Stokesbary, Ranking Minority Member; Corry; Dye; Hoff; Kraft; Schmick; Steele; Sutherland and Ybarra.

Referred to Committee on Rules for second reading.

February 11, 2020 )

HB 2768 Prime Sponsor, Representative Ramos:  
Concerning urban and community forestry.  
Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Ormsby, Chair; Stokesbary, Ranking Minority Member; Robinson, 1st Vice Chair; Bergquist, 2nd Vice Chair; Rude, Assistant Ranking Minority Member; Caldier; Chandler; Chopp; Cody; Corry; Dolan; Dye; Fitzgibbon; Hansen; Hoff; Hudgins; Kilduff; Macri; Mosbrucker; Pettigrew; Pollet; Ryu; Senn; Springer; Steele; Sullivan; Sutherland; Tarleton; Tharinger and Ybarra.

MINORITY recommendation: Do not pass. Signed by Representatives Kraft and Schmick.

Referred to Committee on Rules for second reading.

February 10, 2020 )

HB 2787 Prime Sponsor, Representative Callan:  
Completing the transfer of the early support  
for infants and toddlers program from the  
office of the superintendent of public  
instruction to the department of children,  
youth, and families. Reported by  
Committee on Appropriations

MAJORITY recommendation: The substitute bill by Committee on Human Services & Early Learning be substituted therefor and the substitute bill do pass. Signed by Representatives Ormsby, Chair; Stokesbary, Ranking Minority Member; Robinson, 1st Vice Chair; Bergquist, 2nd Vice Chair; Rude, Assistant Ranking Minority Member; Caldier; Chandler; Chopp; Cody; Corry; Dolan; Dye; Fitzgibbon; Hansen; Hoff; Hudgins; Kilduff; Kraft; Macri; Mosbrucker; Pettigrew; Pollet; Ryu; Schmick; Senn; Springer; Steele; Sullivan; Sutherland; Tarleton; Tharinger and Ybarra.

Referred to Committee on Rules for second reading.

February 11, 2020 )

HB 2789 Prime Sponsor, Representative Lovick:  
Collecting information regarding police  
use of deadly force. Reported by  
Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Ormsby, Chair; Stokesbary, Ranking

Minority Member; Robinson, 1st Vice Chair; Bergquist, 2nd Vice Chair; Rude, Assistant Ranking Minority Member; Caldier; Chandler; Chopp; Cody; Corry; Dolan; Dye; Fitzgibbon; Hansen; Hoff; Hudgins; Kilduff; Macri; Mosbrucker; Pettigrew; Pollet; Ryu; Schmick; Senn; Springer; Steele; Sullivan; Sutherland; Tarleton and Tharinger.

MINORITY recommendation: Do not pass. Signed by Representatives Kraft and Ybarra.

Referred to Committee on Rules for second reading.

February 10, 2020 )

HB 2793 Prime Sponsor, Representative Hansen:  
Vacating criminal records. Reported by  
Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Public Safety. Signed by Representatives Ormsby, Chair; Stokesbary, Ranking Minority Member; Robinson, 1st Vice Chair; Bergquist, 2nd Vice Chair; Rude, Assistant Ranking Minority Member; Caldier; Chandler; Chopp; Cody; Corry; Dolan; Dye; Fitzgibbon; Hansen; Hoff; Hudgins; Kilduff; Macri; Pettigrew; Pollet; Ryu; Schmick; Senn; Springer; Steele; Sullivan; Sutherland; Tarleton; Tharinger and Ybarra.

MINORITY recommendation: Without recommendation. Signed by Representative Mosbrucker.

MINORITY recommendation: Do not pass. Signed by Representative Kraft.

Referred to Committee on Rules for second reading.

February 8, 2020 )

HB 2809 Prime Sponsor, Representative Caldier:  
Regarding essential needs and housing  
support eligibility. Reported by Committee  
on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Ormsby, Chair; Stokesbary, Ranking Minority Member; Robinson, 1st Vice Chair; Bergquist, 2nd Vice Chair; MacEwen, Assistant Ranking Minority Member; Rude, Assistant Ranking Minority Member; Caldier; Chandler; Chopp; Cody; Dolan; Dye; Fitzgibbon; Hansen; Hoff; Hudgins; Kilduff; Kraft; Macri; Mosbrucker; Pettigrew; Pollet; Ryu; Schmick; Senn; Steele; Sullivan; Sutherland; Tarleton; Tharinger and Ybarra.

Referred to Committee on Rules for second reading.

February 8, 2020 )

**HB 2826** Prime Sponsor, Representative Peterson: Clarifying the authority of the liquor and cannabis board to regulate marijuana vapor products. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Ormsby, Chair; Stokesbary, Ranking Minority Member; Robinson, 1st Vice Chair; Bergquist, 2nd Vice Chair; MacEwen, Assistant Ranking Minority Member; Rude, Assistant Ranking Minority Member; Caldier; Chandler; Chopp; Cody; Dolan; Dye; Fitzgibbon; Hansen; Hoff; Hudgins; Kilduff; Kraft; Macri; Mosbrucker; Pettigrew; Pollet; Ryu; Schmick; Senn; Steele; Sullivan; Sutherland; Tarleton; Tharinger and Ybarra.

Referred to Committee on Rules for second reading.

February 11, 2020 )

**HB 2834** Prime Sponsor, Representative Harris: Implementing an identicard program to provide individuals a Washington state issued identicard. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Ormsby, Chair; Stokesbary, Ranking Minority Member; Robinson, 1st Vice Chair; Bergquist, 2nd Vice Chair; Rude, Assistant Ranking Minority Member; Caldier; Chandler; Chopp; Cody; Corry; Dolan; Dye; Fitzgibbon; Hansen; Hoff; Hudgins; Kilduff; Macri; Mosbrucker; Pettigrew; Pollet; Ryu; Schmick; Senn; Springer; Steele; Sullivan; Tarleton; Tharinger and Ybarra.

MINORITY recommendation: Do not pass. Signed by Representative Kraft.

MINORITY recommendation: Without recommendation. Signed by Representative Sutherland.

Referred to Committee on Rules for second reading.

February 11, 2020 )

**HB 2836** Prime Sponsor, Representative Lovick: Establishing an unpiloted aircraft system state coordinator. Reported by Committee on Transportation

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Fey, Chair; Slatter, 2nd Vice Chair; Valdez, 2nd Vice Chair; Wylie, 1st Vice Chair; Barkis, Ranking Minority Member; Walsh, Assistant Ranking Minority Member; Young, Assistant Ranking Minority Member; Boehnke; Chambers; Chapman; Doglio; Duerr; Dufault; Entenman; Eslick; Goehner; Gregerson; Irwin; Kloba; Lovick; McCaslin; Mead;

Orcutt; Ortiz-Self; Paul; Ramos; Riccelli; Shewmake; Van Werven and Volz.

Referred to Committee on Rules for second reading.

February 10, 2020 )

**HB 2864** Prime Sponsor, Representative Paul: Establishing a running start summer school pilot program. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Education. Signed by Representatives Ormsby, Chair; Robinson, 1st Vice Chair; Bergquist, 2nd Vice Chair; Rude, Assistant Ranking Minority Member; Caldier; Chopp; Cody; Corry; Dolan; Fitzgibbon; Hansen; Hudgins; Kilduff; Macri; Mosbrucker; Pettigrew; Pollet; Ryu; Senn; Springer; Sullivan; Sutherland; Tarleton; Tharinger and Ybarra.

MINORITY recommendation: Do not pass. Signed by Representatives Stokesbary, Ranking Minority Member; Chandler; Dye; Hoff; Kraft; Schmick and Steele.

Referred to Committee on Rules for second reading.

February 11, 2020 )

**HB 2870** Prime Sponsor, Representative Pettigrew: Allowing additional marijuana retail licenses for social equity purposes. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Ormsby, Chair; Robinson, 1st Vice Chair; Bergquist, 2nd Vice Chair; Chopp; Cody; Dolan; Fitzgibbon; Hansen; Hudgins; Kilduff; Macri; Pettigrew; Pollet; Ryu; Senn; Springer; Sullivan; Tarleton and Tharinger.

MINORITY recommendation: Do not pass. Signed by Representatives Stokesbary, Ranking Minority Member; Rude, Assistant Ranking Minority Member; Caldier; Chandler; Corry; Dye; Hoff; Kraft; Schmick; Steele; Sutherland and Ybarra.

MINORITY recommendation: Without recommendation. Signed by Representative Mosbrucker.

Referred to Committee on Rules for second reading.

February 11, 2020 )

**HB 2873** Prime Sponsor, Representative Johnson, J.: Concerning families in conflict. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Ormsby, Chair; Stokesbary, Ranking Minority Member; Robinson, 1st Vice Chair; Bergquist, 2nd Vice Chair; Rude, Assistant Ranking Minority Member; Caldier; Chandler; Chopp; Cody; Corry; Dolan; Dye; Fitzgibbon; Hansen; Hoff; Hudgins; Kilduff; Kraft; Macri; Mosbrucker; Pettigrew; Pollet; Ryu; Schmick; Senn; Springer; Steele; Sullivan; Sutherland; Tarleton; Tharinger and Ybarra.

HOUSE BILL NO. 2277  
HOUSE BILL NO. 2299  
HOUSE BILL NO. 2318  
HOUSE BILL NO. 2327  
HOUSE BILL NO. 2334  
HOUSE BILL NO. 2393  
HOUSE BILL NO. 2394  
HOUSE BILL NO. 2417  
HOUSE BILL NO. 2421  
HOUSE BILL NO. 2467

Referred to Committee on Rules for second reading.

February 10, 2020 )

HB 2906 Prime Sponsor, Representative Kretz:  
Concerning the use of radio collars on gray  
wolves by the department of fish and  
wildlife. Reported by Committee on  
Appropriations

which were placed on the second reading calendar.

There being no objection, the House adjourned until  
9:00 a.m., February 12, 2020, the 31st Day of the Regular  
Session.

LAURIE JINKINS, Speaker  
BERNARD DEAN, Chief Clerk

MAJORITY recommendation: The substitute bill by  
Committee on Rural Development, Agriculture, &  
Natural Resources be substituted therefor and the  
substitute bill do pass. Signed by Representatives  
Ormsby, Chair; Stokesbary, Ranking Minority Member;  
Robinson, 1st Vice Chair; Bergquist, 2nd Vice Chair;  
Rude, Assistant Ranking Minority Member; Caldier;  
Chandler; Chopp; Cody; Corry; Dolan; Dye; Fitzgibbon;  
Hansen; Hoff; Hudgins; Kilduff; Kraft; Macri;  
Mosbrucker; Pettigrew; Pollet; Ryu; Schmick; Senn;  
Springer; Steele; Sullivan; Sutherland; Tarleton;  
Tharinger and Ybarra.

Referred to Committee on Rules for second reading.

February 11, 2020 )

HB 2923 Prime Sponsor, Representative Peterson:  
Concerning railroad grade crossings.  
Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by  
Representatives Fey, Chair; Slatter, 2nd Vice Chair;  
Valdez, 2nd Vice Chair; Wylie, 1st Vice Chair; Walsh,  
Assistant Ranking Minority Member; Boehnke; Doglio;  
Duerr; Entenman; Eslick; Kloba; Lovick; Mead; Ortiz-  
Self; Paul; Ramos; Riccelli; Shewmake and Volz.

MINORITY recommendation: Do not pass. Signed by  
Representatives Barkis, Ranking Minority Member;  
Young, Assistant Ranking Minority Member;  
Chambers; Chapman; Dufault; Goehner; Irwin;  
McCaslin; Orcutt and Van Werven.

Referred to Committee on Rules for second reading.

There being no objection, the bills and resolution listed  
on the day's committee reports under the fifth order of  
business were referred to the committees so designated with  
the exception of:

HOUSE BILL NO. 2200

## SIXTY SIXTH LEGISLATURE - REGULAR SESSION

## THIRTY FIRST DAY

House Chamber, Olympia, Wednesday, February 12, 2020

The House was called to order at 9:00 a.m. by the Speaker (Representative Lovick presiding). The Clerk called the roll and a quorum was present.

The flags were escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Peter Silliman and Hermon Getnet. The Speaker (Representative Lovick presiding) led the Chamber in the Pledge of Allegiance. The prayer was offered by Representative Chris Corry, 14th Legislative District, Washington.

Reading of the Journal of the previous day was dispensed with and it was ordered to stand approved.

The Speaker assumed the chair.

There being no objection, the House advanced to the fourth order of business.

## INTRODUCTION &amp; FIRST READING

**HB 2937** by Representative Dolan

AN ACT Relating to creating a three-tiered salary schedule for certificated instructional staff; and amending RCW 28A.150.410 and 28A.150.412.

Referred to Committee on Appropriations.

There being no objection, the bill listed on the day's introduction sheet under the fourth order of business was referred to the committee so designated.

There being no objection, the House advanced to the sixth order of business.

## SECOND READING

**HOUSE BILL NO. 2602**, by Representatives Morgan, Thai, Pettigrew, Entenman, Lovick, Slatter, Santos, Ryu, Duerr, Appleton, Bergquist, Stonier, Ramos, Leavitt, Corry, Orwall, Dolan, Frame, Valdez, Gregerson, Ortiz-Self, Peterson, Davis, Riccelli, Callan, J. Johnson, Fey, Ramel, Hudgins, Kilduff, Robinson, Irwin, Doglio, Ormsby, Pollet and Macri

**Concerning hair discrimination.**

The bill was read the second time.

Representative Klippert moved the adoption of amendment (1110):

On page 6, line 21, after "hairstyles." insert the following:

"(a)"

On page 6, after line 23, insert the following:

"(b) This section does not prohibit an employer, including law enforcement, paramilitary, and military agencies, from requiring a uniform professional grooming standard for all employees while at work, in uniform, or while in civilian clothes on duty."

Representative Klippert spoke in favor of the adoption of the amendment.

Representative Kilduff spoke against the adoption of the amendment.

Amendment (1110) was not adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Morgan, Irwin and Entenman spoke in favor of the passage of the bill.

Representative Dufault spoke against the passage of the bill.

## MOTION

On motion of Representative Griffey, Representative MacEwen was excused.

The Speaker stated the question before the House to be the final passage of House Bill No. 2602.

## ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2602, and the bill passed the House by the following vote: Yeas, 87; Nays, 10; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Callan, Chambers, Chapman, Chopp, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Duerr, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, J. Johnson, Kilduff, Kirby, Kloba, Leavitt, Lekanoff, Lovick, Macri, Maycumber, Mead, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Slatter, Smith,

Springer, Steele, Stokesbary, Stonier, Sullivan, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Voting nay: Representatives Caldier, Chandler, Dufault, Klippert, Kraft, Kretz, McCaslin, Shea, Sutherland and Walsh.

Excused: Representative MacEwen.

HOUSE BILL NO. 2602, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1293, by Representatives Tharinger, Blake, Kretz and Mosbrucker**

**Concerning the distribution of monetary penalties to local courts and state agencies paid for failure to comply with discover pass requirements.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 1293 was substituted for House Bill No. 1293 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1293 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Tharinger and Stokesbary spoke in favor of the passage of the bill.

The Speaker stated the question before the House to be the final passage of Substitute House Bill No. 1293.

**ROLL CALL**

The Clerk called the roll on the final passage of Substitute House Bill No. 1293, and the bill passed the House by the following vote: Yeas, 93; Nays, 0; Absent, 4; Excused, 1.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, Macri, Maycumber, McCaslin, Mead, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shea, Shewmake, Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Absent: Representatives Chapman, Morgan, Orcutt and Ormsby.

Excused: Representative MacEwen.

SUBSTITUTE HOUSE BILL NO. 1293, having received the necessary constitutional majority, was declared passed.

**RECONSIDERATION**

There being no objection, the House immediately reconsidered the vote by which SUBSTITUTE HOUSE BILL NO. 1293 passed the House.

The Speaker stated the question before the House to be the final passage of Substitute House Bill No. 1293, on reconsideration.

**ROLL CALL**

The Clerk called the roll on the final passage of Substitute House Bill No. 1293, on reconsideration, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, Macri, Maycumber, McCaslin, Mead, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shea, Shewmake, Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Excused: Representative MacEwen.

SUBSTITUTE HOUSE BILL NO. 1293, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1983, by Representatives Maycumber, Kretz and Walsh**

**Concerning natural resource management activities.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Maycumber and Blake spoke in favor of the passage of the bill.

The Speaker stated the question before the House to be the final passage of House Bill No. 1983.

**ROLL CALL**

The Clerk called the roll on the final passage of House Bill No. 1983, and the bill passed the House by the following vote: Yeas, 91; Nays, 6; Absent, 0; Excused, 1.

Voting yea: Representatives Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, J. Johnson, Kirby, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, Macri, Maycumber, McCaslin, Mead, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shea, Shewmake, Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Voting nay: Representatives Appleton, Kilduff, Pollet, Ramel, Ramos and Thai.

Excused: Representative MacEwen.

HOUSE BILL NO. 1983, having received the necessary constitutional majority, was declared passed.

#### **HOUSE BILL NO. 2109, by Representative Blake**

##### **Concerning membership of the Chehalis board.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Blake and Orcutt spoke in favor of the passage of the bill.

The Speaker stated the question before the House to be the final passage of House Bill No. 2109.

#### **ROLL CALL**

The Clerk called the roll on the final passage of House Bill No. 2109, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, Macri, Maycumber, McCaslin, Mead, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shea, Shewmake, Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Excused: Representative MacEwen.

HOUSE BILL NO. 2109, having received the necessary constitutional majority, was declared passed.

#### **HOUSE BILL NO. 2218, by Representatives Eslick, Leavitt, Chambers, Callan, Dent, Walsh, Corry, Jenkin, Van Werven, Ryu, Shewmake, Thai, Young and Wylie**

##### **Increasing the cap on gross sales for cottage food operations.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Eslick and Blake spoke in favor of the passage of the bill.

The Speaker stated the question before the House to be the final passage of House Bill No. 2218.

#### **ROLL CALL**

The Clerk called the roll on the final passage of House Bill No. 2218, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, Macri, Maycumber, McCaslin, Mead, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shea, Shewmake, Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Excused: Representative MacEwen.

HOUSE BILL NO. 2218, having received the necessary constitutional majority, was declared passed.

#### **HOUSE BILL NO. 2250, by Representatives Blake, Fitzgibbon, Lekanoff and Tharinger**

##### **Concerning coastal crab derelict gear recovery.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 2250 was substituted for House Bill No. 2250 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2250 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Blake spoke in favor of the passage of the bill.

The Speaker stated the question before the House to be the final passage of Substitute House Bill No. 2250.

### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2250, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, Macri, Maycumber, McCaslin, Mead, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shea, Shewmake, Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Excused: Representative MacEwen.

SUBSTITUTE HOUSE BILL NO. 2250, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 2266, by Representatives Doglio, Dolan, Leavitt, Ryu, Tarleton, Appleton, Paul, Ormsby, Sells, Macri, Wylie, Senn, Cody, Kloba, Hudgins and Pollet**

**Concerning reasonable accommodation for the expression of breast milk without requiring written certification from a health care professional.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Doglio and Mosbrucker spoke in favor of the passage of the bill.

The Speaker stated the question before the House to be the final passage of House Bill No. 2266.

### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2266, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, Macri, Maycumber, McCaslin, Mead, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shea, Shewmake, Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Excused: Representative MacEwen.

HOUSE BILL NO. 2266, having received the necessary constitutional majority, was declared passed.

The Speaker called upon Representative Lovick to preside.

**HOUSE BILL NO. 2315, by Representatives Orwall, Fitzgibbon and Pellicciotti**

**Installing, repairing, replacing, and updating mitigation equipment installed within an impacted area.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Orwall and Griffey spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of House Bill No. 2315.

### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2315, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, Macri, Maycumber, McCaslin, Mead, Morgan, Mosbrucker, Orcutt, Ormsby,

Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shea, Shewmake, Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Excused: Representative MacEwen.

HOUSE BILL NO. 2315, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 2348, by Representatives Duerr, Ormsby and Macri**

**Streamlining reporting for recipients of housing-related state funding by removing Washington state quality award program requirements.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Duerr and Stokesbary spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of House Bill No. 2348.

**ROLL CALL**

The Clerk called the roll on the final passage of House Bill No. 2348, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, Macri, Maycumber, McCaslin, Mead, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shea, Shewmake, Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Excused: Representative MacEwen.

HOUSE BILL NO. 2348, having received the necessary constitutional majority, was declared passed.

**POINT OF PERSONAL PRIVILEGE**

Representative Kloba congratulated Representative Duerr on the passage of her first bill through the House, and asked the Chamber to acknowledge her accomplishment.

**HOUSE BILL NO. 2508, by Representatives Wylie and Vick**

**Simplifying the process for donating low-value surplus property owned by a city-owned utility.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Wylie and Kraft spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of House Bill No. 2508.

**ROLL CALL**

The Clerk called the roll on the final passage of House Bill No. 2508, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, Macri, Maycumber, McCaslin, Mead, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shea, Shewmake, Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Excused: Representative MacEwen.

HOUSE BILL NO. 2508, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 2587, by Representatives Ramel, Shewmake, Duerr, Stonier, Dufault, Doglio, Mead, Thai, Lekanoff, Fitzgibbon, Pollet, Leavitt and Davis**

**Establishing a program for the designation of state scenic bikeways.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.



Representatives Ramel and Jenkin spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of House Bill No. 2587.

### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2587, and the bill passed the House by the following vote: Yeas, 96; Nays, 1; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Kraft, Leavitt, Lekanoff, Lovick, Macri, Maycumber, McCaslin, Mead, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shea, Shewmake, Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Voting nay: Representative Kretz.

Excused: Representative MacEwen.

HOUSE BILL NO. 2587, having received the necessary constitutional majority, was declared passed.

### POINT OF PERSONAL PRIVILEGE

Representative Lekanoff congratulated Representative Ramel on the passage of his first bill through the House, and asked the Chamber to acknowledge his accomplishment.

**HOUSE BILL NO. 2640, by Representatives Fey, Kirby, Doglio, Fitzgibbon, Orwall, Gregerson, Valdez, Peterson and Ryu**

**Clarifying that facilities that are operated by a private entity in which persons are detained in custody under process of law pending the outcome of legal proceedings are not essential public facilities under the growth management act.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Fey and DeBolt spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of House Bill No. 2640.

### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2640, and the bill passed the House by the following vote: Yeas, 85; Nays, 12; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chapman, Chopp, Cody, Davis, DeBolt, Doglio, Dolan, Duerr, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, J. Johnson, Kilduff, Kirby, Kloba, Kretz, Leavitt, Lekanoff, Lovick, Macri, McCaslin, Mead, Morgan, Mosbrucker, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shea, Shewmake, Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Wylie, Ybarra, Young and Mme. Speaker.

Voting nay: Representatives Chandler, Corry, Dent, Dufault, Irwin, Jenkin, Klippert, Kraft, Maycumber, Orcutt, Walsh and Wilcox.

Excused: Representative MacEwen.

HOUSE BILL NO. 2640, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 2811, by Representatives J. Johnson, Steele, Santos, Ramel, Thai, Mead, Frame, Davis, Valdez, Bergquist, Doglio, Kirby, Lovick, Tarleton, Dolan, Goodman, Gregerson, Slatter, Macri, Hudgins, Pollet, Ryu and Stonier**

**Establishing a statewide environmental sustainability education program.**

The bill was read the second time.

Representative Steele moved the adoption of amendment (1112):

On page 2, line 8, strike "501(c)" and insert "501(c)(3)"

On page 3, line 16, strike "501(c)" and insert "501(c)(3)"

Representatives Steele and Johnson spoke in favor of the adoption of the amendment.

Amendment (1112) was adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Johnson and Steele spoke in favor of the passage of the bill.

Representative Kraft spoke against the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed House Bill No. 2811.

### ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 2811, and the bill passed the House by the following vote: Yeas, 91; Nays, 6; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Kretz, Leavitt, Lekanoff, Lovick, Macri, Maycumber, Mead, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra and Mme. Speaker.

Voting nay: Representatives Jenkin, Kraft, McCaslin, Shea, Sutherland and Young.

Excused: Representative MacEwen.

ENGROSSED HOUSE BILL NO. 2811, having received the necessary constitutional majority, was declared passed.

### POINT OF PERSONAL PRIVILEGE

Representative Pellicciotti congratulated Representative Johnson on the passage of his first bill through the House, and asked the Chamber to acknowledge his accomplishment.

**HOUSE JOINT MEMORIAL NO. 4012, by Representatives Lekanoff, Stokesbary, DeBolt, Irwin, Stonier, Chapman, Kilduff, Wylie, Pellicciotti, Orwall, Sullivan, Pettigrew, Peterson, Paul, Slatter, Blake, Shewmake, Tharinger, Doglio, Goodman, Cody, Ormsby, Pollet, Valdez, Callan, Ramos, Leavitt, Stanford, Sells and Appleton**

#### Recognizing the international year of the salmon.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Lekanoff spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of House Joint Memorial No. 4012.

### ROLL CALL

The Clerk called the roll on the final passage of House Joint Memorial No. 4012, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, Macri, Maycumber, McCaslin, Mead, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shea, Shewmake, Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Excused: Representative MacEwen.

HOUSE JOINT MEMORIAL NO. 4012, having received the necessary constitutional majority, was declared passed.

There being no objection, the House advanced to the seventh order of business.

### THIRD READING

**SUBSTITUTE HOUSE BILL NO. 1009, by House Committee on State Government & Tribal Relations (originally sponsored by Dolan, Kirby and Jinkins)**

#### Addressing the state auditor's duties and procedures.

The bill was read the third time.

Representatives Dolan and Maycumber spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1009.

### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1009, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Duerr, Dufault, Dye, Entenman,

Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, Macri, Maycumber, McCaslin, Mead, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shea, Shewmake, Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Excused: Representative MacEwen.

SUBSTITUTE HOUSE BILL NO. 1009, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1079, by Representatives Pollet, Kloba, Stanford and Frame**

**Adding a faculty member to the board of regents at the research universities.**

The bill was read the third time.

Representatives Pollet and Boehnke spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of House Bill No. 1079.

**ROLL CALL**

The Clerk called the roll on the final passage of House Bill No. 1079, and the bill passed the House by the following vote: Yeas, 83; Nays, 14; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chapman, Chopp, Cody, Corry, Davis, Doglio, Dolan, Duerr, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hudgins, Irwin, Jenkin, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Kraft, Leavitt, Lekanoff, Lovick, Macri, Mead, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Tarleton, Thai, Tharinger, Valdez, Van Werven, Walen, Wylie, Ybarra, Young and Mme. Speaker.

Voting nay: Representatives Chandler, DeBolt, Dent, Dufault, Hoff, Kretz, Maycumber, McCaslin, Shea, Sutherland, Vick, Volz, Walsh and Wilcox.

Excused: Representative MacEwen.

HOUSE BILL NO. 1079, having received the necessary constitutional majority, was declared passed.

The Speaker assumed the Chair.

There being no objection, the House reverted to the sixth order of business.

**SECOND READING**

**HOUSE BILL NO. 1551, by Representatives Cody, Stonier, Fey, Appleton and Pollet**

**Modernizing the control of certain communicable diseases.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 1551 was substituted for House Bill No. 1551 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1551 was read the second time.

With the consent of the House, amendments (1023) and (1024) were withdrawn.

Representative Macri moved the adoption of the striking amendment (1026):

Strike everything after the enacting clause and insert the following:

"**Sec. 15.** RCW 70.24.015 and 1988 c 206 s 901 are each amended to read as follows:

The legislature declares that sexually transmitted diseases and blood-borne pathogens constitute a serious and sometimes fatal threat to the public and individual health and welfare of the people of the state. The legislature finds that the incidence of sexually transmitted diseases and blood-borne pathogens is rising at an alarming rate and that these diseases result in significant social, health, and economic costs, including infant and maternal mortality, temporary and lifelong disability, and premature death. The legislature further finds that sexually transmitted diseases and blood-borne pathogens, by their nature, involve sensitive issues of privacy, and it is the intent of the legislature that all programs designed to deal with these diseases afford patients privacy, confidentiality, and dignity. The legislature also finds that medical knowledge and information about sexually transmitted diseases and blood-borne pathogens are rapidly changing. It is therefore the intent of the legislature to provide a program that is sufficiently flexible to meet emerging needs, deals efficiently and effectively with reducing the incidence of sexually transmitted diseases and blood-borne pathogens, and provides patients with a secure knowledge that information they provide will remain private and confidential.

**Sec. 16.** RCW 70.24.017 and 2001 c 319 s 4 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter:

(1) (~~"Acquired immunodeficiency syndrome" or "AIDS" means the clinical syndrome of HIV related illness~~

~~as defined by the board of health by rule.))~~ "Blood-borne pathogen" means a pathogenic microorganism that is present in human blood and can cause disease in humans, including hepatitis B virus, hepatitis C virus, and human immunodeficiency virus, as well as any other pathogen specified by the board in rule.

(2) "Board" means the state board of health.

(3) "Department" means the department of health, or any successor department with jurisdiction over public health matters.

(4) "Health care provider" means any person who is a member of a profession under RCW 18.130.040 or other person providing medical, nursing, psychological, or other health care services regulated by the department of health.

(5) "Health care facility" means a hospital, nursing home, neuropsychiatric or mental health facility, home health agency, hospice, child care agency, group care facility, family foster home, clinic, blood bank, blood center, sperm bank, laboratory, or other social service or health care institution regulated or operated by the department of health.

(6) ~~("HIV-related condition" means any medical condition resulting from infection with HIV including, but not limited to, seropositivity for HIV.))~~ "Health order" means a written directive issued by the state or local health officer that requires the recipient to take specific action to remove, reduce, control or prevent a risk to public health.

(7) "Human immunodeficiency virus" or "HIV" means all HIV and HIV-related viruses which damage the cellular branch of the human immune ~~((or neurological))~~ system(s) and leave the ~~((infected))~~ person immunodeficient ~~((or neurologically impaired))~~.

(8) "Test for a sexually transmitted disease" means a test approved by the board by rule.

(9) "Legal guardian" means a person appointed by a court to assume legal authority for another who has been found incompetent or, in the case of a minor, a person who has legal custody of the child.

(10) "Local ~~((public))~~ health officer" ~~((means the officer directing the county health department or his or her designee who has been given the responsibility and authority to protect the health of the public within his or her jurisdiction))~~ has the same meaning as in RCW 70.05.010.

(11) "Medical treatment" includes treatment for curable diseases and treatment that causes a person to be unable to transmit a disease to others, based upon generally accepted standards of medical and public health science, as specified by the board in rule.

(12) "Person" includes any natural person, partnership, association, joint venture, trust, public or private corporation, or health facility.

~~((12) "Release of test results" means a written authorization for disclosure of any sexually transmitted disease test result which is signed, dated, and which specifies to whom disclosure is authorized and the time period during which the release is to be effective.))~~

(13) "Sexually transmitted disease" means a bacterial, viral, fungal, or parasitic ~~((disease))~~ infection, determined by the board by rule to be sexually transmitted, to be a threat to the public health and welfare, and to be ~~((a disease))~~ an infection for which a legitimate public interest will be served by providing for regulation and treatment. The board shall designate chancroid, gonorrhea, granuloma inguinale, lymphogranuloma venereum, genital herpes simplex, chlamydia, ~~((nongonococcal urethritis (NGU).))~~ trachomitis, genital human papilloma virus infection, syphilis, ~~((acquired immunodeficiency syndrome (AIDS).))~~ and human immunodeficiency virus (HIV) infection as sexually transmitted diseases, and shall consider the recommendations and classifications of the centers for disease control and other nationally recognized medical authorities in designating other diseases as sexually transmitted.

(14) "State ~~((public))~~ health officer" means the secretary of health or an officer appointed by the secretary.

**Sec. 17.** RCW 70.24.024 and 1988 c 206 s 909 are each amended to read as follows:

(1) Subject to the provisions of this chapter, the state and local ~~((public))~~ health officers or their authorized representatives may examine and counsel ~~((or cause to be examined and counseled))~~ persons reasonably believed to be infected with or to have been exposed to a sexually transmitted disease.

(2) ~~((Orders or restrictive measures directed to persons with a sexually transmitted disease shall be used as the last resort when other measures to protect the public health have failed, including reasonable efforts, which shall be documented, to obtain the voluntary cooperation of the person who may be subject to such an order. The orders and measures shall be applied serially with the least intrusive measures used first. The burden of proof shall be on the state or local public health officer to show that specified grounds exist for the issuance of the orders or restrictive measures and that the terms and conditions imposed are no more restrictive than necessary to protect the public health.~~

(3) ~~When the state or local public health officer within his or her respective jurisdiction knows or has reason to believe, because of direct medical knowledge or reliable testimony of others in a position to have direct knowledge of a person's behavior, that a person has a sexually transmitted disease and is engaging in specified conduct, as determined by the board by rule based upon generally accepted standards of medical and public health science, that endangers the public health, he or she shall conduct an investigation in accordance with procedures prescribed by the board to evaluate the specific facts alleged, if any, and the reliability and credibility of the person or persons providing such information and, if satisfied that the allegations are true, he or she may issue an order according to the following priority to:~~

~~((a) Order a person to))~~ (a) The state or a local health officer may conduct an investigation when:

(i) He or she knows or has reason to believe that a person in his or her jurisdiction has a sexually transmitted

disease and is engaging in specified behavior that endangers the public health; and

(ii) The basis for the health officer's investigation is the officer's direct medical knowledge or reliable testimony of another who is in a position to have direct knowledge of the person's behavior.

(b) In conducting the investigation, the health officer shall evaluate the allegations, as well as the reliability and credibility of any person or persons who provided information related to the specified behavior that endangers the public health.

(3) If the state or local health officer determines upon conclusion of the investigation that the allegations are true and that the person continues to engage in behavior that endangers the public health, the health officer shall document measures taken to protect the public health, including reasonable efforts to obtain the person's voluntary cooperation.

(4)(a) If the measures taken under subsection (3) of this section fail to protect the public health, the state or local health officer may issue a health order requiring the person to:

(i) Submit to a medical examination or testing, ((seek)) receive counseling, or ((obtain)) receive medical treatment ((for curable diseases)), or any combination of these; within a period of time determined by the public health officer, not to exceed fourteen days.

(b) Order a person to). If ordering a person to receive medical treatment, the health officer must provide the person with at least one additional appropriate option to choose from in the health order; or

(ii) Immediately cease and desist from specified ((conduct which)) behavior that endangers the public health ((of others)) by imposing such restrictions upon the person as are necessary to prevent the specified ((conduct)) behavior that endangers the public health ((of others only if the public health officer has determined that clear and convincing evidence exists to believe that such person has been ordered to report for counseling as provided in (a) of this subsection and continues to demonstrate behavior which endangers the health of others)).

(b) Any restriction shall be in writing, setting forth the name of the person to be restricted ((and)), the initial period of time((, not to exceed three months,)) during which the health order shall remain effective, the terms of the restrictions, and such other conditions as may be necessary to protect the public health. Restrictions shall be imposed in the least-restrictive manner necessary to protect the public health. The period of time during which the health order is effective must be reasonably related to the purpose of the restriction or restrictions contained in the order, up to a maximum period of twelve months.

((4)) (5)(a) Upon the issuance of ((any)) a health order ((by the state or local public health officer or an authorized representative)) pursuant to subsection ((3)) (4) of this section ((or RCW 70.24.340(4), such public)), the state or local health officer shall give written notice

promptly, personally, and confidentially to the person who is the subject of the order stating the grounds and provisions of the order, including the factual bases therefor, the evidence relied upon for proof of infection and dangerous behavior, and the likelihood of repetition of such behaviors in the absence of such an order((, and notifying)). The written notice must inform the person who is the subject of the order that, if he or she contests the order, he or she may file an appeal and appear at a judicial hearing on the enforceability of the order, to be held in superior court. ((He or she may have an attorney appear on his or her behalf in the hearing at public expense, if necessary.)) The hearing shall be held within seventy-two hours of receipt of the notice, unless the person subject to the order agrees to comply. If the person contests the order, no invasive medical procedures shall be carried out prior to a hearing being held pursuant to this subsection. ((If the person does not contest the order within seventy-two hours of receiving it, and the person does not comply with the order within the time period specified for compliance with the order, the state or local public health officer may request a warrant be issued by the superior court to insure appearance at the hearing. The hearing shall be within seventy-two hours of the expiration date of the time specified for compliance with the original order.))

(b) The health officer may apply to the superior court for a court order requiring the person to comply with the health order if the person fails to comply with the health order within the time period specified.

(c) At a hearing held pursuant to (a) or (b) of this subsection (5), the person subject to the health order may have an attorney appear on his or her behalf at public expense, if necessary. The burden of proof shall be on the ((public)) health officer to show by clear and convincing evidence that the specified grounds exist for the issuance of the order and for the need for compliance and that the terms and conditions imposed therein are no more restrictive than necessary to protect the public health. Upon conclusion of the hearing, the court shall issue appropriate orders affirming, modifying, or dismissing the health order.

((b)) (d) If the superior court dismisses the health order ((of the public health officer)), the fact that the order was issued shall be expunged from the records of the department or local department of health.

((5) Any hearing conducted pursuant to this section shall be closed and confidential unless a public hearing is requested by the person who is the subject of the order, in which case the hearing will be conducted in open court. Unless in open hearing, any transcripts or records relating thereto shall also be confidential and may be sealed by the order of the court.))

**NEW SECTION. Sec. 18.** A new section is added to chapter 70.24 RCW to read as follows:

A person who violates or fails to comply with a health order issued under RCW 70.24.024 is guilty of a gross misdemeanor punishable by confinement until the order has been complied with or terminated, up to a maximum period of three hundred sixty-four days. In lieu of confinement, the court may place the defendant on probation upon condition

that the defendant comply with the health order, up to the length of the health order. If the defendant is placed on probation and subsequently violates or fails to comply with the health order, the court shall revoke the probation and reinstate the original sentence of confinement.

**NEW SECTION. Sec. 19.** A new section is added to chapter 70.24 RCW to read as follows:

(1) It is unlawful for a person who knows that he or she has HIV to have sexual intercourse if:

(a) The person has been counseled by a health care provider or public health professional regarding the risk of transmitting HIV to others;

(b) The partner or partners exposed to HIV through sexual intercourse did not know that the person had HIV; and

(c) The person intended to transmit HIV to the partner.

(2) It is a defense to a prosecution under this section if:

(a) HIV was not transmitted to the partner; or

(b) The person took or attempted to take practical means to prevent transmission of HIV.

(3)(a) Except as provided in (b) of this subsection, violation of this section is a misdemeanor punishable as provided in RCW 9A.20.021.

(b) Violation of this section is a gross misdemeanor punishable as provided in RCW 9A.20.021 if the person knowingly misrepresented his or her infection status to the partner.

(c) Violation of this section does not require registration under RCW 9A.44.130.

(4) For purposes of this section, the following terms have the following meanings:

(a) "Practical means to prevent transmission" means good faith employment of an activity, behavior, method, or device that is scientifically demonstrated to measurably reduce the risk of transmitting a sexually transmitted disease, including but not limited to: The use of a condom, barrier protection, or other prophylactic device; or good faith participation in a treatment regimen prescribed by a health care provider or public health professional.

(b) "Sexual intercourse" has its ordinary meaning and occurs upon any penetration, however slight, of the vagina or anus of one person by the sexual organs of another whether such persons are of the same or another sex.

**Sec. 20.** RCW 70.24.080 and 1988 c 206 s 911 are each amended to read as follows:

Except as provided in sections 4 and 5 of this act, any person who ((shall)) violates any of the provisions of this chapter or any ((lawful)) rule adopted by the board ((pursuant to the authority herein granted)) under this chapter, or who ((shall)) fails or refuses to obey any lawful order issued by any state, county or municipal ((public)) health officer((, pursuant to the authority granted in)) under this chapter((s)) shall be deemed guilty of a gross

misdemeanor punishable as provided under RCW 9A.20.021.

**Sec. 21.** RCW 70.24.110 and 1988 c 206 s 912 are each amended to read as follows:

A minor fourteen years of age or older who may have come in contact with any sexually transmitted disease or suspected sexually transmitted disease may give consent to the furnishing of hospital, medical, and surgical care related to the diagnosis or treatment of such disease; and treatment to avoid HIV infection. Such consent shall not be subject to disaffirmance because of minority. The consent of the parent, parents, or legal guardian of such minor shall not be necessary to authorize hospital, medical, and surgical care related to such disease, and such parent, parents, or legal guardian shall not be liable for payment for any care rendered pursuant to this section.

**Sec. 22.** RCW 70.24.120 and 1991 c 3 s 324 are each amended to read as follows:

~~((Sexually transmitted))~~ (1) Disease case investigators, upon specific authorization from a physician or by a physician's standing order, are hereby authorized to ((perform)) gather specimens, including through performance of venipuncture or ((skin)) fingerstick puncture ((on)), from a person for the sole purpose of ((withdrawing blood)) obtaining specimens for use in ((sexually transmitted disease tests)) testing for sexually transmitted diseases, blood-borne pathogens, and other infections as defined by board rule.

~~((The term "sexually transmitted"))~~ (2) For the purposes of this section:

(a) "Disease case investigator" ((shall)) means only those persons who:

~~((1))~~ (i) Are employed by public health authorities; and

~~((2))~~ (ii) Have been trained by a physician in proper procedures to be employed when ((withdrawing)) collecting specimens, including blood, in accordance with training requirements established by the department of health; and

~~((3))~~ (iii) Possess a statement signed by the instructing physician that the training required by (a)(ii) of this subsection ((2) of this section) has been successfully completed.

~~((The term))~~ (b) "Physician" means any person licensed under the provisions of chapters 18.57 or 18.71 RCW.

**Sec. 23.** RCW 70.24.130 and 1991 c 3 s 325 are each amended to read as follows:

(1) The board shall adopt such rules as are necessary to implement and enforce this chapter((Rules may also be adopted by the department of health for the purposes of this chapter. The rules may include)), including, but not limited to, rules:

(a) Establishing procedures for taking appropriate action, in addition to any other penalty under this chapter, with regard to health care facilities or health care providers

~~((which)) that~~ violate this chapter or the rules adopted under this chapter~~((The rules shall prescribe))~~;

(b) Prescribing stringent safeguards to protect the confidentiality of the persons and records subject to this chapter, consistent with chapter 70.02 RCW;

(c) Establishing reporting requirements for sexually transmitted diseases;

(d) Establishing procedures for investigations under RCW 70.24.024;

(e) Specifying, for purposes of RCW 70.24.024, behavior that endangers the public health, based upon generally accepted standards of medical and public health science;

(f) Defining, for the purposes of RCW 70.24.120, specimens that can be obtained and tests that can be administered for sexually transmitted diseases, blood-borne pathogens, and other infections;

(g) Determining, for purposes of RCW 70.24.340, categories of employment that are at risk of substantial exposure to a blood-borne pathogen; and

(h) Defining, for purposes of RCW 70.24.340, 70.24.360, and 70.24.370, what constitutes an exposure that presents a possible risk of transmission of a blood-borne pathogen.

(2) In addition to any rules adopted by the board, the department may adopt any rules necessary to implement and enforce this chapter.

(3) The procedures set forth in chapter 34.05 RCW apply to the administration of this chapter, except that in case of conflict between chapter 34.05 RCW and this chapter, the provisions of this chapter shall control.

**Sec. 24.** RCW 70.24.220 and 1988 c 206 s 401 are each amended to read as follows:

The legislature finds that the public schools provide a unique and appropriate setting for educating young people about the pathology and prevention of ~~((acquired immunodeficiency syndrome (AIDS)))~~ sexually transmitted diseases. The legislature recognizes that schools and communities vary throughout the state and that locally elected school directors should have a significant role in establishing a program of ~~((AIDS))~~ sexually transmitted disease education in their districts, consistent with RCW 28A.230.020 and 28A.300.475.

**Sec. 25.** RCW 70.24.290 and 1988 c 206 s 606 are each amended to read as follows:

The superintendent of public instruction shall adopt rules that require appropriate education and training, to be included as part of their present continuing education requirements, for public school employees on the prevention, transmission, and treatment of ~~((AIDS))~~ blood-borne pathogens. The superintendent of public instruction, in consultation with the department of health, shall ~~((work with the office on AIDS under RCW 70.24.250 to))~~ develop the educational and training material necessary for school employees.

**Sec. 26.** RCW 70.24.325 and 1989 c 387 s 1 are each amended to read as follows:

(1) This section shall apply to ~~((counseling and))~~ consent for ~~((HIV))~~ blood-borne pathogen testing administered as part of an application for coverage authorized under Title 48 RCW.

(2) Persons subject to regulation under Title 48 RCW who are requesting an insured, a subscriber, or a potential insured or subscriber to furnish the results of ~~((an HIV))~~ a blood-borne pathogen test for underwriting purposes as a condition for obtaining or renewing coverage under an insurance contract, health care service contract, or health maintenance organization agreement shall:

(a) Provide written information to the individual prior to being tested which explains((:

(i) ~~What an HIV test is;~~

(ii) ~~Behaviors that place a person at risk for HIV infection;~~

~~((iii)))~~ which blood-borne pathogen test is being administered; and that the purpose of ((HIV)) blood-borne pathogen testing in this setting is to determine eligibility for coverage((:

(iv) ~~The potential risks of HIV testing; and~~

(v) ~~Where to obtain HIV pretest counseling)).~~

(b) Obtain informed specific written consent for ~~((an HIV test))~~ the blood-borne pathogen test or tests. The written informed consent shall include((:

~~((i)))~~ an explanation of the confidential treatment of the test results which limits access to the results to persons involved in handling or determining applications for coverage or claims of the applicant or claimant ((and to those persons designated under (c)(iii) of this subsection; and

~~((ii) Requirements under (c)(iii) of this subsection)).~~

(c) Establish procedures to inform an applicant of the following:

(i) ~~((That post test counseling, as specified under WAC 248-100-209(4), is required if an HIV test is positive or indeterminate;~~

~~((ii) That post test counseling occurs at the time a positive or indeterminate HIV test result is given to the tested individual;~~

~~((iii)))~~ That the applicant may designate a health care provider or health care agency to whom the insurer, the health care service contractor, or health maintenance organization will provide ((positive or indeterminate)) test results indicative of infection with a blood-borne pathogen for interpretation ((and post test counseling. When an applicant does not identify a designated health care provider or health care agency and the applicant's test results are either positive or indeterminate, the insurer, the health care service contractor, or health maintenance organization shall provide the test results to the local health department for interpretation and post test counseling)); and

~~((iv))~~ (ii) That ~~((positive or indeterminate HIV))~~ test results ~~((shall not))~~ indicative of infection with a blood-borne pathogen will be sent directly to the applicant.

**Sec. 27.** RCW 70.24.340 and 2011 c 232 s 2 are each amended to read as follows:

~~((1) Local health departments authorized under this chapter shall conduct or cause to be conducted pretest counseling, HIV testing, and posttest counseling of all persons:~~

~~(a) Convicted of a sexual offense under chapter 9A.44 RCW;~~

~~(b) Convicted of prostitution or offenses relating to prostitution under chapter 9A.88 RCW; or~~

~~(c) Convicted of drug offenses under chapter 69.50 RCW if the court determines at the time of conviction that the related drug offense is one associated with the use of hypodermic needles.~~

~~(2) Such testing shall be conducted as soon as possible after sentencing and shall be so ordered by the sentencing judge.~~

~~(3) This section applies only to offenses committed after March 23, 1988.~~

~~(4)) A law enforcement officer, firefighter, health care provider, health care facility staff person, department of corrections' staff person, jail staff person, or person employed in other categories of employment ((determined by the board in rule)) to be at risk of ((substantial)) exposure ((to HIV)) that presents a possible risk of transmission of a blood-borne pathogen, who has experienced ((a substantial)) an exposure to another person's bodily fluids in the course of his or her employment, may request a state or local ((public)) health officer to order ((pretest counseling, HIV testing, and posttest counseling)) blood-borne pathogen testing for the person whose bodily fluids he or she has been exposed to. ((A person eligible to request a state or local health officer to order HIV testing under this chapter and board rule may also request a state or local health officer to order testing for other blood-borne pathogens.)) If the state or local ((public)) health officer refuses to order ((counseling and)) testing under this ((sub))section, the person who made the request may petition the superior court for a hearing to determine whether an order shall be issued. The hearing on the petition shall be held within seventy-two hours of filing the petition, exclusive of Saturdays, Sundays, and holidays. The standard of review to determine whether the ((public)) state or local health officer shall be required to issue the order is whether ((substantial)) an exposure occurred and whether that exposure presents a possible risk of transmission of ((the HIV virus as defined by the board by rule)) a blood-borne pathogen. Upon conclusion of the hearing, the court shall issue the appropriate order~~((, which may require additional testing for other blood-borne pathogens)).~~~~

The person who is subject to the state or local ((public)) health officer's order to receive ((counseling and)) testing shall be given written notice of the order promptly, personally, and confidentially, stating the grounds and provisions of the order, including the factual basis therefor.

If the person who is subject to the order refuses to comply, the state or local ((public)) health officer may petition the superior court for a hearing. The hearing on the petition shall be held within seventy-two hours of filing the petition, exclusive of Saturdays, Sundays, and holidays. The standard of review for the order is whether ((substantial)) an exposure occurred and whether that exposure presents a possible risk of transmission of ((the HIV virus as defined by the board by rule)) a blood-borne pathogen. Upon conclusion of the hearing, the court shall issue the appropriate order.

The state or local ((public)) health officer shall perform ((counseling and)) testing under this ((sub))section if he or she finds that the exposure ((was substantial and)) presents a possible risk ((as defined by the board of health by rule)) of transmission of a blood-borne pathogen or if he or she is ordered to do so by a court.

The ((counseling and)) testing required under this ((sub))section shall be completed as soon as possible after the substantial exposure or ((after an order is issued by a court, but shall begin not later than)), if ordered by the court, within seventy-two hours ((after the substantial exposure or an order is issued by the court)) of the order's issuance.

**Sec. 28.** RCW 70.24.360 and 1988 c 206 s 706 are each amended to read as follows:

Jail administrators, with the approval of the local ((public)) health officer, may order ~~((pretest counseling, HIV testing, and posttest counseling for persons))~~ blood-borne pathogen testing for a person detained in the jail if the local ((public)) health officer determines that ((actual or threatened)) the detainee's behavior ((presents a possible risk to)) exposed the staff, general public, or other persons, and that exposure presents a possible risk of transmitting a blood-borne pathogen. ~~((Approval of the local public health officer shall be based on RCW 70.24.024(3) and may be contested through RCW 70.24.024(4). The administrator shall establish, pursuant to RCW 70.48.071, a procedure to document the possible risk which is the basis for the HIV testing. "Possible risk," as used in this section, shall be defined by the board in rule.))~~ Documentation of the behavior~~((, or threat thereof,))~~ shall be reviewed with the person to ~~((try to assure))~~ ensure that the person understands the basis for testing.

**Sec. 29.** RCW 70.24.370 and 1988 c 206 s 707 are each amended to read as follows:

(1) ~~((Department of corrections facility administrators may order pretest counseling, HIV testing, and posttest counseling for inmates if the secretary of corrections or the secretary's designee determines that actual or threatened))~~ The chief medical officer of the department of corrections may order blood-borne pathogen testing for an inmate if the chief medical officer or his or her designee determines that the inmate's behavior ((presents a possible risk to)) exposed the staff, general public, or other inmates, and that exposure presents a possible risk of transmitting a blood-borne pathogen. The department of corrections shall establish a procedure to document the exposure that presents a possible risk of transmitting a blood-borne pathogen which is the basis for the ((HIV)) testing. ~~((("Possible risk," as used in this section, shall be defined by the department of corrections~~



~~after consultation with the board. Possible risk, as used in the documentation of the behavior, or threat thereof, shall be reviewed with the inmate.)) The chief medical officer, or his or her designee, shall review the exposure that presents a possible risk of transmitting a blood-borne pathogen in the documentation of the behavior with the inmate to ensure that he or she understands the basis for the testing.~~

~~(2) ((Department of corrections administrators and superintendents who are authorized to make decisions about testing and dissemination of test information shall, at least annually, participate in training seminars on public health considerations conducted by the assistant secretary for public health or her or his designee.~~

~~(3)) Administrative hearing requirements set forth in chapter 34.05 RCW do not apply to the procedure developed by the department of corrections pursuant to this section. This section shall not be construed as requiring any hearing process except as may be required under existing federal constitutional law.~~

~~((4) RCW 70.24.340 does not apply to the department of corrections or to inmates in its custody or subject to its jurisdiction.))~~

**Sec. 30.** RCW 9A.36.011 and 1997 c 196 s 1 are each amended to read as follows:

(1) A person is guilty of assault in the first degree if he or she, with intent to inflict great bodily harm:

(a) Assaults another with a firearm or any deadly weapon or by any force or means likely to produce great bodily harm or death; or

(b) Administers, exposes, or transmits to or causes to be taken by another, poison(~~(the human immunodeficiency virus as defined in chapter 70.24 RCW,))~~ or any other destructive or noxious substance; or

(c) Assaults another and inflicts great bodily harm.

(2) Assault in the first degree is a class A felony.

**Sec. 31.** RCW 18.35.040 and 2014 c 189 s 4 are each amended to read as follows:

(1) An applicant for licensure as a hearing aid specialist must have the following minimum qualifications and shall pay a fee determined by the secretary as provided in RCW 43.70.250. An applicant shall be issued a license under the provisions of this chapter if the applicant has not committed unprofessional conduct as specified by chapter 18.130 RCW, and:

(a)(i) Satisfactorily completes the hearing aid specialist examination required by this chapter; and

(ii) Satisfactorily completes:

(A) A minimum of a two-year degree program in hearing aid specialist instruction. The program must be approved by the board;

(B) A two-year or four-year degree in a field of study approved by the board from an accredited institution, a nine-month board-approved certificate program offered by a

board-approved hearing aid specialist program, and the practical examination approved by the board. The practical examination must be given at least quarterly, as determined by the board. The department may hire licensed industry experts approved by the board to proctor the examination; or

(b) Holds a current, unsuspended, unrevoked license from another jurisdiction if the standards for licensing in such other jurisdiction are substantially equivalent to those prevailing in this state as provided in (a) of this subsection; or

(c)(i) Holds a current, unsuspended, unrevoked license from another jurisdiction, has been actively practicing as a licensed hearing aid specialist in another jurisdiction for at least forty-eight of the last sixty months, and submits proof of completion of advance certification from either the international hearing society or the national board for certification in hearing instrument sciences; and

(ii) Satisfactorily completes the hearing aid specialist examination required by this chapter or a substantially equivalent examination approved by the board.

The applicant must present proof of qualifications to the board in the manner and on forms prescribed by the secretary ~~((and proof of completion of a minimum of four clock hours of AIDS education and training pursuant to rules adopted by the board)).~~

(2)(a) An applicant for licensure as a speech-language pathologist or audiologist must have the following minimum qualifications:

(i) Has not committed unprofessional conduct as specified by the uniform disciplinary act;

(ii) Has a master's degree or the equivalent, or a doctorate degree or the equivalent, from a program at a board-approved institution of higher learning, which includes completion of a supervised clinical practicum experience as defined by rules adopted by the board; and

(iii) Has completed postgraduate professional work experience approved by the board.

(b) All qualified applicants must satisfactorily complete the speech-language pathology or audiology examinations required by this chapter.

(c) The applicant must present proof of qualifications to the board in the manner and on forms prescribed by the secretary ~~((and proof of completion of a minimum of four clock hours of AIDS education and training pursuant to rules adopted by the board)).~~

(3) An applicant for certification as a speech-language pathology assistant shall pay a fee determined by the secretary as provided in RCW 43.70.250 and must have the following minimum qualifications:

(a) An associate of arts or sciences degree, or a certificate of proficiency, from a speech-language pathology assistant program from an institution of higher education that is approved by the board, as is evidenced by the following:

(i) Transcripts showing forty-five quarter hours or thirty semester hours of speech-language pathology coursework; and

(ii) Transcripts showing forty-five quarter hours or thirty semester hours of general education credit; or

(b) A bachelor of arts or bachelor of sciences degree, as evidenced by transcripts, from a speech, language, and hearing program from an institution of higher education that is approved by the board.

**Sec. 32.** RCW 49.44.180 and 2004 c 12 s 1 are each amended to read as follows:

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

"Genetic information" for purposes of this chapter, is information about inherited characteristics that can be derived from a DNA-based or other laboratory test, family history, or medical examination. "Genetic information" for purposes of this chapter, does not include: (1) Routine physical measurements, including chemical, blood, and urine analysis, unless conducted purposefully to diagnose genetic or inherited characteristics; and (2) results from tests for abuse of alcohol or drugs(~~(, or for the presence of HIV)~~).

**Sec. 33.** RCW 49.60.172 and 2003 c 273 s 2 are each amended to read as follows:

(1) No person may require an individual to take an HIV (~~(test, as defined in chapter 70.24 RCW,)~~) or hepatitis C test, as a condition of hiring, promotion, or continued employment unless the absence of HIV or hepatitis C infection is a bona fide occupational qualification for the job in question.

(2) No person may discharge or fail or refuse to hire any individual, or segregate or classify any individual in any way which would deprive or tend to deprive that individual of employment opportunities or adversely affect his or her status as an employee, or otherwise discriminate against any individual with respect to compensation, terms, conditions, or privileges of employment on the basis of the results of an HIV test or hepatitis C test unless the absence of HIV or hepatitis C infection is a bona fide occupational qualification of the job in question.

(3) The absence of HIV or hepatitis C infection as a bona fide occupational qualification exists when performance of a particular job can be shown to present a significant risk, as defined by the board of health by rule, of transmitting HIV or hepatitis C infection to other persons, and there exists no means of eliminating the risk by restructuring the job.

(4) For the purpose of this chapter, any person who is actually infected with HIV or hepatitis C, but is not disabled as a result of the infection, shall not be eligible for any benefits under the affirmative action provisions of chapter 49.74 RCW solely on the basis of such infection.

(5) Employers are immune from civil action for damages arising out of transmission of HIV or hepatitis C to employees or to members of the public unless such transmission occurs as a result of the employer's gross negligence.

**Sec. 34.** RCW 43.150.050 and 1992 c 66 s 5 are each amended to read as follows:

The center, working in cooperation with individuals, local groups, and organizations throughout the state, may undertake any program or activity for which funds are available which furthers the goals of this chapter. These programs and activities may include, but are not limited to:

(1) Providing information about programs, activities, and resources of value to volunteers and to organizations operating or planning volunteer or citizen service programs;

(2) Sponsoring recognition events for outstanding individuals and organizations;

(3) Facilitating the involvement of business, industry, government, and labor in community service and betterment;

(4) Organizing, or assisting in the organization of, training workshops and conferences;

(5) Publishing schedules of significant events, lists of published materials, accounts of successful programs and programming techniques, and other information concerning the field of volunteerism and citizen service, and distributing this information broadly;

(6) Reviewing the laws and rules of the state of Washington, and proposed changes therein, to determine their impact on the success of volunteer activities and programs, and recommending such changes as seem appropriate to ensure the achievement of the goals of this chapter;

(7) Seeking funding sources for enhancing, promoting, and supporting the ethic of service and facilitating or providing information to those organizations and agencies which may benefit;

(8) Providing information about agencies and individuals who are working to prevent the spread of the human immunodeficiency virus, as defined in chapter 70.24 RCW, and to agencies and individuals who are working to provide health and social services to persons living with ~~((acquired immunodeficiency syndrome))~~ the human immunodeficiency virus, as defined in chapter 70.24 RCW.

**Sec. 35.** RCW 74.39.005 and 1995 1st sp.s. c 18 s 10 are each amended to read as follows:

The purpose of this chapter is to:

(1) Establish a balanced range of health, social, and supportive services that deliver long-term care services to ~~((chronically, functionally disabled))~~ persons with chronic functional disabilities of all ages;

(2) Ensure that functional ability shall be the determining factor in defining long-term care service needs and that these needs will be determined by a uniform system for comprehensively assessing functional disability;

(3) Ensure that services are provided in the most independent living situation consistent with individual needs;

(4) Ensure that long-term care service options shall be developed and made available that enable ~~((functionally disabled))~~ persons with functional disabilities to continue to live in their homes or other community residential facilities while in the care of their families or other volunteer support persons;

(5) Ensure that long-term care services are coordinated in a way that minimizes administrative cost, eliminates unnecessarily complex organization, minimizes program and service duplication, and maximizes the use of financial resources in directly meeting the needs of persons with functional limitations;

(6) Develop a systematic plan for the coordination, planning, budgeting, and administration of long-term care services now fragmented between the division of developmental disabilities, division of mental health, aging and adult services administration, division of children and family services, division of vocational rehabilitation, ~~((office on AIDS,))~~ division of health, ~~((and))~~ bureau of alcohol and substance abuse, and the department of health;

(7) Encourage the development of a statewide long-term care case management system that effectively coordinates the plan of care and services provided to eligible clients;

(8) Ensure that individuals and organizations affected by or interested in long-term care programs have an opportunity to participate in identification of needs and priorities, policy development, planning, and development, implementation, and monitoring of state supported long-term care programs;

(9) Support educational institutions in Washington state to assist in the procurement of federal support for expanded research and training in long-term care; and

(10) Facilitate the development of a coordinated system of long-term care education that is clearly articulated between all levels of higher education and reflective of both in-home care needs and institutional care needs of ~~((functionally disabled))~~ persons with functional disabilities.

**NEW SECTION. Sec. 36.** The following acts or parts of acts are each repealed:

(1)RCW 70.24.095 (Pregnant women—Drug treatment program participants—AIDS counseling) and 1988 c 206 s 705;

(2)RCW 70.24.100 (Syphilis laboratory tests) and 1991 c 3 s 323, 1979 c 141 s 95, & 1939 c 165 s 2;

(3)RCW 70.24.107 (Rule-making authority—1997 c 345) and 1999 c 372 s 14 & 1997 c 345 s 6;

(4)RCW 70.24.125 (Reporting requirements for sexually transmitted diseases—Rules) and 1988 c 206 s 905;

(5)RCW 70.24.140 (Certain infected persons—Sexual intercourse unlawful without notification) and 1988 c 206 s 917;

(6)RCW 70.24.200 (Information for the general public on sexually transmitted diseases—Emphasis) and 1988 c 206 s 201;

(7)RCW 70.24.210 (Information for children on sexually transmitted diseases—Emphasis) and 1988 c 206 s 202;

(8)RCW 70.24.240 (Clearinghouse for AIDS educational materials) and 1988 c 206 s 601;

(9)RCW 70.24.250 (Office on AIDS—Repository and clearinghouse for AIDS education and training material—University of Washington duties) and 1988 c 206 s 602;

(10)RCW 70.24.260 (Emergency medical personnel—Rules for AIDS education and training) and 1988 c 206 s 603;

(11)RCW 70.24.270 (Health professionals—Rules for AIDS education and training) and 1988 c 206 s 604;

(12)RCW 70.24.280 (Pharmacy quality assurance commission—Rules for AIDS education and training) and 2013 c 19 s 122 & 1988 c 206 s 605;

(13)RCW 70.24.300 (State and local government employees—Determination of substantial likelihood of exposure—Rules for AIDS education and training) and 1993 c 281 s 60 & 1988 c 206 s 607;

(14)RCW 70.24.310 (Health care facility employees—Rules for AIDS education and training) and 1988 c 206 s 608;

(15)RCW 70.24.320 (Counseling and testing—AIDS and HIV—Definitions) and 1988 c 206 s 701;

(16)RCW 70.24.350 (Prostitution and drug offenses—Voluntary testing and counseling) and 1988 c 206 s 704;

(17)RCW 70.24.380 (Board of health—Rules for counseling and testing) and 1988 c 206 s 709; and

(18)RCW 70.24.410 (AIDS advisory committee—Duties, review of insurance problems—Termination) and 1991 c 3 s 328 & 1988 c 206 s 803.

**NEW SECTION. Sec. 37.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

Correct the title.

Representative Schmick moved the adoption of amendment (1028) to the striking amendment (1026):

) On page 7, beginning on line 13 of the striking amendment, strike all of section 5

Renumber the remaining sections consecutively and correct any internal references accordingly.

On page 15, beginning on line 19 of the striking amendment, strike all of section 16

Renumber the remaining sections consecutively and correct any internal references accordingly.

On page 21, beginning on line 11 of the striking amendment, strike all of subsection (5)

Renumber the remaining subsections consecutively and correct any internal references accordingly.

Correct the title.

Representative Schmick spoke in favor of the adoption of the amendment to the striking amendment.

Representative Macri spoke against the adoption of the amendment to the striking amendment.

Amendment (1028) to the striking amendment (1026) was not adopted.

Representative Schmick moved the adoption of amendment (1032) to the striking amendment (1026):

) On page 7, line 34 of the striking amendment, after "RCW 9A.44.130" insert ", unless the partner is a child or vulnerable adult victim"

On page 15, line 25 of the striking amendment, after "(b)" insert "Administers, exposes, or transmits HIV to a child or vulnerable adult; or

(c)"

Renumber the remaining subsections consecutively and correct any internal references accordingly.

Representative Schmick spoke in favor of the adoption of the amendment to the striking amendment.

Representative Cody spoke against the adoption of the amendment to the striking amendment.

### MOTION

On motion of Representative Jenkin, Representative MacEwen was excused.

An electronic roll call was requested.

### ROLL CALL

The Clerk called the roll on the adoption of amendment (1032) to the striking amendment (1026) and the amendment was not adopted by the following vote: Yeas, 41; Nays, 56; Absent, 0; Excused, 1.

Voting yea: Representatives Barkis, Blake, Boehnke, Caldier, Chambers, Chandler, Corry, DeBolt, Dent, Dufault, Dye, Eslick, Gildon, Goehner, Graham, Griffey, Harris, Hoff, Irwin, Jenkin, Klippert, Kraft, Kretz, Maycumber, McCaslin, Mosbrucker, Orcutt, Paul, Rude, Schmick, Shea, Smith, Steele, Stokesbary, Sutherland, Van Werven, Vick, Volz, Walsh, Wilcox and Young.

Voting nay: Representatives Appleton, Bergquist, Callan, Chapman, Chopp, Cody, Davis, Doglio, Dolan, Duerr, Entenman, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hansen, Hudgins, J. Johnson, Kilduff, Kirby, Kloba, Leavitt, Lekanoff, Lovick, Macri, Mead, Morgan,

Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Ryu, Santos, Sells, Senn, Shewmake, Slatter, Springer, Stonier, Sullivan, Tarleton, Thai, Tharinger, Valdez, Walen, Wylie, Ybarra and Mme. Speaker.

Excused: Representative MacEwen.

Representative Cody moved the adoption of amendment (1061) to the striking amendment (1026):

) On page 7, line 34 of the striking amendment, after "RCW 9A.44.130" insert ", unless the partner is a child or vulnerable adult victim"

On page 15, line 25 of the striking amendment, after "(b)" insert "Transmits HIV to a child or vulnerable adult; or  
(c)"

Renumber the remaining subsections consecutively and correct any internal references accordingly.

Representatives Cody and Schmick spoke in favor of the adoption of the amendment to the striking amendment.

An electronic roll call was requested.

### ROLL CALL

The Clerk called the roll on the adoption of amendment (1061) to the striking amendment (1026) and the amendment was adopted by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, Macri, Maycumber, McCaslin, Mead, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shea, Shewmake, Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Excused: Representative MacEwen.

Representative Caldier moved the adoption of amendment (1030) to the striking amendment (1026):

) On page 8, beginning on line 20 of the striking amendment, strike all of section 7

Renumber the remaining sections consecutively and correct any internal references accordingly.

On page 22, after line 3 of the striking amendment, insert the following:

**"NEW SECTION. Sec. 23.** A minor sixteen years of age or older may give consent to treatment to avoid HIV infection. Such consent shall not be subject to disaffirmance because of minority. The consent of the parent, parents, or legal guardian of such minor shall not be necessary to authorize hospital, medical, and surgical care related to treatment to avoid HIV infection, and such parent, parents, or legal guardian shall not be liable for payment for any care rendered pursuant to this section."

Renumber the remaining section consecutively and correct any internal references.

Correct the title.

Representatives Caldier and Smith spoke in favor of the adoption of the amendment to the striking amendment.

Representative Macri spoke against the adoption of the amendment to the striking amendment.

Amendment (1030) to the striking amendment (1026) was not adopted.

Representative Caldier moved the adoption of amendment (1033) to the striking amendment (1026):

) On page 15, line 27 of the striking amendment, after "~~70.24 RCW,))~~" insert ", an infectious disease with high morbidity or high mortality."

On page 15, line 30 of the striking amendment, after "(2)" insert the following: "A court may not find an intent to inflict great bodily harm by administering, exposing, or transmitting an infectious disease with high morbidity or high mortality to another if there is no substantial risk of transmission or if the person took practical means to prevent transmission."

(3) For purposes of this section, the following terms have the following meanings:

(a) "Infectious disease with high morbidity or high mortality" means a disease that is an incurable infection requiring regular treatment to prevent death or a curable infection with a high mortality rate despite treatment and involves an exposure mechanism capable of causing infection.

(b) "Practical means to prevent transmission" means good faith employment of an activity, behavior, method, or device that is scientifically demonstrated to measurably reduce the risk of transmitting the disease, including but not limited to, the use of a condom, barrier protection, or other prophylactic device, or good faith participation in a treatment regimen prescribed by a health care provider or public health professional.

(4)"

Representative Caldier spoke in favor of the adoption of the amendment to the striking amendment.

Representative Macri spoke against the adoption of the amendment to the striking amendment.

Amendment (1033) to the striking amendment (1026) was not adopted.

Representative Macri spoke in favor of the adoption of the striking amendment as amended.

The striking amendment (1026), as amended, was adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Cody and Frame spoke in favor of the passage of the bill.

Representatives Schmick, Caldier and Graham spoke against the passage of the bill.

The Speaker stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1551.

## ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1551, and the bill passed the House by the following vote: Yeas, 57; Nays, 40; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Bergquist, Blake, Callan, Chapman, Chopp, Cody, Davis, Doglio, Dolan, Duerr, Entenman, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hansen, Hudgins, J. Johnson, Kilduff, Kirby, Kloba, Leavitt, Lekanoff, Lovick, Macri, Mead, Morgan, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Ryu, Santos, Sells, Senn, Shewmake, Slatter, Springer, Stonier, Sullivan, Tarleton, Thai, Tharinger, Valdez, Walen, Wylie and Mme. Speaker.

Voting nay: Representatives Barkis, Boehnke, Caldier, Chambers, Chandler, Corry, DeBolt, Dent, Dufault, Dye, Eslick, Gildon, Goehner, Graham, Griffey, Harris, Hoff, Irwin, Jenkin, Klippert, Kraft, Kretz, Maycumber, McCaslin, Mosbrucker, Orcutt, Rude, Schmick, Shea, Smith, Steele, Stokesbary, Sutherland, Van Werven, Vick, Volz, Walsh, Wilcox, Ybarra and Young.

Excused: Representative MacEwen.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1551, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1255, by Representatives Lovick, Orwall, Sells, Stanford, Dufault and Irwin**

**Creating Patches pal special license plates.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 1255 was substituted for House Bill No. 1255 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1255 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Lovick and Barkis spoke in favor of the passage of the bill.

The Speaker stated the question before the House to be the final passage of Substitute House Bill No. 1255.

### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1255, and the bill passed the House by the following vote: Yeas, 94; Nays, 3; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, Macri, Maycumber, Mead, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Slatter, Smith, Springer, Steele, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Voting nay: Representatives McCaslin, Shea and Stokesbary.

Excused: Representative MacEwen.

SUBSTITUTE HOUSE BILL NO. 1255, having received the necessary constitutional majority, was declared passed.

### **HOUSE BILL NO. 1347, by Representatives Barkis, Kirby, Volz, Vick and Springer**

#### **Concerning vehicle reseller permits.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Barkis and Tarleton spoke in favor of the passage of the bill.

The Speaker stated the question before the House to be the final passage of House Bill No. 1347.

### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1347, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, Macri, Maycumber, McCaslin, Mead, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shea, Shewmake, Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Excused: Representative MacEwen.

HOUSE BILL NO. 1347, having received the necessary constitutional majority, was declared passed.

### **HOUSE BILL NO. 1750, by Representatives Mosbrucker and Lovick**

#### **Filling vacancies in county sheriff offices.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Mosbrucker and Pollet spoke in favor of the passage of the bill.

The Speaker stated the question before the House to be the final passage of House Bill No. 1750.

### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1750, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, Macri, Maycumber, McCaslin, Mead, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shea, Shewmake, Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan,

Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Excused: Representative MacEwen.

HOUSE BILL NO. 1750, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 2189, by Representatives Leavitt, Irwin, Sells, MacEwen, Fitzgibbon, Wylie, Corry, Tharinger, Kilduff, Callan, Davis, Robinson, Doglio, Slatter, Ryu, Griffey, Ormsby and Harris**

**Including specified competency restoration workers at department of social and health services institutional and residential sites in the public safety employees retirement system.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Leavitt and Stokesbary spoke in favor of the passage of the bill.

The Speaker stated the question before the House to be the final passage of House Bill No. 2189.

#### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2189, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, Macri, Maycumber, McCaslin, Mead, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shea, Shewmake, Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Excused: Representative MacEwen.

HOUSE BILL NO. 2189, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 2242, by Representatives Wylie, Orcutt, Chapman, Bergquist, Dufault, Blake, Shewmake, Gildon and Irwin**

**Concerning travel trailers.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Wylie and Orcutt spoke in favor of the passage of the bill.

#### MOTION

On motion of Representative Riccelli, Representative Appleton was excused.

The Speaker stated the question before the House to be the final passage of House Bill No. 2242.

#### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2242, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Representatives Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, Macri, Maycumber, McCaslin, Mead, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shea, Shewmake, Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Excused: Representatives Appleton and MacEwen.

HOUSE BILL NO. 2242, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 2287, by Representatives Leavitt, Kilduff, Barkis, Lovick, Ramel and Pollet**

**Addressing the assessment of rail safety governance in Washington state.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 2287 was substituted for House Bill No. 2287 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2287 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Leavitt and Barkis spoke in favor of the passage of the bill.

The Speaker stated the question before the House to be the final passage of Substitute House Bill No. 2287.

### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2287, and the bill passed the House by the following vote: Yeas, 92; Nays, 4; Absent, 0; Excused, 2.

Voting yea: Representatives Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Duerr, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, Macri, Maycumber, Mead, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Voting nay: Representatives Dufault, McCaslin, Shea and Sutherland.

Excused: Representatives Appleton and MacEwen.

SUBSTITUTE HOUSE BILL NO. 2287, having received the necessary constitutional majority, was declared passed.

The Speaker called upon Representative Orwall to preside.

**HOUSE BILL NO. 2320, by Representatives Leavitt, Van Werven, Orwall, Eslick, Barkis, Shewmake, Lovick, Harris, Sells, Kilduff, Tarleton, Fey, Irwin, Wylie, Doglio, Pellicciotti, Kloba and Riccelli**

#### **Requiring training on human trafficking.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 2320 was substituted for House Bill No. 2320 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2320 was read the second time.

With the consent of the House, amendment (1130) was withdrawn.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Leavitt, Vick and Van Werven spoke in favor of the passage of the bill.

Representative Klippert spoke against the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2320.

### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2320, and the bill passed the House by the following vote: Yeas, 95; Nays, 1; Absent, 0; Excused, 2.

Voting yea: Representatives Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, J. Johnson, Kilduff, Kirby, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, Macri, Maycumber, McCaslin, Mead, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shea, Shewmake, Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Voting nay: Representative Klippert.

Excused: Representatives Appleton and MacEwen.

SUBSTITUTE HOUSE BILL NO. 2320, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 2340, by Representatives Fitzgibbon, Leavitt, Lovick, Ormsby and Volz**

**Modifying the definition of index for the Washington state patrol retirement system.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Fitzgibbon and Stokesbary spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of House Bill No. 2340.

### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2340, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2.



Voting yea: Representatives Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, Macri, Maycumber, McCaslin, Mead, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shea, Shewmake, Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Excused: Representatives Appleton and MacEwen.

HOUSE BILL NO. 2340, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 2374, by Representatives Kirby, Vick, Ryu, Barkis, Young, Wylie, Doglio, Goodman and Pollet**

**Preserving the ability of auto dealers to offer consumers products not supplied by an auto manufacturer.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 2374 was substituted for House Bill No. 2374 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2374 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Kirby and Vick spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2374.

**ROLL CALL**

The Clerk called the roll on the final passage of Substitute House Bill No. 2374, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Representatives Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, Macri, Maycumber, McCaslin,

Mead, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shea, Shewmake, Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Excused: Representatives Appleton and MacEwen.

SUBSTITUTE HOUSE BILL NO. 2374, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 2402, by Representatives Hudgins, Gregerson and Wylie**

**Streamlining legislative operations by repealing and amending selected statutory committees.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Hudgins and Walsh spoke in favor of the passage of the bill.

Representative Kraft spoke against the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of House Bill No. 2402.

**ROLL CALL**

The Clerk called the roll on the final passage of House Bill No. 2402, and the bill passed the House by the following vote: Yeas, 95; Nays, 1; Absent, 0; Excused, 2.

Voting yea: Representatives Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Kretz, Leavitt, Lekanoff, Lovick, Macri, Maycumber, McCaslin, Mead, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shea, Shewmake, Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Voting nay: Representative Kraft.

Excused: Representatives Appleton and MacEwen.

HOUSE BILL NO. 2402, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 2473, by Representatives Goodman and Wylie**

**Concerning domestic violence.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 2473 was substituted for House Bill No. 2473 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2473 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Goodman and Klippert spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2473.

**ROLL CALL**

The Clerk called the roll on the final passage of Substitute House Bill No. 2473, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Representatives Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, Macri, Maycumber, McCaslin, Mead, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shea, Shewmake, Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Excused: Representatives Appleton and MacEwen.

SUBSTITUTE HOUSE BILL NO. 2473, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 2476, by Representatives Walen, Duerr, Kloba, Kilduff, Leavitt, Lekanoff, Orwall, Davis, Doglio, Frame, Macri, Goodman and Ormsby**

**Concerning debt buyers.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 2476 was substituted for House Bill No. 2476 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2476 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Walen and Irwin spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2476.

**ROLL CALL**

The Clerk called the roll on the final passage of Substitute House Bill No. 2476, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Representatives Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, Macri, Maycumber, McCaslin, Mead, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shea, Shewmake, Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Excused: Representatives Appleton and MacEwen.

SUBSTITUTE HOUSE BILL NO. 2476, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 2527, by Representatives Ramos, Kilduff, Gregerson, Valdez, Slatter, Ortiz-Self, Tarleton, Davis, Doglio, Callan, Ramel, Pollet, Hudgins, Ormsby and Santos**

**Concerning the rights of Washingtonians during the United States census.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 2527 was substituted for House Bill No. 2527 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2527 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Ramos spoke in favor of the passage of the bill.

Representative Walsh spoke against the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2527.

### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2527, and the bill passed the House by the following vote: Yeas, 66; Nays, 30; Absent, 0; Excused, 2.

Voting yea: Representatives Barkis, Bergquist, Blake, Callan, Chapman, Chopp, Cody, Davis, Doglio, Dolan, Duerr, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goodman, Gregerson, Griffey, Hansen, Hudgins, Irwin, J. Johnson, Kilduff, Kirby, Kloba, Leavitt, Lekanoff, Lovick, Macri, Mead, Morgan, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Sells, Senn, Shewmake, Slatte, Smith, Springer, Steele, Stonier, Sullivan, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walen, Wylie and Mme. Speaker.

Voting nay: Representatives Boehnke, Caldier, Chambers, Chandler, Corry, DeBolt, Dent, Dufault, Goehner, Graham, Harris, Hoff, Jenkin, Klippert, Kraft, Kretz, Maycumber, McCaslin, Mosbrucker, Orcutt, Schmick, Shea, Stokesbary, Sutherland, Vick, Volz, Walsh, Wilcox, Ybarra and Young.

Excused: Representatives Appleton and MacEwen.

SUBSTITUTE HOUSE BILL NO. 2527, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 2545, by Representatives Davis, Klippert, Goodman, Robinson, Macri, Griffey, Cody, Sutherland, Graham, Pellicciotti, Leavitt and Ormsby**

**Making jail records available to managed health care systems.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Davis and Klippert spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of House Bill No. 2545.

### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2545, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Representatives Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, Macri, Maycumber, McCaslin, Mead, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shea, Shewmake, Slatte, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Excused: Representatives Appleton and MacEwen.

HOUSE BILL NO. 2545, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 2551, by Representatives Lekanoff, Ramel, Rude, Leavitt, Valdez, Davis, Doglio, Walen, Pollet, Macri, Ormsby and Santos**

**Permitting students to wear traditional tribal regalia and objects of cultural significance at graduation ceremonies and related events.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 2551 was substituted for House Bill No. 2551 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2551 was read the second time.

Representative Lekanoff moved the adoption of amendment (1129):

On page 2, at the beginning of line 6, insert "who are members of a federally recognized tribe"

On page 2, line 7, after "significance" insert "along with or attached to a gown"

On page 2, line 8, after "events." insert "School districts and public schools may not require such students to wear a cap if it is incompatible with the regalia or significant object."

On page 2, at the beginning of line 19, insert "who are members of a federally recognized tribe"

On page 2, line 20, after "significance" strike all material through "events." and insert "along with or attached to a gown at graduation ceremonies or related events. Institutions of higher education may not require such

students to wear a cap if it is incompatible with the regalia or significant object."

Representatives Lekanoff and Walsh spoke in favor of the adoption of the amendment.

Amendment (1129) was adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Lekanoff and Walsh spoke in favor of the passage of the bill.

Representative Klippert spoke against the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 2551.

#### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2551, and the bill passed the House by the following vote: Yeas, 95; Nays, 1; Absent, 0; Excused, 2.

Voting yea: Representatives Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, J. Johnson, Kilduff, Kirby, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, Macri, Maycumber, McCaslin, Mead, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shea, Shewmake, Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Voting nay: Representative Klippert.

Excused: Representatives Appleton and MacEwen.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2551, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 2579, by Representatives Dye, Eslick, Klippert and Ormsby**

**Establishing a wild horse holding and training program at Coyote Ridge corrections center.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Dye and Goodman spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of House Bill No. 2579.

#### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2579, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, Macri, Maycumber, McCaslin, Mead, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shea, Shewmake, Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Excused: Representative MacEwen.

HOUSE BILL NO. 2579, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 2632, by Representatives Valdez, Griffey, Ryu, Pellicciotti, Pollet, Orwall, Gregerson, Goodman, Irwin, Ramos, Slatter, Entenman, Davis and Macri**

**Concerning false reporting of a crime or emergency.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 2632 was substituted for House Bill No. 2632 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2632 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Valdez and Klippert spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2632.

### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2632, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, Macri, Maycumber, McCaslin, Mead, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shea, Shewmake, Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Excused: Representative MacEwen.

SUBSTITUTE HOUSE BILL NO. 2632, having received the necessary constitutional majority, was declared passed.

### HOUSE BILL NO. 2664, by Representatives Lovick, Klippert, Goodman and Fey

#### Concerning sheriff's office qualifications.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Lovick and Klippert spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of House Bill No. 2664.

### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2664, and the bill passed the House by the following vote: Yeas, 90; Nays, 7; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chopp, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Duerr, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Hoff, Hudgins, Irwin, Jenkin, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz,

Leavitt, Lekanoff, Lovick, Macri, Maycumber, Mead, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Voting nay: Representatives Chapman, Dufault, Harris, McCaslin, Shea, Sutherland and Volz.

Excused: Representative MacEwen.

HOUSE BILL NO. 2664, having received the necessary constitutional majority, was declared passed.

### HOUSE BILL NO. 2701, by Representatives Ormsby, Eslick and Riccelli

#### Concerning inspection and testing of fire and smoke control systems and dampers.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Ormsby and Kraft spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of House Bill No. 2701.

### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2701, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, Macri, Maycumber, McCaslin, Mead, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shea, Shewmake, Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Excused: Representative MacEwen.

HOUSE BILL NO. 2701, having received the necessary constitutional majority, was declared passed.

There being no objection, the House advanced to the seventh order of business.

### THIRD READING

#### **HOUSE BILL NO. 1187, by Representatives Dent, Blake, Chandler, Kretz, Schmick and Bergquist**

#### **Revising hydraulic project eligibility standards under RCW 77.55.181 for conservation district-sponsored fish habitat enhancement projects.**

The bill was read the third time.

There being no objection, the rules were suspended, and HOUSE BILL NO. 1187 was returned to second reading for the purpose of amendment.

Representative Dent moved the adoption of the striking amendment (1005):

Strike everything after the enacting clause and insert the following:

"**Sec. 38.** RCW 77.55.181 and 2019 c 150 s 1 are each amended to read as follows:

(1)(a) In order to receive the permit review and approval process created in this section, a fish habitat enhancement project must meet the criteria under this section and must be a project to accomplish one or more of the following tasks:

(i) Elimination of human-made or caused fish passage barriers, including:

(A) Culvert repair and replacement; and

(B) Fish passage barrier removal projects that comply with the forest practices rules, as the term "forest practices rules" is defined in RCW 76.09.020;

(ii) Restoration of an eroded or unstable stream bank employing the principle of bioengineering, including limited use of rock as a stabilization only at the toe of the bank, and with primary emphasis on using native vegetation to control the erosive forces of flowing water;

(iii) Placement of woody debris or other instream structures that benefit naturally reproducing fish stocks; or

(iv) Restoration of native kelp and eelgrass beds and restoring native oysters.

(b) The department shall develop size or scale threshold tests to determine if projects accomplishing any of these tasks should be evaluated under the process created in this section or under other project review and approval processes. A project proposal shall not be reviewed under the process created in this section if the department determines that the scale of the project raises concerns regarding public health and safety.

(c) A fish habitat enhancement project must be approved in one of the following ways in order to receive the permit review and approval process created in this section:

(i) By the department pursuant to chapter 77.95 or 77.100 RCW;

(ii) By the sponsor of a watershed restoration plan as provided in chapter 89.08 RCW;

(iii) By the department as a department-sponsored fish habitat enhancement or restoration project;

(iv) Through the review and approval process for the jobs for the environment program;

(v) ~~((Through the review and approval process for conservation district sponsored projects, where the project complies with design standards established by the conservation commission through interagency agreement with the United States fish and wildlife service and the natural resource conservation service))~~ By conservation districts as conservation district-sponsored fish habitat enhancement or restoration projects;

(vi) Through a formal grant program established by the legislature or the department for fish habitat enhancement or restoration;

(vii) Through the department of transportation's environmental retrofit program as a stand-alone fish passage barrier correction project;

(viii) Through a local, state, or federally approved fish barrier removal grant program designed to assist local governments in implementing stand-alone fish passage barrier corrections;

(ix) By a city or county for a stand-alone fish passage barrier correction project funded by the city or county;

(x) Through the approval process established for forest practices hydraulic projects in chapter 76.09 RCW; or

(xi) Through other formal review and approval processes established by the legislature.

(2) Fish habitat enhancement projects meeting the criteria of subsection (1) of this section are expected to result in beneficial impacts to the environment. Decisions pertaining to fish habitat enhancement projects meeting the criteria of subsection (1) of this section and being reviewed and approved according to the provisions of this section are not subject to the requirements of RCW 43.21C.030(2)(c).

(3)(a) A permit is required for projects that meet the criteria of subsection (1) of this section and are being reviewed and approved under this section. An applicant shall use a joint aquatic resource permit application form developed by the office of regulatory assistance to apply for approval under this chapter. On the same day, the applicant shall provide copies of the completed application form to the department and to each appropriate local government. Applicants for a forest practices hydraulic project that are not otherwise required to submit a joint aquatic resource permit application must submit a copy of their forest practices application to the appropriate local government on the same day that they submit the forest practices application to the department of natural resources.

(b) Local governments shall accept the application identified in this section as notice of the proposed project. A local government shall be provided with a fifteen-day comment period during which it may transmit comments

regarding environmental impacts to the department or, for forest practices hydraulic projects, to the department of natural resources.

(c) Except for forest practices hydraulic projects, the department shall either issue a permit, with or without conditions, deny approval, or make a determination that the review and approval process created by this section is not appropriate for the proposed project within forty-five days. The department shall base this determination on identification during the comment period of adverse impacts that cannot be mitigated by the conditioning of a permit. Permitting decisions over forest practices hydraulic approvals must be made consistent with chapter 76.09 RCW.

(d) If the department determines that the review and approval process created by this section is not appropriate for the proposed project, the department shall notify the applicant and the appropriate local governments of its determination. The applicant may reapply for approval of the project under other review and approval processes.

(e) Any person aggrieved by the approval, denial, conditioning, or modification of a permit other than a forest practices hydraulic project under this section may appeal the decision as provided in RCW 77.55.021(8). Appeals of a forest practices hydraulic project may be made as provided in chapter 76.09 RCW.

(4) No local government may require permits or charge fees for fish habitat enhancement projects that meet the criteria of subsection (1) of this section and that are reviewed and approved according to the provisions of this section.

(5) No civil liability may be imposed by any court on the state or its officers and employees for any adverse impacts resulting from a fish enhancement project permitted by the department or the department of natural resources under the criteria of this section except upon proof of gross negligence or willful or wanton misconduct."

Correct the title.

Representative Dent spoke in favor of the adoption of the striking amendment.

The striking amendment (1005) was adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Dent and Blake spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Engrossed House Bill No. 1187.

#### ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 1187, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, Macri, Maycumber, McCaslin, Mead, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shea, Shewmake, Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Excused: Representative MacEwen.

ENGROSSED HOUSE BILL NO. 1187, having received the necessary constitutional majority, was declared passed.

The Speaker (Representative Orwall presiding) called upon Representative Lovick to preside.

#### THIRD READING

**HOUSE BILL NO. 1278, by Representatives Hudgins, Valdez, Sells, Bergquist, Appleton, Slatter, Wylie, Santos and Doglio**

**Concerning room and board for college bound scholarship students.**

The bill was read the third time.

Representative Hudgins spoke in favor of the passage of the bill.

Representative Stokesbary spoke against the passage of the bill.

#### MOTIONS

On motion of Representative Duerr, Representative Entenman was excused.

On motion of Representative Griffey, Representative DeBolt was excused.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of House Bill No. 1278.

#### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1278, and the bill passed the House by the following vote: Yeas, 61; Nays, 34; Absent, 0; Excused, 3.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Caldier, Callan, Chapman, Chopp, Cody, Davis, Doglio, Dolan, Duerr, Eslick, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Griffey, Hansen, Hudgins, J. Johnson, Kilduff, Kirby, Kloba, Leavitt, Lekanoff, Lovick, Macri, Mead, Morgan, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Ryu, Santos, Sells, Senn, Shewmake, Slatter, Springer, Stonier, Sullivan, Tarleton, Thai, Tharinger, Valdez, Walen, Wylie, Young and Mme. Speaker.

Voting nay: Representatives Boehnke, Chambers, Chandler, Corry, Dent, Dufault, Dye, Gildon, Goehner, Graham, Harris, Hoff, Irwin, Jenkin, Klippert, Kraft, Kretz, Maycumber, McCaslin, Mosbrucker, Orcutt, Rude, Schmick, Shea, Smith, Steele, Stokesbary, Sutherland, Van Werven, Vick, Volz, Walsh, Wilcox and Ybarra.

Excused: Representatives DeBolt, Entenman and MacEwen.

HOUSE BILL NO. 1278, having received the necessary constitutional majority, was declared passed.

### THIRD READING

#### HOUSE BILL NO. 2008, by Representatives Hudgins, Gregerson and Tarleton

##### Concerning alternate methods of ballot security.

The bill was read the third time.

There being no objection, the rules were suspended, and HOUSE BILL NO. 2008 was returned to second reading for the purpose of amendment.

Representative Hudgins moved the adoption of the striking amendment (1017):

Strike everything after the enacting clause and insert the following:

"Sec. 39. RCW 29A.40.091 and 2019 c 161 s 3 are each amended to read as follows:

(1) The county auditor shall send each voter a ballot, a security envelope in which to conceal the ballot after voting, a larger envelope in which to return the security envelope, a declaration that the voter must sign, and instructions on how to obtain information about the election, how to mark the ballot, and how to return the ballot to the county auditor. Instead of sending separate return and security envelopes, a county auditor may send the voter a return envelope that fully shields the voter's ballot from view after the voter's identifying information is removed.

(2) The voter must swear under penalty of perjury that he or she meets the qualifications to vote, and has not voted in any other jurisdiction at this election. The declaration must clearly inform the voter that it is illegal to vote if he or

she is not a United States citizen; it is illegal to vote if he or she has been convicted of a felony and has not had his or her voting rights restored; and it is illegal to cast a ballot or sign a ballot declaration on behalf of another voter. The ballot materials must provide space for the voter to sign the declaration, indicate the date on which the ballot was voted, and include a telephone number.

(3) For overseas and service voters, the signed declaration constitutes the equivalent of a voter registration. Return envelopes for overseas and service voters must enable the ballot to be returned postage free if mailed through the United States postal service, United States armed forces postal service, or the postal service of a United States foreign embassy under 39 U.S.C. 3406.

(4) The voter must be instructed to either return the ballot to the county auditor no later than 8:00 p.m. the day of the election or primary, or mail the ballot to the county auditor with a postmark no later than the day of the election or primary. Return envelopes for all election ballots must include prepaid postage. Service and overseas voters must be provided with instructions and a privacy sheet for returning the ballot and signed declaration by fax or email. A voted ballot and signed declaration returned by fax or email must be received by 8:00 p.m. on the day of the election or primary.

(5) The county auditor's name may not appear on ~~((the security envelope, the return))~~ any envelope(✓) or on any voting instructions or materials included with the ballot if he or she is a candidate for office during the same year.

(6) For purposes of this section, "prepaid postage" means any method of return postage paid by the county or state."

Correct the title.

Representatives Hudgins and Walsh spoke in favor of the adoption of the striking amendment.

The striking amendment (1017) was adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Hudgins and Walsh spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed House Bill No. 2008.

### ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 2008, and the bill passed the House by the following vote: Yeas, 91; Nays, 4; Absent, 0; Excused, 3.



Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, Dent, Doglio, Dolan, Duerr, Dufault, Dye, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, Macri, Maycumber, McCaslin, Mead, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shea, Shewmake, Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Walen, Walsh, Wilcox, Wylie, Ybarra and Mme. Speaker.

Voting nay: Representatives Caldier, Graham, Volz and Young.

Excused: Representatives DeBolt, Entenman and MacEwen.

ENGROSSED HOUSE BILL NO. 2008, having received the necessary constitutional majority, was declared passed.

There being no objection, the House reverted to the sixth order of business.

## SECOND READING

**HOUSE BILL NO. 1261, by Representatives Peterson, Fitzgibbon, Stanford, Tarleton, Ortiz-Self, Lekanoff, Doglio, Macri and Pollet**

**Ensuring compliance with the federal clean water act by prohibiting certain discharges into waters of the state.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 1261 was substituted for House Bill No. 1261 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1261 was read the second time.

With the consent of the House, amendments (1114), (1115) and (1116) were withdrawn.

Representative Peterson moved the adoption of the striking amendment (1018):

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 40.** The legislature finds that under RCW 90.48.260, the department of ecology is directed to implement and comply with the federal clean water act. The legislature further finds that Washington state, unlike other states and the environmental protection agency, has taken no action to regulate or limit water quality impacts from motorized or gravity siphon aquatic mining. The legislature also finds that federal courts have determined that discharges from this activity require regulation under the

clean water act and that Washington's attorney general has supported such regulations in other states as necessary to protect water quality and fish species, even though such protections do not exist in Washington state. The legislature further finds that harmful water quality impacts are occurring in areas designated as critical habitat for threatened or endangered steelhead, salmon, and bull trout, including spawning areas for chinook salmon relied on by southern resident orcas.

**NEW SECTION. Sec. 41.** A new section is added to chapter 90.48 RCW to read as follows:

(1) A discharge to waters of the state from a motorized or gravity siphon aquatic mining operation is subject to the department's authority under this chapter and the federal clean water act. The department shall evaluate whether the number of dischargers subject to this section warrants the adoption of a general permit for motorized or gravity siphon aquatic mining. If so, the department is directed to minimize the cost to permit applicants by basing general permit provisions on existing general permits adopted in other states to comply with the federal clean water act.

(2) The following act or acts are prohibited: Motorized or gravity siphon aquatic mining or discharge of effluent from such activity to any waters of the state that has been designated under the endangered species act as critical habitat, or would impact critical habitat for salmon, steelhead, or bull trout. This includes all fresh waters with designated uses of: Salmonid spawning, rearing, and migration.

(3) A person commits the offense of unlawful motorized or gravity siphon aquatic mining if the person engages in such an activity in violation of this chapter or the federal clean water act. Such an offense is subject to enforcement under this chapter.

(4) For the purposes of this section, "motorized or gravity siphon aquatic mining" means mining using any form of motorized equipment, including but not limited to a motorized suction dredge, or a gravity siphon suction dredge, for the purpose of extracting gold, silver, or other precious metals, that involves a discharge within the ordinary high water mark of waters of the state.

(5) This section does not apply to:

(a) Aquatic mining using nonmotorized methods, such as gold panning, if the nonmotorized method does not involve use of a gravity siphon suction dredge;

(b) Mining operations where no part of the operation or discharge of effluent from the operation is to waters of the state;

(c) Surface mining operations regulated by the department of natural resources under Title 78 RCW;

(d) Metals mining and milling operations as defined in chapter 78.56 RCW; or

(e) Activities related to an industrial facility, dredging related to navigability, or activities subject to a clean water act section 404 individual permit.

**Sec. 42.** RCW 77.55.011 and 2012 1st sp.s. c 1 s 101 are each reenacted and amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Bed" means the land below the ordinary high water lines of state waters. This definition does not include irrigation ditches, canals, stormwater runoff devices, or other artificial watercourses except where they exist in a natural watercourse that has been altered artificially.

(2) "Board" means the pollution control hearings board created in chapter 43.21B RCW.

(3) "Commission" means the state fish and wildlife commission.

(4) "Date of receipt" has the same meaning as defined in RCW 43.21B.001.

(5) "Department" means the department of fish and wildlife.

(6) "Director" means the director of the department of fish and wildlife.

(7) "Emergency" means an immediate threat to life, the public, property, or of environmental degradation.

(8) "Emergency permit" means a verbal hydraulic project approval or the written follow-up to the verbal approval issued to a person under RCW 77.55.021(12).

(9) "Expedited permit" means a hydraulic project approval issued to a person under RCW 77.55.021 (14) and (16).

(10) "Forest practices hydraulic project" means a hydraulic project that requires a forest practices application or notification under chapter 76.09 RCW.

(11) "Hydraulic project" means the construction or performance of work that will use, divert, obstruct, or change the natural flow or bed of any of the salt or fresh waters of the state.

(12) "Imminent danger" means a threat by weather, water flow, or other natural conditions that is likely to occur within sixty days of a request for a permit application.

(13) "Marina" means a public or private facility providing boat moorage space, fuel, or commercial services. Commercial services include but are not limited to overnight or live-aboard boating accommodations.

(14) "Marine terminal" means a public or private commercial wharf located in the navigable water of the state and used, or intended to be used, as a port or facility for the storing, handling, transferring, or transporting of goods to and from vessels.

(15) "Multiple site permit" means a hydraulic project approval issued to a person under RCW 77.55.021 for hydraulic projects occurring at more than one specific location and which includes site-specific requirements.

(16) "Ordinary high water line" means the mark on the shores of all water that will be found by examining the bed

and banks and ascertaining where the presence and action of waters are so common and usual, and so long continued in ordinary years as to mark upon the soil or vegetation a character distinct from the abutting upland. Provided, that in any area where the ordinary high water line cannot be found, the ordinary high water line adjoining saltwater is the line of mean higher high water and the ordinary high water line adjoining fresh water is the elevation of the mean annual flood.

(17) "Pamphlet hydraulic project" means a hydraulic project for the removal or control of aquatic noxious weeds conducted under the aquatic plants and fish pamphlet authorized by RCW 77.55.081, or for mineral prospecting and mining conducted under the gold and fish pamphlet authorized by RCW 77.55.091.

(18) "Permit" means a hydraulic project approval permit issued under this chapter.

(19) "Permit modification" means a hydraulic project approval issued to a person under RCW 77.55.021 that extends, renews, or changes the conditions of a previously issued hydraulic project approval.

(20) "Sandbars" includes, but is not limited to, sand, gravel, rock, silt, and sediments.

(21) "Small scale prospecting and mining" means the use of only the following methods: Pans; nonmotorized sluice boxes; nonmotorized concentrators; and minirocker boxes for the discovery and recovery of minerals, but does not include metals mining and milling operations as defined in RCW 78.56.020.

(22) "Spartina," "purple loosestrife," and "aquatic noxious weeds" have the same meanings as defined in RCW 17.26.020.

(23) "Stream bank stabilization" means those projects that prevent or limit erosion, slippage, and mass wasting. These projects include, but are not limited to, bank resloping, log and debris relocation or removal, planting of woody vegetation, bank protection using rock or woody material or placement of jetties or groins, gravel removal, or erosion control.

(24) "Tide gate" means a one-way check valve that prevents the backflow of tidal water.

(25) "Waters of the state" and "state waters" means all salt and fresh waters waterward of the ordinary high water line and within the territorial boundary of the state.

(26) "Motorized or gravity siphon aquatic mining" means mining using any form of motorized equipment including, but not limited to, a motorized suction dredge or a gravity siphon suction dredge, for the purpose of extracting gold, silver, or other precious metals, that involves a discharge to waters of the state, but does not include metals mining and milling operations as defined in RCW 78.56.020.

**Sec. 43.** RCW 77.55.021 and 2012 1st sp.s. c 1 s 102 are each amended to read as follows:

(1) Except as provided in RCW 77.55.031, 77.55.051, 77.55.041, and 77.55.361, in the event that any person or

government agency desires to undertake a hydraulic project, the person or government agency shall, before commencing work thereon, secure the approval of the department in the form of a permit as to the adequacy of the means proposed for the protection of fish life.

(2) A complete written application for a permit may be submitted in person or by registered mail and must contain the following:

(a) General plans for the overall project;

(b) Complete plans and specifications of the proposed construction or work within the mean higher high water line in salt water or within the ordinary high water line in fresh water;

(c) Complete plans and specifications for the proper protection of fish life;

(d) Notice of compliance with any applicable requirements of the state environmental policy act, unless otherwise provided for in this chapter; and

(e) ~~((Payment of all applicable application fees charged by the department under RCW 77.55.321))~~ In the event that any person or government agency desires to undertake mineral prospecting or mining using motorized or gravity siphon equipment or desires to discharge effluent from such an activity to waters of the state, the person or government agency must also provide proof of compliance with the requirements of the federal clean water act issued by the department of ecology.

(3) The department may establish direct billing accounts or other funds transfer methods with permit applicants to satisfy the fee payment requirements of RCW 77.55.321.

(4) The department may accept complete, written applications as provided in this section for multiple site permits and may issue these permits. For multiple site permits, each specific location must be identified.

(5) With the exception of emergency permits as provided in subsection (12) of this section, applications for permits must be submitted to the department's headquarters office in Olympia. Requests for emergency permits as provided in subsection (12) of this section may be made to the permitting biologist assigned to the location in which the emergency occurs, to the department's regional office in which the emergency occurs, or to the department's headquarters office.

(6) Except as provided for emergency permits in subsection (12) of this section, the department may not proceed with permit review until all fees are paid in full as required in RCW 77.55.321.

(7)(a) Protection of fish life is the only ground upon which approval of a permit may be denied or conditioned. Approval of a permit may not be unreasonably withheld or unreasonably conditioned.

(b) Except as provided in this subsection and subsections (12) through (14) and (16) of this section, the department has forty-five calendar days upon receipt of a

complete application to grant or deny approval of a permit. The forty-five day requirement is suspended if:

(i) After ten working days of receipt of the application, the applicant remains unavailable or unable to arrange for a timely field evaluation of the proposed project;

(ii) The site is physically inaccessible for inspection;

(iii) The applicant requests a delay; or

(iv) The department is issuing a permit for a stormwater discharge and is complying with the requirements of RCW 77.55.161(3)(b).

(c) Immediately upon determination that the forty-five day period is suspended under (b) of this subsection, the department shall notify the applicant in writing of the reasons for the delay.

(d) The period of forty-five calendar days may be extended if the permit is part of a multiagency permit streamlining effort and all participating permitting agencies and the permit applicant agree to an extended timeline longer than forty-five calendar days.

(8) If the department denies approval of a permit, the department shall provide the applicant a written statement of the specific reasons why and how the proposed project would adversely affect fish life.

(a) Except as provided in (b) of this subsection, issuance, denial, conditioning, or modification of a permit shall be appealable to the board within thirty days from the date of receipt of the decision as provided in RCW 43.21B.230.

(b) Issuance, denial, conditioning, or modification of a permit may be informally appealed to the department within thirty days from the date of receipt of the decision. Requests for informal appeals must be filed in the form and manner prescribed by the department by rule. A permit decision that has been informally appealed to the department is appealable to the board within thirty days from the date of receipt of the department's decision on the informal appeal.

(9)(a) The permittee must demonstrate substantial progress on construction of that portion of the project relating to the permit within two years of the date of issuance.

(b) Approval of a permit is valid for up to five years from the date of issuance, except as provided in (c) of this subsection and in RCW 77.55.151.

(c) A permit remains in effect without need for periodic renewal for hydraulic projects that divert water for agricultural irrigation or stock watering purposes and that involve seasonal construction or other work. A permit for stream bank stabilization projects to protect farm and agricultural land as defined in RCW 84.34.020 remains in effect without need for periodic renewal if the problem causing the need for the stream bank stabilization occurs on an annual or more frequent basis. The permittee must notify the appropriate agency before commencing the construction or other work within the area covered by the permit.

(10) The department may, after consultation with the permittee, modify a permit due to changed conditions. A modification under this subsection is not subject to the fees provided under RCW 77.55.321. The modification is appealable as provided in subsection (8) of this section. For a hydraulic project that diverts water for agricultural irrigation or stock watering purposes, when the hydraulic project or other work is associated with stream bank stabilization to protect farm and agricultural land as defined in RCW 84.34.020, the burden is on the department to show that changed conditions warrant the modification in order to protect fish life.

(11) A permittee may request modification of a permit due to changed conditions. The request must be processed within forty-five calendar days of receipt of the written request and payment of applicable fees under RCW 77.55.321. A decision by the department is appealable as provided in subsection (8) of this section. For a hydraulic project that diverts water for agricultural irrigation or stock watering purposes, when the hydraulic project or other work is associated with stream bank stabilization to protect farm and agricultural land as defined in RCW 84.34.020, the burden is on the permittee to show that changed conditions warrant the requested modification and that such a modification will not impair fish life.

(12)(a) The department, the county legislative authority, or the governor may declare and continue an emergency. If the county legislative authority declares an emergency under this subsection, it shall immediately notify the department. A declared state of emergency by the governor under RCW 43.06.010 shall constitute a declaration under this subsection.

(b) The department, through its authorized representatives, shall issue immediately, upon request, verbal approval for a stream crossing, or work to remove any obstructions, repair existing structures, restore stream banks, protect fish life, or protect property threatened by the stream or a change in the streamflow without the necessity of obtaining a written permit prior to commencing work. Conditions of the emergency verbal permit must be reduced to writing within thirty days and complied with as provided for in this chapter.

(c) The department may not require the provisions of the state environmental policy act, chapter 43.21C RCW, to be met as a condition of issuing a permit under this subsection.

(d) The department may not charge a person requesting an emergency permit any of the fees authorized by RCW 77.55.321 until after the emergency permit is issued and reduced to writing.

(13) All state and local agencies with authority under this chapter to issue permits or other authorizations in connection with emergency water withdrawals and facilities authorized under RCW 43.83B.410 shall expedite the processing of such permits or authorizations in keeping with the emergency nature of such requests and shall provide a decision to the applicant within fifteen calendar days of the date of application.

(14) The department or the county legislative authority may determine an imminent danger exists. The county legislative authority shall notify the department, in writing, if it determines that an imminent danger exists. In cases of imminent danger, the department shall issue an expedited written permit, upon request, for work to remove any obstructions, repair existing structures, restore banks, protect fish resources, or protect property. Expedited permit requests require a complete written application as provided in subsection (2) of this section and must be issued within fifteen calendar days of the receipt of a complete written application. Approval of an expedited permit is valid for up to sixty days from the date of issuance. The department may not require the provisions of the state environmental policy act, chapter 43.21C RCW, to be met as a condition of issuing a permit under this subsection.

(15)(a) For any property, except for property located on a marine shoreline, that has experienced at least two consecutive years of flooding or erosion that has damaged or has threatened to damage a major structure, water supply system, septic system, or access to any road or highway, the county legislative authority may determine that a chronic danger exists. The county legislative authority shall notify the department, in writing, when it determines that a chronic danger exists. In cases of chronic danger, the department shall issue a permit, upon request, for work necessary to abate the chronic danger by removing any obstructions, repairing existing structures, restoring banks, restoring road or highway access, protecting fish resources, or protecting property. Permit requests must be made and processed in accordance with subsections (2) and (7) of this section.

(b) Any projects proposed to address a chronic danger identified under (a) of this subsection that satisfies the project description identified in RCW 77.55.181(1)(a)(ii) are not subject to the provisions of the state environmental policy act, chapter 43.21C RCW. However, the project is subject to the review process established in RCW 77.55.181(3) as if it were a fish habitat improvement project.

(16) The department may issue an expedited written permit in those instances where normal permit processing would result in significant hardship for the applicant or unacceptable damage to the environment. Expedited permit requests require a complete written application as provided in subsection (2) of this section and must be issued within fifteen calendar days of the receipt of a complete written application. Approval of an expedited permit is valid for up to sixty days from the date of issuance. The department may not require the provisions of the state environmental policy act, chapter 43.21C RCW, to be met as a condition of issuing a permit under this subsection."

Correct the title.

Representative Boehnke moved the adoption of amendment (1122) to the striking amendment (1018):

) On page 2, line 9 of the amendment, after "chapter" insert ". Before the department may take any enforcement action against a person pursuant to this section, the department shall first attempt to achieve voluntary compliance. As part of this first response, the department

shall offer information and technical assistance to the person in writing identifying one or more means to accomplish the person's purposes within the framework of the law"

Representatives Boehnke and Fitzgibbon spoke in favor of the adoption of the amendment to the striking amendment.

Amendment (1122) to the striking amendment (1018) was adopted.

Representative Shea moved the adoption of amendment (1135) to the striking amendment (1018):

)

On page 2, line 25, after "RCW;" strike "or"

On page 2, line 28, after "permit" insert ";

(f) Aquatic mining using motorized methods where the size of the motor does not exceed ten horsepower in size; or

(g) Aquatic mining using motorized methods where the size of the dredge intake nozzle does not exceed five inches in inside diameter"

Representative Shea spoke in favor of the adoption of the amendment to the striking amendment.

Representative Fitzgibbon spoke against the adoption of the amendment to the striking amendment.

Amendment (1135) to the striking amendment (1018) was not adopted.

Representative Shea moved the adoption of amendment (1137) to the striking amendment (1018):

)

On page 2, line 25, after "RCW;" strike "or"

On page 2, line 28, after "permit" insert "; or

(f) Motorized or gravity siphon aquatic mining where the mining activity is conducted by a person who has conducted motorized or gravity siphon aquatic mining activities pursuant to the gold and fish pamphlet adopted by the department of fish and wildlife for at least one season of mining without incurring any civil penalties under the gold and fish pamphlet as of the effective date of this section"

Representative Shea and Shea (again) spoke in favor of the adoption of the amendment to the striking amendment.

Representative Fitzgibbon spoke against the adoption of the amendment to the striking amendment.

Amendment (1137) to the striking amendment (1018) was not adopted.

Representative Shea moved the adoption of amendment (1136) to the striking amendment (1018):

)

On page 9, after line 34, insert the following:

"NEW SECTION. Sec. 5. (1) The department of ecology shall conduct a comprehensive study of the laws and regulations related to motorized or gravity siphon aquatic mining in the following states: California, Nevada, Montana, Wyoming, Idaho, and Oregon.

(2) The department of ecology shall submit the results of the study to the standing committees with jurisdiction over water quality, mineral prospecting, and fisheries, consistent with RCW 43.01.036, by November 15, 2020."

Correct the title.

Representative Shea and Shea (again) spoke in favor of the adoption of the amendment to the striking amendment.

Representative Fitzgibbon spoke against the adoption of the amendment to the striking amendment.

Amendment (1136) to the striking amendment (1018) was not adopted.

Representative Stokesbary moved the adoption of amendment (1117) to the striking amendment (1018):

)

On page 9, after line 34, insert the following:

"**Sec. 5.** RCW 90.48.366 and 2011 c 122 s 9 are each amended to read as follows:

(1)(a) The department, in consultation with the departments of fish and wildlife and natural resources, and the parks and recreation commission, shall adopt rules establishing a compensation schedule for the discharge of oil in violation of this chapter and chapter 90.56 RCW. The amount of compensation assessed under this schedule shall be:

((~~(a)~~)) (i) For spills totaling one thousand gallons or more in any one event, no less than three dollars per gallon of oil spilled and no greater than three hundred dollars per gallon of oil spilled; and

((~~(b)~~)) (ii) For spills totaling less than one thousand gallons in any one event, no less than one dollar per gallon of oil spilled and no greater than one hundred dollars per gallon of oil spilled.

((~~(2)~~)) (b) Persistent oil recovered from the surface of the water within forty-eight hours of a discharge must be deducted from the total spill volume for purposes of determining the amount of compensation assessed under the compensation schedule.

(2) In order to reduce the incidence rate of prohibited discharges of wastewater directly into Puget Sound, the department, in consultation with the departments of fish and wildlife and natural resources, and the parks and recreation commission, shall adopt rules establishing a compensation schedule for the prohibited discharge of wastewater directly or indirectly into Puget Sound in violation of a permit required by RCW 90.48.162 and issued under this chapter. The amount of compensation assessed under the

compensation schedule must be no less than one-tenth of one cent per gallon wastewater discharged in violation of a permit and no greater than thirteen cents per gallon of wastewater discharged in violation of a permit. By rule, the department may establish a minimum discharge volume or compensation amount, below which compensation is not assessed under this subsection. The prohibited wastewater discharges subject to the provisions of this section include combined sewer overflows of sewage and stormwater.

(3) The compensation schedules adopted under this section shall reflect adequate compensation for unquantifiable damages or for damages not quantifiable at reasonable cost for any adverse environmental, recreational, aesthetic, or other effects caused by the spill and shall take into account:

(a) Characteristics of any ~~((oil))~~ substance spilled, such as toxicity, dispersibility, solubility, and persistence, that may affect the severity of the effects on the receiving environment, living organisms, and recreational and aesthetic resources;

(b) The sensitivity of the affected area as determined by such factors as:

- (i) The location of the spill;
- (ii) Habitat and living resource sensitivity;
- (iii) Seasonal distribution or sensitivity of living resources;
- (iv) Areas of recreational use or aesthetic importance;
- (v) The proximity of the spill to important habitats for birds, aquatic mammals, fish, or to species listed as threatened or endangered under state or federal law;
- (vi) Significant archaeological resources as determined by the department of archaeology and historic preservation; and
- (vii) Other areas of special ecological or recreational importance, as determined by the department; and

(c) Actions taken by the party who spilled ~~((oil))~~ the substance or any party liable for the spill that:

- (i) Demonstrate a recognition and affirmative acceptance of responsibility for the spill, such as the immediate removal of oil and the amount of oil removed from the environment or other proactive measures designed to mitigate the severity of impacts of a prohibited nooil spill; or
- (ii) Enhance or impede the detection of the spill, the determination of the quantity of oil or other prohibited substances spilled, or the extent of damage, including the unauthorized removal of evidence such as injured fish or wildlife.

**Sec. 6.** RCW 90.48.367 and 1991 c 200 s 813 are each amended to read as follows:

(1) After a spill or other incident causing damages to the natural resources of the state, the department shall

conduct a formal preassessment screening as provided in RCW 90.48.368.

(2) The department shall use the compensation schedule established under RCW 90.48.366 to determine the amount of damages for all prohibited discharges of wastewater directly or indirectly into Puget Sound in violation of a permit required by RCW 90.48.162 or if the preassessment screening committee determines that: (a) Restoration or enhancement of the injured resources is not technically feasible; (b) damages are not quantifiable at a reasonable cost; and (c) the restoration and enhancement projects or studies proposed by the liable parties are insufficient to adequately compensate the people of the state for damages.

(3) If the preassessment screening committee determines that the compensation schedule should not be used, compensation shall be assessed for the amount of money necessary to restore any damaged resource to its condition before the injury, to the extent technically feasible, and compensate for the lost value incurred during the period between injury and restoration.

(4) Restoration shall include the cost to restock such waters, replenish or replace such resources, and otherwise restore the stream, lake, or other waters of the state, including any estuary, ocean area, submerged lands, shoreline, bank, or other lands adjoining such waters to its condition before the injury, as such condition is determined by the department. The lost value of a damaged resource shall be equal to the sum of consumptive, nonconsumptive, and indirect use values, as well as lost taxation, leasing, and licensing revenues. Indirect use values may include existence, bequest, option, and aesthetic values. Damages shall be determined by generally accepted and cost-effective procedures, including, but not limited to, contingent valuation method studies.

(5) Compensation assessed under this section shall be recoverable in an action brought by the attorney general on behalf of the people of the state of Washington and affected counties and cities in the superior court of Thurston county or any county in which damages occurred. Moneys recovered by the attorney general under this section shall be deposited in the coastal protection fund established under RCW 90.48.390, and shall only be used for the purposes stated in RCW 90.48.400.

(6) Compensation assessed under this section shall preclude claims under this chapter by local governments for compensation for damages to publicly owned resources resulting from the same incident.

**Sec. 7.** RCW 90.48.368 and 2007 c 347 s 2 are each amended to read as follows:

(1) The department shall adopt rules establishing a formal process for preassessment screening of damages resulting from spills to the waters of the state causing the death of, or injury to, fish, animals, vegetation, or other resources of the state. The rules shall specify the conditions under which the department shall convene a preassessment screening committee. The preassessment screening process shall occur concurrently with reconnaissance activities. The

committee shall use information obtained from reconnaissance activities as well as any other relevant resource and resource use information. For each incident other than prohibited discharges of wastewater directly or indirectly into Puget Sound in violation of a permit required by RCW 90.48.162, the committee shall determine whether a damage assessment investigation should be conducted, or, whether the compensation schedule authorized under RCW 90.48.366 and 90.48.367 should be used to assess damages. For prohibited discharges of wastewater directly or indirectly into Puget Sound in violation of a permit required by RCW 90.48.162, the compensation schedule provided in RCW 90.48.366(2) must be used. The committee may accept restoration or enhancement projects or studies proposed by the liable parties in lieu of some or all of: (a) The compensation schedule authorized under RCW 90.48.366(1) and 90.48.367; or (b) the claims from damage assessment studies authorized under RCW 90.48.142.

(2) A preassessment screening committee may consist of representatives of the departments of ecology, archaeology and historic preservation, fish and wildlife, health, and natural resources, and the parks and recreation commission, as well as other federal, state, and local agencies, and tribal and local governments whose presence would enhance the reconnaissance or damage assessment aspects of spill response. The department shall chair the committee and determine which representatives will be needed on a spill-by-spill basis.

(3) The committee shall consider the following factors when determining whether a damage assessment study authorized under RCW 90.48.367 should be conducted: (a) Whether evidence from reconnaissance investigations suggests that injury has occurred or is likely to occur to publicly owned resources; (b) the potential loss in services provided by resources injured or likely to be injured and the expected value of the potential loss; (c) whether a restoration project to return lost services is technically feasible; (d) the accuracy of damage quantification methods that could be used and the anticipated cost-effectiveness of applying each method; (e) the extent to which likely injury to resources can be verified with available quantification methods; and (f) whether the injury, once quantified, can be translated into monetary values with sufficient precision or accuracy.

(4) When a resource damage assessment is required for an oil spill in the waters of the state, as defined in RCW 90.56.010, the state trustee agency responsible for the resource and habitat damaged shall conduct the damage assessment and pursue all appropriate remedies with the responsible party.

(5) Oil spill damage assessment studies authorized under RCW 90.48.367 may only be conducted if the committee, after considering the factors enumerated in subsection (3) of this section, determines that the damages to be investigated are quantifiable at a reasonable cost and that proposed assessment studies are clearly linked to quantification of the damages incurred.

(6) As new information becomes available, the committee may reevaluate the scope of damage assessment using the factors listed in subsection (3) of this section and

may reduce or expand the scope of damage assessment as appropriate.

(7) The preassessment screening process shall provide for the ongoing involvement of persons who may be liable for damages resulting from an oil spill. The department may negotiate with a potentially liable party to perform restoration and enhancement projects or studies which may substitute for all or part of the compensation authorized under RCW 90.48.366 and 90.48.367 or the damage assessment studies authorized under RCW 90.48.367.

(8) For the purposes of this section and RCW 90.48.367, the cost of a damage assessment shall be considered "reasonable" when the anticipated cost of the damage assessment is expected to be less than the anticipated damage that may have occurred or may occur."

Correct the title.

Representatives Stokesbary and Smith spoke in favor of the adoption of the amendment to the striking amendment.

Representative Peterson spoke against the adoption of the amendment to the striking amendment.

An electronic roll call was requested.

## ROLL CALL

The Clerk called the roll on the adoption of amendment (1117) to the striking amendment (1018) and the amendment was not adopted by the following vote: Yeas, 40; Nays, 55; Absent, 0; Excused, 3.

Voting yea: Representatives Barkis, Blake, Boehnke, Caldier, Chambers, Chandler, Corry, Dent, Dufault, Dye, Eslick, Gildon, Goehner, Graham, Griffey, Harris, Hoff, Irwin, Jenkin, Klippert, Kraft, Kretz, Maycumber, McCaslin, Mosbrucker, Orcutt, Rude, Schmick, Shea, Smith, Steele, Stokesbary, Sutherland, Van Werven, Vick, Volz, Walsh, Wilcox, Ybarra and Young.

Voting nay: Representatives Appleton, Bergquist, Callan, Chapman, Chopp, Cody, Davis, Doglio, Dolan, Duerr, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hansen, Hudgins, J. Johnson, Kilduff, Kirby, Kloba, Leavitt, Lekanoff, Lovick, Macri, Mead, Morgan, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Ryu, Santos, Sells, Senn, Shewmake, Slatter, Springer, Stonier, Sullivan, Tarleton, Thai, Tharinger, Valdez, Walen, Wylie and Mme. Speaker.

Excused: Representatives DeBolt, Entenman and MacEwen.

Amendment (1117) to the striking amendment (1018) was not adopted.

Representative Peterson spoke in favor of the adoption of the striking amendment as amended.

The striking amendment (1018), as amended, was adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Peterson and Tarleton spoke in favor of the passage of the bill.

Representatives Dye, Orcutt, Dye (again) and Shea spoke against the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1261.

### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1261, and the bill passed the House by the following vote: Yeas, 60; Nays, 35; Absent, 0; Excused, 3.

Voting yea: Representatives Appleton, Bergquist, Callan, Chapman, Chopp, Cody, Davis, Doglio, Dolan, Duerr, Fey, Fitzgibbon, Frame, Goehner, Goodman, Gregerson, Hansen, Hoff, Hudgins, J. Johnson, Kilduff, Kirby, Kloba, Leavitt, Lekanoff, Lovick, Macri, Mead, Morgan, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Sells, Senn, Shewmake, Slatter, Springer, Steele, Stonier, Sullivan, Tarleton, Thai, Tharinger, Valdez, Vick, Walen, Wylie and Mme. Speaker.

Voting nay: Representatives Barkis, Blake, Boehnke, Caldier, Chambers, Chandler, Corry, Dent, Dufault, Dye, Eslick, Gildon, Graham, Griffey, Harris, Irwin, Jenkin, Klippert, Kraft, Kretz, Maycumber, McCaslin, Mosbrucker, Orcutt, Schmick, Shea, Smith, Stokesbary, Sutherland, Van Werven, Volz, Walsh, Wilcox, Ybarra and Young.

Excused: Representatives DeBolt, Entenman and MacEwen.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1261, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 2411, by Representatives Orwall, Kilduff, Gildon, Leavitt, Paul, Cody, Davis, Pollet, Goodman, Wylie, Doglio and Morgan**

#### Preventing suicide.

The bill was read the second time.

There being no objection, Substitute House Bill No. 2411 was substituted for House Bill No. 2411 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2411 was read the second time.

Representative Orwall moved the adoption of amendment (1127):

On page 8, after line 28, insert the following:

**"NEW SECTION. Sec. 7.3.** (1) Subject to funds appropriated for this specific purpose, the University of Washington's forefront suicide prevention center of excellence, in coordination with associations representing the construction industry, shall develop:

(a) An online, interactive training module in suicide prevention; and

(b) A series of modules intended to be delivered by the construction industry that complement the online training module, which must include training on available resources, lethal means safety, screening tools, men's mental health, and a refresher on the online training.

(2) The University of Washington's forefront suicide prevention center of excellence shall complete the modules developed under subsection (1) of this section by July 1, 2021."

Renumber the remaining sections consecutively and correct any internal references accordingly. Correct the title.

Representatives Orwall and Schmick spoke in favor of the adoption of the amendment.

Amendment (1127) was adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Orwall, Schmick and Riccelli spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 2411.

### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2411, and the bill passed the House by the following vote: Yeas, 95; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, Dent, Doglio, Dolan, Duerr, Dufault, Dye, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, Macri, Maycumber, McCaslin, Mead, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shea, Shewmake, Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Excused: Representatives DeBolt, Entenman and MacEwen.



ENGROSSED SUBSTITUTE HOUSE BILL NO. 2411, having received the necessary constitutional majority, was declared passed.

The Speaker (Representative Lovick presiding) called upon Representative Orwall to preside.

**ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1660, by House Committee on Appropriations (originally sponsored by Bergquist, Harris, Hudgins, Young, Tarleton, Ybarra, Slatter, Santos, Jinkins, Doglio, Fey, Leavitt, Ormsby and Valdez)**

**Concerning the participation of students who are low income in extracurricular activities.**

The bill was read the second time.

There being no objection, Third Substitute House Bill No. 1660 was substituted for Engrossed Second Substitute House Bill No. 1660 and the third substitute bill was placed on the second reading calendar.

THIRD SUBSTITUTE HOUSE BILL NO. 1660 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Bergquist and Young spoke in favor of the passage of the bill.

Representative Steele spoke against the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Third Substitute House Bill No. 1660.

### ROLL CALL

The Clerk called the roll on the final passage of Third Substitute House Bill No. 1660, and the bill passed the House by the following vote: Yeas, 67; Nays, 28; Absent, 0; Excused, 3.

Voting yea: Representatives Appleton, Bergquist, Blake, Caldier, Callan, Chapman, Chopp, Cody, Davis, Doglio, Dolan, Duerr, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Griffey, Hansen, Harris, Hudgins, Irwin, J. Johnson, Kilduff, Kirby, Kloba, Kretz, Leavitt, Lekanoff, Lovick, Macri, Maycumber, Mead, Morgan, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Sells, Senn, Shewmake, Slatter, Springer, Stokesbary, Stonier, Sullivan, Tarleton, Thai, Tharinger, Valdez, Walen, Walsh, Wylie, Ybarra, Young and Mme. Speaker.

Voting nay: Representatives Barkis, Boehnke, Chambers, Chandler, Corry, Dent, Dufault, Dye, Eslick, Gildon, Goehner, Graham, Hoff, Jenkin, Klippert, Kraft,

McCaslin, Mosbrucker, Orcutt, Schmick, Shea, Smith, Steele, Sutherland, Van Werven, Vick, Volz and Wilcox.

Excused: Representatives DeBolt, Entenman and MacEwen.

THIRD SUBSTITUTE HOUSE BILL NO. 1660, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1687, by Representatives Stanford, Doglio, Macri, Hansen, Orwall, Appleton, Jinkins, Ormsby, Valdez and Davis**

**Limiting defenses based on victim identity.**

The bill was read the second time.

Representative Klippert moved the adoption of amendment (1039):

On page 1, beginning on line 11, after "made an" strike all material through "if" on line 12 and insert "unwanted romantic advance or unwanted sexual advance towards the defendant that was nonforcible and noncriminal, or in which"

On page 1, beginning on line 20, after "made an" strike all material through "if" on page 2, line 1 and insert "unwanted romantic advance or unwanted sexual advance towards the defendant that was nonforcible and noncriminal, or in which"

Representative Klippert spoke in favor of the adoption of the amendment.

Representative Goodman spoke against the adoption of the amendment.

Amendment (1039) was not adopted.

Representative Wylie moved the adoption of amendment (1054):

) On page 1, line 12, after "or" strike "if" and insert "in which"

On page 2, line 1, after "or" strike "if" and insert "in which"

On page 2, after line 2, insert the following:

**"NEW SECTION. Sec. 3.** This act may be known and cited as the Nikki Kuhnhausen act."

Correct the title.

Representative Wylie spoke in favor of the adoption of the amendment.

Amendment (1054) was adopted.

Representative Klippert moved the adoption of amendment (1040):

) On page 1, beginning on line 20, after "made an" strike all material through "if" on page 2, line 1 and insert "unwanted romantic advance or unwanted sexual advance towards the defendant that was nonforcible and noncriminal, or in which"

Representative Klippert spoke in favor of the adoption of the amendment.

Representative Goodman spoke against the adoption of the amendment.

Amendment (1040) was not adopted.

Representative Graham moved the adoption of amendment (1042):

) On page 1, beginning on line 5, strike all of section 1

Renumber the remaining section consecutively and correct any internal references accordingly. Correct the title.

With the consent of the House, amendment (1042) was withdrawn.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Wylie, Irwin and Harris spoke in favor of the passage of the bill.

Representative Klippert spoke against the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Engrossed House Bill No. 1687.

#### ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 1687, and the bill passed the House by the following vote: Yeas, 90; Nays, 5; Absent, 0; Excused, 3.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, Dent, Doglio, Dolan, Duerr, Dufault, Dye, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, J. Johnson, Kilduff, Kirby, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, Macri, Maycumber, Mead, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shea, Shewmake, Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai,

Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Wilcox, Wylie, Ybarra and Mme. Speaker.

Voting nay: Representatives Klippert, McCaslin, Shea, Walsh and Young.

Excused: Representatives DeBolt, Entenman and MacEwen.

ENGROSSED HOUSE BILL NO. 1687, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 2217, by Representatives Eslick, Leavitt, Chambers, Callan, Dent, Walsh, Corry, Jenkin, Van Werven, Shewmake, Young and Wylie**

**Concerning cottage food product labeling requirements.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Eslick and Shewmake spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of House Bill No. 2217.

#### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2217, and the bill passed the House by the following vote: Yeas, 95; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, Dent, Doglio, Dolan, Duerr, Dufault, Dye, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, Macri, Maycumber, McCaslin, Mead, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shea, Shewmake, Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Excused: Representatives DeBolt, Entenman and MacEwen.

HOUSE BILL NO. 2217, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 2229, by Representatives Sullivan, Stokesbary, Bergquist, Gildon and Wylie**

**Clarifying the scope of taxation on land development or management services.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Sullivan and Stokesbary spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of House Bill No. 2229.

### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2229, and the bill passed the House by the following vote: Yeas, 95; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, Dent, Doglio, Dolan, Duerr, Dufault, Dye, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, Macri, Maycumber, McCaslin, Mead, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shea, Shewmake, Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Excused: Representatives DeBolt, Entenman and MacEwen.

HOUSE BILL NO. 2229, having received the necessary constitutional majority, was declared passed.

### **HOUSE BILL NO. 2271, by Representatives Duerr and Rude**

**Correcting a reference to an omnibus transportation appropriations act within a prior authorization of general obligation bonds for transportation funding.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Duerr spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of House Bill No. 2271.

### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2271, and the bill passed the House by the following vote: Yeas, 95; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, Dent, Doglio, Dolan, Duerr, Dufault, Dye, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, Macri, Maycumber, McCaslin, Mead, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shea, Shewmake, Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Excused: Representatives DeBolt, Entenman and MacEwen.

HOUSE BILL NO. 2271, having received the necessary constitutional majority, was declared passed.

### **HOUSE BILL NO. 2449, by Representatives Griffey and Gregerson**

**Concerning water-sewer district commissioner compensation.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Griffey and Pollet spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of House Bill No. 2449.

### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2449, and the bill passed the House by the following vote: Yeas, 95; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, Dent, Doglio, Dolan, Duerr, Dufault, Dye, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, Macri, Maycumber, McCaslin, Mead, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shea, Shewmake, Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton,

Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Excused: Representatives DeBolt, Entenman and MacEwen.

HOUSE BILL NO. 2449, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 2589, by Callan, Rude, Pollet, Orwall, Doglio, Steele, Kilduff, Caldier, Davis, Corry, Senn, Ybarra, Thai, Ramos, Ryu, Santos, Leavitt, Gildon, Bergquist, J. Johnson, Frame and Macri**

**Requiring contact information for suicide prevention and crisis intervention organizations on student and staff identification cards.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 2589 was substituted for House Bill No. 2589 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2589 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Callan and Steele spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2589.

### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2589, and the bill passed the House by the following vote: Yeas, 95; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, Dent, Doglio, Dolan, Duerr, Dufault, Dye, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, Macri, Maycumber, McCaslin, Mead, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shea, Shewmake, Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Excused: Representatives DeBolt, Entenman and MacEwen.

SUBSTITUTE HOUSE BILL NO. 2589, having received the necessary constitutional majority, was declared passed.

There being no objection, the House advanced to the eighth order of business.

### MOTIONS

There being no objection, the Committee on Rules was relieved of the following bills and the bills were placed on the second reading calendar:

HOUSE BILL NO. 1154  
HOUSE BILL NO. 1191  
HOUSE BILL NO. 1256  
HOUSE BILL NO. 1659  
HOUSE BILL NO. 1701  
HOUSE BILL NO. 2017  
HOUSE BILL NO. 2205  
HOUSE BILL NO. 2230  
HOUSE BILL NO. 2231  
HOUSE BILL NO. 2252  
HOUSE BILL NO. 2302  
HOUSE BILL NO. 2306  
HOUSE BILL NO. 2375  
HOUSE BILL NO. 2383  
HOUSE BILL NO. 2431  
HOUSE BILL NO. 2448  
HOUSE BILL NO. 2455  
HOUSE BILL NO. 2456  
HOUSE BILL NO. 2464  
HOUSE BILL NO. 2471  
HOUSE BILL NO. 2483  
HOUSE BILL NO. 2498  
HOUSE BILL NO. 2521  
HOUSE BILL NO. 2524  
HOUSE BILL NO. 2525  
HOUSE BILL NO. 2542  
HOUSE BILL NO. 2544  
HOUSE BILL NO. 2556  
HOUSE BILL NO. 2571  
HOUSE BILL NO. 2572  
HOUSE BILL NO. 2580  
HOUSE BILL NO. 2614  
HOUSE BILL NO. 2619  
HOUSE BILL NO. 2622  
HOUSE BILL NO. 2623  
HOUSE BILL NO. 2624  
HOUSE BILL NO. 2625  
HOUSE BILL NO. 2643  
HOUSE BILL NO. 2677  
HOUSE BILL NO. 2684  
HOUSE BILL NO. 2691  
HOUSE BILL NO. 2696  
HOUSE BILL NO. 2711  
HOUSE BILL NO. 2712  
HOUSE BILL NO. 2725  
HOUSE BILL NO. 2730  
HOUSE BILL NO. 2762  
HOUSE BILL NO. 2787  
HOUSE BILL NO. 2795

HOUSE BILL NO. 2809  
HOUSE BILL NO. 2848  
HOUSE BILL NO. 2853  
HOUSE BILL NO. 2864  
HOUSE BILL NO. 2865  
HOUSE BILL NO. 2868  
HOUSE BILL NO. 2873  
HOUSE BILL NO. 2883  
HOUSE BILL NO. 2884  
HOUSE BILL NO. 2919  
HOUSE BILL NO. 2926  
HOUSE JOINT MEMORIAL NO. 4016

There being no objection, the Committee on Rules was relieved of the following bill and the bill was placed on the third reading calendar:

HOUSE BILL NO. 1707

There being no objection, the House adjourned until 9:00 a.m., February 13, 2020, the 32nd Day of the Regular Session.

LAURIE JINKINS, Speaker

BERNARD DEAN, Chief Clerk

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**SIXTY SIXTH LEGISLATURE - REGULAR SESSION**


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**THIRTY SECOND DAY**


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House Chamber, Olympia, Thursday, February 13, 2020

The House was called to order at 9:00 a.m. by the Speaker (Representative Lovick presiding). The Clerk called the roll and a quorum was present.

The flags were escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Gemma Cannon-Green and Joey Devine D'Aurelio. The Speaker (Representative Lovick presiding) led the Chamber in the Pledge of Allegiance. The prayer was offered by Reverend Molly Fraser, Gig Harbor United Methodist Church, Washington.

Reading of the Journal of the previous day was dispensed with and it was ordered to stand approved.

There being no objection, the House advanced to the eighth order of business.

**MOTION**

There being no objection, the Committee on Rules was relieved of the following bill and the bill was placed on the second reading calendar:

HOUSE BILL NO. 2638

There being no objection, the House reverted to the third order of business.

**MESSAGES FROM THE SENATE**

February 12, 2020

Mme. SPEAKER:

The Senate has passed:

SUBSTITUTE SENATE BILL NO. 5441,  
 SUBSTITUTE SENATE BILL NO. 5900,  
 ENGROSSED SUBSTITUTE SENATE BILL NO.  
 5908,  
 SENATE BILL NO. 6359,  
 SENATE BILL NO. 6370,

and the same are herewith transmitted.

Brad Hendrickson, Secretary

February 12, 2020

Mme. SPEAKER:

The Senate has passed:

SECOND SUBSTITUTE SENATE BILL NO. 5572,  
 ENGROSSED SENATE BILL NO. 5834,  
 SUBSTITUTE SENATE BILL NO. 5976,  
 SECOND SUBSTITUTE SENATE BILL NO. 6027,  
 SUBSTITUTE SENATE BILL NO. 6035,  
 SENATE BILL NO. 6045,  
 SENATE BILL NO. 6046,  
 SENATE BILL NO. 6047,  
 SUBSTITUTE SENATE BILL NO. 6048,  
 SENATE BILL NO. 6066,  
 SUBSTITUTE SENATE BILL NO. 6072,  
 SUBSTITUTE SENATE BILL NO. 6091,  
 SENATE BILL NO. 6099,  
 SENATE BILL NO. 6100,  
 SENATE BILL NO. 6101,  
 SENATE BILL NO. 6102,  
 SENATE BILL NO. 6120,  
 SENATE BILL NO. 6132,  
 SENATE BILL NO. 6138,  
 SUBSTITUTE SENATE BILL NO. 6155,  
 SUBSTITUTE SENATE BILL NO. 6191,  
 SUBSTITUTE SENATE BILL NO. 6208,  
 SUBSTITUTE SENATE BILL NO. 6215,  
 SUBSTITUTE SENATE BILL NO. 6262,  
 SUBSTITUTE SENATE BILL NO. 6297,  
 SENATE BILL NO. 6326,  
 SUBSTITUTE SENATE BILL NO. 6392,  
 SENATE BILL NO. 6403,  
 SUBSTITUTE SENATE BILL NO. 6409,  
 SENATE BILL NO. 6420,  
 SENATE BILL NO. 6480,  
 SENATE BILL NO. 6507,  
 SENATE BILL NO. 6537,  
 SENATE BILL NO. 6623,

and the same are herewith transmitted.

Brad Hendrickson, Secretary

There being no objection, the House advanced to the sixth order of business.

**SECOND READING**

**HOUSE BILL NO. 1201, by Representatives Kilduff, Klippert, Leavitt, Reeves, Mosbrucker, Dolan, Slatter, Goodman, Ortiz-Self, Lovick, Stanford and Young**

**Concerning the Washington national guard postsecondary education grant program.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Kilduff spoke in favor of the passage of the bill.

### MOTIONS

On motion of Representative Griffey, Representative MacEwen was excused.

On motion of Representative Riccelli, Representative Entenman was excused.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of House Bill No. 1201.

### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1201, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Duerr, Dufault, Dye, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, Macri, Maycumber, McCaslin, Mead, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shea, Shewmake, Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Excused: Representatives Entenman and MacEwen.

HOUSE BILL NO. 1201, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 2200, by Representatives Klippert, Kilduff, Leavitt, Van Werven, Griffey and Volz**

**Creating the position of military spouse liaison.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 2200 was substituted for House Bill No. 2200 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2200 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Klippert and Ryu spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2200.

### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2200, and the bill passed the House by the following vote: Yeas, 95; Nays, 1; Absent, 0; Excused, 2.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chopp, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Duerr, Dufault, Dye, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, Macri, Maycumber, McCaslin, Mead, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shea, Shewmake, Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Voting nay: Representative Chapman.

Excused: Representatives Entenman and MacEwen.

SUBSTITUTE HOUSE BILL NO. 2200, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 2231, by Representatives Pellicciotti, Hudgins, Appleton, Davis, Gregerson, Santos, Frame, Pollet, Fitzgibbon, Thai, Bergquist, Ormsby, Wylie, Pettigrew, Peterson and Riccelli**

**Concerning bail jumping.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 2231 was substituted for House Bill No. 2231 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2231 was read the second time.

Representative Klippert moved the adoption of amendment (1146):

) On page 1, beginning on line 8, after "offense" strike " , as" and insert "or sex offense, as those terms are"

Representatives Klippert and Goodman spoke in favor of the adoption of the amendment.

Amendment (1146) was adopted.

Representative Orwall moved the adoption of amendment (1145):

) On page 1, line 18, after "(e)(i)" insert "The appearance for which the person was required and failed to appear was a trial:

(ii)"

On page 2, at the beginning of line 3, strike "(ii)" and insert "(iii)"

Representative Orwall spoke in favor of the adoption of the amendment.

Amendment (1145) was adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Pellicciotti and Pellicciotti (again) spoke in favor of the passage of the bill.

Representatives Klippert, Graham, Walsh and Klippert (again) spoke against the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 2231.

### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2231, and the bill passed the House by the following vote: Yeas, 54; Nays, 42; Absent, 0; Excused, 2.

Voting yea: Representatives Appleton, Bergquist, Callan, Chapman, Chopp, Cody, Davis, Doglio, Dolan, Duerr, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hansen, Hudgins, J. Johnson, Kilduff, Kirby, Kloba, Lekanoff, Lovick, Macri, Mead, Morgan, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Ryu, Santos, Sells, Senn, Shewmake, Slatter, Springer, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Walen, Wylie and Mme. Speaker.

Voting nay: Representatives Barkis, Blake, Boehnke, Caldier, Chambers, Chandler, Corry, DeBolt, Dent, Dufault, Dye, Eslick, Gildon, Goehner, Graham, Griffey, Harris, Hoff, Irwin, Jenkin, Klippert, Kraft, Kretz, Leavitt, Maycumber, McCaslin, Mosbrucker, Orcutt, Paul, Rude, Schmick, Shea, Smith, Steele, Stokesbary, Van Werven, Vick, Volz, Walsh, Wilcox, Ybarra and Young.

Excused: Representatives Entenman and MacEwen.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2231, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 2277, by Representatives Peterson, Ortiz-Self, Frame, Goodman, Kilduff, Callan, Senn, Lovick, Thai, Fitzgibbon, Leavitt, Ryu, Appleton, Valdez, Davis, Ormsby, Macri, Doglio, Gregerson and Pollet**

### Concerning youth solitary confinement.

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 2277 was substituted for House Bill No. 2277 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 2277 was read the second time.

Representative Klippert moved the adoption of amendment (1147):

) On page 2, beginning on line 28, after "means" strike ":

(a) Any" and insert "any"

On page 2, beginning on line 30, after "years" strike all material through "RCW 72.01.410" on line 33

Representative Klippert spoke in favor of the adoption of the amendment.

Representative Senn spoke against the adoption of the amendment.

Amendment (1147) was not adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Peterson, Frame, Senn, Griffey, Shea, Harris and Sutherland spoke in favor of the passage of the bill.

Representatives McCaslin, Dent, Graham and Kraft spoke against the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Second Substitute House Bill No. 2277.

### ROLL CALL

The Clerk called the roll on the final passage of Second Substitute House Bill No. 2277, and the bill passed the House by the following vote: Yeas, 76; Nays, 20; Absent, 0; Excused, 2.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Callan, Chambers, Chapman, Chopp, Cody, Davis, DeBolt, Doglio, Dolan, Duerr, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goodman, Gregerson, Griffey, Hansen, Harris, Hudgins, Jenkin, J. Johnson, Kilduff, Kirby,



Kloba, Kretz, Leavitt, Lekanoff, Lovick, Macri, Maycumber, McCaslin, Mead, Morgan, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Ryu, Santos, Sells, Senn, Shea, Shewmake, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Volz, Walen, Walsh, Wylie, Young and Mme. Speaker.

Voting nay: Representatives Boehnke, Caldier, Chandler, Corry, Dent, Dufault, Dye, Goehner, Graham, Hoff, Irwin, Klippert, Kraft, Mosbrucker, Rude, Schmick, Smith, Vick, Wilcox and Ybarra.

Excused: Representatives Entenman and MacEwen.

SECOND SUBSTITUTE HOUSE BILL NO. 2277, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 2318, by Representatives Orwall, Lovick, Slatter, Morgan, Wylie, Mosbrucker and Pollet**

**Advancing criminal investigatory practices.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 2318 was substituted for House Bill No. 2318 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2318 was read the second time.

Representative Orwall moved the adoption of amendment (1124):

) On page 4, beginning on line 37, after "means a sexual assault" strike all material through "where the" on line 39 and insert "kit where a"

On page 11, beginning on line 14, after "where" strike all material through "act)" on line 15 and insert "a law enforcement agency has received a related report or complaint alleging a sexual assault or other crime has occurred"

On page 11, beginning on line 18, after "means a sexual assault" strike all material through "where the" on line 21 and insert "kit where a"

Representatives Orwall and Klippert spoke in favor of the adoption of the amendment.

Amendment (1124) was adopted.

Representative Klippert moved the adoption of amendment (1126):

) On page 5, line 7, after "the" strike all material through "agencies" on line 26 and insert "Washington state patrol."

(b) By January 1, 2021, unreported sexual assault kits collected prior to the effective date of this section and stored according to the requirements of RCW 70.125.101(2) and (4) must be transported to the Washington state patrol.

(2)(a) The Washington state patrol is responsible for conducting the transport of the unreported sexual assault kit from the collecting entity to the patrol as required under subsection (1) of this section.

(b) The Washington state patrol shall store and preserve the unreported sexual assault kit for twenty years from the date of collection"

Representative Klippert spoke in favor of the adoption of the amendment.

Representative Goodman spoke against the adoption of the amendment.

Amendment (1126) was not adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Orwall and Orwall (again) spoke in favor of the passage of the bill.

Representative Klippert spoke against the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 2318.

## ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2318, and the bill passed the House by the following vote: Yeas, 92; Nays, 4; Absent, 0; Excused, 2.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Caldier, Callan, Chambers, Chapman, Chopp, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Duerr, Dufault, Dye, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, J. Johnson, Kilduff, Kirby, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, Macri, Maycumber, McCaslin, Mead, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shea, Shewmake, Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Voting nay: Representatives Boehnke, Chandler, Jenkin and Klippert.

Excused: Representatives Entenman and MacEwen.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2318, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 2393, by Representatives Goodman, Klippert, Davis, Ormsby and Appleton**

**Earning credit for complying with community custody conditions.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 2393 was substituted for House Bill No. 2393 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2393 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Goodman and Klippert spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2393.

**ROLL CALL**

The Clerk called the roll on the final passage of Substitute House Bill No. 2393, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Duerr, Dufault, Dye, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, Macri, Maycumber, McCaslin, Mead, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shea, Shewmake, Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Excused: Representatives Entenman and MacEwen.

SUBSTITUTE HOUSE BILL NO. 2393, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 2394, by Representatives Klippert, Goodman, Davis, Ormsby and Appleton**

**Concerning community custody.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 2394 was substituted for House Bill No. 2394 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2394 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Klippert and Goodman spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2394.

**ROLL CALL**

The Clerk called the roll on the final passage of Substitute House Bill No. 2394, and the bill passed the House by the following vote: Yeas, 94; Nays, 2; Absent, 0; Excused, 2.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chopp, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Duerr, Dufault, Dye, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Kretz, Leavitt, Lekanoff, Lovick, Macri, Maycumber, McCaslin, Mead, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shea, Shewmake, Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Voting nay: Representatives Chapman and Kraft.

Excused: Representatives Entenman and MacEwen.

SUBSTITUTE HOUSE BILL NO. 2394, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 2417, by Representatives Davis and Peterson**

**Concerning individuals serving community custody terms.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 2417 was substituted for House Bill No. 2417 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2417 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Davis and Klippert spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2417.

### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2417, and the bill passed the House by the following vote: Yeas, 95; Nays, 2; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chopp, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Kretz, Leavitt, Lekanoff, Lovick, Macri, Maycumber, McCaslin, Mead, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shea, Shewmake, Slatte, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Voting nay: Representatives Chapman and Kraft.

Excused: Representative MacEwen.

SUBSTITUTE HOUSE BILL NO. 2417, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 2542, by Representatives Paul, Dufault, Kilduff, Leavitt, Peterson, Graham, Smith, Volz, Ormsby and Shea**

**Concerning tuition waivers for children of eligible veterans.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Paul and Van Werven spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of House Bill No. 2542.

### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2542, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Mead, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shea, Shewmake, Slatte, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

HOUSE BILL NO. 2542, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 2543, by Representatives Paul, Dufault, Kilduff, Leavitt, Peterson, Graham, Smith, Davis, Volz and Ormsby**

**Ensuring eligible veterans and their dependents qualify for in-state residency.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 2543 was substituted for House Bill No. 2543 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2543 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Paul and Van Werven spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2543.

### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2543, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins,

Irwin, Jenkin, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Mead, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shea, Shewmake, Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

SUBSTITUTE HOUSE BILL NO. 2543, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 2544, by Representatives Paul, Dufault, Leavitt, Graham, Smith, Volz and Ormsby**

**Concerning the definition of veteran.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 2544 was substituted for House Bill No. 2544 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2544 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Paul, Griffey and Dufault spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2544.

**ROLL CALL**

The Clerk called the roll on the final passage of Substitute House Bill No. 2544, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Mead, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shea, Shewmake, Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

SUBSTITUTE HOUSE BILL NO. 2544, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 2622, by Representatives Kilduff, Walen, Senn, Pollet and Davis**

**Concerning procedures for ensuring compliance with court orders requiring surrender of firearms, weapons, and concealed pistol licenses.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 2622 was substituted for House Bill No. 2622 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2622 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Kilduff spoke in favor of the passage of the bill.

Representative Dufault spoke against the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2622.

**ROLL CALL**

The Clerk called the roll on the final passage of Substitute House Bill No. 2622, and the bill passed the House by the following vote: Yeas, 56; Nays, 42; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Bergquist, Callan, Chapman, Chopp, Cody, Davis, Doglio, Dolan, Duerr, Entenman, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hansen, Hudgins, J. Johnson, Kilduff, Kirby, Kloba, Leavitt, Lekanoff, Lovick, Macri, Mead, Morgan, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Ryu, Santos, Sells, Senn, Shewmake, Slatter, Springer, Stonier, Sullivan, Tarleton, Thai, Tharinger, Valdez, Walen, Wylie and Mme. Speaker.

Voting nay: Representatives Barkis, Blake, Boehnke, Caldier, Chambers, Chandler, Corry, DeBolt, Dent, Dufault, Dye, Eslick, Gildon, Goehner, Graham, Griffey, Harris, Hoff, Irwin, Jenkin, Klippert, Kraft, Kretz, MacEwen, Maycumber, McCaslin, Mosbrucker, Orcutt, Rude, Schmick, Shea, Smith, Steele, Stokesbary, Sutherland, Van Werven, Vick, Volz, Walsh, Wilcox, Ybarra and Young.

SUBSTITUTE HOUSE BILL NO. 2622, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 2762, by Representatives Rude, Irwin and Lovick**

**Extending the peer support group testimonial privilege to include staff persons of the department of corrections.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Rude, Thai and Irwin spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of House Bill No. 2762.

**ROLL CALL**

The Clerk called the roll on the final passage of House Bill No. 2762, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Mead, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shea, Shewmake, Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

HOUSE BILL NO. 2762, having received the necessary constitutional majority, was declared passed.

**HOUSE JOINT MEMORIAL NO. 4016, by Representatives Riccelli, Volz, Graham, Fey, Lovick, Valdez, Maycumber, Leavitt, Tarleton, Shea and Ormsby**

**Requesting to commence proceedings in naming state route number 902 the Gold Star Memorial Highway.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Riccelli and Volz spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of House Joint Memorial No. 4016.

**ROLL CALL**

The Clerk called the roll on the final passage of House Joint Memorial No. 4016, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Mead, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shea, Shewmake, Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

HOUSE JOINT MEMORIAL NO. 4016, having received the necessary constitutional majority, was declared passed.

The Speaker (Representative Lovick presiding) called upon Representative Orwall to preside.

There being no objection, the House reverted to the third order of business.

**MESSAGES FROM THE SENATE**

February 12, 2020

Mme. SPEAKER:

The Senate has passed:

ENGROSSED SUBSTITUTE SENATE BILL NO.

6028,

ENGROSSED SENATE BILL NO. 6180,

and the same are herewith transmitted.

Brad Hendrickson, Secretary

February 13, 2020

Mme. SPEAKER:

The Senate has passed:

SUBSTITUTE SENATE BILL NO. 6051,

SENATE BILL NO. 6103,

SUBSTITUTE SENATE BILL NO. 6105,  
SUBSTITUTE SENATE BILL NO. 6152,

and the same are herewith transmitted.

Brad Hendrickson, Secretary

There being no objection, the House advanced to the sixth order of business.

**SECOND READING**

**HOUSE BILL NO. 2467, by Representatives Hansen, Irwin, Griffey, Barkis and Wylie**

**Establishing a centralized single point of contact background check system for firearms transfers.**

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 2467 was substituted for House Bill No. 2467 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 2467 was read the second time.

Representative Walsh moved the adoption of amendment (1179):

) On page 3, line 4, after "(4)" insert "(a)"

On page 3, after line 14, insert the following:

"(b) The background check fee required under this subsection does not apply to any background check conducted in connection with a pawnbroker's receipt of a pawned firearm or the redemption of a pawned firearm."

On page 6, line 25, after "basis." insert "The background check fee does not apply to any background check conducted in connection with a pawnbroker's receipt of a pawned firearm or the redemption of a pawned firearm."

Representatives Walsh and Kilduff spoke in favor of the adoption of the amendment.

Amendment (1179) was adopted.

Representative Dufault moved the adoption of amendment (1184):

) On page 3, beginning on line 4, strike all of subsection (4)

Renumber the remaining subsections consecutively and correct internal references accordingly.

On page 5, beginning on line 26, strike all of section 3

Renumber the remaining sections consecutively and correct internal references accordingly.

On page 6, beginning on line 22, strike all of subsection (2)

Renumber the remaining subsection consecutively and correct internal references accordingly.

Representative Dufault spoke in favor of the adoption of the amendment.

Representative Hansen spoke against the adoption of the amendment.

Amendment (1184) was not adopted.

Representative Griffey moved the adoption of amendment (1199):

) On page 3, at the beginning of line 9, strike "eighteen" and insert "ten"

Representative Griffey spoke in favor of the adoption of the amendment.

Representatives Hansen and Sutherland spoke against the adoption of the amendment.

Amendment (1199) was not adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Hansen and Irwin spoke in favor of the passage of the bill.

Representatives Walsh, Corry, Shea and Young spoke against the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Engrossed Second Substitute House Bill No. 2467.

**ROLL CALL**

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 2467, and the bill passed the House by the following vote: Yeas, 66; Nays, 32; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Barkis, Bergquist, Boehnke, Callan, Chambers, Chapman, Chopp, Cody, Davis, Doglio, Dolan, Duerr, Entenman, Fey, Fitzgibbon, Frame, Gildon, Goodman, Gregerson, Griffey, Hansen, Hudgins, Irwin, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Mead, Morgan, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Ryu, Santos, Sells, Senn, Shewmake, Slatter, Smith, Springer, Stonier, Sullivan, Tarleton, Thai, Tharinger, Valdez, Van Werven, Walen, Wylie and Mme. Speaker.

Voting nay: Representatives Blake, Caldier, Chandler, Corry, DeBolt, Dent, Dufault, Dye, Eslick, Goehner, Graham, Harris, Hoff, Jenkin, Kraft, Kretz, Maycumber, McCaslin, Mosbrucker, Orcutt, Rude, Schmick, Shea, Steele, Stokesbary, Sutherland, Vick, Volz, Walsh, Wilcox, Ybarra and Young.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2467, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 2302, by Representative Kilduff**

**Concerning child support, but only with respect to standards for determination of income, abatement of child support for incarcerated obligors, modification of administrative orders, and notices of support owed.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 2302 was substituted for House Bill No. 2302 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2302 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Kilduff spoke in favor of the passage of the bill.

Representatives Irwin and Walsh spoke against the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2302.

**ROLL CALL**

The Clerk called the roll on the final passage of Substitute House Bill No. 2302, and the bill passed the House by the following vote: Yeas, 57; Nays, 41; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Bergquist, Blake, Callan, Chapman, Chopp, Cody, Davis, Doglio, Dolan, Duerr, Entenman, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hansen, Hudgins, J. Johnson, Kilduff, Kirby, Kloba, Leavitt, Lekanoff, Lovick, Macri, Mead, Morgan, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Ryu, Santos, Sells, Senn, Shewmake, Slatter, Springer, Stonier, Sullivan, Tarleton, Thai, Tharinger, Valdez, Walen, Wylie and Mme. Speaker.

Voting nay: Representatives Barkis, Boehnke, Caldier, Chambers, Chandler, Corry, DeBolt, Dent, Dufault, Dye, Eslick, Gildon, Goehner, Graham, Griffey, Harris, Hoff, Irwin, Jenkin, Klippert, Kraft, Kretz, MacEwen, Maycumber, McCaslin, Mosbrucker, Orcutt, Rude,

Schmick, Shea, Smith, Steele, Stokesbary, Sutherland, Van Werven, Vick, Volz, Walsh, Wilcox, Ybarra and Young.

SUBSTITUTE HOUSE BILL NO. 2302, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 2327, by Representatives Pollet, Kilduff, Frame, Bergquist, Orwall, Wylie and Appleton**

**Addressing sexual misconduct at postsecondary educational institutions.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 2327 was substituted for House Bill No. 2327 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2327 was read the second time.

Representative Pollet moved the adoption of amendment (1113):

) On page 2, line 38, after "students." insert ""Applicant" does not include a person applying for employment as medical staff or for employment with an affiliated organization, entity, or extension of a postsecondary educational institution, unless the applicant will have a supervisory role or position of authority over students."

On page 3, line 4, after "consultant" insert ", and is in, or had, a position with direct ongoing contact with students in a supervisory role or position of authority"

On page 3, line 9, after "students." insert ""Employee" does not include a person employed as medical staff or with an affiliated organization, entity, or extension of a postsecondary educational institution, unless the employee has or had a supervisory role or position of authority over students."

On page 6, line 20, after "has" strike "been found responsible for" and insert "committed"

Representatives Pollet and Van Werven spoke in favor of the adoption of the amendment.

Amendment (1113) was adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Pollet, Van Werven and Young spoke in favor of the passage of the bill.

Representative Sutherland spoke against the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 2327.

### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2327, and the bill passed the House by the following vote: Yeas, 94; Nays, 4; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Bergquist, Blake, Boehnke, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Duerr, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, J. Johnson, Kilduff, Kirby, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Mead, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shea, Shewmake, Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Voting nay: Representatives Barkis, Caldier, Dufault and Klippert.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2327, having received the necessary constitutional majority, was declared passed.

### STATEMENT FOR THE JOURNAL

I intended to vote YEA on Engrossed Substitute House Bill No. 2327.

Representative Barkis, 2nd District

### STATEMENT FOR THE JOURNAL

I intended to vote YEA on Engrossed Substitute House Bill No. 2327.

Representative Dufault, 15th District

### SECOND READING

**HOUSE BILL NO. 2455, by Representatives Kilduff, Eslick, Senn, Ryu, Kloba, Valdez, Bergquist, Davis, Pollet, Goodman and Wylie**

**Supporting access to child care for parents who are attending high school or working toward completion of a high school equivalency certificate.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 2455 was substituted for House Bill No. 2455 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2455 was read the second time.

Representative Klippert moved the adoption of amendment (1154):

) On page 1, line 16, after "(a)" strike "Must" and insert "May"

Representative Klippert spoke in favor of the adoption of the amendment.

Representative Senn spoke against the adoption of the amendment.

Amendment (1154) was not adopted.

Representative Klippert moved the adoption of amendment (1155):

) On page 2, line 6, after "May" strike "not"

Representative Klippert and Klippert (again) spoke in favor of the adoption of the amendment.

Representative Senn spoke against the adoption of the amendment.

Amendment (1155) was not adopted.

Representative Klippert moved the adoption of amendment (1156):

) On page 2, line 18, after "(b)" strike "Must" and insert "May"

Representative Klippert spoke in favor of the adoption of the amendment.

Representative Senn spoke against the adoption of the amendment.

Amendment (1156) was not adopted.

Representative Senn moved the adoption of amendment (1148):

) On page 4, after line 6, insert the following:

**"NEW SECTION. Sec. 4.** Section 1 of this act takes effect September 1, 2020."

Correct the title.

Representative Senn spoke in favor of the adoption of the amendment.

Amendment (1148) was adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Kilduff spoke in favor of the passage of the bill.



Representatives Dent, Klippert and Chambers spoke against the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 2455.

### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2455, and the bill passed the House by the following vote: Yeas, 66; Nays, 32; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Caldier, Callan, Chapman, Chopp, Cody, Davis, Doglio, Dolan, Duerr, Entenman, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Griffey, Hansen, Hudgins, Irwin, J. Johnson, Kilduff, Kirby, Kloba, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Mead, Morgan, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Sells, Senn, Shewmake, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Tarleton, Thai, Tharinger, Valdez, Walen, Wylie and Mme. Speaker.

Voting nay: Representatives Boehnke, Chambers, Chandler, Corry, DeBolt, Dent, Dufault, Dye, Eslick, Gildon, Goehner, Graham, Harris, Hoff, Jenkin, Klippert, Kraft, Kretz, Maycumber, McCaslin, Mosbrucker, Schmick, Shea, Smith, Sutherland, Van Werven, Vick, Volz, Walsh, Wilcox, Ybarra and Young.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2455, having received the necessary constitutional majority, was declared passed.

### HOUSE BILL NO. 2484, by Representatives Van Werven, Springer and Cody

#### Concerning sunshine committee recommendations regarding juveniles.

The bill was read the second time.

There being no objection, Substitute House Bill No. 2484 was not substituted for House Bill No. 2484

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Van Werven, Gregerson and Van Werven (again) spoke in favor of the passage of the bill.

Representative Pollet spoke against the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of House Bill No. 2484.

### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2484, and the bill passed the House by the following vote: Yeas, 97; Nays, 1; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Mead, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shea, Shewmake, Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Voting nay: Representative Pollet.

HOUSE BILL NO. 2484, having received the necessary constitutional majority, was declared passed.

### HOUSE BILL NO. 2525, by Representatives Callan, Corry, Eslick, Springer, Orwall, Ortiz-Self, Shewmake, Goodman, Senn, Caldier, Dent, Leavitt, Davis, Doglio, J. Johnson and Pollet

#### Establishing the family connections program.

The bill was read the second time.

There being no objection, Substitute House Bill No. 2525 was substituted for House Bill No. 2525 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2525 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Callan, Dent and Corry spoke in favor of the passage of the bill.

### MOTION

On motion of Representative Griffey, Representative Irwin was excused.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2525.

### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2525, and the bill passed the

House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Jenkin, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Mead, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shea, Shewmake, Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Young and Mme. Speaker.

Excused: Representative Irwin.

SUBSTITUTE HOUSE BILL NO. 2525, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 2725, by Representatives Ortiz-Self, Morgan, Frame, Kilduff, Lovick, Callan and Leavitt**

**Renaming foster resource parents.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 2725 was substituted for House Bill No. 2725 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2725 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Ortiz-Self, Corry and Ortiz-Self (again) spoke in favor of the passage of the bill.

Representative Dent spoke against the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2725.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2725, and the bill passed the House by the following vote: Yeas, 86; Nays, 11; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, DeBolt,

Doglio, Dolan, Duerr, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goodman, Graham, Gregerson, Hansen, Harris, Hoff, Hudgins, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, Mead, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Voting nay: Representatives Dent, Dufault, Dye, Goehner, Griffey, Jenkin, Kraft, McCaslin, Shea, Sutherland and Walsh.

Excused: Representative Irwin.

SUBSTITUTE HOUSE BILL NO. 2725, having received the necessary constitutional majority, was declared passed

**HOUSE BILL NO. 2556, by Representatives Dent, Corry, Eslick, Caldier, Klippert, Jenkin, Griffey, McCaslin, Mosbrucker, Gildon, Dufault and Tharinger**

**Providing regulatory relief for early learning providers.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 2556 was substituted for House Bill No. 2556 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2556 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Dent and Senn spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2556.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2556, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Jenkin, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Mead, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson,

Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shea, Shewmake, Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walsh, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Excused: Representative Irwin.

SUBSTITUTE HOUSE BILL NO. 2556, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 2614, by Representatives Robinson, Doglio, Sells, Lekanoff, Tharinger and Ormsby**

**Concerning paid family and medical leave.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 2614 was substituted for House Bill No. 2614 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2614 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Robinson spoke in favor of the passage of the bill.

Representative Mosbrucker spoke against the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2614.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2614, and the bill passed the House by the following vote: Yeas, 60; Nays, 37; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Bergquist, Blake, Callan, Chapman, Chopp, Cody, Davis, Doglio, Dolan, Duerr, Entenman, Eslick, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hansen, Hudgins, J. Johnson, Kilduff, Kirby, Kloba, Leavitt, Lekanoff, Lovick, Macri, Mead, Morgan, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Ryu, Santos, Sells, Senn, Shewmake, Slatter, Smith, Springer, Stonier, Sullivan, Tarleton, Thai, Tharinger, Valdez, Walen, Wylie, Ybarra and Mme. Speaker.

Voting nay: Representatives Barkis, Boehnke, Caldier, Chambers, Chandler, Corry, DeBolt, Dent, Dufault, Dye, Gildon, Goehner, Graham, Griffey, Harris, Hoff, Jenkin, Klippert, Kraft, Kretz, MacEwen, Maycumber, McCaslin,

Mosbrucker, Orcutt, Rude, Schmick, Shea, Steele, Stokesbary, Sutherland, Van Werven, Vick, Volz, Walsh, Wilcox and Young.

Excused: Representative Irwin.

SUBSTITUTE HOUSE BILL NO. 2614, having received the necessary constitutional majority, was declared passed.

#### STATEMENT FOR THE JOURNAL

I intended to vote NAY on Substitute House Bill No. 2614.

Representative Smith, 10th District

#### SECOND READING

**HOUSE BILL NO. 2619, by Representatives Shewmake, Chapman, Ramel, Springer, Van Werven, Senn, Doglio, Goodman and Tharinger**

**Increasing early learning access through licensing, eligibility, and rate improvements.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Shewmake, Dent and Gildon spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of House Bill No. 2619.

#### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2619, and the bill passed the House by the following vote: Yeas, 95; Nays, 2; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chapman, Chopp, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Jenkin, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Mead, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shea, Shewmake, Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Voting nay: Representatives Chandler and Kraft.

Excused: Representative Irwin.

HOUSE BILL NO. 2619, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 2691, by Representatives Valdez, Ryu, Frame, Doglio, Dolan, Slatter, Lovick, Ortiz-Self, Fitzgibbon, Davis, Pollet and Macri**

**Concerning the scope of collective bargaining for language access providers.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Valdez spoke in favor of the passage of the bill.

Representative Mosbrucker spoke against the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of House Bill No. 2691.

#### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2691, and the bill passed the House by the following vote: Yeas, 57; Nays, 40; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Bergquist, Blake, Callan, Chapman, Chopp, Cody, Davis, Doglio, Dolan, Duerr, Entenman, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hansen, Hudgins, J. Johnson, Kilduff, Kirby, Kloba, Leavitt, Lekanoff, Lovick, Macri, Mead, Morgan, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Ryu, Santos, Sells, Senn, Shewmake, Slatter, Springer, Stonier, Sullivan, Tarleton, Thai, Tharinger, Valdez, Walen, Wylie and Mme. Speaker.

Voting nay: Representatives Barkis, Boehnke, Caldier, Chambers, Chandler, Corry, DeBolt, Dent, Dufault, Dye, Eslick, Gildon, Goehner, Graham, Griffey, Harris, Hoff, Jenkin, Klippert, Kraft, Kretz, MacEwen, Maycumber, McCaslin, Mosbrucker, Orcutt, Rude, Schmick, Shea, Smith, Steele, Stokesbary, Sutherland, Van Werven, Vick, Volz, Walsh, Wilcox, Ybarra and Young.

Excused: Representative Irwin.

HOUSE BILL NO. 2691, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 2711, by Representatives J. Johnson, Corry, Stonier, Ormsby, Appleton, Caldier, Davis, Leavitt, Lekanoff, Ramel, Senn, Chopp, Goodman, Fey, Pollet, Callan and Chambers**

**Increasing equitable educational outcomes for foster care and homeless children and youth from prekindergarten to postsecondary education.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 2711 was substituted for House Bill No. 2711 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2711 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Johnson and Steele spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2711.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2711, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Jenkin, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Mead, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shea, Shewmake, Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Excused: Representative Irwin.

SUBSTITUTE HOUSE BILL NO. 2711, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 2787, by Representatives Callan, Harris, Eslick, Senn, Stonier, Santos, Tharinger and Pollet**

**Completing the transfer of the early support for infants and toddlers program from the office of the superintendent of public instruction to the department of children, youth, and families.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 2787 was substituted for House Bill No. 2787 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2787 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Callan and Dent spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2787.

### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2787, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Jenkin, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Mead, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shea, Shewmake, Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Excused: Representative Irwin.

SUBSTITUTE HOUSE BILL NO. 2787, having received the necessary constitutional majority, was declared passed.

### **HOUSE BILL NO. 2809, by Representatives Caldier, Kilduff and Pollet**

#### **Regarding essential needs and housing support eligibility.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Caldier, Kraft and Senn spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of House Bill No. 2809.

### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2809, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Jenkin, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Mead, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shea, Shewmake, Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Excused: Representative Irwin.

HOUSE BILL NO. 2809, having received the necessary constitutional majority, was declared passed.

### **HOUSE BILL NO. 2864, by Representatives Paul, Morgan, Valdez, Bergquist, Lekanoff and Santos**

#### **Establishing a running start summer school pilot program.**

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 2864 was substituted for House Bill No. 2864 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 2864 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Paul, Ybarra and Santos spoke in favor of the passage of the bill.

Representative Steele spoke against the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Second Substitute House Bill No. 2864.

### ROLL CALL

The Clerk called the roll on the final passage of Second Substitute House Bill No. 2864, and the bill passed the House by the following vote: Yeas, 78; Nays, 19; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chapman, Chopp, Cody, Davis, Doglio, Dolan, Duerr, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goodman, Gregerson, Griffey, Hansen, Harris, Hudgins, Jenkin, J. Johnson, Kilduff, Kirby, Kloba, Kretz, Lekanoff, Lovick, MacEwen, Macri, Maycumber, Mead, Morgan, Mosbrucker, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shea, Shewmake, Slatter, Smith, Springer, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Voting nay: Representatives Chandler, Corry, DeBolt, Dent, Dufault, Dye, Goehner, Graham, Hoff, Klippert, Kraft, Leavitt, McCaslin, Orcutt, Schmick, Shea, Steele, Stokesbary and Young.

Excused: Representative Irwin.

SECOND SUBSTITUTE HOUSE BILL NO. 2864, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 2865, by Representatives Chambers, Shewmake, Dent, McCaslin, Callan, Gildon, Senn and Eslick**

**Informing families of kindergarten readiness standards.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 2865 was substituted for House Bill No. 2865 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2865 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Chambers, Senn, Dent and Eslick spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2865.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2865, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins,

Jenkin, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Mead, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shea, Shewmake, Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Excused: Representative Irwin.

SUBSTITUTE HOUSE BILL NO. 2865, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 2873, by Representatives J. Johnson, Frame, Ramel, Callan, Hudgins, Ryu, Davis, Orwall and Pollet**

**Concerning families in conflict.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 2873 was substituted for House Bill No. 2873 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2873 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Johnson and Dent spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2873.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2873, and the bill passed the House by the following vote: Yeas, 94; Nays, 3; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Jenkin, J. Johnson, Kilduff, Kirby, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, Mead, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai,

Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Voting nay: Representatives Klippert, McCaslin and Shea.

Excused: Representative Irwin.

SUBSTITUTE HOUSE BILL NO. 2873, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 2926, by Representatives Maycumber, Blake, Kretz, MacEwen, Van Werven, Mosbrucker, Graham, Hoff, Griffey, Stokesbary, Chambers, Ybarra, Dent, Barkis, Goehner, Chandler, Kraft, Goodman, Lovick, Ortiz-Self, Senn, Gildon, Sells, Boehnke, Davis, Smith, Dye, Orwall, Eslick, Shewmake, Pollet, Riccelli and Harris**

**Expanding access to critical incident stress management programs.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Maycumber and Stonier spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of House Bill No. 2926.

### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2926, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Jenkin, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Mead, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shea, Shewmake, Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Excused: Representative Irwin.

HOUSE BILL NO. 2926, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 2456, by Representatives Callan, Eslick, Ramos, Ryu, Shewmake, Chapman, Senn, Frame,**

**Thai, Bergquist, Kilduff, Stonier, Tharinger, Davis, Macri, Pollet, Goodman, Wylie and Doglio**

**Concerning working connections child care eligibility.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 2456 was substituted for House Bill No. 2456 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2456 was read the second time.

Representative Klippert moved the adoption of amendment (1157):

) On page 5, line 26, after "to a" strike "twelve" and insert "six"

Representative Klippert spoke in favor of the adoption of the amendment.

Representative Senn spoke against the adoption of the amendment.

Amendment (1157) was not adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Callan and Harris spoke in favor of the passage of the bill.

Representatives Dent and Graham spoke against the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2456.

### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2456, and the bill passed the House by the following vote: Yeas, 60; Nays, 37; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Bergquist, Blake, Callan, Chapman, Chopp, Cody, Davis, Doglio, Dolan, Duerr, Entenman, Eslick, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hansen, Harris, Hudgins, J. Johnson, Kilduff, Kirby, Kloba, Leavitt, Lekanoff, Lovick, Macri, Mead, Morgan, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Ryu, Santos, Sells, Senn, Shewmake, Slatter, Springer, Stokesbary, Stonier, Sullivan, Tarleton, Thai, Tharinger, Valdez, Walen, Wylie and Mme. Speaker.

Voting nay: Representatives Barkis, Boehnke, Caldier, Chambers, Chandler, Corry, DeBolt, Dent, Dufault, Dye, Gildon, Goehner, Graham, Griffey, Hoff, Jenkin, Klippert, Kraft, Kretz, MacEwen, Maycumber, McCaslin,

Mosbrucker, Orcutt, Rude, Schmick, Shea, Smith, Steele, Sutherland, Van Werven, Vick, Volz, Walsh, Wilcox, Ybarra and Young.

Excused: Representative Irwin.

SUBSTITUTE HOUSE BILL NO. 2456, having received the necessary constitutional majority, was declared passed.

The Speaker (Representative Orwall presiding) called upon Representative Lovick to preside.

**HOUSE BILL NO. 2730, by Representatives Kilduff, Ryu, Klippert, Appleton, Caldier, Davis, Leavitt and Ormsby**

**Addressing military spouse employment.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 2730 was substituted for House Bill No. 2730 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2730 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Kilduff and Boehnke spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2730.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2730, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Jenkin, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Mead, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shea, Shewmake, Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Excused: Representative Irwin.

SUBSTITUTE HOUSE BILL NO. 2730, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1242, by Representatives Blake and Walsh**

**Concerning the authorization to impose special excise taxes on the sale of lodging.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Blake spoke in favor of the passage of the bill.

Representative Orcutt spoke against the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of House Bill No. 1242.

#### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1242, and the bill passed the House by the following vote: Yeas, 57; Nays, 40; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Bergquist, Blake, Callan, Chapman, Chopp, Cody, Davis, Doglio, Dolan, Duerr, Entenman, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hansen, Hudgins, J. Johnson, Kilduff, Kirby, Kloba, Leavitt, Lekanoff, Lovick, Macri, Mead, Morgan, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Ryu, Santos, Sells, Senn, Shewmake, Slatter, Springer, Stonier, Sullivan, Tarleton, Thai, Tharinger, Valdez, Walen, Wylie and Mme. Speaker.

Voting nay: Representatives Barkis, Boehnke, Caldier, Chambers, Chandler, Corry, DeBolt, Dent, Dufault, Dye, Eslick, Gildon, Goehner, Graham, Griffey, Harris, Hoff, Jenkin, Klippert, Kraft, Kretz, MacEwen, Maycumber, McCaslin, Mosbrucker, Orcutt, Rude, Schmick, Shea, Smith, Steele, Stokesbary, Sutherland, Van Werven, Vick, Volz, Walsh, Wilcox, Ybarra and Young.

Excused: Representative Irwin.

HOUSE BILL NO. 1242, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 2017, by Representatives Frame, Dolan, Fitzgibbon, Stanford, Kilduff, Macri, Ryu, Valdez, Tarleton and Pollet**

**Concerning collective bargaining for administrative law judges.**

The bill was read the second time.



There being no objection, Substitute House Bill No. 2017 was substituted for House Bill No. 2017 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2017 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Frame spoke in favor of the passage of the bill.

Representative Stokesbary spoke against the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2017.

### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2017, and the bill passed the House by the following vote: Yeas, 57; Nays, 40; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Bergquist, Blake, Callan, Chapman, Chopp, Cody, Davis, Doglio, Dolan, Duerr, Entenman, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hansen, Hudgins, J. Johnson, Kilduff, Kirby, Kloba, Leavitt, Lekanoff, Lovick, Macri, Mead, Morgan, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Ryu, Santos, Sells, Senn, Shewmake, Slatter, Springer, Stonier, Sullivan, Tarleton, Thai, Tharinger, Valdez, Walen, Wylie and Mme. Speaker.

Voting nay: Representatives Barkis, Boehnke, Caldier, Chambers, Chandler, Corry, DeBolt, Dent, Dufault, Dye, Eslick, Gildon, Goehner, Graham, Griffey, Harris, Hoff, Jenkin, Klippert, Kraft, Kretz, MacEwen, Maycumber, McCaslin, Mosbrucker, Orcutt, Rude, Schmick, Shea, Smith, Steele, Stokesbary, Sutherland, Van Werven, Vick, Volz, Walsh, Wilcox, Ybarra and Young.

Excused: Representative Irwin.

SUBSTITUTE HOUSE BILL NO. 2017, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 2638, by Representatives Peterson, MacEwen, Stonier, Harris, Robinson, Young, Ortiz-Self, Stokesbary, Tharinger, Walsh, Riccelli, Appleton, Griffey, Hansen, Kloba, Lekanoff, Sells, Chapman, Gregerson and Ramel**

**Authorizing sports wagering subject to the terms of tribal-state gaming compacts.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 2638 was substituted for House Bill No. 2638 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2638 was read the second time.

Representative Corry moved the adoption of amendment (1226):

)

On page 2, line 1, after "(1)" strike "Upon" and insert "Subject to subsection (3) of this section, upon"

On page 2, after line 17, insert the following:

"(3) A tribe's class III gaming compact may not be amended pursuant to this section and RCW 9.46.360 to authorize the tribe to conduct and operate sports wagering unless the tribe agrees in the compact amendment to:

(a) Join a statewide self-exclusion program for persons with a gambling problem or gambling disorder through which persons may self-exclude themselves from gambling at the tribal casino, at all businesses licensed to conduct house-banked social card games, and at other participating tribal casinos; and

(b) Provide a one-time payment of five hundred thousand dollars, derived from operating and conducting authorized sports wagering, to the state to be used solely for establishing and developing the statewide self-exclusion program."

Representative Corry spoke in favor of the adoption of the amendment.

Representative Hansen spoke against the adoption of the amendment.

Amendment (1226) was not adopted.

Representative Corry moved the adoption of amendment (1227):

)

On page 2, line 1, after "(1)" strike "Upon" and insert "Subject to subsection (3) of this section, upon"

On page 2, after line 17, insert the following:

"(3) A tribe's class III gaming compact may not be amended pursuant to this section and RCW 9.46.360 to authorize the tribe to conduct and operate sports wagering unless the tribe agrees in the compact amendment to annually transfer an amount of money equivalent to ten percent of all revenues realized from sports wagering to the state for deposit into the state problem gambling account created in RCW 41.05.751."

Representative Corry spoke in favor of the adoption of the amendment.

Representative Hansen spoke against the adoption of the amendment.

Amendment (1227) was not adopted.

Representative Orcutt moved the adoption of amendment (1231):

)

On page 2, line 1, after "(1)" strike "Upon" and insert "Subject to subsection (3) of this section, upon"

On page 2, after line 17, insert the following:

"(3)(a) A tribe's class III gaming compact may not be amended pursuant to this section and RCW 9.46.360 to authorize the tribe to conduct and operate sports wagering unless the tribe agrees in the compact amendment to, annually, transfer an amount of money equivalent to fifty percent of all revenues realized from sports wagering to the state for deposit into the motor vehicle fund created in RCW 46.68.070 to be used solely in the geographic area of the tribe's usual and accustomed areas for the purpose of removing fish passage barriers on public roadways and replacing existing crossings with fish passable crossings.

(b) This subsection (3) requires an agreement for annual payments to the state motor vehicle fund created in RCW 46.68.070 by a tribe conducting and operating sports wagering only until all fish passage barriers have been replaced on all public roads of the state, cities, towns, and counties within the tribe's usual and accustomed areas. The compact amendment must provide that when no more fish passage barriers remain in a tribe's usual and accustomed areas or the tribe's financial obligation is otherwise fulfilled as provided in this subsection (3)(b), all revenues from sports wagering are retained by the tribe.

(c) When an area is a usual and accustomed area of more than one tribe, for purposes of this subsection the financial obligation of a tribe to fund fish passage barrier removal is divided equally with the other tribe or tribes whose usual and accustomed areas includes the fish passage barrier."

On page 14, after line 29, insert the following:

"**Sec. 13.** RCW 46.68.070 and 1972 ex.s. c 103 s 6 are each amended to read as follows:

(1) There is created in the state treasury a permanent fund to be known as the motor vehicle fund to the credit of which shall be deposited all moneys directed by law to be deposited therein. This fund shall be for the use of the state, and through state agencies, for the use of counties, cities, and towns for proper road, street, and highway purposes, including the purposes of RCW 47.30.030.

(2) Funds received from a federally recognized Indian tribe pursuant to section 2(3) of this act must be used solely for the purposes of section 2(3) of this act."

Renumber the remaining section consecutively and correct the title.

Representative Orcutt spoke in favor of the adoption of the amendment.

Representative Hansen spoke against the adoption of the amendment.

Amendment (1231) was not adopted.

Representative Corry moved the adoption of amendment (1228):

)

On page 2, after line 17, insert the following:

"(3) By December 1, 2020, and annually thereafter, the commission must submit a report to the relevant committees of the legislature describing the estimated size of the illicit sports wagering market in Washington state and the impact that tribal-state gaming compact amendments authorizing sports wagering have on the size of the illicit market in Washington."

Representative Corry spoke in favor of the adoption of the amendment.

Representative Peterson spoke against the adoption of the amendment.

Amendment (1228) was not adopted.

Representative Walsh moved the adoption of amendment (1224):

)

On page 14, after line 33, insert the following:

"**NEW SECTION. Sec. 14.** The sum of six million dollars is appropriated from the general fund--state for the fiscal year ending June 30, 2020, and is provided solely for expenditure into the gambling revolving account. The gambling commission may expend from the gambling revolving account from moneys attributable to the appropriation in this section solely for enforcement actions in the illicit market for sports wagering. The appropriation in this section constitutes a loan from the general fund to the gambling revolving account that must be repaid with net interest by June 30, 2021.

**NEW SECTION. Sec. 15.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

Correct the title.

Representatives Walsh and Peterson spoke in favor of the adoption of the amendment.

Amendment (1224) was adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Peterson, MacEwen, Appleton, Stokesbary and Lekanoff spoke in favor of the passage of the bill.

Representatives Vick, Hoff and Jenkin spoke against the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 2638.

### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2638, and the bill passed the House by the following vote: Yeas, 83; Nays, 14; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Barkis, Bergquist, Caldier, Callan, Chambers, Chandler, Chapman, Davis, DeBolt, Dent, Doglio, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hudgins, J. Johnson, Kilduff, Kirby, Kloba, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Mead, Morgan, Mosbrucker, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shea, Shewmake, Slatter, Smith, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Voting nay: Representatives Blake, Boehnke, Chopp, Cody, Corry, Goehner, Hoff, Jenkin, Klippert, Kraft, Orcutt, Ormsby, Springer and Vick.

Excused: Representative Irwin.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2638, having received the necessary constitutional majority, was declared passed.

### **HOUSE BILL NO. 1598, by Representatives Doglio, Dolan, Pollet and Macri**

**Providing code cities of a certain size with the ability to annex unincorporated areas without a referendum provision pursuant to a jointly approved interlocal agreement with the county.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 1598 was substituted for House Bill No. 1598 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1598 was read the second time.

Representative Doglio moved the adoption of the striking amendment (1103):

)

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 14.** The legislature finds that city annexations of unincorporated areas within urban growth areas will be more efficient and effective if the county and city develop a jointly approved interlocal agreement so as not to create illogical boundaries or islands of unincorporated territory.

**NEW SECTION. Sec. 15.** A new section is added to chapter 35A.14 RCW to read as follows:

(1) A code city, as provided in subsection (2) of this section, may annex unincorporated territory pursuant to an interlocal agreement. This method of annexation shall be an alternative method and is additional to all other methods provided for in this chapter.

(2)(a) The county legislative authority of a county and the governing body of a code city may jointly initiate an annexation process for unincorporated territory by adopting an interlocal agreement as provided in chapter 39.34 RCW and under this section between the county and code city within the county. If a code city is proposing to annex territory where the sole access or majority of egress and ingress for the territory proposed for annexation is served by the transportation network of an adjacent city, or that will include areas in a fire protection district under Title 52 RCW, regional fire protection service authority under chapter 52.26 RCW, water-sewer district under Title 57 RCW, or transportation benefit district under chapter 36.73 RCW, the code city must provide written notice to the governing authority of such adjacent city, fire protection district, regional fire protection service authority, water-sewer district, or transportation benefit district. Such adjacent city or notified district shall have thirty calendar days from the date of the notice to provide written notice of its interest in being a party to the interlocal agreement. If timely notice is provided, such city or district shall be included as a party to the interlocal agreement. If the adjacent city or district does not approve the interlocal agreement, the annexation may not proceed under this section. For purposes of this subsection, "adjacent" means that the territory proposed for annexation is contiguous with the existing city limits of the nonannexing city.

(b) The interlocal agreement must ensure that for a period of five years after the annexation any parcel zoned for residential development within the annexed area shall:

(i) Maintain a zoning designation that provides for residential development; and

(ii) Not have its minimum gross residential density reduced below the density allowed for by the zoning designation for that parcel prior to annexation.

(3) The county and code city shall jointly agree on the boundaries of the annexation and its effective date. The interlocal agreement shall describe the boundaries of the territory to be annexed and set a date for a public hearing on such agreement for annexation. An interlocal agreement may include phased annexation of territory, and may be amended following the same process as initial approval, including

adding additional territory. A public hearing shall be held by each legislative body, separately or jointly, before the agreement is executed. Each legislative body holding a public hearing shall:

(a) Separately or jointly, publish a notice of availability of the agreement at least once a week for four weeks before the date of the hearing in one or more newspapers of general circulation within the code city and one or more newspapers of general circulation within the territory proposed for annexation; and

(b) If the legislative body has the ability to do so, post the notice of availability of the agreement on its web site for the same four weeks that the notice is published in the newspapers under (a) of this subsection. The notice shall describe where the public may review the agreement and the territory to be annexed.

(4) On the date set for hearing, the public shall be afforded an opportunity to be heard. Following the hearing, if the legislative body determines to effect the annexation, they shall do so by ordinance. If the annexation agreement includes phased annexation of territory, the legislative body shall adopt a separate ordinance at the time of each phase of annexation. Upon the date fixed in the ordinance of annexation the area annexed shall become part of the city. If the annexation ordinance provides for assumption of indebtedness or adoption of a proposed zoning regulation, the notice shall include a statement of such requirements. Upon passage of the annexation ordinance, a certified copy shall be filed with the board of county commissioners of the county in which the annexed property is located."

Correct the title.

Representatives Doglio and Griffey spoke in favor of the adoption of the striking amendment.

The striking amendment (1103) was adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Doglio, DeBolt and Griffey spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1598.

#### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1598, and the bill passed the House by the following vote: Yeas, 77; Nays, 20; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Barkis, Bergquist, Boehnke, Callan, Chambers, Chandler, Chapman, Chopp, Corry, Davis, DeBolt, Doglio, Dolan, Duerr, Dye, Entenman, Eslick, Fey, Frame, Gildon,

Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Hoff, Hudgins, Jenkin, Kilduff, Kirby, Klippert, Kloba, Kretz, Lekanoff, Lovick, MacEwen, Macri, Maycumber, Mead, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Schmick, Sells, Senn, Shewmake, Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Thai, Tharinger, Valdez, Van Werven, Walen, Walsh, Wilcox, Wylie, Ybarra and Mme. Speaker.

Voting nay: Representatives Blake, Caldier, Cody, Dent, Dufault, Fitzgibbon, Harris, J. Johnson, Kraft, Leavitt, McCaslin, Paul, Pellicciotti, Santos, Shea, Sutherland, Tarleton, Vick, Volz and Young.

Excused: Representative Irwin.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1598, having received the necessary constitutional majority, was declared passed.

#### HOUSE BILL NO. 1661, by Representatives Chandler and Ormsby

##### Concerning the higher education retirement plans.

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 1661 was substituted for House Bill No. 1661 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 1661 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Chandler and Stonier spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Second Substitute House Bill No. 1661.

#### ROLL CALL

The Clerk called the roll on the final passage of Second Substitute House Bill No. 1661, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Jenkin, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Mead, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude,

Ryu, Santos, Schmick, Sells, Senn, Shea, Shewmake, Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Excused: Representative Irwin.

SECOND SUBSTITUTE HOUSE BILL NO. 1661, having received the necessary constitutional majority, was declared passed.

**SUBSTITUTE HOUSE BILL NO. 1633, by House Committee on Transportation (originally sponsored by Goehner, Entenman, Orcutt, Barkis, Boehnke, Steele, Chapman, Mead, Eslick and Van Werven)**

**Making permanent the posting of fuel tax rate information at fuel pumps.**

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 1633 was substituted for Substitute House Bill No. 1633 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 1633 was read the second time.

With the consent of the House, amendment (1140) was withdrawn.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Goehner and Valdez spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Second Substitute House Bill No. 1633.

#### **ROLL CALL**

The Clerk called the roll on the final passage of Second Substitute House Bill No. 1633, and the bill passed the House by the following vote: Yeas, 90; Nays, 7; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chopp, Cody, Corry, Davis, DeBolt, Dent, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Jenkin, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Maycumber, McCaslin, Mead, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pollet, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shea, Shewmake, Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Valdez, Van

Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Voting nay: Representatives Chapman, Doglio, Fitzgibbon, Macri, Paul, Ramel and Tharinger.

Excused: Representative Irwin.

SECOND SUBSTITUTE HOUSE BILL NO. 1633, having received the necessary constitutional majority, was declared passed.

#### **STATEMENT FOR THE JOURNAL**

I intended to vote YEA on Second Substitute House Bill No. 1633.

Representative Paul, 10th District

#### **SECOND READING**

**HOUSE BILL NO. 2230, by Representatives Gregerson, Stokesbary, Entenman, Walsh, Sullivan, Leavitt, Gildon, Ormsby, Santos, Lekanoff and Pollet**

**Subjecting federally recognized Indian tribes to the same conditions as state and local governments for property owned exclusively by the tribe.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Gregerson and Stokesbary spoke in favor of the passage of the bill.

Representative Orcutt spoke against the passage of the bill.

#### **MOTION**

On motion of Representative Griffey, Representative DeBolt was excused.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of House Bill No. 2230.

#### **ROLL CALL**

The Clerk called the roll on the final passage of House Bill No. 2230, and the bill passed the House by the following vote: Yeas, 83; Nays, 13; Absent, 0; Excused, 2.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Caldier, Callan, Chambers, Chapman, Chopp, Cody, Corry, Davis, Doglio, Dolan, Duerr, Entenman, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Jenkin, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, Mead, Morgan, Mosbrucker, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu,

Santos, Sells, Senn, Shewmake, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Tarleton, Thai, Tharinger, Valdez, Van Werven, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Voting nay: Representatives Boehnke, Chandler, Dent, Dufault, Dye, Eslick, McCaslin, Orcutt, Schmick, Shea, Smith, Sutherland and Vick.

Excused: Representatives DeBolt and Irwin.

HOUSE BILL NO. 2230, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 2421, by Representatives Tarleton, Pollet and Doglio**

**Concerning state reimbursement of election costs.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 2421 was substituted for House Bill No. 2421 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2421 was read the second time.

Representative Bergquist moved the adoption of the striking amendment (1225):

)

Strike everything after the enacting clause and insert the following:

**"Sec. 16.** RCW 29A.04.410 and 2013 c 11 s 10 are each amended to read as follows:

Every county, city, town, and district, and the state is liable for its proportionate share of the costs when such elections are held in conjunction with other elections held under RCW 29A.04.321 and 29A.04.330.

Whenever any county, city, town, or district, or the state holds any primary or election, general or special, on an isolated date, all costs of such elections must be borne by the county, city, town, or district concerned, or the state as appropriate.

The purpose of this section is to clearly establish that the county is not responsible for any costs involved in the holding of any city, town, ~~((or))~~ district, state, or federal election.

In recovering such election expenses, including a reasonable ~~((pro-ration))~~ proration of administrative costs, the county auditor shall certify the cost to the county treasurer with a copy to the clerk or auditor of the city, town, or district concerned, or the secretary of state as appropriate. Upon receipt of such certification relating to a city, town, or district, the county treasurer shall make the transfer from any available and appropriate city, town, or district funds to the county current expense fund or to the county election reserve fund if such a fund is established. Each city, town, or district must be promptly notified by the county treasurer whenever such transfer has been completed. However, in those districts wherein a treasurer, other than the county treasurer, has been

appointed such transfer procedure does not apply, but the district shall promptly issue its warrant for payment of election costs. State and federal offices are to be considered one entity for purposes of election cost proration and reimbursement.

**Sec. 17.** RCW 29A.04.420 and 2019 c 161 s 2 are each amended to read as follows:

(1) Whenever federal officers, state officers, or measures are voted upon at a state primary or general election held ~~((in an odd-numbered year))~~ under RCW 29A.04.321, the state of Washington shall assume a prorated share of the costs of that state primary or general election~~((~~

~~((2) The state shall reimburse counties for))~~ for the federal and state offices and measures, including the prorated cost of return postage, required to be included on return envelopes pursuant to RCW 29A.40.091~~((, for all elections)).~~

~~((3))~~ (2) Whenever a primary or vacancy election is held to fill a vacancy in the position of United States senator or United States representative under chapter 29A.28 RCW, the state of Washington shall assume a prorated share of the costs of that primary or vacancy election.

~~((4))~~ (3) The county auditor shall apportion the state's share of these expenses when prorating election costs under RCW 29A.04.410 and in accordance with the state budgeting, accounting, and reporting system, shall file such expense claims with the secretary of state.

~~((5))~~ (4) The secretary of state shall include in his or her biennial budget requests sufficient funds to carry out this section. Reimbursements for election costs shall be from appropriations specifically provided by law for that purpose.

(5) State and federal offices are to be considered one entity for purposes of election cost proration and reimbursement.

(6) In addition to the state share of election expenses under RCW 29A.04.410, the state must provide an amount not less than ten percent of the budgeted amount under subsection (4) of this section from the previous fiscal year to be distributed to each county, prorated based on population. The distributed moneys must be used by the counties for voter outreach and education required by section 3 of this act. This appropriation must be calculated separately from any prorated share of state costs which the state is required to reimburse under this chapter.

**NEW SECTION. Sec. 18.** A new section is added to chapter 29A.04 RCW to read as follows:

(1) County auditors must engage in voter outreach and education activities, for which they may be reimbursed as provided in RCW 29A.04.420.

(2) As used in this section, "voter outreach and education" includes:

(a) Printed materials, paid advertising, video, news coverage, social media, or in-person presentations designed to:

(i) Educate people about the importance of voting as an act of civic engagement;

(ii) Educate and inform people about the entire voting process, from voter registration, to ballot deadlines, to election certification; and

(iii) Reduce participation gaps with outreach to communities with a history of poor voter turnout; and

(b) The creation of a county youth outreach council, as described in subsection (4) of this section.

(3) County auditors must coordinate with local school districts to engage youth in events for temperance and good citizenship day under RCW 28A.230.150.

(4) Each county with a population of more than five hundred thousand must create a county youth outreach council. The council must be comprised of youth ages fourteen to eighteen years old and have a minimum of seven members. The members of the council may be nominated by local youth organizations, the page programs of the senate or the house of representatives, or other programs designed to increase youth civic engagement. The county auditor, or his or her designee, shall select the council members from the nominees, determine the duration of their membership, and determine the number of meetings of the council. The activities of the council may include, but are not limited to:

(a) Organizing events designed to increase youth voter participation;

(b) Attendance at events designed to educate youth about local and state elections; and

(c) Participation in events related to temperance and good citizenship day as created by RCW 28A.230.150.

**Sec. 19.** RCW 29A.04.216 and 2013 c 11 s 7 are each amended to read as follows:

The county auditor of each county shall be ex officio the supervisor of all primaries and elections, general or special, and it shall be the county auditor's duty to provide places for holding such primaries and elections; to provide the supplies and materials necessary for the conduct of elections; and to publish and post notices of calling such primaries and elections in the manner provided by law. The auditor shall also apportion to the county, each city, town, or district, and to the state of Washington ~~((in the odd-numbered year))~~, its share of the expense of such primaries and elections. This section does not apply to general or special elections for any city, town, or district that is not subject to RCW 29A.04.321 and 29A.04.330, but all such elections must be held and conducted at the time, in the manner, and by the officials (with such notice, requirements for filing for office, and certifications by local officers) as provided and required by the laws governing such elections. State and federal offices are to be considered one entity for purposes of election cost proration and reimbursement.

**Sec. 20.** RCW 29A.04.430 and 2003 c 111 s 148 are each amended to read as follows:

(1) For any reimbursement of election costs under RCW 29A.04.420, the secretary of state shall pay ((interest

~~at an annual rate equal to two percentage points in excess of the discount rate on ninety day commercial paper in effect at the federal reserve bank in San Francisco on the fifteenth day of the month immediately preceding the payment for any period of time in excess of))~~ within thirty days after the receipt of a properly executed and documented voucher for such expenses and the entry of an allotment from specifically appropriated funds for this purpose until those funds are exhausted. If funds appropriated for this purpose are not sufficient to pay all claims, the secretary of state shall include a budget request to the legislature during the next legislative session for sufficient funds for reimbursement of all remaining claims and shall pay all properly executed and documented vouchers to the counties within thirty days of allotment of specifically appropriated funds for this purpose. The secretary of state shall promptly notify any county that submits an incomplete or inaccurate voucher for reimbursement under RCW 29A.04.420.

(2) Funding provided in this section to counties for election costs in even-numbered years is retrospective and prospective reimbursement under RCW 43.135.060 for any new or increased responsibilities under this title.

**Sec. 21.** RCW 29A.64.081 and 2004 c 271 s 181 are each amended to read as follows:

The canvassing board shall determine the expenses for conducting a recount of votes.

~~((The))~~ (1) For a recount conducted under RCW 29A.64.011, the cost of the recount shall be deducted from the amount deposited by the applicant for the recount at the time of filing the request for the recount, and the balance shall be returned to the applicant. If the costs of the recount exceed the deposit, the applicant shall pay the difference. No charges may be deducted by the canvassing board from the deposit for a recount if the recount changes the result of the nomination or election for which the recount was ordered.

(2) For a recount conducted under RCW 29A.64.021, for an office where the candidates filed the declarations of candidacy with the secretary of state, any legislative office, and any congressional office, the county auditor shall file an expense claim for such costs with the secretary of state. The secretary of state shall include a budget request to the legislature during the next legislative session for sufficient funds for reimbursement of all costs of the recount and shall pay all properly executed and documented vouchers to the counties within thirty days of allotment of specifically appropriated funds for this purpose. The secretary of state shall promptly notify any county that submits an incomplete or inaccurate voucher for reimbursement under this section.

(3) State and federal offices are to be considered one entity for purposes of election cost proration and reimbursement.

**Sec. 22.** RCW 29A.32.210 and 2013 c 11 s 38 are each amended to read as follows:

~~((At least ninety days before))~~ Before any primary or general election, or ((at least forty days before)) any special election held under RCW 29A.04.321 or 29A.04.330, ((the legislative authority of any county or first class or code city

~~may adopt an ordinance authorizing the publication and distribution of)) each county auditor shall print and distribute a local voters' pamphlet. The pamphlet shall provide information on all measures ((within that jurisdiction and may, if specified in the ordinance, include information on)) and candidates within that jurisdiction. ((If both a county and a first class or code city within that county authorize a local voters' pamphlet for the same election, the pamphlet shall be produced jointly by the county and the first class or code city. If no agreement can be reached between the county and first class or code city, the county and first class or code city may each produce a pamphlet. Any ordinance adopted authorizing a local voters' pamphlet may be for a specific primary, special election, or general election or for any future primaries or elections-)) The format of any local voters' pamphlet shall, whenever applicable, comply with the provisions of this chapter regarding the publication of the state candidates' and voters' pamphlets.~~

**NEW SECTION. Sec. 23.** Subject to the availability of amounts appropriated for this specific purpose, in the fiscal biennium ending June 30, 2021, the state must provide an amount up to ten percent of the state share of election expenses under RCW 29A.04.410 for the elections held in 2019 for distribution to county auditors for the purpose of voter outreach and education, as defined in section 3 of this act.

**NEW SECTION. Sec. 24.** This act takes effect January 1, 2021."

Correct the title.

Representative Bergquist spoke in favor of the adoption of the striking amendment.

Representative Kraft spoke against the adoption of the striking amendment.

The striking amendment (1225) was adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Tarleton and MacEwen spoke in favor of the passage of the bill.

Representative Dufault spoke against the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 2421.

#### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2421, and the bill passed the House by the following vote: Yeas, 80; Nays, 16; Absent, 0; Excused, 2.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chapman, Chopp, Cody, Davis, Doglio, Dolan, Duerr, Entenman, Eslick, Fey, Fitzgibbon, Frame, Goehner, Goodman, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, Mead, Morgan, Mosbrucker, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Sells, Senn, Shewmake, Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Voting nay: Representatives Chambers, Chandler, Corry, Dent, Dufault, Dye, Gildon, Graham, Jenkin, Kraft, McCaslin, Orcutt, Schmick, Shea, Sutherland and Walsh.

Excused: Representatives DeBolt and Irwin.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2421, having received the necessary constitutional majority, was declared passed.

#### HOUSE BILL NO. 2624, by Representatives Shewmake, Kretz, Blake, Dent and Lekanoff

**Concerning the authority of the director of the department of agriculture with respect to certain examinations and examination fees.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Shewmake and Dent spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of House Bill No. 2624.

#### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2624, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, Dent, Doglio, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Jenkin, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Mead, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shea, Shewmake, Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven,



Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Excused: Representatives DeBolt and Irwin.

HOUSE BILL NO. 2624, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 2684, by Representatives Shewmake, Slatter, Rude, Ortiz-Self and Kloba**

**Concerning traffic control signals.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 2684 was substituted for House Bill No. 2684 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2684 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Shewmake, Barkis and Pollet spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2684.

#### **ROLL CALL**

The Clerk called the roll on the final passage of Substitute House Bill No. 2684, and the bill passed the House by the following vote: Yeas, 66; Nays, 30; Absent, 0; Excused, 2.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chapman, Chopp, Cody, Davis, Doglio, Dolan, Duerr, Entenman, Fey, Fitzgibbon, Frame, Goehner, Goodman, Graham, Gregerson, Hansen, Hudgins, J. Johnson, Kilduff, Kirby, Kloba, Leavitt, Lekanoff, Lovick, Macri, Mead, Morgan, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Sells, Senn, Shewmake, Slatter, Springer, Steele, Stonier, Sullivan, Tarleton, Thai, Tharinger, Valdez, Van Werven, Walen, Wylie, Ybarra and Mme. Speaker.

Voting nay: Representatives Chambers, Chandler, Corry, Dent, Dufault, Dye, Eslick, Gildon, Griffey, Harris, Hoff, Jenkin, Klippert, Kraft, Kretz, MacEwen, Maycumber, McCaslin, Mosbrucker, Orcutt, Schmick, Shea, Smith, Stokesbary, Sutherland, Vick, Volz, Walsh, Wilcox and Young.

Excused: Representatives DeBolt and Irwin.

SUBSTITUTE HOUSE BILL NO. 2684, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 2848, by Representatives Chapman, Orcutt, Tharinger, Walsh, Blake, Tarleton, Springer, Maycumber, Fitzgibbon and Lekanoff**

**Changing the expiration date for the sales and use tax exemption of hog fuel to coincide with the 2045 deadline for fossil fuel-free electrical generation in Washington state and to protect jobs with health care and retirement benefits in economically distressed communities.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Chapman and Orcutt spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of House Bill No. 2848.

#### **ROLL CALL**

The Clerk called the roll on the final passage of House Bill No. 2848, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, Dent, Doglio, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Jenkin, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Mead, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shea, Shewmake, Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Excused: Representatives DeBolt and Irwin.

HOUSE BILL NO. 2848, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 2868, by Representatives Blake and Walsh**

**Allowing for extensions of the special valuation of historic property for certain properties.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 2868 was substituted for House Bill No. 2868 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2868 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Blake and Walsh spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2868.

### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2868, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2.

Voting yeas: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, Dent, Doglio, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Jenkin, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Mead, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shea, Shewmake, Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Excused: Representatives DeBolt and Irwin.

SUBSTITUTE HOUSE BILL NO. 2868, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 2722, by Representatives Mead, Fitzgibbon, Peterson, Doglio, Goodman, Gregerson, Slatter, Tarleton, Davis, Duerr, Ramel, Walen, Cody, Senn and Pollet**

**Concerning minimum recycled content requirements.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 2722 was substituted for House Bill No. 2722 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2722 was read the second time.

Representative Mead moved the adoption of the striking amendment (1223):

)

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 25.** (1) Sustainable and resilient markets for recycled materials are essential to any successful recycling system. For many years, Washington has depended on foreign markets to accept the recyclable materials that are collected for recycling in the state. Developing domestic markets for recycled materials benefits the environment and the state's economy and is critical due to the loss of foreign markets.

(2) China's 2018 national sword policy bans the importation of recycled mixed paper and certain types of recycled plastic and imposes a stringent one-half of one percent contamination limit on all other recycled material imports. Washington's recycling facilities are struggling to find markets for recycled materials, resulting in the stockpiling of these materials. Washington must reduce its reliance on unpredictable foreign markets for its recycled materials.

(3) Plastic and glass bottles can be recycled and can contain recycled content in order to close the loop in the recycling stream. Many companies have already taken the initiative at closing the loop by using plastic bottles that contain one hundred percent recycled content. Since November 2010, one national juice company has been using bottles made with one hundred percent postconsumer recycled content for all of its juices and juice smoothies. In January 2018, an international beverage producer announced that it will make all its bottles from one hundred percent recycled plastic by 2025.

(4) The requirements imposed by this chapter are reasonable and are achievable at minimal cost relative to the burden imposed by the continued excessive use of virgin materials in beverage containers in Washington.

(5) The legislature encourages beverage manufacturers to use plastic beverage containers that exceed the standards set forth in this act.

**NEW SECTION. Sec. 26.** (1)(a) Between January 1, 2022, and December 31, 2024, inclusive, the total number of plastic beverage containers filled with a beverage described in section 4 of this act that are sold, offered for sale, or distributed in Washington by a beverage manufacturer must contain no less than ten percent postconsumer recycled plastic per year.

(b) Between January 1, 2025, and December 31, 2029, inclusive, the total number of plastic beverage containers filled with a beverage described in section 4 of this act that are sold, offered for sale, or distributed in Washington by a beverage manufacturer must contain no less than twenty-five percent postconsumer recycled plastic per year.

(c) On and after January 1, 2030, the total number of plastic beverage containers filled with a beverage described in section 4 of this act that are sold, offered for sale, or distributed in Washington by a beverage manufacturer must contain no less than fifty percent postconsumer recycled plastic.

(2)(a) Every other year, beginning in 2021, or at the petition of the beverage manufacturing industry not more than annually, the director of the department of ecology shall consider whether the minimum recycled content requirements required pursuant to subsection (1) of this section should be waived or reduced. If the director of the department of ecology receives a petition from the beverage manufacturing industry, the director shall consider the petition within sixty days. If the director of the department of ecology makes a finding that a minimum recycled content requirement pursuant to this section should be adjusted, the adjusted rate for the requirement must be in effect until a new determination for the requirement is made or upon the expiration of the requirement's effective period, whichever occurs first. The director of the department of ecology may not adjust the minimum recycled content requirements above the minimum postconsumer recycled plastic content percentages required pursuant to subsection (1) of this section. In making a determination pursuant to this subsection, the director of the department of ecology shall consider, at a minimum, all of the following:

(i) Changes in market conditions, including supply and demand for postconsumer recycled plastics, collection rates, and bale availability;

(ii) Recycling rates;

(iii) The availability of recycled plastic suitable to meet the minimum recycled content requirements pursuant to subsection (1) of this section, including the availability of high quality recycled plastic, and food grade recycled plastic from beverage container recycling programs;

(iv) The capacity of recycling or processing infrastructure;

(v) The progress made by beverage manufacturers in achieving the goals of this section; and

(vi) The carbon footprint of the transportation of the recycled resin.

(b) The beverage manufacturing industry or a beverage manufacturer may appeal the director of ecology's decision made pursuant to this subsection to the pollution control hearings board within thirty days of the director's decision.

(c) For the purposes of this section, "beverage manufacturing industry" means an association that represents companies that manufacture beverages.

(3) The department of ecology may grant extensions to the minimum recycled plastic content requirements required under subsection (1) of this section if the department of ecology makes a finding that a beverage manufacturer has made a substantial effort but has failed to meet the minimum recycled plastic content requirements due to extenuating circumstances that are out of the beverage manufacturer's control.

(4)(a) On or before March 1, 2022, and annually thereafter, a beverage manufacturer of a beverage described in section 4 of this act sold in a plastic beverage container described in section 4 of this act must report to the

department of ecology in pounds and by resin type the amount of virgin plastic and postconsumer recycled plastic used by the beverage manufacturer for plastic beverage containers containing a beverage described in section 4 of this act sold, offered for sale, or distributed in Washington in the previous calendar year. The beverage manufacturer shall submit this information to the department of ecology under penalty of perjury.

(b) The department of ecology shall post the information reported under this subsection on the department's web site.

(5) A beverage manufacturer that does not meet the minimum recycled plastic content requirements established in subsection (1) of this section is subject to a fee established in section 5 of this act.

(6) The department of ecology may conduct audits and investigations and take enforcement action pursuant to this chapter against a beverage manufacturer for the purpose of ensuring compliance with this section based on the information reported under subsection (4) of this section.

(7) The department of ecology shall keep confidential all business trade secrets and proprietary information about manufacturing processes and equipment that the department gathers or becomes aware of through the course of conducting audits or inspections pursuant to this chapter.

(8) This section does not apply to:

(a) Refillable plastic beverage containers;

(b) Rigid plastic containers or rigid plastic bottles that are medical devices, medical products that are required to be sterile, prescription medicine, and packaging used for those products; or

(c) Bladders or pouches that contain wine.

**NEW SECTION. Sec. 27.** The recycling enhancement fee account is created in the custody of the state treasurer. All fees collected by the department of ecology pursuant to section 2 of this act must be deposited in the account. Moneys in the account may be spent only after appropriation. Expenditures from the account may be used by the department of ecology only for providing funding to the recycling development center created in RCW 70.370.030 for the purpose of furthering the development of recycling infrastructure in this state.

**NEW SECTION. Sec. 28.** (1) This section and sections 2, 3, and 5 of this act apply only to any individual, separate, sealed plastic bottle that contains the following beverages, intended for human or animal consumption and in a quantity less than or equal to one gallon, offered for sale, sold, or distributed in Washington:

(a) The following beverages, intended for human or animal consumption and in a quantity less than or equal to one gallon:

(i) Water and flavored water;

(ii) Beer or other malt beverages;

(iii) Wine; and

(iv) Mineral waters, soda water, and similar carbonated soft drinks;

(b) Any beverage other than those specified in (a) of this subsection that is intended for human or animal consumption and is in a quantity more than or equal to two fluid ounces and less than or equal to one gallon, except infant formula or any other exemptions adopted by the department of ecology by rule.

(2) For the purposes of this chapter, "beverage manufacturer" means a manufacturer of one or more beverages described in subsection (1) of this section that are sold, offered for sale, or distributed in Washington.

**NEW SECTION. Sec. 29.** (1)(a) Beginning January 1, 2022, a beverage manufacturer that does not meet the minimum recycled plastic content requirements pursuant to section 2 of this act is subject to an annual fee pursuant to this section. Beginning March 1, 2023, the violation level and fee must be collected annually if a waiver has not been granted pursuant to section 2(2) of this act, and calculated, based upon the amount in pounds, and in the aggregate, by which the beverage manufacturer does not meet the minimum recycled content requirements required pursuant to section 2 of this act, according to the following:

(i) If a beverage manufacturer has an overall compliance rate of at least seventy-five percent but less than one hundred percent of the minimum recycled plastic content requirements pursuant to this subsection (1)(a), that is a level one violation;

(ii) If a beverage manufacturer has an overall compliance rate of at least fifty percent but less than seventy-five percent of the minimum recycled plastic content requirements pursuant to this subsection (1)(a), that is a level two violation;

(iii) If a beverage manufacturer has an overall compliance rate of at least twenty-five percent but less than fifty percent of the minimum recycled plastic content requirements pursuant to this subsection (1)(a), that is a level three violation;

(iv) If a beverage manufacturer has an overall compliance rate of at least fifteen percent but less than twenty-five percent of the minimum recycled plastic content requirements pursuant to this subsection (1)(a), that is a level four violation; and

(v) If a beverage manufacturer has an overall compliance rate that is less than fifteen percent of the minimum recycled plastic content requirements pursuant to this subsection (1)(a), that is a level five violation.

(b) The fee amounts assessed pursuant to this subsection are as follows:

(i) For a level one violation, the fee range is five cents (\$0.05) to fifteen cents (\$0.15) per pound;

(ii) For a level two violation, the fee range is ten cents (\$0.10) to twenty cents (\$0.20) per pound;

(iii) For a level three violation, the fee range is fifteen cents (\$0.15) to twenty-five cents (\$0.25) per pound;

(iv) For a level four violation, the fee range is twenty cents (\$0.20) to thirty cents (\$0.30) per pound;

(v) For a level five violation, the fee range is twenty-five cents (\$0.25) to thirty cents (\$0.30) per pound.

(c) In lieu of or in addition to assessing a fee, the department of ecology may require a beverage manufacturer to submit a corrective action plan to the department detailing how the beverage manufacturer plans to come into compliance with section 2 of this act.

(d) The department of ecology shall consider equitable factors in determining whether to assess a fee and the amount of the fee including, but not limited to: The nature and circumstances of the violation; actions taken by the beverage manufacturer to correct the violation; the beverage manufacturer's history of compliance; the size and economic condition of the manufacturer; and whether the violation or conditions giving rise to the violation were due to circumstances beyond the reasonable control of the beverage manufacturer or were otherwise unavoidable under the circumstances including, but not limited to, unforeseen changes in market conditions.

(e) A beverage manufacturer that is assessed fees pursuant to this section may pay those fees to the department of ecology in quarterly installments or arrange an alternative payment schedule subject to the approval of the department.

(f) A beverage manufacturer that has been assessed fees pursuant to this section may appeal the assessment of fees to the pollution control hearings board within thirty days of the assessment.

(2)(a) The department of ecology shall consider granting a waiver, reduction, or extension of the fees assessed pursuant to subsection (1) of this section for the purposes of meeting the minimum recycled content requirements required pursuant to section 2 of this act to a beverage manufacturer that has demonstrated progress toward meeting those requirements in either of the following circumstances:

(i) The beverage manufacturer has failed to meet the minimum recycled content requirements required pursuant to section 2 of this act; or

(ii) The beverage manufacturer anticipates it will not be able to meet the minimum recycled content requirements required pursuant to section 2 of this act.

(b) In determining whether to grant the waiver, reduction, or extension pursuant to this subsection (2), the department shall consider, at a minimum, all of the following:

(i) Anomalous market conditions;

(ii) Disruption in, or lack of supply of, recycled plastics; and

(iii) Other factors that have prevented a beverage manufacturer from meeting the requirements.

(3) A beverage manufacturer shall pay the fees assessed pursuant to this section, as applicable, based on the information reported to the department of ecology pursuant

to section 2(4) of this act in the form and manner prescribed by the department.

**NEW SECTION. Sec. 30.** A new section is added to chapter 42.56 RCW to read as follows:

Information submitted to the department of ecology under chapter 70.--- RCW (the new chapter created in section 7 of this act), that contains business trade secrets or proprietary information about manufacturing processes and equipment, is exempt from disclosure under this chapter.

**NEW SECTION. Sec. 31.** Sections 2 through 5 of this act constitute a new chapter in Title 70 RCW."

Correct the title.

Representative Mead spoke in favor of the adoption of the striking amendment.

The striking amendment (1223) was adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Mead spoke in favor of the passage of the bill.

Representative Dye spoke against the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 2722.

### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2722, and the bill passed the House by the following vote: Yeas, 64; Nays, 32; Absent, 0; Excused, 2.

Voting yea: Representatives Appleton, Bergquist, Blake, Boehnke, Callan, Chapman, Chopp, Cody, Davis, Doglio, Dolan, Duerr, Entenman, Fey, Fitzgibbon, Frame, Goehner, Goodman, Gregerson, Hansen, Hudgins, J. Johnson, Kilduff, Kirby, Kloba, Leavitt, Lekanoff, Lovick, Macri, Mead, Morgan, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Sells, Senn, Shewmake, Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Tarleton, Thai, Tharinger, Valdez, Van Werven, Walen, Wylie and Mme. Speaker.

Voting nay: Representatives Barkis, Caldier, Chambers, Chandler, Corry, Dent, Dufault, Dye, Eslick, Gildon, Graham, Griffey, Harris, Hoff, Jenkin, Klippert, Kraft, Kretz, MacEwen, Maycumber, McCaslin, Mosbrucker, Orcutt, Schmick, Shea, Sutherland, Vick, Volz, Walsh, Wilcox, Ybarra and Young.

Excused: Representatives DeBolt and Irwin.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2722, having received the necessary constitutional majority, was declared passed.

There being no objection, the House advanced to the eighth order of business.

### MOTION

There being no objection, the Committee on Rules was relieved of the following bills and the bills were placed on the second reading calendar:

HOUSE BILL NO. 1888  
HOUSE BILL NO. 2305  
HOUSE BILL NO. 2335  
HOUSE BILL NO. 2345  
HOUSE BILL NO. 2386  
HOUSE BILL NO. 2419  
HOUSE BILL NO. 2426  
HOUSE BILL NO. 2584  
HOUSE BILL NO. 2642  
HOUSE BILL NO. 2737  
HOUSE BILL NO. 2890

HOUSE JOINT MEMORIAL NO. 4014

There being no objection, the House adjourned until 9:00 a.m., February 14, 2020, the 33rd Day of the Regular Session.

LAURIE JINKINS, Speaker

BERNARD DEAN, Chief Clerk

## SIXTY SIXTH LEGISLATURE - REGULAR SESSION

## THIRTY THIRD DAY

House Chamber, Olympia, Friday, February 14, 2020

The House was called to order at 9:00 a.m. by the Speaker (Representative Orwall presiding). The Clerk called the roll and a quorum was present.

The flags were escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Carson Wright and Molly Hall. The Speaker (Representative Orwall presiding) led the Chamber in the Pledge of Allegiance. The prayer was offered by Greg Asimakoupoulos, Chaplain, Covenant Shores and Mercer Island Police and Fire Department, Washington.

Reading of the Journal of the previous day was dispensed with and it was ordered to stand approved.

There being no objection, the House advanced to the eighth order of business.

## MOTION

There being no objection, the Committee on Rules was relieved of the following bill and the bill was placed on the second reading calendar:

HOUSE BILL NO. 2441

The Speaker (Representative Orwall presiding) called upon Representative Lovick to preside.

There being no objection, the House reverted to the third order of business.

## MESSAGE FROM THE SENATE

February 13, 2020

Mme. SPEAKER:

The Senate has passed:

ENGROSSED SUBSTITUTE SENATE BILL NO.  
5024,  
SECOND SUBSTITUTE SENATE BILL NO. 5236,  
SUBSTITUTE SENATE BILL NO. 5247,  
ENGROSSED SUBSTITUTE SENATE BILL NO.  
5434,  
SENATE BILL NO. 5749,  
SENATE BILL NO. 6034,  
SUBSTITUTE SENATE BILL NO. 6182,  
SUBSTITUTE SENATE BILL NO. 6259,  
SENATE BILL NO. 6263,  
SENATE BILL NO. 6265,  
SENATE BILL NO. 6357,

SENATE BILL NO. 6363,  
SENATE BILL NO. 6383,  
ENGROSSED SENATE BILL NO. 6421,  
SUBSTITUTE SENATE BILL NO. 6455,  
SUBSTITUTE SENATE BILL NO. 6499,  
SUBSTITUTE SENATE BILL NO. 6500,  
SENATE BILL NO. 6567,  
SUBSTITUTE SENATE BILL NO. 6605,  
SENATE BILL NO. 6643,  
SUBSTITUTE SENATE BILL NO. 6670,

and the same are herewith transmitted.

Brad Hendrickson, Secretary

There being no objection, the House advanced to the fourth order of business.

## INTRODUCTION &amp; FIRST READING

HB 2938 by Representatives Walsh, Jenkin, Boehnke, Shea, Van Werven, Orcutt and Young

AN ACT Relating to reducing the property tax; amending RCW 84.52.065; and creating a new section.

Referred to Committee on Finance.

HB 2939 by Representatives Walsh, Jenkin, Boehnke, Shea, Van Werven and Young

AN ACT Relating to the valuation of property for purposes of state property tax levies; and amending RCW 84.40.030.

Referred to Committee on Finance.

SSB 5441 by Senate Committee on Ways & Means (originally sponsored by Nguyen, Wilson, C., Darneille, Cleveland, Salomon, Randall, Hasegawa and Kuderer)

AN ACT Relating to rental vouchers to eligible offenders; and amending RCW 9.94A.729.

Referred to Committee on Public Safety.

2SSB 5572 by Senate Committee on Ways & Means (originally sponsored by Honeyford, Takko, Short, Warnick, Schoesler and King)

AN ACT Relating to modernization grants for small school districts; and adding a new section to chapter 28A.525 RCW.

Referred to Committee on Capital Budget.

ESB 5834 by Senators Hunt, Wellman, Randall, Pedersen, Wilson, C., Salomon, Frockt, Hasegawa, Kuderer, Nguyen and Saldaña

AN ACT Relating to providing for educational equity regardless of immigration or citizenship status; amending RCW 28A.710.040 and 28A.715.020; adding new sections to chapter 28A.320 RCW; adding a new section to chapter 28A.345 RCW; adding a new section to chapter 28A.300 RCW; and creating a new section.

Referred to Committee on Education.

SSB 5900 by Senate Committee on Ways & Means (originally sponsored by Randall, Wilson, C., Takko, Saldaña, Van De Wege, Salomon, Lias, Das, Pedersen and Nguyen)

AN ACT Relating to promoting access to earned benefits and services for lesbian, gay, bisexual, transgender, and queer veterans; adding a new section to chapter 43.60A RCW; and creating a new section.

Referred to Committee on Housing, Community Development & Veterans.

ESSB 5908 by Senate Committee on Early Learning & K-12 Education (originally sponsored by Das, Randall, Saldaña, Nguyen, Lias, Salomon, Conway, Darneille, Kuderer, Wilson and C.)

AN ACT Relating to equity and cultural competency in the public school system; amending RCW 28A.345.100, 28A.415.420, and 28A.150.415; adding a new section to chapter 28A.415 RCW; creating a new section; and repealing RCW 28A.657.140.

Referred to Committee on Education.

SSB 5976 by Senate Committee on Ways & Means (originally sponsored by Rolfes, Kuderer and Walsh)

AN ACT Relating to the access to baby and child dentistry program for children with disabilities; and amending RCW 74.09.390.

Referred to Committee on Appropriations.

2SSB 6027 by Senate Committee on Ways & Means (originally sponsored by Pedersen, Carlyle, Warnick, Van De Wege, Hunt, Rolfes, Short and Honeyford)

AN ACT Relating to floating residences; and amending RCW 90.58.270 and 79.105.060.

Referred to Committee on Environment & Energy.

SSB 6035 by Senate Committee on Labor & Commerce (originally sponsored by Keiser, King, Conway and Stanford)

AN ACT Relating to instruction for liquor license employees; amending RCW 66.24.320, 66.24.330, 66.24.590, and 66.28.150; and reenacting and amending RCW 66.24.400.

Referred to Committee on Commerce & Gaming.

SB 6045 by Senators Takko, Kuderer, Pedersen, Randall and Rolfes

AN ACT Relating to vulnerable users of a public way; amending RCW 46.61.526; and prescribing penalties.

Referred to Committee on Transportation.

SB 6046 by Senator Takko

AN ACT Relating to special purpose district commissioner compensation; and amending RCW 35.61.150, 36.57A.050, 53.12.260, 54.12.080, 57.12.010, 68.52.220, 70.44.050, 85.05.410, 85.06.380, 85.08.320, 85.24.080, 85.38.075, 86.09.283, 86.15.055, and 87.03.460.

Referred to Committee on Local Government.

SB 6047 by Senators Hasegawa, Dhingra, Hunt, Keiser, Lovelett, Nguyen, Randall, Holy and Saldaña

AN ACT Relating to prohibiting retaliation against school district employees that report noncompliance with individualized education programs; and adding a new section to chapter 28A.400 RCW.

Referred to Committee on Education.

SSB 6048 by Senate Committee on Financial Institutions, Economic Development & Trade (originally sponsored by Das, Lovelett, Nguyen, Saldaña, Kuderer, Wilson and C.)

AN ACT Relating to the group-wide supervision of internationally active insurance groups; amending RCW 48.31B.005, 48.31B.038, and 42.56.400; and adding a new section to chapter 48.31B RCW.

Referred to Committee on Consumer Protection & Business.

SB 6066 by Senators Hasegawa, Kuderer, Nguyen, Stanford, Saldaña, Wilson and C.

AN ACT Relating to ethnic studies materials and resources for public school students in grades kindergarten through six; amending RCW 28A.655.300 and 28A.300.112; amending 2019 c 279 s 4 (uncodified); and providing an expiration date.

Referred to Committee on Education.

SSB 6072 by Senate Committee on Ways & Means (originally sponsored by Rolfes, Braun and Becker)

AN ACT Relating to dividing the state wildlife account into the fish, wildlife, and conservation account and the limited fish and wildlife account; amending RCW 46.68.435, 77.12.170, 77.12.177, 77.12.184, 77.12.190, 77.12.210, 77.12.230, 77.12.240, 77.12.323, 77.12.380, 77.12.390, 77.12.670, 77.12.690, 77.32.050, 77.32.430, 77.32.460, 77.32.470, 77.32.530, 77.32.560, 77.36.070, 77.36.170, 77.44.050, 79A.55.090, 79A.80.090, and 82.27.070; reenacting and amending RCW 9.41.070 and 43.84.092; creating new sections; and providing an effective date.

Referred to Committee on Appropriations.

SSB 6091 by Senate Committee on Agriculture, Water, Natural Resources & Parks (originally sponsored by Warnick, Saldaña, Lovelett, Stanford, Wilson and C.)

AN ACT Relating to continuing the work of the Washington food policy forum; and adding a new chapter to Title 89 RCW.

Referred to Committee on Rural Development, Agriculture, & Natural Resources.

SB 6099 by Senators Hunt, Wilson and C.

AN ACT Relating to repealing the education accountability system oversight committee; amending RCW 28A.657.100; and repealing RCW 28A.657.130.

Referred to Committee on Education.

SB 6100 by Senators Wellman, Keiser, Kuderer, Nguyen, Wilson and C.

AN ACT Relating to the office of the superintendent of public instruction's authority to conduct criminal background checks; and amending RCW 28A.400.303.

Referred to Committee on Education.

SB 6101 by Senators Wellman, Conway, Dhingra, Kuderer, Mullet, Carlyle, Wilson and C.

AN ACT Relating to statewide implementation of early screening for dyslexia; and amending RCW 28A.320.270, 28A.300.710, and 28A.300.720.

Referred to Committee on Education.

SB 6102 by Senators Wellman, Mullet, Wilson, C. and Sheldon

AN ACT Relating to stop signal warning devices on school buses; and amending RCW 46.37.190.

Referred to Committee on Transportation.

SB 6120 by Senators Conway and King

AN ACT Relating to amending types of nonprofit organizations qualified to engage in gambling activities; and amending RCW 9.46.0209.

Referred to Committee on Commerce & Gaming.

SB 6132 by Senators Wellman, Billig, Hunt, Lovelett, Pedersen, Randall, Rolfes, Salomon, Van De Wege, Wilson and C.

AN ACT Relating to allowing the learning assistance program to support school-wide behavioral health system of supports and interventions; and amending RCW 28A.165.035 and 28A.165.005.

Referred to Committee on Education.

SB 6138 by Senators Hasegawa, Nguyen, Wilson and C.

AN ACT Relating to supports for beginning educators and mentors; and amending RCW 28A.415.265.

Referred to Committee on Education.

SSB 6155 by Senate Committee on Law & Justice (originally sponsored by Cleveland, Dhingra, Keiser, Kuderer, Mullet and Nguyen)

AN ACT Relating to eliminating proof of nonmarriage as an element of a sex offense; and amending RCW 9A.44.050, 9A.44.073, 9A.44.076, 9A.44.079, 9A.44.083, 9A.44.086, 9A.44.089, 9A.44.093, 9A.44.096, and 9A.44.100.

Referred to Committee on Public Safety.

SSB 6191 by Senate Committee on Early Learning & K-12 Education (originally sponsored by Braun, Darneille, Hasegawa, O'Ban, Rolfes, Short, Wilson and C.)

AN ACT Relating to assessing the prevalence of adverse childhood experiences in middle and high school students to inform decision making and improve services; adding a new section to chapter 28A.300 RCW; and creating a new section.

Referred to Committee on Education.



SSB 6208 by Senate Committee on Transportation (originally sponsored by Billig, Rivers, Lias, Randall, Wilson and C.)

AN ACT Relating to increasing mobility through the modification of stop sign requirements for bicyclists; amending RCW 46.61.050, 46.61.190, 46.61.200, 46.61.755, and 47.36.110; and providing an effective date.

Referred to Committee on Transportation.

SSB 6215 by Senate Committee on Law & Justice (originally sponsored by Braun)

AN ACT Relating to establishing a collaborative process to alleviate the burden on local courts to determine indigency through proof of receipt of public assistance; amending RCW 10.101.020 and 74.04.060; and providing an effective date.

Referred to Committee on Civil Rights & Judiciary.

SSB 6262 by Senate Committee on Early Learning & K-12 Education (originally sponsored by McCoy, Wellman, Kuderer, Hasegawa, Lovelett, Stanford, Wilson, C., Conway, Das, Nguyen, Van De Wege, Darneille and Hunt)

AN ACT Relating to the teaching of Washington's tribal history, culture, and government; and amending RCW 28A.320.170 and 28B.10.710.

Referred to Committee on Education.

SSB 6297 by Senate Committee on Early Learning & K-12 Education (originally sponsored by Padden, Wellman, Wagoner, Wilson, C., Hawkins, Billig and Zeiger)

AN ACT Relating to recognizing the experience of existing early learning providers to meet educational requirements; and adding a new section to chapter 43.216 RCW.

Referred to Committee on Human Services & Early Learning.

SB 6326 by Senator Warnick

AN ACT Relating to municipal conflicts of interest; and amending RCW 42.23.030.

Referred to Committee on Local Government.

SB 6359 by Senators Short and Randall

AN ACT Relating to creating regulation exemptions for rural health clinics providing services in a designated home health shortage area; and amending RCW 70.127.040.

Referred to Committee on Health Care & Wellness.

SB 6370 by Senators Nguyen, Padden, Dhingra, Darneille, Stanford, Das, Lovelett, Wilson and C.

AN ACT Relating to individuals under the department of corrections' jurisdiction; amending RCW 9.94A.589 and 9.94B.050; creating new sections; providing an effective date; and declaring an emergency.

Referred to Committee on Public Safety.

SSB 6392 by Senate Committee on Labor & Commerce (originally sponsored by Van De Wege, King, Walsh, Warnick, Rolfes, Honeyford, Wilson and C.)

AN ACT Relating to the creation of a local wine industry association license; and adding a new section to chapter 66.24 RCW.

Referred to Committee on Commerce & Gaming.

SB 6403 by Senators Warnick, Van De Wege, Short and Takko

AN ACT Relating to allowable uses for the multiuse roadway safety account; and amending RCW 46.09.540.

Referred to Committee on Transportation.

SSB 6409 by Senate Committee on Labor & Commerce (originally sponsored by King)

AN ACT Relating to providing an exemption from electrical licensing, certification, and inspection for industrial equipment; and adding a new section to chapter 19.28 RCW.

Referred to Committee on Consumer Protection & Business.

SB 6420 by Senators Takko and Short

AN ACT Relating to underground utilities and safety committee; amending RCW 19.122.050 and 19.122.130; and reenacting and amending RCW 19.122.020.

Referred to Committee on Local Government.

SB 6480 by Senators Mullet and Hasegawa

AN ACT Relating to developing comprehensive school counseling programs; adding new sections to chapter 28A.320 RCW; creating a new section; and providing an expiration date.

Referred to Committee on Education.

SB 6507 by Senators Nguyen, Darneille, Wilson and C.

AN ACT Relating to improving legislative reporting requirements for certain department of children, youth, and families programs; and amending RCW 43.216.015, 13.06.050, 43.216.089, 43.216.075, 43.216.020, and 13.40.212.

Referred to Committee on Human Services & Early Learning.

**SB 6537** by Senators McCoy, Hasegawa, Dhingra, Wilson and C.

AN ACT Relating to the membership of the criminal justice training commission; and amending RCW 43.101.030.

Referred to Committee on Public Safety.

**SB 6623** by Senators Darneille, Kuderer, Warnick, Zeiger, Das, Nguyen and Saldaña

AN ACT Relating to reducing funding restrictions for host homes; and amending RCW 74.15.020.

Referred to Committee on Human Services & Early Learning.

There being no objection, the bills listed on the day's introduction sheet under the fourth order of business were referred to the committees so designated, with the exception of SUBSTITUTE SENATE BILL NO. 6409 which was referred to the Committee on Labor & Workplace Standards.

There being no objection, the House advanced to the sixth order of business.

## SECOND READING

**HOUSE BILL NO. 2443, by Representatives Ryu and Davis**

**Requiring the use of personal flotation devices on smaller vessels.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 2443 was substituted for House Bill No. 2443 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2443 was read the second time.

Representative Ryu moved the adoption of amendment (1190):

) On page 2, line 20, after "older" insert "but under the age of eighteen"

Representatives Ryu and Jenkin spoke in favor of the adoption of the amendment.

Amendment (1190) was adopted.

Representative Ryu moved the adoption of amendment (1106):

) On page 3, beginning on line 5, after "(7)" strike all material through "section." on line 7

On page 3, line 7, after "a" strike "subsequent"

On page 3, after line 11, insert the following:

"(8) If a court finds that a person has committed a violation of subsection (6) of this section, the court must waive the monetary penalty if the person:

(a) Has not previously been found by a court to have committed a violation of subsection (6) of this section; and

(b) The person presents proof to the court that he or she obtained a boater education card issued pursuant to chapter 79A.60 RCW either before or after the date of the violation."

Representatives Ryu and Jenkin spoke in favor of the adoption of the amendment.

Amendment (1106) was adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Ryu spoke in favor of the passage of the bill.

Representative Jenkin spoke against the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 2443.

## ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2443, and the bill passed the House by the following vote: Yeas, 54; Nays, 44; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Bergquist, Callan, Cody, Davis, Doglio, Dolan, Duerr, Entenman, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hansen, Hudgins, J. Johnson, Kilduff, Kirby, Kloba, Leavitt, Lekanoff, Lovick, Macri, Mead, Morgan, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Ryu, Santos, Sells, Senn, Shewmake, Slatter, Springer, Stonier, Sullivan, Tarleton, Thai, Valdez, Vick, Walen, Wylie and Mme. Speaker.

Voting nay: Representatives Barkis, Blake, Boehnke, Caldier, Chambers, Chandler, Chapman, Chopp, Corry,

DeBolt, Dent, Dufault, Dye, Eslick, Gildon, Goehner, Graham, Griffey, Harris, Hoff, Irwin, Jenkin, Klippert, Kraft, Kretz, MacEwen, Maycumber, McCaslin, Mosbrucker, Orcutt, Rude, Schmick, Shea, Smith, Steele, Stokesbary, Sutherland, Tharinger, Van Werven, Volz, Walsh, Wilcox, Ybarra and Young.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2443, having received the necessary constitutional majority, was declared passed.

#### STATEMENT FOR THE JOURNAL

I intended to vote NAY on Engrossed Substitute House Bill No. 2443.

Representative Vick, 18th District

#### SECOND READING

**HOUSE BILL NO. 2345, by Representatives Macri, Wylie, Cody, Goodman, Tharinger and Appleton**

**Concerning continuing care retirement communities.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Macri spoke in favor of the passage of the bill.

Representative Schmick spoke against the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of House Bill No. 2345.

#### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2345, and the bill passed the House by the following vote: Yeas, 57; Nays, 41; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Bergquist, Blake, Callan, Chapman, Chopp, Cody, Davis, Doglio, Dolan, Duerr, Entenman, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hansen, Hudgins, J. Johnson, Kilduff, Kirby, Kloba, Leavitt, Lekanoff, Lovick, Macri, Mead, Morgan, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Ryu, Santos, Sells, Senn, Shewmake, Slatter, Springer, Stonier, Sullivan, Tarleton, Thai, Tharinger, Valdez, Walen, Wylie and Mme. Speaker.

Voting nay: Representatives Barkis, Boehnke, Caldier, Chambers, Chandler, Corry, DeBolt, Dent, Dufault, Dye, Eslick, Gildon, Goehner, Graham, Griffey, Harris, Hoff, Irwin, Jenkin, Klippert, Kraft, Kretz, MacEwen, Maycumber, McCaslin, Mosbrucker, Orcutt, Rude, Schmick, Shea, Smith, Steele, Stokesbary, Sutherland, Van Werven, Vick, Volz, Walsh, Wilcox, Ybarra and Young.

HOUSE BILL NO. 2345, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 2380, by Representatives Tharinger, Harris, Macri, Riccelli, Cody, Leavitt, Wylie, Kloba and Appleton**

**Changing the home care agency vendor rate and repealing electronic timekeeping.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Tharinger, Schmick and Corry spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of House Bill No. 2380.

#### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2380, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Mead, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shea, Shewmake, Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

HOUSE BILL NO. 2380, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 2386, by Representatives Cody, Robinson, Leavitt, Tarleton, Thai, Frame, Fitzgibbon, Slatter, Davis, Tharinger, Sells, Macri and Wylie**

**Creating the state office of the behavioral health ombuds.**

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 2386 was substituted for House Bill No. 2386 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 2386 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Cody, Schmick, DeBolt and Riccelli spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Second Substitute House Bill No. 2386.

### ROLL CALL

The Clerk called the roll on the final passage of Second Substitute House Bill No. 2386, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Mead, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shea, Shewmake, Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

SECOND SUBSTITUTE HOUSE BILL NO. 2386, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 2737, by Representatives Callan, Dent, Frame, Stonier, Eslick, Lovick, Entenman, Senn, Caldier, Davis, Leavitt, Bergquist, Goodman, Riccelli and Chambers**

#### **Updating the children's mental health work group.**

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 2737 was substituted for House Bill No. 2737 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 2737 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Callan, Dent and Caldier spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Second Substitute House Bill No. 2737.

### ROLL CALL

The Clerk called the roll on the final passage of Second Substitute House Bill No. 2737, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Mead, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shea, Shewmake, Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

SECOND SUBSTITUTE HOUSE BILL NO. 2737, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 2584, by Representatives Caldier, Frame, Leavitt and Davis**

#### **Establishing rates for behavioral health services.**

The bill was read the second time.

Representative Caldier moved the adoption of the striking amendment (1246):

)

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 32.** A new section is added to chapter 71.24 RCW to read as follows:

(1) It is the intent of the legislature that behavioral health medicaid rate increases be grounded with the rate-setting process for the provider type or practice setting.

(2) In implementing a rate increase funded by the legislature, including rate increases provided through managed care organizations, the authority must work with the actuaries responsible for establishing medicaid rates for behavioral health services and managed care organizations responsible for distributing funds to behavioral health services to assure that appropriate adjustments are made to the wraparound with intensive services case rate, as well as

any other behavioral health services in which a case rate is used.

(3)(a) The authority shall establish a process for verifying that funds appropriated in the omnibus operating appropriations act for targeted behavioral health provider rate increases, including rate increases provided through managed care organizations, are used for the objectives stated in the appropriation.

(b) The process must: (i) Establish which behavioral health provider types the funds are intended for; (ii) include transparency and accountability mechanisms to demonstrate that appropriated funds for targeted behavioral health provider rate increases are passed through, in the manner intended, to the behavioral health providers who are the subject of the funds appropriated for targeted behavioral health provider rate increases; and (iii) include actuarial information provided to managed care organizations to ensure the funds directed to behavioral health providers have been appropriately allocated and accounted for. The process must include a method for determining if the funds have increased access to the behavioral health services offered by the behavioral health providers who are the subject of the targeted provider rate increases.

(c) The process may:

(i) Include a quantitative method for determining if the funds have increased access to behavioral health services offered by the behavioral health providers who received the targeted provider rate increases;

(ii) Ensure the viability of pass-through payments in a capitated rate methodology;

(iii) Ensure that medicaid rate increases account for the impact of value-based contracting on provider reimbursements and implementations of pass-through payments; and

(iv) Include the participation of managed care organizations, behavioral health administrative services organizations, and providers that are the subject of the targeted behavioral health provider rate increases.

(4) By November 1st of each year, the authority shall report to the committees of the legislature with jurisdiction over behavioral health issues and fiscal matters regarding the established process for each appropriation for a targeted behavioral health provider rate increase, whether the funds were passed through in accordance with the appropriation language, and any information about increased access to behavioral health services associated with the appropriation. The reporting requirement for each appropriation for a targeted behavioral health provider rate increase shall continue for two years following the specific appropriation."

Correct the title.

Representatives Caldier, Cody and DeBolt spoke in favor of the adoption of the striking amendment.

The striking amendment (1246) was adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Caldier, Cody and Frame spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed House Bill No. 2584.

### ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 2584, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Mead, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shea, Shewmake, Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

ENGROSSED HOUSE BILL NO. 2584, having received the necessary constitutional majority, was declared passed.

### HOUSE BILL NO. 2883, by Representatives Eslick, Frame and Davis

#### Expanding adolescent behavioral health care access.

The bill was read the second time.

There being no objection, Substitute House Bill No. 2883 was substituted for House Bill No. 2883 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2883 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Eslick, Senn and Jenkin spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2883.

### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2883, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Mead, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shea, Shewmake, Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

SUBSTITUTE HOUSE BILL NO. 2883, having received the necessary constitutional majority, was declared passed.

### HOUSE BILL NO. 2471, by Representatives Callan, Eslick, Senn, Corry and Kilduff

#### Concerning working connections child care payment authorizations.

The bill was read the second time.

There being no objection, Substitute House Bill No. 2471 was substituted for House Bill No. 2471 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2471 was read the second time.

Representative Senn moved the adoption of amendment (1149):

) On page 6, after line 17, insert the following:

"NEW SECTION. **Sec. 5.** This act takes effect January 1, 2021."

Correct the title.

Representative Senn spoke in favor of the adoption of the amendment.

Amendment (1149) was adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Callan and Dent spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 2471.

### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2471, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Mead, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shea, Shewmake, Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2471, having received the necessary constitutional majority, was declared passed.

### HOUSE BILL NO. 2642, by Representatives Davis, Cody, Chopp, Harris, Leavitt, Caldier, Smith, Goodman, Orwall, Thai, Macri, Stonier, Schmick, Tharinger, Riccelli, Robinson, Griffey, Graham, Appleton, Callan, Irwin, Bergquist, Lekanoff, Barkis, Senn, Doglio, Walen, Peterson, Ormsby and Pollet

#### Removing health coverage barriers to accessing substance use disorder treatment services.

The bill was read the second time.

There being no objection, Substitute House Bill No. 2642 was substituted for House Bill No. 2642 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2642 was read the second time.

Representative Davis moved the adoption of amendment (1242):

) On page 3, line 22, after "shall" strike "determine" and insert "document to the health plan"

On page 3, line 27, after "(b)" insert "Nothing in this section prevents a health carrier from denying coverage based on insurance fraud.

(c)"

Renumber the remaining subsection consecutively and correct any internal references accordingly.

On page 6, line 22, after "shall" strike "determine" and insert "document to the health plan"

On page 6, line 27, after "(b)" insert "Nothing in this section prevents a health carrier from denying coverage based on insurance fraud.

(c)"

Renumber the remaining subsection consecutively and correct any internal references accordingly.

On page 9, line 23, after "shall" strike "determine" and insert "document to the managed care organization"

On page 11, line 13, after "with" insert "the office of the insurance commissioner,"

On page 11, line 32, after "provider to" strike "health plans" and insert "fully insured health plans and managed care organizations"

On page 12, beginning on line 3, after "allowing" strike all material through "rate" on line 4 and insert "medicaid managed care organizations to pay an administrative rate and establishing the equivalent reimbursement mechanism for commercial health plans"

Representatives Davis and Schmick spoke in favor of the adoption of the amendment.

Amendment (1242) was adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Davis and Barkis spoke in favor of the passage of the bill.

Representative Schmick spoke against the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 2642.

### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2642, and the bill passed the House by the following vote: Yeas, 94; Nays, 4; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, DeBolt,

Dent, Doglio, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Mead, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Sells, Senn, Shea, Shewmake, Slatter, Smith, Springer, Steele, Stonier, Sullivan, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Voting nay: Representatives Jenkin, Schmick, Stokesbary and Sutherland.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2642, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 2326, by Representatives Macri, Robinson, Rude, Cody, Leavitt, Thai, Ormsby, Wylie, Doglio, Kloba, Riccelli, Tharinger and Appleton**

### Reporting end-of-life care policies.

The bill was read the second time.

There being no objection, Substitute House Bill No. 2326 was substituted for House Bill No. 2326 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2326 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Macri and Schmick spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2326.

### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2326, and the bill passed the House by the following vote: Yeas, 89; Nays, 9; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chapman, Chopp, Cody, Davis, Dent, Doglio, Dolan, Duerr, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, Mead, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn,

Shewmake, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Voting nay: Representatives Chandler, Corry, DeBolt, Dufault, Jenkin, Kraft, McCaslin, Shea and Smith.

SUBSTITUTE HOUSE BILL NO. 2326, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 2419, by Representatives Rude, Macri, Kloba, Peterson, Springer, Cody, Ormsby, Riccelli and Doglio**

**Studying barriers to the use of the Washington death with dignity act.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 2419 was substituted for House Bill No. 2419 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2419 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Rude and Macri spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2419.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2419, and the bill passed the House by the following vote: Yeas, 67; Nays, 31; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Bergquist, Blake, Boehnke, Caldier, Callan, Chopp, Cody, Davis, Doglio, Dolan, Duerr, Entenman, Eslick, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hansen, Harris, Hoff, Hudgins, Irwin, J. Johnson, Kilduff, Kirby, Kloba, Leavitt, Lekanoff, Lovick, Macri, Mead, Morgan, Mosbrucker, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Sells, Senn, Shewmake, Slatter, Springer, Steele, Stonier, Sullivan, Tarleton, Thai, Tharinger, Valdez, Vick, Walen, Wylie, Ybarra and Mme. Speaker.

Voting nay: Representatives Barkis, Chambers, Chandler, Chapman, Corry, DeBolt, Dent, Dufault, Dye, Gildon, Goehner, Graham, Griffey, Jenkin, Klippert, Kraft, Kretz, MacEwen, Maycumber, McCaslin, Orcutt, Schmick, Shea, Smith, Stokesbary, Sutherland, Van Werven, Volz, Walsh, Wilcox and Young.

SUBSTITUTE HOUSE BILL NO. 2419, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 2441, by Representatives Entenman, Fitzgibbon, Senn, Gregerson, Kilduff, Stonier, Davis, Macri, Ortiz-Self, Riccelli, Pettigrew, Pollet, Goodman, Wylie and Doglio**

**Improving access to temporary assistance for needy families.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 2441 was substituted for House Bill No. 2441 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2441 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Entenman and Senn spoke in favor of the passage of the bill.

Representative Dent spoke against the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2441.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2441, and the bill passed the House by the following vote: Yeas, 57; Nays, 41; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Bergquist, Blake, Callan, Chapman, Chopp, Cody, Davis, Doglio, Dolan, Duerr, Entenman, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hansen, Hudgins, J. Johnson, Kilduff, Kirby, Kloba, Leavitt, Lekanoff, Lovick, Macri, Mead, Morgan, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Ryu, Santos, Sells, Senn, Shewmake, Slatter, Springer, Stonier, Sullivan, Tarleton, Thai, Tharinger, Valdez, Walen, Wylie and Mme. Speaker.

Voting nay: Representatives Barkis, Boehnke, Caldier, Chambers, Chandler, Corry, DeBolt, Dent, Dufault, Dye, Eslick, Gildon, Goehner, Graham, Griffey, Harris, Hoff, Irwin, Jenkin, Klippert, Kraft, Kretz, MacEwen, Maycumber, McCaslin, Mosbrucker, Orcutt, Rude, Schmick, Shea, Smith, Steele, Stokesbary, Sutherland, Van Werven, Vick, Volz, Walsh, Wilcox, Ybarra and Young.

SUBSTITUTE HOUSE BILL NO. 2441, having received the necessary constitutional majority, was declared passed.



**HOUSE BILL NO. 1888, by Representatives Hudgins and Valdez**

**Protecting employee information from public disclosure.**

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 1888 was substituted for House Bill No. 1888 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 1888 was read the second time.

Representative Goehner moved the adoption of amendment (1235):

) On page 2, line 15, after "information of" strike "an employee" and insert "its employees"

On page 2, line 16, after "notice to the" strike "employee" and insert "employees"

On page 2, at the beginning of line 17, strike "employee" and insert "employees"

On page 2, line 19, after "relating to the" strike "employee" and insert "employees"

Representative Goehner spoke in favor of the adoption of the amendment.

Representative Gregerson spoke against the adoption of the amendment.

Amendment (1235) was not adopted.

Representative Corry moved the adoption of amendment (1234):

) On page 2, line 15, after "agency" strike "must" and insert "may"

On page 2, line 17, after "requestor." strike "The" and insert "Any such"

Representative Corry spoke in favor of the adoption of the amendment.

Representative Gregerson spoke against the adoption of the amendment.

Amendment (1234) was not adopted.

Representative Walsh moved the adoption of amendment (1238):

) On page 2, line 17, after "must" strike "state" and insert "include"

On page 2, line 19, after "(ii)" strike "The nature of the requested record relating to the employee" and insert "A copy of the request"

Representative Walsh spoke in favor of the adoption of the amendment.

Representative Gregerson spoke against the adoption of the amendment.

Amendment (1238) was not adopted.

Representative Kraft moved the adoption of amendment (1239):

) On page 5, line 22, after "files of" strike "employees or volunteers of a public agency, including"

Representative Kraft spoke in favor of the adoption of the amendment.

Representative Gregerson spoke against the adoption of the amendment.

Amendment (1239) was not adopted.

Representative Boehnke moved the adoption of amendment (1236):

) On page 5, line 24, after "RCW 5.68.010(5)," insert "and nonprofit organizations that agree not to publish or share the information and agree to use the information solely to communicate with public employees about legal and civil rights"

Representative Boehnke spoke in favor of the adoption of the amendment.

Representative Gregerson spoke against the adoption of the amendment.

Amendment (1236) was not adopted.

Representative Dye moved the adoption of amendment (1240):

) On page 6, after line 3, insert the following:

"NEW SECTION. Sec 3. A new section is added to chapter 42.56. RCW to read as follows:

No agency may, under any circumstances, disclose, provide, or otherwise release the social security number of any of its employees or volunteers to a labor union."

Correct the title.

Representative Dye spoke in favor of the adoption of the amendment.

Representative Gregerson spoke against the adoption of the amendment.

Amendment (1240) was not adopted.

Representative Van Werven moved the adoption of amendment (1241):

) On page 6, after line 3, insert the following:

"**NEW SECTION. Sec. 3.** A new section is added to chapter 42.56 RCW to read as follows:

No agency may disclose, provide, or otherwise release any of the following information for employees or volunteers of a public agency to a labor union without the employee's or volunteer's voluntary, written authorization:

- (1) Dates of birth;
- (2) Residential telephone numbers;
- (3) Personal wireless telephone numbers;
- (4) Personal email addresses;
- (5) Social security numbers;
- (6) Identocard numbers; and
- (7) Emergency contact information."

Correct the title.

Representatives Van Werven, Jenkin and Graham spoke in favor of the adoption of the amendment.

Representative Gregerson spoke against the adoption of the amendment.

Amendment (1241) was not adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Hudgins, Walsh and Ortiz-Self spoke in favor of the passage of the bill.

Representatives Dufault and Stokesbary spoke against the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Second Substitute House Bill No. 1888.

### ROLL CALL

The Clerk called the roll on the final passage of Second Substitute House Bill No. 1888, and the bill passed the House by the following vote: Yeas, 91; Nays, 7; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chapman, Chopp, Cody, Davis, DeBolt, Doglio, Dolan, Duerr, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon,

Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Mead, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shea, Shewmake, Slatter, Smith, Springer, Steele, Stonier, Sullivan, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Voting nay: Representatives Chandler, Corry, Dent, Dufault, Dye, Stokesbary and Sutherland.

SECOND SUBSTITUTE HOUSE BILL NO. 1888, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 2426, by Representatives Cody, Robinson, Kilduff, Tharinger, Davis, Macri, Riccelli and Pollet**

**Protecting patient safety in psychiatric hospitals and other health care facilities.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 2426 was substituted for House Bill No. 2426 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2426 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Cody spoke in favor of the passage of the bill.

Representative Schmick spoke against the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2426.

### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2426, and the bill passed the House by the following vote: Yeas, 84; Nays, 14; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Davis, DeBolt, Doglio, Dolan, Duerr, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Hudgins, Irwin, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, Mead, Morgan, Mosbrucker,

Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Sells, Senn, Shewmake, Slatter, Smith, Springer, Steele, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Volz, Walen, Walsh, Wilcox, Wylie, Young and Mme. Speaker.

Voting nay: Representatives Boehnke, Corry, Dent, Dufault, Harris, Hoff, Jenkin, McCaslin, Orcutt, Schmick, Shea, Stokesbary, Vick and Ybarra.

SUBSTITUTE HOUSE BILL NO. 2426, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 2448, by Representatives Schmick, Chambers and Cody**

**Concerning enhanced services facilities.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 2448 was substituted for House Bill No. 2448 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2448 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Schmick and Cody spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2448.

**ROLL CALL**

The Clerk called the roll on the final passage of Substitute House Bill No. 2448, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Mead, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shea, Shewmake, Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

SUBSTITUTE HOUSE BILL NO. 2448, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 2621, by Representatives Maycumber, Tharinger, Schmick, Chapman, MacEwen and Eslick**

**Creating regulation exemptions for rural health clinics providing services in a designated home health shortage area.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 2621 was substituted for House Bill No. 2621 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2621 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Maycumber, Cody and Jenkin spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2621.

**ROLL CALL**

The Clerk called the roll on the final passage of Substitute House Bill No. 2621, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Mead, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shea, Shewmake, Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

SUBSTITUTE HOUSE BILL NO. 2621, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 2890, by Representative MacEwen**

**Concerning boarding homes.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 2890 was substituted for House Bill No. 2890 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2890 was read the second time.

Representative MacEwen moved the adoption of amendment (1215):

) On page 2, line 14, after "older." insert "A boarding home shall be designed for supportive services in order for residents to live independently or semi-independently. A licensed in-home care agency may provide care as needed pursuant to chapter 70.127 RCW."

Representatives MacEwen and Pollet spoke in favor of the adoption of the amendment.

Amendment (1215) was adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives MacEwen and Pollet spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 2890.

**ROLL CALL**

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2890, and the bill passed the House by the following vote: Yeas, 94; Nays, 4; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Cody, Corry, Davis, DeBolt, Dent, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Maycumber, McCaslin, Mead, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shea, Shewmake, Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Voting nay: Representatives Chopp, Doglio, Fitzgibbon and Macri.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2890, having received the necessary constitutional majority, was declared passed.

**HOUSE JOINT MEMORIAL NO. 4014, by Representatives Riccelli, Chapman, Tarleton, Orwall, Fey, Macri, Wylie, Doglio, Stonier, Kloba and Pollet**

**Asking Congress to include dental care in Medicare.**

The bill was read the second time.

There being no objection, Substitute House Joint Memorial No. 4014 was substituted for House Joint Memorial No. 4014 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE JOINT MEMORIAL NO. 4014 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Riccelli, Caldier and Riccelli (again) spoke in favor of the passage of the bill.

Representative DeBolt spoke against the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Joint Memorial No. 4014.

**ROLL CALL**

The Clerk called the roll on the final passage of Substitute House Joint Memorial No. 4014, and the bill passed the House by the following vote: Yeas, 93; Nays, 5; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chapman, Chopp, Cody, Corry, Davis, Dent, Doglio, Dolan, Duerr, Dufault, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, J. Johnson, Kilduff, Kirby, Kloba, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Mead, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shea, Shewmake, Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Voting nay: Representatives Chandler, DeBolt, Dye, Klippert and Kraft.

SUBSTITUTE HOUSE JOINT MEMORIAL NO. 4014, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 2305, by Representatives Doglio, Pollet and Appleton**

**Concerning firearms laws concerning persons subject to vulnerable adult protection orders.**

The bill was read the second time.

Representative Chambers moved the adoption of amendment (1251):

) On page 1, beginning on line 5, strike all of section 1 and insert the following:

"**Sec. 1.** RCW 9.41.800 and 2019 c 245 s 1 are each amended to read as follows:

(1) Any court when entering an order authorized under chapter 7.92 RCW, RCW 7.90.090, 9A.46.080, 10.14.080, 10.99.040, 10.99.045, 26.09.050, 26.09.060, 26.10.040, 26.10.115, 26.26B.020, 26.50.060, 26.50.070, or 26.26A.470 shall, upon a showing by clear and convincing evidence, that a party has: Used, displayed, or threatened to use a firearm or other dangerous weapon in a felony, or is ineligible to possess a firearm under the provisions of RCW 9.41.040:

(a) Require that the party immediately surrender all firearms and other dangerous weapons;

(b) Require that the party immediately surrender any concealed pistol license issued under RCW 9.41.070;

(c) Prohibit the party from accessing, obtaining, or possessing any firearms or other dangerous weapons;

(d) Prohibit the party from obtaining or possessing a concealed pistol license.

(2) Any court when entering an order authorized under chapter 7.92 RCW, RCW 7.90.090, 9A.46.080, 10.14.080, 10.99.040, 10.99.045, 26.09.050, 26.09.060, 26.10.040, 26.10.115, 26.26B.020, 26.50.060, 26.50.070, or 26.26A.470 may, upon a showing by a preponderance of the evidence but not by clear and convincing evidence, that a party has: Used, displayed, or threatened to use a firearm or other dangerous weapon in a felony, or is ineligible to possess a firearm under the provisions of RCW 9.41.040:

(a) Require that the party immediately surrender all firearms and other dangerous weapons;

(b) Require that the party immediately surrender a concealed pistol license issued under RCW 9.41.070;

(c) Prohibit the party from accessing, obtaining, or possessing any firearms or other dangerous weapons;

(d) Prohibit the party from obtaining or possessing a concealed pistol license.

(3) During any period of time that the person is subject to a court order issued under chapter 7.90, 7.92, 9A.46, 10.14, 10.99, 26.09, 26.10, 26.26A, 26.26B, or 26.50 RCW that:

(a) Was issued after a hearing of which the person received actual notice, and at which the person had an opportunity to participate;

(b) Restrains the person from harassing, stalking, or threatening an intimate partner of the person or child of the intimate partner or person, or engaging in other conduct that would place an intimate partner in reasonable fear of bodily injury to the partner or child; and

(c)(i) Includes a finding that the person represents a credible threat to the physical safety of the intimate partner or child; and

(ii) By its terms, explicitly prohibits the use, attempted use, or threatened use of physical force against the intimate partner or child that would reasonably be expected to cause bodily injury, the court shall:

(A) Require that the party immediately surrender all firearms and other dangerous weapons;

(B) Require that the party immediately surrender a concealed pistol license issued under RCW 9.41.070;

(C) Prohibit the party from accessing, obtaining, or possessing any firearms or other dangerous weapons; and

(D) Prohibit the party from obtaining or possessing a concealed pistol license.

(4) Any court when entering an order authorized under chapter 7.92 RCW shall, upon written findings and a showing by clear and convincing evidence, and may, upon written findings and a showing by a preponderance of the evidence, that a party has: Used, displayed, or threatened to use a firearm or other dangerous weapon in the abandonment, abuse, financial exploitation, or neglect of the vulnerable adult:

(a) Require that the party immediately surrender all firearms and other dangerous weapons;

(b) Require that the party immediately surrender any concealed pistol license issued under RCW 9.41.070;

(c) Prohibit the party from accessing, obtaining, or possessing any firearms or other dangerous weapons;

(d) Prohibit the party from obtaining or possessing a concealed pistol license.

(5) The court may order temporary surrender of all firearms and other dangerous weapons, and any concealed pistol license, without notice to the other party if it finds, on the basis of the moving affidavit or other evidence, that irreparable injury could result if an order is not issued until the time for response has elapsed.

((5)) (6) In addition to the provisions of subsections (1), (2), ((and)) (4), and (5) of this section, the court may enter an order requiring a party to comply with the provisions in subsection (1) of this section if it finds that the possession of a firearm or other dangerous weapon by any party presents a serious and imminent threat to public health or safety, or to the health or safety of any individual.

~~((6))~~ (7) The requirements of subsections (1), (2), (4), and (5) of this section may be for a period of time less than the duration of the order.

~~((7))~~ (8) The court may require the party to surrender all firearms and other dangerous weapons in his or her immediate possession or control or subject to his or her immediate possession or control, and any concealed pistol license issued under RCW 9.41.070, to the local law enforcement agency. Law enforcement officers shall use law enforcement databases to assist in locating the respondent in situations where the protected person does not know where the respondent lives or where there is evidence that the respondent is trying to evade service.

~~((8))~~ (9) If the court enters a protection order, restraining order, or no-contact order that includes an order to surrender firearms, dangerous weapons, and any concealed pistol license under this section, the order must be served by a law enforcement officer."

Representatives Chambers, Irwin and Shea spoke in favor of the adoption of the amendment.

Representative Kilduff spoke against the adoption of the amendment.

Amendment (1251) was not adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Doglio and Kilduff spoke in favor of the passage of the bill.

Representatives Irwin, Klippert, Walsh, Shea and Sutherland spoke against the passage of the bill.

### MOTION

On motion of Representative Riccelli, Representative Frame was excused.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of House Bill No. 2305.

### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2305, and the bill passed the House by the following vote: Yeas, 55; Nays, 42; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Bergquist, Callan, Chapman, Chopp, Cody, Davis, Doglio, Dolan, Duerr, Entenman, Fey, Fitzgibbon, Goodman, Gregerson, Hansen, Hudgins, J. Johnson, Kilduff, Kirby, Kloba, Leavitt, Lekanoff, Lovick, Macri, Mead, Morgan, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Ryu, Santos, Sells, Senn, Shewmake, Slatter, Springer, Stonier, Sullivan, Tarleton, Thai, Tharinger, Valdez, Walen, Wylie and Mme. Speaker.

Voting nay: Representatives Barkis, Blake, Boehnke, Caldier, Chambers, Chandler, Corry, DeBolt, Dent, Dufault, Dye, Eslick, Gildon, Goehner, Graham, Griffey, Harris, Hoff, Irwin, Jenkin, Klippert, Kraft, Kretz, MacEwen, Maycumber, McCaslin, Mosbrucker, Orcutt, Rude, Schmick, Shea, Smith, Steele, Stokesbary, Sutherland, Van Werven, Vick, Volz, Walsh, Wilcox, Ybarra and Young.

Excused: Representative Frame.

HOUSE BILL NO. 2305, having received the necessary constitutional majority, was declared passed.

Speaker Jenkins assumed the chair.

There being no objection, the House advanced to the eighth order of business.

### MOTIONS

There being no objection, the Committee on Rules was relieved of the following bills and the bills were placed on the second reading calendar:

HOUSE BILL NO. 1076  
HOUSE BILL NO. 1182  
HOUSE BILL NO. 1645  
HOUSE BILL NO. 1762  
HOUSE BILL NO. 1775  
HOUSE BILL NO. 1853  
HOUSE BILL NO. 1974  
HOUSE BILL NO. 2069  
HOUSE BILL NO. 2116  
HOUSE BILL NO. 2166  
HOUSE BILL NO. 2188  
HOUSE BILL NO. 2197  
HOUSE BILL NO. 2228  
HOUSE BILL NO. 2238  
HOUSE BILL NO. 2244  
HOUSE BILL NO. 2265  
HOUSE BILL NO. 2270  
HOUSE BILL NO. 2283  
HOUSE BILL NO. 2295  
HOUSE BILL NO. 2308  
HOUSE BILL NO. 2310  
HOUSE BILL NO. 2311  
HOUSE BILL NO. 2347  
HOUSE BILL NO. 2352  
HOUSE BILL NO. 2356  
HOUSE BILL NO. 2359  
HOUSE BILL NO. 2388  
HOUSE BILL NO. 2390  
HOUSE BILL NO. 2396  
HOUSE BILL NO. 2400  
HOUSE BILL NO. 2405  
HOUSE BILL NO. 2427  
HOUSE BILL NO. 2453  
HOUSE BILL NO. 2474  
HOUSE BILL NO. 2491  
HOUSE BILL NO. 2497  
HOUSE BILL NO. 2501  
HOUSE BILL NO. 2511  
HOUSE BILL NO. 2518

HOUSE BILL NO. 2520  
HOUSE BILL NO. 2528  
HOUSE BILL NO. 2535  
HOUSE BILL NO. 2555  
HOUSE BILL NO. 2565  
HOUSE BILL NO. 2570  
HOUSE BILL NO. 2583  
HOUSE BILL NO. 2594  
HOUSE BILL NO. 2596  
HOUSE BILL NO. 2610  
HOUSE BILL NO. 2613  
HOUSE BILL NO. 2620  
HOUSE BILL NO. 2629  
HOUSE BILL NO. 2645  
HOUSE BILL NO. 2649  
HOUSE BILL NO. 2660  
HOUSE BILL NO. 2662  
HOUSE BILL NO. 2673  
HOUSE BILL NO. 2676  
HOUSE BILL NO. 2679  
HOUSE BILL NO. 2704  
HOUSE BILL NO. 2709  
HOUSE BILL NO. 2713  
HOUSE BILL NO. 2714  
HOUSE BILL NO. 2728  
HOUSE BILL NO. 2739  
HOUSE BILL NO. 2758  
HOUSE BILL NO. 2763  
HOUSE BILL NO. 2768  
HOUSE BILL NO. 2793  
HOUSE BILL NO. 2797  
HOUSE BILL NO. 2833  
HOUSE BILL NO. 2834  
HOUSE BILL NO. 2849  
HOUSE BILL NO. 2860  
HOUSE BILL NO. 2870  
HOUSE BILL NO. 2882  
HOUSE BILL NO. 2896  
HOUSE BILL NO. 2905  
HOUSE BILL NO. 2906

There being no objection, the Committee on Rules was relieved of the following bill and the bill was placed on the third reading calendar:

HOUSE BILL NO. 2040

There being no objection, the House adjourned until 12:00 p.m., February 16, 2020, the 35th Day of the Regular Session.

LAURIE JINKINS, Speaker

BERNARD DEAN, Chief Clerk

## SIXTY SIXTH LEGISLATURE - REGULAR SESSION

## THIRTY FIFTH DAY

House Chamber, Olympia, Sunday, February 16, 2020

The House was called to order at 12:00 p.m. by the Speaker (Representative Orwall presiding). The Clerk called the roll and a quorum was present.

The flags were escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Robby Lewis and Clara Sodon. The Speaker (Representative Orwall presiding) led the Chamber in the Pledge of Allegiance. The prayer was offered by Representative Mari Leavitt, 28<sup>th</sup> Legislative District., Washington.

Reading of the Journal of the previous day was dispensed with and it was ordered to stand approved.

There being no objection, the House advanced to the third order of business.

## MESSAGES FROM THE SENATE

February 13, 2020

Mme. SPEAKER:

The Senate has passed:

ENGROSSED SUBSTITUTE SENATE BILL NO.  
5385,  
ENGROSSED SUBSTITUTE SENATE BILL NO.  
5473,  
ENGROSSED SENATE BILL NO. 6032,  
ENGROSSED SUBSTITUTE SENATE BILL NO.  
6122,  
ENGROSSED SENATE BILL NO. 6313,

and the same are herewith transmitted.

Brad Hendrickson, Secretary

February 14, 2020

Mme. SPEAKER:

The Senate has passed:

SUBSTITUTE SENATE BILL NO. 5011,  
SECOND SUBSTITUTE SENATE BILL NO. 5144,  
THIRD SUBSTITUTE SENATE BILL NO. 5164,  
ENGROSSED SENATE BILL NO. 5294,  
SUBSTITUTE SENATE BILL NO. 6074,  
SENATE BILL NO. 6078,  
SUBSTITUTE SENATE BILL NO. 6086,  
SENATE BILL NO. 6123,  
SECOND SUBSTITUTE SENATE BILL NO. 6181,

SENATE BILL NO. 6229,  
SECOND SUBSTITUTE SENATE BILL NO. 6281,  
SUBSTITUTE SENATE BILL NO. 6302,  
SECOND SUBSTITUTE SENATE BILL NO. 6309,  
SENATE BILL NO. 6316,  
SUBSTITUTE SENATE BILL NO. 6397,  
SUBSTITUTE SENATE BILL NO. 6429,  
SUBSTITUTE SENATE BILL NO. 6495,  
SUBSTITUTE SENATE BILL NO. 6521,  
SUBSTITUTE SENATE BILL NO. 6526,  
SENATE BILL NO. 6556,  
SUBSTITUTE SENATE BILL NO. 6660,

and the same are herewith transmitted.

Brad Hendrickson, Secretary

There being no objection, the House advanced to the sixth order of business.

## SECOND READING

**HOUSE BILL NO. 2343, by Representatives  
Fitzgibbon, Frame, Macri, Doglio, Tharinger and Pollet**

**Concerning urban housing supply.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 2343 was substituted for House Bill No. 2343 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2343 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Fitzgibbon, Griffey, DeBolt, Barkis, Walsh and Klippert spoke in favor of the passage of the bill.

## MOTIONS

On motion of Representative Riccelli, Representatives Entenman and Fey were excused.

On motion of Representative Griffey, Representative Chambers was excused.



The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2343.

### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2343, and the bill passed the House by the following vote: Yeas, 93; Nays, 2; Absent, 0; Excused, 3.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Calder, Callan, Chapman, Chopp, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Duerr, Dufault, Dye, Eslick, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Mead, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Ryu, Santos, Schmick, Sells, Senn, Shea, Shewmake, Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Voting nay: Representatives Chandler and Kraft.

Excused: Representatives Chambers, Entenman and Fey.

SUBSTITUTE HOUSE BILL NO. 2343, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 2388, by Representatives Senn, Callan, Leavitt, Thai, Robinson, Ormsby, Macri, Wylie, Doglio, Goodman and Pollet**

**Standardizing definitions of homelessness to improve access to services.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 2388 was substituted for House Bill No. 2388 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2388 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Senn spoke in favor of the passage of the bill.

Representative Dent spoke against the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2388.

### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2388, and the bill passed the House by the following vote: Yeas, 55; Nays, 40; Absent, 0; Excused, 3.

Voting yea: Representatives Appleton, Bergquist, Blake, Callan, Chapman, Chopp, Cody, Davis, Doglio, Dolan, Duerr, Fitzgibbon, Frame, Goodman, Gregerson, Hansen, Hudgins, J. Johnson, Kilduff, Kirby, Kloba, Leavitt, Lekanoff, Lovick, Macri, Mead, Morgan, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Ryu, Santos, Sells, Senn, Shewmake, Slatter, Springer, Stonier, Sullivan, Tarleton, Thai, Tharinger, Valdez, Walen, Wylie and Mme. Speaker.

Voting nay: Representatives Barkis, Boehnke, Calder, Chandler, Corry, DeBolt, Dent, Dufault, Dye, Eslick, Gildon, Goehner, Graham, Griffey, Harris, Hoff, Irwin, Jenkin, Klippert, Kraft, Kretz, MacEwen, Maycumber, McCaslin, Mosbrucker, Orcutt, Rude, Schmick, Shea, Smith, Steele, Stokesbary, Sutherland, Van Werven, Vick, Volz, Walsh, Wilcox, Ybarra and Young.

Excused: Representatives Chambers, Entenman and Fey.

SUBSTITUTE HOUSE BILL NO. 2388, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 2497, by Representatives Ormsby, Leavitt, Doglio, Ramel, Tharinger, Goodman, Riccelli and Santos**

**Adding development of permanently affordable housing to the allowable uses of community revitalization financing, the local infrastructure financing tool, and local revitalization financing.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Ormsby spoke in favor of the passage of the bill.

Representative Orcutt spoke against the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of House Bill No. 2497.

### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2497, and the bill passed the House by the following vote: Yeas, 56; Nays, 39; Absent, 0; Excused, 3.

Voting yea: Representatives Appleton, Bergquist, Blake, Callan, Chapman, Chopp, Cody, Davis, Doglio,

Dolan, Duerr, Fitzgibbon, Frame, Goodman, Graham, Gregerson, Hansen, Hudgins, J. Johnson, Kilduff, Kirby, Kloba, Leavitt, Lekanoff, Lovick, Macri, Mead, Morgan, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Ryu, Santos, Sells, Senn, Shewmake, Slatter, Springer, Stonier, Sullivan, Tarleton, Thai, Tharinger, Valdez, Walen, Wylie and Mme. Speaker.

Voting nay: Representatives Barkis, Boehnke, Caldier, Chandler, Corry, DeBolt, Dent, Dufault, Dye, Eslick, Gildon, Goehner, Griffey, Harris, Hoff, Irwin, Jenkin, Klippert, Kraft, Kretz, MacEwen, Maycumber, McCaslin, Mosbrucker, Orcutt, Rude, Schmick, Shea, Smith, Steele, Stokesbary, Sutherland, Van Werven, Vick, Volz, Walsh, Wilcox, Ybarra and Young.

Excused: Representatives Chambers, Entenman and Fey.

HOUSE BILL NO. 2497, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 2310, by Representatives Fitzgibbon, Ramel, Macri, Doglio, Cody, Hudgins and Pollet**

**Reducing emissions from vehicles associated with on-demand transportation services.**

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 2310 was substituted for House Bill No. 2310 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 2310 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Fitzgibbon and Boehnke spoke in favor of the passage of the bill.

Representative DeBolt spoke against the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Second Substitute House Bill No. 2310.

### ROLL CALL

The Clerk called the roll on the final passage of Second Substitute House Bill No. 2310, and the bill passed the House by the following vote: Yeas, 56; Nays, 39; Absent, 0; Excused, 3.

Voting yea: Representatives Appleton, Bergquist, Blake, Callan, Chapman, Chopp, Cody, Davis, Doglio, Dolan, Duerr, Fitzgibbon, Frame, Goodman, Gregerson, Hansen, Hudgins, J. Johnson, Kilduff, Kirby, Kloba, Leavitt,

Lekanoff, Lovick, Macri, Mead, Morgan, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Ryu, Santos, Sells, Senn, Shewmake, Slatter, Springer, Stokesbary, Stonier, Sullivan, Tarleton, Thai, Tharinger, Valdez, Walen, Wylie and Mme. Speaker.

Voting nay: Representatives Barkis, Boehnke, Caldier, Chandler, Corry, DeBolt, Dent, Dufault, Dye, Eslick, Gildon, Goehner, Graham, Griffey, Harris, Hoff, Irwin, Jenkin, Klippert, Kraft, Kretz, MacEwen, Maycumber, McCaslin, Mosbrucker, Orcutt, Rude, Schmick, Shea, Smith, Steele, Sutherland, Van Werven, Vick, Volz, Walsh, Wilcox, Ybarra and Young.

Excused: Representatives Chambers, Entenman and Fey.

SECOND SUBSTITUTE HOUSE BILL NO. 2310, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 2518, by Representatives Shewmake, Ybarra, Boehnke, Tarleton, Mead, Fitzgibbon, Lekanoff, Ramel, Callan, Peterson, Slatter, Davis, Doglio, Pollet and Cody**

**Concerning the safe and efficient transmission and distribution of natural gas.**

The bill was read the second time.

There being no objection Second Substitute House Bill No. 2518 was substituted for House Bill No. 2518 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 2518 was read the second time.

Representative Shewmake moved the adoption of striking amendment (1220):

)

On page 1, line 16, after "measures to" strike "reduce hazardous leaks and" and insert "expedite the reduction of hazardous leaks and reduce as practicable"

On page 2, beginning on line 1, after "facilities" strike all material through "failure," on line 2 and insert ", a description of equipment and new facilities that aid in the reduction of methane emissions and"

On page 2, line 4, after "others, to" strike "replace" and insert "expedite the replacement of"

On page 2, line 5, after "failure and" strike "reduce" and insert "expedite the repairs of"

On page 2, line 9, after "identifying" strike "large"

On page 2, beginning on line 27, after "(c)" strike all material through "pipe." on line 30 and insert ""Nonhazardous leak" includes a leak that is:

(a) Recognized as being not hazardous at the time of detection but justifies scheduled repair based on the potential for creating a future hazard; and

(b) Not hazardous at the time of detection and can reasonably be expected to remain not hazardous."

On page 2, after line 34, insert the following:

"(5) Nothing in this section may be construed to regulate pipelines that are preempted from state regulation under federal law."

On page 2, line 37, after "Beginning" strike "January 31" and insert "March 15"

On page 3, line 8, after "(d)" strike "An estimate of the" and insert "The"

On page 3, line 22, after "each" strike "detected"

On page 3, line 23, after "system" insert "detected by the company during its routine course of inspection"

On page 3, beginning on line 24, after "(b)" strike all material through "(c)" on line 26 and insert "The approximate date and location of each leak caused by third-party excavation or other causes not attributable to the normal operation or inspection practices of the company;

(c) Whether the reported leaks are included as part of a filing submitted and approved by the commission under section 2 of this act;

(d)"

Reletter the remaining subsections consecutively and correct any internal references accordingly.

On page 3, line 29, after "provide" strike "the best available" and insert "its best"

On page 3, line 34, after "(e) The" insert "estimated"

Representative Shewmake moved the adoption of amendment (1295) to the striking amendment (1220):

) On page 1, beginning on line 22 of the amendment, after "(5)" strike all material through "law" on line 24 and insert "Nothing in this section may be construed to impose requirements or restrictions on or otherwise regulate interstate pipelines"

Representatives Shewmake and DeBolt spoke in favor of the adoption of the amendment to the striking amendment.

Amendment (1295) to the striking amendment (1220) was adopted.

Representatives Shewmake and Boehnke spoke in favor of the adoption of the striking amendment as amended.

The striking amendment (1220), as amended, was adopted.

With the consent of the House, amendment (1216) was withdrawn.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Shewmake and Boehnke spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Engrossed Second Substitute House Bill No. 2518.

## ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 2518, and the bill passed the House by the following vote: Yeas, 87; Nays, 8; Absent, 0; Excused, 3.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chapman, Chopp, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Duerr, Dye, Eslick, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, J. Johnson, Kilduff, Kirby, Kloba, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, Mead, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Voting nay: Representatives Chandler, Dufault, Jenkin, Klippert, Kraft, McCaslin, Shea and Sutherland.

Excused: Representatives Chambers, Entenman and Fey.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2518, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 2528, by Representatives Ramos, DeBolt, Chapman, Boehnke, Blake, Fitzgibbon, Tharinger and Santos**

**Recognizing the contributions of the state's forest products sector as part of the state's global climate response.**

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 2528 was substituted for House Bill No. 2528 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 2528 was read the second time.

Representative Ramos moved the adoption of the striking amendment (1278):

)

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** (1) The legislature finds that the intergovernmental panel on climate change (IPCC) released a report in 2019 entitled "IPCC special report on climate change, desertification, land degradation, sustainable land management, food security, and greenhouse gas fluxes in terrestrial ecosystems" that provides guidance relating to how natural and working lands can be utilized to assist with a global climate response strategy. In addition, the food and agricultural organization of the United Nations issued a report in 2016 entitled "forestry for a low-carbon future" with specific recommendations for integrating forests and wood products in climate change strategies. Recommendations from these reports are critical as Washington develops its own climate response and charts how the state can use its forestland base and vibrant forest products sector as part of its contribution to the global climate response.

(2) The legislature further finds that the 2019 intergovernmental panel on climate change report identifies several measures where sustainable forest management and forest products may be utilized to maintain and enhance carbon sequestration. These include increasing the carbon sequestration potential of forests and forest products by maintaining and expanding the forestland base, reducing emissions from land conversion to nonforest uses, increasing forest resiliency to reduce the risk of carbon releases from disturbances such as wildfire, pest infestation, and disease, and applying sustainable forest management techniques to maintain or enhance forest carbon stocks and forest carbon sinks, including through the transference of carbon to wood products.

(3) The legislature further finds that the food and agricultural organization of the United Nations reports similar recommendations, with a focus on forest management tools that increases the carbon density in forests, increases carbon storage out of the forest in harvested wood products, utilizes wood energy, and suppresses forest disturbances from fire, pests, and disease.

**Sec. 2.** RCW 70.235.005 and 2008 c 14 s 1 are each amended to read as follows:

(1) The legislature finds that Washington has long been a national and international leader on energy conservation and environmental stewardship, including air quality protection, renewable energy development and generation, emission standards for fossil-fuel based energy generation, energy efficiency programs, natural resource conservation, sustainable forestry and the production of forest products, vehicle emission standards, and the use of biofuels. Washington is also unique among most states in that in addition to its commitment to reduce emissions of greenhouse gases, it has established goals to grow the clean energy sector and reduce the state's expenditures on imported fuels.

(2) The legislature further finds that Washington should continue its leadership on climate change policy by creating accountability for achieving the emission reductions established in RCW 70.235.020, participating in

the design of a regional multisector market-based system to help achieve those emission reductions, assessing other market strategies to reduce emissions of greenhouse gases, maintaining and enhancing the state's ability to continue to sequester carbon through natural and working lands and forest products, and ensuring the state has a well trained workforce for our clean energy future.

(3) It is the intent of the legislature that the state will: (a) Limit and reduce emissions of greenhouse gas consistent with the emission reductions established in RCW 70.235.020; (b) minimize the potential to export pollution, jobs, and economic opportunities; ~~((and))~~ (c) support industry sectors that can act as sequesterers of carbon; and ~~(d)~~ reduce emissions at the lowest cost to Washington's economy, consumers, and businesses.

(4) In the event the state elects to participate in a regional multisector market-based system, it is the intent of the legislature that the system will become effective by January 1, 2012, after authority is provided to the department for its implementation. By acting now, Washington businesses and citizens will have adequate time and opportunities to be well positioned to take advantage of the low-carbon economy and to make necessary investments in low-carbon technology.

(5) It is also the intent of the legislature that the regional multisector market-based system recognize Washington's unique emissions and sequestration portfolio, including ~~((the state's))~~:

(a) The state's hydroelectric system~~((the))~~;

(b) The opportunities presented by Washington's abundant forest resources and the associated forest products industry, along with aquatic and agriculture land~~((s))~~ and the associated industries; and ~~((the))~~

(c) The state's leadership in energy efficiency and the actions it has already taken that have reduced its generation of greenhouse gas emissions and that entities receive appropriate credit for early actions to reduce greenhouse gases.

(6) If any revenues, excluding those from state trust lands, that accrue to the state are created by a market system, they must be used to further the state's efforts to achieve the goals established in RCW 70.235.020, address the impacts of global warming on affected habitats, species, and communities, promote and invest in industry sectors that act as sequesterers of carbon, and increase investment in the clean energy economy particularly for communities and workers that have suffered from heavy job losses and chronic unemployment and underemployment.

**NEW SECTION. Sec. 3.** A new section is added to chapter 70.235 RCW to read as follows:

(1)(a) Washington's existing forest products sector, including public and private working forests and the harvesting, transportation, and manufacturing sectors that enable working forests to remain on the land and the state to be a global supplier of forest products, is, according to a University of Washington study analyzing the global warming mitigating role of wood products from

Washington's private forests, an industrial sector that currently operates as a significant net sequesterer of carbon. This value, which is only provided through the maintenance of an intact and synergistic industrial sector, is an integral component of the state's contribution to the global climate response and efforts to mitigate carbon emissions.

(b) Satisfying the goals set forth in RCW 70.235.020 requires supporting, throughout all of state government, consistent with other laws and mandates of the state, the economic vitality of the sustainable forest products sector and other business sectors capable of sequestering and storing carbon. This includes support for working forests of all sizes, ownerships, and management objectives, and the necessary manufacturing sectors that support the transformation of stored carbon into long-lived forest products while maintaining and enhancing the carbon mitigation benefits of the forest sector, sustaining rural communities, and providing for fish, wildlife, and clean water, as provided in chapter 76.09 RCW. Support for the forest sector also ensures the state's public and private working forests avoid catastrophic wildfire and other similar disturbances and avoid conversion in the face of unprecedented conversion pressures.

(c) It is the policy of the state to support the contributions of all working forests and the synergistic forest products sector to meet the state's climate response. This includes the landowners, mills, bioenergy, pulp and paper, and related harvesting and transportation infrastructure which are necessary for forestland owners to continue the rotational cycle of carbon capture and sequestration in growing trees and allows forest products manufacturers to store the captured carbon in wood products. These activities maintain and enhance the forest sector's role in mitigating a significant percentage of the state's carbon emissions while providing other environmental and social benefits, such as supporting a strong rural economic base. Furthermore, it is the policy of the state to support the participation of working forests in current and future carbon markets, strengthening the state's role as a valuable contributor to the global carbon response while supporting one of its largest manufacturing sectors.

(d) It is further the policy of the state to utilize carbon accounting land use, land use change, and forestry reporting principles consistent with established reporting guidelines, such as those used by the intergovernmental panel on climate change and the United States national greenhouse gas reporting inventories.

(2) Any state carbon programs must support the policies stated in this section and recognize the forest products industry's contribution to the state's climate response.

**NEW SECTION. Sec. 4.** A new section is added to chapter 43.30 RCW to read as follows:

(1) The forest and forest products carbon account is created in the custody of the state treasurer. All specified state funding must be deposited into the account, including appropriations from the general fund, the capital budget, and any specified revenues from other sources, including policies that establish a price on carbon or related federal

grant programs. The department may also deposit into the account any grants, gifts, or donations to the state for purposes consistent with the allowable uses of the account. Expenditures from the account may be used only for department administrative costs and grants consistent with this section. Only the commissioner or the commissioner's designee may authorize expenditures from the account.

(2) The department shall use all moneys in the forest and forest products carbon account, less reasonable administrative overhead costs, as grants to any private landowner, organization that works with private landowners, nonprofit organization, local government, Indian tribe, or state land managing agency to advance the state's carbon sequestration goals outlined in section 3 of this act. All grant awards must be the result of a competitive process, designed by the department, that seeks to leverage the carbon sequestration and storage benefits of the investment. Allowable grant project types include, but are not limited to, funding:

(a) For reforestation of forestlands after a wildfire or other disaster for which the landowner was not responsible;

(b) For afforestation projects to return lands capable of supporting trees to forestlands;

(c) To plant sustainable forested buffers and remove nonnative invasive species along otherwise nonforested fish bearing streams; and

(d) For urban forest restoration or urban tree planting.

(3) The department must manage the forest and forest products carbon account in cooperation with the department of agriculture and state conservation commission and, when appropriate, utilize the conservation district infrastructure to identify potential grantees and distribute and oversee grant funds.

(4) In addition to administrative costs and grants as provided in this section, the department may also use funds in the forest and forest products carbon account to conduct an opportunity analysis of land in Washington to determine how many acres of deforested land could be returned to forestlands without decreasing food production."

Correct the title.

Representatives Ramos and DeBolt spoke in favor of the adoption of the striking amendment.

The striking amendment (1278) was adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Ramel and DeBolt spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Engrossed Second Substitute House Bill No. 2528.

**ROLL CALL**

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 2528, and the bill passed the House by the following vote: Yeas, 95; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chandler, Chapman, Chopp, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Duerr, Dufault, Dye, Eslick, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Mead, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shea, Shewmake, Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Excused: Representatives Chambers, Entenman and Fey.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2528, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 2565, by Representatives Fitzgibbon, Doglio and Hudgins**

**Concerning the labeling of disposable wipes products.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 2565 was substituted for House Bill No. 2565 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2565 was read the second time.

Representative Fitzgibbon moved the adoption of amendment (1138):

)

On page 1, line 6, after "protect" strike "the"

On page 1, line 7, after "health," insert "the"

On page 1, beginning on line 14, after "product" strike all material through "product." on line 17 and insert "and a wholesaler, supplier, or retailer that has contractually undertaken responsibility to the manufacturer for the "do not flush" labeling of a covered product."

On page 1, line 20, after "hygiene, or" insert "household hard"

On page 2, line 8, after "emblem on" strike "the packaging of a covered product" and insert "a covered product package"

On page 2, line 9, after "side of" strike "the covered" and insert "a"

On page 2, at the beginning of line 14, after "the" insert "surface area of the"

On page 2, beginning on line 19, after "film, the" strike all material through "multiplying" on line 20 and insert "surface area of the principal display panel constitutes"

On page 2, line 35, after "area of the" strike "side of the"

On page 3, line 1, after "(5)" strike "(a) Ensure the symbol has sufficient printed" and insert "Ensure the symbol has sufficiently"

On page 3, line 4, after "use." insert "In the case of a printed symbol, "high contrast" is defined as follows:"

On page 3, at the beginning of line 5, strike all material through "(i)" on line 7 and insert "(a)"

Reletter the remaining subsections consecutively and correct any internal references accordingly.

On page 3, line 15, after "request by" strike "a person" and insert "the state, acting through the attorney general, a city, or a county"

On page 3, line 16, after "submit to" strike "that person" and insert "the requesting entity"

On page 3, line 20, after "concurrent" insert "and exclusive"

On page 4, beginning on line 10, after "product" strike all material through "item number" on line 11 and insert "package"

On page 4, beginning on line 12, after "product" strike all material through "considered a" on line 13 and insert "package is considered part of the same,"

Representatives Fitzgibbon and DeBolt spoke in favor of the adoption of the amendment.

Amendment (1138) was adopted.

Representative Boehnke moved the adoption of amendment (1296):

) On page 3, after line 14, insert the following:

"(6) Beginning January 1, 2023, no package or box containing a covered product manufactured on or before the effective date of this section may be offered for distribution or sale in the state."

Representatives Boehnke and Fitzgibbon spoke in favor of the adoption of the amendment.

Amendment (1296) was adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Fitzgibbon and DeBolt spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 2565.

### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2565, and the bill passed the House by the following vote: Yeas, 92; Nays, 3; Absent, 0; Excused, 3.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chandler, Chapman, Chopp, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Duerr, Dufault, Dye, Eslick, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, Mead, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Voting nay: Representatives McCaslin, Shea and Sutherland.

Excused: Representatives Chambers, Entenman and Fey.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2565, having received the necessary constitutional majority, was declared passed.

### **HOUSE BILL NO. 2571, by Representatives Goodman, Klippert and Ormsby**

#### **Concerning increased deterrence and meaningful enforcement of fish and wildlife violations.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 2571 was substituted for House Bill No. 2571 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2571 was read the second time.

Representative Goodman moved the adoption of amendment (1170):

)On page 7, after line 16, insert the following:

"Sec. 4. RCW 77.15.700 and 2012 c 176 s 35 are each amended to read as follows:

(1) The department shall revoke a person's recreational license or licenses and suspend a person's recreational license privileges in the following circumstances:

(a) Upon conviction, if directed by statute for an offense.

(b) Upon conviction, failure to appear at a hearing to contest an infraction or criminal charge, or an unvacated payment of a fine or a finding of committed as a final disposition for any infraction, if the department finds that actions of the defendant demonstrated a willful or wanton disregard for conservation of fish or wildlife. Suspension of privileges under this subsection (~~(may be)~~) is permanent.

(c) If a person is convicted, fails to appear at a hearing to contest an infraction or criminal citation, or has an unvacated payment of a fine or a finding of committed as a final disposition for any infraction, twice within ten years for a violation involving unlawful hunting, killing, or possessing big game. Revocation and suspension under this subsection must be ordered for all hunting privileges for at least two years and up to ten years.

(d) If a person violates, three times or more in a ten-year period, recreational hunting or fishing laws or rules for which the person: (i) Is convicted of an offense; (ii) has an unvacated payment of a fine or a finding of committed as a final disposition for any infraction; or (iii) fails to appear at a hearing to contest an infraction or a criminal citation. Revocation and suspension under this subsection must be ordered of all recreational hunting and fishing privileges for at least two years and up to ten years.

(2)(a) A violation punishable as an infraction counts towards the revocation and suspension of recreational hunting and fishing privileges under this section if that violation is:

(i) Punishable as a crime on July 24, 2005, and is subsequently decriminalized; or

(ii) One of the following violations, as they exist on July 24, 2005: RCW 77.15.160; WAC 220-56-116; WAC 220-56-315(11); or WAC 220-56-355 (1) through (4).

(b) The commission may, by rule, designate infractions that do not count towards the revocation and suspension of recreational hunting and fishing privileges.

(3) If either the deferred education licensee or the required nondeferred accompanying person, hunting under the authority of RCW 77.32.155(2), is convicted of a violation of this title, fails to appear at a hearing to contest a fish and wildlife infraction or a criminal citation, or has an unvacated payment of a fine or a finding of committed as a final disposition for any fish and wildlife infraction, except for a violation of RCW 77.15.400 (1) through (4), the department may revoke all hunting licenses and tags and may order a suspension of either or both the deferred education licensee's and the nondeferred accompanying person's hunting privileges for one year.

(4) A person who has a recreational license revoked and privileges suspended under this section may file an appeal with the department pursuant to chapter 34.05 RCW. An appeal must be filed within twenty days of notice of license revocation and privilege suspension. If an appeal is filed, the revocation and suspension issued by the department do not take effect until twenty-one days after the department has delivered an opinion. If no appeal is filed within twenty days of notice of license revocation and suspension, the right to an appeal is waived, and the revocation and suspension take effect twenty-one days following the notice of revocation and suspension.

(5) A recreational license revoked and privilege suspended under this section is in addition to the statutory penalties assigned to the underlying violation."

Renumber the remaining section consecutively and correct any internal references accordingly.

Correct the title.

Representatives Goodman and Irwin spoke in favor of the adoption of the amendment.

Amendment (1170) was adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Goodman, Irwin and Klippert spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 2571.

### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2571, and the bill passed the House by the following vote: Yeas, 95; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chandler, Chapman, Chopp, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Duerr, Dufault, Dye, Eslick, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Mead, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shea, Shewmake, Slater, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Excused: Representatives Chambers, Entenman and Fey.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2571, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 2625, by Representatives Eslick, Tarleton, Griffey, Pollet, Goehner, Senn and Chapman**

### Concerning local parks funding options.

The bill was read the second time.

There being no objection, Substitute House Bill No. 2625 was substituted for House Bill No. 2625 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2625 was read the second time.

Representative Tarleton moved the adoption of the striking amendment (1249):

)

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 5.** The legislature finds that Washington state will continue to see significant population growth, with the most recent office of financial management forecasts estimating nearly two million more people by the year 2040. In the face of this dramatic growth, the legislature finds that it is more important than ever to help preserve, maintain, and enhance local parks, trails, and open spaces that are key contributors to the state's quality of life.

The legislature further finds that local parks and recreation agencies confronted with growth, impacted heavily by the great recession, and with limited resources are seeing a rapidly growing maintenance backlog that mirrors the experience of Washington state parks.

The legislature also finds that local parks and recreation agencies are dealing with a tremendous growth in the number of sports participants and a corollary of sharp increases in demand for local athletic fields, including a nearly three hundred percent increase in adult sports participation being experienced by one eastern Washington community.

Therefore, it is the intent of the legislature to establish additional statutory tools to help local parks and recreation agencies better address maintenance backlogs, preserve quality open spaces, and expand and improve athletic fields to accommodate the influx of adult and youth sports participants who are vying for use of those fields.

**NEW SECTION. Sec. 6.** A new section is added to chapter 82.14 RCW to read as follows:

(1) The legislative authority of a city or a county, the governing body of a metropolitan park district under chapter 35.61 RCW, or the governing body of a park and recreation district under chapter 36.69 RCW may submit an authorizing proposition to voters at a special or general election and, if the proposition is approved by a majority of persons voting, impose a sales and use tax in accordance with the terms of



this chapter. The title of the ballot measure must clearly state the purposes for which the proposed sales tax will be used.

(2) The tax authorized in this section is in addition to any other taxes authorized by law and must be collected from those persons who are taxable by the state under chapters 82.08 and 82.12 RCW upon the occurrence of any taxable event within the taxing area. The rate of tax equals one-tenth of one percent of the selling price in the case of a sales tax, or value of the article used, in the case of a use tax. The tax may be imposed only within an existing city, county, metropolitan park district, or park and recreation district boundary.

(a) If both a county and a city within the boundaries of the county exercise the authority provided in this section, the city must impose the excise tax within its incorporated boundaries, and the county must impose the excise tax within the unincorporated areas.

(b) If both a county and a metropolitan park district or park district within the boundaries of the county exercise the authority provided in this section, the metropolitan park district or park district must impose the excise tax within its incorporated boundaries, and the county must impose the excise tax within the unincorporated areas.

(c) If both a city and a metropolitan park district or park district within the boundaries of the county exercise the authority provided in this section, the metropolitan park district or park district must impose the excise tax within its incorporated boundaries, and the city must impose the excise tax within its incorporated areas.

(d) If multiple agencies within the same service area gain approval by voters to exercise the authority provided in this section, they are directed to enter into an interlocal agreement pursuant to chapter 39.34 RCW to determine how to ensure the sales tax in any given service area does not exceed the rate in this subsection (2) and how to distribute the collections among the jurisdictions.

(3) The moneys collected under this section must be used for the purpose of acquiring, constructing, improving, providing, and funding park maintenance and improvement within the taxing area.

(4) Except as provided in subsection (5) of this section, the tax may not be imposed for a period exceeding ten years. The tax, if not imposed under the conditions of subsection (5) of this section, may be extended for a period not exceeding ten years with an affirmative vote of the voters voting at the election.

(5) The voter-approved sales tax initially imposed under this section after July 1, 2020, may be imposed for a period exceeding ten years if the moneys received under this section are dedicated for the repayment of indebtedness incurred in accordance with the requirements of this section.

(6) Money received from the tax imposed under this section must be spent in accordance with the requirements of this section and the district may deduct no more than three percent of the tax collected for administration and collection of expenses incurred by it.

(7) To carry out the purposes of this section, the entity imposing the tax has the authority to issue general obligation or revenue bonds within the limitations now or hereafter prescribed by the laws of this state, for a term not to exceed twenty years, and may use, and is authorized to pledge, the moneys collected for repayment of such bonds."

Correct the title.

Representative Tarleton spoke in favor of the adoption of the striking amendment.

The striking amendment (1249) was adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Eslick, Pollet and Goehner spoke in favor of the passage of the bill.

Representative Orcutt spoke against the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 2625.

#### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2625, and the bill passed the House by the following vote: Yeas, 72; Nays, 24; Absent, 0; Excused, 2.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chapman, Chopp, Cody, Davis, DeBolt, Doglio, Dolan, Duerr, Dye, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Gregerson, Hansen, Harris, Hudgins, J. Johnson, Kilduff, Kirby, Kloba, Lekanoff, Lovick, Macri, Mead, Morgan, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Walen, Wylie, Ybarra, Young and Mme. Speaker.

Voting nay: Representatives Chandler, Corry, Dent, Dufault, Graham, Griffey, Hoff, Irwin, Jenkin, Klippert, Kraft, Kretz, Leavitt, MacEwen, Maycumber, McCaslin, Mosbrucker, Orcutt, Shea, Van Werven, Vick, Volz, Walsh and Wilcox.

Excused: Representatives Chambers and Entenman.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2625, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 2645, by Representatives Smith, Eslick and Pollet**

**Concerning the photovoltaic module stewardship and takeback program.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 2645 was substituted for House Bill No. 2645 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2645 was read the second time.

Representative Smith moved the adoption of amendment (1297):

) On page 7, beginning on line 20, strike all of subsection (13)

On page 8, after line 38, insert the following:

**"NEW SECTION. Sec. 2.** (1) Subject to the availability of amounts appropriated for this specific purpose, the Washington State University extension energy program must convene a photovoltaic module recovery, reuse, and recycling work group to review and provide recommendations on potential methodologies for the management of end-of-life photovoltaic modules, including modules from utility scale solar projects.

(2) The membership of the work group convened under this section must include, but is not limited to, members representing:

(a) A manufacturer of photovoltaic modules located in the state;

(b) A manufacturer of photovoltaic modules located outside the state;

(c) A national solar industry group;

(d) Solar installers in the state;

(e) A utility scale solar project;

(f) A nonprofit environmental organization with expertise in waste minimization;

(g) A city solid waste program;

(h) A county solid waste program;

(i) An organization with expertise in photovoltaic module recycling;

(j) A community-based environmental justice group; and

(k) The department of ecology.

(3) Participation in the work group convened under this section is strictly voluntary and without compensation or reimbursement.

(4) The Washington State University extension energy program must submit its recommendations in a final report to the legislature and the governor, consistent with RCW 43.01.036, by December 1, 2021.

(5) This section expires January 31, 2022."

Representatives Smith and Fitzgibbon spoke in favor of the adoption of the amendment.

Amendment (1297) was adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Smith and Shewmake spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 2645.

**ROLL CALL**

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2645, and the bill passed the House by the following vote: Yeas, 95; Nays, 1; Absent, 0; Excused, 2.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chandler, Chapman, Chopp, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Duerr, Dufault, Dye, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Mead, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Voting nay: Representative Shea.

Excused: Representatives Chambers and Entenman.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2645, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 2713, by Representatives Walen, Chandler, Springer, Kretz, Fitzgibbon, Blake, Doglio, Davis, Ramel, Goodman and Pollet**

**Encouraging compost procurement and use.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 2713 was substituted for House Bill No. 2713 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2713 was read the second time.

Representative Walen moved the adoption of amendment (1304):

) On page 3, line 15, after "processor." insert "Local governments may enter into collective purchasing agreements if doing so is more cost-effective or efficient."

On page 3, line 21, after "waste, or" strike all material through "circumstances" and insert "an amount of food waste that is commensurate with that in the local jurisdiction's curbside collection program"

On page 3, line 22, after "(1)" strike "The" and insert "Subject to amounts appropriated for this specific purpose, the"

On page 4, line 32, after "(a)" strike "By" and insert "Between July 1, 2021, and"

On page 4, line 34, after "(b)" strike "By" and insert "Between July 1, 2021, and"

On page 4, line 36, after "(c)" strike "By" and insert "Between July 1, 2021, and"

On page 4, line 39, after "funds" strike "on a first-come, first-served basis"

On page 5, line 1, after "(a)" insert the following

"The department of agriculture must distribute reimbursements in a manner that prioritizes small farming operations as measured by acreage;

(b)"

Reletter the remaining subsections consecutively and correct any internal references accordingly.

Representatives Walen and Walsh spoke in favor of the adoption of the amendment.

Amendment (1304) was adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Walen, Walsh and Graham spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 2713.

#### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2713, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chandler, Chapman, Chopp, Cody, Corry, Davis, DeBolt, Dent,

Doglio, Dolan, Duerr, Dufault, Dye, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Mead, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shea, Shewmake, Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Excused: Representatives Chambers and Entenman.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2713, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 2714, by Representatives Hoff, Fitzgibbon, Orcutt, Blake, Chapman, Lekanoff, Van Werven, Tharinger and Kretz**

#### Valuing the carbon in forest riparian easements.

The bill was read the second time.

There being no objection, Substitute House Bill No. 2714 was substituted for House Bill No. 2714 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2714 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Hoff and Paul spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2714.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2714, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chandler, Chapman, Chopp, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Duerr, Dufault, Dye, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Mead, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu,

Santos, Schmick, Sells, Senn, Shea, Shewmake, Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Excused: Representatives Chambers and Entenman.

SUBSTITUTE HOUSE BILL NO. 2714, having received the necessary constitutional majority, was declared passed.

The Speaker (Representative Orwall presiding) called upon Representative Lovick to preside.

**HOUSE BILL NO. 2768, by Representatives Ramos, Shewmake, Kloba, Lekanoff, Callan, Ramel and Pollet**

**Concerning urban and community forestry.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 2768 was substituted for House Bill No. 2768 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2768 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Ramos spoke in favor of the passage of the bill.

Representative Orcutt spoke against the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2768.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2768, and the bill passed the House by the following vote: Yeas, 64; Nays, 32; Absent, 0; Excused, 2.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chapman, Chopp, Cody, Davis, Doglio, Dolan, Duerr, Fey, Fitzgibbon, Frame, Gildon, Goodman, Gregerson, Hansen, Hudgins, J. Johnson, Kilduff, Kirby, Kloba, Leavitt, Lekanoff, Lovick, Macri, Mead, Morgan, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Sells, Senn, Shewmake, Slatter, Springer, Stonier, Sullivan, Tarleton, Thai, Tharinger, Valdez, Volz, Walen, Wylie, Ybarra, Young and Mme. Speaker.

Voting nay: Representatives Chandler, Corry, DeBolt, Dent, Dufault, Dye, Eslick, Goehner, Graham, Griffey, Harris, Hoff, Irwin, Jenkin, Klippert, Kraft, Kretz,

MacEwen, Maycumber, McCaslin, Mosbrucker, Orcutt, Schmick, Shea, Smith, Steele, Stokesbary, Sutherland, Van Werven, Vick, Walsh and Wilcox.

Excused: Representatives Chambers and Entenman.

SUBSTITUTE HOUSE BILL NO. 2768, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 2512, by Representatives Orwall, Stokesbary, Pollet, Ryu, Valdez, Volz, Leavitt, Gildon, Graham, Doglio and Dufault**

**Concerning interest and penalty relief for qualified mobile home and manufactured home owners.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Orwall and Dufault spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of House Bill No. 2512.

#### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2512, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chandler, Chapman, Chopp, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Duerr, Dufault, Dye, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Mead, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shea, Shewmake, Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Excused: Representatives Chambers and Entenman.

HOUSE BILL NO. 2512, having received the necessary constitutional majority, was declared passed.

The Speaker assumed the Chair.

**HOUSE BILL NO. 2311, by Representatives Slatter, Fitzgibbon, Callan, Chapman, Orwall, Ramel, Tarleton, Valdez, Duerr, Frame, Bergquist, Davis, Tharinger, Fey, Ormsby, Macri, Wylie, Doglio, Cody, Kloba, Goodman, Hudgins and Pollet**

**Amending state greenhouse gas emission limits for consistency with the most recent assessment of climate change science.**

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 2311 was substituted for House Bill No. 2311 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 2311 was read the second time.

With the consent of the House, amendments (1368) and (1306) were withdrawn.

Representative Dye moved the adoption of amendment (1307):

)

On page 7, line 30, after "(2)" strike "(a)"

Beginning on page 7, line 38, after "operations" strike all material through "lands" on page 8, line 5

Correct any internal references accordingly.

Representative Dye spoke in favor of the adoption of the amendment.

Representative Fitzgibbon spoke against the adoption of the amendment.

Amendment (1307) was not adopted.

Representative Dye moved the adoption of amendment (1308):

)

On page 7, at the beginning of line 35, strike "shall" and insert "may"

Representative Dye spoke in favor of the adoption of the amendment.

Representative Fitzgibbon spoke against the adoption of the amendment.

Amendment (1308) was not adopted.

Representative Fitzgibbon moved the adoption of amendment (1319):

)

On page 7, line 37, after "their" insert "non-land management agency"

On page 8, line 1, after "promote" strike "or require"

Representatives Fitzgibbon and DeBolt spoke in favor of the adoption of the amendment.

Amendment (1319) was adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Slatter spoke in favor of the passage of the bill.

Representative DeBolt spoke against the passage of the bill.

The Speaker stated the question before the House to be the final passage of Engrossed Second Substitute House Bill No. 2311.

**ROLL CALL**

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 2311, and the bill passed the House by the following vote: Yeas, 55; Nays, 41; Absent, 0; Excused, 2.

Voting yea: Representatives Appleton, Bergquist, Callan, Chapman, Chopp, Cody, Davis, Doglio, Dolan, Duerr, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hansen, Hudgins, J. Johnson, Kilduff, Kirby, Kloba, Leavitt, Lekanoff, Lovick, Macri, Mead, Morgan, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Ryu, Santos, Sells, Senn, Shewmake, Slatter, Springer, Stonier, Sullivan, Tarleton, Thai, Tharinger, Valdez, Walen, Wylie and Mme. Speaker.

Voting nay: Representatives Barkis, Blake, Boehnke, Caldier, Chandler, Corry, DeBolt, Dent, Dufault, Dye, Eslick, Gildon, Goehner, Graham, Griffey, Harris, Hoff, Irwin, Jenkin, Klippert, Kraft, Kretz, MacEwen, Maycumber, McCaslin, Mosbrucker, Orcutt, Rude, Schmick, Shea, Smith, Steele, Stokesbary, Sutherland, Van Werven, Vick, Volz, Walsh, Wilcox, Ybarra and Young.

Excused: Representatives Chambers and Entenman.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2311, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1154, by Representative DeBolt**

**Concerning the financing of Chehalis basin flood damage reduction and habitat restoration projects.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 1154 was substituted for House Bill No. 1154 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1154 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives DeBolt and Tharinger spoke in favor of the passage of the bill.

The Speaker stated the question before the House to be the final passage of Substitute House Bill No. 1154.

### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1154, and the bill passed the House by the following vote: Yeas, 95; Nays, 1; Absent, 0; Excused, 2.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chandler, Chapman, Chopp, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Duerr, Dufault, Dye, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Mead, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shea, Shewmake, Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Voting nay: Representative Pellicciotti.

Excused: Representatives Chambers and Entenman.

SUBSTITUTE HOUSE BILL NO. 1154, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 2427, by Representatives Duerr, Springer, Shewmake, Doglio, Fitzgibbon, Ryu, Gregerson, Santos, Tharinger, Davis, Macri, Pollet, Goodman and Wylie**

**Tackling climate change as a goal of the growth management act.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 2427 was substituted for House Bill No. 2427 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2427 was read the second time.

With the consent of the House, amendment (1291) was withdrawn.

Representative Duerr moved the adoption of amendment (1289):

) On page 3, line 26, after "(14)" insert ". The state recognizes that cities and counties subject to this goal will have significant variation in their capacity to help achieve the state greenhouse gas emission limits through planning under this chapter"

Representative Duerr spoke in favor of the adoption of the amendment.

Amendment (1289) was adopted.

Representative Dye moved the adoption of amendment (1292):

On page 3, after line 26, insert the following:

"(c) To support cities and counties in their understanding of how to achieve the goals of (a) of this subsection, the office of financial management must contract with researchers at the University of Washington or Washington State University for a report to be submitted to the legislature by July 1, 2021, that:

(i) Documents existing urban heat island ecological and salmonid impacts caused by Washington cities greater than one hundred thousand in population;

(ii) Assesses how the intensity of urban heat island ecological and salmonid effects are likely to change with anticipated population growth through 2050; and

(iii) Provides a range of anticipated ecological, salmonid, and human health impacts over a range of scenarios that include, at a minimum, a:

(A) Best case scenario in which a full suite of urban heat island mitigation best practices are undertaken consistently; and

(B) Worst case scenario in which no policy measures specific to mitigating urban heat island effects are undertaken."

Representatives Dye and Fitzgibbon spoke in favor of the adoption of the amendment.

Amendment (1292) was adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Duerr and DeBolt spoke in favor of the passage of the bill.

The Speaker stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 2427.

### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2427, and the bill passed the House by the following vote: Yeas, 59; Nays, 37; Absent, 0; Excused, 2.

Voting yea: Representatives Appleton, Bergquist, Callan, Chapman, Chopp, Cody, Davis, DeBolt, Doglio, Dolan, Duerr, Fey, Fitzgibbon, Frame, Goehner, Goodman, Gregerson, Hansen, Hudgins, J. Johnson, Kilduff, Kirby, Kloba, Leavitt, Lekanoff, Lovick, Macri, Mead, Morgan, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Ryu, Santos, Sells, Senn, Shewmake, Slatter, Smith, Springer, Steele, Stonier, Sullivan, Tarleton, Thai, Tharinger, Valdez, Walen, Wylie and Mme. Speaker.

Voting nay: Representatives Barkis, Blake, Boehnke, Caldier, Chandler, Corry, Dent, Dufault, Dye, Eslick, Gildon, Graham, Griffey, Harris, Hoff, Irwin, Jenkin, Klippert, Kraft, Kretz, MacEwen, Maycumber, McCaslin, Mosbrucker, Orcutt, Rude, Schmick, Shea, Stokesbary, Sutherland, Van Werven, Vick, Volz, Walsh, Wilcox, Ybarra and Young.

Excused: Representatives Chambers and Entenman.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2427, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 2849, by Representatives Tharinger, DeBolt, Macri, Robinson, Chopp, Harris, Leavitt, Ramel and Lekanoff**

**Concerning housing programs administered by the department of commerce.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 2849 was substituted for House Bill No. 2849 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2849 was read the second time.

Representative Steele moved the adoption of amendment (1286):

) On page 6, line 39, after "additional" strike "two" and insert "one"

On page 7, line 2, after "management" insert "and the appropriate fiscal committees of the legislature"

On page 7, line 8, after "additional" strike "two" and insert "one"

On page 7, after line 9, insert the following:

"(iii) The director of the office of financial management shall notify the appropriate fiscal committees of the legislature in writing ten days prior to authorizing additional expenditures under this subsection."

Representatives Steele and Tharinger spoke in favor of the adoption of the amendment.

Amendment (1286) was adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Tharinger and Steele spoke in favor of the passage of the bill.

The Speaker stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 2849.

**ROLL CALL**

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2849, and the bill passed the House by the following vote: Yeas, 92; Nays, 4; Absent, 0; Excused, 2.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chandler, Chapman, Chopp, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Duerr, Dufault, Dye, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, Mead, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Voting nay: Representatives Kraft, McCaslin, Shea and Sutherland.

Excused: Representatives Chambers and Entenman.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2849, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1894, by Representatives Dent and Griffey**

**Concerning additional temporary duties for the wildland fire advisory committee.**

The bill was read the second time.

Representative Dent moved the adoption of the striking amendment (1325):

) Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. (1) The commissioner of public lands must direct the wildland fire advisory committee established in RCW 76.04.179 to review, analyze, and make recommendations on the following issues

related to wild fire prevention, response, and suppression activities within our state:

(a) The committee, with the assistance of department of natural resources' personnel, must approximately quantify the areas in the state that are not contained within an established fire district nor subject to a planned fire response and make recommendations as to how these areas could be protected as well as a source of funding for any recommended activities. In doing so, the committee must, in time for inclusion in the December 31, 2018, status report: Review the relevant recommendations contained in the joint legislative audit and review committee's 2017 final report on fees assessed for forest fire protection; analyze and develop recommendations on potential administrative and legislative actions including, for example, the process proposed in chapter . . . (Substitute Senate Bill No. 6575), Laws of 2018; and consult with any relevant stakeholders, as deemed necessary by the committee, that are not represented on the committee.

(b) The committee must examine the value of community programs that educate homeowners and engage in preventive projects within wild fire risk communities, such as firewise, and make recommendations on whether these programs should be advanced, and if so, how, including potential sources of ongoing funding for the programs.

(c) The committee must also develop plans to help protect non-English speaking residents during wildfire emergencies. The committee may enlist the assistance from the state ethnic and diversity commissions or any other organizations who have expertise in public outreach to non-English speaking people.

(2) The department of natural resources must provide to the appropriate committees of the legislature a status report of the committee's efforts by December 31, 2018, and issue a report with the committee's recommendations by November 15, 2020.

(3) In addition to the topics described in subsection (1) of this section, as part of the final report as required by subsection (2) of this section, and subject to the availability of amounts appropriated for this specific purpose, the wildland fire advisory committee must review, analyze, and make recommendations on the following issues related to the establishment of rangeland fire protection associations and other fire protection methods within our state to address unprotected and underprotected lands.

(a) The committee, with the assistance of department of natural resources' personnel, must map areas of the state east of the crest of the Cascade mountains that are not within an established fire protection district, nor subject to a planned wildland fire response.

(b) The committee, through consultation with landowners, local fire protection districts, wildfire protection agencies, and other interested parties, must identify and make recommendations as to which methods of protection may be best suited for these areas when considering values at risk, including wildlife habitat, available response resources, and geography in the area.

Methods of protection may include, but are not limited to, annexation by adjacent fire protection districts, creation of new fire protection districts, and the broadening of the jurisdiction of the department of natural resources.

(c) The committee must make recommendations on the appropriate level of training and the personal protective equipment standards for rangeland fire protection associations.

(d) The committee must make an estimate of the costs to establish and maintain rangeland fire protection associations. In addition, the committee must make recommendations for appropriate fees to support the various identified methods of protection, including increasing fire protection district levies and fees collected by the department of natural resources.

(4) This section expires December 31, 2020."

Correct the title.

Representatives Dent and Blake spoke in favor of the adoption of the striking amendment.

The striking amendment (1325) was adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Dent and Blake spoke in favor of the passage of the bill.

The Speaker stated the question before the House to be the final passage of Engrossed House Bill No. 1894.

## ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 1894, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chandler, Chapman, Chopp, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Duerr, Dufault, Dye, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Mead, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shea, Shewmake, Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Excused: Representatives Chambers and Entenman.



ENGROSSED HOUSE BILL NO. 1894, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 2629, by Representatives Walen, Goodman, Springer, Macri, Slatter, Duerr, Kloba and Graham**

**Waiving utility connection charges for certain properties.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 2629 was substituted for House Bill No. 2629 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2629 was read the second time.

With the consent of the House, amendment (1301) was withdrawn.

Representative Walen moved the adoption of the striking amendment (1347):  
)

Strike everything after the enacting clause and insert the following:

"Sec. 7. RCW 23.86.400 and 1996 c 32 s 1 are each amended to read as follows:

(1) ~~((As used in this section:))~~ The definitions in this subsection apply throughout this section unless the context clearly requires otherwise.

(a) "Attachment" means the affixation or installation of any wire, cable or other physical material capable of carrying electronic impulses or light waves for the carrying of intelligence for telecommunications or television, including, but not limited to cable, and any related device, apparatus, or auxiliary equipment upon any pole owned or controlled in whole or in part by one or more locally regulated utilities where the installation has been made with the necessary consent.

(b) "Connection charges" means the one-time capital and administrative charges imposed by a utility on a building or facility owner for a new utility service, but does not include costs borne or assessed by a utility for the labor, materials, and services necessary to physically connect a designated facility to the respective utility service.

(c) "Domestic violence" has the same meaning as defined in RCW 70.123.020.

(d) "Emergency shelter" means any facility:

(i) Whose sole purpose is to provide a temporary shelter for the homeless and that does not require occupants to sign a lease or occupancy agreement; and

(ii) That is funded in whole or in part from the state omnibus capital appropriations act, state omnibus operating

appropriations act, housing finance commission programs, housing authorities, or local government housing funds.

(e) "Homeless person" has the same meaning as defined in RCW 43.185C.010.

(f) "Locally regulated utility" means an electric service cooperative organized under this chapter and not subject to rate or service regulation by the utilities and transportation commission.

~~((e)))~~ (g) "Nondiscriminatory" means that pole owners may not arbitrarily differentiate among or between similar classes of persons approved for attachments.

(2) All rates, terms, and conditions made, demanded or received by a locally regulated utility for attachments to its poles must be just, reasonable, nondiscriminatory and sufficient. A locally regulated utility shall levy attachment space rental rates that are uniform for the same class of service within the locally regulated utility service area.

(3) Nothing in this section shall be construed or is intended to confer upon the utilities and transportation commission any authority to exercise jurisdiction over locally regulated utilities.

(4)(a) A locally regulated utility located, in whole or in part, within a county or a city in which a state of emergency has been declared related to homelessness must waive connection charges for properties used by a nonprofit organization, local agency, or any other legal entity that provides emergency shelter for homeless persons or victims of domestic violence who are homeless for personal safety reasons.

(b) A locally regulated utility that is not located within a county or a city in which a state of emergency has been declared related to homelessness may waive connection charges for properties used by a nonprofit organization, local agency, or any other legal entity that provides emergency shelter to homeless persons or victims of domestic violence who are homeless for personal safety reasons.

(5) At such time as a property receiving a waiver under subsection (4)(a) of this section is no longer operating under the eligibility requirements under subsection (4)(a) of this section:

(a) The waiver of connection charges required under subsection (4)(a) of this section is no longer required; and

(b) Any connection charges waived under subsection (4)(a) of this section are immediately due and payable to the utility as a condition of continued service.

Sec. 8. RCW 24.06.600 and 1996 c 32 s 2 are each amended to read as follows:

(1) ~~((As used in this section:))~~ The definitions in this subsection apply throughout this section unless the context clearly requires otherwise.

(a) "Attachment" means the affixation or installation of any wire, cable or other physical material capable of carrying electronic impulses or light waves for the carrying of intelligence for telecommunications or television, including, but not limited to cable, and any related device,

apparatus, or auxiliary equipment upon any pole owned or controlled in whole or in part by one or more locally regulated utilities where the installation has been made with the necessary consent.

(b) "Connection charges" means the one-time capital and administrative charges imposed by a utility on a building or facility owner for a new utility service, but does not include costs borne or assessed by a utility for the labor, materials, and services necessary to physically connect a designated facility to the respective utility service.

(c) "Domestic violence" has the same meaning as defined in RCW 70.123.020.

(d) "Emergency shelter" means any facility:

(i) Whose sole purpose is to provide a temporary shelter for the homeless and that does not require occupants to sign a lease or occupancy agreement; and

(ii) That is funded in whole or in part from the state omnibus capital appropriations act, state omnibus operating appropriations act, housing finance commission programs, housing authorities, or local government housing funds.

(e) "Homeless person" has the same meaning as defined in RCW 43.185C.010.

(f) "Locally regulated utility" means ((an H:\DATA\2020 JOURNAL\Journal2020\LegDay035\A.doc)) a mutual corporation organized under this chapter for the purpose of providing utility service and not subject to rate or service regulation by the utilities and transportation commission.

((e)) (g) "Nondiscriminatory" means that pole owners may not arbitrarily differentiate among or between similar classes of persons approved for attachments.

(2) All rates, terms, and conditions made, demanded or received by a locally regulated utility for attachments to its poles must be just, reasonable, nondiscriminatory and sufficient. A locally regulated utility shall levy attachment space rental rates that are uniform for the same class of service within the locally regulated utility service area.

(3) Nothing in this section shall be construed or is intended to confer upon the utilities and transportation commission any authority to exercise jurisdiction over locally regulated utilities.

(4)(a) A locally regulated utility located, in whole or in part, within a county or a city in which a state of emergency has been declared related to homelessness must waive connection charges for properties used by a nonprofit organization, local agency, or any other legal entity that provides emergency shelter for homeless persons or victims of domestic violence who are homeless for personal safety reasons.

(b) A locally regulated utility that is not located within a county or a city in which a state of emergency has been declared related to homelessness may waive connection charges for properties used by a nonprofit organization, local agency, or any other legal entity that provides emergency

shelter to homeless persons or victims of domestic violence who are homeless for personal safety reasons.

(5) At such time as a property receiving a waiver under subsection (4)(a) of this section is no longer operating under the eligibility requirements under subsection (4)(a) of this section:

(a) The waiver of connection charges required under subsection (4)(a) of this section is no longer required; and

(b) Any connection charges waived under subsection (4)(a) of this section are immediately due and payable to the utility as a condition of continued service.

**NEW SECTION. Sec. 9.** A new section is added to chapter 35.92 RCW to read as follows:

(1) Municipal utilities formed under this chapter and located, in whole or in part, within a county or a city in which a state of emergency has been declared related to homelessness must waive connection charges for properties used by a nonprofit organization, local agency, or any other legal entity that provides emergency shelter for homeless persons or victims of domestic violence who are homeless for personal safety reasons.

(2) Municipal utilities formed under this chapter and not located in a county or a city in which a state of emergency has been declared related to homelessness may waive connection charges for properties used by a nonprofit organization, local agency, or any other legal entity that provides emergency shelter for homeless persons or victims of domestic violence who are homeless for personal safety reasons.

(3) At such time as a property receiving a waiver under subsection (1) of this section is no longer operating under the eligibility requirements under subsection (1) of this section:

(a) The waiver of connection charges required under subsection (1) of this section is no longer required; and

(b) Any connection charges waived under subsection (1) of this section are immediately due and payable to the utility as a condition of continued service.

(4) The definitions in this subsection apply throughout this section unless the context clearly requires otherwise.

(a) "Connection charges" means the one-time capital and administrative charges imposed by a utility on a building or facility owner for a new utility service, but does not include costs borne or assessed by a utility for the labor, materials, and services necessary to physically connect a designated facility to the respective utility service.

(b) "Domestic violence" has the same meaning as defined in RCW 70.123.020.

(c) "Emergency shelter" means any facility:

(i) Whose sole purpose is to provide a temporary shelter for the homeless and that does not require occupants to sign a lease or occupancy agreement; and

(ii) That is funded in whole or in part from the state omnibus capital appropriations act, state omnibus operating

appropriations act, housing finance commission programs, housing authorities, or local government housing funds.

(d) "Homeless person" has the same meaning as defined in RCW 43.185C.010.

**Sec. 10.** RCW 35.92.380 and 1980 c 150 s 1 are each amended to read as follows:

Whenever a city or town waives or delays collection of tap-in charges, connection fees, or hookup fees for low-income persons, ~~((or))~~ a class of low-income persons, or emergency shelters serving homeless persons, to connect to lines or pipes used by the city or town to provide utility service, the waiver or delay shall be pursuant to a program established by ordinance. As used in this section, the provision of "utility service" includes, but is not limited to, water, sanitary or storm sewer service, electricity, gas, other means of power, and heat.

**Sec. 11.** RCW 36.94.140 and 2005 c 324 s 2 are each amended to read as follows:

(1) Every county, in the operation of a system of sewerage and/or water, shall have full jurisdiction and authority to manage, regulate, and control it. Except as provided in subsection (3) of this section, every county shall have full jurisdiction and authority to fix, alter, regulate, and control the rates and charges for the service and facilities to those to whom such service and facilities are available, and to levy charges for connection to the system.

(2) The rates for availability of service and facilities, and connection charges so charged must be uniform for the same class of customers or service and facility. In classifying customers served, service furnished or made available by such system of sewerage and/or water, or the connection charges, the county legislative authority may consider any or all of the following factors:

(a) The difference in cost of service to the various customers within or without the area;

(b) The difference in cost of maintenance, operation, repair and replacement of the various parts of the systems;

(c) The different character of the service and facilities furnished various customers;

(d) The quantity and quality of the sewage and/or water delivered and the time of its delivery;

(e) Capital contributions made to the system or systems, including, but not limited to, assessments;

(f) The cost of acquiring the system or portions of the system in making system improvements necessary for the public health and safety;

(g) The nonprofit public benefit status, as defined in RCW 24.03.490, of the land user; and

(h) Any other matters which present a reasonable difference as a ground for distinction.

(3) The rate a county may charge under this section for storm or surface water sewer systems or the portion of the rate allocable to the storm or surface water sewer system of

combined sanitary sewage and storm or surface water sewer systems shall be reduced by a minimum of ten percent for any new or remodeled commercial building that utilizes a permissive rainwater harvesting system. Rainwater harvesting systems shall be properly sized to utilize the available roof surface of the building. The jurisdiction shall consider rate reductions in excess of ten percent dependent upon the amount of rainwater harvested.

(4) A county may provide assistance to aid low-income persons in connection with services provided under this chapter.

(5) The service charges and rates shall produce revenues sufficient to take care of the costs of maintenance and operation, revenue bond and warrant interest and principal amortization requirements, and all other charges necessary for the efficient and proper operation of the system.

(6) A connection charge under this section for service to a manufactured housing community, as defined in RCW 59.20.030, applies to an individual lot within that community only if the system of water or sewerage provides and maintains the connection.

(7)(a) A county in which a state of emergency has been declared related to homelessness must waive connection charges under this section for properties used by a nonprofit organization, local agency, or any other legal entity that provides emergency shelter for homeless persons or victims of domestic violence who are homeless for personal safety reasons.

(b) A county in which a state of emergency has not been declared related to homelessness may waive connection charges under this section for properties used by a nonprofit organization, local agency, or any other legal entity that provides emergency shelter for homeless persons or victims of domestic violence who are homeless for personal safety reasons.

(8) At such time as a property receiving a waiver under subsection (7)(a) of this section is no longer operating under the eligibility requirements under subsection (7)(a) of this section:

(a) The waiver of connection charges required under subsection (7)(a) of this section is no longer required; and

(b) Any connection charges waived under subsection (7)(a) of this section are immediately due and payable to the utility as a condition of continued service.

(9) The definitions in this subsection apply throughout this section unless the context clearly requires otherwise.

(a) "Connection charges" means the one-time capital and administrative charges imposed by a utility on a building or facility owner for a new utility service, but does not include costs borne or assessed by a utility for the labor, materials, and services necessary to physically connect a designated facility to the respective utility service.

(b) "Domestic violence" has the same meaning as defined in RCW 70.123.020.

(c) "Emergency shelter" means any facility:

(i) Whose sole purpose is to provide a temporary shelter for the homeless and that does not require occupants to sign a lease or occupancy agreement; and

(ii) That is funded in whole or in part from the state omnibus capital appropriations act, state omnibus operating appropriations act, housing finance commission programs, housing authorities, or local government housing funds.

(d) "Homeless person" has the same meaning as defined in RCW 43.185C.010.

**Sec. 12.** RCW 54.24.080 and 1995 c 140 s 3 are each amended to read as follows:

(1) The commission of each district which shall have revenue obligations outstanding shall have the power and shall be required to establish, maintain, and collect rates or charges for electric energy and water and other services, facilities, and commodities sold, furnished, or supplied by the district. The rates and charges shall be fair and, except as authorized by RCW 74.38.070 and by subsections (2) and (3) of this section, nondiscriminatory, and shall be adequate to provide revenues sufficient for the payment of the principal of and interest on such revenue obligations for which the payment has not otherwise been provided and all payments which the district is obligated to set aside in any special fund or funds created for such purpose, and for the proper operation and maintenance of the public utility and all necessary repairs, replacements, and renewals thereof.

(2) The commission of a district may waive connection charges for properties purchased by low-income persons from organizations exempt from tax under section 501(c)(3) of the federal internal revenue code as amended prior to the July 23, 1995. Waivers of connection charges for the same class of electric or gas utility service must be uniformly applied to all qualified property. Nothing in this subsection (2) authorizes the impairment of a contract.

(3) In establishing rates or charges for water service, commissioners may in their discretion consider the achievement of water conservation goals and the discouragement of wasteful water use practices.

(4)(a) The commission of a district that is located, in whole or in part, within a county or a city in which a state of emergency has been declared related to homelessness must waive connection charges for properties used by a nonprofit organization, local agency, or any other legal entity that provides emergency shelter for homeless persons or victims of domestic violence who are homeless for personal safety reasons.

(b) The commission of a district that is not located within a county or a city in which a state of emergency has been declared related to homelessness may waive connection charges for properties used by a nonprofit organization, local agency, or any other legal entity that provides emergency shelter for homeless persons or victims of domestic violence who are homeless for personal safety reasons.

(5) At such time as a property receiving a waiver under subsection (4)(a) of this section is no longer operating under the eligibility requirements under subsection (4)(a) of this section:

(a) The waiver of connection charges required under subsection (4)(a) of this section is no longer required; and

(b) Any connection charges waived under subsection (4)(a) of this section are immediately due and payable to the utility as a condition of continued service.

(6) The definitions in this subsection apply throughout this section unless the context clearly requires otherwise.

(a) "Connection charges" means the one-time capital and administrative charges imposed by a utility on a building or facility owner for a new utility service, but does not include costs borne or assessed by a utility for the labor, materials, and services necessary to physically connect a designated facility to the respective utility service.

(b) "Domestic violence" has the same meaning as defined in RCW 70.123.020.

(c) "Emergency shelter" means any facility:

(i) Whose sole purpose is to provide a temporary shelter for the homeless and that does not require occupants to sign a lease or occupancy agreement; and

(ii) That is funded in whole or in part from the state omnibus capital appropriations act, state omnibus operating appropriations act, housing finance commission programs, housing authorities, or local government housing funds.

(d) "Homeless person" has the same meaning as defined in RCW 43.185C.010.

**NEW SECTION. Sec. 13.** A new section is added to chapter 80.28 RCW to read as follows:

(1)(a) A gas company, electrical company, wastewater company, or water company that is located, in whole or in part, within a city or county in which a state of emergency has been declared related to homelessness must waive service line charges for properties used by a nonprofit organization, local agency, or other legal entity that provides emergency shelter for homeless persons or victims of domestic violence who are homeless for personal safety reasons. Expenses and lost revenues as a result of this waiver must be included in the company's cost of service and recovered in rates to other customers.

(b) A gas company, electrical company, wastewater company, or water company that is not located within a city or county in which a state of emergency has been declared related to homelessness may waive service line charges for properties used by a nonprofit organization, local agency, or other legal entity that provides emergency shelter for homeless persons or victims of domestic violence who are homeless for personal safety reasons. Expenses and lost revenues as a result of this waiver must be included in the company's cost of service and recovered in rates to other customers.

(2) At such time as a property receiving a waiver under subsection (1)(a) of this section is no longer operating under

the eligibility requirements under subsection (1)(a) of this section:

(a) The waiver of service line charges required under subsection (1)(a) of this section is no longer required; and

(b) Any service line charges waived under subsection (1)(a) of this section are immediately due and payable to the utility as a condition of continued service.

(3) The definitions in this subsection apply throughout this section unless the context clearly requires otherwise.

(a) "Domestic violence" has the same meaning as defined in RCW 70.123.020.

(b) "Emergency shelter" means any facility:

(i) Whose sole purpose is to provide a temporary shelter for the homeless and that does not require occupants to sign a lease or occupancy agreement; and

(ii) That is funded in whole or in part from the state omnibus capital appropriations act, state omnibus operating appropriations act, housing finance commission programs, housing authorities, or local government housing funds.

(c) "Homeless person" has the same meaning as defined in RCW 43.185C.010."

Correct the title.

Representative Gildon moved the adoption of amendment (1353) to the striking amendment (1347):  
13.0.

On page 5, after line 31, insert the following:

"(5) This section expires July 1, 2027."

On page 11, after line 14, insert the following:

"(4) This section expires July 1, 2027.

**NEW SECTION. Sec. 8.** Sections 1, 2, and 4 through 6 of this act expire July 1, 2027."

Correct the title.

Representatives Gildon and Ryu spoke in favor of the adoption of the amendment to the striking amendment.

Amendment (1353) to the striking amendment (1347) was adopted.

The striking amendment (1347), as amended, was adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Walen and Jenkin spoke in favor of the passage of the bill.

The Speaker stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 2629.

### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2629, and the bill passed the House by the following vote: Yeas, 70; Nays, 26; Absent, 0; Excused, 2.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chapman, Chopp, Cody, Davis, Doglio, Dolan, Duerr, Fey, Fitzgibbon, Frame, Gildon, Goodman, Gregerson, Griffey, Hansen, Harris, Hudgins, Irwin, Jenkin, J. Johnson, Kilduff, Kirby, Kloba, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Mead, Morgan, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Ryu, Santos, Sells, Senn, Shewmake, Slatter, Smith, Springer, Stokesbary, Stonier, Sullivan, Tarleton, Thai, Tharinger, Valdez, Van Werven, Walen, Wilcox, Wylie, Ybarra and Mme. Speaker.

Voting nay: Representatives Chandler, Corry, DeBolt, Dent, Dufault, Dye, Eslick, Goehner, Graham, Hoff, Klippert, Kraft, Kretz, Maycumber, McCaslin, Mosbrucker, Orcutt, Rude, Schmick, Shea, Steele, Sutherland, Vick, Volz, Walsh and Young.

Excused: Representatives Chambers and Entenman.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2629, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 2197, by Representatives Thai, McCaslin, Walen, Slatter, Tarleton, Appleton, Orwall, Shewmake and Wylie**

**Establishing an exception to the requirement that vehicle license plates be visible at all times for vehicles using certain cargo carrying devices.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Thai and McCaslin spoke in favor of the passage of the bill.

The Speaker stated the question before the House to be the final passage of House Bill No. 2197.

### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2197, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chandler, Chapman, Chopp, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Duerr, Dufault, Dye, Eslick, Fey, Fitzgibbon,

Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Mead, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shea, Shewmake, Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Excused: Representatives Chambers and Entenman.

HOUSE BILL NO. 2197, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 2306, by Representatives Kirby, Vick, Walen, Hoff, Ryu and Volz**

**Regulating legal service contractors. Revised for 1st Substitute: Concerning the regulation of legal service contractors.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 2306 was substituted for House Bill No. 2306 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2306 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Kirby and Klippert spoke in favor of the passage of the bill.

The Speaker stated the question before the House to be the final passage of Substitute House Bill No. 2306.

**ROLL CALL**

The Clerk called the roll on the final passage of Substitute House Bill No. 2306, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chandler, Chapman, Chopp, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Duerr, Dufault, Dye, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Mead, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shea, Shewmake, Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan,

Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Excused: Representatives Chambers and Entenman.

SUBSTITUTE HOUSE BILL NO. 2306, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 2347, by Representatives Duerr, Pollet, Senn and Goehner**

**Concerning bond requirements for county clerks.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Duerr and Kraft spoke in favor of the passage of the bill.

The Speaker stated the question before the House to be the final passage of House Bill No. 2347.

**ROLL CALL**

The Clerk called the roll on the final passage of House Bill No. 2347, and the bill passed the House by the following vote: Yeas, 87; Nays, 9; Absent, 0; Excused, 2.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Callan, Chapman, Chopp, Cody, Davis, DeBolt, Dent, Doglio, Dolan, Duerr, Dye, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, Macri, Maycumber, McCaslin, Mead, Morgan, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shea, Shewmake, Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Volz, Walen, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Voting nay: Representatives Caldier, Chandler, Corry, Dufault, Griffey, MacEwen, Mosbrucker, Vick and Walsh.

Excused: Representatives Chambers and Entenman.

HOUSE BILL NO. 2347, having received the necessary constitutional majority, was declared passed.

The Speaker called upon Representative Lovick to preside.

**HOUSE BILL NO. 2188, by Representatives Leavitt, Gildon, Dufault, Chapman, Eslick, Orwall, Appleton, Slatter, Ryu, Van Werven, Griffey, Young, Wylie, Doglio, Volz and Riccelli**

**Increasing the types of commercial driver's license qualification waivers allowed for military veterans.**

The bill was read the second time.

Representative Leavitt moved the adoption of amendment (1391):

8.0.

On page 3, line 38, after "December 1," strike "2020" and insert "2021"

On page 5, after line 9, insert the following:

"NEW SECTION. **Sec. 3.** This act takes effect January 1, 2021."

Correct the title.

Representatives Leavitt and Walsh spoke in favor of the adoption of the amendment.

Amendment (1391) was adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Leavitt and Walsh spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed House Bill No. 2188.

#### ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 2188, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Duerr, Dufault, Dye, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Mead, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shea, Shewmake, Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Excused: Representative Entenman.

ENGROSSED HOUSE BILL NO. 2188, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1853, by Representatives Ramos, Peterson, Paul, Gregerson, Ryu, Senn and Santos**

#### **Developing and coordinating a statewide don't drip and drive program.**

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 1853 was substituted for House Bill No. 1853 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 1853 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Ramos spoke in favor of the passage of the bill.

Representative Walsh spoke against the passage of the bill.

#### MOTION

On motion of Representative Griffey, Representative DeBolt was excused.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Second Substitute House Bill No. 1853.

#### ROLL CALL

The Clerk called the roll on the final passage of Second Substitute House Bill No. 1853, and the bill passed the House by the following vote: Yeas, 64; Nays, 32; Absent, 0; Excused, 2.

Voting yea: Representatives Appleton, Barkis, Bergquist, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Davis, Dent, Doglio, Dolan, Duerr, Dufault, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goodman, Gregerson, Hansen, Hudgins, J. Johnson, Kilduff, Kirby, Kloba, Leavitt, Lekanoff, Lovick, Macri, Mead, Morgan, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Sells, Senn, Shewmake, Slatter, Springer, Stonier, Sullivan, Tarleton, Thai, Tharinger, Valdez, Van Werven, Walen, Wylie and Mme. Speaker.

Voting nay: Representatives Blake, Boehnke, Caldier, Corry, Dye, Goehner, Graham, Griffey, Harris, Hoff, Irwin, Jenkin, Klippert, Kraft, Kretz, MacEwen, Maycumber, McCaslin, Mosbrucker, Orcutt, Schmick, Shea, Smith, Steele, Stokesbary, Sutherland, Vick, Volz, Walsh, Wilcox, Ybarra and Young.

Excused: Representatives DeBolt and Entenman.

SECOND SUBSTITUTE HOUSE BILL NO. 1853, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 2265, by Representatives Doglio, Leavitt, Shewmake, Duerr, Fey, Peterson and Pollet**

**Eliminating exemptions from restrictions on the use of perfluoroalkyl and polyfluoroalkyl substances in firefighting foam.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 2265 was substituted for House Bill No. 2265 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2265 was read the second time.

With the consent of the House, amendments (1065) and (1299) were withdrawn.

Representative Doglio moved the adoption of the striking amendment (1256):

3.0.

Strike everything after the enacting clause and insert the following:

"**Sec. 4.** RCW 70.75A.020 and 2018 c 286 s 3 are each amended to read as follows:

(1) Beginning July 1, 2020, a manufacturer of class B firefighting foam may not manufacture, knowingly sell, offer for sale, distribute for sale, or distribute for use in this state class B firefighting foam to which PFAS chemicals have been intentionally added.

(2)(a) The restrictions in subsection (1) of this section do not apply to any manufacture, sale, or distribution of class B firefighting foam where the inclusion of PFAS chemicals are required by federal law, including but not limited to the requirements of 14 C.F.R. 139.317, as that section existed as of January 1, 2018.

(b) In the event that the requirements of 14 C.F.R. Sec. 139.317 or other applicable federal regulations change after January 1, 2018, to allow the use of alternative firefighting agents that do not contain PFAS chemicals, then ((the department may adopt rules that restrict PFAS chemicals for the manufacture, sale, and distribution of firefighting foam for uses that are addressed by the federal regulation)) as of the effective date of that change, the department shall publish a finding to that effect in the Washington State Register and submit this finding to the appropriate committees of the house of representatives and the senate. The department's publication regarding a change in the federal regulations must be specific with respect to the involved federal agency and use and, if identified by the federal agency, the alternative firefighting agent. Twenty-four months after publication in the Washington State Register, the restrictions of subsection (1) of this section apply to the manufacture, sale, and distribution of class B firefighting foam that contains intentionally added PFAS chemicals for the uses specified in 14 C.F.R. Sec. 139.317 or other applicable federal regulations.

(3)(a) The restrictions in subsection (1) of this section do not apply until January 1, 2024, to any manufacture, sale, or distribution of class B firefighting foam to a person for use at a terminal, as defined in RCW 82.23A.010, operated by the person, a chemical plant operated by the person, or an oil refinery operated by the person.

(b) A person who operates a chemical plant, refinery, or terminal may apply to the department for a waiver. A waiver may only be for two years and may only be extended by the department for one additional two-year term. The department may grant a waiver if the applicant provides:

(i) Clear and convincing evidence that there is no commercially available replacement that does not contain intentionally added PFAS chemicals that is capable of suppressing a large atmospheric storage tank fire;

(ii) Information on the amount of firefighting foam containing intentionally added PFAS chemicals stored, used, or released on site on an annual basis;

(iii) A report on the progress being made by the operator of the chemical plant, terminal, or refinery to transition to use of firefighting foam at the facility that does not contain intentionally added PFAS chemicals; and

(iv) An explanation of how all releases of firefighting foam will be fully contained on site and how existing containment measures will not allow firewater, wastewater, runoff, and other wastes to be released to the environment including, but not limited to, soils, groundwater, waterways, and stormwater.

(c) Nothing in this section prohibits an oil refinery or terminal from providing class B firefighting foam in the form of mutual aid to another refinery or terminal in the event of a class B fire.

~~((4) The restrictions in subsection (1) of this section do not apply to any manufacture, sale, or distribution of class B firefighting foam to a person for use at a chemical plant operated by the person.))"~~

Correct the title.

Representative Boehnke moved the adoption of amendment (1294) to the striking amendment (1256):

4.0.

On page 1, line 10, after "(2)" strike "(a)"

On page 1, at the beginning of line 15, strike "(b)"

On page 1, beginning on line 15, after "that" strike all material through "other" on line 16

On page 1, line 16, after "regulations" insert "other than 14 C.F.R. 139.317"

On page 1, beginning on line 18, after "then" strike all material through "regulations" on line 32, and insert "the department may adopt rules that restrict PFAS chemicals for the manufacture, sale, and distribution of firefighting foam for uses that are addressed by the federal regulation, except that the department may not restrict the use of PFAS foam



by certificated airports operating under federal aviation administration regulation"

Representative Boehnke spoke in favor of the adoption of the amendment to the striking amendment.

Representative Doglio spoke against the adoption of the amendment to the striking amendment.

Amendment (1294) to the striking amendment (1256) was not adopted.

Representative Boehnke moved the adoption of amendment (1293) to the striking amendment (1256):

4.0.

On page 1, line 10, after "(2)" strike "(a)"

On page 1, at the beginning of line 15, strike "(b)"

On page 1, beginning on line 18, after "then" strike all material through "regulations" on line 32, and insert "the department may adopt rules that restrict PFAS chemicals for the manufacture, sale, and distribution of firefighting foam for uses that are addressed by the federal regulation, except that the department may not restrict the use of PFAS foam by certificated airports operating under federal aviation administration regulation in a county with a population of less than two hundred thousand, as determined by the office of financial management"

Representative Boehnke spoke in favor of the adoption of the amendment to the striking amendment.

Representative Fitzgibbon spoke against the adoption of the amendment to the striking amendment.

Amendment (1293) to the striking amendment (1256) was not adopted.

Representative Dent moved the adoption of amendment (1390) to the striking amendment (1256):

4.0.

On page 1, beginning on line 27, after "agent," strike all material through "regulations" on line 32 and insert "Two years after publication in the Washington State Register, the restrictions of subsection (1) of this section apply to the manufacture, sale, and distribution of class B firefighting foam that contains intentionally added PFAS chemicals for the uses specified in 14 C.F.R. Sec. 139.317 or other applicable federal regulations. However, the restrictions of subsection (1) of this section do not take effect for an additional year if all of the airports in Washington certificated under 14 C.F.R. Sec. 139 have not been able to secure alternative firefighting agents and any necessary infrastructure to apply the agent in order to meet certification requirements, as determined by the department. Eighteen months after the department's original publication in the Washington State Register, each section 139 licensed airport shall report to the department on the airport's status with respect to obtaining alternative firefighting agents approved by the federal aviation administration and any necessary

infrastructure. The department must publish a second notice delaying the restrictions under subsection (1) of this section for an additional year if the department has determined that any section 139 airport is unable to secure alternative firefighting agents without intentionally added PFAS chemicals or infrastructure to meet certification requirements because the agents or infrastructure are not commercially available"

Representatives Dent and Fitzgibbon spoke in favor of the adoption of the amendment to the striking amendment.

Amendment (1390) to the striking amendment (1256) was adopted.

The striking amendment (1256), as amended, was adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Doglio, Boehnke, Dent, Fitzgibbon and Griffey spoke in favor of the passage of the bill.

Representative Dye spoke against the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 2265.

## ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2265, and the bill passed the House by the following vote: Yeas, 92; Nays, 4; Absent, 0; Excused, 2.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, Dent, Doglio, Dolan, Duerr, Dufault, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, Mead, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Sells, Senn, Shewmake, Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Voting nay: Representatives Dye, McCaslin, Schmick and Shea.

Excused: Representatives DeBolt and Entenman.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2265, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 2797, by Representatives Robinson, Macri, Davis, Shewmake, Peterson, Ramel, Lekanoff and Pollet**

**Concerning the sales and use tax for affordable and supportive housing.**

The bill was read the second time.

Representative Robinson moved the adoption of the striking amendment (1287):

4.0.

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 82.14.540 and 2019 c 338 s 1 are each amended to read as follows:

(1) The definitions in this subsection apply throughout this section unless the context clearly requires otherwise.

(a) "Nonparticipating city" is a city that does not impose a sales and use tax in accordance with the terms of this section.

(b) "Nonparticipating county" is a county that does not impose a sales and use tax in accordance with the terms of this section.

(c) "Participating city" is a city that imposes a sales and use tax in accordance with the terms of this section.

(d) "Participating county" is a county that imposes a sales and use tax in accordance with the terms of this section.

(e) "Qualifying local tax" means the following tax sources, if the tax source is ~~((instated no later than twelve months after July 28, 2019))~~ adopted by December 31, 2021:

(i) The affordable housing levy authorized under RCW 84.52.105;

(ii) The sales and use tax for housing and related services authorized under RCW 82.14.530, provided the city has imposed the tax at a minimum ~~((or H:\DATA\2020 JOURNAL\Journal2020\LegDay035\of.doe))~~ of at least half of the authorized rate;

(iii) The sales tax for chemical dependency and mental health treatment services or therapeutic courts authorized under RCW 82.14.460 imposed by a city; and

(iv) The levy authorized under RCW 84.55.050, if used solely for affordable housing.

(2) Starting on the effective date of this section, a city that has not adopted a qualifying local tax but intends to before December 31, 2021, must adopt a notice of intent to adopt the qualifying local tax and send a copy to the department, and to the county the city is located within, by July 28, 2020. If a notice of intent has not been adopted by July 28, 2020, the tax sources in subsection (1)(e)(i) through (iv) of this section are not considered a qualifying local tax for the purposes of this section, unless the tax was being imposed before July 28, 2020.

(3)(a) A county or city legislative authority may authorize, fix, and impose a sales and use tax in accordance with the terms of this section.

(b) The tax under this section is assessed on the selling price in the case of a sales tax, or value of the article used, in the case of a use tax.

(c) ~~((The))~~ For taxes authorized under this section after the effective date of this section, the rate of the tax under this section for an individual participating city and an individual participating county may not exceed:

(i) ~~((Beginning on July 28, 2019, until twelve months after July 28, 2019:~~

~~((A)))~~ 0.0073 percent for a:

~~((H))~~ (A) Participating city, ((unless the participating city levies a qualifying local tax)) that does not levy a qualifying tax; and

~~((H))~~ (B) Participating county, within the limits of ((nonparticipating cities)) a participating city within the county and within participating cities that do not ((currently)) levy a qualifying tax;

~~((B))~~ (ii) 0.0146 percent for a:

~~((H))~~ (A) Participating city that ((currently)) levies a qualifying local tax;

~~((H))~~ (B) Participating city ((if the county in which it is located declares they will not levy the sales and use tax authorized under this section or does not adopt a resolution in accordance with this section)) within a nonparticipating county; and

~~((H))~~ (C) Participating county within the unincorporated areas of the county and within any nonparticipating city ((that declares they will not levy the sales and use tax authorized under this section or does not adopt a resolution in accordance with this section;

~~((ii))~~ Beginning twelve months after July 28, 2019:

~~((A))~~ 0.0073 percent for a:

~~((I))~~ Participating city that is located within a participating county if the participating city is not levying a qualifying local tax; and

~~((II))~~ Participating county, within the limits of a participating city if the participating city is not levying a qualifying local tax;

~~((B))~~ 0.0146 percent within the limits of a:

~~((I))~~ Participating city that is levying a qualifying local tax; and

~~((II))~~ Participating county within the unincorporated area of the county and within the limits of any nonparticipating city that is located within the county;--))

(d) A county may not levy the tax authorized under this section within the limits of a participating city that levies a qualifying local tax.

(e)(i) In order for a county or city legislative authority to impose the tax under this section, the authority must adopt:

(A) A resolution of intent to adopt legislation to authorize ~~((the maximum capacity of))~~ the tax in this section within six months of July 28, 2019; and

(B) Legislation to authorize ~~((the maximum capacity of))~~ the tax in this section within one year of July 28, 2019, and send a copy to the department within forty-five days of adopting such legislation.

(ii) Adoption of the resolution of intent and legislation to authorize the tax requires simple majority approval of the enacting legislative authority.

~~((iii) If a county or city has not adopted a resolution of intent in accordance with the terms of this section, the county or city may not authorize, fix, and impose the tax.~~

~~((3))~~ (4) The tax imposed under this section must be deducted from the amount of tax otherwise required to be collected or paid to the department of revenue under chapter 82.08 or 82.12 RCW. The department must perform the collection of such taxes on behalf of the county or city at no cost to the county or city.

~~((4))~~ (5) By ~~((December 31, 2019, or within thirty days of a))~~ January 1, 2021, for every county or city authorizing the tax under this section, ~~((which ever is later))~~ including those counties and cities currently imposing the tax authorized under this section, the department must calculate ((the)) or recalculate a preliminary annual maximum amount of tax distributions for each county and city authorizing the tax under this section and assign the authorized tax rate as provided in subsection (3)(c) of this section. The annual maximum must be calculated as follows:

(a) The annual maximum amount for a participating county equals the taxable retail sales within the unincorporated area of a county, within the nonparticipating cities, and within the participating cities without a qualifying local tax, in state fiscal year 2019 multiplied by the tax rate imposed under this section. ~~((If a county imposes a tax authorized under this section after a city located in that county has imposed the tax, the taxable retail sales within the city in state fiscal year 2019 must be subtracted from the taxable retail sales within the county for the calculation of the maximum amount))~~ The annual maximum amount for a participating county does not include the taxable retail sales within the participating cities with a qualifying local tax within the county; and

(b) The annual maximum amount for a participating city equals the taxable retail sales within the city in state fiscal year 2019 multiplied by the tax rate imposed under subsection ~~((4))~~ (3) of this section.

~~((5))~~ (6) By June 30, 2022, the department must calculate a final annual maximum amount of tax distributions for each county and city authorizing the tax under this section using the method in subsection (5)(a) and (b) of this section. The department must also assign the authorized tax rate as provided in subsection (3)(c) of this section.

~~((7))~~ (a) The tax must cease to be distributed to a county or city for the remainder of any fiscal year in which the amount of tax exceeds;

(i) Until June 30, 2022, the preliminary annual maximum amount calculated in subsection ((4)) (5) of this section; and

(ii) Beginning July 1, 2022, the final annual maximum amount calculated in subsection (6) of this section.

(b) The department must remit any annual tax revenues above the annual maximum to the state treasurer for deposit in the general fund. Distributions to a county or city meeting the annual maximum amount must resume at the beginning of the next fiscal year.

~~((6))~~ (8)(a) If, when the tax is first imposed, a county has a population greater than four hundred thousand or a city has a population greater than one hundred thousand, the moneys collected or bonds issued under this section may only be used for the following purposes:

(i) Acquiring, rehabilitating, or constructing affordable housing, which may include new units of affordable housing within an existing structure or facilities providing supportive housing services under RCW 71.24.385; or

(ii) Funding the operations and maintenance costs ((of new units)) of affordable or supportive housing including, but not limited to, staffing necessary for daily operations of permanent supportive housing.

(b) If, when the tax is first imposed, a county has a population of four hundred thousand or less or a city has a population of one hundred thousand or less, the moneys collected under this section may only be used for the purposes provided in (a) of this subsection or for providing rental assistance to tenants.

~~((7))~~ (c) Administrative costs of the county or city associated with administering this section may not exceed six percent of the annual tax distributed to the jurisdiction under this section.

(9) The housing and services provided pursuant to subsection ~~((6))~~ (8) of this section may only be provided to persons whose income, at each required income certification or recertification, is at or below sixty percent of the median household income of the ~~((county or city))~~ standard metropolitan statistical area within which the county, city, or town imposing the tax is located.

~~((8))~~ (10) In determining the use of funds under subsection ~~((6))~~ (8) of this section, a county or city must consider the income of the individuals and families to be served, the leveraging of the resources made available under this section, and the housing needs within the jurisdiction of the taxing authority.

~~((9))~~ (11)(a) To carry out the purposes of this section including, but not limited to, financing loans or grants to nonprofit organizations or public housing authorities, the legislative authority of the county or city imposing the tax has the authority to issue general obligation or revenue bonds within the limitations now or hereafter prescribed by

the laws of this state, and may use, and is authorized to pledge, the moneys collected under this section for repayment of such bonds.

(b) However, a county may not pledge for repayment of such bonds any moneys collected from retail sales within the limits of a participating city:

(i) Before July 28, 2020; or

(ii) Before June 30, 2022, within the limits of a participating city that has adopted a notice of intent under subsection (2) of this section.

((40)-A) (12) To carry out the purposes of this section, a county or city may enter into a contract or an interlocal agreement, or utilize an existing contract or interlocal agreement, in accordance with chapter 39.34 RCW with one or more ((counties, cities, or public housing authorities in accordance with chapter 39.34 RCW)) public entities or nonprofit organizations. The contract or interlocal agreement may include, but is not limited to, pooling the tax receipts received under this section, pledging those taxes to bonds issued by one or more parties to the agreement, and allocating the proceeds of the taxes levied or the bonds issued in accordance with such contract or interlocal agreement and this section. The contract or interlocal agreement must include a requirement, or otherwise ensure through contractual obligations, that the housing or services provided with moneys collected under this section comply with the use restrictions in subsection (8) of this section and the income restrictions in subsection (9) of this section.

((44)) (13) Counties and cities imposing the tax under this section must report annually to the department of commerce on the collection and use of the revenue. Counties and cities that have pooled funds may submit joint reports on their collective activities. The department of commerce must adopt rules prescribing content of such reports. By December 1, 2019, and annually thereafter, and in compliance with RCW 43.01.036, the department of commerce must submit a report annually to the appropriate legislative committees with regard to such uses.

((42)) (14) The tax imposed by a county or city under this section expires twenty years after the date on which the tax is first imposed."

Correct the title.

Representative Robinson spoke in favor of the adoption of the striking amendment.

The striking amendment (1287) was adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Robinson spoke in favor of the passage of the bill.

Representative Orcutt spoke against the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed House Bill No. 2797.

### ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 2797, and the bill passed the House by the following vote: Yeas, 63; Nays, 33; Absent, 0; Excused, 2.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Callan, Chapman, Chopp, Cody, Davis, Doglio, Dolan, Duerr, Fey, Fitzgibbon, Frame, Goehner, Goodman, Gregerson, Hansen, Harris, Hudgins, J. Johnson, Kilduff, Kirby, Kloba, Leavitt, Lekanoff, Lovick, Macri, Mead, Morgan, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Sells, Senn, Shewmake, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Tarleton, Thai, Tharinger, Valdez, Walen, Wilcox, Wylie and Mme. Speaker.

Voting nay: Representatives Boehnke, Caldier, Chambers, Chandler, Corry, Dent, Dufault, Dye, Eslick, Gildon, Graham, Griffey, Hoff, Irwin, Jenkin, Klippert, Kraft, Kretz, MacEwen, Maycumber, McCaslin, Mosbrucker, Orcutt, Schmick, Shea, Smith, Sutherland, Van Werven, Vick, Volz, Walsh, Ybarra and Young.

Excused: Representatives DeBolt and Entenman.

ENGROSSED HOUSE BILL NO. 2797, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 2491, by Representatives Ramos, Barkis, Leavitt, Valdez, Callan and Lekanoff**

**Authorizing the governor to enter into compacts with federally recognized Indian tribes principally located within Washington state for the issuance of tribal license plates and vehicle registration.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Ramos and Barkis spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of House Bill No. 2491.

### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2491, and the bill passed the House by the following vote: Yeas, 94; Nays, 2; Absent, 0; Excused, 2.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, Dent, Doglio, Dolan, Duerr, Dufault, Dye, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, Mead, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Voting nay: Representatives McCaslin and Shea.

Excused: Representatives DeBolt and Entenman.

HOUSE BILL NO. 2491, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 2400, by Representatives Hudgins, Smith, Van Werven and Wylie**

**Concerning privacy assessment surveys of state agencies.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 2400 was substituted for House Bill No. 2400 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2400 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Hudgins and Walsh spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2400.

**ROLL CALL**

The Clerk called the roll on the final passage of Substitute House Bill No. 2400, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, Dent, Doglio, Dolan, Duerr, Dufault, Dye, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Mead, Morgan, Mosbrucker, Orcutt, Ormsby,

Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shea, Shewmake, Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Excused: Representatives DeBolt and Entenman.

SUBSTITUTE HOUSE BILL NO. 2400, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 2474, by Representative Sells**

**Concerning sales commissions.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Sells and Mosbrucker spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of House Bill No. 2474.

**ROLL CALL**

The Clerk called the roll on the final passage of House Bill No. 2474, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, Dent, Doglio, Dolan, Duerr, Dufault, Dye, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Mead, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shea, Shewmake, Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Excused: Representatives DeBolt and Entenman.

HOUSE BILL NO. 2474, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 2613, by Representatives Sells and Mosbrucker**

**Granting relief of unemployment benefit charges when discharge is required by law and removing outdated statutory language.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 2613 was substituted for House Bill No. 2613 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2613 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Sells, Mosbrucker and Chambers spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2613.

### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2613, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, Dent, Doglio, Dolan, Duerr, Dufault, Dye, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Mead, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shea, Shewmake, Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Excused: Representatives DeBolt and Entenman.

SUBSTITUTE HOUSE BILL NO. 2613, having received the necessary constitutional majority, was declared passed.

### HOUSE BILL NO. 2763, by Representatives Chapman, Dent, Hudgins and Tharinger

#### Concerning interest arbitration for department of corrections employees.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Chapman and Mosbrucker spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of House Bill No. 2763.

### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2763, and the bill passed the House by the following vote: Yeas, 79; Nays, 17; Absent, 0; Excused, 2.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Caldier, Callan, Chambers, Chapman, Chopp, Cody, Davis, Dent, Doglio, Dolan, Duerr, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hudgins, Irwin, J. Johnson, Kilduff, Kirby, Kloba, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Mead, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Sells, Senn, Shea, Shewmake, Slatter, Smith, Springer, Steele, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Volz, Walen, Wylie, Young and Mme. Speaker.

Voting nay: Representatives Boehnke, Chandler, Corry, Dufault, Dye, Hoff, Jenkin, Klippert, Kraft, Kretz, Schmick, Stokesbary, Van Werven, Vick, Walsh, Wilcox and Ybarra.

Excused: Representatives DeBolt and Entenman.

HOUSE BILL NO. 2763, having received the necessary constitutional majority, was declared passed.

The Speaker (Representative Lovick presiding) called upon Representative Orwall to preside.

There being no objection, House Rule 13 (C) was suspended allowing the House to work past 10:00 p.m.

### HOUSE BILL NO. 2870, by Representatives Pettigrew and Ryu

#### Allowing additional marijuana retail licenses for social equity purposes.

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 2870 was substituted for House Bill No. 2870 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 2870 was read the second time.

Representative Pettigrew moved the adoption of the striking amendment (1389):

1.0.

Strike everything after the enacting clause and insert the following:

"**NEW SECTION. Sec. 2.** (1) The legislature finds that additional efforts are necessary to reduce barriers to

entry to the cannabis industry for individuals and communities most adversely impacted by the enforcement of cannabis-related laws. In the interest of establishing a cannabis industry that is equitable and accessible to those most adversely impacted by the enforcement of drug-related laws, including cannabis-related laws, the legislature finds a social equity program should be created.

(2) The legislature finds that individuals who have been arrested or incarcerated due to drug laws, and those who have resided in areas of high poverty, suffer long-lasting adverse consequences, including impacts to employment, business ownership, housing, health, and long-term financial well-being. The legislature also finds that family members, especially children, and communities of those who have been arrested or incarcerated due to drug laws, suffer from emotional, psychological, and financial harms as a result of such arrests and incarceration. The legislature further finds that certain communities have disproportionately suffered the harms of enforcement of cannabis-related laws. Those communities face greater difficulties accessing traditional banking systems and capital for establishing businesses.

(3) The legislature therefore finds that in the interest of remedying harms resulting from the disproportionate enforcement of cannabis-related laws, creating a social equity program will further an equitable cannabis industry by promoting business ownership among individuals who have resided in areas of high poverty and high enforcement of cannabis-related laws. The social equity program should offer, among other things, financial and technical assistance and license application benefits to individuals most directly and adversely impacted by the enforcement of cannabis-related laws who are interested in starting cannabis business enterprises.

**NEW SECTION. Sec. 3.** A new section is added to chapter 69.50 RCW to read as follows:

(1) Beginning December 1, 2020, and until July 1, 2028, marijuana retailer licenses that have been subject to forfeiture, revocation, or cancellation by the board, or marijuana retailer licenses that were not previously issued by the board but could have been issued without exceeding the limit on the statewide number of marijuana retailer licenses established in rule by the board, may be issued or reissued to an applicant who meets the marijuana retailer license requirements of this chapter.

(2)(a) In order to be considered for a retail license under subsection (1) of this section, applicants must be a social equity applicant and submit a social equity plan along with other marijuana retailer license application requirements to the board. If the application proposes ownership by more than one person, then at least fifty-one percent of the proposed ownership structure must reflect the qualifications of a social equity applicant.

(b) Persons holding an existing marijuana retailer license or title certificate for a marijuana retailer business in a local jurisdiction subject to a ban or moratorium on marijuana retail businesses may apply for a license under this section.

(3)(a) In determining the issuance of a license among applicants, the board may prioritize applicants based on the extent to which the application addresses the components of the social equity plan.

(b) The board may deny any application submitted under this subsection if the board determines that:

(i) The application does not meet social equity goals or does not meet social equity plan requirements;

(ii) The application does not otherwise meet the licensing requirements of this chapter; or

(iii) Additional marijuana retailer licenses are not needed to meet social equity goals in that city, town, or county.

(4) The board may adopt rules to implement this section. Rules may include strategies for receiving advice on the social equity program from communities the program is intended to benefit. Rules may also require that licenses awarded under this section be transferred or sold only to individuals or groups of individuals who comply with the requirements for initial licensure in the social equity plan under this section.

(5) For the purposes of this section:

(a) "Disproportionately impacted area" means a census tract or comparable geographic area that satisfies the following criteria, which may be further defined in rule by the board after consultation with the commission on African American affairs and other agencies and stakeholders as determined by the board:

(i) The area has a high poverty rate;

(ii) The area has a high rate of participation in income-based federal or state programs;

(iii) The area has a high rate of unemployment; and

(iv) The area has a high rate of arrest, conviction, and incarceration related to the sale, possession, use, cultivation, manufacture, or transport of marijuana.

(b) "Social equity applicant" means:

(i) An applicant who has at least fifty-one percent ownership and control by one or more individuals who have resided for at least five of the preceding ten years in a disproportionately impacted area; or

(ii) An applicant who has at least fifty-one percent ownership and control by at least one individual who has been convicted of a marijuana offense or is a family member of such an individual.

(c) "Social equity goals" means:

(i) Increasing the number of marijuana retailer licenses held by people from communities that have suffered a disproportionate number of marijuana arrests beginning January 1, 1988; and

(ii) Reducing accumulated harm suffered by individuals, families, and communities subject to

disproportionate impacts from the historical application and enforcement of marijuana prohibition laws.

(d) "Social equity plan" means a plan that addresses at least some of the elements outlined in this subsection (5)(d), along with any additional plan components or requirements approved by the board following consultation with the task force created in section 5 of this act. The plan may include:

(i) A statement that the social equity applicant qualifies as a social equity applicant and intends to own at least fifty-one percent of the proposed marijuana retail business or applicants representing at least fifty-one percent of the ownership of the proposed business qualify as social equity applicants;

(ii) A description of how issuing a marijuana retail license to the social equity applicant will meet social equity goals;

(iii) The social equity applicant's personal or family history with the criminal justice system including any offenses involving marijuana;

(iv) The composition of the workforce the social equity applicant intends to hire;

(v) Neighborhood characteristics of the location where the social equity applicant intends to operate, focusing on the disproportionate historical impacts of marijuana prohibition; and

(vi) Business plans involving partnerships or assistance to organizations or residents with connection to populations with a history of disproportionate impact and harm related to enforcement of marijuana prohibition.

**NEW SECTION. Sec. 4.** A new section is added to chapter 43.330 RCW to read as follows:

(1) The marijuana social equity technical assistance competitive grant program is established and is to be administered by the department.

(2) The marijuana social equity technical assistance competitive grant program must award grants on a competitive basis to marijuana retailer license applicants who are submitting social equity plans under section 2 of this act. The department must award grants primarily based on the strength of the social equity plans submitted by applicants but may also consider additional criteria if deemed necessary or appropriate by the department. Technical assistance activities eligible for funding under the marijuana social equity technical assistance competitive grant program include, but are not limited to:

(a) Assistance navigating the marijuana retailer licensure process;

(b) Marijuana-business specific education and business plan development;

(c) Regulatory compliance training;

(d) Financial management training and assistance in seeking micro loans; and

(e) Connecting social equity applicants with established industry members and tribal marijuana enterprises and programs for mentoring and other forms of support approved by the board.

(3) Funding for the marijuana social equity technical assistance competitive grant program must be provided through the dedicated marijuana account under RCW 69.50.540. Additionally, the department may solicit, receive, and expend private contributions to support the grant program.

(4) The department may adopt rules to implement this section.

**Sec. 5.** RCW 69.50.540 and 2019 c 415 s 978 are each amended to read as follows:

The legislature must annually appropriate moneys in the dedicated marijuana account created in RCW 69.50.530 as follows:

(1) For the purposes listed in this subsection (1), the legislature must appropriate to the respective agencies amounts sufficient to make the following expenditures on a quarterly basis or as provided in this subsection:

(a) One hundred twenty-five thousand dollars to the health care authority to design and administer the Washington state healthy youth survey, analyze the collected data, and produce reports, in collaboration with the office of the superintendent of public instruction, department of health, department of commerce, family policy council, and ~~((state liquor and cannabis))~~ board. The survey must be conducted at least every two years and include questions regarding, but not necessarily limited to, academic achievement, age at time of substance use initiation, antisocial behavior of friends, attitudes toward antisocial behavior, attitudes toward substance use, laws and community norms regarding antisocial behavior, family conflict, family management, parental attitudes toward substance use, peer rewarding of antisocial behavior, perceived risk of substance use, and rebelliousness. Funds disbursed under this subsection may be used to expand administration of the healthy youth survey to student populations attending institutions of higher education in Washington;

(b) Fifty thousand dollars to the health care authority for the purpose of contracting with the Washington state institute for public policy to conduct the cost-benefit evaluation and produce the reports described in RCW 69.50.550. This appropriation ends after production of the final report required by RCW 69.50.550;

(c) Five thousand dollars to the University of Washington alcohol and drug abuse institute for the creation, maintenance, and timely updating of web-based public education materials providing medically and scientifically accurate information about the health and safety risks posed by marijuana use;

(d)(i) An amount not less than one million two hundred fifty thousand dollars to the ~~((state liquor and cannabis))~~ board for administration of this chapter as appropriated in the omnibus appropriations act;



(ii) Two million six hundred fifty-one thousand seven hundred fifty dollars for fiscal year 2018 and three hundred fifty-one thousand seven hundred fifty dollars for fiscal year 2019 to the health professions account established under RCW 43.70.320 for the development and administration of the marijuana authorization database by the department of health;

(iii) Two million seven hundred twenty-three thousand dollars for fiscal year 2020 and two million five hundred twenty-three thousand dollars for fiscal year 2021 to the Washington state patrol for a drug enforcement task force. It is the intent of the legislature that this policy will be continued in the 2021-2023 fiscal biennium; and

(iv) Ninety-eight thousand dollars for fiscal year 2019 to the department of ecology for research on accreditation of marijuana product testing laboratories;

(e) Four hundred sixty-five thousand dollars for fiscal year 2020 and four hundred sixty-four thousand dollars for fiscal year 2021 to the department of ecology for implementation of accreditation of marijuana product testing laboratories;

(f) One hundred eighty-nine thousand dollars for fiscal year 2020 to the department of health for rule making regarding compassionate care renewals;

(g) Eight hundred eight thousand dollars for fiscal year 2020 and eight hundred eight thousand dollars for fiscal year 2021 to the department of health for the administration of the marijuana authorization database; ~~((and))~~

(h) ~~(((\$635,000 H:\DATA\2020 JOURNAL\Journal2020\LegDay035\)) six hundred thirty-five thousand dollars for fiscal year 2020 and (((\$635,000 H:\DATA\2020 JOURNAL\Journal2020\LegDay035\)) six hundred thirty-five thousand dollars for fiscal year 2021 to the department of agriculture for compliance-based laboratory analysis of pesticides in marijuana((-)); and~~

(i) One million one hundred thousand dollars annually to the department of commerce to fund the marijuana social equity technical assistance competitive grant program under section 3 of this act; and

(2) From the amounts in the dedicated marijuana account after appropriation of the amounts identified in subsection (1) of this section, the legislature must appropriate for the purposes listed in this subsection (2) as follows:

(a)(i) Up to fifteen percent to the health care authority for the development, implementation, maintenance, and evaluation of programs and practices aimed at the prevention or reduction of maladaptive substance use, substance use disorder, substance abuse or substance dependence, as these terms are defined in the Diagnostic and Statistical Manual of Mental Disorders, among middle school and high school-age students, whether as an explicit goal of a given program or practice or as a consistently corresponding effect of its implementation, mental health services for children and

youth, and services for pregnant and parenting women; PROVIDED, That:

(A) Of the funds appropriated under (a)(i) of this subsection for new programs and new services, at least eighty-five percent must be directed to evidence-based or research-based programs and practices that produce objectively measurable results and, by September 1, 2020, are cost-beneficial; and

(B) Up to fifteen percent of the funds appropriated under (a)(i) of this subsection for new programs and new services may be directed to proven and tested practices, emerging best practices, or promising practices.

(ii) In deciding which programs and practices to fund, the director of the health care authority must consult, at least annually, with the University of Washington's social development research group and the University of Washington's alcohol and drug abuse institute.

(iii) For each fiscal year, the legislature must appropriate a minimum of twenty-five million five hundred thirty-six thousand dollars under this subsection (2)(a);

(b)(i) Up to ten percent to the department of health for the following, subject to (b)(ii) of this subsection (2):

(A) Creation, implementation, operation, and management of a marijuana education and public health program that contains the following:

(I) A marijuana use public health hotline that provides referrals to substance abuse treatment providers, utilizes evidence-based or research-based public health approaches to minimizing the harms associated with marijuana use, and does not solely advocate an abstinence-only approach;

(II) A grants program for local health departments or other local community agencies that supports development and implementation of coordinated intervention strategies for the prevention and reduction of marijuana use by youth; and

(III) Media-based education campaigns across television, internet, radio, print, and out-of-home advertising, separately targeting youth and adults, that provide medically and scientifically accurate information about the health and safety risks posed by marijuana use; and

(B) The Washington poison control center.

(ii) For each fiscal year, the legislature must appropriate a minimum of nine million seven hundred fifty thousand dollars under this subsection (2)(b);

(c)(i) Up to six-tenths of one percent to the University of Washington and four-tenths of one percent to Washington State University for research on the short and long-term effects of marijuana use, to include but not be limited to formal and informal methods for estimating and measuring intoxication and impairment, and for the dissemination of such research.

(ii) For each fiscal year, except for the 2017-2019 and 2019-2021 fiscal biennia, the legislature must appropriate a minimum of one million twenty-one thousand dollars to the University of Washington. For each fiscal year, except for

the 2017-2019 and 2019-2021 fiscal biennia, the legislature must appropriate a minimum of six hundred eighty-one thousand dollars to Washington State University under this subsection (2)(c). It is the intent of the legislature that this policy will be continued in the 2019-2021 fiscal biennium;

(d) Fifty percent to the state basic health plan trust account to be administered by the Washington basic health plan administrator and used as provided under chapter 70.47 RCW;

(e) Five percent to the Washington state health care authority to be expended exclusively through contracts with community health centers to provide primary health and dental care services, migrant health services, and maternity health care services as provided under RCW 41.05.220;

(f)(i) Up to three-tenths of one percent to the office of the superintendent of public instruction to fund grants to building bridges programs under chapter 28A.175 RCW.

(ii) For each fiscal year, the legislature must appropriate a minimum of five hundred eleven thousand dollars to the office of the superintendent of public instruction under this subsection (2)(f); and

(g) At the end of each fiscal year, the treasurer must transfer any amounts in the dedicated marijuana account that are not appropriated pursuant to subsection (1) of this section and this subsection (2) into the general fund, except as provided in (g)(i) of this subsection (2).

(i) Beginning in fiscal year 2018, if marijuana excise tax collections deposited into the general fund in the prior fiscal year exceed twenty-five million dollars, then each fiscal year the legislature must appropriate an amount equal to thirty percent of all marijuana excise taxes deposited into the general fund the prior fiscal year to the treasurer for distribution to counties, cities, and towns as follows:

(A) Thirty percent must be distributed to counties, cities, and towns where licensed marijuana retailers are physically located. Each jurisdiction must receive a share of the revenue distribution under this subsection (2)(g)(i)(A) based on the proportional share of the total revenues generated in the individual jurisdiction from the taxes collected under RCW 69.50.535, from licensed marijuana retailers physically located in each jurisdiction. For purposes of this subsection (2)(g)(i)(A), one hundred percent of the proportional amount attributed to a retailer physically located in a city or town must be distributed to the city or town.

(B) Seventy percent must be distributed to counties, cities, and towns ratably on a per capita basis. Counties must receive sixty percent of the distribution, which must be disbursed based on each county's total proportional population. Funds may only be distributed to jurisdictions that do not prohibit the siting of any state licensed marijuana producer, processor, or retailer.

(ii) Distribution amounts allocated to each county, city, and town must be distributed in four installments by the last day of each fiscal quarter.

(iii) By September 15th of each year, the ~~((state liquor and cannabis))~~ board must provide the state treasurer the annual distribution amount, if any, for each county and city as determined in (g)(i) of this subsection (2).

(iv) The total share of marijuana excise tax revenues distributed to counties and cities in (g)(i) of this subsection (2) may not exceed fifteen million dollars in fiscal years 2018, 2019, 2020, and 2021, and twenty million dollars per fiscal year thereafter. It is the intent of the legislature that the policy for the maximum distributions in the subsequent fiscal biennia will be no more than fifteen million dollars per fiscal year.

~~((For the purposes of this section, "marijuana products" means "useable marijuana," "marijuana concentrates," and "marijuana infused products" as those terms are defined in RCW 69.50.101-))~~

**NEW SECTION. Sec. 6.** A new section is added to chapter 69.50 RCW to read as follows:

(1) A legislative task force on social equity in marijuana is established. The purpose of the task force is to make recommendations to the board including but not limited to establishing a social equity program for the issuance and reissuance of retail marijuana licenses, and to advise the governor and the legislature on policies that will facilitate development of a marijuana social equity program.

(2) The members of the task force are as provided in this subsection.

(a) The president of the senate shall appoint one member from each of the two largest caucuses of the senate.

(b) The speaker of the house of representatives shall appoint one member from each of the two largest caucuses of the house of representatives.

(c) The president of the senate and the speaker of the house of representatives shall jointly appoint:

(i) One member from each of the following:

(A) The commission on African American affairs;

(B) The commission on Hispanic affairs;

(C) The governor's office of Indian affairs;

(D) An organization representing the African American community;

(E) An organization representing the Latinx community;

(F) The liquor and cannabis board;

(G) The office of the attorney general; and

(H) The association of Washington cities;

(ii) Two members that currently hold a marijuana retail license; and

(iii) Two members that currently hold a producer or processor license or both.

(3) In addition to the members appointed to the task force under subsection (2) of this section, individuals

representing other sectors may be invited by the chair of the task force, in consultation with the other appointed members of the task force, to participate in an advisory capacity in meetings of the task force.

(a) Individuals participating in an advisory capacity under this subsection are not members of the task force, may not vote, and are not subject to the appointment process established in this section.

(b) There is no limit to the number of individuals who may participate in task force meetings in an advisory capacity under this subsection.

(c) A majority of the task force members constitutes a quorum. If a member has not been designated for a position set forth in this section, that position may not be counted for the purpose of determining a quorum.

(4) The task force shall hold its first meeting by July 1, 2020. The task force shall elect a chair from among its legislative members at the first meeting. The election of the chair must be by a majority vote of the task force members who are present at the meeting. The chair of the task force is responsible for arranging subsequent meetings and developing meeting agendas.

(5) Staff support for the task force, including arranging the first meeting of the task force and assisting the chair of the task force in arranging subsequent meetings, must be provided by senate committee services and the house of representatives office of program research.

(6) The expenses of the task force must be paid jointly by the senate and the house of representatives. Task force expenditures are subject to approval by the senate facilities and operations committee and the house of representatives executive rules committee, or their successor committees.

(7) Legislative members of the task force may be reimbursed for travel expenses in accordance with RCW 44.04.120. Nonlegislative members are not entitled to be reimbursed for travel expenses if they are elected officials or are participating on behalf of an employer, governmental entity, or other organization. Any reimbursement for other nonlegislative members is subject to chapter 43.03 RCW.

(8) The task force is a class one group under chapter 43.03 RCW.

(9) A public comment period must be provided at every meeting of the task force.

(10) The task force shall submit a report on recommended policies that will facilitate the development of a marijuana social equity program in Washington to the governor and the appropriate committees of the legislature by December 1, 2020. The recommendations must include whether any additional marijuana licenses should be issued beyond the total number of marijuana licenses that have been issued as of the effective date of this section. For purposes of determining the total number of licenses issued as of the effective date of this section, the total number includes licenses that have been forfeited, revoked, or canceled.

(11) The board may adopt rules to implement the recommendations of the task force.

(12) This section expires June 30, 2028.

**Sec. 7.** RCW 69.50.325 and 2018 c 132 s 3 are each amended to read as follows:

(1) There shall be a marijuana producer's license regulated by the ((state liquor and cannabis)) board and subject to annual renewal. The licensee is authorized to produce: (a) Marijuana for sale at wholesale to marijuana processors and other marijuana producers; (b) immature plants or clones and seeds for sale to cooperatives as described under RCW 69.51A.250; and (c) immature plants or clones and seeds for sale to qualifying patients and designated providers as provided under RCW 69.51A.310. The production, possession, delivery, distribution, and sale of marijuana in accordance with the provisions of this chapter and the rules adopted to implement and enforce it, by a validly licensed marijuana producer, shall not be a criminal or civil offense under Washington state law. Every marijuana producer's license shall be issued in the name of the applicant, shall specify the location at which the marijuana producer intends to operate, which must be within the state of Washington, and the holder thereof shall not allow any other person to use the license. The application fee for a marijuana producer's license shall be two hundred fifty dollars. The annual fee for issuance and renewal of a marijuana producer's license shall be one thousand three hundred eighty-one dollars. A separate license shall be required for each location at which a marijuana producer intends to produce marijuana.

(2) There shall be a marijuana processor's license to process, package, and label marijuana concentrates, useable marijuana, and marijuana-infused products for sale at wholesale to marijuana processors and marijuana retailers, regulated by the ((state liquor and cannabis)) board and subject to annual renewal. The processing, packaging, possession, delivery, distribution, and sale of marijuana, useable marijuana, marijuana-infused products, and marijuana concentrates in accordance with the provisions of this chapter and chapter 69.51A RCW and the rules adopted to implement and enforce these chapters, by a validly licensed marijuana processor, shall not be a criminal or civil offense under Washington state law. Every marijuana processor's license shall be issued in the name of the applicant, shall specify the location at which the licensee intends to operate, which must be within the state of Washington, and the holder thereof shall not allow any other person to use the license. The application fee for a marijuana processor's license shall be two hundred fifty dollars. The annual fee for issuance and renewal of a marijuana processor's license shall be one thousand three hundred eighty-one dollars. A separate license shall be required for each location at which a marijuana processor intends to process marijuana.

(3)(a) There shall be a marijuana retailer's license to sell marijuana concentrates, useable marijuana, and marijuana-infused products at retail in retail outlets, regulated by the ((state liquor and cannabis)) board and subject to annual renewal. The possession, delivery, distribution, and sale of marijuana concentrates, useable marijuana, and marijuana-infused products in accordance with the provisions of this chapter and the rules adopted to

implement and enforce it, by a validly licensed marijuana retailer, shall not be a criminal or civil offense under Washington state law. Every marijuana retailer's license shall be issued in the name of the applicant, shall specify the location of the retail outlet the licensee intends to operate, which must be within the state of Washington, and the holder thereof shall not allow any other person to use the license. The application fee for a marijuana retailer's license shall be two hundred fifty dollars. The annual fee for issuance and renewal of a marijuana retailer's license shall be one thousand three hundred eighty-one dollars. A separate license shall be required for each location at which a marijuana retailer intends to sell marijuana concentrates, useable marijuana, and marijuana-infused products.

(b) An individual retail licensee and all other persons or entities with a financial or other ownership interest in the business operating under the license are limited, in the aggregate, to holding a collective total of not more than five retail marijuana licenses.

(c)(i) A marijuana retailer's license is subject to forfeiture in accordance with rules adopted by the ~~((state liquor and cannabis))~~ board pursuant to this section.

(ii) The ~~((state liquor and cannabis))~~ board shall adopt rules to establish a license forfeiture process for a licensed marijuana retailer that is not fully operational and open to the public within a specified period from the date of license issuance, as established by the ~~((state liquor and cannabis))~~ board, subject to the following restrictions:

(A) No marijuana retailer's license may be subject to forfeiture within the first nine months of license issuance; and

(B) The ~~((state liquor and cannabis))~~ board must require license forfeiture on or before twenty-four calendar months of license issuance if a marijuana retailer is not fully operational and open to the public, unless the board determines that circumstances out of the licensee's control are preventing the licensee from becoming fully operational and that, in the board's discretion, the circumstances warrant extending the forfeiture period beyond twenty-four calendar months.

(iii) The ~~((state liquor and cannabis))~~ board has discretion in adopting rules under this subsection (3)(c).

(iv) This subsection (3)(c) applies to marijuana retailer's licenses issued before and after July 23, 2017. However, no license of a marijuana retailer that otherwise meets the conditions for license forfeiture established pursuant to this subsection (3)(c) may be subject to forfeiture within the first nine calendar months of July 23, 2017.

(v) The ~~((state liquor and cannabis))~~ board may not require license forfeiture if the licensee has been incapable of opening a fully operational retail marijuana business due to actions by the city, town, or county with jurisdiction over the licensee that include any of the following:

(A) The adoption of a ban or moratorium that prohibits the opening of a retail marijuana business; or

(B) The adoption of an ordinance or regulation related to zoning, business licensing, land use, or other regulatory measure that has the effect of preventing a licensee from receiving an occupancy permit from the jurisdiction or which otherwise prevents a licensed marijuana retailer from becoming operational.

(d) The board may issue marijuana retailer licenses pursuant to this chapter and section 3 of this act."

Correct the title.

Representatives Pettigrew and MacEwen spoke in favor of the adoption of the striking amendment.

The striking amendment (1389) was adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Pettigrew spoke in favor of the passage of the bill.

Representative MacEwen spoke against the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Engrossed Second Substitute House Bill No. 2870.

### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 2870, and the bill passed the House by the following vote: Yeas, 55; Nays, 41; Absent, 0; Excused, 2.

Voting yea: Representatives Appleton, Bergquist, Blake, Callan, Chapman, Chopp, Cody, Davis, Doglio, Dolan, Duerr, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hansen, Hudgins, J. Johnson, Kilduff, Kirby, Kloba, Leavitt, Lekanoff, Lovick, Macri, Mead, Morgan, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Ryu, Santos, Sells, Senn, Slatter, Springer, Stonier, Sullivan, Tarleton, Thai, Tharinger, Valdez, Walen, Wylie and Mme. Speaker.

Voting nay: Representatives Barkis, Boehnke, Caldier, Chambers, Chandler, Corry, Dent, Dufault, Dye, Eslick, Gildon, Goehner, Graham, Griffey, Harris, Hoff, Irwin, Jenkin, Klippert, Kraft, Kretz, MacEwen, Maycumber, McCaslin, Mosbrucker, Orcutt, Rude, Schmick, Shea, Shewmake, Smith, Steele, Stokesbary, Sutherland, Van Werven, Vick, Volz, Walsh, Wilcox, Ybarra and Young.

Excused: Representatives DeBolt and Entenman.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2870, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 2252, by Representatives Thai, Callan, Macri, Doglio, Cody, Lekanoff and Pollet**

**Concerning student health plans.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Thai spoke in favor of the passage of the bill.

Representative Schmick spoke against the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of House Bill No. 2252.

**ROLL CALL**

The Clerk called the roll on the final passage of House Bill No. 2252, and the bill passed the House by the following vote: Yeas, 56; Nays, 40; Absent, 0; Excused, 2.

Voting yea: Representatives Appleton, Bergquist, Blake, Callan, Chapman, Chopp, Cody, Davis, Doglio, Dolan, Duerr, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hansen, Hudgins, J. Johnson, Kilduff, Kirby, Kloba, Leavitt, Lekanoff, Lovick, Macri, Mead, Morgan, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Ryu, Santos, Sells, Senn, Shewmake, Slatter, Springer, Stonier, Sullivan, Tarleton, Thai, Tharinger, Valdez, Walen, Wylie and Mme. Speaker.

Voting nay: Representatives Barkis, Boehnke, Caldier, Chambers, Chandler, Corry, Dent, Dufault, Dye, Eslick, Gildon, Goehner, Graham, Griffey, Harris, Hoff, Irwin, Jenkin, Klippert, Kraft, Kretz, MacEwen, Maycumber, McCaslin, Mosbrucker, Orcutt, Rude, Schmick, Shea, Smith, Steele, Stokesbary, Sutherland, Van Werven, Vick, Volz, Walsh, Wilcox, Ybarra and Young.

Excused: Representatives DeBolt and Entenman.

HOUSE BILL NO. 2252, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 2378, by Representatives Riccelli, Harris, Macri and Cody**

**Concerning physician assistants.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 2378 was substituted for House Bill No. 2378 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2378 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Riccelli and Schmick spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2378.

**ROLL CALL**

The Clerk called the roll on the final passage of Substitute House Bill No. 2378, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, Dent, Doglio, Dolan, Duerr, Dufault, Dye, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Mead, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shea, Shewmake, Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Excused: Representatives DeBolt and Entenman.

SUBSTITUTE HOUSE BILL NO. 2378, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 2677, by Representatives Chopp, Cody, Tharinger, Leavitt and Davis**

**Sharing health insurance information to improve the coordination of benefits between health insurers and the health care authority.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Chopp and Schmick spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of House Bill No. 2677.

**ROLL CALL**

The Clerk called the roll on the final passage of House Bill No. 2677, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, Dent, Doglio, Dolan, Duerr, Dufault, Dye, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Mead, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shea, Shewmake, Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Excused: Representatives DeBolt and Entenman.

HOUSE BILL NO. 2677, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 2728, by Representatives Slatter, Davis, Senn, Bergquist, Frame, Fey and Pollet**

**Implementing a sustainable funding model for the services provided through the children's mental health services consultation program and the telebehavioral health video call center.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 2728 was substituted for House Bill No. 2728 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2728 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Slatter, Senn and Slatter (again) spoke in favor of the passage of the bill.

Representatives Caldier, Schmick, Young, Young (again) and Walsh spoke against the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2728.

#### **ROLL CALL**

The Clerk called the roll on the final passage of Substitute House Bill No. 2728, and the bill passed the House by the following vote: Yeas, 56; Nays, 40; Absent, 0; Excused, 2.

Voting yea: Representatives Appleton, Bergquist, Blake, Callan, Chapman, Chopp, Cody, Davis, Doglio, Dolan, Duerr, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hansen, Hudgins, J. Johnson, Kilduff, Kirby, Kloba, Leavitt, Lekanoff, Lovick, Macri, Mead, Morgan, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Ryu, Santos, Sells, Senn, Shewmake, Slatter, Springer, Stonier, Sullivan, Tarleton, Thai, Tharinger, Valdez, Walen, Wylie and Mme. Speaker.

Voting nay: Representatives Barkis, Boehnke, Caldier, Chambers, Chandler, Corry, Dent, Dufault, Dye, Eslick, Gildon, Goehner, Graham, Griffey, Harris, Hoff, Irwin, Jenkin, Klippert, Kraft, Kretz, MacEwen, Maycumber, McCaslin, Mosbrucker, Orcutt, Rude, Schmick, Shea, Smith, Steele, Stokesbary, Sutherland, Van Werven, Vick, Volz, Walsh, Wilcox, Ybarra and Young.

Excused: Representatives DeBolt and Entenman.

SUBSTITUTE HOUSE BILL NO. 2728, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 2786, by Representatives Robinson, Davis, Chapman, Peterson, Callan, Lekanoff, Pollet and Bergquist**

**Establishing the opioid epidemic response advisory council.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 2786 was substituted for House Bill No. 2786 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2786 was read the second time.

Representative Robinson moved the adoption of amendment (1245):

7.0. On page 2, line 19, after "clubs;" insert the following:

"(r) The association of Washington cities;

(s) The Washington state association of counties;"

Renumber the remaining subsections consecutively and correct any internal references accordingly.

On page 2, line 26, after "of" strike "social and health services" and insert "labor and industries"

On page 2, line 36, after "to the" insert "office of financial management and the"

Representatives Robinson and Schmick spoke in favor of the adoption of the amendment.

Amendment (1245) was adopted.

Representative Robinson moved the adoption of amendment (1121):

7.0. Beginning on page 2, line 39, after "addiction" strike all material through "opioids" on page 3, line 3

Representatives Robinson and Schmick spoke in favor of the adoption of the amendment.

Amendment (1121) was adopted.

Representative Stokesbary moved the adoption of amendment (1134):

7.0. On page 3, line 3, after "opioids." insert "If the legislature imposes or increases taxes or fees on opioid manufacturers or distributors after January 1, 2020, the advisory council shall consider the use of the penalties received to offset or eliminate those tax or fee increases when making its recommendations."

Representative Stokesbary spoke in favor of the adoption of the amendment.

Representative Ormsby spoke against the adoption of the amendment.

Amendment (1134) was not adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Robinson and Harris spoke in favor of the passage of the bill.

Representative Schmick spoke against the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 2786.

#### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2786, and the bill passed the House by the following vote: Yeas, 68; Nays, 28; Absent, 0; Excused, 2.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Callan, Chapman, Chopp, Cody, Davis, Doglio, Dolan, Duerr, Eslick, Fey, Fitzgibbon, Frame, Goehner, Goodman, Gregerson, Hansen, Harris, Hudgins, Irwin, J. Johnson, Kilduff, Kirby, Kloba, Leavitt, Lekanoff, Lovick, Macri, Mead, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Sells, Senn, Shewmake, Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Tarleton, Thai, Tharinger, Valdez, Walen, Wilcox, Wylie and Mme. Speaker.

Voting nay: Representatives Boehnke, Caldier, Chambers, Chandler, Corry, Dent, Dufault, Dye, Gildon,

Graham, Griffey, Hoff, Jenkin, Klippert, Kraft, Kretz, MacEwen, Maycumber, McCaslin, Schmick, Shea, Sutherland, Van Werven, Vick, Volz, Walsh, Ybarra and Young.

Excused: Representatives DeBolt and Entenman.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2786, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 2905, by Representatives J. Johnson, Riccelli, Caldier, Doglio, Pollet and Ryu**

**Increasing outreach and engagement with access to baby and child dentistry programs.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 2905 was substituted for House Bill No. 2905 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2905 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Johnson and Caldier spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2905.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2905, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, Dent, Doglio, Dolan, Duerr, Dufault, Dye, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Mead, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shea, Shewmake, Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Excused: Representatives DeBolt and Entenman.

SUBSTITUTE HOUSE BILL NO. 2905, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 2535, by Representatives Kirby, Pollet, Ormsby and Santos**

**Providing for a grace period before late fees may be imposed for past due rent.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 2535 was substituted for House Bill No. 2535 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2535 was read the second time.

Representative Corry moved the adoption of amendment (1303):

7.0. On page 1, line 12, after "(2)" strike "The" and insert "(a) Except as provided in (b) of this subsection, the"

On page 1, after line 15, insert the following:

"(b) The prohibition on a landlord charging a late fee for rent that is paid within five days following its due date does not apply to rental property that is located within a city, town, or county that has enacted an ordinance that limits the ability of a property owner to commence or complete an unlawful detainer action during specific months or times of the year."

On page 2, line 16, after "(f)" insert "(i)"

On page 2, line 17, after "date" insert ", except as permitted by (f)(ii) of this subsection"

On page 2, after line 19, insert the following:

"(ii) A rental agreement may include a provision pursuant to which a tenant agrees to pay late fees for rent that is paid within five days following its due date if the rental property is located within a city, town, or county that has enacted an ordinance that limits the ability of a property owner to commence or complete an unlawful detainer action during specific months or times of the year."

Representatives Corry and Dufault spoke in favor of the adoption of the amendment.

Representative Kilduff spoke against the adoption of the amendment.

Amendment (1303) was not adopted.

Representative Irwin moved the adoption of amendment (1300):

7.0. On page 1, line 15, after "paid." insert "Nothing in this subsection prohibits a landlord from serving

a notice to pay or vacate at any time after the rent becomes due."

On page 2, line 19, after "paid." insert "Nothing in this subsection prohibits a landlord from serving a notice to pay or vacate at any time after the rent becomes due."

Representatives Irwin, Kilduff and Dufault spoke in favor of the adoption of the amendment.

Amendment (1300) was adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Kirby, Dufault and Barkis spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 2535.

**ROLL CALL**

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2535, and the bill passed the House by the following vote: Yeas, 92; Nays, 4; Absent, 0; Excused, 2.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, Dent, Doglio, Dolan, Duerr, Dufault, Dye, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, J. Johnson, Kilduff, Kirby, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, Mead, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Voting nay: Representatives Klippert, McCaslin, Shea and Sutherland.

Excused: Representatives DeBolt and Entenman.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2535, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 2610, by Representatives Duerr, Ramel, Kloba, Appleton, Walen, Harris, Ryu, Gregerson, Doglio, Dolan, Valdez, Tharinger, Santos, Pollet and Macri**

**Concerning the sale or lease of manufactured/mobile home communities and the property on which they sit.**

The bill was read the second time.



Representative Duerr moved the adoption of the striking amendment (1282):

7.0.

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 8.** (1) The legislature finds that:

(a) It is the policy of this state to encourage affordable housing ownership, including manufactured/mobile home community living.

(b) Manufactured/mobile home communities provide a significant source of homeownership opportunities for Washington residents. However, the increasing closure and conversion of manufactured/mobile home communities to other uses, combined with increasing manufactured/mobile home lot rents, low vacancy rates in existing manufactured/mobile home communities, and the extremely high cost of moving homes when manufactured/mobile home communities close increasingly make manufactured/mobile home community living insecure for manufactured/mobile home tenants.

(c) Many tenants who reside in manufactured/mobile home communities are part of low-income households and senior citizens and are, therefore, those residents most in need of reasonable security in the siting of their manufactured/mobile homes because such tenants experience adverse impacts on their health, safety, and welfare when forced to move due to closure, change of use, or discontinuance of manufactured/mobile home communities.

(2) It is the intent of the legislature to encourage and facilitate the preservation of existing manufactured/mobile home communities in the event of voluntary sales of manufactured/mobile home communities and, to the extent necessary and possible, involve manufactured/mobile home community tenants or an eligible organization, such as a nonprofit organization, housing authority, community land trust, resident nonprofit cooperative, or local government, in the preservation of manufactured/mobile home communities.

**Sec. 9.** RCW 59.20.030 and 2019 c 342 s 1 and 2019 c 23 s 4 are each reenacted and amended to read as follows:

For purposes of this chapter:

(1) "Abandoned" as it relates to a mobile home, manufactured home, or park model owned by a tenant in a mobile home park, mobile home park cooperative, or mobile home park subdivision or tenancy in a mobile home lot means the tenant has defaulted in rent and by absence and by words or actions reasonably indicates the intention not to continue tenancy;

(2) "Active duty" means service authorized by the president of the United States, the secretary of defense, or the governor for a period of more than thirty consecutive days;

(3) "Eligible organization" includes community land trusts, resident nonprofit cooperatives, local governments, local housing authorities, nonprofit community or neighborhood-based organizations, federally recognized Indian tribes in the state of Washington, and regional or statewide nonprofit housing assistance organizations;

(4) "Housing and low-income assistance organization" means an organization that provides tenants living in mobile home parks, manufactured housing communities, and manufactured/mobile home communities with information about their rights and other pertinent information;

(5) "Housing authority" or "authority" means any of the public body corporate and politic created in RCW 35.82.030;

(6) "Landlord" means the owner of a mobile home park and includes the agents of a landlord;

(7) "Local government" means a town government, city government, code city government, or county government in the state of Washington;

(8) "Manufactured home" means a single-family dwelling built according to the United States department of housing and urban development manufactured home construction and safety standards act, which is a national preemptive building code. A manufactured home also: (a) Includes plumbing, heating, air conditioning, and electrical systems; (b) is built on a permanent chassis; and (c) can be transported in one or more sections with each section at least eight feet wide and forty feet long when transported, or when installed on the site is three hundred twenty square feet or greater;

(9) "Manufactured/mobile home" means either a manufactured home or a mobile home;

(10) "Mobile home" means a factory-built dwelling built prior to June 15, 1976, to standards other than the United States department of housing and urban development code, and acceptable under applicable state codes in effect at the time of construction or introduction of the home into the state. Mobile homes have not been built since the introduction of the United States department of housing and urban development manufactured home construction and safety act;

(11) "Mobile home lot" means a portion of a mobile home park or manufactured housing community designated as the location of one mobile home, manufactured home, or park model and its accessory buildings, and intended for the exclusive use as a primary residence by the occupants of that mobile home, manufactured home, or park model;

(12) "Mobile home park cooperative" or "manufactured housing cooperative" means real property consisting of common areas and two or more lots held out for placement of mobile homes, manufactured homes, or park models in which both the individual lots and the common areas are owned by an association of shareholders which leases or otherwise extends the right to occupy individual lots to its own members;

(13) "Mobile home park subdivision" or "manufactured housing subdivision" means real property, whether it is called a subdivision, condominium, or planned unit development, consisting of common areas and two or more lots held for placement of mobile homes, manufactured homes, or park models in which there is private ownership of the individual lots and common, undivided ownership of the common areas by owners of the individual lots;

(14) "Mobile home park," "manufactured housing community," or "manufactured/mobile home community" means any real property which is rented or held out for rent to others for the placement of two or more mobile homes, manufactured homes, or park models for the primary purpose of production of income, except where such real property is rented or held out for rent for seasonal recreational purpose only and is not intended for year-round occupancy;

(15) "Notice of sale" means a notice required under RCW 59.20.300 to be delivered to all tenants of a manufactured/mobile home community and other specified parties within fourteen days after the date on which any advertisement, ~~((multiple))~~ listing, or public notice ~~((advertises))~~ is first made advertising that a manufactured/mobile home community or the property on which it sits is for sale or lease;

(16) "Occupant" means any person, including a live-in care provider, other than a tenant, who occupies a mobile home, manufactured home, or park model and mobile home lot;

(17) "Orders" means written official military orders, or any written notification, certification, or verification from the service member's commanding officer, with respect to the service member's current or future military status;

(18) "Park model" means a recreational vehicle intended for permanent or semi-permanent installation and is used as a primary residence;

(19) "Permanent change of station" means: (a) Transfer to a unit located at another port or duty station; (b) change of a unit's home port or permanent duty station; (c) call to active duty for a period not less than ninety days; (d) separation; or (e) retirement;

(20) "Qualified sale of manufactured/mobile home community" means the sale, as defined in RCW 82.45.010, of land and improvements comprising a manufactured/mobile home community that is transferred in a single purchase to a qualified tenant organization or to an eligible organization for the purpose of preserving the property as a manufactured/mobile home community;

(21) "Qualified tenant organization" means a formal organization of tenants within a manufactured/mobile home community, with the only requirement for membership consisting of being a tenant;

(22) "Recreational vehicle" means a travel trailer, motor home, truck camper, or camping trailer that is primarily designed and used as temporary living quarters, is either self-propelled or mounted on or drawn by another vehicle, is transient, is not occupied as a primary residence,

and is not immobilized or permanently affixed to a mobile home lot;

(23) "Service member" means an active member of the United States armed forces, a member of a military reserve component, or a member of the national guard who is either stationed in or a resident of Washington state;

(24) "Tenant" means any person, except a transient, who rents a mobile home lot;

(25) "Transient" means a person who rents a mobile home lot for a period of less than one month for purposes other than as a primary residence;

(26) "Notice of opportunity to purchase" means a notice required under section 4 of this act;

(27) "Resident nonprofit cooperative" means a nonprofit cooperative corporation formed by a group of manufactured/mobile home community residents for the purpose of acquiring the manufactured/mobile home community in which they reside and converting the manufactured/mobile home community to a mobile home park cooperative or manufactured housing cooperative.

**Sec. 10.** RCW 59.20.300 and 2011 c 158 s 5 are each amended to read as follows:

(1) A landlord must provide a written notice of sale of a manufactured/mobile home community by certified mail or personal delivery to:

(a) Each tenant of the manufactured/mobile home community;

(b) The officers of any known qualified tenant organization;

(c) The office of mobile/manufactured home relocation assistance;

(d) The local government within whose jurisdiction all or part of the manufactured/mobile home community exists;

(e) The housing authority within whose jurisdiction all or part of the manufactured/mobile home community exists; and

(f) The Washington state housing finance commission.

(2) A notice of sale must include:

(a) A statement that the landlord intends to sell or lease the manufactured/mobile home community or the property on which it sits; and

(b) The contact information of the landlord or landlord's agent who is responsible for communicating with the qualified tenant organization, tenants, or eligible organization regarding the sale of the property.

**NEW SECTION. Sec. 11.** A new section is added to chapter 59.20 RCW to read as follows:

(1) Except as provided in subsection (5) of this section, a landlord must provide a written notice of opportunity to purchase a manufactured/mobile home community by certified mail or personal delivery to each tenant and to the department of commerce and the housing finance

commission within fourteen days after the date on which any advertisement, listing, or public notice is first made that the manufactured/mobile home community, or property on which it sits, is for sale or lease.

(2) The notice of opportunity to purchase required under this section is in addition to the notice of sale required pursuant to RCW 59.20.300.

(3) Notice by certified mail postmarked within the requisite number of days is deemed to comply with the requirements of this section.

(4) A notice of opportunity to purchase must include:

(a) A statement that the landlord intends to sell or lease the manufactured/mobile home community or the property on which it sits;

(b) A statement that:

(i) Qualified tenant organizations and eligible organizations have forty-five days from the date on which the notice of opportunity to purchase was personally delivered or postmarked to provide the landlord with notice of intent to consider purchasing or leasing the manufactured/mobile home park, during which time the landlord shall not make a final acceptance of an offer to purchase or lease the park; and

(ii) If such notice of intent is provided to the landlord within forty-five days, the landlord shall not make a final unconditional acceptance of an offer to purchase or lease the park from a person or entity other than a qualified tenant organization or eligible organization for an additional ninety days;

(c) A signed affidavit that discloses the advertised or listed selling price; and

(d) The contact information for the landlord or landlord's agent who is responsible for communicating with the tenants, qualified tenant organization, or eligible organization regarding an opportunity to make an offer for the sale of the property.

(5) A notice of opportunity to purchase is not required with respect to a sale, transfer, conveyance, or lease of the manufactured/mobile home community or the property on which it sits if the transaction is:

- (a) Due to foreclosure;
- (b) Incidental to financing the park;
- (c) Pursuant to eminent domain;
- (d) Pursuant to a tax sale;
- (e) Between joint tenants or tenants in common;
- (f) Among the partners or shareholders who own the manufactured/mobile home community; or
- (g) To a member of the owner's family or to a trust for the sole benefit of members of the owner's family.

**NEW SECTION. Sec. 12.** A new section is added to chapter 59.20 RCW to read as follows:

(1) If, within forty-five days after the date on which a notice of opportunity to purchase was personally delivered or postmarked, the landlord receives notice from a qualified tenant organization or eligible organization expressing an intent to consider purchasing or leasing the manufactured/mobile home community, the landlord shall not make a final unconditional acceptance of an offer to purchase or lease the park from a person or entity other than a qualified tenant organization or eligible organization for an additional ninety days.

(2) If no qualified tenant organization or eligible organization provides notice expressing an intent to consider the purchase or lease within forty-five days after the date on which a notice of opportunity to purchase was personally delivered or postmarked, the landlord is not subject to the restrictions of subsection (1) of this section.

**Sec. 13.** RCW 59.20.305 and 2008 c 116 s 5 are each amended to read as follows:

A landlord intending to sell or lease a manufactured/mobile home community or the property on which it sits is ~~((encouraged))~~ required to negotiate in good faith with qualified tenant organizations and eligible organizations. Any qualified tenant organization or eligible organization that submits a notice of intent to purchase or lease a manufactured/mobile home community or the property on which it sits pursuant to section 5 of this act is required to negotiate in good faith with the landlord intending to sell or lease the manufactured/mobile home community or property on which it sits.

**NEW SECTION. Sec. 14.** A new section is added to chapter 59.20 RCW to read as follows:

(1) The department of commerce must maintain a registry of all eligible organizations that submit to the department of commerce a written request to receive notices of opportunity to purchase or lease manufactured/mobile home communities pursuant to section 5 of this act. The department of commerce must provide registered eligible organizations with notices of opportunity to purchase once it receives such a notice pursuant to section 4(1) of this act. The registry must include the following information:

(a) The name and mailing address of the eligible organization; and

(b) A statement that the eligible organization wishes to purchase or lease a manufactured/mobile home community.

(2) The department of commerce must provide a copy of the registry required to be maintained under this section to any person upon request.

**NEW SECTION. Sec. 15.** A new section is added to chapter 59.20 RCW to read as follows:

(1) A landlord who sells or transfers a manufactured/mobile home community and willfully fails to comply with section 4 or 5 of this act or RCW 59.20.305 is liable to the state of Washington for a civil penalty in the amount of ten thousand dollars. This penalty is the exclusive remedy for a violation of section 4 or 5 of this act or RCW 59.20.305.

(2) The attorney general may bring a civil action in superior court in the name of the state against a landlord under this section.

**NEW SECTION. Sec. 16.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

Correct the title.

Representative Duerr spoke in favor of the adoption of the striking amendment.

The striking amendment (1282) was adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Duerr spoke in favor of the passage of the bill.

Representatives Dufault, Corry and Graham spoke against the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Engrossed House Bill No. 2610.

#### ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 2610, and the bill passed the House by the following vote: Yeas, 51; Nays, 45; Absent, 0; Excused, 2.

Voting yea: Representatives Appleton, Bergquist, Callan, Chopp, Cody, Davis, Doglio, Dolan, Duerr, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hansen, Hudgins, J. Johnson, Kilduff, Kirby, Kloba, Lekanoff, Lovick, Macri, Mead, Morgan, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Santos, Sells, Senn, Shewmake, Slatter, Stonier, Sullivan, Tarleton, Thai, Tharinger, Valdez, Walen, Wylie and Mme. Speaker.

Voting nay: Representatives Barkis, Blake, Boehnke, Caldier, Chambers, Chandler, Chapman, Corry, Dent, Dufault, Dye, Eslick, Gildon, Goehner, Graham, Griffey, Harris, Hoff, Irwin, Jenkin, Klippert, Kraft, Kretz, Leavitt, MacEwen, Maycumber, McCaslin, Mosbrucker, Orcutt, Rude, Ryu, Schmick, Shea, Smith, Springer, Steele, Stokesbary, Sutherland, Van Werven, Vick, Volz, Walsh, Wilcox, Ybarra and Young.

Excused: Representatives DeBolt and Entenman.

ENGROSSED HOUSE BILL NO. 2610, having received the necessary constitutional majority, was declared passed.

There being no objection, the House advanced to the eighth order of business.

#### MOTIONS

There being no objection, the Committee on Rules was relieved of the following bills and the bills were placed on the second reading calendar:

HOUSE BILL NO. 1390  
HOUSE BILL NO. 1457  
HOUSE BILL NO. 1552  
HOUSE BILL NO. 1608  
HOUSE BILL NO. 1738  
HOUSE BILL NO. 2036  
HOUSE BILL NO. 2066  
HOUSE BILL NO. 2085  
HOUSE BILL NO. 2138  
HOUSE BILL NO. 2171  
HOUSE BILL NO. 2187  
HOUSE BILL NO. 2216  
HOUSE BILL NO. 2273  
HOUSE BILL NO. 2281  
HOUSE BILL NO. 2293  
HOUSE BILL NO. 2303  
HOUSE BILL NO. 2319  
HOUSE BILL NO. 2338  
HOUSE BILL NO. 2384  
HOUSE BILL NO. 2409  
HOUSE BILL NO. 2412  
HOUSE BILL NO. 2432  
HOUSE BILL NO. 2442  
HOUSE BILL NO. 2457  
HOUSE BILL NO. 2458  
HOUSE BILL NO. 2461  
HOUSE BILL NO. 2492  
HOUSE BILL NO. 2499  
HOUSE BILL NO. 2513  
HOUSE BILL NO. 2554  
HOUSE BILL NO. 2567  
HOUSE BILL NO. 2575  
HOUSE BILL NO. 2576  
HOUSE BILL NO. 2600  
HOUSE BILL NO. 2601  
HOUSE BILL NO. 2634  
HOUSE BILL NO. 2641  
HOUSE BILL NO. 2669  
HOUSE BILL NO. 2680  
HOUSE BILL NO. 2710  
HOUSE BILL NO. 2723  
HOUSE BILL NO. 2749  
HOUSE BILL NO. 2785  
HOUSE BILL NO. 2789  
HOUSE BILL NO. 2803  
HOUSE BILL NO. 2804  
HOUSE BILL NO. 2826  
HOUSE BILL NO. 2858  
HOUSE BILL NO. 2867  
HOUSE BILL NO. 2880

There being no objection, the Committee on Rules was relieved of the following bills and the bills were placed on the third reading calendar:

HOUSE BILL NO. 1061  
SUBSTITUTE HOUSE BILL NO. 1082  
HOUSE BILL NO. 1305  
HOUSE BILL NO. 2110

There being no objection, the House adjourned until 9:00 a.m., February 17, 2020, the 36th Day of the Regular Session.

LAURIE JINKINS, Speaker

BERNARD DEAN, Chief Clerk

## SIXTY SIXTH LEGISLATURE - REGULAR SESSION

## THIRTY SIXTH DAY

The House was called to order at 9:00 a.m. by the Speaker (Representative Lovick presiding). The Clerk called the roll and a quorum was present.

The flags were escorted to the rostrum by the Columbia River Young Marines, commanded by Nathan Carrillo. The Speaker (Representative Lovick presiding) led the Chamber in the Pledge of Allegiance. The prayer was offered by Pastor William Daniells, Heritage Church, Vancouver, Washington.

Reading of the Journal of the previous day was dispensed with and it was ordered to stand approved.

## RESOLUTION

**HOUSE RESOLUTION NO. 2020-4664**, by Representatives Appleton, Bergquist, Blake, Callan, Chapman, Chopp, Cody, Davis, Doglio, Dolan, Duerr, Entenman, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hansen, Hudgins, Jenkins, J. Johnson, Kilduff, Kirby, Kloba, Leavitt, Lekanoff, Lovick, Macri, Mead, Morgan, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Ryu, Santos, Sells, Senn, Shewmake, Slatter, Springer, Stonier, Sullivan, Tarleton, Thai, Tharinger, Valdez, Walen, Wylie, Wilcox, Kretz, Harris, DeBolt, Caldier, Mosbrucker, Boehnke, Schmick, Goehner, Stokesbary, Rude, Barkis, Steele, and Dent

WHEREAS, Congressman Denny Heck brought his stalwart statesmanship and an unwavering sense of duty to the United States House of Representatives and the Washington State House of Representatives; and

WHEREAS, Before being elected to the United States House of Representatives, he enjoyed great success in his private and public endeavors, one of which involved starting a local workplace education business and quickly growing it from two employees to over 300; and

WHEREAS, He had an illustrious and rewarding public service career, beginning his work as an intern in the Washington State Legislature before being elected to the state House of Representatives at age 24, representing the 17th Legislative District, which included Clark, Skamania, and Klickitat counties; and

WHEREAS, Heck served as Chief Clerk in 1985, Governor Booth's Chief of Staff from 1990 to 1993, and excelled in leading the floor as the Majority Leader, as he worked to create bipartisan agreement focused on Washington values; and

House Chamber, Olympia, Monday, February 17, 2020

WHEREAS, As an ardent supporter of education, Congressman Heck fought for the improvement of Washington's public schools as a prime author of Washington's Basic Education Act of 1977; and

WHEREAS, A champion of accessible democracy, Congressman Heck also co-founded TVW, an award-winning public affairs network delivering nonpartisan coverage of the Washington State Legislature, going on to host Inside Olympia, and win an Emmy for a self-written and produced documentary on the Washington State Supreme Court; and

WHEREAS, Congressman Heck represented the people of the 10th Congressional District and all of Washington state with his essential work on fighting for the middle class and strengthening the economy; and

WHEREAS, In these times of sharp partisan differences in Congress, Denny has built a reputation as someone who seeks bipartisan solutions and works across the aisle on issues; and

WHEREAS, He faithfully represents Washington on the House Permanent Select Committee on Intelligence, the House Financial Services Committee, the Financial Institutions and Consumer Credit Subcommittee, and the Monetary Policy and Trade Subcommittee; and

WHEREAS, Washington Governor Jay Inslee praised Congressman Heck for having "fought for a strong democracy, been a powerful voice at the national level, and is never afraid to do what's right"; and

WHEREAS, House Speaker Nancy Pelosi referred to the Congressman as a "leader of outstanding integrity and character";

NOW, THEREFORE, BE IT RESOLVED, That the Washington State House of Representatives recognize and honor Congressman Heck for his lifetime of public service.

There being no objection, HOUSE RESOLUTION NO. 4664 was adopted.

## RESOLUTION

**HOUSE RESOLUTION NO. 2020-4662**, by Representatives Jenkins, Wilcox, Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz,

**Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Mead, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shea, Shewmake, Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wylie, Ybarra, and Young**

WHEREAS, Originally established in 1855 to celebrate George Washington's birthday, the United States celebrates Presidents' Day on the third Monday of February; and

WHEREAS, Washington is the only state named after a president, the first president of the United States, George Washington; and

WHEREAS, George Washington led the Continental Army against the larger and more powerful British Army, triumphed in the face of adversity, and thus established the United States of America on the principle of freedom for all; and

WHEREAS, President Abraham Lincoln led the United States of America through the Civil War, and ended slavery by signing the Emancipation Proclamation; and

WHEREAS, The framers crafted this nation and our Constitution to protect the freedoms and liberties of all its citizens, and establish a democratic republic that exemplifies leadership and justice, with a president operating under the rule of law with the consent of the governed instead of a king with unlimited power; and

WHEREAS, The United States was created as a beacon of hope and refuge from tyrannical governments providing liberty to people of all cultures; and

WHEREAS, The presidents of the United States exemplify fairmindedness, determination, and the ability to unite a diverse Congress to pass legislation benefiting every citizen of the United States; and

WHEREAS, No Presidents' Day would be accurately celebrated without recognizing the strengths and successes of the first ladies of the United States; and

WHEREAS, The first ladies of the United States are role models to all generations of Americans, and consistently prove to be advocates of equality, even during times of despair; and

WHEREAS, The presidents of the United States and the first ladies are protectors of justice for all citizens of the United States; and

WHEREAS, Presidents' Day honors all of those who have and who will sacrifice to lead and protect the United States;

NOW, THEREFORE, BE IT RESOLVED, That on this seventeenth day of February 2020, the House of Representatives honor George Washington, Abraham Lincoln, and all other presidents for their contributions to the causes of liberty, equality, and the pursuit of happiness.

Representative Shewmake moved adoption of HOUSE RESOLUTION NO. 4662

Representatives Shewmake and Volz spoke in favor of the adoption of the resolution.

HOUSE RESOLUTION NO. 4662 was adopted.

There being no objection, the House advanced to the fourth order of business.

## INTRODUCTION & FIRST READING

HB 2942 by Representatives Pellicciotti, Macri and Pollet

AN ACT Relating to certification concerning the level of foreign national ownership and control of entities that participate in Washington state elections; amending RCW 42.17A.005, 42.17A.240, 42.17A.250, and 42.17A.255; and creating a new section.

Referred to Committee on State Government & Tribal Relations.

SSB 5011 by Senate Committee on Transportation (originally sponsored by Honeyford, Frockt, Keiser and Wagoner)

AN ACT Relating to a community aviation revitalization loan program; amending RCW 47.68.020; amending 2018 c 2 s 7028 (uncodified); reenacting and amending RCW 43.79A.040; adding new sections to chapter 47.68 RCW; and creating a new section.

Referred to Committee on Transportation.

2SSB 5144 by Senate Committee on Human Services, Reentry & Rehabilitation (originally sponsored by Dhingra, O'Ban, Wilson, C., Keiser, Darneille and Frockt)

AN ACT Relating to implementing child support pass-through payments; and amending RCW 26.23.035.

Referred to Committee on Appropriations.

3SSB 5164 by Senate Committee on Ways & Means (originally sponsored by Saldaña, Hasegawa, Frockt, Palumbo, Keiser, Nguyen, Wilson, C. and Darneille)

AN ACT Relating to providing public assistance to victims of certain crimes including human trafficking; amending RCW 74.04.005, 74.08A.120, and 74.09.035; adding a new section to chapter 74.04 RCW; and providing an effective date.

Referred to Committee on Appropriations.

ESB 5294 by Senators Hunt, Hasegawa, Pedersen, Kuderer, Zeiger, Takko, Keiser and Saldaña

AN ACT Relating to encouraging citizens to serve in the legislature by creating leave provisions for legislative service; and adding a new chapter to Title 49 RCW.

Referred to Committee on State Government & Tribal Relations.

ESSB 5385 by Senate Committee on Health & Long Term Care (originally sponsored by Becker, Cleveland, Braun, O'Ban, Wilson, L., Brown, Warnick, Zeiger, Bailey and Van De Wege)

AN ACT Relating to telemedicine payment parity; amending RCW 48.43.735, 41.05.700, 74.09.325, and 28B.20.830; and providing an effective date.

Referred to Committee on Appropriations.

ESSB 5473 by Senate Committee on Labor & Commerce (originally sponsored by Saldaña and Nguyen)

AN ACT Relating to studying exceptions to provisions disqualifying individuals from receiving unemployment benefits for leaving work voluntarily without good cause; creating new sections; and providing an expiration date.

Referred to Committee on Labor & Workplace Standards.

ESB 6032 by Senators Hawkins, Hobbs, King, Takko, Kuderer, Fortunato, Becker, Short, Sheldon, Warnick, Saldaña, Mullet, Zeiger, Wilson, C., Holy, Hunt, Wilson, L., Wellman, Padden, Hasegawa, Brown, Carlyle, Conway, Das, Dhingra, Ericksen, Lovelett, Muzzall, Nguyen, Pedersen, Rivers, Rolfes and Salomon

AN ACT Relating to creating a Washington apples special license plate; reenacting and amending RCW 46.18.200, 46.17.220, and 46.68.420; and adding a new section to chapter 46.04 RCW.

Referred to Committee on Transportation.

SSB 6074 by Senate Committee on Law & Justice (originally sponsored by Dhingra, Rivers, Padden, Mullet, Van De Wege, Randall, Salomon, Keiser, Conway, Pedersen, Kuderer, Das and Stanford)

AN ACT Relating to reauthorizing and expanding the financial fraud and identity theft crimes investigation and prosecution program; amending RCW 43.330.300 and 62A.9A-525; repealing 2008 c 290 s 4, 2009 c 565 s 57, 2015 c 65 ss 3 and 4, and 2016 c 202 s 59 (uncodified); and providing an expiration date.

Referred to Committee on Appropriations.

SB 6078 by Senator Mullet

AN ACT Relating to clarifying reimbursement for certain clean-up or removal actions by fire protection jurisdictions; adding a new section to chapter 52.30 RCW; and adding a new section to chapter 35.103 RCW.

Referred to Committee on Consumer Protection & Business.

SSB 6086 by Senate Committee on Behavioral Health Subcommittee to Health & Long Term Care (originally sponsored by Hasegawa, Keiser, Kuderer and Nguyen)

AN ACT Relating to increasing access to medications for people with opioid use disorder; adding a new section to chapter 18.64 RCW; and creating a new section.

Referred to Committee on Health Care & Wellness.

ESSB 6122 by Senate Committee on Labor & Commerce (originally sponsored by Keiser, Kuderer, Wilson and C.)

AN ACT Relating to protecting temporary workers; adding a new section to chapter 49.17 RCW; and creating a new section.

Referred to Committee on Labor & Workplace Standards.

SB 6123 by Senators Hunt, Kuderer, Nguyen, Stanford, Van De Wege, Wilson, C. and Sheldon

AN ACT Relating to state employee leave for organ donation; and adding a new section to chapter 41.06 RCW.

Referred to Committee on State Government & Tribal Relations.

2SSB 6181 by Senate Committee on Ways & Means (originally sponsored by Padden, Pedersen, O'Ban, Warnick and Kuderer)

AN ACT Relating to crime victims' compensation; and amending RCW 7.68.060, 7.68.061, and 7.68.070.

Referred to Committee on Appropriations.

SSB 6182 by Senate Committee on Law & Justice (originally sponsored by Padden, Becker, Stanford, Wilson, C. and Dhingra)

AN ACT Relating to closed captioning on televisions in places of public accommodation; adding a new section to chapter 49.60 RCW; and prescribing penalties.



Referred to Committee on Civil Rights & Judiciary.

SB 6229 by Senators Kuderer, Wilson and C.

AN ACT Relating to streamlining reporting for recipients of housing-related state funding by removing Washington state quality award program requirements; and amending RCW 43.185C.210.

Referred to Committee on Appropriations.

2SSB 6281 by Senate Committee on Ways & Means (originally sponsored by Carlyle, Nguyen, Rivers, Short, Sheldon, Wellman, Lovelett, Das, Van De Wege, Billig, Randall, Pedersen, Dhingra, Hunt, Salomon, Liias, Mullet, Wilson, C., Frockt, Cleveland and Keiser)

AN ACT Relating to the management and oversight of personal data; adding a new chapter to Title 19 RCW; prescribing penalties; and providing an effective date.

Referred to Committee on Appropriations.

SSB 6302 by Senate Committee on Housing Stability & Affordability (originally sponsored by Rolfes, Saldaña, Randall, Takko, Das, Hasegawa, Hunt, Lovelett, Nguyen, Wilson and C.)

AN ACT Relating to prohibiting local governments from limiting the number of unrelated persons occupying a home; adding a new section to chapter 35.21 RCW; adding a new section to chapter 35A.21 RCW; adding a new section to chapter 36.01 RCW; and creating a new section.

Referred to Committee on Local Government.

2SSB 6309 by Senate Committee on Ways & Means (originally sponsored by Lovelett, Wagoner, Nguyen, Walsh, Das, Salomon, Randall, Billig, Dhingra, Hasegawa, Saldaña, Wilson and C.)

AN ACT Relating to expanding access to nutritious food; amending RCW 43.70.700; and creating a new section.

Referred to Committee on Appropriations.

ESB 6313 by Senators Liias, Kuderer, Hunt, Randall, Mullet, Keiser, Billig, Saldaña, Darneille, Hasegawa, Takko, Rolfes, McCoy, Stanford, Das, Dhingra, Lovelett, Nguyen, Wilson and C.

AN ACT Relating to increasing opportunities for young voters; amending RCW 29A.08.210, 29A.08.230, 29A.08.330, 29A.08.810, 29A.08.355, 46.20.155, 28A.230.094, 29A.40.160, 29A.32.031, 29A.32.241, 29A.04.061, 29A.08.110, 29A.08.170, 29A.08.172, 29A.08.174, 29A.08.359, 29A.84.140, 46.20.156, and 29A.08.140; adding a new section to chapter 29A.40

RCW; creating new sections; and providing effective dates.

Referred to Committee on Appropriations.

SB 6316 by Senators Holy, Pedersen, Padden, Dhingra, Hasegawa and Lovelett

AN ACT Relating to prohibiting the consideration of the number of citations for traffic infractions issued by a law enforcement officer in the performance review of the officer; adding a new section to chapter 46.64 RCW; and creating a new section.

Referred to Committee on Labor & Workplace Standards.

SSB 6397 by Senate Committee on Ways & Means (originally sponsored by Frockt, Rolfes and Keiser)

AN ACT Relating to nonparticipating providers; amending RCW 74.09.522; and providing an expiration date.

Referred to Committee on Appropriations.

SSB 6429 by Senate Committee on Transportation (originally sponsored by Brown, Walsh, Schoesler, Rivers, Van De Wege and Becker)

AN ACT Relating to providing a designation on a driver's license or identicard that a person has a developmental disability; adding a new section to chapter 46.20 RCW; and providing an effective date.

Referred to Committee on Transportation.

SSB 6495 by Senate Committee on Ways & Means (originally sponsored by Walsh)

AN ACT Relating to essential needs and housing support eligibility; and amending RCW 74.04.805.

Referred to Committee on Appropriations.

SSB 6521 by Senate Committee on Early Learning & K-12 Education (originally sponsored by Wellman, Hunt, Mullet, Wilson and C.)

AN ACT Relating to creating an innovative learning pilot program; adding a new section to chapter 28A.300 RCW; creating a new section; and declaring an emergency.

Referred to Committee on Appropriations.

SSB 6526 by Senate Committee on Health & Long Term Care (originally sponsored by Cleveland, Hasegawa, Keiser, Van De Wege, Wilson and C.)

AN ACT Relating to the reuse and donation of unexpired prescription drugs; adding a new section to chapter 18.64 RCW; and adding a new section to chapter 69.70 RCW.

Referred to Committee on Health Care & Wellness.

**SB 6556** by Senators Cleveland, Darneille, Wilson and C.

AN ACT Relating to expanding reporting options for mandated reporters of child abuse and neglect; adding a new section to chapter 26.44 RCW; and creating a new section.

Referred to Committee on Human Services & Early Learning.

**SSB 6660** by Senate Committee on Ways & Means (originally sponsored by Rolfes, Braun and Mullet)

AN ACT Relating to improving fiscal responsibility and budget discipline by replacing the spending limit with additional four-year balanced budget requirements; amending RCW 43.88.030, 43.88.055, 43.135.025, 43.135.034, and 82.33.060; adding a new section to chapter 82.33 RCW; repealing RCW 43.135.010, 43.135.0341, 43.135.0342, 43.135.0343, 43.135.0351, 43.135.080, and 43.135.904; and providing an effective date.

Referred to Committee on Appropriations.

There being no objection, the bills listed on the day's introduction sheet under the fourth order of business were referred to the committees so designated.

There being no objection, the House advanced to the sixth order of business.

## SECOND READING

**HOUSE BILL NO. 1182, by Representatives Santos, Steele, Dolan, Ortiz-Self and Slatter**

**Modifying the learning assistance program.**

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 1182 was substituted for House Bill No. 1182 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 1182 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Santos, Stokesbary and Steele spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Second Substitute House Bill No. 1182.

## ROLL CALL

The Clerk called the roll on the final passage of Second Substitute House Bill No. 1182, and the bill passed the House by the following vote: Yeas, 97; Nays, 1; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Mead, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shea, Shewmake, Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wyllie, Ybarra, Young and Mme. Speaker.

Voting nay: Representative Kraft.

SECOND SUBSTITUTE HOUSE BILL NO. 1182, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1191, by Representatives Goodman and Frame**

**Concerning school notifications.**

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 1191 was substituted for House Bill No. 1191 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 1191 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Goodman spoke in favor of the passage of the bill.

Representative Steele spoke against the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Second Substitute House Bill No. 1191.

### ROLL CALL

The Clerk called the roll on the final passage of Second Substitute House Bill No. 1191, and the bill passed the House by the following vote: Yeas, 57; Nays, 41; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Bergquist, Blake, Callan, Chapman, Chopp, Cody, Davis, Doglio, Dolan, Duerr, Entenman, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hansen, Hudgins, J. Johnson, Kilduff, Kirby, Kloba, Leavitt, Lekanoff, Lovick, Macri, Mead, Morgan, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Ryu, Santos, Sells, Senn, Shewmake, Slatter, Springer, Stonier, Sullivan, Tarleton, Thai, Tharinger, Valdez, Walen, Wylie and Mme. Speaker.

Voting nay: Representatives Barkis, Boehnke, Caldier, Chambers, Chandler, Corry, DeBolt, Dent, Dufault, Dye, Eslick, Gildon, Goehner, Graham, Griffey, Harris, Hoff, Irwin, Jenkin, Klippert, Kraft, Kretz, MacEwen, Maycumber, McCaslin, Mosbrucker, Orcutt, Rude, Schmick, Shea, Smith, Steele, Stokesbary, Sutherland, Van Werven, Vick, Volz, Walsh, Wilcox, Ybarra and Young.

SECOND SUBSTITUTE HOUSE BILL NO. 1191, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1552, by Representatives Dolan, Doglio, Fey, Senn, Appleton, Robinson, Ryu, Jinkins, Macri and Leavitt**

**Concerning health care provider credentialing by health carriers.**

The bill was read the second time.

Representative Cody moved the adoption of the striking amendment (1369):

16.0.

Strike everything after the enacting clause and insert the following:

**"Sec. 1.** RCW 48.43.750 and 2016 c 123 s 1 are each amended to read as follows:

(1)(a) A health carrier (~~(shall)~~) must use the database selected pursuant to RCW 48.165.035 to accept and manage credentialing applications from health care providers. A health carrier may not require a health care provider to submit credentialing information in any format other than through the database selected pursuant to RCW 48.165.035.

(b) Effective June 1, 2018, a health carrier shall make a determination approving or denying a credentialing application submitted to the carrier no later than ninety days after receiving a complete application from a health care provider.

(c) Effective June 1, 2020, a health carrier shall make a determination approving or denying a credentialing application submitted to the carrier no later than ninety days after receiving a complete application from a health care provider. All determinations made by a health carrier in approving or denying credentialing applications must average no more than sixty days.

(d) This section does not require health carriers to approve a credentialing application or to place providers into a network.

(2) This section does not apply to health care entities that utilize credentialing delegation arrangements in the credentialing of their health care providers with health carriers.

(3) For purposes of this section, "credentialing" means the collection, verification, and assessment of whether a health care provider meets relevant licensing, education, and training requirements.

(4) Nothing in this section creates an oversight or enforcement duty on behalf of the office of the insurance commissioner against a health carrier for failure to comply with the terms of this section.

**NEW SECTION. Sec. 2.** A new section is added to chapter 48.43 RCW to read as follows:

(1) If a carrier approves a health care provider's credentialing application, upon completion of the credentialing process, the carrier must reimburse a health care provider under the following circumstances:

(a) When credentialing a new health care provider through a new provider contract, the carrier must reimburse the health care provider for covered services provided to the carrier's enrollee retroactively to the date of contract effectiveness if the credentialing process extends beyond the effective date of the new contract.

(b) When credentialing a provider to be added to an approved and in-use provider contract where a relationship existed between the carrier and the health care provider or the entity for whom the health care provider is employed or engaged at the time the health care provider submitted the completed credentialing application, the carrier must reimburse the health care provider for covered health care services provided to the carrier's enrollees during the credentialing process beginning when the health care provider submitted a completed credentialing application to the carrier.

(2) The health carrier must reimburse the health care provider at the contracted rate for the applicable health benefit plan that the health care provider would have been paid at the time the services were provided if the health care provider were fully credentialed by the carrier.

(3) Nothing in this section requires reimbursement of health care provider-rendered services that are not benefits or services covered by the health carrier's health benefit plan.

(4) Nothing in this section requires a health carrier to pay reimbursement for any covered medical services provided by a health care provider applicant if the health care

provider's credentialing application is not approved or if the carrier and health care provider do not enter into a contractual relationship."

Correct the title.

Representatives Cody and Schmick spoke in favor of the adoption of the striking amendment.

The striking amendment (1369) was adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Dolan and Schmick spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed House Bill No. 1552.

#### ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 1552, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Mead, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shea, Shewmake, Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

ENGROSSED HOUSE BILL NO. 1552, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1608, by Representatives Macri, Dolan, Slatter, Stonier, Robinson, Kilduff, Riccelli, Senn, Goodman, Tharinger, Jenkins, Davis, Cody, Appleton, Kloba, Ortiz-Self, Valdez, Frame, Pollet, Stanford, Tarleton and Leavitt**

#### Protecting patient care.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1608 was substituted for House Bill No. 1608 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1608 was read the second time.

Representative Macri moved the adoption of the striking amendment (1396):

2.0.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 3. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Department" means the department of health.

(2) "Health care entity" means an entity that supervises, controls, grants privileges to, directs the practice of, or directly or indirectly restricts the practice of, a health care provider.

(3) "Health care provider" has the same meaning as in RCW 70.02.010.

(4) "Medically accurate" means information that is verified or supported by research in compliance with scientific methods, is published in peer-reviewed journals, where appropriate, and is recognized as accurate and objective by professional organizations and agencies with expertise in the relevant field.

NEW SECTION. Sec. 4. (1) If a health care provider is acting in good faith, within the provider's scope of practice, education, training, and experience, including specialty areas of practice and board certification, and within the accepted standard of care, a health care entity may not:

(a) Limit the health care provider's provision of:

(i) Medically accurate and comprehensive information and counseling to a patient regarding the patient's health status including, but not limited to, diagnosis, prognosis, recommended treatment, treatment alternatives, and any potential risks to the patient's health or life; and

(ii) Information about available services and about what relevant resources are available in the community and how to access those resources for obtaining the care of the patient's choice;

(b) Limit the health care provider's provision of information about and regarding Washington's death with dignity act, chapter 70.245 RCW, information about what relevant resources are available in the community, and how to access those resources for obtaining the care of the patient's choice.

(2) A health care entity may not discharge, demote, suspend, discipline, or otherwise discriminate against a health care provider for providing information in compliance with this section.

(3) If any part of this section is found to be in conflict with federal requirements which are a prescribed condition

to the receipts of federal funds to the state, the conflicting part of this section is inoperative solely to the extent of the conflict with respect to the agencies directly affected, and such finding or determination shall not affect the operation of the remainder of the section.

**NEW SECTION. Sec. 5.** A health care entity must provide the information prepared by the department under section 4(1) of this act at the time of hiring, contracting with, or privileging health care providers and staff, and on a yearly basis thereafter. Hospitals must also provide information to clearly inform health care providers and staff of the provisions of the federal emergency medical treatment and labor act (42 U.S.C. Sec. 1395dd), including obligations to screen, stabilize, and transfer patients, at the time of hiring, contracting with, or privileging health care providers and staff, and on a yearly basis thereafter.

**NEW SECTION. Sec. 6.** A new section is added to chapter 43.70 RCW to read as follows:

(1) The department must design, prepare, and make available online, written materials to clearly inform health care providers and staff of the provisions of, and authority to act under, chapter 70.--- RCW (the new chapter created in section 5 of this act).

(2) The department must design, prepare, and make available online, written materials to provide information to providers and patients regarding Washington's death with dignity act, chapter 70.245 RCW.

**NEW SECTION. Sec. 7.** Sections 1 through 3 of this act constitute a new chapter in Title 70 RCW."

Correct the title.

Representatives Macri and Schmick spoke in favor of the adoption of the striking amendment.

The striking amendment (1396) was adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Macri spoke in favor of the passage of the bill.

Representatives Schmick and Shea spoke against the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1608.

#### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1608, and the bill passed the House by the following vote: Yeas, 65; Nays, 33; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Bergquist, Blake, Callan, Chapman, Chopp, Cody, Davis, Doglio, Dolan, Duerr, Entenman, Eslick, Fey, Fitzgibbon, Frame, Goehner, Goodman, Gregerson, Hansen, Harris, Hoff, Hudgins, J. Johnson, Kilduff, Kirby, Kloba, Leavitt, Lekanoff, Lovick, Macri, Mead, Morgan, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Sells, Senn, Shewmake, Slatter, Springer, Steele, Stonier, Sullivan, Tarleton, Thai, Tharinger, Valdez, Vick, Walen, Wylie, Ybarra and Mme. Speaker.

Voting nay: Representatives Barkis, Boehnke, Caldier, Chambers, Chandler, Corry, DeBolt, Dent, Dufault, Dye, Gildon, Graham, Griffey, Irwin, Jenkin, Klippert, Kraft, Kretz, MacEwen, Maycumber, McCaslin, Mosbrucker, Orcutt, Schmick, Shea, Smith, Stokesbary, Sutherland, Van Werven, Volz, Walsh, Wilcox and Young.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1608, having received the necessary constitutional majority, was declared passed.

#### STATEMENT FOR THE JOURNAL

I intended to vote NAY on Engrossed Substitute House Bill No. 1608.

Representative Goehner, 12th District

#### SECOND READING

**HOUSE BILL NO. 1645, by Representatives Ortiz-Self, Frame, Gregerson, Valdez, Jinkins, Davis, Santos and Morgan**

#### Concerning certificates of parental improvement.

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 1645 was substituted for House Bill No. 1645 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 1645 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Ortiz-Self and Eslick spoke in favor of the passage of the bill.

Representative Dent spoke against the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Second Substitute House Bill No. 1645.

#### ROLL CALL

The Clerk called the roll on the final passage of Second Substitute House Bill No. 1645, and the bill passed the House by the following vote: Yeas, 63; Nays, 35; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Bergquist, Blake, Callan, Chapman, Chopp, Cody, Corry, Davis, DeBolt, Doglio, Dolan, Duerr, Entenman, Eslick, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Griffey, Hansen, Hudgins, J. Johnson, Kilduff, Kirby, Kloba, Leavitt, Lekanoff, Lovick, MacEwen, Macri, McCaslin, Mead, Morgan, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Ryu, Santos, Sells, Senn, Shewmake, Slatter, Springer, Stonier, Sullivan, Tarleton, Thai, Tharinger, Valdez, Walen, Wylie and Mme. Speaker.

Voting nay: Representatives Barkis, Boehnke, Caldier, Chambers, Chandler, Dent, Dufault, Dye, Gildon, Goehner, Graham, Harris, Hoff, Irwin, Jenkin, Klippert, Kraft, Kretz, Maycumber, Mosbrucker, Orcutt, Rude, Schmick, Shea, Smith, Steele, Stokesbary, Sutherland, Van Werven, Vick, Volz, Walsh, Wilcox, Ybarra and Young.

SECOND SUBSTITUTE HOUSE BILL NO. 1645, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1651, by Representatives Kilduff, Dent, Lovick, Eslick, Senn, Leavitt, Macri, Callan, Cody, Tarleton, Ortiz-Self, Goodman, Jinkins, Frame, Bergquist and Santos**

**Concerning the rights of clients of the developmental disabilities administration of the department of social and health services.**

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 1651 was substituted for House Bill No. 1651 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 1651 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Kilduff and Dent spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Second Substitute House Bill No. 1651.

#### ROLL CALL

The Clerk called the roll on the final passage of Second Substitute House Bill No. 1651, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Mead, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shea, Shewmake, Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

SECOND SUBSTITUTE HOUSE BILL NO. 1651, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 2259, by Representatives Rude, Leavitt and Thai**

**Expanding background check requirements for certain educational institutions.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Irwin, Santos and Rude spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of House Bill No. 2259.

#### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2259, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Mead, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shea, Shewmake, Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

HOUSE BILL NO. 2259, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 2338, by Representatives Macri, Thai, Wylie, Doglio, Cody and Pollet**

**Prohibiting discrimination in health care coverage.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 2338 was substituted for House Bill No. 2338 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2338 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Macri and Schmick spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2338.

**ROLL CALL**

The Clerk called the roll on the final passage of Substitute House Bill No. 2338, and the bill passed the House by the following vote: Yeas, 93; Nays, 5; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, Mead, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra and Mme. Speaker.

Voting nay: Representatives Kraft, McCaslin, Shea, Sutherland and Young.

SUBSTITUTE HOUSE BILL NO. 2338, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 2390, by Representatives Kilduff, Goodman, Klippert, Leavitt, Thai, Dufault, Macri, Senn and Hudgins**

**Using respectful language.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Kilduff and Dent spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of House Bill No. 2390.

**ROLL CALL**

The Clerk called the roll on the final passage of House Bill No. 2390, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Mead, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shea, Shewmake, Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

HOUSE BILL NO. 2390, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 2457, by Representatives Cody, Kloba, Robinson, Schmick, Tharinger, Macri, Pollet and Wylie**

**Establishing the health care cost transparency board.**

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 2457 was substituted for House Bill No. 2457 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 2457 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Cody and Schmick spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Second Substitute House Bill No. 2457.

### ROLL CALL

The Clerk called the roll on the final passage of Second Substitute House Bill No. 2457, and the bill passed the House by the following vote: Yeas, 75; Nays, 23; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Caldier, Callan, Chambers, Chapman, Chopp, Cody, Corry, Davis, Doglio, Dolan, Duerr, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Gregerson, Griffey, Hansen, Harris, Hudgins, Jenkin, J. Johnson, Kilduff, Kirby, Kloba, Leavitt, Lekanoff, Lovick, Macri, Mead, Morgan, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Slatter, Smith, Springer, Steele, Stonier, Sullivan, Tarleton, Thai, Tharinger, Valdez, Van Werven, Volz, Walen, Wylie, Young and Mme. Speaker.

Voting nay: Representatives Boehnke, Chandler, DeBolt, Dent, Dufault, Dye, Graham, Hoff, Irwin, Klippert, Kraft, Kretz, MacEwen, Maycumber, McCaslin, Mosbrucker, Shea, Stokesbary, Sutherland, Vick, Walsh, Wilcox and Ybarra.

SECOND SUBSTITUTE HOUSE BILL NO. 2457, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 2461, by Representatives Riccelli, Entenman, Fitzgibbon, Lovick, Ortiz-Self, Stonier, Cody, Shewmake, Ramos, Valdez, Mead, Kloba, Thai, Robinson, Santos, Macri, Pollet, Wylie and Doglio**

**Including health in the state transportation system policy goals.**

The bill was read the second time.

Representative Walsh moved the adoption of amendment (1232):

7.0. On page 1, at the beginning of line 6, strike "the connection between transportation and health is indisputable" and insert "there is a connection between transportation systems and individual's health"

Representatives Walsh and Fey spoke in favor of the adoption of the amendment.

Amendment (1232) was adopted.

Representative Goehner moved the adoption of amendment (1435):

7.0. On page 1, beginning on line 12, beginning with "The" strike all material through "hospitalization." on line 21

Representative Goehner spoke in favor of the adoption of the amendment.

Representative Fey spoke against the adoption of the amendment.

Amendment (1435) was not adopted.

Representative Irwin moved the adoption of amendment (1250):

7.0. On page 1, beginning on line 5, after "**Sec. 1.**" strike all material through "Washington" on page 2, line 6 and insert "The legislature recognizes that it currently does not have sufficient funding in the budget to address all the things desirable for the transportation system. The passage of I-976 indicates the people expect the transportation sector to do more with less. The legislature finds that one of the best ways to improve the health of the people is to ensure that the system we have functions well"

On page 2, line 24, after "relief" strike "and" and insert "~~((and))~~."

On page 2, line 25, after "mobility" insert ", and human mobility to facilitate an active lifestyle"

On page 2, line 28, after "environment;" strike "~~((and))~~" and insert "and"

On page 2, beginning on line 30, after "system" strike all material through "system" on line 34

Representative Irwin and Irwin (again) spoke in favor of the adoption of the amendment.

Representatives Fey and Riccelli spoke against the adoption of the amendment.

Amendment (1250) was not adopted.

Representative Barkis moved the adoption of amendment (1253):

7.0. On page 3, after line 25, insert the following:

"(7) As part of the department of transportation's implementation of the policy goal of health, the department must hire appropriate medical and health experts to assess the effect of the department's projects and policies on health."

Representative Barkis spoke in favor of the adoption of the amendment.

Representative Fey spoke against the adoption of the amendment.

Amendment (1253) was not adopted.

Representative Walsh moved the adoption of amendment (1438):

7.0. On page 3, after line 25, insert the following:



"(7) As part of the department of transportation's implementation of the policy goal of health, the department must hire dieticians to assess the health of Washington state ferries' food."

Representatives Walsh and Corry spoke in favor of the adoption of the amendment.

Representative Paul spoke against the adoption of the amendment.

Amendment (1438) was not adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Riccelli spoke in favor of the passage of the bill.

Representative Barkis spoke against the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed House Bill No. 2461.

#### ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 2461, and the bill passed the House by the following vote: Yeas, 57; Nays, 41; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Bergquist, Blake, Callan, Chapman, Chopp, Cody, Davis, Doglio, Dolan, Duerr, Entenman, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hansen, Hudgins, J. Johnson, Kilduff, Kirby, Kloba, Leavitt, Lekanoff, Lovick, Macri, Mead, Morgan, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Ryu, Santos, Sells, Senn, Shewmake, Slatter, Springer, Stonier, Sullivan, Tarleton, Thai, Tharinger, Valdez, Walen, Wylie and Mme. Speaker.

Voting nay: Representatives Barkis, Boehnke, Caldier, Chambers, Chandler, Corry, DeBolt, Dent, Dufault, Dye, Eslick, Gildon, Goehner, Graham, Griffey, Harris, Hoff, Irwin, Jenkin, Klippert, Kraft, Kretz, MacEwen, Maycumber, McCaslin, Mosbrucker, Orcutt, Rude, Schmick, Shea, Smith, Steele, Stokesbary, Sutherland, Van Werven, Vick, Volz, Walsh, Wilcox, Ybarra and Young.

ENGROSSED HOUSE BILL NO. 2461, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 2464, by Representatives Gildon and Young**

**Protecting patients from excess prescription medication charges.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 2464 was substituted for House Bill No. 2464 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2464 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Gildon and Cody spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2464.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2464, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Mead, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shea, Shewmake, Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

SUBSTITUTE HOUSE BILL NO. 2464, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 2513, by Representatives Slatter, Leavitt, Ortiz-Self, Valdez, Bergquist, Davis, J. Johnson, Pollet, Goodman, Lekanoff, Ormsby and Riccelli**

**Prohibiting the practice of transcript withholding and limiting the practice of registration holds at institutions of higher education as debt collection practices.**

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 2513 was substituted for House Bill No. 2513 and the

second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 2513 was read the second time.

Representative Van Werven moved the adoption of the striking amendment (1436):

7.0.Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 8.** A new section is added to chapter 28B.10 RCW to read as follows:

Institutions of higher education, in consultation with the student achievement council, shall report to the governor and the higher education committees of the legislature in accordance with RCW 43.01.036 before December 1, 2022, on transcript and registration holds used as debt collection tools, including:

(1) Data on the following:

(a) Each institution's policy on when transcript and registration holds are used, including the time frames and amounts for which holds are to be used and the lowest amount for which an institution assigns a debt to a third-party collection agency;

(b) The actual lowest amount of debt for which an institution withholds official transcripts and registration privileges;

(c) The number of official transcripts and registration privileges being withheld by institution;

(d) The categories of debt for which transcripts and registration privileges were withheld, including the average amount of debt for each category;

(e) The average past-due time period for debts in which transcripts and registration privileges were withheld;

(f) The number of past-due accounts assigned to third-party collection agencies;

(g) The actual lowest amount for which an institution assigns a debt to a third-party collection agency; and

(h) The process and actions institutions use to attempt debt collection before assigning the debt to collections.

(2) A review and analysis of the data collected in subsection (1) to identify best practices for resolving debt collections:

(a) To encourage the most favorable outcomes for students; and

(b) That use third-party debt collections as a last resort."

Correct the title.

Representative Van Werven spoke in favor of the adoption of the striking amendment.

Representative Slatter spoke against the adoption of the striking amendment.

The striking amendment (1436) was not adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Slatter spoke in favor of the passage of the bill.

Representative Van Werven spoke against the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Second Substitute House Bill No. 2513.

### ROLL CALL

The Clerk called the roll on the final passage of Second Substitute House Bill No. 2513, and the bill passed the House by the following vote: Yeas, 59; Nays, 39; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Bergquist, Blake, Callan, Chopp, Cody, Davis, Doglio, Dolan, Duerr, Entenman, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hansen, Hudgins, J. Johnson, Kilduff, Kirby, Kloba, Leavitt, Lekanoff, Lovick, Macri, Mead, Morgan, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Sells, Senn, Shewmake, Slatter, Springer, Stokesbary, Stonier, Sullivan, Tarleton, Thai, Tharinger, Valdez, Walen, Wylie, Young and Mme. Speaker.

Voting nay: Representatives Barkis, Boehnke, Caldier, Chambers, Chandler, Chapman, Corry, DeBolt, Dent, Dufault, Dye, Eslick, Gildon, Goehner, Graham, Griffey, Harris, Hoff, Irwin, Jenkin, Klippert, Kraft, Kretz, MacEwen, Maycumber, McCaslin, Mosbrucker, Orcutt, Schmick, Shea, Smith, Steele, Sutherland, Van Werven, Vick, Volz, Walsh, Wilcox and Ybarra.

SECOND SUBSTITUTE HOUSE BILL NO. 2513, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 2554, by Representatives Stonier, Cody, Macri, Riccelli, Robinson, Tharinger, Senn, Peterson, Valdez, Davis, Doglio, Dolan, Fitzgibbon, Walen, Frame, Ramel, Pollet, Ryu, Goodman, Lekanoff, Ormsby and Chapman**

**Mitigating inequity in the health insurance market caused by health plans that exclude certain mandated benefits.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 2554 was substituted for House Bill No. 2554 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2554 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Stonier and Schmick spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2554.

### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2554, and the bill passed the House by the following vote: Yeas, 59; Nays, 39; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Bergquist, Blake, Callan, Chandler, Chapman, Chopp, Cody, Davis, Doglio, Dolan, Duerr, Entenman, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hansen, Hudgins, J. Johnson, Kilduff, Kirby, Kloba, Leavitt, Lekanoff, Lovick, Macri, Mead, Morgan, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Slatter, Springer, Stonier, Sullivan, Tarleton, Thai, Tharinger, Valdez, Walen, Wylie and Mme. Speaker.

Voting nay: Representatives Barkis, Boehnke, Caldier, Chambers, Corry, DeBolt, Dent, Dufault, Dye, Eslick, Gildon, Goehner, Graham, Griffey, Harris, Hoff, Irwin, Jenkin, Klippert, Kraft, Kretz, MacEwen, Maycumber, McCaslin, Mosbrucker, Orcutt, Rude, Shea, Smith, Steele, Stokesbary, Sutherland, Van Werven, Vick, Volz, Walsh, Wilcox, Ybarra and Young.

SUBSTITUTE HOUSE BILL NO. 2554, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 2673, by Representatives Barkis, Griffey, Gildon, Steele, Ybarra, Smith, Chambers, Boehnke, Hoff, Vick, Eslick, Volz, Graham, Jenkin, Klippert, Van Werven, Tharinger and Dufault**

**Concerning exemptions for infill development under the state environmental policy act.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 2673 was substituted for House Bill No. 2673 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2673 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Barkis, Fitzgibbon and Barkis (again) spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2673.

### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2673, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Mead, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shea, Shewmake, Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

SUBSTITUTE HOUSE BILL NO. 2673, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1694, by Representatives Morgan, Macri, Riccelli, Goodman, Jenkins, Cody, Stonier, Robinson, Appleton, Pollet, Gregerson and Frame**

**Allowing tenants to pay certain sums in installments.**

The bill was read the second time.

With the consent of the House, amendments (1019), (1401), (1022), (1053), (1143) and (1021) were withdrawn.

Representative Corry moved the adoption of amendment (1020):

8.0. On page 2, after line 7, insert the following:

"(4) A fee or deposit to hold a dwelling unit or secure that the prospective tenant will move into a dwelling unit, as authorized under RCW 59.18.253, shall not be considered a deposit or nonrefundable fee for purposes of this section."

Representatives Corry and Kilduff spoke in favor of the adoption of the amendment.

Amendment (1020) was adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Morgan, Kilduff and Doglio spoke in favor of the passage of the bill.

Representatives Dufault, Schmick, Klippert, Corry, Sutherland, Caldier, Hoff, Jenkin, Rude, Kraft, Graham, Ybarra, Goehner and Barkis spoke against the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed House Bill No. 1694.

### ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 1694, and the bill passed the House by the following vote: Yeas, 54; Nays, 44; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Bergquist, Callan, Chopp, Cody, Davis, Doglio, Dolan, Duerr, Entenman, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hansen, Hudgins, J. Johnson, Kilduff, Kirby, Kloba, Lekanoff, Lovick, Macri, McCaslin, Mead, Morgan, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Ryu, Santos, Sells, Senn, Shewmake, Slatter, Springer, Stonier, Sullivan, Tarleton, Thai, Tharinger, Valdez, Walen, Wylie and Mme. Speaker.

Voting nay: Representatives Barkis, Blake, Boehnke, Caldier, Chambers, Chandler, Chapman, Corry, DeBolt, Dent, Dufault, Dye, Eslick, Gildon, Goehner, Graham, Griffey, Harris, Hoff, Irwin, Jenkin, Klippert, Kraft, Kretz, Leavitt, MacEwen, Maycumber, Mosbrucker, Orcutt, Paul, Rude, Schmick, Shea, Smith, Steele, Stokesbary, Sutherland, Van Werven, Vick, Volz, Walsh, Wilcox, Ybarra and Young.

ENGROSSED HOUSE BILL NO. 1694, having received the necessary constitutional majority, was declared passed.

### STATEMENT FOR THE JOURNAL

I intended to vote NAY on Engrossed House Bill No. 1694.

Representative McCaslin, 4th District

### SECOND READING

**HOUSE BILL NO. 1754, by Representatives Santos, Jinkins and Pollet**

### Concerning the hosting of the homeless by religious organizations.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1754 was substituted for House Bill No. 1754 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1754 was read the second time.

With the consent of the House, amendment (1108) was withdrawn.

Representative Santos moved the adoption of the striking amendment (1120):

8.0.

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 9.** (1) The legislature makes the following findings:

(a) Residents in temporary settings hosted by religious organizations are a particularly vulnerable population that do not have access to the same services as citizens with more stable housing.

(b) Residents in these settings, including outdoor uses such as outdoor encampments, indoor overnight shelters, temporary small houses on site, and homeless-occupied vehicle resident safe parking, can be at increased risk of exploitation, theft, unsanitary living conditions, and physical harm.

(c) Furthermore, the legislature finds and declares that hosted outdoor encampments, indoor overnight shelters, temporary small houses on-site, and homeless-occupied vehicle resident safe parking serve as pathways for individuals experiencing homelessness to receive services and achieve financial stability, health, and permanent housing.

(2) The legislature intends that local municipalities have the discretion to protect the health and safety of both residents in temporary settings that are hosted by religious organizations and the surrounding community. The legislature encourages local jurisdictions and religious organizations to work together collaboratively to protect the health and safety of residents and the surrounding community while allowing religious organizations to fulfill their mission to serve the homeless. The legislature further intends to monitor the implementation of this act and continue to refine it to achieve these goals.

**Sec. 10.** RCW 36.01.290 and 2010 c 175 s 2 are each amended to read as follows:

(1) A religious organization may host ~~((temporary encampments for))~~ the homeless on property owned or controlled by the religious organization whether within buildings located on the property or elsewhere on the property outside of buildings.

(2) Except as provided in subsection (7) of this section, a county may not enact an ordinance or regulation or take any other action that:

(a) Imposes conditions other than those necessary to protect public health and safety and that do not substantially burden the decisions or actions of a religious organization regarding the location of housing or shelter, such as an outdoor encampment, indoor overnight shelter, temporary small house on site, or vehicle resident safe parking, for homeless persons on property owned or controlled by the religious organization;

(b) Requires a religious organization to obtain insurance pertaining to the liability of a municipality with respect to homeless persons housed on property owned by a religious organization or otherwise requires the religious organization to indemnify the municipality against such liability; ((e))

(c) Imposes permit fees in excess of the actual costs associated with the review and approval of ((the required)) permit applications. A county has discretion to reduce or waive permit fees for a religious organization that is hosting the homeless;

(d) Specifically limits a religious organization's availability to host an outdoor encampment on its property or property controlled by the religious organization to fewer than six months during any calendar year. However, a county may enact an ordinance or regulation that requires a separation of time of no more than three months between subsequent or established outdoor encampments at a particular site;

(e) Specifically limits a religious organization's outdoor encampment hosting term to fewer than four consecutive months;

(f) Limits the number of simultaneous religious organization outdoor encampment hostings within the same municipality during any given period of time. Simultaneous and adjacent hostings of outdoor encampments by religious organizations may be limited if located within one thousand feet of another outdoor encampment concurrently hosted by a religious organization;

(g) Limits a religious organization's availability to host safe parking efforts at its on-site parking lot, including limitations on any other congregationally sponsored uses and the parking available to support such uses during the hosting, except for limitations that are in accord with the following criteria that would govern if enacted by local ordinance or memorandum of understanding between the host religious organization and the jurisdiction:

(i) No less than one space may be devoted to safe parking per ten on-site parking spaces;

(ii) Restroom access must be provided either within the buildings on the property or through use of portable facilities, with the provision for proper disposal of waste if recreational vehicles are hosted; and

(iii) Religious organizations providing spaces for safe parking must continue to abide by any existing on-site

parking minimum requirement so that the provision of safe parking spaces does not reduce the total number of available parking spaces below the minimum number of spaces required by the county, but a county may enter into a memorandum of understanding with a religious organization that reduces the minimum number of on-site parking spaces required;

(h) Limits a religious organization's availability to host an indoor overnight shelter in spaces with at least two accessible exits due to lack of sprinklers or other fire-related concerns, except that:

(i) If a county fire official finds that fire-related concerns associated with an indoor overnight shelter pose an imminent danger to persons within the shelter, the county may take action to limit the religious organization's availability to host the indoor overnight shelter; and

(ii) A county may require a host religious organization to enter into a memorandum of understanding for fire safety that includes local fire district inspections, an outline for appropriate emergency procedures, a determination of the most viable means to evacuate occupants from inside the host site with appropriate illuminated exit signage, panic bar exit doors, and a completed fire watch agreement indicating:

(A) Posted safe means of egress;

(B) Operable smoke detectors, carbon monoxide detectors as necessary, and fire extinguishers;

(C) A plan for monitors who spend the night awake and are familiar with emergency protocols, who have suitable communication devices, and who know how to contact the local fire department; or

(i) Limits a religious organization's ability to host temporary small houses on land owned or controlled by the religious organization, except for recommendations that are in accord with the following criteria:

(i) A renewable one-year duration agreed to by the host religious organization and local jurisdiction via a memorandum of understanding;

(ii) Maintaining a maximum unit square footage of one hundred twenty square feet, with units set at least six feet apart;

(iii) Electricity and heat, if provided, must be inspected by the local jurisdiction;

(iv) Space heaters, if provided, must be approved by the local fire authority;

(v) Doors and windows must be included and be lockable, with a recommendation that the managing agency and host religious organization also possess keys;

(vi) Each unit must have a fire extinguisher;

(vii) Adequate restrooms must be provided, including restrooms solely for families if present, along with handwashing and potable running water to be available if not provided within the individual units, including accommodating black water;

(viii) A recommendation for the host religious organization to partner with regional homeless service providers to develop pathways to permanent housing.

(3)(a) A county may enact an ordinance or regulation or take any other action that requires a host religious organization and a distinct managing agency using the religious organization's property, owned or controlled by the religious organization, for hostings to include outdoor encampments, temporary small houses on site, indoor overnight shelters, or vehicle resident safe parking to enter into a memorandum of understanding to protect the public health and safety of both the residents of the particular hosting and the residents of the county.

(b) At a minimum, the agreement must include information regarding: The right of a resident in an outdoor encampment, vehicle resident safe parking, temporary small house on site, or indoor overnight shelter to seek public health and safety assistance, the resident's ability to access social services on site, and the resident's ability to directly interact with the host religious organization, including the ability to express any concerns regarding the managing agency to the religious organization; a written code of conduct agreed to by the managing agency, if any, host religious organization, and all volunteers working with residents of the outdoor encampment, temporary small house on site, indoor overnight shelter, or vehicle resident safe parking; and when a publicly funded managing agency exists, the ability for the host religious organization to interact with residents of the outdoor encampment, indoor overnight shelter, temporary small house on site, or vehicle resident safe parking using a release of information.

(4) If required to do so by the county, any host religious organization performing any hosting of an outdoor encampment, vehicle resident safe parking, or indoor overnight shelter, or the host religious organization's managing agency, must ensure that the county or local law enforcement agency has completed sex offender checks of all adult residents and guests. The host religious organization retains the authority to allow such offenders to remain on the property. A host religious organization or host religious organization's managing agency performing any hosting of vehicle resident safe parking must inform vehicle residents how to comply with laws regarding the legal status of vehicles and drivers, and provide a written code of conduct consistent with area standards.

(5) Any host religious organization performing any hosting of an outdoor encampment, vehicle resident safe parking, temporary small house on site, or indoor overnight shelter, with a publicly funded managing agency, must work with the county to utilize Washington's homeless client management information system, as provided for in RCW 43.185C.180. When the religious organization does not partner with a managing agency, the religious organization is encouraged to partner with a local homeless services provider using the Washington homeless client managing information system. Any managing agency receiving any funding from local continuum of care programs must utilize the homeless client management information system. Temporary, overnight, extreme weather shelter provided in

religious organization buildings does not need to meet this requirement.

(6) For the purposes of this section((?));

(a) "Managing agency" means an organization such as a religious organization or other organized entity that has the capacity to organize and manage a homeless outdoor encampment, temporary small houses on-site, indoor overnight shelter, and a vehicle resident safe parking program.

(b) "Outdoor encampment" means any temporary tent or structure encampment, or both.

(c) "Religious organization" means the federally protected practice of a recognized religious assembly, school, or institution that owns or controls real property.

(d) "Temporary" means not affixed to land permanently and not using underground utilities.

((4)) (7)(a) Subsection (2) of this section does not affect a county policy, ordinance, memorandum of understanding, or applicable consent decree that regulates religious organizations' hosting of the homeless if such policies, ordinances, memoranda of understanding, or consent decrees:

(i) Exist prior to the effective date of this section;

(ii) Do not categorically prohibit the hosting of the homeless by religious organizations; and

(iii) Do not violate the religious land use and institutionalized persons act, 42 U.S.C. Sec. 2000cc.

(b) If such policies, ordinances, memoranda of understanding, and consent decrees are amended after the effective date of this section, those amendments are not affected by subsection (2) of this section if those amendments satisfy (a)(ii) and (iii) of this subsection.

(8) An appointed or elected public official, public employee, or public agency as defined in RCW 4.24.470 is immune from civil liability for (a) damages arising from the permitting decisions for a temporary encampment for the homeless as provided in this section and (b) any conduct or unlawful activity that may occur as a result of the temporary encampment for the homeless as provided in this section.

(9) A religious organization hosting outdoor encampments, vehicle resident safe parking, or indoor overnight shelters for the homeless that receives funds from any government agency may not refuse to host any resident or prospective resident because of age, sex, marital status, sexual orientation, race, creed, color, national origin, honorably discharged veteran or military status, or the presence of any sensory, mental, or physical disability or the use of a trained dog guide or service animal by a person with a disability, as these terms are defined in RCW 49.60.040.

(10) A religious organization hosting the homeless on property owned or controlled by the religious organization must, at least two weeks prior to the opening of an outdoor encampment, indoor overnight shelter, temporary small house on site, or vehicle resident safe parking, host a meeting

open to the public for the purpose of providing a forum for discussion of related neighborhood concerns.

**Sec. 11.** RCW 35.21.915 and 2010 c 175 s 3 are each amended to read as follows:

(1) A religious organization may host ~~((temporary encampments for))~~ the homeless on property owned or controlled by the religious organization whether within buildings located on the property or elsewhere on the property outside of buildings.

(2) Except as provided in subsection (7) of this section, a city or town may not enact an ordinance or regulation or take any other action that:

(a) Imposes conditions other than those necessary to protect public health and safety and that do not substantially burden the decisions or actions of a religious organization regarding the location of housing or shelter, such as an outdoor encampment, indoor overnight shelter, temporary small house on site, or vehicle resident safe parking, for homeless persons on property owned or controlled by the religious organization;

(b) Requires a religious organization to obtain insurance pertaining to the liability of a municipality with respect to homeless persons housed on property owned by a religious organization or otherwise requires the religious organization to indemnify the municipality against such liability; ~~((or))~~

(c) Imposes permit fees in excess of the actual costs associated with the review and approval of ~~((the required))~~ permit applications. A city or town has discretion to reduce or waive permit fees for a religious organization that is hosting the homeless;

(d) Specifically limits a religious organization's availability to host an outdoor encampment on its property or property controlled by the religious organization to fewer than six months during any calendar year. However, a city or town may enact an ordinance or regulation that requires a separation of time of no more than three months between subsequent or established outdoor encampments at a particular site;

(e) Specifically limits a religious organization's outdoor encampment hosting term to fewer than four consecutive months;

(f) Limits the number of simultaneous religious organization outdoor encampment hostings within the same municipality during any given period of time. Simultaneous and adjacent hostings of outdoor encampments by religious organizations may be limited if located within one thousand feet of another outdoor encampment concurrently hosted by a religious organization;

(g) Limits a religious organization's availability to host safe parking efforts at its on-site parking lot, including limitations on any other congregationally sponsored uses and the parking available to support such uses during the hosting, except for limitations that are in accord with the following criteria that would govern if enacted by local

ordinance or memorandum of understanding between the host religious organization and the jurisdiction:

(i) No less than one space may be devoted to safe parking per ten on-site parking spaces;

(ii) Restroom access must be provided either within the buildings on the property or through use of portable facilities, with the provision for proper disposal of waste if recreational vehicles are hosted; and

(iii) Religious organizations providing spaces for safe parking must continue to abide by any existing on-site parking minimum requirement so that the provision of safe parking spaces does not reduce the total number of available parking spaces below the minimum number of spaces required by the city or town, but a city or town may enter into a memorandum of understanding with a religious organization that reduces the minimum number of on-site parking spaces required;

(h) Limits a religious organization's availability to host an indoor overnight shelter in spaces with at least two accessible exits due to lack of sprinklers or other fire-related concerns, except that:

(i) If a city or town fire official finds that fire-related concerns associated with an indoor overnight shelter pose an imminent danger to persons within the shelter, the city or town may take action to limit the religious organization's availability to host the indoor overnight shelter; and

(ii) A city or town may require a host religious organization to enter into a memorandum of understanding for fire safety that includes local fire district inspections, an outline for appropriate emergency procedures, a determination of the most viable means to evacuate occupants from inside the host site with appropriate illuminated exit signage, panic bar exit doors, and a completed fire watch agreement indicating:

(A) Posted safe means of egress;

(B) Operable smoke detectors, carbon monoxide detectors as necessary, and fire extinguishers;

(C) A plan for monitors who spend the night awake and are familiar with emergency protocols, who have suitable communication devices, and who know how to contact the local fire department; or

(i) Limits a religious organization's ability to host temporary small houses on land owned or controlled by the religious organization, except for recommendations that are in accord with the following criteria:

(i) A renewable one-year duration agreed to by the host religious organization and local jurisdiction via a memorandum of understanding;

(ii) Maintaining a maximum unit square footage of one hundred twenty square feet, with units set at least six feet apart;

(iii) Electricity and heat, if provided, must be inspected by the local jurisdiction;

(iv) Space heaters, if provided, must be approved by the local fire authority;

(v) Doors and windows must be included and be lockable, with a recommendation that the managing agency and host religious organization also possess keys;

(vi) Each unit must have a fire extinguisher;

(vii) Adequate restrooms must be provided, including restrooms solely for families if present, along with handwashing and potable running water to be available if not provided within the individual units, including accommodating black water;

(viii) A recommendation for the host religious organization to partner with regional homeless service providers to develop pathways to permanent housing.

(3)(a) A city or town may enact an ordinance or regulation or take any other action that requires a host religious organization and a distinct managing agency using the religious organization's property, owned or controlled by the religious organization, for hostings to include outdoor encampments, temporary small houses on site, indoor overnight shelters, or vehicle resident safe parking to enter into a memorandum of understanding to protect the public health and safety of both the residents of the particular hosting and the residents of the city or town.

(b) At a minimum, the agreement must include information regarding: The right of a resident in an outdoor encampment, vehicle resident safe parking, temporary small house on site, or indoor overnight shelter to seek public health and safety assistance, the resident's ability to access social services on site, and the resident's ability to directly interact with the host religious organization, including the ability to express any concerns regarding the managing agency to the religious organization; a written code of conduct agreed to by the managing agency, if any, host religious organization, and all volunteers working with residents of the outdoor encampment, temporary small house on site, indoor overnight shelter, or vehicle resident safe parking; and when a publicly funded managing agency exists, the ability for the host religious organization to interact with residents of the outdoor encampment, indoor overnight shelter, temporary small house on site, or vehicle resident safe parking using a release of information.

(4) If required to do so by a city or town, any host religious organization performing any hosting of an outdoor encampment, vehicle resident safe parking, or indoor overnight shelter, or the host religious organization's managing agency, must ensure that the city or town or local law enforcement agency has completed sex offender checks of all adult residents and guests. The host religious organization retains the authority to allow such offenders to remain on the property. A host religious organization or host religious organization's managing agency performing any hosting of vehicle resident safe parking must inform vehicle residents how to comply with laws regarding the legal status of vehicles and drivers, and provide a written code of conduct consistent with area standards.

(5) Any host religious organization performing any hosting of an outdoor encampment, vehicle resident safe parking, temporary small house on site, or indoor overnight shelter, with a publicly funded managing agency, must work with the city or town to utilize Washington's homeless client management information system, as provided for in RCW 43.185C.180. When the religious organization does not partner with a managing agency, the religious organization is encouraged to partner with a local homeless services provider using the Washington homeless client managing information system. Any managing agency receiving any funding from local continuum of care programs must utilize the homeless client management information system. Temporary, overnight, extreme weather shelter provided in religious organization buildings does not need to meet this requirement.

(6) For the purposes of this section((7)):

(a) "Managing agency" means an organization such as a religious organization or other organized entity that has the capacity to organize and manage a homeless outdoor encampment, temporary small houses on-site, indoor overnight shelter, and a vehicle resident safe parking program.

(b) "Outdoor encampment" means any temporary tent or structure encampment, or both.

(c) "Religious organization" means the federally protected practice of a recognized religious assembly, school, or institution that owns or controls real property.

(d) "Temporary" means not affixed to land permanently and not using underground utilities.

((44)) (7)(a) Subsection (2) of this section does not affect a city or town policy, ordinance, memorandum of understanding, or applicable consent decree that regulates religious organizations' hosting of the homeless if such policies, ordinances, memoranda of understanding, or consent decrees:

(i) Exist prior to the effective date of this section;

(ii) Do not categorically prohibit the hosting of the homeless by religious organizations; and

(iii) Do not violate the religious land use and institutionalized persons act, 42 U.S.C. Sec. 2000cc.

(b) If such policies, ordinances, memoranda of understanding, and consent decrees are amended after the effective date of this section, those amendments are not affected by subsection (2) of this section if those amendments satisfy (a)(ii) and (iii) of this subsection.

(8) An appointed or elected public official, public employee, or public agency as defined in RCW 4.24.470 is immune from civil liability for (a) damages arising from the permitting decisions for a temporary encampment for the homeless as provided in this section and (b) any conduct or unlawful activity that may occur as a result of the temporary encampment for the homeless as provided in this section.

(9) A religious organization hosting outdoor encampments, vehicle resident safe parking, or indoor



overnight shelters for the homeless that receives funds from any government agency may not refuse to host any resident or prospective resident because of age, sex, marital status, sexual orientation, race, creed, color, national origin, honorably discharged veteran or military status, or the presence of any sensory, mental, or physical disability or the use of a trained dog guide or service animal by a person with a disability, as these terms are defined in RCW 49.60.040.

(10) A religious organization hosting the homeless on property owned or controlled by the religious organization must, at least two weeks prior to the opening of an outdoor encampment, indoor overnight shelter, temporary small house on site, or vehicle resident safe parking, host a meeting open to the public for the purpose of providing a forum for discussion of related neighborhood concerns.

**Sec. 12.** RCW 35A.21.360 and 2010 c 175 s 4 are each amended to read as follows:

(1) A religious organization may host ~~((temporary encampments for))~~ the homeless on property owned or controlled by the religious organization whether within buildings located on the property or elsewhere on the property outside of buildings.

(2) Except as provided in subsection (7) of this section, a code city may not enact an ordinance or regulation or take any other action that:

(a) Imposes conditions other than those necessary to protect public health and safety and that do not substantially burden the decisions or actions of a religious organization regarding the location of housing or shelter, such as an outdoor encampment, indoor overnight shelter, temporary small house on site, or vehicle resident safe parking, for homeless persons on property owned or controlled by the religious organization;

(b) Requires a religious organization to obtain insurance pertaining to the liability of a municipality with respect to homeless persons housed on property owned by a religious organization or otherwise requires the religious organization to indemnify the municipality against such liability; ~~((or))~~

(c) Imposes permit fees in excess of the actual costs associated with the review and approval of ~~((the required))~~ permit applications. A code city has discretion to reduce or waive permit fees for a religious organization that is hosting the homeless;

(d) Specifically limits a religious organization's availability to host an outdoor encampment on its property or property controlled by the religious organization to fewer than six months during any calendar year. However, a code city may enact an ordinance or regulation that requires a separation of time of no more than three months between subsequent or established outdoor encampments at a particular site;

(e) Specifically limits a religious organization's outdoor encampment hosting term to fewer than four consecutive months;

(f) Limits the number of simultaneous religious organization outdoor encampment hostings within the same municipality during any given period of time. Simultaneous and adjacent hostings of outdoor encampments by religious organizations may be limited if located within one thousand feet of another outdoor encampment concurrently hosted by a religious organization;

(g) Limits a religious organization's availability to host safe parking efforts at its on-site parking lot, including limitations on any other congregationally sponsored uses and the parking available to support such uses during the hosting, except for limitations that are in accord with the following criteria that would govern if enacted by local ordinance or memorandum of understanding between the host religious organization and the jurisdiction:

(i) No less than one space may be devoted to safe parking per ten on-site parking spaces;

(ii) Restroom access must be provided either within the buildings on the property or through use of portable facilities, with the provision for proper disposal of waste if recreational vehicles are hosted; and

(iii) Religious organizations providing spaces for safe parking must continue to abide by any existing on-site parking minimum requirement so that the provision of safe parking spaces does not reduce the total number of available parking spaces below the minimum number of spaces required by the code city, but a code city may enter into a memorandum of understanding with a religious organization that reduces the minimum number of on-site parking spaces required;

(h) Limits a religious organization's availability to host an indoor overnight shelter in spaces with at least two accessible exits due to lack of sprinklers or other fire-related concerns, except that:

(i) If a code city fire official finds that fire-related concerns associated with an indoor overnight shelter pose an imminent danger to persons within the shelter, the code city may take action to limit the religious organization's availability to host the indoor overnight shelter; and

(ii) A code city may require a host religious organization to enter into a memorandum of understanding for fire safety that includes local fire district inspections, an outline for appropriate emergency procedures, a determination of the most viable means to evacuate occupants from inside the host site with appropriate illuminated exit signage, panic bar exit doors, and a completed fire watch agreement indicating:

(A) Posted safe means of egress;

(B) Operable smoke detectors, carbon monoxide detectors as necessary, and fire extinguishers;

(C) A plan for monitors who spend the night awake and are familiar with emergency protocols, who have suitable communication devices, and who know how to contact the local fire department; or

(i) Limits a religious organization's ability to host temporary small houses on land owned or controlled by the

religious organization, except for recommendations that are in accord with the following criteria:

(i) A renewable one-year duration agreed to by the host religious organization and local jurisdiction via a memorandum of understanding;

(ii) Maintaining a maximum unit square footage of one hundred twenty square feet, with units set at least six feet apart;

(iii) Electricity and heat, if provided, must be inspected by the local jurisdiction;

(iv) Space heaters, if provided, must be approved by the local fire authority;

(v) Doors and windows must be included and be lockable, with a recommendation that the managing agency and host religious organization also possess keys;

(vi) Each unit must have a fire extinguisher;

(vii) Adequate restrooms must be provided, including restrooms solely for families if present, along with handwashing and potable running water to be available if not provided within the individual units, including accommodating black water;

(viii) A recommendation for the host religious organization to partner with regional homeless service providers to develop pathways to permanent housing.

(3)(a) A code city may enact an ordinance or regulation or take any other action that requires a host religious organization and a distinct managing agency using the religious organization's property, owned or controlled by the religious organization, for hostings to include outdoor encampments, temporary small houses on site, indoor overnight shelters, or vehicle resident safe parking to enter into a memorandum of understanding to protect the public health and safety of both the residents of the particular hosting and the residents of the code city.

(b) At a minimum, the agreement must include information regarding: The right of a resident in an outdoor encampment, vehicle resident safe parking, temporary small house on site, or indoor overnight shelter to seek public health and safety assistance, the resident's ability to access social services on site, and the resident's ability to directly interact with the host religious organization, including the ability to express any concerns regarding the managing agency to the religious organization; a written code of conduct agreed to by the managing agency, if any, host religious organization, and all volunteers working with residents of the outdoor encampment, temporary small house on site, indoor overnight shelter, or vehicle resident safe parking; and when a publicly funded managing agency exists, the ability for the host religious organization to interact with residents of the outdoor encampment, indoor overnight shelter, temporary small house on site, or vehicle resident safe parking using a release of information.

(4) If required to do so by a code city, any host religious organization performing any hosting of an outdoor encampment, vehicle resident safe parking, or indoor overnight shelter, or the host religious organization's

managing agency, must ensure that the code city or local law enforcement agency has completed sex offender checks of all adult residents and guests. The host religious organization retains the authority to allow such offenders to remain on the property. A host religious organization or host religious organization's managing agency performing any hosting of vehicle resident safe parking must inform vehicle residents how to comply with laws regarding the legal status of vehicles and drivers, and provide a written code of conduct consistent with area standards.

(5) Any host religious organization performing any hosting of an outdoor encampment, vehicle resident safe parking, temporary small house on site, or indoor overnight shelter, with a publicly funded managing agency, must work with the code city to utilize Washington's homeless client management information system, as provided for in RCW 43.185C.180. When the religious organization does not partner with a managing agency, the religious organization is encouraged to partner with a local homeless services provider using the Washington homeless client managing information system. Any managing agency receiving any funding from local continuum of care programs must utilize the homeless client management information system. Temporary, overnight, extreme weather shelter provided in religious organization buildings does not need to meet this requirement.

(6) For the purposes of this section((?));

(a) "Managing agency" means an organization such as a religious organization or other organized entity that has the capacity to organize and manage a homeless outdoor encampment, temporary small houses on-site, indoor overnight shelter, and a vehicle resident safe parking program.

(b) "Outdoor encampment" means any temporary tent or structure encampment, or both.

(c) "Religious organization" means the federally protected practice of a recognized religious assembly, school, or institution that owns or controls real property.

(d) "Temporary" means not affixed to land permanently and not using underground utilities.

((4)) (7)(a) Subsection (2) of this section does not affect a code city policy, ordinance, memorandum of understanding, or applicable consent decree that regulates religious organizations' hosting of the homeless if such policies, ordinances, memoranda of understanding, or consent decrees:

(i) Exist prior to the effective date of this section;

(ii) Do not categorically prohibit the hosting of the homeless by religious organizations; and

(iii) Do not violate the religious land use and institutionalized persons act, 42 U.S.C. Sec. 2000cc.

(b) If such policies, ordinances, memoranda of understanding, and consent decrees are amended after the effective date of this section, those amendments are not affected by subsection (2) of this section if those amendments satisfy (a)(ii) and (iii) of this subsection.

(8) An appointed or elected public official, public employee, or public agency as defined in RCW 4.24.470 is immune from civil liability for (a) damages arising from the permitting decisions for a temporary encampment for the homeless as provided in this section and (b) any conduct or unlawful activity that may occur as a result of the temporary encampment for the homeless as provided in this section.

(9) A religious organization hosting outdoor encampments, vehicle resident safe parking, or indoor overnight shelters for the homeless that receives funds from any government agency may not refuse to host any resident or prospective resident because of age, sex, marital status, sexual orientation, race, creed, color, national origin, honorably discharged veteran or military status, or the presence of any sensory, mental, or physical disability or the use of a trained dog guide or service animal by a person with a disability, as these terms are defined in RCW 49.60.040.

(10) A religious organization hosting the homeless on property owned or controlled by the religious organization must, at least two weeks prior to the opening of an outdoor encampment, indoor overnight shelter, temporary small house on site, or vehicle resident safe parking, host a meeting open to the public for the purpose of providing a forum for discussion of related neighborhood concerns."

Correct the title.

Representative Barkis moved the adoption of amendment (1139) to the striking amendment (1120):

12.0. On page 6, beginning on line 38 of the striking amendment, after "(10)" strike all material through "concerns" on page 7, line 3 and insert "(a) Prior to the opening of an outdoor encampment, indoor overnight shelter, temporary small house on site, or vehicle resident safe parking, a religious organization hosting the homeless on property owned or controlled by the religious organization must host a meeting open to the public for the purpose of providing a forum for discussion of related neighborhood concerns, unless the use is in response to a declared emergency. The religious organization must provide written notice of the meeting to the county legislative authority no later than forty-eight hours prior to the meeting. The notice must specify the time, place, and purpose of the meeting."

(b) A county must publish notice of the meeting described in (a) of this subsection. The notice must specify the time, place, and purpose of the meeting. The notice must be published in the same manner as a special meeting under RCW 42.30.080(2) except that such notice must be delivered or posted as applicable at any time prior to the time of the meeting as specified in the notice"

On page 12, line 8 of the striking amendment, after "(10)" strike all material through "concerns" on line 13 and insert "(a) Prior to the opening of an outdoor encampment, indoor overnight shelter, temporary small house on site, or vehicle resident safe parking, a religious organization hosting the homeless on property owned or controlled by the religious organization must host a meeting open to the public for the purpose of providing a forum for discussion of related neighborhood concerns, unless the use is in response to a

declared emergency. The religious organization must provide written notice of the meeting to the city or town legislative authority no later than forty-eight hours prior to the meeting. The notice must specify the time, place, and purpose of the meeting.

(b) A city or town must publish notice of the meeting described in (a) of this subsection. The notice must specify the time, place, and purpose of the meeting. The notice must be published in the same manner as a special meeting under RCW 42.30.080(2) except that such notice must be delivered or posted as applicable at any time prior to the time of the meeting as specified in the notice"

On page 17, line 17 of the striking amendment, after "(10)" strike all material through "concerns" on line 22 and insert "(a) Prior to the opening of an outdoor encampment, indoor overnight shelter, temporary small house on site, or vehicle resident safe parking, a religious organization hosting the homeless on property owned or controlled by the religious organization must host a meeting open to the public for the purpose of providing a forum for discussion of related neighborhood concerns, unless the use is in response to a declared emergency. The religious organization must provide written notice of the meeting to the code city legislative authority no later than forty-eight hours prior to the meeting. The notice must specify the time, place, and purpose of the meeting."

(b) A code city must publish notice of the meeting described in (a) of this subsection. The notice must specify the time, place, and purpose of the meeting. The notice must be published in the same manner as a special meeting under RCW 42.30.080(2) except that such notice must be delivered or posted as applicable at any time prior to the time of the meeting as specified in the notice"

Representatives Barkis and Ryu spoke in favor of the adoption of the amendment to the striking amendment.

Amendment (1139) to the striking amendment (1120) was adopted.

The striking amendment (1120), as amended, was adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Santos, Dufault, Kraft and Barkis spoke in favor of the passage of the bill.

Representative Jenkin spoke against the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1754.

**ROLL CALL**

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1754, and the bill passed the House by the following vote: Yeas, 95; Nays, 3; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chapman, Chopp, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Mead, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shea, Shewmake, Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Voting nay: Representatives Chandler, Duerr and Jenkin.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1754, having received the necessary constitutional majority, was declared passed.

There being no objection, the House advanced to the seventh order of business.

### THIRD READING

#### **HOUSE BILL NO. 2110, by Representatives Ryu and Santos**

##### **Modifying the definition of affordable workforce housing for the purposes of permitted lodging tax revenue expenditures.**

The bill was read the third time.

Representative Ryu spoke in favor of the passage of the bill.

Representative Orcutt spoke against the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of House Bill No. 2110.

### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2110, and the bill passed the House by the following vote: Yeas, 58; Nays, 40; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Bergquist, Blake, Callan, Chopp, Cody, Davis, Doglio, Dolan, Duerr, Entenman, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hansen, Hudgins, Irwin, J. Johnson, Kilduff, Kirby, Kloba, Leavitt, Lekanoff, Lovick, Macri, Mead, Morgan, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew,

Pollet, Ramel, Ramos, Riccelli, Robinson, Ryu, Santos, Sells, Senn, Shewmake, Slatter, Springer, Stokesbary, Stonier, Sullivan, Tarleton, Thai, Tharinger, Valdez, Walen, Wylie and Mme. Speaker.

Voting nay: Representatives Barkis, Boehnke, Caldier, Chambers, Chandler, Chapman, Corry, DeBolt, Dent, Dufault, Dye, Eslick, Gildon, Goehner, Graham, Griffey, Harris, Hoff, Jenkin, Klippert, Kraft, Kretz, MacEwen, Maycumber, McCaslin, Mosbrucker, Orcutt, Rude, Schmick, Shea, Smith, Steele, Sutherland, Van Werven, Vick, Volz, Walsh, Wilcox, Ybarra and Young.

HOUSE BILL NO. 2110, having received the necessary constitutional majority, was declared passed.

There being no objection, the House reverted to the sixth order of business.

### SECOND READING

#### **HOUSE BILL NO. 2710, by Representatives Robinson, Tarleton, Cody, Tharinger and Ormsby**

##### **Modifying the uses, disclosure, and requirement dates of prescription drug price transparency data.**

The bill was read the second time.

Representative Schmick moved the adoption of amendment (1433):

12.0. On page 6, beginning on line 19, after "(3)" strike all material through "site," on line 25 and insert "The information submitted pursuant to this section is not subject to public disclosure under chapter 42.56 RCW.

(4) By December 1, 2020, the authority must provide recommendations on how to provide advance notice of price increases to purchasers consistent with state and federal law."

Representative Schmick spoke in favor of the adoption of the amendment.

Representative Robinson spoke against the adoption of the amendment.

Amendment (1433) was not adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Robinson spoke in favor of the passage of the bill.

Representative Schmick spoke against the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of House Bill No. 2710.

**ROLL CALL**

The Clerk called the roll on the final passage of House Bill No. 2710, and the bill passed the House by the following vote: Yeas, 56; Nays, 42; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Bergquist, Blake, Callan, Chapman, Chopp, Cody, Davis, Doglio, Dolan, Duerr, Entenman, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hansen, Hudgins, J. Johnson, Kilduff, Kirby, Kloba, Leavitt, Lekanoff, Lovick, Macri, Mead, Morgan, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Ryu, Santos, Sells, Senn, Shewmake, Slatter, Stonier, Sullivan, Tarleton, Thai, Tharinger, Valdez, Walen, Wylie and Mme. Speaker.

Voting nay: Representatives Barkis, Boehnke, Caldier, Chambers, Chandler, Corry, DeBolt, Dent, Dufault, Dye, Eslick, Gildon, Goehner, Graham, Griffey, Harris, Hoff, Irwin, Jenkin, Klippert, Kraft, Kretz, MacEwen, Maycumber, McCaslin, Mosbrucker, Orcutt, Rude, Schmick, Shea, Smith, Springer, Steele, Stokesbary, Sutherland, Van Werven, Vick, Volz, Walsh, Wilcox, Ybarra and Young.

HOUSE BILL NO. 2710, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 2896, by Representatives Ryu, Santos and Morgan**

**Concerning the use of surplus property for public benefit.**

The bill was read the second time.

With the consent of the House, amendment (1298) was withdrawn.

Representative Ryu moved the adoption of amendment (1105):

12.0. On page 1, beginning on line 20, after "must" strike all material through "and" on page 2, line 1

On page 2, line 16, after "buildings" insert "and the inventory received pursuant to RCW 47.12.064"

On page 2, line 18, after "of the" strike "inventory" and insert "inventories"

Representatives Ryu and Jenkin spoke in favor of the adoption of the amendment.

Amendment (1105) was adopted.

Representative Gildon moved the adoption of amendment (1373):

12.0. On page 4, line 29, after "(9)" insert "(a) Each city with a population of greater than five-hundred thousand located in a county with a population of greater than one million five-hundred thousand that transfers, leases, or otherwise disposes of surplus public property for a public

benefit purpose pursuant to this section must submit a biennial report to the relevant committees of the legislature containing information regarding each property that was transferred, leased, or otherwise disposed of. The report must contain the following information:

(i) A list identifying each property that was transferred, leased, or disposed of pursuant to this section and each entity that received the property; and

(ii) The number of units of affordable housing that were developed on each property that was transferred, leased, or disposed of pursuant to this section.

(b) The first report required by (a) of this subsection must be submitted by January 1, 2022. Subsequent reports must be submitted every two years thereafter.

(10)"

Representatives Gildon and Ryu spoke in favor of the adoption of the amendment.

Amendment (1373) was adopted.

Representative Young moved the adoption of amendment (1382):

12.0. On page 4, line 29, after "(9)" insert "If the state agency, municipality, or political subdivision determines that all or a portion of the property that is being transferred, leased, or otherwise disposed of in accordance with this section was acquired through condemnation or eminent domain, the former owner has the right to repurchase as described in this subsection. For the purposes of this subsection, "former owner" means the person or entity from whom the state agency, municipality, or political subdivision acquired title. At least ninety days prior to the date on which the property is intended to be transferred, leased, or otherwise disposed of, the state agency, municipality, or political subdivision must mail notice of the planned transfer, lease, or other disposal to the former owner of the property at the former owner's last known address or to a forwarding address if that owner has provided the state agency, municipality, or political subdivision with a forwarding address. If the former owner of the property's last known address, or forwarding address if the forwarding address has been provided, is no longer the former owner of the property's address, the right of repurchase is extinguished. If the former owner notifies the state agency, municipality, or political subdivision within thirty days of the date of the notice that the former owner intends to repurchase the property, the state agency, municipality, or political subdivision must proceed with the sale of the property to the former owner for fair market value and may not list the property for sale to other owners. If the former owner does not provide timely written notice to the state agency, municipality, or political subdivision of the intent to exercise a repurchase right, or if the sale to the former owner is not completed within six months of the date of notice that the former owner intends to repurchase the property, the right of repurchase is extinguished.

(10)"

Representatives Young, Shea, Young (again) and Orcutt spoke in favor of the adoption of the amendment.

Representative Ryu spoke against the adoption of the amendment.

Division was demanded and the demand was sustained. The Speaker (Representative Lovick presiding) divided the House. The result was 41 - YEAS; 57 - NAYS.

Amendment (1382) was not adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Ryu spoke in favor of the passage of the bill.

Representatives Jenkin, Shea and Young spoke against the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed House Bill No. 2896.

#### ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 2896, and the bill passed the House by the following vote: Yeas, 60; Nays, 38; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Callan, Chapman, Chopp, Cody, Davis, Doglio, Dolan, Duerr, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goodman, Gregerson, Hansen, Hudgins, J. Johnson, Kilduff, Kirby, Kloba, Leavitt, Lekanoff, Lovick, Macri, Mead, Morgan, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Ryu, Santos, Sells, Senn, Shewmake, Slatter, Springer, Stonier, Sullivan, Tarleton, Thai, Tharinger, Valdez, Walen, Wylie and Mme. Speaker.

Voting nay: Representatives Boehnke, Caldier, Chambers, Chandler, Corry, DeBolt, Dent, Dufault, Dye, Goehner, Graham, Griffey, Harris, Hoff, Irwin, Jenkin, Klippert, Kraft, Kretz, MacEwen, Maycumber, McCaslin, Mosbrucker, Orcutt, Rude, Schmick, Shea, Smith, Steele, Stokesbary, Sutherland, Van Werven, Vick, Volz, Walsh, Wilcox, Ybarra and Young.

ENGROSSED HOUSE BILL NO. 2896, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 2384, by Representatives Doglio, Ramel, Tarleton, Macri, Kloba and Gregerson**

**Concerning the property tax exemption for nonprofit organizations providing rental housing or mobile home park spaces to qualifying households.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 2384 was substituted for House Bill No. 2384 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2384 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Doglio and Orcutt spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2384.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2384, and the bill passed the House by the following vote: Yeas, 96; Nays, 2; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chapman, Chopp, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Duerr, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Mead, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shea, Shewmake, Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Voting nay: Representatives Chandler and Dufault.

SUBSTITUTE HOUSE BILL NO. 2384, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 2634, by Representatives Walen, Barkis, Stokesbary, Macri, Chapman, Gildon, Chopp, Robinson, Senn, Leavitt and Tharinger**

**Exempting a sale or transfer of real property for affordable housing to a nonprofit entity, housing authority, or public corporation from the real estate excise tax.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 2634 was substituted for House Bill No. 2634 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2634 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Walen and Barkis spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2634.

### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2634, and the bill passed the House by the following vote: Yeas, 94; Nays, 4; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chapman, Chopp, Cody, Corry, Davis, DeBolt, Doglio, Dolan, Duerr, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Mead, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shea, Shewmake, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Voting nay: Representatives Chandler, Dent, Dufault and Smith.

SUBSTITUTE HOUSE BILL NO. 2634, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 2687, by Representatives Barkis, Griffey, Corry, Blake, DeBolt, Irwin, Springer, Stokesbary, Mead and Van Werven**

**Planning for affordable housing under the growth management act.**

The bill was read the second time.

Representative Barkis moved the adoption of amendment (1222):

12.0.

On page 11, beginning on line 1, after "Policies" strike all material through "(f)" on line 12 and insert "that consider the need for affordable housing, such as housing for all

economic segments of the population and parameters for its distribution, and to address how the county and its cities will jointly meet the requirements to provide for all housing types identified in RCW 36.70A.070(2), including single-family residences such as single-family detached dwellings, duplexes, triplexes, and townhomes. Such policies must address how the combined efforts of the county and its cities will ensure the housing element requirements in RCW 36.70A.070(2) are met as the county and each city update their comprehensive plans;

(f)"

Representatives Barkis and Fitzgibbon spoke in favor of the adoption of the amendment.

Amendment (1222) was adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Barkis and Fitzgibbon spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed House Bill No. 2687.

### ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 2687, and the bill passed the House by the following vote: Yeas, 95; Nays, 3; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chapman, Chopp, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Duerr, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Mead, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shea, Shewmake, Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Voting nay: Representatives Chandler, Dufault and Kraft.

ENGROSSED HOUSE BILL NO. 2687, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 2036, by Representatives Macri, Ormsby, Riccelli and Pollet**

**Concerning health system transparency.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 2036 was substituted for House Bill No. 2036 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2036 was read the second time.

Representative Macri moved the adoption of the striking amendment (1432):

12.0.

Strike everything after the enacting clause and insert the following:

"**Sec. 13.** RCW 43.70.052 and 2014 c 220 s 2 are each amended to read as follows:

(1)(a) To promote the public interest consistent with the purposes of chapter 492, Laws of 1993 as amended by chapter 267, Laws of 1995, the department shall ~~((continue to))~~ require hospitals to submit hospital financial and patient discharge information, including any applicable information reported pursuant to section 2 of this act, which shall be collected, maintained, analyzed, and disseminated by the department. The department shall, if deemed cost-effective and efficient, contract with a private entity for any or all parts of data collection.

(b) Data elements shall be reported in conformance with a uniform reporting system established by the department. This includes data elements identifying each hospital's revenues, expenses, contractual allowances, charity care, bad debt, other income, total units of inpatient and outpatient services, and other financial and employee compensation information reasonably necessary to fulfill the purposes of this section. Data elements relating to use of hospital services by patients shall be the same as those currently compiled by hospitals through inpatient discharge abstracts. The department shall encourage and permit reporting by electronic transmission or hard copy as is practical and economical to reporters.

(c) The department must revise the uniform reporting system to further delineate hospital expenses reported in the other direct expense category in the statement of revenue and expense. The department must include the following additional categories of expenses with the other direct expenses category:

- (i) Blood supplies;
- (ii) Contract staffing;
- (iii) Information technology, including licenses and maintenance;
- (iv) Insurance and professional liability;
- (v) Laundry services;
- (vi) Legal, audit, and tax professional services;
- (vii) Purchased laboratory services;

(viii) Repairs and maintenance;

(ix) Shared services or system office allocation;

(x) Staff recruitment;

(xi) Training costs;

(xii) Taxes;

(xiii) Utilities; and

(xiv) Other noncategorized expenses.

(d) The department must revise the uniform reporting system to further delineate hospital revenues reported in the other operating revenue category in the statement of revenue and expense. The department must include the following additional categories of revenues within the other operating revenues category:

(i) Donations;

(ii) Grants;

(iii) Joint venture revenue;

(iv) Local taxes;

(v) Outpatient pharmacy;

(vi) Parking;

(vii) Quality incentive payments;

(viii) Reference laboratories;

(ix) Rental income;

(x) Retail cafeteria; and

(xi) Other noncategorized revenues.

(e) A hospital must report line items and amounts for any expenses or revenues in the other noncategorized expenses category in (c)(xiv) of this subsection or the other noncategorized revenues category in (d)(xi) of this subsection that either have a value: (i) Of one million dollars or more; or (ii) representing one percent or more of the total expenses or total revenues.

(2) In identifying financial reporting requirements, the department may require both annual reports and condensed quarterly reports from hospitals, so as to achieve both accuracy and timeliness in reporting, but shall craft such requirements with due regard of the data reporting burdens of hospitals.

(3)(a) Beginning with compensation information for 2012, unless a hospital is operated on a for-profit basis, the department shall require a hospital licensed under chapter 70.41 RCW to annually submit employee compensation information. To satisfy employee compensation reporting requirements to the department, a hospital shall submit information as directed in (a)(i) or (ii) of this subsection. A hospital may determine whether to report under (a)(i) or (ii) of this subsection for purposes of reporting.

(i) Within one hundred thirty-five days following the end of each hospital's fiscal year, a nonprofit hospital shall file the appropriate schedule of the federal internal revenue



service form 990 that identifies the employee compensation information with the department. If the lead administrator responsible for the hospital or the lead administrator's compensation is not identified on the schedule of form 990 that identifies the employee compensation information, the hospital shall also submit the compensation information for the lead administrator as directed by the department's form required in (b) of this subsection.

(ii) Within one hundred thirty-five days following the end of each hospital's calendar year, a hospital shall submit the names and compensation of the five highest compensated employees of the hospital who do not have any direct patient responsibilities. Compensation information shall be reported on a calendar year basis for the calendar year immediately preceding the reporting date. If those five highest compensated employees do not include the lead administrator for the hospital, compensation information for the lead administrator shall also be submitted. Compensation information shall include base compensation, bonus and incentive compensation, other payments that qualify as reportable compensation, retirement and other deferred compensation, and nontaxable benefits.

(b) To satisfy the reporting requirements of this subsection (3), the department shall create a form and make it available no later than August 1, 2012. To the greatest extent possible, the form shall follow the format and reporting requirements of the portion of the internal revenue service form 990 schedule relating to compensation information. If the internal revenue service substantially revises its schedule, the department shall update its form.

(4) The health care data collected, maintained, and studied by the department shall only be available for retrieval in original or processed form to public and private requestors pursuant to subsection (7) of this section and shall be available within a reasonable period of time after the date of request. The cost of retrieving data for state officials and agencies shall be funded through the state general appropriation. The cost of retrieving data for individuals and organizations engaged in research or private use of data or studies shall be funded by a fee schedule developed by the department that reflects the direct cost of retrieving the data or study in the requested form.

(5) The department shall, in consultation and collaboration with the federally recognized tribes, urban or other Indian health service organizations, and the federal area Indian health service, design, develop, and maintain an American Indian-specific health data, statistics information system.

(6) All persons subject to the data collection requirements of this section shall comply with departmental requirements established by rule in the acquisition of data.

(7) The department must maintain the confidentiality of patient discharge data it collects under subsection (1) of this section. Patient discharge data that includes direct and indirect identifiers is not subject to public inspection and the department may only release such data as allowed for in this section. Any agency that receives patient discharge data under (a) or (b) of this subsection must also maintain the confidentiality of the data and may not release the data

except as consistent with subsection (8)(b) of this section. The department may release the data as follows:

(a) Data that includes direct and indirect patient identifiers, as specifically defined in rule, may be released to:

(i) Federal, state, and local government agencies upon receipt of a signed data use agreement with the department; and

(ii) Researchers with approval of the Washington state institutional review board upon receipt of a signed confidentiality agreement with the department.

(b) Data that does not contain direct patient identifiers but may contain indirect patient identifiers may be released to agencies, researchers, and other persons upon receipt of a signed data use agreement with the department.

(c) Data that does not contain direct or indirect patient identifiers may be released on request.

(8) Recipients of data under subsection (7)(a) and (b) of this section must agree in a written data use agreement, at a minimum, to:

(a) Take steps to protect direct and indirect patient identifying information as described in the data use agreement; and

(b) Not redisclose the data except as authorized in their data use agreement consistent with the purpose of the agreement.

(9) Recipients of data under subsection (7)(b) and (c) of this section must not attempt to determine the identity of persons whose information is included in the data set or use the data in any manner that identifies individuals or their families.

(10) For the purposes of this section:

(a) "Direct patient identifier" means information that identifies a patient; and

(b) "Indirect patient identifier" means information that may identify a patient when combined with other information.

(11) The department must adopt rules necessary to carry out its responsibilities under this section. The department must consider national standards when adopting rules.

**NEW SECTION. Sec. 14.** A new section is added to chapter 43.70 RCW to read as follows:

(1)(a) For a health system operating a hospital licensed under chapter 70.41 RCW, the health system must annually submit to the department a consolidated annual income statement and balance sheet, including hospitals, ambulatory surgical facilities, health clinics, urgent care clinics, physician groups, health-related laboratories, long-term care facilities, home health agencies, dialysis facilities, ambulance services, behavioral health settings, and virtual care entities that are operated in Washington.

(b) The state auditor's office shall provide the department with audited financial statements for all hospitals owned or operated by a public hospital district under chapter 70.44 RCW. Public hospital districts are not required to submit additional information to the department under this subsection.

(2) The department must make information submitted under this section available in the same manner as hospital financial data.

**Sec. 15.** RCW 70.01.040 and 2012 c 184 s 1 are each amended to read as follows:

(1) Prior to the delivery of nonemergency services, a provider-based clinic that charges a facility fee shall provide a notice to any patient that the clinic is licensed as part of the hospital and the patient may receive a separate charge or billing for the facility component, which may result in a higher out-of-pocket expense.

(2) Each health care facility must post prominently in locations easily accessible to and visible by patients, including its web site, a statement that the provider-based clinic is licensed as part of the hospital and the patient may receive a separate charge or billing for the facility, which may result in a higher out-of-pocket expense.

(3) Nothing in this section applies to laboratory services, imaging services, or other ancillary health services not provided by staff employed by the health care facility.

(4) As part of the year-end financial reports submitted to the department of health pursuant to RCW 43.70.052, all hospitals with provider-based clinics that bill a separate facility fee shall report:

(a) The number of provider-based clinics owned or operated by the hospital that charge or bill a separate facility fee;

(b) The number of patient visits at each provider-based clinic for which a facility fee was charged or billed for the year;

(c) The revenue received by the hospital for the year by means of facility fees at each provider-based clinic; and

(d) The range of allowable facility fees paid by public or private payers at each provider-based clinic.

(5) For the purposes of this section:

(a) "Facility fee" means any separate charge or billing by a provider-based clinic in addition to a professional fee for physicians' services that is intended to cover building, electronic medical records systems, billing, and other administrative and operational expenses.

(b) "Provider-based clinic" means the site of an off-campus clinic or provider office (~~located at least two hundred fifty yards from the main hospital buildings or as determined by the centers for medicare and medicaid services~~) that is owned by a hospital licensed under chapter 70.41 RCW or a health system that operates one or more hospitals licensed under chapter 70.41 RCW, is licensed as part of the hospital, and is primarily engaged in providing diagnostic and therapeutic care including medical history,

physical examinations, assessment of health status, and treatment monitoring. This does not include clinics exclusively designed for and providing laboratory, X-ray, testing, therapy, pharmacy, or educational services and does not include facilities designated as rural health clinics.

**Sec. 16.** RCW 70.41.470 and 2012 c 103 s 1 are each amended to read as follows:

(1) As of January 1, 2013, each hospital that is recognized by the internal revenue service as a 501(c)(3) nonprofit entity must make its federally required community health needs assessment widely available to the public within fifteen days of submission to the internal revenue service. Following completion of the initial community health needs assessment, each hospital in accordance with the internal revenue service(¿) shall complete and make widely available to the public an assessment once every three years.

(2) Unless contained in the community health needs assessment under subsection (1) of this section, a hospital subject to the requirements under subsection (1) of this section shall make public a description of the community served by the hospital, including both a geographic description and a description of the general population served by the hospital; and demographic information such as leading causes of death, levels of chronic illness, and descriptions of the medically underserved, low-income, and minority, or chronically ill populations in the community.

(3)(a) Each hospital subject to the requirements of subsection (1) of this section shall make widely available to the public a community benefit implementation strategy within one year of completing its community health needs assessment. In developing the implementation strategy, hospitals shall consult with community-based organizations and stakeholders, and local public health jurisdictions, as well as any additional consultations the hospital decides to undertake. Unless contained in the implementation strategy under this subsection (3)(a), the hospital must provide a brief explanation for not accepting recommendations for community benefit proposals identified in the assessment through the stakeholder consultation process, such as excessive expense to implement or infeasibility of implementation of the proposal.

(b) Implementation strategies must be evidence-based, when available; or development and implementation of innovative programs and practices should be supported by evaluation measures.

(c) Each hospital subject to the requirements of subsection (1) of this section must make widely available to the public an addendum to its 990 schedule H form, the following information related to the twenty community benefits and community building activities with the highest costs:

(i) Descriptions of the activities provided and costs of providing each of those activities;

(ii) The community health needs assessment implementation strategy that is the basis for the activities;

(iii) The zip codes in the hospital's service area; and

(iv) How medically underserved, low-income, and minority, or chronically ill populations were served.

(4) For the purposes of this section, the term "widely available to the public" has the same meaning as in the internal revenue service guidelines.

**Sec. 17.** RCW 70.170.060 and 2018 c 263 s 2 are each amended to read as follows:

(1) No hospital or its medical staff shall adopt or maintain admission practices or policies which result in:

(a) A significant reduction in the proportion of patients who have no third-party coverage and who are unable to pay for hospital services;

(b) A significant reduction in the proportion of individuals admitted for inpatient hospital services for which payment is, or is likely to be, less than the anticipated charges for or costs of such services; or

(c) The refusal to admit patients who would be expected to require unusually costly or prolonged treatment for reasons other than those related to the appropriateness of the care available at the hospital.

(2) No hospital shall adopt or maintain practices or policies which would deny access to emergency care based on ability to pay. No hospital which maintains an emergency department shall transfer a patient with an emergency medical condition or who is in active labor unless the transfer is performed at the request of the patient or is due to the limited medical resources of the transferring hospital. Hospitals must follow reasonable procedures in making transfers to other hospitals including confirmation of acceptance of the transfer by the receiving hospital.

(3) The department shall develop definitions by rule, as appropriate, for subsection (1) of this section and, with reference to federal requirements, subsection (2) of this section. The department shall monitor hospital compliance with subsections (1) and (2) of this section. The department shall report individual instances of possible noncompliance to the state attorney general or the appropriate federal agency.

(4) The department shall establish and maintain by rule, consistent with the definition of charity care in RCW 70.170.020, the following:

(a) Uniform procedures, data requirements, and criteria for identifying patients receiving charity care;

(b) A definition of residual bad debt including reasonable and uniform standards for collection procedures to be used in efforts to collect the unpaid portions of hospital charges that are the patient's responsibility.

(5) For the purpose of providing charity care, each hospital shall develop, implement, and maintain a charity care policy which, consistent with subsection (1) of this section, shall enable people below the federal poverty level access to appropriate hospital-based medical services, and a sliding fee schedule for determination of discounts from charges for persons who qualify for such discounts by January 1, 1990. The department shall develop specific

guidelines to assist hospitals in setting sliding fee schedules required by this section. All persons with family income below one hundred percent of the federal poverty standard shall be deemed charity care patients for the full amount of hospital charges, except to the extent the patient has third-party coverage for those charges.

(6) Each hospital shall post and prominently display notice of charity care availability. Notice must be posted in all languages spoken by more than ten percent of the population of the hospital service area. Notice must be displayed in at least the following locations:

(a) Areas where patients are admitted or registered;

(b) Emergency departments, if any; and

(c) Financial service or billing areas where accessible to patients.

(7)(a) Current versions of the hospital's charity care policy, a plain language summary of the hospital's charity care policy, and the hospital's charity care application form must be available on the hospital's web site. The summary and application form must be available in all languages spoken by more than ten percent of the population of the hospital service area.

(b) The hospital must post notice regarding the information in (b)(i) and (ii) of this subsection on the hospital's web site if:

(i) The hospital owns, in part or in full, a debt collection agency; or

(ii) The hospital or health system and a debt collection agency exchange revenues exceeding the amount a consumer owed related to medical debt for the services provided and administrative costs and fees of collecting the debt.

(8)(a) All hospital billing statements and other written communications concerning billing or collection of a hospital bill by a hospital must include the following or a substantially similar statement prominently displayed on the first page of the statement in both English and the second most spoken language in the hospital's service area:

You may qualify for free care or a discount on your hospital bill, whether or not you have insurance. Please contact our financial assistance office at H:\DATA\2020 JOURNAL\Journal2020\LegDay036\web site.doc and H:\DATA\2020 JOURNAL\Journal2020\LegDay036\phone number.doc.

(b) Nothing in (a) of this subsection requires any hospital to alter any preprinted hospital billing statements existing as of October 1, 2018.

(9) Hospital obligations under federal and state laws to provide meaningful access for limited English proficiency and non-English-speaking patients apply to information regarding billing and charity care. Hospitals shall develop standardized training programs on the hospital's charity care policy and use of interpreter services, and provide regular training for appropriate staff, including the relevant and

appropriate staff who perform functions relating to registration, admissions, or billing.

(10) Each hospital shall make every reasonable effort to determine:

(a) The existence or nonexistence of private or public sponsorship which might cover in full or part the charges for care rendered by the hospital to a patient;

(b) The annual family income of the patient as classified under federal poverty income guidelines as of the time the health care services were provided, or at the time of application for charity care if the application is made within two years of the time of service, the patient has been making good faith efforts towards payment of health care services rendered, and the patient demonstrates eligibility for charity care; and

(c) The eligibility of the patient for charity care as defined in this chapter and in accordance with hospital policy. An initial determination of sponsorship status shall precede collection efforts directed at the patient.

(11) At the hospital's discretion, a hospital may consider applications for charity care at any time, including any time there is a change in a patient's financial circumstances.

(12) The department shall monitor the distribution of charity care among hospitals, with reference to factors such as relative need for charity care in hospital service areas and trends in private and public health coverage. The department shall prepare reports that identify any problems in distribution which are in contradiction of the intent of this chapter. The report shall include an assessment of the effects of the provisions of this chapter on access to hospital and health care services, as well as an evaluation of the contribution of all purchasers of care to hospital charity care.

(13) The department shall issue a report on the subjects addressed in this section at least annually, with the first report due on July 1, 1990.

**NEW SECTION. Sec. 18.** A new section is added to chapter 70.230 RCW to read as follows:

The department shall require ambulatory surgical facilities to annually report the following information in a format established by the department:

- (1) The number of patient encounters;
- (2) Utilization data by service provided, including the following categories: Primary care, specialty care, urgent care, or surgery, as well as virtual care appointments by medium;
- (3) Acquisitions of diagnostic or therapeutic equipment during the reporting period with a value in excess of five hundred thousand dollars; and
- (4) Commencement of projects during the reporting period that require a capital expenditure for the facility in excess of one million dollars.

**NEW SECTION. Sec. 19.** This act takes effect January 1, 2021."

Correct the title.

Representative Schmick moved the adoption of amendment (1476) to the striking amendment (1432):

19.0. On page 2, line 28 of the striking amendment, after "~~(e)~~" strike "A hospital" and insert "(i) A hospital, other than a hospital designated as a critical access hospital or sole community hospital,"

On page 2, line 31 of the striking amendment, after "value:" strike "(i)" and insert "(A)"

On page 2, line 32 of the striking amendment, after "more; or" strike "(ii)" and insert "(B)"

On page 2, line 33 of the striking amendment, after "revenues" insert "; or"

(ii) A hospital designated as a critical access hospital or sole community hospital must report line items and amounts for any expenses or revenues in the other noncategorized expenses category in (c)(xiv) of this subsection or the other noncategorized revenues category in (d)(xi) of this subsection that represent the greater of: (A) One million dollars; or (B) one percent or more of the total expenses or total revenues"

On page 7, line 38 of the striking amendment, after "to the" insert "ten community benefits and community building activities with the highest costs for each hospital designated as a critical access hospital or sole community hospital, and for all other hospitals, the"

Representatives Schmick and Macri spoke in favor of the adoption of the amendment to the striking amendment.

Amendment (1476) to the striking amendment (1432) was adopted.

With the consent of the House, amendment (1456) was withdrawn.

Amendment (1432), as amended, was adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Macri spoke in favor of the passage of the bill.

Representative Schmick spoke against the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 2036.

## ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2036, and the bill

passed the House by the following vote: Yeas, 56; Nays, 42; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Bergquist, Blake, Callan, Chopp, Cody, Davis, Doglio, Dolan, Duerr, Entenman, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hansen, Hudgins, J. Johnson, Kilduff, Kirby, Kloba, Leavitt, Lekanoff, Lovick, Macri, Mead, Morgan, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Ryu, Santos, Sells, Senn, Shewmake, Slatter, Springer, Stonier, Sullivan, Tarleton, Thai, Tharinger, Valdez, Walen, Wylie and Mme. Speaker.

Voting nay: Representatives Barkis, Boehnke, Caldier, Chambers, Chandler, Chapman, Corry, DeBolt, Dent, Dufault, Dye, Eslick, Gildon, Goehner, Graham, Griffey, Harris, Hoff, Irwin, Jenkin, Klippert, Kraft, Kretz, MacEwen, Maycumber, McCaslin, Mosbrucker, Orcutt, Rude, Schmick, Shea, Smith, Steele, Stokesbary, Sutherland, Van Werven, Vick, Volz, Walsh, Wilcox, Ybarra and Young.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2036, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 2660, by Representatives Riccelli, Harris, Santos, Shewmake, Leavitt, Steele, Stonier, Hudgins, Senn, Gregerson, Doglio, Peterson, Thai, Rude, Valdez, Chapman, Bergquist, Goodman, Callan, Tharinger, Maycumber, Pollet, Davis, Kretz and Macri**

**Increasing the availability of school meals provided to public school students at no student cost.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 2660 was substituted for House Bill No. 2660 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2660 was read the second time.

Representative McCaslin moved the adoption of amendment (1354):

19.0. On page 3, line 3, after "(1)" strike "Each" and insert "Except as provided otherwise by this section, each"

On page 3, line 9, after "(2)" insert "Schools that, through an arrangement with a local entity, provide meals to all students and at no costs to the students are exempt from the requirements of this section.

(3)"

Representatives McCaslin and Riccelli spoke in favor of the adoption of the amendment.

Amendment (1354) was adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Riccelli and Steele spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 2660.

### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2660, and the bill passed the House by the following vote: Yeas, 97; Nays, 1; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, DeBolt, Dent, Doglio, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Mead, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shea, Shewmake, Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Voting nay: Representative Kraft.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2660, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 2755, by Representatives Schmick, Caldier and Cody**

**Concerning transparency regarding the cost of air ambulance services.**

The bill was read the second time.

Representative Schmick moved the adoption of amendment (1125):

19.0. On page 3, beginning on line 15, strike all of section 2

Correct the title.

Representatives Schmick and Cody spoke in favor of the adoption of the amendment.

Amendment (1125) was adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Schmick and Cody spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed House Bill No. 2755.

### ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 2755, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Mead, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shea, Shewmake, Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

ENGROSSED HOUSE BILL NO. 2755, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 2498, by Representatives Corry, Blake, Walsh, Mosbrucker, Chandler, Hoff, Dye, Graham, Davis, Dent, Dufault, Van Werven, Maycumber, Rude, Ybarra, Lekanoff, Eslick and Leavitt**

**Providing compensation to department of natural resources lessees whose leases are terminated for reasons other than default.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 2498 was substituted for House Bill No. 2498 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2498 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Corry and Blake spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2498.

### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2498, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Mead, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shea, Shewmake, Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

SUBSTITUTE HOUSE BILL NO. 2498, having received the necessary constitutional majority, was declared passed.

The Speaker (Representative Lovick presiding) called upon Representative Orwall to preside.

There being no objection, the House reverted to the third order of business.

### MESSAGES FROM THE SENATE

February 17, 2020

Mme. SPEAKER:

The Senate has passed:

SECOND SUBSTITUTE SENATE BILL NO. 5093,  
SUBSTITUTE SENATE BILL NO. 6135,  
SENATE BILL NO. 6187,  
SUBSTITUTE SENATE BILL NO. 6210,  
SUBSTITUTE SENATE BILL NO. 6306,  
SECOND SUBSTITUTE SENATE BILL NO. 6342,

and the same are herewith transmitted.

Brad Hendrickson, Secretary

February 14, 2020

Mme. SPEAKER:

The Senate has passed:

ENGROSSED SUBSTITUTE SENATE BILL NO.  
5522,  
ENGROSSED SUBSTITUTE SENATE BILL NO.  
6324,  
ENGROSSED SUBSTITUTE SENATE BILL NO.  
6440,  
ENGROSSED SUBSTITUTE SENATE BILL NO.  
6473,

and the same are herewith transmitted.

Brad Hendrickson, Secretary

There being no objection, the House advanced to the sixth order of business.

## SECOND READING

**HOUSE BILL NO. 2308, by Representatives Slatter, Tharinger, Wylie and Appleton**

**Requiring employers to periodically report standard occupational classifications or job titles of workers.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 2308 was substituted for House Bill No. 2308 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2308 was read the second time.

With the consent of the House, amendment (1387) was withdrawn.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Slatter spoke in favor of the passage of the bill.

Representative Mosbrucker spoke against the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2308.

## ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2308, and the bill passed the House by the following vote: Yeas, 60; Nays, 38; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Bergquist, Blake, Callan, Chandler, Chapman, Chopp, Cody, Davis, Doglio, Dolan, Duerr, Entenman, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hansen, Harris, Hudgins, J. Johnson, Kilduff, Kirby, Kloba, Lekanoff, Lovick, Macri, Mead,

Morgan, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Ryu, Santos, Sells, Senn, Shewmake, Slatter, Springer, Steele, Stonier, Sullivan, Tarleton, Thai, Tharinger, Valdez, Walen, Wylie, Young and Mme. Speaker.

Voting nay: Representatives Barkis, Boehnke, Caldier, Chambers, Corry, DeBolt, Dent, Dufault, Dye, Eslick, Gildon, Goehner, Graham, Griffey, Hoff, Irwin, Jenkin, Klippert, Kraft, Kretz, Leavitt, MacEwen, Maycumber, McCaslin, Mosbrucker, Orcutt, Rude, Schmick, Shea, Smith, Stokesbary, Sutherland, Van Werven, Vick, Volz, Walsh, Wilcox and Ybarra.

SUBSTITUTE HOUSE BILL NO. 2308, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 2396, by Representatives Hudgins, Tarleton and Wylie**

**Concerning the regulation of bot communication on public-facing internet web sites.**

The bill was read the second time.

Representative Stokesbary moved the adoption of amendment (1428):  
19.0.

On page 2, beginning on line 15, strike all of section 3

Renumber the remaining sections consecutively and correct any internal references accordingly.

On page 2, after line 34, insert the following:

"(3) This chapter does not impose a duty on service providers of online platforms including, but not limited to, web hosting and internet service providers."

Beginning on page 2, line 35, strike all of section 5

Renumber the remaining sections consecutively and correct any internal references accordingly.

Representative Stokesbary spoke in favor of the adoption of the amendment.

Representative Hudgins spoke against the adoption of the amendment.

Amendment (1428) was not adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Hudgins and Smith spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of House Bill No. 2396.

## ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2396, and the bill passed the House by the following vote: Yeas, 70; Nays, 28; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Bergquist, Blake, Boehnke, Callan, Chambers, Chapman, Chopp, Cody, Davis, DeBolt, Doglio, Dolan, Duerr, Entenman, Eslick, Fitzgibbon, Frame, Goehner, Goodman, Graham, Gregerson, Hansen, Hudgins, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Leavitt, Lekanoff, Lovick, Macri, Mead, Morgan, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Sells, Senn, Shewmake, Slatter, Smith, Springer, Stonier, Sullivan, Tarleton, Thai, Tharinger, Valdez, Van Werven, Volz, Walen, Walsh, Wylie, Young and Mme. Speaker.

Voting nay: Representatives Barkis, Caldier, Chandler, Corry, Dent, Dufault, Dye, Fey, Gildon, Griffey, Harris, Hoff, Irwin, Jenkin, Kraft, Kretz, MacEwen, Maycumber, McCaslin, Mosbrucker, Schmick, Shea, Steele, Stokesbary, Sutherland, Vick, Wilcox and Ybarra.

HOUSE BILL NO. 2396, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1503, by Representatives Smith, Hudgins and Stanford**

**Concerning registration and consumer protection obligations of data brokers.**

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 1503 was substituted for House Bill No. 1503 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 1503 was read the second time.

Representative Smith moved the adoption of the striking amendment (1178):

19.0.

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 20.** The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Business" means a commercial entity, including a sole proprietorship, partnership, corporation, association, limited liability company, or other group, however organized and whether or not organized to operate at a profit, including a financial institution organized, chartered, or holding a license or authorization certificate under the laws of Washington state, or any other state, the United States, or any other country, or the parent, affiliate, or subsidiary of a financial institution, but it does not include the state, any political subdivision of the state, or a vendor acting solely on behalf of, and at the direction of, the state.

(2) "Chief privacy officer" means the person appointed under RCW 43.105.369(2).

(3) "Consumer" means an individual residing in this state.

(4)(a) "Data broker" means a business, or unit or units of a business, separately or together, that knowingly collects and sells or licenses to third parties the personal information of a consumer with whom the business does not have a direct relationship.

(b) The following activities conducted by a business do not qualify the business as a data broker:

(i) Furnishing a consumer credit report, as defined in 15 U.S.C. Sec. 1681a(d), by a consumer reporting agency, as defined in 15 U.S.C. Sec. 1681a(f);

(ii) Collecting or disclosing nonpublic personal information, as defined in 15 U.S.C. Sec. 6809(4), by a financial institution, as defined in 15 U.S.C. Sec. 6809(3), in a manner than is regulated under the federal Gramm Leach Bliley act, P.L. 106-102, and implementing regulations;

(iii) Providing 411 directory assistance or directory information services, including name, address, and telephone number, on behalf of or as a function of a telecommunications carrier; or

(iv) Providing publicly available information via real-time or near real-time alert services for health or safety purposes.

(5)(a) "Personal information" means information that identifies, relates to, describes, is reasonably capable of being associated with, or could reasonably be linked, directly or indirectly, with a particular consumer or household.

(b) "Personal information" does not include publicly available information to the extent that it is related to a consumer's business or profession.

(6) "Record" means any material on which written, drawn, spoken, visual, or electromagnetic information is recorded or preserved, regardless of physical form or characteristic.

(7) "Sale," "sell," "selling," or "sold" means selling, renting, releasing, disclosing, disseminating, making available, transferring, or otherwise communicating orally, in writing, or by electronic or other means, a consumer's personal information by the business to another business or a third party for monetary or other valuable consideration.

**NEW SECTION. Sec. 21.** (1) Annually, on or before January 31st following a year in which a business meets the definition of data broker as provided in section 1 of this act, a data broker shall:

(a) Register with the chief privacy officer;

(b) Pay a registration fee of two hundred fifty dollars to the chief privacy officer; and

(c) Provide the following information to the chief privacy officer:



(i) The name and primary physical, email, and internet addresses of the data broker;

(ii) If the data broker permits a consumer to opt out of the data broker's collection of personal information, opt out of its databases, or opt out of certain sales of data:

(A) The method for requesting an opt-out;

(B) If the opt-out applies to only certain activities or sales, a statement specifying to which activities or sales the opt-out applies;

(C) Whether the data broker permits a consumer to authorize a third party to opt out on the consumer's behalf;

(D) A statement specifying the data collection, databases, or sales activities from which a consumer may not opt out;

(iii) Whether the data broker implements a purchaser credentialing process;

(iv) Where the data broker has actual knowledge that it possesses the personal information of minors, a separate statement detailing the data collection practices, databases, sales activities, and opt-out policies that are applicable to the personal information of minors; and

(v) Any additional information that the data broker chooses to provide concerning its data collection practices.

(2) The chief privacy officer is authorized to coordinate with a third party for the purpose of collecting the registration fee under subsection (1)(b) of this section.

(3) A data broker that fails to fulfill the requirements of subsection (1) of this section is subject to:

(a) A civil penalty of fifty dollars for each day, not to exceed a total of ten thousand dollars for each year it fails to register pursuant to this section;

(b) A fine equal to the fees due under this section during the period it failed to register pursuant to this section; and

(c) Other penalties imposed by law.

(4) The attorney general may maintain an action to collect the penalties imposed in this section and to seek appropriate injunctive relief.

**NEW SECTION. Sec. 22.** (1) A person shall not acquire personal information through fraudulent means.

(2) A person shall not acquire or use personal information for the purpose of:

(a) Stalking or harassing another person;

(b) Committing a fraud, including identity theft, financial fraud, or email fraud; or

(c) Engaging in unlawful discrimination, including employment discrimination and housing discrimination.

**NEW SECTION. Sec. 23.** (1) A violation of this chapter is not reasonable in relation to the development and preservation of business and is an unfair or deceptive act in trade or commerce and an unfair method of competition for

the purpose of applying the consumer protection act, chapter 19.86 RCW.

(2) This chapter may be enforced solely by the attorney general under the consumer protection act, chapter 19.86 RCW.

**NEW SECTION. Sec. 24.** (1) On or before December 1, 2021, the chief privacy officer, in consultation with the attorney general, shall submit a preliminary report concerning the implementation of this act to the relevant committees of the legislature. The report must also review and consider the necessity of additional legislative and regulatory approaches to protecting the data security and privacy of Washington consumers whose data is subject to data brokers activities.

(2) On or before October 1, 2022, the chief privacy officer, in consultation with the attorney general, shall update the preliminary report and provide additional information concerning the implementation of this act and the necessity of additional legislative and regulatory approaches to protecting the data security and privacy of Washington consumers whose data is subject to data brokers activities.

(3) This section expires January 1, 2023.

**NEW SECTION. Sec. 25.** Sections 1 through 4 of this act constitute a new chapter in Title 19 RCW.

**NEW SECTION. Sec. 26.** This act takes effect January 1, 2021."

Correct the title.

Representatives Smith and Hudgins spoke in favor of the adoption of the striking amendment.

The striking amendment (1178) was adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Smith, Hudgins and Smith (again) spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Engrossed Second Substitute House Bill No. 1503.

## ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 1503, and the bill passed the House by the following vote: Yeas, 87; Nays, 11; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chapman, Chopp, Cody, Corry, Davis, DeBolt, Doglio, Dolan, Duerr, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Hansen, Harris,

Hoff, Hudgins, Jenkin, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, Macri, Maycumber, McCaslin, Mead, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Sells, Senn, Shea, Shewmake, Slatter, Smith, Springer, Steele, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Volz, Walen, Walsh, Wylie, Ybarra, Young and Mme. Speaker.

Voting nay: Representatives Barkis, Chandler, Dent, Dufault, Griffey, Irwin, MacEwen, Schmick, Stokesbary, Vick and Wilcox.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1503, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 2567, by Representatives Thai, Santos, Ryu, Valdez, Pollet, Davis, Wylie, Gregerson, Slatter, Lekanoff, Ortiz-Self, Frame, Mead and Kloba**

**Concerning open courts.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 2567 was substituted for House Bill No. 2567 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2567 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Thai, Valdez and Kilduff spoke in favor of the passage of the bill.

Representatives Irwin, Klippert, Graham, Shea and Walsh spoke against the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2567.

**ROLL CALL**

The Clerk called the roll on the final passage of Substitute House Bill No. 2567, and the bill passed the House by the following vote: Yeas, 55; Nays, 43; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Bergquist, Callan, Chopp, Cody, Davis, Doglio, Dolan, Duerr, Entenman, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hansen, Hudgins, J. Johnson, Kilduff, Kirby, Kloba, Leavitt, Lekanoff, Lovick, Macri, Mead, Morgan, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Ryu, Santos, Sells, Senn, Shewmake, Slatter, Springer, Stonier, Sullivan, Tarleton, Thai, Tharinger, Valdez, Walen, Wylie and Mme. Speaker.

Voting nay: Representatives Barkis, Blake, Boehnke, Caldier, Chambers, Chandler, Chapman, Corry, DeBolt, Dent, Dufault, Dye, Eslick, Gildon, Goehner, Graham, Griffey, Harris, Hoff, Irwin, Jenkin, Klippert, Kraft, Kretz, MacEwen, Maycumber, McCaslin, Mosbrucker, Orcutt, Rude, Schmick, Shea, Smith, Steele, Stokesbary, Sutherland, Van Werven, Vick, Volz, Walsh, Wilcox, Ybarra and Young.

SUBSTITUTE HOUSE BILL NO. 2567, having received the necessary constitutional majority, was declared passed.

There being no objection, House Rule 13 (C) was suspended allowing the House to work past 10:00 p.m.

**HOUSE BILL NO. 2576, by Representatives Ortiz-Self, Gregerson, Doglio, Pettigrew, Santos, Peterson, Lekanoff, Ryu, Pollet, Valdez, Thai, Macri, Fitzgibbon, Dolan, Davis, J. Johnson, Walen, Frame, Ormsby and Riccelli**

**Concerning private detention facilities.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 2576 was substituted for House Bill No. 2576 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2576 was read the second time.

With the consent of the House, amendment (1434) was withdrawn.

Representative Ortiz-Self moved the adoption of the striking amendment (1511):

26.0.Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 26.1.** The legislature finds that all people confined in prisons and detention facilities in Washington deserve basic health care, nutrition, and safety, regardless of whether those people are confined in publicly or privately operated facilities. As held in *United States v. California*, 921 F.3d 865, 886 (9th Cir. 2019), the state possesses "the general authority to ensure the health and welfare of inmates and detainees in facilities within its borders." While public facilities are directly accountable to public institutions, private facilities lack this oversight structure. Private detention facilities ought to be subject to existing statutes, codes, rules, and policies governing safety, health, and welfare, yet little is known as to what inspections or enforcement has occurred across state and local governments. To that end, the legislature intends to evaluate current state and local authority and practices regarding the enforcement of existing requirements applicable to private detention facilities operating within the state.

**NEW SECTION. Sec. 26.2.** (1) The department shall:

(a) Evaluate the existing authority of state agencies and local governments to inspect private detention facilities for the purposes of enforcing state and local statutes, codes, rules, and policies on the subject of the health, safety, and welfare of detainees;

(b) Evaluate current practices for evaluating whether private detention facilities are in compliance with state and local statutes, codes, rules, and policies;

(c) Determine whether any private detention facility has been subject to an inspection or enforcement action taken by a state agency or local government in the previous five years, and if so, the frequency, nature, and outcomes of those inspections or enforcement actions;

(d) Determine whether any state agency or local government has been denied access to a private detention facility in the previous five years, and if so, the frequency and nature of those denials and the outcome of any applicable enforcement action; and

(e) Make recommendations as to any changes to statutes, rules, or policies necessary to conduct effective inspections and enforcement in private detention facilities for the purpose of ensuring the health, safety, and welfare of detainees.

(2) In conducting the study under this section, the department shall consult with: The department of labor and industries; the department of social and health services; the department of children, youth, and families; the department of corrections; the office of the corrections ombuds; the office of the attorney general; county health departments; local governments; and other agencies or entities with relevant experience or expertise.

(3) The department shall submit a final report with findings and recommendations to the governor and appropriate committees of the legislature by December 1, 2020.

(4) For the purposes of this section:

(a) "Department" means the department of health.

(b) "Detention facility" means any facility in which persons are incarcerated or otherwise involuntarily confined for purposes including prior to trial or sentencing, fulfilling the terms of a sentence imposed by a court, or for other judicial or administrative processes or proceedings.

(c) "Private detention facility" means a detention facility that is operated by a private, nongovernmental entity and operating pursuant to a contract or agreement with a federal, state, or local governmental entity.

(d) "Operate" includes owning, leasing, managing, or controlling some or all of the functions of a detention facility, regardless of the underlying ownership of the facility or land upon which the facility is located."

Correct the title.

Representatives Ortiz-Self and Klippert spoke in favor of the adoption of the striking amendment.

The striking amendment (1511) was adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Ortiz-Self spoke in favor of the passage of the bill.

Representative DeBolt spoke against the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 2576.

### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2576, and the bill passed the House by the following vote: Yeas, 60; Nays, 38; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Bergquist, Blake, Callan, Chapman, Chopp, Cody, Davis, Doglio, Dolan, Duerr, Entenman, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hansen, Hudgins, J. Johnson, Kilduff, Kirby, Kloba, Leavitt, Lekanoff, Lovick, Macri, McCaslin, Mead, Morgan, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Ryu, Santos, Sells, Senn, Shea, Shewmake, Slater, Springer, Stonier, Sullivan, Tarleton, Thai, Tharinger, Valdez, Walen, Wylie, Young and Mme. Speaker.

Voting nay: Representatives Barkis, Boehnke, Caldier, Chambers, Chandler, Corry, DeBolt, Dent, Dufault, Dye, Eslick, Gildon, Goehner, Graham, Griffey, Harris, Hoff, Irwin, Jenkin, Klippert, Kraft, Kretz, MacEwen, Maycumber, Mosbrucker, Orcutt, Rude, Schmick, Smith, Steele, Stokesbary, Sutherland, Van Werven, Vick, Volz, Walsh, Wilcox and Ybarra.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2576, having received the necessary constitutional majority, was declared passed.

### HOUSE BILL NO. 2359, by Representatives Vick and Wylie

**Creating a certificate of compliance for marijuana business premises that meet the statutory qualifications at the time of application.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 2359 was substituted for House Bill No. 2359 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2359 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Vick and Peterson spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2359.

### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2359, and the bill passed the House by the following vote: Yeas, 84; Nays, 14; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Barkis, Blake, Caldier, Callan, Chambers, Chandler, Chopp, Cody, Corry, Davis, DeBolt, Doglio, Dolan, Duerr, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, J. Johnson, Kirby, Kloba, Kretz, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Mead, Morgan, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Shea, Shewmake, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Voting nay: Representatives Bergquist, Boehnke, Chapman, Dent, Dufault, Jenkin, Kilduff, Klippert, Kraft, Leavitt, Mosbrucker, Senn, Smith and Van Werven.

SUBSTITUTE HOUSE BILL NO. 2359, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 2739, by Representatives Kloba, Stonier, Appleton, Davis and Duerr**

**Adjusting certain requirements of the shared leave program.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Kloba and Smith spoke in favor of the passage of the bill.

### MOTION

On motion of Representative Griffey, Representative DeBolt was excused.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of House Bill No. 2739.

### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2739, and the bill passed the House by the following vote: Yeas, 96; Nays, 1; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, Dent, Doglio, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Mead, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shea, Shewmake, Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Voting nay: Representative Kraft.

Excused: Representative DeBolt.

HOUSE BILL NO. 2739, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 2789, by Representatives Lovick, Klippert, Davis, Orwall, Valdez, Kilduff, J. Johnson, Ryu, Peterson, Ramel, Pollet, Young and Frame**

**Collecting information regarding police use of deadly force.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 2789 was substituted for House Bill No. 2789 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2789 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Lovick and Griffey spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2789.

### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2789, and the bill passed the House by the following vote: Yeas, 93; Nays, 4; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, Dent, Doglio, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Jenkin, J. Johnson, Kilduff, Kirby, Kloba, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Mead, Morgan, Mosbrucker, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shea, Shewmake, Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Voting nay: Representatives Irwin, Klippert, Kraft and Orcutt.

Excused: Representative DeBolt.

SUBSTITUTE HOUSE BILL NO. 2789, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 2793, by Representatives Hansen and Irwin**

**Vacating criminal records.**

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 2793 was substituted for House Bill No. 2793 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 2793 was read the second time.

Representative Shea moved the adoption of amendment (1420):

26.0. On page 3, line 27, after "(b)" strike "If" and insert "(i) Except as provided in (ii) of this subsection, if"

On page 3, after line 30, insert the following:

"(ii) If the court vacates a conviction under this section, it shall be immediately and permanently expunged from the judicial information system and any criminal history or arrest records maintained by the Washington state patrol."

Representative Shea spoke in favor of the adoption of the amendment.

Representative Hansen spoke against the adoption of the amendment.

Amendment (1420) was not adopted.

With the consent of the House, amendment (1285) was withdrawn.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Hansen and Irwin spoke in favor of the passage of the bill.

Representative Klippert spoke against the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Second Substitute House Bill No. 2793.

**ROLL CALL**

The Clerk called the roll on the final passage of Second Substitute House Bill No. 2793, and the bill passed the House by the following vote: Yeas, 79; Nays, 18; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Caldier, Callan, Chambers, Chapman, Chopp, Cody, Davis, Doglio, Dolan, Duerr, Entenman, Eslick, Fey, Fitzgibbon, Frame, Goehner, Goodman, Gregerson, Griffey, Hansen, Harris, Hudgins, Irwin, J. Johnson, Kilduff, Kirby, Kloba, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Mead, Morgan, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Sells, Senn, Shea, Shewmake, Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Voting nay: Representatives Boehnke, Chandler, Corry, Dent, Dufault, Dye, Gildon, Graham, Hoff, Jenkin, Klippert, Kraft, Mosbrucker, Orcutt, Schmick, Van Werven, Vick and Volz.

Excused: Representative DeBolt.

SECOND SUBSTITUTE HOUSE BILL NO. 2793, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 2458, by Representatives Stonier, Sells, Dolan, Schmick, Boehnke, Bergquist, Vick, Pollet and Wylie**

**Concerning optional benefits offered by school districts.**

The bill was read the second time.

With the consent of the House, amendment (1554) was withdrawn.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Stonier and Steele spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of House Bill No. 2458.

### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2458, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, Dent, Doglio, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Mead, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shea, Shewmake, Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Excused: Representative DeBolt.

HOUSE BILL NO. 2458, having received the necessary constitutional majority, was declared passed.

There being no objection, the House advanced to the eighth order of business.

### MOTIONS

There being no objection, the Committee on Rules was relieved of the following bills and the bills were placed on the second reading calendar:

HOUSE BILL NO. 1650  
HOUSE BILL NO. 1860  
HOUSE BILL NO. 2246  
HOUSE BILL NO. 2248  
HOUSE BILL NO. 2251  
HOUSE BILL NO. 2339  
HOUSE BILL NO. 2341  
HOUSE BILL NO. 2342  
HOUSE BILL NO. 2353  
HOUSE BILL NO. 2382  
HOUSE BILL NO. 2463  
HOUSE BILL NO. 2438  
HOUSE BILL NO. 2577  
HOUSE BILL NO. 2588  
HOUSE BILL NO. 2599  
HOUSE BILL NO. 2607  
HOUSE BILL NO. 2773  
HOUSE BILL NO. 2819

There being no objection, the Committee on Rules was relieved of the following bill and the bill was placed on the third reading calendar:

HOUSE BILL NO. 1220

There being no objection, the House adjourned until 9:00 a.m., February 18, 2020, the 37th Day of the Regular Session.

LAURIE JINKINS, Speaker

BERNARD DEAN, Chief Clerk

**SIXTY SIXTH LEGISLATURE - REGULAR SESSION****THIRTY SEVENTH DAY**

House Chamber, Olympia, Tuesday, February 18, 2020

The House was called to order at 9:00 a.m. by the Speaker (Representative Orwall presiding). The Clerk called the roll and a quorum was present.

The flags were escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Angela Young and Robert Luiten. The Speaker (Representative Orwall presiding) led the Chamber in the Pledge of Allegiance. The prayer was offered by Pastor Dennis Fountain, Moses Lake Baptist Church and Chaplain for Grant County Sheriff's Office, Washington.

Reading of the Journal of the previous day was dispensed with and it was ordered to stand approved.

There being no objection, the House advanced to the sixth order of business.

**SECOND READING**

**HOUSE BILL NO. 2499, by Representatives Appleton, Klippert and Goodman**

**Certifying corrections officers.**

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 2499 was substituted for House Bill No. 2499 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 2499 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Appleton and Klippert spoke in favor of the passage of the bill.

**MOTIONS**

On motion of Representative Riccelli, Representatives Chopp, Fey, Frame, Hansen, Pellicciotti, Ryu, Thai and Valdez were excused.

On motion of Representative Griffey, Representative DeBolt was excused.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Second Substitute House Bill No. 2499.

**ROLL CALL**

The Clerk called the roll on the final passage of Second Substitute House Bill No. 2499, and the bill passed the House by the following vote: Yeas, 94; Nays, 0; Absent, 0; Excused, 4.

Voting Yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Cody, Corry, Davis, Dent, Doglio, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Harris, Hoff, Hudgins, Irwin, Jenkin, Jinkins, Johnson, J., Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Mead, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shea, Shewmake, Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Excused: Representatives Chopp, DeBolt, Hansen, and Pellicciotti

SECOND SUBSTITUTE HOUSE BILL NO. 2499, having received the necessary constitutional majority, was declared passed.

**POINT OF PERSONAL PRIVILEGE**

Representative Goodman congratulated Representative Appleton on the passage of her last bill through the House, and asked the Chamber to acknowledge her accomplishments in the Legislature.

**HOUSE BILL NO. 1256, by Representatives Lovick, Irwin, Valdez, Orwall, Kloba, Sells, Slatter, Riccelli, Gregerson, Ortiz-Self, Kilduff, Mead, Doglio, Goodman, Dolan, Peterson, Stonier, Reeves and Appleton**

**Increasing monetary penalties for the unlawful use of a personal electronic device while driving a motor vehicle in a school, playground, or crosswalk speed zone.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 1256 was substituted for House Bill No. 1256 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1256 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Lovick, Orcutt, Barkis and Graham spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1256.

### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1256, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, Dent, Doglio, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Mead, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shea, Shewmake, Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Excused: Representative DeBolt.

SUBSTITUTE HOUSE BILL NO. 1256, having received the necessary constitutional majority, was declared passed.

**ENGROSSED HOUSE BILL NO. 2066, by Representatives Davis, Pellicciotti, Goodman, Appleton, Sutherland, Graham, Klippert, Leavitt and Pollet**

**Addressing restrictions on driver's licenses associated with certain criminal offenses.**

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 2066 was substituted for Engrossed House Bill No. 2066 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 2066 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Davis and Klippert spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Second Substitute House Bill No. 2066.

### ROLL CALL

The Clerk called the roll on the final passage of Second Substitute House Bill No. 2066, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, Dent, Doglio, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Mead, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shea, Shewmake, Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Excused: Representative DeBolt.

SECOND SUBSTITUTE HOUSE BILL NO. 2066, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 2416, by Representatives Kilduff, Chopp, Leavitt, Macri, Cody, Stonier, Ormsby and Pollet**

**Concerning disclosures of information and records related to forensic mental health services.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Kilduff, Schmick and Irwin spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of House Bill No. 2416.

### ROLL CALL



The Clerk called the roll on the final passage of House Bill No. 2416 and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 1; Excused, 1.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chapman, Chopp, Cody, Corry, Davis, Dent, Doglio, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, Johnson, J., Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Mead, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shea, Shewmake, Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Absent: Representative Chandler.

Excused: Representative DeBolt.

HOUSE BILL NO. 2416, having received the necessary constitutional majority, was declared passed.

### RECONSIDERATION

There being no objection, the House immediately reconsidered the vote by which HOUSE BILL NO. 2416 passed the House.

The Clerk called the roll on the final passage of House Bill No. 2416, on reconsideration, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, Dent, Doglio, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Mead, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shea, Shewmake, Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Excused: Representative DeBolt.

HOUSE BILL NO. 2416, having received the necessary constitutional majority, on reconsideration, was declared passed.

**HOUSE BILL NO. 2442, by Representatives Leavitt, Hudgins, Kloba and Smith**

**Regulating online services and applications that are directed at minors.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Leavitt, Smith, Boehnke, Corry, Kraft and Klippert spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of House Bill No. 2442.

### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2442, and the bill passed the House by the following vote: Yeas, 96; Nays, 1; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, Dent, Doglio, Dolan, Duerr, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Mead, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shea, Shewmake, Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Voting nay: Representative Dufault.

Excused: Representative DeBolt.

HOUSE BILL NO. 2442, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 2680, by Representatives Chapman, Jenkin, Steele, Walsh, Tarleton, Ortiz-Self, Gildon, Tharinger, Springer, Santos, Kretz and Pollet**

**Establishing tribal representation on the emergency management council.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Chapman, Walsh, Smith, Goehner and Jenkin spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of House Bill No. 2680.

### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2680, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, Dent, Doglio, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Mead, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shea, Shewmake, Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Excused: Representative DeBolt.

HOUSE BILL NO. 2680, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 2731, by Representatives Irwin, Doglio, Davis, Pollet and Leavitt**

**Reporting of student head injury information sustained during athletics and other activities.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 2731 was substituted for House Bill No. 2731 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2731 was read the second time.

Representative Irwin moved the adoption of amendment (1187):

26.0. On page 1, line 9, after "each" strike "head injury" and insert "diagnosed concussion"

On page 1, line 14, after "concussion," strike all material through "location" and insert "the event date and location of the diagnosed concussion"

On page 1, line 17, after "of the" strike "head injury"

On page 1, at the beginning of line 20, strike "the head injury" and insert "the"

On page 2, at the beginning of line 2, strike all material through "and" and insert "to"

On page 2, line 8, after "the" strike "student head injury information" and insert "information related to the diagnosed concussions of students as"

On page 2, line 12, after "the" strike "student head injury" and insert "diagnosed concussion"

Representatives Irwin and Santos spoke in favor of the adoption of the amendment.

Amendment (1187) was adopted.

Representative Leavitt moved the adoption of amendment (1461):

26.0. On page 2, line 4, after "occurred" insert "and the amount of time before the student was authorized to return to the learning environment"

Representatives Leavitt and Irwin spoke in favor of the adoption of the amendment.

Amendment (1461) was adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Irwin spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 2731.

**ROLL CALL**

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2731, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, Dent, Doglio, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Mead, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shea, Shewmake, Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Excused: Representative DeBolt.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2731, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 2758, by Representatives Corry, Pettigrew, Chandler, Davis, Eslick, McCaslin, Dent, Morgan, Gildon, Lekanoff and Pollet**

**Recognizing posttraumatic stress disorders of 911 emergency dispatch personnel.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 2758 was substituted for House Bill No. 2758 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2758 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Corry, Sells and Senn spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2758.

**ROLL CALL**

The Clerk called the roll on the final passage of Substitute House Bill No. 2758, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, Dent, Doglio, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Mead, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shea, Shewmake, Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Excused: Representative DeBolt.

SUBSTITUTE HOUSE BILL NO. 2758, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 2792, by Representatives Mosbrucker, Orwall, Steele, Lovick, Goehner, Sells, Rude, Ybarra, Dye, Davis, Pollet and Lekanoff**

**Concerning missing and unidentified persons.**

The bill was read the second time.

Representative Mosbrucker moved the adoption of the striking amendment (1233):

26.0.

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 27.** The legislature finds that a recent search of available missing and unidentified persons data for Washington state returned one thousand nine hundred twenty-six pending missing persons cases and one hundred seventy-two records of full or partial unidentified remains throughout the state. Every one of these individuals is someone's family member or loved one.

The legislature further finds that more can be done to reduce the number of missing and unidentified Washingtonians through the utilization of national resources. The national missing and unidentified persons system is a publicly searchable resource developed by the national institute of justice that contains databases of missing persons and unidentified persons cases from across the country. Cases entered into these databases are verified with local authorities and are automatically searched against one another. The national missing and unidentified persons system also has the ability to compile potentially identifiable information and available biometric data, such as DNA, including family reference samples, dental records, and fingerprints. Participation in the national missing and unidentified persons system is free, and biometric sample kits are funded through the national missing and unidentified persons system, alleviating the burden on contributing local governments. At the close of 2019, the national missing and unidentified persons system databases included nearly seventeen thousand published outstanding missing persons cases, and over thirteen thousand published unidentified persons cases. In addition, over nineteen thousand missing persons cases and over four thousand unidentified persons cases that were included in the national missing and unidentified persons system have been resolved.

The legislature recognizes that participating in this centralized and nationally based system is to the advantage of the citizens of the state, and intends to establish a system of consistent statewide participation in order to achieve its full benefit.

**Sec. 28.** RCW 68.50.320 and 2007 c 10 s 5 are each amended to read as follows:

When a person reported missing has not been found within thirty days of the report, or at any time the investigating agency suspects criminal activity to be the basis of the victim being missing, the sheriff, chief of police, county coroner or county medical examiner, or other law enforcement authority initiating and conducting the investigation for the missing person shall: (1) File a missing person's report with the Washington state patrol missing and unidentified persons unit; (2) initiate the collection of DNA samples from the known missing person and their family members for nuclear and mitochondrial DNA testing along with the necessary consent forms; ~~((and))~~ (3) ask the missing person's family or next of kin to give written consent to contact the dentist or dentists of the missing person and request the person's dental records; and (4) enter the case into the national crime information center system through the Washington state patrol electronic database.

The missing person's dentist or dentists shall provide diagnostic quality copies of the missing person's dental records or original dental records to the sheriff, chief of police, county coroner or county medical examiner, or other law enforcement authority, when presented with the written consent from the missing person's family or next of kin or with a statement from the sheriff, chief of police, county coroner or county medical examiner, or other law enforcement authority that the missing person's family or next of kin could not be located in the exercise of due diligence or that the missing person's family or next of kin refuse to consent to the release of the missing person's dental records and there is reason to believe that the missing person's family or next of kin may have been involved in the missing person's disappearance.

As soon as possible after collecting the DNA samples, the sheriff, chief of police, or other law enforcement authority shall submit the DNA samples to the appropriate laboratory. Dental records shall be submitted as soon as possible to the Washington state patrol missing and unidentified persons unit.

The descriptive information from missing person's reports and dental data submitted to the Washington state patrol missing and unidentified persons unit shall be recorded and maintained by the Washington state patrol missing and unidentified persons unit in the applicable dedicated missing person's databases.

When a person reported missing has been found, the sheriff, chief of police, coroner or medical examiner, or other law enforcement authority shall report such information to the Washington state patrol.

The dental identification system shall maintain a file of information regarding persons reported to it as missing. The file shall contain the information referred to in this section and such other information as the Washington state patrol finds relevant to assist in the location of a missing person.

The files of the dental identification system shall, upon request, be made available to law enforcement agencies attempting to locate missing persons.

**Sec. 29.** RCW 68.50.330 and 2001 c 172 s 1 are each amended to read as follows:

If the county coroner or county medical examiner investigating a death is unable to establish the identity of a body or human remains by visual means, fingerprints, or other identifying data, he or she shall have a qualified dentist, as determined by the county coroner or county medical examiner, carry out a dental examination of the body or human remains. If the county coroner or county medical examiner with the aid of the dental examination and other identifying findings is still unable to establish the identity of the body or human remains, he or she shall prepare and forward such dental examination records within thirty days of the date the body or human remains were found to the dental identification system of the state patrol identification and criminal history section on forms supplied by the state patrol for such purposes.

The dental identification system shall act as a repository or computer center or both with respect to such dental examination records. It shall compare such dental examination records with dental records filed with it and shall determine which scoring probabilities are the highest for the purposes of identification. It shall then submit such information to the county coroner or county medical examiner who prepared and forwarded the dental examination records.

If the body or human remains are still unidentified thirty days after discovery, the county coroner or county medical examiner investigating the death must, as soon as practicable, submit information regarding the body or remains to the national missing and unidentified persons system created by the United States department of justice's national institute of justice. Information submitted to the national missing and unidentified persons system must include, to the extent information is available, a detailed personal description, DNA information, copies of fingerprints on standardized eight inch by eight inch fingerprint cards or the equivalent digital image, forensic dental examination records, and other identifying data, including date and place of death. If the identity of the body or human remains is later established, the county coroner or county medical examiner must notify the national missing and unidentified persons system within forty-eight hours.

**NEW SECTION. Sec. 30.** A new section is added to chapter 36.28A RCW to read as follows:

When funded, the Washington association of sheriffs and police chiefs must regularly transmit information contained within the statewide missing persons web site created pursuant to RCW 36.28A.110 to the national missing and unidentified persons system created by the United States department of justice's national institute of justice.

**NEW SECTION. Sec. 31.** This act may be known and cited as Cody's law."

Correct the title.

Representatives Mosbrucker and Goodman spoke in favor of the adoption of the striking amendment.

The striking amendment (1233) was adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Mosbrucker, Goodman and Graham spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Engrossed House Bill No. 2792.

## ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 2792, and the bill passed the

House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, Dent, Doglio, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Mead, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shea, Shewmake, Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Excused: Representative DeBolt.

ENGROSSED HOUSE BILL NO. 2792, having received the necessary constitutional majority, was declared passed.

The Speaker (Representative Orwall presiding) called upon Representative Lovick to preside.

There being no objection, the House reverted to the third order of business.

#### MESSAGE FROM THE SENATE

February 17, 2020

Mme. SPEAKER:

The Senate has passed:

ENGROSSED SECOND SUBSTITUTE SENATE  
BILL NO. 5291,  
SECOND SUBSTITUTE SENATE BILL NO. 5493,  
ENGROSSED SUBSTITUTE SENATE BILL NO.  
5504,  
SECOND SUBSTITUTE SENATE BILL NO. 5601,  
SUBSTITUTE SENATE BILL NO. 6022,  
SUBSTITUTE SENATE BILL NO. 6050,  
SUBSTITUTE SENATE BILL NO. 6061,  
SUBSTITUTE SENATE BILL NO. 6081,  
SUBSTITUTE SENATE BILL NO. 6084,  
SUBSTITUTE SENATE BILL NO. 6088,  
SUBSTITUTE SENATE BILL NO. 6112,  
SENATE BILL NO. 6218,  
SUBSTITUTE SENATE BILL NO. 6267,  
SECOND SUBSTITUTE SENATE BILL NO. 6275,  
SENATE BILL NO. 6430,  
ENGROSSED SUBSTITUTE SENATE BILL NO.  
6432,  
SUBSTITUTE SENATE BILL NO. 6488,  
SENATE BILL NO. 6493,  
ENGROSSED SUBSTITUTE SENATE BILL NO.  
6540,  
SENATE BILL NO. 6565,

SENATE BILL NO. 6580,  
SUBSTITUTE SENATE BILL NO. 6613,  
SUBSTITUTE SENATE BILL NO. 6676,

and the same are herewith transmitted.

Brad Hendrickson, Secretary

There being no objection, the House advanced to the fourth order of business.

#### INTRODUCTION & FIRST READING

HB 2943 by Representatives Robinson, Chapman and Tharinger

AN ACT Relating to providing a business and occupation tax preference for behavioral health administrative services organizations; adding a new section to chapter 82.04 RCW; creating a new section; providing an effective date; and providing an expiration date.

Referred to Committee on Ways & Means.

2SSB 5093 by Senate Committee on Transportation (originally sponsored by Fortunato)

AN ACT Relating to enhancing litter control along state highways; amending RCW 70.93.220; and creating a new section.

Referred to Committee on Environment & Energy.

ESSB 5522 by Senate Committee on Local Government (originally sponsored by Takko)

AN ACT Relating to providing code cities with the ability to annex unincorporated areas pursuant to a jointly approved interlocal agreement with the county; adding a new section to chapter 35A.14 RCW; and creating a new section.

Referred to Committee on Local Government.

SSB 6135 by Senate Committee on Environment, Energy & Technology (originally sponsored by Sheldon, Carlyle and Short)

AN ACT Relating to system reliability during the clean energy transformation act implementation; adding a new section to chapter 19.280 RCW; creating a new section; and providing an expiration date.

Referred to Committee on Environment & Energy.

SB 6187 by Senator Zeiger

AN ACT Relating to modifying the definition of personal information for notifying the public about data breaches of a state or local agency system; and amending RCW 42.56.590.

Referred to Committee on Innovation, Technology & Economic Development.

SSB 6210 by Senate Committee on Ways & Means (originally sponsored by Lovelett, Rolfes, Wilson and C.)

AN ACT Relating to antifouling paints on recreational water vessels; amending RCW 70.300.020; and adding new sections to chapter 70.300 RCW.

Referred to Committee on Appropriations.

SSB 6306 by Senate Committee on Ways & Means (originally sponsored by Liias, Van De Wege, Warnick, Rolfes, Short, Nguyen, Das, Lovelett, Randall, Saldaña, Wilson and C.)

AN ACT Relating to creating the Washington soil health initiative; and adding a new chapter to Title 15 RCW.

Referred to Committee on Appropriations.

ESSB 6324 by Senate Committee on Local Government (originally sponsored by Takko and Carlyle)

AN ACT Relating to special purpose district financial reporting; amending RCW 43.09.230, 36.96.010, 36.96.030, and 36.96.070; adding a new section to chapter 36.96 RCW; and adding a new section to chapter 84.55 RCW.

Referred to Committee on Local Government.

2SSB 6342 by Senate Committee on Ways & Means (originally sponsored by Dhingra, Das, Lovelett, Mullet, Stanford, Wilson and C.)

AN ACT Relating to chemical contaminants in drinking water; amending RCW 70.142.050; adding new sections to chapter 70.142 RCW; and creating a new section.

Referred to Committee on Appropriations.

ESSB 6440 by Senate Committee on Labor & Commerce (originally sponsored by Stanford, Hunt, Keiser, McCoy, Das and Conway)

AN ACT Relating to industrial insurance medical examinations; amending RCW 51.32.110 and 51.36.070; adding a new section to chapter 51.08 RCW; creating a new section; and providing an expiration date.

Referred to Committee on Appropriations.

ESSB 6473 by Senate Committee on Labor & Commerce (originally sponsored by Stanford,

Frockt, Conway, Keiser, Hasegawa, Liias, Van De Wege, Billig, Hunt and Saldaña)

AN ACT Relating to asbestos-containing building materials; amending RCW 70.310.020; adding new sections to chapter 70.310 RCW; and prescribing penalties.

Referred to Committee on Environment & Energy.

There being no objection, the bills listed on the day's introduction sheet under the fourth order of business were referred to the committees so designated.

There being no objection, the House advanced to the seventh order of business.

### **THIRD READING RECONSIDERATION**

There being no objection, the House immediately reconsidered the vote by which SECOND SUBSTITUTE HOUSE BILL NO. 2499 passed the House.

The Clerk called the roll on the final passage of Second Substitute House Bill No. 2499, on reconsideration, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

Voting Yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, Johnson, J., Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Mead, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shea, Shewmake, Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

SECOND SUBSTITUTE HOUSE BILL NO. 2499, on reconsideration, having received the necessary constitutional majority, was declared passed.

There being no objection, the House reverted to the sixth order of business.

### **SECOND READING**

**HOUSE BILL NO. 2803, by Representatives Tarleton, Robinson, Sells, Lekanoff, Gregerson, Chapman, Orwall, Peterson, Tharinger and Pollet**

**Authorizing the governor to enter into compacts with Indian tribes addressing certain state retail sales tax, certain state use tax, and certain state business and occupation tax revenues, as specified in a memorandum**

**of understanding entered into by the state, Tulalip tribes, and Snohomish county, in January 2020, and including other terms necessary for the department of revenue to administer any such compact.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 2803 was substituted for House Bill No. 2803 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2803 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Tarleton, Orcutt, Robinson, DeBolt, Stokesbary, Ortiz-Self and Lekanoff spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2803.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2803, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Mead, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shea, Shewmake, Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mr. Speaker.

SUBSTITUTE HOUSE BILL NO. 2803, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 2092, by Representatives Mosbrucker, Chapman, Dye and Eslick**

**Concerning huckleberry buyers retaining and disclosing records to law enforcement.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Mosbrucker, Blake and Corry spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of House Bill No. 2092.

#### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2092, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Mead, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shea, Shewmake, Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mr. Speaker.

HOUSE BILL NO. 2092, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 2228, by Representatives Springer, Dent, Ramos, Griffey, Ryu, Appleton, Leavitt, Ormsby, Wylie and Goodman**

**Permitting early deployment of state fire service resources.**

The bill was read the second time.

With the consent of the House, amendment (1351) was withdrawn.

Representative Kretz moved the adoption of amendment (1480):

31.0. On page 2, line 22, after "purpose" insert ". When the chief receives a request for a predeployment mobilization of risk resources to an emergency or disaster based on a wildland fire, the chief shall consider both the available public risk resources and the resources available through the master list of qualified wildland fire suppression contractors maintained by the department of natural resources pursuant to RCW 76.04.181, and shall retain and deploy the resources that will provide the most effective and expeditious response"

Representatives Kretz and Springer spoke in favor of the adoption of the amendment.

Amendment (1480) was adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Springer and Dye spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed House Bill No. 2228.

### ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 2228, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Mead, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shea, Shewmake, Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mr. Speaker.

ENGROSSED HOUSE BILL NO. 2228, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 2353, by Representatives Blake and Dent**

**Providing for fire trailer vehicle registration and license plates.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 2353 was substituted for House Bill No. 2353 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2353 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Blake and Orcutt spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2353.

### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2353, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Mead, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shea, Shewmake, Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mr. Speaker.

SUBSTITUTE HOUSE BILL NO. 2353, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 2712, by Representatives Kretz, Riccelli, Maycumber, Lekanoff, Mosbrucker, Chopp, Walsh, Chapman, Harris, Blake, Dent, Pettigrew, Rude, Springer, Steele, Appleton, Caldier, Fitzgibbon, Leavitt, Eslick, Volz, Van Werven, Shea, Cody, Tharinger, Robinson, Young and Ormsby**

**Requiring retailers to indicate the country of origin on beef sold to the public.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 2712 was substituted for House Bill No. 2712 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2712 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.



Representatives Kretz and Blake spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2712.

### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2712, and the bill passed the House by the following vote: Yeas, 92; Nays, 6; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Duerr, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Jenkin, J. Johnson, Kilduff, Kirby, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Mead, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Sells, Senn, Shea, Shewmake, Slatte, Smith, Springer, Steele, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mr. Speaker.

Voting nay: Representatives Dufault, Irwin, Klippert, Pettigrew, Schmick and Stokesbary.

SUBSTITUTE HOUSE BILL NO. 2712, having received the necessary constitutional majority, was declared passed.

### HOUSE BILL NO. 2860, by Representatives Orcutt and Fey

#### Concerning the Washington plane coordinate system.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Orcutt and Shewmake spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of House Bill No. 2860.

### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2860, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Duerr, Dufault, Dye, Entenman,

Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Mead, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shea, Shewmake, Slatte, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mr. Speaker.

HOUSE BILL NO. 2860, having received the necessary constitutional majority, was declared passed.

### HOUSE BILL NO. 2555, by Representative Goodman

#### Concerning background check requirements for firearms classified as other under federal firearms laws.

The bill was read the second time.

There being no objection, Substitute House Bill No. 2555 was substituted for House Bill No. 2555 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2555 was read the second time.

Representative Walsh moved the adoption of amendment (1572):

31.0. On page 1, line 12, after "frames" strike "or receivers"

On page 1, line 13, after "frame" strike "or receiver"

On page 1, line 19, after "frame" strike "or receiver"

On page 2, line 2, after "frame" strike "or receiver"

On page 2, beginning on line 11, after "frame" strike all material through "or receiver" on line 12 and insert "and copies or records of firearm frame"

On page 2, line 17, after "frame" strike "or receiver"

On page 2, line 20, after "frames" strike "or receivers"

On page 2, line 21, after "frame" strike "or receiver"

Representative Walsh spoke in favor of the adoption of the amendment.

Representative Kilduff spoke against the adoption of the amendment.

Amendment (1572) was not adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Goodman spoke in favor of the passage of the bill.

Representatives Walsh, Klippert, Shea, Graham, Sutherland and McCaslin spoke against the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2555.

### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2555, and the bill passed the House by the following vote: Yeas, 56; Nays, 42; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Bergquist, Callan, Chapman, Chopp, Cody, Davis, Doglio, Dolan, Duerr, Entenman, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hansen, Hudgins, J. Johnson, Kilduff, Kirby, Kloba, Leavitt, Lekanoff, Lovick, Macri, Mead, Morgan, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Ryu, Santos, Sells, Senn, Shewmake, Slatter, Springer, Stonier, Sullivan, Tarleton, Thai, Tharinger, Valdez, Walen, Wylie and Mr. Speaker.

Voting nay: Representatives Barkis, Blake, Boehnke, Caldier, Chambers, Chandler, Corry, DeBolt, Dent, Dufault, Dye, Eslick, Gildon, Goehner, Graham, Griffey, Harris, Hoff, Irwin, Jenkin, Klippert, Kraft, Kretz, MacEwen, Maycumber, McCaslin, Mosbrucker, Orcutt, Rude, Schmick, Shea, Smith, Steele, Stokesbary, Sutherland, Van Werven, Vick, Volz, Walsh, Wilcox, Ybarra and Young.

SUBSTITUTE HOUSE BILL NO. 2555, having received the necessary constitutional majority, was declared passed.

There being no objection, the House advanced to the seventh order of business.

### THIRD READING

**HOUSE BILL NO. 2040, by Representative MacEwen**

**Concerning nonhigh school districts.**

The bill was read the third time.

There being no objection, the rules were suspended, and HOUSE BILL NO. 2040 was returned to second reading for the purpose of amendment.

### SECOND READING

With the consent of the House, amendment (1582) was withdrawn.

Representative MacEwen moved the adoption of the amendment (1614):

31.0. On page 2, line 3, after "district;" strike "and"

On page 2, after line 3, insert the following:

"(4) If the nonhigh school district has not levied an enrichment levy during the current school year, then the amount due per annual average full-time equivalent student by the nonhigh school district is the enrichment levy rate per annual average full-time equivalent student levied upon the taxpayers of the high school district; and"

On page 2, line 4, strike "(4)" and insert "(5)"

Representatives MacEwen and Bergquist spoke in favor of the adoption of the amendment.

Amendment (1614) was adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives MacEwen and Bergquist spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed House Bill No. 2040.

### ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 2040, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Mead, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shea, Shewmake, Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

ENGROSSED HOUSE BILL NO. 2040, having received the necessary constitutional majority, was declared passed.

There being no objection, the House reverted to the sixth order of business.

## SECOND READING

### **HOUSE BILL NO. 2853, by Representatives Harris and Santos**

#### **Promoting the effective and efficient administration of the Washington state charter school commission.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Harris and Santos spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of House Bill No. 2853.

## ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2853, and the bill passed the House by the following vote: Yeas, 89; Nays, 9; Absent, 0; Excused, 0.

Voting yea: Representatives Barkis, Bergquist, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Cody, Corry, DeBolt, Dent, Doglio, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Mead, Morgan, Mosbrucker, Orcutt, Ormsby, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Santos, Schmick, Sells, Senn, Shea, Shewmake, Slatter, Smith, Springer, Steele, Stokesbary, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Voting nay: Representatives Appleton, Blake, Chopp, Davis, Kilduff, Leavitt, Ortiz-Self, Ryu and Stonier.

HOUSE BILL NO. 2853, having received the necessary constitutional majority, was declared passed.

### **HOUSE BILL NO. 1659, by Representatives Corry, Riccelli, Dufault, Dent, Mosbrucker, Chandler, Ybarra and Ormsby**

#### **Modifying dates related to the application due date for health sciences and services authorities and their sales and use tax authority.**

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 1659 was substituted for House Bill No. 1659 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 1659 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Corry and Riccelli spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Second Substitute House Bill No. 1659.

## ROLL CALL

The Clerk called the roll on the final passage of Second Substitute House Bill No. 1659, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Mead, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shea, Shewmake, Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

SECOND SUBSTITUTE HOUSE BILL NO. 1659, having received the necessary constitutional majority, was declared passed.

### **HOUSE BILL NO. 2785, by Representatives Lekanoff, Goodman, Klippert, Lovick and Peterson**

#### **Concerning the membership of the criminal justice training commission.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 2785 was substituted for House Bill No. 2785 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2785 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Irwin, Lekanoff and Klippert spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2785.

### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2785, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Mead, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shea, Shewmake, Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

SUBSTITUTE HOUSE BILL NO. 2785, having received the necessary constitutional majority, was declared passed.

The Speaker (Representative Lovick presiding) called upon Representative Orwall to preside.

**HOUSE BILL NO. 2596, by Representatives Boehnke, Kloba, Slatter, Entenman, Hudgins, Steele, Eslick and Santos**

**Fostering economic growth in Washington by supporting emerging businesses in the new space economy.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Boehnke, Hudgins, Ybarra and Pollet spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of House Bill No. 2596.

### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2596, and the bill passed the House by the following vote: Yeas, 93; Nays, 5; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chopp, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Mead, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Shea, Shewmake, Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Voting nay: Representatives Chapman, Peterson, Senn, Thai and Tharinger.

HOUSE BILL NO. 2596, having received the necessary constitutional majority, was declared passed.

### POINT OF PERSONAL PRIVILEGE

Representative Klippert congratulated Representative Boehnke on the passage of his first bill through the House, and asked the Chamber to acknowledge his accomplishment.

**HOUSE BILL NO. 2511, by Representatives Stonier, Sells, Gregerson, Ormsby, Chapman, Valdez, Chopp, Bergquist, Davis, Doglio, Frame, Ramel, Pollet, Macri, Goodman, Riccelli and Robinson**

**Providing labor protections for domestic workers.**

The bill was read the second time.

Representative Mosbrucker moved that the second substitute bill by the Committee on Appropriations be adopted.

Representative Mosbrucker spoke in favor of the motion.

Representative Stonier spoke against the motion.

The Speaker (Representative Orwall presiding) stated the question before the House to be the adoption of the motion to substitute the second substitute bill by the Committee on Appropriations.

The Clerk called the roll on the adoption of the motion to substitute the second substitute bill by the Committee on Appropriations. and the motion failed the House by the following vote: Yeas, 36; Nays, 62; Absent, 0; Excused, 0.

Voting yea: Representatives Barkis, Bergquist, Boehnke, Caldier, Chambers, Chandler, Corry, DeBolt, Dent, Dufault, Gildon, Goehner, Goodman, Graham,

Gregerson, Griffey, Harris, Hoff, Hudgins, Jenkin, Klippert, Kraft, Kretz, MacEwen, Maycumber, Mosbrucker, Orcutt, Rude, Shewmake, Smith, Steele, Van Werven, Vick, Volz, Walsh, Wilcox and Young.

Voting nay: Representatives Appleton, Blake, Callan, Chapman, Chopp, Cody, Davis, Doglio, Dolan, Duerr, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Hansen, Irwin, J. Johnson, Kilduff, Kirby, Kloba, Leavitt, Lekanoff, Lovick, Macri, McCaslin, Mead, Morgan, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Ryu, Santos, Schmick, Sells, Senn, Shea, Slatter, Springer, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Walen, Wylie, Ybarra and Mme. Speaker.

By the failure to adopt the motion to substitute the second substitute bill by the Committee on Appropriations, amendments (1574), (1579), (1576), and (1605) were ruled out of order.

There being no objection, Substitute House Bill No. 2511 was substituted for House Bill No. 2511 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2511 was read the second time.

With the consent of the House, amendments (1383), (1580) and (1581) were withdrawn.

Representative Chambers moved the adoption of amendment (1578):

31.0. On page 2, line 37, after "than" strike "fifteen" and insert "twenty-five"

Representatives Chambers and Hoff spoke in favor of the adoption of the amendment.

Representative Sells spoke against the adoption of the amendment.

Amendment (1578) was not adopted.

Representative Chambers moved the adoption of amendment (1577):

31.0. On page 2, beginning on line 38, after "week" strike all material through "business" on line 39

Representative Chambers spoke in favor of the adoption of the amendment.

Representative Stonier spoke against the adoption of the amendment.

Amendment (1577) was not adopted.

Representative Chambers moved the adoption of amendment (1575):

31.0. On page 4, beginning on line 24, strike all of subsection (b)

Renumber the remaining subsections consecutively and correct any internal references accordingly.

On page 4, line 38, after "(2)(b)" strike ", (c), and (d)" and insert "and (c)"

Representative Chambers spoke in favor of the adoption of the amendment.

Representative Sells spoke against the adoption of the amendment.

Amendment (1575) was not adopted.

Representative Chambers moved the adoption of amendment (1606):

31.0. On page 8, line 5, after "interests" insert ", and geographic locations across the state"

On page 8, line 6, after "homes" insert ", including one each of the following types of domestic worker: Nanny; home care worker not employed by an agency or member of, or otherwise part of, a labor union; housekeeper; gardener; cook; and butler or household manager"

On page 8, line 20, after "(i)" insert "One representative of an organization representing individuals with developmental disabilities;

(j) One representative of a licensed home care agency;

(k)"

Renumber the remaining subsections consecutively and correct any internal references accordingly.

Representatives Chambers, Irwin and Chambers (again) spoke in favor of the adoption of the amendment.

Representative Stonier spoke against the adoption of the amendment.

Amendment (1606) was not adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Stonier spoke in favor of the passage of the bill.

Representatives Mosbrucker and Chambers spoke against the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2511.

**ROLL CALL**

The Clerk called the roll on the final passage of Substitute House Bill No. 2511, and the bill passed the House by the following vote: Yeas, 59; Nays, 39; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Bergquist, Blake, Callan, Chandler, Chapman, Chopp, Cody, Davis, Doglio, Dolan, Duerr, Entenman, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hansen, Hudgins, J. Johnson, Kilduff, Kirby, Kloba, Leavitt, Lekanoff, Lovick, Macri, Mead, Morgan, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Ryu, Santos, Schmick, Sells, Senn, Sheawmake, Slatter, Springer, Stonier, Sullivan, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Voting nay: Representatives Barkis, Boehnke, Caldier, Chambers, Corry, DeBolt, Dent, Dufault, Dye, Eslick, Gildon, Goehner, Graham, Griffey, Harris, Hoff, Irwin, Jenkin, Klippert, Kraft, Kretz, MacEwen, Maycumber, McCaslin, Mosbrucker, Orcutt, Rude, Schmick, Shea, Smith, Steele, Stokesbary, Sutherland, Van Werven, Vick, Volz, Walsh, Wilcox and Young.

SUBSTITUTE HOUSE BILL NO. 2511, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 2540, by Representatives Maycumber, Lekanoff, Chapman, Senn, Rude, Mead, Walen, Duerr, Chambers, Riccelli, Harris, Van Werven, Stonier, Kloba, Leavitt, Davis, Doglio, Dufault, Pollet and Macri**

**Clarifying when campaign funds may be used for child care expenses.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Maycumber and Gregerson spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of House Bill No. 2540.

#### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2540, and the bill passed the House by the following vote: Yeas, 96; Nays, 2; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chapman, Chopp, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri,

Maycumber, McCaslin, Mead, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shea, Sheawmake, Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Voting nay: Representatives Chandler and Morgan.

HOUSE BILL NO. 2540, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 2772, by Representatives Walsh, Hudgins and Pollet**

**Concerning the administration of election campaign activities and reporting statements of financial affairs.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 2772 was substituted for House Bill No. 2772 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2772 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Walsh and Hudgins spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2772.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2772, and the bill passed the House by the following vote: Yeas, 97; Nays, 1; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Mead, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shea, Sheawmake, Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Voting nay: Representative Morgan.

SUBSTITUTE HOUSE BILL NO. 2772, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 2617, by Representatives Robinson, Ortiz-Self, Sells, Macri, Valdez, Lekanoff and Senn**

**Concerning the lease or rental of surplus property of school districts.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Ortiz-Self, Robinson and Harris spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of House Bill No. 2617.

#### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2617, and the bill passed the House by the following vote: Yeas, 70; Nays, 28; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Bergquist, Blake, Caldier, Callan, Chambers, Chapman, Chopp, Cody, Davis, DeBolt, Doglio, Dolan, Duerr, Entenman, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Hansen, Harris, Hudgins, Irwin, J. Johnson, Kilduff, Kirby, Kloba, Kretz, Leavitt, Lekanoff, Lovick, Macri, Maycumber, Mead, Morgan, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Ryu, Santos, Sells, Senn, Shewmake, Slatter, Springer, Steele, Stonier, Sullivan, Tarleton, Thai, Tharinger, Valdez, Van Werven, Walen, Wylie and Mme. Speaker.

Voting nay: Representatives Barkis, Boehnke, Chandler, Corry, Dent, Dufault, Dye, Eslick, Griffey, Hoff, Jenkin, Klippert, Kraft, MacEwen, McCaslin, Mosbrucker, Rude, Schmick, Shea, Smith, Stokesbary, Sutherland, Vick, Volz, Walsh, Wilcox, Ybarra and Young.

HOUSE BILL NO. 2617, having received the necessary constitutional majority, was declared passed.

#### STATEMENT FOR THE JOURNAL

I intended to vote NAY on House Bill No. 2617.

Representative Graham, 6th District

#### SECOND READING

**HOUSE BILL NO. 2607, by Representatives Callan, Corry, Caldier, Eslick, Orwall, Entenman, Davis, Shewmake, Lekanoff, Thai, Chapman, Steele, Fey, Chopp, Robinson, Bergquist, Senn, Cody, Doglio,**

**Goodman, Leavitt, Ramel, Santos, Ormsby, Pollet, Kloba and Macri**

**Assisting homeless individuals in obtaining Washington state identicards.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 2607 was substituted for House Bill No. 2607 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2607 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Callan and Harris spoke in favor of the passage of the bill.

Representatives Dent and Klippert spoke against the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2607.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2607, and the bill passed the House by the following vote: Yeas, 87; Nays, 11; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Caldier, Callan, Chambers, Chapman, Chopp, Cody, Corry, Davis, DeBolt, Doglio, Dolan, Duerr, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, J. Johnson, Kilduff, Kirby, Kloba, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, Mead, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Sells, Senn, Shewmake, Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Voting nay: Representatives Boehnke, Chandler, Dent, Dufault, Dye, Jenkin, Klippert, Kraft, McCaslin, Schmick and Shea.

SUBSTITUTE HOUSE BILL NO. 2607, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 2889, by Representative Griffey**

**Concerning utility tax disclosures.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 2889 was substituted for House Bill No. 2889 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2889 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Griffey and Pollet spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2889.

### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2889, and the bill passed the House by the following vote: Yeas, 97; Nays, 1; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Mead, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shea, Shewmake, Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Voting nay: Representative Morgan.

SUBSTITUTE HOUSE BILL NO. 2889, having received the necessary constitutional majority, was declared passed.

### HOUSE BILL NO. 2138, by Representatives Blake, Kretz, Chapman and Dent

#### Requiring signage on certain lands that are closed to the public.

The bill was read the second time.

There being no objection, Substitute House Bill No. 2138 was substituted for House Bill No. 2138 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2138 was read the second time.

Representative Shewmake moved the adoption of the striking amendment (1463):

31.0.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 32. A new section is added to chapter 77.12 RCW to read as follows:

(1) All new signs that pertain to land use restrictions or closures must include a reference to the supporting section of the Revised Code of Washington or Washington Administrative Code, or to other legal authority.

(2) The department shall update existing sign standards and policies to ensure that all signs pertaining to land use restrictions or closures include a reference to the supporting section of the Revised Code of Washington or Washington Administrative Code, or to other legal authority.

NEW SECTION. Sec. 33. A new section is added to chapter 79.02 RCW to read as follows:

(1) All new signs that pertain to land use restrictions or closures must include a reference to the supporting section of the Revised Code of Washington or Washington Administrative Code, or to other legal authority.

(2) The department shall update existing sign standards and policies to ensure that all signs pertaining to land use restrictions or closures include a reference to the supporting section of the Revised Code of Washington or Washington Administrative Code, or to other legal authority.

NEW SECTION. Sec. 34. This act applies prospectively. Nothing in this act requires any agency of state government to increase or change its existing sign update, replacement, or removal schedules. Agencies should use any remaining stock of signs."

Correct the title.

Representative Shewmake spoke in favor of the adoption of the striking amendment.

The striking amendment (1463) was adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Shewmake spoke in favor of the passage of the bill.

### MOTION

On motion of Representative Griffey, Representative DeBolt was excused.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 2138.



**ROLL CALL**

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2138, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, Dent, Doglio, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Mead, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shea, Shewmake, Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Excused: Representative DeBolt.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2138, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 2352, by Representatives Tharinger, Fitzgibbon, Leavitt, Harris and Wylie**

**Concerning the building for the arts program.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Tharinger, Smith, Harris, Eslick, Barkis and Eslick (again) spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of House Bill No. 2352.

**ROLL CALL**

The Clerk called the roll on the final passage of House Bill No. 2352, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, Dent, Doglio, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Mead, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude,

Ryu, Santos, Schmick, Sells, Senn, Shea, Shewmake, Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Excused: Representative DeBolt.

HOUSE BILL NO. 2352, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 2783, by Representatives Griffey, Springer and Walen**

**Standardizing fire safety requirements for mobile on-demand gasoline providers.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 2783 was substituted for House Bill No. 2783 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2783 was read the second time.

Representative Griffey moved the adoption of amendment (1142):

34.0. On page 1, line 20, after "jurisdictions by" strike "December 2020" and insert "May 2021"

Representative Griffey spoke in favor of the adoption of the amendment.

Amendment (1142) was adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Griffey and Pollet spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 2783.

**ROLL CALL**

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2783, and the bill passed the House by the following vote: Yeas, 95; Nays, 2; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, Dent, Doglio, Dolan, Duerr, Dufault, Dye, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, J.

Johnson, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Mead, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shea, Shewmake, Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Voting nay: Representatives Entenman and Morgan.

Excused: Representative DeBolt.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2783, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 2858, by Representatives Orcutt, Dolan and Doglio**

**Concerning requirements for the filing of assessment rolls.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Orcutt and Tarleton spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of House Bill No. 2858.

**ROLL CALL**

The Clerk called the roll on the final passage of House Bill No. 2858, and the bill passed the House by the following vote: Yeas, 96; Nays, 1; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, Dent, Doglio, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Mead, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shea, Shewmake, Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Voting nay: Representative Morgan.

Excused: Representative DeBolt.

HOUSE BILL NO. 2858, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 2319, by Representatives Fitzgibbon and Vick**

**Concerning the sale of liquor in kegs or containers containing four gallons or more of liquor.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Fitzgibbon and MacEwen spoke in favor of the passage of the bill.

Representative Klippert spoke against the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of House Bill No. 2319.

**ROLL CALL**

The Clerk called the roll on the final passage of House Bill No. 2319, and the bill passed the House by the following vote: Yeas, 89; Nays, 8; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Caldier, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Dent, Doglio, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Graham, Gregerson, Griffey, Hansen, Hoff, Hudgins, Irwin, Jenkin, J. Johnson, Kirby, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Mead, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shea, Shewmake, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Voting nay: Representatives Boehnke, Callan, Davis, Goodman, Harris, Kilduff, Klippert and Smith.

Excused: Representative DeBolt.

HOUSE BILL NO. 2319, having received the necessary constitutional majority, was declared passed.

Speaker Jenkins assumed the chair.

**HOUSE BILL NO. 1775, by Representatives Orwall, Frame, Wylie, Gregerson and Macri**

**Concerning commercially sexually exploited children.**

The bill was read the second time.

There being no objection, Third Substitute House Bill No. 1775 was substituted for House Bill No. 1775 and the

third substitute bill was placed on the second reading calendar.

THIRD SUBSTITUTE HOUSE BILL NO. 1775 was read the second time.

Representative Dent moved the adoption of amendment (1660):

34.0. On page 11, line 2, after "shall" strike "transport" and insert ":

(a) Transport"

On page 11, line 7, after "treatment" insert ":

(b) Coordinate transportation to an evaluation and treatment facility as defined in RCW 71.34.020, including the receiving centers established in section 2 of this act, with a liaison dedicated to serving commercially sexually exploited children established under RCW 74.14B.070 or a community service provider"

On page 11, line 39, after "manager:" strike "and"

On page 12, line 5, after "subsection" insert ":

(iv) Coordinate appropriate, available, community-based services for children following discharge from an evaluation and treatment facility as defined in RCW 71.34.020, including the receiving centers established in section 2 of this act

Representatives Dent and Senn spoke in favor of the adoption of the amendment.

Amendment (1660) was adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Orwall and Dent spoke in favor of the passage of the bill.

Representative Klippert spoke against the passage of the bill.

The Speaker stated the question before the House to be the final passage of Engrossed Third Substitute House Bill No. 1775.

### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Third Substitute House Bill No. 1775, and the bill passed the House by the following vote: Yeas, 96; Nays, 1; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, Dent, Doglio, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey,

Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, J. Johnson, Kilduff, Kirby, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Mead, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shea, Shewmake, Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Voting nay: Representative Klippert.

Excused: Representative DeBolt.

ENGROSSED THIRD SUBSTITUTE HOUSE BILL NO. 1775, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 2405, by Representatives Duerr, Barkis, Fitzgibbon, Shewmake, Hoff, Kloba, Corry, Gildon, Ybarra, Jenkin, Pollet and Doglio**

**Concerning commercial property assessed clean energy and resilience.**

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 2405 was substituted for House Bill No. 2405 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 2405 was read the second time.

Representative Duerr moved the adoption of the striking amendment (1553):

34.0.

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 35.** (1) The legislature finds that the efficiency and resiliency of buildings in Washington is essential for ensuring the health and safety of residents, employees, and tenants; for using water and energy more efficiently; and for economic development of our communities. Buildings in Washington have significant needs for resiliency retrofits, including seismic improvements, stormwater management, flood mitigation, wildfire and wind resistance, and for clean energy and energy efficiency improvements, but these improvements often have high up-front capital costs.

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

These improvements are repaid without the accumulation of cost to the county and without the creation of a personal debt obligation to the property owner. The debt obligation is instead carried by the property and remains with the property until repaid, regardless of any potential transfer of property ownership. After the adoption of a C-PACER program, a county's role is limited to the recordation of C-PACER liens and administration of the C-PACER program.

(3) The legislature declares that the establishment and operation of a C-PACER program under this chapter serves important public health and safety interests. A qualified improvement as defined in section 2 of this act provides benefit to the public, either in the form of energy or water resource conservation, reduced public health risk, or reduced public emergency response risk. Accordingly, the governing body of a county is authorized to determine that it is convenient and advantageous to adopt a program under this chapter.

**NEW SECTION. Sec. 36.** The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Capital provider" means any private entity that makes or funds C-PACER financing under this chapter.

(2) "C-PACER financing" means an investment from a capital provider to a property owner to finance a qualified project as described under this chapter.

(3) "C-PACER lien" means the lien recorded at the county on the eligible property which remains on the property until paid in full.

(4) "Eligible property" means privately owned commercial, industrial, or agricultural real property or multifamily residential real property with five or more dwelling units. Eligible property may be owned by any type of business, corporation, individual, or nonprofit organization permitted by state law.

(5) "Financing agreement" means the contract under which a property owner agrees to repay a capital provider for the C-PACER financing including, but not limited to, details of any finance charges, fees, debt servicing, accrual of interest and penalties, and any terms relating to treatment of prepayment and partial payment of the C-PACER financing.

(6) "Program" means a C-PACER program established under this chapter.

(7) "Program guidebook" means a comprehensive document that illustrates the applicable region for a program and establishes any appropriate guidelines, specifications, underwriting and approval criteria, and any standard application forms consistent with the administration of a program and not detailed in this chapter.

(8) "Project application" means an application submitted to the department of commerce to demonstrate that a proposed project qualifies for C-PACER financing and for a C-PACER lien.

(9) "Qualified improvement" means a permanent improvement affixed to real property and intended to: (a) Decrease energy consumption or demand through the use of

efficiency technologies, products, or activities that reduce or support the reduction of energy consumption, allow for the reduction in demand, or support the production of clean, renewable energy, including but not limited to a product, device, or interacting group of products or devices on the customer's side of the meter that generates electricity, provides thermal energy, or regulates temperature; (b) decrease water consumption or demand and address safe drinking water through the use of efficiency technologies, products, or activities that reduce or support the reduction of water consumption, allow for the reduction in demand, or reduce or eliminate lead from water which may be used for drinking or cooking; or (c) increase resilience, including but not limited to seismic retrofits, flood mitigation, stormwater management, wildfire and wind resistance, energy storage, and microgrids.

(10) "Qualified project" means a project approved by the department of commerce, involving the installation or modification of a qualified improvement, including new construction or the adaptive reuse of eligible property with a qualified improvement.

(11) "Region" means a geographical area as determined by a county pursuant to section 4 of this act.

**NEW SECTION. Sec. 37.** (1) The department of commerce shall establish a voluntary statewide C-PACER program that counties may choose to participate in.

(a) The department of commerce must administer the statewide program available to counties efficiently and transparently, including by:

(i) Making any services that the department may choose to offer to property owners, such as estimating energy savings, overseeing project development, or evaluating alternative equipment installations, priced separately and open to purchase by the property owner from qualified third-party providers;

(ii) Making any properties participating in the statewide program available to receiving impartial terms from all interested and qualifying third-party capital providers;

(iii) Allowing financial underwriting and evaluation to be performed by capital providers; and

(iv) Working in a collaborative working group process with capital providers and other stakeholders to develop the program guidebook and any other relevant documents or forms.

(2) The department of commerce may establish uniform statewide criteria for which projects qualify due to their public benefit for participation in C-PACER programs administered by counties, including, but not limited to, criteria for measuring or determining if investments in energy will reduce greenhouse gas emissions; be cost-effective for reducing energy demand or replacing nonrenewable energy with renewable energy; will be appropriate to meet seismic risks for each region of the state and type of structure; will reduce stormwater or pollution to be significant public benefit; or, will reduce the risk of wildfire, flooding, or other natural or human-caused disaster,

including how to determine if the public benefit in reduced public risk and emergency response qualifies for inclusion in C-PACER programs.

(3) The department of commerce must prepare a program guidebook that counties can adopt and amend as necessary. The guidebook must include at minimum:

(a) A sample form bilateral or triparty contract or contracts, as appropriate, between the department of commerce, the property owner, and the capital provider which details the obligation for repayment by the property owner in accordance with the terms of:

(i) A C-PACER lien under the program; and

(ii) The C-PACER financing provided by a capital provider;

(b) A statement that the period of the financing agreement will not exceed the useful life of the qualified project, or weighted average life if more than one qualified improvement is included in the qualified project, that is the basis for the financing agreement;

(c) A description of the application process and eligibility requirements for participation in the program;

(d) A statement explaining the lender consent requirement provided in section 8 of this act;

(e) A statement explaining the review requirement provided by section 4 of this act;

(f) A description of marketing and participant education services to be provided for the program; and

(g) A statement specifying that the county has no liability as a result of the agreement.

(4) The adopted county guidebook may include or incorporate by reference criteria or findings by the department of commerce pursuant to this section for determining if projects have adequate public benefit to participate in the C-PACER program administered by a county.

(5) The department of commerce must make the program guidebook available for public inspection on the department of commerce's web site.

**NEW SECTION. Sec. 38.** (1) The department of commerce must establish a C-PACER application and review process to review and evaluate project applications for C-PACER financing. The department of commerce may prescribe the form and manner of the application. As part of the application, each applicant must provide to the department of commerce a copy of the ordinance or resolution adopted by the county approving C-PACER financing for an area within the county. The department of commerce shall grant any application that satisfies the application criteria determined by the department of commerce. At a minimum, an applicant must demonstrate:

(a) That the project provides a benefit to the public, in the form of energy or water resource conservation, reduced public health risk, or reduced public emergency response risk.

(b) For an existing building: (i) Where energy or water usage improvements are proposed, certification by a licensed professional engineer, or other professional listed in the program guidebook, stating that the proposed qualified improvements will either result in more efficient use or conservation of energy or water, the reduction of greenhouse gas emissions, or the addition of renewable sources of energy or water, or (ii) where resilience improvements are proposed, certification by a licensed professional engineer stating that the qualified improvements will result in improved resilience.

(c) For new construction, certification by a licensed professional engineer stating that the proposed qualified improvements will enable the project to exceed the energy efficiency or water efficiency or renewable energy or renewable water or resilience requirements of the current building code.

(2) The department of commerce may charge an application fee to cover the costs of establishing and conducting the application review process.

(3) Upon the denial of an application, the department of commerce must provide an opportunity for an adjudicative proceeding subject to the applicable provisions of chapter 34.05 RCW.

(4) After an approved project is completed, an applicant must provide the department of commerce written verification from one or more qualified independent third parties, as defined in the program guidebook, stating that the qualified project was properly completed and is operating as intended.

(5) The department of commerce must begin accepting applications and approving projects under this section on and after July 1, 2021.

(6) The department of commerce may adopt rules to implement this section.

**NEW SECTION. Sec. 39.** (1) To adopt a program under this chapter, the governing body of a county must take the following actions:

(a) Adopt a resolution or ordinance that includes:

(i) A statement that financing qualified projects is in the public interest for safety, health, and other common good reasons;

(ii) A description of the region in which the program is offered, which:

(A) May include the entire county, which may include both unincorporated and incorporated territory; and

(B) Must be located wholly within the county's jurisdiction; and

(iii) A statement of the time and place for a public hearing on the proposed program; and

(b) Hold a public hearing at which the public may comment on the proposed program.

(2) A county may designate more than one region. If multiple regions are designated, the regions may be separate, overlapping, or coterminous.

(3) Counties may amend the program guidebook prepared by the department of commerce under section 3 of this act as necessary.

(4) The resolution or ordinance adopted by a county under this subsection may incorporate the program guidebook or any amended versions of the program guidebook, as appropriate, by reference.

(5) A county adopting a C-PACER program pursuant to this act may narrow the definition of "qualified improvements" to be consistent with the county's climate goals.

(6) Any combination of counties may agree to jointly implement a program under this chapter. If two or more counties implement a program jointly, a single public hearing held jointly by the cooperating counties is sufficient to satisfy the requirements of this chapter.

**NEW SECTION. Sec. 40.** (1) A county must record each C-PACER lien in the real property records of the county in which the property is located.

(2) The recording under subsection (1) of this section must contain:

- (a) The legal description of the eligible property;
- (b) The name of each property owner;
- (c) The date on which the lien was created;
- (d) The principal amount of the lien; and
- (e) The terms and length of the lien.

**NEW SECTION. Sec. 41.** (1) The C-PACER lien amount plus any interest, penalties, and charges accrued or accruing on the C-PACER lien:

(a) Takes precedence over all other liens or encumbrances except a lien for taxes imposed by the state, a local government, or a junior taxing district on real property, which liens for taxes shall have priority over such benefit C-PACER lien, provided existing mortgage holder(s), if any, has provided written consent described in section 8 of this act; and

(b) Is a first and prior lien, second only to a lien for taxes imposed by the state, a local government, or a junior taxing district against the real property on which the C-PACER lien is imposed, from the date on which the notice of the C-PACER lien is recorded until the C-PACER lien, interest, penalty, and charges accrued or accruing are paid.

(2) The C-PACER lien runs with the land, and that portion of the C-PACER lien that has not yet become due is not accelerated or eliminated by foreclosure of a property tax lien.

(3) Delinquent installments due on a C-PACER lien incur interest and penalties as specified in the financing agreement.

(4) After the C-PACER lien is recorded as provided in this section, the C-PACER lien may not be contested on the basis that the improvement is not a qualified improvement or that the project is not a qualified project.

(5) Collection and enforcement of delinquent C-PACER liens or C-PACER financing installment payments, including foreclosure, shall remain the responsibility of the capital provider.

(6) After the expiration of one year from the date of delinquency, the capital provider may foreclose and enforce the lien by a civil action in the court having jurisdiction in the manner prescribed for the judicial foreclosure of a mortgage. The court shall have the power to order the sale of the property. In any action brought to foreclose a lien, the owner shall be joined as a party. The interest in the real property of any person who, prior to the commencement of the action, has a recorded interest in the property, or any part thereof, shall not be foreclosed or affected unless they are joined as a party.

(7) The capital provider may sell or assign, for consideration, any and all liens received from the participating county. The capital provider or their assignee shall have and possess the same powers and rights at law or in equity to enforce the C-PACER lien in the same manner as described in subsection (6) of this section.

**NEW SECTION. Sec. 42.** (1) Before a capital provider may enter into a financing agreement to provide C-PACER financing of a qualified project to a record owner of any eligible property, the department of commerce must receive written consent from any holder of a lien, mortgage, or security interest in the real property that the property may participate in the program and that the C-PACER lien will take precedence over all other liens except for a lien for taxes as described in section 7 of this act.

(2) Before a capital provider may enter into a financing agreement to provide C-PACER financing of a qualified project to the record owner of any multifamily residential real property with five or more dwelling units, the department of commerce must also receive written consent from any and all holders of affordable housing covenants, restrictions, or regulatory agreements in the real property that the property may participate in the program and that the C-PACER lien will take precedence over all other liens except for a lien for taxes as described in section 7 of this act.

**NEW SECTION. Sec. 43.** The C-PACER financing through a program established under this chapter may include:

- (1) The cost of materials and labor necessary for installation or modification of a qualified improvement;
- (2) Permit fees;
- (3) Inspection fees;
- (4) Lender's fees;
- (5) Program application and administrative fees;
- (6) Project development and engineering fees;

(7) Third-party review fees, including verification review fees;

(8) Capitalized interest;

(9) Interest reserves;

(10) Escrow for prepaid property taxes and insurance;  
or

(11) Any other fees or costs that may be incurred by the property owner incident to the installation, modification, or improvement on a specific or pro rata basis.

**NEW SECTION. Sec. 44.** The proposed C-PACER financing for a qualified project may authorize the property owner to:

(1) Purchase directly the related equipment and materials for the installation or modification of a qualified improvement; and

(2) Contract directly, including through lease, power purchase agreement, or other service contract, for the installation or modification of a qualified improvement.

**NEW SECTION. Sec. 45.** A county that adopts a program and designates a program region under this chapter may not:

(1) Make the issuance of a permit, license, or other authorization from the county to a person who owns property in the region contingent on the person entering into a written contract to repay the financing of a qualified project under this chapter; or

(2) Otherwise compel a person who owns property in the region to enter into a written contract to repay the financing of a qualified project under this chapter.

**NEW SECTION. Sec. 46.** The members of the governing body of a county, employees of a county, and board members, executives, and employees under this chapter are not personally liable as a result of exercising any rights or responsibilities granted under this chapter.

**NEW SECTION. Sec. 47.** A county may not enforce any privately financed debt under this chapter. Neither the state nor any county may use public funds to fund or repay any loan between a capital provider and property owner. No section under this chapter shall be interpreted to pledge, offer, or encumber the full faith and credit of a local government, nor shall any local government pledge, offer, or encumber its full faith and credit for any lien amount through a program.

**NEW SECTION. Sec. 48.** Sections 1 through 13 of this act constitute a new chapter in Title 36 RCW."

Correct the title.

Representatives Duerr and Kraft spoke in favor of the adoption of the striking amendment.

The striking amendment (1553) was adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Duerr, Kraft, Barkis and Gildon spoke in favor of the passage of the bill.

The Speaker stated the question before the House to be the final passage of Engrossed Second Substitute House Bill No. 2405.

## ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 2405, and the bill passed the House by the following vote: Yeas, 93; Nays, 4; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Cody, Corry, Davis, Dent, Doglio, Dolan, Duerr, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, Mead, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Voting nay: Representatives Chopp, Dufault, McCaslin and Shea.

Excused: Representative DeBolt.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2405, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 2501, by Representatives Eslick, Blake, Barkis, Ybarra and Shea**

**Concerning allowable uses for the multiuse roadway safety account.**

The bill was read the second time.

Representative Eslick moved the adoption of amendment (1186):

48.0. On page 1, beginning on line 19, after "to" strike all material through "on" on line 21 and insert "enhance or maintain any segment of a road within the county in which the segment has been designated as part of"

On page 1, line 21, after "route" insert "for use by wheeled all-terrain vehicles"

Representatives Eslick and Fey spoke in favor of the adoption of the amendment.

Amendment (1186) was adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Eslick and Fey spoke in favor of the passage of the bill.

The Speaker stated the question before the House to be the final passage of Engrossed House Bill No. 2501.

### ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 2501, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, Dent, Doglio, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Mead, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shea, Shewmake, Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Excused: Representative DeBolt.

ENGROSSED HOUSE BILL NO. 2501, having received the necessary constitutional majority, was declared passed.

### **HOUSE BILL NO. 2623, by Representatives Walen, Valdez, Macri, Chapman, Kilduff and Senn**

#### **Prohibiting the possession of firearms by persons convicted of certain criminal offenses.**

The bill was read the second time.

Representative Walen moved the adoption of amendment (1252):

48.0. On page 2, line 5, after "another" insert "or by one intimate partner against another"

On page 2, line 13, after "another" insert "or by one intimate partner against another"

On page 2, line 19, after "9.41.230;" strike "and" and insert "or"

Representative Walen spoke in favor of the adoption of the amendment.

Amendment (1252) was adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Walen and Kilduff spoke in favor of the passage of the bill.

Representatives Irwin, Walsh, Sutherland, Young, Gildon, Walsh (again), Shea and Kraft spoke against the passage of the bill.

The Speaker stated the question before the House to be the final passage of Engrossed House Bill No. 2623.

### ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 2623, and the bill passed the House by the following vote: Yeas, 56; Nays, 41; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Bergquist, Callan, Chapman, Chopp, Cody, Davis, Doglio, Dolan, Duerr, Entenman, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hansen, Hudgins, J. Johnson, Kilduff, Kirby, Kloba, Leavitt, Lekanoff, Lovick, Macri, Mead, Morgan, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Ryu, Santos, Sells, Senn, Shewmake, Slatter, Springer, Stonier, Sullivan, Tarleton, Thai, Tharinger, Valdez, Walen, Wylie and Mme. Speaker.

Voting nay: Representatives Barkis, Blake, Boehnke, Caldier, Chambers, Chandler, Corry, Dent, Dufault, Dye, Eslick, Gildon, Goehner, Graham, Griffey, Harris, Hoff, Irwin, Jenkin, Klippert, Kraft, Kretz, MacEwen, Maycumber, McCaslin, Mosbrucker, Orcutt, Rude, Schmick, Shea, Smith, Steele, Stokesbary, Sutherland, Van Werven, Vick, Volz, Walsh, Wilcox, Ybarra and Young.

Excused: Representative DeBolt.

ENGROSSED HOUSE BILL NO. 2623, having received the necessary constitutional majority, was declared passed.

### **HOUSE BILL NO. 2641, by Representatives Fey, Valdez, Lekanoff, Doglio, Tharinger, Pollet and Macri**

#### **Authorizing cities to provide passenger-only ferry service.**

The bill was read the second time.

Representative McCaslin moved the adoption of amendment (1230):



48.0. On page 1, line 8, after "boundaries" insert ", upon approval of the majority of the voters in the city voting on a proposition at a general election that provides for the establishment of passenger-only ferry service and the collection of any revenues determined necessary for the capital and operating costs of such service"

Representative McCaslin spoke in favor of the adoption of the amendment.

Representative Fey spoke against the adoption of the amendment.

Division was demanded and the demand was sustained. The Speaker divided the House. The result was 40 - YEAS; 57 - NAYS.

Amendment (1230) was not adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Fey and Barkis spoke in favor of the passage of the bill.

The Speaker stated the question before the House to be the final passage of House Bill No. 2641.

#### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2641, and the bill passed the House by the following vote: Yeas, 83; Nays, 14; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, Dent, Doglio, Dolan, Duerr, Dufault, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Gregerson, Griffey, Hansen, Harris, Hudgins, Irwin, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, Mead, Morgan, Mosbrucker, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Sells, Senn, Shewmake, Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Wilcox, Wylie, Ybarra and Mme. Speaker.

Voting nay: Representatives Boehnke, Caldier, Dye, Graham, Hoff, Jenkin, Kraft, McCaslin, Orcutt, Schmick, Shea, Sutherland, Walsh and Young.

Excused: Representative DeBolt.

HOUSE BILL NO. 2641, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 2816, by Representatives Corry, Steele, Caldier, Van Werven, Eslick, Chambers and Boehnke**

**Nurturing positive social and emotional school and classroom climates.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 2816 was substituted for House Bill No. 2816 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2816 was read the second time.

Representative Corry moved the adoption of amendment (1475):

48.0. On page 3, line 11, after "by" strike "December 1, 2020" and insert "March 1, 2021"

Representative Corry spoke in favor of the adoption of the amendment.

Amendment (1475) was adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Corry and Paul spoke in favor of the passage of the bill.

The Speaker stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 2816.

#### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2816, and the bill passed the House by the following vote: Yeas, 95; Nays, 2; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, Dent, Doglio, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Mead, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shea, Shewmake, Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra and Mme. Speaker.

Voting nay: Representatives Kraft and Young.

Excused: Representative DeBolt.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2816, having received the necessary constitutional majority, was declared passed.

**STATEMENT FOR THE JOURNAL**

I intended to vote NAY on Engrossed Substitute House Bill No. 2816.

Representative Dufault, 15th District

**STATEMENT FOR THE JOURNAL**

I intended to vote NAY on Engrossed Substitute House Bill No. 2816.

Representative Dent, 13th District

**SECOND READING**

The Speaker called upon Representative Lovick to preside.

**HOUSE BILL NO. 2409, by Representatives Kilduff, Pollet, Sells, Gregerson, Valdez and Ormsby**

**Concerning industrial insurance employer penalties, duties, and the licensing of third-party administrators.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 2409 was substituted for House Bill No. 2409 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2409 was read the second time.

With the consent of the House, amendment (1562) was withdrawn.

Representative Hoff moved the adoption of amendment (1563):

48.0. On page 2, at the beginning of line 3, strike "~~((H))~~ Every time" and insert "If"

On page 2, line 6, after "exceed" strike "one thousand seven hundred" and insert "seven hundred fifty"

On page 2, beginning on line 7, after "greater," strike "per each act of unreasonable delay by the self-insurer."

Representative Hoff spoke in favor of the adoption of the amendment.

Representative Sells spoke against the adoption of the amendment.

Amendment (1563) was not adopted.

Representative Maycumber moved the adoption of amendment (1565):

48.0. On page 1, line 18, after "~~((five))~~" strike "one thousand seven hundred" and insert "seven hundred fifty"

Representatives Maycumber and Hoff spoke in favor of the adoption of the amendment.

Representative Sells spoke against the adoption of the amendment.

Amendment (1565) was not adopted.

Representative Ybarra moved the adoption of amendment (1557):

48.0. On page 2, line 20, after "~~((two))~~" strike "eight" and insert "three"

Representative Ybarra spoke in favor of the adoption of the amendment.

Representative Sells spoke against the adoption of the amendment.

Amendment (1557) was not adopted.

Representative Harris moved the adoption of amendment (1564):

48.0. On page 3, line 2, after "~~((two))~~" strike "eight" and insert "three"

Representative Harris spoke in favor of the adoption of the amendment.

Representative Sells spoke against the adoption of the amendment.

Amendment (1564) was not adopted.

Representative Gildon moved the adoption of amendment (1561):

48.0. On page 3, line 22, after "~~((two))~~" strike "eight" and insert "three"

Representatives Gildon and Ybarra spoke in favor of the adoption of the amendment.

Representative Sells spoke against the adoption of the amendment.

Amendment (1561) was not adopted.

Representative Sutherland moved the adoption of amendment (1555):

48.0. On page 3, line 25, after "who" insert "intentionally"

On page 3, line 28, after "~~((five))~~" strike "one thousand"

On page 3, line 29, after "hundred" insert "fifty"

Representative Sutherland spoke in favor of the adoption of the amendment.

Representative Sells spoke against the adoption of the amendment.

Amendment (1555) was not adopted.

Representative Dye moved the adoption of amendment (1560):

48.0. On page 3, beginning on line 32, after "be" strike all material through "cent" on line 35 and insert "reviewed from time to time by the legislature to ensure the penalty amounts are promoting the purposes for which they are enacted"

Representative Dye spoke in favor of the adoption of the amendment.

Representative Kilduff spoke against the adoption of the amendment.

Amendment (1560) was not adopted.

Representative Walsh moved the adoption of amendment (1558):

48.0. On page 3, beginning on line 30, strike all of section 7

Renumber the remaining sections consecutively and correct any internal references accordingly.

Correct the title.

Representative Walsh spoke in favor of the adoption of the amendment.

Representative Kilduff spoke against the adoption of the amendment.

Amendment (1558) was not adopted.

Representative Caldier moved the adoption of amendment (1552):

48.0. On page 4, beginning on line 1, strike all of section 8

Renumber the remaining sections consecutively and correct any internal references accordingly.

Correct the title.

Representative Caldier spoke in favor of the adoption of the amendment.

Representative Sells spoke against the adoption of the amendment.

Amendment (1552) was not adopted.

Representative Chandler moved the adoption of amendment (1559):

48.0. On page 4, line 3, after "representatives" insert ", and all workers and workers' representatives,"

Representative Chandler spoke in favor of the adoption of the amendment.

Representative Sells spoke against the adoption of the amendment.

Amendment (1559) was not adopted.

Representative Kraft moved the adoption of amendment (1556):

48.0. On page 4, line 32, after "be" strike "licensed" and insert "certified"

Representative Kraft spoke in favor of the adoption of the amendment.

Representative Kilduff spoke against the adoption of the amendment.

Amendment (1556) was not adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Kilduff spoke in favor of the passage of the bill.

Representatives Mosbrucker, Maycumber, Schmick, Jenkin, Hoff, Harris, Chambers, Corry, Caldier, Kraft, Graham, Chambers (again), Walsh and Klippert spoke against the passage of the bill.

## **MOTION**

On motion of Representative Griffey, Representative Smith was excused.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2409.

## **ROLL CALL**

The Clerk called the roll on the final passage of Substitute House Bill No. 2409, and the bill passed the House by the following vote: Yeas, 52; Nays, 44; Absent, 0; Excused, 2.

Voting yea: Representatives Appleton, Bergquist, Blake, Callan, Chopp, Cody, Davis, Doglio, Dolan, Duerr, Entenman, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hansen, Hudgins, J. Johnson, Kilduff, Kirby, Kloba, Leavitt,

Lekanoff, Lovick, Macri, Mead, Morgan, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Ryu, Santos, Sells, Senn, Slatter, Stonier, Sullivan, Tarleton, Thai, Tharinger, Valdez, Wylie and Mme. Speaker.

Voting nay: Representatives Barkis, Boehnke, Caldier, Chambers, Chandler, Chapman, Corry, Dent, Dufault, Dye, Eslick, Gildon, Goehner, Graham, Griffey, Harris, Hoff, Irwin, Jenkin, Klippert, Kraft, Kretz, MacEwen, Maycumber, McCaslin, Mosbrucker, Orcutt, Ormsby, Rude, Schmick, Shea, Shewmake, Springer, Steele, Stokesbary, Sutherland, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Ybarra and Young.

Excused: Representatives DeBolt and Smith.

SUBSTITUTE HOUSE BILL NO. 2409, having received the necessary constitutional majority, was declared passed.

#### STATEMENT FOR THE JOURNAL

I intended to vote YEA on Substitute House Bill No. 2409.

Representative Ormsby, 3rd District

#### SECOND READING

**HOUSE BILL NO. 2244, by Representatives Orcutt, Blake, Chapman, Eslick, Barkis, Goehner and Irwin**

**Addressing the authorization of wheeled all-terrain vehicles on state highways. Revised for 1st Substitute: Concerning the authorization of wheeled all-terrain vehicles on state highways.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 2244 was substituted for House Bill No. 2244 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2244 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Orcutt and Valdez spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2244.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2244, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, Dent, Doglio, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Mead, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shea, Shewmake, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Excused: Representatives DeBolt and Smith.

SUBSTITUTE HOUSE BILL NO. 2244, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 2826, by Representatives Peterson and Pollet**

**Clarifying the authority of the liquor and cannabis board to regulate marijuana vapor products.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Peterson and MacEwen spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of House Bill No. 2826.

#### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2826, and the bill passed the House by the following vote: Yeas, 95; Nays, 1; Absent, 0; Excused, 2.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, Dent, Doglio, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Mead, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shea, Shewmake, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Voting nay: Representative Leavitt.  
Excused: Representatives DeBolt and Smith.

HOUSE BILL NO. 2826, having received the necessary constitutional majority, was declared passed.

#### STATEMENT FOR THE JOURNAL

I intended to vote YEA on House Bill No. 2826.  
Representative Leavitt, 28th District

#### SECOND READING

**HOUSE BILL NO. 2601, by Representatives Tharinger, Barkis, Leavitt and Ryu**

**Concerning the authority of the parks and recreation commission to approve leases.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Tharinger, Steele and Barkis spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of House Bill No. 2601.

#### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2601, and the bill passed the House by the following vote: Yeas, 93; Nays, 3; Absent, 0; Excused, 2.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, Dent, Doglio, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Irwin, Jenkin, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Mead, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shea, Shewmake, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra and Mme. Speaker.

Voting nay: Representatives Hudgins, Pollet and Young.  
Excused: Representatives DeBolt and Smith.

HOUSE BILL NO. 2601, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 2412, by Representatives Stonier, MacEwen, Blake, Young, Eslick, Riccelli and Wylie**

**Concerning domestic brewery and microbrewery retail licenses.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Stonier, MacEwen, Jenkin and Corry spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of House Bill No. 2412.

#### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2412, and the bill passed the House by the following vote: Yeas, 84; Nays, 12; Absent, 0; Excused, 2.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Doglio, Dolan, Duerr, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Hoff, Hudgins, Irwin, Jenkin, J. Johnson, Kirby, Klippert, Kloba, Kraft, Kretz, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Mead, Morgan, Mosbrucker, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Riccelli, Robinson, Rude, Santos, Schmick, Sells, Shea, Shewmake, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra and Young.

Voting nay: Representatives Callan, Davis, Dent, Dufault, Harris, Kilduff, Leavitt, Orcutt, Ramos, Ryu, Senn and Mme. Speaker.

Excused: Representatives DeBolt and Smith.

HOUSE BILL NO. 2412, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 2819, by Representatives Mosbrucker, Blake, Chandler, Hoff, Fitzgibbon, Dent, Shewmake and Boehnke**

**Designating pumped storage projects located in a county bordering the Columbia river utilizing statutorily authorized water rights to be projects of statewide significance.**

The bill was read the second time.

Representative Mosbrucker moved the adoption of amendment (1203):  
48.0.

On page 4, after line 8, insert the following:

"Sec. 3. RCW 43.157.020 and 2009 c 421 s 3 are each amended to read as follows:

Counties and cities with development projects designated as projects of statewide significance within their jurisdictions shall enter into an agreement with the office of regulatory assistance and the project managers of projects of statewide significance for expediting the completion of projects of statewide significance. The agreement shall require:

(1) Expedited permit processing for the design and construction of the project;

(2) Expedited environmental review processing;

(3) Expedited processing of requests for street, right-of-way, or easement vacations necessary for the construction of the project;

(4) Participation of local officials on the team assembled under the requirements of RCW 43.157.030((2)) (3)(b); (~~and~~)

(5) A plan for consultation with affected tribes; and

(6) Such other actions or items as are deemed necessary by the office of regulatory assistance for the design and construction of the project."

Correct the title.

Representatives Mosbrucker and Riccelli spoke in favor of the adoption of the amendment.

Amendment (1203) was adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Mosbrucker, Fitzgibbon and Ybarra spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed House Bill No. 2819.

#### ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 2819, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, Dent, Doglio, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Mead, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude,

Ryu, Santos, Schmick, Sells, Senn, Shea, Shewmake, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Excused: Representatives DeBolt and Smith.

ENGROSSED HOUSE BILL NO. 2819, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 2906, by Representatives Kretz, Chapman, Lekanoff, Walsh, Schmick, Blake, Dent, Chandler, Orcutt, Springer, Pettigrew and Shewmake**

**Concerning the use of radio collars on gray wolves by the department of fish and wildlife.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 2906 was substituted for House Bill No. 2906 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2906 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Kretz, Springer, Appleton and Maycumber spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2906.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2906, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, Dent, Doglio, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Mead, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shea, Shewmake, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Excused: Representatives DeBolt and Smith.

SUBSTITUTE HOUSE BILL NO. 2906, having received the necessary constitutional majority, was declared passed.

**ENGROSSED SUBSTITUTE HOUSE BILL NO. 1504, by House Committee on Public Safety (originally sponsored by Klippert and Goodman)**

**Concerning impaired driving.**

The bill was read the second time.

There being no objection, Third Substitute House Bill No. 1504 was substituted for Engrossed Substitute House Bill No. 1504 and the third substitute bill was placed on the second reading calendar.

THIRD SUBSTITUTE HOUSE BILL NO. 1504 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Klippert and Goodman spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Third Substitute House Bill No. 1504.

**ROLL CALL**

The Clerk called the roll on the final passage of Third Substitute House Bill No. 1504, and the bill passed the House by the following vote: Yeas, 95; Nays, 1; Absent, 0; Excused, 2.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chopp, Cody, Corry, Davis, Dent, Doglio, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Mead, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shea, Shewmake, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Voting nay: Representative Chapman.

Excused: Representatives DeBolt and Smith.

THIRD SUBSTITUTE HOUSE BILL NO. 1504, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 2483, by Representatives Van Werven, Goodman and Ormsby**

**Clarifying vehicle impoundment and redemption following arrest for driving or being in physical control of a vehicle while under the influence of alcohol or drugs.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 2483 was substituted for House Bill No. 2483 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2483 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Van Werven and Goodman spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2483.

**ROLL CALL**

The Clerk called the roll on the final passage of Substitute House Bill No. 2483, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, Dent, Doglio, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Mead, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shea, Shewmake, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Excused: Representatives DeBolt and Smith.

SUBSTITUTE HOUSE BILL NO. 2483, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 2580, by Representatives Caldier, Callan, Dent, Corry and Frame**

**Reporting on independent living services.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Caldier and Senn spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of House Bill No. 2580.

### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2580, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, Dent, Doglio, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Mead, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shea, Shewmake, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Excused: Representatives DeBolt and Smith.

HOUSE BILL NO. 2580, having received the necessary constitutional majority, was declared passed.

### **HOUSE BILL NO. 2599, by Representatives Eslick, Kilduff, Doglio and Leavitt**

#### **Concerning services for children with multiple handicaps.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Eslick and Senn spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of House Bill No. 2599.

### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2599, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, Dent, Doglio, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Mead, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shea, Shewmake, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Excused: Representatives DeBolt and Smith.

HOUSE BILL NO. 2599, having received the necessary constitutional majority, was declared passed.

There being no objection, the House advanced to the eighth order of business.

### MOTION

There being no objection, the Committee on Rules was relieved of the following bills and the bills were placed on the second reading calendar:

HOUSE BILL NO. 1938  
HOUSE BILL NO. 2220  
HOUSE BILL NO. 2681  
HOUSE BILL NO. 2682  
HOUSE BILL NO. 2727  
HOUSE BILL NO. 2794  
HOUSE BILL NO. 2836

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1747

There being no objection, the House adjourned until 9:00 a.m., February 19, 2020, the 38th Day of the Regular Session.

LAURIE JINKINS, Speaker

BERNARD DEAN, Chief Clerk



**SIXTY SIXTH LEGISLATURE - REGULAR SESSION****THIRTY EIGHTH DAY**

House Chamber, Olympia, Wednesday, February 19, 2020

The House was called to order at 9:00 a.m. by the Speaker (Representative Lovick presiding). The Clerk called the roll and a quorum was present.

The flags were escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Khanh Doan and Eric Shiu. The Speaker (Representative Lovick presiding) led the Chamber in the Pledge of Allegiance. The prayer was offered by Rabbi Bruce Kadden, Temple Beth El, Tacoma, Washington.

Reading of the Journal of the previous day was dispensed with and it was ordered to stand approved.

There being no objection, the House advanced to the eighth order of business.

**MOTIONS**

There being no objection, the Committee on Rules was relieved of the following bills and the bills were placed on the second reading calendar:

HOUSE BILL NO. 2775  
HOUSE BILL NO. 2840

The Speaker (Representative Lovick presiding) called upon Representative Lekanoff to preside.

There being no objection, the Committee on Rules was relieved of the following bills and the bills were placed on the second reading calendar:

ENGROSSED HOUSE BILL NO. 2440  
HOUSE BILL NO. 2837

There being no objection, the House reverted to the third order of business.

**MESSAGES FROM THE SENATE**

February 17, 2020

Mme. SPEAKER:

The Senate has passed:

ENGROSSED SECOND SUBSTITUTE SENATE  
BILL NO. 5481,  
ENGROSSED SUBSTITUTE SENATE BILL NO.  
5759,  
ENGROSSED SUBSTITUTE SENATE BILL NO.  
6012,

ENGROSSED SUBSTITUTE SENATE BILL NO.  
6040,  
ENGROSSED SUBSTITUTE SENATE BILL NO.  
6062,  
ENGROSSED SUBSTITUTE SENATE BILL NO.  
6063,  
ENGROSSED SUBSTITUTE SENATE BILL NO.  
6097,  
ENGROSSED SECOND SUBSTITUTE SENATE  
BILL NO. 6128,  
ENGROSSED SUBSTITUTE SENATE BILL NO.  
6147,  
ENGROSSED SECOND SUBSTITUTE SENATE  
BILL NO. 6205,  
ENGROSSED SECOND SUBSTITUTE SENATE  
BILL NO. 6213,  
ENGROSSED SUBSTITUTE SENATE BILL NO.  
6217,  
ENGROSSED SUBSTITUTE SENATE BILL NO.  
6278,  
ENGROSSED SUBSTITUTE SENATE BILL NO.  
6282,  
ENGROSSED SUBSTITUTE SENATE BILL NO.  
6300,  
ENGROSSED SECOND SUBSTITUTE SENATE  
BILL NO. 6518,

and the same are herewith transmitted.

Brad Hendrickson, Secretary

February 18, 2020

Mme. SPEAKER:

The Senate has passed:

SUBSTITUTE SENATE BILL NO. 6065,  
SENATE BILL NO. 6374,  
SECOND SUBSTITUTE SENATE BILL NO. 6561,

and the same are herewith transmitted.

Brad Hendrickson, Secretary

There being no objection, the House advanced to the fourth order of business.

**INTRODUCTION & FIRST READING**

HB 2944 by Representatives Stonier, Tharinger, Davis and  
Ortiz-Self

AN ACT Relating to reviewing state-funded services procured from certain contracted service providers; reenacting and amending RCW 44.48.150; adding new sections to chapter 43.88 RCW; and creating new sections.

Referred to Committee on Appropriations.

E2SSB 5291 by Senate Committee on Ways & Means (originally sponsored by Darneille, Randall, Kuderer, Frockt, Hasegawa, Nguyen and Saldaña)

AN ACT Relating to creating alternatives to total confinement for certain qualifying persons with minor children; and amending RCW 9.94A.030, 9.94A.655, and 9.94A.6551.

Referred to Committee on Public Safety.

2SSB 5493 by Senate Committee on Human Services, Reentry & Rehabilitation (originally sponsored by Zeiger, Darneille and Walsh)

AN ACT Relating to convening local communities to reduce intergenerational poverty; and amending RCW 74.08A.280.

Referred to Committee on Appropriations.

ESSB 5504 by Senate Committee on Ways & Means (originally sponsored by Warnick, Sheldon, Hasegawa, Hunt, Zeiger, Takko, Wagoner, Hawkins, Honeyford, Carlyle, Keiser, Wilson and L.)

AN ACT Relating to state agency employee access to peer-reviewed journals; creating new sections; and providing an expiration date.

Referred to Committee on Appropriations.

2SSB 5601 by Senate Committee on Ways & Means (originally sponsored by Rolfes, Short, Keiser, Liias, Kuderer, Walsh, Hobbs, King, Warnick, Honeyford and Conway)

AN ACT Relating to health care benefit managers; amending RCW 48.02.120, 48.02.220, 42.56.400, 19.340.020, 19.340.040, 19.340.070, 19.340.080, 19.340.090, 19.340.100, and 19.340.110; adding a new section to chapter 48.43 RCW; adding a new chapter to Title 48 RCW; creating new sections; recodifying RCW 19.340.020, 19.340.040, 19.340.050, 19.340.060, 19.340.070, 19.340.080, 19.340.090, 19.340.100, and 19.340.110; repealing RCW 19.340.010, 19.340.030, and 19.365.010; prescribing penalties; and providing effective dates.

Referred to Committee on Appropriations.

SSB 6022 by Senate Committee on Law & Justice (originally sponsored by Zeiger and Padden)

AN ACT Relating to fentanyl; amending RCW 9A.42.100; and prescribing penalties.

Referred to Committee on Public Safety.

SSB 6050 by Senate Committee on Health & Long Term Care (originally sponsored by Cleveland, Keiser and Kuderer)

AN ACT Relating to insurance guaranty fund; and amending RCW 48.32A.015, 48.32A.025, 48.32A.045, 48.32A.055, 48.32A.065, 48.32A.075, 48.32A.085, 48.32A.095, 48.32A.115, 48.32A.135, 48.32A.175, and 48.32A.185.

Referred to Committee on Appropriations.

SSB 6061 by Senate Committee on Health & Long Term Care (originally sponsored by Becker and Conway)

AN ACT Relating to requiring training standards in providing telemedicine services; and amending RCW 43.70.495.

Referred to Committee on Health Care & Wellness.

SSB 6081 by Senate Committee on Labor & Commerce (originally sponsored by Liias, King, Stanford, Becker, Keiser, Braun, Wellman and Conway)

AN ACT Relating to the calculation of compensation of an employee of a medical school and an affiliated faculty group practice for purposes of a noncompetition agreement; amending RCW 49.62.010; adding a new section to chapter 49.62 RCW; and creating a new section.

Referred to Committee on Labor & Workplace Standards.

SSB 6084 by Senate Committee on Transportation (originally sponsored by Takko, Hobbs, Mullet and Padden)

AN ACT Relating to circular intersections; amending RCW 46.61.140; and adding a new section to chapter 46.04 RCW.

Referred to Committee on Transportation.

SSB 6088 by Senate Committee on Ways & Means (originally sponsored by Keiser, Conway, Das, Frockt, Hasegawa, Hunt, Kuderer, Pedersen, Randall, Rolfes, Stanford, Wilson and C.)

AN ACT Relating to establishing a prescription drug affordability board; and adding new sections to chapter 70.14 RCW.

Referred to Committee on Appropriations.

SSB 6112 by Senate Committee on Human Services, Reentry & Rehabilitation (originally sponsored by Wilson, C., Darneille, Nguyen, Cleveland, Das, Frockt, Hasegawa, Hunt, Kuderer, Lovelett, Mullet, Pedersen, Randall, Salomon, Wellman, Carlyle and Saldaña)

AN ACT Relating to youth solitary confinement; amending RCW 13.04.116; and adding a new chapter to Title 13 RCW.

Referred to Committee on Appropriations.

SB 6218 by Senators Schoesler and Conway

AN ACT Relating to the definition of salary for the Washington state patrol retirement system; amending RCW 43.43.120; and creating a new section.

Referred to Committee on Transportation.

SSB 6267 by Senate Committee on Health & Long Term Care (originally sponsored by Takko, King and Van De Wege)

AN ACT Relating to modifying the long-term services and supports trust program by clarifying the ability for individuals with existing long-term care insurance to opt-out of the premium assessment and making technical corrections; amending RCW 50B.04.010, 50B.04.020, 50B.04.050, 50B.04.080, 50B.04.090, and 50B.04.120; and adding a new section to chapter 50B.04 RCW.

Referred to Committee on Appropriations.

2SSB 6275 by Senate Committee on Ways & Means (originally sponsored by Cleveland and O'Ban)

AN ACT Relating to increasing patient access rights to timely and appropriate postacute care by addressing the medicaid functional assessment and financial eligibility process for medicaid funded long-term services and supports; amending RCW 74.39A.040; adding a new section to chapter 74.39A RCW; and creating new sections.

Referred to Committee on Appropriations.

SB 6430 by Senators Brown, Rolfes, Frockt, Warnick, Das and Hasegawa

AN ACT Relating to establishing a statewide industrial waste coordination program; reenacting and amending RCW 42.56.270; adding new sections to chapter 43.31 RCW; and creating new sections.

Referred to Committee on Appropriations.

ESSB 6432 by Senate Committee on Environment, Energy & Technology (originally sponsored by Rolfes, Carlyle, Randall, Takko, Stanford, Hunt, Lovelett, Darneille, Wilson, C., Das, Keiser and Van De Wege)

AN ACT Relating to offshore oil extraction; and amending RCW 90.58.020, 90.58.160, 43.143.010, and 43.143.020.

Referred to Committee on Environment & Energy.

SSB 6488 by Senate Committee on Agriculture, Water, Natural Resources & Parks (originally sponsored by Rolfes, Saldaña and Van De Wege)

AN ACT Relating to aerial herbicides in forestlands; amending RCW 76.09.060; adding a new section to chapter 43.30 RCW; adding a new section to chapter 76.09 RCW; creating new sections; providing expiration dates; and declaring an emergency.

Referred to Committee on Appropriations.

SB 6493 by Senators Liias, King, Hobbs, Billig, Saldaña, Wilson and C.

AN ACT Relating to the Cooper Jones active transportation safety council; adding a new section to chapter 43.59 RCW; and repealing RCW 43.59.155.

Referred to Committee on Transportation.

ESSB 6540 by Senate Committee on Ways & Means (originally sponsored by Wilson, C., Wellman, Dhingra, Hasegawa, Kuderer and Saldaña)

AN ACT Relating to working connections child care payment authorizations; amending RCW 28B.50.248; reenacting and amending RCW 43.216.135; adding a new section to chapter 43.216 RCW; and creating a new section.

Referred to Committee on Appropriations.

SB 6565 by Senators Randall, Nguyen, Lovelett, Hasegawa, Das, Saldaña, Wilson and C.

AN ACT Relating to establishing permissible methods of parking a motorcycle; and amending RCW 46.61.575.

Referred to Committee on Transportation.

SB 6580 by Senator Mullet

AN ACT Relating to organ transport vehicles; amending RCW 68.64.010, 46.37.190, 46.37.380, 46.37.670, 46.61.210, 46.61.165, 47.52.025, 18.73.140, 18.73.081, and 18.73.030; and adding a new section to chapter 46.04 RCW.

Referred to Committee on Transportation.

SSB 6613 by Senate Committee on Agriculture, Water, Natural Resources & Parks (originally sponsored by Rolfes, Lovelett and Saldaña)

AN ACT Relating to the inspection of marine aquatic farming locations; and amending RCW 77.125.030.

Referred to Committee on Rural Development, Agriculture, & Natural Resources.

SSB 6676 by Senate Committee on Ways & Means (originally sponsored by Frockt, Randall, Rolfes, Darneille, Braun, Billig, Salomon, Stanford, Dhingra, Van De Wege, Brown, Carlyle, Cleveland, Conway, Das, Hasegawa, Keiser, King, Kuderer, Liias, Lovelett, McCoy, Mullet, Nguyen, Pedersen, Wellman, Wilson and C.)

AN ACT Relating to reimbursement for primary care services for medicaid beneficiaries; and adding a new section to chapter 74.09 RCW.

Referred to Committee on Appropriations.

There being no objection, the bills listed on the day's introduction sheet under the fourth order of business were referred to the committees so designated.

There being no objection, the House advanced to the sixth order of business.

## SECOND READING

**HOUSE BILL NO. 1860, by Representatives Pollet, Stanford, Riccelli, Robinson, Wylie, Gregerson, Lovick, Peterson, Ryu, Shewmake, Valdez, Jenkins, Goodman, Tarleton, Fitzgibbon, Leavitt, Doglio and Macri**

### Addressing lead in drinking water in schools.

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 1860 was substituted for House Bill No. 1860 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 1860 was read the second time.

Representative Pollet moved the adoption of amendment (1617):

3.0. On page 2, line 10, after "and" strike "postsecondary" and insert "secondary"

On page 2, line 13, after "30," strike "2024, and every three" and insert "2025, and every five"

Representatives Pollet and McCaslin spoke in favor of the adoption of the amendment.

Amendment (1617) was adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Pollet, Steele and Paul spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Second Substitute House Bill No. 1860.

## ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 1860, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Mead, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shea, Shewmake, Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1860, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 2116, by Representatives Callan, Eslick, Frame, Klippert, Blake, Ramos, Lovick, Davis, Doglio, Leavitt, Senn, Pollet and Santos**

**Establishing a task force on improving institutional education programs and outcomes.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 2116 was substituted for House Bill No. 2116 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2116 was read the second time.

Representative Callan moved the adoption of amendment (1482):

3.0. On page 2, beginning on line 3, after "a" strike "joint select legislative"

On page 2, beginning on line 12, strike all of section 2 and insert the following:

**"NEW SECTION. Sec. 3.2.** (1)(a) The task force on improving institutional education programs and outcomes is established, with members as provided in this subsection.

(i) The president of the senate shall appoint two members from each of the two largest caucuses of the senate, with two members serving on the committee with jurisdiction over education issues, and two members serving on the committee with jurisdiction over basic education funding.

(ii) The speaker of the house of representatives shall appoint two members from each of the two largest caucuses of the house of representatives, with two members serving on the committee with jurisdiction over education issues, and two members serving on the committee with jurisdiction over basic education funding.

(iii) The governor shall appoint one member each from the state board of education and the department of children, youth, and families, and one member representing an organization that provides free legal advice to youth who are involved in, or at risk of being involved in, the juvenile justice system.

(iv) The superintendent of public instruction shall appoint three members: One member representing the superintendent of public instruction; one member who is a principal from a school district with at least twenty thousand enrolled students that provides education services to a juvenile rehabilitation facility; and one member who is a teacher with expertise in providing education services to residents of a juvenile rehabilitation facility.

(v) The task force must also include one member representing the educational opportunity gap oversight and accountability committee, selected by the educational opportunity gap oversight and accountability committee.

(b) The task force shall choose its cochair from among its legislative membership. One cochair must be from a minority caucus in one of the two chambers of the legislature. A member from the majority caucus of the house of representatives shall convene the initial meeting of the task force by May 1, 2020.

(2) The task force shall examine the following issues:

(a) Goals and strategies for improving the coordination and delivery of education services to youth involved with the juvenile justice system, especially youth in juvenile rehabilitation facilities, and children receiving education services, including home or hospital instruction, under RCW 28A.155.090;

(b) The transmission of student records, including individualized education programs and plans developed under section 504 of the rehabilitation act of 1973, for students in institutional facilities, and recommendations for ensuring that those records are available to the applicable

instructional staff within two business days of a student's admission to the institution;

(c) Goals and strategies for increasing the graduation rate of youth in institutional facilities, and in recognition of the transitory nature of youth moving through the juvenile justice system, issues related to grade level progression and academic credit reciprocity and consistency to ensure that:

(i) Core credits earned in an institutional facility are considered core credits by public schools that the students subsequently attend; and

(ii) Public school graduation requirements, as they applied to a student prior to entering an institutional facility, remain applicable for the student upon returning to a public school;

(d) Goals and strategies for assessing adverse childhood experiences of students in institutional education and providing trauma-informed care;

(e) An assessment of the level and adequacy of basic and special education funding for institutional facilities. The examination required by this subsection (2)(e) must include information about the number of students receiving special education services in institutional facilities, and a comparison of basic and special education funding in institutional facilities and public schools during the previous ten school years;

(f) An assessment of the delivery methods, and their adequacy, that are employed in the delivery of special education services in institutional facilities, including associated findings;

(g) School safety, with a focus on school safety issues that are applicable in institutional facilities; and

(h) Special skills and services of faculty and staff, including associated professional development and nonacademic supports necessary for addressing social emotional and behavioral health needs presenting as barriers to learning for youth in institutional facilities.

(3) The task force, in completing the duties prescribed by this section, shall solicit and consider information and perspectives provided by the department of corrections and persons and entities with relevant interest and expertise, including from persons with experience reintegrating youth from institutional facilities into school and the community at large, and from persons who provide education services in secure facilities housing persons under the age of twenty-five, examples of which include county jails, juvenile justice facilities, and community facilities as defined in RCW 72.05.020.

(4) Staff support for the task force must be provided by the office of the superintendent of public instruction, with additional support provided by the department of children, youth, and families, and the department of corrections. The office of financial management, the office of the superintendent of public instruction, the department of children, youth, and families, and the department of corrections shall cooperate with the task force and provide information as the cochair may reasonably request.

(5) Legislative members of the task force are to be reimbursed for travel expenses in accordance with RCW 44.04.120. Nonlegislative members are not entitled to be reimbursed for travel expenses if they are elected officials or are participating on behalf of an employer, government entity, or other organization. Any reimbursement for other nonlegislative members is subject to chapter 43.03 RCW.

(6) In accordance with RCW 43.01.036, the task force shall report its initial findings and recommendations to the governor and the appropriate committees of the house of representatives and the senate by December 1, 2020. The initial findings and recommendations must address subsections (2)(b) through (f) of this section. The task force shall submit a final report to the same recipients by November 1, 2021, in time for the legislature to take action on legislation that is consistent with the findings and recommendations during the 2022 legislative session. The findings and recommendations submitted by November 1, 2021, may also include recommendations for extending the duration of the task force.

(7) This section expires June 30, 2022."

Representatives Callan and Steele spoke in favor of the adoption of the amendment.

Amendment (1482) was adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Callan and Steele spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 2116.

#### **ROLL CALL**

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2116, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Mead, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shea, Shewmake, Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van

Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2116, having received the necessary constitutional majority, was declared passed.

#### **HOUSE BILL NO. 2251, by Representatives Thai and Cody**

##### **Concerning the expiration date for notification of dispensing an interchangeable biological product.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Thai and Schmick spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of House Bill No. 2251.

#### **ROLL CALL**

The Clerk called the roll on the final passage of House Bill No. 2251, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Mead, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shea, Shewmake, Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

HOUSE BILL NO. 2251, having received the necessary constitutional majority, was declared passed.

#### **HOUSE BILL NO. 2794, by Representatives Frame, Davis, Peterson, Lekanoff, Pollet and Santos**

##### **Concerning juvenile record sealing.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 2794 was substituted for House Bill No. 2794 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2794 was read the second time.

Representative Klippert moved the adoption of amendment (1153):

3.0. On page 1, line 7, after "court" strike "shall" and insert "~~((shall))~~ may"

On page 1, beginning on line 9, after "subsection" strike all material through "shall" on line 12 and insert "unless the court receives an objection to sealing or the court notes a compelling reason not to seal, in which case, the court shall set a contested hearing to be conducted on the record to address sealing. Although the juvenile record ~~((shall))~~ may"

On page 1, beginning on line 17, after "juvenile." strike all material through "~~attorney-)~~" on line 20 and insert "The contested hearing shall be set no sooner than eighteen days after notice of the hearing and the opportunity to object has been sent to the juvenile, the victim, and juvenile's attorney."

On page 2, line 25, after "court" strike "shall" and insert "may"

On page 4, line 23, after "court" strike "shall" and insert "~~((shall))~~ may"

On page 5, line 6, after "court" strike "shall" and insert "~~((shall))~~ may"

Representatives Klippert, Graham and Graham (again) spoke in favor of the adoption of the amendment.

Representatives Senn and Frame spoke against the adoption of the amendment.

Amendment (1153) was not adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Frame and Eslick spoke in favor of the passage of the bill.

Representatives Dent and Graham spoke against the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2794.

### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2794, and the bill passed the House by the following vote: Yeas, 64; Nays, 34; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Barkis, Bergquist, Caldier, Callan, Chapman, Chopp, Cody, Davis, Doglio, Dolan, Duerr, Entenman, Eslick, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Griffey, Hansen, Harris,

Hudgins, Irwin, J. Johnson, Kilduff, Kirby, Kloba, Leavitt, Lekanoff, Lovick, Macri, Mead, Morgan, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Sells, Senn, Slatter, Springer, Steele, Stonier, Sullivan, Tarleton, Thai, Tharinger, Valdez, Walen, Wylie, Young and Mme. Speaker.

Voting nay: Representatives Blake, Boehnke, Chambers, Chandler, Corry, DeBolt, Dent, Dufault, Dye, Gildon, Goehner, Graham, Hoff, Jenkin, Klippert, Kraft, Kretz, MacEwen, Maycumber, McCaslin, Mosbrucker, Orcutt, Schmick, Shea, Shewmake, Smith, Stokesbary, Sutherland, Van Werven, Vick, Volz, Walsh, Wilcox and Ybarra.

SUBSTITUTE HOUSE BILL NO. 2794, having received the necessary constitutional majority, was declared passed.

### HOUSE BILL NO. 2682, by Representatives Senn, Kilduff, Leavitt and Pollet

#### Concerning out-of-home services.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Senn and Dent spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of House Bill No. 2682.

### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2682, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Mead, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shea, Shewmake, Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

HOUSE BILL NO. 2682, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 2867, by Representative Blake**

**Concerning the calculation of interest associated with annual tax reporting periods without making any changes to the interest rate.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Blake and Van Werven spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of House Bill No. 2867.

**ROLL CALL**

The Clerk called the roll on the final passage of House Bill No. 2867, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Mead, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shea, Shewmake, Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

HOUSE BILL NO. 2867, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 2356, by Representatives Vick, Harris, Hoff, Gildon, Barkis, Young, Wylie and Volz**

**Reducing barriers to professional licensure for individuals with previous criminal convictions.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 2356 was substituted for House Bill No. 2356 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2356 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Vick and Kirby spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2356.

**ROLL CALL**

The Clerk called the roll on the final passage of Substitute House Bill No. 2356, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Mead, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shea, Shewmake, Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

SUBSTITUTE HOUSE BILL NO. 2356, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 2477, by Representatives Vick, Hoff, Volz and Kraft**

**Establishing review standards for professional licensing regulation.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Vick and Kirby spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of House Bill No. 2477.

**ROLL CALL**

The Clerk called the roll on the final passage of House Bill No. 2477, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, DeBolt,



Dent, Doglio, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Mead, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shea, Shewmake, Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

HOUSE BILL NO. 2477, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 2524, by Representatives Chandler, Blake and Dent**

**Expanding the scope of agricultural products subject to requirements in chapter 15.83 RCW related to negotiation concerning production or marketing.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Chandler and Blake spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of House Bill No. 2524.

**ROLL CALL**

The Clerk called the roll on the final passage of House Bill No. 2524, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Mead, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shea, Shewmake, Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

HOUSE BILL NO. 2524, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 2575, by Representatives Pellicciotti, Ryu, Tarleton, Orwall, Dolan, J. Johnson and Pollet**

**Concerning reforms to increase transparency and accountability of the Washington redistricting commission.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 2575 was substituted for House Bill No. 2575 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2575 was read the second time.

Representative Gregerson moved the adoption of amendment (1668):

3.0. On page 4, beginning on line 25, after "hold" strike all material through "by the commission" on line 30 and insert "at least ten public forums; at least one public forum must be held in each of the congressional districts in the state"

On page 5, beginning on line 33, after "least" strike "thirty days before the second round of public forums begin" and insert "ninety days before the release of a reasonably final plan,"

Representative Gregerson spoke in favor of the adoption of the amendment.

Amendment (1668) was adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Pellicciotti, Riccelli and Johnson spoke in favor of the passage of the bill.

Representatives Walsh, Dufault, DeBolt, Orcutt, Young and Default (again) spoke against the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 2575.

**ROLL CALL**

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2575, and the bill passed the House by the following vote: Yeas, 57; Nays, 41; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Bergquist, Blake, Callan, Chapman, Chopp, Cody, Davis, Doglio, Dolan, Duerr, Entenman, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hansen, Hudgins, J. Johnson, Kilduff,

Kirby, Kloba, Leavitt, Lekanoff, Lovick, Macri, Mead, Morgan, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Ryu, Santos, Sells, Senn, Shewmake, Slatter, Springer, Stonier, Sullivan, Tarleton, Thai, Tharinger, Valdez, Walen, Wylie and Mme. Speaker.

Voting nay: Representatives Barkis, Boehnke, Caldier, Chambers, Chandler, Corry, DeBolt, Dent, Dufault, Dye, Eslick, Gildon, Goehner, Graham, Griffey, Harris, Hoff, Irwin, Jenkin, Klippert, Kraft, Kretz, MacEwen, Maycumber, McCaslin, Mosbrucker, Orcutt, Rude, Schmick, Shea, Smith, Steele, Stokesbary, Sutherland, Van Werven, Vick, Volz, Walsh, Wilcox, Ybarra and Young.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2575, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 2919, by Representatives Chopp and Tharinger**

**Adjusting the amount and use of county fees on the real estate excise tax.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 2919 was substituted for House Bill No. 2919 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2919 was read the second time.

With the consent of the House, amendment (1663) was withdrawn.

Representative Chapman moved the adoption of amendment (1667):

3.0. On page 2, line 10, after "retained" strike "must" and insert "may"

Representatives Chapman and Orcutt spoke in favor of the adoption of the amendment.

Amendment (1667) was adopted.

Representative Dufault moved the adoption of amendment (1664):

3.0. On page 2, line 12, after "than" strike "two hundred thirty thousand" and insert "three hundred thousand"

Representatives Dufault and Tarleton spoke in favor of the adoption of the amendment.

Amendment (1664) was adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Chopp, Orcutt and Dufault spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 2919.

**ROLL CALL**

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2919, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Mead, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shea, Shewmake, Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2919, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 2676, by Kloba, Boehnke and Hudgins**

**Establishing minimum requirements for the testing of autonomous vehicles.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 2676 was substituted for House Bill No. 2676 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2676 was read the second time.

With the consent of the House, amendments (1371), (1471), (1402), (1470), (1398) and (1399) were withdrawn.

Representative Kloba moved the adoption of the striking amendment (1665):

3.0.

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 4.** A new section is added to chapter 46.30 RCW to read as follows:

(1) No entity may test an autonomous motor vehicle on any public roadway under the department's autonomous vehicle self-certification testing pilot program unless:

(a) The entity holds an umbrella liability insurance policy that covers the entity in an amount not less than five million dollars per occurrence for damages by reason of bodily injury or death or property damage, caused by the operation of an autonomous motor vehicle for which information is provided under the autonomous vehicle self-certification testing pilot program; and

(b) The entity maintains proof of this policy with the department in a form and manner specified by the department.

(2) Requirements related to proof of motor vehicle insurance under RCW 46.30.020 and penalties for providing false evidence of motor vehicle insurance under RCW 46.30.040 are applicable to this section.

**NEW SECTION. Sec. 5.** (1) In order to test an autonomous motor vehicle on any public roadway under the department's autonomous vehicle self-certification testing pilot program, the following information must be provided by the self-certifying entity testing the autonomous motor vehicle:

(a) Contact information specified by the department;

(b) Local jurisdictions where testing is planned;

(c) The vehicle identification numbers of the autonomous vehicles being tested, provided that one is required by state or federal law; and

(d) Proof of an insurance policy that meets the requirements of section 1 of this act.

(2) Any autonomous vehicle to which subsection (1) of this section is applicable and that does not have a vehicle identification number and is not otherwise required under state or federal law to have a vehicle identification number assigned to it must be assigned a unique identification number that is provided to the department and that is displayed in the vehicle in a manner similar to the display of vehicle identification numbers in motor vehicles.

(3)(a) The self-certifying entity testing the autonomous vehicle on any public roadway must notify the department of any traffic incidents and any traffic infractions involving an autonomous motor vehicle on any public roadway in a calendar year on an annual basis by February 1st of the following calendar year.

(b) The self-certifying entity shall provide the information required by the department under (a) of this subsection. The information provided must include whether the autonomous driving system was operating the vehicle at the time of or immediately prior to the traffic incident or infraction, and in the case of traffic incidents, details regarding the occurrence, including any loss of life, injury, or property damage that resulted from the incident.

(4) The self-certifying entity testing the autonomous vehicle on public roadways must provide written notice in advance of testing to every law enforcement agency with jurisdiction over any of the public roadways on which testing will occur that includes the period of time during which testing will occur in the applicable jurisdiction.

(5) The department may adopt a fee to be charged by the department for self-certification in an amount sufficient to offset administration by the department of the self-certification testing pilot program.

(6) The department shall provide public access to the information self-certifying entities provide to it, and shall provide an annual report to the house and senate transportation committees of the legislature summarizing the information reported by self-certifying entities under this section.

(7) An autonomous motor vehicle may not be operated on any public roadway for the purposes of testing in Washington state until the department is provided with the information required under subsection (1) of this section.

**NEW SECTION. Sec. 6.** Section 2 of this act constitutes a new chapter in Title 46 RCW.

**NEW SECTION. Sec. 7.** This act takes effect October 1, 2021."

Correct the title.

Representative Boehnke moved the adoption of amendment (1666) to the striking amendment (1665):

7.0. On page 2, beginning on line 25 of the striking amendment, strike all of subsection (5)

Renumber the remaining subsections consecutively and correct any internal references accordingly.

Representative Boehnke spoke in favor of the adoption of the amendment to the striking amendment.

Representative Fey spoke against the adoption of the amendment to the striking amendment.

Amendment (1666) to the striking amendment (1665) was not adopted.

Representatives Kloba and Boehnke spoke in favor of the adoption of the striking amendment.

The striking amendment (1665) was adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Kloba and Boehnke spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 2676.

### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2676, and the bill passed the House by the following vote: Yeas, 70; Nays, 28; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chandler, Chapman, Chopp, Cody, Davis, Doglio, Dolan, Duerr, Entenman, Eslick, Fey, Fitzgibbon, Frame, Goehner, Goodman, Gregerson, Hansen, Hudgins, Irwin, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Lekanoff, Lovick, Macri, Mead, Morgan, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Sells, Senn, Shewmake, Slatter, Smith, Springer, Steele, Stonier, Sullivan, Tarleton, Thai, Tharinger, Valdez, Vick, Walen, Wylie, Ybarra, Young and Mme. Speaker.

Voting nay: Representatives Chambers, Corry, DeBolt, Dent, Dufault, Dye, Gildon, Graham, Griffey, Harris, Hoff, Jenkin, Kraft, Kretz, Leavitt, MacEwen, Maycumber, McCaslin, Mosbrucker, Schmick, Shea, Smith, Stokesbary, Sutherland, Van Werven, Volz, Walsh and Wilcox.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2676, having received the necessary constitutional majority, was declared passed.

### HOUSE BILL NO. 2749, by Representatives Orwall, Gregerson, Entenman and Sullivan

**Authorizing an extension of time for certain cities to decline to partner with the department of revenue for the issuance or renewal of general business licenses.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Orwall and Klippert spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of House Bill No. 2749.

### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2749, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman,

Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Mead, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shea, Shewmake, Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

HOUSE BILL NO. 2749, having received the necessary constitutional majority, was declared passed.

### HOUSE BILL NO. 2775, by Representatives Macri, Van Werven, Shewmake and Doglio

#### Practicing colon hydrotherapy.

The bill was read the second time.

There being no objection, Substitute House Bill No. 2775 was substituted for House Bill No. 2775 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2775 was read the second time.

Representative Macri moved the adoption of the striking amendment (1521):

7.0.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 8. A new section is added to chapter 18.36A RCW to read as follows:

By July 1, 2021, the board, in consultation with the department, shall adopt rules to establish supervision and delegation requirements for a naturopath licensed under this chapter to supervise and delegate to a medical assistant-colon hydrotherapist certified under chapter 18.360 RCW to deliver colon hydrotherapy in a manner that is consistent with all current standards for public safety.

**Sec. 9.** RCW 18.360.010 and 2017 c 336 s 14 are each reenacted and amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Administer" means the retrieval of medication, and its application to a patient, as authorized in RCW 18.360.050.

(2) "Delegation" means direct authorization granted by a licensed health care practitioner to a medical assistant to perform the functions authorized in this chapter which fall within the scope of practice of the health care provider and the training and experience of the medical assistant.

(3) "Department" means the department of health.

(4) "Forensic phlebotomist" means a police officer, law enforcement officer, or employee of a correctional facility or detention facility, who is certified under this chapter and meets any additional training and proficiency standards of his or her employer to collect a venous blood sample for forensic testing pursuant to a search warrant, a waiver of the warrant requirement, or exigent circumstances.

(5) "Health care practitioner" means:

(a) A physician licensed under chapter 18.71 RCW;

(b) An osteopathic physician and surgeon licensed under chapter 18.57 RCW; or

(c) Acting within the scope of their respective licensure, a podiatric physician and surgeon licensed under chapter 18.22 RCW, a registered nurse or advanced registered nurse practitioner licensed under chapter 18.79 RCW, a naturopath licensed under chapter 18.36A RCW, a physician assistant licensed under chapter 18.71A RCW, an osteopathic physician assistant licensed under chapter 18.57A RCW, or an optometrist licensed under chapter 18.53 RCW.

(6) "Medical assistant-certified" means a person certified under RCW 18.360.040 who assists a health care practitioner with patient care, executes administrative and clinical procedures, and performs functions as provided in RCW 18.360.050 under the supervision of the health care practitioner.

(7) "Medical assistant-hemodialysis technician" means a person certified under RCW 18.360.040 who performs hemodialysis and other functions pursuant to RCW 18.360.050 under the supervision of a health care practitioner.

(8) "Medical assistant-phlebotomist" means a person certified under RCW 18.360.040 who performs capillary, venous, and arterial invasive procedures for blood withdrawal and other functions pursuant to RCW 18.360.050 under the supervision of a health care practitioner.

(9) "Medical assistant-registered" means a person registered under RCW 18.360.040 who, pursuant to an endorsement by a health care practitioner, clinic, or group practice, assists a health care practitioner with patient care, executes administrative and clinical procedures, and performs functions as provided in RCW 18.360.050 under the supervision of the health care practitioner.

(10) "Secretary" means the secretary of the department of health.

(11) "Supervision" means supervision of procedures permitted pursuant to this chapter by a health care practitioner who is physically present and is immediately available in the facility. The health care practitioner does not need to be present during procedures to withdraw blood, but must be immediately available. A supervising naturopath licensed under chapter 18.36A RCW does not need to be physically present during the performance of colon hydrotherapy by a medical assistant-colon hydrotherapist

but must be available within a reasonable period of time in person, by telephone, or through telemedicine.

(12) "Medical assistant-colon hydrotherapist" means a person certified under RCW 18.360.040 who performs colon hydrotherapy upon delegation from and supervision by a naturopath licensed under chapter 18.36A RCW.

(13) "Colon hydrotherapy" means the performance of enemas or colonic irrigation.

**Sec. 10.** RCW 18.360.020 and 2017 c 336 s 15 are each amended to read as follows:

Except as provided in RCW 18.360.090:

(1) No person may practice as a medical assistant-certified, medical assistant-hemodialysis technician, medical assistant-phlebotomist, ~~((or))~~ forensic phlebotomist, or medical assistant-colon hydrotherapist, unless he or she is certified under RCW 18.360.040.

(2) No person may practice as a medical assistant-registered unless he or she is registered under RCW 18.360.040.

**Sec. 11.** RCW 18.360.030 and 2019 c 55 s 8 are each amended to read as follows:

(1) The secretary shall adopt rules specifying the minimum qualifications for a medical assistant-certified, medical assistant-hemodialysis technician, medical assistant-phlebotomist, ~~((and))~~ forensic phlebotomist, and medical assistant-colon hydrotherapist.

(a) The qualifications for a medical assistant-hemodialysis technician must be equivalent to the qualifications for hemodialysis technicians regulated pursuant to chapter 18.135 RCW as of January 1, 2012.

(b) The qualifications for a forensic phlebotomist must include training consistent with the occupational safety and health administration guidelines and must include between twenty and thirty hours of work in a clinical setting with the completion of more than one hundred successful venipunctures. The secretary may not require more than forty hours of classroom training for initial training, which may include online preclass homework.

(c) The qualifications for a medical assistant-colon hydrotherapist must be developed in consultation with the board of naturopathy and include training and competency requirements.

(2) The secretary shall adopt rules that establish the minimum requirements necessary for a health care practitioner, clinic, or group practice to endorse a medical assistant as qualified to perform the duties authorized by this chapter and be able to file an attestation of that endorsement with the department.

(3) The Washington medical commission, the board of osteopathic medicine and surgery, the podiatric medical board, the nursing care quality assurance commission, the board of naturopathy, and the optometry board shall each review and identify other specialty assistive personnel not included in this chapter and the tasks they perform. The department of health shall compile the information from

each disciplining authority listed in this subsection and submit the compiled information to the legislature no later than December 15, 2012.

**Sec. 12.** RCW 18.360.040 and 2017 c 336 s 17 are each amended to read as follows:

(1)(a) The secretary shall issue a certification as a medical assistant-certified to any person who has satisfactorily completed a medical assistant training program approved by the secretary, passed an examination approved by the secretary, and met any additional qualifications established under RCW 18.360.030.

(b) The secretary shall issue an interim certification to any person who has met all of the qualifications in (a) of this subsection, except for the passage of the examination. A person holding an interim permit possesses the full scope of practice of a medical assistant-certified. The interim permit expires upon passage of the examination or after one year, whichever occurs first, and may not be renewed.

(2) The secretary shall issue a certification as a medical assistant-hemodialysis technician to any person who meets the qualifications for a medical assistant-hemodialysis technician established under RCW 18.360.030.

(3) The secretary shall issue a certification as a medical assistant-phlebotomist to any person who meets the qualifications for a medical assistant-phlebotomist established under RCW 18.360.030.

(4) The secretary shall issue a certification as a forensic phlebotomist to any person who meets the qualifications for a forensic phlebotomist established under RCW 18.360.030.

(5) The secretary shall issue a certification as a medical assistant-colon hydrotherapist to any person who meets the training and competency requirements established under RCW 18.360.030.

(6)(a) The secretary shall issue a registration as a medical assistant-registered to any person who has a current endorsement from a health care practitioner, clinic, or group practice.

(b) In order to be endorsed under this subsection (~~((5))~~) (6), a person must:

(i) Be endorsed by a health care practitioner, clinic, or group practice that meets the qualifications established under RCW 18.360.030; and

(ii) Have a current attestation of his or her endorsement to perform specific medical tasks signed by a supervising health care practitioner filed with the department. A medical assistant-registered may only perform the medical tasks listed in his or her current attestation of endorsement.

(c) A registration based on an endorsement by a health care practitioner, clinic, or group practice is not transferable to another health care practitioner, clinic, or group practice.

(d) An applicant for registration as a medical assistant-registered who applies to the department within seven days

of employment by the endorsing health care practitioner, clinic, or group practice may work as a medical assistant-registered for up to sixty days while the application is processed. The applicant must stop working on the sixtieth day of employment if the registration has not been granted for any reason.

~~((6))~~ (7) A certification issued under subsections (1) through (3) and (5) of this section is transferable between different practice settings. A certification under subsection (4) of this section is transferable between law enforcement agencies.

**Sec. 13.** RCW 18.360.050 and 2014 c 138 s 1 are each amended to read as follows:

(1) A medical assistant-certified may perform the following duties delegated by, and under the supervision of, a health care practitioner:

(a) Fundamental procedures:

(i) Wrapping items for autoclaving;

(ii) Procedures for sterilizing equipment and instruments;

(iii) Disposing of biohazardous materials; and

(iv) Practicing standard precautions.

(b) Clinical procedures:

(i) Performing aseptic procedures in a setting other than a hospital licensed under chapter 70.41 RCW;

(ii) Preparing of and assisting in sterile procedures in a setting other than a hospital under chapter 70.41 RCW;

(iii) Taking vital signs;

(iv) Preparing patients for examination;

(v) Capillary blood withdrawal, venipuncture, and intradermal, subcutaneous, and intramuscular injections; and

(vi) Observing and reporting patients' signs or symptoms.

(c) Specimen collection:

(i) Capillary puncture and venipuncture;

(ii) Obtaining specimens for microbiological testing; and

(iii) Instructing patients in proper technique to collect urine and fecal specimens.

(d) Diagnostic testing:

(i) Electrocardiography;

(ii) Respiratory testing; and

(iii)(A) Tests waived under the federal clinical laboratory improvement amendments program on July 1, 2013. The department shall periodically update the tests authorized under this subsection (1)(d) based on changes made by the federal clinical laboratory improvement amendments program; and

(B) Moderate complexity tests if the medical assistant-certified meets standards for personnel qualifications and responsibilities in compliance with federal regulation for nonwaived testing.

(e) Patient care:

(i) Telephone and in-person screening limited to intake and gathering of information without requiring the exercise of judgment based on clinical knowledge;

(ii) Obtaining vital signs;

(iii) Obtaining and recording patient history;

(iv) Preparing and maintaining examination and treatment areas;

(v) Preparing patients for, and assisting with, routine and specialty examinations, procedures, treatments, and minor office surgeries;

(vi) Maintaining medication and immunization records; and

(vii) Screening and following up on test results as directed by a health care practitioner.

(f)(i) Administering medications. A medical assistant-certified may only administer medications if the drugs are:

(A) Administered only by unit or single dosage, or by a dosage calculated and verified by a health care practitioner. For purposes of this section, a combination or multidose vaccine shall be considered a unit dose;

(B) Limited to legend drugs, vaccines, and Schedule III-V controlled substances as authorized by a health care practitioner under the scope of his or her license and consistent with rules adopted by the secretary under (f)(ii) of this subsection; and

(C) Administered pursuant to a written order from a health care practitioner.

(ii) A medical assistant-certified may not administer experimental drugs or chemotherapy agents. The secretary may, by rule, further limit the drugs that may be administered under this subsection (1)(f). The rules adopted under this subsection must limit the drugs based on risk, class, or route.

(g) Intravenous injections. A medical assistant-certified may administer intravenous injections for diagnostic or therapeutic agents under the direct visual supervision of a health care practitioner if the medical assistant-certified meets minimum standards established by the secretary in rule. The minimum standards must be substantially similar to the qualifications for category D and F health care assistants as they exist on July 1, 2013.

(h) Urethral catheterization when appropriately trained.

(2) A medical assistant-hemodialysis technician may perform hemodialysis when delegated and supervised by a health care practitioner. A medical assistant-hemodialysis technician may also administer drugs and oxygen to a patient

when delegated and supervised by a health care practitioner and pursuant to rules adopted by the secretary.

(3) A medical assistant-phlebotomist may perform:

(a) Capillary, venous, or arterial invasive procedures for blood withdrawal when delegated and supervised by a health care practitioner and pursuant to rules adopted by the secretary;

(b) Tests waived under the federal clinical laboratory improvement amendments program on July 1, 2013. The department shall periodically update the tests authorized under this section based on changes made by the federal clinical laboratory improvement amendments program;

(c) Moderate and high complexity tests if the medical assistant-phlebotomist meets standards for personnel qualifications and responsibilities in compliance with federal regulation for nonwaived testing; and

(d) Electrocardiograms.

(4) A medical assistant-colon hydrotherapist may perform colon hydrotherapy upon delegation from and supervision by a naturopath licensed under chapter 18.36A RCW.

(5) A medical assistant-registered may perform the following duties delegated by, and under the supervision of, a health care practitioner:

(a) Fundamental procedures:

(i) Wrapping items for autoclaving;

(ii) Procedures for sterilizing equipment and instruments;

(iii) Disposing of biohazardous materials; and

(iv) Practicing standard precautions.

(b) Clinical procedures:

(i) Preparing for sterile procedures;

(ii) Taking vital signs;

(iii) Preparing patients for examination; and

(iv) Observing and reporting patients' signs or symptoms.

(c) Specimen collection:

(i) Obtaining specimens for microbiological testing; and

(ii) Instructing patients in proper technique to collect urine and fecal specimens.

(d) Patient care:

(i) Telephone and in-person screening limited to intake and gathering of information without requiring the exercise of judgment based on clinical knowledge;

(ii) Obtaining vital signs;

(iii) Obtaining and recording patient history;

(iv) Preparing and maintaining examination and treatment areas;

(v) Preparing patients for, and assisting with, routine and specialty examinations, procedures, treatments, and minor office surgeries utilizing no more than local anesthetic. The department may, by rule, prohibit duties authorized under this subsection ~~((4))~~ (5)(d)(v) if performance of those duties by a medical assistant-registered would pose an unreasonable risk to patient safety;

(vi) Maintaining medication and immunization records; and

(vii) Screening and following up on test results as directed by a health care practitioner.

(e)(i) Tests waived under the federal clinical laboratory improvement amendments program on July 1, 2013. The department shall periodically update the tests authorized under subsection (1)(d) of this section based on changes made by the federal clinical laboratory improvement amendments program.

(ii) Moderate complexity tests if the medical assistant-registered meets standards for personnel qualifications and responsibilities in compliance with federal regulation for nonwaived testing.

(f) Administering eye drops, topical ointments, and vaccines, including combination or multidose vaccines.

(g) Urethral catheterization when appropriately trained.

**Sec. 14.** RCW 18.360.060 and 2013 c 128 s 4 are each amended to read as follows:

(1)(a) Prior to delegation of any of the functions in RCW 18.360.050 other than the functions of a medical assistant-colon hydrotherapist, a health care practitioner shall determine to the best of his or her ability each of the following:

~~((a))~~ (i) That the task is within that health care practitioner's scope of licensure or authority;

~~((b))~~ (ii) That the task is indicated for the patient;

~~((c))~~ (iii) The appropriate level of supervision;

~~((d))~~ (iv) That no law prohibits the delegation;

~~((e))~~ (v) That the person to whom the task will be delegated is competent to perform that task; and

~~((f))~~ (vi) That the task itself is one that should be appropriately delegated when considering the following factors:

~~((i))~~ (A) That the task can be performed without requiring the exercise of judgment based on clinical knowledge;

~~((ii))~~ (B) That results of the task are reasonably predictable;

~~((iii))~~ (C) That the task can be performed without a need for complex observations or critical decisions;

~~((iv))~~ (D) That the task can be performed without repeated clinical assessments; and

~~((v))~~ (A) (E)(I) For a medical assistant other than a medical assistant-hemodialysis technician, that the task, if performed improperly, would not present life-threatening consequences or the danger of immediate and serious harm to the patient; and

~~((B))~~ (II) For a medical assistant-hemodialysis technician, that the task, if performed improperly, is not likely to present life-threatening consequences or the danger of immediate and serious harm to the patient.

~~((2))~~ (b) Nothing in this section prohibits the use of protocols that do not involve clinical judgment and do not involve the administration of medications, other than vaccines.

(2)(a) A naturopath may delegate the application of colon hydrotherapy to a medical assistant-colon hydrotherapist if:

(i) The supervising naturopath conducts a patient evaluation and diagnosis prior to referring a patient to the medical assistant-colon hydrotherapist for the application of colon hydrotherapy and adopts a plan for patient monitoring;

(ii) The medical assistant-colon hydrotherapist has liability coverage for the colon hydrotherapy; and

(iii) The medical assistant-colon hydrotherapist has a written emergency protocol to address urgent needs that may occur as a result of the colon hydrotherapy.

(b) For purposes of this subsection (2), colon hydrotherapy may be performed by a medical assistant-colon hydrotherapist at a facility other than the supervising naturopath's office.

**Sec. 15.** RCW 18.360.090 and 2012 c 153 s 10 are each amended to read as follows:

Nothing in this chapter prohibits or affects:

(1) A person licensed under this title performing services within his or her scope of practice;

(2) A person performing functions in the discharge of official duties on behalf of the United States government including, but not limited to, the armed forces, coast guard, public health service, veterans' bureau, or bureau of Indian affairs;

(3) A person trained by a federally approved end-stage renal disease facility who performs end-stage renal dialysis in the home setting;

(4) A person registered or certified under this chapter from performing blood-drawing procedures in the residences of research study participants when the procedures have been authorized by the institutional review board of a comprehensive cancer center or nonprofit degree-granting institution of higher education and are conducted under the general supervision of a physician; ~~((f))~~



(5) A person participating in an externship as part of an approved medical assistant training program under the direct supervision of an on-site health care provider; or

(6) A person practicing colon hydrotherapy for compensation if he or she was practicing colon hydrotherapy for compensation on the effective date of this section.

**Sec. 16.** RCW 18.130.040 and 2019 c 444 s 11, 2019 c 308 s 18, and 2019 c 55 s 7 are each reenacted and amended to read as follows:

(1) This chapter applies only to the secretary and the boards and commissions having jurisdiction in relation to the professions licensed under the chapters specified in this section. This chapter does not apply to any business or profession not licensed under the chapters specified in this section.

(2)(a) The secretary has authority under this chapter in relation to the following professions:

(i) Dispensing opticians licensed and designated apprentices under chapter 18.34 RCW;

(ii) Midwives licensed under chapter 18.50 RCW;

(iii) Ocularists licensed under chapter 18.55 RCW;

(iv) Massage therapists and businesses licensed under chapter 18.108 RCW;

(v) Dental hygienists licensed under chapter 18.29 RCW;

(vi) Acupuncturists or acupuncture and Eastern medicine practitioners licensed under chapter 18.06 RCW;

(vii) Radiologic technologists certified and X-ray technicians registered under chapter 18.84 RCW;

(viii) Respiratory care practitioners licensed under chapter 18.89 RCW;

(ix) Hypnotherapists and agency affiliated counselors registered and advisors and counselors certified under chapter 18.19 RCW;

(x) Persons licensed as mental health counselors, mental health counselor associates, marriage and family therapists, marriage and family therapist associates, social workers, social work associates—advanced, and social work associates—-independent clinical under chapter 18.225 RCW;

(xi) Persons registered as nursing pool operators under chapter 18.52C RCW;

(xii) Nursing assistants registered or certified or medication assistants endorsed under chapter 18.88A RCW;

(xiii) Dietitians and nutritionists certified under chapter 18.138 RCW;

(xiv) Substance use disorder professionals, substance use disorder professional trainees, or co-occurring disorder specialists certified under chapter 18.205 RCW;

(xv) Sex offender treatment providers and certified affiliate sex offender treatment providers certified under chapter 18.155 RCW;

(xvi) Persons licensed and certified under chapter 18.73 RCW or RCW 18.71.205;

(xvii) Orthotists and prosthetists licensed under chapter 18.200 RCW;

(xviii) Surgical technologists registered under chapter 18.215 RCW;

(xix) Recreational therapists under chapter 18.230 RCW;

(xx) Animal massage therapists certified under chapter 18.240 RCW;

(xxi) Athletic trainers licensed under chapter 18.250 RCW;

(xxii) Home care aides certified under chapter 18.88B RCW;

(xxiii) Genetic counselors licensed under chapter 18.290 RCW;

(xxiv) Reflexologists certified under chapter 18.108 RCW;

(xxv) Medical assistants-certified, medical assistants-hemodialysis technician, medical assistants-phlebotomist, medical assistant-colon hydrotherapist, forensic phlebotomist, and medical assistants-registered certified and registered under chapter 18.360 RCW; and

(xxvi) Behavior analysts, assistant behavior analysts, and behavior technicians under chapter 18.380 RCW.

(b) The boards and commissions having authority under this chapter are as follows:

(i) The podiatric medical board as established in chapter 18.22 RCW;

(ii) The chiropractic quality assurance commission as established in chapter 18.25 RCW;

(iii) The dental quality assurance commission as established in chapter 18.32 RCW governing licenses issued under chapter 18.32 RCW, licenses and registrations issued under chapter 18.260 RCW, and certifications issued under chapter 18.350 RCW;

(iv) The board of hearing and speech as established in chapter 18.35 RCW;

(v) The board of examiners for nursing home administrators as established in chapter 18.52 RCW;

(vi) The optometry board as established in chapter 18.54 RCW governing licenses issued under chapter 18.53 RCW;

(vii) The board of osteopathic medicine and surgery as established in chapter 18.57 RCW governing licenses issued under chapters 18.57 and 18.57A RCW;

(viii) The pharmacy quality assurance commission as established in chapter 18.64 RCW governing licenses issued under chapters 18.64 and 18.64A RCW;

(ix) The Washington medical commission as established in chapter 18.71 RCW governing licenses and registrations issued under chapters 18.71 and 18.71A RCW;

(x) The board of physical therapy as established in chapter 18.74 RCW;

(xi) The board of occupational therapy practice as established in chapter 18.59 RCW;

(xii) The nursing care quality assurance commission as established in chapter 18.79 RCW governing licenses and registrations issued under that chapter;

(xiii) The examining board of psychology and its disciplinary committee as established in chapter 18.83 RCW;

(xiv) The veterinary board of governors as established in chapter 18.92 RCW;

(xv) The board of naturopathy established in chapter 18.36A RCW; and

(xvi) The board of denturists established in chapter 18.30 RCW.

(3) In addition to the authority to discipline license holders, the disciplining authority has the authority to grant or deny licenses. The disciplining authority may also grant a license subject to conditions.

(4) All disciplining authorities shall adopt procedures to ensure substantially consistent application of this chapter, the uniform disciplinary act, among the disciplining authorities listed in subsection (2) of this section.

**NEW SECTION. Sec. 17.** Section 8 of this act expires January 1, 2022.

**NEW SECTION. Sec. 18.** Sections 2, 3, 5 through 7, and 9 of this act take effect July 1, 2021.

**NEW SECTION. Sec. 19.** Sections 1, 4, and 8 of this act are necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and take effect immediately."

Correct the title.

Representatives Macri and Schmick spoke in favor of the adoption of the striking amendment.

The striking amendment (1521) was adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Macri and Schmick spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 2775.

### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2775, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Mead, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shea, Shewmake, Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2775, having received the necessary constitutional majority, was declared passed.

### HOUSE BILL NO. 2833, by Representative Hoff

**Concerning the board of engineers and land surveyors' appointment of its director and agreement with the department of licensing.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Hoff and Kirby spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of House Bill No. 2833.

### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2833, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Duerr, Dufault, Dye, Entenman,

Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Mead, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shea, Shewmake, Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

HOUSE BILL NO. 2833, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 2837, by Representatives Boehnke and Hudgins**

**Expanding powers granted to state historical societies.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Boehnke spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of House Bill No. 2837.

**ROLL CALL**

The Clerk called the roll on the final passage of House Bill No. 2837, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Mead, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shea, Shewmake, Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

HOUSE BILL NO. 2837, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 2440, by Representatives Kilduff, Lovick, Chapman, Orwall, Rude, Leavitt, Santos, Pollet and Wylie**

**Concerning a medical alert designation on driver's licenses and identicards.**

The bill was read the second time.

Representative Kilduff moved the adoption of the striking amendment (1674):

19.0.

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 20.** The legislature finds that the health and safety of the traveling public, law enforcement, and emergency medical service providers are enhanced by the voluntary sharing of information about medical conditions, including deafness and developmental disabilities. Licensed drivers and applicants who wish to voluntarily include a medical alert designation on their driver's license can provide law enforcement and emergency medical service providers with the opportunity to know at the point of contact or shortly thereafter that there is a medical condition which could affect communication or account for a driver health emergency. By taking action in accordance with existing driver privacy protections, the legislature seeks to enhance health and public safety by the voluntary provision and careful use of this information.

**Sec. 21.** RCW 46.20.117 and 2018 c 157 s 2 are each amended to read as follows:

(1) **Issuance.** The department shall issue an identicard, containing a picture, if the applicant:

- (a) Does not hold a valid Washington driver's license;
- (b) Proves his or her identity as required by RCW 46.20.035; and
- (c) Pays the required fee. Except as provided in subsection ~~((5))~~ (7) of this section, the fee is fifty-four dollars, unless an applicant is:
  - (i) A recipient of continuing public assistance grants under Title 74 RCW, who is referred in writing by the secretary of social and health services;
  - (ii) Under the age of eighteen and does not have a permanent residence address as determined by the department by rule; or
  - (iii) An individual who is scheduled to be released from an institution as defined in RCW 13.40.020, a community facility as defined in RCW 72.05.020, or other juvenile rehabilitation facility operated by the department of social and health services or the department of children, youth, and families; or an individual who has been released from such an institution or facility within thirty calendar days before the date of the application.

For those persons under (c)(i) through (iii) of this subsection, the fee must be the actual cost of production of the identicard.

(2)(a) **Design and term.** The identicard must:

(i) Be distinctly designed so that it will not be confused with the official driver's license; and

(ii) Except as provided in subsection ~~((5))~~ (7) of this section, expire on the sixth anniversary of the applicant's birthdate after issuance.

(b) The identicard may include the person's status as a veteran, consistent with RCW 46.20.161~~((2))~~ (4).

(c) If applicable, the identicard may include a medical alert designation as provided in subsection (5) of this section.

(3) **Renewal.** An application for identicard renewal may be submitted by means of:

(a) Personal appearance before the department; or

(b) Mail or electronic commerce, if permitted by rule of the department and if the applicant did not renew his or her identicard by mail or by electronic commerce when it last expired.

An identicard may not be renewed by mail or by electronic commerce unless the renewal issued by the department includes a photograph of the identicard holder.

(4) **Cancellation.** The department may cancel an identicard if the holder of the identicard used the card or allowed others to use the card in violation of RCW 46.20.0921.

(5) Any person may apply to the department to obtain a medical alert designation, a developmental disability designation, or a deafness designation on an identicard issued under this chapter by providing:

(a) Self-attestation that the individual:

(i) Has a medical condition that could affect communication or account for a health emergency;

(ii) Is deaf or hard of hearing; or

(iii) Has a developmental disability as defined in RCW 71A.10.020;

(b) A statement from the person that they have voluntarily provided the self-attestation and other information verifying the condition; and

(c) For persons under eighteen years of age or who have a developmental disability, the signature of a parent or legal guardian.

(6) A self-attestation or data contained in a self-attestation provided under this section:

(a) Shall not be disclosed; and

(b) Is for the confidential use of the director, the chief of the Washington state patrol, and for law enforcement and emergency medical service providers as designated by law.

(7) Alternative issuance/renewal/extension. The department may issue or renew an identicard for a period other than six years, or may extend by mail or electronic commerce an identicard that has already been issued, in order to evenly distribute, as nearly as possible, the yearly

renewal rate of identicard holders. The fee for an identicard issued or renewed for a period other than six years, or that has been extended by mail or electronic commerce, is nine dollars for each year that the identicard is issued, renewed, or extended. The department may adopt any rules as are necessary to carry out this subsection.

**Sec. 22.** RCW 46.20.161 and 2018 c 69 s 1 are each amended to read as follows:

(1) The department, upon receipt of a fee of forty-five dollars from October 1, 2012, to June 30, 2013, and fifty-four dollars after June 30, 2013, unless the driver's license is issued for a period other than five years from October 1, 2012, to June 30, 2013, or six years after June 30, 2013, in which case the fee shall be nine dollars for each year that the license is issued, which includes the fee for the required photograph, shall issue to every qualifying applicant a driver's license. A driver's license issued to a person under the age of eighteen is an intermediate license, subject to the restrictions imposed under RCW 46.20.075, until the person reaches the age of eighteen.

(2) The license must include:

(a) A distinguishing number assigned to the licensee((:));

(b) The name of record((:));

(c) Date of birth((:));

(d) Washington residence address((:));

(e) Photograph((:));

(f) A brief description of the licensee((:));

(g) Either a facsimile of the signature of the licensee or a space upon which the licensee shall write his or her usual signature with pen and ink immediately upon receipt of the license((and));

(h) If applicable, the person's status as a veteran as provided in subsection ~~((2))~~ (4) of this section; and

(i) If applicable, a medical alert designation as provided in subsection (5) of this section.

(3) No license is valid until it has been ~~((s))~~ signed by the licensee.

~~((2))~~ (4)(a) A veteran, as defined in RCW 41.04.007, or an individual who otherwise meets the criteria of RCW 41.04.007 but who has received a general discharge under honorable conditions, may apply to the department to obtain a veteran designation on a driver's license issued under this section by providing:

~~((a))~~ (i) A United States department of veterans affairs identification card or proof of service letter;

~~((b))~~ (ii) A United States department of defense discharge document, DD Form 214 or DD Form 215, as it exists on June 7, 2018, or such subsequent date as may be provided by the department by rule, consistent with the purposes of this section, or equivalent or successor discharge paperwork, that shows a discharge status of "honorable" or

"general under honorable conditions" that establishes the person's service in the armed forces of the United States;

~~((e))~~ (iii) A national guard state-issued report of separation and military service, NGB Form 22, as it exists on June 7, 2018, or such subsequent date as may be provided by the department by rule, consistent with the purposes of this section, or equivalent or successor discharge paperwork, that shows a discharge status of "honorable" or "general under honorable conditions" that establishes the person's active duty or reserve service in the national guard; or

~~((d))~~ (iv) A United States uniformed services identification card, DD Form 2, that displays on its face that it has been issued to a retired member of any of the armed forces of the United States, including the national guard and armed forces reserves.

(b) The department may permit a veteran, as defined in RCW 41.04.007, or an individual who otherwise meets the criteria of RCW 41.04.007 but who has received a general discharge under honorable conditions, to submit an alternate form of documentation to apply to obtain a veteran designation on a driver's license, as specified by rule, that requires a discharge status of "honorable" or "general under honorable conditions" and that establishes the person's service as required under RCW 41.04.007.

(5) Any person may apply to the department to obtain a medical alert designation, a developmental disability designation, or a deafness designation on a driver's license issued under this chapter by providing:

(a) Self-attestation that the individual:

(i) Has a medical condition that could affect communication or account for a driver health emergency;

(ii) Is deaf or hard of hearing; or

(iii) Has a developmental disability as defined in RCW 71A.10.020;

(b) A statement from the person that they have voluntarily provided the self-attestation and other information verifying the condition; and

(c) For persons under eighteen years of age or who have a developmental disability, the signature of a parent or legal guardian.

(6) A self-attestation or data contained in a self-attestation provided under this section:

(a) Shall not be disclosed;

(b) Is for the confidential use of the director, the chief of the Washington state patrol, and for law enforcement and emergency medical service providers as designated by law; and

(c) Is subject to the privacy protections of the driver's privacy protection act, 18 U.S.C. Sec. 2725.

**NEW SECTION. Sec. 23.** This act takes effect January 1, 2022."

Correct the title.

Representatives Kilduff and Schmick spoke in favor of the adoption of the striking amendment.

The striking amendment (1674) was adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Kilduff, Schmick, Rude and Orwall spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed House Bill No. 2440.

### ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 2440, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Mead, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shea, Shewmake, Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

ENGROSSED HOUSE BILL NO. 2440, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 2342, by Representatives Fitzgibbon, Leavitt, Tharinger, Walen, Doglio, Pollet and Appleton**

**Aligning the timing of comprehensive plan updates required by the growth management act with the timing of shoreline master program updates required by the shoreline management act.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 2342 was substituted for House Bill No. 2342 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2342 was read the second time.

With the consent of the House, amendments (1200) and (1661) were withdrawn.

Representative Fitzgibbon moved the adoption of the striking amendment (1479):

23.0.

Strike everything after the enacting clause and insert the following:

"**Sec. 24.** RCW 36.70A.130 and 2012 c 191 s 1 are each amended to read as follows:

(1)(a) Each comprehensive land use plan and development regulations shall be subject to continuing review and evaluation by the county or city that adopted them. Except as otherwise provided, a county or city shall take legislative action to review and, if needed, revise its comprehensive land use plan and development regulations to ensure the plan and regulations comply with the requirements of this chapter according to the deadlines in subsections (4) and (5) of this section.

(b) Except as otherwise provided, a county or city not planning under RCW 36.70A.040 shall take action to review and, if needed, revise its policies and development regulations regarding critical areas and natural resource lands adopted according to this chapter to ensure these policies and regulations comply with the requirements of this chapter according to the deadlines in subsections (4) and (5) of this section. Legislative action means the adoption of a resolution or ordinance following notice and a public hearing indicating at a minimum, a finding that a review and evaluation has occurred and identifying the revisions made, or that a revision was not needed and the reasons therefor.

(c) The review and evaluation required by this subsection shall include, but is not limited to, consideration of critical area ordinances and, if planning under RCW 36.70A.040, an analysis of the population allocated to a city or county from the most recent ten-year population forecast by the office of financial management.

(d) Any amendment of or revision to a comprehensive land use plan shall conform to this chapter. Any amendment of or revision to development regulations shall be consistent with and implement the comprehensive plan.

(2)(a) Each county and city shall establish and broadly disseminate to the public a public participation program consistent with RCW 36.70A.035 and 36.70A.140 that identifies procedures and schedules whereby updates, proposed amendments, or revisions of the comprehensive plan are considered by the governing body of the county or city no more frequently than once every year~~((except that, until December 31, 2015, the program shall provide for consideration of amendments of an urban growth area in accordance with RCW 36.70A.1301 once every year))~~. "Updates" means to review and revise, if needed, according to subsection (1) of this section, and the deadlines in subsections (4) and (5) of this section or in accordance with the provisions of subsection ~~((6))~~ (7) of this section.

Amendments may be considered more frequently than once per year under the following circumstances:

(i) The initial adoption of a subarea plan. Subarea plans adopted under this subsection (2)(a)(i) must clarify, supplement, or implement jurisdiction-wide comprehensive plan policies, and may only be adopted if the cumulative impacts of the proposed plan are addressed by appropriate environmental review under chapter 43.21C RCW;

(ii) The development of an initial subarea plan for economic development located outside of the one hundred year floodplain in a county that has completed a state-funded pilot project that is based on watershed characterization and local habitat assessment;

(iii) The adoption or amendment of a shoreline master program under the procedures set forth in chapter 90.58 RCW;

(iv) The amendment of the capital facilities element of a comprehensive plan that occurs concurrently with the adoption or amendment of a county or city budget; or

(v) The adoption of comprehensive plan amendments necessary to enact a planned action under RCW ~~((43.21C.031(2)))~~ 43.21C.440, provided that amendments are considered in accordance with the public participation program established by the county or city under this subsection (2)(a) and all persons who have requested notice of a comprehensive plan update are given notice of the amendments and an opportunity to comment.

(b) Except as otherwise provided in (a) of this subsection, all proposals shall be considered by the governing body concurrently so the cumulative effect of the various proposals can be ascertained. However, after appropriate public participation a county or city may adopt amendments or revisions to its comprehensive plan that conform with this chapter whenever an emergency exists or to resolve an appeal of a comprehensive plan filed with the growth management hearings board or with the court.

(3)(a) Each county that designates urban growth areas under RCW 36.70A.110 shall review, according to the schedules established in ~~((subsection))~~ subsections (4) and (5) of this section, its designated urban growth area or areas, and the densities permitted within both the incorporated and unincorporated portions of each urban growth area. In conjunction with this review by the county, each city located within an urban growth area shall review the densities permitted within its boundaries, and the extent to which the urban growth occurring within the county has located within each city and the unincorporated portions of the urban growth areas.

(b) The county comprehensive plan designating urban growth areas, and the densities permitted in the urban growth areas by the comprehensive plans of the county and each city located within the urban growth areas, shall be revised to accommodate the urban growth projected to occur in the county for the succeeding twenty-year period. The review required by this subsection may be combined with the review and evaluation required by RCW 36.70A.215.

~~(4) ((Except as provided in subsection (6) of this section, counties and cities shall take action to review and, if needed, revise their comprehensive plans and development regulations to ensure the plan and regulations comply with the requirements of this chapter as follows:~~

~~(a) On or before December 1, 2004, for Clallam, Clark, Jefferson, King, Kitsap, Pierce, Snohomish, Thurston, and Whatcom counties and the cities within those counties;~~

~~(b) On or before December 1, 2005, for Cowlitz, Island, Lewis, Mason, San Juan, Skagit, and Skamania counties and the cities within those counties;~~

~~(c) On or before December 1, 2006, for Benton, Chelan, Douglas, Grant, Kittitas, Spokane, and Yakima counties and the cities within those counties; and~~

~~(d) On or before December 1, 2007, for Adams, Asotin, Columbia, Ferry, Franklin, Garfield, Grays Harbor, Klickitat, Lincoln, Okanogan, Pacific, Pend Oreille, Stevens, Wahkiakum, Walla Walla, and Whitman counties and the cities within those counties.~~

~~((5)) Except as otherwise provided in subsections ((4) and (8)) (7) and (9) of this section, ((following the review of comprehensive plans and development regulations required by subsection (4) of this section,)) counties and cities shall take action to review and, if needed, revise their comprehensive plans and development regulations to ensure the plan and regulations comply with the requirements of this chapter as follows:~~

~~(a) On or before June 30, 2015, ((and every eight years thereafter,)) for King, Pierce, and Snohomish counties and the cities within those counties;~~

~~(b) On or before June 30, 2016, ((and every eight years thereafter,)) for Clallam, Clark, Island, Jefferson, Kitsap, Mason, San Juan, Skagit, Thurston, and Whatcom counties and the cities within those counties;~~

~~(c) On or before June 30, 2017, ((and every eight years thereafter,)) for Benton, Chelan, Cowlitz, Douglas, Kittitas, Lewis, Skamania, Spokane, and Yakima counties and the cities within those counties; and~~

~~(d) On or before June 30, 2018, ((and every eight years thereafter,)) for Adams, Asotin, Columbia, Ferry, Franklin, Garfield, Grant, Grays Harbor, Klickitat, Lincoln, Okanogan, Pacific, Pend Oreille, Stevens, Wahkiakum, Walla Walla, and Whitman counties and the cities within those counties.~~

(5)(a) Except as otherwise provided in subsections (7) and (9) of this section, following the review of comprehensive plans and development regulations required by subsection (4) of this section, counties and cities shall take action to review and, if needed, revise their comprehensive plans and development regulations to ensure the plan and regulations comply with the requirements of this chapter as follows:

(i) On or before June 30, 2024, and every ten years thereafter, for King, Kitsap, Pierce, and Snohomish counties and the cities within those counties;

(ii) On or before June 30, 2025, and every ten years thereafter, for Clallam, Clark, Island, Jefferson, Lewis, Mason, San Juan, Skagit, Thurston, and Whatcom counties and the cities within those counties;

(iii) On or before June 30, 2026, and every ten years thereafter, for Benton, Chelan, Cowlitz, Douglas, Franklin, Kittitas, Skamania, Spokane, Walla Walla, and Yakima counties and the cities within those counties; and

(iv) On or before June 30, 2027, and every ten years thereafter, for Adams, Asotin, Columbia, Ferry, Garfield, Grant, Grays Harbor, Klickitat, Lincoln, Okanogan, Pacific, Pend Oreille, Stevens, Wahkiakum, and Whitman counties and the cities within those counties.

(b) For Benton, Clark, Franklin, King, Kitsap, Pierce, Snohomish, Spokane, Thurston, and Whatcom counties, and the cities within these counties, the review and possible revision of comprehensive plans and development regulations required by this subsection (5)(b) is required every eight years, rather than every ten years as provided in (a) of this subsection, if the legislature has not appropriated the funding amounts specified in this subsection (5)(b) by the following dates to the department for the purpose of grants associated with the review and revision process required by subsection (6) of this section:

(i) By June 30, 2027, a minimum of eighty-five thousand dollars per affected jurisdiction, for the review and revision process required by subsection (6) of this section to occur during the years 2029 through 2031; and

(ii) By June 30, 2037, a minimum of one hundred five thousand dollars per affected jurisdiction, for the review and revision process required by subsection (6) of this section to occur during the years 2039 through 2041.

(6)(a) No later than five years after each of the deadlines for the review and possible revision of comprehensive plans and development regulations specified in subsection (5) of this section, Benton, Clark, Franklin, King, Kitsap, Pierce, Snohomish, Spokane, Thurston, and Whatcom counties and the cities within these counties, shall take additional action to review and, if needed, revise the following specific elements of their comprehensive plans and development regulations to ensure the plan and regulations comply with the requirements of this chapter:

(i) The housing element of the comprehensive plan, with the topics and scope subject to rules adopted by the department pursuant to (b) of this subsection; and

(ii) Development regulations that protect critical areas, in the event that the department or another state agency has issued official updated guidance regarding critical areas since the due date of the county's or city's previous review and possible revision of its comprehensive plan and development regulations.

(b) The department shall adopt rules to specify the threshold conditions that will bring about the need for review and, if needed, revision of development regulation updates or other updates needed to meet the goals and requirements of the housing element. In specifying these threshold

conditions, the department shall address, at a minimum, the following factors:

(i) What features, such as shifts in the regional housing market, would necessitate that counties and cities identified in (a) of this subsection take additional action under (a) of this subsection;

(ii) Based on the identified factors, how to determine which counties and cities identified in (a) of this subsection must take additional actions to review and, if needed, revise development regulations or take other actions to achieve the goals and requirements of the housing element of their comprehensive plan;

(iii) Which topics or components of the housing element must be reviewed and, if needed, what actions must be taken in order to align development outcomes with the goals within the housing element; and

(iv) How to execute the review and revision process over each successive ten-year planning cycle.

(c) Updates to comprehensive plans and development regulations made pursuant to this subsection (6) are subject to appeal to the growth management hearings board under RCW 36.70A.280.

(d) The requirements of this subsection (6) apply only if the legislature has appropriated the funding amounts specified in this subsection (6)(d) by the following dates to the department for the purpose of grants associated with the review and revision process required by this subsection (6):

(i) By June 30, 2027, a minimum of eighty-five thousand dollars per affected jurisdiction, for the review and revision process required by this subsection (6) to occur during the years 2029 through 2031; and

(ii) By June 30, 2037, a minimum of one hundred five thousand dollars per affected jurisdiction, for the review and revision process required by this subsection (6) to occur during the years 2039 through 2041.

(7)(a) Nothing in this section precludes a county or city from conducting the review and evaluation required by this section before the deadlines established in subsections (4) and (5) of this section. Counties and cities may begin this process early and may be eligible for grants from the department, subject to available funding, if they elect to do so.

(b) ((A county that is subject to a deadline established in subsection (4)(b) through (d) of this section and meets the following criteria may comply with the requirements of this section at any time within the thirty-six months following the deadline established in subsection (4) of this section: The county has a population of less than fifty thousand and has had its population increase by no more than seventeen percent in the ten years preceding the deadline established in subsection (4) of this section as of that date.

(c) A city that is subject to a deadline established in subsection (4)(b) through (d) of this section and meets the following criteria may comply with the requirements of this section at any time within the thirty-six months following the deadline established in subsection (4) of this section: The

city has a population of no more than five thousand and has had its population increase by the greater of either no more than one hundred persons or no more than seventeen percent in the ten years preceding the deadline established in subsection (4) of this section as of that date.

(d) A county or city that is subject to a deadline established in subsection (4)(d) of this section and that meets the criteria established in (b) or (c) of this subsection may comply with the requirements of subsection (4)(d) of this section at any time within the thirty-six months after the extension provided in (b) or (c) of this subsection.

(e)) A county that is subject to a deadline established in subsection (5)((b) through (d)) (a)(ii) through (iv) or (6) of this section and meets the following criteria may comply with the requirements of this section at any time within the twenty-four months following the deadline established in subsection (5) or (6) of this section: The county has a population of less than fifty thousand and has had its population increase by no more than seventeen percent in the ten years preceding the deadline established in subsection (5) of this section as of that date.

((f)) (c) A city that is subject to a deadline established in subsection (5)((b) through (d)) (a)(ii) through (iv) or (6) of this section and meets the following criteria may comply with the requirements of this section at any time within the twenty-four months following the deadline established in subsection (5) or (6) of this section: The city has a population of no more than five thousand and has had its population increase by the greater of either no more than one hundred persons or no more than seventeen percent in the ten years preceding the deadline established in subsection (5) of this section as of that date.

((g)) (d) State agencies are encouraged to provide technical assistance to the counties and cities in the review of critical area ordinances, comprehensive plans, and development regulations.

((h)) (8)(a) The requirements imposed on counties and cities under this section shall be considered "requirements of this chapter" under the terms of RCW 36.70A.040(1). Only those counties and cities that meet the following criteria may receive grants, loans, pledges, or financial guarantees under chapter 43.155 or 70.146 RCW:

(i) Complying with the deadlines in this section; or

(ii) Demonstrating substantial progress towards compliance with the schedules in this section for development regulations that protect critical areas((; or

(iii) Complying with the extension provisions of subsection (6)(b), (c), or (d) of this section)).

(b) A county or city that is fewer than twelve months out of compliance with the schedules in this section for development regulations that protect critical areas is making substantial progress towards compliance. Only those counties and cities in compliance with the schedules in this section may receive preference for grants or loans subject to the provisions of RCW 43.17.250.



~~((8))~~ (9)(a) Except as otherwise provided in (c) of this subsection, if a participating watershed is achieving benchmarks and goals for the protection of critical areas functions and values, the county is not required to update development regulations to protect critical areas as they specifically apply to agricultural activities in that watershed.

(b) A county that has made the election under RCW 36.70A.710(1) may only adopt or amend development regulations to protect critical areas as they specifically apply to agricultural activities in a participating watershed if:

(i) A work plan has been approved for that watershed in accordance with RCW 36.70A.725;

(ii) The local watershed group for that watershed has requested the county to adopt or amend development regulations as part of a work plan developed under RCW 36.70A.720;

(iii) The adoption or amendment of the development regulations is necessary to enable the county to respond to an order of the growth management hearings board or court;

(iv) The adoption or amendment of development regulations is necessary to address a threat to human health or safety; or

(v) Three or more years have elapsed since the receipt of funding.

(c) Beginning ten years from the date of receipt of funding, a county that has made the election under RCW 36.70A.710(1) must review and, if necessary, revise development regulations to protect critical areas as they specifically apply to agricultural activities in a participating watershed in accordance with the review and revision requirements and timeline in subsection (5) of this section. This subsection ~~((8))~~ (9)(c) does not apply to a participating watershed that has determined under RCW 36.70A.720(2)(c)(ii) that the watershed's goals and benchmarks for protection have been met.

(10) The office of financial management, upon the enactment of the biennial operating budget in 2027 and 2037, shall inform the department, the office of the governor, the office of the code reviser, and the committees of the legislature with jurisdiction over this chapter, of the amount that has been appropriated to the department for the purpose of providing funding for planning grants in connection with the requirements of RCW 36.70A.130(6).

**Sec. 25.** RCW 90.58.080 and 2011 c 353 s 13 are each amended to read as follows:

(1) Local governments shall develop or amend a master program for regulation of uses of the shorelines of the state consistent with the required elements of the guidelines adopted by the department in accordance with the schedule established by this section.

(2)(a) Subject to the provisions of subsections (5) and (6) of this section, each local government subject to this chapter shall develop or amend its master program for the regulation of uses of shorelines within its jurisdiction according to the following schedule:

(i) On or before December 1, 2005, for the city of Port Townsend, the city of Bellingham, the city of Everett, Snohomish county, and Whatcom county;

(ii) On or before December 1, 2009, for King county and the cities within King county greater in population than ten thousand;

(iii) Except as provided by (a)(i) and (ii) of this subsection, on or before December 1, 2011, for Clallam, Clark, Jefferson, King, Kitsap, Pierce, Snohomish, Thurston, and Whatcom counties and the cities within those counties;

(iv) On or before December 1, 2012, for Cowlitz, Island, Lewis, Mason, San Juan, Skagit, and Skamania counties and the cities within those counties;

(v) On or before December 1, 2013, for Benton, Chelan, Douglas, Grant, Kittitas, Spokane, and Yakima counties and the cities within those counties; and

(vi) On or before December 1, 2014, for Adams, Asotin, Columbia, Ferry, Franklin, Garfield, Grays Harbor, Klickitat, Lincoln, Okanogan, Pacific, Pend Oreille, Stevens, Wahkiakum, Walla Walla, and Whitman counties and the cities within those counties.

(b) Nothing in this subsection (2) shall preclude a local government from developing or amending its master program prior to the dates established by this subsection (2).

(3)(a) Following approval by the department of a new or amended master program, local governments required to develop or amend master programs on or before December 1, 2009, as provided by subsection (2)(a)(i) and (ii) of this section, shall be deemed to have complied with the schedule established by subsection (2)(a)(iii) of this section and shall not be required to complete master program amendments until the applicable dates established by subsection (4)(b) of this section. Any jurisdiction listed in subsection (2)(a)(i) of this section that has a new or amended master program approved by the department on or after March 1, 2002, but before July 27, 2003, shall not be required to complete master program amendments until the applicable date provided by subsection (4)(b) of this section.

(b) Following approval by the department of a new or amended master program, local governments choosing to develop or amend master programs on or before December 1, 2009, shall be deemed to have complied with the schedule established by subsection (2)(a)(iii) through (vi) of this section and shall not be required to complete master program amendments until the applicable dates established by subsection (4)(b) of this section.

(4)(a) Following the updates required by subsection (2) of this section, local governments shall conduct a review of their master programs at least once every ~~((eight))~~ ten years as required by (b) of this subsection. Following the review required by this subsection (4), local governments shall, if necessary, revise their master programs. The purpose of the review is:

(i) To assure that the master program complies with applicable law and guidelines in effect at the time of the review; and

(ii) To assure consistency of the master program with the local government's comprehensive plan and development regulations adopted under chapter 36.70A RCW, if applicable, and other local requirements.

(b) Counties and cities shall take action to review and, if necessary, revise their master programs as required by (a) of this subsection as follows:

(i) On or before June 30, ~~((2019))~~ 2029, and every ~~((eight))~~ ten years thereafter, for King, Kitsap, Pierce, and Snohomish counties and the cities within those counties;

(ii) On or before June 30, ~~((2020))~~ 2030, and every ~~((eight))~~ ten years thereafter, for Clallam, Clark, Island, Jefferson, ~~((Kitsap))~~ Lewis, Mason, San Juan, Skagit, Thurston, and Whatcom counties and the cities within those counties;

(iii) On or before June 30, ~~((2021))~~ 2031, and every ~~((eight))~~ ten years thereafter, for Benton, Chelan, Cowlitz, Douglas, ~~((Grant))~~ Franklin, Kittitas, ~~((Lewis))~~ Skamania, Spokane, Walla Walla, and Yakima counties and the cities within those counties; and

(iv) On or before June 30, ~~((2022))~~ 2032, and every ~~((eight))~~ ten years thereafter, for Adams, Asotin, Columbia, Ferry, ~~((Franklin))~~ Garfield, Grant, Grays Harbor, Klickitat, Lincoln, Okanogan, Pacific, Pend Oreille, Stevens, Wahkiakum, ~~((Walla Walla))~~ and Whitman counties and the cities within those counties.

(5) In meeting the ~~((update))~~ review requirements of subsection ~~((2))~~ (4) of this section, local governments are encouraged to begin the process of developing or amending their master programs early and are eligible for grants from the department as provided by RCW 90.58.250, subject to available funding. Except for those local governments listed in subsection (2)(a)(i) and (ii) of this section, the deadline for completion of the new or amended master programs shall be two years after the date the grant is approved by the department. Subsequent master program review dates shall not be altered by the provisions of this subsection.

(6) In meeting the ~~((update))~~ review requirements of subsection ~~((2))~~ (4) of this section, the following shall apply:

(a) Grants to local governments for ~~((developing and amending))~~ reviewing master programs pursuant to the schedule established by this section shall be provided at least two years before the adoption dates specified in subsection ~~((2))~~ (4) of this section. To the extent possible, the department shall allocate grants within the amount appropriated for such purposes to provide reasonable and adequate funding to local governments that have indicated their intent to develop or amend master programs during the biennium according to the schedule established by subsection ~~((2))~~ (4) of this section. Any local government that applies for but does not receive funding to comply with the provisions of subsection ~~((2))~~ (4) of this section may delay the development or amendment of its master program until the following biennium.

(b) Local governments with delayed compliance dates as provided in (a) of this subsection shall be the first priority

for funding in subsequent biennia, and the ~~((development or amendment))~~ periodic review compliance deadline for those local governments shall be two years after the date of grant approval.

(c) Failure of the local government to apply in a timely manner for a master program development or amendment grant in accordance with the requirements of the department shall not be considered a delay resulting from the provisions of (a) of this subsection.

(7) In meeting the update requirements of subsection (2) of this section, all local governments subject to the requirements of this chapter that have not developed or amended master programs on or after March 1, 2002, shall, no later than December 1, 2014, develop or amend their master programs to comply with guidelines adopted by the department after January 1, 2003.

(8) In meeting the ~~((update))~~ review requirements of subsection ~~((2))~~ (4) of this section, local governments may be provided an additional year beyond the deadlines in this section to complete their master program or amendment. The department shall grant the request if it determines that the local government is likely to adopt or amend its master program within the additional year.

**NEW SECTION. Sec. 26.** Section 2 of this act takes effect July 1, 2025."

Correct the title.

Representatives Fitzgibbon and DeBolt spoke in favor of the adoption of the striking amendment.

The striking amendment (1479) was adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Fitzgibbon, DeBolt and Barkis spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 2342.

## ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2342, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Mead, Morgan, Mosbrucker, Orcutt,

Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shea, Shewmake, Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2342, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 2246, by Representatives Fitzgibbon and Lekanoff**

**Concerning the reorganization of laws related to environmental health without making any substantive, policy changes.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 2246 was substituted for House Bill No. 2246 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2246 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Fitzgibbon and DeBolt spoke in favor of the passage of the bill.

**MOTION**

On motion of Representative Griffey, Representative Rude was excused.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2246.

**ROLL CALL**

The Clerk called the roll on the final passage of Substitute House Bill No. 2246, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Mead, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Ryu, Santos, Schmick, Sells, Senn, Shea, Shewmake, Slatter,

Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Excused: Representative Rude.

SUBSTITUTE HOUSE BILL NO. 2246, having received the necessary constitutional majority, was declared passed.

The Speaker (Representative Lovick presiding) called upon Representative Hansen to preside.

There being no objection, the House advanced to the eighth order of business.

**MOTION**

There being no objection, the Committee on Rules was relieved of the following bills and the bills were placed on the second reading calendar:

HOUSE BILL NO. 2879  
HOUSE BILL NO. 1733

The Speaker assumed the chair.

There being no objection, the House reverted to the sixth order of business.

**SECOND READING**

**HOUSE BILL NO. 1590, by Representatives Doglio, Dolan, Macri, Cody, Gregerson, Wylie, Appleton, Robinson, Ormsby, Frame and Davis**

**Allowing the local sales and use tax for affordable housing to be imposed by a councilmanic authority.**

The bill was read the second time.

With the consent of the House, amendments (1098) and (1107) were withdrawn.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Doglio spoke in favor of the passage of the bill.

Representative Jenkin spoke against the passage of the bill.

The Speaker stated the question before the House to be the final passage of House Bill No. 1590.

**ROLL CALL**

The Clerk called the roll on the final passage of House Bill No. 1590, and the bill passed the House by the following vote: Yeas, 52; Nays, 46; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Bergquist, Callan, Chapman, Chopp, Cody, Davis, Doglio, Dolan, Duerr, Entenman, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hansen, Hudgins, Kilduff, Kirby, Kloba, Lekanoff, Lovick, Macri, Morgan, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Ryu, Santos, Sells, Senn, Shewmake, Slatter, Springer, Stonier, Sullivan, Tarleton, Thai, Tharinger, Valdez, Walen, Wylie and Mme. Speaker.

Voting nay: Representatives Barkis, Blake, Boehnke, Caldier, Chambers, Chandler, Corry, DeBolt, Dent, Dufault, Dye, Eslick, Gildon, Goehner, Graham, Griffey, Harris, Hoff, Irwin, Jenkin, J. Johnson, Klippert, Kraft, Kretz, Leavitt, MacEwen, Maycumber, McCaslin, Mead, Mosbrucker, Orcutt, Paul, Rude, Schmick, Shea, Smith, Steele, Stokesbary, Sutherland, Van Werven, Vick, Volz, Walsh, Wilcox, Ybarra and Young.

HOUSE BILL NO. 1590, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 2013, by Representatives Van Werven, Ryu, Kilduff and Eslick**

**Providing for allied forces veteran remembrance emblems.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Van Werven and Fey spoke in favor of the passage of the bill.

The Speaker stated the question before the House to be the final passage of House Bill No. 2013.

**ROLL CALL**

The Clerk called the roll on the final passage of House Bill No. 2013, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Mead, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shea, Shewmake, Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

HOUSE BILL NO. 2013, having received the necessary constitutional majority, was declared passed.

**ENGROSSED SUBSTITUTE HOUSE BILL NO. 2050, by House Committee on Transportation (originally sponsored by Chambers, Cody, Corry, Goehner, Springer, Schmick, Jenkin and Fey)**

**Creating Washington wine special license plates.**

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 2050 was substituted for Engrossed Substitute House Bill No. 2050 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 2050 was read the second time.

Representative Chambers moved the adoption of the amendment (1062):

26.0.

On page 6, beginning on line 7, after "regions" strike all material through "wine" on line 8

On page 13, beginning on line 26, after "the" strike all material through "campus" on line 32 and insert "Washington tourism alliance to promote tourism throughout Washington state"

Representatives Chambers and Fey spoke in favor of the adoption of the amendment.

Amendment (1062) was adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Chambers, Fey and Jenkin spoke in favor of the passage of the bill.

The Speaker stated the question before the House to be the final passage of Engrossed Second Substitute House Bill No. 2050.

**ROLL CALL**

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 2050, and the bill passed the House by the following vote: Yeas, 92; Nays, 6; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, DeBolt, Dent, Doglio, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Hoff, Irwin, Jenkin, J. Johnson,

Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Mead, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Shea, Shewmake, Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Voting nay: Representatives Davis, Harris, Hudgins, Leavitt, Ramos and Senn.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2050, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 2085, by Representatives Orcutt and Blake**

**Creating Mount St. Helens special license plates.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 2085 was substituted for House Bill No. 2085 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2085 was read the second time.

Representative Orcutt moved the adoption of amendment (1123):

26.0.

On page 15, after line 37, insert the following:

"NEW SECTION. Sec. 5. This act takes effect July 1, 2020."

Correct the title.

Representatives Orcutt and Fey spoke in favor of the adoption of the amendment.

Amendment (1123) was adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Orcutt and Fey spoke in favor of the passage of the bill.

The Speaker stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 2085.

**ROLL CALL**

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2085, and the bill

passed the House by the following vote: Yeas, 96; Nays, 2; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Mead, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Shea, Shewmake, Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Voting nay: Representatives Leavitt and Senn.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2085, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 2166, by Representatives Orcutt, Lovick, Chapman, Barkis, Blake and Kretz**

**Creating special license plates that support working forests.**

The bill was read the second time.

Representative Orcutt moved the adoption of the striking amendment (1268):

5.0.

Strike everything after the enacting clause and insert the following:

"**Sec. 6.** RCW 46.17.220 and 2019 c 384 s 2 and 2019 c 177 s 2 are each reenacted and amended to read as follows:

In addition to all fees and taxes required to be paid upon application for a vehicle registration in chapter 46.16A RCW, the holder of a special license plate shall pay the appropriate special license plate fee as listed in this section.

PLATE TYPE	INITIAL FEE	RENEWAL FEE	DISTRIBUTED UNDER
(1) 4-H	\$ 40.00	\$ 30.00	RCW 46.68.420
(2) Amateur radio license	\$ 5.00	N/A	RCW 46.68.070
(3) Armed forces	\$ 40.00	\$ 30.00	RCW 46.68.425
(4) Breast cancer awareness	\$ 40.00	\$ 30.00	RCW 46.68.425
(5) Collector vehicle	\$ 35.00	N/A	RCW 46.68.030
(6) Collegiate	\$ 40.00	\$ 30.00	RCW 46.68.430

(7) Endangered wildlife	\$ 40.00	\$ 30.00	RCW 46.68.425
(8) Fred Hutch	\$ 40.00	\$ 30.00	RCW 46.68.420
(9) Gonzaga University alumni association	\$ 40.00	\$ 30.00	RCW 46.68.420
(10) Helping kids speak	\$ 40.00	\$ 30.00	RCW 46.68.420
(11) Horseless carriage	\$ 35.00	N/A	RCW 46.68.030
(12) Keep kids safe	\$ 45.00	\$ 30.00	RCW 46.68.425
(13) Law enforcement memorial	\$ 40.00	\$ 30.00	RCW 46.68.420
(14) Military affiliate radio system	\$ 5.00	N/A	RCW 46.68.070
(15) Music matters	\$ 40.00	\$ 30.00	RCW 46.68.420
(16) Professional firefighters and paramedics	\$ 40.00	\$ 30.00	RCW 46.68.420
(17) Purple Heart	\$ 40.00	\$ 30.00	RCW 46.68.425
(18) Ride share	\$ 25.00	N/A	RCW 46.68.030
(19) San Juan Islands	\$ 40.00	\$ 30.00	RCW 46.68.420
(20) Seattle Mariners	\$ 40.00	\$ 30.00	RCW 46.68.420
(21) Seattle Seahawks	\$ 40.00	\$ 30.00	RCW 46.68.420
(22) Seattle Sounders FC	\$ 40.00	\$ 30.00	RCW 46.68.420
(23) Seattle Storm	\$ 40.00	\$ 30.00	RCW 46.68.420
(24) Seattle University	\$ 40.00	\$ 30.00	RCW 46.68.420
(25) Share the road	\$ 40.00	\$ 30.00	RCW 46.68.420
(26) Ski & ride Washington	\$ 40.00	\$ 30.00	RCW 46.68.420
(27) Square dancer	\$ 40.00	N/A	RCW 46.68.070
(28) State flower	\$ 40.00	\$ 30.00	RCW 46.68.420

(29) Volunteer firefighters	\$ 40.00	\$ 30.00	RCW 46.68.420
(30) Washington farmers and ranchers	\$ 40.00	\$ 30.00	RCW 46.68.420
(31) Washington lighthouses	\$ 40.00	\$ 30.00	RCW 46.68.420
(32) Washington state aviation	\$ 40.00	\$ 30.00	RCW 46.68.420
(33) Washington state parks	\$ 40.00	\$ 30.00	RCW 46.68.425
(34) Washington state wrestling	\$ 40.00	\$ 30.00	RCW 46.68.420
(35) Washington tennis	\$ 40.00	\$ 30.00	RCW 46.68.420
(36) Washington's fish collection	\$ 40.00	\$ 30.00	RCW 46.68.425
(37) Washington's national parks	\$ 40.00	\$ 30.00	RCW 46.68.420
(38) Washington's wildlife collection	\$ 40.00	\$ 30.00	RCW 46.68.425
(39) We love our pets	\$ 40.00	\$ 30.00	RCW 46.68.420
(40) Wild on Washington	\$ 40.00	\$ 30.00	RCW 46.68.425
(41) Working forests	\$ 40.00	\$ 30.00	RCW 46.68.420

**Sec. 7.** RCW 46.18.200 and 2019 c 384 s 1 and 2019 c 177 s 1 are each reenacted and amended to read as follows:

(1) Special license plate series reviewed and approved by the department:

(a) May be issued in lieu of standard issue or personalized license plates for vehicles required to display one and two license plates unless otherwise specified;

(b) Must be issued under terms and conditions established by the department;

(c) Must not be issued for vehicles registered under chapter 46.87 RCW; and

(d) Must display a symbol or artwork approved by the department.

(2) The department approves and shall issue the following special license plates:

LICENSE PLATE	DESCRIPTION, SYMBOL, OR ARTWORK
---------------	---------------------------------------

4-H	Displays the "4-H" logo.	Seattle Seahawks	Displays the "Seattle Seahawks" logo.
Armed forces collection	Recognizes the contribution of veterans, active duty military personnel, reservists, and members of the national guard, and includes six separate designs, each containing a symbol representing a different branch of the armed forces to include army, navy, air force, marine corps, coast guard, and national guard.	Seattle Sounders FC	Displays the "Seattle Sounders FC" logo.
		Seattle Storm	Displays the "Seattle Storm" logo.
		Seattle University	Recognizes Seattle University.
		Share the road	Recognizes an organization that promotes bicycle safety and awareness education.
Breast cancer awareness	Displays a pink ribbon symbolizing breast cancer awareness.	Ski & ride Washington	Recognizes the Washington snowsports industry.
Endangered wildlife	Displays a symbol or artwork symbolizing endangered wildlife in Washington state.	State flower	Recognizes the Washington state flower.
Fred Hutch	Displays the Fred Hutch logo.	Volunteer firefighters	Recognizes volunteer firefighters.
Gonzaga University alumni association	Recognizes the Gonzaga University alumni association.	Washington farmers and ranchers	Recognizes farmers and ranchers in Washington state.
Helping kids speak	Recognizes an organization that supports programs that provide no-cost speech pathology programs to children.	Washington lighthouses	Recognizes an organization that supports selected Washington state lighthouses and provides environmental education programs.
Keep kids safe	Recognizes efforts to prevent child abuse and neglect.	Washington state aviation	Displays a Stearman biplane in the foreground with an image of Mount Rainier in the background.
Law enforcement memorial	Honors law enforcement officers in Washington killed in the line of duty.	Washington state parks	Recognizes Washington state parks as premier destinations of uncommon quality that preserve significant natural, cultural, historical, and recreational resources.
Music matters	Displays the "Music Matters" logo.		
Professional firefighters and paramedics	Recognizes professional firefighters and paramedics who are members of the Washington state council of firefighters.	Washington state wrestling	Promotes and supports college wrestling in the state of Washington.
San Juan Islands	Displays a symbol or artwork recognizing the San Juan Islands.	Washington tennis	Builds awareness and year-round opportunities for tennis in Washington state. Displays a symbol or artwork recognizing tennis in Washington state.
Seattle Mariners	Displays the "Seattle Mariners" logo.		

Washington's fish collection Recognizes Washington's fish.

Washington's national park fund Builds awareness of Washington's national parks and supports priority park programs and projects in Washington's national parks, such as enhancing visitor experience, promoting volunteerism, engaging communities, and providing educational opportunities related to Washington's national parks.

Washington's wildlife collection Recognizes Washington's wildlife.

We love our pets Recognizes an organization that assists local member agencies of the federation of animal welfare and control agencies to promote and perform spay/neuter surgery on Washington state pets to reduce pet overpopulation.

Wild on Washington Symbolizes wildlife viewing in Washington state.

Working forests Displays a forest and a fish forever logo in the foreground with an image of a forest in the background, and text indicating support for working forests.

(3) Applicants for initial and renewal professional firefighters and paramedics special license plates must show proof of eligibility by providing a certificate of current membership from the Washington state council of firefighters.

(4) Applicants for initial volunteer firefighters special license plates must (a) have been a volunteer firefighter for at least ten years or be a volunteer firefighter for one or more years and (b) have documentation of service from the district of the appropriate fire service. If the volunteer firefighter leaves firefighting service before ten years of service have been completed, the volunteer firefighter shall surrender the license plates to the department on the registration renewal date. If the volunteer firefighter stays in service for at least ten years and then leaves, the license plate may be retained by the former volunteer firefighter and as long as the license plate is retained for use the person will continue to pay the future registration renewals. A qualifying volunteer

firefighter may have no more than one set of license plates per vehicle, and a maximum of two sets per applicant, for their personal vehicles. If the volunteer firefighter is convicted of a violation of RCW 46.61.502 or a felony, the license plates must be surrendered upon conviction.

**Sec. 8.** RCW 46.68.420 and 2019 c 384 s 3 and 2019 c 177 s 3 are each reenacted and amended to read as follows:

(1) The department shall:

(a) Collect special license plate fees established under RCW 46.17.220;

(b) Deduct an amount not to exceed twelve dollars for initial issue and two dollars for renewal issue for administration and collection expenses incurred by it; and

(c) Remit the remaining proceeds to the custody of the state treasurer with a proper identifying detailed report.

(2) The state treasurer shall credit the proceeds to the motor vehicle ((account H:\DATA\2020 JOURNAL\Journal2020\LegDay038\fund.doc)) fund until the department determines that the state has been reimbursed for the cost of implementing the special license plate. Upon determination by the department that the state has been reimbursed, the state treasurer shall credit the remaining special license plate fee amounts for each special license plate to the following appropriate account as created in this section in the custody of the state treasurer:

ACCOUNT	CONDITIONS FOR USE OF FUNDS
4-H programs	Support Washington 4-H programs
Fred Hutch	Support cancer research at the Fred Hutchinson cancer research center
Gonzaga University alumni association	Scholarship funds to needy and qualified students attending or planning to attend Gonzaga University
Helping kids speak	Provide free diagnostic and therapeutic services to families of children who suffer from a delay in language or speech development
Law enforcement memorial	Provide support and assistance to survivors and families of law enforcement officers in Washington killed in the line of duty and to organize, finance, fund, construct, utilize, and maintain a memorial on



	the state capitol grounds to honor those fallen officers		(b) twenty-five percent to the office of the lieutenant governor solely to administer the Washington world fellows program, including the provision of fellowships
Lighthouse environmental programs	Support selected Washington state lighthouses that are accessible to the public and staffed by volunteers; provide environmental education programs; provide grants for other Washington lighthouses to assist in funding infrastructure preservation and restoration; encourage and support interpretive programs by lighthouse docents	Seattle Sounders FC	Provide funds to Washington state mentors and the association of Washington generals created in RCW 43.15.030 in the following manner: (a) Seventy percent and the remaining proceeds, if any, to Washington state mentors, to increase the number of mentors in the state by offering mentoring grants throughout Washington state that foster positive youth development and academic success, with up to twenty percent of these proceeds authorized for program administration costs; and (b) up to thirty percent, not to exceed forty-thousand dollars annually as adjusted for inflation by the office of financial management, to the association of Washington generals, to develop Washington state educational, veterans, international relations, and civics projects and to recognize the outstanding public service of individuals or groups in the state of Washington
Music matters awareness	Promote music education in schools throughout Washington		
San Juan Islands programs	Provide funds to the Madrona institute		
Seattle Mariners	Provide funds to the sports mentoring program and to support the Washington world fellows program in the following manner: (a) Seventy-five percent to the office of the lieutenant governor solely to administer the sports mentoring program established under RCW 43.15.100, to encourage youth who have economic needs or face adversities to experience spectator sports or get involved in youth sports, and (b) up to twenty-five percent to the office of the lieutenant governor solely to administer the Washington world fellows program, an equity focused program	Seattle Storm	Provide funds to the Washington state legislative youth advisory council and the association of Washington generals created in RCW 43.15.030 in the following manner: Twenty-five thousand dollars per year of the net proceeds to the legislative youth advisory council, or its successor organization; and the remaining net proceeds on an annual basis, to the association of Washington generals for the purpose of providing
Seattle Seahawks	Provide funds to InvestED and to support the Washington world fellows program in the following manner: (a) Seventy-five percent, to InvestED, to encourage secondary students who have economic needs to stay in school, return to school, or get involved within their learning community; and		

	grants to support and enhance athletic, recreational, and other opportunities for women and girls, and especially those with disabilities		families, and others deemed in need
Seattle University	Fund scholarships for students attending or planning to attend Seattle University	Washington state wrestling	Provide funds to the Washington state wrestling foundation to fund new and existing college wrestling programs
Share the road	Promote bicycle safety and awareness education in communities throughout Washington	Washington tennis	Provide funds to cities to assist in the construction and maintenance of a public tennis facility with at least four indoor tennis courts. A city is eligible for construction funds if the city does not already have a public or private facility with at least four indoor tennis courts. Funds for construction must first be made available to the most populous eligible city, according to the most recent census, for a time period not to exceed five years after January 1, 2017. After the five-year time period, the funds for construction must be made available to the next most populous eligible city.
Ski & ride Washington	Promote winter snowsports, such as skiing and snowboarding, and related programs, such as ski and ride safety programs, underprivileged youth ski and ride programs, and active, healthy lifestyle programs		Funds for the maintenance of a public tennis facility with at least four indoor tennis courts must first be made available to the first eligible city that utilizes funds for construction provided by chapter 16, Laws of 2016
State flower	Support Meeker Rhododendron Gardens and provide for grants to other qualified nonprofit organizations' efforts to preserve rhododendrons		
Volunteer firefighters	Receive and disseminate funds for purposes on behalf of volunteer firefighters, their families, and others deemed in need		
Washington farmers and ranchers	Provide funds to the Washington FFA Foundation for educational programs in Washington state	Washington's national park fund	Build awareness of Washington's national parks and support priority park programs and projects in Washington's national parks, such as enhancing visitor experience, promoting volunteerism, engaging communities, and providing educational opportunities related to Washington's national parks
Washington state aviation	Provide funds to the department of transportation to support infrastructure improvements at public use airports in Washington state		
Washington state council of firefighters benevolent fund	Receive and disseminate funds for charitable purposes on behalf of members of the Washington state council of firefighters, their	We love our pets	Support and enable the Washington federation of animal welfare and control

agencies to promote and perform spay/neuter surgery of Washington state pets in order to reduce pet population

Working forests

Provide funds to the Washington tree farm program to support small forest landowners practice sustainable forestry

(3) Except as otherwise provided in this section, only the director or the director's designee may authorize expenditures from the accounts described in subsection (2) of this section. The accounts are subject to allotment procedures under chapter 43.88 RCW, but an appropriation is not required for expenditures.

(4) Except as otherwise provided in this section, funds in the special license plate accounts described in subsection (2) of this section must be disbursed subject to the conditions described in subsection (2) of this section and under contract between the department and qualified nonprofit organizations that provide the services described in subsection (2) of this section.

(5) Funds from the Seattle Seahawks account may be provided to the lieutenant governor solely for the purpose of administering the Washington world fellows program. Of the amounts received by the lieutenant governor's office under this subsection, at least ninety percent must be provided as fellowships under the program.

(6) Beginning January 1, 2019, funds from the Seattle Mariners account may be provided to the office of lieutenant governor solely for the purpose of administering the sports mentoring program. Of the amounts received by the office of lieutenant governor, at least ninety percent must be applied towards services directly provided to youth participants.

(7) For the purposes of this section, a "qualified nonprofit organization" means a not-for-profit corporation operating in Washington that has received a determination of tax exempt status under 26 U.S.C. Sec. 501(c)(3). The qualified nonprofit organization must meet all the requirements under RCW 46.18.100(1).

**NEW SECTION. Sec. 9.** A new section is added to chapter 46.04 RCW to read as follows:

"Working forests license plates" means special license plates issued under RCW 46.18.200 that display images of a fish and a forest with text supporting working forests.

**NEW SECTION. Sec. 10.** This act takes effect October 1, 2021."

Correct the title.

Representatives Orcutt and Fey spoke in favor of the adoption of the striking amendment.

The striking amendment (1268) was adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Orcutt and Fey spoke in favor of the passage of the bill.

The Speaker stated the question before the House to be the final passage of Engrossed House Bill No. 2166.

## ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 2166, and the bill passed the House by the following vote: Yeas, 95; Nays, 3; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Mead, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Shea, Shewmake, Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Voting nay: Representatives Leavitt, Senn and Thai.

ENGROSSED HOUSE BILL NO. 2166, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 2187, by Representatives Kilduff, Mosbrucker, Morgan, Leavitt, Orwall, Callan, Dufault, Graham, Kraft, Appleton, Paul, Lovick, Chapman, Ryu, Van Werven, Barkis, Slatter, Bergquist, Griffey, Sells, Doglio and Riccelli**

**Creating Washington state women veterans special license plates.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 2187 was substituted for House Bill No. 2187 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2187 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Kilduff and Graham spoke in favor of the passage of the bill.

The Speaker stated the question before the House to be the final passage of Substitute House Bill No. 2187.

### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2187, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Mead, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shea, Shewmake, Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

SUBSTITUTE HOUSE BILL NO. 2187, having received the necessary constitutional majority, was declared passed.

### HOUSE BILL NO. 2669, by Representatives Sullivan, MacEwen, Lovick and Tharinger

#### Creating Seattle NHL hockey special license plates.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Sullivan and MacEwen spoke in favor of the passage of the bill.

The Speaker stated the question before the House to be the final passage of House Bill No. 2669.

### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2669, and the bill passed the House by the following vote: Yeas, 95; Nays, 3; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, J. Johnson, Kilduff, Kirby, Klippert, Kraft,

Kretz, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Mead, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Shea, Shewmake, Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Voting nay: Representatives Kloba, Leavitt and Senn.

HOUSE BILL NO. 2669, having received the necessary constitutional majority, was declared passed.

There being no objection, the House advanced to the seventh order of business.

### THIRD READING

### HOUSE BILL NO. 1061, by Representatives Blake and Walsh

#### Designating the Pacific razor clam as the state clam.

The bill was read the third time.

Representatives Blake and Walsh spoke in favor of the passage of the bill.

The Speaker stated the question before the House to be the final passage of House Bill No. 1061.

### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1061, and the bill passed the House by the following vote: Yeas, 94; Nays, 4; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Duerr, Dufault, Dye, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Mead, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shea, Shewmake, Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra and Mme. Speaker.

Voting nay: Representatives Entenman, Leavitt, Ramos and Young.

HOUSE BILL NO. 1061, having received the necessary constitutional majority, was declared passed.

There being no objection, the House reverted to the sixth order of business.

### SECOND READING

**HOUSE BILL NO. 2155, by Representatives Morgan, Reeves, Pettigrew, Entenman, Kirby, Cody, Eslick, Appleton, Jenkin, Ormsby, Irwin, Shewmake, Slatter, Peterson, Fitzgibbon, Tharinger, Robinson, Jinkins, Santos, Wylie, Blake, Callan, Thai, Ryu, Frame, Gregerson, Doglio, Hudgins, Paul, Lovick, Stonier and Leavitt**

**Designating the Sucasaurus rex as the official dinosaur of the state of Washington.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 2155 was substituted for House Bill No. 2155 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2155 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Morgan and Walsh spoke in favor of the passage of the bill.

The Speaker stated the question before the House to be the final passage of Substitute House Bill No. 2155.

#### **ROLL CALL**

The Clerk called the roll on the final passage of Substitute House Bill No. 2155, and the bill passed the House by the following vote: Yeas, 91; Nays, 7; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Duerr, Dufault, Dye, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Mead, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra and Mme. Speaker.

Voting nay: Representatives Entenman, Goehner, Leavitt, Ramos, Shea, Sutherland and Young.

SUBSTITUTE HOUSE BILL NO. 2155, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 2747, by Representatives Ramel, Lekanoff, Riccelli and Ormsby**

#### **Establishing the state microanimal.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Ramel and Walsh spoke in favor of the passage of the bill.

The Speaker stated the question before the House to be the final passage of House Bill No. 2747.

#### **ROLL CALL**

The Clerk called the roll on the final passage of House Bill No. 2747, and the bill passed the House by the following vote: Yeas, 93; Nays, 5; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hudgins, Irwin, Jenkin, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Mead, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra and Mme. Speaker.

Voting nay: Representatives Hoff, Leavitt, Ramos, Shea and Young.

HOUSE BILL NO. 2747, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 2757, by Representatives Corry, Appleton, Rude, Frame, Dent, Riccelli, Davis and Lekanoff**

#### **Concerning official state designations.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Corry and Gregerson spoke in favor of the passage of the bill.

The Speaker stated the question before the House to be the final passage of House Bill No. 2757.

#### **ROLL CALL**

The Clerk called the roll on the final passage of House Bill No. 2757, and the bill passed the House by the following vote: Yeas, 91; Nays, 7; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, Dent, Doglio, Dolan, Duerr, Dufault, Dye, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Mead, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Shewmake, Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra and Mme. Speaker.

Voting nay: Representatives DeBolt, Entenman, Leavitt, Ramos, Senn, Shea and Young.

HOUSE BILL NO. 2757, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 2588, by Representatives Pollet, Leavitt, Valdez, Senn, Duerr, Ryu, Frame, Boehnke, Hudgins and Kraft**

**Improving openness, accountability, and transparency of special purpose districts.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 2588 was substituted for House Bill No. 2588 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2588 was read the second time.

With the consent of the House, amendment (1349) was withdrawn.

Representative Kraft moved the adoption of amendment (1609):

10.0. On page 7, line 11, after "prior" strike "two years" and insert "twelve months"

Representatives Kraft and Pollet spoke in favor of the adoption of the amendment.

Amendment (1609) was adopted.

Representative Riccelli moved the adoption of amendment (1370):

10.0.

On page 9, after line 7, insert the following:

"Sec. 12. RCW 42.17A.005 and 2019 c 428 s 3 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Actual malice" means to act with knowledge of falsity or with reckless disregard as to truth or falsity.

(2) "Agency" includes all state agencies and all local agencies. "State agency" includes every state office, department, division, bureau, board, commission, or other state agency. "Local agency" includes every county, city, town, municipal corporation, quasi-municipal corporation, or special purpose district, or any office, department, division, bureau, board, commission, or agency thereof, or other local public agency.

(3) "Authorized committee" means the political committee authorized by a candidate, or by the public official against whom recall charges have been filed, to accept contributions or make expenditures on behalf of the candidate or public official.

(4) "Ballot proposition" means any "measure" as defined by RCW 29A.04.091, or any initiative, recall, or referendum proposition proposed to be submitted to the voters of the state or any municipal corporation, political subdivision, or other voting constituency from and after the time when the proposition has been initially filed with the appropriate election officer of that constituency before its circulation for signatures.

(5) "Benefit" means a commercial, proprietary, financial, economic, or monetary advantage, or the avoidance of a commercial, proprietary, financial, economic, or monetary disadvantage.

(6) "Bona fide political party" means:

(a) An organization that has been recognized as a minor political party by the secretary of state;

(b) The governing body of the state organization of a major political party, as defined in RCW 29A.04.086, that is the body authorized by the charter or bylaws of the party to exercise authority on behalf of the state party; or

(c) The county central committee or legislative district committee of a major political party. There may be only one legislative district committee for each party in each legislative district.

(7) "Books of account" means:

(a) In the case of a campaign or political committee, a ledger or similar listing of contributions, expenditures, and debts, such as a campaign or committee is required to file regularly with the commission, current as of the most recent business day; or

(b) In the case of a commercial advertiser, details of political advertising or electioneering communications provided by the advertiser, including the names and addresses of persons from whom it accepted political advertising or electioneering communications, the exact nature and extent of the services rendered and the total cost and the manner of payment for the services.

(8) "Candidate" means any individual who seeks nomination for election or election to public office. An

individual seeks nomination or election when the individual first:

(a) Receives contributions or makes expenditures or reserves space or facilities with intent to promote the individual's candidacy for office;

(b) Announces publicly or files for office;

(c) Purchases commercial advertising space or broadcast time to promote the individual's candidacy; or

(d) Gives consent to another person to take on behalf of the individual any of the actions in (a) or (c) of this subsection.

(9) "Caucus political committee" means a political committee organized and maintained by the members of a major political party in the state senate or state house of representatives.

(10) "Commercial advertiser" means any person that sells the service of communicating messages or producing material for broadcast or distribution to the general public or segments of the general public whether through brochures, fliers, newspapers, magazines, television, radio, billboards, direct mail advertising, printing, paid internet or digital communications, or any other means of mass communications used for the purpose of appealing, directly or indirectly, for votes or for financial or other support in any election campaign.

(11) "Commission" means the agency established under RCW 42.17A.100.

(12) "Committee" unless the context indicates otherwise, includes a political committee such as a candidate, ballot proposition, recall, political, or continuing political committee.

(13) "Compensation" unless the context requires a narrower meaning, includes payment in any form for real or personal property or services of any kind. For the purpose of compliance with RCW 42.17A.710, "compensation" does not include per diem allowances or other payments made by a governmental entity to reimburse a public official for expenses incurred while the official is engaged in the official business of the governmental entity.

(14) "Continuing political committee" means a political committee that is an organization of continuing existence not limited to participation in any particular election campaign or election cycle.

(15)(a) "Contribution" includes:

(i) A loan, gift, deposit, subscription, forgiveness of indebtedness, donation, advance, pledge, payment, transfer of funds, or anything of value, including personal and professional services for less than full consideration;

(ii) An expenditure made by a person in cooperation, consultation, or concert with, or at the request or suggestion of, a candidate, a political or incidental committee, the person or persons named on the candidate's or committee's registration form who direct expenditures on behalf of the candidate or committee, or their agents;

(iii) The financing by a person of the dissemination, distribution, or republication, in whole or in part, of broadcast, written, graphic, digital, or other form of political advertising or electioneering communication prepared by a candidate, a political or incidental committee, or its authorized agent;

(iv) Sums paid for tickets to fund-raising events such as dinners and parties, except for the actual cost of the consumables furnished at the event.

(b) "Contribution" does not include:

(i) Accrued interest on money deposited in a political or incidental committee's account;

(ii) Ordinary home hospitality;

(iii) A contribution received by a candidate or political or incidental committee that is returned to the contributor within ten business days of the date on which it is received by the candidate or political or incidental committee;

(iv) A news item, feature, commentary, or editorial in a regularly scheduled news medium that is of interest to the public, that is in a news medium controlled by a person whose business is that news medium, and that is not controlled by a candidate or a political or incidental committee;

(v) An internal political communication primarily limited to the members of or contributors to a political party organization or political or incidental committee, or to the officers, management staff, or stockholders of a corporation or similar enterprise, or to the members of a labor organization or other membership organization;

(vi) The rendering of personal services of the sort commonly performed by volunteer campaign workers, or incidental expenses personally incurred by volunteer campaign workers not in excess of fifty dollars personally paid for by the worker. "Volunteer services," for the purposes of this subsection, means services or labor for which the individual is not compensated by any person;

(vii) Messages in the form of reader boards, banners, or yard or window signs displayed on a person's own property or property occupied by a person. However, a facility used for such political advertising for which a rental charge is normally made must be reported as an in-kind contribution and counts toward any applicable contribution limit of the person providing the facility;

(viii) Legal or accounting services rendered to or on behalf of:

(A) A political party or caucus political committee if the person paying for the services is the regular employer of the person rendering such services; or

(B) A candidate or an authorized committee if the person paying for the services is the regular employer of the individual rendering the services and if the services are solely for the purpose of ensuring compliance with state election or public disclosure laws; or

(ix) The performance of ministerial functions by a person on behalf of two or more candidates or political or

incidental committees either as volunteer services defined in (b)(vi) of this subsection or for payment by the candidate or political or incidental committee for whom the services are performed as long as:

(A) The person performs solely ministerial functions;

(B) A person who is paid by two or more candidates or political or incidental committees is identified by the candidates and political committees on whose behalf services are performed as part of their respective statements of organization under RCW 42.17A.205; and

(C) The person does not disclose, except as required by law, any information regarding a candidate's or committee's plans, projects, activities, or needs, or regarding a candidate's or committee's contributions or expenditures that is not already publicly available from campaign reports filed with the commission, or otherwise engage in activity that constitutes a contribution under (a)(ii) of this subsection.

A person who performs ministerial functions under this subsection (15)(b)(ix) is not considered an agent of the candidate or committee as long as the person has no authority to authorize expenditures or make decisions on behalf of the candidate or committee.

(c) Contributions other than money or its equivalent are deemed to have a monetary value equivalent to the fair market value of the contribution. Services or property or rights furnished at less than their fair market value for the purpose of assisting any candidate or political committee are deemed a contribution. Such a contribution must be reported as an in-kind contribution at its fair market value and counts towards any applicable contribution limit of the provider.

(16) "Depository" means a bank, mutual savings bank, savings and loan association, or credit union doing business in this state.

(17) "Elected official" means any person elected at a general or special election to any public office, and any person appointed to fill a vacancy in any such office.

(18) "Election" includes any primary, general, or special election for public office and any election in which a ballot proposition is submitted to the voters. ~~((An))~~ "Election" does not include an election in which the qualifications for voting include other requirements than those ((requirements)) set forth in Article VI, section 1 (Amendment 63) of the Constitution of the state of Washington ((shall not be considered an election for purposes of this chapter)), except that "election" includes an election for diking and drainage and related districts governed by Title 85 RCW, flood control and related districts governed by Title 86 RCW, irrigation and related districts governed by Title 87 RCW, and conservation districts governed by chapter 89.08 RCW.

(19) "Election campaign" means any campaign in support of or in opposition to a candidate for election to public office and any campaign in support of, or in opposition to, a ballot proposition.

(20) "Election cycle" means the period beginning on the first day of January after the date of the last previous

general election for the office that the candidate seeks and ending on December 31st after the next election for the office. In the case of a special election to fill a vacancy in an office, "election cycle" means the period beginning on the day the vacancy occurs and ending on December 31st after the special election.

(21)(a) "Electioneering communication" means any broadcast, cable, or satellite television, radio transmission, digital communication, United States postal service mailing, billboard, newspaper, or periodical that:

(i) Clearly identifies a candidate for a state, local, or judicial office either by specifically naming the candidate, or identifying the candidate without using the candidate's name;

(ii) Is broadcast, transmitted electronically or by other means, mailed, erected, distributed, or otherwise published within sixty days before any election for that office in the jurisdiction in which the candidate is seeking election; and

(iii) Either alone, or in combination with one or more communications identifying the candidate by the same sponsor during the sixty days before an election, has a fair market value or cost of one thousand dollars or more.

(b) "Electioneering communication" does not include:

(i) Usual and customary advertising of a business owned by a candidate, even if the candidate is mentioned in the advertising when the candidate has been regularly mentioned in that advertising appearing at least twelve months preceding the candidate becoming a candidate;

(ii) Advertising for candidate debates or forums when the advertising is paid for by or on behalf of the debate or forum sponsor, so long as two or more candidates for the same position have been invited to participate in the debate or forum;

(iii) A news item, feature, commentary, or editorial in a regularly scheduled news medium that is:

(A) Of interest to the public;

(B) In a news medium controlled by a person whose business is that news medium; and

(C) Not a medium controlled by a candidate or a political or incidental committee;

(iv) Slate cards and sample ballots;

(v) Advertising for books, films, dissertations, or similar works (A) written by a candidate when the candidate entered into a contract for such publications or media at least twelve months before becoming a candidate, or (B) written about a candidate;

(vi) Public service announcements;

(vii) An internal political communication primarily limited to the members of or contributors to a political party organization or political or incidental committee, or to the officers, management staff, or stockholders of a corporation or similar enterprise, or to the members of a labor organization or other membership organization;



(viii) An expenditure by or contribution to the authorized committee of a candidate for state, local, or judicial office; or

(ix) Any other communication exempted by the commission through rule consistent with the intent of this chapter.

(22) "Expenditure" includes a payment, contribution, subscription, distribution, loan, advance, deposit, or gift of money or anything of value, and includes a contract, promise, or agreement, whether or not legally enforceable, to make an expenditure. "Expenditure" also includes a promise to pay, a payment, or a transfer of anything of value in exchange for goods, services, property, facilities, or anything of value for the purpose of assisting, benefiting, or honoring any public official or candidate, or assisting in furthering or opposing any election campaign. For the purposes of this chapter, agreements to make expenditures, contracts, and promises to pay may be reported as estimated obligations until actual payment is made. "Expenditure" shall not include the partial or complete repayment by a candidate or political or incidental committee of the principal of a loan, the receipt of which loan has been properly reported.

(23) "Final report" means the report described as a final report in RCW 42.17A.235 (11)(a).

(24) "General election" for the purposes of RCW 42.17A.405 means the election that results in the election of a person to a state or local office. It does not include a primary.

(25) "Gift" has the definition in RCW 42.52.010.

(26) "Immediate family" includes the spouse or domestic partner, dependent children, and other dependent relatives, if living in the household. For the purposes of the definition of "intermediary" in this section, "immediate family" means an individual's spouse or domestic partner, and child, stepchild, grandchild, parent, stepparent, grandparent, brother, half brother, sister, or half sister of the individual and the spouse or the domestic partner of any such person and a child, stepchild, grandchild, parent, stepparent, grandparent, brother, half brother, sister, or half sister of the individual's spouse or domestic partner and the spouse or the domestic partner of any such person.

(27) "Incidental committee" means any nonprofit organization not otherwise defined as a political committee but that may incidentally make a contribution or an expenditure in excess of the reporting thresholds in RCW 42.17A.235, directly or through a political committee. Any nonprofit organization is not an incidental committee if it is only remitting payments through the nonprofit organization in an aggregated form and the nonprofit organization is not required to report those payments in accordance with this chapter.

(28) "Incumbent" means a person who is in present possession of an elected office.

(29)(a) "Independent expenditure" means an expenditure that has each of the following elements:

(i) It is made in support of or in opposition to a candidate for office by a person who is not:

(A) A candidate for that office;

(B) An authorized committee of that candidate for that office; and

(C) A person who has received the candidate's encouragement or approval to make the expenditure, if the expenditure pays in whole or in part for political advertising supporting that candidate or promoting the defeat of any other candidate or candidates for that office;

(ii) It is made in support of or in opposition to a candidate for office by a person with whom the candidate has not collaborated for the purpose of making the expenditure, if the expenditure pays in whole or in part for political advertising supporting that candidate or promoting the defeat of any other candidate or candidates for that office;

(iii) The expenditure pays in whole or in part for political advertising that either specifically names the candidate supported or opposed, or clearly and beyond any doubt identifies the candidate without using the candidate's name; and

(iv) The expenditure, alone or in conjunction with another expenditure or other expenditures of the same person in support of or opposition to that candidate, has a value of one thousand dollars or more. A series of expenditures, each of which is under one thousand dollars, constitutes one independent expenditure if their cumulative value is one thousand dollars or more.

(b) "Independent expenditure" does not include: Ordinary home hospitality; communications with journalists or editorial staff designed to elicit a news item, feature, commentary, or editorial in a regularly scheduled news medium that is of primary interest to the general public, controlled by a person whose business is that news medium, and not controlled by a candidate or a political committee; participation in the creation of a publicly funded voters pamphlet statement in written or video form; an internal political communication primarily limited to contributors to a political party organization or political action committee, the officers, management staff, and stockholders of a corporation or similar enterprise, or the members of a labor organization or other membership organization; or the rendering of personal services of the sort commonly performed by volunteer campaign workers or incidental expenses personally incurred by volunteer campaign workers not in excess of two hundred fifty dollars personally paid for by the worker.

(30)(a) "Intermediary" means an individual who transmits a contribution to a candidate or committee from another person unless the contribution is from the individual's employer, immediate family, or an association to which the individual belongs.

(b) A treasurer or a candidate is not an intermediary for purposes of the committee that the treasurer or candidate serves.

(c) A professional fund-raiser is not an intermediary if the fund-raiser is compensated for fund-raising services at the usual and customary rate.

(d) A volunteer hosting a fund-raising event at the individual's home is not an intermediary for purposes of that event.

(31) "Legislation" means bills, resolutions, motions, amendments, nominations, and other matters pending or proposed in either house of the state legislature, and includes any other matter that may be the subject of action by either house or any committee of the legislature and all bills and resolutions that, having passed both houses, are pending approval by the governor.

(32) "Legislative office" means the office of a member of the state house of representatives or the office of a member of the state senate.

(33) "Lobby" and "lobbying" each mean attempting to influence the passage or defeat of any legislation by the legislature of the state of Washington, or the adoption or rejection of any rule, standard, rate, or other legislative enactment of any state agency under the state administrative procedure act, chapter 34.05 RCW. Neither "lobby" nor "lobbying" includes an association's or other organization's act of communicating with the members of that association or organization.

(34) "Lobbyist" includes any person who lobbies either on the person's own or another's behalf.

(35) "Lobbyist's employer" means the person or persons by whom a lobbyist is employed and all persons by whom the lobbyist is compensated for acting as a lobbyist.

(36) "Ministerial functions" means an act or duty carried out as part of the duties of an administrative office without exercise of personal judgment or discretion.

(37) "Participate" means that, with respect to a particular election, an entity:

(a) Makes either a monetary or in-kind contribution to a candidate;

(b) Makes an independent expenditure or electioneering communication in support of or opposition to a candidate;

(c) Endorses a candidate before contributions are made by a subsidiary corporation or local unit with respect to that candidate or that candidate's opponent;

(d) Makes a recommendation regarding whether a candidate should be supported or opposed before a contribution is made by a subsidiary corporation or local unit with respect to that candidate or that candidate's opponent; or

(e) Directly or indirectly collaborates or consults with a subsidiary corporation or local unit on matters relating to the support of or opposition to a candidate, including, but not limited to, the amount of a contribution, when a contribution should be given, and what assistance, services or independent expenditures, or electioneering

communications, if any, will be made or should be made in support of or opposition to a candidate.

(38) "Person" includes an individual, partnership, joint venture, public or private corporation, association, federal, state, or local governmental entity or agency however constituted, candidate, committee, political committee, political party, executive committee thereof, or any other organization or group of persons, however organized.

(39) "Political advertising" includes any advertising displays, newspaper ads, billboards, signs, brochures, articles, tabloids, flyers, letters, radio or television presentations, digital communication, or other means of mass communication, used for the purpose of appealing, directly or indirectly, for votes or for financial or other support or opposition in any election campaign.

(40) "Political committee" means any person (except a candidate or an individual dealing with the candidate's or individual's own funds or property) having the expectation of receiving contributions or making expenditures in support of, or opposition to, any candidate or any ballot proposition.

(41) "Primary" for the purposes of RCW 42.17A.405 means the procedure for nominating a candidate to state or local office under chapter 29A.52 RCW or any other primary for an election that uses, in large measure, the procedures established in chapter 29A.52 RCW.

(42) "Public office" means any federal, state, judicial, county, city, town, school district, port district, special district, or other state political subdivision elective office.

(43) "Public record" has the definition in RCW 42.56.010.

(44) "Recall campaign" means the period of time beginning on the date of the filing of recall charges under RCW 29A.56.120 and ending thirty days after the recall election.

(45) "Remediable violation" means any violation of this chapter that:

(a) Involved expenditures or contributions totaling no more than the contribution limits set out under RCW 42.17A.405(2) per election, or one thousand dollars if there is no statutory limit;

(b) Occurred:

(i) More than thirty days before an election, where the commission entered into an agreement to resolve the matter; or

(ii) At any time where the violation did not constitute a material violation because it was inadvertent and minor or otherwise has been cured and, after consideration of all the circumstances, further proceedings would not serve the purposes of this chapter;

(c) Does not materially harm the public interest, beyond the harm to the policy of this chapter inherent in any violation; and

(d) Involved:

(i) A person who:

(A) Took corrective action within five business days after the commission first notified the person of noncompliance, or where the commission did not provide notice and filed a required report within twenty-one days after the report was due to be filed; and

(B) Substantially met the filing deadline for all other required reports within the immediately preceding twelve-month period; or

(ii) A candidate who:

(A) Lost the election in question; and

(B) Did not receive contributions over one hundred times the contribution limit in aggregate per election during the campaign in question.

(46)(a) "Sponsor" for purposes of an electioneering communications, independent expenditures, or political advertising means the person paying for the electioneering communication, independent expenditure, or political advertising. If a person acts as an agent for another or is reimbursed by another for the payment, the original source of the payment is the sponsor.

(b) "Sponsor," for purposes of a political or incidental committee, means any person, except an authorized committee, to whom any of the following applies:

(i) The committee receives eighty percent or more of its contributions either from the person or from the person's members, officers, employees, or shareholders;

(ii) The person collects contributions for the committee by use of payroll deductions or dues from its members, officers, or employees.

(47) "Sponsored committee" means a committee, other than an authorized committee, that has one or more sponsors.

(48) "State office" means state legislative office or the office of governor, lieutenant governor, secretary of state, attorney general, commissioner of public lands, insurance commissioner, superintendent of public instruction, state auditor, or state treasurer.

(49) "State official" means a person who holds a state office.

(50) "Surplus funds" mean, in the case of a political committee or candidate, the balance of contributions that remain in the possession or control of that committee or candidate subsequent to the election for which the contributions were received, and that are in excess of the amount necessary to pay remaining debts or expenses incurred by the committee or candidate with respect to that election. In the case of a continuing political committee, "surplus funds" mean those contributions remaining in the possession or control of the committee that are in excess of the amount necessary to pay all remaining debts or expenses when it makes its final report under RCW 42.17A.255.

(51) "Technical correction" means the correction of a minor or ministerial error in a required report that does not materially harm the public interest and needs to be corrected

for the report to be in full compliance with the requirements of this chapter.

(52) "Treasurer" and "deputy treasurer" mean the individuals appointed by a candidate or political or incidental committee, pursuant to RCW 42.17A.210, to perform the duties specified in that section.

(53) "Violation" means a violation of this chapter that is not a remediable violation, minor violation, or an error classified by the commission as appropriate to address by a technical correction.

**Sec. 13.** RCW 42.17A.135 and 2019 c 428 s 12 are each amended to read as follows:

(1) Except as provided in subsections (2), (3), ~~((and))~~ (7), ~~and~~ (8) of this section, the reporting provisions of this chapter do not apply to:

(a) Candidates, elected officials, and agencies in political subdivisions with fewer than two thousand registered voters as of the date of the most recent general election in the jurisdiction;

(b) Political committees formed to support or oppose candidates or ballot propositions in such political subdivisions; or

(c) Persons making independent expenditures in support of or opposition to such ballot propositions.

(2) The reporting provisions of this chapter apply in any exempt political subdivision from which a "petition for disclosure" containing the valid signatures of fifteen percent of the number of registered voters, as of the date of the most recent general election in the political subdivision, is filed with the commission. The commission shall by rule prescribe the form of the petition. After the signatures are gathered, the petition shall be presented to the auditor or elections officer of the county, or counties, in which the political subdivision is located. The auditor or elections officer shall verify the signatures and certify to the commission that the petition contains no less than the required number of valid signatures. The commission, upon receipt of a valid petition, shall order every known affected person in the political subdivision to file the initially required statement and reports within fourteen days of the date of the order.

(3) The reporting provisions of this chapter apply in any exempt political subdivision that by ordinance, resolution, or other official action has petitioned the commission to make the provisions applicable to elected officials and candidates of the exempt political subdivision. A copy of the action shall be sent to the commission. If the commission finds the petition to be a valid action of the appropriate governing body or authority, the commission shall order every known affected person in the political subdivision to file the initially required statement and reports within fourteen days of the date of the order.

(4) The commission shall void any order issued by it pursuant to subsection (2) or (3) of this section when, at least four years after issuing the order, the commission is presented a petition or official action so requesting from the

affected political subdivision. Such petition or official action shall meet the respective requirements of subsection (2) or (3) of this section.

(5) Any petition for disclosure, ordinance, resolution, or official action of an agency petitioning the commission to void the exemption in RCW 42.17A.200(3) shall not be considered unless it has been filed with the commission:

(a) In the case of a ballot proposition, at least sixty days before the date of any election in which campaign finance reporting is to be required;

(b) In the case of a candidate, at least sixty days before the first day on which a person may file a declaration of candidacy for any election in which campaign finance reporting is to be required.

(6) Any person exempted from reporting under this chapter may at the person's option file the statement and reports.

(7) The reporting provisions of this chapter apply to a candidate in any political subdivision if the candidate receives or expects to receive five thousand dollars or more in contributions.

(8) The reporting provisions of this chapter apply to a candidate in a diking and drainage or related district governed by Title 85 RCW, flood control or related district governed by Title 86 RCW, irrigation or related district governed by Title 87 RCW, or conservation district governed by chapter 89.08 RCW that provides services for at least five thousand natural persons who reside in the state. "Services" includes water storage, delivery, or management, power generation or delivery, or flood control.

**Sec. 14.** RCW 42.17A.200 and 2010 c 204 s 401 are each amended to read as follows:

The provisions of this chapter relating to the financing of election campaigns shall apply in all election campaigns other than (1) for precinct committee officer; (2) for a federal elective office; and (3) for an office of a political subdivision of the state that does not encompass a whole county and that contains fewer than five thousand registered voters as of the date of the most recent general election in the subdivision, unless required by RCW 42.17A.135 (2) through (5) ~~((and))~~, (7), or (8)."

Renumber the remaining section consecutively, correct any internal references accordingly, and correct the title.

With the consent of the House, amendment (1370) was withdrawn.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Pollet and Kraft spoke in favor of the passage of the bill.

The Speaker stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 2588.

### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2588, and the bill passed the House by the following vote: Yeas, 91; Nays, 7; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, DeBolt, Doglio, Dolan, Duerr, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Kraft, Leavitt, Lekanoff, Lovick, MacEwen, Macri, McCaslin, Mead, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Sells, Senn, Shea, Shewmake, Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Wilcox, Wylie, Young and Mme. Speaker.

Voting nay: Representatives Dent, Dufault, Kretz, Maycumber, Schmick, Walsh and Ybarra.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2588, having received the necessary constitutional majority, was declared passed.

### HOUSE BILL NO. 2723, by Representative Wylie

**Addressing off-road vehicle and snowmobile registration enforcement.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 2723 was substituted for House Bill No. 2723 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2723 was read the second time.

With the consent of the House, amendment (1267) was withdrawn.

Representative Orcutt moved the adoption of amendment (1504):

14.0. On page 2, after line 21, insert the following:

**"Sec. 2.** RCW 46.09.400 and 2013 2nd sp.s. c 23 s 12 are each amended to read as follows:

The department shall:

(1) Issue registrations and temporary ORV use permits for off-road vehicles, excluding wheeled all-terrain vehicles subject to subsection (4) of this section;

(2) Issue decals for off-road vehicles, excluding wheeled all-terrain vehicles subject to subsection (4) of this section. The decals serve the same function as license plates for vehicles registered under chapter 46.16A RCW;

(3) ~~((Charge))~~ (a) Except as provided in subsection (b) of this subsection, charge a fee for each decal covering the actual cost of the decal;

(b) Charge no fee for the decal, if the vehicle is also properly registered or permitted in another state to a resident of the state, and, at the time of application for either an original Washington ORV registration or a renewal of a Washington ORV registration, the resident presents the following documents issued by the other state: (i) the resident's unexpired driver's license, and (ii) the current registration or permit for the off-road vehicle; and

(4) Issue metal tags, off-road vehicle registrations, and on-road vehicle registrations for wheeled all-terrain vehicles.

**Sec. 3.** RCW 46.09.410 and 2013 2nd sp.s. c 23 s 13 are each amended to read as follows:

(1)(a) The application for an original ORV registration has the same requirements as described for original vehicle registrations in RCW 46.16A.040 and, except as provided in subsection (b) of this subsection, must be accompanied by the annual off-road vehicle license fee required under RCW 46.17.350, in addition to any other fees or taxes due for the application.

(b) No fee is required with an application for an original ORV registration, if the vehicle is also properly registered or permitted in another state to a resident of the state, and, at the time of application for an original Washington ORV registration, the resident presents the following documents issued by the other state: (i) the resident's unexpired driver's license, and (ii) the current registration or permit for the off-road vehicle.

(2)(a) The application for renewal of an ORV registration has the same requirements as described for the renewal of vehicle registrations in RCW 46.16A.110 and, except as provided in subsection (b) of this subsection, must be accompanied by the annual off-road vehicle license fee required under RCW 46.17.350, in addition to any other fees or taxes due for the application.

(b) No fee is required with an application for renewal of an ORV registration, if the vehicle is also properly registered or permitted in another state to a resident of the state, and, at the time of application for a renewal of a Washington ORV registration, the resident presents the following documents issued by the other state: (i) the resident's unexpired driver's license, and (ii) the current registration or permit for the off-road vehicle.

(3) The annual ORV registration is valid for one year and may be renewed each subsequent year as prescribed by the department.

(4) A person who acquires an off-road vehicle that has an ORV registration must:

(a) Apply to the department, county auditor or other agent, or subagent appointed by the director for a transfer of the ORV registration within fifteen days of taking possession of the off-road vehicle; and

(b) Pay the ORV registration transfer fee required under RCW 46.17.410, in addition to any other fees or taxes due at the time of application.

(5) The department shall issue an ORV registration, decals, and tabs upon receipt of:

(a) A properly completed application for an original ORV registration; and

(b) The payment of all fees and taxes due at the time of application.

(6) The ORV registration must be carried on the vehicle for which it was issued at all times during its operation in this state.

(7) Off-road vehicle decals must be affixed to the off-road vehicle in a manner prescribed by the department.

(8) Unless exempt under RCW 46.09.420, any out-of-state operator of an off-road vehicle, when operating in this state, must comply with this chapter. If an ORV registration is required under this chapter, the out-of-state operator must obtain an ORV registration and decal or a temporary ORV use permit.

(9) This section does not apply to wheeled all-terrain vehicles registered for use under RCW 46.09.442."

Renumber the remaining sections consecutively and correct any internal references accordingly.

On page 2, line 27, after "and" insert ", except as provided in subsection (7) of this section,"

On page 3, line 3, after "in" strike "subsection (6)(b)" and insert "~~((subsection))~~ subsections (6)(b) and (7)"

On page 3, line 10, after "46.17.350(1)(s)" insert ", except as provided in subsection (7) of this section"

On page 3, line 11, after "in" strike "subsection (6)(a)" and insert "~~((subsection))~~ subsections (6)(a) and (7)"

On page 3, line 18, after "46.17.350(1)(r)" insert ", except as provided in subsection (7) of this section"

On page 4, after line 4, insert the following:

"(7)(a) No fee is required with an application for an original ORV registration or the renewal of an ORV registration, if the vehicle is also properly registered or permitted in another state to a resident of the state, and, at the time of application, the resident presents the following documents issued by the other state: (i) the resident's unexpired driver's license, and (ii) the current registration or permit for the off-road vehicle.

(b) The department must issue a metal tag and either the off-road tab, on-road tab, or both, as appropriate, following the ORV registration under (a) of this subsection."

Correct the title.

Representatives Orcutt and Wylie spoke in favor of the adoption of the amendment.

Amendment (1504) was adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Wylie and Orcutt spoke in favor of the passage of the bill.

The Speaker stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 2723.

### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2723, and the bill passed the House by the following vote: Yeas, 94; Nays, 4; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Barkis, Bergquist, Boehnke, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, Macri, Maycumber, McCaslin, Mead, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shea, Shewmake, Slatte, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Voting nay: Representatives Blake, Caldier, Griffey and MacEwen.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2723, having received the necessary constitutional majority, was declared passed.

### HOUSE BILL NO. 2773, by Representatives Kirby and Vick

#### Concerning transportation.

The bill was read the second time.

There being no objection, Substitute House Bill No. 2773 was substituted for House Bill No. 2773 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2773 was read the second time.

Representative Kirby moved the adoption of the striking amendment (1608):

14.0.

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 15.** This act may be known and cited as the peer-to-peer vehicle sharing program act.

**NEW SECTION. Sec. 16.** This chapter is intended to govern the intersection of peer-to-peer car services and the state-regulated business of insurance. Nothing in this chapter is construed to extend beyond insurance for peer-to-peer car sharing or have any implications for other provisions of the code of this state including, but not limited to, those related to motor vehicle regulation, airport regulation, or taxation.

**NEW SECTION. Sec. 17.** The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Car sharing delivery period" means the period of time during which a shared vehicle is being delivered to the location of the car sharing start time, if applicable, as documented by the governing car sharing program agreement.

(2) "Car sharing period" means the period of time that commences with the car sharing delivery period or, if there is no car sharing delivery period, that commences with the car sharing start time and in either case ends at the car sharing termination time.

(3) "Car sharing program agreement" means the terms and conditions applicable to a shared vehicle owner and a shared vehicle driver that govern the use of a shared vehicle through a peer-to-peer car sharing program. "Car sharing program agreement" does not mean rental car agreement, or similar agreement, as defined in RCW 48.115.005.

(4) "Car sharing start time" means the time when the shared vehicle becomes subject to the control of the shared vehicle driver at or after the time the reservation of a shared vehicle is scheduled to begin as documented in the records of a peer-to-peer car sharing program.

(5) "Car sharing termination time" means the earliest of the following events:

(a) The expiration of the agreed upon period of time established for the use of a shared vehicle according to the terms of the car sharing program agreement if the shared vehicle is delivered to the location agreed upon in the car sharing program agreement;

(b) When the shared vehicle is returned to a location as alternatively agreed upon by the shared vehicle owner and shared vehicle driver as communicated through a peer-to-peer car sharing program; or

(c) When the shared vehicle owner or the shared vehicle owner's authorized designee, takes possession and control of the shared vehicle.

(6) "Peer-to-peer car sharing" means the authorized use of a vehicle by an individual other than the vehicle's owner through a peer-to-peer car sharing program and has the same meaning as "personal vehicle sharing" as defined

in RCW 48.175.005. "Peer-to-peer car sharing" does not mean rental car as defined in RCW 46.04.465.

(7) "Peer-to-peer car sharing program" means a business platform that connects vehicle owners with drivers to enable the sharing of vehicles for financial consideration and has the same meaning as "personal vehicle sharing program" as defined in RCW 48.175.005. "Peer-to-peer car sharing program" does not mean rental car company as defined in RCW 48.115.005.

(8) "Program insurance policy" has the same meaning as defined in RCW 48.175.005.

(9) "Shared vehicle" means a vehicle that is available for sharing through a peer-to-peer car sharing program. "Shared vehicle" does not mean rental car as defined in RCW 46.04.465.

(10) "Shared vehicle driver" means an individual who has been authorized to drive the shared vehicle by the shared vehicle owner under a car sharing program agreement for noncommercial use. For the purposes of this subsection, "noncommercial use" means use other than that for a "commercial vehicle" as defined in RCW 46.04.140.

(11) "Shared vehicle owner" means the registered owner, or a person or entity designated by the registered owner, of a vehicle made available for sharing to shared vehicle drivers through a peer-to-peer car sharing program.

**NEW SECTION. Sec. 18.** (1)(a) A peer-to-peer car sharing program shall assume liability, except as provided in (b) of this subsection, of a shared vehicle owner for bodily injury or property damage to third parties or uninsured and underinsured motorist or personal injury protection losses during the car sharing period in an amount stated in the peer-to-peer car sharing program agreement and must be in accordance with chapter 48.175 RCW.

(b) Notwithstanding the definition of car sharing termination time as provided in section 3 of this act, the assumption of liability under (a) of this subsection does not apply to any shared vehicle owner when:

(i) A shared vehicle owner makes an intentional or fraudulent material misrepresentation or omission to the peer-to-peer car sharing program before the car sharing period in which the loss occurred; or

(ii) Acting in concert with a shared vehicle driver who fails to return the shared vehicle pursuant to the terms of the car sharing program agreement.

(c) Notwithstanding the definition of car sharing termination time as provided in section 3 of this act, the assumption of liability under (a) of this subsection would apply to bodily injury, property damage, uninsured and underinsured motorist, or personal injury protection losses by damaged third parties required by chapter 46.29 RCW.

(d) A peer-to-peer car sharing program shall ensure that, during each car sharing period, the shared vehicle owner and the shared vehicle driver are insured under a program insurance policy in accordance with chapter 48.175 RCW.

(e) Nothing in this chapter:

(i) Limits the liability of the peer-to-peer car sharing program for any act or omission of the peer-to-peer car sharing program itself that results in injury to any person as a result of the use of a shared vehicle through a peer-to-peer car sharing program; or

(ii) Limits the ability of the peer-to-peer car sharing program to, by contract, seek indemnification from the shared vehicle owner or the shared vehicle driver for economic loss sustained by the peer-to-peer car sharing program resulting from a breach of the terms and conditions of the car sharing program agreement.

(2) At the time when a vehicle owner registers as a shared vehicle owner on a peer-to-peer car sharing program and prior to the time when the shared vehicle owner makes a shared vehicle available for car sharing on the peer-to-peer car sharing program, the peer-to-peer car sharing program shall notify the shared vehicle owner that, if the shared vehicle has a lien against it, the use of the shared vehicle through a peer-to-peer car sharing program, including use without physical damage coverage, may violate the terms of the contract with the lienholder.

(3) Nothing in this chapter invalidates or limits an exclusion contained in a motor vehicle liability insurance policy, including any insurance policy in use or approved for use that excludes coverage for motor vehicles made available for rent, sharing, or hire, or for any business use.

(4) A peer-to-peer car sharing program shall collect and verify records pertaining to the use of a vehicle including, but not limited to, times used, fees paid by the shared vehicle driver, and revenues received by the shared vehicle owner and provide that information upon request to the shared vehicle owner, the shared vehicle owner's insurer, or the shared vehicle driver's insurer to facilitate a claim coverage investigation. The peer-to-peer car sharing program shall retain the records for a time period not less than the applicable personal injury statute of limitations.

(5) A motor vehicle insurer that defends or indemnifies a claim against a shared vehicle that is excluded under the terms of its policy shall have the right to seek contribution against the motor vehicle insurer of the peer-to-peer car sharing program if the claim is:

(a) Made against the shared vehicle owner or the shared vehicle driver for loss or injury that occurs during the car sharing period; and

(b) Excluded under the terms of its policy.

**NEW SECTION. Sec. 19.** (1) Each car sharing program agreement made in the state shall disclose to the shared vehicle owner and the shared vehicle driver:

(a) Any right of the peer-to-peer car sharing program to seek indemnification from the shared vehicle owner or the shared vehicle driver for economic loss sustained by the peer-to-peer car sharing program resulting from a breach of the terms and conditions of the car sharing program agreement;

(b) That a motor vehicle liability insurance policy issued to the shared vehicle owner for the shared vehicle or to the shared vehicle driver does not provide a defense or indemnification for any claim asserted by the peer-to-peer car sharing program;

(c) That the peer-to-peer car sharing program's insurance coverage on the shared vehicle owner and the shared vehicle driver is in effect only during each car sharing period and that, for any use of the shared vehicle by the shared vehicle driver after the car sharing termination time, the shared vehicle driver and the shared vehicle owner may not have insurance coverage;

(d) The daily rate, fees, and if applicable, any insurance or protection package costs that are charged to the shared vehicle owner or the shared vehicle driver;

(e) That the shared vehicle owner's motor vehicle liability insurance may not provide coverage for a shared vehicle;

(f) An emergency telephone number to personnel capable of fielding roadside assistance and other customer service inquiries;

(g) If there are conditions under which a shared vehicle driver must maintain a personal automobile insurance policy with certain applicable coverage limits on a primary basis in order to book a shared motor vehicle; and

(h) All other insurance notices in accordance with RCW 48.175.010.

(2)(a) A peer-to-peer car sharing program may not enter into a peer-to-peer car sharing program agreement with a driver unless the driver who will operate the shared vehicle:

(i) Holds a driver's license issued in this state authorizing the driver to operate vehicles of the class of the shared vehicle;

(ii) Is a nonresident who:

(A) Has a driver's license issued by the state or country of the driver's residence that authorizes the driver in that state or country to drive vehicles of the class of the shared vehicle; and

(B) Is at least the same age as that required of a resident to drive; or

(iii) Otherwise is specifically authorized to drive vehicles of the class of the shared vehicle.

(b) A peer-to-peer car sharing program shall keep a record of:

(i) The name and address of the shared vehicle driver;

(ii) The number of the driver's license of the shared vehicle driver and each other person, if any, who will operate the shared vehicle; and

(iii) The place of issuance of the driver's license.

(3) A peer-to-peer car sharing program shall have sole responsibility for any equipment, such as a global

positioning system or other special equipment that is put in or on the vehicle to monitor or facilitate the car sharing transaction, and shall agree to indemnify and hold harmless the vehicle owner for any damage to or theft of such equipment during the sharing period not caused by the vehicle owner. The peer-to-peer car sharing program has the right to seek indemnity from the shared vehicle driver for any loss or damage to such equipment that occurs during the sharing period.

(4)(a) At the time when a vehicle owner registers as a shared vehicle owner on a peer-to-peer car sharing program and prior to the time when the shared vehicle owner makes a shared vehicle available for car sharing on the peer-to-peer car sharing program, the peer-to-peer car sharing program shall:

(i) Verify that the shared vehicle does not have any safety recalls on the vehicle for which the repairs have not been made; and

(ii) Notify the shared vehicle owner of the requirements under (b) of this subsection.

(b) If the shared vehicle owner has received an actual notice of a safety recall on the vehicle, a shared vehicle owner may not make a vehicle available as a shared vehicle on a peer-to-peer car sharing program until the safety recall repair has been made.

(i) If a shared vehicle owner receives an actual notice of a safety recall on a shared vehicle while the shared vehicle is made available on the peer-to-peer car sharing program, the shared vehicle owner shall remove the shared vehicle as available on the peer-to-peer car sharing program, as soon as practicably possible after receiving the notice of the safety recall and until the safety recall repair has been made.

(ii) If a shared vehicle owner receives an actual notice of a safety recall while the shared vehicle is being used in the possession of a shared vehicle driver, as soon as practicably possible after receiving the notice of the safety recall, the shared vehicle owner shall notify the peer-to-peer car sharing program about the safety recall so that the shared vehicle owner may address the safety recall repair.

(5) A peer-to-peer car sharing program shall follow all requirements in accordance with chapter 48.175 RCW.

**NEW SECTION. Sec. 20.** Sections 1 through 5 of this act constitute a new chapter in Title 46 RCW.

**NEW SECTION. Sec. 21.** This act takes effect January 1, 2021."

Correct the title.

With the consent of the House, the striking amendment (1608) was withdrawn.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Kirby and Vick spoke in favor of the passage of the bill.



The Speaker stated the question before the House to be the final passage of Substitute House Bill No. 2773.

### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2773, and the bill passed the House by the following vote: Yeas, 97; Nays, 1; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Mead, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Voting nay: Representative Shea.

SUBSTITUTE HOUSE BILL NO. 2773, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 2220, by Representatives Dolan, Callan, Ortiz-Self, Ryu, Appleton, Valdez, Frame, Davis, Ormsby, Irwin, Wylie, Doglio, Santos and Peterson**

#### **Volunteering in schools after a criminal conviction.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 2220 was substituted for House Bill No. 2220 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2220 was read the second time.

Representative Dolan moved the adoption of the striking amendment (1620):

21.0. Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 21.1.** A new section is added to chapter 28A.605 RCW to read as follows:

(1) If a criminal history record check performed as part of the volunteer application process for a parent applicant indicates that the parent has a criminal history, the school must either:

(a) Disregard the criminal history if the parent:

(i) Submits documentation for each crime indicated on the record check showing either:

(A) The guilty plea or conviction is the subject of expungement, pardon, vacation, annulment, certificate of rehabilitation, or other equivalent procedure based on a finding of the rehabilitation; or pardon, annulment, or other equivalent procedure based on a finding of innocence; or

(B) For a crime not listed in RCW 28A.400.322, a certificate of restoration of opportunity has been issued under RCW 9.97.020; and

(ii) Signs a statement indicating that the parent has not been arrested for a new crime or does not have a pending criminal charge; or

(b) Complete a criminal history review for a parent who has not met the requirements of (a) of this subsection. When performing a criminal history review a school must consider the length of time since the commission of the last crime for which the parent pled guilty or was convicted, and whether any crime involved a minor child victim. In addition, the school may consider: (i) The age of the parent on the date of the commission of the last crime for which the parent pled guilty or was convicted; (ii) whether the parent has been approved by a state agency to have unsupervised access to children under eighteen years of age or persons with developmental disabilities; and (iii) whether providing limited access to children under eighteen years of age and to persons with developmental disabilities within a teacher's classroom would give the parent the opportunity to have meaningful involvement in the school.

(2) Within five days of denying the volunteer application of a parent, the school must notify the parent of the school's decision, state specific reasons for the denial, and provide the procedure for appealing the school's decision to the school's governing body.

(3) A school must notify parent applicants for volunteer positions about the process for submitting documents and statements related to application review and approval.

(4) The definitions in this subsection apply throughout this section unless the context clearly requires otherwise.

(a) "Criminal history record check" means any record check through either the Washington state patrol or the federal bureau of investigation, including as authorized under RCW 28A.400.303.

(b) "Parent" means a parent, grandparent, guardian, or legal custodian of a student enrolled at a school.

(c) "School" means a school district, an educational service district, the Washington center for deaf and hard of hearing youth, the state school for the blind, a federal bureau of Indian affairs-funded school, a charter school established under chapter 28A.710 RCW, or a school that is the subject of a state-tribal education compact under chapter 28A.715 RCW, or a contractor of a school.

(d) "Unsupervised" has the same meaning as in RCW 28A.400.303.

**NEW SECTION. Sec. 2.** A new section is added to chapter 28A.345 RCW to read as follows:

The Washington state school directors' association, in consultation with the office of the superintendent of public instruction and the office of the education ombuds, must develop a model parent volunteer policy and procedure that addresses the application review and approval requirements in section 1 of this act. By September 1, 2020, the Washington state school directors' association must post the model policy and procedure on its website. For the purposes of this section, "parent" has the same meaning as in section 1 of this act."

Correct the title.

Representative Steele moved the adoption of amendment (1680) to the striking amendment (1620):

21.0. On page 1, beginning on line 7 of the striking amendment, after "school must" strike all material through "subsection" on line 22, and insert "complete a criminal history review"

On page 3, line 5 of the striking amendment, after "act." insert the following:

"**Sec. 3.** RCW 28A.400.303 and 2019 c 266 s 20 are each amended to read as follows:

(1) School districts, educational service districts, the Washington center for deaf and hard of hearing youth, the state school for the blind, and their contractors hiring employees who will have regularly scheduled unsupervised access to children or developmentally disabled persons shall require a record check through the Washington state patrol criminal identification system under RCW 43.43.830 through 43.43.834, 10.97.030, and 10.97.050 and through the federal bureau of investigation before hiring an employee. The record check shall include a fingerprint check using a complete Washington state criminal identification fingerprint card. The requesting entity may provide a copy of the record report to the applicant at the applicant's request. When necessary, applicants may be employed on a conditional basis pending completion of the investigation. If the applicant has had a record check within the previous two years, the district, the Washington center for deaf and hard of hearing youth, the state school for the blind, or contractor may waive the requirement. Except as provided in subsection (2) of this section, the district, pursuant to chapter 41.59 or 41.56 RCW, the Washington center for deaf and hard of hearing youth, the state school for the blind, or contractor hiring the employee shall determine who shall pay costs associated with the record check.

(2) Federal bureau of Indian affairs-funded schools may use the process in subsection (1) of this section to perform record checks for their employees and applicants for employment.

(3)(a) School districts, educational service districts, the Washington center for deaf and hard of hearing youth, the state school for the blind, federal bureau of Indian affairs-funded schools, charter schools established under chapter 28A.710 RCW, schools that are the subject of a state-tribal education compact under chapter 28A.715 RCW, and their contractors (~~may use the process in subsection (1) of this section to perform record checks for any prospective~~

~~volunteer who will have regularly scheduled unsupervised access to children under eighteen years of age or developmentally disabled persons, during the course of his or her involvement with the school or organization under circumstances where access will or may involve the following:~~

~~(i) Groups of five or fewer children under twelve years of age;~~

~~(ii) Groups of three or fewer children between twelve and eighteen years of age; or~~

~~(iii) Developmentally disabled persons.~~

~~(b) For purposes of (a) of this subsection, "unsupervised" means not in the presence of:~~

~~(i) Another employee or volunteer from the same school or organization; or~~

~~(ii) Any relative or guardian of any of the children or developmentally disabled persons to which the prospective employee or volunteer has access during the course of his or her involvement with the school or organization.)) must require criminal history record checks for prospective volunteers as follows:~~

(i) If a prospective volunteer will have unsupervised access to children under eighteen years of age or persons with developmental disabilities during the course of his or her involvement with the school, the school must require a fingerprint record check through the Washington state patrol criminal identification system and the federal bureau of investigation; and

(ii) If a prospective volunteer will not unsupervised access to children under eighteen years of age or persons with developmental disabilities during the course of his or her involvement with the school, the school must, at a minimum, require a name and birthdate record check through the Washington state patrol criminal identification system.

(b) The cost of record checks under this subsection (3) must be paid by or reimbursed by the office of the superintendent of public instruction.

(4) Individuals who hold a valid portable background check clearance card issued by the department of children, youth, and families consistent with RCW 43.216.270 can meet the requirements in subsection (1) of this section by providing a true and accurate copy of their Washington state patrol and federal bureau of investigation background report results to the office of the superintendent of public instruction.

(5) The cost of record checks must include: The fees established by the Washington state patrol and the federal bureau of investigation for the criminal history background checks; a fee paid to the superintendent of public instruction for the cost of administering this section and RCW 28A.195.080 and 28A.410.010; and other applicable fees for obtaining the fingerprints."

Correct the title.

Representatives Steele and Santos spoke in favor of the adoption of the amendment to the striking amendment.

Amendment (1680) to the striking amendment (1620) was adopted.

Representatives Dolan and Caldier spoke in favor of the adoption of the striking amendment as amended.

The striking amendment (1620), as amended, was adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Dolan, Steele, Kraft and Harris spoke in favor of the passage of the bill.

The Speaker stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 2220.

#### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2220, and the bill passed the House by the following vote: Yeas, 82; Nays, 16; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, Doglio, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hudgins, Irwin, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Kraft, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Mead, Morgan, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Tarleton, Thai, Tharinger, Valdez, Van Werven, Volz, Walen, Wylie, Ybarra and Mme. Speaker.

Voting nay: Representatives Boehnke, DeBolt, Dent, Hoff, Jenkin, Kretz, Maycumber, McCaslin, Mosbrucker, Shea, Smith, Sutherland, Vick, Walsh, Wilcox and Young.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2220, having received the necessary constitutional majority, was declared passed.

#### STATEMENT FOR THE JOURNAL

I intended to vote NAY on Engrossed Substitute House Bill No. 2220.

Representative Dufault, 15th District

#### SECOND READING

#### HOUSE BILL NO. 2879, by Representatives Vick and Eslick

#### Fostering economic growth in Washington by supporting in-state manufacturing.

The bill was read the second time.

There being no objection, Substitute House Bill No. 2879 was substituted for House Bill No. 2879 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2879 was read the second time.

Representative Vick moved the adoption of the striking amendment (1681):

21.0. Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** The legislature finds that manufacturing jobs are important to all regions of Washington because of their above-average wages and strong benefits. Manufacturing industries employ more than two hundred eighty-seven thousand people in Washington. Manufacturers help drive Washington's economy, producing more than fifty-eight billion dollars in goods annually and accounting for nearly twelve percent of the gross state product. More than eighty percent of Washington exports are manufactured goods. The legislature finds that due to a complex variety of factors from global competition, automation, regulatory factors, and productivity gains, this sector of the economy has had output growth without experiencing the desired employment growth during this cycle of economic growth for the country and our state. The legislature intends to investigate these factors and discuss with private sector partners the full spectrum of policy levers that could improve and sustain long-term job growth and regulatory certainty for this critical sector of our economy. Therefore, the legislature intends that the department of commerce complete a study, in consultation with in-state manufacturing partners.

**NEW SECTION. Sec. 2.** A new section is added to chapter 43.330 RCW to read as follows:

(1) The department, in consultation with the leaders of the economic development committees of the legislature, is directed to complete a study of public policies that would foster growth of all subsectors of manufacturing and growth in manufacturing jobs throughout all of Washington's thirty-nine counties. The study shall include a comprehensive assessment of policy recommendations that will lead to improvement in regulatory conditions, infrastructure, and workforce development resources that support the growth and sustainability of the manufacturing sector. By December 31, 2020, the department must complete the study and recommend policies that will facilitate the development of manufacturing in all of Washington state's counties.

(2) The department shall meet regularly with an advisory committee convened by a statewide manufacturing association to assist in the scoping of the study and

evaluation of policy recommendations. The department shall solicit information and analysis from other state agencies that have a regulatory and tax impact on the manufacturing industry. The advisory group shall be allowed to offer a report as an appendix to the official study and the department's policy recommendations. The advisory group shall include, but not be limited to, members from each of the following industry subsectors:

- (a) Aerospace manufacturing;
- (b) Food manufacturing;
- (c) Beverage manufacturing;
- (d) Wood product manufacturing;
- (e) Primary metal manufacturing;
- (f) Machinery manufacturing;
- (g) Computer and electronic product manufacturing;
- (h) Furniture and related product manufacturing;
- (i) Transportation equipment manufacturing;
- (j) Chemical manufacturing;
- (k) Plastics and rubber products manufacturing;
- (l) Paper manufacturing;
- (m) Printing and related support activities;
- (n) Maritime manufacturing; and
- (o) Clean energy manufacturing."

Correct the title.

Representatives Vick and Kloba spoke in favor of the adoption of the striking amendment.

The striking amendment (1681) was adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Vick, Kloba and Smith spoke in favor of the passage of the bill.

The Speaker stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 2879.

### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2879, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Duerr, Dufault, Dye, Entenman,

Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Mead, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shea, Shewmake, Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2879, having received the necessary constitutional majority, was declared passed.

### HOUSE BILL NO. 2216, by Representatives Eslick, Dent, Corry and Jenkin

#### Increasing the maximum bet in sports pools.

The bill was read the second time.

Representative Peterson moved the adoption of amendment (1676):

21.0. On page 1, line 7, after "sports" strike "pools" and insert "~~((pool))~~ boards"

On page 1, line 12, after "sports" strike "pool" and insert "~~((pool))~~ board"

On page 1, line 18, after "contest the" strike "pool" and insert "~~((pool))~~ sports board"

On page 1, at the beginning of line 19, strike "pool" and insert "~~((pool))~~ sports board"

On page 1, line 20, after "After the" strike "pool" and insert "~~((pool))~~ sports board"

On page 2, line 1, after "enter the" strike "pool" and insert "~~((pool))~~ sports board"

On page 2, line 5, after "sports" strike "pool" and insert "~~((pool))~~"

On page 2, line 9, after "conducting the" strike "pool" and insert "~~((pool))~~ sports board"

On page 2, line 10, after "sports" strike "pools" and insert "~~((pool))~~ boards"

On page 2, line 12, after "sports" strike "pool" and insert "~~((pool))~~ board"

Representatives Peterson and Eslick spoke in favor of the adoption of the amendment.

Amendment (1676) was adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Eslick and Peterson spoke in favor of the passage of the bill.

The Speaker stated the question before the House to be the final passage of Engrossed House Bill No. 2216.

### **ROLL CALL**

The Clerk called the roll on the final passage of Engrossed House Bill No. 2216, and the bill passed the House by the following vote: Yeas, 84; Nays, 14; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Chambers, Chandler, Chapman, Cody, Corry, DeBolt, Dent, Doglio, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Hoff, Hudgins, Irwin, Jenkin, J. Johnson, Kirby, Klippert, Kloba, Kraft, Lekanoff, Lovick, MacEwen, Macri, McCaslin, Mead, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Santos, Schmick, Sells, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Voting nay: Representatives Callan, Chopp, Davis, Harris, Kilduff, Kretz, Leavitt, Maycumber, Ramos, Ryu, Senn, Shewmake, Smith and Tarleton.

ENGROSSED HOUSE BILL NO. 2216, having received the necessary constitutional majority, was declared passed.

### **HOUSE BILL NO. 2295, by Representatives Goodman, Griffey, Irwin and Wylie**

#### **Concerning enforcement of small claims court judgments.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 2295 was substituted for House Bill No. 2295 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2295 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Goodman and Dufault spoke in favor of the passage of the bill.

The Speaker stated the question before the House to be the final passage of Substitute House Bill No. 2295.

### **ROLL CALL**

The Clerk called the roll on the final passage of Substitute House Bill No. 2295, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Mead, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shea, Shewmake, Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

SUBSTITUTE HOUSE BILL NO. 2295, having received the necessary constitutional majority, was declared passed.

### **HOUSE BILL NO. 2205, by Representatives Goodman, Dufault and Appleton**

#### **Making technical corrections and removing obsolete language from the Revised Code of Washington pursuant to RCW 1.08.025.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 2205 was substituted for House Bill No. 2205 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2205 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Goodman and Dufault spoke in favor of the passage of the bill.

The Speaker stated the question before the House to be the final passage of Substitute House Bill No. 2205.

### **ROLL CALL**

The Clerk called the roll on the final passage of Substitute House Bill No. 2205, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers,

Chandler, Chapman, Chopp, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Mead, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shea, Shewmake, Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

SUBSTITUTE HOUSE BILL NO. 2205, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1733, by Representatives Gregerson, Dye, Dent, Blake and Tarleton**

**Retaining productive farmland.**

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 1733 was substituted for House Bill No. 1733 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 1733 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Gregerson spoke in favor of the passage of the bill.

Representative Dye spoke against the passage of the bill.

The Speaker stated the question before the House to be the final passage of Second Substitute House Bill No. 1733.

**ROLL CALL**

The Clerk called the roll on the final passage of Second Substitute House Bill No. 1733, and the bill passed the House by the following vote: Yeas, 59; Nays, 39; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Bergquist, Blake, Callan, Chapman, Chopp, Cody, Davis, DeBolt, Doglio, Dolan, Duerr, Entenman, Eslick, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hansen, Hudgins, J. Johnson, Kilduff, Kirby, Kloba, Leavitt, Lekanoff, Lovick, Macri, Mead, Morgan, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Ryu, Santos, Sells, Senn, Shewmake, Slatter, Springer, Stonier, Sullivan, Tarleton, Thai, Tharinger, Valdez, Walen, Wylie and Mme. Speaker.

Voting nay: Representatives Barkis, Boehnke, Caldier, Chambers, Chandler, Corry, Dent, Dufault, Dye, Gildon, Goehner, Graham, Griffey, Harris, Hoff, Irwin, Jenkin, Klippert, Kraft, Kretz, MacEwen, Maycumber, McCaslin, Mosbrucker, Orcutt, Rude, Schmick, Shea, Smith, Steele, Stokesbary, Sutherland, Van Werven, Vick, Volz, Walsh, Wilcox, Ybarra and Young.

SECOND SUBSTITUTE HOUSE BILL NO. 1733, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1390, by Representatives Leavitt, Volz, Dolan, Fitzgibbon, Caldier, Wylie, Pellicciotti, MacEwen, Griffey, Callan, Kilduff, Appleton, Jinkins, Tharinger, Blake, Ramos, Eslick, Slatter, Valdez, Schmick, Shewmake, Doglio, Goodman, Pollet and Ortiz-Self**

**Providing a benefit increase to certain retirees of the public employees' retirement system plan 1 and the teachers' retirement system plan 1.**

The bill was read the second time.

Representative Ormsby moved the adoption of amendment (1464):

21.0. On page 1, line 14, after "July 1," strike "2018" and insert "2019"

On page 1, line 15, after "July 1," strike "2019" and insert "2020"

On page 2, line 9, after "July 1," strike "2018" and insert "2019"

On page 2, line 10, after "July 1," strike "2019" and insert "2020"

On page 2, line 18, after "July 1," strike "2019" and insert "2020"

Representatives Ormsby and Irwin spoke in favor of the adoption of the amendment.

Amendment (1464) was adopted.

Representative MacEwen moved the adoption of amendment (1550):

21.0. On page 1, beginning on line 16 after "benefit" strike ", not to exceed sixty-two dollars and fifty cents"

On page 2, beginning on line 11 after "benefit" strike ", not to exceed sixty-two dollars and fifty cents"

With the consent of the House, amendment (1550) was withdrawn.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Leavitt and MacEwen spoke in favor of the passage of the bill.

The Speaker stated the question before the House to be the final passage of Engrossed House Bill No. 1390.

### ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 1390, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Mead, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shea, Shewmake, Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

ENGROSSED HOUSE BILL NO. 1390, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 2836, by Representatives Lovick, Boehnke, Valdez, Gregerson, Ortiz-Self, Riccelli, Shewmake, Kloba, Mead, Doglio, Entenman, Tarleton, Hudgins, Ryu, Pettigrew, Thai, Morgan, Santos, Lekanoff, Slatter, Orwall, Davis, Sells, Goodman, Appleton, J. Johnson and Chopp**

**Establishing an unpiloted aircraft system state coordinator.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 2836 was substituted for House Bill No. 2836 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2836 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Lovick and Dent spoke in favor of the passage of the bill.

The Speaker stated the question before the House to be the final passage of Substitute House Bill No. 2836.

### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2836, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Mead, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shea, Shewmake, Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

SUBSTITUTE HOUSE BILL NO. 2836, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 2662, by Representatives Maycumber, Cody, DeBolt, Tharinger, Chopp, Harris, Macri, Thai, Chambers, Caldier, Duerr, Hudgins, Chapman, Steele, Gildon, Eslick, Robinson, Irwin, Lekanoff, Senn, Doglio, Gregerson, Peterson, Goodman, Leavitt, Frame, Pollet, Riccelli, Volz, Davis and Kloba**

**Reducing the total cost of insulin.**

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 2662 was substituted for House Bill No. 2662 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 2662 was read the second time.

Representative Maycumber moved the adoption of amendment (1243):

21.0. On page 5, line 9, after "cap" strike "copayments, deductibles, or other forms of cost sharing for the" and insert "the total amount that an enrollee is required to pay for a covered insulin"

On page 5, line 11, after "drug." insert "Prescription insulin drugs must be covered without being subject to a deductible, and any cost-sharing paid by an enrollee must be applied toward the enrollee's deductible obligation."

On page 5, line 34, after "cap" strike "copayments, deductibles, or other forms of cost sharing for the" and insert

"the total amount that an enrollee is required to pay for a covered insulin"

On page 5, line 36, after "drug." insert "Prescription insulin drugs must be covered without being subject to a deductible, and any cost-sharing paid by an enrollee must be applied toward the enrollee's deductible obligation."

Representatives Maycumber and Cody spoke in favor of the adoption of the amendment.

Amendment (1243) was adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Maycumber, Cody and Schmick spoke in favor of the passage of the bill.

The Speaker stated the question before the House to be the final passage of Engrossed Second Substitute House Bill No. 2662.

#### **ROLL CALL**

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 2662, and the bill passed the House by the following vote: Yeas, 97; Nays, 1; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Mead, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shea, Shewmake, Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Voting nay: Representative Kraft.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2662, having received the necessary constitutional majority, was declared passed.

There being no objection, the House adjourned until 11:00 a.m., February 20, 2020, the 39th Day of the Regular Session.

LAURIE JINKINS, Speaker

BERNARD DEAN, Chief Clerk



## SIXTY SIXTH LEGISLATURE - REGULAR SESSION

## THIRTY NINTH DAY

The House was called to order at 11:00 a.m. by the Speaker (Representative Lovick presiding). The Clerk called the roll and a quorum was present.

The flags were escorted to the rostrum by a Sergeant at Arms Color Guard, Seattle Buddhist Church Boy Scout Troup 252, led by Scoutmaster Corey Murata. The Speaker (Representative Lovick presiding) led the Chamber in the Pledge of Allegiance. The prayer was offered by Reverend Paul Benz, Evangelical Lutheran Church, Seattle, Washington.

Reading of the Journal of the previous day was dispensed with and it was ordered to stand approved.

## RESOLUTION

**HOUSE RESOLUTION NO. 2020-4661**, by Representatives Jinkins, Wilcox, Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Mead, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shea, Shewmake, Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wylie, Ybarra, and Young

WHEREAS, On February 19, 1942, President Franklin D. Roosevelt issued Executive Order 9066, which authorized the United States military to forcibly remove and incarcerate more than 120,000 persons of Japanese ancestry from the West Coast, including 12,000 Japanese American residents of Washington State; and

WHEREAS, The first civilian evacuation order gave Japanese Americans from Bainbridge Island less than one week to leave behind homes, personal belongings, farms, businesses, friends, and family and report to hastily constructed detention centers like Camp Harmony on the grounds of the Washington State fair in Puyallup; and

WHEREAS, This drastic course of action allegedly aimed to prevent acts of espionage and sabotage by Japanese Americans who were deemed untrustworthy and disloyal to the United States; and

House Chamber, Olympia, Thursday, February 20, 2020

WHEREAS, On March 23, 1943, the War Department organized a segregated unit of Japanese Americans, many of whom reported for military duty from the concentration camps surrounded by barbed wire in which they and their families were detained; and

WHEREAS, More than 12,000 volunteers responded to questions about their loyalty and patriotism by amassing a battle record unparalleled in United States military history with 7 Presidential Unit Citations, 21 Medals of Honor, 29 Distinguished Service Crosses, 1 Distinguished Service Medal, 588 Silver Stars, more than 4,000 Bronze Stars, 22 Legion of Merit Medals, 145 Soldier's Medals, 9,486 Purple Hearts, 16 decorations from France and Italy, and, in 2010, the Congressional Gold Medal; and

WHEREAS, Equally loyal and patriotic Japanese Americans fought to protect our constitutional rights and liberties through dissent, like University of Washington student Gordon Hirabayashi who was arrested, convicted, and imprisoned for defying the military curfew on select civilians and refusing to evacuate when ordered; and

WHEREAS, In 1982, the Congressional commission on wartime relocation and internment of civilians found "no military or security reason for the internment" of persons of Japanese ancestry, but determined the cause of the incarceration as "racial prejudice, war hysteria, and a failure of political leadership"; and

WHEREAS, Through this travesty of justice, Japanese Americans suffered immense economic loss of property and assets, immeasurable physical and psychological harm, and were deprived of their constitutional liberties without due process of law; and

WHEREAS, In 1979, Washington State Congressman Mike Lowry introduced H.R. 5977 to provide reparations and an apology to the Japanese American incarcerated, thus initiating a ten-year legislative quest that ended when President Ronald Reagan signed the Civil Liberties Act of 1988; and

WHEREAS, Throughout Washington State, the last remaining survivors of the European and Asian Pacific battlefields of World War II and of American incarceration camps live their golden years in quiet contrast to their extraordinary acts of conscience and valor while all of America continues to benefit from their heroic patriotism;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State House of Representatives pause to acknowledge the seventy-eighth anniversary of the signing of Executive Order 9066; to recognize and remember Japanese American veterans, incarcerated, and civil rights

activists from the State of Washington, and to honor the lessons and blessings of liberty and justice for all; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Chief Clerk of the House of Representatives to the Nisei Veterans Committee, Densho, the Japanese American Citizens League, the Japanese Cultural and Community Center of Washington State, and the Wing Luke Museum of the Asian Pacific American Experience.

Representative Stonier moved adoption of HOUSE RESOLUTION NO. 4661.

Representatives Stonier, Chambers, Santos and DeBolt spoke in favor of the adoption of the resolution.

HOUSE RESOLUTION NO. 4661 was adopted.

There being no objection, the House advanced to the fourth order of business.

### INTRODUCTION & FIRST READING

HB 2945 by Representative Sullivan

AN ACT Relating to aerospace business and occupation taxes and world trade organization compliance; reenacting and amending RCW 82.04.260; adding a new section to chapter 82.04 RCW; creating a new section; and declaring an emergency.

Referred to Committee on Finance.

HB 2946 by Representatives Stokesbary, Wilcox, Orcutt, Barkis, MacEwen, Griffey, Mosbrucker, Irwin, Steele, Graham, Smith, Chambers, Maycumber, Boehnke, Kretz, Goehner, Corry, Gildon, Sutherland, Vick, Harris, Hoff, Chandler, Eslick, Volz, Ybarra, Walsh, Jenkin, Schmick, Dent, Van Werven, Klippert, Dufault, Caldier, Kraft, Dye, McCaslin, Rude, DeBolt and Young

AN ACT Relating to reducing the financial costs imposed by the state government on working Washington families; amending RCW 46.17.355, 46.17.323, 82.44.065, 81.104.140, 81.104.160, 82.08.020, and 82.12.020; reenacting and amending RCW 46.17.350; adding a new section to chapter 46.17 RCW; adding a new section to chapter 82.44 RCW; adding a new section to chapter 81.112 RCW; adding new sections to chapter 82.08 RCW; adding new sections to chapter 82.12 RCW; creating new sections; repealing RCW 46.17.365, 46.68.415, 82.80.130, 82.80.140, 82.44.035, and 81.104.160; providing an effective date; providing contingent effective dates; providing a contingent expiration date; and declaring an emergency.

Referred to Committee on Transportation.

E2SSB 5481 by Senate Committee on Ways & Means (originally sponsored by Warnick, Sheldon, Short,

Van De Wege, Honeyford, Wagoner, Fortunato and Holy)

AN ACT Relating to providing department of fish and wildlife officers interest arbitration under certain circumstances; amending RCW 41.80.340; and reenacting and amending RCW 41.80.005 and 41.80.010.

Referred to Committee on Appropriations.

ESSB 5759 by Senate Committee on Health & Long Term Care (originally sponsored by Cleveland, Rivers, Conway, Bailey, Wilson, L., Short and Keiser)

AN ACT Relating to the use of remote technology in corrective lens prescriptions; adding a new chapter to Title 18 RCW; creating a new section; and prescribing penalties.

Referred to Committee on Appropriations.

ESSB 6012 by Senate Committee on Ways & Means (originally sponsored by Hawkins and Palumbo)

AN ACT Relating to promoting renewable energy through modifying tax incentives; amending RCW 82.08.962, 82.12.962, and 82.14.455; creating a new section; and providing expiration dates.

Referred to Committee on Finance.

ESSB 6040 by Senate Committee on Ways & Means (originally sponsored by Braun, Becker and Kuderer)

AN ACT Relating to the budgeting process for certain state waiver services for individuals with developmental disabilities; amending RCW 43.88C.010; adding a new section to chapter 43.88 RCW; creating new sections; and providing an expiration date.

Referred to Committee on Appropriations.

ESSB 6062 by Senate Committee on Health & Long Term Care (originally sponsored by Becker and Short)

AN ACT Relating to direct primary care oversight; and repealing RCW 48.150.100.

Referred to Committee on Health Care & Wellness.

ESSB 6063 by Senate Committee on Human Services, Reentry & Rehabilitation (originally sponsored by Wagoner, Kuderer and Padden)

AN ACT Relating to improving department of corrections health care administration; amending RCW

72.10.020; and adding a new section to chapter 72.10 RCW.

Referred to Committee on Public Safety.

SSB 6065 by Senate Committee on Environment, Energy & Technology (originally sponsored by Brown, Hasegawa, Kuderer, Nguyen, Rolfes, Short, Wilson, L., Das and Wellman)

AN ACT Relating to establishing the Washington blockchain work group; creating a new section; and providing an expiration date.

Referred to Committee on Innovation, Technology & Economic Development.

ESSB 6097 by Senate Committee on Health & Long Term Care (originally sponsored by Rolfes, Kuderer, Pedersen, Frockt, Conway, Randall, Carlyle and Saldaña)

AN ACT Relating to requiring the insurance commissioner to review a health carrier's surplus levels as part of its rate filing review process; and adding a new section to chapter 48.43 RCW.

Referred to Committee on Health Care & Wellness.

E2SSB 6128 by Senate Committee on Ways & Means (originally sponsored by Randall, Darneille, Dhingra, Frockt, Hasegawa, Hunt, Kuderer, Lovelett, Salomon, Stanford, Van De Wege, Nguyen, Wilson and C.)

AN ACT Relating to improving maternal health outcomes by extending coverage during the postpartum period; adding a new section to chapter 74.09 RCW; creating new sections; providing a contingent effective date; and providing a contingent expiration date.

Referred to Committee on Health Care & Wellness.

ESSB 6147 by Senate Committee on Agriculture, Water, Natural Resources & Parks (originally sponsored by Salomon, Lovelett, Wilson, C., Rolfes, Billig and Keiser)

AN ACT Relating to the replacement of shoreline armoring; and amending RCW 77.55.231.

Referred to Committee on Rural Development, Agriculture, & Natural Resources.

E2SSB 6205 by Senate Committee on Ways & Means (originally sponsored by Cleveland, Conway, Randall, Keiser, Mullet, Frockt, Billig, Saldaña, Dhingra, Van De Wege, Hunt, Kuderer, Lovelett, Stanford, Wilson and C.)

AN ACT Relating to preventing harassment, abuse, and discrimination experienced by long-term care workers;

adding a new chapter to Title 49 RCW; creating a new section; and prescribing penalties.

Referred to Committee on Labor & Workplace Standards.

E2SSB 6213 by Senate Committee on Ways & Means (originally sponsored by Das, Carlyle, Van De Wege, Dhingra, Kuderer, Lovelett, Nguyen, Billig, Rolfes, Saldaña, Darneille, Hasegawa, Liias, Keiser, Pedersen, Stanford, Frockt, Wellman, Wilson and C.)

AN ACT Relating to certain expanded polystyrene products; reenacting and amending RCW 43.21B.110 and 43.21B.110; adding a new chapter to Title 70 RCW; prescribing penalties; providing an effective date; and providing an expiration date.

Referred to Committee on Environment & Energy.

ESSB 6217 by Senate Committee on Labor & Commerce (originally sponsored by Keiser, Saldaña, Nguyen, Hasegawa, Conway, Wilson and C.)

AN ACT Relating to minimum labor standards for certain employees working at an airport or air navigation facility; and amending RCW 14.08.330 and 14.08.120.

Referred to Committee on Labor & Workplace Standards.

ESSB 6278 by Senate Committee on Agriculture, Water, Natural Resources & Parks (originally sponsored by Carlyle, Braun, Van De Wege, Rolfes, Nguyen, Saldaña, Das, Billig and Hasegawa)

AN ACT Relating to water withdrawals for commercial bottled water production; and amending RCW 90.03.290.

Referred to Committee on Environment & Energy.

ESSB 6282 by Senate Committee on Early Learning & K-12 Education (originally sponsored by Pedersen, Wellman, Kuderer, Salomon, Mullet, Carlyle, Hunt, Holy, Padden, Hawkins, Zeiger and Wagoner)

AN ACT Relating to the development of highly capable transition plans; adding a new section to chapter 28A.185 RCW; and creating new sections.

Referred to Committee on Education.

ESSB 6300 by Senate Committee on Law & Justice (originally sponsored by Rivers, Pedersen, Zeiger, Kuderer, Frockt and Lovelett)

AN ACT Relating to animal welfare; amending RCW 16.08.100, 16.52.011, 16.52.085, 16.52.095, 16.52.200, 16.52.205, 16.52.207, 16.54.020, and 16.54.030; repealing RCW 16.08.030, 16.52.110, and 16.52.165; and prescribing penalties.

Referred to Committee on Public Safety.

SB 6374 by Senators Holy, Mullet, Padden, Wilson, L., Wilson and C.

AN ACT Relating to apprenticeship materials for dual credit scholarship programs; and amending RCW 28B.76.730.

Referred to Committee on College & Workforce Development.

E2SSB 6518 by Senate Committee on Ways & Means (originally sponsored by Rolfes, Van De Wege, Wilson and C.)

AN ACT Relating to reducing prenatal exposure and harm to children by limiting environmental exposure to certain pesticides; adding a new section to chapter 17.21 RCW; and creating new sections.

Referred to Committee on Appropriations.

2SSB 6561 by Senate Committee on Ways & Means (originally sponsored by Liias, Saldaña, Das, Nguyen, Hasegawa, Stanford, Dhingra, Hunt, Kuderer, Wellman, Wilson and C.)

AN ACT Relating to higher education funding options for dreamers; adding a new chapter to Title 28B RCW; and providing an effective date.

Referred to Committee on Appropriations.

There being no objection, the bills listed on the day's introduction sheet under the fourth order of business were referred to the committees so designated, with the exception of ENGROSSED SUBSTITUTE SENATE BILL NO. 6278 which was referred to the Committee on Rural Development, Agriculture, & Natural Resources and ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 6128 which was referred to the Committee on Appropriations.

The Speaker (Representative Lovick presiding) called upon Representative Ramel to preside.

There being no objection, the House adjourned until 9:55 a.m., February 21, 2020, the 40th Day of the Regular Session.

LAURIE JINKINS, Speaker

BERNARD DEAN, Chief Clerk

**SIXTY SIXTH LEGISLATURE - REGULAR SESSION****FORTIETH DAY**

House Chamber, Olympia, Friday, February 21, 2020

The House was called to order at 9:55 a.m. by the Speaker (Representative Orwall presiding).

Reading of the Journal of the previous day was dispensed with and it was ordered to stand approved.

There being no objection, the House advanced to the third order of business.

**MESSAGES FROM THE SENATE**

February 19, 2020

Mme. SPEAKER:

The Senate has passed:

SUBSTITUTE SENATE BILL NO. 5168,  
ENGROSSED SECOND SUBSTITUTE SENATE  
BILL NO. 5299,  
SUBSTITUTE SENATE BILL NO. 5400,  
SECOND SUBSTITUTE SENATE BILL NO. 5607,  
ENGROSSED SUBSTITUTE SENATE BILL NO.  
5614,  
ENGROSSED SUBSTITUTE SENATE BILL NO.  
5829,  
ENGROSSED SUBSTITUTE SENATE BILL NO.  
5984,  
SENATE BILL NO. 6049,  
SUBSTITUTE SENATE BILL NO. 6058,  
SECOND SUBSTITUTE SENATE BILL NO. 6064,  
SENATE BILL NO. 6073,  
ENGROSSED SUBSTITUTE SENATE BILL NO.  
6092,  
SECOND SUBSTITUTE SENATE BILL NO. 6117,  
SENATE BILL NO. 6164,  
ENGROSSED SUBSTITUTE SENATE BILL NO.  
6189,  
SENATE BILL NO. 6212,  
SENATE BILL NO. 6236,  
SUBSTITUTE SENATE BILL NO. 6256,  
SUBSTITUTE SENATE BILL NO. 6257,  
ENGROSSED SUBSTITUTE SENATE BILL NO.  
6268,  
ENGROSSED SUBSTITUTE SENATE BILL NO.  
6280,  
SUBSTITUTE SENATE BILL NO. 6319,  
SENATE BILL NO. 6354,  
SUBSTITUTE SENATE BILL NO. 6358,  
ENGROSSED SUBSTITUTE SENATE BILL NO.  
6378,  
SECOND SUBSTITUTE SENATE BILL NO. 6382,  
SUBSTITUTE SENATE BILL NO. 6408,

ENGROSSED SUBSTITUTE SENATE BILL NO.  
6419,  
SENATE BILL NO. 6423,  
SUBSTITUTE SENATE BILL NO. 6483,  
SUBSTITUTE SENATE BILL NO. 6531,  
SENATE BILL NO. 6582,  
ENGROSSED SUBSTITUTE SENATE BILL NO.  
6592,  
ENGROSSED SUBSTITUTE SENATE BILL NO.  
6617,  
ENGROSSED SUBSTITUTE SENATE BILL NO.  
6641,  
ENGROSSED SENATE JOINT RESOLUTION NO.  
8212,

and the same are herewith transmitted.

Brad Hendrickson, Secretary

February 18, 2020

Mme. SPEAKER:

The Senate has passed:

ENGROSSED SECOND SUBSTITUTE SENATE  
BILL NO. 6087,  
ENGROSSED SUBSTITUTE SENATE BILL NO.  
6095,  
ENGROSSED SUBSTITUTE SENATE BILL NO.  
6156,  
ENGROSSED SENATE BILL NO. 6238,  
ENGROSSED SUBSTITUTE SENATE BILL NO.  
6404,  
ENGROSSED SUBSTITUTE SENATE BILL NO.  
6442,  
ENGROSSED SUBSTITUTE SENATE BILL NO.  
6574,  
ENGROSSED SENATE BILL NO. 6626,  
ENGROSSED SUBSTITUTE SENATE BILL NO.  
6638,

and the same are herewith transmitted.

Brad Hendrickson, Secretary

**RESOLUTION**

**HOUSE RESOLUTION NO. 2020-4658**, by  
Representatives MacEwen, Callan, Lovick, Ybarra,  
Tarleton, Hoff, Boehnke, Mosbrucker, Dent, Appleton,  
Frame, Barkis, Klippert, Ortiz-Self, Tharinger, and  
Wylie

WHEREAS, Seattle's first professional ice hockey club began play in 1915 as one of four teams in the Pacific Coast Hockey Association, a league founded in British Columbia in 1912; and

WHEREAS, The club was named the Metropolitans, after the company that constructed the original Seattle Arena, the indoor ice rink that would be the team's home; and

WHEREAS, The Metropolitans became league champions in just their second season, which entitled them to play for hockey's ultimate trophy, the Stanley Cup, in 1917; and

WHEREAS, By besting the champion of the National Hockey Association, the Montreal Canadiens, the Seattle Metropolitans became the first United States team to capture the Stanley Cup; and

WHEREAS, The Metropolitans continued to affirm Seattle's place in hockey history by vying again for the Stanley Cup in 1919 and 1920, before disbanding after the 1923-24 season; and

WHEREAS, A succession of Seattle hockey teams, from the Eskimos, Sea Hawks, Olympics, Ironmen, and Stars, to the Bombers, Americans, Totems, Breakers, and Thunderbirds, ensured that professional and high-level amateur hockey was rarely missing from Seattle in the ensuing decades; and

WHEREAS, In 2017, a century after the Seattle Metropolitans brought the Stanley Cup to America for the first time, the prospect of bringing a National Hockey League franchise to Seattle began to show renewed promise; and

WHEREAS, In early 2018 a prospective ownership group in Seattle made application for a National Hockey League expansion team, and on March 1, 2018, in twelve minutes the team received more than 10,000 deposits for season tickets with 32,000 deposits received in the first twenty-four hours proving that Seattle, Washington State, and fans around the world support an expansion franchise in Seattle; and

WHEREAS, Following the excellent support shown by NHL Seattle's fans, on December 4, 2018, the National Hockey League approved a Seattle expansion franchise as its thirty-second team; and

WHEREAS, With the rebuilding of the team's future home at the historic Seattle Center Arena under way, and the groundbreaking for a practice facility, team headquarters, and Seattle's first three sheets of ice in north Seattle's Northgate close at hand, the infrastructure to support the new team will continue to come together in 2020; and

WHEREAS, NHL Seattle hired Hockey Hall of Fame inductee Ron Francis as its first General Manager; and

WHEREAS, NHL Seattle further made history by hiring Hockey Hall of Fame inductee Cammi Granato to be one of its professional scouts, making her the first female scout in the history of the NHL; and

WHEREAS, A century since a professional Seattle hockey club last competed for the Stanley Cup, fans of the sport are eagerly awaiting the announcement of the new team's name, the selection of additional staff, and the drafting of players ahead of the first drop of the puck in 2021;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State House of Representatives acknowledge and celebrate the impending arrival of Seattle's new hockey team, and the dawning of a new chapter in Seattle professional sports that is sure to bring even more attention, entertainment opportunity, and economic activity to the state of Washington; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Chief Clerk of the House of Representatives to Seattle Hockey Partners, also known as NHL Seattle.

There being no objection, HOUSE RESOLUTION NO. 4658 was adopted.

## RESOLUTION

### **HOUSE RESOLUTION NO. 2020-4659, by Representatives Callan and Ramos**

WHEREAS, Tahoma High School has served the educational needs of southeast King County since 1927, providing high standards for both academic and extracurricular activities; and

WHEREAS, On Saturday, November 23rd, the Tahoma High School volleyball team won the State Championship title; and

WHEREAS, The Tahoma Bears have made history by securing their first 4A volleyball State Championship title; and

WHEREAS, The students of Tahoma High School's volleyball team have shown tremendous dedication to their own success and development; and

WHEREAS, The Tahoma Bears went undefeated in their district and had an overall regular season record of 35-3; and

WHEREAS, The Tahoma High School volleyball team was led by two excellent coaches, Sara Russell and Maria Bahlenhorst, who cultivated an atmosphere of hard work, comradery, and sportsmanship; and

WHEREAS, Studies have shown that participating in high school athletics can contribute to overall academic success and greater social and interpersonal skills;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives congratulates Maria Bahlenhorst, Maddie Burdulis, Marietta Burdulis, Brooke Cassidy, Rachel Davis, Zoe Faull, Kaia Garcia, Chey Jones, Kennedy Kibby, Mikayla McClain, McKenna Peters, Julia Powley, Sara Russell, Katie Skevington, Delaney Speer, Alyssa Thelen, Sydney Thompson, and Lidia Zahajko on their

outstanding and well-deserved State Championship victory; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Chief Clerk of the House of Representatives to the players and coaches of the Tahoma High School volleyball team and Tahoma High School Principal Terry Duty to convey the respect of this body for a job well done and to wish them success in their continuing endeavors.

There being no objection, HOUSE RESOLUTION NO. 4659 was adopted.

#### RESOLUTION

**HOUSE RESOLUTION NO. 2020-4660, by Representatives Stonier, Davis, Steele, Wylie, J. Johnson, Fitzgibbon, Callan, Leavitt, Goehner, Corry, Valdez, Ramel, Ryu, Walen, Walsh, Harris, and Santos**

WHEREAS, Many Washington citizens have literally given the gift of life by donating organs, eyes, and tissues; and

WHEREAS, It is essential that all citizens are aware of the opportunity to save and heal the lives of others through organ, eye, and tissue donation and transplantation; and

WHEREAS, There are nearly one hundred thirteen thousand courageous Americans awaiting a life-saving organ transplant, with twenty individuals losing their lives every day because of the shortage of organs for transplant; and

WHEREAS, Every ten minutes, a person is added to the national organ transplant waiting list; and

WHEREAS, One organ donor can save the lives of up to eight people and heal many more through cornea and tissue donation; and

WHEREAS, Families receive comfort through the grieving process with the knowledge that through organ, eye, and tissue donation, another person's life has been saved or healed; and

WHEREAS, Organ donation offers transplant recipients a second chance at life, enabling them to be with their families and maintain a higher quality of life; and

WHEREAS, The families of organ, eye, and tissue donors receive gratitude from grateful recipients whose lives have been saved by transplantation; and

WHEREAS, The example set by those who choose to donate reflects the character and compassion of these individuals, whose voluntary choice saves the lives of others; and

WHEREAS, Donate Life America has designated April as National Donate Life Month;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State House of Representatives honor April as National Donate Life Month to remember those who have donated and celebrate the lives of the recipients.

There being no objection, HOUSE RESOLUTION NO. 4660 was adopted.

#### RESOLUTION

**HOUSE RESOLUTION NO. 2020-4663, by Representatives Lovick, Sells, Mead, Chapman, Irwin, Gregerson, and Ortiz-Self**

WHEREAS, James H. Scharf served twenty years investigating homicides, with fourteen years as the primary detective of the Snohomish County Cold Case Team since its inception in 2005; and

WHEREAS, Scharf and his team solved nine homicides considered unsolvable during that time; and

WHEREAS, One of those nine cases received national and international media coverage due to the fact it was the first case in history where an offender was identified and convicted using DNA forensic genealogy techniques; and

WHEREAS, Scharf and his team located one missing person who had been presumed to be murdered, solved a cold rape case, and were instrumental in assisting Arizona law enforcement in solving one of their cold homicide cases; and

WHEREAS, The cold case team cleared the names of scores of people previously considered "persons of interest" for the sixty-five cold cases handled by the office;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives recognize and salute James H. Scharf, not only for his time leading the Snohomish Cold Case Team, but for his career in law enforcement and public service; and

BE IT FURTHER RESOLVED, That a copy of this resolution be immediately transmitted by the Chief Clerk of the House of Representatives to James H. Scharf.

There being no objection, HOUSE RESOLUTION NO. 4663 was adopted.

#### RESOLUTION

**HOUSE RESOLUTION NO. 2020-4665, by Representatives Wilcox, Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, Jinkins, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Mead, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shea, Shewmake, Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wylie, Ybarra, and Young**

WHEREAS, For 25 years TVW has opened state government to the people of Washington, offering unedited "gavel-to-gavel" coverage of government deliberations and public policy events of statewide significance since signal activation on April 10, 1995; and

WHEREAS, TVW's founders believed the people of Washington deserved to be able to watch their elected officials in action, even if they could not be physically present in Olympia; and

WHEREAS, Since its inception, TVW has captured and archived well over 60,000 hours of public policy proceedings including coverage of: The legislative, executive, and judicial branches of government; state agencies; statewide elections; and public policy events hosted by nongovernmental organizations; and

WHEREAS, The first event televised by TVW was a death penalty case before the Washington State Supreme Court, through which TVW also made history with the first-ever televised state court proceeding; and

WHEREAS, TVW televises all floor debates in the Washington State Senate and House of Representatives and offers live and archived coverage of all committee hearings in the Senate and House of Representatives via TV or web-streaming live and on-demand, and TVW archives all of its coverage for citizens to view online, on-demand; and

WHEREAS, The cable television industry carries TVW at no cost resulting in an annual in-kind contribution of approximately 7 million dollars each year and enabling TVW to provide content to all cable subscribers in Washington via television; and

WHEREAS, TVW has made the vision of "anytime, anywhere, any device" a reality through the innovative use of technology tools such as web site streaming at TVW.org, Roku, Amazon Fire, mobile device applications, and other technologies as they become viable; and

WHEREAS, When the Legislature is not meeting in Olympia, TVW's mobile camera units cover legislative and public policy events across Washington; and

WHEREAS, TVW allows the traditional news media free access to its footage, making it easier for TV, radio, and newspapers to cover state government even when not physically present at the Capitol; and

WHEREAS, TVW educates young people about state government and civic engagement through its free civics education programs for teachers and students throughout the state via "Teach with TVW" programs including the innovative, hands-on "Capitol Classroom" program and award-winning documentary series, "Engaged: Students Becoming Citizens"; and

WHEREAS, In addition to "gavel-to-gavel" programming, TVW creates six regularly produced shows and a variety of informative interstitial short videos highlighting the work of state government and Washington's beautiful and historic landscapes; and

WHEREAS, The quality of TVW's produced programming has been recognized with numerous regional and national awards; and

WHEREAS, In its 25-year history, TVW has had four distinguished presidents, all of whom have ties to the House of Representatives, including Congressman Denny Heck (former member), Cindy Zehnder (former Chief Clerk), Greg Lane (former staff member), and Renee Radcliff Sinclair (former member); and

WHEREAS, TVW has employed a highly talented and dedicated staff who share a commitment to the organization's mission and gives special recognition to its longest serving staff members Scott Chisa (25 years), programming coordinator, and Anthony Arenas (22 years), operations supervisor;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State House of Representatives congratulate TVW on 25 years of continuous service in bringing the work of state government to the citizens of Washington; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Chief Clerk of the House of Representatives to TVW's President and CEO, and to the TVW Board of Directors.

There being no objection, HOUSE RESOLUTION NO. 4665 was adopted.

There being no objection, the House advanced to the fourth order of business.

## INTRODUCTION & FIRST READING

HB 2947 by Representatives Valdez, Kilduff, Senn, Peterson, Doglio, Orwall, Walen, Bergquist, Gregerson, Macri and Pollet

AN ACT Relating to establishing firearms-related safety measures to increase public safety by prohibiting the manufacture, possession, distribution, importation, selling, offering for sale, purchasing, or transfer of large capacity magazines, and making a violation of these restrictions a gross misdemeanor offense, by defining large capacity magazines to apply to ammunition feeding devices with the capacity to accept more than fifteen rounds of ammunition, by allowing continued possession of large capacity magazines limited to those possessed prior to June 11, 2020, and those inherited on or after June 11, 2020, subject to restrictions on the ability to sell or transfer such large capacity magazines, requiring that they be stored in secure gun storage, and permitting their possession only on the owner's property or while engaged in lawful outdoor recreational activities or use at a licensed shooting range or when transporting the large capacity magazine to or from these locations unloaded and in a locked separate container, by providing limited exemptions solely for government officers, agents, or employees, or government contractors who provide firearms training to law enforcement, while acting within official duties,



for licensed manufacturers and dealers for the purposes of sale of large capacity magazines to law enforcement or the military, for licensed dealers who acquire large capacity magazines from lawful owners for the purposes of sale to a resident of another state, for gunsmiths for the purpose of service or repair of a large capacity magazine, for individuals for the purpose of lawfully participating in an officially sanctioned sport shooting event or while lawfully engaged in shooting at a licensed shooting range, for law enforcement and corrections officers and military members while acting within the scope of official duties, for retired law enforcement officers who receive a large capacity magazine in connection with their separation from service, and for individuals for the purpose of permanently relinquishing a large capacity magazine to law enforcement for destruction, by establishing a large capacity magazine buy-back program to be operated by the Washington state patrol between July 1, 2020, and June 30, 2021, within amounts appropriated for this purpose that allows a resident to receive compensation for up to five large capacity magazines in an amount determined by the Washington state patrol based on fair market value, by creating a public records act exemption for personal information of persons participating in the large capacity magazine buy-back program, and by repealing the precious metal bullion and monetized bullion tax preference to fund the large capacity magazine buy-back program; reenacting and amending RCW 42.56.230; adding a new section to chapter 9.41 RCW; adding new sections to chapter 43.43 RCW; adding a new section to chapter 82.04 RCW; creating a new section; repealing RCW 82.04.062; prescribing penalties; providing an effective date; providing expiration dates; and declaring an emergency.

Referred to Committee on Finance.

**HB 2948** by Representatives Springer and Macri

AN ACT Relating to granting additional and progressive tax authority for counties with populations exceeding two million and cities therein to impose an excise tax on businesses that addresses the affordable housing crisis and reduces homelessness through evidence-based practices that will save lives and improve public safety, while also ensuring certainty and predictability for businesses; adding a new section to chapter 43.31 RCW; adding a new chapter to Title 82 RCW; and declaring an emergency.

Referred to Committee on Finance.

**ESB 5402** by Senators Schoesler and Rolfes

AN ACT Relating to improving tax and licensing laws administered by the department of revenue, but not including changes to tax laws that are estimated to affect state or local tax collections as reflected in any fiscal note prepared and approved under the process established in chapter 43.88A RCW; amending RCW

19.02.085, 82.04.192, 82.04.4266, 82.04.4268, 82.04.4269, 82.04.4327, 82.04.4328, 82.08.0201, 82.08.0208, 82.08.025651, 82.08.02807, 82.08.155, 82.08.195, 82.08.806, 82.08.956, 82.08.9651, 82.12.0208, 82.12.02749, 82.12.930, 82.12.956, 82.12.9651, 82.14.049, 82.14.400, 82.14.457, 82.16.0497, 82.16.055, 82.23A.010, 82.24.010, 82.24.551, 82.26.121, 82.26.130, 82.26.190, 82.26.200, 82.29A.060, 82.29A.120, 82.32.062, 82.32.300, 82.32.780, 82.60.025, 82.60.063, 82.63.010, 82.74.010, 82.75.010, 82.82.010, 82.85.030, 82.85.080, 84.36.840, 84.37.040, 84.38.040, 84.38.050, 84.38.110, 84.39.020, 84.39.030, 84.56.150, 82.32.805, and 82.32.808; amending 2017 3rd sp.s. c 37 ss 501 and 504 (uncodified); reenacting and amending RCW 82.26.010; decodifying RCW 82.58.005, 82.58.901, and 82.58.902; repealing RCW 82.04.4322, 82.04.4324, 82.04.4326, 82.08.02081, 82.08.02082, 82.08.02087, 82.08.02088, 82.12.02081, 82.12.02082, 82.12.02084, 82.12.02085, 82.12.02086, 82.12.02087, 82.32.755, 82.32.760, 82.66.010, 82.66.020, 82.66.040, 82.66.050, 82.66.060, and 82.66.901; and providing an effective date.

Referred to Committee on Finance.

**2SSB 5488** by Senate Committee on Human Services, Reentry & Rehabilitation (originally sponsored by Darneille, Saldaña, Wilson, C., Keiser and Nguyen)

AN ACT Relating to the sentencing of youth and young adults; and amending RCW 9.94A.533 and 9.94A.535.

Referred to Committee on Public Safety.

**4SSB 5533** by Senate Committee on Ways & Means (originally sponsored by Braun, Darneille and Zeiger)

AN ACT Relating to certifying a person's documented improvement related to founded findings; amending RCW 74.13.700, 74.13.020, 43.43.832, 74.39A.056, 43.20A.710, and 43.216.010; reenacting and amending RCW 43.216.270; adding new sections to chapter 74.13 RCW; adding a new section to chapter 18.20 RCW; adding a new section to chapter 18.51 RCW; and providing an effective date.

Referred to Committee on Appropriations.

**SSB 5679** by Senate Committee on Local Government (originally sponsored by Hasegawa, Conway and Darneille)

AN ACT Relating to local government responsibility and accountability in mitigating impacts of public facilities on certain surrounding neighborhoods with high poverty and concentrations of persons of color; and amending RCW 35.21.970.

Referred to Committee on Local Government.

SB 5782 by Senators Zeiger, Fortunato, Takko, Padden, Palumbo, Wilson and L.

AN ACT Relating to spring blade knives; amending RCW 9.41.250 and 9.41.280; reenacting and amending RCW 9.41.300; repealing RCW 9.41.251; and prescribing penalties.

Referred to Committee on Civil Rights & Judiciary.

SSB 5789 by Senate Committee on Transportation (originally sponsored by Lias, Nguyen, Saldaña, Wilson and C.)

AN ACT Relating to establishing additional uses for automated traffic safety cameras for traffic congestion reduction and increased safety; amending RCW 46.63.170; adding a new section to chapter 46.68 RCW; and providing an expiration date.

Referred to Committee on Transportation.

SSB 5867 by Senate Committee on Law & Justice (originally sponsored by Zeiger, Pedersen, Nguyen, Darneille, Ericksen, Walsh and Kuderer)

AN ACT Relating to the resentencing of persons convicted of drug offenses; adding a new section to chapter 9.94A RCW; and providing an expiration date.

Referred to Committee on Public Safety.

SB 6057 by Senators Stanford, Rivers, Wilson, C., Conway, King and Nguyen

AN ACT Relating to price differentials in the sale of marijuana; amending RCW 69.50.380; and adding a new section to chapter 69.50 RCW.

Referred to Committee on Commerce & Gaming.

SSB 6068 by Senate Committee on Ways & Means (originally sponsored by Warnick, Mullet, Wilson, L., Takko, Short, Lias and Honeyford)

AN ACT Relating to sales and use tax exemptions for large private airplanes; amending RCW 82.08.215, 82.12.215, 47.68.250, and 82.48.100; amending 2013 2nd sp.s. c 13 ss 1101 and 1906 (uncodified); reenacting and amending RCW 82.48.100; providing an effective date; and providing expiration dates.

Referred to Committee on Finance.

SSB 6113 by Senate Committee on Ways & Means (originally sponsored by Keiser, Das, Hasegawa, Hunt, Kuderer, Pedersen, Randall, Rolfes, Van De Wege, Wilson and C.)

AN ACT Relating to creation of a central insulin purchasing program; amending RCW 70.14.060;

adding a new section to chapter 70.14 RCW; creating a new section; and providing an expiration date.

Referred to Committee on Appropriations.

SB 6115 by Senators Takko, Warnick, Hobbs, Van De Wege, Wilson, L. and Sheldon

AN ACT Relating to off-road vehicle registrations; amending RCW 46.09.420, 46.09.442, 46.93.210, and 46.09.495; and prescribing penalties.

Referred to Committee on Transportation.

2SSB 6139 by Senate Committee on Ways & Means (originally sponsored by Mullet, Wagoner, Takko, Wilson, L., Wilson, C., Randall, Conway, Stanford and Carlyle)

AN ACT Relating to the joint center for aerospace technology innovation; amending RCW 43.131.417 and 43.131.418; and adding a new section to chapter 28B.155 RCW.

Referred to Committee on Appropriations.

ESSB 6141 by Senate Committee on Higher Education & Workforce Development (originally sponsored by Randall, Hasegawa, Keiser, Stanford, Frockt, Wilson, C. and Sheldon)

AN ACT Relating to expanding access to higher education; amending RCW 28A.230.090 and 28A.230.215; adding new sections to chapter 28B.77 RCW; adding a new section to chapter 28A.230 RCW; adding a new section to chapter 28A.300 RCW; and creating new sections.

Referred to Committee on College & Workforce Development.

SSB 6142 by Senate Committee on Higher Education & Workforce Development (originally sponsored by Lias, Randall, Dhingra, Hasegawa, Mullet, Nguyen, Stanford, Carlyle, Wilson and C.)

AN ACT Relating to creating the Washington common application; adding a new section to chapter 28B.10 RCW; and creating a new section.

Referred to Committee on Appropriations.

SSB 6183 by Senate Committee on State Government, Tribal Relations & Elections (originally sponsored by Hunt, Conway, Kuderer, Wilson and C.)

AN ACT Relating to allowing service and overseas voters to use the common access card as a digital signature for proof of identity on certain election materials; amending RCW 29A.04.611 and

29A.08.123; and adding a new section to chapter 29A.04 RCW.

Referred to Committee on State Government & Tribal Relations.

SSB 6190 by Senate Committee on Health & Long Term Care (originally sponsored by Braun, Keiser and Kuderer)

AN ACT Relating to preserving the developmental disabilities community trust; amending RCW 71A.20.170; and creating a new section.

Referred to Committee on Capital Budget.

SSB 6206 by Senate Committee on Labor & Commerce (originally sponsored by Rivers, King and Stanford)

AN ACT Relating to creating a certificate of compliance for marijuana business premises that meet the statutory qualifications at the time of application; and amending RCW 69.50.331.

Referred to Committee on Commerce & Gaming.

SSB 6211 by Senate Committee on Ways & Means (originally sponsored by Dhingra, Padden, Nguyen, Das and Hasegawa)

AN ACT Relating to drug offender sentencing; amending RCW 9.94A.662; reenacting and amending RCW 9.94A.660 and 9.94A.664; and providing an effective date.

Referred to Committee on Appropriations.

ESB 6239 by Senators Conway, Keiser, Hasegawa, Saldaña, Van De Wege, Lovelett, Wilson and C.

AN ACT Relating to compliance with apprenticeship utilization requirements and bidding on public works projects; and amending RCW 39.04.310 and 39.04.350.

Referred to Committee on Labor & Workplace Standards.

ESSB 6261 by Senate Committee on Labor & Commerce (originally sponsored by McCoy, Saldaña, Conway, Kuderer, Hasegawa, Wilson, C., Das, Nguyen and Keiser)

AN ACT Relating to strengthening the farm labor contractor system by removing an exemption for nonprofits, prohibiting retaliation and the use of farm labor contractors in certain circumstances, and establishing liability for related violations; amending RCW 19.30.190 and 19.30.200; and reenacting and amending RCW 19.30.010.

Referred to Committee on Labor & Workplace Standards.

SB 6286 by Senators Frockt, Pedersen and Mullet

AN ACT Relating to benefits provided by athlete agents; and amending RCW 19.225.100.

Referred to Committee on Consumer Protection & Business.

ESSB 6287 by Senate Committee on Law & Justice (originally sponsored by Pedersen, Holy, Dhingra, Rivers, Kuderer, Salomon, Conway, Keiser, Wilson and C.)

AN ACT Relating to guardianships and conservatorships; amending RCW 11.130.185, 11.130.190, 11.130.195, 11.130.205, 11.130.210, 11.130.215, 11.130.220, 11.130.225, 11.130.230, 11.130.240, 11.130.245, 11.130.250, 11.130.915, 13.34.062, 13.34.110, 13.34.136, 13.34.145, 13.34.155, 13.34.210, 13.50.100, 11.130.275, 11.130.285, 11.130.290, 11.130.320, 11.130.330, 11.130.335, 11.130.340, 11.130.345, 11.130.355, 11.130.360, 11.130.365, 11.130.370, 11.130.385, 11.130.390, 11.130.410, 11.130.415, 11.130.420, 11.130.425, 11.130.430, 11.130.435, 11.130.505, 11.130.515, 11.130.520, 11.130.530, 11.130.550, 11.130.670, 11.130.010, 11.130.035, 11.130.040, 11.130.100, 11.130.105, 11.130.115, 11.130.140, 11.130.265, 11.130.280, 11.130.380, 11.130.605, 11.130.080, 11.130.120, 11.130.295, 11.130.570, 11.130.585, 11.130.600, 11.130.625, 11.130.610, 11.130.615, 11.125.080, 2.72.005, 2.72.020, 2.72.030, 11.28.120, 11.90.020, 11.90.230, 11.90.250, 11.90.400, 11.90.410, 2.56.150, 4.16.190, 7.28.090, 7.36.020, 9.35.005, 9A.44.010, 11.02.005, 11.28.185, 11.76.080, 11.86.021, 11.90.210, 11.96A.050, 11.96A.080, 11.96A.120, 11.96A.130, 11.96A.150, 11.96A.220, 11.103.030, 11.107.060, 11.120.140, 11.125.400, 11.125.410, 13.32A.160, 13.34.270, 25.15.131, 29A.08.515, 70.58A.010, 70.97.040, 71.05.360, 71.32.020, 71A.16.030, 73.36.050, 74.34.020, 74.34.067, 74.34.135, 74.34.163, and 74.42.430; reenacting and amending RCW 13.34.030, 2.72.010, 7.70.065, and 18.20.020; adding new sections to chapter 11.130 RCW; and providing an effective date.

Referred to Committee on Appropriations.

ESSB 6288 by Senate Committee on Law & Justice (originally sponsored by Dhingra, Pedersen, Frockt, Carlyle, Wilson, C., Kuderer, Das, Hunt, Lovelett, Nguyen and Saldaña)

AN ACT Relating to the Washington office of firearm violence prevention; adding a new chapter to Title 43 RCW; and creating a new section.

Referred to Committee on Appropriations.

SSB 6415 by Senate Committee on Local Government (originally sponsored by Das, Van De Wege, Wellman, Takko, Wilson, C., Hunt and Billig)

AN ACT Relating to allowing a permanent fire protection district benefit charge with voter approval; and amending RCW 52.18.050 and 52.26.220.

Referred to Committee on Finance.

SB 6417 by Senators Holy and Van De Wege

AN ACT Relating to allowing retirees to change their survivor option election after retirement; and amending RCW 41.26.460.

Referred to Committee on Appropriations.

SSB 6476 by Senate Committee on Human Services, Reentry & Rehabilitation (originally sponsored by Stanford, Darneille, Wilson, C., Nguyen, Hasegawa and Saldaña)

AN ACT Relating to increasing and expanding access of inmates and immediate family members of inmates to services provided within correctional facilities; amending RCW 72.09.015; adding new sections to chapter 72.09 RCW; and creating a new section.

Referred to Committee on Appropriations.

2SSB 6478 by Senate Committee on Ways & Means (originally sponsored by Nguyen, Darneille, Stanford, Saldaña, Dhingra, Das and Hasegawa)

AN ACT Relating to revising economic assistance programs by updating standards of need, revising outcome measures and data collected, and reducing barriers to participation; reenacting and amending RCW 74.08A.260; creating new sections; and providing an effective date.

Referred to Committee on Appropriations.

SSB 6501 by Senate Committee on Law & Justice (originally sponsored by Padden)

AN ACT Relating to the disposition of human remains and cremation; amending RCW 68.50.130, 18.39.170, 68.50.160, 68.50.270, 68.64.120, and 70.58.230; repealing 2020 c . . . s 6 and 2019 c 432 s 30; and prescribing penalties.

Referred to Committee on Public Safety.

2SSB 6528 by Senate Committee on Ways & Means (originally sponsored by Lovelett, McCoy, Takko, Das, Hasegawa, Rolfes, Van De Wege, Wilson and C.)

AN ACT Relating to the prevention of derelict vessels; amending RCW 79.100.160, 79.100.150, 79.100.170, 88.02.380, and 79.10.130; creating new sections; and providing an expiration date.

Referred to Committee on Appropriations.

SB 6551 by Senators Stanford, Saldaña, Darneille, Dhingra, Frockt, Hasegawa, Wilson and C.

AN ACT Relating to integrating international medical graduates into Washington's health care delivery system; amending RCW 18.71.051 and 18.71.095; adding new sections to chapter 18.71 RCW; and providing an expiration date.

Referred to Committee on Health Care & Wellness.

SSB 6570 by Senate Committee on Behavioral Health Subcommittee to Health & Long Term Care (originally sponsored by King, Saldaña, Wagoner, Lovelett, Wilson and C.)

AN ACT Relating to law enforcement officer mental health and wellness; creating new sections; and providing an expiration date.

Referred to Committee on Appropriations.

2SSB 6591 by Senate Committee on Ways & Means (originally sponsored by Dhingra, Das, Darneille, Keiser, Rivers, Wilson and C.)

AN ACT Relating to establishing a work group to address mental health advance directives; adding a new section to chapter 71.32 RCW; and providing an expiration date.

Referred to Committee on Health Care & Wellness.

SSB 6632 by Senate Committee on Ways & Means (originally sponsored by Takko)

AN ACT Relating to providing additional funding for the business licensing service program administered by the department of revenue; amending RCW 19.02.075; and providing an effective date.

Referred to Committee on Finance.

SSB 6663 by Senate Committee on Ways & Means (originally sponsored by Brown, Becker and Walsh)

AN ACT Relating to dual diagnoses of eating disorder and diabetes mellitus type 1; and creating new sections.

Referred to Committee on Health Care & Wellness.

SSJM 8017 by Senate Committee on State Government, Tribal Relations & Elections

(originally sponsored by Hasegawa, Hunt, Billig, Saldaña, Stanford, Wilson and C.)

There being no objection, the following bills were returned to the Committee on Rules.

Addressing compacts of free association.

Referred to Committee on State Government & Tribal Relations.

There being no objection, the bills and memorial listed on the day's introduction sheet under the fourth order of business were referred to the committees so designated.

There being no objection, the House advanced to the fifth order of business.

#### REPORTS OF STANDING COMMITTEES

February 20, 2020 21.0.

SSB 6052 Prime Sponsor, Committee on Financial Institutions, Economic Development & Trade: Concerning life insurance products or services that are intended to incent behavioral changes that improve the health and reduce the risk of death of the insured. Reported by Committee on Consumer Protection & Business

MAJORITY recommendation: Do pass. Signed by Representatives Kirby, Chair; Vick, Ranking Minority Member; Hoff, Assistant Ranking Minority Member; Barkis; Blake; Duerr; Dufault; Johnson, J.; Ryu; Santos; Walen and Ybarra.

Referred to Committee on Rules for second reading.

February 20, 2020 21.0.

SB 6131 Prime Sponsor, Senator Mullet: Repealing the debenture company laws from the securities act of Washington. Reported by Committee on Consumer Protection & Business

MAJORITY recommendation: Do pass. Signed by Representatives Kirby, Chair; Vick, Ranking Minority Member; Hoff, Assistant Ranking Minority Member; Barkis; Blake; Duerr; Dufault; Johnson, J.; Ryu; Santos; Walen and Ybarra.

Referred to Committee on Rules for second reading.

There being no objection, the bills listed on the day's committee reports under the fifth order of business were referred to the committees so designated.

There being no objection, the House advanced to the eighth order of business.

#### MOTION

HOUSE BILL NO. 1076  
SUBSTITUTE HOUSE BILL NO. 1082  
HOUSE BILL NO. 1088  
HOUSE BILL NO. 1159  
HOUSE BILL NO. 1220  
HOUSE BILL NO. 1305  
HOUSE BILL NO. 1317  
HOUSE BILL NO. 1376  
HOUSE BILL NO. 1395  
HOUSE BILL NO. 1419  
HOUSE BILL NO. 1441  
HOUSE BILL NO. 1442  
HOUSE BILL NO. 1457  
HOUSE BILL NO. 1524  
SUBSTITUTE HOUSE BILL NO. 1576  
HOUSE BILL NO. 1583  
HOUSE BILL NO. 1630  
HOUSE BILL NO. 1650  
HOUSE BILL NO. 1665  
HOUSE BILL NO. 1666  
HOUSE BILL NO. 1676  
HOUSE BILL NO. 1701  
HOUSE BILL NO. 1707  
HOUSE BILL NO. 1718  
HOUSE BILL NO. 1738  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1747  
HOUSE BILL NO. 1765  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1788  
HOUSE BILL NO. 1808  
HOUSE BILL NO. 1838  
HOUSE BILL NO. 1938  
HOUSE BILL NO. 1965  
HOUSE BILL NO. 1974  
HOUSE BILL NO. 2069  
HOUSE BILL NO. 2171  
HOUSE BILL NO. 2185  
HOUSE BILL NO. 2238  
HOUSE BILL NO. 2240  
HOUSE BILL NO. 2245  
HOUSE BILL NO. 2248  
HOUSE BILL NO. 2270  
HOUSE BILL NO. 2273  
HOUSE BILL NO. 2281  
HOUSE BILL NO. 2283  
HOUSE BILL NO. 2293  
HOUSE BILL NO. 2299  
HOUSE BILL NO. 2303  
HOUSE BILL NO. 2334  
HOUSE BILL NO. 2335  
HOUSE BILL NO. 2339  
HOUSE BILL NO. 2341  
HOUSE BILL NO. 2358  
HOUSE BILL NO. 2375  
HOUSE BILL NO. 2382  
HOUSE BILL NO. 2383  
HOUSE BILL NO. 2431  
HOUSE BILL NO. 2432  
HOUSE BILL NO. 2438  
HOUSE BILL NO. 2453

HOUSE BILL NO. 2463  
HOUSE BILL NO. 2492  
HOUSE BILL NO. 2520  
HOUSE BILL NO. 2521  
HOUSE BILL NO. 2570  
HOUSE BILL NO. 2572  
HOUSE BILL NO. 2577  
HOUSE BILL NO. 2583  
HOUSE BILL NO. 2586  
HOUSE BILL NO. 2592  
HOUSE BILL NO. 2594  
HOUSE BILL NO. 2600  
HOUSE BILL NO. 2620  
HOUSE BILL NO. 2643  
HOUSE BILL NO. 2649  
HOUSE BILL NO. 2679  
HOUSE BILL NO. 2681  
HOUSE BILL NO. 2696  
HOUSE BILL NO. 2704  
HOUSE BILL NO. 2709  
HOUSE BILL NO. 2727  
HOUSE BILL NO. 2732  
HOUSE BILL NO. 2748  
HOUSE BILL NO. 2795  
HOUSE BILL NO. 2804  
HOUSE BILL NO. 2815  
HOUSE BILL NO. 2820  
HOUSE BILL NO. 2834  
HOUSE BILL NO. 2840  
HOUSE BILL NO. 2880  
HOUSE BILL NO. 2882  
HOUSE BILL NO. 2884  
HOUSE JOINT MEMORIAL NO. 4015

There being no objection, the House adjourned until 10:00 a.m., February 24, 2020, the 43rd Day of the Regular Session.

LAURIE JINKINS, Speaker

BERNARD DEAN, Chief Clerk

**SIXTY SIXTH LEGISLATURE - REGULAR SESSION****FORTY THIRD DAY**

House Chamber, Olympia, Monday, February 24, 2020

The House was called to order at 10:00 a.m. by the Speaker (Representative Orwall presiding). The Clerk called the roll and a quorum was present.

The flags were escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Phillip Disler-Broussard and Meredith Sconce. The Speaker (Representative Orwall presiding) led the Chamber in the Pledge of Allegiance. The prayer was offered by Pastor Dave Brown, retired, Immanuel Presbyterian Church, Tacoma and Pacific Northwest Interfaith Amigos, Creator and Host of Blues Vespers, Washington.

Reading of the Journal of the previous day was dispensed with and it was ordered to stand approved.

**RESOLUTION****HOUSE RESOLUTION NO. 2020-4667, by Representative Santos**

WHEREAS, There are more than 300 local education agencies and more than 2,000 schools throughout the State of Washington, all of which are working to provide high quality educational opportunities for the students they serve; and

WHEREAS, Each school and community is different, and some have had to overcome great obstacles; and

WHEREAS, Schools should be recognized not only for student achievement, but also for demonstrating growth and closing opportunity gaps; and

WHEREAS, State law directs the State Board of Education, the Office of the Superintendent of Public Instruction, and the Educational Opportunity Gap Oversight and Accountability Committee to collaborate on school recognition; and

WHEREAS, In 2018, the United States Department of Education approved Washington state's plan under the federal Every Student Succeeds Act; and

WHEREAS, The shift to the Every Student Succeeds Act accountability system presented an opportunity for Washington state to make its school recognition system more equitable; and

WHEREAS, The Washington school recognition program commits to upholding a recognition framework that showcases schools succeeding in serving all students equitably; and

WHEREAS, Each year, schools are to be identified and recognized for their exemplary performance based on

multiple outcomes and indicators that are fair, consistent, transparent, and easily understood by schools and communities; and

WHEREAS, The Washington school recognition program uses state and local data to identify schools that have made gains in targeted areas and are on a path toward overall improvements in achievement, growth, and closing opportunity gaps; and

WHEREAS, In Spring 2020, over 350 schools across the state will be recognized and celebrated for closing gaps, showing growth, and demonstrating achievement in the previous school year; and

WHEREAS, The State Board of Education, the Educational Opportunity Gap Oversight and Accountability Committee, and the Superintendent of Public Instruction recognize April 27, 2020, through May 1, 2020, as School Recognition Week;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives honor state-recognized schools and the extraordinary commitment of Washington state's K-12 schools to our students' futures; and

BE IT FURTHER RESOLVED, That the House of Representatives encourage schools and communities to join in this recognition by celebrating state-recognized exemplar schools.

There being no objection, HOUSE RESOLUTION NO. 4667 was adopted.

**SPEAKER'S PRIVILEGE**

The Speaker (Representative Orwall presiding) recognized the 2020 Daffodil Court in the North Gallery and asked the members to acknowledge them.

There being no objection, the House advanced to the fourth order of business.

**INTRODUCTION & FIRST READING**

HB 2949 by Representatives Macri, Chopp, Pollet and Valdez

AN ACT Relating to requiring transit passes to be provided by certain entities; and amending RCW 70.94.531.

Referred to Committee on Transportation.

HB 2950 by Representatives Macri and Ramel

AN ACT Relating to addressing affordable housing needs through the multifamily housing tax exemption by providing an extension of the exemption until January 1, 2022, for certain properties currently receiving a twelve-year exemption and by convening a work group; amending RCW 84.14.020 and 84.14.100; and creating a new section.

Referred to Committee on Finance.

SSB 5168 by Senate Committee on Law & Justice  
(originally sponsored by Hasegawa and Saldaña)

AN ACT Relating to providing notice before certain enforcement actions taken by a homeowners' or condominium association; and amending RCW 64.38.020 and 64.34.304.

Referred to Committee on Civil Rights & Judiciary.

E2SSB 5299 by Senate Committee on Ways & Means  
(originally sponsored by Padden, Frockt, Kuderer and Wagoner)

AN ACT Relating to impaired driving; amending RCW 46.61.502, 46.61.5055, 46.61.504, and 9.94A.525; creating a new section; prescribing penalties; and providing an expiration date.

Referred to Committee on Appropriations.

SSB 5400 by Senate Committee on Ways & Means  
(originally sponsored by Conway, Bailey, Hunt, Zeiger, Wilson, C., Van De Wege, Hasegawa, Holy, Kuderer, Pedersen and Saldaña)

AN ACT Relating to providing a benefit increase to certain retirees of the public employees' retirement system plan 1 and the teachers' retirement system plan 1; amending RCW 41.40.1987 and 41.32.4992; and providing an effective date.

Referred to Committee on Appropriations.

2SSB 5607 by Senate Committee on Ways & Means  
(originally sponsored by Wellman, Das, Kuderer, Nguyen, Randall, Hunt, Carlyle, Darneille, Cleveland, Keiser, Takko, Saldaña, Lias, Van De Wege, Hasegawa, Wilson and C.)

AN ACT Relating to dual language learning in early learning and K-12 education; amending RCW 28A.300.574; adding new sections to chapter 28A.300 RCW; adding a new section to chapter 28A.655 RCW; adding new sections to chapter 43.216 RCW; and repealing 43.216.105.

Referred to Committee on Education.

ESSB 5614 by Senate Committee on Law & Justice  
(originally sponsored by Rivers, Wagoner,

Warnick, Becker, Short, Hawkins, Fortunato, Palumbo and O'Ban)

AN ACT Relating to harming a police animal; amending RCW 9A.76.200; reenacting and amending RCW 9.94A.515; prescribing penalties; providing an effective date; and declaring an emergency.

Referred to Committee on Public Safety.

ESSB 5829 by Senate Committee on Ways & Means  
(originally sponsored by Mullet, Schoesler, Hunt, Walsh, Warnick, Takko and Van De Wege)

AN ACT Relating to pension benefits and contributions in the volunteer firefighters' and reserve officers' relief and pension system; amending RCW 41.24.030 and 41.24.170; providing an effective date; and declaring an emergency.

Referred to Committee on Education.

ESSB 5984 by Senate Committee on Law & Justice  
(originally sponsored by Wellman, Rivers, Hasegawa, Padden, Cleveland, Walsh, Hunt, Brown, Zeiger, Randall, Takko, Lovelett, Nguyen, Kuderer, Das, Wilson and C.)

AN ACT Relating to language understanding of documents used in dissolution proceedings; adding a new section to chapter 26.09 RCW; and making an appropriation.

Referred to Committee on Civil Rights & Judiciary.

SB 6049 by Senators Lias, Das, Keiser, Kuderer, Rolfes, Van De Wege, Wilson and C.

AN ACT Relating to funding the commissioner's criminal investigation unit by creating the insurance commissioner's fraud account; amending RCW 48.02.190 and 48.14.040; creating a new section; and providing an effective date.

Referred to Committee on Finance.

SSB 6058 by Senate Committee on Local Government (originally sponsored by Randall, Saldaña, Wilson, C., Hunt, Kuderer, Nguyen and Van De Wege)

AN ACT Relating to fire district health clinic services; and amending RCW 52.02.020.

Referred to Committee on Local Government.

2SSB 6064 by Senate Committee on Ways & Means  
(originally sponsored by Wagoner, Dhingra and Sheldon)

AN ACT Relating to full body scanners and dry cell watches at state correctional institutions; adding a new



section to chapter 72.09 RCW; and creating a new section.

Referred to Committee on Public Safety.

SB 6073 by Senators Dhingra, Rivers, Lovelett, Saldaña, Wilson, C., Mullet, Keiser, Nguyen, Cleveland, Salomon, Randall, Rolfes, Darneille, Conway, Pedersen, Kuderer, Van De Wege, Das, Lias, Frockt, Hasegawa and Stanford

AN ACT Relating to menstrual hygiene products in public school bathrooms; and adding a new section to chapter 28A.210 RCW.

Referred to Committee on Education.

E2SSB 6087 by Senate Committee on Ways & Means (originally sponsored by Keiser, Conway, Das, Hasegawa, Hunt, Kuderer, Pedersen, Randall, Rolfes, Stanford, Saldaña, Wilson, C. and Sheldon)

AN ACT Relating to cost-sharing requirements for coverage of insulin products; amending RCW 48.20.391, 48.21.143, 48.44.315, and 48.46.272; adding a new section to chapter 48.43 RCW; adding a new section to chapter 41.05 RCW; and providing expiration dates.

Referred to Committee on Health Care & Wellness.

ESSB 6092 by Senate Committee on Early Learning & K-12 Education (originally sponsored by Wilson, C., Wellman, Hawkins, Kuderer and Mullet)

AN ACT Relating to posthumous high school diplomas; amending RCW 28A.230.120; and creating a new section.

Referred to Committee on Education.

ESSB 6095 by Senate Committee on Labor & Commerce (originally sponsored by Keiser)

AN ACT Relating to common carrier activities that are not prohibited under the three-tier system; and amending RCW 66.28.295.

Referred to Committee on Commerce & Gaming.

2SSB 6117 by Senate Committee on Ways & Means (originally sponsored by Wellman, Dhingra, Hunt, Kuderer, Pedersen, Saldaña, Wilson and C.)

AN ACT Relating to special education; amending RCW 28A.150.390 and 28A.150.392; adding a new section to chapter 28A.155 RCW; and adding a new section to chapter 28A.320 RCW.

Referred to Committee on Appropriations.

ESSB 6156 by Senate Committee on Transportation (originally sponsored by Takko, Wagoner, Saldaña, Conway and Sheldon)

AN ACT Relating to modifying the requirements for collector vehicle registrations; amending RCW 46.17.210, 46.18.275, 46.04.126, 46.04.1261, 46.04.199, 46.18.220, 46.18.255, and 46.16A.070; reenacting and amending RCW 46.17.220; creating a new section; and providing an effective date.

Referred to Committee on Transportation.

SB 6164 by Senators Dhingra, Wilson, C., McCoy, Das, Darneille, Kuderer and Randall

AN ACT Relating to prosecutorial discretion to seek resentencing; adding a new section to chapter 36.27 RCW; and creating a new section.

Referred to Committee on Public Safety.

ESSB 6189 by Senate Committee on Ways & Means (originally sponsored by Wellman, Mullet, Pedersen, Zeiger, Kuderer, Das, Short, Wilson and C.)

AN ACT Relating to school employees' benefits board coverage; amending RCW 28A.300.615; adding a new section to chapter 41.05 RCW; creating new sections; and providing expiration dates.

Referred to Committee on Appropriations.

SB 6212 by Senators Das, Keiser, Lovelett, Zeiger, Dhingra, Saldaña, Nguyen, Kuderer, Warnick, Randall, Darneille, Van De Wege, Conway, Wilson and C.

AN ACT Relating to the authority of counties, cities, and towns to exceed statutory property tax limitations for the purpose of financing affordable housing for very low-income households and low-income households; amending RCW 84.52.105 and 84.52.043; amending 1993 c 337 s 1 (uncodified); and providing an effective date.

Referred to Committee on Finance.

SB 6236 by Senators Kuderer, Pedersen, Lovelett, Wellman and Hasegawa

AN ACT Relating to certain noneconomic damage waivers; and amending RCW 49.60.510.

Referred to Committee on Civil Rights & Judiciary.

ESSB 6238 by Senators Hunt, Kuderer, Wilson, C. and Sheldon

AN ACT Relating to requiring local ballot measure statement committee members to be registered voters in the area voting on the measure; and amending RCW 29A.32.280.

Referred to Committee on State Government & Tribal Relations.

SSB 6256 by Senate Committee on Environment, Energy & Technology (originally sponsored by Wellman, Short and Hasegawa)

AN ACT Relating to the heating oil insurance program; amending RCW 70.149.010, 70.149.040, 70.340.010, 70.340.020, 70.340.030, 70.340.050, 70.340.060, 70.340.090, and 70.340.130; adding a new section to chapter 70.149 RCW; and repealing RCW 70.149.050.

Referred to Committee on Capital Budget.

SSB 6257 by Senate Committee on Environment, Energy & Technology (originally sponsored by Wellman and Short)

AN ACT Relating to the underground storage tank reinsurance program; amending RCW 70.148.005, 70.148.050, 70.148.020, and 70.148.090; and adding a new section to chapter 70.148 RCW.

Referred to Committee on Environment & Energy.

ESSB 6268 by Senate Committee on Law & Justice (originally sponsored by Rolfes, Kuderer, Wellman, Darneille, Hasegawa, Wilson, C. and Das)

AN ACT Relating to abusive litigation; amending RCW 26.09.191 and 26.50.060; adding a new chapter to Title 26 RCW; and creating a new section.

Referred to Committee on Civil Rights & Judiciary.

ESSB 6280 by Senate Committee on Environment, Energy & Technology (originally sponsored by Nguyen, Carlyle, Wellman, Salomon, Lovelett, Das, Randall, Pedersen, Wilson, C. and Hunt)

AN ACT Relating to the use of facial recognition services; adding a new section to chapter 9.73 RCW; adding a new chapter to Title 43 RCW; creating a new section; and providing an expiration date.

Referred to Committee on Appropriations.

SSB 6319 by Senate Committee on Ways & Means (originally sponsored by Takko, Short, Dhingra, Lovelett, Wilson and C.)

AN ACT Relating to administration of the senior property tax exemption program; amending RCW 84.36.387, 84.36.385, and 84.36.383; and creating a new section.

Referred to Committee on Finance.

SB 6354 by Senators King, Cleveland, Keiser and Honeyford

AN ACT Relating to providing enhanced payment to low volume, small rural hospitals; amending RCW 74.09.5225; and creating a new section.

Referred to Committee on Appropriations.

SSB 6358 by Senate Committee on Health & Long Term Care (originally sponsored by Randall, Short, Wilson and C.)

AN ACT Relating to requiring medicaid managed care organizations to provide reimbursement of health care services provided by substitute providers; and adding a new section to chapter 74.09 RCW.

Referred to Committee on Appropriations.

ESSB 6378 by Senate Committee on Housing Stability & Affordability (originally sponsored by Kuderer, Darneille, Das and Lovelett)

AN ACT Relating to residential tenant protections; amending RCW 59.18.057, 59.18.365, 59.18.410, 59.18.230, 59.18.290, 59.18.140, and 43.31.605; creating a new section; and declaring an emergency.

Referred to Committee on Civil Rights & Judiciary.

2SSB 6382 by Senate Committee on Ways & Means (originally sponsored by Ericksen and Takko)

AN ACT Relating to creating the meat and poultry processing and marketing assistance program; adding a new section to chapter 15.64 RCW; and creating a new section.

Referred to Committee on Appropriations.

ESSB 6404 by Senate Committee on Health & Long Term Care (originally sponsored by Frockt, O'Ban, Dhingra, Becker, Kuderer, Rivers, Lovelett, Wellman, Pedersen, Nguyen, Darneille, Hasegawa, McCoy, Wilson, C., Das, Conway and Saldaña)

AN ACT Relating to reducing barriers to patient care through appropriate use of prior authorization and adoption of appropriate use criteria; adding a new section to chapter 48.43 RCW; and adding a new section to chapter 70.250 RCW.

Referred to Committee on Health Care & Wellness.

SSB 6408 by Senate Committee on Financial Institutions, Economic Development & Trade (originally sponsored by Wilson, L., Mullet, Short,

Becker, Takko, King, Zeiger, Brown, Schoesler, Frockt, Hasegawa, Rolfes, Honeyford, Walsh, Van De Wege and Braun)

AN ACT Relating to agency responsibilities to regulated businesses and professions; adding a new chapter to Title 18 RCW; creating new sections; and providing an expiration date.

Referred to Committee on Appropriations.

ESSB 6419 by Senate Committee on Human Services, Reentry & Rehabilitation (originally sponsored by Keiser, Braun, Rolfes, Randall, Rivers, Dhingra, Darneille, Wilson, C., Saldaña and Salomon)

AN ACT Relating to implementation of the recommendations of the December 2019 report from the William D. Ruckelshaus center regarding residential habilitation center clients; creating new sections; and providing an expiration date.

Referred to Committee on Appropriations.

SB 6423 by Senators Cleveland, Darneille, Wilson and C.

AN ACT Relating to reports alleging child abuse and neglect; and amending RCW 26.44.050 and 26.44.060.

Referred to Committee on Human Services & Early Learning.

ESSB 6442 by Senate Committee on Human Services, Reentry & Rehabilitation (originally sponsored by Saldaña, Wilson, C., Salomon, McCoy, Wellman, Stanford, Hasegawa, Kuderer, Pedersen, Nguyen, Frockt and Das)

AN ACT Relating to the private detainment of individuals; amending RCW 72.68.040, 72.68.010, and 72.68.001; reenacting and amending RCW 72.09.050; adding a new section to chapter 72.68 RCW; adding a new chapter to Title 70 RCW; creating new sections; repealing RCW 72.68.012; and declaring an emergency.

Referred to Committee on Public Safety.

SSB 6483 by Senate Committee on Early Learning & K-12 Education (originally sponsored by Wilson, C. and Nguyen)

AN ACT Relating to rating requirements for child care providers; amending RCW 43.216.515; reenacting and amending RCW 43.216.135; and amending 2019 c 369 s 6 (uncodified).

Referred to Committee on Human Services & Early Learning.

SSB 6531 by Senate Committee on Labor & Commerce (originally sponsored by Braun, Takko and Schoesler)

AN ACT Relating to the performance of personal services by a craft distillery, distiller, or spirits certificate of approval holder; and amending RCW 66.28.310.

Referred to Committee on Commerce & Gaming.

ESSB 6574 by Senate Committee on Local Government (originally sponsored by Takko and Short)

AN ACT Relating to clarifying the respective administrative powers, duties, and responsibilities of the growth management hearings board and the environmental land use and hearings office; and amending RCW 36.70A.250, 36.70A.252, 36.70A.260, 36.70A.270, and 43.21B.005.

Referred to Committee on Environment & Energy.

SB 6582 by Senators Hobbs, Stanford, Muzzall, Salomon, McCoy, Wagoner and Liias

AN ACT Relating to the number of fire protection district commissioners; and amending RCW 52.14.015.

Referred to Committee on Local Government.

ESSB 6592 by Senate Committee on Local Government (originally sponsored by Holy, Hunt, Takko and Keiser)

AN ACT Relating to tourism authorities; and amending RCW 35.101.010, 35.101.050, and 35.101.130.

Referred to Committee on Finance.

ESSB 6617 by Senate Committee on Housing Stability & Affordability (originally sponsored by Liias and Das)

AN ACT Relating to accessory dwelling unit regulation; amending RCW 43.21C.495; adding new sections to chapter 36.70A RCW; and creating a new section.

Referred to Committee on Environment & Energy.

ESB 6626 by Senators Conway, O'Ban, Hunt, Zeiger, Hobbs, Becker, Randall, Short, Brown and Wagoner

AN ACT Relating to creating the position of military spouse liaison; and adding a new section to chapter 43.60A RCW.

Referred to Committee on Appropriations.

**ESSB 6638** by Senate Committee on Human Services, Reentry & Rehabilitation (originally sponsored by Wilson, C., Lovelett, Randall, Nguyen, Das and Darneille)

AN ACT Relating to providing reentry services to persons releasing from prison, jail, and other institutions; amending RCW 74.09.670, 10.77.150, 72.09.370, 71.24.470, and 71.24.480; reenacting and amending RCW 71.24.025 and 71.24.385; adding a new section to chapter 71.24 RCW; and creating new sections.

Referred to Committee on Appropriations.

**ESSB 6641** by Senate Committee on Human Services, Reentry & Rehabilitation (originally sponsored by O'Ban, Conway, Wilson and C.)

AN ACT Relating to increasing the availability of certified sex offender treatment providers; amending RCW 18.155.020, 18.155.030, 18.155.075, and 18.155.080; adding a new section to chapter 18.155 RCW; and decodifying RCW 18.155.900, 18.155.901, and 18.155.902.

Referred to Committee on Health Care & Wellness.

**ESJR 8212** by Senators Braun, Conway, Mullet, Schoesler and Palumbo

(REVISED FOR ENGROSSED: Proposing an amendment to the Constitution concerning the investment of funds to provide for long-term care services and supports.)

Referred to Committee on Appropriations.

There being no objection, the bills and resolution listed on the day's introduction sheet under the fourth order of business were referred to the committees so designated, with the exception of ENGROSSED SUBSTITUTE SENATE BILL NO. 5829 which was referred to the Committee on Appropriations.

There being no objection, the House advanced to the fifth order of business.

## REPORTS OF STANDING COMMITTEES

February 20, 2020 21.0.

**2SSB 5149** Prime Sponsor, Committee on Law & Justice: Concerning electronic monitoring with victim notification technology. Reported by Committee on Public Safety

MAJORITY recommendation: Do pass. Signed by Representatives Robinson, 1st Vice Chair; Ormsby, Chair; Stokesbary, Ranking Minority Member; Bergquist, 2nd Vice Chair; Rude, Assistant Ranking Minority Member; Caldier; Chandler; Chopp; Cody;

Corry; Dolan; Dye; Fitzgibbon; Hansen; Hoff; Hudgins; Kilduff; Kraft; Macri; Mosbrucker; Pettigrew; Ryu; Schmick; Senn; Springer; Steele; Sullivan; Sutherland; Tarleton; Tharinger and Ybarra.

Referred to Committee on Appropriations.

February 20, 2020 21.0.

**SB 5811** Prime Sponsor, Senator Nguyen: Reducing emissions by making changes to the clean car standards and clean car program. Reported by Committee on Environment & Energy

MAJORITY recommendation: Do pass as amended by Committee on Environment & Energy.

Strike everything after the enacting clause and insert the following:

"Sec. 22. RCW 70.120A.010 and 2010 c 76 s 1 are each amended to read as follows:

(1) Pursuant to the federal clean air act, the legislature adopts the California motor vehicle emission standards in Title 13 of the California Code of Regulations(~~(effective January 1, 2005, except as provided in this chapter)~~). The department of ecology shall adopt rules to implement the motor vehicle emission standards of the state of California (~~(for passenger cars, light duty trucks, and medium duty passenger vehicles)~~), including the zero emission vehicle program, and shall amend the rules from time to time, to maintain consistency with the California motor vehicle emission standards and 42 U.S.C. Sec. 7507 (section 177 of the federal clean air act). (~~Notwithstanding other provisions of this chapter, the department of ecology shall not adopt the zero emission vehicle program regulations contained in Title 13 section 1962 of the California Code of Regulations effective January 1, 2005. During rule development, the department of ecology shall convene an advisory group composed of industry and consumer group representatives. Any proposed rules or changes to rules shall be subject to review and comment by the advisory group, prior to rule adoption. The order of adoption for the rules required in this section shall include the signature of the governor. The rules shall be effective only for those model years for which the state of Oregon has adopted the California motor vehicle emission standards. This section does not limit the department of ecology's authority to regulate motor vehicle emissions for any other class of vehicle.~~

~~(2) Motor vehicles with a model year equal to or later than the first model year for which new vehicles sold to Washington state residents are required to comply with California motor vehicle emission standards are exempt from emission inspections under chapter 70.120 RCW.~~

~~(3))~~ (2) The provisions of this chapter do not apply with respect to the use by a resident of this state of a motor vehicle acquired and used while the resident is a member of the armed services and is stationed outside this state pursuant to military orders.

**Sec. 23.** RCW 70.120A.050 and 2014 c 76 s 8 are each amended to read as follows:

(1) No model year 2010 or subsequent model year new passenger car, light duty truck, or medium duty (~~((passenger))~~) vehicle may be sold in Washington unless there is securely and conspicuously affixed in a clearly visible location a label on which the manufacturer clearly discloses comparative greenhouse gas emissions for that new vehicle.

(2) The label required by this section should include a greenhouse gas index or rating system that contains quantitative and graphical information presented in a continuous, easy-to-read scale that compares the greenhouse gas emissions from the vehicle with the average projected greenhouse gas emissions from all passenger cars, light duty trucks, and medium duty (~~((passenger))~~) vehicles of the same model year. For reference purposes, the index or rating system should also identify the greenhouse gas emissions from the vehicle model of that same model year that has the lowest greenhouse gas emissions.

(3) The index or rating system included in the label under subsection (2) of this section shall be updated as necessary to ensure that the differences in greenhouse gas emissions among vehicles are readily apparent to the consumer.

(4) An automobile manufacturer may apply to the department of ecology for approval of an alternative to the disclosure labeling requirement that is at least as effective in providing notification and disclosure of the vehicle's greenhouse gas emissions as is the labeling required by this section.

(5) A label that complies with the requirements of the California greenhouse gas vehicle labeling program shall be deemed to meet the requirements of this section and any rules adopted under this section.

(6) The department of ecology may adopt such rules as are necessary to implement this section.

**NEW SECTION. Sec. 24.** RCW 70.120A.020 (Early credits and banking—Alternative means of compliance) and 2005 c 295 s 3 are each repealed."

Correct the title.

Signed by Representatives Robinson, 1st Vice Chair; Ormsby, Chair; Bergquist, 2nd Vice Chair; Chopp; Cody; Dolan; Fitzgibbon; Hansen; Hudgins; Kilduff; Macri; Pettigrew; Pollet; Ryu; Senn; Springer; Sullivan; Tarleton; Tharinger and Ybarra.

MINORITY recommendation: Do not pass. Signed by Representatives Stokesbary, Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Rude, Assistant Ranking Minority Member; Caldier; Chandler; Corry; Dye; Hoff; Kraft; Mosbrucker; Schmick; Steele and Sutherland.

Referred to Committee on Appropriations.

**SB 6119**

Prime Sponsor, Senator Conway: Authorizing that money laundering forfeited proceeds and property be used for improvement of gambling-related law enforcement activities. Reported by Committee on Commerce & Gaming

MAJORITY recommendation: Do pass. Signed by Representatives Peterson, Chair; Kloba, Vice Chair; MacEwen, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Blake; Jenkin; Kirby; Vick and Young.

MINORITY recommendation: Do not pass. Signed by Representative Ramel.

Referred to Committee on Rules for second reading.

There being no objection, the bills listed on the day's committee reports under the fifth order of business were referred to the committees so designated.

There being no objection, the House adjourned until 9:55 a.m., February 25, 2020, the 44th Day of the Regular Session.

LAURIE JINKINS, Speaker

BERNARD DEAN, Chief Clerk

## SIXTY SIXTH LEGISLATURE - REGULAR SESSION

## FORTY FOURTH DAY

House Chamber, Olympia, Tuesday, February 25, 2020

The House was called to order at 9:55 a.m. by the Speaker (Representative Lovick presiding).

Reading of the Journal of the previous day was dispensed with and it was ordered to stand approved.

There being no objection, the House advanced to the third order of business.

## MESSAGE FROM THE SENATE

February 13, 2020

Mme. SPEAKER:

The Senate has passed:

SENATE BILL NO. 6096,

and the same is herewith transmitted.

Brad Hendrickson, Secretary

There being no objection, the House advanced to the fourth order of business.

## INTRODUCTION &amp; FIRST READING

SB 6096 by Senators Keiser, Stanford and Saldaña

AN ACT Relating to preventing disruption of certain state-financed and procured services due to labor unrest within contracted service providers; adding a new section to chapter 43.20A RCW; and creating a new section.

Referred to Committee on Labor & Workplace Standards.

There being no objection, the bill listed on the day's introduction sheet under the fourth order of business was referred to the committee so designated.

There being no objection, the House advanced to the fifth order of business.

## REPORTS OF STANDING COMMITTEES

February 21, 2020 24.0.

SSB 5097 Prime Sponsor, Committee on Health & Long Term Care: Concerning the licensure and certification of massage therapists and

reflexologists. Reported by Committee on Health Care & Wellness

MAJORITY recommendation: Do pass. Signed by Representatives Cody, Chair; Macri, Vice Chair; Schmick, Ranking Minority Member; Chambers; Chopp; Davis; DeBolt; Harris; Maycumber; Riccelli; Robinson; Stonier; Thai and Tharinger.

Referred to Committee on Rules for second reading.

February 21, 2020 24.0.

ESB 5282 Prime Sponsor, Senator Liias: Requiring informed consent for pelvic exams. Reported by Committee on Health Care & Wellness

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 25. A new section is added to chapter 18.130 RCW to read as follows:

(1) A health care provider licensed under this title may not knowingly perform or authorize a student practicing under their authority to perform a pelvic examination on a patient who is anesthetized or unconscious unless:

(a) The patient or a person authorized to make health care decisions for the patient gave specific informed consent to the examination;

(b) The examination is necessary for diagnostic or treatment purposes; or

(c) Sexual assault is suspected, evidence may be collected if the patient is not capable of informed consent due to longer term medical condition, or if evidence will be lost.

(2) A licensed health care provider who violates subsection (1) of this section is subject to discipline pursuant to this chapter, the uniform disciplinary act.

**Sec. 26.** RCW 18.130.180 and 2019 c 427 s 17 are each amended to read as follows:

The following conduct, acts, or conditions constitute unprofessional conduct for any license holder under the jurisdiction of this chapter:

(1) The commission of any act involving moral turpitude, dishonesty, or corruption relating to the practice of the person's profession, whether the act constitutes a crime

or not. If the act constitutes a crime, conviction in a criminal proceeding is not a condition precedent to disciplinary action. Upon such a conviction, however, the judgment and sentence is conclusive evidence at the ensuing disciplinary hearing of the guilt of the license holder of the crime described in the indictment or information, and of the person's violation of the statute on which it is based. For the purposes of this section, conviction includes all instances in which a plea of guilty or nolo contendere is the basis for the conviction and all proceedings in which the sentence has been deferred or suspended. Nothing in this section abrogates rights guaranteed under chapter 9.96A RCW;

(2) Misrepresentation or concealment of a material fact in obtaining a license or in reinstatement thereof;

(3) All advertising which is false, fraudulent, or misleading;

(4) Incompetence, negligence, or malpractice which results in injury to a patient or which creates an unreasonable risk that a patient may be harmed. The use of a nontraditional treatment by itself shall not constitute unprofessional conduct, provided that it does not result in injury to a patient or create an unreasonable risk that a patient may be harmed;

(5) Suspension, revocation, or restriction of the individual's license to practice any health care profession by competent authority in any state, federal, or foreign jurisdiction, a certified copy of the order, stipulation, or agreement being conclusive evidence of the revocation, suspension, or restriction;

(6) Except when authorized by RCW 18.130.345, the possession, use, prescription for use, or distribution of controlled substances or legend drugs in any way other than for legitimate or therapeutic purposes, diversion of controlled substances or legend drugs, the violation of any drug law, or prescribing controlled substances for oneself;

(7) Violation of any state or federal statute or administrative rule regulating the profession in question, including any statute or rule defining or establishing standards of patient care or professional conduct or practice;

(8) Failure to cooperate with the disciplining authority by:

(a) Not furnishing any papers, documents, records, or other items;

(b) Not furnishing in writing a full and complete explanation covering the matter contained in the complaint filed with the disciplining authority;

(c) Not responding to subpoenas issued by the disciplining authority, whether or not the recipient of the subpoena is the accused in the proceeding; or

(d) Not providing reasonable and timely access for authorized representatives of the disciplining authority seeking to perform practice reviews at facilities utilized by the license holder;

(9) Failure to comply with an order issued by the disciplining authority or a stipulation for informal disposition entered into with the disciplining authority;

(10) Aiding or abetting an unlicensed person to practice when a license is required;

(11) Violations of rules established by any health agency;

(12) Practice beyond the scope of practice as defined by law or rule;

(13) Misrepresentation or fraud in any aspect of the conduct of the business or profession;

(14) Failure to adequately supervise auxiliary staff to the extent that the consumer's health or safety is at risk;

(15) Engaging in a profession involving contact with the public while suffering from a contagious or infectious disease involving serious risk to public health;

(16) Promotion for personal gain of any unnecessary or inefficacious drug, device, treatment, procedure, or service;

(17) Conviction of any gross misdemeanor or felony relating to the practice of the person's profession. For the purposes of this subsection, conviction includes all instances in which a plea of guilty or nolo contendere is the basis for conviction and all proceedings in which the sentence has been deferred or suspended. Nothing in this section abrogates rights guaranteed under chapter 9.96A RCW;

(18) The procuring, or aiding or abetting in procuring, a criminal abortion;

(19) The offering, undertaking, or agreeing to cure or treat disease by a secret method, procedure, treatment, or medicine, or the treating, operating, or prescribing for any health condition by a method, means, or procedure which the licensee refuses to divulge upon demand of the disciplining authority;

(20) The willful betrayal of a practitioner-patient privilege as recognized by law;

(21) Violation of chapter 19.68 RCW or a pattern of violations of RCW 48.49.020 or 48.49.030;

(22) Interference with an investigation or disciplinary proceeding by willful misrepresentation of facts before the disciplining authority or its authorized representative, or by the use of threats or harassment against any patient or witness to prevent them from providing evidence in a disciplinary proceeding or any other legal action, or by the use of financial inducements to any patient or witness to prevent or attempt to prevent him or her from providing evidence in a disciplinary proceeding;

(23) Current misuse of:

(a) Alcohol;

(b) Controlled substances; or

(c) Legend drugs;

(24) Abuse of a client or patient or sexual contact with a client or patient;

(25) Acceptance of more than a nominal gratuity, hospitality, or subsidy offered by a representative or vendor

of medical or health-related products or services intended for patients, in contemplation of a sale or for use in research publishable in professional journals, where a conflict of interest is presented, as defined by rules of the disciplining authority, in consultation with the department, based on recognized professional ethical standards;

(26) Violation of RCW 18.130.420;

(27) Performing conversion therapy on a patient under age eighteen;

(28) Violation of section 1 of this act."

Correct the title.

Signed by Representatives Cody, Chair; Macri, Vice Chair; Schmick, Ranking Minority Member; Chambers; Chopp; Davis; DeBolt; Harris; Maycumber; Riccelli; Robinson; Stonier; Thai and Tharinger.

Referred to Committee on Rules for second reading.

March 2, 2020 26.0.

ESB 5450 Prime Sponsor, Senator Rivers:  
Concerning superior court judges.  
Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Ormsby, Chair; Stokesbary, Ranking Minority Member; Robinson, 1st Vice Chair; Bergquist, 2nd Vice Chair; Rude, Assistant Ranking Minority Member; Caldier; Chandler; Chopp; Cody; Corry; Dolan; Dye; Fitzgibbon; Hansen; Hoff; Hudgins; Kilduff; Kraft; Macri; Mosbrucker; Pettigrew; Pollet; Ryu; Schmick; Senn; Springer; Steele; Sullivan; Sutherland; Tarleton; Tharinger and Ybarra.

MINORITY recommendation: Without recommendation. Signed by Representative MacEwen, Assistant Ranking Minority Member.

Referred to Committee on Appropriations.

March 2, 2020 26.0.

E2SSB 5549 Prime Sponsor, Committee on Ways & Means: Modernizing resident distillery marketing and sales restrictions. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass as amended by Committee on Commerce & Gaming.

Strike everything after the enacting clause and insert the following:

"**Sec. 27.** RCW 66.24.140 and 2017 c 260 s 1 are each amended to read as follows:

(1) There is a license to distillers, including blending, rectifying, and bottling; fee two thousand dollars per annum, unless provided otherwise as follows:

(a) For distillers producing one hundred fifty thousand gallons or less of spirits with at least half of the raw materials used in the production grown in Washington, the license fee must be reduced to one hundred dollars per annum;

(b) The board must license stills used and to be used solely and only by a commercial chemist for laboratory purposes, and not for the manufacture of liquor for sale, at a fee of twenty dollars per annum;

(c) The board must license stills used and to be used solely and only for laboratory purposes in any school, college, or educational institution in the state, without fee; and

(d) The board must license stills that have been duly licensed as fruit and/or wine distilleries by the federal government, used and to be used solely as fruit and/or wine distilleries in the production of fruit brandy and wine spirits, at a fee of two hundred dollars per annum.

(2) Any distillery licensed under this section may:

(a) Sell, for off-premises consumption, spirits of ((its)) the distillery's own production ((for consumption off the premises)), spirits produced by another distillery or craft distillery licensed in this state, or vermouth or sparkling wine products produced by a licensee in this state. A distillery selling spirits or other alcohol authorized under this subsection must comply with the applicable laws and rules relating to retailers for those products;

(b) Contract distilled spirits for, and sell contract distilled spirits to, holders of distillers' or manufacturers' licenses, including licenses issued under RCW 66.24.520, or for export; and

(c) ~~((Provide samples subject to the following conditions:~~

~~((i) For the purposes of this subsection, the maximum amount of alcohol per person per day is two ounces;~~

~~((ii) Provide free or for a charge one half ounce or less samples of spirits of its own production to persons on the premises of the distillery. Spirits samples may be adulterated with nonalcoholic mixers, mixers with alcohol of the distiller's own production, water, and/or ice;~~

~~((iii) Sell adulterated samples of spirits of their own production, water, and/or ice to persons on the premises at the distillery; and~~

~~((iv) Every person who participates in any manner in the service of these samples must obtain a class 12 alcohol server permit)) Serve samples of spirits for free or for a charge, and sell servings of spirits, vermouth, and sparkling wine to customers for on-premises consumption, at the premises of the distillery indoors, outdoors, or in any combination thereof, and at the distillery's off-site tasting rooms in accordance with this chapter, subject to the following conditions:~~

(i) A distillery may provide to customers, for free or for a charge, for on-premises consumption, spirits samples that are one-half ounce or less per sample of spirits, and that may be adulterated with water, ice, other alcohol entitled to



be served or sold on the licensed premises under this section, or nonalcoholic mixers;

(ii) A distillery may sell, for on-premises consumption, servings of spirits of the distillery's own production or spirits produced by another distillery or craft distillery licensed in this state, which must be adulterated with water, ice, other alcohol entitled to be sold or served on the licensed premises, or nonalcoholic mixers if the revenue derived from the sale of spirits for on-premises consumption under this subsection (2)(c)(ii) does not comprise more than thirty percent of the overall gross revenue earned in the tasting room during the calendar year. Any distiller who sells adulterated products under this subsection, must file an annual report with the board that summarizes the distiller's revenue sources; and

(iii) A distillery may sell, for on-premises consumption, servings of vermouth or sparkling wine products produced by a licensee in this state.

(3)(a) If a distillery provides or sells spirits or other alcohol products authorized to be sold or provided to customers for on-premises or off-premises consumption that are produced by another distillery, craft distillery, or licensee in this state, then at any one time no more than twenty-five percent of the alcohol stock-keeping units offered or sold by the distillery at its distillery premises and at any off-site tasting rooms licensed under section 3 of this act may be vermouth, sparkling wine, or spirits made by another distillery, craft distillery, or licensee in this state. If a distillery sells fewer than twenty alcohol stock-keeping units of products of its own production, it may sell up to five alcohol stock-keeping units of vermouth, sparkling wine, or spirits produced by another distillery, craft distillery, or licensee in this state.

(b) A person is limited to receiving or purchasing, for on-premises consumption, no more than two ounces total of spirits that are unadulterated. Any additional spirits purchased for on-premises consumption must be adulterated as authorized in this section.

(c)(i) No person under twenty-one years of age may be on the premises of a distillery tasting room, including an off-site tasting room licensed under section 3 of this act, unless they are accompanied by their parent or legal guardian.

(ii) Every distillery tasting room, including the off-site tasting rooms licensed under section 3 of this act, where alcohol is sampled, sold, or served, must include a designated area where persons under twenty-one years of age are allowed to enter. Such location may be in a separate room or a designated area within the tasting room separated from the remainder of the tasting room space as authorized by the board.

(iii) Except for (c)(iv) of this subsection, or an event where a private party has secured a private banquet permit, no person under twenty-one years of age may be on the distillery premises, or the off-site tasting rooms licensed under section 3 of this act, past 9:00 p.m.

(iv) Notwithstanding the limitations of (c)(iii) of this subsection, persons under twenty-one years of age who are

children of owners, operators, or managers of a distillery or an off-site tasting room licensed under section 3 of this act, may be in any area of a distillery, tasting room, or an off-site tasting room licensed under section 3 of this act, provided they must be under the direct supervision of their parent or legal guardian while on the premises.

(d) Any person serving or selling spirits or other alcohol authorized to be served or sold by a distillery must obtain a class 12 alcohol server permit.

(e) A distillery may sell nonalcoholic products at retail.

**Sec. 28.** RCW 66.24.145 and 2015 c 194 s 2 are each amended to read as follows:

(1)(a) Any craft distillery may sell, for off-premises consumption, spirits of its own production ((for consumption off the premises)), spirits produced by another craft distillery or distillery licensed in this state, and vermouth and sparkling wine products produced by a licensee in this state.

(b) A craft distillery selling spirits or other alcohol authorized under this subsection must comply with the applicable laws and rules relating to retailers for those products.

(2) Any craft distillery may contract distilled spirits for, and sell contract distilled spirits to, holders of distillers' or manufacturers' licenses, including licenses issued under RCW 66.24.520, or for export.

(3) Any craft distillery licensed under this section may ((provide, free or for a charge, one half ounce or less samples of spirits of its own production to persons on the premises of the distillery. The maximum total per person per day is two ounces. Every person who participates in any manner in the service of samples must obtain a class 12 alcohol server permit. Spirits samples may be adulterated with nonalcoholic mixers, water, and/or ice.

(4)(a) A distillery or craft distillery licensee may apply to the board for an endorsement to sell spirits of its own production at retail for off-premises consumption at a qualifying farmers market. The annual fee for this endorsement is seventy-five dollars.

(b) For each month during which a distillery or craft distillery will sell spirits at a qualifying farmers market, the distillery or craft distillery must provide the board or its designee a list of the dates, times, and locations at which bottled spirits may be offered for sale. This list must be received by the board before the spirits may be offered for sale at a qualifying farmers market.

(c) Each approved location in a qualifying farmers market is deemed to be part of the distillery or craft distillery license for the purpose of this title. The approved locations under an endorsement granted under this subsection do not include tasting or sampling privileges. The distillery or craft distillery may not store spirits at a farmers market beyond the hours that the bottled spirits are offered for sale. The distillery or craft distillery may not act as a distributor from a farmers market location.

~~(d) Before a distillery or craft distillery may sell bottled spirits at a qualifying farmers market, the farmers market must apply to the board for authorization for any distillery or craft distillery with an endorsement approved under this subsection to sell bottled spirits at retail at the farmers market. This application must include, at a minimum: (i) A map of the farmers market showing all booths, stalls, or other designated locations at which an approved distillery or craft distillery may sell bottled spirits; and (ii) the name and contact information for the on-site market managers who may be contacted by the board or its designee to verify the locations at which bottled spirits may be sold. Before authorizing a qualifying farmers market to allow an approved distillery or craft distillery to sell bottled spirits at retail at its farmers market location, the board must notify the persons or entities of such application for authorization pursuant to RCW 66.24.010 (8) and (9). An authorization granted under this subsection (4)(d) may be withdrawn by the board for any violation of this title or any rules adopted under this title.~~

~~(e) For the purposes of this subsection (4), "qualifying farmers market" has the same meaning as defined in RCW 66.24.170-)) serve samples of spirits for free or for a charge, and sell servings of spirits, vermouth, and sparkling wine products to customers for on-premises consumption, at the premises of the distillery indoors, outdoors, or in any combination thereof, and at the distillery's off-site tasting rooms, in accordance with this chapter, subject to the following conditions:~~

~~(a) A craft distillery may provide to customers, for free or for a charge, for on-premises consumption, spirits samples that are one-half ounce or less per sample of spirits, and that may be adulterated with water, ice, other alcohol entitled to be sold or served on the licensed premises, or nonalcoholic mixers;~~

~~(b) A craft distillery may sell, for on-premises consumption, servings of spirits of the craft distillery's own production and spirits produced by another distillery, craft distillery, or licensee in this state, which must be adulterated with water, ice, other alcohol entitled to be sold or served on the licensed premises, or nonalcoholic mixers if the revenue derived from the sale of spirits for on-premises consumption under this subsection (3)(b) does not comprise more than thirty percent of the overall gross revenue earned in the tasting room during the calendar year. Any distiller who sells adulterated products under this subsection, must file an annual report with the board that summarizes the distiller's revenue sources; and~~

~~(c) A distillery may sell, for on-premises consumption, servings of vermouth or sparkling wine products produced by a licensee in this state.~~

~~(4)(a) If a craft distillery provides or sells spirits or other alcohol products authorized to be sold or provided to customers for on-premises or off-premises consumption that are produced by another distillery, craft distillery, or licensee in this state, then at any one time no more than twenty-five percent of the alcohol stock-keeping units offered or sold by the craft distillery at its craft distillery premises and at any off-site tasting rooms licensed under section 3 of this act may~~

be vermouth, sparkling wine, or spirits produced by another distillery, craft distillery, or licensee in this state. If a distillery sells fewer than twenty alcohol stock-keeping units of products of its own production, it may sell up to five alcohol stock-keeping units of vermouth, sparkling wine, or spirits produced by another distillery, craft distillery, or licensee in this state.

(b) A person is limited to receiving or purchasing, for on-premises consumption, no more than two ounces total of spirits that are unadulterated. Any additional spirits purchased for on-premises consumption must be adulterated.

(c) Any person serving or selling spirits or other alcohol authorized to be served or sold by a craft distillery must obtain a class 12 alcohol server permit.

(5) The board must adopt rules to implement the alcohol server permit requirement and may adopt additional rules to implement this section.

(6) Distilling is an agricultural practice.

(7)(a) No person under twenty-one years of age may be on the premises of a craft distillery tasting room, including an off-site tasting room licensed under section 3 of this act, unless they are accompanied by their parent or guardian.

(b) Every craft distillery tasting room, including the off-site tasting rooms licensed under section 3 of this act, where alcohol is sampled, sold, or served, must include a designated area where persons under twenty-one years of age are allowed to enter. Such location may be in a separate room or a designated area within the tasting room separated from the remainder of the tasting room space as authorized by the board.

(c) Except for (d) of this subsection, or an event where a private party has secured a private banquet permit, no person under twenty-one years of age may be on the distillery premises, or the off-site tasting rooms licensed under section 3 of this act, past 9:00 p.m.

(d) Notwithstanding the limitations in (c) of this subsection, persons under twenty-one years of age who are children of owners, operators, or managers of a craft distillery or an off-site tasting room licensed under section 3 of this act, may be in any area of a licensed craft distillery, tasting room, or an off-site tasting room licensed under section 3 of this act, provided they must be under the direct supervision of their parent or guardian while on the premises.

(8) A craft distillery may sell nonalcoholic products at retail.

**NEW SECTION. Sec. 29.** A new section is added to chapter 66.24 RCW to read as follows:

(1) There is a tasting room license available to distillery and craft distillery licensees. A tasting room license authorizes the operation of an off-site tasting room, in addition to a tasting room attached to the distillery's or craft distillery's production facility, at which the licensee may sample, serve, and sell spirits and alcohol products authorized to be sampled, served, and sold under RCW

66.24.140 and 66.24.145, for on-premises and off-premises consumption, subject to the same limitations as provided in RCW 66.24.140 and 66.24.145.

(2) A distillery or craft distillery licensed production facility is eligible for no more than two off-site tasting room licenses located in this state, which may be indoors, or outdoors or a combination thereof, and which shall be administratively tied to a licensed production facility. A separate license is required for the operation of each off-site tasting room. The fee for each off-site tasting room license is two thousand dollars per annum. No additional license is required for a distillery or craft distillery to sample, serve, and sell spirits and alcohol to customers in a tasting room on the distillery or craft distillery premises as authorized under this section, section 5 of this act, RCW 66.24.140, 66.24.145, 66.28.040, 66.24.630, and 66.28.310. Off-site tasting rooms may have a section identified and segregated as federally bonded spaces for the storage of bulk or packaged spirits. Product of the licensee's production may be bottled or packaged in the space.

**NEW SECTION. Sec. 30.** A new section is added to chapter 66.24 RCW to read as follows:

(1) A distillery licensed under RCW 66.24.140 or 66.24.145, or an off-site tasting room authorized under section 3 of this act, must provide, for free or for a charge, food offerings to customers during public service hours. For the purposes of this section, "food offerings" means a combination of small serving food items to include a mix of hors d'oeuvre type foods, cheeses, fruits, vegetables, deli-style meats, chips, pretzels, nuts, popcorn, crackers, or similar items.

(2) A distillery providing food offerings under this section must comply with the local city or county health requirements for such level of service.

(3) In addition to the food offerings requirement in subsection (1) of this section, distillers and craft distillers shall post, in a conspicuous place within any tasting room, a list of at least five local restaurants or food trucks where customers can purchase food for consumption in the tasting room. The list shall include names, addresses, contact information, and hours of operation for each restaurant or food truck named.

(4) Distilleries that have secured spirits, beer, and wine retail license privileges under RCW 66.24.400 shall not allow customers to bring in food from outside restaurants or food trucks and are not subject to the provision of subsections (1) and (3) of this section.

(5) Requirements for food offerings shall be determined by the board in rule. The rules for food offerings shall:

- (a) Include the ability for such food to be prepackaged for individual sale and consumption;
- (b) Allow food offerings to be preprepared off-site for plating for the customer;
- (c) Not require any warming, cooking, or heating off-site or on-site prior to service; and

(d) Not require the installation, maintenance, or use of any food heating device or apparatus to prepare any food offerings.

(6) A distillery licensed under RCW 66.24.140 or 66.24.145, or an off-site tasting room authorized under section 3 of this act, may install and use any type of commercial heating device or element to heat food offerings under this section without impacting their privileges under this act.

**NEW SECTION. Sec. 31.** A new section is added to chapter 66.24 RCW to read as follows:

(1) Of the off-site tasting rooms allowed in this chapter, any distillery, craft distillery, domestic winery, or any combination of licensees thereof, licensed under this chapter may jointly occupy and co-operate up to two off-site locations, which may be indoors, outdoors, or a combination thereof, at which they may sample, serve, and sell products of their own production and products authorized to be sampled, served, and sold under the terms of their license. The licensees must maintain separate storage of products and separate financials. The distillery or craft distillery tasting rooms referenced in this section shall be the off-site tasting rooms allowed, and have the privileges and limitations provided in this chapter. This section does not create additional numbers of authorized tasting rooms beyond what is authorized by this section, section 3 of this act, and in RCW 66.24.140, 66.24.145, 66.28.040, 66.24.630, and 66.28.310.

(2) Any domestic brewery, microbrewery, domestic winery, distillery, or craft distillery licensed under this chapter, or any combination of licensees thereof, whose property parcels or buildings are located in direct physical proximity to one another may share a standing or seated tasting area for patrons to use, which may be indoors, outdoors, or a combination thereof. Each licensee may sample, serve, and sell products the licensee is authorized to sample, serve, and sell under the terms of its license, for on-premises consumption in the jointly operated consumption area. Each licensee must use distinctly marked glassware or serving containers to identify the source of any product being consumed. The distillery or craft distillery tasting rooms shall be the on-site or off-site tasting rooms allowed, and have the privileges and limitations provided in this chapter.

(3) Licensees operating under this section must comply with the applicable laws and rules relating to retailers.

(4) Licensees operating under this section must comply with all applicable laws and rules relating to sampling and serving, as may be allowed by their license type.

(5) All licensees who participate in:

(a) A jointly operated off-premises location allowed under subsection (1) of this section, or

(b) A conjoined consumption area allowed under subsection (2) of this section must share staffing resources. All participating licensees shall be jointly responsible for

any violation or enforcement issues unless it can be demonstrated that the violation or enforcement issue was due to one or more licensee's specific conduct or action, in which case the violation or enforcement applies only to those identified licensees.

(6) Every person who participates in any manner in the sale or service of samples or servings of spirits must obtain a class 12 alcohol server permit. Every person who participates in any manner in the sale or service of samples or servings of beer and wine must obtain a class 12 or class 13 alcohol server permit.

**NEW SECTION. Sec. 32.** A new section is added to chapter 66.24 RCW to read as follows:

(1) The number of licenses allowed to be issued for off-site tasting rooms authorized under section 3 of this act shall not exceed one hundred fifty.

(2) The limitations in subsection (1) of this section do not apply to an off-site tasting room authorized under section 3 of this act that has been granted a license under RCW 66.24.400.

**NEW SECTION. Sec. 33.** A new section is added to chapter 66.24 RCW to read as follows:

Nothing in this chapter prohibits a distillery licensed under RCW 66.24.140 or 66.24.145, or an off-site tasting room licensed under section 3 of this act, from obtaining a license under RCW 66.24.400 for the same premises.

**Sec. 34.** RCW 66.28.040 and 2016 c 235 s 15 are each amended to read as follows:

(1) Except as permitted by the board under RCW 66.20.010, or as allowed under this title, no domestic brewery, microbrewery, distributor, distiller, domestic winery, importer, rectifier, certificate of approval holder, or other manufacturer of liquor may, within the state of Washington, give to any person any liquor ~~(; but)~~ without charge.

(2) Nothing in this section nor in RCW 66.28.305 prevents a domestic brewery, microbrewery, distributor, domestic winery, distiller, certificate of approval holder, or importer from furnishing samples of beer, wine, or spirituous liquor to authorized licensees for the purpose of negotiating a sale, in accordance with regulations adopted by the liquor and cannabis board, provided that the samples are subject to taxes imposed by RCW 66.24.290 and 66.24.210(3).

(3) Nothing in this section prevents a domestic brewery, microbrewery, domestic winery, distillery, certificate of approval holder, or distributor from furnishing beer, wine, or spirituous liquor for instructional purposes under RCW 66.28.150(3).

(4) Nothing in this section prevents a domestic winery, certificate of approval holder, or distributor from furnishing wine without charge, subject to the taxes imposed by RCW 66.24.210, to a not-for-profit group organized and operated solely for the purpose of enology or the study of viticulture which has been in existence for at least six months and that uses wine so furnished solely for such educational purposes or a domestic winery, or an out-of-state certificate of

approval holder, from furnishing wine without charge or a domestic brewery, or an out-of-state certificate of approval holder, from furnishing beer without charge, subject to the taxes imposed by RCW 66.24.210 or 66.24.290, or a domestic distiller licensed under RCW 66.24.140 or an accredited representative of a distiller, manufacturer, importer, or distributor of spirituous liquor licensed under RCW 66.24.310, from furnishing spirits without charge, to a nonprofit charitable corporation or association exempt from taxation under 26 U.S.C. Sec. 501(c)(3) or (6) of the internal revenue code of 1986 for use consistent with the purpose or purposes entitling it to such exemption(3).

(5) Nothing in this section prevents a domestic brewery or microbrewery from serving beer without charge, on the brewery premises(3).

(6) Nothing in this section prevents donations of wine for the purposes of RCW 66.12.180(3).

(7) Nothing in this section prevents a domestic winery from serving wine without charge, on the winery premises(3 and).

(8) Nothing in this section prevents a ~~((craft distillery from serving spirits, on the distillery premises subject to RCW 66.24.145))~~ distillery licensed under RCW 66.24.140 or 66.24.145, or an off-site tasting room authorized under section 3 of this act, from providing, without charge, samples of spirits, including spirits adulterated with other alcohol entitled to be served to customers on the distillery premises or at an off-site tasting room.

**Sec. 35.** RCW 66.24.630 and 2017 c 96 s 4 are each amended to read as follows:

(1) There is a spirits retail license to: Sell spirits in original containers to consumers for consumption off the licensed premises and to permit holders; sell spirits in original containers to retailers licensed to sell spirits for consumption on the premises, for resale at their licensed premises according to the terms of their licenses, although no single sale may exceed twenty-four liters, unless the sale is by a licensee that was a contract liquor store manager of a contract liquor store at the location of its spirits retail licensed premises from which it makes such sales; and export spirits.

(2) For the purposes of this title, a spirits retail license is a retail license, and a sale by a spirits retailer is a retail sale only if not for resale. Nothing in this title authorizes sales by on-sale licensees to other retail licensees. The board must establish by rule an obligation of on-sale spirits retailers to:

(a) Maintain a schedule by stock-keeping unit of all their purchases of spirits from spirits retail licensees, including combination spirits, beer, and wine licensees holding a license issued pursuant to RCW 66.24.035, indicating the identity of the seller and the quantities purchased; and

(b) Provide, not more frequently than quarterly, a report for each scheduled item containing the identity of the purchasing on-premises licensee and the quantities of that scheduled item purchased since any preceding report to:

(i) A distributor authorized by the distiller to distribute a scheduled item in the on-sale licensee's geographic area; or

(ii) A distiller acting as distributor of the scheduled item in the area.

(3)(a) Except as otherwise provided in (c) of this subsection, the board may issue spirits retail licenses only for premises comprising at least ten thousand square feet of fully enclosed retail space within a single structure, including storerooms and other interior auxiliary areas but excluding covered or fenced exterior areas, whether or not attached to the structure, and only to applicants that the board determines will maintain systems for inventory management, employee training, employee supervision, and physical security of the product substantially as effective as those of stores currently operated by the board with respect to preventing sales to or pilferage by underage or inebriated persons.

(b) License issuances and renewals are subject to RCW 66.24.010 and the regulations adopted thereunder, including without limitation rights of cities, towns, county legislative authorities, the public, churches, schools, and public institutions to object to or prevent issuance of local liquor licenses. However, existing grocery premises licensed to sell beer and/or wine are deemed to be premises "now licensed" under RCW 66.24.010(9)(a) for the purpose of processing applications for spirits retail licenses.

(c) The board may not deny a spirits retail license to an otherwise qualified contract liquor store at its contract location or to the holder of former state liquor store operating rights sold at auction under RCW 66.24.620 on the grounds of location, nature, or size of the premises to be licensed. The board may not deny a spirits retail license to applicants that are not contract liquor stores or operating rights holders on the grounds of the size of the premises to be licensed, if such applicant is otherwise qualified and the board determines that:

(i) There is no spirits retail license holder in the trade area that the applicant proposes to serve;

(ii) The applicant meets, or upon licensure will meet, the operational requirements established by the board by rule; and

(iii) The licensee has not committed more than one public safety violation within the three years preceding application.

(d) A retailer authorized to sell spirits for consumption on or off the licensed premises may accept delivery of spirits at its licensed premises, at another licensed premises as designated by the retailer, or at one or more warehouse facilities registered with the board, which facilities may also warehouse and distribute nonliquor items, and from which the retailer may deliver to its own licensed premises and, pursuant to sales permitted under subsection (1) of this section:

(i) To other retailer premises licensed to sell spirits for consumption on the licensed premises;

(ii) To other registered facilities; or

(iii) To lawful purchasers outside the state. The facilities may be registered and utilized by associations, cooperatives, or comparable groups of retailers, including at least one retailer licensed to sell spirits.

(e) For purposes of negotiating volume discounts, a group of individual retailers authorized to sell spirits for consumption off the licensed premises may accept delivery of spirits at their individual licensed premises or at any one of the individual licensee's premises, or at a warehouse facility registered with the board.

(4)(a) Except as otherwise provided in RCW 66.24.632, or in (b) of this subsection, each spirits retail licensee must pay to the board, for deposit into the liquor revolving fund, a license issuance fee equivalent to seventeen percent of all spirits sales revenues under the license, exclusive of taxes collected by the licensee and of sales of items on which a license fee payable under this section has otherwise been incurred. The board must establish rules setting forth the timing of such payments and reporting of sales dollar volume by the licensee, with payments required quarterly in arrears. The first payment is due October 1, 2012.

(b) This subsection (4) does not apply to craft distilleries for sales of spirits of the craft distillery's own production.

(5) In addition to the payment required under subsection (4) of this section, each licensee must pay an annual license renewal fee of one hundred sixty-six dollars. The board must periodically review and adjust the renewal fee as may be required to maintain it as comparable to annual license renewal fees for licenses to sell beer and wine not for consumption on the licensed premises. If required by law at the time, any increase of the annual renewal fee becomes effective only upon ratification by the legislature.

(6) As a condition to receiving and renewing a spirits retail license the licensee must provide training as prescribed by the board by rule for individuals who sell spirits or who manage others who sell spirits regarding compliance with laws and regulations regarding sale of spirits, including without limitation the prohibitions against sale of spirits to individuals who are underage or visibly intoxicated. The training must be provided before the individual first engages in the sale of spirits and must be renewed at least every five years. The licensee must maintain records documenting the nature and frequency of the training provided. An employee training program is presumptively sufficient if it incorporates a "responsible vendor program" adopted by the board.

(7) The maximum penalties prescribed by the board in WAC 314-29-020 through 314-29-040 relating to fines and suspensions are doubled for violations relating to the sale of spirits by spirits retail licensees.

(8)(a) The board must adopt regulations concerning the adoption and administration of a compliance training program for spirits retail licensees, to be known as a "responsible vendor program," to reduce underage drinking, encourage licensees to adopt specific best practices to prevent sales to minors, and provide licensees with an

incentive to give their employees ongoing training in responsible alcohol sales and service.

(b) Licensees who join the responsible vendor program under this section and maintain all of the program's requirements are not subject to the doubling of penalties provided in this section for a single violation in any period of twelve calendar months.

(c) The responsible vendor program must be free, voluntary, and self-monitoring.

(d) To participate in the responsible vendor program, licensees must submit an application form to the board. If the application establishes that the licensee meets the qualifications to join the program, the board must send the licensee a membership certificate.

(e) A licensee participating in the responsible vendor program must at a minimum:

- (i) Provide ongoing training to employees;
- (ii) Accept only certain forms of identification for alcohol sales;
- (iii) Adopt policies on alcohol sales and checking identification;
- (iv) Post specific signs in the business; and
- (v) Keep records verifying compliance with the program's requirements.

(f)(i) A spirits retail licensee that also holds a grocery store license under RCW 66.24.360 or a beer and/or wine specialty shop license under RCW 66.24.371 may, upon board approval and pursuant to board rules, transition to a combination spirits, beer, and wine license pursuant to RCW 66.24.035.

(ii) An applicant that would qualify for a spirits retail license under this section and that qualifies for a combination spirits, beer, and wine license pursuant to RCW 66.24.035 may apply for a license pursuant to RCW 66.24.035 instead of applying for a spirits retail license under this section.

**Sec. 36.** RCW 66.28.310 and 2019 c 149 s 1 are each amended to read as follows:

(1)(a) Nothing in RCW 66.28.305 prohibits an industry member from providing retailers branded promotional items which are of nominal value, singly or in the aggregate. Such items include but are not limited to: Trays, lighters, blotters, postcards, pencils, coasters, menu cards, meal checks, napkins, clocks, mugs, glasses, bottles or can openers, corkscrews, matches, printed recipes, shirts, hats, visors, and other similar items. Branded promotional items:

- (i) Must be used exclusively by the retailer or its employees in a manner consistent with its license;
- (ii) Must bear imprinted advertising matter of the industry member only, except imprinted advertising matter of the industry member can include the logo of a professional sports team which the industry member is licensed to use;

(iii) May be provided by industry members only to retailers and their employees and may not be provided by or through retailers or their employees to retail customers; and

(iv) May not be targeted to or appeal principally to youth.

(b) An industry member is not obligated to provide any such branded promotional items, and a retailer may not require an industry member to provide such branded promotional items as a condition for selling any alcohol to the retailer.

(c) Any industry member or retailer or any other person asserting that the provision of branded promotional items as allowed in (a) of this subsection has resulted or is more likely than not to result in undue influence or an adverse impact on public health and safety, or is otherwise inconsistent with the criteria in (a) of this subsection may file a complaint with the board. Upon receipt of a complaint the board may conduct such investigation as it deems appropriate in the circumstances. If the investigation reveals the provision of branded promotional items has resulted in or is more likely than not to result in undue influence or has resulted or is more likely than not to result in an adverse impact on public health and safety or is otherwise inconsistent with (a) of this subsection the board may issue an administrative violation notice to the industry member, to the retailer, or both. The recipient of the administrative violation notice may request a hearing under chapter 34.05 RCW.

(2) Nothing in RCW 66.28.305 prohibits:

(a) An industry member from providing to a special occasion licensee and a special occasion licensee from receiving services for:

- (i) Installation of draft beer dispensing equipment or advertising;
- (ii) Advertising, pouring, or dispensing of beer or wine at a beer or wine tasting exhibition or judging event; or

(iii) Pouring or dispensing of spirits by a licensed domestic distiller or the accredited representative of a distiller, manufacturer, importer, or distributor of spirituous liquor licensed under RCW 66.24.310; or

(b) Special occasion licensees from paying for beer, wine, or spirits immediately following the end of the special occasion event; or

(c) Wineries, breweries, or distilleries that are participating in a special occasion event from paying reasonable booth fees to the special occasion licensee.

(3) Nothing in RCW 66.28.305 prohibits industry members from performing, and retailers from accepting the service of building, rotating, and restocking displays and stockroom inventories; rotating and rearranging can and bottle displays of their own products; providing point of sale material and brand signs; pricing case goods of their own brands; and performing such similar business services consistent with board rules, or personal services as described in subsection (5) of this section.

(4) Nothing in RCW 66.28.305 prohibits:

(a) Industry members from listing on their internet web sites information related to retailers who sell or promote their products, including direct links to the retailers' internet web sites;

(b) Retailers from listing on their internet web sites information related to industry members whose products those retailers sell or promote, including direct links to the industry members' web sites;

(c) Manufacturers, distributors, or their licensed representatives from using web sites or social media accounts in their name to post, repost, or share promotional information or images about events featuring a product of the manufacturer's own production or a product sold by the distributor, held at an on-premises licensed liquor retailer's location or a licensed special occasion event. The promotional information may include links to purchase event tickets. Manufacturers, distributors, or their licensed representatives may not pay a third party to enhance viewership of a specific post. Industry members, or their licensed representatives, are not obligated to post, repost, or share information or images on a web site or on social media. A licensed liquor retailer may not require an industry member or their licensed representative to post, repost, or share information or images on a web site or on social media as a condition for selling any alcohol to the retailer or participating in a retailer's event; or

(d) Industry members and retailers from producing, jointly or together with regional, state, or local industry associations, brochures and materials promoting tourism in Washington state which contain information regarding retail licensees, industry members, and their products.

(5) Nothing in RCW 66.28.305 prohibits the performance of personal services offered from time to time by a domestic winery or certificate of approval holder to retailers when the personal services are (a) conducted at a licensed premises, and (b) intended to inform, educate, or enhance customers' knowledge or experience of the manufacturer's products. The performance of personal services may include participation and pouring, bottle signing events, and other similar informational or educational activities at the premises of a retailer holding a spirits, beer, and wine restaurant license, a wine and/or beer restaurant license, a specialty wine shop license, a special occasion license, a grocery store license with a tasting endorsement, or a private club license. A domestic winery or certificate of approval holder is not obligated to perform any such personal services, and a retail licensee may not require a domestic winery or certificate of approval holder to conduct any personal service as a condition for selling any alcohol to the retail licensee, or as a condition for including any product of the domestic winery or certificate of approval holder in any tasting conducted by the licensee. Except as provided in RCW 66.28.150, the cost of sampling may not be borne, directly or indirectly, by any domestic winery or certificate of approval holder or any distributor. Nothing in this section prohibits wineries, breweries, microbreweries, certificate of approval holders, and retail licensees from identifying the producers on private labels authorized under

RCW 66.24.400, 66.24.425, 66.24.450, 66.24.360, and 66.24.371.

(6) Nothing in RCW 66.28.305 prohibits an industry member from entering into an arrangement with any holder of a sports entertainment facility license or an affiliated business for brand advertising at the licensed facility or promoting events held at the sports entertainment facility as authorized under RCW 66.24.570.

(7) Nothing in RCW 66.28.305 prohibits the performance of personal services offered from time to time by a domestic brewery, microbrewery, or beer certificate of approval holder to grocery store licensees with a tasting endorsement when the personal services are (a) conducted at a licensed premises in conjunction with a tasting event, and (b) intended to inform, educate, or enhance customers' knowledge or experience of the manufacturer's products. The performance of personal services may include participation and pouring, bottle signing events, and other similar informational or educational activities. A domestic brewery, microbrewery, or beer certificate of approval holder is not obligated to perform any such personal services, and a grocery store licensee may not require the performance of any personal service as a condition for including any product in any tasting conducted by the licensee.

(8) Nothing in RCW 66.28.305 prohibits an arrangement between a domestic winery and a restaurant licensed under RCW 66.24.320 or 66.24.400 to waive a corkage fee.

(9) Nothing in this section prohibits professional sports teams who hold a retail liquor license or their agents from accepting bona fide liquor advertising from manufacturers, importers, distributors, or their agents for use in the sporting arena. Professional sports teams who hold a retail liquor license or their agents may license the manufacturer, importer, distributor, or their agents to use the name and trademarks of the professional sports team in their advertising and promotions, under the following conditions:

(a) Such advertising must be paid for by said manufacturer, importer, distributor, or their agent at the published advertising rate or at a reasonable fair market value.

(b) Such advertising may carry with it no express or implied offer on the part of the manufacturer, importer, distributor, or their agent, or promise on the part of the retail licensee whose operation is directly or indirectly part of the sporting arena, to stock or list any particular brand of liquor to the total or partial exclusion of any other brand.

(10) Nothing in RCW 66.28.305 prohibits a licensed domestic brewery or microbrewery from providing branded promotional items which are of nominal value, singly or in the aggregate, to a nonprofit charitable corporation or association exempt from taxation under 26 U.S.C. Sec. 501(c)(3) of the internal revenue code as it existed on July 24, 2015, for use consistent with the purpose or purposes entitling it to such exemption.

(11) Nothing in RCW 66.28.305 prohibits a distillery, craft distillery, or spirits certificate of approval holder from providing branded promotional items of nominal value, singly or in the aggregate, to a nonprofit charitable corporation or association exempt from taxation under Title 26 U.S.C. Sec. 501(c)(3) of the federal internal revenue code of 1986, as amended, as of the effective date of this section, for use consistent with the purpose or purposes entitling it to such exemption.

**Sec. 37.** RCW 42.56.270 and 2019 c 394 s 10, 2019 c 344 s 14, and 2019 c 212 s 12 are each reenacted and amended to read as follows:

The following financial, commercial, and proprietary information is exempt from disclosure under this chapter:

(1) Valuable formulae, designs, drawings, computer source code or object code, and research data obtained by any agency within five years of the request for disclosure when disclosure would produce private gain and public loss;

(2) Financial information supplied by or on behalf of a person, firm, or corporation for the purpose of qualifying to submit a bid or proposal for (a) a ferry system construction or repair contract as required by RCW 47.60.680 through 47.60.750; (b) highway construction or improvement as required by RCW 47.28.070; or (c) alternative public works contracting procedures as required by RCW 39.10.200 through 39.10.905;

(3) Financial and commercial information and records supplied by private persons pertaining to export services provided under chapters 43.163 and 53.31 RCW, and by persons pertaining to export projects under RCW 43.23.035;

(4) Financial and commercial information and records supplied by businesses or individuals during application for loans or program services provided by chapters 43.325, 43.163, 43.160, 43.330, and 43.168 RCW, or during application for economic development loans or program services provided by any local agency;

(5) Financial information, business plans, examination reports, and any information produced or obtained in evaluating or examining a business and industrial development corporation organized or seeking certification under chapter 31.24 RCW;

(6) Financial and commercial information supplied to the state investment board by any person when the information relates to the investment of public trust or retirement funds and when disclosure would result in loss to such funds or in private loss to the providers of this information;

(7) Financial and valuable trade information under RCW 51.36.120;

(8) Financial, commercial, operations, and technical and research information and data submitted to or obtained by the clean Washington center in applications for, or delivery of, program services under chapter 70.95H RCW;

(9) Financial and commercial information requested by the public stadium authority from any person or

organization that leases or uses the stadium and exhibition center as defined in RCW 36.102.010;

(10)(a) Financial information, including but not limited to account numbers and values, and other identification numbers supplied by or on behalf of a person, firm, corporation, limited liability company, partnership, or other entity related to an application for a horse racing license submitted pursuant to RCW 67.16.260(1)(b), marijuana producer, processor, or retailer license, liquor license, gambling license, or lottery retail license;

(b) Internal control documents, independent auditors' reports and financial statements, and supporting documents: (i) Of house-banked social card game licensees required by the gambling commission pursuant to rules adopted under chapter 9.46 RCW; or (ii) submitted by tribes with an approved tribal/state compact for class III gaming;

(c) Valuable formulae or financial or proprietary commercial information records received during a consultative visit or while providing consultative services to a licensed marijuana business in accordance with RCW 69.50.561;

(11) Proprietary data, trade secrets, or other information that relates to: (a) A vendor's unique methods of conducting business; (b) data unique to the product or services of the vendor; or (c) determining prices or rates to be charged for services, submitted by any vendor to the department of social and health services or the health care authority for purposes of the development, acquisition, or implementation of state purchased health care as defined in RCW 41.05.011;

(12)(a) When supplied to and in the records of the department of commerce:

(i) Financial and proprietary information collected from any person and provided to the department of commerce pursuant to RCW 43.330.050(8); and

(ii) Financial or proprietary information collected from any person and provided to the department of commerce or the office of the governor in connection with the siting, recruitment, expansion, retention, or relocation of that person's business and until a siting decision is made, identifying information of any person supplying information under this subsection and the locations being considered for siting, relocation, or expansion of a business;

(b) When developed by the department of commerce based on information as described in (a)(i) of this subsection, any work product is not exempt from disclosure;

(c) For the purposes of this subsection, "siting decision" means the decision to acquire or not to acquire a site;

(d) If there is no written contact for a period of sixty days to the department of commerce from a person connected with siting, recruitment, expansion, retention, or relocation of that person's business, information described in (a)(ii) of this subsection will be available to the public under this chapter;



(13) Financial and proprietary information submitted to or obtained by the department of ecology or the authority created under chapter 70.95N RCW to implement chapter 70.95N RCW;

(14) Financial, commercial, operations, and technical and research information and data submitted to or obtained by the life sciences discovery fund authority in applications for, or delivery of, grants under ~~((chapter 43.350))~~ RCW 43.330.502, to the extent that such information, if revealed, would reasonably be expected to result in private loss to the providers of this information;

(15) Financial and commercial information provided as evidence to the department of licensing as required by RCW 19.112.110 or 19.112.120, except information disclosed in aggregate form that does not permit the identification of information related to individual fuel licensees;

(16) Any production records, mineral assessments, and trade secrets submitted by a permit holder, mine operator, or landowner to the department of natural resources under RCW 78.44.085;

(17)(a) Farm plans developed by conservation districts, unless permission to release the farm plan is granted by the landowner or operator who requested the plan, or the farm plan is used for the application or issuance of a permit;

(b) Farm plans developed under chapter 90.48 RCW and not under the federal clean water act, 33 U.S.C. Sec. 1251 et seq., are subject to RCW 42.56.610 and 90.64.190;

(18) Financial, commercial, operations, and technical and research information and data submitted to or obtained by a health sciences and services authority in applications for, or delivery of, grants under RCW 35.104.010 through 35.104.060, to the extent that such information, if revealed, would reasonably be expected to result in private loss to providers of this information;

(19) Information gathered under chapter 19.85 RCW or RCW 34.05.328 that can be identified to a particular business;

(20) Financial and commercial information submitted to or obtained by the University of Washington, other than information the university is required to disclose under RCW 28B.20.150, when the information relates to investments in private funds, to the extent that such information, if revealed, would reasonably be expected to result in loss to the University of Washington consolidated endowment fund or to result in private loss to the providers of this information;

(21) Market share data submitted by a manufacturer under RCW 70.95N.190(4);

(22) Financial information supplied to the department of financial institutions, when filed by or on behalf of an issuer of securities for the purpose of obtaining the exemption from state securities registration for small securities offerings provided under RCW 21.20.880 or when filed by or on behalf of an investor for the purpose of purchasing such securities;

(23) Unaggregated or individual notices of a transfer of crude oil that is financial, proprietary, or commercial information, submitted to the department of ecology pursuant to RCW 90.56.565(1)(a), and that is in the possession of the department of ecology or any entity with which the department of ecology has shared the notice pursuant to RCW 90.56.565;

(24) Financial institution and retirement account information, and building security plan information, supplied to the liquor and cannabis board pursuant to RCW 69.50.325, 69.50.331, 69.50.342, and 69.50.345, when filed by or on behalf of a licensee or prospective licensee for the purpose of obtaining, maintaining, or renewing a license to produce, process, transport, or sell marijuana as allowed under chapter 69.50 RCW;

(25) Marijuana transport information, vehicle and driver identification data, and account numbers or unique access identifiers issued to private entities for traceability system access, submitted by an individual or business to the liquor and cannabis board under the requirements of RCW 69.50.325, 69.50.331, 69.50.342, and 69.50.345 for the purpose of marijuana product traceability. Disclosure to local, state, and federal officials is not considered public disclosure for purposes of this section;

(26) Financial and commercial information submitted to or obtained by the retirement board of any city that is responsible for the management of an employees' retirement system pursuant to the authority of chapter 35.39 RCW, when the information relates to investments in private funds, to the extent that such information, if revealed, would reasonably be expected to result in loss to the retirement fund or to result in private loss to the providers of this information except that (a) the names and commitment amounts of the private funds in which retirement funds are invested and (b) the aggregate quarterly performance results for a retirement fund's portfolio of investments in such funds are subject to disclosure;

(27) Proprietary financial, commercial, operations, and technical and research information and data submitted to or obtained by the liquor and cannabis board in applications for marijuana research licenses under RCW 69.50.372, or in reports submitted by marijuana research licensees in accordance with rules adopted by the liquor and cannabis board under RCW 69.50.372;

(28) Trade secrets, technology, proprietary information, and financial considerations contained in any agreements or contracts, entered into by a licensed marijuana business under RCW 69.50.395, which may be submitted to or obtained by the state liquor and cannabis board;

(29) Financial, commercial, operations, and technical and research information and data submitted to or obtained by the Andy Hill cancer research endowment program in applications for, or delivery of, grants under chapter 43.348 RCW, to the extent that such information, if revealed, would reasonably be expected to result in private loss to providers of this information;

(30) Proprietary information filed with the department of health under chapter 69.48 RCW; ~~((and))~~

(31) Records filed with the department of ecology under chapter 70.375 RCW that a court has determined are confidential valuable commercial information under RCW 70.375.130; and

(32) Unaggregated financial, proprietary, or commercial information submitted to or obtained by the liquor and cannabis board in applications for licenses under RCW 66.24.140 or 66.24.145, or in any reports or remittances submitted by a person licensed under RCW 66.24.140 or 66.24.145 under rules adopted by the liquor and cannabis board under chapter 66.08 RCW.

**NEW SECTION. Sec. 38.** A new section is added to chapter 66.24 RCW to read as follows:

The board may adopt rules to implement this act.

**NEW SECTION. Sec. 39.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

**NEW SECTION. Sec. 40.** Sections 3, 5, 6, 7, and 10 of this act take effect January 1, 2021."

Correct the title.

Signed by Representatives Ormsby, Chair; Stokesbary, Ranking Minority Member; Robinson, 1st Vice Chair; Bergquist, 2nd Vice Chair; MacEwen, Assistant Ranking Minority Member; Rude, Assistant Ranking Minority Member; Caldier; Chandler; Chopp; Cody; Corry; Dolan; Dye; Fitzgibbon; Hansen; Hoff; Hudgins; Kraft; Macri; Mosbrucker; Pettigrew; Ryu; Schmick; Senn; Springer; Steele; Sullivan; Sutherland; Tarleton; Tharinger and Ybarra.

MINORITY recommendation: Do not pass. Signed by Representatives Kilduff and Pollet.

Referred to Committee on Appropriations.

February 21, 2020 40.0.

2ESB 5887 Prime Sponsor, Senator Short: Concerning health carrier requirements for prior authorization standards. Reported by Committee on Health Care & Wellness

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 41.** The legislature intends to facilitate patient access to appropriate therapies for newly diagnosed health conditions while recognizing the necessity for health carriers to employ reasonable utilization management techniques.

**Sec. 42.** RCW 48.43.016 and 2019 c 308 s 22 are each amended to read as follows:

(1) A health carrier or its contracted entity that imposes different prior authorization standards and criteria

for a covered service among tiers of contracting providers of the same licensed profession in the same health plan shall inform an enrollee which tier an individual provider or group of providers is in by posting the information on its web site in a manner accessible to both enrollees and providers.

(2)(a) A health carrier or its contracted entity may not require utilization management or review of any kind including, but not limited to, prior, concurrent, or postservice authorization for an initial evaluation and management visit and up to six ((consecutive)) treatment visits with a contracting provider in a new episode of care ((of chiropractic)) for each of the following: Chiropractic, physical therapy, occupational therapy, acupuncture and Eastern medicine, massage therapy, or speech and hearing therapies ((that meet the standards of medical necessity and)). Visits for which utilization management or review is prohibited under this section are subject to quantitative treatment limits of the health plan. Notwithstanding RCW 48.43.515(5) this section may not be interpreted to limit the ability of a health plan to require a referral or prescription for the therapies listed in this section.

(b) For visits for which utilization management or review is prohibited under this section, a health carrier or its contracted entity may not:

(i) Deny or limit coverage on the basis of medical necessity or appropriateness; or

(ii) Retroactively deny care or refuse payment for the visits.

(3) A health carrier shall post on its web site and provide upon the request of a covered person or contracting provider any prior authorization standards, criteria, or information the carrier uses for medical necessity decisions.

(4) A health care provider with whom a health carrier consults regarding a decision to deny, limit, or terminate a person's covered health care services must hold a license, certification, or registration, in good standing and must be in the same or related health field as the health care provider being reviewed or of a specialty whose practice entails the same or similar covered health care service.

(5) A health carrier may not require a provider to provide a discount from usual and customary rates for health care services not covered under a health plan, policy, or other agreement, to which the provider is a party.

(6) Nothing in this section prevents a health carrier from denying coverage based on insurance fraud.

(7) For purposes of this section:

(a) "New episode of care" means treatment for a new ~~((or recurrent))~~ condition or diagnosis for which the enrollee has not been treated by ~~((the))~~ a provider of the same licensed profession within the previous ninety days and is not currently undergoing any active treatment.

(b) "Contracting provider" does not include providers employed within an integrated delivery system operated by a carrier licensed under chapter 48.44 or 48.46 RCW."

Correct the title.

Signed by Representatives Cody, Chair; Macri, Vice Chair; Schmick, Ranking Minority Member; Chambers; Chopp; Davis; DeBolt; Harris; Maycumber; Riccelli; Robinson; Stonier; Thai and Tharinger.

Referred to Committee on Rules for second reading.

February 21, 2020 42.0.

SSB 6029 Prime Sponsor, Committee on Law & Justice: Concerning the uniform directed trust act. Reported by Committee on Civil Rights & Judiciary

MAJORITY recommendation: Do pass. Signed by Representatives Kilduff, Chair; Thai, Vice Chair; Irwin, Ranking Minority Member; Dufault, Assistant Ranking Minority Member; Goodman; Graham; Kirby; Klippert; Orwall; Peterson; Rude; Valdez; Walen and Ybarra.

Referred to Committee on Rules for second reading.

February 21, 2020 42.0.

SSB 6037 Prime Sponsor, Committee on Law & Justice: Concerning business corporations. Reported by Committee on Civil Rights & Judiciary

MAJORITY recommendation: Do pass. Signed by Representatives Kilduff, Chair; Thai, Vice Chair; Goodman; Kirby; Orwall; Peterson; Valdez and Walen.

MINORITY recommendation: Do not pass. Signed by Representatives Irwin, Ranking Minority Member; Dufault, Assistant Ranking Minority Member; Graham; Klippert; Rude and Ybarra.

Referred to Committee on Rules for second reading.

February 21, 2020 42.0.

SB 6038 Prime Sponsor, Senator Rivers: Concerning acupuncture and Eastern medicine. Reported by Committee on Health Care & Wellness

MAJORITY recommendation: Do pass. Signed by Representatives Cody, Chair; Macri, Vice Chair; Schmick, Ranking Minority Member; Chambers; Chopp; Davis; DeBolt; Harris; Maycumber; Riccelli; Robinson; Stonier; Thai and Tharinger.

Referred to Committee on Rules for second reading.

February 21, 2020 42.0.

SSB 6051 Prime Sponsor, Committee on Health & Long Term Care: Concerning health coverage supplementing medicare part D provided through a federally authorized

employer group waiver plan. Reported by Committee on Health Care & Wellness

MAJORITY recommendation: Do pass. Signed by Representatives Cody, Chair; Macri, Vice Chair; Schmick, Ranking Minority Member; Chambers; Chopp; Davis; DeBolt; Harris; Maycumber; Riccelli; Robinson; Stonier; Thai and Tharinger.

Referred to Committee on Rules for second reading.

February 21, 2020 42.0.

SSB 6086 Prime Sponsor, Committee on Behavioral Health Subcommittee to Health & Long Term Care: Increasing access to medications for opioid use disorder. Reported by Committee on Health Care & Wellness

MAJORITY recommendation: Do pass. Signed by Representatives Cody, Chair; Macri, Vice Chair; Schmick, Ranking Minority Member; Chambers; Chopp; Davis; DeBolt; Harris; Maycumber; Riccelli; Robinson; Stonier; Thai and Tharinger.

Referred to Committee on Rules for second reading.

February 20, 2020 42.0.

SB 6120 Prime Sponsor, Senator Conway: Amending types of nonprofit organizations qualified to engage in gambling activities. Reported by Committee on Commerce & Gaming

MAJORITY recommendation: Do pass. Signed by Representatives Peterson, Chair; Kloba, Vice Chair; MacEwen, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Blake; Jenkin; Kirby; Ramel; Vick and Young.

Referred to Committee on Rules for second reading.

February 21, 2020 42.0.

SB 6123 Prime Sponsor, Senator Hunt: Allowing state employee leave for organ donation. Reported by Committee on State Government & Tribal Relations

MAJORITY recommendation: Do pass. Signed by Representatives Gregerson, Chair; Pellicciotti, Vice Chair; Walsh, Ranking Minority Member; Goehner, Assistant Ranking Minority Member; Appleton; Dolan; Hudgins; Mosbrucker and Smith.

Referred to Committee on Rules for second reading.

February 21, 2020 42.0.

**SB 6143** Prime Sponsor, Senator Cleveland:  
Concerning the podiatric medical board.  
Reported by Committee on Health Care &  
Wellness

MAJORITY recommendation: Do pass. Signed by  
Representatives Cody, Chair; Macri, Vice Chair;  
Schmick, Ranking Minority Member; Chambers;  
Chopp; Davis; DeBolt; Harris; Maycumber; Riccelli;  
Robinson; Stonier; Thai and Tharinger.

Referred to Committee on Rules for second reading.

March 2, 2020 42.0.

**ESB 6313** Prime Sponsor, Senator Liias: Increasing  
opportunities for young voters. Reported  
by Committee on Appropriations

MAJORITY recommendation: Do pass as amended by  
Committee on Appropriations and without amendment  
by Committee on State Government & Tribal Relations.

Strike everything after the enacting clause and insert  
the following:

## **"PART I**

### **ACT NAME AND LEGISLATIVE FINDINGS**

**NEW SECTION. Sec. 43.** This act may be known  
and cited as the voting opportunities through education act  
or the VOTE act.

**NEW SECTION. Sec. 44.** The legislature finds that  
robust participation by young voters in Washington state  
elections is critical to ensuring lifelong civic engagement.  
Research has shown that voting is a habitual behavior and  
that people who vote in the first three elections when they  
are eligible will likely vote for life. However, this is also the  
period of time when they are likely to face unique barriers to  
participate in the democratic process, including regularly  
changing their address, becoming eligible shortly after an  
election, and exclusion from certain voter registration  
policies.

The legislature also finds that the period prior to  
election day is the most critical time to ensure ballot access  
for young voters. States with early voting have higher  
participation rates than states that do not and the use of early  
voting sites on college campuses helped produce record  
levels of participation for young voters in 2016 and 2018.

The legislature finds that students that have more  
opportunities to be registered and vote are more likely to  
participate. Limiting statutory voter registration  
opportunities on college campuses to days well in advance  
of election day is inconsistent with implementation of same-  
day voter registration. Making automatic voter registration  
unavailable to those registering for the first time denies  
young voters the same benefits as every other voter.

## **PART II**

### **PERSONS ALLOWED TO VOTE IN PRIMARIES**

**Sec. 45.** RCW 29A.08.210 and 2018 c 109 s 8 are each  
amended to read as follows:

An applicant for voter registration shall complete an  
application providing the following information concerning  
his or her qualifications as a voter in this state:

(1) The former address of the applicant if previously  
registered to vote;

(2) The applicant's full name;

(3) The applicant's date of birth;

(4) The address of the applicant's residence for voting  
purposes;

(5) The mailing address of the applicant if that address  
is not the same as the address in subsection (4) of this  
section;

(6) The sex of the applicant;

(7) The applicant's Washington state driver's license  
number, Washington state identification card number, or the  
last four digits of the applicant's social security number if he  
or she does not have a Washington state driver's license or  
Washington state identification card;

(8) A check box allowing the applicant to indicate that  
he or she is a member of the armed forces, national guard, or  
reserves, or that he or she is an overseas voter;

(9) A check box allowing the applicant to  
acknowledge that he or she is at least ~~((eighteen))~~ sixteen  
years old ~~((or is at least sixteen years old and will vote only  
after he or she reaches the age of eighteen))~~;

(10) Clear and conspicuous language, designed to  
draw the applicant's attention, stating that ~~((the))~~;

(a) The applicant must be a United States citizen in  
order to register to vote; and

(b) The applicant may register to vote if the applicant  
is at least sixteen years old and may vote if the applicant will  
be at least eighteen years old by the next general election, or  
is at least eighteen years old for special elections;

(11) A check box and declaration confirming that the  
applicant is a citizen of the United States;

(12) The following warning:

"If you knowingly provide false information on this  
voter registration form or knowingly make a false  
declaration about your qualifications for voter registration  
you will have committed a class C felony that is punishable  
by imprisonment for up to five years, a fine of up to ten  
thousand dollars, or both."

(13) The oath required by RCW 29A.08.230 and a  
space for the applicant's signature; and

(14) Any other information that the secretary of state  
determines is necessary to establish the identity of the

applicant and prevent duplicate or fraudulent voter registrations.

This information shall be recorded on a single registration form to be prescribed by the secretary of state.

**Sec. 46.** RCW 29A.08.230 and 2013 c 11 s 14 are each amended to read as follows:

For all voter registrations, the registrant shall sign the following oath:

"I declare that the facts on this voter registration form are true. I am a citizen of the United States, I will have lived at this address in Washington for at least thirty days immediately before the next election at which I vote, I ~~((will be))~~ am at least ~~((eighteen))~~ sixteen years old ~~((when I vote))~~, I am not disqualified from voting due to a court order, and I am not under department of corrections supervision for a Washington felony conviction."

**Sec. 47.** RCW 29A.08.330 and 2019 c 391 s 6 are each amended to read as follows:

(1) The secretary of state shall prescribe the method of voter registration for each designated agency. The agency shall use either the state voter registration by mail form with a separate declination form for the applicant to indicate that he or she declines to register at this time, or the agency may use a separate form approved for use by the secretary of state.

(2) The person providing service at the agency shall offer voter registration services to every client whenever he or she applies for service or assistance and with each renewal, recertification, or change of address. The person providing service shall give the applicant the same level of assistance with the voter registration application as is offered to fill out the agency's forms and documents, including information about age and citizenship requirements for voter registration.

(3) The person providing service at the agency shall determine if the prospective applicant wants to register to vote or update his or her voter registration by asking the following question:

"Do you want to register or sign up to vote or update your voter registration?"

If the applicant chooses to register, sign up, or update a registration, the service agent shall ask the following:

(a) "Are you a United States citizen?"

(b) "Are you at least ~~((eighteen))~~ sixteen years old ~~((or are you at least sixteen years old and will you vote only after you turn eighteen))~~?"

If the applicant answers in the affirmative to both questions, the agent shall then provide the applicant with a voter registration form and instructions and shall record that the applicant has requested to sign up to vote, register to vote, or update a voter registration. If the applicant answers in the negative to either question, the agent shall not provide the applicant with a voter registration application.

(4) If an agency uses a computerized application process, it may, in consultation with the secretary of state, develop methods to capture simultaneously the information required for voter registration during a person's computerized application process.

(5) Each designated agency shall transmit the applications to the secretary of state or appropriate county auditor within three business days and must be received by the election official by the required voter registration deadline.

(6) Information that is otherwise disclosable under this chapter cannot be disclosed on the future voter until the person reaches eighteen years of age, except for the purpose of processing and delivering ballots.

**Sec. 48.** RCW 29A.08.810 and 2011 c 10 s 20 are each amended to read as follows:

(1) Registration of a person as a voter is presumptive evidence of his or her right to vote. A challenge to the person's right to vote must be based on personal knowledge of one of the following:

(a) The challenged voter has been convicted of a felony and the voter's civil rights have not been restored;

(b) The challenged voter has been judicially declared ineligible to vote due to mental incompetency;

(c) The challenged voter does not live at the residential address provided, in which case the challenger must either:

(i) Provide the challenged voter's actual residence on the challenge form; or

(ii) Submit evidence that he or she exercised due diligence to verify that the challenged voter does not reside at the address provided and to attempt to contact the challenged voter to learn the challenged voter's actual residence, including that the challenger personally:

(A) Sent a letter with return service requested to the challenged voter's residential address provided, and to the challenged voter's mailing address, if provided;

(B) Visited the residential address provided and contacted persons at the address to determine whether the voter resides at the address and, if not, obtained and submitted with the challenge form a signed affidavit subject to the penalties of perjury from a person who owns or manages property, resides, or is employed at the address provided, that to his or her personal knowledge the challenged voter does not reside at the address as provided on the voter registration;

(C) Searched local telephone directories, including online directories, to determine whether the voter maintains a telephone listing at any address in the county;

(D) Searched county auditor property records to determine whether the challenged voter owns any property in the county; and

(E) Searched the statewide voter registration database to determine if the voter is registered at any other address in the state;

(d) The challenged voter will not be eighteen years of age by the next general election; or

(e) The challenged voter is not a citizen of the United States.

(2) A person's right to vote may be challenged by another registered voter or the county prosecuting attorney.

(3) The challenger must file a signed affidavit subject to the penalties of perjury swearing that, to his or her personal knowledge and belief, having exercised due diligence to personally verify the evidence presented, the challenged voter either is not qualified to vote or does not reside at the address given on his or her voter registration record based on one of the reasons allowed in subsection (1) of this section. The challenger must provide the factual basis for the challenge, including any information required by subsection (1)(c) of this section, in the signed affidavit. The challenge may not be based on unsupported allegations or allegations by anonymous third parties. All documents pertaining to the challenge are public records.

(4) Challenges based on a felony conviction under RCW 29A.08.520 must be heard according to RCW 29A.08.520 and rules adopted by the secretary of state.

### PART III

#### AUTOMATIC VOTER SIGN-UP TO REGISTER

**Sec. 49.** RCW 29A.08.355 and 2018 c 110 s 102 are each amended to read as follows:

(1) The department of licensing ((shall implement an automatic voter registration system so that)) must allow a person age eighteen years or older ((who)) to be registered to vote or update voter registration information by automated process at the time of registration, renewal, or change of address if:

(a) The person meets requirements for voter registration ~~((and))~~;

(b) The person has received or is renewing an enhanced driver's license or identicard issued under RCW 46.20.202 or is changing the address for an existing enhanced driver's license or identicard pursuant to RCW 46.20.205 ~~((may be registered to vote or update voter registration information at the time of registration, renewal, or change of address, by automated process if the))~~; and

(c) The department of licensing record associated with the applicant contains ~~((the))~~;

(i) The data required to determine whether the applicant meets requirements for voter registration under RCW 29A.08.010~~((, other))~~;

(ii) Other information as required by the secretary of state~~((, and includes a))~~; and

(iii) A signature image.

(2) The department of licensing must allow a person sixteen or seventeen years of age to be signed up to register to vote by automated process at the time of registration, renewal, or change of address if:

(a) The person meets requirements to sign up to register to vote;

(b) The person has received or is renewing an enhanced driver's license or identicard issued under RCW 46.20.202 or is changing the address for an existing enhanced driver's license or identicard pursuant to RCW 46.20.205; and

(c) The department of licensing record associated with the applicant contains:

(i) The data required to determine whether the applicant meets the requirements for voter registration under RCW 29A.08.210, other than age;

(ii) Other information as required by the secretary of state; and

(iii) A signature image.

(3) The person must be informed that his or her record will be used for voter registration and offered an opportunity to decline to register.

**Sec. 50.** RCW 46.20.155 and 2018 c 109 s 15 are each amended to read as follows:

(1) Before issuing an original license or identicard or renewing a license or identicard under this chapter, the licensing agent shall determine if the applicant wants to register to vote or update his or her voter registration by asking the following question:

"Do you want to register or sign up to vote or update your voter registration?"

If the applicant chooses to register, sign up, or update a registration, the agent shall ask the following:

(1) "Are you a United States citizen?"

(2) "Are you at least ~~((eighteen))~~ sixteen years old ~~((or are you at least sixteen years old and will you vote only after you turn eighteen))~~?"

If the applicant answers in the affirmative to both questions, the agent shall then submit the registration, sign up form, or update. If the applicant answers in the negative to either question, the agent shall not submit an application. Information that is otherwise disclosable under chapter 29A.08 RCW cannot be disclosed on the future voter until the person reaches eighteen years of age, except for the purpose of processing and delivering ballots.

(2) The department shall establish a procedure that substantially meets the requirements of subsection (1) of this section when permitting an applicant to renew a license or identicard by mail or by electronic commerce.

**Sec. 51.** RCW 28A.230.094 and 2018 c 127 s 2 are each amended to read as follows:

(1)(a) Beginning with or before the 2020-21 school year, each school district that operates a high school must provide a mandatory one-half credit stand-alone course in civics for each high school student. Except as provided by (c) of this subsection, civics content and instruction

embedded in other social studies courses do not satisfy the requirements of this subsection.

(b) Credit awarded to students who complete the civics course must be applied to course credit requirements in social studies that are required for high school graduation.

(c) Civics content and instruction required by this section may be embedded in social studies courses that offer students the opportunity to earn both high school and postsecondary credit.

(2) The content of the civics course must include, but is not limited to:

(a) Federal, state, tribal, and local government organization and procedures;

(b) Rights and responsibilities of citizens addressed in the Washington state and United States Constitutions;

(c) Current issues addressed at each level of government;

(d) Electoral issues, including elections, ballot measures, initiatives, and referenda;

(e) The study and completion of the civics component of the federally administered naturalization test required of persons seeking to become naturalized United States citizens; and

(f) The importance in a free society of living the basic values and character traits specified in RCW 28A.150.211.

(3) By September 1, 2020, the office of the superintendent of public instruction, in collaboration with the Washington state association of county auditors and a 501(c)(3) nonprofit organization engaged in voter outreach and increasing voter participation, shall identify and make available civics materials and resources for use in courses under this section. The materials and resources must be posted on the office of the superintendent of public instruction's web site.

## **PART IV**

### **STUDENT ENGAGEMENT HUBS**

NEW SECTION. **Sec. 52.** A new section is added to chapter 29A.40 RCW to read as follows:

(1) Each state university, regional university, and The Evergreen State College as defined in RCW 28B.10.016 and each higher education campus as defined in RCW 28B.45.012 shall open a nonpartisan student engagement hub on its campus. The student engagement hub may be open during business hours beginning eight days before, and ending at 8:00 p.m. on the day of, the general election. All student engagement hubs must allow students to download their exact ballot from an online portal. Upon request of the student government organization to the administration and the county auditor, the student engagement hub at a state university, regional university, or The Evergreen State College as defined in RCW 28B.10.016 must allow voters to register in person pursuant to RCW 29A.08.140(1)(b) and provide voter registration materials and ballots.

(2) Each institution shall contract with the county auditor for the operation of a student engagement hub under this section.

(3) Student engagement hubs are not voting centers as outlined in RCW 29A.40.160 and must be operated in a manner that avoids partisan influence or electioneering.

## **PART V**

### **VOTERS' PAMPHLETS**

**Sec. 53.** RCW 29A.32.031 and 2013 c 283 s 2 are each amended to read as follows:

The voters' pamphlet published or distributed under RCW 29A.32.010 must contain:

(1) Information about each measure for an advisory vote of the people and each ballot measure initiated by or referred to the voters for their approval or rejection as required by RCW 29A.32.070;

(2) In even-numbered years, statements, if submitted, from candidates for the office of president and vice president of the United States, United States senator, United States representative, governor, lieutenant governor, secretary of state, state treasurer, state auditor, attorney general, commissioner of public lands, superintendent of public instruction, insurance commissioner, state senator, state representative, justice of the supreme court, judge of the court of appeals, or judge of the superior court. Candidates may also submit campaign contact information and a photograph not more than five years old in a format that the secretary of state determines to be suitable for reproduction in the voters' pamphlet;

(3) In odd-numbered years, if any office voted upon statewide appears on the ballot due to a vacancy, then statements and photographs for candidates for any vacant office listed in subsection (2) of this section must appear;

(4) Contact information for the public disclosure commission established under RCW 42.17A.100, including the following statement: "For a list of the people and organizations that donated to state and local candidates and ballot measure campaigns, visit [www.pdc.wa.gov](http://www.pdc.wa.gov)." The statement must be placed in a prominent position, such as on the cover or on the first two pages of the voters' pamphlet. The secretary of state may substitute such language as is necessary for accuracy and clarity and consistent with the intent of this section;

(5) Contact information for major political parties;

(6) A brief statement explaining the deletion and addition of language for proposed measures under RCW 29A.32.080; ~~((and))~~

(7) A list of all student engagement hubs as designated under section 10 of this act; and

(8) Any additional information pertaining to elections as may be required by law or in the judgment of the secretary of state is deemed informative to the voters.

**Sec. 54.** RCW 29A.32.241 and 2016 c 83 s 2 are each amended to read as follows:

(1) The local voters' pamphlet shall include but not be limited to the following:

(a) Appearing on the cover, the words "official local voters' pamphlet," the name of the jurisdiction producing the pamphlet, and the date of the election or primary;

(b) A list of jurisdictions that have measures or candidates in the pamphlet;

(c) Information on how a person may register to vote and obtain a ballot;

(d) The text of each measure accompanied by an explanatory statement prepared by the prosecuting attorney for any county measure or by the attorney for the jurisdiction submitting the measure if other than a county measure. All explanatory statements for city, town, or district measures not approved by the attorney for the jurisdiction submitting the measure shall be reviewed and approved by the county prosecuting attorney or city attorney, when applicable, before inclusion in the pamphlet;

(e) The arguments for and against each measure submitted by committees selected pursuant to RCW 29A.32.280; ~~((and))~~

(f) A list of all student engagement hubs in the county as designated under section 10 of this act; and

(g) For partisan primary elections, information on how to vote the applicable ballot format and an explanation that minor political party candidates and independent candidates will appear only on the general election ballot.

(2) The county auditor's name may not appear in the local voters' pamphlet in his or her official capacity if the county auditor is a candidate for office during the same year. His or her name may only be included as part of the information normally included for candidates.

## PART VI

### HARMONIZING PROVISIONS

**Sec. 55.** RCW 29A.04.061 and 2003 c 111 s 111 are each amended to read as follows:

"Elector" means any person who possesses all of the qualifications to vote under Article VI of the state Constitution, including persons who are seventeen years of age at the primary election or presidential primary election but who will be eighteen years of age by the general election.

**Sec. 56.** RCW 29A.08.110 and 2019 c 391 s 5 are each amended to read as follows:

(1) For persons registering under RCW 29A.08.120, 29A.08.123, 29A.08.170, 29A.08.330, 29A.08.340, 29A.08.362, and 29A.08.365, an application is considered complete only if it contains the information required by RCW 29A.08.010. The applicant is considered to be registered to vote as of ~~((the))~~:

(a) The original date of receipt~~((, or when))~~;

(b) When the person will be at least eighteen years old by the next election; or

(c) When the person will be at least seventeen years old by the next primary election or presidential primary election and eighteen years old by the general election, whichever is applicable.

~~((2))~~ (2) As soon as practicable, the auditor shall record the appropriate precinct identification, taxing district identification, and date of registration on the voter's record in the state voter registration list. The secretary of state shall, pursuant to RCW 29A.04.611, establish procedures to enable new or updated voter registrations to be recorded on an expedited basis. Any mailing address provided shall be used only for mail delivery purposes, and not for precinct assignment or residency purposes. Within sixty days after the receipt of an application or transfer, the auditor shall send to the applicant, by first-class nonforwardable mail, an acknowledgment notice identifying the registrant's precinct and containing such other information as may be required by the secretary of state. The postal service shall be instructed not to forward a voter registration card to any other address and to return to the auditor any card which is not deliverable.

~~((3))~~ (3) If an application is not complete, the auditor shall promptly mail a verification notice to the applicant. The verification notice shall require the applicant to provide the missing information. If the applicant provides the required information within forty-five days, the applicant shall be registered to vote as of the original date of application. The applicant shall not be placed on the official list of registered voters until the application is complete.

~~((4))~~ (4) Once a future voter is no longer in pending status, as described in RCW 29A.08.615, his or her application to sign up to register to vote is no longer pending and is subject to this section.

**Sec. 57.** RCW 29A.08.170 and 2018 c 109 s 5 are each amended to read as follows:

(1) A person may sign up to register to vote if he or she is sixteen or seventeen years of age, as part of the future voter program.

(2) A person who signs up to register to vote may not vote until reaching eighteen years of age~~((, and his or her name))~~ unless the person is seventeen years of age at the primary election or presidential primary election and will be eighteen years of age by the general election. A person who signs up to register to vote may not be added to the statewide voter registration database list of voters until such time as he or she will be ((eighteen years of age by)) eligible to vote in the next election.

**Sec. 58.** RCW 29A.08.172 and 2018 c 109 s 6 are each amended to read as follows:

(1) A person who has attained sixteen years of age may sign up to register to vote, as part of the future voter program, by submitting a voter registration application by mail.

(2) The applicant must attest to the truth of the information provided on the application by affirmatively accepting the information as true.

(3) If signing up to register by mail, the person must provide a signature for voter registration purposes.



(4) The applicant must affirmatively acknowledge that he or she will not vote in a special or general election until his or her eighteenth birthday.

**Sec. 59.** RCW 29A.08.174 and 2018 c 109 s 14 are each amended to read as follows:

(1) A person who has attained sixteen years of age and has a valid Washington state driver's license or identicard may sign up to register to vote as part of the future voter program, by submitting a voter registration application electronically on the secretary of state's web site.

(2) The applicant must attest to the truth of the information provided on the application by affirmatively accepting the information as true.

(3) If signing up to register electronically, the applicant must affirmatively assent to the use of his or her driver's license or identicard signature for voter registration purposes.

(4) The applicant must affirmatively acknowledge that he or she will not vote in a special or general election until his or her eighteenth birthday, and will only vote in a primary election or presidential primary election if he or she will be eighteen years of age by the general election.

(5) For each electronic registration application, the secretary of state must obtain a digital copy of the applicant's driver's license or identicard signature from the department of licensing.

(6) The secretary of state may employ additional security measures to ensure the accuracy and integrity of voter preregistration applications submitted electronically.

**Sec. 60.** RCW 29A.08.359 and 2019 c 391 s 8 are each amended to read as follows:

(1)(a) For persons age eighteen years and older registering under RCW 29A.08.355(1), an application is considered complete only if it contains the information required by RCW 29A.08.010 and other information as required by the secretary of state. The applicant is considered to be registered to vote as of the original date of issuance or renewal or date of change of address of an enhanced driver's license or identicard issued under RCW 46.20.202 or change of address for an existing enhanced driver's license or identicard pursuant to RCW 46.20.205.

(b) For persons sixteen or seventeen years of age registering under RCW 29A.08.355(2), an application is considered complete only if it contains the information required by RCW 29A.08.010 and other information as required by the secretary of state. The applicant is considered to be registered to vote as of the date set forth in RCW 29A.08.110(1).

(c) The information must be transmitted in an expedited manner and must be received by an election official by the required voter registration deadline. The auditor shall record the appropriate precinct identification, taxing district identification, and date of registration on the voter's record in the state voter registration list. Any mailing address provided shall be used only for mail delivery purposes, and not for precinct assignment or residency

purposes. Within sixty days after the receipt of an application or transfer, the auditor shall send to the applicant, by first-class nonforwardable mail, an acknowledgment notice identifying the registrant's precinct and containing such other information as may be required by the secretary of state. The United States postal service shall be instructed not to forward a voter registration card to any other address and to return to the auditor any card which is not deliverable.

~~((b))~~ (d) An auditor may use other means to communicate with potential and registered voters such as, but not limited to, email, phone, or text messaging. The alternate form of communication must not be in lieu of the first-class mail requirements. The auditor shall act in compliance with all voter notification processes established in federal law.

(2) If an application is not complete, the auditor shall promptly mail a verification notice to the applicant. The verification notice must require the applicant to provide the missing information. If the applicant provides the required information within forty-five days, the applicant must be registered to vote. The applicant must not be placed on the official list of registered voters until the application is complete.

(3) If the prospective registration applicant declines to register to vote or the information provided by the department of licensing does not indicate citizenship, the information must not be included on the list of registered voters.

(4) The department of licensing is prohibited from sharing data files used by the secretary of state to certify voters registered through the automated process outlined in RCW 29A.08.355 with any federal agency, or state agency other than the secretary of state. Personal information supplied for the purposes of obtaining a driver's license or identicard is exempt from public inspection pursuant to RCW 42.56.230.

**Sec. 61.** RCW 29A.80.041 and 2009 c 106 s 3 are each amended to read as follows:

Any member of a major political party who is a registered voter in the precinct and who will be at least eighteen years old by the date of the precinct committee officer election may file his or her declaration of candidacy as prescribed under RCW 29A.24.031 with the county auditor for the office of precinct committee officer of his or her party in that precinct. When elected at the primary, the precinct committee officer shall serve so long as the committee officer remains an eligible voter in that precinct.

**Sec. 62.** RCW 29A.84.140 and 2018 c 109 s 13 are each amended to read as follows:

A person who knows that he or she does not possess the legal qualifications of a voter and who registers to vote is guilty of a class C felony. This section does not apply to persons age sixteen or seventeen signing up to register to vote as authorized under RCW 29A.08.170 or 29A.08.355(2).

**Sec. 63.** RCW 46.20.156 and 2018 c 110 s 105 are each amended to read as follows:

For persons eighteen years of age or older who meet requirements for voter registration and persons sixteen or seventeen years of age who meet requirements to sign up to register to vote, who have been issued or are renewing an enhanced driver's license or identicard under RCW 46.20.202 or applying for a change of address for an existing enhanced driver's license or identicard pursuant to RCW 46.20.205, and have not declined to register to vote, the department shall produce and transmit to the secretary of state the following information from the records of each individual: The name, address, date of birth, gender of the applicant, the driver's license number, signature image, and the date on which the application was submitted. The department and the secretary of state shall process information as an automated application on a daily basis.

## PART VII

### OTHER PROVISIONS

**Sec. 64.** RCW 29A.08.140 and 2019 c 391 s 4 are each amended to read as follows:

(1) In order to vote in any primary, special election, or general election, a person who is not registered to vote in Washington must:

(a) Submit a registration application that is received by an election official no later than eight days before the day of the primary, special election, or general election. For purposes of this subsection (1)(a), "received" means: (i) Being physically received by an election official by the close of business of the required deadline; or (ii) for applications received online or electronically, by midnight, of the required deadline; or

(b) Register in person at ~~((the))~~ a county auditor's office, the division of elections if in a separate city from the county auditor's office, a voting center, a student engagement hub, or other location designated by the county auditor ~~((in his or her county of residence))~~ no later than 8:00 p.m. on the day of the primary, special election, or general election.

(2) ~~((a))~~ (a) In order to change a residence address for voting in any primary, special election, or general election, a person who is already registered to vote in Washington may update his or her registration by:

~~((a))~~ (i) Submitting an address change using a registration application or making notification via any non-in-person method that is received by election officials no later than eight days before the day of the primary, special election, or general election; or

~~((b))~~ (ii) Appearing in person, at ~~((the))~~ a county auditor's office, the division of elections if in a separate city from the county auditor's office, a voting center, or other location designated by the county auditor ~~((in his or her county of residence))~~, no later than 8:00 p.m. on the day of the primary, special election, or general election to be in effect for that primary, special election, or general election.

~~((c))~~ (b) A registered voter who fails to update his or her residential address by this deadline may vote according to his or her previous registration address.

(3) To register or update a voting address in person at ~~((the))~~ a county auditor's office, a voting center, or other location designated by the county auditor, a person must appear in person at ~~((the))~~ a county auditor's office, a voting center, or other location designated by the county auditor ~~((in the county in which the person resides))~~ at a time when the facility is open and complete the voter registration application by providing the information required by RCW 29A.08.010.

**NEW SECTION. Sec. 65.** Subject to the availability of amounts appropriated for this specific purpose, the secretary of state may provide grants to county auditors to implement section 10 of this act.

**NEW SECTION. Sec. 66.** Sections 3, 5, 6, and 13 through 17 of this act take effect January 1, 2022.

**NEW SECTION. Sec. 67.** Sections 7, 8, 18, 20, and 21 of this act take effect September 1, 2023."

Correct the title.

**EFFECT:** Requires student engagement hubs to allow students to download ballots from an online portal and removes the requirement that hubs must provide replacement ballots. Requires, upon request of student government organizations, student engagement hubs to provide ballots in addition to voter registration materials. Specifies that student engagement hubs are nonpartisan and must be operated in a manner that avoids partisan influence or electioneering. Clarifies that student engagement hubs are not voting centers.

Signed by Representatives Ormsby, Chair; Robinson, 1st Vice Chair; Bergquist, 2nd Vice Chair; Chopp; Cody; Dolan; Fitzgibbon; Hansen; Hudgins; Kilduff; Macri; Pettigrew; Pollet; Ryu; Senn; Springer; Sullivan; Tarleton and Tharinger.

MINORITY recommendation: Do not pass. Signed by Representatives Stokesbary, Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Rude, Assistant Ranking Minority Member; Caldier; Chandler; Dye; Hoff; Kraft; Mosbrucker; Schmick; Steele; Sutherland and Ybarra.

MINORITY recommendation: Without recommendation. Signed by Representative Corry.

Referred to Committee on Appropriations.

February 20, 2020 67.0.

SB 6357

Prime Sponsor, Senator Conway:  
Increasing the dollar limit of pull-tabs.  
Reported by Committee on Commerce & Gaming

MAJORITY recommendation: Do pass. Signed by Representatives Peterson, Chair; Kloba, Vice Chair; MacEwen, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Blake; Jenkin; Kirby; Ramel; Vick and Young.

Referred to Committee on Rules for second reading.

February 20, 2020 67.0.

SSB 6392 Prime Sponsor, Committee on Labor & Commerce: Creating a local wine industry association license. Reported by Committee on Commerce & Gaming

MAJORITY recommendation: Do pass. Signed by Representatives Peterson, Chair; Kloba, Vice Chair; MacEwen, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Blake; Jenkin; Kirby; Ramel; Vick and Young.

Referred to Committee on Rules for second reading.

February 21, 2020 67.0.

SSB 6499 Prime Sponsor, Committee on State Government, Tribal Relations & Elections: Concerning the confidentiality of retirement system files and records relating to health information. Reported by Committee on State Government & Tribal Relations

MAJORITY recommendation: Do pass. Signed by Representatives Gregerson, Chair; Pellicciotti, Vice Chair; Walsh, Ranking Minority Member; Goehner, Assistant Ranking Minority Member; Appleton; Dolan; Hudgins; Mosbrucker and Smith.

Referred to Committee on Rules for second reading.

February 21, 2020 67.0.

SB 6567 Prime Sponsor, Senator Frockt: Recognizing the eighteenth day of December as blood donor day. Reported by Committee on State Government & Tribal Relations

MAJORITY recommendation: Do pass. Signed by Representatives Gregerson, Chair; Pellicciotti, Vice Chair; Walsh, Ranking Minority Member; Goehner, Assistant Ranking Minority Member; Appleton; Dolan; Hudgins; Mosbrucker and Smith.

Referred to Committee on Rules for second reading.

There being no objection, the bills listed on the day's committee reports under the fifth order of business were referred to the committees so designated.

There being no objection, the House advanced to the eighth order of business.

### MOTION

There being no objection, the Committee on Education was relieved of SENATE BILL NO. 6117, and the bill was referred to the Committee on Appropriations.

There being no objection, the House adjourned until 10:00 a.m., February 26, 2020, the 45th Day of the Regular Session.

LAURIE JINKINS, Speaker

BERNARD DEAN, Chief Clerk

**SIXTY SIXTH LEGISLATURE - REGULAR SESSION****FORTY FIFTH DAY**

House Chamber, Olympia, Wednesday, February 26, 2020

The House was called to order at 10:00 a.m. by the Speaker (Representative Lovick presiding). The Clerk called the roll and a quorum was present.

February 26, 2020

The flags were escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Scott Hermann and Lucy Holmes. The Speaker (Representative Lovick presiding) led the Chamber in the Pledge of Allegiance. The prayer was offered by Armand Minthorn, Spiritual Advisor, Confederated Tribes of the Umatilla Indian Nation Board of Trustees, Washington.

Reading of the Journal of the previous day was dispensed with and it was ordered to stand approved.

**SPEAKER'S PRIVILEGE**

The Speaker (Representative Lovick presiding) introduced the Tahoma High School Volleyball team in honor of their first state championship and recognized by House Resolution 4659, and asked the members to acknowledge them.

There being no objection, the House advanced to the eighth order of business.

**MOTION**

There being no objection, the Committee on Rules was relieved of the following bills and the bills were placed on the second reading calendar:

HOUSE BILL NO. 2032  
HOUSE BILL NO. 2236  
HOUSE BILL NO. 2248  
HOUSE BILL NO. 2804  
HOUSE BILL NO. 2825  
HOUSE BILL NO. 2880  
HOUSE BILL NO. 2903  
SUBSTITUTE SENATE BILL NO. 5097  
ENGROSSED SENATE BILL NO. 5282  
SECOND ENGROSSED SENATE BILL NO. 5887  
SUBSTITUTE SENATE BILL NO. 6029  
SUBSTITUTE SENATE BILL NO. 6037  
SENATE BILL NO. 6038  
SUBSTITUTE SENATE BILL NO. 6051  
SUBSTITUTE SENATE BILL NO. 6052  
SENATE BILL NO. 6131

There being no objection, the House reverted to the third order of business.

**MESSAGE FROM THE SENATE**

Mme. SPEAKER:

The Senate has passed:

ENGROSSED HOUSE BILL NO. 1687,  
HOUSE BILL NO. 1750,

and the same are herewith transmitted.

Brad Hendrickson, Secretary

There being no objection, the House advanced to the fourth order of business.

**INTRODUCTION & FIRST READING**

HB 2951 by Representatives Hoff, Wylie, Vick and Mosbrucker

AN ACT Relating to auto mall directional signs; and adding a new section to chapter 47.36 RCW.

Referred to Committee on Transportation.

There being no objection, the bill listed on the day's introduction sheet under the fourth order of business was referred to the committee so designated.

There being no objection, the House advanced to the fifth order of business.

**REPORTS OF STANDING COMMITTEES**

February 25, 2020 67.0.

HB 2936 Prime Sponsor, Representative Steele: Adjusting predesign requirements and thresholds. Reported by Committee on Capital Budget

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Tharinger, Chair; Callan, Vice Chair; Doglio, Vice Chair; Smith, Assistant Ranking Minority Member; Steele, Assistant Ranking Minority Member; Corry; Davis; Dye; Eslick; Gildon; Harris; Jenkin; Leavitt; Lekanoff; Maycumber; Morgan; Pellicciotti; Peterson; Riccelli; Santos; Sells; Stonier and Walsh.

Referred to Committee on Rules for second reading.

February 24, 2020 67.0.

March 2, 2020 67.0.

SB 5197 Prime Sponsor, Senator Hobbs:  
Concerning the Washington national guard  
postsecondary education grant program.  
Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by  
Representatives Ormsby, Chair; Stokesbary, Ranking  
Minority Member; Robinson, 1st Vice Chair; Bergquist,  
2nd Vice Chair; MacEwen, Assistant Ranking Minority  
Member; Rude, Assistant Ranking Minority Member;  
Caldier; Chandler; Chopp; Cody; Corry; Dolan; Dye;  
Hansen; Hoff; Hudgins; Kilduff; Kraft; Macri;  
Mosbrucker; Pettigrew; Pollet; Ryu; Schmick; Senn;  
Springer; Steele; Sullivan; Sutherland; Tarleton;  
Tharinger and Ybarra.

MINORITY recommendation: Without  
recommendation. Signed by Representative Fitzgibbon.

Referred to Committee on Appropriations.

February 29, 2020 67.0.

SB 6170 Prime Sponsor, Senator Keiser:  
Concerning plumbing. Reported by  
Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by  
Representatives Ormsby, Chair; Stokesbary, Ranking  
Minority Member; Robinson, 1st Vice Chair; Bergquist,  
2nd Vice Chair; Rude, Assistant Ranking Minority  
Member; Caldier; Chandler; Chopp; Cody; Corry;  
Dolan; Dye; Fitzgibbon; Hansen; Hoff; Hudgins;  
Kilduff; Kraft; Macri; Mosbrucker; Pettigrew; Ryu;  
Schmick; Senn; Springer; Steele; Sullivan; Sutherland;  
Tarleton; Tharinger and Ybarra.

Referred to Committee on Appropriations.

February 24, 2020 67.0.

SSB 6409 Prime Sponsor, Committee on Labor &  
Commerce: Providing an exemption from  
electrical licensing, certification, and  
inspection for industrial equipment.  
Reported by Committee on Labor &  
Workplace Standards

MAJORITY recommendation: Do pass. Signed by  
Representatives Sells, Chair; Chapman, Vice Chair;  
Mosbrucker, Ranking Minority Member; Gregerson;  
Hoff and Ormsby.

MINORITY recommendation: Do not pass. Signed by  
Representative Chandler, Assistant Ranking Minority  
Member.

Referred to Committee on Rules for second reading.

ESB 6421 Prime Sponsor, Senator Muzzall:  
Extending the farm internship program.  
Reported by Committee on Labor &  
Workplace Standards

MAJORITY recommendation: Do pass. Signed by  
Representatives Sells, Chair; Chapman, Vice Chair;  
Mosbrucker, Ranking Minority Member; Chandler,  
Assistant Ranking Minority Member; Gregerson; Hoff  
and Ormsby.

Referred to Committee on Rules for second reading.

February 25, 2020 67.0.

SSB 6670 Prime Sponsor, Committee on Agriculture,  
Water, Natural Resources & Parks:  
Encouraging access to state parks through  
cooperative programs with libraries.  
Reported by Committee on Housing,  
Community Development & Veterans

MAJORITY recommendation: Do pass. Signed by  
Representatives Jenkin, Ranking Minority Member;  
Gildon, Assistant Ranking Minority Member; Ryu,  
Chair; Morgan, Vice Chair; Frame; Johnson, J.; Leavitt  
and Ramel.

Referred to Committee on Rules for second reading.

There being no objection, the bills listed on the day's  
committee reports under the fifth order of business were  
referred to the committees so designated.

There being no objection, the House adjourned until  
10:00 a.m., February 27, 2020, the 46th Day of the Regular  
Session.

LAURIE JINKINS, Speaker  
BERNARD DEAN, Chief Clerk

## SIXTY SIXTH LEGISLATURE - REGULAR SESSION

## FORTY SIXTH DAY

The House was called to order at 10:00 a.m. by the Speaker (Representative Tarleton presiding). The Clerk called the roll and a quorum was present.

The flags were escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Meg Spidle and Thaddeus Schaefer. The Speaker (Representative Tarleton presiding) led the Chamber in the Pledge of Allegiance. The prayer was offered by Representative Drew Hansen, 23<sup>rd</sup> legislative district.

Reading of the Journal of the previous day was dispensed with and it was ordered to stand approved.

## RESOLUTION

**HOUSE RESOLUTION NO. 2020-4668, by Representatives Slatter, Ryu, Callan, Thai, Dufault, and Ramel**

WHEREAS, Women in Cloud celebrates female entrepreneurs in the tech industry as a source of inspiration and support that connects and empowers women throughout Washington and beyond; and

WHEREAS, Washington is home to many thriving tech companies; and

WHEREAS, Women in Cloud cultivates partnerships with innovative companies, leaders, and governments to advance the success of women in tech; and

WHEREAS, Women in Cloud strives to change industry narratives by creating economic access for women in the cloud economy; and

WHEREAS, The underrepresentation of women in tech leadership not only harms technological development, societal and economic growth, but is also unacceptable in the 21st century; and

WHEREAS, Only ten percent of leadership positions in the tech industry are held by women and more than half of U.S. tech start-ups lack female representation on their boards; and

WHEREAS, Fifty-six percent of women in tech fields leave their positions midcareer, double the turnover rate for men; and

WHEREAS, Female mentorship in tech fosters valuable skills in communication, leadership, adaptation, and networking; and

WHEREAS, Inclusivity and representation empower young women and girls to pursue careers in tech; and

House Chamber, Olympia, Thursday, February 27, 2020

WHEREAS, Women in Cloud connects female entrepreneurs with leaders in business, tech, and politics to further opportunities for growth and mentorship; and

WHEREAS, Women in Cloud is partnering with global leaders and women entrepreneurs with an aim to create one billion dollars in economic access in the public and private sector by 2030; and

WHEREAS, Women in Cloud will expand their accelerator programs in 2020 to reach eight additional countries including India and Canada; and

WHEREAS, The 2021 Women in Cloud Summit will be an international event dedicated to uplifting women in tech across North America, India, Africa, and Europe;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State House of Representatives recognize the achievements of the Women in Cloud Initiative to foster opportunities for emerging women entrepreneurs and leaders in the tech field around the world.

There being no objection, HOUSE RESOLUTION NO. 4668 was adopted.

## RESOLUTION

**HOUSE RESOLUTION NO. 2020-4669, by Representative Dufault**

WHEREAS, It is the policy of the Washington State Legislature to recognize excellence in all fields of endeavor; and

WHEREAS, Brian Winter was born in Pasadena, California, and grew up in Harrah, Washington, graduating in 1977 from White Swan High School; and

WHEREAS, Brian Winter earned a bachelor's degree in law and justice at Central Washington University in 1983; and

WHEREAS, Brian Winter joined the United States Marine Corps, and worked as an auxiliary police officer in Union Gap; and

WHEREAS, Brian Winter served his country with distinction and honor in the Marine Corps, including combat deployment in support of both Operation Desert Storm and Operation Iraqi Freedom; and

WHEREAS, Brian Winter served his community for twenty-seven years in the Yakima County Sheriff's Office, including four years as the elected Yakima County Sheriff; and

WHEREAS, Sheriff Brian Winter increased public safety during his time as sheriff, including strengthening Block Watch programs, building plans for active shooter situations, investing in a new crime tracking system, expanding training opportunities, and working to improve law enforcement relationships with the community; and

WHEREAS, Brian Winter exhibited the highest levels of excellence during his lengthy years of public service; and

WHEREAS, Yakima County Sheriff Brian Winter retired in 2018 due to medical conditions associated with ALS (Lou Gehrig's disease) after a successful career of nearly thirty years in law enforcement; and

WHEREAS, Former Sheriff Winter put his trust in God as he fought to maintain his health, but succumbed to the disease on January 25, 2020; and

WHEREAS, Brian Winter leaves behind a wife, Tammy, and their three adult children;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives of the state of Washington posthumously recognize the late Sheriff Brian Winter for his years of dedicated service, his personal and professional integrity, and for making Yakima County and the state of Washington a better place to live, work, and raise a family; and

BE IT FURTHER RESOLVED, That a copy of this Resolution be immediately transmitted by the Chief Clerk of the House of Representatives to the family of the late Sheriff Brian Winter.

There being no objection, HOUSE RESOLUTION NO. 4669 was adopted.

#### **RESOLUTION**

#### **HOUSE RESOLUTION NO. 2020-4670, by Representative Dufault**

WHEREAS, It is the policy of the Washington State House of Representatives to recognize excellence in all fields of endeavor; and

WHEREAS, Ricardo R. Garcia was born in San Diego, Texas, attended a bilingual elementary and high school where he learned to speak, read, and write fluently in Spanish and English, and graduated from high school in 1957; and

WHEREAS, Ricardo R. Garcia entered the United States Army, training in Fort Ord, California, serving in South Korea, and finally ending his service at Fort Lewis, Washington; and

WHEREAS, It was the United States Army that brought him to the Yakima Valley where he participated in Army maneuvers, became involved in the Valley with farm workers from Texas doing harvest work, and met his future wife, Monica; and

WHEREAS, Ricardo R. Garcia attended the local community college in 1966 and graduated from Central Washington University; and

WHEREAS, Ricardo R. Garcia became a strong advocate for farm workers and, as part of that advocacy, was one of four men who helped to create the nation's second noncommercial Spanish language radio station, KDNA, in Granger, Washington, in December 1979; and

WHEREAS, KDNA became known as Radio Cadena, "La Voz Del Campesino," — or, "The Voice of the Farm Worker," — because it educated farm workers, advocated farm worker's organizations, and provided Spanish language programs to non-English speaking families; and

WHEREAS, Ricardo R. Garcia served as station manager of KDNA for many years, but is now retired from the radio station; and

WHEREAS, KDNA 91.9 FM is the only public and educational radio station in Spanish that transmits twenty-four hours a day in Washington state and reaches listeners across southeast Washington and northern Oregon, and via the internet; and

WHEREAS, KDNA Radio Cadena recently celebrated its fortieth anniversary broadcasting on the air and reaching about 17,000 people while they work in the fields and drive home from packing warehouses; and

WHEREAS, Ricardo R. Garcia remains active on local boards and advisory groups to state agencies, a community foundation, and consults on health and education matters;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives of the state of Washington recognize Ricardo R. Garcia and KDNA Radio Cadena 91.9 FM for outstanding achievements and contributions to the Latino farm worker community and Spanish-speaking people of Central Washington; and

BE IT FURTHER RESOLVED, That a copy of this Resolution be immediately transmitted by the Chief Clerk of the House of Representatives to Ricardo R. Garcia and representatives of KDNA Radio Cadena 91.9 FM.

There being no objection, HOUSE RESOLUTION NO. 4670 was adopted.

#### **RESOLUTION**

#### **HOUSE RESOLUTION NO. 2020-4671, by Representative Blake**

WHEREAS, Lori Christian, an esteemed resident of Chehalis and a student at William F. West High School, has achieved national recognition for exemplary volunteer service by receiving a 2020 Prudential Spirit of Community award; and

WHEREAS, This prestigious award, presented by Prudential Financial in partnership with the National Association of Secondary School Principals, honors young volunteers across America who have demonstrated an extraordinary commitment to serving their communities; and

WHEREAS, Ms. Christian earned this award by giving generously her time and energy to founding Teens for

Abused Children and handling its numerous proceedings; and

WHEREAS, The success of the state of Washington, the strength of our communities, and the overall vitality of American society depend, in great measure, upon the dedication of young people like Ms. Christian who use their considerable talents and resources to serve others;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives congratulate and honor Ms. Christian as a recipient of a Prudential Spirit of Community Award, recognizing her outstanding record of volunteer service, peer leadership, and community spirit, and extend our best wishes for her continued success and happiness.

There being no objection, HOUSE RESOLUTION NO. 4671 was adopted.

#### **SPEAKER'S PRIVILEGE**

The Speaker (Representative Tarleton presiding) recognized the staff of TVW for their 25<sup>th</sup> year anniversary and asked the members to acknowledge them.

The Speaker (Representative Tarleton presiding) called upon Representative Lovick to preside.

There being no objection, the House advanced to the third order of business.

#### **MESSAGE FROM THE SENATE**

February 26, 2020

Mme. SPEAKER:

The Senate has passed:

ENGROSSED SUBSTITUTE SENATE BILL NO.  
6248,

and the same is herewith transmitted.

Brad Hendrickson, Secretary

There being no objection, the House advanced to the fourth order of business.

#### **INTRODUCTION & FIRST READING**

HB 2952 by Representatives Vick, Stokesbary, Dent, Harris, Van Werven, Walsh and Graham

AN ACT Relating to removing the automatic adjustment of the per barrel hazardous substances tax rate on petroleum products; and amending RCW 82.21.030.

Referred to Committee on Finance.

HB 2953 by Representatives Hoff, Stokesbary, Dent, Eslick, Harris, Van Werven, Walsh, Young and Graham

AN ACT Relating to delaying the business and occupation tax increase on health care services; amending RCW 82.04.290; creating a new section; providing an effective date; and declaring an emergency.

Referred to Committee on Finance.

HB 2954 by Representatives Orcutt, Stokesbary, Dufault, Eslick, Harris, MacEwen, Van Werven, Walsh, Gildon, Maycumber, Sutherland, Young, Hoff, Barkis, Dent, Vick, Graham, Griffey and Jenkin

AN ACT Relating to reducing the state property tax rate for calendar years 2021, 2022, and 2023; amending RCW 84.52.065; and creating a new section.

Referred to Committee on Finance.

There being no objection, the bills listed on the day's introduction sheet under the fourth order of business were referred to the committees so designated.

There being no objection, the House advanced to the fifth order of business.

#### **REPORTS OF STANDING COMMITTEES**

February 25, 2020 67.0.

ESSB 5006 Prime Sponsor, Committee on Labor & Commerce: Allowing the sale of wine by microbrewery license holders. (REVISED FOR ENGROSSED: Creating a new on-premises endorsement for domestic wineries and domestic breweries and microbreweries. ) Reported by Committee on Commerce & Gaming

MAJORITY recommendation: Do pass. Signed by Representatives Peterson, Chair; MacEwen, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Blake; Jenkin; Kirby; Morgan; Ramel; Vick and Young.

Referred to Committee on Rules for second reading.

February 25, 2020 67.0.

SSB 5247 Prime Sponsor, Committee on Ways & Means: Addressing catastrophic incidents that are natural or human-caused emergencies. Reported by Committee on Housing, Community Development & Veterans

MAJORITY recommendation: Do pass as amended.



Strike everything after the enacting clause and insert the following:

"**NEW SECTION. Sec. 68.** (1) The legislature finds that the widespread impact of damage, casualties, and displacement of people resulting from a catastrophic incident makes it one of the most important topics in emergency management today. A catastrophic incident can result in tens of thousands of casualties and displaced people, and significantly disrupt the functioning of our infrastructure and economy; will almost immediately exceed the resources normally available to state, tribal, local, and private sector authorities for response; and will significantly disrupt governmental operations, schools, and the availability of emergency services. The characteristics of the precipitating event will severely aggravate the response strategy and quickly exhaust the capabilities and resources available in the impacted area, requiring significant resources from outside the area.

(2) The legislature further finds that joint local, state, and federal agencies must plan and prepare to provide extraordinary levels of lifesaving, life-sustaining, and other resources necessary to respond to the no notice or short notice hazard represented by a seismic catastrophic incident. Schools with their large number of vulnerable children, will need focused additional assistance to plan for seismic risks.

**Sec. 69.** RCW 38.52.030 and 2019 c 471 s 3 are each amended to read as follows:

(1) The director may employ such personnel and may make such expenditures within the appropriation therefor, or from other funds made available for purposes of emergency management, as may be necessary to carry out the purposes of this chapter.

(2) The director, subject to the direction and control of the governor, shall be responsible to the governor for carrying out the program for emergency management of this state. The director shall coordinate the activities of all organizations for emergency management within the state, and shall maintain liaison with and cooperate with emergency management agencies and organizations of other states and of the federal government, and shall have such additional authority, duties, and responsibilities authorized by this chapter, as may be prescribed by the governor.

(3) The director shall develop and maintain a comprehensive, all-hazard emergency plan and a catastrophic incident emergency response plan for the state which shall include an analysis of the natural, technological, or human-caused hazards which could affect the state of Washington, and shall include the procedures to be used during emergencies for coordinating local resources, as necessary, and the resources of all state agencies, departments, commissions, and boards. The comprehensive emergency management plan shall direct the department in times of state emergency to administer and manage the state's emergency operations center. This will include representation from all appropriate state agencies and be available as a single point of contact for the authorizing of state resources or actions, including emergency permits. The comprehensive emergency management plan must specify the use of the incident command system for

multiagency/multijurisdiction operations. The comprehensive, all-hazard emergency plan authorized under this subsection may not include preparation for emergency evacuation or relocation of residents in anticipation of nuclear attack. This plan shall be known as the comprehensive emergency management plan.

(4) Subject to the availability of amounts appropriated for this specific purpose, the director may develop guidance, in consultation with the office of the superintendent of public instruction, that may be used by local school districts in developing, maintaining, training, and exercising catastrophic incident plans.

(5) In accordance with the comprehensive emergency management plans and the programs for the emergency management of this state, the director shall procure supplies and equipment, institute training programs and public information programs, and shall take all other preparatory steps, including the partial or full mobilization of emergency management organizations in advance of actual disaster, to insure the furnishing of adequately trained and equipped forces of emergency management personnel in time of need.

~~((5))~~ (6) The director shall make such studies and surveys of the industries, resources, and facilities in this state as may be necessary to ascertain the capabilities of the state for emergency management, and shall plan for the most efficient emergency use thereof.

~~((6))~~ (7) The emergency management council shall advise the director on all aspects of the communications and warning systems and facilities operated or controlled under the provisions of this chapter.

~~((7))~~ (8) The director, through the state enhanced 911 coordinator, shall coordinate and facilitate implementation and operation of a statewide enhanced 911 emergency communications network.

~~((8))~~ (9) The director shall appoint a state coordinator of search and rescue operations to coordinate those state resources, services and facilities (other than those for which the state director of aeronautics is directly responsible) requested by political subdivisions in support of search and rescue operations, and on request to maintain liaison with and coordinate the resources, services, and facilities of political subdivisions when more than one political subdivision is engaged in joint search and rescue operations.

~~((9))~~ (10) The director, subject to the direction and control of the governor, shall prepare and administer a state program for emergency assistance to individuals within the state who are victims of a natural, technological, or human-caused disaster, as defined by RCW 38.52.010~~((6))~~ (9). Such program may be integrated into and coordinated with disaster assistance plans and programs of the federal government which provide to the state, or through the state to any political subdivision thereof, services, equipment, supplies, materials, or funds by way of gift, grant, or loan for purposes of assistance to individuals affected by a disaster. Further, such program may include, but shall not be limited to, grants, loans, or gifts of services, equipment, supplies, materials, or funds of the state, or any political subdivision thereof, to individuals who, as a result of a disaster, are in

need of assistance and who meet standards of eligibility for disaster assistance established by the department of social and health services: PROVIDED, HOWEVER, That nothing herein shall be construed in any manner inconsistent with the provisions of Article VIII, section 5 or section 7 of the Washington state Constitution.

~~((40))~~ (11) The director shall appoint a state coordinator for radioactive and hazardous waste emergency response programs. The coordinator shall consult with the state radiation control officer in matters relating to radioactive materials. The duties of the state coordinator for radioactive and hazardous waste emergency response programs shall include:

(a) Assessing the current needs and capabilities of state and local radioactive and hazardous waste emergency response teams on an ongoing basis;

(b) Coordinating training programs for state and local officials for the purpose of updating skills relating to emergency mitigation, preparedness, response, and recovery;

(c) Utilizing appropriate training programs such as those offered by the federal emergency management agency, the department of transportation and the environmental protection agency; and

(d) Undertaking other duties in this area that are deemed appropriate by the director.

~~((41))~~ (12) The director is responsible to the governor to lead the development and management of a program for interagency coordination and prioritization of continuity of operations planning by state agencies. Each state agency is responsible for developing an organizational continuity of operations plan that is updated and exercised annually in compliance with the program for interagency coordination of continuity of operations planning.

~~((42))~~ (13) The director shall maintain a copy of the continuity of operations plan for election operations for each county that has a plan available.

~~((43))~~ (14) Subject to the availability of amounts appropriated for this specific purpose, the director is responsible to the governor to lead the development and management of a program to provide information and education to state and local government officials regarding catastrophic incidents and continuity of government planning to assist with statewide development of continuity of government plans by all levels and branches of state and local government that address how essential government functions and services will continue to be provided following a catastrophic incident."

Correct the title.

Strike everything after the enacting clause and insert the following:

"**NEW SECTION. Sec. 70.** (1) The legislature finds that the widespread impact of damage, casualties, and

displacement of people resulting from a catastrophic incident makes it one of the most important topics in emergency management today. A catastrophic incident can result in tens of thousands of casualties and displaced people, and significantly disrupt the functioning of our infrastructure and economy; will almost immediately exceed the resources normally available to state, tribal, local, and private sector authorities for response; and will significantly disrupt governmental operations, schools, and the availability of emergency services. The characteristics of the precipitating event will severely aggravate the response strategy and quickly exhaust the capabilities and resources available in the impacted area, requiring significant resources from outside the area.

(2) The legislature further finds that joint local, state, and federal agencies must plan and prepare to provide extraordinary levels of lifesaving, life-sustaining, and other resources necessary to respond to the no notice or short notice hazard represented by a seismic catastrophic incident. Schools with their large number of vulnerable children, will need focused additional assistance to plan for seismic risks.

**Sec. 71.** RCW 38.52.010 and 2017 c 312 s 3 are each amended to read as follows:

As used in this chapter:

(1)(a) "Catastrophic incident" means any natural or human-caused incident, including terrorism and enemy attack, that results in extraordinary levels of mass casualties, damage, or disruption severely affecting the population, infrastructure, environment, economy, or government functions.

(b) "Catastrophic incident" does not include an event resulting from individuals exercising their rights, under the first amendment, of freedom of speech, and of the people to peaceably assemble.

(2) "Communication plan," as used in RCW 38.52.070, means a section in a local comprehensive emergency management plan that addresses emergency notification of life safety information.

~~((2))~~ (3) "Continuity of operations planning" means the internal effort of an organization to assure that the capability exists to continue essential functions and services in response to a comprehensive array of potential emergencies or disasters.

~~((3))~~ (4) "Department" means the state military department.

~~((4))~~ (5) "Director" means the adjutant general.

~~((5))~~ (6) "Emergency management" or "comprehensive emergency management" means the preparation for and the carrying out of all emergency functions, other than functions for which the military forces are primarily responsible, to mitigate, prepare for, respond to, and recover from emergencies and disasters, and to aid victims suffering from injury or damage, resulting from disasters caused by all hazards, whether natural, technological, or human-caused, and to provide support for search and rescue operations for persons and property in distress. However, "emergency

management" or "comprehensive emergency management" does not mean preparation for emergency evacuation or relocation of residents in anticipation of nuclear attack.

~~((66))~~ (7)(a) "Emergency or disaster" as used in all sections of this chapter except RCW 38.52.430 shall mean an event or set of circumstances which: (i) Demands immediate action to preserve public health, protect life, protect public property, or to provide relief to any stricken community overtaken by such occurrences, or (ii) reaches such a dimension or degree of destructiveness as to warrant the governor declaring a state of emergency pursuant to RCW 43.06.010.

(b) "Emergency" as used in RCW 38.52.430 means an incident that requires a normal police, coroner, fire, rescue, emergency medical services, or utility response as a result of a violation of one of the statutes enumerated in RCW 38.52.430.

~~((77))~~ (8) "Emergency response" as used in RCW 38.52.430 means a public agency's use of emergency services during an emergency or disaster as defined in subsection ~~((69))~~ (7)(b) of this section.

~~((88))~~ (9) "Emergency worker" means any person who is registered with a local emergency management organization or the department and holds an identification card issued by the local emergency management director or the department for the purpose of engaging in authorized emergency management activities or is an employee of the state of Washington or any political subdivision thereof who is called upon to perform emergency management activities.

~~((99))~~ (10) "Executive head" and "executive heads" means the county executive in those charter counties with an elective office of county executive, however designated, and, in the case of other counties, the county legislative authority. In the case of cities and towns, it means the mayor in those cities and towns with mayor-council or commission forms of government, where the mayor is directly elected, and it means the city manager in those cities and towns with council manager forms of government. Cities and towns may also designate an executive head for the purposes of this chapter by ordinance.

~~((40))~~ (11) "Expense of an emergency response" as used in RCW 38.52.430 means reasonable costs incurred by a public agency in reasonably making an appropriate emergency response to the incident, but shall only include those costs directly arising from the response to the particular incident. Reasonable costs shall include the costs of providing police, coroner, firefighting, rescue, emergency medical services, or utility response at the scene of the incident, as well as the salaries of the personnel responding to the incident.

~~((44))~~ (12) "Incident command system" means: (a) An all-hazards, on-scene functional management system that establishes common standards in organization, terminology, and procedures; provides a means (unified command) for the establishment of a common set of incident objectives and strategies during multiagency/multijurisdiction operations while maintaining individual agency/jurisdiction authority, responsibility, and accountability; and is a component of the

national interagency incident management system; or (b) an equivalent and compatible all-hazards, on-scene functional management system.

~~((42))~~ (13) "Injury" as used in this chapter shall mean and include accidental injuries and/or occupational diseases arising out of emergency management activities.

~~((43))~~ (14) "Life safety information" means information provided to people during a response to a life-threatening emergency or disaster informing them of actions they can take to preserve their safety. Such information may include, but is not limited to, information regarding evacuation, sheltering, sheltering-in-place, facility lockdown, and where to obtain food and water.

~~((44))~~ (15) "Local director" means the director of a local organization of emergency management or emergency services.

~~((45))~~ (16) "Local organization for emergency services or management" means an organization created in accordance with the provisions of this chapter by state or local authority to perform local emergency management functions.

~~((46))~~ (17) "Political subdivision" means any county, city or town.

~~((47))~~ (18) "Public agency" means the state, and a city, county, municipal corporation, district, town, or public authority located, in whole or in part, within this state which provides or may provide firefighting, police, ambulance, medical, or other emergency services.

~~((48))~~ (19) "Radio communications service company" has the meaning ascribed to it in RCW 82.14B.020.

~~((49))~~ (20) "Search and rescue" means the acts of searching for, rescuing, or recovering by means of ground, marine, or air activity any person who becomes lost, injured, or is killed while outdoors or as a result of a natural, technological, or human-caused disaster, including instances involving searches for downed aircraft when ground personnel are used. Nothing in this section shall affect appropriate activity by the department of transportation under chapter 47.68 RCW.

**Sec. 72.** RCW 38.52.030 and 2018 c 26 s 2 are each amended to read as follows:

(1) The director may employ such personnel and may make such expenditures within the appropriation therefor, or from other funds made available for purposes of emergency management, as may be necessary to carry out the purposes of this chapter.

(2) The director, subject to the direction and control of the governor, shall be responsible to the governor for carrying out the program for emergency management of this state. The director shall coordinate the activities of all organizations for emergency management within the state, and shall maintain liaison with and cooperate with emergency management agencies and organizations of other states and of the federal government, and shall have such additional authority, duties, and responsibilities authorized by this chapter, as may be prescribed by the governor.

(3) The director shall develop and maintain a comprehensive, all-hazard emergency plan and a catastrophic incident emergency response plan for the state which shall include an analysis of the natural, technological, or human-caused hazards which could affect the state of Washington, and shall include the procedures to be used during emergencies for coordinating local resources, as necessary, and the resources of all state agencies, departments, commissions, and boards. The comprehensive emergency management plan shall direct the department in times of state emergency to administer and manage the state's emergency operations center. This will include representation from all appropriate state agencies and be available as a single point of contact for the authorizing of state resources or actions, including emergency permits. The comprehensive emergency management plan must specify the use of the incident command system for multiagency/multijurisdiction operations. The comprehensive, all-hazard emergency plan authorized under this subsection may not include preparation for emergency evacuation or relocation of residents in anticipation of nuclear attack. This plan shall be known as the comprehensive emergency management plan.

(4) Subject to the availability of amounts appropriated for this specific purpose, the director may develop guidance, in consultation with the office of the superintendent of public instruction, that may be used by local school districts in developing, maintaining, training, and exercising catastrophic incident plans.

(5) In accordance with the comprehensive emergency management plans and the programs for the emergency management of this state, the director shall procure supplies and equipment, institute training programs and public information programs, and shall take all other preparatory steps, including the partial or full mobilization of emergency management organizations in advance of actual disaster, to insure the furnishing of adequately trained and equipped forces of emergency management personnel in time of need.

~~((5))~~ (6) The director shall make such studies and surveys of the industries, resources, and facilities in this state as may be necessary to ascertain the capabilities of the state for emergency management, and shall plan for the most efficient emergency use thereof.

~~((6))~~ (7) The emergency management council shall advise the director on all aspects of the communications and warning systems and facilities operated or controlled under the provisions of this chapter.

~~((7))~~ (8) The director, through the state enhanced 911 coordinator, shall coordinate and facilitate implementation and operation of a statewide enhanced 911 emergency communications network.

~~((8))~~ (9) The director shall appoint a state coordinator of search and rescue operations to coordinate those state resources, services and facilities (other than those for which the state director of aeronautics is directly responsible) requested by political subdivisions in support of search and rescue operations, and on request to maintain liaison with and coordinate the resources, services, and facilities of

political subdivisions when more than one political subdivision is engaged in joint search and rescue operations.

~~((9))~~ (10) The director, subject to the direction and control of the governor, shall prepare and administer a state program for emergency assistance to individuals within the state who are victims of a natural, technological, or human-caused disaster, as defined by RCW 38.52.010~~((6))~~ (7). Such program may be integrated into and coordinated with disaster assistance plans and programs of the federal government which provide to the state, or through the state to any political subdivision thereof, services, equipment, supplies, materials, or funds by way of gift, grant, or loan for purposes of assistance to individuals affected by a disaster. Further, such program may include, but shall not be limited to, grants, loans, or gifts of services, equipment, supplies, materials, or funds of the state, or any political subdivision thereof, to individuals who, as a result of a disaster, are in need of assistance and who meet standards of eligibility for disaster assistance established by the department of social and health services: PROVIDED, HOWEVER, That nothing herein shall be construed in any manner inconsistent with the provisions of Article VIII, section 5 or section 7 of the Washington state Constitution.

~~((10))~~ (11) The director shall appoint a state coordinator for radioactive and hazardous waste emergency response programs. The coordinator shall consult with the state radiation control officer in matters relating to radioactive materials. The duties of the state coordinator for radioactive and hazardous waste emergency response programs shall include:

(a) Assessing the current needs and capabilities of state and local radioactive and hazardous waste emergency response teams on an ongoing basis;

(b) Coordinating training programs for state and local officials for the purpose of updating skills relating to emergency mitigation, preparedness, response, and recovery;

(c) Utilizing appropriate training programs such as those offered by the federal emergency management agency, the department of transportation and the environmental protection agency; and

(d) Undertaking other duties in this area that are deemed appropriate by the director.

~~((11))~~ (12) The director is responsible to the governor to lead the development and management of a program for interagency coordination and prioritization of continuity of operations planning by state agencies. Each state agency is responsible for developing an organizational continuity of operations plan that is updated and exercised annually in compliance with the program for interagency coordination of continuity of operations planning.

~~((12))~~ (13) The director shall maintain a copy of the continuity of operations plan for election operations for each county that has a plan available."

Correct the title.

Signed by Representatives Jenkin, Ranking Minority Member; Gildon, Assistant Ranking Minority Member; Ryu, Chair; Morgan, Vice Chair; Frame; Johnson, J.; Leavitt and Ramel.

Referred to Committee on Appropriations.

March 2, 2020 72.0.

ESSB 5385 Prime Sponsor, Committee on Health & Long Term Care: Concerning telemedicine payment parity. (REVISED FOR ENGROSSED: Reimbursing for telemedicine services at the same rate as in person. ) Reported by Committee on Appropriations

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"Sec. 73. RCW 48.43.735 and 2017 c 219 s 1 are each amended to read as follows:

(1)(a) For health plans issued or renewed on or after January 1, 2017, a health carrier shall reimburse a provider for a health care service provided to a covered person through telemedicine or store and forward technology if:

((a)) (i) The plan provides coverage of the health care service when provided in person by the provider;

((b)) (ii) The health care service is medically necessary;

((c)) (iii) The health care service is a service recognized as an essential health benefit under section 1302(b) of the federal patient protection and affordable care act in effect on January 1, 2015; and

((d)) (iv) The health care service is determined to be safely and effectively provided through telemedicine or store and forward technology according to generally accepted health care practices and standards, and the technology used to provide the health care service meets the standards required by state and federal laws governing the privacy and security of protected health information.

(b)(i) Except as provided in (b)(ii) of this subsection, for health plans issued or renewed on or after January 1, 2021, a health carrier shall reimburse a provider for a health care service provided to a covered person through telemedicine at the same rate as if the health care service was provided in person by the provider.

(ii) Hospitals, hospital systems, telemedicine companies, and provider groups consisting of eleven or more providers may elect to negotiate a reimbursement rate for telemedicine services that differs from the reimbursement rate for in-person services.

(iii) For purposes of this subsection (1)(b), the number of providers in a provider group refers to all providers within the group, regardless of a provider's location.

~~((a)) If the service is provided through store and forward technology there must be an associated office visit between the covered person and the referring health care provider. Nothing in this section prohibits the use of telemedicine for the associated office visit.~~

((b)) For purposes of this section, reimbursement of store and forward technology is available only for those covered services specified in the negotiated agreement between the health carrier and the health care provider.

(3) An originating site for a telemedicine health care service subject to subsection (1) of this section includes a:

(a) Hospital;

(b) Rural health clinic;

(c) Federally qualified health center;

(d) Physician's or other health care provider's office;

(e) Community mental health center;

(f) Skilled nursing facility;

(g) Home or any location determined by the individual receiving the service; or

(h) Renal dialysis center, except an independent renal dialysis center.

(4) Except for subsection (3)(g) of this section, any originating site under subsection (3) of this section may charge a facility fee for infrastructure and preparation of the patient. Reimbursement for a facility fee must be subject to a negotiated agreement between the originating site and the health carrier. A distant site or any other site not identified in subsection (3) of this section may not charge a facility fee.

(5) A health carrier may not distinguish between originating sites that are rural and urban in providing the coverage required in subsection (1) of this section.

(6) A health carrier may subject coverage of a telemedicine or store and forward technology health service under subsection (1) of this section to all terms and conditions of the plan in which the covered person is enrolled including, but not limited to, utilization review, prior authorization, deductible, copayment, or coinsurance requirements that are applicable to coverage of a comparable health care service provided in person.

(7) This section does not require a health carrier to reimburse:

(a) An originating site for professional fees;

(b) A provider for a health care service that is not a covered benefit under the plan; or

(c) An originating site or health care provider when the site or provider is not a contracted provider under the plan.

(8) For purposes of this section:

(a) "Distant site" means the site at which a physician or other licensed provider, delivering a professional service, is physically located at the time the service is provided through telemedicine;

(b) "Health care service" has the same meaning as in RCW 48.43.005;

(c) "Hospital" means a facility licensed under chapter 70.41, 71.12, or 72.23 RCW;

(d) "Originating site" means the physical location of a patient receiving health care services through telemedicine;

(e) "Provider" has the same meaning as in RCW 48.43.005;

(f) "Store and forward technology" means use of an asynchronous transmission of a covered person's medical information from an originating site to the health care provider at a distant site which results in medical diagnosis and management of the covered person, and does not include the use of audio-only telephone, facsimile, or email; and

(g) "Telemedicine" means the delivery of health care services through the use of interactive audio and video technology, permitting real-time communication between the patient at the originating site and the provider, for the purpose of diagnosis, consultation, or treatment. For purposes of this section only, "telemedicine" does not include the use of audio-only telephone, facsimile, or email.

**Sec. 74.** RCW 41.05.700 and 2018 c 260 s 30 are each amended to read as follows:

(1)(a) A health plan offered to employees, school employees, and their covered dependents under this chapter issued or renewed on or after January 1, 2017, shall reimburse a provider for a health care service provided to a covered person through telemedicine or store and forward technology if:

((a)) (i) The plan provides coverage of the health care service when provided in person by the provider;

((b)) (ii) The health care service is medically necessary;

((c)) (iii) The health care service is a service recognized as an essential health benefit under section 1302(b) of the federal patient protection and affordable care act in effect on January 1, 2015; and

((d)) (iv) The health care service is determined to be safely and effectively provided through telemedicine or store and forward technology according to generally accepted health care practices and standards, and the technology used to provide the health care service meets the standards required by state and federal laws governing the privacy and security of protected health information.

(b)(i) Except as provided in (b)(ii) of this subsection, a health plan offered to employees, school employees, and their covered dependents under this chapter issued or renewed on or after January 1, 2021, shall reimburse a provider for a health care service provided to a covered person through telemedicine at the same rate as if the health care service was provided in person by the provider.

(ii) Hospitals, hospital systems, telemedicine companies, and provider groups consisting of eleven or more providers may elect to negotiate a reimbursement rate for

telemedicine services that differs from the reimbursement rate for in-person services.

(iii) For purposes of this subsection (1)(b), the number of providers in a provider group refers to all providers within the group, regardless of a provider's location.

~~(2)((a) If the service is provided through store and forward technology there must be an associated office visit between the covered person and the referring health care provider. Nothing in this section prohibits the use of telemedicine for the associated office visit.~~

~~(b))~~ For purposes of this section, reimbursement of store and forward technology is available only for those covered services specified in the negotiated agreement between the health plan and health care provider.

(3) An originating site for a telemedicine health care service subject to subsection (1) of this section includes a:

(a) Hospital;

(b) Rural health clinic;

(c) Federally qualified health center;

(d) Physician's or other health care provider's office;

(e) Community mental health center;

(f) Skilled nursing facility;

(g) Home or any location determined by the individual receiving the service; or

(h) Renal dialysis center, except an independent renal dialysis center.

(4) Except for subsection (3)(g) of this section, any originating site under subsection (3) of this section may charge a facility fee for infrastructure and preparation of the patient. Reimbursement for a facility fee must be subject to a negotiated agreement between the originating site and the health plan. A distant site or any other site not identified in subsection (3) of this section may not charge a facility fee.

(5) The plan may not distinguish between originating sites that are rural and urban in providing the coverage required in subsection (1) of this section.

(6) The plan may subject coverage of a telemedicine or store and forward technology health service under subsection (1) of this section to all terms and conditions of the plan including, but not limited to, utilization review, prior authorization, deductible, copayment, or coinsurance requirements that are applicable to coverage of a comparable health care service provided in person.

(7) This section does not require the plan to reimburse:

(a) An originating site for professional fees;

(b) A provider for a health care service that is not a covered benefit under the plan; or

(c) An originating site or health care provider when the site or provider is not a contracted provider under the plan.

(8) For purposes of this section:

(a) "Distant site" means the site at which a physician or other licensed provider, delivering a professional service, is physically located at the time the service is provided through telemedicine;

(b) "Health care service" has the same meaning as in RCW 48.43.005;

(c) "Hospital" means a facility licensed under chapter 70.41, 71.12, or 72.23 RCW;

(d) "Originating site" means the physical location of a patient receiving health care services through telemedicine;

(e) "Provider" has the same meaning as in RCW 48.43.005;

(f) "Store and forward technology" means use of an asynchronous transmission of a covered person's medical information from an originating site to the health care provider at a distant site which results in medical diagnosis and management of the covered person, and does not include the use of audio-only telephone, facsimile, or email; and

(g) "Telemedicine" means the delivery of health care services through the use of interactive audio and video technology, permitting real-time communication between the patient at the originating site and the provider, for the purpose of diagnosis, consultation, or treatment. For purposes of this section only, "telemedicine" does not include the use of audio-only telephone, facsimile, or email.

**Sec. 75.** RCW 74.09.325 and 2017 c 219 s 3 are each amended to read as follows:

(1)(a) Upon initiation or renewal of a contract with the Washington state health care authority to administer a medicaid managed care plan, a managed health care system shall reimburse a provider for a health care service provided to a covered person through telemedicine or store and forward technology if:

((a)) (i) The medicaid managed care plan in which the covered person is enrolled provides coverage of the health care service when provided in person by the provider;

((b)) (ii) The health care service is medically necessary;

((c)) (iii) The health care service is a service recognized as an essential health benefit under section 1302(b) of the federal patient protection and affordable care act in effect on January 1, 2015; and

((d)) (iv) The health care service is determined to be safely and effectively provided through telemedicine or store and forward technology according to generally accepted health care practices and standards, and the technology used to provide the health care service meets the standards required by state and federal laws governing the privacy and security of protected health information.

(b)(i) Except as provided in (b)(ii) of this subsection, upon initiation or renewal of a contract with the Washington state health care authority to administer a medicaid managed care plan, a managed health care system shall reimburse a provider for a health care service provided to a covered

person through telemedicine at the same rate as if the health care service was provided in person by the provider.

(ii) Hospitals, hospital systems, telemedicine companies, and provider groups consisting of eleven or more providers may elect to negotiate a reimbursement rate for telemedicine services that differs from the reimbursement rate for in-person services.

(iii) For purposes of this subsection (1)(b), the number of providers in a provider group refers to all providers within the group, regardless of a provider's location.

~~(2)((a) If the service is provided through store and forward technology there must be an associated visit between the covered person and the referring health care provider. Nothing in this section prohibits the use of telemedicine for the associated office visit.~~

((b)) For purposes of this section, reimbursement of store and forward technology is available only for those services specified in the negotiated agreement between the managed health care system and health care provider.

(3) An originating site for a telemedicine health care service subject to subsection (1) of this section includes a:

(a) Hospital;

(b) Rural health clinic;

(c) Federally qualified health center;

(d) Physician's or other health care provider's office;

(e) Community mental health center;

(f) Skilled nursing facility;

(g) Home or any location determined by the individual receiving the service; or

(h) Renal dialysis center, except an independent renal dialysis center.

(4) Except for subsection (3)(g) of this section, any originating site under subsection (3) of this section may charge a facility fee for infrastructure and preparation of the patient. Reimbursement for a facility fee must be subject to a negotiated agreement between the originating site and the managed health care system. A distant site or any other site not identified in subsection (3) of this section may not charge a facility fee.

(5) A managed health care system may not distinguish between originating sites that are rural and urban in providing the coverage required in subsection (1) of this section.

(6) A managed health care system may subject coverage of a telemedicine or store and forward technology health service under subsection (1) of this section to all terms and conditions of the plan in which the covered person is enrolled including, but not limited to, utilization review, prior authorization, deductible, copayment, or coinsurance requirements that are applicable to coverage of a comparable health care service provided in person.

(7) This section does not require a managed health care system to reimburse:

- (a) An originating site for professional fees;
- (b) A provider for a health care service that is not a covered benefit under the plan; or
- (c) An originating site or health care provider when the site or provider is not a contracted provider under the plan.

(8) For purposes of this section:

(a) "Distant site" means the site at which a physician or other licensed provider, delivering a professional service, is physically located at the time the service is provided through telemedicine;

(b) "Health care service" has the same meaning as in RCW 48.43.005;

(c) "Hospital" means a facility licensed under chapter 70.41, 71.12, or 72.23 RCW;

(d) "Managed health care system" means any health care organization, including health care providers, insurers, health care service contractors, health maintenance organizations, health insuring organizations, or any combination thereof, that provides directly or by contract health care services covered under this chapter and rendered by licensed providers, on a prepaid capitated basis and that meets the requirements of section 1903(m)(1)(A) of Title XIX of the federal social security act or federal demonstration waivers granted under section 1115(a) of Title XI of the federal social security act;

(e) "Originating site" means the physical location of a patient receiving health care services through telemedicine;

(f) "Provider" has the same meaning as in RCW 48.43.005;

(g) "Store and forward technology" means use of an asynchronous transmission of a covered person's medical information from an originating site to the health care provider at a distant site which results in medical diagnosis and management of the covered person, and does not include the use of audio-only telephone, facsimile, or email; and

(h) "Telemedicine" means the delivery of health care services through the use of interactive audio and video technology, permitting real-time communication between the patient at the originating site and the provider, for the purpose of diagnosis, consultation, or treatment. For purposes of this section only, "telemedicine" does not include the use of audio-only telephone, facsimile, or email.

(9) To measure the impact on access to care for underserved communities and costs to the state and the medicaid managed health care system for reimbursement of telemedicine services, the Washington state health care authority, using existing data and resources, shall provide a report to the appropriate policy and fiscal committees of the legislature no later than December 31, 2018.

**Sec. 76.** RCW 28B.20.830 and 2018 c 256 s 1 are each amended to read as follows:

(1) The collaborative for the advancement of telemedicine is created to enhance the understanding and use of health services provided through telemedicine and other similar models in Washington state. The collaborative shall be hosted by the University of Washington telehealth services and shall be comprised of one member from each of the two largest caucuses of the senate and the house of representatives, and representatives from the academic community, hospitals, clinics, and health care providers in primary care and specialty practices, carriers, and other interested parties.

(2) By July 1, 2016, the collaborative shall be convened. The collaborative shall develop recommendations on improving reimbursement and access to services, including originating site restrictions, provider to provider consultative models, and technologies and models of care not currently reimbursed; identify the existence of telemedicine best practices, guidelines, billing requirements, and fraud prevention developed by recognized medical and telemedicine organizations; and explore other priorities identified by members of the collaborative. After review of existing resources, the collaborative shall explore and make recommendations on whether to create a technical assistance center to support providers in implementing or expanding services delivered through telemedicine technologies.

(3) The collaborative must submit an initial progress report by December 1, 2016, with follow-up policy reports including recommendations by December 1, 2017, December 1, 2018, and December 1, 2021. The reports shall be shared with the relevant professional associations, governing boards or commissions, and the health care committees of the legislature.

(4) The collaborative shall study store and forward technology, with a focus on:

(a) Utilization;

(b) Whether store and forward technology should be paid for at parity with in-person services;

(c) The potential for store and forward technology to improve rural health outcomes in Washington state; and

(d) Ocular services.

(5) The meetings of the board shall be open public meetings, with meeting summaries available on a web page.

~~((5))~~ (6) The future of the collaborative shall be reviewed by the legislature with consideration of ongoing technical assistance needs and opportunities. The collaborative terminates December 31, 2021.

**NEW SECTION. Sec. 77.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

Correct the title.

Signed by Representatives Robinson, 1st Vice Chair; Ormsby, Chair; Stokesbary, Ranking Minority Member; Bergquist, 2nd Vice Chair; MacEwen, Assistant



Ranking Minority Member; Rude, Assistant Ranking Minority Member; Chandler; Chopp; Cody; Corry; Dolan; Dye; Fitzgibbon; Hansen; Hoff; Hudgins; Kilduff; Kraft; Macri; Mosbrucker; Pettigrew; Pollet; Ryu; Schmick; Senn; Springer; Steele; Sullivan; Sutherland; Tarleton; Tharinger and Ybarra.

MINORITY recommendation: Do not pass. Signed by Representative Caldier.

Referred to Committee on Appropriations.

February 25, 2020 77.0.

**ESSB 5473** Prime Sponsor, Committee on Labor & Commerce: Studying exceptions to provisions disqualifying individuals from receiving unemployment benefits for leaving work voluntarily without good cause. Reported by Committee on Labor & Workplace Standards

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 78.** (1) As a result of major demographic shifts, adults' obligations to provide unpaid care to elderly, frail, ill, or family members with a disability have sharply increased in the United States over the last two decades. In addition, the increasing unavailability of child care creates a problem for parents with young children. These situations appear to disproportionately affect women workers who are single parents. These trends often force employees to choose between providing care to a family member and keeping their job. Another factor for a parent leaving a job may be to relocate to be closer to a minor child. Additionally, workers are finding themselves in situations where the hours or responsibilities are being substantially increased without a commensurate increase in pay. Unemployment insurance was created to ease the burden of involuntary unemployment upon individual employees and the economy as a whole. Our current framework places unnecessary barriers to this insurance benefit in the way of workers, frequently low-wage employees, who must rely on caregiving or provide it themselves, sometimes forcing them to leave the workforce and leaving employers with a smaller labor pool. It is the intent of the legislature to ensure that Washington's unemployment insurance system remains responsive to the needs of employees with caregiving and other responsibilities and taking into account changes at the workplace.

(2) Several senate bills in the 2020 legislative session would have amended the unemployment insurance laws to provide that an individual is not disqualified from unemployment insurance benefits when:

(a) The separation was necessary because care for a child or a vulnerable adult in the claimant's care is inaccessible, so long as the claimant made reasonable efforts to preserve the employment status by requesting a leave of absence or

changes in working conditions or work schedule that would accommodate the caregiving inaccessibility, by having promptly notified the employer of the reason for the absence, and by having promptly requested reemployment when again able to assume employment;

(b) The employer, without a commensurate change in pay:

(i) Substantially increases the individual's job duties; or

(ii) Significantly changes the individual's working conditions; and

(c) The individual left work to relocate outside the existing labor market because of the geographical location of or proximity to and the separation from a minor child.

(3) The legislature intends to have the employment security department study the impacts to Washington's unemployment insurance trust fund and the contribution rates of employers if the law was amended to allow unemployment insurance benefits for individuals who leave work voluntarily for the reasons described in subsection (2) of this section.

**NEW SECTION. Sec. 2.** (1) The employment security department must study the impacts to:

(a) Washington's unemployment insurance trust fund and the contribution rates of employers if the law was amended to allow unemployment insurance benefits for individuals who leave work voluntarily for the reasons described in section 1(2) of this act; and

(b) Washington's unemployment insurance trust fund if the law was amended to allow unemployment insurance benefits for individuals who leave work voluntarily for the reasons described in section 1(2) of this act, and the benefits were not charged to the employers' experience rating accounts.

(2) The employment security department may consider:

(a) The existing and prior Washington laws, rules, and case law governing the disqualification of individuals from receiving unemployment benefits for leaving work voluntarily without good cause;

(b) The laws and regulations of other states governing the disqualification of individuals from receiving unemployment benefits for leaving work voluntarily without good cause; and

(c) Any other information the employment security department deems relevant.

(3) By November 6, 2020, and in compliance with RCW 43.01.036, the employment security department must report to the governor and the appropriate committees of the legislature providing:

(a) The impacts described in subsection (1) of this section, broken down by each of the reasons described in section 1(2) of this act;

(b) Any recommendations for how the statutes and rules may be amended to address the circumstances described in

section 1(2) of this act, as fully as practicable, while limiting adverse impacts to the unemployment trust fund and the contribution rates of employers.

(4) While the employment security department is conducting the study, the department must meet at least three times with a representative of the largest business association and a representative from an organization which provides low-cost representation or free advice and counsel to people regarding their unemployment benefits to discuss the information gathered by the department.

(5) This section expires December 31, 2020."

Correct the title.

Signed by Representatives Sells, Chair; Chapman, Vice Chair; Gregerson; Hoff and Ormsby.

MINORITY recommendation: Do not pass. Signed by Representatives Mosbrucker, Ranking Minority Member Chandler, Assistant Ranking Minority Member.

Referred to Committee on Rules for second reading.

February 29, 2020 2.0.

E2SSB 5481 Prime Sponsor, Committee on Ways & Means: (REVISED FOR ENGROSSED: Concerning collective bargaining by fish and wildlife officers. ) Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Robinson, 1st Vice Chair; Ormsby, Chair; Bergquist, 2nd Vice Chair; Rude, Assistant Ranking Minority Member; Chandler; Chopp; Cody; Corry; Dolan; Fitzgibbon; Hansen; Hudgins; Kilduff; Macri; Mosbrucker; Pettigrew; Ryu; Senn; Springer; Steele; Sullivan; Tarleton; Tharinger and Ybarra.

MINORITY recommendation: Do not pass. Signed by Representatives Stokesbary, Ranking Minority Member; Caldier; Dye; Hoff; Kraft; Schmick and Sutherland.

Referred to Committee on Appropriations.

February 25, 2020 2.0.

SB 5792 Prime Sponsor, Senator Salomon: Making statutory requirements and policies for cultural access programs the same in all counties of the state. Reported by Committee on Housing, Community Development & Veterans

MAJORITY recommendation: Do pass. Signed by Representatives Jenkin, Ranking Minority Member; Gildon, Assistant Ranking Minority Member; Ryu, Chair; Morgan, Vice Chair; Frame; Johnson, J.; Leavitt and Ramel.

Referred to Committee on Rules for second reading.

February 29, 2020 2.0.

SSB 5900 Prime Sponsor, Committee on Ways & Means: Promoting access to earned benefits and services for lesbian, gay, bisexual, transgender, and queer veterans. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Robinson, 1st Vice Chair; Ormsby, Chair; Stokesbary, Ranking Minority Member; Bergquist, 2nd Vice Chair; Rude, Assistant Ranking Minority Member; Caldier; Chandler; Chopp; Cody; Corry; Dolan; Dye; Fitzgibbon; Hansen; Hoff; Hudgins; Kilduff; Macri; Mosbrucker; Pettigrew; Ryu; Schmick; Senn; Springer; Steele; Sullivan; Tarleton; Tharinger and Ybarra.

MINORITY recommendation: Without recommendation. Signed by Representative Sutherland.

MINORITY recommendation: Do not pass. Signed by Representative Kraft.

Referred to Committee on Appropriations.

February 25, 2020 2.0.

SSB 6035 Prime Sponsor, Committee on Labor & Commerce: Concerning liquor license employees. Reported by Committee on Commerce & Gaming

MAJORITY recommendation: Do pass. Signed by Representatives Peterson, Chair; MacEwen, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Blake; Jenkin; Kirby; Morgan; Ramel; Vick and Young.

Referred to Committee on Rules for second reading.

February 25, 2020 2.0.

SB 6047 Prime Sponsor, Senator Hasegawa: Prohibiting retaliation against school district employees that report noncompliance with individualized education programs. Reported by Committee on Education

MAJORITY recommendation: Do pass. Signed by Representatives Santos, Chair; Dolan, Vice Chair; Paul, Vice Chair; Steele, Ranking Minority Member; McCaslin, Assistant Ranking Minority Member; Volz, Assistant Ranking Minority Member; Bergquist; Caldier; Callan; Corry; Harris; Ortiz-Self; Rude; Stonier; Thai; Valdez and Ybarra.

Referred to Committee on Rules for second reading.

February 25, 2020 2.0.

SB 6096 Prime Sponsor, Senator Keiser: Preventing disruption of certain state-financed and procured services due to labor unrest within contracted service providers. Reported by Committee on Labor & Workplace Standards

MAJORITY recommendation: Do pass. Signed by Representatives Sells, Chair; Chapman, Vice Chair; Gregerson and Ormsby.

MINORITY recommendation: Do not pass. Signed by Representatives Mosbrucker, Ranking Minority Member; Chandler, Assistant Ranking Minority Member and Hoff.

Referred to Committee on Rules for second reading.

February 25, 2020 2.0.

SB 6099 Prime Sponsor, Senator Hunt: Repealing the education accountability system oversight committee. Reported by Committee on Education

MAJORITY recommendation: Do pass. Signed by Representatives Santos, Chair; Dolan, Vice Chair; Paul, Vice Chair; Steele, Ranking Minority Member; McCaslin, Assistant Ranking Minority Member; Volz, Assistant Ranking Minority Member; Bergquist; Caldier; Callan; Corry; Harris; Ortiz-Self; Rude; Stonier; Valdez and Ybarra.

MINORITY recommendation: Without recommendation. Signed by Representative Thai.

Referred to Committee on Rules for second reading.

February 25, 2020 2.0.

SB 6187 Prime Sponsor, Senator Zeiger: Modifying the definition of personal information for notifying the public about data breaches of a state or local agency system. Reported by Committee on Innovation, Technology & Economic Development

MAJORITY recommendation: Do pass. Signed by Representatives Hudgins, Chair; Kloba, Vice Chair; Smith, Ranking Minority Member; Boehnke, Assistant Ranking Minority Member; Entenman; Slatter; Tarleton and Wylie.

Referred to Committee on Rules for second reading.

February 29, 2020 2.0.

SSB 6191 Prime Sponsor, Committee on Early Learning & K-12 Education: Assessing the prevalence of adverse childhood

experiences in middle and high school students to inform decision making and improve services. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass as amended by Committee on Education.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 3. (1) The legislature stated in RCW 70.305.005 that "adverse childhood experiences are a powerful common determinant of a child's ability to be successful at school and, as an adult, to be successful at work, to avoid behavioral and chronic physical health conditions, and to build healthy relationships."

(2) The legislature recognizes that the healthy youth survey is a voluntary and anonymous survey administered every two years to students in sixth, eighth, tenth, and twelfth grades.

(3) The legislature intends to include questions related to adverse childhood experiences in the healthy youth survey to help assess the prevalence of adverse childhood experiences throughout the state. The legislature further intends for these data to help inform school district and community decision making and improve services for students.

NEW SECTION. Sec. 4. A new section is added to chapter 28A.300 RCW to read as follows:

(1)(a) The health care authority, in collaboration with the office of the superintendent of public instruction, the department of health, and the liquor and cannabis board, must incorporate questions related to adverse childhood experiences into the healthy youth survey that are validated for children and would allow reporting of adverse childhood experiences during childhood to be included in frequency reports. The questions must be administered for two cycles of the healthy youth survey and then evaluated by the agencies for any needed changes.

(b) Student responses to the healthy youth survey are voluntary and must remain anonymous.

(c) The aggregated student responses to the adverse childhood experiences questions must be made publicly available and disaggregated by state, educational service district, and county.

(d) School districts and school buildings must be provided the aggregated student responses of their students.

(e) The student response data specified in (c) and (d) of this subsection must comply with state and federal privacy laws.

(2) School districts are encouraged to use the information about adverse childhood experiences in their decision making and to help improve services for students."

Correct the title.

Signed by Representatives Robinson, 1st Vice Chair; Ormsby, Chair; Stokesbary, Ranking Minority Member; Bergquist, 2nd Vice Chair; Rude, Assistant Ranking Minority Member; Caldier; Chandler; Chopp; Cody; Corry; Dolan; Dye; Fitzgibbon; Hansen; Hoff; Hudgins; Kilduff; Macri; Mosbrucker; Pettigrew; Ryu; Schmick; Senn; Springer; Steele; Sullivan; Sutherland; Tarleton; Tharinger and Ybarra.

MINORITY recommendation: Do not pass. Signed by Representative Kraft.

Referred to Committee on Appropriations.

February 25, 2020 4.0.

ESSB 6217 Prime Sponsor, Committee on Labor & Commerce: Concerning minimum labor standards for certain employees working at an airport or air navigation facility. Reported by Committee on Labor & Workplace Standards

MAJORITY recommendation: Do pass. Signed by Representatives Sells, Chair; Chapman, Vice Chair; Gergerson and Ormsby.

MINORITY recommendation: Do not pass. Signed by Representatives Mosbrucker, Ranking Minority Member; Chandler, Assistant Ranking Minority Member and Hoff.

Referred to Committee on Rules for second reading.

February 25, 2020 4.0.

SB 6263 Prime Sponsor, Senator McCoy: Creating a model educational data sharing agreement between school districts and tribes. Reported by Committee on Education

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 5. A new section is added to chapter 28A.604 RCW to read as follows:

(1) The Washington state school directors' association, in consultation and collaboration with tribes, shall develop a model policy and procedure to establish data sharing agreements between school districts and local tribes by January 1, 2021.

(2) In developing the model policy and procedure, the Washington state school directors' association must:

(a) Consult with the office of the superintendent of public instruction, the office of native education, the tribal leaders congress on education, and local tribes;

(b) Consider model agreements developed by the bureau of Indian education and model data sharing agreements and

procedures developed by national Native educational organizations; and

(c) Consider standards for the identification of Native students for data sharing purposes.

(3) The model policy and procedure developed under this section must safeguard students' personally identifiable information consistent with the requirements of the federal family educational rights and privacy act (20 U.S.C. Sec. 1232g)."

Correct the title.

Signed by Representatives Santos, Chair; Dolan, Vice Chair; Paul, Vice Chair; Steele, Ranking Minority Member; McCaslin, Assistant Ranking Minority Member; Volz, Assistant Ranking Minority Member; Bergquist; Caldier; Callan; Corry; Harris; Ortiz-Self; Rude; Stonier; Thai; Valdez and Ybarra.

Referred to Committee on Rules for second reading.

February 29, 2020 5.0.

SSB 6521 Prime Sponsor, Committee on Early Learning & K-12 Education: Creating an innovative learning pilot program. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Robinson, 1st Vice Chair; Ormsby, Chair; Stokesbary, Ranking Minority Member; Bergquist, 2nd Vice Chair; Rude, Assistant Ranking Minority Member; Caldier; Chandler; Chopp; Cody; Corry; Dolan; Dye; Fitzgibbon; Hansen; Hoff; Hudgins; Kilduff; Kraft; Macri; Mosbrucker; Pettigrew; Ryu; Schmick; Senn; Springer; Steele; Sullivan; Sutherland; Tarleton; Tharinger and Ybarra.

Referred to Committee on Appropriations.

February 25, 2020 5.0.

SSB 6526 Prime Sponsor, Committee on Health & Long Term Care: Reusing and donating unexpired prescription drugs. Reported by Committee on Health Care & Wellness

MAJORITY recommendation: Do pass. Signed by Representatives Cody, Chair; Macri, Vice Chair; Schmick, Ranking Minority Member; Caldier, Assistant Ranking Minority Member; Chambers; Chopp; Davis; DeBolt; Harris; Maycumber; Riccelli; Robinson; Stonier; Thai and Tharinger.

Referred to Committee on Rules for second reading.

There being no objection, the bills listed on the day's committee reports under the fifth order of business were referred to the committees so designated.

There being no objection, the House advanced to the sixth order of business.

## SECOND READING

**HOUSE BILL NO. 2032, by Representatives Tarleton, Morris, Ryu, Springer and Macri**

**Providing a tax deferral for the expansion of certain existing public facilities district convention centers.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 2032 was substituted for House Bill No. 2032 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2032 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Tarleton and Orcutt spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2032.

## ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2032, and the bill passed the House by the following vote: Yeas, 94; Nays, 4; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, Mead, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Wilcox, Wylie, Ybarra and Mme. Speaker.

Voting nay: Representatives McCaslin, Shea, Walsh and Young.

SUBSTITUTE HOUSE BILL NO. 2032, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 2248, by Representatives Doglio, DeBolt, Fey, Lekanoff, Fitzgibbon, Shewmake, Leavitt, Ramel, Ryu, Tarleton, Appleton, Ramos, Slatter,**

**Ormsby, Macri, Wylie, Kloba, Goodman, Peterson, Hudgins, Pollet and Tharinger**

**Expanding equitable access to the benefits of renewable energy through community solar projects.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 2248 was substituted for House Bill No. 2248 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2248 was read the second time.

Representative Doglio moved the adoption of the striking amendment (1477):

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 6.** (1) The legislature finds and declares that stimulating local investment in community solar projects continues to be an important part of a state energy strategy by helping to increase energy independence from fossil fuels, promote economic development, hedge against the effects of climate change, and attain environmental benefits. The legislature finds that while previous community solar programs were successful in stimulating these benefits, the programs failed to provide an adequate framework for low-income participation and long-term market certainty. The legislature finds that the vast majority of Washingtonians still do not have access to the benefits of solar energy. The legislature intends to stimulate the deployment of community solar projects for the benefit of all Washingtonians by funding the renewable energy production incentive program for community solar projects and by creating opportunities for broader participation, especially by low-income households and low-income service providers. As of December 2019, the state is thirteen megawatts short of the one hundred fifteen megawatts of solar photovoltaic capacity established as a goal under RCW 82.16.155. The legislature therefore intends to provide an incentive sufficient to promote installation of community solar projects through June 30, 2031, at which point the legislature expects to review the effectiveness of enhancing access to community solar projects.

(2) The legislature finds that participation of low-income customers in community solar projects is consistent with the goals and intent of the energy assistance provisions of chapter 19.405 RCW, the Washington clean energy transformation act, when this participation achieves a reduction in energy burden for the customers.

(3) The legislature also finds that offering energy assistance through renewable energy programs, including community solar, at a discount to low-income customers is consistent with the goal and intent of RCW 80.28.068.

**Sec. 7.** RCW 82.16.130 and 2017 3rd sp.s. c 36 s 4 are each amended to read as follows:

(1) A light and power business is allowed a credit against taxes due under this chapter in an amount equal to:

(a) Incentive payments made in any fiscal year under RCW 82.16.120 and 82.16.165; and

(b) Any fees a utility is allowed to recover pursuant to RCW 82.16.165(5).

(2) The credits must be taken in a form and manner as required by the department. The credit taken under this section for the fiscal year may not exceed one and one-half percent of the ~~((businesses'))~~ business's taxable power sales generated in calendar year 2014 and due under RCW 82.16.020(1)(b) or two hundred fifty thousand dollars, whichever is greater, for incentive payments made for the following:

(a) Renewable energy systems, other than community solar projects, that are certified for an incentive payment as of June 30, 2020; and

(b) Community solar projects that are under precertification status under RCW 82.16.165(7)(b) as of June 30, 2020, and that are certified for an incentive payment in accordance with the terms of that precertification by June 30, 2021.

(3) The credit may not exceed the tax that would otherwise be due under this chapter. Refunds may not be granted in the place of credits. Expenditures not used to earn a credit in one fiscal year may not be used to earn a credit in subsequent years.

(4) For any business that has claimed credit for amounts that exceed the correct amount of the incentive payable under RCW 82.16.120, the amount of tax against which credit was claimed for the excess payments is immediately due and payable. The department may deduct amounts due from future credits claimed by the business.

(a) Except as provided in (b) of this subsection, the department must assess interest but not penalties on the taxes against which the credit was claimed. Interest must be assessed at the rate provided for delinquent excise taxes under chapter 82.32 RCW, retroactively to the date the credit was claimed, and accrues until the taxes against which the credit was claimed are repaid.

(b) A business is not liable for excess payments made in reliance on amounts reported by the Washington State University extension energy program as due and payable as provided under RCW 82.16.165(20), if such amounts are later found to be abnormal or inaccurate due to no fault of the business.

(5) The amount of credit taken under this section is not confidential taxpayer information under RCW 82.32.330 and is subject to disclosure.

(6) The right to earn tax credits for incentive payments made under RCW 82.16.120 expires June 30, 2020. Credits may not be claimed after June 30, 2021.

(7)(a) The right to earn tax credits for incentive payments made under RCW 82.16.165 for the following expires June 30, 2029:

(i) Renewable energy systems, other than community solar projects, that are certified for an incentive payment as of June 30, 2020; and

(ii) Community solar projects that are under precertification status under RCW 82.16.165(7)(b) as of June 30, 2020, and that are certified for an incentive payment in accordance with the terms of that precertification by June 30, 2021.

(b) Credits may not be claimed after June 30, 2030.

(8) This section expires June 30, 2031.

NEW SECTION. Sec. 8. A new section is added to chapter 82.16 RCW to read as follows:

(1) Beginning July 1, 2020, a light and power business is allowed a credit against taxes due under this chapter in an amount equal to incentive payments made in any fiscal year under section 7 of this act.

(2) The credits must be taken in a form and manner as required by the department. The credit taken under this section for the fiscal year may not exceed one and one-half percent of the business's taxable power sales generated in calendar year 2014 and due under RCW 82.16.020(1)(b) or two hundred fifty thousand dollars, whichever is greater, for incentive payments made for community solar projects that submit an application for precertification under section 7 of this act on or after July 1, 2020, and that are certified for an incentive payment in accordance with the terms of that precertification by June 30, 2031.

(3) The credit may not exceed the tax that would otherwise be due under this chapter. Refunds may not be granted in the place of credits. Expenditures not used to earn a credit in one fiscal year may not be used to earn a credit in subsequent years.

(4) For any business that has claimed credit for amounts that exceed the correct amount of the incentive payable under section 7 of this act, the amount of tax against which credit was claimed for the excess payments is immediately due and payable. The department may deduct amounts from future credits claimed by the business.

(a) Except as provided in (b) of this subsection, the department must assess interest but not penalties on the taxes against which the credit was claimed. Interest may be assessed at the rate provided for delinquent excise taxes under chapter 82.32 RCW, retroactively to the date the credit was claimed, and accrues until the taxes against which the credit was claimed are repaid.

(b) A business is not liable for excess payments made in reliance on amounts reported by the Washington State University extension energy program as due and payable as provided under section 7 of this act, if such amounts are later found to be abnormal or inaccurate due to no fault of the business.

(5) The amount of credit taken under this section is not confidential taxpayer information under RCW 82.32.330 and is subject to disclosure.

(6) The right to earn tax credits for incentive payments made under section 7 of this act expires June 30, 2034. Credits may not be claimed under this section after June 30, 2035.

(7) This section expires June 30, 2036.

**Sec. 9.** RCW 82.16.160 and 2017 3rd sp.s. c 36 s 5 are each amended to read as follows:

(1) The definitions in this section apply throughout this section and RCW 82.16.165(~~(, 82.16.170,)~~) and 82.16.175 unless the context clearly requires otherwise.

~~((4))~~ (a) "Administrator" means the utility, nonprofit, or other local housing authority that organizes and administers a community solar project as provided in RCW 82.16.165 and 82.16.170.

~~((2))~~ (b) "Certification" means the authorization issued by the Washington State University extension energy program establishing a person's eligibility to receive annual incentive payments from the person's utility for the program term.

~~((3))~~ (c) "Commercial-scale system" means a renewable energy system or systems other than a community solar project or a shared commercial solar project with a combined nameplate capacity greater than twelve kilowatts that meets the applicable system eligibility requirements established in RCW 82.16.165.

~~((4))~~ (d) "Community solar project" means a solar energy system that has a direct current nameplate generating capacity that is no larger than one thousand kilowatts and meets the applicable eligibility requirements established in RCW 82.16.165 and 82.16.170.

~~((5))~~ (e) "Consumer-owned utility" has the same meaning as in RCW 19.280.020.

~~((6))~~ (f) "Customer-owner" means the owner of a residential-scale or commercial-scale renewable energy system, where such owner is not a utility and such owner is a customer of the utility and either owns the premises where the renewable energy system is installed or occupies the premises.

~~((7))~~ (g) "Electric utility" or "utility" means a consumer-owned utility or investor-owned utility as those terms are defined in RCW 19.280.020.

~~((8))~~ (h) "Governing body" has the same meaning as provided in RCW 19.280.020.

~~((9))~~ (i) "Person" means any individual, firm, partnership, corporation, company, association, agency, or any other legal entity.

~~((10))~~ (j) "Program term" means: ~~((a))~~ (i) For community solar projects that are certified under RCW 82.16.165, eight years or until cumulative incentive payments for electricity produced by the project reach fifty percent of the total system price, including applicable sales tax, whichever occurs first; and ~~((b))~~ (ii) for other renewable energy systems, including shared commercial solar projects, eight years or until cumulative incentive payments for electricity produced by a system reach fifty

percent of the total system price, including applicable sales tax, whichever occurs first.

~~((11))~~ (k) "Renewable energy system" means a solar energy system, including a community solar project, an anaerobic digester as defined in RCW 82.08.900, or a wind generator used for producing electricity.

~~((12))~~ (l) "Residential-scale system" means a renewable energy system or systems located at a single situs with combined nameplate capacity of twelve kilowatts or less that meets the applicable system eligibility requirements established in RCW 82.16.165.

~~((13))~~ (m) "Shared commercial solar project" means a solar energy system, owned or administered by an electric utility, with a combined nameplate capacity of greater than one megawatt and not more than five megawatts and meets the applicable eligibility requirements established in RCW 82.16.165 and 82.16.175.

(2) This section expires June 30, 2031.

**Sec. 10.** RCW 82.16.165 and 2017 3rd sp.s. c 36 s 6 are each amended to read as follows:

(1) Beginning July 1, 2017, and through June 30, 2020, the following persons may submit a one-time application to the Washington State University extension energy program to receive a certification authorizing the utility serving the situs of a renewable energy system in the state of Washington to remit an annual production incentive for each kilowatt-hour of alternating current electricity generated by the renewable energy system:

(a) The utility's customer who is the customer-owner of a residential-scale or commercial-scale renewable energy system;

(b) An administrator of a community solar project meeting the eligibility requirements outlined in RCW 82.16.170~~(2)~~ and applies for certification on behalf of each of the project participants; or

(c) A utility or a business under contract with a utility that administers a shared commercial solar project that meets the eligibility requirements in RCW 82.16.175 and applies for certification on behalf of each of the project participants.

(2) No person, business, or household is eligible to receive incentive payments provided under subsection (1) of this section of more than five thousand dollars per year for residential systems or community solar projects, twenty-five thousand dollars per year for commercial-scale systems, or thirty-five thousand dollars per year for shared commercial solar projects.

(3)(a) No new certification may be issued under this section to an applicant who submits a request for or receives an annual incentive payment for a renewable energy system that was certified under RCW 82.16.120, or for a renewable energy system served by a utility that has elected not to participate in the incentive program, as provided in subsection (4) of this section.

(b) The Washington State University extension energy program may issue a new certification for an additional

system installed at a situs with a previously certified system so long as the new system meets the requirements of this section and its production can be measured separately from the previously certified system.

(c) The Washington State University extension energy program may issue a recertification for a residential-scale or commercial-scale system if a customer makes investments resulting in an expansion of the system's nameplate capacity. Such recertification expires on the same day as the original certification for the residential-scale or commercial-scale system and applies to the entire system the incentive rates and program rules in effect as of the date of the recertification.

(4) A utility's participation in the incentive program provided in this section is voluntary.

(a) A utility electing to participate in the incentive program must notify the Washington State University extension energy program of such election in writing.

(b) The utility may terminate its voluntary participation in the production incentive program by providing notice in writing to the Washington State University extension energy program to cease issuing new certifications for renewable energy systems that would be served by that utility.

(c) Such notice of termination of participation is effective after fifteen days, at which point the Washington State University extension energy program may not accept new applications for certification of renewable energy systems that would be served by that utility.

(d) Upon receiving a utility's notice of termination of participation in the incentive program, the Washington State University extension energy program must report on its web site that customers of that utility are no longer eligible to receive new certifications under the program.

(e) A utility's termination of participation does not affect the utility's obligation to continue to make annual incentive payments for electricity generated by systems that were certified prior to the effective date of the notice. The Washington State University extension energy program must continue to process and issue certifications for renewable energy systems that were received by the Washington State University extension energy program before the effective date of the notice of termination.

(f) A utility that has terminated participation in the program may resume participation upon filing notice with the Washington State University extension energy program.

(5)(a) The Washington State University extension energy program may certify a renewable energy system that is connected to equipment capable of measuring the electricity production of the system and interconnecting with the utility's system in a manner that allows the utility, or the customer at the utility's option, to measure and report to the Washington State University extension energy program the total amount of electricity produced by the renewable energy system.

(b) The Washington State University extension energy program must establish a reporting and fee-for-service system to accept electricity production data from the utility or the customer that is not reported electronically and with the reporting entity selected at the utility's option as described in subsection (19) of this section. The fee-for-service agreement must allow for electronic reporting or reporting by mail, may be specific to individual utilities, and must recover only the program's costs of obtaining the electricity production data and incorporating it into an electronic format. A statement of the amount due for the fee-for-service must be provided to the utility by the Washington State University extension energy program with the report provided to the utility pursuant to subsection (20)(a) of this section. The utility may determine how to assess and remit the fee, and the utility may be allowed a credit for fees paid under this subsection (5) against taxes due, as provided in RCW 82.16.130(1).

(6) The Washington State University extension energy program may issue a certification authorizing annual incentive payments up to the following annual dollar limits:

(a) For community solar projects, five thousand dollars per project participant;

(b) For residential-scale systems, five thousand dollars;

(c) For commercial-scale systems, twenty-five thousand dollars; and

(d) For shared commercial solar projects, up to thirty-five thousand dollars a year per participant, as determined by the terms of subsection (15) of this section.

(7)(a) To obtain certification for the incentive payment provided under subsection (1) of this section by June 30, 2020, for renewable energy systems other than community solar projects, or by June 30, 2021, for community solar projects, a person must submit to the Washington State University extension energy program an application, including:

(i) A signed statement that the applicant has not previously received a notice of eligibility from the department under RCW 82.16.120 entitling the applicant to receive annual incentive payments for electricity generated by the renewable energy system at the same meter location;

(ii) A signed statement of the total price, including applicable sales tax, paid by the applicant for the renewable energy system;

(iii) System operation data including global positioning system coordinates, tilt, estimated shading, and azimuth;

(iv) Any other information the Washington State University extension energy program deems necessary in determining eligibility and incentive levels, administering the program, tracking progress toward achieving the limits on program participation established in RCW 82.16.130, or facilitating the review of the performance of the tax preferences by the joint legislative audit and review committee, as described in RCW 82.16.155; and



(v)(A) Except as provided in (a)(v)(B) of this subsection (7), the date that the renewable energy system received its final electrical inspection from the applicable local jurisdiction, as well as a copy of the permit or, if the permit is available online, the permit number;

(B) The Washington State University extension energy program may waive the requirement in (a)(v)(A) of this subsection (7), accepting an application and granting provisional certification prior to proof of final electrical inspection. Provisional certification expires one hundred eighty days after issuance, unless the applicant submits proof of the final electrical inspection from the applicable local jurisdiction or the Washington State University extension energy program extends the certification, for a term or terms of thirty days, due to extenuating circumstances; and

(b)(i) Prior to obtaining certification under this subsection, a community solar project or shared commercial solar project must apply for precertification against the remaining funds available for incentive payments under subsection (13)(d) of this section in order to be guaranteed an incentive payment under subsection (1) of this section. Community solar projects that are under precertification status under this subsection (7) as of June 30, 2020, may not apply for precertification for the incentive payment provided under section 7 of this act for that same project;

(ii) A project applicant of a community solar project or shared commercial solar project must complete an application for certification with the Washington State University extension energy program within less than ~~((one year))~~ two years to retain the precertification status described in this subsection. If a community solar project application is in precertification status as of June 30, 2020, the project applicant must continue in that status until either it is certified by the Washington State University extension energy program or its precertification expires; and

(iii) The Washington State University extension energy program may design a reservation or precertification system for an applicant of a residential-scale or commercial-scale renewable energy system.

(8) No incentive payments may be authorized or accrued until the final electrical inspection and executed interconnection agreement are submitted to the Washington State University extension energy program.

(9) Within thirty days of receipt of ~~((the))~~ an application for certification, the Washington State University extension energy program must notify the applicant and, except when a utility is the applicant, the utility serving the situs of the renewable energy system, by mail or electronically, whether certification has been granted. The certification notice must state the rate to be paid per kilowatt-hour of electricity generated by the renewable energy system, as provided in subsection (12) of this section, subject to any applicable cap on total annual payment provided in subsection (6) of this section.

(10) Certification is valid for the program term and entitles the applicant or, in the case of a community solar project or shared commercial solar project, the participant, to receive incentive payments for electricity generated from

the date the renewable energy system commences operation, or the date the system is certified, whichever date is later. For purposes of this subsection, the Washington State University extension energy program must define when a renewable energy system commences operation and provide notice of such date to the recipient and the utility serving the situs of the system. Certification may not be retroactively changed except to correct later discovered errors that were made during the original application or certification process.

(11)(a) System certification follows the system if the following conditions are met using procedures established by the Washington State University extension energy program:

(i) The renewable energy system is transferred to a new owner who notifies the Washington State University extension energy program of the transfer; and

(ii) The new owner provides an executed interconnection agreement with the utility serving the premises.

(b) In the event that a community solar project participant terminates their participation in a community solar project, the system certification follows the system and participation may be transferred to a new participant. The administrator of a community solar project must provide notice to the Washington State University extension energy program of any changes or transfers in project participation.

(12) The Washington State University extension energy program must determine the total incentive rate for ~~((a new renewable energy system certification by adding to the base rate any applicable made-in-Washington bonus rate))~~ renewable energy systems, other than a community solar project, certified through June 30, 2020, and for community solar projects precertified as of June 30, 2020, and certified through June 30, 2021, as provided in this subsection. A made-in-Washington bonus rate is provided for a renewable energy system or a community solar project certified through June 30, 2019, with solar modules made in Washington or with a wind turbine or tower that is made in Washington. Both the base rates and bonus rate vary, depending on the fiscal year in which the system is certified and the type of renewable energy system being certified, as provided in the following table:

Fiscal year of system certification	Base rate - residential-scale	Base rate - commercial-scale	Base rate - community solar	Base rate - shared commercial solar	Made in Washington bonus
2018	\$0.16	\$0.06	\$0.16	\$0.06	\$0.05
2019	\$0.14	\$0.04	\$0.14	\$0.04	\$0.04
2020	\$0.12	\$0.02	\$0.12	\$0.02	<del>(((\$0.03))</del>

2021	<del>(\$0.10)</del>	<del>(\$0.02)</del>	\$0.10	<del>(\$0.02)</del>	<del>(\$0.02)</del>
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(13) The Washington State University extension energy program must cease to issue new certifications:

(a) For community solar projects and shared commercial solar projects in any fiscal year for which the Washington State University extension energy program estimates that fifty percent of the remaining funds for credit available to a utility for renewable energy systems certified under this section as of July 1, 2017, have been allocated to community solar projects and shared commercial solar projects combined;

(b) For commercial-scale systems in any fiscal year for which the Washington State University extension energy program estimates that twenty-five percent of the remaining funds for credit available to a utility for renewable energy systems certified under this section as of July 1, 2017, have been allocated to commercial-scale systems;

(c) For any renewable energy system served by a utility, if certification is likely to result in incentive payments by that utility, including payments made under RCW 82.16.120, exceeding the utility's available funds for credit under RCW 82.16.130; and

(d) For any renewable energy system, if certification is likely to result in total incentive payments under this section exceeding one hundred ten million dollars.

(14) If the Washington State University extension energy program ceases issuing new certifications during a fiscal year or biennium as provided in subsection (13) of this section, in the following fiscal year or biennium, or when additional funds are available for credit such that the thresholds described in subsection (13) of this section are no longer exceeded, the Washington State University extension energy program must resume issuing new certifications using a method of awarding certifications that results in equitable and orderly allocation of benefits to applicants.

(15) A customer who is a participant in a shared commercial solar project may not receive incentive payments associated with the project greater than the difference between the levelized cost of energy output of the system over its production life and the retail rate for the rate class to which the customer belongs. The levelized cost of the output of the energy must be determined by the utility that administers the shared commercial solar project and must be disclosed, along with an explanation of the limitations on incentive payments contained in this subsection (15), in the contractual agreement with the shared commercial solar project participants.

(16) In order to begin to receive annual incentive payments, a person who has been issued a certification for the incentive as provided in subsection (9) of this section must obtain an executed interconnection agreement with the utility serving the situs of the renewable energy system.

(17) The Washington State University extension energy program must establish a list of equipment that is eligible for the bonus rates described in subsection (12) of this section. The Washington State University extension

energy program must, in consultation with the department of commerce, develop technical specifications and guidelines to ensure consistent and predictable determination of eligibility. A solar module is made in Washington for purposes of receiving the bonus rate only if the lamination of the module takes place in Washington. A wind turbine is made in Washington only if it is powered by a turbine or built with a tower manufactured in Washington.

(18) The manufacturer of a renewable energy system component subject to a bonus rate under subsection (12) of this section may apply to the Washington State University extension energy program to receive a determination of eligibility for such bonus rates. The Washington State University extension energy program must publish a list of components that have been certified as eligible for such bonus rates. The Washington State University extension energy program may assess an equipment certification fee to recover its costs. The Washington State University extension energy program must deposit all revenue generated by this fee into the state general fund.

(19) Annually, the utility must report electronically to the Washington State University extension energy program the amount of gross kilowatt-hours generated by each renewable energy system since the prior annual report. For the purposes of this section, to report electronically means to submit statistical or factual information in alphanumeric form through a web site established by the Washington State University extension energy program or in a list, table, spreadsheet, or other nonnarrative format that can be digitally transmitted or processed. The utility may instead opt to report by mail or require program participants to report individually, but if the utility exercises one or more of these options it must negotiate with the Washington State University extension energy program the fee-for-service arrangement described in subsection (5)(b) of this section.

(20)(a) The Washington State University extension energy program must calculate for the year and provide to the utility the amount of the incentive payment due to each participant and the total amount of credit against tax due available to the utility under RCW 82.16.130 that has been allocated as annual incentive payments. Upon notice to the Washington State University extension energy program, a utility may opt to directly perform this calculation and provide its results to the Washington State University extension energy program.

(b) If the Washington State University extension energy program identifies an abnormal production claim, it must notify the utility, the department of revenue, and the applicant, and must recommend withholding payment until the applicant has demonstrated that the production claim is accurate and valid. The utility is not liable to the customer for withholding payments pursuant to such recommendation unless and until the Washington State University extension energy program notifies the utility to resume incentive payments.

(21)(a) The utility must issue the incentive payment within ninety days of receipt of the information required under subsection (20)(a) of this section from the Washington State University extension energy program. The utility must

resume the incentive payments withheld under subsection (20)(b) of this section within thirty days of receiving notice from the Washington State University extension energy program that the claim has been demonstrated accurate and valid and payment should be resumed.

(b) A utility is not liable for incentive payments to a customer-owner if the utility has disconnected the customer due to a violation of a customer service agreement, such as nonpayment of the customer's bill, or a violation of an interconnection agreement.

(22) Beginning January 1, 2018, the Washington State University extension energy program must post on its web site and update at least monthly a report, by utility, of:

(a) The number of certifications issued for renewable energy systems, including estimated system sizes, costs, and annual energy production and incentive yields for various system types; and

(b) An estimate of the amount of credit that has not yet been allocated for incentive payments under each utility's credit limit and remains available for new renewable energy system certifications.

(23) Persons receiving incentive payments under this section must keep and preserve, for a period of five years for the duration of the consumer contract, suitable records as may be necessary to determine the amount of incentive payments applied for and received. The Washington State University extension energy program may direct a utility to cease issuing incentive payments if the records are not made available for examination upon request. A utility receiving such a directive is not liable to the applicant for any incentive payments or other damages for ceasing payments pursuant to the directive.

(24) The nonpower attributes of the renewable energy system belong to the utility customer who owns or hosts the system or, in the case of a community solar project or a shared commercial solar project, the participant, and can be kept, sold, or transferred at the utility customer's discretion unless, in the case of a utility-owned community solar or shared commercial solar project, a contract between the customer and the utility clearly specifies that the attributes will be retained by the utility.

(25) All lists, technical specifications, determinations, and guidelines developed under this section must be made publicly available online by the Washington State University extension energy program.

(26) No certification may be issued under this section by the Washington State University extension energy program for any renewable energy system, other than a community solar project, after June 30, ((2024)) 2020. No certification may be issued under this section for any community solar project after June 30, 2021.

(27) The Washington State University extension energy program must collect a one-time fee for applications submitted under subsection (1) of this section of one hundred twenty-five dollars per applicant. The Washington State University extension energy program must deposit all revenue generated by this fee into the state general fund. The

Washington State University extension energy program must administer and budget for the program established in RCW 82.16.120, this section, and RCW 82.16.170 in a manner that ensures its administrative costs through June 30, 2022, are completely met by the revenues from this fee. If the Washington State University extension energy program determines that the fee authorized in this subsection is insufficient to cover the administrative costs through June 30, 2022, the Washington State University extension energy program must report to the legislature on costs incurred and fees collected and demonstrate why a different fee amount or funding mechanism should be authorized.

(28) The Washington State University extension energy program may, through a public process, develop any program requirements, policies, and processes necessary for the administration or implementation of this section, RCW 82.16.120, 82.16.155, and 82.16.170. The department is authorized, in consultation with the Washington State University extension energy program, to adopt any rules necessary for administration or implementation of the program established under this section and RCW 82.16.170.

(29) Applications, certifications, requests for incentive payments under this section, and the information contained therein are not deemed tax information under RCW 82.32.330 and are subject to disclosure.

(30)(a) By November 1, 2019, and in compliance with RCW 43.01.036, the Washington State University extension energy program must submit a report to the legislature that includes the following:

(i) The number and types of renewable energy systems that have been certified under this section as of July 1, 2019, both statewide and per participating utility;

(ii) The number of utilities that are approaching or have reached the credit limit established under RCW 82.16.130(2) or the thresholds established under subsection (13) of this section;

(iii) The share of renewable energy systems by type that contribute to each utility's threshold under subsection (13) of this section;

(iv) An assessment of the deployment of community solar projects in the state, including but not limited to the following:

(A) An evaluation of whether or not community solar projects are being deployed in low-income and moderate-income communities, as those terms are defined in RCW 43.63A.510, including a description of any barriers to project deployment in these communities;

(B) A description of the share of community solar projects by administrator type that contribute to each utility's threshold under subsection (13)(a) of this section; and

(C) A description of any barriers to participation by nonprofits and local housing authorities in the incentive program established under this section and under RCW 82.16.170;

(v) The total dollar amount of incentive payments that have been made to participants in the incentive program established under this section to date; and

(vi) The total number of megawatts of solar photovoltaic capacity installed to date by participants in the incentive program established under this section.

(b) By December 31, 2019, the legislature must review the report submitted under (a) of this subsection and determine whether the credit limit established under RCW 82.16.130(2) should be increased to two percent of a light and power business's taxable power sales generated in calendar year 2014 and due under RCW 82.16.020(1)(b) or two hundred fifty thousand dollars, whichever is greater, in order to achieve the legislative intent under section 1, chapter 36, Laws of 2017 3rd sp. sess.

(31) This section expires June 30, 2031.

**NEW SECTION. Sec. 11.** A new section is added to chapter 82.16 RCW to read as follows:

(1) The definitions in this section apply throughout this section and section 7 of this act unless the context clearly requires otherwise.

(a) "Administrator" means the utility, nonprofit, or other local housing authority that organizes and administers a community solar project as provided in section 7 of this act and RCW 82.16.170.

(b) "Certification" means the authorization issued by the Washington State University extension energy program establishing a community solar project administrator's eligibility to receive a low-income community solar incentive payment from the electric utility serving the site of the community solar project, on behalf of, and for the purpose of providing direct benefits to, its low-income subscribers, low-income service provider subscribers, and tribal and public agency subscribers.

(c) "Community solar project" means a solar energy system that:

(i) Has an alternating current nameplate capacity that is greater than twelve kilowatts but no greater than one hundred ninety-nine kilowatts;

(ii) Has, at minimum, either two subscribers or one low-income service provider subscriber; and

(iii) Meets the applicable eligibility requirements in section 7 of this act and RCW 82.16.170.

(d) "Consumer-owned utility" has the same meaning as in RCW 19.280.020.

(e) "Electric utility" or "utility" means a consumer-owned utility or investor-owned utility as those terms are defined in RCW 19.280.020.

(f) "Energy assistance" has the same meaning as provided in RCW 19.405.020.

(g) "Energy burden" has the same meaning as provided in RCW 19.405.020.

(h) "Governing body" has the same meaning as provided in RCW 19.280.020.

(i) "Low-income" has the same meaning as provided in RCW 19.405.020.

(j) "Low-income service provider" includes, but is not limited to, a local community action agency or local community service agency designated by the department of commerce under chapter 43.63A RCW, local housing authority, tribal housing authority, low-income tribal housing program, affordable housing provider, food bank, or other nonprofit organization that provides services to low-income households.

(k) "Multifamily residential building" means a building containing more than two sleeping units or dwelling units where occupants are primarily permanent in nature.

(l) "Person" means an individual, firm, partnership, corporation, company, association, agency, or any other legal entity.

(m) "Public agency" means any political subdivision of the state including, but not limited to, municipal and county governments, special purpose districts, and local housing authorities, but does not include state agencies.

(n)(i) Except as otherwise provided in (n)(ii) of this subsection, "qualifying subscriber" means a low-income subscriber, low-income service provider subscriber, tribal agency subscriber, or public agency subscriber.

(ii) For tribal agency subscribers and public agency subscribers, only the portion of their subscription to a community solar project that is demonstrated to benefit low-income beneficiaries, including low-income service providers and services provided to low-income citizens or households, is to be considered a qualifying subscriber.

(o) "Subscriber" means a retail electric customer of an electric utility who owns or is the beneficiary of one or more subscriptions or ownership shares of a community solar project directly interconnected with that same utility.

(p) "Subscription" means an agreement between a subscriber and the administrator of a community solar project.

(2) This section expires June 30, 2036.

**NEW SECTION. Sec. 12.** A new section is added to chapter 82.16 RCW to read as follows:

(1) Beginning July 1, 2020, through June 30, 2031, an administrator of a community solar project meeting the eligibility requirements described in this section and RCW 82.16.170(3) may submit an application to the Washington State University extension energy program to receive a precertification for a community solar project. Projects with precertification applications approved by the Washington State University extension energy program have two years to complete their projects and apply for certification. By certifying qualified projects pursuant to the requirements of this section and RCW 82.16.170(3), the Washington State University extension energy program authorizes the utility serving the site of a community solar project in the state of

Washington to remit a one-time low-income community solar incentive payment to the community solar project administrator, who accepts the payment on behalf of, and for the purpose of providing direct benefits to, the project's qualifying subscribers.

(2) A one-time low-income community solar incentive payment remitted to a community solar project administrator for a project certified under this section equals the sum of the following:

(a) An amount, not to exceed twenty thousand dollars per community solar project, equal to the community solar project's administrative costs related to administering the project for qualifying subscribers; and

(b) An amount that does not exceed one hundred percent of the proportional cost of the share of the community solar project that provides direct benefits to qualifying subscribers.

(3) No new certification may be issued under this section to an applicant who receives an annual incentive payment for a community solar project that was certified under RCW 82.16.120 or 82.16.165, or for a community solar project served by a utility that has elected not to participate in the incentive program provided in this section.

(4) Community solar projects that are under precertification status under RCW 82.16.165 as of June 30, 2020, may not apply for precertification of that same project for the one-time low-income community solar incentive payment provided in this section.

(5)(a) In addition to the one-time low-income community solar incentive payment under subsection (2) of this section, a participating utility must also provide the administrator of a community solar project certified under this section the following compensation for the generation of electricity from the certified project:

(i) For a community solar project that has an alternating current nameplate capacity greater than twelve kilowatts but no greater than one hundred kilowatts, and that is connected behind the electric service meter, compensation must be determined in accordance with RCW 80.60.020.

(ii) For a community solar project that has an alternating current nameplate capacity greater than one hundred kilowatts but no greater than one hundred ninety-nine kilowatts, compensation must be determined at a rate set by the participating utility.

(b) A utility may authorize the administrator of a community solar project to provide compensation for the generation of electricity from a certified project to the project subscribers on behalf of the utility. The administrator must provide the utility with signed statements of the following:

(i) The production meter reading for the period for which compensation is to be provided;

(ii) Each subscriber's share of the project;

(iii) The amount to be dispersed to each subscriber for the period; and

(iv) The date and amount dispersed to each subscriber.

(6) A utility's participation in the incentive program provided in this section is voluntary.

(a) A utility electing to participate in the incentive program must notify the Washington State University extension energy program of such election in writing.

(b) The utility may terminate its voluntary participation in the program by providing notice in writing to the Washington State University extension energy program to cease accepting new applications for precertification for community solar projects that would be served by that utility. Such notice of termination of participation is effective after fifteen days, at which point the Washington State University extension energy program may not accept new applications for precertification for community solar projects that would be served by that utility.

(c) Upon receiving a utility's notice of termination of participation in the incentive program, the Washington State University extension energy program must report on its web site that community solar project customers of that utility are no longer eligible to receive new certifications under the program.

(d) A utility that has terminated participation in the program may resume participation upon filing a notice with the Washington State University extension energy program.

(7)(a) The Washington State University extension energy program may issue certifications authorizing incentive payments under this section in a total statewide amount not to exceed twenty million dollars, and subject to the following biennial dollar limits:

(i) For fiscal year 2021, three hundred thousand dollars; and

(ii) For each biennium beginning on or after July 1, 2021, five million dollars.

(b) For the first year of each full biennium for which funds are available for incentive payments, the amount available to each utility to pay low-income community solar incentive payments to community solar projects certified under this section is proportional to the amount of electricity provided to each utility's retail electric customers against the total retail sales of electricity by all electric utilities in the state, obtained from the most recent year in which a full year's data for retail sales of electricity in the state is available from the United States energy information administration. For the second year of each full biennium, any amounts not reserved for precertified community solar projects in the first year will be made available on a first-come, first-served basis to utilities that have not reached the public utility tax credit limit established under section 3(2) of this act.

(8)(a) Prior to obtaining certification under this section, the administrator of a community solar project must apply for precertification against the funds available for incentive payments under subsection (7) of this section in order to be guaranteed an incentive payment under this

section. The application for precertification must include, at a minimum:

(i) A demonstration of how the project will deliver direct benefits to low-income subscribers. A direct benefit can include credit for the power generation for the community solar project or from sales of renewable energy credits, a low-income specific discount, or other mechanisms that lower the energy burden of a low-income subscriber; and

(ii) Any other information the Washington State University extension energy program deems necessary in determining eligibility for precertification.

(b) The administrator of a community solar project must complete an application for certification in accordance with the requirements of subsection (9) of this section within less than two years of being approved for precertification status. The administrator must submit a project update to the Washington State University extension energy program after one year in precertification status.

(9) To obtain certification for the one-time low-income community solar incentive payment provided under this section, a project administrator must submit to the Washington State University extension energy program an application, including, at a minimum:

(a) A signed statement that the applicant has not previously received a notice of eligibility from the department under RCW 82.16.120 or the Washington State University extension energy program under RCW 82.16.165 entitling the applicant to receive annual incentive payments for electricity generated by the community solar project at the same meter location;

(b) A signed statement of the costs paid by the administrator related to administering the project for qualifying subscribers;

(c) A signed statement of the total project costs, including the proportional cost of the share of the community solar project that provides direct benefits to qualifying subscribers;

(d) A signed statement of the amount of direct benefits that will be provided to low-income subscribers, other qualifying subscribers, and subscribers who are not qualifying subscribers. The statement must describe the timing, method, and estimated energy burden reduction associated with the direct benefits. The statement must also include a comparison of the amount of upfront incentive payment to the amount of direct benefit paid to low-income subscribers;

(e) Available system operation data, such as global positioning system coordinates, tilt, estimated shading, and azimuth;

(f) Any other information the Washington State University extension energy program deems necessary in determining eligibility and incentive levels or administering the program;

(g)(i) Except as provided in (g)(ii) of this subsection (9), the date that the community solar project received its

final electrical inspection from the applicable local jurisdiction, as well as a copy of the permit or, if the permit is available online, the permit number;

(ii) The Washington State University extension energy program may waive the requirement in (g)(i) of this subsection (9), accepting an application and granting provisional certification prior to proof of final electrical inspection. Provisional certification expires one hundred eight days after issuance, unless the applicant submits proof of the final electrical inspection from the applicable local jurisdiction or the Washington State University extension energy program extends certification, for a term or terms of thirty days, due to extenuating circumstances;

(h) Confirmation of the number of qualifying subscribers; and

(i) Any other information the Washington State University extension energy program deems necessary in determining eligibility and incentive levels or administering the program.

(10) No incentive payments may be authorized or accrued until the final electrical inspection and executed interconnection agreement are submitted to the Washington State University extension energy program.

(11)(a) The Washington State University extension energy program must review each project for which an application for certification is submitted in accordance with subsection (8) of this section for reasonable cost and financial structure, with a targeted cost of three dollars per watt of installed system capacity that is designated for a community solar project's qualifying subscribers. The Washington State University extension energy program may approve an application for a project that costs more or less than three dollars per watt of installed system capacity based on a review of the project, documents submitted by the project applicant, and available data. Project cost evaluations must exclude costs associated with energy storage systems. Applicants may petition the Washington State University extension energy program to approve a higher cost per watt for unusual circumstances, except that such costs may not include costs associated with energy storage systems.

(b) The Washington State University extension energy program may review the cost per watt target under (a) of this subsection prior to each fiscal biennium and is authorized to determine a new cost per watt target.

(12)(a) Within thirty days of receipt of an application for certification, the Washington State University extension energy program must notify the applicant and, except when a utility is the applicant, the utility serving the site of the community solar project, by mail or electronically, whether certification has been granted. The certification notice must state the total dollar amount of the low-income community solar incentive payment for which the applicant is eligible under this section.

(b) Within sixty days of receipt of a notification under (a) of this subsection, the utility serving the site of the community solar project must remit the applicable one-time low-income community solar incentive payment to the

project administrator, who accepts the payment on behalf of, and for the purpose of providing direct benefits to, the project's qualifying subscribers.

(13)(a) Certification follows the community solar project if the following conditions are met using procedures established by the Washington State University extension energy program:

(i) The community solar project is transferred to a new owner who notifies the Washington State University extension energy program of the transfer; and

(ii) The new owner provides an executed interconnection agreement with the utility serving the site of the community solar project.

(b) In the event that a qualifying subscriber terminates their participation in a community solar project, the system certification follows the project and participation must be transferred to a new qualifying subscriber.

(14) Beginning January 1, 2021, the Washington State University extension energy program must post on its web site and update at least monthly a report, by utility, of:

(a) The number of certifications issued for community solar projects; and

(b) An estimate of the amount of credit that has not yet been allocated for low-income community solar incentive payments under each utility's credit limit and that remains available for new community solar project certifications in the state.

(15) Persons receiving incentive payments under this section must keep and preserve, for a period of five years for the duration of the consumer contract, suitable records as may be necessary to determine the amount of incentive payments applied for and received.

(16) The nonpower attributes of the community solar project belong to the individual subscribers, and must be kept, sold, or transferred at a subscriber's discretion, unless a contract between the subscriber and administrator clearly specifies that the attributes will be transferred to the administrator.

(17) All lists, technical specifications, determinations, and guidelines developed under this section must be made publicly available online by the Washington State University extension energy program.

(18) The Washington State University extension energy program must collect a one-time fee for precertification applications submitted under this section of five hundred dollars per applicant. The Washington State University extension energy program must deposit all revenue generated by this fee into the state general fund.

(19) The Washington State University extension energy program may, through a public process, develop program requirements, policies, and processes necessary for the administration or implementation of this section.

(20) Applications, certifications, requests for incentive payments under this section, and the information contained

therein are not deemed tax information under RCW 82.32.330 and are subject to disclosure.

(21) No certification may be issued under this section by the Washington State University extension energy program for a community solar project after June 30, 2033.

(22) This section expires June 30, 2036.

**Sec. 13.** RCW 82.16.170 and 2017 3rd sp.s. c 36 s 7 are each amended to read as follows:

(1) The purpose of community solar programs is to facilitate broad, equitable community investment in and access to solar power. Beginning July 1, 2017, a community solar administrator may organize and administer a community solar project as provided in this section.

(2) ~~((A))~~ In order to receive certification for the incentive payment provided under RCW 82.16.165(1) by June 30, 2021, a community solar project must have a direct current nameplate capacity that is no more than one thousand kilowatts and must have at least ten participants or one participant for every ten kilowatts of direct current nameplate capacity, whichever is greater. A community solar project that has a direct current nameplate capacity greater than five hundred kilowatts must be subject to a standard interconnection agreement with the utility serving the situs of the community solar project. Except for community solar projects authorized under subsection ~~((9))~~ (10) of this section, each participant must be a customer of the utility providing service at the situs of the community solar project.

(3) In order to receive certification for the incentive payment provided under section 7 of this act beginning July 1, 2020, a community solar project must meet the following requirements:

(a) The administrator of the community solar project must be a utility, nonprofit, or other local housing authority. The administrator of the community solar project must apply for precertification under section 7 of this act on or after July 1, 2020;

(b) The community solar project must have an alternating current nameplate capacity that is greater than twelve kilowatts but no greater than one hundred ninety-nine kilowatts, and must have at least two subscribers or one low-income service provider subscriber;

(c) The administrator of the community solar project must provide a verified list of qualifying subscribers;

(d) Verification that an individual household subscriber meets the definition of low-income must be provided to the administrator by an entity with authority to maintain the confidentiality of the income status of the low-income subscriber. If the providing entity incurs costs to verify a subscriber's income status, the administrator must provide reimbursement of those costs;

(e) Except for community solar projects authorized under subsection (10) of this section, each subscriber must be a customer of the utility providing service at the site of the community solar project;

(f) In the event that a low-income subscriber in a community solar project certified under section 7 of this act moves from the household premises of the subscriber's current subscription to another, the subscriber may continue the subscription, provided that the new household premises is served by the utility providing service at the site of the community solar project. In the event that a subscriber is no longer served by that utility or the subscriber terminates participation in a community solar project certified under section 7 of this act, the certification follows the system and participation may be transferred by the administrator to a new qualifying subscriber;

(g) The administrator must include in the application for precertification a project prospectus that demonstrates how the administrator intends to provide direct benefits to qualifying subscribers for the duration of their subscription to the community solar project; and

(h) The length of the subscription term for low-income subscribers must be the same length as for other subscribers, if applicable.

(4) The administrator of a community solar project must administer the project in a transparent manner that allows for fair and nondiscriminatory opportunity for participation by utility customers.

((4)) (5) The administrator of a community solar project may establish a reasonable fee to cover costs incurred in organizing and administering the community solar project. Project participants, prior to making the commitment to participate in the project, must be given clear and conspicuous notice of the portion of the incentive payment that will be used for this purpose.

((5)) (6) The administrator of a community solar project must maintain and update annually through June 30, 2030, the following information for each project it operates or administers:

- (a) Ownership information;
- (b) Contact information for technical management questions;
- (c) Business address;
- (d) Project design details, including project location, output capacity, equipment list, and interconnection information; and
- (e) Subscription information, including rates, fees, terms, and conditions.

((6)) (7) The administrator of a community solar project must provide the information required in subsection ((5)) (6) of this section to the Washington State University extension energy program at the time it submits the applications allowed under RCW 82.16.165(1) and section 7 of this act.

((7)) (8) The administrator of a community solar project must provide each project participant with a disclosure form containing all material terms and conditions of participation in the project, including but not limited to the following:

(a) Plain language disclosure of the terms under which the project participant's share of any incentive payment will be calculated by the Washington State University extension energy program ~~((over the life of the contract))~~;

(b) Contract provisions regulating the disposition or transfer of the project participant's interest in the project, including any potential costs associated with such a transfer;

(c) All recurring and nonrecurring charges;

(d) A description of the billing and payment procedures;

(e) A description of any compensation to be paid in the event of project underperformance;

(f) Current production projections and a description of the methodology used to develop the projections;

(g) Contact information for questions and complaints; and

(h) Any other terms and conditions of the services provided by the administrator.

((8)) (9) A utility may not adopt rates, terms, conditions, or standards that unduly or unreasonably discriminate between utility-administered community solar projects and those administered by another entity.

((9)) (10) A public utility district that is engaged in distributing electricity to more than one retail electric customer in the state and a joint operating agency organized under chapter 43.52 RCW on or before January 1, 2017, may enter into an agreement with each other to construct and own a community solar project that is located on property owned by a joint operating agency or on property that receives electric service from a participating public utility district. Each participant of a community solar project under this subsection must be a customer of at least one of the public utility districts that is a party to the agreement with a joint operating agency to construct and own a community solar project.

((10)) (11) The Washington utilities and transportation commission must publish, without disclosing proprietary information, a list of the following:

(a) Entities other than utilities, including affiliates or subsidiaries of utilities, that organize and administer community solar projects; and

(b) Community solar projects and related programs and services offered by investor-owned utilities.

((11)) (12) If a consumer-owned utility opts to provide a community solar program or contracts with a nonutility administrator to offer a community solar program, the governing body of the consumer-owned utility must publish, without disclosing proprietary information, a list of the nonutility administrators contracted by the utility as part of its community solar program.

((12)) (13) A utility administrator of a community solar project applying for and receiving precertification and certification on or after July 1, 2020, that meets the requirements of section 7 of this act and subsection (3) of



this section may provide energy assistance and investments to reduce the energy burden for low-income households and low-income service providers by offsetting the proportional administration and subscription costs for those entities.

(14) Except for parties engaged in actions and transactions regulated under laws administered by other authorities and exempted under RCW 19.86.170, a violation of this section constitutes an unfair or deceptive act in trade or commerce in violation of chapter 19.86 RCW, the consumer protection act. Acts in violation of chapter 36, Laws of 2017 3rd sp. sess. are not reasonable in relation to the development and preservation of business, and constitute matters vitally affecting the public interest for the purpose of applying the consumer protection act, chapter 19.86 RCW.

((13)) (15) Nothing in this section may be construed as intending to preclude persons from investing in or possessing an ownership interest in a community solar project, or from applying for and receiving federal investment tax credits.

(16) This section expires June 30, 2036.

**Sec. 14.** RCW 82.16.110 and 2011 c 179 s 2 are each amended to read as follows:

(1) The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

((4)) (a) "Administrator" means an owner and assignee of a community solar project as defined in ((subsection—(2)(a)(i))) (b)(i)(A) of this ((section)) subsection that is responsible for applying for the investment cost recovery incentive on behalf of the other owners and performing such administrative tasks on behalf of the other owners as may be necessary, such as receiving investment cost recovery incentive payments, and allocating and paying appropriate amounts of such payments to the other owners.

((2)(a)) (b)(i) "Community solar project" means:

((4)) (A) A solar energy system that is capable of generating up to seventy-five kilowatts of electricity and is owned by local individuals, households, nonprofit organizations, or nonutility businesses that is placed on the property owned by a cooperating local governmental entity that is not in the light and power business or in the gas distribution business;

((4)) (B) A utility-owned solar energy system that is capable of generating up to seventy-five kilowatts of electricity and that is voluntarily funded by the utility's ratepayers where, in exchange for their financial support, the utility gives contributors a payment or credit on their utility bill for the value of the electricity produced by the project; or

((4)) (C) A solar energy system, placed on the property owned by a cooperating local governmental entity that is not in the light and power business or in the gas distribution business, that is capable of generating up to seventy-five kilowatts of electricity, and that is owned by a company whose members are each eligible for an investment cost recovery incentive for the same customer-generated electricity as provided in RCW 82.16.120.

((4)) (ii) For the purposes of "community solar project" as defined in ((4)) (b)(i) of this subsection:

((4)) (A) "Company" means an entity that is:

((4)) (I) A limited liability company; ((4)) (A) a cooperative formed under chapter 23.86 RCW; or ((4)) (A) a mutual corporation or association formed under chapter 24.06 RCW; and

((4)) (II) Not a "utility" as defined in this subsection ((2)(b)) (1)(b)(ii); and

((4)) (B) "Nonprofit organization" means an organization exempt from taxation under 26 U.S.C. Sec. 501(c)(3) of the federal internal revenue code of 1986, as amended, as of January 1, 2009; and

((4)) (C) "Utility" means a light and power business, an electric cooperative, or a mutual corporation that provides electricity service.

((4)) (c) "Customer-generated electricity" means a community solar project or the alternating current electricity that is generated from a renewable energy system located in Washington and installed on an individual's, businesses', or local government's real property that is also provided electricity generated by a light and power business. Except for community solar projects, a system located on a leasehold interest does not qualify under this definition. Except for utility-owned community solar projects, "customer-generated electricity" does not include electricity generated by a light and power business with greater than one thousand megawatt-hours of annual sales or a gas distribution business.

((4)) (d) "Economic development kilowatt-hour" means the actual kilowatt-hour measurement of customer-generated electricity multiplied by the appropriate economic development factor.

((4)) (e) "Local governmental entity" means any unit of local government of this state including, but not limited to, counties, cities, towns, municipal corporations, quasi-municipal corporations, special purpose districts, and school districts.

((4)) (f) "Photovoltaic cell" means a device that converts light directly into electricity without moving parts.

((4)) (g) "Renewable energy system" means a solar energy system, an anaerobic digester as defined in RCW 82.08.900, or a wind generator used for producing electricity.

((4)) (h) "Solar energy system" means any device or combination of devices or elements that rely upon direct sunlight as an energy source for use in the generation of electricity.

((4)) (i) "Solar inverter" means the device used to convert direct current to alternating current in a solar energy system.

((4)) (j) "Solar module" means the smallest nondivisible self-contained physical structure housing interconnected photovoltaic cells and providing a single direct current electrical output.

((44)) (k) "Stirling converter" means a device that produces electricity by converting heat from a solar source utilizing a stirling engine.

(2) This section expires June 30, 2031.

**Sec. 15.** RCW 82.16.120 and 2017 3rd sp.s. c 36 s 3 are each amended to read as follows:

(1)(a) Any individual, business, local governmental entity, not in the light and power business or in the gas distribution business, or a participant in a community solar project may apply to the light and power business serving the situs of the system, each fiscal year beginning on July 1, 2005, and ending June 30, 2017, for an investment cost recovery incentive for each kilowatt-hour from a customer-generated electricity renewable energy system.

(b) In the case of a community solar project as defined in RCW 82.16.110((2)(a)(i)) (1)(b)(i)(A), the administrator must apply for the investment cost recovery incentive on behalf of each of the other owners.

(c) In the case of a community solar project as defined in RCW 82.16.110((2)(a)(iii)) (1)(b)(i)(C), the company owning the community solar project must apply for the investment cost recovery incentive on behalf of each member of the company.

(2)(a) Before submitting for the first time the application for the incentive allowed under subsection (4) of this section, the applicant must submit to the department of revenue and to the climate and rural energy development center at the Washington State University, established under RCW 28B.30.642, a certification in a form and manner prescribed by the department that includes, but is not limited to, the information described in (c) of this subsection.

(b) The department may not accept certifications submitted to the department under (a) of this subsection after September 30, 2017.

(c) The certification must include:

(i) The name and address of the applicant and location of the renewable energy system.

(A) If the applicant is an administrator of a community solar project as defined in RCW 82.16.110((2)(a)(i)) (1)(b)(i)(A), the certification must also include the name and address of each of the owners of the community solar project.

(B) If the applicant is a company that owns a community solar project as defined in RCW 82.16.110((2)(a)(iii)) (1)(b)(i)(C), the certification must also include the name and address of each member of the company;

(ii) The applicant's tax registration number;

(iii) That the electricity produced by the applicant meets the definition of "customer-generated electricity" and that the renewable energy system produces electricity with:

(A) Any solar inverters and solar modules manufactured in Washington state;

(B) A wind generator powered by blades manufactured in Washington state;

(C) A solar inverter manufactured in Washington state;

(D) A solar module manufactured in Washington state;

(E) A stirling converter manufactured in Washington state; or

(F) Solar or wind equipment manufactured outside of Washington state;

(iv) That the electricity can be transformed or transmitted for entry into or operation in parallel with electricity transmission and distribution systems; and

(v) The date that the renewable energy system received its final electrical inspection from the applicable local jurisdiction.

(d) Within thirty days of receipt of the certification the department of revenue must notify the applicant by mail, or electronically as provided in RCW 82.32.135, whether the renewable energy system qualifies for an incentive under this section. The department may consult with the climate and rural energy development center to determine eligibility for the incentive. System certifications and the information contained therein are not confidential tax information under RCW 82.32.330 and are subject to disclosure.

(3)(a) By August 1st of each year through August 1, 2017, the application for the incentive must be made to the light and power business serving the situs of the system by certification in a form and manner prescribed by the department that includes, but is not limited to, the following information:

(i) The name and address of the applicant and location of the renewable energy system.

(A) If the applicant is an administrator of a community solar project as defined in RCW 82.16.110((2)(a)(i)) (1)(b)(i)(A), the application must also include the name and address of each of the owners of the community solar project.

(B) If the applicant is a company that owns a community solar project as defined in RCW 82.16.110((2)(a)(iii)) (1)(b)(i)(C), the application must also include the name and address of each member of the company;

(ii) The applicant's tax registration number;

(iii) The date of the notification from the department of revenue stating that the renewable energy system is eligible for the incentives under this section; and

(iv) A statement of the amount of kilowatt-hours generated by the renewable energy system in the prior fiscal year.

(b) Within sixty days of receipt of the incentive certification the light and power business serving the situs of the system must notify the applicant in writing whether the incentive payment will be authorized or denied. The

business may consult with the climate and rural energy development center to determine eligibility for the incentive payment. Incentive certifications and the information contained therein are not confidential tax information under RCW 82.32.330 and are subject to disclosure.

(c)(i) Persons, administrators of community solar projects, and companies receiving incentive payments must keep and preserve, for a period of five years, suitable records as may be necessary to determine the amount of incentive applied for and received. Such records must be open for examination at any time upon notice by the light and power business that made the payment or by the department. If upon examination of any records or from other information obtained by the business or department it appears that an incentive has been paid in an amount that exceeds the correct amount of incentive payable, the business may assess against the person for the amount found to have been paid in excess of the correct amount of incentive payable and must add thereto interest on the amount. Interest is assessed in the manner that the department assesses interest upon delinquent tax under RCW 82.32.050.

(ii) If it appears that the amount of incentive paid is less than the correct amount of incentive payable the business may authorize additional payment.

(4) Except for community solar projects, the investment cost recovery incentive may be paid fifteen cents per economic development kilowatt-hour unless requests exceed the amount authorized for credit to the participating light and power business. For community solar projects, the investment cost recovery incentive may be paid thirty cents per economic development kilowatt-hour unless requests exceed the amount authorized for credit to the participating light and power business. For the purposes of this section, the rate paid for the investment cost recovery incentive may be multiplied by the following factors:

(a) For customer-generated electricity produced using solar modules manufactured in Washington state or a solar stirring converter manufactured in Washington state, two and four-tenths;

(b) For customer-generated electricity produced using a solar or a wind generator equipped with an inverter manufactured in Washington state, one and two-tenths;

(c) For customer-generated electricity produced using an anaerobic digester, or by other solar equipment or using a wind generator equipped with blades manufactured in Washington state, one; and

(d) For all other customer-generated electricity produced by wind, eight-tenths.

(5)(a) No individual, household, business, or local governmental entity is eligible for incentives provided under subsection (4) of this section for more than five thousand dollars per year.

(b) Except as provided in (c) through (e) of this subsection (5), each applicant in a community solar project is eligible for up to five thousand dollars per year.

(c) Where the applicant is an administrator of a community solar project as defined in RCW 82.16.110((2)(a)(i)) (1)(b)(i)(A), each owner is eligible for an incentive but only in proportion to the ownership share of the project, up to five thousand dollars per year.

(d) Where the applicant is a company owning a community solar project that has applied for an investment cost recovery incentive on behalf of its members, each member of the company is eligible for an incentive that would otherwise belong to the company but only in proportion to each ownership share of the company, up to five thousand dollars per year. The company itself is not eligible for incentives under this section.

(e) In the case of a utility-owned community solar project, each ratepayer that contributes to the project is eligible for an incentive in proportion to the contribution, up to five thousand dollars per year.

(6) The climate and rural energy development center at Washington State University energy program may establish guidelines and standards for technologies that are identified as Washington manufactured and therefore most beneficial to the state's environment.

(7) The environmental attributes of the renewable energy system belong to the applicant, and do not transfer to the state or the light and power business upon receipt of the investment cost recovery incentive.

(8) No incentive may be paid under this section for kilowatt-hours generated before July 1, 2005, or after June 30, 2017, except as provided in subsections (10) through (12) of this section.

(9) Beginning October 1, 2017, program management, technical review, and tracking responsibilities of the department under this section are transferred to the Washington State University extension energy program. At the earliest date practicable and no later than September 30, 2017, the department must transfer all records necessary for the administration of the remaining incentive payments due under this section to the Washington State University extension energy program.

(10) Participants in the renewable energy investment cost recovery program under this section will continue to receive payments for electricity produced through June 30, 2020, at the same rates their utility paid to participants for electricity produced between July 1, 2015, and June 30, 2016.

(11) In order to continue to receive the incentive payment allowed under subsection (4) of this section, a person or community solar project administrator who has, by September 30, 2017, submitted a complete certification to the department under subsection (2) of this section must apply to the Washington State University extension energy program by April 30, 2018, for a certification authorizing the utility serving the situs of the renewable energy system to annually remit the incentive payment allowed under subsection (4) of this section for each kilowatt-hour generated by the renewable energy system through June 30, 2020.

(12)(a) The Washington State University extension energy program must establish an application process and form by which to collect the system operation data described in RCW 82.16.165(7)(a)(iii) from each person or community solar project administrator applying for a certification under subsection (11) of this section. The Washington State University extension energy program must notify any applicant that providing this data is a condition of certification and that any certification issued pursuant to this section is void as of June 30, 2018, if the applicant has failed to provide the data by that date.

(b) Beginning July 1, 2018, the Washington State University extension energy program must, in a form and manner that is consistent with the roles and processes established under RCW 82.16.165 (19) and (20), calculate for the year and provide to the utility the amount of the incentive payment due to each participant under subsection (11) of this section.

(13) This section expires June 30, 2031.

**Sec. 16.** RCW 82.16.150 and 2010 c 202 s 5 are each amended to read as follows:

(1) Owners of a community solar project as defined in RCW 82.16.110((2)(a)(i) and (iii)) (1) (b)(i)(A) and (C) must agree to hold harmless the light and power business serving the situs of the system, including any employee, for the good faith reliance on the information contained in an application or certification submitted by an administrator or company. In addition, the light and power business and any employee is immune from civil liability for the good faith reliance on any misstatement that may be made in such application or certification. Should a light and power business or employee prevail upon the defense provided in this section, it is entitled to recover expenses and reasonable attorneys' fees incurred in establishing the defense.

(2) This section expires June 30, 2031.

**Sec. 17.** RCW 82.16.155 and 2017 3rd sp.s. c 36 s 2 are each amended to read as follows:

(1) This section is the tax preference performance statement for the tax preference and incentives created under ((RCW 82.16.130 and)) sections 4 and 6, chapter 36, Laws of 2017 3rd sp. sess. This performance statement is only intended to be used for subsequent evaluation of the tax preference and incentives. It is not intended to create a private right of action by any party or be used to determine eligibility for preferential tax treatment.

(2) The legislature categorizes the tax preference created under ((RCW 82.16.130)) section 4, chapter 36, Laws of 2017 3rd sp. sess. and incentive payments authorized in section 6, chapter 36, Laws of 2017 3rd sp. sess. as intended to:

(a) Induce participating utilities to make incentive payments to utility customers who invest in renewable energy systems; and

(b) By inducing utilities, nonprofit organizations, and utility customers to acquire and install renewable energy

systems, retain jobs in the clean energy sector and create additional jobs.

(3) The legislature's public policy objectives are to:

(a) Increase energy independence from fossil fuels; and

(b) Promote economic development through increasing and improving investment in, development of, and use of clean energy technology in Washington; and

(c) Increase the number of jobs in and enhance the sustainability of the clean energy technology industry in Washington.

(4) It is the legislature's intent to provide the incentives in sections 4 and 6, chapter 36, Laws of 2017 3rd sp. sess. ((and RCW 82.16.130)) in order to ensure the sustainable job growth and vitality of the state's renewable energy sector. The purpose of the incentive is to reduce the costs associated with installing and operating solar energy systems by persons or entities receiving the incentive.

(5) As part of its 2021 tax preference reviews, the joint legislative audit and review committee must review the tax preferences and incentives in sections 4 and 6, chapter 36, Laws of 2017 3rd sp. sess. ((and RCW 82.16.130.)) The legislature intends for the legislative auditor to determine that the incentive has achieved its desired outcomes if the following objectives are achieved:

(a) Installation of one hundred fifteen megawatts of solar photovoltaic capacity by participants in the incentive program between July 1, 2017, and June 30, 2021; and

(b) Growth of solar-related employment from 2015 levels, as evidenced by:

(i) An increased per capita rate of solar energy-related jobs in Washington, which may be determined by consulting a relevant trade association in the state; or

(ii) Achievement of an improved national ranking for solar energy-related employment and per capita solar energy-related employment, as reported in a nationally recognized report.

(6) In order to obtain the data necessary to perform the review, the joint legislative audit and review committee may refer to data collected by the Washington State University extension energy program and may obtain employment data from the employment security department.

(7) The Washington State University extension energy program must collect, through the application process, data from persons claiming the tax credit under ((RCW 82.16.130)) section 4, chapter 36, Laws of 2017 3rd sp. sess. and persons receiving the incentive payments created in ((RCW 82.16.165)) section 6, chapter 36, Laws of 2017 3rd sp. sess., as necessary, and may collect data from other interested persons as necessary to report on the performance of chapter 36, Laws of 2017 3rd sp. sess.

(8) All recipients of tax credits or incentive payments awarded under this chapter must provide data necessary to evaluate the tax preference performance objectives in this section as requested by the Washington State University

extension energy program or the joint legislative audit and review committee. Failure to comply may result in the loss of a tax credit award or incentive payment in the following year.

(9) This section expires June 30, 2031.

**NEW SECTION. Sec. 18.** The provisions of RCW 82.32.805 and 82.32.808 do not apply to this act.

**NEW SECTION. Sec. 19.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

Correct the title.

Representatives Doglio and DeBolt spoke in favor of the adoption of the striking amendment.

The striking amendment (1477) was adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Doglio, DeBolt and Tarleton spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 2248.

### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2248, and the bill passed the House by the following vote: Yeas, 88; Nays, 10; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chapman, Chopp, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Duerr, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, Mead, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Sells, Senn, Shewmake, Slatter, Smith, Springer, Steele, Stonier, Sullivan, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Voting nay: Representatives Chandler, Dufault, Dye, Jenkin, Kraft, McCaslin, Schmick, Shea, Stokesbary and Sutherland.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2248, having received the necessary constitutional majority, was declared passed.

### HOUSE BILL NO. 2880, by Representatives Dent, Chandler and Barkis

**Concerning sales and use tax exemptions for aircraft fuel used for research and development purposes.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 2880 was substituted for House Bill No. 2880 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2880 was read the second time.

Representative Dent moved the adoption of amendment (1185):

19.0. On page 2, line 5, after "testbed aircraft" insert "that is based in the state"

On page 2, beginning on line 8, strike all of subsection (c)

Representatives Dent and Tarleton spoke in favor of the adoption of the amendment.

Amendment (1185) was adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Dent and Tarleton spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 2880.

### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2880, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Mead, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shea, Shewmake, Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van

Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2880, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 2903, by Representatives Chapman, Stokesbary, Chambers, Gildon, Tharinger and Senn**

**Providing that qualified dealer cash incentives paid to auto dealers are bona fide discounts for purposes of the business and occupation tax.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Chapman and Orcutt spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of House Bill No. 2903.

#### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2903, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Mead, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shea, Shewmake, Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

HOUSE BILL NO. 2903, having received the necessary constitutional majority, was declared passed.

**SUBSTITUTE SENATE BILL NO. 5097, by Senate Committee on Health & Long Term Care (originally sponsored by Cleveland, Wilson, L., Keiser and Kuderer)**

**Concerning the licensure and certification of massage therapists and reflexologists.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Kraft and Stonier spoke in favor of the passage of the bill.

Representative Kloba spoke against the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5097.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5097, and the bill passed the House by the following vote: Yeas, 89; Nays, 9; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chopp, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, J. Johnson, Kilduff, Kirby, Klippert, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Mead, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Pettigrew, Ramel, Ramos, Riccelli, Robinson, Rude, Schmick, Sells, Senn, Shea, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Voting nay: Representatives Chapman, Fey, Kloba, Peterson, Pollet, Ryu, Santos, Shewmake and Smith.

SUBSTITUTE SENATE BILL NO. 5097, having received the necessary constitutional majority, was declared passed.

**ENGROSSED SENATE BILL NO. 5282, by Senators Liias, Cleveland, Darneille, Short, Kuderer, Walsh, Brown, Randall, Dhingra, Rolfes, Billig, Das, Hunt, Keiser and Pedersen**

**Requiring informed consent for pelvic exams.**

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Health Care & Wellness was adopted. (For Committee amendment, see Journal, Day 44, February 25, 2020).

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Macri and Caldier spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Senate Bill No. 5282, as amended by the House.

### **ROLL CALL**

The Clerk called the roll on the final passage of Engrossed Senate Bill No. 5282, as amended by the House, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

Voting yeas: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Mead, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shea, Shewmake, Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

ENGROSSED SENATE BILL NO. 5282, as amended by the House, having received the necessary constitutional majority, was declared passed.

There being no objection, the House adjourned until 10:00 a.m., February 28, 2020, the 47th Day of the Regular Session.

LAURIE JINKINS, Speaker

BERNARD DEAN, Chief Clerk

HOUSE JOURNAL  
OF THE  
SIXTY-SIXTH LEGISLATURE  
OF THE  
STATE OF WASHINGTON  
AT  
OLYMPIA, THE STATE CAPITOL

2020 Regular Session  
Convened January 13, 2020  
Adjourned Sine Die March 12, 2020

VOLUME 2



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**Laurie Jenkins**, Speaker  
**Tina Orwall**, Speaker Pro Tempore  
**Bernard Dean**, Chief Clerk

Compiled and edited by Gary Holt & Maureen Mueller, House Journal Clerks

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## SIXTY SIXTH LEGISLATURE - REGULAR SESSION

## FORTY SEVENTH DAY

House Chamber, Olympia, Friday, February 28, 2020

The House was called to order at 10:00 a.m. by the Speaker (Representative Lovick presiding). The Clerk called the roll and a quorum was present.

The flags were escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Tessa Fresco and Alexander Vuu. The Speaker (Representative Lovick presiding) led the Chamber in the Pledge of Allegiance. The prayer was offered by Pastor Aaragon Markwell, First Baptist Church, South Bend, Washington.

Reading of the Journal of the previous day was dispensed with and it was ordered to stand approved.

There being no objection, the House advanced to the third order of business.

## MESSAGE FROM THE SENATE

February 27, 2020

Mme. SPEAKER:

The Senate has passed:

ENGROSSED SUBSTITUTE SENATE BILL NO.  
6168,

and the same is herewith transmitted.

Brad Hendrickson, Secretary

There being no objection, the House advanced to the fourth order of business.

## INTRODUCTION &amp; FIRST READING

HB 2955 by Representatives Shewmake, Paul, Macri, Ramel, Young and Fitzgibbon

AN ACT Relating to a hybrid or alternative fuel vehicle fee rebate; amending RCW 46.17.324; and adding a new section to chapter 46.17 RCW.

Referred to Committee on Transportation.

ESSB 6168 by Senate Committee on Ways & Means (originally sponsored by Rolfes and Braun)

AN ACT Relating to fiscal matters; amending RCW 28B.76.525, 28B.145.050, 71A.20.170, 82.19.040, 82.33.060, 90.56.510, 82.08.170, and 43.31.502; amending 2019 c 415 ss 101, 102, 103, 104, 105, 106,

107, 108, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 142, 143, 144, 145, 146, 148, 149, 150, 151, 152, 153, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 401, 402, 501, 503, 504, 505, 506, 507, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 719, 701, 703, 712, 720, 725, 728, 730, 721, 722, 724, 801, 802, 803, 805, 936, 937, 938, 939, and 946, 2019 c 406 ss 13, 4, 5, 6, 7, 8, 9, 10, 11, 12, 14, 15, 16, and 17, and 2019 c 324 s 12 (uncodified); reenacting and amending RCW 71.24.580; adding new sections to 2019 c 415 (uncodified); adding a new section to chapter 28B.20 RCW; adding a new section to chapter 43.79 RCW; creating a new section; making appropriations; providing an expiration date; and declaring an emergency.

There being no objection, the bills listed on the day's introduction sheet under the fourth order of business were referred to the committees so designated, with the exception of ENGROSSED SUBSTITUTE SENATE BILL NO. 6168 which was read the first time, and under suspension of the rules, was placed on the second reading calendar.

There being no objection, the House advanced to the fifth order of business.

## REPORTS OF STANDING COMMITTEES

February 26, 2020 19.0.

HB 2322

Prime Sponsor, Representative Fey: Making supplemental transportation appropriations for the 2019-2021 fiscal biennium. Reported by Committee on Transportation

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Fey, Chair; Slatter, 2nd Vice Chair; Valdez, 2nd Vice Chair; Wylie, 1st Vice Chair; Barkis, Ranking Minority Member; Walsh, Assistant Ranking Minority Member; Young, Assistant Ranking Minority Member; Boehnke; Chambers; Chapman; Dent; Doglio; Duerr; Dufault; Entenman; Eslick; Goehner; Gregerson; Irwin; Kloba; Lovick; Mead; Orcutt; Ortiz-Self; Paul; Ramos; Riccelli; Shewmake; Van Werven and Volz.

MINORITY recommendation: Without  
recommendation. Signed by Representative McCaslin.

February 26, 2020 19.0.

**HB 2325** Prime Sponsor, Representative Ormsby:  
Making 2019-2021 fiscal biennium  
supplemental operating appropriations.  
Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Ormsby, Chair; Robinson, 1st Vice Chair; Bergquist, 2nd Vice Chair; Chopp; Cody; Dolan; Fitzgibbon; Hansen; Hudgins; Kilduff; Macri; Pettigrew; Pollet; Ryu; Senn; Springer; Sullivan; Tarleton and Tharinger.

MINORITY recommendation: Do not pass. Signed by Representatives Stokesbary, Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Rude, Assistant Ranking Minority Member; Caldier; Chandler; Corry; Dye; Hoff; Kraft; Mosbrucker; Schmick; Steele; Sutherland and Ybarra.

Referred to Committee on Rules for second reading.

February 26, 2020 19.0.

**ESSB 5024** Prime Sponsor, Committee on Local  
Government: Concerning the transparency  
of local taxing districts. Reported by  
Committee on Local Government

MAJORITY recommendation: Do pass as amended.  
19.0.

Strike everything after the enacting clause and insert the following:

"**NEW SECTION. Sec. 20.** A new section is added to chapter 35.58 RCW to read as follows:

Any metropolitan municipal corporation must disclose the rates of each tax it collects on behalf of another political subdivision, if any. Metropolitan municipal corporations must also disclose the method by which the tax rates are applied to the relevant service charges billed to the customer or taxpayer. The disclosures required by this section must occur through at least one of the following methods:

(1) On regular billing statements provided electronically or in written form;

(2) On the corporation's web site, if the corporation provides written notice to customers or taxpayers that such information is available on its web site; or

(3) Through a billing insert, mailer, or other written or electronic communication provided to customers or

taxpayers on either an annual basis or within thirty days of the effective date of any subsequent tax rate change.

**NEW SECTION. Sec. 21.** A new section is added to chapter 54.04 RCW to read as follows:

Any public utility district must disclose the rates of each tax it collects on behalf of another political subdivision, if any. Public utility districts must also disclose the method by which the tax rates are applied to the relevant service charges billed to the customer or taxpayer. The disclosures required by this section must occur through at least one of the following methods:

(1) On regular billing statements provided electronically or in written form;

(2) On the district's web site, if the district provides written notice to customers or taxpayers that such information is available on its web site; or

(3) Through a billing insert, mailer, or other written or electronic communication provided to customers or taxpayers on either an annual basis or within thirty days of the effective date of any subsequent tax rate change.

**NEW SECTION. Sec. 22.** A new section is added to chapter 85.08 RCW to read as follows:

Any diking, drainage, and sewerage improvement district must disclose the rates of each tax it collects on behalf of another political subdivision, if any. Diking, drainage, and sewerage improvement districts must also disclose the method by which the tax rates are applied to the relevant service charges billed to the customer or taxpayer. The disclosures required by this section must occur through at least one of the following methods:

(1) On regular billing statements provided electronically or in written form;

(2) On the district's web site, if the district provides written notice to customers or taxpayers that such information is available on its web site; or

(3) Through a billing insert, mailer, or other written or electronic communication provided to customers or taxpayers on either an annual basis or within thirty days of the effective date of any subsequent tax rate change.

**NEW SECTION. Sec. 23.** A new section is added to chapter 36.58A RCW to read as follows:

Any solid waste collection district must disclose the rates of each tax it collects on behalf of another political subdivision, if any. Solid waste collection districts must also disclose the method by which the tax rates are applied to the relevant service charges billed to the customer or taxpayer. The disclosures required by this section must occur through at least one of the following methods:

(1) On regular billing statements provided electronically or in written form;

(2) On the district's web site, if the district provides written notice to customers or taxpayers that such information is available on its web site; or

(3) Through a billing insert, mailer, or other written or electronic communication provided to customers or taxpayers on either an annual basis or within thirty days of the effective date of any subsequent tax rate change.

**NEW SECTION. Sec. 24.** A new section is added to chapter 36.58 RCW to read as follows:

Any solid waste disposal district must disclose the rates of each tax it collects on behalf of another political subdivision, if any. Solid waste disposal districts must also disclose the method by which the tax rates are applied to the relevant service charges billed to the customer or taxpayer. The disclosures required by this section must occur through at least one of the following methods:

(1) On regular billing statements provided electronically or in written form;

(2) On the district's web site, if the district provides written notice to customers or taxpayers that such information is available on its web site; or

(3) Through a billing insert, mailer, or other written or electronic communication provided to customers or taxpayers on either an annual basis or within thirty days of the effective date of any subsequent tax rate change.

**NEW SECTION. Sec. 25.** A new section is added to chapter 57.02 RCW to read as follows:

Any water-sewer district must disclose the rates of each tax it collects on behalf of another political subdivision, if any. Water-sewer districts must also disclose the method by which the tax rates are applied to the relevant service charges billed to the customer or taxpayer. The disclosures required by this section must occur through at least one of the following methods:

(1) On regular billing statements provided electronically or in written form;

(2) On the district's web site, if the district provides written notice to customers or taxpayers that such information is available on its web site; or

(3) Through a billing insert, mailer, or other written or electronic communication provided to customers or taxpayers on either an annual basis or within thirty days of the effective date of any subsequent tax rate change.

**NEW SECTION. Sec. 26.** A new section is added to chapter 35.92 RCW to read as follows:

Any city or town operating as a municipal utility must disclose the rates of each tax it collects on behalf of another political subdivision, if any. Municipal utilities must also disclose the method by which the tax rates are applied to the relevant service charges billed to the customer or taxpayer. The disclosures required by this section must occur through at least one of the following methods:

(1) On regular billing statements provided electronically or in written form;

(2) On the municipal utility's web site, if it provides written notice to customers or taxpayers that such information is available on its web site; or

(3) Through a billing insert, mailer, or other written or electronic communication provided to customers or taxpayers on either an annual basis or within thirty days of the effective date of any subsequent tax rate change.

**Sec. 27.** RCW 19.29A.030 and 1998 c 300 s 4 are each amended to read as follows:

Except as otherwise provided in RCW 19.29A.040, an electric utility (~~shall~~) **must**:

(1) Provide notice to all of its retail electric customers that the disclosures required in RCW 19.29A.020 are available without charge upon request. Such notice (~~shall~~) **must** be provided at the time service is established and either included as a prominent part of each customer's bill or in a written notice mailed to each customer at least once a year thereafter. Required disclosures (~~shall~~) **must** be provided without charge, in writing using plain language that is understandable to an ordinary customer, and presented in a form that is clear and conspicuous(-);

(2) Provide written or electronic notice of public hearings where changes in electricity rates will be considered or approved by the commission or governing body, in a form and manner as may be required by the commission or governing body;

(3) Disclose on each billing statement the rate of tax imposed upon the electric utility under RCW 35.21.870, if any, and the amount of such tax to be paid directly by the retail electric customer through the billing statement; and

(4) Disclose the following information in a prominent manner on all billing statements sent to retail electric customers, or by a separate written notice mailed to all retail electric customers at least quarterly and at the same time as a billing statement: "YOUR BILL INCLUDES CHARGES FOR ELECTRICITY, DELIVERY SERVICES, GENERAL ADMINISTRATION AND OVERHEAD, METERING, TAXES, CONSERVATION EXPENSES, AND OTHER ITEMS."

Correct the title.

27.0.

Signed by Representatives Pollet, Chair; Duerr, Vice Chair; Kraft, Ranking Minority Member; Goehner and Senn.

Referred to Committee on Rules for second reading.

February 29, 2020 27.0.

2SSB 5144

Prime Sponsor, Committee on Human Services, Reentry & Rehabilitation: Implementing child support pass-through payments. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Ormsby, Chair; Stokesbary, Ranking Minority Member; Robinson, 1st Vice Chair; Bergquist, 2nd Vice Chair; Rude, Assistant Ranking Minority Member; Caldier; Chopp; Cody; Corry; Dolan; Dye;

Fitzgibbon; Hansen; Hoff; Hudgins; Kilduff; Macri; Mosbrucker; Pettigrew; Ryu; Schmick; Senn; Springer; Steele; Sullivan; Sutherland; Tarleton; Tharinger and Ybarra.

MINORITY recommendation: Do not pass. Signed by Representatives Chandler and Kraft.

Referred to Committee on Appropriations.

February 25, 2020 27.0.

ESSB 5167 Prime Sponsor, Committee on Financial Institutions, Economic Development & Trade: Addressing the linked deposit program. Reported by Committee on Innovation, Technology & Economic Development

MAJORITY recommendation: Do pass. Signed by Representatives Hudgins, Chair; Kloba, Vice Chair; Boehnke, Assistant Ranking Minority Member; Entenman; Slatter; Tarleton and Wylie.

MINORITY recommendation: Without recommendation. Signed by Representative Smith, Ranking Minority Member.

Referred to Committee on Rules for second reading.

February 25, 2020 27.0.

2ESSB 5389 Prime Sponsor, Committee on Ways & Means: Establishing a telehealth training and treatment program to assist youth. Reported by Committee on Education

MAJORITY recommendation: Do pass as amended. 27.0.

Strike everything after the enacting clause and insert the following:

"**NEW SECTION. Sec. 28.** A new section is added to chapter 28A.630 RCW to read as follows:

(1) The University of Washington department of psychiatry and behavioral sciences and Seattle children's hospital, in consultation with the office of the superintendent of public instruction, must expand the pilot program, related to school behavioral and mental health training for staff and telehealth consultations for school counselors and students at middle schools, junior high, and high schools, established in section 606(1)(dd), chapter 415, Laws of 2019.

(2) The pilot program must include the participation of four school districts as follows:

(a) The two school districts selected in accordance with section 606(1)(dd), chapter 415, Laws of 2019; and

(b) Two school districts selected by August 1, 2020, by the University of Washington department of psychiatry

and behavioral sciences, Seattle children's hospital, and the office of the superintendent of public instruction, using selection criteria designed to improve the significance of the information reported under subsection (8) of this section. A school district may not be selected if it has a substance abuse treatment clinic or mental health care clinic within thirty miles of any school in the district.

(3) School districts selected as described under subsection (2) of this section must notify students and students' families of their participation in the pilot program.

(4) As soon as practicable, the University of Washington department of psychiatry and behavioral sciences and Seattle children's hospital must develop and provide behavioral and mental health trainings to the following staff of participating school districts assigned to middle, junior high, and high schools: School counselors, school social workers, school psychologists, school nurses, classroom teachers, school administrators, and classified staff. The trainings must be customized to each school district and staff position based on the district's needs as assessed by the training providers. The training must be based on clinical protocols including when to refer a student to the next level of behavioral or mental health care.

(5)(a) A school district participating in the pilot program must provide school counselors with access to telephone or televideo consultation with a consulting psychologist or psychiatrist. The purpose of the teleconsultation is for the consulting psychologist or psychiatrist to assist the school counselor with determining the behavioral or mental health services and supports needed by a student, with identifying providers who deliver the needed services and supports, and with referring the student to available providers.

(b) If identified as clinically appropriate by the consulting psychologist or psychiatrist during a teleconsultation provided under (a) of this subsection, a school district participating in the pilot program must provide students with access to televideo consultation with a consulting psychologist or psychiatrist.

(c) A teleconsultation provided under this section may include crisis management services if identified as clinically appropriate by the consulting psychologist or psychiatrist.

(6) The University of Washington department of psychiatry and behavioral health sciences, in collaboration with participating school districts and Seattle children's hospital, must collect the following information for the teleconsultations described in this section:

(a) The number of teleconsultations per school and per school district, disaggregated by whether the teleconsultation was provided to a school counselor or a student and whether the teleconsultation was provided by telephone or televideo;

(b) Demographic information regarding any students served, as available, including the student's grade, gender, race and ethnicity, and free or reduced-price meal status, except that demographic information may not include personally identifiable information;

(c) To the maximum extent possible, students' health plan information, including whether a student is covered by a state or private plan, and whether the plan covers provider-to-provider consultations, provider-to-patient telemedicine encounters, or both;

(d) The category of service provided during each teleconsultation, for example crisis management, primary care, or assistance with identifying or accessing services;

(e) Duration of teleconsultations;

(f) Number of students referred for services or supports not available through the school system;

(g) School counselor and student satisfaction; and

(h) Other data indicating whether the pilot program was successful in identifying, treating, and preventing student behavioral and mental health issues.

(7) The pilot program must conclude at the end of the 2023-24 school year.

(8) By December 1, 2023, and in compliance with RCW 43.01.036, the University of Washington school mental health assessment research and training center must submit a report to the appropriate committees of the legislature. In preparing the report, the center must review any evaluations of other behavioral or mental health service consultation or referral programs associated with the University of Washington department of psychiatry and behavioral sciences or Seattle children's hospital. At a minimum, the report must include the following:

(a) Information related to a four-year extension of the pilot program to an additional four school districts and to making the program available statewide. This information must include forecasted costs of operating and administering the program. It must also include an estimate of the capacity of the consulting psychologists and psychiatrists to provide teleconsultations to additional school districts;

(b) An analysis of the data collected under subsection (6) of this section;

(c) Recommendations regarding:

(i) The use of live teleconferencing to provide school staff with training on identifying students who are at risk for substance abuse, violence, or suicide;

(ii) Requiring school staff to be trained in accessing teleconsultations and in identifying students who are at risk for substance abuse, violence, or suicide, including a recommendation on which staff should be provided with each type of training, the content of the training, how often the school staff must receive the training, and the method of training delivery;

(iii) Involvement of students' families in the process of identifying, recommending, and providing behavioral and mental health services, including teleconsultations;

(iv) Requiring the development of a directory of psychiatrists and psychologists, and substance use disorder professionals and mental health counselors, if deemed appropriate, who have access to teleconsultation technology

and are able to provide teleconsultations to school staff and students;

(v) Reimbursing psychiatrists, psychologists, and substance use disorder professionals and mental health counselors who provide teleconsultations to school staff and students;

(vi) Requiring school districts to schedule teleconsultations for students whom school staff have identified as at risk for substance abuse, violence, or suicide;

(vii) Procedures for referring students with behavioral or mental health issues through the levels of licensed providers, beginning with the most minimally licensed providers;

(viii) Liability issues regarding school districts and their employees who provide teleconsultations; and

(ix) Other issues related to the operation and potential expansion of the pilot program, including funding.

(9) For purposes of this section, "consulting psychologist or psychiatrist" means a psychologist or psychiatrist who specializes in children's mental health at the University of Washington department of psychiatry and behavioral sciences or at Seattle children's hospital and who provides teleconsultations to school districts participating in the pilot program.

(10) This section expires July 30, 2024."

Correct the title.

28.0.

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 29.** The legislature recognizes that unaddressed behavioral health needs in our schools is a growing problem in Washington. Early identification, intervention, and prevention are critical to a student's success in school and life. Other states have demonstrated that students' grades increase and truancy decreases by addressing behavioral health among students in schools. Future behavioral health care and housing costs will be reduced by addressing mental health issues early.

**NEW SECTION. Sec. 30.** A new section is added to chapter 28B.20 RCW to read as follows:

(1) The University of Washington college of education and department of psychiatry and behavioral sciences, including child and adolescent licensed mental health professionals at Seattle children's hospital, and in consultation with the office of the superintendent of public instruction, shall design a training curriculum and training delivery system to train middle, junior high, and high school staff to identify students who are at risk for substance abuse, violence, or suicide.

(2) The training curriculum in subsection (1) of this section must:



(a) Be developed in consultation with mental health providers;

(b) Be designed in conjunction and collaboration with training prescribed in RCW 28A.310.500;

(c) Align with national best practices; and

(d) Be designed to assist any school staff in identifying students who have:

(i) Had thoughts of suicide or harming others; and

(ii) Abused, are abusing, or are at risk of abusing alcohol or drugs, including opioids.

(3) The training delivery system in subsection (1) of this section may use live teleconference capabilities similar to the project ECHO training model already developed at the University of Washington, in addition to in-person trainings.

**NEW SECTION. Sec. 31.** A new section is added to chapter 28B.20 RCW to read as follows:

(1) The University of Washington, in conjunction with child and adolescent licensed mental health professionals at Seattle children's hospital, shall coordinate with medical schools, hospitals, clinics, and independent providers to develop a directory of child and adolescent licensed mental health professionals who have access to the technology necessary to provide telemedicine to students who are determined to be at risk for substance abuse, violence, or suicide.

(2) The University of Washington must update the directory periodically and make the directory available to the school districts participating in the pilot program described in section 4 of this act.

(3) For the purposes of this section:

(a) "Licensed mental health professional" means a psychiatrist, psychologist, or mental health counselor licensed to practice in Washington; and

(b) "Telemedicine" means the delivery of health care services through the use of interactive audio and video technology, permitting real-time communication between the patient at the originating site and the provider, for the purpose of diagnosis, consultation, or treatment. "Telemedicine" does not include the use of audio-only telephone, facsimile, or email.

**NEW SECTION. Sec. 32.** (1) The University of Washington and child and adolescent licensed mental health professionals at Seattle children's hospital, in consultation with the office of the superintendent of public instruction, shall establish a pilot program for selected school districts to participate as described in section 6 of this act. The University of Washington and the office of the superintendent of public instruction must select three school districts representing eastern, central, and western Washington, as well as urban and rural areas. Every junior high or middle school and high school in each of the selected school districts must participate as described in section 6 of this act.

(2) The pilot program must begin at the start of the 2020-21 school year and must conclude at the end of the 2024-25 school year.

(3)(a) The selected school districts shall require that all certificated employees at each school receive training based on the curriculum developed under section 2 of this act prior to the 2020-21 school year and to otherwise follow the provisions described in section 6 of this act.

(b) The training required under this section may be incorporated within existing school district and educational service district training programs and related resources.

(4) By August 1st of each year that the pilot program is active, the University of Washington, in conjunction with child and adolescent licensed mental health professionals at Seattle children's hospital and the office of the superintendent of public instruction, shall submit a report to the governor, the education committees of the legislature, and the joint select committee on health care oversight. The report must include: Information about the number of students who were identified as potentially at risk for substance abuse, violence, or suicide; the number of students who received a telemedicine consultation or visit in school; the number of students who were referred and received further treatment outside of the two authorized visits in the school; and information on the progress of the at-risk students who were identified and received treatment in the pilot program, if available.

(5) For the purposes of this section:

(a) "Licensed mental health professional" means a psychiatrist, psychologist, or mental health counselor licensed to practice in Washington; and

(b) "Telemedicine" means the delivery of health care services through the use of interactive audio and video technology, permitting real-time communication between the patient at the originating site and the provider, for the purpose of diagnosis, consultation, or treatment. "Telemedicine" does not include the use of audio-only telephone, facsimile, or email.

**NEW SECTION. Sec. 33.** A new section is added to chapter 28A.300 RCW to read as follows:

By March 30, 2020, the office of the superintendent of public instruction, in conjunction with the Washington state school directors' association and the University of Washington, shall develop a policy and procedure regarding the use of telemedicine in schools. The policy and procedure must address privacy requirements under the federal family educational rights and privacy act of 1974 and its implementing regulations and the federal health insurance portability and accountability act of 1996 and its implementing regulations. The policy and procedure must include provisions related to parent notification, student consent, and parent involvement.

**NEW SECTION. Sec. 34.** (1)(a) This section applies to school districts selected for participation in the pilot program established in section 4 of this act.

(b) Prior to participating as described in this section, school districts shall adopt the policy and procedure regarding the use of telemedicine in schools developed under section 5 of this act.

(2) If a certificated employee trained under section 4 of this act identifies a student who may be at risk for substance abuse, violence, or suicide, the certificated employee must notify a school counselor, school psychologist, school social worker, or school nurse. The school counselor, school psychologist, school social worker, or school nurse must screen the identified student to determine if the student is at risk for substance abuse, violence, or suicide.

(3) If a school counselor, school psychologist, school social worker, or school nurse determines that a student is at risk for substance abuse, violence, or suicide, the student's school district may schedule a telemedicine consultation or visit for the student, based upon the assessed risk, within thirty days of the determination.

(4) Any telemedicine consultations or visits must be scheduled and conducted in accordance with the following requirements:

(a) The school district must utilize the directory developed under section 3 of this act to enlist a licensed mental health professional to provide:

(i) Consultation with a licensed mental health professional qualified to diagnose and treat students at risk for substance abuse, violence, or suicide; or

(ii) Treatment by a licensed mental health professional qualified to treat students at risk for substance abuse, violence, or suicide;

(b) The school district must provide an unoccupied room and the technology necessary for an employee or the student to connect with the remote licensed mental health professional for the telemedicine consultation or visit; and

(c) The school district must allow the student to participate in the telemedicine consultation or visit during normal school hours.

(5) If after the initial telemedicine consultation or visit the licensed mental health professional recommends a second telemedicine visit, then the student's school district must schedule a second telemedicine visit for the student. The scheduling of the second telemedicine visit must be based upon the risk assessment from the initial consultation or visit and must be urged to be scheduled beyond thirty days of the initial consultation or visit.

(6) Following a second telemedicine visit, the school district must work with the licensed mental health professional to refer the student to any appropriate medical, mental health, or behavioral health services.

(7) Licensed mental health professionals who provide telemedicine under this section may seek reimbursement for the health care services provided from the health plan in which a student is enrolled, including apple health for kids. For students with no health care coverage, a licensed mental health professional may seek reimbursement from the state

for any uncompensated health care services provided to the students.

(8) For the purposes of this section:

(a) "Licensed mental health professional" means a psychiatrist, psychologist, or mental health counselor licensed to practice in Washington; and

(b) "Telemedicine" means the delivery of health care services through the use of interactive audio and video technology, permitting real-time communication between the patient at the originating site and the provider, for the purpose of diagnosis, consultation, or treatment. "Telemedicine" does not include the use of audio-only telephone, facsimile, or email.

**NEW SECTION. Sec. 35.** This act does not create any civil liability on the part of the state or any state agency, officer, employee, agent, political subdivision, or school district.

**NEW SECTION. Sec. 36.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

Correct the title.

Signed by Representatives Santos, Chair; Dolan, Vice Chair; Paul, Vice Chair; Steele, Ranking Minority Member; McCaslin, Assistant Ranking Minority Member; Volz, Assistant Ranking Minority Member; Bergquist; Callan; Corry; Harris; Ortiz-Self; Rude; Stonier; Thai; Valdez and Ybarra.

MINORITY recommendation: Do not pass. Signed by Representative Caldier.

Referred to Committee on Appropriations.

March 2, 2020 36.0.

**SSB 5441** Prime Sponsor, Committee on Ways & Means: Extending rental vouchers for eligible offenders. Reported by Committee on

MAJORITY recommendation:

Referred to Committee on Appropriations.

February 26, 2020 36.0.

**2SSB 5493** Prime Sponsor, Committee on Human Services, Reentry & Rehabilitation: Concerning convening local communities to reduce intergenerational poverty. Reported by Committee on Human Services & Early Learning

MAJORITY recommendation: Do pass as amended. 36.0.

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 74.08A.280 and 1997 c 58 s 315 are each amended to read as follows:

(1) The legislature finds that moving those ~~((eligible for assistance))~~ living in poverty to self-sustaining employment is a goal of ~~((the WorkFirst program. It is the intent of WorkFirst to))~~ public assistance programs and state poverty reduction efforts. State poverty reduction efforts intend to effectively aid ((a participant's progress)) families and individuals with low incomes in progressing to self-sufficiency by allowing flexibility within ((the)) statewide programs to reflect community resources, the local characteristics of the labor market, the diversity of local communities, and the ((composition of the caseload. Program success)) needs of those experiencing poverty. Success in reducing poverty, and the disproportionate impact of chronic and intergenerational poverty on particular demographic groups that have experienced historic disparities or discrimination, will be enhanced through effective coordination and collaboration at regional and local levels, involving employers, labor representatives, educators, community leaders, ((local)) city, county, and tribal governments, community action agencies, and behavioral health, housing, early learning, transportation, and other social service providers.

(2) The ~~((department, through its))~~ department's regional and community service offices, through local service advisory and partnership boards, shall collaborate with employers, public assistance recipients, frontline workers, educational institutions, labor, ((private industry councils, the workforce training and education coordinating board)) workforce development councils, community rehabilitation employment programs, employment and training agencies, local governments, the employment security department, and community action agencies to develop work and work preparations programs that are effective ((and work)) in their communities. For planning purposes, the department shall collect and make accessible to regional offices and the local service area advisory and partnership boards established under subsection (3) of this section, successful work program models from around the United States((, including the employment partnership program, apprenticeship programs, microcredit, microenterprise, self-employment, and W-2 Wisconsin works)). Work programs shall incorporate local ((volunteer)) citizens in their planning and implementation phases to ensure community relevance and success.

(3) The department shall ensure that local service area advisory and partnership boards are established and provide staffing assistance to them. The local service area advisory and partnership boards shall meet at least quarterly and shall:

(a) Promote effective communication and collaboration among department local community service offices, local governments, community action agencies, and other service providers;

(b) Advise and comment on department program policies;

(c) Work to resolve local issues including client referral and service gaps;

(d) Review local data and racial disproportionality trends;

(e) Review public assistance client feedback;

(f) Propose innovative and evidence-based collaborative services; and

(g) Provide input for the plans developed under subsection (6) of this section.

(4) To reduce administrative costs and to ensure equal statewide access to services, the department may develop contracts for statewide ((welfare to work)) employment and training services. These statewide contracts shall support regional flexibility and ensure that resources follow local labor market opportunities and public assistance recipients' needs.

~~((4))~~ (5) The secretary shall establish ((WorkFirst)) service areas for purposes of planning ((WorkFirst)) programs ((and for)), distributing ((WorkFirst)) resources, and fostering local collaborations with community partners to reduce chronic intergenerational poverty in communities. Service areas shall reflect department regions.

~~((5))~~ (6) By July 31st of each odd-numbered year, a plan for ((the WorkFirst program)) local collaboration shall be developed for each ((region)) local service area. The plan shall be prepared in consultation with local and regional sources, adapting the statewide ((WorkFirst program)) services to achieve maximum effect for the participants and the communities within which they reside. Local consultation shall include to the greatest extent possible input from local and regional planning bodies for social services and workforce development. The regional and local administrator shall consult with employers of various sizes, labor representatives, training and education providers, program participants, economic development organizations, community organizations, tribes, and local governments in the preparation of the service area plan.

~~((6))~~ (7) The secretary has final authority in plan approval or modification. ((Regional)) Local service area program implementation may deviate from the statewide program if specified in a service area plan, as approved by the secretary."

Correct the title.

Signed by Representatives Senn, Chair; Callan, Vice Chair; Frame, Vice Chair; Goodman; Kilduff; Lovick and Ortiz-Self.

MINORITY recommendation: Do not pass. Signed by Representatives Dent, Ranking Minority Member; Eslick, Assistant Ranking Minority Member; McCaslin, Assistant Ranking Minority Member and Klippert.

MINORITY recommendation: Without recommendation. Signed by Representatives Corry and Griffey.

Referred to Committee on Appropriations.

February 26, 2020 1.0.

ESSB 5504 Prime Sponsor, Committee on Ways & Means: (REVISED FOR ENGROSSED: Concerning state agency employee and postsecondary student access to peer-reviewed journals. ) Reported by Committee on State Government & Tribal Relations

MAJORITY recommendation: Do pass. Signed by Representatives Gregerson, Chair; Pellicciotti, Vice Chair; Walsh, Ranking Minority Member; Goehner, Assistant Ranking Minority Member; Dolan; Hudgins; Mosbrucker and Smith.

Referred to Committee on Appropriations.

February 26, 2020 1.0.

SB 5519 Prime Sponsor, Senator Cleveland: Concerning mosquito control districts. Reported by Committee on Local Government

MAJORITY recommendation: Do pass. Signed by Representatives Pollet, Chair; Duerr, Vice Chair; Kraft, Ranking Minority Member; Goehner and Senn.

Referred to Committee on Rules for second reading.

February 26, 2020 1.0.

SB 5613 Prime Sponsor, Senator Rivers: Concerning the authority of counties to vacate a county road that abuts on a body of water if the county road is hazardous or creates a significant risk to public safety. Reported by Committee on Local Government

MAJORITY recommendation: Do pass as amended. 1.0.

Strike everything after the enacting clause and insert the following:

"Sec. 2. RCW 36.87.130 and 1969 ex.s. c 185 s 7 are each amended to read as follows:

No county shall vacate a county road or part thereof which abuts on a body of salt or freshwater unless;

(1) The purpose of the vacation is to enable any public authority to acquire the vacated property for port purposes, boat moorage or launching sites, or for park, viewpoint,

recreational, educational, or other public purposes(~~(, or unless)~~);

(2) The property is zoned for industrial uses; or

(3) In a county west of the crest of the Cascade mountains and bordered by the Columbia river with a population over four hundred fifty thousand, the county determines that:

(a) The road has been used as an access point to trespass onto private property;

(b) Such trespass has caused loss of human life, and that public use of the county road creates an ongoing risk to public safety; and

(c) Public access to the same body of water abutting the county road is available at not less than three public access sites within two miles in any direction of the terminus of the road subject to vacation.

NEW SECTION. Sec. 3. Section 1 of this act expires December 31, 2023."

Correct the title.

3.0.

Strike everything after the enacting clause and insert the following:

"Sec. 4. RCW 36.87.130 and 1969 ex.s. c 185 s 7 are each amended to read as follows:

No county shall vacate a county road or part thereof which abuts on a body of salt or freshwater unless;

(1) The purpose of the vacation is to enable any public authority to acquire the vacated property for port purposes, boat moorage or launching sites, or for park, viewpoint, recreational, educational, or other public purposes(~~(, or unless)~~);

(2) The property is zoned for industrial uses; or

(3) In a county west of the crest of the Cascade mountains and bordered by the Columbia river with a population over four hundred fifty thousand, the county determines that:

(a) The road has been used as an access point to trespass onto private property;

(b) Such trespass has caused loss of human life, and that public use of the county road creates an ongoing risk to public safety; and

(c) Public access to the same body of water abutting the county road is available at not less than three public access sites within two miles in any direction of the terminus of the road subject to vacation.

NEW SECTION. Sec. 5. Section 1 of this act expires December 31, 2023."

Correct the title.

Signed by Representatives Pollet, Chair; Duerr, Vice Chair; Kraft, Ranking Minority Member; Goehner and Senn.

Referred to Committee on Rules for second reading.

February 26, 2020 5.0.

**SSB 5640** Prime Sponsor, Committee on Human Services, Reentry & Rehabilitation: Concerning youth courts. Reported by Committee on Civil Rights & Judiciary

MAJORITY recommendation: Do pass as amended.  
5.0.

Strike everything after the enacting clause and insert the following:

"Sec. 6. RCW 3.72.005 and 2017 c 9 s 1 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Court" when used without further qualification means the district court under chapter 3.30 RCW, the municipal department under chapter 3.46 RCW, or the municipal court under chapter 3.50 or 35.20 RCW.

(2) "Traffic infraction" means those acts defined as traffic infractions by RCW 46.63.020.

(3) "Transit infraction" means an infraction issued by a transit authority as defined in RCW 9.91.025(2)(c), including those infractions authorized under RCW 35.58.580, 36.57A.230, and 81.112.220.

(4) "Youth court" means an alternative method of hearing and disposing of traffic infractions, transit infractions, or civil infractions for juveniles age sixteen or seventeen.

Sec. 7. RCW 3.72.010 and 2017 c 9 s 2 are each amended to read as follows:

(1) A court created under chapter 3.30, 3.46, 3.50, or 35.20 RCW may create a youth court. The youth court shall have jurisdiction over civil, traffic, and transit infractions alleged to have been committed by juveniles age sixteen or seventeen. The court may refer a juvenile to the youth court upon request of any party or upon its own motion. However, a juvenile shall not be required under this section to have his or her civil, traffic, or transit infraction referred to or disposed of by a youth court.

(2) To be referred to a youth court pursuant to this chapter, a juvenile:

(a) ~~((May not have had a prior traffic or transit infraction referred to a youth court;~~

~~((b)))~~ May not be under the jurisdiction of any court for a civil infraction or for a violation of any provision of Title 46 RCW or for unlawful transit conduct under RCW 9.91.025;

~~((c)))~~ (b) May not have any convictions for a violation of any provision of Title 46 RCW or for unlawful transit conduct under RCW 9.91.025; and

~~((d)))~~ (c) Must acknowledge that there is a high likelihood that he or she would be found to have committed the civil, traffic, or transit infraction.

(3)(a) Nothing in this chapter shall interfere with the ability of juvenile courts to refer matters to youth courts that have been established to provide a diversion for matters involving juvenile offenders who are eligible for diversion pursuant to RCW 13.40.070 (6) and (8) and who agree, along with a parent, guardian, or legal custodian, to comply with the provisions of RCW 13.40.600.

(b) Nothing in this chapter shall interfere with the ability of student courts to work with students who violate school rules and policies pursuant to RCW 28A.300.420.

(4) A youth court under this chapter may accept referrals of traffic infractions, transit infractions, and civil infractions committed by juveniles age twelve through fifteen from a juvenile court diversion unit under RCW 13.40.250(5), provided that the youth court follows all conditions of RCW 13.40.250(5). In this circumstance, the youth court shall maintain concurrent jurisdiction with the juvenile court only for the purpose of supervision of the diversion agreement.

Sec. 8. RCW 3.72.020 and 2017 c 9 s 3 are each amended to read as follows:

(1) A youth court agreement shall be a contract between a juvenile accused of a traffic ~~((or))~~ infraction, transit infraction, or civil infraction and a court whereby the juvenile agrees to fulfill certain conditions imposed by a youth court in lieu of a determination that ~~((a traffic or transit))~~ the infraction occurred. Such agreements may be entered into only after the law enforcement authority has determined that probable cause exists to believe that a traffic ~~((or))~~ infraction, transit infraction, or civil infraction has been committed and that the juvenile committed it. A youth court agreement shall be reduced to writing and signed by the court and the youth accepting the terms of the agreement. Such agreements shall be entered into as expeditiously as possible.

(2) Conditions imposed on a juvenile by a youth court shall be limited to one or more of the following:

(a) Community service not to exceed one hundred fifty hours, not to be performed during school hours if the juvenile is attending school;

(b) Attendance at defensive driving school or driver improvement education classes or, in the discretion of the court, a like means of fulfilling this condition. The state shall not be liable for costs resulting from the youth court or the conditions imposed upon the juvenile by the youth court;

(c) A monetary penalty, not to exceed one hundred dollars. All monetary penalties assessed and collected under this section shall be deposited and distributed in the same manner as costs, fines, forfeitures, and penalties are assessed and collected under RCW 2.68.040, 3.46.120, 3.50.100,

3.62.020, 3.62.040, 35.20.220, and 46.63.110(7), regardless of the juvenile's successful or unsuccessful completion of the youth court agreement;

(d) Requirements to remain during specified hours at home, school, or work, and restrictions on leaving or entering specified geographical areas;

(e) Participating in law-related education classes;

(f) Providing periodic reports to the youth court or the court;

(g) Participating in mentoring programs;

(h) Serving as a participant in future youth court proceedings;

(i) Writing apology letters; or

(j) Writing essays.

(3) Youth courts may require that the youth pay any costs associated with conditions imposed upon the youth by the youth court.

(a) A youth court disposition shall be completed within one hundred eighty days from the date of referral.

(b) The court, as specified in RCW 3.72.010, shall monitor the successful or unsuccessful completion of the disposition.

(4) A youth court agreement may extend beyond the eighteenth birthday of the youth.

(5) Any juvenile who is, or may be, referred to a youth court shall be afforded due process in all contacts with the youth court regardless of whether the juvenile is accepted by the youth court or whether the youth court program is successfully completed. Such due process shall include, but not be limited to, the following:

(a) A written agreement shall be executed stating all conditions in clearly understandable language and the action that will be taken by the court upon successful or unsuccessful completion of the agreement;

(b) Violation of the terms of the agreement shall be the only grounds for termination.

(6) The youth court shall, subject to available funds, be responsible for providing interpreters when juveniles need interpreters to effectively communicate during youth court hearings or negotiations.

(7) The court shall be responsible for advising a juvenile of his or her rights as provided in this chapter.

(8) When a juvenile enters into a youth court agreement, the court may receive only the following information for dispositional purposes:

(a) The fact that a traffic ~~((or))~~ infraction, transit infraction, or civil infraction was alleged to have been committed;

(b) The fact that a youth court agreement was entered into;

(c) The juvenile's obligations under such agreement;

(d) Whether the juvenile performed his or her obligations under such agreement; and

(e) The facts of the alleged ~~((traffic or transit))~~ infraction.

(9) A court may refuse to enter into a youth court agreement with a juvenile. When a court refuses to enter a youth court agreement with a juvenile, it shall set the matter for hearing in accordance with all applicable court rules and statutory provisions governing the hearing and disposition of traffic ~~((and))~~ infractions, transit infractions, and civil infractions.

(10) If a monetary penalty required by a youth court agreement cannot reasonably be paid due to a lack of financial resources of the youth, the court may convert any or all of the monetary penalty into community service. The modification of the youth court agreement shall be in writing and signed by the juvenile and the court. The number of hours of community service in lieu of a monetary penalty shall be converted at the rate of the prevailing state minimum wage per hour.

**Sec. 9.** RCW 3.72.040 and 2017 c 9 s 5 are each amended to read as follows:

The administrative office of the courts shall encourage the courts to work with cities, counties, and schools to implement, expand, or use youth court programs for juveniles who commit traffic ~~((or))~~ infractions, transit infractions, or civil infractions. Program operations of youth court programs may be funded by government and private grants. Youth court programs are limited to those that:

(1) Are developed using the guidelines for creating and operating youth court programs developed by nationally recognized experts in youth court projects;

(2) Target youth ~~((ages sixteen and seventeen))~~ who are alleged to have committed a traffic ~~((or))~~ infraction, transit infraction, or civil infraction; and

(3) Emphasize the following principles:

(a) Youth must be held accountable for their problem behavior;

(b) Youth must be educated about the impact their actions have on themselves and others including their victims, their families, and their community;

(c) Youth must develop skills to resolve problems with their peers more effectively; and

(d) Youth should be provided a meaningful forum to practice and enhance newly developed skills.

**Sec. 10.** RCW 13.40.250 and 2002 c 237 s 19 and 2002 c 175 s 28 are each reenacted and amended to read as follows:

A traffic infraction, transit infraction, or civil infraction case involving a juvenile under the age of sixteen may be diverted in accordance with the provisions of this chapter or filed in juvenile court.

(1) If a notice of a traffic infraction, transit infraction, or civil infraction is filed in juvenile court, the juvenile named in the notice shall be afforded the same due process afforded to adult defendants in traffic infraction cases.

(2) A monetary penalty imposed upon a juvenile under the age of sixteen who is found to have committed a traffic infraction, transit infraction, or civil infraction may not exceed one hundred dollars. At the juvenile's request, the court may order performance of a number of hours of community restitution in lieu of a monetary penalty, at the rate of the prevailing state minimum wage per hour.

(3) A diversion agreement entered into by a juvenile referred pursuant to this section shall be limited to thirty hours of community restitution, or educational or informational sessions.

(4) Traffic infractions, transit infractions, or civil infractions referred to a youth court pursuant to this section are subject to the conditions imposed by RCW 13.40.630.

(5) ~~((If a case involving the commission of a traffic or civil infraction or offense by a juvenile under the age of sixteen has been referred to a diversion unit, an abstract of the action taken by the diversion unit may be forwarded to the department of licensing in the manner provided for in RCW 46.20.270(2).))~~ A diversion agreement entered into by a juvenile referred pursuant to this section may include a requirement that the juvenile participate in a district or municipal youth court program under chapter 3.72 RCW, provided the youth court program accepts the referral and only subject to the following conditions:

(a) Upon entering the diversion agreement, the juvenile shall be referred to the youth court program, the completion of which shall be the only condition of the diversion agreement;

(b) The juvenile shall not serve more than thirty hours of participation in the youth court program;

(c) Other than filing a petition for termination of the diversion agreement in juvenile court, nothing concerning the juvenile's participation in the youth court program shall be filed in any public court file concerning the juvenile's participation or presence in the youth court program. The only written record of participation shall be the diversion agreement entered into with the juvenile court, subject to confidentiality under chapter 13.50 RCW. No court cause number shall be assigned to the case against the juvenile while he or she participates in the youth court program. The proceedings in the youth court program shall be on open record and may be recorded if necessary;

(d) Nothing concerning the alleged offense or the diversion shall be reported to the department of licensing;

(e) The youth court program may refer the juvenile back to the juvenile diversion unit for termination of the diversion agreement due to noncompliance at any time prior to completion; and

(f) The juvenile court diversion unit shall maintain primary jurisdiction over supervision of the juvenile during his or her participation in the youth court program. The

youth court shall notify the diversion unit upon completion of the youth court program and the diversion agreement shall be complete."

Correct the title.

Signed by Representatives Kilduff, Chair; Thai, Vice Chair; Dufault, Assistant Ranking Minority Member; Goodman; Graham; Kirby; Peterson; Valdez; Walen and Ybarra.

Referred to Committee on Rules for second reading.

February 29, 2020 10.0.

ESSB 5759 Prime Sponsor, Committee on Health & Long Term Care: Increasing opportunities for the use of remote technology in corrective lens prescriptions. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass as amended.  
10.0.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 11. This act may be known and cited as the consumer protection in eye care act.

NEW SECTION. Sec. 12. INTENT. (1) The legislature recognizes the importance of allowing licensed practitioners to use their professional judgment, based on their education, training, and expertise, to determine the appropriate use of current and future technologies to enhance patient care. Guidelines for providing health care services through remote technology have been addressed by the medical community, and the legislature intends to complement and clarify those guidelines with respect to using remote technology to provide prescriptions for corrective lenses.

(2) The legislature also recognizes that health care consumers, including eye health care consumers, can benefit from developments in technology that offer advantages such as increased convenience or increased speed in delivery of services. However, the legislature recognizes that health care consumers can be misled or harmed by the use of developments in technology that are not properly supervised by qualified providers.

(3) The legislature recognizes that the use of technology that permits a consumer to submit data to an entity for the purposes of obtaining a prescription for corrective lenses, including contact lenses, may fail to detect serious eye health issues resulting in permanent vision loss if the patient is not also receiving comprehensive eye care according to standard of care.

(4) Therefore, the legislature concludes that consumers should be protected from improper or unsupervised use of technology for purposes of obtaining a prescription for corrective lenses, without unduly restricting the development and implementation of technology and

without unduly restricting licensed practitioners from using such technology where appropriate.

**NEW SECTION. Sec. 13. DEFINITIONS.** The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Contact lens" means any lens placed directly on the surface of the eye, regardless of whether or not it is intended to correct a visual defect. Contact lens includes, but is not limited to, cosmetic, therapeutic, and corrective lenses that are a federally regulated medical device.

(2) "Corrective lenses" means any lenses, including lenses in spectacles and contact lenses, that are manufactured in accordance with the specific terms of a valid prescription for an individual patient for the purpose of correcting the patient's refractive or binocular error.

(3) "Department" means the department of health.

(4) "Diagnostic information and data" mean any and all information and data, including but not limited to photographs and scans, generated by or through the use of any remote technology.

(5) "Patient-practitioner relationship" means the relationship between a provider of medical services, the practitioner, and a receiver of medical services, the patient, based on mutual understanding of their shared responsibility for the patient's health care.

(6) "Prescription" means the written or electronic directive from a qualified provider for corrective lenses and consists of the refractive power as well as contact lens parameters in the case of contact lens prescriptions.

(7) "Qualified provider" means a physician licensed under chapter 18.71 RCW or an osteopathic physician licensed under chapter 18.57 RCW practicing ophthalmology, or a person licensed under chapter 18.53 RCW to practice optometry.

(8) "Remote qualified provider" means any qualified provider who is not physically present at the time of the examination.

(9) "Remote technology" means any automated equipment or testing device and any application designed to be used on or with a phone, computer, or internet-based device that is used without the physical presence and participation of a qualified provider that generates data for purposes of determining an individual's refractive error. Remote technology does not include the use of telemedicine as defined in RCW 48.43.735 for purposes other than determining an individual's refractive error.

(10) "Spectacles" means any device worn by an individual that has one or more lenses through which the wearer looks. Spectacles are commonly known and referred to as glasses, and may include cosmetic or corrective lenses.

(11) "Standard of care" means those standards developed and defined by the American academy of ophthalmology preferred practice pattern "Comprehensive Adult Medical Eye Evaluation" (Appendix 1), as the

preferred practice pattern existed on the effective date of this act.

(12) "Standard of care for contact lenses" means the frequency of eye examinations as recommended for contact lens wearers in the American academy of ophthalmology publication "Refractive Errors & Refractive Surgery Preferred Practice Pattern" (Appendix 2), as the preferred practice pattern existed on the effective date of this act.

**NEW SECTION. Sec. 14. USE OF REMOTE TECHNOLOGY FOR CORRECTIVE LENS PRESCRIPTIONS.** A qualified provider may prepare a prescription for corrective lenses intended to correct an individual's refractive error by remote technology if:

(1) The prescribing qualified provider is held to the same standard of care applicable to qualified providers providing corrective lens prescriptions in traditional in-person clinical settings;

(2) A patient-practitioner relationship is clearly established by the qualified provider agreeing to provide a corrective lens prescription, whether or not there was an in-person encounter between the parties. The parameters of the patient-practitioner relationship for the use of remote technology must mirror those that would be expected for similar in-person encounters to provide corrective lens prescriptions;

(3) The remote technology is only offered to patients who meet appropriate screening criteria. A review of the patient's medical and ocular history that meets standard of care is required to determine who may or may not be safely treated with refraction without a concurrent comprehensive eye exam. Patients must also be informed that a refraction alone, whether utilizing remote technology or in person, does not substitute for a comprehensive eye exam;

(4) Continuity of care is maintained. Continuity of care requires but is not limited to:

(a) A qualified provider addressing an adverse event that occurs as a result of the prescription written by the qualified provider by:

(i) Being available to address the patient's vision or medical condition directly, either in-person or remotely, if it is possible to address the adverse event remotely;

(ii) Having an agreement with another qualified provider or licensed medical provider who is available to address the patient's vision or medical condition, either in-person or remotely; or

(iii) Referring the patient to a qualified provider or licensed medical provider who is capable of addressing the patient's condition;

(b) Retaining patient exam documentation for a minimum of ten years and retaining communication between the remote qualified provider who evaluated the patient and prescribed corrective lenses and any applicable providers as they normally would in an in-person setting; and

(5) When prescribing for contact lenses, the examination of the eyes is performed in accordance with the



standard of care and standard of care for contact lenses. The components of the eye examination, if done remotely, must be to the same evaluation and standard of care the qualified provider would typically do in an in-person setting for the same condition. If the eye examination is performed by someone other than the prescribing qualified provider, the prescribing qualified provider must obtain written, faxed, or electronically communicated affirmative verification of the results of that eye examination from the provider who performed the examination. The absence of receipt of affirmative verification within any specified time period cannot be used as presumed affirmative verification.

**NEW SECTION. Sec. 15. REMOTE TECHNOLOGY STANDARDS FOR USE.** It is unlawful for any person to offer or otherwise make available to consumers in this state remote technology under this chapter without fully complying with the following:

(1) The remote technology must be approved by the United States food and drug administration when applicable;

(2) The remote technology must be designed and operated in a manner that provides any accommodation required by the Americans with disabilities act of 1990, 42 U.S.C. Sec. 12101 et seq. when applicable;

(3) The remote technology, when used for the collection and transmission of diagnostic information and data, must gather and transmit any protected health information in compliance with the federal health insurance portability and accountability act of 1996 and related regulations;

(4) The remote technology, when used for the collection and transmission of diagnostic information and data, may only transmit the diagnostic information and data to a qualified provider, their staff, contracted support staff, or another licensed health care provider for the purposes of collaboration in providing care to the patient. When diagnostic information and data are collected and transmitted through remote technology, that information must be read and interpreted by a qualified provider in order to release a corrective lens prescription to the patient or other entity. Contracted support staff must comply with all requirements of this chapter. Contract support staff and the supervising provider retain personal and professional responsibility for any violation of this chapter by the contracted support staff; and

(5) The owner, lessee, or operator of the remote technology must maintain liability insurance in an amount reasonably sufficient to cover claims which may be made by individuals diagnosed or treated based on information and data by the automated equipment, including but not limited to photographs and scans.

**NEW SECTION. Sec. 16. ENFORCEMENT.** (1) The relevant disciplinary authority for the qualified provider shall review any written complaint alleging a violation, or attempted violation, of this chapter or rules adopted pursuant to this chapter, and conduct an investigation.

(2) If the disciplinary authority finds that a person has violated or attempted to violate this chapter, it may:

(a) Upon the first violation or attempted violation that did not result in significant harm to an individual's health, issue a written warning; or

(b) In all other cases, impose a civil penalty of not less than one thousand dollars and not more than ten thousand dollars for each violation.

(3) At the request of the department, the attorney general may file a civil action seeking an injunction or other appropriate relief to enforce this chapter and the rules adopted pursuant to this chapter.

(4) For the purposes of this section, "disciplinary authority" means the same as in RCW 18.130.020.

**NEW SECTION. Sec. 17. RULE MAKING.** The department shall adopt any rules necessary to implement this chapter.

**NEW SECTION. Sec. 18.** Sections 2 through 7 of this act constitute a new chapter in Title 18 RCW."

Correct the title.

Signed by Representatives Ormsby, Chair; Stokesbary, Ranking Minority Member; Robinson, 1st Vice Chair; Bergquist, 2nd Vice Chair; Rude, Assistant Ranking Minority Member; Caldier; Chandler; Chopp; Cody; Corry; Dolan; Dye; Fitzgibbon; Hansen; Hoff; Hudgins; Kilduff; Kraft; Macri; Mosbrucker; Pettigrew; Ryu; Schmick; Senn; Springer; Steele; Sullivan; Sutherland; Tarleton; Tharinger and Ybarra.

Referred to Committee on Appropriations.

February 26, 2020 18.0.

**ESSB 6028** Prime Sponsor, Committee on Law & Justice: Adopting the uniform electronic transactions act and aligning statutory provisions relating to signatures, declarations, and documents. Reported by Committee on Civil Rights & Judiciary

MAJORITY recommendation: Do pass. Signed by Representatives Kilduff, Chair; Thai, Vice Chair; Dufault, Assistant Ranking Minority Member; Goodman; Graham; Hansen; Kirby; Klippert; Peterson; Valdez; Walen and Ybarra.

Referred to Committee on Rules for second reading.

February 26, 2020 18.0.

**SB 6046** Prime Sponsor, Senator Takko: Concerning special purpose district commissioner compensation. Reported by Committee on Local Government

MAJORITY recommendation: Do pass. Signed by Representatives Pollet, Chair; Duerr, Vice Chair; Kraft, Ranking Minority Member; Goehner and Senn.

Referred to Committee on Rules for second reading.

February 26, 2020 18.0.

**SSB 6048** Prime Sponsor, Committee on Financial Institutions, Economic Development & Trade: Addressing the group-wide supervision of internationally active insurance groups. Reported by Committee on Consumer Protection & Business

MAJORITY recommendation: Do pass. Signed by Representatives Kirby, Chair; Vick, Ranking Minority Member; Hoff, Assistant Ranking Minority Member; Barkis; Blake; Duerr; Dufault; Johnson, J.; Ryu; Santos; Volz; Walen and Ybarra.

Referred to Committee on Rules for second reading.

February 26, 2020 18.0.

**SSB 6061** Prime Sponsor, Committee on Health & Long Term Care: Requiring training standards in providing telemedicine services. Reported by Committee on Health Care & Wellness

MAJORITY recommendation: Do pass. Signed by Representatives Cody, Chair; Macri, Vice Chair; Schmick, Ranking Minority Member; Caldier, Assistant Ranking Minority Member; Chambers; Chopp; Davis; DeBolt; Harris; Maycumber; Riccelli; Robinson; Stonier; Thai and Tharinger.

Referred to Committee on Rules for second reading.

February 26, 2020 18.0.

**SSB 6065** Prime Sponsor, Committee on Environment, Energy & Technology: Establishing the Washington blockchain work group. Reported by Committee on Innovation, Technology & Economic Development

MAJORITY recommendation: Do pass as amended. 18.0.

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** (1) Subject to the availability of amounts appropriated for this specific purpose, the Washington blockchain work group is established. The purpose of the work group is to examine various potential applications for blockchain technology including, but not limited to, applications in computing, banking and other financial services, the real estate transaction process, health care, supply chain management, higher education, and public recordkeeping.

(2) The work group is composed of the following members:

(a) One senator from each of the two largest caucuses of the senate, appointed by the president of the senate;

(b) One representative from each of the two largest caucuses of the house of representatives, appointed by the speaker of the house of representatives;

(c) The director of the department of commerce, or the director's designee;

(d) The director of the department of financial institutions, or the director's designee;

(e) The director of Washington technology solutions, the consolidated technology services agency, or the director's designee;

(f) The director of the department of agriculture, or the director's designee;

(g) The secretary of state, or the secretary of state's designee;

(h) The state auditor, or the state auditor's designee;

(i) An individual representing a Washington-based technology trade association for the full cross section of the technology sector;

(j) An individual representing a trade association for financial services companies that do business in Washington;

(k) An individual representing a trade association for title insurance companies that do business in Washington;

(l) An individual representing a trade association for health care companies that do business in Washington;

(m) An individual representing an association for county government officials in Washington;

(n) An individual representing a trade association for Washington-based agriculture;

(o) An individual representing a trade association for property and casualty insurance companies that do business in Washington; and

(p) An individual representing an association for public utility districts in Washington.

(3) The individuals appointed under subsection (2)(i) through (p) of this section must be appointed by the governor.

(4) In addition to the members appointed to the work group under subsection (2) of this section, individuals representing other sectors may be invited by the chair, in consultation with the other appointed members of the work group, to participate in an advisory capacity in meetings of the work group. Individuals participating in an advisory capacity under this subsection are not members of the work group, may not vote, and are not subject to the appointment process established in this section. There is no limit to the number of individuals who may participate in work group meetings in an advisory capacity under this subsection.

(5) A majority of the work group members constitutes a quorum. If a member has not been designated for a position

set forth in this section, that position may not be counted for the purpose of determining a quorum.

(6) The work group shall hold its inaugural meeting by August 1, 2020. The work group shall elect a chair from among its members at the inaugural meeting. The election of the chair must be by a majority vote of the work group members who are present at the inaugural meeting. The chair of the work group is responsible for arranging subsequent meetings and developing meeting agendas.

(7) Staff support for the work group, including arranging the inaugural meeting of the work group and assisting the chair of the work group in arranging subsequent meetings, must be provided by the office of the secretary of state and the state auditor's office, within existing resources. The office of the secretary of state and the state auditor's office may enter into an interagency agreement related to the provision of staff support for the work group.

(8) The expenses of the work group must be paid jointly by the senate and the house of representatives. Work group expenditures are subject to approval by the senate facilities and operations committee and the house of representatives executive rules committee, or their successor committees.

(9) Legislative members of the work group may be reimbursed for travel expenses in accordance with RCW 44.04.120. Nonlegislative members are not entitled to be reimbursed for travel expenses if they are elected officials or are participating on behalf of an employer, governmental entity, or other organization. Any reimbursement for other nonlegislative members is subject to chapter 43.03 RCW.

(10) The work group is a class one group under chapter 43.03 RCW.

(11) A public comment period must be provided at every meeting of the work group.

(12) The work group shall submit a report on recommended policies that will facilitate the development of blockchain applications in Washington to the governor and the appropriate committees of the legislature by December 1, 2021.

(13) This section expires January 1, 2022. The work group is dissolved upon the expiration of this section."

Correct the title.

Signed by Representatives Hudgins, Chair; Kloba, Vice Chair; Smith, Ranking Minority Member; Boehnke, Assistant Ranking Minority Member; Entenman; Slatter; Tarleton; Van Werven and Wylie.

Referred to Committee on Rules for second reading.

February 25, 2020 1.0.

SB 6066 Prime Sponsor, Senator Hasegawa: Expanding ethnic studies materials and resources for public school students in

grades kindergarten through six. Reported by Committee on Education

MAJORITY recommendation: Do pass. Signed by Representatives Santos, Chair; Dolan, Vice Chair; Paul, Vice Chair; Bergquist; Callan; Harris; Ortiz-Self; Rude; Stonier; Thai; Valdez and Ybarra.

MINORITY recommendation: Without recommendation. Signed by Representative Corry.

MINORITY recommendation: Do not pass. Signed by Representatives Steele, Ranking Minority Member; McCaslin, Assistant Ranking Minority Member; Volz, Assistant Ranking Minority Member and Caldier.

Referred to Committee on Rules for second reading.

February 26, 2020 1.0.

SSB 6074 Prime Sponsor, Committee on Law & Justice: Reauthorizing and expanding the financial fraud and identity theft crimes investigation and prosecution program. Reported by Committee on Civil Rights & Judiciary

MAJORITY recommendation: Do pass. Signed by Representatives Kilduff, Chair; Thai, Vice Chair; Dufault, Assistant Ranking Minority Member; Goodman; Graham; Hansen; Kirby; Klippert; Peterson; Valdez; Walen and Ybarra.

Referred to Committee on Appropriations.

February 26, 2020 1.0.

SB 6078 Prime Sponsor, Senator Mullet: Clarifying reimbursement for certain clean-up or removal actions by fire protection jurisdictions. Reported by Committee on Consumer Protection & Business

MAJORITY recommendation: Do pass. Signed by Representatives Kirby, Chair; Vick, Ranking Minority Member; Hoff, Assistant Ranking Minority Member; Barkis; Blake; Duerr; Johnson, J.; Ryu; Santos; Volz; Walen and Ybarra.

MINORITY recommendation: Without recommendation. Signed by Representative Dufault.

Referred to Committee on Rules for second reading.

February 25, 2020 1.0.

ESSB 6095 Prime Sponsor, Committee on Labor & Commerce: Describing permissible common carrier activities under the three-tier system. Reported by Committee on Commerce & Gaming

MAJORITY recommendation: Do pass. Signed by Representatives Peterson, Chair; MacEwen, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Blake; Jenkin; Kirby; Morgan; Ramel; Vick and Young.

Referred to Committee on Rules for second reading.

February 25, 2020 1.0.

**SB 6103** Prime Sponsor, Senator Wellman: Concerning educational reporting requirements. Reported by Committee on Education

MAJORITY recommendation: Do pass. Signed by Representatives Santos, Chair; Dolan, Vice Chair; Paul, Vice Chair; Steele, Ranking Minority Member; McCaslin, Assistant Ranking Minority Member; Volz, Assistant Ranking Minority Member; Bergquist; Caldier; Callan; Corry; Harris; Ortiz-Self; Rude; Stonier; Thai; Valdez and Ybarra.

Referred to Committee on Rules for second reading.

February 27, 2020 1.0.

**ESSB 6122** Prime Sponsor, Committee on Labor & Commerce: Protecting temporary workers. Reported by Committee on Labor & Workplace Standards

MAJORITY recommendation: Do pass as amended. 1.0.

Strike everything after the enacting clause and insert the following:

"**NEW SECTION. Sec. 2.** A new section is added to chapter 49.17 RCW to read as follows:

(1) Before the assignment of an employee to a worksite employer, a staffing agency must:

(a) Inquire about the worksite employer's safety and health practices and hazards, and when five or more employees will be assigned to a single worksite, also make reasonable efforts to visit the worksite employer's actual workplace where the employees will be working to assess the safety conditions, observe workers engaged in their tasks, and review the worksite employer's safety program;

(b) Provide training to the employee for general industry hazards the employee may encounter at the worksite employer. Industry training must be completed annually, in the preferred language of the employee, and must be provided at no expense to the employee. The training date and training content must be maintained by the staffing agency and provided to the employee upon request;

(c) Transmit training documentation to the worksite employer;

(d) Provide the department's hotline number for the employee to call to report safety hazards and concerns as part of the employment materials provided to the employee; and

(e) Inform the employee who the employee should report safety concerns to at the workplace.

(2) Before the employee engages in work for the worksite employer, the worksite employer must:

(a) Document and inform the staffing agency about anticipated job hazards likely encountered by the staffing agency employee;

(b) Review industry training provided by the staffing agency to determine if the training is appropriate for hazards encountered in the worksite employer's jobsite location. If the worksite employer determines that the training is not appropriate, the worksite employer must provide all necessary training;

(c) Document if the determination is made that the training is adequate for the expected hazards likely encountered by the staffing agency employees; and

(d) Document and maintain records of supplemental training and provide the training records to the staffing agency and the employee within forty-eight hours of providing the training.

(3) If the worksite employer changes the job tasks and new hazards may be encountered, the worksite employer must:

(a) Inform both the staffing agency and the employee; and

(b) Inform both the staffing agency and the employee of job hazards not previously covered before the employee undertakes the new tasks and update personal protective equipment and training for the new job tasks, if necessary.

(4) A staffing agency and employee may refuse a new job task at the worksite when the task has not been reviewed or if the employee has not had appropriate training to do the new task.

(5) A worksite employer must allow a staffing agency to visit any worksite where the staffing agency's employees are working to observe and confirm the information related to job tasks and hazards.

(6) A worksite employer that supervises an employee of a staffing agency must provide worksite specific training to the employee and must allow a staffing agency to visit any worksite where the staffing agency's employees are or will be working to observe and confirm the worksite employer's training and information related to the worksite's safety and health practices and hazards.

(7) The definitions in this subsection apply throughout this section unless the context clearly requires otherwise.

(a) "Staffing agency" means an individual, company, corporation, or partnership, that procures or provides temporary employment to a person who then works under the supervision or direction of a worksite employer. "Staffing agency" does not include a "farm labor contractor" as defined in RCW 19.30.010.

(b) "Worksite employer" means an individual, company, corporation, or partnership with which a staffing

agency contracts or otherwise agrees to furnish persons for temporary employment in the industries described in sectors 23 and 31 through 33 of the North American industry classification system.

(8) This section does not change any existing worksite employer or staffing agency responsibility as an employer to provide a place of employment free from recognized hazards or to otherwise comply with this chapter and other employment laws.

(9) A staffing agency or worksite employer may not retaliate against a staffing agency employee who reports safety concerns.

**NEW SECTION. Sec. 3.** (1) The department of labor and industries must review three years of industrial injury claims related to staffing agencies' employees. By December 1, 2023, the department of labor and industries must provide a report to the appropriate committees of the legislature with its findings regarding the claims and a recommendation for a financial assessment charged to the worksite employers so that worksite employers are also impacted financially from claims related to their worksites by staffing agencies' employees. The financial assessment is separate from industrial insurance premiums and experience rating calculations.

(2) For the purposes of this section, the definitions in section 1(7) of this act apply unless the context clearly requires otherwise."

Correct the title.

Signed by Representatives Sells, Chair; Chapman, Vice Chair; Gregerson and Ormsby.

MINORITY recommendation: Do not pass. Signed by Representatives Mosbrucker, Ranking Minority Member and Hoff.

Referred to Committee on Rules for second reading.

February 26, 2020 3.0.

**SSB 6127** Prime Sponsor, Committee on Higher Education & Workforce Development: Adding a graduate student to the student achievement council. Reported by Committee on College & Workforce Development

MAJORITY recommendation: Do pass. Signed by Representatives Hansen, Chair; Entenman, Vice Chair; Leavitt, Vice Chair; Gildon, Assistant Ranking Minority Member; Bergquist; Mead; Paul; Pollet; Ramos; Rude; Sells; Slatter and Sutherland.

MINORITY recommendation: Do not pass. Signed by Representatives Van Werven, Ranking Minority Member; Kraft and Young.

MINORITY recommendation: Without recommendation. Signed by Representative Graham, Assistant Ranking Minority Member.

Referred to Committee on Rules for second reading.

February 26, 2020 3.0.

**SB 6136** Prime Sponsor, Senator Nguyen: Updating restrictions on electronic benefit cards. Reported by Committee on Human Services & Early Learning

MAJORITY recommendation: Do pass. Signed by Representatives Senn, Chair; Callan, Vice Chair; Frame, Vice Chair; Dent, Ranking Minority Member; Eslick, Assistant Ranking Minority Member; McCaslin, Assistant Ranking Minority Member; Corry; Goodman; Griffey; Kilduff; Lovick and Ortiz-Self.

MINORITY recommendation: Do not pass. Signed by Representative Klippert.

Referred to Committee on Rules for second reading.

February 29, 2020 3.0.

**2SSB 6139** Prime Sponsor, Committee on Ways & Means: Extending the joint center for aerospace technology innovation program. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Ormsby, Chair; Stokesbary, Ranking Minority Member; Robinson, 1st Vice Chair; Bergquist, 2nd Vice Chair; Rude, Assistant Ranking Minority Member; Caldier; Chandler; Chopp; Cody; Corry; Dolan; Dye; Fitzgibbon; Hansen; Hoff; Hudgins; Kilduff; Kraft; Macri; Mosbrucker; Pettigrew; Ryu; Schmick; Senn; Springer; Steele; Sullivan; Sutherland; Tarleton; Tharinger and Ybarra.

Referred to Committee on Appropriations.

February 26, 2020 3.0.

**ESSB 6141** Prime Sponsor, Committee on Higher Education & Workforce Development: Expanding access to higher education. Reported by Committee on College & Workforce Development

MAJORITY recommendation: Do pass as amended. 3.0.

Strike everything after the enacting clause and insert the following:

"**NEW SECTION. Sec. 4.** The legislature recognizes the increasing importance of postsecondary education as a tool for economic resilience and mobility, as well as the financial barriers many students in our state face in pursuing postsecondary education. In light of the 2019 expansion of the Washington college grant, it is also important to share

information about new financial aid opportunities available to prospective postsecondary students. The legislature also acknowledges Washington's low completion rate of the free application for federal student aid in comparison with other states, as well as other states' successes in increasing these rates by expanding supports for students and their families. Research has shown that increased completion of student aid applications in other states has led to increases in high school graduation and college matriculation, especially for students in underrepresented groups. Given these facts, the legislature intends to undertake several actions to improve financial aid awareness and to increase coordination in this area among schools, districts, agencies, and institutions of higher education.

**NEW SECTION. Sec. 5.** A new section is added to chapter 28B.77 RCW to read as follows:

(1) The council shall adopt a centralized online statewide calculator tool for the purposes of estimating federal Pell grant and Washington college grant awards for all public four-year institutions of higher education in Washington state.

(2) The tool must provide an estimate of state and federal aid based on student and family financial circumstances.

(3) The calculator tool must be published on a web site managed by the council.

(4) The financial aid calculator must be for estimation purposes only and is not a guarantee of state aid. Neither this section nor the estimates provided by the financial aid calculator constitute an entitlement on the part of the state, and no institution, agency, or their agents or employees may be held liable for any estimates created through its usage.

(5) The financial aid calculator must be designed for anonymous use and may not be used to collect or share any data.

**NEW SECTION. Sec. 6.** A new section is added to chapter 28B.77 RCW to read as follows:

(1) In collaboration with financial aid experts from public four-year and two-year institutions of higher education, as well as independent colleges in Washington state, the Washington student achievement council shall develop clear, consistent definitions for institutions of higher education to adopt regarding financial aid package award letters.

(2) By July 1, 2021, all public four-year and two-year institutions of higher education, as well as all independent colleges in Washington state, must adopt uniform terminology and a standardized template for financial aid award packages so that students may easily compare them.

**NEW SECTION. Sec. 7.** A new section is added to chapter 28A.230 RCW to read as follows:

(1)(a) Beginning with the 2020-21 school year, all school districts with a high school must provide a financial aid advising day, as defined in section 5 of this act.

(b) Districts must provide both a financial aid advising day and notification of financial aid opportunities at the beginning of each school year to parents and guardians of any student entering the twelfth grade. The notification must include information regarding:

(i) The eligibility requirements of the Washington college grant;

(ii) The requirements of the financial aid advising day;

(iii) The process for opting out of the financial aid advising day; and

(iv) Any community-based resources available to assist parents and guardians in understanding the requirements of and how to complete the free application for federal student aid and the Washington application for state financial aid.

(2) Districts may administer the financial aid advising day, as defined in section 5 of this act, in accordance with information-sharing requirements set in the high school and beyond plan in RCW 28A.230.090.

(3) The Washington state school directors' association, with assistance from the office of the superintendent of public instruction and the Washington student achievement council, shall develop a model policy and procedure that school district board of directors may adopt. The model policy and procedure must describe minimum standards for a financial aid advising day as defined in section 5 of this act.

(4) School districts are encouraged to engage in the Washington student achievement council's financial aid advising training.

(5) The office of the superintendent of public instruction may adopt rules for the implementation of this section.

**NEW SECTION. Sec. 8.** A new section is added to chapter 28A.300 RCW to read as follows:

(1)(a) Beginning with the 2020-21 school year, within existing resources, and in collaboration with the Washington student achievement council, the office of the superintendent of public instruction shall coordinate a financial aid advising day with all school districts with a high school.

(b) For the purposes of this section and section 4 of this act, a "financial aid advising day" means a day or series of days between September 1st and December 1st of each year that includes, but is not limited to, dedicated time during regular school hours for staff to:

(i) Provide information to twelfth grade students on the free application for federal student aid, the Washington application for state financial aid, and the college board's CSS profile;

(ii) As appropriate and whenever possible, assist twelfth grade students in completing the free application for federal student aid and the Washington application for state financial aid; and

(iii) In conjunction with the Washington student achievement council, distribute information on the Washington college grant and demonstrate the use of the college financial aid calculator created in section 2 of this act.

(c) Each school district may choose the date or series of dates on which to hold a financial aid advising day.

(2) The office of the superintendent of public instruction shall coordinate with the Washington student achievement council whenever possible to assist districts in facilitating opportunities outside of regular school hours for parents to take part in seminars on completing the free application for federal student aid and the Washington application for state financial aid. Whenever possible, districts shall provide spoken language interpreter services for limited English-speaking families.

(3) Schools must allow students over the age of eighteen to opt out and parents or guardians of students under the age of eighteen to opt their student out of scheduled financial aid advising day activities.

(4) A student may not be penalized for failing to complete financial aid applications or for opting out of activities under subsection (3) of this section.

(5) Educational staff, including instructional, administrative, and counseling staff, may not be assessed or penalized on the basis of students' completion of financial aid forms or students' decisions to opt out under subsection (3) of this section.

(6) In the administration of the financial aid advising day, personally identifiable student or family information must be protected in accordance with state and federal privacy laws.

**Sec. 9.** RCW 28A.230.090 and 2019 c 252 s 103 are each amended to read as follows:

(1) The state board of education shall establish high school graduation requirements or equivalencies for students, except as provided in RCW 28A.230.122 and 28A.655.250 and except those equivalencies established by local high schools or school districts under RCW 28A.230.097. The purpose of a high school diploma is to declare that a student is ready for success in postsecondary education, gainful employment, and citizenship, and is equipped with the skills to be a lifelong learner.

(a) Any course in Washington state history and government used to fulfill high school graduation requirements shall consider including information on the culture, history, and government of the American Indian peoples who were the first inhabitants of the state.

(b) Except as provided otherwise in this subsection, the certificate of academic achievement requirements under RCW 28A.655.061 or the certificate of individual achievement requirements under RCW 28A.155.045 are required for graduation from a public high school but are not the only requirements for graduation. The requirement to earn a certificate of academic achievement to qualify for graduation from a public high school concludes with the

graduating class of 2019. The obligation of qualifying students to earn a certificate of individual achievement as a prerequisite for graduation from a public high school concludes with the graduating class of 2021.

(c)(i) Each student must have a high school and beyond plan to guide the student's high school experience and inform course taking that is aligned with the student's goals for education or training and career after high school.

(ii)(A) A high school and beyond plan must be initiated for each student during the seventh or eighth grade. In preparation for initiating that plan, each student must first be administered a career interest and skills inventory.

(B) For students with an individualized education program, the high school and beyond plan must be developed in alignment with their individualized education program. The high school and beyond plan must be developed in a similar manner and with similar school personnel as for all other students.

(iii)(A) The high school and beyond plan must be updated to reflect high school assessment results in RCW 28A.655.070(3)(b) and to review transcripts, assess progress toward identified goals, and revised as necessary for changing interests, goals, and needs. The plan must identify available interventions and academic support, courses, or both, that are designed for students who are not on track to graduate, to enable them to fulfill high school graduation requirements. Each student's high school and beyond plan must be updated to inform junior year course taking.

(B) For students with an individualized education program, the high school and beyond plan must be updated in alignment with their school to postschool transition plan. The high school and beyond plan must be updated in a similar manner and with similar school personnel as for all other students.

(iv) School districts are encouraged to involve parents and guardians in the process of developing and updating the high school and beyond plan, and the plan must be provided to the students' parents or guardians in their native language if that language is one of the two most frequently spoken non-English languages of students in the district. Nothing in this subsection (1)(c)(iv) prevents districts from providing high school and beyond plans to parents and guardians in additional languages that are not required by this subsection.

(v) All high school and beyond plans must, at a minimum, include the following elements:

(A) Identification of career goals, aided by a skills and interest assessment;

(B) Identification of educational goals;

(C) Identification of dual credit programs and the opportunities they create for students, including eligibility for automatic enrollment in advanced classes under RCW 28A.320.195, career and technical education programs, running start programs, AP courses, international baccalaureate programs, and college in the high school programs;

(D) Information about the college bound scholarship program established in chapter 28B.118 RCW;

(E) A four-year plan for course taking that:

(I) Includes information about options for satisfying state and local graduation requirements;

(II) Satisfies state and local graduation requirements;

(III) Aligns with the student's secondary and postsecondary goals, which can include education, training, and career;

(IV) Identifies course sequences to inform academic acceleration, as described in RCW 28A.320.195 that include dual credit courses or programs and are aligned with the student's goals; and

(V) Includes information about the college bound scholarship program, the Washington college grant, and other scholarship opportunities;

(F) Evidence that the student has received the following information on federal and state financial aid programs that help pay for the costs of a postsecondary program:

(I) Information about the documentation necessary for completing the applications; application timeliness and submission deadlines; the importance of submitting applications early; information specific to students who are or have been in foster care; information specific to students who are, or are at risk of being, homeless; information specific to students whose family member or guardians will be required to provide financial and tax information necessary to complete applications; and

(II) Opportunities to participate in sessions that assist students and, when necessary, their family members or guardians, fill out financial aid applications; and

(G) By the end of the twelfth grade, a current resume or activity log that provides a written compilation of the student's education, any work experience, and any community service and how the school district has recognized the community service pursuant to RCW 28A.320.193.

(d) Any decision on whether a student has met the state board's high school graduation requirements for a high school and beyond plan shall remain at the local level. Effective with the graduating class of 2015, the state board of education may not establish a requirement for students to complete a culminating project for graduation. A district may establish additional, local requirements for a high school and beyond plan to serve the needs and interests of its students and the purposes of this section.

(e)(i) The state board of education shall adopt rules to implement the career and college ready graduation requirement proposal adopted under board resolution on November 10, 2010, and revised on January 9, 2014, to take effect beginning with the graduating class of 2019 or as otherwise provided in this subsection (1)(e). The rules must include authorization for a school district to waive up to two credits for individual students based on a student's

circumstances, provided that none of the waived credits are identified as mandatory core credits by the state board of education. School districts must adhere to written policies authorizing the waivers that must be adopted by each board of directors of a school district that grants diplomas. The rules must also provide that the content of the third credit of mathematics and the content of the third credit of science may be chosen by the student based on the student's interests and high school and beyond plan with agreement of the student's parent or guardian or agreement of the school counselor or principal.

(ii) School districts may apply to the state board of education for a waiver to implement the career and college ready graduation requirement proposal beginning with the graduating class of 2020 or 2021 instead of the graduating class of 2019. In the application, a school district must describe why the waiver is being requested, the specific impediments preventing timely implementation, and efforts that will be taken to achieve implementation with the graduating class proposed under the waiver. The state board of education shall grant a waiver under this subsection (1)(e) to an applying school district at the next subsequent meeting of the board after receiving an application.

(iii) A school district must update the high school and beyond plans for each student who has not earned a score of level 3 or level 4 on the middle school mathematics assessment identified in RCW 28A.655.070 by ninth grade, to ensure that the student takes a mathematics course in both ninth and tenth grades. This course may include career and technical education equivalencies in mathematics adopted pursuant to RCW 28A.230.097.

(2)(a) In recognition of the statutory authority of the state board of education to establish and enforce minimum high school graduation requirements, the state board shall periodically reevaluate the graduation requirements and shall report such findings to the legislature in a timely manner as determined by the state board.

(b) The state board shall reevaluate the graduation requirements for students enrolled in vocationally intensive and rigorous career and technical education programs, particularly those programs that lead to a certificate or credential that is state or nationally recognized. The purpose of the evaluation is to ensure that students enrolled in these programs have sufficient opportunity to earn a certificate of academic achievement, complete the program and earn the program's certificate or credential, and complete other state and local graduation requirements.

(c) The state board shall forward any proposed changes to the high school graduation requirements to the education committees of the legislature for review. The legislature shall have the opportunity to act during a regular legislative session before the changes are adopted through administrative rule by the state board. Changes that have a fiscal impact on school districts, as identified by a fiscal analysis prepared by the office of the superintendent of public instruction, shall take effect only if formally authorized and funded by the legislature through the omnibus appropriations act or other enacted legislation.



(3) Pursuant to any requirement for instruction in languages other than English established by the state board of education or a local school district, or both, for purposes of high school graduation, students who receive instruction in American sign language or one or more American Indian languages shall be considered to have satisfied the state or local school district graduation requirement for instruction in one or more languages other than English.

(4) Unless requested otherwise by the student and the student's family, a student who has completed high school courses before attending high school shall be given high school credit which shall be applied to fulfilling high school graduation requirements if:

(a) The course was taken with high school students, if the academic level of the course exceeds the requirements for seventh and eighth grade classes, and the student has successfully passed by completing the same course requirements and examinations as the high school students enrolled in the class; or

(b) The academic level of the course exceeds the requirements for seventh and eighth grade classes and the course would qualify for high school credit, because the course is similar or equivalent to a course offered at a high school in the district as determined by the school district board of directors.

(5) Students who have taken and successfully completed high school courses under the circumstances in subsection (4) of this section shall not be required to take an additional competency examination or perform any other additional assignment to receive credit.

(6) At the college or university level, five quarter or three semester hours equals one high school credit.

**Sec. 10.** RCW 28A.230.215 and 2019 c 252 s 504 are each amended to read as follows:

(1) The legislature finds that fully realizing the potential of high school and beyond plans as meaningful tools for articulating and revising pathways for graduation will require additional school counselors and family coordinators. The legislature further finds that the development and implementation of an online electronic platform for high school and beyond plans will be an appropriate and supportive action that will assist students, parents and guardians, educators, and counselors as the legislature explores options for funding additional school counselors.

(2) Subject to the availability of amounts appropriated for this specific purpose, the office of the superintendent of public instruction shall facilitate the creation of a list of available electronic platforms for the high school and beyond plan. Platforms eligible to be included on the list must meet the following requirements:

(a) Enable students to create, personalize, and revise their high school and beyond plan as required by RCW 28A.230.090;

(b) Grant parents or guardians, educators, and counselors appropriate access to students' high school and beyond plans;

(c) Employ a sufficiently flexible technology that allows for subsequent modifications necessitated by statutory changes, administrative changes, or both, as well as enhancements to improve the features and functionality of the platform;

(d) Include a sample financial aid letter and a link to the financial aid calculator created in section 2 of this act, at such a time as those materials are finalized;

(e) Comply with state and federal requirements for student privacy;

~~((e))~~ (f) Allow for the portability between platforms so that students moving between school districts are able to easily transfer their high school and beyond plans; and

~~((f))~~ (g) To the extent possible, include platforms in use by school districts during the 2018-19 school year.

(3) Beginning in the 2020-21 school year, each school district must ensure that an electronic high school and beyond plan platform is available to all students who are required to have a high school and beyond plan.

(4) The office of the superintendent of public instruction may adopt and revise rules as necessary to implement this section.

**NEW SECTION. Sec. 11.** If any part of this act is found to be in conflict with federal requirements that are a prescribed condition to the allocation of federal funds to the state, the conflicting part of this act is inoperative solely to the extent of the conflict and with respect to the agencies directly affected, and this finding does not affect the operation of the remainder of this act in its application to the agencies concerned. Rules adopted under this act must meet federal requirements that are a necessary condition to the receipt of federal funds by the state."

Correct the title.

Signed by Representatives Hansen, Chair; Entenman, Vice Chair; Leavitt, Vice Chair; Van Werven, Ranking Minority Member; Gildon, Assistant Ranking Minority Member; Graham, Assistant Ranking Minority Member; Bergquist; Mead; Paul; Pollet; Ramos; Rude; Sells; Slatter and Young.

MINORITY recommendation: Do not pass. Signed by Representatives Kraft and Sutherland.

Referred to Committee on Rules for second reading.

February 25, 2020 11.0.

**SSB 6158**

Prime Sponsor, Committee on Health & Long Term Care: Concerning model sexual assault protocols for hospitals and clinics. Reported by Committee on Public Safety

MAJORITY recommendation: Do pass as amended.

11.0.

Strike everything after the enacting clause and insert the following:

"**NEW SECTION. Sec. 12.** (1)(a) The sexual assault coordinated community response task force is established within the office of the attorney general with members as provided in this subsection. The purpose of the task force is to develop model protocols ensuring that adult or minor sexual assault victims receive a coordinated community response when presenting for care at any hospital or clinic following a sexual assault.

(b)(i) The caucus leaders from the senate shall appoint one member from each of the two largest caucuses of the senate.

(ii) The caucus leaders from the house of representatives shall appoint one member from each of the two largest caucuses of the house of representatives.

(iii) The attorney general, in consultation with the legislative members of the task force, shall appoint:

(A) One member representing each of the following:

(I) The Washington state association of sheriffs and police chiefs;

(II) The Washington association of prosecuting attorneys;

(III) The Washington defender association or the Washington association of criminal defense lawyers;

(IV) The Washington association of cities;

(V) The Washington association of county officials;

(VI) The Washington superior court judges association;

(VII) The Washington coalition of sexual assault programs;

(VIII) The office of crime victims advocacy;

(IX) The Washington state hospital association;

(X) The Washington state nurses association;

(XI) The office of the attorney general;

(XII) The Washington state medical association; and

(XIII) The children's advocacy centers of Washington;

(B) Two providers from a community sexual assault program, one representative from a program serving an urban community, and one representative from a program serving a rural community;

(C) Two members representing survivors of sexual assault;

(D) Two members representing sexual assault nurse examiners, one representative of a sexual assault nurse examiner serving an urban community, and one

representative of a sexual assault nurse examiner serving a rural community;

(E) Two members representing children's advocacy centers, one representative from a center serving an urban community, and one representative from a center serving a rural community.

(2) The duties of the task force include, but are not limited to:

(a) Researching, reviewing, and making recommendations for best practice models in this state and from other states for collaborative and coordinated responses to sexual assault victims beginning with their arrival at a hospital or clinic;

(b) Researching and identifying any existing gaps in trauma-informed, victim-centered care and support and sexual assault victim resources in Washington;

(c) Researching, identifying, and making recommendations for securing nonstate funding for implementing a standardized and coordinated community response to provide appropriate support for sexual assault victims;

(d) Researching, identifying, and making recommendations for any legislative policy options for providing a coordinated community response for victims of sexual assault; and

(e) Collaborating with the legislature, state agencies, medical facilities, and local governments to implement coordinated community responses for sexual assault victims consistent with best practices and standardized protocols including but not limited to issues of access to sexual assault specific services, potential for assistance from the crime victims' compensation program, legal advocacy from system-based and community-based advocates, privacy of medical records, and access to necessary information among responding professionals and service providers.

(3) The office of the attorney general shall administer and provide staff support to the task force.

(4) Legislative members of the task force must be reimbursed for travel expenses in accordance with RCW 44.04.120. Nonlegislative members, except those representing an employer or organization, are entitled to be reimbursed for travel expenses in accordance with RCW 43.03.050 and 43.03.060.

(5) The task force must meet no less than twice annually.

(6) The task force shall report its findings and recommendations to the appropriate committees of the legislature and the governor by December 1st of each year.

(7) This section expires December 31, 2022."

Correct the title.

Signed by Representatives Goodman, Chair; Davis, Vice Chair; Klippert, Ranking Minority Member; Sutherland,

Assistant Ranking Minority Member; Graham; Lovick; Pellicciotti and Pettigrew.

Referred to Committee on Rules for second reading.

March 2, 2020 12.0.

**2SSB 6181** Prime Sponsor, Committee on Ways & Means: Concerning crime victims' compensation. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Ormsby, Chair; Stokesbary, Ranking Minority Member; Robinson, 1st Vice Chair; Bergquist, 2nd Vice Chair; MacEwen, Assistant Ranking Minority Member; Rude, Assistant Ranking Minority Member; Caldier; Chandler; Chopp; Cody; Corry; Dolan; Dye; Fitzgibbon; Hansen; Hoff; Hudgins; Kilduff; Kraft; Macri; Mosbrucker; Pettigrew; Pollet; Ryu; Schmick; Senn; Springer; Steele; Sullivan; Sutherland; Tarleton; Tharinger and Ybarra.

Referred to Committee on Appropriations.

February 26, 2020 12.0.

**SSB 6183** Prime Sponsor, Committee on State Government, Tribal Relations & Elections: Allowing service and overseas voters to use the common access card as a digital signature for proof of identity on certain election materials. Reported by Committee on State Government & Tribal Relations

MAJORITY recommendation: Do pass as amended. 12.0.

Strike everything after the enacting clause and insert the following:

"**NEW SECTION. Sec. 13.** A new section is added to chapter 29A.04 RCW to read as follows:

"Digital signature" means the certificate-based digital identification code issued to qualified personnel by the United States department of defense as part of the common access card or its successor.

**Sec. 14.** RCW 29A.04.611 and 2011 c 10 s 13 are each amended to read as follows:

The secretary of state as chief election officer shall make reasonable rules in accordance with chapter 34.05 RCW not inconsistent with the federal and state election laws to effectuate any provision of this title and to facilitate the execution of its provisions in an orderly, timely, and uniform manner relating to any federal, state, county, city, town, and district elections. To that end the secretary shall assist local election officers by devising uniform forms and procedures.

In addition to the rule-making authority granted otherwise by this section, the secretary of state shall make rules governing the following provisions:

- (1) The maintenance of voter registration records;
- (2) The preparation, maintenance, distribution, review, and filing of precinct maps;
- (3) Standards for the design, layout, and production of ballots;
- (4) The examination and testing of voting systems for certification;
- (5) The source and scope of independent evaluations of voting systems that may be relied upon in certifying voting systems for use in this state;
- (6) Standards and procedures for the acceptance testing of voting systems by counties;
- (7) Standards and procedures for testing the programming of vote tallying software for specific primaries and elections;
- (8) Standards and procedures for the preparation and use of each type of certified voting system including procedures for the operation of counting centers where vote tallying systems are used;
- (9) Standards and procedures to ensure the accurate tabulation and canvassing of ballots;
- (10) Consistency among the counties of the state in the preparation of ballots, the operation of vote tallying systems, and the canvassing of primaries and elections;
- (11) Procedures to ensure the secrecy of a voter's ballot when a small number of ballots are counted;
- (12) The use of substitute devices or means of voting when a voting device is found to be defective, the counting of votes cast on the defective device, the counting of votes cast on the substitute device, and the documentation that must be submitted to the county auditor regarding such circumstances;
- (13) Procedures for the transportation of sealed containers of voted ballots or sealed voting devices;
- (14) The acceptance and filing of documents via electronic transmission;
- (15) Voter registration applications and records;
- (16) The use of voter registration information in the conduct of elections;
- (17) The coordination, delivery, and processing of voter registration records accepted by driver licensing agents or the department of licensing;
- (18) The coordination, delivery, and processing of voter registration records accepted by agencies designated by the governor to provide voter registration services;
- (19) Procedures to receive and distribute voter registration applications by mail;
- (20) Procedures for a voter to change his or her voter registration address within a county by telephone;
- (21) Procedures for a voter to change the name under which he or she is registered to vote;

(22) Procedures for voter registration applications to be submitted on the secretary of state's web site using a digital signature;

(23) Procedures for canceling dual voter registration records and for maintaining records of persons whose voter registrations have been canceled;

((23)) (24) Procedures for the electronic transfer of voter registration records between county auditors and the office of the secretary of state;

((24)) (25) Procedures and forms for declarations of candidacy;

((25)) (26) Procedures and requirements for the acceptance and filing of declarations of candidacy by electronic means;

((26)) (27) Procedures for the circumstance in which two or more candidates have a name similar in sound or spelling so as to cause confusion for the voter;

((27)) (28) Filing for office;

((28)) (29) The order of positions and offices on a ballot;

((29)) (30) Sample ballots;

((30)) (31) Independent evaluations of voting systems;

((31)) (32) The testing, approval, and certification of voting systems;

((32)) (33) The testing of vote tallying software programming;

((33)) (34) Standards and procedures to prevent fraud and to facilitate the accurate processing and canvassing of ballots, including standards for the approval and implementation of hardware and software for automated signature verification systems;

((34)) (35) Standards and procedures to guarantee the secrecy of ballots;

((35)) (36) Uniformity among the counties of the state in the conduct of elections;

((36)) (37) Standards and procedures to accommodate overseas voters and service voters;

((37)) (38) The tabulation of paper ballots;

((38)) (39) The accessibility of voting centers;

((39)) (40) The aggregation of precinct results if reporting the results of a single precinct could jeopardize the secrecy of a person's ballot;

((40)) (41) Procedures for conducting a statutory recount;

((41)) (42) Procedures for filling vacancies in congressional offices if the general statutory time requirements for availability of ballots, certification, canvassing, and related procedures cannot be met;

((42)) (43) Procedures for the statistical sampling of signatures for purposes of verifying and canvassing signatures on initiative, referendum, and recall election petitions;

((43)) (44) Standards and deadlines for submitting material to the office of the secretary of state for the voters' pamphlet;

((44)) (45) Deadlines for the filing of ballot titles for referendum bills and constitutional amendments if none have been provided by the legislature;

((45)) (46) Procedures for the publication of a state voters' pamphlet;

((46)) (47) Procedures for conducting special elections regarding nuclear waste sites if the general statutory time requirements for availability of ballots, certification, canvassing, and related procedures cannot be met;

((47)) (48) Procedures for conducting partisan primary elections;

((48)) (49) Standards and procedures for the proper conduct of voting on accessible voting devices;

((49)) (50) Standards for voting technology and systems used by the state or any political subdivision to be accessible for individuals with disabilities, including nonvisual accessibility for the blind and visually impaired, in a manner that provides the same opportunity for access and participation, including privacy and independence, as other voters;

((50)) (51) All data formats for transferring voter registration data on electronic or machine-readable media for the purpose of administering the statewide voter registration list required by the Help America Vote Act (P.L. 107-252);

((51)) (52) Defining the interaction of electronic voter registration election management systems employed by each county auditor to maintain a local copy of each county's portion of the official state list of registered voters;

((52)) (53) Provisions and procedures to implement the state-based administrative complaint procedure as required by the Help America Vote Act (P.L. 107-252);

((53)) (54) Facilitating the payment of local government grants to local government election officers or vendors; and

((54)) (55) Standards for the verification of signatures on ballot declarations.

**Sec. 15.** RCW 29A.08.123 and 2019 c 6 s 3 are each amended to read as follows:

(1) A person who has a valid Washington state driver's license, state identification card, or tribal identification may submit a voter registration application electronically on the secretary of state's web site. A person who has a valid tribal identification card may submit a voter registration electronically on the secretary of state's web site if the secretary of state is able to obtain a copy of the applicant's

signature from the federal government or the tribal government. A service or overseas voter may use a digital signature to submit a voter registration electronically on the secretary of state's web site, if the secretary of state is able to obtain a copy of the applicant's signature from the federal government.

(2) The applicant must attest to the truth of the information provided on the application by affirmatively accepting the information as true.

(3) The applicant must affirmatively assent to use of his or her driver's license, state identification card, or tribal identification card signature or digital signature for voter registration purposes.

(4) A voter registration application submitted electronically is otherwise considered a registration by mail.

(5) For each electronic application submitted using a Washington state driver's license or state identification card, the secretary of state must obtain a digital copy of the applicant's driver's license or state identification card signature from the department of licensing or tribal identification issuing authority.

(6) The secretary of state may employ additional security measures to ensure the accuracy and integrity of voter registration applications submitted electronically."

Correct the title.

Signed by Representatives Gregerson, Chair; Pellicciotti, Vice Chair; Walsh, Ranking Minority Member; Goehner, Assistant Ranking Minority Member; Dolan; Hudgins; Mosbrucker and Smith.

Referred to Committee on Rules for second reading.

February 25, 2020 15.0.

SSB 6206 Prime Sponsor, Committee on Labor & Commerce: Creating a certificate of compliance for marijuana business premises that meet the statutory qualifications at the time of application. Reported by Committee on Commerce & Gaming

MAJORITY recommendation: Do pass. Signed by Representatives Peterson, Chair; MacEwen, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Blake; Jenkin; Kirby; Morgan; Ramel; Vick and Young.

Referred to Committee on Rules for second reading.

February 29, 2020 15.0.

SSB 6210 Prime Sponsor, Committee on Ways & Means: Concerning antifouling paints on recreational water vessels. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Ormsby, Chair; Stokesbary, Ranking Minority Member; Robinson, 1st Vice Chair; Bergquist, 2nd Vice Chair; Rude, Assistant Ranking Minority Member; Caldier; Chandler; Chopp; Cody; Corry; Dolan; Dye; Fitzgibbon; Hansen; Hoff; Hudgins; Kilduff; Kraft; Macri; Mosbrucker; Pettigrew; Ryu; Schmick; Senn; Springer; Steele; Sullivan; Sutherland; Tarleton; Tharinger and Ybarra.

Referred to Committee on Appropriations.

February 29, 2020 15.0.

2SSB 6211 Prime Sponsor, Committee on Ways & Means: Concerning drug offender sentencing. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass as amended by Committee on Public Safety.

15.0.

Strike everything after the enacting clause and insert the following:

"**Sec. 16.** RCW 9.94A.660 and 2019 c 325 s 5002 and 2019 c 263 s 502 are each reenacted and amended to read as follows:

(1) An offender is eligible for the special drug offender sentencing alternative if:

(a) The offender is convicted of a felony that is not a violent offense (~~(or sex offense)~~) and the violation does not involve a sentence enhancement under RCW 9.94A.533 (3) or (4);

(b) The offender is convicted of a felony that is not a felony driving while under the influence of intoxicating liquor or any drug under RCW 46.61.502(6) or felony physical control of a vehicle while under the influence of intoxicating liquor or any drug under RCW 46.61.504(6);

(c) The offender has no current or prior convictions for a sex offense (~~(at any time or)~~) for which the offender is currently or may be required to register pursuant to RCW 9A.44.130;

(d) The offender has no prior convictions in this state, and no prior convictions for an equivalent out-of-state or federal offense, for the following offenses during the following time frames:

(i) Robbery in the second degree that did not involve the use of a firearm and was not reduced from robbery in the first degree within seven years before conviction of the current offense; or

(ii) Any other violent offense within ten years before conviction of the current offense(~~(, in this state, another state, or the United States)~~);

(~~(d)~~) (e) For a violation of the Uniform Controlled Substances Act under chapter 69.50 RCW or a criminal solicitation to commit such a violation under chapter 9A.28 RCW, the offense involved only a small quantity of the

particular controlled substance as determined by the judge upon consideration of such factors as the weight, purity, packaging, sale price, and street value of the controlled substance;

~~((e))~~ (f) The offender has not been found by the United States attorney general to be subject to a deportation detainer or order and does not become subject to a deportation order during the period of the sentence; and

~~((f) The end of the standard sentence range for the current offense is greater than one year; and))~~

(g) The offender has not received a drug offender sentencing alternative more than once in the prior ten years before the current offense.

(2) A motion for a special drug offender sentencing alternative may be made by the court, the offender, or the state.

(3) If the sentencing court determines that the offender is eligible for an alternative sentence under this section and that the alternative sentence is appropriate, the court shall waive imposition of a sentence within the standard sentence range and impose a sentence consisting of either a prison-based alternative under RCW 9.94A.662 or a residential substance use disorder treatment-based alternative under RCW 9.94A.664. The residential substance use disorder treatment-based alternative is only available if the midpoint of the standard range is ~~((twenty-four))~~ twenty-six months or less.

(4)(a) To assist the court in making its determination, the court may order the department to complete either or both a risk assessment report and a substance use disorder screening report as provided in RCW 9.94A.500.

(b) To assist the court in making its determination in domestic violence cases, the court shall order the department to complete a presentence investigation and a chemical dependency screening report as provided in RCW 9.94A.500, unless otherwise specifically waived by the court.

~~((a))~~ (b) If the court is considering imposing a sentence under the residential substance use disorder treatment-based alternative, the court may order an examination of the offender by the department. The examination must be performed by an agency certified by the department of health to provide substance use disorder services. The examination shall, at a minimum, address the following issues:

~~((i))~~ (a) Whether the offender suffers from ~~((drug addiction))~~ a substance use disorder;

~~((ii))~~ (b) Whether the ~~((addiction))~~ substance use disorder is such that there is a probability that criminal behavior will occur in the future;

~~((iii))~~ (c) Whether effective treatment for the offender's ~~((addiction))~~ substance use disorder is available from a provider that has been licensed or certified by the department of health, and where applicable, whether effective domestic violence perpetrator treatment is

available from a state-certified domestic violence treatment provider pursuant to chapter 26.50 RCW; and

~~((iv))~~ (d) Whether the offender and the community will benefit from the use of the alternative.

~~((b) The examination report must contain:~~

~~(i) A proposed monitoring plan, including any requirements regarding living conditions, lifestyle requirements, and monitoring by family members and others; and~~

~~(ii) Recommended crime-related prohibitions and affirmative conditions;))~~

(6) When a court imposes a sentence of community custody under this section:

(a) The court may impose conditions as provided in RCW 9.94A.703 and may impose other affirmative conditions as the court considers appropriate. In addition, an offender may be required to pay thirty dollars per month while on community custody to offset the cost of monitoring for alcohol or controlled substances, or in cases of domestic violence for monitoring with global positioning system technology for compliance with a no-contact order.

(b) The department may impose conditions and sanctions as authorized in RCW 9.94A.704 and 9.94A.737.

(7)(a) The court may bring any offender sentenced under this section back into court at any time on its own initiative to evaluate the offender's progress in treatment or to determine if any violations of the conditions of the sentence have occurred.

(b) If the offender is brought back to court, the court may modify the conditions of the community custody or impose sanctions under (c) of this subsection.

(c) The court may order the offender to serve a term of total confinement within the standard range of the offender's current offense at any time during the period of community custody if the offender violates the conditions or requirements of the sentence or if the offender is failing to make satisfactory progress in treatment.

(d) An offender ordered to serve a term of total confinement under (c) of this subsection shall receive credit for ~~((any))~~ time previously served in total or partial confinement and inpatient treatment under this section, and shall receive fifty percent credit for time previously served in community custody under this section.

(8) In serving a term of community custody imposed upon failure to complete, or administrative termination from, the special drug offender sentencing alternative program, the offender shall receive no credit for time served in community custody prior to termination of the offender's participation in the program.

(9) An offender sentenced under this section shall be subject to all rules relating to earned release time with respect to any period served in total confinement.

(10) ~~((Costs of examinations and preparing treatment plans under a special drug offender sentencing alternative~~

~~may be paid, at the option of the county, from funds provided to the county from the criminal justice treatment account under RCW 71.24.580.)~~ The Washington state institute for public policy shall submit a report to the governor and the appropriate committees of the legislature by November 1, 2022, analyzing the effectiveness of the drug offender sentencing alternative in reducing recidivism among various offender populations. An additional report is due November 1, 2028, and every five years thereafter. The Washington state institute for public policy may coordinate with the department and the caseload forecast council in tracking data and preparing the report.

**Sec. 17.** RCW 9.94A.662 and 2019 c 263 s 503 are each amended to read as follows:

(1) The court may only order a prison-based special drug offender sentencing alternative if the high end of the standard sentence range for the current offense is greater than one year.

(2) A sentence for a prison-based special drug offender sentencing alternative shall include:

(a) A period of total confinement in a state facility for one-half the midpoint of the standard sentence range or twelve months, whichever is greater;

(b) One-half the midpoint of the standard sentence range as a term of community custody, which must include appropriate substance ~~((abuse))~~ use disorder treatment in a program that has been approved by the ~~((division of alcohol and substance abuse of the))~~ department of ~~((social and))~~ health ~~((services))~~, and for co-occurring drug and domestic violence cases, must also include an appropriate domestic violence treatment program by a state-certified domestic violence treatment provider pursuant to chapter 26.50 RCW;

(c) Crime-related prohibitions, including a condition not to use illegal controlled substances;

(d) A requirement to submit to urinalysis or other testing to monitor that status; and

(e) A term of community custody pursuant to RCW 9.94A.701 to be imposed upon the failure to complete or administrative termination from the special drug offender sentencing alternative program.

~~((2))~~ (3)(a) During incarceration in the state facility, offenders sentenced under this section shall undergo a comprehensive substance ~~((abuse))~~ use disorder assessment and receive, within available resources, treatment services appropriate for the offender. The substance ~~((abuse))~~ use disorder treatment services shall be ~~((designed))~~ licensed by the ~~((division of alcohol and substance abuse of the))~~ department of ~~((social and))~~ health ~~((services, in cooperation with the department of corrections))~~.

(b) When applicable for cases involving domestic violence, domestic violence treatment must be provided by a state-certified domestic violence treatment provider pursuant to chapter 26.50 RCW during the term of community custody.

~~((3))~~ (4) If the department finds that conditions of community custody have been willfully violated, the

offender may be reclassified to serve the remaining balance of the original sentence. An offender who fails to complete the program or who is administratively terminated from the program shall be reclassified to serve the unexpired term of his or her sentence as ordered by the sentencing court.

~~((4))~~ (5) If an offender sentenced to the prison-based alternative under this section is found by the United States attorney general to be subject to a deportation order, a hearing shall be held by the department unless waived by the offender, and, if the department finds that the offender is subject to a valid deportation order, the department may administratively terminate the offender from the program and reclassify the offender to serve the remaining balance of the original sentence.

**Sec. 18.** RCW 9.94A.664 and 2019 c 325 s 5003 and 2019 c 263 s 504 are each reenacted and amended to read as follows:

(1)(a) A sentence for a residential substance use disorder treatment-based alternative shall include a term of community custody equal to one-half the midpoint of the standard sentence range or two years, whichever is greater, conditioned on the offender entering and remaining in a residential substance use disorder treatment program certified by the department of health for a period set by the court ~~((between three and))~~ up to six months with treatment completion and continued care delivered in accordance with rules established by the health care authority. In establishing rules pursuant to this subsection, the health care authority must consider criteria established by the American society of addiction medicine.

(b) The sentence may include an indeterminate term of confinement of no more than thirty days in a facility operated or utilized under contract by the county in order to facilitate direct transfer to a residential substance use disorder treatment facility.

(2)(a) During any period of community custody, the court shall impose~~((, as conditions of community custody,))~~ treatment and other conditions~~((as proposed in the examination report completed pursuant to RCW 9.94A.660)).~~

(b) ~~((If the court imposes a term of community custody, the))~~ The department shall, within available resources, make substance use disorder assessment and treatment services available to the offender during~~((the))~~ any term of community custody, and within available resources, make domestic violence treatment services available to a domestic violence offender during the term of community custody.

(3)(a) If the court imposes a sentence under this section, the treatment provider must send the treatment plan to the court within thirty days of the offender's arrival to the residential substance use disorder treatment program and, when applicable, the domestic violence treatment program.

(b) Upon receipt of the plan, the court shall schedule a progress hearing during the period of ~~((residential substance use disorder))~~ treatment, and schedule a treatment

termination hearing for three months before the expiration of the term of community custody.

(c) Before the progress hearing and treatment termination hearing, the treatment provider and the department shall submit written reports to the court and parties regarding the offender's compliance with treatment and monitoring requirements, and recommendations regarding termination from treatment.

(4) At a progress hearing or treatment termination hearing, the court may:

(a) Authorize the department to terminate the offender's community custody status on the expiration date determined under subsection (1) of this section;

(b) Continue the hearing to a date before the expiration date of community custody, with or without modifying the conditions of community custody; or

(c) Impose a term of total confinement equal to one-half the midpoint of the standard sentence range, followed by a term of community custody under RCW 9.94A.701.

(5) If the court imposes a term of total confinement, the department shall, within available resources, make substance use disorder assessment and treatment services available to the offender during the term of total confinement and subsequent term of community custody.

**Sec. 19.** RCW 9.94A.030 and 2019 c 331 s 5, 2019 c 271 s 6, 2019 c 187 s 1, and 2019 c 46 s 5007 are each reenacted and amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Board" means the indeterminate sentence review board created under chapter 9.95 RCW.

(2) "Collect," or any derivative thereof, "collect and remit," or "collect and deliver," when used with reference to the department, means that the department, either directly or through a collection agreement authorized by RCW 9.94A.760, is responsible for monitoring and enforcing the offender's sentence with regard to the legal financial obligation, receiving payment thereof from the offender, and, consistent with current law, delivering daily the entire payment to the superior court clerk without depositing it in a departmental account.

(3) "Commission" means the sentencing guidelines commission.

(4) "Community corrections officer" means an employee of the department who is responsible for carrying out specific duties in supervision of sentenced offenders and monitoring of sentence conditions.

(5) "Community custody" means that portion of an offender's sentence of confinement in lieu of earned release time or imposed as part of a sentence under this chapter and served in the community subject to controls placed on the offender's movement and activities by the department.

(6) "Community protection zone" means the area within eight hundred eighty feet of the facilities and grounds of a public or private school.

(7) "Community restitution" means compulsory service, without compensation, performed for the benefit of the community by the offender.

(8) "Confinement" means total or partial confinement.

(9) "Conviction" means an adjudication of guilt pursuant to Title 10 or 13 RCW and includes a verdict of guilty, a finding of guilty, and acceptance of a plea of guilty.

(10) "Crime-related prohibition" means an order of a court prohibiting conduct that directly relates to the circumstances of the crime for which the offender has been convicted, and shall not be construed to mean orders directing an offender affirmatively to participate in rehabilitative programs or to otherwise perform affirmative conduct. However, affirmative acts necessary to monitor compliance with the order of a court may be required by the department.

(11) "Criminal history" means the list of a defendant's prior convictions and juvenile adjudications, whether in this state, in federal court, or elsewhere, and any issued certificates of restoration of opportunity pursuant to RCW 9.97.020.

(a) The history shall include, where known, for each conviction (i) whether the defendant has been placed on probation and the length and terms thereof; and (ii) whether the defendant has been incarcerated and the length of incarceration.

(b) A conviction may be removed from a defendant's criminal history only if it is vacated pursuant to RCW 9.96.060, 9.94A.640, 9.95.240, or a similar out-of-state statute, or if the conviction has been vacated pursuant to a governor's pardon. However, when a defendant is charged with a recidivist offense, "criminal history" includes a vacated prior conviction for the sole purpose of establishing that such vacated prior conviction constitutes an element of the present recidivist offense as provided in RCW 9.94A.640(3)(b) and 9.96.060(~~((c))~~) (6)(c).

(c) The determination of a defendant's criminal history is distinct from the determination of an offender score. A prior conviction that was not included in an offender score calculated pursuant to a former version of the sentencing reform act remains part of the defendant's criminal history.

(12) "Criminal street gang" means any ongoing organization, association, or group of three or more persons, whether formal or informal, having a common name or common identifying sign or symbol, having as one of its primary activities the commission of criminal acts, and whose members or associates individually or collectively engage in or have engaged in a pattern of criminal street gang activity. This definition does not apply to employees engaged in concerted activities for their mutual aid and protection, or to the activities of labor and bona fide nonprofit organizations or their members or agents.



(13) "Criminal street gang associate or member" means any person who actively participates in any criminal street gang and who intentionally promotes, furthers, or assists in any criminal act by the criminal street gang.

(14) "Criminal street gang-related offense" means any felony or misdemeanor offense, whether in this state or elsewhere, that is committed for the benefit of, at the direction of, or in association with any criminal street gang, or is committed with the intent to promote, further, or assist in any criminal conduct by the gang, or is committed for one or more of the following reasons:

(a) To gain admission, prestige, or promotion within the gang;

(b) To increase or maintain the gang's size, membership, prestige, dominance, or control in any geographical area;

(c) To exact revenge or retribution for the gang or any member of the gang;

(d) To obstruct justice, or intimidate or eliminate any witness against the gang or any member of the gang;

(e) To directly or indirectly cause any benefit, aggrandizement, gain, profit, or other advantage for the gang, its reputation, influence, or membership; or

(f) To provide the gang with any advantage in, or any control or dominance over any criminal market sector, including, but not limited to, manufacturing, delivering, or selling any controlled substance (chapter 69.50 RCW); arson (chapter 9A.48 RCW); trafficking in stolen property (chapter 9A.82 RCW); promoting prostitution (chapter 9A.88 RCW); human trafficking (RCW 9A.40.100); promoting commercial sexual abuse of a minor (RCW 9.68A.101); or promoting pornography (chapter 9.68 RCW).

(15) "Day fine" means a fine imposed by the sentencing court that equals the difference between the offender's net daily income and the reasonable obligations that the offender has for the support of the offender and any dependents.

(16) "Day reporting" means a program of enhanced supervision designed to monitor the offender's daily activities and compliance with sentence conditions, and in which the offender is required to report daily to a specific location designated by the department or the sentencing court.

(17) "Department" means the department of corrections.

(18) "Determinate sentence" means a sentence that states with exactitude the number of actual years, months, or days of total confinement, of partial confinement, of community custody, the number of actual hours or days of community restitution work, or dollars or terms of a legal financial obligation. The fact that an offender through earned release can reduce the actual period of confinement shall not affect the classification of the sentence as a determinate sentence.

(19) "Disposable earnings" means that part of the earnings of an offender remaining after the deduction from those earnings of any amount required by law to be withheld. For the purposes of this definition, "earnings" means compensation paid or payable for personal services, whether denominated as wages, salary, commission, bonuses, or otherwise, and, notwithstanding any other provision of law making the payments exempt from garnishment, attachment, or other process to satisfy a court-ordered legal financial obligation, specifically includes periodic payments pursuant to pension or retirement programs, or insurance policies of any type, but does not include payments made under Title 50 RCW, except as provided in RCW 50.40.020 and 50.40.050, or Title 74 RCW.

(20) "Domestic violence" has the same meaning as defined in RCW 10.99.020 and 26.50.010.

(21) "Drug offender sentencing alternative" is a sentencing option available to persons convicted of a felony offense (~~other than a violent offense or a sex offense and~~) who are eligible for the option under RCW 9.94A.660.

(22) "Drug offense" means:

(a) Any felony violation of chapter 69.50 RCW except possession of a controlled substance (RCW 69.50.4013) or forged prescription for a controlled substance (RCW 69.50.403);

(b) Any offense defined as a felony under federal law that relates to the possession, manufacture, distribution, or transportation of a controlled substance; or

(c) Any out-of-state conviction for an offense that under the laws of this state would be a felony classified as a drug offense under (a) of this subsection.

(23) "Earned release" means earned release from confinement as provided in RCW 9.94A.728.

(24) "Electronic monitoring" means tracking the location of an individual, whether pretrial or posttrial, through the use of technology that is capable of determining or identifying the monitored individual's presence or absence at a particular location including, but not limited to:

(a) Radio frequency signaling technology, which detects if the monitored individual is or is not at an approved location and notifies the monitoring agency of the time that the monitored individual either leaves the approved location or tampers with or removes the monitoring device; or

(b) Active or passive global positioning system technology, which detects the location of the monitored individual and notifies the monitoring agency of the monitored individual's location.

(25) "Escape" means:

(a) Sexually violent predator escape (RCW 9A.76.115), escape in the first degree (RCW 9A.76.110), escape in the second degree (RCW 9A.76.120), willful failure to return from furlough (RCW 72.66.060), willful failure to return from work release (RCW 72.65.070), or willful failure to be available for supervision by the

department while in community custody (RCW 72.09.310); or

(b) Any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as an escape under (a) of this subsection.

(26) "Felony traffic offense" means:

(a) Vehicular homicide (RCW 46.61.520), vehicular assault (RCW 46.61.522), eluding a police officer (RCW 46.61.024), felony hit-and-run injury-accident (RCW 46.52.020(4)), felony driving while under the influence of intoxicating liquor or any drug (RCW 46.61.502(6)), or felony physical control of a vehicle while under the influence of intoxicating liquor or any drug (RCW 46.61.504(6)); or

(b) Any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a felony traffic offense under (a) of this subsection.

(27) "Fine" means a specific sum of money ordered by the sentencing court to be paid by the offender to the court over a specific period of time.

(28) "First-time offender" means any person who has no prior convictions for a felony and is eligible for the first-time offender waiver under RCW 9.94A.650.

(29) "Home detention" is a subset of electronic monitoring and means a program of partial confinement available to offenders wherein the offender is confined in a private residence twenty-four hours a day, unless an absence from the residence is approved, authorized, or otherwise permitted in the order by the court or other supervising agency that ordered home detention, and the offender is subject to electronic monitoring.

(30) "Homelessness" or "homeless" means a condition where an individual lacks a fixed, regular, and adequate nighttime residence and who has a primary nighttime residence that is:

(a) A supervised, publicly or privately operated shelter designed to provide temporary living accommodations;

(b) A public or private place not designed for, or ordinarily used as, a regular sleeping accommodation for human beings; or

(c) A private residence where the individual stays as a transient invitee.

(31) "Legal financial obligation" means a sum of money that is ordered by a superior court of the state of Washington for legal financial obligations which may include restitution to the victim, statutorily imposed crime victims' compensation fees as assessed pursuant to RCW 7.68.035, court costs, county or interlocal drug funds, court-appointed attorneys' fees, and costs of defense, fines, and any other financial obligation that is assessed to the offender as a result of a felony conviction. Upon conviction for vehicular assault while under the influence of intoxicating liquor or any drug, RCW 46.61.522(1)(b), or vehicular homicide while under the influence of intoxicating liquor or any drug,

RCW 46.61.520(1)(a), legal financial obligations may also include payment to a public agency of the expense of an emergency response to the incident resulting in the conviction, subject to RCW 38.52.430.

(32) "Minor child" means a biological or adopted child of the offender who is under age eighteen at the time of the offender's current offense.

(33) "Most serious offense" means any of the following felonies or a felony attempt to commit any of the following felonies:

(a) Any felony defined under any law as a class A felony or criminal solicitation of or criminal conspiracy to commit a class A felony;

(b) Assault in the second degree;

(c) Assault of a child in the second degree;

(d) Child molestation in the second degree;

(e) Controlled substance homicide;

(f) Extortion in the first degree;

(g) Incest when committed against a child under age fourteen;

(h) Indecent liberties;

(i) Kidnapping in the second degree;

(j) Leading organized crime;

(k) Manslaughter in the first degree;

(l) Manslaughter in the second degree;

(m) Promoting prostitution in the first degree;

(n) Rape in the third degree;

(o) Sexual exploitation;

(p) Vehicular assault, when caused by the operation or driving of a vehicle by a person while under the influence of intoxicating liquor or any drug or by the operation or driving of a vehicle in a reckless manner;

(q) Vehicular homicide, when proximately caused by the driving of any vehicle by any person while under the influence of intoxicating liquor or any drug as defined by RCW 46.61.502, or by the operation of any vehicle in a reckless manner;

(r) Any other class B felony offense with a finding of sexual motivation;

(s) Any other felony with a deadly weapon verdict under RCW 9.94A.825;

(t) Any felony offense in effect at any time prior to December 2, 1993, that is comparable to a most serious offense under this subsection, or any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a most serious offense under this subsection;

(u)(i) A prior conviction for indecent liberties under RCW 9A.44.100(1) (a), (b), and (c), chapter 260, Laws of

1975 1st ex. sess. as it existed until July 1, 1979, RCW 9A.44.100(1) (a), (b), and (c) as it existed from July 1, 1979, until June 11, 1986, and RCW 9A.44.100(1) (a), (b), and (d) as it existed from June 11, 1986, until July 1, 1988;

(ii) A prior conviction for indecent liberties under RCW 9A.44.100(1)(c) as it existed from June 11, 1986, until July 1, 1988, if: (A) The crime was committed against a child under the age of fourteen; or (B) the relationship between the victim and perpetrator is included in the definition of indecent liberties under RCW 9A.44.100(1)(c) as it existed from July 1, 1988, through July 27, 1997, or RCW 9A.44.100(1) (d) or (e) as it existed from July 25, 1993, through July 27, 1997;

(v) Any out-of-state conviction for a felony offense with a finding of sexual motivation if the minimum sentence imposed was ten years or more; provided that the out-of-state felony offense must be comparable to a felony offense under this title and Title 9A RCW and the out-of-state definition of sexual motivation must be comparable to the definition of sexual motivation contained in this section.

(34) "Nonviolent offense" means an offense which is not a violent offense.

(35) "Offender" means a person who has committed a felony established by state law and is eighteen years of age or older or is less than eighteen years of age but whose case is under superior court jurisdiction under RCW 13.04.030 or has been transferred by the appropriate juvenile court to a criminal court pursuant to RCW 13.40.110. In addition, for the purpose of community custody requirements under this chapter, "offender" also means a misdemeanor or gross misdemeanor probationer ordered by a superior court to probation pursuant to RCW 9.92.060, 9.95.204, or 9.95.210 and supervised by the department pursuant to RCW 9.94A.501 and 9.94A.5011. Throughout this chapter, the terms "offender" and "defendant" are used interchangeably.

(36) "Partial confinement" means confinement for no more than one year in a facility or institution operated or utilized under contract by the state or any other unit of government, or, if home detention, electronic monitoring, or work crew has been ordered by the court or home detention has been ordered by the department as part of the parenting program or the graduated reentry program, in an approved residence, for a substantial portion of each day with the balance of the day spent in the community. Partial confinement includes work release, home detention, work crew, electronic monitoring, and a combination of work crew, electronic monitoring, and home detention.

(37) "Pattern of criminal street gang activity" means:

(a) The commission, attempt, conspiracy, or solicitation of, or any prior juvenile adjudication of or adult conviction of, two or more of the following criminal street gang-related offenses:

(i) Any "serious violent" felony offense as defined in this section, excluding Homicide by Abuse (RCW 9A.32.055) and Assault of a Child 1 (RCW 9A.36.120);

(ii) Any "violent" offense as defined by this section, excluding Assault of a Child 2 (RCW 9A.36.130);

(iii) Deliver or Possession with Intent to Deliver a Controlled Substance (chapter 69.50 RCW);

(iv) Any violation of the firearms and dangerous weapon act (chapter 9.41 RCW);

(v) Theft of a Firearm (RCW 9A.56.300);

(vi) Possession of a Stolen Firearm (RCW 9A.56.310);

(vii) Hate Crime (RCW 9A.36.080);

(viii) Harassment where a subsequent violation or deadly threat is made (RCW 9A.46.020(2)(b));

(ix) Criminal Gang Intimidation (RCW 9A.46.120);

(x) Any felony conviction by a person eighteen years of age or older with a special finding of involving a juvenile in a felony offense under RCW 9.94A.833;

(xi) Residential Burglary (RCW 9A.52.025);

(xii) Burglary 2 (RCW 9A.52.030);

(xiii) Malicious Mischief 1 (RCW 9A.48.070);

(xiv) Malicious Mischief 2 (RCW 9A.48.080);

(xv) Theft of a Motor Vehicle (RCW 9A.56.065);

(xvi) Possession of a Stolen Motor Vehicle (RCW 9A.56.068);

(xvii) Taking a Motor Vehicle Without Permission 1 (RCW 9A.56.070);

(xviii) Taking a Motor Vehicle Without Permission 2 (RCW 9A.56.075);

(xix) Extortion 1 (RCW 9A.56.120);

(xx) Extortion 2 (RCW 9A.56.130);

(xxi) Intimidating a Witness (RCW 9A.72.110);

(xxii) Tampering with a Witness (RCW 9A.72.120);

(xxiii) Reckless Endangerment (RCW 9A.36.050);

(xxiv) Coercion (RCW 9A.36.070);

(xxv) Harassment (RCW 9A.46.020); or

(xxvi) Malicious Mischief 3 (RCW 9A.48.090);

(b) That at least one of the offenses listed in (a) of this subsection shall have occurred after July 1, 2008;

(c) That the most recent committed offense listed in (a) of this subsection occurred within three years of a prior offense listed in (a) of this subsection; and

(d) Of the offenses that were committed in (a) of this subsection, the offenses occurred on separate occasions or were committed by two or more persons.

(38) "Persistent offender" is an offender who:

(a)(i) Has been convicted in this state of any felony considered a most serious offense; and

(ii) Has, before the commission of the offense under (a) of this subsection, been convicted as an offender on at

least two separate occasions, whether in this state or elsewhere, of felonies that under the laws of this state would be considered most serious offenses and would be included in the offender score under RCW 9.94A.525; provided that of the two or more previous convictions, at least one conviction must have occurred before the commission of any of the other most serious offenses for which the offender was previously convicted; or

(b)(i) Has been convicted of: (A) Rape in the first degree, rape of a child in the first degree, child molestation in the first degree, rape in the second degree, rape of a child in the second degree, or indecent liberties by forcible compulsion; (B) any of the following offenses with a finding of sexual motivation: Murder in the first degree, murder in the second degree, homicide by abuse, kidnapping in the first degree, kidnapping in the second degree, assault in the first degree, assault in the second degree, assault of a child in the first degree, assault of a child in the second degree, or burglary in the first degree; or (C) an attempt to commit any crime listed in this subsection (38)(b)(i); and

(ii) Has, before the commission of the offense under (b)(i) of this subsection, been convicted as an offender on at least one occasion, whether in this state or elsewhere, of an offense listed in (b)(i) of this subsection or any federal or out-of-state offense or offense under prior Washington law that is comparable to the offenses listed in (b)(i) of this subsection. A conviction for rape of a child in the first degree constitutes a conviction under (b)(i) of this subsection only when the offender was sixteen years of age or older when the offender committed the offense. A conviction for rape of a child in the second degree constitutes a conviction under (b)(i) of this subsection only when the offender was eighteen years of age or older when the offender committed the offense.

(39) "Predatory" means: (a) The perpetrator of the crime was a stranger to the victim, as defined in this section; (b) the perpetrator established or promoted a relationship with the victim prior to the offense and the victimization of the victim was a significant reason the perpetrator established or promoted the relationship; or (c) the perpetrator was: (i) A teacher, counselor, volunteer, or other person in authority in any public or private school and the victim was a student of the school under his or her authority or supervision. For purposes of this subsection, "school" does not include home-based instruction as defined in RCW 28A.225.010; (ii) a coach, trainer, volunteer, or other person in authority in any recreational activity and the victim was a participant in the activity under his or her authority or supervision; (iii) a pastor, elder, volunteer, or other person in authority in any church or religious organization, and the victim was a member or participant of the organization under his or her authority; or (iv) a teacher, counselor, volunteer, or other person in authority providing home-based instruction and the victim was a student receiving home-based instruction while under his or her authority or supervision. For purposes of this subsection: (A) "Home-based instruction" has the same meaning as defined in RCW 28A.225.010; and (B) "teacher, counselor, volunteer, or other person in authority" does not include the parent or legal guardian of the victim.

(40) "Private school" means a school regulated under chapter 28A.195 or 28A.205 RCW.

(41) "Public school" has the same meaning as in RCW 28A.150.010.

(42) "Recidivist offense" means a felony offense where a prior conviction of the same offense or other specified offense is an element of the crime including, but not limited to:

(a) Assault in the fourth degree where domestic violence is pleaded and proven, RCW 9A.36.041(3);

(b) Cyberstalking, RCW 9.61.260(3)(a);

(c) Harassment, RCW 9A.46.020(2)(b)(i);

(d) Indecent exposure, RCW 9A.88.010(2)(c);

(e) Stalking, RCW 9A.46.110(5)(b) (i) and (iii);

(f) Telephone harassment, RCW 9.61.230(2)(a); and

(g) Violation of a no-contact or protection order, RCW 26.50.110(5).

(43) "Repetitive domestic violence offense" means any:

(a)(i) Domestic violence assault that is not a felony offense under RCW 9A.36.041;

(ii) Domestic violence violation of a no-contact order under chapter 10.99 RCW that is not a felony offense;

(iii) Domestic violence violation of a protection order under chapter 26.09, 26.10, 26.26A, 26.26B, or 26.50 RCW that is not a felony offense;

(iv) Domestic violence harassment offense under RCW 9A.46.020 that is not a felony offense; or

(v) Domestic violence stalking offense under RCW 9A.46.110 that is not a felony offense; or

(b) Any federal, out-of-state, tribal court, military, county, or municipal conviction for an offense that under the laws of this state would be classified as a repetitive domestic violence offense under (a) of this subsection.

(44) "Restitution" means a specific sum of money ordered by the sentencing court to be paid by the offender to the court over a specified period of time as payment of damages. The sum may include both public and private costs.

(45) "Risk assessment" means the application of the risk instrument recommended to the department by the Washington state institute for public policy as having the highest degree of predictive accuracy for assessing an offender's risk of reoffense.

(46) "Serious traffic offense" means:

(a) Nonfelony driving while under the influence of intoxicating liquor or any drug (RCW 46.61.502), nonfelony actual physical control while under the influence of intoxicating liquor or any drug (RCW 46.61.504), reckless driving (RCW 46.61.500), or hit-and-run an attended vehicle (RCW 46.52.020(5)); or

(b) Any federal, out-of-state, county, or municipal conviction for an offense that under the laws of this state would be classified as a serious traffic offense under (a) of this subsection.

(47) "Serious violent offense" is a subcategory of violent offense and means:

- (a)(i) Murder in the first degree;
- (ii) Homicide by abuse;
- (iii) Murder in the second degree;
- (iv) Manslaughter in the first degree;
- (v) Assault in the first degree;
- (vi) Kidnapping in the first degree;
- (vii) Rape in the first degree;
- (viii) Assault of a child in the first degree; or

(ix) An attempt, criminal solicitation, or criminal conspiracy to commit one of these felonies; or

(b) Any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a serious violent offense under (a) of this subsection.

(48) "Sex offense" means:

(a)(i) A felony that is a violation of chapter 9A.44 RCW other than RCW 9A.44.132;

(ii) A violation of RCW 9A.64.020;

(iii) A felony that is a violation of chapter 9.68A RCW other than RCW 9.68A.080;

(iv) A felony that is, under chapter 9A.28 RCW, a criminal attempt, criminal solicitation, or criminal conspiracy to commit such crimes; or

(v) A felony violation of RCW 9A.44.132(1) (failure to register as a sex offender) if the person has been convicted of violating RCW 9A.44.132(1) (failure to register as a sex offender) or 9A.44.130 prior to June 10, 2010, on at least one prior occasion;

(b) Any conviction for a felony offense in effect at any time prior to July 1, 1976, that is comparable to a felony classified as a sex offense in (a) of this subsection;

(c) A felony with a finding of sexual motivation under RCW 9.94A.835 or 13.40.135; or

(d) Any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a sex offense under (a) of this subsection.

(49) "Sexual motivation" means that one of the purposes for which the defendant committed the crime was for the purpose of his or her sexual gratification.

(50) "Standard sentence range" means the sentencing court's discretionary range in imposing a nonappealable sentence.

(51) "Statutory maximum sentence" means the maximum length of time for which an offender may be confined as punishment for a crime as prescribed in chapter 9A.20 RCW, RCW 9.92.010, the statute defining the crime, or other statute defining the maximum penalty for a crime.

(52) "Stranger" means that the victim did not know the offender twenty-four hours before the offense.

(53) "Total confinement" means confinement inside the physical boundaries of a facility or institution operated or utilized under contract by the state or any other unit of government for twenty-four hours a day, or pursuant to RCW 72.64.050 and 72.64.060.

(54) "Transition training" means written and verbal instructions and assistance provided by the department to the offender during the two weeks prior to the offender's successful completion of the work ethic camp program. The transition training shall include instructions in the offender's requirements and obligations during the offender's period of community custody.

(55) "Victim" means any person who has sustained emotional, psychological, physical, or financial injury to person or property as a direct result of the crime charged.

(56) "Violent offense" means:

(a) Any of the following felonies:

(i) Any felony defined under any law as a class A felony or an attempt to commit a class A felony;

(ii) Criminal solicitation of or criminal conspiracy to commit a class A felony;

(iii) Manslaughter in the first degree;

(iv) Manslaughter in the second degree;

(v) Indecent liberties if committed by forcible compulsion;

(vi) Kidnapping in the second degree;

(vii) Arson in the second degree;

(viii) Assault in the second degree;

(ix) Assault of a child in the second degree;

(x) Extortion in the first degree;

(xi) Robbery in the second degree;

(xii) Drive-by shooting;

(xiii) Vehicular assault, when caused by the operation or driving of a vehicle by a person while under the influence of intoxicating liquor or any drug or by the operation or driving of a vehicle in a reckless manner; and

(xiv) Vehicular homicide, when proximately caused by the driving of any vehicle by any person while under the influence of intoxicating liquor or any drug as defined by RCW 46.61.502, or by the operation of any vehicle in a reckless manner;

(b) Any conviction for a felony offense in effect at any time prior to July 1, 1976, that is comparable to a felony classified as a violent offense in (a) of this subsection; and

(c) Any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a violent offense under (a) or (b) of this subsection.

(57) "Work crew" means a program of partial confinement consisting of civic improvement tasks for the benefit of the community that complies with RCW 9.94A.725.

(58) "Work ethic camp" means an alternative incarceration program as provided in RCW 9.94A.690 designed to reduce recidivism and lower the cost of corrections by requiring offenders to complete a comprehensive array of real-world job and vocational experiences, character-building work ethics training, life management skills development, substance abuse rehabilitation, counseling, literacy training, and basic adult education.

(59) "Work release" means a program of partial confinement available to offenders who are employed or engaged as a student in a regular course of study at school.

**NEW SECTION. Sec. 20.** This act takes effect January 1, 2021."

Correct the title.

Signed by Representatives Ormsby, Chair; Stokesbary, Ranking Minority Member; Robinson, 1st Vice Chair; Bergquist, 2nd Vice Chair; Rude, Assistant Ranking Minority Member; Caldier; Chopp; Cody; Corry; Dolan; Dye; Fitzgibbon; Hansen; Hoff; Hudgins; Kilduff; Macri; Pettigrew; Ryu; Schmick; Senn; Springer; Steele; Sullivan; Sutherland; Tarleton; Tharinger and Ybarra.

MINORITY recommendation: Do not pass. Signed by Representatives Chandler; Kraft and Mosbrucker.

Referred to Committee on Appropriations.

February 27, 2020 20.0.

**ESB 6239** Prime Sponsor, Senator Conway: Addressing compliance with apprenticeship utilization requirements and bidding on public works projects. Reported by Committee on Labor & Workplace Standards

MAJORITY recommendation: Do pass. Signed by Representatives Sells, Chair; Chapman, Vice Chair; Gregerson and Ormsby.

MINORITY recommendation: Do not pass. Signed by Representatives Mosbrucker, Ranking Minority Member and Hoff.

Referred to Committee on Rules for second reading.

March 2, 2020 20.0.

**SSB 6259**

Prime Sponsor, Committee on Behavioral Health Subcommittee to Health & Long Term Care: Improving the Indian behavioral health system. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass as amended by Committee on Health Care & Wellness.

20.0.

Strike everything after the enacting clause and insert the following:

**"PART I**

**Sec. 101.** RCW 43.71B.901 and 2019 c 282 s 1 are each amended to read as follows:

(1) The legislature finds that:

(a) As set forth in 25 U.S.C. Sec. 1602, it is the policy of the nation, in fulfillment of its special trust responsibilities and legal obligations to American Indians and Alaska Natives, to:

(i) Ensure the highest possible health status for American Indians and Alaska Natives and to provide all resources necessary to effect that policy;

(ii) Raise the health status of American Indians and Alaska Natives to at least the levels set forth in the goals contained within the healthy people 2020 initiative or successor objectives; and

(iii) Ensure tribal self-determination and maximum participation by American Indians and Alaska Natives in the direction of health care services so as to render the persons administering such services and the services themselves more responsive to the needs and desires of tribes and American Indian and Alaska Native communities;

(b) According to the northwest tribal epidemiology center and the department of health, American Indians and Alaska Natives in the state experience some of the greatest health disparities compared to other groups, including ~~((excessively high rates of))~~:

(i) ~~((Premature))~~ Disproportionately high rates of premature mortality due to ((suicide, overdose, unintentional injury, and various)) chronic diseases and unintentional injury; ((and))

(ii) ~~((Asthma))~~ Disproportionately high rates of asthma, coronary heart disease, hypertension, diabetes, prediabetes, obesity, dental caries, poor mental health, youth depressive feelings, cigarette smoking and vaping, and cannabis use;

(iii) A drug overdose death rate in 2016 in this state that is three times higher than the national American Indian and Alaska Native rate and has increased thirty-six percent since 2012 and almost three hundred percent since 2000 in contrast to a relatively stable rate for the state overall population. Over seventy-two percent of these overdose deaths involved an opioid;

(iv) A suicide mortality rate in this state that is more than one and four-fifths times higher than the rate for non-American Indians and Alaska Natives. Since 2001, the suicide mortality rate for American Indians and Alaska Natives in this state has increased by fifty-eight percent which is more than three times the rate of increase among non-American Indians and Alaska Natives. Nationally, the highest suicide rates among American Indians and Alaska Natives are for adolescents and young adults, while rates among non-Hispanic whites are highest in older age groups, suggesting that different risk factors might contribute to suicide in these groups; and

(v) A rate of exposure to significant adverse childhood experiences between 2009 and 2011 that is nearly twice the rate of non-Hispanic whites;

(c) These health disparities are a direct result of both historical trauma, leading to adverse childhood experiences across multiple generations, and inadequate levels of federal funding to the Indian health service;

(d) Under a 2016 update in payment policy from the centers for medicare and medicaid services, the state has the opportunity to shift more of the cost of care for American Indian and Alaska Native medicaid enrollees from the state general fund to the federal government if all of the federal requirements are met;

(e) Because the federal requirements to achieve this cost shift and obtain the new federal funds place significant administrative burdens on Indian health service and tribal health facilities, the state has no way to shift these costs of care to the federal government unless the state provides incentives for tribes to take on these administrative burdens; and

(f) The federal government's intent for this update in payment policy is to help states, the Indian health service, and tribes to improve delivery systems for American Indians and Alaska Natives by increasing access to care, strengthening continuity of care, and improving population health.

(2) The legislature, therefore, intends to:

(a) Establish that it is the policy of this state and the intent of this chapter, in fulfillment of the state's unique relationships and shared respect between sovereign governments, to:

(i) Recognize the United States' special trust responsibility to provide quality health care and allied health services to American Indians and Alaska Natives, including those individuals who are residents of this state; and

(ii) Implement the national policies of Indian self-determination with the goal of reducing health inequities for American Indians and Alaska Natives;

(b) Establish the governor's Indian health advisory council to:

(i) Adopt a biennial Indian health improvement advisory plan, developed by the reinvestment committee;

(ii) Address issues with tribal implications that are not able to be resolved at the agency level; (~~and~~)

(iii) Provide oversight of the Indian health improvement reinvestment account; and

(iv) Draft recommended legislation to address Indian health improvement needs including, but not limited to, crisis coordination between Indian health care providers and the state's behavioral health system;

(c) Establish the Indian health improvement reinvestment account in order to provide incentives for tribes to assume the administrative burdens created by the federal requirements for the state to shift health care costs to the federal government;

(d) Appropriate and deposit into the reinvestment account all of the new state savings, subject to federal appropriations and less agreed upon administrative costs to maintain fiscal neutrality to the state general fund; (~~and~~)

(e) Require the funds in the reinvestment account to be spent only on costs for projects, programs, or activities identified in the advisory plan;

(f) Address the ongoing suicide and addiction crisis among American Indians and Alaska Natives by:

(i) Including Indian health care providers among entities eligible to receive available resources as defined in RCW 71.24.025 for the delivery of behavioral health services to American Indians and Alaska Natives;

(ii) Strengthening the state's behavioral health system crisis coordination with tribes and Indian health care providers by removing barriers to the federal trust responsibility to provide for American Indians and Alaska Natives; and

(g) Recognize the sovereign authority of tribal governments to act as public health authorities in providing for the health and safety of their community members including those individuals who may be experiencing a behavioral health crisis.

**Sec. 102.** RCW 43.71B.010 and 2019 c 282 s 2 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Advisory council" means the governor's Indian health advisory council established in RCW 43.71B.020.

(2) "Advisory plan" means the plan described in RCW 43.71B.030.

(3) "American Indian" or "Alaska Native" means any individual who is: (a) A member of a federally recognized tribe; or (b) eligible for the Indian health service.

(4) "Authority" means the health care authority.

(5) "Board" means the northwest Portland area Indian health board, an Oregon nonprofit corporation wholly controlled by the tribes in the states of Idaho, Oregon, and Washington.

(6) "Commission" means the American Indian health commission for Washington state, a Washington nonprofit corporation wholly controlled by the tribes and urban Indian organizations in the state.

(7) "Community health aide" means a tribal community health provider certified by a community health aide program of the Indian health service or one or more tribes or tribal organizations consistent with the provisions of 25 U.S.C. Sec. 1616l, who can perform a wide range of duties within the provider's scope of certified practice in health programs of a tribe, tribal organization, Indian health service facility, or urban Indian organization to improve access to culturally appropriate, quality care for American Indians and Alaska Natives and their families and communities, including but not limited to community health aides, community health practitioners, behavioral health aides, behavioral health practitioners, dental health aides, and dental health aide therapists.

(8) "Community health aide program" means a community health aide certification board for the state consistent with 25 U.S.C. Sec. 1616l and the training programs and certification requirements established thereunder.

(9) "Fee-for-service" means the state's medicaid program for which payments are made under the state plan, without a managed care entity, in accordance with the fee-for-service payment methodology.

(10) "Indian health care provider" means a health care program operated by the Indian health service or by a tribe, tribal organization, or urban Indian organization as those terms are defined in 25 U.S.C. Sec. 1603.

(11) "Indian health service" means the federal agency within the United States department of health and human services.

(12) "New state savings" means the savings to the state general fund that are achieved as a result of the centers for medicare and medicaid services state health official letter 16-002 and related guidance, calculated as the difference between (a) medicaid payments received from the centers for medicare and medicaid services based on the one hundred percent federal medical assistance percentage; and (b) medicaid payments received from the centers for medicare and medicaid services based on the federal medical assistance percentage that would apply in the absence of state health official letter 16-002 and related guidance.

(13) "Reinvestment account" means the Indian health improvement reinvestment account created in RCW 43.71B.040.

(14) "Reinvestment committee" means the Indian health improvement reinvestment committee established in RCW 43.71B.020(4).

(15) "Tribal organization" has the meaning set forth in 25 U.S.C. Sec. 5304.

(16) "Tribally operated facility" means a health care facility operated by one or more tribes or tribal organizations to provide specialty services, including but not limited to

evaluation and treatment services, secure detox services, inpatient psychiatric services, nursing home services, and residential substance use disorder services.

(17) "Tribe" means any Indian tribe, band, nation, or other organized group or community, including any Alaska Native village or group or regional or village corporation as defined in or established pursuant to the Alaska Native claims settlement act (43 U.S.C. Sec. 1601 et seq.) which is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians.

(18) "Urban Indian" means any individual who resides in an urban center and is: (a) A member of a tribe terminated since 1940 and those tribes recognized now or in the future by the state in which they reside, or who is a descendant, in the first or second degree, of any such member; (b) an Eskimo or Aleut or other Alaska Native; (c) considered by the secretary of the interior to be an Indian for any purpose; or (d) considered by the United States secretary of health and human services to be an Indian for purposes of eligibility for Indian health services, including as a California Indian, Eskimo, Aleut, or other Alaska Native.

(19) "Urban Indian organization" means an urban Indian organization, as defined by 25 U.S.C. Sec. 1603.

(20) "Historical trauma" means situations where a community experienced traumatic events, the events generated high levels of collective distress, and the events were perpetuated by outsiders with a destructive or genocidal intent.

## PART II

**Sec. 201.** RCW 71.24.025 and 2019 c 325 s 1004 and 2019 c 324 s 2 are each reenacted and amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Acutely mentally ill" means a condition which is limited to a short-term severe crisis episode of:

(a) A mental disorder as defined in RCW 71.05.020 or, in the case of a child, as defined in RCW 71.34.020;

(b) Being gravely disabled as defined in RCW 71.05.020 or, in the case of a child, a gravely disabled minor as defined in RCW 71.34.020; or

(c) Presenting a likelihood of serious harm as defined in RCW 71.05.020 or, in the case of a child, as defined in RCW 71.34.020.

(2) "Alcoholism" means a disease, characterized by a dependency on alcoholic beverages, loss of control over the amount and circumstances of use, symptoms of tolerance, physiological or psychological withdrawal, or both, if use is reduced or discontinued, and impairment of health or disruption of social or economic functioning.

(3) "Approved substance use disorder treatment program" means a program for persons with a substance use disorder provided by a treatment program licensed or



certified by the department as meeting standards adopted under this chapter.

(4) "Authority" means the Washington state health care authority.

(5) "Available resources" means funds appropriated for the purpose of providing community behavioral health programs, federal funds, except those provided according to Title XIX of the Social Security Act, and state funds appropriated under this chapter or chapter 71.05 RCW by the legislature during any biennium for the purpose of providing residential services, resource management services, community support services, and other behavioral health services. This does not include funds appropriated for the purpose of operating and administering the state psychiatric hospitals.

(6) "Behavioral health administrative services organization" means an entity contracted with the authority to administer behavioral health services and programs under RCW 71.24.381, including crisis services and administration of chapter 71.05 RCW, the involuntary treatment act, for all individuals in a defined regional service area.

(7) "Behavioral health provider" means a person licensed under chapter 18.57, 18.57A, 18.71, 18.71A, 18.83, 18.205, 18.225, or 18.79 RCW, as it applies to registered nurses and advanced registered nurse practitioners.

(8) "Behavioral health services" means mental health services as described in this chapter and chapter 71.36 RCW and substance use disorder treatment services as described in this chapter that, depending on the type of service, are provided by licensed or certified behavioral health agencies, behavioral health providers, or integrated into other health care providers.

(9) "Child" means a person under the age of eighteen years.

(10) "Chronically mentally ill adult" or "adult who is chronically mentally ill" means an adult who has a mental disorder and meets at least one of the following criteria:

(a) Has undergone two or more episodes of hospital care for a mental disorder within the preceding two years; or

(b) Has experienced a continuous psychiatric hospitalization or residential treatment exceeding six months' duration within the preceding year; or

(c) Has been unable to engage in any substantial gainful activity by reason of any mental disorder which has lasted for a continuous period of not less than twelve months. "Substantial gainful activity" shall be defined by the authority by rule consistent with Public Law 92-603, as amended.

(11) "Clubhouse" means a community-based program that provides rehabilitation services and is licensed or certified by the department.

(12) "Community behavioral health program" means all expenditures, services, activities, or programs, including reasonable administration and overhead, designed and

conducted to prevent or treat substance use disorder, mental illness, or both in the community behavioral health system.

(13) "Community behavioral health service delivery system" means public, private, or tribal agencies that provide services specifically to persons with mental disorders, substance use disorders, or both, as defined under RCW 71.05.020 and receive funding from public sources.

(14) "Community support services" means services authorized, planned, and coordinated through resource management services including, at a minimum, assessment, diagnosis, emergency crisis intervention available twenty-four hours, seven days a week, prescreening determinations for persons who are mentally ill being considered for placement in nursing homes as required by federal law, screening for patients being considered for admission to residential services, diagnosis and treatment for children who are acutely mentally ill or severely emotionally or behaviorally disturbed discovered under screening through the federal Title XIX early and periodic screening, diagnosis, and treatment program, investigation, legal, and other nonresidential services under chapter 71.05 RCW, case management services, psychiatric treatment including medication supervision, counseling, psychotherapy, assuring transfer of relevant patient information between service providers, recovery services, and other services determined by behavioral health administrative services organizations.

(15) "Consensus-based" means a program or practice that has general support among treatment providers and experts, based on experience or professional literature, and may have anecdotal or case study support, or that is agreed but not possible to perform studies with random assignment and controlled groups.

(16) "County authority" means the board of county commissioners, county council, or county executive having authority to establish a behavioral health administrative services organization, or two or more of the county authorities specified in this subsection which have entered into an agreement to establish a behavioral health administrative services organization.

(17) "Department" means the department of health.

(18) "Designated crisis responder" has the same meaning as in RCW 71.05.020.

(19) "Director" means the director of the authority.

(20) "Drug addiction" means a disease characterized by a dependency on psychoactive chemicals, loss of control over the amount and circumstances of use, symptoms of tolerance, physiological or psychological withdrawal, or both, if use is reduced or discontinued, and impairment of health or disruption of social or economic functioning.

(21) "Early adopter" means a regional service area for which all of the county authorities have requested that the authority purchase medical and behavioral health services through a managed care health system as defined under RCW 71.24.380(6).

(22) "Emerging best practice" or "promising practice" means a program or practice that, based on statistical analyses or a well established theory of change, shows potential for meeting the evidence-based or research-based criteria, which may include the use of a program that is evidence-based for outcomes other than those listed in subsection (23) of this section.

(23) "Evidence-based" means a program or practice that has been tested in heterogeneous or intended populations with multiple randomized, or statistically controlled evaluations, or both; or one large multiple site randomized, or statistically controlled evaluation, or both, where the weight of the evidence from a systemic review demonstrates sustained improvements in at least one outcome. "Evidence-based" also means a program or practice that can be implemented with a set of procedures to allow successful replication in Washington and, when possible, is determined to be cost-beneficial.

(24) "Indian health care provider" means a health care program operated by the Indian health service or by a tribe, tribal organization, or urban Indian organization as those terms are defined in the Indian health care improvement act (25 U.S.C. Sec. 1603).

(25) "Intensive behavioral health treatment facility" means a community-based specialized residential treatment facility for individuals with behavioral health conditions, including individuals discharging from or being diverted from state and local hospitals, whose impairment or behaviors do not meet, or no longer meet, criteria for involuntary inpatient commitment under chapter 71.05 RCW, but whose care needs cannot be met in other community-based placement settings.

(26) "Licensed or certified behavioral health agency" means:

(a) An entity licensed or certified according to this chapter or chapter 71.05 RCW;

(b) An entity deemed to meet state minimum standards as a result of accreditation by a recognized behavioral health accrediting body recognized and having a current agreement with the department; or

(c) An entity with a tribal attestation that it meets state minimum standards for a licensed or certified behavioral health agency.

(27) "Licensed physician" means a person licensed to practice medicine or osteopathic medicine and surgery in the state of Washington.

(28) "Long-term inpatient care" means inpatient services for persons committed for, or voluntarily receiving intensive treatment for, periods of ninety days or greater under chapter 71.05 RCW. "Long-term inpatient care" as used in this chapter does not include: (a) Services for individuals committed under chapter 71.05 RCW who are receiving services pursuant to a conditional release or a court-ordered less restrictive alternative to detention; or (b) services for individuals voluntarily receiving less restrictive alternative treatment on the grounds of the state hospital.

(29) "Managed care organization" means an organization, having a certificate of authority or certificate of registration from the office of the insurance commissioner, that contracts with the authority under a comprehensive risk contract to provide prepaid health care services to enrollees under the authority's managed care programs under chapter 74.09 RCW.

(30) "Mental health peer respite center" means a peer-run program to serve individuals in need of voluntary, short-term, noncrisis services that focus on recovery and wellness.

(31) Mental health "treatment records" include registration and all other records concerning persons who are receiving or who at any time have received services for mental illness, which are maintained by the department of social and health services or the authority, by behavioral health administrative services organizations and their staffs, by managed care organizations and their staffs, or by treatment facilities. "Treatment records" do not include notes or records maintained for personal use by a person providing treatment services for the entities listed in this subsection, or a treatment facility if the notes or records are not available to others.

(32) "Mentally ill persons," "persons who are mentally ill," and "the mentally ill" mean persons and conditions defined in subsections (1), (10), (39), and (40) of this section.

(33) "Recovery" means a process of change through which individuals improve their health and wellness, live a self-directed life, and strive to reach their full potential.

(34) "Research-based" means a program or practice that has been tested with a single randomized, or statistically controlled evaluation, or both, demonstrating sustained desirable outcomes; or where the weight of the evidence from a systemic review supports sustained outcomes as described in subsection (23) of this section but does not meet the full criteria for evidence-based.

(35) "Residential services" means a complete range of residences and supports authorized by resource management services and which may involve a facility, a distinct part thereof, or services which support community living, for persons who are acutely mentally ill, adults who are chronically mentally ill, children who are severely emotionally disturbed, or adults who are seriously disturbed and determined by the behavioral health administrative services organization or managed care organization to be at risk of becoming acutely or chronically mentally ill. The services shall include at least evaluation and treatment services as defined in chapter 71.05 RCW, acute crisis respite care, long-term adaptive and rehabilitative care, and supervised and supported living services, and shall also include any residential services developed to service persons who are mentally ill in nursing homes, residential treatment facilities, assisted living facilities, and adult family homes, and may include outpatient services provided as an element in a package of services in a supported housing model. Residential services for children in out-of-home placements related to their mental disorder shall not include the costs of food and shelter, except for children's long-term residential facilities existing prior to January 1, 1991.

(36) "Resilience" means the personal and community qualities that enable individuals to rebound from adversity, trauma, tragedy, threats, or other stresses, and to live productive lives.

(37) "Resource management services" mean the planning, coordination, and authorization of residential services and community support services administered pursuant to an individual service plan for: (a) Adults and children who are acutely mentally ill; (b) adults who are chronically mentally ill; (c) children who are severely emotionally disturbed; or (d) adults who are seriously disturbed and determined by a behavioral health administrative services organization or managed care organization to be at risk of becoming acutely or chronically mentally ill. Such planning, coordination, and authorization shall include mental health screening for children eligible under the federal Title XIX early and periodic screening, diagnosis, and treatment program. Resource management services include seven day a week, twenty-four hour a day availability of information regarding enrollment of adults and children who are mentally ill in services and their individual service plan to designated crisis responders, evaluation and treatment facilities, and others as determined by the behavioral health administrative services organization or managed care organization, as applicable.

(38) "Secretary" means the secretary of the department of health.

(39) "Seriously disturbed person" means a person who:

(a) Is gravely disabled or presents a likelihood of serious harm to himself or herself or others, or to the property of others, as a result of a mental disorder as defined in chapter 71.05 RCW;

(b) Has been on conditional release status, or under a less restrictive alternative order, at some time during the preceding two years from an evaluation and treatment facility or a state mental health hospital;

(c) Has a mental disorder which causes major impairment in several areas of daily living;

(d) Exhibits suicidal preoccupation or attempts; or

(e) Is a child diagnosed by a mental health professional, as defined in chapter 71.34 RCW, as experiencing a mental disorder which is clearly interfering with the child's functioning in family or school or with peers or is clearly interfering with the child's personality development and learning.

(40) "Severely emotionally disturbed child" or "child who is severely emotionally disturbed" means a child who has been determined by the behavioral health administrative services organization or managed care organization, if applicable, to be experiencing a mental disorder as defined in chapter 71.34 RCW, including those mental disorders that result in a behavioral or conduct disorder, that is clearly interfering with the child's functioning in family or school or with peers and who meets at least one of the following criteria:

(a) Has undergone inpatient treatment or placement outside of the home related to a mental disorder within the last two years;

(b) Has undergone involuntary treatment under chapter 71.34 RCW within the last two years;

(c) Is currently served by at least one of the following child-serving systems: Juvenile justice, child-protection/welfare, special education, or developmental disabilities;

(d) Is at risk of escalating maladjustment due to:

(i) Chronic family dysfunction involving a caretaker who is mentally ill or inadequate;

(ii) Changes in custodial adult;

(iii) Going to, residing in, or returning from any placement outside of the home, for example, psychiatric hospital, short-term inpatient, residential treatment, group or foster home, or a correctional facility;

(iv) Subject to repeated physical abuse or neglect;

(v) Drug or alcohol abuse; or

(vi) Homelessness.

(41) "State minimum standards" means minimum requirements established by rules adopted and necessary to implement this chapter by:

(a) The authority for:

(i) Delivery of mental health and substance use disorder services; and

(ii) Community support services and resource management services;

(b) The department of health for:

(i) Licensed or certified behavioral health agencies for the purpose of providing mental health or substance use disorder programs and services, or both;

(ii) Licensed behavioral health providers for the provision of mental health or substance use disorder services, or both; and

(iii) Residential services.

(42) "Substance use disorder" means a cluster of cognitive, behavioral, and physiological symptoms indicating that an individual continues using the substance despite significant substance-related problems. The diagnosis of a substance use disorder is based on a pathological pattern of behaviors related to the use of the substances.

(43) "Tribe," for the purposes of this section, means a federally recognized Indian tribe.

(44) "Behavioral health aide" means a counselor, health educator, and advocate who helps address individual and community-based behavioral health needs, including those related to alcohol, drug, and tobacco abuse as well as mental health problems such as grief, depression, suicide, and related issues and is certified by a community health aide

program of the Indian health service or one or more tribes or tribal organizations consistent with the provisions of 25 U.S.C. Sec. 1616l and RCW 43.71B.010 (7) and (8).

**Sec. 202.** RCW 71.24.035 and 2019 c 325 s 1006 are each amended to read as follows:

(1) The authority is designated as the state behavioral health authority which includes recognition as the single state authority for substance use disorders and state mental health authority.

(2) The director shall provide for public, client, tribal, and licensed or certified behavioral health agency participation in developing the state behavioral health program, developing related contracts, and any waiver request to the federal government under medicaid.

(3) The director shall provide for participation in developing the state behavioral health program for children and other underserved populations, by including representatives on any committee established to provide oversight to the state behavioral health program.

(4) The authority shall be designated as the behavioral health administrative services organization for a regional service area if a behavioral health administrative services organization fails to meet the authority's contracting requirements or refuses to exercise the responsibilities under its contract or state law, until such time as a new behavioral health administrative services organization is designated.

(5) The director shall:

(a) Assure that any behavioral health administrative services organization, managed care organization, or community behavioral health program provides medically necessary services to medicaid recipients consistent with the state's medicaid state plan or federal waiver authorities, and nonmedicaid services consistent with priorities established by the authority;

(b) Develop contracts in a manner to ensure an adequate network of inpatient services, evaluation and treatment services, and facilities under chapter 71.05 RCW to ensure access to treatment, resource management services, and community support services;

(c) Make contracts necessary or incidental to the performance of its duties and the execution of its powers, including managed care contracts for behavioral health services, contracts entered into under RCW 74.09.522, and contracts with public and private agencies, organizations, and individuals to pay them for behavioral health services;

(d) Define administrative costs and ensure that the behavioral health administrative services organization does not exceed an administrative cost of ten percent of available funds;

(e) Establish, to the extent possible, a standardized auditing procedure which is designed to assure compliance with contractual agreements authorized by this chapter and minimizes paperwork requirements. The audit procedure shall focus on the outcomes of service as provided in RCW 71.24.435, 70.320.020, and 71.36.025;

(f) Develop and maintain an information system to be used by the state and behavioral health administrative services organizations and managed care organizations that includes a tracking method which allows the authority to identify behavioral health clients' participation in any behavioral health service or public program on an immediate basis. The information system shall not include individual patient's case history files. Confidentiality of client information and records shall be maintained as provided in this chapter and chapter 70.02 RCW;

(g) Monitor and audit behavioral health administrative services organizations as needed to assure compliance with contractual agreements authorized by this chapter;

(h) Monitor and audit access to behavioral health services for individuals eligible for medicaid who are not enrolled in a managed care organization;

(i) Adopt such rules as are necessary to implement the authority's responsibilities under this chapter;

(j) Administer or supervise the administration of the provisions relating to persons with substance use disorders and intoxicated persons of any state plan submitted for federal funding pursuant to federal health, welfare, or treatment legislation;

(k) Require the behavioral health administrative services organizations and the managed care organizations to develop agreements with tribal, city, and county jails and the department of corrections to accept referrals for enrollment on behalf of a confined person, prior to the person's release; ~~((and))~~

(l) Require behavioral health administrative services organizations and managed care organizations, as applicable, to provide services as identified in RCW 71.05.585 to individuals committed for involuntary commitment under less restrictive alternative court orders when:

(i) The individual is enrolled in the medicaid program; or

(ii) The individual is not enrolled in medicaid, does not have other insurance which can pay for the services, and the behavioral health administrative services organization has adequate available resources to provide the services; and

(m) Coordinate with the centers for medicare and medicaid services to provide that behavioral health aide services are eligible for federal funding of up to one hundred percent.

(6) The director shall use available resources only for behavioral health administrative services organizations and managed care organizations, except:

(a) To the extent authorized, and in accordance with any priorities or conditions specified, in the biennial appropriations act; or

(b) To incentivize improved performance with respect to the client outcomes established in RCW 71.24.435, 70.320.020, and 71.36.025, integration of behavioral health

and medical services at the clinical level, and improved care coordination for individuals with complex care needs.

(7) Each behavioral health administrative services organization, managed care organization, and licensed or certified behavioral health agency shall file with the secretary of the department of health or the director, on request, such data, statistics, schedules, and information as the secretary of the department of health or the director reasonably requires. A behavioral health administrative services organization, managed care organization, or licensed or certified behavioral health agency which, without good cause, fails to furnish any data, statistics, schedules, or information as requested, or files fraudulent reports thereof, may be subject to the contractual remedies in RCW 74.09.871 or may have its service provider certification or license revoked or suspended.

(8) The superior court may restrain any behavioral health administrative services organization, managed care organization, or service provider from operating without a contract, certification, or a license or any other violation of this section. The court may also review, pursuant to procedures contained in chapter 34.05 RCW, any denial, suspension, limitation, restriction, or revocation of certification or license, and grant other relief required to enforce the provisions of this chapter.

(9) Upon petition by the secretary of the department of health or the director, and after hearing held upon reasonable notice to the facility, the superior court may issue a warrant to an officer or employee of the secretary of the department of health or the director authorizing him or her to enter at reasonable times, and examine the records, books, and accounts of any behavioral health administrative services organization, managed care organization, or service provider refusing to consent to inspection or examination by the authority.

(10) Notwithstanding the existence or pursuit of any other remedy, the secretary of the department of health or the director may file an action for an injunction or other process against any person or governmental unit to restrain or prevent the establishment, conduct, or operation of a behavioral health administrative services organization, managed care organization, or service provider without a contract, certification, or a license under this chapter.

(11) The authority shall distribute appropriated state and federal funds in accordance with any priorities, terms, or conditions specified in the appropriations act.

(12) The authority, in cooperation with the state congressional delegation, shall actively seek waivers of federal requirements and such modifications of federal regulations as are necessary to allow federal medicaid reimbursement for services provided by freestanding evaluation and treatment facilities licensed under chapter 71.12 RCW or certified under chapter 71.05 RCW. The authority shall periodically share the results of its efforts with the appropriate committees of the senate and the house of representatives.

(13) The authority may:

(a) Plan, establish, and maintain substance use disorder prevention and substance use disorder treatment programs as necessary or desirable;

(b) Coordinate its activities and cooperate with behavioral programs in this and other states, and make contracts and other joint or cooperative arrangements with state, tribal, local, or private agencies in this and other states for behavioral health services and for the common advancement of substance use disorder programs;

(c) Solicit and accept for use any gift of money or property made by will or otherwise, and any grant of money, services, or property from the federal government, the state, or any political subdivision thereof or any private source, and do all things necessary to cooperate with the federal government or any of its agencies in making an application for any grant;

(d) Keep records and engage in research and the gathering of relevant statistics; and

(e) Acquire, hold, or dispose of real property or any interest therein, and construct, lease, or otherwise provide substance use disorder treatment programs.

**Sec. 203.** RCW 71.24.155 and 2019 c 325 s 1011 are each amended to read as follows:

Grants shall be made by the authority to behavioral health administrative services organizations (~~and~~), managed care organizations for community behavioral health programs, and Indian health care providers who have community behavioral health programs totaling not less than ninety-five percent of available resources. The authority may use up to forty percent of the remaining five percent to provide community demonstration projects, including early intervention or primary prevention programs for children, and the remainder shall be for emergency needs and technical assistance under this chapter.

### PART III

**Sec. 301.** RCW 71.05.020 and 2019 c 446 s 2, 2019 c 444 s 16, and 2019 c 325 s 3001 are each reenacted and amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Admission" or "admit" means a decision by a physician, physician assistant, or psychiatric advanced registered nurse practitioner that a person should be examined or treated as a patient in a hospital;

(2) "Alcoholism" means a disease, characterized by a dependency on alcoholic beverages, loss of control over the amount and circumstances of use, symptoms of tolerance, physiological or psychological withdrawal, or both, if use is reduced or discontinued, and impairment of health or disruption of social or economic functioning;

(3) "Antipsychotic medications" means that class of drugs primarily used to treat serious manifestations of mental illness associated with thought disorders, which includes, but is not limited to atypical antipsychotic medications;

(4) "Approved substance use disorder treatment program" means a program for persons with a substance use disorder provided by a treatment program certified by the department as meeting standards adopted under chapter 71.24 RCW;

(5) "Attending staff" means any person on the staff of a public or private agency having responsibility for the care and treatment of a patient;

(6) "Authority" means the Washington state health care authority;

(7) "Co-occurring disorder specialist" means an individual possessing an enhancement granted by the department of health under chapter 18.205 RCW that certifies the individual to provide substance use disorder counseling subject to the practice limitations under RCW 18.205.105;

(8) "Commitment" means the determination by a court that a person should be detained for a period of either evaluation or treatment, or both, in an inpatient or a less restrictive setting;

(9) "Conditional release" means a revocable modification of a commitment, which may be revoked upon violation of any of its terms;

(10) "Crisis stabilization unit" means a short-term facility or a portion of a facility licensed or certified by the department, such as an evaluation and treatment facility or a hospital, which has been designed to assess, diagnose, and treat individuals experiencing an acute crisis without the use of long-term hospitalization;

(11) "Custody" means involuntary detention under the provisions of this chapter or chapter 10.77 RCW, uninterrupted by any period of unconditional release from commitment from a facility providing involuntary care and treatment;

(12) "Department" means the department of health;

(13) "Designated crisis responder" means a mental health professional appointed by the county ~~((or)), by~~ an entity appointed by the county, or by the authority in consultation with a federally recognized Indian tribe or after meeting and conferring with an Indian health care provider, to perform the duties specified in this chapter;

(14) "Detention" or "detain" means the lawful confinement of a person, under the provisions of this chapter;

(15) "Developmental disabilities professional" means a person who has specialized training and three years of experience in directly treating or working with persons with developmental disabilities and is a psychiatrist, physician assistant working with a supervising psychiatrist, psychologist, psychiatric advanced registered nurse practitioner, or social worker, and such other developmental disabilities professionals as may be defined by rules adopted by the secretary of the department of social and health services;

(16) "Developmental disability" means that condition defined in RCW 71A.10.020(5);

(17) "Director" means the director of the authority;

(18) "Discharge" means the termination of hospital medical authority. The commitment may remain in place, be terminated, or be amended by court order;

(19) "Drug addiction" means a disease, characterized by a dependency on psychoactive chemicals, loss of control over the amount and circumstances of use, symptoms of tolerance, physiological or psychological withdrawal, or both, if use is reduced or discontinued, and impairment of health or disruption of social or economic functioning;

(20) "Evaluation and treatment facility" means any facility which can provide directly, or by direct arrangement with other public or private agencies, emergency evaluation and treatment, outpatient care, and timely and appropriate inpatient care to persons suffering from a mental disorder, and which is licensed or certified as such by the department. The authority may certify single beds as temporary evaluation and treatment beds under RCW 71.05.745. A physically separate and separately operated portion of a state hospital may be designated as an evaluation and treatment facility. A facility which is part of, or operated by, the department of social and health services or any federal agency will not require certification. No correctional institution or facility, or jail, shall be an evaluation and treatment facility within the meaning of this chapter;

(21) "Gravely disabled" means a condition in which a person, as a result of a mental disorder, or as a result of the use of alcohol or other psychoactive chemicals: (a) Is in danger of serious physical harm resulting from a failure to provide for his or her essential human needs of health or safety; or (b) manifests severe deterioration in routine functioning evidenced by repeated and escalating loss of cognitive or volitional control over his or her actions and is not receiving such care as is essential for his or her health or safety;

(22) "Habilitative services" means those services provided by program personnel to assist persons in acquiring and maintaining life skills and in raising their levels of physical, mental, social, and vocational functioning. Habilitative services include education, training for employment, and therapy. The habilitative process shall be undertaken with recognition of the risk to the public safety presented by the person being assisted as manifested by prior charged criminal conduct;

(23) "Hearing" means any proceeding conducted in open court. For purposes of this chapter, at any hearing the petitioner, the respondent, the witnesses, and the presiding judicial officer may be present and participate either in person or by video, as determined by the court. The term "video" as used herein shall include any functional equivalent. At any hearing conducted by video, the technology used must permit the judicial officer, counsel, all parties, and the witnesses to be able to see, hear, and speak, when authorized, during the hearing; to allow attorneys to use exhibits or other materials during the hearing; and to allow respondent's counsel to be in the same location as the

respondent unless otherwise requested by the respondent or the respondent's counsel. Witnesses in a proceeding may also appear in court through other means, including telephonically, pursuant to the requirements of superior court civil rule 43. Notwithstanding the foregoing, the court, upon its own motion or upon a motion for good cause by any party, may require all parties and witnesses to participate in the hearing in person rather than by video. In ruling on any such motion, the court may allow in-person or video testimony; and the court may consider, among other things, whether the respondent's alleged mental illness affects the respondent's ability to perceive or participate in the proceeding by video;

(24) "History of one or more violent acts" refers to the period of time ten years prior to the filing of a petition under this chapter, excluding any time spent, but not any violent acts committed, in a mental health facility, a long-term alcoholism or drug treatment facility, or in confinement as a result of a criminal conviction;

(25) "Imminent" means the state or condition of being likely to occur at any moment or near at hand, rather than distant or remote;

(26) "In need of assisted outpatient behavioral health treatment" means that a person, as a result of a mental disorder or substance use disorder: (a) Has been committed by a court to detention for involuntary behavioral health treatment during the preceding thirty-six months; (b) is unlikely to voluntarily participate in outpatient treatment without an order for less restrictive alternative treatment, based on a history of nonadherence with treatment or in view of the person's current behavior; (c) is likely to benefit from less restrictive alternative treatment; and (d) requires less restrictive alternative treatment to prevent a relapse, decompensation, or deterioration that is likely to result in the person presenting a likelihood of serious harm or the person becoming gravely disabled within a reasonably short period of time;

(27) "Individualized service plan" means a plan prepared by a developmental disabilities professional with other professionals as a team, for a person with developmental disabilities, which shall state:

(a) The nature of the person's specific problems, prior charged criminal behavior, and habilitation needs;

(b) The conditions and strategies necessary to achieve the purposes of habilitation;

(c) The intermediate and long-range goals of the habilitation program, with a projected timetable for the attainment;

(d) The rationale for using this plan of habilitation to achieve those intermediate and long-range goals;

(e) The staff responsible for carrying out the plan;

(f) Where relevant in light of past criminal behavior and due consideration for public safety, the criteria for proposed movement to less-restrictive settings, criteria for proposed eventual discharge or release, and a projected possible date for discharge or release; and

(g) The type of residence immediately anticipated for the person and possible future types of residences;

(28) "Information related to mental health services" means all information and records compiled, obtained, or maintained in the course of providing services to either voluntary or involuntary recipients of services by a mental health service provider. This may include documents of legal proceedings under this chapter or chapter 71.34 or 10.77 RCW, or somatic health care information;

(29) "Intoxicated person" means a person whose mental or physical functioning is substantially impaired as a result of the use of alcohol or other psychoactive chemicals;

(30) "Judicial commitment" means a commitment by a court pursuant to the provisions of this chapter;

(31) "Legal counsel" means attorneys and staff employed by county prosecutor offices or the state attorney general acting in their capacity as legal representatives of public mental health and substance use disorder service providers under RCW 71.05.130;

(32) "Less restrictive alternative treatment" means a program of individualized treatment in a less restrictive setting than inpatient treatment that includes the services described in RCW 71.05.585;

(33) "Licensed physician" means a person licensed to practice medicine or osteopathic medicine and surgery in the state of Washington;

(34) "Likelihood of serious harm" means:

(a) A substantial risk that: (i) Physical harm will be inflicted by a person upon his or her own person, as evidenced by threats or attempts to commit suicide or inflict physical harm on oneself; (ii) physical harm will be inflicted by a person upon another, as evidenced by behavior which has caused such harm or which places another person or persons in reasonable fear of sustaining such harm; or (iii) physical harm will be inflicted by a person upon the property of others, as evidenced by behavior which has caused substantial loss or damage to the property of others; or

(b) The person has threatened the physical safety of another and has a history of one or more violent acts;

(35) "Medical clearance" means a physician or other health care provider has determined that a person is medically stable and ready for referral to the designated crisis responder;

(36) "Mental disorder" means any organic, mental, or emotional impairment which has substantial adverse effects on a person's cognitive or volitional functions;

(37) "Mental health professional" means a psychiatrist, psychologist, physician assistant working with a supervising psychiatrist, psychiatric advanced registered nurse practitioner, psychiatric nurse, or social worker, and such other mental health professionals as may be defined by rules adopted by the secretary pursuant to the provisions of this chapter;

(38) "Mental health service provider" means a public or private agency that provides mental health services to

persons with mental disorders or substance use disorders as defined under this section and receives funding from public sources. This includes, but is not limited to, hospitals licensed under chapter 70.41 RCW, evaluation and treatment facilities as defined in this section, community mental health service delivery systems or community behavioral health programs as defined in RCW 71.24.025, facilities conducting competency evaluations and restoration under chapter 10.77 RCW, approved substance use disorder treatment programs as defined in this section, secure withdrawal management and stabilization facilities as defined in this section, and correctional facilities operated by state and local governments;

(39) "Peace officer" means a law enforcement official of a public agency or governmental unit, and includes persons specifically given peace officer powers by any state law, local ordinance, or judicial order of appointment;

(40) "Physician assistant" means a person licensed as a physician assistant under chapter 18.57A or 18.71A RCW;

(41) "Private agency" means any person, partnership, corporation, or association that is not a public agency, whether or not financed in whole or in part by public funds, which constitutes an evaluation and treatment facility or private institution, or hospital, or approved substance use disorder treatment program, which is conducted for, or includes a department or ward conducted for, the care and treatment of persons with mental illness, substance use disorders, or both mental illness and substance use disorders;

(42) "Professional person" means a mental health professional, substance use disorder professional, or designated crisis responder and shall also mean a physician, physician assistant, psychiatric advanced registered nurse practitioner, registered nurse, and such others as may be defined by rules adopted by the secretary pursuant to the provisions of this chapter;

(43) "Psychiatric advanced registered nurse practitioner" means a person who is licensed as an advanced registered nurse practitioner pursuant to chapter 18.79 RCW; and who is board certified in advanced practice psychiatric and mental health nursing;

(44) "Psychiatrist" means a person having a license as a physician and surgeon in this state who has in addition completed three years of graduate training in psychiatry in a program approved by the American medical association or the American osteopathic association and is certified or eligible to be certified by the American board of psychiatry and neurology;

(45) "Psychologist" means a person who has been licensed as a psychologist pursuant to chapter 18.83 RCW;

(46) "Public agency" means any evaluation and treatment facility or institution, secure withdrawal management and stabilization facility, approved substance use disorder treatment program, or hospital which is conducted for, or includes a department or ward conducted for, the care and treatment of persons with mental illness, substance use disorders, or both mental illness and substance use disorders, if the agency is operated directly by federal,

state, county, or municipal government, or a combination of such governments;

(47) "Release" means legal termination of the commitment under the provisions of this chapter;

(48) "Resource management services" has the meaning given in chapter 71.24 RCW;

(49) "Secretary" means the secretary of the department of health, or his or her designee;

(50) "Secure withdrawal management and stabilization facility" means a facility operated by either a public or private agency or by the program of an agency which provides care to voluntary individuals and individuals involuntarily detained and committed under this chapter for whom there is a likelihood of serious harm or who are gravely disabled due to the presence of a substance use disorder. Secure withdrawal management and stabilization facilities must:

(a) Provide the following services:

(i) Assessment and treatment, provided by certified substance use disorder professionals or co-occurring disorder specialists;

(ii) Clinical stabilization services;

(iii) Acute or subacute detoxification services for intoxicated individuals; and

(iv) Discharge assistance provided by certified substance use disorder professionals or co-occurring disorder specialists, including facilitating transitions to appropriate voluntary or involuntary inpatient services or to less restrictive alternatives as appropriate for the individual;

(b) Include security measures sufficient to protect the patients, staff, and community; and

(c) Be licensed or certified as such by the department of health;

(51) "Serious violent offense" has the same meaning as provided in RCW 9.94A.030;

(52) "Social worker" means a person with a master's or further advanced degree from a social work educational program accredited and approved as provided in RCW 18.320.010;

(53) "Substance use disorder" means a cluster of cognitive, behavioral, and physiological symptoms indicating that an individual continues using the substance despite significant substance-related problems. The diagnosis of a substance use disorder is based on a pathological pattern of behaviors related to the use of the substances;

(54) "Substance use disorder professional" means a person certified as a substance use disorder professional by the department of health under chapter 18.205 RCW;

(55) "Therapeutic court personnel" means the staff of a mental health court or other therapeutic court which has jurisdiction over defendants who are dually diagnosed with mental disorders, including court personnel, probation



officers, a court monitor, prosecuting attorney, or defense counsel acting within the scope of therapeutic court duties;

(56) "Treatment records" include registration and all other records concerning persons who are receiving or who at any time have received services for mental illness, which are maintained by the department of social and health services, the department, the authority, behavioral health administrative services organizations and their staffs, managed care organizations and their staffs, and by treatment facilities. Treatment records include mental health information contained in a medical bill including but not limited to mental health drugs, a mental health diagnosis, provider name, and dates of service stemming from a medical service. Treatment records do not include notes or records maintained for personal use by a person providing treatment services for the department of social and health services, the department, the authority, behavioral health administrative services organizations, managed care organizations, or a treatment facility if the notes or records are not available to others;

(57) "Triage facility" means a short-term facility or a portion of a facility licensed or certified by the department, which is designed as a facility to assess and stabilize an individual or determine the need for involuntary commitment of an individual, and must meet department residential treatment facility standards. A triage facility may be structured as a voluntary or involuntary placement facility;

(58) "Violent act" means behavior that resulted in homicide, attempted suicide, nonfatal injuries, or substantial damage to property.

**Sec. 302.** RCW 71.05.150 and 2019 c 446 s 4 are each amended to read as follows:

(1) When a designated crisis responder receives information alleging that a person, as a result of a mental disorder, substance use disorder, or both presents a likelihood of serious harm or is gravely disabled, or that a person is in need of assisted outpatient behavioral health treatment; the designated crisis responder may, after investigation and evaluation of the specific facts alleged and of the reliability and credibility of any person providing information to initiate detention or involuntary outpatient treatment, if satisfied that the allegations are true and that the person will not voluntarily seek appropriate treatment, file a petition for initial detention under this section or a petition for involuntary outpatient behavioral health treatment under RCW 71.05.148. Before filing the petition, the designated crisis responder must personally interview the person, unless the person refuses an interview, and determine whether the person will voluntarily receive appropriate evaluation and treatment at an evaluation and treatment facility, crisis stabilization unit, triage facility, or approved substance use disorder treatment program.

(2)(a) An order to detain a person with a mental disorder to a designated evaluation and treatment facility, or to detain a person with a substance use disorder to a secure withdrawal management and stabilization facility or approved substance use disorder treatment program, for not more than a seventy-two-hour evaluation and treatment

period may be issued by a judge of the superior court upon request of a designated crisis responder, subject to (d) of this subsection, whenever it appears to the satisfaction of a judge of the superior court:

(i) That there is probable cause to support the petition; and

(ii) That the person has refused or failed to accept appropriate evaluation and treatment voluntarily.

(b) The petition for initial detention, signed under penalty of perjury, or sworn telephonic testimony may be considered by the court in determining whether there are sufficient grounds for issuing the order.

(c) The order shall designate retained counsel or, if counsel is appointed from a list provided by the court, the name, business address, and telephone number of the attorney appointed to represent the person.

(d) A court may not issue an order to detain a person to a secure withdrawal management and stabilization facility or approved substance use disorder treatment program unless there is an available secure withdrawal management and stabilization facility or approved substance use disorder treatment program that has adequate space for the person.

(3) The designated crisis responder shall then serve or cause to be served on such person, his or her guardian, and conservator, if any, a copy of the order together with a notice of rights, and a petition for initial detention. After service on such person the designated crisis responder shall file the return of service in court and provide copies of all papers in the court file to the evaluation and treatment facility, secure withdrawal management and stabilization facility, or approved substance use disorder treatment program, and the designated attorney. The designated crisis responder shall notify the court and the prosecuting attorney that a probable cause hearing will be held within seventy-two hours of the date and time of outpatient evaluation or admission to the evaluation and treatment facility, secure withdrawal management and stabilization facility, or approved substance use disorder treatment program. The person shall be permitted to be accompanied by one or more of his or her relatives, friends, an attorney, a personal physician, or other professional or religious advisor to the place of evaluation. An attorney accompanying the person to the place of evaluation shall be permitted to be present during the admission evaluation. Any other individual accompanying the person may be present during the admission evaluation. The facility may exclude the individual if his or her presence would present a safety risk, delay the proceedings, or otherwise interfere with the evaluation.

(4) The designated crisis responder may notify a peace officer to take such person or cause such person to be taken into custody and placed in an evaluation and treatment facility, secure withdrawal management and stabilization facility, or approved substance use disorder treatment program. At the time such person is taken into custody there shall commence to be served on such person, his or her guardian, and conservator, if any, a copy of the original order together with a notice of rights and a petition for initial detention.

(5) An Indian tribe shall have jurisdiction exclusive to the state as to any involuntary commitment of an American Indian or Alaska Native to an evaluation and treatment facility located within the boundaries of that tribe, unless the tribe has consented to the state's concurrent jurisdiction, or the tribe has expressly declined to exercise its exclusive jurisdiction.

(6) Tribal court orders for involuntary commitment shall be recognized and enforced in accordance with superior court civil rule 82.5.

(7) In any investigation and evaluation of an individual under RCW 71.05.150 or 71.05.153 in which the designated crisis responder knows, or has reason to know, that the individual is an American Indian or Alaska Native who receives medical or behavioral health services from a tribe within this state, the designated crisis responder shall notify the tribe or Indian health care provider regarding whether or not a petition for initial detention or involuntary outpatient treatment will be filed. Notification shall be made in person or by telephonic or electronic communication to the tribal contact listed in the authority's tribal crisis coordination plan as soon as possible but no later than three hours subject to the requirements in RCW 70.02.230 (2)(dd) and (3). A designated crisis responder may restrict the release of information as necessary to comply with 42 C.F.R. Part 2.

**Sec. 303.** RCW 71.05.150 and 2019 c 446 s 5 are each amended to read as follows:

(1) When a designated crisis responder receives information alleging that a person, as a result of a mental disorder, substance use disorder, or both presents a likelihood of serious harm or is gravely disabled, or that a person is in need of assisted outpatient behavioral health treatment; the designated crisis responder may, after investigation and evaluation of the specific facts alleged and of the reliability and credibility of any person providing information to initiate detention or involuntary outpatient treatment, if satisfied that the allegations are true and that the person will not voluntarily seek appropriate treatment, file a petition for initial detention under this section or a petition for involuntary outpatient behavioral health treatment under RCW 71.05.148. Before filing the petition, the designated crisis responder must personally interview the person, unless the person refuses an interview, and determine whether the person will voluntarily receive appropriate evaluation and treatment at an evaluation and treatment facility, crisis stabilization unit, triage facility, or approved substance use disorder treatment program.

(2)(a) An order to detain a person with a mental disorder to a designated evaluation and treatment facility, or to detain a person with a substance use disorder to a secure withdrawal management and stabilization facility or approved substance use disorder treatment program, for not more than a seventy-two-hour evaluation and treatment period may be issued by a judge of the superior court upon request of a designated crisis responder whenever it appears to the satisfaction of a judge of the superior court:

(i) That there is probable cause to support the petition; and

(ii) That the person has refused or failed to accept appropriate evaluation and treatment voluntarily.

(b) The petition for initial detention, signed under penalty of perjury, or sworn telephonic testimony may be considered by the court in determining whether there are sufficient grounds for issuing the order.

(c) The order shall designate retained counsel or, if counsel is appointed from a list provided by the court, the name, business address, and telephone number of the attorney appointed to represent the person.

(3) The designated crisis responder shall then serve or cause to be served on such person, his or her guardian, and conservator, if any, a copy of the order together with a notice of rights, and a petition for initial detention. After service on such person the designated crisis responder shall file the return of service in court and provide copies of all papers in the court file to the evaluation and treatment facility, secure withdrawal management and stabilization facility, or approved substance use disorder treatment program, and the designated attorney. The designated crisis responder shall notify the court and the prosecuting attorney that a probable cause hearing will be held within seventy-two hours of the date and time of outpatient evaluation or admission to the evaluation and treatment facility, secure withdrawal management and stabilization facility, or approved substance use disorder treatment program. The person shall be permitted to be accompanied by one or more of his or her relatives, friends, an attorney, a personal physician, or other professional or religious advisor to the place of evaluation. An attorney accompanying the person to the place of evaluation shall be permitted to be present during the admission evaluation. Any other individual accompanying the person may be present during the admission evaluation. The facility may exclude the individual if his or her presence would present a safety risk, delay the proceedings, or otherwise interfere with the evaluation.

(4) The designated crisis responder may notify a peace officer to take such person or cause such person to be taken into custody and placed in an evaluation and treatment facility, secure withdrawal management and stabilization facility, or approved substance use disorder treatment program. At the time such person is taken into custody there shall commence to be served on such person, his or her guardian, and conservator, if any, a copy of the original order together with a notice of rights and a petition for initial detention.

(5) An Indian tribe shall have jurisdiction exclusive to the state as to any involuntary commitment of an American Indian or Alaska Native to an evaluation and treatment facility located within the boundaries of that tribe, unless the tribe has consented to the state's concurrent jurisdiction, or the tribe has expressly declined to exercise its exclusive jurisdiction.

(6) Tribal court orders for involuntary commitment shall be recognized and enforced in accordance with superior court civil rule 82.5.

(7) In any investigation and evaluation of an individual under RCW 71.05.150 or 71.05.153 in which the designated

crisis responder knows, or has reason to know, that the individual is an American Indian or Alaska Native who receives medical or behavioral health services from a tribe within this state, the designated crisis responder shall notify the tribe or Indian health care provider regarding whether or not a petition for initial detention or involuntary outpatient treatment will be filed. Notification shall be made in person or by telephonic or electronic communication to the tribal contact listed in the authority's tribal crisis coordination plan as soon as possible but no later than three hours subject to the requirements in RCW 70.02.230 (2)(dd) and (3). A designated crisis responder may restrict the release of information as necessary to comply with 42 C.F.R. Part 2.

**Sec. 304.** RCW 71.05.201 and 2018 c 291 s 11 are each amended to read as follows:

(1) If a designated crisis responder decides not to detain a person for evaluation and treatment under RCW 71.05.150 or 71.05.153 or forty-eight hours have elapsed since a designated crisis responder received a request for investigation and the designated crisis responder has not taken action to have the person detained, an immediate family member or guardian or conservator of the person, or a federally recognized Indian tribe if the person is a member of such tribe, may petition the superior court for the person's initial detention.

(2) A petition under this section must be filed within ten calendar days following the designated crisis responder investigation or the request for a designated crisis responder investigation. If more than ten days have elapsed, the immediate family member, guardian, or conservator may request a new designated crisis responder investigation.

(3)(a) The petition must be filed in the county in which the designated crisis responder investigation occurred or was requested to occur and must be submitted on forms developed by the administrative office of the courts for this purpose. The petition must be accompanied by a sworn declaration from the petitioner, and other witnesses if desired, describing why the person should be detained for evaluation and treatment. The description of why the person should be detained may contain, but is not limited to, the information identified in RCW 71.05.212.

(b) The petition must contain:

(i) A description of the relationship between the petitioner and the person; and

(ii) The date on which an investigation was requested from the designated crisis responder.

(4) The court shall, within one judicial day, review the petition to determine whether the petition raises sufficient evidence to support the allegation. If the court so finds, it shall provide a copy of the petition to the designated crisis responder agency with an order for the agency to provide the court, within one judicial day, with a written sworn statement describing the basis for the decision not to seek initial detention and a copy of all information material to the designated crisis responder's current decision.

(5) Following the filing of the petition and before the court reaches a decision, any person, including a mental

health professional, may submit a sworn declaration to the court in support of or in opposition to initial detention.

(6) The court shall dismiss the petition at any time if it finds that a designated crisis responder has filed a petition for the person's initial detention under RCW 71.05.150 or 71.05.153 or that the person has voluntarily accepted appropriate treatment.

(7) The court must issue a final ruling on the petition within five judicial days after it is filed. After reviewing all of the information provided to the court, the court may enter an order for initial detention or an order instructing the designated crisis responder to file a petition for assisted outpatient behavioral health treatment if the court finds that: (a) There is probable cause to support a petition for detention or assisted outpatient behavioral health treatment; and (b) the person has refused or failed to accept appropriate evaluation and treatment voluntarily. The court shall transmit its final decision to the petitioner.

(8) If the court enters an order for initial detention, it shall provide the order to the designated crisis responder agency and issue a written order for apprehension of the person by a peace officer for delivery of the person to a facility or emergency room determined by the designated crisis responder. The designated crisis responder agency serving the jurisdiction of the court must collaborate and coordinate with law enforcement regarding apprehensions and detentions under this subsection, including sharing of information relating to risk and which would assist in locating the person. A person may not be detained to jail pursuant to a written order issued under this subsection. An order for detention under this section should contain the advisement of rights which the person would receive if the person were detained by a designated crisis responder. An order for initial detention under this section expires one hundred eighty days from issuance.

(9) Except as otherwise expressly stated in this chapter, all procedures must be followed as if the order had been entered under RCW 71.05.150. RCW 71.05.160 does not apply if detention was initiated under the process set forth in this section.

(10) For purposes of this section, "immediate family member" means a spouse, domestic partner, child, stepchild, parent, stepparent, grandparent, or sibling.

**Sec. 305.** RCW 71.05.212 and 2018 c 291 s 13 are each amended to read as follows:

(1) Whenever a designated crisis responder or professional person is conducting an evaluation under this chapter, consideration shall include all reasonably available information from credible witnesses and records regarding:

(a) Prior recommendations for evaluation of the need for civil commitments when the recommendation is made pursuant to an evaluation conducted under chapter 10.77 RCW;

(b) Historical behavior, including history of one or more violent acts;

(c) Prior determinations of incompetency or insanity under chapter 10.77 RCW; and

(d) Prior commitments under this chapter.

(2) Credible witnesses may include family members, landlords, neighbors, or others with significant contact and history of involvement with the person. If the designated crisis responder relies upon information from a credible witness in reaching his or her decision to detain the individual, then he or she must provide contact information for any such witness to the prosecutor. The designated crisis responder or prosecutor shall provide notice of the date, time, and location of the probable cause hearing to such a witness.

(3) Symptoms and behavior of the respondent which standing alone would not justify civil commitment may support a finding of grave disability or likelihood of serious harm, or a finding that the person is in need of assisted outpatient behavioral health treatment, when:

(a) Such symptoms or behavior are closely associated with symptoms or behavior which preceded and led to a past incident of involuntary hospitalization, severe deterioration, or one or more violent acts;

(b) These symptoms or behavior represent a marked and concerning change in the baseline behavior of the respondent; and

(c) Without treatment, the continued deterioration of the respondent is probable.

(4) When conducting an evaluation for offenders identified under RCW 72.09.370, the designated crisis responder or professional person shall consider an offender's history of judicially required or administratively ordered antipsychotic medication while in confinement.

(5) The authority, in consultation with tribes and coordination with Indian health care providers and the American Indian health commission for Washington state, shall establish written guidelines by June 30, 2021, for conducting culturally appropriate evaluations of American Indians or Alaska Natives.

**Sec. 306.** RCW 71.05.435 and 2019 c 446 s 26 are each amended to read as follows:

(1) Whenever a person who is the subject of an involuntary commitment order under this chapter is discharged from an evaluation and treatment facility, state hospital, secure withdrawal management and stabilization facility, or approved substance use disorder treatment program providing involuntary treatment services, the entity discharging the person shall provide notice of the person's discharge to the designated crisis responder office responsible for the initial commitment, which may be a federally recognized Indian tribe or other Indian health care provider if the designated crisis responder is appointed by the authority, and the designated crisis responder office that serves the county in which the person is expected to reside. The entity discharging the person must also provide these offices with a copy of any less restrictive order or conditional release order entered in conjunction with the discharge of the

person, unless the entity discharging the person has entered into a memorandum of understanding obligating another entity to provide these documents.

(2) The notice and documents referred to in subsection (1) of this section shall be provided as soon as possible and no later than one business day following the discharge of the person. Notice is not required under this section if the discharge is for the purpose of transferring the person for continued detention and treatment under this chapter at another treatment facility.

(3) The authority shall maintain and make available an updated list of contact information for designated crisis responder offices around the state.

**NEW SECTION. Sec. 307.** A new section is added to chapter 71.24 RCW to read as follows:

(1) The authority shall provide an annual report on psychiatric treatment and evaluation and bed utilization for American Indians and Alaska Natives starting on October 1, 2020. The report shall be available for review by the tribes, urban Indian health programs, and the American Indian health commission for Washington state.

(2) Indian health care providers shall be included in any bed tracking system created by the authority.

#### **PART IV**

**Sec. 401.** RCW 70.02.010 and 2019 c 325 s 5019 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Admission" has the same meaning as in RCW 71.05.020.

(2) "Audit" means an assessment, evaluation, determination, or investigation of a health care provider by a person not employed by or affiliated with the provider to determine compliance with:

(a) Statutory, regulatory, fiscal, medical, or scientific standards;

(b) A private or public program of payments to a health care provider; or

(c) Requirements for licensing, accreditation, or certification.

(3) "Authority" means the Washington state health care authority.

(4) "Commitment" has the same meaning as in RCW 71.05.020.

(5) "Custody" has the same meaning as in RCW 71.05.020.

(6) "Deidentified" means health information that does not identify an individual and with respect to which there is no reasonable basis to believe that the information can be used to identify an individual.

(7) "Department" means the department of social and health services.

(8) "Designated crisis responder" has the same meaning as in RCW 71.05.020 or 71.34.020, as applicable.

(9) "Detention" or "detain" has the same meaning as in RCW 71.05.020.

(10) "Directory information" means information disclosing the presence, and for the purpose of identification, the name, location within a health care facility, and the general health condition of a particular patient who is a patient in a health care facility or who is currently receiving emergency health care in a health care facility.

(11) "Discharge" has the same meaning as in RCW 71.05.020.

(12) "Evaluation and treatment facility" has the same meaning as in RCW 71.05.020 or 71.34.020, as applicable.

(13) "Federal, state, or local law enforcement authorities" means an officer of any agency or authority in the United States, a state, a tribe, a territory, or a political subdivision of a state, a tribe, or a territory who is empowered by law to: (a) Investigate or conduct an official inquiry into a potential criminal violation of law; or (b) prosecute or otherwise conduct a criminal proceeding arising from an alleged violation of law.

(14) "General health condition" means the patient's health status described in terms of "critical," "poor," "fair," "good," "excellent," or terms denoting similar conditions.

(15) "Health care" means any care, service, or procedure provided by a health care provider:

(a) To diagnose, treat, or maintain a patient's physical or mental condition; or

(b) That affects the structure or any function of the human body.

(16) "Health care facility" means a hospital, clinic, nursing home, laboratory, office, or similar place where a health care provider provides health care to patients.

(17) "Health care information" means any information, whether oral or recorded in any form or medium, that identifies or can readily be associated with the identity of a patient and directly relates to the patient's health care, including a patient's deoxyribonucleic acid and identified sequence of chemical base pairs. The term includes any required accounting of disclosures of health care information.

(18) "Health care operations" means any of the following activities of a health care provider, health care facility, or third-party payor to the extent that the activities are related to functions that make an entity a health care provider, a health care facility, or a third-party payor:

(a) Conducting: Quality assessment and improvement activities, including outcomes evaluation and development of clinical guidelines, if the obtaining of generalizable knowledge is not the primary purpose of any studies resulting from such activities; population-based activities relating to improving health or reducing health care costs, protocol development, case management and care coordination, contacting of health care providers and

patients with information about treatment alternatives; and related functions that do not include treatment;

(b) Reviewing the competence or qualifications of health care professionals, evaluating practitioner and provider performance and third-party payor performance, conducting training programs in which students, trainees, or practitioners in areas of health care learn under supervision to practice or improve their skills as health care providers, training of nonhealth care professionals, accreditation, certification, licensing, or credentialing activities;

(c) Underwriting, premium rating, and other activities relating to the creation, renewal, or replacement of a contract of health insurance or health benefits, and ceding, securing, or placing a contract for reinsurance of risk relating to claims for health care, including stop-loss insurance and excess of loss insurance, if any applicable legal requirements are met;

(d) Conducting or arranging for medical review, legal services, and auditing functions, including fraud and abuse detection and compliance programs;

(e) Business planning and development, such as conducting cost-management and planning-related analyses related to managing and operating the health care facility or third-party payor, including formulary development and administration, development, or improvement of methods of payment or coverage policies; and

(f) Business management and general administrative activities of the health care facility, health care provider, or third-party payor including, but not limited to:

(i) Management activities relating to implementation of and compliance with the requirements of this chapter;

(ii) Customer service, including the provision of data analyses for policy holders, plan sponsors, or other customers, provided that health care information is not disclosed to such policy holder, plan sponsor, or customer;

(iii) Resolution of internal grievances;

(iv) The sale, transfer, merger, or consolidation of all or part of a health care provider, health care facility, or third-party payor with another health care provider, health care facility, or third-party payor or an entity that following such activity will become a health care provider, health care facility, or third-party payor, and due diligence related to such activity; and

(v) Consistent with applicable legal requirements, creating deidentified health care information or a limited dataset for the benefit of the health care provider, health care facility, or third-party payor.

(19) "Health care provider" means a person who is licensed, certified, registered, or otherwise authorized by the law of this state to provide health care in the ordinary course of business or practice of a profession.

(20) "Human immunodeficiency virus" or "HIV" has the same meaning as in RCW 70.24.017.

(21) "Imminent" has the same meaning as in RCW 71.05.020.

(22) "Information and records related to mental health services" means a type of health care information that relates to all information and records compiled, obtained, or maintained in the course of providing services by a mental health service agency or mental health professional to persons who are receiving or have received services for mental illness. The term includes mental health information contained in a medical bill, registration records, as defined in RCW 70.97.010, and all other records regarding the person maintained by the department, by the authority, by behavioral health administrative services organizations and their staff, managed care organizations contracted with the authority under chapter 74.09 RCW and their staff, and by treatment facilities. The term further includes documents of legal proceedings under chapter 71.05, 71.34, or 10.77 RCW, or somatic health care information. For health care information maintained by a hospital as defined in RCW 70.41.020 or a health care facility or health care provider that participates with a hospital in an organized health care arrangement defined under federal law, "information and records related to mental health services" is limited to information and records of services provided by a mental health professional or information and records of services created by a hospital-operated community behavioral health program as defined in RCW 71.24.025. The term does not include psychotherapy notes.

(23) "Information and records related to sexually transmitted diseases" means a type of health care information that relates to the identity of any person upon whom an HIV antibody test or other sexually transmitted infection test is performed, the results of such tests, and any information relating to diagnosis of or treatment for any confirmed sexually transmitted infections.

(24) "Institutional review board" means any board, committee, or other group formally designated by an institution, or authorized under federal or state law, to review, approve the initiation of, or conduct periodic review of research programs to assure the protection of the rights and welfare of human research subjects.

(25) "Legal counsel" has the same meaning as in RCW 71.05.020.

(26) "Local public health officer" has the same meaning as in RCW 70.24.017.

(27) "Maintain," as related to health care information, means to hold, possess, preserve, retain, store, or control that information.

(28) "Mental health professional" means a psychiatrist, psychologist, psychiatric advanced registered nurse practitioner, psychiatric nurse, or social worker, and such other mental health professionals as may be defined by rules adopted by the secretary of health under chapter 71.05 RCW, whether that person works in a private or public setting.

(29) "Mental health service agency" means a public or private agency that provides services to persons with mental disorders as defined under RCW 71.05.020 or 71.34.020 and receives funding from public sources. This includes evaluation and treatment facilities as defined in RCW

71.34.020, community mental health service delivery systems, or community behavioral health programs, as defined in RCW 71.24.025, and facilities conducting competency evaluations and restoration under chapter 10.77 RCW.

(30) "Minor" has the same meaning as in RCW 71.34.020.

(31) "Parent" has the same meaning as in RCW 71.34.020.

(32) "Patient" means an individual who receives or has received health care. The term includes a deceased individual who has received health care.

(33) "Payment" means:

(a) The activities undertaken by:

(i) A third-party payor to obtain premiums or to determine or fulfill its responsibility for coverage and provision of benefits by the third-party payor; or

(ii) A health care provider, health care facility, or third-party payor, to obtain or provide reimbursement for the provision of health care; and

(b) The activities in (a) of this subsection that relate to the patient to whom health care is provided and that include, but are not limited to:

(i) Determinations of eligibility or coverage, including coordination of benefits or the determination of cost-sharing amounts, and adjudication or subrogation of health benefit claims;

(ii) Risk adjusting amounts due based on enrollee health status and demographic characteristics;

(iii) Billing, claims management, collection activities, obtaining payment under a contract for reinsurance, including stop-loss insurance and excess of loss insurance, and related health care data processing;

(iv) Review of health care services with respect to medical necessity, coverage under a health plan, appropriateness of care, or justification of charges;

(v) Utilization review activities, including precertification and preauthorization of services, and concurrent and retrospective review of services; and

(vi) Disclosure to consumer reporting agencies of any of the following health care information relating to collection of premiums or reimbursement:

(A) Name and address;

(B) Date of birth;

(C) Social security number;

(D) Payment history;

(E) Account number; and

(F) Name and address of the health care provider, health care facility, and/or third-party payor.

(34) "Person" means an individual, corporation, business trust, estate, trust, partnership, association, joint venture, government, governmental subdivision or agency, or any other legal or commercial entity.

(35) "Professional person" has the same meaning as in RCW 71.05.020.

(36) "Psychiatric advanced registered nurse practitioner" has the same meaning as in RCW 71.05.020.

(37) "Psychotherapy notes" means notes recorded, in any medium, by a mental health professional documenting or analyzing the contents of conversations during a private counseling session or group, joint, or family counseling session, and that are separated from the rest of the individual's medical record. The term excludes mediation prescription and monitoring, counseling session start and stop times, the modalities and frequencies of treatment furnished, results of clinical tests, and any summary of the following items: Diagnosis, functional status, the treatment plan, symptoms, prognosis, and progress to date.

(38) "Reasonable fee" means the charges for duplicating or searching the record, but shall not exceed sixty-five cents per page for the first thirty pages and fifty cents per page for all other pages. In addition, a clerical fee for searching and handling may be charged not to exceed fifteen dollars. These amounts shall be adjusted biennially in accordance with changes in the consumer price index, all consumers, for Seattle-Tacoma metropolitan statistical area as determined by the secretary of health. However, where editing of records by a health care provider is required by statute and is done by the provider personally, the fee may be the usual and customary charge for a basic office visit.

(39) "Release" has the same meaning as in RCW 71.05.020.

(40) "Resource management services" has the same meaning as in RCW 71.05.020.

(41) "Serious violent offense" has the same meaning as in RCW 71.05.020.

(42) "Sexually transmitted infection" or "sexually transmitted disease" has the same meaning as "sexually transmitted disease" in RCW 70.24.017.

(43) "Test for a sexually transmitted disease" has the same meaning as in RCW 70.24.017.

(44) "Third-party payor" means an insurer regulated under Title 48 RCW authorized to transact business in this state or other jurisdiction, including a health care service contractor, and health maintenance organization; or an employee welfare benefit plan, excluding fitness or wellness plans; or a state or federal health benefit program.

(45) "Treatment" means the provision, coordination, or management of health care and related services by one or more health care providers or health care facilities, including the coordination or management of health care by a health care provider or health care facility with a third party; consultation between health care providers or health care facilities relating to a patient; or the referral of a patient for

health care from one health care provider or health care facility to another.

(46) "Managed care organization" has the same meaning as provided in RCW 71.24.025.

(47) "Indian health care provider" has the same meaning as in RCW 43.71B.010(10).

**Sec. 402.** RCW 70.02.230 and 2019 c 381 s 19, 2019 c 325 s 5020, and 2019 c 317 s 2 are each reenacted and amended to read as follows:

(1) Except as provided in this section, RCW 70.02.050, 71.05.445, 74.09.295, 70.02.210, 70.02.240, 70.02.250, 70.02.260, and 70.02.265, or pursuant to a valid authorization under RCW 70.02.030, the fact of admission to a provider for mental health services and all information and records compiled, obtained, or maintained in the course of providing mental health services to either voluntary or involuntary recipients of services at public or private agencies must be confidential.

(2) Information and records related to mental health services, other than those obtained through treatment under chapter 71.34 RCW, may be disclosed only:

(a) In communications between qualified professional persons to meet the requirements of chapter 71.05 RCW, including Indian health care providers, in the provision of services or appropriate referrals, or in the course of guardianship proceedings if provided to a professional person:

- (i) Employed by the facility;
- (ii) Who has medical responsibility for the patient's care;
- (iii) Who is a designated crisis responder;
- (iv) Who is providing services under chapter 71.24 RCW;
- (v) Who is employed by a state or local correctional facility where the person is confined or supervised; or
- (vi) Who is providing evaluation, treatment, or follow-up services under chapter 10.77 RCW;

(b) When the communications regard the special needs of a patient and the necessary circumstances giving rise to such needs and the disclosure is made by a facility providing services to the operator of a facility in which the patient resides or will reside;

(c)(i) When the person receiving services, or his or her guardian, designates persons to whom information or records may be released, or if the person is a minor, when his or her parents make such a designation;

(ii) A public or private agency shall release to a person's next of kin, attorney, personal representative, guardian, or conservator, if any:

(A) The information that the person is presently a patient in the facility or that the person is seriously physically ill;

(B) A statement evaluating the mental and physical condition of the patient, and a statement of the probable duration of the patient's confinement, if such information is requested by the next of kin, attorney, personal representative, guardian, or conservator; and

(iii) Other information requested by the next of kin or attorney as may be necessary to decide whether or not proceedings should be instituted to appoint a guardian or conservator;

(d)(i) To the courts, including tribal courts, as necessary to the administration of chapter 71.05 RCW or to a court ordering an evaluation or treatment under chapter 10.77 RCW solely for the purpose of preventing the entry of any evaluation or treatment order that is inconsistent with any order entered under chapter 71.05 RCW.

(ii) To a court or its designee in which a motion under chapter 10.77 RCW has been made for involuntary medication of a defendant for the purpose of competency restoration.

(iii) Disclosure under this subsection is mandatory for the purpose of the federal health insurance portability and accountability act;

(e)(i) When a mental health professional or designated crisis responder is requested by a representative of a law enforcement or corrections agency, including a police officer, sheriff, community corrections officer, a municipal attorney, or prosecuting attorney to undertake an investigation or provide treatment under RCW 71.05.150, 10.31.110, or 71.05.153, the mental health professional or designated crisis responder shall, if requested to do so, advise the representative in writing of the results of the investigation including a statement of reasons for the decision to detain or release the person investigated. The written report must be submitted within seventy-two hours of the completion of the investigation or the request from the law enforcement or corrections representative, whichever occurs later.

(ii) Disclosure under this subsection is mandatory for the purposes of the federal health insurance portability and accountability act;

(f) To the attorney of the detained person;

(g) To the prosecuting attorney as necessary to carry out the responsibilities of the office under RCW 71.05.330(2), 71.05.340(1)(b), and 71.05.335. The prosecutor must be provided access to records regarding the committed person's treatment and prognosis, medication, behavior problems, and other records relevant to the issue of whether treatment less restrictive than inpatient treatment is in the best interest of the committed person or others. Information must be disclosed only after giving notice to the committed person and the person's counsel;

(h)(i) To appropriate law enforcement agencies and to a person, when the identity of the person is known to the public or private agency, whose health and safety has been threatened, or who is known to have been repeatedly harassed, by the patient. The person may designate a representative to receive the disclosure. The disclosure must

be made by the professional person in charge of the public or private agency or his or her designee and must include the dates of commitment, admission, discharge, or release, authorized or unauthorized absence from the agency's facility, and only any other information that is pertinent to the threat or harassment. The agency or its employees are not civilly liable for the decision to disclose or not, so long as the decision was reached in good faith and without gross negligence.

(ii) Disclosure under this subsection is mandatory for the purposes of the federal health insurance portability and accountability act;

(i)(i) To appropriate corrections and law enforcement agencies all necessary and relevant information in the event of a crisis or emergent situation that poses a significant and imminent risk to the public. The mental health service agency or its employees are not civilly liable for the decision to disclose or not so long as the decision was reached in good faith and without gross negligence.

(ii) Disclosure under this subsection is mandatory for the purposes of the health insurance portability and accountability act;

(j) To the persons designated in RCW 71.05.425 for the purposes described in those sections;

(k) Upon the death of a person. The person's next of kin, personal representative, guardian, or conservator, if any, must be notified. Next of kin who are of legal age and competent must be notified under this section in the following order: Spouse, parents, children, brothers and sisters, and other relatives according to the degree of relation. Access to all records and information compiled, obtained, or maintained in the course of providing services to a deceased patient are governed by RCW 70.02.140;

(l) To mark headstones or otherwise memorialize patients interred at state hospital cemeteries. The department of social and health services shall make available the name, date of birth, and date of death of patients buried in state hospital cemeteries fifty years after the death of a patient;

(m) To law enforcement officers and to prosecuting attorneys as are necessary to enforce RCW 9.41.040(2)(a)(iv). The extent of information that may be released is limited as follows:

(i) Only the fact, place, and date of involuntary commitment, an official copy of any order or orders of commitment, and an official copy of any written or oral notice of ineligibility to possess a firearm that was provided to the person pursuant to RCW 9.41.047(1), must be disclosed upon request;

(ii) The law enforcement and prosecuting attorneys may only release the information obtained to the person's attorney as required by court rule and to a jury or judge, if a jury is waived, that presides over any trial at which the person is charged with violating RCW 9.41.040(2)(a)(iv);

(iii) Disclosure under this subsection is mandatory for the purposes of the federal health insurance portability and accountability act;



(n) When a patient would otherwise be subject to the provisions of this section and disclosure is necessary for the protection of the patient or others due to his or her unauthorized disappearance from the facility, and his or her whereabouts is unknown, notice of the disappearance, along with relevant information, may be made to relatives, the department of corrections when the person is under the supervision of the department, and governmental law enforcement agencies designated by the physician or psychiatric advanced registered nurse practitioner in charge of the patient or the professional person in charge of the facility, or his or her professional designee;

(o) Pursuant to lawful order of a court, including a tribal court;

(p) To qualified staff members of the department, to the authority, to behavioral health administrative services organizations, to managed care organizations, to resource management services responsible for serving a patient, or to service providers designated by resource management services as necessary to determine the progress and adequacy of treatment and to determine whether the person should be transferred to a less restrictive or more appropriate treatment modality or facility;

(q) Within the mental health service agency or Indian health care provider facility where the patient is receiving treatment, confidential information may be disclosed to persons employed, serving in bona fide training programs, or participating in supervised volunteer programs, at the facility when it is necessary to perform their duties;

(r) Within the department and the authority as necessary to coordinate treatment for mental illness, developmental disabilities, alcoholism, or substance use disorder of persons who are under the supervision of the department;

(s) Between the department of social and health services, the department of children, youth, and families, and the health care authority as necessary to coordinate treatment for mental illness, developmental disabilities, alcoholism, or drug abuse of persons who are under the supervision of the department of social and health services or the department of children, youth, and families;

(t) To a licensed physician or psychiatric advanced registered nurse practitioner who has determined that the life or health of the person is in danger and that treatment without the information and records related to mental health services could be injurious to the patient's health. Disclosure must be limited to the portions of the records necessary to meet the medical emergency;

(u)(i) Consistent with the requirements of the federal health insurance portability and accountability act, to:

(A) A health care provider, including an Indian health care provider, who is providing care to a patient, or to whom a patient has been referred for evaluation or treatment; or

(B) Any other person who is working in a care coordinator role for a health care facility ~~((or))~~, health care provider, or Indian health care provider, or is under an agreement pursuant to the federal health insurance

portability and accountability act with a health care facility or a health care provider and requires the information and records to assure coordinated care and treatment of that patient.

(ii) A person authorized to use or disclose information and records related to mental health services under this subsection (2)(u) must take appropriate steps to protect the information and records relating to mental health services.

(iii) Psychotherapy notes may not be released without authorization of the patient who is the subject of the request for release of information;

(v) To administrative and office support staff designated to obtain medical records for those licensed professionals listed in (u) of this subsection;

(w) To a facility that is to receive a person who is involuntarily committed under chapter 71.05 RCW, or upon transfer of the person from one evaluation and treatment facility to another. The release of records under this subsection is limited to the information and records related to mental health services required by law, a record or summary of all somatic treatments, and a discharge summary. The discharge summary may include a statement of the patient's problem, the treatment goals, the type of treatment which has been provided, and recommendation for future treatment, but may not include the patient's complete treatment record;

(x) To the person's counsel or guardian ad litem, without modification, at any time in order to prepare for involuntary commitment or recommitment proceedings, reexaminations, appeals, or other actions relating to detention, admission, commitment, or patient's rights under chapter 71.05 RCW;

(y) To staff members of the protection and advocacy agency or to staff members of a private, nonprofit corporation for the purpose of protecting and advocating the rights of persons with mental disorders or developmental disabilities. Resource management services may limit the release of information to the name, birthdate, and county of residence of the patient, information regarding whether the patient was voluntarily admitted, or involuntarily committed, the date and place of admission, placement, or commitment, the name and address of a guardian of the patient, and the date and place of the guardian's appointment. Any staff member who wishes to obtain additional information must notify the patient's resource management services in writing of the request and of the resource management services' right to object. The staff member shall send the notice by mail to the guardian's address. If the guardian does not object in writing within fifteen days after the notice is mailed, the staff member may obtain the additional information. If the guardian objects in writing within fifteen days after the notice is mailed, the staff member may not obtain the additional information;

(z) To all current treating providers, including Indian health care providers, of the patient with prescriptive authority who have written a prescription for the patient within the last twelve months. For purposes of coordinating health care, the department or the authority may release

without written authorization of the patient, information acquired for billing and collection purposes as described in RCW 70.02.050(1)(d). The department, or the authority, if applicable, shall notify the patient that billing and collection information has been released to named providers, and provide the substance of the information released and the dates of such release. Neither the department nor the authority may release counseling, inpatient psychiatric hospitalization, or drug and alcohol treatment information without a signed written release from the client;

(aa)(i) To the secretary of social and health services and the director of the health care authority for either program evaluation or research, or both so long as the secretary or director, where applicable, adopts rules for the conduct of the evaluation or research, or both. Such rules must include, but need not be limited to, the requirement that all evaluators and researchers sign an oath of confidentiality substantially as follows:

"As a condition of conducting evaluation or research concerning persons who have received services from (fill in the facility, agency, or person) I, . . . . ., agree not to divulge, publish, or otherwise make known to unauthorized persons or the public any information obtained in the course of such evaluation or research regarding persons who have received services such that the person who received such services is identifiable.

I recognize that unauthorized release of confidential information may subject me to civil liability under the provisions of state law.

/s/ . . . . ."

(ii) Nothing in this chapter may be construed to prohibit the compilation and publication of statistical data for use by government or researchers under standards, including standards to assure maintenance of confidentiality, set forth by the secretary, or director, where applicable;

(bb) To any person if the conditions in RCW 70.02.205 are met;

(cc) To the secretary of health for the purposes of the maternal mortality review panel established in RCW 70.54.450;

(dd) To a tribe or Indian health care provider to carry out the requirements of RCW 71.05.150(7).

(3) Whenever federal law or federal regulations restrict the release of information contained in the information and records related to mental health services of any patient who receives treatment for a substance use disorder, the department or the authority may restrict the release of the information as necessary to comply with federal law and regulations.

(4) Civil liability and immunity for the release of information about a particular person who is committed to the department of social and health services or the authority under RCW 71.05.280(3) and 71.05.320(4)(c) after dismissal of a sex offense as defined in RCW 9.94A.030, is governed by RCW 4.24.550.

(5) The fact of admission to a provider of mental health services, as well as all records, files, evidence, findings, or orders made, prepared, collected, or maintained pursuant to chapter 71.05 RCW are not admissible as evidence in any legal proceeding outside that chapter without the written authorization of the person who was the subject of the proceeding except as provided in RCW 70.02.260, in a subsequent criminal prosecution of a person committed pursuant to RCW 71.05.280(3) or 71.05.320(4)(c) on charges that were dismissed pursuant to chapter 10.77 RCW due to incompetency to stand trial, in a civil commitment proceeding pursuant to chapter 71.09 RCW, or, in the case of a minor, a guardianship or dependency proceeding. The records and files maintained in any court proceeding pursuant to chapter 71.05 RCW must be confidential and available subsequent to such proceedings only to the person who was the subject of the proceeding or his or her attorney. In addition, the court may order the subsequent release or use of such records or files only upon good cause shown if the court finds that appropriate safeguards for strict confidentiality are and will be maintained.

(6)(a) Except as provided in RCW 4.24.550, any person may bring an action against an individual who has willfully released confidential information or records concerning him or her in violation of the provisions of this section, for the greater of the following amounts:

(i) One thousand dollars; or

(ii) Three times the amount of actual damages sustained, if any.

(b) It is not a prerequisite to recovery under this subsection that the plaintiff suffered or was threatened with special, as contrasted with general, damages.

(c) Any person may bring an action to enjoin the release of confidential information or records concerning him or her or his or her ward, in violation of the provisions of this section, and may in the same action seek damages as provided in this subsection.

(d) The court may award to the plaintiff, should he or she prevail in any action authorized by this subsection, reasonable attorney fees in addition to those otherwise provided by law.

(e) If an action is brought under this subsection, no action may be brought under RCW 70.02.170.

## **PART V**

NEW SECTION. **Sec. 501.** Section 302 of this act expires July 1, 2026.

NEW SECTION. **Sec. 502.** Section 303 of this act takes effect July 1, 2026.

NEW SECTION. **Sec. 503.** Section 203 of this act takes effect July 1, 2021."

Correct the title.

Signed by Representatives Ormsby, Chair; Stokesbary, Ranking Minority Member; Robinson, 1st Vice Chair; Bergquist, 2nd Vice Chair; MacEwen, Assistant

Ranking Minority Member; Rude, Assistant Ranking Minority Member; Caldier; Chandler; Chopp; Cody; Corry; Dolan; Dye; Fitzgibbon; Hansen; Hoff; Hudgins; Kilduff; Kraft; Macri; Mosbrucker; Pettigrew; Pollet; Ryu; Schmick; Senn; Springer; Steele; Sullivan; Sutherland; Tarleton; Tharinger and Ybarra.

Referred to Committee on Appropriations.

February 27, 2020 503.0.

ESSB 6261 Prime Sponsor, Committee on Labor & Commerce: (REVISED FOR ENGROSSED: Strengthening the farm labor contractor system by removing an exemption for nonprofits. ) Reported by Committee on Labor & Workplace Standards

MAJORITY recommendation: Do pass. Signed by Representatives Sells, Chair; Chapman, Vice Chair; Gregerson and Ormsby.

MINORITY recommendation: Do not pass. Signed by Representatives Mosbrucker, Ranking Minority Member and Hoff.

Referred to Committee on Rules for second reading.

February 26, 2020 503.0.

SB 6286 Prime Sponsor, Senator Frockt: Permitting athlete agents to provide some benefits to student athletes. Reported by Committee on Consumer Protection & Business

MAJORITY recommendation: Do pass. Signed by Representatives Kirby, Chair; Vick, Ranking Minority Member; Hoff, Assistant Ranking Minority Member; Barkis; Blake; Duerr; Dufault; Johnson, J.; Ryu; Santos; Volz; Walen and Ybarra.

Referred to Committee on Rules for second reading.

February 26, 2020 503.0.

SSB 6297 Prime Sponsor, Committee on Early Learning & K-12 Education: Recognizing the experience of existing early learning providers to meet educational requirements. Reported by Committee on Human Services & Early Learning

MAJORITY recommendation: Do pass as amended. 503.0.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 504. A new section is added to chapter 43.216 RCW to read as follows:

(1) The department must provide persons working as early learning providers on the effective date of this section and who are required to have early childhood education initial certificates or short certificates, or both, the option to meet these requirements through their experience-based demonstrated competence.

(2) An existing early learning provider is eligible to demonstrate their competence if the provider:

(a) Has been employed by a licensed child care center or home, or both, for a total of seven years by August 1, 2026; and

(b) Completed all training that was required during the seven years including in-service requirements and health and safety training.

(3) The experience-based demonstrated competence is an individual determination and is portable between facilities.

(4) The department must review applications for the experience-based competency demonstration and inform applicants of their results on a quarterly basis.

(5) This section expires December 31, 2027.

NEW SECTION. Sec. 505. A new section is added to chapter 43.216 RCW to read as follows:

(1) The department must provide persons working as early learning providers on the effective date of this section and who are required to have early childhood education initial certificates or short certificates, or both, the option to meet these requirements through their experience-based demonstrated competence.

(2) An existing early learning provider is eligible to demonstrate their competence if the provider:

(a) Has been employed by a licensed child care center or home, or both, for a total of seven years by August 1, 2024; and

(b) Completed all training that was required during the seven years including in-service requirements and health and safety training.

(3) The experience-based demonstrated competence is an individual determination and is portable between facilities.

(4) The department must review applications for the experience-based competency demonstration and inform applicants of their results on a quarterly basis.

(5) This section expires December 31, 2025.

NEW SECTION. Sec. 506. (1) Section 1 of this act takes effect only if chapter . . . (Substitute House Bill No. 2556), Laws of 2020 is enacted by the effective date of this section.

(2) Section 2 of this act takes effect only if chapter . . . (Substitute House Bill No. 2556), Laws of 2020 is not enacted by the effective date of this section.

Correct the title.

Signed by Representatives Senn, Chair; Callan, Vice Chair; Frame, Vice Chair; Dent, Ranking Minority Member; Eslick, Assistant Ranking Minority Member; McCaslin, Assistant Ranking Minority Member; Corry; Goodman; Griffey; Kilduff; Klippert; Lovick and Ortiz-Self.

Referred to Committee on Appropriations.

March 2, 2020 506.0.

2SSB 6309 Prime Sponsor, Committee on Ways & Means: Expanding access to nutritious food. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Ormsby, Chair; Stokesbary, Ranking Minority Member; Robinson, 1st Vice Chair; Bergquist, 2nd Vice Chair; MacEwen, Assistant Ranking Minority Member; Rude, Assistant Ranking Minority Member; Caldier; Chandler; Chopp; Cody; Corry; Dolan; Dye; Fitzgibbon; Hansen; Hoff; Hudgins; Kilduff; Kraft; Macri; Mosbrucker; Pettigrew; Pollet; Ryu; Schmick; Senn; Springer; Steele; Sullivan; Sutherland; Tarleton; Tharinger and Ybarra.

Referred to Committee on Appropriations.

February 26, 2020 506.0.

SB 6326 Prime Sponsor, Senator Warnick: Concerning municipal conflicts of interest. Reported by Committee on Local Government

MAJORITY recommendation: Do pass. Signed by Representatives Pollet, Chair; Duerr, Vice Chair; Kraft, Ranking Minority Member; Goehner and Senn.

Referred to Committee on Rules for second reading.

March 2, 2020 506.0.

SB 6370 Prime Sponsor, Senator Nguyen: Concerning individuals under the department of corrections' jurisdiction. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass as amended.  
506.0.

Strike everything after the enacting clause and insert the following:

"Sec. 507. RCW 9.94A.589 and 2015 2nd sp.s. c 3 s 13 are each amended to read as follows:

(1)(a) Except as provided in (b), (c), or (d) of this subsection, whenever a person is to be sentenced for two or more current offenses, the sentence range for each current offense shall be determined by using all other current and prior convictions as if they were prior convictions for the

purpose of the offender score: PROVIDED, That if the court enters a finding that some or all of the current offenses encompass the same criminal conduct then those current offenses shall be counted as one crime. Sentences imposed under this subsection shall be served concurrently. Consecutive sentences may only be imposed under the exceptional sentence provisions of RCW 9.94A.535. "Same criminal conduct," as used in this subsection, means two or more crimes that require the same criminal intent, are committed at the same time and place, and involve the same victim. This definition applies in cases involving vehicular assault or vehicular homicide even if the victims occupied the same vehicle.

(b) Whenever a person is convicted of two or more serious violent offenses arising from separate and distinct criminal conduct, the standard sentence range for the offense with the highest seriousness level under RCW 9.94A.515 shall be determined using the offender's prior convictions and other current convictions that are not serious violent offenses in the offender score and the standard sentence range for other serious violent offenses shall be determined by using an offender score of zero. The standard sentence range for any offenses that are not serious violent offenses shall be determined according to (a) of this subsection. All sentences imposed under this subsection (1)(b) shall be served consecutively to each other and concurrently with sentences imposed under (a) of this subsection. Even if the court orders the confinement terms to run consecutively to each other, the terms of community custody shall run concurrently to each other, unless the court expressly orders the community custody terms to run consecutively to each other.

(c) If an offender is convicted under RCW 9.41.040 for unlawful possession of a firearm in the first or second degree and for the felony crimes of theft of a firearm or possession of a stolen firearm, or both, the standard sentence range for each of these current offenses shall be determined by using all other current and prior convictions, except other current convictions for the felony crimes listed in this subsection (1)(c), as if they were prior convictions. The offender shall serve consecutive sentences for each conviction of the felony crimes listed in this subsection (1)(c), and for each firearm unlawfully possessed.

(d) All sentences imposed under RCW 46.61.502(6), 46.61.504(6), or 46.61.5055(4) shall be served consecutively to any sentences imposed under RCW 46.20.740 and 46.20.750.

(2)(a) ~~((Except as provided in (b) of this subsection,))~~  
Whenever a person while under sentence for conviction of a felony commits another felony and is sentenced to another term of confinement, the latter term of confinement shall not begin until expiration of all prior terms of confinement. However, any terms of community custody shall run concurrently to each other, unless the court pronouncing the current sentence expressly orders that they be served consecutively.

(b) Whenever a second or later felony conviction results in consecutive community ~~((supervision))~~ custody with conditions not currently in effect, under the prior

sentence or sentences of community ~~((supervision))~~ custody the court may require that the conditions of community ~~((supervision))~~ custody contained in the second or later sentence begin during the immediate term of community ~~((supervision))~~ custody and continue throughout the duration of the consecutive term of community ~~((supervision))~~ custody.

(3) Subject to subsections (1) and (2) of this section, whenever a person is sentenced for a felony that was committed while the person was not under sentence for conviction of a felony, the sentence shall run concurrently with any felony sentence which has been imposed by any court in this or another state or by a federal court subsequent to the commission of the crime being sentenced unless the court pronouncing the current sentence expressly orders that ~~((they))~~ the confinement terms be served consecutively to each other. Even if the court orders the confinement terms to run consecutively to each other, the terms of community custody shall run concurrently to each other, unless the court expressly orders the community custody terms to run consecutively to each other.

(4) Whenever any person granted probation under RCW 9.95.210 or 9.92.060, or both, has the probationary sentence revoked and a prison sentence imposed, that sentence shall run consecutively to any sentence imposed pursuant to this chapter, unless the court pronouncing the subsequent sentence expressly orders that they be served concurrently.

(5) In the case of consecutive sentences, all periods of total confinement shall be served before any partial confinement, community restitution, community supervision, or any other requirement or conditions of any of the sentences. Except for exceptional sentences as authorized under RCW 9.94A.535, if two or more sentences that run consecutively include periods of community supervision, the aggregate of the community supervision period shall not exceed twenty-four months.

**Sec. 508.** RCW 9.94B.050 and 2003 c 379 s 4 are each amended to read as follows:

When a court sentences an offender to a term of total confinement in the custody of the department for any of the offenses specified in this section, the court shall also sentence the offender to a term of community placement as provided in this section. Except as provided in RCW 9.94A.501, the department shall supervise any sentence of community placement imposed under this section.

(1) The court shall order a one-year term of community placement for the following:

(a) A sex offense or a serious violent offense committed after July 1, 1988, but before July 1, 1990; or

(b) An offense committed on or after July 1, 1988, but before July 25, 1999, that is:

(i) Assault in the second degree;

(ii) Assault of a child in the second degree;

(iii) A crime against persons where it is determined in accordance with RCW ~~((9.94A.602))~~ 9.94A.825 that the

offender or an accomplice was armed with a deadly weapon at the time of commission; or

(iv) A felony offense under chapter 69.50 or 69.52 RCW not sentenced under RCW 9.94A.660.

(2) The court shall sentence the offender to a term of community placement of two years or up to the period of earned release awarded pursuant to RCW 9.94A.728, whichever is longer, for:

(a) An offense categorized as a sex offense committed on or after July 1, 1990, but before June 6, 1996, including those sex offenses also included in other offense categories;

(b) A serious violent offense other than a sex offense committed on or after July 1, 1990, but before July 1, 2000; or

(c) A vehicular homicide or vehicular assault committed on or after July 1, 1990, but before July 1, 2000.

(3) The community placement ordered under this section shall begin either upon completion of the term of confinement or at such time as the offender is transferred to community custody in lieu of earned release. When the court sentences an offender to the statutory maximum sentence then the community placement portion of the sentence shall consist entirely of the community custody to which the offender may become eligible. Any period of community custody actually served shall be credited against the community placement portion of the sentence. The community placement shall run concurrently to any period of probation, parole, community supervision, community placement, or community custody previously imposed by any court in any jurisdiction, unless the court pronouncing the current sentence expressly orders that they be served consecutively to each other.

(4) Unless a condition is waived by the court, the terms of any community placement imposed under this section shall include the following conditions:

(a) The offender shall report to and be available for contact with the assigned community corrections officer as directed;

(b) The offender shall work at department-approved education, employment, or community restitution, or any combination thereof;

(c) The offender shall not possess or consume controlled substances except pursuant to lawfully issued prescriptions;

(d) The offender shall pay supervision fees as determined by the department; and

(e) The residence location and living arrangements shall be subject to the prior approval of the department during the period of community placement.

(5) As a part of any terms of community placement imposed under this section, the court may also order one or more of the following special conditions:

(a) The offender shall remain within, or outside of, a specified geographical boundary;

(b) The offender shall not have direct or indirect contact with the victim of the crime or a specified class of individuals;

(c) The offender shall participate in crime-related treatment or counseling services;

(d) The offender shall not consume alcohol; or

(e) The offender shall comply with any crime-related prohibitions.

(6) An offender convicted of a felony sex offense against a minor victim after June 6, 1996, shall comply with any terms and conditions of community placement imposed by the department relating to contact between the sex offender and a minor victim or a child of similar age or circumstance as a previous victim.

(7) Prior to or during community placement, upon recommendation of the department, the sentencing court may remove or modify any conditions of community placement so as not to be more restrictive.

**NEW SECTION. Sec. 509.** The legislature declares that the department of corrections' recalculations of community custody terms pursuant to sections 1 and 2 of this act do not create any expectations that a particular community custody term will end before June 1, 2020, and offenders have no reason to conclude that the recalculation of their community custody terms before June 1, 2020, is an entitlement or creates any liberty interest in their community custody term ending before June 1, 2020. The department of corrections is authorized to take the time reasonably necessary to complete the recalculations of community custody terms after the effective date of this section.

**NEW SECTION. Sec. 510.** The department of corrections has the authority to begin implementing this act upon the effective date of this section.

**NEW SECTION. Sec. 511.** Sections 1 and 2 of this act apply retroactively and prospectively regardless of the date of an offender's underlying offense.

**NEW SECTION. Sec. 512.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect June 1, 2020."

Correct the title.

Signed by Representatives Ormsby, Chair; Stokesbary, Ranking Minority Member; Robinson, 1st Vice Chair; Bergquist, 2nd Vice Chair; MacEwen, Assistant Ranking Minority Member; Rude, Assistant Ranking Minority Member; Caldier; Chandler; Chopp; Cody; Corry; Dolan; Dye; Fitzgibbon; Hansen; Hoff; Hudgins; Kilduff; Macri; Pettigrew; Pollet; Ryu; Schmick; Senn; Springer; Steele; Sullivan; Sutherland; Tarleton; Tharinger and Ybarra.

MINORITY recommendation: Do not pass. Signed by Representative Kraft.

MINORITY recommendation: Without recommendation. Signed by Representative Mosbrucker.

Referred to Committee on Appropriations.

February 26, 2020 512.0.

**SB 6374**

Prime Sponsor, Senator Holy: Concerning apprenticeship materials for dual credit scholarship programs. Reported by Committee on College & Workforce Development

MAJORITY recommendation: Do pass. Signed by Representatives Hansen, Chair; Entenman, Vice Chair; Leavitt, Vice Chair; Van Werven, Ranking Minority Member; Gildon, Assistant Ranking Minority Member; Graham, Assistant Ranking Minority Member; Bergquist; Kraft; Mead; Paul; Pollet; Ramos; Rude; Sells; Slatter; Sutherland and Young.

Referred to Committee on Rules for second reading.

February 26, 2020 512.0.

**SB 6420**

Prime Sponsor, Senator Takko: Concerning underground utilities and safety committee. Reported by Committee on Local Government

MAJORITY recommendation: Do pass as amended. 512.0.

Strike everything after the enacting clause and insert the following:

"Sec. 513. RCW 19.122.020 and 2011 c 263 s 2 are each reenacted and amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Bar hole" means a hole made in the soil or pavement with a hand-operated bar for the specific purpose of testing the subsurface atmosphere with a combustible gas indicator.

(2) "Business day" means any day other than Saturday, Sunday, or a legal local, state, or federal holiday.

(3) "Commission" means the utilities and transportation commission.

(4) "Damage" includes the substantial weakening of structural or lateral support of an underground facility, penetration, impairment, or destruction of any underground protective coating, housing, or other protective device, or the severance, partial or complete, of any underground facility to the extent that the project owner or the affected facility operator determines that repairs are required.

(5) "Emergency" means any condition constituting a clear and present danger to life or property, or a customer service outage.

(6) "End user" means any utility customer or consumer of utility services or commodities provided by a facility operator.

(7) "Equipment operator" means an individual conducting an excavation.

(8) "Excavation" and "excavate" means any operation, including the installation of signs, in which earth, rock, or other material on or below the ground is moved or otherwise displaced by any means.

(9) "Excavation confirmation code" means a code or ticket issued by a one-number locator service for the site where an excavation is planned. The code must be accompanied by the date and time it was issued.

(10) "Excavator" means any person who engages directly in excavation.

(11) "Facility operator" means any person who owns an underground facility or is in the business of supplying any utility service or commodity for compensation. "Facility operator" does not include a utility customer who owns a service lateral that terminates at a facility operator's main utility line.

(12) "Gas" means natural gas, flammable gas, or toxic or corrosive gas.

(13) "Hazardous liquid" means:

(a) Petroleum, petroleum products, or anhydrous ammonia as those terms are defined in 49 C.F.R. Part 195 as in effect on March 1, 1998;

(b) Carbon dioxide; and

(c) Other substances designated as hazardous by the secretary of transportation and incorporated by reference by the commission by rule.

(14) "Identified but unlocatable underground facility" means an underground facility which has been identified but cannot be located with reasonable accuracy.

(15) "Large project" means a project that exceeds seven hundred linear feet.

(16) "Locatable underground facility" means an underground facility which can be marked with reasonable accuracy.

(17) "Marking" means the use of stakes, paint, or other clearly identifiable materials to show the field location of underground facilities, in accordance with the current color code standard of the American public works association. Markings shall include identification letters indicating the specific type of the underground facility. Locate marks are not required to indicate the depth of the underground facility given the potential change of topography over time.

(18) "Notice" or "notify" means contact in person or by telephone or other electronic method, and, with respect to contact of a one-number locator service, also results in the receipt of a valid excavation confirmation code.

(19) "One-number locator service" means a service through which a person can notify facility operators and request marking of underground facilities.

(20) "Person" means an individual, partnership, franchise holder, association, corporation, the state, a city, a county, a town, or any subdivision or instrumentality of the state, including any unit of local government, and its employees, agents, or legal representatives.

(21) "Pipeline" or "pipeline system" means all or parts of a pipeline facility through which hazardous liquid or gas moves in transportation, including, but not limited to, line pipe, valves, and other appurtenances connected to line pipe, pumping units, fabricated assemblies associated with pumping or compressor units, metering and delivery stations and fabricated assemblies therein, and breakout tanks. "Pipeline" or "pipeline system" does not include process or transfer pipelines.

(22) "Pipeline company" means a person or entity constructing, owning, or operating a pipeline for transporting hazardous liquid or gas. "Pipeline company" does not include:

(a) Distribution systems owned and operated under franchise for the sale, delivery, or distribution of natural gas at retail; or

(b) Excavation contractors or other contractors that contract with a pipeline company.

(23) "Reasonable accuracy" means location within twenty-four inches of the outside dimensions of both sides of an underground facility.

(24) "Service lateral" means an underground water, stormwater, or sewer facility located in a public right-of-way or utility easement that connects an end user's building or property to a facility operator's underground facility, and terminates beyond the public right-of-way or utility easement.

(25) "Transfer pipeline" means a buried or aboveground pipeline used to carry hazardous liquid between a tank vessel or transmission pipeline and the first valve inside secondary containment at a facility, provided that any discharge on the facility side of the first valve will not directly impact waters of the state. "Transfer pipeline" includes valves and other appurtenances connected to the pipeline, pumping units, and fabricated assemblies associated with pumping units. "Transfer pipeline" does not include process pipelines, pipelines carrying ballast or bilge water, transmission pipelines, or tank vessel or storage tanks.

(26) "Transmission pipeline" means a pipeline that transports hazardous liquid or gas within a storage field, or transports hazardous liquid or gas from an interstate pipeline or storage facility to a distribution main or a large volume hazardous liquid or gas user, or operates at a hoop stress of twenty percent or more of the specified minimum yield strength.

(27) "Underground facility" means any item buried or placed below ground for use in connection with the storage or conveyance of water, sewage, electronic, telephonic or

telegraphic communications, cablevision, electric energy, petroleum products, gas, gaseous vapors, hazardous liquids, or other substances and including but not limited to pipes, sewers, conduits, cables, valves, lines, wires, manholes, attachments, and those parts of poles or anchors that are below ground. This definition does not include pipelines as defined in subsection (21) of this section, but does include distribution systems owned and operated under franchise for the sale, delivery, or distribution of natural gas at retail.

(28) "Unlocatable underground facility" means, subject to the provisions of RCW 19.122.030, an underground facility that cannot be marked with reasonable accuracy using available information to designate the location of an underground facility. "Unlocatable underground facility" includes, but is not limited to, service laterals, storm drains, and nonconductive and nonmetallic underground facilities that do not contain trace wires.

(29) "Utility easement" means a right held by a facility operator to install, maintain, and access an underground facility or pipeline.

**Sec. 514.** RCW 19.122.050 and 2011 c 263 s 9 are each amended to read as follows:

(1) An excavator who, in the course of excavation, contacts or damages an underground facility shall notify the facility operator and a one-number locator service, and report the damage as required under RCW 19.122.053. If the damage causes an emergency condition, the excavator causing the damage shall also call 911 to alert the appropriate local public safety agencies and take all appropriate steps to ensure the public safety. No damaged underground facility may be buried until it is repaired or relocated.

(2) A facility operator notified in accordance with subsection (1) of this section shall arrange for repairs or relocation as soon as is practical, or permit the excavator to do necessary repairs or relocation at a mutually acceptable price.

**Sec. 515.** RCW 19.122.130 and 2017 c 20 s 1 are each amended to read as follows:

(1) The commission must contract with a statewide, nonprofit entity whose purpose is to reduce damages to underground and above ground facilities, promote safe excavation practices, and review complaints of alleged violations of this chapter. The contract must not obligate funding by the commission for activities performed by the nonprofit entity or the safety committee under this section.

(2) The contracting entity must create a safety committee to:

(a) Advise the commission and other state agencies, the legislature, and local governments on best practices and training to prevent damage to underground utilities, and policies to enhance worker and public safety; and

(b) Review complaints alleging violations of this chapter involving practices related to underground facilities.

(3)(a) The safety committee will consist of thirteen members, who must be nominated by represented groups

and appointed by the contracting entity to staggered three-year terms. The safety committee must include representatives of:

(i) Local governments;

(ii) A natural gas utility subject to regulation under Titles 80 and 81 RCW;

(iii) Contractors;

(iv) Excavators;

(v) An electric utility subject to regulation under Title 80 RCW;

(vi) A consumer-owned utility, as defined in RCW 19.27A.140;

(vii) A pipeline company;

(viii) ~~((The insurance industry;))~~ A water-sewer district subject to regulation under Title 57 RCW;

(ix) The commission; and

(x) A telecommunications company.

(b) The safety committee may pass bylaws and provide for those organizational processes that are necessary to complete the safety committee's tasks.

(4) The safety committee must meet at least once every three months.

(5) The safety committee may review complaints of alleged violations of this chapter involving practices related to underground facilities. Any person may bring a complaint to the safety committee regarding an alleged violation occurring on or after January 1, 2013.

(6) To review complaints of alleged violations, the safety committee must appoint at least three and not more than five members as a review committee. The review committee must ~~((include the same number of members representing excavators and facility operators. One member representing facility operators must also be a representative of a pipeline company or a natural gas utility subject to regulation under Titles 80 and 81 RCW. The review committee must also include a member representing the insurance industry;))~~ be a balanced group, including at least one excavator and one facility operator.

(7) Before reviewing a complaint alleging a violation of this chapter, the review committee must notify the person making the complaint and the alleged violator of its review and of the opportunity to participate.

(8) The safety committee may provide written notification to the commission, with supporting documentation, that a person has likely committed a violation of this chapter, and recommend remedial action that may include a penalty amount, training, or education to improve public safety, or some combination thereof."

Correct the title.



Signed by Representatives Pollet, Chair; Duerr, Vice Chair; Kraft, Ranking Minority Member; Goehner and Senn.

Referred to Committee on Rules for second reading.

February 26, 2020 515.0.

**SB 6468** Prime Sponsor, Senator Randall: Repealing the legislative advisory committee to the committee on advanced tuition payment. Reported by Committee on College & Workforce Development

MAJORITY recommendation: Do pass. Signed by Representatives Hansen, Chair; Entenman, Vice Chair; Leavitt, Vice Chair; Van Werven, Ranking Minority Member; Gildon, Assistant Ranking Minority Member; Graham, Assistant Ranking Minority Member; Bergquist; Kraft; Mead; Paul; Pollet; Ramos; Rude; Sells; Slatter; Sutherland and Young.

Referred to Committee on Rules for second reading.

February 25, 2020 515.0.

**ESSB 6473** Prime Sponsor, Committee on Labor & Commerce: Concerning asbestos-containing building materials. Reported by Committee on Environment & Energy

MAJORITY recommendation: Do pass as amended. 515.0.

Strike everything after the enacting clause and insert the following:

"**NEW SECTION. Sec. 516.** A new section is added to chapter 70.310 RCW to read as follows:

(1) Except as provided in subsection (2) of this section, the use of asbestos-containing building materials in new construction or renovations is prohibited.

(2) Subsection (1) of this section does not apply to:

(a) The use of asbestos-containing building materials in residential construction;

(b) The use of asbestos-containing building materials that are, as of the effective date of this section, already ordered by a contractor or currently in the possession of the contractor; or

(c) The use of asbestos-containing building materials if complying with subsection (1) of this section would result in the breach of a contract existing as of the effective date of this section.

**Sec. 517.** RCW 70.310.020 and 2013 c 51 s 2 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Asbestos" includes the asbestiform varieties of actinolite, amosite (cummingtonite-grunerite), tremolite,

chrysotile (serpentine), crocidolite (riebeckite), anthophyllite, and any of these minerals that have been chemically treated or altered. The chemical abstracts service registry number for each is as follows: Asbestos (1332-21-4), actinolite (13768-00-8), amosite (12172-73-5), tremolite (14567-73-8), chrysotile (12001-29-5), crocidolite (12001-28-4), and anthophyllite (17068-78-9).

(2) "Asbestos-containing building material" means ~~((any))~~:

(a) Until January 1, 2025, any building material to which asbestos is deliberately added in any concentration or that contains more than one percent asbestos by weight or area as determined using the United States environmental protection agency method for the determination of asbestos in building materials, EPA/600/R-93/116, July 1993; and

(b) Beginning January 1, 2025, any building material to which asbestos is deliberately added in any concentration or that contains more than one-tenth of one percent asbestos by weight or area as determined using the United States environmental protection agency method for the determination of asbestos in building materials, EPA/600/R-93/116, July 1993.

(3) "Building material" includes materials designed for, or used in, construction, renovation, repair, or maintenance of institutional, commercial, public, industrial, or residential buildings and structures. The term does not include automobiles, recreational vehicles, boats, or other mobile means of transportation.

(4) "Consumer" means any person that acquires a building material for direct use or ownership, rather than for resale or use in production and manufacturing.

(5) "Department" means the department of ecology.

(6) "Person" means any individual, firm, public or private corporation, association, partnership, political subdivision, municipality, or government agency.

(7) "Retailer" means any person that sells goods or commodities directly to consumers.

(8) "Interested party" means any contractor, subcontractor, or worker that performs, or is reasonably expected to perform, work at a facility covered under section 3 of this act or any organization whose members perform, or are reasonably expected to perform, work at a facility covered under section 3 of this act.

(9) "Residential construction" means construction, alteration, repair, improvement, or maintenance of single-family dwellings, duplexes, apartments, condominiums, and other residential structures not to exceed four stories in height, including the basement.

**NEW SECTION. Sec. 518.** A new section is added to chapter 70.310 RCW to read as follows:

(1) Every owner of a facility that is engaged in activities described in codes 31 through 33 of the North American industry classification system must:

(a) Perform an inspection of the facility to determine whether asbestos-containing building materials are present

and, if asbestos-containing building materials are found during the initial inspection, reinspect asbestos-containing building materials every five years thereafter. The inspections must be conducted by persons meeting the accreditation requirements of the federal toxic substances control act, 15 U.S.C. Sec. 2646 (b) or (c); and

(b) Develop, maintain, and update an asbestos management plan and keep a copy at the facility. The asbestos management plan must be updated every five years and after any material changes in asbestos-containing building materials in the facility. The asbestos management plan must include:

(i) The name and address of the facility and whether the facility has asbestos-containing building materials, and the type of asbestos-containing building material;

(ii) The date of the original facility inspection;

(iii) A plan for reinspections;

(iv) A blueprint of the facility that clearly identifies the location of asbestos-containing building materials;

(v) A description of any response action or prevention measures taken to reduce asbestos exposure;

(vi) A copy of the analysis of any building or facility, and the name and address of any laboratory that sampled the material;

(vii) The name, address, and telephone number of a designated contact to whom the owner has assigned responsibility for ensuring that the duties of the owner are carried out; and

(viii) A description of steps taken to inform workers about inspections, reinspections, response actions, and periodic surveillance of the asbestos-containing building materials.

(2) Upon request, the asbestos management plan required under subsection (1)(b) of this section must be made available to the department, the department of labor and industries, local air pollution control authorities in jurisdictions where they have been created under this chapter, and any interested party. In addition to the penalties established by this chapter, failure to create or maintain a required asbestos management plan is a violation of chapter 49.17 RCW and subject to the penalties established under RCW 49.17.180 and 49.17.190.

**NEW SECTION. Sec. 519.** A new section is added to chapter 49.17 RCW to read as follows:

(1) The asbestos plan requirements in section 3(1)(b) of this act are an industrial health or safety standard adopted under the authority of this chapter.

(2) A violation of the requirements of section 3(1)(b) of this act is subject to the penalties established under RCW 49.17.180 and 49.17.190 for violations of safety or health standards adopted under the authority of this chapter.

**NEW SECTION. Sec. 520.** If any provision of this act or its application to any person or circumstance is held

invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

Correct the title.

Signed by Representatives Fitzgibbon, Chair; Lekanoff, Vice Chair; DeBolt, Ranking Minority Member; Dye, Assistant Ranking Minority Member; Boehnke; Doglio; Goehner; Mead; Robinson and Shewmake.

Referred to Committee on Rules for second reading.

February 25, 2020 520.0.

**SSB 6531**

Prime Sponsor, Committee on Labor & Commerce: Concerning the performance of personal services by a craft distillery, distiller, or spirits certificate of approval holder. Reported by Committee on Commerce & Gaming

**MAJORITY recommendation:** Do pass as amended. 520.0.

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** A new section is added to chapter 66.28 RCW to read as follows:

The legislature finds that synchronizing the statutory provisions for consumer tastings among beer, wine, and spirits supports fair and equitable marketing practices. It is the intent of the legislature that consumer tastings opportunities be conducted in a fashion that is mindful and respectful to restaurant patrons who do not consume alcohol.

**Sec. 2.** RCW 66.28.310 and 2019 c 149 s 1 are each amended to read as follows:

(1)(a) Nothing in RCW 66.28.305 prohibits an industry member from providing retailers branded promotional items which are of nominal value, singly or in the aggregate. Such items include but are not limited to: Trays, lighters, blotters, postcards, pencils, coasters, menu cards, meal checks, napkins, clocks, mugs, glasses, bottles or can openers, corkscrews, matches, printed recipes, shirts, hats, visors, and other similar items. Branded promotional items:

(i) Must be used exclusively by the retailer or its employees in a manner consistent with its license;

(ii) Must bear imprinted advertising matter of the industry member only, except imprinted advertising matter of the industry member can include the logo of a professional sports team which the industry member is licensed to use;

(iii) May be provided by industry members only to retailers and their employees and may not be provided by or through retailers or their employees to retail customers; and

(iv) May not be targeted to or appeal principally to youth.

(b) An industry member is not obligated to provide any such branded promotional items, and a retailer may not

require an industry member to provide such branded promotional items as a condition for selling any alcohol to the retailer.

(c) Any industry member or retailer or any other person asserting that the provision of branded promotional items as allowed in (a) of this subsection has resulted or is more likely than not to result in undue influence or an adverse impact on public health and safety, or is otherwise inconsistent with the criteria in (a) of this subsection may file a complaint with the board. Upon receipt of a complaint the board may conduct such investigation as it deems appropriate in the circumstances. If the investigation reveals the provision of branded promotional items has resulted in or is more likely than not to result in undue influence or has resulted or is more likely than not to result in an adverse impact on public health and safety or is otherwise inconsistent with (a) of this subsection the board may issue an administrative violation notice to the industry member, to the retailer, or both. The recipient of the administrative violation notice may request a hearing under chapter 34.05 RCW.

(2) Nothing in RCW 66.28.305 prohibits:

(a) An industry member from providing to a special occasion licensee and a special occasion licensee from receiving services for:

(i) Installation of draft beer dispensing equipment or advertising;

(ii) Advertising, pouring, or dispensing of beer or wine at a beer or wine tasting exhibition or judging event; or

(iii) Pouring or dispensing of spirits by a licensed domestic distiller or the accredited representative of a distiller, manufacturer, importer, or distributor of spirituous liquor licensed under RCW 66.24.310; or

(b) Special occasion licensees from paying for beer, wine, or spirits immediately following the end of the special occasion event; or

(c) Wineries, breweries, or distilleries that are participating in a special occasion event from paying reasonable booth fees to the special occasion licensee.

(3) Nothing in RCW 66.28.305 prohibits industry members from performing, and retailers from accepting the service of building, rotating, and restocking displays and stockroom inventories; rotating and rearranging can and bottle displays of their own products; providing point of sale material and brand signs; pricing case goods of their own brands; and performing such similar business services consistent with board rules, or personal services as described in subsection (5) of this section.

(4) Nothing in RCW 66.28.305 prohibits:

(a) Industry members from listing on their internet web sites information related to retailers who sell or promote their products, including direct links to the retailers' internet web sites;

(b) Retailers from listing on their internet web sites information related to industry members whose products

those retailers sell or promote, including direct links to the industry members' web sites;

(c) Manufacturers, distributors, or their licensed representatives from using web sites or social media accounts in their name to post, repost, or share promotional information or images about events featuring a product of the manufacturer's own production or a product sold by the distributor, held at an on-premises licensed liquor retailer's location or a licensed special occasion event. The promotional information may include links to purchase event tickets. Manufacturers, distributors, or their licensed representatives may not pay a third party to enhance viewership of a specific post. Industry members, or their licensed representatives, are not obligated to post, repost, or share information or images on a web site or on social media. A licensed liquor retailer may not require an industry member or their licensed representative to post, repost, or share information or images on a web site or on social media as a condition for selling any alcohol to the retailer or participating in a retailer's event; or

(d) Industry members and retailers from producing, jointly or together with regional, state, or local industry associations, brochures and materials promoting tourism in Washington state which contain information regarding retail licensees, industry members, and their products.

(5) Nothing in RCW 66.28.305 prohibits the performance of personal services offered from time to time by a domestic winery or certificate of approval holder to retailers when the personal services are (a) conducted at a licensed premises, and (b) intended to inform, educate, or enhance customers' knowledge or experience of the manufacturer's products. The performance of personal services may include participation and pouring, bottle signing events, and other similar informational or educational activities at the premises of a retailer holding a spirits, beer, and wine restaurant license, a wine and/or beer restaurant license, a specialty wine shop license, a special occasion license, a grocery store license with a tasting endorsement, or a private club license. A domestic winery or certificate of approval holder is not obligated to perform any such personal services, and a retail licensee may not require a domestic winery or certificate of approval holder to conduct any personal service as a condition for selling any alcohol to the retail licensee, or as a condition for including any product of the domestic winery or certificate of approval holder in any tasting conducted by the licensee. Except as provided in RCW 66.28.150, the cost of sampling may not be borne, directly or indirectly, by any domestic winery or certificate of approval holder or any distributor. Nothing in this section prohibits wineries, breweries, microbreweries, certificate of approval holders, and retail licensees from identifying the producers on private labels authorized under RCW 66.24.400, 66.24.425, 66.24.450, 66.24.360, and 66.24.371.

(6) Nothing in RCW 66.28.305 prohibits an industry member from entering into an arrangement with any holder of a sports entertainment facility license or an affiliated business for brand advertising at the licensed facility or promoting events held at the sports entertainment facility as authorized under RCW 66.24.570.

(7) Nothing in RCW 66.28.305 prohibits the performance of personal services offered from time to time by a domestic brewery, microbrewery, or beer certificate of approval holder to grocery store licensees with a tasting endorsement when the personal services are (a) conducted at a licensed premises in conjunction with a tasting event, and (b) intended to inform, educate, or enhance customers' knowledge or experience of the manufacturer's products. The performance of personal services may include participation and pouring, bottle signing events, and other similar informational or educational activities. A domestic brewery, microbrewery, or beer certificate of approval holder is not obligated to perform any such personal services, and a grocery store licensee may not require the performance of any personal service as a condition for including any product in any tasting conducted by the licensee.

(8) Nothing in RCW 66.28.305 prohibits the performance of personal services offered from time to time by a craft distillery, distiller, or spirits certificate of approval holder to retailers when the personal services are: (a) Conducted at a licensed premises, and (b) intended to inform, educate, or enhance customers' knowledge or experience of the manufacturer's products. The performance of personal services may include participation and pouring, bottle signing events, and other similar informational or educational activities at the premises of a restaurant holding a spirits, beer, and wine license, at the premises of a special occasion licensed event, or at the premises of a private club licensee. A craft distillery, distiller, or spirits certificate of approval holder is not obligated to perform any such personal services, and a retail licensee may not require a craft distillery, distiller, or spirits certificate of approval holder to conduct any personal service as a condition for selling any alcohol to the retail licensee, or as a condition for including any product of the craft distillery, distiller, or spirits certificate of approval holder in any tasting conducted by the licensee. Except as provided in RCW 66.28.150, the cost of sampling may not be borne, directly or indirectly, by any craft distillery, distiller, or spirits certificate of approval holder. The instruction of consumers may include the furnishing of not more than three tastings to any individual in one day. A single tasting of distilled spirits may not exceed one-half ounce. If tastings of spirits authorized under this subsection (8) occur at a spirits, beer, and wine restaurant, then tastings of spirits may be offered only to consumers who first express an interest in consuming an alcoholic beverage before being offered the tasting of spirits. A distiller, a craft distillery, and a spirits certificate of approval holder must train its employees and any other person responsible for offering tastings to consumers as authorized under this subsection (8) on the requirement that consumers must express an interest in consuming an alcoholic beverage before being offered a tasting of spirits.

(9) Nothing in RCW 66.28.305 prohibits an arrangement between a domestic winery and a restaurant licensed under RCW 66.24.320 or 66.24.400 to waive a corkage fee.

~~((9))~~ (10) Nothing in this section prohibits professional sports teams who hold a retail liquor license or

their agents from accepting bona fide liquor advertising from manufacturers, importers, distributors, or their agents for use in the sporting arena. Professional sports teams who hold a retail liquor license or their agents may license the manufacturer, importer, distributor, or their agents to use the name and trademarks of the professional sports team in their advertising and promotions, under the following conditions:

(a) Such advertising must be paid for by said manufacturer, importer, distributor, or their agent at the published advertising rate or at a reasonable fair market value.

(b) Such advertising may carry with it no express or implied offer on the part of the manufacturer, importer, distributor, or their agent, or promise on the part of the retail licensee whose operation is directly or indirectly part of the sporting arena, to stock or list any particular brand of liquor to the total or partial exclusion of any other brand.

~~((49))~~ (11) Nothing in RCW 66.28.305 prohibits a licensed domestic brewery or microbrewery from providing branded promotional items which are of nominal value, singly or in the aggregate, to a nonprofit charitable corporation or association exempt from taxation under 26 U.S.C. Sec. 501(c)(3) of the internal revenue code as it existed on July 24, 2015, for use consistent with the purpose or purposes entitling it to such exemption."

Correct the title.

Signed by Representatives Peterson, Chair; MacEwen, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Blake; Jenkin; Kirby; Morgan; Ramel; Vick and Young.

Referred to Committee on Rules for second reading.

February 26, 2020 2.0.

SB 6556

Prime Sponsor, Senator Cleveland: Expanding reporting options for mandated reporters of child abuse and neglect. Reported by Committee on Human Services & Early Learning

MAJORITY recommendation: Do pass. Signed by Representatives Senn, Chair; Callan, Vice Chair; Frame, Vice Chair; Dent, Ranking Minority Member; Eslick, Assistant Ranking Minority Member; McCaslin, Assistant Ranking Minority Member; Corry; Goodman; Griffey; Kilduff; Klippert; Lovick and Ortiz-Self.

Referred to Committee on Rules for second reading.

February 29, 2020 2.0.

SSB 6605

Prime Sponsor, Committee on Labor & Commerce: Licensing security guards. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass as amended by Committee on Consumer Protection & Business.

2.0.

Strike everything after the enacting clause and insert the following:

"**Sec. 3.** RCW 18.170.040 and 1991 c 334 s 4 are each amended to read as follows:

(1) An applicant must meet the following minimum requirements to obtain an armed private security guard license:

- (a) Be licensed as a private security guard;
- (b) Be at least twenty-one years of age;
- (c) Have a current firearms certificate issued by the commission; and
- (d) Pay the fee established by the director, which must be clearly itemized on each application and renewal form.

(2) An armed private security guard license may take the form of an endorsement to the security guard license if deemed appropriate by the director.

**Sec. 4.** RCW 18.170.130 and 1995 c 277 s 10 are each amended to read as follows:

(1) Applications for licenses required under this chapter shall be filed with the director on a form provided by the director. The director may require any information and documentation that reasonably relates to the need to determine whether the applicant meets the criteria.

(2) After receipt of an application for ~~((a license))~~ licensure or renewal, the director shall conduct an investigation to determine whether the facts set forth in the application are true and shall request that the Washington state patrol compare the fingerprints submitted with the application to fingerprint records available to the Washington state patrol. The Washington state patrol shall forward the fingerprints of applicants for an armed private security guard license to the federal bureau of investigation for a national criminal history records check. The director may require that fingerprint cards of licensees be periodically reprocessed to identify criminal convictions subsequent to registration.

(3) The director shall solicit comments from the chief law enforcement officer of the county and city or town in which the applicant's employer is located on issuance of a permanent private security guard license.

(4) A summary of the information acquired under this section, to the extent that it is public information, shall be forwarded by the department to the applicant's employer.

**NEW SECTION.** **Sec. 5.** This act takes effect January 1, 2021."

Correct the title.

Signed by Representatives Ormsby, Chair; Stokesbary, Ranking Minority Member; Robinson, 1st Vice Chair; Bergquist, 2nd Vice Chair; Rude, Assistant Ranking Minority Member; Caldier; Chandler; Chopp; Cody; Corry; Dolan; Dye; Fitzgibbon; Hansen; Hoff; Hudgins;

Kilduff; Kraft; Macri; Mosbrucker; Pettigrew; Ryu; Schmick; Senn; Springer; Steele; Sullivan; Sutherland; Tarleton; Tharinger and Ybarra.

Referred to Committee on Appropriations.

February 26, 2020 5.0.

**SB 6643**

Prime Sponsor, Senator Takko: Combining a resolution proposing abandonment and a resolution proposing a council-manager plan of government into a single proposition. Reported by Committee on Local Government

MAJORITY recommendation: Do pass. Signed by Representatives Pollet, Chair; Duerr, Vice Chair; Kraft, Ranking Minority Member; Goehner and Senn.

Referred to Committee on Rules for second reading.

February 26, 2020 5.0.

**SSB 6663**

Prime Sponsor, Committee on Ways & Means: Concerning dual diagnoses of eating disorder and diabetes mellitus type 1. Reported by Committee on Health Care & Wellness

MAJORITY recommendation: Do pass. Signed by Representatives Cody, Chair; Macri, Vice Chair; Schmick, Ranking Minority Member; Caldier, Assistant Ranking Minority Member; Chambers; Chopp; Davis; DeBolt; Harris; Maycumber; Riccelli; Robinson; Stonier; Thai and Tharinger.

Referred to Committee on Rules for second reading.

There being no objection, the bills listed on the day's committee reports under the fifth order of business were referred to the committees so designated with the exception of HOUSE BILL NO. 2322 which was placed on the second reading calendar.

There being no objection, the House advanced to the sixth order of business.

## SECOND READING

**HOUSE BILL NO. 2322, by Representatives Fey and Wylie**

**Making supplemental transportation appropriations for the 2019-2021 fiscal biennium.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 2322 was substituted for House Bill No. 2322 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2322 was read the second time.

With the consent of the House, amendments (1694) and (1692) were withdrawn.

Representative Barkis moved the adoption of amendment (1690):

5.0. On page 17, after line 9, insert the following:

"(16) The Washington State Patrol is directed to terminate its "Agreement for Utility Connection and Reimbursement of Water Extension Expenses" with the City of Shelton, executed on June 12, 2017, subject to the City of Shelton's consent to terminate the agreement. The legislature finds that the water connection extension constructed by the Washington State Patrol from the City of Shelton's water facilities to the Washington State Patrol Academy was necessary to meet the water supply needs of the Academy. The legislature also finds that the water connection provides an ongoing water supply that is necessary to the operation of the training facility, that the state is making use of the water connection for these public activities, and that any future incidental use of the municipal infrastructure put in place to support these activities will not impede the Washington State Patrol's ongoing use of the water connection extension. Therefore, the legislature determines that under the public policy of this state, reimbursement by any other entity is not required, notwithstanding any prior condition regarding contributions of other entities that Washington State Patrol was required to satisfy prior to expenditure of the funds for construction of the extension, and that the Washington State Patrol shall terminate the agreement."

Representatives Barkis, Fey and Griffey spoke in favor of the adoption of the amendment.

Amendment (1690) was adopted.

Representative Dent moved the adoption of amendment (1687):

5.0. On page 30, line 8, increase the Aeronautics Account—State Appropriation by \$200,000

On page 30, line 13, correct the total

On page 31, line 34, after "(3)" strike "\$150,000" and insert "((~~\$150,000~~) \$350,000)"

Representatives Dent, Fey and Barkis spoke in favor of the adoption of the amendment.

Amendment (1687) was adopted.

Representative Fey moved the adoption of amendment (1688):

5.0. On page 43, beginning on line 10, after "impact" strike "the existing I-5 corridor from Mounts

road to Tumwater analysis." and insert ": the existing I-5 corridor from Mounts road to Tumwater design and operations alternatives analysis; design studies related to HOV lanes or operations; or where it is necessary to continue design and operations analysis related to projects already under development."

Representatives Fey and Barkis spoke in favor of the adoption of the amendment.

Amendment (1688) was adopted.

Representative Paul moved the adoption of amendment (1691):

5.0. On page 51, line 30, increase the Puget Sound Ferry Operations Account--State Appropriation by \$100,000

On page 51, line 36, correct the total

On page 54, after line 37, insert the following:

"(16) \$100,000 of the Puget Sound ferry operations account--state appropriation is provided solely to develop a plan for upgrading a second vessel to meet the international convention for the safety of life at sea standards. The plan must identify the option with the lowest impacts to sailing schedules."

Representatives Paul and Barkis spoke in favor of the adoption of the amendment.

Amendment (1691) was adopted.

Representative Fey moved the adoption of amendment (1689):

5.0. On page 88, beginning on line 14, after "(b)" strike all material through "program" on line 21 and insert "((In advance of the expiration of the fixing America's surface transportation (FAST) act in 2020, the department must work with the Washington state freight advisory committee to agree on a framework for allocation of any new national highway freight funding that may be approved in a new federal surface transportation reauthorization act. The department and representatives of the advisory committee must report to the joint transportation committee by October 1, 2020, on the status of planning for allocating new funds for this program)) The department shall convene a Washington state freight advisory committee that conforms to the fixing America's surface transportation act, other enacted federal legislation, and published guidance from the federal highway administration, and considers practices used by other states for the committee's structure, role, and activities. The department shall report to the transportation committees of the legislature by December 1, 2020, on the status of the freight advisory committee and the department's plans to use the committee to provide advice on improving freight mobility, including, but not limited to, addressing insufficient truck parking in Washington state, examining

the link between preservation investments and freight mobility, and enhancing freight logistics through the application of technology"

Representatives Fey and Barkis spoke in favor of the adoption of the amendment.

Amendment (1689) was adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Fey, Young, Wylie, Walsh, Valdez, Volz, Paul, Smith, Slatter, McCaslin, Riccelli and Barkis spoke in favor of the passage of the bill.

### MOTION

On motion of Representative Griffey, Representative Chambers was excused.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 2322.

### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2322, and the bill passed the House by the following vote: Yeas, 96; Nays, 1; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chandler, Chapman, Chopp, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Mead, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shea, Shewmake, Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Voting nay: Representative Kraft.

Excused: Representative Chambers.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2322, having received the necessary constitutional majority, was declared passed.

### POINT OF PERSONAL PRIVILEGE

Representative Fey recognized the staff of the Committee on Transportation on the House Floor and asked

the members to acknowledge them for their hard work and expertise.

### SECOND READING

**ENGROSSED SUBSTITUTE SENATE BILL NO. 6168, by Senate Committee on Ways & Means (originally sponsored by Rolfes and Braun)**

**Making 2019-2021 fiscal biennium supplemental operating appropriations.**

The bill was read the second time.

With the consent of the House, amendments (1701) and (1700) to the striking amendment (1686) were withdrawn.

Representative Stokesbary moved the adoption of the striking amendment (1684):

5.0.

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 6. INTENT.** Under the February forecast of the economic and revenue forecast council, for the accounts subject to the outlook process and four-year balanced budget requirement in RCW 43.88.055, revenues are expected to increase by \$606,000,000 for the remainder of the 2019-2021 fiscal biennium and by an additional \$535,700,000 in the 2021-2023 biennium.

Rather than spend this windfall in the 2020 supplemental budget, it is the intent of the legislature to return this revenue increase to the taxpayers by: (1) Reducing taxes on motor vehicles and family necessities as provided in House Bill No. 2946 (reducing the financial costs imposed by the state government on working Washington families); and (2) funding the working families tax credit under RCW 82.08.0206, which was enacted in 2008 but has never previously been funded. For this reason, the legislature intends to enact a supplemental operating budget based on the lower state revenues assumed by the governor when he prepared his supplemental budget request. The total appropriations in this supplemental operating budget therefore consist of the 2020 supplemental appropriations proposed by the governor, revised for updated caseload and other maintenance level adjustments, with certain transfers eliminated, with the governor's proposed appropriations from the budget stabilization account replaced by appropriations from the state general fund, and with additional appropriations provided to implement the working families tax credit. The appropriations in this act for funds subject to the four-year balanced budget requirement total \$188.2 million less than the appropriations in Proposed Substitute House Bill No. 2325 (H-5077.1/20).

**NEW SECTION. Sec. 7. FOR THE OFFICE OF FINANCIAL MANAGEMENT**

General Fund—State Appropriation (FY 2020)  
..... (\$64,591,000)

General Fund—State Appropriation (FY 2021)  
.....(\$191,753,000)

General Fund—Federal Appropriation (\$17,055,000)

General Fund—Private/Local Appropriation  
.....(\$6,444,000)

Forest Development Account—State Appropriation  
.....(\$6,000)

ORV and Nonhighway Vehicle Account—State  
Appropriation ..... (\$1,000)

Real Estate Commission Account—State  
Appropriation ..... (\$1,000)

Health Professions Account—State Appropriation  
..... (\$25,000)

Aquatic Lands Enhancement Account—State  
Appropriation ..... (\$3,000)

Business License Account—State Appropriation  
..... (\$1,000)

Resources Management Cost Account—State  
Appropriation ..... (\$19,000)

Waste Reduction, Recycling, and Litter Control  
Account—State Appropriation ..... (\$1,000)

Drinking Water Assistance Account—State  
Appropriation ..... \$1,000

Drinking Water Assistance Account—Federal  
Appropriation ..... (\$1,000)

Disaster Response Account—State Appropriation  
..... (\$1,000)

Business and Professions Account—State  
Appropriation ..... (\$1,000)

Electrical License Account—State Appropriation  
..... (\$4,000)

Economic Development Strategic Reserve Account—  
State  
Appropriation ..... (\$1,549,000)

State Wildlife Account—State Appropriation  
..... (\$82,000)

Public Service Revolving Account—State  
Appropriation ..... (\$4,000)

Unemployment compensation Administrative  
Account—Federal Appropriation ..... (\$67,000)

Insurance Commissioner's Regulatory Account—  
State  
Appropriation ..... (\$2,000)

Washington State Library Operations Account—State

Appropriation ..... (\$1,000)

Appraisal Management Company Account—State  
Appropriation ..... \$381,000

Water Quality Permit Account—State Appropriation  
..... (\$8,000)

WA Opportunity Pathways Account—State  
Appropriation ..... \$6,302,000

Underground Storage Tank Account—State  
Appropriation ..... (\$1,000)

Hazardous Waste Assistance Account—State  
Appropriation ..... (\$1,000)

Radioactive Mixed Waste Account—State  
Appropriation ..... (\$3,000)

Oil Spill Prevention Account—State Appropriation  
..... (\$1,000)

Construction Registration Inspection Account—State  
Appropriation ..... (\$6,000)

Family and Medical Leave Insurance Account—State  
Appropriation ..... (\$19,000)

Public Works Administration Account—State  
Appropriation ..... (\$1,000)

Model Toxics Control Operating Account—State  
Appropriation ..... (\$37,000)

Workforce Education Investment Account—State  
Appropriation (FY 2021) ..... (\$13,259,000)

Recreation Resources Account—State Appropriation  
..... (\$2,000)

Dedicated Marijuana Account—State Appropriation  
(FY 2020) ..... (\$4,000)

Dedicated Marijuana Account—State Appropriation  
(FY 2021) ..... (\$2,000)

State Treasurer's Service Account—State  
Appropriation ..... \$1,000

Legal Services Revolving Account—State  
Appropriation ..... (\$3,000)

State Health Care Authority Administrative  
Account—State Appropriation ..... (\$3,000)

Administrative Hearings Revolving Account—State  
Appropriation ..... (\$1,000)

Liquor Revolving Account—State Appropriation  
..... (\$19,000)

Washington Housing Trust Account—State



Appropriation .....	(\$1,000)
Performance Audits of Government Account—State	
Appropriation .....	(\$120,000)
Water Pollution Control Revolving Administration	
Account—State Appropriation .....	(\$1,000)
Department of Retirement Systems Expense	
Account—State Appropriation .....	(\$1,000)
Accident Account—State Appropriation ..	(\$102,000)
Medical Aid Account—State Appropriation	
.....	(\$89,000)
<b>TOTAL APPROPRIATION .....</b>	<b>(\$288,611,000)</b>

The appropriations in this section are subject to the following conditions and limitations:

(1) The negative appropriations in this section represent savings from updating the governor's proposed supplemental budget to reflect updated caseloads, cost drivers, and other maintenance level adjustments.

(2) The office of financial management shall adjust allotments of appropriations in this act for affected agencies to reflect the amounts in this section. Reduction amounts must remain in unallotted status and may not be expended.

(3) Within appropriations in this act for each of the respective affected agencies, to implement the allotment reductions in this section the office of financial management may authorize reductions in the portions of each agency's appropriations that are provided solely for a particular use.

(4) Amounts for each agency are reflected in LEAP Document MLU1A-2020 dated February 24, 2020.

**NEW SECTION. Sec. 8. FOR THE DEPARTMENT OF REVENUE—WORKING FAMILIES TAX EXEMPTION**

(1) The sum of \$4,000,000 is appropriated from the general fund—state for the fiscal year ending June 30, 2020, and \$91,411,000 is appropriated from the general fund—state for the fiscal year ending June 30, 2021, to the department of revenue solely for the purposes of this section. The appropriations in this section are provided solely for the department to implement the working families' tax exemption under RCW 82.08.0206.

(2) This subsection constitutes approval of the working families' tax exemption attributable to calendar year 2020 and authorizes the department to pay remittances in fiscal year 2021. Sufficient funding is provided within the amounts appropriated for administrative costs incurred by the department in the 2019-2021 fiscal biennium.

(3) It is the intent of the legislature to provide full funding and authorize payment of remittances in each year of the 2021-2023 fiscal biennium.

**NEW SECTION. Sec. 9. FOR THE OFFICE OF FINANCIAL MANAGEMENT—HOME SECURITY FUND ACCOUNT**

The sum of \$18,499,000 is appropriated from the general fund—state for the fiscal year ending June 30, 2020, and the sum of \$262,177,000 is appropriated from the general fund—state for the fiscal year ending June 30, 2021. The appropriations in this section are provided solely for expenditure into the home security fund account and are intended to provide sufficient funding for homeless response program expenditures during the 2019-2021 and 2021-2023 fiscal biennia.

**NEW SECTION. Sec. 10. FOR THE OFFICE OF FINANCIAL MANAGEMENT—WASHINGTON HOUSING TRUST FUND**

The sum of \$30,000,000 is appropriated from the general fund—state for the fiscal year ending June 30, 2021. The appropriation in this section is provided solely for expenditure into the Washington housing trust fund and is intended to provide sufficient funding for additional homeless shelters and enhancements to existing shelters during the 2019-2021 and 2021-2023 fiscal biennia.

**NEW SECTION. Sec. 11. FOR THE OFFICE OF FINANCIAL MANAGEMENT—MODEL TOXICS CONTROL OPERATING ACCOUNT**

The sum of \$8,000,000 is appropriated from the general fund—state for the fiscal year ending June 30, 2021. The appropriation provided in this section is solely for expenditure into the model toxics control operating account and is intended to provide sufficient funding to remove solid, hazardous, and infectious waste generated by vacated homeless encampments during the 2019-2021 and 2021-2023 fiscal biennia.

**PART I**

**GENERAL GOVERNMENT**

**Sec. 101.** 2019 c 415 s 101 (uncodified) is amended to read as follows:

**FOR THE HOUSE OF REPRESENTATIVES**

General Fund—State Appropriation (FY 2020)	
.....	(( <del>\$40,202,000</del> ))
	<u>\$40,215,000</u>
General Fund—State Appropriation (FY 2021)	
.....	(( <del>\$43,039,000</del> ))
	<u>\$43,430,000</u>
Pension Funding Stabilization Account—State	
Appropriation.....	\$4,266,000
<b>TOTAL APPROPRIATION.....</b>	<b>\$87,507,000</b>
	<u>\$87,911,000</u>

The appropriations in this section are subject to the following conditions and limitations: \$50,000 of the general fund—state appropriation for fiscal year 2020 and \$50,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of Engrossed Substitute House Bill No. 2018 (harassment/legislature). If

the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.

**Sec. 102.** 2019 c 415 s 102 (uncodified) is amended to read as follows:

**FOR THE SENATE**

General Fund—State Appropriation (FY 2020)	<del>(\$28,693,000))</del>
	<u>\$28,682,000</u>
General Fund—State Appropriation (FY 2021)	<del>(\$32,675,000))</del>
	<u>\$33,044,000</u>
Pension Funding Stabilization Account—State	
Appropriation .....	\$2,932,000
TOTAL APPROPRIATION .....	<del>\$64,300,000</del>
	<u>\$64,658,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$50,000 of the general fund—state appropriation for fiscal year 2020 and \$50,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of Engrossed Substitute House Bill No. 2018 (harassment/legislature). If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.

(2) \$175,000 of the general fund—state appropriation for fiscal year 2020 and \$175,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for a human resource officer consistent with the implementation of the senate's appropriate workplace conduct policy.

**Sec. 103.** 2019 c 415 s 103 (uncodified) is amended to read as follows:

**FOR THE JOINT LEGISLATIVE AUDIT AND REVIEW COMMITTEE**

Performance Audits of Government Account—State	
Appropriation .....	<del>(\$9,867,000))</del>
	<u>\$9,858,000</u>
TOTAL APPROPRIATION .....	<del>\$9,867,000</del>
	<u>\$9,858,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) Notwithstanding the provisions of this section, the joint legislative audit and review committee may adjust the due dates for projects included on the committee's 2019-2021 work plan as necessary to efficiently manage workload.

~~((3))~~ (2) \$266,000 of the performance audit of governments account—state appropriation is provided solely for implementation of Second Substitute House Bill No. 1216 (school safety & well-being). If the bill is not

enacted by June 30, 2019, the amount provided in this subsection shall lapse.

~~((4))~~ (3) \$17,000 of the performance audits of government account—state appropriation is provided solely for the implementation of Substitute Senate Bill No. 5025 (self-help housing development and taxes). If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.

~~((5))~~ (4)(a) \$342,000 of the performance audits of government account—state appropriation is provided solely for the joint legislative audit and review committee to conduct a performance audit of the department of health's ambulatory surgical facility regulatory program. The study must explore:

(i) A comparison of state survey requirements and process and the centers for medicare and medicaid services survey requirements and process;

(ii) The licensing fees required of ambulatory surgical facilities as they relate to actual department of health costs for regulating the facilities;

(iii) Payments received by the department of health from the centers for medicare and medicaid services for surveys conducted on behalf of the centers for medicare and medicaid services; and

(iv) Staffing for the survey program, including any need for an increase or reduction of staff.

(b) The audit must be completed and provided to the legislature by January 1, 2021.

**Sec. 104.** 2019 c 415 s 104 (uncodified) is amended to read as follows:

**FOR THE LEGISLATIVE EVALUATION AND ACCOUNTABILITY PROGRAM COMMITTEE**

Performance Audits of Government Account—State	
Appropriation.....	<del>(\$4,573,000))</del>
	<u>\$4,582,000</u>
TOTAL APPROPRIATION .....	<del>\$4,573,000</del>
	<u>\$4,582,000</u>

**Sec. 105.** 2019 c 415 s 105 (uncodified) is amended to read as follows:

**FOR THE JOINT LEGISLATIVE SYSTEMS COMMITTEE**

General Fund—State Appropriation (FY 2020)	<del>(\$12,081,000))</del>
	<u>\$12,090,000</u>
General Fund—State Appropriation (FY 2021)	<del>(\$12,233,000))</del>
	<u>\$13,683,000</u>
Pension Funding Stabilization Account—State	
Appropriation.....	\$822,000

TOTAL APPROPRIATION ..... \$25,136,000  
\$26,595,000

**Sec. 106.** 2019 c 415 s 106 (uncodified) is amended to read as follows:

**FOR THE OFFICE OF THE STATE ACTUARY**

General Fund—State Appropriation (FY 2020)  
 ..... \$333,000  
 General Fund—State Appropriation (FY 2021)  
 ..... \$347,000

State Health Care Authority Administrative Account—

State Appropriation ..... \$471,000

Pension Funding Stabilization Account—State  
 Appropriation ..... \$28,000

Department of Retirement Systems Expense  
 Account—State Appropriation ..... (\$5,700,000)  
\$5,699,000

TOTAL APPROPRIATION ..... \$6,879,000  
\$6,878,000

**Sec. 107.** 2019 c 415 s 107 (uncodified) is amended to read as follows:

**FOR THE STATUTE LAW COMMITTEE**

General Fund—State Appropriation (FY 2020)  
 ..... (\$5,002,000)  
\$4,999,000

General Fund—State Appropriation (FY 2021)  
 ..... \$5,503,000

Pension Funding Stabilization Account—State  
 Appropriation ..... \$566,000

TOTAL APPROPRIATION ..... \$11,071,000  
\$11,068,000

**Sec. 108.** 2019 c 415 s 108 (uncodified) is amended to read as follows:

**FOR THE OFFICE OF LEGISLATIVE SUPPORT SERVICES**

General Fund—State Appropriation (FY 2020)  
 ..... \$4,212,000

General Fund—State Appropriation (FY 2021)  
 ..... (\$4,681,000)  
\$4,684,000

Pension Funding Stabilization Account—State  
 Appropriation ..... \$436,000

TOTAL APPROPRIATION ..... \$9,329,000  
\$9,332,000

**Sec. 109.** 2019 c 415 s 111 (uncodified) is amended to read as follows:

**FOR THE SUPREME COURT**

General Fund—State Appropriation (FY 2020)  
 ..... (\$8,989,000)  
\$9,016,000

General Fund—State Appropriation (FY 2021)  
 ..... (\$9,397,000)  
\$9,400,000

Pension Funding Stabilization Account—State  
 Appropriation ..... \$674,000

TOTAL APPROPRIATION ..... \$19,060,000  
\$19,090,000

The appropriations in this section are subject to the following conditions and limitations: \$163,000 of the general fund—state appropriation for fiscal year 2020 and \$167,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for salary increases for staff attorneys and law clerks based on a 2014 salary survey.

**Sec. 110.** 2019 c 415 s 112 (uncodified) is amended to read as follows:

**FOR THE LAW LIBRARY**

General Fund—State Appropriation (FY 2020)  
 ..... (\$1,707,000)  
\$1,705,000

General Fund—State Appropriation (FY 2021)  
 ..... (\$1,728,000)  
\$1,726,000

Pension Funding Stabilization Account—State  
 Appropriation ..... \$128,000

TOTAL APPROPRIATION ..... \$3,563,000  
\$3,559,000

**Sec. 111.** 2019 c 415 s 113 (uncodified) is amended to read as follows:

**FOR THE COMMISSION ON JUDICIAL CONDUCT**

General Fund—State Appropriation (FY 2020)  
 ..... (\$1,217,000)  
\$1,280,000

General Fund—State Appropriation (FY 2021)  
 ..... (\$1,280,000)  
\$1,594,000

Pension Funding Stabilization Account—State  
 Appropriation ..... \$130,000

TOTAL APPROPRIATION ..... \$2,627,000

\$3,004,000\$208,891,000

**Sec. 112.** 2019 c 415 s 114 (uncodified) is amended to read as follows:

**FOR THE COURT OF APPEALS**

General Fund—State Appropriation (FY 2020)  
 .....((~~\$20,390,000~~))  
\$20,575,000

General Fund—State Appropriation (FY 2021)  
 .....((~~\$21,313,000~~))  
\$21,319,000

Pension Funding Stabilization Account—State  
 Appropriation .....\$1,492,000

TOTAL APPROPRIATION .....\$43,195,000  
\$43,386,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$229,000 of the general fund—state appropriation for fiscal year 2020 and \$311,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for salary step increases for eligible employees.

(2) \$606,000 of the general fund—state appropriation for fiscal year 2020 and \$606,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for salary increases for court of appeals law clerks based on a 2014 salary survey.

**Sec. 113.** 2019 c 415 s 115 (uncodified) is amended to read as follows:

**FOR THE ADMINISTRATOR FOR THE COURTS**

General Fund—State Appropriation (FY 2020)  
 .....((~~\$64,569,000~~))  
\$64,565,000

General Fund—State Appropriation (FY 2021)  
 .....((~~\$66,736,000~~))  
\$66,951,000

General Fund—Federal Appropriation.....\$2,203,000

General Fund—Private/Local Appropriation\$681,000

Judicial Stabilization Trust Account—State  
 Appropriation .....\$6,692,000

Pension Funding Stabilization Account—State  
 Appropriation .....\$4,572,000

Judicial Information Systems Account—State  
 Appropriation .....((~~\$63,220,000~~))  
\$63,227,000

TOTAL APPROPRIATION .....\$208,673,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The distributions made under this subsection and distributions from the county criminal justice assistance account made pursuant to section 801 of this act constitute appropriate reimbursement for costs for any new programs or increased level of service for purposes of RCW 43.135.060.

(2) \$1,399,000 of the general fund—state appropriation for fiscal year 2020 and \$1,399,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for school districts for petitions to juvenile court for truant students as provided in RCW 28A.225.030 and 28A.225.035. The administrator for the courts shall develop an interagency agreement with the superintendent of public instruction to allocate the funding provided in this subsection. Allocation of this money to school districts shall be based on the number of petitions filed. This funding includes amounts school districts may expend on the cost of serving petitions filed under RCW 28A.225.030 by certified mail or by personal service or for the performance of service of process for any hearing associated with RCW 28A.225.030.

(3)(a) \$7,000,000 of the general fund—state appropriation for fiscal year 2020 and \$7,000,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for distribution to county juvenile court administrators to fund the costs of processing truancy, children in need of services, and at-risk youth petitions. The administrator for the courts, in conjunction with the juvenile court administrators, shall develop an equitable funding distribution formula. The formula must neither reward counties with higher than average per-petition processing costs nor shall it penalize counties with lower than average per-petition processing costs.

(b) Each fiscal year during the 2019-21 fiscal biennium, each county shall report the number of petitions processed and the total actual costs of processing truancy, children in need of services, and at-risk youth petitions. Counties shall submit the reports to the administrator for the courts no later than forty-five days after the end of the fiscal year. The administrator for the courts shall electronically transmit this information to the chairs and ranking minority members of the house of representatives and senate fiscal committees no later than sixty days after a fiscal year ends. These reports are deemed informational in nature and are not for the purpose of distributing funds.

(4) \$96,000 of the general fund—state appropriation for fiscal year 2020 is provided solely for implementation of Engrossed Second Substitute House Bill No. 1517 (domestic violence). If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse

(5) \$66,000 of the general fund—state appropriation for fiscal year 2020 and \$66,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for DNA testing for alleged fathers in dependency and termination of parental rights cases.

(6) \$237,000 of the general fund—state appropriation for fiscal year 2020 and \$1,923,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the expansion of the state interpreter reimbursement program.

(7) \$300,000 of the general fund—state appropriation for fiscal year 2020 and \$360,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the office of public guardianship for guardianship fees, initial assessments, average annual legal fees, and for less restrictive options to support decision-making.

(8) \$1,094,000 of the general fund—state appropriation for fiscal year 2020 and \$1,094,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the statewide fiscal impact on Thurston county courts.

(9) \$25,808,000 of the judicial information systems account—state appropriation is provided solely for judicial branch information technology projects. Expenditures from the judicial information systems account shall not exceed available resources. Judicial branch information technology project prioritization shall be determined by the judicial information system committee.

(10) \$1,027,000 of the general fund—state appropriation for fiscal year 2020 and \$377,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of Second Substitute Senate Bill No. 5604 (uniform guardianship, etc.). If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.

**Sec. 114.** 2019 c 415 s 116 (uncodified) is amended to read as follows:

**FOR THE OFFICE OF PUBLIC DEFENSE**

General Fund—State Appropriation (FY 2020)	.....(( <del>\$46,538,000</del> ))
	<u>\$46,537,000</u>
General Fund—State Appropriation (FY 2021)	.....(( <del>\$46,394,000</del> ))
	<u>\$46,674,000</u>
Judicial Stabilization Trust Account—State	
Appropriation .....	(( <del>\$3,805,000</del> ))
	<u>\$3,804,000</u>
Pension Funding Stabilization Account—State	
Appropriation .....	\$278,000
TOTAL APPROPRIATION .....	<u>\$97,015,000</u>
	<u>\$97,293,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) The amounts provided include funding for expert and investigative services in death penalty personal restraint petitions.

(2) \$900,000 of the general fund—state appropriation for fiscal year 2020 and \$900,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the purpose of improving the quality of trial court public defense services. The department must allocate these amounts so that \$450,000 per fiscal year is distributed to counties, and \$450,000 per fiscal year is distributed to cities, for grants under chapter 10.101 RCW.

(3) The office of public defense shall enter into an interagency agreement with the department of children, youth, and families to facilitate the use of federal title IV-E reimbursement for parent representation services.

(4) \$288,000 of the general fund—state appropriation for fiscal year 2020 and \$244,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the parents for parents program. Funds must be used to expand services in new sites and maintain and improve service models for the current programs.

(5)(a) \$305,000 of the general fund—state appropriation for fiscal year 2020 and \$305,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the office to contract with a nonprofit organization for:

(i) Continuing legal education and case-specific resources for public defense attorneys; and

(ii) The incarcerated parents project to support incarcerated parents and their families, and public defenders representing incarcerated parents in the child welfare, juvenile, and criminal systems.

(b) The nonprofit organization must have experience providing statewide training and services to state-funded public defense attorneys for indigent clients.

(6) \$4,532,000 of the general fund—state appropriation for fiscal year 2020 and \$4,532,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for salary increases for state-contracted public defense attorneys representing indigent persons on appeal and indigent parents involved in dependency and termination cases.

(7) \$1,389,000 of the general fund—state appropriation for fiscal year 2020 and \$1,388,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for additional attorneys, social workers, and staff support, for the parents' representation program.

**Sec. 115.** 2019 c 415 s 117 (uncodified) is amended to read as follows:

**FOR THE OFFICE OF CIVIL LEGAL AID**

General Fund—State Appropriation (FY 2020)	.....(( <del>\$20,348,000</del> ))
	<u>\$20,858,000</u>
General Fund—State Appropriation (FY 2021)	.....(( <del>\$22,142,000</del> ))
	<u>\$23,071,000</u>

Judicial Stabilization Trust Account—State	
Appropriation .....	\$1,464,000
Pension Funding Stabilization Account—State	
Appropriation .....	\$44,000
TOTAL APPROPRIATION .....	<u>\$43,998,000</u>
	<u>\$45,437,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) An amount not to exceed \$40,000 of the general fund—state appropriation for fiscal year 2020 and an amount not to exceed \$40,000 of the general fund—state appropriation for fiscal year 2021 may be used to provide telephonic legal advice and assistance to otherwise eligible persons who are sixty years of age or older on matters authorized by RCW 2.53.030(2) (a) through (k) regardless of household income or asset level.

(2) \$759,000 of the general fund—state appropriation for fiscal year 2020 and \$2,275,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the office to continue implementation of the civil justice reinvestment plan.

(3) \$400,000 of the general fund—state appropriation for fiscal year 2020 and \$105,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the children's representation study authorized in chapter 20, Laws of 2017 3rd sp. sess. The report of initial findings to the legislature must be submitted by December 31, 2020.

(4) The office of civil legal aid shall enter into an interagency agreement with the department of children, youth, and families to facilitate the use of federal title IV-E reimbursement for child representation services.

(5) \$150,000 of the general fund—state appropriation for fiscal year 2020 and \$150,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for a contract with the international families justice coalition to expand private capacity to provide legal services for indigent foreign nationals in contested domestic relations and family law cases. Amounts provided in this section may not be expended for direct private legal representation of clients in domestic relations and family law cases.

(6) \$100,000 of the general fund—state appropriation for fiscal year 2020 and \$100,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of Senate Bill No. 5651 (kinship care legal aid). If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.

(7) \$150,000 of the general fund—state appropriation for fiscal year 2020 and \$150,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for closing compensation differentials between volunteer legal aid programs and the northwest justice project.

(8) \$1,205,000 of the general fund—state appropriation for fiscal year 2020 and \$1,881,000 of the general fund—state appropriation for fiscal year 2021 are

provided solely for a vendor rate increase resulting from a collective bargaining agreement between the northwest justice project and its staff union.

(9) \$300,000 of the general fund—state appropriation for fiscal year 2020 and \$300,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for a research-based controlled comparative study of the differences in outcomes for tenants facing eviction who receive legal representation and tenants facing eviction without legal representation in unlawful detainer cases filed under the residential landlord tenant act. Funding must be used to underwrite both the research and the costs of legal representation provided to tenants associated with the study. Researchers will identify four counties to study. A preliminary report must be submitted to the appropriate committees of the legislature by January 31, 2021, and a final report on the study, which includes findings on demographics and outcomes, must be submitted to the appropriate committees of the legislature by March 31, 2021.

(10) \$126,000 of the general fund—state appropriation for fiscal year 2020 is provided solely to reimburse the office of civil legal aid for expenditures made to address fiscal year 2019 caseload driven shortfalls in the children's representation program and the children's representation study.

(11) \$90,700 of the general fund—state appropriation for fiscal year 2020 and \$215,800 of the general fund—state appropriation for fiscal year 2021 are provided solely to wind down the children's representation study authorized in section 28, chapter 20, Laws of 2017 3rd sp.s.

(12) \$139,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for an assistant agency director position.

(13) \$492,000 of the general fund—state appropriation for fiscal year 2021 shall be used solely to establish a statewide reentry legal aid project. The office of civil legal aid shall enlist support from the statewide reentry council to identify an appropriate nonprofit entity to establish and operate the statewide reentry legal aid project, establish initial priority areas of focus, and determine client service objectives, benchmarks, and intended outcomes. The office of civil legal aid and the statewide reentry council shall provide the relevant legislative committees with an initial status report by December 2021.

**Sec. 116.** 2019 c 415 s 118 (uncodified) is amended to read as follows:

#### **FOR THE OFFICE OF THE GOVERNOR**

General Fund—State Appropriation (FY 2020)	
.....	(\$10,871,000)
	<u>\$10,788,000</u>
General Fund—State Appropriation (FY 2021)	
.....	(\$8,900,000)
	<u>\$9,973,000</u>

Economic Development Strategic Reserve Account—  
State

Appropriation .....	<del>((2,000,000))</del>
	<u>\$4,000,000</u>
Pension Funding Stabilization Account—State	
Appropriation .....	\$674,000
TOTAL APPROPRIATION .....	<u>\$22,445,000</u>
	<u>\$25,435,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) ~~((703,000))~~ \$777,000 of the general fund—state appropriation for fiscal year 2020 and ~~((703,000))~~ \$1,063,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the office of the education ombuds.

(2) \$61,000 of the general fund—state appropriation for fiscal year 2020 and \$30,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of Engrossed Substitute House Bill No. 1130 (pub. school language access). ~~((If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.))~~

(3) \$311,000 of the general fund—state appropriation for fiscal year 2020 and \$301,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of Engrossed Substitute Senate Bill No. 5356 (LGBTQ commission). ~~((If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.))~~

(4) ~~((375,000))~~ \$397,000 of the general fund state—appropriation for fiscal year 2020 and ~~((375,000))~~ \$353,000 of the general fund state—appropriation for fiscal year 2021 are provided solely for the office to contract with a neutral third party to establish a process for local, state, tribal, and federal leaders and stakeholders to address issues associated with the possible breaching or removal of the four lower Snake river dams in order to recover the Chinook salmon populations that serve as a vital food source for southern resident orcas. The contract is exempt from the competitive procurement requirements in chapter 39.26 RCW.

(5) \$110,000 of the general fund—state appropriation in fiscal year 2020 is provided solely for the office of regulatory innovations and assistance to convene agencies and stakeholders to develop a small business bill of rights. Of this amount, a report must be submitted to appropriate legislative policy and fiscal committees by November 1, 2019, to include:

(a) Recommendations of rights and protections for small business owners when interacting with state agencies, boards, commissions, or other entities with regulatory authority over small businesses; and

(b) Recommendations on communication plans that state regulators should consider when communicating these rights and protections to small business owners in advance or at the time of any audit, inspection, interview, site visit, or similar oversight or enforcement activity.

(6) ~~((2,003,000))~~ \$955,000 of the general fund—state appropriation in fiscal year 2020 is provided solely for executive protection unit costs.

(7) \$15,000 of the general fund—state appropriation for fiscal year 2020 is provided solely for the clemency and pardons board to expedite the review of applications where the petitioner indicates an urgent need for the pardon or commutation, including, but not limited to, a pending deportation order or deportation proceeding.

(8) \$50,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the office of the education ombuds, in consultation with the office of the superintendent of public instruction and the Washington state office of equity, to develop a plan to implement a program to promote skills, knowledge, and awareness concerning issues of diversity, equity, and inclusion among families with school-age children. The office of education ombuds shall submit a report with recommendations to the governor and the appropriate committees in the legislature by September 1, 2020.

(9) \$983,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the implementation of the Washington state office of equity.

**Sec. 117.** 2019 c 415 s 119 (uncodified) is amended to read as follows:

#### FOR THE LIEUTENANT GOVERNOR

General Fund—State Appropriation (FY 2020)	.....	<del>((1,276,000))</del>
		<u>\$1,501,000</u>
General Fund—State Appropriation (FY 2021)	.....	<del>((1,312,000))</del>
		<u>\$1,529,000</u>
General Fund—Private/Local Appropriation..		\$90,000
Pension Funding Stabilization Account—State		
Appropriation.....		\$54,000
TOTAL APPROPRIATION.....		<u>\$2,732,000</u>
		<u>\$3,174,000</u>

The appropriations in this section are subject to the following conditions and limitations: \$180,000 of the general fund—state appropriation for fiscal year 2020 and \$179,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the continuation of the complete Washington program and to add new pathways, such as the healthcare industry, to the program.

**Sec. 118.** 2019 c 415 s 120 (uncodified) is amended to read as follows:

#### FOR THE PUBLIC DISCLOSURE COMMISSION

General Fund—State Appropriation (FY 2020)	.....	<del>((5,229,000))</del>
		<u>\$5,533,000</u>

General Fund—State Appropriation (FY 2021)	
.....	(((\$5,109,000))
	<u>\$5,458,000</u>
Public Disclosure Transparency Account—State	
Appropriation .....	(((\$574,000))
	<u>\$714,000</u>
Pension Funding Stabilization Account—State	
Appropriation .....	\$260,000
TOTAL APPROPRIATION .....	<u>\$11,172,000</u>
	<u>\$11,965,000</u>

The appropriations in this section are subject to the following conditions and limitations: (1) \$45,000 of the public disclosure transparency account—state appropriation is provided solely for implementation of Substitute Senate Bill No. 5861 (legislature/code of conduct). ~~((If the bill is not enacted by June 30, 2019, the amount provided in this subsection shall lapse.))~~

(2) \$85,000 of the general fund—state appropriation for fiscal year 2020 and \$83,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the commission to develop a training course for individuals acting as treasurers or deputy treasurers for candidates pursuant to RCW 42.17A.210. Out of this amount:

(a) The course must provide, at a minimum, a comprehensive overview of:

(i) The responsibilities of treasurers and deputy treasurers;

(ii) The reporting requirements necessary for candidate compliance with chapter 42.17A RCW, including triggers and deadlines for reporting;

(iii) Candidate campaign contribution limits and restrictions under chapter 42.17A RCW;

(iv) The use of the commission's electronic filing system;

(v) The consequences for violation of chapter 42.17A RCW; and

(vi) Any other subjects or topics the commission deems necessary for encouraging effective compliance with chapter 42.17A RCW.

(b) The commission must make the course available to all interested individuals no later than September 1, 2019. The course must be provided in a format able to be used both in person and remotely via the internet.

**Sec. 119.** 2019 c 415 s 121 (uncodified) is amended to read as follows:

#### FOR THE SECRETARY OF STATE

General Fund—State Appropriation (FY 2020)	
.....	(((\$33,449,000))
	<u>\$34,989,000</u>

General Fund—State Appropriation (FY 2021)	
.....	(((\$18,313,000))
	<u>\$19,751,000</u>
General Fund—Federal Appropriation (((\$8,097,000))	
	<u>\$8,098,000</u>
Public Records Efficiency, Preservation, and Access	
Account—State Appropriation .....	(((\$9,363,000))
	<u>\$9,681,000</u>
Charitable Organization Education Account—State	
Appropriation.....	\$900,000
Washington State ((Heritage Center)) Library	
Operations Account—State Appropriation	
.....	(((\$11,498,000))
	<u>\$11,521,000</u>
Local Government Archives Account—State	
Appropriation.....	(((\$11,019,000))
	<u>\$11,030,000</u>
Pension Funding Stabilization Account—State	
Appropriation.....	\$960,000
Election Account—Federal Appropriation	\$4,887,000
TOTAL APPROPRIATION.....	<u>\$98,486,000</u>
	<u>\$101,817,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$3,801,000 of the general fund—state appropriation for fiscal year 2020 is provided solely to reimburse counties for the state's share of primary and general election costs and the costs of conducting mandatory recounts on state measures. Counties shall be reimbursed only for those odd-year election costs that the secretary of state validates as eligible for reimbursement.

(2)(a) \$2,932,000 of the general fund—state appropriation for fiscal year 2020 and \$3,011,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for contracting with a nonprofit organization to produce gavel-to-gavel television coverage of state government deliberations and other events of statewide significance during the 2019-2021 fiscal biennium. The funding level for each year of the contract shall be based on the amount provided in this subsection. The nonprofit organization shall be required to raise contributions or commitments to make contributions, in cash or in kind, in an amount equal to forty percent of the state contribution. The office of the secretary of state may make full or partial payment once all criteria in this subsection have been satisfactorily documented.

(b) The legislature finds that the commitment of ongoing funding is necessary to ensure continuous, autonomous, and independent coverage of public affairs. For



that purpose, the secretary of state shall enter into a contract with the nonprofit organization to provide public affairs coverage.

(c) The nonprofit organization shall prepare an annual independent audit, an annual financial statement, and an annual report, including benchmarks that measure the success of the nonprofit organization in meeting the intent of the program.

(d) No portion of any amounts disbursed pursuant to this subsection may be used, directly or indirectly, for any of the following purposes:

(i) Attempting to influence the passage or defeat of any legislation by the legislature of the state of Washington, by any county, city, town, or other political subdivision of the state of Washington, or by the congress, or the adoption or rejection of any rule, standard, rate, or other legislative enactment of any state agency;

(ii) Making contributions reportable under chapter 42.17 RCW; or

(iii) Providing any: (A) Gift; (B) honoraria; or (C) travel, lodging, meals, or entertainment to a public officer or employee.

(3) Any reductions to funding for the Washington talking book and Braille library may not exceed in proportion any reductions taken to the funding for the library as a whole.

(4) \$13,600,000 of the general fund—state appropriation for fiscal year 2020 is provided solely for operation of the presidential primary election, including reimbursement to ((reimburse)) counties for the state's share of presidential primary election costs.

(5) \$50,000 of the general fund—state appropriation for fiscal year 2020 and \$50,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for humanities Washington speaker's bureau community conversations to expand programming in underserved areas of the state.

(6) \$2,295,000 of the general fund—state appropriation for fiscal year 2020 and \$2,526,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of Substitute Senate Bill No. 5063 (ballots, prepaid postage). ~~((If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.))~~

(7) \$1,227,000 of the local government archives account—state appropriation and \$28,000 of the public records efficiency, preservation, and access account—state appropriation are provided solely to implement Engrossed Substitute House Bill No. 1667 (public records request administration). ~~((If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.))~~

(8) \$114,000 public records efficiency, preservation, and access account—state appropriation and \$114,000 local government archives account—state appropriation are provided solely for digital archives functionality and is

subject to the conditions, limitations, and review provided in ~~((section 719 of this act))~~ section 701 of this act.

(9) \$198,000 of the general fund—state appropriation for fiscal year 2020, \$198,000 of the general fund—state appropriation for fiscal year 2021, and \$500,000 of the election account—federal appropriation are provided solely for election security improvements.

(10) \$82,000 of the general fund—state appropriation for fiscal year 2020 and \$77,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for election reconciliation reporting. Funding provides for one staff to compile county reconciliation reports, analyze the data, and to complete an annual statewide election reconciliation report for every state primary and general election. The report must be submitted annually on July 31, beginning July 31, 2020, to legislative policy and fiscal committees. The annual report must include reasons for ballot rejection and an analysis of the ways ballots are received, counted, and rejected that can be used by policymakers to better understand election administration.

(11) \$500,000 of the general fund—state appropriation for fiscal year 2020 is provided solely for civic engagement. The secretary of state and county auditors will collaborate to increase voter participation and educate voters about improvements to state election laws that will impact the 2019 and 2020 elections.

(12) \$1,000,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the office of the secretary of state to provide one-time grant funding to county auditors for election security improvements. Election security improvements may include but are not limited to installation of multi-factor authentication, emergency generators, vulnerability scanners, facility access control enhancements, and alarm systems. Funding will be prioritized based on demonstrated need.

**Sec. 120.** 2019 c 415 s 122 (uncodified) is amended to read as follows:

#### **FOR THE GOVERNOR'S OFFICE OF INDIAN AFFAIRS**

General Fund—State Appropriation (FY 2020)	
.....	<del>(((\$365,000))</del>
	<u>\$380,000</u>
General Fund—State Appropriation (FY 2021)	
.....	<del>(((\$352,000))</del>
	<u>\$370,000</u>
Pension Funding Stabilization Account—State	
Appropriation.....	\$28,000
TOTAL APPROPRIATION.....	<u>\$745,000</u>
	<u>\$778,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) The office shall assist the department of enterprise services on providing the government-to-government training sessions for federal, state, local, and tribal government employees. The training sessions shall cover tribal historical perspectives, legal issues, tribal sovereignty, and tribal governments. Costs of the training sessions shall be recouped through a fee charged to the participants of each session. The department of enterprise services shall be responsible for all of the administrative aspects of the training, including the billing and collection of the fees for the training.

(2) \$33,000 of the general fund—state appropriation for fiscal year 2020 and \$22,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of Second Substitute House Bill No. 1713 (Native American women). ~~((If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.))~~

**Sec. 121.** 2019 c 415 s 123 (uncodified) is amended to read as follows:

**FOR THE COMMISSION ON ASIAN PACIFIC AMERICAN AFFAIRS**

General Fund—State Appropriation (FY 2020)	.....(( <del>\$318,000</del> ))
	<u>\$344,000</u>
General Fund—State Appropriation (FY 2021)	.....(( <del>\$330,000</del> ))
	<u>\$425,000</u>
Pension Funding Stabilization Account—State	
Appropriation .....	\$26,000
TOTAL APPROPRIATION .....	<del>\$674,000</del>
	<u>\$795,000</u>

The appropriation in this section is subject to the following conditions and limitations: \$3,000 of the general fund—state appropriation for fiscal year 2020 and \$2,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of Substitute Senate Bill No. 5023 (ethnic studies). ~~((If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.))~~

**Sec. 122.** 2019 c 415 s 124 (uncodified) is amended to read as follows:

**FOR THE STATE TREASURER**

State Treasurer's Service Account—State	
Appropriation .....	(( <del>\$19,982,000</del> ))
	<u>\$20,062,000</u>
TOTAL APPROPRIATION .....	<del>\$19,982,000</del>
	<u>\$20,062,000</u>

**Sec. 123.** 2019 c 415 s 125 (uncodified) is amended to read as follows:

**FOR THE STATE AUDITOR**

General Fund—State Appropriation (FY 2020)	.....\$28,000
General Fund—State Appropriation (FY 2021)	.....\$32,000
State Auditing Services Revolving Account—State	
Appropriation.....	(( <del>\$12,650,000</del> ))
	<u>\$13,770,000</u>
Performance Audits of Government Account—State	
Appropriation.....	(( <del>\$1,679,000</del> ))
	<u>\$1,680,000</u>
TOTAL APPROPRIATION.....	<del>\$14,389,000</del>
	<u>\$15,510,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$1,585,000 of the performance audit of government account—state appropriation is provided solely for staff and related costs to verify the accuracy of reported school district data submitted for state funding purposes; conduct school district program audits of state-funded public school programs; establish the specific amount of state funding adjustments whenever audit exceptions occur and the amount is not firmly established in the course of regular public school audits; and to assist the state special education safety net committee when requested.

(2) Within existing resources of the performance audits of government account, the state auditor's office shall conduct a performance audit or accountability audit of Washington charter public schools to satisfy the requirement to contract for an independent performance audit pursuant to RCW 28A.710.030(2).

(3) The state auditor must conduct a performance and accountability audit of practices related to awarding, tracking, and reporting contracts with outside entities and contracts between the University of Washington and affiliated entities. Utilizing the information gathered under section 606(1)(z) of this act, similar provisions from prior biennia, and best practices in contract management and oversight, the auditor must recommend a plan to make contract information, including those for contracted services and consulting, available in a centralized and searchable form. The recommendations of the auditor must be reported to the fiscal committees of the legislature and the office of financial management no later than December 30, 2020.

**Sec. 124.** 2019 c 415 s 126 (uncodified) is amended to read as follows:

**FOR THE CITIZENS' COMMISSION ON SALARIES FOR ELECTED OFFICIALS**

General Fund—State Appropriation (FY 2020)	.....(( <del>\$226,000</del> ))
	<u>\$238,000</u>

General Fund—State Appropriation (FY 2021)	.....(( <del>\$243,000</del> ))
	<u>\$274,000</u>
Pension Funding Stabilization Account—State Appropriation.....	\$30,000
TOTAL APPROPRIATION .....	<u>\$499,000</u>
	<u>\$542,000</u>
<b>Sec. 125.</b> 2019 c 415 s 127 (uncodified) is amended to read as follows:	
<b>FOR THE ATTORNEY GENERAL</b>	
General Fund—State Appropriation (FY 2020)	.....(( <del>\$14,972,000</del> ))
	<u>\$15,564,000</u>
General Fund—State Appropriation (FY 2021)	.....(( <del>\$14,940,000</del> ))
	<u>\$17,059,000</u>
General Fund—Federal Appropriation	.....(( <del>\$15,992,000</del> ))
	<u>\$16,717,000</u>
Public Service Revolving Account—State Appropriation.....	(( <del>\$4,195,000</del> ))
	<u>\$4,227,000</u>
New Motor Vehicle Arbitration Account—State Appropriation .....	\$1,693,000
Medicaid Fraud Penalty Account—State Appropriation.....	(( <del>\$5,556,000</del> ))
	<u>\$5,668,000</u>
Child Rescue Fund—State Appropriation ....	\$500,000
Legal Services Revolving Account—State Appropriation .....	(( <del>\$276,544,000</del> ))
	<u>\$291,599,000</u>
Local Government Archives Account—State Appropriation.....	(( <del>\$348,000</del> ))
	<u>\$356,000</u>
Local Government Archives Account—Local .....	\$330,000
Pension Funding Stabilization Account—State Appropriation.....	\$1,602,000
Tobacco Prevention and Control Account—State Appropriation .....	\$273,000
TOTAL APPROPRIATION .....	<u>\$336,945,000</u>
	<u>\$355,588,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) The attorney general shall report each fiscal year on actual legal services expenditures and actual attorney staffing levels for each agency receiving legal services. The report shall be submitted to the office of financial management and the fiscal committees of the senate and house of representatives no later than ninety days after the end of each fiscal year. As part of its by agency report to the legislative fiscal committees and the office of financial management, the office of the attorney general shall include information detailing the agency's expenditures for its agency-wide overhead and a breakdown by division of division administration expenses.

(2) Prior to entering into any negotiated settlement of a claim against the state that exceeds five million dollars, the attorney general shall notify the director of financial management and the chairs of the senate committee on ways and means and the house of representatives committee on appropriations.

(3) The attorney general shall annually report to the fiscal committees of the legislature all new cy pres awards and settlements and all new accounts, disclosing their intended uses, balances, the nature of the claim or account, proposals, and intended timeframes for the expenditure of each amount. The report shall be distributed electronically and posted on the attorney general's web site. The report shall not be printed on paper or distributed physically.

(4) \$58,000 of the general fund—state appropriation for fiscal year 2020 and \$58,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of Second Substitute House Bill No. 1166 (sexual assault kits). ~~((If the bill is not enacted by June 30, 2019, the amount provided in this subsection shall lapse.))~~

(5) \$63,000 of the legal services revolving account—state appropriation is provided solely for implementation of Substitute House Bill No. 1399 (paid family and medical leave). ~~((If the bill is not enacted by June 30, 2019, the amount provided in this subsection shall lapse.))~~

(6) \$44,000 of the legal services revolving account—state appropriation is provided solely for implementation of Engrossed Second Substitute House Bill No. 1224 (rx drug cost transparency). ~~((If the bill is not enacted by June 30, 2019, the amount provided in this subsection shall lapse.))~~

(7) \$79,000 of the legal services revolving account—state appropriation is provided solely for implementation of House Bill No. 2052 (marijuana product testing). ~~((If the bill is not enacted by June 30, 2019, the amount provided in this subsection shall lapse.))~~

(8) \$330,000 of the local government archives account—local appropriation is provided solely for implementation of Engrossed Substitute House Bill No. 1667 (public records request admin). ~~((If the bill is not enacted by June 30, 2019, the amount provided in this subsection shall lapse.))~~

(9) \$161,000 of the general fund—state appropriation for fiscal year 2020 and \$161,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the civil rights unit to provide additional services in defense and

protection of civil and constitutional rights for people in Washington.

(10) \$88,000 of the general fund—state appropriation for fiscal year 2020, \$85,000 of the general fund—state appropriation for fiscal year 2021, and \$344,000 of the legal services revolving account—state appropriation are provided solely for implementation of Substitute Senate Bill No. 5297 (assistant AG bargaining). ~~((If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.))~~

(11) \$700,000 of the legal services revolving account—state appropriation is provided solely for implementation of Engrossed Second Substitute Senate Bill No. 5497 (immigrants in the workplace). ~~((If the bill is not enacted by June 30, 2019, the amount provided in this subsection shall lapse.))~~

(12) \$592,000 of the public service revolving account—state appropriation and \$47,000 of the legal services revolving account—state appropriation are provided solely for implementation of Engrossed Second Substitute Senate Bill No. 5116 (clean energy). ~~((If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.))~~

~~((44))~~ (13) \$200,000 of the general fund—state appropriation for fiscal year 2020 is provided solely for a work group to study and institute a statewide program for receiving reports and other information for the public regarding potential self-harm, potential harm, or criminal acts including but not limited to sexual abuse, assault, or rape. Out of this amount:

(a) The work group must review the aspects of similar programs in Arizona, Michigan, Colorado, Idaho, Nevada, Oregon, Utah, Wisconsin, and Wyoming; and must incorporate the most applicable aspects of those programs to the program proposal;

(b) The program proposal must include a plan to implement a twenty-four hour hotline or app for receiving such reports and information; and

(c) The program proposal and recommendations must be submitted to legislative fiscal committees by July 31, 2020.

~~((45))~~ (14) \$75,000 of the general fund—state appropriation for fiscal year 2020 is provided solely for the attorney general to develop an implementation plan to collect and disseminate data on the use of force by public law enforcement agencies and private security services.

(a) The plan must identify how to effectively collect data on the occasions of justifiable homicide or uses of deadly force by a public officer, peace officer, or person aiding under RCW 9A.16.040 by all general authority Washington law enforcement agencies and the department of corrections. The plan must address any necessary statutory changes, possible methods of collection, and any other needs that must be addressed to collect the following information:

(i) The number of tort claims filed and moneys paid in use of force cases;

(ii) The number of incidents in which peace officers discharged firearms at citizens;

(iii) The demographic characteristics of the officers and citizens involved in each incident, including sex, age, race, and ethnicity;

(iv) The agency or agencies employing the involved officers and location of each incident;

(v) The particular weapon or weapons used by peace officers and citizens; and

(vi) The injuries, if any, suffered by officers and citizens.

(b) The implementation plan must also identify how to effectively collect data on the occasions of the use of force requiring the discharge of a firearm by any private security guard employed by any private security company licensed under chapter 18.170 RCW. The plan must address any necessary statutory changes, possible methods of collection, and any other needs that must be addressed to collect the following information:

(i) The number of incidents in which security guards discharged firearms at citizens;

(ii) The demographic characteristics of the security guards and citizens involved in each incident, including sex, age, race, and ethnicity;

(iii) The company employing the involved security guards and the location of each incident;

(iv) The particular weapon or weapons used by security guards and citizens; and

(v) The injuries, if any, suffered by security guards and citizens.

(c) The attorney general must compile reports received pursuant to this subsection and make public the data collected.

(d) The department of licensing, department of corrections, Washington state patrol, and criminal justice training commission must assist the attorney general as necessary to complete the implementation plan.

~~((46))~~ (15) \$4,220,000 of the general fund—federal appropriation and \$1,407,000 of the medicaid fraud penalty account—state appropriation are provided solely for additional staffing and program operations in the medicaid fraud control division.

~~((47))~~ (16) \$4,292,000 of the legal services revolving account—state appropriation is provided solely for child welfare and permanency staff.

~~((48))~~ (17) \$141,000 of the legal services revolving account—state appropriation is provided solely for implementation of Engrossed Substitute Senate Bill No. 5035 (prevailing wage laws). ~~((If the bill is not enacted by June 30, 2019, the amount provided in this subsection shall lapse.))~~

(18) \$751,000 of the general fund—state appropriation, \$32,000 of the public service revolving account—state appropriation, \$109,000 of the medicaid fraud penalty account—state appropriation, \$4,529,000 of the legal services revolving account—state appropriation, and \$8,000 of the local government archives account—state appropriation are provided solely for the collective bargaining agreement referenced in section 902 of this act.

**Sec. 126.** 2019 c 415 s 128 (uncodified) is amended to read as follows:

**FOR THE CASELOAD FORECAST COUNCIL**

General Fund—State Appropriation (FY 2020)  
.....(~~(\$1,907,000)~~)  
\$2,039,000

General Fund—State Appropriation (FY 2021)  
.....(~~(\$1,922,000)~~)  
\$2,063,000

Pension Funding Stabilization Account—State  
Appropriation..... \$168,000

TOTAL APPROPRIATION ..... \$3,997,000  
\$4,270,000

The appropriations within this section are subject to the following conditions and limitations: \$43,000 of the general fund—state appropriation for fiscal year 2020 and \$27,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the caseload forecast council to provide information, data analysis, and other necessary assistance upon the request of the task force established in section 952 of this act.

**Sec. 127.** 2019 c 415 s 129 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF COMMERCE**

General Fund—State Appropriation (FY 2020)  
.....(~~(\$94,046,000)~~)  
\$97,253,000

General Fund—State Appropriation (FY 2021)  
.....(~~(\$92,285,000)~~)  
\$98,394,000

General Fund—Federal Appropriation  
.....(~~(\$327,876,000)~~)  
\$327,900,000

General Fund—Private/Local Appropriation  
.....(~~(\$9,107,000)~~)  
\$9,114,000

Public Works Assistance Account—State  
Appropriation.....(~~(\$8,207,000)~~)  
\$8,212,000

Lead Paint Account—State Appropriation... \$251,000

Building Code Council Account—State Appropriation  
.....\$16,000

Liquor Excise Tax Account—State Appropriation  
.....\$1,291,000

((~~Economic Development Strategic Reserve~~  
~~Account—State~~  
~~Appropriation~~.....~~\$5,000,000~~))

Home Security Fund Account—State Appropriation  
.....(~~(\$60,422,000)~~)  
\$170,255,000

Energy Freedom Account—State Appropriation  
.....\$5,000

Affordable Housing for All Account—State  
Appropriation.....\$13,895,000

Financial Fraud and Identity Theft Crimes  
Investigation  
and Prosecution Account—State Appropriation  
.....\$1,975,000

Low-Income Weatherization and Structural  
Rehabilitation  
Assistance Account—State Appropriation \$1,399,000

Statewide Tourism Marketing Account—State  
Appropriation.....\$3,028,000

Community and Economic Development Fee  
Account—State  
Appropriation.....\$4,200,000

Growth Management Planning and Environmental  
Review  
Fund—State Appropriation.....\$5,800,000

Pension Funding Stabilization Account—State  
Appropriation.....\$1,616,000

Liquor Revolving Account—State Appropriation  
.....\$5,918,000

Washington Housing Trust Account—State  
Appropriation.....(~~(\$12,944,000)~~)  
\$12,950,000

Prostitution Prevention and Intervention Account—  
State  
Appropriation.....\$26,000

Model Toxics Control Operating Account—State  
Appropriation.....\$70,000

Public Facility Construction Loan Revolving  
Account—  
State Appropriation.....(~~(\$903,000)~~)  
\$1,076,000

Andy Hill Cancer Research Endowment Fund MatchTransfer Account—State Appropriation.... \$5,432,000TOTAL APPROPRIATION ..... \$650,210,000\$770,076,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Repayments of outstanding mortgage and rental assistance program loans administered by the department under RCW 43.63A.640 shall be remitted to the department, including any current revolving account balances. The department shall collect payments on outstanding loans, and deposit them into the state general fund. Repayments of funds owed under the program shall be remitted to the department according to the terms included in the original loan agreements.

(2) \$1,000,000 of the general fund—state appropriation for fiscal year 2020 and \$1,000,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for a grant to resolution Washington to build statewide capacity for alternative dispute resolution centers and dispute resolution programs that guarantee that citizens have access to low-cost resolution as an alternative to litigation.

(3) \$375,000 of the general fund—state appropriation for fiscal year 2020 and \$375,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for a grant to the retired senior volunteer program.

(4) The department shall administer its growth management act technical assistance and pass-through grants so that smaller cities and counties receive proportionately more assistance than larger cities or counties.

(5) \$375,000 of the general fund—state appropriation for fiscal year 2020 and \$375,000 of the general fund—state appropriation for fiscal year 2021 are provided solely as pass-through funding to Walla Walla Community College for its water and environmental center.

(6) ~~(\$804,000)~~ \$3,304,000 of the general fund—state appropriation for fiscal year 2020 and ~~(\$804,000)~~ \$3,304,000 of the general fund—state appropriation for fiscal year 2021 ~~((and \$5,000,000 of the economic development strategic reserve account state appropriation))~~ are provided solely for associate development organizations. During the 2019-2021 biennium, the department shall consider an associate development organization's total resources when making contracting and fund allocation decisions, in addition to the schedule provided in RCW 43.330.086.

(7) \$5,907,000 of the liquor revolving account—state appropriation is provided solely for the department to contract with the municipal research and services center of Washington.

(8) The department is authorized to require an applicant to pay an application fee to cover the cost of reviewing the project and preparing an advisory opinion on

whether a proposed electric generation project or conservation resource qualifies to meet mandatory conservation targets.

(9) Within existing resources, the department shall provide administrative and other indirect support to the developmental disabilities council.

(10) \$300,000 of the general fund—state appropriation for fiscal year 2020 and \$300,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the northwest agriculture business center.

(11) \$150,000 of the general fund—state appropriation for fiscal year 2020 and \$150,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the regulatory roadmap program for the construction industry and to identify and coordinate with businesses in key industry sectors to develop additional regulatory roadmap tools.

(12) \$1,000,000 of the general fund—state appropriation for fiscal year 2020 and \$1,000,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the Washington new Americans program. The department may require a cash match or in-kind contributions to be eligible for state funding.

(13) \$643,000 of the general fund—state appropriation for fiscal year 2020 and \$643,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the department to contract with a private, nonprofit organization to provide developmental disability ombuds services.

(14) \$1,000,000 of the home security fund—state appropriation, \$2,000,000 of the Washington housing trust account—state appropriation, and \$1,000,000 of the affordable housing for all account—state appropriation are provided solely for the department of commerce for services to homeless families and youth through the Washington youth and families fund.

(15) \$2,000,000 of the home security fund—state appropriation is provided solely for the administration of the grant program required in chapter 43.185C RCW, linking homeless students and their families with stable housing.

(16) \$1,980,000 of the general fund—state appropriation for fiscal year 2020 and \$1,980,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for community beds for individuals with a history of mental illness. Currently, there is little to no housing specific to populations with these co-occurring disorders; therefore, the department must consider how best to develop new bed capacity in combination with individualized support services, such as intensive case management and care coordination, clinical supervision, mental health, substance abuse treatment, and vocational and employment services. Case-management and care coordination services must be provided. Increased case-managed housing will help to reduce the use of jails and emergency services and will help to reduce admissions to the state psychiatric hospitals. The department must coordinate with the health care authority and the department of social and health services in establishing conditions for the

awarding of these funds. The department must contract with local entities to provide a mix of (a) shared permanent supportive housing; (b) independent permanent supportive housing; and (c) low and no-barrier housing beds for people with a criminal history, substance abuse disorder, and/or mental illness.

Priority for permanent supportive housing must be given to individuals on the discharge list at the state psychiatric hospitals or in community psychiatric inpatient beds whose conditions present significant barriers to timely discharge.

(17) \$557,000 of the general fund—state appropriation for fiscal year 2020 and \$557,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the department to design and administer the achieving a better life experience program.

(18) The department is authorized to suspend issuing any nonstatutorily required grants or contracts of an amount less than \$1,000,000 per year.

(19) \$1,070,000 of the general fund—state appropriation for fiscal year 2020 and \$1,070,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the small business export assistance program. The department must ensure that at least one employee is located outside the city of Seattle for purposes of assisting rural businesses with export strategies.

(20) \$60,000 of the general fund—state appropriation for fiscal year 2020 and \$60,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the department to submit the necessary Washington state membership dues for the Pacific Northwest economic region.

(21) \$1,500,000 of the general fund—state appropriation for fiscal year 2020 and \$1,500,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the department to contract with organizations and attorneys to provide either legal representation or referral services for legal representation, or both, to indigent persons who are in need of legal services for matters related to their immigration status. Persons eligible for assistance under any contract entered into pursuant to this subsection must be determined to be indigent under standards developed under chapter 10.101 RCW.

(22)(a) \$3,500,000 of the general fund—state appropriation for fiscal year 2020 and \$3,500,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for grants to support the building operation, maintenance, and service costs of permanent supportive housing projects or units within housing projects that have or will receive funding from the housing trust fund—state account or other public capital funding that:

- (i) Is dedicated as permanent supportive housing units;
- (ii) Is occupied by low-income households with incomes at or below thirty percent of the area median income; and

(iii) Requires a supplement to rent income to cover ongoing property operating, maintenance, and service expenses.

(b) Permanent supportive housing projects receiving federal operating subsidies that do not fully cover the operation, maintenance, and service costs of the projects are eligible to receive grants as described in this subsection.

(c) The department may use a reasonable amount of funding provided in this subsection to administer the grants.

(23)(a) (~~(\$2,735,000))~~ \$2,625,000 of the general fund—state appropriation for fiscal year 2020, (~~(\$2,265,000))~~ \$2,625,000 of the general fund—state appropriation for fiscal year 2021, and \$7,000,000 of the home security fund—state appropriation are provided solely for the office of homeless youth prevention and protection programs to:

(i) Expand outreach, services, and housing for homeless youth and young adults including but not limited to secure crisis residential centers, crisis residential centers, and HOPE beds, so that resources are equitably distributed across the state;

(ii) Contract with other public agency partners to test innovative program models that prevent youth from exiting public systems into homelessness; and

(iii) Support the development of an integrated services model, increase performance outcomes, and enable providers to have the necessary skills and expertise to effectively operate youth programs.

(b) Of the amounts provided in this subsection:

(i) \$2,000,000 of the general fund—state appropriation for fiscal year 2020 and \$2,000,000 of the general fund—state appropriation for fiscal year 2021 are provided solely to build infrastructure and services to support a continuum of interventions including but not limited to prevention, crisis response, and long-term housing in reducing youth homelessness in four identified communities as part of the anchor community initiative; and

(ii) \$625,000 of the general fund—state appropriation for fiscal year 2020 and \$625,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for a contract with one or more nonprofit organizations to provide youth services and young adult housing on a multi-acre youth campus located in the city of Tacoma. Youth services include, but are not limited to, HOPE beds and crisis residential centers to provide temporary shelter and permanency planning for youth under the age of eighteen. Young adult housing includes, but is not limited to, rental assistance and case management for young adults ages eighteen to twenty-four.

(24) \$36,650,000 of the general fund—state appropriation for fiscal year 2020 (~~(and)~~), \$36,650,000 of the general fund—state appropriation for fiscal year 2021, and \$26,100,000 of the home security fund—state appropriation are provided solely for the essential needs and housing support program.

(25) \$1,436,000 of the general fund—state appropriation for fiscal year 2020 and \$1,436,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the department to identify and invest in strategic growth areas, support key sectors, and align existing economic development programs and priorities. The department must consider Washington's position as the most trade-dependent state when identifying priority investments. The department must engage states and provinces in the northwest as well as associate development organizations, small business development centers, chambers of commerce, ports, and other partners to leverage the funds provided. Sector leads established by the department must include the industries of: (a) Aerospace; (b) clean technology and renewable and nonrenewable energy; (c) wood products and other natural resource industries; (d) information and communication technology; (e) life sciences and global health; (f) maritime; and (g) military and defense. The department may establish these sector leads by hiring new staff, expanding the duties of current staff, or working with partner organizations and or other agencies to serve in the role of sector lead.

(26) \$1,237,000 of the liquor excise tax account—state appropriation is provided solely for the department to provide fiscal note assistance to local governments, including increasing staff expertise in multiple subject matter areas, including but not limited to criminal justice, taxes, election impacts, transportation and land use, and providing training and staff preparation prior to legislative session.

(27) The department must develop a model ordinance for cities and counties to utilize for siting community based behavioral health facilities.

(28) \$198,000 of the general fund—state appropriation for fiscal year 2020 and \$198,000 of the general fund—state appropriation for fiscal year 2021 are provided solely to retain a behavioral health facilities siting administrator within the department to coordinate development of effective behavioral health housing options and provide technical assistance in siting of behavioral health treatment facilities statewide to aide in the governor's plan to discharge individuals from the state psychiatric hospitals into community settings. This position must work closely with the local government legislative authorities, planning departments, behavioral health providers, health care authority, department of social and health services, and other entities to facilitate linkages among disparate behavioral health community bed capacity-building efforts. This position must work to integrate building behavioral health treatment and infrastructure capacity in addition to ongoing supportive housing benefits.

(29)(a) During the 2019-2021 fiscal biennium, the department must revise its agreements and contracts with vendors to include a provision to require that each vendor agrees to equality among its workers by ensuring similarly employed individuals are compensated as equals as follows:

(i) Employees are similarly employed if the individuals work for the same employer, the performance of the job requires comparable skill, effort, and responsibility,

and the jobs are performed under similar working conditions. Job titles alone are not determinative of whether employees are similarly employed;

(ii) Vendors may allow differentials in compensation for its workers based in good faith on any of the following:

(A) A seniority system; a merit system; a system that measures earnings by quantity or quality of production; a bona fide job-related factor or factors; or a bona fide regional difference in compensation levels.

(B) A bona fide job-related factor or factors may include, but not be limited to, education, training, or experience, that is: Consistent with business necessity; not based on or derived from a gender-based differential; and accounts for the entire differential.

(C) A bona fide regional difference in compensation level must be: Consistent with business necessity; not based on or derived from a gender-based differential; and account for the entire differential.

(b) The provision must allow for the termination of the contract if the department or department of enterprise services determines that the vendor is not in compliance with this agreement or contract term.

(c) The department must implement this provision with any new contract and at the time of renewal of any existing contract.

(30)(a) \$150,000 of the general fund—state appropriation for fiscal year 2020 and \$150,000 of the general fund—local appropriation are provided solely for the department to contract with a consultant to study the current and ongoing impacts of the SeaTac international airport. The general fund—state funding provided in this subsection serves as a state match and may not be spent unless \$150,000 of local matching funds is transferred to the department. The department must seek feedback on project scoping and consultant selection from the cities listed in (b) of this subsection.

(b) The study must include, but not be limited to:

(i) The impacts that the current and ongoing airport operations have on quality of life associated with air traffic noise, public health, traffic, congestion, and parking in residential areas, pedestrian access to and around the airport, public safety and crime within the cities, effects on residential and nonresidential property values, and economic development opportunities, in the cities of SeaTac, Burien, Des Moines, Tukwila, Federal Way, Normandy Park, and other impacted neighborhoods; and

(ii) Options and recommendations for mitigating any negative impacts identified through the analysis.

(c) The department must collect data and relevant information from various sources including the port of Seattle, listed cities and communities, and other studies.

(d) The study must be delivered to the legislature by June 1, 2020.

(31) Within amounts appropriated in this section, the office of homeless youth prevention and protection must



make recommendations to the appropriate committees of the legislature by October 31, 2019, regarding rights that all unaccompanied homeless youth and young adults should have for appropriate care and treatment in licensed and unlicensed residential runaway and homeless youth programs.

(32) \$787,000 of the general fund—state appropriation for fiscal year 2020 and \$399,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of Second Substitute House Bill No. 1344 (child care access work group). ~~((If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.))~~

(33) \$144,000 of the general fund—state appropriation for fiscal year 2020 and \$144,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the department to contract with a nonprofit organization with offices located in the cities of Maple Valley, Enumclaw, and Auburn to provide street outreach and connect homeless young adults ages eighteen through twenty-four to services in south King county.

(34) \$218,000 of the general fund—state appropriation for fiscal year 2020 and \$61,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of Second Substitute House Bill No. 1444 (appliance efficiency). ~~((If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.))~~

(35) \$100,000 of the general fund—state appropriation for fiscal year 2020 is provided solely for implementation of Engrossed Second Substitute House Bill No. 1114 (food waste reduction). ~~((If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.))~~

(36) \$75,000 of the general fund—state appropriation for fiscal year 2020 and \$75,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for a contract with the city of Federal Way to support after-school recreational and educational programs.

~~((38))~~ (37) \$150,000 of the general fund—state appropriation for fiscal year 2020 is provided solely for the department to convene a work group regarding the development of Washington's green economy based on the state's competitive advantages. The work group must focus on developing economic, education, business, and investment opportunities in energy, water, and agriculture. The work group must consist of at least one representative from the department, the department of natural resources, the department of agriculture, the Washington state department of transportation, a four-year research university, a technical college, the private sector, an economic development council, a city government, a county government, a tribal government, a non-government organization, a statewide environmental advocacy organization, and up to two energy utility providers. The work group must:

(a) Develop an inventory of higher education resources including research, development, and workforce training to foster green economic development in energy, water, and agriculture;

(b) Identify investment opportunities in higher education research, development, and workforce training to enhance and accelerate green economic development;

(c) Make recommendations for green economic development investment opportunities and how state government may serve as a clearing house, or economic center, to support private investments and build the green economy in Washington to serve national and global markets;

(d) Identify opportunities for integrating technology in energy, water, natural resources, and agriculture, and create resource efficiencies including water and energy conservation and smart grid technologies;

(e) Recommend policies at the state and local government level to promote and accelerate development of the green economy in Washington state;

(f) Submit an interim report with the work group recommendations to the appropriate legislative committees by December 1, 2019; and

(g) Submit a final report with the work group recommendations to the appropriate legislative committees by June 30, 2020.

~~((39))~~ (38) \$75,000 of the general fund—state appropriation for fiscal year 2020 and \$75,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for a grant to a nonprofit organization focused on supporting pregnant women and single mothers who are homeless or at risk of being homeless throughout Pierce county. The grant must be used for providing classes relating to financial literacy, renter rights and responsibilities, parenting, and physical and behavioral health.

~~((40))~~ (39) \$200,000 of the general fund—state appropriation for fiscal year 2020 and \$200,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the department to provide capacity-building grants through the Latino community fund for educational programs and human services support for children and families in rural and underserved communities.

~~((41))~~ (40) \$400,000 of the general fund—state appropriation for fiscal year 2020 is provided solely for the city of Bothell to complete the canyon park regional growth center subarea plan.

~~((42))~~ (41) \$172,000 of the general fund—state appropriation for fiscal year 2020 and \$165,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the Washington statewide reentry council for operational staff support, travel, and administrative costs.

~~((44))~~ (42) \$964,000 of the general fund—state appropriation for fiscal year 2020 and \$1,045,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of Engrossed Third Substitute House Bill No. 1257 (energy efficiency). ~~((If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.))~~

~~((45))~~ (43) \$1,500,000 of the general fund—state appropriation for fiscal year 2020 and \$1,500,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of chapter 16, Laws of 2017 3rd sp. sess. (E2SSB 5254).

~~((46))~~ (44) General fund—federal appropriations provided in this section assume continued receipt of the federal Byrne justice assistance grant for state and local government drug and gang task forces.

~~((47))~~ (45) \$450,000 of the general fund—state appropriation for fiscal year 2020 and \$450,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for a grant to a nonprofit organization for an initiative to advance affordable housing projects and education centers on public or tax-exempt land in Washington state. The department must award the grant to an organization with an office located in a city with a population of more than six hundred thousand that partners in equitable, transit-oriented development. The grant must be used to:

(a) Produce an inventory of potentially developable public or tax-exempt properties;

(b) Analyze the suitability of properties for affordable housing, early learning centers, or community space;

(c) Organize community partners and build capacity to develop sites, as well as coordinate negotiations among partners and public owners;

(d) Facilitate collaboration and co-development between affordable housing, early learning centers, or community space;

(e) Catalyze the redevelopment of ten sites to create approximately fifteen hundred affordable homes; and

(f) Subcontract with the University of Washington to facilitate public, private, and non-profit partnerships to create a regional vision and strategy for building affordable housing at a scale to meet the need.

~~((48))~~ (46) \$500,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the department to contract with an entity located in the Beacon hill/Chinatown international district area of Seattle to provide low income housing, low income housing support services, or both. To the extent practicable, the chosen location must be colocated with other programs supporting the needs of children, the elderly, or persons with disabilities.

~~((49))~~ (47) \$800,000 of the general fund—state appropriation for fiscal year 2020 and \$800,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the department to provide a grant for a criminal justice diversion center pilot program in Spokane county. Spokane county must report collected data from the pilot program to the department. The department must submit a report to the appropriate committees of the legislature by October 1, 2020. The report must contain, at a minimum:

(a) An analysis of the arrests and bookings for individuals served in the pilot program;

(b) An analysis of the connections to behavioral health services made for individuals who were served by the pilot program;

(c) An analysis of the impacts on housing stability for individuals served by the pilot program; and

(d) The number of individuals served by the pilot program who were connected to a detoxification program, completed a detoxification program, completed a chemical dependency assessment, completed chemical dependency treatment, or were connected to housing.

~~((50))~~ (48)(a) \$500,000 of the general fund—state appropriation for fiscal year 2020 and \$500,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for one or more better health through housing pilot project. The department must contract with one or more accountable communities of health to work with hospitals and permanent supportive housing providers in their respective accountable community of health regions to plan for and implement the better health through housing pilot project. The accountable communities of health must have established partnerships with permanent supportive housing providers, hospitals, and community health centers.

(b) The pilot project must prioritize providing permanent supportive housing assistance to people who:

(i) Are homeless or are at imminent risk of homelessness;

(ii) Have complex physical health or behavioral health conditions; and

(iii) Have a medically necessary condition, risk of death, negative health outcomes, avoidable emergency department utilization, or avoidable hospitalization without the provision of permanent supportive housing, as determined by a vulnerability assessment tool.

(c) Permanent supportive housing assistance may include rental assistance, permanent supportive housing service funding, or permanent supportive housing operations and maintenance funding. The pilot program shall work with permanent supportive housing providers to determine the best permanent supportive housing assistance local investment strategy to expedite the availability of permanent supportive housing for people eligible to receive assistance through the pilot project.

(d) Within the amounts provided in this subsection, the department must contract with the Washington state department of social and health services division of research and data analysis to design and conduct a study to evaluate the impact of the better health through housing pilot project or projects. The division shall submit a final study report to the governor and appropriate committees of the legislature by June 30, 2021. The study objectives must include:

(i) Baseline data collection of the physical health conditions, behavioral health conditions, housing status, and health care utilization of people who receive permanent supportive housing assistance through the pilot project;

(ii) The impact on physical health and behavioral health outcomes of people who receive permanent supportive housing assistance through the pilot project as compared to people with similar backgrounds who did not receive permanent supportive housing assistance; and

(iii) The impact on health care costs and health care utilization of people who receive permanent supportive housing assistance through the pilot project as compared to people with similar backgrounds who did not receive permanent supportive housing assistance.

(e) A reasonable amount of the amounts provided in this subsection may be used to pay for costs to administer the pilot contracts and housing assistance.

(f) Amounts provided in this subsection do not include funding provided under title XIX or title XXI of the federal social security act, funding from the general fund—federal appropriation, or funding from the general fund—local appropriation for transformation through accountable communities of health, as described in initiative one of the medicaid transformation demonstration waiver under healthier Washington.

(g) The accountable communities of health must annually report the progress and impact of the better health through housing pilot project or projects to the joint select committee on health care oversight by December 1st of each year.

~~((54))~~ (49) \$250,000 of the general fund—state appropriation for fiscal year 2020 and \$250,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the department to contract for the promotion of leadership development, community building, and other services for the Native American community in south King county.

~~((52))~~ (50)(a) \$50,000 of the general fund—state appropriation for fiscal year 2020 is provided solely for the department to provide to Chelan county to collaborate with the department of fish and wildlife and the Stemilt partnership on the following activities:

(i) Identifying and evaluating possible land exchanges in the Stemilt basin that provide mutual benefits to outdoor recreation and the mission of a public agency; and

(ii) Completing independent appraisals of all properties that may be included in a possible land exchange by June 30, 2020.

(b) \$20,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the department to provide to the department of fish and wildlife to complete technical studies, assessments, environmental review, and due diligence for lands included in any potential exchange and for project review for near-and long-term facility replacement and expansion of the mission ridge ski and board resort.

(c) The department must require the department of fish and wildlife, in collaboration with Chelan county, to submit recommendations for potential land exchange and supporting appraisals and environmental analysis to the

Chelan county board of commissioners and the appropriate committees of the legislature by December 1, 2020.

~~((53))~~ (51) \$500,000 of the general fund—state appropriation for fiscal year 2020, \$500,000 of the general fund—state appropriation for fiscal year 2021 and \$4,500,000 of the home security fund—state appropriation are provided solely for the consolidated homeless grant program. Of the amounts provided in this subsection, \$4,500,000 of the home security fund—state appropriation is provided solely for permanent supportive housing targeted at those families who are chronically homeless and where at least one member of the family has a disability. The department will also connect these families to medicaid supportive services.

~~((54))~~ (52) \$1,275,000 of the general fund—state appropriation for fiscal year 2020 and \$1,227,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of Engrossed Second Substitute Senate Bill No. 5116 (clean energy). ~~((If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.))~~

~~((55))~~ (53) \$47,000 of the general fund—state appropriation for fiscal year 2020 and \$47,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of Engrossed Second Substitute Senate Bill No. 5223 (electrical net metering). ~~((If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.))~~

~~((56))~~ (54) \$81,000 of the general fund—state appropriation for fiscal year 2020 and \$76,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of Substitute Senate Bill No. 5324 (homeless student support). ~~((If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.))~~

~~((57))~~ (55) \$100,000 of the general fund—state appropriation for fiscal year 2020 and \$100,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of Engrossed Second Substitute Senate Bill No. 5497 (immigrants in the workplace). ~~((If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.))~~

~~((58))~~ (56) \$264,000 of the general fund—state appropriation for fiscal year 2020 and \$264,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of Second Substitute Senate Bill No. 5511 (broadband service). ~~((If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.))~~

~~((59))~~ (57) \$272,000 of the general fund—state appropriation for fiscal year 2020 and \$272,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the lead based paint enforcement activities within the department.

~~((60))~~ (58) \$250,000 of the general fund—state appropriation for fiscal year 2020 is provided solely for a one-time grant to the port of Port Angeles for a stormwater

management project to protect ancient tribal burial sites and to maintain water quality.

~~((61))~~ (59) \$100,000 of the general fund—state appropriation for fiscal year 2020 and \$100,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for a grant to municipalities using a labor program model designed for providing jobs to individuals experiencing homelessness to lead to full-time employment and stable housing.

~~((62))~~ (60) \$75,000 of the general fund—state appropriation for fiscal year 2020 and \$75,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of the recommendations by the joint transportation committee's Washington state air cargo movement study to support an air cargo marketing program and assistance program. The department must coordinate promotion activities at domestic and international trade shows, air cargo events, and other activities that support the promotion, marketing, and sales efforts of the air cargo industry.

~~((63))~~ (61) \$125,000 of the general fund—state appropriation for fiscal year 2020 and \$125,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for a grant to a nonprofit for a smart buildings education program to educate building owners and operators on smart building practices and technologies, including the development of onsite and digital trainings that detail how to operate residential and commercial facilities in an energy efficient manner. The grant recipient must be located in a city with a population of more than seven hundred thousand and serve anyone within Washington with an interest in better understanding energy efficiency in commercial and institutional buildings.

~~((64(a)))~~ (62) \$150,000 of the general fund—state appropriation for fiscal year 2020 and \$150,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the department to provide a grant to a nonprofit organization to assist fathers transitioning from incarceration to family reunification. The grant recipient must have experience contracting with:

~~((i))~~ (a) The department of corrections to support offender betterment projects; and

~~((ii))~~ (b) The department of social and health services to provide access and visitation services.

~~((65))~~ (63) \$100,000 of the general fund—state appropriation for fiscal year 2020 and \$100,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for a grant to a nonprofit organization to promote public education around wildfires to public school students of all ages and to expand outreach on issues related to forest health and fire suppression. The grant recipient shall sponsor projects including, but not limited to, a multi-media traveling presentation.

~~((66))~~ (64) \$125,000 of the general fund—state appropriation for fiscal year 2020 and \$125,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for a grant to a nonprofit organization to help

reduce crime and violence in neighborhoods and school communities. The grant recipient must promote safe streets and community engagement in the city of Tacoma through neighborhood organizing, law enforcement-community partnerships, neighborhood watch programs, youth mobilization, and business engagement.

~~((67))~~ (65) \$125,000 of the general fund—state appropriation for fiscal year 2020 and \$125,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for a grant to increase the financial stability of low income Washingtonians through participation in children's education savings accounts, earned income tax credits, and the Washington retirement marketplace. The grant recipient must be a statewide association of local asset building coalitions that promotes policies and programs in Washington to assist low-and-moderate income residents build, maintain, and preserve assets through investments in education, homeownership, personal savings and entrepreneurship.

~~((68))~~ (66) \$100,000 of the general fund—state appropriation for fiscal year 2020 and \$100,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for a grant to a nonprofit organization to catalyze a market for mass timber and promote forest health, workforce development, and updates to building codes. The grant recipient must have at least twenty-five years of experience in land acquisition and program management to conserve farmland, create jobs, revitalize small towns, reduce wildfires, and reduce greenhouse emissions.

~~((69))~~ (67) \$250,000 of the general fund—state appropriation for fiscal year 2020 and \$250,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for a grant to assist people with limited incomes in nonmetro areas of the state start and sustain small businesses. The grant recipient must be a nonprofit organization involving a network of microenterprise organizations and professionals to support micro entrepreneurship and access to economic development resources.

~~((70))~~ (68) \$270,000 of the general fund—state appropriation for fiscal year 2020 is provided solely for a grant to a nonprofit organization within the city of Tacoma for social services and educational programming to assist Latino and indigenous communities in honoring heritage and culture through the arts, and overcoming barriers to social, political, economic, and cultural community development.

~~((71))~~ (69) \$5,800,000 of the growth management planning and environmental review fund—state appropriation is provided solely for implementation of Engrossed Second Substitute House Bill No. 1923 (urban residential building). ~~((If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.))~~ Of the amounts provided in this subsection:

(a) \$5,000,000 is provided solely for grants to cities for costs associated with the bill;

(b) \$500,000 is provided solely for administration costs to the department; and

(c) \$300,000 is provided solely for a grant to the Washington real estate research center.

~~((72))~~ (70) \$100,000 of the general fund—state appropriation for fiscal year 2020 is provided solely for the department to produce a proposal and recommendations for establishing an industrial waste coordination program by December 1, 2019.

(71) \$200,000 of the general fund—state appropriation for fiscal year 2020 and \$401,748 of the general fund—state appropriation for fiscal year 2021 are provided solely for the department to develop a comprehensive analysis of statewide emissions reduction strategies. This technical analysis must: (a) Identify specific strategies that are likely to be most effective in achieving necessary emissions reductions for key energy uses and customer segments; and (b) be performed by one or more expert consultants, with administrative and policy support provided by the department.

(72) \$5,432,000 of the Andy Hill cancer research endowment fund match transfer account—state appropriation is provided for the Andy Hill cancer research endowment program.

(73) \$600,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for grants to law enforcement agencies to implement group violence intervention strategies in areas with high rates of gun violence. Grant funding will be awarded to two sites, with priority given to Yakima county and south King county. The sites must be located in areas with high rates of gun violence, include collaboration with the local leaders and community members, use data to identify the individuals most at risk to perpetrate gun violence for interventions, and include a component that connects individuals to services. Priority is given to sites meeting these criteria who also can demonstrate leveraging existing local or federal resources.

(74) \$66,395,667 of the home security fund—state appropriation is provided for the department to administer a grant program to expand and enhance statewide homeless shelter capacity. Funding will be awarded based on need, taking into consideration total population, the number of people living outside or other places unfit for human habitation, or other indicators of need. The grant program must promote the goal that every jurisdiction have adequate shelter capacity, or an agreement with another jurisdiction to provide adequate shelter. Eligible uses of shelter capacity expansion funding include costs associated with building and operating new shelter beds or sanctioned camping capacity, and outreach directly necessary to identify and move individuals into shelter, sanctioned camping, or under-utilized shelter capacity. Up to ten percent of the funds awarded through June 2021 may be used by local jurisdictions to develop required local sheltering plans. Funds awarded through the grant program may not be used to supplant existing funding.

(75) \$15,444,000 of the home security fund—state appropriation for fiscal year 2021 is provided solely for the department to provide permanent supportive housing assistance grants.

(76) \$1,007,000 of the home security fund—state appropriation for fiscal year 2021 is provided solely for the department to administer a transitional housing pilot program for nondependent homeless youth. In developing the pilot program, the department will work with the adolescent unit within the department of children, youth, and families, which is focused on cross-system challenges impacting youth, including homelessness.

(77) \$80,000 of the general fund—state appropriation for fiscal year 2021 is provided to the department to facilitate research on nontraditional workers across the regulatory continuum, including convening cross-agency partners. The purpose of the research is to recommend policies and practices regarding the state's worker and small business programs, address changes in the labor market, and continue work initiated by the independent contractor employment study funded in section 127(47), chapter 299, Laws of 2018. The department must submit a report of its findings to the governor by November 1, 2020.

(78) \$150,000 of the general fund—state appropriation for fiscal year 2021 is provided for the Washington center for internships and academic seminars to provide student scholarships.

**Sec. 128.** 2019 c 415 s 130 (uncodified) is amended to read as follows:

**FOR THE ECONOMIC AND REVENUE FORECAST COUNCIL**

General Fund—State Appropriation (FY 2020)	<del>(\$860,000)</del>
	\$874,000
General Fund—State Appropriation (FY 2021)	<del>(\$888,000)</del>
	\$913,000
Pension Funding Stabilization Account—State Appropriation	\$102,000
Lottery Administrative Account—State Appropriation	\$50,000
TOTAL APPROPRIATION	\$1,900,000
	\$1,939,000

**Sec. 129.** 2019 c 415 s 131 (uncodified) is amended to read as follows:

**FOR THE OFFICE OF FINANCIAL MANAGEMENT**

General Fund—State Appropriation (FY 2020)	<del>(\$28,833,000)</del>
	\$29,043,000
General Fund—State Appropriation (FY 2021)	<del>(\$12,303,000)</del>
	\$13,499,000
General Fund—Federal Appropriation	\$32,512,000

General Fund—Private/Local Appropriation .....	\$5,526,000
Economic Development Strategic Reserve Account—State	
Appropriation .....	<del>(\$330,000)</del>
	<u>\$332,000</u>
Personnel Service Account—State Appropriation .....	<del>(\$35,133,000)</del>
	<u>\$23,429,000</u>
Higher Education Personnel Services Account—State	
Appropriation .....	\$1,497,000
Statewide Information Technology System Development	
<u>Maintenance and Operations</u> Revolving	
Account—State Appropriation .....	<del>(\$13,298,000)</del>
	<u>\$37,444,000</u>
Office of Financial Management Central Service Account—	
State Appropriation .....	<del>(\$20,710,000)</del>
	<u>\$23,541,000</u>
Pension Funding Stabilization Account—State	
Appropriation .....	\$2,446,000
Performance Audits of Government Account—State	
Appropriation .....	\$678,000
<u>Workforce Education Investment Account—State</u>	
<u>Appropriation</u> .....	<u>\$286,000</u>
<u>Model Toxics Control Operating Account—State</u>	
<u>Appropriation</u> .....	<u>\$48,000</u>
TOTAL APPROPRIATION .....	<del>\$153,266,000</del>
	<u>\$170,281,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1)(a) The student achievement council and all institutions of higher education as defined in RCW 28B.92.030 and eligible for state financial aid programs under chapters 28B.92 and 28B.118 RCW shall ensure that data needed to analyze and evaluate the effectiveness of state financial aid programs are promptly transmitted to the education data center so that it is available and easily accessible. The data to be reported must include but not be limited to:

(i) The number of state need grant and college bound recipients;

(ii) The number of students on the unserved waiting list of the state need grant;

(iii) Persistence and completion rates of state need grant recipients and college bound recipients as well as students on the state need grant unserved waiting list, disaggregated by institution of higher education;

(iv) State need grant recipients and students on the state need grant unserved waiting list grade point averages; and

(v) State need grant and college bound scholarship program costs.

(b) The student achievement council shall submit student unit record data for state financial aid program applicants and recipients to the education data center.

(c) The education data center shall enter data sharing agreements with the joint legislative audit and review committee and the Washington state institute for public policy to ensure that legislatively directed research assignments regarding state financial aid programs may be completed in a timely manner.

(2)(a) ~~(\$10,000,000)~~ \$35,525,000 of the statewide information technology system development revolving account—state appropriation is provided solely for continuation of readiness activities for the one Washington program. Of the amounts provided in this subsection:

(i) ~~(\$7,082,000)~~ \$29,524,000 of the statewide information technology system development revolving account—state appropriation is provided solely for organizational enterprise resource planning, organizational change management, project staff, procurement assistance, legal counsel, system integration, software and procurement contracts ~~(in fiscal year 2020)~~.

(ii) \$459,000 of the statewide information technology system development revolving account—state appropriation is provided solely for staff in fiscal year 2020.

(iii) \$1,000,000 of the statewide information technology system development revolving account—state appropriation is provided solely for other contractual services or project staffing in fiscal year 2020.

(iv) \$459,000 of the statewide information technology system development revolving account—state appropriation is provided solely for staff in fiscal year 2021.

(v) ~~(\$1,000,000)~~ \$3,615,000 of the statewide information technology system development revolving account—state appropriation is provided solely for other contractual services or project staffing in fiscal year 2021.

(b) Beginning September 30, 2019, the office of financial management shall provide written quarterly reports on the one Washington program to the legislative fiscal committees and the legislative evaluation and accountability program committee to include how funding was spent for the prior quarter.

(c) Prior to spending any funds, the director of the office of financial management must agree to the spending and sign off on the spending.

(d) This subsection is subject to the conditions, limitations, and review requirements of ~~((section 719 of this act))~~ section 701 of this act.

(3) Within existing resources, the labor relations section shall produce a report annually on workforce data and trends for the previous fiscal year. At a minimum, the report must include a workforce profile; information on employee compensation, including salaries and cost of overtime; and information on retention, including average length of service and workforce turnover.

(4) ~~(((\$12,741,000))~~ \$6,371,000 of the personnel service account—state appropriation in this section is provided solely for administration of orca pass benefits included in the 2019-2021 collective bargaining agreements and provided to nonrepresented employees as identified in section 996 of this act. ~~((The))~~ During fiscal year 2020, the office of financial management must bill each agency for that agency's proportionate share of the cost of orca passes. The payment from each agency must be deposited in to the personnel service account and used to purchase orca passes. The office of financial management may consult with the Washington state department of transportation in the administration of these benefits.

(5) ~~(((\$12,485,000))~~ \$6,226,000 of the personnel service fund appropriation is provided solely for the administration of a flexible spending arrangement (FSA) plan. ~~((Agencies))~~ During fiscal year 2020, agencies shall pay their proportional cost for the program as determined by the office of financial management. Total amounts billed by the office of financial management for this purpose may not exceed the amount provided in this subsection. The office of financial management may, through interagency agreement, delegate administration of the program to the health care authority.

(6) \$1,536,000 of the general fund—state appropriation for fiscal year 2020 is provided solely for the implementation of Engrossed Substitute Senate Bill No. 5741 (all payer claims database), and is subject to the conditions, limitations, and review provided in ~~((section 719 of this act))~~ section 701 of this act. ~~((If the bill is not enacted by June 30, 2019, the amount provided in this subsection shall lapse.))~~

(7) \$157,000 of the general fund—state appropriation for fiscal year 2020 is provided solely for the implementation of Substitute House Bill No. 1949 (firearm background checks). ~~((If the bill is not enacted by June 30, 2019, the amount provided in this subsection shall lapse.))~~

(8) Within amounts appropriated in this section, funding is provided to implement Second Substitute House Bill No. 1497 (foundational public health).

(9) \$110,000 of the general fund—state appropriation for fiscal year 2020 is provided solely for the office of financial management to determine annual primary care medical expenditures in Washington, by insurance carrier, in total and as a percentage of total medical expenditure. Where feasible, this determination must also be broken down by relevant characteristics such as whether expenditures were

for in-patient or out-patient care, physical or mental health, by type of provider, and by payment mechanism.

(a) The determination must be made in consultation with statewide primary care provider organizations using the state's all payer claims database and other existing data.

(b) For purposes of this section:

(i) "Primary care" means family medicine, general internal medicine, and general pediatrics.

(ii) "Primary care provider" means a physician, naturopath, nurse practitioner, physician assistant, or other health professional licensed or certified in Washington state whose clinical practice is in the area of primary care.

(iii) "Primary care medical expenditures" means payments to reimburse the cost of physical and mental health care provided by a primary care provider, excluding prescription drugs, vision care, and dental care, whether paid on a fee-for-service basis or as a part of a capitated rate or other type of payment mechanism.

(iv) "Total medical expenditure" means payments to reimburse the cost of all health care and prescription drugs, excluding vision care and dental care, whether paid on a fee-for-service basis or as part of a capitated rate or other type of payment mechanism.

(c) By December 1, 2019, the office of financial management shall report its findings to the legislature, including an explanation of its methodology and any limits or gaps in existing data which affected its determination.

(10) \$1,200,000 of the office of financial management central services—state appropriation is provided solely for the education research and data center to set up a data enclave and to work on complex data sets. This is subject to the conditions, limitations and review requirements of ~~((section 719 of this act))~~ section 701 of this act. The data enclave for customer access must include twenty-five users, to include one user from each of the following entities:

(a) The house;

(b) The senate;

(c) The legislative evaluation and accountability program committee;

(d) The joint legislative audit and review committee; and

(e) The Washington state institute for public policy.

(11) ~~(((\$345,000 of the statewide information technology system development revolving account—state appropriation is provided solely for modifications to the))~~ The facilities portfolio management tool project to expand the ability to track leases of land, buildings, equipment, and vehicles~~((—This))~~ is subject to the conditions, limitations, and review requirements of ~~((section 719 of this act))~~ section 701 of this act.

~~((14))~~ (12) \$250,000 of the office of financial management central service—state appropriation is provided solely for a dedicated budget staff for the work

associated with the information technology cost pool projects. The staff will be responsible for providing a monthly financial report after each fiscal month close to fiscal staff of the senate ways and means and house appropriations committees to reflect at least:

(a) Fund balance of the information technology pool account;

(b) Amount by project of funding approved to date and for the last fiscal month;

(c) Amount by agency of funding approved to date and for the last fiscal month;

(d) Total amount approved to date and for the last fiscal month; and

(e) Amount of expenditure on each project by the agency to date and for the last fiscal month.

~~((15))~~ (13) \$15,000,000 of the general fund—state appropriation for fiscal year 2020, \$159,000 of the general fund—state appropriation for fiscal year 2021, and \$5,000,000 of the general fund—private/local appropriation are provided solely for the office of financial management to prepare for the 2020 census. No funds provided under this subsection may be used for political purposes. The office must:

(a) Complete outreach and a communication campaign that reaches the state's hardest to count residents;

(b) Perform frequent outreach to the hard-to-count population both in person through community messengers and through various media avenues;

(c) Establish deliverable-based outreach contracts with nonprofit organizations and local and tribal contracts;

(d) Consider the recommendations of the statewide complete count committee;

(e) Prepare documents in multiple languages to promote census participation;

(f) Provide technical assistance with the electronic census forms; and

(g) Hold in reserve \$5,000,000 of the general fund—state appropriation for fiscal year 2020 and \$5,000,000 of the general fund—private/local appropriation, until January 1, 2020, for contracting with community based organizations with historical access to and credibility with hard-to-count people to support outreach to the hardest to count and last-mile efforts.

(14) Within existing resources and in consultation with the office of the superintendent of public instruction, the office of financial management shall review and report on the pupil transportation funding system for K-12 education. The report shall include findings and recommendations and shall be submitted to the governor and the appropriate committees of the legislature by September 1, 2020. This report shall include review of the following:

(a) The formula components and modeling approach in RCW 28A.160.192;

(b) The data used in the analysis for completeness, validity, and appropriateness;

(c) The timing requirements and whether they could be changed;

(d) The STARS model for appropriateness, functionality, and alignment with statute; and

(e) The capacity and resources of the office of the superintendent of public instruction to produce the transportation analysis.

(15) \$288,000 of the general fund—state appropriation for fiscal year 2020 and \$192,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the office of financial management to contract for project management and fiscal modeling to support collaborations with the office of the superintendent of public instruction and department of children, youth, and families to complete a report with options and recommendations for administrative efficiencies and long-term strategies which align and integrate high-quality early learning programs administered by both agencies. The report is due to the governor and the appropriate committees of the legislature by September 1, 2020.

**Sec. 130.** 2019 c 415 s 132 (uncodified) is amended to read as follows:

#### **FOR THE OFFICE OF ADMINISTRATIVE HEARINGS**

Administrative Hearings Revolving Account—State	
Appropriation.....	<del>((45,688,000))</del>
	\$47,512,000
TOTAL APPROPRIATION.....	\$45,688,000
	\$47,512,000

The appropriation in this section is subject to the following conditions and limitations: \$173,000 of the administrative hearing revolving account—state appropriation is provided solely for the implementation of chapter 13, Laws of 2019 (SHB 1399).

**Sec. 131.** 2019 c 415 s 133 (uncodified) is amended to read as follows:

#### **FOR THE WASHINGTON STATE LOTTERY**

Lottery Administrative Account—State Appropriation	
.....	<del>((29,854,000))</del>
	\$29,869,000
TOTAL APPROPRIATION.....	\$29,854,000
	\$29,869,000

The appropriation in this section is subject to the following conditions and limitations:

(1) No portion of this appropriation may be used for acquisition of gaming system capabilities that violate state law.



(2) Pursuant to RCW 67.70.040, the commission shall take such action necessary to reduce retail commissions to an average of 5.1 percent of sales.

**Sec. 132.** 2019 c 415 s 134 (uncodified) is amended to read as follows:

**FOR THE COMMISSION ON HISPANIC AFFAIRS**

General Fund—State Appropriation (FY 2020)	<del>(\$401,000)</del>
	<u>\$438,000</u>
General Fund—State Appropriation (FY 2021)	<del>(\$413,000)</del>
	<u>\$465,000</u>
Pension Funding Stabilization Account—State Appropriation	\$26,000
TOTAL APPROPRIATION	<u>\$840,000</u>
	<u>\$929,000</u>

The appropriations in this section are subject to the following conditions and limitations: \$3,000 of the general fund—state appropriation for fiscal year 2020 and \$2,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of Substitute Senate Bill No. 5023 (ethnic studies). ~~((If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.))~~

**Sec. 133.** 2019 c 415 s 135 (uncodified) is amended to read as follows:

**FOR THE COMMISSION ON AFRICAN-AMERICAN AFFAIRS**

General Fund—State Appropriation (FY 2020)	<del>(\$318,000)</del>
	<u>\$321,000</u>
General Fund—State Appropriation (FY 2021)	<del>(\$301,000)</del>
	<u>\$408,000</u>
Pension Funding Stabilization Account—State Appropriation	\$26,000
TOTAL APPROPRIATION	<u>\$645,000</u>
	<u>\$755,000</u>

**Sec. 134.** 2019 c 415 s 136 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF RETIREMENT SYSTEMS—OPERATIONS**

Department of Retirement Systems Expense Account—State Appropriation	<del>(\$60,059,000)</del>
	<u>\$67,358,000</u>
TOTAL APPROPRIATION	<u>\$60,059,000</u>

\$67,358,000

The appropriation in this section is subject to the following conditions and limitations:

(1) \$160,000 of the department of retirement systems—state appropriation is provided solely for the administrative costs associated with implementation of Substitute House Bill No. 1661 (higher education retirement). If the bill is not enacted by June 30, 2019, the amount provided in this subsection shall lapse.

(2) \$106,000 of the department of retirement systems—state appropriation is provided solely for the administrative costs associated with implementation of Senate Bill No. 5350 (optional life annuity). ~~((If the bill is not enacted by June 30, 2019, the amount provided in this subsection shall lapse.))~~

(3) \$139,000 of the department of retirement systems—state appropriation is provided solely for the administrative costs associated with implementation of Engrossed Substitute House Bill No. 1308 or Senate Bill No. 5360 (retirement system defaults). ~~((If the bill is not enacted by June 30, 2019, the amount provided in this subsection shall lapse.))~~

(4) \$44,000 of the department of retirement systems—state appropriation is provided solely for the administrative costs associated with implementation of House Bill No. 1408 (survivorship benefit options). ~~((If the bill is not enacted by June 30, 2019, the amount provided in this subsection shall lapse.))~~

**Sec. 135.** 2019 c 415 s 137 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF REVENUE**

General Fund—State Appropriation (FY 2020)	<del>(\$150,681,000)</del>
	<u>\$152,302,000</u>
General Fund—State Appropriation (FY 2021)	<del>(\$144,287,000)</del>
	<u>\$150,995,000</u>
Timber Tax Distribution Account—State Appropriation	<del>(\$7,289,000)</del>
	<u>\$7,370,000</u>
Business License Account—State Appropriation	<del>(\$20,606,000)</del>
	<u>\$20,672,000</u>

Waste Reduction, Recycling, and Litter Control

Account—State Appropriation .....\$168,000

Model Toxics Control Operating Account—

State Appropriation.....\$119,000

Financial Services Regulation Account—State

Appropriation.....\$5,000,000

## Pension Funding Stabilization Account—State

Appropriation ..... \$13,486,000

TOTAL APPROPRIATION ..... ~~\$341,636,000~~\$350,112,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$142,000 of the general fund—state appropriation for fiscal year 2020 is provided solely for the implementation of Second Substitute House Bill No. 1059 (B&O return filing due date). ~~((If the bill is not enacted by June 30, 2019, the amount provided in this subsection shall lapse.))~~

(2)(a) \$4,150,000 of the general fund—state appropriation for fiscal year 2020 and \$1,921,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the department to implement 2019 revenue legislation.

(b) Within the amounts provided in this subsection, sufficient funding is provided for the department to implement section 11 of Engrossed Substitute Senate Bill No. 5183 (manufactured/mobile homes).

(c)(i) Of the amounts provided in this subsection, \$1,061,000 of the general fund—state appropriation for fiscal year 2020 and \$977,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the department to facilitate a tax structure work group, initially created within chapter 1, Laws of 2017 3rd sp. sess. (SSB 5883) and hereby reauthorized.

(ii) In addition to the membership as set forth in chapter 1, Laws of 2017 3rd sp. sess., the tax structure work group is expanded to include nonvoting members as follows:

(A) The president of the senate must appoint two members from each of the two largest caucuses of the senate;

(B) The speaker of the house of representatives must appoint two members from each of the two largest caucuses of the house of representatives; and

(C) The governor must appoint one member who represents the office of the governor.

(iii) The work group must include the following nonvoting members:

(A) One representative of the department;

(B) One representative of the association of Washington cities; and

(C) One representative of the Washington state association of counties.

(iv) All voting members of the work group must indicate, in writing, their interest in serving on the tax structure work group and provide a statement of understanding that the commitment to serve on the tax structure work group is through December 31, 2024. Elected officials not reelected to their respective offices may be relieved of their responsibilities on the tax structure work

group. Vacancies on the tax structure work group must be filled within sixty days of notice of the vacancy. The work group must choose a chair or cochair from among its legislative membership. The chair is, or cochair is, responsible for convening the meetings of the work group no less than quarterly each year. Recommendations and other decisions of the work group may be approved by a simple majority vote. All work group members may have a representative attend meetings of the tax structure work group in lieu of the member, but voting by proxy is not permitted. Staff support for the work group must be provided by the department. The department may engage one or more outside consultants to assist in providing support for the work group. Members of the work group must serve without compensation but may be reimbursed for travel expenses under RCW 44.04.120, 43.03.050, and 43.03.060.

(v) The duties of the work group are to:

(A) By December 1, 2019, convene no less than one meeting to elect a chair, or cochair, and conduct other business of the work group;

(B) By December 1, 2020, the department and technical advisory group must prepare a summary report of their preliminary findings and alternatives described in (c)(vii) of this subsection;

(C) By May 1, 2021, the work group must:

(I) Hold no less than one meeting in Olympia to review the preliminary findings described in (c)(vii) of this subsection. At least one meeting must engage stakeholder groups, as described in (c)(vi)(A) of this subsection;

(II) Begin to plan strategies to engage taxpayers and key stakeholder groups to encourage participation in the public meetings described in (c)(vii) of this subsection;

(III) Present the summary report described in (c)(vii) of this subsection in compliance with RCW 43.01.036 to the appropriate committees of the legislature;

(IV) Be available to deliver a presentation to the appropriate committees of the legislature including the elements described in (c)(vi)(B) of this subsection; and

(V) Finalize the logistics of the engagement strategies described in (c)(v)(D) of this subsection; and

(D) After the conclusion of the 2021 legislative session, the work group must:

(I) Hold no less than five public meetings in geographically dispersed areas of the state;

(II) Present the findings described in (c)(vii) of this subsection and alternatives to the state's current tax structure at the public meetings;

(III) Provide an opportunity at the public meetings for taxpayers to engage in a conversation about the state tax structure including, but not limited to, providing feedback on possible recommendations for changes to the state tax structure and asking questions about the report and findings and alternatives to the state's current tax structure presented by the work group;

(IV) Utilize methods to collect taxpayer feedback before, during, or after the public meetings that may include, but is not limited to: Small group discussions, in-person written surveys, in-person visual surveys, online surveys, written testimony, and public testimony;

(V) Encourage legislators to inform their constituents about the public meetings that occur within and near their legislative districts;

(VI) Inform local elected officials about the public meetings that occur within and near their communities; and

(VII) Summarize the feedback that taxpayers and other stakeholders communicated during the public meetings and other public engagement methods, and submit a final summary report, in accordance with RCW 43.01.036, to the appropriate committees of the legislature. This report may be submitted as an appendix or update to the summary report described in (c)(vii) of this subsection.

(vi)(A) The stakeholder groups referenced by (c)(v)(C)(I) of this subsection must include, at a minimum, organizations and individuals representing the following:

(I) Small, start-up, or low-margin business owners and employees or associations expressly dedicated to representing these businesses, or both; and

(II) Individual taxpayers with income at or below one hundred percent of area median income in their county of residence or organizations expressly dedicated to representing low-income and middle-income taxpayers, or both;

(B) The presentation referenced in (c)(v)(C)(IV) of this subsection must include the following elements:

(I) The findings and alternatives included in the summary report described in (c)(vii) of this subsection; and

(II) The preliminary plan to engage taxpayers directly in a robust conversation about the state's tax structure including, presenting the findings described in (c)(vii) of this subsection and alternatives to the state's current tax structure, and collecting feedback to inform development of recommendations.

(vii) The duties of the department, with assistance of one or more technical advisory groups, are to:

(A) With respect to the final report of findings and alternatives submitted by the Washington state tax structure study committee to the legislature under section 138, chapter 7, Laws of 2001 2nd sp. sess.:

(I) Update the data and research that informed the recommendations and other analysis contained in the final report;

(II) Estimate how much revenue all the revenue replacement alternatives recommended in the final report would have generated for the 2017-2019 fiscal biennium if the state had implemented the alternatives on January 1, 2003;

(III) Estimate the tax rates necessary to implement all recommended revenue replacement alternatives in order to

achieve the revenues generated during the 2017-2019 fiscal biennium as reported by the economic and revenue forecast council;

(IV) Estimate the impact on taxpayers, including tax paid as a share of household income for various income levels, and tax paid as a share of total business revenue for various business activities, for (c)(vii)(A)(II) and (III) of this subsection; and

(V) Estimate how much revenue would have been generated in the 2017-2019 fiscal biennium, if the incremental revenue alternatives recommended in the final report would have been implemented on January 1, 2003, excluding any recommendations implemented before the effective date of this section;

(B) With respect to the recommendations in the final report of the 2018 tax structure work group:

(I) Conduct economic modeling or comparable analysis of replacing the business and occupation tax with an alternative, such as corporate income tax or margins tax, and estimate the impact on taxpayers, such as tax paid as a share of total business revenue for various business activities, assuming the same revenues generated by business and occupation taxes during the 2017-2019 fiscal biennium as reported by the economic and revenue forecast council; and

(II) Estimate how much revenue would have been generated for the 2017-2019 fiscal biennium if the one percent revenue growth limit on regular property taxes was replaced with a limit based on population growth and inflation if the state had implemented this policy on January 1, 2003;

(C) To analyze our economic competitiveness with border states:

(I) Estimate the revenues that would have been generated during the 2017-2019 fiscal biennium, had Washington adopted the tax structure of those states, assuming the economic tax base for the 2017-2019 fiscal biennium as reported by the economic and revenue forecast council; and

(II) Estimate the impact on taxpayers, including tax paid as a share of household income for various income levels, and tax paid as a share of total business revenue for various business activities for (c)(vii)(C)(I) of this subsection;

(D) To analyze our economic competitiveness in the context of a national and global economy, provide comparisons of the effective state and local tax rate of the tax structure during the 2017-2019 fiscal biennium and various alternatives under consideration, as they compare to other states and the federal government, as well as consider implications of recent changes to federal tax law;

(E) To the degree it is practicable, conduct tax incidence analysis of the various alternatives under consideration to account for the impacts of tax shifting, such as business taxes passed along to consumers and property taxes passed along to renters;

(F) To the degree it is practicable, present findings and alternatives by geographic area, in addition to statewide; and

(G) Conduct other analysis as directed by the work group.

(3) \$63,000 of the general fund—state appropriation for fiscal year 2020 and \$7,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the implementation of Engrossed Second Substitute Senate Bill No. 5497 (immigrants in the workplace). ~~((If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.))~~

(4) Within existing resources, the department must compile a report on the annual amount of state retail sales tax collected under chapter 82.08 RCW on sales occurring at area fairs and county fairs as described in RCW 15.76.120. The report must be submitted to the appropriate committees of the legislature by December 1, 2019.

**Sec. 136.** 2019 c 415 s 138 (uncodified) is amended to read as follows:

#### **FOR THE BOARD OF TAX APPEALS**

General Fund—State Appropriation (FY 2020)  
.....~~(( \$2,382,000 ))~~  
\$2,544,000

General Fund—State Appropriation (FY 2021)  
.....~~(( \$2,421,000 ))~~  
\$2,604,000

Pension Funding Stabilization Account—State  
Appropriation..... \$162,000

**TOTAL APPROPRIATION** ..... \$4,965,000  
\$5,310,000

The appropriations in this section are subject to the following conditions and limitations: \$30,000 of the general fund—state appropriation for fiscal year 2020 and \$9,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the board to continue maintaining its legacy case management software and conduct a feasibility study to determine how best to update or replace the case management software.

**Sec. 137.** 2019 c 415 s 139 (uncodified) is amended to read as follows:

#### **FOR THE OFFICE OF MINORITY AND WOMEN'S BUSINESS ENTERPRISES**

General Fund—State Appropriation (FY 2020)  
..... \$109,000  
General Fund—State Appropriation (FY 2021)  
.....~~(( \$101,000 ))~~  
\$1,894,000

Minority and Women's Business Enterprises

Account—State Appropriation.....~~(( \$5,347,000 ))~~  
\$5,353,000

**TOTAL APPROPRIATION**.....\$5,557,000  
\$7,356,000

The appropriations in this section are subject to the following conditions and limitations: \$75,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the office of minority and women's business enterprises to enter into an interagency agreement with the Washington state department of transportation for the department to write a surety bonding program report. This report is due to the governor by December 1, 2020.

**Sec. 138.** 2019 c 415 s 140 (uncodified) is amended to read as follows:

#### **FOR THE INSURANCE COMMISSIONER**

General Fund—Federal Appropriation .....\$4,661,000

Insurance Commissioner's Regulatory Account—  
State

Appropriation.....~~(( \$69,673,000 ))~~  
\$69,766,000

**TOTAL APPROPRIATION**.....\$74,334,000  
\$74,427,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$536,000 of the insurance commissioners regulatory account—state appropriation is provided solely to implement Engrossed Substitute Senate Bill No. 5526 (individual health insurance market). ~~((If the bill is not enacted by June 30, 2019, the amount provided in this subsection shall lapse.))~~

(2) \$45,000 of the insurance commissioners regulatory account—state appropriation is provided solely to implement Engrossed Substitute House Bill No. 1879 (Rx drug utilization management). ~~((If the bill is not enacted by June 30, 2019, the amount provided in this subsection shall lapse.))~~

(3) \$397,000 of the insurance commissioners regulatory account—state appropriation is provided solely to implement Substitute House Bill No. 1075 (consumer competitive group insurance). ~~((If the bill is not enacted by June 30, 2019, the amount provided in this subsection shall lapse.))~~

(4) \$1,015,000 of the insurance commissioners regulatory account—state appropriation is provided solely to implement Second Substitute House Bill No. 1065 (out-of-network health). ~~((If the bill is not enacted by June 30, 2019, the amount provided in this subsection shall lapse.))~~

(5) \$60,000 of the insurance commissioners regulatory account—state appropriation is provided solely for implementation of chapter 16, Laws of 2019 (HB 1001) (service contract providers).

(6) \$84,000 of the insurance commissioners regulatory account—state appropriation is provided solely for

implementation of chapter 56, Laws of 2019 (SSB 5889) (insurance communications confidentiality).

(7) \$125,000 of the insurance commissioners regulatory account—state appropriation is provided solely for implementation of Second Substitute Senate Bill No. 5602 (reproductive health care). ~~((If the bill is not enacted by June 30, 2019, the amount provided in this subsection shall lapse.))~~

(8) \$125,000 of the insurance commissioner's regulatory account—state appropriation is provided solely for staffing and supporting the work of the natural disaster and resiliency workgroup for Substitute Senate Bill No. 5106 (natural disaster mitigation). ~~((If the bill is not enacted by June 30, 2019, the amount provided in this subsection shall lapse.))~~

(9) Within the amounts appropriated in this section, the commissioner shall review how pharmacy benefit managers are regulated in other states and report the findings to the governor and appropriate committees of the legislature by September 15, 2019.

**Sec. 139.** 2019 c 415 s 142 (uncodified) is amended to read as follows:

**FOR THE STATE INVESTMENT BOARD**

State Investment Board Expense Account—State

Appropriation .....~~(((\$60,028,000))~~

\$60,103,000

TOTAL APPROPRIATION .....\$60,028,000

\$60,103,000

**Sec. 140.** 2019 c 415 s 143 (uncodified) is amended to read as follows:

**FOR THE LIQUOR AND CANNABIS BOARD**

General Fund—State Appropriation (FY 2020)

.....~~(((\$356,000))~~

\$493,000

General Fund—State Appropriation (FY 2021)

.....~~(((\$392,000))~~

\$475,000

General Fund—Federal Appropriation.~~(((\$3,034,000))~~

\$3,035,000

General Fund—Private/Local Appropriation . \$75,000

Dedicated Marijuana Account—State Appropriation

(FY 2020).....~~(((\$11,662,000))~~

\$11,653,000

Dedicated Marijuana Account—State Appropriation

(FY 2021).....~~(((\$11,625,000))~~

\$11,962,000

Pension Funding Stabilization Account—State

Appropriation.....\$80,000

Liquor Revolving Account—State Appropriation

.....~~(((\$74,514,000))~~

\$74,632,000

TOTAL APPROPRIATION.....\$101,738,000

\$102,405,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The liquor and cannabis board may require electronic payment of the marijuana excise tax levied by RCW 69.50.535. The liquor and cannabis board may allow a waiver to the electronic payment requirement for good cause as provided by rule.

(2) The traceability system is subject to the conditions, limitations, and review provided in ~~((section 719 of this act))~~ section 701 of this act.

(3) \$70,000 of the liquor revolving account—state appropriation is provided solely to implement chapter 61, Laws of 2019 (SHB 1034) (restaurant/soju endorsement).

(4) \$23,000 of the dedicated marijuana account—state appropriation for fiscal year 2020 and \$23,000 of the dedicated marijuana account—state appropriation for fiscal year 2021 are provided solely to implement Engrossed Substitute House Bill No. 1794 (marijuana business agreements). ~~((If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.))~~

(5) \$722,000 of the dedicated marijuana account—state appropriation for fiscal year 2020 and \$591,000 of the dedicated marijuana account—state appropriation for fiscal year 2021 are provided solely for the implementation of Engrossed Substitute Senate Bill No. 5318 (marijuana license compliance). ~~((If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.))~~

(6) \$350,000 of the dedicated marijuana account—state appropriation for fiscal year 2020 and \$350,000 of the dedicated marijuana account—state appropriation for fiscal year 2021 are provided solely for the board to hire additional staff for cannabis enforcement and licensing activities.

(7) \$100,000 of the dedicated marijuana account—state appropriation for fiscal year 2020 is provided solely for the board to convene a work group to determine the feasibility of and make recommendations for varying the marijuana excise tax rate based on product potency. The work group must submit a report of its findings to the appropriate committees of the legislature by December 1, 2019.

(8) \$294,000 of the dedicated marijuana account—state appropriation for fiscal year 2021 is provided solely for the liquor and cannabis board to enter into an interagency agreement with the department of commerce to establish the technical assistance competitive grant program.

**Sec. 141.** 2019 c 415 s 144 (uncodified) is amended to read as follows:

**FOR THE UTILITIES AND  
TRANSPORTATION COMMISSION**

General Fund—State Appropriation (FY 2020)	\$173,000
General Fund—State Appropriation (FY 2021)	\$123,000
General Fund—Private/Local Appropriation	<del>(\$16,725,000)</del>
	<u>\$16,644,000</u>
Public Service Revolving Account—State Appropriation	<del>(\$41,545,000)</del>
	<u>\$41,486,000</u>
Public Service Revolving Account—Federal Appropriation	<u>\$230,000</u>
Pipeline Safety Account—State Appropriation	<del>(\$3,506,000)</del>
	<u>\$2,556,000</u>
Pipeline Safety Account—Federal Appropriation	<del>(\$3,202,000)</del>
	<u>\$4,162,000</u>
TOTAL APPROPRIATION	<u>\$65,274,000</u>
	<u>\$65,374,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) Up to \$800,000 of the public service revolving account—state appropriation in this section is for the utilities and transportation commission to supplement funds committed by a telecommunications company to expand rural broadband service on behalf of an eligible governmental entity. The amount in this subsection represents payments collected by the utilities and transportation commission pursuant to the Qwest performance assurance plan.

(2) \$330,000 of the public service revolving account—state appropriation is provided solely for implementation of Engrossed Third Substitute House Bill No. 1257 (energy efficiency). ~~((If the bill is not enacted by June 30, 2019, the amount provided in this subsection shall lapse.))~~

~~(4))~~ (3) \$95,000 of the public service revolving account—state appropriation is provided solely for implementation of Substitute House Bill No. 1512 (transportation electrification). ~~((If the bill is not enacted by June 30, 2019, the amount provided in this subsection shall lapse.))~~

~~(6))~~ (4) \$50,000 of the general fund—state appropriation for fiscal year 2020 is provided solely for the commission to convene a work group on preventing underground utility damage. The work group is subject to the following requirements:

(a) The utilities and transportation commission shall contract with an independent facilitator for the work group

to facilitate and moderate meetings, provide objective facilitation and negotiation between work group members, ensure participants receive information and guidance so that they respond in a timely manner, and synthesize agreements and points under negotiation.

(b) The work group shall discuss topics such as, but not limited to: How facility operators and excavators schedule meeting times and places; new requirements for marking locatable underground facilities; a definition of "noninvasive methods"; the procedures that must take place when an excavator discovers (and may or may not damage) an underground facility; positive response procedures; utility identification procedures for newly constructed and replacement underground facilities; the membership composition of the dig law safety committee; liability for damage occurring from an excavation when either the excavator or the facility operator fails to comply with the statutory requirements relating to notice requirements or utility marking requirements; and ensuring consistency with the pipeline and hazardous materials safety administration towards a uniform national standard.

(c) The work group shall include, but is not limited to, members representing cities, counties, public and private utility companies, construction and excavator communities, water-sewer districts, and other government entities with underground facilities.

(d) The work group shall meet a minimum of four times and produce a report with recommendations to the governor and legislature by December 1, 2019.

~~((7))~~ (5) \$123,000 of the general fund—state appropriation for fiscal year 2020, \$123,000 of the general fund—state appropriation for fiscal year 2021, and \$814,000 of the public services revolving account—state appropriation are provided solely for the implementation of Engrossed Second Substitute Senate Bill No. 5116 (clean energy). ~~((If the bill is not enacted by June 30, 2019, the amount provided in this subsection shall lapse.))~~

~~(8))~~ (6) \$14,000 of the public service revolving account—state appropriation is provided solely for the implementation of Engrossed Second Substitute House Bill No. 1112 (hydrofluorocarbons emissions). ~~((If the bill is not enacted by June 30, 2019, the amount provided in this subsection shall lapse.))~~

~~(9))~~ (7) The appropriations in this section include sufficient funding for the implementation of Second Substitute Senate Bill No. 5511 (broadband service).

**Sec. 142.** 2019 c 415 s 145 (uncodified) is amended to read as follows:

**FOR THE MILITARY DEPARTMENT**

General Fund—State Appropriation (FY 2020)	<del>(\$9,900,000)</del>
	<u>\$9,906,000</u>

General Fund—State Appropriation (FY 2021)	<del>(\$10,269,000)</del>
	<u>\$10,458,000</u>

General	Fund—Federal	Appropriation
.....		<del>(\$118,165,000))</del>
		<u>\$119,230,000</u>
Enhanced 911 Account—State	Appropriation	
.....		<del>(\$43,745,000))</del>
		<u>\$43,747,000</u>
Disaster Response Account—State	Appropriation	
.....		<del>(\$28,774,000))</del>
		<u>\$49,322,000</u>
Disaster Response Account—Federal	Appropriation	
.....		<del>(\$97,048,000))</del>
		<u>\$140,851,000</u>
Military Department Rent and Lease Account—State	Appropriation	
.....		<del>(\$615,000))</del>
		<u>\$1,066,000</u>
Military Department Active State Service Account—State	Appropriation	
.....		\$400,000
Oil Spill Prevention Account—State	Appropriation	
.....		\$1,040,000
Worker and Community Right to Know Fund—State	Appropriation	
.....		<del>(\$1,848,000))</del>
		<u>\$1,849,000</u>
Pension Funding Stabilization Account—State	Appropriation	
.....		\$1,244,000
TOTAL APPROPRIATION		<u>\$313,048,000</u>
		<u>\$379,113,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) The military department shall submit a report to the office of financial management and the legislative fiscal committees ~~((on))~~ by February 1st and October 31st of each year detailing information on the disaster response account, including: (a) The amount and type of deposits into the account; (b) the current available fund balance as of the reporting date; and (c) the projected fund balance at the end of the 2019-2021 biennium based on current revenue and expenditure patterns.

(2) \$40,000,000 of the general fund—federal appropriation is provided solely for homeland security, subject to the following conditions: Any communications equipment purchased by local jurisdictions or state agencies shall be consistent with standards set by the Washington state interoperability executive committee.

(3) \$625,000 of the general fund—state appropriation for fiscal year 2020 and \$625,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the

conditional scholarship program pursuant to chapter 28B.103 RCW.

(4) \$11,000,000 of the enhanced 911 account—state appropriation is provided solely for financial assistance to counties.

(5) \$784,000 of the disaster response account—state appropriation is provided solely for fire suppression training, equipment, and supporting costs to national guard soldiers and airmen.

(6) \$100,000 of the enhanced 911 account—state appropriation is provided solely for the department, in collaboration with a representative group of counties, public service answering points, and first responder organizations, to submit a report on the 911 system to the appropriate legislative committees by October 1, 2020. The report must include:

(a) The actual cost per fiscal year for the state, including all political subdivisions, to operate and maintain the 911 system including, but not limited to, the ESInet, call handling equipment, personnel costs, facility costs, contractual costs, administrative costs, and legal fees.

(b) The difference between the actual state and local costs and current state and local 911 funding.

(c) Potential cost-savings and efficiencies through the consolidation of equipment, regionalization of services or merging of facilities, positive and negative impacts on the public, legal or contractual restrictions, and appropriate actions to alleviate these constraints.

(7) \$118,000 of the general fund—state appropriation for fiscal year 2020 and \$118,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the implementation of Substitute Senate Bill No. 5012 (governmental continuity). ~~((If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.))~~

(8) \$464,000 of the general fund—state appropriation for fiscal year 2020 and ~~(\$464,000))~~ \$542,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the department to procure and install sixteen all-hazard alert broadcast sirens to increase inundation zone coverage to alert individuals of an impending tsunami or other disaster.

(9) \$500,000 of the general fund—state appropriation for fiscal year 2020 and \$500,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the department to procure and install seismic monitoring stations and global navigation satellite systems that integrate with the early warning system known as ShakeAlert.

(10) \$120,000 of the general fund—state appropriation for fiscal year 2020 and \$120,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the department to support an education and public outreach program in advance of the new early earthquake warning system known as ShakeAlert.

(11) \$80,000 of the general fund—state appropriation for fiscal year 2020 and \$23,000 of the general fund—state

appropriation for fiscal year 2021 are provided solely for implementing Substitute Senate Bill No. 5106 (natural disaster mitigation). ~~((If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.))~~

(12) \$451,000 of the military department rental and lease account—state appropriation is provided for maintenance and operation, including equipment replacement, of the communications infrastructure on Camp Murray.

**Sec. 143.** 2019 c 415 s 146 (uncodified) is amended to read as follows:

**FOR THE PUBLIC EMPLOYMENT RELATIONS COMMISSION**

General Fund—State Appropriation (FY 2020)  
.....~~(((\$2,238,000))~~  
\$2,236,000

General Fund—State Appropriation (FY 2021)  
.....~~(((\$2,283,000))~~  
\$2,294,000

Personnel Service Account—State Appropriation  
.....~~(((\$4,282,000))~~  
\$4,289,000

Higher Education Personnel Services Account—State  
Appropriation .....~~(((\$1,410,000))~~  
\$1,413,000

Pension Funding Stabilization Account—State  
Appropriation..... \$228,000

TOTAL APPROPRIATION ..... \$10,441,000  
\$10,460,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$122,000 of the general fund—state appropriation for fiscal year 2020 and \$112,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the administrative costs associated with implementation of Substitute House Bill No. 1575 (collective bargaining/dues). ~~((If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.))~~

(2) The appropriations in this section include sufficient funding for the implementation of Senate Bill No. 5022 (granting interest arbitration to certain higher education uniformed personnel).

**Sec. 144.** 2019 c 415 s 147 (uncodified) is amended to read as follows:

**FOR THE BOARD FOR VOLUNTEER FIREFIGHTERS**

Volunteer Firefighters' and Reserve Officers'  
Administrative Account—State Appropriation  
.....~~(((\$1,020,000))~~

\$1,021,000

TOTAL APPROPRIATION.....\$1,020,000

\$1,021,000

**Sec. 145.** 2019 c 415 s 148 (uncodified) is amended to read as follows:

**FOR THE BOARD OF ACCOUNTANCY**

Certified Public Accountants' Account—State  
Appropriation.....~~(((\$3,631,000))~~  
\$3,838,000

TOTAL APPROPRIATION.....\$3,631,000

\$3,838,000

**Sec. 146.** 2019 c 415 s 149 (uncodified) is amended to read as follows:

**FOR THE FORENSIC INVESTIGATION COUNCIL**

Death Investigations Account—State Appropriation  
.....~~(((\$692,000))~~

\$750,000

TOTAL APPROPRIATION.....\$692,000

\$750,000

The appropriation in this section is subject to the following conditions and limitations:

(1) \$250,000 of the death investigations account—state appropriation is provided solely for providing financial assistance to local jurisdictions in multiple death investigations. The forensic investigation council shall develop criteria for awarding these funds for multiple death investigations involving an unanticipated, extraordinary, and catastrophic event or those involving multiple jurisdictions.

(2) \$210,000 of the death investigations account—state appropriation is provided solely for providing financial assistance to local jurisdictions in identifying human remains.

**Sec. 147.** 2019 c 415 s 150 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF ENTERPRISE SERVICES**

General Fund—State Appropriation (FY 2020)  
.....\$4,732,000

General Fund—State Appropriation (FY 2021)  
.....~~(((\$4,795,000))~~

\$9,110,000

General Fund—Private/Local Appropriation \$102,000

Building Code Council Account—State Appropriation  
.....~~(((\$1,519,000))~~

\$1,966,000



TOTAL APPROPRIATION ..... ~~\$11,148,000~~  
\$15,910,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$4,371,000 of the general fund—state appropriation for fiscal year 2020 and \$4,371,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the payment of facilities and services charges to include campus rent, utilities, parking, and contracts, public and historic facilities charges, and capital projects surcharges allocable to the senate, house of representatives, statute law committee, legislative support services, and joint legislative systems committee. The department shall allocate charges attributable to these agencies among the affected revolving funds. The department shall maintain an interagency agreement with these agencies to establish performance standards, prioritization of preservation and capital improvement projects, and quality assurance provisions for the delivery of services under this subsection. The legislative agencies named in this subsection shall continue to enjoy all of the same rights of occupancy and space use on the capitol campus as historically established.

(2) In accordance with RCW 46.08.172 and 43.135.055, the department is authorized to increase parking fees in fiscal years 2020 and 2021 as necessary to meet the actual costs of conducting business.

(3) Before any agency may purchase a passenger motor vehicle as defined in RCW 43.19.560, the agency must have written approval from the director of the department of enterprise services. Agencies that are exempted from the requirement are the Washington state patrol, Washington state department of transportation, and the department of natural resources.

(4) From the fee charged to master contract vendors, the department shall transfer to the office of minority and women's business enterprises in equal monthly installments \$1,500,000 in fiscal year 2020 and \$1,300,000 in fiscal year 2021.

(5) \$100,000 of the general fund—state appropriation in fiscal year 2020 and \$100,000 of the general fund—state appropriation in fiscal year 2021 is provided solely for the agency to procure cyber incident insurance on behalf of forty-three small to medium sized agencies that are currently without this coverage.

(6)(a) During the 2019-2021 fiscal biennium, the department must revise its master contracts with vendors, including cooperative purchasing agreements under RCW 39.26.060, to include a provision to require that each vendor agrees to equality among its workers by ensuring similarly employed individuals are compensated as equals as follows:

(i) Employees are similarly employed if the individuals work for the same employer, the performance of the job requires comparable skill, effort, and responsibility, and the jobs are performed under similar working conditions. Job titles alone are not determinative of whether employees are similarly employed;

(ii) Vendors may allow differentials in compensation for its workers based in good faith on any of the following:

(A) A seniority system; a merit system; a system that measures earnings by quantity or quality of production; a bona fide job-related factor or factors; or a bona fide regional difference in compensation levels.

(B) A bona fide job-related factor or factors may include, but not be limited to, education, training, or experience, that is: Consistent with business necessity; not based on or derived from a gender-based differential; and accounts for the entire differential.

(C) A bona fide regional difference in compensation level must be: Consistent with business necessity; not based on or derived from a gender-based differential; and account for the entire differential.

(b) The provision must allow for the termination of the contract if the public entity using the contract or agreement of the department of enterprise services determines that the vendor is not in compliance with this agreement or contract term.

(c) The department must implement this provision with any new contract and at the time of renewal of any existing contract.

(d) Any cost for the implementation of this section must be recouped from the fees charged to master contract vendors.

(7) \$10,000 of the general fund—state appropriation for fiscal year 2020 is provided solely for the department to query and inventory all state agency use and amounts of glyphosate. Within amounts provided, the department must offer to pay to state agencies the difference in costs for using alternatives for vegetation control. A report to the appropriate committees of the legislature on the findings of the query and inventory must be made by December 31, 2019.

(8)(a) \$5,000 of the general fund—state appropriation for fiscal year 2020 is provided solely for a legislative work group to study and make recommendations on a monument on the capital campus to honor residents who died in the global war in terror. The department of enterprise services must staff the work group, which shall be composed of:

(i) One member from each of the four major caucuses of the legislature;

(ii) The director of the department of veterans affairs or his or her designee;

(iii) The director of the Washington state parks and recreation commission or his or her designee;

(iv) The director of the department of enterprise services or his or her designee;

(v) The director of the Washington state military department or his or her designee;

(vi) The secretary of state or his or her designee;

(vii) The state archivist or his or her designee;

(viii) A representative of the capitol campus design advisory committee that is not the secretary of state or a legislative member already designated to be part of the work group; and

(ix) Two representatives from veterans organizations appointed by the governor.

(b) The work group shall choose two cochairmen from among its legislative membership. The legislative membership shall convene the initial meeting of the work group before November 1, 2019.

(c) The work group shall:

(i) Conduct a study of the feasibility of establishing a new memorial on the capitol campus to honor fallen service members from the global war on terrorism;

(ii) Provide the names of the recommended individuals to be honored at the memorial;

(iii) Recommend locations where the memorial could be constructed on the capitol campus and provide any permit requirements or other restrictions that may exist for each location;

(iv) Provide potential draft designs that could be used for the memorial;

(v) Provide information regarding the anticipated funding needed for:

(A) The design, construction, and placement of the memorial;

(B) Any permits that may be required;

(C) Anticipated ongoing maintenance cost for the memorial based on potential materials used and historical maintenance of other memorials on campus; and

(D) An unveiling ceremony or other expenses that may be necessary for the memorial;

(vi) Make recommendations regarding the funding sources that may be available, which may include solicitation of private funds or a method for obtaining the necessary funds; and

(vii) Make recommendations regarding an agency, committee, or commission to coordinate the design, construction, and placement of a memorial on the capitol campus.

(d) Legislative members of the work group shall be reimbursed for travel expenses in accordance with RCW 44.04.120. Nonlegislative members shall be reimbursed for travel expenses in accordance with chapter 43.03 RCW.

(e) The work group shall submit a report of its recommendations to the appropriate committees of the legislature in accordance with RCW 43.01.036 by ~~((November 1, 2020))~~ June 30, 2021.

(9) ~~((The department may expend private local funds for new signage designating the Joan Benoit Samuelson marathon park if the private local funds are received for that specific purpose.~~

~~((40)))~~(a) Within existing resources, beginning October 31, 2019, the department, in collaboration with consolidated technology services, must provide a report to the governor and fiscal committees of the legislature by October 31st of each calendar year that reflects information technology contract information based on a contract snapshot from June 30 of that calendar year. The department will coordinate to receive contract information for all contracts to include those where the department has delegated authority so that the report includes statewide contract information. The report must contain a list of all information technology contracts to include the agency name, contract number, vendor name, the contract term start and end dates, the contract dollar amount in total, contract dollar amount by state fiscal year, and type of service delivered. The list of contracts must be provided electronically in excel and sortable by all fields.

(b) In determining the type of service delivered, groupings must include agreed upon items by the department, the office of the chief information officer, senate fiscal staff, and house fiscal staff. This grouping criteria must be agreed upon by August 31, 2019.

~~((44)))~~ (10) The department must use any new resources provided for civic education solely for the free-to-schools civic education program.

(11) Within existing resources, the department must study the increase in tort claims filed in general and with a specific focus on the increase in tort claims filed and payouts made against the department of children, youth, and families. The study must include an assessment of the source of the payouts, such as jury awards, court judgments, mediation, and arbitration awards. The department should determine the root cause for these increases and develop recommendations on how to reduce the number of tort claims filed and payouts made. The department must coordinate its work with the department of children, youth, and families and the office of the attorney general. A report must be provided to the office of financial management and the appropriate committees of the legislature by November 1, 2020.

**Sec. 148.** 2019 c 415 s 151 (uncodified) is amended to read as follows:

#### **FOR THE DEPARTMENT OF ARCHAEOLOGY AND HISTORIC PRESERVATION**

General Fund—State Appropriation (FY 2020)  
..... ~~(((\$1,926,000))~~

\$2,133,000

General Fund—State Appropriation (FY 2021)  
..... ~~(((\$1,979,000))~~

\$2,387,000

General Fund—Federal Appropriation ~~(((\$2,150,000))~~

\$2,300,000

General Fund—Private/Local Appropriation..\$14,000

Pension Funding Stabilization Account—State

Appropriation.....\$136,000

TOTAL APPROPRIATION .....~~\$6,205,000~~  
\$6,970,000

The appropriations in this section are subject to the following conditions and limitations: \$103,000 of the general fund—state appropriation for fiscal year 2020 and \$103,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for archaeological determinations and excavations of inadvertently discovered skeletal human remains, and removal and reinterment of such remains when necessary.

**Sec. 149.** 2019 c 415 s 152 (uncodified) is amended to read as follows:

**FOR THE CONSOLIDATED TECHNOLOGY SERVICES AGENCY**

General Fund—State Appropriation (FY 2020)  
 ..... \$188,000

General Fund—State Appropriation (FY 2021)  
 ..... \$188,000

Consolidated Technology Services Revolving Account—

State Appropriation .....~~((\$25,048,000))~~  
\$29,863,000

~~((Consolidated Technology Services Revolving~~  
~~Nonappropriated Account State Appropriation~~  
~~.....\$244,176,000))~~

TOTAL APPROPRIATION .....~~\$269,600,000~~  
\$30,239,000

The appropriations in this section are subject to the following conditions and limitations:

(1) ~~((\$12,297,000))~~ \$12,550,000 of the consolidated technology services revolving account—state appropriation is provided solely for the office of the chief information officer. Of this amount:

(a) \$2,000,000 of the consolidated technology services revolving account—state appropriation is provided solely for experienced information technology project managers to provide critical support to agency IT projects that are subject to the provisions of ~~((section 719 of this act))~~ section 701 of this act. The staff will:

(i) Provide master level project management guidance to agency IT stakeholders;

(ii) Consider statewide best practices from the public and private sectors, independent review and analysis, vendor management, budget and timing quality assurance and other support of current or past IT projects in at least Washington state and share these with agency IT stakeholders; and

(iii) Beginning December 31, 2019, provide independent recommendations to legislative fiscal committees by December of each calendar year on oversight of IT projects.

(b)(i) \$250,000 of the consolidated technology services revolving account—state appropriation is provided solely to ensure that the state has a more nimble, extensible information technology dashboard. Dashboard elements must include at the minimum:

(A) Start date of the project;

(B) End date of the project when the project will close out and implementation will occur;

(C) Term of the project in fiscal years across all biennia to reflect the start of the project through the end of the project;

(D) Total project cost from start date through end date in total dollars, and a subtotal of near general fund outlook;

(E) Estimated annual fiscal year cost for maintenance and operations after implementation and close out;

(F) Actual spend by fiscal year and in total for fiscal years that are closed; and

(G) Date a feasibility study was completed.

(ii) The office of the chief information officer may recommend additional elements be included but must have agreement with legislative fiscal committees and the office of financial management prior to including the additional elements.

(2) ~~((\$12,751,000))~~ \$13,008,000 of the consolidated technology services revolving account—state appropriation is provided solely for the office of cyber security. Of this amount:

(a) \$800,000 of the consolidated technology services revolving account—state appropriation is provided solely for the computer emergency readiness to review security designs of computer systems and to complete security evaluations of state agency systems and applications to identify vulnerabilities and opportunities for system hardening.

(b) \$768,000 of the consolidated technology services revolving account—state appropriation is provided solely for the office of cyber security to decrypt network traffic to identify and evaluate network traffic for malicious activity and threats, and is subject to the conditions, limitations, and review provided in ~~((section 719 of this act))~~ section 701 of this act.

(c) \$608,000 of the consolidated technology services revolving account—state appropriation is provided solely for the office of cyber security to complete cyber security designs for new platforms, databases, and applications.

(3) The consolidated technology services agency shall work with customer agencies using the Washington state electronic records vault (WASERV) to identify opportunities to:

(a) Reduce storage volumes and costs associated with vault records stored beyond the agencies' record retention schedules; and

(b) Assess a customized service charge as defined in chapter 304, Laws of 2017 for costs of using WASERV to prepare data compilations in response to public records requests.

(4)(a) In conjunction with the office of the chief information officer's prioritization of proposed information technology expenditures, agency budget requests for proposed information technology expenditures must include the following:

(i) The agency's priority ranking of each information technology request;

(ii) The estimated cost by fiscal year and by fund for the current biennium;

(iii) The estimated cost by fiscal year and by fund for the ensuing biennium;

(iv) The estimated total cost for the current and ensuing biennium;

(v) The total cost by fiscal year, by fund, and in total, of the information technology project since it began;

(vi) The estimated cost by fiscal year and by fund over all biennia through implementation and close out and into maintenance and operations;

(vii) The estimated cost by fiscal year and by fund for service level agreements once the project is implemented;

(viii) The estimated cost by fiscal year and by fund for agency staffing for maintenance and operations once the project is implemented; and

(ix) The expected fiscal year when the agency expects to complete the request.

(b) The office of the chief information officer and the office of financial management may request agencies to include additional information on proposed information technology expenditure requests.

(5) The consolidated technology services agency must not increase fees charged for existing services without prior approval by the office of financial management. The agency may develop fees to recover the actual cost of new infrastructure to support increased use of cloud technologies.

(6) Within existing resources, the agency must provide oversight of state procurement and contracting for information technology goods and services by the department of enterprise services.

(7) Within existing resources, the agency must host, administer, and support the state employee directory in an online format to provide public employee contact information.

(8) ~~(\$1,524,000 of the consolidated technology services revolving account non-appropriated is provided solely to the)~~ The logging and monitoring project ~~((and))~~ is subject to the conditions, limitations, and review provided in ~~((section 719 of this act))~~ section 701 of this act.

(9) \$750,000 of the ~~((general fund state appropriation for fiscal year 2020))~~ consolidated technology

services revolving account—state appropriation is provided for the office to conduct a statewide cloud computing readiness assessment to prepare for the migration of core services to cloud services, including ways it can leverage cloud computing to reduce costs. The assessment must:

(a) Inventory state agency assets, associated service contracts, and other relevant information;

(b) Identify impacts to state agency staffing resulting from the migration to cloud computing including:

(i) Skill gaps between current on-premises computing practices and how cloud services are procured, secured, administered, maintained, and developed; and

(ii) Necessary retraining and ongoing training and development to ensure state agency staff maintain the skills necessary to effectively maintain information security and understand changes to enterprise architectures;

(c) Identify additional resources needed by the agency to enable sufficient cloud migration support to state agencies; and

(d) Be submitted as a report, by June 30, 2020, to the governor and the appropriate committees of the legislature that summarizes statewide cloud migration readiness and makes recommendations for migration goals.

(10) The health care authority, the health benefit exchange, the department of social and health services, the department of health, and the department of children, youth, and families shall work together within existing resources to establish the health and human services enterprise coalition (the coalition). The coalition, led by the health care authority, must be a multi-organization collaborative that provides strategic direction and federal funding guidance for projects that have cross-organizational or enterprise impact, including information technology projects that affect organizations within the coalition. By October 31, 2019, the coalition must submit a report to the governor and the legislature that describes the coalition's plan for projects affecting the coalition organizations. The report must include any information technology projects impacting coalition organizations and, in collaboration with the office of the chief information officer, provide: (a) The status of any information technology projects currently being developed or implemented that affect the coalition; (b) funding needs of these current and future information technology projects; and (c) next steps for the coalition's information technology projects. The office of the chief information officer shall maintain a statewide perspective when collaborating with the coalition to ensure that the development of projects identified in this report are planned for in a manner that ensures the efficient use of state resources and maximizes federal financial participation. The work of the coalition is subject to the conditions, limitations, and review provided in ~~((section 719 of this act))~~ section 701 of this act.

(11) \$4,303,000 of the consolidated technology services revolving account—state appropriation is provided solely for the creation and ongoing delivery of information technology services tailored to the needs of small agencies.

The scope of services must include, at a minimum, full-service desktop support, service assistance, security, and consultation.

**Sec. 150.** 2019 c 415 s 153 (uncodified) is amended to read as follows:

**FOR THE BOARD OF REGISTRATION OF PROFESSIONAL ENGINEERS AND LAND SURVEYORS**

Professional Engineers' Account—State Appropriation.....	(\$4,863,000)
	<u>\$5,822,000</u>
TOTAL APPROPRIATION .....	<u>\$4,863,000</u>
	<u>\$5,822,000</u>

The appropriation in this section is subject to the following conditions and limitations: \$4,172,000 of the professional engineers' account—state appropriation is provided solely for implementation of House Bill No. 1176 (businesses and professions). ~~((If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.))~~

**PART II**

**HUMAN SERVICES**

**Sec. 201.** 2019 c 415 s 201 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

(1) The appropriations to the department of social and health services in this act shall be expended for the programs and in the amounts specified in this act. Appropriations made in this act to the department of social and health services shall initially be allotted as required by this act. Subsequent allotment modifications shall not include transfers of moneys between sections of this act except as expressly provided in this act, nor shall allotment modifications permit moneys that are provided solely for a specified purpose to be used for other than that purpose.

(2) The department of social and health services shall not initiate any services that require expenditure of state general fund moneys unless expressly authorized in this act or other law. The department may seek, receive, and spend, under RCW 43.79.260 through 43.79.282, federal moneys not anticipated in this act as long as the federal funding does not require expenditure of state moneys for the program in excess of amounts anticipated in this act. If the department receives unanticipated unrestricted federal moneys, those moneys shall be spent for services authorized in this act or in any other legislation providing appropriation authority, and an equal amount of appropriated state general fund moneys shall lapse. Upon the lapsing of any moneys under this subsection, the office of financial management shall notify the legislative fiscal committees. As used in this subsection, "unrestricted federal moneys" includes block grants and other funds that federal law does not require to be spent on specifically defined projects or matched on a formula basis by state funds.

(3) The legislature finds that medicaid payment rates, as calculated by the department pursuant to the appropriations in this act, bear a reasonable relationship to the costs incurred by efficiently and economically operated facilities for providing quality services and will be sufficient to enlist enough providers so that care and services are available to the extent that such care and services are available to the general population in the geographic area. The legislature finds that cost reports, payment data from the federal government, historical utilization, economic data, and clinical input constitute reliable data upon which to determine the payment rates.

(4) The department shall to the maximum extent practicable use the same system for delivery of spoken-language interpreter services for social services appointments as the one established for medical appointments in the health care authority. When contracting directly with an individual to deliver spoken language interpreter services, the department shall only contract with language access providers who are working at a location in the state and who are state-certified or state-authorized, except that when such a provider is not available, the department may use a language access provider who meets other certifications or standards deemed to meet state standards, including interpreters in other states.

(5) Information technology projects or investments and proposed projects or investments impacting time capture, payroll and payment processes and systems, eligibility, case management, and authorization systems within the department of social and health services are subject to technical oversight by the office of the chief information officer.

(6)(a) The department shall facilitate enrollment under the medicaid expansion for clients applying for or receiving state funded services from the department and its contractors. Prior to open enrollment, the department shall coordinate with the health care authority to provide referrals to the Washington health benefit exchange for clients that will be ineligible for medicaid.

(b) To facilitate a single point of entry across public and medical assistance programs, and to maximize the use of federal funding, the health care authority, the department of social and health services, and the health benefit exchange will coordinate efforts to expand HealthPlanfinder access to public assistance and medical eligibility staff. The department shall complete medicaid applications in the HealthPlanfinder for households receiving or applying for public assistance benefits.

(7) The health care authority, the health benefit exchange, the department of social and health services, the department of health, and the department of children, youth, and families shall work together within existing resources to establish the health and human services enterprise coalition (the coalition). The coalition, led by the health care authority, must be a multi-organization collaborative that provides strategic direction and federal funding guidance for projects that have cross-organizational or enterprise impact, including information technology projects that affect organizations within the coalition. By October 31, 2019, the

coalition must submit a report to the governor and the legislature that describes the coalition's plan for projects affecting the coalition organizations. The report must include any information technology projects impacting coalition organizations and, in collaboration with the office of the chief information officer, provide: (a) The status of any information technology projects currently being developed or implemented that affect the coalition; (b) funding needs of these current and future information technology projects; and (c) next steps for the coalition's information technology projects. The office of the chief information officer shall maintain a statewide perspective when collaborating with the coalition to ensure that the development of projects identified in this report are planned for in a manner that ensures the efficient use of state resources and maximizes federal financial participation. The work of the coalition is subject to the conditions, limitations, and review provided in ~~(section 719 of this act)~~ section 701 of this act.

(8)(a) The appropriations to the department of social and health services in this act must be expended for the programs and in the amounts specified in this act. However, after May 1, 2020, unless prohibited by this act, the department may transfer general fund—state appropriations for fiscal year 2020 among programs and subprograms after approval by the director of the office of financial management. However, the department may not transfer state appropriations that are provided solely for a specified purpose except as expressly provided in (b) of this subsection.

(b) To the extent that transfers under (a) of this subsection are insufficient to fund actual expenditures in excess of fiscal year 2020 caseload forecasts and utilization assumptions in the long-term care, developmental disabilities, and public assistance programs, the department may transfer state appropriations that are provided solely for a specified purpose. The department may not transfer funds, and the director of the office of financial management may not approve the transfer, unless the transfer is consistent with the objective of conserving, to the maximum extent possible, the expenditure of state funds. The director of the office of financial management shall notify the appropriate fiscal committees of the legislature in writing seven days prior to approving any allotment modifications or transfers under this subsection. The written notification shall include a narrative explanation and justification of the changes, along with expenditures and allotments by budget unit and appropriation, both before and after any allotment modifications or transfers.

**Sec. 202.** 2019 c 415 s 202 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF SOCIAL AND  
HEALTH SERVICES—MENTAL HEALTH  
PROGRAM**

**(1) INSTITUTIONAL SERVICES**

General Fund—State Appropriation (FY 2020)	
.....	(\$400,740,000))
	<u>\$430,465,000</u>

General Fund—State Appropriation (FY 2021)		
..... (\$417,578,000))		
		<u>\$458,455,000</u>
General	Fund—Federal	Appropriation
..... (\$117,745,000))		
		<u>\$113,736,000</u>
General	Fund—Private/Local	Appropriation
..... (\$27,800,000))		
		<u>\$28,359,000</u>
Pension Funding Stabilization Account—State		
Appropriation.....		\$33,300,000
TOTAL APPROPRIATION.....		<del>\$997,163,000</del>
		<u>\$1,064,315,000</u>

The appropriations in this subsection are subject to the following conditions and limitations:

(a) The state psychiatric hospitals may use funds appropriated in this subsection to purchase goods, services, and supplies through hospital group purchasing organizations when it is cost-effective to do so.

(b) \$311,000 of the general fund—state appropriation for fiscal year 2020 and \$310,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for a community partnership between western state hospital and the city of Lakewood to support community policing efforts in the Lakewood community surrounding western state hospital. The amounts provided in this subsection (1)(b) are for the salaries, benefits, supplies, and equipment for one full-time investigator, one full-time police officer, and one full-time community service officer at the city of Lakewood. The department must collect data from the city of Lakewood on the use of the funds and the number of calls responded to by the community policing program and submit a report with this information to the office of financial management and the appropriate fiscal committees of the legislature each December of the fiscal biennium.

(c) \$45,000 of the general fund—state appropriation for fiscal year 2020 and \$45,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for payment to the city of Lakewood for police services provided by the city at western state hospital and adjacent areas.

(d) \$19,000 of the general fund—state appropriation for fiscal year 2020 and \$19,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for payment to the city of Medical Lake for police services provided by the city at eastern state hospital and adjacent areas. The city must submit a proposal to the department for a community policing program for eastern state hospital and adjacent areas by September 30, 2019.

(e) \$135,000 of the general fund—state appropriation for fiscal year 2020 and \$135,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the department to hire an on-site safety compliance officer,

stationed at Western State Hospital, to provide oversight and accountability of the hospital's response to safety concerns regarding the hospital's work environment.

(f) \$100,000 of the general fund—state appropriation for fiscal year 2020 and \$100,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the department to track compliance with RCW 71.05.365 requirements for transition of state hospital patients into community settings within fourteen days of the determination that they no longer require active psychiatric treatment at an inpatient level of care. The department must use these funds to track the following elements related to this requirement: (i) The date on which an individual is determined to no longer require active psychiatric treatment at an inpatient level of care; (ii) the date on which the behavioral health entities and other organizations responsible for resource management services for the person is notified of this determination; and (iii) the date on which either the individual is transitioned to the community or has been re-evaluated and determined to again require active psychiatric treatment at an inpatient level of care. The department must provide this information in regular intervals to behavioral health entities and other organizations responsible for resource management services. The department must summarize the information and provide a report to the office of financial management and the appropriate committees of the legislature on progress toward meeting the fourteen day standard by December 1, 2019 and December 1, 2020.

(g) \$250,000 of the general fund—state appropriation for fiscal year 2020 and \$250,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the department, in collaboration with the health care authority, to develop and implement a predictive modeling tool which identifies clients who are at high risk of future involvement with the criminal justice system and for developing a model to estimate demand for civil and forensic state hospital bed needs pursuant to the following requirements.

(i) The predictive modeling tool must be developed to leverage data from a variety of sources and identify factors that are strongly associated with future criminal justice involvement. The department must submit a report to the office of financial management and the appropriate committees of the legislature which describes the following: (A) The proposed data sources to be used in the predictive model and how privacy issues will be addressed; (B) modeling results including a description of measurable factors most strongly predictive of risk of future criminal justice involvement; (C) an assessment of the accuracy, timeliness, and potential effectiveness of the tool; (D) identification of interventions and strategies that can be effective in reducing future criminal justice involvement of high risk patients; and (E) the timeline for implementing processes to provide monthly lists of high-risk client to contracted managed care organizations and behavioral health entities.

(ii) The model for civil and forensic state hospital bed need must be developed and updated in consultation with staff from the office of financial management and the appropriate fiscal committees of the state legislature. The

model shall incorporate factors for capacity in state hospitals as well as contracted facilities, which provide similar levels of care, referral patterns, wait lists, lengths of stay, and other factors identified as appropriate for predicting the number of beds needed to meet the demand for civil and forensic state hospital services. Factors should include identification of need for the services and analysis of the effect of community investments in behavioral health services and other types of beds that may reduce the need for long-term civil commitment needs. The department must submit a report to the legislature by October 1, 2019, with an update of the model and the estimated civil and forensic state hospital bed need by November 1, 2020, and each November 1st thereafter through the end of fiscal year 2027. The department must continue to update the model on a calendar quarterly basis and provide updates to the office of financial management and the appropriate committees of the legislature accordingly.

(h) \$2,982,000 of the general fund—state appropriation for fiscal year 2020 and \$2,199,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the phase-in of the settlement agreement under *Trueblood, et al. v. Department of Social and Health Services, et al.*, United States District Court for the Western District of Washington, Cause No. 14-cv-01178-MJP. The department, in collaboration with the health care authority and the criminal justice training commission, must implement the provisions of the settlement agreement pursuant to the timeline and implementation plan provided for under the settlement agreement. This includes implementing provisions related to competency evaluations, competency restoration, crisis diversion and supports, education and training, and workforce development.

(i) \$6,450,000 of the general fund—state appropriation for fiscal year 2020 and \$7,147,000 of the general fund—state appropriation for fiscal year 2021 are provided solely to maintain and further increase implementation of efforts to improve the timeliness of competency evaluation services for individuals who are in local jails pursuant to chapter 5, Laws of 2015 (SSB 5889) (timeliness of competency treatment and evaluation services). This funding must be used solely to maintain increases in the number of competency evaluators that began in fiscal year 2016 and further increase the number of staff providing competency evaluation services. During the 2019-2021 fiscal biennium, the department must use a portion of these amounts to increase the number of forensic evaluators pursuant to the settlement agreement under *Trueblood, et al. v. Department of Social and Health Services, et al.*, United States District Court for the Western District of Washington, Cause No. 14-cv-01178-MJP.

(j) \$56,441,000 of the general fund—state appropriation for fiscal year 2020, \$63,159,000 of the general fund—state appropriation for fiscal year 2021, and \$2,127,000 of the general fund—federal appropriation are provided solely for implementation of efforts to improve the timeliness of competency restoration services pursuant to chapter 5, Laws of 2015 (SSB 5889) (timeliness of competency treatment and evaluation services). These amounts must be used to maintain increases that began in

fiscal year 2016 and further increase the number of forensic beds at western state hospital and eastern state hospital. Pursuant to chapter 7, Laws of 2015 1st sp. sess. (2E2SSB 5177) (timeliness of competency treatment and evaluation services), the department may contract some of these amounts for services at alternative locations if the secretary determines that there is a need. During the 2019-2021 fiscal biennium, the department must use a portion of these amounts to increase forensic bed capacity at the state hospitals pursuant to the settlement agreement under *Trueblood, et al. v. Department of Social and Health Services, et al.*, United States District Court for the Western District of Washington, Cause No. 14-cv-01178-MJP.

(k) \$67,463,000 of the general fund—state appropriation for fiscal year 2020 and \$67,463,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the department to continue to implement an acuity based staffing tool at western state hospital and eastern state hospital in collaboration with the hospital staffing committees. Of the amounts provided in each fiscal year, \$33,102,000 is provided on a one-time basis.

(i) The staffing tool must be designed and implemented to identify, on a daily basis, the clinical acuity on each patient ward and determine the minimum level of direct care staff by profession to be deployed to meet the needs of the patients on each ward. The department must also continue to update, in collaboration with the office of financial management's labor relations office, the staffing committees, and state labor unions, an overall state hospital staffing plan that looks at all positions and functions of the facilities and that is informed by a review of the Oregon state hospital staffing model.

(ii) Within these amounts, the department must establish, monitor, track, and report monthly staffing and expenditures at the state hospitals, including overtime and use of locums, to the functional categories identified in the recommended staffing plan. The allotments and tracking of staffing and expenditures must include all areas of the state hospitals, must be done at the ward level, and must include contracted facilities providing forensic restoration services as well as the office of forensic mental health services. By December 1, 2019, the department and hospital staffing committees must submit a report to the office of financial management and the appropriate committees of the legislature that includes the following: (A) Progress in implementing the acuity based staffing tool; (B) a comparison of average monthly staffing expenditures to budgeted staffing levels and to the recommended state hospital staffing plan by function and at the ward level; and (C) metrics and facility performance for the use of overtime and extra duty pay, patient length of stay, discharge management, active treatment planning, medication administration, patient and staff aggression, and staff recruitment and retention. The department must use information gathered from implementation of the clinical staffing tool and the hospital-wide staffing model to provide budget oversight and accountability and inform and prioritize future budget requests for staffing at the state hospitals.

(iii) The department must submit calendar quarterly reports to the office of financial management and the appropriate committees of the legislature that include monitoring of monthly spending, staffing levels, overtime and use of locums compared to allotments and to the recommended state hospital staffing model. The format for these reports must be developed in consultation with staff from the office of financial management and the appropriate committees of the legislature. The reports must include an update from the hospital staffing committees.

(iv) Monthly staffing levels and related expenditures at the state hospitals must not exceed official allotments without prior written approval from the director of the office of financial management. In the event the director of the office of financial management approves an increase in monthly staffing levels and expenditures beyond what is budgeted, notice must be provided to the appropriate committees of the legislature within thirty days of such approval. The notice must identify the reason for the authorization to exceed budgeted staffing levels and the time frame for the authorization. Extensions of authorizations under this subsection must also be submitted to the director of the office of financial management for written approval in advance of the expiration of an authorization. The office of financial management must notify the appropriate committees of the legislature of any extensions of authorizations granted under this subsection within thirty days of granting such authorizations and identify the reason and time frame for the extension.

(l) \$11,285,000 of the general fund—state appropriation for fiscal year 2020 and \$10,581,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the department to implement strategies to improve patient and staff safety at eastern and western state hospitals. These amounts must be used for implementing a new intensive care model program at western state hospital. Remaining amounts may be used for enclosure of nursing stations, increasing the number of security guards, and provision of training on patient and staff safety. The department must provide implementation reports to the office of financial management and the appropriate committees of the legislature as follows:

(i) A report must be submitted by December 1, 2019, which includes a description of the intensive care model being implemented, a profile of the types of patients being served at the program, the staffing model being used for the program, and preliminary information on outcomes associated with the program. The outcomes section should include tracking data on facility wide metrics related to patient and staff safety as well as individual outcomes related to the patients served on the unit.

(ii) A report must be submitted by December 1, 2020, which provides an update on the implementation of the intensive care model, any changes that have occurred, and updated information on the outcomes associated with implementation of the program.

(m) \$4,262,000 of the general fund—state appropriation for fiscal year 2021 and \$2,144,000 of the general fund—federal appropriation are provided solely to



open a new unit at the child study treatment center which shall serve up to eighteen children.

(n) \$2,593,000 of the general fund—state appropriation for fiscal year 2020 and \$2,593,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the department to increase services to patients found not guilty by reason of insanity under the *Ross v. Laswhay* settlement agreement.

(2) PROGRAM SUPPORT

General Fund—State Appropriation (FY 2020)	<del>(\$5,884,000)</del>
	<u>\$5,837,000</u>
General Fund—State Appropriation (FY 2021)	<del>(\$5,763,000)</del>
	<u>\$5,815,000</u>
General Fund—Federal Appropriation.....	\$315,000
TOTAL APPROPRIATION .....	<u>\$11,962,000</u>
	<u>\$11,967,000</u>

**Sec. 203.** 2019 c 415 s 203 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—DEVELOPMENTAL DISABILITIES PROGRAM**

(1) COMMUNITY SERVICES

General Fund—State Appropriation (FY 2020)	<del>(\$737,825,000)</del>
	<u>\$732,433,000</u>
General Fund—State Appropriation (FY 2021)	<del>(\$803,041,000)</del>
	<u>\$812,320,000</u>
General Fund—Federal Appropriation	<del>(\$1,591,789,000)</del>
	<u>\$1,581,406,000</u>
General Fund—Private/Local Appropriation	\$4,024,000
Pension Funding Stabilization Account—State	
Appropriation .....	\$6,364,000
Developmental Disability Community Trust Account—State	
Appropriation .....	<u>\$1,000,000</u>
TOTAL APPROPRIATION .....	<u>\$3,143,043,000</u>
	<u>\$3,137,547,000</u>

The appropriations in this subsection are subject to the following conditions and limitations:

(a) Individuals receiving services as supplemental security income (SSI) state supplemental payments may not

become eligible for medical assistance under RCW 74.09.510 due solely to the receipt of SSI state supplemental payments.

(b) In accordance with RCW 18.51.050, 18.20.050, 70.128.060, and 43.135.055, the department is authorized to increase nursing facility, assisted living facility, and adult family home fees as necessary to fully support the actual costs of conducting the licensure, inspection, and regulatory programs. The license fees may not exceed the department's annual licensing and oversight activity costs and shall include the department's cost of paying providers for the amount of the license fee attributed to medicaid clients.

(i) The current annual renewal license fee for adult family homes is \$225 per bed beginning in fiscal year 2020 and \$225 per bed beginning in fiscal year 2021. A processing fee of \$2,750 must be charged to each adult family home when the home is initially licensed. This fee is nonrefundable. A processing fee of \$700 must be charged when adult family home providers file a change of ownership application.

(ii) The current annual renewal license fee for assisted living facilities is \$116 per bed beginning in fiscal year 2020 and \$116 per bed beginning in fiscal year 2021.

(iii) The current annual renewal license fee for nursing facilities is \$359 per bed beginning in fiscal year 2020 and \$359 per bed beginning in fiscal year 2021.

(c) \$7,527,000 of the general fund—state appropriation for fiscal year 2020, \$16,092,000 of the general fund—state appropriation for fiscal year 2021, and \$29,989,000 of the general fund—federal appropriation are provided solely for the implementation of the agreement reached between the governor and the service employees international union healthcare 775nw under the provisions of chapters 74.39A and 41.56 RCW for the 2019-2021 fiscal biennium.

(d) \$1,058,000 of the general fund—state appropriation for fiscal year 2020, \$2,245,000 of the general fund—state appropriation for fiscal year 2021, and \$4,203,000 of the general fund—federal appropriation are provided solely for the homecare agency parity impacts of the agreement between the governor and the service employees international union healthcare 775nw.

(e) The department may authorize a one-time waiver of all or any portion of the licensing and processing fees required under RCW 70.128.060 in any case in which the department determines that an adult family home is being relicensed because of exceptional circumstances, such as death or incapacity of a provider, and that to require the full payment of the licensing and processing fees would present a hardship to the applicant. In these situations the department is also granted the authority to waive the required residential administrator training for a period of 120 days if necessary to ensure continuity of care during the relicensing process.

(f) Community residential cost reports that are submitted by or on behalf of contracted agency providers are required to include information about agency staffing

including health insurance, wages, number of positions, and turnover.

(g) \$1,705,000 of the general fund—state appropriation for fiscal year 2020, \$1,688,000 of the general fund—state appropriation for fiscal year 2021, and \$1,465,000 of the general fund—federal appropriation are provided solely for the development and implementation of thirteen enhanced respite beds across the state for children. These services are intended to provide families and caregivers with a break in caregiving, the opportunity for behavioral stabilization of the child, and the ability to partner with the state in the development of an individualized service plan that allows the child to remain in his or her family home. The department must provide the legislature with a respite utilization report in January of each year that provides information about the number of children who have used enhanced respite in the preceding year, as well as the location and number of days per month that each respite bed was occupied.

(h) \$2,025,000 of the general fund—state appropriation for fiscal year 2020 and \$2,006,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the development and implementation of thirteen community respite beds across the state for adults. These services are intended to provide families and caregivers with a break in caregiving and the opportunity for stabilization of the individual in a community-based setting as an alternative to using a residential habilitation center to provide planned or emergent respite. The department must provide the legislature with a respite utilization report by January of each year that provides information about the number of individuals who have used community respite in the preceding year, as well as the location and number of days per month that each respite bed was occupied.

(i) \$4,005,000 of the general fund—state appropriation for fiscal year 2020, \$6,084,000 of the general fund—state appropriation for fiscal year 2021, and \$9,826,000 of the general fund—federal appropriation are provided solely to continue community alternative placement beds that prioritize the transition of clients who are ready for discharge from the state psychiatric hospitals, but who have additional long-term care or developmental disability needs.

(i) Community alternative placement beds include enhanced service facility beds, adult family home beds, skilled nursing facility beds, shared supportive housing beds, state operated living alternative beds, and assisted living facility beds.

(ii) Each client must receive an individualized assessment prior to leaving one of the state psychiatric hospitals. The individualized assessment must identify and authorize personal care, nursing care, behavioral health stabilization, physical therapy, or other necessary services to meet the unique needs of each client. It is the expectation that, in most cases, staffing ratios in all community alternative placement options described in (i)(i) of this subsection will need to increase to meet the needs of clients leaving the state psychiatric hospitals. If specialized training is necessary to meet the needs of a client before he or she

enters a community placement, then the person centered service plan must also identify and authorize this training.

(iii) When reviewing placement options, the department must consider the safety of other residents, as well as the safety of staff, in a facility. An initial evaluation of each placement, including any documented safety concerns, must occur within thirty days of a client leaving one of the state psychiatric hospitals and entering one of the community placement options described in (i)(i) of this subsection. At a minimum, the department must perform two additional evaluations of each placement during the first year that a client has lived in the facility.

(iv) In developing bed capacity, the department shall consider the complex needs of individuals waiting for discharge from the state psychiatric hospitals.

(j) \$1,029,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for state-operated behavioral health group training homes for clients with developmental disabilities who require a short-term placement for crisis stabilization following a hospital stay. The developmental disabilities administration shall research and assess options to claim federal medicaid funds for state-operated behavioral health group training homes and report its findings to the governor and appropriate legislative committees by December 1, 2019.

(k) \$605,000 of the general fund—state appropriation for fiscal year 2020, \$1,627,000 of the general fund—state appropriation for fiscal year 2021, and \$1,797,000 of the general fund—federal appropriation are provided solely for expanding the number of clients receiving services under the basic plus medicaid waiver. Approximately three hundred fifty additional clients are anticipated to graduate from high school during the 2019-2021 fiscal biennium and will receive employment services under this expansion.

(l) \$20,243,000 of the general fund—state appropriation for fiscal year 2020, \$41,933,000 of the general fund—state appropriation for fiscal year 2021, and \$60,976,000 of the general fund—federal appropriation are provided solely to increase rates for community residential service providers offering supported living, group home, and licensed staff residential services to individuals with development disabilities. The amounts in this subsection (l)(l) include funding to increase the rate by 13.5 percent effective January 1, 2020.

The amounts provided in this subsection must be used to improve the recruitment and retention of quality direct care staff to better protect the health and safety of clients with developmental disabilities.

~~((m))~~ (m) \$50,000 of the general fund—state appropriation for fiscal year 2020 and \$50,000 of the general fund—state appropriation for fiscal year 2021 are provided solely to establish parent-to-parent programs for parents of children with developmental disabilities in Ferry, Pend Oreille, Stevens, San Juan, and Wahkiakum counties.

~~((n))~~ (n) \$401,000 of the general fund—state appropriation for fiscal year 2020, \$424,000 of the general fund—state appropriation for fiscal year 2021, and

\$1,043,000 of the general fund—federal appropriation are provided solely to assist home care agencies with implementing electronic visit verification systems that are compliant with the federal 21st century cures act no later than January 1, 2020.

~~((p))~~ (o) \$3,626,000 of the general fund—state appropriation for fiscal year 2020, \$4,757,000 of the general fund—state appropriation for fiscal year 2021, and \$10,444,000 of the general fund—federal appropriation are provided solely for the implementation of an agreement reached between the governor and the adult family home council under the provisions of chapter 41.56 RCW for the 2019-2021 fiscal biennium.

~~((q))~~ (p) \$63,000 of the general fund—state appropriation for fiscal year 2020 and \$62,000 of the general fund—federal appropriation are provided solely to begin implementing an asset verification system that is compliant with the federal medicaid extenders act by January 1, 2021 and is subject to the conditions, limitation, and review provided in ~~((section 719 of this act))~~ section 701 of this act.

~~((r))~~ (q) \$13,000 of the general fund—state appropriation for fiscal year 2020, \$20,000 of the general fund—state appropriation for fiscal year 2021, and \$23,000 of the general fund—federal appropriation are provided solely to implement chapter 70, Laws of 2019 (SHB 1199).

~~((s))~~ (r) \$153,000 of the general fund—state appropriation for fiscal year 2020, \$356,000 of the general fund—state appropriation for fiscal year 2021, and \$643,000 of the general fund—federal appropriation are provided solely to increase rates for assisted living facility providers consistent with chapter 225, Laws of 2018 (SHB 2515) and for a rate add-on to providers that serve sixty percent or more medicaid clients.

~~((t))~~ (s) \$193,000 of the general fund—state appropriation for fiscal year 2020, \$385,000 of the general fund—state appropriation for fiscal year 2021, and \$654,000 of the general fund—federal appropriation are provided solely for a ten percent rate increase, effective January 1, 2020, for nurse delegation, private duty nursing, and supported living nursing services.

~~((u))~~ (t) \$3,490,000 of the general fund—local appropriation and \$3,490,000 of the general fund—federal appropriation are provided solely to implement Senate Bill No. 5359 (residential services and supports). The annual certification renewal fee for community residential service businesses is \$847 per client in fiscal year 2020 and \$859 per client in fiscal year 2021. The annual certification renewal fee may not exceed the department's annual licensing and oversight activity costs. ~~((If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.~~

~~((v))~~ (u) The appropriations in this section include sufficient funding to implement Second Substitute Senate Bill No. 5672 (adult family hopes specialty services).

~~((w))~~ (v) \$100,000 of the general fund—state appropriation for fiscal year 2020, \$95,000 of the general fund—state appropriation for fiscal year 2021, and \$195,000 of the general fund—federal appropriation are provided

solely for discharge case managers stationed at the state psychiatric hospitals. Discharge case managers will transition clients ready for hospital discharge into less restrictive alternative community placements. The transition of clients ready for discharge will free up bed capacity at the state psychiatric hospitals.

~~((x))~~ (w) \$4,886,000 of the general fund—state appropriation for fiscal year 2020, \$7,150,000 of the general fund—state appropriation for fiscal year 2021, and \$11,894,000 of the general fund—federal appropriation are provided solely to complete the three-year phase in of forty-seven clients from residential habilitation centers to state operated living alternatives.

~~((aa))~~ (x) \$2,279,000 of the general fund—state appropriation for fiscal year 2020, \$2,279,000 of the general fund—state appropriation for fiscal year 2021, and \$4,558,000 of the general fund—federal appropriation are provided solely for additional staffing resources for the transition of clients living in the intermediate care facilities at Rainier school, Fircrest school, and Lakeland village to state operated living alternatives to address deficiencies identified by the centers for medicare and medicaid services.

~~((ab))~~ (y) \$51,000 of the general fund—state appropriation for fiscal year 2020, \$54,000 of the general fund—state appropriation for fiscal year 2021, and \$134,000 of the general fund—federal appropriation are provided solely to increase the administrative rate for home care agencies by five cents per hour effective July 1, 2019.

~~((ac))~~ (z) \$1,798,000 of the general fund—state appropriation for fiscal year 2020, \$2,422,000 of the general fund—state appropriation for fiscal year 2021, and \$4,219,000 of the general fund—federal appropriation are provided solely for state-operated living alternative homes.

(i) Of the amounts provided in this subsection, \$480,000 of the general fund—state appropriation for fiscal year 2020, \$646,000 of the general fund—state appropriation for fiscal year 2021, and \$1,125,000 of the general fund—federal appropriation are provided solely to place residents in transition from the Rainier PAT A intermediate care facility.

(ii) Of the amounts provided in this subsection, \$420,000 of the general fund—state appropriation for fiscal year 2020, \$565,000 of the general fund—state appropriation for fiscal year 2021, and \$985,000 of the general fund—federal appropriation are provided solely to place developmental disability administration clients upon discharge from a hospital stay when the clients' previous providers are unable to manage the clients' care needs.

(aa) \$300,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the department to advance the recommendations of the "Rethinking Intellectual Disability Policy to Empower Clients, Develop Providers and Improve Services" Ruckelshaus report to design and implement a modern, community-focused, person-centered, and individualized service delivery system for individuals who currently reside in residential habilitation centers, with an emphasis on investments in

community residential service options, including services and options for those with complex behavioral needs.

(2) INSTITUTIONAL SERVICES

General Fund—State Appropriation (FY 2020)	
.....	(\$119,201,000))
	<u>\$119,436,000</u>
General Fund—State Appropriation (FY 2021)	
.....	(\$120,511,000))
	<u>\$121,385,000</u>
General Fund—Federal Appropriation	
.....	(\$233,122,000))
	<u>\$233,926,000</u>
General Fund—Private/Local Appropriation	
.....	\$27,041,000
Pension Funding Stabilization Account—State	
Appropriation .....	\$11,396,000
TOTAL APPROPRIATION .....	<u>\$511,271,000</u>
	<u>\$513,184,000</u>

The appropriations in this subsection are subject to the following conditions and limitations:

(a) Individuals receiving services as supplemental security income (SSI) state supplemental payments may not become eligible for medical assistance under RCW 74.09.510 due solely to the receipt of SSI state supplemental payments.

(b) \$495,000 of the general fund—state appropriation for fiscal year 2020 and \$495,000 of the general fund—state appropriation for fiscal year 2021 are for the department to fulfill its contracts with the school districts under chapter 28A.190 RCW to provide transportation, building space, and other support services as are reasonably necessary to support the educational programs of students living in residential habilitation centers.

(c) The residential habilitation centers may use funds appropriated in this subsection to purchase goods, services, and supplies through hospital group purchasing organizations when it is cost-effective to do so.

(d) \$830,000 of the general fund—state appropriation for fiscal year 2020 and \$135,000 of the general fund—federal appropriation are provided solely for the loss of federal revenue and the transition of residents due to the decertification of the Rainier school PAT A intermediate care facility by the centers for medicare and medicaid services in calendar year 2019. It is the intent of the legislature that the developmental disabilities administration complete the transitions of Rainier PAT A residents by September 2019.

(e) \$3,455,000 of the general fund—state appropriation for fiscal year 2020, \$3,455,000 of the general fund—state appropriation for fiscal year 2021, and \$6,910,000 of the general fund—federal appropriation are provided solely for additional staffing resources for clients

living in the intermediate care facilities at Rainier school, Fircrest school, and Lakeland village to address deficiencies identified by the centers for medicare and medicaid services and to gather information for the 2020 legislative session that will support appropriate levels of care for residential habilitation center clients.

(i) The department of social and health services must contract with the William D. Ruckelshaus center or other neutral third party to continue the facilitation of meetings and discussions about how to support appropriate levels of care for residential habilitation center clients based on the clients' needs and ages. The options explored in the meetings and discussions must include, but are not limited to, the longer-term issues identified in the January 2019 report to the legislature, including shifting care and staffing needs, crisis stabilization, alternative uses of residential habilitation center campus, and transforming adult family homes. An agreed-upon preferred longer term vision must be included within a report to the office of financial management and appropriate fiscal and policy committees of the legislature before December 1, 2019. The report must describe the policy rationale, implementation plan, timeline, and recommended statutory changes for the preferred long-term vision.

(ii) The parties invited to participate in the meetings and discussions must include:

(A) One member from each of the two largest caucuses in the senate, who shall be appointed by the majority leader and minority leader of the senate;

(B) One member from each of the two largest caucuses in the house of representatives, who shall be appointed by the speaker and minority leader of the house of representatives;

(C) One member from the office of the governor, appointed by the governor;

(D) One member from the developmental disabilities council;

(E) One member from the ARC of Washington;

(F) One member from the Washington federation of state employees;

(G) One member from the service employees international union 1199;

(H) One member from the developmental disabilities administration within the department of social and health services;

(I) One member from the aging and long term support administration within the department of social and health services; and

(J) Two members who are family members or guardians of current residential habilitation center residents.

(K) Staff support for the work group must be provided by the department of social and health services.

(3) PROGRAM SUPPORT

General Fund—State Appropriation (FY 2020)	.....(( <del>\$2,558,000</del> ))
	<u>\$2,536,000</u>
General Fund—State Appropriation (FY 2021)	.....(( <del>\$2,660,000</del> ))
	<u>\$2,867,000</u>
General Fund—Federal Appropriation.(( <del>\$3,080,000</del> ))	
	<u>\$3,344,000</u>
Pension Funding Stabilization Account—State	
Appropriation .....	\$270,000
TOTAL APPROPRIATION .....	<del>\$8,568,000</del>
	<u>\$9,017,000</u>

## (4) SPECIAL PROJECTS

General Fund—State Appropriation (FY 2020)	.....\$62,000
General Fund—State Appropriation (FY 2021)	.....\$62,000
General Fund—Federal Appropriation.....	\$1,092,000
Pension Funding Stabilization Account—State	
Appropriation .....	\$4,000
TOTAL APPROPRIATION .....	\$1,220,000

**Sec. 204.** 2019 c 415 s 204 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—AGING AND ADULT SERVICES PROGRAM**

General Fund—State Appropriation (FY 2020)	.....(( <del>\$1,313,688,000</del> ))
	<u>\$1,313,782,000</u>
General Fund—State Appropriation (FY 2021)	.....(( <del>\$1,454,323,000</del> ))
	<u>\$1,488,426,000</u>
General Fund—Federal Appropriation	.....(( <del>\$3,465,113,000</del> ))
	<u>\$3,486,991,000</u>
General Fund—Private/Local Appropriation	.....(( <del>\$37,765,000</del> ))
	<u>\$37,687,000</u>
Traumatic Brain Injury Account—State Appropriation	.....\$4,558,000
Skilled Nursing Facility Safety Net Trust Account—	
State Appropriation .....	\$133,360,000
Pension Funding Stabilization Account—State	
Appropriation .....	\$12,392,000

Long-Term Services and Supports Trust Account—	
State	
Appropriation.....	\$2,437,000
TOTAL APPROPRIATION.....	<del>\$6,423,636,000</del>
	<u>\$6,479,633,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1)(a) For purposes of implementing chapter 74.46 RCW, the weighted average nursing facility payment rate may not exceed \$220.37 for fiscal year 2020 and may not exceed \$251.49 for fiscal year 2021.

(b) The department shall provide a medicaid rate add-on to reimburse the medicaid share of the skilled nursing facility safety net assessment as a medicaid allowable cost. The nursing facility safety net rate add-on may not be included in the calculation of the annual statewide weighted average nursing facility payment rate.

(2) In accordance with RCW 18.51.050, 18.20.050, 70.128.060, and 43.135.055, the department is authorized to increase nursing facility, assisted living facility, and adult family home fees as necessary to fully support the actual costs of conducting the licensure, inspection, and regulatory programs. The license fees may not exceed the department's annual licensing and oversight activity costs and shall include the department's cost of paying providers for the amount of the license fee attributed to medicaid clients.

(a) The current annual renewal license fee for adult family homes is \$225 per bed beginning in fiscal year 2020 and \$225 per bed beginning in fiscal year 2021. A processing fee of \$2,750 must be charged to each adult family home when the home is initially licensed. This fee is nonrefundable. A processing fee of \$700 shall be charged when adult family home providers file a change of ownership application.

(b) The current annual renewal license fee for assisted living facilities is \$116 per bed beginning in fiscal year 2020 and \$116 per bed beginning in fiscal year 2021.

(c) The current annual renewal license fee for nursing facilities is \$359 per bed beginning in fiscal year 2020 and \$359 per bed beginning in fiscal year 2021.

(3) The department is authorized to place long-term care clients residing in nursing homes and paid for with state-only funds into less restrictive community care settings while continuing to meet the client's care needs.

(4) \$1,858,000 of the general fund—state appropriation for fiscal year 2020 and \$1,857,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for operation of the volunteer services program. Funding must be prioritized towards serving populations traditionally served by long-term care services to include senior citizens and persons with disabilities.

(5) \$15,748,000 of the general fund—state appropriation for fiscal year 2020, \$33,024,000 of the general fund—state appropriation for fiscal year 2021, and \$62,298,000 of the general fund—federal appropriation are

provided solely for the implementation of the agreement reached between the governor and the service employees international union healthcare 775nw under the provisions of chapters 74.39A and 41.56 RCW for the 2019-2021 fiscal biennium.

(6) \$6,320,000 of the general fund—state appropriation for fiscal year 2020, \$13,142,000 of the general fund—state appropriation for fiscal year 2021, and \$24,768,000 of the general fund—federal appropriation are provided solely for the homecare agency parity impacts of the agreement between the governor and the service employees international union healthcare 775nw.

(7) \$5,094,000 of the general fund—state appropriation for fiscal year 2020 and \$5,094,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for services and support to individuals who are deaf, hard of hearing, or deaf-blind.

(8) The department may authorize a one-time waiver of all or any portion of the licensing and processing fees required under RCW 70.128.060 in any case in which the department determines that an adult family home is being relicensed because of exceptional circumstances, such as death or incapacity of a provider, and that to require the full payment of the licensing and processing fees would present a hardship to the applicant. In these situations the department is also granted the authority to waive the required residential administrator training for a period of 120 days if necessary to ensure continuity of care during the relicensing process.

(9) In accordance with RCW 18.390.030, the biennial registration fee for continuing care retirement communities shall be \$900 for each facility.

(10) \$479,000 of the general fund—state appropriation for fiscal year 2020 and \$479,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the kinship navigator program in the Colville Indian reservation, Yakama Nation, and other tribal areas.

(11) Within available funds, the aging and long term support administration must maintain a unit within adult protective services that specializes in the investigation of financial abuse allegations and self-neglect allegations.

(12) Within amounts appropriated in this subsection, the department shall assist the legislature to continue the work of the joint legislative executive committee on planning for aging and disability issues.

(a) A joint legislative executive committee on aging and disability is continued, with members as provided in this subsection.

(i) Four members of the senate, with the leaders of the two largest caucuses each appointing two members, and four members of the house of representatives, with the leaders of the two largest caucuses each appointing two members;

(ii) A member from the office of the governor, appointed by the governor;

(iii) The secretary of the department of social and health services or his or her designee;

(iv) The director of the health care authority or his or her designee;

(v) A member from disability rights Washington and a member from the office of long-term care ombuds;

(vi) The insurance commissioner or his or her designee, who shall serve as an ex officio member; and

(vii) Other agency directors or designees as necessary.

(b) The committee must make recommendations and continue to identify key strategic actions to prepare for the aging of the population in Washington, including state budget and policy options, and may conduct, but are not limited to, the following tasks:

(i) Identify strategies to better serve the health care needs of an aging population and people with disabilities to promote healthy living and palliative care planning;

(ii) Identify strategies and policy options to create financing mechanisms for long-term service and supports that allow individuals and families to meet their needs for service;

(iii) Identify policies to promote financial security in retirement, support people who wish to stay in the workplace longer, and expand the availability of workplace retirement savings plans;

(iv) Identify ways to promote advance planning and advance care directives and implementation strategies for the Bree collaborative palliative care and related guidelines;

(v) Identify ways to meet the needs of the aging demographic impacted by reduced federal support;

(vi) Identify ways to protect the rights of vulnerable adults through assisted decision-making and guardianship and other relevant vulnerable adult protections;

(vii) Identify options for promoting client safety through residential care services and consider methods of protecting older people and people with disabilities from physical abuse and financial exploitation; and

(viii) Identify other policy options and recommendations to help communities adapt to the aging demographic in planning for housing, land use, and transportation.

(c) Staff support for the committee shall be provided by the office of program research, senate committee services, the office of financial management, and the department of social and health services.

(d) Within existing appropriations, the cost of meetings must be paid jointly by the senate, house of representatives, and the office of financial management. Joint committee expenditures and meetings are subject to approval by the senate facilities and operations committee and the house of representatives executive rules committee, or their successor committees. Meetings of the task force must be scheduled and conducted in accordance with the rules of both the senate and the house of representatives. The joint committee members may be reimbursed for travel expenses as authorized under RCW 43.03.050 and

43.03.060, and chapter 44.04 RCW as appropriate. Advisory committee members may not receive compensation or reimbursement for travel and expenses.

(13) \$315,000 of the general fund—state appropriation for fiscal year 2020, \$315,000 of the general fund—state appropriation for fiscal year 2021, and \$630,000 of the general fund—federal appropriation are provided solely for discharge case managers stationed at the state psychiatric hospitals. Discharge case managers will transition clients ready for hospital discharge into less restrictive alternative community placements. The transition of clients ready for discharge will free up bed capacity at the state psychiatric hospitals.

(14) \$135,000 of the general fund—state appropriation for fiscal year 2020, \$135,000 of the general fund—state appropriation for fiscal year 2021, and \$270,000 of the general fund—federal appropriation are provided solely for financial service specialists stationed at the state psychiatric hospitals. Financial service specialists will help to transition clients ready for hospital discharge into alternative community placements. The transition of clients ready for discharge will free up bed capacity at the state hospitals.

(15)(a) No more than \$102,880,000 of the general fund—federal appropriation may be expended for tailored support for older adults and medicaid alternative care described in initiative 2 of the medicaid transformation demonstration waiver under healthier Washington. The department shall not increase general fund—state expenditures on this initiative. The secretary in collaboration with the director of the health care authority shall report to the joint select committee on health care oversight no less than quarterly on financial and health outcomes. The secretary in cooperation with the director shall also report to the fiscal committees of the legislature all of the expenditures of this subsection and shall provide such fiscal data in the time, manner, and form requested by the legislative fiscal committees.

(b) No more than \$2,525,000 of the general fund—federal appropriation may be expended for supported housing and employment services described in initiative 3a and 3b of the medicaid transformation demonstration waiver under healthier Washington. Under this initiative, the department and the health care authority shall ensure that allowable and necessary services are provided to eligible clients as identified by the department or its providers third party administrator. The department and the authority in consultation with the medicaid forecast work group shall ensure that reasonable reimbursements are established for services deemed necessary within an identified limit per individual. The department shall not increase general fund—state expenditures under this initiative. The secretary in cooperation with the director shall report to the joint select committee on health care oversight no less than quarterly on financial and health outcomes.

The secretary in cooperation with the director shall also report to the fiscal committees of the legislature all of the expenditures of this subsection and shall provide such fiscal data in the time, manner, and form requested by the legislative fiscal committees.

(16) \$13,303,000 of the general fund—state appropriation for fiscal year 2020, \$15,891,000 of the general fund—state appropriation for fiscal year 2021, and \$36,390,000 of the general fund—federal appropriation are provided solely for the implementation of an agreement reached between the governor and the adult family home council under the provisions of chapter 41.56 RCW for the 2019-2021 fiscal biennium.

(17) \$40,000 of the general fund—state appropriation for fiscal year 2020, \$40,000 of the general fund—state appropriation for fiscal year 2021, and \$80,000 of the general fund—federal appropriation are provided solely for the department, in partnership with the department of health and the health care authority, to assist a collaborative public-private entity with implementation of recommendations in the state plan to address alzheimer's disease and other dementias.

(18) \$428,000 of the general fund—state appropriation for fiscal year 2020, \$446,000 of the general fund—state appropriation for fiscal year 2021, and \$896,000 of the general fund—federal appropriation are provided solely for case managers at the area agencies on aging to coordinate care for medicaid clients with mental illness who are living in their own homes. Work shall be accomplished within existing standards for case management and no requirements will be added or modified unless by mutual agreement between the department of social and health services and area agencies on aging.

(19) \$117,000 of the general fund—state appropriation for fiscal year 2020 and \$116,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the department to contract with an organization to provide educational materials, legal services, and attorney training to support persons with dementia. The funding provided in this subsection must be used for:

(a) An advance care and legal planning toolkit for persons and families living with dementia, designed and made available online and in print. The toolkit should include educational topics including, but not limited to:

- (i) The importance of early advance care, legal, and financial planning;
- (ii) The purpose and application of various advance care, legal, and financial documents;
- (iii) Dementia and capacity;
- (iv) Long-term care financing considerations;
- (v) Elder and vulnerable adult abuse and exploitation;
- (vi) Checklists such as "legal tips for caregivers," "meeting with an attorney," and "life and death planning;"
- (vii) Standardized forms such as general durable power of attorney forms and advance health care directives; and
- (viii) A selected list of additional resources.

(b) Webinars about the dementia legal and advance care planning toolkit and related issues and topics with

subject area experts. The subject area expert presenters must provide their services in-kind, on a volunteer basis.

(c) Continuing legal education programs for attorneys to advise and assist persons with dementia. The continuing education programs must be offered at no cost to attorneys who make a commitment to participate in the pro bono program.

(d) Administrative support costs to develop intake forms and protocols, perform client intake, match participating attorneys with eligible clients statewide, maintain records and data, and produce reports as needed.

(20) \$18,000 of the traumatic brain injury account—state appropriation is provided solely to implement Substitute House Bill No. 1532 (domestic violence TBIs). ~~((If the bill is not enacted by June 30, 2019, the amount provided in this subsection shall lapse.))~~

(21) \$543,000 of the general fund—state appropriation for fiscal year 2020 and \$543,000 of the general fund—federal appropriation are provided solely to begin implementing an asset verification system that is compliant with the federal medicaid extenders act by January 1, 2021 and is subject to the conditions, limitation, and review provided in ~~((section 719 of this act))~~ section 701 of this act. Of the amounts provided in this subsection, \$75,000 of the general fund—state appropriation in fiscal year 2020 and \$75,000 of the general fund—federal appropriation are provided solely for a feasibility study of information technology solutions for an asset verification system. The feasibility study shall consider the department's existing case management systems that may be required to interface with the asset verification system. The department shall work with the health care authority to develop a long-term strategy for an asset verification system that complies with federal requirements, maximizes efficient use of staff time, supports accurate client financial eligibility determinations, and incorporates relevant findings from the feasibility study, and shall report its findings and recommendation to the governor and appropriate legislative committees no later than December 1, 2019.

(22) \$2,437,000 of the long-term services and supports trust account—state appropriation is provided solely to implement Second Substitute House Bill No. 1087 (long-term services and support). Of the amounts provided in this subsection, \$217,000 is provided solely for a contract with the state actuary. ~~((If the bill is not enacted by June 30, 2019, the amount provided in this subsection shall lapse.))~~

(23) \$2,373,000 of the general fund—state appropriation for fiscal year 2020, \$2,459,000 of the general fund—state appropriation for fiscal year 2021, and \$6,215,000 of the general fund-federal appropriation are provided solely to assist home care agencies with implementing electronic visit verification systems that are compliant with the federal 21st century cures act no later than January 1, 2020.

(24) \$727,000 of the general fund—state appropriation for fiscal year 2020, \$1,455,000 of the general fund—state appropriation for fiscal year 2021, and \$2,469,000 of the general fund—federal appropriation are provided solely for

a ten percent rate increase, effective January 1, 2020, for in-home skilled nursing services, nurse delegation, in-home private duty nursing, and adult family home private duty nursing.

(25) \$3,353,000 of the general fund—local appropriation and \$1,055,000 of the general fund—federal appropriation are provided solely to implement Senate Bill No. 5359 (residential services and supports). The annual certification renewal fee for community residential service businesses is \$847 per client in fiscal year 2020 and \$859 per client in fiscal year 2021. The annual certification renewal fee may not exceed the department's annual licensing and oversight activity costs. ~~((If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.))~~

(26) \$17,481,000 of the general fund—state appropriation for fiscal year 2020, \$28,471,000 of the general fund—state appropriation for fiscal year 2021, and \$41,031,000 of the general fund—federal appropriation are provided solely to continue community alternative placement beds that prioritize the transition of clients who are ready for discharge from the state psychiatric hospitals, but who have additional long-term care or developmental disability needs.

(a) Community alternative placement beds include enhanced service facility beds, adult family home beds, skilled nursing facility beds, shared supportive housing beds, state operated living alternative beds, assisted living facility beds, and specialized dementia beds.

(b) Each client must receive an individualized assessment prior to leaving one of the state psychiatric hospitals. The individualized assessment must identify and authorize personal care, nursing care, behavioral health stabilization, physical therapy, or other necessary services to meet the unique needs of each client. It is the expectation that, in most cases, staffing ratios in all community alternative placement options described in (a) of this subsection will need to increase to meet the needs of clients leaving the state psychiatric hospitals. If specialized training is necessary to meet the needs of a client before he or she enters a community placement, then the person centered service plan must also identify and authorize this training.

(c) When reviewing placement options, the department must consider the safety of other residents, as well as the safety of staff, in a facility. An initial evaluation of each placement, including any documented safety concerns, must occur within thirty days of a client leaving one of the state psychiatric hospitals and entering one of the community placement options described in (a) of this subsection. At a minimum, the department must perform two additional evaluations of each placement during the first year that a client has lived in the facility.

(d) In developing bed capacity, the department shall consider the complex needs of individuals waiting for discharge from the state psychiatric hospitals.

(27) \$1,344,000 of the general fund—state appropriation for fiscal year 2020 and \$1,344,000 of the



general fund—state appropriation for fiscal year 2021 are provided solely for the kinship care support program.

(28) \$306,000 of the general fund—state appropriation for fiscal year 2020, \$317,000 of the general fund—state appropriation for fiscal year 2021, and \$794,000 of the general fund—federal appropriation are provided solely to increase the administrative rate for home care agencies by five cents per hour effective July 1, 2019.

(29) \$94,000 of the general fund—state appropriation for fiscal year 2020 and \$94,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the department to establish a pilot project to provide personal care services to homeless seniors and persons with disabilities from the time the person presents at a shelter to the time the person becomes eligible for medicaid personal care services.

(a) The department shall contract with a single nonprofit organization that provides personal care services to homeless persons and operates a twenty-four hour homeless shelter, and that is currently partnering with the department to bring medicaid personal care services to homeless seniors and persons with disabilities.

(b) The department shall submit a report by December 1, 2020, to the governor and appropriate legislative committees. The report shall address findings and outcomes of the pilot and recommendations.

~~((34))~~ (30) \$3,669,000 of the general fund—state appropriation for fiscal year 2020, \$8,543,000 of the general fund—state appropriation for fiscal year 2021, and \$15,434,000 of the general fund—federal appropriation are provided solely to increase rates for assisted living facility providers consistent with chapter 225, Laws of 2018 (SHB 2515) and to provide a rate add-on to providers that serve sixty percent or more medicare clients.

~~((32))~~ (31) \$375,000 of the general fund—state appropriation for fiscal year 2020, \$375,000 of the general fund—state appropriation for fiscal year 2021, and \$750,000 of the general fund—federal appropriation are provided solely to increase rates for adult day health and adult day care providers effective July 1, 2019.

~~((33))~~ (32) The appropriations in this section include sufficient funding for the implementation of Second Substitute Senate Bill No. 5672 (adult family homes specialty services).

**Sec. 205.** 2019 c 415 s 205 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—ECONOMIC SERVICES PROGRAM**

General Fund—State Appropriation (FY 2020)  
.....~~((362,649,000))~~  
\$351,756,000

General Fund—State Appropriation (FY 2021)  
.....~~((365,538,000))~~  
\$361,738,000

General	Fund—Federal	Appropriation
.....		<del>((1,453,819,000))</del>
		<u>\$1,456,759,000</u>
General	Fund—Private/Local	Appropriation
.....		\$5,416,000
Domestic Violence Prevention Account—State		
Appropriation.....		\$2,404,000
Pension Funding Stabilization Account—State		
Appropriation.....		<del>((26,754,000))</del>
		<u>\$25,944,000</u>
Administrative Contingency Account—State		
Appropriation.....		\$4,000,000
Home Security Fund Account—State Appropriation		
.....		<u>\$2,728,000</u>
TOTAL APPROPRIATION.....		<del>\$2,220,580,000</del>
		<u>\$2,210,745,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1)(a) ~~((77,346,000))~~ \$75,817,000 of the general fund—state appropriation for fiscal year 2020, ~~((74,058,000))~~ \$75,770,000 of the general fund—state appropriation for fiscal year 2021, ~~((808,761,000))~~ \$835,701,000 of the general fund—federal appropriation, \$4,000,000 of the administrative contingency account—state appropriation, and ~~((55,662,000))~~ \$5,508,000 of the pension funding stabilization account—state appropriation are provided solely for all components of the WorkFirst program. Within the amounts provided for the WorkFirst program, the department may provide assistance using state-only funds for families eligible for temporary assistance for needy families. The department must create a WorkFirst budget structure that allows for transparent tracking of budget units and subunits of expenditures where these units and subunits are mutually exclusive from other department budget units. The budget structure must include budget units for the following: Cash assistance, child care, WorkFirst activities, and administration of the program. Within these budget units, the department must develop program index codes for specific activities and develop allotments and track expenditures using these codes. The department shall report to the office of financial management and the relevant fiscal and policy committees of the legislature prior to adopting a structure change.

(b)(i) ~~((266,668,000))~~ \$265,758,000 of the amounts in (a) of this subsection is for assistance to clients, including grants, diversion cash assistance, and additional diversion emergency assistance including but not limited to assistance authorized under RCW 74.08A.210. The department may use state funds to provide support to working families that are eligible for temporary assistance for needy families but otherwise not receiving cash assistance.

(ii) Of the amounts in (a) of this subsection, \$1,213,000 of the general fund—state appropriation for

fiscal year 2020 and \$989,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of Second Substitute House Bill No. 1603 (economic assistance programs). ~~((If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.))~~

(c)(i) ~~(((\$158,316,000))~~ \$155,482,000 of the amounts in (a) of this subsection is for WorkFirst job search, education and training activities, barrier removal services, limited English proficiency services, and tribal assistance under RCW 74.08A.040. The department must allocate this funding based on client outcomes and cost effectiveness measures. Within amounts provided in this subsection (1)(c), the department shall implement the working family support program.

(ii) \$2,430,000 of the amounts provided in this subsection (1)(c) is for enhanced transportation assistance. The department must prioritize the use of these funds for the recipients most in need of financial assistance to facilitate their return to work. The department must not utilize these funds to supplant repayment arrangements that are currently in place to facilitate the reinstatement of drivers' licenses.

(iii) Of the amounts in (a) of this subsection, \$864,000 of the general fund—state appropriation for fiscal year 2020 and \$649,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of Second Substitute House Bill No. 1603 (economic assistance programs). ~~((If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.))~~

(d)~~((+))~~ \$353,402,000 of the general fund—federal appropriation is for the working connections child care program under RCW 43.216.020 within the department of children, youth, and families. The department is the lead agency for and recipient of the federal temporary assistance for needy families grant. A portion of this grant must be used to fund child care subsidies expenditures at the department of children, youth, and families. The department shall work in collaboration with the department of children, youth, and families to track the average monthly child care subsidy caseload and expenditures by fund type including the child care development fund, general fund—state, and the temporary assistance for needy families grant for the purpose of estimating the monthly temporary assistance for needy families grant reimbursement.

(e) \$68,496,000 of the general fund—federal appropriation is for child welfare services within the department of children, youth, and families.

(f)(i) ~~(((\$122,945,000))~~ \$136,643,000 of the amounts in (1)(a) of this section is for WorkFirst administration and overhead.

(ii) Of the amounts in (a) of this subsection, \$218,000 of the general fund—state appropriation for fiscal year 2020 and \$39,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of Second Substitute House Bill No. 1603 (economic assistance programs). ~~((If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.))~~

(g) The amounts in subsections (1)(b) through (e) of this section shall be expended for the programs and in the amounts specified. However, the department may transfer up to ten percent of funding between subsections (1)(b) through (f) of this section. The department shall provide notification prior to any transfer to the office of financial management and to the appropriate legislative committees and the legislative-executive WorkFirst poverty reduction oversight task force. The approval of the director of financial management is required prior to any transfer under this subsection.

(h) Each calendar quarter, the department shall provide a maintenance of effort and participation rate tracking report for temporary assistance for needy families to the office of financial management, the appropriate policy and fiscal committees of the legislature, and the legislative-executive WorkFirst poverty reduction oversight task force. The report must detail the following information for temporary assistance for needy families:

(i) An overview of federal rules related to maintenance of effort, excess maintenance of effort, participation rates for temporary assistance for needy families, and the child care development fund as it pertains to maintenance of effort and participation rates;

(ii) Countable maintenance of effort and excess maintenance of effort, by source, provided for the previous federal fiscal year;

(iii) Countable maintenance of effort and excess maintenance of effort, by source, for the current fiscal year, including changes in countable maintenance of effort from the previous year;

(iv) The status of reportable federal participation rate requirements, including any impact of excess maintenance of effort on participation targets;

(v) Potential new sources of maintenance of effort and progress to obtain additional maintenance of effort;

(vi) A two-year projection for meeting federal block grant and contingency fund maintenance of effort, participation targets, and future reportable federal participation rate requirements; and

(vii) Proposed and enacted federal law changes affecting maintenance of effort or the participation rate, what impact these changes have on Washington's temporary assistance for needy families program, and the department's plan to comply with these changes.

(j) In the 2019-2021 fiscal biennium, it is the intent of the legislature to provide appropriations from the state general fund for the purposes of (b) through (f) of this subsection if the department does not receive additional federal temporary assistance for needy families contingency funds in each fiscal year as assumed in the budget outlook.

(2) \$2,545,000 of the general fund—state appropriation for fiscal year 2020 and \$2,546,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for naturalization services.

(3) \$2,366,000 of the general fund—state appropriation for fiscal year 2020 is provided solely for employment services for refugees and immigrants, of which \$1,774,000 is provided solely for the department to pass through to statewide refugee and immigrant assistance organizations for limited English proficiency pathway services; and \$2,366,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for employment services for refugees and immigrants, of which \$1,774,000 is provided solely for the department to pass through to statewide refugee and immigrant assistance organizations for limited English proficiency pathway services.

(4) On January 1, 2020, and annually thereafter, the department must report to the governor and the legislature on all sources of funding available for both refugee and immigrant services and naturalization services during the current fiscal year and the amounts expended to date by service type and funding source. The report must also include the number of clients served and outcome data for the clients.

(5) To ensure expenditures remain within available funds appropriated in this section, the legislature establishes the benefit under the state food assistance program, pursuant to RCW 74.08A.120, to be one hundred percent of the federal supplemental nutrition assistance program benefit amount.

(6) The department shall review clients receiving services through the aged, blind, or disabled assistance program, to determine whether they would benefit from assistance in becoming naturalized citizens, and thus be eligible to receive federal supplemental security income benefits. Those cases shall be given high priority for naturalization funding through the department.

(7) \$3,682,000 of the general fund—state appropriation for fiscal year 2020, \$1,344,000 of the general fund—state appropriation for fiscal year 2021, and \$10,333,000 of the general fund—federal appropriation are provided solely for the continuation of the ESAR project and ~~((are))~~ implementation of a disaster recovery plan. The funding is subject to the conditions, limitations, and review provided in ~~((section 719 of this act))~~ section 701 of this act.

(8) The department shall continue the interagency agreement with the department of veterans' affairs to establish a process for referral of veterans who may be eligible for veterans' services. This agreement must include out-stationing department of veterans' affairs staff in selected community service office locations in King and Pierce counties to facilitate applications for veterans' services.

(9) \$1,000,000 of the general fund—state appropriation for fiscal year 2020 and \$1,000,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for operational support of the Washington information network 211 organization.

(10) ~~(((\$996,000))~~ \$748,000 of the general fund—state appropriation for fiscal year 2020, \$2,155,000 of the general fund—state appropriation for fiscal year 2021, and

~~(((\$775,000))~~ \$1,074,000 of the general fund—federal appropriation are provided solely to ~~((begin implementing))~~ implement an asset verification system that is compliant with the federal medicaid extenders act by January 1, 2021 and is subject to the conditions, limitations, and review provided in section 701 of this act.

(11) Within amounts appropriated in this section, the department must conduct a comprehensive study of the WorkFirst transportation pilot. The department must submit a report by November 1, 2020, to the governor and the appropriate fiscal and policy committees that includes a cost benefit analysis of the transportation pilot. At a minimum, the report must include the total annual cost of the pilot since implementation, total annual number of clients accessing transportation services through the pilot, impacts to sanctions and the participation rate, employment outcomes, caseload impacts, department recommendations, and lessons learned.

(12) \$6,000 of the general fund—state appropriation for fiscal year 2021, \$2,500,000 of the home security fund account—state appropriation, and \$1,483,000 of the general fund—federal appropriation are provided solely to eliminate the supplied shelter grant standard for the pregnant women assistance, refugee cash assistance, temporary assistance for needy families, state family assistance, and the aged, blind, or disabled assistance programs.

**Sec. 206.** 2019 c 415 s 206 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF SOCIAL AND  
HEALTH SERVICES—VOCATIONAL  
REHABILITATION PROGRAM**

General Fund—State Appropriation (FY 2020)	
.....	<del>(((\$16,656,000))</del>
	<u>\$16,663,000</u>
General Fund—State Appropriation (FY 2021)	
.....	<del>(((\$17,605,000))</del>
	<u>\$17,721,000</u>
General Fund—Federal Appropriation	
.....	<del>(((\$109,571,000))</del>
	<u>\$109,595,000</u>
Pension Funding Stabilization Account—State	
Appropriation.....	\$2,024,000
TOTAL APPROPRIATION.....	<del>\$145,856,000</del>
	<u>\$146,003,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) The department of social and health services vocational rehabilitation program shall participate in the development of an implementation plan to build statewide capacity among school districts to improve transition planning for students in special education who meet criteria for services from the developmental disabilities administration, pursuant to section 501(3)(c) of this act.

(2) \$500,000 of the general fund—state appropriation for fiscal year 2020 and \$500,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for supported employment services for additional eligible clients with the most significant disabilities who would otherwise be placed on the federally required order of selection waiting list.

**Sec. 207.** 2019 c 415 s 207 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—SPECIAL COMMITMENT PROGRAM**

General Fund—State Appropriation (FY 2020)	
.....	(((\$53,965,000))
	<u>\$53,004,000</u>
General Fund—State Appropriation (FY 2021)	
.....	(((\$54,800,000))
	<u>\$53,895,000</u>
Pension Funding Stabilization Account—State	
Appropriation .....	\$4,580,000
TOTAL APPROPRIATION .....	<u>\$113,345,000</u>
	<u>\$111,479,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) The special commitment center may use funds appropriated in this subsection to purchase goods and supplies through hospital group purchasing organizations when it is cost-effective to do so.

(2) \$705,000 of the general fund—state appropriation for fiscal year 2020 and \$784,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the department to expand its King county secure transition facility from six beds to twelve beds beginning January 1, 2020.

(3) \$225,000 of the general fund—state appropriation for fiscal year 2020 and \$210,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the department to hire staff to provide medical transportation and hospital watch services for individuals in need of medical care outside the main facility.

(4) \$158,000 of the general fund—state appropriation for fiscal year 2020 and \$152,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the department to hire an administrator to coordinate siting efforts for new secure community transition facilities to house individuals transitioning to the community from the main facility.

**Sec. 208.** 2019 c 415 s 208 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—ADMINISTRATION AND SUPPORTING SERVICES PROGRAM**

General Fund—State Appropriation (FY 2020)	
.....	(((\$31,403,000))
	<u>\$36,857,000</u>
General Fund—State Appropriation (FY 2021)	
.....	(((\$32,427,000))
	<u>\$39,637,000</u>
General Fund—Federal Appropriation	
.....	(((\$44,592,000))
	<u>\$51,446,000</u>
Pension Funding Stabilization Account—State	
Appropriation.....	(((\$6,044,000))
	<u>\$6,854,000</u>
TOTAL APPROPRIATION.....	<u>\$114,466,000</u>
	<u>\$134,794,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) Within amounts appropriated in this section, the department shall provide to the department of health, where available, the following data for all nutrition assistance programs funded by the United States department of agriculture and administered by the department. The department must provide the report for the preceding federal fiscal year by February 1, 2020, and February 1, 2021. The report must provide:

(a) The number of people in Washington who are eligible for the program;

(b) The number of people in Washington who participated in the program;

(c) The average annual participation rate in the program;

(d) Participation rates by geographic distribution; and

(e) The annual federal funding of the program in Washington.

(2) \$47,000 of the general fund—state appropriation for fiscal year 2020, \$47,000 of the general fund—state appropriation for fiscal year 2021, and \$142,000 of the general fund—federal appropriation are provided solely for the implementation of an agreement reached between the governor and the Washington federation of state employees for the language access providers under the provisions of chapter 41.56 RCW for the 2019-2021 fiscal biennium.

**Sec. 209.** 2019 c 415 s 209 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—PAYMENTS TO OTHER AGENCIES PROGRAM**

General Fund—State Appropriation (FY 2020)	
.....	(((\$36,426,000))
	<u>\$38,148,000</u>

General Fund—State Appropriation (FY 2021)		
.....(((\$38,154,000))		
<u>\$41,880,000</u>		
General	Fund—Federal	Appropriation
.....(((\$41,143,000))		
<u>\$43,130,000</u>		
TOTAL APPROPRIATION .....		
<u>\$115,723,000</u>		
<u>\$123,158,000</u>		

The appropriations in this section are subject to the following conditions and limitations:

(1) Within the amounts appropriated in this section, the department must extend master property insurance to all buildings owned by the department valued over \$250,000 and to all locations leased by the department with contents valued over \$250,000.

(2) \$63,000 of the general fund—state appropriation for fiscal year 2020 and \$7,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of Engrossed Second Substitute Senate Bill No. 5497 (immigrants in the workplace). ~~((If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.))~~

**Sec. 210.** 2019 c 415 s 210 (uncodified) is amended to read as follows:

#### **FOR THE STATE HEALTH CARE AUTHORITY**

During the 2019-2021 fiscal biennium, the health care authority shall provide support and data as required by the office of the state actuary in providing the legislature with health care actuarial analysis, including providing any information in the possession of the health care authority or available to the health care authority through contracts with providers, plans, insurers, consultants, or any other entities contracting with the health care authority.

Information technology projects or investments and proposed projects or investments impacting time capture, payroll and payment processes and systems, eligibility, case management, and authorization systems within the health care authority are subject to technical oversight by the office of the chief information officer.

The health care authority shall not initiate any services that require expenditure of state general fund moneys unless expressly authorized in this act or other law. The health care authority may seek, receive, and spend, under RCW 43.79.260 through 43.79.282, federal moneys not anticipated in this act as long as the federal funding does not require expenditure of state moneys for the program in excess of amounts anticipated in this act. If the health care authority receives unanticipated unrestricted federal moneys, those moneys shall be spent for services authorized in this act or in any other legislation providing appropriation authority, and an equal amount of appropriated state general fund moneys shall lapse. Upon the lapsing of any moneys under this subsection, the office of financial management shall notify the legislative fiscal committees. As used in this

subsection, "unrestricted federal moneys" includes block grants and other funds that federal law does not require to be spent on specifically defined projects or matched on a formula basis by state funds.

The health care authority, the health benefit exchange, the department of social and health services, the department of health, and the department of children, youth, and families shall work together within existing resources to establish the health and human services enterprise coalition (the coalition). The coalition, led by the health care authority, must be a multi-organization collaborative that provides strategic direction and federal funding guidance for projects that have cross-organizational or enterprise impact, including information technology projects that affect organizations within the coalition. By October 31, 2019, the coalition must submit a report to the governor and the legislature that describes the coalition's plan for projects affecting the coalition organizations. The report must include any information technology projects impacting coalition organizations and, in collaboration with the office of the chief information officer, provide: (1) The status of any information technology projects currently being developed or implemented that affect the coalition; (2) funding needs of these current and future information technology projects; and (3) next steps for the coalition's information technology projects. The office of the chief information officer shall maintain a statewide perspective when collaborating with the coalition to ensure that the development of projects identified in this report are planned for in a manner that ensures the efficient use of state resources and maximizes federal financial participation. The work of the coalition is subject to the conditions, limitations, and review provided in ~~((section 719 of this act))~~ section 701 of this act.

The appropriations to the health care authority in this act shall be extended for the programs and in the amounts specified in this act. However, after May 1, 2020, unless prohibited by this act, the authority may transfer general fund—state appropriations for fiscal year 2020 among programs after approval by the director of the office of financial management. To the extent that appropriations in this section are insufficient to fund actual expenditures in excess of caseload forecast and utilization assumptions, the authority may transfer general fund—state appropriations for fiscal year 2020 that are provided solely for a specified purpose. The authority may not transfer funds, and the director of the office of financial management shall not approve the transfer, unless the transfer is consistent with the objective of conserving, to the maximum extent possible, the expenditure of state funds. The director of the office of financial management shall notify the appropriate fiscal committees of the legislature in writing seven days prior to approving any allotment modifications or transfers under this subsection. The written notification must include a narrative explanation and justification of changes, along with expenditures and allotments by budget unit and appropriation, both before and after any allotment modifications and transfers.

**Sec. 211.** 2019 c 415 s 211 (uncodified) is amended to read as follows:

**FOR THE STATE HEALTH CARE  
AUTHORITY—MEDICAL ASSISTANCE**

General Fund—State Appropriation (FY 2020)	.....	(\$2,281,076,000))
		<u>\$2,376,828,000</u>
General Fund—State Appropriation (FY 2021)	.....	(\$2,325,882,000))
		<u>\$2,434,144,000</u>
General Fund—Federal Appropriation	.....	(\$11,597,642,000))
		<u>\$12,485,846,000</u>
General Fund—Private/Local Appropriation	.....	(\$285,918,000))
		<u>\$367,409,000</u>
Emergency Medical Services and Trauma Care Systems		
Trust Account—State Appropriation.....		\$15,086,000
Hospital Safety Net Assessment Account—State		
Appropriation .....		(\$721,718,000))
		<u>\$715,909,000</u>
Medicaid Fraud Penalty Account—State		
Appropriation.....		(\$10,364,000))
		<u>\$10,146,000</u>
Dedicated Marijuana Account—State		
Appropriation (FY 2020).....		\$18,951,000
Dedicated Marijuana Account—State		
Appropriation (FY 2021).....		\$19,341,000
Pension Funding Stabilization Account—State		
Appropriation .....		\$4,544,000
Medical Aid Account—State Appropriation		\$538,000
TOTAL APPROPRIATION .....		<u>\$17,281,060,000</u>
		<u>\$18,448,742,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) The authority shall not accept or expend any federal funds received under a medicaid transformation waiver under healthier Washington except as described in subsections (2) and (3) of this section until specifically approved and appropriated by the legislature. To ensure compliance with legislative directive budget requirements and terms and conditions of the waiver, the authority shall implement the waiver and reporting requirements with oversight from the office of financial management. The legislature finds that appropriate management of the innovation waiver requires better analytic capability, transparency, consistency, timeliness, accuracy, and lack of redundancy with other established measures and that the

patient must be considered first and foremost in the implementation and execution of the demonstration waiver. In order to effectuate these goals, the authority shall: (a) Require the Dr. Robert Bree collaborative and the health technology assessment program to reduce the administrative burden upon providers by only requiring performance measures that are nonduplicative of other nationally established measures. The joint select committee on health care oversight will evaluate the measures chosen by the collaborative and the health technology assessment program for effectiveness and appropriateness; (b) develop a patient satisfaction survey with the goal to gather information about whether it was beneficial for the patient to use the center of excellence location in exchange for additional out-of-pocket savings; (c) ensure patients and health care providers have significant input into the implementation of the demonstration waiver, in order to ensure improved patient health outcomes; and (d) in cooperation with the department of social and health services, consult with and provide notification of work on applications for federal waivers, including details on waiver duration, financial implications, and potential future impacts on the state budget, to the joint select committee on health care oversight prior to submitting waivers for federal approval. By federal standard, the medicaid transformation demonstration waiver shall not exceed the duration originally granted by the centers for medicare and medicaid services and any programs created or funded by this waiver do not create an entitlement. Beginning May 15, 2019, and continuing through December 15, 2019, by the 15th of each month, the director in consultation with the secretary shall report to the fiscal chair of the appropriate committees of the legislature in the manner and form requested the status of the medicaid transformation waiver, including any anticipated or proposed changes to accruals or expenditures.

(2) No more than (~~(\$305,659,000))~~ \$236,792,000 of the general fund—federal appropriation and no more than (~~(\$157,284,000))~~ \$169,627,000 of the general fund—local appropriation may be expended for transformation through accountable communities of health described in initiative 1 of the medicaid transformation demonstration wavier under healthier Washington, including preventing youth drug use, opioid prevention and treatment, and physical and behavioral health integration. Under this initiative, the authority shall take into account local input regarding community needs. In order to ensure transparency to the appropriate fiscal committees of the legislature, the authority shall provide fiscal staff of the legislature query ability into any database of the fiscal intermediary that authority staff would be authorized to access. The authority shall not increase general fund—state expenditures under this initiative. The director shall also report to the fiscal committees of the legislature all of the expenditures under this subsection and shall provide such fiscal data in the time, manner, and form requested by the legislative fiscal committees. By December 15, 2019, the authority in collaboration with each accountable community of health shall demonstrate how it will be self-sustaining by the end of the demonstration waiver period, including sources of outside funding, and provide this reporting to the joint select committee on health care oversight. If by the third year of the demonstration waiver there are not measurable,

improved patient outcomes and financial returns, the Washington state institute for public policy will conduct an audit of the accountable communities of health, in addition to the process set in place through the independent evaluation required by the agreement with centers for medicare and medicaid services.

(3)(a) No more than \$79,829,000 of the general fund—federal appropriation may be expended for supported housing and employment services described in initiative 3a and 3b of the medicaid transformation demonstration waiver under healthier Washington. Under this initiative, the authority and the department of social and health services shall ensure that allowable and necessary services are provided to eligible clients as identified by the department or its third party administrator. The authority and the department in consultation with the medicaid forecast work group, shall ensure that reasonable reimbursements are established for services deemed necessary within an identified limit per individual. The authority shall not increase general fund—state expenditures under this initiative. The director shall report to the joint select committee on health care oversight no less than quarterly on financial and health outcomes. The director shall also report to the fiscal committees of the legislature all of the expenditures of this subsection and shall provide such fiscal data in the time, manner, and form requested by the legislative fiscal committees.

(b) No more than \$169,676,000 of the general fund—federal appropriation and no more than \$69,306,000 of the general fund—local appropriation may be expended for the medicaid quality improvement program. Under federal regulations, the medicaid quality improvement program is authorized and allows states to design quality improvement programs for the medicaid population in ways that support the state's quality goals. Medicaid quality improvement program payments will not count against initiative 1 of the medicaid transformation demonstration waiver spending limit and are excluded from the waiver's budget neutrality calculation. Apple health managed care organizations and their partnering providers will receive medicaid quality improvement program payments as they meet designated milestones. Partnering providers and apple health managed care organizations will work together to achieve medicaid quality improvement program goals according to the performance period timelines and reporting deadlines as set forth by the authority. The authority shall only utilize the medicaid quality improvement program to support the transformation waiver and shall not pursue its use for other purposes. Any programs created or funded by the medicaid quality improvement program do not create an entitlement. The authority shall not increase general fund—state expenditures under this program. The director shall report to the joint select committee on health care oversight not less than quarterly on financial and health outcomes. The director shall report to the fiscal committees of the legislature all of the expenditures under this subsection and shall provide such fiscal data in the time, manner, and form requested by the legislative fiscal committees.

(4) Annually, no later than November 1st, the authority shall report to the governor and appropriate

committees of the legislature: (a) Savings attributed to behavioral and physical integration in areas that are scheduled to integrate in the following calendar year, and (b) savings attributed to behavioral and physical health integration and the level of savings achieved in areas that have integrated behavioral and physical health.

(5) Sufficient amounts are appropriated in this subsection to implement the medicaid expansion as defined in the social security act, section 1902(a)(10)(A)(i)(VIII).

(6) The legislature finds that medicaid payment rates, as calculated by the health care authority pursuant to the appropriations in this act, bear a reasonable relationship to the costs incurred by efficiently and economically operated facilities for providing quality services and will be sufficient to enlist enough providers so that care and services are available to the extent that such care and services are available to the general population in the geographic area. The legislature finds that the cost reports, payment data from the federal government, historical utilization, economic data, and clinical input constitute reliable data upon which to determine the payment rates.

(7) Based on quarterly expenditure reports and caseload forecasts, if the health care authority estimates that expenditures for the medical assistance program will exceed the appropriations, the health care authority shall take steps including but not limited to reduction of rates or elimination of optional services to reduce expenditures so that total program costs do not exceed the annual appropriation authority.

(8) In determining financial eligibility for medicaid-funded services, the health care authority is authorized to disregard recoveries by Holocaust survivors of insurance proceeds or other assets, as defined in RCW 48.104.030.

(9) The legislature affirms that it is in the state's interest for Harborview medical center to remain an economically viable component of the state's health care system.

(10) When a person is ineligible for medicaid solely by reason of residence in an institution for mental diseases, the health care authority shall provide the person with the same benefits as he or she would receive if eligible for medicaid, using state-only funds to the extent necessary.

(11) \$4,261,000 of the general fund—state appropriation for fiscal year 2020, \$4,261,000 of the general fund—state appropriation for fiscal year 2021, and \$8,522,000 of the general fund—federal appropriation are provided solely for low-income disproportionate share hospital payments.

(12) Within the amounts appropriated in this section, the health care authority shall provide disproportionate share hospital payments to hospitals that provide services to children in the children's health program who are not eligible for services under Title XIX or XXI of the federal social security act due to their citizenship status.

(13) \$6,000,000 of the general fund—federal appropriation is provided solely for supplemental payments to nursing homes operated by public hospital districts. The

public hospital district shall be responsible for providing the required nonfederal match for the supplemental payment, and the payments shall not exceed the maximum allowable under federal rules. It is the legislature's intent that the payments shall be supplemental to and shall not in any way offset or reduce the payments calculated and provided in accordance with part E of chapter 74.46 RCW. It is the legislature's further intent that costs otherwise allowable for rate-setting and settlement against payments under chapter 74.46 RCW shall not be disallowed solely because such costs have been paid by revenues retained by the nursing home from these supplemental payments. The supplemental payments are subject to retrospective interim and final cost settlements based on the nursing homes' as-filed and final medicare cost reports. The timing of the interim and final cost settlements shall be at the health care authority's discretion. During either the interim cost settlement or the final cost settlement, the health care authority shall recoup from the public hospital districts the supplemental payments that exceed the medicaid cost limit and/or the medicare upper payment limit. The health care authority shall apply federal rules for identifying the eligible incurred medicaid costs and the medicare upper payment limit.

(14) The health care authority shall continue the inpatient hospital certified public expenditures program for the 2019-2021 fiscal biennium. The program shall apply to all public hospitals, including those owned or operated by the state, except those classified as critical access hospitals or state psychiatric institutions. The health care authority shall submit reports to the governor and legislature by November 1, 2020, and by November 1, 2021, that evaluate whether savings continue to exceed costs for this program. If the certified public expenditures (CPE) program in its current form is no longer cost-effective to maintain, the health care authority shall submit a report to the governor and legislature detailing cost-effective alternative uses of local, state, and federal resources as a replacement for this program. During fiscal year 2020 and fiscal year 2021, hospitals in the program shall be paid and shall retain one hundred percent of the federal portion of the allowable hospital cost for each medicaid inpatient fee-for-service claim payable by medical assistance and one hundred percent of the federal portion of the maximum disproportionate share hospital payment allowable under federal regulations. Inpatient medicaid payments shall be established using an allowable methodology that approximates the cost of claims submitted by the hospitals. Payments made to each hospital in the program in each fiscal year of the biennium shall be compared to a baseline amount. The baseline amount will be determined by the total of (a) the inpatient claim payment amounts that would have been paid during the fiscal year had the hospital not been in the CPE program based on the reimbursement rates developed, implemented, and consistent with policies approved in the 2019-2021 biennial operating appropriations act and in effect on July 1, 2015, (b) one-half of the indigent assistance disproportionate share hospital payment amounts paid to and retained by each hospital during fiscal year 2005, and (c) all of the other disproportionate share hospital payment amounts paid to and retained by each hospital during fiscal year 2005 to the extent the same disproportionate share hospital programs exist in the 2019-2021 fiscal biennium. If

payments during the fiscal year exceed the hospital's baseline amount, no additional payments will be made to the hospital except the federal portion of allowable disproportionate share hospital payments for which the hospital can certify allowable match. If payments during the fiscal year are less than the baseline amount, the hospital will be paid a state grant equal to the difference between payments during the fiscal year and the applicable baseline amount. Payment of the state grant shall be made in the applicable fiscal year and distributed in monthly payments. The grants will be recalculated and redistributed as the baseline is updated during the fiscal year. The grant payments are subject to an interim settlement within eleven months after the end of the fiscal year. A final settlement shall be performed. To the extent that either settlement determines that a hospital has received funds in excess of what it would have received as described in this subsection, the hospital must repay the excess amounts to the state when requested. (~~(\$537,000))~~ \$754,000 of the general fund—state appropriation for fiscal year 2020 and (~~(\$522,000))~~ \$739,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for state grants for the participating hospitals.

(15) The health care authority shall seek public-private partnerships and federal funds that are or may become available to provide on-going support for outreach and education efforts under the federal children's health insurance program reauthorization act of 2009.

(16) The health care authority shall target funding for maternity support services towards pregnant women with factors that lead to higher rates of poor birth outcomes, including hypertension, a preterm or low birth weight birth in the most recent previous birth, a cognitive deficit or developmental disability, substance abuse, severe mental illness, unhealthy weight or failure to gain weight, tobacco use, or African American or Native American race. The health care authority shall prioritize evidence-based practices for delivery of maternity support services. To the extent practicable, the health care authority shall develop a mechanism to increase federal funding for maternity support services by leveraging local public funding for those services.

(17) The authority shall submit reports to the governor and the legislature by September 15, 2020, and no later than September 15, 2021, that delineate the number of individuals in medicaid managed care, by carrier, age, gender, and eligibility category, receiving preventative services and vaccinations. The reports should include baseline and benchmark information from the previous two fiscal years and should be inclusive of, but not limited to, services recommended under the United States preventative services task force, advisory committee on immunization practices, early and periodic screening, diagnostic, and treatment (EPSDT) guidelines, and other relevant preventative and vaccination medicaid guidelines and requirements.

(18) Managed care contracts must incorporate accountability measures that monitor patient health and improved health outcomes, and shall include an expectation that each patient receive a wellness examination that



documents the baseline health status and allows for monitoring of health improvements and outcome measures.

(19) Sufficient amounts are appropriated in this section for the authority to provide an adult dental benefit.

(20) The health care authority shall coordinate with the department of social and health services to provide referrals to the Washington health benefit exchange for clients that will be ineligible for medicaid.

(21) To facilitate a single point of entry across public and medical assistance programs, and to maximize the use of federal funding, the health care authority, the department of social and health services, and the health benefit exchange will coordinate efforts to expand HealthPlanfinder access to public assistance and medical eligibility staff. The health care authority shall complete medicaid applications in the HealthPlanfinder for households receiving or applying for medical assistance benefits.

(22) \$90,000 of the general fund—state appropriation for fiscal year 2020, \$90,000 of the general fund—state appropriation for fiscal year 2021, and \$180,000 of the general fund—federal appropriation are provided solely to continue operation by a nonprofit organization of a toll-free hotline that assists families to learn about and enroll in the apple health for kids program.

(23) Within the amounts appropriated in this section, the authority shall reimburse for primary care services provided by naturopathic physicians.

(24) Within the amounts appropriated in this section, the authority shall continue to provide coverage for pregnant teens that qualify under existing pregnancy medical programs, but whose eligibility for pregnancy related services would otherwise end due to the application of the new modified adjusted gross income eligibility standard.

(25) Sufficient amounts are appropriated in this section to remove the mental health visit limit and to provide the shingles vaccine and screening, brief intervention, and referral to treatment benefits that are available in the medicaid alternative benefit plan in the classic medicaid benefit plan.

(26) The authority shall use revenue appropriated from the dedicated marijuana fund for contracts with community health centers under RCW 69.50.540 in lieu of general fund—state payments to community health centers for services provided to medical assistance clients, and it is the intent of the legislature that this policy will be continued in subsequent fiscal biennia.

(27) Beginning no later than January 1, 2018, for any service eligible under the medicaid state plan for encounter payments, managed care organizations at the request of a rural health clinic shall pay the full published encounter rate directly to the clinic. At no time will a managed care organization be at risk for or have any right to the supplemental portion of the claim. Payments will be reconciled on at least an annual basis between the managed care organization and the authority, with final review and approval by the authority.

(28) Sufficient funds are provided for the authority to remove payment and billing limitations identified during the review process required for implementation of chapter 226, Laws of 2017 (behavioral health care – primary care integration) for health and behavior codes, psychotherapy codes, and to continue to offer face-to-face tobacco cessation counseling only for pregnant individuals. Additional funding is provided to increase the rates for the health and behavior codes and psychotherapy codes identified through the stakeholder work group process required under chapter 226, Laws of 2017 (SSB 5779) by ten percent.

(29) By October 15, 2019, the authority shall report to the governor and relevant committees of the legislature the status of rural health clinic reconciliations for calendar years 2011-2013, including any use of available unliquidated prior period accrual balances to refund the federal government for those calendar years. Additionally, the report shall include the status of rural health clinic reconciliations for calendar years 2014-2017, including anticipated amounts owed to or from rural health clinics from the reconciliation process for those fiscal years. The authority shall not recover the state portion of rural health reconciliations for calendar years 2011-2013 for which no general fund state accrual was made. The authority shall not pursue recoveries for calendar years 2014-2017 until after the legislature has an opportunity to take action during the 2020 legislative session. If the legislature does not take any action on rural health clinic reconciliations for calendar years 2014-2017, recoveries shall commence per administrative rule.

(30) Sufficient amounts are appropriated in this section for the authority to provide a medicaid equivalent adult dental benefit to clients enrolled in the medical care service program.

(31) \$300,000 of the general fund—state appropriation for fiscal year 2020 and \$300,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the Bree collaborative to support collaborative learning and targeted technical assistance for quality improvement initiatives. The collaborative must use these amounts to hire one full-time staff person to promote the adoption of Bree collaborative recommendations and to hold two conferences focused on the sharing of best implementation practices.

(32) Within the amounts appropriated in this section, the authority shall reimburse for maternity ~~((support))~~ services provided by doulas.

(33) The authority shall facilitate a home health work group consisting of home health provider associations, hospital associations, managed care organizations, the department of social and health services, and the department of health to develop a new medicaid payment methodology for home health services. The authority must submit a report with final recommendations and a proposed implementation timeline to the appropriate committees of the legislature by November 30, 2019. The work group must consider the following when developing the new payment methodology:

(a) Reimbursement for telemedicine;

(b) Reimbursement for social work for clients with behavioral health needs;

(c) An additional add-on for services in rural or underserved areas;

(d) Quality metrics for home health providers serving medical assistance clients including reducing hospital readmission;

(e) The role of home health in caring for individuals with complex, physical, and behavioral health needs who are able to receive care in their own home, but are unable to be discharged from hospital settings; and

(f) Partnerships between home health and other community resources that enable individuals to be served in a cost-effective setting that also meets the individual's needs and preferences.

(34) \$969,000 of the general fund—state appropriation for fiscal year 2020, \$2,607,000 of the general fund—state appropriation for fiscal year 2021, and \$1,268,000 of the general fund—federal appropriation are provided solely to create and operate a tele-behavioral health video call center staffed by the University of Washington's department of psychiatry and behavioral sciences. The center must provide emergency department providers, primary care providers, and county and municipal correctional facility providers with on-demand access to psychiatric and substance use disorder clinical consultation. When clinically appropriate and technically feasible, the clinical consultation may also involve direct assessment of patients using tele-video technology. The center must be available from 8 a.m. to 5 p.m. in fiscal year 2020 and twenty-four hours a day in fiscal year 2021. Of the federal amounts provided in this subsection, \$700,000 is from the substance abuse prevention and treatment federal block grant and is to support addiction medicine services through the call center.

(35) \$300,000 of the general fund—federal appropriation, from the substance abuse prevention and treatment federal block grant amount, is provided solely for medication interaction services through the Washington state poison center.

(36) Within the amounts appropriated in this section, the authority shall review the current diagnosis-related group high outlier claim policies and examine the impact of increasing the current high outlier threshold. To the extent necessary, the authority shall seek actuarial support for this work. The authority must provide a report to the appropriate committees of the legislature by December 31, 2019, that:

(a) Outlines several options for increasing the threshold;

(b) Describes the impact of these options on hospitals, the state, and medicaid managed care organizations; and

(c) Identifies any technical challenge or limitations of changes to the threshold.

(37) Within the amounts appropriated in this section, the authority to include allergen control bed and pillow covers as part of the durable medical equipment benefit for

children with an asthma diagnosis enrolled in medical assistance programs.

(38) Sufficient amounts are appropriated in this section to increase the hourly rate by ten percent for registered nurses and licensed practical nurses providing skilled nursing services for children who require medically intensive care in a home setting. This rate increase begins on January 1, 2020.

(39) Sufficient amounts are appropriated in this section to increase the daily rate by ten percent for registered nurses and licensed practical nurses providing skilled nursing services to medically intensive children's program clients who reside in a group home setting. This rate increase begins on January 1, 2020.

(40) \$400,000 of the general fund—state appropriation for fiscal year 2020 is provided solely to implement Engrossed Substitute Senate Bill No. 5526 (individual health insurance market). ~~((If the bill is not enacted by June 30, 2019, the amount provided in this subsection shall lapse.))~~

(41) \$22,000 of the general fund—state appropriation for fiscal year 2020, \$159,000 of the general fund—state appropriation for fiscal year 2021, and \$181,000 of the general fund—federal appropriation are provided solely to implement Substitute House Bill No. 1199 (health care/disability). ~~((If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.))~~

(42) \$290,000 of the general fund—state appropriation for fiscal year 2020 and \$165,000 of the general fund—state appropriation for fiscal year 2021 are provided solely to implement Engrossed Second Substitute House Bill No. 1224 (Rx drug cost transparency). ~~((If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.))~~

(43) \$1,053,000 of the general fund—state appropriation for fiscal year 2020 and \$2,222,000 of the general fund—state appropriation for fiscal year 2021 are provided solely to implement Engrossed Substitute Senate Bill No. 5741 (all payer claims database). ~~((If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.))~~

(44) \$2,374,000 of the general fund—state appropriation for fiscal year 2020 and \$2,374,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the kidney disease program.

(45) The authority shall work with the department of health, other state agencies, and other hepatitis C virus medication purchasers to establish a comprehensive procurement strategy. As part of this work, the authority shall estimate, by program, any savings that will result from lower medication costs. It is the intent of the legislature to evaluate reinvesting any savings to expand treatment for individuals enrolled in state covered groups and to further the public health elimination effort during the 2020 legislative session. By October 31, 2019, the authority and department shall report to the governor and relevant committees of the legislature on:

(a) The progress of the procurement;

(b) The estimated savings resulting from lower medication costs;

(c) Funding needed for public health interventions to eliminate the hepatitis C virus;

(d) The current status of treatment; and

(e) A plan to implement the elimination effort.

(46) \$50,000 of the general fund—state appropriation for fiscal year 2020 and \$533,000 for fiscal year 2021 are provided solely for implementation of Engrossed Senate Bill No. 5274 (pacific islanders dental). Open enrollment periods and special enrollment periods must be consistent with the enrollment periods for the COFA medical program, through the health benefit exchange, and program administration must be consistent with the pacific islander medical program. The first open-enrollment period for the COFA dental program must begin no later than November 1, 2020. The dental services must be consistent with the adult medicaid dental coverage, including state payment of premiums, out-of-pocket costs for covered benefits under the qualified dental plan, and costs for noncovered qualified dental plan benefits consistent with, but not to exceed, the medicaid adult dental coverage. ~~((If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.))~~

(47) During the 2019-2021 biennium, sufficient amounts are provided in this section for the authority to provide services identical to those services covered by the Washington state family planning waiver program as of August 2018 to individuals who:

(a) Are over nineteen years of age;

(b) Are at or below two hundred and sixty percent of the federal poverty level as established in WAC 182-505-0100;

(c) Are not covered by other public or private insurance; and

(d) Need family planning services and are not currently covered by or eligible for another medical assistance program for family planning.

(48) \$282,000 of the general fund—state appropriation for fiscal year 2020 and \$754,000 of the general fund—federal appropriation are provided solely for the implementation of Senate Bill No. 5415 (Indian health improvement). ~~((If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.))~~

(49) \$3,150,000 of the general fund—state appropriation for fiscal year 2020 and \$3,500,000 of the general fund—state appropriation for fiscal year 2021 are provided solely to reimburse dental health aid therapists for services performed in tribal facilities for medicaid clients. The authority must leverage any federal funding that may become available as a result of appeal decisions from the centers for medicare and medicaid services.

(50) Sufficient amounts are appropriated within this section for the authority to incorporate the expected outcomes and criteria to measure the performance of service

coordination organizations as provided in chapter 70.320 RCW into contracts with managed care organizations that provide services to clients. The authority is directed to:

(a) Contract with an external quality improvement organization to annually analyze the performance of managed care organizations providing services to clients under this chapter based on seven performance measures. The analysis required under this subsection must:

(i) Measure managed care performance in four common measures across each managed care organization, including:

(A) At least one common measure must be weighted towards having the potential to impact managed care costs; and

(B) At least one common measure must be weighted towards population health management, as defined by the measure; and

(ii) Measure managed care performance in an additional three quality focus performance measures specific to a managed care organization. Quality focus performance measures chosen by the authority must:

(A) Be chosen from the statewide common measure set;

(B) Reflect specific measures where a managed care organization has poor performance; and

(C) Be substantive and clinically meaningful in promoting health status.

(b) By September 1, 2019, the authority shall set the four common measures to be analyzed across all managed care organizations.

(c) By September 1, 2019, the authority shall set three quality focus performance measures specific to each managed care organization. The authority must determine performance measures for each managed care organization based on the criteria established in (a)(ii) of this subsection.

(d) By September 15, 2019, and annually thereafter, the authority shall notify each managed care organization of the performance measures for the organization for the subsequent plan year.

(e) Beginning in plan year 2020, two percent of the total plan year funding appropriated to each managed care organization that provides services to clients under chapter 70.320 RCW shall be withheld. At least seventy-five percent of the withhold shall be held contingent on each managed care organization's performance on the seven performance measures identified in this section. Each managed care organization may earn back the annual withhold if the external quality improvement organization finds that the managed care organization:

(i) Made statistically significant improvement in the seven performance measures as compared to the preceding plan year; or

(ii) Scored in the top national medicaid quartile of the performance measures.

(f) The amount of withhold annually paid to each managed care organization shall be proportional to findings of statistically significant improvement or top national medicaid quartile scoring by a managed care organization.

(g) For no more than two of the four quality focus performance measures, the authority may use an alternate methodology to approximate top national medicaid quartile performance where top quartile performance data is unavailable.

(h) For the purposes of this subsection, "external quality improvement organization" means an organization that meets the competence and independence requirements under 42 C.F.R. Sec. 438.354, as it existed on the effective date of this section.

(51) \$1,805,727,000 of the general fund—state appropriation for fiscal year 2020 and \$1,876,135,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the authority to implement the recommendations of the centers for medicare and medicaid services center for program integrity as provided to the authority in the January 2019 Washington focused program integrity review final report. The authority is directed to:

(a) Organize all program integrity activities into a centralized unit or under a common protocol addressing provider enrollment, fraud and abuse detection, investigations, and law enforcement referrals that is more reflective of industry standards;

(b) Ensure appropriate resources are dedicated to prevention, detection, investigation, and suspected provider fraud at both the authority and at contracted managed care organizations;

(c) Ensure all required federal regulations are being followed and are incorporated into managed care contracts;

(d) Directly audit managed care encounter data to identify fraud, waste, and abuse issues with managed care organization providers;

(e) Initiate data mining activities in order to identify fraud, waste, and abuse issues with managed care organization providers;

(f) Implement proactive data mining and routine audits of validated managed care encounter data;

(g) Assess liquidated damages to managed care organizations when fraud, waste, or abuse with managed care organization providers is identified;

(h) Require managed care organizations submit accurate reports on overpayments, including the prompt reporting of overpayments identified or recovered, specifying overpayments due to fraud, waste, or abuse;

(i) Implement processes to ensure integrity of data used for rate setting purposes;

(j) Refine payment suspension policies; and

(k) Ensure all federal database exclusion checks are performed at the appropriate intervals. The authority shall

update managed care contracts as appropriate to reflect these requirements.

(52) \$96,130,000 of the general fund—state appropriation for fiscal year 2020 and \$100,476,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for fee-for-service dental services. The authority must provide these services through fee-for-service and may not proceed with either a carved-out or carved-in managed care dental option. Any contracts that have been procured or that are in the process of being procured shall not be entered into or implemented. By November 15, 2019, the authority shall report to the governor and appropriate committees of the legislature a plan to improve access to dental services for medicaid clients. This plan should address options for carve-in, carve-out, fee-for-service, and other models that would improve access and outcomes for adults and children. The plan should also include the cost for any options provided.

(53) During the 2019-2021 fiscal biennium, the authority must revise its agreements and contracts with vendors to include a provision to require that each vendor agrees to equality among its workers by ensuring similarly employed individuals are compensated as equals as follows:

(a) Employees are similarly employed if the individuals work for the same employer, the performance of the job requires comparable skill, effort, and responsibility, and the jobs are performed under similar working conditions. Job titles alone are not determinative of whether employees are similarly employed;

(b) Vendors may allow differentials in compensation for its workers based in good faith on any of the following:

(i) A seniority system; a merit system; a system that measures earnings by quantity or quality of production; a bona fide job-related factor or factors; or a bona fide regional difference in compensation levels.

(ii) A bona fide job-related factor or factors may include, but not be limited to, education, training, or experience, that is: Consistent with business necessity; not based on or derived from a gender-based differential; and accounts for the entire differential.

(iii) A bona fide regional difference in compensation level must be: Consistent with business necessity; not based on or derived from a gender-based differential; and account for the entire differential.

(c) The provision must allow for the termination of the contract if the authority or department of enterprise services determines that the vendor is not in compliance with this agreement or contract term.

(d) The authority must implement this provision with any new contract and at the time of renewal of any existing contract.

(54) The authority is prohibited to direct any funds to safe-injection sites for the illicit use of drugs.

(55) \$1,400,000 of the general fund—state appropriation for fiscal year 2020, \$1,400,000 of the general fund—state appropriation for fiscal year 2021, and

\$7,000,000 of the general fund—federal appropriation are provided solely to increase the rates paid to rural hospitals that meet the criteria in (a) through (d) of this subsection. Payments for state and federal medical assistance programs for services provided by such a hospital, regardless of the beneficiary's managed care enrollment status, must be increased to one hundred fifty percent of the hospital's fee-for-service rates. The authority must discontinue this rate increase after June 30, 2021, and return to the payment levels and methodology for these hospitals that were in place as of January 1, 2018. Hospitals participating in the certified public expenditures program may not receive increased reimbursement for inpatient services. Hospitals qualifying for this rate increase must:

- (a) Be certified by the centers for medicare and medicaid services as sole community hospitals as of January 1, 2013;
- (b) Have had less than one hundred fifty acute care licensed beds in fiscal year 2011;
- (c) Have a level III adult trauma service designation from the department of health as of January 1, 2014; and
- (d) Be owned and operated by the state or a political subdivision.

(56) Within the amounts appropriated within this section the authority shall conduct an evaluation of purchasing arrangements and paid claims or encounter data for prescription drugs under managed care contracts for plan years 2017 and 2018 and compare these to contract purchasing agreements under the same years for the prescription drug consortium and identify any cost differences. The authority shall report its findings to the governor and appropriate committees of the legislature by November 15, 2019.

(57) The health care authority is directed to convene a work group on establishing a universal health care system in Washington. ~~(((\$500,000)) \$338,000 of the general fund—state appropriation for fiscal year 2020 ((is)) and \$162,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the health care authority to contract with one or more consultants to perform any actuarial and financial analyses necessary to develop options under (b)(vi) of this subsection.~~

(a) The work group must consist of a broad range of stakeholders with expertise in the health care financing and delivery system, including but not limited to:

- (i) Consumers, patients, and the general public;
- (ii) Patient advocates and community health advocates;
- (iii) Large and small businesses with experience with large and small group insurance and self-insured models;
- (iv) Labor, including experience with Taft-Hartley coverage;
- (v) Health care providers that are self-employed and health care providers that are otherwise employed;
- (vi) Health care facilities such as hospitals and clinics;

(vii) Health insurance carriers;

(viii) The Washington health benefit exchange and state agencies, including the office of financial management, the office of the insurance commissioner, the department of revenue, and the office of the state treasurer; and

(ix) Legislators from each caucus of the house of representatives and senate.

(b) The work group must study and make recommendations to the legislature on how to create, implement, maintain, and fund a universal health care system that may include publicly funded, publicly administered, and publicly and privately delivered health care that is sustainable and affordable to all Washington residents including, but not limited to:

(i) Options for increasing coverage and access for uninsured and underinsured populations;

(ii) Transparency measures across major health system actors, including carriers, hospitals, and other health care facilities, pharmaceutical companies, and provider groups that promote understanding and analyses to best manage and lower costs;

(iii) Innovations that will promote quality, evidence-based practices leading to sustainability, and affordability in a universal health care system. When studying innovations under this subsection, the work group must develop recommendations on issues related to covered benefits and quality assurance and consider expanding and supplementing the work of the Robert Bree collaborative and the health technology assessment program;

(iv) Options for ensuring a just transition to a universal health care system for all stakeholders including, but not limited to, consumers, businesses, health care providers and facilities, hospitals, health carriers, state agencies, and entities representing both management and labor for these stakeholders;

(v) Options to expand or establish health care purchasing in collaboration with neighboring states; and

(vi) Options for revenue and financing mechanisms to fund the universal health care system. The work group shall contract with one or more consultants to perform any actuarial and financial analyses necessary to develop options under this subsection.

(c) The work group must report its findings and recommendations to the appropriate committees of the legislature by November 15, 2020. Preliminary reports with findings and preliminary recommendations shall be made public and open for public comment by November 15, 2019, and May 15, 2020.

(58) \$23,000 of the general fund—state appropriation for fiscal year 2020, \$2,000 of the general fund—state appropriation for fiscal year 2021, and \$36,000 of the general fund—federal appropriation are provided solely for implementation of Engrossed Second Substitute Senate Bill No. 5497 (immigrants in the workplace). ~~((If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.))~~

(59) \$1,667,000 of the general fund—state appropriation for fiscal year 2020, \$855,000 of the general fund—state appropriation for fiscal year 2021, and \$1,867,000 of the general fund—federal appropriation are provided solely for the Washington rural health access preservation pilot program.

(60) The health care authority shall submit a state plan amendment to the centers for medicare and medicaid services to maintain children's health insurance program coverage as secondary payer for eligible child dependents of employees eligible for school employee or public employee benefit coverage. The intent of the legislature for this option is to provide children the best access to health care coverage while prioritizing efficient use of state funds. No later than October 15, 2020, the authority shall report to the fiscal committees of the legislature and the office of financial management on the status of the state plan amendment and the impact to the state. The health care authority shall implement the amendment in calendar year 2020, once approved by the centers for medicare and medicaid services.

(61) The health care authority shall work with the department of social and health services to assess a Katie Beckett waiver to expand coverage for children with significant disabilities who meet federal requirements for such services. No later than October 15, 2020, the authority shall report to the fiscal committees of the legislature and the office of financial management the number of children that would be eligible if such a waiver were approved and the potential impact to the state budget.

(62) \$250,000 of the general fund—state appropriation for fiscal year 2020, \$250,000 of the general fund—state appropriation for fiscal year 2021, and \$500,000 of the general fund—federal appropriation are provided solely to increase the rates paid to provide education and clinical training for dental professionals and students in the care of persons with development and/or acquired disabilities.

**Sec. 212.** 2019 c 415 s 212 (uncodified) is amended to read as follows:

**FOR THE STATE HEALTH CARE  
AUTHORITY—PUBLIC EMPLOYEES' BENEFITS  
BOARD AND EMPLOYEE BENEFITS PROGRAM**

State Health Care Authority Administrative  
Account—State

Appropriation ..... ~~(\$35,274,000))~~  
\$37,707,000

School Employees' Insurance Administrative  
Account—State

Appropriation ..... \$384,000

TOTAL APPROPRIATION ..... \$35,274,000  
\$38,091,000

The appropriation in this section is subject to the following conditions and limitations:

(1) Any savings resulting from reduced claims costs or other factors identified after March 1, 2019, must be

reserved for funding employee benefits in the 2021-2023 fiscal biennium. The health care authority shall deposit any moneys received on behalf of the uniform medical plan resulting from rebates on prescription drugs, audits of hospitals, subrogation payments, or any other moneys received as a result of prior uniform medical plan claims payments, in the public employees' and retirees' insurance account to be used for insurance benefits. The authority may, however, conduct a request for information about a diabetes disease management program.

(2) Any changes to benefits must be approved by the public employees' benefits board. The board shall not make any changes to benefits without considering a comprehensive analysis of the cost of those changes, and shall not increase benefits unless savings achieved under subsection (3) of this section or offsetting cost reductions from other benefit revisions are sufficient to fund the changes. However, the funding provided anticipates that the public employees' benefits board may increase the availability of nutritional counseling in the uniform medical plan by allowing a lifetime limit of up to twelve nutritional counseling visits, and may increase hearing aid benefits to reflect the provisions of chapter 159, Laws of 2018, for the plan year beginning January 1, 2021. Provided further, that within the amount provided, the health care authority may update the public employees benefits board benefits enrollment process. The board may also, within the amounts provided, use cost savings to enhance the basic long-term disability benefit.

(3) Except as may be provided in a health care bargaining agreement, to provide benefits within the level of funding provided in part IX of this bill, the public employees' benefits board shall require or make any or all of the following: Employee premium copayments, increases in point-of-service cost sharing, the implementation of managed competition, or make other changes to benefits consistent with RCW 41.05.065.

(4) The board shall collect a surcharge payment of not less than twenty-five dollars per month from members who use tobacco products, and a surcharge payment of not less than fifty dollars per month from members who cover a spouse or domestic partner where the spouse or domestic partner has chosen not to enroll in another employer-based group health insurance that has benefits and premiums with an actuarial value of not less than ninety-five percent of the actuarial value of the public employees' benefits board plan with the largest enrollment. The surcharge payments shall be collected in addition to the member premium payment.

(5) \$7,000 of the state health care authority administrative account—state appropriation in this section is provided solely for implementation of Engrossed Second Substitute Senate Bill No. 5497 (immigrants in the workplace). ~~((If the bill is not enacted by June 30, 2019, the amount in this subsection shall lapse.))~~

**Sec. 213.** 2019 c 415 s 213 (uncodified) is amended to read as follows:

**FOR THE STATE HEALTH CARE  
AUTHORITY—SCHOOL EMPLOYEES' BENEFITS  
BOARD**

School Employees' Insurance Administrative  
Account—State

Appropriation .....	<del>(\$25,343,000)</del>
	<u>\$25,384,000</u>
TOTAL APPROPRIATION .....	<u>\$25,343,000</u>
	<u>\$25,384,000</u>

The appropriation in this section is subject to the following conditions and limitations:

(1) By February 5, 2020, the health care authority shall report to the appropriate committees of the legislature on the total amount by school district, educational service district, and charter school billed for January benefits and a detailed list of school districts, educational service districts, and charter schools that have not remitted payment for January coverage as of January 31, 2020.

(2) \$2,000 of the appropriation in this section is provided solely for implementation of Engrossed Second Substitute Senate Bill No. 5497 (immigrants in the workplace). ~~((If the bill is not enacted by June 30, 2019, the amount in this subsection shall lapse.))~~

(3) The health care authority must study the potential cost savings and improved efficiency in providing insurance benefits to the employers and employees participating in the public employees' and school employees' benefits board systems that could be gained by consolidating the systems. The consolidation options studied must maintain separate risk pools for medicare-eligible and non-medicare eligible employees and retirees, assume a consolidation date of January 1, 2022, and incorporate the experiences gained by health care authority during the initial implementation and operation of the school employees' benefits board program. The study must be submitted to the committees of the house of representatives and the senate overseeing health care and the omnibus operating budget by November 15, 2020.

**Sec. 214.** 2019 c 415 s 214 (uncodified) is amended to read as follows:

**FOR THE STATE HEALTH CARE  
AUTHORITY—HEALTH BENEFIT EXCHANGE**

General Fund—State Appropriation (FY 2020)	.....	\$6,407,000
General Fund—State Appropriation (FY 2021)	.....	\$5,234,000
General Fund—Federal Appropriation	.....	<del>(\$52,128,000)</del>
		<u>\$50,082,000</u>
Health Benefit Exchange Account—State Appropriation.....	<del>(\$57,720,000)</del>	
		<u>\$59,851,000</u>
TOTAL APPROPRIATION .....	<u>\$121,489,000</u>	
		<u>\$121,574,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) The receipt and use of medicaid funds provided to the health benefit exchange from the health care authority are subject to compliance with state and federal regulations and policies governing the Washington apple health programs, including timely and proper application, eligibility, and enrollment procedures.

(2)(a) By July 15th and January 15th of each year, the authority shall make a payment of one-half the general fund—state appropriation and one-half the health benefit exchange account—state appropriation to the exchange.

(b) The exchange shall monitor actual to projected revenues and make necessary adjustments in expenditures or carrier assessments to ensure expenditures do not exceed actual revenues.

(c) Payments made from general fund—state appropriation and health benefit exchange account—state appropriation shall be available for expenditure for no longer than the period of the appropriation from which it was made. When the actual cost of materials and services have been fully determined, and in no event later than the lapsing of the appropriation, any unexpended balance of the payment shall be returned to the authority for credit to the fund or account from which it was made, and under no condition shall expenditures exceed actual revenue.

(3) \$50,000 of the general fund—state appropriation for fiscal year 2020, \$50,000 of the general fund—state appropriation for fiscal year 2021, and \$1,048,000 of the health benefit exchange account—state appropriation are provided solely to implement Engrossed Substitute Senate Bill No. 5526 (individual health insurance market). ~~((If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.))~~

(4) \$1,173,000 of the general fund—state appropriation for fiscal year 2020 is provided for the exchange to enhance Washington healthplanfinder so eligible COFA citizens can obtain dental coverage. Open enrollment periods and special enrollment periods for the COFA dental program shall be consistent with the enrollment periods for the COFA medical program. The first open-enrollment period for the COFA dental program must begin no later than November 1, 2020.

(5) \$426,000 of the health benefit exchange account—state appropriation and \$874,000 of the general fund—federal appropriation are provided solely for cloud platform costs and are subject to the conditions, limitations, and review provided in ~~((section 719 of this act))~~ section 701 of this act.

(6) \$968,000 of the health benefit exchange account—state appropriation and \$1,978,000 of the general fund—federal appropriation are provided solely for system integrator procurement and are subject to the conditions, limitations, and review provided in ~~((section 719 of this act))~~ section 701 of this act.

**Sec. 215.** 2019 c 415 s 215 (uncodified) is amended to read as follows:

**FOR THE STATE HEALTH CARE  
AUTHORITY—COMMUNITY BEHAVIORAL  
HEALTH PROGRAM**

General Fund—State Appropriation (FY 2020)	.....	<del>(\$556,003,000)</del>
		<u>\$587,783,000</u>
General Fund—State Appropriation (FY 2021)	.....	<del>(\$604,424,000)</del>
		<u>\$663,636,000</u>
General Fund—Federal Appropriation	.....	<del>(\$1,966,699,000)</del>
		<u>\$2,125,749,000</u>
General Fund—Private/Local Appropriation	.....	\$36,513,000
Criminal Justice Treatment Account—State Appropriation.....		\$12,986,000
Problem Gambling Account—State Appropriation	.....	\$1,461,000
Medicaid Fraud Penalty Account—State Appropriation.....		\$51,000
Dedicated Marijuana Account—State Appropriation (FY 2020).....		\$28,490,000
Dedicated Marijuana Account—State Appropriation (FY 2021).....		\$28,493,000
Pension Funding Stabilization Account—State Appropriation .....		\$1,714,000
<b>TOTAL APPROPRIATION .....</b>		<b><u>\$3,236,834,000</u></b>
		<u>\$3,486,876,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) For the purposes of this section, "behavioral health entities" means managed care organizations and administrative services organizations in regions where the authority is purchasing medical and behavioral health services through fully integrated contracts pursuant to RCW 71.24.380, and behavioral health organizations in regions that have not yet transitioned to fully integrated managed care.

(2) Within the amounts appropriated in this section, funding is provided for implementation of the settlement agreement under *Trueblood, et al. v. Department of Social and Health Services, et al.*, United States District Court for the Western District of Washington, Cause No. 14-cv-01178-MJP. In addition to amounts provided solely for implementation of the settlement agreement, class members must have access to supports and services funded throughout this section for which they meet eligibility and medical necessity requirements. The authority must include language in contracts that requires regional behavioral health entities to develop and implement plans for improving access to

timely and appropriate treatment for individuals with behavioral health needs and current or prior criminal justice involvement who are eligible for services under these contracts.

(3) \$15,605,000 of the general fund—state appropriation for fiscal year 2020, \$15,754,000 of the general fund—state appropriation for fiscal year 2021, and \$4,789,000 of the general fund—federal appropriation are provided solely for the phase-in of the settlement agreement under *Trueblood, et al. v. Department of Social and Health Services, et al.*, United States District Court for the Western District of Washington, Cause No. 14-cv-01178-MJP. The department, in collaboration with the health care authority and the criminal justice training commission, must implement the provisions of the settlement agreement pursuant to the timeline and implementation plan provided for under the settlement agreement. This includes implementing provisions related to competency evaluations, competency restoration, crisis diversion and supports, education and training, and workforce development.

(4) \$8,777,000 of the general fund—state appropriation for fiscal year 2020, \$10,424,000 of the general fund—state appropriation for fiscal year 2021, and \$20,197,000 of the general fund—federal appropriation are provided solely for the authority and behavioral health entities to continue to contract for implementation of high-intensity programs for assertive community treatment (PACT) teams. In determining the proportion of medicaid and nonmedicaid funding provided to behavioral health entities with PACT teams, the authority shall consider the differences between behavioral health entities in the percentages of services and other costs associated with the teams that are not reimbursable under medicaid. The authority may allow behavioral health entities which have nonmedicaid reimbursable costs that are higher than the nonmedicaid allocation they receive under this section to supplement these funds with local dollars or funds received under subsection (7) of this section. The authority and behavioral health entities shall maintain consistency with all essential elements of the PACT evidence-based practice model in programs funded under this section.

(5) From the general fund—state appropriations in this section, the authority shall assure that behavioral health entities reimburse the department of social and health services aging and long term support administration for the general fund—state cost of medicaid personal care services that enrolled behavioral health entity consumers use because of their psychiatric disability.

(6) \$3,520,000 of the general fund—federal appropriation is provided solely for the authority to maintain a pilot project to incorporate peer bridging staff into behavioral health regional teams that provide transitional services to individuals returning to their communities.

(7) (~~(\$81,930,000)~~) \$83,978,000 of the general fund—state appropriation for fiscal year 2020 and (~~(\$81,930,000)~~) \$86,027,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for persons and services not covered by the medicaid program. To the extent possible, levels of behavioral health entity spending must be



maintained in the following priority order: Crisis and commitment services; community inpatient services; and residential care services, including personal care and emergency housing assistance. These amounts must be distributed to behavioral health entities proportionate to the fiscal year 2019 allocation of flexible nonmedicaid funds. The authority must include the following language in medicaid contracts with behavioral health entities unless they are provided formal notification from the center for medicaid and medicare services that the language will result in the loss of federal medicaid participation: "The contractor may voluntarily provide services that are in addition to those covered under the state plan, although the cost of these services cannot be included when determining payment rates unless including these costs are specifically allowed under federal law or an approved waiver."

(8) The authority is authorized to continue to contract directly, rather than through contracts with behavioral health entities for children's long-term inpatient facility services.

(9) \$1,204,000 of the general fund—state appropriation for fiscal year 2020 and \$1,204,000 of the general fund—state appropriation for fiscal year 2021 are provided solely to reimburse Pierce and Spokane counties for the cost of conducting one hundred eighty-day commitment hearings at the state psychiatric hospitals.

(10) Behavioral health entities may use local funds to earn additional federal medicaid match, provided the locally matched rate does not exceed the upper-bound of their federally allowable rate range, and provided that the enhanced funding is used only to provide medicaid state plan or waiver services to medicaid clients. Additionally, behavioral health entities may use a portion of the state funds allocated in accordance with subsection (7) of this section to earn additional medicaid match, but only to the extent that the application of such funds to medicaid services does not diminish the level of crisis and commitment, community inpatient, residential care, and outpatient services presently available to persons not eligible for medicaid.

(11) \$2,291,000 of the general fund—state appropriation for fiscal year 2020 and \$2,291,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for mental health services for mentally ill offenders while confined in a county or city jail and for facilitating access to programs that offer mental health services upon release from confinement. The authority must collect information from the behavioral health entities on their plan for using these funds, the numbers of individuals served, and the types of services provided and submit a report to the office of financial management and the appropriate fiscal committees of the legislature by December 1st of each year of the biennium.

(12) Within the amounts appropriated in this section, funding is provided for the authority to develop and phase in intensive mental health services for high needs youth consistent with the settlement agreement in *T.R. v. Dreyfus and Porter*.

(13) The authority must establish minimum and maximum funding levels for all reserves allowed under behavioral health organization and administrative services

organization contracts and include contract language that clearly states the requirements and limitations. The authority must monitor and ensure that behavioral health organization and administrative services organization reserves do not exceed maximum levels. The authority must monitor revenue and expenditure reports and must require a behavioral health organization or administrative services organization to submit a corrective action plan on how it will spend its excess reserves within a reasonable period of time, when its reported reserves exceed maximum levels established under the contract. The authority must review and approve such plans and monitor to ensure compliance. If the authority determines that a behavioral health organization or administrative services organization has failed to provide an adequate excess reserve corrective action plan or is not complying with an approved plan, the authority must reduce payments to the entity in accordance with remedial actions provisions included in the contract. These reductions in payments must continue until the authority determines that the entity has come into substantial compliance with an approved excess reserve corrective action plan.

(14) During the 2019-2021 fiscal biennium, any amounts provided in this section that are used for case management services for pregnant and parenting women must be contracted directly between the authority and providers rather than through contracts with behavioral health organizations.

(15) Within the amounts appropriated in this section, the authority may contract with the University of Washington and community-based providers for the provision of the parent-child assistance program or other specialized chemical dependency case management providers for pregnant, post-partum, and parenting women. For all contractors: (a) Service and other outcome data must be provided to the authority by request; and (b) indirect charges for administering the program must not exceed ten percent of the total contract amount.

(16) \$3,500,000 of the general fund—federal appropriation (from the substance abuse prevention and treatment federal block grant) is provided solely for the continued funding of existing county drug and alcohol use prevention programs.

(17) Within the amounts provided in this section, behavioral health entities must provide outpatient chemical dependency treatment for offenders enrolled in the medicaid program who are supervised by the department of corrections pursuant to a term of community supervision. Contracts with behavioral health entities must require that behavioral health entities include in their provider network specialized expertise in the provision of manualized, evidence-based chemical dependency treatment services for offenders. The department of corrections and the authority must develop a memorandum of understanding for department of corrections offenders on active supervision who are medicaid eligible and meet medical necessity for outpatient substance use disorder treatment. The agreement will ensure that treatment services provided are coordinated, do not result in duplication of services, and maintain access and quality of care for the individuals being served. The

authority must provide all necessary data, access, and reports to the department of corrections for all department of corrections offenders that receive medicaid paid services.

(18) The criminal justice treatment account—state appropriation is provided solely for treatment and treatment support services for offenders with a substance use disorder pursuant to RCW 71.24.580. The authority must offer counties the option to administer their share of the distributions provided for under RCW 71.24.580(5)(a). If a county is not interested in administering the funds, the authority shall contract with behavioral health entities to administer these funds consistent with the plans approved by local panels pursuant to RCW 71.24.580(5)(b). The authority must provide a report to the office of financial management and the appropriate committees of the legislature which identifies the distribution of criminal justice treatment account funds by September 30, 2019.

(19) No more than \$27,844,000 of the general fund—federal appropriation may be expended for supported housing and employment services described in initiative 3a and 3b of the medicaid transformation demonstration waiver under healthier Washington. Under this initiative, the authority and the department of social and health services shall ensure that allowable and necessary services are provided to eligible clients as identified by the authority or its providers or third party administrator. The department and the authority in consultation with the medicaid forecast work group, shall ensure that reasonable reimbursements are established for services deemed necessary within an identified limit per individual. The authority shall not increase general fund—state expenditures under this initiative. The secretary in collaboration with the director of the authority shall report to the joint select committee on health care oversight no less than quarterly on financial and health outcomes. The secretary in cooperation with the director shall also report to the fiscal committees of the legislature all of the expenditures of this subsection and shall provide such fiscal data in the time, manner, and form requested by the legislative fiscal committees.

(20) \$6,858,000 of the general fund—state appropriation for fiscal year 2020, \$6,858,000 of the general fund—state appropriation for fiscal year 2021, and \$8,046,000 of the general fund—federal appropriation are provided solely to maintain new crisis triage or stabilization centers. Services in these facilities may include crisis stabilization and intervention, individual counseling, peer support, medication management, education, and referral assistance. The authority shall monitor each center's effectiveness at lowering the rate of state psychiatric hospital admissions.

(21) \$1,125,000 of the general fund—federal appropriation is provided solely for the authority to develop a memorandum of understanding with the department of health for implementation of chapter 297, Laws of 2017 (opioid treatment programs). The authority must use these amounts to reimburse the department of health for costs incurred through the implementation of the bill.

(22) \$6,655,000 of the general fund—state appropriation for fiscal year 2020, \$10,015,000 of the

general fund—state appropriation for fiscal year 2021, and \$12,965,000 of the general fund—federal appropriation are provided solely for the operation of secure withdrawal management and stabilization facilities. The authority may not use any of these amounts for services in facilities that are subject to federal funding restrictions that apply to institutions for mental diseases, unless they have received a waiver that allows for full federal participation in these facilities. Within these amounts, funding is provided to increase the fee for service rate for these facilities up to \$650 per day. The authority must require in contracts with behavioral health entities that, beginning in calendar year 2020, they pay no lower than the fee for service rate. The authority must coordinate with regional behavioral health entities to identify and implement purchasing strategies or regulatory changes that increase access to services for individuals with complex behavioral health needs at secure withdrawal management and stabilization facilities.

(23) \$23,090,000 of the general fund—state appropriation for fiscal year 2020, \$23,090,000 of the general fund—state appropriation for fiscal year 2021, and \$92,444,000 of the general fund—federal appropriation are provided solely to maintain the enhancement of community-based behavioral health services that was funded in fiscal year 2019. Twenty percent of the general fund—state appropriation amounts for each regional service area must be used to increase their nonmedicaid funding and the remainder must be used to increase medicaid rates above FY 2018 levels. Effective January 2020, the medicaid funding is intended to increase rates for behavioral health services provided by licensed and certified community behavioral health agencies as defined by the department of health. This funding must be allocated to the managed care organizations proportionate to their medicaid enrollees. The authority must require the managed care organizations to provide a report on their implementation of this funding. The authority must submit a report to the legislature by December 1, 2020, summarizing how this funding was used and provide information for future options of increasing behavioral health provider rates through directed payments. The report must identify different mechanisms for implementing directed payment for behavioral health providers including but not limited to minimum fee schedules, across the board percentage increases, and value-based payments. The report must provide a description of each of the mechanisms considered, the timeline that would be required for implementing the mechanism, and whether and how the mechanism is expected to have a differential impact on different providers. The report must also summarize the information provided by managed care organizations in implementing the funding provided under this section.

(24) \$27,917,000 of the general fund—state appropriation for fiscal year 2020, \$36,095,000 of the general fund—state appropriation for fiscal year 2021, and \$60,644,000 of the general fund—federal appropriation are provided solely for the department to contract with community hospitals or freestanding evaluation and treatment centers to provide long-term inpatient care beds as defined in RCW 71.24.025. Within these amounts, the authority must meet the requirements for reimbursing counties for the judicial services for patients being served in

these settings in accordance with RCW 71.05.730. The authority must coordinate with the department of social and health services in developing the contract requirements, selecting contractors, and establishing processes for identifying patients that will be admitted to these facilities. Sufficient amounts are provided in fiscal year 2020 for the authority to reimburse community hospitals serving medicaid clients in long-term inpatient care beds as defined in RCW 71.24.025 at a rate of \$1,171 per day, or the hospital's current psychiatric inpatient per diem rate, whichever is higher. The rate paid to hospitals in this subsection cannot exceed one-hundred percent of the hospitals eligible costs based on their most recently completed medicare cost report. The authority in collaboration with the Washington state hospital association must convene a work group to develop a methodology for reimbursing community hospitals serving these clients. In developing this methodology, the authority must account for cost structure differences between teaching hospitals and other hospital types. The authority must provide a report to the appropriate committees of the legislature by December 1, 2019. The report must:

- (a) Describe the methodology developed by the work group;
- (b) Identify cost differences between teaching hospitals and other hospital types;
- (c) Provide options for incentivizing community hospitals to offer long-term inpatient care beds day beds including a rate recommendation;
- (d) Identify the cost associated with any recommended changes in rates or rate setting methodology; and
- (e) Outline an implementation plan.

(25) \$1,455,000 of the general fund—state appropriation for fiscal year 2020, \$1,401,000 of the general fund—state appropriation for fiscal year 2021, and \$3,210,000 of the general fund—federal appropriation are provided solely for the implementation of intensive behavioral health treatment facilities within the community behavioral health service system pursuant to Second Substitute House Bill No. 1394 (behavioral health facilities).

(26) \$21,000 of the general fund—state appropriation for fiscal year 2020, \$152,000 of the general fund—state appropriation for fiscal year 2021, and \$173,000 of the general fund—federal appropriation are provided solely to implement chapter 70, Laws of 2019 (SHB 1199) (health care/disability).

(27)(a) \$12,878,000 of the dedicated marijuana account—state appropriation for fiscal year 2020 and \$12,878,000 of the dedicated marijuana account—state appropriation for fiscal year 2021 are provided for:

- (i) A memorandum of understanding with the department of children, youth, and families to provide substance abuse treatment programs;
- (ii) A contract with the Washington state institute for public policy to conduct a cost-benefit evaluation of the

implementations of chapter 3, Laws of 2013 (Initiative Measure No. 502);

(iii) Designing and administering the Washington state healthy youth survey and the Washington state young adult behavioral health survey;

(iv) Maintaining increased services to pregnant and parenting women provided through the parent child assistance program;

(v) Grants to the office of the superintendent of public instruction for life skills training to children and youth;

(vi) Maintaining increased prevention and treatment service provided by tribes and federally recognized American Indian organization to children and youth;

(vii) Maintaining increased residential treatment services for children and youth;

(viii) Training and technical assistance for the implementation of evidence-based, research based, and promising programs which prevent or reduce substance use disorder;

(ix) Expenditures into the home visiting services account; and

(x) Grants to community-based programs that provide prevention services or activities to youth.

(b) The authority must allocate the amounts provided in (a) of this subsection amongst the specific activities proportionate to the fiscal year 2019 allocation.

(28)(a) \$1,125,000 of the general fund—state appropriation for fiscal year 2020 and \$1,125,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for Spokane behavioral health entities to implement services to reduce utilization and the census at eastern state hospital. Such services must include:

(i) High intensity treatment team for persons who are high utilizers of psychiatric inpatient services, including those with co-occurring disorders and other special needs;

(ii) Crisis outreach and diversion services to stabilize in the community individuals in crisis who are at risk of requiring inpatient care or jail services;

(iii) Mental health services provided in nursing facilities to individuals with dementia, and consultation to facility staff treating those individuals; and

(iv) Services at the sixteen-bed evaluation and treatment facility.

(b) At least annually, the Spokane county behavioral health entities shall assess the effectiveness of these services in reducing utilization at eastern state hospital, identify services that are not optimally effective, and modify those services to improve their effectiveness.

(29) \$24,819,000 of the general fund—state appropriation for fiscal year 2020 is provided solely to assist behavioral health entities with the costs of providing services to medicaid clients receiving services in psychiatric facilities classified as institutions of mental diseases. The authority

must distribute these amounts proportionate to the number of bed days for medicaid clients in institutions for mental diseases that were excluded from behavioral health organization calendar year 2019 capitation rates because they exceeded the amounts allowed under federal regulations. The authority must also use these amounts to directly pay for costs that are ineligible for medicaid reimbursement in institutions of mental disease facilities for American Indian and Alaska Natives who opt to receive behavioral health services on a fee-for-service basis. The amounts used for these individuals must be reduced from the allocation of the behavioral health organization where the individual resides. If a behavioral health organization receives more funding through this subsection than is needed to pay for the cost of their medicaid clients in institutions for mental diseases, they must use the remainder of the amounts to provide other services not covered under the medicaid program. The authority must submit an application for a waiver to allow, by July 1, 2020, for full federal participation for medicaid clients in mental health facilities classified as institutions of mental diseases. The authority must submit a report on the status of the waiver to the office of financial management and the appropriate committees of the legislature by December 1, 2019.

(30) The authority must require all behavioral health organizations transitioning to full integration to either spend down or return all reserves in accordance with contract requirements and federal and state law. Behavioral health organization reserves may not be used to pay for services to be provided beyond the end of a behavioral health organization's contract or for startup costs in full integration regions except as provided in this subsection. The authority must ensure that any increases in expenditures in behavioral health reserve spend-down plans are required for the operation of services during the contract period and do not result in overpayment to providers. If the nonfederal share of reserves returned during fiscal year 2020 exceeds \$35,000,000, the authority shall use some of the amounts in excess of \$35,000,000 to support the final regions transitioning to full integration of physical and behavioral health care. These amounts must be distributed proportionate to the population of each regional area covered. The maximum amount allowed per region is \$3,175 per 1,000 residents. These amounts must be used to provide a reserve for nonmedicaid services in the region to stabilize the new crisis services system.

(31) \$1,850,000 of the general fund—state appropriation for fiscal year 2020, \$1,850,000 of the general fund—state appropriation for fiscal year 2021, and \$13,312,000 of the general fund—federal appropriation are provided solely for the authority to implement a medicaid state plan amendment which provides for substance use disorder peer support services to be included in behavioral health capitation rates beginning in fiscal year 2020 in accordance with section 213(5)(ss), chapter 299, Laws of 2018. The authority shall require managed care organizations to provide access to peer support services for individuals with substance use disorders transitioning from emergency departments, inpatient facilities, or receiving treatment as part of hub and spoke networks.

(32) \$1,256,000 of the general fund—state appropriation for fiscal year 2021 and \$1,686,000 of the general fund—federal appropriation are provided solely for the authority to increase the number of residential beds for pregnant and parenting women. These amounts may be used for startup funds and ongoing costs associated with two new sixteen bed pregnant and parenting women residential treatment programs.

(33) Within the amounts appropriated in this section, the authority must maintain a rate increase for community hospitals that provide a minimum of 200 medicaid psychiatric inpatient days pursuant to the methodology adopted to implement section 213(5)(n), chapter 299, Laws of 2018 (ESSB 6032) (partial veto).

(34) \$1,393,000 of the general fund—state appropriation for fiscal year 2020, \$1,423,000 of the general fund—state appropriation for fiscal year 2021, and \$5,938,000 of the general fund—federal appropriation are provided solely for the authority to implement discharge wraparound services for individuals with complex behavioral health conditions transitioning or being diverted from admission to psychiatric inpatient programs. The authority must coordinate with the department of social and health services in establishing the standards for these programs.

(35) \$850,000 of the general fund—federal appropriation is provided solely to contract with a nationally recognized recovery residence organization and to create a revolving fund for loans to operators of recovery residences seeking certification in accordance with Second Substitute House Bill No. 1528 (recovery support services). ~~((If the bill is not enacted by June 30, 2019, the amount in this subsection shall lapse.))~~

(36) \$212,000 of the general fund—state appropriation for fiscal year 2020, \$212,000 of the general fund—state appropriation for fiscal year 2021, and \$124,000 of the general fund—federal appropriation are provided solely for the implementation of Engrossed Second Substitute House Bill No. 1874 (adolescent behavioral health). Funding is provided specifically for the authority to provide an online training to behavioral health providers related to state law and best practices in family-initiated treatment, adolescent-initiated treatment, and other services and to conduct an annual survey to measure the impacts of implementing policies resulting from the bill. ~~((If the bill is not enacted by June 30, 2019, the amounts in this subsection shall lapse.))~~

(37) \$500,000 of the general fund—state appropriation for fiscal year 2020, \$500,000 of the general fund—state appropriation for fiscal year 2021, and \$1,000,000 of the general fund—federal appropriation are provided solely for the authority to implement a memorandum of understanding with the criminal justice training commission to provide funding for community grants pursuant to Second Substitute House Bill No. 1767 (alternatives to arrest). ~~((If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.))~~

(38) \$500,000 of the general fund—state appropriation for fiscal year 2020 and \$500,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for

provision of crisis stabilization services to individuals who are not eligible for medicaid in Whatcom county. The authority must coordinate with crisis stabilization providers, managed care organizations, and behavioral health administrative services organizations throughout the state to identify payment models that reflect the unique needs of crisis stabilization and crisis triage providers. The report must also include an analysis of the estimated gap in nonmedicaid funding for crisis stabilization and triage facilities throughout the state. The authority must provide a report to the office of financial management and the appropriate committees of the legislature on the estimated nonmedicaid funding gap and payment models by December 1, 2019.

(39) The authority must conduct an analysis to determine whether there is a gap in fiscal year 2020 behavioral health entity funding for services in institutions for mental diseases and submit a report to the office of financial management and the appropriate committees of the legislature by November 1, 2019. The report must be developed in consultation with the office of financial management and staff from the fiscal committees of the legislature and must include the following elements: (a) The increase in the number of nonmedicaid bed days in institutions for mental diseases from fiscal year 2017 to fiscal year 2019 by facility and the estimated annual cost associated with these increased bed days in FY 2020; (b) the increase in the number of medicaid bed days in institutions for mental diseases from fiscal year 2017 to fiscal year 2019 by facility and the estimated annual cost associated with these increased bed days in FY 2020; (c) the amount of funding assumed in current behavioral health entity medicaid capitation rates for institutions for mental diseases bed days that are currently allowable under medicaid regulation or waivers; (d) the amounts provided in subsection (29) of this section to assist with costs in institutions for mental diseases not covered in medicaid capitation rates; and (e) any remaining gap in behavioral health entity funding for institutions for mental diseases for medicaid or nonmedicaid clients.

(40) \$1,968,000 of the general fund—state appropriation for fiscal year 2020, \$3,396,000 of the general fund—state appropriation for fiscal year 2021, and \$12,150,000 of the general fund—federal appropriation are provided solely for support of and to increase clubhouse facilities across the state. The authority shall work with the centers for medicare and medicaid services to review opportunities to include clubhouse services as an optional "in lieu of" service in managed care organization contracts in order to maximize federal participation. The authority must provide a report to the office of financial management and the appropriate committees of the legislature on the status of efforts to implement clubhouse programs and receive federal approval for including these services in managed care organization contracts as an optional "in lieu of" service.

(41) \$1,000,000 of the general fund—federal appropriation (from the substance abuse prevention and treatment federal block grant) is provided solely for the authority to contract on a one-time basis with the University

of Washington behavioral health institute to develop and disseminate model programs and curricula for inpatient and outpatient treatment for individuals with substance use disorder and co-occurring disorders. The behavioral health institute will provide individualized consultation to behavioral health agencies in order to improve the delivery of evidence-based and promising practices and overall quality of care. The behavioral health institute will provide training to staff of behavioral health agencies to enhance the quality of substance use disorder and co-occurring treatment delivered.

(42) The number of beds allocated for use by behavioral health entities at eastern state hospital shall be one hundred ninety two per day. The number of nonforensic beds allocated for use by behavioral health entities at western state hospital shall be five hundred twenty-seven per day. During fiscal year 2020, the authority must reduce the number of beds allocated for use by behavioral health entities at western state hospital by sixty beds to allow for the repurposing of two civil wards at western state hospital to provide forensic services. Contracted community beds provided under subsection (24) of this section shall be allocated to the behavioral health entities in lieu of beds at western state hospital and be incorporated in their allocation of state hospital patient days of care for the purposes of calculating reimbursements pursuant to RCW 71.24.310. It is the intent of the legislature to continue the policy of expanding community based alternatives for long-term civil commitment services that allow for state hospital beds to be prioritized for forensic patients.

(43) \$190,000 of the general fund—state appropriation for fiscal year 2020, \$947,000 of the general fund—state appropriation for fiscal ~~((year))~~ year 2021, and \$1,023,000 of the general fund—federal appropriation are provided solely for the authority to develop a statewide plan to implement evidence-based coordinated specialty care programs that provide early identification and intervention for psychosis in behavioral health agencies in accordance with Second Substitute Senate Bill No. 5903 (children's mental health). ~~((If the bill is not enacted by June 30, 2019, the amounts in this subsection shall lapse.))~~

(44) \$708,000 of the general fund—state appropriation for fiscal year 2021 and \$799,000 of the general fund—federal appropriation are provided solely for implementing mental health peer respite centers and a pilot project to implement a mental health drop-in center beginning ~~((January))~~ July 1, 2020, in accordance with Second Substitute House Bill No. 1394 (behavioral health facilities).

(45) \$250,000 of the general fund—state appropriation for fiscal year 2020 and \$250,000 of the general fund—state appropriation for fiscal year 2021 are provided on a one-time basis solely for a licensed youth residential psychiatric substance abuse and mental health agency located in Clark county to invest in staff training and increasing client census.

(46) \$509,000 of the general fund—state appropriation for fiscal year 2020, \$494,000 of the general fund—state appropriation for fiscal year 2021, and \$4,823,000 of the general fund—federal appropriation are provided solely for diversion grants to establish new law enforcement assisted

diversion programs outside of King county consistent with the provisions of Substitute Senate Bill No. 5380 (opioid use disorder).

(47) The authority must compile all previous reports and collaborate with any work groups created during the 2019-2021 fiscal biennium for the purpose of establishing the implementation plan for transferring the full risk of long-term inpatient care for mental illness into the behavioral health entity contracts by January 1, 2020.

(48) \$225,000 of the general fund—state appropriation for fiscal year 2020 and \$225,000 of the general fund—state appropriation for fiscal year 2021 are provided solely to continue funding one pilot project in Pierce county to promote increased utilization of assisted outpatient treatment programs. The authority shall provide a report to the legislature by October 15, 2020, which must include the number of individuals served, outcomes to include changes in use of inpatient treatment and hospital stays, and recommendations for further implementation based on lessons learned from the pilot project.

(49) \$18,000 of the general fund—state appropriation for fiscal year 2020, \$18,000 of the general fund—state appropriation for fiscal year 2021, and \$36,000 of the general fund—federal appropriation are provided solely for the implementation of Substitute Senate Bill No. 5181 (involuntary treatment procedures). ~~((If the bill is not enacted by June 30, 2019, the amounts in this subsection shall lapse.))~~

(50) \$814,000 of the general fund—state appropriation for fiscal year 2020, \$800,000 of the general fund—state appropriation for fiscal year 2021, and \$1,466,000 of the general fund—federal appropriation are provided solely for the authority to implement the recommendations of the state action alliance for suicide prevention, to include suicide assessments, treatment, and grant management.

(51) Within existing appropriations, the authority shall prioritize the prevention and treatment of intravenous opiate-based drug use.

(52) \$446,000 of the general fund—state appropriation for fiscal year 2020, \$446,000 of the general fund—state appropriation for fiscal year 2021, and \$178,000 of the general fund—federal appropriation are provided solely for the University of Washington's evidence-based practice institute which supports the identification, evaluation, and implementation of evidence-based or promising practices. The institute must work with the authority to develop a plan to seek private, federal, or other grant funding in order to reduce the need for state general funds. The authority must collect information from the institute on the use of these funds and submit a report to the office of financial management and the appropriate fiscal committees of the legislature by December 1st of each year of the biennium.

**Sec. 216.** 2019 c 415 s 216 (uncodified) is amended to read as follows:

#### **FOR THE HUMAN RIGHTS COMMISSION**

General Fund—State Appropriation (FY 2020)  
.....~~(( \$2,510,000 ))~~

\$2,630,000

General Fund—State Appropriation (FY 2021)  
.....~~(( \$2,543,000 ))~~

\$2,900,000

General Fund—Federal Appropriation ~~(( \$2,613,000 ))~~

\$2,614,000

Pension Funding Stabilization Account—State  
Appropriation.....\$190,000

TOTAL APPROPRIATION.....\$7,856,000

\$8,334,000

The appropriations in this section are subject to the following conditions and limitations: \$103,000 of the general fund—state appropriation for fiscal year 2020 and \$97,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of Second Substitute Senate Bill No. 5602 (reproductive health care). ~~((If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.))~~

**Sec. 217.** 2019 c 415 s 217 (uncodified) is amended to read as follows:

#### **FOR THE BOARD OF INDUSTRIAL INSURANCE APPEALS**

Worker and Community Right to Know Fund—State  
Appropriation.....\$10,000

Accident Account—State Appropriation  
.....~~(( \$24,326,000 ))~~

\$24,329,000

Medical Aid Account—State Appropriation  
.....~~(( \$24,327,000 ))~~

\$24,330,000

TOTAL APPROPRIATION.....\$48,663,000

\$48,669,000

**Sec. 218.** 2019 c 415 s 218 (uncodified) is amended to read as follows:

#### **FOR THE CRIMINAL JUSTICE TRAINING COMMISSION**

General Fund—State Appropriation (FY 2020)  
.....~~(( \$25,649,000 ))~~

\$27,109,000

General Fund—State Appropriation (FY 2021)  
.....~~(( \$25,697,000 ))~~

\$27,321,000

General Fund—Private/Local Appropriation  
.....~~(( \$6,630,000 ))~~

\$6,642,000

Death Investigations Account—State Appropriation .....	\$682,000
Municipal Criminal Justice Assistance Account—	
State Appropriation .....	\$460,000
Washington Auto Theft Prevention Authority Account—State Appropriation .....	\$8,167,000
24/7 Sobriety Account—State Appropriation .....	\$20,000
Pension Funding Stabilization Account—State Appropriation .....	\$460,000
<b>TOTAL APPROPRIATION .....</b>	<b><u>\$67,765,000</u></b>
	<b><u>\$70,861,000</u></b>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$5,000,000 of the general fund—state appropriation for fiscal year 2020 and \$5,000,000 of the general fund—state appropriation for fiscal year 2021, are provided to the Washington association of sheriffs and police chiefs solely to verify the address and residency of registered sex offenders and kidnapping offenders under RCW 9A.44.130.

(2) \$2,248,000 of the general fund—state appropriation for fiscal year 2020 and \$2,269,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for seventy-five percent of the costs of providing nine additional statewide basic law enforcement trainings in each fiscal year. The criminal justice training commission must schedule its funded classes to minimize wait times throughout each fiscal year and meet statutory wait time requirements. The criminal justice training commission must track and report the average wait time for students at the beginning of each class and provide the findings in an annual report to the legislature due in December of each year. At least two classes must be held in Spokane each year.

(3) The criminal justice training commission may not run a basic law enforcement academy class of fewer than 30 students.

(4) \$429,000 of the general fund—state appropriation for fiscal year 2020 and \$429,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for expenditure into the nonappropriated Washington internet crimes against children account for the implementation of chapter 84, Laws of 2015.

(5) \$2,000,000 of the general fund—state appropriation for fiscal year 2020 and \$2,000,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the mental health field response team program administered by the Washington association of sheriffs and police chiefs. The association must distribute \$3,000,000 in grants to the phase one regions as outlined in the settlement agreement under *Trueblood, et. al. v. Department of Social and Health Services, et. al.*, U.S. District Court-Western District, Cause No. 14-cv-01178-MJP. The association must submit an annual report to the Governor and appropriate committees of the legislature by

September 1st of each year of the biennium. The report shall include best practice recommendations on law enforcement and behavioral health field response and include outcome measures on all grants awarded.

(6) \$450,000 of the general fund—state appropriation for fiscal year 2020 and \$449,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for crisis intervention training for the phase one regions as outlined in the settlement agreement under *Trueblood, et. al. v. Department of Social and Health Services, et. al.*, U.S. District Court-Western District, Cause No. 14-cv-01178-MJP.

(7) \$534,000 of the death investigations account—state appropriation is provided solely for the commission to update and expand the medicolegal forensic investigation training currently provided to coroners and medical examiners from eighty hours to two-hundred forty hours to meet the recommendations of the national commission on forensic science for certification and accreditation. Funding is contingent on the death investigation account receiving three dollars of the five dollar increase in vital records fees from the passage of Engrossed Substitute Senate Bill No. 5332 (vital statistics). ~~((If the bill is not enacted by June 30, 2019, the amount provided in this subsection shall lapse.))~~

(8) \$10,000 of the general fund—state appropriation for fiscal year 2020, \$22,000 of the general fund—state appropriation for fiscal year 2021, and \$10,000 of the general fund—local appropriation are provided solely for an increase in vendor rates on the daily meals provided to basic law enforcement academy recruits during their training.

(9) \$200,000 of the general fund—state appropriation for fiscal year 2020 and \$200,000 of the general fund—state appropriation for fiscal year 2021 are provided solely to implement Second Substitute House Bill No. 1767 (alternatives to arrest/jail). ~~((If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.))~~

(10) \$75,000 of the general fund—state appropriation for fiscal year 2020 and \$75,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for a vendor rate increase of seven tenths of one percent for the Washington association of sheriffs and police chiefs.

**Sec. 219.** 2019 c 415 s 219 (uncodified) is amended to read as follows:

#### **FOR THE DEPARTMENT OF LABOR AND INDUSTRIES**

General Fund—State Appropriation (FY 2020) .....	<del>(\$13,107,000)</del>
	<u>\$14,156,000</u>
General Fund—State Appropriation (FY 2021) .....	<del>(\$11,696,000)</del>
	<u>\$11,167,000</u>
General Fund—Federal Appropriation ....	\$11,876,000
Asbestos Account—State Appropriation .....	\$590,000

Electrical License Account—State Appropriation .....	(\$58,068,000))
	<u>\$58,130,000</u>
Farm Labor Contractor Account—State Appropriation .....	\$28,000
Worker and Community Right to Know Fund—	
State Appropriation .....	\$1,039,000
Construction Registration Inspection Account—	
State Appropriation .....	(\$23,888,000))
	<u>\$25,469,000</u>
Public Works Administration Account—State	
Appropriation .....	(\$10,988,000))
	<u>\$11,089,000</u>
Manufactured Home Installation Training Account—	
State Appropriation .....	\$412,000
Pension Funding Stabilization Account—State	
Appropriation .....	\$1,434,000
Accident Account—State Appropriation .....	(\$392,548,000))
	<u>\$396,275,000</u>
Accident Account—Federal Appropriation .....	(\$15,674,000))
	<u>\$16,439,000</u>
Medical Aid Account—State Appropriation .....	(\$397,545,000))
	<u>\$398,868,000</u>
Medical Aid Account—Federal Appropriation .....	(\$3,515,000))
	<u>\$3,650,000</u>
Plumbing Certificate Account—State Appropriation .....	(\$2,004,000))
	<u>\$2,007,000</u>
Pressure Systems Safety Account—State	
Appropriation .....	(\$4,667,000))
	<u>\$4,673,000</u>
TOTAL APPROPRIATION .....	<u>\$949,079,000</u>
	<u>\$957,302,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$40,988,000 of the accident account—state appropriation and \$40,986,000 of the medical aid account—state appropriation are provided solely for the labor and industries workers' compensation information system replacement project and are subject to the conditions,

limitations, and review provided in ((section 719 of this act)) section 701 of this act.

(2) \$250,000 of the medical aid account—state appropriation and \$250,000 of the accident account—state appropriation are provided solely for the department of labor and industries safety and health assessment and research for prevention program to conduct research to address the high injury rates of the janitorial workforce. The research must quantify the physical demands of common janitorial work tasks and assess the safety and health needs of janitorial workers. The research must also identify potential risk factors associated with increased risk of injury in the janitorial workforce and measure workload based on the strain janitorial work tasks place on janitors' bodies. The department must conduct interviews with janitors and their employers to collect information on risk factors, identify the tools, technologies, and methodologies used to complete work, and understand the safety culture and climate of the industry. The department must issue an initial report to the legislature, by June 30, 2020, assessing the physical capacity of workers in the context of the industry's economic environment and ascertain usable support tools for employers and workers to decrease risk of injury. After the initial report, the department must produce annual progress reports, beginning in 2021 through the year 2022 or until the tools are fully developed and deployed. The annual progress reports must be submitted to the legislature by December 1st of each year such reports are due.

(3) \$1,700,000 of the accident account—state appropriation and \$300,000 of the medical aid account—state appropriation are provided solely for a contract with a permanently registered Washington sector intermediary to provide supplemental instruction for information technology apprentices. Funds spent for this purpose must be matched by an equal amount of funding from the information technology industry members, except small and mid-sized employers. Up to \$1,000,000 may be spent to provide supplemental instruction for apprentices at small and mid-sized businesses. "Small and mid-sized businesses" means those that have fewer than one hundred employees or have less than five percent annual net profitability. The sector intermediary will collaborate with the state board for community and technical colleges to integrate and offer related supplemental instruction through one or more Washington state community or technical colleges by the 2020-21 academic year.

(4) \$1,360,000 of the accident account—state appropriation and \$240,000 of the medical aid account—state appropriation are provided solely for the department of labor and industries to establish a health care apprenticeship program.

(5) \$273,000 of the accident account—state appropriation and \$273,000 of the medical aid account—state appropriation are provided solely for the department of labor and industries safety and health assessment research for prevention program to conduct research to prevent the types of work-related injuries that require immediate hospitalization. The department will develop and maintain a tracking system to identify and respond to all immediate in-patient hospitalizations and will examine incidents in



defined high-priority areas, as determined from historical data and public priorities. The research must identify and characterize hazardous situations and contributing factors using epidemiological, safety-engineering, and human factors/ergonomics methods. The research must also identify common factors in certain types of workplace injuries that lead to hospitalization. The department must submit an initial report to the governor and appropriate legislative committees by August 30, 2020, and annually thereafter, summarizing work-related immediate hospitalizations and prevention opportunities, actions that employers and workers can take to make workplaces safer, and ways to avoid severe injuries.

(6) \$666,000 of the accident account—state appropriation and \$243,000 of the medical aid account—state appropriation are provided solely for implementation of Substitute Senate Bill No. 5175 (firefighter safety). ~~((If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.))~~

(7) \$2,257,000 of the public works administration account—state appropriation is provided solely for implementation of Engrossed Substitute Senate Bill No. 5035 (prevailing wage laws). Of this amount, \$464,100 is provided to incorporate information technology changes to the complaint activity tracking system, public works suite, accounts receivable collections, and the pay accounts receivable collections systems, and is subject to the conditions, limitations, and review provided in ((section 719 of this act)) section 701 of this act. ~~((If the bill is not enacted by June 30, 2019, the amount provided in this subsection shall lapse.))~~

(8) \$37,000 of the accident account—state appropriation and \$33,000 of the medical aid account—state appropriation are provided solely for implementation of Engrossed Second Substitute Senate Bill No. 5497 (immigrants in the workplace). ~~((If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.))~~

(9) \$52,000 of the accident account—state appropriation is provided solely for the complaint activity tracking system adjustment project, which will add functionality related to conducting company-wide wage investigations. This funding is subject to the conditions, limitations, and review provided in ~~((section 719 of this act))~~ section 701 of this act.

(10) \$850,000 of the accident account—state appropriation and \$850,000 of the medical aid account—state appropriation are provided solely for issuing and managing contracts with customer-trusted groups to develop and deliver information to small businesses and their workers about workplace rights, regulations and services administered by the agency.

(11) ~~(((\$4,676,000))~~ \$5,451,000 of the general fund—state appropriation for fiscal year 2020 and ~~(((\$2,092,000))~~ \$504,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for increasing rates for medical and health care service providers treating persons in the crime victim compensation program.

(12) \$744,000 of the accident account—state appropriation and \$744,000 of the medical aid account—state appropriation are provided solely for customer service staffing at field offices.

(13) \$3,432,000 of the accident account—state appropriation and \$606,000 of the medical aid account—state appropriation are provided solely for the division of occupational safety and health to add workplace safety and health consultants, inspectors, and investigators.

(14) \$788,000 of the accident account—state appropriation and \$140,000 of the medical aid account—state appropriation are provided solely for apprenticeship staffing to respond to inquiries and process registrations.

(15) \$2,608,000 of the accident account—state appropriation and \$3,541,000 of the medical aid account—state appropriation are provided solely for claims management staffing to reduce caseloads.

(16) \$1,072,000 of the public works administration account—state appropriation is provided solely for implementation of Substitute House Bill No. 1295 (public works contracting). ~~((If the bill is not enacted by June 30, 2019, the amount provided in this subsection shall lapse.))~~

(17) \$695,000 of the accident account—state appropriation and \$124,000 of the medical aid account—state appropriation are provided solely for implementation of Engrossed Substitute House Bill No. 1817 (high hazard facilities). ~~((If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.))~~

(18) \$67,000 of the accident account—state appropriation and \$66,000 of the medical aid account—state appropriation are provided solely for implementation of Substitute House Bill No. 1909 (industrial ins. claim records). ~~((If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.))~~

(19) ~~(((\$313,000 of the accident account—state appropriation and \$312,000 of the medical aid account—state appropriation))~~ \$273,000 of the general fund—state appropriation for fiscal year 2020 and \$352,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of Engrossed Second Substitute Senate Bill No. 5116 (clean energy). ~~((If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.))~~

(20) \$515,000 of the accident account—state appropriation and \$91,000 of the medical aid account—state appropriation are provided solely to build a new tracking system to support the implementation of Engrossed Substitute Senate Bill No. 5258 (isolated workers - sexual harassment and assault). This funding is subject to the conditions, limitations, and review provided in section 701 of this act.

(21) \$1,240,000 of the accident account—state appropriation and \$219,000 of the medical aid account—state appropriation are provided solely for implementation of Substitute Senate Bill No. 5717 (employer and employee scheduling). If the bill is not enacted by June 30, 2020, the amounts provided in this subsection shall lapse.

(22) \$700,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for implementation of Z- . . . (providing labor protections for domestic workers). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

**Sec. 220.** 2019 c 415 s 220 (uncodified) is amended to read as follows:

#### **FOR THE DEPARTMENT OF VETERANS AFFAIRS**

(1) The appropriations in this section are subject to the following conditions and limitations:

(a) The department of veterans affairs shall not initiate any services that will require expenditure of state general fund moneys unless expressly authorized in this act or other law. The department may seek, receive, and spend, under RCW 43.79.260 through 43.79.282, federal moneys not anticipated in this act as long as the federal funding does not require expenditure of state moneys for the program in excess of amounts anticipated in this act. If the department receives unanticipated unrestricted federal moneys, those moneys must be spent for services authorized in this act or in any other legislation that provides appropriation authority, and an equal amount of appropriated state moneys shall lapse. Upon the lapsing of any moneys under this subsection, the office of financial management shall notify the legislative fiscal committees. As used in this subsection, "unrestricted federal moneys" includes block grants and other funds that federal law does not require to be spent on specifically defined projects or matched on a formula basis by state funds.

(b) Each year, there is fluctuation in the revenue collected to support the operation of the state veteran homes. When the department has foreknowledge that revenue will decrease, such as from a loss of census or from the elimination of a program, the legislature expects the department to make reasonable efforts to reduce expenditures in a commensurate manner and to demonstrate that it has made such efforts. By December 31, 2019, the department must: (i) Develop ~~((and implement))~~ a ~~((sustainable))~~ staffing model for the institutional services program ~~((to keep expenditures commensurate with the program revenue))~~; and (ii) report to the legislature regarding its expenditures. In response to any request by the department for general fund—state appropriation to backfill a loss of revenue, the legislature shall consider the department's efforts in reducing its expenditures in light of known or anticipated decreases to revenues.

#### **(2) HEADQUARTERS**

General Fund—State Appropriation (FY 2020)	
.....	<del>(( \$4,088,000 ))</del>
	<u>\$3,381,000</u>
General Fund—State Appropriation (FY 2021)	
.....	<del>(( \$4,119,000 ))</del>
	<u>\$4,428,000</u>

Charitable, Educational, Penal, and Reformatory

Institutions Account—State Appropriation.....	\$10,000
Pension Funding Stabilization Account—State Appropriation.....	\$185,000
TOTAL APPROPRIATION.....	<u>\$8,402,000</u>
	<u>\$8,004,000</u>

#### **(3) FIELD SERVICES**

General Fund—State Appropriation (FY 2020)	
.....	\$6,602,000
General Fund—State Appropriation (FY 2021)	
.....	<del>(( \$6,770,000 ))</del>
	<u>\$6,929,000</u>
General Fund—Federal Appropriation <del>(( \$4,435,000 ))</del>	
	<u>\$5,253,000</u>
General Fund—Private/Local Appropriation	
.....	<del>(( \$4,958,000 ))</del>
	<u>\$5,323,000</u>
Veteran Estate Management Account—Private/Local Appropriation.....	\$708,000
Pension Funding Stabilization Account—State Appropriation.....	\$444,000
Veterans Stewardship Nonappropriated Account—State Appropriation.....	\$300,000
Veterans Innovation Program Account—State Appropriation.....	\$100,000
TOTAL APPROPRIATION.....	<u>\$24,317,000</u>
	<u>\$25,659,000</u>

The appropriations in this subsection are subject to the following conditions and limitations:

(a) \$1,338,000 of the general fund—federal appropriation and \$120,000 of the general fund—local appropriation are provided solely for the expansion of the transitional housing program at the Washington soldiers home.

(b) \$300,000 of the general fund—state appropriation for fiscal year 2020, \$300,000 of the general fund—state appropriation for fiscal year 2021, and \$100,000 of the veterans innovation account—state appropriation are provided solely for veterans innovation program grants.

(c) \$300,000 of the veterans stewardship nonappropriated account—state appropriation is provided solely for the department's traumatic brain injury program.

(d) \$300,000 of the general fund—state appropriation for fiscal year 2020 and \$300,000 of the general fund—state appropriation for fiscal year 2021 are provided solely to implement Second Substitute House Bill No. 1448 (veterans service officers). ~~((If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.))~~

(e)(i) \$140,000 of the general fund—state appropriation for fiscal year 2020 and \$142,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the department to develop a statewide plan to reduce suicide among service members, veterans, and their families. In developing the plan, the department shall:

(A) Collaborate with government and nongovernment agencies and organizations to establish promising best practices for suicide awareness and prevention materials, training, and outreach programs targeted to service members, veterans, and their families;

(B) Cultivate peer-led organizations serving veterans in transition and recovery;

(C) Create statewide suicide awareness and prevention training programs with content specific to service members, veterans, and their families; and

(D) Provide safer homes materials and distribute safe firearms storage devices, to the Washington national guard, the Washington state patrol, allied veteran groups, and other organizations serving or employing veterans, following the recommendations of the suicide-safer homes task force.

(ii) The department must report to the legislature regarding the development of the plan no later than December 1, 2020.

#### (4) INSTITUTIONAL SERVICES

General Fund—State Appropriation (FY 2020)  
.....((\$13,379,000))  
\$13,494,000

General Fund—State Appropriation (FY 2021)  
.....((\$14,565,000))  
\$14,851,000

General Fund—Federal Appropriation  
.....((\$85,479,000))  
\$99,479,000

General Fund—Private/Local Appropriation  
.....\$28,737,000

Pension Funding Stabilization Account—State  
Appropriation .....\$1,464,000

TOTAL APPROPRIATION .....\$143,624,000  
\$158,025,000

The appropriations in this subsection are subject to the following conditions and limitations: The amounts provided in this subsection include a general fund—state backfill for a revenue shortfall at the Washington soldiers home in Orting and the Walla Walla veterans home.

#### (5) CEMETERY SERVICES

General Fund—State Appropriation (FY 2020)  
.....\$100,000

General Fund—State Appropriation (FY 2021)  
.....\$100,000

General Fund—Federal Appropriation .....\$688,000

TOTAL APPROPRIATION.....\$888,000

**Sec. 221.** 2019 c 415 s 221 (uncodified) is amended to read as follows:

#### FOR THE DEPARTMENT OF HEALTH

General Fund—State Appropriation (FY 2020)  
.....((\$75,208,000))  
\$80,137,000

General Fund—State Appropriation (FY 2021)  
.....((\$72,760,000))  
\$96,004,000

General Fund—Federal Appropriation  
.....((\$581,269,000))  
\$579,524,000

General Fund—Private/Local Appropriation  
.....((\$184,174,000))  
\$192,657,000

Hospital Data Collection Account—State  
Appropriation .....\$362,000

Health Professions Account—State Appropriation  
.....((\$144,746,000))  
\$149,006,000

Aquatic Lands Enhancement Account—State  
Appropriation .....\$633,000

Emergency Medical Services and Trauma Care  
Systems

Trust Account—State Appropriation .....\$10,091,000

Safe Drinking Water Account—State Appropriation  
.....((\$6,050,000))  
\$6,058,000

Drinking Water Assistance Account—Federal  
Appropriation.....((\$16,974,000))  
\$17,004,000

Waterworks Operator Certification Account—  
State Appropriation.....\$1,990,000

Drinking Water Assistance Administrative Account—  
State Appropriation.....\$1,228,000

Site Closure Account—State Appropriation.....\$183,000

Biotoxin Account—State Appropriation  
.....((\$1,693,000))  
\$1,694,000

Model Toxics Control Operating Account—  
State Appropriation.....((\$4,465,000))  
\$4,468,000

Medicaid Fraud Penalty Account—State Appropriation.....	((( <del>\$1,326,000</del> )))
	<u>\$1,374,000</u>
Medical Test Site Licensure Account—State Appropriation .....	((( <del>\$2,703,000</del> )))
	<u>\$3,233,000</u>
<u>Secure Drug Take-Back Program Account—State Appropriation .....</u>	<u>\$1,008,000</u>
Youth Tobacco and Vapor Products Prevention Account—	
State Appropriation .....	((( <del>\$4,373,000</del> )))
	<u>\$4,237,000</u>
Dedicated Marijuana Account—State Appropriation (FY 2020) .....	\$10,786,000
Dedicated Marijuana Account—State Appropriation (FY 2021) .....	\$10,616,000
Public Health Supplemental Account—Private/Local Appropriation .....	((( <del>\$3,668,000</del> )))
	<u>\$5,236,000</u>
Pension Funding Stabilization Account—State Appropriation .....	\$3,816,000
Accident Account—State Appropriation .....	\$362,000
Medical Aid Account—State Appropriation ..	\$54,000
TOTAL APPROPRIATION .....	<u><del>\$1,139,530,000</del></u>
	<u>\$1,181,761,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) The department of health shall not initiate any services that will require expenditure of state general fund moneys unless expressly authorized in this act or other law. The department of health and the state board of health shall not implement any new or amended rules pertaining to primary and secondary school facilities until the rules and a final cost estimate have been presented to the legislature, and the legislature has formally funded implementation of the rules through the omnibus appropriations act or by statute. The department may seek, receive, and spend, under RCW 43.79.260 through 43.79.282, federal moneys not anticipated in this act as long as the federal funding does not require expenditure of state moneys for the program in excess of amounts anticipated in this act. If the department receives unanticipated unrestricted federal moneys, those moneys shall be spent for services authorized in this act or in any other legislation that provides appropriation authority, and an equal amount of appropriated state moneys shall lapse. Upon the lapsing of any moneys under this subsection, the office of financial management shall notify the legislative fiscal committees. As used in this subsection,

"unrestricted federal moneys" includes block grants and other funds that federal law does not require to be spent on specifically defined projects or matched on a formula basis by state funds.

(2) During the 2019-2021 fiscal biennium, each person subject to RCW 43.70.110(3)(c) is required to pay only one surcharge of up to twenty-five dollars annually for the purposes of RCW 43.70.112, regardless of how many professional licenses the person holds.

(3) In accordance with RCW 43.20B.110, 43.135.055, and 71.24.035, the department is authorized to adopt license and certification fees in fiscal years 2020 and 2021 to support the costs of the regulatory program. The department's fee schedule shall have differential rates for providers with proof of accreditation from organizations that the department has determined to have substantially equivalent standards to those of the department, including but not limited to the joint commission on accreditation of health care organizations, the commission on accreditation of rehabilitation facilities, and the council on accreditation. To reflect the reduced costs associated with regulation of accredited programs, the department's fees for organizations with such proof of accreditation must reflect the lower costs of licensing for these programs than for other organizations which are not accredited.

(4) Within the amounts appropriated in this section, and in accordance with RCW 43.20B.110 and 70.41.100, the department shall set fees to include the full costs of the performance of inspections pursuant to RCW 70.41.080.

(5) In accordance with RCW 70.96A.090, 71.24.035, 43.20B.110, and 43.135.055, the department is authorized to adopt fees for the review and approval of mental health and substance use disorder treatment programs in fiscal years 2020 and 2021 as necessary to support the costs of the regulatory program. The department's fee schedule must have differential rates for providers with proof of accreditation from organizations that the department has determined to have substantially equivalent standards to those of the department, including but not limited to the joint commission on accreditation of health care organizations, the commission on accreditation of rehabilitation facilities, and the council on accreditation. To reflect the reduced costs associated with regulation of accredited programs, the department's fees for organizations with such proof of accreditation must reflect the lower cost of licensing for these programs than for other organizations which are not accredited.

(6) The health care authority, the health benefit exchange, the department of social and health services, the department of health, and the department of children, youth, and families shall work together within existing resources to establish the health and human services enterprise coalition (the coalition). The coalition, led by the health care authority, must be a multi-organization collaborative that provides strategic direction and federal funding guidance for projects that have cross-organizational or enterprise impact, including information technology projects that affect organizations within the coalition. By October 31, 2019, the coalition must submit a report to the governor and the

legislature that describes the coalition's plan for projects affecting the coalition organizations. The report must include any information technology projects impacting coalition organizations and, in collaboration with the office of the chief information officer, provide: (a) The status of any information technology projects currently being developed or implemented that affect the coalition; (b) funding needs of these current and future information technology projects; and (c) next steps for the coalition's information technology projects. The office of the chief information officer shall maintain a statewide perspective when collaborating with the coalition to ensure that the development of projects identified in this report are planned for in a manner that ensures the efficient use of state resources and maximizes federal financial participation. The work of the coalition is subject to the conditions, limitations, and review provided in ~~((section 719 of this act))~~ section 701 of this act.

(7)(a) \$285,000 of the general fund—state appropriation for fiscal year 2020 and \$15,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the governor's interagency coordinating council on health disparities to establish a task force to develop a proposal for the creation of an office of equity. The purpose of the office of equity is to promote access to equitable opportunities and resources that reduce disparities, including racial and ethnic disparities, and improve outcomes statewide across all sectors of government. The council must provide staff support and coordinate community and stakeholder outreach for the task force.

(b) The task force shall include:

(i) The chair of the interagency coordinating council on health disparities, or the chair's designee, who shall serve as the chair of the task force;

(ii) Two members of the house of representatives, appointed by the speaker of the house of representatives;

(iii) Two members from the senate, appointed by the president of the senate;

(iv) A representative from the office of the governor, appointed by the governor;

(v) A representative from the office of financial management's diversity, equity, and inclusion council, appointed by the governor;

(vi) A representative from the office of minority and women's business enterprises, appointed by the director of the office of minority and women's business enterprises;

(vii) A representative from each ethnic commission, appointed by the director of each respective commission;

(viii) A representative from the women's commission, appointed by the director of the commission;

(ix) A representative from the human rights commission, appointed by the director of the commission;

(x) The director of the governor's office of Indian affairs, or the director's designee;

(xi) A member of the disability community, appointed by the chair of the governor's committee on disability issues and employment; and

(xii) A member of the lesbian, gay, bisexual, transgender, and queer community, appointed by the office of the governor.

(c) The task force must submit a preliminary report to the governor and legislature by December 15, 2019. The task force must submit a final proposal to the governor and the legislature by July 1, 2020. The final proposal must include the following recommendations:

(i) A mission statement and vision statement for the office;

(ii) A definition of "equity," which must be used by the office to guide its work;

(iii) The organizational structure of the office, which must include a community liaison for the office;

(iv) A plan to engage executive level management from all agencies;

(v) Mechanisms for facilitating state policy and systems change to promote equity, promoting community outreach and engagement, and establishing standards for the collection, analysis, and reporting of disaggregated data regarding race and ethnicity;

(vi) Mechanisms for accountability to ensure that performance measures around equity are met across all agencies, including recommendations on audits of agencies and other accountability tools as deemed appropriate; and

(vii) A budget proposal including estimates for costs and staffing.

(d) Nonlegislative members of the task force must be reimbursed for expenses incurred in the performance of their duties in accordance with RCW 43.03.050 and 43.03.060. Legislative members must be reimbursed for expenses incurred in accordance with RCW 44.04.120.

(8) \$400,000 of the general fund—state appropriation for fiscal year 2020 and \$400,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the department to contract with a community-based nonprofit organization located in Yakima valley to develop a Spanish-language public radio media campaign aimed at preventing opioid use disorders through education outreach programs. The goal of the radio media campaign is reaching underserved populations, who may have limited literacy and who may experience cultural and informational isolation, to address prevention, education, and treatment for opioid users or those at risk for opioid use. The nonprofit organization must coordinate with stakeholders who are engaged in promoting healthy and educated choices about drug use and abuse to host four workshops and two conferences that present the latest research and best practices. The department, in coordination with the nonprofit, must provide a preliminary report to the legislature no later than December 31, 2020. A final report must be submitted to the legislature no later than June 30, 2021. Both reports must include: (a) A description of the outreach programs and their

implementation; (b) a description of the workshops and conferences held; (c) the number of individuals who participated in or received services in relation to the outreach programs; and (d) any relevant demographic data regarding those individuals.

(9)(a) \$50,000 of the general fund—state appropriation for fiscal year 2020 and \$50,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the nursing care quality assurance commission to continue the work group on nurses in long-term care settings.

(b) The work group must base its work on the assessment of long-term care workforce needs required by chapter 299, Laws of 2018, and included in the long-term care workforce development report to the governor and the legislature submitted in December 2018. The commission shall maintain existing membership of the work group, may add additional stakeholder representation, and may create such technical advisory committees as may be necessary to accomplish its purposes.

(c) Work group priorities for the 2019-2021 fiscal biennium include:

(i) Identifying data sources necessary to ensure workers are achieving timely training, testing, and certification;

(ii) Working with regional workforce development councils to project worker shortages and on-going demands;

(iii) Establishing revised nursing assistant training that aligns directly with the learning outcomes of the competency-based common curriculum, and improves access, reduces costs, increases consistency across evaluators, increases pass rates, and provides support for languages other than English;

(iv) Recommending requirements to improve skilled nursing facility staffing models and address deficiencies in resident care; and

(v) Creating a competency-based common curriculum for nursing assistant training that includes knowledge and skills relevant to current nursing assistant practices; integrated specialty training on mental health, developmental disabilities, and dementia; and removing or revising outdated content. The curriculum must not unnecessarily add additional training hours, and must meet all applicable federal and state laws. The curriculum must be designed with seamless progression from or toward any point on the educational continuum.

(d) The commission must provide an interim report on the activities of the work group and its findings and recommendations for statutory and regulatory changes to the governor and legislature by November 15, 2019, and a final report to the governor and legislature by November 15, 2020.

(10) \$172,000 of the general fund—state appropriation for fiscal year 2020 and \$172,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of Substitute Senate Bill No. 5425 (maternal

mortality reviews). ~~((If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.))~~

(11) \$399,000 of the general fund—local appropriation is provided solely for implementation of Engrossed Substitute Senate Bill No. 5332 (vital statistics). ~~((If the bill is not enacted by June 30, 2019, the amount provided in this subsection shall lapse.))~~

(12) \$52,000 of the general fund—state appropriation for fiscal year 2020, \$22,000 of the general fund—state appropriation for fiscal year 2021, \$11,000 of the general fund—local appropriation, and \$107,000 of the health professions account—state appropriation are provided solely for implementation of Substitute Senate Bill No. 5380 (opioid use disorder). ~~((If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.))~~

(13) \$80,000 of the general fund—state appropriation for fiscal year 2020, \$7,000 of the general fund—state appropriation for fiscal year 2021, and \$32,000 of the health professions account—state appropriation are provided solely for implementation of Engrossed Second Substitute Senate Bill No. 5497 (immigrants in the workplace). ~~((If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.))~~

(14) \$132,000 of the general fund—state appropriation for fiscal year 2020 and \$132,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of Substitute Senate Bill No. 5550 (pesticide application safety). ~~((If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.))~~

(15) \$14,000 of the general fund—state appropriation for fiscal year 2020 is provided solely for implementation of Second Substitute Senate Bill No. 5846 (international medical graduates). ~~((If the bill is not enacted by June 30, 2019, the amount provided in this subsection shall lapse.))~~

(16) \$150,000 of the general fund—state appropriation for fiscal year 2020 and \$150,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the midwifery licensure and regulatory program to supplement revenue from fees. The department shall charge no more than five hundred twenty-five dollars annually for new or renewed licenses for the midwifery program.

(17)(a) \$62,000 of the general fund—state appropriation for fiscal year 2020 and \$63,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the King county local health jurisdiction, as part of the foundational public health services, to conduct a study on the population health impact of the SeaTac airport communities.

(b) By December 1, 2020, the King county local health jurisdiction shall submit a report to the appropriate committees of the legislature that must include:

(i) An analysis of existing data sources and an oversample of the best start for kids child health survey to produce airport community health profiles within a one mile, five mile, and ten mile radius of the airport;

(ii) A comprehensive literature review concerning the community health effects of airport operations, including a strength of evidence analysis;

(iii) The findings of the University of Washington school of public health study on ultrafine particulate matter at the airport and surrounding areas; and

(iv) Any recommendations to address health issues related to the impact of the airport on the community.

(18) \$1,000,000 of the youth tobacco and vapor products prevention account—state appropriation is provided solely, as part of foundational public health services, for the department to support local health jurisdictions to provide youth tobacco and vapor prevention programs, including the necessary outreach and education for Engrossed House Bill No. 1074 (tobacco and vapor/age).

(19) \$94,000 of the general fund—state appropriation for fiscal year 2020 is provided solely for implementation of Engrossed Second Substitute Senate Bill No. 5116 (clean energy). ~~((If the bill is not enacted by June 30, 2019, the amount provided in this subsection shall lapse.))~~

(20) The department shall report to the fiscal committees of the legislature by December 1, 2019, and December 1, 2020, if it anticipates that the amounts raised by ambulatory surgical facility licensing fees will not be sufficient to defray the cost of regulating ambulatory surgical facilities. The report shall identify the amount of state general fund money necessary to compensate for the insufficiency.

(21) \$162,000 of the general fund—state appropriation for fiscal year 2020, \$61,000 of the general fund—state appropriation for fiscal year 2021, and \$2,007,000 of the general fund—federal appropriation are provided solely to create a statewide data system to provide early intervention services for all children appropriately screened for developmental delays, to track developmental screenings and delays identified in children, and to assist with care coordination and early intervention; and is subject to the conditions, limitations, and review provided in ~~((section 719 of this act))~~ section 701 of this act.

(22) \$420,000 of the health professions account—state appropriation is provided solely for a work group to develop policy and practice recommendations to increase access to clinical training and supervised practice for the behavioral health workforce. The work group shall include representatives from the department, the workforce training and education coordinating board, and other appropriate stakeholders. The recommendations of the work group must address the following potential barriers: (a) reimbursement and incentives for supervision of interns and trainees; (b) supervision requirements; (c) competency-based training; (d) licensing reciprocity or the feasibility of an interstate licensing compact, or both; and (e) background checks, including barriers to work related to an applicant's criminal history or substance use disorder. The board must convene and facilitate the work group, and recommendations may be presented in two phases. Recommendations presented in the first phase must be provided by December 1, 2019.

Recommendations presented in the second phase must be provided by December 1, 2020.

(23) \$500,000 of the general fund—state appropriation for fiscal year 2020 and \$500,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the Washington poison center. This funding is provided in addition to funding provided pursuant to RCW 69.50.540.

(24) \$21,000 of the general fund—state appropriation for fiscal year 2020 and \$4,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the development of a palliative care road map to provide information and guidance to providers, patients, families, and caregivers of individuals living with a serious or life-threatening illness. The department must work in consultation with appropriate stakeholders, including but not limited to, the health care authority, the department of social and health services, and hospital-based, outpatient, and community-based palliative care providers. The department must complete the document and make hard copies available for distribution no later than September 30, 2020.

(25) \$750,000 of the general fund—state appropriation for fiscal year 2020 is provided to continue the collaboration between local public health, accountable communities of health, and health care providers to reduce potentially preventable hospitalizations in Pierce county. This collaboration will build from year one planning to align care coordination efforts across health care systems and support the accountable communities of health initiatives, including innovative, collaborative models of care. Strategies include the following, to reduce costly hospitalizations: (a) Increasing immunizations for bacterial pneumonia and influenza; (b) screening, brief intervention, and referral to treatment for alcohol, tobacco, and other drugs, and for depression; and (c) the sharing of health system-wide data regarding usage and access patterns. By December 15, 2019, the collaborative shall provide a report to the legislature that illustrates the successes and challenges of the project.

(26) \$55,000 of the health professions account—state appropriation is provided solely to implement Engrossed Substitute House Bill No. 1768 (substance use disorder professionals). ~~((If the bill is not enacted by June 30, 2019, the amount provided in this subsection shall lapse.))~~

(27) \$14,000 of the health professions account—state appropriation is provided solely to implement Substitute House Bill No. 1865 (acupuncture and Eastern medicine). ~~((If the bill is not enacted by June 30, 2019, the amount provided in this subsection shall lapse.))~~

(28)(a) \$257,000 of the general fund—state appropriation for fiscal year 2020 and \$304,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the suicide-safer homes task force defined in RCW 43.70.445 to:

(i) Expand support to industries, professions, and workplaces impacted by high rates of suicide, develop and provide online resources to disseminate best practices in workplace mental health and suicide prevention, and provide trainings for industries with the highest suicide rates and who are unable to pay for trainings;

(ii) Conduct a workplace suicide summit;

(iii) Deliver the task force's SAFER intervention and firearms and medication locking devices in partnership with nongovernment organizations in twelve rural communities across Washington; and

(iv) Develop and distribute a tool kit for suicide prevention and curriculum for firearms safety instructors for their inclusion in firearms safety courses.

(b) The task force shall distribute to all firearms dealers in the state suicide awareness and prevention materials tailored to firearms owners that are developed. Firearms dealers are strongly encouraged to post on the premises and make available to firearms purchasers and transferees the suicide awareness and prevention materials.

(c) The task force shall provide a report to the legislature regarding the directives of this subsection, and the report shall be included in the task force's final report to the legislature by December 1, 2020.

(29) \$16,000 of the general fund—state appropriation for fiscal year 2020 and \$8,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the pharmacy quality assurance commission to:

(a) Distribute or make available through electronic means to all licensed pharmacies suicide awareness and prevention materials developed by the suicide-safer homes task force, and each licensed pharmacy shall, when deemed appropriate through patient evaluation, make available to patients at the point of care the suicide awareness and prevention materials distributed by the commission; and

(b) Survey each pharmacist licensed under this chapter on methods to bridge the gap between practice and suicide awareness and prevention training, including identifying barriers that exist in putting the training into practice. The commission shall consult with the suicide-safer homes task force in developing the survey. The commission may distribute the survey as part of each pharmacist's license renewal. The commission shall compile and analyze the survey data and report the results to the appropriate committees of the legislature by November 15, 2020.

(30) \$1,310,000 of the health professions account—state appropriation is provided solely for the Washington medical commission for clinical health care investigators.

(31) \$3,210,000 of the health professions account—state appropriation is provided solely for the nursing care quality assurance commission to address increased complaints.

(32) Within the amounts appropriated in this section, and in accordance with RCW 43.70.110 and 71.12.470, the department shall set fees to include the full costs of the performance of inspections pursuant to RCW 71.12.485.

(33) \$18,000,000 of the general fund—local appropriation is provided solely for the department to provide core medical services, case management, and support services for individuals living with human immunodeficiency virus.

(34) \$1,606,000 of the general fund—local appropriation is provided solely for staff, equipment, testing supplies, and materials necessary to add Pompe disease and MPS-I to the mandatory newborn screening panel. The department is authorized to increase the newborn screening fee by \$10.50.

(35) \$332,000 of the general fund—local appropriation is provided solely for testing supplies necessary to perform x-linked adrenoleukodystrophy newborn screening panel testing. The department is authorized to increase the newborn screening fee by \$1.90.

(36) \$150,000 of the general fund—state appropriation for fiscal year 2020 and \$150,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the department to conduct formative research and development regarding dementia and the value and importance of early detection, diagnosis, and planning for the public, including racial and ethnic groups who are at increased risk. Qualified department staff or contracted experts must: (a) Investigate existing evidence-based messages and public awareness campaign strategies; and (b) develop, place, and evaluate messages through a short-term digital awareness campaign in at least two, but no more than four, targeted areas of the state.

(37) \$125,000 of the general fund—state appropriation for fiscal year 2020 and \$125,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the department to contract with a nonprofit organization that provides support and education for adults, children, and families impacted by cancer. The nonprofit must provide programs and services that include, but are not limited to, adult support groups, camps for children impacted by cancer, education programs for teens to reduce future risk of cancer, and emotional and social support to families dealing with cancer.

(38) \$20,000 of the general fund—state appropriation for fiscal year 2020 is provided solely for the department to conduct a study on the state producing generic prescription drugs, with a priority on insulin. By December 1, 2019, the department shall submit a report of its findings and recommendations to the legislature.

(39) \$2,000,000 of the general fund—state appropriation for fiscal year 2020 and \$500,000 of the general fund—state appropriation for fiscal year 2021 are provided solely to implement Substitute House Bill No. 1587 (increasing access to fruits and vegetables). ~~((If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.))~~

(40) The department must submit an application for an extension or renewal of its current grant pursuant to the federal food insecurity incentives program. If an extension or renewal of the current grant is not permitted, the department must apply for a new grant under the same program, which was reauthorized in December 2018.

(41) \$22,000 of the general fund—state appropriation for fiscal year 2020 and \$22,000 of the general fund—state appropriation for fiscal year 2021 are provided solely to implement Engrossed House Bill No. 1638 (vaccine



preventable diseases). ~~((If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.))~~

(42) \$207,000 of the health professions account—state appropriation is provided solely to implement chapter 69, Laws of 2019 (SHB 1198) (sexual misconduct notification).

(43) \$203,000 of the general fund—state appropriation for fiscal year 2020 and \$66,000 of the general fund—local appropriation are provided solely to implement Second Substitute House Bill No. 1394 (behavioral health facilities). ~~((If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.))~~

(44) \$36,000 of the health professions account—state appropriation is provided solely to implement House Bill No. 1554 (dental hygienists). ~~((If the bill is not enacted by June 30, 2019, the amount provided in this subsection shall lapse.))~~

(45) \$189,000 of the dedicated marijuana account—state appropriation for fiscal year 2020 is provided solely to implement Engrossed Substitute House Bill No. 1094 (medical marijuana renewals). ~~((If the bill is not enacted by June 30, 2019, the amount provided in this subsection shall lapse.))~~

(46) \$200,000 of the general fund—local appropriation is provided solely to implement chapter 68, Laws of 2019 (HB 1177) (dental laboratory registry).

(47) \$88,000 of the general fund—state appropriation for fiscal year 2020 and \$87,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for an online tutorial and link to web-based, continuing education funded by the centers for disease control for training for the primary care health workforce regarding the protocols for perinatal monitoring, birth-dose immunization, early diagnosis, linkage to care, and treatment for persons diagnosed with chronic hepatitis B or hepatitis using the project ECHO telehealth model operated by the University of Washington. Training shall focus on increased provider proficiency and increased number of trained providers in areas with high rates of reported cases of hepatitis B or hepatitis, including regions with high incidence of drug use or upward trend of children who have not received hepatitis B virus vaccinations according to centers for disease control recommendations. All digital and hardcopy training, educational, and outreach materials for this program must be culturally relevant and linguistically diverse.

(48) \$300,000 of the general fund—state appropriation for fiscal year 2020 and \$90,000 of the general fund—state appropriation for fiscal year 2021 are provided solely to the department of health for a task force established to recommend strategies for incorporating environmental justice principles into how state agencies discharge their responsibilities.

(a) The membership of the task force established under this section is as follows:

(i) The director of the department of commerce, or the director's designee;

(ii) The director of the department of ecology, or the director's designee;

(iii) The executive director of the Puget Sound partnership, or the executive director's designee;

(iv) The secretary of the department of transportation, or the secretary's designee;

(v) The secretary of the department of health, or the secretary's designee;

(vi) The chair of the energy facility site evaluation council, or the chair's designee;

(vii) The chair of the governor's interagency council on health disparities, or the chair's designee;

(viii) The commissioner of public lands, or the commissioner's designee;

(ix) A member from an organization representing statewide environmental justice issues, appointed by the governor;

(x) Three members from community-based organizations, appointed by the cochairs specified under (b) of this subsection, the nominations of which are based upon maintaining a balanced and diverse distribution, of representation from census tracts that are ranked at an eight or higher on the cumulative impact analysis and of ethnic, geographic, gender, sexual orientation, age, socioeconomic status, and occupational representation, where practicable;

(xi) A tribal leader, invited by the governor;

(xii) One member from an association representing business interests, appointed by the governor;

(xiii) One member from a union or other organized labor association representing worker interests, appointed by the governor;

(xiv) The director of the department of agriculture, or the director's designee; and

(xv) One member from an organization representing statewide agricultural interests, appointed by the governor.

(b) The representative of statewide environmental justice interests, and the chair of the governor's interagency council on health disparities, or the chair's designee, must cochair the task force.

(c) The governor's interagency council on health disparities shall provide staff support to the task force. The interagency council may work with other agencies, departments, or offices as necessary to provide staff support to the task force.

(d) The task force must submit a final report of its findings and recommendations to the appropriate committees of the legislature and the governor by October 31, 2020, and in compliance with RCW 43.01.036. The goal of the final report is to provide guidance to agencies, the legislature, and the governor, and at a minimum must include the following:

(i) Guidance for state agencies regarding how to use a cumulative impact analysis tool developed by the department of health. Guidance must cover how agencies identify highly impacted communities and must be based on best practices and current demographic data;

(ii) Best practices for increasing public participation and engagement by providing meaningful opportunities for involvement for all people, taking into account barriers to participation that may arise due to race, color, ethnicity, religion, income, or education level;

(iii) Recommendations for establishing measurable goals for reducing environmental health disparities for each community in Washington state and ways in which state agencies may focus their work towards meeting those goals;

(iv) Model policies for prioritizing highly impacted communities and vulnerable populations for the purpose of reducing environmental health disparities and advancing a healthy environment for all residents.

(e) If time and resources permit, the task force may also include in its final report:

(i) Recommendations for creating and implementing equity analysis into all significant planning, programmatic and policy decision making, and investments. The equity analysis methods may include a process for describing potential risks to, benefits to, and opportunities for highly impacted communities and vulnerable populations;

(ii) Best practices and needed resources for cataloging and cross-referencing current research and data collection for programs within all state agencies relating to the health and environment of people of all races, cultures, and income levels, including minority populations and low-income populations of the state.

(f) Members of the task force who are not state employees must be compensated in accordance with RCW 43.03.240 and are entitled to reimbursement individually for travel expenses incurred in the performance of their duties as members of the task force in accordance with RCW 43.03.050 and 43.03.060. The expenses of the task force must be paid by the governor's interagency council on health disparities.

(g) The task force must hold four regional meetings to seek input from, present their work plan and proposals to, and receive feedback from communities throughout the state. The following locations must be considered for these meetings: Northwest Washington, central Puget Sound region, south Puget Sound region, southwest Washington, central Washington, and eastern Washington.

(h) Reports submitted under this section must be available for public inspection and copying through the governor's interagency council on health disparities and must be posted on its web site.

(49) \$500,000 of the general fund—state appropriation for fiscal year 2020 and \$500,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for testing of lead in public schools. The department must determine which school districts have the highest priority

and test those districts first. The department and the school districts for which tests are conducted must provide to parents, educators, school staff, and the public clear communications regarding the test results, the consequences of even low levels of exposure or ingestion, such as cognitive deficits, reduction in IQ, and neurological development, and the information that no level of lead in drinking water is safe. The communications must include a comparison of the results to the recommendation of the American academy of pediatrics (August 2017) and the national toxicology program of the national institutes of health and the center for disease control, regardless of whether the level exceeds the standard for action pursuant to the federal lead and copper rule. Communications regarding test results where levels exceed the level recommended by the American academy of pediatricians must be accompanied by examples of actions districts may take to prevent exposure, including automated flushing of water fountains and sinks, and installation of certified water filters or bottle filling stations.

**Sec. 222.** 2019 c 415 s 222 (uncodified) is amended to read as follows:

#### **FOR THE DEPARTMENT OF CORRECTIONS**

The appropriations to the department of corrections in this act shall be expended for the programs and in the amounts specified in this act. However, after May 1, 2020, after approval by the director of financial management and unless specifically prohibited by this act, the department may transfer general fund—state appropriations for fiscal year 2020 between programs. The department may not transfer funds, and the director of financial management may not approve the transfer, unless the transfer is consistent with the objective of conserving, to the maximum extent possible, the expenditure of state funds. The director of financial management shall notify the appropriate fiscal committees of the legislature in writing seven days prior to approving any deviations from appropriation levels. The written notification must include a narrative explanation and justification of the changes, along with expenditures and allotments by budget unit and appropriation, both before and after any allotment modifications or transfers.

#### **(1) ADMINISTRATION AND SUPPORT SERVICES**

General Fund—State Appropriation (FY 2020)	
.....	(((\$68,636,000))
	\$69,997,000
General Fund—State Appropriation (FY 2021)	
.....	(((\$69,672,000))
	\$75,622,000
General Fund—Federal Appropriation .....	\$400,000
Pension Funding Stabilization Account—State	
Appropriation.....	\$7,616,000
TOTAL APPROPRIATION.....	\$146,324,000
	<u>\$153,635,000</u>

The appropriations in this subsection are subject to the following conditions and limitations:

~~((b))~~ (a) Within the funds appropriated in the subsection the department shall review and update the necessary business requirements for implementation of a comprehensive electronic health records system. The department will utilize its feasibility study from 2013 and the health informatics roadmap completed in 2017 to update its business requirements and complete a request for information process by May 31, 2021. The department shall submit a report to the governor and the legislature outlining the system specifications and a cost model for implementation no later than June 30, 2021. This subsection is subject to the conditions, limitations, and review requirements of ~~((section 719 of this act))~~ section 701 of this act.

~~((c))~~ (b) \$13,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the implementation of Engrossed Second Substitute House Bill No. 1517 (domestic violence). ~~((If the bill is not enacted by June 30, 2019, the amount provided in this subsection shall lapse.))~~

~~((d))~~ (c)(i) During the 2019-2021 fiscal biennium, the department must revise its agreements and contracts with vendors to include a provision to require that each vendor agrees to equality among its workers by ensuring similarly employed individuals are compensated as equals as follows:

(A) Employees are similarly employed if the individuals work for the same employer, the performance of the job requires comparable skill, effort, and responsibility, and the jobs are performed under similar working conditions. Job titles alone are not determinative of whether employees are similarly employed;

(B) Vendors may allow differentials in compensation for its workers based in good faith on any of the following:

(I) A seniority system; a merit system; a system that measures earnings by quantity or quality of production; a bona fide job-related factor or factors; or a bona fide regional difference in compensation levels.

(II) A bona fide job-related factor or factors may include, but not be limited to, education, training, or experience, that is: Consistent with business necessity; not based on or derived from a gender-based differential; and accounts for the entire differential.

(III) A bona fide regional difference in compensation level must be: Consistent with business necessity; not based on or derived from a gender-based differential; and account for the entire differential.

(ii) The provision must allow for the termination of the contract if the department or department of enterprise services determines that the vendor is not in compliance with this agreement or contract term.

(iii) The department must implement this provision with any new contract and at the time of renewal of any existing contract.

~~((e))~~ (d) The appropriations in this subsection include sufficient funding for the implementation of Second Substitute Senate Bill No. 5021 (DOC/interest arbitration).

## (2) CORRECTIONAL OPERATIONS

General Fund—State Appropriation (FY 2020)  
..... ~~(((\$563,549,000))~~

\$565,090,000

General Fund—State Appropriation (FY 2021)  
..... ~~(((\$582,774,000))~~

\$602,875,000

General Fund—Federal Appropriation .....\$818,000

Washington Auto Theft Prevention Authority  
Account—

State Appropriation..... ~~(((\$4,680,000))~~

\$4,679,000

Pension Funding Stabilization Account—State

Appropriation.....\$62,920,000

TOTAL APPROPRIATION.....\$1,214,741,000

\$1,236,382,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) The department may contract for local jail beds statewide to the extent that it is at no net cost to the department. The department shall calculate and report the average cost per offender per day, inclusive of all services, on an annual basis for a facility that is representative of average medium or lower offender costs. The department shall not pay a rate greater than \$85 per day per offender excluding the costs of department of corrections provided services, including evidence-based substance abuse programming, dedicated department of corrections classification staff on-site for individualized case management, transportation of offenders to and from department of corrections facilities, and gender responsive training for Yakima jail staff assigned to the unit. The capacity provided at local correctional facilities must be for offenders whom the department of corrections defines as close medium or lower security offenders. Programming provided for offenders held in local jurisdictions is included in the rate, and details regarding the type and amount of programming, and any conditions regarding transferring offenders must be negotiated with the department as part of any contract. Local jurisdictions must provide health care to offenders that meet standards set by the department. The local jail must provide all medical care including unexpected emergent care. The department must utilize a screening process to ensure that offenders with existing extraordinary medical/mental health needs are not transferred to local jail facilities. If extraordinary medical conditions develop for an inmate while at a jail facility, the jail may transfer the offender back to the department, subject to terms of the negotiated agreement. Health care costs incurred prior to transfer are the responsibility of the jail.

(b) \$501,000 of the general fund—state appropriation for fiscal year 2020 and \$501,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the department to maintain the facility, property, and assets at the institution formerly known as the maple lane school in Rochester.

(c) The appropriations in this subsection include sufficient funding for the implementation of Substitute Senate Bill No. 5492 (motor vehicle felonies).

(d) \$1,861,000 of the general fund—state appropriation for fiscal year 2020 and \$1,861,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the department to contract for the costs associated with use of offender bed capacity in lieu of prison beds for a therapeutic community program in Yakima county. The department shall provide a report to the legislature by December 15, 2019, outlining the program, its outcomes, and any improvements made over the previous contracted beds.

(e) \$3,314,000 of the general fund—state appropriation for fiscal year 2020 and \$3,014,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the department to increase custody staffing in its prison facilities to provide watch staff for hospital stays, mental health needs, and suicide watches to reduce overtime hours. The department shall track and report to the legislature on the changes in working conditions and overtime usage for nursing services by November 15, 2019.

(f) ~~(\$1,774,000)~~ \$1,071,000 of the general fund—state appropriation for fiscal year 2020 and \$1,567,000 of the general fund—state appropriation for fiscal year 2021 are provided solely to implement the settlement agreement in *Disability Rights Washington v. Inslee, et al.*, U.S. District Court for the Western District of Washington, cause No. 18-5071, for the portions of the agreement that require additional staff necessary to supervise individuals with greater out-of-cell time and to facilitate access to programming, treatment, and other required activities. If the settlement agreement is not fully executed and approved by the court before September 1, 2019, this appropriation shall lapse.

(g) ~~(\$764,000 of the general fund—state appropriation for fiscal year 2020 and)~~ \$663,000 of the general fund—state appropriation for fiscal year 2021 ~~((are))~~ is provided solely for the department for payment of debt service associated with a certificate of participation for the equipment at the coyote ridge corrections center and its security electronics network project.

### (3) COMMUNITY SUPERVISION

General Fund—State Appropriation (FY 2020)  
~~.....(((\$220,368,000))~~  
\$236,875,000

General Fund—State Appropriation (FY 2021)  
~~.....(((\$240,790,000))~~  
\$254,045,000

General Fund—Federal Appropriation..... \$3,632,000

### Pension Funding Stabilization Account—State

Appropriation.....\$12,800,000  
 TOTAL APPROPRIATION.....~~\$477,590,000~~  
\$507,352,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) \$1,320,000 of the general fund—state appropriation for fiscal year 2020 and \$2,560,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the department of corrections to negotiate annual contract rate increases with local and tribal governments for jail capacity to house offenders who violate the terms of their community supervision and must include increases for a regional jail serving the south King county area for providing enhanced medical services. A contract rate increase may not exceed five percent each year. The department may negotiate to include medical care of offenders in the contract rate if medical payments conform to the department's offender health plan and pharmacy formulary, and all off-site medical expenses are preapproved by department utilization management staff. If medical care of offender is included in the contract rate, the contract rate may exceed five percent to include the cost of that service.

(b) The department shall engage in ongoing mitigation strategies to reduce the costs associated with community supervision violators, including improvements in data collection and reporting and alternatives to short-term confinement for low-level violators.

~~((d))~~ (c) \$984,000 of the general fund—state appropriation for fiscal year 2020 and \$8,066,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the department to create two hundred work release beds in the community by the end of fiscal year 2021. The department shall create an implementation plan and provide a report to the legislature by September 1, 2019, that outlines when and where the work release facilities will be implemented.

~~((e))~~ (d) \$143,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the implementation of Engrossed Second Substitute House Bill No. 1517 (domestic violence). ~~((If the bill is not enacted by June 30, 2019, the amount provided in this subsection shall lapse.))~~

### (4) CORRECTIONAL INDUSTRIES

General Fund—State Appropriation (FY 2020)  
~~.....(((\$6,448,000))~~  
\$7,371,000

General Fund—State Appropriation (FY 2021)  
~~.....(((\$6,590,000))~~  
\$6,880,000

Pension Funding Stabilization Account—State  
 Appropriation.....\$510,000  
 TOTAL APPROPRIATION.....~~\$13,548,000~~

	<u>\$14,761,000</u>
(5) INTERAGENCY PAYMENTS	
General Fund—State Appropriation (FY 2020)	
.....	<del>(\$46,625,000)</del>
	<u>\$48,626,000</u>
General Fund—State Appropriation (FY 2021)	
.....	<del>(\$45,238,000)</del>
	<u>\$50,444,000</u>
TOTAL APPROPRIATION .....	<u>\$91,863,000</u>
	<u>\$99,070,000</u>

## (6) OFFENDER CHANGE

General Fund—State Appropriation (FY 2020)	
.....	<del>(\$59,538,000)</del>
	<u>\$59,498,000</u>
General Fund—State Appropriation (FY 2021)	
.....	<del>(\$61,135,000)</del>
	<u>\$61,806,000</u>
Pension Funding Stabilization Account—State	
Appropriation .....	\$4,430,000
TOTAL APPROPRIATION .....	<u>\$125,103,000</u>
	<u>\$125,734,000</u>

The appropriations in this subsection are subject to the following conditions and limitations:

(a) The department of corrections shall use funds appropriated in this subsection (6) for offender programming. The department shall develop and implement a written comprehensive plan for offender programming that prioritizes programs which follow the risk-needs-responsivity model, are evidence-based, and have measurable outcomes. The department is authorized to discontinue ineffective programs and to repurpose underspent funds according to the priorities in the written plan.

(b) \$250,000 of the general fund—state appropriation for fiscal year 2020 and \$250,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for additional rental vouchers for individuals released from prison facilities.

(c) \$9,000 of the general fund—state appropriation for fiscal year 2020 is provided solely for the implementation of Second Substitute Senate Bill No. 5433 (DOC/post secondary education). ~~((If the bill is not enacted by June 30, 2019, the amount provided in this subsection shall lapse.))~~

## (7) HEALTH CARE SERVICES

General Fund—State Appropriation (FY 2020)	
.....	<del>(\$160,657,000)</del>
	<u>\$170,106,000</u>

General Fund—State Appropriation (FY 2021)	
.....	<del>(\$164,466,000)</del>
	<u>\$178,845,000</u>
TOTAL APPROPRIATION .....	<u>\$325,123,000</u>
	<u>\$348,951,000</u>

The appropriations in this subsection are subject to the following conditions and limitations:

(a) The state prison medical facilities may use funds appropriated in this subsection to purchase goods, supplies, and services through hospital or other group purchasing organizations when it is cost effective to do so.

(b) \$895,000 of the general fund—state appropriation for fiscal year 2020 and \$895,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the department to increase on call nursing and overtime staff in order to cover required nursing posts in its prison facilities. The department shall track and report to the legislature on the changes in working conditions and overtime usage for nursing services by December 21, 2019.

(c) ~~(\$174,000)~~ \$108,000 of the general fund—state appropriation for fiscal year 2020 and \$164,000 of the general fund—state appropriation for fiscal year 2021 are provided solely to implement the settlement agreement in *Disability Rights Washington v. Inslee, et. al.*, United States District Court for the Western District of Washington, Cause No. 18-5071, for the portions of the agreement that require additional staff necessary to supervise individuals with greater out-of-cell time and to facilitate access to programming, treatment and other required activities. If the settlement agreement is not fully executed and approved by the court before September 1, 2019, the amounts provided in this subsection shall lapse.

**Sec. 223.** 2019 c 415 s 223 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF SERVICES FOR THE BLIND**

General Fund—State Appropriation (FY 2020)	
.....	<del>(\$3,653,000)</del>
	<u>\$3,635,000</u>
General Fund—State Appropriation (FY 2021)	
.....	<del>(\$3,971,000)</del>
	<u>\$4,004,000</u>
General Fund—Federal Appropriation ....	\$25,492,000
General Fund—Private/Local Appropriation ..	\$60,000
Pension Funding Stabilization Account—State	
Appropriation .....	\$172,000
TOTAL APPROPRIATION .....	<u>\$33,348,000</u>
	<u>\$33,363,000</u>

The appropriations in this subsection are subject to the following conditions and limitations:

(1) \$275,000 of the general fund—state appropriation for fiscal year 2020 and \$275,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for vocational rehabilitation supported employment services for additional eligible clients with visual disabilities who would otherwise be placed on the federally required order of selection waiting list.

(2) \$115,000 of the general fund—state appropriation for fiscal year 2020 and \$115,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the independent living program.

**Sec. 224.** 2019 c 415 s 224 (uncodified) is amended to read as follows:

**FOR THE EMPLOYMENT SECURITY DEPARTMENT**

General Fund—State Appropriation (FY 2020)	\$35,000
General Fund—State Appropriation (FY 2021)	\$35,000
General Fund—Federal Appropriation	<del>(\$224,813,000)</del>
	<u>\$252,258,000</u>
General Fund—Private/Local Appropriation	<del>(\$36,401,000)</del>
	<u>\$36,434,000</u>
Unemployment Compensation Administration	
Account—Federal Appropriation	<del>(\$299,413,000)</del>
	<u>\$280,105,000</u>
Administrative Contingency Account—State	
Appropriation	<del>(\$26,248,000)</del>
	<u>\$26,258,000</u>
Employment Service Administrative Account—	
State Appropriation	<del>(\$54,315,000)</del>
	<u>\$79,603,000</u>
Family and Medical Leave Insurance Account—	
State Appropriation	<del>(\$78,290,000)</del>
	<u>\$114,934,000</u>
Long-Term Services and Supports Trust Account—	
State Appropriation	\$14,103,000
<u>Workforce Education Investment Account—State</u>	
<u>Appropriation</u>	<u>\$875,000</u>
TOTAL APPROPRIATION	<del>\$733,653,000</del>
	<u>\$804,640,000</u>

The appropriations in this subsection are subject to the following conditions and limitations:

(1) The department is directed to maximize the use of federal funds. The department must update its budget annually to align expenditures with anticipated changes in projected revenues.

(2) \$70,000 of the employment service administrative account—state appropriation is provided solely for implementation of Engrossed Second Substitute Senate Bill No. 5497 (immigrants in the workplace). ~~((If the bill is not enacted by June 30, 2019, the amount provided in this subsection shall lapse.))~~

(3) \$3,516,000 of the employment service administrative account—state appropriation is provided solely for implementation of Engrossed Second Substitute Senate Bill No. 5438 (ag & seasonal workforce srv). ~~((If the bill is not enacted by June 30, 2019, the amount provided in this subsection shall lapse.))~~

(4) \$4,636,000 of the employment service administrative account—state appropriation is provided solely for the statewide reentry initiative to connect incarcerated individuals to employment resources prior to and after release.

(5) \$14,103,000 of the long-term services and supports trust account—state appropriation is provided solely for implementation of Second Substitute House Bill No. 1087 (long-term services and support). ~~((If the bill is not enacted by June 30, 2019, the amount provided in this subsection shall lapse.))~~

(6) \$162,000 of the family and medical leave insurance account—state appropriation is provided solely for implementation of Substitute House Bill No. 1399 (paid family and medical leave). ~~((If the bill is not enacted by June 30, 2019, the amount provided in this subsection shall lapse.))~~

(7) \$875,000 of the workforce education investment account—state appropriation is provided solely to expand career connected learning program intermediary grants.

(8) \$35,938,000 of the family and medical leave insurance account—state appropriation is provided solely to increase staffing levels and funding for the paid family medical leave program in order to align with projected business needs. The department must reassess its ongoing staffing and funding needs for the paid family medical leave program and submit documentation of the updated need to the office of financial management by September 1, 2020.

**Sec. 225.** 2019 c 415 s 225 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF CHILDREN, YOUTH, AND FAMILIES**

(1)(a) The appropriations to the department of children, youth, and families in this act must be expended for the programs and in the amounts specified in this act. However, after May 1, 2020, unless prohibited by this act, the department may transfer general fund—state appropriations for fiscal year 2020 among programs after approval by the director of the office of financial management. However, the department may not transfer

state appropriations that are provided solely for a specified purpose except as expressly provided in (b) of this subsection.

(b) To the extent that transfers under (a) of this subsection are insufficient to fund actual expenditures in excess of fiscal year 2020 caseload forecasts and utilization assumptions in the foster care, adoption support, child protective services, working connections child care, and the juvenile rehabilitation programs, the department may transfer appropriations that are provided solely for a specified purpose.

## (2) CHILDREN AND FAMILIES SERVICES PROGRAM

General Fund—State Appropriation (FY 2020)	<del>(\$399,796,000)</del>
	\$409,677,000
General Fund—State Appropriation (FY 2021)	<del>(\$412,306,000)</del>
	\$406,859,000
General Fund—Federal Appropriation	<del>(\$542,242,000)</del>
	\$485,803,000
General Fund—Private/Local Appropriation	\$2,824,000
Pension Funding Stabilization Account—State Appropriation	<del>(\$27,892,000)</del>
	\$24,916,000
TOTAL APPROPRIATION	<del>\$1,385,060,000</del>
	\$1,330,079,000

The appropriations in this section are subject to the following conditions and limitations:

(a) \$748,000 of the general fund—state appropriation for fiscal year 2020 and \$748,000 of the general fund—state appropriation for fiscal year 2021 is provided solely to contract for the operation of one pediatric interim care center. The center shall provide residential care for up to thirteen children through two years of age. Seventy-five percent of the children served by the center must be in need of special care as a result of substance abuse by their mothers. The center shall also provide on-site training to biological, adoptive, or foster parents. The center shall provide at least three months of consultation and support to the parents accepting placement of children from the center. The center may recruit new and current foster and adoptive parents for infants served by the center. The department shall not require case management as a condition of the contract.

(b) \$253,000 of the general fund—state appropriation for fiscal year 2020 and \$253,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the costs of hub home foster families that provide a foster care delivery model that includes a licensed hub home. Use of the hub home model is intended to support foster parent

retention, improve child outcomes, and encourage the least restrictive community placements for children in out-of-home care.

(c) \$579,000 of the general fund—state appropriation for fiscal year 2020 and \$579,000 of the general fund—state appropriation for fiscal year 2021 and \$110,000 of the general fund—federal appropriation are provided solely for a receiving care center east of the Cascade mountains.

(d) \$1,245,000 of the general fund—state appropriation for fiscal year 2020 and \$1,245,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for services provided through children's advocacy centers. Of the amounts provided in this subsection, \$255,000 of the general fund—state appropriation for fiscal year 2020 and \$255,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for an expansion to child advocacy center services.

(e) \$1,884,000 of the general fund—state appropriation for fiscal year 2020 and ~~(\$1,884,000)~~ \$2,400,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for implementation of performance-based contracts for family support and related services pursuant to RCW 74.13B.020. Of the amounts provided in this subsection, \$533,000 of the general fund—state appropriation for fiscal year 2020 and ~~(\$533,000)~~ \$1,049,000 of the general fund—state appropriation for fiscal year 2021 are provided solely to expand performance-based contracts through network administrators.

(f) ~~(\$3,291,000)~~ \$2,568,000 of the general fund—state appropriation for fiscal year 2020, ~~(\$5,998,000)~~ \$3,079,000 of the general fund—state appropriation for fiscal year 2021, and ~~(\$5,876,000)~~ \$3,567,000 of the general fund—federal appropriation are provided solely for social worker and related staff to receive, refer, and respond to screened-in reports of child abuse and neglect pursuant to chapter 208, Laws of 2018.

(g) Beginning October 1, 2019, and each calendar quarter thereafter, the department shall provide a tracking report for social service specialists and corresponding social services support staff to the office of financial management, and the appropriate policy and fiscal committees of the legislature. ~~(The)~~ To the extent in which the information is available, the report shall include the following information identified separately for social service specialists doing case management work, supervisory work, and administrative support staff, and identified separately by job duty or program, including but not limited to intake, child protective services investigations, child protective services family assessment response, and child and family welfare services:

(i) Total full time equivalent employee authority, allotments and expenditures by region, office, classification and band, and job duty or program;

(ii) Vacancy rates by region, office, and classification and band; and

(iii) Average length of employment with the department, and when applicable, the date of exit for staff

exiting employment with the department by region, office, classification and band, and job duty or program.

(h) \$94,000 of the general fund—state appropriation for fiscal year 2020 and \$94,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for a contract with a child advocacy center in Spokane to provide continuum of care services for children who have experienced abuse or neglect and their families.

(i) \$3,910,000 of the general fund—state appropriation for fiscal year 2020 and \$3,910,000 of the general fund—state appropriation for fiscal year 2021 and \$2,336,000 of the general fund—federal appropriation are provided solely for the department to reduce the caseload ratios of social workers serving children in foster care, to promote decreased lengths of stay and to make progress towards achievement of the Braam settlement caseload outcomes.

(j)(A) \$539,000 of the general fund—state appropriation for fiscal year 2020 and \$540,000 of the general fund—state appropriation for fiscal year 2021, \$656,000 of the general fund private/local appropriation, and \$252,000 of the general fund—federal appropriation are provided solely for a contract with an educational advocacy provider with expertise in foster care educational outreach. The amounts in this subsection are provided solely for contracted education coordinators to assist foster children in succeeding in K-12 and higher education systems and to assure a focus on education during the department's transition to performance-based contracts. Funding must be prioritized to regions with high numbers of foster care youth, or regions where backlogs of youth that have formerly requested educational outreach services exist. The department is encouraged to use private matching funds to maintain educational advocacy services.

(B) The department shall contract with the office of the superintendent of public instruction, which in turn shall contract with a nongovernmental entity or entities to provide educational advocacy services pursuant to RCW 28A.300.590.

(k) The department shall continue to implement policies to reduce the percentage of parents requiring supervised visitation, including clarification of the threshold for transition from supervised to unsupervised visitation prior to reunification.

(l) \$375,000 of the general fund—state appropriation for fiscal year 2020 and \$375,000 of the general fund—state appropriation for fiscal year 2021 and \$112,000 of the general fund—federal appropriation are provided solely for the department to develop, implement, and expand strategies to improve the capacity, reliability, and effectiveness of contracted visitation services for children in temporary out-of-home care and their parents and siblings. Strategies may include, but are not limited to, increasing mileage reimbursement for providers, offering transportation-only contract options, and mechanisms to reduce the level of parent-child supervision when doing so is in the best interest of the child.

(m) For purposes of meeting the state's maintenance of effort for the state supplemental payment program, the department of children, youth, and families shall track and report to the department of social and health services the monthly state supplemental payment amounts attributable to foster care children who meet eligibility requirements specified in the state supplemental payment state plan. Such expenditures must equal at least \$3,100,000 annually and may not be claimed toward any other federal maintenance of effort requirement. Annual state supplemental payment expenditure targets must continue to be established by the department of social and health services. Attributable amounts must be communicated by the department of children, youth, and families to the department of social and health services on a monthly basis.

(n) \$1,230,000 of the general fund—state appropriation for fiscal year 2020 and \$1,230,000 of the general fund—state appropriation for fiscal year 2021 and \$156,000 of the general fund—federal appropriation are provided solely to increase the travel reimbursement for in-home service providers.

(o) The department is encouraged to control exceptional reimbursement decisions so that the child's needs are met without excessive costs.

(p) \$197,000 of the general fund—state appropriation for fiscal year 2020 and \$197,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the department to conduct biennial inspections and certifications of facilities, both overnight and day shelters, that serve those who are under 18 years old and are homeless.

(q) \$1,740,000 of the general fund—state appropriation for fiscal year 2020 (~~and \$1,741,000~~) \$3,815,000 of the general fund—state appropriation for fiscal year 2021 (~~is~~), and \$230,000 of the general fund—federal appropriation are provided solely for the department to operate emergent placement contracts. Of the amounts provided in this subsection (2)(Q), \$2,074,000 of the general fund—state appropriation for fiscal year 2021 and \$230,000 of the general fund—federal appropriation are provided solely for contracts with enhanced therapeutic services and greater staff-to-child ratios. The department shall not include the costs to operate emergent placement contracts in the calculations for family foster home maintenance payments and shall submit as part of the budget submittal documentation required by RCW 43.88.030 any costs associated with increases in the number of emergent placement contract beds after the effective date of this section that cannot be sustained within existing appropriations.

(r) The appropriations in this section include sufficient funding for continued implementation of Chapter 80, Laws of 2018 (2SSB 6453) (kinship caregiver legal support).

(s)(i) \$10,828,000 of the general fund—state appropriation for fiscal year 2020, (~~\$10,993,000~~) \$14,168,000 of the general fund—state appropriation for fiscal year 2021, and (~~\$13,365,000~~) \$15,482,000 of the general fund—federal appropriation are provided solely for rate increases for behavioral rehabilitation services providers. The department shall modify the rate structure to



one that is based on placement setting rather than acuity level pursuant to the rate study submitted in December 2018. Of the amounts provided in this subsection (2)(s)(i), \$3,175,000 of the general fund—state appropriation for fiscal year 2021 and \$2,117,000 of the general fund—federal appropriation are provided solely to contract enhanced rates for beds that allow for transitions from inpatient treatment, hospital treatment, emergency placement services, use of hotels, or out-of-state placements. Beds with an enhanced behavioral health services rate must provide increased therapeutic services, greater staff-to-child ratios, or tailored services that support placement stabilization for individuals with acute needs.

(ii) Beginning January 1, 2020, and continuing through the 2019-2021 fiscal biennium, the department must provide semi-annual reports to the governor and appropriate legislative committees that includes the number of in-state behavioral rehabilitation services providers and licensed beds, the number of out-of-state behavioral rehabilitation services placements, and a comparison of these numbers to the same metrics expressed as an average over the first six months of calendar year 2019. Beginning in state fiscal year 2021, the report shall identify beds with the enhanced behavioral health services rate.

(t) Within existing resources, the department shall implement Engrossed Second Substitute Senate Bill No. 5291 (confinement alts./children).

(u) \$530,000 of the general fund—state appropriation for fiscal year 2021 and \$106,000 of the general fund—federal appropriation are provided solely to contract with a community organization with expertise in the yvlifeset case management model to serve youth and young adults currently being served or exiting the foster care, juvenile justice, and mental health systems to successfully transition into self-reliant adults.

(v) \$767,000 of the general fund—state appropriation for fiscal year 2020 and \$766,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of Second Substitute Senate Bill No. 5718 (child welfare housing assistance). ~~((If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.~~

~~((v))~~ (w) \$413,000 of the general fund—state appropriation for fiscal year 2020, \$413,000 of the general fund—state appropriation for fiscal year 2021, and \$826,000 of the general fund—federal appropriation are provided solely to increase family reconciliation services.

~~((w))~~ (x) \$250,000 of the general fund—state appropriation for fiscal year 2020 and \$250,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementing the supportive visitation model that utilizes trained visit navigators to provide a structured and positive visitation experience for children and their parents.

~~((x))~~ (y) The department of children, youth, and families shall enter into interagency agreements with the office of public defense and office of civil legal aid to

facilitate the use of federal Title IV-E reimbursement for parent representation and child representation services.

~~((y))~~ (z) \$146,000 of the general fund—state appropriation for fiscal year 2020 and \$147,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of Substitute Senate Bill No. 5955 (DCYF/statewide system). ~~((If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.~~

~~((z) \$7,586,000))~~ (aa) \$15,046,000 of the general fund—federal appropriation is provided solely for the department of children, youth, and families to leverage federal title IV-E funds available under the family first prevention services act for qualifying services and families.

(i) In fiscal year 2020, the department shall work with the department of social and health services to complete an evaluation of kinship navigator services that would enable establishment of a well-supported, supported, or promising practice model.

(ii) No later than December 1, 2019, the department shall report to the governor and appropriate legislative committees on the feasibility of claiming federal title IV-E reimbursement in fiscal year 2021 for home visiting services and kinship navigator services. The report shall include the estimated share of the current population receiving home visiting services whom the department would consider candidates for foster care for the purposes of title IV-E reimbursement under the family first prevention services act, and the estimated workload impacts for the department to identify and document the candidacy of populations receiving home visiting services.

~~((aa))~~ (bb) \$443,000 of the general fund—state appropriation for fiscal year 2020, \$443,000 of the general fund—state appropriation for fiscal year 2021, and \$818,000 of the general fund—federal appropriation are provided solely for ten child and family welfare services case workers.

~~((bb) \$379,000 of the general fund—state appropriation for fiscal year 2020 and \$871,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the department of children, youth, and families to contract with a county wide nonprofit organization with early childhood expertise in Pierce county for a pilot project to prevent child abuse and neglect using nationally recognized models. Of the amounts provided:~~

~~((i) \$323,000 of the general fund—state appropriation for fiscal year 2020 and \$333,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the nonprofit organization to convene stakeholders to implement a countywide resource and referral linkage system for families of children who are prenatal through age five.~~

~~((ii) \$56,000 of the general fund—state appropriation for fiscal year 2020 and \$539,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the nonprofit organization to offer a voluntary brief newborn home visiting program. The program must meet the diverse needs of Pierce county residents and, therefore, it must be~~

~~flexible, culturally appropriate, and culturally responsive. The department, in collaboration with the nonprofit organization, must examine the feasibility of leveraging federal and other fund sources, including federal Title IV-E and medicaid funds, for home visiting provided through the pilot. The department must report its findings to the governor and appropriate legislative committees by December 1, 2019-)) (cc) \$499,000 of the general fund—state appropriation for fiscal year 2021 and \$155,000 of the general fund—federal appropriation are provided solely to implement the family connections pilot project in two offices and must include one office in western Washington and one office in eastern Washington. The amount provided in this subsection is provided solely to contract with a nongovernmental entity or entities for skilled foster parents and parent allies to work with the department in efforts to encourage foster parent contact with birth parents when it fosters the interests of the child in accordance with RCW 13.34.260.~~

(dd) \$400,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for a contract with a national nonprofit organization to, in partnership with private matching funds, subcontract with a community organization for specialized, enhanced adoption placement services for legally free children in state custody. The contract must supplement, but not supplant, the work of the department to secure permanent adoptive homes for children with high needs.

~~((2))~~ (3) JUVENILE REHABILITATION PROGRAM

General Fund—State Appropriation (FY 2020)	
.....	<del>((100,860,000))</del>
	<u>\$102,674,000</u>
General Fund—State Appropriation (FY 2021)	
.....	<del>((101,604,000))</del>
	<u>\$115,680,000</u>
General Fund—Federal Appropriation.....	\$3,464,000
General Fund—Private/Local Appropriation	
.....	<del>((1,985,000))</del>
	<u>\$1,790,000</u>
Washington Auto Theft Prevention Authority	
Account—State Appropriation .....	\$196,000
Pension Funding Stabilization Account—State	
Appropriation .....	\$8,362,000
TOTAL APPROPRIATION .....	<u>\$216,471,000</u>
	<u>\$232,166,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(a) \$331,000 of the general fund—state appropriation for fiscal year 2020 and \$331,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for deposit in the county criminal justice assistance account for

costs to the criminal justice system associated with the implementation of chapter 338, Laws of 1997 (juvenile code revisions). The amounts provided in this subsection are intended to provide funding for county adult court costs associated with the implementation of chapter 338, Laws of 1997 and shall be distributed in accordance with RCW 82.14.310.

(b) \$2,841,000 of the general fund—state appropriation for fiscal year 2020 and \$2,841,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for grants to county juvenile courts for the juvenile justice programs identified by the Washington state institute for public policy in its report: "Inventory of Evidence-based, Research-based, and Promising Practices for Prevention and Intervention Services for Children and Juveniles in the Child Welfare, Juvenile Justice, and Mental Health Systems." Additional funding for this purpose is provided through an interagency agreement with the health care authority. County juvenile courts shall apply to the department of children, youth, and families for funding for program-specific participation and the department shall provide grants to the courts consistent with the per-participant treatment costs identified by the institute.

(c) \$1,537,000 of the general fund—state appropriation for fiscal year 2020 and \$1,537,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for expansion of the juvenile justice treatments and therapies in department of children, youth, and families programs identified by the Washington state institute for public policy in its report: "Inventory of Evidence-based, Research-based, and Promising Practices for Prevention and Intervention Services for Children and Juveniles in the Child Welfare, Juvenile Justice, and Mental Health Systems." The department may concentrate delivery of these treatments and therapies at a limited number of programs to deliver the treatments in a cost-effective manner.

(d)(i) \$6,198,000 of the general fund—state appropriation for fiscal year 2020 and \$6,198,000 of the general fund—state appropriation for fiscal year 2021 are provided solely to implement evidence- and research-based programs through community juvenile accountability grants, administration of the grants, and evaluations of programs funded by the grants. In addition to funding provided in this subsection, funding to implement alcohol and substance abuse treatment programs for locally committed offenders is provided through an interagency agreement with the health care authority.

(ii) The department of children, youth, and families shall administer a block grant to county juvenile courts for the purpose of serving youth as defined in RCW 13.40.510(4)(a) in the county juvenile justice system. Funds dedicated to the block grant include: Consolidated juvenile service (CJS) funds, community juvenile accountability act (CJAA) grants, chemical dependency/mental health disposition alternative (CDDA), and suspended disposition alternative (SDA). The department of children, youth, and families shall follow the following formula and must prioritize evidence-based programs and disposition alternatives and take into account juvenile courts program-

eligible youth in conjunction with the number of youth served in each approved evidence-based program or disposition alternative: (A) Thirty-seven and one-half percent for the at-risk population of youth ten to seventeen years old; (B) fifteen percent for the assessment of low, moderate, and high-risk youth; (C) twenty-five percent for evidence-based program participation; (D) seventeen and one-half percent for minority populations; (E) three percent for the chemical dependency and mental health disposition alternative; and (F) two percent for the suspended dispositional alternatives. Funding for the special sex offender disposition alternative (SSODA) shall not be included in the block grant, but allocated on the average daily population in juvenile courts. Funding for the evidence-based expansion grants shall be excluded from the block grant formula. Funds may be used for promising practices when approved by the department of children, youth, and families and juvenile courts, through the community juvenile accountability act committee, based on the criteria established in consultation with Washington state institute for public policy and the juvenile courts.

(iii) The department of children, youth, and families and the juvenile courts shall establish a block grant funding formula oversight committee with equal representation from the department of children, youth, and families and the juvenile courts. The purpose of this committee is to assess the ongoing implementation of the block grant funding formula, utilizing data-driven decision making and the most current available information. The committee will be co-chaired by the department of children, youth, and families and the juvenile courts, who will also have the ability to change members of the committee as needed to achieve its purpose. The committee may make changes to the formula categories in (d)(ii) of this subsection if it determines the changes will increase statewide service delivery or effectiveness of evidence-based program or disposition alternative resulting in increased cost/benefit savings to the state, including long-term cost/benefit savings. The committee must also consider these outcomes in determining when evidence-based expansion or special sex offender disposition alternative funds should be included in the block grant or left separate.

(iv) The juvenile courts and administrative office of the courts must collect and distribute information and provide access to the data systems to the department of children, youth, and families and the Washington state institute for public policy related to program and outcome data. The department of children, youth, and families and the juvenile courts must work collaboratively to develop program outcomes that reinforce the greatest cost/benefit to the state in the implementation of evidence-based practices and disposition alternatives.

(e) \$557,000 of the general fund—state appropriation for fiscal year 2020 and \$557,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for funding of the teamchild project.

(f) \$283,000 of the general fund—state appropriation for fiscal year 2020 and \$283,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the juvenile detention alternatives initiative.

(g) \$500,000 of the general fund—state appropriation for fiscal year 2020 and \$500,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for a grant program focused on criminal street gang prevention and intervention. The department of children, youth, and families may award grants under this subsection. The department of children, youth, and families shall give priority to applicants who have demonstrated the greatest problems with criminal street gangs. Applicants composed of, at a minimum, one or more local governmental entities and one or more nonprofit, nongovernmental organizations that have a documented history of creating and administering effective criminal street gang prevention and intervention programs may apply for funding under this subsection. Each entity receiving funds must report to the department of children, youth, and families on the number and types of youth served, the services provided, and the impact of those services on the youth and the community.

(h) The juvenile rehabilitation institutions may use funding appropriated in this subsection to purchase goods, supplies, and services through hospital group purchasing organizations when it is cost-effective to do so.

(i) \$50,000 of the general fund—state appropriation for fiscal year 2020 and \$50,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for grants to county juvenile courts to establish alternative detention facilities similar to the proctor house model in Jefferson county, Washington, that will provide less restrictive confinement alternatives to youth in their local communities. County juvenile courts shall apply to the department of children, youth, and families for funding and each entity receiving funds must report to the department on the number and types of youth serviced, the services provided, and the impact of those services on the youth and the community.

(j) \$432,000 of the general fund—state appropriation for fiscal year 2020 and \$432,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the department to provide housing services to clients releasing from incarceration into the community.

(k) \$2,063,000 of the general fund—state appropriation for fiscal year 2020 and \$1,606,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of Engrossed Second Substitute House Bill No. 1646 (juvenile rehabilitation confinement). ~~((If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.))~~

(l) \$80,000 of the general fund—state appropriation for fiscal year 2020 is provided solely for a contract with a non-governmental entity to research youth violence prevention strategies and explore new and existing resources to implement evidence-based youth prevention strategies in the city of Federal Way.

(m) \$200,000 of the general fund—state appropriation for fiscal year 2020 is provided for the department to measure the fidelity of the evidence-based interventions incorporated into the integrated treatment model. By July 1, 2020, the department must report to the governor and the appropriate fiscal and policy committees of the legislature

on the results of the assessment of the integrated treatment model.

(n) \$425,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for community-based violence prevention and intervention services to individuals identified through the King county shots fired social network analysis. The department must complete an evaluation of the program and provide a report to the governor and the appropriate legislative committees by September 15, 2021.

(o) \$800,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the office of juvenile justice to establish a grant program for evidence-based services to youth who are at high risk to perpetrate gun violence and who reside in areas with high rates of gun violence.

(i) Priority shall be given to one site serving in south King county and one site in Yakima county.

(ii) Priority for funding shall be given to sites who partner with the University of Washington to deliver family integrated transition services through use of credible messenger advocates.

~~((3))~~ (4) EARLY LEARNING PROGRAM

General Fund—State Appropriation (FY 2020)  
.....~~((232,310,000))~~  
\$218,436,000

General Fund—State Appropriation (FY 2021)  
.....~~((246,369,000))~~  
\$219,002,000

General Fund—Federal Appropriation  
.....~~((444,984,000))~~  
\$412,831,000

General Fund—Private/Local Appropriation  
.....~~((100,000))~~  
\$1,115,000

Education Legacy Trust Account—State  
Appropriation.....~~((28,336,000))~~  
\$28,156,000

Home Visiting Services Account—State  
Appropriation.....~~((14,798,000))~~  
\$15,326,000

Home Visiting Services Account—Federal  
Appropriation.....~~((27,677,000))~~  
\$28,522,000

Washington Opportunity Pathways Account—

State Appropriation ..... \$80,000,000

Pension Funding Stabilization Account—State  
Appropriation ..... \$3,900,000

TOTAL APPROPRIATION ..... ~~\$1,078,474,000~~

\$1,007,288,000

The appropriations in this section are subject to the following conditions and limitations:

(a)~~((i) \$81,236,000))~~ \$80,273,000 of the general fund—state appropriation for fiscal year 2020, ~~((89,410,000))~~ \$90,667,000 of the general fund—state appropriation for fiscal year 2021, ~~((24,250,000))~~ \$24,070,000 of the education legacy trust account—state appropriation, and \$80,000,000 of the opportunity pathways account appropriation are provided solely for the early childhood education and assistance program. These amounts shall support at least 14,000 slots in fiscal year 2020 and 14,662 slots in fiscal year 2021. Of the 14,662 slots in fiscal year 2021, 50 slots must be reserved for foster children to receive school-year-round enrollment.

~~((ii) The department of children, youth, and families must develop a methodology to identify, at the school district level, the geographic locations of where early childhood education and assistance program slots are needed to meet the entitlement specified in RCW 43.216.556. This methodology must be linked to the caseload forecast produced by the caseload forecast council and must include estimates of the number of slots needed at each school district and the corresponding facility needs required to meet the entitlement in accordance with RCW 43.216.556. This methodology must be included as part of the budget submittal documentation required by RCW 43.88.030.))~~

(b) \$200,000 of the general fund—state appropriation for fiscal year 2020 and \$200,000 of the general fund—state appropriation for fiscal year 2021 is provided solely to develop and provide culturally relevant supports for parents, family, and other caregivers.

(c) The department is the lead agency for and recipient of the federal child care and development fund grant. Amounts within this grant shall be used to fund child care licensing, quality initiatives, agency administration, and other costs associated with child care subsidies.

(d) ~~((76,453,000))~~ \$64,019,000 of the general fund—state appropriation in fiscal year 2020, ~~((82,736,000))~~ \$53,066,000 of the general fund—state appropriation in fiscal year 2021, and \$283,375,000 of the general fund—federal appropriation are provided solely for the working connections child care program under ~~((RCW 43.215.135))~~ RCW 43.216.135. Of the amounts provided in this subsection:

(i) \$78,101,000 of the general fund—state appropriation shall be claimed toward the state's temporary assistance for needy families federal maintenance of effort requirement. The department shall work in collaboration with the department of social and health services to track the average monthly child care subsidy caseload and expenditures by fund type, including child care development fund, general fund—state appropriation, and temporary assistance for needy families for the purpose of estimating the monthly temporary assistance for needy families reimbursement.

(ii) \$44,103,000 is for the compensation components of the 2019-2021 collective bargaining agreement covering family child care providers as provided in section 943 of this act.

(iii) \$28,000 of the general fund—state appropriation for fiscal year 2020 and \$1,359,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of Second Substitute House Bill No. 1303 (child care/higher education) ~~((or Engrossed Second Substitute House Bill No. 2158 (workforce education investment). If neither bill is enacted by June 30, 2019, the amounts provided in this subsection (d)(iii) shall lapse)).~~

(iv) \$526,000 of the general fund—state appropriation for fiscal year 2020 and \$519,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of Second Substitute House Bill No. 1603 (economic assistance programs). ~~((If the bill is not enacted by June 30, 2019, the amounts provided in this subsection (d)(iv) shall lapse.))~~

(v) \$101,414,000 is for subsidy rate increases for child care center providers. Funding in this subsection is sufficient to achieve the 55th percentile of market at a level 3 standard of quality.

(vi) In order to not exceed the appropriated amount, the department shall manage the program so that the average monthly caseload does not exceed 33,000 households and the department shall give prioritized access into the program according to the following order:

(A) Families applying for or receiving temporary assistance for needy families (TANF);

(B) TANF families curing sanction;

(C) Foster children;

(D) Families that include a child with special needs;

(E) Families in which a parent of a child in care is a minor who is not living with a parent or guardian and who is a full-time student in a high school that has a school-sponsored on-site child care center;

(F) Families with a child residing with a biological parent or guardian who have received child protective services, child welfare services, or a family assessment response from the department in the past six months, and have received a referral for child care as part of the family's case management;

(G) Families that received subsidies within the last thirty days and:

(I) Have reapplied for subsidies; and

(II) Have household income of two hundred percent of the federal poverty level or below; and

(H) All other eligible families.

(vii) The department, in collaboration with the department of social and health services, must submit a follow-up report by December 1, 2019, to the governor and the appropriate fiscal and policy committees of the

legislature on quality control measures for the working connections child care program. The report must include:

(A) An updated narrative of the procurement and implementation of an improved time and attendance system, including an updated and detailed accounting of the final costs of procurement and implementation;

(B) An updated and comprehensive description of all processes, including computer algorithms and additional rule development, that the department and the department of social and health services have implemented and that are planned to be implemented to avoid overpayments. The updated report must include an itemized description of the processes implemented or planned to be implemented to address each of the following:

(I) Ensure the department's auditing efforts are informed by regular and continuous alerts of the potential for overpayments;

(II) Avoid overpayments, including the billing of more regular business days than are in a month, to the maximum extent possible and expediently recover overpayments that have occurred;

(III) Withhold payment from providers when necessary to incentivize receipt of the necessary documentation to complete an audit;

(IV) Establish methods for reducing future payments or establishing repayment plans in order to recover any overpayments;

(V) Sanction providers, including termination of eligibility, who commit intentional program violations or fail to comply with program requirements, including compliance with any established repayment plans;

(VI) Consider pursuit of prosecution in cases with fraudulent activity; and

(VII) Ensure two half-day rates totaling more than one hundred percent of the daily rate are not paid to providers; and

(C) A description of the process by which fraud is identified and how fraud investigations are prioritized and expedited.

(viii) Beginning July 1, 2019, and annually thereafter, the department, in collaboration with the department of social and health services, must report to the governor and the appropriate fiscal and policy committees of the legislature on the status of overpayments in the working connections child care program.

(A) The report must include the following information for the previous fiscal year:

~~((A))~~ (I) A summary of the number of overpayments that occurred;

~~((B))~~ (II) The reason for each overpayment;

~~((C))~~ (III) The total cost of overpayments;

~~((D))~~ (IV) A comparison to overpayments that occurred in the past two preceding fiscal years; and

~~((E))~~ (V) Any planned modifications to internal processes that will take place in the coming fiscal year to further reduce the occurrence of overpayments.

(B) The annual report due July 1, 2020, shall include options and recommendations for a new methodology for calculating savings projections from the implementation of the child care time and attendance system.

(e) Within available amounts, the department in consultation with the office of financial management shall report enrollments and active caseload for the working connections child care program to the governor and the legislative fiscal committees and the legislative-executive WorkFirst poverty reduction oversight task force on an agreed upon schedule. The report shall also identify the number of cases participating in both temporary assistance for needy families and working connections child care. The department must also report on the number of children served through contracted slots.

(f) \$1,560,000 of the general fund—state appropriation for fiscal year 2020 and \$1,560,000 of the general fund—state appropriation for fiscal year 2021 and \$13,424,000 of the general fund—federal appropriation are provided solely for the seasonal child care program. If federal sequestration cuts are realized, cuts to the seasonal child care program must be proportional to other federal reductions made within the department.

(g) \$379,000 of the general fund—state appropriation for fiscal year 2020 and \$871,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the department of children, youth, and families to contract with a countywide nonprofit organization with early childhood expertise in Pierce county for a pilot project to prevent child abuse and neglect using nationally recognized models. Of the amounts provided:

(i) \$323,000 of the general fund—state appropriation for fiscal year 2020 and \$333,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the nonprofit organization to convene stakeholders to implement a countywide resource and referral linkage system for families of children who are prenatal through age five.

(ii) \$56,000 of the general fund—state appropriation for fiscal year 2020 and \$539,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the nonprofit organization to offer a voluntary brief newborn home visiting program. The program must meet the diverse needs of Pierce county residents and, therefore, it must be flexible, culturally appropriate, and culturally responsive. The department, in collaboration with the nonprofit organization, must examine the feasibility of leveraging federal and other fund sources, including federal Title IV-E and medicaid funds, for home visiting provided through the pilot. The department must report its findings to the governor and appropriate legislative committees by December 1, 2019.

(h) ~~(((\$4,674,000))~~ \$4,653,000 of the general fund—state appropriation for fiscal year 2020, ~~(((\$3,598,000))~~ \$3,587,000 of the general fund—state appropriation for

fiscal year 2021, and \$1,076,000 of the general fund—federal appropriation are provided solely for the early childhood intervention prevention services (ECLIPSE) program. The department shall contract for ECLIPSE services to provide therapeutic child care and other specialized treatment services to abused, neglected, at-risk, and/or drug-affected children. The department shall ensure that contracted providers pursue receipt of federal funding associated with the early support for infants and toddlers program. Priority for services shall be given to children referred from the department.

~~((H))~~ (i) \$38,622,000 of the general fund—state appropriation for fiscal year 2020, \$38,095,000 of the general fund—state appropriation for fiscal year 2021 and \$33,908,000 of the general fund—federal appropriation are provided solely to maintain the requirements set forth in chapter 7, Laws of 2015, 3rd sp. sess. The department shall place a ten percent administrative overhead cap on any contract entered into with the University of Washington. In a bi-annual report to the governor and the legislature, the department shall report the total amount of funds spent on the quality rating and improvements system and the total amount of funds spent on degree incentives, scholarships, and tuition reimbursements. Of the amounts provided in this subsection:

(i) \$1,728,000 of the general fund—state appropriation for fiscal year 2020 and \$1,728,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for reducing barriers for low-income providers to participate in the early achievers program.

(ii) \$17,955,000 is for quality improvement awards, of which \$1,650,000 is to provide a \$500 increase for awards for select providers rated level three to five in accordance with the 2019-2021 collective bargaining agreement covering family child care providers as set forth in section 943 of this act.

(iii) \$1,283,000 of the general fund—state appropriation for fiscal year 2020 and \$417,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of Engrossed Second Substitute House Bill No. 1391 (early achievers program). ~~((If the bill is not enacted by June 30, 2019, the amounts provided in this subsection (h)(iii) shall lapse.~~

~~((I))~~ ~~(((\$150,000))~~ (j) \$300,000 of the general fund—state appropriation for fiscal year 2020 and ~~(((\$150,000))~~ \$300,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for a contract with a nonprofit entity experienced in the provision of promoting early literacy for children through pediatric office visits.

~~((J))~~ (k) \$4,000,000 of the education legacy trust account—state appropriation is provided solely for early intervention assessment and services.

~~((K))~~ (l) Information technology projects or investments and proposed projects or investments impacting time capture, payroll and payment processes and systems, eligibility, case management and authorization systems within the department are subject to technical oversight by the office of the chief information officer.

~~((H))~~ (m)(i)(A) The department is required to provide to the education research and data center, housed at the office of financial management, data on all state-funded early childhood programs. These programs include the early support for infants and toddlers, early childhood education and assistance program (ECEAP), and the working connections and seasonal subsidized childcare programs including license exempt facilities or family, friend, and neighbor care. The data provided by the department to the education research data center must include information on children who participate in these programs, including their name and date of birth, and dates the child received services at a particular facility.

(B) ECEAP early learning professionals must enter any new qualifications into the department's professional development registry starting in the 2015-16 school year, and every school year thereafter. By October 2017, and every October thereafter, the department must provide updated ECEAP early learning professional data to the education research data center.

(C) The department must request federally funded head start programs to voluntarily provide data to the department and the education research data center that is equivalent to what is being provided for state-funded programs.

(D) The education research and data center must provide an updated report on early childhood program participation and K-12 outcomes to the house of representatives appropriations committee and the senate ways and means committee using available data every March for the previous school year.

(ii) The department, in consultation with the department of social and health services, must withhold payment for services to early childhood programs that do not report on the name, date of birth, and the dates a child received services at a particular facility.

~~((H))~~ (n) The department shall work with state and local law enforcement, federally recognized tribal governments, and tribal law enforcement to develop a process for expediting fingerprinting and data collection necessary to conduct background checks for tribal early learning and child care providers.

~~((H))~~ (o) \$5,157,000 of the general fund—state appropriation for fiscal year 2020 and \$4,938,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for components of the 2019-2021 collective bargaining agreement covering family child care providers as set forth in section 943 of this act. Of the amounts provided in this subsection:

(i) \$1,302,000 is for the family child care provider 501(c)(3) organization for board-approved training;

(ii) \$230,000 is for increasing training reimbursement up to \$250 per person;

(iii) \$115,000 is for training on the electronic child care time and attendance system;

(iv) \$3,000,000 is to maintain the career development fund;

(v) \$5,223,000 is for up to five days of substitute coverage per provider per year through the state-administered substitute pool.

(vi) \$226,000 is to provide an increase to monthly health care premiums.

~~((H))~~ (p) \$219,000 of the general fund—state appropriation for fiscal year 2020 and \$219,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of chapter 236, Laws of 2017 (SHB 1445) (dual language in early learning & K-12).

~~((H))~~ (q) \$100,000 of the general fund—state appropriation for fiscal year 2020 and \$100,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of chapter 202, Laws of 2017 (E2SHB 1713) (children's mental health).

~~((H))~~ (r) \$317,000 of the general fund—state appropriation for fiscal year 2020 and \$317,000 of the general fund—state appropriation for fiscal year 2021 are provided solely to continue a four year pilot for implementation of chapter 162, Laws of 2017 (SSB 5357) (outdoor early learning programs).

~~((H))~~ (s) Within existing resources, the department shall implement Substitute Senate Bill No. 5089 (early learning access).

~~((H))~~ (t) \$250,000 of the general fund—state appropriation for fiscal year 2020 and \$250,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for additional facilitated play groups offered statewide to family, friend, and neighbor child care providers.

~~((H))~~ (u)(i) The department of children, youth, and families, in consultation with the office of the superintendent of public instruction, the office of financial management, and the caseload forecast council must develop a proposal to transfer the annual allocations appropriated in the omnibus appropriations act for early intervention services for children with disabilities from birth through two years of age, from the superintendent of public instruction to the department of children, youth, and families beginning July 1, 2020. The department must submit a model detailing how allocations for this program will be determined and identifying the necessary statutory changes to the office of financial management and the fiscal committees of the legislature no later than September 1, 2019.

(ii) Beginning July 1, 2019, there shall be an administrative limit of five percent on all state funds allocated to school districts for early intervention services for children with disabilities from birth through two years of age.

~~((H))~~ (v) \$750,000 of the general fund—state appropriation for fiscal year 2020 is provided solely for the expanded learning opportunity quality initiative pursuant to RCW 43.216.085(3)(d). No later than December 1, 2020, the department shall submit a report to the governor and the

appropriate committees of the legislature regarding the outcomes of this pilot program and recommendations for future implementation that includes phasing-out the need for ongoing state support.

~~((w))~~ (w) \$3,779,000 of the home visiting services—state appropriation and \$3,779,000 of the home visiting services—federal appropriation are provided solely for the department to contract for additional home visiting slots. To maximize the use of available federal funding, to the greatest extent possible, the department shall use these additional slots to serve families where one or more children are candidates for foster care. The federal amount in this subsection is contingent on the services and children being eligible under the federal family first prevention services act, P.L. 115-123. The department may not allocate the federal funds to contractors unless the federal funding requirements are met.

(x) \$1,388,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the implementation of Z-0745 (continuity of child care for homeless families).

~~((w))~~ (y) \$757,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for implementation of Z-0744 (child care access for teen parents).

(z) \$9,000 of the general fund—state appropriation for fiscal year 2020 and \$9,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of Second Substitute House Bill No. 1344 (child care access work group). ~~((If the bill is not enacted by June 30, 2019, the amount provided in this subsection shall lapse.~~

~~((x))~~ (aa) \$773,000 of the general fund—state appropriation for fiscal year 2020 and \$773,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of Second Substitute Senate Bill No. 5903 (children's mental health). ~~((If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.))~~

(bb) \$231,000 of the general fund—state appropriation for fiscal year 2020 and \$144,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the department of children, youth, and families to collaborate with the office of the superintendent of public instruction to complete a report with options and recommendations for administrative efficiencies and long-term strategies that align and integrate high-quality early learning programs administered by both agencies. The report shall address capital needs, data collection and data sharing, licensing changes, quality standards, options for community-based and school-based settings, fiscal modeling, and any statutory changes needed to achieve administrative efficiencies. The report is due to the governor and the appropriate legislative committees by September 1, 2020.

#### ~~((4))~~ (5) PROGRAM SUPPORT

General Fund—State Appropriation (FY 2020)  
.....~~(((\$75,435,000))~~

\$118,543,000

General Fund—State Appropriation (FY 2021)  
.....~~(((\$76,908,000))~~

\$205,861,000

General Fund—Federal Appropriation  
.....~~(((\$55,824,000))~~

\$162,382,000

General Fund—Private/Local Appropriation \$195,000

Education Legacy Trust Account—State  
Appropriation.....\$180,000

Home Visiting Services Account—State  
Appropriation.....\$472,000

Home Visiting Services Account—Federal  
Appropriation.....\$354,000

Pension Funding Stabilization Account—State

Appropriation.....~~(((\$14,000))~~

\$2,990,000

TOTAL APPROPRIATION.....\$208,181,000

\$490,977,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) The health care authority, the health benefit exchange, the department of social and health services, the department of health, and the department of children, youth, and families shall work together within existing resources to establish the health and human services enterprise coalition (the coalition). The coalition, led by the health care authority, must be a multi-organization collaborative that provides strategic direction and federal funding guidance for projects that have cross-organizational or enterprise impact, including information technology projects that affect organizations within the coalition. By October 31, 2019, the coalition must submit a report to the governor and the legislature that describes the coalition's plan for projects affecting the coalition organizations. The report must include any information technology projects impacting coalition organizations and, in collaboration with the office of the chief information officer, provide: (i) The status of any information technology projects currently being developed or implemented that affect the coalition; (ii) funding needs of these current and future information technology projects; and (iii) next steps for the coalition's information technology projects. The office of the chief information officer shall maintain a statewide perspective when collaborating with the coalition to ensure that the development of projects identified in this report are planned for in a manner that ensures the efficient use of state resources and maximizes federal financial participation. The work of the coalition is subject to the conditions, limitations, and review provided in ~~((section 719 of this act))~~ section 701 of this act.

(b) \$963,000 of the general fund—state appropriation for fiscal year 2020, \$963,000 of the general fund—state appropriation for fiscal year 2021, and \$180,000 of the



education legacy trust account—state appropriation are provided solely for the early childhood education and assistance program. These amounts shall support at least 14,000 slots in fiscal year 2020 and 14,662 slots in fiscal year 2021. Of the 14,662 in fiscal year 2021, 50 slots must be reserved for foster children to receive school-year-round enrollment.

(ii) The department of children, youth, and families must develop a methodology to identify, at the school district level, the geographic locations of where early childhood education and assistance program slots are needed to meet the entitlement specified in RCW 43.216.556. This methodology must be linked to the caseload forecast produced by the caseload forecast council and must include estimates of the number of slots needed at each school district and the corresponding facility needs required to meet the entitlement in accordance with RCW 43.216.556. This methodology must be included as part of the budget submittal documentation required by RCW 43.88.030.

(c) \$21,000 of the general fund—state appropriation for fiscal year 2020 and \$11,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the early childhood intervention prevention services (ECLIPSE) program. The department shall contract for ECLIPSE services to provide therapeutic child care and other specialized treatment services to abused, neglected, at-risk, and/or drug-affected children. The department shall ensure that contracted providers pursue receipt of federal funding associated with the early support for infants and toddlers program. Priority for services shall be given to children referred from the department.

(d) \$300,000 of the general fund—state appropriation for fiscal year 2020 and ~~(\$300,000)~~ \$500,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for a Washington state mentoring organization to continue and expand its public-private partnerships providing technical assistance and training to mentoring programs that serve at-risk youth.

~~((e))~~ (e) \$5,000 of the general fund—state appropriation for fiscal year 2020, \$5,000 of the general fund—state appropriation for fiscal year 2021, and \$16,000 of the general fund—federal appropriation are provided solely for the implementation of an agreement reached between the governor and the Washington federation of state employees for the language access providers under the provisions of chapter 41.56 RCW for the 2019-2021 fiscal biennium.

~~((f))~~ (f) \$63,000 of the general fund—state appropriation for fiscal year 2020 and \$7,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of Engrossed Second Substitute Senate Bill No. 5497 (immigrants in the workplace). ~~((If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.~~

~~((g))~~ (g) \$100,000 of the general fund—state appropriation for fiscal year 2020 and \$100,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for a full-time employee to coordinate policies and programs to support pregnant and parenting

individuals receiving chemical dependency or substance use disorder treatment.

~~((h))~~ (h)(i) All agreements and contracts with vendors must include a provision to require that each vendor agrees to equality among its workers by ensuring similarly employed individuals are compensated as equals as follows:

(A) Employees are similarly employed if the individuals work for the same employer, the performance of the job requires comparable skill, effort, and responsibility, and the jobs are performed under similar working conditions. Job titles alone are not determinative of whether employees are similarly employed;

(B) Vendors may allow differentials in compensation for its workers based in good faith on any of the following:

(I) A seniority system; a merit system; a system that measures earnings by quantity or quality of production; a bona fide job-related factor or factors; or a bona fide regional difference in compensation levels.

(II) A bona fide job-related factor or factors may include, but not be limited to, education, training, or experience, that is: Consistent with business necessity; not based on or derived from a gender-based differential; and accounts for the entire differential.

(III) A bona fide regional difference in compensation level must be: Consistent with business necessity; not based on or derived from a gender-based differential; and account for the entire differential.

(ii) The provision must allow for the termination of the contract if the department or department of enterprise services determines that the vendor is not in compliance with this agreement or contract term.

(iii) The department must implement this provision with any new contract and at the time of renewal of any existing contract.

~~((i))~~ (i) The department must submit an agency budget request for the 2020 supplemental budget that identifies the amount of administrative funding to be transferred from appropriations in subsections ~~((1), (2), and (3))~~ (2), (3), and (4) of this section to this subsection ~~((4) of this section))~~ (5).

(j) \$50,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the department of children, youth, and families to fund an educational advocate for the city of Yakima. The advocate will provide intervention services to youth identified as most at risk to engage in firearm violence.

(k) \$86,292,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for payments to providers for the early support for infants and toddlers program to implement Z-0775.1/20 (early support for infants and toddlers transfer). Beginning September 1, 2020, funding for this purpose is transferred from the office of the superintendent of public instruction; this change is budget neutral. Funding and eligibility are associated with the 0-2 special education caseload prepared by the caseload forecast council. Disbursement of funds to providers will

follow the apportionment schedule used by the office of the superintendent of public instruction in RCW 28A.510.260.

### **PART III**

#### **NATURAL RESOURCES**

**Sec. 301.** 2019 c 415 s 301 (uncodified) is amended to read as follows:

#### **FOR THE COLUMBIA RIVER GORGE COMMISSION**

General Fund—State Appropriation (FY 2020)  
.....((~~\$544,000~~))

\$605,000

General Fund—State Appropriation (FY 2021)  
.....((~~\$570,000~~))

\$668,000

General Fund—Federal Appropriation.....\$32,000

General Fund—Private/Local Appropriation  
.....((~~\$1,138,000~~))

\$1,158,000

Pension Funding Stabilization Account—State  
Appropriation.....\$46,000

**TOTAL APPROPRIATION .....**\$2,330,000

\$2,509,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$45,000 of the general fund—state appropriation for fiscal year 2020 and \$45,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for a land use planner to conduct compliance monitoring on approved development projects and develop and track measures on the commission's effectiveness in implementing the national scenic area management plan.

(2) \$45,000 of the general fund—state appropriation for fiscal year 2020 and \$94,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for a land use planner to provide land use planning services dedicated to Klickitat county. Because the activities of the land use planner are solely for the benefit of Washington state, Oregon is not required to provide matching funds for this activity.

**Sec. 302.** 2019 c 415 s 302 (uncodified) is amended to read as follows:

#### **FOR THE DEPARTMENT OF ECOLOGY**

General Fund—State Appropriation (FY 2020)  
.....((~~\$30,725,000~~))

\$28,259,000

General Fund—State Appropriation (FY 2021)  
.....((~~\$29,342,000~~))

\$29,988,000

General Fund—Federal Appropriation  
.....((~~\$110,053,000~~))

\$110,071,000

General Fund—Private/Local Appropriation  
.....((~~\$23,406,000~~))

\$27,066,000

Reclamation Account—State Appropriation  
.....((~~\$4,906,000~~))

\$4,939,000

Flood Control Assistance Account—State  
Appropriation.....((~~\$4,174,000~~))

\$4,202,000

State Emergency Water Projects Revolving  
Account—State

Appropriation.....\$40,000

Waste Reduction, Recycling, and Litter Control

Account—State Appropriation .....((~~\$24,951,000~~))

\$24,519,000

State Drought Preparedness Account—State  
Appropriation.....\$204,000

State and Local Improvements Revolving Account—  
Water

Supply Facilities—State Appropriation .....\$183,000

Aquatic Algae Control Account—State Appropriation  
.....\$528,000

Water Rights Tracking System Account—State  
Appropriation.....\$48,000

Site Closure Account—State Appropriation.....\$582,000

Wood Stove Education and Enforcement Account—  
State

Appropriation.....\$577,000

Worker and Community Right to Know Fund—State

Appropriation.....\$1,995,000

Water Rights Processing Account—State  
Appropriation.....\$39,000

Model Toxics Control Operating Account—State

Appropriation.....((~~\$237,148,000~~))

\$260,501,000

Model Toxics Control Operating Account—Local

Appropriation.....\$499,000

Water Quality Permit Account—State Appropriation  
.....((~~\$47,872,000~~))

\$48,384,000

Underground Storage Tank Account—State Appropriation.....	<del>(\$3,963,000))</del>
	<u>\$4,005,000</u>
Biosolids Permit Account—State Appropriation .....	<del>(\$2,703,000))</del>
	<u>\$2,724,000</u>
Hazardous Waste Assistance Account—State Appropriation.....	<del>(\$7,150,000))</del>
	<u>\$7,214,000</u>
Radioactive Mixed Waste Account—State Appropriation.....	<del>(\$19,626,000))</del>
	<u>\$20,747,000</u>
Air Pollution Control Account—State Appropriation .....	<del>(\$4,452,000))</del>
	<u>\$4,482,000</u>
Oil Spill Prevention Account—State Appropriation .....	<del>(\$11,351,000))</del>
	<u>\$9,241,000</u>
Air Operating Permit Account—State Appropriation .....	<del>(\$4,679,000))</del>
	<u>\$4,716,000</u>
Freshwater Aquatic Weeds Account—State Appropriation.....	\$1,497,000
Oil Spill Response Account—State Appropriation .....	<del>(\$7,076,000))</del>
	<u>\$8,576,000</u>
Dedicated Marijuana Account—State Appropriation (FY 2020) .....	\$465,000
Dedicated Marijuana Account—State Appropriation (FY 2021) .....	\$464,000
Pension Funding Stabilization Account—State Appropriation .....	\$2,920,000
Water Pollution Control Revolving Administration Account—State Appropriation.....	<del>(\$3,858,000))</del>
	<u>\$4,248,000</u>
Paint Product Stewardship Account—State Appropriation.....	\$182,000
TOTAL APPROPRIATION .....	<u>\$587,658,000</u>
	<u>\$614,105,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$170,000 of the oil spill prevention account—state appropriation is provided solely for a contract with the University of Washington's sea grant program to continue an educational program targeted to small spills from

commercial fishing vessels, ferries, cruise ships, ports, and marinas.

(2) ~~(\$102,000))~~ \$204,000 of the ~~((general fund—state appropriation for fiscal year 2020 and \$102,000 of the general fund—state appropriation for fiscal year 2021 are))~~ model toxics control operating account—state appropriation is provided solely for implementation of Executive Order No. 12-07, Washington's response to ocean acidification.

(3) \$726,000 of the general fund—state appropriation for fiscal year 2020, ~~(\$1,432,000))~~ \$1,742,000 of the general fund—state appropriation for fiscal year 2021, and \$1,600,000 of the flood control assistance account—state appropriation are provided solely for the continued implementation of the streamflow restoration program provided in chapter 90.94 RCW. Funding must be used to develop watershed plans, oversee consultants, adopt rules, and develop or oversee capital grant-funded projects that will improve instream flows statewide.

(4) \$1,259,000 of the model toxics control operating account—state appropriation is provided solely for the increased costs for Washington conservation corp member living allowances, vehicles used to transport crews to worksites, and costs unsupported by static federal AmeriCorps grant reimbursement.

(5) \$3,482,000 of the model toxics control operating account—state appropriation is provided solely for the department to implement recommendations that come from chemical action plans (CAP), such as the interim recommendations addressing PFAS (per- and polyfluorinated alkyl substances) contamination in drinking water and sources of that contamination, to monitor results, and to develop new CAPs.

(6) \$592,000 of the reclamation account—state appropriation is provided solely for the department to assess and explore opportunities to resolve water rights uncertainties and disputes through adjudications in selected basins where tribal senior water rights, unquantified claims, and similar uncertainties about the seniority, quantity, and validity of water rights exist.

(7) \$2,147,000 of the waste reduction, recycling, and litter control account—state appropriation is provided solely for the department to address litter prevention and recycling programs, and in response to new China-imposed restrictions on the import of recyclable materials. Activities funded from this increased appropriation include litter pickup by ecology youth crews, local governments, and other state agencies, and litter prevention public education campaigns.

(8) \$120,000 of the general fund—state appropriation for fiscal year 2020 and ~~(\$67,000))~~ \$569,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the implementation of Engrossed Second Substitute Senate Bill No. 5116 (clean energy). ~~((If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.))~~

(9) ~~(\$807,000))~~ \$1,286,000 of the model toxics control operating account—state appropriation is provided

solely for the implementation of Substitute Senate Bill No. 5135 (toxic pollution). ~~((If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.))~~

~~((14)))~~ (10) \$392,000 of the waste reduction, recycling, and litter control account—state appropriation is provided solely for the implementation of Engrossed Second Substitute Senate Bill No. 5397 (plastic packaging). ~~((If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.))~~

~~((12)))~~ (11) \$1,450,000 of the waste reduction, recycling, and litter control account—state appropriation is provided solely for the implementation of Engrossed Second Substitute House Bill No. 1543 (concerning sustainable recycling). ~~((If the bill is not enacted by June 30, 2019, the amount provided in this subsection shall lapse.))~~

~~((13)))~~ (12) \$342,000 of the air pollution control account—state appropriation and \$619,000 of the model toxics control operating account—state appropriation are provided solely for the implementation of Engrossed Second Substitute House Bill No. 1112 (hydrofluorocarbons emissions). ~~((If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.))~~

~~((14)))~~ (13) \$1,374,000 of the model toxics control operating account—state appropriation is provided solely for the implementation of Engrossed Substitute House Bill No. 1578 (oil transportation safety). ~~((If the bill is not enacted by June 30, 2019, the amount provided in this subsection shall lapse.))~~

~~((15)))~~ (14) \$264,000 of the general fund—state appropriation for fiscal year 2020 and \$250,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the department to contract with the Walla Walla watershed management partnership board of directors to develop a thirty-year integrated water resource management strategic plan and to provide partnership staffing, reporting, and operating budget costs associated with new activities as described in Second Substitute Senate Bill No. 5352 (Walla Walla watershed pilot). ~~((If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.))~~

~~((16) \$455,000))~~ (15) \$910,000 of the ~~((general fund—state appropriation for fiscal year 2020 and \$455,000 of the general fund—state appropriation for fiscal year 2021 are))~~ model toxics control operating account—state appropriation is provided solely for the department to grant to the northwest straits commission to distribute equally among the seven Puget Sound marine resource committees.

~~((17) \$290,000))~~ (16) \$580,000 of the ~~((general fund—state appropriation for fiscal year 2020 and \$290,000 of the general fund—state appropriation for fiscal year 2021 are))~~ model toxics control operating account—state appropriation is provided solely for rule making to change standards to allow for a higher volume of water to be spilled over Columbia river and Snake river dams to increase total dissolved gas for the benefit of Chinook salmon and other salmonids.

~~((18) \$118,000))~~ (17) \$236,000 of the ~~((general fund—state appropriation for fiscal year 2020 and \$118,000 of the general fund—state appropriation for fiscal year 2021 are))~~ model toxics control operating account—state appropriation is provided solely for the agency to convene a stakeholder work group to identify actions to decrease loading of priority pharmaceuticals into Puget Sound, contract for technical experts to provide literature review, conduct an analysis and determine best practices for addressing pharmaceutical discharges, and carry out laboratory testing and analysis.

~~((19) \$319,000))~~ (18) \$638,000 of the ~~((general fund—state appropriation for fiscal year 2020 and \$319,000 of the general fund—state appropriation for fiscal year 2021 are))~~ model toxics control operating account—state appropriation is provided solely for the department to increase coordination in reviewing shoreline armoring proposals to better protect forage fish.

~~((20) \$247,000))~~ (19) \$682,000 of the ~~((general fund—state appropriation for fiscal year 2020 and \$435,000 of the general fund—state appropriation for fiscal year 2021 are))~~ model toxics control operating account—state appropriation is provided solely for monitoring nutrient cycling and ocean acidification parameters at twenty marine stations in Puget Sound and Hood canal.

~~((21)))~~ (20) \$250,000 of the flood control assistance account—state appropriation is provided solely for the Washington conservation corps to carry out emergency activities to respond to flooding by repairing levees, preventing or mitigating an impending flood hazard, or filling and stacking sandbags. This appropriation is also for grants to local governments for emergency response needs, including the removal of structures and repair of small-scale levees and tidegates.

~~((22)))~~ (21) \$500,000 of the model toxics control operating account—~~((local))~~ state appropriation is provided solely for the Spokane river regional toxics task force to address elevated levels of polychlorinated biphenyls in the Spokane river.

~~((23)))~~ (22) \$244,000 of the model toxics control operating—state appropriation is provided solely for the implementation of Engrossed Substitute Senate Bill No. 5579 (crude oil volatility/rail). ~~((If the bill is not enacted by June 30, 2019, the amount provided in this subsection shall lapse.))~~

~~((24)))~~ (23) \$432,000 of the model toxics control operating—state appropriation is provided solely for the implementation of Substitute House Bill No. 1290 (voluntary cleanups/has waste). ~~((If the bill is not enacted by June 30, 2019, the amount provided in this subsection shall lapse.))~~

~~((25)))~~ (24) \$10,000,000 of the model toxics control operating account—state appropriation is provided solely for the department to provide grants to local governments for the purpose of supporting local solid waste and financial assistance programs.

~~((26))~~ (25) \$100,000 of the oil spill prevention account—state appropriation is provided solely for the department to produce a synopsis of current maritime vessel activity, navigation lanes, and anchorages in the northern Puget Sound and the strait of Juan de Fuca, including vessel transit in Canadian portions of transboundary waters. Consistent with RCW 43.372.030, the synopsis must compile key findings and baseline information on the spatial and temporal distribution of and intensity of current maritime vessel activity. The department may collect new information on vessel activity, including information on commercial and recreational fishing, where relevant to the synopsis. In producing the synopsis, the department must invite the participation of Canadian agencies and first nations, and must coordinate with federal agencies, other state agencies, federally recognized Indian tribes, commercial and recreational vessel operators and organizations representing such operators, and other stakeholders. The department must provide a draft of the synopsis to the appropriate committees of the legislature by June 30, 2021.

~~((27))~~ (26) \$500,000 of the waste reduction, recycling, and litter control account—state appropriation is provided solely for the implementation of Engrossed Second Substitute House Bill No. 1114 (food waste reduction). ~~((If the bill is not enacted by June 30, 2019, the amount provided in this subsection shall lapse.))~~

~~((28))~~ (27) \$465,000 of the dedicated marijuana account—state appropriation for fiscal year 2020 and \$464,000 of the dedicated marijuana account—state appropriation for fiscal year 2021 are provided solely for the implementation of House Bill No. 2052 (marijuana product testing). ~~((If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.))~~

~~((29))~~ (28) \$182,000 of the paint product stewardship account—state appropriation is provided solely for the implementation of Substitute House Bill No. 1652 (paint stewardship). ~~((If the bill is not enacted by June 30, 2019, the amount provided in this subsection shall lapse.))~~

(29) \$750,000 of the model toxics control operating account—state appropriation is provided solely for the department to provide funding to local governments to help address stormwater permit requirements and provide assistance to small businesses, as well as local source control monitoring to address toxic hotspots that impact Puget Sound.

(30) \$535,000 of the model toxics control operating account—state appropriation is provided solely for the department to develop a Puget Sound nutrients general permit for wastewater treatment plants in Puget Sound to reduce nutrients in wastewater discharges to Puget Sound.

(31) \$748,000 of the model toxics control operating account—state appropriation is provided solely for the department to add continuous freshwater monitoring at the mouth of the seven largest rivers discharging into Puget Sound.

(32) \$1,406,000 of the model toxics control operating account—state appropriation is provided solely for the

department to adopt rules to strengthen and standardize the consideration of climate change risks, vulnerability, and greenhouse gas emissions in environmental assessments for major projects with significant environmental impacts. To provide clarity for the public, governmental agencies and project proponents, the rules must be uniform and apply to all branches of government, including state agencies, public and municipal corporations, and counties.

(33) \$1,500,000 of the model toxics control operating account—state appropriation is provided solely for the department to provide grants to local governments to remove solid, hazardous, and infectious waste generated by homeless encampments. Local governments are responsible for providing a twenty-five percent match.

(34) \$2,500,000 of the model toxics control operating account—state appropriation is provided solely for the department to remove surface debris generated by vacated homeless encampments on state-owned sites along the I-5 corridor.

**Sec. 303.** 2019 c 415 s 303 (uncodified) is amended to read as follows:

#### **FOR THE STATE PARKS AND RECREATION COMMISSION**

General Fund—State Appropriation (FY 2020)	
.....	<del>(\$16,013,000)</del>
	<u>\$16,379,000</u>
General Fund—State Appropriation (FY 2021)	
.....	<del>(\$16,501,000)</del>
	<u>\$18,431,000</u>
General Fund—Federal Appropriation	.....\$7,079,000
Winter Recreation Program Account—State Appropriation	.....\$3,310,000
ORV and Nonhighway Vehicle Account—State Appropriation	.....\$403,000
Snowmobile Account—State Appropriation	..... <del>(\$5,657,000)</del>
	<u>\$5,417,000</u>
Aquatic Lands Enhancement Account—State Appropriation	.....\$367,000
Parks Renewal and Stewardship Account—State Appropriation	..... <del>(\$125,438,000)</del>
	<u>\$128,182,000</u>
Parks Renewal and Stewardship Account—Private/Local	
Appropriation	.....\$420,000
Pension Funding Stabilization Account—State Appropriation	.....\$1,496,000
TOTAL APPROPRIATION	<u><del>\$176,684,000</del></u>
	<u>\$181,484,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$129,000 of the general fund—state appropriation for fiscal year 2020 and \$129,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for a grant for the operation of the Northwest weather and avalanche center.

(2) \$100,000 of the general fund—state appropriation for fiscal year 2020 and \$100,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the commission to pay assessments charged by local improvement districts.

(3) \$75,000 of the general fund—state appropriation for fiscal year 2020 and \$75,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the implementation of Senate Bill No. 5918 (whale watching guidelines). ~~((If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.))~~

(4) \$916,000 of the general fund—state appropriation for fiscal year 2020, \$915,000 of the general fund—state appropriation for fiscal year 2021, and \$169,000 of the parks renewal and stewardship account—state appropriation are provided solely for the commission to replace major equipment with an emphasis on fire response equipment and law enforcement vehicles that have over fifteen years of useful life.

(5) ~~((~~\$252,000~~))~~ \$414,000 of the general fund—state appropriation for fiscal year 2020, ~~((~~\$216,000~~))~~ \$296,000 of the general fund—state appropriation for fiscal year 2021, and \$322,000 of the parks renewal and stewardship account—state appropriation are provided solely for operating budget impacts from capital budget projects funded in the 2017-2019 fiscal biennium.

(6) \$154,000 of the general fund—state appropriation for fiscal year 2020 and \$146,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for hiring new park rangers and park aides.

(7) \$3,750,000 of the general fund—state appropriation for fiscal year 2020, \$3,750,000 of the general fund—state appropriation for fiscal year 2021, and \$2,500,000 of the parks renewal and stewardship account—state appropriation are provided solely for maintaining current service levels for core functions such as customer service, facility maintenance, and law enforcement.

(8) \$382,000 of the general fund—state appropriation for fiscal year 2020 and \$567,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the commission to conduct forest health treatments on 500 acres of forestland each year, add stewardship staff capacity in the northwest region, and conduct vegetation surveys to identify rare and sensitive plants. One-time funding is also provided to replace a fire truck in the eastern region.

(9) \$750,000 of the general fund—state appropriation for fiscal year 2020 and \$750,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the commission to hire construction and maintenance staff to address the backlog of preventive maintenance at state parks.

(10) \$428,000 of the parks renewal and stewardship account—state appropriation is provided solely for increased technology costs associated with providing field staff with access to the state government network, providing law enforcement personnel remote access to law enforcement records, and providing public wi-fi services at dry falls, pacific beach, and potholes state parks.

(11) \$204,000 of the parks renewal and stewardship account—state appropriation is provided solely for maintaining the state parks' central reservation system, the law enforcement records management system, and discover pass automated pay stations.

**Sec. 304.** 2019 c 415 s 304 (uncodified) is amended to read as follows:

**FOR THE RECREATION AND  
CONSERVATION OFFICE**

General Fund—State Appropriation (FY 2020)	<del>((<del>\$1,193,000</del>))</del>
	<u>\$1,167,000</u>
General Fund—State Appropriation (FY 2021)	<del>((<del>\$1,166,000</del>))</del>
	<u>\$1,426,000</u>
General Fund—Federal Appropriation	<del>((<del>\$3,779,000</del>))</del>
	<u>\$3,777,000</u>
General Fund—Private/Local Appropriation	\$24,000
Aquatic Lands Enhancement Account—State Appropriation	\$333,000
Firearms Range Account—State Appropriation	\$37,000
Recreation Resources Account—State Appropriation	<del>((<del>\$4,143,000</del>))</del>
	<u>\$4,124,000</u>
NOVA Program Account—State Appropriation	\$1,107,000
Pension Funding Stabilization Account—State Appropriation	\$80,000
TOTAL APPROPRIATION	<del>\$11,862,000</del>
	<u>\$12,075,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$109,000 of the aquatic lands enhancement account—state appropriation is provided solely to the recreation and conservation funding board for administration of the aquatics lands enhancement account grant program as described in RCW 79.105.150.

(2) \$37,000 of the firearms range account—state appropriation is provided solely to the recreation and conservation funding board for administration of the firearms range grant program as described in RCW 79A.25.210.

(3) ~~(((\$4,150,000))~~ \$4,074,000 of the recreation resources account—state appropriation is provided solely to the recreation and conservation funding board for administrative and coordinating costs of the recreation and conservation office and the board as described in RCW 79A.25.080(1).

(4) \$1,107,000 of the NOVA program account—state appropriation is provided solely to the recreation and conservation funding board for administration of the nonhighway and off-road vehicle activities program as described in chapter 46.09 RCW.

(5) \$175,000 of the general fund—state appropriation for fiscal year 2020 and \$175,000 of the general fund—state appropriation for fiscal year 2021 are provided solely to contract for implementation of the Nisqually watershed stewardship plan.

(6) \$50,000 of the recreation resources account—state appropriation is provided solely for the recreation and conservation office to contract with a consultant to provide a quinquennial update of the economic analysis of outdoor recreation in Washington state study completed in 2015. The updated study shall quantify the economic contribution to the state economy from the state's public lands and related ecosystem services from public lands, and quantify the economic contribution from statewide outdoor recreation to the state's economy. A report is due to the governor and appropriate committees of the legislature by December 31, 2020.

(7) \$140,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the governor's salmon recovery office to coordinate ongoing recovery efforts of southern resident orcas and monitor progress toward implementation of recommendations from the governor's southern resident killer whale task force.

**Sec. 305.** 2019 c 415 s 305 (uncodified) is amended to read as follows:

**FOR THE ENVIRONMENTAL AND LAND USE  
HEARINGS OFFICE**

General Fund—State Appropriation (FY 2020)  
.....~~(((\$2,533,000))~~

\$2,788,000

General Fund—State Appropriation (FY 2021)  
.....~~(((\$2,440,000))~~

\$2,380,000

Pension Funding Stabilization Account—State  
Appropriation.....\$254,000

TOTAL APPROPRIATION .....\$5,227,000

\$5,422,000

The appropriations in this section are subject to the following conditions and limitations: \$170,000 of the general fund—state appropriation for fiscal year 2020 is provided solely for the implementation of Substitute Senate Bill No. 5151 (growth management board/indexing). ~~((If the~~

~~bill is not enacted by June 30, 2019, the amount provided in this subsection shall lapse.))~~

**Sec. 306.** 2019 c 415 s 306 (uncodified) is amended to read as follows:

**FOR THE CONSERVATION COMMISSION**

General Fund—State Appropriation (FY 2020)  
.....~~(((\$7,936,000))~~

\$7,845,000

General Fund—State Appropriation (FY 2021)  
.....~~(((\$7,973,000))~~

\$7,942,000

General Fund—Federal Appropriation ~~(((\$2,301,000))~~

\$2,482,000

Public Works Assistance Account—State  
Appropriation.....\$8,456,000

Model Toxics Control Operating Account—State

Appropriation.....\$1,000,000

Pension Funding Stabilization Account—State  
Appropriation.....\$254,000

TOTAL APPROPRIATION.....\$27,920,000

\$27,979,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$500,000 of the general fund—state appropriation for fiscal year 2020 and \$500,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the commission and conservation districts to increase landowner participation in voluntary actions that protect habitat to benefit salmon and southern resident orcas.

(2) \$8,456,000 of the public works assistance account—state appropriation is provided solely for implementation of the voluntary stewardship program. This amount may not be used to fund agency indirect and administrative expenses.

(3) \$50,000 of the general fund—state appropriation for fiscal year 2020 and \$50,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the commission to continue to convene and facilitate a food policy forum and to implement recommendations identified through the previous work of the food policy forum.

(a) The commission shall coordinate implementation of the forum with the department of agriculture and the office of farmland preservation.

(b) The director of the commission and the director of the department of agriculture shall jointly appoint members of the forum, and no appointment may be made unless each director concurs in the appointment.

(c) In addition to members appointed by the directors, four legislators may serve on the food policy forum in an ex officio capacity. Legislative participants may be reimbursed

for travel expenses by the senate or house of representatives as provided in RCW 44.04.120. Legislative participants must be appointed as follows:

(i) The speaker of the house of representatives shall appoint one member from each of the two largest caucuses of the house of representatives; and

(ii) The majority leader and minority leader of the senate shall appoint one member from each of the two largest caucuses of the senate.

(d) Meetings of the forum may be scheduled by either the director of the commission or the director of the department of agriculture.

(e) Staffing for the forum must be provided by the commission working jointly with staff from the department of agriculture.

(f) The commission and the department of agriculture shall jointly develop the agenda for each forum meeting as well as a report from the food policy forum. The report must contain recommendations and a workplan to implement the recommendations and must be delivered to the appropriate committees of the legislature and the governor by June 30, 2021.

~~((5))~~ (4) \$20,000 of the general fund—state appropriation for fiscal year 2020 is provided solely for the following activities:

(a) The commission and the department of agriculture must produce a gap analysis reviewing existing conservation grant programs and completed voluntary stewardship program plans to identify what technical assistance and cost-share resources are needed to meet the requirements placed on those activities by the legislature.

(b)(i) The commission, in collaboration with the department of agriculture, must develop recommendations for legislation or additional work that may be needed to implement a sustainable farms and fields grant program that prioritizes funding based on net reduction of greenhouse gas emissions on farm, aquatic, or ranch lands, including carbon sequestration.

(ii) The recommendations must incorporate the gap analysis required by this section. The recommendations must include information about how the grant program can complement and avoid competing with existing conservation programs, and provide cost share benefits to existing and new programs designed to improve water quality, critical habitats, and soil health and soil-health research on farm, aquatic or timber lands.

(iii) The recommendations must be developed with input from stakeholder meetings with representatives from the environmental and agricultural communities.

(c) The commission and the department of agriculture must provide an update to the appropriate committees of the legislature by August 1, 2019, and final recommendations by November 1, 2019.

**Sec. 307.** 2019 c 415 s 307 (uncodified) is amended to read as follows:

# **FOR THE DEPARTMENT OF FISH AND WILDLIFE**

General Fund—State Appropriation (FY 2020)  
..... ~~(\$74,521,000)~~

\$79,755,000

General Fund—State Appropriation (FY 2021)  
..... ~~(\$63,849,000)~~

\$74,541,000

General Fund—Federal Appropriation  
..... ~~(\$141,326,000)~~

\$138,818,000

General Fund—Private/Local Appropriation  
..... ~~(\$69,360,000)~~

\$69,639,000

ORV and Nonhighway Vehicle Account—State  
Appropriation ..... \$701,000

Aquatic Lands Enhancement Account—State  
Appropriation ..... ~~(\$11,871,000)~~

\$11,874,000

Recreational Fisheries Enhancement Account—State  
Appropriation ..... \$3,332,000

Warm Water Game Fish Account—State  
Appropriation ..... ~~(\$2,824,000)~~

\$2,825,000

Eastern Washington Pheasant Enhancement  
Account—State

Appropriation ..... \$675,000

State Wildlife Account—State Appropriation  
..... ~~(\$115,447,000)~~

\$116,075,000

Special Wildlife Account—State Appropriation  
..... \$2,904,000

Special Wildlife Account—Federal Appropriation  
..... \$517,000

Special Wildlife Account—Private/Local  
Appropriation ..... \$3,653,000

Wildlife Rehabilitation Account—State  
Appropriation ..... \$361,000

Ballast Water and Biofouling Management Account—  
State

Appropriation ..... \$10,000

Model Toxics Control Operating Account—State

Appropriation ..... \$2,946,000

Regional Fisheries Enhancement Salmonid Recovery

Account—Federal Appropriation ..... \$5,001,000



Oil Spill Prevention Account—State Appropriation .....	\$1,199,000
Aquatic Invasive Species Management Account—State	
Appropriation .....	<del>(\$1,906,000)</del>
	<u>\$2,263,000</u>
Pension Funding Stabilization Account—State	
Appropriation .....	\$5,186,000
Oyster Reserve Land Account—State Appropriation .....	\$524,000
TOTAL APPROPRIATION .....	<del>\$508,113,000</del>
	<u>\$522,799,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$467,000 of the general fund—state appropriation for fiscal year 2020 and \$467,000 of the general fund—state appropriation for fiscal year 2021 are provided solely to pay for emergency fire suppression costs. These amounts may not be used to fund agency indirect and administrative expenses.

(2) \$415,000 of the general fund—state appropriation for fiscal year 2020, \$415,000 of the general fund—state appropriation for fiscal year 2021, and \$440,000 of the general fund—federal appropriation are provided solely for county assessments.

(3)(a) A legislative task force is established to recommend a group or entity to review the department's budget requests in place of the hatchery scientific review group. The task force is comprised of two members from each of the two largest caucuses in the senate, appointed by the president of the senate, and two members from each of the two largest caucuses in the house of representatives, appointed by the speaker of the house. The task force shall be staffed by the office of program research and senate committee services. The task force must consult with tribes.

(b) The task force must review the purpose and activities of the hatchery scientific review group and develop recommendations for the legislature to establish a replacement group or entity that will analyze state spending and projects related to hatcheries that are proposed in state operating and capital budgets. Among other things, the task force shall recommend a process by which the replacement organization or entity, starting with the 2021-2023 fiscal biennium, contracts with the department to review the department's proposed agency biennial operating and capital budget requests related to state fish hatcheries prior to submission to the office of financial management. This review shall: (i) Examine if the proposed requests are consistent with independent scientific review standards using best available science; (ii) evaluate the components of the request based on the independent needs of each particular watershed and the return of salmonids including naturally spawning, endangered, and hatchery stocks; and (iii) evaluate whether the proposed requests are being made in the most cost-effective manner. This process must require

the department to provide a copy of the review to the office of financial management and the legislature with its agency budget proposal.

(c) The task force shall report to the legislature on its findings and recommendations by December 1, 2019.

(4) \$400,000 of the general fund—state appropriation for fiscal year 2020 and \$400,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for a state match to support the Puget Sound nearshore partnership between the department and the United States army corps of engineers.

(5) \$762,000 of the general fund—state appropriation for fiscal year 2020, \$580,000 of the general fund—state appropriation for fiscal year 2021, and \$24,000 of the state wildlife account—state appropriation are provided solely for the implementation of Second Substitute Senate Bill No. 5577 (orca whales/vessels). ~~((If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.))~~

(6) \$156,000 of the general fund—state appropriation for fiscal year 2020 and \$155,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for operating budget impacts from capital budget projects funded in the 2017-2019 fiscal biennium.

(7) \$450,000 of the general fund—state appropriation for fiscal year 2020 and \$450,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the department to develop a pinto abalone recovery plan, expand field work, conduct genetics and disease assessments, and establish three satellite grow-out facilities. \$150,000 of the appropriation per fiscal year is for competitive grants to nonprofit organizations to assist in recovery and restoration work of native shellfish.

(8) \$350,000 of the general fund—state appropriation for fiscal year 2020 and \$350,000 of the general fund—state appropriation for fiscal year 2021, are provided solely for the department to increase the work of regional fisheries enhancement groups.

(9) \$457,000 of the general fund—state appropriation for fiscal year 2020, \$457,000 of the general fund—state appropriation for fiscal year 2021, and \$110,000 of the state wildlife account—state appropriation are provided solely for the department to pay for costs to maintain upgraded network infrastructure and pay the debt service on purchased equipment.

(10) \$165,000 of the general fund—state appropriation for fiscal year 2020, \$166,000 of the general fund—state appropriation for fiscal year 2021, and \$495,000 of the state wildlife account—state appropriation are provided solely for new service or vendor costs, including PC leases, mobile devices, a remote management system, IT issue tracking technology, and virtual private network services.

(11) \$3,500,000 of the general fund—state appropriation for fiscal year 2020 and \$3,500,000 of the general fund—state appropriation for fiscal year 2021 are appropriated for the department to increase hatchery production of salmon throughout the Puget Sound, coast, and

Columbia river. Increases in hatchery production must be prioritized to increase prey abundance for southern resident orcas. The department shall work with federal partners, tribal co-managers, and other interested parties when developing annual hatchery production plans. These increases shall be done consistent with best available science, most recent hatchery standards, and endangered species act requirements, and include adaptive management provisions to ensure the conservation and enhancement of wild stocks. Of the amounts provided in this subsection, \$500,000 in fiscal year 2020 is for wells and generators at the Samish hatchery.

(12) \$2,257,000 of the general fund—state appropriation for fiscal year 2020 and \$1,785,000 of the general fund—state appropriation for fiscal year 2021 are provided solely to grant to the northwest Indian fisheries commission to grant to tribes for hatchery operations that are prioritized to increase prey abundance for southern resident orcas. Of the amounts provided in this subsection:

(a) \$1,535,000 in each fiscal year is for additional hatchery production in the following amounts per fiscal year: \$150,000 for the Quinault Indian Nation, \$169,000 for the Tulalip Tribes, \$268,000 for the Quileute Tribe, \$186,000 for the Puyallup Tribe, \$112,000 for the Port Gamble S'Klallam Tribe, \$23,000 for the Muckleshoot Indian Tribe, \$207,000 for the Squaxin Island Tribe, \$142,000 for the Skokomish Indian Tribe, and \$278,000 for the Lummi Nation.

(b) \$472,000 in fiscal year 2020 is for improvements to hatchery facilities that support additional hatchery production in the following amounts: \$98,000 for the Tulalip Tribes, \$38,000 for the Puyallup Tribe, \$14,000 for the Port Gamble S'Klallam Tribe, \$25,000 for the Muckleshoot Indian Tribe, \$200,000 for the Squaxin Island Tribe, \$24,000 for the Skokomish Indian Tribe, and \$73,000 for the Lummi Nation.

(13) \$771,000 of the general fund—state appropriation in fiscal year 2020 and \$76,000 of the general fund—state appropriation in fiscal year 2021 are provided solely for the department to provide to tribes for hatchery operations that are prioritized to increase prey abundance for southern resident orcas. Of the amounts provided in this subsection, \$76,000 in each fiscal year is for the Yakama Nation for additional hatchery production, \$195,000 in fiscal year 2020 is for the Yakama Nation for improvements to hatchery facilities, and \$500,000 in fiscal year 2020 is for the Confederated Tribes of the Colville Reservation for improvements to hatchery facilities.

(14) \$425,000 of the general fund—state appropriation for fiscal year 2020 and \$175,000 of the general fund—state appropriation for fiscal year 2021 are provided solely to grant to public utility districts for additional hatchery production that is prioritized to increase prey abundance for southern resident orcas and other species that are critical to the marine food web. Of the amounts provided in this subsection, \$250,000 in fiscal year 2020 is for Puget Sound energy for wells and generators at the Baker river fish hatchery.

(15) ~~(\$1,361,000)~~ \$1,201,000 of the general fund—state appropriation for fiscal year 2020 and ~~(\$1,360,000)~~ \$1,520,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the following activities to increase the availability of salmon for southern resident orcas: Surveying forage fish populations, conducting rulemaking for fish screens, reducing salmon predation by nonnative fish, prioritizing fish barrier removal, developing a strategy to reestablish salmon runs above dams, and increasing review of shoreline armoring proposals to protect forage fish.

(16) \$710,000 of the general fund—state appropriation for fiscal year 2020 and \$253,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the department to migrate to the state data center and are subject to the conditions, limitations, and review provided in ~~((section 719 of this act))~~ section 701 of this act.

(17) \$278,000 of the general fund—state appropriation for fiscal year 2020 and \$278,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the department to provide grants to the Lummi Nation to increase salmon production at the Skookum creek hatchery and the Lummi bay hatchery.

(18) \$477,000 of the general fund—state appropriation for fiscal year 2020 and \$477,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the implementation of Engrossed Substitute House Bill No. 2097 (statewide wolf recovery). ~~((If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.))~~

(19) \$200,000 of the general fund—state appropriation for fiscal year 2020 and \$200,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the department for elk management in the Skagit valley in cooperation with affected tribes and landowners. Authorized expenditures include, but are not limited to, elk fencing and replacement hay to mitigate the impacts of elk on agricultural crop production.

(20) \$49,000 of the general fund—state appropriation for fiscal year 2020, \$47,000 of the general fund—state appropriation for fiscal year 2021, and \$37,000 of the state wildlife account—state appropriation are provided solely for the implementation of Second Substitute House Bill No. 1579 (chinook abundance). ~~((If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.))~~

(21) \$79,000 of the general fund—state appropriation for fiscal year 2020 and \$1,948,000 of the general fund—state appropriation for fiscal year 2021 are provided solely to implement the enforcement records management database project and are subject to the conditions, limitations, and review provided in section 701 of this act.

(22) \$357,000 of the aquatic invasive species management account—state appropriation is provided solely for suppression, eradication, and monitoring of northern pike in the Columbia river. The department must work with the Spokane Tribe of Indians, the Confederated Tribes of the Colville Reservation, and the Kalispel Tribe of Indians on

identifying appropriate actions to reduce threats to anadromous salmon from invasive northern pike.

(23) \$573,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for developing alternative gear methods for the commercial gill net fishery and a draft plan to reduce the number of commercial gill net licenses on the Columbia river. The department must consult with the state of Oregon and commercial gill net license holders on development of alternative gear and any proposed license reduction program. The department must provide a report to the governor and appropriate committees of the legislature by December 1, 2020.

(24) \$139,000 of the general fund—state appropriation for fiscal year 2020 and \$139,000 of the general fund—state appropriation for fiscal year 2021 are provided solely as matching funds for a federal grant to purchase two law enforcement vessels and equip them with optic system equipment to conduct marine patrols including vessel enforcement patrols related to southern resident orcas.

(25) \$924,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for expanded management of pinniped populations on the lower Columbia river and its tributaries with the goal of increasing chinook salmon abundance and prey availability for southern resident orcas. The department may only expend funds in this subsection after receiving necessary permits from the national marine fisheries service.

(26) \$225,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the department to increase enforcement of commercial and recreational vessel regulations for the protection of southern resident orcas in central and southern Puget Sound.

**Sec. 308.** 2019 c 415 s 308 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF NATURAL RESOURCES**

General Fund—State Appropriation (FY 2020)  
.....(((\$74,086,000))

\$64,942,000

General Fund—State Appropriation (FY 2021)  
.....(((\$62,093,000))

\$61,183,000

General Fund—Federal Appropriation  
.....(((\$34,977,000))

\$34,981,000

General Fund—Private/Local Appropriation  
.....\$2,534,000

Forest Development Account—State Appropriation  
.....(((\$54,165,000))

\$54,247,000

ORV and Nonhighway Vehicle Account—State  
Appropriation.....(((\$8,166,000))

\$8,177,000

Surveys and Maps Account—State Appropriation  
.....(((\$2,595,000))

\$2,597,000

Aquatic Lands Enhancement Account—State  
Appropriation.....(((\$18,537,000))

\$18,561,000

Resource Management Cost Account—State  
Appropriation.....(((\$128,255,000))

\$128,489,000

Surface Mining Reclamation Account—State  
Appropriation.....(((\$4,103,000))

\$4,114,000

Disaster Response Account—State Appropriation  
.....(((\$23,063,000))

\$23,070,000

Park Land Trust Revolving Account—State  
Appropriation.....\$750,000

Forest and Fish Support Account—State

Appropriation.....(((\$16,354,000))

\$12,861,000

Aquatic Land Dredged Material Disposal Site  
Account—State

Appropriation.....\$402,000

Natural Resources Conservation Areas Stewardship  
Account—

State Appropriation.....\$39,000

Forest Fire Protection Assessment Nonappropriated

Account—State Appropriation .....(((\$5,896,000))

\$5,713,000

Model Toxics Control Operating Account—State

Appropriation.....(((\$5,995,000))

\$9,739,000

Forest Practices Application Account—State

Appropriation.....(((\$2,015,000))

\$2,018,000

Air Pollution Control Account—State Appropriation  
.....\$901,000

NOVA Program Account—State Appropriation  
.....(((\$780,000))

\$781,000

Pension Funding Stabilization Account—State

Appropriation.....\$3,240,000

Derelict Vessel Removal Account—State Appropriation.....	\$2,001,000
Community Forest Trust Account—State Appropriation.....	\$52,000
Agricultural College Trust Management Account—State Appropriation .....	<del>(\$3,179,000)</del>
	<u>\$3,184,000</u>
TOTAL APPROPRIATION .....	<u>\$454,178,000</u>
	<u>\$444,576,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$1,583,000 of the general fund—state appropriation for fiscal year 2020 and \$1,515,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for deposit into the agricultural college trust management account and are provided solely to manage approximately 70,700 acres of Washington State University's agricultural college trust lands.

(2) ~~(\$16,546,000)~~ \$8,546,000 of the general fund—state appropriation for fiscal year 2020, \$16,546,000 of the general fund—state appropriation for fiscal year 2021, and \$16,050,000 of the disaster response account—state appropriation are provided solely for emergency fire suppression. The appropriations provided in this subsection may not be used to fund the department's indirect and administrative expenses. The department's indirect and administrative costs shall be allocated among its remaining accounts and appropriations.

(3) \$5,000,000 of the forest and fish support account—state appropriation is provided solely for outcome-based performance contracts with tribes to participate in the implementation of the forest practices program. Contracts awarded may only contain indirect costs set at or below the rate in the contracting tribe's indirect cost agreement with the federal government. Of the amount provided in this subsection, \$500,000 is contingent upon receipts under RCW 82.04.261 exceeding eight million dollars per biennium. If receipts under RCW 82.04.261 are more than eight million dollars but less than eight million five hundred thousand dollars for the biennium, an amount equivalent to the difference between actual receipts and eight million five hundred thousand dollars shall lapse.

(4) \$1,857,000 of the general fund—state appropriation for fiscal year 2020 and \$1,857,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the department to carry out the forest practices adaptive management program pursuant to RCW 76.09.370 and the May 24, 2012, settlement agreement entered into by the department and the department of ecology. Scientific research must be carried out according to the master project schedule and work plan of cooperative monitoring, evaluation, and research priorities adopted by the forest practices board. The forest practices board shall submit a report to the legislature following review, approval, and solicitation of public comment on the cooperative

monitoring, evaluation, and research master project schedule, to include: Cooperative monitoring, evaluation, and research science and related adaptive management expenditure details, accomplishments, the use of cooperative monitoring, evaluation, and research science in decision-making, and funding needs for the coming biennium. The report shall be provided to the appropriate committees of the legislature by October 1, 2020.

(5) Consistent with the recommendations of the *Wildfire Suppression Funding and Costs (18-02)* report of the joint legislative audit and review committee, the department shall submit a report to the governor and legislature by December 1, 2019, and December 1, 2020, describing the previous fire season. At a minimum, the report shall provide information for each wildfire in the state, including its location, impact by type of land ownership, the extent it involved timber or range lands, cause, size, costs, and cost-share with federal agencies and nonstate partners. The report must also be posted on the agency's web site.

(6) \$26,000 of the general fund—state appropriation for fiscal year 2020 and \$27,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the implementation of Engrossed Second Substitute Senate Bill No. 5116 (clean energy). ~~((If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.))~~

(7) \$12,000 of the general fund—state appropriation for fiscal year 2020 and \$12,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the implementation of Substitute Senate Bill No. 5550 (pesticide application safety). ~~((If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.))~~

(8) The appropriations in this section include sufficient funding for the implementation of Engrossed Substitute Senate Bill No. 5330 (small forestland).

(9) \$42,000 of the general fund—state appropriation for fiscal year 2020 and \$21,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the implementation of Substitute Senate Bill No. 5106 (natural disaster mitigation). ~~((If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.))~~

(10) \$26,000 of the general fund—state appropriation for fiscal year 2020 and \$26,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the implementation of Substitute Senate Bill No. 5597 (aerial herbicide application). ~~((If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.))~~

(11) \$4,486,000 of the aquatic land enhancement account—state appropriation is provided solely for the removal of creosote pilings and debris from the marine environment and to continue monitoring zooplankton and eelgrass beds on state-owned aquatic lands managed by the department. Actions will address recommendations to recover the southern resident orca population and to monitor ocean acidification as well as help implement the Puget Sound action agenda.

(12) \$304,000 of the model toxics control operating account—state appropriation is provided solely for costs associated with the cleanup of the Fairview avenue site near Lake Union in Seattle. The aquatic site is contaminated with lead, chromium, and arsenic. This will be the department's final payment toward remediation costs.

(13) \$75,000 of the general fund—state appropriation for fiscal year 2020 and \$75,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the department to identify priority kelp restoration locations in central Puget Sound, based on historic locations, and monitor the role of natural kelp beds in moderating pH conditions in Puget Sound.

(14) \$188,000 of the general fund—state appropriation for fiscal year 2020 and \$187,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the department to coordinate with the Olympic natural resources center to study emerging ecosystem threats such as Swiss needlecast disease, conduct field trials for long-term ecosystem productivity and T3 watershed experiments, and engage stakeholders. The department must contract with the Olympic natural resources center for at least \$187,000 per fiscal year. The department may retain up to \$30,000 per fiscal year to conduct Swiss needlecast surveys and research. Administrative costs may be taken and are limited to twenty-seven percent of the amount of appropriation retained by the department.

(15) ~~((22,843,000))~~ \$21,752,000 of the general fund—state appropriation for fiscal year 2020, ~~((11,364,000))~~ \$10,273,000 of the general fund—state appropriation for fiscal year 2021, and \$4,000,000 of the forest fire protection assessment nonappropriated account—state appropriation are provided solely for wildfire response, to include funding full time fire engine leaders, increasing the number of correctional camp fire crews in western Washington, purchasing two helicopters, providing dedicated staff to conduct fire response training, creating a fire prevention outreach program, forest health administration, landowner technical assistance, conducting forest health treatments on federal lands and implementing the department's twenty-year forest health strategic plan, post-wildfire landslide assessments, and other measures necessary for wildfire suppression and prevention.

(16) \$186,000 of the general fund—state appropriation for fiscal year 2020 and \$185,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for compensation to the trust beneficiaries and department for lost revenue from leases to amateur radio operators who use space on the department managed radio towers for their equipment. The department is authorized to lease sites at the rate of up to one hundred dollars per year, per site, per lessee. The legislature makes this appropriation to fulfill the remaining costs of the leases at market rate per RCW 79.13.510.

(17) \$110,000 of the general fund—state appropriation for fiscal year 2020 and \$110,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the department to conduct post wildfire landslide hazard assessments and reports.

(18) \$162,000 of the general fund—state appropriation for fiscal year 2020 and \$163,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for paving the road access to Leader lake in northeast Washington.

(19) The appropriations in this section include sufficient funding for the department to conduct an analysis of revenue impacts to the state forestlands taxing district beneficiaries as a result of the proposed long-term conservation strategy for the marbled murrelet. The department shall consult with state forestlands taxing district beneficiary representatives on the analysis. The department shall make the analysis available to state forestlands taxing districts and submit it to the board of natural resources by September 30, 2019.

(20) \$150,000 of the aquatic lands enhancement account—state appropriation is provided solely for continued facilitation and support services for the marine resources advisory council.

(21) \$217,000 of the aquatic lands enhancement account—state appropriation is provided solely for implementation of the state marine management plan and ongoing costs of the Washington coastal marine advisory council to serve as a forum and provide recommendations on coastal management issues.

~~((23))~~ (22) \$485,000 of the general fund—state appropriation for fiscal year 2020 and \$485,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the implementation of Second Substitute House Bill No. 1784 (wildfire prevention). ~~((If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.))~~

~~(24))~~ (23)(a) \$250,000 of the general fund—state appropriation for fiscal year 2020 and \$125,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the following activities:

(i) Conducting carbon inventories to build on existing efforts to understand carbon stocks, flux, trends, emissions, and sequestration across Washington's natural and working lands, including harvested wood products, wildfire emissions, land management activities, and sawmill energy use and emissions. Where feasible, the department shall use available existing data and information to conduct this inventory and analysis. For the purposes of this section, natural and working land types include forests, croplands, rangelands, wetlands, grasslands, aquatic lands, and urban green space.

(ii) Compiling and providing access to information on existing opportunities for carbon compensation services and other incentive-based carbon reducing programs to assist owners of private and other nonstate owned or managed forestland interested in voluntarily engaging in carbon markets.

(b) By December 1, 2020, the department must submit a report to the appropriate committees of the legislature summarizing the results of the inventories required under this section, and assessing actions that may improve the

efficiency and effectiveness of carbon inventory activities on natural and working lands, including carbon sequestration in harvested forest products. The department must also describe any barriers, including costs, to the use of voluntary, incentive-based carbon reducing or sequestering programs. The department may also include recommendations for additional work or legislation that may be advisable resulting from the advisory group created in this subsection as part of this report.

(c) The department must form a natural and working lands carbon sequestration advisory group to help guide the activities provided in this section. The advisory group must be composed of a balance of representatives reflecting the diverse interests and expertise involved on the subject of carbon sequestration on natural and working lands.

**Sec. 309.** 2019 c 415 s 309 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF AGRICULTURE**

General Fund—State Appropriation (FY 2020)	.....( <del>(\$18,858,000)</del> )
	<u>\$18,928,000</u>
General Fund—State Appropriation (FY 2021)	.....( <del>(\$18,925,000)</del> )
	<u>\$19,326,000</u>
General Fund—Federal Appropriation	.....( <del>(\$32,078,000)</del> )
	<u>\$32,656,000</u>
General Fund—Private/Local Appropriation	\$193,000
Aquatic Lands Enhancement Account—State Appropriation	.....( <del>(\$2,527,000)</del> )
	<u>\$2,534,000</u>
Model Toxics Control Operating Account—State Appropriation	.....( <del>(\$5,808,000)</del> )
	<u>\$6,632,000</u>
Water Quality Permit Account—State Appropriation	.....\$73,000
Dedicated Marijuana Account—State Appropriation (FY 2020)	.....\$635,000
Dedicated Marijuana Account—State Appropriation (FY 2021)	.....\$635,000
Pension Funding Stabilization Account—State Appropriation	.....\$1,036,000
<b>TOTAL APPROPRIATION</b>	<u><del>\$80,768,000</del></u>
	<u>\$82,648,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$6,108,445 of the general fund—state appropriation for fiscal year 2020 and \$6,102,905 of the

general fund—state appropriation for fiscal year 2021 are provided solely for implementing the food assistance program as defined in RCW 43.23.290.

(2) \$58,000 of the general fund—state appropriation for fiscal year 2020 and \$59,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the implementation of Substitute Senate Bill No. 5550 (pesticide application safety). (~~(If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.)~~)

(3) The appropriations in this section includes sufficient funding for the implementation of Engrossed Substitute Senate Bill No. 5959 (livestock identification).

(4) \$18,000 of the general fund—state appropriation for fiscal year 2020 and \$18,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the implementation of Substitute Senate Bill No. 5597 (aerial herbicide application). (~~(If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.)~~)

(5) The appropriations in this section include sufficient funding for the implementation of Senate Bill No. 5447 (dairy milk assessment fee).

(6) \$250,000 of the general fund—state appropriation for fiscal year 2020 and \$250,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the department's regional markets program, which includes the small farm direct marketing program under RCW 15.64.050 and the farm-to-school program under RCW 15.64.060.

(7) \$125,000 of the general fund—state appropriation for fiscal year 2020 and \$125,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the northwest Washington fair youth education programs.

(8) \$197,000 of the general fund—state appropriation for fiscal year 2020 and \$202,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of Substitute Senate Bill No. 5552 (pollinators). (~~(If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.)~~)

(9) \$32,000 of the general fund—state appropriation for fiscal year 2020, \$32,000 of the general fund—state appropriation for fiscal year 2021, and \$52,000 of the general fund—federal appropriation are provided solely for the department to migrate to the state data center and are subject to the conditions, limitations, and review provided in (~~section 719 of this act~~) section 701 of this act.

(10) \$24,000 of the general fund—state appropriation for fiscal year 2020 and \$24,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the department to continue to convene and facilitate a food policy forum and to implement recommendations identified through the previous work of the food policy forum.

(a) The department shall coordinate implementation of the forum with the conservation commission and the office of farmland preservation.

(b) The director of the department and the director of the conservation commission shall jointly appoint members

of the forum, and no appointment may be made unless each director concurs in the appointment.

(c) In addition to members appointed by the directors, four legislators may serve on the food policy forum in an ex officio capacity. Legislative participants must be appointed as follows:

(i) The speaker of the house of representatives shall appoint one member from each of the two largest caucuses of the house of representatives; and

(ii) The majority leader and minority leader of the senate shall appoint one member from each of the two largest caucuses of the senate.

(d) Meetings of the forum may be scheduled by either the director of the department or the director of the conservation commission.

(e) Staffing for the forum must be provided by the department working jointly with staff from the conservation commission.

(f) The department and conservation commission shall jointly develop the agenda for each forum meeting as well as a report from the food policy forum. The report must contain recommendations and a workplan to implement the recommendations and must be delivered to the appropriate committees of the legislature and the governor by June 30, 2021.

(11) \$212,000 of the general fund—state appropriation for fiscal year 2020 is provided solely for the implementation of Engrossed Second Substitute Senate Bill No. 5276 (hemp production). ~~((If the bill is not enacted by June 30, 2019, the amount provided in this subsection shall lapse.))~~

(12) \$125,000 of the general fund—state appropriation for fiscal year 2020 and \$125,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the department to review and assist with agricultural economic development in southwest Washington. Funding is provided for the department to perform or contract for agricultural economic development services, including but not limited to grant application assistance, permitting assistance and coordination, and development of a food hub.

(13) \$250,000 of the aquatic lands enhancement account—state appropriation is provided solely to continue a shellfish coordinator position. The shellfish coordinator assists the industry with complying with regulatory requirements and will work with regulatory agencies to identify ways to streamline and make more transparent the permit process for establishing and maintaining shellfish operations.

(14) \$10,000 of the general fund—state appropriation for fiscal year 2020 is provided solely for the following activities:

(a) The department and the conservation commission must produce a gap analysis reviewing existing conservation grant programs and completed voluntary stewardship program plans to identify what technical assistance and cost-

share resources are needed to meet the requirements placed on those activities by the legislature.

(b)(i) The department, in collaboration with the conservation commission, must develop recommendations for legislation or additional work that may be needed to implement a sustainable farms and fields grant program that prioritizes funding based on net reduction of greenhouse gas emissions on farm, aquatic, or ranch lands, including carbon sequestration.

(ii) The recommendations must incorporate the gap analysis required by this section. The recommendations must include information about how the program can complement and avoid competing with existing conservation programs, and provide cost share benefits to existing and new programs designed to improve water quality, critical habitats, and soil health and soil-health research on farm, aquatic, or timber lands.

(iii) The recommendations must be developed with input from stakeholder meetings with representatives from the environmental and agricultural communities.

(c) The department and the conservation commission must provide an update to the appropriate committees of the legislature by August 1, 2019, and final recommendations by November 1, 2019.

(15) \$650,000 of the model toxics control operating account—state appropriation is provided solely for research to assist with development of an integrated pest management plan to address burrowing shrimp in Willapa Bay and Grays Harbor. The department must consult with the departments of ecology and natural resources and the Willapa-Grays Harbor working group formed from the settlement agreement with implementation of this subsection.

**Sec. 310.** 2019 c 415 s 310 (uncodified) is amended to read as follows:

#### **FOR THE WASHINGTON POLLUTION LIABILITY INSURANCE PROGRAM**

Pollution Liability Insurance Agency Underground Storage

Tank Revolving Account—State Appropriation  
..... ~~(((\$170,000))~~

\$989,000

Pollution Liability Insurance Program Trust Account—State

Appropriation..... ~~(((\$1,655,000))~~

\$1,857,000

TOTAL APPROPRIATION..... \$1,825,000

\$2,846,000

**Sec. 311.** 2019 c 415 s 311 (uncodified) is amended to read as follows:

#### **FOR THE PUGET SOUND PARTNERSHIP**

General Fund—State Appropriation (FY 2020)  
..... ~~(((\$4,696,000))~~

	<u>\$4,754,000</u>
General Fund—State Appropriation (FY 2021)	
.....	<u>(((\$4,758,000))</u>
	<u>\$5,243,000</u>
General Fund—Federal Appropriation	
.....	<u>(((\$12,708,000))</u>
	<u>\$12,736,000</u>
Aquatic Lands Enhancement Account—State	
Appropriation.....	<u>(((\$1,441,000))</u>
	<u>\$1,446,000</u>
Model Toxics Control Operating Account—State	
Appropriation .....	<u>(((\$752,000))</u>
	<u>\$757,000</u>
Pension Funding Stabilization Account—State	
Appropriation.....	<u>\$276,000</u>
TOTAL APPROPRIATION .....	<u>\$24,631,000</u>
	<u>\$25,212,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) By October 15, 2020, the Puget Sound partnership shall provide the governor and appropriate legislative fiscal committees a single, prioritized list of state agency 2021-2023 capital and operating budget requests related to Puget Sound restoration.

(2) \$1,111,000 of the general fund—state appropriation for fiscal year 2020 and \$1,111,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the partnership to implement a competitive, peer-reviewed process for soliciting, prioritizing, and funding research projects designed to advance scientific understanding of Puget Sound recovery. Solicitations and project selection for effectiveness monitoring will be organized and overseen by the Puget Sound ecosystem monitoring program. Initial projects will focus on implementation and effectiveness of Chinook recovery efforts, effectiveness of actions to restore shellfish beds, and implementation of priority studies of the Salish Sea marine survival project. Monitoring reports must be provided in context to the overall success and progress of Puget Sound recovery efforts.

(3) \$237,000 of the general fund—state appropriation for fiscal year 2020 and \$263,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for coordinating updates to the outdated Puget Sound chinook salmon recovery plan, provide support for adaptive management of local watershed chapters, and advance regional work on salmon and ecosystem recovery through local integrating organizations.

(4) \$500,000 of the general fund—state appropriation for fiscal year 2020 and \$500,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for additional monitoring and accountability actions in response

to recommendations from the joint legislative audit and review committee.

#### **PART IV**

#### **TRANSPORTATION**

**Sec. 401.** 2019 c 415 s 401 (uncodified) is amended to read as follows:

#### **FOR THE DEPARTMENT OF LICENSING**

General Fund—State Appropriation (FY 2020)	
.....	<u>(((\$5,424,000))</u>
	<u>\$5,446,000</u>
General Fund—State Appropriation (FY 2021)	
.....	<u>(((\$3,770,000))</u>
	<u>\$3,776,000</u>
Architects' License Account—State Appropriation	
.....	<u>(((\$1,454,000))</u>
	<u>\$1,674,000</u>
Real Estate Commission Account—State	
Appropriation .....	<u>(((\$13,263,000))</u>
	<u>\$14,628,000</u>
Uniform Commercial Code Account—State	
Appropriation .....	<u>(((\$2,922,000))</u>
	<u>\$2,957,000</u>
Real Estate Education Program Account—State	
Appropriation .....	<u>\$276,000</u>
Real Estate Appraiser Commission Account—State	
Appropriation.....	<u>(((\$1,743,000))</u>
	<u>\$1,724,000</u>
Business and Professions Account—State	
Appropriation .....	<u>(((\$24,752,000))</u>
	<u>\$28,013,000</u>
Real Estate Research Account—State Appropriation	
.....	<u>\$415,000</u>
Firearms Range Account—State Appropriation	
.....	<u>\$74,000</u>
Landscape Architects' License Account—State	
Appropriation .....	<u>(((\$58,000))</u>
	<u>\$140,000</u>
Appraisal Management Company Account—State	
Appropriation .....	<u>\$74,000</u>
Concealed Pistol License Renewal Notification	
Account—State Appropriation .....	<u>\$140,000</u>
Geologists' Account—State Appropriation.....	<u>(((\$53,000))</u>
	<u>\$131,000</u>
Pension Funding Stabilization Account—State	
Appropriation .....	<u>\$96,000</u>



Derelict Vessel Removal Account—State Appropriation.....	\$33,000
<b>TOTAL APPROPRIATION .....</b>	<b><u>\$54,473,000</u></b>
	<b><u>\$59,597,000</u></b>

The appropriations in this section are subject to the following conditions and limitations:

(1) Appropriations provided for the business and technology modernization project in this section are subject to the conditions, limitations, and review provided in ~~((section 719 of this act))~~ section 701 of this act.

(2) \$72,000 of the real estate appraiser commission account—state appropriation is provided solely for implementation of Engrossed Substitute Senate Bill No. 5480 (real estate appraisers). ~~((If the bill is not enacted by June 30, 2019, the amount provided in this subsection shall lapse.~~

~~((4))~~ (3) \$144,000 of the business and professions account—state appropriation is provided solely for implementation of Senate Bill No. 5641 (uniform law on notarial acts). ~~((If the bill is not enacted by June 30, 2019, the amount provided in this subsection shall lapse.~~

~~((5))~~ (4) \$95,000 of the general fund—state appropriation for fiscal year 2020 and \$99,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the department to mail vessel registration renewal reminders.

~~((6))~~ (5) \$2,716,000 of the general fund—state appropriation for fiscal year 2020 and \$1,337,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the department to procure a commercial off-the-shelf solution to replace the legacy firearms system, and is subject to the conditions, limitations, and review provided in ~~((section 719 of this act))~~ section 701 of this act.

**Sec. 402.** 2019 c 415 s 402 (uncodified) is amended to read as follows:

**FOR THE WASHINGTON STATE PATROL**

General Fund—State Appropriation (FY 2020) .....	<del>(((\$56,301,000))</del>
	<b><u>\$57,282,000</u></b>
General Fund—State Appropriation (FY 2021) .....	<del>(((\$55,374,000))</del>
	<b><u>\$58,249,000</u></b>
General Fund—Federal Appropriation .....	<del>(((\$16,699,000))</del>
	<b><u>\$16,690,000</u></b>
General Fund—Private/Local Appropriation .....	\$3,091,000
Death Investigations Account—State Appropriation .....	<del>(((\$9,365,000))</del>
	<b><u>\$9,098,000</u></b>

County Criminal Justice Assistance Account—State

Appropriation .....	<del>(((\$4,546,000))</del>
	<b><u>\$4,550,000</u></b>
Municipal Criminal Justice Assistance Account—State	
Appropriation .....	<del>(((\$1,641,000))</del>
	<b><u>\$1,643,000</u></b>
Fire Service Trust Account—State Appropriation .....	\$131,000
Vehicle License Fraud Account—State Appropriation .....	\$119,000
Disaster Response Account—State Appropriation .....	\$8,000,000
Washington Internet Crimes Against Children Account—State Appropriation .....	\$1,500,000
Fire Service Training Account—State Appropriation .....	<del>(((\$11,764,000))</del>
	<b><u>\$11,766,000</u></b>
Model Toxics Control Operating Account—State Appropriation.....	\$588,000
Aquatic Invasive Species Management Account—State	
Appropriation.....	\$54,000
Fingerprint Identification Account—State Appropriation .....	<del>(((\$16,405,000))</del>
	<b><u>\$16,448,000</u></b>
Dedicated Marijuana Account—State Appropriation (FY 2020) .....	\$2,723,000
Dedicated Marijuana Account—State Appropriation (FY 2021) .....	<del>(((\$2,523,000))</del>
	<b><u>\$2,673,000</u></b>
Pension Funding Stabilization Account—State Appropriation.....	\$3,300,000
<b>TOTAL APPROPRIATION .....</b>	<b><u>\$194,124,000</u></b>
	<b><u>\$197,905,000</u></b>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$8,000,000 of the disaster response account—state appropriation is provided solely for Washington state fire service resource mobilization costs incurred in response to an emergency or disaster authorized under RCW 43.43.960 through 43.43.964. The state patrol shall submit a report quarterly to the office of financial management and the legislative fiscal committees detailing information on current and planned expenditures from this account. This

work shall be done in coordination with the military department.

(2) \$2,878,000 of the fingerprint identification account—state appropriation is provided solely for the completion of the state patrol's plan to upgrade the criminal history system, and is subject to the conditions, limitations, and review provided in ~~((section 719 of this act))~~ section 701 of this act.

(3) \$2,723,000 of the dedicated marijuana account—state appropriation for fiscal year 2020 and \$2,523,000 of the dedicated marijuana account—state appropriation for fiscal year 2021 are provided solely for the Washington state patrol's drug enforcement task force. The amounts in this subsection are provided solely for the following:

(a) \$2,423,000 of the dedicated marijuana account—state appropriation for fiscal year 2020 and \$2,423,000 of the dedicated marijuana account—state appropriation for fiscal year 2021 are provided solely for the Washington state patrol to partner with multi-jurisdictional drug and gang task forces to detect, deter, and dismantle criminal organizations involved in criminal activity including diversion of marijuana from the legalized market and the illicit production and distribution of marijuana and marijuana-related products in Washington state.

(b) \$300,000 of the dedicated marijuana account—state appropriation for fiscal year 2020 and \$100,000 of the dedicated marijuana account—state appropriation for fiscal year 2021 are provided solely for a case management system to serve as a repository for all information regarding criminal cases. This system must allow state patrol investigators to enter information and to search to provide patterns, trends, and links which will allow the state patrol to identify connections on criminal investigations including efforts to dismantle marijuana and other drug trafficking organizations by identifying their established networks, and is subject to the conditions, limitations, and review provided in ~~((section 719 of this act))~~ section 701 of this act.

(4) \$479,000 of the general fund—state appropriation for fiscal year 2020 and \$255,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of Substitute Senate Bill No. 5181 (invol. treatment procedures). ~~((If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.))~~

(5) \$13,000 of the general fund—state appropriation for fiscal year 2020 and \$2,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of Engrossed Second Substitute Senate Bill No. 5497 (immigrants in the workplace). ~~((If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.))~~

(6) \$100,000 of the general fund—state appropriation for fiscal year 2020 and \$100,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of Senate Bill No. 5605 (marijuana misdemeanors). ~~((If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.))~~

(7) \$679,000 of the general fund—state appropriation for fiscal year 2020 and \$643,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for addressing a backlog of toxicology tests in the toxicology laboratory.

(8) \$1,500,000 of the Washington internet crimes against children account—state appropriation is provided solely for the missing and exploited children's task force within the patrol to help prevent possible abuse to children and other vulnerable citizens from sexual abuse.

(9) \$356,000 of the general fund—state appropriation for fiscal year 2020, \$356,000 of the general fund—state appropriation for fiscal year 2021, and \$298,000 of the death investigations account—state appropriations are provided solely for increased supply and maintenance costs for the crime laboratory division and toxicology laboratory division.

(10) \$5,770,000 of the general fund—state appropriation for fiscal year 2020, \$3,243,000 of the general fund—state appropriation for fiscal year 2021, and \$1,277,000 of the death investigations account—state appropriation are provided solely for implementation of Second Substitute House Bill No. 1166 (sexual assault). ~~((If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.))~~

(11) \$282,000 of the general fund—state appropriation for fiscal year 2020 and \$263,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of Second Substitute House Bill No. 1713 (Native American women). ~~((If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.))~~

(12) \$510,000 of the county criminal justice assistance account—state appropriation is provided solely for the Washington state patrol to support local police, sheriffs' departments, and multiagency task forces in the prosecution of criminals. However, the office of financial management must reduce the allotment of the amount provided in this subsection if allotment of the full appropriation will put the account into deficit.

(13) \$1,000,000 of the fire service training account—state appropriation is provided solely for the firefighter apprenticeship training program.

(14) \$150,000 of the dedicated marijuana account—state appropriation for fiscal year 2021 is for one intelligence analyst to be placed in the Washington state fusion center. The analyst will focus on higher level cartel and transnational organized crime, as well as gang and gun violence activities to assist the multi-jurisdictional drug and gang task forces and marijuana task forces. The primary responsibilities of this position are to assist the task forces by: (a) Identifying national, regional, and local patterns, trends, and links related to gang and firearm activity that impact Washington state; (b) developing actionable analytic products that support strategic, operational, and tactical objectives of task forces; (c) assisting law enforcement agencies with analytic case support; and (d) coordinating information sharing among federal, state, local, and tribal

partners including fusion centers and private sector stakeholders.

(15) \$100,000 of the general fund—state appropriation for fiscal year 2020 and \$300,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the Washington state patrol to develop a plan for implementation of a centralized firearm background check system. Funding is sufficient to fund a consultant to design an information technology system to conduct firearm background checks through a centralized system and a Washington state patrol project manager to design the implementation plan. The design should include recommendations to comply with the direction in RCW 9.41.139 and leverage the new firearms database system currently being procured by the department of licensing to create one streamlined system. The Washington state patrol shall convene an interagency work group to inform the centralized firearm background check system implementation plan, to include but not limited to the department of licensing, administrative office of the courts, health care authority, and office of financial management. Reports on the information technology system and the implementation plan shall be provided to the governor and appropriate committees of the legislature by December 1, 2020.

## PART V

### EDUCATION

**Sec. 501.** 2019 c 415 s 501 (uncodified) is amended to read as follows:

#### FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION

General Fund—State Appropriation (FY 2020)	
.....	(\$30,861,000))
	<u>\$31,056,000</u>
General Fund—State Appropriation (FY 2021)	
.....	(\$27,751,000))
	<u>\$27,393,000</u>
General Fund—Federal Appropriation	
.....	(\$99,348,000))
	<u>\$99,353,000</u>
General Fund—Private/Local Appropriation	
.....	\$8,060,000
Washington Opportunity Pathways Account—State	
Appropriation .....	\$265,000
Dedicated Marijuana Account—State Appropriation	
(FY 2020).....	\$522,000
Dedicated Marijuana Account—State Appropriation	
(FY 2021).....	\$530,000
Pension Funding Stabilization Account—State	
Appropriation.....	\$2,126,000
Performance Audits of Government Account—State	

Appropriation.....	\$213,000
Workforce Education Investment Account—State	
Appropriation.....	<u>\$150,000</u>
TOTAL APPROPRIATION .....	\$169,676,000
	<u>\$169,668,000</u>

The appropriations in this section are subject to the following conditions and limitations:

#### (1) BASE OPERATIONS AND EXPENSES OF THE OFFICE

(a) (~~(\$11,090,000))~~ \$11,109,000 of the general fund—state appropriation for fiscal year 2020 and (~~(\$11,087,000))~~ \$11,900,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the operation and expenses of the office of the superintendent of public instruction.

(i) The superintendent shall recognize the extraordinary accomplishments of four students who have demonstrated a strong understanding of the civics essential learning requirements to receive the Daniel J. Evans civic education award.

(ii) Districts shall report to the office of the superintendent of public instruction daily student unexcused absence data by school, using a uniform definition of unexcused absence as established by the superintendent.

(iii) By October 31st of each year, the office of the superintendent of public instruction shall produce an annual status report on implementation of the budget provisos in (~~sections 501, 515, and 522 of this act~~) section 501, chapter 415, Laws of 2019 and sections 513 and 520 of this act. The status report of each proviso shall include, but not be limited to, the following information: Purpose and objective, number of state staff funded by the proviso, number of contractors, status of proviso implementation, number of beneficiaries by year, list of beneficiaries, a comparison of budgeted funding and actual expenditures, other sources and amounts of funding, and proviso outcomes and achievements.

(iv) The superintendent of public instruction, in consultation with the secretary of state, shall update the program prepared and distributed under RCW 28A.230.150 for the observation of temperance and good citizenship day to include providing an opportunity for eligible students to register to vote at school.

(v) Districts shall annually report to the office of the superintendent of public instruction on: (A) The annual number of graduating high school seniors within the district earning the Washington state seal of biliteracy provided in RCW 28A.300.575; and (B) the number of high school students earning competency-based high school credits for world languages by demonstrating proficiency in a language other than English. The office of the superintendent of public instruction shall provide a summary report to the office of the governor and the appropriate committees of the legislature by December 1st of each year.

(vi) The office of the superintendent of public instruction shall provide statewide oversight and coordination to the regional nursing corps program supported through the educational service districts.

(b) \$857,000 of the general fund—state appropriation for fiscal year 2020 and ~~(((\$857,000))~~ \$1,217,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for maintenance of the apportionment system, including technical staff and the data governance working group.

(c) \$2,300,000 of the general fund—state appropriation for fiscal year 2020 is provided solely for activities associated with the implementation of chapter 13, Laws of 2017 3rd sp. sess. (fully funding the program of basic education) within the amounts provided in this subsection (1)(c), up to \$300,000 is for the office of the superintendent of public instruction to review the use of local revenues for compliance with enrichment requirements, including the preballot approval of enrichment levy spending plans approved by the superintendent of public instruction, and any supplemental contracts entered into under RCW 28A.400.200.

(d) \$494,000 of the general fund—state appropriation for fiscal year 2020 and \$494,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the implementation of chapter 240, Laws of 2010, including staffing the office of equity and civil rights.

(e) \$61,000 of the general fund—state appropriation for fiscal year 2020 and \$61,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the ongoing work of the education opportunity gap oversight and accountability committee.

(f) \$61,000 of the general fund—state appropriation for fiscal year 2020 and \$61,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the implementation of chapter 380, Laws of 2009 (enacting the interstate compact on educational opportunity for military children).

(g) \$265,000 of the Washington opportunity pathways account—state appropriation is provided solely for activities related to public schools other than common schools authorized under chapter 28A.710 RCW.

(h) Within amounts appropriated in this section, the office of the superintendent of public instruction and the state board of education shall adopt a rule that the minimum number of students to be used for public reporting and federal accountability purposes is ten.

(i) \$123,000 of the general fund—state appropriation for fiscal year 2020 and \$123,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of chapter 163, Laws of 2012 (foster care outcomes). The office of the superintendent of public instruction shall annually report each December on the implementation of the state's plan of cross-system collaboration to promote educational stability and improve education outcomes of foster youth.

(j) \$250,000 of the general fund—state appropriation for fiscal year 2020 and \$250,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of chapter 178, Laws of 2012 (open K-12 education resources).

(k) \$14,000 of the general fund—state appropriation for fiscal year 2020 and \$14,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of chapter 242, Laws of 2013 (state-tribal education compacts).

(l) \$131,000 of the general fund—state appropriation for fiscal year 2020, \$131,000 of the general fund—state appropriation for fiscal year 2021, and \$213,000 of the performance audits of government account—state appropriation are provided solely for the office of the superintendent of public instruction to perform on-going program reviews of alternative learning experience programs, dropout reengagement programs, and other high risk programs. Findings from the program reviews will be used to support and prioritize the office of the superintendent of public instruction outreach and education efforts that assist school districts in implementing the programs in accordance with statute and legislative intent, as well as to support financial and performance audit work conducted by the office of the state auditor.

(m) \$117,000 of the general fund—state appropriation for fiscal year 2020 and \$117,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of chapter 3, Laws of 2015 1st sp. sess. (computer science).

(n) \$250,000 of the general fund—state appropriation for fiscal year 2020 and \$250,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of chapter 237, Laws of 2017 (paraeducators).

(o) \$235,000 of the general fund—state appropriation for fiscal year 2020 and \$235,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the office of native education to increase services to tribes, including but not limited to, providing assistance to tribes and school districts to implement Since Time Immemorial, applying to become tribal compact schools, convening the Washington state native American education advisory committee, and extending professional learning opportunities to provide instruction in tribal history, culture, and government.

(p) \$175,000 of the general fund—state appropriation for fiscal year 2020 and \$175,000 of the general fund—state appropriation for fiscal year 2021 are provided solely to promote the financial literacy of students. The effort will be coordinated through the financial literacy public-private partnership.

(q) \$75,000 of the general fund—state appropriation for fiscal year 2020 and \$75,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for staff at the office of the superintendent of public instruction to coordinate and promote efforts to develop integrated

math, science, technology, and engineering programs in schools and districts across the state.

(r) \$481,000 of the general fund—state appropriation for fiscal year 2020 and \$481,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for additional full-time equivalent staff to support the work of the safety net committee and to provide training and support to districts applying for safety net awards.

(s) The superintendent of public instruction must study and make recommendations for how Washington can make dual credit enrollment cost-free to students who are enrolled in running start, college in the high school, advanced placement, international baccalaureate, or other qualifying dual credit programs within existing basic education apportionments. While developing recommendations, the superintendent must collaborate and consult with K-12 and higher education stakeholders with expertise in dual credit instruction, transcription, and costs. The superintendent shall report the recommendations to the education policy and operating budget committees of the legislature by November 1, 2019. The recommendations must, at a minimum, consider:

(i) How to increase dual credit offerings and access for students that aligns with the student's high school and beyond plan and provides a pathway to education and training after high school, including careers, professional-technical education, apprenticeship, a college degree, or military service, among others.

(ii) How to ensure transfer of college credits earned by dual credit students to/among institutions of higher education.

(iii) How basic education funding will be used to provide for fees, books, and other direct costs charged by institutions of higher education and K-12 districts.

(iv) How K-12 and postsecondary institutions will equitably expand dual credit opportunities for students.

(v) How K-12 and postsecondary institutions will ensure coordinated advising and support services for students enrolled in, or considering enrollment in, dual credit programs.

(t) \$44,000 of the general fund—state appropriation for fiscal year 2020 and \$44,000 of the general fund—state appropriation for fiscal year 2021 are provided solely to pay for services for space in the state data center and networking charges.

(u) \$46,000 of the general fund—state appropriation for fiscal year 2020 and \$46,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for a new server and backup application due to the move to the state data center.

(v) \$55,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the consolidated technology services to host the office's web site and for web site maintenance and support services.

(w) Districts shall report to the office the results of each collective bargaining agreement for certificated staff

within their district using a uniform template as required by the superintendent, within thirty days of finalizing contracts. The data must include but is not limited to: Minimum and maximum base salaries, supplemental salary information, and average percent increase for all certificated instructional staff. Within existing resources by December 1st of each year, the office shall produce a report for the legislative evaluation and accountability program committee summarizing the district level collective bargaining agreement data.

(x) The office shall review and update the guidelines "prohibiting discrimination in Washington public schools," which must include religious accommodations. Students' sincerely held religious beliefs and practices must be reasonably accommodated with respect to all examinations and other requirements to successfully complete coursework.

(y) In section 116(8) of this act, the office of the education ombuds is directed to develop a plan to implement a program to promote skills, knowledge, and awareness concerning issues of diversity, equity, and inclusion among families with school-age children, with a report due to the governor and the appropriate committees in the legislature by September 1, 2020. Within amounts provided in this subsection, the office of the superintendent of public instruction shall collaborate on the plan and report.

(z) In section 129(14) of this act, the office of financial management is directed to review and report on the pupil transportation funding system for K-12 education, the report is due to the governor and the appropriate committees in the legislature by September 1, 2020. Within amounts provided in this subsection, the office of the superintendent of public instruction shall collaborate on this review.

(aa) \$176,000 of the general fund—state appropriation for fiscal year 2020 and \$107,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the office of the superintendent of public instruction to collaborate with the office of the department of children, youth, and families to complete a report with options and recommendations for administrative efficiencies and long-term strategies that align and integrate high-quality early learning programs administered by both agencies. The report shall address capital needs, data collection and sharing, licensing changes, quality standards, options for community-based and school-based settings, fiscal modeling, and any statutory changes needed to achieve administrative efficiencies. The report is due to the governor and the appropriate legislative committees by September 1, 2020.

## (2) DATA SYSTEMS

(a) \$1,802,000 of the general fund—state appropriation for fiscal year 2020 and \$1,802,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementing a comprehensive data system to include financial, student, and educator data, including development and maintenance of the comprehensive education data and research system (CEDARS).

(b) \$1,221,000 of the general fund—state appropriation for fiscal year 2020 and ~~(((\$1,221,000))~~ \$281,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for K-20 telecommunications network technical support in the K-12 sector to prevent system failures and avoid interruptions in school utilization of the data processing and video-conferencing capabilities of the network. These funds may be used to purchase engineering and advanced technical support for the network.

(c) \$450,000 of the general fund—state appropriation for fiscal year 2020 and \$450,000 of the general fund—state appropriation for fiscal year 2021 are provided for the superintendent of public instruction to develop and implement a statewide accountability system to address absenteeism and to improve student graduation rates. The system must use data to engage schools and districts in identifying successful strategies and systems that are based on federal and state accountability measures. Funding may also support the effort to provide assistance about successful strategies and systems to districts and schools that are underperforming in the targeted student subgroups.

### (3) WORK GROUPS

(a) \$335,000 of the general fund—state appropriation for fiscal year 2020 and \$335,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of chapter 206, Laws of 2018 (career and college readiness).

(b) \$200,000 of the general fund—state appropriation for fiscal year 2020 and \$200,000 of the general fund—state appropriation for fiscal year 2021 are provided for the office of the superintendent of public instruction to meet statutory obligations related to the provision of medically and scientifically accurate, age-appropriate, and inclusive sexual health education as authorized by chapter 206, Laws of 1988 (AIDS omnibus act) and chapter 265, Laws of 2007 (healthy youth act).

(c) The office of the superintendent of public instruction, in collaboration with the department of social and health services developmental disabilities administration and division of vocational rehabilitation, shall explore the development of an implementation plan to build statewide capacity among school districts to improve transition planning for students in special education who meet criteria for services from the developmental disabilities administration, and shall provide all school districts with an opportunity to participate. The plan shall be submitted in compliance with RCW 43.01.036 by November 1, 2018, and the final report must be submitted by November 1, 2020, to the governor and appropriate legislative committees.

(d) \$40,000 of the general fund—state appropriation for fiscal year 2020 is provided solely for the legislative youth advisory council. The council of statewide members advises legislators on issues of importance to youth.

(e) \$118,000 of the general fund—state appropriation for fiscal year 2020 and \$118,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of chapter 75, Laws of 2018 (dyslexia).

(f) \$183,000 of the general fund—state appropriation for fiscal year 2020 and \$48,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the implementation of Engrossed Substitute House Bill No. 1130 (pub. school language access). ~~((If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.))~~

(g) \$200,000 of the general fund—state appropriation for fiscal year 2020 and \$200,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of Second Substitute Senate Bill No. 5082 (social emotional learning). ~~((If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.))~~

(h)(i)(A) Within amounts provided in this section, the office of the superintendent of public instruction shall convene a work group to:

(I) Review provisions related to sexual health education in the health and physical education learning standards adopted in 2016;

(II) Review existing sexual health education curricula in use in the state for the purpose of identifying gaps or potential inconsistencies with the health and physical education learning standards;

(III) Consider revisions to sexual health education provisions in statute; and

(IV) Consider the merits and challenges associated with requiring all public schools offer comprehensive sexual health education to students in all grades by September 1, 2022. For purposes of this subsection (h), "comprehensive sexual health education" means instruction in sexual health that, at a minimum, is evidence-informed, medically and scientifically accurate, age appropriate, and inclusive for all students.

(B) In meeting the requirements of this subsection (h), the work group shall consult with a broad array of stakeholders representing diverse opinions.

(ii) The work group shall consist of the following members:

(A) The superintendent of public instruction or the superintendent's designee;

(B) Three representatives of school districts recommended by the Washington state school directors' association. To the extent possible, the school district representatives must reflect a diversity of student enrollment, geographic location, and urban, suburban, and rural locations;

(C) Three school principals recommended by an association of Washington school principals, one each representing an elementary school, a middle school, and a high school. The three principals must represent the geographic diversity of urban, suburban, and rural locations;

(D) Three public school health educators recommended by an association of Washington educators, one each representing grades kindergarten through five,

grades six through eight, and grades nine through twelve. The three public school health educators must represent the geographic diversity of urban, suburban, and rural locations;

(E) Three public health officials, at least two of whom are local public health officials with expertise in developing or presenting comprehensive sexual health education materials and resources, as recommended by the Washington state department of health. The three public health officials must represent the geographic diversity of urban, suburban, and rural locations; and

(F) Three parents recommended in accordance with this subsection (3)(h)(ii)(F), one with a child enrolled in a public school west of the crest of the Cascade mountain range, one with a child enrolled in a public school east of the crest of the Cascade mountain range, and one with a child enrolled in a public school who is also receiving special education services. The recommendation for a parent of a public school student receiving special education services must be made by an association of parents, teachers, and students that focuses on the needs of students receiving special education services. The recommendation for the other parents under this subsection must be made by an association of parents, teachers, and students.

(iii) The office of the superintendent of public instruction shall submit findings and recommendations required by this section to the state board of education, the department of health, and, in accordance with RCW 43.01.036, the education committees of the house of representatives and the senate by December 1, 2019.

(iv)(A) The office of the superintendent of public instruction and the Washington state school directors' association, shall collaborate with department of health to conduct a data survey of the availability of sexual health education in public schools and relevant health measures in those schools. All school districts shall submit to the office of the superintendent of public instruction, through the Washington school health profiles survey, or other reporting mechanisms, the curricula used in the district to teach sexual health education. The data survey must include a list of the schools within the boundaries of each school district that offer sexual health education and in which grade levels, and the curricula used to teach sexual health education, as reported according to RCW 28A.300.475(7). In addition, the data shall include, for each school district and inclusive of any charter schools that may be within the boundaries of the school district, the rate of teen pregnancy, sexually transmitted infections, suicide, depression, and adverse childhood experiences in each of the previous five years for which data is available. To the extent that the data allows, the information shall be collected by school district, inclusive of any charter schools that may be within the boundaries of the school district. To the extent allowed by existing data sources, the information must be disaggregated by age, race, ethnicity, free and reduced lunch eligibility, sexual orientation, gender identity and expression, and geography, including school district population density, and conveyed, to the maximum extent possible, in a manner that complies with WAC 392-117-060. The data survey may combine multiple years of data if necessary to comply with student privacy requirements.

(B) The office of the superintendent of public instruction shall utilize the information collected from the data survey to inform the work group established in (f) of this subsection. The office, in accordance with RCW 43.01.036, shall submit the data survey to the committees of the legislature with jurisdiction over matters related to education and health care and the governor by December 1, 2019.

#### (4) STATEWIDE PROGRAMS

(a) \$2,590,000 of the general fund—state appropriation for fiscal year 2020 and \$2,590,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the Washington kindergarten inventory of developing skills. State funding shall support statewide administration and district implementation of the inventory under RCW 28A.655.080.

(b) \$703,000 of the general fund—state appropriation for fiscal year 2020 and \$703,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of chapter 72, Laws of 2016 (educational opportunity gap).

(c) \$950,000 of the general fund—state appropriation for fiscal year 2020 and \$950,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the Washington reading corps. The superintendent shall allocate reading corps members to schools identified for comprehensive or targeted support and school districts that are implementing comprehensive, proven, research-based reading programs. Two or more schools may combine their Washington reading corps programs.

(d) \$909,000 of the general fund—state appropriation for fiscal year 2020 and \$909,000 of the general fund—state appropriation for fiscal year 2021 are provided solely to implement chapter 18, Laws of 2013 2nd sp. sess. (strengthening student educational outcomes).

(e) \$10,000 of the general fund—state appropriation for fiscal year 2020 and \$10,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for chapter 102, Laws of 2014 (bilitery seal).

(f)(i) \$50,000 of the general fund—state appropriation for fiscal year 2020 and \$50,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for school bullying and harassment prevention activities.

(ii) \$15,000 of the general fund—state appropriation for fiscal year 2020 and \$15,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of chapter 240, Laws of 2016 (school safety).

(iii) \$1,268,000 of the general fund—state appropriation for fiscal year 2020 ~~((and \$1,268,000 of the general fund—state appropriation for fiscal year 2021 are))~~ is provided solely to educational service districts for implementation of Second Substitute House Bill No. 1216 (school safety and well-being). ~~((If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.))~~

(iv) \$570,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the office of the superintendent of public instruction to provide statewide support and coordination for the regional network of behavioral health, school safety, and threat assessment established in chapter 333, Laws of 2019 (school safety and well-being). Within the amounts appropriated in this subsection (4)(f)(iv), \$200,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for grants to schools or school districts for planning and integrating tiered suicide prevention and behavioral health supports. Grants must be awarded first to districts demonstrating the greatest need and readiness. Grants may be used for intensive technical assistance and training, professional development, and evidence-based suicide prevention training.

(v) \$196,000 of the general fund—state appropriation for fiscal year 2020 and \$196,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the school safety center within the office of the superintendent of public instruction.

(A) Within the amounts provided in this subsection (4)(f)(~~(iv)~~) (v), \$100,000 of the general fund—state appropriation for fiscal year 2020 and \$100,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for a school safety program to provide school safety training for all school administrators and school safety personnel. The school safety center advisory committee shall develop and revise the training program, using the best practices in school safety.

(B) Within the amounts provided in this subsection (4)(f)(~~(iv)~~) (v), \$96,000 of the general fund—state appropriation for fiscal year 2020 and \$96,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for administration of the school safety center. The safety center shall act as an information dissemination and resource center when an incident occurs in a school district in Washington or in another state, coordinate activities relating to school safety, review and approve manuals and curricula used for school safety models and training, and maintain a school safety information web site.

(g)(i) \$162,000 of the general fund—state appropriation for fiscal year 2020 and \$162,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for youth suicide prevention activities.

(ii) \$204,000 of the general fund—state appropriation for fiscal year 2020 is provided solely for implementation of chapter 202, Laws of 2017 (children's mental health).

(iii) \$20,000 of the general fund—state appropriation for fiscal year 2020 is provided solely for implementation of chapter 175, Laws of 2018 (children's mental health services).

(iv) \$76,000 of the general fund—state appropriation for fiscal year 2020 and \$76,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of chapter 64, Laws of 2018 (sexual abuse of students).

(h)(i) \$280,000 of the general fund—state appropriation for fiscal year 2020, \$280,000 of the general fund—state appropriation for fiscal year 2021, and \$1,052,000 of the dedicated marijuana account—state appropriation are provided solely for dropout prevention, intervention, and reengagement programs, including the jobs for America's graduates (JAG) program, dropout prevention programs that provide student mentoring, and the building bridges statewide program. Students in the foster care system or who are homeless shall be given priority by districts offering the jobs for America's graduates program. The office of the superintendent of public instruction shall convene staff representatives from high schools to meet and share best practices for dropout prevention. Of these amounts, \$522,000 of the dedicated marijuana account—state appropriation for fiscal year 2020, and \$530,000 of the dedicated marijuana account—state appropriation for fiscal year 2021 are provided solely for the building bridges statewide program.

(ii) \$293,000 of the general fund—state appropriation for fiscal year 2020 and \$293,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the office of the superintendent of public instruction to support district implementation of comprehensive guidance and planning programs in support of high-quality high school and beyond plans consistent with RCW 28A.230.090.

(iii) \$178,000 of the general fund—state appropriation for fiscal year 2020 and \$178,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of chapter 291, Laws of 2017 (truancy reduction efforts).

(i) Sufficient amounts are appropriated in this section for the office of the superintendent of public instruction to create a process and provide assistance to school districts in planning for future implementation of the summer knowledge improvement program grants.

(j) \$369,000 of the general fund—state appropriation for fiscal year 2020 and \$358,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the implementation of Second Substitute House Bill No. 1424 (CTE course equivalencies). ~~((If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.))~~

(k) \$400,000 of the general fund—state appropriation for fiscal year 2020 and \$196,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the implementation of Engrossed Second Substitute House Bill No. 1599 (high school graduation reqs.). ~~((If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.))~~

(l) \$60,000 of the general fund—state appropriation for fiscal year 2020, \$60,000 of the general fund—state appropriation for fiscal year 2021, and \$680,000 of the general fund—federal appropriation are provided solely for the implementation of Engrossed Second Substitute House Bill No. 1139 (educator workforce supply). Of the amounts provided in this subsection, \$680,000 of the general fund—federal appropriation is provided solely for title II SEA state-level activities to implement section 103 of Engrossed



Second Substitute House Bill No. 1139 relating to the regional recruiters program. ~~((If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.))~~

(m) \$66,000 of the general fund—state appropriation for fiscal year 2020 and \$60,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the office of the superintendent of public instruction to evaluate and implement best practices and procedures for ensuring that student lunch periods include a seated lunch duration of at least twenty minutes. The office of the superintendent of public instruction shall, through an application-based process, select six public schools to serve as demonstration sites. Of the amounts provided in this subsection:

(i) \$30,000 of the general fund—state appropriation for fiscal year 2020 and \$30,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for annual grant awards of \$5,000 each provided to the six school districts selected to serve as school demonstration sites;

(ii) \$20,000 of the general fund—state appropriation for fiscal year 2020 and \$20,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the office of the superintendent of public instruction to hire a consultant with expertise in nutrition programs to oversee the demonstration projects and provide technical support;

(iii) \$10,000 of the general fund—state appropriation for fiscal year 2020 and \$10,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the office of the superintendent of public instruction to provide technical support to the demonstration sites and report its findings and recommendations to the education committees of the house of representatives and the senate by June 30, 2021; and

(iv) \$6,000 of the general fund—state appropriation for fiscal year 2020 is provided solely for the Washington state school directors' association, in consultation with the office of the superintendent of public instruction, to adopt and make publicly available by February 14, 2020, a model policy and procedure that school districts may use to ensure that student lunch periods include a seated lunch duration of at least twenty minutes. In developing the model policy and procedure, the Washington state school directors' association shall, to the extent appropriate and feasible, incorporate pertinent recommendations from the office of the state auditor.

(n) \$25,000 of the general fund—state appropriation for fiscal year 2020 and \$50,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the office of the superintendent of public instruction to publish a list of schools and districts that are not complying with RCW 28A.325.010 and 28A.325.050. The office must publish the list no later than December 30, 2020. Within amounts appropriated in this subsection, the office of the superintendent of public instruction must:

(i) Collaborate with associated student body executive boards statewide regarding district policies to reduce the extracurricular opportunity gap.

(ii) Require school districts to collect and report to the associated student body executive board the 2018-19 school year data related to students in possession of associated student body cards and student participation in school-based athletic programs by January 15, 2020. School districts with more than one high school must provide each high school's associated student body executive board only the data from each associated student body executive board's respective high school.

(A) Each school district with a high school must collect and publish on its website the following school-level data from each high school for the 2018-19 school year by January 15, 2020, for the 2019-20 school year by April 15, 2020, and for the 2020-21 school year by April 15, 2021:

(I) The number of high school students who are eligible to participate in the federal free and reduced-price meals program;

(II) The purchase amount of an associated student body card for high school students;

(III) The discounted purchase amount of an associated student body card for high school students who are eligible to participate in the federal free and reduced-price meals program;

(IV) Athletic program participation fees and any discounted fees for high school students who are eligible to participate in the federal free and reduced-price meals program;

(V) The number of high school students who possess an associated student body card;

(VI) The number of high school students who are eligible to participate in the federal free and reduced-price meals program and possess an associated student body card;

(VII) The number of high school students participating in an athletic program; and

(VIII) The number of high school students participating in an athletic program who are eligible to participate in the federal free and reduced-price meals program.

(B) The data for the April 2020 and April 2021 reports must include at least two weeks of data from the beginning of spring athletics season.

(C) The office of the superintendent of public instruction must provide support to ensure that all districts comply with the data reporting requirements in this subsection.

(D) No later than January 15, 2020, the office of the superintendent of public instruction must publish a list of schools and districts that are not complying with RCW 28A.325.050.

(o) \$60,000 of the general fund—state appropriation for fiscal year 2020 and \$60,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the office of the superintendent of public instruction to collect and monitor restraint and isolation data pursuant to chapter 206, Laws of 2015, and to provide training, technical

assistance, and other support to schools and districts to reduce the use of restraint and isolation.

(p) \$225,000 of the general fund—state appropriation in fiscal year 2020 and \$225,000 of the general fund—state appropriation in fiscal year 2021 are provided solely for the office of the superintendent of public instruction to develop or expand a mentoring program for persons employed as educational interpreters in public schools. Funds provided under this section may only be used for recruiting, hiring, and training persons to be employed by Washington sensory disability services who must provide mentoring services in different geographic regions of the state, with the dual goals of: Providing services, beginning with the 2019-20 school year, to any requesting school district; and assisting persons in the timely and successful achievement of performance standards for educational interpreters.

(q) \$150,000 of the general fund—state appropriation for fiscal year 2020 is provided solely for the office of the superintendent of public instruction to create a series of articles, videos, and educational curriculum on the history of agriculture in Washington state, including the role and impact of indigenous and immigrant farmers. The materials must be made available for free to schools, educators, and students. The office may collaborate with other agencies or entities in order to create the educational materials.

(r) \$61,000 of the general fund—state appropriation for fiscal year 2020 is provided solely for implementation of Substitute Senate Bill No. 5023 (ethnic studies). ~~((If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.))~~

(s) \$63,000 of the general fund—state appropriation for fiscal year 2020 and \$7,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of Engrossed Second Substitute Senate Bill No. 5497 (immigrants in the workplace). ~~((If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.))~~

(t) Within existing resources, the office shall consult with the Washington student achievement council to adopt rules pursuant to Senate Bill No. 5088 (computer science).

(u) \$125,000 of the general fund—state appropriation for fiscal year 2020 and \$125,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the office of the superintendent of public instruction to conduct a pilot program in five school districts of a dropout early warning and intervention data system as defined in RCW 28A.175.074, to identify students beginning in grade eight who are at risk of not graduating from high school and require additional supports. The system at a minimum must measure attendance, behavior, and course performance. The office of the superintendent of public instruction must report to the appropriate committees of the legislature the progress of all participating schools by December 15, 2020.

(v) Within existing resources, the office shall implement Substitute Senate Bill No. 5324 (homeless student support).

(w) \$150,000 of the workforce education investment account—state appropriation is provided solely for a tribal liaison at the office of the superintendent of public instruction to facilitate access to and support enrollment in career connected learning opportunities for tribal students, including career awareness and exploration, career preparation, and career launch programs, as defined in RCW 28C.30.020, so that tribal students may receive high school or college credit to the maximum extent possible.

**Sec. 502.** 2019 c 415 s 503 (uncodified) is amended to read as follows:

**FOR THE PROFESSIONAL EDUCATOR STANDARDS BOARD**

General Fund—State Appropriation (FY 2020)	
.....	\$3,839,000
General Fund—State Appropriation (FY 2021)	
.....	\$15,771,000
TOTAL APPROPRIATION.....	\$19,610,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$2,834,000 of the general fund—state appropriation for fiscal year 2020 and \$2,887,000 of the general fund—state appropriation for fiscal year 2021 are provided solely to the professional educator standards board for the following:

(a) Within the amounts provided in this subsection (1), \$1,612,000 of the general fund—state appropriation for fiscal year 2020 and \$1,665,000 of the general fund—state appropriation for fiscal year 2021 are for the operation and expenses of the Washington professional educator standards board including implementation of chapter 172, Laws of 2017 (educator prep. data/PESB).

(b) Within the amounts provided in this subsection (1), \$600,000 of the general fund—state appropriation for fiscal year 2020 and \$600,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for grants to improve preservice teacher training and funding of alternate routes to certification programs administered by the professional educator standards board.

Within the amounts provided in this subsection (1)(b), up to \$500,000 of the general fund—state appropriation for fiscal year 2020 and up to \$500,000 of the general fund—state appropriation for fiscal year 2021 are provided for grants to public or private colleges of education in Washington state to develop models and share best practices for increasing the classroom teaching experience of preservice training programs.

(c) Within the amounts provided in this subsection (1), \$622,000 of the general fund—state appropriation for fiscal year 2020 and \$622,000 of the general fund—state appropriation for fiscal year 2021 are provided for the recruiting Washington teachers program with priority given to programs that support bilingual teachers, teachers from populations that are underrepresented, and English language learners. Of the amounts provided in this subsection (1)(c), \$500,000 of the general fund—state appropriation for fiscal

year 2020 and \$500,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation and expansion of the bilingual educator initiative pilot project established under RCW 28A.180.120.

(2) \$272,000 of the general fund—state appropriation for fiscal year 2020 and \$150,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the implementation of Engrossed Second Substitute House Bill No. 1139 (educator workforce supply). ~~((If the bill is not enacted by June 30, 2019, the amount provided in this subsection shall lapse.))~~

(3) \$662,000 of the general fund—state appropriation for fiscal year 2020 and \$12,663,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of chapter 237, Laws of 2017 (paraeducators).

(a) Of the amount in this subsection, \$12,001,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for grants to districts to provide two days of training in the fundamental course of study to all paraeducators. Funds in this subsection are provided solely for reimbursement to school districts that provide two days of training in the fundamental course of study to paraeducators during the 2019-20 school year.

(b) During the 2020-21 school year, districts shall provide the remaining two days of training in the fundamental course of study for those paraeducators receiving their first two days in the 2019-20 school year in anticipation of reimbursement in July and August.

(c) No later than December 1, 2020, the professional educator standards board must submit a report to the legislature including the following:

(i) The total number of trainings that districts provided;

(ii) The number of paraeducators that completed the training, by district; and

(iii) The total expenditures reimbursed to school districts, by district.

**Sec. 503.** 2019 c 415 s 504 (uncodified) is amended to read as follows:

**FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR GENERAL APPORTIONMENT**

General Fund—State Appropriation (FY 2020)  
.....(~~\$8,752,402,000~~)

\$8,801,256,000

General Fund—State Appropriation (FY 2021)  
.....(~~\$9,137,269,000~~)

\$9,181,763,000

Education Legacy Trust Account—State  
Appropriation.....\$1,345,730,000

TOTAL APPROPRIATION .....\$19,235,401,000

\$19,328,749,000

The appropriations in this section are subject to the following conditions and limitations:

(1)(a) Each general fund fiscal year appropriation includes such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.

(b) For the 2019-20 and 2020-21 school years, the superintendent shall allocate general apportionment funding to school districts as provided in the funding formulas and salary allocations in sections 504 and 505 of this act, excluding (c) of this subsection.

(c) From July 1, 2019, to August 31, 2019, the superintendent shall allocate general apportionment funding to school districts programs as provided in sections 502 and 503, chapter 299, Laws of 2018.

(d) The enrollment of any district shall be the annual average number of full-time equivalent students and part-time students as provided in RCW 28A.150.350, enrolled on the fourth day of school in September and on the first school day of each month October through June, including students who are in attendance pursuant to RCW 28A.335.160 and 28A.225.250 who do not reside within the servicing school district. Any school district concluding its basic education program in May must report the enrollment of the last school day held in May in lieu of a June enrollment.

(e)(i) Funding provided in part V of this act is sufficient to provide each full-time equivalent student with the minimum hours of instruction required under RCW 28A.150.220.

(ii) The office of the superintendent of public instruction shall align the agency rules defining a full-time equivalent student with the increase in the minimum instructional hours under RCW 28A.150.220, as amended by the legislature in 2014.

(f) The superintendent shall adopt rules requiring school districts to report full-time equivalent student enrollment as provided in RCW 28A.655.210.

(g) For the 2019-20 and 2020-21 school years, school districts must report to the office of the superintendent of public instruction the monthly actual average district-wide class size across each grade level of kindergarten, first grade, second grade, and third grade classes. The superintendent of public instruction shall report this information to the education and fiscal committees of the house of representatives and the senate by September 30th of each year.

**(2) CERTIFICATED INSTRUCTIONAL STAFF ALLOCATIONS**

Allocations for certificated instructional staff salaries for the 2019-20 and 2020-21 school years are determined using formula-generated staff units calculated pursuant to this subsection.

(a) Certificated instructional staff units, as defined in RCW 28A.150.410, shall be allocated to reflect the

minimum class size allocations, requirements, and school prototypes assumptions as provided in RCW 28A.150.260. The superintendent shall make allocations to school districts based on the district's annual average full-time equivalent student enrollment in each grade.

(b) Additional certificated instructional staff units provided in this subsection (2) that exceed the minimum requirements in RCW 28A.150.260 are enhancements outside the program of basic education, except as otherwise provided in this section.

(c)(i) The superintendent shall base allocations for each level of prototypical school, including those at which more than fifty percent of the students were eligible for free and reduced-price meals in the prior school year, on the following regular education average class size of full-time equivalent students per teacher, except as provided in (c)(ii) of this subsection:

General  
education  
class size:

Grade	RCW 28A.150.260	2019-20 School Year	2020-21 School Year
Grade K		17.00	17.00
Grade 1		17.00	17.00
Grade 2		17.00	17.00
Grade 3		17.00	17.00
Grade 4		27.00	27.00
Grades 5-6		27.00	27.00
Grades 7-8		28.53	28.53
Grades 9-12		28.74	28.74

The superintendent shall base allocations for: Laboratory science average class size as provided in RCW 28A.150.260; career and technical education (CTE) class size of 23.0; and skill center program class size of 20.0.

(ii) Pursuant to RCW 28A.150.260(4)(a), the assumed teacher planning period, expressed as a percentage of a teacher work day, is 13.42 percent in grades K-6, and 16.67 percent in grades 7-12; and

(iii) Advanced placement and international baccalaureate courses are funded at the same class size assumptions as general education schools in the same grade; and

(d)(i) Funding for teacher librarians, school nurses, social workers, school psychologists, and guidance counselors is allocated based on the school prototypes as provided in RCW 28A.150.260 and is considered

certificated instructional staff, except as provided in (d)(ii) of this subsection.

(ii)(A) For the twenty schools with the lowest overall school score for all students in the 2018-19 school year, as determined by the Washington school improvement framework among elementary schools, middle schools, and other schools not serving students up to twelfth grade, having enrollments greater than one hundred fifty students, in addition to the allocation under (d)(i) of this subsection the superintendent shall allocate additional funding for guidance counselors for each level of prototypical school as follows:

	Elementary	Middle
Guidance counselors	0.307	0.512

To receive additional allocations under this subsection, a school eligible to receive the allocation must have demonstrated actual staffing for guidance counselors for its prototypical school level that meets or exceeds the staffing for guidance counselors in (d)(i) of this subsection and this subsection (2)(d)(ii)(A) for its prototypical school level. School districts must distribute the additional guidance counselors allocation in this subsection to the schools that generate the allocation. The enhancement within this subsection is not part of the state's program of basic education.

(B) Students in approved career and technical education and skill center programs generate certificated instructional staff units to provide for the services of teacher librarians, school nurses, social workers, school psychologists, and guidance counselors at the following combined rate per 1000 student full-time equivalent enrollment:

	2019-20 School Year	2020-21 School Year
Career and Technical Education	3.07	3.07
Skill Center	3.41	3.41

### (3) ADMINISTRATIVE STAFF ALLOCATIONS

(a) Allocations for school building-level certificated administrative staff salaries for the 2019-20 and 2020-21 school years for general education students are determined using the formula generated staff units calculated pursuant to this subsection. The superintendent shall make allocations to school districts based on the district's annual average full-time equivalent enrollment in each grade. The following prototypical school values shall determine the allocation for principals, assistant principals, and other certificated building level administrators:

Prototypical Building:	School
---------------------------	--------

Elementary School	1.253
Middle School	1.353
High School	1.880

(b) Students in approved career and technical education and skill center programs generate certificated school building-level administrator staff units at per student rates that are a multiple of the general education rate in (a) of this subsection by the following factors: Career and Technical Education students ..... 1.025

Skill Center students..... 1.198

#### (4) CLASSIFIED STAFF ALLOCATIONS

Allocations for classified staff units providing school building-level and district-wide support services for the 2019-20 and 2020-21 school years are determined using the formula-generated staff units provided in RCW 28A.150.260 and pursuant to this subsection, and adjusted based on each district's annual average full-time equivalent student enrollment in each grade.

#### (5) CENTRAL OFFICE ALLOCATIONS

In addition to classified and administrative staff units allocated in subsections (3) and (4) of this section, classified and administrative staff units are provided for the 2019-20 and 2020-21 school years for the central office administrative costs of operating a school district, at the following rates:

(a) The total central office staff units provided in this subsection (5) are calculated by first multiplying the total number of eligible certificated instructional, certificated administrative, and classified staff units providing school-based or district-wide support services, as identified in RCW 28A.150.260(6)(b) and the increased allocations provided pursuant to subsections (2) and (4) of this section, by 5.3 percent.

(b) Of the central office staff units calculated in (a) of this subsection, 74.53 percent are allocated as classified staff units, as generated in subsection (4) of this section, and 25.47 percent shall be allocated as administrative staff units, as generated in subsection (3) of this section.

(c) Staff units generated as enhancements outside the program of basic education to the minimum requirements of RCW 28A.150.260, and staff units generated by skill center and career-technical students, are excluded from the total central office staff units calculation in (a) of this subsection.

(d) For students in approved career-technical and skill center programs, central office classified units are allocated at the same staff unit per student rate as those generated for general education students of the same grade in this subsection (5), and central office administrative staff units are allocated at staff unit per student rates that exceed the general education rate established for students in the same grade in this subsection (5) by 12.51 percent in the 2019-20 school year and 12.53 percent in the 2020-21 school year for career and technical education students, and 17.84 percent in

the 2019-20 school year and 17.86 percent in the 2020-21 school year for skill center students.

#### (6) FRINGE BENEFIT ALLOCATIONS

Fringe benefit allocations shall be calculated at a rate of 23.80 percent in the 2019-20 school year and ~~((23.80))~~ 23.89 percent in the 2020-21 school year for certificated salary allocations provided under subsections (2), (3), and (5) of this section, and a rate of 24.33 percent in the 2019-20 school year and ~~((24.33))~~ 24.37 percent in the 2020-21 school year for classified salary allocations provided under subsections (4) and (5) of this section.

#### (7) INSURANCE BENEFIT ALLOCATIONS

Insurance benefit allocations shall be calculated at the rates specified in section 506 of this act, based on the number of benefit units determined as follows:

(a) Until December 31, 2019 and for nonrepresented employees of educational service districts for the 2020-21 school year:

(i) The number of certificated staff units determined in subsections (2), (3), and (5) of this section; and

(ii) The number of classified staff units determined in subsections (4) and (5) of this section.

(b) Beginning January 1, 2020, and except for nonrepresented employees of educational service districts for the 2020-21 school year, the number of calculated benefit units determined below. Calculated benefit units are staff units multiplied by the benefit allocation factors established in the collective bargaining agreement referenced in ~~((section 938 of this act))~~ section 908 of this act. These factors are intended to adjust allocations so that, for the purpose of distributing insurance benefits, full-time equivalent employees may be calculated on the basis of 630 hours of work per year, with no individual employee counted as more than one full-time equivalent. The number of benefit units is determined as follows:

(i) The number of certificated staff units determined in subsections (2), (3), and (5) of this section multiplied by 1.02; and

(ii) The number of classified staff units determined in subsections (4) and (5) of this section multiplied by 1.43.

(c) For health benefits payments to the health care authority for benefits provided to school employees in January 2020, school districts must provide payment to the health care authority within three business days of receiving the January 2020 allocation for insurance benefits. The health care authority and office of the superintendent of public instruction must coordinate with school districts to enable timely payment to the health care authority consistent with this subsection.

#### (8) MATERIALS, SUPPLIES, AND OPERATING COSTS (MSOC) ALLOCATIONS

Funding is allocated per annual average full-time equivalent student for the materials, supplies, and operating costs (MSOC) incurred by school districts, consistent with the requirements of RCW 28A.150.260.

(a)(i) MSOC funding for general education students are allocated at the following per student rates:

MSOC RATES/STUDENT FTE

MSOC Component	2019-20 School Year	2020-21 School Year
Technology	\$135.91	(((\$138.75)) \$138.50
Utilities and Insurance	\$369.29	(((\$377.04)) \$376.30
Curriculum and Textbooks	\$145.92	(((\$148.99)) \$148.69
Other Supplies	\$289.00	(((\$295.07)) \$294.49
Library Materials	\$20.79	(((\$21.23)) \$21.19
Instructional Professional Development for Certificated and Classified Staff	\$22.57	(((\$23.04)) \$22.99
Facilities Maintenance	\$182.94	(((\$186.79)) \$186.42
Security and Central Office	\$126.74	(((\$129.41)) \$129.15
TOTAL BASIC EDUCATION MSOC/STUDENT FTE	\$1,293.16	(((\$1,320.32)) \$1,317.73

(ii) For the 2019-20 school year and 2020-21 school year, as part of the budget development, hearing, and review process required by chapter 28A.505 RCW, each school district must disclose: (A) The amount of state funding to be received by the district under (a) and (d) of this subsection (8); (B) the amount the district proposes to spend for materials, supplies, and operating costs; (C) the difference between these two amounts; and (D) if (A) of this subsection (8)(a)(ii) exceeds (B) of this subsection (8)(a)(ii), any proposed use of this difference and how this use will improve student achievement.

(b) Students in approved skill center programs generate per student FTE MSOC allocations of \$1,529.98 for the 2019-20 school year and (((\$1,562.11)) \$1,559.05 for the 2020-21 school year.

(c) Students in approved exploratory and preparatory career and technical education programs generate per

student FTE MSOC allocations of \$1,529.98 for the 2019-20 school year and (((\$1,562.11)) \$1,559.05 for the 2020-21 school year.

(d) Students in grades 9-12 generate per student FTE MSOC allocations in addition to the allocations provided in (a) through (c) of this subsection at the following rate:

MSOC Component	2019-20 School Year	2020-21 School Year
Technology	\$39.08	(((\$39.90)) \$39.83
Curriculum and Textbooks	\$42.63	(((\$43.53)) \$43.44
Other Supplies	\$83.04	(((\$84.79)) \$84.62
Library Materials	\$5.78	(((\$5.90)) \$5.89
Instructional Professional Development for Certified and Classified Staff	\$7.11	(((\$7.25)) \$7.24
TOTAL GRADE 9-12 BASIC EDUCATION MSOC/STUDENT FTE	\$177.64	(((\$181.37)) \$181.02

(9) SUBSTITUTE TEACHER ALLOCATIONS

For the 2019-20 and 2020-21 school years, funding for substitute costs for classroom teachers is based on four (4) funded substitute days per classroom teacher unit generated under subsection (2) of this section, at a daily substitute rate of \$151.86.

(10) ALTERNATIVE LEARNING EXPERIENCE PROGRAM FUNDING

(a) Amounts provided in this section from July 1, 2019, to August 31, 2019, are adjusted to reflect provisions of chapter 299, Laws of 2018 (allocation of funding for students enrolled in alternative learning experiences).

(b) The superintendent of public instruction shall require all districts receiving general apportionment funding for alternative learning experience (ALE) programs as defined in WAC 392-121-182 to provide separate financial accounting of expenditures for the ALE programs offered in district or with a provider, including but not limited to private companies and multidistrict cooperatives, as well as accurate, monthly headcount and FTE enrollment claimed for basic education, including separate counts of resident and nonresident students.

(11) DROPOUT REENGAGEMENT PROGRAM

The superintendent shall adopt rules to require students claimed for general apportionment funding based on enrollment in dropout reengagement programs authorized under RCW 28A.175.100 through 28A.175.115 to meet

requirements for at least weekly minimum instructional contact, academic counseling, career counseling, or case management contact. Districts must also provide separate financial accounting of expenditures for the programs offered by the district or under contract with a provider, as well as accurate monthly headcount and full-time equivalent enrollment claimed for basic education, including separate enrollment counts of resident and nonresident students.

#### (12) ALL DAY KINDERGARTEN PROGRAMS

Funding in this section is sufficient to fund all day kindergarten programs in all schools in the 2019-20 school year and 2020-21 school year, pursuant to RCW 28A.150.220 and 28A.150.315.

#### (13) ADDITIONAL FUNDING FOR SMALL SCHOOL DISTRICTS AND REMOTE AND NECESSARY PLANTS

For small school districts and remote and necessary school plants within any district which have been judged to be remote and necessary by the superintendent of public instruction, additional staff units are provided to ensure a minimum level of staffing support. Additional administrative and certificated instructional staff units provided to districts in this subsection shall be reduced by the general education staff units, excluding career and technical education and skills center enhancement units, otherwise provided in subsections (2) through (5) of this section on a per district basis.

(a) For districts enrolling not more than twenty-five average annual full-time equivalent students in grades K-8, and for small school plants within any school district which have been judged to be remote and necessary by the superintendent of public instruction and enroll not more than twenty-five average annual full-time equivalent students in grades K-8:

(i) For those enrolling no students in grades 7 and 8, 1.76 certificated instructional staff units and 0.24 certificated administrative staff units for enrollment of not more than five students, plus one-twentieth of a certificated instructional staff unit for each additional student enrolled; and

(ii) For those enrolling students in grades 7 or 8, 1.68 certificated instructional staff units and 0.32 certificated administrative staff units for enrollment of not more than five students, plus one-tenth of a certificated instructional staff unit for each additional student enrolled;

(b) For specified enrollments in districts enrolling more than twenty-five but not more than one hundred average annual full-time equivalent students in grades K-8, and for small school plants within any school district which enroll more than twenty-five average annual full-time equivalent students in grades K-8 and have been judged to be remote and necessary by the superintendent of public instruction:

(i) For enrollment of up to sixty annual average full-time equivalent students in grades K-6, 2.76 certificated instructional staff units and 0.24 certificated administrative staff units; and

(ii) For enrollment of up to twenty annual average full-time equivalent students in grades 7 and 8, 0.92 certificated instructional staff units and 0.08 certificated administrative staff units;

(c) For districts operating no more than two high schools with enrollments of less than three hundred average annual full-time equivalent students, for enrollment in grades 9-12 in each such school, other than alternative schools, except as noted in this subsection:

(i) For remote and necessary schools enrolling students in any grades 9-12 but no more than twenty-five average annual full-time equivalent students in grades K-12, four and one-half certificated instructional staff units and one-quarter of a certificated administrative staff unit;

(ii) For all other small high schools under this subsection, nine certificated instructional staff units and one-half of a certificated administrative staff unit for the first sixty average annual full-time equivalent students, and additional staff units based on a ratio of 0.8732 certificated instructional staff units and 0.1268 certificated administrative staff units per each additional forty-three and one-half average annual full-time equivalent students;

(iii) Districts receiving staff units under this subsection shall add students enrolled in a district alternative high school and any grades nine through twelve alternative learning experience programs with the small high school enrollment for calculations under this subsection;

(d) For each nonhigh school district having an enrollment of more than seventy annual average full-time equivalent students and less than one hundred eighty students, operating a grades K-8 program or a grades 1-8 program, an additional one-half of a certificated instructional staff unit;

(e) For each nonhigh school district having an enrollment of more than fifty annual average full-time equivalent students and less than one hundred eighty students, operating a grades K-6 program or a grades 1-6 program, an additional one-half of a certificated instructional staff unit;

(f)(i) For enrollments generating certificated staff unit allocations under (a) through (e) of this subsection, one classified staff unit for each 2.94 certificated staff units allocated under such subsections;

(ii) For each nonhigh school district with an enrollment of more than fifty annual average full-time equivalent students and less than one hundred eighty students, an additional one-half of a classified staff unit; and

(g) School districts receiving additional staff units to support small student enrollments and remote and necessary plants under this subsection (13) shall generate additional MSOC allocations consistent with the nonemployee related costs (NERC) allocation formula in place for the 2010-11 school year as provided section 502, chapter 37, Laws of 2010 1st sp. sess. (2010 supplemental budget), adjusted annually for inflation.

(14) Any school district board of directors may petition the superintendent of public instruction by submission of a resolution adopted in a public meeting to reduce or delay any portion of its basic education allocation for any school year. The superintendent of public instruction shall approve such reduction or delay if it does not impair the district's financial condition. Any delay shall not be for more than two school years. Any reduction or delay shall have no impact on levy authority pursuant to RCW 84.52.0531 and local effort assistance pursuant to chapter 28A.500 RCW.

(15) The superintendent may distribute funding for the following programs outside the basic education formula during fiscal years 2020 and 2021 as follows:

(a) \$650,000 of the general fund—state appropriation for fiscal year 2020 and \$650,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for fire protection for school districts located in a fire protection district as now or hereafter established pursuant to chapter 52.04 RCW.

(b) \$436,000 of the general fund—state appropriation for fiscal year 2020 and \$436,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for programs providing skills training for secondary students who are enrolled in extended day school-to-work programs, as approved by the superintendent of public instruction. The funds shall be allocated at a rate not to exceed \$500 per full-time equivalent student enrolled in those programs.

(16) Funding in this section is sufficient to fund a maximum of 1.6 FTE enrollment for skills center students pursuant to chapter 463, Laws of 2007.

(17) Funding in this section is sufficient to fund a maximum of 1.2 FTE enrollment for career launch students pursuant to RCW 28A.700.130. Expenditures for this purpose must come first from the appropriations provided in section 521 of this act; funding for career launch enrollment exceeding those appropriations is provided in this section.

(18) Students participating in running start programs may be funded up to a combined maximum enrollment of 1.2 FTE including school district and institution of higher education enrollment consistent with the running start course requirements provided in chapter 202, Laws of 2015 (dual credit education opportunities). In calculating the combined 1.2 FTE, the office of the superintendent of public instruction may average the participating student's September through June enrollment to account for differences in the start and end dates for courses provided by the high school and higher education institution. Additionally, the office of the superintendent of public instruction, in consultation with the state board for community and technical colleges, the student achievement council, and the education data center, shall annually track and report to the fiscal committees of the legislature on the combined FTE experience of students participating in the running start program, including course load analyses at both the high school and community and technical college system.

~~((48))~~ (19) If two or more school districts consolidate and each district was receiving additional basic education formula staff units pursuant to subsection (13) of this section, the following apply:

(a) For three school years following consolidation, the number of basic education formula staff units shall not be less than the number of basic education formula staff units received by the districts in the school year prior to the consolidation; and

(b) For the fourth through eighth school years following consolidation, the difference between the basic education formula staff units received by the districts for the school year prior to consolidation and the basic education formula staff units after consolidation pursuant to subsection (13) of this section shall be reduced in increments of twenty percent per year.

~~((49))~~ (20)(a) Indirect cost charges by a school district to approved career and technical education middle and secondary programs shall not exceed the lesser of five percent or the cap established in federal law of the combined basic education and career and technical education program enhancement allocations of state funds. Middle and secondary career and technical education programs are considered separate programs for funding and financial reporting purposes under this section.

(b) Career and technical education program full-time equivalent enrollment shall be reported on the same monthly basis as the enrollment for students eligible for basic support, and payments shall be adjusted for reported career and technical education program enrollments on the same monthly basis as those adjustments for enrollment for students eligible for basic support.

~~((20))~~ (21) Funding in this section is sufficient to provide full general apportionment payments to school districts eligible for federal forest revenues as provided in RCW 28A.520.020. For the 2019-2021 biennium, general apportionment payments are not reduced for school districts receiving federal forest revenues.

**Sec. 504.** 2019 c 415 s 505 (uncodified) is amended to read as follows:

#### **FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—BASIC EDUCATION EMPLOYEE COMPENSATION**

(1) The following calculations determine the salaries used in the state allocations for certificated instructional, certificated administrative, and classified staff units as provided in RCW 28A.150.260, and under ~~((section 504 of this act))~~ section 503 of this act: For the 2019-20 school year and the 2020-21 school year salary allocations for certificated instructional staff, certificated administrative staff, and classified staff units are determined for each school district by multiplying the statewide minimum salary allocation for each staff type by the school district's regionalization factor shown in LEAP Document 3.

Statewide Minimum Salary Allocation



Staff Type	2019-20 School Year	2020-21 School Year
Certificated Instructional	\$66,520	(((\$67,917)) \$67,784
Certificated Administrative	\$98,741	(((\$100,815)) \$100,617
Classified	\$47,720	(((\$48,722)) \$48,627

(2) For the purposes of this section, "LEAP Document 3" means the school district regionalization factors for certificated instructional, certificated administrative, and classified staff, as developed by the legislative evaluation and accountability program committee on December ((40, 2018, at 8:24 hours)) 12, 2019, at 11:12 hours.

(3) Incremental fringe benefit factors are applied to salary adjustments at a rate of 23.16 percent for school year 2019-20 and ((23.16)) 23.25 percent for school year 2020-21 for certificated instructional and certificated administrative staff and 20.83 percent for school year 2019-20 and ((20.83)) 20.87 percent for the 2020-21 school year for classified staff.

(4) The salary allocations established in this section are for allocation purposes only except as provided in this subsection, and do not entitle an individual staff position to a particular paid salary except as provided in RCW 28A.400.200, as amended by chapter 13, Laws of 2017 3rd sp. sess. (fully funding the program of basic education).

**Sec. 505.** 2019 c 415 s 506 (uncodified) is amended to read as follows:

**FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR SCHOOL EMPLOYEE COMPENSATION ADJUSTMENTS**

General Fund—State Appropriation (FY 2020)	(((\$379,041,000))
	<u>\$384,747,000</u>
General Fund—State Appropriation (FY 2021)	(((\$726,648,000))
	<u>\$695,167,000</u>
TOTAL APPROPRIATION .....	<u>\$1,105,689,000</u>
	<u>\$1,079,914,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) The salary increases provided in this section are 2.0 percent for the 2019-20 school year, and ((2.4)) 1.9 percent for the 2020-21 school year, the annual inflationary adjustments pursuant to RCW 28A.400.205.

(2)(a) In addition to salary allocations ((specified in this subsection (1) funding)), the appropriations in this ((subsection includes two days of)) section include funding for professional learning as defined in RCW 28A.415.430, 28A.415.432, and 28A.415.434. Funding for this purpose is calculated as the equivalent of two days of salary and benefits for each of the funded full-time equivalent certificated instructional staff units in school year 2019-20, and three days ((of professional learning)) of salary and benefits for each of the funded full-time equivalent certificated instructional staff units in school year 2020-21. Nothing in this section entitles an individual certificated instructional staff to any particular number of professional learning days.

(b) Of the funding provided for professional learning in this section, the equivalent of one day of salary and benefits for each of the funded full-time equivalent certificated instructional staff units in school year 2020-21 must be used to train school district staff on racial literacy, cultural responsiveness, and stereotype threat for purposes of closing persistent opportunity gaps.

(3)(a) The appropriations in this section include associated incremental fringe benefit allocations at 23.16 percent for the 2019-20 school year and ((23.16)) 23.25 percent for the 2020-21 school year for certificated instructional and certificated administrative staff and 20.83 percent for the 2019-20 school year and ((20.83)) 20.87 percent for the 2020-21 school year for classified staff.

(b) The appropriations in this section include the increased or decreased portion of salaries and incremental fringe benefits for all relevant state-funded school programs in part V of this act. Changes for general apportionment (basic education) are based on the salary allocations and methodology in ((sections 504 and 505 of this act)) sections 503 and 504 of this act. Changes for special education result from changes in each district's basic education allocation per student. Changes for educational service districts and institutional education programs are determined by the superintendent of public instruction using the methodology for general apportionment salaries and benefits in ((sections 504 and 505 of this act)) sections 503 and 504 of this act. Changes for pupil transportation are determined by the superintendent of public instruction pursuant to RCW 28A.160.192, and impact compensation factors in sections 504, 505, and 506 of this act.

(c) The appropriations in this section include no salary adjustments for substitute teachers.

(4) The appropriations in this section are sufficient to fund the collective bargaining agreement referenced in ((section 938 of this act)) section 908 of this act and reflect the incremental change in cost of allocating rates as follows:

(a) For the 2019-20 school year, \$973.00 per month from September 1, 2019, to December 31, 2019, \$994 per month from January 1, 2020, to June 30, 2020, and \$1,056 per month from July 1, 2020, to August 31, 2020; and

(b) For the 2020-21 school year, (((\$1,056)) \$1,029 per month.

(5) When bargaining for funding for school employees health benefits for the 2021-2023 fiscal biennium, any proposal agreed upon must assume the imposition of a twenty-five dollar per month surcharge payment from members who use tobacco products and a surcharge payment of not less than fifty dollars per month from members who cover a spouse or domestic partner where the spouse or domestic partner has chosen not to enroll in another employer-based group health insurance that has benefits and premiums with an actuarial value of not less than ninety-five percent of the actuarial value of the public employees' benefits board plan with the largest enrollment. The surcharge payments shall be collected in addition to the member premium payment.

(6) The rates specified in this section are subject to revision each year by the legislature.

(7)(a) ~~\$1,226,000 of the general fund—state appropriation for fiscal year 2020 ((and \$2,763,000 of the general fund—state appropriation for fiscal year 2021 are))~~ is provided solely for changes to the special education cost multiplier as specified in Engrossed Second Substitute Senate Bill No. 5091 (special education funding).

(b) Within amounts appropriated in this section, funding is provided for fiscal year 2021 for changes to the special education cost multiplier as specified in chapter 387, Laws of 2019 (special education funding).

**Sec. 506.** 2019 c 415 s 507 (uncodified) is amended to read as follows:

**FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR PUPIL TRANSPORTATION**

General Fund—State Appropriation (FY 2020)	<del>(\$614,906,000))</del>
	<u>\$666,162,000</u>
General Fund—State Appropriation (FY 2021)	<del>(\$615,788,000))</del>
	<u>\$641,529,000</u>
TOTAL APPROPRIATION .....	<del>\$1,230,694,000</del>
	<u>\$1,307,691,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) Each general fund fiscal year appropriation includes such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.

(2)(a) For the 2019-20 and 2020-21 school years, the superintendent shall allocate funding to school district programs for the transportation of eligible students as provided in RCW 28A.160.192. Funding in this section constitutes full implementation of RCW 28A.160.192, which enhancement is within the program of basic education. Students are considered eligible only if meeting the definitions provided in RCW 28A.160.160.

(b) From July 1, 2019, to August 31, 2019, the superintendent shall allocate funding to school districts programs for the transportation of students as provided in section 505, chapter 299, Laws of 2018.

(3) Within amounts appropriated in this section, up to \$10,000,000 of the general fund—state appropriation for fiscal year 2020 and up to \$10,000,000 of the general fund—state appropriation for fiscal year 2021 are for a transportation alternate funding grant program based on the alternate funding process established in RCW 28A.160.191. The superintendent of public instruction must include a review of school district efficiency rating, key performance indicators and local school district characteristics such as unique geographic constraints in the grant award process.

(4) A maximum of \$939,000 of this fiscal year 2020 appropriation and a maximum of \$939,000 of the fiscal year 2021 appropriation may be expended for regional transportation coordinators and related activities. The transportation coordinators shall ensure that data submitted by school districts for state transportation funding shall, to the greatest extent practical, reflect the actual transportation activity of each district.

(5) Subject to available funds under this section, school districts may provide student transportation for summer skills center programs.

(6) The office of the superintendent of public instruction shall provide reimbursement funding to a school district for school bus purchases only after the superintendent of public instruction determines that the school bus was purchased from the list established pursuant to RCW 28A.160.195(2) or a comparable competitive bid process based on the lowest price quote based on similar bus categories to those used to establish the list pursuant to RCW 28A.160.195.

(7) The superintendent of public instruction shall base depreciation payments for school district buses on the presales tax five-year average of lowest bids in the appropriate category of bus. In the final year on the depreciation schedule, the depreciation payment shall be based on the lowest bid in the appropriate bus category for that school year.

(8) Funding levels in this section reflect waivers granted by the state board of education for four-day school weeks as allowed under RCW 28A.305.141.

(9) The office of the superintendent of public instruction shall annually disburse payments for bus depreciation in August.

**Sec. 507.** 2019 c 415 s 509 (uncodified) is amended to read as follows:

**FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR SPECIAL EDUCATION PROGRAMS**

General Fund—State Appropriation (FY 2020)	<del>(\$1,402,262,000))</del>
	<u>\$1,414,005,000</u>

General Fund—State Appropriation (FY 2021)			
.....( <del>(\$1,501,646,000)</del> )			
\$1,456,990,000			
General Fund—Federal Appropriation			
.....( <del>(\$499,428,000)</del> )			
\$514,004,000			
Education Legacy Trust Account—State			
Appropriation.....	\$54,694,000		
Pension Funding Stabilization Account—State			
Appropriation.....	\$20,000		
TOTAL APPROPRIATION .....	<del>\$3,458,050,000</del>		
	\$3,439,713,000		

The appropriations in this section are subject to the following conditions and limitations:

(1)(a) Funding for special education programs is provided on an excess cost basis, pursuant to RCW 28A.150.390. School districts shall ensure that special education students as a class receive their full share of the general apportionment allocation accruing through ~~((sections 504 and 506 of this act))~~ sections 503 and 505 of this act. To the extent a school district cannot provide an appropriate education for special education students under chapter 28A.155 RCW through the general apportionment allocation, it shall provide services through the special education excess cost allocation funded in this section.

(b) Funding provided within this section is sufficient for districts to provide school principals and lead special education teachers annual professional development on the best-practices for special education instruction and strategies for implementation. Districts shall annually provide a summary of professional development activities to the office of the superintendent of public instruction.

(2)(a) The superintendent of public instruction shall ensure that:

(i) Special education students are basic education students first;

(ii) As a class, special education students are entitled to the full basic education allocation; and

(iii) Special education students are basic education students for the entire school day.

(b) The superintendent of public instruction shall continue to implement the full cost method of excess cost accounting, as designed by the committee and recommended by the superintendent, pursuant to section 501(1)(k), chapter 372, Laws of 2006.

(3) Each fiscal year appropriation includes such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.

(4)(a) For the 2019-20 and 2020-21 school years, the superintendent shall allocate funding to school district programs for special education students as provided in RCW 28A.150.390 as amended by chapter 266, Laws of 2018

(basic education), except that the calculation of the base allocation also includes allocations provided under ~~((section 504 (2) and (4) of this act))~~ section 503 (2) and (4) of this act and RCW 28A.150.415, which enhancement is within the program of basic education.

(b) From July 1, 2019, to August 31, 2019, the superintendent shall allocate funding to school district programs for special education students as provided in section 507, chapter 299, Laws of 2018.

(5) The following applies throughout this section: The definitions for enrollment and enrollment percent are as specified in RCW 28A.150.390(3). Each district's general fund—state funded special education enrollment shall be the lesser of the district's actual enrollment percent or 13.5 percent.

(6) At the request of any interdistrict cooperative of at least 15 districts in which all excess cost services for special education students of the districts are provided by the cooperative, the maximum enrollment percent shall be calculated in accordance with RCW 28A.150.390(3) (c) and (d), and shall be calculated in the aggregate rather than individual district units. For purposes of this subsection, the average basic education allocation per full-time equivalent student shall be calculated in the aggregate rather than individual district units.

(7) ~~((~~\$71,253,000~~))~~ \$63,609,000 of the general fund—state appropriation for fiscal year 2020, ~~((~~\$87,253,000~~))~~ \$89,588,000 of the general fund—state appropriation for fiscal year 2021, and \$29,574,000 of the general fund—federal appropriation are provided solely for safety net awards for districts with demonstrated needs for special education funding beyond the amounts provided in subsection (4) of this section. If the federal safety net awards based on the federal eligibility threshold exceed the federal appropriation in this subsection (7) in any fiscal year, the superintendent shall expend all available federal discretionary funds necessary to meet this need. At the conclusion of each school year, the superintendent shall recover safety net funds that were distributed prospectively but for which districts were not subsequently eligible.

(a) For the 2019-20 and 2020-21 school years, safety net funds shall be awarded by the state safety net oversight committee as provided in section 109(1) chapter 548, Laws of 2009 (education).

(b) The office of the superintendent of public instruction shall make award determinations for state safety net funding in August of each school year, except that the superintendent of public instruction shall make award determinations for state safety net funding in July of each school year for the Washington state school for the blind and for the center for childhood deafness and hearing loss. Determinations on school district eligibility for state safety net awards shall be based on analysis of actual expenditure data from the current school year.

(8) A maximum of \$931,000 may be expended from the general fund—state appropriations to fund 5.43 full-time equivalent teachers and 2.1 full-time equivalent aides at children's orthopedic hospital and medical center. This

amount is in lieu of money provided through the home and hospital allocation and the special education program.

(9) The superintendent shall maintain the percentage of federal flow-through to school districts at 85 percent. In addition to other purposes, school districts may use increased federal funds for high-cost students, for purchasing regional special education services from educational service districts, and for staff development activities particularly relating to inclusion issues.

(10) A school district may carry over from one year to the next year up to 10 percent of the general fund—state funds allocated under this program; however, carryover funds shall be expended in the special education program.

(11) \$50,000 of the general fund—state appropriation for fiscal year 2020, \$50,000 of the general fund—state appropriation for fiscal year 2021, and \$100,000 of the general fund—federal appropriation are provided solely for a special education family liaison position within the office of the superintendent of public instruction.

(12)(a) \$30,746,000 of the general fund—state appropriation for fiscal year 2020 ~~((and \$46,425,000 of the general fund—state appropriation for fiscal year 2021 are))~~ is provided solely for changes to the special education cost multiplier as specified in Engrossed Second Substitute Senate Bill No. 5091 (special education funding).

(b) Within amounts appropriated in this section, funding is provided for fiscal year 2021 for changes to the special education cost multiplier as specified in chapter 387, Laws of 2019 (special education funding).

(13) \$10,000,000 of the general fund—state appropriation for fiscal year 2020 and \$15,000,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the office of the superintendent of public instruction to support professional development in inclusionary practices for classroom teachers. The primary form of support to public school classroom teachers must be for mentors who are experts in best practices for inclusive education, differentiated instruction, and individualized instruction. Funding for mentors must be prioritized to the public schools with the highest percentage of students with individualized education programs aged six through twenty-one who spend the least amount of time in general education classrooms.

(14) Beginning September 1, 2020, funding for payments to providers for the early support for infants and toddler program is transferred to the department of children, youth, and families to implement Z-0775.1/20 (early support for infants and toddlers transfer). The amount of the transfer and related funding requirements are included in section 225(5)(k) of this act.

**Sec. 508.** 2019 c 415 s 510 (uncodified) is amended to read as follows:

**FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR EDUCATIONAL SERVICE DISTRICTS**

General Fund—State Appropriation (FY 2020)  
.....\$12,869,000

General Fund—State Appropriation (FY 2021)  
.....~~(\$12,948,000)~~

\$20,501,000

TOTAL APPROPRIATION.....\$25,817,000

\$33,370,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The educational service districts shall continue to furnish financial services required by the superintendent of public instruction and RCW 28A.310.190 (3) and (4).

(2) Funding within this section is provided for regional professional development related to mathematics and science curriculum and instructional strategies aligned with common core state standards and next generation science standards. Funding shall be distributed among the educational service districts in the same proportion as distributions in the 2007-2009 biennium. Each educational service district shall use this funding solely for salary and benefits for a certificated instructional staff with expertise in the appropriate subject matter and in professional development delivery, and for travel, materials, and other expenditures related to providing regional professional development support.

(3) Funding within this section is provided for regional professional development related to English language arts curriculum and instructional strategies aligned with common core state standards. Each educational service district shall use this funding solely for salary and benefits for certificated instructional staff with expertise in the appropriate subject matter and in professional development delivery, and for travel, materials, and other expenditures related to providing regional professional development support.

(4) For fiscal year 2021, funding within this section is provided for regional technical support for the K-20 telecommunications network to prevent system failures and avoid interruptions in school utilization of the data processing and video-conferencing capabilities of the network. These funds may be used to purchase engineering and advanced technical support for the network.

(5) For fiscal year 2021, funding within this section is provided for a corps of nurses located at the educational service districts, to be dispatched in coordination with the office of the superintendent of public instruction, to provide direct care to students, health education, and training for school staff. Funding is sufficient to provide one day of registered nursing services to each class II school district every ten school days.

(6) For fiscal year 2021, funding within this section is provided for staff and support at the nine educational service districts to provide a network of support for school districts to develop and implement comprehensive suicide prevention and behavioral health supports for students.

(7) For fiscal year 2021, funding within this section is provided for staff and support at the nine educational service districts to provide assistance to school districts with comprehensive safe schools planning, conducting needs assessments, school safety and security trainings, coordinating appropriate crisis and emergency response and recovery, and developing threat assessment and crisis intervention teams.

(8) The educational service districts, at the request of the state board of education pursuant to RCW 28A.310.010 and 28A.305.130, may receive and screen applications for school accreditation, conduct school accreditation site visits pursuant to state board of education rules, and submit to the state board of education post-site visit recommendations for school accreditation. The educational service districts may assess a cooperative service fee to recover actual plus reasonable indirect costs for the purposes of this subsection.

**Sec. 509.** 2019 c 415 s 511 (uncodified) is amended to read as follows:

**FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR LOCAL EFFORT ASSISTANCE**

General Fund—State Appropriation (FY 2020)	
.....	<del>(\$365,560,000))</del>
	<u>\$365,245,000</u>
General Fund—State Appropriation (FY 2021)	
.....	<del>(\$389,331,000))</del>
	<u>\$377,129,000</u>
TOTAL APPROPRIATION .....	<u>\$754,891,000</u>
	<u>\$742,374,000</u>

The appropriations in this section are subject to the following conditions and limitations: ~~(((\$17,010,000)) \$16,695,000 of the general fund—state appropriation for fiscal year 2020 and (((\$44,586,000)) \$32,384,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for changes to the levy and levy equalization system as specified in ((either Substitute House Bill No. 2140 or)) Engrossed Substitute Senate Bill No. 5313 (K-12 education funding). ((If neither bill is enacted by June 30, 2019, these amounts shall lapse. Included in these amounts are hold harmless local effort assistance payments. In calendar years 2020 and 2021, in each calendar year a school district will receive an amount equal to number A minus number B if number A is greater than number B. For purposes of this section:~~

~~(1) "Number A" is the sum of the local effort assistance and enrichment levy a district would have received under law as it existed on January 1, 2019.~~

~~(2) "Number B" is the sum of the local effort assistance and enrichment levy a district receives under Substitute House Bill No. 2140 (K-12 education funding), if the district's levy collections were the lesser of the maximum dollar amount that may be levied at twenty percent of the district's levy base or its voter approved levy amount in calendar year 2018:))~~

**Sec. 510.** 2019 c 415 s 512 (uncodified) is amended to read as follows:

**FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR INSTITUTIONAL EDUCATION PROGRAMS**

General Fund—State Appropriation (FY 2020)	
.....	<del>(\$15,886,000))</del>
	<u>\$15,745,000</u>
General Fund—State Appropriation (FY 2021)	
.....	<del>(\$16,461,000))</del>
	<u>\$17,293,000</u>
TOTAL APPROPRIATION .....	<u>\$32,347,000</u>
	<u>\$33,038,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) Each general fund—state fiscal year appropriation includes such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.

(2) State funding provided under this section is based on salaries and other expenditures for a 220-day school year. The superintendent of public instruction shall monitor school district expenditure plans for institutional education programs to ensure that districts plan for a full-time summer program.

(3) State funding for each institutional education program shall be based on the institution's annual average full-time equivalent student enrollment. Staffing ratios for each category of institution shall remain the same as those funded in the 1995-97 biennium.

(4) The funded staffing ratios for education programs for juveniles age 18 or less in department of corrections facilities shall be the same as those provided in the 1997-99 biennium.

(5) \$701,000 of the general fund—state appropriation for fiscal year 2020 and \$701,000 of the general fund—state appropriation for fiscal year 2021 are provided solely to maintain at least one certificated instructional staff and related support services at an institution whenever the K-12 enrollment is not sufficient to support one full-time equivalent certificated instructional staff to furnish the educational program. The following types of institutions are included: Residential programs under the department of social and health services for developmentally disabled juveniles, programs for juveniles under the department of corrections, programs for juveniles under the juvenile rehabilitation administration, and programs for juveniles operated by city and county jails.

(6) ~~(((\$1,066,000)) \$1,014,000 of the general fund—state appropriation for fiscal year 2020 and (((\$1,661,000)) \$2,356,000 of the general fund—state appropriation for fiscal year 2021 are provided solely to increase the capacity of institutional education programs to differentiate instruction to meet students' unique educational needs.~~

Those needs may include but are not limited to one-on-one instruction, enhanced access to counseling for social emotional needs of the student, and services to identify the proper level of instruction at the time of student entry into the facility.

(7)(a) ~~\$100,000 of the general fund—state appropriation in fiscal year 2020 ((and \$100,000 of the general fund—state appropriation in fiscal year 2021 are))~~ is provided solely to support one student records coordinator in the Issaquah school district to manage the transmission of academic records with the Echo Glen children's center.

(b) \$300,000 of the general fund—state appropriation in fiscal year 2021 is provided solely to support three student records coordinators to manage the transmission of academic records for each of the long-term juvenile institutions. One coordinator is provided for each of the following: The Issaquah school district for the Echo Glen children's center, the Chehalis school district for Green Hill academic school, and the Naselle-Grays River Valley school district for Naselle youth camp school.

(8) Ten percent of the funds allocated for the institution may be carried over from one year to the next.

**Sec. 511.** 2019 c 415 s 513 (uncodified) is amended to read as follows:

**FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR PROGRAMS FOR HIGHLY CAPABLE STUDENTS**

General Fund—State Appropriation (FY 2020)	
.....	(\$30,490,000))
	<u>\$30,507,000</u>
General Fund—State Appropriation (FY 2021)	
.....	(\$31,551,000))
	<u>\$31,693,000</u>
TOTAL APPROPRIATION .....	<u>\$62,041,000</u>
	<u>\$62,200,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) Each general fund fiscal year appropriation includes such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.

(2)(a) For the 2019-20 and 2020-21 school years, the superintendent shall allocate funding to school district programs for highly capable students as provided in RCW 28A.150.260(10)(c) except that allocations must be based on 5.0 percent of each school district's full-time equivalent enrollment. In calculating the allocations, the superintendent shall assume the following: (i) Additional instruction of 2.1590 hours per week per funded highly capable program student; (ii) fifteen highly capable program students per teacher; (iii) 36 instructional weeks per year; (iv) 900 instructional hours per teacher; and (v) the compensation rates as provided in sections 505 and 506 of this act.

(b) From July 1, 2019, to August 31, 2019, the superintendent shall allocate funding to school districts programs for highly capable students as provided in section 511, chapter 299, Laws of 2018.

**Sec. 512.** 2019 c 415 s 514 (uncodified) is amended to read as follows:

**FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR MISCELLANEOUS—EVERY STUDENT SUCCEEDS ACT**

General Fund—Federal Appropriation (( <del>\$5,802,000</del> ))	
	<u>\$6,802,000</u>
TOTAL APPROPRIATION .....	<u>\$5,802,000</u>
	<u>\$6,802,000</u>

**Sec. 513.** 2019 c 415 s 515 (uncodified) is amended to read as follows:

**FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—EDUCATION REFORM PROGRAMS**

General Fund—State Appropriation (FY 2020)	
.....	(\$134,185,000))
	<u>\$131,072,000</u>
General Fund—State Appropriation (FY 2021)	
.....	(\$135,807,000))
	<u>\$136,624,000</u>
General Fund—Federal Appropriation	
.....	(\$96,576,000))
	<u>\$96,577,000</u>
General Fund—Private/Local Appropriation	
.....	\$1,450,000
Education Legacy Trust Account—State Appropriation .....	\$1,636,000
Pension Funding Stabilization Account—State Appropriation .....	\$765,000
TOTAL APPROPRIATION .....	<u>\$370,419,000</u>
	<u>\$368,124,000</u>

The appropriations in this section are subject to the following conditions and limitations:

**(1) ACCOUNTABILITY**

(a) \$26,975,000 of the general fund—state appropriation for fiscal year 2020, \$26,975,000 of the general fund—state appropriation for fiscal year 2021, \$1,350,000 of the education legacy trust account—state appropriation, and \$15,868,000 of the general fund—federal appropriation are provided solely for development and implementation of the Washington state assessment system.

(b) \$14,352,000 of the general fund—state appropriation for fiscal year 2020 and \$14,352,000 of the general fund—state appropriation for fiscal year 2021 are

provided solely for implementation of chapter 159, Laws of 2013 (K-12 education - failing schools).

(c) Within the amounts provided in this section, the superintendent of public instruction shall obtain an existing student assessment inventory tool that is free and openly licensed and distribute the tool to every school district. Each school district shall use the student assessment inventory tool to identify all state-level and district-level assessments that are required of students. The state-required assessments should include: Reading proficiency assessments used for compliance with RCW 28A.320.202; the required statewide assessments under chapter 28A.655 RCW in grades three through eight and at the high school level in English language arts, mathematics, and science, as well as the practice and training tests used to prepare for them; and the high school end-of-course exams in mathematics under RCW 28A.655.066. District-required assessments should include: The second grade reading assessment used to comply with RCW 28A.300.320; interim smarter balanced assessments, if required; the measures of academic progress assessment, if required; and other required interim, benchmark, or summative standardized assessments, including assessments used in social studies, the arts, health, and physical education in accordance with RCW 28A.230.095, and for educational technology in accordance with RCW 28A.655.075. The assessments identified should not include assessments used to determine eligibility for any categorical program including the transitional bilingual instruction program, learning assistance program, highly capable program, special education program, or any formative or diagnostic assessments used solely to inform teacher instructional practices, other than those already identified. By October 15th of each year, each district shall report to the superintendent the amount of student time in the previous school year that is spent taking each assessment identified. By December 15th of each even numbered calendar year, the superintendent shall summarize the information reported by the school districts and report to the education committees of the house of representatives and the senate.

## (2) EDUCATOR CONTINUUM

(a) (~~(\$72,124,000))~~ \$69,011,000 of the general fund—state appropriation for fiscal year 2020 and (~~(\$73,619,000))~~ \$74,433,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the following bonuses for teachers who hold valid, unexpired certification from the national board for professional teaching standards and who are teaching in a Washington public school, subject to the following conditions and limitations:

(i) For national board certified teachers, a bonus of \$5,505 per teacher in the 2019-20 school year and a bonus of (~~(\$5,624))~~ \$5,610 per teacher in the 2020-21 school year;

(ii) An additional \$5,000 annual bonus shall be paid to national board certified teachers who teach in either: (A) High schools where at least 50 percent of student headcount enrollment is eligible for federal free or reduced-price lunch, (B) middle schools where at least 60 percent of student headcount enrollment is eligible for federal free or reduced-price lunch, or (C) elementary schools where at least 70

percent of student headcount enrollment is eligible for federal free or reduced-price lunch;

(iii) The superintendent of public instruction shall adopt rules to ensure that national board certified teachers meet the qualifications for bonuses under (b) of this subsection for less than one full school year receive bonuses in a prorated manner. All bonuses in this subsection will be paid in July of each school year. Bonuses in this subsection shall be reduced by a factor of 40 percent for first year NBPTS certified teachers, to reflect the portion of the instructional school year they are certified; and

(iv) During the 2019-20 and 2020-21 school years, and within available funds, certificated instructional staff who have met the eligibility requirements and have applied for certification from the national board for professional teaching standards may receive a conditional loan of two thousand dollars or the amount set by the office of the superintendent of public instruction to contribute toward the current assessment fee, not including the initial up-front candidacy payment. The fee shall be an advance on the first annual bonus under RCW 28A.405.415. The conditional loan is provided in addition to compensation received under a district's salary allocation and shall not be included in calculations of a district's average salary and associated salary limitation under RCW 28A.400.200. Recipients who fail to receive certification after fully exhausting all years of candidacy as set by the national board for professional teaching standards are required to repay the conditional loan. The office of the superintendent of public instruction shall adopt rules to define the terms for initial grant of the assessment fee and repayment, including applicable fees. To the extent necessary, the superintendent may use revenues from the repayment of conditional loan scholarships to ensure payment of all national board bonus payments required by this section in each school year.

(b) \$3,418,000 of the general fund—state appropriation for fiscal year 2020 and \$3,418,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of a new performance-based evaluation for certificated educators and other activities as provided in chapter 235, Laws of 2010 (education reform) and chapter 35, Laws of 2012 (certificated employee evaluations).

(c) \$477,000 of the general fund—state appropriation for fiscal year 2020 and \$477,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the leadership internship program for superintendents, principals, and program administrators.

(d) \$810,000 of the general fund—state appropriation for fiscal year 2020 and \$810,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the development of a leadership academy for school principals and administrators. The superintendent of public instruction shall contract with an independent organization to operate a state-of-the-art education leadership academy that will be accessible throughout the state. Semiannually the independent organization shall report on amounts committed by foundations and others to support the development and implementation of this program. Leadership academy

partners shall include the state level organizations for school administrators and principals, the superintendent of public instruction, the professional educator standards board, and others as the independent organization shall identify.

(e) \$10,500,000 of the general fund—state appropriation for fiscal year 2020 and \$10,500,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for a beginning educator support program. The program shall prioritize first year educators in the mentoring program. School districts and/or regional consortia may apply for grant funding. The program provided by a district and/or regional consortia shall include: A paid orientation; assignment of a qualified mentor; development of a professional growth plan for each beginning educator aligned with professional certification; release time for mentors and new educators to work together; and educator observation time with accomplished peers. Funding may be used to provide statewide professional development opportunities for mentors and beginning educators.

(f) \$4,000,000 of the general fund—state appropriation for fiscal year 2020 and \$4,000,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the provision of training for teachers, principals, and principal evaluators in the performance-based teacher principal evaluation program.

**Sec. 514.** 2019 c 415 s 516 (uncodified) is amended to read as follows:

**FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR TRANSITIONAL BILINGUAL PROGRAMS**

General Fund—State Appropriation (FY 2020)	<del>(\$201,330,000)</del>
	<u>\$206,624,000</u>
General Fund—State Appropriation (FY 2021)	<del>(\$210,659,000)</del>
	<u>\$218,540,000</u>
General Fund—Federal Appropriation..	\$102,242,000
Pension Funding Stabilization Account—State Appropriation.....	\$4,000
TOTAL APPROPRIATION .....	<u>\$514,235,000</u>
	<u>\$527,410,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) Each general fund fiscal year appropriation includes such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.

(2)(a) For the 2019-20 and 2020-21 school years, the superintendent shall allocate funding to school districts for transitional bilingual programs under RCW 28A.180.010 through 28A.180.080, including programs for exited students, as provided in RCW 28A.150.260(10)(b) and the

provisions of this section. In calculating the allocations, the superintendent shall assume the following averages: (i) Additional instruction of 4.7780 hours per week per transitional bilingual program student in grades kindergarten through six and 6.7780 hours per week per transitional bilingual program student in grades seven through twelve in school years 2019-20 and 2020-21; (ii) additional instruction of 3.0000 hours per week in school years 2019-20 and 2020-21 for the head count number of students who have exited the transitional bilingual instruction program within the previous two years based on their performance on the English proficiency assessment; (iii) fifteen transitional bilingual program students per teacher; (iv) 36 instructional weeks per year; (v) 900 instructional hours per teacher; and (vi) the compensation rates as provided in sections 505 and 506 of this act. Pursuant to RCW 28A.180.040(1)(g), the instructional hours specified in (a)(ii) of this subsection (2) are within the program of basic education.

(b) From July 1, 2019, to August 31, 2019, the superintendent shall allocate funding to school districts for transitional bilingual instruction programs as provided in section 514, chapter 299, Laws of 2018.

(3) The superintendent may withhold allocations to school districts in subsection (2) of this section solely for the central provision of assessments as provided in RCW 28A.180.090 (1) and (2) up to the following amounts: ~~((4.97))~~ 1.92 percent for school year 2019-20 and ~~((4.95))~~ 1.87 percent for school year 2020-21.

(4) The general fund—federal appropriation in this section is for migrant education under Title I Part C and English language acquisition, and language enhancement grants under Title III of the elementary and secondary education act.

(5) \$35,000 of the general fund—state appropriation for fiscal year 2020 and \$35,000 of the general fund—state appropriation for fiscal year 2021 are provided solely to track current and former transitional bilingual program students.

(6) \$1,023,000 of the general fund—state appropriation in fiscal year 2020 and \$1,185,000 of the general fund—state appropriation in fiscal year 2021 are provided solely for the central provision of assessments as provided in RCW 28A.180.090, and is in addition to the withholding amounts specified in subsection (3) of this section.

**Sec. 515.** 2019 c 415 s 517 (uncodified) is amended to read as follows:

**FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR THE LEARNING ASSISTANCE PROGRAM**

General Fund—State Appropriation (FY 2020)	<del>(\$438,940,000)</del>
	<u>\$417,509,000</u>
General Fund—State Appropriation (FY 2021)	<del>(\$450,681,000)</del>
	<u>\$430,905,000</u>



(2) To the maximum extent practicable, when adopting new or revised rules or policies relating to the administration of allocations in part V of this act that result in fiscal impact, the office of the superintendent of public instruction shall attempt to seek legislative approval through the budget request process.

(3) Appropriations made in this act to the office of the superintendent of public instruction shall initially be allotted as required by this act. Subsequent allotment modifications shall not include transfers of moneys between sections of this act except as expressly provided in subsection (4) of this section.

(4) The appropriations to the office of the superintendent of public instruction in this act shall be expended for the programs and amounts specified in this act. However, after May 1, 2020, unless specifically prohibited by this act and after approval by the director of financial management, the superintendent of public instruction may transfer state general fund appropriations for fiscal year 2020 among the following programs to meet the apportionment schedule for a specified formula in another of these programs: General apportionment; employee compensation adjustments; pupil transportation; special education programs; institutional education programs; transitional bilingual programs; highly capable; and learning assistance programs.

(5) The director of financial management shall notify the appropriate legislative fiscal committees in writing prior to approving any allotment modifications or transfers under this section.

(6) Appropriations in ((sections 504 and 506 of this act)) sections 503 and 505 of this act for insurance benefits under chapter 41.05 RCW are provided solely for the superintendent to allocate to districts for employee health benefits as provided in ((section 938 of this act)) section 908 of this act. The superintendent may not allocate, and districts may not expend, these amounts for any other purpose beyond those authorized in ((section 938 of this act)) section 908 of this act.

((5)) (7) As required by RCW 28A.710.110, the office of the superintendent of public instruction shall transmit the charter school authorizer oversight fee for the charter school commission to the charter school oversight account.

**Sec. 518.** 2019 c 415 s 520 (uncodified) is amended to read as follows:

**FOR THE OFFICE OF THE  
SUPERINTENDENT OF PUBLIC INSTRUCTION—  
FOR CHARTER SCHOOLS**

Washington Opportunity Pathways Account—State	
Appropriation .....	(( <del>\$99,810,000</del> ))
	<u>\$87,829,000</u>
TOTAL APPROPRIATION .....	<u>\$99,810,000</u>
	<u>\$87,829,000</u>

The appropriation in this section is subject to the following conditions and limitations: The superintendent shall distribute funding appropriated in this section to charter schools under chapter 28A.710 RCW. Within amounts provided in this section the superintendent may distribute funding for safety net awards for charter schools with

demonstrated needs for special education funding beyond the amounts provided under chapter 28A.710 RCW.

**Sec. 519.** 2019 c 415 s 521 (uncodified) is amended to read as follows:

**FOR THE OFFICE OF THE  
SUPERINTENDENT OF PUBLIC INSTRUCTION—  
FOR THE WASHINGTON STATE CHARTER  
SCHOOL COMMISSION**

Washington Opportunity Pathways Account—State	
Appropriation .....	(( <del>\$250,000</del> ))
	<u>\$294,000</u>
Charter Schools Oversight Account—State	
Appropriation .....	(( <del>\$2,210,000</del> ))
	<u>\$2,454,000</u>
TOTAL APPROPRIATION .....	<u>\$2,460,000</u>
	<u>\$2,748,000</u>

The appropriations in this section are subject to the following conditions and limitations: The entire Washington opportunity pathways account—state appropriation in this section is provided to the superintendent of public instruction solely for the operations of the Washington state charter school commission under chapter 28A.710 RCW.

**Sec. 520.** 2019 c 415 s 522 (uncodified) is amended to read as follows:

**FOR THE OFFICE OF THE  
SUPERINTENDENT OF PUBLIC INSTRUCTION—  
FOR GRANTS AND PASS THROUGH FUNDING**

General Fund—State Appropriation (FY 2020)	
.....	(( <del>\$35,516,000</del> ))
	<u>\$35,491,000</u>
General Fund—State Appropriation (FY 2021)	
.....	(( <del>\$35,621,000</del> ))
	<u>\$33,105,000</u>
TOTAL APPROPRIATION .....	<u>\$71,137,000</u>
	<u>\$68,596,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$4,894,000 of the general fund—state appropriation for fiscal year 2020 and \$4,894,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for grants for implementation of dual credit programs and subsidized advanced placement exam fees, international baccalaureate class fees, and exam and course fees for low-income students.

For expenditures related to subsidized exam fees, the superintendent of public instruction shall report: The number of students served; the demographics of the students served; and how the students perform on the exams.

(2)(a) \$2,052,000 of the general fund—state appropriation for fiscal year 2020 and \$2,052,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for secondary career and technical education grants pursuant to chapter 170, Laws of 2008, including parts of programs receiving grants that serve students in grades four through six. If equally matched by private donations, \$1,075,000 of the 2020 appropriation and \$1,075,000 of the 2021 appropriation shall be used to support FIRST robotics programs in grades four through twelve. Of the amounts provided in this subsection, \$100,000 of the fiscal year 2020 appropriation and \$100,000 of the fiscal year 2021 appropriation are provided solely for the purpose of statewide supervision activities for career and technical education student leadership organizations.

(b) \$135,000 of the general fund—state appropriation for fiscal year 2020 and \$135,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for science, technology, engineering and mathematics lighthouse projects, consistent with chapter 238, Laws of 2010.

(c) \$250,000 of the general fund—state appropriation for fiscal year 2020 and \$250,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for advanced project lead the way courses at ten high schools. To be eligible for funding in 2020, a high school must have offered a foundational project lead the way course during the 2018-19 school year. The 2020 funding must be used for one-time start-up course costs for an advanced project lead the way course, to be offered to students beginning in the 2019-20 school year. To be eligible for funding in 2021, a high school must have offered a foundational project lead the way course during the 2019-20 school year. The 2020 funding must be used for one-time start-up course costs for an advanced project lead the way course, to be offered to students beginning in the 2020-21 school year. The office of the superintendent of public instruction and the education research and data center at the office of financial management shall track student participation and long-term outcome data. The office may require the recipient of these funds to report the impacts of the recipient's efforts in alignment with the measures of the Washington school improvement framework.

(d) \$2,127,000 of the general fund—state appropriation for fiscal year 2020 and \$2,127,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for annual startup, expansion, or maintenance of existing programs in maritime, construction, aerospace, and advanced manufacturing programs. To be eligible for funding, the skills center and high schools must agree to engage in developing local business and industry partnerships for oversight and input regarding program components. Program instructors must also agree to participate in professional development leading to student employment or certification in maritime, construction, aerospace, or advanced manufacturing industries, as determined by the superintendent of public instruction. The office of the superintendent of public instruction and the education research and data center shall report annually

student participation and long-term outcome data. Within the amounts provided in this subsection:

(i) \$900,000 of the general fund—state appropriation for fiscal year 2020 and \$900,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for annual startup, expansion, or maintenance of existing programs in aerospace and advanced manufacturing programs.

(ii) \$150,000 of the general fund—state appropriation for fiscal year 2020 and \$150,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for annual startup, expansion, or maintenance of existing programs in construction programs.

(iii) \$300,000 of the general fund—state appropriation for fiscal year 2020 and \$300,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for annual startup, expansion, or maintenance of existing programs in maritime programs.

(iv) \$350,000 of the general fund—state appropriation for fiscal year 2020 and \$350,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the office of the superintendent of public instruction to contract with a nonprofit entity to expand the current employer engagement program to support schools, teachers, and students.

(v) \$427,000 of the general fund—state appropriation for fiscal year 2020 and \$427,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the office of the superintendent of public instruction to contract with a nonprofit entity to provide management, development, assessment, and outreach of the programs.

(3)(a) \$75,000 of the general fund—state appropriation for fiscal year 2020 and \$75,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for project citizen and we the people: The citizen and the constitution programs sponsored by the national conference of state legislatures and the center for civic education to promote participation in government by middle and high school students. Of the amounts provided, \$15,000 of the general fund—state appropriation for fiscal year 2020 and \$15,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for awarding a travel grant to the winner of the we the people: The citizen and the constitution state competition.

(b) \$384,000 of the general fund—state appropriation for fiscal year 2020 and \$373,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of chapter 127, Laws of 2018 (civics education). Of the amounts provided in this subsection (3)(b), \$10,000 of the general fund—state appropriation for fiscal year 2020 and \$10,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for grant programs to school districts to help cover travel costs associated with civics education competitions.

(c) ~~(\$55,000)~~ \$30,000 of the general fund—state appropriation for fiscal year 2020 ~~(45)~~ and \$25,000 of the general fund—state appropriation for fiscal year 2021 are

provided solely for the office of the superintendent of public instruction to develop civics education materials for grades K-5. The office must contract for the production of the materials with an experienced Washington state organization that produces civics education materials currently posted as an open education resource at the office of the superintendent of public instruction.

(4)(a) \$31,000 of the general fund—state appropriation for fiscal year 2020 and \$55,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the office of the superintendent of public instruction for statewide implementation of career and technical education course equivalency frameworks authorized under RCW 28A.700.070 for math and science. This may include development of additional equivalency course frameworks, course performance assessments, and professional development for districts implementing the new frameworks.

(b) Within the amounts appropriated in this section the office of the superintendent of public instruction shall ensure career and technical education courses are aligned with high-demand, high-wage jobs. The superintendent shall verify that the current list of career and technical education courses meets the criteria established in RCW 28A.700.020(2). The superintendent shall remove from the list any career and technical education course that no longer meets such criteria.

(c) \$3,000,000 of the general fund—state appropriation for fiscal year 2020 and \$3,000,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the office of the superintendent of public instruction to provide grants to school districts and educational service districts for science teacher training in the next generation science standards including training in the climate science standards. At a minimum, school districts shall ensure that teachers in one grade level in each elementary, middle, and high school participate in this science training. Of the amount appropriated \$1,000,000 is provided solely for community based nonprofits to partner with public schools for next generation science standards.

(5) \$250,000 of the general fund—state appropriation for fiscal year 2020 and \$250,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the Kip Tokuda memorial Washington civil liberties public education program. The superintendent of public instruction shall award grants consistent with RCW 28A.300.410.

(6) \$3,145,000 of the general fund—state appropriation for fiscal year 2020 and \$3,145,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for a contract with a nongovernmental entity or entities for demonstration sites to improve the educational outcomes of students who are dependent pursuant to chapter 13.34 RCW pursuant to chapter 71, Laws of 2016 (foster youth edu. outcomes). The office may require the recipient of these funds to report the impacts of the recipient's efforts in alignment with the measures of the Washington school improvement framework.

(a) Of the amount provided in this subsection (6), \$446,000 of the general fund—state appropriation for fiscal year 2020 and \$446,000 of the general fund—state

appropriation for fiscal year 2021 are provided solely for the demonstration site established pursuant to the 2013-2015 omnibus appropriations act, section 202(10), chapter 4, Laws of 2013, 2nd sp. sess.

(b) Of the amount provided in this subsection (6), \$1,015,000 of the general fund—state appropriation for fiscal year 2020 and \$1,015,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the demonstration site established pursuant to the 2015-2017 omnibus appropriations act, section 501(43)(b), chapter 4, Laws of 2015, 3rd sp. sess., as amended.

(c) Of the amounts provided in this subsection (6), \$684,000 of the general fund—state appropriation for fiscal year 2020 and \$684,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the demonstration site established with funding provided in the 2017-2019 omnibus appropriations act, chapter 1, Laws of 2017, 3rd sp. sess., as amended.

(7) \$2,541,000 of the general fund—state appropriation for fiscal year 2020 ~~((and \$2,541,000 of the general fund—state appropriation for fiscal year 2021 are))~~ is provided solely for a corps of nurses located at educational service districts, as determined by the superintendent of public instruction, to be dispatched to the most needy schools to provide direct care to students, health education, and training for school staff.

(8)(a) \$1,000,000 of the general fund—state appropriation for fiscal year 2020 and \$1,000,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of chapter 157, Laws of 2016 (homeless students).

(b) \$36,000 of the general fund—state appropriation for fiscal year 2020 and \$36,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for chapter 212, Laws of 2014 (homeless student educational outcomes).

(9) \$375,000 of the general fund—state appropriation for fiscal year 2020 and \$375,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for a nonviolence and ethical leadership training and professional development program provided by the institute for community leadership.

(10) \$1,425,000 of the general fund—state appropriation for fiscal year 2020 and \$1,425,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of chapter 236, Laws of 2017 (SHB 1445) (dual language/early learning & K-12). In selecting recipients of the K-12 dual language grant, the superintendent of public instruction must prioritize districts that received grants under section 501(33), chapter 299, Laws of 2018.

(11)(a) \$4,940,000 of the general fund—state appropriation for fiscal year 2020 and \$4,940,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the Washington state achievers scholarship and Washington higher education readiness program. The funds shall be used to: Support community

involvement officers that recruit, train, and match community volunteer mentors with students selected as achievers scholars; and to identify and reduce barriers to college for low-income and underserved middle and high school students. Of the amounts provided: \$1,000,000 of the general fund—state appropriation for fiscal year 2020 and \$1,000,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the college success foundation to establish programming in new regions throughout the state. The office may require the recipient of these funds to report the impacts of the recipient's efforts in alignment with the measures of the Washington school improvement framework.

(b) \$1,454,000 of the general fund—state appropriation for fiscal year 2020 and \$1,454,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for contracting with a college scholarship organization with expertise in conducting outreach to students concerning eligibility for the Washington college bound scholarship consistent with chapter 405, Laws of 2007. The office may require the recipient of these funds to report the impacts of the recipient's efforts in alignment with the measures of the Washington school improvement framework.

(c) \$181,000 of the general fund—state appropriation for fiscal year 2020 and \$181,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of chapter 180, Laws of 2017 (Washington Aim program).

(12)(a) \$356,000 of the general fund—state appropriation for fiscal year 2020 and \$356,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the Washington state leadership and assistance for science education reform (LASER) regional partnership activities, including instructional material purchases, teacher and principal professional development, and school and community engagement events. The office may require the recipient of these funds to report the impacts of the recipient's efforts in alignment with the measures of the Washington school improvement framework.

(b) \$3,000,000 of the general fund—state appropriation for fiscal year 2020 and \$3,000,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for a statewide information technology academy program. This public-private partnership will provide educational software, as well as information technology certification and software training opportunities for students and staff in public schools. The office must require the recipient of these funds to report the impacts of the recipient's efforts in alignment with the measures of the Washington school improvement framework. The report must include the number of students served disaggregated by gender, race, ethnicity, and free-and-reduced lunch eligibility as well as the number of industry certificates attained by type of certificate.

(c) \$50,000 of the general fund—state appropriation for fiscal year 2020 and \$50,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for grants of \$2,500 to provide twenty middle and high school

teachers each year with professional development training for implementing integrated math, science, technology, and engineering programs in their schools.

(d) \$1,000,000 of the general fund—state appropriation for fiscal year 2020 and \$1,000,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the computer science and education grant program to support the following three purposes: Train and credential teachers in computer sciences; provide and upgrade technology needed to learn computer science; and, for computer science frontiers grants to introduce students to and engage them in computer science. The office of the superintendent of public instruction must use the computer science learning standards adopted pursuant to chapter 3, Laws of 2015 (computer science) in implementing the grant, to the extent possible. Additionally, grants provided for the purpose of introducing students to computer science are intended to support innovative ways to introduce and engage students from historically underrepresented groups, including girls, low-income students, and minority students, to computer science and to inspire them to enter computer science careers.

Funds may be expended as grant funding only to the extent that they are equally matched by private sources for the program, including gifts, grants, or endowments.

(e) \$500,000 of the general fund—state appropriation for fiscal year 2020 and \$500,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the office of the superintendent of public instruction to contract with a nonprofit organization to integrate the state learning standards in English language arts, mathematics, and science with FieldSTEM outdoor field studies and project-based and work-based learning opportunities aligned with the environmental, natural resource, and agricultural sectors. The office may require the recipient of these funds to report the impacts of the recipient's efforts in alignment with the measures of the Washington school improvement framework.

(f) \$62,000 of the general fund—state appropriation for fiscal year 2020 and \$62,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for competitive grants to school districts to increase the capacity of high schools to offer AP computer science courses. In making grant allocations, the office of the superintendent of public instruction must give priority to schools and districts in rural areas, with substantial enrollment of low-income students, and that do not offer AP computer science. School districts may apply to receive either or both of the following grants:

(i) A grant to establish partnerships to support computer science professionals from private industry serving on a voluntary basis as coinstructors along with a certificated teacher, including via synchronous video, for AP computer science courses; or

(ii) A grant to purchase or upgrade technology and curriculum needed for AP computer science, as well as provide opportunities for professional development for classroom teachers to have the requisite knowledge and skills to teach AP computer science.

(g) \$100,000 of the general fund—state appropriation for fiscal year 2020 and \$100,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the Mobius science center to expand mobile outreach of science, technology, engineering, and mathematics (STEM) education to students in rural, tribal, and low-income communities.

(13) \$85,000 of the general fund—state appropriation for fiscal year 2020 and \$85,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the centrum program at Fort Worden state park.

(14) \$125,000 of the general fund—state appropriation for fiscal year 2020 and \$125,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the office of the superintendent of public instruction to provide learning experiences for student-athletes in the science, technology, engineering, and math sectors. The office must contract with a nonprofit to offer student-athlete classes, programs, and scholarships to improve school performance and advancement across diverse communities.

(15) \$250,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the office of the superintendent of public instruction to create and administer a grant program for districts to reduce associated student body fees for students who are eligible to participate in the federal free and reduced-price meals program. The office must distribute grants for the 2020-21 school year to school districts by August 10, 2020.

(a) Grant awards must be prioritized in the following order:

(i) High schools implementing the United States department of agriculture community eligibility provision;

(ii) High schools with the highest percentage of students in grades nine through twelve eligible to participate in the federal free and reduced-price means program; and

(iii) High schools located in school districts enrolling five thousand or fewer students.

(b) The office of the superintendent of public instruction shall award grants of up to five thousand dollars per high school per year. The office may award additional funding if:

(i) The appropriations provided are greater than the total amount of funding requested at the end of the application cycle; and

(ii) The applicant shows a demonstrated need for additional support.

(16) \$125,000 of the general fund—state appropriation for fiscal year 2020 and \$125,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for contracts with state-based nonprofit organizations that provide direct services to military-connected students exclusively through one-to-one volunteer mentoring. The goal of the mentoring is to build resiliency in military connected students and increase their ability to cope with the stress of parental deployment and frequent moves, which will help promote good decision-making by youth, help

increase attachment and a positive attitude toward school, and develop positive peer relationships. An applicant requesting funding for these dollars must successfully demonstrate to the department that it currently provides direct one-to-one volunteer mentoring services to military connected elementary students in the state and has been providing military mentoring to students in the state for at least twenty-four months prior to application.

(17) \$83,000 of the general fund—state appropriation for fiscal year 2020 and \$100,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of Substitute Senate Bill No. 5612 (holocaust education). ~~((If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.))~~

(18) \$250,000 of the general fund—state appropriation in fiscal year 2020 and \$130,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for a grant to the pacific science center to continue providing science on wheels activities in schools and other community settings. Funding is provided to develop a new computer science program and outfit a van with program resources in order to expand statewide outreach.

(19) \$250,000 of the general fund—state appropriation for fiscal year 2020 and \$250,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for contracts with Washington state based nonprofit organizations that provide a career-integrated one-to-one mentoring program for disadvantaged high school students facing academic and personal challenges with the goal of keeping them on track for graduation and post-high school success. The mentoring must include a focus on college readiness, career exploration and social-emotional learning. An applicant requesting funding for these dollars must successfully demonstrate to the department that it currently provides a career-integrated one-to-one volunteer mentoring program and has been mentoring high school youth for at least twenty years in the state prior to application.

(20) \$50,000 of the general fund—state appropriation for fiscal year 2020 and \$50,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for grants to school districts to provide school resource officer training, as required in Second Substitute House Bill No. 1216 (student mental health and well-being).

(21) \$125,000 of the general fund—state appropriation for fiscal year 2020 and \$125,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for Bethel school district to expand post-secondary education opportunities at Graham-Kapowsin high school.

(22) \$350,000 of the general fund—state appropriation for fiscal year 2020 and \$350,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the south Kitsap school district to develop pathways for high school diplomas and post-secondary credentials through controls programmer apprenticeships.

(23) \$255,000 of the general fund—state appropriation for fiscal year 2020 and \$255,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for a math improvement pilot program for school districts to

improve math scores. Of the amounts provided in this subsection:

(a) \$85,000 of the general fund—state appropriation for fiscal year 2020 and \$85,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the Spokane school district to improve math scores.

(b) \$85,000 of the general fund—state appropriation for fiscal year 2020 and \$85,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the Chehalis school district to improve math scores.

(c) \$85,000 of the general fund—state appropriation for fiscal year 2020 and \$85,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the Bremerton school district to improve math scores.

(24) \$150,000 of the general fund—state appropriation for fiscal year 2020 and \$150,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the office to establish the media literacy grant program.

(25) \$250,000 of the general fund—state appropriation for fiscal year 2020 and \$250,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the Seattle education access program to ensure students on nontraditional educational pathways have the mentorship and technical assistance needed to navigate higher education and financial aid. The office may require the recipient of these funds to report the impacts of the recipient's efforts in alignment with the measures of the Washington school improvement framework.

**Sec. 521.** 2019 c 406 s 13 (uncodified) is amended to read as follows:

The appropriations in this section are provided to the office of the superintendent of public instruction and are subject to the following conditions and limitations:

(1) \$425,000, or as much thereof as may be necessary, is appropriated for the fiscal year ending June 30, 2020, from the workforce education investment account and \$425,000, or as much thereof as may be necessary, is appropriated for the fiscal year ending June 30, 2021, from the workforce education investment account provided solely for expanding career connected learning as defined in section 57 of this act.

(2) \$158,000, or as much thereof as may be necessary, is appropriated for the fiscal year ending June 30, 2020, from the workforce education investment account and \$480,000, or as much thereof as may be necessary, is appropriated for the fiscal year ending June 30, 2021, from the workforce education investment account provided solely for increasing the funding per full-time equivalent for career launch programs as described in ~~((section 60 of this act))~~ RCW 28A.700.130. In the 2019-21 fiscal biennium, for career launch enrollment exceeding the funding provided in this subsection funding is provided in section 503 of this act.

(3) \$750,000, or as much thereof as may be necessary, is appropriated for the fiscal year ending June 30, 2020, from the workforce education investment account and \$750,000, or as much thereof as may be necessary, is appropriated for the fiscal year ending June 30, 2021, from the workforce

education investment account provided solely for Marysville school district to collaborate with Arlington school district, Everett Community College, other local school districts, local labor unions, local Washington state apprenticeship and training council registered apprenticeship programs, and local industry groups to develop a regional apprenticeship pathways pilot program. The pilot program must seek to:

(a) Establish an education-based apprenticeship preparation program recognized by the Washington state apprenticeship and training council that prepares individuals for registered apprenticeships within the building and construction trades;

(b) Provide dual credit for participants by meeting high school graduation requirements and providing opportunities for credit leading to a college credential; and

(c) Provide participants with preferred or direct entry into a state registered apprenticeship program in the building and construction trades.

## PART VI

### HIGHER EDUCATION

**Sec. 601.** 2019 c 415 s 605 (uncodified) is amended to read as follows:

#### FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES

General Fund—State Appropriation (FY 2020)	
.....	<del>(\$677,935,000))</del>
	<u>\$678,335,000</u>
General Fund—State Appropriation (FY 2021)	
.....	<del>(\$703,459,000))</del>
	<u>\$707,127,000</u>

#### Community/Technical College Capital Projects

Account—State Appropriation .....\$23,505,000

#### Workforce Education Investment Account—State

Appropriation.....\$2,443,000

Education	Legacy	Trust	Account—State
Appropriation	.....		<del>(\$158,528,000))</del>

\$158,536,000

#### Pension Funding Stabilization Account—State

Appropriation.....\$67,784,000

TOTAL APPROPRIATION.....\$1,631,241,000

\$1,637,730,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$33,261,000 of the general fund—state appropriation for fiscal year 2020 and \$33,261,000 of the general fund—state appropriation for fiscal year 2021 are provided solely as special funds for training and related support services, including financial aid, as specified in RCW 28C.04.390. Funding is provided to support at least

7,170 full-time equivalent students in fiscal year 2020 and at least 7,170 full-time equivalent students in fiscal year 2021.

(2) \$2,443,000 of the workforce education investment account—state appropriation and \$5,450,000 of the education legacy trust account—state appropriation ((is)) are provided solely for administration and customized training contracts through the job skills program. The state board shall make an annual report by January 1st of each year to the governor and to the appropriate policy and fiscal committees of the legislature regarding implementation of this section, listing the scope of grant awards, the distribution of funds by educational sector and region of the state, and the results of the partnerships supported by these funds.

(3) \$425,000 of the general fund—state appropriation for fiscal year 2020 and \$425,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for Seattle central college's expansion of allied health programs.

(4) \$5,250,000 of the general fund—state appropriation for fiscal year 2020 and \$5,250,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the student achievement initiative.

(5) \$1,610,000 of the general fund—state appropriation for fiscal year 2020, and \$1,610,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the mathematics, engineering, and science achievement program.

(6) \$1,500,000 of the general fund—state appropriation for fiscal year 2020 and \$1,500,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for operating a fabrication composite wing incumbent worker training program to be housed at the Washington aerospace training and research center.

(7) \$100,000 of the general fund—state appropriation for fiscal year 2020 and \$100,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the aerospace center of excellence currently hosted by Everett community college to:

(a) Increase statewide communications and outreach between industry sectors, industry organizations, businesses, K-12 schools, colleges, and universities;

(b) Enhance information technology to increase business and student accessibility and use of the center's web site; and

(c) Act as the information entry point for prospective students and job seekers regarding education, training, and employment in the industry.

(8) \$19,759,000 of the general fund—state appropriation for fiscal year 2020 and (((\$20,174,000)) \$20,194,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the implementation of the college affordability program as set forth in RCW 28B.15.066.

(9) Community and technical colleges are not required to send mass mailings of course catalogs to residents of their districts. Community and technical colleges shall consider

lower cost alternatives, such as mailing postcards or brochures that direct individuals to online information and other ways of acquiring print catalogs.

(10) The state board for community and technical colleges shall not use funds appropriated in this section to support intercollegiate athletics programs.

(11) \$157,000 of the general fund—state appropriation for fiscal year 2020 and \$157,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the Wenatchee Valley college wildfire prevention program.

(12) The state board for community and technical colleges shall collaborate with a permanently registered Washington sector intermediary to integrate and offer related supplemental instruction for information technology apprentices by the 2020-21 academic year.

(13) \$150,000 of the general fund—state appropriation for fiscal year 2020 and \$150,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the Puget Sound welcome back center at Highline College to create a grant program for internationally trained individuals seeking employment in the behavioral health field in Washington state.

(14) \$750,000 of the general fund—state appropriation for fiscal year 2020 and \$750,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for increased enrollments in the integrated basic education and skills training program. Funding will support approximately 120 additional full-time equivalent enrollments annually.

(15)(a) The state board must provide quality assurance reports on the ctcLink project at the frequency directed by the office of chief information officer for review and for posting on its information technology project dashboard.

(b) The state board must develop a technology budget using a method similar to the state capital budget, identifying project costs, funding sources, and anticipated deliverables through each stage of the investment and across fiscal periods and biennia from project initiation to implementation. The budget must be updated at the frequency directed by the office of chief information officer for review and for posting on its information technology project dashboard.

(c) The office of the chief information officer may suspend the ctcLink project at any time if the office of the chief information officer determines that the project is not meeting or is not expected to meet anticipated performance measures, implementation timelines, or budget estimates. Once suspension or termination occurs, the state board shall not make additional expenditures on the ctcLink project without approval of the chief information officer. The ctcLink project funded through the community and technical college innovation account created in RCW 28B.50.515 is subject to the conditions, limitations, and review provided in ((section 719 of this act)) section 701 of this act.

(16) \$216,000 of the general fund—state appropriation for fiscal year 2020 and \$216,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the



opportunity center for employment and education at North Seattle College.

(17) \$500,000 of the general fund—state appropriation for fiscal year 2020 and \$500,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for Highline College to implement the Federal Way higher education initiative in partnership with the city of Federal Way and the University of Washington Tacoma campus.

(18) \$350,000 of the general fund—state appropriation for fiscal year 2020 and \$350,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for Peninsula College to maintain the annual cohorts of the specified programs as follows:

- (a) Medical assisting, 40 students;
- (b) Nursing assistant, 60 students; and
- (c) Registered nursing, 32 students.

(19) \$338,000 of the general fund—state appropriation for fiscal year 2020 and \$338,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the Washington state labor education and research center at South Seattle College.

(20) \$75,000 of the general fund—state appropriation for fiscal year 2020 and \$75,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for Washington family and community and engagement trust and Everett Community College to continue and expand a civic education and leadership program for underserved adults and youth.

(21) \$150,000 of the general fund—state appropriation for fiscal year 2020 and \$150,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the aerospace and advanced manufacturing center of excellence hosted by Everett Community College to develop a semiconductor and electronics manufacturing branch in Vancouver.

(22) \$750,000 of the general fund—state appropriation for fiscal year 2020 and \$750,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of Second Substitute House Bill No. 1893 (student assistance grants). ~~((If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.))~~

(23) \$200,000 of the general fund—state appropriation for fiscal year 2020 and \$348,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of Second Substitute Senate Bill No. 5800 (homeless college students). ~~((If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.))~~

(24) \$1,500,000 of the general fund—state appropriation for fiscal year 2020 and \$1,500,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of guided pathways or similar programs designed to improve student success, including, but not limited to, academic program redesign, student advising, and other student supports.

(25) \$132,000 of the general fund—state appropriation for fiscal year 2020 and \$24,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the state board to develop a plan for the maintenance and administration of opioid overdose medication in and around residence halls housing at least 100 students and for the training of designated personnel to administer opioid overdose medication to respond to symptoms of an opioid-related overdose.

(26) \$784,000 of the general fund—state appropriation for fiscal year 2020 and \$779,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for legal costs related to the Wolf vs state board for community and technical college litigation.

**Sec. 602.** 2019 c 415 s 606 (uncodified) is amended to read as follows:

#### **FOR THE UNIVERSITY OF WASHINGTON**

##### **(1) GENERAL APPROPRIATIONS**

General Fund—State Appropriation (FY 2020)	.....	(\$341,498,000))
		<u>\$341,074,000</u>
General Fund—State Appropriation (FY 2021)	.....	(\$347,067,000))
		<u>\$348,721,000</u>
Aquatic Lands Enhancement Account—State Appropriation	.....	\$1,590,000
University of Washington Building Account—State Appropriation	.....	\$1,546,000
Education Legacy Trust Account—State Appropriation	.....	(\$36,530,000))
		<u>\$36,532,000</u>
Economic Development Strategic Reserve Account—State Appropriation	.....	\$3,075,000
Geoduck Aquaculture Research Account—State Appropriation	.....	\$800,000
Biotoxin Account—State Appropriation	.....	\$609,000
Dedicated Marijuana Account—State Appropriation (FY 2020)	.....	\$256,000
Dedicated Marijuana Account—State Appropriation (FY 2021)	.....	\$263,000
Pension Funding Stabilization Account—State Appropriation	.....	\$50,906,000
Accident Account—State Appropriation	.....	(\$7,814,000))
		<u>\$7,815,000</u>

Medical Aid Account—State Appropriation .....	<del>(\$7,419,000)</del>
	<u>\$7,420,000</u>
TOTAL APPROPRIATION .....	<del>\$799,373,000</del>
	<u>\$800,607,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(a) \$41,010,000 of the general fund—state appropriation for fiscal year 2020 and ~~(((\$41,872,000))~~ \$41,913,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the implementation of the college affordability program as set forth in RCW 28B.15.066.

(b) \$200,000 of the general fund—state appropriation for fiscal year 2020 and \$200,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for labor archives of Washington. The university shall work in collaboration with the state board for community and technical colleges.

(c) \$8,000,000 of the education legacy trust account—state appropriation is provided solely for the family medicine residency network at the university to maintain the number of residency slots available in Washington.

(d) The university must continue work with the education research and data center to demonstrate progress in computer science and engineering enrollments. By September 1st of each year, the university shall provide a report including but not limited to the cost per student, student completion rates, and the number of low-income students enrolled in each program, any process changes or best-practices implemented by the university, and how many students are enrolled in computer science and engineering programs above the prior academic year.

(e) \$250,000 of the general fund—state appropriation for fiscal year 2020 and \$251,000 of the general fund—state appropriation for fiscal year 2021 and \$1,550,000 of the aquatic lands enhancement account—state appropriation are provided solely for ocean acidification monitoring, forecasting, and research and for operation of the Washington ocean acidification center. The center must continue to make quarterly progress reports to the Washington marine resources advisory council created under RCW 43.06.338.

(f) \$14,000,000 of the education legacy trust account—state appropriation is provided solely for the expansion of degrees in the department of computer science and engineering at the Seattle campus.

(g) \$3,000,000 of the economic development strategic reserve account appropriation is provided solely to support the joint center for aerospace innovation technology.

(h) The University of Washington shall not use funds appropriated in this section to support intercollegiate athletics programs.

(i) \$7,345,000 of the general fund—state appropriation for fiscal year 2020 and \$7,345,000 of the

general fund—state appropriation for fiscal year 2021 are provided solely for the continued operations and expansion of the Washington, Wyoming, Alaska, Montana, Idaho medical school program.

(j) \$2,625,000 of the general fund—state appropriation for fiscal year 2020 and \$2,625,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the institute for stem cell and regenerative medicine. Funds appropriated in this subsection must be dedicated to research utilizing pluripotent stem cells and related research methods.

(k) \$500,000 of the general fund—state appropriation for fiscal year 2020 and \$500,000 of the general fund—state appropriation for fiscal year 2021 are provided to the University of Washington to support youth and young adults experiencing homelessness in the university district of Seattle. Funding is provided for the university to work with community service providers and university colleges and departments to plan for and implement a comprehensive one-stop center with navigation services for homeless youth; the university may contract with the department of commerce to expand services that serve homeless youth in the university district.

(l) \$600,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the psychiatry residency program at the University of Washington to offer additional residency positions that are approved by the accreditation council for graduate medical education.

(m)(i) \$172,000 of the general fund—state appropriation for fiscal year 2020 and \$172,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for a University of Washington study in the south Cascades to determine current wolf use and density, and to gather baseline data to understand the effects of wolf recolonization on predator-prey dynamics of species that currently have established populations in the area. The study objectives shall include:

(A) Determination of whether wolves have started to recolonize a 5,000 square kilometer study area in the south Cascades of Washington, and if so, an assessment of their distribution over the landscape as well as their health and pregnancy rates;

(B) Baseline data collection, if wolves have not yet established pack territories in this portion of the state, that will allow for the assessment of how the functional densities and diets of wolves across the landscape will affect the densities and diets in the following predators and prey: Coyote, cougar, black bear, bobcat, red fox, wolverine, elk, white tailed deer, mule deer, moose, caribou, and snowshoe hare;

(C) Examination of whether the microbiome of each species changes as wolves start to occupy suitable habitat; and

(D) An assessment of the use of alternative wildlife monitoring tools to cost-effectively monitor size of the wolf population over the long-term.

(ii) A report on the findings of the study shall be shared with the Washington department of fish and wildlife.

(n) \$5,000,000 of the general fund—state appropriation for fiscal year 2020 and \$5,000,000 of the general fund—state appropriation for fiscal year 2021 are provided solely to support the operations and teaching mission of the Harborview Medical Center and the University of Washington Medical Center.

(o) \$1,000,000 of the general fund—state appropriation for fiscal year 2020 and \$1,000,000 of the general fund—appropriation for fiscal year 2021 are provided solely for the University of Washington's psychiatry integrated care training program.

(p) \$400,000 of the geoduck aquaculture research account—state appropriation is provided solely for the Washington sea grant program at the University of Washington to complete a three-year study to identify best management practices related to shellfish production. The University of Washington must submit an annual report detailing any findings and outline the progress of the study, consistent with RCW 43.01.036, to the office of the governor and the appropriate legislative committees by December 1st of each year.

(q) \$1,000,000 of the general fund—state appropriation for fiscal year 2020 and \$1,000,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the University of Washington School of Dentistry to support its role as a major oral health provider to individuals covered by medicaid and the uninsured.

(r) \$200,000 of the general fund—state appropriation for fiscal year 2020 and \$200,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the pre-law pipeline and social justice program at the University of Washington Tacoma.

(s) \$200,000 of the general fund—state appropriation for fiscal year 2020 and \$200,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the Bothell branch to develop series of online courses for school district staff related to behavioral health. The standards for the online courses must be consistent with any knowledge, skill, and performance standards related to mental health and well-being of public school students. Among other things, the online courses must:

(i) Teach participants relevant laws, including laws around physical restraint and isolation;

(ii) Provide foundational knowledge in behavioral health, mental health, and mental illness;

(iii) Describe how to assess, intervene upon, and refer behavioral health and substance use issues; and

(iv) Teach approaches to promote health and positively influence student health behaviors.

(t) \$110,000 of the general fund—state appropriation for fiscal year 2020 and \$110,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for core operations at forefront to achieve its mission of reducing suicide.

(u) \$138,000 of the general fund—state appropriation for fiscal year 2020 and \$138,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the university to collaborate with the northwest Parkinson's foundation and the state department of veterans affairs to study Parkinson's diagnoses treatment and specialist care across ethnic and racial groups and to develop a pilot program that helps people with Parkinson's better access specialist care and community services.

(v) \$256,000 of the general fund—state appropriation for fiscal year 2020 and \$226,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the university's neurology department to create a telemedicine program to disseminate dementia care best practices to primary care practitioners using the project ECHO model. The program shall provide a virtual connection for providers and content experts and include didactics, case conferences, and an emphasis on practice transformation and systems-level issues that affect care delivery. The initial users of this program shall include referral sources in health care systems and clinics, such as the university's neighborhood clinics and Virginia Mason Memorial in Yakima with a goal of adding fifteen to twenty providers from smaller clinics and practices per year.

(w) \$102,000 of the general fund—state appropriation for fiscal year 2020 and \$102,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the university's center for international trade in forest products.

(x) \$500,000 of the general fund—state appropriation for fiscal year 2020 and \$500,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the Latino center for health.

(y) \$150,000 of the general fund—state appropriation for fiscal year 2020 is provided solely for the Latino center for health to:

(i) Estimate the number of practicing Latino physicians in Washington including age and gender distributions;

(ii) Create a profile of Latino physicians that includes their geographic distribution, medical and surgical specialties, training and certifications, and language access;

(iii) Develop a set of policy recommendations to meet the growing needs of Latino communities in urban and rural communities throughout Washington. The center must provide the report to the university and the appropriate committees of the legislature by December 31, 2020.

(z) To ensure transparency and accountability, in the 2019-2021 fiscal biennium the University of Washington shall comply with any and all financial and accountability audits by the Washington state auditor including any and all audits of university services offered to the general public, including those offered through any public-private partnership, business venture, affiliation, or joint venture with a public or private entity, except the government of the United States. The university shall comply with all state auditor requests for the university's financial and business information including the university's governance and

financial participation in these public-private partnerships, business ventures, affiliations, or joint ventures with a public or private entity. In any instance in which the university declines to produce the information to the state auditor, the university will provide the state auditor a brief summary of the documents withheld and a citation of the legal or contractual provision that prevents disclosure. The summaries must be compiled into a report by the state auditor and provided on a quarterly basis to the legislature.

(aa) \$50,000 of the general fund—state appropriation for fiscal year 2020 and \$30,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the university's school of public health to study home-sharing for privately-owned residential properties. The study must include:

(i) An analysis of home-sharing programs across the country, including population served, costs, duration of stays, and size of programs;

(ii) An analysis of similar initiatives in Washington state and potential barriers to expansion;

(iii) A review of best practices and policies; and

(iv) Recommendations for the establishment and continuation of home-sharing programs.

(bb) \$150,000 of the general fund—state appropriation for fiscal year 2020 and \$150,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the university to expand the project extension for community health care outcomes (ECHO) to include training related to people with autism and developmental disabilities. Project ECHO for autism and developmental disabilities must focus on supporting existing autism centers of excellence. The project will disseminate evidence-based diagnoses and treatments to increase access to medical services for people across the state.

(cc) \$100,000 of the general fund—state appropriation for fiscal year 2020 and \$75,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the William D. Ruckelshaus center to partner with the University of Washington and the Washington State University to provide staff support and facilitation services to the task force established in part 9 of this act.

(dd) \$500,000 of the general fund—state appropriation for fiscal year 2020 and \$500,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the University of Washington department of psychiatry and behavioral sciences and Seattle children's hospital in consultation with the office of the superintendent of public instruction to plan for and implement a two-year pilot program of school mental health education and consultations for students at middle schools, junior high, and high schools in one school district on east side of Cascades and one school district on west side of Cascades. The pilot program must:

(i) Develop and provide behavioral health trainings for school counselors, social workers, psychologists, nurses, teachers, administrators, and classified staff by January 1, 2020; and

(ii) Beginning with the 2020-21 school year:

(A) Provide school counselors access to teleconsultations with psychologists and psychiatrists at Seattle children's hospital or the University of Washington department of psychiatry to support school staff in managing children with challenging behavior; and

(B) Provide students access to teleconsultations with psychologists and psychiatrists at Seattle children's hospital or the University of Washington department of psychiatry to provide crisis management services when assessed as clinically appropriate.

(ee) \$213,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for implementation of Second Substitute Senate Bill No. 5903 (children's mental health). ~~((If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.))~~

(ff) \$50,000 of the general fund—state appropriation for fiscal year 2020 is provided solely for implementation of Engrossed Second Substitute House Bill No. 1517 (domestic violence). ~~((If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.))~~

(gg)(i) \$463,000 of the general fund—state appropriation for fiscal year 2020 and \$400,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the climate impacts group in the college of the environment.

(ii) \$63,000 of the general fund—state appropriation for fiscal year 2020 in (gg)(i) of this subsection is provided solely for implementation of Engrossed Second Substitute Senate Bill No. 5116 (clean energy). ~~((If the bill is not enacted by June 30, 2019, the amounts provided in this subsection (1)(gg)(ii) shall lapse.))~~

(hh) \$25,000 of the general fund—state appropriation for fiscal year 2020 and \$25,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the university to develop a plan for the maintenance and administration of opioid overdose medication in and around residence halls housing at least 100 students and for the training of designated personnel to administer opioid overdose medication to respond to symptoms of an opioid-related overdose.

(ii) \$500,000 of the general fund—state appropriation for fiscal year 2020 and \$500,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for a firearm policy research program. The program will:

(i) Support investigations of firearm death and injury risk factors;

(ii) Evaluate the effectiveness of state firearm laws and policies;

(iii) Assess the consequences of firearm violence; and

(iv) Develop strategies to reduce the toll of firearm violence to citizens of the state.

(jj) \$100,000 of the general fund—state appropriation for fiscal year 2020 is provided solely for the Evans school of public affairs to complete the business plan for a publicly

owned Washington state depository bank as directed by section 129, chapter 299, Laws of 2018.

(kk) \$350,000 of the general fund—state appropriation for fiscal year 2020 and \$139,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of Engrossed Substitute Senate Bill No. 5330 (small forestland owners). ~~((If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.))~~

~~((II)) (((\$250,000 of the general fund state appropriation for fiscal year 2020 and \$250,000 of the general fund state appropriation for fiscal year 2021 are provided solely for the dental education in the care of persons with disabilities program.~~

~~((mm))~~ \$190,000 of the general fund—state appropriation for fiscal year 2020 is provided solely for the college of education to partner with school districts on a pilot program to improve the math scores of K-12 students.

~~((nn))~~ (mm) \$300,000 of the general fund—state appropriation for fiscal year 2020 is provided solely for matching nonstate funding contributions for a study of the feasibility of constructing of a biorefinery in southwest Washington. No state moneys may be expended until nonstate funding contributions are received. The study must:

(i) Assess the supply of biomass, including poplar feedstock grown on low-value lands and hardwood sawmill residuals;

(ii) Assess the potential for using poplar simultaneously for water treatment and as a biorefinery feedstock;

(iii) Assess southwest Washington landowner interest in growing poplar feedstock;

(iv) Evaluate options for locating a biorefinery in southwest Washington that considers potential for integration of future biorefineries with existing facilities such as power plants and pulp mills; and

(v) Result in a comprehensive technical and economic evaluation for southwest Washington biorefineries that will be used by biorefinery technology companies to develop their business plans and to attract potential investors.

~~((oo))~~ (nn) \$300,000 of the general fund—state appropriation for fiscal year 2020 and \$300,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the Harry Bridges center for labor studies. The center shall work in collaboration with the state board for community and technical colleges.

~~((pp))~~ (oo) \$400,000 of the geoduck aquaculture research account—state appropriation is provided solely for the Washington sea grant program crab team to continue work to protect against the impacts of invasive European green crab.

(2) ~~((CONDITIONAL GENERAL WAGE INCREASES))~~ COMPENSATION

~~((General Fund State Appropriation (FY 2020) ..... \$2,320,000))~~

General Fund—State Appropriation (FY 2021) ..... ~~(((\$4,664,000))~~

\$6,984,000

Aquatic Lands Enhancement Account—State Appropriation ..... \$16,000

Education Legacy Trust Account—State Appropriation ..... \$201,000

Economic Development Strategic Reserve Account—State

Appropriation ..... \$12,000

~~((Institutions of Higher Education Grant and~~

~~Contracts Account—State Appropriation \$19,587,000~~

~~Institutions of Higher Education—Dedicated Local~~

~~Account Appropriation ..... \$12,184,000~~

~~Institutions of Higher Education—Operating Fees~~

~~Account—Local Appropriation ..... \$13,786,000))~~

Biotoxin Account—State Appropriation ..... \$3,000

~~((Dedicated Marijuana Account—State Appropriation (FY 2020) ..... \$3,000))~~

Dedicated Marijuana Account—State Appropriation

(FY 2021) ..... ~~(((\$6,000))~~

(\$9,000)

~~((University of Washington Hospital Account—Local Appropriation ..... \$16,375,000))~~

Accident Account—State Appropriation ..... \$92,000

Medical Aid Account—State Appropriation... \$87,000

TOTAL APPROPRIATION ..... ~~\$69,336,000~~

\$7,386,000

The appropriations in this subsection (2) are subject to the following conditions and limitations: Funding is provided solely for ~~((conditional general wage increases to all University of Washington employees of one percent on July 1, 2019, and one percent on July 1, 2020, subject to the conclusion of impacts bargaining over the application of the increases to represented employees covered by sections 921 through 925 of this act. If agreements to implement the one percent increases are not reached with the represented employees covered by sections 921 through 925 of this act by July 1, 2020, the amounts provided in this subsection (2) shall lapse. Funding for the conditional increases is provided from appropriated and nonappropriated accounts as authorized in this subsection (2)))~~ the collective bargaining agreements in sections 903, 904, and 905 of this act, and lump sum payments to nonrepresented employees, classified employees, who earn less than \$54,264 in salary annually as set forth in section 910(2) of this act.

**Sec. 603.** 2019 c 415 s 607 (uncodified) is amended to read as follows:

**FOR WASHINGTON STATE UNIVERSITY**

General Fund—State Appropriation (FY 2020)	
.....	<del>(\$222,455,000)</del>
	<u>\$222,652,000</u>
General Fund—State Appropriation (FY 2021)	
.....	<del>(\$230,453,000)</del>
	<u>\$231,523,000</u>
Washington State University Building Account—	
State	
Appropriation .....	\$792,000
Education Legacy Trust Account—State	
Appropriation.....	\$33,995,000
Dedicated Marijuana Account—State Appropriation	
(FY 2020) .....	\$138,000
Dedicated Marijuana Account—State Appropriation	
(FY 2021) .....	\$138,000
Pension Funding Stabilization Account—State	
Appropriation .....	\$30,954,000
TOTAL APPROPRIATION .....	<del>\$518,925,000</del>
	<u>\$520,192,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$90,000 of the general fund—state appropriation for fiscal year 2020 and \$90,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for a rural economic development and outreach coordinator.

(2) The university must continue work with the education research and data center to demonstrate progress in computer science and engineering enrollments. By September 1st of each year, the university shall provide a report including but not limited to the cost per student, student completion rates, and the number of low-income students enrolled in each program, any process changes or best-practices implemented by the university, and how many students are enrolled in computer science and engineering programs above the prior academic year.

(3) \$500,000 of the general fund—state appropriation for fiscal year 2020 and \$500,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for state match requirements related to the federal aviation administration grant.

(4) Washington State University shall not use funds appropriated in this section to support intercollegiate athletic programs.

(5) \$7,000,000 of the general fund—state appropriation for fiscal year 2020 and \$7,000,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the continued development and operations of a medical school program in Spokane.

(6) \$135,000 of the general fund—state appropriation for fiscal year 2020 and \$135,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for a honey bee biology research position.

(7) \$29,152,000 of the general fund—state appropriation for fiscal year 2020 and ~~(\$29,764,000)~~ \$29,793,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the implementation of the college affordability program as set forth in RCW 28B.15.066.

(8) \$376,000 of the general fund—state appropriation for fiscal year 2020 and \$376,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for chapter 202, Laws of 2017 (2SHB 1713) (children's mental health).

(9) \$580,000 of the general fund—state appropriation for fiscal year 2020 and \$580,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the development of an organic agriculture systems degree program located at the university center in Everett.

(10) Within the funds appropriated in this section, Washington State University shall:

(a) Review the scholarly literature on the short-term and long-term effects of marijuana use to assess if other states or private entities are conducting marijuana research in areas that may be useful to the state.

(b) Provide as part of its budget request for the 2019-2021 fiscal biennium:

(i) A list of intended state, federal, and privately funded marijuana research, including cost, duration, and scope;

(ii) Plans for partnerships with other universities, state agencies, or private entities, including entities outside the state, for purposes related to researching short-term and long-term effects of marijuana use.

(11) \$585,000 of the general fund—state appropriation for fiscal year 2020 and \$585,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of chapter 159, Laws of 2017 (2SSB 5474) (elk hoof disease).

(12) \$630,000 of the general fund—state appropriation for fiscal year 2020 and \$630,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the creation of an electrical engineering program located in Bremerton. At full implementation, the university is expected to increase degree production by 25 new bachelor's degrees per year. The university must identify these students separately when providing data to the education research data center as required in subsection (2) of this section.

(13) \$1,370,000 of the general fund—state appropriation for fiscal year 2020 and \$1,370,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the creation of software engineering and data analytic programs at the university center in Everett. At full implementation, the university is expected to enroll 50 students per academic year. The university must identify

these students separately when providing data to the education research data center as required in subsection (2) of this section.

(14) General fund—state appropriations in this section are reduced to reflect a reduction in state-supported tuition waivers for graduate students. When reducing tuition waivers, the university will not change its practices and procedures for providing eligible veterans with tuition waivers.

(15) \$1,119,000 of the general fund—state appropriation for fiscal year 2020 and \$1,154,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of chapter 36, Laws of 2017 3rd sp. sess. (renewable energy, tax incentives).

(16) \$500,000 of the general fund—state appropriation for fiscal year 2020 and \$500,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the joint center for deployment and research in earth abundant materials.

(17) \$20,000 of the general fund—state appropriation for fiscal year 2020 and \$20,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the office of clean technology at Washington State University to convene a sustainable aviation biofuels work group to further the development of sustainable aviation fuel as a productive industry in Washington. The work group must include members from the legislature and sectors involved in sustainable aviation biofuels research, development, production, and utilization. The work group must provide recommendations to the governor and the appropriate committees of the legislature by December 1, 2020.

(18) \$113,000 of the general fund—state appropriation for fiscal year 2020 and \$60,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of Engrossed Second Substitute House Bill No. 1517 (domestic violence). ~~((If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.))~~

(19) \$100,000 of the general fund—state appropriation for fiscal year 2020 and \$75,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the William D. Ruckelshaus center to partner with the University of Washington and the Washington State University to provide staff support and facilitation services to the task force established in section 9 of this act.

(20) \$264,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for implementation of Second Substitute Senate Bill No. 5903 (children's mental health). ~~((If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.))~~

(21) \$37,000 of the general fund—state appropriation for fiscal year 2020 and \$16,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the university to develop a plan for the maintenance and administration of opioid overdose medication in and around residence halls housing at least 100 students and for the training of designated personnel to administer opioid

overdose medication to respond to symptoms of an opioid-related overdose.

(22) \$85,000 of the general fund—state appropriation for fiscal year 2020 is provided solely for the William D. Ruckelshaus center to coordinate a work group and process to develop options and recommendations to improve consistency, simplicity, transparency, and accountability in higher education data systems. The work group and process must be collaborative and include representatives from relevant agencies and stakeholders, including but not limited to: The Washington student achievement council, the workforce training and education coordinating board, the employment security department, the state board for community and technical colleges, the four-year institutions of higher education, the education data center, the office of the superintendent of public instruction, the Washington state institute for public policy, the joint legislative audit and review committee, and at least one representative from a nongovernmental organization that uses longitudinal data for research and decision making. The William D. Ruckelshaus center must facilitate meetings and discussions with stakeholders and provide a report to the appropriate committees of the legislature by December 1, 2019. The process must analyze and make recommendations on:

(a) Opportunities to increase postsecondary transparency and accountability across all institutions of higher education that receive state financial aid dollars while minimizing duplication of existing data reporting requirements;

(b) Opportunities to link labor market data with postsecondary data including degree production and postsecondary opportunities to help prospective postsecondary students navigate potential career and degree pathways;

(c) Opportunities to leverage existing data collection efforts across agencies and postsecondary sectors to minimize duplication, centralize data reporting, and create administrative efficiencies;

(d) Opportunities to develop a single, easy to navigate, postsecondary data system and dashboard to meet multiple state goals including transparency in postsecondary outcomes, clear linkages between data on postsecondary degrees and programs and labor market data, and linkages with P-20 data where appropriate. This includes a review of the efficacy, purpose, and cost of potential options for service and management of a statewide postsecondary dashboard; and

(e) Opportunities to increase state agency, legislative, and external researcher access to P-20 data systems in service to state educational goals.

(23) \$250,000 of the general fund—state appropriation for fiscal year 2020 and \$250,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the university's soil health initiative and its network of long-term agroecological research and extension (LTARE) sites. The network must include a Mount Vernon REC site.

(24) \$134,000 of the general fund—state appropriation for fiscal year 2020 and \$103,000 of the general fund—state appropriation for fiscal year 2021 are provided solely to expand equitable access to the benefits of renewable energy through community solar projects.

**Sec. 604.** 2019 c 415 s 608 (uncodified) is amended to read as follows:

**FOR EASTERN WASHINGTON UNIVERSITY**

General Fund—State Appropriation (FY 2020)	.....	<del>(\$54,894,000))</del>
		<u>\$55,128,000</u>
General Fund—State Appropriation (FY 2021)	.....	<del>(\$57,331,000))</del>
		<u>\$57,594,000</u>
Education Legacy Trust Account—State Appropriation.....		\$16,794,000
TOTAL APPROPRIATION .....		<u>\$129,019,000</u>
		<u>\$129,516,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) At least \$200,000 of the general fund—state appropriation for fiscal year 2020 and at least \$200,000 of the general fund—state appropriation for fiscal year 2021 must be expended on the Northwest autism center.

(2) The university must continue work with the education research and data center to demonstrate progress in computer science and engineering enrollments. By September 1st of each year, the university shall provide a report including but not limited to the cost per student, student completion rates, and the number of low-income students enrolled in each program, any process changes or best-practices implemented by the university, and how many students are enrolled in computer science and engineering programs above the prior academic year.

(3) Eastern Washington University shall not use funds appropriated in this section to support intercollegiate athletics programs.

(4) \$10,472,000 of the general fund—state appropriation for fiscal year 2020 and ~~(( \$10,692,000))~~ \$10,702,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the implementation of the college affordability program as set forth in RCW 28B.15.066.

(5) Within amounts appropriated in this section, the university is encouraged to increase the number of tenure-track positions created and hired.

(6) \$125,000 of the general fund—state appropriation for fiscal year 2020 and \$125,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for gathering and archiving time-sensitive histories and materials and planning for a Lucy Covington center.

~~(( \$146,000))~~ \$73,000 of the general fund—state appropriation for fiscal year 2020 ~~((4s))~~ and \$73,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for a comprehensive analysis of the deep lake watershed involving land owners, ranchers, lake owners, one or more conservation districts, the department of ecology, and the department of natural resources.

(8) \$21,000 of the general fund—state appropriation for fiscal year 2020 and \$11,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the university to develop a plan for the maintenance and administration of opioid overdose medication in and around residence halls housing at least 100 students and for the training of designated personnel to administer opioid overdose medication to respond to symptoms of an opioid-related overdose.

**Sec. 605.** 2019 c 415 s 609 (uncodified) is amended to read as follows:

**FOR CENTRAL WASHINGTON UNIVERSITY**

General Fund—State Appropriation (FY 2020)	.....	<del>(\$54,390,000))</del>
		<u>\$54,568,000</u>
General Fund—State Appropriation (FY 2021)	.....	<del>(\$56,517,000))</del>
		<u>\$56,866,000</u>
Central Washington University Capital Projects Account—		
State Appropriation.....		\$76,000
Education Legacy Trust Account—State Appropriation.....		\$19,076,000
Pension Funding Stabilization Account—State Appropriation.....		\$3,924,000
TOTAL APPROPRIATION .....		<u>\$133,983,000</u>
		<u>\$134,510,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) The university must continue work with the education research and data center to demonstrate progress in engineering enrollments. By September 1st of each year, the university shall provide a report including but not limited to the cost per student, student completion rates, and the number of low-income students enrolled in each program, any process changes or best-practices implemented by the university, and how many students are enrolled in engineering programs above the prior academic year.

(2) Central Washington University shall not use funds appropriated in this section to support intercollegiate athletics programs.

(3) \$11,803,000 of the general fund—state appropriation for fiscal year 2020 and ~~(( \$12,051,000))~~ \$12,063,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the implementation



of the college affordability program as set forth in RCW 28B.15.066.

(4) Within amounts appropriated in this section, the university is encouraged to increase the number of tenure-track positions created and hired.

(5) \$221,000 of the general fund—state appropriation for fiscal year 2020 and \$221,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the game on! program, which provides underserved middle and high school students with training in leadership and science, technology, engineering, and math. The program is expected to serve approximately five hundred students per year.

(6) \$53,000 of the general fund—state appropriation for fiscal year 2020 and \$32,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the university to develop a plan for the maintenance and administration of opioid overdose medication in and around residence halls housing at least 100 students and for the training of designated personnel to administer opioid overdose medication to respond to symptoms of an opioid-related overdose.

**Sec. 606.** 2019 c 415 s 610 (uncodified) is amended to read as follows:

**FOR THE EVERGREEN STATE COLLEGE**

General Fund—State Appropriation (FY 2020)	
.....	<del>(\$29,766,000)</del>
	<u>\$30,208,000</u>
General Fund—State Appropriation (FY 2021)	
.....	<del>(\$30,305,000)</del>
	<u>\$31,434,000</u>
The Evergreen State College Capital Projects Account—	
State Appropriation .....	\$80,000
Education Legacy Trust Account—State Appropriation.....	\$5,450,000
Pension Funding Stabilization Account—State Appropriation .....	\$2,000
TOTAL APPROPRIATION .....	<u>\$65,603,000</u>
	<u>\$67,174,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$3,590,000 of the general fund—state appropriation for fiscal year 2020 and ~~(\$3,665,000)~~ \$3,669,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the implementation of the college affordability program as set forth in RCW 28B.15.066.

(2) Funding provided in this section is sufficient for The Evergreen State College to continue operations of the Longhouse Center and the Northwest Indian applied research institute.

(3) Within amounts appropriated in this section, the college is encouraged to increase the number of tenure-track positions created and hired.

(4) Within the amounts appropriated in this section, The Evergreen State College must provide the funding necessary to enable employees of the Washington state institute for public policy to receive the salary increases provided in part 9 of this act.

(5) ~~(\$2,079,000)~~ \$2,437,000 of the general fund—state appropriation for fiscal year 2020 and ~~(\$2,054,000)~~ \$2,993,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the Washington state institute for public policy to initiate, sponsor, conduct, and publish research that is directly useful to policymakers and manage reviews and evaluations of technical and scientific topics as they relate to major long-term issues facing the state. Within the amounts provided in this subsection (5):

(a) \$999,000 of the amounts in fiscal year 2020 and ~~(\$879,000)~~ \$1,243,000 of the amounts in fiscal year 2021 are provided for administration and core operations.

(b) ~~(\$1,030,000)~~ \$1,388,000 of the amounts in fiscal year 2020 and ~~(\$1,002,000)~~ \$1,177,000 of the amounts in fiscal year 2021 are provided solely for ongoing and continuing studies on the Washington state institute for public policy's work plan.

(c) \$50,000 of the amounts in fiscal year 2020 and \$25,000 of the amounts in fiscal year 2021 are provided solely for the Washington state institute for public policy to evaluate the outcomes of resource and assessment centers licensed under RCW 74.15.311 and contracted with the department of children, youth, and families. By December 1, 2020, and in compliance with RCW 43.01.036, the institute shall report the results of its evaluation to the appropriate legislative committees; the governor; the department of children, youth, and families; and the oversight board for children, youth, and families. For the evaluation, the institute shall collect data regarding:

(i) The type of placement children experience following placement at a resource and assessment center;

(ii) The number of placement changes that children experience following placement in a resource and assessment center compared with other foster children;

(iii) The length of stay in foster care that children experience following placement in a resource and assessment center compared with other foster children;

(iv) The likelihood that children placed in a resource and assessment center will be placed with siblings; and

(v) The length of time that licensed foster families accepting children placed in resource and assessment centers maintain their licensure compared to licensed foster families receiving children directly from child protective services.

(d) \$115,000 of the amounts in fiscal year 2021 are provided solely for implementation of Engrossed Second Substitute House Bill No. 1391 (early achievers recommendations). ~~((If the bill is not enacted by June 30,~~

~~2019, the amount provided in this subsection (5)(d) shall lapse-))~~

\$175,650,000

(e) \$33,000 of the amounts in fiscal year 2021 are provided solely for implementation of Engrossed Second Substitute House Bill No. 1646 (juvenile rehab. confinement). ~~((If the bill is not enacted by June 30, 2019, the amount provided in this subsection (5)(e) shall lapse-))~~

(f) \$400,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the Washington state institute for public policy to study special education services in public K-12 education systems. Since fiscal year 2018, Washington has made large investments in special education programs both through increases in the education system as a whole and through targeted increases in the special education funding formula. These investments were spread across the education system rather than directed to meet specific student and district needs. An appropriation is provided for this study in the interest of addressing ongoing concerns about funding and service gaps with future investments. The institute will review the available research literature with a focus on evidence from rigorous research regarding impacts of specific special education services on student outcomes. Where available, the study will focus on student success outcomes including successful transitions to life post-high school, student engagement, disciplinary action, and academic outcomes. To the extent possible, the institute will study the cost effectiveness of various successful approaches to service delivery, including both broad strategies and specific services. The institute shall submit an interim report summarizing preliminary findings on special education strategies to the appropriate committees of the legislature and the governor by June 30, 2021, with the intent that a final report be submitted to the appropriate committees of the legislature and the governor by June 30, 2022.

(g) Notwithstanding other provisions in this subsection, the board of directors for the Washington state institute for public policy may adjust due dates for projects included on the institute's 2019-21 work plan as necessary to efficiently manage workload.

**Sec. 607.** 2019 c 415 s 611 (uncodified) is amended to read as follows:

**FOR WESTERN WASHINGTON UNIVERSITY**

General Fund—State Appropriation (FY 2020)  
.....~~(((\$78,694,000))~~  
\$78,666,000

General Fund—State Appropriation (FY 2021)  
.....~~(((\$81,478,000))~~  
\$81,729,000

Western Washington University Capital Projects Account—

State Appropriation .....\$1,424,000

Education Legacy Trust Account—State Appropriation.....\$13,831,000

TOTAL APPROPRIATION .....\$175,427,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The university must continue work with the education research and data center to demonstrate progress in computer science and engineering enrollments. By September 1st of each year, the university shall provide a report including but not limited to the cost per student, student completion rates, and the number of low-income students enrolled in each program, any process changes or best-practices implemented by the university, and how many students are enrolled in computer science and engineering programs above the prior academic year.

(2) Western Washington University shall not use funds appropriated in this section to support intercollegiate athletics programs.

(3) \$16,291,000 of the general fund—state appropriation for fiscal year 2020 and ~~(((\$16,633,000))~~ \$16,649,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the implementation of the college affordability program as set forth in RCW 28B.15.066.

(4) \$700,000 of the general fund—state appropriation for fiscal year 2020 and \$700,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the creation and implementation of an early childhood education degree program at the western on the peninsulas campus. The university must collaborate with Olympic college. At full implementation, the university is expected to grant approximately 75 bachelor's degrees in early childhood education per year at the western on the peninsulas campus.

(5) \$1,306,000 of the general fund—state appropriation for fiscal year 2020 and \$1,306,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for Western Washington University to develop a new program in marine, coastal, and watershed sciences.

(6) Within amounts appropriated in this section, the university is encouraged to increase the number of tenure-track positions created and hired.

(7) \$250,000 of the general fund—state appropriation for fiscal year 2020 and \$250,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for campus connect to develop a student civic leaders initiative that will provide opportunities for students to gain work experience focused on addressing the following critical issues facing communities and campuses: Housing and food insecurities, mental health, civic education (higher education and K-12), breaking the prison pipeline, and the opioid epidemic. Students will:

(a) Participate in civic internships and receive wages to work on one or more of these critical issues on their campus and or in their community, or both;

(b) Receive training on civic education, civil discourse, and learn how to analyze policies that impact community issues; and

(c) Research issues and develop and implement strategies in teams to address them.

(8) \$45,000 of the general fund—state appropriation for fiscal year 2020 and \$25,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the university to develop a plan for the maintenance and administration of opioid overdose medication in and around residence halls housing at least 100 students and for the training of designated personnel to administer opioid overdose medication to respond to symptoms of an opioid-related overdose.

**Sec. 608.** 2019 c 415 s 612 (uncodified) is amended to read as follows:

**FOR THE STUDENT ACHIEVEMENT  
COUNCIL—POLICY COORDINATION AND  
ADMINISTRATION**

General Fund—State Appropriation (FY 2020)  
.....((~~\$6,431,000~~))

\$6,433,000

General Fund—State Appropriation (FY 2021)  
.....((~~\$6,533,000~~))

\$6,589,000

Workforce Education Investment Account—State  
Appropriation ..... \$1,343,000

General Fund—Federal Appropriation..... \$4,927,000

Pension Funding Stabilization Account—State  
Appropriation ..... \$534,000

TOTAL APPROPRIATION ..... \$18,425,000  
\$19,826,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$126,000 of the general fund—state appropriation for fiscal year 2020 and \$126,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the consumer protection unit.

(2) \$104,000 of the general fund—state appropriation for fiscal year 2020 and \$174,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of Second Substitute Senate Bill No. 5800 (homeless college students). ~~((If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.))~~

(3) \$1,132,000 of the workforce education investment account—state appropriation is provided solely to implement a marketing and communications agenda and to create a career connected learning statewide program inventory as required in RCW 28C.30.040(1) (c) and (f) through (g).

(4) \$211,000 of the workforce education investment account—state appropriation is provided solely to implement the Washington college grant program as set

forth in RCW 28B.92.200. Funding is sufficient for a senior budget and forecast analyst position to assist in the administration of the Washington college grant program established in RCW 28B.92.200 and other financial aid programs and to develop financial aid models to forecast costs related to the Washington college grant and college bound programs.

(5) \$33,000 of the general fund—state appropriation for fiscal year 2021 is provided solely to implement chapter 298, Laws of 2019 (college bound scholarship – ninth grade pledge and state need grant eligibility).

(6) The student achievement council must ensure that all institutions of higher education as defined in RCW 28B.92.030 and eligible for state financial aid programs under chapters 28B.92 and 28B.118 RCW provide the data needed to analyze and evaluate the effectiveness of state financial aid programs. This data must be promptly transmitted to the education data center so that it is available and easily accessible.

**Sec. 609.** 2019 c 415 s 613 (uncodified) is amended to read as follows:

**FOR THE STUDENT ACHIEVEMENT  
COUNCIL—OFFICE OF STUDENT FINANCIAL  
ASSISTANCE**

General Fund—State Appropriation (FY 2020)  
.....((~~\$278,418,000~~))

\$277,636,000

General Fund—State Appropriation (FY 2021)  
.....((~~\$281,669,000~~))

\$281,616,000

General Fund—Federal Appropriation  
.....((~~\$12,035,000~~))

\$12,038,000

General Fund—Private/Local Appropriation \$300,000

Education Legacy Trust Account—State  
Appropriation ..... \$93,488,000

Washington Opportunity Pathways Account—State

Appropriation.....\$114,229,000

Aerospace Training Student Loan Account—State

Appropriation.....\$216,000

Workforce Education Investment Account—State

Appropriation.....\$28,083,000

Pension Funding Stabilization Account—State

Appropriation.....\$18,000

Health Professionals Loan Repayment and  
Scholarship

Program Account—State Appropriation....\$1,720,000

State Educational Trust Fund Nonappropriated

Account—State Appropriation.....\$6,000,000  
 TOTAL APPROPRIATION .....~~\$788,093,000~~  
\$815,344,000

The appropriations in this section are subject to the following conditions and limitations:

(1) If Engrossed Second Substitute House Bill No. 2158 (workforce education) is enacted by June 30, 2019, all references made in this section to the state need grant program are deemed made to the Washington college grant program.

(2) ~~\$255,327,000 of the general fund—state appropriation for fiscal year 2020, ((\$266,528,000)) \$7,935,000 of the general fund—state appropriation for fiscal year 2021, ((\$77,639,000)) \$45,527,000 of the education legacy trust account—state appropriation, \$6,000,000 of the state educational trust fund nonappropriated account—state appropriation, and ((\$80,000,000)) \$38,350,000 of the Washington opportunity pathways account—state appropriation~~ are provided solely for student financial aid payments under the state need grant and state work study programs, including up to four percent administrative allowance for the state work study program.

(3) \$258,593,000 of the general fund—state appropriation for fiscal year 2021, \$28,083,000 of the workforce education investment account—state appropriation, \$32,112,000 of the education legacy trust fund—state appropriation, and \$56,950,000 of the Washington opportunity pathways account—state appropriation are provided solely for the Washington college grant program as provided in RCW 28B.92.200.

(4) Changes made to the state work study program in the 2009-2011 and 2011-2013 fiscal biennia are continued in the 2019-2021 fiscal biennium including maintaining the increased required employer share of wages; adjusted employer match rates; discontinuation of nonresident student eligibility for the program; and revising distribution methods to institutions by taking into consideration other factors such as off-campus job development, historical utilization trends, and student need.

(5) Within the funds appropriated in this section, eligibility for the state need grant includes students with family incomes at or below 70 percent of the state median family income (MFI), adjusted for family size, and shall include students enrolled in three to five credit-bearing quarter credits, or the equivalent semester credits. Awards for students with incomes between 51 and 70 percent of the state median shall be prorated at the following percentages of the award amount granted to those with incomes below 51 percent of the MFI: 70 percent for students with family incomes between 51 and 55 percent MFI; 65 percent for students with family incomes between 56 and 60 percent MFI; 60 percent for students with family incomes between 61 and 65 percent MFI; and 50 percent for students with family incomes between 66 and 70 percent MFI. If Engrossed Second Substitute House Bill No. 2158 (workforce education) is enacted by June 30, 2019, then the

eligibility and proration provisions of that bill supersede the provisions of this subsection.

(6) Of the amounts provided in subsection ~~((4))~~ (2) of this section, \$100,000 of the general fund—state appropriation for fiscal year 2020 and \$100,000 of the general fund—state appropriation for fiscal year 2021 are provided for the council to process an alternative financial aid application system pursuant to RCW 28B.92.010.

(7) Students who are eligible for the college bound scholarship shall be given priority for the state need grant program. These eligible college bound students whose family incomes are in the 0-65 percent median family income ranges must be awarded the maximum state need grant for which they are eligible under state policies and may not be denied maximum state need grant funding due to institutional policies or delayed awarding of college bound scholarship students. The council shall provide directions to institutions to maximize the number of college bound scholarship students receiving the maximum state need grant for which they are eligible with a goal of 100 percent coordination. Institutions shall identify all college bound scholarship students to receive state need grant priority. If an institution is unable to identify all college bound scholarship students at the time of initial state aid packaging, the institution should reserve state need grant funding sufficient to cover the projected enrollments of college bound scholarship students.

(8) ~~(\$1,023,000)) \$241,000 of the general fund—state appropriation for fiscal year 2020, ((\$855,000)) \$802,000 of the general fund—state appropriation for fiscal year 2021, \$15,849,000 of the education legacy trust account—state appropriation, and ((\$34,229,000)) \$18,929,000 of the Washington opportunity pathways account—state appropriation are provided solely for the college bound scholarship program and may support scholarships for summer session. The office of student financial assistance and the institutions of higher education shall not consider awards made by the opportunity scholarship program to be state-funded for the purpose of determining the value of an award amount under RCW 28B.118.010. ((If Engrossed Second Substitute House Bill No. 2158 (workforce education) is enacted by June 30, 2019, then the amount that is provided solely for purposes of this subsection from the Washington opportunity pathways account is provided for the Washington college grant in the amount of \$15,300,000.))~~

(9) \$2,759,000 of the general fund—state appropriation for fiscal year 2020 and \$2,795,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the passport to college program. The maximum scholarship award is up to \$5,000. The council shall contract with a nonprofit organization to provide support services to increase student completion in their postsecondary program and shall, under this contract, provide a minimum of \$500,000 in fiscal years 2020 and 2021 for this purpose.

(10) \$7,468,000 of the general fund—state appropriation for fiscal year 2020 is provided solely to meet state match requirements associated with the opportunity

scholarship program. The legislature will evaluate subsequent appropriations to the opportunity scholarship program based on the extent that additional private contributions are made, program spending patterns, and fund balance.

(11) \$3,800,000 of the general fund—state appropriation for fiscal year 2020 and \$3,800,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for expenditure into the health professionals loan repayment and scholarship program account. These amounts must be used to increase the number of licensed primary care health professionals to serve in licensed primary care health professional critical shortage areas. Contracts between the office and program recipients must guarantee at least three years of conditional loan repayments. The office of student financial assistance and the department of health shall prioritize a portion of any nonfederal balances in the health professional loan repayment and scholarship fund for conditional loan repayment contracts with psychiatrists and with advanced registered nurse practitioners for work at one of the state-operated psychiatric hospitals. The office and department shall designate the state hospitals as health professional shortage areas if necessary for this purpose. The office shall coordinate with the department of social and health services to effectively incorporate three conditional loan repayments into the department's advanced psychiatric professional recruitment and retention strategies. The office may use these targeted amounts for other program participants should there be any remaining amounts after eligible psychiatrists and advanced registered nurse practitioners have been served. The office shall also work to prioritize loan repayments to professionals working at health care delivery sites that demonstrate a commitment to serving uninsured clients. It is the intent of the legislature to provide funding to maintain the current number and amount of awards for the program in the 2021-2023 fiscal biennium on the basis of these contractual obligations.

(12) \$850,000 of the general fund—state appropriation for fiscal year 2020 and \$750,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of Second Substitute House Bill No. 1973 (dual enrollment scholarship). ~~((If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.))~~

(13) \$1,000,000 of the general fund—state appropriation for fiscal year 2020 and \$1,000,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of Second Substitute House Bill No. 1668 (Washington health corps). ~~((If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.))~~ Within amounts provided in this subsection, the student achievement council, in consultation with the department of health, shall study the need, feasibility, and potential design of a grant program to provide funding to behavioral health students completing unpaid pregraduation internships and postgraduation supervised hours for licensure.

(14) Sufficient amounts are appropriated within this section to implement Engrossed Second Substitute House Bill No. 1311 (college bound).

(15) \$1,896,000 of the general fund—state appropriation for fiscal year 2020 and \$1,673,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of Engrossed Second Substitute House Bill No. 1139 (educator workforce supply). ~~((If the bill is not enacted by June 30, 2019, the amount provided in this subsection shall lapse.))~~ Of the amounts appropriated in this subsection, \$1,650,000 of the general fund—state appropriation for fiscal year 2020 and \$1,650,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for funding of the student teaching grant program, the teacher endorsement and certification help program, and the educator conditional scholarship and loan repayment programs under chapter 28B.102 RCW, including the pipeline for paraeducators program, the retooling to teach conditional loan programs, the teacher shortage conditional scholarship program, the career and technical education conditional scholarship program, and the federal student loan repayment in exchange for teaching service program.

**Sec. 610.** 2019 c 415 s 614 (uncodified) is amended to read as follows:

**FOR THE WORKFORCE TRAINING AND  
EDUCATION COORDINATING BOARD**

General Fund—State Appropriation (FY 2020)	
.....	\$2,270,000
General Fund—State Appropriation (FY 2021)	
.....	<del>(((\$1,998,000))</del>
	<u>\$2,084,000</u>
General Fund—Federal Appropriation	
.....	<del>(((\$55,509,000))</del>
	<u>\$55,512,000</u>
General Fund—Private/Local Appropriation	\$211,000
Pension Funding Stabilization Account—State	
Appropriation.....	\$176,000
TOTAL APPROPRIATION.....	<u>\$60,164,000</u>
	<u>\$60,253,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) For the 2019-2021 fiscal biennium the board shall not designate recipients of the Washington award for vocational excellence or recognize them at award ceremonies as provided in RCW 28C.04.535.

(2) \$240,000 of the general fund—state appropriation for fiscal year 2020 and \$240,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the health workforce council of the state workforce training and education coordinating board. In partnership with the office of the governor, the health workforce council shall continue to assess workforce shortages across behavioral health

disciplines. The board shall create a recommended action plan to address behavioral health workforce shortages and to meet the increased demand for services now, and with the integration of behavioral health and primary care in 2020. The analysis and recommended action plan shall align with the recommendations of the adult behavioral health system task force and related work of the healthier Washington initiative. The board shall consider workforce data, gaps, distribution, pipeline, development, and infrastructure, including innovative high school, postsecondary, and postgraduate programs to evolve, align, and respond accordingly to our state's behavioral health and related and integrated primary care workforce needs.

(3) \$260,000 of the general fund—state appropriation for fiscal year 2020 is provided solely for implementation of chapter 294, Laws of 2018 (future of work task force).

(4) \$28,000 of the general fund—state appropriation for fiscal year 2020 is provided solely for implementation of Substitute Senate Bill No. 5166 (postsecondary religious acc.). ~~((If the bill is not enacted by June 30, 2019, the amount provided in this subsection shall lapse.))~~

**Sec. 611.** 2019 c 415 s 615 (uncodified) is amended to read as follows:

#### **FOR THE STATE SCHOOL FOR THE BLIND**

General Fund—State Appropriation (FY 2020)	<del>.....(((\$8,951,000))</del>
	<u>\$9,001,000</u>
General Fund—State Appropriation (FY 2021)	<del>.....(((\$9,153,000))</del>
	<u>\$9,281,000</u>
General Fund—Private/Local Appropriation .	\$34,000
Pension Funding Stabilization Account—State	
Appropriation .....	\$590,000
TOTAL APPROPRIATION .....	<u>\$18,728,000</u>
	<u>\$18,906,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) Funding provided in this section is sufficient for the school to offer to students enrolled in grades nine through twelve for full-time instructional services at the Vancouver campus with the opportunity to participate in a minimum of one thousand eighty hours of instruction and the opportunity to earn twenty-four high school credits.

(2) \$149,000 of the general fund—state appropriation for fiscal year 2020 and \$99,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for migration to the state data center, and are subject to the conditions, limitations, and review provided in ~~((section 719 of this act))~~ section 701 of this act.

**Sec. 612.** 2019 c 415 s 616 (uncodified) is amended to read as follows:

#### **FOR THE WASHINGTON STATE CENTER FOR CHILDHOOD DEAFNESS AND HEARING LOSS**

General Fund—State Appropriation (FY 2020)	<del>.....(((\$14,326,000))</del>
	<u>\$14,554,000</u>
General Fund—State Appropriation (FY 2021)	<del>.....(((\$14,554,000))</del>
	<u>\$14,590,000</u>
Pension Funding Stabilization Account—State	
Appropriation.....	\$728,000
TOTAL APPROPRIATION.....	<u>\$29,608,000</u>
	<u>\$29,872,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) Funding provided in this section is sufficient for the center to offer to students enrolled in grades nine through twelve for full-time instructional services at the Vancouver campus with the opportunity to participate in a minimum of one thousand eighty hours of instruction and the opportunity to earn twenty-four high school credits.

(2) \$12,319,000 of the general fund—state appropriation for fiscal year 2020 and \$12,319,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for operations, expenses, and direct service to students at the state school for the deaf referenced in RCW 72.40.015(2)(a).

**Sec. 613.** 2019 c 415 s 617 (uncodified) is amended to read as follows:

#### **FOR THE WASHINGTON STATE ARTS COMMISSION**

General Fund—State Appropriation (FY 2020)	<del>.....(((\$2,108,000))</del>
	<u>\$2,269,000</u>
General Fund—State Appropriation (FY 2021)	<del>.....(((\$2,307,000))</del>
	<u>\$2,472,000</u>
General Fund—Federal Appropriation .....	\$2,160,000
General Fund—Private/Local Appropriation..	\$50,000
Pension Funding Stabilization Account—State	
Appropriation.....	\$122,000
TOTAL APPROPRIATION.....	<u>\$6,747,000</u>
	<u>\$7,073,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$175,000 of the general fund—state appropriation for fiscal year 2020 and \$175,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the

folk and traditional arts apprenticeship and jobs stimulation program.

(2) \$104,000 of the general fund—state appropriation for fiscal year 2020 and \$96,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the completion and maintenance of the my public art portal project.

(4) \$172,000 of the general fund—state appropriation for fiscal year 2020 and \$324,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for an arts-integration program that encourages kindergarten readiness in partnership with educational service districts, the office of the superintendent of public instruction, and the department of children, youth, and families.

**Sec. 614.** 2019 c 415 s 618 (uncodified) is amended to read as follows:

**FOR THE WASHINGTON STATE HISTORICAL SOCIETY**

General Fund—State Appropriation (FY 2020)	.....(( <del>\$3,733,000</del> ))
	<u>\$3,652,000</u>
General Fund—State Appropriation (FY 2021)	.....(( <del>\$3,654,000</del> ))
	<u>\$3,769,000</u>
Pension Funding Stabilization Account—State	
Appropriation .....	\$230,000
TOTAL APPROPRIATION .....	<u>\$7,617,000</u>
	<u>\$7,651,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$500,000 of the general fund—state appropriation for fiscal year 2020 and \$500,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for general support and operations of the Washington state historical society.

(2) \$52,000 of the general fund—state appropriation for fiscal year 2020 and \$42,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for supporting migration ~~((to the state data center))~~ of the agency's servers to the cloud environment and is subject to the conditions, limitations, and review provided in ~~((section 719 of this act))~~ section 701 of this act.

**Sec. 615.** 2019 c 415 s 619 (uncodified) is amended to read as follows:

**FOR THE EASTERN WASHINGTON STATE HISTORICAL SOCIETY**

General Fund—State Appropriation (FY 2020)	.....(( <del>\$2,855,000</del> ))
	<u>\$2,751,000</u>
General Fund—State Appropriation (FY 2021)	.....(( <del>\$2,885,000</del> ))

\$2,845,000

Pension Funding Stabilization Account—State

Appropriation .....	\$214,000
TOTAL APPROPRIATION .....	<u>\$5,954,000</u>
	<u>\$5,810,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$500,000 of the general fund—state appropriation for fiscal year 2020 and \$500,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for general support and operations of the eastern Washington state historical society.

(2) \$67,000 of the general fund—state appropriation for fiscal year 2020 and \$30,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for supporting migration to the state data center and is subject to the conditions, limitations, and review provided in ~~((section 719 of this act))~~ section 701 of this act.

**PART VII**

**SPECIAL APPROPRIATIONS**

**Sec. 701.** 2019 c 415 s 719 (uncodified) is amended to read as follows:

**FOR THE OFFICE OF FINANCIAL MANAGEMENT—INFORMATION TECHNOLOGY INVESTMENT POOL**

General Fund—State Appropriation (FY 2020)	.....\$7,628,000
General Fund—State Appropriation (FY 2021)	.....\$5,191,000
General Fund—Federal Appropriation .....	\$4,608,000
General Fund—Private/local Appropriation .....	\$213,000
Other Appropriated Funds .....	\$56,530,000
TOTAL APPROPRIATION .....	<u>\$74,170,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) The appropriations in this section are provided solely for expenditure into the information technology investment revolving account created in RCW 43.41.433. Funds in the account are provided solely for the information technology projects shown in LEAP omnibus document IT-2019, dated April 25, 2019, which is hereby incorporated by reference. To facilitate the transfer of moneys from other funds and accounts that are associated with projects contained in LEAP omnibus document IT-2019, dated April 25, 2019, the state treasurer is directed to transfer moneys from other funds and accounts to the information technology investment revolving account in accordance with schedules provided by the office of financial management. However, restricted federal funds and qualified employee benefit and pension funds may be transferred only to the extent permitted by law, and will otherwise remain outside the

information technology investment account. The projects affected remain subject to the other provisions of this section.

(2) Agencies must apply to the office of financial management and the office of the chief information officer to receive funding from the information technology investment revolving account. The office of financial management must notify the fiscal committees of the legislature of the receipt of each application and may not approve a funding request for ten business days from the date of notification.

(3) Allocations and allotments of information technology investment revolving account must be made for discrete stages of projects as determined by the technology budget approved by the office of the state chief information officer and office of financial management. Fifteen percent of total funding allocated by the office of financial management, or another amount as defined jointly by the office of financial management and the office of the state chief information officer, will be retained in the account, but remain allocated to that project. The retained funding will be released to the agency only after successful completion of that stage of the project. For the military department enhanced 911 next generation project, the amount retained is increased to at least twenty percent of total funding allocated for any stage of that project.

(4)(a) Each project must have a technology budget. The technology budget must use a method similar to the state capital budget, identifying project costs, each fund source, and anticipated deliverables through each stage of the entire project investment and across fiscal periods and biennia from project onset through implementation and close out.

(b) As part of the development of a technology budget and at each request for funding, the agency shall submit detailed financial information to the office of financial management and the office of the state chief information officer. The technology budget must describe the total cost of the project by fiscal month to include and identify:

- (i) Fund sources;
- (ii) Full time equivalent staffing level to include job classification assumptions;
- (iii) A discreet appropriation index and program index;
- (iv) Object and subobject codes of expenditures; and
- (v) Anticipated deliverables.

(5)(a) Each project must have an investment plan that includes:

- (i) An organizational chart of the project management team that identifies team members and their roles and responsibilities;
- (ii) The office of the state chief information officer staff assigned to the project;
- (iii) An implementation schedule covering activities, critical milestones, and deliverables at each stage of the project for the life of the project at each agency affected by the project;

(iv) Performance measures used to determine that the project is on time, within budget, and meeting expectations for quality of work product;

(v) Ongoing maintenance and operations cost of the project post implementation and close out delineated by agency staffing, contracted staffing, and service level agreements; and

(vi) Financial budget coding to include at least discreet program index and subobject codes.

(6) Projects with estimated costs greater than one hundred million dollars from initiation to completion and implementation may be divided into discrete subprojects as determined by the office of the state chief information officer. Each subproject must have a technology budget and investment plan as provided in this section.

(7)(a) The office of the state chief information officer shall maintain an information technology project dashboard that provides updated information each fiscal month on projects subject to this section. This includes:

- (i) Project changes each fiscal month;
- (ii) Noting if the project has a completed market requirements document;
- (iii) Financial status of information technology projects under oversight; and
- (iv) Coordination with agencies.

(b) The dashboard must retain a roll up of the entire project cost, including all subprojects, that can be displayed the subproject detail.

(8) If the project affects more than one agency:

- (a) A separate technology budget and investment plan must be prepared for each agency; and
- (b) The dashboard must contain a statewide project technology budget roll up that includes each affected agency at the subproject level.

(9) For any project that exceeds two million dollars in total funds to complete, requires more than one biennium to complete, or is financed through financial contracts, bonds, or other indebtedness:

- (a) Quality assurance for the project must report independently to the office of the chief information officer;
- (b) The office of the chief information officer must review, and, if necessary, revise the proposed project to ensure it is flexible and adaptable to advances in technology;
- (c) The technology budget must specifically identify the uses of any financing proceeds. No more than thirty percent of the financing proceeds may be used for payroll-related costs for state employees assigned to project management, installation, testing, or training;
- (d) The agency must consult with the office of the state treasurer during the competitive procurement process to evaluate early in the process whether products and services



to be solicited and the responsive bids from a solicitation may be financed; and

(e) The agency must consult with the contracting division of the department of enterprise services for a review of all contracts and agreements related to the project's information technology procurements.

(10) The office of the state chief information officer must evaluate the project at each stage and certify whether the project is planned, managed, and meeting deliverable targets as defined in the project's approved technology budget and investment plan.

(11) The office of the state chief information officer may suspend or terminate a project at any time if it determines that the project is not meeting or not expected to meet anticipated performance and technology outcomes. Once suspension or termination occurs, the agency shall unallot any unused funding and shall not make any expenditure for the project without the approval of the office of financial management.

(12) The office of the state chief information officer, in consultation with the office of financial management, may identify additional projects to be subject to this section, including projects that are not separately identified within an agency budget.

(13) Any cost to administer or implement this section for projects listed in subsection (1) of this section, must be paid from the information technology investment revolving account. For any other information technology project made subject to the conditions, limitations, and review of this section, the cost to implement this section must be paid from the funds for that project.

(14) The information technology feasibility study of the Washington state gambling commission is subject to the conditions, limitations, and review in this section.

(15) The learning management system project of the department of enterprise services is subject to the conditions, limitations, and review in this section.

(16) The gambling self-exclusion program project of the Washington state gambling commission is subject to the conditions, limitations, and review in this section.

**Sec. 702.** 2019 c 415 s 701 (uncodified) is amended to read as follows:

**FOR THE STATE TREASURER—BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR DEBT SUBJECT TO THE DEBT LIMIT**

General Fund—State Appropriation (FY 2020)  
.....((~~\$1,191,069,000~~))

\$1,179,076,000

General Fund—State Appropriation (FY 2021)  
.....((~~\$1,268,197,000~~))

\$1,240,339,000

State Building Construction Account—State  
Appropriation.....\$6,273,000

Columbia River Basin Water Supply Development  
Account—State Appropriation .....\$30,000

Watershed Restoration and Enhancement Bond  
Account—State Appropriation .....\$46,000

State Taxable Building Construction Account—State  
Appropriation.....((~~\$213,000~~))

\$277,000

Debt-Limit Reimbursable Bond Retirement  
Account—State

Appropriation.....\$566,000

TOTAL APPROPRIATION.....~~\$2,466,394,000~~

\$2,426,607,000

The appropriations in this section are subject to the following conditions and limitations: The general fund appropriations are for expenditure into the debt-limit general fund bond retirement account.

**Sec. 703.** 2019 c 415 s 703 (uncodified) is amended to read as follows:

**FOR THE STATE TREASURER—BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR BOND SALE EXPENSES**

General Fund—State Appropriation (FY 2020)  
.....\$1,400,000

General Fund—State Appropriation (FY 2021)  
.....\$1,400,000

State Building Construction Account—State  
Appropriation .....\$1,052,000

Columbia River Basin Water Supply Development  
Account—State Appropriation .....\$6,000

School Construction and Skill Centers Building  
Account—State Appropriation .....((~~\$1,000~~))

\$2,000

Watershed Restoration and Enhancement Bond  
Account—State Appropriation .....\$9,000

State Taxable Building Construction Account—State  
Appropriation.....((~~\$36,000~~))

\$55,000

TOTAL APPROPRIATION.....~~\$3,904,000~~

\$3,924,000

**NEW SECTION. Sec. 704.** A new section is added to 2019 c 415 (uncodified) to read as follows:**FOR SUNDRY CLAIMS**

The following sums, or so much thereof as may be necessary, are appropriated from the general fund for fiscal year 2020, unless otherwise indicated, for relief of various individuals, firms, and corporations for sundry claims.

These appropriations are to be disbursed on vouchers approved by the director of the department of enterprise services, except as otherwise provided, for reimbursement of criminal defendants acquitted on the basis of self-defense, pursuant to RCW 9A.16.110, as follows:

(1) Melvin Campbell, claim number 99970259	\$6,877
(2) Gerardo Rodarte Gonzalez, claim number 99970260	\$24,385
(3) Edward Bushnell, claim number 99970261	\$153,357
(4) Shaun Beveridge, claim number 99970262	\$56,514
(5) Brandon Wheeler, claim number 9991001053	\$123,464

**Sec. 705.** 2019 c 415 s 712 (uncodified) is amended to read as follows:

**FOR THE OFFICE OF FINANCIAL MANAGEMENT—ANDY HILL CANCER RESEARCH ENDOWMENT FUND MATCH TRANSFER ACCOUNT**

<del>((Foundational Public Health Services Account—State</del>	
<del>Appropriation</del>	<del>\$6,000,000))</del>
<del>General Fund—State Appropriation (FY 2021)</del>	<del>\$4,000,000</del>
<del>TOTAL APPROPRIATION</del>	<del>\$6,000,000</del>
	<del>\$4,000,000</del>

The appropriation in this section is subject to the following conditions and limitations: The appropriation in this section is provided solely for expenditure into the Andy Hill cancer research endowment fund match transfer account per RCW 43.348.080 to fund the Andy Hill cancer research endowment program. Matching funds using the amounts appropriated in this section may not be used to fund new grants that exceed two years in duration.

**Sec. 706.** 2019 c 415 s 720 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF RETIREMENT SYSTEMS—CONTRIBUTIONS TO RETIREMENT SYSTEMS**

(1) The appropriations in this section are subject to the following conditions and limitations: The appropriations for the law enforcement officers' and firefighters' retirement system shall be made on a monthly basis consistent with chapter 41.45 RCW, and the appropriations for the judges

and judicial retirement systems shall be made on a quarterly basis consistent with chapters 2.10 and 2.12 RCW.

(2) There is appropriated for state contributions to the law enforcement officers' and firefighters' retirement system:

General Fund—State Appropriation (FY 2020)	\$73,000,000
General Fund—State Appropriation (FY 2021)	\$75,800,000
TOTAL APPROPRIATION	\$148,800,000

(3) There is appropriated for contributions to the judicial retirement system:

General Fund—State Appropriation (FY 2020)	\$1,545,000
Pension Funding Stabilization Account—State Appropriation	\$13,855,000
TOTAL APPROPRIATION	\$15,400,000

(4) There is appropriated for contributions to the judges' retirement system:

General Fund—State Appropriation (FY 2020)	\$400,000
General Fund—State Appropriation (FY 2021)	\$400,000
TOTAL APPROPRIATION	\$800,000

~~((5) There is appropriated for state contributions to the volunteer firefighters' and reserve officers' relief and pension principal fund:~~

<del>Volunteer Firefighters' and Reserve Officers' Administrative Account—State Appropriation</del>	<del>\$15,532,000</del>
<del>TOTAL APPROPRIATION</del>	<del>\$15,532,000</del>

**NEW SECTION. Sec. 707.** A new section is added to 2019 c 415 (uncodified) to read as follows:**FOR THE BOARD FOR VOLUNTEER FIREFIGHTERS AND RESERVE OFFICERS—CONTRIBUTIONS TO RETIREMENT SYSTEMS**

There is appropriated for state contributions to the volunteer firefighters' and reserve officers' relief and pension principal fund:

Volunteer Firefighters' and Reserve Officers' Administrative Account—State Appropriation	\$15,532,000
TOTAL APPROPRIATION	\$15,532,000

**Sec. 708.** 2019 c 415 s 725 (uncodified) is amended to read as follows:

**FOR THE OFFICE OF FINANCIAL MANAGEMENT—HEALTH PROFESSIONS ACCOUNT**

Dedicated Marijuana Account—State Appropriation (FY 2020).....	(\$701,000))
	<u>\$1,415,000</u>
TOTAL APPROPRIATION .....	\$701,000
	<u>\$1,415,000</u>

The appropriation in this section is subject to the following conditions and limitations: The appropriations are provided solely for expenditure into the health professions account to reimburse the account for costs incurred by the department of health for the development and administration of the marijuana authorization database.

**Sec. 709.** 2019 c 415 s 728 (uncodified) is amended to read as follows:

**FOR THE OFFICE OF FINANCIAL  
MANAGEMENT—FOUNDATIONAL PUBLIC  
HEALTH SERVICES**

General Fund—State Appropriation (FY 2020) .....	\$5,000,000
General Fund—State Appropriation (FY 2021) .....	\$5,000,000
Foundational Public Health Services Account—State Appropriation .....	(\$12,000,000))
	<u>\$10,000,000</u>
TOTAL APPROPRIATION .....	\$22,000,000
	<u>\$20,000,000</u>

The appropriations in this section are subject to the following conditions and limitations: The appropriations are provided solely for distribution as provided in section 2, chapter 14, Laws of 2019 (foundational public health services).

**Sec. 710.** 2019 c 415 s 730 (uncodified) is amended to read as follows:

**FOR THE OFFICE OF FINANCIAL  
MANAGEMENT—OUTDOOR EDUCATION AND  
RECREATION ACCOUNT**

General Fund—State Appropriation (FY 2020) .....	\$750,000
General Fund—State Appropriation (FY 2021) .....	(\$750,000))
	<u>\$1,250,000</u>
TOTAL APPROPRIATION .....	\$1,500,000
	<u>\$2,000,000</u>

The appropriations in this section are subject to the following conditions and limitations: The appropriations are provided solely for expenditure into the outdoor education and recreation account for the state parks and recreation commission's outdoor education and recreation program purposes identified in RCW 79A.05.351.

**NEW SECTION. Sec. 711.** A new section is added to 2019 c 415 (uncodified) to read as follows:**FOR THE OFFICE OF FINANCIAL MANAGEMENT—WORKFORCE EDUCATION INVESTMENT ACCOUNT**

General Fund—State Appropriation (FY 2021) .....	\$27,842,000
TOTAL APPROPRIATION .....	\$27,842,000

The appropriation in this section is subject to the following conditions and limitations: The appropriation in this section is provided solely for expenditure into the workforce education investment account to ensure the account is not in deficit within the 2019-2021 fiscal biennium. The office of financial management, the fiscal committees of the legislature, and the workforce education investment accountability and oversight board shall collaborate on a solution to ensure the account remains solvent in future biennia.

**NEW SECTION. Sec. 712.** A new section is added to 2019 c 415 (uncodified) to read as follows:**FOR THE OFFICE OF FINANCIAL MANAGEMENT—DISASTER RESPONSE ACCOUNT**

General Fund—State Appropriation (FY 2021) .....	\$13,193,000
TOTAL APPROPRIATION .....	\$13,193,000

The appropriation in this section is subject to the following conditions and limitations: The appropriation in this section is provided solely for expenditure into the disaster response account to ensure the account is not in deficit.

**NEW SECTION. Sec. 713.** A new section is added to 2019 c 415 (uncodified) to read as follows:**FOR THE OFFICE OF FINANCIAL MANAGEMENT—DEVELOPMENTAL DISABILITIES COMMUNITY TRUST ACCOUNT**

General Fund—State Appropriation (FY 2021) .....	\$1,000,000
TOTAL APPROPRIATION .....	\$1,000,000

The appropriation in this section is subject to the following conditions and limitations: The appropriation in this section is provided solely for expenditure into the developmental disabilities community trust account (Dan Thompson memorial trust account) for the purposes identified in RCW 71A.20.170.

**NEW SECTION. Sec. 714.** A new section is added to 2019 c 415 (uncodified) to read as follows:**COMPENSATION AND BENEFITS**

General Fund—State Appropriation (FY 2021) .....	\$43,000
Judicial Information Systems Account—State Appropriation .....	\$6,000
Performance Audits of State Government Account— State Appropriation .....	\$2,000

Department of Retirement Systems Expense  
Account—

State Appropriation ..... \$1,000  
TOTAL APPROPRIATION ..... \$52,000

The appropriations in this section are subject to the following conditions and limitations: Funding is provided for retirement contributions for legislative and judicial branch employees, as shown in OFM document 2020-1.

**NEW SECTION. Sec. 715.** A new section is added to 2019 c 415 (uncodified) to read as follows:**CENTRAL SERVICE CHARGES**

General Fund—State Appropriation (FY 2020)  
..... \$21,000

General Fund—State Appropriation (FY 2021)  
..... \$478,000

Judicial Stabilization Trust Account—State

Appropriation ..... \$4,000

Performance Audits of State Government Account—  
State

Appropriation ..... \$8,000

Retirement Systems Expense Account—State  
Appropriation..... \$28,000

TOTAL APPROPRIATION ..... \$539,000

The appropriations in this section are subject to the following conditions and limitations: Funding is provided for central service agency charges for legislative and judicial branch employees, as shown in OFM document 2020-2.

**PART VIII**

**OTHER TRANSFERS AND APPROPRIATIONS**

**Sec. 801.** 2019 c 415 s 801 (uncodified) is amended to read as follows:

**FOR THE STATE TREASURER—STATE REVENUES FOR DISTRIBUTION**

General Fund Appropriation for fire insurance  
premium distributions .....((~~\$10,528,000~~))  
\$10,883,000

General Fund Appropriation for prosecuting attorney  
distributions.....((~~\$7,014,000~~))  
\$7,618,000

General Fund Appropriation for boating safety and  
education distributions ..... \$4,000,000

General Fund Appropriation for public utility  
district excise tax distributions .....((~~\$65,216,000~~))  
\$65,126,000

Death Investigations Account Appropriation for

distribution to counties for publicly funded

autopsies .....\$3,464,000

Aquatic Lands Enhancement Account Appropriation  
for

harbor improvement revenue distributions ...\$140,000

Timber Tax Distribution Account Appropriation for  
distribution to "timber" counties ..... ((~~\$84,366,000~~))  
\$76,318,000

County Criminal Justice Assistance Appropriation  
..... ((~~\$106,123,000~~))  
\$103,379,000

Municipal Criminal Justice Assistance Appropriation  
..... ((~~\$42,084,000~~))  
\$40,279,000

City-County Assistance Appropriation  
..... ((~~\$33,218,000~~))  
\$35,626,000

Liquor Excise Tax Account Appropriation for liquor  
excise tax distribution ..... ((~~\$64,079,000~~))  
\$66,707,000

Streamlined Sales and Use Tax Mitigation Account

Appropriation for distribution to local taxing

jurisdictions to mitigate the unintended revenue  
redistributions effect of sourcing law changes  
..... ((~~\$2,220,000~~))  
\$1,937,000

Columbia River Water Delivery Account  
Appropriation

for the Confederated Tribes of the Colville  
Reservation ..... ((~~\$8,379,000~~))  
\$8,368,000

Columbia River Water Delivery Account  
Appropriation

for the Spokane Tribe of Indians..... ((~~\$5,737,000~~))  
\$5,728,000

Liquor Revolving Account Appropriation for liquor  
profits distribution .....\$98,876,000

General Fund Appropriation for other tax  
distributions .....\$80,000

General Fund Appropriation for Marijuana Excise  
Tax distributions .....\$30,000,000

General Fund Appropriation for Habitat Conservation

Program distributions .....\$5,754,000  
 General Fund Appropriation for payment in-lieu of  
 taxes to counties under Department of Fish and  
 Wildlife program.....((~~\$3,993,000~~))  
\$4,040,000

Puget Sound Taxpayer Accountability Account  
 Appropriation for distribution to counties  
 in amounts not to exceed actual deposits into  
 the account and attributable to those counties'  
 share pursuant to RCW 43.79.520. If a county  
 eligible for distributions under RCW 43.79.520  
 has not adopted a sales and use tax under RCW  
 82.14.460 before July 1, 2019, then to prevent  
 these distributions from supplanting existing  
 local funding for vulnerable populations, the  
 distributions are subject to the procedural  
 requirements in this section. Before the county  
 may receive distributions, it must provide a  
 final budget for the distributions, submit the  
 final budget to the department of commerce, and  
 publish the final budget on its web site. To  
 develop this final budget, under RCW 36.40.040  
 the county must develop and hold hearings on a  
 preliminary budget that is separate from other  
 appropriations ordinances or resolutions, and  
 it must consult stakeholders, including  
 community service organizations, and must  
 consider input received during this process.  
 Before holding a hearing on the preliminary  
 budget, the county must notify local  
 governments in the county that are within the  
 borders of the regional transit authority, and  
 legislators whose districts are within those  
 borders. The county must then adopt a final  
 budget under RCW 36.40.080 for the distributions  
 that is separate from other appropriations  
 ordinances or resolutions. After the county  
 submits its final budget for the distributions  
 to the department of commerce, the department  
 must notify the state treasurer, who may then

make the distributions to the county. ....\$28,683,000  
 TOTAL APPROPRIATION.....~~\$603,954,000~~  
\$597,006,000

The total expenditures from the state treasury under  
 the appropriations in this section shall not exceed the funds  
 available under statutory distributions for the stated  
 purposes.

**Sec. 802.** 2019 c 415 s 802 (uncodified) is amended  
 to read as follows:

**FOR THE STATE TREASURER—FOR THE  
 COUNTY CRIMINAL JUSTICE ASSISTANCE  
 ACCOUNT**

Impaired Driving Safety Appropriation(~~(\$1,933,000)~~)  
\$2,141,000

The appropriation in this section is subject to the  
 following conditions and limitations: The amount  
 appropriated in this section shall be distributed quarterly  
 during the 2019-2021 fiscal biennium in accordance with  
 RCW 82.14.310. This funding is provided to counties for the  
 costs of implementing criminal justice legislation including,  
 but not limited to: Chapter 206, Laws of 1998 (drunk driving  
 penalties); chapter 207, Laws of 1998 (DUI penalties);  
 chapter 208, Laws of 1998 (deferred prosecution); chapter  
 209, Laws of 1998 (DUI/license suspension); chapter 210,  
 Laws of 1998 (ignition interlock violations); chapter 211,  
 Laws of 1998 (DUI penalties); chapter 212, Laws of 1998  
 (DUI penalties); chapter 213, Laws of 1998 (intoxication  
 levels lowered); chapter 214, Laws of 1998 (DUI penalties);  
 and chapter 215, Laws of 1998 (DUI provisions).

**Sec. 803.** 2019 c 415 s 803 (uncodified) is amended  
 to read as follows:

**FOR THE STATE TREASURER—MUNICIPAL  
 CRIMINAL JUSTICE ASSISTANCE ACCOUNT**

Impaired Driving Safety Appropriation(~~(\$1,289,000)~~)  
\$1,428,000

The appropriation in this section is subject to the  
 following conditions and limitations: The amount  
 appropriated in this section shall be distributed quarterly  
 during the 2019-2021 fiscal biennium to all cities ratably  
 based on population as last determined by the office of  
 financial management. The distributions to any city that  
 substantially decriminalizes or repeals its criminal code after  
 July 1, 1990, and that does not reimburse the county for costs  
 associated with criminal cases under RCW 3.50.800 or  
 3.50.805(2), shall be made to the county in which the city is  
 located. This funding is provided to cities for the costs of  
 implementing criminal justice legislation including, but not  
 limited to: Chapter 206, Laws of 1998 (drunk driving  
 penalties); chapter 207, Laws of 1998 (DUI penalties);  
 chapter 208, Laws of 1998 (deferred prosecution); chapter  
 209, Laws of 1998 (DUI/license suspension); chapter 210,  
 Laws of 1998 (ignition interlock violations); chapter 211,  
 Laws of 1998 (DUI penalties); chapter 212, Laws of 1998  
 (DUI penalties); chapter 213, Laws of 1998 (intoxication

levels lowered); chapter 214, Laws of 1998 (DUI penalties); and chapter 215, Laws of 1998 (DUI provisions).

**Sec. 804.** 2019 c 415 s 805 (uncodified) is amended to read as follows:

**FOR THE STATE TREASURER—TRANSFERS**

Dedicated Marijuana Account: For transfer to the basic health plan trust account, the lesser of the amount determined pursuant to RCW 69.50.540 or this amount for fiscal year 2020, ~~(((\$195,000,000))~~ \$205,000,000 and this amount for fiscal year 2021, ~~(((\$199,000,000))~~ \$205,000,000..... ~~(((\$394,000,000))~~ \$410,000,000

Dedicated Marijuana Account: For transfer to the state general fund, the lesser of the amount determined pursuant to RCW 69.50.540 or this amount for fiscal year 2020, ~~(((\$136,000,000))~~ \$147,000,000 and this amount for fiscal year 2021, ~~(((\$138,000,000))~~ \$147,000,000..... ~~(((\$274,000,000))~~ \$294,000,000

Aquatic Lands Enhancement Account: For transfer to the clean up settlement account as repayment of the loan provided in section 3022(2), chapter 2, Laws of 2012 2nd sp. sess. (ESB 6074, 2012 supplemental capital budget), in an amount not to exceed the actual amount of the total remaining principal and interest of the loan, \$620,000 for fiscal year 2020 and ~~(((\$620,000))~~ \$640,000 for fiscal year 2021 ..... ~~(((\$1,240,000))~~ \$1,260,000

Tobacco Settlement Account: For transfer to the state general fund, in an amount not to exceed the actual amount of the annual base payment to the tobacco settlement account for fiscal year 2020 ..... \$90,000,000

Tobacco Settlement Account: For transfer to the state general fund, in an amount not to exceed the actual amount of the annual base payment to the tobacco settlement account for fiscal year 2021 ..... \$90,000,000

General Fund: For transfer to the statewide tourism marketing account, \$1,500,000 for fiscal year

2020 and \$1,500,000 for fiscal year 2021 ..\$3,000,000

General Fund: For transfer to the streamlined sales and use tax account, \$2,220,000 for fiscal year 2020..... ~~(((\$2,220,000))~~ \$1,937,000

Criminal Justice Treatment Account: For transfer to the home security fund, \$4,500,000 for fiscal year 2020 and \$4,500,000 for fiscal year 2021 .....\$9,000,000

State Treasurer's Service Account: For transfer to the state general fund, \$8,000,000 for fiscal year 2020 and \$8,000,000 for fiscal year 2021 .....\$16,000,000

Disaster Response Account: For transfer to the state general fund, \$28,000,000 for fiscal year 2021 .....\$28,000,000

General Fund: For transfer to the fair fund under RCW 15.76.115, \$2,000,000 for fiscal year 2020 and \$2,000,000 for fiscal year 2021 ..\$4,000,000

Energy Freedom Account: For transfer to the general fund, \$1,000,000 or as much thereof that represents the balance in the account for fiscal year 2020.....\$1,000,000

Financial Services Regulation Account: For transfer to the state general fund, \$3,500,000 for fiscal year 2020 and \$3,500,000 for fiscal year 2021 .....\$7,000,000

Aquatic Lands Enhancement Account: For transfer to the geoduck aquaculture research account, \$400,000 for fiscal year 2020 and \$400,000 for fiscal year 2021 .....\$800,000

Public Works Assistance Account: For transfer to the education legacy trust account, \$80,000,000 for fiscal year 2020 and \$80,000,000 for fiscal year 2021 .....\$160,000,000

Model Toxics Control Operating Account: For transfer

to the clean up settlement account as repayment of the loan provided in section 3022(2), chapter 2, Laws of 2012 2nd sp. sess. (ESB 6074, 2012 supplemental capital budget), in an

amount not to exceed the actual amount of the  
total remaining principal and interest of the

loan, \$620,000 for fiscal year 2020 and

((~~\$620,000~~)) \$640,000 for fiscal year 2021  
.....((~~\$1,240,000~~))

\$1,260,000

Marine Resources Stewardship Trust Account: For

transfer to the aquatic lands enhancement

account, \$160,000 for fiscal year 2020..... \$160,000

Water Pollution Control Revolving Administration

Account: For transfer to the water pollution

control revolving account, \$4,500,000 for

fiscal year 2020 ..... \$4,500,000

Oil Spill Response Account: For transfer to the oil

spill prevention account for the military

department to continue assisting local

emergency planning committees statewide with

hazardous materials plans that meet minimum

federal requirements, \$520,000 for fiscal

year 2020 and \$520,000 for fiscal year 2021

..... \$1,040,000

Oil Spill Prevention Account: For transfer to the

oil spill response account, \$2,200,000 for

fiscal year 2021 ..... \$2,200,000

## **PART IX**

### **MISCELLANEOUS**

**NEW SECTION. Sec. 901.** A new section is added to 2019 c 415 (uncodified) to read as follows:  
**COLLECTIVE BARGAINING AGREEMENTS**

Sections 902 through 905 of this act represent the results of the negotiations for fiscal year 2021 collective bargaining agreement changes, permitted under chapter 41.80 RCW. Provisions of the collective bargaining agreements contained in sections 902 through 905 of this act are described in general terms. Only major economic terms are included in the descriptions. These descriptions do not contain the complete contents of the agreements. The collective bargaining agreements contained in sections 502 and 503 of this act may also be funded by expenditures from nonappropriated accounts. If positions are funded with lidded grants or dedicated fund sources with insufficient revenue, additional funding from other sources is not provided.

**NEW SECTION. Sec. 902.** A new section is added to 2019 c 415 (uncodified) to read as follows:  
**COLLECTIVE BARGAINING AGREEMENT—**

### **ASSOCIATION OF WASHINGTON ASSISTANT ATTORNEYS GENERAL/WFSE**

An agreement has been reached between the governor and the association of Washington assistant attorneys general/Washington federation of state employees under the provisions of chapter 41.80 RCW for the 2021 fiscal year. Funding is provided to transition the represented employees into the newly established and agreed upon wage schedule, effective July 1, 2020.

**NEW SECTION. Sec. 903.** A new section is added to 2019 c 415 (uncodified) to read as follows:  
**COLLECTIVE BARGAINING AGREEMENT—**  
**UNIVERSITY OF WASHINGTON/WFSE**

An agreement has been reached between the University of Washington and the Washington federation of state employees under the provisions of chapter 41.80 RCW for the 2021 fiscal year. Funding is provided for a lump sum payment for all WFSE represented, permanent employees in the amount of \$700 for an FTE greater than .6 and \$125 for all WFSE represented, permanent employees holding an FTE of .6 or less, as of July 1, 2020.

**NEW SECTION. Sec. 904.** A new section is added to 2019 c 415 (uncodified) to read as follows:  
**COLLECTIVE BARGAINING AGREEMENT—**  
**UNIVERSITY OF WASHINGTON—SEIU 925**

An agreement has been reached between the University of Washington and the service employees international union local 925 under the provisions of chapter 41.80 RCW for the 2021 fiscal year. Funding is provided for a lump sum payment for all SEIU 925 represented, permanent employees in the amount of \$650 for an FTE greater than .6 and \$325 for all SEIU 925 represented, permanent employees holding an FTE of .6 or less, as of July 1, 2020.

**NEW SECTION. Sec. 905.** A new section is added to 2019 c 415 (uncodified) to read as follows:  
**COLLECTIVE BARGAINING AGREEMENT—**  
**UNIVERSITY OF WASHINGTON—SEIU 1199**  
**RESEARCH/HALL HEALTH**

An agreement has been reached between the University of Washington and the service employees international union local 1199 under the provisions of chapter 41.80 RCW for the 2021 fiscal year. Funding is provided for a lump sum payment for all SEIU 1199NW represented, permanent employees in the amount of \$650 for an FTE of .5 or greater and \$325 for all SEIU 1199NW represented, permanent employees holding an FTE of less than .5 as of July 1, 2020.

**Sec. 906.** 2019 c 415 s 936 (uncodified) is amended to read as follows:

### **COMPENSATION—REPRESENTED** **EMPLOYEES—HEALTH CARE COALITION—** **INSURANCE BENEFITS**

An agreement was reached for the 2019-2021 biennium between the governor and the health care coalition under the provisions of chapter 41.80 RCW. Appropriations

in this act for state agencies, including institutions of higher education, are sufficient to implement the provisions of the 2019-2021 collective bargaining agreement, including health flexible spending accounts for eligible employees under the agreement, and are subject to the following conditions and limitations:

The monthly employer funding rate for insurance benefit premiums, public employees' benefits board administration, and the uniform medical plan, shall not exceed \$939 per eligible employee for fiscal year 2020. For fiscal year 2021, the monthly employer funding rate shall not exceed ~~(((\$976))~~ \$980 per eligible employee.

**Sec. 907.** 2019 c 415 s 937 (uncodified) is amended to read as follows:

**COMPENSATION—REPRESENTED  
EMPLOYEES OUTSIDE HEALTH CARE  
COALITION—INSURANCE BENEFITS**

Appropriations for state agencies in this act are sufficient for represented employees outside the coalition for health benefits, and are subject to the following conditions and limitations: The monthly employer funding rate for insurance benefit premiums, public employees' benefits board administration, and the uniform medical plan, may not exceed \$939 per eligible employee for fiscal year 2020. For fiscal year 2021, the monthly employer funding rate may not exceed ~~(((\$976))~~ \$980 per eligible employee.

**Sec. 908.** 2019 c 415 s 938 (uncodified) is amended to read as follows:

**COMPENSATION—SCHOOL EMPLOYEES—  
INSURANCE BENEFITS**

An agreement was reached for the 2019-2021 biennium between the governor and the school employee coalition under the provisions of chapters 41.56 and 41.59 RCW. Appropriations in this act for allocations to school districts are sufficient to implement the provisions of the 2019-2021 collective bargaining agreement, and for procurement of a benefit package that is materially similar to benefits provided by the public employee benefits program as outlined in policies adopted by the school employees' benefits board, and are subject to the following conditions and limitations:

(1) The monthly employer funding rate for insurance benefit premiums, school employees' benefits board administration, retiree remittance, and the uniform medical plan, shall not exceed \$994 per eligible employee beginning January 1, 2020. For ~~((fiscal year 2021))~~ July and August 2020, the monthly employer funding rate shall not exceed \$1,056 per eligible employee. Beginning September 1, 2020, through June 30, 2021, the monthly employer funding rate shall not exceed \$1,029 per eligible employee. Employers will contribute one hundred percent of the retiree remittance defined in section 939 of this act.

(2) For the purposes of distributing insurance benefits, certificated staff units as determined in section 504 of this act will be multiplied by 1.02 and classified staff units as determined in section 504 of this act will be multiplied by 1.43.

(3) Except as provided by the parties' health care agreement, in order to achieve the level of funding provided for health benefits, the school employees' benefits board shall require any or all of the following: Employee premium copayments, increases in point-of-service cost sharing, the implementation of managed competition, or other changes to benefits consistent with RCW 41.05.740. The board shall collect a twenty-five dollar per month surcharge payment from members who use tobacco products and a surcharge payment of not less than fifty dollars per month from members who cover a spouse or domestic partner where the spouse or domestic partner has chosen not to enroll in another employer-based group health insurance that has benefits and premiums with an actuarial value of not less than ninety-five percent of the actuarial value of the public employees' benefits board plan with the largest enrollment. The surcharge payments shall be collected in addition to the member premium payment.

(4) The health care authority shall deposit any moneys received on behalf of the school employees' medical plan as a result of rebates on prescription drugs, audits of hospitals, subrogation payments, or any other moneys recovered as a result of prior uniform medical plan claims payments, into the school employees' and retirees' insurance account to be used for insurance benefits. Such receipts may not be used for administrative expenditures.

**Sec. 909.** 2019 c 415 s 939 (uncodified) is amended to read as follows:

**COMPENSATION—NONREPRESENTED  
EMPLOYEES—INSURANCE BENEFITS**

Appropriations for state agencies in this act are sufficient for nonrepresented state employee health benefits for state agencies, including institutions of higher education, and are subject to the following conditions and limitations:

(1) The employer monthly funding rate for insurance benefit premiums, public employees' benefits board administration, and the uniform medical plan, shall not exceed \$939 per eligible employee for fiscal year 2020. For fiscal year 2021, the monthly employer funding rate shall not exceed ~~(((\$976))~~ \$980 per eligible employee. These rates assume the use of approximately \$59 million of plan reserves in fiscal year 2020 and \$97 million in fiscal year 2021.

(2) The health care authority, subject to the approval of the public employees' benefits board, shall provide subsidies for health benefit premiums to eligible retired or disabled public employees and school district employees who are eligible for medicare, pursuant to RCW 41.05.085. For calendar years 2020 and 2021, the subsidy shall be up to \$183 per month. Funds from reserves accumulated for future adverse claims experience, from past favorable claims experience, or otherwise, may not be used to increase this retiree subsidy beyond what is authorized by the legislature in this subsection.

(3) Technical colleges, school districts, and educational service districts shall remit to the health care authority for deposit into the public employees' and retirees'



insurance account established in RCW 41.05.120 the following amounts:

(a) For each full-time employee, \$69.56 per month beginning September 1, 2019, and \$76.13 beginning September 1, 2020;

(b) For each part-time employee, who at the time of the remittance is employed in an eligible position as defined in RCW 41.32.010 or 41.40.010 and is eligible for employer fringe benefit contributions for basic benefits, \$69.56 each month beginning September 1, 2019, and \$76.13 beginning September 1, 2020, prorated by the proportion of employer fringe benefit contributions for a full-time employee that the part-time employee receives. The remittance requirements specified in this subsection do not apply to employees of a technical college, school district, or educational service district who purchase insurance benefits through contracts with the health care authority.

**Sec. 910.** 2019 c 415 s 946 (uncodified) is amended to read as follows:

**CONDITIONAL AND GENERAL WAGE INCREASES—UNIVERSITY OF WASHINGTON**

(1) Appropriations for the University of Washington in this act are sufficient to provide a general wage increase to employees who are not represented or who bargain under a statutory authority other than chapters 41.80 or 47.64 RCW or RCW 41.56.473. Funding is provided for a two percent general wage increase effective July 1, 2019, and a two percent increase July 1, 2020, for all employees described by this subsection.

(2) Appropriations for the University of Washington in this act are also sufficient to provide ~~((an additional wage increase))~~ a lump sum payment for all nonrepresented, classified employees, ~~((both represented and not represented, of one percent effective July 1, 2019, and one percent))~~ who earn less than \$54,264 in salary annually, in the amount of \$650 for an FTE greater than 0.6 and \$325 for an FTE of 0.6 or less, effective July 1, 2020. ~~((This additional wage increase, funded in section 606 of this act, is conditioned upon the University of Washington concluding changes to the bargaining agreements with represented employees, including those whose agreements are approved in sections 921, 922, 923, 924, and 925 of this act, to provide the same one percent increases to represented employees.))~~

**NEW SECTION. Sec. 911.** A new section is added to 2019 c 415 (uncodified) to read as follows:  
**COMPENSATION—PENSION CONTRIBUTIONS**

Appropriations to state agencies include funding for an increase in pension contribution rates for several state pension systems. An increase of four one-hundredths of one percent is funded for state employer contributions to the public employees' retirement system and the public safety employees' retirement systems. An increase of nine one-hundredths of one percent for school employer contributions to the teachers' retirement system and an increase of four one-hundredths of one percent for employer contributions to the school employees' retirement system are funded. These

increases are provided for the purpose of a one-time, ongoing pension increase for retirees in the public employees' retirement system plan 1 and teachers' retirement system plan 1.

**Sec. 912.** 2019 c 415 s 996 (uncodified) is amended to read as follows:

**ORCA PASSES**

Appropriations to state agencies include funding for orca transit passes for employees who are not represented or who bargained under authority other than chapter 41.80 or 47.64 RCW or RCW 41.56.473 or 41.56.475, who work in King, Pierce, and Snohomish counties. The purchase of orca transit passes shall be administered by the office of financial management for fiscal year 2020.

**Sec. 913.** 2019 c 324 s 12 (uncodified) is amended to read as follows:

(1) The health care authority shall establish a pilot program to provide mental health drop-in center services. The mental health drop-in center services shall provide a peer-focused recovery model during daytime hours through a community-based, therapeutic, less restrictive alternative to hospitalization for acute psychiatric needs. The program shall assist clients in need of voluntary, short-term, noncrisis services that focus on recovery and wellness. Clients may refer themselves, be brought to the center by law enforcement, be brought to the center by family members, or be referred by an emergency department.

(2) The pilot program shall be conducted in the largest city in a regional service area that has at least nine counties. Funds to support the pilot program shall be distributed through the behavioral health administrative service organization that serves the pilot program.

(3) The pilot program shall begin on ~~((January))~~ July 1, 2020, and conclude July 1, 2022.

(4) By December 1, 2020, the health care authority shall submit a preliminary report to the governor and the appropriate committees of the legislature. The preliminary report shall include a survey of peer mental health programs that are operating in the state, including the location, type of services offered, and number of clients served. By December 1, 2021, the health care authority shall report to the governor and the appropriate committees of the legislature on the results of the pilot program. The report shall include information about the number of clients served, the needs of the clients, the method of referral for the clients, and recommendations on how to expand the program statewide, including any recommendations to account for different needs in urban and rural areas.

**Sec. 914.** RCW 28B.145.050 and 2014 c 208 s 5 are each amended to read as follows:

(1) The opportunity scholarship match transfer account is created in the custody of the state treasurer as a nonappropriated account to be used solely and exclusively for the opportunity scholarship program created in RCW 28B.145.040. The purpose of the account is to provide matching funds for the opportunity scholarship program.

(2) Revenues to the account shall consist of appropriations by the legislature into the account and any gifts, grants, or donations received by the executive director of the council for this purpose.

(3) No expenditures from the account may be made except upon receipt of proof, by the executive director of the council from the program administrator, of private contributions to the opportunity scholarship program. Expenditures, in the form of matching funds, may not exceed the total amount of private contributions.

(4) Only the executive director of the council or the executive director's designee may authorize expenditures from the opportunity scholarship match transfer account. Such authorization must be made as soon as practicable following receipt of proof as required under subsection (3) of this section.

(5) The council shall enter into an appropriate agreement with the program administrator to demonstrate exchange of consideration for the matching funds.

(6) During the 2019-2021 fiscal biennium, expenditures from the opportunity scholarship match transfer account may be used for payment to the program administrator for administrative duties carried out under this chapter in an amount not to exceed two hundred fifty thousand dollars per fiscal year.

**Sec. 915.** RCW 41.06.280 and 2019 c 415 s 957 are each amended to read as follows:

(1) There is hereby created a fund within the state treasury, designated as the "personnel service fund," to be used by the office of financial management as a revolving fund for the payment of salaries, wages, and operations required for the administration of the provisions of this chapter, applicable provisions of chapter 41.04 RCW, and chapter 41.60 RCW. An amount not to exceed one and one-half percent of the salaries and wages for all positions in the classified service in each of the agencies subject to this chapter, except the institutions of higher education, shall be charged to the operations appropriations of each agency and credited to the personnel service fund as the allotments are approved pursuant to chapter 43.88 RCW. Subject to the above limitations, the amount shall be charged against the allotments pro rata, at a rate to be fixed by the director from time to time which, together with income derived from services rendered under RCW 41.06.080, will provide the office of financial management with funds to meet its anticipated expenditures during the allotment period, including the training requirements in RCW 41.06.500 and 41.06.530. All revenues, net of expenditures, previously derived from services provided by the department of enterprise services under RCW 41.06.080 must be transferred to the enterprise services account.

(2) The director shall fix the terms and charges for services rendered by the office of financial management pursuant to RCW 41.06.080, which amounts shall be credited to the personnel service fund and charged against the proper fund or appropriation of the recipient of such services on a monthly basis. Payment for services so rendered under RCW 41.06.080 shall be made on a monthly

basis to the state treasurer and deposited in the personnel service fund.

(3) Moneys from the personnel service fund shall be disbursed by the state treasurer by warrants on vouchers duly authorized by the office of financial management.

(4) During the 2019-2021 fiscal biennium, the office of financial management may use the personnel service fund to administer an employee transit pass program. ~~((The))~~ For fiscal year 2020, the office of financial management must bill state agencies for the total cost of administering the program and payments received from agencies must be deposited in the personnel service fund.

(5) During the 2019-2021 fiscal biennium, the office of financial management may use the personnel service fund to administer an employee flexible spending arrangement. ~~((The))~~ For fiscal year 2020, the office of financial management must bill state agencies for the total cost of administering the program and payments received from agencies must be deposited in the personnel service fund.

**Sec. 916.** RCW 41.50.110 and 2015 3rd sp.s. c 4 s 951 are each amended to read as follows:

(1) Except as provided by RCW 41.50.255 and subsection (6) of this section, all expenses of the administration of the department, the expenses of administration of the retirement systems, and the expenses of the administration of the office of the state actuary created in chapters 2.10, 2.12, 28B.10, 41.26, 41.32, 41.40, 41.34, 41.35, 41.37, 43.43, and 44.44 RCW shall be paid from the department of retirement systems expense fund.

(2) In order to reimburse the department of retirement systems expense fund on an equitable basis the department shall ascertain and report to each employer, as defined in RCW 28B.10.400, 41.26.030, 41.32.010, 41.35.010, 41.37.010, or 41.40.010, the sum necessary to defray its proportional share of the entire expense of the administration of the retirement system that the employer participates in during the ensuing biennium or fiscal year whichever may be required. Such sum is to be computed in an amount directly proportional to the estimated entire expense of the administration as the ratio of monthly salaries of the employer's members bears to the total salaries of all members in the entire system. It shall then be the duty of all such employers to include in their budgets or otherwise provide the amounts so required.

(3) The department shall compute and bill each employer, as defined in RCW 28B.10.400, 41.26.030, 41.32.010, 41.35.010, 41.37.010, or 41.40.010, at the end of each month for the amount due for that month to the department of retirement systems expense fund and the same shall be paid as are its other obligations. Such computation as to each employer shall be made on a percentage rate of salary established by the department. However, the department may at its discretion establish a system of billing based upon calendar year quarters in which event the said billing shall be at the end of each such quarter.

(4) The director may adjust the expense fund contribution rate for each system at any time when necessary

to reflect unanticipated costs or savings in administering the department.

(5) An employer who fails to submit timely and accurate reports to the department may be assessed an additional fee related to the increased costs incurred by the department in processing the deficient reports. Fees paid under this subsection shall be deposited in the retirement system expense fund.

(a) Every six months the department shall determine the amount of an employer's fee by reviewing the timeliness and accuracy of the reports submitted by the employer in the preceding six months. If those reports were not both timely and accurate the department may prospectively assess an additional fee under this subsection.

(b) An additional fee assessed by the department under this subsection shall not exceed fifty percent of the standard fee.

(c) The department shall adopt rules implementing this section.

(6) Expenses other than those under RCW 41.34.060(4) shall be paid pursuant to subsection (1) of this section.

(7) During the ~~((2009-2011 and 2011-2013 fiscal biennia, the legislature may transfer from the department of retirement systems' expense fund to the state general fund such amounts as reflect the excess fund balance of the fund. During the 2015-2017 fiscal biennium, state contributions to the judicial retirement system may be made in part by appropriations from the department of retirement systems expense fund))~~ 2019-2021 fiscal biennium, the legislature may direct the state treasurer to make transfers of moneys in the department of retirement systems expense fund to the general fund.

**Sec. 917.** RCW 43.185C.060 and 2018 c 85 s 6 are each amended to read as follows:

(1) The home security fund account is created in the state treasury, subject to appropriation. The state's portion of the surcharge established in RCW 36.22.179 and 36.22.1791 must be deposited in the account. Expenditures from the account may be used only for homeless housing programs as described in this chapter.

(2) The department must distinguish allotments from the account made to carry out the activities in RCW 43.330.167, 43.330.700 through 43.330.715, 43.330.911, 43.185C.010, 43.185C.250 through 43.185C.320, and 36.22.179(1)(b).

(3) The office of financial management must secure an independent expenditure review of state funds received under RCW 36.22.179(1)(b) on a biennial basis. The purpose of the review is to assess the consistency in achieving policy priorities within the private market rental housing segment for housing persons experiencing homelessness. The independent reviewer must notify the department and the office of financial management of its findings. The first biennial expenditure review, for the 2017-2019 fiscal biennium, is due February 1, 2020. Independent

reviews conducted thereafter are due February 1st of each even-numbered year.

(4) During the 2019-2021 fiscal biennium, the expenditures from the account may also be used for (a) improvements to the aged, blind, or disabled assistance program, (b) the development of affordable housing benchmarks, (c) a transitional housing pilot program for youth, (d) permanent supportive housing assistance, and (e) the essential needs and housing support program. It is the intent of the legislature that this policy will continue in subsequent fiscal biennia.

**Sec. 918.** RCW 71A.20.170 and 2011 1st sp.s. c 30 s 12 are each amended to read as follows:

(1) The developmental disabilities community trust account is created in the state treasury. All net proceeds from the use of excess property identified in the 2002 joint legislative audit and review committee capital study or other studies of the division of developmental disabilities residential habilitation centers that would not impact current residential habilitation center operations must be deposited into the account.

(2) Proceeds may come from the lease of the land, conservation easements, sale of timber, or other activities short of sale of the property, except as permitted under section 7 of this act.

(3) "Excess property" includes that portion of the property at Rainier school previously under the cognizance and control of Washington State University for use as a dairy/forage research facility.

(4) Only investment income from the principal of the proceeds deposited into the trust account may be spent from the account. For purposes of this section, "investment income" includes lease payments, rent payments, or other periodic payments deposited into the trust account. For purposes of this section, "principal" is the actual excess land from which proceeds are assigned to the trust account.

(5) Moneys in the account may be spent only after appropriation. Expenditures from the account shall be used exclusively to provide family support and/or employment/day services to eligible persons with developmental disabilities who can be served by community-based developmental disability services. It is the intent of the legislature that the account should not be used to replace, supplant, or reduce existing appropriations.

(6) The account shall be known as the Dan Thompson memorial developmental disabilities community trust account.

(7) During the 2019-2021 fiscal biennium, moneys appropriated from the general fund for expenditure into the Dan Thompson memorial developmental disabilities community trust account may be spent from the account for the purposes specified in subsection (5) of this section. It is the intent of the legislature that this policy will continue in subsequent biennia.

**Sec. 919.** RCW 90.56.510 and 2019 c 415 s 994 are each amended to read as follows:

(1) The oil spill prevention account is created in the state treasury. All receipts from RCW 82.23B.020(2) shall be deposited in the account. Moneys from the account may be spent only after appropriation. The account is subject to allotment procedures under chapter 43.88 RCW. If, on the first day of any calendar month, the balance of the oil spill response account is greater than nine million dollars and the balance of the oil spill prevention account exceeds the unexpended appropriation for the current biennium, then the tax under RCW 82.23B.020(2) shall be suspended on the first day of the next calendar month until the beginning of the following biennium, provided that the tax shall not be suspended during the last six months of the biennium. If the tax imposed under RCW 82.23B.020(2) is suspended during two consecutive biennia, the department shall by November 1st after the end of the second biennium, recommend to the appropriate standing committees an adjustment in the tax rate. For the biennium ending June 30, 1999, and the biennium ending June 30, 2001, the state treasurer may transfer a total of up to one million dollars from the oil spill response account to the oil spill prevention account to support appropriations made from the oil spill prevention account in the omnibus appropriations act adopted not later than June 30, 1999.

(2) Expenditures from the oil spill prevention account shall be used exclusively for the administrative costs related to the purposes of this chapter, and chapters 90.48, 88.40, and 88.46 RCW. In addition, until June 30, 2021, expenditures from the oil spill prevention account may be used, subject to amounts appropriated specifically for this purpose, for the development and annual review of local emergency planning committee emergency response plans in RCW 38.52.040(3). Starting with the 1995-1997 biennium, the legislature shall give activities of state agencies related to prevention of oil spills priority in funding from the oil spill prevention account. Costs of prevention include the costs of:

- (a) Routine responses not covered under RCW 90.56.500;
- (b) Management and staff development activities;
- (c) Development of rules and policies and the statewide plan provided for in RCW 90.56.060;
- (d) Facility and vessel plan review and approval, drills, inspections, investigations, enforcement, and litigation;
- (e) Interagency coordination and public outreach and education;
- (f) Collection and administration of the tax provided for in chapter 82.23B RCW; and
- (g) Appropriate travel, goods and services, contracts, and equipment.

(3) Before expending moneys from the account for a response under subsection (2)(a) of this section, but without delaying response activities, the director shall make reasonable efforts to obtain funding for response costs under this section from the person responsible for the spill and from other sources, including the federal government.

(4) During the 2019-2021 fiscal biennium, the legislature may direct the state treasurer to make transfers of moneys in the oil spill prevention account to the oil spill response account.

**Sec. 920.** RCW 70.105D.190 and 2019 c 422 s 202 are each amended to read as follows:

(1) The model toxics control operating account is hereby created in the state treasury.

(2) Moneys in the model toxics control operating account must be used only to carry out the purposes of this chapter, including but not limited to the following:

(a) The state's responsibility for hazardous waste planning, management, regulation, enforcement, technical assistance, and public education required under chapter 70.105 RCW;

(b) The state's responsibility for solid waste planning, management, regulation, enforcement, technical assistance, and public education required under chapter 70.95 RCW;

(c) The hazardous waste clean-up program required under this chapter;

(d) State matching funds required under federal cleanup law;

(e) Financial assistance for local programs and plans, including local solid waste financial assistance, in accordance with chapters 70.76, 70.95, 70.95C, 70.95I, and 70.105 RCW;

(f) State government programs for the safe reduction, recycling, or disposal of paint and hazardous wastes from households, small businesses, and agriculture;

(g) Oil and hazardous materials spill prevention, preparedness, training, and response activities;

(h) Water and environmental health protection and monitoring programs;

(i) Programs authorized under chapter 70.146 RCW;

(j) A public participation program;

(k) Development and demonstration of alternative management technologies designed to carry out the hazardous waste management priorities of RCW 70.105.150;

(l) State agriculture and health programs for the safe use, reduction, recycling, or disposal of pesticides;

(m) Funding requirements to maintain receipt of federal funds under the federal solid waste disposal act (42 U.S.C. Sec. 6901 et seq.);

(n) Air quality programs and actions for reducing public exposure to toxic air pollution; ~~((and))~~

(o) Petroleum-based plastic or expanded polystyrene foam debris clean-up activities in fresh or marine waters; and

(p) During the 2019-2021 fiscal biennium, forest practices regulation at the department of natural resources.

(3) Except for unanticipated receipts under RCW 43.79.260 through 43.79.282, moneys in model toxics control operating account may be spent only after appropriation by statute.

(4) One percent of the moneys collected under RCW 82.21.030 must be allocated only for public participation grants to persons who may be adversely affected by a release or threatened release of a hazardous substance and to not-for-profit public interest organizations. The primary purpose of these grants is to facilitate the participation by persons and organizations in the investigation and remedying of releases or threatened releases of hazardous substances and to implement the state's solid and hazardous waste management priorities. No grant may exceed sixty thousand dollars. Grants may be renewed annually. Moneys appropriated for public participation that are not expended at the close of any biennium revert to the model toxics control operating account.

(5) The department must adopt rules for grant or loan issuance and performance.

**NEW SECTION. Sec. 921.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

**NEW SECTION. Sec. 922.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

Correct the title.

Representative Robinson moved the adoption of amendment (1713) to the striking amendment (1684):

922.0. On page 1, line 8, after "biennium" insert ", except that these revenue forecasts do not include revenue reductions of \$12.7 million over the two-biennium period attributable to implementation of Substitute House Bill No. 2803 (Indian tribes compact/taxes)"

On page 62, line 18, increase the general fund-state appropriation for fiscal year 2021 by \$2,981,000

On page 62, line 32, correct the total.

On page 67, after line 39, insert the following:

"(5) \$2,981,000 of the general fund-state appropriation for fiscal year 2021 is provided solely for the implementation of Substitute House Bill No. 2803 (Indian tribes compact/taxes). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse."

Representatives Robinson and Stokesbary spoke in favor of the adoption of the amendment to the striking amendment.

An electronic roll call was requested.

Representatives Shea and McCaslin were excused from the bar.

## ROLL CALL

The Clerk called the roll on the adoption of amendment (1713) to the striking amendment (1684) and the amendment was adopted by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, Mead, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Excused: Representatives McCaslin and Shea.

Representative Sullivan moved the adoption of amendment (1708) to the striking amendment (1684):

922.0. On page 1, line 29, after "(H-5077.1/20)." insert "The appropriations in this act do not assume revenues from House Bill No. 2945 (Concerning aerospace business and occupation taxes and world trade organization compliance), which are estimated to total \$363 million over the two-biennium fiscal period subject to the four-year balanced budget requirement."

Representatives Sullivan, Sullivan (again) and Walsh spoke in favor of the adoption of the amendment to the striking amendment.

Representatives Stokesbary and MacEwen spoke against the adoption of the amendment to the striking amendment.

An electronic roll call was requested.

## ROLL CALL

The Clerk called the roll on the adoption of amendment (1708) to the striking amendment (1684) and the amendment was adopted by the following vote: Yeas, 58; Nays, 38; Absent, 0; Excused, 2.

Voting yea: Representatives Appleton, Bergquist, Blake, Callan, Chapman, Chopp, Cody, Corry, Davis, Doglio, Dolan, Duerr, Entenman, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hansen, Hudgins, J. Johnson, Kilduff, Kirby, Kloba, Leavitt, Lekanoff, Lovick, Macri, Mead, Morgan, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Ryu, Santos, Sells, Senn, Shewmake, Springer, Stonier, Sullivan, Tarleton, Thai, Tharinger, Valdez, Walen, Walsh, Wylie and Mme. Speaker.

Voting nay: Representatives Barkis, Boehnke, Caldier, Chambers, Chandler, DeBolt, Dent, Dufault, Dye, Eslick, Gildon, Goehner, Graham, Griffey, Harris, Hoff, Irwin, Jenkin, Klippert, Kraft, Kretz, MacEwen, Maycumber, Mosbrucker, Orcutt, Rude, Schmick, Slatter, Smith, Steele, Stokesbary, Sutherland, Van Werven, Vick, Volz, Wilcox, Ybarra and Young.

Excused: Representatives McCaslin and Shea.

Representative Paul moved the adoption of amendment (1711) to the striking amendment (1684):

922.0. On page 109, line 11, increase the general fund-state appropriation for fiscal year 2021 by \$1,593,000

On page 109, line 13, increase the general fund-federal appropriation by \$1,594,000

On page 109, line 24, correct the total.

On page 423, after line 33, insert the following:

"**Sec. 921.** RCW 74.46.561 and 2019 c 301 s 1 are each amended to read as follows:

(1) The legislature adopts a new system for establishing nursing home payment rates beginning July 1, 2016. Any payments to nursing homes for services provided after June 30, 2016, must be based on the new system. The new system must be designed in such a manner as to decrease administrative complexity associated with the payment methodology, reward nursing homes providing care for high acuity residents, incentivize quality care for residents of nursing homes, and establish minimum staffing standards for direct care.

(2) The new system must be based primarily on industry-wide costs, and have three main components: Direct care, indirect care, and capital.

(3) The direct care component must include the direct care and therapy care components of the previous system, along with food, laundry, and dietary services. Direct care must be paid at a fixed rate, based on one hundred percent or greater of statewide case mix neutral median costs, but shall be set so that a nursing home provider's direct care rate does not exceed one hundred eighteen percent of its base year's direct care allowable costs except if the provider is below the minimum staffing standard established in RCW 74.42.360(2). Direct care must be performance-adjusted for acuity every six months, using case mix principles. Direct care must be regionally adjusted using county wide wage index information available through the United States department of labor's bureau of labor statistics. There is no minimum occupancy for direct care. The direct care component rate allocations calculated in accordance with this section must be adjusted to the extent necessary to comply with RCW 74.46.421.

(4) The indirect care component must include the elements of administrative expenses, maintenance costs, and housekeeping services from the previous system. A minimum occupancy assumption of ninety percent must be applied to indirect care. Indirect care must be paid at a fixed

rate, based on ninety percent or greater of statewide median costs. The indirect care component rate allocations calculated in accordance with this section must be adjusted to the extent necessary to comply with RCW 74.46.421.

(5) The capital component must use a fair market rental system to set a price per bed. The capital component must be adjusted for the age of the facility, and must use a minimum occupancy assumption of ninety percent.

(a) Beginning July 1, 2016, the fair rental rate allocation for each facility must be determined by multiplying the allowable nursing home square footage in (c) of this subsection by the RSMeans rental rate in (d) of this subsection and by the number of licensed beds yielding the gross unadjusted building value. An equipment allowance of ten percent must be added to the unadjusted building value. The sum of the unadjusted building value and equipment allowance must then be reduced by the average age of the facility as determined by (e) of this subsection using a depreciation rate of one and one-half percent. The depreciated building and equipment plus land valued at ten percent of the gross unadjusted building value before depreciation must then be multiplied by the rental rate at seven and one-half percent to yield an allowable fair rental value for the land, building, and equipment.

(b) The fair rental value determined in (a) of this subsection must be divided by the greater of the actual total facility census from the prior full calendar year or imputed census based on the number of licensed beds at ninety percent occupancy.

(c) For the rate year beginning July 1, 2016, all facilities must be reimbursed using four hundred square feet. For the rate year beginning July 1, 2017, allowable nursing facility square footage must be determined using the total nursing facility square footage as reported on the medicaid cost reports submitted to the department in compliance with this chapter. The maximum allowable square feet per bed may not exceed four hundred fifty.

(d) Each facility must be paid at eighty-three percent or greater of the median nursing facility RSMeans construction index value per square foot. The department may use updated RSMeans construction index information when more recent square footage data becomes available. The statewide value per square foot must be indexed based on facility zip code by multiplying the statewide value per square foot times the appropriate zip code based index. For the purpose of implementing this section, the value per square foot effective July 1, 2016, must be set so that the weighted average fair rental value rate is not less than ten dollars and eighty cents per patient day. The capital component rate allocations calculated in accordance with this section must be adjusted to the extent necessary to comply with RCW 74.46.421.

(e) The average age is the actual facility age reduced for significant renovations. Significant renovations are defined as those renovations that exceed two thousand dollars per bed in a calendar year as reported on the annual cost report submitted in accordance with this chapter. For the rate beginning July 1, 2016, the department shall use renovation data back to 1994 as submitted on facility cost

reports. Beginning July 1, 2016, facility ages must be reduced in future years if the value of the renovation completed in any year exceeds two thousand dollars times the number of licensed beds. The cost of the renovation must be divided by the accumulated depreciation per bed in the year of the renovation to determine the equivalent number of new replacement beds. The new age for the facility is a weighted average with the replacement bed equivalents reflecting an age of zero and the existing licensed beds, minus the new bed equivalents, reflecting their age in the year of the renovation. At no time may the depreciated age be less than zero or greater than forty-four years.

(f) A nursing facility's capital component rate allocation must be rebased annually, effective July 1, 2016, in accordance with this section and this chapter.

(g) For the purposes of this subsection (5), "RSMMeans" means building construction costs data as published by Gordian.

(6) A quality incentive must be offered as a rate enhancement beginning July 1, 2016.

(a) An enhancement no larger than five percent and no less than one percent of the statewide average daily rate must be paid to facilities that meet or exceed the standard established for the quality incentive. All providers must have the opportunity to earn the full quality incentive payment.

(b) The quality incentive component must be determined by calculating an overall facility quality score composed of four to six quality measures. For fiscal year 2017 there shall be four quality measures, and for fiscal year 2018 there shall be six quality measures. Initially, the quality incentive component must be based on minimum data set quality measures for the percentage of long-stay residents who self-report moderate to severe pain, the percentage of high-risk long-stay residents with pressure ulcers, the percentage of long-stay residents experiencing one or more falls with major injury, and the percentage of long-stay residents with a urinary tract infection. Quality measures must be reviewed on an annual basis by a stakeholder work group established by the department. Upon review, quality measures may be added or changed. The department may risk adjust individual quality measures as it deems appropriate.

(c) The facility quality score must be point based, using at a minimum the facility's most recent available three-quarter average centers for medicare and medicaid services quality data. Point thresholds for each quality measure must be established using the corresponding statistical values for the quality measure point determinants of eighty quality measure points, sixty quality measure points, forty quality measure points, and twenty quality measure points, identified in the most recent available five-star quality rating system technical user's guide published by the center for medicare and medicaid services.

(d) Facilities meeting or exceeding the highest performance threshold (top level) for a quality measure receive twenty-five points. Facilities meeting the second highest performance threshold receive twenty points. Facilities meeting the third level of performance threshold

receive fifteen points. Facilities in the bottom performance threshold level receive no points. Points from all quality measures must then be summed into a single aggregate quality score for each facility.

(e) Facilities receiving an aggregate quality score of eighty percent of the overall available total score or higher must be placed in the highest tier (tier V), facilities receiving an aggregate score of between seventy and seventy-nine percent of the overall available total score must be placed in the second highest tier (tier IV), facilities receiving an aggregate score of between sixty and sixty-nine percent of the overall available total score must be placed in the third highest tier (tier III), facilities receiving an aggregate score of between fifty and fifty-nine percent of the overall available total score must be placed in the fourth highest tier (tier II), and facilities receiving less than fifty percent of the overall available total score must be placed in the lowest tier (tier I).

(f) The tier system must be used to determine the amount of each facility's per patient day quality incentive component. The per patient day quality incentive component for tier IV is seventy-five percent of the per patient day quality incentive component for tier V, the per patient day quality incentive component for tier III is fifty percent of the per patient day quality incentive component for tier V, and the per patient day quality incentive component for tier II is twenty-five percent of the per patient day quality incentive component for tier V. Facilities in tier I receive no quality incentive component.

(g) Tier system payments must be set in a manner that ensures that the entire biennial appropriation for the quality incentive program is allocated.

(h) Facilities with insufficient three-quarter average centers for medicare and medicaid services quality data must be assigned to the tier corresponding to their five-star quality rating. Facilities with a five-star quality rating must be assigned to the highest tier (tier V) and facilities with a one-star quality rating must be assigned to the lowest tier (tier I). The use of a facility's five-star quality rating shall only occur in the case of insufficient centers for medicare and medicaid services minimum data set information.

(i) The quality incentive rates must be adjusted semiannually on July 1 and January 1 of each year using, at a minimum, the most recent available three-quarter average centers for medicare and medicaid services quality data.

(j) Beginning July 1, 2017, the percentage of short-stay residents who newly received an antipsychotic medication must be added as a quality measure. The department must determine the quality incentive thresholds for this quality measure in a manner consistent with those outlined in (b) through (h) of this subsection using the centers for medicare and medicaid services quality data.

(k) Beginning July 1, 2017, the percentage of direct care staff turnover must be added as a quality measure using the centers for medicare and medicaid services' payroll-based journal and nursing home facility payroll data. Turnover is defined as an employee departure. The department must determine the quality incentive thresholds

for this quality measure using data from the centers for medicare and medicaid services' payroll-based journal, unless such data is not available, in which case the department shall use direct care staffing turnover data from the most recent medicaid cost report.

(7) Reimbursement of the safety net assessment imposed by chapter 74.48 RCW and paid in relation to medicaid residents must be continued.

(8)(a) The direct care and indirect care components must be rebased in even-numbered years, beginning with rates paid on July 1, 2016. Rates paid on July 1, 2016, must be based on the 2014 calendar year cost report. On a percentage basis, after rebasing, the department must confirm that the statewide average daily rate has increased at least as much as the average rate of inflation, as determined by the skilled nursing facility market basket index published by the centers for medicare and medicaid services, or a comparable index. If after rebasing, the percentage increase to the statewide average daily rate is less than the average rate of inflation for the same time period, the department is authorized to increase rates by the difference between the percentage increase after rebasing and the average rate of inflation.

(b) It is the intention of the legislature that direct and indirect care rates paid in fiscal year 2022 will be rebased using the calendar year 2019 cost reports. For fiscal year 2021, in addition to the rates generated by (a) of this subsection, an additional adjustment is provided as established in this subsection (8)(b). For fiscal year 2021, the calendar year costs must be adjusted for inflation by a twenty-four month consumer price index, based on the most recently available monthly index for all urban consumers, as published by the bureau of labor statistics. It is also the intent of the legislature that, starting in fiscal year 2022, a facility-specific rate add-on equal to the inflation adjustment that facilities received in fiscal year 2021, must be added to the rate.

(c) To determine the necessity of regular inflationary adjustments to the nursing facility rates, by December 1, 2020, the department shall provide the appropriate policy and fiscal committees of the legislature with a report that provides a review of rates paid in 2017, 2018, and 2019 in comparison to costs incurred by nursing facilities.

(9) The direct care component provided in subsection (3) of this section is subject to the reconciliation and settlement process provided in RCW 74.46.022(6). Beginning July 1, 2016, pursuant to rules established by the department, funds that are received through the reconciliation and settlement process provided in RCW 74.46.022(6) must be used for technical assistance, specialized training, or an increase to the quality enhancement established in subsection (6) of this section. The legislature intends to review the utility of maintaining the reconciliation and settlement process under a price-based payment methodology, and may discontinue the reconciliation and settlement process after the 2017-2019 fiscal biennium.

(10) Compared to the rate in effect June 30, 2016, including all cost components and rate add-ons, no facility

may receive a rate reduction of more than one percent on July 1, 2016, more than two percent on July 1, 2017, or more than five percent on July 1, 2018. To ensure that the appropriation for nursing homes remains cost neutral, the department is authorized to cap the rate increase for facilities in fiscal years 2017, 2018, and 2019."

Renumber remaining sections consecutively and correct internal references accordingly.

Correct the title.

Representatives Paul and Stokesbary spoke in favor of the adoption of the amendment to the striking amendment.

An electronic roll call was requested.

### ROLL CALL

The Clerk called the roll on the adoption of amendment (1711) to the striking amendment (1684) and the amendment was adopted by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, Mead, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Excused: Representatives McCaslin and Shea.

Representative Tharinger moved the adoption of amendment (1712) to the striking amendment (1684):

922.0. On page 109, line 11, increase the general fund-state appropriation for fiscal year 2021 by \$1,551,000

On page 109, line 13, increase the general fund-federal appropriation by \$1,915,000

On page 109, line 24, correct the total.

On page 115, line 5, after "year 2020," strike "\$446,000" and insert "((~~\$446,000~~))\$1,997,000"

On page 115, line 6, after "fiscal year 2021, and" strike "\$896,000" and insert "((~~\$896,000~~))\$2,811,000"

Representatives Tharinger and Schmick spoke in favor of the adoption of the amendment to the striking amendment.

An electronic roll call was requested.



**ROLL CALL**

The Clerk called the roll on the adoption of amendment (1712) to the striking amendment (1684) and the amendment was adopted by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, Mead, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Excused: Representatives McCaslin and Shea.

Representative Riccelli moved the adoption of amendment (1710) to the striking amendment (1684):

922.0. On page 130, line 36, increase the general fund-state appropriation for fiscal year 2021 by \$34,145,000

On page 130, line 38, increase the general fund-federal appropriation by \$5,898,000

On page 131, line 18, correct the total.

On page 140, line 3, after "(29)" insert the following:

"(a) \$34,145,000 of the general fund—state appropriation for fiscal year 2021 and \$5,898,000 of the general fund—federal appropriation are provided solely for the compromise of claims in the reconciliation process for rural health clinics for the calendar years 2014-2017. The authority may not recover the state portion of rural health clinic reconciliations for calendar years 2014-2017 for which no state accrual was made. If the authority determines there are unliquidated prior period accrual balances available to refund the federal government for these years, these amounts must be used prior to the amounts provided under this subsection.

(b)"

Representatives Riccelli and Stokesbary spoke in favor of the adoption of the amendment to the striking amendment.

An electronic roll call was requested.

**ROLL CALL**

The Clerk called the roll on the adoption of amendment (1710) to the striking amendment (1684) and the amendment

was adopted by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, Mead, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Excused: Representatives McCaslin and Shea.

Representative Cody moved the adoption of amendment (1714) to the striking amendment (1684):

922.0. On page 130, line 36, increase the general fund-state appropriation for fiscal year 2021 by \$14,492,000

On page 130, line 38, increase the general fund-federal appropriation by \$29,130,000

On page 131, line 18, correct the total.

On page 151, after line 24, insert the following:

"(63) \$14,492,000 of the general fund—state appropriation for fiscal year 2021 and \$29,130,000 of the general fund—federal appropriation are provided solely to maintain and increase access for primary care services for medicaid-enrolled patients through increased provider rates. Within the amounts provided in this subsection: (a) The authority must raise the state fee-for-service rates for primary care services that are reimbursed solely at the existing medical assistance rates, furnished by a nurse practitioner, naturopath, physician assistant, osteopathic physician assistant, physician, or osteopathic physician, by twenty-five percent except that the state medicaid rate may not exceed the published medicare rate or an equivalent relative value unit rate if a published medicare rate is not available; and (b) the authority must require in contracts with managed care organizations that, beginning in calendar year 2021, they pay no lower than the fee-for-service rate for these codes and managed care capitation rates must be adjusted accordingly. The authority must apply reimbursement rates required under this subsection to payment codes in a manner consistent with the temporary increase in medicaid reimbursement rates under federal rules and guidance in effect on January 1, 2014, implementing the patient protection and affordable care act, except that the authority may not require provider attestations."

Representatives Cody, Schmick, Caldier, Stokesbary and DeBolt spoke in favor of the adoption of the amendment to the striking amendment.

An electronic roll call was requested.

### ROLL CALL

The Clerk called the roll on the adoption of amendment (1714) to the striking amendment (1684) and the amendment was adopted by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, Mead, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Excused: Representatives McCaslin and Shea.

Representative Lovick moved the adoption of amendment (1705) to the striking amendment (1684):

922.0. On page 173, line 16, increase the general fund-state appropriation for fiscal year 2020 by \$520,000

On page 173, line 18, increase the general fund-state appropriation for fiscal year 2021 by \$520,000

On page 173, line 29, correct the total.

On page 174, line 1, after "(2)" strike "\$2,248,000" and insert "~~(\$2,248,000)~~ \$2,768,000"

On page 174, line 2, after "and" strike "\$2,269,000" and insert "~~(\$2,269,000)~~ \$2,789,000"

On page 174, line 4, after "providing" strike "nine" and insert "~~((nine))~~ eleven"

Representatives Lovick, Maycumber, Stokesbary and Kraft spoke in favor of the adoption of the amendment to the striking amendment.

An electronic roll call was requested.

### ROLL CALL

The Clerk called the roll on the adoption of amendment (1705) to the striking amendment (1684) and the amendment was adopted by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman,

Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, Mead, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Excused: Representatives McCaslin and Shea.

Representative Shewmake moved the adoption of amendment (1702) to the striking amendment (1684):

On page 225, line 8, increase the general fund-state appropriation for fiscal year 2021 by \$56,391,000

On page 225, line 24, correct the total.

On page 227, line 12, strike "\$101,414,000" and insert "~~(\$101,414,000)~~ \$157,805,000"

On page 227, line 13, after "providers" insert "in fiscal year 2020 and the 75th percentile of market for both centers and licensed family homes at a level 2 standard of quality in fiscal year 2021. The state and the representative for family child care providers must enter into bargaining over the implementation of subsidy rate increases, and apply those increases consistent with the terms of this proviso and the agreement reached between the parties"

Representatives Shewmake, Dent, DeBolt, Gildon, Stokesbary and Barkis spoke in favor of the adoption of the amendment to the striking amendment.

An electronic roll call was requested.

### ROLL CALL

The Clerk called the roll on the adoption of amendment (1702) to the striking amendment (1684) and the amendment was adopted by the following vote: Yeas, 95; Nays, 1; Absent, 0; Excused, 2.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, Mead, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Voting nay: Representative Kraft

Excused: Representatives McCaslin and Shea.

Representative Fitzgibbon moved the adoption of amendment (1707) to the striking amendment (1684):

922.0. On page 254, line 28, increase the general fund--state appropriation by \$8,375,000

On page 255, line 5, decrease the state wildlife account--state appropriation by \$6,872,000

On page 255, line 24, correct the total.

Representatives Fitzgibbon, Stokesbary, Barkis, Corry and Orcutt spoke in favor of the adoption of the amendment to the striking amendment.

An electronic roll call was requested.

### ROLL CALL

The Clerk called the roll on the adoption of amendment (1707) to the striking amendment (1684) and the amendment was adopted by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, Mead, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Excused: Representatives McCaslin and Shea.

Representative Springer moved the adoption of amendment (1703) to the striking amendment (1684):

922.0. On page 261, line 15, increase the general fund--state appropriation for fiscal year 2020 by \$37,310,000

On page 262, line 25, correct the total.

On page 262, line 34, strike "\$8,546,000" and insert "\$45,856,000"

Representatives Springer, Kretz, Smith and Ybarra spoke in favor of the adoption of the amendment to the striking amendment.

An electronic roll call was requested.

### ROLL CALL

The Clerk called the roll on the adoption of amendment (1703) to the striking amendment (1684) and the amendment was adopted by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, Mead, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Excused: Representatives McCaslin and Shea.

Representative Stonier moved the adoption of amendment (1709) to the striking amendment (1684):

922.0. On page 301, line 31, increase the general fund-state appropriation for fiscal year 2021 by \$41,392,000

On page 301, line 34, correct the total.

On page 304, line 16, after "school" insert "in the 2019-20 school year"

On page 304, line 20, after "under" insert "(d)(ii)(A) of"

On page 304, line 29, after "(B)" insert the following:

"For qualifying high-poverty schools in the 2020-21 school year, in addition to the allocation under (d)(i) of this subsection, the superintendent shall allocate additional funding for guidance counselors for each level of prototypical school as follows:

	<u>Elementary</u>	<u>Middle</u>	<u>High</u>
<u>Guidance</u>			
<u>Counselors</u>	<u>0.500</u>	<u>0.500</u>	<u>0.500</u>

In addition to schools with more than fifty percent of students eligible for free and reduced-price meals in the prior school year, elementary schools that enroll more than six hundred full-time equivalent students with at least forty-five percent of students eligible for free and reduced-price meals in the prior school year will qualify as a high-poverty school under this subsection.

(C)"

On page 315, line 29, increase the general fund-state appropriation for fiscal year 2021 by \$3,280,000

On page 315, line 31, correct the total.

On page 319, line 32, increase the general fund-state appropriation for fiscal year 2021 by \$6,713,000

On page 319, line 36, correct the total.

On page 326, line 8, increase the general fund-state appropriation for fiscal year 2021 by \$7,000

On page 326, line 10, correct the total.

On page 337, line 33, increase the Washington opportunity pathways account-state appropriation by \$215,000

On page 337, line 35, correct the total.

Representatives Stonier and Steele spoke in favor of the adoption of the amendment to the striking amendment.

Representative Dufault spoke against the adoption of the amendment to the striking amendment.

An electronic roll call was requested.

### ROLL CALL

The Clerk called the roll on the adoption of amendment (1709) to the striking amendment (1684) and the amendment was adopted by the following vote: Yeas, 91; Nays, 5; Absent, 0; Excused, 2.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chapman, Chopp, Cody, Corry, Davis, DeBolt, Doglio, Dolan, Duerr, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, Mead, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Voting nay: Representatives Chandler, Dent, Dufault, Kraft and Sutherland.

Excused: Representatives McCaslin and Shea.

Representative Callan moved the adoption of amendment (1704) to the striking amendment (1684):

922.0. On page 325, line 10, increase the general fund-state appropriation for fiscal year 2020 by \$27,590,000

On page 325, line 12, increase the general fund-state appropriation for fiscal year 2021 by \$22,573,000

On page 325, line 14, correct the total.

On page 325, line 36, after "~~2018-)~~" insert the following:

"\$27,590,000 of the general fund-state appropriation for fiscal year 2020 and \$22,573,000 of the general fund-state appropriation for fiscal year 2021 are provided solely for additional local effort assistance payments to districts specified in LEAP Document 5, as developed by the legislative evaluation and accountability program committee on February 26, 2020 at 8:26 hours."

Representatives Callan and Steele spoke in favor of the adoption of the amendment to the striking amendment.

An electronic roll call was requested.

### ROLL CALL

The Clerk called the roll on the adoption of amendment (1704) to the striking amendment (1684) and the amendment was adopted by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, Mead, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Excused: Representatives McCaslin and Shea.

Representative Leavitt moved the adoption of amendment (1706) to the striking amendment (1684):

922.0. On page 401, after line 9, insert the following:

**"NEW SECTION. Sec. 716.** A new section is added to 2019 c 415 (uncodified) to read as follows:  
**COMPENSATION—PERS AND TRS PLAN 1 RETIREE BENEFIT INCREASES**

General Fund—State Appropriation (FY 2021)	\$11,713,000
General Fund—Federal Appropriation	\$53,000
General Fund—Local Appropriation	\$34,000
Other Appropriated Funds	\$420,000
<b>TOTAL APPROPRIATION</b>	<b>\$13,112,000</b>

The appropriations in this section in addition to adjustments to pension contribution rate costs in agency budgets described in section 911 of this act, and are subject to the following conditions and limitations: The appropriations in this section are provided solely for

implementation of Engrossed House Bill No. 1390 (plan 1 retiree benefit increases). Of these amounts, \$15,039,000 of the general fund—state appropriation is for allocation to school districts. If the bill is not enacted by June 30, 2020, the amounts appropriated in this section shall lapse."

Representatives Leavitt and Volz spoke in favor of the adoption of the amendment to the striking amendment.

An electronic roll call was requested.

### ROLL CALL

The Clerk called the roll on the adoption of amendment (1706) to the striking amendment (1684) and the amendment was adopted by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, Mead, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Excused: Representatives McCaslin and Shea.

Representatives Stokesbary, DeBolt, Vick, Corry, Stokesbary (again), MacEwen, Young and Maycumber spoke in favor of the adoption of the striking amendment (1684), as amended.

Representatives Sullivan and Ormsby spoke against the adoption of the striking amendment (1684) as amended.

### MOTION

On motion of Representative Griffey, Representative Kraft was excused.

An electronic roll call was requested.

### ROLL CALL

The Clerk called the roll on the adoption of the striking amendment (1684), as amended, and the striking amendment was not adopted by the following vote: Yeas, 37; Nays, 58; Absent, 0; Excused, 3.

Voting yea: Representatives Barkis, Boehnke, Caldier, Chambers, Chandler, Corry, DeBolt, Dent, Dufault, Dye, Eslick, Gildon, Goehner, Graham, Griffey, Harris, Hoff, Irwin, Jenkin, Klippert, Kretz, MacEwen, Maycumber, Mosbrucker, Orcutt, Rude, Schmick, Smith, Steele,

Stokesbary, Van Werven, Vick, Volz, Walsh, Wilcox, Ybarra and Young.

Voting nay: Representatives Appleton, Bergquist, Blake, Callan, Chapman, Chopp, Cody, Davis, Doglio, Dolan, Duerr, Entenman, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hansen, Hudgins, J. Johnson, Kilduff, Kirby, Kloba, Leavitt, Lekanoff, Lovick, Macri, Mead, Morgan, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Ryu, Santos, Sells, Senn, Shewmake, Slatter, Springer, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Walen, Wylie and Mme. Speaker.

Excused: Representatives Kraft, McCaslin and Shea.

Speaker Jenkins assumed the chair.

### MOTION

On motion of Representative Riccelli, Representatives Appleton and Dolan were excused.

Representative Walsh moved the adoption of the striking amendment (1685):  
922.0.

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 923.** INTENT. Under the February forecast of the economic and revenue forecast council, for the accounts subject to the outlook process and four-year balanced budget requirement in RCW 43.88.055, revenues are expected to increase by \$606,000,000 for the remainder of the 2019-2021 fiscal biennium and by an additional \$535,700,000 in the 2021-2023 biennium.

Rather than spend this windfall in the 2020 supplemental budget, it is the intent of the legislature to return this revenue increase to the taxpayers in the form of a state property tax reduction of approximately \$300 million in the 2019-2021 fiscal biennium and \$1.3 billion in the 2021-2023 fiscal biennium as required by House Bill No. 2954. For this reason, the legislature intends to enact a supplemental operating budget based on the lower state revenues assumed by the governor when he prepared his supplemental budget request. The total appropriations in this supplemental operating budget therefore consist of the 2020 supplemental appropriations proposed by the governor, revised for updated caseload and other maintenance level adjustments, with certain transfers eliminated, and with the governor's proposed appropriations from the budget stabilization account replaced by appropriations from the state general fund. The appropriations in this act for funds subject to the four-year balanced budget requirement total \$283.6 million less than the appropriations in Proposed Substitute House Bill No. 2325 (H-5077.1/20).

### **NEW SECTION. Sec. 924. FOR THE OFFICE OF FINANCIAL MANAGEMENT**

General Fund—State Appropriation (FY 2020)  
..... (\$64,591,000)

General Fund—State Appropriation (FY 2021)  
..... (\$191,753,000)

General Fund—Federal Appropriation (\$17,055,000)	Appropriation .....\$381,000
General Fund—Private/Local Appropriation ..... (\$6,444,000)	Water Quality Permit Account—State Appropriation ..... (\$8,000)
Forest Development Account—State Appropriation ..... (\$6,000)	WA Opportunity Pathways Account—State Appropriation ..... \$6,302,000
ORV and Nonhighway Vehicle Account—State Appropriation ..... (\$1,000)	Underground Storage Tank Account—State Appropriation ..... (\$1,000)
Real Estate Commission Account—State Appropriation ..... (\$1,000)	Hazardous Waste Assistance Account—State Appropriation ..... (\$1,000)
Health Professions Account—State Appropriation ..... (\$25,000)	Radioactive Mixed Waste Account—State Appropriation ..... (\$3,000)
Aquatic Lands Enhancement Account—State Appropriation ..... (\$3,000)	Oil Spill Prevention Account—State Appropriation ..... (\$1,000)
Business License Account—State Appropriation ..... (\$1,000)	Construction Registration Inspection Account—State Appropriation ..... (\$6,000)
Resources Management Cost Account—State Appropriation ..... (\$19,000)	Family and Medical Leave Insurance Account—State Appropriation ..... (\$19,000)
Waste Reduction, Recycling, and Litter Control Account—State Appropriation ..... (\$1,000)	Public Works Administration Account—State Appropriation ..... (\$1,000)
Drinking Water Assistance Account—State Appropriation ..... \$1,000	Model Toxics Control Operating Account—State Appropriation ..... (\$37,000)
Drinking Water Assistance Account—Federal Appropriation ..... (\$1,000)	Workforce Education Investment Account—State Appropriation (FY 2021) ..... (\$13,259,000)
Disaster Response Account—State Appropriation ..... (\$1,000)	Recreation Resources Account—State Appropriation ..... (\$2,000)
Business and Professions Account—State Appropriation ..... (\$1,000)	Dedicated Marijuana Account—State Appropriation (FY 2020) ..... (\$4,000)
Electrical License Account—State Appropriation ..... (\$4,000)	Dedicated Marijuana Account—State Appropriation (FY 2021) ..... (\$2,000)
Economic Development Strategic Reserve Account—State Appropriation ..... (\$1,549,000)	State Treasurer's Service Account—State Appropriation ..... \$1,000
State Wildlife Account—State Appropriation ..... (\$82,000)	Legal Services Revolving Account—State Appropriation ..... (\$3,000)
Public Service Revolving Account—State Appropriation ..... (\$4,000)	State Health Care Authority Administrative Account—State Appropriation ..... (\$3,000)
Unemployment compensation Administrative Account—Federal Appropriation ..... (\$67,000)	Administrative Hearings Revolving Account—State Appropriation ..... (\$1,000)
Insurance Commissioner's Regulatory Account—State Appropriation ..... (\$2,000)	Liquor Revolving Account—State Appropriation ..... (\$19,000)
Washington State Library Operations Account—State Appropriation ..... (\$1,000)	Washington Housing Trust Account—State Appropriation ..... (\$1,000)
Appraisal Management Company Account—State	Performance Audits of Government Account—State

Appropriation .....	(\$120,000)
Water Pollution Control Revolving Administration	
Account—State Appropriation .....	(\$1,000)
Department of Retirement Systems Expense	
Account—State Appropriation .....	(\$1,000)
Accident Account—State Appropriation ..	(\$102,000)
Medical Aid Account—State Appropriation .....	(\$89,000)
<b>TOTAL APPROPRIATION .....</b>	<b>(\$288,611,000)</b>

The appropriations in this section are subject to the following conditions and limitations:

(1) The appropriations in this section represent savings from updating the governor's proposed supplemental budget to reflect updated caseloads, cost drivers, and other maintenance level adjustments.

(2) The office of financial management shall adjust allotments of appropriations in this act for affected agencies to reflect the amounts in this section. Reduction amounts must remain in unallotted status and may not be expended.

(3) Within appropriations in this act for each of the respective affected agencies, to implement the allotment reductions in this section the office of financial management may authorize reductions in the portions of each agency's appropriations that are provided solely for a particular use.

(4) Amounts for each agency are reflected in LEAP Document MLU1A-2020 dated February 24, 2020.

**NEW SECTION. Sec. 925. FOR THE OFFICE OF FINANCIAL MANAGEMENT—HOME SECURITY FUND ACCOUNT**

The sum of \$18,499,000 is appropriated from the general fund—state for the fiscal year ending June 30, 2020, and the sum of \$262,177,000 is appropriated from the general fund—state for the fiscal year ending June 30, 2021. The appropriations in this section are provided solely for expenditure into the home security fund account and are intended to provide sufficient funding for homeless response program expenditures during the 2019-2021 and 2021-2023 fiscal biennia.

**NEW SECTION. Sec. 926. FOR THE OFFICE OF FINANCIAL MANAGEMENT—WASHINGTON HOUSING TRUST FUND**

The sum of \$30,000,000 is appropriated from the general fund—state for the fiscal year ending June 30, 2021. The appropriation in this section is provided solely for expenditure into the Washington housing trust fund and is intended to provide sufficient funding for additional homeless shelters and enhancements to existing shelters during the 2019-2021 and 2021-2023 fiscal biennia.

**NEW SECTION. Sec. 927. FOR THE OFFICE OF FINANCIAL MANAGEMENT—MODEL TOXICS CONTROL OPERATING ACCOUNT**

The sum of \$8,000,000 is appropriated from the general fund—state for the fiscal year ending June 30, 2021. The appropriation provided in this section is solely for expenditure into the model toxics control operating account and is intended to provide sufficient funding to remove solid, hazardous, and infectious waste generated by vacated homeless encampments during the 2019-2021 and 2021-2023 fiscal biennia.

**PART I**

**GENERAL GOVERNMENT**

**Sec. 101.** 2019 c 415 s 101 (uncodified) is amended to read as follows:

**FOR THE HOUSE OF REPRESENTATIVES**

General Fund—State Appropriation (FY 2020)	.....	(\$40,202,000))
		<u>\$40,215,000</u>
General Fund—State Appropriation (FY 2021)	.....	(\$43,039,000))
		<u>\$43,430,000</u>
Pension Funding Stabilization Account—State		
Appropriation.....		\$4,266,000
<b>TOTAL APPROPRIATION.....</b>		<b>\$87,507,000</b>
		<u>\$87,911,000</u>

The appropriations in this section are subject to the following conditions and limitations: \$50,000 of the general fund—state appropriation for fiscal year 2020 and \$50,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of Engrossed Substitute House Bill No. 2018 (harassment/legislature). If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.

**Sec. 102.** 2019 c 415 s 102 (uncodified) is amended to read as follows:

**FOR THE SENATE**

General Fund—State Appropriation (FY 2020)	.....	(\$28,693,000))
		<u>\$28,682,000</u>
General Fund—State Appropriation (FY 2021)	.....	(\$32,675,000))
		<u>\$33,044,000</u>
Pension Funding Stabilization Account—State		
Appropriation.....		\$2,932,000
<b>TOTAL APPROPRIATION.....</b>		<b>\$64,300,000</b>
		<u>\$64,658,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$50,000 of the general fund—state appropriation for fiscal year 2020 and \$50,000 of the general fund—state

appropriation for fiscal year 2021 are provided solely for implementation of Engrossed Substitute House Bill No. 2018 (harassment/legislature). If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.

(2) \$175,000 of the general fund—state appropriation for fiscal year 2020 and \$175,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for a human resource officer consistent with the implementation of the senate's appropriate workplace conduct policy.

**Sec. 103.** 2019 c 415 s 103 (uncodified) is amended to read as follows:

**FOR THE JOINT LEGISLATIVE AUDIT AND REVIEW COMMITTEE**

Performance Audits of Government Account—State	
Appropriation .....	<del>(\$9,867,000)</del>
	<u>\$9,858,000</u>
TOTAL APPROPRIATION .....	<u>\$9,867,000</u>
	<u>\$9,858,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) Notwithstanding the provisions of this section, the joint legislative audit and review committee may adjust the due dates for projects included on the committee's 2019-2021 work plan as necessary to efficiently manage workload.

~~((3))~~ (2) \$266,000 of the performance audit of governments account—state appropriation is provided solely for implementation of Second Substitute House Bill No. 1216 (school safety & well-being). If the bill is not enacted by June 30, 2019, the amount provided in this subsection shall lapse.

~~((4))~~ (3) \$17,000 of the performance audits of government account—state appropriation is provided solely for the implementation of Substitute Senate Bill No. 5025 (self-help housing development and taxes). If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.

~~((5))~~ (4)(a) \$342,000 of the performance audits of government account—state appropriation is provided solely for the joint legislative audit and review committee to conduct a performance audit of the department of health's ambulatory surgical facility regulatory program. The study must explore:

(i) A comparison of state survey requirements and process and the centers for medicare and medicaid services survey requirements and process;

(ii) The licensing fees required of ambulatory surgical facilities as they relate to actual department of health costs for regulating the facilities;

(iii) Payments received by the department of health from the centers for medicare and medicaid services for

surveys conducted on behalf of the centers for medicare and medicaid services; and

(iv) Staffing for the survey program, including any need for an increase or reduction of staff.

(b) The audit must be completed and provided to the legislature by January 1, 2021.

**Sec. 104.** 2019 c 415 s 104 (uncodified) is amended to read as follows:

**FOR THE LEGISLATIVE EVALUATION AND ACCOUNTABILITY PROGRAM COMMITTEE**

Performance Audits of Government Account—State	
Appropriation.....	<del>(\$4,573,000)</del>
	<u>\$4,582,000</u>
TOTAL APPROPRIATION.....	<u>\$4,573,000</u>
	<u>\$4,582,000</u>

**Sec. 105.** 2019 c 415 s 105 (uncodified) is amended to read as follows:

**FOR THE JOINT LEGISLATIVE SYSTEMS COMMITTEE**

General Fund—State Appropriation (FY 2020)	
.....	<del>(\$12,081,000)</del>
	<u>\$12,090,000</u>
General Fund—State Appropriation (FY 2021)	
.....	<del>(\$12,233,000)</del>
	<u>\$13,683,000</u>

Pension Funding Stabilization Account—State	
Appropriation.....	\$822,000
TOTAL APPROPRIATION.....	<u>\$25,136,000</u>
	<u>\$26,595,000</u>

**Sec. 106.** 2019 c 415 s 106 (uncodified) is amended to read as follows:

**FOR THE OFFICE OF THE STATE ACTUARY**

General Fund—State Appropriation (FY 2020)	
.....	\$333,000
General Fund—State Appropriation (FY 2021)	
.....	\$347,000
State Health Care Authority Administrative Account—	
State Appropriation.....	\$471,000
Pension Funding Stabilization Account—State	
Appropriation.....	\$28,000
Department of Retirement Systems Expense	
Account—State Appropriation .....	<del>(\$5,700,000)</del>
	<u>\$5,699,000</u>



TOTAL APPROPRIATION ..... \$6,879,000  
\$6,878,000

**Sec. 107.** 2019 c 415 s 107 (uncodified) is amended to read as follows:

**FOR THE STATUTE LAW COMMITTEE**

General Fund—State Appropriation (FY 2020)  
 ..... (\$5,002,000)  
\$4,999,000

General Fund—State Appropriation (FY 2021)  
 ..... \$5,503,000

Pension Funding Stabilization Account—State  
 Appropriation ..... \$566,000  
 TOTAL APPROPRIATION ..... \$11,071,000  
\$11,068,000

**Sec. 108.** 2019 c 415 s 108 (uncodified) is amended to read as follows:

**FOR THE OFFICE OF LEGISLATIVE SUPPORT SERVICES**

General Fund—State Appropriation (FY 2020)  
 ..... \$4,212,000

General Fund—State Appropriation (FY 2021)  
 ..... (\$4,681,000)  
\$4,684,000

Pension Funding Stabilization Account—State  
 Appropriation ..... \$436,000  
 TOTAL APPROPRIATION ..... \$9,329,000  
\$9,332,000

**Sec. 109.** 2019 c 415 s 111 (uncodified) is amended to read as follows:

**FOR THE SUPREME COURT**

General Fund—State Appropriation (FY 2020)  
 ..... (\$8,989,000)  
\$9,016,000

General Fund—State Appropriation (FY 2021)  
 ..... (\$9,397,000)  
\$9,400,000

Pension Funding Stabilization Account—State  
 Appropriation ..... \$674,000  
 TOTAL APPROPRIATION ..... \$19,060,000  
\$19,090,000

The appropriations in this section are subject to the following conditions and limitations: \$163,000 of the general fund—state appropriation for fiscal year 2020 and \$167,000 of the general fund—state appropriation for fiscal

year 2021 are provided solely for salary increases for staff attorneys and law clerks based on a 2014 salary survey.

**Sec. 110.** 2019 c 415 s 112 (uncodified) is amended to read as follows:

**FOR THE LAW LIBRARY**

General Fund—State Appropriation (FY 2020)  
 ..... (\$1,707,000)  
\$1,705,000

General Fund—State Appropriation (FY 2021)  
 ..... (\$1,728,000)  
\$1,726,000

Pension Funding Stabilization Account—State  
 Appropriation ..... \$128,000  
 TOTAL APPROPRIATION ..... \$3,563,000  
\$3,559,000

**Sec. 111.** 2019 c 415 s 113 (uncodified) is amended to read as follows:

**FOR THE COMMISSION ON JUDICIAL CONDUCT**

General Fund—State Appropriation (FY 2020)  
 ..... (\$1,217,000)  
\$1,280,000

General Fund—State Appropriation (FY 2021)  
 ..... (\$1,280,000)  
\$1,594,000

Pension Funding Stabilization Account—State  
 Appropriation ..... \$130,000  
 TOTAL APPROPRIATION ..... \$2,627,000  
\$3,004,000

**Sec. 112.** 2019 c 415 s 114 (uncodified) is amended to read as follows:

**FOR THE COURT OF APPEALS**

General Fund—State Appropriation (FY 2020)  
 ..... (\$20,390,000)  
\$20,575,000

General Fund—State Appropriation (FY 2021)  
 ..... (\$21,313,000)  
\$21,319,000

Pension Funding Stabilization Account—State  
 Appropriation ..... \$1,492,000  
 TOTAL APPROPRIATION ..... \$43,195,000  
\$43,386,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$229,000 of the general fund—state appropriation for fiscal year 2020 and \$311,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for salary step increases for eligible employees.

(2) \$606,000 of the general fund—state appropriation for fiscal year 2020 and \$606,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for salary increases for court of appeals law clerks based on a 2014 salary survey.

**Sec. 113.** 2019 c 415 s 115 (uncodified) is amended to read as follows:

**FOR THE ADMINISTRATOR FOR THE COURTS**

General Fund—State Appropriation (FY 2020)	
.....	<del>(\$64,569,000))</del>
	<u>\$64,565,000</u>
General Fund—State Appropriation (FY 2021)	
.....	<del>(\$66,736,000))</del>
	<u>\$66,951,000</u>
General Fund—Federal Appropriation.....	\$2,203,000
General Fund—Private/Local Appropriation	\$681,000
Judicial Stabilization Trust Account—State	
Appropriation .....	\$6,692,000
Pension Funding Stabilization Account—State	
Appropriation .....	\$4,572,000
Judicial Information Systems Account—State	
Appropriation .....	<del>(\$63,220,000))</del>
	<u>\$63,227,000</u>
TOTAL APPROPRIATION .....	<del>\$208,673,000</del>
	<u>\$208,891,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) The distributions made under this subsection and distributions from the county criminal justice assistance account made pursuant to section 801 of this act constitute appropriate reimbursement for costs for any new programs or increased level of service for purposes of RCW 43.135.060.

(2) \$1,399,000 of the general fund—state appropriation for fiscal year 2020 and \$1,399,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for school districts for petitions to juvenile court for truant students as provided in RCW 28A.225.030 and 28A.225.035. The administrator for the courts shall develop an interagency agreement with the superintendent of public instruction to allocate the funding provided in this subsection. Allocation of this money to school districts shall be based on the number of petitions filed. This funding includes amounts school districts may expend on the cost of serving petitions filed under RCW 28A.225.030 by certified

mail or by personal service or for the performance of service of process for any hearing associated with RCW 28A.225.030.

(3)(a) \$7,000,000 of the general fund—state appropriation for fiscal year 2020 and \$7,000,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for distribution to county juvenile court administrators to fund the costs of processing truancy, children in need of services, and at-risk youth petitions. The administrator for the courts, in conjunction with the juvenile court administrators, shall develop an equitable funding distribution formula. The formula must neither reward counties with higher than average per-petition processing costs nor shall it penalize counties with lower than average per-petition processing costs.

(b) Each fiscal year during the 2019-21 fiscal biennium, each county shall report the number of petitions processed and the total actual costs of processing truancy, children in need of services, and at-risk youth petitions. Counties shall submit the reports to the administrator for the courts no later than forty-five days after the end of the fiscal year. The administrator for the courts shall electronically transmit this information to the chairs and ranking minority members of the house of representatives and senate fiscal committees no later than sixty days after a fiscal year ends. These reports are deemed informational in nature and are not for the purpose of distributing funds.

(4) \$96,000 of the general fund—state appropriation for fiscal year 2020 is provided solely for implementation of Engrossed Second Substitute House Bill No. 1517 (domestic violence). If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse

(5) \$66,000 of the general fund—state appropriation for fiscal year 2020 and \$66,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for DNA testing for alleged fathers in dependency and termination of parental rights cases.

(6) \$237,000 of the general fund—state appropriation for fiscal year 2020 and \$1,923,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the expansion of the state interpreter reimbursement program.

(7) \$300,000 of the general fund—state appropriation for fiscal year 2020 and \$360,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the office of public guardianship for guardianship fees, initial assessments, average annual legal fees, and for less restrictive options to support decision-making.

(8) \$1,094,000 of the general fund—state appropriation for fiscal year 2020 and \$1,094,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the statewide fiscal impact on Thurston county courts.

(9) \$25,808,000 of the judicial information systems account—state appropriation is provided solely for judicial branch information technology projects. Expenditures from the judicial information systems account shall not exceed

available resources. Judicial branch information technology project prioritization shall be determined by the judicial information system committee.

(10) \$1,027,000 of the general fund—state appropriation for fiscal year 2020 and \$377,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of Second Substitute Senate Bill No. 5604 (uniform guardianship, etc.). If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.

**Sec. 114.** 2019 c 415 s 116 (uncodified) is amended to read as follows:

**FOR THE OFFICE OF PUBLIC DEFENSE**

General Fund—State Appropriation (FY 2020)	.....(( <del>\$46,538,000</del> ))
	<u>\$46,537,000</u>
General Fund—State Appropriation (FY 2021)	.....(( <del>\$46,394,000</del> ))
	<u>\$46,674,000</u>
Judicial Stabilization Trust Account—State	
Appropriation .....	(( <del>\$3,805,000</del> ))
	<u>\$3,804,000</u>
Pension Funding Stabilization Account—State	
Appropriation .....	\$278,000
TOTAL APPROPRIATION .....	<u>\$97,015,000</u>
	<u>\$97,293,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) The amounts provided include funding for expert and investigative services in death penalty personal restraint petitions.

(2) \$900,000 of the general fund—state appropriation for fiscal year 2020 and \$900,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the purpose of improving the quality of trial court public defense services. The department must allocate these amounts so that \$450,000 per fiscal year is distributed to counties, and \$450,000 per fiscal year is distributed to cities, for grants under chapter 10.101 RCW.

(3) The office of public defense shall enter into an interagency agreement with the department of children, youth, and families to facilitate the use of federal title IV-E reimbursement for parent representation services.

(4) \$288,000 of the general fund—state appropriation for fiscal year 2020 and \$244,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the parents for parents program. Funds must be used to expand services in new sites and maintain and improve service models for the current programs.

(5)(a) \$305,000 of the general fund—state appropriation for fiscal year 2020 and \$305,000 of the

general fund—state appropriation for fiscal year 2021 are provided solely for the office to contract with a nonprofit organization for:

(i) Continuing legal education and case-specific resources for public defense attorneys; and

(ii) The incarcerated parents project to support incarcerated parents and their families, and public defenders representing incarcerated parents in the child welfare, juvenile, and criminal systems.

(b) The nonprofit organization must have experience providing statewide training and services to state-funded public defense attorneys for indigent clients.

(6) \$4,532,000 of the general fund—state appropriation for fiscal year 2020 and \$4,532,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for salary increases for state-contracted public defense attorneys representing indigent persons on appeal and indigent parents involved in dependency and termination cases.

(7) \$1,389,000 of the general fund—state appropriation for fiscal year 2020 and \$1,388,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for additional attorneys, social workers, and staff support, for the parents' representation program.

**Sec. 115.** 2019 c 415 s 117 (uncodified) is amended to read as follows:

**FOR THE OFFICE OF CIVIL LEGAL AID**

General Fund—State Appropriation (FY 2020)	.....(( <del>\$20,348,000</del> ))
	<u>\$20,858,000</u>
General Fund—State Appropriation (FY 2021)	.....(( <del>\$22,142,000</del> ))
	<u>\$23,071,000</u>
Judicial Stabilization Trust Account—State	
Appropriation.....	\$1,464,000
Pension Funding Stabilization Account—State	
Appropriation.....	\$44,000
TOTAL APPROPRIATION.....	<u>\$43,998,000</u>
	<u>\$45,437,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) An amount not to exceed \$40,000 of the general fund—state appropriation for fiscal year 2020 and an amount not to exceed \$40,000 of the general fund—state appropriation for fiscal year 2021 may be used to provide telephonic legal advice and assistance to otherwise eligible persons who are sixty years of age or older on matters authorized by RCW 2.53.030(2) (a) through (k) regardless of household income or asset level.

(2) \$759,000 of the general fund—state appropriation for fiscal year 2020 and \$2,275,000 of the general fund—

state appropriation for fiscal year 2021 are provided solely for the office to continue implementation of the civil justice reinvestment plan.

(3) \$400,000 of the general fund—state appropriation for fiscal year 2020 and \$105,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the children's representation study authorized in chapter 20, Laws of 2017 3rd sp. sess. The report of initial findings to the legislature must be submitted by December 31, 2020.

(4) The office of civil legal aid shall enter into an interagency agreement with the department of children, youth, and families to facilitate the use of federal title IV-E reimbursement for child representation services.

(5) \$150,000 of the general fund—state appropriation for fiscal year 2020 and \$150,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for a contract with the international families justice coalition to expand private capacity to provide legal services for indigent foreign nationals in contested domestic relations and family law cases. Amounts provided in this section may not be expended for direct private legal representation of clients in domestic relations and family law cases.

(6) \$100,000 of the general fund—state appropriation for fiscal year 2020 and \$100,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of Senate Bill No. 5651 (kinship care legal aid). If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.

(7) \$150,000 of the general fund—state appropriation for fiscal year 2020 and \$150,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for closing compensation differentials between volunteer legal aid programs and the northwest justice project.

(8) \$1,205,000 of the general fund—state appropriation for fiscal year 2020 and \$1,881,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for a vendor rate increase resulting from a collective bargaining agreement between the northwest justice project and its staff union.

(9) \$300,000 of the general fund—state appropriation for fiscal year 2020 and \$300,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for a research-based controlled comparative study of the differences in outcomes for tenants facing eviction who receive legal representation and tenants facing eviction without legal representation in unlawful detainer cases filed under the residential landlord tenant act. Funding must be used to underwrite both the research and the costs of legal representation provided to tenants associated with the study. Researchers will identify four counties to study. A preliminary report must be submitted to the appropriate committees of the legislature by January 31, 2021, and a final report on the study, which includes findings on demographics and outcomes, must be submitted to the appropriate committees of the legislature by March 31, 2021.

(10) \$126,000 of the general fund—state appropriation for fiscal year 2020 is provided solely to reimburse the office

of civil legal aid for expenditures made to address fiscal year 2019 caseload driven shortfalls in the children's representation program and the children's representation study.

(11) \$90,700 of the general fund—state appropriation for fiscal year 2020 and \$215,800 of the general fund—state appropriation for fiscal year 2021 are provided solely to wind down the children's representation study authorized in section 28, chapter 20, Laws of 2017 3rd sp.s.

(12) \$139,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for an assistant agency director position.

(13) \$492,000 of the general fund—state appropriation for fiscal year 2021 shall be used solely to establish a statewide reentry legal aid project. The office of civil legal aid shall enlist support from the statewide reentry council to identify an appropriate nonprofit entity to establish and operate the statewide reentry legal aid project, establish initial priority areas of focus, and determine client service objectives, benchmarks, and intended outcomes. The office of civil legal aid and the statewide reentry council shall provide the relevant legislative committees with an initial status report by December 2021.

**Sec. 116.** 2019 c 415 s 118 (uncodified) is amended to read as follows:

#### **FOR THE OFFICE OF THE GOVERNOR**

General Fund—State Appropriation (FY 2020)	..... (( <del>\$10,871,000</del> ))
	<u>\$10,788,000</u>
General Fund—State Appropriation (FY 2021)	..... (( <del>\$8,900,000</del> ))
	<u>\$9,973,000</u>
Economic Development Strategic Reserve Account—State	
Appropriation.....	(( <del>\$2,000,000</del> ))
	<u>\$4,000,000</u>
Pension Funding Stabilization Account—State	
Appropriation.....	\$674,000
TOTAL APPROPRIATION.....	<u>\$22,445,000</u>
	<u>\$25,435,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) ((~~\$703,000~~)) \$777,000 of the general fund—state appropriation for fiscal year 2020 and ((~~\$703,000~~)) \$1,063,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the office of the education ombuds.

(2) \$61,000 of the general fund—state appropriation for fiscal year 2020 and \$30,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of Engrossed Substitute House Bill No.

1130 (pub. school language access). ~~((If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.))~~

(3) \$311,000 of the general fund—state appropriation for fiscal year 2020 and \$301,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of Engrossed Second Substitute Senate Bill No. 5356 (LGBTQ commission). ~~((If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.))~~

(4) ~~(((\$375,000))~~ \$397,000 of the general fund state—appropriation for fiscal year 2020 and ~~(((\$375,000))~~ \$353,000 of the general fund state—appropriation for fiscal year 2021 are provided solely for the office to contract with a neutral third party to establish a process for local, state, tribal, and federal leaders and stakeholders to address issues associated with the possible breaching or removal of the four lower Snake river dams in order to recover the Chinook salmon populations that serve as a vital food source for southern resident orcas. The contract is exempt from the competitive procurement requirements in chapter 39.26 RCW.

(5) \$110,000 of the general fund—state appropriation in fiscal year 2020 is provided solely for the office of regulatory innovations and assistance to convene agencies and stakeholders to develop a small business bill of rights. Of this amount, a report must be submitted to appropriate legislative policy and fiscal committees by November 1, 2019, to include:

(a) Recommendations of rights and protections for small business owners when interacting with state agencies, boards, commissions, or other entities with regulatory authority over small businesses; and

(b) Recommendations on communication plans that state regulators should consider when communicating these rights and protections to small business owners in advance or at the time of any audit, inspection, interview, site visit, or similar oversight or enforcement activity.

(6) ~~(((\$2,003,000))~~ \$955,000 of the general fund—state appropriation in fiscal year 2020 is provided solely for executive protection unit costs.

(7) \$15,000 of the general fund—state appropriation for fiscal year 2020 is provided solely for the clemency and pardons board to expedite the review of applications where the petitioner indicates an urgent need for the pardon or commutation, including, but not limited to, a pending deportation order or deportation proceeding.

(8) \$50,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the office of the education ombuds, in consultation with the office of the superintendent of public instruction and the Washington state office of equity, to develop a plan to implement a program to promote skills, knowledge, and awareness concerning issues of diversity, equity, and inclusion among families with school-age children. The office of education ombuds shall submit a report with recommendations to the

governor and the appropriate committees in the legislature by September 1, 2020.

(9) \$983,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the implementation of the Washington state office of equity.

**Sec. 117.** 2019 c 415 s 119 (uncodified) is amended to read as follows:

#### **FOR THE LIEUTENANT GOVERNOR**

General Fund—State Appropriation (FY 2020)	<del>(((\$1,276,000))</del>
	<u>\$1,501,000</u>
General Fund—State Appropriation (FY 2021)	<del>(((\$1,312,000))</del>
	<u>\$1,529,000</u>
General Fund—Private/Local Appropriation..	\$90,000
Pension Funding Stabilization Account—State	
Appropriation.....	\$54,000
TOTAL APPROPRIATION.....	<u>\$2,732,000</u>
	<u>\$3,174,000</u>

The appropriations in this section are subject to the following conditions and limitations: \$180,000 of the general fund—state appropriation for fiscal year 2020 and \$179,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the continuation of the complete Washington program and to add new pathways, such as the healthcare industry, to the program.

**Sec. 118.** 2019 c 415 s 120 (uncodified) is amended to read as follows:

#### **FOR THE PUBLIC DISCLOSURE COMMISSION**

General Fund—State Appropriation (FY 2020)	<del>(((\$5,229,000))</del>
	<u>\$5,533,000</u>
General Fund—State Appropriation (FY 2021)	<del>(((\$5,109,000))</del>
	<u>\$5,458,000</u>
Public Disclosure Transparency Account—State	
Appropriation.....	<del>(((\$574,000))</del>
	<u>\$714,000</u>
Pension Funding Stabilization Account—State	
Appropriation.....	\$260,000
TOTAL APPROPRIATION.....	<u>\$11,172,000</u>
	<u>\$11,965,000</u>

The appropriations in this section are subject to the following conditions and limitations: (1) \$45,000 of the public disclosure transparency account—state appropriation

is provided solely for implementation of Substitute Senate Bill No. 5861 (legislature/code of conduct). ~~((If the bill is not enacted by June 30, 2019, the amount provided in this subsection shall lapse.))~~

(2) \$85,000 of the general fund—state appropriation for fiscal year 2020 and \$83,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the commission to develop a training course for individuals acting as treasurers or deputy treasurers for candidates pursuant to RCW 42.17A.210. Out of this amount:

(a) The course must provide, at a minimum, a comprehensive overview of:

(i) The responsibilities of treasurers and deputy treasurers;

(ii) The reporting requirements necessary for candidate compliance with chapter 42.17A RCW, including triggers and deadlines for reporting;

(iii) Candidate campaign contribution limits and restrictions under chapter 42.17A RCW;

(iv) The use of the commission's electronic filing system;

(v) The consequences for violation of chapter 42.17A RCW; and

(vi) Any other subjects or topics the commission deems necessary for encouraging effective compliance with chapter 42.17A RCW.

(b) The commission must make the course available to all interested individuals no later than September 1, 2019. The course must be provided in a format able to be used both in person and remotely via the internet.

**Sec. 119.** 2019 c 415 s 121 (uncodified) is amended to read as follows:

#### **FOR THE SECRETARY OF STATE**

General Fund—State Appropriation (FY 2020)  
.....((~~\$33,449,000~~))  
\$34,989,000

General Fund—State Appropriation (FY 2021)  
.....((~~\$18,313,000~~))  
\$19,751,000

General Fund—Federal Appropriation.((~~\$8,097,000~~))  
\$8,098,000

Public Records Efficiency, Preservation, and Access  
Account—State Appropriation.....((~~\$9,363,000~~))  
\$9,681,000

Charitable Organization Education Account—State  
Appropriation ..... \$900,000  
Washington State ((~~Heritage Center~~)) Library

Operations Account—State Appropriation  
.....((~~\$11,498,000~~))  
\$11,521,000

Local Government Archives Account—State  
Appropriation.....((~~\$11,019,000~~))  
\$11,030,000

Pension Funding Stabilization Account—State  
Appropriation.....\$960,000

Election Account—Federal Appropriation \$4,887,000

TOTAL APPROPRIATION.....~~\$98,486,000~~  
\$101,817,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$3,801,000 of the general fund—state appropriation for fiscal year 2020 is provided solely to reimburse counties for the state's share of primary and general election costs and the costs of conducting mandatory recounts on state measures. Counties shall be reimbursed only for those odd-year election costs that the secretary of state validates as eligible for reimbursement.

(2)(a) \$2,932,000 of the general fund—state appropriation for fiscal year 2020 and \$3,011,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for contracting with a nonprofit organization to produce gavel-to-gavel television coverage of state government deliberations and other events of statewide significance during the 2019-2021 fiscal biennium. The funding level for each year of the contract shall be based on the amount provided in this subsection. The nonprofit organization shall be required to raise contributions or commitments to make contributions, in cash or in kind, in an amount equal to forty percent of the state contribution. The office of the secretary of state may make full or partial payment once all criteria in this subsection have been satisfactorily documented.

(b) The legislature finds that the commitment of ongoing funding is necessary to ensure continuous, autonomous, and independent coverage of public affairs. For that purpose, the secretary of state shall enter into a contract with the nonprofit organization to provide public affairs coverage.

(c) The nonprofit organization shall prepare an annual independent audit, an annual financial statement, and an annual report, including benchmarks that measure the success of the nonprofit organization in meeting the intent of the program.

(d) No portion of any amounts disbursed pursuant to this subsection may be used, directly or indirectly, for any of the following purposes:

(i) Attempting to influence the passage or defeat of any legislation by the legislature of the state of Washington, by any county, city, town, or other political subdivision of the state of Washington, or by the congress, or the adoption or

rejection of any rule, standard, rate, or other legislative enactment of any state agency;

(ii) Making contributions reportable under chapter 42.17 RCW; or

(iii) Providing any: (A) Gift; (B) honoraria; or (C) travel, lodging, meals, or entertainment to a public officer or employee.

(3) Any reductions to funding for the Washington talking book and Braille library may not exceed in proportion any reductions taken to the funding for the library as a whole.

(4) \$13,600,000 of the general fund—state appropriation for fiscal year 2020 is provided solely for operation of the presidential primary election, including reimbursement to ((reimburse)) counties for the state's share of presidential primary election costs.

(5) \$50,000 of the general fund—state appropriation for fiscal year 2020 and \$50,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for humanities Washington speaker's bureau community conversations to expand programming in underserved areas of the state.

(6) \$2,295,000 of the general fund—state appropriation for fiscal year 2020 and \$2,526,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of Substitute Senate Bill No. 5063 (ballots, prepaid postage). ~~((If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.))~~

(7) \$1,227,000 of the local government archives account—state appropriation and \$28,000 of the public records efficiency, preservation, and access account—state appropriation are provided solely to implement Engrossed Substitute House Bill No. 1667 (public records request administration). ~~((If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.))~~

(8) \$114,000 public records efficiency, preservation, and access account—state appropriation and \$114,000 local government archives account—state appropriation are provided solely for digital archives functionality and is subject to the conditions, limitations, and review provided in ~~((section 719 of this act))~~ section 701 of this act.

(9) \$198,000 of the general fund—state appropriation for fiscal year 2020, \$198,000 of the general fund—state appropriation for fiscal year 2021, and \$500,000 of the election account—federal appropriation are provided solely for election security improvements.

(10) \$82,000 of the general fund—state appropriation for fiscal year 2020 and \$77,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for election reconciliation reporting. Funding provides for one staff to compile county reconciliation reports, analyze the data, and to complete an annual statewide election reconciliation report for every state primary and general election. The report must be submitted annually on July 31, beginning July 31, 2020, to legislative policy and fiscal

committees. The annual report must include reasons for ballot rejection and an analysis of the ways ballots are received, counted, and rejected that can be used by policymakers to better understand election administration.

(11) \$500,000 of the general fund—state appropriation for fiscal year 2020 is provided solely for civic engagement. The secretary of state and county auditors will collaborate to increase voter participation and educate voters about improvements to state election laws that will impact the 2019 and 2020 elections.

(12) \$1,000,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the office of the secretary of state to provide one-time grant funding to county auditors for election security improvements. Election security improvements may include but are not limited to installation of multi-factor authentication, emergency generators, vulnerability scanners, facility access control enhancements, and alarm systems. Funding will be prioritized based on demonstrated need.

**Sec. 120.** 2019 c 415 s 122 (uncodified) is amended to read as follows:

#### **FOR THE GOVERNOR'S OFFICE OF INDIAN AFFAIRS**

General Fund—State Appropriation (FY 2020)	.....	<del>(((\$365,000))</del>
		<u>\$380,000</u>
General Fund—State Appropriation (FY 2021)	.....	<del>(((\$352,000))</del>
		<u>\$370,000</u>
Pension Funding Stabilization Account—State		
Appropriation.....		\$28,000
TOTAL APPROPRIATION.....		<u>\$745,000</u>
		<u>\$778,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) The office shall assist the department of enterprise services on providing the government-to-government training sessions for federal, state, local, and tribal government employees. The training sessions shall cover tribal historical perspectives, legal issues, tribal sovereignty, and tribal governments. Costs of the training sessions shall be recouped through a fee charged to the participants of each session. The department of enterprise services shall be responsible for all of the administrative aspects of the training, including the billing and collection of the fees for the training.

(2) \$33,000 of the general fund—state appropriation for fiscal year 2020 and \$22,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of Second Substitute House Bill No. 1713 (Native American women). ~~((If the bill is not enacted by~~

~~June 30, 2019, the amounts provided in this subsection shall lapse-))~~

**Sec. 121.** 2019 c 415 s 123 (uncodified) is amended to read as follows:

**FOR THE COMMISSION ON ASIAN PACIFIC AMERICAN AFFAIRS**

General Fund—State Appropriation (FY 2020)	<del>(\$318,000))</del>
	<u>\$344,000</u>
General Fund—State Appropriation (FY 2021)	<del>(\$330,000))</del>
	<u>\$425,000</u>
Pension Funding Stabilization Account—State	
Appropriation .....	\$26,000
TOTAL APPROPRIATION .....	<del>\$674,000</del>
	<u>\$795,000</u>

The appropriation in this section is subject to the following conditions and limitations: \$3,000 of the general fund—state appropriation for fiscal year 2020 and \$2,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of Substitute Senate Bill No. 5023 (ethnic studies). ~~((If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse-))~~

**Sec. 122.** 2019 c 415 s 124 (uncodified) is amended to read as follows:

**FOR THE STATE TREASURER**

State Treasurer's Service Account—State	
Appropriation .....	<del>(\$19,982,000))</del>
	<u>\$20,062,000</u>
TOTAL APPROPRIATION .....	<del>\$19,982,000</del>
	<u>\$20,062,000</u>

**Sec. 123.** 2019 c 415 s 125 (uncodified) is amended to read as follows:

**FOR THE STATE AUDITOR**

General Fund—State Appropriation (FY 2020)	\$28,000
General Fund—State Appropriation (FY 2021)	\$32,000
State Auditing Services Revolving Account—State	
Appropriation .....	<del>(\$12,650,000))</del>
	<u>\$13,770,000</u>
Performance Audits of Government Account—State	
Appropriation .....	<del>(\$1,679,000))</del>
	<u>\$1,680,000</u>

TOTAL APPROPRIATION.....~~\$14,389,000~~  
\$15,510,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$1,585,000 of the performance audit of government account—state appropriation is provided solely for staff and related costs to verify the accuracy of reported school district data submitted for state funding purposes; conduct school district program audits of state-funded public school programs; establish the specific amount of state funding adjustments whenever audit exceptions occur and the amount is not firmly established in the course of regular public school audits; and to assist the state special education safety net committee when requested.

(2) Within existing resources of the performance audits of government account, the state auditor's office shall conduct a performance audit or accountability audit of Washington charter public schools to satisfy the requirement to contract for an independent performance audit pursuant to RCW 28A.710.030(2).

(3) The state auditor must conduct a performance and accountability audit of practices related to awarding, tracking, and reporting contracts with outside entities and contracts between the University of Washington and affiliated entities. Utilizing the information gathered under section 606(1)(z) of this act, similar provisions from prior biennia, and best practices in contract management and oversight, the auditor must recommend a plan to make contract information, including those for contracted services and consulting, available in a centralized and searchable form. The recommendations of the auditor must be reported to the fiscal committees of the legislature and the office of financial management no later than December 30, 2020.

**Sec. 124.** 2019 c 415 s 126 (uncodified) is amended to read as follows:

**FOR THE CITIZENS' COMMISSION ON SALARIES FOR ELECTED OFFICIALS**

General Fund—State Appropriation (FY 2020)	<del>(\$226,000))</del>
	<u>\$238,000</u>
General Fund—State Appropriation (FY 2021)	<del>(\$243,000))</del>
	<u>\$274,000</u>
Pension Funding Stabilization Account—State	
Appropriation .....	\$30,000
TOTAL APPROPRIATION.....	<del>\$499,000</del>
	<u>\$542,000</u>

**Sec. 125.** 2019 c 415 s 127 (uncodified) is amended to read as follows:

**FOR THE ATTORNEY GENERAL**

General Fund—State Appropriation (FY 2020)	<del>(\$14,972,000))</del>
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	<u>\$15,564,000</u>
General Fund—State Appropriation (FY 2021)	
.....	<del>(\$14,940,000)</del>
	<u>\$17,059,000</u>
General Fund—Federal Appropriation	
.....	<del>(\$15,992,000)</del>
	<u>\$16,717,000</u>
Public Service Revolving Account—State	
Appropriation.....	<del>(\$4,195,000)</del>
	<u>\$4,227,000</u>
New Motor Vehicle Arbitration Account—State	
Appropriation .....	\$1,693,000
Medicaid Fraud Penalty Account—State	
Appropriation.....	<del>(\$5,556,000)</del>
	<u>\$5,668,000</u>
Child Rescue Fund—State Appropriation ....	\$500,000
Legal Services Revolving Account—State	
Appropriation .....	<del>(\$276,544,000)</del>
	<u>\$291,599,000</u>
Local Government Archives Account—State	
Appropriation.....	<del>(\$348,000)</del>
	<u>\$356,000</u>
Local Government Archives Account—Local	
.....	\$330,000
Pension Funding Stabilization Account—State	
Appropriation.....	\$1,602,000
Tobacco Prevention and Control Account—State	
Appropriation .....	\$273,000
TOTAL APPROPRIATION .....	<del>\$336,945,000</del>
	<u>\$355,588,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) The attorney general shall report each fiscal year on actual legal services expenditures and actual attorney staffing levels for each agency receiving legal services. The report shall be submitted to the office of financial management and the fiscal committees of the senate and house of representatives no later than ninety days after the end of each fiscal year. As part of its by agency report to the legislative fiscal committees and the office of financial management, the office of the attorney general shall include information detailing the agency's expenditures for its agency-wide overhead and a breakdown by division of division administration expenses.

(2) Prior to entering into any negotiated settlement of a claim against the state that exceeds five million dollars, the attorney general shall notify the director of financial management and the chairs of the senate committee on ways

and means and the house of representatives committee on appropriations.

(3) The attorney general shall annually report to the fiscal committees of the legislature all new cy pres awards and settlements and all new accounts, disclosing their intended uses, balances, the nature of the claim or account, proposals, and intended timeframes for the expenditure of each amount. The report shall be distributed electronically and posted on the attorney general's web site. The report shall not be printed on paper or distributed physically.

(4) \$58,000 of the general fund—state appropriation for fiscal year 2020 and \$58,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of Second Substitute House Bill No. 1166 (sexual assault kits). ~~((If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.))~~

(5) \$63,000 of the legal services revolving account—state appropriation is provided solely for implementation of Substitute House Bill No. 1399 (paid family and medical leave). ~~((If the bill is not enacted by June 30, 2019, the amount provided in this subsection shall lapse.))~~

(6) \$44,000 of the legal services revolving account—state appropriation is provided solely for implementation of Engrossed Second Substitute House Bill No. 1224 (rx drug cost transparency). ~~((If the bill is not enacted by June 30, 2019, the amount provided in this subsection shall lapse.))~~

(7) \$79,000 of the legal services revolving account—state appropriation is provided solely for implementation of House Bill No. 2052 (marijuana product testing). ~~((If the bill is not enacted by June 30, 2019, the amount provided in this subsection shall lapse.))~~

(8) \$330,000 of the local government archives account—local appropriation is provided solely for implementation of Engrossed Substitute House Bill No. 1667 (public records request admin). ~~((If the bill is not enacted by June 30, 2019, the amount provided in this subsection shall lapse.))~~

(9) \$161,000 of the general fund—state appropriation for fiscal year 2020 and \$161,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the civil rights unit to provide additional services in defense and protection of civil and constitutional rights for people in Washington.

(10) \$88,000 of the general fund—state appropriation for fiscal year 2020, \$85,000 of the general fund—state appropriation for fiscal year 2021, and \$344,000 of the legal services revolving account—state appropriation are provided solely for implementation of Substitute Senate Bill No. 5297 (assistant AG bargaining). ~~((If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.))~~

(11) \$700,000 of the legal services revolving account—state appropriation is provided solely for implementation of Engrossed Second Substitute Senate Bill No. 5497 (immigrants in the workplace). ~~((If the bill is not enacted by June 30, 2019, the amount provided in this subsection shall lapse.))~~

(12) \$592,000 of the public service revolving account—state appropriation and \$47,000 of the legal services revolving account—state appropriation are provided solely for implementation of Engrossed Second Substitute Senate Bill No. 5116 (clean energy). ~~((If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.))~~

~~((14)))~~ (13) \$200,000 of the general fund—state appropriation for fiscal year 2020 is provided solely for a work group to study and institute a statewide program for receiving reports and other information for the public regarding potential self-harm, potential harm, or criminal acts including but not limited to sexual abuse, assault, or rape. Out of this amount:

(a) The work group must review the aspects of similar programs in Arizona, Michigan, Colorado, Idaho, Nevada, Oregon, Utah, Wisconsin, and Wyoming; and must incorporate the most applicable aspects of those programs to the program proposal;

(b) The program proposal must include a plan to implement a twenty-four hour hotline or app for receiving such reports and information; and

(c) The program proposal and recommendations must be submitted to legislative fiscal committees by July 31, 2020.

~~((15)))~~ (14) \$75,000 of the general fund—state appropriation for fiscal year 2020 is provided solely for the attorney general to develop an implementation plan to collect and disseminate data on the use of force by public law enforcement agencies and private security services.

(a) The plan must identify how to effectively collect data on the occasions of justifiable homicide or uses of deadly force by a public officer, peace officer, or person aiding under RCW 9A.16.040 by all general authority Washington law enforcement agencies and the department of corrections. The plan must address any necessary statutory changes, possible methods of collection, and any other needs that must be addressed to collect the following information:

(i) The number of tort claims filed and moneys paid in use of force cases;

(ii) The number of incidents in which peace officers discharged firearms at citizens;

(iii) The demographic characteristics of the officers and citizens involved in each incident, including sex, age, race, and ethnicity;

(iv) The agency or agencies employing the involved officers and location of each incident;

(v) The particular weapon or weapons used by peace officers and citizens; and

(vi) The injuries, if any, suffered by officers and citizens.

(b) The implementation plan must also identify how to effectively collect data on the occasions of the use of force requiring the discharge of a firearm by any private security

guard employed by any private security company licensed under chapter 18.170 RCW. The plan must address any necessary statutory changes, possible methods of collection, and any other needs that must be addressed to collect the following information:

(i) The number of incidents in which security guards discharged firearms at citizens;

(ii) The demographic characteristics of the security guards and citizens involved in each incident, including sex, age, race, and ethnicity;

(iii) The company employing the involved security guards and the location of each incident;

(iv) The particular weapon or weapons used by security guards and citizens; and

(v) The injuries, if any, suffered by security guards and citizens.

(c) The attorney general must compile reports received pursuant to this subsection and make public the data collected.

(d) The department of licensing, department of corrections, Washington state patrol, and criminal justice training commission must assist the attorney general as necessary to complete the implementation plan.

~~((16)))~~ (15) \$4,220,000 of the general fund—federal appropriation and \$1,407,000 of the medicaid fraud penalty account—state appropriation are provided solely for additional staffing and program operations in the medicaid fraud control division.

~~((17)))~~ (16) \$4,292,000 of the legal services revolving account—state appropriation is provided solely for child welfare and permanency staff.

~~((18)))~~ (17) \$141,000 of the legal services revolving account—state appropriation is provided solely for implementation of Engrossed Substitute Senate Bill No. 5035 (prevailing wage laws). ~~((If the bill is not enacted by June 30, 2019, the amount provided in this subsection shall lapse.))~~

(18) \$751,000 of the general fund—state appropriation, \$32,000 of the public service revolving account—state appropriation, \$109,000 of the medicaid fraud penalty account—state appropriation, \$4,529,000 of the legal services revolving account—state appropriation, and \$8,000 of the local government archives account—state appropriation are provided solely for the collective bargaining agreement referenced in section 902 of this act.

**Sec. 126.** 2019 c 415 s 128 (uncodified) is amended to read as follows:

#### **FOR THE CASELOAD FORECAST COUNCIL**

General Fund—State Appropriation (FY 2020)  
..... ~~((1,907,000))~~

\$2,039,000

General Fund—State Appropriation (FY 2021)  
..... ~~((1,922,000))~~

	<u>\$2,063,000</u>
Pension Funding Stabilization Account—State Appropriation.....	\$168,000
<b>TOTAL APPROPRIATION .....</b>	<b><u>\$3,997,000</u></b>
	<u>\$4,270,000</u>

The appropriations within this section are subject to the following conditions and limitations: \$43,000 of the general fund—state appropriation for fiscal year 2020 and \$27,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the caseload forecast council to provide information, data analysis, and other necessary assistance upon the request of the task force established in section 952 of this act.

**Sec. 127.** 2019 c 415 s 129 (uncodified) is amended to read as follows:

#### **FOR THE DEPARTMENT OF COMMERCE**

General Fund—State Appropriation (FY 2020) .....	<del>(\$94,046,000))</del>
	<u>\$97,253,000</u>
General Fund—State Appropriation (FY 2021) .....	<del>(\$92,285,000))</del>
	<u>\$98,394,000</u>
General Fund—Federal Appropriation .....	<del>(\$327,876,000))</del>
	<u>\$327,900,000</u>
General Fund—Private/Local Appropriation .....	<del>(\$9,107,000))</del>
	<u>\$9,114,000</u>
Public Works Assistance Account—State Appropriation.....	<del>(\$8,207,000))</del>
	<u>\$8,212,000</u>
Lead Paint Account—State Appropriation...	\$251,000
Building Code Council Account—State Appropriation .....	\$16,000
Liquor Excise Tax Account—State Appropriation .....	\$1,291,000
<del>((Economic Development Strategic Reserve Account—State Appropriation.....</del>	<del>\$5,000,000))</del>
Home Security Fund Account—State Appropriation .....	<del>(\$60,422,000))</del>
	<u>\$170,255,000</u>
Energy Freedom Account—State Appropriation .....	\$5,000
Affordable Housing for All Account—State Appropriation.....	\$13,895,000

Financial Fraud and Identity Theft Crimes Investigation and Prosecution Account—State Appropriation .....	\$1,975,000
Low-Income Weatherization and Structural Rehabilitation Assistance Account—State Appropriation	\$1,399,000
Statewide Tourism Marketing Account—State Appropriation.....	\$3,028,000
Community and Economic Development Fee Account—State Appropriation.....	\$4,200,000
Growth Management Planning and Environmental Review Fund—State Appropriation.....	\$5,800,000
Pension Funding Stabilization Account—State Appropriation.....	\$1,616,000
Liquor Revolving Account—State Appropriation .....	\$5,918,000
Washington Housing Trust Account—State Appropriation.....	<del>(\$12,944,000))</del>
	<u>\$12,950,000</u>
Prostitution Prevention and Intervention Account— State Appropriation.....	\$26,000
<u>Model Toxics Control Operating Account—State Appropriation.....</u>	<u>\$70,000</u>
Public Facility Construction Loan Revolving Account— State Appropriation.....	<del>(\$903,000))</del>
	<u>\$1,076,000</u>
<u>Andy Hill Cancer Research Endowment Fund Match Transfer Account—State Appropriation....</u>	<u>\$5,432,000</u>
<b>TOTAL APPROPRIATION.....</b>	<b><u>\$650,210,000</u></b>
	<u>\$770,076,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) Repayments of outstanding mortgage and rental assistance program loans administered by the department under RCW 43.63A.640 shall be remitted to the department, including any current revolving account balances. The department shall collect payments on outstanding loans, and deposit them into the state general fund. Repayments of funds owed under the program shall be remitted to the department according to the terms included in the original loan agreements.

(2) \$1,000,000 of the general fund—state appropriation for fiscal year 2020 and \$1,000,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for a grant to resolution Washington to build statewide capacity for alternative dispute resolution centers and dispute resolution programs that guarantee that citizens have access to low-cost resolution as an alternative to litigation.

(3) \$375,000 of the general fund—state appropriation for fiscal year 2020 and \$375,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for a grant to the retired senior volunteer program.

(4) The department shall administer its growth management act technical assistance and pass-through grants so that smaller cities and counties receive proportionately more assistance than larger cities or counties.

(5) \$375,000 of the general fund—state appropriation for fiscal year 2020 and \$375,000 of the general fund—state appropriation for fiscal year 2021 are provided solely as pass-through funding to Walla Walla Community College for its water and environmental center.

(6) (~~(\$804,000)~~) \$3,304,000 of the general fund—state appropriation for fiscal year 2020 and (~~(\$804,000)~~) \$3,304,000 of the general fund—state appropriation for fiscal year 2021 (~~and \$5,000,000 of the economic development strategic reserve account state appropriation~~) are provided solely for associate development organizations. During the 2019-2021 biennium, the department shall consider an associate development organization's total resources when making contracting and fund allocation decisions, in addition to the schedule provided in RCW 43.330.086.

(7) \$5,907,000 of the liquor revolving account—state appropriation is provided solely for the department to contract with the municipal research and services center of Washington.

(8) The department is authorized to require an applicant to pay an application fee to cover the cost of reviewing the project and preparing an advisory opinion on whether a proposed electric generation project or conservation resource qualifies to meet mandatory conservation targets.

(9) Within existing resources, the department shall provide administrative and other indirect support to the developmental disabilities council.

(10) \$300,000 of the general fund—state appropriation for fiscal year 2020 and \$300,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the northwest agriculture business center.

(11) \$150,000 of the general fund—state appropriation for fiscal year 2020 and \$150,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the regulatory roadmap program for the construction industry and to identify and coordinate with businesses in key industry sectors to develop additional regulatory roadmap tools.

(12) \$1,000,000 of the general fund—state appropriation for fiscal year 2020 and \$1,000,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the Washington new Americans program. The department may require a cash match or in-kind contributions to be eligible for state funding.

(13) \$643,000 of the general fund—state appropriation for fiscal year 2020 and \$643,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the department to contract with a private, nonprofit organization to provide developmental disability ombuds services.

(14) \$1,000,000 of the home security fund—state appropriation, \$2,000,000 of the Washington housing trust account—state appropriation, and \$1,000,000 of the affordable housing for all account—state appropriation are provided solely for the department of commerce for services to homeless families and youth through the Washington youth and families fund.

(15) \$2,000,000 of the home security fund—state appropriation is provided solely for the administration of the grant program required in chapter 43.185C RCW, linking homeless students and their families with stable housing.

(16) \$1,980,000 of the general fund—state appropriation for fiscal year 2020 and \$1,980,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for community beds for individuals with a history of mental illness. Currently, there is little to no housing specific to populations with these co-occurring disorders; therefore, the department must consider how best to develop new bed capacity in combination with individualized support services, such as intensive case management and care coordination, clinical supervision, mental health, substance abuse treatment, and vocational and employment services. Case-management and care coordination services must be provided. Increased case-managed housing will help to reduce the use of jails and emergency services and will help to reduce admissions to the state psychiatric hospitals. The department must coordinate with the health care authority and the department of social and health services in establishing conditions for the awarding of these funds. The department must contract with local entities to provide a mix of (a) shared permanent supportive housing; (b) independent permanent supportive housing; and (c) low and no-barrier housing beds for people with a criminal history, substance abuse disorder, and/or mental illness.

Priority for permanent supportive housing must be given to individuals on the discharge list at the state psychiatric hospitals or in community psychiatric inpatient beds whose conditions present significant barriers to timely discharge.

(17) \$557,000 of the general fund—state appropriation for fiscal year 2020 and \$557,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the department to design and administer the achieving a better life experience program.

(18) The department is authorized to suspend issuing any nonstatutorily required grants or contracts of an amount less than \$1,000,000 per year.

(19) \$1,070,000 of the general fund—state appropriation for fiscal year 2020 and \$1,070,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the small business export assistance program. The department must ensure that at least one employee is located outside the city of Seattle for purposes of assisting rural businesses with export strategies.

(20) \$60,000 of the general fund—state appropriation for fiscal year 2020 and \$60,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the department to submit the necessary Washington state membership dues for the Pacific Northwest economic region.

(21) \$1,500,000 of the general fund—state appropriation for fiscal year 2020 and \$1,500,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the department to contract with organizations and attorneys to provide either legal representation or referral services for legal representation, or both, to indigent persons who are in need of legal services for matters related to their immigration status. Persons eligible for assistance under any contract entered into pursuant to this subsection must be determined to be indigent under standards developed under chapter 10.101 RCW.

(22)(a) \$3,500,000 of the general fund—state appropriation for fiscal year 2020 and \$3,500,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for grants to support the building operation, maintenance, and service costs of permanent supportive housing projects or units within housing projects that have or will receive funding from the housing trust fund—state account or other public capital funding that:

- (i) Is dedicated as permanent supportive housing units;
- (ii) Is occupied by low-income households with incomes at or below thirty percent of the area median income; and
- (iii) Requires a supplement to rent income to cover ongoing property operating, maintenance, and service expenses.

(b) Permanent supportive housing projects receiving federal operating subsidies that do not fully cover the operation, maintenance, and service costs of the projects are eligible to receive grants as described in this subsection.

(c) The department may use a reasonable amount of funding provided in this subsection to administer the grants.

(23)(a) (~~(\$2,735,000)~~) \$2,625,000 of the general fund—state appropriation for fiscal year 2020, (~~(\$2,265,000)~~) \$2,625,000 of the general fund—state appropriation for fiscal year 2021, and \$7,000,000 of the home security fund—state appropriation are provided solely for the office of homeless youth prevention and protection programs to:

(i) Expand outreach, services, and housing for homeless youth and young adults including but not limited to secure crisis residential centers, crisis residential centers, and HOPE beds, so that resources are equitably distributed across the state;

(ii) Contract with other public agency partners to test innovative program models that prevent youth from exiting public systems into homelessness; and

(iii) Support the development of an integrated services model, increase performance outcomes, and enable providers to have the necessary skills and expertise to effectively operate youth programs.

(b) Of the amounts provided in this subsection:

(i) \$2,000,000 of the general fund—state appropriation for fiscal year 2020 and \$2,000,000 of the general fund—state appropriation for fiscal year 2021 are provided solely to build infrastructure and services to support a continuum of interventions including but not limited to prevention, crisis response, and long-term housing in reducing youth homelessness in four identified communities as part of the anchor community initiative; and

(ii) \$625,000 of the general fund—state appropriation for fiscal year 2020 and \$625,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for a contract with one or more nonprofit organizations to provide youth services and young adult housing on a multi-acre youth campus located in the city of Tacoma. Youth services include, but are not limited to, HOPE beds and crisis residential centers to provide temporary shelter and permanency planning for youth under the age of eighteen. Young adult housing includes, but is not limited to, rental assistance and case management for young adults ages eighteen to twenty-four.

(24) \$36,650,000 of the general fund—state appropriation for fiscal year 2020 (~~and~~), \$36,650,000 of the general fund—state appropriation for fiscal year 2021, and \$26,100,000 of the home security fund—state appropriation are provided solely for the essential needs and housing support program.

(25) \$1,436,000 of the general fund—state appropriation for fiscal year 2020 and \$1,436,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the department to identify and invest in strategic growth areas, support key sectors, and align existing economic development programs and priorities. The department must consider Washington's position as the most trade-dependent state when identifying priority investments. The department must engage states and provinces in the northwest as well as associate development organizations, small business development centers, chambers of commerce, ports, and other partners to leverage the funds provided. Sector leads established by the department must include the industries of: (a) Aerospace; (b) clean technology and renewable and nonrenewable energy; (c) wood products and other natural resource industries; (d) information and communication technology; (e) life sciences and global health; (f) maritime; and (g) military and defense. The department may establish these sector leads by hiring new

staff, expanding the duties of current staff, or working with partner organizations and or other agencies to serve in the role of sector lead.

(26) \$1,237,000 of the liquor excise tax account—state appropriation is provided solely for the department to provide fiscal note assistance to local governments, including increasing staff expertise in multiple subject matter areas, including but not limited to criminal justice, taxes, election impacts, transportation and land use, and providing training and staff preparation prior to legislative session.

(27) The department must develop a model ordinance for cities and counties to utilize for siting community based behavioral health facilities.

(28) \$198,000 of the general fund—state appropriation for fiscal year 2020 and \$198,000 of the general fund—state appropriation for fiscal year 2021 are provided solely to retain a behavioral health facilities siting administrator within the department to coordinate development of effective behavioral health housing options and provide technical assistance in siting of behavioral health treatment facilities statewide to aide in the governor's plan to discharge individuals from the state psychiatric hospitals into community settings. This position must work closely with the local government legislative authorities, planning departments, behavioral health providers, health care authority, department of social and health services, and other entities to facilitate linkages among disparate behavioral health community bed capacity-building efforts. This position must work to integrate building behavioral health treatment and infrastructure capacity in addition to ongoing supportive housing benefits.

(29)(a) During the 2019-2021 fiscal biennium, the department must revise its agreements and contracts with vendors to include a provision to require that each vendor agrees to equality among its workers by ensuring similarly employed individuals are compensated as equals as follows:

(i) Employees are similarly employed if the individuals work for the same employer, the performance of the job requires comparable skill, effort, and responsibility, and the jobs are performed under similar working conditions. Job titles alone are not determinative of whether employees are similarly employed;

(ii) Vendors may allow differentials in compensation for its workers based in good faith on any of the following:

(A) A seniority system; a merit system; a system that measures earnings by quantity or quality of production; a bona fide job-related factor or factors; or a bona fide regional difference in compensation levels.

(B) A bona fide job-related factor or factors may include, but not be limited to, education, training, or experience, that is: Consistent with business necessity; not based on or derived from a gender-based differential; and accounts for the entire differential.

(C) A bona fide regional difference in compensation level must be: Consistent with business necessity; not based

on or derived from a gender-based differential; and account for the entire differential.

(b) The provision must allow for the termination of the contract if the department or department of enterprise services determines that the vendor is not in compliance with this agreement or contract term.

(c) The department must implement this provision with any new contract and at the time of renewal of any existing contract.

(30)(a) \$150,000 of the general fund—state appropriation for fiscal year 2020 and \$150,000 of the general fund—local appropriation are provided solely for the department to contract with a consultant to study the current and ongoing impacts of the SeaTac international airport. The general fund—state funding provided in this subsection serves as a state match and may not be spent unless \$150,000 of local matching funds is transferred to the department. The department must seek feedback on project scoping and consultant selection from the cities listed in (b) of this subsection.

(b) The study must include, but not be limited to:

(i) The impacts that the current and ongoing airport operations have on quality of life associated with air traffic noise, public health, traffic, congestion, and parking in residential areas, pedestrian access to and around the airport, public safety and crime within the cities, effects on residential and nonresidential property values, and economic development opportunities, in the cities of SeaTac, Burien, Des Moines, Tukwila, Federal Way, Normandy Park, and other impacted neighborhoods; and

(ii) Options and recommendations for mitigating any negative impacts identified through the analysis.

(c) The department must collect data and relevant information from various sources including the port of Seattle, listed cities and communities, and other studies.

(d) The study must be delivered to the legislature by June 1, 2020.

(31) Within amounts appropriated in this section, the office of homeless youth prevention and protection must make recommendations to the appropriate committees of the legislature by October 31, 2019, regarding rights that all unaccompanied homeless youth and young adults should have for appropriate care and treatment in licensed and unlicensed residential runaway and homeless youth programs.

(32) \$787,000 of the general fund—state appropriation for fiscal year 2020 and \$399,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of Second Substitute House Bill No. 1344 (child care access work group). ~~((If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.))~~

(33) \$144,000 of the general fund—state appropriation for fiscal year 2020 and \$144,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the department to contract with a nonprofit organization with

offices located in the cities of Maple Valley, Enumclaw, and Auburn to provide street outreach and connect homeless young adults ages eighteen through twenty-four to services in south King county.

(34) \$218,000 of the general fund—state appropriation for fiscal year 2020 and \$61,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of Second Substitute House Bill No. 1444 (appliance efficiency). ~~((If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.))~~

(35) \$100,000 of the general fund—state appropriation for fiscal year 2020 is provided solely for implementation of Engrossed Second Substitute House Bill No. 1114 (food waste reduction). ~~((If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.))~~

(36) \$75,000 of the general fund—state appropriation for fiscal year 2020 and \$75,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for a contract with the city of Federal Way to support after-school recreational and educational programs.

~~((38))~~ (37) \$150,000 of the general fund—state appropriation for fiscal year 2020 is provided solely for the department to convene a work group regarding the development of Washington's green economy based on the state's competitive advantages. The work group must focus on developing economic, education, business, and investment opportunities in energy, water, and agriculture. The work group must consist of at least one representative from the department, the department of natural resources, the department of agriculture, the Washington state department of transportation, a four-year research university, a technical college, the private sector, an economic development council, a city government, a county government, a tribal government, a non-government organization, a statewide environmental advocacy organization, and up to two energy utility providers. The work group must:

(a) Develop an inventory of higher education resources including research, development, and workforce training to foster green economic development in energy, water, and agriculture;

(b) Identify investment opportunities in higher education research, development, and workforce training to enhance and accelerate green economic development;

(c) Make recommendations for green economic development investment opportunities and how state government may serve as a clearing house, or economic center, to support private investments and build the green economy in Washington to serve national and global markets;

(d) Identify opportunities for integrating technology in energy, water, natural resources, and agriculture, and create resource efficiencies including water and energy conservation and smart grid technologies;

(e) Recommend policies at the state and local government level to promote and accelerate development of the green economy in Washington state;

(f) Submit an interim report with the work group recommendations to the appropriate legislative committees by December 1, 2019; and

(g) Submit a final report with the work group recommendations to the appropriate legislative committees by June 30, 2020.

~~((39))~~ (38) \$75,000 of the general fund—state appropriation for fiscal year 2020 and \$75,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for a grant to a nonprofit organization focused on supporting pregnant women and single mothers who are homeless or at risk of being homeless throughout Pierce county. The grant must be used for providing classes relating to financial literacy, renter rights and responsibilities, parenting, and physical and behavioral health.

~~((40))~~ (39) \$200,000 of the general fund—state appropriation for fiscal year 2020 and \$200,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the department to provide capacity-building grants through the Latino community fund for educational programs and human services support for children and families in rural and underserved communities.

~~((41))~~ (40) \$400,000 of the general fund—state appropriation for fiscal year 2020 is provided solely for the city of Bothell to complete the canyon park regional growth center subarea plan.

~~((42))~~ (41) \$172,000 of the general fund—state appropriation for fiscal year 2020 and \$165,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the Washington statewide reentry council for operational staff support, travel, and administrative costs.

~~((44))~~ (42) \$964,000 of the general fund—state appropriation for fiscal year 2020 and \$1,045,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of Engrossed Third Substitute House Bill No. 1257 (energy efficiency). ~~((If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.))~~

~~((45))~~ (43) \$1,500,000 of the general fund—state appropriation for fiscal year 2020 and \$1,500,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of chapter 16, Laws of 2017 3rd sp. sess. (E2SSB 5254).

~~((46))~~ (44) General fund—federal appropriations provided in this section assume continued receipt of the federal Byrne justice assistance grant for state and local government drug and gang task forces.

~~((47))~~ (45) \$450,000 of the general fund—state appropriation for fiscal year 2020 and \$450,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for a grant to a nonprofit organization for an initiative to advance affordable housing projects and education centers on public or tax-exempt land in Washington state. The department must award the grant to an organization with an office located in a city with a population of more than six hundred thousand that partners

in equitable, transit-oriented development. The grant must be used to:

- (a) Produce an inventory of potentially developable public or tax-exempt properties;
- (b) Analyze the suitability of properties for affordable housing, early learning centers, or community space;
- (c) Organize community partners and build capacity to develop sites, as well as coordinate negotiations among partners and public owners;
- (d) Facilitate collaboration and co-development between affordable housing, early learning centers, or community space;
- (e) Catalyze the redevelopment of ten sites to create approximately fifteen hundred affordable homes; and
- (f) Subcontract with the University of Washington to facilitate public, private, and non-profit partnerships to create a regional vision and strategy for building affordable housing at a scale to meet the need.

~~((48))~~ (46) \$500,000 of the general fund—state appropriation for fiscal 2021 is provided solely for the department to contract with an entity located in the Beacon hill/Chinatown international district area of Seattle to provide low income housing, low income housing support services, or both. To the extent practicable, the chosen location must be colocated with other programs supporting the needs of children, the elderly, or persons with disabilities.

~~((49))~~ (47) \$800,000 of the general fund—state appropriation for fiscal year 2020 and \$800,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the department to provide a grant for a criminal justice diversion center pilot program in Spokane county. Spokane county must report collected data from the pilot program to the department. The department must submit a report to the appropriate committees of the legislature by October 1, 2020. The report must contain, at a minimum:

- (a) An analysis of the arrests and bookings for individuals served in the pilot program;
- (b) An analysis of the connections to behavioral health services made for individuals who were served by the pilot program;
- (c) An analysis of the impacts on housing stability for individuals served by the pilot program; and
- (d) The number of individuals served by the pilot program who were connected to a detoxification program, completed a detoxification program, completed a chemical dependency assessment, completed chemical dependency treatment, or were connected to housing.

~~((50))~~ (48)(a) \$500,000 of the general fund—state appropriation for fiscal year 2020 and \$500,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for one or more better health through housing pilot project. The department must contract with one or more accountable communities of health to work with

hospitals and permanent supportive housing providers in their respective accountable community of health regions to plan for and implement the better health through housing pilot project. The accountable communities of health must have established partnerships with permanent supportive housing providers, hospitals, and community health centers.

(b) The pilot project must prioritize providing permanent supportive housing assistance to people who:

- (i) Are homeless or are at imminent risk of homelessness;
- (ii) Have complex physical health or behavioral health conditions; and
- (iii) Have a medically necessary condition, risk of death, negative health outcomes, avoidable emergency department utilization, or avoidable hospitalization without the provision of permanent supportive housing, as determined by a vulnerability assessment tool.

(c) Permanent supportive housing assistance may include rental assistance, permanent supportive housing service funding, or permanent supportive housing operations and maintenance funding. The pilot program shall work with permanent supportive housing providers to determine the best permanent supportive housing assistance local investment strategy to expedite the availability of permanent supportive housing for people eligible to receive assistance through the pilot project.

(d) Within the amounts provided in this subsection, the department must contract with the Washington state department of social and health services division of research and data analysis to design and conduct a study to evaluate the impact of the better health through housing pilot project or projects. The division shall submit a final study report to the governor and appropriate committees of the legislature by June 30, 2021. The study objectives must include:

- (i) Baseline data collection of the physical health conditions, behavioral health conditions, housing status, and health care utilization of people who receive permanent supportive housing assistance through the pilot project;
- (ii) The impact on physical health and behavioral health outcomes of people who receive permanent supportive housing assistance through the pilot project as compared to people with similar backgrounds who did not receive permanent supportive housing assistance; and
- (iii) The impact on health care costs and health care utilization of people who receive permanent supportive housing assistance through the pilot project as compared to people with similar backgrounds who did not receive permanent supportive housing assistance.

(e) A reasonable amount of the amounts provided in this subsection may be used to pay for costs to administer the pilot contracts and housing assistance.

(f) Amounts provided in this subsection do not include funding provided under title XIX or title XXI of the federal social security act, funding from the general fund—federal appropriation, or funding from the general fund—local appropriation for transformation through accountable



communities of health, as described in initiative one of the medicaid transformation demonstration waiver under healthier Washington.

(g) The accountable communities of health must annually report the progress and impact of the better health through housing pilot project or projects to the joint select committee on health care oversight by December 1st of each year.

~~((54))~~ (49) \$250,000 of the general fund—state appropriation for fiscal year 2020 and \$250,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the department to contract for the promotion of leadership development, community building, and other services for the Native American community in south King county.

~~((52))~~ (50)(a) \$50,000 of the general fund—state appropriation for fiscal year 2020 is provided solely for the department to provide to Chelan county to collaborate with the department of fish and wildlife and the Stemilt partnership on the following activities:

(i) Identifying and evaluating possible land exchanges in the Stemilt basin that provide mutual benefits to outdoor recreation and the mission of a public agency; and

(ii) Completing independent appraisals of all properties that may be included in a possible land exchange by June 30, 2020.

(b) \$20,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the department to provide to the department of fish and wildlife to complete technical studies, assessments, environmental review, and due diligence for lands included in any potential exchange and for project review for near-and long-term facility replacement and expansion of the mission ridge ski and board resort.

(c) The department must require the department of fish and wildlife, in collaboration with Chelan county, to submit recommendations for potential land exchange and supporting appraisals and environmental analysis to the Chelan county board of commissioners and the appropriate committees of the legislature by December 1, 2020.

~~((53))~~ (51) \$500,000 of the general fund—state appropriation for fiscal year 2020, \$500,000 of the general fund—state appropriation for fiscal year 2021 and \$4,500,000 of the home security fund—state appropriation are provided solely for the consolidated homeless grant program. Of the amounts provided in this subsection, \$4,500,000 of the home security fund—state appropriation is provided solely for permanent supportive housing targeted at those families who are chronically homeless and where at least one member of the family has a disability. The department will also connect these families to medicaid supportive services.

~~((54))~~ (52) \$1,275,000 of the general fund—state appropriation for fiscal year 2020 and \$1,227,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of Engrossed Second Substitute Senate Bill No. 5116 (clean energy). ~~((If the bill~~

~~is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.~~

~~((55))~~ (53) \$47,000 of the general fund—state appropriation for fiscal year 2020 and \$47,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of Engrossed Second Substitute Senate Bill No. 5223 (electrical net metering). ~~((If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.~~

~~((56))~~ (54) \$81,000 of the general fund—state appropriation for fiscal year 2020 and \$76,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of Substitute Senate Bill No. 5324 (homeless student support). ~~((If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.~~

~~((57))~~ (55) \$100,000 of the general fund—state appropriation for fiscal year 2020 and \$100,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of Engrossed Second Substitute Senate Bill No. 5497 (immigrants in the workplace). ~~((If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.~~

~~((58))~~ (56) \$264,000 of the general fund—state appropriation for fiscal year 2020 and \$264,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of Second Substitute Senate Bill No. 5511 (broadband service). ~~((If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.~~

~~((59))~~ (57) \$272,000 of the general fund—state appropriation for fiscal year 2020 and \$272,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the lead based paint enforcement activities within the department.

~~((60))~~ (58) \$250,000 of the general fund—state appropriation for fiscal year 2020 is provided solely for a one-time grant to the port of Port Angeles for a stormwater management project to protect ancient tribal burial sites and to maintain water quality.

~~((61))~~ (59) \$100,000 of the general fund—state appropriation for fiscal year 2020 and \$100,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for a grant to municipalities using a labor program model designed for providing jobs to individuals experiencing homelessness to lead to full-time employment and stable housing.

~~((62))~~ (60) \$75,000 of the general fund—state appropriation for fiscal year 2020 and \$75,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of the recommendations by the joint transportation committee's Washington state air cargo movement study to support an air cargo marketing program and assistance program. The department must coordinate promotion activities at domestic and international trade shows, air cargo events, and other activities that support the

promotion, marketing, and sales efforts of the air cargo industry.

~~((63))~~ (61) \$125,000 of the general fund—state appropriation for fiscal year 2020 and \$125,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for a grant to a nonprofit for a smart buildings education program to educate building owners and operators on smart building practices and technologies, including the development of onsite and digital trainings that detail how to operate residential and commercial facilities in an energy efficient manner. The grant recipient must be located in a city with a population of more than seven hundred thousand and serve anyone within Washington with an interest in better understanding energy efficiency in commercial and institutional buildings.

~~((64)(a))~~ (62) \$150,000 of the general fund—state appropriation for fiscal year 2020 and \$150,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the department to provide a grant to a nonprofit organization to assist fathers transitioning from incarceration to family reunification. The grant recipient must have experience contracting with:

~~((i))~~ (a) The department of corrections to support offender betterment projects; and

~~((ii))~~ (b) The department of social and health services to provide access and visitation services.

~~((65))~~ (63) \$100,000 of the general fund—state appropriation for fiscal year 2020 and \$100,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for a grant to a nonprofit organization to promote public education around wildfires to public school students of all ages and to expand outreach on issues related to forest health and fire suppression. The grant recipient shall sponsor projects including, but not limited to, a multi-media traveling presentation.

~~((66))~~ (64) \$125,000 of the general fund—state appropriation for fiscal year 2020 and \$125,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for a grant to a nonprofit organization to help reduce crime and violence in neighborhoods and school communities. The grant recipient must promote safe streets and community engagement in the city of Tacoma through neighborhood organizing, law enforcement-community partnerships, neighborhood watch programs, youth mobilization, and business engagement.

~~((67))~~ (65) \$125,000 of the general fund—state appropriation for fiscal year 2020 and \$125,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for a grant to increase the financial stability of low income Washingtonians through participation in children's education savings accounts, earned income tax credits, and the Washington retirement marketplace. The grant recipient must be a statewide association of local asset building coalitions that promotes policies and programs in Washington to assist low-and-moderate income residents build, maintain, and preserve assets through investments in education, homeownership, personal savings and entrepreneurship.

~~((68))~~ (66) \$100,000 of the general fund—state appropriation for fiscal year 2020 and \$100,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for a grant to a nonprofit organization to catalyze a market for mass timber and promote forest health, workforce development, and updates to building codes. The grant recipient must have at least twenty-five years of experience in land acquisition and program management to conserve farmland, create jobs, revitalize small towns, reduce wildfires, and reduce greenhouse emissions.

~~((69))~~ (67) \$250,000 of the general fund—state appropriation for fiscal year 2020 and \$250,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for a grant to assist people with limited incomes in nonmetro areas of the state start and sustain small businesses. The grant recipient must be a nonprofit organization involving a network of microenterprise organizations and professionals to support micro entrepreneurship and access to economic development resources.

~~((70))~~ (68) \$270,000 of the general fund—state appropriation for fiscal year 2020 is provided solely for a grant to a nonprofit organization within the city of Tacoma for social services and educational programming to assist Latino and indigenous communities in honoring heritage and culture through the arts, and overcoming barriers to social, political, economic, and cultural community development.

~~((71))~~ (69) \$5,800,000 of the growth management planning and environmental review fund—state appropriation is provided solely for implementation of Engrossed Second Substitute House Bill No. 1923 (urban residential building). ~~((If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.))~~ Of the amounts provided in this subsection:

(a) \$5,000,000 is provided solely for grants to cities for costs associated with the bill;

(b) \$500,000 is provided solely for administration costs to the department; and

(c) \$300,000 is provided solely for a grant to the Washington real estate research center.

~~((72))~~ (70) \$100,000 of the general fund—state appropriation for fiscal year 2020 is provided solely for the department to produce a proposal and recommendations for establishing an industrial waste coordination program by December 1, 2019.

(71) \$200,000 of the general fund—state appropriation for fiscal year 2020 and \$401,748 of the general fund—state appropriation for fiscal year 2021 are provided solely for the department to develop a comprehensive analysis of statewide emissions reduction strategies. This technical analysis must: (a) Identify specific strategies that are likely to be most effective in achieving necessary emissions reductions for key energy uses and customer segments; and (b) be performed by one or more expert consultants, with administrative and policy support provided by the department.

(72) \$5,432,000 of the Andy Hill cancer research endowment fund match transfer account—state appropriation is provided for the Andy Hill cancer research endowment program.

(73) \$600,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for grants to law enforcement agencies to implement group violence intervention strategies in areas with high rates of gun violence. Grant funding will be awarded to two sites, with priority given to Yakima county and south King county. The sites must be located in areas with high rates of gun violence, include collaboration with the local leaders and community members, use data to identify the individuals most at risk to perpetrate gun violence for interventions, and include a component that connects individuals to services. Priority is given to sites meeting these criteria who also can demonstrate leveraging existing local or federal resources.

(74) \$66,395,667 of the home security fund—state appropriation is provided for the department to administer a grant program to expand and enhance statewide homeless shelter capacity. Funding will be awarded based on need, taking into consideration total population, the number of people living outside or other places unfit for human habitation, or other indicators of need. The grant program must promote the goal that every jurisdiction have adequate shelter capacity, or an agreement with another jurisdiction to provide adequate shelter. Eligible uses of shelter capacity expansion funding include costs associated with building and operating new shelter beds or sanctioned camping capacity, and outreach directly necessary to identify and move individuals into shelter, sanctioned camping, or under-utilized shelter capacity. Up to ten percent of the funds awarded through June 2021 may be used by local jurisdictions to develop required local sheltering plans. Funds awarded through the grant program may not be used to supplant existing funding.

(75) \$15,444,000 of the home security fund—state appropriation for fiscal year 2021 is provided solely for the department to provide permanent supportive housing assistance grants.

(76) \$1,007,000 of the home security fund—state appropriation for fiscal year 2021 is provided solely for the department to administer a transitional housing pilot program for nondependent homeless youth. In developing the pilot program, the department will work with the adolescent unit within the department of children, youth, and families, which is focused on cross-system challenges impacting youth, including homelessness.

(77) \$80,000 of the general fund—state appropriation for fiscal year 2021 is provided to the department to facilitate research on nontraditional workers across the regulatory continuum, including convening cross-agency partners. The purpose of the research is to recommend policies and practices regarding the state's worker and small business programs, address changes in the labor market, and continue work initiated by the independent contractor employment study funded in section 127(47), chapter 299, Laws of 2018. The department must submit a report of its findings to the governor by November 1, 2020.

(78) \$150,000 of the general fund—state appropriation for fiscal year 2021 is provided for the Washington center for internships and academic seminars to provide student scholarships.

**Sec. 128.** 2019 c 415 s 130 (uncodified) is amended to read as follows:

**FOR THE ECONOMIC AND REVENUE FORECAST COUNCIL**

General Fund—State Appropriation (FY 2020)	..... (( <del>\$860,000</del> ))
	<u>\$874,000</u>
General Fund—State Appropriation (FY 2021)	..... (( <del>\$888,000</del> ))
	<u>\$913,000</u>
Pension Funding Stabilization Account—State Appropriation .....	\$102,000
Lottery Administrative Account—State Appropriation .....	\$50,000
TOTAL APPROPRIATION .....	<u>\$1,900,000</u>
	<u>\$1,939,000</u>

**Sec. 129.** 2019 c 415 s 131 (uncodified) is amended to read as follows:

**FOR THE OFFICE OF FINANCIAL MANAGEMENT**

General Fund—State Appropriation (FY 2020)	..... (( <del>\$28,833,000</del> ))
	<u>\$29,043,000</u>
General Fund—State Appropriation (FY 2021)	..... (( <del>\$12,303,000</del> ))
	<u>\$13,499,000</u>
General Fund—Federal Appropriation ....	\$32,512,000
General Fund—Private/Local Appropriation .....	\$5,526,000
Economic Development Strategic Reserve Account—State	
Appropriation.....	(( <del>\$330,000</del> ))
	<u>\$332,000</u>
Personnel Service Account—State Appropriation .....	(( <del>\$35,133,000</del> ))
	<u>\$23,429,000</u>
Higher Education Personnel Services Account—State	
Appropriation.....	\$1,497,000
Statewide Information Technology System Development	
Maintenance and Operations Revolving	
Account—State Appropriation .....	(( <del>\$13,298,000</del> ))

	<u>\$37,444,000</u>
Office of Financial Management Central Service Account—	
State Appropriation .....	<del>(\$20,710,000)</del>
	<u>\$23,541,000</u>
Pension Funding Stabilization Account—State	
Appropriation .....	\$2,446,000
Performance Audits of Government Account—State	
Appropriation .....	\$678,000
Workforce Education Investment Account—State	
Appropriation .....	<u>\$286,000</u>
Model Toxics Control Operating Account—State	
Appropriation .....	<u>\$48,000</u>
TOTAL APPROPRIATION .....	<u>\$153,266,000</u>
	<u>\$170,281,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1)(a) The student achievement council and all institutions of higher education as defined in RCW 28B.92.030 and eligible for state financial aid programs under chapters 28B.92 and 28B.118 RCW shall ensure that data needed to analyze and evaluate the effectiveness of state financial aid programs are promptly transmitted to the education data center so that it is available and easily accessible. The data to be reported must include but not be limited to:

(i) The number of state need grant and college bound recipients;

(ii) The number of students on the unserved waiting list of the state need grant;

(iii) Persistence and completion rates of state need grant recipients and college bound recipients as well as students on the state need grant unserved waiting list, disaggregated by institution of higher education;

(iv) State need grant recipients and students on the state need grant unserved waiting list grade point averages; and

(v) State need grant and college bound scholarship program costs.

(b) The student achievement council shall submit student unit record data for state financial aid program applicants and recipients to the education data center.

(c) The education data center shall enter data sharing agreements with the joint legislative audit and review committee and the Washington state institute for public policy to ensure that legislatively directed research assignments regarding state financial aid programs may be completed in a timely manner.

(2)(a) ~~(\$10,000,000)~~ \$35,525,000 of the statewide information technology system development revolving account—state appropriation is provided solely for continuation of readiness activities for the one Washington program. Of the amounts provided in this subsection:

(i) ~~(\$7,082,000)~~ \$29,524,000 of the statewide information technology system development revolving account—state appropriation is provided solely for organizational enterprise resource planning, organizational change management, project staff, procurement assistance, legal counsel, system integration, software and procurement contracts ~~((in fiscal year 2020))~~.

(ii) \$459,000 of the statewide information technology system development revolving account—state appropriation is provided solely for staff in fiscal year 2020.

(iii) \$1,000,000 of the statewide information technology system development revolving account—state appropriation is provided solely for other contractual services or project staffing in fiscal year 2020.

(iv) \$459,000 of the statewide information technology system development revolving account—state appropriation is provided solely for staff in fiscal year 2021.

(v) ~~(\$1,000,000)~~ \$3,615,000 of the statewide information technology system development revolving account—state appropriation is provided solely for other contractual services or project staffing in fiscal year 2021.

(b) Beginning September 30, 2019, the office of financial management shall provide written quarterly reports on the one Washington program to the legislative fiscal committees and the legislative evaluation and accountability program committee to include how funding was spent for the prior quarter.

(c) Prior to spending any funds, the director of the office of financial management must agree to the spending and sign off on the spending.

(d) This subsection is subject to the conditions, limitations, and review requirements of ~~((section 719 of this act))~~ section 701 of this act.

(3) Within existing resources, the labor relations section shall produce a report annually on workforce data and trends for the previous fiscal year. At a minimum, the report must include a workforce profile; information on employee compensation, including salaries and cost of overtime; and information on retention, including average length of service and workforce turnover.

(4) ~~(\$12,741,000)~~ \$6,371,000 of the personnel service account—state appropriation in this section is provided solely for administration of orca pass benefits included in the 2019-2021 collective bargaining agreements and provided to nonrepresented employees as identified in section 996 of this act. ~~((The))~~ During fiscal year 2020, the office of financial management must bill each agency for that agency's proportionate share of the cost of orca passes. The payment from each agency must be deposited in to the personnel service account and used to purchase orca passes. The office of financial management may consult with the

Washington state department of transportation in the administration of these benefits.

(5) ~~(((\$12,485,000))~~ \$6,226,000 of the personnel service fund appropriation is provided solely for the administration of a flexible spending arrangement (FSA) plan. ~~((Agencies))~~ During fiscal year 2020, agencies shall pay their proportional cost for the program as determined by the office of financial management. Total amounts billed by the office of financial management for this purpose may not exceed the amount provided in this subsection. The office of financial management may, through interagency agreement, delegate administration of the program to the health care authority.

(6) \$1,536,000 of the general fund—state appropriation for fiscal year 2020 is provided solely for the implementation of Engrossed Substitute Senate Bill No. 5741 (all payer claims database), and is subject to the conditions, limitations, and review provided in ~~((section 719 of this act))~~ section 701 of this act. ~~((If the bill is not enacted by June 30, 2019, the amount provided in this subsection shall lapse.))~~

(7) \$157,000 of the general fund—state appropriation for fiscal year 2020 is provided solely for the implementation of Substitute House Bill No. 1949 (firearm background checks). ~~((If the bill is not enacted by June 30, 2019, the amount provided in this subsection shall lapse.))~~

(8) Within amounts appropriated in this section, funding is provided to implement Second Substitute House Bill No. 1497 (foundational public health).

(9) \$110,000 of the general fund—state appropriation for fiscal year 2020 is provided solely for the office of financial management to determine annual primary care medical expenditures in Washington, by insurance carrier, in total and as a percentage of total medical expenditure. Where feasible, this determination must also be broken down by relevant characteristics such as whether expenditures were for in-patient or out-patient care, physical or mental health, by type of provider, and by payment mechanism.

(a) The determination must be made in consultation with statewide primary care provider organizations using the state's all payer claims database and other existing data.

(b) For purposes of this section:

(i) "Primary care" means family medicine, general internal medicine, and general pediatrics.

(ii) "Primary care provider" means a physician, naturopath, nurse practitioner, physician assistant, or other health professional licensed or certified in Washington state whose clinical practice is in the area of primary care.

(iii) "Primary care medical expenditures" means payments to reimburse the cost of physical and mental health care provided by a primary care provider, excluding prescription drugs, vision care, and dental care, whether paid on a fee-for-service basis or as a part of a capitated rate or other type of payment mechanism.

(iv) "Total medical expenditure" means payments to reimburse the cost of all health care and prescription drugs,

excluding vision care and dental care, whether paid on a fee-for-service basis or as part of a capitated rate or other type of payment mechanism.

(c) By December 1, 2019, the office of financial management shall report its findings to the legislature, including an explanation of its methodology and any limits or gaps in existing data which affected its determination.

(10) \$1,200,000 of the office of financial management central services—state appropriation is provided solely for the education research and data center to set up a data enclave and to work on complex data sets. This is subject to the conditions, limitations and review requirements of ~~((section 719 of this act))~~ section 701 of this act. The data enclave for customer access must include twenty-five users, to include one user from each of the following entities:

(a) The house;

(b) The senate;

(c) The legislative evaluation and accountability program committee;

(d) The joint legislative audit and review committee; and

(e) The Washington state institute for public policy.

(11) ~~(((\$345,000 of the statewide information technology system development revolving account—state appropriation is provided solely for modifications to the))~~ The facilities portfolio management tool project to expand the ability to track leases of land, buildings, equipment, and vehicles~~((—This))~~ is subject to the conditions, limitations, and review requirements of ~~((section 719 of this act))~~ section 701 of this act.

~~((44))~~ (12) \$250,000 of the office of financial management central service—state appropriation is provided solely for a dedicated budget staff for the work associated with the information technology cost pool projects. The staff will be responsible for providing a monthly financial report after each fiscal month close to fiscal staff of the senate ways and means and house appropriations committees to reflect at least:

(a) Fund balance of the information technology pool account;

(b) Amount by project of funding approved to date and for the last fiscal month;

(c) Amount by agency of funding approved to date and for the last fiscal month;

(d) Total amount approved to date and for the last fiscal month; and

(e) Amount of expenditure on each project by the agency to date and for the last fiscal month.

~~((45))~~ (13) \$15,000,000 of the general fund—state appropriation for fiscal year 2020, \$159,000 of the general fund—state appropriation for fiscal year 2021, and \$5,000,000 of the general fund—private/local appropriation are provided solely for the office of financial management to

prepare for the 2020 census. No funds provided under this subsection may be used for political purposes. The office must:

(a) Complete outreach and a communication campaign that reaches the state's hardest to count residents;

(b) Perform frequent outreach to the hard-to-count population both in person through community messengers and through various media avenues;

(c) Establish deliverable-based outreach contracts with nonprofit organizations and local and tribal contracts;

(d) Consider the recommendations of the statewide complete count committee;

(e) Prepare documents in multiple languages to promote census participation;

(f) Provide technical assistance with the electronic census forms; and

(g) Hold in reserve \$5,000,000 of the general fund—state appropriation for fiscal year 2020 and \$5,000,000 of the general fund—private/local appropriation, until January 1, 2020, for contracting with community based organizations with historical access to and credibility with hard-to-count people to support outreach to the hardest to count and last-mile efforts.

(14) Within existing resources and in consultation with the office of the superintendent of public instruction, the office of financial management shall review and report on the pupil transportation funding system for K-12 education. The report shall include findings and recommendations and shall be submitted to the governor and the appropriate committees of the legislature by September 1, 2020. This report shall include review of the following:

(a) The formula components and modeling approach in RCW 28A.160.192;

(b) The data used in the analysis for completeness, validity, and appropriateness;

(c) The timing requirements and whether they could be changed;

(d) The STARS model for appropriateness, functionality, and alignment with statute; and

(e) The capacity and resources of the office of the superintendent of public instruction to produce the transportation analysis.

(15) \$288,000 of the general fund—state appropriation for fiscal year 2020 and \$192,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the office of financial management to contract for project management and fiscal modeling to support collaborations with the office of the superintendent of public instruction and department of children, youth, and families to complete a report with options and recommendations for administrative efficiencies and long-term strategies which align and integrate high-quality early learning programs administered by both agencies. The report is due to the

governor and the appropriate committees of the legislature by September 1, 2020.

**Sec. 130.** 2019 c 415 s 132 (uncodified) is amended to read as follows:

#### **FOR THE OFFICE OF ADMINISTRATIVE HEARINGS**

Administrative Hearings Revolving Account—State	
Appropriation.....	(( <del>\$45,688,000</del> ))
	<u>\$47,512,000</u>
TOTAL APPROPRIATION.....	<u>\$45,688,000</u>
	<u>\$47,512,000</u>

The appropriation in this section is subject to the following conditions and limitations: \$173,000 of the administrative hearing revolving account—state appropriation is provided solely for the implementation of chapter 13, Laws of 2019 (SHB 1399).

**Sec. 131.** 2019 c 415 s 133 (uncodified) is amended to read as follows:

#### **FOR THE WASHINGTON STATE LOTTERY**

Lottery Administrative Account—State Appropriation	
.....	(( <del>\$29,854,000</del> ))
	<u>\$29,869,000</u>
TOTAL APPROPRIATION.....	<u>\$29,854,000</u>
	<u>\$29,869,000</u>

The appropriation in this section is subject to the following conditions and limitations:

(1) No portion of this appropriation may be used for acquisition of gaming system capabilities that violate state law.

(2) Pursuant to RCW 67.70.040, the commission shall take such action necessary to reduce retail commissions to an average of 5.1 percent of sales.

**Sec. 132.** 2019 c 415 s 134 (uncodified) is amended to read as follows:

#### **FOR THE COMMISSION ON HISPANIC AFFAIRS**

General Fund—State Appropriation (FY 2020)	
.....	(( <del>\$401,000</del> ))
	<u>\$438,000</u>
General Fund—State Appropriation (FY 2021)	
.....	(( <del>\$413,000</del> ))
	<u>\$465,000</u>
Pension Funding Stabilization Account—State	
Appropriation.....	\$26,000
TOTAL APPROPRIATION.....	<u>\$840,000</u>
	<u>\$929,000</u>

The appropriations in this section are subject to the following conditions and limitations: \$3,000 of the general fund—state appropriation for fiscal year 2020 and \$2,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of Substitute Senate Bill No. 5023 (ethnic studies). ~~((If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.))~~

**Sec. 133.** 2019 c 415 s 135 (uncodified) is amended to read as follows:

**FOR THE COMMISSION ON AFRICAN-AMERICAN AFFAIRS**

General Fund—State Appropriation (FY 2020)	<del>(((\$318,000))</del>
	<u>\$321,000</u>
General Fund—State Appropriation (FY 2021)	<del>(((\$301,000))</del>
	<u>\$408,000</u>
Pension Funding Stabilization Account—State Appropriation.....	\$26,000
TOTAL APPROPRIATION .....	<u>\$645,000</u>
	<u>\$755,000</u>

**Sec. 134.** 2019 c 415 s 136 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF RETIREMENT SYSTEMS—OPERATIONS**

Department of Retirement Systems Expense	
Account—State Appropriation.....	<del>(((\$60,059,000))</del>
	<u>\$67,358,000</u>
TOTAL APPROPRIATION .....	<u>\$60,059,000</u>
	<u>\$67,358,000</u>

The appropriation in this section is subject to the following conditions and limitations:

(1) \$160,000 of the department of retirement systems—state appropriation is provided solely for the administrative costs associated with implementation of Substitute House Bill No. 1661 (higher education retirement). If the bill is not enacted by June 30, 2019, the amount provided in this subsection shall lapse.

(2) \$106,000 of the department of retirement systems—state appropriation is provided solely for the administrative costs associated with implementation of Senate Bill No. 5350 (optional life annuity). ~~((If the bill is not enacted by June 30, 2019, the amount provided in this subsection shall lapse.))~~

(3) \$139,000 of the department of retirement systems—state appropriation is provided solely for the administrative costs associated with implementation of Engrossed Substitute House Bill No. 1308 or Senate Bill No. 5360 (retirement system defaults). ~~((If the bill is not enacted~~

~~by June 30, 2019, the amount provided in this subsection shall lapse.))~~

(4) \$44,000 of the department of retirement systems—state appropriation is provided solely for the administrative costs associated with implementation of House Bill No. 1408 (survivorship benefit options). ~~((If the bill is not enacted by June 30, 2019, the amount provided in this subsection shall lapse.))~~

**Sec. 135.** 2019 c 415 s 137 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF REVENUE**

General Fund—State Appropriation (FY 2020)	<del>(((\$150,681,000))</del>
	<u>\$152,302,000</u>
General Fund—State Appropriation (FY 2021)	<del>(((\$144,287,000))</del>
	<u>\$150,995,000</u>
Timber Tax Distribution Account—State Appropriation.....	<del>(((\$7,289,000))</del>
	<u>\$7,370,000</u>
Business License Account—State Appropriation .....	<del>(((\$20,606,000))</del>
	<u>\$20,672,000</u>
Waste Reduction, Recycling, and Litter Control Account—State Appropriation .....	\$168,000
Model Toxics Control Operating Account—State Appropriation.....	\$119,000
Financial Services Regulation Account—State Appropriation.....	\$5,000,000
Pension Funding Stabilization Account—State Appropriation.....	\$13,486,000
TOTAL APPROPRIATION .....	<u>\$341,636,000</u>
	<u>\$350,112,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$142,000 of the general fund—state appropriation for fiscal year 2020 is provided solely for the implementation of Second Substitute House Bill No. 1059 (B&O return filing due date). ~~((If the bill is not enacted by June 30, 2019, the amount provided in this subsection shall lapse.))~~

(2)(a) \$4,150,000 of the general fund—state appropriation for fiscal year 2020 and \$1,921,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the department to implement 2019 revenue legislation.

(b) Within the amounts provided in this subsection, sufficient funding is provided for the department to

implement section 11 of Engrossed Substitute Senate Bill No. 5183 (manufactured/mobile homes).

(c)(i) Of the amounts provided in this subsection, \$1,061,000 of the general fund—state appropriation for fiscal year 2020 and \$977,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the department to facilitate a tax structure work group, initially created within chapter 1, Laws of 2017 3rd sp. sess. (SSB 5883) and hereby reauthorized.

(ii) In addition to the membership as set forth in chapter 1, Laws of 2017 3rd sp. sess., the tax structure work group is expanded to include nonvoting members as follows:

(A) The president of the senate must appoint two members from each of the two largest caucuses of the senate;

(B) The speaker of the house of representatives must appoint two members from each of the two largest caucuses of the house of representatives; and

(C) The governor must appoint one member who represents the office of the governor.

(iii) The work group must include the following nonvoting members:

(A) One representative of the department;

(B) One representative of the association of Washington cities; and

(C) One representative of the Washington state association of counties.

(iv) All voting members of the work group must indicate, in writing, their interest in serving on the tax structure work group and provide a statement of understanding that the commitment to serve on the tax structure work group is through December 31, 2024. Elected officials not reelected to their respective offices may be relieved of their responsibilities on the tax structure work group. Vacancies on the tax structure work group must be filled within sixty days of notice of the vacancy. The work group must choose a chair or cochair from among its legislative membership. The chair is, or cochair is, responsible for convening the meetings of the work group no less than quarterly each year. Recommendations and other decisions of the work group may be approved by a simple majority vote. All work group members may have a representative attend meetings of the tax structure work group in lieu of the member, but voting by proxy is not permitted. Staff support for the work group must be provided by the department. The department may engage one or more outside consultants to assist in providing support for the work group. Members of the work group must serve without compensation but may be reimbursed for travel expenses under RCW 44.04.120, 43.03.050, and 43.03.060.

(v) The duties of the work group are to:

(A) By December 1, 2019, convene no less than one meeting to elect a chair, or cochair, and conduct other business of the work group;

(B) By December 1, 2020, the department and technical advisory group must prepare a summary report of

their preliminary findings and alternatives described in (c)(vii) of this subsection;

(C) By May 1, 2021, the work group must:

(I) Hold no less than one meeting in Olympia to review the preliminary findings described in (c)(vii) of this subsection. At least one meeting must engage stakeholder groups, as described in (c)(vi)(A) of this subsection;

(II) Begin to plan strategies to engage taxpayers and key stakeholder groups to encourage participation in the public meetings described in (c)(vii) of this subsection;

(III) Present the summary report described in (c)(vii) of this subsection in compliance with RCW 43.01.036 to the appropriate committees of the legislature;

(IV) Be available to deliver a presentation to the appropriate committees of the legislature including the elements described in (c)(vi)(B) of this subsection; and

(V) Finalize the logistics of the engagement strategies described in (c)(v)(D) of this subsection; and

(D) After the conclusion of the 2021 legislative session, the work group must:

(I) Hold no less than five public meetings in geographically dispersed areas of the state;

(II) Present the findings described in (c)(vii) of this subsection and alternatives to the state's current tax structure at the public meetings;

(III) Provide an opportunity at the public meetings for taxpayers to engage in a conversation about the state tax structure including, but not limited to, providing feedback on possible recommendations for changes to the state tax structure and asking questions about the report and findings and alternatives to the state's current tax structure presented by the work group;

(IV) Utilize methods to collect taxpayer feedback before, during, or after the public meetings that may include, but is not limited to: Small group discussions, in-person written surveys, in-person visual surveys, online surveys, written testimony, and public testimony;

(V) Encourage legislators to inform their constituents about the public meetings that occur within and near their legislative districts;

(VI) Inform local elected officials about the public meetings that occur within and near their communities; and

(VII) Summarize the feedback that taxpayers and other stakeholders communicated during the public meetings and other public engagement methods, and submit a final summary report, in accordance with RCW 43.01.036, to the appropriate committees of the legislature. This report may be submitted as an appendix or update to the summary report described in (c)(vii) of this subsection.

(vi)(A) The stakeholder groups referenced by (c)(v)(C)(I) of this subsection must include, at a minimum, organizations and individuals representing the following:



(I) Small, start-up, or low-margin business owners and employees or associations expressly dedicated to representing these businesses, or both; and

(II) Individual taxpayers with income at or below one hundred percent of area median income in their county of residence or organizations expressly dedicated to representing low-income and middle-income taxpayers, or both;

(B) The presentation referenced in (c)(v)(C)(IV) of this subsection must include the following elements:

(I) The findings and alternatives included in the summary report described in (c)(vii) of this subsection; and

(II) The preliminary plan to engage taxpayers directly in a robust conversation about the state's tax structure including, presenting the findings described in (c)(vii) of this subsection and alternatives to the state's current tax structure, and collecting feedback to inform development of recommendations.

(vii) The duties of the department, with assistance of one or more technical advisory groups, are to:

(A) With respect to the final report of findings and alternatives submitted by the Washington state tax structure study committee to the legislature under section 138, chapter 7, Laws of 2001 2nd sp. sess.:

(I) Update the data and research that informed the recommendations and other analysis contained in the final report;

(II) Estimate how much revenue all the revenue replacement alternatives recommended in the final report would have generated for the 2017-2019 fiscal biennium if the state had implemented the alternatives on January 1, 2003;

(III) Estimate the tax rates necessary to implement all recommended revenue replacement alternatives in order to achieve the revenues generated during the 2017-2019 fiscal biennium as reported by the economic and revenue forecast council;

(IV) Estimate the impact on taxpayers, including tax paid as a share of household income for various income levels, and tax paid as a share of total business revenue for various business activities, for (c)(vii)(A)(II) and (III) of this subsection; and

(V) Estimate how much revenue would have been generated in the 2017-2019 fiscal biennium, if the incremental revenue alternatives recommended in the final report would have been implemented on January 1, 2003, excluding any recommendations implemented before the effective date of this section;

(B) With respect to the recommendations in the final report of the 2018 tax structure work group:

(I) Conduct economic modeling or comparable analysis of replacing the business and occupation tax with an alternative, such as corporate income tax or margins tax, and estimate the impact on taxpayers, such as tax paid as a share of total business revenue for various business activities,

assuming the same revenues generated by business and occupation taxes during the 2017-2019 fiscal biennium as reported by the economic and revenue forecast council; and

(II) Estimate how much revenue would have been generated for the 2017-2019 fiscal biennium if the one percent revenue growth limit on regular property taxes was replaced with a limit based on population growth and inflation if the state had implemented this policy on January 1, 2003;

(C) To analyze our economic competitiveness with border states:

(I) Estimate the revenues that would have been generated during the 2017-2019 fiscal biennium, had Washington adopted the tax structure of those states, assuming the economic tax base for the 2017-2019 fiscal biennium as reported by the economic and revenue forecast council; and

(II) Estimate the impact on taxpayers, including tax paid as a share of household income for various income levels, and tax paid as a share of total business revenue for various business activities for (c)(vii)(C)(I) of this subsection;

(D) To analyze our economic competitiveness in the context of a national and global economy, provide comparisons of the effective state and local tax rate of the tax structure during the 2017-2019 fiscal biennium and various alternatives under consideration, as they compare to other states and the federal government, as well as consider implications of recent changes to federal tax law;

(E) To the degree it is practicable, conduct tax incidence analysis of the various alternatives under consideration to account for the impacts of tax shifting, such as business taxes passed along to consumers and property taxes passed along to renters;

(F) To the degree it is practicable, present findings and alternatives by geographic area, in addition to statewide; and

(G) Conduct other analysis as directed by the work group.

(3) \$63,000 of the general fund—state appropriation for fiscal year 2020 and \$7,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the implementation of Engrossed Second Substitute Senate Bill No. 5497 (immigrants in the workplace). ~~((If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.))~~

(4) Within existing resources, the department must compile a report on the annual amount of state retail sales tax collected under chapter 82.08 RCW on sales occurring at area fairs and county fairs as described in RCW 15.76.120. The report must be submitted to the appropriate committees of the legislature by December 1, 2019.

**Sec. 136.** 2019 c 415 s 138 (uncodified) is amended to read as follows:

#### **FOR THE BOARD OF TAX APPEALS**

General Fund—State Appropriation (FY 2020)	
.....	(((\$2,382,000))
	<u>\$2,544,000</u>
General Fund—State Appropriation (FY 2021)	
.....	(((\$2,421,000))
	<u>\$2,604,000</u>
Pension Funding Stabilization Account—State Appropriation.....	\$162,000
TOTAL APPROPRIATION .....	<u>\$4,965,000</u>
	<u>\$5,310,000</u>

The appropriations in this section are subject to the following conditions and limitations: \$30,000 of the general fund—state appropriation for fiscal year 2020 and \$9,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the board to continue maintaining its legacy case management software and conduct a feasibility study to determine how best to update or replace the case management software.

**Sec. 137.** 2019 c 415 s 139 (uncodified) is amended to read as follows:

**FOR THE OFFICE OF MINORITY AND WOMEN'S BUSINESS ENTERPRISES**

General Fund—State Appropriation (FY 2020)	
.....	\$109,000
General Fund—State Appropriation (FY 2021)	
.....	(((\$101,000))
	<u>\$1,894,000</u>
Minority and Women's Business Enterprises Account—State Appropriation.....	(((\$5,347,000))
	<u>\$5,353,000</u>
TOTAL APPROPRIATION .....	<u>\$5,557,000</u>
	<u>\$7,356,000</u>

The appropriations in this section are subject to the following conditions and limitations: \$75,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the office of minority and women's business enterprises to enter into an interagency agreement with the Washington state department of transportation for the department to write a surety bonding program report. This report is due to the governor by December 1, 2020.

**Sec. 138.** 2019 c 415 s 140 (uncodified) is amended to read as follows:

**FOR THE INSURANCE COMMISSIONER**

General Fund—Federal Appropriation.....	\$4,661,000
Insurance Commissioner's Regulatory Account—State Appropriation .....	(((\$69,673,000))
	<u>\$69,766,000</u>

TOTAL APPROPRIATION.....	\$74,334,000
	<u>\$74,427,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$536,000 of the insurance commissioners regulatory account—state appropriation is provided solely to implement Engrossed Substitute Senate Bill No. 5526 (individual health insurance market). ~~((If the bill is not enacted by June 30, 2019, the amount provided in this subsection shall lapse.))~~

(2) \$45,000 of the insurance commissioners regulatory account—state appropriation is provided solely to implement Engrossed Substitute House Bill No. 1879 (Rx drug utilization management). ~~((If the bill is not enacted by June 30, 2019, the amount provided in this subsection shall lapse.))~~

(3) \$397,000 of the insurance commissioners regulatory account—state appropriation is provided solely to implement Substitute House Bill No. 1075 (consumer competitive group insurance). ~~((If the bill is not enacted by June 30, 2019, the amount provided in this subsection shall lapse.))~~

(4) \$1,015,000 of the insurance commissioners regulatory account—state appropriation is provided solely to implement Second Substitute House Bill No. 1065 (out-of-network health). ~~((If the bill is not enacted by June 30, 2019, the amount provided in this subsection shall lapse.))~~

(5) \$60,000 of the insurance commissioners regulatory account—state appropriation is provided solely for implementation of chapter 16, Laws of 2019 (HB 1001) (service contract providers).

(6) \$84,000 of the insurance commissioners regulatory account—state appropriation is provided solely for implementation of chapter 56, Laws of 2019 (SSB 5889) (insurance communications confidentiality).

(7) \$125,000 of the insurance commissioners regulatory account—state appropriation is provided solely for implementation of Second Substitute Senate Bill No. 5602 (reproductive health care). ~~((If the bill is not enacted by June 30, 2019, the amount provided in this subsection shall lapse.))~~

(8) \$125,000 of the insurance commissioner's regulatory account—state appropriation is provided solely for staffing and supporting the work of the natural disaster and resiliency workgroup for Substitute Senate Bill No. 5106 (natural disaster mitigation). ~~((If the bill is not enacted by June 30, 2019, the amount provided in this subsection shall lapse.))~~

(9) Within the amounts appropriated in this section, the commissioner shall review how pharmacy benefit managers are regulated in other states and report the findings to the governor and appropriate committees of the legislature by September 15, 2019.

**Sec. 139.** 2019 c 415 s 142 (uncodified) is amended to read as follows:

**FOR THE STATE INVESTMENT BOARD**

State Investment Board Expense Account—State

Appropriation .....((~~\$60,028,000~~))\$60,103,000TOTAL APPROPRIATION .....~~\$60,028,000~~\$60,103,000

**Sec. 140.** 2019 c 415 s 143 (uncodified) is amended to read as follows:

**FOR THE LIQUOR AND CANNABIS BOARD**

General Fund—State Appropriation (FY 2020)

.....((~~\$356,000~~))\$493,000

General Fund—State Appropriation (FY 2021)

.....((~~\$392,000~~))\$475,000General Fund—Federal Appropriation.((~~\$3,034,000~~))\$3,035,000

General Fund—Private/Local Appropriation . \$75,000

Dedicated Marijuana Account—State Appropriation

(FY 2020).....((~~\$11,662,000~~))\$11,653,000

Dedicated Marijuana Account—State Appropriation

(FY 2021).....((~~\$11,625,000~~))\$11,962,000

Pension Funding Stabilization Account—State

Appropriation ..... \$80,000

Liquor Revolving Account—State Appropriation

.....((~~\$74,514,000~~))\$74,632,000TOTAL APPROPRIATION .....~~\$101,738,000~~\$102,405,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The liquor and cannabis board may require electronic payment of the marijuana excise tax levied by RCW 69.50.535. The liquor and cannabis board may allow a waiver to the electronic payment requirement for good cause as provided by rule.

(2) The traceability system is subject to the conditions, limitations, and review provided in ((section 719 of this act)) section 701 of this act.

(3) \$70,000 of the liquor revolving account—state appropriation is provided solely to implement chapter 61, Laws of 2019 (SHB 1034) (restaurant/soju endorsement).

(4) \$23,000 of the dedicated marijuana account—state appropriation for fiscal year 2020 and \$23,000 of the dedicated marijuana account—state appropriation for fiscal year 2021 are provided solely to implement Engrossed Substitute House Bill No. 1794 (marijuana business agreements). ((If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.))

(5) \$722,000 of the dedicated marijuana account—state appropriation for fiscal year 2020 and \$591,000 of the dedicated marijuana account—state appropriation for fiscal year 2021 are provided solely for the implementation of Engrossed Substitute Senate Bill No. 5318 (marijuana license compliance). ((If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.))

(6) \$350,000 of the dedicated marijuana account—state appropriation for fiscal year 2020 and \$350,000 of the dedicated marijuana account—state appropriation for fiscal year 2021 are provided solely for the board to hire additional staff for cannabis enforcement and licensing activities.

(7) \$100,000 of the dedicated marijuana account—state appropriation for fiscal year 2020 is provided solely for the board to convene a work group to determine the feasibility of and make recommendations for varying the marijuana excise tax rate based on product potency. The work group must submit a report of its findings to the appropriate committees of the legislature by December 1, 2019.

(8) \$294,000 of the dedicated marijuana account—state appropriation for fiscal year 2021 is provided solely for the liquor and cannabis board to enter into an interagency agreement with the department of commerce to establish the technical assistance competitive grant program.

**Sec. 141.** 2019 c 415 s 144 (uncodified) is amended to read as follows:

**FOR THE UTILITIES AND TRANSPORTATION COMMISSION**

General Fund—State Appropriation (FY 2020)

.....\$173,000

General Fund—State Appropriation (FY 2021)

.....\$123,000

General Fund—Private/Local Appropriation

.....((~~\$16,725,000~~))\$16,644,000

Public Service Revolving Account—State Appropriation .....((~~\$41,545,000~~))

\$41,486,000

Public Service Revolving Account—Federal Appropriation .....\$230,000

Pipeline Safety Account—State Appropriation

.....((~~\$3,506,000~~))\$2,556,000

Pipeline Safety Account—Federal Appropriation

.....((~~\$3,202,000~~))

\$4,162,000

TOTAL APPROPRIATION ..... \$65,274,000

\$65,374,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Up to \$800,000 of the public service revolving account—state appropriation in this section is for the utilities and transportation commission to supplement funds committed by a telecommunications company to expand rural broadband service on behalf of an eligible governmental entity. The amount in this subsection represents payments collected by the utilities and transportation commission pursuant to the Qwest performance assurance plan.

(2) \$330,000 of the public service revolving account—state appropriation is provided solely for implementation of Engrossed Third Substitute House Bill No. 1257 (energy efficiency). ~~((If the bill is not enacted by June 30, 2019, the amount provided in this subsection shall lapse.~~

~~(4))~~ (3) \$95,000 of the public service revolving account—state appropriation is provided solely for implementation of Substitute House Bill No. 1512 (transportation electrification). ~~((If the bill is not enacted by June 30, 2019, the amount provided in this subsection shall lapse.~~

~~(6))~~ (4) \$50,000 of the general fund—state appropriation for fiscal year 2020 is provided solely for the commission to convene a work group on preventing underground utility damage. The work group is subject to the following requirements:

(a) The utilities and transportation commission shall contract with an independent facilitator for the work group to facilitate and moderate meetings, provide objective facilitation and negotiation between work group members, ensure participants receive information and guidance so that they respond in a timely manner, and synthesize agreements and points under negotiation.

(b) The work group shall discuss topics such as, but not limited to: How facility operators and excavators schedule meeting times and places; new requirements for marking locatable underground facilities; a definition of "noninvasive methods"; the procedures that must take place when an excavator discovers (and may or may not damage) an underground facility; positive response procedures; utility identification procedures for newly constructed and replacement underground facilities; the membership composition of the dig law safety committee; liability for damage occurring from an excavation when either the excavator or the facility operator fails to comply with the statutory requirements relating to notice requirements or utility marking requirements; and ensuring consistency with the pipeline and hazardous materials safety administration towards a uniform national standard.

(c) The work group shall include, but is not limited to, members representing cities, counties, public and private utility companies, construction and excavator communities,

water-sewer districts, and other government entities with underground facilities.

(d) The work group shall meet a minimum of four times and produce a report with recommendations to the governor and legislature by December 1, 2019.

~~((7))~~ (5) \$123,000 of the general fund—state appropriation for fiscal year 2020, \$123,000 of the general fund—state appropriation for fiscal year 2021, and \$814,000 of the public services revolving account—state appropriation are provided solely for the implementation of Engrossed Second Substitute Senate Bill No. 5116 (clean energy). ~~((If the bill is not enacted by June 30, 2019, the amount provided in this subsection shall lapse.~~

~~(8))~~ (6) \$14,000 of the public service revolving account—state appropriation is provided solely for the implementation of Engrossed Second Substitute House Bill No. 1112 (hydrofluorocarbons emissions). ~~((If the bill is not enacted by June 30, 2019, the amount provided in this subsection shall lapse.~~

~~(9))~~ (7) The appropriations in this section include sufficient funding for the implementation of Second Substitute Senate Bill No. 5511 (broadband service).

**Sec. 142.** 2019 c 415 s 145 (uncodified) is amended to read as follows:

#### FOR THE MILITARY DEPARTMENT

General Fund—State Appropriation (FY 2020)	..... <del>(( \$9,900,000 ))</del>
	<u>\$9,906,000</u>
General Fund—State Appropriation (FY 2021)	..... <del>(( \$10,269,000 ))</del>
	<u>\$10,458,000</u>
General Fund—Federal Appropriation	..... <del>(( \$118,165,000 ))</del>
	<u>\$119,230,000</u>
Enhanced 911 Account—State Appropriation	..... <del>(( \$43,745,000 ))</del>
	<u>\$43,747,000</u>
Disaster Response Account—State Appropriation	..... <del>(( \$28,774,000 ))</del>
	<u>\$49,322,000</u>
Disaster Response Account—Federal Appropriation	..... <del>(( \$97,048,000 ))</del>
	<u>\$140,851,000</u>
Military Department Rent and Lease Account—State Appropriation.....	<del>(( \$615,000 ))</del>
	<u>\$1,066,000</u>
Military Department Active State Service Account—State Appropriation.....	\$400,000

Oil Spill Prevention Account—State Appropriation .....	\$1,040,000
Worker and Community Right to Know Fund—State Appropriation .....	<del>(\$1,848,000)</del>
	<u>\$1,849,000</u>
Pension Funding Stabilization Account—State Appropriation .....	\$1,244,000
TOTAL APPROPRIATION .....	<del>\$313,048,000</del>
	<u>\$379,113,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) The military department shall submit a report to the office of financial management and the legislative fiscal committees ~~((on))~~ by February 1st and October 31st of each year detailing information on the disaster response account, including: (a) The amount and type of deposits into the account; (b) the current available fund balance as of the reporting date; and (c) the projected fund balance at the end of the 2019-2021 biennium based on current revenue and expenditure patterns.

(2) \$40,000,000 of the general fund—federal appropriation is provided solely for homeland security, subject to the following conditions: Any communications equipment purchased by local jurisdictions or state agencies shall be consistent with standards set by the Washington state interoperability executive committee.

(3) \$625,000 of the general fund—state appropriation for fiscal year 2020 and \$625,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the conditional scholarship program pursuant to chapter 28B.103 RCW.

(4) \$11,000,000 of the enhanced 911 account—state appropriation is provided solely for financial assistance to counties.

(5) \$784,000 of the disaster response account—state appropriation is provided solely for fire suppression training, equipment, and supporting costs to national guard soldiers and airmen.

(6) \$100,000 of the enhanced 911 account—state appropriation is provided solely for the department, in collaboration with a representative group of counties, public service answering points, and first responder organizations, to submit a report on the 911 system to the appropriate legislative committees by October 1, 2020. The report must include:

(a) The actual cost per fiscal year for the state, including all political subdivisions, to operate and maintain the 911 system including, but not limited to, the ESInet, call handling equipment, personnel costs, facility costs, contractual costs, administrative costs, and legal fees.

(b) The difference between the actual state and local costs and current state and local 911 funding.

(c) Potential cost-savings and efficiencies through the consolidation of equipment, regionalization of services or merging of facilities, positive and negative impacts on the public, legal or contractual restrictions, and appropriate actions to alleviate these constraints.

(7) \$118,000 of the general fund—state appropriation for fiscal year 2020 and \$118,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the implementation of Substitute Senate Bill No. 5012 (governmental continuity). ~~((If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.))~~

(8) \$464,000 of the general fund—state appropriation for fiscal year 2020 and ~~(\$464,000)~~ \$542,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the department to procure and install sixteen all-hazard alert broadcast sirens to increase inundation zone coverage to alert individuals of an impending tsunami or other disaster.

(9) \$500,000 of the general fund—state appropriation for fiscal year 2020 and \$500,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the department to procure and install seismic monitoring stations and global navigation satellite systems that integrate with the early warning system known as ShakeAlert.

(10) \$120,000 of the general fund—state appropriation for fiscal year 2020 and \$120,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the department to support an education and public outreach program in advance of the new early earthquake warning system known as ShakeAlert.

(11) \$80,000 of the general fund—state appropriation for fiscal year 2020 and \$23,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementing Substitute Senate Bill No. 5106 (natural disaster mitigation). ~~((If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.))~~

(12) \$451,000 of the military department rental and lease account—state appropriation is provided for maintenance and operation, including equipment replacement, of the communications infrastructure on Camp Murray.

**Sec. 143.** 2019 c 415 s 146 (uncodified) is amended to read as follows:

#### **FOR THE PUBLIC EMPLOYMENT RELATIONS COMMISSION**

General Fund—State Appropriation (FY 2020) .....	<del>(\$2,238,000)</del>
	<u>\$2,236,000</u>
General Fund—State Appropriation (FY 2021) .....	<del>(\$2,283,000)</del>
	<u>\$2,294,000</u>
Personnel Service Account—State Appropriation .....	<del>(\$4,282,000)</del>

	<u>\$4,289,000</u>
Higher Education Personnel Services Account—State	
Appropriation .....	<del>(\$1,410,000)</del>
	<u>\$1,413,000</u>
Pension Funding Stabilization Account—State	
Appropriation.....	\$228,000
TOTAL APPROPRIATION .....	<u>\$10,441,000</u>
	<u>\$10,460,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$122,000 of the general fund—state appropriation for fiscal year 2020 and \$112,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the administrative costs associated with implementation of Substitute House Bill No. 1575 (collective bargaining/dues). ~~((If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.))~~

(2) The appropriations in this section include sufficient funding for the implementation of Senate Bill No. 5022 (granting interest arbitration to certain higher education uniformed personnel).

**Sec. 144.** 2019 c 415 s 147 (uncodified) is amended to read as follows:

#### **FOR THE BOARD FOR VOLUNTEER FIREFIGHTERS**

Volunteer Firefighters' and Reserve Officers'	
Administrative Account—State Appropriation	
.....	<del>(\$1,020,000)</del>
	<u>\$1,021,000</u>
TOTAL APPROPRIATION .....	<u>\$1,020,000</u>
	<u>\$1,021,000</u>

**Sec. 145.** 2019 c 415 s 148 (uncodified) is amended to read as follows:

#### **FOR THE BOARD OF ACCOUNTANCY**

Certified Public Accountants' Account—State	
Appropriation .....	<del>(\$3,631,000)</del>
	<u>\$3,838,000</u>
TOTAL APPROPRIATION .....	<u>\$3,631,000</u>
	<u>\$3,838,000</u>

**Sec. 146.** 2019 c 415 s 149 (uncodified) is amended to read as follows:

#### **FOR THE FORENSIC INVESTIGATION COUNCIL**

Death Investigations Account—State Appropriation	
.....	<del>(\$692,000)</del>
	<u>\$750,000</u>

TOTAL APPROPRIATION.....	<u>\$692,000</u>
	<u>\$750,000</u>

The appropriation in this section is subject to the following conditions and limitations:

(1) \$250,000 of the death investigations account—state appropriation is provided solely for providing financial assistance to local jurisdictions in multiple death investigations. The forensic investigation council shall develop criteria for awarding these funds for multiple death investigations involving an unanticipated, extraordinary, and catastrophic event or those involving multiple jurisdictions.

(2) \$210,000 of the death investigations account—state appropriation is provided solely for providing financial assistance to local jurisdictions in identifying human remains.

**Sec. 147.** 2019 c 415 s 150 (uncodified) is amended to read as follows:

#### **FOR THE DEPARTMENT OF ENTERPRISE SERVICES**

General Fund—State Appropriation (FY 2020)	
.....	\$4,732,000
General Fund—State Appropriation (FY 2021)	
.....	<del>(\$4,795,000)</del>
	<u>\$9,110,000</u>
General Fund—Private/Local Appropriation	\$102,000
Building Code Council Account—State Appropriation	
.....	<del>(\$1,519,000)</del>
	<u>\$1,966,000</u>
TOTAL APPROPRIATION.....	<u>\$11,148,000</u>
	<u>\$15,910,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$4,371,000 of the general fund—state appropriation for fiscal year 2020 and \$4,371,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the payment of facilities and services charges to include campus rent, utilities, parking, and contracts, public and historic facilities charges, and capital projects surcharges allocable to the senate, house of representatives, statute law committee, legislative support services, and joint legislative systems committee. The department shall allocate charges attributable to these agencies among the affected revolving funds. The department shall maintain an interagency agreement with these agencies to establish performance standards, prioritization of preservation and capital improvement projects, and quality assurance provisions for the delivery of services under this subsection. The legislative agencies named in this subsection shall continue to enjoy all of the same rights of occupancy and space use on the capitol campus as historically established.

(2) In accordance with RCW 46.08.172 and 43.135.055, the department is authorized to increase parking fees in fiscal years 2020 and 2021 as necessary to meet the actual costs of conducting business.

(3) Before any agency may purchase a passenger motor vehicle as defined in RCW 43.19.560, the agency must have written approval from the director of the department of enterprise services. Agencies that are exempted from the requirement are the Washington state patrol, Washington state department of transportation, and the department of natural resources.

(4) From the fee charged to master contract vendors, the department shall transfer to the office of minority and women's business enterprises in equal monthly installments \$1,500,000 in fiscal year 2020 and \$1,300,000 in fiscal year 2021.

(5) \$100,000 of the general fund—state appropriation in fiscal year 2020 and \$100,000 of the general fund—state appropriation in fiscal year 2021 is provided solely for the agency to procure cyber incident insurance on behalf of forty-three small to medium sized agencies that are currently without this coverage.

(6)(a) During the 2019-2021 fiscal biennium, the department must revise its master contracts with vendors, including cooperative purchasing agreements under RCW 39.26.060, to include a provision to require that each vendor agrees to equality among its workers by ensuring similarly employed individuals are compensated as equals as follows:

(i) Employees are similarly employed if the individuals work for the same employer, the performance of the job requires comparable skill, effort, and responsibility, and the jobs are performed under similar working conditions. Job titles alone are not determinative of whether employees are similarly employed;

(ii) Vendors may allow differentials in compensation for its workers based in good faith on any of the following:

(A) A seniority system; a merit system; a system that measures earnings by quantity or quality of production; a bona fide job-related factor or factors; or a bona fide regional difference in compensation levels.

(B) A bona fide job-related factor or factors may include, but not be limited to, education, training, or experience, that is: Consistent with business necessity; not based on or derived from a gender-based differential; and accounts for the entire differential.

(C) A bona fide regional difference in compensation level must be: Consistent with business necessity; not based on or derived from a gender-based differential; and account for the entire differential.

(b) The provision must allow for the termination of the contract if the public entity using the contract or agreement of the department of enterprise services determines that the vendor is not in compliance with this agreement or contract term.

(c) The department must implement this provision with any new contract and at the time of renewal of any existing contract.

(d) Any cost for the implementation of this section must be recouped from the fees charged to master contract vendors.

(7) \$10,000 of the general fund—state appropriation for fiscal year 2020 is provided solely for the department to query and inventory all state agency use and amounts of glyphosate. Within amounts provided, the department must offer to pay to state agencies the difference in costs for using alternatives for vegetation control. A report to the appropriate committees of the legislature on the findings of the query and inventory must be made by December 31, 2019.

(8)(a) \$5,000 of the general fund—state appropriation for fiscal year 2020 is provided solely for a legislative work group to study and make recommendations on a monument on the capital campus to honor residents who died in the global war in terror. The department of enterprise services must staff the work group, which shall be composed of:

(i) One member from each of the four major caucuses of the legislature;

(ii) The director of the department of veterans affairs or his or her designee;

(iii) The director of the Washington state parks and recreation commission or his or her designee;

(iv) The director of the department of enterprise services or his or her designee;

(v) The director of the Washington state military department or his or her designee;

(vi) The secretary of state or his or her designee;

(vii) The state archivist or his or her designee;

(viii) A representative of the capitol campus design advisory committee that is not the secretary of state or a legislative member already designated to be part of the work group; and

(ix) Two representatives from veterans organizations appointed by the governor.

(b) The work group shall choose two cochairmen from among its legislative membership. The legislative membership shall convene the initial meeting of the work group before November 1, 2019.

(c) The work group shall:

(i) Conduct a study of the feasibility of establishing a new memorial on the capitol campus to honor fallen service members from the global war on terrorism;

(ii) Provide the names of the recommended individuals to be honored at the memorial;

(iii) Recommend locations where the memorial could be constructed on the capitol campus and provide any permit

requirements or other restrictions that may exist for each location;

(iv) Provide potential draft designs that could be used for the memorial;

(v) Provide information regarding the anticipated funding needed for:

(A) The design, construction, and placement of the memorial;

(B) Any permits that may be required;

(C) Anticipated ongoing maintenance cost for the memorial based on potential materials used and historical maintenance of other memorials on campus; and

(D) An unveiling ceremony or other expenses that may be necessary for the memorial;

(vi) Make recommendations regarding the funding sources that may be available, which may include solicitation of private funds or a method for obtaining the necessary funds; and

(vii) Make recommendations regarding an agency, committee, or commission to coordinate the design, construction, and placement of a memorial on the capitol campus.

(d) Legislative members of the work group shall be reimbursed for travel expenses in accordance with RCW 44.04.120. Nonlegislative members shall be reimbursed for travel expenses in accordance with chapter 43.03 RCW.

(e) The work group shall submit a report of its recommendations to the appropriate committees of the legislature in accordance with RCW 43.01.036 by ~~((November 1, 2020))~~ June 30, 2021.

(9) ~~((The department may expend private local funds for new signage designating the Joan Benoit Samuelson marathon park if the private local funds are received for that specific purpose.~~

~~((40))~~(a) Within existing resources, beginning October 31, 2019, the department, in collaboration with consolidated technology services, must provide a report to the governor and fiscal committees of the legislature by October 31st of each calendar year that reflects information technology contract information based on a contract snapshot from June 30 of that calendar year. The department will coordinate to receive contract information for all contracts to include those where the department has delegated authority so that the report includes statewide contract information. The report must contain a list of all information technology contracts to include the agency name, contract number, vendor name, the contract term start and end dates, the contract dollar amount in total, contract dollar amount by state fiscal year, and type of service delivered. The list of contracts must be provided electronically in excel and sortable by all fields.

(b) In determining the type of service delivered, groupings must include agreed upon items by the department, the office of the chief information officer, senate fiscal staff, and house fiscal staff. This grouping criteria must be agreed upon by August 31, 2019.

~~((44))~~ (10) The department must use any new resources provided for civic education solely for the free-to-schools civic education program.

(11) Within existing resources, the department must study the increase in tort claims filed in general and with a specific focus on the increase in tort claims filed and payouts made against the department of children, youth, and families. The study must include an assessment of the source of the payouts, such as jury awards, court judgments, mediation, and arbitration awards. The department should determine the root cause for these increases and develop recommendations on how to reduce the number of tort claims filed and payouts made. The department must coordinate its work with the department of children, youth, and families and the office of the attorney general. A report must be provided to the office of financial management and the appropriate committees of the legislature by November 1, 2020.

**Sec. 148.** 2019 c 415 s 151 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF ARCHAEOLOGY AND HISTORIC PRESERVATION**

General Fund—State Appropriation (FY 2020)  
..... ~~(((\$1,926,000))~~

\$2,133,000

General Fund—State Appropriation (FY 2021)  
..... ~~(((\$1,979,000))~~

\$2,387,000

General Fund—Federal Appropriation ~~(((\$2,150,000))~~

\$2,300,000

General Fund—Private/Local Appropriation..\$14,000

Pension Funding Stabilization Account—State

Appropriation.....\$136,000

TOTAL APPROPRIATION.....\$6,205,000

\$6,970,000

The appropriations in this section are subject to the following conditions and limitations: \$103,000 of the general fund—state appropriation for fiscal year 2020 and \$103,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for archaeological determinations and excavations of inadvertently discovered skeletal human remains, and removal and reinterment of such remains when necessary.

**Sec. 149.** 2019 c 415 s 152 (uncodified) is amended to read as follows:

**FOR THE CONSOLIDATED TECHNOLOGY SERVICES AGENCY**

General Fund—State Appropriation (FY 2020)  
.....\$188,000

General Fund—State Appropriation (FY 2021)  
.....\$188,000



Consolidated Technology Services Revolving  
Account—

State Appropriation .....((~~\$25,048,000~~))  
\$29,863,000

((~~Consolidated Technology Services Revolving~~

~~Nonappropriated Account State Appropriation~~  
.....~~\$244,176,000~~))

TOTAL APPROPRIATION .....~~\$269,600,000~~  
\$30,239,000

The appropriations in this section are subject to the following conditions and limitations:

(1) ((~~\$12,297,000~~)) \$12,550,000 of the consolidated technology services revolving account—state appropriation is provided solely for the office of the chief information officer. Of this amount:

(a) \$2,000,000 of the consolidated technology services revolving account—state appropriation is provided solely for experienced information technology project managers to provide critical support to agency IT projects that are subject to the provisions of ((~~section 719 of this act~~)) section 701 of this act. The staff will:

(i) Provide master level project management guidance to agency IT stakeholders;

(ii) Consider statewide best practices from the public and private sectors, independent review and analysis, vendor management, budget and timing quality assurance and other support of current or past IT projects in at least Washington state and share these with agency IT stakeholders; and

(iii) Beginning December 31, 2019, provide independent recommendations to legislative fiscal committees by December of each calendar year on oversight of IT projects.

(b)(i) \$250,000 of the consolidated technology services revolving account—state appropriation is provided solely to ensure that the state has a more nimble, extensible information technology dashboard. Dashboard elements must include at the minimum:

(A) Start date of the project;

(B) End date of the project when the project will close out and implementation will occur;

(C) Term of the project in fiscal years across all biennia to reflect the start of the project through the end of the project;

(D) Total project cost from start date through end date in total dollars, and a subtotal of near general fund outlook;

(E) Estimated annual fiscal year cost for maintenance and operations after implementation and close out;

(F) Actual spend by fiscal year and in total for fiscal years that are closed; and

(G) Date a feasibility study was completed.

(ii) The office of the chief information officer may recommend additional elements be included but must have agreement with legislative fiscal committees and the office of financial management prior to including the additional elements.

(2) ((~~\$12,751,000~~)) \$13,008,000 of the consolidated technology services revolving account—state appropriation is provided solely for the office of cyber security. Of this amount:

(a) \$800,000 of the consolidated technology services revolving account—state appropriation is provided solely for the computer emergency readiness to review security designs of computer systems and to complete security evaluations of state agency systems and applications to identify vulnerabilities and opportunities for system hardening.

(b) \$768,000 of the consolidated technology services revolving account—state appropriation is provided solely for the office of cyber security to decrypt network traffic to identify and evaluate network traffic for malicious activity and threats, and is subject to the conditions, limitations, and review provided in ((~~section 719 of this act~~)) section 701 of this act.

(c) \$608,000 of the consolidated technology services revolving account—state appropriation is provided solely for the office of cyber security to complete cyber security designs for new platforms, databases, and applications.

(3) The consolidated technology services agency shall work with customer agencies using the Washington state electronic records vault (WASERV) to identify opportunities to:

(a) Reduce storage volumes and costs associated with vault records stored beyond the agencies' record retention schedules; and

(b) Assess a customized service charge as defined in chapter 304, Laws of 2017 for costs of using WASERV to prepare data compilations in response to public records requests.

(4)(a) In conjunction with the office of the chief information officer's prioritization of proposed information technology expenditures, agency budget requests for proposed information technology expenditures must include the following:

(i) The agency's priority ranking of each information technology request;

(ii) The estimated cost by fiscal year and by fund for the current biennium;

(iii) The estimated cost by fiscal year and by fund for the ensuing biennium;

(iv) The estimated total cost for the current and ensuing biennium;

(v) The total cost by fiscal year, by fund, and in total, of the information technology project since it began;

(vi) The estimated cost by fiscal year and by fund over all biennia through implementation and close out and into maintenance and operations;

(vii) The estimated cost by fiscal year and by fund for service level agreements once the project is implemented;

(viii) The estimated cost by fiscal year and by fund for agency staffing for maintenance and operations once the project is implemented; and

(ix) The expected fiscal year when the agency expects to complete the request.

(b) The office of the chief information officer and the office of financial management may request agencies to include additional information on proposed information technology expenditure requests.

(5) The consolidated technology services agency must not increase fees charged for existing services without prior approval by the office of financial management. The agency may develop fees to recover the actual cost of new infrastructure to support increased use of cloud technologies.

(6) Within existing resources, the agency must provide oversight of state procurement and contracting for information technology goods and services by the department of enterprise services.

(7) Within existing resources, the agency must host, administer, and support the state employee directory in an online format to provide public employee contact information.

(8) ~~(((\$1,524,000 of the consolidated technology services revolving account—non appropriated is provided solely to the))~~ The logging and monitoring project ~~((and))~~ is subject to the conditions, limitations, and review provided in ~~((section 719 of this act))~~ section 701 of this act.

(9) \$750,000 of the ~~((general fund—state appropriation for fiscal year 2020))~~ consolidated technology services revolving account—state appropriation is provided for the office to conduct a statewide cloud computing readiness assessment to prepare for the migration of core services to cloud services, including ways it can leverage cloud computing to reduce costs. The assessment must:

(a) Inventory state agency assets, associated service contracts, and other relevant information;

(b) Identify impacts to state agency staffing resulting from the migration to cloud computing including:

(i) Skill gaps between current on-premises computing practices and how cloud services are procured, secured, administered, maintained, and developed; and

(ii) Necessary retraining and ongoing training and development to ensure state agency staff maintain the skills necessary to effectively maintain information security and understand changes to enterprise architectures;

(c) Identify additional resources needed by the agency to enable sufficient cloud migration support to state agencies; and

(d) Be submitted as a report, by June 30, 2020, to the governor and the appropriate committees of the legislature that summarizes statewide cloud migration readiness and makes recommendations for migration goals.

(10) The health care authority, the health benefit exchange, the department of social and health services, the department of health, and the department of children, youth, and families shall work together within existing resources to establish the health and human services enterprise coalition (the coalition). The coalition, led by the health care authority, must be a multi-organization collaborative that provides strategic direction and federal funding guidance for projects that have cross-organizational or enterprise impact, including information technology projects that affect organizations within the coalition. By October 31, 2019, the coalition must submit a report to the governor and the legislature that describes the coalition's plan for projects affecting the coalition organizations. The report must include any information technology projects impacting coalition organizations and, in collaboration with the office of the chief information officer, provide: (a) The status of any information technology projects currently being developed or implemented that affect the coalition; (b) funding needs of these current and future information technology projects; and (c) next steps for the coalition's information technology projects. The office of the chief information officer shall maintain a statewide perspective when collaborating with the coalition to ensure that the development of projects identified in this report are planned for in a manner that ensures the efficient use of state resources and maximizes federal financial participation. The work of the coalition is subject to the conditions, limitations, and review provided in ~~((section 719 of this act))~~ section 701 of this act.

(11) \$4,303,000 of the consolidated technology services revolving account—state appropriation is provided solely for the creation and ongoing delivery of information technology services tailored to the needs of small agencies. The scope of services must include, at a minimum, full-service desktop support, service assistance, security, and consultation.

**Sec. 150.** 2019 c 415 s 153 (uncodified) is amended to read as follows:

**FOR THE BOARD OF REGISTRATION OF PROFESSIONAL ENGINEERS AND LAND SURVEYORS**

Professional Engineers' Account—State Appropriation .....	(\$4,863,000))
	<u>\$5,822,000</u>
TOTAL APPROPRIATION .....	<u>\$4,863,000</u>
	<u>\$5,822,000</u>

The appropriation in this section is subject to the following conditions and limitations: \$4,172,000 of the professional engineers' account—state appropriation is provided solely for implementation of House Bill No. 1176 (businesses and professions). ~~((If the bill is not enacted by~~

~~June 30, 2019, the amounts provided in this subsection shall lapse.))~~

## **PART II**

### **HUMAN SERVICES**

**Sec. 201.** 2019 c 415 s 201 (uncodified) is amended to read as follows:

#### **FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

(1) The appropriations to the department of social and health services in this act shall be expended for the programs and in the amounts specified in this act. Appropriations made in this act to the department of social and health services shall initially be allotted as required by this act. Subsequent allotment modifications shall not include transfers of moneys between sections of this act except as expressly provided in this act, nor shall allotment modifications permit moneys that are provided solely for a specified purpose to be used for other than that purpose.

(2) The department of social and health services shall not initiate any services that require expenditure of state general fund moneys unless expressly authorized in this act or other law. The department may seek, receive, and spend, under RCW 43.79.260 through 43.79.282, federal moneys not anticipated in this act as long as the federal funding does not require expenditure of state moneys for the program in excess of amounts anticipated in this act. If the department receives unanticipated unrestricted federal moneys, those moneys shall be spent for services authorized in this act or in any other legislation providing appropriation authority, and an equal amount of appropriated state general fund moneys shall lapse. Upon the lapsing of any moneys under this subsection, the office of financial management shall notify the legislative fiscal committees. As used in this subsection, "unrestricted federal moneys" includes block grants and other funds that federal law does not require to be spent on specifically defined projects or matched on a formula basis by state funds.

(3) The legislature finds that medicaid payment rates, as calculated by the department pursuant to the appropriations in this act, bear a reasonable relationship to the costs incurred by efficiently and economically operated facilities for providing quality services and will be sufficient to enlist enough providers so that care and services are available to the extent that such care and services are available to the general population in the geographic area. The legislature finds that cost reports, payment data from the federal government, historical utilization, economic data, and clinical input constitute reliable data upon which to determine the payment rates.

(4) The department shall to the maximum extent practicable use the same system for delivery of spoken-language interpreter services for social services appointments as the one established for medical appointments in the health care authority. When contracting directly with an individual to deliver spoken language interpreter services, the department shall only contract with language access providers who are working at a location in

the state and who are state-certified or state-authorized, except that when such a provider is not available, the department may use a language access provider who meets other certifications or standards deemed to meet state standards, including interpreters in other states.

(5) Information technology projects or investments and proposed projects or investments impacting time capture, payroll and payment processes and systems, eligibility, case management, and authorization systems within the department of social and health services are subject to technical oversight by the office of the chief information officer.

(6)(a) The department shall facilitate enrollment under the medicaid expansion for clients applying for or receiving state funded services from the department and its contractors. Prior to open enrollment, the department shall coordinate with the health care authority to provide referrals to the Washington health benefit exchange for clients that will be ineligible for medicaid.

(b) To facilitate a single point of entry across public and medical assistance programs, and to maximize the use of federal funding, the health care authority, the department of social and health services, and the health benefit exchange will coordinate efforts to expand HealthPlanfinder access to public assistance and medical eligibility staff. The department shall complete medicaid applications in the HealthPlanfinder for households receiving or applying for public assistance benefits.

(7) The health care authority, the health benefit exchange, the department of social and health services, the department of health, and the department of children, youth, and families shall work together within existing resources to establish the health and human services enterprise coalition (the coalition). The coalition, led by the health care authority, must be a multi-organization collaborative that provides strategic direction and federal funding guidance for projects that have cross-organizational or enterprise impact, including information technology projects that affect organizations within the coalition. By October 31, 2019, the coalition must submit a report to the governor and the legislature that describes the coalition's plan for projects affecting the coalition organizations. The report must include any information technology projects impacting coalition organizations and, in collaboration with the office of the chief information officer, provide: (a) The status of any information technology projects currently being developed or implemented that affect the coalition; (b) funding needs of these current and future information technology projects; and (c) next steps for the coalition's information technology projects. The office of the chief information officer shall maintain a statewide perspective when collaborating with the coalition to ensure that the development of projects identified in this report are planned for in a manner that ensures the efficient use of state resources and maximizes federal financial participation. The work of the coalition is subject to the conditions, limitations, and review provided in ~~((section 719 of this act))~~ section 701 of this act.

(8)(a) The appropriations to the department of social and health services in this act must be expended for the programs and in the amounts specified in this act. However, after May 1, 2020, unless prohibited by this act, the department may transfer general fund—state appropriations for fiscal year 2020 among programs and subprograms after approval by the director of the office of financial management. However, the department may not transfer state appropriations that are provided solely for a specified purpose except as expressly provided in (b) of this subsection.

(b) To the extent that transfers under (a) of this subsection are insufficient to fund actual expenditures in excess of fiscal year 2020 caseload forecasts and utilization assumptions in the long-term care, developmental disabilities, and public assistance programs, the department may transfer state appropriations that are provided solely for a specified purpose. The department may not transfer funds, and the director of the office of financial management may not approve the transfer, unless the transfer is consistent with the objective of conserving, to the maximum extent possible, the expenditure of state funds. The director of the office of financial management shall notify the appropriate fiscal committees of the legislature in writing seven days prior to approving any allotment modifications or transfers under this subsection. The written notification shall include a narrative explanation and justification of the changes, along with expenditures and allotments by budget unit and appropriation, both before and after any allotment modifications or transfers.

**Sec. 202.** 2019 c 415 s 202 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF SOCIAL AND  
HEALTH SERVICES—MENTAL HEALTH  
PROGRAM**

**(1) INSTITUTIONAL SERVICES**

General Fund—State Appropriation (FY 2020)	
.....	<del>(\$400,740,000)</del>
	<u>\$430,465,000</u>
General Fund—State Appropriation (FY 2021)	
.....	<del>(\$417,578,000)</del>
	<u>\$458,455,000</u>
General Fund—Federal Appropriation	
.....	<del>(\$117,745,000)</del>
	<u>\$113,736,000</u>
General Fund—Private/Local Appropriation	
.....	<del>(\$27,800,000)</del>
	<u>\$28,359,000</u>
Pension Funding Stabilization Account—State	
Appropriation .....	\$33,300,000
TOTAL APPROPRIATION .....	<del>\$997,163,000</del>
	<u>\$1,064,315,000</u>

The appropriations in this subsection are subject to the following conditions and limitations:

(a) The state psychiatric hospitals may use funds appropriated in this subsection to purchase goods, services, and supplies through hospital group purchasing organizations when it is cost-effective to do so.

(b) \$311,000 of the general fund—state appropriation for fiscal year 2020 and \$310,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for a community partnership between western state hospital and the city of Lakewood to support community policing efforts in the Lakewood community surrounding western state hospital. The amounts provided in this subsection (1)(b) are for the salaries, benefits, supplies, and equipment for one full-time investigator, one full-time police officer, and one full-time community service officer at the city of Lakewood. The department must collect data from the city of Lakewood on the use of the funds and the number of calls responded to by the community policing program and submit a report with this information to the office of financial management and the appropriate fiscal committees of the legislature each December of the fiscal biennium.

(c) \$45,000 of the general fund—state appropriation for fiscal year 2020 and \$45,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for payment to the city of Lakewood for police services provided by the city at western state hospital and adjacent areas.

(d) \$19,000 of the general fund—state appropriation for fiscal year 2020 and \$19,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for payment to the city of Medical Lake for police services provided by the city at eastern state hospital and adjacent areas. The city must submit a proposal to the department for a community policing program for eastern state hospital and adjacent areas by September 30, 2019.

(e) \$135,000 of the general fund—state appropriation for fiscal year 2020 and \$135,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the department to hire an on-site safety compliance officer, stationed at Western State Hospital, to provide oversight and accountability of the hospital's response to safety concerns regarding the hospital's work environment.

(f) \$100,000 of the general fund—state appropriation for fiscal year 2020 and \$100,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the department to track compliance with RCW 71.05.365 requirements for transition of state hospital patients into community settings within fourteen days of the determination that they no longer require active psychiatric treatment at an inpatient level of care. The department must use these funds to track the following elements related to this requirement: (i) The date on which an individual is determined to no longer require active psychiatric treatment at an inpatient level of care; (ii) the date on which the behavioral health entities and other organizations responsible for resource management services for the person is notified of this determination; and (iii) the date on which either the individual is transitioned to the community or has

been re-evaluated and determined to again require active psychiatric treatment at an inpatient level of care. The department must provide this information in regular intervals to behavioral health entities and other organizations responsible for resource management services. The department must summarize the information and provide a report to the office of financial management and the appropriate committees of the legislature on progress toward meeting the fourteen day standard by December 1, 2019 and December 1, 2020.

(g) \$250,000 of the general fund—state appropriation for fiscal year 2020 and \$250,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the department, in collaboration with the health care authority, to develop and implement a predictive modeling tool which identifies clients who are at high risk of future involvement with the criminal justice system and for developing a model to estimate demand for civil and forensic state hospital bed needs pursuant to the following requirements.

(i) The predictive modeling tool must be developed to leverage data from a variety of sources and identify factors that are strongly associated with future criminal justice involvement. The department must submit a report to the office of financial management and the appropriate committees of the legislature which describes the following: (A) The proposed data sources to be used in the predictive model and how privacy issues will be addressed; (B) modeling results including a description of measurable factors most strongly predictive of risk of future criminal justice involvement; (C) an assessment of the accuracy, timeliness, and potential effectiveness of the tool; (D) identification of interventions and strategies that can be effective in reducing future criminal justice involvement of high risk patients; and (E) the timeline for implementing processes to provide monthly lists of high-risk client to contracted managed care organizations and behavioral health entities.

(ii) The model for civil and forensic state hospital bed need must be developed and updated in consultation with staff from the office of financial management and the appropriate fiscal committees of the state legislature. The model shall incorporate factors for capacity in state hospitals as well as contracted facilities, which provide similar levels of care, referral patterns, wait lists, lengths of stay, and other factors identified as appropriate for predicting the number of beds needed to meet the demand for civil and forensic state hospital services. Factors should include identification of need for the services and analysis of the effect of community investments in behavioral health services and other types of beds that may reduce the need for long-term civil commitment needs. The department must submit a report to the legislature by October 1, 2019, with an update of the model and the estimated civil and forensic state hospital bed need by November 1, 2020, and each November 1st thereafter through the end of fiscal year 2027. The department must continue to update the model on a calendar quarterly basis and provide updates to the office of financial management and the appropriate committees of the legislature accordingly.

(h) \$2,982,000 of the general fund—state appropriation for fiscal year 2020 and \$2,199,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the phase-in of the settlement agreement under *Trueblood, et al. v. Department of Social and Health Services, et al.*, United States District Court for the Western District of Washington, Cause No. 14-cv-01178-MJP. The department, in collaboration with the health care authority and the criminal justice training commission, must implement the provisions of the settlement agreement pursuant to the timeline and implementation plan provided for under the settlement agreement. This includes implementing provisions related to competency evaluations, competency restoration, crisis diversion and supports, education and training, and workforce development.

(i) \$6,450,000 of the general fund—state appropriation for fiscal year 2020 and \$7,147,000 of the general fund—state appropriation for fiscal year 2021 are provided solely to maintain and further increase implementation of efforts to improve the timeliness of competency evaluation services for individuals who are in local jails pursuant to chapter 5, Laws of 2015 (SSB 5889) (timeliness of competency treatment and evaluation services). This funding must be used solely to maintain increases in the number of competency evaluators that began in fiscal year 2016 and further increase the number of staff providing competency evaluation services. During the 2019-2021 fiscal biennium, the department must use a portion of these amounts to increase the number of forensic evaluators pursuant to the settlement agreement under *Trueblood, et al. v. Department of Social and Health Services, et al.*, United States District Court for the Western District of Washington, Cause No. 14-cv-01178-MJP.

(j) \$56,441,000 of the general fund—state appropriation for fiscal year 2020, \$63,159,000 of the general fund—state appropriation for fiscal year 2021, and \$2,127,000 of the general fund—federal appropriation are provided solely for implementation of efforts to improve the timeliness of competency restoration services pursuant to chapter 5, Laws of 2015 (SSB 5889) (timeliness of competency treatment and evaluation services). These amounts must be used to maintain increases that began in fiscal year 2016 and further increase the number of forensic beds at western state hospital and eastern state hospital. Pursuant to chapter 7, Laws of 2015 1st sp. sess. (2E2SSB 5177) (timeliness of competency treatment and evaluation services), the department may contract some of these amounts for services at alternative locations if the secretary determines that there is a need. During the 2019-2021 fiscal biennium, the department must use a portion of these amounts to increase forensic bed capacity at the state hospitals pursuant to the settlement agreement under *Trueblood, et al. v. Department of Social and Health Services, et al.*, United States District Court for the Western District of Washington, Cause No. 14-cv-01178-MJP.

(k) \$67,463,000 of the general fund—state appropriation for fiscal year 2020 and \$67,463,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the department to continue to implement an acuity based staffing tool at western state hospital and

eastern state hospital in collaboration with the hospital staffing committees. Of the amounts provided in each fiscal year, \$33,102,000 is provided on a one-time basis.

(i) The staffing tool must be designed and implemented to identify, on a daily basis, the clinical acuity on each patient ward and determine the minimum level of direct care staff by profession to be deployed to meet the needs of the patients on each ward. The department must also continue to update, in collaboration with the office of financial management's labor relations office, the staffing committees, and state labor unions, an overall state hospital staffing plan that looks at all positions and functions of the facilities and that is informed by a review of the Oregon state hospital staffing model.

(ii) Within these amounts, the department must establish, monitor, track, and report monthly staffing and expenditures at the state hospitals, including overtime and use of locums, to the functional categories identified in the recommended staffing plan. The allotments and tracking of staffing and expenditures must include all areas of the state hospitals, must be done at the ward level, and must include contracted facilities providing forensic restoration services as well as the office of forensic mental health services. By December 1, 2019, the department and hospital staffing committees must submit a report to the office of financial management and the appropriate committees of the legislature that includes the following: (A) Progress in implementing the acuity based staffing tool; (B) a comparison of average monthly staffing expenditures to budgeted staffing levels and to the recommended state hospital staffing plan by function and at the ward level; and (C) metrics and facility performance for the use of overtime and extra duty pay, patient length of stay, discharge management, active treatment planning, medication administration, patient and staff aggression, and staff recruitment and retention. The department must use information gathered from implementation of the clinical staffing tool and the hospital-wide staffing model to provide budget oversight and accountability and inform and prioritize future budget requests for staffing at the state hospitals.

(iii) The department must submit calendar quarterly reports to the office of financial management and the appropriate committees of the legislature that include monitoring of monthly spending, staffing levels, overtime and use of locums compared to allotments and to the recommended state hospital staffing model. The format for these reports must be developed in consultation with staff from the office of financial management and the appropriate committees of the legislature. The reports must include an update from the hospital staffing committees.

(iv) Monthly staffing levels and related expenditures at the state hospitals must not exceed official allotments without prior written approval from the director of the office of financial management. In the event the director of the office of financial management approves an increase in monthly staffing levels and expenditures beyond what is budgeted, notice must be provided to the appropriate committees of the legislature within thirty days of such approval. The notice must identify the reason for the

authorization to exceed budgeted staffing levels and the time frame for the authorization. Extensions of authorizations under this subsection must also be submitted to the director of the office of financial management for written approval in advance of the expiration of an authorization. The office of financial management must notify the appropriate committees of the legislature of any extensions of authorizations granted under this subsection within thirty days of granting such authorizations and identify the reason and time frame for the extension.

(l) \$11,285,000 of the general fund—state appropriation for fiscal year 2020 and \$10,581,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the department to implement strategies to improve patient and staff safety at eastern and western state hospitals. These amounts must be used for implementing a new intensive care model program at western state hospital. Remaining amounts may be used for enclosure of nursing stations, increasing the number of security guards, and provision of training on patient and staff safety. The department must provide implementation reports to the office of financial management and the appropriate committees of the legislature as follows:

(i) A report must be submitted by December 1, 2019, which includes a description of the intensive care model being implemented, a profile of the types of patients being served at the program, the staffing model being used for the program, and preliminary information on outcomes associated with the program. The outcomes section should include tracking data on facility wide metrics related to patient and staff safety as well as individual outcomes related to the patients served on the unit.

(ii) A report must be submitted by December 1, 2020, which provides an update on the implementation of the intensive care model, any changes that have occurred, and updated information on the outcomes associated with implementation of the program.

(m) \$4,262,000 of the general fund—state appropriation for fiscal year 2021 and \$2,144,000 of the general fund—federal appropriation are provided solely to open a new unit at the child study treatment center which shall serve up to eighteen children.

(n) \$2,593,000 of the general fund—state appropriation for fiscal year 2020 and \$2,593,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the department to increase services to patients found not guilty by reason of insanity under the *Ross v. Laswhay* settlement agreement.

## (2) PROGRAM SUPPORT

General Fund—State Appropriation (FY 2020)	
.....	<del>(\$5,884,000)</del>
	<u>\$5,837,000</u>
General Fund—State Appropriation (FY 2021)	
.....	<del>(\$5,763,000)</del>
	<u>\$5,815,000</u>

General Fund—Federal Appropriation .....\$315,000

TOTAL APPROPRIATION ..... \$11,962,000  
\$11,967,000

**Sec. 203.** 2019 c 415 s 203 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF SOCIAL AND  
HEALTH SERVICES—DEVELOPMENTAL  
DISABILITIES PROGRAM**

(1) COMMUNITY SERVICES

General Fund—State Appropriation (FY 2020)  
 ..... (\$737,825,000)

\$732,433,000

General Fund—State Appropriation (FY 2021)  
 ..... (\$803,041,000)

\$812,320,000

General Fund—Federal Appropriation  
 ..... (\$1,591,789,000)

\$1,581,406,000

General Fund—Private/Local Appropriation  
 ..... \$4,024,000

Pension Funding Stabilization Account—State

Appropriation ..... \$6,364,000

Developmental Disability Community Trust  
Account—State

Appropriation ..... \$1,000,000

TOTAL APPROPRIATION ..... \$3,143,043,000

\$3,137,547,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) Individuals receiving services as supplemental security income (SSI) state supplemental payments may not become eligible for medical assistance under RCW 74.09.510 due solely to the receipt of SSI state supplemental payments.

(b) In accordance with RCW 18.51.050, 18.20.050, 70.128.060, and 43.135.055, the department is authorized to increase nursing facility, assisted living facility, and adult family home fees as necessary to fully support the actual costs of conducting the licensure, inspection, and regulatory programs. The license fees may not exceed the department's annual licensing and oversight activity costs and shall include the department's cost of paying providers for the amount of the license fee attributed to medicaid clients.

(i) The current annual renewal license fee for adult family homes is \$225 per bed beginning in fiscal year 2020 and \$225 per bed beginning in fiscal year 2021. A processing fee of \$2,750 must be charged to each adult family home when the home is initially licensed. This fee is nonrefundable. A processing fee of \$700 must be charged when adult family home providers file a change of ownership application.

(ii) The current annual renewal license fee for assisted living facilities is \$116 per bed beginning in fiscal year 2020 and \$116 per bed beginning in fiscal year 2021.

(iii) The current annual renewal license fee for nursing facilities is \$359 per bed beginning in fiscal year 2020 and \$359 per bed beginning in fiscal year 2021.

(c) \$7,527,000 of the general fund—state appropriation for fiscal year 2020, \$16,092,000 of the general fund—state appropriation for fiscal year 2021, and \$29,989,000 of the general fund—federal appropriation are provided solely for the implementation of the agreement reached between the governor and the service employees international union healthcare 775nw under the provisions of chapters 74.39A and 41.56 RCW for the 2019-2021 fiscal biennium.

(d) \$1,058,000 of the general fund—state appropriation for fiscal year 2020, \$2,245,000 of the general fund—state appropriation for fiscal year 2021, and \$4,203,000 of the general fund—federal appropriation are provided solely for the homecare agency parity impacts of the agreement between the governor and the service employees international union healthcare 775nw.

(e) The department may authorize a one-time waiver of all or any portion of the licensing and processing fees required under RCW 70.128.060 in any case in which the department determines that an adult family home is being relicensed because of exceptional circumstances, such as death or incapacity of a provider, and that to require the full payment of the licensing and processing fees would present a hardship to the applicant. In these situations the department is also granted the authority to waive the required residential administrator training for a period of 120 days if necessary to ensure continuity of care during the relicensing process.

(f) Community residential cost reports that are submitted by or on behalf of contracted agency providers are required to include information about agency staffing including health insurance, wages, number of positions, and turnover.

(g) \$1,705,000 of the general fund—state appropriation for fiscal year 2020, \$1,688,000 of the general fund—state appropriation for fiscal year 2021, and \$1,465,000 of the general fund—federal appropriation are provided solely for the development and implementation of thirteen enhanced respite beds across the state for children. These services are intended to provide families and caregivers with a break in caregiving, the opportunity for behavioral stabilization of the child, and the ability to partner with the state in the development of an individualized service plan that allows the child to remain in his or her family home. The department must provide the legislature with a respite utilization report in January of each year that provides information about the number of children who have used enhanced respite in the preceding year, as well as the location and number of days per month that each respite bed was occupied.

(h) \$2,025,000 of the general fund—state appropriation for fiscal year 2020 and \$2,006,000 of the general fund—state appropriation for fiscal year 2021 are

provided solely for the development and implementation of thirteen community respite beds across the state for adults. These services are intended to provide families and caregivers with a break in caregiving and the opportunity for stabilization of the individual in a community-based setting as an alternative to using a residential habilitation center to provide planned or emergent respite. The department must provide the legislature with a respite utilization report by January of each year that provides information about the number of individuals who have used community respite in the preceding year, as well as the location and number of days per month that each respite bed was occupied.

(i) \$4,005,000 of the general fund—state appropriation for fiscal year 2020, \$6,084,000 of the general fund—state appropriation for fiscal year 2021, and \$9,826,000 of the general fund—federal appropriation are provided solely to continue community alternative placement beds that prioritize the transition of clients who are ready for discharge from the state psychiatric hospitals, but who have additional long-term care or developmental disability needs.

(i) Community alternative placement beds include enhanced service facility beds, adult family home beds, skilled nursing facility beds, shared supportive housing beds, state operated living alternative beds, and assisted living facility beds.

(ii) Each client must receive an individualized assessment prior to leaving one of the state psychiatric hospitals. The individualized assessment must identify and authorize personal care, nursing care, behavioral health stabilization, physical therapy, or other necessary services to meet the unique needs of each client. It is the expectation that, in most cases, staffing ratios in all community alternative placement options described in (i)(i) of this subsection will need to increase to meet the needs of clients leaving the state psychiatric hospitals. If specialized training is necessary to meet the needs of a client before he or she enters a community placement, then the person centered service plan must also identify and authorize this training.

(iii) When reviewing placement options, the department must consider the safety of other residents, as well as the safety of staff, in a facility. An initial evaluation of each placement, including any documented safety concerns, must occur within thirty days of a client leaving one of the state psychiatric hospitals and entering one of the community placement options described in (i)(i) of this subsection. At a minimum, the department must perform two additional evaluations of each placement during the first year that a client has lived in the facility.

(iv) In developing bed capacity, the department shall consider the complex needs of individuals waiting for discharge from the state psychiatric hospitals.

(j) \$1,029,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for state-operated behavioral health group training homes for clients with developmental disabilities who require a short-term placement for crisis stabilization following a hospital stay. The developmental disabilities administration shall research and assess options to claim federal medicaid funds

for state-operated behavioral health group training homes and report its findings to the governor and appropriate legislative committees by December 1, 2019.

(k) \$605,000 of the general fund—state appropriation for fiscal year 2020, \$1,627,000 of the general fund—state appropriation for fiscal year 2021, and \$1,797,000 of the general fund—federal appropriation are provided solely for expanding the number of clients receiving services under the basic plus medicaid waiver. Approximately three hundred fifty additional clients are anticipated to graduate from high school during the 2019-2021 fiscal biennium and will receive employment services under this expansion.

(l) \$20,243,000 of the general fund—state appropriation for fiscal year 2020, \$41,933,000 of the general fund—state appropriation for fiscal year 2021, and \$60,976,000 of the general fund—federal appropriation are provided solely to increase rates for community residential service providers offering supported living, group home, and licensed staff residential services to individuals with development disabilities. The amounts in this subsection (1)(l) include funding to increase the rate by 13.5 percent effective January 1, 2020.

The amounts provided in this subsection must be used to improve the recruitment and retention of quality direct care staff to better protect the health and safety of clients with developmental disabilities.

~~((m))~~ (m) \$50,000 of the general fund—state appropriation for fiscal year 2020 and \$50,000 of the general fund—state appropriation for fiscal year 2021 are provided solely to establish parent-to-parent programs for parents of children with developmental disabilities in Ferry, Pend Oreille, Stevens, San Juan, and Wahkiakum counties.

~~((n))~~ (n) \$401,000 of the general fund—state appropriation for fiscal year 2020, \$424,000 of the general fund—state appropriation for fiscal year 2021, and \$1,043,000 of the general fund—federal appropriation are provided solely to assist home care agencies with implementing electronic visit verification systems that are compliant with the federal 21st century cures act no later than January 1, 2020.

~~((o))~~ (o) \$3,626,000 of the general fund—state appropriation for fiscal year 2020, \$4,757,000 of the general fund—state appropriation for fiscal year 2021, and \$10,444,000 of the general fund—federal appropriation are provided solely for the implementation of an agreement reached between the governor and the adult family home council under the provisions of chapter 41.56 RCW for the 2019-2021 fiscal biennium.

~~((p))~~ (p) \$63,000 of the general fund—state appropriation for fiscal year 2020 and \$62,000 of the general fund—federal appropriation are provided solely to begin implementing an asset verification system that is compliant with the federal medicaid extenders act by January 1, 2021 and is subject to the conditions, limitation, and review provided in ~~((section 719 of this act))~~ section 701 of this act.

~~((q))~~ (q) \$13,000 of the general fund—state appropriation for fiscal year 2020, \$20,000 of the general



fund—state appropriation for fiscal year 2021, and \$23,000 of the general fund—federal appropriation are provided solely to implement chapter 70, Laws of 2019 (SHB 1199).

~~((s))~~ (r) \$153,000 of the general fund—state appropriation for fiscal year 2020, \$356,000 of the general fund—state appropriation for fiscal year 2021, and \$643,000 of the general fund—federal appropriation are provided solely to increase rates for assisted living facility providers consistent with chapter 225, Laws of 2018 (SHB 2515) and for a rate add-on to providers that serve sixty percent or more medicaid clients.

~~((t))~~ (s) \$193,000 of the general fund—state appropriation for fiscal year 2020, \$385,000 of the general fund—state appropriation for fiscal year 2021, and \$654,000 of the general fund—federal appropriation are provided solely for a ten percent rate increase, effective January 1, 2020, for nurse delegation, private duty nursing, and supported living nursing services.

~~((u))~~ (t) \$3,490,000 of the general fund—local appropriation and \$3,490,000 of the general fund—federal appropriation are provided solely to implement Senate Bill No. 5359 (residential services and supports). The annual certification renewal fee for community residential service businesses is \$847 per client in fiscal year 2020 and \$859 per client in fiscal year 2021. The annual certification renewal fee may not exceed the department's annual licensing and oversight activity costs. ~~((If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.~~

~~((w))~~ (u) The appropriations in this section include sufficient funding to implement Second Substitute Senate Bill No. 5672 (adult family hopes specialty services).

~~((y))~~ (v) \$100,000 of the general fund—state appropriation for fiscal year 2020, \$95,000 of the general fund—state appropriation for fiscal year 2021, and \$195,000 of the general fund—federal appropriation are provided solely for discharge case managers stationed at the state psychiatric hospitals. Discharge case managers will transition clients ready for hospital discharge into less restrictive alternative community placements. The transition of clients ready for discharge will free up bed capacity at the state psychiatric hospitals.

~~((z))~~ (w) \$4,886,000 of the general fund—state appropriation for fiscal year 2020, \$7,150,000 of the general fund—state appropriation for fiscal year 2021, and \$11,894,000 of the general fund—federal appropriation are provided solely to complete the three-year phase in of forty-seven clients from residential habilitation centers to state operated living alternatives.

~~((aa))~~ (x) \$2,279,000 of the general fund—state appropriation for fiscal year 2020, \$2,279,000 of the general fund—state appropriation for fiscal year 2021, and \$4,558,000 of the general fund—federal appropriation are provided solely for additional staffing resources for the transition of clients living in the intermediate care facilities at Rainier school, Fircrest school, and Lakeland village to state operated living alternatives to address deficiencies identified by the centers for medicare and medicaid services.

~~((bb))~~ (y) \$51,000 of the general fund—state appropriation for fiscal year 2020, \$54,000 of the general fund—state appropriation for fiscal year 2021, and \$134,000 of the general fund—federal appropriation are provided solely to increase the administrative rate for home care agencies by five cents per hour effective July 1, 2019.

~~((ee))~~ (z) \$1,798,000 of the general fund—state appropriation for fiscal year 2020, \$2,422,000 of the general fund—state appropriation for fiscal year 2021, and \$4,219,000 of the general fund—federal appropriation are provided solely for state-operated living alternative homes.

(i) Of the amounts provided in this subsection, \$480,000 of the general fund—state appropriation for fiscal year 2020, \$646,000 of the general fund—state appropriation for fiscal year 2021, and \$1,125,000 of the general fund—federal appropriation are provided solely to place residents in transition from the Rainier PAT A intermediate care facility.

(ii) Of the amounts provided in this subsection, \$420,000 of the general fund—state appropriation for fiscal year 2020, \$565,000 of the general fund—state appropriation for fiscal year 2021, and \$985,000 of the general fund—federal appropriation are provided solely to place developmental disability administration clients upon discharge from a hospital stay when the clients' previous providers are unable to manage the clients' care needs.

(aa) \$300,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the department to advance the recommendations of the "Rethinking Intellectual Disability Policy to Empower Clients, Develop Providers and Improve Services" Ruckelshaus report to design and implement a modern, community-focused, person-centered, and individualized service delivery system for individuals who currently reside in residential habilitation centers, with an emphasis on investments in community residential service options, including services and options for those with complex behavioral needs.

## (2) INSTITUTIONAL SERVICES

General Fund—State Appropriation (FY 2020)	
.....	<del>((119,201,000))</del>
	<u>\$119,436,000</u>
General Fund—State Appropriation (FY 2021)	
.....	<del>((120,511,000))</del>
	<u>\$121,385,000</u>
General Fund—Federal Appropriation	
.....	<del>((233,122,000))</del>
	<u>\$233,926,000</u>
General Fund—Private/Local Appropriation	
.....	\$27,041,000
Pension Funding Stabilization Account—State	
Appropriation.....	\$11,396,000
TOTAL APPROPRIATION.....	<u>\$511,271,000</u>
	<u>\$513,184,000</u>

The appropriations in this subsection are subject to the following conditions and limitations:

(a) Individuals receiving services as supplemental security income (SSI) state supplemental payments may not become eligible for medical assistance under RCW 74.09.510 due solely to the receipt of SSI state supplemental payments.

(b) \$495,000 of the general fund—state appropriation for fiscal year 2020 and \$495,000 of the general fund—state appropriation for fiscal year 2021 are for the department to fulfill its contracts with the school districts under chapter 28A.190 RCW to provide transportation, building space, and other support services as are reasonably necessary to support the educational programs of students living in residential habilitation centers.

(c) The residential habilitation centers may use funds appropriated in this subsection to purchase goods, services, and supplies through hospital group purchasing organizations when it is cost-effective to do so.

(d) \$830,000 of the general fund—state appropriation for fiscal year 2020 and \$135,000 of the general fund—federal appropriation are provided solely for the loss of federal revenue and the transition of residents due to the decertification of the Rainier school PAT A intermediate care facility by the centers for medicare and medicaid services in calendar year 2019. It is the intent of the legislature that the developmental disabilities administration complete the transitions of Rainier PAT A residents by September 2019.

(e) \$3,455,000 of the general fund—state appropriation for fiscal year 2020, \$3,455,000 of the general fund—state appropriation for fiscal year 2021, and \$6,910,000 of the general fund—federal appropriation are provided solely for additional staffing resources for clients living in the intermediate care facilities at Rainier school, Fircrest school, and Lakeland village to address deficiencies identified by the centers for medicare and medicaid services and to gather information for the 2020 legislative session that will support appropriate levels of care for residential habilitation center clients.

(i) The department of social and health services must contract with the William D. Ruckelshaus center or other neutral third party to continue the facilitation of meetings and discussions about how to support appropriate levels of care for residential habilitation center clients based on the clients' needs and ages. The options explored in the meetings and discussions must include, but are not limited to, the longer-term issues identified in the January 2019 report to the legislature, including shifting care and staffing needs, crisis stabilization, alternative uses of residential habilitation center campus, and transforming adult family homes. An agreed-upon preferred longer term vision must be included within a report to the office of financial management and appropriate fiscal and policy committees of the legislature before December 1, 2019. The report must describe the policy rationale, implementation plan, timeline, and recommended statutory changes for the preferred long-term vision.

(ii) The parties invited to participate in the meetings and discussions must include:

(A) One member from each of the two largest caucuses in the senate, who shall be appointed by the majority leader and minority leader of the senate;

(B) One member from each of the two largest caucuses in the house of representatives, who shall be appointed by the speaker and minority leader of the house of representatives;

(C) One member from the office of the governor, appointed by the governor;

(D) One member from the developmental disabilities council;

(E) One member from the ARC of Washington;

(F) One member from the Washington federation of state employees;

(G) One member from the service employees international union 1199;

(H) One member from the developmental disabilities administration within the department of social and health services;

(I) One member from the aging and long term support administration within the department of social and health services; and

(J) Two members who are family members or guardians of current residential habilitation center residents.

(K) Staff support for the work group must be provided by the department of social and health services.

### (3) PROGRAM SUPPORT

General Fund—State Appropriation (FY 2020)  
 ..... ((~~\$2,558,000~~))  
\$2,536,000

General Fund—State Appropriation (FY 2021)  
 ..... ((~~\$2,660,000~~))  
\$2,867,000

General Fund—Federal Appropriation ((~~\$3,080,000~~))  
\$3,344,000

Pension Funding Stabilization Account—State  
 Appropriation.....\$270,000  
 TOTAL APPROPRIATION.....~~\$8,568,000~~  
\$9,017,000

### (4) SPECIAL PROJECTS

General Fund—State Appropriation (FY 2020)  
 .....\$62,000

General Fund—State Appropriation (FY 2021)  
 .....\$62,000

General Fund—Federal Appropriation .....\$1,092,000

## Pension Funding Stabilization Account—State

Appropriation ..... \$4,000

TOTAL APPROPRIATION ..... \$1,220,000

**Sec. 204.** 2019 c 415 s 204 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—AGING AND ADULT SERVICES PROGRAM**

General Fund—State Appropriation (FY 2020)  
..... ~~(\$1,313,688,000)~~

\$1,313,782,000

General Fund—State Appropriation (FY 2021)  
..... ~~(\$1,454,323,000)~~

\$1,488,426,000

General Fund—Federal Appropriation  
..... ~~(\$3,465,113,000)~~

\$3,486,991,000

General Fund—Private/Local Appropriation  
..... ~~(\$37,765,000)~~

\$37,687,000

Traumatic Brain Injury Account—State Appropriation  
..... \$4,558,000

## Skilled Nursing Facility Safety Net Trust Account—

State Appropriation ..... \$133,360,000

## Pension Funding Stabilization Account—State

Appropriation ..... \$12,392,000

Long-Term Services and Supports Trust Account—  
State

Appropriation ..... \$2,437,000

TOTAL APPROPRIATION ..... ~~\$6,423,636,000~~

\$6,479,633,000

The appropriations in this section are subject to the following conditions and limitations:

(1)(a) For purposes of implementing chapter 74.46 RCW, the weighted average nursing facility payment rate may not exceed \$220.37 for fiscal year 2020 and may not exceed \$251.49 for fiscal year 2021.

(b) The department shall provide a medicaid rate add-on to reimburse the medicaid share of the skilled nursing facility safety net assessment as a medicaid allowable cost. The nursing facility safety net rate add-on may not be included in the calculation of the annual statewide weighted average nursing facility payment rate.

(2) In accordance with RCW 18.51.050, 18.20.050, 70.128.060, and 43.135.055, the department is authorized to increase nursing facility, assisted living facility, and adult family home fees as necessary to fully support the actual costs of conducting the licensure, inspection, and regulatory

programs. The license fees may not exceed the department's annual licensing and oversight activity costs and shall include the department's cost of paying providers for the amount of the license fee attributed to medicaid clients.

(a) The current annual renewal license fee for adult family homes is \$225 per bed beginning in fiscal year 2020 and \$225 per bed beginning in fiscal year 2021. A processing fee of \$2,750 must be charged to each adult family home when the home is initially licensed. This fee is nonrefundable. A processing fee of \$700 shall be charged when adult family home providers file a change of ownership application.

(b) The current annual renewal license fee for assisted living facilities is \$116 per bed beginning in fiscal year 2020 and \$116 per bed beginning in fiscal year 2021.

(c) The current annual renewal license fee for nursing facilities is \$359 per bed beginning in fiscal year 2020 and \$359 per bed beginning in fiscal year 2021.

(3) The department is authorized to place long-term care clients residing in nursing homes and paid for with state-only funds into less restrictive community care settings while continuing to meet the client's care needs.

(4) \$1,858,000 of the general fund—state appropriation for fiscal year 2020 and \$1,857,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for operation of the volunteer services program. Funding must be prioritized towards serving populations traditionally served by long-term care services to include senior citizens and persons with disabilities.

(5) \$15,748,000 of the general fund—state appropriation for fiscal year 2020, \$33,024,000 of the general fund—state appropriation for fiscal year 2021, and \$62,298,000 of the general fund—federal appropriation are provided solely for the implementation of the agreement reached between the governor and the service employees international union healthcare 775nw under the provisions of chapters 74.39A and 41.56 RCW for the 2019-2021 fiscal biennium.

(6) \$6,320,000 of the general fund—state appropriation for fiscal year 2020, \$13,142,000 of the general fund—state appropriation for fiscal year 2021, and \$24,768,000 of the general fund—federal appropriation are provided solely for the homecare agency parity impacts of the agreement between the governor and the service employees international union healthcare 775nw.

(7) \$5,094,000 of the general fund—state appropriation for fiscal year 2020 and \$5,094,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for services and support to individuals who are deaf, hard of hearing, or deaf-blind.

(8) The department may authorize a one-time waiver of all or any portion of the licensing and processing fees required under RCW 70.128.060 in any case in which the department determines that an adult family home is being relicensed because of exceptional circumstances, such as death or incapacity of a provider, and that to require the full payment of the licensing and processing fees would present

a hardship to the applicant. In these situations the department is also granted the authority to waive the required residential administrator training for a period of 120 days if necessary to ensure continuity of care during the relicensing process.

(9) In accordance with RCW 18.390.030, the biennial registration fee for continuing care retirement communities shall be \$900 for each facility.

(10) \$479,000 of the general fund—state appropriation for fiscal year 2020 and \$479,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the kinship navigator program in the Colville Indian reservation, Yakama Nation, and other tribal areas.

(11) Within available funds, the aging and long term support administration must maintain a unit within adult protective services that specializes in the investigation of financial abuse allegations and self-neglect allegations.

(12) Within amounts appropriated in this subsection, the department shall assist the legislature to continue the work of the joint legislative executive committee on planning for aging and disability issues.

(a) A joint legislative executive committee on aging and disability is continued, with members as provided in this subsection.

(i) Four members of the senate, with the leaders of the two largest caucuses each appointing two members, and four members of the house of representatives, with the leaders of the two largest caucuses each appointing two members;

(ii) A member from the office of the governor, appointed by the governor;

(iii) The secretary of the department of social and health services or his or her designee;

(iv) The director of the health care authority or his or her designee;

(v) A member from disability rights Washington and a member from the office of long-term care ombuds;

(vi) The insurance commissioner or his or her designee, who shall serve as an ex officio member; and

(vii) Other agency directors or designees as necessary.

(b) The committee must make recommendations and continue to identify key strategic actions to prepare for the aging of the population in Washington, including state budget and policy options, and may conduct, but are not limited to, the following tasks:

(i) Identify strategies to better serve the health care needs of an aging population and people with disabilities to promote healthy living and palliative care planning;

(ii) Identify strategies and policy options to create financing mechanisms for long-term service and supports that allow individuals and families to meet their needs for service;

(iii) Identify policies to promote financial security in retirement, support people who wish to stay in the workplace

longer, and expand the availability of workplace retirement savings plans;

(iv) Identify ways to promote advance planning and advance care directives and implementation strategies for the Bree collaborative palliative care and related guidelines;

(v) Identify ways to meet the needs of the aging demographic impacted by reduced federal support;

(vi) Identify ways to protect the rights of vulnerable adults through assisted decision-making and guardianship and other relevant vulnerable adult protections;

(vii) Identify options for promoting client safety through residential care services and consider methods of protecting older people and people with disabilities from physical abuse and financial exploitation; and

(viii) Identify other policy options and recommendations to help communities adapt to the aging demographic in planning for housing, land use, and transportation.

(c) Staff support for the committee shall be provided by the office of program research, senate committee services, the office of financial management, and the department of social and health services.

(d) Within existing appropriations, the cost of meetings must be paid jointly by the senate, house of representatives, and the office of financial management. Joint committee expenditures and meetings are subject to approval by the senate facilities and operations committee and the house of representatives executive rules committee, or their successor committees. Meetings of the task force must be scheduled and conducted in accordance with the rules of both the senate and the house of representatives. The joint committee members may be reimbursed for travel expenses as authorized under RCW 43.03.050 and 43.03.060, and chapter 44.04 RCW as appropriate. Advisory committee members may not receive compensation or reimbursement for travel and expenses.

(13) \$315,000 of the general fund—state appropriation for fiscal year 2020, \$315,000 of the general fund—state appropriation for fiscal year 2021, and \$630,000 of the general fund—federal appropriation are provided solely for discharge case managers stationed at the state psychiatric hospitals. Discharge case managers will transition clients ready for hospital discharge into less restrictive alternative community placements. The transition of clients ready for discharge will free up bed capacity at the state psychiatric hospitals.

(14) \$135,000 of the general fund—state appropriation for fiscal year 2020, \$135,000 of the general fund—state appropriation for fiscal year 2021, and \$270,000 of the general fund—federal appropriation are provided solely for financial service specialists stationed at the state psychiatric hospitals. Financial service specialists will help to transition clients ready for hospital discharge into alternative community placements. The transition of clients ready for discharge will free up bed capacity at the state hospitals.

(15)(a) No more than \$102,880,000 of the general fund—federal appropriation may be expended for tailored support for older adults and medicaid alternative care described in initiative 2 of the medicaid transformation demonstration waiver under healthier Washington. The department shall not increase general fund—state expenditures on this initiative. The secretary in collaboration with the director of the health care authority shall report to the joint select committee on health care oversight no less than quarterly on financial and health outcomes. The secretary in cooperation with the director shall also report to the fiscal committees of the legislature all of the expenditures of this subsection and shall provide such fiscal data in the time, manner, and form requested by the legislative fiscal committees.

(b) No more than \$2,525,000 of the general fund—federal appropriation may be expended for supported housing and employment services described in initiative 3a and 3b of the medicaid transformation demonstration waiver under healthier Washington. Under this initiative, the department and the health care authority shall ensure that allowable and necessary services are provided to eligible clients as identified by the department or its providers third party administrator. The department and the authority in consultation with the medicaid forecast work group shall ensure that reasonable reimbursements are established for services deemed necessary within an identified limit per individual. The department shall not increase general fund—state expenditures under this initiative. The secretary in cooperation with the director shall report to the joint select committee on health care oversight no less than quarterly on financial and health outcomes.

The secretary in cooperation with the director shall also report to the fiscal committees of the legislature all of the expenditures of this subsection and shall provide such fiscal data in the time, manner, and form requested by the legislative fiscal committees.

(16) \$13,303,000 of the general fund—state appropriation for fiscal year 2020, \$15,891,000 of the general fund—state appropriation for fiscal year 2021, and \$36,390,000 of the general fund—federal appropriation are provided solely for the implementation of an agreement reached between the governor and the adult family home council under the provisions of chapter 41.56 RCW for the 2019-2021 fiscal biennium.

(17) \$40,000 of the general fund—state appropriation for fiscal year 2020, \$40,000 of the general fund—state appropriation for fiscal year 2021, and \$80,000 of the general fund—federal appropriation are provided solely for the department, in partnership with the department of health and the health care authority, to assist a collaborative public-private entity with implementation of recommendations in the state plan to address alzheimer's disease and other dementias.

(18) \$428,000 of the general fund—state appropriation for fiscal year 2020, \$446,000 of the general fund—state appropriation for fiscal year 2021, and \$896,000 of the general fund—federal appropriation are provided solely for case managers at the area agencies on aging to coordinate

care for medicaid clients with mental illness who are living in their own homes. Work shall be accomplished within existing standards for case management and no requirements will be added or modified unless by mutual agreement between the department of social and health services and area agencies on aging.

(19) \$117,000 of the general fund—state appropriation for fiscal year 2020 and \$116,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the department to contract with an organization to provide educational materials, legal services, and attorney training to support persons with dementia. The funding provided in this subsection must be used for:

(a) An advance care and legal planning toolkit for persons and families living with dementia, designed and made available online and in print. The toolkit should include educational topics including, but not limited to:

(i) The importance of early advance care, legal, and financial planning;

(ii) The purpose and application of various advance care, legal, and financial documents;

(iii) Dementia and capacity;

(iv) Long-term care financing considerations;

(v) Elder and vulnerable adult abuse and exploitation;

(vi) Checklists such as "legal tips for caregivers," "meeting with an attorney," and "life and death planning;"

(vii) Standardized forms such as general durable power of attorney forms and advance health care directives; and

(viii) A selected list of additional resources.

(b) Webinars about the dementia legal and advance care planning toolkit and related issues and topics with subject area experts. The subject area expert presenters must provide their services in-kind, on a volunteer basis.

(c) Continuing legal education programs for attorneys to advise and assist persons with dementia. The continuing education programs must be offered at no cost to attorneys who make a commitment to participate in the pro bono program.

(d) Administrative support costs to develop intake forms and protocols, perform client intake, match participating attorneys with eligible clients statewide, maintain records and data, and produce reports as needed.

(20) \$18,000 of the traumatic brain injury account—state appropriation is provided solely to implement Substitute House Bill No. 1532 (domestic violence TBIs). ~~((If the bill is not enacted by June 30, 2019, the amount provided in this subsection shall lapse.))~~

(21) \$543,000 of the general fund—state appropriation for fiscal year 2020 and \$543,000 of the general fund—federal appropriation are provided solely to begin implementing an asset verification system that is compliant with the federal medicaid extenders act by January 1, 2021

and is subject to the conditions, limitation, and review provided in ~~((section 719 of this act))~~ section 701 of this act. Of the amounts provided in this subsection, \$75,000 of the general fund—state appropriation in fiscal year 2020 and \$75,000 of the general fund—federal appropriation are provided solely for a feasibility study of information technology solutions for an asset verification system. The feasibility study shall consider the department's existing case management systems that may be required to interface with the asset verification system. The department shall work with the health care authority to develop a long-term strategy for an asset verification system that complies with federal requirements, maximizes efficient use of staff time, supports accurate client financial eligibility determinations, and incorporates relevant findings from the feasibility study, and shall report its findings and recommendation to the governor and appropriate legislative committees no later than December 1, 2019.

(22) \$2,437,000 of the long-term services and supports trust account—state appropriation is provided solely to implement Second Substitute House Bill No. 1087 (long-term services and support). Of the amounts provided in this subsection, \$217,000 is provided solely for a contract with the state actuary. ~~((If the bill is not enacted by June 30, 2019, the amount provided in this subsection shall lapse.))~~

(23) \$2,373,000 of the general fund—state appropriation for fiscal year 2020, \$2,459,000 of the general fund—state appropriation for fiscal year 2021, and \$6,215,000 of the general fund—federal appropriation are provided solely to assist home care agencies with implementing electronic visit verification systems that are compliant with the federal 21st century cures act no later than January 1, 2020.

(24) \$727,000 of the general fund—state appropriation for fiscal year 2020, \$1,455,000 of the general fund—state appropriation for fiscal year 2021, and \$2,469,000 of the general fund—federal appropriation are provided solely for a ten percent rate increase, effective January 1, 2020, for in-home skilled nursing services, nurse delegation, in-home private duty nursing, and adult family home private duty nursing.

(25) \$3,353,000 of the general fund—local appropriation and \$1,055,000 of the general fund—federal appropriation are provided solely to implement Senate Bill No. 5359 (residential services and supports). The annual certification renewal fee for community residential service businesses is \$847 per client in fiscal year 2020 and \$859 per client in fiscal year 2021. The annual certification renewal fee may not exceed the department's annual licensing and oversight activity costs. ~~((If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.))~~

(26) \$17,481,000 of the general fund—state appropriation for fiscal year 2020, \$28,471,000 of the general fund—state appropriation for fiscal year 2021, and \$41,031,000 of the general fund—federal appropriation are provided solely to continue community alternative placement beds that prioritize the transition of clients who are ready for discharge from the state psychiatric hospitals,

but who have additional long-term care or developmental disability needs.

(a) Community alternative placement beds include enhanced service facility beds, adult family home beds, skilled nursing facility beds, shared supportive housing beds, state operated living alternative beds, assisted living facility beds, and specialized dementia beds.

(b) Each client must receive an individualized assessment prior to leaving one of the state psychiatric hospitals. The individualized assessment must identify and authorize personal care, nursing care, behavioral health stabilization, physical therapy, or other necessary services to meet the unique needs of each client. It is the expectation that, in most cases, staffing ratios in all community alternative placement options described in (a) of this subsection will need to increase to meet the needs of clients leaving the state psychiatric hospitals. If specialized training is necessary to meet the needs of a client before he or she enters a community placement, then the person centered service plan must also identify and authorize this training.

(c) When reviewing placement options, the department must consider the safety of other residents, as well as the safety of staff, in a facility. An initial evaluation of each placement, including any documented safety concerns, must occur within thirty days of a client leaving one of the state psychiatric hospitals and entering one of the community placement options described in (a) of this subsection. At a minimum, the department must perform two additional evaluations of each placement during the first year that a client has lived in the facility.

(d) In developing bed capacity, the department shall consider the complex needs of individuals waiting for discharge from the state psychiatric hospitals.

(27) \$1,344,000 of the general fund—state appropriation for fiscal year 2020 and \$1,344,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the kinship care support program.

(28) \$306,000 of the general fund—state appropriation for fiscal year 2020, \$317,000 of the general fund—state appropriation for fiscal year 2021, and \$794,000 of the general fund—federal appropriation are provided solely to increase the administrative rate for home care agencies by five cents per hour effective July 1, 2019.

(29) \$94,000 of the general fund—state appropriation for fiscal year 2020 and \$94,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the department to establish a pilot project to provide personal care services to homeless seniors and persons with disabilities from the time the person presents at a shelter to the time the person becomes eligible for medicaid personal care services.

(a) The department shall contract with a single nonprofit organization that provides personal care services to homeless persons and operates a twenty-four hour homeless shelter, and that is currently partnering with the department to bring medicaid personal care services to homeless seniors and persons with disabilities.

(b) The department shall submit a report by December 1, 2020, to the governor and appropriate legislative committees. The report shall address findings and outcomes of the pilot and recommendations.

~~((31))~~ (30) \$3,669,000 of the general fund—state appropriation for fiscal year 2020, \$8,543,000 of the general fund—state appropriation for fiscal year 2021, and \$15,434,000 of the general fund—federal appropriation are provided solely to increase rates for assisted living facility providers consistent with chapter 225, Laws of 2018 (SHB 2515) and to provide a rate add-on to providers that serve sixty percent or more medicare clients.

~~((32))~~ (31) \$375,000 of the general fund—state appropriation for fiscal year 2020, \$375,000 of the general fund—state appropriation for fiscal year 2021, and \$750,000 of the general fund—federal appropriation are provided solely to increase rates for adult day health and adult day care providers effective July 1, 2019.

~~((33))~~ (32) The appropriations in this section include sufficient funding for the implementation of Second Substitute Senate Bill No. 5672 (adult family homes specialty services).

**Sec. 205.** 2019 c 415 s 205 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—ECONOMIC SERVICES PROGRAM**

General Fund—State Appropriation (FY 2020)	
.....	<del>((362,649,000))</del>
	<u>\$351,756,000</u>
General Fund—State Appropriation (FY 2021)	
.....	<del>((365,538,000))</del>
	<u>\$361,738,000</u>
General Fund—Federal Appropriation	
.....	<del>((1,453,819,000))</del>
	<u>\$1,456,759,000</u>
General Fund—Private/Local Appropriation	
.....	\$5,416,000
Domestic Violence Prevention Account—State	
Appropriation .....	\$2,404,000
Pension Funding Stabilization Account—State	
Appropriation .....	<del>((26,754,000))</del>
	<u>\$25,944,000</u>
Administrative Contingency Account—State	
Appropriation .....	\$4,000,000
Home Security Fund Account—State Appropriation	
.....	<u>\$2,728,000</u>
TOTAL APPROPRIATION .....	<del>\$2,220,580,000</del>
	<u>\$2,210,745,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1)(a) ~~((77,346,000))~~ \$75,817,000 of the general fund—state appropriation for fiscal year 2020, ~~((74,058,000))~~ \$75,770,000 of the general fund—state appropriation for fiscal year 2021, ~~((808,761,000))~~ \$835,701,000 of the general fund—federal appropriation, \$4,000,000 of the administrative contingency account—state appropriation, and ~~((55,662,000))~~ \$5,508,000 of the pension funding stabilization account—state appropriation are provided solely for all components of the WorkFirst program. Within the amounts provided for the WorkFirst program, the department may provide assistance using state-only funds for families eligible for temporary assistance for needy families. The department must create a WorkFirst budget structure that allows for transparent tracking of budget units and subunits of expenditures where these units and subunits are mutually exclusive from other department budget units. The budget structure must include budget units for the following: Cash assistance, child care, WorkFirst activities, and administration of the program. Within these budget units, the department must develop program index codes for specific activities and develop allotments and track expenditures using these codes. The department shall report to the office of financial management and the relevant fiscal and policy committees of the legislature prior to adopting a structure change.

(b)(i) ~~((266,668,000))~~ \$265,758,000 of the amounts in (a) of this subsection is for assistance to clients, including grants, diversion cash assistance, and additional diversion emergency assistance including but not limited to assistance authorized under RCW 74.08A.210. The department may use state funds to provide support to working families that are eligible for temporary assistance for needy families but otherwise not receiving cash assistance.

(ii) Of the amounts in (a) of this subsection, \$1,213,000 of the general fund—state appropriation for fiscal year 2020 and \$989,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of Second Substitute House Bill No. 1603 (economic assistance programs). ~~((If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.))~~

(c)(i) ~~((158,316,000))~~ \$155,482,000 of the amounts in (a) of this subsection is for WorkFirst job search, education and training activities, barrier removal services, limited English proficiency services, and tribal assistance under RCW 74.08A.040. The department must allocate this funding based on client outcomes and cost effectiveness measures. Within amounts provided in this subsection (1)(c), the department shall implement the working family support program.

(ii) \$2,430,000 of the amounts provided in this subsection (1)(c) is for enhanced transportation assistance. The department must prioritize the use of these funds for the recipients most in need of financial assistance to facilitate their return to work. The department must not utilize these funds to supplant repayment arrangements that are currently in place to facilitate the reinstatement of drivers' licenses.

(iii) Of the amounts in (a) of this subsection, \$864,000 of the general fund—state appropriation for fiscal year 2020 and \$649,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of Second Substitute House Bill No. 1603 (economic assistance programs). ~~((If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.))~~

(d)~~((+))~~ \$353,402,000 of the general fund—federal appropriation is for the working connections child care program under RCW 43.216.020 within the department of children, youth, and families. The department is the lead agency for and recipient of the federal temporary assistance for needy families grant. A portion of this grant must be used to fund child care subsidies expenditures at the department of children, youth, and families. The department shall work in collaboration with the department of children, youth, and families to track the average monthly child care subsidy caseload and expenditures by fund type including the child care development fund, general fund—state, and the temporary assistance for needy families grant for the purpose of estimating the monthly temporary assistance for needy families grant reimbursement.

(e) \$68,496,000 of the general fund—federal appropriation is for child welfare services within the department of children, youth, and families.

(f)(i) ~~(((\$122,945,000))~~ \$136,643,000 of the amounts in (1)(a) of this section is for WorkFirst administration and overhead.

(ii) Of the amounts in (a) of this subsection, \$218,000 of the general fund—state appropriation for fiscal year 2020 and \$39,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of Second Substitute House Bill No. 1603 (economic assistance programs). ~~((If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.))~~

(g) The amounts in subsections (1)(b) through (e) of this section shall be expended for the programs and in the amounts specified. However, the department may transfer up to ten percent of funding between subsections (1)(b) through (f) of this section. The department shall provide notification prior to any transfer to the office of financial management and to the appropriate legislative committees and the legislative-executive WorkFirst poverty reduction oversight task force. The approval of the director of financial management is required prior to any transfer under this subsection.

(h) Each calendar quarter, the department shall provide a maintenance of effort and participation rate tracking report for temporary assistance for needy families to the office of financial management, the appropriate policy and fiscal committees of the legislature, and the legislative-executive WorkFirst poverty reduction oversight task force. The report must detail the following information for temporary assistance for needy families:

(i) An overview of federal rules related to maintenance of effort, excess maintenance of effort, participation rates for temporary assistance for needy families, and the child care

development fund as it pertains to maintenance of effort and participation rates;

(ii) Countable maintenance of effort and excess maintenance of effort, by source, provided for the previous federal fiscal year;

(iii) Countable maintenance of effort and excess maintenance of effort, by source, for the current fiscal year, including changes in countable maintenance of effort from the previous year;

(iv) The status of reportable federal participation rate requirements, including any impact of excess maintenance of effort on participation targets;

(v) Potential new sources of maintenance of effort and progress to obtain additional maintenance of effort;

(vi) A two-year projection for meeting federal block grant and contingency fund maintenance of effort, participation targets, and future reportable federal participation rate requirements; and

(vii) Proposed and enacted federal law changes affecting maintenance of effort or the participation rate, what impact these changes have on Washington's temporary assistance for needy families program, and the department's plan to comply with these changes.

(j) In the 2019-2021 fiscal biennium, it is the intent of the legislature to provide appropriations from the state general fund for the purposes of (b) through (f) of this subsection if the department does not receive additional federal temporary assistance for needy families contingency funds in each fiscal year as assumed in the budget outlook.

(2) \$2,545,000 of the general fund—state appropriation for fiscal year 2020 and \$2,546,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for naturalization services.

(3) \$2,366,000 of the general fund—state appropriation for fiscal year 2020 is provided solely for employment services for refugees and immigrants, of which \$1,774,000 is provided solely for the department to pass through to statewide refugee and immigrant assistance organizations for limited English proficiency pathway services; and \$2,366,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for employment services for refugees and immigrants, of which \$1,774,000 is provided solely for the department to pass through to statewide refugee and immigrant assistance organizations for limited English proficiency pathway services.

(4) On January 1, 2020, and annually thereafter, the department must report to the governor and the legislature on all sources of funding available for both refugee and immigrant services and naturalization services during the current fiscal year and the amounts expended to date by service type and funding source. The report must also include the number of clients served and outcome data for the clients.

(5) To ensure expenditures remain within available funds appropriated in this section, the legislature establishes



the benefit under the state food assistance program, pursuant to RCW 74.08A.120, to be one hundred percent of the federal supplemental nutrition assistance program benefit amount.

(6) The department shall review clients receiving services through the aged, blind, or disabled assistance program, to determine whether they would benefit from assistance in becoming naturalized citizens, and thus be eligible to receive federal supplemental security income benefits. Those cases shall be given high priority for naturalization funding through the department.

(7) \$3,682,000 of the general fund—state appropriation for fiscal year 2020, \$1,344,000 of the general fund—state appropriation for fiscal year 2021, and \$10,333,000 of the general fund—federal appropriation are provided solely for the continuation of the ESAR project and ~~((are))~~ implementation of a disaster recovery plan. The funding is subject to the conditions, limitations, and review provided in ~~((section 719 of this act))~~ section 701 of this act.

(8) The department shall continue the interagency agreement with the department of veterans' affairs to establish a process for referral of veterans who may be eligible for veterans' services. This agreement must include out-stationing department of veterans' affairs staff in selected community service office locations in King and Pierce counties to facilitate applications for veterans' services.

(9) \$1,000,000 of the general fund—state appropriation for fiscal year 2020 and \$1,000,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for operational support of the Washington information network 211 organization.

(10) ~~(((\$996,000))~~ \$748,000 of the general fund—state appropriation for fiscal year 2020, \$2,155,000 of the general fund—state appropriation for fiscal year 2021, and ~~(((\$775,000))~~ \$1,074,000 of the general fund—federal appropriation are provided solely to ~~((begin implementing))~~ implement an asset verification system that is compliant with the federal medicaid extenders act by January 1, 2021 and is subject to the conditions, limitations, and review provided in section 701 of this act.

(11) Within amounts appropriated in this section, the department must conduct a comprehensive study of the WorkFirst transportation pilot. The department must submit a report by November 1, 2020, to the governor and the appropriate fiscal and policy committees that includes a cost benefit analysis of the transportation pilot. At a minimum, the report must include the total annual cost of the pilot since implementation, total annual number of clients accessing transportation services through the pilot, impacts to sanctions and the participation rate, employment outcomes, caseload impacts, department recommendations, and lessons learned.

(12) \$6,000 of the general fund—state appropriation for fiscal year 2021, \$2,500,000 of the home security fund account—state appropriation, and \$1,483,000 of the general fund—federal appropriation are provided solely to eliminate the supplied shelter grant standard for the pregnant women

assistance, refugee cash assistance, temporary assistance for needy families, state family assistance, and the aged, blind, or disabled assistance programs.

**Sec. 206.** 2019 c 415 s 206 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—VOCATIONAL REHABILITATION PROGRAM**

General Fund—State Appropriation (FY 2020)	
.....	<del>(((\$16,656,000))</del>
	<u>\$16,663,000</u>
General Fund—State Appropriation (FY 2021)	
.....	<del>(((\$17,605,000))</del>
	<u>\$17,721,000</u>
General Fund—Federal Appropriation	
.....	<del>(((\$109,571,000))</del>
	<u>\$109,595,000</u>
Pension Funding Stabilization Account—State	
Appropriation.....	\$2,024,000
TOTAL APPROPRIATION.....	<u>\$145,856,000</u>
	<u>\$146,003,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) The department of social and health services vocational rehabilitation program shall participate in the development of an implementation plan to build statewide capacity among school districts to improve transition planning for students in special education who meet criteria for services from the developmental disabilities administration, pursuant to section 501(3)(c) of this act.

(2) \$500,000 of the general fund—state appropriation for fiscal year 2020 and \$500,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for supported employment services for additional eligible clients with the most significant disabilities who would otherwise be placed on the federally required order of selection waiting list.

**Sec. 207.** 2019 c 415 s 207 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—SPECIAL COMMITMENT PROGRAM**

General Fund—State Appropriation (FY 2020)	
.....	<del>(((\$53,965,000))</del>
	<u>\$53,004,000</u>
General Fund—State Appropriation (FY 2021)	
.....	<del>(((\$54,800,000))</del>
	<u>\$53,895,000</u>
Pension Funding Stabilization Account—State	



implementation of Engrossed Second Substitute Senate Bill No. 5497 (immigrants in the workplace). ~~((If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.))~~

**Sec. 210.** 2019 c 415 s 210 (uncodified) is amended to read as follows:

#### **FOR THE STATE HEALTH CARE AUTHORITY**

During the 2019-2021 fiscal biennium, the health care authority shall provide support and data as required by the office of the state actuary in providing the legislature with health care actuarial analysis, including providing any information in the possession of the health care authority or available to the health care authority through contracts with providers, plans, insurers, consultants, or any other entities contracting with the health care authority.

Information technology projects or investments and proposed projects or investments impacting time capture, payroll and payment processes and systems, eligibility, case management, and authorization systems within the health care authority are subject to technical oversight by the office of the chief information officer.

The health care authority shall not initiate any services that require expenditure of state general fund moneys unless expressly authorized in this act or other law. The health care authority may seek, receive, and spend, under RCW 43.79.260 through 43.79.282, federal moneys not anticipated in this act as long as the federal funding does not require expenditure of state moneys for the program in excess of amounts anticipated in this act. If the health care authority receives unanticipated unrestricted federal moneys, those moneys shall be spent for services authorized in this act or in any other legislation providing appropriation authority, and an equal amount of appropriated state general fund moneys shall lapse. Upon the lapsing of any moneys under this subsection, the office of financial management shall notify the legislative fiscal committees. As used in this subsection, "unrestricted federal moneys" includes block grants and other funds that federal law does not require to be spent on specifically defined projects or matched on a formula basis by state funds.

The health care authority, the health benefit exchange, the department of social and health services, the department of health, and the department of children, youth, and families shall work together within existing resources to establish the health and human services enterprise coalition (the coalition). The coalition, led by the health care authority, must be a multi-organization collaborative that provides strategic direction and federal funding guidance for projects that have cross-organizational or enterprise impact, including information technology projects that affect organizations within the coalition. By October 31, 2019, the coalition must submit a report to the governor and the legislature that describes the coalition's plan for projects affecting the coalition organizations. The report must include any information technology projects impacting coalition organizations and, in collaboration with the office of the chief information officer, provide: (1) The status of any information technology projects currently being

developed or implemented that affect the coalition; (2) funding needs of these current and future information technology projects; and (3) next steps for the coalition's information technology projects. The office of the chief information officer shall maintain a statewide perspective when collaborating with the coalition to ensure that the development of projects identified in this report are planned for in a manner that ensures the efficient use of state resources and maximizes federal financial participation. The work of the coalition is subject to the conditions, limitations, and review provided in ~~((section 719 of this act))~~ section 701 of this act.

The appropriations to the health care authority in this act shall be extended for the programs and in the amounts specified in this act. However, after May 1, 2020, unless prohibited by this act, the authority may transfer general fund—state appropriations for fiscal year 2020 among programs after approval by the director of the office of financial management. To the extent that appropriations in this section are insufficient to fund actual expenditures in excess of caseload forecast and utilization assumptions, the authority may transfer general fund—state appropriations for fiscal year 2020 that are provided solely for a specified purpose. The authority may not transfer funds, and the director of the office of financial management shall not approve the transfer, unless the transfer is consistent with the objective of conserving, to the maximum extent possible, the expenditure of state funds. The director of the office of financial management shall notify the appropriate fiscal committees of the legislature in writing seven days prior to approving any allotment modifications or transfers under this subsection. The written notification must include a narrative explanation and justification of changes, along with expenditures and allotments by budget unit and appropriation, both before and after any allotment modifications and transfers.

**Sec. 211.** 2019 c 415 s 211 (uncodified) is amended to read as follows:

#### **FOR THE STATE HEALTH CARE AUTHORITY—MEDICAL ASSISTANCE**

General Fund—State Appropriation (FY 2020)	
.....	(\$2,281,076,000))
	<u>\$2,376,828,000</u>
General Fund—State Appropriation (FY 2021)	
.....	(\$2,325,882,000))
	<u>\$2,434,144,000</u>
General Fund—Federal Appropriation	
.....	(\$11,597,642,000))
	<u>\$12,485,846,000</u>
General Fund—Private/Local Appropriation	
.....	(\$285,918,000))
	<u>\$367,409,000</u>
Emergency Medical Services and Trauma Care Systems	
Trust Account—State Appropriation.....	\$15,086,000

Hospital Safety Net Assessment Account—State			
Appropriation .....(( <del>\$721,718,000</del> ))			
<u>\$715,909,000</u>			
Medicaid	Fraud	Penalty	Account—State
Appropriation.....(( <del>\$10,364,000</del> ))			
<u>\$10,146,000</u>			
Dedicated Marijuana Account—State			
Appropriation (FY 2020).....			\$18,951,000
Dedicated Marijuana Account—State			
Appropriation (FY 2021).....			\$19,341,000
Pension Funding Stabilization Account—State			
Appropriation .....			\$4,544,000
Medical Aid Account—State Appropriation			\$538,000
TOTAL APPROPRIATION .....			<del>\$17,281,060,000</del>
			<u>\$18,448,742,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) The authority shall not accept or expend any federal funds received under a medicaid transformation waiver under healthier Washington except as described in subsections (2) and (3) of this section until specifically approved and appropriated by the legislature. To ensure compliance with legislative directive budget requirements and terms and conditions of the waiver, the authority shall implement the waiver and reporting requirements with oversight from the office of financial management. The legislature finds that appropriate management of the innovation waiver requires better analytic capability, transparency, consistency, timeliness, accuracy, and lack of redundancy with other established measures and that the patient must be considered first and foremost in the implementation and execution of the demonstration waiver. In order to effectuate these goals, the authority shall: (a) Require the Dr. Robert Bree collaborative and the health technology assessment program to reduce the administrative burden upon providers by only requiring performance measures that are nonduplicative of other nationally established measures. The joint select committee on health care oversight will evaluate the measures chosen by the collaborative and the health technology assessment program for effectiveness and appropriateness; (b) develop a patient satisfaction survey with the goal to gather information about whether it was beneficial for the patient to use the center of excellence location in exchange for additional out-of-pocket savings; (c) ensure patients and health care providers have significant input into the implementation of the demonstration waiver, in order to ensure improved patient health outcomes; and (d) in cooperation with the department of social and health services, consult with and provide notification of work on applications for federal waivers, including details on waiver duration, financial implications, and potential future impacts on the state budget, to the joint select committee on health care oversight prior to submitting

waivers for federal approval. By federal standard, the medicaid transformation demonstration waiver shall not exceed the duration originally granted by the centers for medicare and medicaid services and any programs created or funded by this waiver do not create an entitlement. Beginning May 15, 2019, and continuing through December 15, 2019, by the 15th of each month, the director in consultation with the secretary shall report to the fiscal chair of the appropriate committees of the legislature in the manner and form requested the status of the medicaid transformation waiver, including any anticipated or proposed changes to accruals or expenditures.

(2) No more than ((~~\$305,659,000~~)) \$236,792,000 of the general fund—federal appropriation and no more than ((~~\$157,284,000~~)) \$169,627,000 of the general fund—local appropriation may be expended for transformation through accountable communities of health described in initiative 1 of the medicaid transformation demonstration wavier under healthier Washington, including preventing youth drug use, opioid prevention and treatment, and physical and behavioral health integration. Under this initiative, the authority shall take into account local input regarding community needs. In order to ensure transparency to the appropriate fiscal committees of the legislature, the authority shall provide fiscal staff of the legislature query ability into any database of the fiscal intermediary that authority staff would be authorized to access. The authority shall not increase general fund—state expenditures under this initiative. The director shall also report to the fiscal committees of the legislature all of the expenditures under this subsection and shall provide such fiscal data in the time, manner, and form requested by the legislative fiscal committees. By December 15, 2019, the authority in collaboration with each accountable community of health shall demonstrate how it will be self-sustaining by the end of the demonstration waiver period, including sources of outside funding, and provide this reporting to the joint select committee on health care oversight. If by the third year of the demonstration waiver there are not measurable, improved patient outcomes and financial returns, the Washington state institute for public policy will conduct an audit of the accountable communities of health, in addition to the process set in place through the independent evaluation required by the agreement with centers for medicare and medicaid services.

(3)(a) No more than \$79,829,000 of the general fund—federal appropriation may be expended for supported housing and employment services described in initiative 3a and 3b of the medicaid transformation demonstration waiver under healthier Washington. Under this initiative, the authority and the department of social and health services shall ensure that allowable and necessary services are provided to eligible clients as identified by the department or its third party administrator. The authority and the department in consultation with the medicaid forecast work group, shall ensure that reasonable reimbursements are established for services deemed necessary within an identified limit per individual. The authority shall not increase general fund—state expenditures under this initiative. The director shall report to the joint select committee on health care oversight no less than quarterly on

financial and health outcomes. The director shall also report to the fiscal committees of the legislature all of the expenditures of this subsection and shall provide such fiscal data in the time, manner, and form requested by the legislative fiscal committees.

(b) No more than \$169,676,000 of the general fund—federal appropriation and no more than \$69,306,000 of the general fund—local appropriation may be expended for the medicaid quality improvement program. Under federal regulations, the medicaid quality improvement program is authorized and allows states to design quality improvement programs for the medicaid population in ways that support the state's quality goals. Medicaid quality improvement program payments will not count against initiative 1 of the medicaid transformation demonstration waiver spending limit and are excluded from the waiver's budget neutrality calculation. Apple health managed care organizations and their partnering providers will receive medicaid quality improvement program payments as they meet designated milestones. Partnering providers and apple health managed care organizations will work together to achieve medicaid quality improvement program goals according to the performance period timelines and reporting deadlines as set forth by the authority. The authority shall only utilize the medicaid quality improvement program to support the transformation waiver and shall not pursue its use for other purposes. Any programs created or funded by the medicaid quality improvement program do not create an entitlement. The authority shall not increase general fund—state expenditures under this program. The director shall report to the joint select committee on health care oversight not less than quarterly on financial and health outcomes. The director shall report to the fiscal committees of the legislature all of the expenditures under this subsection and shall provide such fiscal data in the time, manner, and form requested by the legislative fiscal committees.

(4) Annually, no later than November 1st, the authority shall report to the governor and appropriate committees of the legislature: (a) Savings attributed to behavioral and physical integration in areas that are scheduled to integrate in the following calendar year, and (b) savings attributed to behavioral and physical health integration and the level of savings achieved in areas that have integrated behavioral and physical health.

(5) Sufficient amounts are appropriated in this subsection to implement the medicaid expansion as defined in the social security act, section 1902(a)(10)(A)(i)(VIII).

(6) The legislature finds that medicaid payment rates, as calculated by the health care authority pursuant to the appropriations in this act, bear a reasonable relationship to the costs incurred by efficiently and economically operated facilities for providing quality services and will be sufficient to enlist enough providers so that care and services are available to the extent that such care and services are available to the general population in the geographic area. The legislature finds that the cost reports, payment data from the federal government, historical utilization, economic data, and clinical input constitute reliable data upon which to determine the payment rates.

(7) Based on quarterly expenditure reports and caseload forecasts, if the health care authority estimates that expenditures for the medical assistance program will exceed the appropriations, the health care authority shall take steps including but not limited to reduction of rates or elimination of optional services to reduce expenditures so that total program costs do not exceed the annual appropriation authority.

(8) In determining financial eligibility for medicaid-funded services, the health care authority is authorized to disregard recoveries by Holocaust survivors of insurance proceeds or other assets, as defined in RCW 48.104.030.

(9) The legislature affirms that it is in the state's interest for Harborview medical center to remain an economically viable component of the state's health care system.

(10) When a person is ineligible for medicaid solely by reason of residence in an institution for mental diseases, the health care authority shall provide the person with the same benefits as he or she would receive if eligible for medicaid, using state-only funds to the extent necessary.

(11) \$4,261,000 of the general fund—state appropriation for fiscal year 2020, \$4,261,000 of the general fund—state appropriation for fiscal year 2021, and \$8,522,000 of the general fund—federal appropriation are provided solely for low-income disproportionate share hospital payments.

(12) Within the amounts appropriated in this section, the health care authority shall provide disproportionate share hospital payments to hospitals that provide services to children in the children's health program who are not eligible for services under Title XIX or XXI of the federal social security act due to their citizenship status.

(13) \$6,000,000 of the general fund—federal appropriation is provided solely for supplemental payments to nursing homes operated by public hospital districts. The public hospital district shall be responsible for providing the required nonfederal match for the supplemental payment, and the payments shall not exceed the maximum allowable under federal rules. It is the legislature's intent that the payments shall be supplemental to and shall not in any way offset or reduce the payments calculated and provided in accordance with part E of chapter 74.46 RCW. It is the legislature's further intent that costs otherwise allowable for rate-setting and settlement against payments under chapter 74.46 RCW shall not be disallowed solely because such costs have been paid by revenues retained by the nursing home from these supplemental payments. The supplemental payments are subject to retrospective interim and final cost settlements based on the nursing homes' as-filed and final medicare cost reports. The timing of the interim and final cost settlements shall be at the health care authority's discretion. During either the interim cost settlement or the final cost settlement, the health care authority shall recoup from the public hospital districts the supplemental payments that exceed the medicaid cost limit and/or the medicare upper payment limit. The health care authority shall apply federal rules for identifying the eligible incurred medicaid costs and the medicare upper payment limit.

(14) The health care authority shall continue the inpatient hospital certified public expenditures program for the 2019-2021 fiscal biennium. The program shall apply to all public hospitals, including those owned or operated by the state, except those classified as critical access hospitals or state psychiatric institutions. The health care authority shall submit reports to the governor and legislature by November 1, 2020, and by November 1, 2021, that evaluate whether savings continue to exceed costs for this program. If the certified public expenditures (CPE) program in its current form is no longer cost-effective to maintain, the health care authority shall submit a report to the governor and legislature detailing cost-effective alternative uses of local, state, and federal resources as a replacement for this program. During fiscal year 2020 and fiscal year 2021, hospitals in the program shall be paid and shall retain one hundred percent of the federal portion of the allowable hospital cost for each medicaid inpatient fee-for-service claim payable by medical assistance and one hundred percent of the federal portion of the maximum disproportionate share hospital payment allowable under federal regulations. Inpatient medicaid payments shall be established using an allowable methodology that approximates the cost of claims submitted by the hospitals. Payments made to each hospital in the program in each fiscal year of the biennium shall be compared to a baseline amount. The baseline amount will be determined by the total of (a) the inpatient claim payment amounts that would have been paid during the fiscal year had the hospital not been in the CPE program based on the reimbursement rates developed, implemented, and consistent with policies approved in the 2019-2021 biennial operating appropriations act and in effect on July 1, 2015, (b) one-half of the indigent assistance disproportionate share hospital payment amounts paid to and retained by each hospital during fiscal year 2005, and (c) all of the other disproportionate share hospital payment amounts paid to and retained by each hospital during fiscal year 2005 to the extent the same disproportionate share hospital programs exist in the 2019-2021 fiscal biennium. If payments during the fiscal year exceed the hospital's baseline amount, no additional payments will be made to the hospital except the federal portion of allowable disproportionate share hospital payments for which the hospital can certify allowable match. If payments during the fiscal year are less than the baseline amount, the hospital will be paid a state grant equal to the difference between payments during the fiscal year and the applicable baseline amount. Payment of the state grant shall be made in the applicable fiscal year and distributed in monthly payments. The grants will be recalculated and redistributed as the baseline is updated during the fiscal year. The grant payments are subject to an interim settlement within eleven months after the end of the fiscal year. A final settlement shall be performed. To the extent that either settlement determines that a hospital has received funds in excess of what it would have received as described in this subsection, the hospital must repay the excess amounts to the state when requested. (~~(\$537,000))~~ \$754,000 of the general fund—state appropriation for fiscal year 2020 and (~~(\$522,000))~~ \$739,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for state grants for the participating hospitals.

(15) The health care authority shall seek public-private partnerships and federal funds that are or may become available to provide on-going support for outreach and education efforts under the federal children's health insurance program reauthorization act of 2009.

(16) The health care authority shall target funding for maternity support services towards pregnant women with factors that lead to higher rates of poor birth outcomes, including hypertension, a preterm or low birth weight birth in the most recent previous birth, a cognitive deficit or developmental disability, substance abuse, severe mental illness, unhealthy weight or failure to gain weight, tobacco use, or African American or Native American race. The health care authority shall prioritize evidence-based practices for delivery of maternity support services. To the extent practicable, the health care authority shall develop a mechanism to increase federal funding for maternity support services by leveraging local public funding for those services.

(17) The authority shall submit reports to the governor and the legislature by September 15, 2020, and no later than September 15, 2021, that delineate the number of individuals in medicaid managed care, by carrier, age, gender, and eligibility category, receiving preventative services and vaccinations. The reports should include baseline and benchmark information from the previous two fiscal years and should be inclusive of, but not limited to, services recommended under the United States preventative services task force, advisory committee on immunization practices, early and periodic screening, diagnostic, and treatment (EPSDT) guidelines, and other relevant preventative and vaccination medicaid guidelines and requirements.

(18) Managed care contracts must incorporate accountability measures that monitor patient health and improved health outcomes, and shall include an expectation that each patient receive a wellness examination that documents the baseline health status and allows for monitoring of health improvements and outcome measures.

(19) Sufficient amounts are appropriated in this section for the authority to provide an adult dental benefit.

(20) The health care authority shall coordinate with the department of social and health services to provide referrals to the Washington health benefit exchange for clients that will be ineligible for medicaid.

(21) To facilitate a single point of entry across public and medical assistance programs, and to maximize the use of federal funding, the health care authority, the department of social and health services, and the health benefit exchange will coordinate efforts to expand HealthPlanfinder access to public assistance and medical eligibility staff. The health care authority shall complete medicaid applications in the HealthPlanfinder for households receiving or applying for medical assistance benefits.

(22) \$90,000 of the general fund—state appropriation for fiscal year 2020, \$90,000 of the general fund—state appropriation for fiscal year 2021, and \$180,000 of the general fund—federal appropriation are provided solely to continue operation by a nonprofit organization of a toll-free

hotline that assists families to learn about and enroll in the apple health for kids program.

(23) Within the amounts appropriated in this section, the authority shall reimburse for primary care services provided by naturopathic physicians.

(24) Within the amounts appropriated in this section, the authority shall continue to provide coverage for pregnant teens that qualify under existing pregnancy medical programs, but whose eligibility for pregnancy related services would otherwise end due to the application of the new modified adjusted gross income eligibility standard.

(25) Sufficient amounts are appropriated in this section to remove the mental health visit limit and to provide the shingles vaccine and screening, brief intervention, and referral to treatment benefits that are available in the medicaid alternative benefit plan in the classic medicaid benefit plan.

(26) The authority shall use revenue appropriated from the dedicated marijuana fund for contracts with community health centers under RCW 69.50.540 in lieu of general fund—state payments to community health centers for services provided to medical assistance clients, and it is the intent of the legislature that this policy will be continued in subsequent fiscal biennia.

(27) Beginning no later than January 1, 2018, for any service eligible under the medicaid state plan for encounter payments, managed care organizations at the request of a rural health clinic shall pay the full published encounter rate directly to the clinic. At no time will a managed care organization be at risk for or have any right to the supplemental portion of the claim. Payments will be reconciled on at least an annual basis between the managed care organization and the authority, with final review and approval by the authority.

(28) Sufficient funds are provided for the authority to remove payment and billing limitations identified during the review process required for implementation of chapter 226, Laws of 2017 (behavioral health care – primary care integration) for health and behavior codes, psychotherapy codes, and to continue to offer face-to-face tobacco cessation counseling only for pregnant individuals. Additional funding is provided to increase the rates for the health and behavior codes and psychotherapy codes identified through the stakeholder work group process required under chapter 226, Laws of 2017 (SSB 5779) by ten percent.

(29) By October 15, 2019, the authority shall report to the governor and relevant committees of the legislature the status of rural health clinic reconciliations for calendar years 2011-2013, including any use of available unliquidated prior period accrual balances to refund the federal government for those calendar years. Additionally, the report shall include the status of rural health clinic reconciliations for calendar years 2014-2017, including anticipated amounts owed to or from rural health clinics from the reconciliation process for those fiscal years. The authority shall not recover the state portion of rural health reconciliations for calendar years 2011-2013 for which no general fund state accrual was

made. The authority shall not pursue recoveries for calendar years 2014-2017 until after the legislature has an opportunity to take action during the 2020 legislative session. If the legislature does not take any action on rural health clinic reconciliations for calendar years 2014-2017, recoveries shall commence per administrative rule.

(30) Sufficient amounts are appropriated in this section for the authority to provide a medicaid equivalent adult dental benefit to clients enrolled in the medical care service program.

(31) \$300,000 of the general fund—state appropriation for fiscal year 2020 and \$300,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the Bree collaborative to support collaborative learning and targeted technical assistance for quality improvement initiatives. The collaborative must use these amounts to hire one full-time staff person to promote the adoption of Bree collaborative recommendations and to hold two conferences focused on the sharing of best implementation practices.

(32) Within the amounts appropriated in this section, the authority shall reimburse for maternity ~~((support))~~ services provided by doulas.

(33) The authority shall facilitate a home health work group consisting of home health provider associations, hospital associations, managed care organizations, the department of social and health services, and the department of health to develop a new medicaid payment methodology for home health services. The authority must submit a report with final recommendations and a proposed implementation timeline to the appropriate committees of the legislature by November 30, 2019. The work group must consider the following when developing the new payment methodology:

- (a) Reimbursement for telemedicine;
- (b) Reimbursement for social work for clients with behavioral health needs;
- (c) An additional add-on for services in rural or underserved areas;
- (d) Quality metrics for home health providers serving medical assistance clients including reducing hospital readmission;
- (e) The role of home health in caring for individuals with complex, physical, and behavioral health needs who are able to receive care in their own home, but are unable to be discharged from hospital settings; and
- (f) Partnerships between home health and other community resources that enable individuals to be served in a cost-effective setting that also meets the individual's needs and preferences.

(34) \$969,000 of the general fund—state appropriation for fiscal year 2020, \$2,607,000 of the general fund—state appropriation for fiscal year 2021, and \$1,268,000 of the general fund—federal appropriation are provided solely to create and operate a tele-behavioral health video call center staffed by the University of Washington's department of psychiatry and behavioral sciences. The center must provide emergency department providers, primary care providers,

and county and municipal correctional facility providers with on-demand access to psychiatric and substance use disorder clinical consultation. When clinically appropriate and technically feasible, the clinical consultation may also involve direct assessment of patients using tele-video technology. The center must be available from 8 a.m. to 5 p.m. in fiscal year 2020 and twenty-four hours a day in fiscal year 2021. Of the federal amounts provided in this subsection, \$700,000 is from the substance abuse prevention and treatment federal block grant and is to support addiction medicine services through the call center.

(35) \$300,000 of the general fund—federal appropriation, from the substance abuse prevention and treatment federal block grant amount, is provided solely for medication interaction services through the Washington state poison center.

(36) Within the amounts appropriated in this section, the authority shall review the current diagnosis-related group high outlier claim policies and examine the impact of increasing the current high outlier threshold. To the extent necessary, the authority shall seek actuarial support for this work. The authority must provide a report to the appropriate committees of the legislature by December 31, 2019, that:

(a) Outlines several options for increasing the threshold;

(b) Describes the impact of these options on hospitals, the state, and medicaid managed care organizations; and

(c) Identifies any technical challenge or limitations of changes to the threshold.

(37) Within the amounts appropriated in this section, the authority to include allergen control bed and pillow covers as part of the durable medical equipment benefit for children with an asthma diagnosis enrolled in medical assistance programs.

(38) Sufficient amounts are appropriated in this section to increase the hourly rate by ten percent for registered nurses and licensed practical nurses providing skilled nursing services for children who require medically intensive care in a home setting. This rate increase begins on January 1, 2020.

(39) Sufficient amounts are appropriated in this section to increase the daily rate by ten percent for registered nurses and licensed practical nurses providing skilled nursing services to medically intensive children's program clients who reside in a group home setting. This rate increase begins on January 1, 2020.

(40) \$400,000 of the general fund—state appropriation for fiscal year 2020 is provided solely to implement Engrossed Substitute Senate Bill No. 5526 (individual health insurance market). ~~((If the bill is not enacted by June 30, 2019, the amount provided in this subsection shall lapse.))~~

(41) \$22,000 of the general fund—state appropriation for fiscal year 2020, \$159,000 of the general fund—state appropriation for fiscal year 2021, and \$181,000 of the general fund—federal appropriation are provided solely to implement Substitute House Bill No. 1199 (health

care/disability). ~~((If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.))~~

(42) \$290,000 of the general fund—state appropriation for fiscal year 2020 and \$165,000 of the general fund—state appropriation for fiscal year 2021 are provided solely to implement Engrossed Second Substitute House Bill No. 1224 (Rx drug cost transparency). ~~((If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.))~~

(43) \$1,053,000 of the general fund—state appropriation for fiscal year 2020 and \$2,222,000 of the general fund—state appropriation for fiscal year 2021 are provided solely to implement Engrossed Substitute Senate Bill No. 5741 (all payer claims database). ~~((If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.))~~

(44) \$2,374,000 of the general fund—state appropriation for fiscal year 2020 and \$2,374,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the kidney disease program.

(45) The authority shall work with the department of health, other state agencies, and other hepatitis C virus medication purchasers to establish a comprehensive procurement strategy. As part of this work, the authority shall estimate, by program, any savings that will result from lower medication costs. It is the intent of the legislature to evaluate reinvesting any savings to expand treatment for individuals enrolled in state covered groups and to further the public health elimination effort during the 2020 legislative session. By October 31, 2019, the authority and department shall report to the governor and relevant committees of the legislature on:

(a) The progress of the procurement;

(b) The estimated savings resulting from lower medication costs;

(c) Funding needed for public health interventions to eliminate the hepatitis C virus;

(d) The current status of treatment; and

(e) A plan to implement the elimination effort.

(46) \$50,000 of the general fund—state appropriation for fiscal year 2020 and \$533,000 for fiscal year 2021 are provided solely for implementation of Engrossed Senate Bill No. 5274 (pacific islanders dental). Open enrollment periods and special enrollment periods must be consistent with the enrollment periods for the COFA medical program, through the health benefit exchange, and program administration must be consistent with the pacific islander medical program. The first open-enrollment period for the COFA dental program must begin no later than November 1, 2020. The dental services must be consistent with the adult medicaid dental coverage, including state payment of premiums, out-of-pocket costs for covered benefits under the qualified dental plan, and costs for noncovered qualified dental plan benefits consistent with, but not to exceed, the medicaid adult dental coverage. ~~((If the bill is not enacted by~~



~~June 30, 2019, the amounts provided in this subsection shall lapse.))~~

(47) During the 2019-2021 biennium, sufficient amounts are provided in this section for the authority to provide services identical to those services covered by the Washington state family planning waiver program as of August 2018 to individuals who:

- (a) Are over nineteen years of age;
- (b) Are at or below two hundred and sixty percent of the federal poverty level as established in WAC 182-505-0100;
- (c) Are not covered by other public or private insurance; and
- (d) Need family planning services and are not currently covered by or eligible for another medical assistance program for family planning.

(48) \$282,000 of the general fund—state appropriation for fiscal year 2020 and \$754,000 of the general fund—federal appropriation are provided solely for the implementation of Senate Bill No. 5415 (Indian health improvement). ~~((If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.))~~

(49) \$3,150,000 of the general fund—state appropriation for fiscal year 2020 and \$3,500,000 of the general fund—state appropriation for fiscal year 2021 are provided solely to reimburse dental health aid therapists for services performed in tribal facilities for medicaid clients. The authority must leverage any federal funding that may become available as a result of appeal decisions from the centers for medicare and medicaid services.

(50) Sufficient amounts are appropriated within this section for the authority to incorporate the expected outcomes and criteria to measure the performance of service coordination organizations as provided in chapter 70.320 RCW into contracts with managed care organizations that provide services to clients. The authority is directed to:

(a) Contract with an external quality improvement organization to annually analyze the performance of managed care organizations providing services to clients under this chapter based on seven performance measures. The analysis required under this subsection must:

(i) Measure managed care performance in four common measures across each managed care organization, including:

(A) At least one common measure must be weighted towards having the potential to impact managed care costs; and

(B) At least one common measure must be weighted towards population health management, as defined by the measure; and

(ii) Measure managed care performance in an additional three quality focus performance measures specific to a managed care organization. Quality focus performance measures chosen by the authority must:

(A) Be chosen from the statewide common measure set;

(B) Reflect specific measures where a managed care organization has poor performance; and

(C) Be substantive and clinically meaningful in promoting health status.

(b) By September 1, 2019, the authority shall set the four common measures to be analyzed across all managed care organizations.

(c) By September 1, 2019, the authority shall set three quality focus performance measures specific to each managed care organization. The authority must determine performance measures for each managed care organization based on the criteria established in (a)(ii) of this subsection.

(d) By September 15, 2019, and annually thereafter, the authority shall notify each managed care organization of the performance measures for the organization for the subsequent plan year.

(e) Beginning in plan year 2020, two percent of the total plan year funding appropriated to each managed care organization that provides services to clients under chapter 70.320 RCW shall be withheld. At least seventy-five percent of the withhold shall be held contingent on each managed care organization's performance on the seven performance measures identified in this section. Each managed care organization may earn back the annual withhold if the external quality improvement organization finds that the managed care organization:

(i) Made statistically significant improvement in the seven performance measures as compared to the preceding plan year; or

(ii) Scored in the top national medicaid quartile of the performance measures.

(f) The amount of withhold annually paid to each managed care organization shall be proportional to findings of statistically significant improvement or top national medicaid quartile scoring by a managed care organization.

(g) For no more than two of the four quality focus performance measures, the authority may use an alternate methodology to approximate top national medicaid quartile performance where top quartile performance data is unavailable.

(h) For the purposes of this subsection, "external quality improvement organization" means an organization that meets the competence and independence requirements under 42 C.F.R. Sec. 438.354, as it existed on the effective date of this section.

(51) \$1,805,727,000 of the general fund—state appropriation for fiscal year 2020 and \$1,876,135,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the authority to implement the recommendations of the centers for medicare and medicaid services center for program integrity as provided to the authority in the January 2019 Washington focused program integrity review final report. The authority is directed to:

(a) Organize all program integrity activities into a centralized unit or under a common protocol addressing provider enrollment, fraud and abuse detection, investigations, and law enforcement referrals that is more reflective of industry standards;

(b) Ensure appropriate resources are dedicated to prevention, detection, investigation, and suspected provider fraud at both the authority and at contracted managed care organizations;

(c) Ensure all required federal regulations are being followed and are incorporated into managed care contracts;

(d) Directly audit managed care encounter data to identify fraud, waste, and abuse issues with managed care organization providers;

(e) Initiate data mining activities in order to identify fraud, waste, and abuse issues with managed care organization providers;

(f) Implement proactive data mining and routine audits of validated managed care encounter data;

(g) Assess liquidated damages to managed care organizations when fraud, waste, or abuse with managed care organization providers is identified;

(h) Require managed care organizations submit accurate reports on overpayments, including the prompt reporting of overpayments identified or recovered, specifying overpayments due to fraud, waste, or abuse;

(i) Implement processes to ensure integrity of data used for rate setting purposes;

(j) Refine payment suspension policies; and

(k) Ensure all federal database exclusion checks are performed at the appropriate intervals. The authority shall update managed care contracts as appropriate to reflect these requirements.

(52) \$96,130,000 of the general fund—state appropriation for fiscal year 2020 and \$100,476,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for fee-for-service dental services. The authority must provide these services through fee-for-service and may not proceed with either a carved-out or carved-in managed care dental option. Any contracts that have been procured or that are in the process of being procured shall not be entered into or implemented. By November 15, 2019, the authority shall report to the governor and appropriate committees of the legislature a plan to improve access to dental services for medicaid clients. This plan should address options for carve-in, carve-out, fee-for-service, and other models that would improve access and outcomes for adults and children. The plan should also include the cost for any options provided.

(53) During the 2019-2021 fiscal biennium, the authority must revise its agreements and contracts with vendors to include a provision to require that each vendor agrees to equality among its workers by ensuring similarly employed individuals are compensated as equals as follows:

(a) Employees are similarly employed if the individuals work for the same employer, the performance of the job requires comparable skill, effort, and responsibility, and the jobs are performed under similar working conditions. Job titles alone are not determinative of whether employees are similarly employed;

(b) Vendors may allow differentials in compensation for its workers based in good faith on any of the following:

(i) A seniority system; a merit system; a system that measures earnings by quantity or quality of production; a bona fide job-related factor or factors; or a bona fide regional difference in compensation levels.

(ii) A bona fide job-related factor or factors may include, but not be limited to, education, training, or experience, that is: Consistent with business necessity; not based on or derived from a gender-based differential; and accounts for the entire differential.

(iii) A bona fide regional difference in compensation level must be: Consistent with business necessity; not based on or derived from a gender-based differential; and account for the entire differential.

(c) The provision must allow for the termination of the contract if the authority or department of enterprise services determines that the vendor is not in compliance with this agreement or contract term.

(d) The authority must implement this provision with any new contract and at the time of renewal of any existing contract.

(54) The authority is prohibited to direct any funds to safe-injection sites for the illicit use of drugs.

(55) \$1,400,000 of the general fund—state appropriation for fiscal year 2020, \$1,400,000 of the general fund—state appropriation for fiscal year 2021, and \$7,000,000 of the general fund—federal appropriation are provided solely to increase the rates paid to rural hospitals that meet the criteria in (a) through (d) of this subsection. Payments for state and federal medical assistance programs for services provided by such a hospital, regardless of the beneficiary's managed care enrollment status, must be increased to one hundred fifty percent of the hospital's fee-for-service rates. The authority must discontinue this rate increase after June 30, 2021, and return to the payment levels and methodology for these hospitals that were in place as of January 1, 2018. Hospitals participating in the certified public expenditures program may not receive increased reimbursement for inpatient services. Hospitals qualifying for this rate increase must:

(a) Be certified by the centers for medicare and medicaid services as sole community hospitals as of January 1, 2013;

(b) Have had less than one hundred fifty acute care licensed beds in fiscal year 2011;

(c) Have a level III adult trauma service designation from the department of health as of January 1, 2014; and

(d) Be owned and operated by the state or a political subdivision.

(56) Within the amounts appropriated within this section the authority shall conduct an evaluation of purchasing arrangements and paid claims or encounter data for prescription drugs under managed care contracts for plan years 2017 and 2018 and compare these to contract purchasing agreements under the same years for the prescription drug consortium and identify any cost differences. The authority shall report its findings to the governor and appropriate committees of the legislature by November 15, 2019.

(57) The health care authority is directed to convene a work group on establishing a universal health care system in Washington. ~~(((\$500,000)) \$338,000 of the general fund—state appropriation for fiscal year 2020 ((is)) and \$162,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the health care authority to contract with one or more consultants to perform any actuarial and financial analyses necessary to develop options under (b)(vi) of this subsection.~~

(a) The work group must consist of a broad range of stakeholders with expertise in the health care financing and delivery system, including but not limited to:

- (i) Consumers, patients, and the general public;
- (ii) Patient advocates and community health advocates;
- (iii) Large and small businesses with experience with large and small group insurance and self-insured models;
- (iv) Labor, including experience with Taft-Hartley coverage;
- (v) Health care providers that are self-employed and health care providers that are otherwise employed;
- (vi) Health care facilities such as hospitals and clinics;
- (vii) Health insurance carriers;
- (viii) The Washington health benefit exchange and state agencies, including the office of financial management, the office of the insurance commissioner, the department of revenue, and the office of the state treasurer; and
- (ix) Legislators from each caucus of the house of representatives and senate.

(b) The work group must study and make recommendations to the legislature on how to create, implement, maintain, and fund a universal health care system that may include publicly funded, publicly administered, and publicly and privately delivered health care that is sustainable and affordable to all Washington residents including, but not limited to:

- (i) Options for increasing coverage and access for uninsured and underinsured populations;
- (ii) Transparency measures across major health system actors, including carriers, hospitals, and other health care facilities, pharmaceutical companies, and provider groups

that promote understanding and analyses to best manage and lower costs;

(iii) Innovations that will promote quality, evidence-based practices leading to sustainability, and affordability in a universal health care system. When studying innovations under this subsection, the work group must develop recommendations on issues related to covered benefits and quality assurance and consider expanding and supplementing the work of the Robert Bree collaborative and the health technology assessment program;

(iv) Options for ensuring a just transition to a universal health care system for all stakeholders including, but not limited to, consumers, businesses, health care providers and facilities, hospitals, health carriers, state agencies, and entities representing both management and labor for these stakeholders;

(v) Options to expand or establish health care purchasing in collaboration with neighboring states; and

(vi) Options for revenue and financing mechanisms to fund the universal health care system. The work group shall contract with one or more consultants to perform any actuarial and financial analyses necessary to develop options under this subsection.

(c) The work group must report its findings and recommendations to the appropriate committees of the legislature by November 15, 2020. Preliminary reports with findings and preliminary recommendations shall be made public and open for public comment by November 15, 2019, and May 15, 2020.

(58) \$23,000 of the general fund—state appropriation for fiscal year 2020, \$2,000 of the general fund—state appropriation for fiscal year 2021, and \$36,000 of the general fund—federal appropriation are provided solely for implementation of Engrossed Second Substitute Senate Bill No. 5497 (immigrants in the workplace). ~~((If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.))~~

(59) \$1,667,000 of the general fund—state appropriation for fiscal year 2020, \$855,000 of the general fund—state appropriation for fiscal year 2021, and \$1,867,000 of the general fund—federal appropriation are provided solely for the Washington rural health access preservation pilot program.

(60) The health care authority shall submit a state plan amendment to the centers for medicare and medicaid services to maintain children's health insurance program coverage as secondary payer for eligible child dependents of employees eligible for school employee or public employee benefit coverage. The intent of the legislature for this option is to provide children the best access to health care coverage while prioritizing efficient use of state funds. No later than October 15, 2020, the authority shall report to the fiscal committees of the legislature and the office of financial management on the status of the state plan amendment and the impact to the state. The health care authority shall implement the amendment in calendar year 2020, once approved by the centers for medicare and medicaid services.

(61) The health care authority shall work with the department of social and health services to assess a Katie Beckett waiver to expand coverage for children with significant disabilities who meet federal requirements for such services. No later than October 15, 2020, the authority shall report to the fiscal committees of the legislature and the office of financial management the number of children that would be eligible if such a waiver were approved and the potential impact to the state budget.

(62) \$250,000 of the general fund—state appropriation for fiscal year 2020, \$250,000 of the general fund—state appropriation for fiscal year 2021, and \$500,000 of the general fund—federal appropriation are provided solely to increase the rates paid to provide education and clinical training for dental professionals and students in the care of persons with development and/or acquired disabilities.

**Sec. 212.** 2019 c 415 s 212 (uncodified) is amended to read as follows:

**FOR THE STATE HEALTH CARE  
AUTHORITY—PUBLIC EMPLOYEES' BENEFITS  
BOARD AND EMPLOYEE BENEFITS PROGRAM**

State Health Care Authority Administrative  
Account—State

Appropriation .....((~~\$35,274,000~~))  
\$37,707,000

School Employees' Insurance Administrative  
Account—State

Appropriation .....\$384,000  
TOTAL APPROPRIATION .....\$35,274,000  
\$38,091,000

The appropriation in this section is subject to the following conditions and limitations:

(1) Any savings resulting from reduced claims costs or other factors identified after March 1, 2019, must be reserved for funding employee benefits in the 2021-2023 fiscal biennium. The health care authority shall deposit any moneys received on behalf of the uniform medical plan resulting from rebates on prescription drugs, audits of hospitals, subrogation payments, or any other moneys received as a result of prior uniform medical plan claims payments, in the public employees' and retirees' insurance account to be used for insurance benefits. The authority may, however, conduct a request for information about a diabetes disease management program.

(2) Any changes to benefits must be approved by the public employees' benefits board. The board shall not make any changes to benefits without considering a comprehensive analysis of the cost of those changes, and shall not increase benefits unless savings achieved under subsection (3) of this section or offsetting cost reductions from other benefit revisions are sufficient to fund the changes. However, the funding provided anticipates that the public employees' benefits board may increase the availability of nutritional counseling in the uniform medical plan by allowing a lifetime limit of up to twelve nutritional

counseling visits, and may increase hearing aid benefits to reflect the provisions of chapter 159, Laws of 2018, for the plan year beginning January 1, 2021. Provided further, that within the amount provided, the health care authority may update the public employees benefits board benefits enrollment process. The board may also, within the amounts provided, use cost savings to enhance the basic long-term disability benefit.

(3) Except as may be provided in a health care bargaining agreement, to provide benefits within the level of funding provided in part IX of this bill, the public employees' benefits board shall require or make any or all of the following: Employee premium copayments, increases in point-of-service cost sharing, the implementation of managed competition, or make other changes to benefits consistent with RCW 41.05.065.

(4) The board shall collect a surcharge payment of not less than twenty-five dollars per month from members who use tobacco products, and a surcharge payment of not less than fifty dollars per month from members who cover a spouse or domestic partner where the spouse or domestic partner has chosen not to enroll in another employer-based group health insurance that has benefits and premiums with an actuarial value of not less than ninety-five percent of the actuarial value of the public employees' benefits board plan with the largest enrollment. The surcharge payments shall be collected in addition to the member premium payment.

(5) \$7,000 of the state health care authority administrative account—state appropriation in this section is provided solely for implementation of Engrossed Second Substitute Senate Bill No. 5497 (immigrants in the workplace). ~~((If the bill is not enacted by June 30, 2019, the amount in this subsection shall lapse.))~~

**Sec. 213.** 2019 c 415 s 213 (uncodified) is amended to read as follows:

**FOR THE STATE HEALTH CARE  
AUTHORITY—SCHOOL EMPLOYEES' BENEFITS  
BOARD**

School Employees' Insurance Administrative  
Account—State

Appropriation.....((~~\$25,343,000~~))  
\$25,384,000  
TOTAL APPROPRIATION.....~~\$25,343,000~~  
\$25,384,000

The appropriation in this section is subject to the following conditions and limitations:

(1) By February 5, 2020, the health care authority shall report to the appropriate committees of the legislature on the total amount by school district, educational service district, and charter school billed for January benefits and a detailed list of school districts, educational service districts, and charter schools that have not remitted payment for January coverage as of January 31, 2020.

(2) \$2,000 of the appropriation in this section is provided solely for implementation of Engrossed Second

Substitute Senate Bill No. 5497 (immigrants in the workplace). ~~((If the bill is not enacted by June 30, 2019, the amount in this subsection shall lapse.))~~

(3) The health care authority must study the potential cost savings and improved efficiency in providing insurance benefits to the employers and employees participating in the public employees' and school employees' benefits board systems that could be gained by consolidating the systems. The consolidation options studied must maintain separate risk pools for medicare-eligible and non-medicare eligible employees and retirees, assume a consolidation date of January 1, 2022, and incorporate the experiences gained by health care authority during the initial implementation and operation of the school employees' benefits board program. The study must be submitted to the committees of the house of representatives and the senate overseeing health care and the omnibus operating budget by November 15, 2020.

**Sec. 214.** 2019 c 415 s 214 (uncodified) is amended to read as follows:

**FOR THE STATE HEALTH CARE  
AUTHORITY—HEALTH BENEFIT EXCHANGE**

General Fund—State Appropriation (FY 2020)	\$6,407,000
General Fund—State Appropriation (FY 2021)	\$5,234,000
General Fund—Federal Appropriation	<del>(((\$52,128,000))</del>
	<u>\$50,082,000</u>
Health Benefit Exchange Account—State Appropriation	<del>(((\$57,720,000))</del>
	<u>\$59,851,000</u>
TOTAL APPROPRIATION	<u>\$121,489,000</u>
	<u>\$121,574,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) The receipt and use of medicaid funds provided to the health benefit exchange from the health care authority are subject to compliance with state and federal regulations and policies governing the Washington apple health programs, including timely and proper application, eligibility, and enrollment procedures.

(2)(a) By July 15th and January 15th of each year, the authority shall make a payment of one-half the general fund—state appropriation and one-half the health benefit exchange account—state appropriation to the exchange.

(b) The exchange shall monitor actual to projected revenues and make necessary adjustments in expenditures or carrier assessments to ensure expenditures do not exceed actual revenues.

(c) Payments made from general fund—state appropriation and health benefit exchange account—state appropriation shall be available for expenditure for no longer than the period of the appropriation from which it was made.

When the actual cost of materials and services have been fully determined, and in no event later than the lapsing of the appropriation, any unexpended balance of the payment shall be returned to the authority for credit to the fund or account from which it was made, and under no condition shall expenditures exceed actual revenue.

(3) \$50,000 of the general fund—state appropriation for fiscal year 2020, \$50,000 of the general fund—state appropriation for fiscal year 2021, and \$1,048,000 of the health benefit exchange account—state appropriation are provided solely to implement Engrossed Substitute Senate Bill No. 5526 (individual health insurance market). ~~((If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.))~~

(4) \$1,173,000 of the general fund—state appropriation for fiscal year 2020 is provided for the exchange to enhance Washington healthplanfinder so eligible COFA citizens can obtain dental coverage. Open enrollment periods and special enrollment periods for the COFA dental program shall be consistent with the enrollment periods for the COFA medical program. The first open-enrollment period for the COFA dental program must begin no later than November 1, 2020.

(5) \$426,000 of the health benefit exchange account—state appropriation and \$874,000 of the general fund—federal appropriation are provided solely for cloud platform costs and are subject to the conditions, limitations, and review provided in ~~((section 719 of this act))~~ section 701 of this act.

(6) \$968,000 of the health benefit exchange account—state appropriation and \$1,978,000 of the general fund—federal appropriation are provided solely for system integrator procurement and are subject to the conditions, limitations, and review provided in ~~((section 719 of this act))~~ section 701 of this act.

**Sec. 215.** 2019 c 415 s 215 (uncodified) is amended to read as follows:

**FOR THE STATE HEALTH CARE  
AUTHORITY—COMMUNITY BEHAVIORAL  
HEALTH PROGRAM**

General Fund—State Appropriation (FY 2020)	<del>(((\$556,003,000))</del>
	<u>\$587,783,000</u>
General Fund—State Appropriation (FY 2021)	<del>(((\$604,424,000))</del>
	<u>\$663,636,000</u>
General Fund—Federal Appropriation	<del>(((\$1,966,699,000))</del>
	<u>\$2,125,749,000</u>
General Fund—Private/Local Appropriation	<u>\$36,513,000</u>
Criminal Justice Treatment Account—State Appropriation	<u>\$12,986,000</u>

Problem Gambling Account—State Appropriation .....	\$1,461,000
Medicaid Fraud Penalty Account—State Appropriation.....	\$51,000
Dedicated Marijuana Account—State Appropriation (FY 2020).....	\$28,490,000
Dedicated Marijuana Account—State Appropriation (FY 2021).....	\$28,493,000
Pension Funding Stabilization Account—State Appropriation .....	\$1,714,000
<b>TOTAL APPROPRIATION .....</b>	<b><u>\$3,236,834,000</u></b>
	<b><u>\$3,486,876,000</u></b>

The appropriations in this section are subject to the following conditions and limitations:

(1) For the purposes of this section, "behavioral health entities" means managed care organizations and administrative services organizations in regions where the authority is purchasing medical and behavioral health services through fully integrated contracts pursuant to RCW 71.24.380, and behavioral health organizations in regions that have not yet transitioned to fully integrated managed care.

(2) Within the amounts appropriated in this section, funding is provided for implementation of the settlement agreement under *Trueblood, et al. v. Department of Social and Health Services, et al.*, United States District Court for the Western District of Washington, Cause No. 14-cv-01178-MJP. In addition to amounts provided solely for implementation of the settlement agreement, class members must have access to supports and services funded throughout this section for which they meet eligibility and medical necessity requirements. The authority must include language in contracts that requires regional behavioral health entities to develop and implement plans for improving access to timely and appropriate treatment for individuals with behavioral health needs and current or prior criminal justice involvement who are eligible for services under these contracts.

(3) \$15,605,000 of the general fund—state appropriation for fiscal year 2020, \$15,754,000 of the general fund—state appropriation for fiscal year 2021, and \$4,789,000 of the general fund—federal appropriation are provided solely for the phase-in of the settlement agreement under *Trueblood, et al. v. Department of Social and Health Services, et al.*, United States District Court for the Western District of Washington, Cause No. 14-cv-01178-MJP. The department, in collaboration with the health care authority and the criminal justice training commission, must implement the provisions of the settlement agreement pursuant to the timeline and implementation plan provided for under the settlement agreement. This includes implementing provisions related to competency evaluations, competency restoration, crisis diversion and supports, education and training, and workforce development.

(4) \$8,777,000 of the general fund—state appropriation for fiscal year 2020, \$10,424,000 of the general fund—state appropriation for fiscal year 2021, and \$20,197,000 of the general fund—federal appropriation are provided solely for the authority and behavioral health entities to continue to contract for implementation of high-intensity programs for assertive community treatment (PACT) teams. In determining the proportion of medicaid and nonmedicaid funding provided to behavioral health entities with PACT teams, the authority shall consider the differences between behavioral health entities in the percentages of services and other costs associated with the teams that are not reimbursable under medicaid. The authority may allow behavioral health entities which have nonmedicaid reimbursable costs that are higher than the nonmedicaid allocation they receive under this section to supplement these funds with local dollars or funds received under subsection (7) of this section. The authority and behavioral health entities shall maintain consistency with all essential elements of the PACT evidence-based practice model in programs funded under this section.

(5) From the general fund—state appropriations in this section, the authority shall assure that behavioral health entities reimburse the department of social and health services aging and long term support administration for the general fund—state cost of medicaid personal care services that enrolled behavioral health entity consumers use because of their psychiatric disability.

(6) \$3,520,000 of the general fund—federal appropriation is provided solely for the authority to maintain a pilot project to incorporate peer bridging staff into behavioral health regional teams that provide transitional services to individuals returning to their communities.

(7) (~~(\$81,930,000))~~ \$83,978,000 of the general fund—state appropriation for fiscal year 2020 and (~~(\$81,930,000))~~ \$86,027,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for persons and services not covered by the medicaid program. To the extent possible, levels of behavioral health entity spending must be maintained in the following priority order: Crisis and commitment services; community inpatient services; and residential care services, including personal care and emergency housing assistance. These amounts must be distributed to behavioral health entities proportionate to the fiscal year 2019 allocation of flexible nonmedicaid funds. The authority must include the following language in medicaid contracts with behavioral health entities unless they are provided formal notification from the center for medicaid and medicare services that the language will result in the loss of federal medicaid participation: "The contractor may voluntarily provide services that are in addition to those covered under the state plan, although the cost of these services cannot be included when determining payment rates unless including these costs are specifically allowed under federal law or an approved waiver."

(8) The authority is authorized to continue to contract directly, rather than through contracts with behavioral health entities for children's long-term inpatient facility services.

(9) \$1,204,000 of the general fund—state appropriation for fiscal year 2020 and \$1,204,000 of the general fund—state appropriation for fiscal year 2021 are provided solely to reimburse Pierce and Spokane counties for the cost of conducting one hundred eighty-day commitment hearings at the state psychiatric hospitals.

(10) Behavioral health entities may use local funds to earn additional federal medicaid match, provided the locally matched rate does not exceed the upper-bound of their federally allowable rate range, and provided that the enhanced funding is used only to provide medicaid state plan or waiver services to medicaid clients. Additionally, behavioral health entities may use a portion of the state funds allocated in accordance with subsection (7) of this section to earn additional medicaid match, but only to the extent that the application of such funds to medicaid services does not diminish the level of crisis and commitment, community inpatient, residential care, and outpatient services presently available to persons not eligible for medicaid.

(11) \$2,291,000 of the general fund—state appropriation for fiscal year 2020 and \$2,291,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for mental health services for mentally ill offenders while confined in a county or city jail and for facilitating access to programs that offer mental health services upon release from confinement. The authority must collect information from the behavioral health entities on their plan for using these funds, the numbers of individuals served, and the types of services provided and submit a report to the office of financial management and the appropriate fiscal committees of the legislature by December 1st of each year of the biennium.

(12) Within the amounts appropriated in this section, funding is provided for the authority to develop and phase in intensive mental health services for high needs youth consistent with the settlement agreement in *T.R. v. Dreyfus and Porter*.

(13) The authority must establish minimum and maximum funding levels for all reserves allowed under behavioral health organization and administrative services organization contracts and include contract language that clearly states the requirements and limitations. The authority must monitor and ensure that behavioral health organization and administrative services organization reserves do not exceed maximum levels. The authority must monitor revenue and expenditure reports and must require a behavioral health organization or administrative services organization to submit a corrective action plan on how it will spend its excess reserves within a reasonable period of time, when its reported reserves exceed maximum levels established under the contract. The authority must review and approve such plans and monitor to ensure compliance. If the authority determines that a behavioral health organization or administrative services organization has failed to provide an adequate excess reserve corrective action plan or is not complying with an approved plan, the authority must reduce payments to the entity in accordance with remedial actions provisions included in the contract. These reductions in payments must continue until the authority determines that the entity has come into substantial

compliance with an approved excess reserve corrective action plan.

(14) During the 2019-2021 fiscal biennium, any amounts provided in this section that are used for case management services for pregnant and parenting women must be contracted directly between the authority and providers rather than through contracts with behavioral health organizations.

(15) Within the amounts appropriated in this section, the authority may contract with the University of Washington and community-based providers for the provision of the parent-child assistance program or other specialized chemical dependency case management providers for pregnant, post-partum, and parenting women. For all contractors: (a) Service and other outcome data must be provided to the authority by request; and (b) indirect charges for administering the program must not exceed ten percent of the total contract amount.

(16) \$3,500,000 of the general fund—federal appropriation (from the substance abuse prevention and treatment federal block grant) is provided solely for the continued funding of existing county drug and alcohol use prevention programs.

(17) Within the amounts provided in this section, behavioral health entities must provide outpatient chemical dependency treatment for offenders enrolled in the medicaid program who are supervised by the department of corrections pursuant to a term of community supervision. Contracts with behavioral health entities must require that behavioral health entities include in their provider network specialized expertise in the provision of manualized, evidence-based chemical dependency treatment services for offenders. The department of corrections and the authority must develop a memorandum of understanding for department of corrections offenders on active supervision who are medicaid eligible and meet medical necessity for outpatient substance use disorder treatment. The agreement will ensure that treatment services provided are coordinated, do not result in duplication of services, and maintain access and quality of care for the individuals being served. The authority must provide all necessary data, access, and reports to the department of corrections for all department of corrections offenders that receive medicaid paid services.

(18) The criminal justice treatment account—state appropriation is provided solely for treatment and treatment support services for offenders with a substance use disorder pursuant to RCW 71.24.580. The authority must offer counties the option to administer their share of the distributions provided for under RCW 71.24.580(5)(a). If a county is not interested in administering the funds, the authority shall contract with behavioral health entities to administer these funds consistent with the plans approved by local panels pursuant to RCW 71.24.580(5)(b). The authority must provide a report to the office of financial management and the appropriate committees of the legislature which identifies the distribution of criminal justice treatment account funds by September 30, 2019.

(19) No more than \$27,844,000 of the general fund—federal appropriation may be expended for supported

housing and employment services described in initiative 3a and 3b of the medicaid transformation demonstration waiver under healthier Washington. Under this initiative, the authority and the department of social and health services shall ensure that allowable and necessary services are provided to eligible clients as identified by the authority or its providers or third party administrator. The department and the authority in consultation with the medicaid forecast work group, shall ensure that reasonable reimbursements are established for services deemed necessary within an identified limit per individual. The authority shall not increase general fund—state expenditures under this initiative. The secretary in collaboration with the director of the authority shall report to the joint select committee on health care oversight no less than quarterly on financial and health outcomes. The secretary in cooperation with the director shall also report to the fiscal committees of the legislature all of the expenditures of this subsection and shall provide such fiscal data in the time, manner, and form requested by the legislative fiscal committees.

(20) \$6,858,000 of the general fund—state appropriation for fiscal year 2020, \$6,858,000 of the general fund—state appropriation for fiscal year 2021, and \$8,046,000 of the general fund—federal appropriation are provided solely to maintain new crisis triage or stabilization centers. Services in these facilities may include crisis stabilization and intervention, individual counseling, peer support, medication management, education, and referral assistance. The authority shall monitor each center's effectiveness at lowering the rate of state psychiatric hospital admissions.

(21) \$1,125,000 of the general fund—federal appropriation is provided solely for the authority to develop a memorandum of understanding with the department of health for implementation of chapter 297, Laws of 2017 (opioid treatment programs). The authority must use these amounts to reimburse the department of health for costs incurred through the implementation of the bill.

(22) \$6,655,000 of the general fund—state appropriation for fiscal year 2020, \$10,015,000 of the general fund—state appropriation for fiscal year 2021, and \$12,965,000 of the general fund—federal appropriation are provided solely for the operation of secure withdrawal management and stabilization facilities. The authority may not use any of these amounts for services in facilities that are subject to federal funding restrictions that apply to institutions for mental diseases, unless they have received a waiver that allows for full federal participation in these facilities. Within these amounts, funding is provided to increase the fee for service rate for these facilities up to \$650 per day. The authority must require in contracts with behavioral health entities that, beginning in calendar year 2020, they pay no lower than the fee for service rate. The authority must coordinate with regional behavioral health entities to identify and implement purchasing strategies or regulatory changes that increase access to services for individuals with complex behavioral health needs at secure withdrawal management and stabilization facilities.

(23) \$23,090,000 of the general fund—state appropriation for fiscal year 2020, \$23,090,000 of the

general fund—state appropriation for fiscal year 2021, and \$92,444,000 of the general fund—federal appropriation are provided solely to maintain the enhancement of community-based behavioral health services that was funded in fiscal year 2019. Twenty percent of the general fund—state appropriation amounts for each regional service area must be used to increase their nonmedicaid funding and the remainder must be used to increase medicaid rates above FY 2018 levels. Effective January 2020, the medicaid funding is intended to increase rates for behavioral health services provided by licensed and certified community behavioral health agencies as defined by the department of health. This funding must be allocated to the managed care organizations proportionate to their medicaid enrollees. The authority must require the managed care organizations to provide a report on their implementation of this funding. The authority must submit a report to the legislature by December 1, 2020, summarizing how this funding was used and provide information for future options of increasing behavioral health provider rates through directed payments. The report must identify different mechanisms for implementing directed payment for behavioral health providers including but not limited to minimum fee schedules, across the board percentage increases, and value-based payments. The report must provide a description of each of the mechanisms considered, the timeline that would be required for implementing the mechanism, and whether and how the mechanism is expected to have a differential impact on different providers. The report must also summarize the information provided by managed care organizations in implementing the funding provided under this section.

(24) \$27,917,000 of the general fund—state appropriation for fiscal year 2020, \$36,095,000 of the general fund—state appropriation for fiscal year 2021, and \$60,644,000 of the general fund—federal appropriation are provided solely for the department to contract with community hospitals or freestanding evaluation and treatment centers to provide long-term inpatient care beds as defined in RCW 71.24.025. Within these amounts, the authority must meet the requirements for reimbursing counties for the judicial services for patients being served in these settings in accordance with RCW 71.05.730. The authority must coordinate with the department of social and health services in developing the contract requirements, selecting contractors, and establishing processes for identifying patients that will be admitted to these facilities. Sufficient amounts are provided in fiscal year 2020 for the authority to reimburse community hospitals serving medicaid clients in long-term inpatient care beds as defined in RCW 71.24.025 at a rate of \$1,171 per day, or the hospital's current psychiatric inpatient per diem rate, whichever is higher. The rate paid to hospitals in this subsection cannot exceed one-hundred percent of the hospitals eligible costs based on their most recently completed medicare cost report. The authority in collaboration with the Washington state hospital association must convene a work group to develop a methodology for reimbursing community hospitals serving these clients. In developing this methodology, the authority must account for cost structure differences between teaching hospitals and other hospital types. The authority must provide a report to



the appropriate committees of the legislature by December 1, 2019. The report must:

- (a) Describe the methodology developed by the work group;
- (b) Identify cost differences between teaching hospitals and other hospital types;
- (c) Provide options for incentivizing community hospitals to offer long-term inpatient care beds day beds including a rate recommendation;
- (d) Identify the cost associated with any recommended changes in rates or rate setting methodology; and
- (e) Outline an implementation plan.

(25) \$1,455,000 of the general fund—state appropriation for fiscal year 2020, \$1,401,000 of the general fund—state appropriation for fiscal year 2021, and \$3,210,000 of the general fund—federal appropriation are provided solely for the implementation of intensive behavioral health treatment facilities within the community behavioral health service system pursuant to Second Substitute House Bill No. 1394 (behavioral health facilities).

(26) \$21,000 of the general fund—state appropriation for fiscal year 2020, \$152,000 of the general fund—state appropriation for fiscal year 2021, and \$173,000 of the general fund—federal appropriation are provided solely to implement chapter 70, Laws of 2019 (SHB 1199) (health care/disability).

(27)(a) \$12,878,000 of the dedicated marijuana account—state appropriation for fiscal year 2020 and \$12,878,000 of the dedicated marijuana account—state appropriation for fiscal year 2021 are provided for:

- (i) A memorandum of understanding with the department of children, youth, and families to provide substance abuse treatment programs;
- (ii) A contract with the Washington state institute for public policy to conduct a cost-benefit evaluation of the implementations of chapter 3, Laws of 2013 (Initiative Measure No. 502);
- (iii) Designing and administering the Washington state healthy youth survey and the Washington state young adult behavioral health survey;
- (iv) Maintaining increased services to pregnant and parenting women provided through the parent child assistance program;
- (v) Grants to the office of the superintendent of public instruction for life skills training to children and youth;
- (vi) Maintaining increased prevention and treatment service provided by tribes and federally recognized American Indian organization to children and youth;
- (vii) Maintaining increased residential treatment services for children and youth;
- (viii) Training and technical assistance for the implementation of evidence-based, research based, and

promising programs which prevent or reduce substance use disorder;

(ix) Expenditures into the home visiting services account; and

(x) Grants to community-based programs that provide prevention services or activities to youth.

(b) The authority must allocate the amounts provided in (a) of this subsection amongst the specific activities proportionate to the fiscal year 2019 allocation.

(28)(a) \$1,125,000 of the general fund—state appropriation for fiscal year 2020 and \$1,125,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for Spokane behavioral health entities to implement services to reduce utilization and the census at eastern state hospital. Such services must include:

- (i) High intensity treatment team for persons who are high utilizers of psychiatric inpatient services, including those with co-occurring disorders and other special needs;
- (ii) Crisis outreach and diversion services to stabilize in the community individuals in crisis who are at risk of requiring inpatient care or jail services;
- (iii) Mental health services provided in nursing facilities to individuals with dementia, and consultation to facility staff treating those individuals; and
- (iv) Services at the sixteen-bed evaluation and treatment facility.

(b) At least annually, the Spokane county behavioral health entities shall assess the effectiveness of these services in reducing utilization at eastern state hospital, identify services that are not optimally effective, and modify those services to improve their effectiveness.

(29) \$24,819,000 of the general fund—state appropriation for fiscal year 2020 is provided solely to assist behavioral health entities with the costs of providing services to medicaid clients receiving services in psychiatric facilities classified as institutions of mental diseases. The authority must distribute these amounts proportionate to the number of bed days for medicaid clients in institutions for mental diseases that were excluded from behavioral health organization calendar year 2019 capitation rates because they exceeded the amounts allowed under federal regulations. The authority must also use these amounts to directly pay for costs that are ineligible for medicaid reimbursement in institutions of mental disease facilities for American Indian and Alaska Natives who opt to receive behavioral health services on a fee-for-service basis. The amounts used for these individuals must be reduced from the allocation of the behavioral health organization where the individual resides. If a behavioral health organization receives more funding through this subsection than is needed to pay for the cost of their medicaid clients in institutions for mental diseases, they must use the remainder of the amounts to provide other services not covered under the medicaid program. The authority must submit an application for a waiver to allow, by July 1, 2020, for full federal participation for medicaid clients in mental health facilities classified as

institutions of mental diseases. The authority must submit a report on the status of the waiver to the office of financial management and the appropriate committees of the legislature by December 1, 2019.

(30) The authority must require all behavioral health organizations transitioning to full integration to either spend down or return all reserves in accordance with contract requirements and federal and state law. Behavioral health organization reserves may not be used to pay for services to be provided beyond the end of a behavioral health organization's contract or for startup costs in full integration regions except as provided in this subsection. The authority must ensure that any increases in expenditures in behavioral health reserve spend-down plans are required for the operation of services during the contract period and do not result in overpayment to providers. If the nonfederal share of reserves returned during fiscal year 2020 exceeds \$35,000,000, the authority shall use some of the amounts in excess of \$35,000,000 to support the final regions transitioning to full integration of physical and behavioral health care. These amounts must be distributed proportionate to the population of each regional area covered. The maximum amount allowed per region is \$3,175 per 1,000 residents. These amounts must be used to provide a reserve for nonmedicaid services in the region to stabilize the new crisis services system.

(31) \$1,850,000 of the general fund—state appropriation for fiscal year 2020, \$1,850,000 of the general fund—state appropriation for fiscal year 2021, and \$13,312,000 of the general fund—federal appropriation are provided solely for the authority to implement a medicaid state plan amendment which provides for substance use disorder peer support services to be included in behavioral health capitation rates beginning in fiscal year 2020 in accordance with section 213(5)(ss), chapter 299, Laws of 2018. The authority shall require managed care organizations to provide access to peer support services for individuals with substance use disorders transitioning from emergency departments, inpatient facilities, or receiving treatment as part of hub and spoke networks.

(32) \$1,256,000 of the general fund—state appropriation for fiscal year 2021 and \$1,686,000 of the general fund—federal appropriation are provided solely for the authority to increase the number of residential beds for pregnant and parenting women. These amounts may be used for startup funds and ongoing costs associated with two new sixteen bed pregnant and parenting women residential treatment programs.

(33) Within the amounts appropriated in this section, the authority must maintain a rate increase for community hospitals that provide a minimum of 200 medicaid psychiatric inpatient days pursuant to the methodology adopted to implement section 213(5)(n), chapter 299, Laws of 2018 (ESSB 6032) (partial veto).

(34) \$1,393,000 of the general fund—state appropriation for fiscal year 2020, \$1,423,000 of the general fund—state appropriation for fiscal year 2021, and \$5,938,000 of the general fund—federal appropriation are provided solely for the authority to implement discharge

wraparound services for individuals with complex behavioral health conditions transitioning or being diverted from admission to psychiatric inpatient programs. The authority must coordinate with the department of social and health services in establishing the standards for these programs.

(35) \$850,000 of the general fund—federal appropriation is provided solely to contract with a nationally recognized recovery residence organization and to create a revolving fund for loans to operators of recovery residences seeking certification in accordance with Second Substitute House Bill No. 1528 (recovery support services). ~~((If the bill is not enacted by June 30, 2019, the amount in this subsection shall lapse.))~~

(36) \$212,000 of the general fund—state appropriation for fiscal year 2020, \$212,000 of the general fund—state appropriation for fiscal year 2021, and \$124,000 of the general fund—federal appropriation are provided solely for the implementation of Engrossed Second Substitute House Bill No. 1874 (adolescent behavioral health). Funding is provided specifically for the authority to provide an online training to behavioral health providers related to state law and best practices in family-initiated treatment, adolescent-initiated treatment, and other services and to conduct an annual survey to measure the impacts of implementing policies resulting from the bill. ~~((If the bill is not enacted by June 30, 2019, the amounts in this subsection shall lapse.))~~

(37) \$500,000 of the general fund—state appropriation for fiscal year 2020, \$500,000 of the general fund—state appropriation for fiscal year 2021, and \$1,000,000 of the general fund—federal appropriation are provided solely for the authority to implement a memorandum of understanding with the criminal justice training commission to provide funding for community grants pursuant to Second Substitute House Bill No. 1767 (alternatives to arrest). ~~((If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.))~~

(38) \$500,000 of the general fund—state appropriation for fiscal year 2020 and \$500,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for provision of crisis stabilization services to individuals who are not eligible for medicaid in Whatcom county. The authority must coordinate with crisis stabilization providers, managed care organizations, and behavioral health administrative services organizations throughout the state to identify payment models that reflect the unique needs of crisis stabilization and crisis triage providers. The report must also include an analysis of the estimated gap in nonmedicaid funding for crisis stabilization and triage facilities throughout the state. The authority must provide a report to the office of financial management and the appropriate committees of the legislature on the estimated nonmedicaid funding gap and payment models by December 1, 2019.

(39) The authority must conduct an analysis to determine whether there is a gap in fiscal year 2020 behavioral health entity funding for services in institutions for mental diseases and submit a report to the office of financial management and the appropriate committees of the

legislature by November 1, 2019. The report must be developed in consultation with the office of financial management and staff from the fiscal committees of the legislature and must include the following elements: (a) The increase in the number of nonmedicaid bed days in institutions for mental diseases from fiscal year 2017 to fiscal year 2019 by facility and the estimated annual cost associated with these increased bed days in FY 2020; (b) the increase in the number of medicaid bed days in institutions for mental diseases from fiscal year 2017 to fiscal year 2019 by facility and the estimated annual cost associated with these increased bed days in FY 2020; (c) the amount of funding assumed in current behavioral health entity medicaid capitation rates for institutions for mental diseases bed days that are currently allowable under medicaid regulation or waivers; (d) the amounts provided in subsection (29) of this section to assist with costs in institutions for mental diseases not covered in medicaid capitation rates; and (e) any remaining gap in behavioral health entity funding for institutions for mental diseases for medicaid or nonmedicaid clients.

(40) \$1,968,000 of the general fund—state appropriation for fiscal year 2020, \$3,396,000 of the general fund—state appropriation for fiscal year 2021, and \$12,150,000 of the general fund—federal appropriation are provided solely for support of and to increase clubhouse facilities across the state. The authority shall work with the centers for medicare and medicaid services to review opportunities to include clubhouse services as an optional "in lieu of" service in managed care organization contracts in order to maximize federal participation. The authority must provide a report to the office of financial management and the appropriate committees of the legislature on the status of efforts to implement clubhouse programs and receive federal approval for including these services in managed care organization contracts as an optional "in lieu of" service.

(41) \$1,000,000 of the general fund—federal appropriation (from the substance abuse prevention and treatment federal block grant) is provided solely for the authority to contract on a one-time basis with the University of Washington behavioral health institute to develop and disseminate model programs and curricula for inpatient and outpatient treatment for individuals with substance use disorder and co-occurring disorders. The behavioral health institute will provide individualized consultation to behavioral health agencies in order to improve the delivery of evidence-based and promising practices and overall quality of care. The behavioral health institute will provide training to staff of behavioral health agencies to enhance the quality of substance use disorder and co-occurring treatment delivered.

(42) The number of beds allocated for use by behavioral health entities at eastern state hospital shall be one hundred ninety two per day. The number of nonforensic beds allocated for use by behavioral health entities at western state hospital shall be five hundred twenty-seven per day. During fiscal year 2020, the authority must reduce the number of beds allocated for use by behavioral health entities at western state hospital by sixty beds to allow for

the repurposing of two civil wards at western state hospital to provide forensic services. Contracted community beds provided under subsection (24) of this section shall be allocated to the behavioral health entities in lieu of beds at western state hospital and be incorporated in their allocation of state hospital patient days of care for the purposes of calculating reimbursements pursuant to RCW 71.24.310. It is the intent of the legislature to continue the policy of expanding community based alternatives for long-term civil commitment services that allow for state hospital beds to be prioritized for forensic patients.

(43) \$190,000 of the general fund—state appropriation for fiscal year 2020, \$947,000 of the general fund—state appropriation for fiscal ~~((year))~~ year 2021, and \$1,023,000 of the general fund—federal appropriation are provided solely for the authority to develop a statewide plan to implement evidence-based coordinated specialty care programs that provide early identification and intervention for psychosis in behavioral health agencies in accordance with Second Substitute Senate Bill No. 5903 (children's mental health). ~~((If the bill is not enacted by June 30, 2019, the amounts in this subsection shall lapse.))~~

(44) \$708,000 of the general fund—state appropriation for fiscal year 2021 and \$799,000 of the general fund—federal appropriation are provided solely for implementing mental health peer respite centers and a pilot project to implement a mental health drop-in center beginning ~~((January))~~ July 1, 2020, in accordance with Second Substitute House Bill No. 1394 (behavioral health facilities).

(45) \$250,000 of the general fund—state appropriation for fiscal year 2020 and \$250,000 of the general fund—state appropriation for fiscal year 2021 are provided on a one-time basis solely for a licensed youth residential psychiatric substance abuse and mental health agency located in Clark county to invest in staff training and increasing client census.

(46) \$509,000 of the general fund—state appropriation for fiscal year 2020, \$494,000 of the general fund—state appropriation for fiscal year 2021, and \$4,823,000 of the general fund—federal appropriation are provided solely for diversion grants to establish new law enforcement assisted diversion programs outside of King county consistent with the provisions of Substitute Senate Bill No. 5380 (opioid use disorder).

(47) The authority must compile all previous reports and collaborate with any work groups created during the 2019-2021 fiscal biennium for the purpose of establishing the implementation plan for transferring the full risk of long-term inpatient care for mental illness into the behavioral health entity contracts by January 1, 2020.

(48) \$225,000 of the general fund—state appropriation for fiscal year 2020 and \$225,000 of the general fund—state appropriation for fiscal year 2021 are provided solely to continue funding one pilot project in Pierce county to promote increased utilization of assisted outpatient treatment programs. The authority shall provide a report to the legislature by October 15, 2020, which must include the number of individuals served, outcomes to include changes in use of inpatient treatment and hospital stays, and

recommendations for further implementation based on lessons learned from the pilot project.

(49) \$18,000 of the general fund—state appropriation for fiscal year 2020, \$18,000 of the general fund—state appropriation for fiscal year 2021, and \$36,000 of the general fund—federal appropriation are provided solely for the implementation of Substitute Senate Bill No. 5181 (involuntary treatment procedures). ~~((If the bill is not enacted by June 30, 2019, the amounts in this subsection shall lapse.))~~

(50) \$814,000 of the general fund—state appropriation for fiscal year 2020, \$800,000 of the general fund—state appropriation for fiscal year 2021, and \$1,466,000 of the general fund—federal appropriation are provided solely for the authority to implement the recommendations of the state action alliance for suicide prevention, to include suicide assessments, treatment, and grant management.

(51) Within existing appropriations, the authority shall prioritize the prevention and treatment of intravenous opiate-based drug use.

(52) \$446,000 of the general fund—state appropriation for fiscal year 2020, \$446,000 of the general fund—state appropriation for fiscal year 2021, and \$178,000 of the general fund—federal appropriation are provided solely for the University of Washington's evidence-based practice institute which supports the identification, evaluation, and implementation of evidence-based or promising practices. The institute must work with the authority to develop a plan to seek private, federal, or other grant funding in order to reduce the need for state general funds. The authority must collect information from the institute on the use of these funds and submit a report to the office of financial management and the appropriate fiscal committees of the legislature by December 1st of each year of the biennium.

**Sec. 216.** 2019 c 415 s 216 (uncodified) is amended to read as follows:

#### **FOR THE HUMAN RIGHTS COMMISSION**

General Fund—State Appropriation (FY 2020)  
.....~~((\$2,510,000))~~  
\$2,630,000

General Fund—State Appropriation (FY 2021)  
.....~~((\$2,543,000))~~  
\$2,900,000

General Fund—Federal Appropriation.~~((\$2,613,000))~~  
\$2,614,000

Pension Funding Stabilization Account—State  
Appropriation..... \$190,000

TOTAL APPROPRIATION .....~~\$7,856,000~~  
\$8,334,000

The appropriations in this section are subject to the following conditions and limitations: \$103,000 of the general fund—state appropriation for fiscal year 2020 and \$97,000 of the general fund—state appropriation for fiscal

year 2021 are provided solely for implementation of Second Substitute Senate Bill No. 5602 (reproductive health care). ~~((If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.))~~

**Sec. 217.** 2019 c 415 s 217 (uncodified) is amended to read as follows:

#### **FOR THE BOARD OF INDUSTRIAL INSURANCE APPEALS**

Worker and Community Right to Know Fund—State

Appropriation.....\$10,000

Accident Account—State Appropriation  
.....~~((\$24,326,000))~~  
\$24,329,000

Medical Aid Account—State Appropriation  
.....~~((\$24,327,000))~~  
\$24,330,000

TOTAL APPROPRIATION.....~~\$48,663,000~~

\$48,669,000

**Sec. 218.** 2019 c 415 s 218 (uncodified) is amended to read as follows:

#### **FOR THE CRIMINAL JUSTICE TRAINING COMMISSION**

General Fund—State Appropriation (FY 2020)  
.....~~((\$25,649,000))~~  
\$27,109,000

General Fund—State Appropriation (FY 2021)  
.....~~((\$25,697,000))~~  
\$27,321,000

General Fund—Private/Local Appropriation  
.....~~((\$6,630,000))~~  
\$6,642,000

Death Investigations Account—State Appropriation  
.....\$682,000

Municipal Criminal Justice Assistance Account—

State Appropriation.....\$460,000

Washington Auto Theft Prevention Authority  
Account—State Appropriation.....\$8,167,000

24/7 Sobriety Account—State Appropriation.....\$20,000

Pension Funding Stabilization Account—State  
Appropriation.....\$460,000

TOTAL APPROPRIATION.....~~\$67,765,000~~

\$70,861,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$5,000,000 of the general fund—state appropriation for fiscal year 2020 and \$5,000,000 of the

general fund—state appropriation for fiscal year 2021, are provided to the Washington association of sheriffs and police chiefs solely to verify the address and residency of registered sex offenders and kidnapping offenders under RCW 9A.44.130.

(2) \$2,248,000 of the general fund—state appropriation for fiscal year 2020 and \$2,269,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for seventy-five percent of the costs of providing nine additional statewide basic law enforcement trainings in each fiscal year. The criminal justice training commission must schedule its funded classes to minimize wait times throughout each fiscal year and meet statutory wait time requirements. The criminal justice training commission must track and report the average wait time for students at the beginning of each class and provide the findings in an annual report to the legislature due in December of each year. At least two classes must be held in Spokane each year.

(3) The criminal justice training commission may not run a basic law enforcement academy class of fewer than 30 students.

(4) \$429,000 of the general fund—state appropriation for fiscal year 2020 and \$429,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for expenditure into the nonappropriated Washington internet crimes against children account for the implementation of chapter 84, Laws of 2015.

(5) \$2,000,000 of the general fund—state appropriation for fiscal year 2020 and \$2,000,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the mental health field response team program administered by the Washington association of sheriffs and police chiefs. The association must distribute \$3,000,000 in grants to the phase one regions as outlined in the settlement agreement under *Trueblood, et. al. v. Department of Social and Health Services, et. al.*, U.S. District Court-Western District, Cause No. 14-cv-01178-MJP. The association must submit an annual report to the Governor and appropriate committees of the legislature by September 1st of each year of the biennium. The report shall include best practice recommendations on law enforcement and behavioral health field response and include outcome measures on all grants awarded.

(6) \$450,000 of the general fund—state appropriation for fiscal year 2020 and \$449,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for crisis intervention training for the phase one regions as outlined in the settlement agreement under *Trueblood, et. al. v. Department of Social and Health Services, et. al.*, U.S. District Court-Western District, Cause No. 14-cv-01178-MJP.

(7) \$534,000 of the death investigations account—state appropriation is provided solely for the commission to update and expand the medicolegal forensic investigation training currently provided to coroners and medical examiners from eighty hours to two-hundred forty hours to meet the recommendations of the national commission on forensic science for certification and accreditation. Funding

is contingent on the death investigation account receiving three dollars of the five dollar increase in vital records fees from the passage of Engrossed Substitute Senate Bill No. 5332 (vital statistics). ~~((If the bill is not enacted by June 30, 2019, the amount provided in this subsection shall lapse.))~~

(8) \$10,000 of the general fund—state appropriation for fiscal year 2020, \$22,000 of the general fund—state appropriation for fiscal year 2021, and \$10,000 of the general fund—local appropriation are provided solely for an increase in vendor rates on the daily meals provided to basic law enforcement academy recruits during their training.

(9) \$200,000 of the general fund—state appropriation for fiscal year 2020 and \$200,000 of the general fund—state appropriation for fiscal year 2021 are provided solely to implement Second Substitute House Bill No. 1767 (alternatives to arrest/jail). ~~((If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.))~~

(10) \$75,000 of the general fund—state appropriation for fiscal year 2020 and \$75,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for a vendor rate increase of seven tenths of one percent for the Washington association of sheriffs and police chiefs.

**Sec. 219.** 2019 c 415 s 219 (uncodified) is amended to read as follows:

#### **FOR THE DEPARTMENT OF LABOR AND INDUSTRIES**

General Fund—State Appropriation (FY 2020)	..... <del>(\$13,107,000))</del>
	<u>\$14,156,000</u>
General Fund—State Appropriation (FY 2021)	..... <del>(\$11,696,000))</del>
	<u>\$11,167,000</u>
General Fund—Federal Appropriation ....	\$11,876,000
Asbestos Account—State Appropriation .....	\$590,000
Electrical License Account—State Appropriation	..... <del>(\$58,068,000))</del>
	<u>\$58,130,000</u>
Farm Labor Contractor Account—State Appropriation	..... \$28,000
Worker and Community Right to Know Fund—	
State Appropriation.....	\$1,039,000
Construction Registration Inspection Account—	
State Appropriation.....	<del>(\$23,888,000))</del>
	<u>\$25,469,000</u>
Public Works Administration Account—State	
Appropriation.....	<del>(\$10,988,000))</del>
	<u>\$11,089,000</u>
Manufactured Home Installation Training Account—	

State Appropriation .....	\$412,000
Pension Funding Stabilization Account—State Appropriation.....	\$1,434,000
Accident Account—State Appropriation .....	<del>(\$392,548,000)</del>
	<u>\$396,275,000</u>
Accident Account—Federal Appropriation .....	<del>(\$15,674,000)</del>
	<u>\$16,439,000</u>
Medical Aid Account—State Appropriation .....	<del>(\$397,545,000)</del>
	<u>\$398,868,000</u>
Medical Aid Account—Federal Appropriation .....	<del>(\$3,515,000)</del>
	<u>\$3,650,000</u>
Plumbing Certificate Account—State Appropriation .....	<del>(\$2,004,000)</del>
	<u>\$2,007,000</u>
Pressure Systems Safety Account—State Appropriation.....	<del>(\$4,667,000)</del>
	<u>\$4,673,000</u>
TOTAL APPROPRIATION .....	<u>\$949,079,000</u>
	<u>\$957,302,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$40,988,000 of the accident account—state appropriation and \$40,986,000 of the medical aid account—state appropriation are provided solely for the labor and industries workers' compensation information system replacement project and are subject to the conditions, limitations, and review provided in ~~((section 719 of this act))~~ section 701 of this act.

(2) \$250,000 of the medical aid account—state appropriation and \$250,000 of the accident account—state appropriation are provided solely for the department of labor and industries safety and health assessment and research for prevention program to conduct research to address the high injury rates of the janitorial workforce. The research must quantify the physical demands of common janitorial work tasks and assess the safety and health needs of janitorial workers. The research must also identify potential risk factors associated with increased risk of injury in the janitorial workforce and measure workload based on the strain janitorial work tasks place on janitors' bodies. The department must conduct interviews with janitors and their employers to collect information on risk factors, identify the tools, technologies, and methodologies used to complete work, and understand the safety culture and climate of the industry. The department must issue an initial report to the legislature, by June 30, 2020, assessing the physical capacity of workers in the context of the industry's economic environment and ascertain usable support tools for

employers and workers to decrease risk of injury. After the initial report, the department must produce annual progress reports, beginning in 2021 through the year 2022 or until the tools are fully developed and deployed. The annual progress reports must be submitted to the legislature by December 1st of each year such reports are due.

(3) \$1,700,000 of the accident account—state appropriation and \$300,000 of the medical aid account—state appropriation are provided solely for a contract with a permanently registered Washington sector intermediary to provide supplemental instruction for information technology apprentices. Funds spent for this purpose must be matched by an equal amount of funding from the information technology industry members, except small and mid-sized employers. Up to \$1,000,000 may be spent to provide supplemental instruction for apprentices at small and mid-sized businesses. "Small and mid-sized businesses" means those that have fewer than one hundred employees or have less than five percent annual net profitability. The sector intermediary will collaborate with the state board for community and technical colleges to integrate and offer related supplemental instruction through one or more Washington state community or technical colleges by the 2020-21 academic year.

(4) \$1,360,000 of the accident account—state appropriation and \$240,000 of the medical aid account—state appropriation are provided solely for the department of labor and industries to establish a health care apprenticeship program.

(5) \$273,000 of the accident account—state appropriation and \$273,000 of the medical aid account—state appropriation are provided solely for the department of labor and industries safety and health assessment research for prevention program to conduct research to prevent the types of work-related injuries that require immediate hospitalization. The department will develop and maintain a tracking system to identify and respond to all immediate in-patient hospitalizations and will examine incidents in defined high-priority areas, as determined from historical data and public priorities. The research must identify and characterize hazardous situations and contributing factors using epidemiological, safety-engineering, and human factors/ergonomics methods. The research must also identify common factors in certain types of workplace injuries that lead to hospitalization. The department must submit an initial report to the governor and appropriate legislative committees by August 30, 2020, and annually thereafter, summarizing work-related immediate hospitalizations and prevention opportunities, actions that employers and workers can take to make workplaces safer, and ways to avoid severe injuries.

(6) \$666,000 of the accident account—state appropriation and \$243,000 of the medical aid account—state appropriation are provided solely for implementation of Substitute Senate Bill No. 5175 (firefighter safety). ~~((If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.))~~

(7) \$2,257,000 of the public works administration account—state appropriation is provided solely for

implementation of Engrossed Substitute Senate Bill No. 5035 (prevailing wage laws). Of this amount, \$464,100 is provided to incorporate information technology changes to the complaint activity tracking system, public works suite, accounts receivable collections, and the pay accounts receivable collections systems, and is subject to the conditions, limitations, and review provided in ((section 719 of this act)) section 701 of this act. ((If the bill is not enacted by June 30, 2019, the amount provided in this subsection shall lapse.))

(8) \$37,000 of the accident account—state appropriation and \$33,000 of the medical aid account—state appropriation are provided solely for implementation of Engrossed Second Substitute Senate Bill No. 5497 (immigrants in the workplace). ((If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.))

(9) \$52,000 of the accident account—state appropriation is provided solely for the complaint activity tracking system adjustment project, which will add functionality related to conducting company-wide wage investigations. This funding is subject to the conditions, limitations, and review provided in ((section 719 of this act)) section 701 of this act.

(10) \$850,000 of the accident account—state appropriation and \$850,000 of the medical aid account—state appropriation are provided solely for issuing and managing contracts with customer-trusted groups to develop and deliver information to small businesses and their workers about workplace rights, regulations and services administered by the agency.

(11) (((\$4,676,000)) \$5,451,000 of the general fund—state appropriation for fiscal year 2020 and (((\$2,092,000)) \$504,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for increasing rates for medical and health care service providers treating persons in the crime victim compensation program.

(12) \$744,000 of the accident account—state appropriation and \$744,000 of the medical aid account—state appropriation are provided solely for customer service staffing at field offices.

(13) \$3,432,000 of the accident account—state appropriation and \$606,000 of the medical aid account—state appropriation are provided solely for the division of occupational safety and health to add workplace safety and health consultants, inspectors, and investigators.

(14) \$788,000 of the accident account—state appropriation and \$140,000 of the medical aid account—state appropriation are provided solely for apprenticeship staffing to respond to inquiries and process registrations.

(15) \$2,608,000 of the accident account—state appropriation and \$3,541,000 of the medical aid account—state appropriation are provided solely for claims management staffing to reduce caseloads.

(16) \$1,072,000 of the public works administration account—state appropriation is provided solely for implementation of Substitute House Bill No. 1295 (public

works contracting). ((If the bill is not enacted by June 30, 2019, the amount provided in this subsection shall lapse.))

(17) \$695,000 of the accident account—state appropriation and \$124,000 of the medical aid account—state appropriation are provided solely for implementation of Engrossed Substitute House Bill No. 1817 (high hazard facilities). ((If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.))

(18) \$67,000 of the accident account—state appropriation and \$66,000 of the medical aid account—state appropriation are provided solely for implementation of Substitute House Bill No. 1909 (industrial ins. claim records). ((If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.))

(19) (((\$313,000 of the accident account—state appropriation and \$312,000 of the medical aid account—state appropriation)) \$273,000 of the general fund—state appropriation for fiscal year 2020 and \$352,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of Engrossed Second Substitute Senate Bill No. 5116 (clean energy). ((If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.))

(20) \$515,000 of the accident account—state appropriation and \$91,000 of the medical aid account—state appropriation are provided solely to build a new tracking system to support the implementation of Engrossed Substitute Senate Bill No. 5258 (isolated workers - sexual harassment and assault). This funding is subject to the conditions, limitations, and review provided in section 701 of this act.

(21) \$1,240,000 of the accident account—state appropriation and \$219,000 of the medical aid account—state appropriation are provided solely for implementation of Substitute Senate Bill No. 5717 (employer and employee scheduling). If the bill is not enacted by June 30, 2020, the amounts provided in this subsection shall lapse.

(22) \$700,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for implementation of Z... (providing labor protections for domestic workers). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

**Sec. 220.** 2019 c 415 s 220 (uncodified) is amended to read as follows:

#### **FOR THE DEPARTMENT OF VETERANS AFFAIRS**

(1) The appropriations in this section are subject to the following conditions and limitations:

(a) The department of veterans affairs shall not initiate any services that will require expenditure of state general fund moneys unless expressly authorized in this act or other law. The department may seek, receive, and spend, under RCW 43.79.260 through 43.79.282, federal moneys not anticipated in this act as long as the federal funding does not require expenditure of state moneys for the program in excess of amounts anticipated in this act. If the department

receives unanticipated unrestricted federal moneys, those moneys must be spent for services authorized in this act or in any other legislation that provides appropriation authority, and an equal amount of appropriated state moneys shall lapse. Upon the lapsing of any moneys under this subsection, the office of financial management shall notify the legislative fiscal committees. As used in this subsection, "unrestricted federal moneys" includes block grants and other funds that federal law does not require to be spent on specifically defined projects or matched on a formula basis by state funds.

(b) Each year, there is fluctuation in the revenue collected to support the operation of the state veteran homes. When the department has foreknowledge that revenue will decrease, such as from a loss of census or from the elimination of a program, the legislature expects the department to make reasonable efforts to reduce expenditures in a commensurate manner and to demonstrate that it has made such efforts. By December 31, 2019, the department must: (i) Develop ~~((and implement))~~ a ~~((sustainable))~~ staffing model for the institutional services program ~~((to keep expenditures commensurate with the program revenue))~~; and (ii) report to the legislature regarding its expenditures. In response to any request by the department for general fund—state appropriation to backfill a loss of revenue, the legislature shall consider the department's efforts in reducing its expenditures in light of known or anticipated decreases to revenues.

## (2) HEADQUARTERS

General Fund—State Appropriation (FY 2020)	<del>(((\$4,088,000))</del>
	<u>\$3,381,000</u>
General Fund—State Appropriation (FY 2021)	<del>(((\$4,119,000))</del>
	<u>\$4,428,000</u>
Charitable, Educational, Penal, and Reformatory	
Institutions Account—State Appropriation ....	\$10,000
Pension Funding Stabilization Account—State	
Appropriation.....	\$185,000
TOTAL APPROPRIATION .....	<del>\$8,402,000</del>
	<u>\$8,004,000</u>

## (3) FIELD SERVICES

General Fund—State Appropriation (FY 2020)	\$6,602,000
General Fund—State Appropriation (FY 2021)	<del>(((\$6,770,000))</del>
	<u>\$6,929,000</u>
General Fund—Federal Appropriation. <del>(((\$4,435,000))</del>	
	<u>\$5,253,000</u>
General Fund—Private/Local Appropriation	
.....	<del>(((\$4,958,000))</del>

\$5,323,000

Veteran Estate Management Account—Private/Local	
Appropriation.....	\$708,000
Pension Funding Stabilization Account—State	
Appropriation .....	\$444,000
Veterans Stewardship Nonappropriated Account—	
State Appropriation.....	\$300,000
Veterans Innovation Program Account—State	
Appropriation.....	\$100,000
TOTAL APPROPRIATION.....	<del>\$24,317,000</del>
	<u>\$25,659,000</u>

The appropriations in this subsection are subject to the following conditions and limitations:

(a) \$1,338,000 of the general fund—federal appropriation and \$120,000 of the general fund—local appropriation are provided solely for the expansion of the transitional housing program at the Washington soldiers home.

(b) \$300,000 of the general fund—state appropriation for fiscal year 2020, \$300,000 of the general fund—state appropriation for fiscal year 2021, and \$100,000 of the veterans innovation account—state appropriation are provided solely for veterans innovation program grants.

(c) \$300,000 of the veterans stewardship nonappropriated account—state appropriation is provided solely for the department's traumatic brain injury program.

(d) \$300,000 of the general fund—state appropriation for fiscal year 2020 and \$300,000 of the general fund—state appropriation for fiscal year 2021 are provided solely to implement Second Substitute House Bill No. 1448 (veterans service officers). ~~((If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.))~~

(e)(i) \$140,000 of the general fund—state appropriation for fiscal year 2020 and \$142,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the department to develop a statewide plan to reduce suicide among service members, veterans, and their families. In developing the plan, the department shall:

(A) Collaborate with government and nongovernment agencies and organizations to establish promising best practices for suicide awareness and prevention materials, training, and outreach programs targeted to service members, veterans, and their families;

(B) Cultivate peer-led organizations serving veterans in transition and recovery;

(C) Create statewide suicide awareness and prevention training programs with content specific to service members, veterans, and their families; and

(D) Provide safer homes materials and distribute safe firearms storage devices, to the Washington national guard, the Washington state patrol, allied veteran groups, and other



organizations serving or employing veterans, following the recommendations of the suicide-safer homes task force.

(ii) The department must report to the legislature regarding the development of the plan no later than December 1, 2020.

#### (4) INSTITUTIONAL SERVICES

General Fund—State Appropriation (FY 2020)	
.....	(( <del>\$13,379,000</del> ))
	<u>\$13,494,000</u>
General Fund—State Appropriation (FY 2021)	
.....	(( <del>\$14,565,000</del> ))
	<u>\$14,851,000</u>
General Fund—Federal Appropriation	
.....	(( <del>\$85,479,000</del> ))
	<u>\$99,479,000</u>
General Fund—Private/Local Appropriation	
.....	\$28,737,000
Pension Funding Stabilization Account—State	
Appropriation .....	\$1,464,000
TOTAL APPROPRIATION .....	<u>\$143,624,000</u>
	<u>\$158,025,000</u>

The appropriations in this subsection are subject to the following conditions and limitations: The amounts provided in this subsection include a general fund—state backfill for a revenue shortfall at the Washington soldiers home in Orting and the Walla Walla veterans home.

#### (5) CEMETERY SERVICES

General Fund—State Appropriation (FY 2020)	
.....	\$100,000
General Fund—State Appropriation (FY 2021)	
.....	\$100,000
General Fund—Federal Appropriation.....	\$688,000
TOTAL APPROPRIATION .....	<u>\$888,000</u>

**Sec. 221.** 2019 c 415 s 221 (uncodified) is amended to read as follows:

#### FOR THE DEPARTMENT OF HEALTH

General Fund—State Appropriation (FY 2020)	
.....	(( <del>\$75,208,000</del> ))
	<u>\$80,137,000</u>
General Fund—State Appropriation (FY 2021)	
.....	(( <del>\$72,760,000</del> ))
	<u>\$96,004,000</u>
General Fund—Federal Appropriation	
.....	(( <del>\$581,269,000</del> ))
	<u>\$579,524,000</u>

General Fund—Private/Local Appropriation .....	(( <del>\$184,174,000</del> ))
	<u>\$192,657,000</u>
Hospital Data Collection Account—State	
Appropriation .....	\$362,000
Health Professions Account—State Appropriation	
.....	(( <del>\$144,746,000</del> ))
	<u>\$149,006,000</u>
Aquatic Lands Enhancement Account—State	
Appropriation .....	\$633,000
Emergency Medical Services and Trauma Care Systems	
Trust Account—State Appropriation .....	\$10,091,000
Safe Drinking Water Account—State Appropriation	
.....	(( <del>\$6,050,000</del> ))
	<u>\$6,058,000</u>
Drinking Water Assistance Account—Federal	
Appropriation .....	(( <del>\$16,974,000</del> ))
	<u>\$17,004,000</u>
Waterworks Operator Certification Account—	
State Appropriation .....	\$1,990,000
Drinking Water Assistance Administrative Account—	
State Appropriation .....	\$1,228,000
Site Closure Account—State Appropriation .....	\$183,000
Biotoxin Account—State Appropriation	
.....	(( <del>\$1,693,000</del> ))
	<u>\$1,694,000</u>
Model Toxics Control Operating Account—	
State Appropriation .....	(( <del>\$4,465,000</del> ))
	<u>\$4,468,000</u>
Medicaid Fraud Penalty Account—State	
Appropriation .....	(( <del>\$1,326,000</del> ))
	<u>\$1,374,000</u>
Medical Test Site Licensure Account—State	
Appropriation .....	(( <del>\$2,703,000</del> ))
	<u>\$3,233,000</u>
Secure Drug Take-Back Program Account—State	
Appropriation .....	<u>\$1,008,000</u>
Youth Tobacco and Vapor Products Prevention	
Account—	
State Appropriation .....	(( <del>\$4,373,000</del> ))
	<u>\$4,237,000</u>
Dedicated Marijuana Account—State Appropriation	

(FY 2020).....	\$10,786,000
Dedicated Marijuana Account—State Appropriation	
(FY 2021).....	\$10,616,000
Public Health Supplemental Account—Private/Local	
Appropriation .....	<del>(\$3,668,000)</del>
	<u>\$5,236,000</u>
Pension Funding Stabilization Account—State	
Appropriation .....	\$3,816,000
Accident Account—State Appropriation.....	\$362,000
Medical Aid Account—State Appropriation..	\$54,000
TOTAL APPROPRIATION .....	<del>\$1,139,530,000</del>
	<u>\$1,181,761,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) The department of health shall not initiate any services that will require expenditure of state general fund moneys unless expressly authorized in this act or other law. The department of health and the state board of health shall not implement any new or amended rules pertaining to primary and secondary school facilities until the rules and a final cost estimate have been presented to the legislature, and the legislature has formally funded implementation of the rules through the omnibus appropriations act or by statute. The department may seek, receive, and spend, under RCW 43.79.260 through 43.79.282, federal moneys not anticipated in this act as long as the federal funding does not require expenditure of state moneys for the program in excess of amounts anticipated in this act. If the department receives unanticipated unrestricted federal moneys, those moneys shall be spent for services authorized in this act or in any other legislation that provides appropriation authority, and an equal amount of appropriated state moneys shall lapse. Upon the lapsing of any moneys under this subsection, the office of financial management shall notify the legislative fiscal committees. As used in this subsection, "unrestricted federal moneys" includes block grants and other funds that federal law does not require to be spent on specifically defined projects or matched on a formula basis by state funds.

(2) During the 2019-2021 fiscal biennium, each person subject to RCW 43.70.110(3)(c) is required to pay only one surcharge of up to twenty-five dollars annually for the purposes of RCW 43.70.112, regardless of how many professional licenses the person holds.

(3) In accordance with RCW 43.20B.110, 43.135.055, and 71.24.035, the department is authorized to adopt license and certification fees in fiscal years 2020 and 2021 to support the costs of the regulatory program. The department's fee schedule shall have differential rates for providers with proof of accreditation from organizations that the department has determined to have substantially equivalent standards to those of the department, including but not limited to the joint commission on accreditation of

health care organizations, the commission on accreditation of rehabilitation facilities, and the council on accreditation. To reflect the reduced costs associated with regulation of accredited programs, the department's fees for organizations with such proof of accreditation must reflect the lower costs of licensing for these programs than for other organizations which are not accredited.

(4) Within the amounts appropriated in this section, and in accordance with RCW 43.20B.110 and 70.41.100, the department shall set fees to include the full costs of the performance of inspections pursuant to RCW 70.41.080.

(5) In accordance with RCW 70.96A.090, 71.24.035, 43.20B.110, and 43.135.055, the department is authorized to adopt fees for the review and approval of mental health and substance use disorder treatment programs in fiscal years 2020 and 2021 as necessary to support the costs of the regulatory program. The department's fee schedule must have differential rates for providers with proof of accreditation from organizations that the department has determined to have substantially equivalent standards to those of the department, including but not limited to the joint commission on accreditation of health care organizations, the commission on accreditation of rehabilitation facilities, and the council on accreditation. To reflect the reduced costs associated with regulation of accredited programs, the department's fees for organizations with such proof of accreditation must reflect the lower cost of licensing for these programs than for other organizations which are not accredited.

(6) The health care authority, the health benefit exchange, the department of social and health services, the department of health, and the department of children, youth, and families shall work together within existing resources to establish the health and human services enterprise coalition (the coalition). The coalition, led by the health care authority, must be a multi-organization collaborative that provides strategic direction and federal funding guidance for projects that have cross-organizational or enterprise impact, including information technology projects that affect organizations within the coalition. By October 31, 2019, the coalition must submit a report to the governor and the legislature that describes the coalition's plan for projects affecting the coalition organizations. The report must include any information technology projects impacting coalition organizations and, in collaboration with the office of the chief information officer, provide: (a) The status of any information technology projects currently being developed or implemented that affect the coalition; (b) funding needs of these current and future information technology projects; and (c) next steps for the coalition's information technology projects. The office of the chief information officer shall maintain a statewide perspective when collaborating with the coalition to ensure that the development of projects identified in this report are planned for in a manner that ensures the efficient use of state resources and maximizes federal financial participation. The work of the coalition is subject to the conditions, limitations, and review provided in ~~(section 719 of this act)~~ section 701 of this act.

(7)(a) \$285,000 of the general fund—state appropriation for fiscal year 2020 and \$15,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the governor's interagency coordinating council on health disparities to establish a task force to develop a proposal for the creation of an office of equity. The purpose of the office of equity is to promote access to equitable opportunities and resources that reduce disparities, including racial and ethnic disparities, and improve outcomes statewide across all sectors of government. The council must provide staff support and coordinate community and stakeholder outreach for the task force.

(b) The task force shall include:

(i) The chair of the interagency coordinating council on health disparities, or the chair's designee, who shall serve as the chair of the task force;

(ii) Two members of the house of representatives, appointed by the speaker of the house of representatives;

(iii) Two members from the senate, appointed by the president of the senate;

(iv) A representative from the office of the governor, appointed by the governor;

(v) A representative from the office of financial management's diversity, equity, and inclusion council, appointed by the governor;

(vi) A representative from the office of minority and women's business enterprises, appointed by the director of the office of minority and women's business enterprises;

(vii) A representative from each ethnic commission, appointed by the director of each respective commission;

(viii) A representative from the women's commission, appointed by the director of the commission;

(ix) A representative from the human rights commission, appointed by the director of the commission;

(x) The director of the governor's office of Indian affairs, or the director's designee;

(xi) A member of the disability community, appointed by the chair of the governor's committee on disability issues and employment; and

(xii) A member of the lesbian, gay, bisexual, transgender, and queer community, appointed by the office of the governor.

(c) The task force must submit a preliminary report to the governor and legislature by December 15, 2019. The task force must submit a final proposal to the governor and the legislature by July 1, 2020. The final proposal must include the following recommendations:

(i) A mission statement and vision statement for the office;

(ii) A definition of "equity," which must be used by the office to guide its work;

(iii) The organizational structure of the office, which must include a community liaison for the office;

(iv) A plan to engage executive level management from all agencies;

(v) Mechanisms for facilitating state policy and systems change to promote equity, promoting community outreach and engagement, and establishing standards for the collection, analysis, and reporting of disaggregated data regarding race and ethnicity;

(vi) Mechanisms for accountability to ensure that performance measures around equity are met across all agencies, including recommendations on audits of agencies and other accountability tools as deemed appropriate; and

(vii) A budget proposal including estimates for costs and staffing.

(d) Nonlegislative members of the task force must be reimbursed for expenses incurred in the performance of their duties in accordance with RCW 43.03.050 and 43.03.060. Legislative members must be reimbursed for expenses incurred in accordance with RCW 44.04.120.

(8) \$400,000 of the general fund—state appropriation for fiscal year 2020 and \$400,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the department to contract with a community-based nonprofit organization located in Yakima valley to develop a Spanish-language public radio media campaign aimed at preventing opioid use disorders through education outreach programs. The goal of the radio media campaign is reaching underserved populations, who may have limited literacy and who may experience cultural and informational isolation, to address prevention, education, and treatment for opioid users or those at risk for opioid use. The nonprofit organization must coordinate with stakeholders who are engaged in promoting healthy and educated choices about drug use and abuse to host four workshops and two conferences that present the latest research and best practices. The department, in coordination with the nonprofit, must provide a preliminary report to the legislature no later than December 31, 2020. A final report must be submitted to the legislature no later than June 30, 2021. Both reports must include: (a) A description of the outreach programs and their implementation; (b) a description of the workshops and conferences held; (c) the number of individuals who participated in or received services in relation to the outreach programs; and (d) any relevant demographic data regarding those individuals.

(9)(a) \$50,000 of the general fund—state appropriation for fiscal year 2020 and \$50,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the nursing care quality assurance commission to continue the work group on nurses in long-term care settings.

(b) The work group must base its work on the assessment of long-term care workforce needs required by chapter 299, Laws of 2018, and included in the long-term care workforce development report to the governor and the legislature submitted in December 2018. The commission shall maintain existing membership of the work group, may

add additional stakeholder representation, and may create such technical advisory committees as may be necessary to accomplish its purposes.

(c) Work group priorities for the 2019-2021 fiscal biennium include:

(i) Identifying data sources necessary to ensure workers are achieving timely training, testing, and certification;

(ii) Working with regional workforce development councils to project worker shortages and on-going demands;

(iii) Establishing revised nursing assistant training that aligns directly with the learning outcomes of the competency-based common curriculum, and improves access, reduces costs, increases consistency across evaluators, increases pass rates, and provides support for languages other than English;

(iv) Recommending requirements to improve skilled nursing facility staffing models and address deficiencies in resident care; and

(v) Creating a competency-based common curriculum for nursing assistant training that includes knowledge and skills relevant to current nursing assistant practices; integrated specialty training on mental health, developmental disabilities, and dementia; and removing or revising outdated content. The curriculum must not unnecessarily add additional training hours, and must meet all applicable federal and state laws. The curriculum must be designed with seamless progression from or toward any point on the educational continuum.

(d) The commission must provide an interim report on the activities of the work group and its findings and recommendations for statutory and regulatory changes to the governor and legislature by November 15, 2019, and a final report to the governor and legislature by November 15, 2020.

(10) \$172,000 of the general fund—state appropriation for fiscal year 2020 and \$172,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of Substitute Senate Bill No. 5425 (maternal mortality reviews). ~~((If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.))~~

(11) \$399,000 of the general fund—local appropriation is provided solely for implementation of Engrossed Substitute Senate Bill No. 5332 (vital statistics). ~~((If the bill is not enacted by June 30, 2019, the amount provided in this subsection shall lapse.))~~

(12) \$52,000 of the general fund—state appropriation for fiscal year 2020, \$22,000 of the general fund—state appropriation for fiscal year 2021, \$11,000 of the general fund—local appropriation, and \$107,000 of the health professions account—state appropriation are provided solely for implementation of Substitute Senate Bill No. 5380 (opioid use disorder). ~~((If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.))~~

(13) \$80,000 of the general fund—state appropriation for fiscal year 2020, \$7,000 of the general fund—state

appropriation for fiscal year 2021, and \$32,000 of the health professions account—state appropriation are provided solely for implementation of Engrossed Second Substitute Senate Bill No. 5497 (immigrants in the workplace). ~~((If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.))~~

(14) \$132,000 of the general fund—state appropriation for fiscal year 2020 and \$132,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of Substitute Senate Bill No. 5550 (pesticide application safety). ~~((If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.))~~

(15) \$14,000 of the general fund—state appropriation for fiscal year 2020 is provided solely for implementation of Second Substitute Senate Bill No. 5846 (international medical graduates). ~~((If the bill is not enacted by June 30, 2019, the amount provided in this subsection shall lapse.))~~

(16) \$150,000 of the general fund—state appropriation for fiscal year 2020 and \$150,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the midwifery licensure and regulatory program to supplement revenue from fees. The department shall charge no more than five hundred twenty-five dollars annually for new or renewed licenses for the midwifery program.

(17)(a) \$62,000 of the general fund—state appropriation for fiscal year 2020 and \$63,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the King county local health jurisdiction, as part of the foundational public health services, to conduct a study on the population health impact of the SeaTac airport communities.

(b) By December 1, 2020, the King county local health jurisdiction shall submit a report to the appropriate committees of the legislature that must include:

(i) An analysis of existing data sources and an oversample of the best start for kids child health survey to produce airport community health profiles within a one mile, five mile, and ten mile radius of the airport;

(ii) A comprehensive literature review concerning the community health effects of airport operations, including a strength of evidence analysis;

(iii) The findings of the University of Washington school of public health study on ultrafine particulate matter at the airport and surrounding areas; and

(iv) Any recommendations to address health issues related to the impact of the airport on the community.

(18) \$1,000,000 of the youth tobacco and vapor products prevention account—state appropriation is provided solely, as part of foundational public health services, for the department to support local health jurisdictions to provide youth tobacco and vapor prevention programs, including the necessary outreach and education for Engrossed House Bill No. 1074 (tobacco and vapor/age).

(19) \$94,000 of the general fund—state appropriation for fiscal year 2020 is provided solely for implementation of Engrossed Second Substitute Senate Bill No. 5116 (clean

energy). ~~((If the bill is not enacted by June 30, 2019, the amount provided in this subsection shall lapse.))~~

(20) The department shall report to the fiscal committees of the legislature by December 1, 2019, and December 1, 2020, if it anticipates that the amounts raised by ambulatory surgical facility licensing fees will not be sufficient to defray the cost of regulating ambulatory surgical facilities. The report shall identify the amount of state general fund money necessary to compensate for the insufficiency.

(21) \$162,000 of the general fund—state appropriation for fiscal year 2020, \$61,000 of the general fund—state appropriation for fiscal year 2021, and \$2,007,000 of the general fund—federal appropriation are provided solely to create a statewide data system to provide early intervention services for all children appropriately screened for developmental delays, to track developmental screenings and delays identified in children, and to assist with care coordination and early intervention; and is subject to the conditions, limitations, and review provided in ~~((section 719 of this act))~~ section 701 of this act.

(22) \$420,000 of the health professions account—state appropriation is provided solely for a work group to develop policy and practice recommendations to increase access to clinical training and supervised practice for the behavioral health workforce. The work group shall include representatives from the department, the workforce training and education coordinating board, and other appropriate stakeholders. The recommendations of the work group must address the following potential barriers: (a) reimbursement and incentives for supervision of interns and trainees; (b) supervision requirements; (c) competency-based training; (d) licensing reciprocity or the feasibility of an interstate licensing compact, or both; and (e) background checks, including barriers to work related to an applicant's criminal history or substance use disorder. The board must convene and facilitate the work group, and recommendations may be presented in two phases. Recommendations presented in the first phase must be provided by December 1, 2019. Recommendations presented in the second phase must be provided by December 1, 2020.

(23) \$500,000 of the general fund—state appropriation for fiscal year 2020 and \$500,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the Washington poison center. This funding is provided in addition to funding provided pursuant to RCW 69.50.540.

(24) \$21,000 of the general fund—state appropriation for fiscal year 2020 and \$4,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the development of a palliative care road map to provide information and guidance to providers, patients, families, and caregivers of individuals living with a serious or life-threatening illness. The department must work in consultation with appropriate stakeholders, including but not limited to, the health care authority, the department of social and health services, and hospital-based, outpatient, and community-based palliative care providers. The department must complete the document and make hard copies available for distribution no later than September 30, 2020.

(25) \$750,000 of the general fund—state appropriation for fiscal year 2020 is provided to continue the collaboration between local public health, accountable communities of health, and health care providers to reduce potentially preventable hospitalizations in Pierce county. This collaboration will build from year one planning to align care coordination efforts across health care systems and support the accountable communities of health initiatives, including innovative, collaborative models of care. Strategies include the following, to reduce costly hospitalizations: (a) Increasing immunizations for bacterial pneumonia and influenza; (b) screening, brief intervention, and referral to treatment for alcohol, tobacco, and other drugs, and for depression; and (c) the sharing of health system-wide data regarding usage and access patterns. By December 15, 2019, the collaborative shall provide a report to the legislature that illustrates the successes and challenges of the project.

(26) \$55,000 of the health professions account—state appropriation is provided solely to implement Engrossed Substitute House Bill No. 1768 (substance use disorder professionals). ~~((If the bill is not enacted by June 30, 2019, the amount provided in this subsection shall lapse.))~~

(27) \$14,000 of the health professions account—state appropriation is provided solely to implement Substitute House Bill No. 1865 (acupuncture and Eastern medicine). ~~((If the bill is not enacted by June 30, 2019, the amount provided in this subsection shall lapse.))~~

(28)(a) \$257,000 of the general fund—state appropriation for fiscal year 2020 and \$304,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the suicide-safer homes task force defined in RCW 43.70.445 to:

(i) Expand support to industries, professions, and workplaces impacted by high rates of suicide, develop and provide online resources to disseminate best practices in workplace mental health and suicide prevention, and provide trainings for industries with the highest suicide rates and who are unable to pay for trainings;

(ii) Conduct a workplace suicide summit;

(iii) Deliver the task force's SAFER intervention and firearms and medication locking devices in partnership with nongovernment organizations in twelve rural communities across Washington; and

(iv) Develop and distribute a tool kit for suicide prevention and curriculum for firearms safety instructors for their inclusion in firearms safety courses.

(b) The task force shall distribute to all firearms dealers in the state suicide awareness and prevention materials tailored to firearms owners that are developed. Firearms dealers are strongly encouraged to post on the premises and make available to firearms purchasers and transferees the suicide awareness and prevention materials.

(c) The task force shall provide a report to the legislature regarding the directives of this subsection, and the report shall be included in the task force's final report to the legislature by December 1, 2020.

(29) \$16,000 of the general fund—state appropriation for fiscal year 2020 and \$8,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the pharmacy quality assurance commission to:

(a) Distribute or make available through electronic means to all licensed pharmacies suicide awareness and prevention materials developed by the suicide-safer homes task force, and each licensed pharmacy shall, when deemed appropriate through patient evaluation, make available to patients at the point of care the suicide awareness and prevention materials distributed by the commission; and

(b) Survey each pharmacist licensed under this chapter on methods to bridge the gap between practice and suicide awareness and prevention training, including identifying barriers that exist in putting the training into practice. The commission shall consult with the suicide-safer homes task force in developing the survey. The commission may distribute the survey as part of each pharmacist's license renewal. The commission shall compile and analyze the survey data and report the results to the appropriate committees of the legislature by November 15, 2020.

(30) \$1,310,000 of the health professions account—state appropriation is provided solely for the Washington medical commission for clinical health care investigators.

(31) \$3,210,000 of the health professions account—state appropriation is provided solely for the nursing care quality assurance commission to address increased complaints.

(32) Within the amounts appropriated in this section, and in accordance with RCW 43.70.110 and 71.12.470, the department shall set fees to include the full costs of the performance of inspections pursuant to RCW 71.12.485.

(33) \$18,000,000 of the general fund—local appropriation is provided solely for the department to provide core medical services, case management, and support services for individuals living with human immunodeficiency virus.

(34) \$1,606,000 of the general fund—local appropriation is provided solely for staff, equipment, testing supplies, and materials necessary to add Pompe disease and MPS-I to the mandatory newborn screening panel. The department is authorized to increase the newborn screening fee by \$10.50.

(35) \$332,000 of the general fund—local appropriation is provided solely for testing supplies necessary to perform x-linked adrenoleukodystrophy newborn screening panel testing. The department is authorized to increase the newborn screening fee by \$1.90.

(36) \$150,000 of the general fund—state appropriation for fiscal year 2020 and \$150,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the department to conduct formative research and development regarding dementia and the value and importance of early detection, diagnosis, and planning for the public, including racial and ethnic groups who are at increased risk. Qualified department staff or contracted experts must: (a) Investigate existing evidence-based messages and public awareness

campaign strategies; and (b) develop, place, and evaluate messages through a short-term digital awareness campaign in at least two, but no more than four, targeted areas of the state.

(37) \$125,000 of the general fund—state appropriation for fiscal year 2020 and \$125,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the department to contract with a nonprofit organization that provides support and education for adults, children, and families impacted by cancer. The nonprofit must provide programs and services that include, but are not limited to, adult support groups, camps for children impacted by cancer, education programs for teens to reduce future risk of cancer, and emotional and social support to families dealing with cancer.

(38) \$20,000 of the general fund—state appropriation for fiscal year 2020 is provided solely for the department to conduct a study on the state producing generic prescription drugs, with a priority on insulin. By December 1, 2019, the department shall submit a report of its findings and recommendations to the legislature.

(39) \$2,000,000 of the general fund—state appropriation for fiscal year 2020 and \$500,000 of the general fund—state appropriation for fiscal year 2021 are provided solely to implement Substitute House Bill No. 1587 (increasing access to fruits and vegetables). ~~((If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.))~~

(40) The department must submit an application for an extension or renewal of its current grant pursuant to the federal food insecurity incentives program. If an extension or renewal of the current grant is not permitted, the department must apply for a new grant under the same program, which was reauthorized in December 2018.

(41) \$22,000 of the general fund—state appropriation for fiscal year 2020 and \$22,000 of the general fund—state appropriation for fiscal year 2021 are provided solely to implement Engrossed House Bill No. 1638 (vaccine preventable diseases). ~~((If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.))~~

(42) \$207,000 of the health professions account—state appropriation is provided solely to implement chapter 69, Laws of 2019 (SHB 1198) (sexual misconduct notification).

(43) \$203,000 of the general fund—state appropriation for fiscal year 2020 and \$66,000 of the general fund—local appropriation are provided solely to implement Second Substitute House Bill No. 1394 (behavioral health facilities). ~~((If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.))~~

(44) \$36,000 of the health professions account—state appropriation is provided solely to implement House Bill No. 1554 (dental hygienists). ~~((If the bill is not enacted by June 30, 2019, the amount provided in this subsection shall lapse.))~~

(45) \$189,000 of the dedicated marijuana account—state appropriation for fiscal year 2020 is provided solely to implement Engrossed Substitute House Bill No. 1094

(medical marijuana renewals). ~~((If the bill is not enacted by June 30, 2019, the amount provided in this subsection shall lapse.))~~

(46) \$200,000 of the general fund—local appropriation is provided solely to implement chapter 68, Laws of 2019 (HB 1177) (dental laboratory registry).

(47) \$88,000 of the general fund—state appropriation for fiscal year 2020 and \$87,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for an online tutorial and link to web-based, continuing education funded by the centers for disease control for training for the primary care health workforce regarding the protocols for perinatal monitoring, birth-dose immunization, early diagnosis, linkage to care, and treatment for persons diagnosed with chronic hepatitis B or hepatitis using the project ECHO telehealth model operated by the University of Washington. Training shall focus on increased provider proficiency and increased number of trained providers in areas with high rates of reported cases of hepatitis B or hepatitis, including regions with high incidence of drug use or upward trend of children who have not received hepatitis B virus vaccinations according to centers for disease control recommendations. All digital and hardcopy training, educational, and outreach materials for this program must be culturally relevant and linguistically diverse.

(48) \$300,000 of the general fund—state appropriation for fiscal year 2020 and \$90,000 of the general fund—state appropriation for fiscal year 2021 are provided solely to the department of health for a task force established to recommend strategies for incorporating environmental justice principles into how state agencies discharge their responsibilities.

(a) The membership of the task force established under this section is as follows:

(i) The director of the department of commerce, or the director's designee;

(ii) The director of the department of ecology, or the director's designee;

(iii) The executive director of the Puget Sound partnership, or the executive director's designee;

(iv) The secretary of the department of transportation, or the secretary's designee;

(v) The secretary of the department of health, or the secretary's designee;

(vi) The chair of the energy facility site evaluation council, or the chair's designee;

(vii) The chair of the governor's interagency council on health disparities, or the chair's designee;

(viii) The commissioner of public lands, or the commissioner's designee;

(ix) A member from an organization representing statewide environmental justice issues, appointed by the governor;

(x) Three members from community-based organizations, appointed by the cochair specified under (b) of this subsection, the nominations of which are based upon maintaining a balanced and diverse distribution, of representation from census tracts that are ranked at an eight or higher on the cumulative impact analysis and of ethnic, geographic, gender, sexual orientation, age, socioeconomic status, and occupational representation, where practicable;

(xi) A tribal leader, invited by the governor;

(xii) One member from an association representing business interests, appointed by the governor;

(xiii) One member from a union or other organized labor association representing worker interests, appointed by the governor;

(xiv) The director of the department of agriculture, or the director's designee; and

(xv) One member from an organization representing statewide agricultural interests, appointed by the governor.

(b) The representative of statewide environmental justice interests, and the chair of the governor's interagency council on health disparities, or the chair's designee, must cochair the task force.

(c) The governor's interagency council on health disparities shall provide staff support to the task force. The interagency council may work with other agencies, departments, or offices as necessary to provide staff support to the task force.

(d) The task force must submit a final report of its findings and recommendations to the appropriate committees of the legislature and the governor by October 31, 2020, and in compliance with RCW 43.01.036. The goal of the final report is to provide guidance to agencies, the legislature, and the governor, and at a minimum must include the following:

(i) Guidance for state agencies regarding how to use a cumulative impact analysis tool developed by the department of health. Guidance must cover how agencies identify highly impacted communities and must be based on best practices and current demographic data;

(ii) Best practices for increasing public participation and engagement by providing meaningful opportunities for involvement for all people, taking into account barriers to participation that may arise due to race, color, ethnicity, religion, income, or education level;

(iii) Recommendations for establishing measurable goals for reducing environmental health disparities for each community in Washington state and ways in which state agencies may focus their work towards meeting those goals;

(iv) Model policies for prioritizing highly impacted communities and vulnerable populations for the purpose of reducing environmental health disparities and advancing a healthy environment for all residents.

(e) If time and resources permit, the task force may also include in its final report:

(i) Recommendations for creating and implementing equity analysis into all significant planning, programmatic and policy decision making, and investments. The equity analysis methods may include a process for describing potential risks to, benefits to, and opportunities for highly impacted communities and vulnerable populations;

(ii) Best practices and needed resources for cataloging and cross-referencing current research and data collection for programs within all state agencies relating to the health and environment of people of all races, cultures, and income levels, including minority populations and low-income populations of the state.

(f) Members of the task force who are not state employees must be compensated in accordance with RCW 43.03.240 and are entitled to reimbursement individually for travel expenses incurred in the performance of their duties as members of the task force in accordance with RCW 43.03.050 and 43.03.060. The expenses of the task force must be paid by the governor's interagency council on health disparities.

(g) The task force must hold four regional meetings to seek input from, present their work plan and proposals to, and receive feedback from communities throughout the state. The following locations must be considered for these meetings: Northwest Washington, central Puget Sound region, south Puget Sound region, southwest Washington, central Washington, and eastern Washington.

(h) Reports submitted under this section must be available for public inspection and copying through the governor's interagency council on health disparities and must be posted on its web site.

(49) \$500,000 of the general fund—state appropriation for fiscal year 2020 and \$500,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for testing of lead in public schools. The department must determine which school districts have the highest priority and test those districts first. The department and the school districts for which tests are conducted must provide to parents, educators, school staff, and the public clear communications regarding the test results, the consequences of even low levels of exposure or ingestion, such as cognitive deficits, reduction in IQ, and neurological development, and the information that no level of lead in drinking water is safe. The communications must include a comparison of the results to the recommendation of the American academy of pediatrics (August 2017) and the national toxicology program of the national institutes of health and the center for disease control, regardless of whether the level exceeds the standard for action pursuant to the federal lead and copper rule. Communications regarding test results where levels exceed the level recommended by the American academy of pediatricians must be accompanied by examples of actions districts may take to prevent exposure, including automated flushing of water fountains and sinks, and installation of certified water filters or bottle filling stations.

**Sec. 222.** 2019 c 415 s 222 (uncodified) is amended to read as follows:

#### FOR THE DEPARTMENT OF CORRECTIONS

The appropriations to the department of corrections in this act shall be expended for the programs and in the amounts specified in this act. However, after May 1, 2020, after approval by the director of financial management and unless specifically prohibited by this act, the department may transfer general fund—state appropriations for fiscal year 2020 between programs. The department may not transfer funds, and the director of financial management may not approve the transfer, unless the transfer is consistent with the objective of conserving, to the maximum extent possible, the expenditure of state funds. The director of financial management shall notify the appropriate fiscal committees of the legislature in writing seven days prior to approving any deviations from appropriation levels. The written notification must include a narrative explanation and justification of the changes, along with expenditures and allotments by budget unit and appropriation, both before and after any allotment modifications or transfers.

#### (1) ADMINISTRATION AND SUPPORT SERVICES

General Fund—State Appropriation (FY 2020)	.....	(\$68,636,000)
		<u>\$69,997,000</u>
General Fund—State Appropriation (FY 2021)	.....	(\$69,672,000)
		<u>\$75,622,000</u>
General Fund—Federal Appropriation .....		\$400,000
Pension Funding Stabilization Account—State		
Appropriation.....		\$7,616,000
TOTAL APPROPRIATION.....		<u>\$146,324,000</u>
		<u>\$153,635,000</u>

The appropriations in this subsection are subject to the following conditions and limitations:

~~((b))~~ (a) Within the funds appropriated in the subsection the department shall review and update the necessary business requirements for implementation of a comprehensive electronic health records system. The department will utilize its feasibility study from 2013 and the health informatics roadmap completed in 2017 to update its business requirements and complete a request for information process by May 31, 2021. The department shall submit a report to the governor and the legislature outlining the system specifications and a cost model for implementation no later than June 30, 2021. This subsection is subject to the conditions, limitations, and review requirements of ~~((section 719 of this act))~~ section 701 of this act.

~~((c))~~ (b) \$13,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the implementation of Engrossed Second Substitute House Bill No. 1517 (domestic violence). ~~((If the bill is not enacted by June 30, 2019, the amount provided in this subsection shall lapse.~~



~~(d))~~ (c)(i) During the 2019-2021 fiscal biennium, the department must revise its agreements and contracts with vendors to include a provision to require that each vendor agrees to equality among its workers by ensuring similarly employed individuals are compensated as equals as follows:

(A) Employees are similarly employed if the individuals work for the same employer, the performance of the job requires comparable skill, effort, and responsibility, and the jobs are performed under similar working conditions. Job titles alone are not determinative of whether employees are similarly employed;

(B) Vendors may allow differentials in compensation for its workers based in good faith on any of the following:

(I) A seniority system; a merit system; a system that measures earnings by quantity or quality of production; a bona fide job-related factor or factors; or a bona fide regional difference in compensation levels.

(II) A bona fide job-related factor or factors may include, but not be limited to, education, training, or experience, that is: Consistent with business necessity; not based on or derived from a gender-based differential; and accounts for the entire differential.

(III) A bona fide regional difference in compensation level must be: Consistent with business necessity; not based on or derived from a gender-based differential; and account for the entire differential.

(ii) The provision must allow for the termination of the contract if the department or department of enterprise services determines that the vendor is not in compliance with this agreement or contract term.

(iii) The department must implement this provision with any new contract and at the time of renewal of any existing contract.

~~((e))~~ (d) The appropriations in this subsection include sufficient funding for the implementation of Second Substitute Senate Bill No. 5021 (DOC/interest arbitration).

## (2) CORRECTIONAL OPERATIONS

General Fund—State Appropriation (FY 2020)	
.....	<del>(((\$563,549,000))</del>
	<u>\$565,090,000</u>
General Fund—State Appropriation (FY 2021)	
.....	<del>(((\$582,774,000))</del>
	<u>\$602,875,000</u>
General Fund—Federal Appropriation.....	\$818,000
Washington Auto Theft Prevention Authority Account—	
State Appropriation .....	<del>(((\$4,680,000))</del>
	<u>\$4,679,000</u>
Pension Funding Stabilization Account—State	
Appropriation .....	\$62,920,000
TOTAL APPROPRIATION .....	<u>\$1,214,741,000</u>

\$1,236,382,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) The department may contract for local jail beds statewide to the extent that it is at no net cost to the department. The department shall calculate and report the average cost per offender per day, inclusive of all services, on an annual basis for a facility that is representative of average medium or lower offender costs. The department shall not pay a rate greater than \$85 per day per offender excluding the costs of department of corrections provided services, including evidence-based substance abuse programming, dedicated department of corrections classification staff on-site for individualized case management, transportation of offenders to and from department of corrections facilities, and gender responsive training for Yakima jail staff assigned to the unit. The capacity provided at local correctional facilities must be for offenders whom the department of corrections defines as close medium or lower security offenders. Programming provided for offenders held in local jurisdictions is included in the rate, and details regarding the type and amount of programming, and any conditions regarding transferring offenders must be negotiated with the department as part of any contract. Local jurisdictions must provide health care to offenders that meet standards set by the department. The local jail must provide all medical care including unexpected emergent care. The department must utilize a screening process to ensure that offenders with existing extraordinary medical/mental health needs are not transferred to local jail facilities. If extraordinary medical conditions develop for an inmate while at a jail facility, the jail may transfer the offender back to the department, subject to terms of the negotiated agreement. Health care costs incurred prior to transfer are the responsibility of the jail.

(b) \$501,000 of the general fund—state appropriation for fiscal year 2020 and \$501,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the department to maintain the facility, property, and assets at the institution formerly known as the maple lane school in Rochester.

(c) The appropriations in this subsection include sufficient funding for the implementation of Substitute Senate Bill No. 5492 (motor vehicle felonies).

(d) \$1,861,000 of the general fund—state appropriation for fiscal year 2020 and \$1,861,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the department to contract for the costs associated with use of offender bed capacity in lieu of prison beds for a therapeutic community program in Yakima county. The department shall provide a report to the legislature by December 15, 2019, outlining the program, its outcomes, and any improvements made over the previous contracted beds.

(e) \$3,314,000 of the general fund—state appropriation for fiscal year 2020 and \$3,014,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the department to increase custody staffing in its prison facilities to provide watch staff for

hospital stays, mental health needs, and suicide watches to reduce overtime hours. The department shall track and report to the legislature on the changes in working conditions and overtime usage for nursing services by November 15, 2019.

(f) ~~(\$1,774,000)~~ \$1,071,000 of the general fund—state appropriation for fiscal year 2020 and \$1,567,000 of the general fund—state appropriation for fiscal year 2021 are provided solely to implement the settlement agreement in *Disability Rights Washington v. Inslee, et al.*, U.S. District Court for the Western District of Washington, cause No. 18-5071, for the portions of the agreement that require additional staff necessary to supervise individuals with greater out-of-cell time and to facilitate access to programming, treatment, and other required activities. If the settlement agreement is not fully executed and approved by the court before September 1, 2019, this appropriation shall lapse.

(g) ~~(\$764,000 of the general fund state appropriation for fiscal year 2020 and)~~ \$663,000 of the general fund—state appropriation for fiscal year 2021 ~~(are)~~ is provided solely for the department for payment of debt service associated with a certificate of participation for the equipment at the coyote ridge corrections center and its security electronics network project.

### (3) COMMUNITY SUPERVISION

General Fund—State Appropriation (FY 2020)	<del>(\$220,368,000)</del>
	<u>\$236,875,000</u>
General Fund—State Appropriation (FY 2021)	<del>(\$240,790,000)</del>
	<u>\$254,045,000</u>
General Fund—Federal Appropriation.....	\$3,632,000
Pension Funding Stabilization Account—State	
Appropriation .....	\$12,800,000
TOTAL APPROPRIATION .....	<del>\$477,590,000</del>
	<u>\$507,352,000</u>

The appropriations in this subsection are subject to the following conditions and limitations:

(a) \$1,320,000 of the general fund—state appropriation for fiscal year 2020 and \$2,560,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the department of corrections to negotiate annual contract rate increases with local and tribal governments for jail capacity to house offenders who violate the terms of their community supervision and must include increases for a regional jail serving the south King county area for providing enhanced medical services. A contract rate increase may not exceed five percent each year. The department may negotiate to include medical care of offenders in the contract rate if medical payments conform to the department's offender health plan and pharmacy formulary, and all off-site medical expenses are preapproved by department utilization management staff. If medical care

of offender is included in the contract rate, the contract rate may exceed five percent to include the cost of that service.

(b) The department shall engage in ongoing mitigation strategies to reduce the costs associated with community supervision violators, including improvements in data collection and reporting and alternatives to short-term confinement for low-level violators.

~~((c))~~ (c) \$984,000 of the general fund—state appropriation for fiscal year 2020 and \$8,066,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the department to create two hundred work release beds in the community by the end of fiscal year 2021. The department shall create an implementation plan and provide a report to the legislature by September 1, 2019, that outlines when and where the work release facilities will be implemented.

~~((d))~~ (d) \$143,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the implementation of Engrossed Second Substitute House Bill No. 1517 (domestic violence). ~~((If the bill is not enacted by June 30, 2019, the amount provided in this subsection shall lapse.))~~

### (4) CORRECTIONAL INDUSTRIES

General Fund—State Appropriation (FY 2020)	<del>(\$6,448,000)</del>
	<u>\$7,371,000</u>
General Fund—State Appropriation (FY 2021)	<del>(\$6,590,000)</del>
	<u>\$6,880,000</u>
Pension Funding Stabilization Account—State	
Appropriation .....	\$510,000
TOTAL APPROPRIATION .....	<u>\$13,548,000</u>
	<u>\$14,761,000</u>

### (5) INTERAGENCY PAYMENTS

General Fund—State Appropriation (FY 2020)	<del>(\$46,625,000)</del>
	<u>\$48,626,000</u>
General Fund—State Appropriation (FY 2021)	<del>(\$45,238,000)</del>
	<u>\$50,444,000</u>
TOTAL APPROPRIATION .....	<u>\$91,863,000</u>
	<u>\$99,070,000</u>

### (6) OFFENDER CHANGE

General Fund—State Appropriation (FY 2020)	<del>(\$59,538,000)</del>
	<u>\$59,498,000</u>
General Fund—State Appropriation (FY 2021)	<del>(\$61,135,000)</del>
	<u>\$61,806,000</u>

Appropriation .....	\$4,430,000
TOTAL APPROPRIATION .....	\$125,103,000
	<u>\$125,734,000</u>

The appropriations in this subsection are subject to the following conditions and limitations:

(a) The department of corrections shall use funds appropriated in this subsection (6) for offender programming. The department shall develop and implement a written comprehensive plan for offender programming that prioritizes programs which follow the risk-needs-responsivity model, are evidence-based, and have measurable outcomes. The department is authorized to discontinue ineffective programs and to repurpose underspent funds according to the priorities in the written plan.

(b) \$250,000 of the general fund—state appropriation for fiscal year 2020 and \$250,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for additional rental vouchers for individuals released from prison facilities.

(c) \$9,000 of the general fund—state appropriation for fiscal year 2020 is provided solely for the implementation of Second Substitute Senate Bill No. 5433 (DOC/post secondary education). ~~((If the bill is not enacted by June 30, 2019, the amount provided in this subsection shall lapse.))~~

(7) HEALTH CARE SERVICES

General Fund—State Appropriation (FY 2020)	.....(((\$160,657,000))	
		<u>\$170,106,000</u>
General Fund—State Appropriation (FY 2021)	.....(((\$164,466,000))	
		<u>\$178,845,000</u>
TOTAL APPROPRIATION .....		<u>\$325,123,000</u>
		\$348,951,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) The state prison medical facilities may use funds appropriated in this subsection to purchase goods, supplies, and services through hospital or other group purchasing organizations when it is cost effective to do so.

(b) \$895,000 of the general fund—state appropriation for fiscal year 2020 and \$895,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the department to increase on call nursing and overtime staff in order to cover required nursing posts in its prison facilities. The department shall track and report to the legislature on the changes in working conditions and overtime usage for nursing services by December 21, 2019.

(c) ~~(((\$174,000))~~ \$108,000 of the general fund—state appropriation for fiscal year 2020 and \$164,000 of the general fund—state appropriation for fiscal year 2021 are

provided solely to implement the settlement agreement in *Disability Rights Washington v. Inslee, et. al.*, United States District Court for the Western District of Washington, Cause No. 18-5071, for the portions of the agreement that require additional staff necessary to supervise individuals with greater out-of-cell time and to facilitate access to programming, treatment and other required activities. If the settlement agreement is not fully executed and approved by the court before September 1, 2019, the amounts provided in this subsection shall lapse.

**Sec. 223.** 2019 c 415 s 223 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF SERVICES FOR  
THE BLIND**

General Fund—State Appropriation (FY 2020)  
 .....((~~\$3,653,000~~))  
\$3,635,000

General Fund—State Appropriation (FY 2021)  
 .....((~~\$3,971,000~~))  
 \$4,004,000

General Fund—Federal Appropriation ....\$25,492,000

General Fund—Private/Local Appropriation..\$60,000

Pension Funding Stabilization Account—State	
Appropriation .....	\$172,000

TOTAL APPROPRIATION.....	\$33,348,000
	\$33,363,000

The appropriations in this subsection are subject to the following conditions and limitations:

(1) \$275,000 of the general fund—state appropriation for fiscal year 2020 and \$275,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for vocational rehabilitation supported employment services for additional eligible clients with visual disabilities who would otherwise be placed on the federally required order of selection waiting list.

(2) \$115,000 of the general fund—state appropriation for fiscal year 2020 and \$115,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the independent living program.

**Sec. 224.** 2019 c 415 s 224 (uncodified) is amended to read as follows:

FOR THE EMPLOYMENT SECURITY  
DEPARTMENT

General Fund—State Appropriation (FY 2020)	\$35,000
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General Fund—State Appropriation (FY 2021)  
.....\$35,000

General	Fund—Federal	Appropriation
.....		(((\$224,813,000))
		\$252,258,000

General Fund—Private/Local Appropriation .....	<del>(((\$36,401,000))</del>
	<u>\$36,434,000</u>
Unemployment Compensation Administration	
Account—Federal Appropriation .....	<del>(((\$299,413,000))</del>
	<u>\$280,105,000</u>
Administrative Contingency Account—State	
Appropriation .....	<del>(((\$26,248,000))</del>
	<u>\$26,258,000</u>
Employment Service Administrative Account—	
State Appropriation .....	<del>(((\$54,315,000))</del>
	<u>\$79,603,000</u>
Family and Medical Leave Insurance Account—	
State Appropriation .....	<del>(((\$78,290,000))</del>
	<u>\$114,934,000</u>
Long-Term Services and Supports Trust Account—	
State Appropriation .....	\$14,103,000
<u>Workforce Education Investment Account—State</u>	
<u>Appropriation .....</u>	<u>\$875,000</u>
TOTAL APPROPRIATION .....	<del>\$733,653,000</del>
	<u>\$804,640,000</u>

The appropriations in this subsection are subject to the following conditions and limitations:

(1) The department is directed to maximize the use of federal funds. The department must update its budget annually to align expenditures with anticipated changes in projected revenues.

(2) \$70,000 of the employment service administrative account—state appropriation is provided solely for implementation of Engrossed Second Substitute Senate Bill No. 5497 (immigrants in the workplace). ~~((If the bill is not enacted by June 30, 2019, the amount provided in this subsection shall lapse.))~~

(3) \$3,516,000 of the employment service administrative account—state appropriation is provided solely for implementation of Engrossed Second Substitute Senate Bill No. 5438 (ag & seasonal workforce srv). ~~((If the bill is not enacted by June 30, 2019, the amount provided in this subsection shall lapse.))~~

(4) \$4,636,000 of the employment service administrative account—state appropriation is provided solely for the statewide reentry initiative to connect incarcerated individuals to employment resources prior to and after release.

(5) \$14,103,000 of the long-term services and supports trust account—state appropriation is provided solely for implementation of Second Substitute House Bill No. 1087 (long-term services and support). ~~((If the bill is not enacted~~

~~by June 30, 2019, the amount provided in this subsection shall lapse.))~~

(6) \$162,000 of the family and medical leave insurance account—state appropriation is provided solely for implementation of Substitute House Bill No. 1399 (paid family and medical leave). ~~((If the bill is not enacted by June 30, 2019, the amount provided in this subsection shall lapse.))~~

(7) \$875,000 of the workforce education investment account—state appropriation is provided solely to expand career connected learning program intermediary grants.

(8) \$35,938,000 of the family and medical leave insurance account—state appropriation is provided solely to increase staffing levels and funding for the paid family medical leave program in order to align with projected business needs. The department must reassess its ongoing staffing and funding needs for the paid family medical leave program and submit documentation of the updated need to the office of financial management by September 1, 2020.

**Sec. 225.** 2019 c 415 s 225 (uncodified) is amended to read as follows:

#### **FOR THE DEPARTMENT OF CHILDREN, YOUTH, AND FAMILIES**

(1)(a) The appropriations to the department of children, youth, and families in this act must be expended for the programs and in the amounts specified in this act. However, after May 1, 2020, unless prohibited by this act, the department may transfer general fund—state appropriations for fiscal year 2020 among programs after approval by the director of the office of financial management. However, the department may not transfer state appropriations that are provided solely for a specified purpose except as expressly provided in (b) of this subsection.

(b) To the extent that transfers under (a) of this subsection are insufficient to fund actual expenditures in excess of fiscal year 2020 caseload forecasts and utilization assumptions in the foster care, adoption support, child protective services, working connections child care, and the juvenile rehabilitation programs, the department may transfer appropriations that are provided solely for a specified purpose.

#### **(2) CHILDREN AND FAMILIES SERVICES PROGRAM**

General Fund—State Appropriation (FY 2020) .....	<del>(((\$399,796,000))</del>
	<u>\$409,677,000</u>

General Fund—State Appropriation (FY 2021) .....	<del>(((\$412,306,000))</del>
	<u>\$406,859,000</u>

General Fund—Federal Appropriation .....	<del>(((\$542,242,000))</del>
	<u>\$485,803,000</u>

General Fund—Private/Local Appropriation .....	\$2,824,000
Pension Funding Stabilization Account—State	
Appropriation .....	<del>((27,892,000))</del>
	<u>\$24,916,000</u>
TOTAL APPROPRIATION .....	<u>\$1,385,060,000</u>
	<u>\$1,330,079,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(a) \$748,000 of the general fund—state appropriation for fiscal year 2020 and \$748,000 of the general fund—state appropriation for fiscal year 2021 is provided solely to contract for the operation of one pediatric interim care center. The center shall provide residential care for up to thirteen children through two years of age. Seventy-five percent of the children served by the center must be in need of special care as a result of substance abuse by their mothers. The center shall also provide on-site training to biological, adoptive, or foster parents. The center shall provide at least three months of consultation and support to the parents accepting placement of children from the center. The center may recruit new and current foster and adoptive parents for infants served by the center. The department shall not require case management as a condition of the contract.

(b) \$253,000 of the general fund—state appropriation for fiscal year 2020 and \$253,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the costs of hub home foster families that provide a foster care delivery model that includes a licensed hub home. Use of the hub home model is intended to support foster parent retention, improve child outcomes, and encourage the least restrictive community placements for children in out-of-home care.

(c) \$579,000 of the general fund—state appropriation for fiscal year 2020 and \$579,000 of the general fund—state appropriation for fiscal year 2021 and \$110,000 of the general fund—federal appropriation are provided solely for a receiving care center east of the Cascade mountains.

(d) \$1,245,000 of the general fund—state appropriation for fiscal year 2020 and \$1,245,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for services provided through children's advocacy centers. Of the amounts provided in this subsection, \$255,000 of the general fund—state appropriation for fiscal year 2020 and \$255,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for an expansion to child advocacy center services.

(e) \$1,884,000 of the general fund—state appropriation for fiscal year 2020 and ~~((1,884,000))~~ \$2,400,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for implementation of performance-based contracts for family support and related services pursuant to RCW 74.13B.020. Of the amounts provided in this subsection, \$533,000 of the general fund—state appropriation for fiscal year 2020 and ~~((533,000))~~

\$1,049,000 of the general fund—state appropriation for fiscal year 2021 are provided solely to expand performance-based contracts through network administrators.

(f) ~~((3,291,000))~~ \$2,568,000 of the general fund—state appropriation for fiscal year 2020, ~~((5,998,000))~~ \$3,079,000 of the general fund—state appropriation for fiscal year 2021, and ~~((5,876,000))~~ \$3,567,000 of the general fund—federal appropriation are provided solely for social worker and related staff to receive, refer, and respond to screened-in reports of child abuse and neglect pursuant to chapter 208, Laws of 2018.

(g) Beginning October 1, 2019, and each calendar quarter thereafter, the department shall provide a tracking report for social service specialists and corresponding social services support staff to the office of financial management, and the appropriate policy and fiscal committees of the legislature. ~~((The))~~ To the extent in which the information is available, the report shall include the following information identified separately for social service specialists doing case management work, supervisory work, and administrative support staff, and identified separately by job duty or program, including but not limited to intake, child protective services investigations, child protective services family assessment response, and child and family welfare services:

(i) Total full time equivalent employee authority, allotments and expenditures by region, office, classification and band, and job duty or program;

(ii) Vacancy rates by region, office, and classification and band; and

(iii) Average length of employment with the department, and when applicable, the date of exit for staff exiting employment with the department by region, office, classification and band, and job duty or program.

(h) \$94,000 of the general fund—state appropriation for fiscal year 2020 and \$94,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for a contract with a child advocacy center in Spokane to provide continuum of care services for children who have experienced abuse or neglect and their families.

(i) \$3,910,000 of the general fund—state appropriation for fiscal year 2020 and \$3,910,000 of the general fund—state appropriation for fiscal year 2021 and \$2,336,000 of the general fund—federal appropriation are provided solely for the department to reduce the caseload ratios of social workers serving children in foster care, to promote decreased lengths of stay and to make progress towards achievement of the Braam settlement caseload outcomes.

(j)(A) \$539,000 of the general fund—state appropriation for fiscal year 2020 and \$540,000 of the general fund—state appropriation for fiscal year 2021, \$656,000 of the general fund private/local appropriation, and \$252,000 of the general fund—federal appropriation are provided solely for a contract with an educational advocacy provider with expertise in foster care educational outreach. The amounts in this subsection are provided solely for contracted education coordinators to assist foster children in

succeeding in K-12 and higher education systems and to assure a focus on education during the department's transition to performance-based contracts. Funding must be prioritized to regions with high numbers of foster care youth, or regions where backlogs of youth that have formerly requested educational outreach services exist. The department is encouraged to use private matching funds to maintain educational advocacy services.

(B) The department shall contract with the office of the superintendent of public instruction, which in turn shall contract with a nongovernmental entity or entities to provide educational advocacy services pursuant to RCW 28A.300.590.

(k) The department shall continue to implement policies to reduce the percentage of parents requiring supervised visitation, including clarification of the threshold for transition from supervised to unsupervised visitation prior to reunification.

(l) \$375,000 of the general fund—state appropriation for fiscal year 2020 and \$375,000 of the general fund—state appropriation for fiscal year 2021 and \$112,000 of the general fund—federal appropriation are provided solely for the department to develop, implement, and expand strategies to improve the capacity, reliability, and effectiveness of contracted visitation services for children in temporary out-of-home care and their parents and siblings. Strategies may include, but are not limited to, increasing mileage reimbursement for providers, offering transportation-only contract options, and mechanisms to reduce the level of parent-child supervision when doing so is in the best interest of the child.

(m) For purposes of meeting the state's maintenance of effort for the state supplemental payment program, the department of children, youth, and families shall track and report to the department of social and health services the monthly state supplemental payment amounts attributable to foster care children who meet eligibility requirements specified in the state supplemental payment state plan. Such expenditures must equal at least \$3,100,000 annually and may not be claimed toward any other federal maintenance of effort requirement. Annual state supplemental payment expenditure targets must continue to be established by the department of social and health services. Attributable amounts must be communicated by the department of children, youth, and families to the department of social and health services on a monthly basis.

(n) \$1,230,000 of the general fund—state appropriation for fiscal year 2020 and \$1,230,000 of the general fund—state appropriation for fiscal year 2021 and \$156,000 of the general fund—federal appropriation are provided solely to increase the travel reimbursement for in-home service providers.

(o) The department is encouraged to control exceptional reimbursement decisions so that the child's needs are met without excessive costs.

(p) \$197,000 of the general fund—state appropriation for fiscal year 2020 and \$197,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the

department to conduct biennial inspections and certifications of facilities, both overnight and day shelters, that serve those who are under 18 years old and are homeless.

(q) \$1,740,000 of the general fund—state appropriation for fiscal year 2020 (~~and \$1,741,000~~) \$3,815,000 of the general fund—state appropriation for fiscal year 2021 (~~is~~), and \$230,000 of the general fund—federal appropriation are provided solely for the department to operate emergent placement contracts. Of the amounts provided in this subsection (2)(Q), \$2,074,000 of the general fund—state appropriation for fiscal year 2021 and \$230,000 of the general fund—federal appropriation are provided solely for contracts with enhanced therapeutic services and greater staff-to-child ratios. The department shall not include the costs to operate emergent placement contracts in the calculations for family foster home maintenance payments and shall submit as part of the budget submittal documentation required by RCW 43.88.030 any costs associated with increases in the number of emergent placement contract beds after the effective date of this section that cannot be sustained within existing appropriations.

(r) The appropriations in this section include sufficient funding for continued implementation of Chapter 80, Laws of 2018 (2SSB 6453) (kinship caregiver legal support).

(s)(i) \$10,828,000 of the general fund—state appropriation for fiscal year 2020, (~~(\$10,993,000)~~) \$14,168,000 of the general fund—state appropriation for fiscal year 2021, and (~~(\$13,365,000)~~) \$15,482,000 of the general fund—federal appropriation are provided solely for rate increases for behavioral rehabilitation services providers. The department shall modify the rate structure to one that is based on placement setting rather than acuity level pursuant to the rate study submitted in December 2018. Of the amounts provided in this subsection (2)(s)(i), \$3,175,000 of the general fund—state appropriation for fiscal year 2021 and \$2,117,000 of the general fund—federal appropriation are provided solely to contract enhanced rates for beds that allow for transitions from inpatient treatment, hospital treatment, emergency placement services, use of hotels, or out-of-state placements. Beds with an enhanced behavioral health services rate must provide increased therapeutic services, greater staff-to-child ratios, or tailored services that support placement stabilization for individuals with acute needs.

(ii) Beginning January 1, 2020, and continuing through the 2019-2021 fiscal biennium, the department must provide semi-annual reports to the governor and appropriate legislative committees that includes the number of in-state behavioral rehabilitation services providers and licensed beds, the number of out-of-state behavioral rehabilitation services placements, and a comparison of these numbers to the same metrics expressed as an average over the first six months of calendar year 2019. Beginning in state fiscal year 2021, the report shall identify beds with the enhanced behavioral health services rate.

(t) Within existing resources, the department shall implement Engrossed Second Substitute Senate Bill No. 5291 (confinement alts./children).

(u) \$530,000 of the general fund—state appropriation for fiscal year 2021 and \$106,000 of the general fund—federal appropriation are provided solely to contract with a community organization with expertise in the vylifeset case management model to serve youth and young adults currently being served or exiting the foster care, juvenile justice, and mental health systems to successfully transition into self-reliant adults.

(v) \$767,000 of the general fund—state appropriation for fiscal year 2020 and \$766,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of Second Substitute Senate Bill No. 5718 (child welfare housing assistance). ((If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.

((v)) (w) \$413,000 of the general fund—state appropriation for fiscal year 2020, \$413,000 of the general fund—state appropriation for fiscal year 2021, and \$826,000 of the general fund—federal appropriation are provided solely to increase family reconciliation services.

((w)) (x) \$250,000 of the general fund—state appropriation for fiscal year 2020 and \$250,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementing the supportive visitation model that utilizes trained visit navigators to provide a structured and positive visitation experience for children and their parents.

((x)) (y) The department of children, youth, and families shall enter into interagency agreements with the office of public defense and office of civil legal aid to facilitate the use of federal Title IV-E reimbursement for parent representation and child representation services.

((y)) (z) \$146,000 of the general fund—state appropriation for fiscal year 2020 and \$147,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of Substitute Senate Bill No. 5955 (DCYF/statewide system). ((If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.

~~(z) \$7,586,000)~~ (aa) \$15,046,000 of the general fund—federal appropriation is provided solely for the department of children, youth, and families to leverage federal title IV-E funds available under the family first prevention services act for qualifying services and families.

(i) In fiscal year 2020, the department shall work with the department of social and health services to complete an evaluation of kinship navigator services that would enable establishment of a well-supported, supported, or promising practice model.

(ii) No later than December 1, 2019, the department shall report to the governor and appropriate legislative committees on the feasibility of claiming federal title IV-E reimbursement in fiscal year 2021 for home visiting services and kinship navigator services. The report shall include the estimated share of the current population receiving home visiting services whom the department would consider candidates for foster care for the purposes of title IV-E

reimbursement under the family first prevention services act, and the estimated workload impacts for the department to identify and document the candidacy of populations receiving home visiting services.

((aa)) (bb) \$443,000 of the general fund—state appropriation for fiscal year 2020, \$443,000 of the general fund—state appropriation for fiscal year 2021, and \$818,000 of the general fund—federal appropriation are provided solely for ten child and family welfare services case workers.

~~((bb) \$379,000 of the general fund—state appropriation for fiscal year 2020 and \$871,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the department of children, youth, and families to contract with a county wide nonprofit organization with early childhood expertise in Pierce county for a pilot project to prevent child abuse and neglect using nationally recognized models. Of the amounts provided:~~

(i) \$323,000 of the general fund—state appropriation for fiscal year 2020 and \$333,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the nonprofit organization to convene stakeholders to implement a countywide resource and referral linkage system for families of children who are prenatal through age five.

(ii) \$56,000 of the general fund—state appropriation for fiscal year 2020 and \$539,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the nonprofit organization to offer a voluntary brief newborn home visiting program. The program must meet the diverse needs of Pierce county residents and, therefore, it must be flexible, culturally appropriate, and culturally responsive. The department, in collaboration with the nonprofit organization, must examine the feasibility of leveraging federal and other fund sources, including federal Title IV-E and medicaid funds, for home visiting provided through the pilot. The department must report its findings to the governor and appropriate legislative committees by December 1, 2019-)) (cc) \$499,000 of the general fund—state appropriation for fiscal year 2021 and \$155,000 of the general fund—federal appropriation are provided solely to implement the family connections pilot project in two offices and must include one office in western Washington and one office in eastern Washington. The amount provided in this subsection is provided solely to contract with a nongovernmental entity or entities for skilled foster parents and parent allies to work with the department in efforts to encourage foster parent contact with birth parents when it fosters the interests of the child in accordance with RCW 13.34.260.

(dd) \$400,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for a contract with a national nonprofit organization to, in partnership with private matching funds, subcontract with a community organization for specialized, enhanced adoption placement services for legally free children in state custody. The contract must supplement, but not supplant, the work of the department to secure permanent adoptive homes for children with high needs.

((2)) (3) JUVENILE REHABILITATION PROGRAM

General Fund—State Appropriation (FY 2020)	.....(( <del>\$100,860,000</del> ))
	<u>\$102,674,000</u>
General Fund—State Appropriation (FY 2021)	.....(( <del>\$101,604,000</del> ))
	<u>\$115,680,000</u>
General Fund—Federal Appropriation.....	\$3,464,000
General Fund—Private/Local Appropriation	.....(( <del>\$1,985,000</del> ))
	<u>\$1,790,000</u>
Washington Auto Theft Prevention Authority	
Account—State Appropriation.....	\$196,000
Pension Funding Stabilization Account—State	
Appropriation.....	\$8,362,000
TOTAL APPROPRIATION .....	<u>\$216,471,000</u>
	<u>\$232,166,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(a) \$331,000 of the general fund—state appropriation for fiscal year 2020 and \$331,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for deposit in the county criminal justice assistance account for costs to the criminal justice system associated with the implementation of chapter 338, Laws of 1997 (juvenile code revisions). The amounts provided in this subsection are intended to provide funding for county adult court costs associated with the implementation of chapter 338, Laws of 1997 and shall be distributed in accordance with RCW 82.14.310.

(b) \$2,841,000 of the general fund—state appropriation for fiscal year 2020 and \$2,841,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for grants to county juvenile courts for the juvenile justice programs identified by the Washington state institute for public policy in its report: "Inventory of Evidence-based, Research-based, and Promising Practices for Prevention and Intervention Services for Children and Juveniles in the Child Welfare, Juvenile Justice, and Mental Health Systems." Additional funding for this purpose is provided through an interagency agreement with the health care authority. County juvenile courts shall apply to the department of children, youth, and families for funding for program-specific participation and the department shall provide grants to the courts consistent with the per-participant treatment costs identified by the institute.

(c) \$1,537,000 of the general fund—state appropriation for fiscal year 2020 and \$1,537,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for expansion of the juvenile justice treatments and therapies in department of children, youth,

and families programs identified by the Washington state institute for public policy in its report: "Inventory of Evidence-based, Research-based, and Promising Practices for Prevention and Intervention Services for Children and Juveniles in the Child Welfare, Juvenile Justice, and Mental Health Systems." The department may concentrate delivery of these treatments and therapies at a limited number of programs to deliver the treatments in a cost-effective manner.

(d)(i) \$6,198,000 of the general fund—state appropriation for fiscal year 2020 and \$6,198,000 of the general fund—state appropriation for fiscal year 2021 are provided solely to implement evidence- and research-based programs through community juvenile accountability grants, administration of the grants, and evaluations of programs funded by the grants. In addition to funding provided in this subsection, funding to implement alcohol and substance abuse treatment programs for locally committed offenders is provided through an interagency agreement with the health care authority.

(ii) The department of children, youth, and families shall administer a block grant to county juvenile courts for the purpose of serving youth as defined in RCW 13.40.510(4)(a) in the county juvenile justice system. Funds dedicated to the block grant include: Consolidated juvenile service (CJS) funds, community juvenile accountability act (CJAA) grants, chemical dependency/mental health disposition alternative (CDDA), and suspended disposition alternative (SDA). The department of children, youth, and families shall follow the following formula and must prioritize evidence-based programs and disposition alternatives and take into account juvenile courts program-eligible youth in conjunction with the number of youth served in each approved evidence-based program or disposition alternative: (A) Thirty-seven and one-half percent for the at-risk population of youth ten to seventeen years old; (B) fifteen percent for the assessment of low, moderate, and high-risk youth; (C) twenty-five percent for evidence-based program participation; (D) seventeen and one-half percent for minority populations; (E) three percent for the chemical dependency and mental health disposition alternative; and (F) two percent for the suspended dispositional alternatives. Funding for the special sex offender disposition alternative (SSODA) shall not be included in the block grant, but allocated on the average daily population in juvenile courts. Funding for the evidence-based expansion grants shall be excluded from the block grant formula. Funds may be used for promising practices when approved by the department of children, youth, and families and juvenile courts, through the community juvenile accountability act committee, based on the criteria established in consultation with Washington state institute for public policy and the juvenile courts.

(iii) The department of children, youth, and families and the juvenile courts shall establish a block grant funding formula oversight committee with equal representation from the department of children, youth, and families and the juvenile courts. The purpose of this committee is to assess the ongoing implementation of the block grant funding formula, utilizing data-driven decision making and the most



current available information. The committee will be co-chaired by the department of children, youth, and families and the juvenile courts, who will also have the ability to change members of the committee as needed to achieve its purpose. The committee may make changes to the formula categories in (d)(ii) of this subsection if it determines the changes will increase statewide service delivery or effectiveness of evidence-based program or disposition alternative resulting in increased cost/benefit savings to the state, including long-term cost/benefit savings. The committee must also consider these outcomes in determining when evidence-based expansion or special sex offender disposition alternative funds should be included in the block grant or left separate.

(iv) The juvenile courts and administrative office of the courts must collect and distribute information and provide access to the data systems to the department of children, youth, and families and the Washington state institute for public policy related to program and outcome data. The department of children, youth, and families and the juvenile courts must work collaboratively to develop program outcomes that reinforce the greatest cost/benefit to the state in the implementation of evidence-based practices and disposition alternatives.

(e) \$557,000 of the general fund—state appropriation for fiscal year 2020 and \$557,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for funding of the teamchild project.

(f) \$283,000 of the general fund—state appropriation for fiscal year 2020 and \$283,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the juvenile detention alternatives initiative.

(g) \$500,000 of the general fund—state appropriation for fiscal year 2020 and \$500,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for a grant program focused on criminal street gang prevention and intervention. The department of children, youth, and families may award grants under this subsection. The department of children, youth, and families shall give priority to applicants who have demonstrated the greatest problems with criminal street gangs. Applicants composed of, at a minimum, one or more local governmental entities and one or more nonprofit, nongovernmental organizations that have a documented history of creating and administering effective criminal street gang prevention and intervention programs may apply for funding under this subsection. Each entity receiving funds must report to the department of children, youth, and families on the number and types of youth served, the services provided, and the impact of those services on the youth and the community.

(h) The juvenile rehabilitation institutions may use funding appropriated in this subsection to purchase goods, supplies, and services through hospital group purchasing organizations when it is cost-effective to do so.

(i) \$50,000 of the general fund—state appropriation for fiscal year 2020 and \$50,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for grants to county juvenile courts to establish alternative detention facilities similar to the proctor house model in

Jefferson county, Washington, that will provide less restrictive confinement alternatives to youth in their local communities. County juvenile courts shall apply to the department of children, youth, and families for funding and each entity receiving funds must report to the department on the number and types of youth serviced, the services provided, and the impact of those services on the youth and the community.

(j) \$432,000 of the general fund—state appropriation for fiscal year 2020 and \$432,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the department to provide housing services to clients releasing from incarceration into the community.

(k) \$2,063,000 of the general fund—state appropriation for fiscal year 2020 and \$1,606,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of Engrossed Second Substitute House Bill No. 1646 (juvenile rehabilitation confinement). ~~((If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.))~~

(l) \$80,000 of the general fund—state appropriation for fiscal year 2020 is provided solely for a contract with a non-governmental entity to research youth violence prevention strategies and explore new and existing resources to implement evidence-based youth prevention strategies in the city of Federal Way.

(m) \$200,000 of the general fund—state appropriation for fiscal year 2020 is provided for the department to measure the fidelity of the evidence-based interventions incorporated into the integrated treatment model. By July 1, 2020, the department must report to the governor and the appropriate fiscal and policy committees of the legislature on the results of the assessment of the integrated treatment model.

(n) \$425,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for community-based violence prevention and intervention services to individuals identified through the King county shots fired social network analysis. The department must complete an evaluation of the program and provide a report to the governor and the appropriate legislative committees by September 15, 2021.

(o) \$800,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the office of juvenile justice to establish a grant program for evidence-based services to youth who are at high risk to perpetrate gun violence and who reside in areas with high rates of gun violence.

(i) Priority shall be given to one site serving in south King county and one site in Yakima county.

(ii) Priority for funding shall be given to sites who partner with the University of Washington to deliver family integrated transition services through use of credible messenger advocates.

~~((3))~~ (4) EARLY LEARNING PROGRAM

General Fund—State Appropriation (FY 2020)  
..... (\$232,310,000)

				<u>\$218,436,000</u>
General Fund—State	Appropriation (FY 2021)			<del>.....(((\$246,369,000))</del>
				<u>\$219,002,000</u>
General Fund—Federal	Appropriation			<del>.....(((\$444,984,000))</del>
				<u>\$412,831,000</u>
General Fund—Private/Local	Appropriation			<del>.....(((\$100,000))</del>
				<u>\$1,115,000</u>
Education Legacy Trust Account—State	Appropriation.....			<del>(((\$28,336,000))</del>
				<u>\$28,156,000</u>
Home Visiting Services Account—State	Appropriation.....			<del>(((\$14,798,000))</del>
				<u>\$15,326,000</u>
Home Visiting Services Account—Federal	Appropriation.....			<del>(((\$27,677,000))</del>
				<u>\$28,522,000</u>
Washington Opportunity Pathways Account—				
State Appropriation .....				\$80,000,000
Pension Funding Stabilization Account—State				
Appropriation .....				\$3,900,000
TOTAL APPROPRIATION .....				<u>\$1,078,474,000</u>
				<u>\$1,007,288,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(a)(~~((i) \$81,236,000~~)) \$80,273,000 of the general fund—state appropriation for fiscal year 2020, ~~(((\$89,410,000))~~ \$90,667,000 of the general fund—state appropriation for fiscal year 2021, ~~(((\$24,250,000))~~ \$24,070,000 of the education legacy trust account—state appropriation, and \$80,000,000 of the opportunity pathways account appropriation are provided solely for the early childhood education and assistance program. These amounts shall support at least 14,000 slots in fiscal year 2020 and 14,662 slots in fiscal year 2021. Of the 14,662 slots in fiscal year 2021, 50 slots must be reserved for foster children to receive school-year-round enrollment.

~~((ii) The department of children, youth, and families must develop a methodology to identify, at the school district level, the geographic locations of where early childhood education and assistance program slots are needed to meet the entitlement specified in RCW 43.216.556. This methodology must be linked to the caseload forecast produced by the caseload forecast council and must include estimates of the number of slots needed at each school district and the corresponding facility needs required to meet the entitlement in accordance with RCW 43.216.556. This~~

~~methodology must be included as part of the budget submittal documentation required by RCW 43.88.030.))~~

(b) \$200,000 of the general fund—state appropriation for fiscal year 2020 and \$200,000 of the general fund—state appropriation for fiscal year 2021 is provided solely to develop and provide culturally relevant supports for parents, family, and other caregivers.

(c) The department is the lead agency for and recipient of the federal child care and development fund grant. Amounts within this grant shall be used to fund child care licensing, quality initiatives, agency administration, and other costs associated with child care subsidies.

(d) ~~(((\$76,453,000))~~ \$64,019,000 of the general fund—state appropriation in fiscal year 2020, ~~(((\$82,736,000))~~ \$53,066,000 of the general fund—state appropriation in fiscal year 2021, and \$283,375,000 of the general fund—federal appropriation are provided solely for the working connections child care program under ~~((RCW 43.215.135))~~ RCW 43.216.135. Of the amounts provided in this subsection:

(i) \$78,101,000 of the general fund—state appropriation shall be claimed toward the state's temporary assistance for needy families federal maintenance of effort requirement. The department shall work in collaboration with the department of social and health services to track the average monthly child care subsidy caseload and expenditures by fund type, including child care development fund, general fund—state appropriation, and temporary assistance for needy families for the purpose of estimating the monthly temporary assistance for needy families reimbursement.

(ii) \$44,103,000 is for the compensation components of the 2019-2021 collective bargaining agreement covering family child care providers as provided in section 943 of this act.

(iii) \$28,000 of the general fund—state appropriation for fiscal year 2020 and \$1,359,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of Second Substitute House Bill No. 1303 (child care/higher education) ~~((or Engrossed Second Substitute House Bill No. 2158 (workforce education investment). If neither bill is enacted by June 30, 2019, the amounts provided in this subsection (d)(iii) shall lapse.))~~

(iv) \$526,000 of the general fund—state appropriation for fiscal year 2020 and \$519,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of Second Substitute House Bill No. 1603 (economic assistance programs). ~~((If the bill is not enacted by June 30, 2019, the amounts provided in this subsection (d)(iv) shall lapse.))~~

(v) \$101,414,000 is for subsidy rate increases for child care center providers. Funding in this subsection is sufficient to achieve the 55th percentile of market at a level 3 standard of quality.

(vi) In order to not exceed the appropriated amount, the department shall manage the program so that the average monthly caseload does not exceed 33,000 households and

the department shall give prioritized access into the program according to the following order:

(A) Families applying for or receiving temporary assistance for needy families (TANF);

(B) TANF families curing sanction;

(C) Foster children;

(D) Families that include a child with special needs;

(E) Families in which a parent of a child in care is a minor who is not living with a parent or guardian and who is a full-time student in a high school that has a school-sponsored on-site child care center;

(F) Families with a child residing with a biological parent or guardian who have received child protective services, child welfare services, or a family assessment response from the department in the past six months, and have received a referral for child care as part of the family's case management;

(G) Families that received subsidies within the last thirty days and:

(I) Have reapplied for subsidies; and

(II) Have household income of two hundred percent of the federal poverty level or below; and

(H) All other eligible families.

(vii) The department, in collaboration with the department of social and health services, must submit a follow-up report by December 1, 2019, to the governor and the appropriate fiscal and policy committees of the legislature on quality control measures for the working connections child care program. The report must include:

(A) An updated narrative of the procurement and implementation of an improved time and attendance system, including an updated and detailed accounting of the final costs of procurement and implementation;

(B) An updated and comprehensive description of all processes, including computer algorithms and additional rule development, that the department and the department of social and health services have implemented and that are planned to be implemented to avoid overpayments. The updated report must include an itemized description of the processes implemented or planned to be implemented to address each of the following:

(I) Ensure the department's auditing efforts are informed by regular and continuous alerts of the potential for overpayments;

(II) Avoid overpayments, including the billing of more regular business days than are in a month, to the maximum extent possible and expediently recover overpayments that have occurred;

(III) Withhold payment from providers when necessary to incentivize receipt of the necessary documentation to complete an audit;

(IV) Establish methods for reducing future payments or establishing repayment plans in order to recover any overpayments;

(V) Sanction providers, including termination of eligibility, who commit intentional program violations or fail to comply with program requirements, including compliance with any established repayment plans;

(VI) Consider pursuit of prosecution in cases with fraudulent activity; and

(VII) Ensure two half-day rates totaling more than one hundred percent of the daily rate are not paid to providers; and

(C) A description of the process by which fraud is identified and how fraud investigations are prioritized and expedited.

(viii) Beginning July 1, 2019, and annually thereafter, the department, in collaboration with the department of social and health services, must report to the governor and the appropriate fiscal and policy committees of the legislature on the status of overpayments in the working connections child care program.

(A) The report must include the following information for the previous fiscal year:

~~((A))~~ (I) A summary of the number of overpayments that occurred;

~~((B))~~ (II) The reason for each overpayment;

~~((C))~~ (III) The total cost of overpayments;

~~((D))~~ (IV) A comparison to overpayments that occurred in the past two preceding fiscal years; and

~~((E))~~ (V) Any planned modifications to internal processes that will take place in the coming fiscal year to further reduce the occurrence of overpayments.

(B) The annual report due July 1, 2020, shall include options and recommendations for a new methodology for calculating savings projections from the implementation of the child care time and attendance system.

(e) Within available amounts, the department in consultation with the office of financial management shall report enrollments and active caseload for the working connections child care program to the governor and the legislative fiscal committees and the legislative-executive WorkFirst poverty reduction oversight task force on an agreed upon schedule. The report shall also identify the number of cases participating in both temporary assistance for needy families and working connections child care. The department must also report on the number of children served through contracted slots.

(f) \$1,560,000 of the general fund—state appropriation for fiscal year 2020 and \$1,560,000 of the general fund—state appropriation for fiscal year 2021 and \$13,424,000 of the general fund—federal appropriation are provided solely for the seasonal child care program. If federal sequestration cuts are realized, cuts to the seasonal

child care program must be proportional to other federal reductions made within the department.

(g) \$379,000 of the general fund—state appropriation for fiscal year 2020 and \$871,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the department of children, youth, and families to contract with a countywide nonprofit organization with early childhood expertise in Pierce county for a pilot project to prevent child abuse and neglect using nationally recognized models. Of the amounts provided:

(i) \$323,000 of the general fund—state appropriation for fiscal year 2020 and \$333,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the nonprofit organization to convene stakeholders to implement a countywide resource and referral linkage system for families of children who are prenatal through age five.

(ii) \$56,000 of the general fund—state appropriation for fiscal year 2020 and \$539,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the nonprofit organization to offer a voluntary brief newborn home visiting program. The program must meet the diverse needs of Pierce county residents and, therefore, it must be flexible, culturally appropriate, and culturally responsive. The department, in collaboration with the nonprofit organization, must examine the feasibility of leveraging federal and other fund sources, including federal Title IV-E and medicaid funds, for home visiting provided through the pilot. The department must report its findings to the governor and appropriate legislative committees by December 1, 2019.

(h) ~~(\$4,674,000)~~ \$4,653,000 of the general fund—state appropriation for fiscal year 2020, ~~(\$3,598,000)~~ \$3,587,000 of the general fund—state appropriation for fiscal year 2021, and \$1,076,000 of the general fund—federal appropriation are provided solely for the early childhood intervention prevention services (ECLIPSE) program. The department shall contract for ECLIPSE services to provide therapeutic child care and other specialized treatment services to abused, neglected, at-risk, and/or drug-affected children. The department shall ensure that contracted providers pursue receipt of federal funding associated with the early support for infants and toddlers program. Priority for services shall be given to children referred from the department.

~~((h))~~ (i) \$38,622,000 of the general fund—state appropriation for fiscal year 2020, \$38,095,000 of the general fund—state appropriation for fiscal year 2021 and \$33,908,000 of the general fund—federal appropriation are provided solely to maintain the requirements set forth in chapter 7, Laws of 2015, 3rd sp. sess. The department shall place a ten percent administrative overhead cap on any contract entered into with the University of Washington. In a bi-annual report to the governor and the legislature, the department shall report the total amount of funds spent on the quality rating and improvements system and the total amount of funds spent on degree incentives, scholarships, and tuition reimbursements. Of the amounts provided in this subsection:

(i) \$1,728,000 of the general fund—state appropriation for fiscal year 2020 and \$1,728,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for reducing barriers for low-income providers to participate in the early achievers program.

(ii) \$17,955,000 is for quality improvement awards, of which \$1,650,000 is to provide a \$500 increase for awards for select providers rated level three to five in accordance with the 2019-2021 collective bargaining agreement covering family child care providers as set forth in section 943 of this act.

(iii) \$1,283,000 of the general fund—state appropriation for fiscal year 2020 and \$417,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of Engrossed Second Substitute House Bill No. 1391 (early achievers program). ~~((If the bill is not enacted by June 30, 2019, the amounts provided in this subsection (h)(iii) shall lapse.~~

~~(i) \$150,000)~~ (j) \$300,000 of the general fund—state appropriation for fiscal year 2020 and ~~(((\$150,000))~~ \$300,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for a contract with a nonprofit entity experienced in the provision of promoting early literacy for children through pediatric office visits.

~~((k))~~ (k) \$4,000,000 of the education legacy trust account—state appropriation is provided solely for early intervention assessment and services.

~~((l))~~ (l) Information technology projects or investments and proposed projects or investments impacting time capture, payroll and payment processes and systems, eligibility, case management and authorization systems within the department are subject to technical oversight by the office of the chief information officer.

~~((m))~~ (m)(i)(A) The department is required to provide to the education research and data center, housed at the office of financial management, data on all state-funded early childhood programs. These programs include the early support for infants and toddlers, early childhood education and assistance program (ECEAP), and the working connections and seasonal subsidized childcare programs including license exempt facilities or family, friend, and neighbor care. The data provided by the department to the education research data center must include information on children who participate in these programs, including their name and date of birth, and dates the child received services at a particular facility.

(B) ECEAP early learning professionals must enter any new qualifications into the department's professional development registry starting in the 2015-16 school year, and every school year thereafter. By October 2017, and every October thereafter, the department must provide updated ECEAP early learning professional data to the education research data center.

(C) The department must request federally funded head start programs to voluntarily provide data to the department and the education research data center that is

equivalent to what is being provided for state-funded programs.

(D) The education research and data center must provide an updated report on early childhood program participation and K-12 outcomes to the house of representatives appropriations committee and the senate ways and means committee using available data every March for the previous school year.

(ii) The department, in consultation with the department of social and health services, must withhold payment for services to early childhood programs that do not report on the name, date of birth, and the dates a child received services at a particular facility.

~~((m))~~ (n) The department shall work with state and local law enforcement, federally recognized tribal governments, and tribal law enforcement to develop a process for expediting fingerprinting and data collection necessary to conduct background checks for tribal early learning and child care providers.

~~((n))~~ (o) \$5,157,000 of the general fund—state appropriation for fiscal year 2020 and \$4,938,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for components of the 2019-2021 collective bargaining agreement covering family child care providers as set forth in section 943 of this act. Of the amounts provided in this subsection:

(i) \$1,302,000 is for the family child care provider 501(c)(3) organization for board-approved training;

(ii) \$230,000 is for increasing training reimbursement up to \$250 per person;

(iii) \$115,000 is for training on the electronic child care time and attendance system;

(iv) \$3,000,000 is to maintain the career development fund;

(v) \$5,223,000 is for up to five days of substitute coverage per provider per year through the state-administered substitute pool.

(vi) \$226,000 is to provide an increase to monthly health care premiums.

~~((o))~~ (p) \$219,000 of the general fund—state appropriation for fiscal year 2020 and \$219,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of chapter 236, Laws of 2017 (SHB 1445) (dual language in early learning & K-12).

~~((p))~~ (q) \$100,000 of the general fund—state appropriation for fiscal year 2020 and \$100,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of chapter 202, Laws of 2017 (E2SHB 1713) (children's mental health).

~~((q))~~ (r) \$317,000 of the general fund—state appropriation for fiscal year 2020 and \$317,000 of the general fund—state appropriation for fiscal year 2021 are provided solely to continue a four year pilot for implementation of chapter 162, Laws of 2017 (SSB 5357) (outdoor early learning programs).

~~((r))~~ (s) Within existing resources, the department shall implement Substitute Senate Bill No. 5089 (early learning access).

~~((s))~~ (t) \$250,000 of the general fund—state appropriation for fiscal year 2020 and \$250,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for additional facilitated play groups offered statewide to family, friend, and neighbor child care providers.

~~((t))~~ (u)(i) The department of children, youth, and families, in consultation with the office of the superintendent of public instruction, the office of financial management, and the caseload forecast council must develop a proposal to transfer the annual allocations appropriated in the omnibus appropriations act for early intervention services for children with disabilities from birth through two years of age, from the superintendent of public instruction to the department of children, youth, and families beginning July 1, 2020. The department must submit a model detailing how allocations for this program will be determined and identifying the necessary statutory changes to the office of financial management and the fiscal committees of the legislature no later than September 1, 2019.

(ii) Beginning July 1, 2019, there shall be an administrative limit of five percent on all state funds allocated to school districts for early intervention services for children with disabilities from birth through two years of age.

~~((u))~~ (v) \$750,000 of the general fund—state appropriation for fiscal year 2020 is provided solely for the expanded learning opportunity quality initiative pursuant to RCW 43.216.085(3)(d). No later than December 1, 2020, the department shall submit a report to the governor and the appropriate committees of the legislature regarding the outcomes of this pilot program and recommendations for future implementation that includes phasing-out the need for ongoing state support.

~~((v))~~ (w) \$3,779,000 of the home visiting services—state appropriation and \$3,779,000 of the home visiting services—federal appropriation are provided solely for the department to contract for additional home visiting slots. To maximize the use of available federal funding, to the greatest extent possible, the department shall use these additional slots to serve families where one or more children are candidates for foster care. The federal amount in this subsection is contingent on the services and children being eligible under the federal family first prevention services act, P.L. 115-123. The department may not allocate the federal funds to contractors unless the federal funding requirements are met.

(x) \$1,388,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the implementation of Z-0745 (continuity of child care for homeless families).

~~((w))~~ (y) \$757,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for implementation of Z-0744 (child care access for teen parents).

~~(z)~~ \$9,000 of the general fund—state appropriation for fiscal year 2020 and \$9,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of Second Substitute House Bill No. 1344 (child care access work group). ~~((If the bill is not enacted by June 30, 2019, the amount provided in this subsection shall lapse.))~~

~~((x)))~~ (aa) \$773,000 of the general fund—state appropriation for fiscal year 2020 and \$773,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of Second Substitute Senate Bill No. 5903 (children's mental health). ~~((If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.))~~

(bb) \$231,000 of the general fund—state appropriation for fiscal year 2020 and \$144,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the department of children, youth, and families to collaborate with the office of the superintendent of public instruction to complete a report with options and recommendations for administrative efficiencies and long-term strategies that align and integrate high-quality early learning programs administered by both agencies. The report shall address capital needs, data collection and data sharing, licensing changes, quality standards, options for community-based and school-based settings, fiscal modeling, and any statutory changes needed to achieve administrative efficiencies. The report is due to the governor and the appropriate legislative committees by September 1, 2020.

~~((4)))~~ (5) PROGRAM SUPPORT

General Fund—State Appropriation (FY 2020)	<del>(((\$75,435,000)))</del>
	<u>\$118,543,000</u>
General Fund—State Appropriation (FY 2021)	<del>(((\$76,908,000)))</del>
	<u>\$205,861,000</u>
General Fund—Federal Appropriation	<del>(((\$55,824,000)))</del>
	<u>\$162,382,000</u>
General Fund—Private/Local Appropriation	<u>\$195,000</u>
Education Legacy Trust Account—State Appropriation	<u>\$180,000</u>
Home Visiting Services Account—State Appropriation	<u>\$472,000</u>
Home Visiting Services Account—Federal Appropriation	<u>\$354,000</u>
Pension Funding Stabilization Account—State Appropriation	<del>(((\$14,000)))</del>
	<u>\$2,990,000</u>
TOTAL APPROPRIATION	<u>\$208,181,000</u>
	<u>\$490,977,000</u>

The appropriations in this subsection are subject to the following conditions and limitations:

(a) The health care authority, the health benefit exchange, the department of social and health services, the department of health, and the department of children, youth, and families shall work together within existing resources to establish the health and human services enterprise coalition (the coalition). The coalition, led by the health care authority, must be a multi-organization collaborative that provides strategic direction and federal funding guidance for projects that have cross-organizational or enterprise impact, including information technology projects that affect organizations within the coalition. By October 31, 2019, the coalition must submit a report to the governor and the legislature that describes the coalition's plan for projects affecting the coalition organizations. The report must include any information technology projects impacting coalition organizations and, in collaboration with the office of the chief information officer, provide: (i) The status of any information technology projects currently being developed or implemented that affect the coalition; (ii) funding needs of these current and future information technology projects; and (iii) next steps for the coalition's information technology projects. The office of the chief information officer shall maintain a statewide perspective when collaborating with the coalition to ensure that the development of projects identified in this report are planned for in a manner that ensures the efficient use of state resources and maximizes federal financial participation. The work of the coalition is subject to the conditions, limitations, and review provided in ~~((section 719 of this act))~~ section 701 of this act.

(b) \$963,000 of the general fund—state appropriation for fiscal year 2020, \$963,000 of the general fund—state appropriation for fiscal year 2021, and \$180,000 of the education legacy trust account—state appropriation are provided solely for the early childhood education and assistance program. These amounts shall support at least 14,000 slots in fiscal year 2020 and 14,662 slots in fiscal year 2021. Of the 14,662 in fiscal year 2021, 50 slots must be reserved for foster children to receive school-year-round enrollment.

(ii) The department of children, youth, and families must develop a methodology to identify, at the school district level, the geographic locations of where early childhood education and assistance program slots are needed to meet the entitlement specified in RCW 43.216.556. This methodology must be linked to the caseload forecast produced by the caseload forecast council and must include estimates of the number of slots needed at each school district and the corresponding facility needs required to meet the entitlement in accordance with RCW 43.216.556. This methodology must be included as part of the budget submittal documentation required by RCW 43.88.030.

(c) \$21,000 of the general fund—state appropriation for fiscal year 2020 and \$11,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the early childhood intervention prevention services (ECLIPSE) program. The department shall contract for ECLIPSE services to provide therapeutic child care and other specialized treatment services to abused, neglected, at-risk,

and/or drug-affected children. The department shall ensure that contracted providers pursue receipt of federal funding associated with the early support for infants and toddlers program. Priority for services shall be given to children referred from the department.

(d) \$300,000 of the general fund—state appropriation for fiscal year 2020 and ~~((300,000))~~ \$500,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for a Washington state mentoring organization to continue and expand its public-private partnerships providing technical assistance and training to mentoring programs that serve at-risk youth.

~~((e))~~ (e) \$5,000 of the general fund—state appropriation for fiscal year 2020, \$5,000 of the general fund—state appropriation for fiscal year 2021, and \$16,000 of the general fund—federal appropriation are provided solely for the implementation of an agreement reached between the governor and the Washington federation of state employees for the language access providers under the provisions of chapter 41.56 RCW for the 2019-2021 fiscal biennium.

~~((f))~~ (f) \$63,000 of the general fund—state appropriation for fiscal year 2020 and \$7,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of Engrossed Second Substitute Senate Bill No. 5497 (immigrants in the workplace). ~~((If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.~~

~~((g))~~ (g) \$100,000 of the general fund—state appropriation for fiscal year 2020 and \$100,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for a full-time employee to coordinate policies and programs to support pregnant and parenting individuals receiving chemical dependency or substance use disorder treatment.

~~((h))~~ (h)(i) All agreements and contracts with vendors must include a provision to require that each vendor agrees to equality among its workers by ensuring similarly employed individuals are compensated as equals as follows:

(A) Employees are similarly employed if the individuals work for the same employer, the performance of the job requires comparable skill, effort, and responsibility, and the jobs are performed under similar working conditions. Job titles alone are not determinative of whether employees are similarly employed;

(B) Vendors may allow differentials in compensation for its workers based in good faith on any of the following:

(I) A seniority system; a merit system; a system that measures earnings by quantity or quality of production; a bona fide job-related factor or factors; or a bona fide regional difference in compensation levels.

(II) A bona fide job-related factor or factors may include, but not be limited to, education, training, or experience, that is: Consistent with business necessity; not based on or derived from a gender-based differential; and accounts for the entire differential.

(III) A bona fide regional difference in compensation level must be: Consistent with business necessity; not based on or derived from a gender-based differential; and account for the entire differential.

(ii) The provision must allow for the termination of the contract if the department or department of enterprise services determines that the vendor is not in compliance with this agreement or contract term.

(iii) The department must implement this provision with any new contract and at the time of renewal of any existing contract.

~~((g))~~ (i) The department must submit an agency budget request for the 2020 supplemental budget that identifies the amount of administrative funding to be transferred from appropriations in subsections ~~((1), (2), and (3))~~ (2), (3), and (4) of this section to this subsection ~~((4 of this section))~~ (5).

(j) \$50,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the department of children, youth, and families to fund an educational advocate for the city of Yakima. The advocate will provide intervention services to youth identified as most at risk to engage in firearm violence.

(k) \$86,292,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for payments to providers for the early support for infants and toddlers program to implement Z-0775.1/20 (early support for infants and toddlers transfer). Beginning September 1, 2020, funding for this purpose is transferred from the office of the superintendent of public instruction; this change is budget neutral. Funding and eligibility are associated with the 0-2 special education caseload prepared by the caseload forecast council. Disbursement of funds to providers will follow the apportionment schedule used by the office of the superintendent of public instruction in RCW 28A.510.260.

### PART III

### NATURAL RESOURCES

**Sec. 301.** 2019 c 415 s 301 (uncodified) is amended to read as follows:

### FOR THE COLUMBIA RIVER GORGE COMMISSION

General Fund—State Appropriation (FY 2020)	
.....	<del>((544,000))</del>
	<u>\$605,000</u>
General Fund—State Appropriation (FY 2021)	
.....	<del>((570,000))</del>
	<u>\$668,000</u>
General Fund—Federal Appropriation .....	\$32,000
General Fund—Private/Local Appropriation	
.....	<del>((1,138,000))</del>
	<u>\$1,158,000</u>

Pension Funding Stabilization Account—State  
Appropriation.....\$46,000

TOTAL APPROPRIATION .....\$2,330,000  
\$2,509,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$45,000 of the general fund—state appropriation for fiscal year 2020 and \$45,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for a land use planner to conduct compliance monitoring on approved development projects and develop and track measures on the commission's effectiveness in implementing the national scenic area management plan.

(2) \$45,000 of the general fund—state appropriation for fiscal year 2020 and \$94,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for a land use planner to provide land use planning services dedicated to Klickitat county. Because the activities of the land use planner are solely for the benefit of Washington state, Oregon is not required to provide matching funds for this activity.

**Sec. 302.** 2019 c 415 s 302 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF ECOLOGY**

General Fund—State Appropriation (FY 2020)  
.....~~(\$30,725,000)~~

\$28,259,000

General Fund—State Appropriation (FY 2021)  
.....~~(\$29,342,000)~~

\$29,988,000

General Fund—Federal Appropriation  
.....~~(\$110,053,000)~~

\$110,071,000

General Fund—Private/Local Appropriation  
.....~~(\$23,406,000)~~

\$27,066,000

Reclamation Account—State Appropriation  
.....~~(\$4,906,000)~~

\$4,939,000

Flood Control Assistance Account—State  
Appropriation.....~~(\$4,174,000)~~

\$4,202,000

State Emergency Water Projects Revolving  
Account—State

Appropriation .....\$40,000

Waste Reduction, Recycling, and Litter Control

Account—State Appropriation.....~~(\$24,951,000)~~

\$24,519,000

State Drought Preparedness Account—State  
Appropriation.....\$204,000

State and Local Improvements Revolving Account—  
Water

Supply Facilities—State Appropriation .....\$183,000

Aquatic Algae Control Account—State Appropriation  
.....\$528,000

Water Rights Tracking System Account—State  
Appropriation.....\$48,000

Site Closure Account—State Appropriation . \$582,000

Wood Stove Education and Enforcement Account—  
State

Appropriation.....\$577,000

Worker and Community Right to Know Fund—State  
Appropriation.....\$1,995,000

Water Rights Processing Account—State  
Appropriation .....\$39,000

Model Toxics Control Operating Account—State  
Appropriation.....~~(\$237,148,000)~~

\$260,501,000

Model Toxics Control Operating Account—Local  
Appropriation.....\$499,000

Water Quality Permit Account—State Appropriation  
.....~~(\$47,872,000)~~

\$48,384,000

Underground Storage Tank Account—State  
Appropriation .....~~(\$3,963,000)~~

\$4,005,000

Biosolids Permit Account—State Appropriation  
.....~~(\$2,703,000)~~

\$2,724,000

Hazardous Waste Assistance Account—State  
Appropriation .....~~(\$7,150,000)~~

\$7,214,000

Radioactive Mixed Waste Account—State  
Appropriation .....~~(\$19,626,000)~~

\$20,747,000

Air Pollution Control Account—State Appropriation  
.....~~(\$4,452,000)~~

\$4,482,000

Oil Spill Prevention Account—State Appropriation  
.....~~(\$11,351,000)~~

\$9,241,000

Air Operating Permit Account—State Appropriation  
.....~~(\$4,679,000)~~



	<u>\$4,716,000</u>
Freshwater Aquatic Weeds Account—State Appropriation.....	\$1,497,000
Oil Spill Response Account—State Appropriation .....	<del>(\$7,076,000)</del>
	<u>\$8,576,000</u>
Dedicated Marijuana Account—State Appropriation (FY 2020) .....	\$465,000
Dedicated Marijuana Account—State Appropriation (FY 2021) .....	\$464,000
Pension Funding Stabilization Account—State Appropriation .....	\$2,920,000
Water Pollution Control Revolving Administration Account—State Appropriation .....	<del>(\$3,858,000)</del>
	<u>\$4,248,000</u>
Paint Product Stewardship Account—State Appropriation.....	\$182,000
TOTAL APPROPRIATION .....	<del>\$587,658,000</del>
	<u>\$614,105,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$170,000 of the oil spill prevention account—state appropriation is provided solely for a contract with the University of Washington's sea grant program to continue an educational program targeted to small spills from commercial fishing vessels, ferries, cruise ships, ports, and marinas.

(2) ~~(\$102,000)~~ \$204,000 of the ~~((general fund—state appropriation for fiscal year 2020 and \$102,000 of the general fund—state appropriation for fiscal year 2021 are))~~ model toxics control operating account—state appropriation is provided solely for implementation of Executive Order No. 12-07, Washington's response to ocean acidification.

(3) \$726,000 of the general fund—state appropriation for fiscal year 2020, ~~(\$1,432,000)~~ \$1,742,000 of the general fund—state appropriation for fiscal year 2021, and \$1,600,000 of the flood control assistance account—state appropriation are provided solely for the continued implementation of the streamflow restoration program provided in chapter 90.94 RCW. Funding must be used to develop watershed plans, oversee consultants, adopt rules, and develop or oversee capital grant-funded projects that will improve instream flows statewide.

(4) \$1,259,000 of the model toxics control operating account—state appropriation is provided solely for the increased costs for Washington conservation corp member living allowances, vehicles used to transport crews to worksites, and costs unsupported by static federal AmeriCorps grant reimbursement.

(5) \$3,482,000 of the model toxics control operating account—state appropriation is provided solely for the

department to implement recommendations that come from chemical action plans (CAP), such as the interim recommendations addressing PFAS (per- and polyfluorinated alkyl substances) contamination in drinking water and sources of that contamination, to monitor results, and to develop new CAPs.

(6) \$592,000 of the reclamation account—state appropriation is provided solely for the department to assess and explore opportunities to resolve water rights uncertainties and disputes through adjudications in selected basins where tribal senior water rights, unquantified claims, and similar uncertainties about the seniority, quantity, and validity of water rights exist.

(7) \$2,147,000 of the waste reduction, recycling, and litter control account—state appropriation is provided solely for the department to address litter prevention and recycling programs, and in response to new China-imposed restrictions on the import of recyclable materials. Activities funded from this increased appropriation include litter pickup by ecology youth crews, local governments, and other state agencies, and litter prevention public education campaigns.

(8) \$120,000 of the general fund—state appropriation for fiscal year 2020 and ~~(\$67,000)~~ \$569,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the implementation of Engrossed Second Substitute Senate Bill No. 5116 (clean energy). ~~((If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.))~~

(9) ~~(\$807,000)~~ \$1,286,000 of the model toxics control operating account—state appropriation is provided solely for the implementation of Substitute Senate Bill No. 5135 (toxic pollution). ~~((If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.))~~

~~((11))~~ (10) \$392,000 of the waste reduction, recycling, and litter control account—state appropriation is provided solely for the implementation of Engrossed Second Substitute Senate Bill No. 5397 (plastic packaging). ~~((If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.))~~

~~((12))~~ (11) \$1,450,000 of the waste reduction, recycling, and litter control account—state appropriation is provided solely for the implementation of Engrossed Second Substitute House Bill No. 1543 (concerning sustainable recycling). ~~((If the bill is not enacted by June 30, 2019, the amount provided in this subsection shall lapse.))~~

~~((13))~~ (12) \$342,000 of the air pollution control account—state appropriation and \$619,000 of the model toxics control operating account—state appropriation are provided solely for the implementation of Engrossed Second Substitute House Bill No. 1112 (hydrofluorocarbons emissions). ~~((If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.))~~

~~((14))~~ (13) \$1,374,000 of the model toxics control operating account—state appropriation is provided solely for the implementation of Engrossed Substitute House Bill No. 1578 (oil transportation safety). ~~((If the bill is not~~

~~enacted by June 30, 2019, the amount provided in this subsection shall lapse.~~

~~((15)) (14) \$264,000 of the general fund—state appropriation for fiscal year 2020 and \$250,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the department to contract with the Walla Walla watershed management partnership board of directors to develop a thirty-year integrated water resource management strategic plan and to provide partnership staffing, reporting, and operating budget costs associated with new activities as described in Second Substitute Senate Bill No. 5352 (Walla Walla watershed pilot). ((If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.~~

~~((16) \$455,000)) (15) \$910,000 of the ((general fund—state appropriation for fiscal year 2020 and \$455,000 of the general fund—state appropriation for fiscal year 2021 are)) model toxics control operating account—state appropriation is provided solely for the department to grant to the northwest straits commission to distribute equally among the seven Puget Sound marine resource committees.~~

~~((17) \$290,000)) (16) \$580,000 of the ((general fund—state appropriation for fiscal year 2020 and \$290,000 of the general fund—state appropriation for fiscal year 2021 are)) model toxics control operating account—state appropriation is provided solely for rule making to change standards to allow for a higher volume of water to be spilled over Columbia river and Snake river dams to increase total dissolved gas for the benefit of Chinook salmon and other salmonids.~~

~~((18) \$118,000)) (17) \$236,000 of the ((general fund—state appropriation for fiscal year 2020 and \$118,000 of the general fund—state appropriation for fiscal year 2021 are)) model toxics control operating account—state appropriation is provided solely for the agency to convene a stakeholder work group to identify actions to decrease loading of priority pharmaceuticals into Puget Sound, contract for technical experts to provide literature review, conduct an analysis and determine best practices for addressing pharmaceutical discharges, and carry out laboratory testing and analysis.~~

~~((19) \$319,000)) (18) \$638,000 of the ((general fund—state appropriation for fiscal year 2020 and \$319,000 of the general fund—state appropriation for fiscal year 2021 are)) model toxics control operating account—state appropriation is provided solely for the department to increase coordination in reviewing shoreline armoring proposals to better protect forage fish.~~

~~((20) \$247,000)) (19) \$682,000 of the ((general fund—state appropriation for fiscal year 2020 and \$435,000 of the general fund—state appropriation for fiscal year 2021 are)) model toxics control operating account—state appropriation is provided solely for monitoring nutrient cycling and ocean acidification parameters at twenty marine stations in Puget Sound and Hood canal.~~

~~((21)) (20) \$250,000 of the flood control assistance account—state appropriation is provided solely for the Washington conservation corps to carry out emergency~~

activities to respond to flooding by repairing levees, preventing or mitigating an impending flood hazard, or filling and stacking sandbags. This appropriation is also for grants to local governments for emergency response needs, including the removal of structures and repair of small-scale levees and tidegates.

~~((22)) (21) \$500,000 of the model toxics control operating account—((local)) state appropriation is provided solely for the Spokane river regional toxics task force to address elevated levels of polychlorinated biphenyls in the Spokane river.~~

~~((23)) (22) \$244,000 of the model toxics control operating—state appropriation is provided solely for the implementation of Engrossed Substitute Senate Bill No. 5579 (crude oil volatility/rail). ((If the bill is not enacted by June 30, 2019, the amount provided in this subsection shall lapse.~~

~~((24)) (23) \$432,000 of the model toxics control operating—state appropriation is provided solely for the implementation of Substitute House Bill No. 1290 (voluntary cleanups/has waste). ((If the bill is not enacted by June 30, 2019, the amount provided in this subsection shall lapse.~~

~~((25)) (24) \$10,000,000 of the model toxics control operating account—state appropriation is provided solely for the department to provide grants to local governments for the purpose of supporting local solid waste and financial assistance programs.~~

~~((26)) (25) \$100,000 of the oil spill prevention account—state appropriation is provided solely for the department to produce a synopsis of current maritime vessel activity, navigation lanes, and anchorages in the northern Puget Sound and the strait of Juan de Fuca, including vessel transit in Canadian portions of transboundary waters. Consistent with RCW 43.372.030, the synopsis must compile key findings and baseline information on the spatial and temporal distribution of and intensity of current maritime vessel activity. The department may collect new information on vessel activity, including information on commercial and recreational fishing, where relevant to the synopsis. In producing the synopsis, the department must invite the participation of Canadian agencies and first nations, and must coordinate with federal agencies, other state agencies, federally recognized Indian tribes, commercial and recreational vessel operators and organizations representing such operators, and other stakeholders. The department must provide a draft of the synopsis to the appropriate committees of the legislature by June 30, 2021.~~

~~((27)) (26) \$500,000 of the waste reduction, recycling, and litter control account—state appropriation is provided solely for the implementation of Engrossed Second Substitute House Bill No. 1114 (food waste reduction). ((If the bill is not enacted by June 30, 2019, the amount provided in this subsection shall lapse.~~

~~((28)) (27) \$465,000 of the dedicated marijuana account—state appropriation for fiscal year 2020 and \$464,000 of the dedicated marijuana account—state~~

appropriation for fiscal year 2021 are provided solely for the implementation of House Bill No. 2052 (marijuana product testing). ~~((If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.))~~

~~((29)))~~ (28) \$182,000 of the paint product stewardship account—state appropriation is provided solely for the implementation of Substitute House Bill No. 1652 (paint stewardship). ~~((If the bill is not enacted by June 30, 2019, the amount provided in this subsection shall lapse.))~~

(29) \$750,000 of the model toxics control operating account—state appropriation is provided solely for the department to provide funding to local governments to help address stormwater permit requirements and provide assistance to small businesses, as well as local source control monitoring to address toxic hotspots that impact Puget Sound.

(30) \$535,000 of the model toxics control operating account—state appropriation is provided solely for the department to develop a Puget Sound nutrients general permit for wastewater treatment plants in Puget Sound to reduce nutrients in wastewater discharges to Puget Sound.

(31) \$748,000 of the model toxics control operating account—state appropriation is provided solely for the department to add continuous freshwater monitoring at the mouth of the seven largest rivers discharging into Puget Sound.

(32) \$1,406,000 of the model toxics control operating account—state appropriation is provided solely for the department to adopt rules to strengthen and standardize the consideration of climate change risks, vulnerability, and greenhouse gas emissions in environmental assessments for major projects with significant environmental impacts. To provide clarity for the public, governmental agencies and project proponents, the rules must be uniform and apply to all branches of government, including state agencies, public and municipal corporations, and counties.

(33) \$1,500,000 of the model toxics control operating account—state appropriation is provided solely for the department to provide grants to local governments to remove solid, hazardous, and infectious waste generated by homeless encampments. Local governments are responsible for providing a twenty-five percent match.

(34) \$2,500,000 of the model toxics control operating account—state appropriation is provided solely for the department to remove surface debris generated by vacated homeless encampments on state-owned sites along the I-5 corridor.

**Sec. 303.** 2019 c 415 s 303 (uncodified) is amended to read as follows:

#### **FOR THE STATE PARKS AND RECREATION COMMISSION**

General Fund—State Appropriation (FY 2020)  
.....~~(((\$16,013,000))~~  
\$16,379,000

General Fund—State Appropriation (FY 2021)  
.....~~(((\$16,501,000))~~  
\$18,431,000

General Fund—Federal Appropriation .....\$7,079,000  
Winter Recreation Program Account—State  
Appropriation .....\$3,310,000

ORV and Nonhighway Vehicle Account—State  
Appropriation .....\$403,000  
Snowmobile Account—State Appropriation  
.....~~(((\$5,657,000))~~  
\$5,417,000

Aquatic Lands Enhancement Account—State  
Appropriation .....\$367,000

Parks Renewal and Stewardship Account—State  
Appropriation .....~~(((\$125,438,000))~~  
\$128,182,000

Parks Renewal and Stewardship Account—  
Private/Local  
Appropriation .....\$420,000

Pension Funding Stabilization Account—State  
Appropriation .....\$1,496,000

TOTAL APPROPRIATION.....~~\$176,684,000~~  
\$181,484,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$129,000 of the general fund—state appropriation for fiscal year 2020 and \$129,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for a grant for the operation of the Northwest weather and avalanche center.

(2) \$100,000 of the general fund—state appropriation for fiscal year 2020 and \$100,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the commission to pay assessments charged by local improvement districts.

(3) \$75,000 of the general fund—state appropriation for fiscal year 2020 and \$75,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the implementation of Senate Bill No. 5918 (whale watching guidelines). ~~((If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.))~~

(4) \$916,000 of the general fund—state appropriation for fiscal year 2020, \$915,000 of the general fund—state appropriation for fiscal year 2021, and \$169,000 of the parks renewal and stewardship account—state appropriation are provided solely for the commission to replace major equipment with an emphasis on fire response equipment and law enforcement vehicles that have over fifteen years of useful life.

(5) ~~((252,000))~~ \$414,000 of the general fund—state appropriation for fiscal year 2020, ~~((216,000))~~ \$296,000 of the general fund—state appropriation for fiscal year 2021, and \$322,000 of the parks renewal and stewardship account—state appropriation are provided solely for operating budget impacts from capital budget projects funded in the 2017-2019 fiscal biennium.

(6) \$154,000 of the general fund—state appropriation for fiscal year 2020 and \$146,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for hiring new park rangers and park aides.

(7) \$3,750,000 of the general fund—state appropriation for fiscal year 2020, \$3,750,000 of the general fund—state appropriation for fiscal year 2021, and \$2,500,000 of the parks renewal and stewardship account—state appropriation are provided solely for maintaining current service levels for core functions such as customer service, facility maintenance, and law enforcement.

(8) \$382,000 of the general fund—state appropriation for fiscal year 2020 and \$567,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the commission to conduct forest health treatments on 500 acres of forestland each year, add stewardship staff capacity in the northwest region, and conduct vegetation surveys to identify rare and sensitive plants. One-time funding is also provided to replace a fire truck in the eastern region.

(9) \$750,000 of the general fund—state appropriation for fiscal year 2020 and \$750,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the commission to hire construction and maintenance staff to address the backlog of preventive maintenance at state parks.

(10) \$428,000 of the parks renewal and stewardship account—state appropriation is provided solely for increased technology costs associated with providing field staff with access to the state government network, providing law enforcement personnel remote access to law enforcement records, and providing public wi-fi services at dry falls, pacific beach, and potholes state parks.

(11) \$204,000 of the parks renewal and stewardship account—state appropriation is provided solely for maintaining the state parks' central reservation system, the law enforcement records management system, and discover pass automated pay stations.

**Sec. 304.** 2019 c 415 s 304 (uncodified) is amended to read as follows:

**FOR THE RECREATION AND CONSERVATION OFFICE**

General Fund—State Appropriation (FY 2020)	
.....	<del>((1,193,000))</del>
	<u>\$1,167,000</u>
General Fund—State Appropriation (FY 2021)	
.....	<del>((1,166,000))</del>
	<u>\$1,426,000</u>
General Fund—Federal Appropriation.	<del>((3,779,000))</del>

\$3,777,000

General Fund—Private/Local Appropriation..\$24,000

Aquatic Lands Enhancement Account—State Appropriation.....\$333,000

Firearms Range Account—State Appropriation.....\$37,000

Recreation Resources Account—State Appropriation.....~~((4,143,000))~~

\$4,124,000

NOVA Program Account—State Appropriation.....\$1,107,000

Pension Funding Stabilization Account—State Appropriation.....\$80,000

TOTAL APPROPRIATION.....\$11,862,000

\$12,075,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$109,000 of the aquatic lands enhancement account—state appropriation is provided solely to the recreation and conservation funding board for administration of the aquatics lands enhancement account grant program as described in RCW 79.105.150.

(2) \$37,000 of the firearms range account—state appropriation is provided solely to the recreation and conservation funding board for administration of the firearms range grant program as described in RCW 79A.25.210.

(3) ~~((4,150,000))~~ \$4,074,000 of the recreation resources account—state appropriation is provided solely to the recreation and conservation funding board for administrative and coordinating costs of the recreation and conservation office and the board as described in RCW 79A.25.080(1).

(4) \$1,107,000 of the NOVA program account—state appropriation is provided solely to the recreation and conservation funding board for administration of the nonhighway and off-road vehicle activities program as described in chapter 46.09 RCW.

(5) \$175,000 of the general fund—state appropriation for fiscal year 2020 and \$175,000 of the general fund—state appropriation for fiscal year 2021 are provided solely to contract for implementation of the Nisqually watershed stewardship plan.

(6) \$50,000 of the recreation resources account—state appropriation is provided solely for the recreation and conservation office to contract with a consultant to provide a quinquennial update of the economic analysis of outdoor recreation in Washington state study completed in 2015. The updated study shall quantify the economic contribution to the state economy from the state's public lands and related ecosystem services from public lands, and quantify the economic contribution from statewide outdoor recreation to the state's economy. A report is due to the governor and

appropriate committees of the legislature by December 31, 2020.

(7) \$140,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the governor's salmon recovery office to coordinate ongoing recovery efforts of southern resident orcas and monitor progress toward implementation of recommendations from the governor's southern resident killer whale task force.

**Sec. 305.** 2019 c 415 s 305 (uncodified) is amended to read as follows:

**FOR THE ENVIRONMENTAL AND LAND USE HEARINGS OFFICE**

General Fund—State Appropriation (FY 2020)	<del>(\$2,533,000)</del>
	<u>\$2,788,000</u>
General Fund—State Appropriation (FY 2021)	<del>(\$2,440,000)</del>
	<u>\$2,380,000</u>
Pension Funding Stabilization Account—State Appropriation	\$254,000
TOTAL APPROPRIATION	<u>\$5,227,000</u>
	<u>\$5,422,000</u>

The appropriations in this section are subject to the following conditions and limitations: \$170,000 of the general fund—state appropriation for fiscal year 2020 is provided solely for the implementation of Substitute Senate Bill No. 5151 (growth management board/indexing). ~~((If the bill is not enacted by June 30, 2019, the amount provided in this subsection shall lapse.))~~

**Sec. 306.** 2019 c 415 s 306 (uncodified) is amended to read as follows:

**FOR THE CONSERVATION COMMISSION**

General Fund—State Appropriation (FY 2020)	<del>(\$7,936,000)</del>
	<u>\$7,845,000</u>
General Fund—State Appropriation (FY 2021)	<del>(\$7,973,000)</del>
	<u>\$7,942,000</u>
General Fund—Federal Appropriation	<del>(\$2,301,000)</del>
	<u>\$2,482,000</u>
Public Works Assistance Account—State Appropriation	\$8,456,000
Model Toxics Control Operating Account—State Appropriation	\$1,000,000
Pension Funding Stabilization Account—State Appropriation	\$254,000
TOTAL APPROPRIATION	<u>\$27,920,000</u>
	<u>\$27,979,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$500,000 of the general fund—state appropriation for fiscal year 2020 and \$500,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the commission and conservation districts to increase landowner participation in voluntary actions that protect habitat to benefit salmon and southern resident orcas.

(2) \$8,456,000 of the public works assistance account—state appropriation is provided solely for implementation of the voluntary stewardship program. This amount may not be used to fund agency indirect and administrative expenses.

(3) \$50,000 of the general fund—state appropriation for fiscal year 2020 and \$50,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the commission to continue to convene and facilitate a food policy forum and to implement recommendations identified through the previous work of the food policy forum.

(a) The commission shall coordinate implementation of the forum with the department of agriculture and the office of farmland preservation.

(b) The director of the commission and the director of the department of agriculture shall jointly appoint members of the forum, and no appointment may be made unless each director concurs in the appointment.

(c) In addition to members appointed by the directors, four legislators may serve on the food policy forum in an ex officio capacity. Legislative participants may be reimbursed for travel expenses by the senate or house of representatives as provided in RCW 44.04.120. Legislative participants must be appointed as follows:

(i) The speaker of the house of representatives shall appoint one member from each of the two largest caucuses of the house of representatives; and

(ii) The majority leader and minority leader of the senate shall appoint one member from each of the two largest caucuses of the senate.

(d) Meetings of the forum may be scheduled by either the director of the commission or the director of the department of agriculture.

(e) Staffing for the forum must be provided by the commission working jointly with staff from the department of agriculture.

(f) The commission and the department of agriculture shall jointly develop the agenda for each forum meeting as well as a report from the food policy forum. The report must contain recommendations and a workplan to implement the recommendations and must be delivered to the appropriate committees of the legislature and the governor by June 30, 2021.

~~((5))~~ (4) \$20,000 of the general fund—state appropriation for fiscal year 2020 is provided solely for the following activities:

(a) The commission and the department of agriculture must produce a gap analysis reviewing existing conservation grant programs and completed voluntary stewardship program plans to identify what technical assistance and cost-share resources are needed to meet the requirements placed on those activities by the legislature.

(b)(i) The commission, in collaboration with the department of agriculture, must develop recommendations for legislation or additional work that may be needed to implement a sustainable farms and fields grant program that prioritizes funding based on net reduction of greenhouse gas emissions on farm, aquatic, or ranch lands, including carbon sequestration.

(ii) The recommendations must incorporate the gap analysis required by this section. The recommendations must include information about how the grant program can complement and avoid competing with existing conservation programs, and provide cost share benefits to existing and new programs designed to improve water quality, critical habitats, and soil health and soil-health research on farm, aquatic or timber lands.

(iii) The recommendations must be developed with input from stakeholder meetings with representatives from the environmental and agricultural communities.

(c) The commission and the department of agriculture must provide an update to the appropriate committees of the legislature by August 1, 2019, and final recommendations by November 1, 2019.

**Sec. 307.** 2019 c 415 s 307 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF FISH AND WILDLIFE**

General Fund—State Appropriation (FY 2020)  
.....((\$74,521,000))

\$79,755,000

General Fund—State Appropriation (FY 2021)  
.....((\$63,849,000))

\$74,541,000

General Fund—Federal Appropriation  
.....((\$141,326,000))

\$138,818,000

General Fund—Private/Local Appropriation  
.....((\$69,360,000))

\$69,639,000

ORV and Nonhighway Vehicle Account—State  
Appropriation.....\$701,000

Aquatic Lands Enhancement Account—State  
Appropriation.....((\$11,871,000))

\$11,874,000

Recreational Fisheries Enhancement Account—State  
Appropriation .....\$3,332,000

Warm Water Game Fish Account—State  
Appropriation.....((\$2,824,000))

\$2,825,000

Eastern Washington Pheasant Enhancement  
Account—State

Appropriation.....\$675,000

State Wildlife Account—State Appropriation  
.....((\$115,447,000))

\$116,075,000

Special Wildlife Account—State Appropriation  
.....\$2,904,000

Special Wildlife Account—Federal Appropriation  
.....\$517,000

Special Wildlife Account—Private/Local  
Appropriation.....\$3,653,000

Wildlife Rehabilitation Account—State  
Appropriation .....\$361,000

Ballast Water and Biofouling Management Account—  
State

Appropriation.....\$10,000

Model Toxics Control Operating Account—State

Appropriation.....\$2,946,000

Regional Fisheries Enhancement Salmonid Recovery  
Account—Federal Appropriation .....\$5,001,000

Oil Spill Prevention Account—State Appropriation  
.....\$1,199,000

Aquatic Invasive Species Management Account—  
State

Appropriation.....((\$1,906,000))

\$2,263,000

Pension Funding Stabilization Account—State

Appropriation.....\$5,186,000

Oyster Reserve Land Account—State Appropriation  
.....\$524,000

**TOTAL APPROPRIATION.....\$508,113,000**

\$522,799,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$467,000 of the general fund—state appropriation for fiscal year 2020 and \$467,000 of the general fund—state appropriation for fiscal year 2021 are provided solely to pay for emergency fire suppression costs. These amounts may not be used to fund agency indirect and administrative expenses.

(2) \$415,000 of the general fund—state appropriation for fiscal year 2020, \$415,000 of the general fund—state

appropriation for fiscal year 2021, and \$440,000 of the general fund—federal appropriation are provided solely for county assessments.

(3)(a) A legislative task force is established to recommend a group or entity to review the department's budget requests in place of the hatchery scientific review group. The task force is comprised of two members from each of the two largest caucuses in the senate, appointed by the president of the senate, and two members from each of the two largest caucuses in the house of representatives, appointed by the speaker of the house. The task force shall be staffed by the office of program research and senate committee services. The task force must consult with tribes.

(b) The task force must review the purpose and activities of the hatchery scientific review group and develop recommendations for the legislature to establish a replacement group or entity that will analyze state spending and projects related to hatcheries that are proposed in state operating and capital budgets. Among other things, the task force shall recommend a process by which the replacement organization or entity, starting with the 2021-2023 fiscal biennium, contracts with the department to review the department's proposed agency biennial operating and capital budget requests related to state fish hatcheries prior to submission to the office of financial management. This review shall: (i) Examine if the proposed requests are consistent with independent scientific review standards using best available science; (ii) evaluate the components of the request based on the independent needs of each particular watershed and the return of salmonids including naturally spawning, endangered, and hatchery stocks; and (iii) evaluate whether the proposed requests are being made in the most cost-effective manner. This process must require the department to provide a copy of the review to the office of financial management and the legislature with its agency budget proposal.

(c) The task force shall report to the legislature on its findings and recommendations by December 1, 2019.

(4) \$400,000 of the general fund—state appropriation for fiscal year 2020 and \$400,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for a state match to support the Puget Sound nearshore partnership between the department and the United States army corps of engineers.

(5) \$762,000 of the general fund—state appropriation for fiscal year 2020, \$580,000 of the general fund—state appropriation for fiscal year 2021, and \$24,000 of the state wildlife account—state appropriation are provided solely for the implementation of Second Substitute Senate Bill No. 5577 (orca whales/vessels). ~~((If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.))~~

(6) \$156,000 of the general fund—state appropriation for fiscal year 2020 and \$155,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for operating budget impacts from capital budget projects funded in the 2017-2019 fiscal biennium.

(7) \$450,000 of the general fund—state appropriation for fiscal year 2020 and \$450,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the department to develop a pinto abalone recovery plan, expand field work, conduct genetics and disease assessments, and establish three satellite grow-out facilities. \$150,000 of the appropriation per fiscal year is for competitive grants to nonprofit organizations to assist in recovery and restoration work of native shellfish.

(8) \$350,000 of the general fund—state appropriation for fiscal year 2020 and \$350,000 of the general fund—state appropriation for fiscal year 2021, are provided solely for the department to increase the work of regional fisheries enhancement groups.

(9) \$457,000 of the general fund—state appropriation for fiscal year 2020, \$457,000 of the general fund—state appropriation for fiscal year 2021, and \$110,000 of the state wildlife account—state appropriation are provided solely for the department to pay for costs to maintain upgraded network infrastructure and pay the debt service on purchased equipment.

(10) \$165,000 of the general fund—state appropriation for fiscal year 2020, \$166,000 of the general fund—state appropriation for fiscal year 2021, and \$495,000 of the state wildlife account—state appropriation are provided solely for new service or vendor costs, including PC leases, mobile devices, a remote management system, IT issue tracking technology, and virtual private network services.

(11) \$3,500,000 of the general fund—state appropriation for fiscal year 2020 and \$3,500,000 of the general fund—state appropriation for fiscal year 2021 are appropriated for the department to increase hatchery production of salmon throughout the Puget Sound, coast, and Columbia river. Increases in hatchery production must be prioritized to increase prey abundance for southern resident orcas. The department shall work with federal partners, tribal co-managers, and other interested parties when developing annual hatchery production plans. These increases shall be done consistent with best available science, most recent hatchery standards, and endangered species act requirements, and include adaptive management provisions to ensure the conservation and enhancement of wild stocks. Of the amounts provided in this subsection, \$500,000 in fiscal year 2020 is for wells and generators at the Samish hatchery.

(12) \$2,257,000 of the general fund—state appropriation for fiscal year 2020 and \$1,785,000 of the general fund—state appropriation for fiscal year 2021 are provided solely to grant to the northwest Indian fisheries commission to grant to tribes for hatchery operations that are prioritized to increase prey abundance for southern resident orcas. Of the amounts provided in this subsection:

(a) \$1,535,000 in each fiscal year is for additional hatchery production in the following amounts per fiscal year: \$150,000 for the Quinault Indian Nation, \$169,000 for the Tulalip Tribes, \$268,000 for the Quileute Tribe, \$186,000 for the Puyallup Tribe, \$112,000 for the Port Gamble S'Klallam Tribe, \$23,000 for the Muckleshoot Indian Tribe, \$207,000 for the Squaxin Island Tribe, \$142,000 for the

Skokomish Indian Tribe, and \$278,000 for the Lummi Nation.

(b) \$472,000 in fiscal year 2020 is for improvements to hatchery facilities that support additional hatchery production in the following amounts: \$98,000 for the Tulalip Tribes, \$38,000 for the Puyallup Tribe, \$14,000 for the Port Gamble S'Klallam Tribe, \$25,000 for the Muckleshoot Indian Tribe, \$200,000 for the Squaxin Island Tribe, \$24,000 for the Skokomish Indian Tribe, and \$73,000 for the Lummi Nation.

(13) \$771,000 of the general fund—state appropriation in fiscal year 2020 and \$76,000 of the general fund—state appropriation in fiscal year 2021 are provided solely for the department to provide to tribes for hatchery operations that are prioritized to increase prey abundance for southern resident orcas. Of the amounts provided in this subsection, \$76,000 in each fiscal year is for the Yakama Nation for additional hatchery production, \$195,000 in fiscal year 2020 is for the Yakama Nation for improvements to hatchery facilities, and \$500,000 in fiscal year 2020 is for the Confederated Tribes of the Colville Reservation for improvements to hatchery facilities.

(14) \$425,000 of the general fund—state appropriation for fiscal year 2020 and \$175,000 of the general fund—state appropriation for fiscal year 2021 are provided solely to grant to public utility districts for additional hatchery production that is prioritized to increase prey abundance for southern resident orcas and other species that are critical to the marine food web. Of the amounts provided in this subsection, \$250,000 in fiscal year 2020 is for Puget Sound energy for wells and generators at the Baker river fish hatchery.

(15) ~~(((\$1,361,000))~~ \$1,201,000 of the general fund—state appropriation for fiscal year 2020 and ~~(((\$1,360,000))~~ \$1,520,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the following activities to increase the availability of salmon for southern resident orcas: Surveying forage fish populations, conducting rulemaking for fish screens, reducing salmon predation by nonnative fish, prioritizing fish barrier removal, developing a strategy to reestablish salmon runs above dams, and increasing review of shoreline armoring proposals to protect forage fish.

(16) \$710,000 of the general fund—state appropriation for fiscal year 2020 and \$253,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the department to migrate to the state data center and are subject to the conditions, limitations, and review provided in ~~((section 719 of this act))~~ section 701 of this act.

(17) \$278,000 of the general fund—state appropriation for fiscal year 2020 and \$278,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the department to provide grants to the Lummi Nation to increase salmon production at the Skookum creek hatchery and the Lummi bay hatchery.

(18) \$477,000 of the general fund—state appropriation for fiscal year 2020 and \$477,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the

implementation of Engrossed Substitute House Bill No. 2097 (statewide wolf recovery). ~~((If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.))~~

(19) \$200,000 of the general fund—state appropriation for fiscal year 2020 and \$200,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the department for elk management in the Skagit valley in cooperation with affected tribes and landowners. Authorized expenditures include, but are not limited to, elk fencing and replacement hay to mitigate the impacts of elk on agricultural crop production.

(20) \$49,000 of the general fund—state appropriation for fiscal year 2020, \$47,000 of the general fund—state appropriation for fiscal year 2021, and \$37,000 of the state wildlife account—state appropriation are provided solely for the implementation of Second Substitute House Bill No. 1579 (chinook abundance). ~~((If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.))~~

(21) \$79,000 of the general fund—state appropriation for fiscal year 2020 and \$1,948,000 of the general fund—state appropriation for fiscal year 2021 are provided solely to implement the enforcement records management database project and are subject to the conditions, limitations, and review provided in section 701 of this act.

(22) \$357,000 of the aquatic invasive species management account—state appropriation is provided solely for suppression, eradication, and monitoring of northern pike in the Columbia river. The department must work with the Spokane Tribe of Indians, the Confederated Tribes of the Colville Reservation, and the Kalispel Tribe of Indians on identifying appropriate actions to reduce threats to anadromous salmon from invasive northern pike.

(23) \$573,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for developing alternative gear methods for the commercial gill net fishery and a draft plan to reduce the number of commercial gill net licenses on the Columbia river. The department must consult with the state of Oregon and commercial gill net license holders on development of alternative gear and any proposed license reduction program. The department must provide a report to the governor and appropriate committees of the legislature by December 1, 2020.

(24) \$139,000 of the general fund—state appropriation for fiscal year 2020 and \$139,000 of the general fund—state appropriation for fiscal year 2021 are provided solely as matching funds for a federal grant to purchase two law enforcement vessels and equip them with optic system equipment to conduct marine patrols including vessel enforcement patrols related to southern resident orcas.

(25) \$924,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for expanded management of pinniped populations on the lower Columbia river and its tributaries with the goal of increasing chinook salmon abundance and prey availability for southern resident orcas. The department may only expend funds in this



subsection after receiving necessary permits from the national marine fisheries service.

(26) \$225,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the department to increase enforcement of commercial and recreational vessel regulations for the protection of southern resident orcas in central and southern Puget Sound.

**Sec. 308.** 2019 c 415 s 308 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF NATURAL RESOURCES**

General Fund—State Appropriation (FY 2020)  
.....(((\$74,086,000))

\$64,942,000

General Fund—State Appropriation (FY 2021)  
.....(((\$62,093,000))

\$61,183,000

General Fund—Federal Appropriation  
.....(((\$34,977,000))

\$34,981,000

General Fund—Private/Local Appropriation  
.....\$2,534,000

Forest Development Account—State Appropriation  
.....(((\$54,165,000))

\$54,247,000

ORV and Nonhighway Vehicle Account—State  
Appropriation.....(((\$8,166,000))

\$8,177,000

Surveys and Maps Account—State Appropriation  
.....(((\$2,595,000))

\$2,597,000

Aquatic Lands Enhancement Account—State  
Appropriation.....(((\$18,537,000))

\$18,561,000

Resource Management Cost Account—State  
Appropriation.....(((\$128,255,000))

\$128,489,000

Surface Mining Reclamation Account—State  
Appropriation.....(((\$4,103,000))

\$4,114,000

Disaster Response Account—State Appropriation  
.....(((\$23,063,000))

\$23,070,000

Park Land Trust Revolving Account—State  
Appropriation.....\$750,000

Forest and Fish Support Account—State

Appropriation.....(((\$16,354,000))

\$12,861,000

Aquatic Land Dredged Material Disposal Site  
Account—State

Appropriation.....\$402,000

Natural Resources Conservation Areas Stewardship  
Account—

State Appropriation.....\$39,000

Forest Fire Protection Assessment Nonappropriated

Account—State Appropriation .....(((\$5,896,000))

\$5,713,000

Model Toxics Control Operating Account—State

Appropriation.....(((\$5,995,000))

\$9,739,000

Forest Practices Application Account—State

Appropriation.....(((\$2,015,000))

\$2,018,000

Air Pollution Control Account—State Appropriation  
.....\$901,000

NOVA Program Account—State Appropriation  
.....(((\$780,000))

\$781,000

Pension Funding Stabilization Account—State

Appropriation.....\$3,240,000

Derelict Vessel Removal Account—State  
Appropriation.....\$2,001,000

Community Forest Trust Account—State  
Appropriation.....\$52,000

Agricultural College Trust Management Account—  
State

Appropriation.....(((\$3,179,000))

\$3,184,000

TOTAL APPROPRIATION.....\$454,178,000

\$444,576,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$1,583,000 of the general fund—state appropriation for fiscal year 2020 and \$1,515,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for deposit into the agricultural college trust management account and are provided solely to manage approximately 70,700 acres of Washington State University's agricultural college trust lands.

(2) ~~(((\$16,546,000))~~ \$8,546,000 of the general fund—state appropriation for fiscal year 2020, \$16,546,000 of the

general fund—state appropriation for fiscal year 2021, and \$16,050,000 of the disaster response account—state appropriation are provided solely for emergency fire suppression. The appropriations provided in this subsection may not be used to fund the department's indirect and administrative expenses. The department's indirect and administrative costs shall be allocated among its remaining accounts and appropriations.

(3) \$5,000,000 of the forest and fish support account—state appropriation is provided solely for outcome-based performance contracts with tribes to participate in the implementation of the forest practices program. Contracts awarded may only contain indirect costs set at or below the rate in the contracting tribe's indirect cost agreement with the federal government. Of the amount provided in this subsection, \$500,000 is contingent upon receipts under RCW 82.04.261 exceeding eight million dollars per biennium. If receipts under RCW 82.04.261 are more than eight million dollars but less than eight million five hundred thousand dollars for the biennium, an amount equivalent to the difference between actual receipts and eight million five hundred thousand dollars shall lapse.

(4) \$1,857,000 of the general fund—state appropriation for fiscal year 2020 and \$1,857,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the department to carry out the forest practices adaptive management program pursuant to RCW 76.09.370 and the May 24, 2012, settlement agreement entered into by the department and the department of ecology. Scientific research must be carried out according to the master project schedule and work plan of cooperative monitoring, evaluation, and research priorities adopted by the forest practices board. The forest practices board shall submit a report to the legislature following review, approval, and solicitation of public comment on the cooperative monitoring, evaluation, and research master project schedule, to include: Cooperative monitoring, evaluation, and research science and related adaptive management expenditure details, accomplishments, the use of cooperative monitoring, evaluation, and research science in decision-making, and funding needs for the coming biennium. The report shall be provided to the appropriate committees of the legislature by October 1, 2020.

(5) Consistent with the recommendations of the *Wildfire Suppression Funding and Costs (18-02)* report of the joint legislative audit and review committee, the department shall submit a report to the governor and legislature by December 1, 2019, and December 1, 2020, describing the previous fire season. At a minimum, the report shall provide information for each wildfire in the state, including its location, impact by type of land ownership, the extent it involved timber or range lands, cause, size, costs, and cost-share with federal agencies and nonstate partners. The report must also be posted on the agency's web site.

(6) \$26,000 of the general fund—state appropriation for fiscal year 2020 and \$27,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the implementation of Engrossed Second Substitute Senate Bill No. 5116 (clean energy). ~~((If the bill is not enacted by June~~

~~30, 2019, the amounts provided in this subsection shall lapse.))~~

(7) \$12,000 of the general fund—state appropriation for fiscal year 2020 and \$12,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the implementation of Substitute Senate Bill No. 5550 (pesticide application safety). ~~((If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.))~~

(8) The appropriations in this section include sufficient funding for the implementation of Engrossed Substitute Senate Bill No. 5330 (small forestland).

(9) \$42,000 of the general fund—state appropriation for fiscal year 2020 and \$21,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the implementation of Substitute Senate Bill No. 5106 (natural disaster mitigation). ~~((If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.))~~

(10) \$26,000 of the general fund—state appropriation for fiscal year 2020 and \$26,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the implementation of Substitute Senate Bill No. 5597 (aerial herbicide application). ~~((If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.))~~

(11) \$4,486,000 of the aquatic land enhancement account—state appropriation is provided solely for the removal of creosote pilings and debris from the marine environment and to continue monitoring zooplankton and eelgrass beds on state-owned aquatic lands managed by the department. Actions will address recommendations to recover the southern resident orca population and to monitor ocean acidification as well as help implement the Puget Sound action agenda.

(12) \$304,000 of the model toxics control operating account—state appropriation is provided solely for costs associated with the cleanup of the Fairview avenue site near Lake Union in Seattle. The aquatic site is contaminated with lead, chromium, and arsenic. This will be the department's final payment toward remediation costs.

(13) \$75,000 of the general fund—state appropriation for fiscal year 2020 and \$75,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the department to identify priority kelp restoration locations in central Puget Sound, based on historic locations, and monitor the role of natural kelp beds in moderating pH conditions in Puget Sound.

(14) \$188,000 of the general fund—state appropriation for fiscal year 2020 and \$187,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the department to coordinate with the Olympic natural resources center to study emerging ecosystem threats such as Swiss needlecast disease, conduct field trials for long-term ecosystem productivity and T3 watershed experiments, and engage stakeholders. The department must contract with the Olympic natural resources center for at least \$187,000 per fiscal year. The department may retain up to \$30,000 per fiscal year to conduct Swiss needlecast surveys and research. Administrative costs may be taken and are limited to twenty-

seven percent of the amount of appropriation retained by the department.

(15) ~~((22,843,000))~~ \$21,752,000 of the general fund—state appropriation for fiscal year 2020, ~~((11,364,000))~~ \$10,273,000 of the general fund—state appropriation for fiscal year 2021, and \$4,000,000 of the forest fire protection assessment nonappropriated account—state appropriation are provided solely for wildfire response, to include funding full time fire engine leaders, increasing the number of correctional camp fire crews in western Washington, purchasing two helicopters, providing dedicated staff to conduct fire response training, creating a fire prevention outreach program, forest health administration, landowner technical assistance, conducting forest health treatments on federal lands and implementing the department's twenty-year forest health strategic plan, post-wildfire landslide assessments, and other measures necessary for wildfire suppression and prevention.

(16) \$186,000 of the general fund—state appropriation for fiscal year 2020 and \$185,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for compensation to the trust beneficiaries and department for lost revenue from leases to amateur radio operators who use space on the department managed radio towers for their equipment. The department is authorized to lease sites at the rate of up to one hundred dollars per year, per site, per lessee. The legislature makes this appropriation to fulfill the remaining costs of the leases at market rate per RCW 79.13.510.

(17) \$110,000 of the general fund—state appropriation for fiscal year 2020 and \$110,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the department to conduct post wildfire landslide hazard assessments and reports.

(18) \$162,000 of the general fund—state appropriation for fiscal year 2020 and \$163,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for paving the road access to Leader lake in northeast Washington.

(19) The appropriations in this section include sufficient funding for the department to conduct an analysis of revenue impacts to the state forestlands taxing district beneficiaries as a result of the proposed long-term conservation strategy for the marbled murrelet. The department shall consult with state forestlands taxing district beneficiary representatives on the analysis. The department shall make the analysis available to state forestlands taxing districts and submit it to the board of natural resources by September 30, 2019.

(20) \$150,000 of the aquatic lands enhancement account—state appropriation is provided solely for continued facilitation and support services for the marine resources advisory council.

(21) \$217,000 of the aquatic lands enhancement account—state appropriation is provided solely for implementation of the state marine management plan and ongoing costs of the Washington coastal marine advisory

council to serve as a forum and provide recommendations on coastal management issues.

~~((23))~~ (22) \$485,000 of the general fund—state appropriation for fiscal year 2020 and \$485,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the implementation of Second Substitute House Bill No. 1784 (wildfire prevention). ~~((If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.))~~

~~(24))~~ (23)(a) \$250,000 of the general fund—state appropriation for fiscal year 2020 and \$125,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the following activities:

(i) Conducting carbon inventories to build on existing efforts to understand carbon stocks, flux, trends, emissions, and sequestration across Washington's natural and working lands, including harvested wood products, wildfire emissions, land management activities, and sawmill energy use and emissions. Where feasible, the department shall use available existing data and information to conduct this inventory and analysis. For the purposes of this section, natural and working land types include forests, croplands, rangelands, wetlands, grasslands, aquatic lands, and urban green space.

(ii) Compiling and providing access to information on existing opportunities for carbon compensation services and other incentive-based carbon reducing programs to assist owners of private and other nonstate owned or managed forestland interested in voluntarily engaging in carbon markets.

(b) By December 1, 2020, the department must submit a report to the appropriate committees of the legislature summarizing the results of the inventories required under this section, and assessing actions that may improve the efficiency and effectiveness of carbon inventory activities on natural and working lands, including carbon sequestration in harvested forest products. The department must also describe any barriers, including costs, to the use of voluntary, incentive-based carbon reducing or sequestering programs. The department may also include recommendations for additional work or legislation that may be advisable resulting from the advisory group created in this subsection as part of this report.

(c) The department must form a natural and working lands carbon sequestration advisory group to help guide the activities provided in this section. The advisory group must be composed of a balance of representatives reflecting the diverse interests and expertise involved on the subject of carbon sequestration on natural and working lands.

**Sec. 309.** 2019 c 415 s 309 (uncodified) is amended to read as follows:

#### **FOR THE DEPARTMENT OF AGRICULTURE**

General Fund—State Appropriation (FY 2020)  
..... ~~((18,858,000))~~

\$18,928,000

General Fund—State Appropriation (FY 2021)	
.....	<del>(\$18,925,000)</del>
	<u>\$19,326,000</u>
General Fund—Federal Appropriation	
.....	<del>(\$32,078,000)</del>
	<u>\$32,656,000</u>
General Fund—Private/Local Appropriation	\$193,000
Aquatic Lands Enhancement Account—State	
Appropriation.....	<del>(\$2,527,000)</del>
	<u>\$2,534,000</u>
Model Toxics Control Operating Account—State	
Appropriation .....	<del>(\$5,808,000)</del>
	<u>\$6,632,000</u>
Water Quality Permit Account—State Appropriation	
.....	\$73,000
Dedicated Marijuana Account—State Appropriation	
(FY 2020) .....	\$635,000
Dedicated Marijuana Account—State Appropriation	
(FY 2021) .....	\$635,000
Pension Funding Stabilization Account—State	
Appropriation .....	\$1,036,000
TOTAL APPROPRIATION .....	<del>\$80,768,000</del>
	<u>\$82,648,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$6,108,445 of the general fund—state appropriation for fiscal year 2020 and \$6,102,905 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementing the food assistance program as defined in RCW 43.23.290.

(2) \$58,000 of the general fund—state appropriation for fiscal year 2020 and \$59,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the implementation of Substitute Senate Bill No. 5550 (pesticide application safety). ~~((If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.))~~

(3) The appropriations in this section includes sufficient funding for the implementation of Engrossed Substitute Senate Bill No. 5959 (livestock identification).

(4) \$18,000 of the general fund—state appropriation for fiscal year 2020 and \$18,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the implementation of Substitute Senate Bill No. 5597 (aerial herbicide application). ~~((If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.))~~

(5) The appropriations in this section include sufficient funding for the implementation of Senate Bill No. 5447 (dairy milk assessment fee).

(6) \$250,000 of the general fund—state appropriation for fiscal year 2020 and \$250,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the department's regional markets program, which includes the small farm direct marketing program under RCW 15.64.050 and the farm-to-school program under RCW 15.64.060.

(7) \$125,000 of the general fund—state appropriation for fiscal year 2020 and \$125,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the northwest Washington fair youth education programs.

(8) \$197,000 of the general fund—state appropriation for fiscal year 2020 and \$202,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of Substitute Senate Bill No. 5552 (pollinators). ~~((If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.))~~

(9) \$32,000 of the general fund—state appropriation for fiscal year 2020, \$32,000 of the general fund—state appropriation for fiscal year 2021, and \$52,000 of the general fund—federal appropriation are provided solely for the department to migrate to the state data center and are subject to the conditions, limitations, and review provided in ~~((section 719 of this act))~~ section 701 of this act.

(10) \$24,000 of the general fund—state appropriation for fiscal year 2020 and \$24,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the department to continue to convene and facilitate a food policy forum and to implement recommendations identified through the previous work of the food policy forum.

(a) The department shall coordinate implementation of the forum with the conservation commission and the office of farmland preservation.

(b) The director of the department and the director of the conservation commission shall jointly appoint members of the forum, and no appointment may be made unless each director concurs in the appointment.

(c) In addition to members appointed by the directors, four legislators may serve on the food policy forum in an ex officio capacity. Legislative participants must be appointed as follows:

(i) The speaker of the house of representatives shall appoint one member from each of the two largest caucuses of the house of representatives; and

(ii) The majority leader and minority leader of the senate shall appoint one member from each of the two largest caucuses of the senate.

(d) Meetings of the forum may be scheduled by either the director of the department or the director of the conservation commission.

(e) Staffing for the forum must be provided by the department working jointly with staff from the conservation commission.

(f) The department and conservation commission shall jointly develop the agenda for each forum meeting as well as a report from the food policy forum. The report must contain

recommendations and a workplan to implement the recommendations and must be delivered to the appropriate committees of the legislature and the governor by June 30, 2021.

(11) \$212,000 of the general fund—state appropriation for fiscal year 2020 is provided solely for the implementation of Engrossed Second Substitute Senate Bill No. 5276 (hemp production). ~~((If the bill is not enacted by June 30, 2019, the amount provided in this subsection shall lapse.))~~

(12) \$125,000 of the general fund—state appropriation for fiscal year 2020 and \$125,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the department to review and assist with agricultural economic development in southwest Washington. Funding is provided for the department to perform or contract for agricultural economic development services, including but not limited to grant application assistance, permitting assistance and coordination, and development of a food hub.

(13) \$250,000 of the aquatic lands enhancement account—state appropriation is provided solely to continue a shellfish coordinator position. The shellfish coordinator assists the industry with complying with regulatory requirements and will work with regulatory agencies to identify ways to streamline and make more transparent the permit process for establishing and maintaining shellfish operations.

(14) \$10,000 of the general fund—state appropriation for fiscal year 2020 is provided solely for the following activities:

(a) The department and the conservation commission must produce a gap analysis reviewing existing conservation grant programs and completed voluntary stewardship program plans to identify what technical assistance and cost-share resources are needed to meet the requirements placed on those activities by the legislature.

(b)(i) The department, in collaboration with the conservation commission, must develop recommendations for legislation or additional work that may be needed to implement a sustainable farms and fields grant program that prioritizes funding based on net reduction of greenhouse gas emissions on farm, aquatic, or ranch lands, including carbon sequestration.

(ii) The recommendations must incorporate the gap analysis required by this section. The recommendations must include information about how the program can complement and avoid competing with existing conservation programs, and provide cost share benefits to existing and new programs designed to improve water quality, critical habitats, and soil health and soil-health research on farm, aquatic, or timber lands.

(iii) The recommendations must be developed with input from stakeholder meetings with representatives from the environmental and agricultural communities.

(c) The department and the conservation commission must provide an update to the appropriate committees of the

legislature by August 1, 2019, and final recommendations by November 1, 2019.

(15) \$650,000 of the model toxics control operating account—state appropriation is provided solely for research to assist with development of an integrated pest management plan to address burrowing shrimp in Willapa Bay and Grays Harbor. The department must consult with the departments of ecology and natural resources and the Willapa-Grays Harbor working group formed from the settlement agreement with implementation of this subsection.

**Sec. 310.** 2019 c 415 s 310 (uncodified) is amended to read as follows:

#### **FOR THE WASHINGTON POLLUTION LIABILITY INSURANCE PROGRAM**

Pollution Liability Insurance Agency Underground Storage

Tank Revolving Account—State Appropriation  
..... ~~(((\$170,000))~~  
\$989,000

Pollution Liability Insurance Program Trust Account—State

Appropriation..... ~~(((\$1,655,000))~~  
\$1,857,000

TOTAL APPROPRIATION.....\$1,825,000  
\$2,846,000

**Sec. 311.** 2019 c 415 s 311 (uncodified) is amended to read as follows:

#### **FOR THE PUGET SOUND PARTNERSHIP**

General Fund—State Appropriation (FY 2020)  
..... ~~(((\$4,696,000))~~  
\$4,754,000

General Fund—State Appropriation (FY 2021)  
..... ~~(((\$4,758,000))~~  
\$5,243,000

General Fund—Federal Appropriation  
..... ~~(((\$12,708,000))~~  
\$12,736,000

Aquatic Lands Enhancement Account—State Appropriation..... ~~(((\$1,441,000))~~  
\$1,446,000

Model Toxics Control Operating Account—State  
Appropriation..... ~~(((\$752,000))~~  
\$757,000

Pension Funding Stabilization Account—State  
Appropriation.....\$276,000

TOTAL APPROPRIATION.....\$24,631,000

\$25,212,000

The appropriations in this section are subject to the following conditions and limitations:

(1) By October 15, 2020, the Puget Sound partnership shall provide the governor and appropriate legislative fiscal committees a single, prioritized list of state agency 2021-2023 capital and operating budget requests related to Puget Sound restoration.

(2) \$1,111,000 of the general fund—state appropriation for fiscal year 2020 and \$1,111,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the partnership to implement a competitive, peer-reviewed process for soliciting, prioritizing, and funding research projects designed to advance scientific understanding of Puget Sound recovery. Solicitations and project selection for effectiveness monitoring will be organized and overseen by the Puget Sound ecosystem monitoring program. Initial projects will focus on implementation and effectiveness of Chinook recovery efforts, effectiveness of actions to restore shellfish beds, and implementation of priority studies of the Salish Sea marine survival project. Monitoring reports must be provided in context to the overall success and progress of Puget Sound recovery efforts.

(3) \$237,000 of the general fund—state appropriation for fiscal year 2020 and \$263,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for coordinating updates to the outdated Puget Sound chinook salmon recovery plan, provide support for adaptive management of local watershed chapters, and advance regional work on salmon and ecosystem recovery through local integrating organizations.

(4) \$500,000 of the general fund—state appropriation for fiscal year 2020 and \$500,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for additional monitoring and accountability actions in response to recommendations from the joint legislative audit and review committee.

#### PART IV

#### TRANSPORTATION

**Sec. 401.** 2019 c 415 s 401 (uncodified) is amended to read as follows:

#### FOR THE DEPARTMENT OF LICENSING

General Fund—State Appropriation (FY 2020)  
.....(((\$5,424,000))

\$5,446,000

General Fund—State Appropriation (FY 2021)  
.....(((\$3,770,000))

\$3,776,000

Architects' License Account—State Appropriation  
.....(((\$1,454,000))

\$1,674,000

Real Estate Commission Account—State  
Appropriation.....(((\$13,263,000))

\$14,628,000

Uniform Commercial Code Account—State  
Appropriation.....(((\$2,922,000))

\$2,957,000

Real Estate Education Program Account—State  
Appropriation.....\$276,000

Real Estate Appraiser Commission Account—State

Appropriation.....(((\$1,743,000))

\$1,724,000

Business and Professions Account—State  
Appropriation.....(((\$24,752,000))

\$28,013,000

Real Estate Research Account—State Appropriation  
.....\$415,000

Firearms Range Account—State Appropriation  
.....\$74,000

Landscape Architects' License Account—State  
Appropriation.....(((\$58,000))

\$140,000

Appraisal Management Company Account—State  
Appropriation.....\$74,000

Concealed Pistol License Renewal Notification

Account—State Appropriation .....\$140,000

Geologists' Account—State Appropriation(((\$53,000))

\$131,000

Pension Funding Stabilization Account—State  
Appropriation.....\$96,000

Derelict Vessel Removal Account—State  
Appropriation.....\$33,000

TOTAL APPROPRIATION.....\$54,473,000

\$59,597,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Appropriations provided for the business and technology modernization project in this section are subject to the conditions, limitations, and review provided in ~~((section 719 of this act))~~ section 701 of this act.

(2) \$72,000 of the real estate appraiser commission account—state appropriation is provided solely for implementation of Engrossed Substitute Senate Bill No. 5480 (real estate appraisers). ~~((If the bill is not enacted by June 30, 2019, the amount provided in this subsection shall lapse.))~~

~~(4))~~ (3) \$144,000 of the business and professions account—state appropriation is provided solely for

implementation of Senate Bill No. 5641 (uniform law on notarial acts). ~~((If the bill is not enacted by June 30, 2019, the amount provided in this subsection shall lapse.))~~

~~((5))~~ (4) \$95,000 of the general fund—state appropriation for fiscal year 2020 and \$99,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the department to mail vessel registration renewal reminders.

~~((6))~~ (5) \$2,716,000 of the general fund—state appropriation for fiscal year 2020 and \$1,337,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the department to procure a commercial off-the-shelf solution to replace the legacy firearms system, and is subject to the conditions, limitations, and review provided in ~~((section 719 of this act))~~ section 701 of this act.

**Sec. 402.** 2019 c 415 s 402 (uncodified) is amended to read as follows:

**FOR THE WASHINGTON STATE PATROL**

General Fund—State Appropriation (FY 2020)  
.....~~(((\$56,301,000))~~  
\$57,282,000

General Fund—State Appropriation (FY 2021)  
.....~~(((\$55,374,000))~~  
\$58,249,000

General Fund—Federal Appropriation  
.....~~(((\$16,699,000))~~  
\$16,690,000

General Fund—Private/Local Appropriation  
.....\$3,091,000

Death Investigations Account—State Appropriation  
.....~~(((\$9,365,000))~~  
\$9,098,000

County Criminal Justice Assistance Account—State  
Appropriation .....~~(((\$4,546,000))~~  
\$4,550,000

Municipal Criminal Justice Assistance Account—  
State  
Appropriation .....~~(((\$1,641,000))~~  
\$1,643,000

Fire Service Trust Account—State Appropriation  
.....\$131,000

Vehicle License Fraud Account—State Appropriation  
.....\$119,000

Disaster Response Account—State Appropriation  
.....\$8,000,000

Washington Internet Crimes Against Children  
Account—State Appropriation.....\$1,500,000

Fire Service Training Account—State Appropriation  
.....~~(((\$11,764,000))~~  
\$11,766,000

Model Toxics Control Operating Account—State  
Appropriation.....\$588,000

Aquatic Invasive Species Management Account—  
State  
Appropriation.....\$54,000

Fingerprint Identification Account—State  
Appropriation .....~~(((\$16,405,000))~~  
\$16,448,000

Dedicated Marijuana Account—State Appropriation  
(FY 2020) .....\$2,723,000

Dedicated Marijuana Account—State Appropriation  
(FY 2021) .....~~(((\$2,523,000))~~  
\$2,673,000

Pension Funding Stabilization Account—State  
Appropriation.....\$3,300,000

TOTAL APPROPRIATION.....\$194,124,000  
\$197,905,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$8,000,000 of the disaster response account—state appropriation is provided solely for Washington state fire service resource mobilization costs incurred in response to an emergency or disaster authorized under RCW 43.43.960 through 43.43.964. The state patrol shall submit a report quarterly to the office of financial management and the legislative fiscal committees detailing information on current and planned expenditures from this account. This work shall be done in coordination with the military department.

(2) \$2,878,000 of the fingerprint identification account—state appropriation is provided solely for the completion of the state patrol's plan to upgrade the criminal history system, and is subject to the conditions, limitations, and review provided in ~~((section 719 of this act))~~ section 701 of this act.

(3) \$2,723,000 of the dedicated marijuana account—state appropriation for fiscal year 2020 and \$2,523,000 of the dedicated marijuana account—state appropriation for fiscal year 2021 are provided solely for the Washington state patrol's drug enforcement task force. The amounts in this subsection are provided solely for the following:

(a) \$2,423,000 of the dedicated marijuana account—state appropriation for fiscal year 2020 and \$2,423,000 of the dedicated marijuana account—state appropriation for fiscal year 2021 are provided solely for the Washington state patrol to partner with multi-jurisdictional drug and gang task forces

to detect, deter, and dismantle criminal organizations involved in criminal activity including diversion of marijuana from the legalized market and the illicit production and distribution of marijuana and marijuana-related products in Washington state.

(b) \$300,000 of the dedicated marijuana account—state appropriation for fiscal year 2020 and \$100,000 of the dedicated marijuana account—state appropriation for fiscal year 2021 are provided solely for a case management system to serve as a repository for all information regarding criminal cases. This system must allow state patrol investigators to enter information and to search to provide patterns, trends, and links which will allow the state patrol to identify connections on criminal investigations including efforts to dismantle marijuana and other drug trafficking organizations by identifying their established networks, and is subject to the conditions, limitations, and review provided in (~~section 719 of this act~~) section 701 of this act.

(4) \$479,000 of the general fund—state appropriation for fiscal year 2020 and \$255,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of Substitute Senate Bill No. 5181 (invol. treatment procedures). (~~If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.~~)

(5) \$13,000 of the general fund—state appropriation for fiscal year 2020 and \$2,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of Engrossed Second Substitute Senate Bill No. 5497 (immigrants in the workplace). (~~If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.~~)

(6) \$100,000 of the general fund—state appropriation for fiscal year 2020 and \$100,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of Senate Bill No. 5605 (marijuana misdemeanors). (~~If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.~~)

(7) \$679,000 of the general fund—state appropriation for fiscal year 2020 and \$643,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for addressing a backlog of toxicology tests in the toxicology laboratory.

(8) \$1,500,000 of the Washington internet crimes against children account—state appropriation is provided solely for the missing and exploited children's task force within the patrol to help prevent possible abuse to children and other vulnerable citizens from sexual abuse.

(9) \$356,000 of the general fund—state appropriation for fiscal year 2020, \$356,000 of the general fund—state appropriation for fiscal year 2021, and \$298,000 of the death investigations account—state appropriations are provided solely for increased supply and maintenance costs for the crime laboratory division and toxicology laboratory division.

(10) \$5,770,000 of the general fund—state appropriation for fiscal year 2020, \$3,243,000 of the general fund—state appropriation for fiscal year 2021, and

\$1,277,000 of the death investigations account—state appropriation are provided solely for implementation of Second Substitute House Bill No. 1166 (sexual assault). (~~If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.~~)

(11) \$282,000 of the general fund—state appropriation for fiscal year 2020 and \$263,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of Second Substitute House Bill No. 1713 (Native American women). (~~If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.~~)

(12) \$510,000 of the county criminal justice assistance account—state appropriation is provided solely for the Washington state patrol to support local police, sheriffs' departments, and multiagency task forces in the prosecution of criminals. However, the office of financial management must reduce the allotment of the amount provided in this subsection if allotment of the full appropriation will put the account into deficit.

(13) \$1,000,000 of the fire service training account—state appropriation is provided solely for the firefighter apprenticeship training program.

(14) \$150,000 of the dedicated marijuana account—state appropriation for fiscal year 2021 is for one intelligence analyst to be placed in the Washington state fusion center. The analyst will focus on higher level cartel and transnational organized crime, as well as gang and gun violence activities to assist the multi-jurisdictional drug and gang task forces and marijuana task forces. The primary responsibilities of this position are to assist the task forces by: (a) Identifying national, regional, and local patterns, trends, and links related to gang and firearm activity that impact Washington state; (b) developing actionable analytic products that support strategic, operational, and tactical objectives of task forces; (c) assisting law enforcement agencies with analytic case support; and (d) coordinating information sharing among federal, state, local, and tribal partners including fusion centers and private sector stakeholders.

(15) \$100,000 of the general fund—state appropriation for fiscal year 2020 and \$300,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the Washington state patrol to develop a plan for implementation of a centralized firearm background check system. Funding is sufficient to fund a consultant to design an information technology system to conduct firearm background checks through a centralized system and a Washington state patrol project manager to design the implementation plan. The design should include recommendations to comply with the direction in RCW 9.41.139 and leverage the new firearms database system currently being procured by the department of licensing to create one streamlined system. The Washington state patrol shall convene an interagency work group to inform the centralized firearm background check system implementation plan, to include but not limited to the department of licensing, administrative office of the courts, health care authority, and office of financial management.



Reports on the information technology system and the implementation plan shall be provided to the governor and appropriate committees of the legislature by December 1, 2020.

## PART V

### EDUCATION

**Sec. 501.** 2019 c 415 s 501 (uncodified) is amended to read as follows:

#### FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION

General Fund—State Appropriation (FY 2020)	.....(( <del>\$30,861,000</del> ))
	<u>\$31,056,000</u>
General Fund—State Appropriation (FY 2021)	.....(( <del>\$27,751,000</del> ))
	<u>\$27,393,000</u>
General Fund—Federal Appropriation	.....(( <del>\$99,348,000</del> ))
	<u>\$99,353,000</u>
General Fund—Private/Local Appropriation	.....\$8,060,000
Washington Opportunity Pathways Account—State Appropriation	.....\$265,000
Dedicated Marijuana Account—State Appropriation (FY 2020)	.....\$522,000
Dedicated Marijuana Account—State Appropriation (FY 2021)	.....\$530,000
Pension Funding Stabilization Account—State Appropriation	.....\$2,126,000
Performance Audits of Government Account—State Appropriation	.....\$213,000
Workforce Education Investment Account—State Appropriation	..... <u>\$150,000</u>
TOTAL APPROPRIATION	..... <del>\$169,676,000</del>
	<u>\$169,668,000</u>

The appropriations in this section are subject to the following conditions and limitations:

#### (1) BASE OPERATIONS AND EXPENSES OF THE OFFICE

(a) (~~(\$11,090,000)~~) \$11,109,000 of the general fund—state appropriation for fiscal year 2020 and (~~(\$11,087,000)~~) \$11,900,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the operation and expenses of the office of the superintendent of public instruction.

(i) The superintendent shall recognize the extraordinary accomplishments of four students who have demonstrated a strong understanding of the civics essential learning requirements to receive the Daniel J. Evans civic education award.

(ii) Districts shall report to the office of the superintendent of public instruction daily student unexcused absence data by school, using a uniform definition of unexcused absence as established by the superintendent.

(iii) By October 31st of each year, the office of the superintendent of public instruction shall produce an annual status report on implementation of the budget provisos in (~~sections 501, 515, and 522 of this act~~) section 501, chapter 415, Laws of 2019 and sections 513 and 520 of this act. The status report of each proviso shall include, but not be limited to, the following information: Purpose and objective, number of state staff funded by the proviso, number of contractors, status of proviso implementation, number of beneficiaries by year, list of beneficiaries, a comparison of budgeted funding and actual expenditures, other sources and amounts of funding, and proviso outcomes and achievements.

(iv) The superintendent of public instruction, in consultation with the secretary of state, shall update the program prepared and distributed under RCW 28A.230.150 for the observation of temperance and good citizenship day to include providing an opportunity for eligible students to register to vote at school.

(v) Districts shall annually report to the office of the superintendent of public instruction on: (A) The annual number of graduating high school seniors within the district earning the Washington state seal of biliteracy provided in RCW 28A.300.575; and (B) the number of high school students earning competency-based high school credits for world languages by demonstrating proficiency in a language other than English. The office of the superintendent of public instruction shall provide a summary report to the office of the governor and the appropriate committees of the legislature by December 1st of each year.

(vi) The office of the superintendent of public instruction shall provide statewide oversight and coordination to the regional nursing corps program supported through the educational service districts.

(b) \$857,000 of the general fund—state appropriation for fiscal year 2020 and (~~(\$857,000)~~) \$1,217,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for maintenance of the apportionment system, including technical staff and the data governance working group.

(c) \$2,300,000 of the general fund—state appropriation for fiscal year 2020 is provided solely for activities associated with the implementation of chapter 13, Laws of 2017 3rd sp. sess. (fully funding the program of basic education) within the amounts provided in this subsection (1)(c), up to \$300,000 is for the office of the superintendent of public instruction to review the use of local revenues for compliance with enrichment requirements, including the preballot approval of enrichment

levy spending plans approved by the superintendent of public instruction, and any supplemental contracts entered into under RCW 28A.400.200.

(d) \$494,000 of the general fund—state appropriation for fiscal year 2020 and \$494,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the implementation of chapter 240, Laws of 2010, including staffing the office of equity and civil rights.

(e) \$61,000 of the general fund—state appropriation for fiscal year 2020 and \$61,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the ongoing work of the education opportunity gap oversight and accountability committee.

(f) \$61,000 of the general fund—state appropriation for fiscal year 2020 and \$61,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the implementation of chapter 380, Laws of 2009 (enacting the interstate compact on educational opportunity for military children).

(g) \$265,000 of the Washington opportunity pathways account—state appropriation is provided solely for activities related to public schools other than common schools authorized under chapter 28A.710 RCW.

(h) Within amounts appropriated in this section, the office of the superintendent of public instruction and the state board of education shall adopt a rule that the minimum number of students to be used for public reporting and federal accountability purposes is ten.

(i) \$123,000 of the general fund—state appropriation for fiscal year 2020 and \$123,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of chapter 163, Laws of 2012 (foster care outcomes). The office of the superintendent of public instruction shall annually report each December on the implementation of the state's plan of cross-system collaboration to promote educational stability and improve education outcomes of foster youth.

(j) \$250,000 of the general fund—state appropriation for fiscal year 2020 and \$250,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of chapter 178, Laws of 2012 (open K-12 education resources).

(k) \$14,000 of the general fund—state appropriation for fiscal year 2020 and \$14,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of chapter 242, Laws of 2013 (state-tribal education compacts).

(l) \$131,000 of the general fund—state appropriation for fiscal year 2020, \$131,000 of the general fund—state appropriation for fiscal year 2021, and \$213,000 of the performance audits of government account—state appropriation are provided solely for the office of the superintendent of public instruction to perform on-going program reviews of alternative learning experience programs, dropout reengagement programs, and other high risk programs. Findings from the program reviews will be used to support and prioritize the office of the superintendent

of public instruction outreach and education efforts that assist school districts in implementing the programs in accordance with statute and legislative intent, as well as to support financial and performance audit work conducted by the office of the state auditor.

(m) \$117,000 of the general fund—state appropriation for fiscal year 2020 and \$117,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of chapter 3, Laws of 2015 1st sp. sess. (computer science).

(n) \$250,000 of the general fund—state appropriation for fiscal year 2020 and \$250,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of chapter 237, Laws of 2017 (paraeducators).

(o) \$235,000 of the general fund—state appropriation for fiscal year 2020 and \$235,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the office of native education to increase services to tribes, including but not limited to, providing assistance to tribes and school districts to implement Since Time Immemorial, applying to become tribal compact schools, convening the Washington state native American education advisory committee, and extending professional learning opportunities to provide instruction in tribal history, culture, and government.

(p) \$175,000 of the general fund—state appropriation for fiscal year 2020 and \$175,000 of the general fund—state appropriation for fiscal year 2021 are provided solely to promote the financial literacy of students. The effort will be coordinated through the financial literacy public-private partnership.

(q) \$75,000 of the general fund—state appropriation for fiscal year 2020 and \$75,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for staff at the office of the superintendent of public instruction to coordinate and promote efforts to develop integrated math, science, technology, and engineering programs in schools and districts across the state.

(r) \$481,000 of the general fund—state appropriation for fiscal year 2020 and \$481,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for additional full-time equivalent staff to support the work of the safety net committee and to provide training and support to districts applying for safety net awards.

(s) The superintendent of public instruction must study and make recommendations for how Washington can make dual credit enrollment cost-free to students who are enrolled in running start, college in the high school, advanced placement, international baccalaureate, or other qualifying dual credit programs within existing basic education apportionments. While developing recommendations, the superintendent must collaborate and consult with K-12 and higher education stakeholders with expertise in dual credit instruction, transcription, and costs. The superintendent shall report the recommendations to the education policy and operating budget committees of the legislature by November

1, 2019. The recommendations must, at a minimum, consider:

(i) How to increase dual credit offerings and access for students that aligns with the student's high school and beyond plan and provides a pathway to education and training after high school, including careers, professional-technical education, apprenticeship, a college degree, or military service, among others.

(ii) How to ensure transfer of college credits earned by dual credit students to/among institutions of higher education.

(iii) How basic education funding will be used to provide for fees, books, and other direct costs charged by institutions of higher education and K-12 districts.

(iv) How K-12 and postsecondary institutions will equitably expand dual credit opportunities for students.

(v) How K-12 and postsecondary institutions will ensure coordinated advising and support services for students enrolled in, or considering enrollment in, dual credit programs.

(t) \$44,000 of the general fund—state appropriation for fiscal year 2020 and \$44,000 of the general fund—state appropriation for fiscal year 2021 are provided solely to pay for services for space in the state data center and networking charges.

(u) \$46,000 of the general fund—state appropriation for fiscal year 2020 and \$46,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for a new server and backup application due to the move to the state data center.

(v) \$55,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the consolidated technology services to host the office's web site and for web site maintenance and support services.

(w) Districts shall report to the office the results of each collective bargaining agreement for certificated staff within their district using a uniform template as required by the superintendent, within thirty days of finalizing contracts. The data must include but is not limited to: Minimum and maximum base salaries, supplemental salary information, and average percent increase for all certificated instructional staff. Within existing resources by December 1st of each year, the office shall produce a report for the legislative evaluation and accountability program committee summarizing the district level collective bargaining agreement data.

(x) The office shall review and update the guidelines "prohibiting discrimination in Washington public schools," which must include religious accommodations. Students' sincerely held religious beliefs and practices must be reasonably accommodated with respect to all examinations and other requirements to successfully complete coursework.

(y) In section 116(8) of this act, the office of the education ombuds is directed to develop a plan to implement a program to promote skills, knowledge, and awareness

concerning issues of diversity, equity, and inclusion among families with school-age children, with a report due to the governor and the appropriate committees in the legislature by September 1, 2020. Within amounts provided in this subsection, the office of the superintendent of public instruction shall collaborate on the plan and report.

(z) In section 129(14) of this act, the office of financial management is directed to review and report on the pupil transportation funding system for K-12 education, the report is due to the governor and the appropriate committees in the legislature by September 1, 2020. Within amounts provided in this subsection, the office of the superintendent of public instruction shall collaborate on this review.

(aa) \$176,000 of the general fund—state appropriation for fiscal year 2020 and \$107,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the office of the superintendent of public instruction to collaborate with the office of the department of children, youth, and families to complete a report with options and recommendations for administrative efficiencies and long-term strategies that align and integrate high-quality early learning programs administered by both agencies. The report shall address capital needs, data collection and sharing, licensing changes, quality standards, options for community-based and school-based settings, fiscal modeling, and any statutory changes needed to achieve administrative efficiencies. The report is due to the governor and the appropriate legislative committees by September 1, 2020.

## (2) DATA SYSTEMS

(a) \$1,802,000 of the general fund—state appropriation for fiscal year 2020 and \$1,802,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementing a comprehensive data system to include financial, student, and educator data, including development and maintenance of the comprehensive education data and research system (CEDARS).

(b) \$1,221,000 of the general fund—state appropriation for fiscal year 2020 and ~~(\$1,221,000)~~ \$281,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for K-20 telecommunications network technical support in the K-12 sector to prevent system failures and avoid interruptions in school utilization of the data processing and video-conferencing capabilities of the network. These funds may be used to purchase engineering and advanced technical support for the network.

(c) \$450,000 of the general fund—state appropriation for fiscal year 2020 and \$450,000 of the general fund—state appropriation for fiscal year 2021 are provided for the superintendent of public instruction to develop and implement a statewide accountability system to address absenteeism and to improve student graduation rates. The system must use data to engage schools and districts in identifying successful strategies and systems that are based on federal and state accountability measures. Funding may also support the effort to provide assistance about successful strategies and systems to districts and schools that are underperforming in the targeted student subgroups.

## (3) WORK GROUPS

(a) \$335,000 of the general fund—state appropriation for fiscal year 2020 and \$335,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of chapter 206, Laws of 2018 (career and college readiness).

(b) \$200,000 of the general fund—state appropriation for fiscal year 2020 and \$200,000 of the general fund—state appropriation for fiscal year 2021 are provided for the office of the superintendent of public instruction to meet statutory obligations related to the provision of medically and scientifically accurate, age-appropriate, and inclusive sexual health education as authorized by chapter 206, Laws of 1988 (AIDS omnibus act) and chapter 265, Laws of 2007 (healthy youth act).

(c) The office of the superintendent of public instruction, in collaboration with the department of social and health services developmental disabilities administration and division of vocational rehabilitation, shall explore the development of an implementation plan to build statewide capacity among school districts to improve transition planning for students in special education who meet criteria for services from the developmental disabilities administration, and shall provide all school districts with an opportunity to participate. The plan shall be submitted in compliance with RCW 43.01.036 by November 1, 2018, and the final report must be submitted by November 1, 2020, to the governor and appropriate legislative committees.

(d) \$40,000 of the general fund—state appropriation for fiscal year 2020 is provided solely for the legislative youth advisory council. The council of statewide members advises legislators on issues of importance to youth.

(e) \$118,000 of the general fund—state appropriation for fiscal year 2020 and \$118,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of chapter 75, Laws of 2018 (dyslexia).

(f) \$183,000 of the general fund—state appropriation for fiscal year 2020 and \$48,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the implementation of Engrossed Substitute House Bill No. 1130 (pub. school language access). ~~((If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.))~~

(g) \$200,000 of the general fund—state appropriation for fiscal year 2020 and \$200,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of Second Substitute Senate Bill No. 5082 (social emotional learning). ~~((If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.))~~

(h)(i)(A) Within amounts provided in this section, the office of the superintendent of public instruction shall convene a work group to:

(I) Review provisions related to sexual health education in the health and physical education learning standards adopted in 2016;

(II) Review existing sexual health education curricula in use in the state for the purpose of identifying gaps or potential inconsistencies with the health and physical education learning standards;

(III) Consider revisions to sexual health education provisions in statute; and

(IV) Consider the merits and challenges associated with requiring all public schools offer comprehensive sexual health education to students in all grades by September 1, 2022. For purposes of this subsection (h), "comprehensive sexual health education" means instruction in sexual health that, at a minimum, is evidence-informed, medically and scientifically accurate, age appropriate, and inclusive for all students.

(B) In meeting the requirements of this subsection (h), the work group shall consult with a broad array of stakeholders representing diverse opinions.

(ii) The work group shall consist of the following members:

(A) The superintendent of public instruction or the superintendent's designee;

(B) Three representatives of school districts recommended by the Washington state school directors' association. To the extent possible, the school district representatives must reflect a diversity of student enrollment, geographic location, and urban, suburban, and rural locations;

(C) Three school principals recommended by an association of Washington school principals, one each representing an elementary school, a middle school, and a high school. The three principals must represent the geographic diversity of urban, suburban, and rural locations;

(D) Three public school health educators recommended by an association of Washington educators, one each representing grades kindergarten through five, grades six through eight, and grades nine through twelve. The three public school health educators must represent the geographic diversity of urban, suburban, and rural locations;

(E) Three public health officials, at least two of whom are local public health officials with expertise in developing or presenting comprehensive sexual health education materials and resources, as recommended by the Washington state department of health. The three public health officials must represent the geographic diversity of urban, suburban, and rural locations; and

(F) Three parents recommended in accordance with this subsection (3)(h)(ii)(F), one with a child enrolled in a public school west of the crest of the Cascade mountain range, one with a child enrolled in a public school east of the crest of the Cascade mountain range, and one with a child enrolled in a public school who is also receiving special education services. The recommendation for a parent of a public school student receiving special education services must be made by an association of parents, teachers, and students that focuses on the needs of students receiving special education services. The recommendation for the

other parents under this subsection must be made by an association of parents, teachers, and students.

(iii) The office of the superintendent of public instruction shall submit findings and recommendations required by this section to the state board of education, the department of health, and, in accordance with RCW 43.01.036, the education committees of the house of representatives and the senate by December 1, 2019.

(iv)(A) The office of the superintendent of public instruction and the Washington state school directors' association, shall collaborate with department of health to conduct a data survey of the availability of sexual health education in public schools and relevant health measures in those schools. All school districts shall submit to the office of the superintendent of public instruction, through the Washington school health profiles survey, or other reporting mechanisms, the curricula used in the district to teach sexual health education. The data survey must include a list of the schools within the boundaries of each school district that offer sexual health education and in which grade levels, and the curricula used to teach sexual health education, as reported according to RCW 28A.300.475(7). In addition, the data shall include, for each school district and inclusive of any charter schools that may be within the boundaries of the school district, the rate of teen pregnancy, sexually transmitted infections, suicide, depression, and adverse childhood experiences in each of the previous five years for which data is available. To the extent that the data allows, the information shall be collected by school district, inclusive of any charter schools that may be within the boundaries of the school district. To the extent allowed by existing data sources, the information must be disaggregated by age, race, ethnicity, free and reduced lunch eligibility, sexual orientation, gender identity and expression, and geography, including school district population density, and conveyed, to the maximum extent possible, in a manner that complies with WAC 392-117-060. The data survey may combine multiple years of data if necessary to comply with student privacy requirements.

(B) The office of the superintendent of public instruction shall utilize the information collected from the data survey to inform the work group established in (f) of this subsection. The office, in accordance with RCW 43.01.036, shall submit the data survey to the committees of the legislature with jurisdiction over matters related to education and health care and the governor by December 1, 2019.

#### (4) STATEWIDE PROGRAMS

(a) \$2,590,000 of the general fund—state appropriation for fiscal year 2020 and \$2,590,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the Washington kindergarten inventory of developing skills. State funding shall support statewide administration and district implementation of the inventory under RCW 28A.655.080.

(b) \$703,000 of the general fund—state appropriation for fiscal year 2020 and \$703,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for

implementation of chapter 72, Laws of 2016 (educational opportunity gap).

(c) \$950,000 of the general fund—state appropriation for fiscal year 2020 and \$950,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the Washington reading corps. The superintendent shall allocate reading corps members to schools identified for comprehensive or targeted support and school districts that are implementing comprehensive, proven, research-based reading programs. Two or more schools may combine their Washington reading corps programs.

(d) \$909,000 of the general fund—state appropriation for fiscal year 2020 and \$909,000 of the general fund—state appropriation for fiscal year 2021 are provided solely to implement chapter 18, Laws of 2013 2nd sp. sess. (strengthening student educational outcomes).

(e) \$10,000 of the general fund—state appropriation for fiscal year 2020 and \$10,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for chapter 102, Laws of 2014 (biliteracy seal).

(f)(i) \$50,000 of the general fund—state appropriation for fiscal year 2020 and \$50,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for school bullying and harassment prevention activities.

(ii) \$15,000 of the general fund—state appropriation for fiscal year 2020 and \$15,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of chapter 240, Laws of 2016 (school safety).

(iii) \$1,268,000 of the general fund—state appropriation for fiscal year 2020 ~~((and \$1,268,000 of the general fund—state appropriation for fiscal year 2021 are))~~ is provided solely to educational service districts for implementation of Second Substitute House Bill No. 1216 (school safety and well-being). ~~((If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.))~~

(iv) \$570,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the office of the superintendent of public instruction to provide statewide support and coordination for the regional network of behavioral health, school safety, and threat assessment established in chapter 333, Laws of 2019 (school safety and well-being). Within the amounts appropriated in this subsection (4)(f)(iv), \$200,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for grants to schools or school districts for planning and integrating tiered suicide prevention and behavioral health supports. Grants must be awarded first to districts demonstrating the greatest need and readiness. Grants may be used for intensive technical assistance and training, professional development, and evidence-based suicide prevention training.

(v) \$196,000 of the general fund—state appropriation for fiscal year 2020 and \$196,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the

school safety center within the office of the superintendent of public instruction.

(A) Within the amounts provided in this subsection (4)(f)(~~(iv)~~) (v), \$100,000 of the general fund—state appropriation for fiscal year 2020 and \$100,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for a school safety program to provide school safety training for all school administrators and school safety personnel. The school safety center advisory committee shall develop and revise the training program, using the best practices in school safety.

(B) Within the amounts provided in this subsection (4)(f)(~~(iv)~~) (v), \$96,000 of the general fund—state appropriation for fiscal year 2020 and \$96,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for administration of the school safety center. The safety center shall act as an information dissemination and resource center when an incident occurs in a school district in Washington or in another state, coordinate activities relating to school safety, review and approve manuals and curricula used for school safety models and training, and maintain a school safety information web site.

(g)(i) \$162,000 of the general fund—state appropriation for fiscal year 2020 and \$162,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for youth suicide prevention activities.

(ii) \$204,000 of the general fund—state appropriation for fiscal year 2020 is provided solely for implementation of chapter 202, Laws of 2017 (children's mental health).

(iii) \$20,000 of the general fund—state appropriation for fiscal year 2020 is provided solely for implementation of chapter 175, Laws of 2018 (children's mental health services).

(iv) \$76,000 of the general fund—state appropriation for fiscal year 2020 and \$76,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of chapter 64, Laws of 2018 (sexual abuse of students).

(h)(i) \$280,000 of the general fund—state appropriation for fiscal year 2020, \$280,000 of the general fund—state appropriation for fiscal year 2021, and \$1,052,000 of the dedicated marijuana account—state appropriation are provided solely for dropout prevention, intervention, and reengagement programs, including the jobs for America's graduates (JAG) program, dropout prevention programs that provide student mentoring, and the building bridges statewide program. Students in the foster care system or who are homeless shall be given priority by districts offering the jobs for America's graduates program. The office of the superintendent of public instruction shall convene staff representatives from high schools to meet and share best practices for dropout prevention. Of these amounts, \$522,000 of the dedicated marijuana account—state appropriation for fiscal year 2020, and \$530,000 of the dedicated marijuana account—state appropriation for fiscal year 2021 are provided solely for the building bridges statewide program.

(ii) \$293,000 of the general fund—state appropriation for fiscal year 2020 and \$293,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the office of the superintendent of public instruction to support district implementation of comprehensive guidance and planning programs in support of high-quality high school and beyond plans consistent with RCW 28A.230.090.

(iii) \$178,000 of the general fund—state appropriation for fiscal year 2020 and \$178,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of chapter 291, Laws of 2017 (truancy reduction efforts).

(i) Sufficient amounts are appropriated in this section for the office of the superintendent of public instruction to create a process and provide assistance to school districts in planning for future implementation of the summer knowledge improvement program grants.

(j) \$369,000 of the general fund—state appropriation for fiscal year 2020 and \$358,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the implementation of Second Substitute House Bill No. 1424 (CTE course equivalencies). ~~((If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.))~~

(k) \$400,000 of the general fund—state appropriation for fiscal year 2020 and \$196,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the implementation of Engrossed Second Substitute House Bill No. 1599 (high school graduation reqs.). ~~((If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.))~~

(l) \$60,000 of the general fund—state appropriation for fiscal year 2020, \$60,000 of the general fund—state appropriation for fiscal year 2021, and \$680,000 of the general fund—federal appropriation are provided solely for the implementation of Engrossed Second Substitute House Bill No. 1139 (educator workforce supply). Of the amounts provided in this subsection, \$680,000 of the general fund—federal appropriation is provided solely for title II SEA state-level activities to implement section 103 of Engrossed Second Substitute House Bill No. 1139 relating to the regional recruiters program. ~~((If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.))~~

(m) \$66,000 of the general fund—state appropriation for fiscal year 2020 and \$60,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the office of the superintendent of public instruction to evaluate and implement best practices and procedures for ensuring that student lunch periods include a seated lunch duration of at least twenty minutes. The office of the superintendent of public instruction shall, through an application-based process, select six public schools to serve as demonstration sites. Of the amounts provided in this subsection:

(i) \$30,000 of the general fund—state appropriation for fiscal year 2020 and \$30,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for annual grant awards of \$5,000 each provided to the six

school districts selected to serve as school demonstration sites;

(ii) \$20,000 of the general fund—state appropriation for fiscal year 2020 and \$20,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the office of the superintendent of public instruction to hire a consultant with expertise in nutrition programs to oversee the demonstration projects and provide technical support;

(iii) \$10,000 of the general fund—state appropriation for fiscal year 2020 and \$10,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the office of the superintendent of public instruction to provide technical support to the demonstration sites and report its findings and recommendations to the education committees of the house of representatives and the senate by June 30, 2021; and

(iv) \$6,000 of the general fund—state appropriation for fiscal year 2020 is provided solely for the Washington state school directors' association, in consultation with the office of the superintendent of public instruction, to adopt and make publicly available by February 14, 2020, a model policy and procedure that school districts may use to ensure that student lunch periods include a seated lunch duration of at least twenty minutes. In developing the model policy and procedure, the Washington state school directors' association shall, to the extent appropriate and feasible, incorporate pertinent recommendations from the office of the state auditor.

(n) \$25,000 of the general fund—state appropriation for fiscal year 2020 and \$50,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the office of the superintendent of public instruction to publish a list of schools and districts that are not complying with RCW 28A.325.010 and 28A.325.050. The office must publish the list no later than December 30, 2020. Within amounts appropriated in this subsection, the office of the superintendent of public instruction must:

(i) Collaborate with associated student body executive boards statewide regarding district policies to reduce the extracurricular opportunity gap.

(ii) Require school districts to collect and report to the associated student body executive board the 2018-19 school year data related to students in possession of associated student body cards and student participation in school-based athletic programs by January 15, 2020. School districts with more than one high school must provide each high school's associated student body executive board only the data from each associated student body executive board's respective high school.

(A) Each school district with a high school must collect and publish on its website the following school-level data from each high school for the 2018-19 school year by January 15, 2020, for the 2019-20 school year by April 15, 2020, and for the 2020-21 school year by April 15, 2021:

(I) The number of high school students who are eligible to participate in the federal free and reduced-price meals program;

(II) The purchase amount of an associated student body card for high school students;

(III) The discounted purchase amount of an associated student body card for high school students who are eligible to participate in the federal free and reduced-price meals program;

(IV) Athletic program participation fees and any discounted fees for high school students who are eligible to participate in the federal free and reduced-price meals program;

(V) The number of high school students who possess an associated student body card;

(VI) The number of high school students who are eligible to participate in the federal free and reduced-price meals program and possess an associated student body card;

(VII) The number of high school students participating in an athletic program; and

(VIII) The number of high school students participating in an athletic program who are eligible to participate in the federal free and reduced-price meals program.

(B) The data for the April 2020 and April 2021 reports must include at least two weeks of data from the beginning of spring athletics season.

(C) The office of the superintendent of public instruction must provide support to ensure that all districts comply with the data reporting requirements in this subsection.

(D) No later than January 15, 2020, the office of the superintendent of public instruction must publish a list of schools and districts that are not complying with RCW 28A.325.050.

(o) \$60,000 of the general fund—state appropriation for fiscal year 2020 and \$60,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the office of the superintendent of public instruction to collect and monitor restraint and isolation data pursuant to chapter 206, Laws of 2015, and to provide training, technical assistance, and other support to schools and districts to reduce the use of restraint and isolation.

(p) \$225,000 of the general fund—state appropriation in fiscal year 2020 and \$225,000 of the general fund—state appropriation in fiscal year 2021 are provided solely for the office of the superintendent of public instruction to develop or expand a mentoring program for persons employed as educational interpreters in public schools. Funds provided under this section may only be used for recruiting, hiring, and training persons to be employed by Washington sensory disability services who must provide mentoring services in different geographic regions of the state, with the dual goals of: Providing services, beginning with the 2019-20 school year, to any requesting school district; and assisting persons in the timely and successful achievement of performance standards for educational interpreters.

(q) \$150,000 of the general fund—state appropriation for fiscal year 2020 is provided solely for the office of the superintendent of public instruction to create a series of articles, videos, and educational curriculum on the history of agriculture in Washington state, including the role and impact of indigenous and immigrant farmers. The materials must be made available for free to schools, educators, and students. The office may collaborate with other agencies or entities in order to create the educational materials.

(r) \$61,000 of the general fund—state appropriation for fiscal year 2020 is provided solely for implementation of Substitute Senate Bill No. 5023 (ethnic studies). ~~((If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.))~~

(s) \$63,000 of the general fund—state appropriation for fiscal year 2020 and \$7,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of Engrossed Second Substitute Senate Bill No. 5497 (immigrants in the workplace). ~~((If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.))~~

(t) Within existing resources, the office shall consult with the Washington student achievement council to adopt rules pursuant to Senate Bill No. 5088 (computer science).

(u) \$125,000 of the general fund—state appropriation for fiscal year 2020 and \$125,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the office of the superintendent of public instruction to conduct a pilot program in five school districts of a dropout early warning and intervention data system as defined in RCW 28A.175.074, to identify students beginning in grade eight who are at risk of not graduating from high school and require additional supports. The system at a minimum must measure attendance, behavior, and course performance. The office of the superintendent of public instruction must report to the appropriate committees of the legislature the progress of all participating schools by December 15, 2020.

(v) Within existing resources, the office shall implement Substitute Senate Bill No. 5324 (homeless student support).

(w) \$150,000 of the workforce education investment account—state appropriation is provided solely for a tribal liaison at the office of the superintendent of public instruction to facilitate access to and support enrollment in career connected learning opportunities for tribal students, including career awareness and exploration, career preparation, and career launch programs, as defined in RCW 28C.30.020, so that tribal students may receive high school or college credit to the maximum extent possible.

**Sec. 502.** 2019 c 415 s 503 (uncodified) is amended to read as follows:

#### **FOR THE PROFESSIONAL EDUCATOR STANDARDS BOARD**

General Fund—State Appropriation (FY 2020)  
.....\$3,839,000

General Fund—State Appropriation (FY 2021)  
.....\$15,771,000

**TOTAL APPROPRIATION.....\$19,610,000**

The appropriations in this section are subject to the following conditions and limitations:

(1) \$2,834,000 of the general fund—state appropriation for fiscal year 2020 and \$2,887,000 of the general fund—state appropriation for fiscal year 2021 are provided solely to the professional educator standards board for the following:

(a) Within the amounts provided in this subsection (1), \$1,612,000 of the general fund—state appropriation for fiscal year 2020 and \$1,665,000 of the general fund—state appropriation for fiscal year 2021 are for the operation and expenses of the Washington professional educator standards board including implementation of chapter 172, Laws of 2017 (educator prep. data/PESB).

(b) Within the amounts provided in this subsection (1), \$600,000 of the general fund—state appropriation for fiscal year 2020 and \$600,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for grants to improve preservice teacher training and funding of alternate routes to certification programs administered by the professional educator standards board.

Within the amounts provided in this subsection (1)(b), up to \$500,000 of the general fund—state appropriation for fiscal year 2020 and up to \$500,000 of the general fund—state appropriation for fiscal year 2021 are provided for grants to public or private colleges of education in Washington state to develop models and share best practices for increasing the classroom teaching experience of preservice training programs.

(c) Within the amounts provided in this subsection (1), \$622,000 of the general fund—state appropriation for fiscal year 2020 and \$622,000 of the general fund—state appropriation for fiscal year 2021 are provided for the recruiting Washington teachers program with priority given to programs that support bilingual teachers, teachers from populations that are underrepresented, and English language learners. Of the amounts provided in this subsection (1)(c), \$500,000 of the general fund—state appropriation for fiscal year 2020 and \$500,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation and expansion of the bilingual educator initiative pilot project established under RCW 28A.180.120.

(2) \$272,000 of the general fund—state appropriation for fiscal year 2020 and \$150,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the implementation of Engrossed Second Substitute House Bill No. 1139 (educator workforce supply). ~~((If the bill is not enacted by June 30, 2019, the amount provided in this subsection shall lapse.))~~

(3) \$662,000 of the general fund—state appropriation for fiscal year 2020 and \$12,663,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of chapter 237, Laws of 2017 (paraeducators).



(a) Of the amount in this subsection, \$12,001,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for grants to districts to provide two days of training in the fundamental course of study to all paraeducators. Funds in this subsection are provided solely for reimbursement to school districts that provide two days of training in the fundamental course of study to paraeducators during the 2019-20 school year.

(b) During the 2020-21 school year, districts shall provide the remaining two days of training in the fundamental course of study for those paraeducators receiving their first two days in the 2019-20 school year in anticipation of reimbursement in July and August.

(c) No later than December 1, 2020, the professional educator standards board must submit a report to the legislature including the following:

(i) The total number of trainings that districts provided;

(ii) The number of paraeducators that completed the training, by district; and

(iii) The total expenditures reimbursed to school districts, by district.

**Sec. 503.** 2019 c 415 s 504 (uncodified) is amended to read as follows:

**FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR GENERAL APPORTIONMENT**

General Fund—State Appropriation (FY 2020)	
.....	<del>(\$8,752,402,000))</del>
	<u>\$8,801,256,000</u>
General Fund—State Appropriation (FY 2021)	
.....	<del>(\$9,137,269,000))</del>
	<u>\$9,181,763,000</u>
Education Legacy Trust Account—State Appropriation.....	\$1,345,730,000
<b>TOTAL APPROPRIATION .....</b>	<b><u>\$19,235,401,000</u></b>
	<u>\$19,328,749,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1)(a) Each general fund fiscal year appropriation includes such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.

(b) For the 2019-20 and 2020-21 school years, the superintendent shall allocate general apportionment funding to school districts as provided in the funding formulas and salary allocations in sections 504 and 505 of this act, excluding (c) of this subsection.

(c) From July 1, 2019, to August 31, 2019, the superintendent shall allocate general apportionment funding to school districts programs as provided in sections 502 and 503, chapter 299, Laws of 2018.

(d) The enrollment of any district shall be the annual average number of full-time equivalent students and part-time students as provided in RCW 28A.150.350, enrolled on the fourth day of school in September and on the first school day of each month October through June, including students who are in attendance pursuant to RCW 28A.335.160 and 28A.225.250 who do not reside within the servicing school district. Any school district concluding its basic education program in May must report the enrollment of the last school day held in May in lieu of a June enrollment.

(e)(i) Funding provided in part V of this act is sufficient to provide each full-time equivalent student with the minimum hours of instruction required under RCW 28A.150.220.

(ii) The office of the superintendent of public instruction shall align the agency rules defining a full-time equivalent student with the increase in the minimum instructional hours under RCW 28A.150.220, as amended by the legislature in 2014.

(f) The superintendent shall adopt rules requiring school districts to report full-time equivalent student enrollment as provided in RCW 28A.655.210.

(g) For the 2019-20 and 2020-21 school years, school districts must report to the office of the superintendent of public instruction the monthly actual average district-wide class size across each grade level of kindergarten, first grade, second grade, and third grade classes. The superintendent of public instruction shall report this information to the education and fiscal committees of the house of representatives and the senate by September 30th of each year.

**(2) CERTIFICATED INSTRUCTIONAL STAFF ALLOCATIONS**

Allocations for certificated instructional staff salaries for the 2019-20 and 2020-21 school years are determined using formula-generated staff units calculated pursuant to this subsection.

(a) Certificated instructional staff units, as defined in RCW 28A.150.410, shall be allocated to reflect the minimum class size allocations, requirements, and school prototype assumptions as provided in RCW 28A.150.260. The superintendent shall make allocations to school districts based on the district's annual average full-time equivalent student enrollment in each grade.

(b) Additional certificated instructional staff units provided in this subsection (2) that exceed the minimum requirements in RCW 28A.150.260 are enhancements outside the program of basic education, except as otherwise provided in this section.

(c)(i) The superintendent shall base allocations for each level of prototypical school, including those at which more than fifty percent of the students were eligible for free and reduced-price meals in the prior school year, on the following regular education average class size of full-time equivalent students per teacher, except as provided in (c)(ii) of this subsection:

General education  
class size:

Grade	RCW 28A.150.260	2019 School Year	2020 School Year
K		17.0	17.0
1		17.0	17.0
2		17.0	17.0
3		17.0	17.0
4		27.0	27.0
5-6		27.0	27.0
7-8		28.5	28.5
9-12		28.7	28.7

The superintendent shall base allocations for: Laboratory science average class size as provided in RCW 28A.150.260; career and technical education (CTE) class size of 23.0; and skill center program class size of 20.0.

(ii) Pursuant to RCW 28A.150.260(4)(a), the assumed teacher planning period, expressed as a percentage of a teacher work day, is 13.42 percent in grades K-6, and 16.67 percent in grades 7-12; and

(iii) Advanced placement and international baccalaureate courses are funded at the same class size assumptions as general education schools in the same grade; and

(d)(i) Funding for teacher librarians, school nurses, social workers, school psychologists, and guidance counselors is allocated based on the school prototypes as provided in RCW 28A.150.260 and is considered certificated instructional staff, except as provided in (d)(ii) of this subsection.

(ii)(A) For the twenty schools with the lowest overall school score for all students in the 2018-19 school year, as determined by the Washington school improvement framework among elementary schools, middle schools, and other schools not serving students up to twelfth grade, having enrollments greater than one hundred fifty students, in addition to the allocation under (d)(i) of this subsection the superintendent shall allocate additional funding for

guidance counselors for each level of prototypical school as follows:

	Elementary	Middle
Guidance counselors	0.307	0.512

To receive additional allocations under this subsection, a school eligible to receive the allocation must have demonstrated actual staffing for guidance counselors for its prototypical school level that meets or exceeds the staffing for guidance counselors in (d)(i) of this subsection and this subsection (2)(d)(ii)(A) for its prototypical school level. School districts must distribute the additional guidance counselors allocation in this subsection to the schools that generate the allocation. The enhancement within this subsection is not part of the state's program of basic education.

(B) Students in approved career and technical education and skill center programs generate certificated instructional staff units to provide for the services of teacher librarians, school nurses, social workers, school psychologists, and guidance counselors at the following combined rate per 1000 student full-time equivalent enrollment:

	2019-20 School Year	2020-21 School Year
Career and Technical Education	3.07	3.07
Skill Center	3.41	3.41

### (3) ADMINISTRATIVE STAFF ALLOCATIONS

(a) Allocations for school building-level certificated administrative staff salaries for the 2019-20 and 2020-21 school years for general education students are determined using the formula generated staff units calculated pursuant to this subsection. The superintendent shall make allocations to school districts based on the district's annual average full-time equivalent enrollment in each grade. The following prototypical school values shall determine the allocation for principals, assistant principals, and other certificated building level administrators:

Prototypical School Building:	
Elementary School	1.253
Middle School	1.353
High School	1.880

(b) Students in approved career and technical education and skill center programs generate certificated school building-level administrator staff units at per student

rates that are a multiple of the general education rate in (a) of this subsection by the following factors: Career and Technical Education students ..... 1.025

Skill Center students..... 1.198

#### (4) CLASSIFIED STAFF ALLOCATIONS

Allocations for classified staff units providing school building-level and district-wide support services for the 2019-20 and 2020-21 school years are determined using the formula-generated staff units provided in RCW 28A.150.260 and pursuant to this subsection, and adjusted based on each district's annual average full-time equivalent student enrollment in each grade.

#### (5) CENTRAL OFFICE ALLOCATIONS

In addition to classified and administrative staff units allocated in subsections (3) and (4) of this section, classified and administrative staff units are provided for the 2019-20 and 2020-21 school years for the central office administrative costs of operating a school district, at the following rates:

(a) The total central office staff units provided in this subsection (5) are calculated by first multiplying the total number of eligible certificated instructional, certificated administrative, and classified staff units providing school-based or district-wide support services, as identified in RCW 28A.150.260(6)(b) and the increased allocations provided pursuant to subsections (2) and (4) of this section, by 5.3 percent.

(b) Of the central office staff units calculated in (a) of this subsection, 74.53 percent are allocated as classified staff units, as generated in subsection (4) of this section, and 25.47 percent shall be allocated as administrative staff units, as generated in subsection (3) of this section.

(c) Staff units generated as enhancements outside the program of basic education to the minimum requirements of RCW 28A.150.260, and staff units generated by skill center and career-technical students, are excluded from the total central office staff units calculation in (a) of this subsection.

(d) For students in approved career-technical and skill center programs, central office classified units are allocated at the same staff unit per student rate as those generated for general education students of the same grade in this subsection (5), and central office administrative staff units are allocated at staff unit per student rates that exceed the general education rate established for students in the same grade in this subsection (5) by 12.51 percent in the 2019-20 school year and 12.53 percent in the 2020-21 school year for career and technical education students, and 17.84 percent in the 2019-20 school year and 17.86 percent in the 2020-21 school year for skill center students.

#### (6) FRINGE BENEFIT ALLOCATIONS

Fringe benefit allocations shall be calculated at a rate of 23.80 percent in the 2019-20 school year and ~~((23.80))~~ 23.89 percent in the 2020-21 school year for certificated salary allocations provided under subsections (2), (3), and (5) of this section, and a rate of 24.33 percent in the 2019-20 school year and ~~((24.33))~~ 24.37 percent in the 2020-21

school year for classified salary allocations provided under subsections (4) and (5) of this section.

#### (7) INSURANCE BENEFIT ALLOCATIONS

Insurance benefit allocations shall be calculated at the rates specified in section 506 of this act, based on the number of benefit units determined as follows:

(a) Until December 31, 2019 and for nonrepresented employees of educational service districts for the 2020-21 school year:

(i) The number of certificated staff units determined in subsections (2), (3), and (5) of this section; and

(ii) The number of classified staff units determined in subsections (4) and (5) of this section.

(b) Beginning January 1, 2020, and except for nonrepresented employees of educational service districts for the 2020-21 school year, the number of calculated benefit units determined below. Calculated benefit units are staff units multiplied by the benefit allocation factors established in ~~((section 938 of this act))~~ section 908 of this act. These factors are intended to adjust allocations so that, for the purpose of distributing insurance benefits, full-time equivalent employees may be calculated on the basis of 630 hours of work per year, with no individual employee counted as more than one full-time equivalent. The number of benefit units is determined as follows:

(i) The number of certificated staff units determined in subsections (2), (3), and (5) of this section multiplied by 1.02; and

(ii) The number of classified staff units determined in subsections (4) and (5) of this section multiplied by 1.43.

(c) For health benefits payments to the health care authority for benefits provided to school employees in January 2020, school districts must provide payment to the health care authority within three business days of receiving the January 2020 allocation for insurance benefits. The health care authority and office of the superintendent of public instruction must coordinate with school districts to enable timely payment to the health care authority consistent with this subsection.

#### (8) MATERIALS, SUPPLIES, AND OPERATING COSTS (MSOC) ALLOCATIONS

Funding is allocated per annual average full-time equivalent student for the materials, supplies, and operating costs (MSOC) incurred by school districts, consistent with the requirements of RCW 28A.150.260.

(a)(i) MSOC funding for general education students are allocated at the following per student rates:

##### MSOC RATES/STUDENT FTE

MSOC Component	2019-20	2020-21
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	School Year	School Year
Technology	\$135.91	<del>((138.75))</del> <u>\$138.50</u>
Utilities and Insurance	\$369.29	<del>((377.04))</del> <u>\$376.30</u>
Curriculum and Textbooks	\$145.92	<del>((148.99))</del> <u>\$148.69</u>
Other Supplies	\$289.00	<del>((295.07))</del> <u>\$294.49</u>
Library Materials	\$20.79	<del>((21.23))</del> <u>\$21.19</u>
Instructional Professional Development for Certificated and Classified Staff	\$22.57	<del>((23.04))</del> <u>\$22.99</u>
Facilities Maintenance	\$182.94	<del>((186.79))</del> <u>\$186.42</u>
Security and Central Office	\$126.74	<del>((129.41))</del> <u>\$129.15</u>
TOTAL BASIC EDUCATION MSOC/STUDENT FTE	\$1,293.16	<del>((1,320.32))</del> <u>\$1,317.73</u>

(ii) For the 2019-20 school year and 2020-21 school year, as part of the budget development, hearing, and review process required by chapter 28A.505 RCW, each school district must disclose: (A) The amount of state funding to be received by the district under (a) and (d) of this subsection (8); (B) the amount the district proposes to spend for materials, supplies, and operating costs; (C) the difference between these two amounts; and (D) if (A) of this subsection (8)(a)(ii) exceeds (B) of this subsection (8)(a)(ii), any proposed use of this difference and how this use will improve student achievement.

(b) Students in approved skill center programs generate per student FTE MSOC allocations of \$1,529.98 for the 2019-20 school year and ~~((1,562.11))~~ \$1,559.05 for the 2020-21 school year.

(c) Students in approved exploratory and preparatory career and technical education programs generate per student FTE MSOC allocations of \$1,529.98 for the 2019-

20 school year and ~~((1,562.11))~~ \$1,559.05 for the 2020-21 school year.

(d) Students in grades 9-12 generate per student FTE MSOC allocations in addition to the allocations provided in (a) through (c) of this subsection at the following rate:

MSOC Component	2019-20 School Year	2020- 21 School Year
Technology	\$39.08	<del>((39.90))</del> <u>\$39.83</u>
Curriculum and Textbooks	\$42.63	<del>((43.53))</del> <u>\$43.44</u>
Other Supplies	\$83.04	<del>((84.79))</del> <u>\$84.62</u>
Library Materials	\$5.78	<del>((5.90))</del> <u>\$5.89</u>
Instructional Professional Development for Certified and Classified Staff	\$7.11	<del>((7.25))</del> <u>\$7.24</u>
TOTAL GRADE 9-12 BASIC EDUCATION MSOC/STUDENT FTE	\$177.64	<del>((181.37))</del> <u>\$181.02</u>

#### (9) SUBSTITUTE TEACHER ALLOCATIONS

For the 2019-20 and 2020-21 school years, funding for substitute costs for classroom teachers is based on four (4) funded substitute days per classroom teacher unit generated under subsection (2) of this section, at a daily substitute rate of \$151.86.

#### (10) ALTERNATIVE LEARNING EXPERIENCE PROGRAM FUNDING

(a) Amounts provided in this section from July 1, 2019, to August 31, 2019, are adjusted to reflect provisions of chapter 299, Laws of 2018 (allocation of funding for students enrolled in alternative learning experiences).

(b) The superintendent of public instruction shall require all districts receiving general apportionment funding for alternative learning experience (ALE) programs as defined in WAC 392-121-182 to provide separate financial accounting of expenditures for the ALE programs offered in district or with a provider, including but not limited to private companies and multidistrict cooperatives, as well as

accurate, monthly headcount and FTE enrollment claimed for basic education, including separate counts of resident and nonresident students.

#### (11) DROPOUT REENGAGEMENT PROGRAM

The superintendent shall adopt rules to require students claimed for general apportionment funding based on enrollment in dropout reengagement programs authorized under RCW 28A.175.100 through 28A.175.115 to meet requirements for at least weekly minimum instructional contact, academic counseling, career counseling, or case management contact. Districts must also provide separate financial accounting of expenditures for the programs offered by the district or under contract with a provider, as well as accurate monthly headcount and full-time equivalent enrollment claimed for basic education, including separate enrollment counts of resident and nonresident students.

#### (12) ALL DAY KINDERGARTEN PROGRAMS

Funding in this section is sufficient to fund all day kindergarten programs in all schools in the 2019-20 school year and 2020-21 school year, pursuant to RCW 28A.150.220 and 28A.150.315.

#### (13) ADDITIONAL FUNDING FOR SMALL SCHOOL DISTRICTS AND REMOTE AND NECESSARY PLANTS

For small school districts and remote and necessary school plants within any district which have been judged to be remote and necessary by the superintendent of public instruction, additional staff units are provided to ensure a minimum level of staffing support. Additional administrative and certificated instructional staff units provided to districts in this subsection shall be reduced by the general education staff units, excluding career and technical education and skills center enhancement units, otherwise provided in subsections (2) through (5) of this section on a per district basis.

(a) For districts enrolling not more than twenty-five average annual full-time equivalent students in grades K-8, and for small school plants within any school district which have been judged to be remote and necessary by the superintendent of public instruction and enroll not more than twenty-five average annual full-time equivalent students in grades K-8:

(i) For those enrolling no students in grades 7 and 8, 1.76 certificated instructional staff units and 0.24 certificated administrative staff units for enrollment of not more than five students, plus one-twentieth of a certificated instructional staff unit for each additional student enrolled; and

(ii) For those enrolling students in grades 7 or 8, 1.68 certificated instructional staff units and 0.32 certificated administrative staff units for enrollment of not more than five students, plus one-tenth of a certificated instructional staff unit for each additional student enrolled;

(b) For specified enrollments in districts enrolling more than twenty-five but not more than one hundred average annual full-time equivalent students in grades K-8,

and for small school plants within any school district which enroll more than twenty-five average annual full-time equivalent students in grades K-8 and have been judged to be remote and necessary by the superintendent of public instruction:

(i) For enrollment of up to sixty annual average full-time equivalent students in grades K-6, 2.76 certificated instructional staff units and 0.24 certificated administrative staff units; and

(ii) For enrollment of up to twenty annual average full-time equivalent students in grades 7 and 8, 0.92 certificated instructional staff units and 0.08 certificated administrative staff units;

(c) For districts operating no more than two high schools with enrollments of less than three hundred average annual full-time equivalent students, for enrollment in grades 9-12 in each such school, other than alternative schools, except as noted in this subsection:

(i) For remote and necessary schools enrolling students in any grades 9-12 but no more than twenty-five average annual full-time equivalent students in grades K-12, four and one-half certificated instructional staff units and one-quarter of a certificated administrative staff unit;

(ii) For all other small high schools under this subsection, nine certificated instructional staff units and one-half of a certificated administrative staff unit for the first sixty average annual full-time equivalent students, and additional staff units based on a ratio of 0.8732 certificated instructional staff units and 0.1268 certificated administrative staff units per each additional forty-three and one-half average annual full-time equivalent students;

(iii) Districts receiving staff units under this subsection shall add students enrolled in a district alternative high school and any grades nine through twelve alternative learning experience programs with the small high school enrollment for calculations under this subsection;

(d) For each nonhigh school district having an enrollment of more than seventy annual average full-time equivalent students and less than one hundred eighty students, operating a grades K-8 program or a grades 1-8 program, an additional one-half of a certificated instructional staff unit;

(e) For each nonhigh school district having an enrollment of more than fifty annual average full-time equivalent students and less than one hundred eighty students, operating a grades K-6 program or a grades 1-6 program, an additional one-half of a certificated instructional staff unit;

(f)(i) For enrollments generating certificated staff unit allocations under (a) through (e) of this subsection, one classified staff unit for each 2.94 certificated staff units allocated under such subsections;

(ii) For each nonhigh school district with an enrollment of more than fifty annual average full-time equivalent students and less than one hundred eighty students, an additional one-half of a classified staff unit; and

(g) School districts receiving additional staff units to support small student enrollments and remote and necessary plants under this subsection (13) shall generate additional MSOC allocations consistent with the nonemployee related costs (NERC) allocation formula in place for the 2010-11 school year as provided section 502, chapter 37, Laws of 2010 1st sp. sess. (2010 supplemental budget), adjusted annually for inflation.

(14) Any school district board of directors may petition the superintendent of public instruction by submission of a resolution adopted in a public meeting to reduce or delay any portion of its basic education allocation for any school year. The superintendent of public instruction shall approve such reduction or delay if it does not impair the district's financial condition. Any delay shall not be for more than two school years. Any reduction or delay shall have no impact on levy authority pursuant to RCW 84.52.0531 and local effort assistance pursuant to chapter 28A.500 RCW.

(15) The superintendent may distribute funding for the following programs outside the basic education formula during fiscal years 2020 and 2021 as follows:

(a) \$650,000 of the general fund—state appropriation for fiscal year 2020 and \$650,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for fire protection for school districts located in a fire protection district as now or hereafter established pursuant to chapter 52.04 RCW.

(b) \$436,000 of the general fund—state appropriation for fiscal year 2020 and \$436,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for programs providing skills training for secondary students who are enrolled in extended day school-to-work programs, as approved by the superintendent of public instruction. The funds shall be allocated at a rate not to exceed \$500 per full-time equivalent student enrolled in those programs.

(16) Funding in this section is sufficient to fund a maximum of 1.6 FTE enrollment for skills center students pursuant to chapter 463, Laws of 2007.

(17) Funding in this section is sufficient to fund a maximum of 1.2 FTE enrollment for career launch students pursuant to RCW 28A.700.130. Expenditures for this purpose must come first from the appropriations provided in section 521 of this act; funding for career launch enrollment exceeding those appropriations is provided in this section.

(18) Students participating in running start programs may be funded up to a combined maximum enrollment of 1.2 FTE including school district and institution of higher education enrollment consistent with the running start course requirements provided in chapter 202, Laws of 2015 (dual credit education opportunities). In calculating the combined 1.2 FTE, the office of the superintendent of public instruction may average the participating student's September through June enrollment to account for differences in the start and end dates for courses provided by the high school and higher education institution. Additionally, the office of the superintendent of public instruction, in consultation with the state board for

community and technical colleges, the student achievement council, and the education data center, shall annually track and report to the fiscal committees of the legislature on the combined FTE experience of students participating in the running start program, including course load analyses at both the high school and community and technical college system.

~~((48))~~ (19) If two or more school districts consolidate and each district was receiving additional basic education formula staff units pursuant to subsection (13) of this section, the following apply:

(a) For three school years following consolidation, the number of basic education formula staff units shall not be less than the number of basic education formula staff units received by the districts in the school year prior to the consolidation; and

(b) For the fourth through eighth school years following consolidation, the difference between the basic education formula staff units received by the districts for the school year prior to consolidation and the basic education formula staff units after consolidation pursuant to subsection (13) of this section shall be reduced in increments of twenty percent per year.

~~((49))~~ (20)(a) Indirect cost charges by a school district to approved career and technical education middle and secondary programs shall not exceed the lesser of five percent or the cap established in federal law of the combined basic education and career and technical education program enhancement allocations of state funds. Middle and secondary career and technical education programs are considered separate programs for funding and financial reporting purposes under this section.

(b) Career and technical education program full-time equivalent enrollment shall be reported on the same monthly basis as the enrollment for students eligible for basic support, and payments shall be adjusted for reported career and technical education program enrollments on the same monthly basis as those adjustments for enrollment for students eligible for basic support.

~~((20))~~ (21) Funding in this section is sufficient to provide full general apportionment payments to school districts eligible for federal forest revenues as provided in RCW 28A.520.020. For the 2019-2021 biennium, general apportionment payments are not reduced for school districts receiving federal forest revenues.

**Sec. 504.** 2019 c 415 s 505 (uncodified) is amended to read as follows:

#### **FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—BASIC EDUCATION EMPLOYEE COMPENSATION**

(1) The following calculations determine the salaries used in the state allocations for certificated instructional, certificated administrative, and classified staff units as provided in RCW 28A.150.260, and under ~~((section 504 of this act))~~ section 503 of this act: For the 2019-20 school year and the 2020-21 school year salary allocations for certificated instructional staff, certificated administrative

staff, and classified staff units are determined for each school district by multiplying the statewide minimum salary allocation for each staff type by the school district's regionalization factor shown in LEAP Document 3.

#### Statewide Minimum Salary Allocation

Staff Type	2019-20 School Year	2020- 21 School Year
Certificated Instructional	\$66,520	<del>(\$67,917)</del> <u>\$67,784</u>
Certificated Administrative	\$98,741	<del>(\$100,815)</del> <u>\$100,617</u>
Classified	\$47,720	<del>(\$48,722)</del> <u>\$48,627</u>

(2) For the purposes of this section, "LEAP Document 3" means the school district regionalization factors for certificated instructional, certificated administrative, and classified staff, as developed by the legislative evaluation and accountability program committee on December ~~((40, 2018, at 8:24 hours))~~ 12, 2019, at 11:12 hours.

(3) Incremental fringe benefit factors are applied to salary adjustments at a rate of 23.16 percent for school year 2019-20 and ~~((23.16))~~ 23.25 percent for school year 2020-21 for certificated instructional and certificated administrative staff and 20.83 percent for school year 2019-20 and ~~((20.83))~~ 20.87 percent for the 2020-21 school year for classified staff.

(4) The salary allocations established in this section are for allocation purposes only except as provided in this subsection, and do not entitle an individual staff position to a particular paid salary except as provided in RCW 28A.400.200, as amended by chapter 13, Laws of 2017 3rd sp. sess. (fully funding the program of basic education).

**Sec. 505.** 2019 c 415 s 506 (uncodified) is amended to read as follows:

#### **FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR SCHOOL EMPLOYEE COMPENSATION ADJUSTMENTS**

General Fund—State Appropriation (FY 2020)	<del>(\$379,041,000)</del> <u>\$384,747,000</u>
General Fund—State Appropriation (FY 2021)	<del>(\$726,648,000)</del> <u>\$695,167,000</u>

TOTAL APPROPRIATION.....~~\$1,105,689,000~~  
\$1,079,914,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The salary increases provided in this section are 2.0 percent for the 2019-20 school year, and ~~((2.1))~~ 1.9 percent for the 2020-21 school year, the annual inflationary adjustments pursuant to RCW 28A.400.205.

(2)(a) In addition to salary allocations ~~((specified in this subsection (1) funding))~~, the appropriations in this ~~((subsection includes two days of))~~ section include funding for professional learning as defined in RCW 28A.415.430, 28A.415.432, and 28A.415.434. Funding for this purpose is calculated as the equivalent of two days of salary and benefits for each of the funded full-time equivalent certificated instructional staff units in school year 2019-20, and three days ~~((of professional learning))~~ of salary and benefits for each of the funded full-time equivalent certificated instructional staff units in school year 2020-21. Nothing in this section entitles an individual certificated instructional staff to any particular number of professional learning days.

(b) Of the funding provided for professional learning in this section, the equivalent of one day of salary and benefits for each of the funded full-time equivalent certificated instructional staff units in school year 2020-21 must be used to train school district staff on racial literacy, cultural responsiveness, and stereotype threat for purposes of closing persistent opportunity gaps.

(3)(a) The appropriations in this section include associated incremental fringe benefit allocations at 23.16 percent for the 2019-20 school year and ~~((23.16))~~ 23.25 percent for the 2020-21 school year for certificated instructional and certificated administrative staff and 20.83 percent for the 2019-20 school year and ~~((20.83))~~ 20.87 percent for the 2020-21 school year for classified staff.

(b) The appropriations in this section include the increased or decreased portion of salaries and incremental fringe benefits for all relevant state-funded school programs in part V of this act. Changes for general apportionment (basic education) are based on the salary allocations and methodology in ~~((sections 504 and 505 of this act))~~ sections 503 and 504 of this act. Changes for special education result from changes in each district's basic education allocation per student. Changes for educational service districts and institutional education programs are determined by the superintendent of public instruction using the methodology for general apportionment salaries and benefits in ~~((sections 504 and 505 of this act))~~ sections 503 and 504 of this act. Changes for pupil transportation are determined by the superintendent of public instruction pursuant to RCW 28A.160.192, and impact compensation factors in sections 504, 505, and 506 of this act.

(c) The appropriations in this section include no salary adjustments for substitute teachers.

(4) The appropriations in this section are sufficient to fund the collective bargaining agreement referenced in

~~((section 938 of this act))~~ section 908 of this act and reflect the incremental change in cost of allocating rates as follows:

(a) For the 2019-20 school year, \$973.00 per month from September 1, 2019, to December 31, 2019, \$994 per month from January 1, 2020, to June 30, 2020, and \$1,056 per month from July 1, 2020, to August 31, 2020; and

(b) For the 2020-21 school year, ~~(((\$1,056))~~ \$1,029 per month.

(5) When bargaining for funding for school employees health benefits for the 2021-2023 fiscal biennium, any proposal agreed upon must assume the imposition of a twenty-five dollar per month surcharge payment from members who use tobacco products and a surcharge payment of not less than fifty dollars per month from members who cover a spouse or domestic partner where the spouse or domestic partner has chosen not to enroll in another employer-based group health insurance that has benefits and premiums with an actuarial value of not less than ninety-five percent of the actuarial value of the public employees' benefits board plan with the largest enrollment. The surcharge payments shall be collected in addition to the member premium payment.

(6) The rates specified in this section are subject to revision each year by the legislature.

(7)(a) \$1,226,000 of the general fund—state appropriation for fiscal year 2020 ~~((and \$2,763,000 of the general fund—state appropriation for fiscal year 2021 are))~~ is provided solely for changes to the special education cost multiplier as specified in Engrossed Second Substitute Senate Bill No. 5091 (special education funding).

(b) Within amounts appropriated in this section, funding is provided for fiscal year 2021 for changes to the special education cost multiplier as specified in chapter 387, Laws of 2019 (special education funding).

**Sec. 506.** 2019 c 415 s 507 (uncodified) is amended to read as follows:

**FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR PUPIL TRANSPORTATION**

General Fund—State Appropriation (FY 2020)	<del>(((\$614,906,000))</del>
	<u>\$666,162,000</u>
General Fund—State Appropriation (FY 2021)	<del>(((\$615,788,000))</del>
	<u>\$641,529,000</u>
TOTAL APPROPRIATION .....	<u>\$1,230,694,000</u>
	<u>\$1,307,691,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) Each general fund fiscal year appropriation includes such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.

(2)(a) For the 2019-20 and 2020-21 school years, the superintendent shall allocate funding to school district programs for the transportation of eligible students as provided in RCW 28A.160.192. Funding in this section constitutes full implementation of RCW 28A.160.192, which enhancement is within the program of basic education. Students are considered eligible only if meeting the definitions provided in RCW 28A.160.160.

(b) From July 1, 2019, to August 31, 2019, the superintendent shall allocate funding to school districts programs for the transportation of students as provided in section 505, chapter 299, Laws of 2018.

(3) Within amounts appropriated in this section, up to \$10,000,000 of the general fund—state appropriation for fiscal year 2020 and up to \$10,000,000 of the general fund—state appropriation for fiscal year 2021 are for a transportation alternate funding grant program based on the alternate funding process established in RCW 28A.160.191. The superintendent of public instruction must include a review of school district efficiency rating, key performance indicators and local school district characteristics such as unique geographic constraints in the grant award process.

(4) A maximum of \$939,000 of this fiscal year 2020 appropriation and a maximum of \$939,000 of the fiscal year 2021 appropriation may be expended for regional transportation coordinators and related activities. The transportation coordinators shall ensure that data submitted by school districts for state transportation funding shall, to the greatest extent practical, reflect the actual transportation activity of each district.

(5) Subject to available funds under this section, school districts may provide student transportation for summer skills center programs.

(6) The office of the superintendent of public instruction shall provide reimbursement funding to a school district for school bus purchases only after the superintendent of public instruction determines that the school bus was purchased from the list established pursuant to RCW 28A.160.195(2) or a comparable competitive bid process based on the lowest price quote based on similar bus categories to those used to establish the list pursuant to RCW 28A.160.195.

(7) The superintendent of public instruction shall base depreciation payments for school district buses on the presales tax five-year average of lowest bids in the appropriate category of bus. In the final year on the depreciation schedule, the depreciation payment shall be based on the lowest bid in the appropriate bus category for that school year.

(8) Funding levels in this section reflect waivers granted by the state board of education for four-day school weeks as allowed under RCW 28A.305.141.

(9) The office of the superintendent of public instruction shall annually disburse payments for bus depreciation in August.

**Sec. 507.** 2019 c 415 s 509 (uncodified) is amended to read as follows:



**FOR THE SUPERINTENDENT OF PUBLIC  
INSTRUCTION—FOR SPECIAL EDUCATION  
PROGRAMS**

General Fund—State Appropriation (FY 2020)	
.....	<del>(\$1,402,262,000))</del>
	<u>\$1,414,005,000</u>
General Fund—State Appropriation (FY 2021)	
.....	<del>(\$1,501,646,000))</del>
	<u>\$1,456,990,000</u>
General Fund—Federal Appropriation	
.....	<del>(\$499,428,000))</del>
	<u>\$514,004,000</u>
Education Legacy Trust Account—State Appropriation.....	\$54,694,000
Pension Funding Stabilization Account—State Appropriation.....	\$20,000
TOTAL APPROPRIATION .....	<u>\$3,458,050,000</u>
	<u>\$3,439,713,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1)(a) Funding for special education programs is provided on an excess cost basis, pursuant to RCW 28A.150.390. School districts shall ensure that special education students as a class receive their full share of the general apportionment allocation accruing through ~~((sections 504 and 506 of this act))~~ sections 503 and 505 of this act. To the extent a school district cannot provide an appropriate education for special education students under chapter 28A.155 RCW through the general apportionment allocation, it shall provide services through the special education excess cost allocation funded in this section.

(b) Funding provided within this section is sufficient for districts to provide school principals and lead special education teachers annual professional development on the best-practices for special education instruction and strategies for implementation. Districts shall annually provide a summary of professional development activities to the office of the superintendent of public instruction.

(2)(a) The superintendent of public instruction shall ensure that:

(i) Special education students are basic education students first;

(ii) As a class, special education students are entitled to the full basic education allocation; and

(iii) Special education students are basic education students for the entire school day.

(b) The superintendent of public instruction shall continue to implement the full cost method of excess cost accounting, as designed by the committee and recommended by the superintendent, pursuant to section 501(1)(k), chapter 372, Laws of 2006.

(3) Each fiscal year appropriation includes such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.

(4)(a) For the 2019-20 and 2020-21 school years, the superintendent shall allocate funding to school district programs for special education students as provided in RCW 28A.150.390 as amended by chapter 266, Laws of 2018 (basic education), except that the calculation of the base allocation also includes allocations provided under ~~((section 504 (2) and (4) of this act))~~ section 503 (2) and (4) of this act and RCW 28A.150.415, which enhancement is within the program of basic education.

(b) From July 1, 2019, to August 31, 2019, the superintendent shall allocate funding to school district programs for special education students as provided in section 507, chapter 299, Laws of 2018.

(5) The following applies throughout this section: The definitions for enrollment and enrollment percent are as specified in RCW 28A.150.390(3). Each district's general fund—state funded special education enrollment shall be the lesser of the district's actual enrollment percent or 13.5 percent.

(6) At the request of any interdistrict cooperative of at least 15 districts in which all excess cost services for special education students of the districts are provided by the cooperative, the maximum enrollment percent shall be calculated in accordance with RCW 28A.150.390(3) (c) and (d), and shall be calculated in the aggregate rather than individual district units. For purposes of this subsection, the average basic education allocation per full-time equivalent student shall be calculated in the aggregate rather than individual district units.

(7) ~~(((\$71,253,000))~~ \$63,609,000 of the general fund—state appropriation for fiscal year 2020, ~~(((\$87,253,000))~~ \$89,588,000 of the general fund—state appropriation for fiscal year 2021, and \$29,574,000 of the general fund—federal appropriation are provided solely for safety net awards for districts with demonstrated needs for special education funding beyond the amounts provided in subsection (4) of this section. If the federal safety net awards based on the federal eligibility threshold exceed the federal appropriation in this subsection (7) in any fiscal year, the superintendent shall expend all available federal discretionary funds necessary to meet this need. At the conclusion of each school year, the superintendent shall recover safety net funds that were distributed prospectively but for which districts were not subsequently eligible.

(a) For the 2019-20 and 2020-21 school years, safety net funds shall be awarded by the state safety net oversight committee as provided in section 109(1) chapter 548, Laws of 2009 (education).

(b) The office of the superintendent of public instruction shall make award determinations for state safety net funding in August of each school year, except that the superintendent of public instruction shall make award determinations for state safety net funding in July of each school year for the Washington state school for the blind and for the center for childhood deafness and hearing loss.

Determinations on school district eligibility for state safety net awards shall be based on analysis of actual expenditure data from the current school year.

(8) A maximum of \$931,000 may be expended from the general fund—state appropriations to fund 5.43 full-time equivalent teachers and 2.1 full-time equivalent aides at children's orthopedic hospital and medical center. This amount is in lieu of money provided through the home and hospital allocation and the special education program.

(9) The superintendent shall maintain the percentage of federal flow-through to school districts at 85 percent. In addition to other purposes, school districts may use increased federal funds for high-cost students, for purchasing regional special education services from educational service districts, and for staff development activities particularly relating to inclusion issues.

(10) A school district may carry over from one year to the next year up to 10 percent of the general fund—state funds allocated under this program; however, carryover funds shall be expended in the special education program.

(11) \$50,000 of the general fund—state appropriation for fiscal year 2020, \$50,000 of the general fund—state appropriation for fiscal year 2021, and \$100,000 of the general fund—federal appropriation are provided solely for a special education family liaison position within the office of the superintendent of public instruction.

(12)(a) \$30,746,000 of the general fund—state appropriation for fiscal year 2020 (~~and \$46,425,000 of the general fund—state appropriation for fiscal year 2021 are~~) is provided solely for changes to the special education cost multiplier as specified in Engrossed Second Substitute Senate Bill No. 5091 (special education funding).

(b) Within amounts appropriated in this section, funding is provided for fiscal year 2021 for changes to the special education cost multiplier as specified in chapter 387, Laws of 2019 (special education funding).

(13) \$10,000,000 of the general fund—state appropriation for fiscal year 2020 and \$15,000,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the office of the superintendent of public instruction to support professional development in inclusionary practices for classroom teachers. The primary form of support to public school classroom teachers must be for mentors who are experts in best practices for inclusive education, differentiated instruction, and individualized instruction. Funding for mentors must be prioritized to the public schools with the highest percentage of students with individualized education programs aged six through twenty-one who spend the least amount of time in general education classrooms.

(14) Beginning September 1, 2020, funding for payments to providers for the early support for infants and toddler program is transferred to the department of children, youth, and families to implement Z-0775.1/20 (early support for infants and toddlers transfer). The amount of the transfer and related funding requirements are included in section 225(5)(k) of this act.

**Sec. 508.** 2019 c 415 s 510 (uncodified) is amended to read as follows:

**FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR EDUCATIONAL SERVICE DISTRICTS**

General Fund—State Appropriation (FY 2020)	
.....	\$12,869,000
General Fund—State Appropriation (FY 2021)	
.....	(\$12,948,000)
	<u>\$20,501,000</u>
TOTAL APPROPRIATION.....	<u>\$25,817,000</u>
	<u>\$33,370,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) The educational service districts shall continue to furnish financial services required by the superintendent of public instruction and RCW 28A.310.190 (3) and (4).

(2) Funding within this section is provided for regional professional development related to mathematics and science curriculum and instructional strategies aligned with common core state standards and next generation science standards. Funding shall be distributed among the educational service districts in the same proportion as distributions in the 2007-2009 biennium. Each educational service district shall use this funding solely for salary and benefits for a certificated instructional staff with expertise in the appropriate subject matter and in professional development delivery, and for travel, materials, and other expenditures related to providing regional professional development support.

(3) Funding within this section is provided for regional professional development related to English language arts curriculum and instructional strategies aligned with common core state standards. Each educational service district shall use this funding solely for salary and benefits for certificated instructional staff with expertise in the appropriate subject matter and in professional development delivery, and for travel, materials, and other expenditures related to providing regional professional development support.

(4) For fiscal year 2021, funding within this section is provided for regional technical support for the K-20 telecommunications network to prevent system failures and avoid interruptions in school utilization of the data processing and video-conferencing capabilities of the network. These funds may be used to purchase engineering and advanced technical support for the network.

(5) For fiscal year 2021, funding within this section is provided for a corps of nurses located at the educational service districts, to be dispatched in coordination with the office of the superintendent of public instruction, to provide direct care to students, health education, and training for school staff. Funding is sufficient to provide one day of registered nursing services to each class II school district every ten school days.

(6) For fiscal year 2021, funding within this section is provided for staff and support at the nine educational service districts to provide a network of support for school districts to develop and implement comprehensive suicide prevention and behavioral health supports for students.

(7) For fiscal year 2021, funding within this section is provided for staff and support at the nine educational service districts to provide assistance to school districts with comprehensive safe schools planning, conducting needs assessments, school safety and security trainings, coordinating appropriate crisis and emergency response and recovery, and developing threat assessment and crisis intervention teams.

(8) The educational service districts, at the request of the state board of education pursuant to RCW 28A.310.010 and 28A.305.130, may receive and screen applications for school accreditation, conduct school accreditation site visits pursuant to state board of education rules, and submit to the state board of education post-site visit recommendations for school accreditation. The educational service districts may assess a cooperative service fee to recover actual plus reasonable indirect costs for the purposes of this subsection.

**Sec. 509.** 2019 c 415 s 511 (uncodified) is amended to read as follows:

**FOR THE SUPERINTENDENT OF PUBLIC  
INSTRUCTION—FOR LOCAL EFFORT  
ASSISTANCE**

General Fund—State Appropriation (FY 2020)	.....	<del>(((\$365,560,000))</del>
		<u>\$365,245,000</u>
General Fund—State Appropriation (FY 2021)	.....	<del>(((\$389,331,000))</del>
		<u>\$377,129,000</u>
TOTAL APPROPRIATION .....		<u>\$754,891,000</u>
		<u>\$742,374,000</u>

The appropriations in this section are subject to the following conditions and limitations: ~~(((\$17,010,000)) \$16,695,000 of the general fund—state appropriation for fiscal year 2020 and (((\$44,586,000)) \$32,384,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for changes to the levy and levy equalization system as specified in ((either Substitute House Bill No. 2140 or)) Engrossed Substitute Senate Bill No. 5313 (K-12 education funding). ((If neither bill is enacted by June 30, 2019, these amounts shall lapse. Included in these amounts are hold harmless local effort assistance payments. In calendar years 2020 and 2021, in each calendar year a school district will receive an amount equal to number A minus number B if number A is greater than number B. For purposes of this section:~~

~~(1) "Number A" is the sum of the local effort assistance and enrichment levy a district would have received under law as it existed on January 1, 2019.~~

~~(2) "Number B" is the sum of the local effort assistance and enrichment levy a district receives under Substitute~~

~~House Bill No. 2140 (K-12 education funding), if the district's levy collections were the lesser of the maximum dollar amount that may be levied at twenty percent of the district's levy base or its voter approved levy amount in calendar year 2018.))~~

**Sec. 510.** 2019 c 415 s 512 (uncodified) is amended to read as follows:

**FOR THE SUPERINTENDENT OF PUBLIC  
INSTRUCTION—FOR INSTITUTIONAL  
EDUCATION PROGRAMS**

General Fund—State Appropriation (FY 2020)	.....	<del>(((\$15,886,000))</del>
		<u>\$15,745,000</u>
General Fund—State Appropriation (FY 2021)	.....	<del>(((\$16,461,000))</del>
		<u>\$17,293,000</u>
TOTAL APPROPRIATION.....		<u>\$32,347,000</u>
		<u>\$33,038,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) Each general fund—state fiscal year appropriation includes such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.

(2) State funding provided under this section is based on salaries and other expenditures for a 220-day school year. The superintendent of public instruction shall monitor school district expenditure plans for institutional education programs to ensure that districts plan for a full-time summer program.

(3) State funding for each institutional education program shall be based on the institution's annual average full-time equivalent student enrollment. Staffing ratios for each category of institution shall remain the same as those funded in the 1995-97 biennium.

(4) The funded staffing ratios for education programs for juveniles age 18 or less in department of corrections facilities shall be the same as those provided in the 1997-99 biennium.

(5) \$701,000 of the general fund—state appropriation for fiscal year 2020 and \$701,000 of the general fund—state appropriation for fiscal year 2021 are provided solely to maintain at least one certificated instructional staff and related support services at an institution whenever the K-12 enrollment is not sufficient to support one full-time equivalent certificated instructional staff to furnish the educational program. The following types of institutions are included: Residential programs under the department of social and health services for developmentally disabled juveniles, programs for juveniles under the department of corrections, programs for juveniles under the juvenile rehabilitation administration, and programs for juveniles operated by city and county jails.

(6) ~~(((\$1,066,000))~~ \$1,014,000 of the general fund—state appropriation for fiscal year 2020 and ~~(((\$1,661,000))~~ \$2,356,000 of the general fund—state appropriation for fiscal year 2021 are provided solely to increase the capacity of institutional education programs to differentiate instruction to meet students' unique educational needs. Those needs may include but are not limited to one-on-one instruction, enhanced access to counseling for social emotional needs of the student, and services to identify the proper level of instruction at the time of student entry into the facility.

(7)(a) \$100,000 of the general fund—state appropriation in fiscal year 2020 ~~((and \$100,000 of the general fund—state appropriation in fiscal year 2021 are))~~ is provided solely to support one student records coordinator in the Issaquah school district to manage the transmission of academic records with the Echo Glen children's center.

(b) \$300,000 of the general fund—state appropriation in fiscal year 2021 is provided solely to support three student records coordinators to manage the transmission of academic records for each of the long-term juvenile institutions. One coordinator is provided for each of the following: The Issaquah school district for the Echo Glen children's center, the Chehalis school district for Green Hill academic school, and the Naselle-Grays River Valley school district for Naselle youth camp school.

(8) Ten percent of the funds allocated for the institution may be carried over from one year to the next.

**Sec. 511.** 2019 c 415 s 513 (uncodified) is amended to read as follows:

**FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR PROGRAMS FOR HIGHLY CAPABLE STUDENTS**

General Fund—State Appropriation (FY 2020)	
.....(((\$30,490,000))	
	<u>\$30,507,000</u>
General Fund—State Appropriation (FY 2021)	
.....(((\$31,551,000))	
	<u>\$31,693,000</u>
TOTAL APPROPRIATION .....	<u>\$62,041,000</u>
	<u>\$62,200,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) Each general fund fiscal year appropriation includes such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.

(2)(a) For the 2019-20 and 2020-21 school years, the superintendent shall allocate funding to school district programs for highly capable students as provided in RCW 28A.150.260(10)(c) except that allocations must be based on 5.0 percent of each school district's full-time equivalent enrollment. In calculating the allocations, the superintendent shall assume the following: (i) Additional instruction of

2.1590 hours per week per funded highly capable program student; (ii) fifteen highly capable program students per teacher; (iii) 36 instructional weeks per year; (iv) 900 instructional hours per teacher; and (v) the compensation rates as provided in sections 505 and 506 of this act.

(b) From July 1, 2019, to August 31, 2019, the superintendent shall allocate funding to school districts programs for highly capable students as provided in section 511, chapter 299, Laws of 2018.

**Sec. 512.** 2019 c 415 s 514 (uncodified) is amended to read as follows:

**FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR MISCELLANEOUS—EVERY STUDENT SUCCEEDS ACT**

General Fund—Federal Appropriation <del>(((\$5,802,000))</del>	
	<u>\$6,802,000</u>
TOTAL APPROPRIATION.....	<u>\$5,802,000</u>
	<u>\$6,802,000</u>

**Sec. 513.** 2019 c 415 s 515 (uncodified) is amended to read as follows:

**FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—EDUCATION REFORM PROGRAMS**

General Fund—State Appropriation (FY 2020)	
.....(((\$134,185,000))	
	<u>\$131,072,000</u>
General Fund—State Appropriation (FY 2021)	
.....(((\$135,807,000))	
	<u>\$136,624,000</u>
General Fund—Federal Appropriation	
.....(((\$96,576,000))	
	<u>\$96,577,000</u>
General Fund—Private/Local Appropriation	
.....	<u>\$1,450,000</u>
Education Legacy Trust Account—State Appropriation .....	<u>\$1,636,000</u>
Pension Funding Stabilization Account—State Appropriation .....	<u>\$765,000</u>
TOTAL APPROPRIATION.....	<u>\$370,419,000</u>
	<u>\$368,124,000</u>

The appropriations in this section are subject to the following conditions and limitations:

**(1) ACCOUNTABILITY**

(a) \$26,975,000 of the general fund—state appropriation for fiscal year 2020, \$26,975,000 of the general fund—state appropriation for fiscal year 2021, \$1,350,000 of the education legacy trust account—state appropriation, and \$15,868,000 of the general fund—federal

appropriation are provided solely for development and implementation of the Washington state assessment system.

(b) \$14,352,000 of the general fund—state appropriation for fiscal year 2020 and \$14,352,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of chapter 159, Laws of 2013 (K-12 education - failing schools).

(c) Within the amounts provided in this section, the superintendent of public instruction shall obtain an existing student assessment inventory tool that is free and openly licensed and distribute the tool to every school district. Each school district shall use the student assessment inventory tool to identify all state-level and district-level assessments that are required of students. The state-required assessments should include: Reading proficiency assessments used for compliance with RCW 28A.320.202; the required statewide assessments under chapter 28A.655 RCW in grades three through eight and at the high school level in English language arts, mathematics, and science, as well as the practice and training tests used to prepare for them; and the high school end-of-course exams in mathematics under RCW 28A.655.066. District-required assessments should include: The second grade reading assessment used to comply with RCW 28A.300.320; interim smarter balanced assessments, if required; the measures of academic progress assessment, if required; and other required interim, benchmark, or summative standardized assessments, including assessments used in social studies, the arts, health, and physical education in accordance with RCW 28A.230.095, and for educational technology in accordance with RCW 28A.655.075. The assessments identified should not include assessments used to determine eligibility for any categorical program including the transitional bilingual instruction program, learning assistance program, highly capable program, special education program, or any formative or diagnostic assessments used solely to inform teacher instructional practices, other than those already identified. By October 15th of each year, each district shall report to the superintendent the amount of student time in the previous school year that is spent taking each assessment identified. By December 15th of each even numbered calendar year, the superintendent shall summarize the information reported by the school districts and report to the education committees of the house of representatives and the senate.

## (2) EDUCATOR CONTINUUM

(a) (~~(\$72,124,000)~~) \$69,011,000 of the general fund—state appropriation for fiscal year 2020 and (~~(\$73,619,000)~~) \$74,433,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the following bonuses for teachers who hold valid, unexpired certification from the national board for professional teaching standards and who are teaching in a Washington public school, subject to the following conditions and limitations:

(i) For national board certified teachers, a bonus of \$5,505 per teacher in the 2019-20 school year and a bonus of (~~(\$5,624)~~) \$5,610 per teacher in the 2020-21 school year;

(ii) An additional \$5,000 annual bonus shall be paid to national board certified teachers who teach in either: (A)

High schools where at least 50 percent of student headcount enrollment is eligible for federal free or reduced-price lunch, (B) middle schools where at least 60 percent of student headcount enrollment is eligible for federal free or reduced-price lunch, or (C) elementary schools where at least 70 percent of student headcount enrollment is eligible for federal free or reduced-price lunch;

(iii) The superintendent of public instruction shall adopt rules to ensure that national board certified teachers meet the qualifications for bonuses under (b) of this subsection for less than one full school year receive bonuses in a prorated manner. All bonuses in this subsection will be paid in July of each school year. Bonuses in this subsection shall be reduced by a factor of 40 percent for first year NBPTS certified teachers, to reflect the portion of the instructional school year they are certified; and

(iv) During the 2019-20 and 2020-21 school years, and within available funds, certificated instructional staff who have met the eligibility requirements and have applied for certification from the national board for professional teaching standards may receive a conditional loan of two thousand dollars or the amount set by the office of the superintendent of public instruction to contribute toward the current assessment fee, not including the initial up-front candidacy payment. The fee shall be an advance on the first annual bonus under RCW 28A.405.415. The conditional loan is provided in addition to compensation received under a district's salary allocation and shall not be included in calculations of a district's average salary and associated salary limitation under RCW 28A.400.200. Recipients who fail to receive certification after fully exhausting all years of candidacy as set by the national board for professional teaching standards are required to repay the conditional loan. The office of the superintendent of public instruction shall adopt rules to define the terms for initial grant of the assessment fee and repayment, including applicable fees. To the extent necessary, the superintendent may use revenues from the repayment of conditional loan scholarships to ensure payment of all national board bonus payments required by this section in each school year.

(b) \$3,418,000 of the general fund—state appropriation for fiscal year 2020 and \$3,418,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of a new performance-based evaluation for certificated educators and other activities as provided in chapter 235, Laws of 2010 (education reform) and chapter 35, Laws of 2012 (certificated employee evaluations).

(c) \$477,000 of the general fund—state appropriation for fiscal year 2020 and \$477,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the leadership internship program for superintendents, principals, and program administrators.

(d) \$810,000 of the general fund—state appropriation for fiscal year 2020 and \$810,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the development of a leadership academy for school principals and administrators. The superintendent of public instruction shall contract with an independent organization to operate a

state-of-the-art education leadership academy that will be accessible throughout the state. Semiannually the independent organization shall report on amounts committed by foundations and others to support the development and implementation of this program. Leadership academy partners shall include the state level organizations for school administrators and principals, the superintendent of public instruction, the professional educator standards board, and others as the independent organization shall identify.

(e) \$10,500,000 of the general fund—state appropriation for fiscal year 2020 and \$10,500,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for a beginning educator support program. The program shall prioritize first year educators in the mentoring program. School districts and/or regional consortia may apply for grant funding. The program provided by a district and/or regional consortia shall include: A paid orientation; assignment of a qualified mentor; development of a professional growth plan for each beginning educator aligned with professional certification; release time for mentors and new educators to work together; and educator observation time with accomplished peers. Funding may be used to provide statewide professional development opportunities for mentors and beginning educators.

(f) \$4,000,000 of the general fund—state appropriation for fiscal year 2020 and \$4,000,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the provision of training for teachers, principals, and principal evaluators in the performance-based teacher principal evaluation program.

**Sec. 514.** 2019 c 415 s 516 (uncodified) is amended to read as follows:

**FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR TRANSITIONAL BILINGUAL PROGRAMS**

General Fund—State Appropriation (FY 2020)	
.....	<del>(\$201,330,000))</del>
	<u>\$206,624,000</u>
General Fund—State Appropriation (FY 2021)	
.....	<del>(\$210,659,000))</del>
	<u>\$218,540,000</u>
General Fund—Federal Appropriation..	\$102,242,000
Pension Funding Stabilization Account—State Appropriation.....	\$4,000
TOTAL APPROPRIATION .....	<u>\$514,235,000</u>
	<u>\$527,410,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) Each general fund fiscal year appropriation includes such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.

(2)(a) For the 2019-20 and 2020-21 school years, the superintendent shall allocate funding to school districts for transitional bilingual programs under RCW 28A.180.010 through 28A.180.080, including programs for exited students, as provided in RCW 28A.150.260(10)(b) and the provisions of this section. In calculating the allocations, the superintendent shall assume the following averages: (i) Additional instruction of 4.7780 hours per week per transitional bilingual program student in grades kindergarten through six and 6.7780 hours per week per transitional bilingual program student in grades seven through twelve in school years 2019-20 and 2020-21; (ii) additional instruction of 3.0000 hours per week in school years 2019-20 and 2020-21 for the head count number of students who have exited the transitional bilingual instruction program within the previous two years based on their performance on the English proficiency assessment; (iii) fifteen transitional bilingual program students per teacher; (iv) 36 instructional weeks per year; (v) 900 instructional hours per teacher; and (vi) the compensation rates as provided in sections 505 and 506 of this act. Pursuant to RCW 28A.180.040(1)(g), the instructional hours specified in (a)(ii) of this subsection (2) are within the program of basic education.

(b) From July 1, 2019, to August 31, 2019, the superintendent shall allocate funding to school districts for transitional bilingual instruction programs as provided in section 514, chapter 299, Laws of 2018.

(3) The superintendent may withhold allocations to school districts in subsection (2) of this section solely for the central provision of assessments as provided in RCW 28A.180.090 (1) and (2) up to the following amounts: ~~((1.97)) 1.92~~ percent for school year 2019-20 and ~~((1.95)) 1.87~~ percent for school year 2020-21.

(4) The general fund—federal appropriation in this section is for migrant education under Title I Part C and English language acquisition, and language enhancement grants under Title III of the elementary and secondary education act.

(5) \$35,000 of the general fund—state appropriation for fiscal year 2020 and \$35,000 of the general fund—state appropriation for fiscal year 2021 are provided solely to track current and former transitional bilingual program students.

(6) \$1,023,000 of the general fund—state appropriation in fiscal year 2020 and \$1,185,000 of the general fund—state appropriation in fiscal year 2021 are provided solely for the central provision of assessments as provided in RCW 28A.180.090, and is in addition to the withholding amounts specified in subsection (3) of this section.

**Sec. 515.** 2019 c 415 s 517 (uncodified) is amended to read as follows:

**FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR THE LEARNING ASSISTANCE PROGRAM**

General Fund—State Appropriation (FY 2020)	
.....	<del>(\$438,940,000))</del>

	<u>\$417,509,000</u>
General Fund—State Appropriation (FY 2021)	
.....	<del>(\$450,681,000)</del>
	<u>\$430,905,000</u>
General Fund—Federal Appropriation..	\$533,481,000
TOTAL APPROPRIATION .....	<u>\$1,423,102,000</u>
	<u>\$1,381,895,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) The general fund—state appropriations in this section are subject to the following conditions and limitations:

(a) The appropriations include such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.

(b)(i) For the 2019-20 and 2020-21 school years, the superintendent shall allocate funding to school districts for learning assistance programs as provided in RCW 28A.150.260(10)(a), except that the allocation for the additional instructional hours shall be enhanced as provided in this section, which enhancements are within the program of the basic education. In calculating the allocations, the superintendent shall assume the following averages: (A) Additional instruction of 2.3975 hours per week per funded learning assistance program student for the 2019-20 and 2020-21 school years; (B) additional instruction of 1.1 hours per week per funded learning assistance program student for the 2019-20 and 2020-21 school years in qualifying high-poverty school building; (C) fifteen learning assistance program students per teacher; (D) 36 instructional weeks per year; (E) 900 instructional hours per teacher; and (F) the compensation rates as provided in sections 505 and 506 of this act.

(ii) From July 1, 2019, to August 31, 2019, the superintendent shall allocate funding to school districts for learning assistance programs as provided in section 515, chapter 299, Laws of 2018.

(c) A school district's funded students for the learning assistance program shall be the sum of the district's full-time equivalent enrollment in grades K-12 for the prior school year multiplied by the district's percentage of October headcount enrollment in grades K-12 eligible for free or reduced-price lunch in the prior school year. The prior school year's October headcount enrollment for free and reduced-price lunch shall be as reported in the comprehensive education data and research system.

(2) Allocations made pursuant to subsection (1) of this section shall be adjusted to reflect ineligible applications identified through the annual income verification process required by the national school lunch program, as recommended in the report of the state auditor on the learning assistance program dated February, 2010.

(3) The general fund—federal appropriation in this section is provided for Title I Part A allocations of the every student succeeds act of 2016.

(4) A school district may carry over from one year to the next up to 10 percent of the general fund—state funds allocated under this program; however, carryover funds shall be expended for the learning assistance program.

(5) Within existing resources, during the 2019-20 and 2020-21 school years, school districts are authorized to use funds allocated for the learning assistance program to also provide assistance to high school students who have not passed the state assessment in science.

**Sec. 516.** 2019 c 415 s 518 (uncodified) is amended to read as follows:

**FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—PER PUPIL ALLOCATIONS**

Statewide Average Allocations

Per Annual Average Full-Time Equivalent Student

Basic Education Program	2019-20 School Year	2020-21 School Year
General Apportionment	<del>(\$9,173))</del> <u>\$9,174</u>	<del>(\$9,450))</del> <u>\$9,410</u>
Pupil Transportation	<del>(\$519))</del> <u>\$600</u>	<del>(\$524))</del> <u>\$602</u>
Special Education Programs	<del>(\$9,696))</del> <u>\$9,635</u>	<del>(\$10,158))</del> <u>\$10,070</u>
Institutional Education Programs	<del>(\$18,562))</del> <u>\$19,337</u>	<del>(\$19,030))</del> <u>\$21,143</u>
Programs for Highly Capable Students	\$598	<del>(\$615))</del> <u>\$612</u>
Transition al Bilingual Programs	<del>(\$1,346))</del> <u>\$1,364</u>	<del>(\$1,380))</del> <u>\$1,397</u>
Learning Assistance Program	<del>(\$969))</del> <u>\$931</u>	<del>(\$997))</del> <u>\$954</u>

**Sec. 517.** 2019 c 415 s 519 (uncodified) is amended to read as follows:

**FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION**

(1) Amounts distributed to districts by the superintendent through part V of this act are for allocations purposes only, unless specified by part V of this act, and do not entitle a particular district, district employee, or student to a specific service, beyond what has been expressly provided in statute. Part V of this act restates the requirements of various sections of Title 28A RCW. If any

conflict exists, the provisions of Title 28A RCW control unless this act explicitly states that it is providing an enhancement. Any amounts provided in part V of this act in excess of the amounts required by Title 28A RCW provided in statute, are not within the program of basic education unless clearly stated by this act.

(2) To the maximum extent practicable, when adopting new or revised rules or policies relating to the administration of allocations in part V of this act that result in fiscal impact, the office of the superintendent of public instruction shall attempt to seek legislative approval through the budget request process.

(3) Appropriations made in this act to the office of the superintendent of public instruction shall initially be allotted as required by this act. Subsequent allotment modifications shall not include transfers of moneys between sections of this act except as expressly provided in subsection (4) of this section.

(4) The appropriations to the office of the superintendent of public instruction in this act shall be expended for the programs and amounts specified in this act. However, after May 1, 2020, unless specifically prohibited by this act and after approval by the director of financial management, the superintendent of public instruction may transfer state general fund appropriations for fiscal year 2020 among the following programs to meet the apportionment schedule for a specified formula in another of these programs: General apportionment; employee compensation adjustments; pupil transportation; special education programs; institutional education programs; transitional bilingual programs; highly capable; and learning assistance programs.

(5) The director of financial management shall notify the appropriate legislative fiscal committees in writing prior to approving any allotment modifications or transfers under this section.

(6) Appropriations in ~~((sections 504 and 506 of this act))~~ sections 503 and 505 of this act for insurance benefits under chapter 41.05 RCW are provided solely for the superintendent to allocate to districts for employee health benefits as provided in ~~((section 938 of this act))~~ section 908 of this act. The superintendent may not allocate, and districts may not expend, these amounts for any other purpose beyond those authorized in ~~((section 938 of this act))~~ section 908 of this act.

~~((5))~~ (7) As required by RCW 28A.710.110, the office of the superintendent of public instruction shall transmit the charter school authorizer oversight fee for the charter school commission to the charter school oversight account.

**Sec. 518.** 2019 c 415 s 520 (uncodified) is amended to read as follows:

**FOR THE OFFICE OF THE  
SUPERINTENDENT OF PUBLIC INSTRUCTION—  
FOR CHARTER SCHOOLS**

Washington Opportunity Pathways Account—State

Appropriation.....	(( <del>\$99,810,000</del> ))
	<u>\$87,829,000</u>
TOTAL APPROPRIATION.....	<u><del>\$99,810,000</del></u>
	<u>\$87,829,000</u>

The appropriation in this section is subject to the following conditions and limitations: The superintendent shall distribute funding appropriated in this section to charter schools under chapter 28A.710 RCW. Within amounts provided in this section the superintendent may distribute funding for safety net awards for charter schools with demonstrated needs for special education funding beyond the amounts provided under chapter 28A.710 RCW.

**Sec. 519.** 2019 c 415 s 521 (uncodified) is amended to read as follows:

**FOR THE OFFICE OF THE  
SUPERINTENDENT OF PUBLIC INSTRUCTION—  
FOR THE WASHINGTON STATE CHARTER  
SCHOOL COMMISSION**

Washington Opportunity Pathways Account—State

Appropriation.....	(( <del>\$250,000</del> ))
	<u>\$294,000</u>

Charter Schools Oversight Account—State	
Appropriation .....	(( <del>\$2,210,000</del> ))
	<u>\$2,454,000</u>
TOTAL APPROPRIATION.....	<u><del>\$2,460,000</del></u>
	<u>\$2,748,000</u>

The appropriations in this section are subject to the following conditions and limitations: The entire Washington opportunity pathways account—state appropriation in this section is provided to the superintendent of public instruction solely for the operations of the Washington state charter school commission under chapter 28A.710 RCW.

**Sec. 520.** 2019 c 415 s 522 (uncodified) is amended to read as follows:

**FOR THE OFFICE OF THE  
SUPERINTENDENT OF PUBLIC INSTRUCTION—  
FOR GRANTS AND PASS THROUGH FUNDING**

General Fund—State Appropriation (FY 2020)	
.....	(( <del>\$35,516,000</del> ))
	<u>\$35,491,000</u>
General Fund—State Appropriation (FY 2021)	
.....	(( <del>\$35,621,000</del> ))
	<u>\$33,105,000</u>
TOTAL APPROPRIATION.....	<u><del>\$71,137,000</del></u>
	<u>\$68,596,000</u>

The appropriations in this section are subject to the following conditions and limitations:



(1) \$4,894,000 of the general fund—state appropriation for fiscal year 2020 and \$4,894,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for grants for implementation of dual credit programs and subsidized advanced placement exam fees, international baccalaureate class fees, and exam and course fees for low-income students.

For expenditures related to subsidized exam fees, the superintendent of public instruction shall report: The number of students served; the demographics of the students served; and how the students perform on the exams.

(2)(a) \$2,052,000 of the general fund—state appropriation for fiscal year 2020 and \$2,052,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for secondary career and technical education grants pursuant to chapter 170, Laws of 2008, including parts of programs receiving grants that serve students in grades four through six. If equally matched by private donations, \$1,075,000 of the 2020 appropriation and \$1,075,000 of the 2021 appropriation shall be used to support FIRST robotics programs in grades four through twelve. Of the amounts provided in this subsection, \$100,000 of the fiscal year 2020 appropriation and \$100,000 of the fiscal year 2021 appropriation are provided solely for the purpose of statewide supervision activities for career and technical education student leadership organizations.

(b) \$135,000 of the general fund—state appropriation for fiscal year 2020 and \$135,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for science, technology, engineering and mathematics lighthouse projects, consistent with chapter 238, Laws of 2010.

(c) \$250,000 of the general fund—state appropriation for fiscal year 2020 and \$250,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for advanced project lead the way courses at ten high schools. To be eligible for funding in 2020, a high school must have offered a foundational project lead the way course during the 2018-19 school year. The 2020 funding must be used for one-time start-up course costs for an advanced project lead the way course, to be offered to students beginning in the 2019-20 school year. To be eligible for funding in 2021, a high school must have offered a foundational project lead the way course during the 2019-20 school year. The 2020 funding must be used for one-time start-up course costs for an advanced project lead the way course, to be offered to students beginning in the 2020-21 school year. The office of the superintendent of public instruction and the education research and data center at the office of financial management shall track student participation and long-term outcome data. The office may require the recipient of these funds to report the impacts of the recipient's efforts in alignment with the measures of the Washington school improvement framework.

(d) \$2,127,000 of the general fund—state appropriation for fiscal year 2020 and \$2,127,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for annual startup, expansion, or maintenance of existing programs in maritime, construction,

aerospace, and advanced manufacturing programs. To be eligible for funding, the skills center and high schools must agree to engage in developing local business and industry partnerships for oversight and input regarding program components. Program instructors must also agree to participate in professional development leading to student employment or certification in maritime, construction, aerospace, or advanced manufacturing industries, as determined by the superintendent of public instruction. The office of the superintendent of public instruction and the education research and data center shall report annually student participation and long-term outcome data. Within the amounts provided in this subsection:

(i) \$900,000 of the general fund—state appropriation for fiscal year 2020 and \$900,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for annual startup, expansion, or maintenance of existing programs in aerospace and advanced manufacturing programs.

(ii) \$150,000 of the general fund—state appropriation for fiscal year 2020 and \$150,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for annual startup, expansion, or maintenance of existing programs in construction programs.

(iii) \$300,000 of the general fund—state appropriation for fiscal year 2020 and \$300,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for annual startup, expansion, or maintenance of existing programs in maritime programs.

(iv) \$350,000 of the general fund—state appropriation for fiscal year 2020 and \$350,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the office of the superintendent of public instruction to contract with a nonprofit entity to expand the current employer engagement program to support schools, teachers, and students.

(v) \$427,000 of the general fund—state appropriation for fiscal year 2020 and \$427,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the office of the superintendent of public instruction to contract with a nonprofit entity to provide management, development, assessment, and outreach of the programs.

(3)(a) \$75,000 of the general fund—state appropriation for fiscal year 2020 and \$75,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for project citizen and we the people: The citizen and the constitution programs sponsored by the national conference of state legislatures and the center for civic education to promote participation in government by middle and high school students. Of the amounts provided, \$15,000 of the general fund—state appropriation for fiscal year 2020 and \$15,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for awarding a travel grant to the winner of the we the people: The citizen and the constitution state competition.

(b) \$384,000 of the general fund—state appropriation for fiscal year 2020 and \$373,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for

implementation of chapter 127, Laws of 2018 (civics education). Of the amounts provided in this subsection (3)(b), \$10,000 of the general fund—state appropriation for fiscal year 2020 and \$10,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for grant programs to school districts to help cover travel costs associated with civics education competitions.

(c) (~~(\$55,000)~~) \$30,000 of the general fund—state appropriation for fiscal year 2020 (~~(4)~~) and \$25,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the office of the superintendent of public instruction to develop civics education materials for grades K-5. The office must contract for the production of the materials with an experienced Washington state organization that produces civics education materials currently posted as an open education resource at the office of the superintendent of public instruction.

(4)(a) \$31,000 of the general fund—state appropriation for fiscal year 2020 and \$55,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the office of the superintendent of public instruction for statewide implementation of career and technical education course equivalency frameworks authorized under RCW 28A.700.070 for math and science. This may include development of additional equivalency course frameworks, course performance assessments, and professional development for districts implementing the new frameworks.

(b) Within the amounts appropriated in this section the office of the superintendent of public instruction shall ensure career and technical education courses are aligned with high-demand, high-wage jobs. The superintendent shall verify that the current list of career and technical education courses meets the criteria established in RCW 28A.700.020(2). The superintendent shall remove from the list any career and technical education course that no longer meets such criteria.

(c) \$3,000,000 of the general fund—state appropriation for fiscal year 2020 and \$3,000,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the office of the superintendent of public instruction to provide grants to school districts and educational service districts for science teacher training in the next generation science standards including training in the climate science standards. At a minimum, school districts shall ensure that teachers in one grade level in each elementary, middle, and high school participate in this science training. Of the amount appropriated \$1,000,000 is provided solely for community based nonprofits to partner with public schools for next generation science standards.

(5) \$250,000 of the general fund—state appropriation for fiscal year 2020 and \$250,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the Kip Tokuda memorial Washington civil liberties public education program. The superintendent of public instruction shall award grants consistent with RCW 28A.300.410.

(6) \$3,145,000 of the general fund—state appropriation for fiscal year 2020 and \$3,145,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for a contract with a nongovernmental entity

or entities for demonstration sites to improve the educational outcomes of students who are dependent pursuant to chapter 13.34 RCW pursuant to chapter 71, Laws of 2016 (foster youth edu. outcomes). The office may require the recipient of these funds to report the impacts of the recipient's efforts in alignment with the measures of the Washington school improvement framework.

(a) Of the amount provided in this subsection (6), \$446,000 of the general fund—state appropriation for fiscal year 2020 and \$446,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the demonstration site established pursuant to the 2013-2015 omnibus appropriations act, section 202(10), chapter 4, Laws of 2013, 2nd sp. sess.

(b) Of the amount provided in this subsection (6), \$1,015,000 of the general fund—state appropriation for fiscal year 2020 and \$1,015,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the demonstration site established pursuant to the 2015-2017 omnibus appropriations act, section 501(43)(b), chapter 4, Laws of 2015, 3rd sp. sess., as amended.

(c) Of the amounts provided in this subsection (6), \$684,000 of the general fund—state appropriation for fiscal year 2020 and \$684,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the demonstration site established with funding provided in the 2017-2019 omnibus appropriations act, chapter 1, Laws of 2017, 3rd sp. sess., as amended.

(7) \$2,541,000 of the general fund—state appropriation for fiscal year 2020 (~~and \$2,541,000 of the general fund—state appropriation for fiscal year 2021 are~~) is provided solely for a corps of nurses located at educational service districts, as determined by the superintendent of public instruction, to be dispatched to the most needy schools to provide direct care to students, health education, and training for school staff.

(8)(a) \$1,000,000 of the general fund—state appropriation for fiscal year 2020 and \$1,000,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of chapter 157, Laws of 2016 (homeless students).

(b) \$36,000 of the general fund—state appropriation for fiscal year 2020 and \$36,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for chapter 212, Laws of 2014 (homeless student educational outcomes).

(9) \$375,000 of the general fund—state appropriation for fiscal year 2020 and \$375,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for a nonviolence and ethical leadership training and professional development program provided by the institute for community leadership.

(10) \$1,425,000 of the general fund—state appropriation for fiscal year 2020 and \$1,425,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of chapter 236, Laws of 2017 (SHB 1445) (dual language/early learning & K-12). In

selecting recipients of the K-12 dual language grant, the superintendent of public instruction must prioritize districts that received grants under section 501(33), chapter 299, Laws of 2018.

(11)(a) \$4,940,000 of the general fund—state appropriation for fiscal year 2020 and \$4,940,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the Washington state achievers scholarship and Washington higher education readiness program. The funds shall be used to: Support community involvement officers that recruit, train, and match community volunteer mentors with students selected as achievers scholars; and to identify and reduce barriers to college for low-income and underserved middle and high school students. Of the amounts provided: \$1,000,000 of the general fund—state appropriation for fiscal year 2020 and \$1,000,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the college success foundation to establish programming in new regions throughout the state. The office may require the recipient of these funds to report the impacts of the recipient's efforts in alignment with the measures of the Washington school improvement framework.

(b) \$1,454,000 of the general fund—state appropriation for fiscal year 2020 and \$1,454,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for contracting with a college scholarship organization with expertise in conducting outreach to students concerning eligibility for the Washington college bound scholarship consistent with chapter 405, Laws of 2007. The office may require the recipient of these funds to report the impacts of the recipient's efforts in alignment with the measures of the Washington school improvement framework.

(c) \$181,000 of the general fund—state appropriation for fiscal year 2020 and \$181,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of chapter 180, Laws of 2017 (Washington Aim program).

(12)(a) \$356,000 of the general fund—state appropriation for fiscal year 2020 and \$356,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the Washington state leadership and assistance for science education reform (LASER) regional partnership activities, including instructional material purchases, teacher and principal professional development, and school and community engagement events. The office may require the recipient of these funds to report the impacts of the recipient's efforts in alignment with the measures of the Washington school improvement framework.

(b) \$3,000,000 of the general fund—state appropriation for fiscal year 2020 and \$3,000,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for a statewide information technology academy program. This public-private partnership will provide educational software, as well as information technology certification and software training opportunities for students and staff in public schools. The office must require the recipient of these funds to report the impacts of

the recipient's efforts in alignment with the measures of the Washington school improvement framework. The report must include the number of students served disaggregated by gender, race, ethnicity, and free-and-reduced lunch eligibility as well as the number of industry certificates attained by type of certificate.

(c) \$50,000 of the general fund—state appropriation for fiscal year 2020 and \$50,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for grants of \$2,500 to provide twenty middle and high school teachers each year with professional development training for implementing integrated math, science, technology, and engineering programs in their schools.

(d) \$1,000,000 of the general fund—state appropriation for fiscal year 2020 and \$1,000,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the computer science and education grant program to support the following three purposes: Train and credential teachers in computer sciences; provide and upgrade technology needed to learn computer science; and, for computer science frontiers grants to introduce students to and engage them in computer science. The office of the superintendent of public instruction must use the computer science learning standards adopted pursuant to chapter 3, Laws of 2015 (computer science) in implementing the grant, to the extent possible. Additionally, grants provided for the purpose of introducing students to computer science are intended to support innovative ways to introduce and engage students from historically underrepresented groups, including girls, low-income students, and minority students, to computer science and to inspire them to enter computer science careers.

Funds may be expended as grant funding only to the extent that they are equally matched by private sources for the program, including gifts, grants, or endowments.

(e) \$500,000 of the general fund—state appropriation for fiscal year 2020 and \$500,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the office of the superintendent of public instruction to contract with a nonprofit organization to integrate the state learning standards in English language arts, mathematics, and science with FieldSTEM outdoor field studies and project-based and work-based learning opportunities aligned with the environmental, natural resource, and agricultural sectors. The office may require the recipient of these funds to report the impacts of the recipient's efforts in alignment with the measures of the Washington school improvement framework.

(f) \$62,000 of the general fund—state appropriation for fiscal year 2020 and \$62,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for competitive grants to school districts to increase the capacity of high schools to offer AP computer science courses. In making grant allocations, the office of the superintendent of public instruction must give priority to schools and districts in rural areas, with substantial enrollment of low-income students, and that do not offer AP computer science. School districts may apply to receive either or both of the following grants:

(i) A grant to establish partnerships to support computer science professionals from private industry serving on a voluntary basis as coinstructors along with a certificated teacher, including via synchronous video, for AP computer science courses; or

(ii) A grant to purchase or upgrade technology and curriculum needed for AP computer science, as well as provide opportunities for professional development for classroom teachers to have the requisite knowledge and skills to teach AP computer science.

(g) \$100,000 of the general fund—state appropriation for fiscal year 2020 and \$100,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the Mobius science center to expand mobile outreach of science, technology, engineering, and mathematics (STEM) education to students in rural, tribal, and low-income communities.

(13) \$85,000 of the general fund—state appropriation for fiscal year 2020 and \$85,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the centrum program at Fort Worden state park.

(14) \$125,000 of the general fund—state appropriation for fiscal year 2020 and \$125,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the office of the superintendent of public instruction to provide learning experiences for student-athletes in the science, technology, engineering, and math sectors. The office must contract with a nonprofit to offer student-athlete classes, programs, and scholarships to improve school performance and advancement across diverse communities.

(15) \$250,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the office of the superintendent of public instruction to create and administer a grant program for districts to reduce associated student body fees for students who are eligible to participate in the federal free and reduced-price meals program. The office must distribute grants for the 2020-21 school year to school districts by August 10, 2020.

(a) Grant awards must be prioritized in the following order:

(i) High schools implementing the United States department of agriculture community eligibility provision;

(ii) High schools with the highest percentage of students in grades nine through twelve eligible to participate in the federal free and reduced-price means program; and

(iii) High schools located in school districts enrolling five thousand or fewer students.

(b) The office of the superintendent of public instruction shall award grants of up to five thousand dollars per high school per year. The office may award additional funding if:

(i) The appropriations provided are greater than the total amount of funding requested at the end of the application cycle; and

(ii) The applicant shows a demonstrated need for additional support.

(16) \$125,000 of the general fund—state appropriation for fiscal year 2020 and \$125,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for contracts with state-based nonprofit organizations that provide direct services to military-connected students exclusively through one-to-one volunteer mentoring. The goal of the mentoring is to build resiliency in military connected students and increase their ability to cope with the stress of parental deployment and frequent moves, which will help promote good decision-making by youth, help increase attachment and a positive attitude toward school, and develop positive peer relationships. An applicant requesting funding for these dollars must successfully demonstrate to the department that it currently provides direct one-to-one volunteer mentoring services to military connected elementary students in the state and has been providing military mentoring to students in the state for at least twenty-four months prior to application.

(17) \$83,000 of the general fund—state appropriation for fiscal year 2020 and \$100,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of Substitute Senate Bill No. 5612 (holocaust education). ~~((If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.))~~

(18) \$250,000 of the general fund—state appropriation in fiscal year 2020 and \$130,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for a grant to the pacific science center to continue providing science on wheels activities in schools and other community settings. Funding is provided to develop a new computer science program and outfit a van with program resources in order to expand statewide outreach.

(19) \$250,000 of the general fund—state appropriation for fiscal year 2020 and \$250,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for contracts with Washington state based nonprofit organizations that provide a career-integrated one-to-one mentoring program for disadvantaged high school students facing academic and personal challenges with the goal of keeping them on track for graduation and post-high school success. The mentoring must include a focus on college readiness, career exploration and social-emotional learning. An applicant requesting funding for these dollars must successfully demonstrate to the department that it currently provides a career-integrated one-to-one volunteer mentoring program and has been mentoring high school youth for at least twenty years in the state prior to application.

(20) \$50,000 of the general fund—state appropriation for fiscal year 2020 and \$50,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for grants to school districts to provide school resource officer training, as required in Second Substitute House Bill No. 1216 (student mental health and well-being).

(21) \$125,000 of the general fund—state appropriation for fiscal year 2020 and \$125,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for

Bethel school district to expand post-secondary education opportunities at Graham-Kapowsin high school.

(22) \$350,000 of the general fund—state appropriation for fiscal year 2020 and \$350,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the south Kitsap school district to develop pathways for high school diplomas and post-secondary credentials through controls programmer apprenticeships.

(23) \$255,000 of the general fund—state appropriation for fiscal year 2020 and \$255,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for a math improvement pilot program for school districts to improve math scores. Of the amounts provided in this subsection:

(a) \$85,000 of the general fund—state appropriation for fiscal year 2020 and \$85,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the Spokane school district to improve math scores.

(b) \$85,000 of the general fund—state appropriation for fiscal year 2020 and \$85,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the Chehalis school district to improve math scores.

(c) \$85,000 of the general fund—state appropriation for fiscal year 2020 and \$85,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the Bremerton school district to improve math scores.

(24) \$150,000 of the general fund—state appropriation for fiscal year 2020 and \$150,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the office to establish the media literacy grant program.

(25) \$250,000 of the general fund—state appropriation for fiscal year 2020 and \$250,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the Seattle education access program to ensure students on nontraditional educational pathways have the mentorship and technical assistance needed to navigate higher education and financial aid. The office may require the recipient of these funds to report the impacts of the recipient's efforts in alignment with the measures of the Washington school improvement framework.

**Sec. 521.** 2019 c 406 s 13 (uncodified) is amended to read as follows:

The appropriations in this section are provided to the office of the superintendent of public instruction and are subject to the following conditions and limitations:

(1) \$425,000, or as much thereof as may be necessary, is appropriated for the fiscal year ending June 30, 2020, from the workforce education investment account and \$425,000, or as much thereof as may be necessary, is appropriated for the fiscal year ending June 30, 2021, from the workforce education investment account provided solely for expanding career connected learning as defined in section 57 of this act.

(2) \$158,000, or as much thereof as may be necessary, is appropriated for the fiscal year ending June 30, 2020, from the workforce education investment account and \$480,000, or as much thereof as may be necessary, is appropriated

for the fiscal year ending June 30, 2021, from the workforce education investment account provided solely for increasing the funding per full-time equivalent for career launch programs as described in ~~((section 60 of this act))~~ RCW 28A.700.130. In the 2019-21 fiscal biennium, for career launch enrollment exceeding the funding provided in this subsection funding is provided in section 503 of this act.

(3) \$750,000, or as much thereof as may be necessary, is appropriated for the fiscal year ending June 30, 2020, from the workforce education investment account and \$750,000, or as much thereof as may be necessary, is appropriated for the fiscal year ending June 30, 2021, from the workforce education investment account provided solely for Marysville school district to collaborate with Arlington school district, Everett Community College, other local school districts, local labor unions, local Washington state apprenticeship and training council registered apprenticeship programs, and local industry groups to develop a regional apprenticeship pathways pilot program. The pilot program must seek to:

(a) Establish an education-based apprenticeship preparation program recognized by the Washington state apprenticeship and training council that prepares individuals for registered apprenticeships within the building and construction trades;

(b) Provide dual credit for participants by meeting high school graduation requirements and providing opportunities for credit leading to a college credential; and

(c) Provide participants with preferred or direct entry into a state registered apprenticeship program in the building and construction trades.

## PART VI

### HIGHER EDUCATION

**Sec. 601.** 2019 c 415 s 605 (uncodified) is amended to read as follows:

#### FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES

General Fund—State Appropriation (FY 2020)  
.....((~~\$677,935,000~~))

\$678,335,000

General Fund—State Appropriation (FY 2021)  
.....((~~\$703,459,000~~))

\$707,127,000

Community/Technical College Capital Projects

Account—State Appropriation .....\$23,505,000

Workforce Education Investment Account—State

Appropriation.....\$2,443,000

Education Legacy Trust Account—State  
Appropriation .....((~~\$158,528,000~~))

\$158,536,000

Pension Funding Stabilization Account—State

Appropriation.....\$67,784,000

TOTAL APPROPRIATION ..... ~~\$1,631,211,000~~  
\$1,637,730,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$33,261,000 of the general fund—state appropriation for fiscal year 2020 and \$33,261,000 of the general fund—state appropriation for fiscal year 2021 are provided solely as special funds for training and related support services, including financial aid, as specified in RCW 28C.04.390. Funding is provided to support at least 7,170 full-time equivalent students in fiscal year 2020 and at least 7,170 full-time equivalent students in fiscal year 2021.

(2) \$2,443,000 of the workforce education investment account—state appropriation and \$5,450,000 of the education legacy trust account—state appropriation ((is)) are provided solely for administration and customized training contracts through the job skills program. The state board shall make an annual report by January 1st of each year to the governor and to the appropriate policy and fiscal committees of the legislature regarding implementation of this section, listing the scope of grant awards, the distribution of funds by educational sector and region of the state, and the results of the partnerships supported by these funds.

(3) \$425,000 of the general fund—state appropriation for fiscal year 2020 and \$425,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for Seattle central college's expansion of allied health programs.

(4) \$5,250,000 of the general fund—state appropriation for fiscal year 2020 and \$5,250,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the student achievement initiative.

(5) \$1,610,000 of the general fund—state appropriation for fiscal year 2020, and \$1,610,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the mathematics, engineering, and science achievement program.

(6) \$1,500,000 of the general fund—state appropriation for fiscal year 2020 and \$1,500,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for operating a fabrication composite wing incumbent worker training program to be housed at the Washington aerospace training and research center.

(7) \$100,000 of the general fund—state appropriation for fiscal year 2020 and \$100,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the aerospace center of excellence currently hosted by Everett community college to:

(a) Increase statewide communications and outreach between industry sectors, industry organizations, businesses, K-12 schools, colleges, and universities;

(b) Enhance information technology to increase business and student accessibility and use of the center's web site; and

(c) Act as the information entry point for prospective students and job seekers regarding education, training, and employment in the industry.

(8) \$19,759,000 of the general fund—state appropriation for fiscal year 2020 and ~~(((\$20,174,000))~~ \$20,194,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the implementation of the college affordability program as set forth in RCW 28B.15.066.

(9) Community and technical colleges are not required to send mass mailings of course catalogs to residents of their districts. Community and technical colleges shall consider lower cost alternatives, such as mailing postcards or brochures that direct individuals to online information and other ways of acquiring print catalogs.

(10) The state board for community and technical colleges shall not use funds appropriated in this section to support intercollegiate athletics programs.

(11) \$157,000 of the general fund—state appropriation for fiscal year 2020 and \$157,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the Wenatchee Valley college wildfire prevention program.

(12) The state board for community and technical colleges shall collaborate with a permanently registered Washington sector intermediary to integrate and offer related supplemental instruction for information technology apprentices by the 2020-21 academic year.

(13) \$150,000 of the general fund—state appropriation for fiscal year 2020 and \$150,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the Puget Sound welcome back center at Highline College to create a grant program for internationally trained individuals seeking employment in the behavioral health field in Washington state.

(14) \$750,000 of the general fund—state appropriation for fiscal year 2020 and \$750,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for increased enrollments in the integrated basic education and skills training program. Funding will support approximately 120 additional full-time equivalent enrollments annually.

(15)(a) The state board must provide quality assurance reports on the ctcLink project at the frequency directed by the office of chief information officer for review and for posting on its information technology project dashboard.

(b) The state board must develop a technology budget using a method similar to the state capital budget, identifying project costs, funding sources, and anticipated deliverables through each stage of the investment and across fiscal periods and biennia from project initiation to implementation. The budget must be updated at the frequency directed by the office of chief information officer for review and for posting on its information technology project dashboard.

(c) The office of the chief information officer may suspend the ctcLink project at any time if the office of the chief information officer determines that the project is not

meeting or is not expected to meet anticipated performance measures, implementation timelines, or budget estimates. Once suspension or termination occurs, the state board shall not make additional expenditures on the ctcLink project without approval of the chief information officer. The ctcLink project funded through the community and technical college innovation account created in RCW 28B.50.515 is subject to the conditions, limitations, and review provided in ~~((section 719 of this act))~~ section 701 of this act.

(16) \$216,000 of the general fund—state appropriation for fiscal year 2020 and \$216,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the opportunity center for employment and education at North Seattle College.

(17) \$500,000 of the general fund—state appropriation for fiscal year 2020 and \$500,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for Highline College to implement the Federal Way higher education initiative in partnership with the city of Federal Way and the University of Washington Tacoma campus.

(18) \$350,000 of the general fund—state appropriation for fiscal year 2020 and \$350,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for Peninsula College to maintain the annual cohorts of the specified programs as follows:

- (a) Medical assisting, 40 students;
- (b) Nursing assistant, 60 students; and
- (c) Registered nursing, 32 students.

(19) \$338,000 of the general fund—state appropriation for fiscal year 2020 and \$338,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the Washington state labor education and research center at South Seattle College.

(20) \$75,000 of the general fund—state appropriation for fiscal year 2020 and \$75,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for Washington family and community and engagement trust and Everett Community College to continue and expand a civic education and leadership program for underserved adults and youth.

(21) \$150,000 of the general fund—state appropriation for fiscal year 2020 and \$150,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the aerospace and advanced manufacturing center of excellence hosted by Everett Community College to develop a semiconductor and electronics manufacturing branch in Vancouver.

(22) \$750,000 of the general fund—state appropriation for fiscal year 2020 and \$750,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of Second Substitute House Bill No. 1893 (student assistance grants). ~~((If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.))~~

(23) \$200,000 of the general fund—state appropriation for fiscal year 2020 and \$348,000 of the general fund—state

appropriation for fiscal year 2021 are provided solely for implementation of Second Substitute Senate Bill No. 5800 (homeless college students). ~~((If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.))~~

(24) \$1,500,000 of the general fund—state appropriation for fiscal year 2020 and \$1,500,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of guided pathways or similar programs designed to improve student success, including, but not limited to, academic program redesign, student advising, and other student supports.

(25) \$132,000 of the general fund—state appropriation for fiscal year 2020 and \$24,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the state board to develop a plan for the maintenance and administration of opioid overdose medication in and around residence halls housing at least 100 students and for the training of designated personnel to administer opioid overdose medication to respond to symptoms of an opioid-related overdose.

(26) \$784,000 of the general fund—state appropriation for fiscal year 2020 and \$779,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for legal costs related to the Wolf vs state board for community and technical college litigation.

**Sec. 602.** 2019 c 415 s 606 (uncodified) is amended to read as follows:

#### **FOR THE UNIVERSITY OF WASHINGTON**

##### **(1) GENERAL APPROPRIATIONS**

General Fund—State Appropriation (FY 2020)	
.....	<del>(((\$341,498,000))</del>
	<u>\$341,074,000</u>
General Fund—State Appropriation (FY 2021)	
.....	<del>(((\$347,067,000))</del>
	<u>\$348,721,000</u>
Aquatic Lands Enhancement Account—State	
Appropriation .....	\$1,590,000
University of Washington Building Account—State	
Appropriation.....	\$1,546,000
Education Legacy Trust Account—State	
Appropriation.....	<del>(((\$36,530,000))</del>
	<u>\$36,532,000</u>
Economic Development Strategic Reserve Account—	
State	
Appropriation.....	\$3,075,000
Geoduck Aquaculture Research Account—State	
Appropriation .....	\$800,000
Biotoxin Account—State Appropriation.....	\$609,000
Dedicated Marijuana Account—State Appropriation	

(FY 2020).....	\$256,000
Dedicated Marijuana Account—State Appropriation	
(FY 2021).....	\$263,000
Pension Funding Stabilization Account—State	
Appropriation .....	\$50,906,000
Accident Account—State Appropriation	
.....	<del>(\$7,814,000)</del>
	<u>\$7,815,000</u>
Medical Aid Account—State Appropriation	
.....	<del>(\$7,419,000)</del>
	<u>\$7,420,000</u>
TOTAL APPROPRIATION .....	<del>\$799,373,000</del>
	<u>\$800,607,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(a) \$41,010,000 of the general fund—state appropriation for fiscal year 2020 and ~~(\$41,872,000)~~ \$41,913,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the implementation of the college affordability program as set forth in RCW 28B.15.066.

(b) \$200,000 of the general fund—state appropriation for fiscal year 2020 and \$200,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for labor archives of Washington. The university shall work in collaboration with the state board for community and technical colleges.

(c) \$8,000,000 of the education legacy trust account—state appropriation is provided solely for the family medicine residency network at the university to maintain the number of residency slots available in Washington.

(d) The university must continue work with the education research and data center to demonstrate progress in computer science and engineering enrollments. By September 1st of each year, the university shall provide a report including but not limited to the cost per student, student completion rates, and the number of low-income students enrolled in each program, any process changes or best-practices implemented by the university, and how many students are enrolled in computer science and engineering programs above the prior academic year.

(e) \$250,000 of the general fund—state appropriation for fiscal year 2020 and \$251,000 of the general fund—state appropriation for fiscal year 2021 and \$1,550,000 of the aquatic lands enhancement account—state appropriation are provided solely for ocean acidification monitoring, forecasting, and research and for operation of the Washington ocean acidification center. The center must continue to make quarterly progress reports to the Washington marine resources advisory council created under RCW 43.06.338.

(f) \$14,000,000 of the education legacy trust account—state appropriation is provided solely for the expansion of degrees in the department of computer science and engineering at the Seattle campus.

(g) \$3,000,000 of the economic development strategic reserve account appropriation is provided solely to support the joint center for aerospace innovation technology.

(h) The University of Washington shall not use funds appropriated in this section to support intercollegiate athletics programs.

(i) \$7,345,000 of the general fund—state appropriation for fiscal year 2020 and \$7,345,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the continued operations and expansion of the Washington, Wyoming, Alaska, Montana, Idaho medical school program.

(j) \$2,625,000 of the general fund—state appropriation for fiscal year 2020 and \$2,625,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the institute for stem cell and regenerative medicine. Funds appropriated in this subsection must be dedicated to research utilizing pluripotent stem cells and related research methods.

(k) \$500,000 of the general fund—state appropriation for fiscal year 2020 and \$500,000 of the general fund—state appropriation for fiscal year 2021 are provided to the University of Washington to support youth and young adults experiencing homelessness in the university district of Seattle. Funding is provided for the university to work with community service providers and university colleges and departments to plan for and implement a comprehensive one-stop center with navigation services for homeless youth; the university may contract with the department of commerce to expand services that serve homeless youth in the university district.

(l) \$600,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the psychiatry residency program at the University of Washington to offer additional residency positions that are approved by the accreditation council for graduate medical education.

(m)(i) \$172,000 of the general fund—state appropriation for fiscal year 2020 and \$172,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for a University of Washington study in the south Cascades to determine current wolf use and density, and to gather baseline data to understand the effects of wolf recolonization on predator-prey dynamics of species that currently have established populations in the area. The study objectives shall include:

(A) Determination of whether wolves have started to recolonize a 5,000 square kilometer study area in the south Cascades of Washington, and if so, an assessment of their distribution over the landscape as well as their health and pregnancy rates;

(B) Baseline data collection, if wolves have not yet established pack territories in this portion of the state, that will allow for the assessment of how the functional densities



and diets of wolves across the landscape will affect the densities and diets in the following predators and prey: Coyote, cougar, black bear, bobcat, red fox, wolverine, elk, white tailed deer, mule deer, moose, caribou, and snowshoe hare;

(C) Examination of whether the microbiome of each species changes as wolves start to occupy suitable habitat; and

(D) An assessment of the use of alternative wildlife monitoring tools to cost-effectively monitor size of the wolf population over the long-term.

(ii) A report on the findings of the study shall be shared with the Washington department of fish and wildlife.

(n) \$5,000,000 of the general fund—state appropriation for fiscal year 2020 and \$5,000,000 of the general fund—state appropriation for fiscal year 2021 are provided solely to support the operations and teaching mission of the Harborview Medical Center and the University of Washington Medical Center.

(o) \$1,000,000 of the general fund—state appropriation for fiscal year 2020 and \$1,000,000 of the general fund—appropriation for fiscal year 2021 are provided solely for the University of Washington's psychiatry integrated care training program.

(p) \$400,000 of the geoduck aquaculture research account—state appropriation is provided solely for the Washington sea grant program at the University of Washington to complete a three-year study to identify best management practices related to shellfish production. The University of Washington must submit an annual report detailing any findings and outline the progress of the study, consistent with RCW 43.01.036, to the office of the governor and the appropriate legislative committees by December 1st of each year.

(q) \$1,000,000 of the general fund—state appropriation for fiscal year 2020 and \$1,000,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the University of Washington School of Dentistry to support its role as a major oral health provider to individuals covered by medicaid and the uninsured.

(r) \$200,000 of the general fund—state appropriation for fiscal year 2020 and \$200,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the pre-law pipeline and social justice program at the University of Washington Tacoma.

(s) \$200,000 of the general fund—state appropriation for fiscal year 2020 and \$200,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the Bothell branch to develop series of online courses for school district staff related to behavioral health. The standards for the online courses must be consistent with any knowledge, skill, and performance standards related to mental health and well-being of public school students. Among other things, the online courses must:

(i) Teach participants relevant laws, including laws around physical restraint and isolation;

(ii) Provide foundational knowledge in behavioral health, mental health, and mental illness;

(iii) Describe how to assess, intervene upon, and refer behavioral health and substance use issues; and

(iv) Teach approaches to promote health and positively influence student health behaviors.

(t) \$110,000 of the general fund—state appropriation for fiscal year 2020 and \$110,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for core operations at forefront to achieve its mission of reducing suicide.

(u) \$138,000 of the general fund—state appropriation for fiscal year 2020 and \$138,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the university to collaborate with the northwest Parkinson's foundation and the state department of veterans affairs to study Parkinson's diagnoses treatment and specialist care across ethnic and racial groups and to develop a pilot program that helps people with Parkinson's better access specialist care and community services.

(v) \$256,000 of the general fund—state appropriation for fiscal year 2020 and \$226,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the university's neurology department to create a telemedicine program to disseminate dementia care best practices to primary care practitioners using the project ECHO model. The program shall provide a virtual connection for providers and content experts and include didactics, case conferences, and an emphasis on practice transformation and systems-level issues that affect care delivery. The initial users of this program shall include referral sources in health care systems and clinics, such as the university's neighborhood clinics and Virginia Mason Memorial in Yakima with a goal of adding fifteen to twenty providers from smaller clinics and practices per year.

(w) \$102,000 of the general fund—state appropriation for fiscal year 2020 and \$102,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the university's center for international trade in forest products.

(x) \$500,000 of the general fund—state appropriation for fiscal year 2020 and \$500,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the Latino center for health.

(y) \$150,000 of the general fund—state appropriation for fiscal year 2020 is provided solely for the Latino center for health to:

(i) Estimate the number of practicing Latino physicians in Washington including age and gender distributions;

(ii) Create a profile of Latino physicians that includes their geographic distribution, medical and surgical specialties, training and certifications, and language access;

(iii) Develop a set of policy recommendations to meet the growing needs of Latino communities in urban and rural communities throughout Washington. The center must

provide the report to the university and the appropriate committees of the legislature by December 31, 2020.

(z) To ensure transparency and accountability, in the 2019-2021 fiscal biennium the University of Washington shall comply with any and all financial and accountability audits by the Washington state auditor including any and all audits of university services offered to the general public, including those offered through any public-private partnership, business venture, affiliation, or joint venture with a public or private entity, except the government of the United States. The university shall comply with all state auditor requests for the university's financial and business information including the university's governance and financial participation in these public-private partnerships, business ventures, affiliations, or joint ventures with a public or private entity. In any instance in which the university declines to produce the information to the state auditor, the university will provide the state auditor a brief summary of the documents withheld and a citation of the legal or contractual provision that prevents disclosure. The summaries must be compiled into a report by the state auditor and provided on a quarterly basis to the legislature.

(aa) \$50,000 of the general fund—state appropriation for fiscal year 2020 and \$30,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the university's school of public health to study home-sharing for privately-owned residential properties. The study must include:

(i) An analysis of home-sharing programs across the country, including population served, costs, duration of stays, and size of programs;

(ii) An analysis of similar initiatives in Washington state and potential barriers to expansion;

(iii) A review of best practices and policies; and

(iv) Recommendations for the establishment and continuation of home-sharing programs.

(bb) \$150,000 of the general fund—state appropriation for fiscal year 2020 and \$150,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the university to expand the project extension for community health care outcomes (ECHO) to include training related to people with autism and developmental disabilities. Project ECHO for autism and developmental disabilities must focus on supporting existing autism centers of excellence. The project will disseminate evidence-based diagnoses and treatments to increase access to medical services for people across the state.

(cc) \$100,000 of the general fund—state appropriation for fiscal year 2020 and \$75,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the William D. Ruckelshaus center to partner with the University of Washington and the Washington State University to provide staff support and facilitation services to the task force established in part 9 of this act.

(dd) \$500,000 of the general fund—state appropriation for fiscal year 2020 and \$500,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the

University of Washington department of psychiatry and behavioral sciences and Seattle children's hospital in consultation with the office of the superintendent of public instruction to plan for and implement a two-year pilot program of school mental health education and consultations for students at middle schools, junior high, and high schools in one school district on east side of Cascades and one school district on west side of Cascades. The pilot program must:

(i) Develop and provide behavioral health trainings for school counselors, social workers, psychologists, nurses, teachers, administrators, and classified staff by January 1, 2020; and

(ii) Beginning with the 2020-21 school year:

(A) Provide school counselors access to teleconsultations with psychologists and psychiatrists at Seattle children's hospital or the University of Washington department of psychiatry to support school staff in managing children with challenging behavior; and

(B) Provide students access to teleconsultations with psychologists and psychiatrists at Seattle children's hospital or the University of Washington department of psychiatry to provide crisis management services when assessed as clinically appropriate.

(ee) \$213,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for implementation of Second Substitute Senate Bill No. 5903 (children's mental health). ~~((If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.))~~

(ff) \$50,000 of the general fund—state appropriation for fiscal year 2020 is provided solely for implementation of Engrossed Second Substitute House Bill No. 1517 (domestic violence). ~~((If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.))~~

(gg)(i) \$463,000 of the general fund—state appropriation for fiscal year 2020 and \$400,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the climate impacts group in the college of the environment.

(ii) \$63,000 of the general fund—state appropriation for fiscal year 2020 in (gg)(i) of this subsection is provided solely for implementation of Engrossed Second Substitute Senate Bill No. 5116 (clean energy). ~~((If the bill is not enacted by June 30, 2019, the amounts provided in this subsection (1)(gg)(ii) shall lapse.))~~

(hh) \$25,000 of the general fund—state appropriation for fiscal year 2020 and \$25,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the university to develop a plan for the maintenance and administration of opioid overdose medication in and around residence halls housing at least 100 students and for the training of designated personnel to administer opioid overdose medication to respond to symptoms of an opioid-related overdose.

(ii) \$500,000 of the general fund—state appropriation for fiscal year 2020 and \$500,000 of the general fund—state

appropriation for fiscal year 2021 are provided solely for a firearm policy research program. The program will:

(i) Support investigations of firearm death and injury risk factors;

(ii) Evaluate the effectiveness of state firearm laws and policies;

(iii) Assess the consequences of firearm violence; and

(iv) Develop strategies to reduce the toll of firearm violence to citizens of the state.

(jj) \$100,000 of the general fund—state appropriation for fiscal year 2020 is provided solely for the Evans school of public affairs to complete the business plan for a publicly owned Washington state depository bank as directed by section 129, chapter 299, Laws of 2018.

(kk) \$350,000 of the general fund—state appropriation for fiscal year 2020 and \$139,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of Engrossed Substitute Senate Bill No. 5330 (small forestland owners). ~~((If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.))~~

~~((l)) (((\$250,000 of the general fund state appropriation for fiscal year 2020 and \$250,000 of the general fund state appropriation for fiscal year 2021 are provided solely for the dental education in the care of persons with disabilities program.))~~

~~((mm))~~ \$190,000 of the general fund—state appropriation for fiscal year 2020 is provided solely for the college of education to partner with school districts on a pilot program to improve the math scores of K-12 students.

~~((nn))~~ (mm) \$300,000 of the general fund—state appropriation for fiscal year 2020 is provided solely for matching nonstate funding contributions for a study of the feasibility of constructing of a biorefinery in southwest Washington. No state moneys may be expended until nonstate funding contributions are received. The study must:

(i) Assess the supply of biomass, including poplar feedstock grown on low-value lands and hardwood sawmill residuals;

(ii) Assess the potential for using poplar simultaneously for water treatment and as a biorefinery feedstock;

(iii) Assess southwest Washington landowner interest in growing poplar feedstock;

(iv) Evaluate options for locating a biorefinery in southwest Washington that considers potential for integration of future biorefineries with existing facilities such as power plants and pulp mills; and

(v) Result in a comprehensive technical and economic evaluation for southwest Washington biorefineries that will be used by biorefinery technology companies to develop their business plans and to attract potential investors.

~~((oo))~~ (nn) \$300,000 of the general fund—state appropriation for fiscal year 2020 and \$300,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the Harry Bridges center for labor studies. The center shall work in collaboration with the state board for community and technical colleges.

~~((pp))~~ (oo) \$400,000 of the geoduck aquaculture research account—state appropriation is provided solely for the Washington sea grant program crab team to continue work to protect against the impacts of invasive European green crab.

(2) ~~((CONDITIONAL GENERAL WAGE INCREASES))~~ COMPENSATION

~~((General Fund State Appropriation (FY 2020) ..... \$2,320,000))~~

General Fund—State Appropriation (FY 2021) ..... ~~(((\$4,664,000))~~

\$6,984,000

Aquatic Lands Enhancement Account—State Appropriation ..... \$16,000

Education Legacy Trust Account—State Appropriation ..... \$201,000

Economic Development Strategic Reserve Account—State

Appropriation ..... \$12,000

~~((Institutions of Higher Education Grant and~~

~~Contracts Account—State Appropriation \$19,587,000~~

~~Institutions of Higher Education—Dedicated Local~~

~~Account Appropriation ..... \$12,184,000~~

~~Institutions of Higher Education—Operating Fees~~

~~Account—Local Appropriation ..... \$13,786,000))~~

Biotoxin Account—State Appropriation ..... \$3,000

~~((Dedicated Marijuana Account—State Appropriation (FY 2020) ..... \$3,000))~~

Dedicated Marijuana Account—State Appropriation (FY 2021) ..... ~~(((\$6,000))~~

\$9,000

~~((University of Washington Hospital Account—Local Appropriation ..... \$16,375,000))~~

Accident Account—State Appropriation ..... \$92,000

Medical Aid Account—State Appropriation...\$87,000

TOTAL APPROPRIATION ..... ~~\$69,336,000~~

\$7,386,000

The appropriations in this subsection (2) are subject to the following conditions and limitations: Funding is provided solely for ~~((conditional general wage increases to~~

~~all University of Washington employees of one percent on July 1, 2019, and one percent on July 1, 2020, subject to the conclusion of impacts bargaining over the application of the increases to represented employees covered by sections 921 through 925 of this act. If agreements to implement the one percent increases are not reached with the represented employees covered by sections 921 through 925 of this act by July 1, 2020, the amounts provided in this subsection (2) shall lapse. Funding for the conditional increases is provided from appropriated and nonappropriated accounts as authorized in this subsection (2)) the collective bargaining agreements in sections 903, 904, and 905 of this act, and lump sum payments to nonrepresented employees, classified employees, who earn less than \$54,264 in salary annually as set forth in section 910(2) of this act.~~

**Sec. 603.** 2019 c 415 s 607 (uncodified) is amended to read as follows:

**FOR WASHINGTON STATE UNIVERSITY**

General Fund—State Appropriation (FY 2020)	
.....	<del>(\$222,455,000))</del>
	<u>\$222,652,000</u>
General Fund—State Appropriation (FY 2021)	
.....	<del>(\$230,453,000))</del>
	<u>\$231,523,000</u>
Washington State University Building Account—	
State	
Appropriation .....	\$792,000
Education Legacy Trust Account—State	
Appropriation.....	\$33,995,000
Dedicated Marijuana Account—State Appropriation	
(FY 2020).....	\$138,000
Dedicated Marijuana Account—State Appropriation	
(FY 2021).....	\$138,000
Pension Funding Stabilization Account—State	
Appropriation .....	\$30,954,000
TOTAL APPROPRIATION .....	<del>\$518,925,000</del>
	<u>\$520,192,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$90,000 of the general fund—state appropriation for fiscal year 2020 and \$90,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for a rural economic development and outreach coordinator.

(2) The university must continue work with the education research and data center to demonstrate progress in computer science and engineering enrollments. By September 1st of each year, the university shall provide a report including but not limited to the cost per student, student completion rates, and the number of low-income students enrolled in each program, any process changes or best-practices implemented by the university, and how many

students are enrolled in computer science and engineering programs above the prior academic year.

(3) \$500,000 of the general fund—state appropriation for fiscal year 2020 and \$500,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for state match requirements related to the federal aviation administration grant.

(4) Washington State University shall not use funds appropriated in this section to support intercollegiate athletic programs.

(5) \$7,000,000 of the general fund—state appropriation for fiscal year 2020 and \$7,000,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the continued development and operations of a medical school program in Spokane.

(6) \$135,000 of the general fund—state appropriation for fiscal year 2020 and \$135,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for a honey bee biology research position.

(7) \$29,152,000 of the general fund—state appropriation for fiscal year 2020 and ~~(\$29,764,000))~~ \$29,793,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the implementation of the college affordability program as set forth in RCW 28B.15.066.

(8) \$376,000 of the general fund—state appropriation for fiscal year 2020 and \$376,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for chapter 202, Laws of 2017 (2SHB 1713) (children's mental health).

(9) \$580,000 of the general fund—state appropriation for fiscal year 2020 and \$580,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the development of an organic agriculture systems degree program located at the university center in Everett.

(10) Within the funds appropriated in this section, Washington State University shall:

(a) Review the scholarly literature on the short-term and long-term effects of marijuana use to assess if other states or private entities are conducting marijuana research in areas that may be useful to the state.

(b) Provide as part of its budget request for the 2019-2021 fiscal biennium:

(i) A list of intended state, federal, and privately funded marijuana research, including cost, duration, and scope;

(ii) Plans for partnerships with other universities, state agencies, or private entities, including entities outside the state, for purposes related to researching short-term and long-term effects of marijuana use.

(11) \$585,000 of the general fund—state appropriation for fiscal year 2020 and \$585,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of chapter 159, Laws of 2017 (2SSB 5474) (elk hoof disease).

(12) \$630,000 of the general fund—state appropriation for fiscal year 2020 and \$630,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the creation of an electrical engineering program located in Bremerton. At full implementation, the university is expected to increase degree production by 25 new bachelor's degrees per year. The university must identify these students separately when providing data to the education research data center as required in subsection (2) of this section.

(13) \$1,370,000 of the general fund—state appropriation for fiscal year 2020 and \$1,370,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the creation of software engineering and data analytic programs at the university center in Everett. At full implementation, the university is expected to enroll 50 students per academic year. The university must identify these students separately when providing data to the education research data center as required in subsection (2) of this section.

(14) General fund—state appropriations in this section are reduced to reflect a reduction in state-supported tuition waivers for graduate students. When reducing tuition waivers, the university will not change its practices and procedures for providing eligible veterans with tuition waivers.

(15) \$1,119,000 of the general fund—state appropriation for fiscal year 2020 and \$1,154,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of chapter 36, Laws of 2017 3rd sp. sess. (renewable energy, tax incentives).

(16) \$500,000 of the general fund—state appropriation for fiscal year 2020 and \$500,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the joint center for deployment and research in earth abundant materials.

(17) \$20,000 of the general fund—state appropriation for fiscal year 2020 and \$20,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the office of clean technology at Washington State University to convene a sustainable aviation biofuels work group to further the development of sustainable aviation fuel as a productive industry in Washington. The work group must include members from the legislature and sectors involved in sustainable aviation biofuels research, development, production, and utilization. The work group must provide recommendations to the governor and the appropriate committees of the legislature by December 1, 2020.

(18) \$113,000 of the general fund—state appropriation for fiscal year 2020 and \$60,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of Engrossed Second Substitute House Bill No. 1517 (domestic violence). ~~((If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.))~~

(19) \$100,000 of the general fund—state appropriation for fiscal year 2020 and \$75,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the William D. Ruckelshaus center to partner with the

University of Washington and the Washington State University to provide staff support and facilitation services to the task force established in section 9 of this act.

(20) \$264,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for implementation of Second Substitute Senate Bill No. 5903 (children's mental health). ~~((If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.))~~

(21) \$37,000 of the general fund—state appropriation for fiscal year 2020 and \$16,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the university to develop a plan for the maintenance and administration of opioid overdose medication in and around residence halls housing at least 100 students and for the training of designated personnel to administer opioid overdose medication to respond to symptoms of an opioid-related overdose.

(22) \$85,000 of the general fund—state appropriation for fiscal year 2020 is provided solely for the William D. Ruckelshaus center to coordinate a work group and process to develop options and recommendations to improve consistency, simplicity, transparency, and accountability in higher education data systems. The work group and process must be collaborative and include representatives from relevant agencies and stakeholders, including but not limited to: The Washington student achievement council, the workforce training and education coordinating board, the employment security department, the state board for community and technical colleges, the four-year institutions of higher education, the education data center, the office of the superintendent of public instruction, the Washington state institute for public policy, the joint legislative audit and review committee, and at least one representative from a nongovernmental organization that uses longitudinal data for research and decision making. The William D. Ruckelshaus center must facilitate meetings and discussions with stakeholders and provide a report to the appropriate committees of the legislature by December 1, 2019. The process must analyze and make recommendations on:

(a) Opportunities to increase postsecondary transparency and accountability across all institutions of higher education that receive state financial aid dollars while minimizing duplication of existing data reporting requirements;

(b) Opportunities to link labor market data with postsecondary data including degree production and postsecondary opportunities to help prospective postsecondary students navigate potential career and degree pathways;

(c) Opportunities to leverage existing data collection efforts across agencies and postsecondary sectors to minimize duplication, centralize data reporting, and create administrative efficiencies;

(d) Opportunities to develop a single, easy to navigate, postsecondary data system and dashboard to meet multiple state goals including transparency in postsecondary outcomes, clear linkages between data on postsecondary degrees and programs and labor market data, and linkages

with P-20 data where appropriate. This includes a review of the efficacy, purpose, and cost of potential options for service and management of a statewide postsecondary dashboard; and

(e) Opportunities to increase state agency, legislative, and external researcher access to P-20 data systems in service to state educational goals.

(23) \$250,000 of the general fund—state appropriation for fiscal year 2020 and \$250,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the university's soil health initiative and its network of long-term agroecological research and extension (LTARE) sites. The network must include a Mount Vernon REC site.

(24) \$134,000 of the general fund—state appropriation for fiscal year 2020 and \$103,000 of the general fund—state appropriation for fiscal year 2021 are provided solely to expand equitable access to the benefits of renewable energy through community solar projects.

**Sec. 604.** 2019 c 415 s 608 (uncodified) is amended to read as follows:

**FOR EASTERN WASHINGTON UNIVERSITY**

General Fund—State Appropriation (FY 2020)	.....	<del>(\$54,894,000))</del>
		<u>\$55,128,000</u>
General Fund—State Appropriation (FY 2021)	.....	<del>(\$57,331,000))</del>
		<u>\$57,594,000</u>
Education Legacy Trust Account—State		
Appropriation.....		\$16,794,000
TOTAL APPROPRIATION .....		<del>\$129,019,000</del>
		<u>\$129,516,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) At least \$200,000 of the general fund—state appropriation for fiscal year 2020 and at least \$200,000 of the general fund—state appropriation for fiscal year 2021 must be expended on the Northwest autism center.

(2) The university must continue work with the education research and data center to demonstrate progress in computer science and engineering enrollments. By September 1st of each year, the university shall provide a report including but not limited to the cost per student, student completion rates, and the number of low-income students enrolled in each program, any process changes or best-practices implemented by the university, and how many students are enrolled in computer science and engineering programs above the prior academic year.

(3) Eastern Washington University shall not use funds appropriated in this section to support intercollegiate athletics programs.

(4) \$10,472,000 of the general fund—state appropriation for fiscal year 2020 and ~~(\$10,692,000))~~

\$10,702,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the implementation of the college affordability program as set forth in RCW 28B.15.066.

(5) Within amounts appropriated in this section, the university is encouraged to increase the number of tenure-track positions created and hired.

(6) \$125,000 of the general fund—state appropriation for fiscal year 2020 and \$125,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for gathering and archiving time-sensitive histories and materials and planning for a Lucy Covington center.

(7) ~~(\$146,000))~~ \$73,000 of the general fund—state appropriation for fiscal year 2020 ~~((is))~~ and \$73,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for a comprehensive analysis of the deep lake watershed involving land owners, ranchers, lake owners, one or more conservation districts, the department of ecology, and the department of natural resources.

(8) \$21,000 of the general fund—state appropriation for fiscal year 2020 and \$11,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the university to develop a plan for the maintenance and administration of opioid overdose medication in and around residence halls housing at least 100 students and for the training of designated personnel to administer opioid overdose medication to respond to symptoms of an opioid-related overdose.

**Sec. 605.** 2019 c 415 s 609 (uncodified) is amended to read as follows:

**FOR CENTRAL WASHINGTON UNIVERSITY**

General Fund—State Appropriation (FY 2020)	.....	<del>(\$54,390,000))</del>
		<u>\$54,568,000</u>
General Fund—State Appropriation (FY 2021)	.....	<del>(\$56,517,000))</del>
		<u>\$56,866,000</u>
Central Washington University Capital Projects		
Account—		
State Appropriation.....		\$76,000
Education Legacy Trust Account—State		
Appropriation.....		\$19,076,000
Pension Funding Stabilization Account—State		
Appropriation.....		\$3,924,000
TOTAL APPROPRIATION.....		<del>\$133,983,000</del>
		<u>\$134,510,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) The university must continue work with the education research and data center to demonstrate progress in engineering enrollments. By September 1st of each year,

the university shall provide a report including but not limited to the cost per student, student completion rates, and the number of low-income students enrolled in each program, any process changes or best-practices implemented by the university, and how many students are enrolled in engineering programs above the prior academic year.

(2) Central Washington University shall not use funds appropriated in this section to support intercollegiate athletics programs.

(3) \$11,803,000 of the general fund—state appropriation for fiscal year 2020 and ~~(((\$12,051,000))~~ \$12,063,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the implementation of the college affordability program as set forth in RCW 28B.15.066.

(4) Within amounts appropriated in this section, the university is encouraged to increase the number of tenure-track positions created and hired.

(5) \$221,000 of the general fund—state appropriation for fiscal year 2020 and \$221,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the game on! program, which provides underserved middle and high school students with training in leadership and science, technology, engineering, and math. The program is expected to serve approximately five hundred students per year.

(6) \$53,000 of the general fund—state appropriation for fiscal year 2020 and \$32,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the university to develop a plan for the maintenance and administration of opioid overdose medication in and around residence halls housing at least 100 students and for the training of designated personnel to administer opioid overdose medication to respond to symptoms of an opioid-related overdose.

**Sec. 606.** 2019 c 415 s 610 (uncodified) is amended to read as follows:

#### **FOR THE EVERGREEN STATE COLLEGE**

General Fund—State Appropriation (FY 2020)  
.....~~(((\$29,766,000))~~

\$30,208,000

General Fund—State Appropriation (FY 2021)  
.....~~(((\$30,305,000))~~

\$31,434,000

The Evergreen State College Capital Projects Account—

State Appropriation ..... \$80,000

Education Legacy Trust Account—State  
Appropriation..... \$5,450,000

Pension Funding Stabilization Account—State

Appropriation ..... \$2,000

TOTAL APPROPRIATION ..... ~~\$65,603,000~~

\$67,174,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$3,590,000 of the general fund—state appropriation for fiscal year 2020 and ~~(((\$3,665,000))~~ \$3,669,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the implementation of the college affordability program as set forth in RCW 28B.15.066.

(2) Funding provided in this section is sufficient for The Evergreen State College to continue operations of the Longhouse Center and the Northwest Indian applied research institute.

(3) Within amounts appropriated in this section, the college is encouraged to increase the number of tenure-track positions created and hired.

(4) Within the amounts appropriated in this section, The Evergreen State College must provide the funding necessary to enable employees of the Washington state institute for public policy to receive the salary increases provided in part 9 of this act.

(5) ~~(((\$2,079,000))~~ \$2,437,000 of the general fund—state appropriation for fiscal year 2020 and ~~(((\$2,054,000))~~ \$2,993,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the Washington state institute for public policy to initiate, sponsor, conduct, and publish research that is directly useful to policymakers and manage reviews and evaluations of technical and scientific topics as they relate to major long-term issues facing the state. Within the amounts provided in this subsection (5):

(a) \$999,000 of the amounts in fiscal year 2020 and ~~(((\$879,000))~~ \$1,243,000 of the amounts in fiscal year 2021 are provided for administration and core operations.

(b) ~~(((\$1,030,000))~~ \$1,388,000 of the amounts in fiscal year 2020 and ~~(((\$1,002,000))~~ \$1,177,000 of the amounts in fiscal year 2021 are provided solely for ongoing and continuing studies on the Washington state institute for public policy's work plan.

(c) \$50,000 of the amounts in fiscal year 2020 and \$25,000 of the amounts in fiscal year 2021 are provided solely for the Washington state institute for public policy to evaluate the outcomes of resource and assessment centers licensed under RCW 74.15.311 and contracted with the department of children, youth, and families. By December 1, 2020, and in compliance with RCW 43.01.036, the institute shall report the results of its evaluation to the appropriate legislative committees; the governor; the department of children, youth, and families; and the oversight board for children, youth, and families. For the evaluation, the institute shall collect data regarding:

(i) The type of placement children experience following placement at a resource and assessment center;

(ii) The number of placement changes that children experience following placement in a resource and assessment center compared with other foster children;

(iii) The length of stay in foster care that children experience following placement in a resource and assessment center compared with other foster children;

(iv) The likelihood that children placed in a resource and assessment center will be placed with siblings; and

(v) The length of time that licensed foster families accepting children placed in resource and assessment centers maintain their licensure compared to licensed foster families receiving children directly from child protective services.

(d) \$115,000 of the amounts in fiscal year 2021 are provided solely for implementation of Engrossed Second Substitute House Bill No. 1391 (early achievers recommendations). ~~((If the bill is not enacted by June 30, 2019, the amount provided in this subsection (5)(d) shall lapse.))~~

(e) \$33,000 of the amounts in fiscal year 2021 are provided solely for implementation of Engrossed Second Substitute House Bill No. 1646 (juvenile rehab. confinement). ~~((If the bill is not enacted by June 30, 2019, the amount provided in this subsection (5)(e) shall lapse.))~~

(f) \$400,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the Washington state institute for public policy to study special education services in public K-12 education systems. Since fiscal year 2018, Washington has made large investments in special education programs both through increases in the education system as a whole and through targeted increases in the special education funding formula. These investments were spread across the education system rather than directed to meet specific student and district needs. An appropriation is provided for this study in the interest of addressing ongoing concerns about funding and service gaps with future investments. The institute will review the available research literature with a focus on evidence from rigorous research regarding impacts of specific special education services on student outcomes. Where available, the study will focus on student success outcomes including successful transitions to life post-high school, student engagement, disciplinary action, and academic outcomes. To the extent possible, the institute will study the cost effectiveness of various successful approaches to service delivery, including both broad strategies and specific services. The institute shall submit an interim report summarizing preliminary findings on special education strategies to the appropriate committees of the legislature and the governor by June 30, 2021, with the intent that a final report be submitted to the appropriate committees of the legislature and the governor by June 30, 2022.

(g) Notwithstanding other provisions in this subsection, the board of directors for the Washington state institute for public policy may adjust due dates for projects included on the institute's 2019-21 work plan as necessary to efficiently manage workload.

**Sec. 607.** 2019 c 415 s 611 (uncodified) is amended to read as follows:

**FOR WESTERN WASHINGTON UNIVERSITY**

General Fund—State Appropriation (FY 2020)  
..... ~~(((\$78,694,000))~~  
\$78,666,000

General Fund—State Appropriation (FY 2021)  
..... ~~(((\$81,478,000))~~  
\$81,729,000

Western Washington University Capital Projects  
Account—

State Appropriation.....\$1,424,000

Education Legacy Trust Account—State  
Appropriation.....\$13,831,000

TOTAL APPROPRIATION.....\$175,427,000  
\$175,650,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The university must continue work with the education research and data center to demonstrate progress in computer science and engineering enrollments. By September 1st of each year, the university shall provide a report including but not limited to the cost per student, student completion rates, and the number of low-income students enrolled in each program, any process changes or best-practices implemented by the university, and how many students are enrolled in computer science and engineering programs above the prior academic year.

(2) Western Washington University shall not use funds appropriated in this section to support intercollegiate athletics programs.

(3) \$16,291,000 of the general fund—state appropriation for fiscal year 2020 and ~~(((\$16,633,000))~~ \$16,649,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the implementation of the college affordability program as set forth in RCW 28B.15.066.

(4) \$700,000 of the general fund—state appropriation for fiscal year 2020 and \$700,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the creation and implementation of an early childhood education degree program at the western on the peninsulas campus. The university must collaborate with Olympic college. At full implementation, the university is expected to grant approximately 75 bachelor's degrees in early childhood education per year at the western on the peninsulas campus.

(5) \$1,306,000 of the general fund—state appropriation for fiscal year 2020 and \$1,306,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for Western Washington University to develop a new program in marine, coastal, and watershed sciences.

(6) Within amounts appropriated in this section, the university is encouraged to increase the number of tenure-track positions created and hired.



(7) \$250,000 of the general fund—state appropriation for fiscal year 2020 and \$250,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for campus connect to develop a student civic leaders initiative that will provide opportunities for students to gain work experience focused on addressing the following critical issues facing communities and campuses: Housing and food insecurities, mental health, civic education (higher education and K-12), breaking the prison pipeline, and the opioid epidemic. Students will:

(a) Participate in civic internships and receive wages to work on one or more of these critical issues on their campus and or in their community, or both;

(b) Receive training on civic education, civil discourse, and learn how to analyze policies that impact community issues; and

(c) Research issues and develop and implement strategies in teams to address them.

(8) \$45,000 of the general fund—state appropriation for fiscal year 2020 and \$25,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the university to develop a plan for the maintenance and administration of opioid overdose medication in and around residence halls housing at least 100 students and for the training of designated personnel to administer opioid overdose medication to respond to symptoms of an opioid-related overdose.

**Sec. 608.** 2019 c 415 s 612 (uncodified) is amended to read as follows:

**FOR THE STUDENT ACHIEVEMENT COUNCIL—POLICY COORDINATION AND ADMINISTRATION**

General Fund—State Appropriation (FY 2020)	.....(( <del>\$6,431,000</del> ))
	<u>\$6,433,000</u>
General Fund—State Appropriation (FY 2021)	.....(( <del>\$6,533,000</del> ))
	<u>\$6,589,000</u>
<u>Workforce Education Investment Account—State Appropriation</u>	<u>\$1,343,000</u>
General Fund—Federal Appropriation.....	\$4,927,000
Pension Funding Stabilization Account—State Appropriation .....	\$534,000
TOTAL APPROPRIATION .....	<u>\$18,425,000</u>
	<u>\$19,826,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$126,000 of the general fund—state appropriation for fiscal year 2020 and \$126,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the consumer protection unit.

(2) \$104,000 of the general fund—state appropriation for fiscal year 2020 and \$174,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of Second Substitute Senate Bill No. 5800 (homeless college students). ~~((If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.))~~

(3) \$1,132,000 of the workforce education investment account—state appropriation is provided solely to implement a marketing and communications agenda and to create a career connected learning statewide program inventory as required in RCW 28C.30.040(1) (c) and (f) through (g).

(4) \$211,000 of the workforce education investment account—state appropriation is provided solely to implement the Washington college grant program as set forth in RCW 28B.92.200. Funding is sufficient for a senior budget and forecast analyst position to assist in the administration of the Washington college grant program established in RCW 28B.92.200 and other financial aid programs and to develop financial aid models to forecast costs related to the Washington college grant and college bound programs.

(5) \$33,000 of the general fund—state appropriation for fiscal year 2021 is provided solely to implement chapter 298, Laws of 2019 (college bound scholarship – ninth grade pledge and state need grant eligibility).

(6) The student achievement council must ensure that all institutions of higher education as defined in RCW 28B.92.030 and eligible for state financial aid programs under chapters 28B.92 and 28B.118 RCW provide the data needed to analyze and evaluate the effectiveness of state financial aid programs. This data must be promptly transmitted to the education data center so that it is available and easily accessible.

**Sec. 609.** 2019 c 415 s 613 (uncodified) is amended to read as follows:

**FOR THE STUDENT ACHIEVEMENT COUNCIL—OFFICE OF STUDENT FINANCIAL ASSISTANCE**

General Fund—State Appropriation (FY 2020)	.....(( <del>\$278,418,000</del> ))
	<u>\$277,636,000</u>
General Fund—State Appropriation (FY 2021)	.....(( <del>\$281,669,000</del> ))
	<u>\$281,616,000</u>
General Fund—Federal Appropriation .....	.....(( <del>\$12,035,000</del> ))
	<u>\$12,038,000</u>
General Fund—Private/Local Appropriation	\$300,000
Education Legacy Trust Account—State Appropriation .....	\$93,488,000
Washington Opportunity Pathways Account—State	

Appropriation .....	\$114,229,000
Aerospace Training Student Loan Account—State	
Appropriation .....	\$216,000
<u>Workforce Education Investment Account—State</u>	
<u>Appropriation .....</u>	<u>\$28,083,000</u>
Pension Funding Stabilization Account—State	
Appropriation .....	\$18,000
Health Professionals Loan Repayment and Scholarship	
Program Account—State Appropriation ...	\$1,720,000
State Educational Trust Fund Nonappropriated Account—State Appropriation .....	\$6,000,000
TOTAL APPROPRIATION .....	<del>\$788,093,000</del>
	<u>\$815,344,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) If Engrossed Second Substitute House Bill No. 2158 (workforce education) is enacted by June 30, 2019, all references made in this section to the state need grant program are deemed made to the Washington college grant program.

(2) \$255,327,000 of the general fund—state appropriation for fiscal year 2020, ~~(((\$266,528,000)) \$7,935,000 of the general fund—state appropriation for fiscal year 2021, ~~(((\$77,639,000)) \$45,527,000 of the education legacy trust account—state appropriation, \$6,000,000 of the state educational trust fund nonappropriated account—state appropriation, and ~~(((\$80,000,000)) \$38,350,000 of the Washington opportunity pathways account—state appropriation are provided solely for student financial aid payments under the state need grant and state work study programs, including up to four percent administrative allowance for the state work study program.~~~~~~

(3) \$258,593,000 of the general fund—state appropriation for fiscal year 2021, \$28,083,000 of the workforce education investment account—state appropriation, \$32,112,000 of the education legacy trust fund—state appropriation, and \$56,950,000 of the Washington opportunity pathways account—state appropriation are provided solely for the Washington college grant program as provided in RCW 28B.92.200.

(4) Changes made to the state work study program in the 2009-2011 and 2011-2013 fiscal biennia are continued in the 2019-2021 fiscal biennium including maintaining the increased required employer share of wages; adjusted employer match rates; discontinuation of nonresident student eligibility for the program; and revising distribution methods to institutions by taking into consideration other factors such as off-campus job development, historical utilization trends, and student need.

(5) Within the funds appropriated in this section, eligibility for the state need grant includes students with

family incomes at or below 70 percent of the state median family income (MFI), adjusted for family size, and shall include students enrolled in three to five credit-bearing quarter credits, or the equivalent semester credits. Awards for students with incomes between 51 and 70 percent of the state median shall be prorated at the following percentages of the award amount granted to those with incomes below 51 percent of the MFI: 70 percent for students with family incomes between 51 and 55 percent MFI; 65 percent for students with family incomes between 56 and 60 percent MFI; 60 percent for students with family incomes between 61 and 65 percent MFI; and 50 percent for students with family incomes between 66 and 70 percent MFI. If Engrossed Second Substitute House Bill No. 2158 (workforce education) is enacted by June 30, 2019, then the eligibility and proration provisions of that bill supersede the provisions of this subsection.

(6) Of the amounts provided in subsection ~~((4))~~ (2) of this section, \$100,000 of the general fund—state appropriation for fiscal year 2020 and \$100,000 of the general fund—state appropriation for fiscal year 2021 are provided for the council to process an alternative financial aid application system pursuant to RCW 28B.92.010.

(7) Students who are eligible for the college bound scholarship shall be given priority for the state need grant program. These eligible college bound students whose family incomes are in the 0-65 percent median family income ranges must be awarded the maximum state need grant for which they are eligible under state policies and may not be denied maximum state need grant funding due to institutional policies or delayed awarding of college bound scholarship students. The council shall provide directions to institutions to maximize the number of college bound scholarship students receiving the maximum state need grant for which they are eligible with a goal of 100 percent coordination. Institutions shall identify all college bound scholarship students to receive state need grant priority. If an institution is unable to identify all college bound scholarship students at the time of initial state aid packaging, the institution should reserve state need grant funding sufficient to cover the projected enrollments of college bound scholarship students.

(8) ~~(((\$1,023,000)) \$241,000 of the general fund—state appropriation for fiscal year 2020, ~~(((\$855,000)) \$802,000 of the general fund—state appropriation for fiscal year 2021, \$15,849,000 of the education legacy trust account—state appropriation, and ~~(((\$34,229,000)) \$18,929,000 of the Washington opportunity pathways account—state appropriation are provided solely for the college bound scholarship program and may support scholarships for summer session. The office of student financial assistance and the institutions of higher education shall not consider awards made by the opportunity scholarship program to be state-funded for the purpose of determining the value of an award amount under RCW 28B.118.010. ~~((If Engrossed Second Substitute House Bill No. 2158 (workforce education) is enacted by June 30, 2019, then the amount that is provided solely for purposes of this subsection from the Washington opportunity pathways account is provided for~~~~~~~~

~~the Washington college grant in the amount of \$15,300,000.))~~

(9) \$2,759,000 of the general fund—state appropriation for fiscal year 2020 and \$2,795,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the passport to college program. The maximum scholarship award is up to \$5,000. The council shall contract with a nonprofit organization to provide support services to increase student completion in their postsecondary program and shall, under this contract, provide a minimum of \$500,000 in fiscal years 2020 and 2021 for this purpose.

(10) \$7,468,000 of the general fund—state appropriation for fiscal year 2020 is provided solely to meet state match requirements associated with the opportunity scholarship program. The legislature will evaluate subsequent appropriations to the opportunity scholarship program based on the extent that additional private contributions are made, program spending patterns, and fund balance.

(11) \$3,800,000 of the general fund—state appropriation for fiscal year 2020 and \$3,800,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for expenditure into the health professionals loan repayment and scholarship program account. These amounts must be used to increase the number of licensed primary care health professionals to serve in licensed primary care health professional critical shortage areas. Contracts between the office and program recipients must guarantee at least three years of conditional loan repayments. The office of student financial assistance and the department of health shall prioritize a portion of any nonfederal balances in the health professional loan repayment and scholarship fund for conditional loan repayment contracts with psychiatrists and with advanced registered nurse practitioners for work at one of the state-operated psychiatric hospitals. The office and department shall designate the state hospitals as health professional shortage areas if necessary for this purpose. The office shall coordinate with the department of social and health services to effectively incorporate three conditional loan repayments into the department's advanced psychiatric professional recruitment and retention strategies. The office may use these targeted amounts for other program participants should there be any remaining amounts after eligible psychiatrists and advanced registered nurse practitioners have been served. The office shall also work to prioritize loan repayments to professionals working at health care delivery sites that demonstrate a commitment to serving uninsured clients. It is the intent of the legislature to provide funding to maintain the current number and amount of awards for the program in the 2021-2023 fiscal biennium on the basis of these contractual obligations.

(12) \$850,000 of the general fund—state appropriation for fiscal year 2020 and \$750,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of Second Substitute House Bill No. 1973 (dual enrollment scholarship). ~~((If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.))~~

(13) \$1,000,000 of the general fund—state appropriation for fiscal year 2020 and \$1,000,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of Second Substitute House Bill No. 1668 (Washington health corps). ~~((If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.))~~ Within amounts provided in this subsection, the student achievement council, in consultation with the department of health, shall study the need, feasibility, and potential design of a grant program to provide funding to behavioral health students completing unpaid pregraduation internships and postgraduation supervised hours for licensure.

(14) Sufficient amounts are appropriated within this section to implement Engrossed Second Substitute House Bill No. 1311 (college bound).

(15) \$1,896,000 of the general fund—state appropriation for fiscal year 2020 and \$1,673,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of Engrossed Second Substitute House Bill No. 1139 (educator workforce supply). ~~((If the bill is not enacted by June 30, 2019, the amount provided in this subsection shall lapse.))~~ Of the amounts appropriated in this subsection, \$1,650,000 of the general fund—state appropriation for fiscal year 2020 and \$1,650,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for funding of the student teaching grant program, the teacher endorsement and certification help program, and the educator conditional scholarship and loan repayment programs under chapter 28B.102 RCW, including the pipeline for paraeducators program, the retooling to teach conditional loan programs, the teacher shortage conditional scholarship program, the career and technical education conditional scholarship program, and the federal student loan repayment in exchange for teaching service program.

**Sec. 610.** 2019 c 415 s 614 (uncodified) is amended to read as follows:

**FOR THE WORKFORCE TRAINING AND  
EDUCATION COORDINATING BOARD**

General Fund—State Appropriation (FY 2020)	
.....	\$2,270,000
General Fund—State Appropriation (FY 2021)	
.....	<del>(((\$1,998,000))</del>
	<u>\$2,084,000</u>
General Fund—Federal Appropriation	
.....	<del>(((\$55,509,000))</del>
	<u>\$55,512,000</u>
General Fund—Private/Local Appropriation	\$211,000
Pension Funding Stabilization Account—State	
Appropriation.....	\$176,000
TOTAL APPROPRIATION.....	<u>\$60,164,000</u>
	<u>\$60,253,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) For the 2019-2021 fiscal biennium the board shall not designate recipients of the Washington award for vocational excellence or recognize them at award ceremonies as provided in RCW 28C.04.535.

(2) \$240,000 of the general fund—state appropriation for fiscal year 2020 and \$240,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the health workforce council of the state workforce training and education coordinating board. In partnership with the office of the governor, the health workforce council shall continue to assess workforce shortages across behavioral health disciplines. The board shall create a recommended action plan to address behavioral health workforce shortages and to meet the increased demand for services now, and with the integration of behavioral health and primary care in 2020. The analysis and recommended action plan shall align with the recommendations of the adult behavioral health system task force and related work of the healthier Washington initiative. The board shall consider workforce data, gaps, distribution, pipeline, development, and infrastructure, including innovative high school, postsecondary, and postgraduate programs to evolve, align, and respond accordingly to our state's behavioral health and related and integrated primary care workforce needs.

(3) \$260,000 of the general fund—state appropriation for fiscal year 2020 is provided solely for implementation of chapter 294, Laws of 2018 (future of work task force).

(4) \$28,000 of the general fund—state appropriation for fiscal year 2020 is provided solely for implementation of Substitute Senate Bill No. 5166 (postsecondary religious acc.). ~~((If the bill is not enacted by June 30, 2019, the amount provided in this subsection shall lapse.))~~

**Sec. 611.** 2019 c 415 s 615 (uncodified) is amended to read as follows:

#### **FOR THE STATE SCHOOL FOR THE BLIND**

General Fund—State Appropriation (FY 2020)  
.....~~(((\$8,951,000))~~  
\$9,001,000

General Fund—State Appropriation (FY 2021)  
.....~~(((\$9,153,000))~~  
\$9,281,000

General Fund—Private/Local Appropriation . \$34,000

Pension Funding Stabilization Account—State

Appropriation ..... \$590,000

**TOTAL APPROPRIATION ..... \$18,728,000**  
\$18,906,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Funding provided in this section is sufficient for the school to offer to students enrolled in grades nine through

twelve for full-time instructional services at the Vancouver campus with the opportunity to participate in a minimum of one thousand eighty hours of instruction and the opportunity to earn twenty-four high school credits.

(2) \$149,000 of the general fund—state appropriation for fiscal year 2020 and \$99,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for migration to the state data center, and are subject to the conditions, limitations, and review provided in ~~((section 719 of this act))~~ section 701 of this act.

**Sec. 612.** 2019 c 415 s 616 (uncodified) is amended to read as follows:

#### **FOR THE WASHINGTON STATE CENTER FOR CHILDHOOD DEAFNESS AND HEARING LOSS**

General Fund—State Appropriation (FY 2020)  
.....~~(((\$14,326,000))~~  
\$14,554,000

General Fund—State Appropriation (FY 2021)  
.....~~(((\$14,554,000))~~  
\$14,590,000

Pension Funding Stabilization Account—State

Appropriation.....\$728,000

**TOTAL APPROPRIATION.....\$29,608,000**  
\$29,872,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Funding provided in this section is sufficient for the center to offer to students enrolled in grades nine through twelve for full-time instructional services at the Vancouver campus with the opportunity to participate in a minimum of one thousand eighty hours of instruction and the opportunity to earn twenty-four high school credits.

(2) \$12,319,000 of the general fund—state appropriation for fiscal year 2020 and \$12,319,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for operations, expenses, and direct service to students at the state school for the deaf referenced in RCW 72.40.015(2)(a).

**Sec. 613.** 2019 c 415 s 617 (uncodified) is amended to read as follows:

#### **FOR THE WASHINGTON STATE ARTS COMMISSION**

General Fund—State Appropriation (FY 2020)  
.....~~(((\$2,108,000))~~  
\$2,269,000

General Fund—State Appropriation (FY 2021)  
.....~~(((\$2,307,000))~~  
\$2,472,000

General Fund—Federal Appropriation .....\$2,160,000

General Fund—Private/Local Appropriation .	\$50,000
Pension Funding Stabilization Account—State	
Appropriation .....	\$122,000
TOTAL APPROPRIATION .....	\$6,747,000
	<u>\$7,073,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$175,000 of the general fund—state appropriation for fiscal year 2020 and \$175,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the folk and traditional arts apprenticeship and jobs stimulation program.

(2) \$104,000 of the general fund—state appropriation for fiscal year 2020 and \$96,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the completion and maintenance of the my public art portal project.

(4) \$172,000 of the general fund—state appropriation for fiscal year 2020 and \$324,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for an arts-integration program that encourages kindergarten readiness in partnership with educational service districts, the office of the superintendent of public instruction, and the department of children, youth, and families.

**Sec. 614.** 2019 c 415 s 618 (uncodified) is amended to read as follows:

FOR THE WASHINGTON STATE  
HISTORICAL SOCIETY

General Fund—State Appropriation (FY 2020)	.....(( <del>\$3,733,000</del> ))
	<u>\$3,652,000</u>
General Fund—State Appropriation (FY 2021)	.....(( <del>\$3,654,000</del> ))
	<u>\$3,769,000</u>

Pension Funding Stabilization Account—State	
Appropriation .....	\$230,000
<b>TOTAL APPROPRIATION .....</b>	<b><del>\$7,617,000</del></b>
	<b>\$7,651,000</b>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$500,000 of the general fund—state appropriation for fiscal year 2020 and \$500,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for general support and operations of the Washington state historical society.

(2) \$52,000 of the general fund—state appropriation for fiscal year 2020 and \$42,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for supporting migration ~~((to the state data center))~~ of the agency's servers to the cloud environment and is subject to

the conditions, limitations, and review provided in ~~((section 719 of this act))~~ section 701 of this act.

**Sec. 615.** 2019 c 415 s 619 (uncodified) is amended to read as follows:

FOR THE EASTERN WASHINGTON STATE  
HISTORICAL SOCIETY

General Fund—State Appropriation (FY 2020)	(( <del>\$2,855,000</del> ))
	<u>\$2,751,000</u>
General Fund—State Appropriation (FY 2021)	(( <del>\$2,885,000</del> ))
	<u>\$2,845,000</u>

Pension Funding Stabilization Account—State	
Appropriation.....	\$214,000
TOTAL APPROPRIATION.....	<del>\$5,954,000</del>
	<u>\$5,810,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$500,000 of the general fund—state appropriation for fiscal year 2020 and \$500,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for general support and operations of the eastern Washington state historical society.

(2) \$67,000 of the general fund—state appropriation for fiscal year 2020 and \$30,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for supporting migration to the state data center and is subject to the conditions, limitations, and review provided in ((section 719 of this act)) section 701 of this act.

## PART VII

## SPECIAL APPROPRIATIONS

**Sec. 701.** 2019 c 415 s 719 (uncodified) is amended to read as follows:

FOR THE OFFICE OF FINANCIAL  
MANAGEMENT—INFORMATION TECHNOLOGY  
INVESTMENT POOL

General Fund—State Appropriation (FY 2020)	\$7,628,000
General Fund—State Appropriation (FY 2021)	\$5,191,000
General Fund—Federal Appropriation	\$4,608,000
General Fund—Private/local Appropriation	\$213,000
Other Appropriated Funds	\$56,530,000
<b>TOTAL APPROPRIATION</b>	<b>\$74,170,000</b>

The appropriations in this section are subject to the following conditions and limitations:

(1) The appropriations in this section are provided solely for expenditure into the information technology

investment revolving account created in RCW 43.41.433. Funds in the account are provided solely for the information technology projects shown in LEAP omnibus document IT-2019, dated April 25, 2019, which is hereby incorporated by reference. To facilitate the transfer of moneys from other funds and accounts that are associated with projects contained in LEAP omnibus document IT-2019, dated April 25, 2019, the state treasurer is directed to transfer moneys from other funds and accounts to the information technology investment revolving account in accordance with schedules provided by the office of financial management. However, restricted federal funds and qualified employee benefit and pension funds may be transferred only to the extent permitted by law, and will otherwise remain outside the information technology investment account. The projects affected remain subject to the other provisions of this section.

(2) Agencies must apply to the office of financial management and the office of the chief information officer to receive funding from the information technology investment revolving account. The office of financial management must notify the fiscal committees of the legislature of the receipt of each application and may not approve a funding request for ten business days from the date of notification.

(3) Allocations and allotments of information technology investment revolving account must be made for discrete stages of projects as determined by the technology budget approved by the office of the state chief information officer and office of financial management. Fifteen percent of total funding allocated by the office of financial management, or another amount as defined jointly by the office of financial management and the office of the state chief information officer, will be retained in the account, but remain allocated to that project. The retained funding will be released to the agency only after successful completion of that stage of the project. For the military department enhanced 911 next generation project, the amount retained is increased to at least twenty percent of total funding allocated for any stage of that project.

(4)(a) Each project must have a technology budget. The technology budget must use a method similar to the state capital budget, identifying project costs, each fund source, and anticipated deliverables through each stage of the entire project investment and across fiscal periods and biennia from project onset through implementation and close out.

(b) As part of the development of a technology budget and at each request for funding, the agency shall submit detailed financial information to the office of financial management and the office of the state chief information officer. The technology budget must describe the total cost of the project by fiscal month to include and identify:

- (i) Fund sources;
- (ii) Full time equivalent staffing level to include job classification assumptions;
- (iii) A discreet appropriation index and program index;
- (iv) Object and subobject codes of expenditures; and

(v) Anticipated deliverables.

(5)(a) Each project must have an investment plan that includes:

(i) An organizational chart of the project management team that identifies team members and their roles and responsibilities;

(ii) The office of the state chief information officer staff assigned to the project;

(iii) An implementation schedule covering activities, critical milestones, and deliverables at each stage of the project for the life of the project at each agency affected by the project;

(iv) Performance measures used to determine that the project is on time, within budget, and meeting expectations for quality of work product;

(v) Ongoing maintenance and operations cost of the project post implementation and close out delineated by agency staffing, contracted staffing, and service level agreements; and

(vi) Financial budget coding to include at least discreet program index and subobject codes.

(6) Projects with estimated costs greater than one hundred million dollars from initiation to completion and implementation may be divided into discrete subprojects as determined by the office of the state chief information officer. Each subproject must have a technology budget and investment plan as provided in this section.

(7)(a) The office of the state chief information officer shall maintain an information technology project dashboard that provides updated information each fiscal month on projects subject to this section. This includes:

(i) Project changes each fiscal month;

(ii) Noting if the project has a completed market requirements document;

(iii) Financial status of information technology projects under oversight; and

(iv) Coordination with agencies.

(b) The dashboard must retain a roll up of the entire project cost, including all subprojects, that can be displayed the subproject detail.

(8) If the project affects more than one agency:

(a) A separate technology budget and investment plan must be prepared for each agency; and

(b) The dashboard must contain a statewide project technology budget roll up that includes each affected agency at the subproject level.

(9) For any project that exceeds two million dollars in total funds to complete, requires more than one biennium to complete, or is financed through financial contracts, bonds, or other indebtedness:

(a) Quality assurance for the project must report independently to the office of the chief information officer;

(b) The office of the chief information officer must review, and, if necessary, revise the proposed project to ensure it is flexible and adaptable to advances in technology;

(c) The technology budget must specifically identify the uses of any financing proceeds. No more than thirty percent of the financing proceeds may be used for payroll-related costs for state employees assigned to project management, installation, testing, or training;

(d) The agency must consult with the office of the state treasurer during the competitive procurement process to evaluate early in the process whether products and services to be solicited and the responsive bids from a solicitation may be financed; and

(e) The agency must consult with the contracting division of the department of enterprise services for a review of all contracts and agreements related to the project's information technology procurements.

(10) The office of the state chief information officer must evaluate the project at each stage and certify whether the project is planned, managed, and meeting deliverable targets as defined in the project's approved technology budget and investment plan.

(11) The office of the state chief information officer may suspend or terminate a project at any time if it determines that the project is not meeting or not expected to meet anticipated performance and technology outcomes. Once suspension or termination occurs, the agency shall unallot any unused funding and shall not make any expenditure for the project without the approval of the office of financial management.

(12) The office of the state chief information officer, in consultation with the office of financial management, may identify additional projects to be subject to this section, including projects that are not separately identified within an agency budget.

(13) Any cost to administer or implement this section for projects listed in subsection (1) of this section, must be paid from the information technology investment revolving account. For any other information technology project made subject to the conditions, limitations, and review of this section, the cost to implement this section must be paid from the funds for that project.

(14) The information technology feasibility study of the Washington state gambling commission is subject to the conditions, limitations, and review in this section.

(15) The learning management system project of the department of enterprise services is subject to the conditions, limitations, and review in this section.

(16) The gambling self-exclusion program project of the Washington state gambling commission is subject to the conditions, limitations, and review in this section.

**Sec. 702.** 2019 c 415 s 701 (uncodified) is amended to read as follows:

**FOR THE STATE TREASURER—BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR DEBT SUBJECT TO THE DEBT LIMIT**

General Fund—State Appropriation (FY 2020)	
.....	(( <u>\$1,191,069,000</u> ))
	<u>\$1,179,076,000</u>
General Fund—State Appropriation (FY 2021)	
.....	(( <u>\$1,268,197,000</u> ))
	<u>\$1,240,339,000</u>
State Building Construction Account—State	
Appropriation.....	\$6,273,000
Columbia River Basin Water Supply Development	
Account—State Appropriation .....	\$30,000
Watershed Restoration and Enhancement Bond	
Account—State Appropriation .....	\$46,000
State Taxable Building Construction Account—State	
Appropriation.....	(( <u>\$213,000</u> ))
	<u>\$277,000</u>
Debt-Limit Reimbursable Bond Retirement	
Account—State	
Appropriation.....	\$566,000
TOTAL APPROPRIATION.....	<u>\$2,466,394,000</u>
	<u>\$2,426,607,000</u>

The appropriations in this section are subject to the following conditions and limitations: The general fund appropriations are for expenditure into the debt-limit general fund bond retirement account.

**Sec. 703.** 2019 c 415 s 703 (uncodified) is amended to read as follows:

**FOR THE STATE TREASURER—BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR BOND SALE EXPENSES**

General Fund—State Appropriation (FY 2020)	
.....	\$1,400,000
General Fund—State Appropriation (FY 2021)	
.....	\$1,400,000
State Building Construction Account—State	
Appropriation .....	\$1,052,000
Columbia River Basin Water Supply Development	
Account—State Appropriation .....	\$6,000
School Construction and Skill Centers Building	
Account—State Appropriation .....	(( <u>\$1,000</u> ))
	<u>\$2,000</u>

## Watershed Restoration and Enhancement Bond

Account—State Appropriation .....	\$9,000
State Taxable Building Construction Account—State	
Appropriation .....	<del>(\$36,000))</del>
	<u>\$55,000</u>
TOTAL APPROPRIATION .....	<u>\$3,904,000</u>
	<u>\$3,924,000</u>

**NEW SECTION. Sec. 704.** A new section is added to 2019 c 415 (uncodified) to read as follows:**FOR SUNDRY CLAIMS**

The following sums, or so much thereof as may be necessary, are appropriated from the general fund for fiscal year 2020, unless otherwise indicated, for relief of various individuals, firms, and corporations for sundry claims.

These appropriations are to be disbursed on vouchers approved by the director of the department of enterprise services, except as otherwise provided, for reimbursement of criminal defendants acquitted on the basis of self-defense, pursuant to RCW 9A.16.110, as follows:

(1) Melvin Campbell, claim number 99970259	\$6,877
(2) Gerardo Rodarte Gonzalez, claim number 99970260 .....	\$24,385
(3) Edward Bushnell, claim number 99970261 .....	\$153,357
(4) Shaun Beveridge, claim number 99970262 .....	\$56,514
(5) Brandon Wheeler, claim number 9991001053 .....	\$123,464

**Sec. 705.** 2019 c 415 s 712 (uncodified) is amended to read as follows:

**FOR THE OFFICE OF FINANCIAL MANAGEMENT—ANDY HILL CANCER RESEARCH ENDOWMENT FUND MATCH TRANSFER ACCOUNT**

<del>((Foundational Public Health Services Account—State</del>	
<del>Appropriation .....</del>	<del>\$6,000,000))</del>
General Fund—State Appropriation (FY 2021) .....	<u>\$4,000,000</u>
TOTAL APPROPRIATION .....	<u>\$6,000,000</u>
	<u>\$4,000,000</u>

The appropriation in this section is subject to the following conditions and limitations: The appropriation in this section is provided solely for expenditure into the Andy Hill cancer research endowment fund match transfer account per RCW 43.348.080 to fund the Andy Hill cancer research endowment program. Matching funds using the amounts appropriated in this section may not be used to fund new grants that exceed two years in duration.

**Sec. 706.** 2019 c 415 s 720 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF RETIREMENT SYSTEMS—CONTRIBUTIONS TO RETIREMENT SYSTEMS**

(1) The appropriations in this section are subject to the following conditions and limitations: The appropriations for the law enforcement officers' and firefighters' retirement system shall be made on a monthly basis consistent with chapter 41.45 RCW, and the appropriations for the judges and judicial retirement systems shall be made on a quarterly basis consistent with chapters 2.10 and 2.12 RCW.

(2) There is appropriated for state contributions to the law enforcement officers' and firefighters' retirement system:

General Fund—State Appropriation (FY 2020) .....	\$73,000,000
General Fund—State Appropriation (FY 2021) .....	\$75,800,000
TOTAL APPROPRIATION .....	\$148,800,000

(3) There is appropriated for contributions to the judicial retirement system:

General Fund—State Appropriation (FY 2020) .....	\$1,545,000
Pension Funding Stabilization Account—State	
Appropriation .....	\$13,855,000
TOTAL APPROPRIATION .....	\$15,400,000

(4) There is appropriated for contributions to the judges' retirement system:

General Fund—State Appropriation (FY 2020) .....	\$400,000
General Fund—State Appropriation (FY 2021) .....	\$400,000
TOTAL APPROPRIATION .....	\$800,000

~~((5) There is appropriated for state contributions to the volunteer firefighters' and reserve officers' relief and pension principal fund:~~

<del>Volunteer Firefighters' and Reserve Officers'</del>	
<del>Administrative Account—State Appropriation .....</del>	<del>\$15,532,000</del>
TOTAL APPROPRIATION .....	\$15,532,000

**NEW SECTION. Sec. 707.** A new section is added to 2019 c 415 (uncodified) to read as follows:**FOR THE BOARD FOR VOLUNTEER FIREFIGHTERS AND RESERVE OFFICERS—CONTRIBUTIONS TO RETIREMENT SYSTEMS**

There is appropriated for state contributions to the volunteer firefighters' and reserve officers' relief and pension principal fund:



Volunteer Firefighters' and Reserve Officers'

\$1,250,000

Administrative Account—State Appropriation  
..... \$15,532,000

TOTAL APPROPRIATION.....\$1,500,000

\$2,000,000

TOTAL APPROPRIATION ..... \$15,532,000

**Sec. 708.** 2019 c 415 s 725 (uncodified) is amended to read as follows:

**FOR THE OFFICE OF FINANCIAL  
MANAGEMENT—HEALTH PROFESSIONS  
ACCOUNT**

Dedicated Marijuana Account—State Appropriation  
(FY 2020).....(~~\$701,000~~)  
\$1,415,000

TOTAL APPROPRIATION ..... ~~\$701,000~~  
\$1,415,000

The appropriation in this section is subject to the following conditions and limitations: The appropriations are provided solely for expenditure into the health professions account to reimburse the account for costs incurred by the department of health for the development and administration of the marijuana authorization database.

**Sec. 709.** 2019 c 415 s 728 (uncodified) is amended to read as follows:

**FOR THE OFFICE OF FINANCIAL  
MANAGEMENT—FOUNDATIONAL PUBLIC  
HEALTH SERVICES**

General Fund—State Appropriation (FY 2020)  
..... \$5,000,000

General Fund—State Appropriation (FY 2021)  
..... \$5,000,000

Foundational Public Health Services Account—State  
Appropriation .....(~~\$12,000,000~~)  
\$10,000,000

TOTAL APPROPRIATION ..... ~~\$22,000,000~~  
\$20,000,000

The appropriations in this section are subject to the following conditions and limitations: The appropriations are provided solely for distribution as provided in section 2, chapter 14, Laws of 2019 (foundational public health services).

**Sec. 710.** 2019 c 415 s 730 (uncodified) is amended to read as follows:

**FOR THE OFFICE OF FINANCIAL  
MANAGEMENT—OUTDOOR EDUCATION AND  
RECREATION ACCOUNT**

General Fund—State Appropriation (FY 2020)  
..... \$750,000

General Fund—State Appropriation (FY 2021)  
.....(~~\$750,000~~)

The appropriations in this section are subject to the following conditions and limitations: The appropriations are provided solely for expenditure into the outdoor education and recreation account for the state parks and recreation commission's outdoor education and recreation program purposes identified in RCW 79A.05.351.

**NEW SECTION. Sec. 711.** A new section is added to 2019 c 415 (uncodified) to read as follows:**FOR THE OFFICE OF FINANCIAL MANAGEMENT—WORKFORCE EDUCATION INVESTMENT ACCOUNT**

General Fund—State Appropriation (FY 2021)  
..... \$27,842,000

TOTAL APPROPRIATION.....\$27,842,000

The appropriation in this section is subject to the following conditions and limitations: The appropriation in this section is provided solely for expenditure into the workforce education investment account to ensure the account is not in deficit within the 2019-2021 fiscal biennium. The office of financial management, the fiscal committees of the legislature, and the workforce education investment accountability and oversight board shall collaborate on a solution to ensure the account remains solvent in future biennia.

**NEW SECTION. Sec. 712.** A new section is added to 2019 c 415 (uncodified) to read as follows:**FOR THE OFFICE OF FINANCIAL MANAGEMENT—DISASTER RESPONSE ACCOUNT**

General Fund—State Appropriation (FY 2021)  
..... \$13,193,000

TOTAL APPROPRIATION.....\$13,193,000

The appropriation in this section is subject to the following conditions and limitations: The appropriation in this section is provided solely for expenditure into the disaster response account to ensure the account is not in deficit.

**NEW SECTION. Sec. 713.** A new section is added to 2019 c 415 (uncodified) to read as follows:**FOR THE OFFICE OF FINANCIAL MANAGEMENT—DEVELOPMENTAL DISABILITIES COMMUNITY TRUST ACCOUNT**

General Fund—State Appropriation (FY 2021)  
..... \$1,000,000

TOTAL APPROPRIATION.....\$1,000,000

The appropriation in this section is subject to the following conditions and limitations: The appropriation in this section is provided solely for expenditure into the developmental disabilities community trust account (Dan Thompson memorial trust account) for the purposes identified in RCW 71A.20.170.

NEW SECTION. Sec. 714. A new section is added to 2019 c 415 (uncodified) to read as follows:**COMPENSATION AND BENEFITS**

General Fund—State Appropriation (FY 2021)	
.....	\$43,000
Judicial Information Systems Account—State Appropriation.....	\$6,000
Performance Audits of State Government Account—	
State Appropriation .....	\$2,000
Department of Retirement Systems Expense Account—	
State Appropriation .....	\$1,000
TOTAL APPROPRIATION .....	\$52,000

The appropriations in this section are subject to the following conditions and limitations: Funding is provided for retirement contributions for legislative and judicial branch employees, as shown in OFM document 2020-1.

NEW SECTION. Sec. 715. A new section is added to 2019 c 415 (uncodified) to read as follows:**CENTRAL SERVICE CHARGES**

General Fund—State Appropriation (FY 2020)	
.....	\$21,000
General Fund—State Appropriation (FY 2021)	
.....	\$478,000
Judicial Stabilization Trust Account—State	
Appropriation .....	\$4,000
Performance Audits of State Government Account—	
State	
Appropriation .....	\$8,000
Retirement Systems Expense Account—State	
Appropriation.....	\$28,000
TOTAL APPROPRIATION .....	\$539,000

The appropriations in this section are subject to the following conditions and limitations: Funding is provided for central service agency charges for legislative and judicial branch employees, as shown in OFM document 2020-2.

## **PART VIII**

### **OTHER TRANSFERS AND APPROPRIATIONS**

**Sec. 801.** 2019 c 415 s 801 (uncodified) is amended to read as follows:

#### **FOR THE STATE TREASURER—STATE REVENUES FOR DISTRIBUTION**

General Fund Appropriation for fire insurance	
premium distributions .....	(( <del>\$10,528,000</del> ))
	<u>\$10,883,000</u>
General Fund Appropriation for prosecuting attorney	

distributions .....	(( <del>\$7,014,000</del> ))
	<u>\$7,618,000</u>

General Fund Appropriation for boating safety and	
education distributions .....	\$4,000,000
General Fund Appropriation for public utility	
district excise tax distributions.....	(( <del>\$65,216,000</del> ))
	<u>\$65,126,000</u>

Death Investigations Account Appropriation for	
distribution to counties for publicly funded	
autopsies .....	\$3,464,000
Aquatic Lands Enhancement Account Appropriation	

for	
harbor improvement revenue distributions ...	\$140,000
Timber Tax Distribution Account Appropriation for	
distribution to "timber" counties .....	(( <del>\$84,366,000</del> ))
	<u>\$76,318,000</u>

County Criminal Justice Assistance Appropriation	
.....	(( <del>\$106,123,000</del> ))
	<u>\$103,379,000</u>

Municipal Criminal Justice Assistance Appropriation	
.....	(( <del>\$42,084,000</del> ))
	<u>\$40,279,000</u>

City-County Assistance Appropriation	
.....	(( <del>\$33,218,000</del> ))
	<u>\$35,626,000</u>

Liquor Excise Tax Account Appropriation for liquor	
excise tax distribution .....	(( <del>\$64,079,000</del> ))
	<u>\$66,707,000</u>

Streamlined Sales and Use Tax Mitigation Account	
Appropriation for distribution to local taxing	
jurisdictions to mitigate the unintended revenue	
redistributions effect of sourcing law changes	
.....	(( <del>\$2,220,000</del> ))
	<u>\$1,937,000</u>

Columbia River Water Delivery Account	
Appropriation	
for the Confederated Tribes of the Colville	
Reservation .....	(( <del>\$8,379,000</del> ))
	<u>\$8,368,000</u>
Columbia River Water Delivery Account	
Appropriation	
for the Spokane Tribe of Indians.....	(( <del>\$5,737,000</del> ))

\$5,728,000

Liquor Revolving Account Appropriation for liquor profits distribution ..... \$98,876,000

General Fund Appropriation for other tax distributions.....\$80,000

General Fund Appropriation for Marijuana Excise Tax distributions..... \$30,000,000

General Fund Appropriation for Habitat Conservation Program distributions ..... \$5,754,000

General Fund Appropriation for payment in-lieu of taxes to counties under Department of Fish and Wildlife program.....((~~\$3,993,000~~))

\$4,040,000

Puget Sound Taxpayer Accountability Account

Appropriation for distribution to counties in amounts not to exceed actual deposits into the account and attributable to those counties' share pursuant to RCW 43.79.520. If a county eligible for distributions under RCW 43.79.520 has not adopted a sales and use tax under RCW 82.14.460 before July 1, 2019, then to prevent these distributions from supplanting existing local funding for vulnerable populations, the distributions are subject to the procedural requirements in this section. Before the county may receive distributions, it must provide a final budget for the distributions, submit the final budget to the department of commerce, and publish the final budget on its web site. To develop this final budget, under RCW 36.40.040 the county must develop and hold hearings on a preliminary budget that is separate from other appropriations ordinances or resolutions, and it must consult stakeholders, including community service organizations, and must consider input received during this process. Before holding a hearing on the preliminary budget, the county must notify local governments in the county that are within the borders of the regional transit authority, and

legislators whose districts are within those borders. The county must then adopt a final budget under RCW 36.40.080 for the distributions that is separate from other appropriations ordinances or resolutions. After the county submits its final budget for the distributions to the department of commerce, the department must notify the state treasurer, who may then make the distributions to the county. ....\$28,683,000

TOTAL APPROPRIATION.....~~\$603,954,000~~

\$597,006,000

The total expenditures from the state treasury under the appropriations in this section shall not exceed the funds available under statutory distributions for the stated purposes.

**Sec. 802.** 2019 c 415 s 802 (uncodified) is amended to read as follows:

**FOR THE STATE TREASURER—FOR THE COUNTY CRIMINAL JUSTICE ASSISTANCE ACCOUNT**

Impaired Driving Safety Appropriation((~~\$1,933,000~~))

\$2,141,000

The appropriation in this section is subject to the following conditions and limitations: The amount appropriated in this section shall be distributed quarterly during the 2019-2021 fiscal biennium in accordance with RCW 82.14.310. This funding is provided to counties for the costs of implementing criminal justice legislation including, but not limited to: Chapter 206, Laws of 1998 (drunk driving penalties); chapter 207, Laws of 1998 (DUI penalties); chapter 208, Laws of 1998 (deferred prosecution); chapter 209, Laws of 1998 (DUI/license suspension); chapter 210, Laws of 1998 (ignition interlock violations); chapter 211, Laws of 1998 (DUI penalties); chapter 212, Laws of 1998 (DUI penalties); chapter 213, Laws of 1998 (intoxication levels lowered); chapter 214, Laws of 1998 (DUI penalties); and chapter 215, Laws of 1998 (DUI provisions).

**Sec. 803.** 2019 c 415 s 803 (uncodified) is amended to read as follows:

**FOR THE STATE TREASURER—MUNICIPAL CRIMINAL JUSTICE ASSISTANCE ACCOUNT**

Impaired Driving Safety Appropriation((~~\$1,289,000~~))

\$1,428,000

The appropriation in this section is subject to the following conditions and limitations: The amount appropriated in this section shall be distributed quarterly during the 2019-2021 fiscal biennium to all cities ratably based on population as last determined by the office of financial management. The distributions to any city that substantially decriminalizes or repeals its criminal code after

July 1, 1990, and that does not reimburse the county for costs associated with criminal cases under RCW 3.50.800 or 3.50.805(2), shall be made to the county in which the city is located. This funding is provided to cities for the costs of implementing criminal justice legislation including, but not limited to: Chapter 206, Laws of 1998 (drunk driving penalties); chapter 207, Laws of 1998 (DUI penalties); chapter 208, Laws of 1998 (deferred prosecution); chapter 209, Laws of 1998 (DUI/license suspension); chapter 210, Laws of 1998 (ignition interlock violations); chapter 211, Laws of 1998 (DUI penalties); chapter 212, Laws of 1998 (DUI penalties); chapter 213, Laws of 1998 (intoxication levels lowered); chapter 214, Laws of 1998 (DUI penalties); and chapter 215, Laws of 1998 (DUI provisions).

**Sec. 804.** 2019 c 415 s 805 (uncodified) is amended to read as follows:

**FOR THE STATE TREASURER—TRANSFERS**

Dedicated Marijuana Account: For transfer to the basic health plan trust account, the lesser of the amount determined pursuant to RCW 69.50.540 or this amount for fiscal year 2020, ~~(((\$195,000,000))~~ \$205,000,000 and this amount for fiscal year 2021, ~~(((\$199,000,000))~~ \$205,000,000.....~~(((\$394,000,000))~~ \$410,000,000

Dedicated Marijuana Account: For transfer to the state general fund, the lesser of the amount determined pursuant to RCW 69.50.540 or this amount for fiscal year 2020, ~~(((\$136,000,000))~~ \$147,000,000 and this amount for fiscal year 2021, ~~(((\$138,000,000))~~ \$147,000,000.....~~(((\$274,000,000))~~ \$294,000,000

Aquatic Lands Enhancement Account: For transfer to the clean up settlement account as repayment of the loan provided in section 3022(2), chapter 2, Laws of 2012 2nd sp. sess. (ESB 6074, 2012 supplemental capital budget), in an amount not to exceed the actual amount of the total remaining principal and interest of the loan, \$620,000 for fiscal year 2020 and ~~(((\$620,000))~~ \$640,000 for fiscal year 2021 .....~~(((\$1,240,000))~~ \$1,260,000

Tobacco Settlement Account: For transfer to the state general fund, in an amount not to exceed the actual amount of the annual base payment to the

tobacco settlement account for fiscal year 2020 .....\$90,000,000

Tobacco Settlement Account: For transfer to the state general fund, in an amount not to exceed the actual amount of the annual base payment to the tobacco settlement account for fiscal year 2021 .....\$90,000,000

General Fund: For transfer to the statewide tourism marketing account, \$1,500,000 for fiscal year 2020 and \$1,500,000 for fiscal year 2021 ..\$3,000,000

General Fund: For transfer to the streamlined sales and use tax account, \$2,220,000 for fiscal year 2020.....~~(((\$2,220,000))~~ \$1,937,000

Criminal Justice Treatment Account: For transfer to the home security fund, \$4,500,000 for fiscal year 2020 and \$4,500,000 for fiscal year 2021 .....\$9,000,000

State Treasurer's Service Account: For transfer to the state general fund, \$8,000,000 for fiscal year 2020 and \$8,000,000 for fiscal year 2021 .....\$16,000,000

Disaster Response Account: For transfer to the state general fund, \$28,000,000 for fiscal year 2021 .....\$28,000,000

General Fund: For transfer to the fair fund under RCW 15.76.115, \$2,000,000 for fiscal year 2020 and \$2,000,000 for fiscal year 2021 ..\$4,000,000

Energy Freedom Account: For transfer to the general fund, \$1,000,000 or as much thereof that represents the balance in the account for fiscal year 2020.....\$1,000,000

Financial Services Regulation Account: For transfer to the state general fund, \$3,500,000 for fiscal year 2020 and \$3,500,000 for fiscal year 2021 .....\$7,000,000

Aquatic Lands Enhancement Account: For transfer to the geoduck aquaculture research account, \$400,000 for fiscal year 2020 and \$400,000 for fiscal year 2021 .....\$800,000

Public Works Assistance Account: For transfer to

the education legacy trust account, \$80,000,000  
 for fiscal year 2020 and \$80,000,000 for  
 fiscal year 2021 ..... \$160,000,000

Model Toxics Control Operating Account: For  
 transfer  
 to the clean up settlement account as repayment  
 of the loan provided in section 3022(2),  
 chapter 2, Laws of 2012 2nd sp. sess. (ESB  
 6074, 2012 supplemental capital budget), in an  
amount not to exceed the actual amount of the  
total remaining principal and interest of the  
loan, \$620,000 for fiscal year 2020 and  
 ((~~\$620,000~~)) \$640,000 for fiscal year 2021  
 ..... ((~~\$1,240,000~~))  
\$1,260,000

Marine Resources Stewardship Trust Account: For  
 transfer to the aquatic lands enhancement  
 account, \$160,000 for fiscal year 2020..... \$160,000

Water Pollution Control Revolving Administration  
 Account: For transfer to the water pollution  
 control revolving account, \$4,500,000 for  
 fiscal year 2020 ..... \$4,500,000

Oil Spill Response Account: For transfer to the oil  
 spill prevention account for the military  
 department to continue assisting local  
 emergency planning committees statewide with  
 hazardous materials plans that meet minimum  
 federal requirements, \$520,000 for fiscal  
 year 2020 and \$520,000 for fiscal year 2021  
 ..... \$1,040,000

Oil Spill Prevention Account: For transfer to the  
oil spill response account, \$2,200,000 for  
fiscal year 2021 ..... \$2,200,000

## PART IX

### MISCELLANEOUS

**NEW SECTION. Sec. 901.** A new section is added  
 to 2019 c 415 (uncodified) to read as follows:  
**COLLECTIVE BARGAINING AGREEMENTS**

Sections 902 through 905 of this act represent the  
 results of the negotiations for fiscal year 2021 collective  
 bargaining agreement changes, permitted under chapter  
 41.80 RCW. Provisions of the collective bargaining  
 agreements contained in sections 902 through 905 of this act

are described in general terms. Only major economic terms  
 are included in the descriptions. These descriptions do not  
 contain the complete contents of the agreements. The  
 collective bargaining agreements contained in sections 502  
 and 503 of this act may also be funded by expenditures from  
 nonappropriated accounts. If positions are funded with  
 lidded grants or dedicated fund sources with insufficient  
 revenue, additional funding from other sources is not  
 provided.

**NEW SECTION. Sec. 902.** A new section is added  
 to 2019 c 415 (uncodified) to read as follows:  
**COLLECTIVE BARGAINING AGREEMENT—**  
**ASSOCIATION OF WASHINGTON ASSISTANT**  
**ATTORNEYS GENERAL/WFSE**

An agreement has been reached between the governor  
 and the association of Washington assistant attorneys  
 general/Washington federation of state employees under the  
 provisions of chapter 41.80 RCW for the 2021 fiscal year.  
 Funding is provided to transition the represented employees  
 into the newly established and agreed upon wage schedule,  
 effective July 1, 2020.

**NEW SECTION. Sec. 903.** A new section is added  
 to 2019 c 415 (uncodified) to read as follows:  
**COLLECTIVE BARGAINING AGREEMENT—**  
**UNIVERSITY OF WASHINGTON/WFSE**

An agreement has been reached between the  
 University of Washington and the Washington federation of  
 state employees under the provisions of chapter 41.80 RCW  
 for the 2021 fiscal year. Funding is provided for a lump sum  
 payment for all WFSE represented, permanent employees in  
 the amount of \$700 for an FTE greater than .6 and \$125 for  
 all WFSE represented, permanent employees holding an  
 FTE of .6 or less, as of July 1, 2020.

**NEW SECTION. Sec. 904.** A new section is added  
 to 2019 c 415 (uncodified) to read as follows:  
**COLLECTIVE BARGAINING AGREEMENT—**  
**UNIVERSITY OF WASHINGTON—SEIU 925**

An agreement has been reached between the  
 University of Washington and the service employees  
 international union local 925 under the provisions of chapter  
 41.80 RCW for the 2021 fiscal year. Funding is provided for  
 a lump sum payment for all SEIU 925 represented,  
 permanent employees in the amount of \$650 for an FTE  
 greater than .6 and \$325 for all SEIU 925 represented,  
 permanent employees holding an FTE of .6 or less, as of July  
 1, 2020.

**NEW SECTION. Sec. 905.** A new section is added  
 to 2019 c 415 (uncodified) to read as follows:  
**COLLECTIVE BARGAINING AGREEMENT—**  
**UNIVERSITY OF WASHINGTON—SEIU 1199**  
**RESEARCH/HALL HEALTH**

An agreement has been reached between the  
 University of Washington and the service employees  
 international union local 1199 under the provisions of  
 chapter 41.80 RCW for the 2021 fiscal year. Funding is  
 provided for a lump sum payment for all SEIU 1199NW  
 represented, permanent employees in the amount of \$650 for

an FTE of .5 or greater and \$325 for all SEIU 1199NW represented, permanent employees holding an FTE of less than .5 as of July 1, 2020.

**Sec. 906.** 2019 c 415 s 936 (uncodified) is amended to read as follows:

**COMPENSATION—REPRESENTED  
EMPLOYEES—HEALTH CARE COALITION—  
INSURANCE BENEFITS**

An agreement was reached for the 2019-2021 biennium between the governor and the health care coalition under the provisions of chapter 41.80 RCW. Appropriations in this act for state agencies, including institutions of higher education, are sufficient to implement the provisions of the 2019-2021 collective bargaining agreement, including health flexible spending accounts for eligible employees under the agreement, and are subject to the following conditions and limitations:

The monthly employer funding rate for insurance benefit premiums, public employees' benefits board administration, and the uniform medical plan, shall not exceed \$939 per eligible employee for fiscal year 2020. For fiscal year 2021, the monthly employer funding rate shall not exceed ~~((976))~~ \$980 per eligible employee.

**Sec. 907.** 2019 c 415 s 937 (uncodified) is amended to read as follows:

**COMPENSATION—REPRESENTED  
EMPLOYEES OUTSIDE HEALTH CARE  
COALITION—INSURANCE BENEFITS**

Appropriations for state agencies in this act are sufficient for represented employees outside the coalition for health benefits, and are subject to the following conditions and limitations: The monthly employer funding rate for insurance benefit premiums, public employees' benefits board administration, and the uniform medical plan, may not exceed \$939 per eligible employee for fiscal year 2020. For fiscal year 2021, the monthly employer funding rate may not exceed ~~((976))~~ \$980 per eligible employee.

**Sec. 908.** 2019 c 415 s 938 (uncodified) is amended to read as follows:

**COMPENSATION—SCHOOL EMPLOYEES—  
INSURANCE BENEFITS**

An agreement was reached for the 2019-2021 biennium between the governor and the school employee coalition under the provisions of chapters 41.56 and 41.59 RCW. Appropriations in this act for allocations to school districts are sufficient to implement the provisions of the 2019-2021 collective bargaining agreement, and for procurement of a benefit package that is materially similar to benefits provided by the public employee benefits program as outlined in policies adopted by the school employees' benefits board, and are subject to the following conditions and limitations:

(1) The monthly employer funding rate for insurance benefit premiums, school employees' benefits board administration, retiree remittance, and the uniform medical plan, shall not exceed \$994 per eligible employee beginning

January 1, 2020. For ~~((fiscal year 2021))~~ July and August 2020, the monthly employer funding rate shall not exceed \$1,056 per eligible employee. Beginning September 1, 2020, through June 30, 2021, the monthly employer funding rate shall not exceed \$1,029 per eligible employee. Employers will contribute one hundred percent of the retiree remittance defined in section 939 of this act.

(2) For the purposes of distributing insurance benefits, certificated staff units as determined in section 504 of this act will be multiplied by 1.02 and classified staff units as determined in section 504 of this act will be multiplied by 1.43.

(3) Except as provided by the parties' health care agreement, in order to achieve the level of funding provided for health benefits, the school employees' benefits board shall require any or all of the following: Employee premium copayments, increases in point-of-service cost sharing, the implementation of managed competition, or other changes to benefits consistent with RCW 41.05.740. The board shall collect a twenty-five dollar per month surcharge payment from members who use tobacco products and a surcharge payment of not less than fifty dollars per month from members who cover a spouse or domestic partner where the spouse or domestic partner has chosen not to enroll in another employer-based group health insurance that has benefits and premiums with an actuarial value of not less than ninety-five percent of the actuarial value of the public employees' benefits board plan with the largest enrollment. The surcharge payments shall be collected in addition to the member premium payment.

(4) The health care authority shall deposit any moneys received on behalf of the school employees' medical plan as a result of rebates on prescription drugs, audits of hospitals, subrogation payments, or any other moneys recovered as a result of prior uniform medical plan claims payments, into the school employees' and retirees' insurance account to be used for insurance benefits. Such receipts may not be used for administrative expenditures.

**Sec. 909.** 2019 c 415 s 939 (uncodified) is amended to read as follows:

**COMPENSATION—NONREPRESENTED  
EMPLOYEES—INSURANCE BENEFITS**

Appropriations for state agencies in this act are sufficient for nonrepresented state employee health benefits for state agencies, including institutions of higher education, and are subject to the following conditions and limitations:

(1) The employer monthly funding rate for insurance benefit premiums, public employees' benefits board administration, and the uniform medical plan, shall not exceed \$939 per eligible employee for fiscal year 2020. For fiscal year 2021, the monthly employer funding rate shall not exceed ~~((976))~~ \$980 per eligible employee. These rates assume the use of approximately \$59 million of plan reserves in fiscal year 2020 and \$97 million in fiscal year 2021.

(2) The health care authority, subject to the approval of the public employees' benefits board, shall provide

subsidies for health benefit premiums to eligible retired or disabled public employees and school district employees who are eligible for medicare, pursuant to RCW 41.05.085. For calendar years 2020 and 2021, the subsidy shall be up to \$183 per month. Funds from reserves accumulated for future adverse claims experience, from past favorable claims experience, or otherwise, may not be used to increase this retiree subsidy beyond what is authorized by the legislature in this subsection.

(3) Technical colleges, school districts, and educational service districts shall remit to the health care authority for deposit into the public employees' and retirees' insurance account established in RCW 41.05.120 the following amounts:

(a) For each full-time employee, \$69.56 per month beginning September 1, 2019, and \$76.13 beginning September 1, 2020;

(b) For each part-time employee, who at the time of the remittance is employed in an eligible position as defined in RCW 41.32.010 or 41.40.010 and is eligible for employer fringe benefit contributions for basic benefits, \$69.56 each month beginning September 1, 2019, and \$76.13 beginning September 1, 2020, prorated by the proportion of employer fringe benefit contributions for a full-time employee that the part-time employee receives. The remittance requirements specified in this subsection do not apply to employees of a technical college, school district, or educational service district who purchase insurance benefits through contracts with the health care authority.

**Sec. 910.** 2019 c 415 s 946 (uncodified) is amended to read as follows:

**CONDITIONAL AND GENERAL WAGE INCREASES—UNIVERSITY OF WASHINGTON**

(1) Appropriations for the University of Washington in this act are sufficient to provide a general wage increase to employees who are not represented or who bargain under a statutory authority other than chapters 41.80 or 47.64 RCW or RCW 41.56.473. Funding is provided for a two percent general wage increase effective July 1, 2019, and a two percent increase July 1, 2020, for all employees described by this subsection.

(2) Appropriations for the University of Washington in this act are also sufficient to provide ~~((an additional wage increase))~~ a lump sum payment for all nonrepresented, classified employees, ~~((both represented and not represented, of one percent effective July 1, 2019, and one percent))~~ who earn less than \$54,264 in salary annually, in the amount of \$650 for an FTE greater than 0.6 and \$325 for an FTE of 0.6 or less, effective July 1, 2020. ~~((This additional wage increase, funded in section 606 of this act, is conditioned upon the University of Washington concluding changes to the bargaining agreements with represented employees, including those whose agreements are approved in sections 921, 922, 923, 924, and 925 of this act, to provide the same one percent increases to represented employees.))~~

**NEW SECTION. Sec. 911.** A new section is added to 2019 c 415 (uncodified) to read as follows:  
**COMPENSATION—PENSION CONTRIBUTIONS**

Appropriations to state agencies include funding for an increase in pension contribution rates for several state pension systems. An increase of four one-hundredths of one percent is funded for state employer contributions to the public employees' retirement system and the public safety employees' retirement systems. An increase of nine one-hundredths of one percent for school employer contributions to the teachers' retirement system and an increase of four one-hundredths of one percent for employer contributions to the school employees' retirement system are funded. These increases are provided for the purpose of a one-time, ongoing pension increase for retirees in the public employees' retirement system plan 1 and teachers' retirement system plan 1.

**Sec. 912.** 2019 c 415 s 996 (uncodified) is amended to read as follows:

**ORCA PASSES**

Appropriations to state agencies include funding for orca transit passes for employees who are not represented or who bargained under authority other than chapter 41.80 or 47.64 RCW or RCW 41.56.473 or 41.56.475, who work in King, Pierce, and Snohomish counties. The purchase of orca transit passes shall be administered by the office of financial management for fiscal year 2020.

**Sec. 913.** 2019 c 324 s 12 (uncodified) is amended to read as follows:

(1) The health care authority shall establish a pilot program to provide mental health drop-in center services. The mental health drop-in center services shall provide a peer-focused recovery model during daytime hours through a community-based, therapeutic, less restrictive alternative to hospitalization for acute psychiatric needs. The program shall assist clients in need of voluntary, short-term, noncrisis services that focus on recovery and wellness. Clients may refer themselves, be brought to the center by law enforcement, be brought to the center by family members, or be referred by an emergency department.

(2) The pilot program shall be conducted in the largest city in a regional service area that has at least nine counties. Funds to support the pilot program shall be distributed through the behavioral health administrative service organization that serves the pilot program.

(3) The pilot program shall begin on ~~((January))~~ July 1, 2020, and conclude July 1, 2022.

(4) By December 1, 2020, the health care authority shall submit a preliminary report to the governor and the appropriate committees of the legislature. The preliminary report shall include a survey of peer mental health programs that are operating in the state, including the location, type of services offered, and number of clients served. By December 1, 2021, the health care authority shall report to the governor and the appropriate committees of the legislature on the results of the pilot program. The report shall include information about the number of clients served, the needs of

the clients, the method of referral for the clients, and recommendations on how to expand the program statewide, including any recommendations to account for different needs in urban and rural areas.

**Sec. 914.** RCW 28B.145.050 and 2014 c 208 s 5 are each amended to read as follows:

(1) The opportunity scholarship match transfer account is created in the custody of the state treasurer as a nonappropriated account to be used solely and exclusively for the opportunity scholarship program created in RCW 28B.145.040. The purpose of the account is to provide matching funds for the opportunity scholarship program.

(2) Revenues to the account shall consist of appropriations by the legislature into the account and any gifts, grants, or donations received by the executive director of the council for this purpose.

(3) No expenditures from the account may be made except upon receipt of proof, by the executive director of the council from the program administrator, of private contributions to the opportunity scholarship program. Expenditures, in the form of matching funds, may not exceed the total amount of private contributions.

(4) Only the executive director of the council or the executive director's designee may authorize expenditures from the opportunity scholarship match transfer account. Such authorization must be made as soon as practicable following receipt of proof as required under subsection (3) of this section.

(5) The council shall enter into an appropriate agreement with the program administrator to demonstrate exchange of consideration for the matching funds.

(6) During the 2019-2021 fiscal biennium, expenditures from the opportunity scholarship match transfer account may be used for payment to the program administrator for administrative duties carried out under this chapter in an amount not to exceed two hundred fifty thousand dollars per fiscal year.

**Sec. 915.** RCW 41.06.280 and 2019 c 415 s 957 are each amended to read as follows:

(1) There is hereby created a fund within the state treasury, designated as the "personnel service fund," to be used by the office of financial management as a revolving fund for the payment of salaries, wages, and operations required for the administration of the provisions of this chapter, applicable provisions of chapter 41.04 RCW, and chapter 41.60 RCW. An amount not to exceed one and one-half percent of the salaries and wages for all positions in the classified service in each of the agencies subject to this chapter, except the institutions of higher education, shall be charged to the operations appropriations of each agency and credited to the personnel service fund as the allotments are approved pursuant to chapter 43.88 RCW. Subject to the above limitations, the amount shall be charged against the allotments pro rata, at a rate to be fixed by the director from time to time which, together with income derived from services rendered under RCW 41.06.080, will provide the office of financial management with funds to meet its

anticipated expenditures during the allotment period, including the training requirements in RCW 41.06.500 and 41.06.530. All revenues, net of expenditures, previously derived from services provided by the department of enterprise services under RCW 41.06.080 must be transferred to the enterprise services account.

(2) The director shall fix the terms and charges for services rendered by the office of financial management pursuant to RCW 41.06.080, which amounts shall be credited to the personnel service fund and charged against the proper fund or appropriation of the recipient of such services on a monthly basis. Payment for services so rendered under RCW 41.06.080 shall be made on a monthly basis to the state treasurer and deposited in the personnel service fund.

(3) Moneys from the personnel service fund shall be disbursed by the state treasurer by warrants on vouchers duly authorized by the office of financial management.

(4) During the 2019-2021 fiscal biennium, the office of financial management may use the personnel service fund to administer an employee transit pass program. ~~((The))~~ For fiscal year 2020, the office of financial management must bill state agencies for the total cost of administering the program and payments received from agencies must be deposited in the personnel service fund.

(5) During the 2019-2021 fiscal biennium, the office of financial management may use the personnel service fund to administer an employee flexible spending arrangement. ~~((The))~~ For fiscal year 2020, the office of financial management must bill state agencies for the total cost of administering the program and payments received from agencies must be deposited in the personnel service fund.

**Sec. 916.** RCW 41.50.110 and 2015 3rd sp.s. c 4 s 951 are each amended to read as follows:

(1) Except as provided by RCW 41.50.255 and subsection (6) of this section, all expenses of the administration of the department, the expenses of administration of the retirement systems, and the expenses of the administration of the office of the state actuary created in chapters 2.10, 2.12, 28B.10, 41.26, 41.32, 41.40, 41.34, 41.35, 41.37, 43.43, and 44.44 RCW shall be paid from the department of retirement systems expense fund.

(2) In order to reimburse the department of retirement systems expense fund on an equitable basis the department shall ascertain and report to each employer, as defined in RCW 28B.10.400, 41.26.030, 41.32.010, 41.35.010, 41.37.010, or 41.40.010, the sum necessary to defray its proportional share of the entire expense of the administration of the retirement system that the employer participates in during the ensuing biennium or fiscal year whichever may be required. Such sum is to be computed in an amount directly proportional to the estimated entire expense of the administration as the ratio of monthly salaries of the employer's members bears to the total salaries of all members in the entire system. It shall then be the duty of all such employers to include in their budgets or otherwise provide the amounts so required.



(3) The department shall compute and bill each employer, as defined in RCW 28B.10.400, 41.26.030, 41.32.010, 41.35.010, 41.37.010, or 41.40.010, at the end of each month for the amount due for that month to the department of retirement systems expense fund and the same shall be paid as are its other obligations. Such computation as to each employer shall be made on a percentage rate of salary established by the department. However, the department may at its discretion establish a system of billing based upon calendar year quarters in which event the said billing shall be at the end of each such quarter.

(4) The director may adjust the expense fund contribution rate for each system at any time when necessary to reflect unanticipated costs or savings in administering the department.

(5) An employer who fails to submit timely and accurate reports to the department may be assessed an additional fee related to the increased costs incurred by the department in processing the deficient reports. Fees paid under this subsection shall be deposited in the retirement system expense fund.

(a) Every six months the department shall determine the amount of an employer's fee by reviewing the timeliness and accuracy of the reports submitted by the employer in the preceding six months. If those reports were not both timely and accurate the department may prospectively assess an additional fee under this subsection.

(b) An additional fee assessed by the department under this subsection shall not exceed fifty percent of the standard fee.

(c) The department shall adopt rules implementing this section.

(6) Expenses other than those under RCW 41.34.060(4) shall be paid pursuant to subsection (1) of this section.

(7) During the ~~((2009-2011 and 2011-2013 fiscal biennia, the legislature may transfer from the department of retirement systems' expense fund to the state general fund such amounts as reflect the excess fund balance of the fund. During the 2015-2017 fiscal biennium, state contributions to the judicial retirement system may be made in part by appropriations from the department of retirement systems expense fund))~~ 2019-2021 fiscal biennium, the legislature may direct the state treasurer to make transfers of moneys in the department of retirement systems expense fund to the general fund.

**Sec. 917.** RCW 43.185C.060 and 2018 c 85 s 6 are each amended to read as follows:

(1) The home security fund account is created in the state treasury, subject to appropriation. The state's portion of the surcharge established in RCW 36.22.179 and 36.22.1791 must be deposited in the account. Expenditures from the account may be used only for homeless housing programs as described in this chapter.

(2) The department must distinguish allotments from the account made to carry out the activities in RCW

43.330.167, 43.330.700 through 43.330.715, 43.330.911, 43.185C.010, 43.185C.250 through 43.185C.320, and 36.22.179(1)(b).

(3) The office of financial management must secure an independent expenditure review of state funds received under RCW 36.22.179(1)(b) on a biennial basis. The purpose of the review is to assess the consistency in achieving policy priorities within the private market rental housing segment for housing persons experiencing homelessness. The independent reviewer must notify the department and the office of financial management of its findings. The first biennial expenditure review, for the 2017-2019 fiscal biennium, is due February 1, 2020. Independent reviews conducted thereafter are due February 1st of each even-numbered year.

(4) During the 2019-2021 fiscal biennium, the expenditures from the account may also be used for (a) improvements to the aged, blind, or disabled assistance program, (b) the development of affordable housing benchmarks, (c) a transitional housing pilot program for youth, (d) permanent supportive housing assistance, and (e) the essential needs and housing support program. It is the intent of the legislature that this policy will continue in subsequent fiscal biennia.

**Sec. 918.** RCW 71A.20.170 and 2011 1st sp.s. c 30 s 12 are each amended to read as follows:

(1) The developmental disabilities community trust account is created in the state treasury. All net proceeds from the use of excess property identified in the 2002 joint legislative audit and review committee capital study or other studies of the division of developmental disabilities residential habilitation centers that would not impact current residential habilitation center operations must be deposited into the account.

(2) Proceeds may come from the lease of the land, conservation easements, sale of timber, or other activities short of sale of the property, except as permitted under section 7 of this act.

(3) "Excess property" includes that portion of the property at Rainier school previously under the cognizance and control of Washington State University for use as a dairy/forage research facility.

(4) Only investment income from the principal of the proceeds deposited into the trust account may be spent from the account. For purposes of this section, "investment income" includes lease payments, rent payments, or other periodic payments deposited into the trust account. For purposes of this section, "principal" is the actual excess land from which proceeds are assigned to the trust account.

(5) Moneys in the account may be spent only after appropriation. Expenditures from the account shall be used exclusively to provide family support and/or employment/day services to eligible persons with developmental disabilities who can be served by community-based developmental disability services. It is the intent of the legislature that the account should not be used to replace, supplant, or reduce existing appropriations.

(6) The account shall be known as the Dan Thompson memorial developmental disabilities community trust account.

(7) During the 2019-2021 fiscal biennium, moneys appropriated from the general fund for expenditure into the Dan Thompson memorial developmental disabilities community trust account may be spent from the account for the purposes specified in subsection (5) of this section. It is the intent of the legislature that this policy will continue in subsequent biennia.

**Sec. 919.** RCW 90.56.510 and 2019 c 415 s 994 are each amended to read as follows:

(1) The oil spill prevention account is created in the state treasury. All receipts from RCW 82.23B.020(2) shall be deposited in the account. Moneys from the account may be spent only after appropriation. The account is subject to allotment procedures under chapter 43.88 RCW. If, on the first day of any calendar month, the balance of the oil spill response account is greater than nine million dollars and the balance of the oil spill prevention account exceeds the unexpended appropriation for the current biennium, then the tax under RCW 82.23B.020(2) shall be suspended on the first day of the next calendar month until the beginning of the following biennium, provided that the tax shall not be suspended during the last six months of the biennium. If the tax imposed under RCW 82.23B.020(2) is suspended during two consecutive biennia, the department shall by November 1st after the end of the second biennium, recommend to the appropriate standing committees an adjustment in the tax rate. For the biennium ending June 30, 1999, and the biennium ending June 30, 2001, the state treasurer may transfer a total of up to one million dollars from the oil spill response account to the oil spill prevention account to support appropriations made from the oil spill prevention account in the omnibus appropriations act adopted not later than June 30, 1999.

(2) Expenditures from the oil spill prevention account shall be used exclusively for the administrative costs related to the purposes of this chapter, and chapters 90.48, 88.40, and 88.46 RCW. In addition, until June 30, 2021, expenditures from the oil spill prevention account may be used, subject to amounts appropriated specifically for this purpose, for the development and annual review of local emergency planning committee emergency response plans in RCW 38.52.040(3). Starting with the 1995-1997 biennium, the legislature shall give activities of state agencies related to prevention of oil spills priority in funding from the oil spill prevention account. Costs of prevention include the costs of:

- (a) Routine responses not covered under RCW 90.56.500;
- (b) Management and staff development activities;
- (c) Development of rules and policies and the statewide plan provided for in RCW 90.56.060;
- (d) Facility and vessel plan review and approval, drills, inspections, investigations, enforcement, and litigation;

(e) Interagency coordination and public outreach and education;

(f) Collection and administration of the tax provided for in chapter 82.23B RCW; and

(g) Appropriate travel, goods and services, contracts, and equipment.

(3) Before expending moneys from the account for a response under subsection (2)(a) of this section, but without delaying response activities, the director shall make reasonable efforts to obtain funding for response costs under this section from the person responsible for the spill and from other sources, including the federal government.

(4) During the 2019-2021 fiscal biennium, the legislature may direct the state treasurer to make transfers of moneys in the oil spill prevention account to the oil spill response account.

**Sec. 920.** RCW 70.105D.190 and 2019 c 422 s 202 are each amended to read as follows:

(1) The model toxics control operating account is hereby created in the state treasury.

(2) Moneys in the model toxics control operating account must be used only to carry out the purposes of this chapter, including but not limited to the following:

(a) The state's responsibility for hazardous waste planning, management, regulation, enforcement, technical assistance, and public education required under chapter 70.105 RCW;

(b) The state's responsibility for solid waste planning, management, regulation, enforcement, technical assistance, and public education required under chapter 70.95 RCW;

(c) The hazardous waste clean-up program required under this chapter;

(d) State matching funds required under federal cleanup law;

(e) Financial assistance for local programs and plans, including local solid waste financial assistance, in accordance with chapters 70.76, 70.95, 70.95C, 70.95I, and 70.105 RCW;

(f) State government programs for the safe reduction, recycling, or disposal of paint and hazardous wastes from households, small businesses, and agriculture;

(g) Oil and hazardous materials spill prevention, preparedness, training, and response activities;

(h) Water and environmental health protection and monitoring programs;

(i) Programs authorized under chapter 70.146 RCW;

(j) A public participation program;

(k) Development and demonstration of alternative management technologies designed to carry out the hazardous waste management priorities of RCW 70.105.150;

(l) State agriculture and health programs for the safe use, reduction, recycling, or disposal of pesticides;

(m) Funding requirements to maintain receipt of federal funds under the federal solid waste disposal act (42 U.S.C. Sec. 6901 et seq.);

(n) Air quality programs and actions for reducing public exposure to toxic air pollution; ~~((and))~~

(o) Petroleum-based plastic or expanded polystyrene foam debris clean-up activities in fresh or marine waters; and

(p) During the 2019-2021 fiscal biennium, forest practices regulation at the department of natural resources.

(3) Except for unanticipated receipts under RCW 43.79.260 through 43.79.282, moneys in model toxics control operating account may be spent only after appropriation by statute.

(4) One percent of the moneys collected under RCW 82.21.030 must be allocated only for public participation grants to persons who may be adversely affected by a release or threatened release of a hazardous substance and to not-for-profit public interest organizations. The primary purpose of these grants is to facilitate the participation by persons and organizations in the investigation and remedying of releases or threatened releases of hazardous substances and to implement the state's solid and hazardous waste management priorities. No grant may exceed sixty thousand dollars. Grants may be renewed annually. Moneys appropriated for public participation that are not expended at the close of any biennium revert to the model toxics control operating account.

(5) The department must adopt rules for grant or loan issuance and performance.

**NEW SECTION. Sec. 921.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

**NEW SECTION. Sec. 922.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

Correct the title.

Representative Robinson moved the adoption of amendment (1734) to the striking amendment (1685):

922.0. On page 1, line 8, after "biennium" insert ", except that these revenue forecasts do not include revenue reductions of \$12.7 million over the two-biennium period attributable to implementation of Substitute House Bill No. 2803 (Indian tribes compact/taxes)"

On page 61, line 36, increase the general fund-state appropriation for fiscal year 2021 by \$2,981,000

On page 62, line 12, correct the total.

On page 67, after line 16, insert the following:

"(5) \$2,981,000 of the general fund-state appropriation for fiscal year 2021 is provided solely for the implementation of Substitute House Bill No. 2803 (Indian tribes compact/taxes). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse."

Representatives Robinson and Walsh spoke in favor of the adoption of the amendment to the striking amendment.

Amendment (1734) to the striking amendment (1685) was adopted.

Representative Sullivan moved the adoption of amendment (1727) to the striking amendment (1685):

922.0. On page 1, line 26, after "(H-5077.1/20)." insert "The appropriations in this act do not assume revenues from House Bill No. 2945 (Concerning aerospace business and occupation taxes and world trade organization compliance), which are estimated to total \$363 million over the two-biennium fiscal period subject to the four-year balanced budget requirement."

Representatives Sullivan and Walsh spoke in favor of the adoption of the amendment to the striking amendment.

Representative Stokesbary spoke against the adoption of the amendment to the striking amendment.

Amendment (1727) to the striking amendment (1685) was adopted.

Representative Paul moved the adoption of amendment (1731) to the striking amendment (1685):

922.0. On page 109, line 11, increase the general fund-state appropriation for fiscal year 2021 by \$1,593,000

On page 109, line 13, increase the general fund-federal appropriation by \$1,594,000

On page 109, line 24, correct the total.

On page 423, after line 33, insert the following:

**"Sec. 921.** RCW 74.46.561 and 2019 c 301 s 1 are each amended to read as follows:

(1) The legislature adopts a new system for establishing nursing home payment rates beginning July 1, 2016. Any payments to nursing homes for services provided after June 30, 2016, must be based on the new system. The new system must be designed in such a manner as to decrease administrative complexity associated with the payment methodology, reward nursing homes providing care for high acuity residents, incentivize quality care for residents of nursing homes, and establish minimum staffing standards for direct care.

(2) The new system must be based primarily on industry-wide costs, and have three main components: Direct care, indirect care, and capital.

(3) The direct care component must include the direct care and therapy care components of the previous system, along with food, laundry, and dietary services. Direct care must be paid at a fixed rate, based on one hundred percent or greater of statewide case mix neutral median costs, but shall be set so that a nursing home provider's direct care rate does not exceed one hundred eighteen percent of its base year's direct care allowable costs except if the provider is below the minimum staffing standard established in RCW 74.42.360(2). Direct care must be performance-adjusted for acuity every six months, using case mix principles. Direct care must be regionally adjusted using county wide wage index information available through the United States department of labor's bureau of labor statistics. There is no minimum occupancy for direct care. The direct care component rate allocations calculated in accordance with this section must be adjusted to the extent necessary to comply with RCW 74.46.421.

(4) The indirect care component must include the elements of administrative expenses, maintenance costs, and housekeeping services from the previous system. A minimum occupancy assumption of ninety percent must be applied to indirect care. Indirect care must be paid at a fixed rate, based on ninety percent or greater of statewide median costs. The indirect care component rate allocations calculated in accordance with this section must be adjusted to the extent necessary to comply with RCW 74.46.421.

(5) The capital component must use a fair market rental system to set a price per bed. The capital component must be adjusted for the age of the facility, and must use a minimum occupancy assumption of ninety percent.

(a) Beginning July 1, 2016, the fair rental rate allocation for each facility must be determined by multiplying the allowable nursing home square footage in (c) of this subsection by the RSMeans rental rate in (d) of this subsection and by the number of licensed beds yielding the gross unadjusted building value. An equipment allowance of ten percent must be added to the unadjusted building value. The sum of the unadjusted building value and equipment allowance must then be reduced by the average age of the facility as determined by (e) of this subsection using a depreciation rate of one and one-half percent. The depreciated building and equipment plus land valued at ten percent of the gross unadjusted building value before depreciation must then be multiplied by the rental rate at seven and one-half percent to yield an allowable fair rental value for the land, building, and equipment.

(b) The fair rental value determined in (a) of this subsection must be divided by the greater of the actual total facility census from the prior full calendar year or imputed census based on the number of licensed beds at ninety percent occupancy.

(c) For the rate year beginning July 1, 2016, all facilities must be reimbursed using four hundred square feet. For the rate year beginning July 1, 2017, allowable nursing facility square footage must be determined using the total nursing facility square footage as reported on the medicaid cost reports submitted to the department in compliance with

this chapter. The maximum allowable square feet per bed may not exceed four hundred fifty.

(d) Each facility must be paid at eighty-three percent or greater of the median nursing facility RSMeans construction index value per square foot. The department may use updated RSMeans construction index information when more recent square footage data becomes available. The statewide value per square foot must be indexed based on facility zip code by multiplying the statewide value per square foot times the appropriate zip code based index. For the purpose of implementing this section, the value per square foot effective July 1, 2016, must be set so that the weighted average fair rental value rate is not less than ten dollars and eighty cents per patient day. The capital component rate allocations calculated in accordance with this section must be adjusted to the extent necessary to comply with RCW 74.46.421.

(e) The average age is the actual facility age reduced for significant renovations. Significant renovations are defined as those renovations that exceed two thousand dollars per bed in a calendar year as reported on the annual cost report submitted in accordance with this chapter. For the rate beginning July 1, 2016, the department shall use renovation data back to 1994 as submitted on facility cost reports. Beginning July 1, 2016, facility ages must be reduced in future years if the value of the renovation completed in any year exceeds two thousand dollars times the number of licensed beds. The cost of the renovation must be divided by the accumulated depreciation per bed in the year of the renovation to determine the equivalent number of new replacement beds. The new age for the facility is a weighted average with the replacement bed equivalents reflecting an age of zero and the existing licensed beds, minus the new bed equivalents, reflecting their age in the year of the renovation. At no time may the depreciated age be less than zero or greater than forty-four years.

(f) A nursing facility's capital component rate allocation must be rebased annually, effective July 1, 2016, in accordance with this section and this chapter.

(g) For the purposes of this subsection (5), "RSMeans" means building construction costs data as published by Gordian.

(6) A quality incentive must be offered as a rate enhancement beginning July 1, 2016.

(a) An enhancement no larger than five percent and no less than one percent of the statewide average daily rate must be paid to facilities that meet or exceed the standard established for the quality incentive. All providers must have the opportunity to earn the full quality incentive payment.

(b) The quality incentive component must be determined by calculating an overall facility quality score composed of four to six quality measures. For fiscal year 2017 there shall be four quality measures, and for fiscal year 2018 there shall be six quality measures. Initially, the quality incentive component must be based on minimum data set quality measures for the percentage of long-stay residents who self-report moderate to severe pain, the percentage of high-risk long-stay residents with pressure ulcers, the

percentage of long-stay residents experiencing one or more falls with major injury, and the percentage of long-stay residents with a urinary tract infection. Quality measures must be reviewed on an annual basis by a stakeholder work group established by the department. Upon review, quality measures may be added or changed. The department may risk adjust individual quality measures as it deems appropriate.

(c) The facility quality score must be point based, using at a minimum the facility's most recent available three-quarter average centers for medicare and medicaid services quality data. Point thresholds for each quality measure must be established using the corresponding statistical values for the quality measure point determinants of eighty quality measure points, sixty quality measure points, forty quality measure points, and twenty quality measure points, identified in the most recent available five-star quality rating system technical user's guide published by the center for medicare and medicaid services.

(d) Facilities meeting or exceeding the highest performance threshold (top level) for a quality measure receive twenty-five points. Facilities meeting the second highest performance threshold receive twenty points. Facilities meeting the third level of performance threshold receive fifteen points. Facilities in the bottom performance threshold level receive no points. Points from all quality measures must then be summed into a single aggregate quality score for each facility.

(e) Facilities receiving an aggregate quality score of eighty percent of the overall available total score or higher must be placed in the highest tier (tier V), facilities receiving an aggregate score of between seventy and seventy-nine percent of the overall available total score must be placed in the second highest tier (tier IV), facilities receiving an aggregate score of between sixty and sixty-nine percent of the overall available total score must be placed in the third highest tier (tier III), facilities receiving an aggregate score of between fifty and fifty-nine percent of the overall available total score must be placed in the fourth highest tier (tier II), and facilities receiving less than fifty percent of the overall available total score must be placed in the lowest tier (tier I).

(f) The tier system must be used to determine the amount of each facility's per patient day quality incentive component. The per patient day quality incentive component for tier IV is seventy-five percent of the per patient day quality incentive component for tier V, the per patient day quality incentive component for tier III is fifty percent of the per patient day quality incentive component for tier V, and the per patient day quality incentive component for tier II is twenty-five percent of the per patient day quality incentive component for tier V. Facilities in tier I receive no quality incentive component.

(g) Tier system payments must be set in a manner that ensures that the entire biennial appropriation for the quality incentive program is allocated.

(h) Facilities with insufficient three-quarter average centers for medicare and medicaid services quality data must be assigned to the tier corresponding to their five-star quality

rating. Facilities with a five-star quality rating must be assigned to the highest tier (tier V) and facilities with a one-star quality rating must be assigned to the lowest tier (tier I). The use of a facility's five-star quality rating shall only occur in the case of insufficient centers for medicare and medicaid services minimum data set information.

(i) The quality incentive rates must be adjusted semiannually on July 1 and January 1 of each year using, at a minimum, the most recent available three-quarter average centers for medicare and medicaid services quality data.

(j) Beginning July 1, 2017, the percentage of short-stay residents who newly received an antipsychotic medication must be added as a quality measure. The department must determine the quality incentive thresholds for this quality measure in a manner consistent with those outlined in (b) through (h) of this subsection using the centers for medicare and medicaid services quality data.

(k) Beginning July 1, 2017, the percentage of direct care staff turnover must be added as a quality measure using the centers for medicare and medicaid services' payroll-based journal and nursing home facility payroll data. Turnover is defined as an employee departure. The department must determine the quality incentive thresholds for this quality measure using data from the centers for medicare and medicaid services' payroll-based journal, unless such data is not available, in which case the department shall use direct care staffing turnover data from the most recent medicaid cost report.

(7) Reimbursement of the safety net assessment imposed by chapter 74.48 RCW and paid in relation to medicaid residents must be continued.

(8)(a) The direct care and indirect care components must be rebased in even-numbered years, beginning with rates paid on July 1, 2016. Rates paid on July 1, 2016, must be based on the 2014 calendar year cost report. On a percentage basis, after rebasing, the department must confirm that the statewide average daily rate has increased at least as much as the average rate of inflation, as determined by the skilled nursing facility market basket index published by the centers for medicare and medicaid services, or a comparable index. If after rebasing, the percentage increase to the statewide average daily rate is less than the average rate of inflation for the same time period, the department is authorized to increase rates by the difference between the percentage increase after rebasing and the average rate of inflation.

(b) It is the intention of the legislature that direct and indirect care rates paid in fiscal year 2022 will be rebased using the calendar year 2019 cost reports. For fiscal year 2021, in addition to the rates generated by (a) of this subsection, an additional adjustment is provided as established in this subsection (8)(b). For fiscal year 2021, the calendar year costs must be adjusted for inflation by a twenty-four month consumer price index, based on the most recently available monthly index for all urban consumers, as published by the bureau of labor statistics. It is also the intent of the legislature that, starting in fiscal year 2022, a facility-specific rate add-on equal to the inflation adjustment that

facilities received in fiscal year 2021, must be added to the rate.

(c) To determine the necessity of regular inflationary adjustments to the nursing facility rates, by December 1, 2020, the department shall provide the appropriate policy and fiscal committees of the legislature with a report that provides a review of rates paid in 2017, 2018, and 2019 in comparison to costs incurred by nursing facilities.

(9) The direct care component provided in subsection (3) of this section is subject to the reconciliation and settlement process provided in RCW 74.46.022(6). Beginning July 1, 2016, pursuant to rules established by the department, funds that are received through the reconciliation and settlement process provided in RCW 74.46.022(6) must be used for technical assistance, specialized training, or an increase to the quality enhancement established in subsection (6) of this section. The legislature intends to review the utility of maintaining the reconciliation and settlement process under a price-based payment methodology, and may discontinue the reconciliation and settlement process after the 2017-2019 fiscal biennium.

(10) Compared to the rate in effect June 30, 2016, including all cost components and rate add-ons, no facility may receive a rate reduction of more than one percent on July 1, 2016, more than two percent on July 1, 2017, or more than five percent on July 1, 2018. To ensure that the appropriation for nursing homes remains cost neutral, the department is authorized to cap the rate increase for facilities in fiscal years 2017, 2018, and 2019."

Renumber remaining sections consecutively and correct internal references accordingly.

Correct the title.

Representatives Paul and Walsh spoke in favor of the adoption of the amendment to the striking amendment.

Amendment (1731) to the striking amendment (1685) was adopted.

Representative Tharinger moved the adoption of amendment (1732) to the striking amendment (1685):

922.0. On page 109, line 11, increase the general fund-state appropriation for fiscal year 2021 by \$1,551,000

On page 109, line 13, increase the general fund-federal appropriation by \$1,915,000

On page 109, line 24, correct the total.

On page 115, line 5, after "year 2020," strike "\$446,000" and insert "((~~\$446,000~~))\$1,997,000"

On page 115, line 6, after "fiscal year 2021, and" strike "\$896,000" and insert "((~~\$896,000~~))\$2,811,000"

Representatives Tharinger and Schmick spoke in favor of the adoption of the amendment to the striking amendment.

Amendment (1732) to the striking amendment (1685) was adopted.

Representative Riccelli moved the adoption of amendment (1729) to the striking amendment (1685):

922.0. On page 130, line 36, increase the general fund-state appropriation for fiscal year 2021 by \$34,145,000

On page 130, line 38, increase the general fund-federal appropriation by \$5,898,000

On page 131, line 18, correct the total.

On page 140, line 3, after "(29)" insert the following:

"(a) \$34,145,000 of the general fund—state appropriation for fiscal year 2021 and \$5,898,000 of the general fund—federal appropriation are provided solely for the compromise of claims in the reconciliation process for rural health clinics for the calendar years 2014-2017. The authority may not recover the state portion of rural health clinic reconciliations for calendar years 2014-2017 for which no state accrual was made. If the authority determines there are unliquidated prior period accrual balances available to refund the federal government for these years, these amounts must be used prior to the amounts provided under this subsection.

(b)"

Representatives Riccelli and Walsh spoke in favor of the adoption of the amendment to the striking amendment.

Amendment (1729) to the striking amendment (1685) was adopted.

Representative Cody moved the adoption of amendment (1735) to the striking amendment (1685):

922.0. On page 130, line 36, increase the general fund-state appropriation for fiscal year 2021 by \$14,492,000

On page 130, line 38, increase the general fund-federal appropriation by \$29,130,000

On page 131, line 18, correct the total.

On page 151, after line 24, insert the following:

"(63) \$14,492,000 of the general fund—state appropriation for fiscal year 2021 and \$29,130,000 of the general fund—federal appropriation are provided solely to maintain and increase access for primary care services for medicaid-enrolled patients through increased provider rates. Within the amounts provided in this subsection: (a) The authority must raise the state fee-for-service rates for primary care services that are reimbursed solely at the existing medical assistance rates, furnished by a nurse practitioner, naturopath, physician assistant, osteopathic physician assistant, physician, or osteopathic physician, by twenty-five percent except that the state medicaid rate may

not exceed the published medicare rate or an equivalent relative value unit rate if a published medicare rate is not available; and (b) the authority must require in contracts with managed care organizations that, beginning in calendar year 2021, they pay no lower than the fee-for-service rate for these codes and managed care capitation rates must be adjusted accordingly. The authority must apply reimbursement rates required under this subsection to payment codes in a manner consistent with the temporary increase in medicaid reimbursement rates under federal rules and guidance in effect on January 1, 2014, implementing the patient protection and affordable care act, except that the authority may not require provider attestations."

Representatives Cody and Schmick spoke in favor of the adoption of the amendment to the striking amendment.

Amendment (1735) to the striking amendment (1685) was adopted.

Representative Lovick moved the adoption of amendment (1733) to the striking amendment (1685):

922.0. On page 173, line 16, increase the general fund-state appropriation for fiscal year 2020 by \$520,000

On page 173, line 18, increase the general fund-state appropriation for fiscal year 2021 by \$520,000

On page 173, line 29, correct the total.

On page 174, line 1, after "(2)" strike "\$2,248,000" and insert "~~(\$2,248,000)~~ \$2,768,000"

On page 174, line 2, after "and" strike "\$2,269,000" and insert "~~(\$2,269,000)~~ \$2,789,000"

On page 174, line 4, after "providing" strike "nine" and insert "~~((nine))~~ eleven"

Representatives Lovick and Maycumber spoke in favor of the adoption of the amendment to the striking amendment.

Amendment (1733) to the striking amendment (1685) was adopted.

Representative Shewmake moved the adoption of amendment (1736) to the striking amendment (1685):

922.0. On page 225, line 8, increase the general fund-state appropriation for fiscal year 2021 by \$56,391,000

On page 225, line 24, correct the total.

On page 227, line 12, strike "\$101,414,000" and insert "~~(\$101,414,000)~~ \$157,805,000"

On page 227, line 13, after "providers" insert "in fiscal year 2020 and the 75th percentile of market for both centers and licensed family homes at a level 2 standard of quality in fiscal year 2021. The state and the representative for family child care providers must enter into bargaining

over the implementation of subsidy rate increases, and apply those increases consistent with the terms of this proviso and the agreement reached between the parties"

Representatives Shewmake and Dent spoke in favor of the adoption of the amendment to the striking amendment.

Amendment (1736) to the striking amendment (1685) was adopted.

Representative Fitzgibbon moved the adoption of amendment (1728) to the striking amendment (1685):

922.0. On page 254, line 28, increase the general fund--state appropriation by \$8,375,000

On page 255, line 5, decrease the state wildlife account--state appropriation by \$6,872,000

On page 255, line 24, correct the total.

Representatives Fitzgibbon and Walsh spoke in favor of the adoption of the amendment to the striking amendment.

Amendment (1728) to the striking amendment (1685) was adopted.

Representative Springer moved the adoption of amendment (1725) to the striking amendment (1685):

922.0. On page 261, line 15, increase the general fund--state appropriation for fiscal year 2020 by \$37,310,000

On page 262, line 25, correct the total.

On page 262, line 34, strike "\$8,546,000" and insert "\$45,856,000"

Representatives Springer and Kretz spoke in favor of the adoption of the amendment to the striking amendment.

Amendment (1725) to the striking amendment (1685) was adopted.

Representative Stonier moved the adoption of amendment (1730) to the striking amendment (1685):

922.0. On page 301, line 31, increase the general fund-state appropriation for fiscal year 2021 by \$41,392,000

On page 301, line 34, correct the total.

On page 304, line 16, after "school" insert "in the 2019-20 school year"

On page 304, line 20, after "under" insert "(d)(ii)(A) of"

On page 304, line 29, after "(B)" insert the following:

"For qualifying high-poverty schools in the 2020-21 school year, in addition to the allocation under (d)(i) of this subsection, the superintendent shall allocate additional funding for guidance counselors for each level of prototypical school as follows:

	<u>Elementary</u>	<u>Middle</u>	<u>High</u>
<u>Guidance</u>			
<u>Counselors</u>	<u>0.500</u>	<u>0.500</u>	<u>0.500</u>

In addition to schools with more than fifty percent of students eligible for free and reduced-price meals in the prior school year, elementary schools that enroll more than six hundred full-time equivalent students with at least forty-five percent of students eligible for free and reduced-price meals in the prior school year will qualify as a high-poverty school under this subsection.

(C)"

On page 315, line 29, increase the general fund-state appropriation for fiscal year 2021 by \$3,280,000

On page 315, line 31, correct the total.

On page 319, line 32, increase the general fund-state appropriation for fiscal year 2021 by \$6,713,000

On page 319, line 36, correct the total.

On page 326, line 8, increase the general fund-state appropriation for fiscal year 2021 by \$7,000

On page 326, line 10, correct the total.

On page 337, line 33, increase the Washington opportunity pathways account-state appropriation by \$215,000

On page 337, line 35, correct the total.

Representatives Stonier, Steele and Walsh spoke in favor of the adoption of the amendment to the striking amendment.

Amendment (1730) to the striking amendment (1685) was adopted.

Representative Callan moved the adoption of amendment (1724) to the striking amendment (1685):

922.0. On page 325, line 10, increase the general fund-state appropriation for fiscal year 2020 by \$27,590,000

On page 325, line 12, increase the general fund-state appropriation for fiscal year 2021 by \$22,573,000

On page 325, line 14, correct the total.

On page 325, line 36, after "~~2018~~.)" insert the following:

"\$27,590,000 of the general fund-state appropriation for fiscal year 2020 and \$22,573,000 of the general fund-state appropriation for fiscal year 2021 are provided solely

for additional local effort assistance payments to districts specified in LEAP Document 5, as developed by the legislative evaluation and accountability program committee on February 26, 2020 at 8:26 hours."

Representatives Callan and Steele spoke in favor of the adoption of the amendment to the striking amendment.

Amendment (1724) to the striking amendment (1685) was adopted.

Representative Leavitt moved the adoption of amendment (1726) to the striking amendment (1685):

922.0. On page 401, after line 9, insert the following:

**"NEW SECTION. Sec. 716.** A new section is added to 2019 c 415 (uncodified) to read as follows:  
**COMPENSATION—PERS AND TRS PLAN 1**  
**RETIREE BENEFIT INCREASES**

General Fund—State Appropriation (FY 2021)  
 .....\$11,713,000

General Fund—Federal Appropriation .....\$53,000

General Fund—Local Appropriation .....\$34,000

Other Appropriated Funds .....\$420,000

TOTAL APPROPRIATION .....\$13,112,000

The appropriations in this section in addition to adjustments to pension contribution rate costs in agency budgets described in section 911 of this act, and are subject to the following conditions and limitations: The appropriations in this section are provided solely for implementation of Engrossed House Bill No. 1390 (plan 1 retiree benefit increases). Of these amounts, \$15,039,000 of the general fund—state appropriation is for allocation to school districts. If the bill is not enacted by June 30, 2020, the amounts appropriated in this section shall lapse."

Representatives Leavitt and Walsh spoke in favor of the adoption of the amendment to the striking amendment.

Amendment (1726) to the striking amendment (1685) was adopted.

Representatives Walsh, Kraft, Orcutt, Stokesbary and Jenkin spoke in favor of the adoption of the striking amendment, as amended.

Representative Sullivan spoke against the adoption of the striking amendment, as amended.

Representative McCaslin was excused from the bar.

An electronic roll call was requested.

## ROLL CALL



The Clerk called the roll on the adoption of amendment (1685), as amended, and the amendment was not adopted by the following vote: Yeas, 43; Nays, 51; Absent, 0; Excused, 4.

Voting yea: Representatives Barkis, Blake, Boehnke, Caldier, Chambers, Chandler, Corry, DeBolt, Dent, Dufault, Dye, Eslick, Gildon, Goehner, Graham, Griffey, Harris, Hoff, Irwin, Jenkin, Klippert, Kraft, Kretz, Leavitt, MacEwen, Maycumber, Mosbrucker, Orcutt, Paul, Rude, Schmick, Shewmake, Smith, Steele, Stokesbary, Sutherland, Van Werven, Vick, Volz, Walsh, Wilcox, Ybarra and Young.

Voting nay: Representatives Bergquist, Callan, Chapman, Chopp, Cody, Davis, Doglio, Duerr, Entenman, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hansen, Hudgins, J. Johnson, Kilduff, Kirby, Kloba, Lekanoff, Lovick, Macri, Mead, Morgan, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Ryu, Santos, Sells, Senn, Slatter, Springer, Stonier, Sullivan, Tarleton, Thai, Tharinger, Valdez, Walen, Wylie and Mme. Speaker.

Excused: Representatives Appleton, Dolan, McCaslin and Shea.

Representative Ormsby moved the adoption of the striking amendment (1686):

922.0.

Strike everything after the enacting clause and insert the following:

## "PART I

### GENERAL GOVERNMENT

**Sec. 101.** 2019 c 415 s 101 (uncodified) is amended to read as follows:

#### FOR THE HOUSE OF REPRESENTATIVES

General Fund—State Appropriation (FY 2020)	
.....	<del>(\$40,202,000))</del>
	<u>\$40,378,000</u>

General Fund—State Appropriation (FY 2021)	
.....	<del>(\$43,039,000))</del>
	<u>\$44,062,000</u>

Pension Funding Stabilization Account—State	
Appropriation .....	\$4,266,000
TOTAL APPROPRIATION .....	<del>\$87,507,000</del>
	<u>\$88,706,000</u>

The appropriations in this section are subject to the following conditions and limitations: \$50,000 of the general fund—state appropriation for fiscal year 2020 and \$50,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of Engrossed Substitute House Bill No. 2018 (harassment/legislature). If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.

**Sec. 102.** 2019 c 415 s 102 (uncodified) is amended to read as follows:

#### FOR THE SENATE

General Fund—State Appropriation (FY 2020)	
.....	<del>(\$28,693,000))</del>
	<u>\$28,711,000</u>

General Fund—State Appropriation (FY 2021)	
.....	<del>(\$32,675,000))</del>
	<u>\$33,701,000</u>

Pension Funding Stabilization Account—State	
Appropriation.....	\$2,932,000
TOTAL APPROPRIATION.....	<del>\$64,300,000</del>
	<u>\$65,344,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$50,000 of the general fund—state appropriation for fiscal year 2020 and \$50,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of Engrossed Substitute House Bill No. 2018 (harassment/legislature). If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.

(2) \$175,000 of the general fund—state appropriation for fiscal year 2020 and \$175,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for a human resource officer consistent with the implementation of the senate's appropriate workplace conduct policy.

**Sec. 103.** 2019 c 415 s 103 (uncodified) is amended to read as follows:

#### FOR THE JOINT LEGISLATIVE AUDIT AND REVIEW COMMITTEE

General Fund—State Appropriation (FY 2020)	
.....	<u>\$110,000</u>

General Fund—State Appropriation (FY 2021)	
.....	<u>\$66,000</u>

Performance Audits of Government Account—State	
Appropriation.....	<del>(\$9,867,000))</del>
	<u>\$9,737,000</u>
TOTAL APPROPRIATION.....	<del>\$9,867,000</del>
	<u>\$9,913,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) Notwithstanding the provisions of this section, the joint legislative audit and review committee may adjust the due dates for projects included on the committee's 2019-2021 work plan as necessary to efficiently manage workload.

~~((3))~~ (2) \$266,000 of the performance audit of governments account—state appropriation is provided solely for implementation of Second Substitute House Bill No. 1216 (school safety & well-being). If the bill is not enacted by June 30, 2019, the amount provided in this subsection shall lapse.

~~((4))~~ (3) \$17,000 of the performance audits of government account—state appropriation is provided solely for the implementation of Substitute Senate Bill No. 5025 (self-help housing development and taxes). If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.

~~((5))~~ (4)(a) \$342,000 of the performance audits of government account—state appropriation is provided solely for the joint legislative audit and review committee to conduct a performance audit of the department of health's ambulatory surgical facility regulatory program. The study must explore:

(i) A comparison of state survey requirements and process and the centers for medicare and medicaid services survey requirements and process;

(ii) The licensing fees required of ambulatory surgical facilities as they relate to actual department of health costs for regulating the facilities;

(iii) Payments received by the department of health from the centers for medicare and medicaid services for surveys conducted on behalf of the centers for medicare and medicaid services; and

(iv) Staffing for the survey program, including any need for an increase or reduction of staff.

(b) The audit must be completed and provided to the legislature by January 1, 2021.

(5) \$12,000 of the general fund—state appropriation for fiscal year 2020 and \$8,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of Substitute House Bill No. 2486 (electric marine batteries). If the bill is not enacted by June 30, 2020, the amounts provided in this subsection shall lapse.

(6) \$12,000 of the general fund—state appropriation for fiscal year 2020 and \$4,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of Substitute House Bill No. 2634 (affordable housing/REET). If the bill is not enacted by June 30, 2020, the amounts provided in this subsection shall lapse.

(7) \$16,000 of the general fund—state appropriation for fiscal year 2020 is provided solely for implementation of House Bill No. 2848 (hog fuel sales tax exemption). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

(8) \$12,000 of the general fund—state appropriation for fiscal year 2020 is provided solely for implementation of Substitute House Bill No. 2880 (aircraft fuel tax/research). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

(9) \$46,000 of the general fund—state appropriation for fiscal year 2020 and \$52,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of Substitute House Bill No. 2728 (funding model/telehealth). If the bill is not enacted by June 30, 2020, the amounts provided in this subsection shall lapse.

(10) \$12,000 of the general fund—state appropriation for fiscal year 2020 and \$2,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of House Bill No. 1368 (cooperative finance org. B&O). If the bill is not enacted by June 30, 2020, the amounts provided in this subsection shall lapse.

**Sec. 104.** 2019 c 415 s 104 (uncodified) is amended to read as follows:

**FOR THE LEGISLATIVE EVALUATION AND ACCOUNTABILITY PROGRAM COMMITTEE**

Performance Audits of Government Account—State	
Appropriation.....	<del>(((\$4,573,000))</del>
	\$4,582,000
TOTAL APPROPRIATION.....	\$4,573,000
	\$4,582,000

**Sec. 105.** 2019 c 415 s 105 (uncodified) is amended to read as follows:

**FOR THE JOINT LEGISLATIVE SYSTEMS COMMITTEE**

General Fund—State Appropriation (FY 2020)	
.....	<del>(((\$12,081,000))</del>
	\$12,089,000
General Fund—State Appropriation (FY 2021)	
.....	<del>(((\$12,233,000))</del>
	\$13,680,000
Pension Funding Stabilization Account—State	
Appropriation.....	\$822,000
TOTAL APPROPRIATION.....	\$25,136,000
	\$26,591,000

The appropriations in this section are subject to the following conditions and limitations: Within the amounts provided in this section, the joint legislative systems committee shall provide information technology support, including but not limited to internet service, for the district offices of members of the house of representatives and the senate.

**Sec. 106.** 2019 c 415 s 106 (uncodified) is amended to read as follows:

**FOR THE OFFICE OF THE STATE ACTUARY**

General Fund—State Appropriation (FY 2020)	
.....	\$333,000
General Fund—State Appropriation (FY 2021)	
.....	\$347,000

Pension Funding Stabilization Account—State

Appropriation ..... \$674,000  
 TOTAL APPROPRIATION ..... \$19,060,000  
\$19,086,000

The appropriations in this section are subject to the following conditions and limitations: \$163,000 of the general fund—state appropriation for fiscal year 2020 and \$167,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for salary increases for staff attorneys and law clerks based on a 2014 salary survey.

**Sec. 111.** 2019 c 415 s 112 (uncodified) is amended to read as follows:

#### **FOR THE LAW LIBRARY**

General Fund—State Appropriation (FY 2020)  
 ..... \$1,707,000  
 General Fund—State Appropriation (FY 2021)  
 ..... ~~(\$1,728,000)~~  
\$1,725,000  
 Pension Funding Stabilization Account—State  
 Appropriation ..... \$128,000  
 TOTAL APPROPRIATION ..... \$3,563,000  
\$3,560,000

**Sec. 112.** 2019 c 415 s 113 (uncodified) is amended to read as follows:

#### **FOR THE COMMISSION ON JUDICIAL CONDUCT**

General Fund—State Appropriation (FY 2020)  
 ..... ~~(\$1,217,000)~~  
\$1,280,000  
 General Fund—State Appropriation (FY 2021)  
 ..... ~~(\$1,280,000)~~  
\$1,594,000  
 Pension Funding Stabilization Account—State  
 Appropriation ..... \$130,000  
 TOTAL APPROPRIATION ..... \$2,627,000  
\$3,004,000

**Sec. 113.** 2019 c 415 s 114 (uncodified) is amended to read as follows:

#### **FOR THE COURT OF APPEALS**

General Fund—State Appropriation (FY 2020)  
 ..... ~~(\$20,390,000)~~  
\$20,575,000  
 General Fund—State Appropriation (FY 2021)  
 ..... \$21,313,000  
 Pension Funding Stabilization Account—State  
 Appropriation ..... \$1,492,000

TOTAL APPROPRIATION ..... \$43,195,000  
\$43,380,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$229,000 of the general fund—state appropriation for fiscal year 2020 and \$311,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for salary step increases for eligible employees.

(2) \$606,000 of the general fund—state appropriation for fiscal year 2020 and \$606,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for salary increases for court of appeals law clerks based on a 2014 salary survey.

**Sec. 114.** 2019 c 415 s 115 (uncodified) is amended to read as follows:

#### **FOR THE ADMINISTRATOR FOR THE COURTS**

General Fund—State Appropriation (FY 2020)  
 ..... ~~(\$64,569,000)~~  
\$64,864,000  
 General Fund—State Appropriation (FY 2021)  
 ..... ~~(\$66,736,000)~~  
\$69,784,000  
 General Fund—Federal Appropriation ..... \$2,203,000  
 General Fund—Private/Local Appropriation \$681,000  
 Judicial Stabilization Trust Account—State  
 Appropriation ..... \$6,692,000  
 Pension Funding Stabilization Account—State  
 Appropriation ..... \$4,572,000  
 Judicial Information Systems Account—State  
 Appropriation ..... \$63,220,000  
 TOTAL APPROPRIATION ..... \$208,673,000  
\$212,016,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The distributions made under this subsection and distributions from the county criminal justice assistance account made pursuant to section 801 of this act constitute appropriate reimbursement for costs for any new programs or increased level of service for purposes of RCW 43.135.060.

(2) \$1,399,000 of the general fund—state appropriation for fiscal year 2020 and \$1,399,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for school districts for petitions to juvenile court for truant students as provided in RCW 28A.225.030 and 28A.225.035. The administrator for the courts shall develop an interagency agreement with the superintendent of public instruction to allocate the funding provided in this

subsection. Allocation of this money to school districts shall be based on the number of petitions filed. This funding includes amounts school districts may expend on the cost of serving petitions filed under RCW 28A.225.030 by certified mail or by personal service or for the performance of service of process for any hearing associated with RCW 28A.225.030.

(3)(a) \$7,000,000 of the general fund—state appropriation for fiscal year 2020 and \$7,000,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for distribution to county juvenile court administrators to fund the costs of processing truancy, children in need of services, and at-risk youth petitions. The administrator for the courts, in conjunction with the juvenile court administrators, shall develop an equitable funding distribution formula. The formula must neither reward counties with higher than average per-petition processing costs nor shall it penalize counties with lower than average per-petition processing costs.

(b) Each fiscal year during the 2019-21 fiscal biennium, each county shall report the number of petitions processed and the total actual costs of processing truancy, children in need of services, and at-risk youth petitions. Counties shall submit the reports to the administrator for the courts no later than forty-five days after the end of the fiscal year. The administrator for the courts shall electronically transmit this information to the chairs and ranking minority members of the house of representatives and senate fiscal committees no later than sixty days after a fiscal year ends. These reports are deemed informational in nature and are not for the purpose of distributing funds.

(4) \$96,000 of the general fund—state appropriation for fiscal year 2020 is provided solely for implementation of Engrossed Second Substitute House Bill No. 1517 (domestic violence). If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.

(5) \$66,000 of the general fund—state appropriation for fiscal year 2020 and \$66,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for DNA testing for alleged fathers in dependency and termination of parental rights cases.

(6) \$237,000 of the general fund—state appropriation for fiscal year 2020 and \$1,923,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the expansion of the state interpreter reimbursement program.

(7) \$300,000 of the general fund—state appropriation for fiscal year 2020 and \$360,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the office of public guardianship for guardianship fees, initial assessments, average annual legal fees, and for less restrictive options to support decision-making.

(8) \$1,094,000 of the general fund—state appropriation for fiscal year 2020 and \$1,094,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the statewide fiscal impact on Thurston county courts.

(9) \$25,808,000 of the judicial information systems account—state appropriation is provided solely for judicial branch information technology projects. Expenditures from the judicial information systems account shall not exceed available resources. Judicial branch information technology project prioritization shall be determined by the judicial information system committee.

(10) \$1,027,000 of the general fund—state appropriation for fiscal year 2020 and \$377,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of Second Substitute Senate Bill No. 5604 (uniform guardianship, etc.). If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.

(11) \$333,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the administrative office of the courts to implement a statewide text notification system. The court date notification texting services must provide subscribers with criminal court date notifications and reminders by short message service or text message that includes but is not limited to the court date, session changes, and a court date reminder in advance of the scheduled court date.

(12) \$300,000 of the general fund—state appropriation for fiscal year 2020 and \$300,000 of the general fund—state appropriation for fiscal year 2021 are provided solely to reimburse counties affected by extraordinary judicial costs arising from a long-term leave of absence by a superior court judge in the Asotin-Columbia-Garfield tri-county judicial district. An affected county may apply to the office for reimbursement for the reasonable costs of expenses incurred since April 24, 2019, for: travel, lodging, and subsistence of visiting elected judges holding court in the tri-county district under RCW 2.08.140; the state and local shares of pro tempore judge compensation in the tri-county district under RCW 2.08.180; the state and local shares of pro tempore judge compensation under RCW 2.08.180 for a county that has provided a visiting elected judge; and similar county-borne extraordinary expenses that arise directly from the leave of absence. Where appropriate, the office must apportion reimbursement among the district's counties in accordance with RCW 2.08.110.

(13) \$200,000 of the general fund—state appropriation for fiscal year 2021 is provided solely to the YWCA Clark county court-appointed special advocates (CASA) program to fund volunteer efforts, staff, recruitment efforts, public awareness, and programs that assist abused and neglected children involved in legal proceedings.

(14) \$666,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for Engrossed Second Substitute House Bill No. 2467 (firearms transfers). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

(15) \$1,234,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for Second Substitute House Bill No. 2793 (vacating criminal records). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

(16) \$112,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for Second Substitute House Bill No. 2277 (youth solitary confinement). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

**Sec. 115.** 2019 c 415 s 116 (uncodified) is amended to read as follows:

**FOR THE OFFICE OF PUBLIC DEFENSE**

General Fund—State Appropriation (FY 2020)	
.....	<del>(\$46,538,000))</del>
	<u>\$47,200,000</u>
General Fund—State Appropriation (FY 2021)	
.....	<del>(\$46,394,000))</del>
	<u>\$47,642,000</u>
Judicial Stabilization Trust Account—State	
Appropriation .....	<del>(\$3,805,000))</del>
	<u>\$3,804,000</u>
Pension Funding Stabilization Account—State	
Appropriation .....	\$278,000
TOTAL APPROPRIATION .....	<u>\$97,015,000</u>
	<u>\$98,924,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) The amounts provided include funding for expert and investigative services in death penalty personal restraint petitions.

(2) \$900,000 of the general fund—state appropriation for fiscal year 2020 and \$900,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the purpose of improving the quality of trial court public defense services. The department must allocate these amounts so that \$450,000 per fiscal year is distributed to counties, and \$450,000 per fiscal year is distributed to cities, for grants under chapter 10.101 RCW.

(3) The office of public defense shall enter into an interagency agreement with the department of children, youth, and families to facilitate the use of federal title IV-E reimbursement for parent representation services.

(4)(a) \$288,000 of the general fund—state appropriation for fiscal year 2020 and ~~(\$244,000))~~ \$444,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the parents for parents program. Funds must be used to expand services in new sites and maintain and improve service models for the current programs.

(b) Of the amounts provided in this subsection, \$200,000 of the general fund—state appropriation for fiscal year 2021 is provided solely to continue services in Grant, Cowlitz, Jefferson, Okanogan, and Chelan counties and to provide oversight, coordination, start-up training, technical

assistance, and quality monitoring for program sites statewide.

(5)(a) \$305,000 of the general fund—state appropriation for fiscal year 2020 and \$305,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the office to contract with a nonprofit organization for:

(i) Continuing legal education and case-specific resources for public defense attorneys; and

(ii) The incarcerated parents project to support incarcerated parents and their families, and public defenders representing incarcerated parents in the child welfare, juvenile, and criminal systems.

(b) The nonprofit organization must have experience providing statewide training and services to state-funded public defense attorneys for indigent clients.

(6) \$4,532,000 of the general fund—state appropriation for fiscal year 2020 and \$4,532,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for salary increases for state-contracted public defense attorneys representing indigent persons on appeal and indigent parents involved in dependency and termination cases.

(7) \$1,389,000 of the general fund—state appropriation for fiscal year 2020 and \$1,388,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for additional attorneys, social workers, and staff support, for the parents' representation program.

**Sec. 116.** 2019 c 415 s 117 (uncodified) is amended to read as follows:

**FOR THE OFFICE OF CIVIL LEGAL AID**

General Fund—State Appropriation (FY 2020)	
.....	<del>(\$20,348,000))</del>
	<u>\$20,930,000</u>
General Fund—State Appropriation (FY 2021)	
.....	<del>(\$22,142,000))</del>
	<u>\$23,070,000</u>
Judicial Stabilization Trust Account—State	
Appropriation.....	\$1,464,000
Pension Funding Stabilization Account—State	
Appropriation.....	\$44,000
TOTAL APPROPRIATION.....	<u>\$43,998,000</u>
	<u>\$45,508,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) An amount not to exceed \$40,000 of the general fund—state appropriation for fiscal year 2020 and an amount not to exceed \$40,000 of the general fund—state appropriation for fiscal year 2021 may be used to provide telephonic legal advice and assistance to otherwise eligible persons who are sixty years of age or older on matters

authorized by RCW 2.53.030(2) (a) through (k) regardless of household income or asset level.

(2) \$759,000 of the general fund—state appropriation for fiscal year 2020 and \$2,275,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the office to continue implementation of the civil justice reinvestment plan.

(3) \$400,000 of the general fund—state appropriation for fiscal year 2020 and \$105,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the children's representation study authorized in chapter 20, Laws of 2017 3rd sp. sess. The report of initial findings to the legislature must be submitted by December 31, 2020.

(4) The office of civil legal aid shall enter into an interagency agreement with the department of children, youth, and families to facilitate the use of federal title IV-E reimbursement for child representation services.

(5) \$150,000 of the general fund—state appropriation for fiscal year 2020 and \$150,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for a contract with the international families justice coalition to expand private capacity to provide legal services for indigent foreign nationals in contested domestic relations and family law cases. Amounts provided in this section may not be expended for direct private legal representation of clients in domestic relations and family law cases.

(6) \$100,000 of the general fund—state appropriation for fiscal year 2020 and \$100,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of Senate Bill No. 5651 (kinship care legal aid). If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.

(7) \$150,000 of the general fund—state appropriation for fiscal year 2020 and \$150,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for closing compensation differentials between volunteer legal aid programs and the northwest justice project.

(8) \$1,205,000 of the general fund—state appropriation for fiscal year 2020 and \$1,881,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for a vendor rate increase resulting from a collective bargaining agreement between the northwest justice project and its staff union.

(9) ~~(\$300,000)~~ \$307,500 of the general fund—state appropriation for fiscal year 2020 and ~~(\$300,000)~~ \$317,500 of the general fund—state appropriation for fiscal year 2021 are provided solely for a research-based controlled comparative study of the differences in outcomes for tenants facing eviction who receive legal representation and tenants facing eviction without legal representation in unlawful detainer cases filed under the residential landlord tenant act. Funding must be used to underwrite both the research and the costs of legal representation provided to tenants associated with the study. Researchers will identify four counties to study. A preliminary report must be submitted to the appropriate committees of the legislature by ~~(January)~~ March 31, 2021, and a final report on the study, which

includes findings on demographics and outcomes, must be submitted to the appropriate committees of the legislature by ~~(March 31)~~ June 30, 2021.

(10) \$126,000 of the general fund—state appropriation for fiscal year 2020 is provided solely to reimburse the office of civil legal aid for expenditures made to address fiscal year 2019 caseload driven shortfalls in the children's representation program and the children's representation study.

(11) \$225,000 of the general fund—state appropriation for fiscal year 2020 and \$193,000 of the general fund—state appropriation for fiscal year 2021 are provided solely to wind down the children's representation study authorized in section 28, chapter 20, Laws of 2017 3rd sp.s.

(12) \$139,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for an assistant agency director position.

(13) \$492,000 of the general fund—state appropriation for fiscal year 2021 shall be used solely to establish a statewide reentry legal aid project. The office of civil legal aid shall enlist support from the statewide reentry council to identify an appropriate nonprofit entity to establish and operate the statewide reentry legal aid project, establish initial priority areas of focus, and determine client service objectives, benchmarks, and intended outcomes. The office of civil legal aid and the statewide reentry council shall provide the relevant legislative committees with an initial status report by December 2021.

(14) \$25,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the office of civil legal aid to provide funding to King county organizations that provide legal services. Of this amount:

(a) \$13,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for a nonprofit organization to develop an updated kinship legal services guide based on continuing changes in laws and practices.

(b) \$12,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for a bar association to operate a kinship legal services program that trains kinship caregivers about recent enacted guardianship laws.

**Sec. 117.** 2019 c 415 s 118 (uncodified) is amended to read as follows:

**FOR THE OFFICE OF THE GOVERNOR**

General Fund—State Appropriation (FY 2020)	
.....	<del>(\$10,871,000)</del>
	<u>\$9,931,000</u>
General Fund—State Appropriation (FY 2021)	
.....	<del>(\$8,900,000)</del>
	<u>\$10,696,000</u>
Economic Development Strategic Reserve Account—	
State	
Appropriation.....	\$2,000,000
Pension Funding Stabilization Account—State	





Public Disclosure Transparency Account—State  
 Appropriation .....((~~\$574,000~~))  
\$714,000

Pension Funding Stabilization Account—State  
 Appropriation ..... \$260,000  
 TOTAL APPROPRIATION ..... \$11,172,000  
\$11,529,000

The appropriations in this section are subject to the following conditions and limitations: (1) \$45,000 of the public disclosure transparency account—state appropriation is provided solely for implementation of Substitute Senate Bill No. 5861 (legislature/code of conduct). ~~((If the bill is not enacted by June 30, 2019, the amount provided in this subsection shall lapse.))~~

(2) \$85,000 of the general fund—state appropriation for fiscal year 2020 and \$83,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the commission to develop a training course for individuals acting as treasurers or deputy treasurers for candidates pursuant to RCW 42.17A.210. Out of this amount:

(a) The course must provide, at a minimum, a comprehensive overview of:

(i) The responsibilities of treasurers and deputy treasurers;

(ii) The reporting requirements necessary for candidate compliance with chapter 42.17A RCW, including triggers and deadlines for reporting;

(iii) Candidate campaign contribution limits and restrictions under chapter 42.17A RCW;

(iv) The use of the commission's electronic filing system;

(v) The consequences for violation of chapter 42.17A RCW; and

(vi) Any other subjects or topics the commission deems necessary for encouraging effective compliance with chapter 42.17A RCW.

(b) The commission must make the course available to all interested individuals no later than September 1, 2019. The course must be provided in a format able to be used both in person and remotely via the internet.

(3) \$115,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for implementation of House Bill No. 2396 (bot communication). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

**Sec. 120.** 2019 c 415 s 121 (uncodified) is amended to read as follows:

#### FOR THE SECRETARY OF STATE

General Fund—State Appropriation (FY 2020)  
 .....((~~\$33,449,000~~))

\$34,989,000

General Fund—State Appropriation (FY 2021)  
 .....((~~\$18,313,000~~))  
\$20,951,000

General Fund—Federal Appropriation .....\$8,097,000  
 Public Records Efficiency, Preservation, and Access  
 Account—State Appropriation .....((~~\$9,363,000~~))  
\$9,366,000

Charitable Organization Education Account—State  
 Appropriation.....\$900,000  
 Washington State ((~~Heritage Center~~)) Library  
Operations Account—State Appropriation  
 .....((~~\$11,498,000~~))  
\$11,500,000

Local Government Archives Account—State  
 Appropriation.....((~~\$11,019,000~~))  
\$11,020,000

Pension Funding Stabilization Account—State  
 Appropriation.....\$960,000  
 Election Account—Federal Appropriation  
 .....((~~\$4,887,000~~))  
\$13,787,000

TOTAL APPROPRIATION.....\$98,486,000  
\$111,570,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$3,801,000 of the general fund—state appropriation for fiscal year 2020 is provided solely to reimburse counties for the state's share of primary and general election costs and the costs of conducting mandatory recounts on state measures. Counties shall be reimbursed only for those odd-year election costs that the secretary of state validates as eligible for reimbursement.

(2)(a) \$2,932,000 of the general fund—state appropriation for fiscal year 2020 and \$3,011,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for contracting with a nonprofit organization to produce gavel-to-gavel television coverage of state government deliberations and other events of statewide significance during the 2019-2021 fiscal biennium. The funding level for each year of the contract shall be based on the amount provided in this subsection. The nonprofit organization shall be required to raise contributions or commitments to make contributions, in cash or in kind, in an amount equal to forty percent of the state contribution. The office of the secretary of state may make full or partial payment once all criteria in this subsection have been satisfactorily documented.

(b) The legislature finds that the commitment of ongoing funding is necessary to ensure continuous, autonomous, and independent coverage of public affairs. For that purpose, the secretary of state shall enter into a contract with the nonprofit organization to provide public affairs coverage.

(c) The nonprofit organization shall prepare an annual independent audit, an annual financial statement, and an annual report, including benchmarks that measure the success of the nonprofit organization in meeting the intent of the program.

(d) No portion of any amounts disbursed pursuant to this subsection may be used, directly or indirectly, for any of the following purposes:

(i) Attempting to influence the passage or defeat of any legislation by the legislature of the state of Washington, by any county, city, town, or other political subdivision of the state of Washington, or by the congress, or the adoption or rejection of any rule, standard, rate, or other legislative enactment of any state agency;

(ii) Making contributions reportable under chapter 42.17 RCW; or

(iii) Providing any: (A) Gift; (B) honoraria; or (C) travel, lodging, meals, or entertainment to a public officer or employee.

(3) Any reductions to funding for the Washington talking book and Braille library may not exceed in proportion any reductions taken to the funding for the library as a whole.

(4) \$13,600,000 of the general fund—state appropriation for fiscal year 2020 is provided solely for operation of the presidential primary election, including reimbursement to ((reimburse)) counties for the state's share of presidential primary election costs.

(5) \$50,000 of the general fund—state appropriation for fiscal year 2020 and \$50,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for humanities Washington speaker's bureau community conversations to expand programming in underserved areas of the state.

(6) \$2,295,000 of the general fund—state appropriation for fiscal year 2020 and \$2,526,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of Substitute Senate Bill No. 5063 (ballots, prepaid postage). ~~((If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.))~~

(7) \$1,227,000 of the local government archives account—state appropriation and \$28,000 of the public records efficiency, preservation, and access account—state appropriation are provided solely to implement Engrossed Substitute House Bill No. 1667 (public records request administration). ~~((If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.))~~

(8) \$114,000 public records efficiency, preservation, and access account—state appropriation and \$114,000 local

government archives account—state appropriation are provided solely for digital archives functionality and is subject to the conditions, limitations, and review provided in ~~((section 719 of this act))~~ section 701 of this act.

(9) \$198,000 of the general fund—state appropriation for fiscal year 2020, \$198,000 of the general fund—state appropriation for fiscal year 2021, and \$500,000 of the election account—federal appropriation are provided solely for election security improvements.

(10) \$82,000 of the general fund—state appropriation for fiscal year 2020 and \$77,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for election reconciliation reporting. Funding provides for one staff to compile county reconciliation reports, analyze the data, and to complete an annual statewide election reconciliation report for every state primary and general election. The report must be submitted annually on July 31, beginning July 31, 2020, to legislative policy and fiscal committees. The annual report must include reasons for ballot rejection and an analysis of the ways ballots are received, counted, and rejected that can be used by policymakers to better understand election administration.

(11) \$500,000 of the general fund—state appropriation for fiscal year 2020 is provided solely for civic engagement. The secretary of state and county auditors will collaborate to increase voter participation and educate voters about improvements to state election laws that will impact the 2019 and 2020 elections.

(12) \$1,780,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the office of the secretary of state to provide one-time grant funding to county auditors for election security improvements. Election security improvements may include but are not limited to installation of multi-factor authentication, emergency generators, vulnerability scanners, facility access control enhancements, and alarm systems. Funding will be prioritized based on demonstrated need.

(13) \$380,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for implementation of Engrossed Substitute House Bill No. 2421 (election cost reimbursement). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

(14) \$75,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the secretary of state to support the capacity for the retention and transition of historical and archived records from the national archives and records administration located at Sandpoint. The secretary of state may explore options, including building storage and access capacity by working with universities, tribes, and museums that have engaged with the Smithsonian institution.

**Sec. 121.** 2019 c 415 s 122 (uncodified) is amended to read as follows:

#### **FOR THE GOVERNOR'S OFFICE OF INDIAN AFFAIRS**

General Fund—State Appropriation (FY 2020)	\$365,000
General Fund—State Appropriation (FY 2021)	<del>(((\$352,000))</del>
	<u>\$354,000</u>
Pension Funding Stabilization Account—State	
Appropriation .....	\$28,000
TOTAL APPROPRIATION .....	<del>\$745,000</del>
	<u>\$747,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) The office shall assist the department of enterprise services on providing the government-to-government training sessions for federal, state, local, and tribal government employees. The training sessions shall cover tribal historical perspectives, legal issues, tribal sovereignty, and tribal governments. Costs of the training sessions shall be recouped through a fee charged to the participants of each session. The department of enterprise services shall be responsible for all of the administrative aspects of the training, including the billing and collection of the fees for the training.

(2) \$33,000 of the general fund—state appropriation for fiscal year 2020 and \$22,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of Second Substitute House Bill No. 1713 (Native American women). ~~((If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.))~~

**Sec. 122.** 2019 c 415 s 123 (uncodified) is amended to read as follows:

**FOR THE COMMISSION ON ASIAN PACIFIC AMERICAN AFFAIRS**

General Fund—State Appropriation (FY 2020)	<del>(((\$318,000))</del>
	<u>\$317,000</u>
General Fund—State Appropriation (FY 2021)	<del>(((\$330,000))</del>
	<u>\$332,000</u>
Pension Funding Stabilization Account—State	
Appropriation .....	\$26,000
TOTAL APPROPRIATION .....	<del>\$674,000</del>
	<u>\$675,000</u>

The appropriations in this section ~~((is))~~ are subject to the following conditions and limitations: \$3,000 of the general fund—state appropriation for fiscal year 2020 and \$2,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of Substitute Senate Bill No. 5023 (ethnic studies). ~~((If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.))~~

**Sec. 123.** 2019 c 415 s 124 (uncodified) is amended to read as follows:

**FOR THE STATE TREASURER**

State Treasurer's Service Account—State	
Appropriation.....	<del>(((\$19,982,000))</del>
	<u>\$19,976,000</u>
TOTAL APPROPRIATION .....	<del>\$19,982,000</del>
	<u>\$19,976,000</u>

**Sec. 124.** 2019 c 415 s 125 (uncodified) is amended to read as follows:

**FOR THE STATE AUDITOR**

General Fund—State Appropriation (FY 2020)	\$28,000
General Fund—State Appropriation (FY 2021)	\$32,000
State Auditing Services Revolving Account—State	
Appropriation.....	<del>(((\$12,650,000))</del>
	<u>\$13,750,000</u>
Performance Audits of Government Account—State	
Appropriation.....	<del>(((\$1,679,000))</del>
	<u>\$2,500,000</u>
TOTAL APPROPRIATION .....	<del>\$14,389,000</del>
	<u>\$16,310,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$1,585,000 of the performance audit of government account—state appropriation is provided solely for staff and related costs to verify the accuracy of reported school district data submitted for state funding purposes; conduct school district program audits of state-funded public school programs; establish the specific amount of state funding adjustments whenever audit exceptions occur and the amount is not firmly established in the course of regular public school audits; and to assist the state special education safety net committee when requested.

(2) Within existing resources of the performance audits of government account, the state auditor's office shall conduct a performance audit or accountability audit of Washington charter public schools to satisfy the requirement to contract for an independent performance audit pursuant to RCW 28A.710.030(2).

(3) The state auditor must conduct a performance and accountability audit of practices related to awarding, tracking, and reporting contracts with outside entities and contracts between the University of Washington and affiliated entities. Utilizing the information gathered under section 606(1)(z) of this act, similar provisions from prior biennia, and best practices in contract management and oversight, the auditor must recommend a plan to make

contract information, including those for contracted services and consulting, available in a centralized and searchable form. The recommendations of the auditor must be reported to the fiscal committees of the legislature and the office of financial management no later than December 30, 2020.

(4) Within existing resources of the performance audits of government account, the state auditor's office shall conduct a performance audit of the 2020 general election for five counties with low ballot rejection rates and five counties with high ballot rejection rates as chosen by the state auditor. The audit must: Review each county's procedures for identifying, correcting if appropriate, and reviewing and rejecting questionable ballots; examine the accuracy of the ballot rejections; compare each county's practices with requirements of the law and with best practices; compare the counties' practices to one another to determine why ballot rejection rates vary; identify any trends in rejected ballots, including the demographics of the voters whose ballots were rejected; and make recommendations about process or procedure to reduce the rate of rejected ballots while protecting broad access to the ballot. The state auditor shall submit a report containing the results of the audit to the appropriate committees of the legislature and make the report available on its web site.

**Sec. 125.** 2019 c 415 s 126 (uncodified) is amended to read as follows:

**FOR THE CITIZENS' COMMISSION ON SALARIES FOR ELECTED OFFICIALS**

General Fund—State Appropriation (FY 2020)	\$226,000
General Fund—State Appropriation (FY 2021)	(((\$243,000))
	<u>\$247,000</u>
Pension Funding Stabilization Account—State Appropriation.....	\$30,000
TOTAL APPROPRIATION .....	<u>\$499,000</u>
	<u>\$503,000</u>

**Sec. 126.** 2019 c 415 s 127 (uncodified) is amended to read as follows:

**FOR THE ATTORNEY GENERAL**

General Fund—State Appropriation (FY 2020)	(((\$14,972,000))
	<u>\$15,564,000</u>
General Fund—State Appropriation (FY 2021)	(((\$14,940,000))
	<u>\$17,077,000</u>
General Fund—Federal Appropriation	(((\$15,992,000))
	<u>\$17,717,000</u>
Public Service Revolving Account—State Appropriation.....	(((\$4,195,000))

	<u>\$4,225,000</u>
New Motor Vehicle Arbitration Account—State	
Appropriation.....	(((\$1,693,000))
	<u>\$1,692,000</u>
Medicaid Fraud Penalty Account—State	
Appropriation .....	(((\$5,556,000))
	<u>\$5,665,000</u>
Child Rescue Fund—State Appropriation.....	\$500,000
Legal Services Revolving Account—State	
Appropriation.....	(((\$276,544,000))
	<u>\$291,397,000</u>
Local Government Archives Account—State	
Appropriation .....	(((\$348,000))
	<u>\$356,000</u>
Local Government Archives Account—Local	
.....	\$330,000
Pension Funding Stabilization Account—State	
Appropriation .....	\$1,602,000
Tobacco Prevention and Control Account—State	
Appropriation.....	\$273,000
TOTAL APPROPRIATION .....	<u>\$336,945,000</u>
	<u>\$356,398,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) The attorney general shall report each fiscal year on actual legal services expenditures and actual attorney staffing levels for each agency receiving legal services. The report shall be submitted to the office of financial management and the fiscal committees of the senate and house of representatives no later than ninety days after the end of each fiscal year. As part of its by agency report to the legislative fiscal committees and the office of financial management, the office of the attorney general shall include information detailing the agency's expenditures for its agency-wide overhead and a breakdown by division of division administration expenses.

(2) Prior to entering into any negotiated settlement of a claim against the state that exceeds five million dollars, the attorney general shall notify the director of financial management and the chairs of the senate committee on ways and means and the house of representatives committee on appropriations.

(3) The attorney general shall annually report to the fiscal committees of the legislature all new cy pres awards and settlements and all new accounts, disclosing their intended uses, balances, the nature of the claim or account, proposals, and intended timeframes for the expenditure of each amount. The report shall be distributed electronically and posted on the attorney general's web site. The report shall not be printed on paper or distributed physically.

(4) \$58,000 of the general fund—state appropriation for fiscal year 2020 and \$58,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of Second Substitute House Bill No. 1166 (sexual assault kits). ~~((If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.))~~

(5) \$63,000 of the legal services revolving account—state appropriation is provided solely for implementation of Substitute House Bill No. 1399 (paid family and medical leave). ~~((If the bill is not enacted by June 30, 2019, the amount provided in this subsection shall lapse.))~~

(6) \$44,000 of the legal services revolving account—state appropriation is provided solely for implementation of Engrossed Second Substitute House Bill No. 1224 (rx drug cost transparency). ~~((If the bill is not enacted by June 30, 2019, the amount provided in this subsection shall lapse.))~~

(7) \$79,000 of the legal services revolving account—state appropriation is provided solely for implementation of House Bill No. 2052 (marijuana product testing). ~~((If the bill is not enacted by June 30, 2019, the amount provided in this subsection shall lapse.))~~

(8) \$330,000 of the local government archives account—local appropriation is provided solely for implementation of Engrossed Substitute House Bill No. 1667 (public records request admin). ~~((If the bill is not enacted by June 30, 2019, the amount provided in this subsection shall lapse.))~~

(9) \$161,000 of the general fund—state appropriation for fiscal year 2020 and \$161,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the civil rights unit to provide additional services in defense and protection of civil and constitutional rights for people in Washington.

(10) \$88,000 of the general fund—state appropriation for fiscal year 2020, \$85,000 of the general fund—state appropriation for fiscal year 2021, and \$344,000 of the legal services revolving account—state appropriation are provided solely for implementation of Substitute Senate Bill No. 5297 (assistant AG bargaining). ~~((If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.))~~

(11) \$700,000 of the legal services revolving account—state appropriation is provided solely for implementation of Engrossed Second Substitute Senate Bill No. 5497 (immigrants in the workplace). ~~((If the bill is not enacted by June 30, 2019, the amount provided in this subsection shall lapse.))~~

(12) \$592,000 of the public service revolving account—state appropriation and \$47,000 of the legal services revolving account—state appropriation are provided solely for implementation of Engrossed Second Substitute Senate Bill No. 5116 (clean energy). ~~((If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.))~~

~~((14))~~ (13) \$200,000 of the general fund—state appropriation for fiscal year 2020 is provided solely for a work group to study and institute a statewide program for

receiving reports and other information for the public regarding potential self-harm, potential harm, or criminal acts including but not limited to sexual abuse, assault, or rape. Out of this amount:

(a) The work group must review the aspects of similar programs in Arizona, Michigan, Colorado, Idaho, Nevada, Oregon, Utah, Wisconsin, and Wyoming; and must incorporate the most applicable aspects of those programs to the program proposal;

(b) The program proposal must include a plan to implement a twenty-four hour hotline or app for receiving such reports and information; and

(c) The program proposal and recommendations must be submitted to legislative fiscal committees by July 31, 2020.

~~((15))~~ (14) \$75,000 of the general fund—state appropriation for fiscal year 2020 is provided solely for the attorney general to develop an implementation plan to collect and disseminate data on the use of force by public law enforcement agencies and private security services.

(a) The plan must identify how to effectively collect data on the occasions of justifiable homicide or uses of deadly force by a public officer, peace officer, or person aiding under RCW 9A.16.040 by all general authority Washington law enforcement agencies and the department of corrections. The plan must address any necessary statutory changes, possible methods of collection, and any other needs that must be addressed to collect the following information:

(i) The number of tort claims filed and moneys paid in use of force cases;

(ii) The number of incidents in which peace officers discharged firearms at citizens;

(iii) The demographic characteristics of the officers and citizens involved in each incident, including sex, age, race, and ethnicity;

(iv) The agency or agencies employing the involved officers and location of each incident;

(v) The particular weapon or weapons used by peace officers and citizens; and

(vi) The injuries, if any, suffered by officers and citizens.

(b) The implementation plan must also identify how to effectively collect data on the occasions of the use of force requiring the discharge of a firearm by any private security guard employed by any private security company licensed under chapter 18.170 RCW. The plan must address any necessary statutory changes, possible methods of collection, and any other needs that must be addressed to collect the following information:

(i) The number of incidents in which security guards discharged firearms at citizens;

(ii) The demographic characteristics of the security guards and citizens involved in each incident, including sex, age, race, and ethnicity;

(iii) The company employing the involved security guards and the location of each incident;

(iv) The particular weapon or weapons used by security guards and citizens; and

(v) The injuries, if any, suffered by security guards and citizens.

(c) The attorney general must compile reports received pursuant to this subsection and make public the data collected.

(d) The department of licensing, department of corrections, Washington state patrol, and criminal justice training commission must assist the attorney general as necessary to complete the implementation plan.

~~((46))~~ (15) \$4,220,000 of the general fund—federal appropriation and \$1,407,000 of the medicaid fraud penalty account—state appropriation are provided solely for additional staffing and program operations in the medicaid fraud control division.

~~((47))~~ ~~\$4,292,000~~ (16) \$8,109,000 of the legal services revolving account—state appropriation is provided solely for child welfare and permanency staff.

~~((48))~~ (17) \$141,000 of the legal services revolving account—state appropriation is provided solely for implementation of Engrossed Substitute Senate Bill No. 5035 (prevailing wage laws). ~~((If the bill is not enacted by June 30, 2019, the amount provided in this subsection shall lapse.))~~

(18) \$751,000 of the general fund—state appropriation for fiscal year 2021, \$32,000 of the public service revolving account—state appropriation, \$109,000 of the medicaid fraud penalty account—state appropriation, \$4,529,000 of the legal services revolving account—state appropriation, and \$8,000 of the local government archives account—state appropriation are provided solely for the collective bargaining agreement referenced in section 902 of this act.

(19) \$200,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for implementation of Engrossed Second Substitute House Bill No. 1503 (data brokers). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

(20) \$30,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for implementation of House Bill No. 2396 (bot communication). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

(21) \$192,000 of the legal services revolving account—state appropriation is provided solely for implementation of Engrossed Second Substitute House Bill No. 2467 (firearm background checks). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

(22) \$59,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for implementation of Substitute House Bill No. 2511 (domestic workers). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

(23) \$244,000 of the legal services revolving account—state appropriation is provided solely for implementation of Engrossed Substitute House Bill No. 2638 (sports wagering/compacts). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

(24) \$35,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for implementation of Engrossed Second Substitute House Bill No. 2662 (total cost of insulin). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

(25) \$59,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for implementation of Engrossed Substitute House Bill No. 2786 (opioid response council). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

**Sec. 127.** 2019 c 415 s 128 (uncodified) is amended to read as follows:

#### **FOR THE CASELOAD FORECAST COUNCIL**

General Fund—State Appropriation (FY 2020)	.....	<del>(\$1,907,000))</del>
		\$1,922,000
General Fund—State Appropriation (FY 2021)	.....	<del>(\$1,922,000))</del>
		\$1,942,000
Pension Funding Stabilization Account—State Appropriation	.....	\$168,000
TOTAL APPROPRIATION	.....	<del>\$3,997,000</del>
		\$4,032,000

The appropriations within this section are subject to the following conditions and limitations: \$43,000 of the general fund—state appropriation for fiscal year 2020 and \$27,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the caseload forecast council to provide information, data analysis, and other necessary assistance upon the request of the task force established in section 952 of this act.

**Sec. 128.** 2019 c 415 s 129 (uncodified) is amended to read as follows:

#### **FOR THE DEPARTMENT OF COMMERCE**

General Fund—State Appropriation (FY 2020)	.....	<del>(\$94,046,000))</del>
		\$93,804,000
General Fund—State Appropriation (FY 2021)	.....	<del>(\$92,285,000))</del>
		\$153,123,000

General	Fund—Federal	Appropriation	
			.....(( <u>\$327,876,000</u> ))
			<u>\$327,870,000</u>
General	Fund—Private/Local	Appropriation	
			.....(( <u>\$9,107,000</u> ))
			<u>\$9,103,000</u>
Public Works Assistance	Account—State	Appropriation.....	(( <u>\$8,207,000</u> ))
			<u>\$8,206,000</u>
Lead Paint Account—State	Appropriation...		\$251,000
Building Code Council Account—State	Appropriation		..... <u>\$16,000</u>
Liquor Excise Tax Account—State	Appropriation		..... <u>\$1,291,000</u>
Economic Development Strategic Reserve Account—State	Appropriation .....		\$5,000,000
Home Security Fund Account—State	Appropriation		.....(( <u>\$60,422,000</u> ))
			<u>\$60,420,000</u>
Energy Freedom Account—State	Appropriation		..... <u>\$5,000</u>
Affordable Housing for All Account—State	Appropriation.....		\$13,895,000
Financial Fraud and Identity Theft Crimes Investigation	and Prosecution Account—State	Appropriation	..... <u>\$1,975,000</u>
Low-Income Weatherization and Structural Rehabilitation	Assistance Account—State	Appropriation	\$1,399,000
Statewide Tourism Marketing Account—State	Appropriation.....		\$3,028,000
Community and Economic Development Fee Account—State	Appropriation .....		(( <u>\$4,200,000</u> ))
			<u>\$4,199,000</u>
Growth Management Planning and Environmental Review	Fund—State	Appropriation .....	\$5,800,000
Pension Funding Stabilization Account—State	Appropriation .....		\$1,616,000
Liquor Revolving Account—State	Appropriation		..... <u>\$5,918,000</u>
			<u>Dedicated Marijuana Account—State</u>

<u>Appropriation (FY 2021)</u> .....	<u>\$1,100,000</u>
Washington Housing Trust Account—State	Appropriation.....
	(( <u>\$12,944,000</u> ))
	<u>\$10,209,000</u>
Prostitution Prevention and Intervention Account—State	Appropriation.....
	\$26,000
<u>Model Toxics Control Stormwater Account—State</u>	<u>Appropriation</u> .....
	<u>\$150,000</u>
Public Facility Construction Loan Revolving Account—	State Appropriation.....
	(( <u>\$903,000</u> ))
	<u>\$1,075,000</u>
<u>Andy Hill Cancer Research Endowment Fund Match</u>	<u>Transfer Account—State</u>
	<u>Appropriation</u> .....
	<u>\$6,998,000</u>
<u>Housing Portfolio Monitoring Account—State</u>	<u>Appropriation</u> .....
	<u>\$2,732,000</u>
TOTAL APPROPRIATION .....	<u>\$650,210,000</u>
	<u>\$719,209,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) Repayments of outstanding mortgage and rental assistance program loans administered by the department under RCW 43.63A.640 shall be remitted to the department, including any current revolving account balances. The department shall collect payments on outstanding loans, and deposit them into the state general fund. Repayments of funds owed under the program shall be remitted to the department according to the terms included in the original loan agreements.

(2) \$1,000,000 of the general fund—state appropriation for fiscal year 2020 and \$1,000,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for a grant to resolution Washington to build statewide capacity for alternative dispute resolution centers and dispute resolution programs that guarantee that citizens have access to low-cost resolution as an alternative to litigation.

(3) \$375,000 of the general fund—state appropriation for fiscal year 2020 and \$375,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for a grant to the retired senior volunteer program.

(4) The department shall administer its growth management act technical assistance and pass-through grants so that smaller cities and counties receive proportionately more assistance than larger cities or counties.

(5) \$375,000 of the general fund—state appropriation for fiscal year 2020 and \$375,000 of the general fund—state appropriation for fiscal year 2021 are provided solely as

pass-through funding to Walla Walla Community College for its water and environmental center.

(6) \$804,000 of the general fund—state appropriation for fiscal year 2020 and \$804,000 of the general fund—state appropriation for fiscal year 2021 and \$5,000,000 of the economic development strategic reserve account—state appropriation are provided solely for associate development organizations. During the 2019-2021 biennium, the department shall consider an associate development organization's total resources when making contracting and fund allocation decisions, in addition to the schedule provided in RCW 43.330.086.

(7) \$5,907,000 of the liquor revolving account—state appropriation is provided solely for the department to contract with the municipal research and services center of Washington.

(8) The department is authorized to require an applicant to pay an application fee to cover the cost of reviewing the project and preparing an advisory opinion on whether a proposed electric generation project or conservation resource qualifies to meet mandatory conservation targets.

(9) Within existing resources, the department shall provide administrative and other indirect support to the developmental disabilities council.

(10) \$300,000 of the general fund—state appropriation for fiscal year 2020 and \$300,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the northwest agriculture business center.

(11) \$150,000 of the general fund—state appropriation for fiscal year 2020 and \$150,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the regulatory roadmap program for the construction industry and to identify and coordinate with businesses in key industry sectors to develop additional regulatory roadmap tools.

(12) \$1,000,000 of the general fund—state appropriation for fiscal year 2020 and \$1,000,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the Washington new Americans program. The department may require a cash match or in-kind contributions to be eligible for state funding.

(13) \$643,000 of the general fund—state appropriation for fiscal year 2020 and \$643,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the department to contract with a private, nonprofit organization to provide developmental disability ombuds services.

(14) \$1,000,000 of the home security fund—state appropriation, \$2,000,000 of the Washington housing trust account—state appropriation, and \$1,000,000 of the affordable housing for all account—state appropriation are provided solely for the department of commerce for services to homeless families and youth through the Washington youth and families fund.

(15) \$2,000,000 of the home security fund—state appropriation is provided solely for the administration of the

grant program required in chapter 43.185C RCW, linking homeless students and their families with stable housing.

(16) \$1,980,000 of the general fund—state appropriation for fiscal year 2020 and \$1,980,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for community beds for individuals with a history of mental illness. Currently, there is little to no housing specific to populations with these co-occurring disorders; therefore, the department must consider how best to develop new bed capacity in combination with individualized support services, such as intensive case management and care coordination, clinical supervision, mental health, substance abuse treatment, and vocational and employment services. Case-management and care coordination services must be provided. Increased case-managed housing will help to reduce the use of jails and emergency services and will help to reduce admissions to the state psychiatric hospitals. The department must coordinate with the health care authority and the department of social and health services in establishing conditions for the awarding of these funds. The department must contract with local entities to provide a mix of (a) shared permanent supportive housing; (b) independent permanent supportive housing; and (c) low and no-barrier housing beds for people with a criminal history, substance abuse disorder, and/or mental illness.

Priority for permanent supportive housing must be given to individuals on the discharge list at the state psychiatric hospitals or in community psychiatric inpatient beds whose conditions present significant barriers to timely discharge.

(17) \$557,000 of the general fund—state appropriation for fiscal year 2020 and \$557,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the department to design and administer the achieving a better life experience program.

(18) The department is authorized to suspend issuing any nonstatutorily required grants or contracts of an amount less than \$1,000,000 per year.

(19) \$1,070,000 of the general fund—state appropriation for fiscal year 2020 \$1,070,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the small business export assistance program. The department must ensure that at least one employee is located outside the city of Seattle for purposes of assisting rural businesses with export strategies.

(20) \$60,000 of the general fund—state appropriation for fiscal year 2020 and \$60,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the department to submit the necessary Washington state membership dues for the Pacific Northwest economic region.

(21) \$1,500,000 of the general fund—state appropriation for fiscal year 2020 and ~~(\$1,500,000)~~ \$2,000,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the department to contract with organizations and attorneys to provide either legal representation or referral services for legal



representation, or both, to indigent persons who are in need of legal services for matters related to their immigration status. Persons eligible for assistance under any contract entered into pursuant to this subsection must be determined to be indigent under standards developed under chapter 10.101 RCW.

(22)(a) \$3,500,000 of the general fund—state appropriation for fiscal year 2020 and \$3,500,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for grants to support the building operation, maintenance, and service costs of permanent supportive housing projects or units within housing projects that have or will receive funding from the housing trust fund—state account or other public capital funding that:

- (i) Is dedicated as permanent supportive housing units;
  - (ii) Is occupied by low-income households with incomes at or below thirty percent of the area median income; and
  - (iii) Requires a supplement to rent income to cover ongoing property operating, maintenance, and service expenses.
- (b) Permanent supportive housing projects receiving federal operating subsidies that do not fully cover the operation, maintenance, and service costs of the projects are eligible to receive grants as described in this subsection.

(c) The department may use a reasonable amount of funding provided in this subsection to administer the grants.

(23)(a) (~~(\$2,735,000)~~) \$2,091,000 of the general fund—state appropriation for fiscal year 2020, (~~(\$2,265,000)~~) \$3,159,000 of the general fund—state appropriation for fiscal year 2021, and \$7,000,000 of the home security fund—state appropriation are provided solely for the office of homeless youth prevention and protection programs to:

- (i) Expand outreach, services, and housing for homeless youth and young adults including but not limited to secure crisis residential centers, crisis residential centers, and HOPE beds, so that resources are equitably distributed across the state;
- (ii) Contract with other public agency partners to test innovative program models that prevent youth from exiting public systems into homelessness; and
- (iii) Support the development of an integrated services model, increase performance outcomes, and enable providers to have the necessary skills and expertise to effectively operate youth programs.

(b) Of the amounts provided in this subsection:

(i) \$2,000,000 of the general fund—state appropriation for fiscal year 2020 and \$2,000,000 of the general fund—state appropriation for fiscal year 2021 are provided solely to build infrastructure and services to support a continuum of interventions including but not limited to prevention, crisis response, and long-term housing in reducing youth homelessness in four identified communities as part of the anchor community initiative; and

(ii) (~~(\$625,000)~~) \$91,000 of the general fund—state appropriation for fiscal year 2020 and (~~(\$625,000)~~) \$1,159,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for a contract with one or more nonprofit organizations to provide youth services and young adult housing on a multi-acre youth campus located in the city of Tacoma. Youth services include, but are not limited to, HOPE beds and crisis residential centers to provide temporary shelter and permanency planning for youth under the age of eighteen. Young adult housing includes, but is not limited to, rental assistance and case management for young adults ages eighteen to twenty-four.

(24) \$36,650,000 of the general fund—state appropriation for fiscal year 2020 and (~~(\$36,650,000)~~) \$56,650,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the essential needs and housing support program.

(25) \$1,436,000 of the general fund—state appropriation for fiscal year 2020 and \$1,436,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the department to identify and invest in strategic growth areas, support key sectors, and align existing economic development programs and priorities. The department must consider Washington's position as the most trade-dependent state when identifying priority investments. The department must engage states and provinces in the northwest as well as associate development organizations, small business development centers, chambers of commerce, ports, and other partners to leverage the funds provided. Sector leads established by the department must include the industries of: (a) Aerospace; (b) clean technology and renewable and nonrenewable energy; (c) wood products and other natural resource industries; (d) information and communication technology; (e) life sciences and global health; (f) maritime; and (g) military and defense. The department may establish these sector leads by hiring new staff, expanding the duties of current staff, or working with partner organizations and or other agencies to serve in the role of sector lead.

(26) \$1,237,000 of the liquor excise tax account—state appropriation is provided solely for the department to provide fiscal note assistance to local governments, including increasing staff expertise in multiple subject matter areas, including but not limited to criminal justice, taxes, election impacts, transportation and land use, and providing training and staff preparation prior to legislative session.

(27) The department must develop a model ordinance for cities and counties to utilize for siting community based behavioral health facilities.

(28) \$198,000 of the general fund—state appropriation for fiscal year 2020 and \$198,000 of the general fund—state appropriation for fiscal year 2021 are provided solely to retain a behavioral health facilities siting administrator within the department to coordinate development of effective behavioral health housing options and provide technical assistance in siting of behavioral health treatment facilities statewide to aide in the governor's plan to discharge individuals from the state psychiatric hospitals into

community settings. This position must work closely with the local government legislative authorities, planning departments, behavioral health providers, health care authority, department of social and health services, and other entities to facilitate linkages among disparate behavioral health community bed capacity-building efforts. This position must work to integrate building behavioral health treatment and infrastructure capacity in addition to ongoing supportive housing benefits. By July 1, 2020, the department, in collaboration with the department of social and health services, the department of health, and the health care authority, must submit to the office of financial management and the appropriate committees of the legislature, a report on behavioral health treatment facility capacity. The department must submit updates of the report every six months to the office of financial management and the appropriate committees of the legislature. The format of the report must be developed in consultation with staff from the office of financial management and the appropriate fiscal committees of the legislature. The report must identify current capacity, capacity in development, and average daily utilization by state funded clients for the prior period. The report must summarize data by type of facility and location and must include all facilities licensed by the department of health to provide behavioral health treatment or residential services and all facilities licensed or operated by the department of social and health services that provide behavioral health treatment services or residential support for individuals with enhanced behavioral health support needs. The department of social and health services, the department of health, and the health care authority must provide timely information to the department for inclusion in the reports.

(29)(a) During the 2019-2021 fiscal biennium, the department must revise its agreements and contracts with vendors to include a provision to require that each vendor agrees to equality among its workers by ensuring similarly employed individuals are compensated as equals as follows:

(i) Employees are similarly employed if the individuals work for the same employer, the performance of the job requires comparable skill, effort, and responsibility, and the jobs are performed under similar working conditions. Job titles alone are not determinative of whether employees are similarly employed;

(ii) Vendors may allow differentials in compensation for its workers based in good faith on any of the following:

(A) A seniority system; a merit system; a system that measures earnings by quantity or quality of production; a bona fide job-related factor or factors; or a bona fide regional difference in compensation levels.

(B) A bona fide job-related factor or factors may include, but not be limited to, education, training, or experience, that is: Consistent with business necessity; not based on or derived from a gender-based differential; and accounts for the entire differential.

(C) A bona fide regional difference in compensation level must be: Consistent with business necessity; not based on or derived from a gender-based differential; and account for the entire differential.

(b) The provision must allow for the termination of the contract if the department or department of enterprise services determines that the vendor is not in compliance with this agreement or contract term.

(c) The department must implement this provision with any new contract and at the time of renewal of any existing contract.

(30)(a) \$150,000 of the general fund—state appropriation for fiscal year 2020 and \$150,000 of the general fund—local appropriation are provided solely for the department to contract with a consultant to study the current and ongoing impacts of the SeaTac international airport. The general fund—state funding provided in this subsection serves as a state match and may not be spent unless \$150,000 of local matching funds is transferred to the department. The department must seek feedback on project scoping and consultant selection from the cities listed in (b) of this subsection.

(b) The study must include, but not be limited to:

(i) The impacts that the current and ongoing airport operations have on quality of life associated with air traffic noise, public health, traffic, congestion, and parking in residential areas, pedestrian access to and around the airport, public safety and crime within the cities, effects on residential and nonresidential property values, and economic development opportunities, in the cities of SeaTac, Burien, Des Moines, Tukwila, Federal Way, Normandy Park, and other impacted neighborhoods; and

(ii) Options and recommendations for mitigating any negative impacts identified through the analysis.

(c) The department must collect data and relevant information from various sources including the port of Seattle, listed cities and communities, and other studies.

(d) The study must be delivered to the legislature by June 1, 2020.

(31) Within amounts appropriated in this section, the office of homeless youth prevention and protection must make recommendations to the appropriate committees of the legislature by October 31, 2019, regarding rights that all unaccompanied homeless youth and young adults should have for appropriate care and treatment in licensed and unlicensed residential runaway and homeless youth programs.

(32) \$787,000 of the general fund—state appropriation for fiscal year 2020 and \$399,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of Second Substitute House Bill No. 1344 (child care access work group). ~~((If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.))~~

(33) \$144,000 of the general fund—state appropriation for fiscal year 2020 and \$144,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the department to contract with a nonprofit organization with offices located in the cities of Maple Valley, Enumclaw, and Auburn to provide street outreach and connect homeless

young adults ages eighteen through twenty-four to services in south King county.

(34) \$218,000 of the general fund—state appropriation for fiscal year 2020 and \$61,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of Second Substitute House Bill No. 1444 (appliance efficiency). ~~((If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.))~~

(35) \$100,000 of the general fund—state appropriation for fiscal year 2020 is provided solely for implementation of Engrossed Second Substitute House Bill No. 1114 (food waste reduction). ~~((If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.))~~

(36) \$75,000 of the general fund—state appropriation for fiscal year 2020 and \$75,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for a contract with the city of Federal Way to support after-school recreational and educational programs.

~~((38))~~ (37) \$150,000 of the general fund—state appropriation for fiscal year 2020 is provided solely for the department to convene a work group regarding the development of Washington's green economy based on the state's competitive advantages. The work group must focus on developing economic, education, business, and investment opportunities in energy, water, and agriculture. The work group must consist of at least one representative from the department, the department of natural resources, the department of agriculture, the Washington state department of transportation, a four-year research university, a technical college, the private sector, an economic development council, a city government, a county government, a tribal government, a non-government organization, a statewide environmental advocacy organization, and up to two energy utility providers. The work group must:

(a) Develop an inventory of higher education resources including research, development, and workforce training to foster green economic development in energy, water, and agriculture;

(b) Identify investment opportunities in higher education research, development, and workforce training to enhance and accelerate green economic development;

(c) Make recommendations for green economic development investment opportunities and how state government may serve as a clearing house, or economic center, to support private investments and build the green economy in Washington to serve national and global markets;

(d) Identify opportunities for integrating technology in energy, water, natural resources, and agriculture, and create resource efficiencies including water and energy conservation and smart grid technologies;

(e) Recommend policies at the state and local government level to promote and accelerate development of the green economy in Washington state;

(f) Submit an interim report with the work group recommendations to the appropriate legislative committees by December 1, 2019; and

(g) Submit a final report with the work group recommendations to the appropriate legislative committees by June 30, 2020.

~~((39))~~ (38) \$75,000 of the general fund—state appropriation for fiscal year 2020 and \$75,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for a grant to a nonprofit organization focused on supporting pregnant women and single mothers who are homeless or at risk of being homeless throughout Pierce county. The grant must be used for providing classes relating to financial literacy, renter rights and responsibilities, parenting, and physical and behavioral health.

~~((40))~~ (39) \$200,000 of the general fund—state appropriation for fiscal year 2020 and \$200,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the department to provide capacity-building grants through the Latino community fund for educational programs and human services support for children and families in rural and underserved communities.

~~((41))~~ (40) \$400,000 of the general fund—state appropriation for fiscal year 2020 is provided solely for the city of Bothell to complete the canyon park regional growth center subarea plan.

~~((42))~~ (41) \$172,000 of the general fund—state appropriation for fiscal year 2020 and \$165,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the Washington statewide reentry council for operational staff support, travel, and administrative costs.

~~((44))~~ (42) \$964,000 of the general fund—state appropriation for fiscal year 2020 and \$1,045,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of Engrossed Third Substitute House Bill No. 1257 (energy efficiency). ~~((If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.))~~

~~((45))~~ (43) \$1,500,000 of the general fund—state appropriation for fiscal year 2020 and ~~(((\$1,500,000))~~ \$2,800,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of chapter 16, Laws of 2017 3rd sp. sess. (E2SSB 5254).

~~((46))~~ (44) General fund—federal appropriations provided in this section assume continued receipt of the federal Byrne justice assistance grant for state and local government drug and gang task forces.

~~((47))~~ (45) \$450,000 of the general fund—state appropriation for fiscal year 2020 and \$450,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for a grant to a nonprofit organization for an initiative to advance affordable housing projects and education centers on public or tax-exempt land in Washington state. The department must award the grant to an organization with an office located in a city with a population of more than six hundred thousand that partners

in equitable, transit-oriented development. The grant must be used to:

- (a) Produce an inventory of potentially developable public or tax-exempt properties;
- (b) Analyze the suitability of properties for affordable housing, early learning centers, or community space;
- (c) Organize community partners and build capacity to develop sites, as well as coordinate negotiations among partners and public owners;
- (d) Facilitate collaboration and co-development between affordable housing, early learning centers, or community space;
- (e) Catalyze the redevelopment of ten sites to create approximately fifteen hundred affordable homes; and
- (f) Subcontract with the University of Washington to facilitate public, private, and non-profit partnerships to create a regional vision and strategy for building affordable housing at a scale to meet the need.

~~((48))~~ (46) \$500,000 of the general fund—state appropriation for fiscal 2021 is provided solely for the department to contract with an entity located in the Beacon hill/Chinatown international district area of Seattle to provide low income housing, low income housing support services, or both. To the extent practicable, the chosen location must be colocated with other programs supporting the needs of children, the elderly, or persons with disabilities.

~~((49))~~ (47) \$800,000 of the general fund—state appropriation for fiscal year 2020 and \$800,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the department to provide a grant for a criminal justice diversion center pilot program in Spokane county. Spokane county must report collected data from the pilot program to the department. The department must submit a report to the appropriate committees of the legislature by October 1, 2020. The report must contain, at a minimum:

- (a) An analysis of the arrests and bookings for individuals served in the pilot program;
- (b) An analysis of the connections to behavioral health services made for individuals who were served by the pilot program;
- (c) An analysis of the impacts on housing stability for individuals served by the pilot program; and
- (d) The number of individuals served by the pilot program who were connected to a detoxification program, completed a detoxification program, completed a chemical dependency assessment, completed chemical dependency treatment, or were connected to housing.

~~((50))~~ (48)(a) \$500,000 of the general fund—state appropriation for fiscal year 2020 and \$500,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for one or more better health through housing pilot project. The department must contract with one or more accountable communities of health to work with

hospitals and permanent supportive housing providers in their respective accountable community of health regions to plan for and implement the better health through housing pilot project. The accountable communities of health must have established partnerships with permanent supportive housing providers, hospitals, and community health centers.

(b) The pilot project must prioritize providing permanent supportive housing assistance to people who:

(i) Are homeless or are at imminent risk of homelessness;

(ii) Have complex physical health or behavioral health conditions; and

(iii) Have a medically necessary condition, risk of death, negative health outcomes, avoidable emergency department utilization, or avoidable hospitalization without the provision of permanent supportive housing, as determined by a vulnerability assessment tool.

(c) Permanent supportive housing assistance may include rental assistance, permanent supportive housing service funding, or permanent supportive housing operations and maintenance funding. The pilot program shall work with permanent supportive housing providers to determine the best permanent supportive housing assistance local investment strategy to expedite the availability of permanent supportive housing for people eligible to receive assistance through the pilot project.

(d) Within the amounts provided in this subsection, the department must contract with the Washington state department of social and health services division of research and data analysis to design and conduct a study to evaluate the impact of the better health through housing pilot project or projects. The division shall submit a final study report to the governor and appropriate committees of the legislature by June 30, 2021. The study objectives must include:

(i) Baseline data collection of the physical health conditions, behavioral health conditions, housing status, and health care utilization of people who receive permanent supportive housing assistance through the pilot project;

(ii) The impact on physical health and behavioral health outcomes of people who receive permanent supportive housing assistance through the pilot project as compared to people with similar backgrounds who did not receive permanent supportive housing assistance; and

(iii) The impact on health care costs and health care utilization of people who receive permanent supportive housing assistance through the pilot project as compared to people with similar backgrounds who did not receive permanent supportive housing assistance.

(e) A reasonable amount of the amounts provided in this subsection may be used to pay for costs to administer the pilot contracts and housing assistance.

(f) Amounts provided in this subsection do not include funding provided under title XIX or title XXI of the federal social security act, funding from the general fund—federal appropriation, or funding from the general fund—local appropriation for transformation through accountable

communities of health, as described in initiative one of the medicaid transformation demonstration waiver under healthier Washington.

(g) The accountable communities of health must annually report the progress and impact of the better health through housing pilot project or projects to the joint select committee on health care oversight by December 1st of each year.

~~((54))~~ (49) \$250,000 of the general fund—state appropriation for fiscal year 2020 and \$250,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the department to contract for the promotion of leadership development, community building, and other services for the Native American community in south King county.

~~((52))~~ (50)(a) ~~((50,000))~~ \$12,000 of the general fund—state appropriation for fiscal year 2020 ~~((is))~~ and \$38,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the department to provide to Chelan county to collaborate with the department of fish and wildlife and the Stemilt partnership on the following activities:

(i) Identifying and evaluating possible land exchanges in the Stemilt basin that provide mutual benefits to outdoor recreation and the mission of a public agency; and

(ii) Completing independent appraisals of all properties that may be included in a possible land exchange by ~~((June 30, 2020))~~ January 1, 2021.

(b) \$20,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the department to provide to the department of fish and wildlife to complete technical studies, assessments, environmental review, and due diligence for lands included in any potential exchange and for project review for near-and long-term facility replacement and expansion of the mission ridge ski and board resort.

(c) The department must require the department of fish and wildlife, in collaboration with Chelan county, to submit recommendations for potential land exchange and supporting appraisals and environmental analysis to the Chelan county board of commissioners and the appropriate committees of the legislature by ~~((December 1, 2020))~~ June 1, 2021.

~~((53))~~ (51) \$500,000 of the general fund—state appropriation for fiscal year 2020, ~~((500,000))~~ \$25,563,000 of the general fund—state appropriation for fiscal year 2021 and \$4,500,000 of the home security fund—state appropriation are provided solely for the consolidated homeless grant program. Of the amounts provided in this subsection~~((s))~~;

(a) \$4,500,000 of the home security fund—state appropriation is provided solely for permanent supportive housing targeted at those families who are chronically homeless and where at least one member of the family has a disability. The department will also connect these families to medicaid supportive services.

(b) \$25,000,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the program. Grant recipients must prioritize funding received under this subsection for shelters and related services.

(c) \$63,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the department to ensure that every county receives at least \$60,000 per year in base funding under the program.

~~((54))~~ (52) \$1,275,000 of the general fund—state appropriation for fiscal year 2020 and \$1,227,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of Engrossed Second Substitute Senate Bill No. 5116 (clean energy). ~~((If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.~~

~~((55))~~ (53) \$47,000 of the general fund—state appropriation for fiscal year 2020 and \$47,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of Engrossed Second Substitute Senate Bill No. 5223 (electrical net metering). ~~((If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.~~

~~((56))~~ (54) \$81,000 of the general fund—state appropriation for fiscal year 2020 and \$76,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of Substitute Senate Bill No. 5324 (homeless student support). ~~((If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.~~

~~((57))~~ (55) \$100,000 of the general fund—state appropriation for fiscal year 2020 and \$100,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of Engrossed Second Substitute Senate Bill No. 5497 (immigrants in the workplace). ~~((If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.~~

~~((58))~~ (56) \$264,000 of the general fund—state appropriation for fiscal year 2020 and ~~((264,000))~~ \$665,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of Second Substitute Senate Bill No. 5511 (broadband service). ~~((If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.))~~ Within the amounts provided in this subsection, the department must translate survey materials used to gather information on broadband access into a minimum of three languages and include demographic data in the report associated with the bill.

~~((59))~~ (57) \$272,000 of the general fund—state appropriation for fiscal year 2020 and \$272,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the lead based paint enforcement activities within the department.

~~((60))~~ (58) \$250,000 of the general fund—state appropriation for fiscal year 2020 is provided solely for a one-time grant to the port of Port Angeles for a stormwater management project to protect ancient tribal burial sites and to maintain water quality.

~~((64))~~ (59) \$100,000 of the general fund—state appropriation for fiscal year 2020 and \$100,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for a grant to municipalities using a labor program model designed for providing jobs to individuals experiencing homelessness to lead to full-time employment and stable housing.

~~((62))~~ (60) \$75,000 of the general fund—state appropriation for fiscal year 2020 and \$75,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of the recommendations by the joint transportation committee's Washington state air cargo movement study to support an air cargo marketing program and assistance program. The department must coordinate promotion activities at domestic and international trade shows, air cargo events, and other activities that support the promotion, marketing, and sales efforts of the air cargo industry.

~~((63))~~ (61) \$125,000 of the general fund—state appropriation for fiscal year 2020 and \$125,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for a grant to a nonprofit for a smart buildings education program to educate building owners and operators on smart building practices and technologies, including the development of onsite and digital trainings that detail how to operate residential and commercial facilities in an energy efficient manner. The grant recipient must be located in a city with a population of more than seven hundred thousand and serve anyone within Washington with an interest in better understanding energy efficiency in commercial and institutional buildings.

~~((64(a)))~~ (62) \$150,000 of the general fund—state appropriation for fiscal year 2020 and \$150,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the department to provide a grant to a nonprofit organization to assist fathers transitioning from incarceration to family reunification. The grant recipient must have experience contracting with:

~~((i))~~ (a) The department of corrections to support offender betterment projects; and

~~((ii))~~ (b) The department of social and health services to provide access and visitation services.

~~((65))~~ (63) \$100,000 of the general fund—state appropriation for fiscal year 2020 and \$100,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for a grant to a nonprofit organization to promote public education around wildfires to public school students of all ages and to expand outreach on issues related to forest health and fire suppression. The grant recipient shall sponsor projects including, but not limited to, a multi-media traveling presentation.

~~((66))~~ (64) \$125,000 of the general fund—state appropriation for fiscal year 2020 and \$125,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for a grant to a nonprofit organization to help reduce crime and violence in neighborhoods and school communities. The grant recipient must promote safe streets and community engagement in the city of Tacoma through

neighborhood organizing, law enforcement-community partnerships, neighborhood watch programs, youth mobilization, and business engagement.

~~((67))~~ (65) \$125,000 of the general fund—state appropriation for fiscal year 2020 and \$125,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for a grant to increase the financial stability of low income Washingtonians through participation in children's education savings accounts, earned income tax credits, and the Washington retirement marketplace. The grant recipient must be a statewide association of local asset building coalitions that promotes policies and programs in Washington to assist low-and-moderate income residents build, maintain, and preserve assets through investments in education, homeownership, personal savings and entrepreneurship.

~~((68))~~ (66) \$100,000 of the general fund—state appropriation for fiscal year 2020 and \$100,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for a grant to a nonprofit organization to catalyze a market for mass timber and promote forest health, workforce development, and updates to building codes. The grant recipient must have at least twenty-five years of experience in land acquisition and program management to conserve farmland, create jobs, revitalize small towns, reduce wildfires, and reduce greenhouse emissions.

~~((69))~~ (67) \$250,000 of the general fund—state appropriation for fiscal year 2020 and \$250,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for a grant to assist people with limited incomes in nonmetro areas of the state start and sustain small businesses. The grant recipient must be a nonprofit organization involving a network of microenterprise organizations and professionals to support micro entrepreneurship and access to economic development resources.

~~((70))~~ (68) \$270,000 of the general fund—state appropriation for fiscal year 2020 ~~((i))~~ and \$250,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for a grant to a nonprofit organization within the city of Tacoma for social services and educational programming to assist Latino and indigenous communities in honoring heritage and culture through the arts, and overcoming barriers to social, political, economic, and cultural community development. Of the amounts provided in this subsection, \$250,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for a grant to provide a public policy fellowship program that offers training in grassroots organizing, leadership development, civic engagement, and policy engagement focused on Latino and indigenous community members.

~~((71))~~ (69) \$5,800,000 of the growth management planning and environmental review fund—state appropriation is provided solely for implementation of Engrossed Second Substitute House Bill No. 1923 (urban residential building). ~~((If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.))~~ Of the amounts provided in this subsection:

(a) \$5,000,000 is provided solely for grants to cities for costs associated with the bill;

(b) \$500,000 is provided solely for administration costs to the department; and

(c) \$300,000 is provided solely for a grant to the Washington real estate research center.

~~((72))~~ (70) \$100,000 of the general fund—state appropriation for fiscal year 2020 is provided solely for the department to produce a proposal and recommendations for establishing an industrial waste coordination program by December 1, 2019.

(71) \$200,000 of the general fund—state appropriation for fiscal year 2020 and \$401,748 of the general fund—state appropriation for fiscal year 2021 are provided solely for the department to develop a comprehensive analysis of statewide emissions reduction strategies. This technical analysis must: (a) Identify specific strategies that are likely to be most effective in achieving necessary emissions reductions for key energy uses and customer segments; and (b) be performed by one or more expert consultants, with administrative and policy support provided by the department.

(72) \$6,998,000 of the Andy Hill cancer research endowment fund match transfer account—state appropriation is provided solely for the Andy Hill cancer research endowment program. Amounts provided in this subsection may be used for grants and administrative costs.

(73) \$600,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for grants to law enforcement agencies to implement group violence intervention strategies in areas with high rates of gun violence. Grant funding will be awarded to two sites, with priority given to Yakima county and south King county. The sites must be located in areas with high rates of gun violence, include collaboration with the local leaders and community members, use data to identify the individuals most at risk to perpetrate gun violence for interventions, and include a component that connects individuals to services. Priority is given to sites meeting these criteria who also can demonstrate leveraging existing local or federal resources.

(74) \$1,007,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the department to administer a transitional housing pilot program for nondependent homeless youth. In developing the pilot program, the department will work with the adolescent unit within the department of children, youth, and families, which is focused on cross-system challenges impacting youth, including homelessness.

(75) \$80,000 of the general fund—state appropriation for fiscal year 2021 is provided to the department to facilitate research on nontraditional workers across the regulatory continuum, including convening cross-agency partners. The purpose of the research is to recommend policies and practices regarding the state's worker and small business programs, address changes in the labor market, and continue work initiated by the independent contractor employment study funded in section 127(47), chapter 299, Laws of 2018.

The department must submit a report of its findings to the governor by November 1, 2020.

(76) \$75,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for a grant to a nonprofit organization formed in 2018 that provides a shared housing and living environment for pregnant women, single mothers, and their children who are homeless or at risk of being homeless throughout Pierce county. The nonprofit organization must have persons in executive leadership who have experienced family homelessness. The grant must be used for providing classes at the shared housing location on topics such as financial literacy, renter rights and responsibilities, parenting, and physical and behavioral health.

(77) \$200,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the department to contract with a consultant to study incorporating the unincorporated communities of Fredrickson, Midland, North Clover Creek, Collins, Parkland, Spanaway, Summit-Waller, and Summit View into a single city. The study must include, but not be limited to, the impacts of incorporation on the local tax base, crime, homelessness, infrastructure, public services, and behavioral health services, in the listed communities. The department must submit the study to the appropriate committees of the legislature by June 1, 2021.

(78) \$200,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for a grant to Clallam county to conduct an assessment of the needs of the county's homeless population. The assessment must include an analysis of the impacts of substance abuse treatment at the county's substance abuse treatment facilities on the county's homeless population. The assessment must also provide recommendations for improvements of the county's local homeless housing program. Funding provided in this subsection may also be used to implement recommendations from the assessment or to provide shelter, services, and relocation assistance for homeless individuals.

(79) \$500,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the office of homeless youth prevention and protection programs to create a centralized diversion fund to serve homeless or at-risk youth and young adults, including those who are unsheltered, exiting inpatient programs, or in school. Funding provided in this subsection may be used for short-term rental assistance, offsetting costs for first and last month's rent and security deposits, transportation costs to go to work, and assistance in obtaining photo identification or birth certificates.

(80) \$400,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for a grant to a nonprofit located in King county that serves homeless and at-risk youth and young adults. The grant must be used for a pre-apprenticeship program for youth and young adults experiencing homelessness to prepare and obtain employment in the construction trades by building affordable housing and to earn a high school diploma or equivalent, college credits, or industry certifications.

(81) \$175,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the department to

contract with a nongovernment organization whose primary focus is the economic development of the city of Federal Way. The contract must be for economic development activities with a focus on business expansion, retention, and attraction, job creation, and workforce development in the south Puget Sound.

(82) \$5,000,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for a pilot program to address the immediate housing needs of low or extremely low-income elderly or disabled adults receiving federal supplemental security, federal social security disability, or federal social security retirement income who have an immediate housing need and live in King, Snohomish, Thurston, Pierce, or Clark counties.

(83) \$993,000 of the financial fraud and identity theft crimes investigation and prosecution account—state appropriation is provided solely for implementation of House Bill No. 2193 or Substitute Senate Bill No. 6074 (financial fraud/theft crimes), or both. If neither bill is enacted by June 30, 2020, the amount provided in this subsection shall lapse.

(84) \$25,000 of the general fund—state appropriation for fiscal year 2020 and \$50,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for a grant to the King county drainage district number 5 for extraordinary audit costs and to perform deferred maintenance on drainage ditches located within the district.

(85) \$150,000 of the model toxics control stormwater account—state appropriation is provided solely for planning work related to stormwater runoff at the aurora bridge and I-5 ship canal bridge. Planning work may include, but is not limited to, coordination with project partners, community engagement, conducting engineering studies, and staff support.

(86) \$550,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the foreclosure fairness program to provide foreclosure prevention services.

(87) \$750,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for a grant to the south King fire and rescue fire protection district located in King county to purchase a maritime emergency response vessel.

(88) \$350,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for a grant to a museum located in the city of Seattle to assist with civic literacy and engagement activities in schools and other community settings. The grant must be used for activities including, but not limited to, educational initiatives associated with an exhibit about American democracy, portable toolkits, and free museum admission for students under nineteen years old.

(89) \$100,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for a contract with a nonprofit to provide technical assistance to manufactured home community resident organizations who wish to convert the park in which they reside to resident ownership, pursuant to RCW 59.22.039.

(90) \$100,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for implementation of Engrossed Substitute House Bill No. 2342 (comprehensive plan updates). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

(91) \$323,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for implementation of Second Substitute House Bill No. 2386 (behavioral health ombuds). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

(92) \$46,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for implementation of Engrossed Second Substitute House Bill No. 2405 (comm. property/clean energy). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

(93) \$150,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for implementation of House Bill No. 2596 (new space economy). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

(94) \$400,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for implementation of House Bill No. 2809 (essential needs & housing). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

(95) \$2,732,000 of the housing portfolio monitoring account—state appropriation is provided solely for implementation of Engrossed Substitute House Bill No. 2849 (commerce housing programs). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

(96) \$1,100,000 of the dedicated marijuana account—state appropriation for fiscal year 2021 is provided solely for implementation of Engrossed Second Substitute House Bill No. 2870 (marijuana retail licenses). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

(97) \$297,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for a grant to a nonprofit provider of sexual assault services located in Renton. The grant must be used for information technology system improvements.

**Sec. 129.** 2019 c 415 s 130 (uncodified) is amended to read as follows:

**FOR THE ECONOMIC AND REVENUE FORECAST COUNCIL**

General Fund—State Appropriation (FY 2020)  
 ..... ((~~\$860,000~~))  
 \$874,000

General Fund—State Appropriation (FY 2021)  
 ..... ((~~\$888,000~~))  
 \$912,000

Pension Funding Stabilization Account—State  
 Appropriation ..... \$102,000



Lottery Administrative Account—State Appropriation .....	\$50,000
<b>TOTAL APPROPRIATION .....</b>	<b><u>\$1,900,000</u></b>
	<b><u>\$1,938,000</u></b>
<b>Sec. 130.</b> 2019 c 415 s 131 (uncodified) is amended to read as follows:	
<b>FOR THE OFFICE OF FINANCIAL MANAGEMENT</b>	
General Fund—State Appropriation (FY 2020) .....	<del>(\$28,833,000)</del>
	<u>\$29,281,000</u>
General Fund—State Appropriation (FY 2021) .....	<del>(\$12,303,000)</del>
	<u>\$14,297,000</u>
General Fund—Federal Appropriation....	\$32,512,000
General Fund—Private/Local Appropriation .....	\$5,526,000
Economic Development Strategic Reserve Account—State	
Appropriation .....	\$330,000
Personnel Service Account—State Appropriation .....	<del>(\$35,133,000)</del>
	<u>\$23,218,000</u>
Higher Education Personnel Services Account—State	
Appropriation .....	\$1,497,000
Statewide Information Technology System Development	
Revolving Account—State Appropriation .....	<del>(\$13,298,000)</del>
	<u>\$37,437,000</u>
Office of Financial Management Central Service Account—	
State Appropriation .....	<del>(\$20,710,000)</del>
	<u>\$23,252,000</u>
Pension Funding Stabilization Account—State	
Appropriation .....	\$2,446,000
Performance Audits of Government Account—State	
Appropriation .....	\$678,000
<b>TOTAL APPROPRIATION .....</b>	<b><u>\$153,266,000</u></b>
	<b><u>\$170,474,000</u></b>

The appropriations in this section are subject to the following conditions and limitations:

(1)(a) The student achievement council and all institutions of higher education as defined in RCW 28B.92.030 and eligible for state financial aid programs

under chapters 28B.92 and 28B.118 RCW shall ensure that data needed to analyze and evaluate the effectiveness of state financial aid programs are promptly transmitted to the education data center so that it is available and easily accessible. The data to be reported must include but not be limited to:

(i) The number of state need grant and college bound recipients;

(ii) The number of students on the unserved waiting list of the state need grant;

(iii) Persistence and completion rates of state need grant recipients and college bound recipients as well as students on the state need grant unserved waiting list, disaggregated by institution of higher education;

(iv) State need grant recipients and students on the state need grant unserved waiting list grade point averages; and

(v) State need grant and college bound scholarship program costs.

(b) The student achievement council shall submit student unit record data for state financial aid program applicants and recipients to the education data center.

(c) The education data center shall enter data sharing agreements with the joint legislative audit and review committee and the Washington state institute for public policy to ensure that legislatively directed research assignments regarding state financial aid programs may be completed in a timely manner.

(2)(a) ~~(\$10,000,000)~~ \$34,139,000 of the statewide information technology system development revolving account—state appropriation ~~((is))~~ and \$170,000 of the office of financial management central services account—state appropriation are provided solely for continuation of readiness activities for the one Washington program. Of the amounts provided in this subsection:

(i) ~~(\$7,082,000)~~ \$26,067,000 of the statewide information technology system development revolving account—state appropriation is provided solely for organizational enterprise resource planning, organizational change management, procurement assistance, quality assurance, legal counsel, system integration, software and procurement contracts ~~((in fiscal year 2020))~~.

(ii) \$459,000 of the statewide information technology system development revolving account—state appropriation is provided solely for staff in fiscal year 2020.

(iii) \$1,000,000 of the statewide information technology system development revolving account—state appropriation is provided solely for other contractual services or project staffing in fiscal year 2020.

(iv) ~~(\$459,000)~~ \$1,938,000 of the statewide information technology system development revolving account—state appropriation is provided solely for staff in fiscal year 2021.

(v) ~~(\$1,000,000)~~ \$1,075,000 of the statewide information technology system development revolving

account—state appropriation ~~((is))~~ and \$170,000 of the office of financial management central services account—state appropriation are provided solely for other contractual services or project staffing in fiscal year 2021.

(vi) \$3,600,000 of the statewide information technology system development revolving account—state appropriation is provided solely for procurement of enterprise resource planning software.

(b) Beginning September 30, 2019, the office of financial management shall provide written quarterly reports on the one Washington program to the legislative fiscal committees and the legislative evaluation and accountability program committee to include how funding was spent for the prior quarter.

(c) Prior to spending any funds, the director of the office of financial management must agree to the spending and sign off on the spending.

(d) This subsection is subject to the conditions, limitations, and review requirements of ~~((section 719 of this act))~~ section 701 of this act.

(3) Within existing resources, the labor relations section shall produce a report annually on workforce data and trends for the previous fiscal year. At a minimum, the report must include a workforce profile; information on employee compensation, including salaries and cost of overtime; and information on retention, including average length of service and workforce turnover.

(4) ~~(((\$12,741,000))~~ \$6,371,000 of the personnel service account—state appropriation in this section is provided solely for administration of orca pass benefits included in the 2019-2021 collective bargaining agreements and provided to nonrepresented employees as identified in section 996 of this act. ~~((The))~~ During fiscal year 2020, the office of financial management must bill each agency for that agency's proportionate share of the cost of orca passes. The payment from each agency must be deposited in to the personnel service account and used to purchase orca passes. The office of financial management may consult with the Washington state department of transportation in the administration of these benefits.

(5) ~~(((\$12,485,000))~~ \$6,259,000 of the personnel service fund appropriation is provided solely for the administration of a flexible spending arrangement (FSA) plan. ~~((Agencies))~~ During fiscal year 2020, agencies shall pay their proportional cost for the program as determined by the office of financial management. Total amounts billed by the office of financial management for this purpose may not exceed the amount provided in this subsection. The office of financial management may, through interagency agreement, delegate administration of the program to the health care authority.

(6) \$1,536,000 of the general fund—state appropriation for fiscal year 2020 is provided solely for the implementation of Engrossed Substitute Senate Bill No. 5741 (all payer claims database), and is subject to the conditions, limitations, and review provided in ~~((section 719 of this act))~~ section 701 of this act. ~~((If the bill is not enacted~~

~~by June 30, 2019, the amount provided in this subsection shall lapse.))~~

(7) \$157,000 of the general fund—state appropriation for fiscal year 2020 is provided solely for the implementation of Substitute House Bill No. 1949 (firearm background checks). ~~((If the bill is not enacted by June 30, 2019, the amount provided in this subsection shall lapse.))~~

(8) Within amounts appropriated in this section, funding is provided to implement Second Substitute House Bill No. 1497 (foundational public health).

(9) \$110,000 of the general fund—state appropriation for fiscal year 2020 is provided solely for the office of financial management to determine annual primary care medical expenditures in Washington, by insurance carrier, in total and as a percentage of total medical expenditure. Where feasible, this determination must also be broken down by relevant characteristics such as whether expenditures were for in-patient or out-patient care, physical or mental health, by type of provider, and by payment mechanism.

(a) The determination must be made in consultation with statewide primary care provider organizations using the state's all payer claims database and other existing data.

(b) For purposes of this section:

(i) "Primary care" means family medicine, general internal medicine, and general pediatrics.

(ii) "Primary care provider" means a physician, naturopath, nurse practitioner, physician assistant, or other health professional licensed or certified in Washington state whose clinical practice is in the area of primary care.

(iii) "Primary care medical expenditures" means payments to reimburse the cost of physical and mental health care provided by a primary care provider, excluding prescription drugs, vision care, and dental care, whether paid on a fee-for-service basis or as a part of a capitated rate or other type of payment mechanism.

(iv) "Total medical expenditure" means payments to reimburse the cost of all health care and prescription drugs, excluding vision care and dental care, whether paid on a fee-for-service basis or as part of a capitated rate or other type of payment mechanism.

(c) By December 1, 2019, the office of financial management shall report its findings to the legislature, including an explanation of its methodology and any limits or gaps in existing data which affected its determination.

(10) \$1,200,000 of the office of financial management central services—state appropriation is provided solely for the education research and data center to set up a data enclave and to work on complex data sets. This is subject to the conditions, limitations and review requirements of ~~((section 719 of this act))~~ section 701 of this act. The data enclave for customer access must include twenty-five users, to include one user from each of the following entities:

(a) The house;

(b) The senate;

(c) The legislative evaluation and accountability program committee;

(d) The joint legislative audit and review committee; and

(e) The Washington state institute for public policy.

~~((11)) ((\$345,000 of the statewide information technology system development revolving account state appropriation is provided solely for modifications to the facilities portfolio management tool to expand the ability to track leases of land, buildings, equipment, and vehicles. This is subject to the conditions, limitations, and review requirements of section 719 of this act.~~

~~((14))~~ \$250,000 of the office of financial management central service—state appropriation is provided solely for a dedicated budget staff for the work associated with the information technology cost pool projects. The staff will be responsible for providing a monthly financial report after each fiscal month close to fiscal staff of the senate ways and means and house appropriations committees to reflect at least:

(a) Fund balance of the information technology pool account;

(b) Amount by project of funding approved to date and for the last fiscal month;

(c) Amount by agency of funding approved to date and for the last fiscal month;

(d) Total amount approved to date and for the last fiscal month; and

(e) Amount of expenditure on each project by the agency to date and for the last fiscal month.

~~((15))~~ (12) \$15,000,000 of the general fund—state appropriation for fiscal year 2020, \$159,000 of the general fund—state appropriation for fiscal year 2021, and \$5,000,000 of the general fund—private/local appropriation are provided solely for the office of financial management to prepare for the 2020 census. No funds provided under this subsection may be used for political purposes. The office must:

(a) Complete outreach and a communication campaign that reaches the state's hardest to count residents;

(b) Perform frequent outreach to the hard-to-count population both in person through community messengers and through various media avenues;

(c) Establish deliverable-based outreach contracts with nonprofit organizations and local and tribal contracts;

(d) Consider the recommendations of the statewide complete count committee;

(e) Prepare documents in multiple languages to promote census participation;

(f) Provide technical assistance with the electronic census forms; and

(g) Hold in reserve \$5,000,000 of the general fund—state appropriation for fiscal year 2020 and \$5,000,000 of the general fund—private/local appropriation, until January 1, 2020, for contracting with community based organizations with historical access to and credibility with hard-to-count people to support outreach to the hardest to count and last-mile efforts.

(13) Within existing resources and in consultation with the office of the superintendent of public instruction, the office of financial management shall review and report on the pupil transportation funding system for K-12 education. The report shall include findings and recommendations and shall be submitted to the governor and the appropriate committees of the legislature by September 1, 2020. This report shall include review of the following:

(a) The formula components and modeling approach in RCW 28A.160.192;

(b) The data used in the analysis for completeness, validity, and appropriateness;

(c) The timing requirements and whether they could be changed;

(d) The STARS model for appropriateness, functionality, and alignment with statute; and

(e) The capacity and resources of the office of the superintendent of public instruction to produce the transportation analysis.

(14) \$288,000 of the general fund—state appropriation for fiscal year 2020 and \$192,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the office of financial management to contract for project management and fiscal modeling to support collaborations with the office of the superintendent of public instruction and department of children, youth, and families to complete a report with options and recommendations for administrative efficiencies and long-term strategies which align and integrate high-quality early learning programs administered by both agencies. The report is due to the governor and the appropriate committees of the legislature by September 1, 2020.

(15) \$250,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the education research and data center to expand its higher education finance report on the education research and data center web site to include budget, expenditure, and revenue data for institutions of higher education. The budget, expenditure, and revenue data must be by fund for each institution and for all appropriated, nonappropriated, and nonallotted funds, including the source and use of tuition and fee revenue. Expenditure data must include program and activity information. Revenue data must include source of funds.

(16) \$50,000 of the general fund—state appropriation for fiscal year 2021 is provided on a one-time basis solely for the office to work with a correctional facility located in Des Moines, Washington serving the confinement needs of multiple member cities and a number of contract agencies to study and review the most cost effective delivery options for providing medication assisted treatment to individuals

located in local jails and state correctional facilities. The office shall provide a report to the legislature and the appropriate fiscal committees of the legislature by November 10, 2020, which includes recommendations for and the costs associated with providing safe, effective treatment and coordination of care. The study and report must include identification of alternative revenue sources.

(17) By August 1, 2020, the office must produce an inventory of services delivered by contracted service providers at the department of children, youth, and families; the department of corrections; the department of social and health services; and the health care authority. "Services delivered by contracted service providers" means state-funded services delivered by providers who are not state employees, and excludes services for which the state is an employer solely for the purposes of collective bargaining, the state contracts with a risk-bearing fiscal intermediary, or the rate paid to contracted service providers is calculated pursuant to an explicit statutory formula. At a minimum, the submittal must include for each service delivered by one or more contracted service providers:

(a) A brief description of the service provided;

(b) A summary of the payment methodology, current base rate, any available rate enhancements, and any additional support funding provided by the state;

(c) Any planned changes to the rate or support funding effective before the end of the current fiscal biennium;

(d) The number of clients anticipated to be served in the current and ensuing biennium;

(e) The estimated total cost of serving those clients;

(f) The number of service providers currently contracted to provide the service;

(g) Any available information about a shortage or excess of qualified service providers contracting with the state; and

(h) Any available information about the cost incurred by contracted service providers in delivering the services compared to the rate paid by the state.

(18) \$150,000 of the general fund—state appropriation for fiscal year 2020 and \$600,000 of the general fund—state appropriation for fiscal year 2021 are provided solely to contract with one or more research or actuarial entities to examine the delivery of behavioral and physical health care services for which the health care authority contracts with a risk-bearing fiscal intermediary, excluding any contracts for employee benefit programs. The report must be provided to the legislature no later than September 1, 2020, and must include:

(a) A description of the types of payment methods currently used by risk-bearing fiscal intermediaries to establish provider payments. The report must identify, and, to the extent practicable, quantify, instances of case payment rates, broad encounter rates, value-based purchasing, subcapitation, or similar methodologies;

(b) Options available to the legislature and the governor to ensure that risk-bearing fiscal intermediaries meet standards for quality and access to care; and

(c) Options available to the legislature and the governor to modify payment rates to providers that offer services under medicaid managed care. To the extent practicable, for each option the report must discuss the potential implications to federal funding and client access to care for both state-funded and private pay patients and identify whether the option could be restricted to particular types of service, provider specializations, client characteristics, care settings, or geographic areas.

(19) \$90,000 of the general fund—state appropriation for fiscal year 2020 and \$85,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the education research and data center to conduct a statewide study of opportunity youth. The center shall provide a report of its findings to the appropriate committees of the legislature by December 31, 2020. The study must include:

(a) The number of people in Washington between the ages of sixteen and twenty-nine who have enrolled in Washington schools or participated in the Washington workforce between 2015 and 2019 before completely opting out, including:

(i) The rate of young people without a high school diploma or a high school equivalency certificate who are disconnected from high school;

(ii) The rate of young people with a high school diploma, but without a postsecondary credential, who are disconnected from postsecondary education and may or may not be working;

(iii) The rate of young people with a postsecondary credential, but not enrolled in postsecondary education, who are disconnected from the Washington workforce; and

(iv) The rate of young people disconnected from the Washington workforce and not enrolled in Washington schools.

(b) The education levels for each of the following age bands: 16-18, 19-21, 22-24, 25-29. The education levels include:

(i) No diploma;

(ii) High school diploma or high school equivalency certificate;

(iii) Some higher education but no degree;

(iv) Associates degree;

(v) Bachelor's degree;

(vi) Graduate degree or higher; and

(vii) Degree (associates or higher).

(c) The employment levels for each of the following age bands: 16-18, 19-21, 22-24, 25-29. The employment levels include:

(i) Not employed;

(ii) Part-time; and

(iii) Full-time.

(d) Disaggregation of data to the extent possible by race, gender, native or foreign born, income above or below 200 percent of the poverty line, average salary, and job industry.

**Sec. 131.** 2019 c 415 s 132 (uncodified) is amended to read as follows:

**FOR THE OFFICE OF ADMINISTRATIVE HEARINGS**

Administrative Hearings Revolving Account—State	
Appropriation .....	(\$45,688,000))
	\$47,800,000
TOTAL APPROPRIATION .....	\$45,688,000
	\$47,800,000

The appropriation in this section is subject to the following conditions and limitations:

(1) \$173,000 of the administrative hearing revolving account—state appropriation is provided solely for the implementation of chapter 13, Laws of 2019 (SHB 1399).

(2) \$293,000 of the administrative hearings revolving account—state appropriation is provided solely for implementation of Engrossed Substitute House Bill No. 1422 (vulnerable adults). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

(3) \$46,000 of the administrative hearings revolving account—state appropriation is provided solely for implementation of Second Substitute House Bill No. 1645 (parental improvement certs.). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

(4) \$5,000 of the administrative hearings revolving account—state appropriation is provided solely for implementation of Substitute House Bill No. 2302 (child support). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

**Sec. 132.** 2019 c 415 s 133 (uncodified) is amended to read as follows:

**FOR THE WASHINGTON STATE LOTTERY**

Lottery Administrative Account—State Appropriation	
.....	(\$29,854,000))
	\$29,819,000
TOTAL APPROPRIATION .....	\$29,854,000
	\$29,819,000

The appropriation in this section is subject to the following conditions and limitations:

(1) No portion of this appropriation may be used for acquisition of gaming system capabilities that violate state law.

(2) Pursuant to RCW 67.70.040, the commission shall take such action necessary to reduce retail commissions to an average of 5.1 percent of sales.

**Sec. 133.** 2019 c 415 s 134 (uncodified) is amended to read as follows:

**FOR THE COMMISSION ON HISPANIC AFFAIRS**

General Fund—State Appropriation (FY 2020)	
.....	(\$401,000))
	\$415,000
General Fund—State Appropriation (FY 2021)	
.....	(\$413,000))
	\$441,000
Pension Funding Stabilization Account—State	
Appropriation .....	\$26,000
TOTAL APPROPRIATION .....	\$840,000
	\$882,000

The appropriations in this section are subject to the following conditions and limitations: \$3,000 of the general fund—state appropriation for fiscal year 2020 and \$2,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of Substitute Senate Bill No. 5023 (ethnic studies). ~~((If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.))~~

**Sec. 134.** 2019 c 415 s 135 (uncodified) is amended to read as follows:

**FOR THE COMMISSION ON AFRICAN-AMERICAN AFFAIRS**

General Fund—State Appropriation (FY 2020)	
.....	(\$318,000))
	\$306,000
General Fund—State Appropriation (FY 2021)	
.....	(\$301,000))
	\$315,000
Pension Funding Stabilization Account—State	
Appropriation .....	\$26,000
TOTAL APPROPRIATION .....	\$645,000
	\$647,000

**Sec. 135.** 2019 c 415 s 136 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF RETIREMENT SYSTEMS—OPERATIONS**

Department of Retirement Systems Expense	
Account—State Appropriation .....	(\$60,059,000))
	\$64,137,000
TOTAL APPROPRIATION .....	\$60,059,000

\$64,137,000

The appropriation in this section is subject to the following conditions and limitations:

(1) ~~(((\$160,000))~~ \$166,000 of the department of retirement systems—state appropriation is provided solely for the administrative costs associated with implementation of Second Substitute House Bill No. 1661 (higher education retirement). If the bill is not enacted by June 30, ~~((2019))~~ 2020, the amount provided in this subsection shall lapse.

(2) \$106,000 of the department of retirement systems—state appropriation is provided solely for the administrative costs associated with implementation of Senate Bill No. 5350 (optional life annuity). ~~((If the bill is not enacted by June 30, 2019, the amount provided in this subsection shall lapse.))~~

(3) \$139,000 of the department of retirement systems—state appropriation is provided solely for the administrative costs associated with implementation of Engrossed Substitute House Bill No. 1308 or Senate Bill No. 5360 (retirement system defaults). ~~((If the bill is not enacted by June 30, 2019, the amount provided in this subsection shall lapse.))~~

(4) \$44,000 of the department of retirement systems—state appropriation is provided solely for the administrative costs associated with implementation of House Bill No. 1408 (survivorship benefit options). ~~((If the bill is not enacted by June 30, 2019, the amount provided in this subsection shall lapse.))~~

(5) \$2,341,000 of the department of retirement systems—state appropriation is provided solely for the ongoing implementation and administrative costs associated with Second Substitute House Bill No. 1888 (employee info. disclosure). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

(6) \$144,000 of the department of retirement systems—state appropriation is provided solely for the administrative costs associated with ongoing implementation of chapter 259, Laws of 2019 (E2SHB 1139).

(7) \$44,000 of the department of retirement systems—state appropriation is provided solely for the administrative costs associated with ongoing implementation and administrative costs associated with House Bill No. 2189 (PSERS/comp restoration work). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

(8) \$38,000 of the department of retirement systems—state appropriation is provided solely for the administrative costs associated with ongoing implementation and administrative costs associated with Substitute House Bill No. 2544 (definition of veteran). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

**Sec. 136.** 2019 c 415 s 137 (uncodified) is amended to read as follows:

#### FOR THE DEPARTMENT OF REVENUE

General Fund—State Appropriation (FY 2020)  
..... ~~(((\$150,681,000))~~

\$151,265,000

General Fund—State Appropriation (FY 2021)  
..... ~~(((\$144,287,000))~~

\$152,888,000

Timber Tax Distribution Account—State  
Appropriation ..... ~~(((\$7,289,000))~~

\$7,357,000

Business License Account—State Appropriation  
..... ~~(((\$20,606,000))~~

\$20,643,000

Waste Reduction, Recycling, and Litter Control

Account—State Appropriation ..... \$168,000

Model Toxics Control Operating Account—

State Appropriation..... \$119,000

Financial Services Regulation Account—State

Appropriation..... \$5,000,000

Pension Funding Stabilization Account—State

Appropriation..... \$13,486,000

TOTAL APPROPRIATION..... \$341,636,000

\$350,926,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$142,000 of the general fund—state appropriation for fiscal year 2020 is provided solely for the implementation of Second Substitute House Bill No. 1059 (B&O return filing due date). ~~((If the bill is not enacted by June 30, 2019, the amount provided in this subsection shall lapse.))~~

(2)(a) ~~(((\$4,150,000))~~ \$4,268,000 of the general fund—state appropriation for fiscal year 2020 and ~~(((\$1,921,000))~~ \$3,238,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the department to implement 2019 revenue legislation.

(b) Within the amounts provided in this subsection, sufficient funding is provided for the department to implement section 11 of Engrossed Substitute Senate Bill No. 5183 (manufactured/mobile homes).

(c)(i) Of the amounts provided in this subsection, ~~(((\$1,061,000))~~ \$711,000 of the general fund—state appropriation for fiscal year 2020 and ~~(((\$977,000))~~ \$1,327,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the department to facilitate a tax structure work group, initially created within chapter 1, Laws of 2017 3rd sp. sess. (SSB 5883) and hereby reauthorized.

(ii) In addition to the membership as set forth in chapter 1, Laws of 2017 3rd sp. sess., the tax structure work

group is expanded to include (~~(nonvoting))~~ voting members as follows:

(A) The president of the senate must appoint two members from each of the two largest caucuses of the senate;

(B) The speaker of the house of representatives must appoint two members from each of the two largest caucuses of the house of representatives; and

(C) The governor must appoint one member who represents the office of the governor.

(iii) The work group must include the following nonvoting members:

(A) One representative of the department;

(B) One representative of the association of Washington cities; and

(C) One representative of the Washington state association of counties.

(iv) All voting members of the work group must indicate, in writing, their interest in serving on the tax structure work group and provide a statement of understanding that the commitment to serve on the tax structure work group is through December 31, 2024. Elected officials not reelected to their respective offices may be relieved of their responsibilities on the tax structure work group. Vacancies on the tax structure work group must be filled within sixty days of notice of the vacancy. The work group must choose a chair or cochair from among its legislative membership. The chair is, or cochair is, responsible for convening the meetings of the work group no less than quarterly each year. Recommendations and other decisions of the work group may be approved by a simple majority vote. All work group members may have a representative attend meetings of the tax structure work group in lieu of the member, but voting by proxy is not permitted. Staff support for the work group must be provided by the department. The department may engage one or more outside consultants to assist in providing support for the work group. Members of the work group must serve without compensation but may be reimbursed for travel expenses under RCW 44.04.120, 43.03.050, and 43.03.060.

(v) The duties of the work group are to:

(A) By December 1, 2019, convene no less than one meeting to elect a chair, or cochair, and conduct other business of the work group;

(B) By December ~~((+))~~ 31, 2020, the department and technical advisory group must prepare a summary report of their preliminary findings and alternatives described in (c)(vii) of this subsection;

(C) By May 1, 2021, the work group must:

(I) Hold no less than one meeting in Olympia to review the preliminary findings described in (c)(vii) of this subsection. At least one meeting must engage stakeholder groups, as described in (c)(vi)(A) of this subsection;

(II) Begin to plan strategies to engage taxpayers and key stakeholder groups to encourage participation in the public meetings described in (c)(vii) of this subsection;

(III) Present the summary report described in (c)(vii) of this subsection in compliance with RCW 43.01.036 to the appropriate committees of the legislature;

(IV) Be available to deliver a presentation to the appropriate committees of the legislature including the elements described in (c)(vi)(B) of this subsection; and

(V) Finalize the logistics of the engagement strategies described in (c)(v)(D) of this subsection; and

(D) After the conclusion of the 2021 legislative session, the work group must:

(I) Hold no less than five public meetings in geographically dispersed areas of the state;

(II) Present the findings described in (c)(vii) of this subsection and alternatives to the state's current tax structure at the public meetings;

(III) Provide an opportunity at the public meetings for taxpayers to engage in a conversation about the state tax structure including, but not limited to, providing feedback on possible recommendations for changes to the state tax structure and asking questions about the report and findings and alternatives to the state's current tax structure presented by the work group;

(IV) Utilize methods to collect taxpayer feedback before, during, or after the public meetings that may include, but is not limited to: Small group discussions, in-person written surveys, in-person visual surveys, online surveys, written testimony, and public testimony;

(V) Encourage legislators to inform their constituents about the public meetings that occur within and near their legislative districts;

(VI) Inform local elected officials about the public meetings that occur within and near their communities; and

(VII) Summarize the feedback that taxpayers and other stakeholders communicated during the public meetings and other public engagement methods, and submit a final summary report, in accordance with RCW 43.01.036, to the appropriate committees of the legislature. This report may be submitted as an appendix or update to the summary report described in (c)(vii) of this subsection.

(vi)(A) The stakeholder groups referenced by (c)(v)(C)(I) of this subsection must include, at a minimum, organizations and individuals representing the following:

(I) Small, start-up, or low-margin business owners and employees or associations expressly dedicated to representing these businesses, or both; and

(II) Individual taxpayers with income at or below one hundred percent of area median income in their county of residence or organizations expressly dedicated to representing low-income and middle-income taxpayers, or both;

(B) The presentation referenced in (c)(v)(C)(IV) of this subsection must include the following elements:

(I) The findings and alternatives included in the summary report described in (c)(vii) of this subsection; and

(II) The preliminary plan to engage taxpayers directly in a robust conversation about the state's tax structure including, presenting the findings described in (c)(vii) of this subsection and alternatives to the state's current tax structure, and collecting feedback to inform development of recommendations.

(vii) The duties of the department, with assistance of one or more technical advisory groups, are to:

(A) With respect to the final report of findings and alternatives submitted by the Washington state tax structure study committee to the legislature under section 138, chapter 7, Laws of 2001 2nd sp. sess.:

(I) Update the data and research that informed the recommendations and other analysis contained in the final report;

(II) Estimate how much revenue all the revenue replacement alternatives recommended in the final report would have generated for the 2017-2019 fiscal biennium if the state had implemented the alternatives on January 1, 2003;

(III) Estimate the tax rates necessary to implement all recommended revenue replacement alternatives in order to achieve the revenues generated during the 2017-2019 fiscal biennium as reported by the economic and revenue forecast council;

(IV) Estimate the impact on taxpayers, including tax paid as a share of household income for various income levels, and tax paid as a share of total business revenue for various business activities, for (c)(vii)(A)(II) and (III) of this subsection; and

(V) Estimate how much revenue would have been generated in the 2017-2019 fiscal biennium, if the incremental revenue alternatives recommended in the final report would have been implemented on January 1, 2003, excluding any recommendations implemented before the effective date of this section;

(B) With respect to the recommendations in the final report of the 2018 tax structure work group:

(I) Conduct economic modeling or comparable analysis of replacing the business and occupation tax with an alternative, such as corporate income tax or margins tax, and estimate the impact on taxpayers, such as tax paid as a share of total business revenue for various business activities, assuming the same revenues generated by business and occupation taxes during the 2017-2019 fiscal biennium as reported by the economic and revenue forecast council; and

(II) Estimate how much revenue would have been generated for the 2017-2019 fiscal biennium if the one percent revenue growth limit on regular property taxes was replaced with a limit based on population growth and

inflation if the state had implemented this policy on January 1, 2003;

(C) To analyze our economic competitiveness with border states:

(I) Estimate the revenues that would have been generated during the 2017-2019 fiscal biennium, had Washington adopted the tax structure of those states, assuming the economic tax base for the 2017-2019 fiscal biennium as reported by the economic and revenue forecast council; and

(II) Estimate the impact on taxpayers, including tax paid as a share of household income for various income levels, and tax paid as a share of total business revenue for various business activities for (c)(vii)(C)(I) of this subsection;

(D) To analyze our economic competitiveness in the context of a national and global economy, provide comparisons of the effective state and local tax rate of the tax structure during the 2017-2019 fiscal biennium and various alternatives under consideration, as they compare to other states and the federal government, as well as consider implications of recent changes to federal tax law;

(E) To the degree it is practicable, conduct tax incidence analysis of the various alternatives under consideration to account for the impacts of tax shifting, such as business taxes passed along to consumers and property taxes passed along to renters;

(F) To the degree it is practicable, present findings and alternatives by geographic area, in addition to statewide; and

(G) Conduct other analysis as directed by the work group.

(3) \$63,000 of the general fund—state appropriation for fiscal year 2020 and \$7,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the implementation of Engrossed Second Substitute Senate Bill No. 5497 (immigrants in the workplace). ~~((If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.))~~

(4) Within existing resources, the department must compile a report on the annual amount of state retail sales tax collected under chapter 82.08 RCW on sales occurring at area fairs and county fairs as described in RCW 15.76.120. The report must be submitted to the appropriate committees of the legislature by December 1, 2019.

(5) Within amounts appropriated in this section, the department shall update the document titled "Washington Action Plan - FAA Policy Concerning Airport Revenue" to reflect changes to Washington tax code regarding hazardous substances. The department, in consultation with the aviation division of the Washington state department of transportation, shall develop and recommend a methodology to segregate and track actual amounts collected from the hazardous substance tax under chapter 82.21 RCW and the petroleum products tax under chapter 82.23A RCW as imposed on aviation fuel. The department must submit a



report, including the recommended methodology, to the fiscal committees of the legislature by January 11, 2021.

(6) \$159,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for implementation of Substitute House Bill No. 2248 (community solar projects). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

(7) \$47,000 of the business license account—state appropriation is provided solely for implementation of Substitute House Bill No. 2840 (business licensing services). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

(8) \$363,000 of the general fund—state appropriation for fiscal year 2020 and \$3,607,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the department to implement 2020 revenue legislation.

**Sec. 137.** 2019 c 415 s 138 (uncodified) is amended to read as follows:

#### FOR THE BOARD OF TAX APPEALS

General Fund—State Appropriation (FY 2020)  
.....((~~\$2,382,000~~))  
\$2,412,000

General Fund—State Appropriation (FY 2021)  
.....((~~\$2,421,000~~))  
\$2,452,000

Pension Funding Stabilization Account—State  
Appropriation.....\$162,000

TOTAL APPROPRIATION .....\$4,965,000  
\$5,026,000

The appropriations in this section are subject to the following conditions and limitations: \$30,000 of the general fund—state appropriation for fiscal year 2020 and \$9,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the board to continue maintaining its legacy case management software and conduct a feasibility study to determine how best to update or replace the case management software.

**Sec. 138.** 2019 c 415 s 139 (uncodified) is amended to read as follows:

#### FOR THE OFFICE OF MINORITY AND WOMEN'S BUSINESS ENTERPRISES

General Fund—State Appropriation (FY 2020)  
.....\$109,000

General Fund—State Appropriation (FY 2021)  
.....((~~\$101,000~~))  
\$1,294,000

Minority and Women's Business Enterprises

Account—State Appropriation.....((~~\$5,347,000~~))  
\$5,343,000

TOTAL APPROPRIATION.....\$5,557,000  
\$6,746,000

The appropriations in this section are subject to the following conditions and limitations: \$75,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the office of minority and women's business enterprises to enter into an interagency agreement with the Washington state department of transportation for the department to write a surety bonding program report. This report is due to the governor by December 1, 2020.

**Sec. 139.** 2019 c 415 s 140 (uncodified) is amended to read as follows:

#### FOR THE INSURANCE COMMISSIONER

General Fund—Federal Appropriation .....\$4,661,000

Insurance Commissioner's Regulatory Account—  
State

Appropriation.....((~~\$69,673,000~~))  
\$70,014,000

TOTAL APPROPRIATION.....\$74,334,000  
\$74,675,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$536,000 of the insurance commissioners regulatory account—state appropriation is provided solely to implement Engrossed Substitute Senate Bill No. 5526 (individual health insurance market). ((If the bill is not enacted by June 30, 2019, the amount provided in this subsection shall lapse.))

(2) \$45,000 of the insurance commissioners regulatory account—state appropriation is provided solely to implement Engrossed Substitute House Bill No. 1879 (Rx drug utilization management). ((If the bill is not enacted by June 30, 2019, the amount provided in this subsection shall lapse.))

(3) \$397,000 of the insurance commissioners regulatory account—state appropriation is provided solely to implement Substitute House Bill No. 1075 (consumer competitive group insurance). ((If the bill is not enacted by June 30, 2019, the amount provided in this subsection shall lapse.))

(4) \$1,015,000 of the insurance commissioners regulatory account—state appropriation is provided solely to implement Second Substitute House Bill No. 1065 (out-of-network health). ((If the bill is not enacted by June 30, 2019, the amount provided in this subsection shall lapse.))

(5) \$60,000 of the insurance commissioners regulatory account—state appropriation is provided solely for implementation of chapter 16, Laws of 2019 (HB 1001) (service contract providers).

(6) \$84,000 of the insurance commissioners regulatory account—state appropriation is provided solely for

implementation of chapter 56, Laws of 2019 (SSB 5889) (insurance communications confidentiality).

(7) \$125,000 of the insurance commissioners regulatory account—state appropriation is provided solely for implementation of Second Substitute Senate Bill No. 5602 (reproductive health care). ~~((If the bill is not enacted by June 30, 2019, the amount provided in this subsection shall lapse.))~~

(8) \$125,000 of the insurance commissioner's regulatory account—state appropriation is provided solely for staffing and supporting the work of the natural disaster and resiliency workgroup for Substitute Senate Bill No. 5106 (natural disaster mitigation). ~~((If the bill is not enacted by June 30, 2019, the amount provided in this subsection shall lapse.))~~

(9) Within the amounts appropriated in this section, the commissioner shall review how pharmacy benefit managers are regulated in other states and report the findings to the governor and appropriate committees of the legislature by September 15, 2019.

(10) \$23,000 of the insurance commissioner's regulatory account—state appropriation for fiscal year 2021 is provided solely to implement Second Substitute House Bill No. 2457 (health care cost board). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

(11) \$32,000 of the insurance commissioner's regulatory account—state appropriation for fiscal year 2021 is provided solely to implement Substitute House Bill No. 2554 (health plan exclusions). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

(12) \$45,000 of the insurance commissioner's regulatory account—state appropriation for fiscal year 2021 is provided solely to implement Engrossed Second Substitute House Bill No. 2662 (total cost of insulin). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

(13) \$186,000 of the insurance commissioner's regulatory account—state appropriation for fiscal year 2021 is provided solely to implement Substitute House Bill No. 2306 (legal service contractors). If the bill is not enacted by June 30, 2020, the amounts provided in this subsection shall lapse.

(14) \$71,000 of the insurance commissioner's regulatory account—state appropriation for fiscal year 2021 is provided solely to implement Engrossed Substitute House Bill No. 2642 (sub. use disorder coverage). If the bill is not enacted by June 30, 2020, the amounts provided in this subsection shall lapse.

**Sec. 140.** 2019 c 415 s 142 (uncodified) is amended to read as follows:

#### **FOR THE STATE INVESTMENT BOARD**

State Investment Board Expense Account—State  
Appropriation .....~~(\$60,028,000)~~

\$60,048,000

TOTAL APPROPRIATION.....~~\$60,028,000~~

\$60,048,000

**Sec. 141.** 2019 c 415 s 143 (uncodified) is amended to read as follows:

#### **FOR THE LIQUOR AND CANNABIS BOARD**

General Fund—State Appropriation (FY 2020)  
.....~~(\$356,000)~~

\$355,000

General Fund—State Appropriation (FY 2021)  
.....\$392,000

General Fund—Federal Appropriation .....\$3,034,000

General Fund—Private/Local Appropriation..\$75,000

Dedicated Marijuana Account—State Appropriation  
(FY 2020) .....~~(\$11,662,000)~~

\$11,649,000

Dedicated Marijuana Account—State Appropriation  
(FY 2021) .....~~(\$11,625,000)~~

\$12,072,000

Pension Funding Stabilization Account—State  
Appropriation.....\$80,000

Liquor Revolving Account—State Appropriation  
.....~~(\$74,514,000)~~

\$74,456,000

TOTAL APPROPRIATION.....~~\$101,738,000~~

\$102,113,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The liquor and cannabis board may require electronic payment of the marijuana excise tax levied by RCW 69.50.535. The liquor and cannabis board may allow a waiver to the electronic payment requirement for good cause as provided by rule.

(2) The traceability system is subject to the conditions, limitations, and review provided in ~~((section 719 of this act))~~ section 701 of this act.

(3) \$70,000 of the liquor revolving account—state appropriation is provided solely to implement chapter 61, Laws of 2019 (SHB 1034) (restaurant/soju endorsement).

(4) \$23,000 of the dedicated marijuana account—state appropriation for fiscal year 2020 and \$23,000 of the dedicated marijuana account—state appropriation for fiscal year 2021 are provided solely to implement Engrossed Substitute House Bill No. 1794 (marijuana business agreements). ~~((If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.))~~

(5) \$722,000 of the dedicated marijuana account—state appropriation for fiscal year 2020 and \$591,000 of the dedicated marijuana account—state appropriation for fiscal year 2021 are provided solely for the implementation of Engrossed Substitute Senate Bill No. 5318 (marijuana license compliance). ~~((If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.))~~

(6) \$350,000 of the dedicated marijuana account—state appropriation for fiscal year 2020 and \$350,000 of the dedicated marijuana account—state appropriation for fiscal year 2021 are provided solely for the board to hire additional staff for cannabis enforcement and licensing activities.

(7) \$100,000 of the dedicated marijuana account—state appropriation for fiscal year 2020 is provided solely for the board to convene a work group to determine the feasibility of and make recommendations for varying the marijuana excise tax rate based on product potency. The work group must submit a report of its findings to the appropriate committees of the legislature by December 1, 2019.

(8) \$8,000 of the liquor revolving account—state appropriation is provided solely for implementation of House Bill No. 2412 (domestic brewery retail). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

(9) \$65,000 of the dedicated marijuana account—state appropriation for fiscal year 2021 is provided solely for implementation of House Bill No. 2826 (marijuana vapor products). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

(10) \$42,000 of the dedicated marijuana account—state appropriation for fiscal year 2021 is provided solely for implementation of Substitute House Bill No. 2359 (marijuana compliance cert.). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

(11) \$348,000 of the dedicated marijuana account—state appropriation for fiscal year 2021 is provided solely for implementation of Engrossed Second Substitute House Bill No. 2870 (marijuana retail licenses). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

**Sec. 142.** 2019 c 415 s 144 (uncodified) is amended to read as follows:

**FOR THE UTILITIES AND  
TRANSPORTATION COMMISSION**

General Fund—State Appropriation (FY 2020)  
..... \$173,000

General Fund—State Appropriation (FY 2021)  
..... \$123,000

General Fund—Private/Local Appropriation  
..... ~~(((\$16,725,000))~~  
\$16,634,000

Public Service Revolving Account—State  
Appropriation..... ~~(((\$41,545,000))~~

\$41,962,000

Public Service Revolving Account—Federal  
Appropriation..... \$105,000

Pipeline Safety Account—State Appropriation  
..... ~~(((\$3,506,000))~~  
\$2,563,000

Pipeline Safety Account—Federal Appropriation  
..... ~~(((\$3,202,000))~~  
\$4,162,000

TOTAL APPROPRIATION..... \$65,274,000  
\$65,722,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Up to \$800,000 of the public service revolving account—state appropriation in this section is for the utilities and transportation commission to supplement funds committed by a telecommunications company to expand rural broadband service on behalf of an eligible governmental entity. The amount in this subsection represents payments collected by the utilities and transportation commission pursuant to the Qwest performance assurance plan.

(2) \$330,000 of the public service revolving account—state appropriation is provided solely for implementation of Engrossed Third Substitute House Bill No. 1257 (energy efficiency). ~~((If the bill is not enacted by June 30, 2019, the amount provided in this subsection shall lapse.~~

~~((4))~~ (3) \$95,000 of the public service revolving account—state appropriation is provided solely for implementation of Substitute House Bill No. 1512 (transportation electrification). ~~((If the bill is not enacted by June 30, 2019, the amount provided in this subsection shall lapse.~~

~~((6))~~ (4) \$50,000 of the general fund—state appropriation for fiscal year 2020 is provided solely for the commission to convene a work group on preventing underground utility damage. The work group is subject to the following requirements:

(a) The utilities and transportation commission shall contract with an independent facilitator for the work group to facilitate and moderate meetings, provide objective facilitation and negotiation between work group members, ensure participants receive information and guidance so that they respond in a timely manner, and synthesize agreements and points under negotiation.

(b) The work group shall discuss topics such as, but not limited to: How facility operators and excavators schedule meeting times and places; new requirements for marking locatable underground facilities; a definition of "noninvasive methods"; the procedures that must take place when an excavator discovers (and may or may not damage) an underground facility; positive response procedures; utility identification procedures for newly constructed and replacement underground facilities; the membership

composition of the dig law safety committee; liability for damage occurring from an excavation when either the excavator or the facility operator fails to comply with the statutory requirements relating to notice requirements or utility marking requirements; and ensuring consistency with the pipeline and hazardous materials safety administration towards a uniform national standard.

(c) The work group shall include, but is not limited to, members representing cities, counties, public and private utility companies, construction and excavator communities, water-sewer districts, and other government entities with underground facilities.

(d) The work group shall meet a minimum of four times and produce a report with recommendations to the governor and legislature by December 1, 2019.

~~((7))~~ (5) \$123,000 of the general fund—state appropriation for fiscal year 2020, \$123,000 of the general fund—state appropriation for fiscal year 2021, and \$814,000 of the public services revolving account—state appropriation are provided solely for the implementation of Engrossed Second Substitute Senate Bill No. 5116 (clean energy). ~~((If the bill is not enacted by June 30, 2019, the amount provided in this subsection shall lapse.~~

~~(8))~~ (6) \$14,000 of the public service revolving account—state appropriation is provided solely for the implementation of Engrossed Second Substitute House Bill No. 1112 (hydrofluorocarbons emissions). ~~((If the bill is not enacted by June 30, 2019, the amount provided in this subsection shall lapse.~~

~~(9))~~ (7) The appropriations in this section include sufficient funding for the implementation of Second Substitute Senate Bill No. 5511 (broadband service).

(8) \$7,000 of the public service revolving account—state appropriation is provided solely for implementation of Engrossed Substitute House Bill No. 2629 (utility connection charges). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

(9) \$580,000 of the public service revolving account—state appropriation and \$15,000 of the pipeline safety account—state appropriation are provided solely for implementation of Engrossed Second Substitute House Bill No. 2518 (natural gas transmission). If the bill is not enacted by June 30, 2020, the amounts provided in this subsection shall lapse.

**Sec. 143.** 2019 c 415 s 145 (uncodified) is amended to read as follows:

#### **FOR THE MILITARY DEPARTMENT**

General Fund—State Appropriation (FY 2020)  
.....~~(( \$9,900,000 ))~~

\$9,906,000

General Fund—State Appropriation (FY 2021)  
.....~~(( \$10,269,000 ))~~

\$9,772,000

General	Fund—Federal	Appropriation
.....		<del>(( \$118,165,000 ))</del>
		<u>\$119,219,000</u>
Enhanced	911 Account—State	Appropriation
.....		\$43,745,000
Disaster Response	Account—State	Appropriation
.....		<del>(( \$28,774,000 ))</del>
		<u>\$49,996,000</u>
Disaster Response	Account—Federal	Appropriation
.....		<del>(( \$97,048,000 ))</del>
		<u>\$134,058,000</u>
Military Department Rent and Lease	Account—State	
Appropriation.....		<del>(( \$615,000 ))</del>
		<u>\$1,066,000</u>
Military Department Active State Service	Account—	
State		
Appropriation.....		\$400,000
Oil Spill Prevention	Account—State	Appropriation
.....		\$1,040,000
Worker and Community Right to Know	Fund—State	
Appropriation.....		\$1,848,000
Pension Funding Stabilization	Account—State	
Appropriation.....		\$1,244,000
TOTAL APPROPRIATION.....		<del>\$313,048,000</del>
		<u>\$372,294,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) The military department shall submit a report to the office of financial management and the legislative fiscal committees ~~((on))~~ by February 1st and October 31st of each year detailing information on the disaster response account, including: (a) The amount and type of deposits into the account; (b) the current available fund balance as of the reporting date; and (c) the projected fund balance at the end of the 2019-2021 biennium based on current revenue and expenditure patterns.

(2) \$40,000,000 of the general fund—federal appropriation is provided solely for homeland security, subject to the following conditions: Any communications equipment purchased by local jurisdictions or state agencies shall be consistent with standards set by the Washington state interoperability executive committee.

(3) \$625,000 of the general fund—state appropriation for fiscal year 2020 and \$625,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the conditional scholarship program pursuant to chapter 28B.103 RCW.

(4) \$11,000,000 of the enhanced 911 account—state appropriation is provided solely for financial assistance to counties.

(5) \$784,000 of the disaster response account—state appropriation is provided solely for fire suppression training, equipment, and supporting costs to national guard soldiers and airmen.

(6) \$100,000 of the enhanced 911 account—state appropriation is provided solely for the department, in collaboration with a representative group of counties, public service answering points, and first responder organizations, to submit a report on the 911 system to the appropriate legislative committees by October 1, 2020. The report must include:

(a) The actual cost per fiscal year for the state, including all political subdivisions, to operate and maintain the 911 system including, but not limited to, the ESInet, call handling equipment, personnel costs, facility costs, contractual costs, administrative costs, and legal fees.

(b) The difference between the actual state and local costs and current state and local 911 funding.

(c) Potential cost-savings and efficiencies through the consolidation of equipment, regionalization of services or merging of facilities, positive and negative impacts on the public, legal or contractual restrictions, and appropriate actions to alleviate these constraints.

(7) \$118,000 of the general fund—state appropriation for fiscal year 2020 and \$118,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the implementation of Substitute Senate Bill No. 5012 (governmental continuity). ~~((If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.))~~

(8) \$464,000 of the general fund—state appropriation for fiscal year 2020 and ~~(((\$464,000))~~ \$542,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the department to procure and install sixteen all-hazard alert broadcast sirens to increase inundation zone coverage to alert individuals of an impending tsunami or other disaster.

(9) \$500,000 of the general fund—state appropriation for fiscal year 2020 and \$500,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the department to procure and install seismic monitoring stations and global navigation satellite systems that integrate with the early warning system known as ShakeAlert.

(10) \$120,000 of the general fund—state appropriation for fiscal year 2020 and \$120,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the department to support an education and public outreach program in advance of the new early earthquake warning system known as ShakeAlert.

(11) \$80,000 of the general fund—state appropriation for fiscal year 2020 and \$23,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementing Substitute Senate Bill No. 5106 (natural

disaster mitigation). ~~((If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.))~~

(12) \$200,000 of the military department rental and lease account—state appropriation is provided solely for maintenance staffing.

(13) \$251,000 of the military department rental and lease account—state appropriation is provided solely for the maintenance and operation, including equipment replacement, of the communications infrastructure at camp Murray.

(14) \$48,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the department, in coordination with local jurisdictions, to initiate a Travis alert outreach demonstration campaign to increase awareness of the benefits and availability of making medical or disability information available to first responders in advance of an emergency. As part of the demonstration campaign, the department shall provide appropriate outreach materials to two jurisdictions, one east of the crest of the Cascade mountains and one west of the crest of the Cascade mountains, capable of providing first responders with medical or disability information previously submitted. The department must initiate the campaign by December 1, 2020.

**Sec. 144.** 2019 c 415 s 146 (uncodified) is amended to read as follows:

#### **FOR THE PUBLIC EMPLOYMENT RELATIONS COMMISSION**

General Fund—State Appropriation (FY 2020)	<del>(\$2,238,000)</del>
	<u>\$2,240,000</u>
General Fund—State Appropriation (FY 2021)	\$2,283,000
Personnel Service Account—State Appropriation	<del>(\$4,282,000)</del>
	<u>\$4,339,000</u>
Higher Education Personnel Services Account—State Appropriation	<del>(\$1,410,000)</del>
	<u>\$1,412,000</u>
Pension Funding Stabilization Account—State Appropriation	\$228,000
TOTAL APPROPRIATION	<u>\$10,441,000</u>
	<u>\$10,502,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$122,000 of the general fund—state appropriation for fiscal year 2020 and \$112,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the administrative costs associated with implementation of Substitute House Bill No. 1575 (collective bargaining/dues). ~~((If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.))~~

(2) The appropriations in this section include sufficient funding for the implementation of Senate Bill No. 5022 (granting interest arbitration to certain higher education uniformed personnel).

(3) \$56,000 of the personnel service account—state appropriation is provided solely for the administrative costs associated with ongoing implementation and administrative costs associated with Substitute House Bill No. 2017 (admin. law judge bargaining). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

**Sec. 145.** 2019 c 415 s 147 (uncodified) is amended to read as follows:

#### **FOR THE BOARD FOR VOLUNTEER FIREFIGHTERS**

Volunteer Firefighters' and Reserve Officers'

Administrative Account—State Appropriation .....	<del>(\$1,020,000))</del>
	<u>\$1,120,000</u>
TOTAL APPROPRIATION .....	<u>\$1,020,000</u>
	<u>\$1,120,000</u>

The appropriation in this section is subject to the following conditions and limitations: \$100,000 of the volunteer firefighters' and reserve officers' administrative account—state appropriation is provided solely for legal and consultation fees and services necessary for the board for volunteer firefighters' and reserve officers to address issues related to plan qualification with the federal internal revenue service. The board shall report on the measures taken, and the results to that point, to the appropriate legislative fiscal committees by December 15, 2020.

**Sec. 146.** 2019 c 415 s 148 (uncodified) is amended to read as follows:

#### **FOR THE BOARD OF ACCOUNTANCY**

Certified Public Accountants' Account—State

Appropriation .....	<del>(\$3,631,000))</del>
	<u>\$3,624,000</u>
TOTAL APPROPRIATION .....	<u>\$3,631,000</u>
	<u>\$3,624,000</u>

**Sec. 147.** 2019 c 415 s 149 (uncodified) is amended to read as follows:

#### **FOR THE FORENSIC INVESTIGATION COUNCIL**

Death Investigations Account—State Appropriation .....	<del>(\$692,000))</del>
	<u>\$735,000</u>
TOTAL APPROPRIATION .....	<u>\$692,000</u>
	<u>\$735,000</u>

The appropriation in this section is subject to the following conditions and limitations:

(1) \$250,000 of the death investigations account—state appropriation is provided solely for providing financial assistance to local jurisdictions in multiple death investigations. The forensic investigation council shall develop criteria for awarding these funds for multiple death investigations involving an unanticipated, extraordinary, and catastrophic event or those involving multiple jurisdictions.

(2) \$210,000 of the death investigations account—state appropriation is provided solely for providing financial assistance to local jurisdictions in identifying human remains.

**Sec. 148.** 2019 c 415 s 150 (uncodified) is amended to read as follows:

#### **FOR THE DEPARTMENT OF ENTERPRISE SERVICES**

General Fund—State Appropriation (FY 2020) .....	<del>(\$4,732,000))</del>
	<u>\$4,767,000</u>
General Fund—State Appropriation (FY 2021) .....	<del>(\$1,519,000))</del>
	<u>\$5,247,000</u>
General Fund—Private/Local Appropriation	\$102,000
Building Code Council Account—State Appropriation .....	<del>(\$1,519,000))</del>
	<u>\$1,966,000</u>
TOTAL APPROPRIATION .....	<u>\$11,148,000</u>
	<u>\$12,082,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) ~~(\$4,371,000))~~ \$4,340,000 of the general fund—state appropriation for fiscal year 2020 and ~~(\$4,371,000))~~ \$4,347,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the payment of facilities and services charges to include campus rent, utilities, parking, and contracts, public and historic facilities charges, and capital projects surcharges allocable to the senate, house of representatives, statute law committee, legislative support services, and joint legislative systems committee. The department shall allocate charges attributable to these agencies among the affected revolving funds. The department shall maintain an interagency agreement with these agencies to establish performance standards, prioritization of preservation and capital improvement projects, and quality assurance provisions for the delivery of services under this subsection. The legislative agencies named in this subsection shall continue to enjoy all of the same rights of occupancy and space use on the capitol campus as historically established.

(2) In accordance with RCW 46.08.172 and 43.135.055, the department is authorized to increase parking fees in fiscal years 2020 and 2021 as necessary to meet the actual costs of conducting business.

(3) Before any agency may purchase a passenger motor vehicle as defined in RCW 43.19.560, the agency must have written approval from the director of the department of enterprise services. Agencies that are exempted from the requirement are the Washington state patrol, Washington state department of transportation, and the department of natural resources.

(4) From the fee charged to master contract vendors, the department shall transfer to the office of minority and women's business enterprises in equal monthly installments \$1,500,000 in fiscal year 2020 and \$1,300,000 in fiscal year 2021.

(5) \$100,000 of the general fund—state appropriation in fiscal year 2020 and \$100,000 of the general fund—state appropriation in fiscal year 2021 is provided solely for the agency to procure cyber incident insurance on behalf of forty-three small to medium sized agencies that are currently without this coverage.

(6)(a) During the 2019-2021 fiscal biennium, the department must revise its master contracts with vendors, including cooperative purchasing agreements under RCW 39.26.060, to include a provision to require that each vendor agrees to equality among its workers by ensuring similarly employed individuals are compensated as equals as follows:

(i) Employees are similarly employed if the individuals work for the same employer, the performance of the job requires comparable skill, effort, and responsibility, and the jobs are performed under similar working conditions. Job titles alone are not determinative of whether employees are similarly employed;

(ii) Vendors may allow differentials in compensation for its workers based in good faith on any of the following:

(A) A seniority system; a merit system; a system that measures earnings by quantity or quality of production; a bona fide job-related factor or factors; or a bona fide regional difference in compensation levels.

(B) A bona fide job-related factor or factors may include, but not be limited to, education, training, or experience, that is: Consistent with business necessity; not based on or derived from a gender-based differential; and accounts for the entire differential.

(C) A bona fide regional difference in compensation level must be: Consistent with business necessity; not based on or derived from a gender-based differential; and account for the entire differential.

(b) The provision must allow for the termination of the contract if the public entity using the contract or agreement of the department of enterprise services determines that the vendor is not in compliance with this agreement or contract term.

(c) The department must implement this provision with any new contract and at the time of renewal of any existing contract.

(d) Any cost for the implementation of this section must be recouped from the fees charged to master contract vendors.

(7) \$10,000 of the general fund—state appropriation for fiscal year 2020 is provided solely for the department to query and inventory all state agency use and amounts of glyphosate. Within amounts provided, the department must offer to pay to state agencies the difference in costs for using alternatives for vegetation control. A report to the appropriate committees of the legislature on the findings of the query and inventory must be made by December 31, 2019.

(8)(a) \$5,000 of the general fund—state appropriation for fiscal year 2020 is provided solely for a legislative work group to study and make recommendations on a monument on the capitol campus to honor residents who died in the global war in terror. The department of enterprise services must staff the work group, which shall be composed of:

(i) One member from each of the four major caucuses of the legislature;

(ii) The director of the department of veterans affairs or his or her designee;

(iii) The director of the Washington state parks and recreation commission or his or her designee;

(iv) The director of the department of enterprise services or his or her designee;

(v) The director of the Washington state military department or his or her designee;

(vi) The secretary of state or his or her designee;

(vii) The state archivist or his or her designee;

(viii) A representative of the capitol campus design advisory committee that is not the secretary of state or a legislative member already designated to be part of the work group; and

(ix) Two representatives from veterans organizations appointed by the governor.

(b) The work group shall choose two cochair from among its legislative membership. The legislative membership shall convene the initial meeting of the work group before November 1, 2019.

(c) The work group shall:

(i) Conduct a study of the feasibility of establishing a new memorial on the capitol campus to honor fallen service members from the global war on terrorism;

(ii) Provide the names of the recommended individuals to be honored at the memorial;

(iii) Recommend locations where the memorial could be constructed on the capitol campus and provide any permit requirements or other restrictions that may exist for each location;

(iv) Provide potential draft designs that could be used for the memorial;

(v) Provide information regarding the anticipated funding needed for:

(A) The design, construction, and placement of the memorial;

(B) Any permits that may be required;

(C) Anticipated ongoing maintenance cost for the memorial based on potential materials used and historical maintenance of other memorials on campus; and

(D) An unveiling ceremony or other expenses that may be necessary for the memorial;

(vi) Make recommendations regarding the funding sources that may be available, which may include solicitation of private funds or a method for obtaining the necessary funds; and

(vii) Make recommendations regarding an agency, committee, or commission to coordinate the design, construction, and placement of a memorial on the capitol campus.

(d) Legislative members of the work group shall be reimbursed for travel expenses in accordance with RCW 44.04.120. Nonlegislative members shall be reimbursed for travel expenses in accordance with chapter 43.03 RCW.

(e) The work group shall submit a report of its recommendations to the appropriate committees of the legislature in accordance with RCW 43.01.036 by ~~((November 1, 2020))~~ June 30, 2021.

(9) ~~((The department may expend private local funds for new signage designating the Joan Benoit Samuelson marathon park if the private local funds are received for that specific purpose.~~

~~((40))~~(a) Within existing resources, beginning October 31, 2019, the department, in collaboration with consolidated technology services, must provide a report to the governor and fiscal committees of the legislature by October 31st of each calendar year that reflects information technology contract information based on a contract snapshot from June 30 of that calendar year. The department will coordinate to receive contract information for all contracts to include those where the department has delegated authority so that the report includes statewide contract information. The report must contain a list of all information technology contracts to include the agency name, contract number, vendor name, the contract term start and end dates, the contract dollar amount in total, contract dollar amount by state fiscal year, and type of service delivered. The list of contracts must be provided electronically in excel and sortable by all fields.

(b) In determining the type of service delivered, groupings must include agreed upon items by the department, the office of the chief information officer, senate fiscal staff, and house fiscal staff. This grouping criteria must be agreed upon by August 31, 2019.

~~((44))~~ (10) The department must use any new resources provided for civic education solely for the free-to-schools civic education program.

(11) Within existing resources, the department must study the increase in tort claims filed in general and with a specific focus on the increase in tort claims filed and payouts

made against the department of children, youth, and families. The study must include an assessment of the source of the payouts, such as jury awards, court judgments, mediation, and arbitration awards. The department should determine the root cause for these increases and develop recommendations on how to reduce the number of tort claims filed and payouts made. The department must coordinate its work with the department of children, youth, and families and the office of the attorney general. A report must be provided to the office of financial management and the appropriate committees of the legislature by November 1, 2020.

**Sec. 149.** 2019 c 415 s 151 (uncodified) is amended to read as follows:

#### **FOR THE DEPARTMENT OF ARCHAEOLOGY AND HISTORIC PRESERVATION**

General Fund—State Appropriation (FY 2020)	<del>(((\$1,926,000))</del>
	<u>\$1,978,000</u>
General Fund—State Appropriation (FY 2021)	<del>(((\$1,979,000))</del>
	<u>\$2,223,000</u>
General Fund—Federal Appropriation <del>(((\$2,150,000))</del>	
	<u>\$2,300,000</u>
General Fund—Private/Local Appropriation..	\$14,000
Pension Funding Stabilization Account—State	
Appropriation.....	\$136,000
TOTAL APPROPRIATION.....	<del>(\$6,205,000</del>
	<u>\$6,651,000</u>

The appropriations in this section are subject to the following conditions and limitations: \$103,000 of the general fund—state appropriation for fiscal year 2020 and \$103,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for archaeological determinations and excavations of inadvertently discovered skeletal human remains, and removal and reinterment of such remains when necessary.

**Sec. 150.** 2019 c 415 s 152 (uncodified) is amended to read as follows:

#### **FOR THE CONSOLIDATED TECHNOLOGY SERVICES AGENCY**

General Fund—State Appropriation (FY 2020)	<del>(((\$188,000</del>
	<u>\$188,000</u>
General Fund—State Appropriation (FY 2021)	<del>(((\$188,000</del>
	<u>\$188,000</u>
Consolidated Technology Services Revolving Account—	
State Appropriation.....	<del>(((\$25,048,000))</del>
	<u>\$29,846,000</u>



<del>((Consolidated Technology Services Revolving</del>			
<del>Nonappropriated Account State Appropriation</del>			
			<del>\$244,176,000))</del>
TOTAL APPROPRIATION .....			<del>\$269,600,000</del>
			<u>\$30,222,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) ~~((\$12,297,000))~~ \$12,550,000 of the consolidated technology services revolving account—state appropriation is provided solely for the office of the chief information officer. Of this amount:

(a) \$2,000,000 of the consolidated technology services revolving account—state appropriation is provided solely for experienced information technology project managers to provide critical support to agency IT projects that are subject to the provisions of ~~((section 719 of this act))~~ section 701 of this act. The staff will:

(i) Provide master level project management guidance to agency IT stakeholders;

(ii) Consider statewide best practices from the public and private sectors, independent review and analysis, vendor management, budget and timing quality assurance and other support of current or past IT projects in at least Washington state and share these with agency IT stakeholders; and

(iii) Beginning December 31, 2019, provide independent recommendations to legislative fiscal committees by December of each calendar year on oversight of IT projects.

(b)(i) \$250,000 of the consolidated technology services revolving account—state appropriation is provided solely to ensure that the state has a more nimble, extensible information technology dashboard. Dashboard elements must include at the minimum:

(A) Start date of the project;

(B) End date of the project when the project will close out and implementation will occur;

(C) Term of the project in fiscal years across all biennia to reflect the start of the project through the end of the project;

(D) Total project cost from start date through end date in total dollars, and a subtotal of near general fund outlook;

(E) Estimated annual fiscal year cost for maintenance and operations after implementation and close out;

(F) Actual spend by fiscal year and in total for fiscal years that are closed; and

(G) Date a feasibility study was completed.

(ii) The office of the chief information officer may recommend additional elements be included but must have agreement with legislative fiscal committees and the office of financial management prior to including the additional elements.

(2) ~~((\$12,751,000))~~ \$13,008,000 of the consolidated technology services revolving account—state appropriation is provided solely for the office of cyber security. Of this amount:

(a) \$800,000 of the consolidated technology services revolving account—state appropriation is provided solely for the computer emergency readiness to review security designs of computer systems and to complete security evaluations of state agency systems and applications to identify vulnerabilities and opportunities for system hardening.

(b) \$768,000 of the consolidated technology services revolving account—state appropriation is provided solely for the office of cyber security to decrypt network traffic to identify and evaluate network traffic for malicious activity and threats, and is subject to the conditions, limitations, and review provided in ~~((section 719 of this act))~~ section 701 of this act.

(c) \$608,000 of the consolidated technology services revolving account—state appropriation is provided solely for the office of cyber security to complete cyber security designs for new platforms, databases, and applications.

(3) The consolidated technology services agency shall work with customer agencies using the Washington state electronic records vault (WASERV) to identify opportunities to:

(a) Reduce storage volumes and costs associated with vault records stored beyond the agencies' record retention schedules; and

(b) Assess a customized service charge as defined in chapter 304, Laws of 2017 for costs of using WASERV to prepare data compilations in response to public records requests.

(4)(a) In conjunction with the office of the chief information officer's prioritization of proposed information technology expenditures, agency budget requests for proposed information technology expenditures must include the following:

(i) The agency's priority ranking of each information technology request;

(ii) The estimated cost by fiscal year and by fund for the current biennium;

(iii) The estimated cost by fiscal year and by fund for the ensuing biennium;

(iv) The estimated total cost for the current and ensuing biennium;

(v) The total cost by fiscal year, by fund, and in total, of the information technology project since it began;

(vi) The estimated cost by fiscal year and by fund over all biennia through implementation and close out and into maintenance and operations;

(vii) The estimated cost by fiscal year and by fund for service level agreements once the project is implemented;

(viii) The estimated cost by fiscal year and by fund for agency staffing for maintenance and operations once the project is implemented; and

(ix) The expected fiscal year when the agency expects to complete the request.

(b) The office of the chief information officer and the office of financial management may request agencies to include additional information on proposed information technology expenditure requests.

(5) The consolidated technology services agency must not increase fees charged for existing services without prior approval by the office of financial management. The agency may develop fees to recover the actual cost of new infrastructure to support increased use of cloud technologies.

(6) Within existing resources, the agency must provide oversight of state procurement and contracting for information technology goods and services by the department of enterprise services.

(7) Within existing resources, the agency must host, administer, and support the state employee directory in an online format to provide public employee contact information.

(8) ~~(((\$1,524,000 of the consolidated technology services revolving account—non appropriated is provided solely to the logging and monitoring project and is subject to the conditions, limitations, and review provided in section 719 of this act.~~

(9)) \$750,000 of the ~~((general fund state appropriation for fiscal year 2020)) consolidated technology services revolving account—state appropriation~~ is provided for the office to conduct a statewide cloud computing readiness assessment to prepare for the migration of core services to cloud services, including ways it can leverage cloud computing to reduce costs. The assessment must:

(a) Inventory state agency assets, associated service contracts, and other relevant information;

(b) Identify impacts to state agency staffing resulting from the migration to cloud computing including:

(i) Skill gaps between current on-premises computing practices and how cloud services are procured, secured, administered, maintained, and developed; and

(ii) Necessary retraining and ongoing training and development to ensure state agency staff maintain the skills necessary to effectively maintain information security and understand changes to enterprise architectures;

(c) Identify additional resources needed by the agency to enable sufficient cloud migration support to state agencies; and

(d) Be submitted as a report, by June 30, 2020, to the governor and the appropriate committees of the legislature that summarizes statewide cloud migration readiness and makes recommendations for migration goals.

~~((40))~~ (9) The health care authority, the health benefit exchange, the department of social and health

services, the department of health, and the department of children, youth, and families shall work together within existing resources to establish the health and human services enterprise coalition (the coalition). The coalition, led by the health care authority, must be a multi-organization collaborative that provides strategic direction and federal funding guidance for projects that have cross-organizational or enterprise impact, including information technology projects that affect organizations within the coalition. By October 31, 2019, the coalition must submit a report to the governor and the legislature that describes the coalition's plan for projects affecting the coalition organizations. The report must include any information technology projects impacting coalition organizations and, in collaboration with the office of the chief information officer, provide: (a) The status of any information technology projects currently being developed or implemented that affect the coalition; (b) funding needs of these current and future information technology projects; and (c) next steps for the coalition's information technology projects. The office of the chief information officer shall maintain a statewide perspective when collaborating with the coalition to ensure that the development of projects identified in this report are planned for in a manner that ensures the efficient use of state resources and maximizes federal financial participation. The work of the coalition is subject to the conditions, limitations, and review provided in ~~((section 719 of this act))~~ section 701 of this act.

(10) \$4,303,000 of the consolidated technology services revolving account—state appropriation is provided solely for the creation and ongoing delivery of information technology services tailored to the needs of small agencies. The scope of services must include, at a minimum, full-service desktop support, service assistance, security, and consultation.

**Sec. 151.** 2019 c 415 s 153 (uncodified) is amended to read as follows:

**FOR THE BOARD OF REGISTRATION OF PROFESSIONAL ENGINEERS AND LAND SURVEYORS**

Professional Engineers' Account—State Appropriation.....	<del>(((\$4,863,000))</del>
	<u>\$5,816,000</u>
TOTAL APPROPRIATION.....	<u>\$4,863,000</u>
	<u>\$5,816,000</u>

The appropriation in this section is subject to the following conditions and limitations:

(1) \$4,172,000 of the professional engineers' account—state appropriation is provided solely for implementation of House Bill No. 1176 (businesses and professions). ((If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.))

(2) Of the amounts appropriated in this section, \$1,480,000 of the professional engineers' account—state appropriation is provided solely for the business and technology modernization project pursuant to an interagency

agreement with the department of licensing and is subject to the conditions, limitations, and review provided in section 701 of this act.

## **PART II**

### **HUMAN SERVICES**

**Sec. 201.** 2019 c 415 s 201 (uncodified) is amended to read as follows:

#### **FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

(1) The appropriations to the department of social and health services in this act shall be expended for the programs and in the amounts specified in this act. Appropriations made in this act to the department of social and health services shall initially be allotted as required by this act. Subsequent allotment modifications shall not include transfers of moneys between sections of this act except as expressly provided in this act, nor shall allotment modifications permit moneys that are provided solely for a specified purpose to be used for other than that purpose.

(2) The department of social and health services shall not initiate any services that require expenditure of state general fund moneys unless expressly authorized in this act or other law. The department may seek, receive, and spend, under RCW 43.79.260 through 43.79.282, federal moneys not anticipated in this act as long as the federal funding does not require expenditure of state moneys for the program in excess of amounts anticipated in this act. If the department receives unanticipated unrestricted federal moneys, those moneys shall be spent for services authorized in this act or in any other legislation providing appropriation authority, and an equal amount of appropriated state general fund moneys shall lapse. Upon the lapsing of any moneys under this subsection, the office of financial management shall notify the legislative fiscal committees. As used in this subsection, "unrestricted federal moneys" includes block grants and other funds that federal law does not require to be spent on specifically defined projects or matched on a formula basis by state funds.

(3) The legislature finds that medicaid payment rates, as calculated by the department pursuant to the appropriations in this act, bear a reasonable relationship to the costs incurred by efficiently and economically operated facilities for providing quality services and will be sufficient to enlist enough providers so that care and services are available to the extent that such care and services are available to the general population in the geographic area. The legislature finds that cost reports, payment data from the federal government, historical utilization, economic data, and clinical input constitute reliable data upon which to determine the payment rates.

(4) The department shall to the maximum extent practicable use the same system for delivery of spoken-language interpreter services for social services appointments as the one established for medical appointments in the health care authority. When contracting directly with an individual to deliver spoken language interpreter services, the department shall only contract with

language access providers who are working at a location in the state and who are state-certified or state-authorized, except that when such a provider is not available, the department may use a language access provider who meets other certifications or standards deemed to meet state standards, including interpreters in other states.

(5) Information technology projects or investments and proposed projects or investments impacting time capture, payroll and payment processes and systems, eligibility, case management, and authorization systems within the department of social and health services are subject to technical oversight by the office of the chief information officer.

(6)(a) The department shall facilitate enrollment under the medicaid expansion for clients applying for or receiving state funded services from the department and its contractors. Prior to open enrollment, the department shall coordinate with the health care authority to provide referrals to the Washington health benefit exchange for clients that will be ineligible for medicaid.

(b) To facilitate a single point of entry across public and medical assistance programs, and to maximize the use of federal funding, the health care authority, the department of social and health services, and the health benefit exchange will coordinate efforts to expand HealthPlanfinder access to public assistance and medical eligibility staff. The department shall complete medicaid applications in the HealthPlanfinder for households receiving or applying for public assistance benefits.

(7) The health care authority, the health benefit exchange, the department of social and health services, the department of health, and the department of children, youth, and families shall work together within existing resources to establish the health and human services enterprise coalition (the coalition). The coalition, led by the health care authority, must be a multi-organization collaborative that provides strategic direction and federal funding guidance for projects that have cross-organizational or enterprise impact, including information technology projects that affect organizations within the coalition. By October 31, 2019, the coalition must submit a report to the governor and the legislature that describes the coalition's plan for projects affecting the coalition organizations. The report must include any information technology projects impacting coalition organizations and, in collaboration with the office of the chief information officer, provide: (a) The status of any information technology projects currently being developed or implemented that affect the coalition; (b) funding needs of these current and future information technology projects; and (c) next steps for the coalition's information technology projects. The office of the chief information officer shall maintain a statewide perspective when collaborating with the coalition to ensure that the development of projects identified in this report are planned for in a manner that ensures the efficient use of state resources and maximizes federal financial participation. The work of the coalition is subject to the conditions, limitations, and review provided in (~~section 719 of this act~~) section 701 of this act.

(8)(a) The appropriations to the department of social and health services in this act must be expended for the programs and in the amounts specified in this act. However, after May 1, 2020, unless prohibited by this act, the department may transfer general fund—state appropriations for fiscal year 2020 among programs and subprograms after approval by the director of the office of financial management. However, the department may not transfer state appropriations that are provided solely for a specified purpose except as expressly provided in (b) of this subsection.

(b) To the extent that transfers under (a) of this subsection are insufficient to fund actual expenditures in excess of fiscal year 2020 caseload forecasts and utilization assumptions in the long-term care, developmental disabilities, and public assistance programs, the department may transfer state appropriations that are provided solely for a specified purpose. The department may not transfer funds, and the director of the office of financial management may not approve the transfer, unless the transfer is consistent with the objective of conserving, to the maximum extent possible, the expenditure of state funds. The director of the office of financial management shall notify the appropriate fiscal committees of the legislature in writing seven days prior to approving any allotment modifications or transfers under this subsection. The written notification shall include a narrative explanation and justification of the changes, along with expenditures and allotments by budget unit and appropriation, both before and after any allotment modifications or transfers.

**Sec. 202.** 2019 c 415 s 202 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF SOCIAL AND  
HEALTH SERVICES—MENTAL HEALTH  
PROGRAM**

**(1) INSTITUTIONAL SERVICES**

General Fund—State Appropriation (FY 2020)	
.....	<del>(\$400,740,000)</del>
	<u>\$425,202,000</u>
General Fund—State Appropriation (FY 2021)	
.....	<del>(\$417,578,000)</del>
	<u>\$440,884,000</u>
General Fund—Federal Appropriation	
.....	<del>(\$117,745,000)</del>
	<u>\$119,933,000</u>
General Fund—Private/Local Appropriation	
.....	<del>(\$27,800,000)</del>
	<u>\$26,965,000</u>
Pension Funding Stabilization Account—State	
Appropriation .....	\$33,300,000
TOTAL APPROPRIATION .....	<del>\$997,163,000</del>
	<u>\$1,046,284,000</u>

The appropriations in this subsection are subject to the following conditions and limitations:

(a) The state psychiatric hospitals may use funds appropriated in this subsection to purchase goods, services, and supplies through hospital group purchasing organizations when it is cost-effective to do so.

(b) \$311,000 of the general fund—state appropriation for fiscal year 2020 and \$310,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for a community partnership between western state hospital and the city of Lakewood to support community policing efforts in the Lakewood community surrounding western state hospital. The amounts provided in this subsection (1)(b) are for the salaries, benefits, supplies, and equipment for one full-time investigator, one full-time police officer, and one full-time community service officer at the city of Lakewood. The department must collect data from the city of Lakewood on the use of the funds and the number of calls responded to by the community policing program and submit a report with this information to the office of financial management and the appropriate fiscal committees of the legislature each December of the fiscal biennium.

(c) \$45,000 of the general fund—state appropriation for fiscal year 2020 and \$45,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for payment to the city of Lakewood for police services provided by the city at western state hospital and adjacent areas.

(d) \$19,000 of the general fund—state appropriation for fiscal year 2020 and \$19,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for payment to the city of Medical Lake for police services provided by the city at eastern state hospital and adjacent areas. The city must submit a proposal to the department for a community policing program for eastern state hospital and adjacent areas by September 30, 2019.

(e) \$135,000 of the general fund—state appropriation for fiscal year 2020 and \$135,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the department to hire an on-site safety compliance officer, stationed at Western State Hospital, to provide oversight and accountability of the hospital's response to safety concerns regarding the hospital's work environment.

(f) \$100,000 of the general fund—state appropriation for fiscal year 2020 and \$100,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the department to track compliance with RCW 71.05.365 requirements for transition of state hospital patients into community settings within fourteen days of the determination that they no longer require active psychiatric treatment at an inpatient level of care. The department must use these funds to track the following elements related to this requirement: (i) The date on which an individual is determined to no longer require active psychiatric treatment at an inpatient level of care; (ii) the date on which the behavioral health entities and other organizations responsible for resource management services for the person is notified of this determination; and (iii) the date on which either the individual is transitioned to the community or has

been re-evaluated and determined to again require active psychiatric treatment at an inpatient level of care. The department must provide this information in regular intervals to behavioral health entities and other organizations responsible for resource management services. The department must summarize the information and provide a report to the office of financial management and the appropriate committees of the legislature on progress toward meeting the fourteen day standard by December 1, 2019 and December 1, 2020.

(g) \$250,000 of the general fund—state appropriation for fiscal year 2020 and \$250,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the department, in collaboration with the health care authority, to develop and implement a predictive modeling tool which identifies clients who are at high risk of future involvement with the criminal justice system and for developing a model to estimate demand for civil and forensic state hospital bed needs pursuant to the following requirements.

(i) The predictive modeling tool must be developed to leverage data from a variety of sources and identify factors that are strongly associated with future criminal justice involvement. The department must submit a report to the office of financial management and the appropriate committees of the legislature which describes the following: (A) The proposed data sources to be used in the predictive model and how privacy issues will be addressed; (B) modeling results including a description of measurable factors most strongly predictive of risk of future criminal justice involvement; (C) an assessment of the accuracy, timeliness, and potential effectiveness of the tool; (D) identification of interventions and strategies that can be effective in reducing future criminal justice involvement of high risk patients; and (E) the timeline for implementing processes to provide monthly lists of high-risk client to contracted managed care organizations and behavioral health entities.

(ii) The model for civil and forensic state hospital bed need must be developed and updated in consultation with staff from the office of financial management and the appropriate fiscal committees of the state legislature. The model shall incorporate factors for capacity in state hospitals as well as contracted facilities, which provide similar levels of care, referral patterns, wait lists, lengths of stay, and other factors identified as appropriate for predicting the number of beds needed to meet the demand for civil and forensic state hospital services. Factors should include identification of need for the services and analysis of the effect of community investments in behavioral health services and other types of beds that may reduce the need for long-term civil commitment needs. The department must submit a report to the legislature by October 1, 2019, with an update of the model and the estimated civil and forensic state hospital bed need by November 1, 2020, and each November 1st thereafter through the end of fiscal year 2027. The department must continue to update the model on a calendar quarterly basis and provide updates to the office of financial management and the appropriate committees of the legislature accordingly.

(h) \$2,982,000 of the general fund—state appropriation for fiscal year 2020 and \$2,199,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the phase-in of the settlement agreement under *Trueblood, et al. v. Department of Social and Health Services, et al.*, United States District Court for the Western District of Washington, Cause No. 14-cv-01178-MJP. The department, in collaboration with the health care authority and the criminal justice training commission, must implement the provisions of the settlement agreement pursuant to the timeline and implementation plan provided for under the settlement agreement. This includes implementing provisions related to competency evaluations, competency restoration, crisis diversion and supports, education and training, and workforce development.

(i) \$6,450,000 of the general fund—state appropriation for fiscal year 2020 and \$7,147,000 of the general fund—state appropriation for fiscal year 2021 are provided solely to maintain and further increase implementation of efforts to improve the timeliness of competency evaluation services for individuals who are in local jails pursuant to chapter 5, Laws of 2015 (SSB 5889) (timeliness of competency treatment and evaluation services). This funding must be used solely to maintain increases in the number of competency evaluators that began in fiscal year 2016 and further increase the number of staff providing competency evaluation services. During the 2019-2021 fiscal biennium, the department must use a portion of these amounts to increase the number of forensic evaluators pursuant to the settlement agreement under *Trueblood, et al. v. Department of Social and Health Services, et al.*, United States District Court for the Western District of Washington, Cause No. 14-cv-01178-MJP.

(j) \$56,441,000 of the general fund—state appropriation for fiscal year 2020, \$63,159,000 of the general fund—state appropriation for fiscal year 2021, and \$2,127,000 of the general fund—federal appropriation are provided solely for implementation of efforts to improve the timeliness of competency restoration services pursuant to chapter 5, Laws of 2015 (SSB 5889) (timeliness of competency treatment and evaluation services). These amounts must be used to maintain increases that began in fiscal year 2016 and further increase the number of forensic beds at western state hospital and eastern state hospital. Pursuant to chapter 7, Laws of 2015 1st sp. sess. (2E2SSB 5177) (timeliness of competency treatment and evaluation services), the department may contract some of these amounts for services at alternative locations if the secretary determines that there is a need. During the 2019-2021 fiscal biennium, the department must use a portion of these amounts to increase forensic bed capacity at the state hospitals pursuant to the settlement agreement under *Trueblood, et al. v. Department of Social and Health Services, et al.*, United States District Court for the Western District of Washington, Cause No. 14-cv-01178-MJP.

(k) (~~(\$67,463,000))~~ \$86,601,000 of the general fund—state appropriation for fiscal year 2020 and (~~(\$67,463,000))~~ \$86,705,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the department to continue to implement an acuity based staffing tool at

western state hospital and eastern state hospital in collaboration with the hospital staffing committees. ~~((Of the amounts provided in each fiscal year, \$33,102,000 is provided on a one-time basis.))~~

(i) The staffing tool must be designed and implemented to identify, on a daily basis, the clinical acuity on each patient ward and determine the minimum level of direct care staff by profession to be deployed to meet the needs of the patients on each ward. The department must also continue to update, in collaboration with the office of financial management's labor relations office, the staffing committees, and state labor unions, an overall state hospital staffing plan that looks at all positions and functions of the facilities and that is informed by a review of the Oregon state hospital staffing model.

(ii) Within these amounts, the department must establish, monitor, track, and report monthly staffing and expenditures at the state hospitals, including overtime and use of locums, to the functional categories identified in the recommended staffing plan. The allotments and tracking of staffing and expenditures must include all areas of the state hospitals, must be done at the ward level, and must include contracted facilities providing forensic restoration services as well as the office of forensic mental health services. By December 1, 2019, the department and hospital staffing committees must submit a report to the office of financial management and the appropriate committees of the legislature that includes the following: (A) Progress in implementing the acuity based staffing tool; (B) a comparison of average monthly staffing expenditures to budgeted staffing levels and to the recommended state hospital staffing plan by function and at the ward level; and (C) metrics and facility performance for the use of overtime and extra duty pay, patient length of stay, discharge management, active treatment planning, medication administration, patient and staff aggression, and staff recruitment and retention. The department must use information gathered from implementation of the clinical staffing tool and the hospital-wide staffing model to provide budget oversight and accountability and inform and prioritize future budget requests for staffing at the state hospitals.

(iii) The department must submit calendar quarterly reports to the office of financial management and the appropriate committees of the legislature that include monitoring of monthly spending, staffing levels, overtime and use of locums compared to allotments and to the recommended state hospital staffing model. The format for these reports must be developed in consultation with staff from the office of financial management and the appropriate committees of the legislature. The reports must include an update from the hospital staffing committees.

(iv) Monthly staffing levels and related expenditures at the state hospitals must not exceed official allotments without prior written approval from the director of the office of financial management. In the event the director of the office of financial management approves an increase in monthly staffing levels and expenditures beyond what is budgeted, notice must be provided to the appropriate committees of the legislature within thirty days of such

approval. The notice must identify the reason for the authorization to exceed budgeted staffing levels and the time frame for the authorization. Extensions of authorizations under this subsection must also be submitted to the director of the office of financial management for written approval in advance of the expiration of an authorization. The office of financial management must notify the appropriate committees of the legislature of any extensions of authorizations granted under this subsection within thirty days of granting such authorizations and identify the reason and time frame for the extension.

(l) \$11,285,000 of the general fund—state appropriation for fiscal year 2020 and \$10,581,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the department to implement strategies to improve patient and staff safety at eastern and western state hospitals. These amounts must be used for implementing a new intensive care model program at western state hospital. Remaining amounts may be used for enclosure of nursing stations, increasing the number of security guards, and provision of training on patient and staff safety. The department must provide implementation reports to the office of financial management and the appropriate committees of the legislature as follows:

(i) A report must be submitted by December 1, 2019, which includes a description of the intensive care model being implemented, a profile of the types of patients being served at the program, the staffing model being used for the program, and preliminary information on outcomes associated with the program. The outcomes section should include tracking data on facility wide metrics related to patient and staff safety as well as individual outcomes related to the patients served on the unit.

(ii) A report must be submitted by December 1, 2020, which provides an update on the implementation of the intensive care model, any changes that have occurred, and updated information on the outcomes associated with implementation of the program.

(m) \$4,262,000 of the general fund—state appropriation for fiscal year 2021 and \$2,144,000 of the general fund—federal appropriation are provided solely to open a new unit at the child study treatment center which shall serve up to eighteen children.

(n) \$2,593,000 of the general fund—state appropriation for fiscal year 2020 and \$2,593,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the department to increase services to patients found not guilty by reason of insanity under the *Ross v. Laswhay* settlement agreement.

(o) \$197,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for implementation of Second Substitute House Bill No. 2386 (behavioral health ombuds). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

(p) Within the amounts provided in this subsection, the department must facilitate the development of a volunteer support group and create a pilot program to encourage the visitation of patients by families and loved ones.

(i) The department must organize and coordinate the activities of a volunteer support group. The activities of the support group may include but are not limited to raising funds and providing support for (A) assisting family members who want to visit western state hospital with transportation and housing costs; (B) increasing patient opportunities to participate in activities such as arts and crafts, library, sports, and music; (C) allowing for the provision of service dogs to live at western state hospital; and (D) engaging in education about western state hospital to the public and public officials.

(ii) The department must establish a pilot program to increase visitation by families and loved ones. The department must designate a staff person to coordinate the pilot program. The pilot program shall: (A) Direct western state hospital staff at all levels that families will be encouraged to visit selected patients; (B) allow for the decision on whether a patient and or family would benefit from a visit to be made by a patients clinical care team; (C) facilitate communication between case workers and families and loved ones regarding invitations to visit; (D) provide for a welcoming space for family visits to occur in a location outside of the patient's ward; and (E) arrange, within available resources, for travel and accommodation subsidies for families of limited means.

## (2) PROGRAM SUPPORT

General Fund—State Appropriation (FY 2020)	
.....	(( <del>\$5,884,000</del> ))
	<u>\$5,812,000</u>
General Fund—State Appropriation (FY 2021)	
.....	(( <del>\$5,763,000</del> ))
	<u>\$5,740,000</u>
General Fund—Federal Appropriation.....	\$315,000
TOTAL APPROPRIATION .....	<u>\$11,962,000</u>
	<u>\$11,867,000</u>

**Sec. 203.** 2019 c 415 s 203 (uncodified) is amended to read as follows:

### **FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—DEVELOPMENTAL DISABILITIES PROGRAM**

## (1) COMMUNITY SERVICES

General Fund—State Appropriation (FY 2020)	
.....	(( <del>\$737,825,000</del> ))
	<u>\$732,354,000</u>
General Fund—State Appropriation (FY 2021)	
.....	(( <del>\$803,041,000</del> ))
	<u>\$807,841,000</u>
General Fund—Federal Appropriation	
.....	(( <del>\$1,591,789,000</del> ))
	<u>\$1,576,045,000</u>

General Fund—Private/Local Appropriation	
.....	\$4,024,000
Pension Funding Stabilization Account—State	
Appropriation.....	\$6,364,000
Developmental Disability Community Trust Account—State	
Appropriation.....	<u>\$1,000,000</u>
TOTAL APPROPRIATION .....	<u>\$3,143,043,000</u>
	<u>\$3,127,628,000</u>

The appropriations in this subsection are subject to the following conditions and limitations:

(a) Individuals receiving services as supplemental security income (SSI) state supplemental payments may not become eligible for medical assistance under RCW 74.09.510 due solely to the receipt of SSI state supplemental payments.

(b) In accordance with RCW 18.51.050, 18.20.050, 70.128.060, and 43.135.055, the department is authorized to increase nursing facility, assisted living facility, and adult family home fees as necessary to fully support the actual costs of conducting the licensure, inspection, and regulatory programs. The license fees may not exceed the department's annual licensing and oversight activity costs and shall include the department's cost of paying providers for the amount of the license fee attributed to medicaid clients.

(i) The current annual renewal license fee for adult family homes is \$225 per bed beginning in fiscal year 2020 and \$225 per bed beginning in fiscal year 2021. A processing fee of \$2,750 must be charged to each adult family home when the home is initially licensed. This fee is nonrefundable. A processing fee of \$700 must be charged when adult family home providers file a change of ownership application.

(ii) The current annual renewal license fee for assisted living facilities is \$116 per bed beginning in fiscal year 2020 and \$116 per bed beginning in fiscal year 2021.

(iii) The current annual renewal license fee for nursing facilities is \$359 per bed beginning in fiscal year 2020 and \$359 per bed beginning in fiscal year 2021.

(c) \$7,527,000 of the general fund—state appropriation for fiscal year 2020, \$16,092,000 of the general fund—state appropriation for fiscal year 2021, and \$29,989,000 of the general fund—federal appropriation are provided solely for the implementation of the agreement reached between the governor and the service employees international union healthcare 775nw under the provisions of chapters 74.39A and 41.56 RCW for the 2019-2021 fiscal biennium.

(d) \$1,058,000 of the general fund—state appropriation for fiscal year 2020, \$2,245,000 of the general fund—state appropriation for fiscal year 2021, and \$4,203,000 of the general fund—federal appropriation are provided solely for the homecare agency parity impacts of

the agreement between the governor and the service employees international union healthcare 775nw.

(e) The department may authorize a one-time waiver of all or any portion of the licensing and processing fees required under RCW 70.128.060 in any case in which the department determines that an adult family home is being relicensed because of exceptional circumstances, such as death or incapacity of a provider, and that to require the full payment of the licensing and processing fees would present a hardship to the applicant. In these situations the department is also granted the authority to waive the required residential administrator training for a period of 120 days if necessary to ensure continuity of care during the relicensing process.

(f) Community residential cost reports that are submitted by or on behalf of contracted agency providers are required to include information about agency staffing including health insurance, wages, number of positions, and turnover.

(g) \$1,705,000 of the general fund—state appropriation for fiscal year 2020, \$1,688,000 of the general fund—state appropriation for fiscal year 2021, and \$1,465,000 of the general fund—federal appropriation are provided solely for the development and implementation of thirteen enhanced respite beds across the state for children. These services are intended to provide families and caregivers with a break in caregiving, the opportunity for behavioral stabilization of the child, and the ability to partner with the state in the development of an individualized service plan that allows the child to remain in his or her family home. The department must provide the legislature with a respite utilization report in January of each year that provides information about the number of children who have used enhanced respite in the preceding year, as well as the location and number of days per month that each respite bed was occupied.

(h) \$2,025,000 of the general fund—state appropriation for fiscal year 2020 and \$2,006,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the development and implementation of thirteen community respite beds across the state for adults. These services are intended to provide families and caregivers with a break in caregiving and the opportunity for stabilization of the individual in a community-based setting as an alternative to using a residential habilitation center to provide planned or emergent respite. The department must provide the legislature with a respite utilization report by January of each year that provides information about the number of individuals who have used community respite in the preceding year, as well as the location and number of days per month that each respite bed was occupied.

(i) \$4,005,000 of the general fund—state appropriation for fiscal year 2020, \$6,084,000 of the general fund—state appropriation for fiscal year 2021, and \$9,826,000 of the general fund—federal appropriation are provided solely to continue community alternative placement beds that prioritize the transition of clients who are ready for discharge from the state psychiatric hospitals, but who have additional long-term care or developmental disability needs.

(i) Community alternative placement beds include enhanced service facility beds, adult family home beds, skilled nursing facility beds, shared supportive housing beds, state operated living alternative beds, and assisted living facility beds.

(ii) Each client must receive an individualized assessment prior to leaving one of the state psychiatric hospitals. The individualized assessment must identify and authorize personal care, nursing care, behavioral health stabilization, physical therapy, or other necessary services to meet the unique needs of each client. It is the expectation that, in most cases, staffing ratios in all community alternative placement options described in (i)(i) of this subsection will need to increase to meet the needs of clients leaving the state psychiatric hospitals. If specialized training is necessary to meet the needs of a client before he or she enters a community placement, then the person centered service plan must also identify and authorize this training.

(iii) When reviewing placement options, the department must consider the safety of other residents, as well as the safety of staff, in a facility. An initial evaluation of each placement, including any documented safety concerns, must occur within thirty days of a client leaving one of the state psychiatric hospitals and entering one of the community placement options described in (i)(i) of this subsection. At a minimum, the department must perform two additional evaluations of each placement during the first year that a client has lived in the facility.

(iv) In developing bed capacity, the department shall consider the complex needs of individuals waiting for discharge from the state psychiatric hospitals.

(j) \$1,029,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for state-operated behavioral health group training homes for clients with developmental disabilities who require a short-term placement for crisis stabilization following a hospital stay. The developmental disabilities administration shall research and assess options to claim federal medicaid funds for state-operated behavioral health group training homes and report its findings to the governor and appropriate legislative committees by December 1, 2019.

(k) \$605,000 of the general fund—state appropriation for fiscal year 2020, \$1,627,000 of the general fund—state appropriation for fiscal year 2021, and \$1,797,000 of the general fund—federal appropriation are provided solely for expanding the number of clients receiving services under the basic plus medicaid waiver. Approximately three hundred fifty additional clients are anticipated to graduate from high school during the 2019-2021 fiscal biennium and will receive employment services under this expansion.

(l) \$20,243,000 of the general fund—state appropriation for fiscal year 2020, \$41,933,000 of the general fund—state appropriation for fiscal year 2021, and \$60,976,000 of the general fund—federal appropriation are provided solely to increase rates for community residential service providers offering supported living, group home, and licensed staff residential services to individuals with development disabilities. The amounts in this subsection



(1)(l) include funding to increase the rate by 13.5 percent effective January 1, 2020.

The amounts provided in this subsection must be used to improve the recruitment and retention of quality direct care staff to better protect the health and safety of clients with developmental disabilities.

~~((m))~~ (m) \$50,000 of the general fund—state appropriation for fiscal year 2020 and \$50,000 of the general fund—state appropriation for fiscal year 2021 are provided solely to establish parent-to-parent programs for parents of children with developmental disabilities in Ferry, Pend Oreille, Stevens, San Juan, and Wahkiakum counties.

~~((n))~~ (n) \$401,000 of the general fund—state appropriation for fiscal year 2020, \$424,000 of the general fund—state appropriation for fiscal year 2021, and \$1,043,000 of the general fund—federal appropriation are provided solely to assist home care agencies with implementing electronic visit verification systems that are compliant with the federal 21st century cures act no later than January 1, 2020.

~~((o))~~ (o) \$3,626,000 of the general fund—state appropriation for fiscal year 2020, \$4,757,000 of the general fund—state appropriation for fiscal year 2021, and \$10,444,000 of the general fund—federal appropriation are provided solely for the implementation of an agreement reached between the governor and the adult family home council under the provisions of chapter 41.56 RCW for the 2019-2021 fiscal biennium.

~~((p))~~ (p) \$63,000 of the general fund—state appropriation for fiscal year 2020, ~~\$44,000 of the general fund—state appropriation for fiscal year 2021, and (\$62,000)~~ \$106,000 of the general fund—federal appropriation are provided solely to begin implementing an asset verification system that is compliant with the federal medicaid extenders act by January 1, 2021 and is subject to the conditions, limitation, and review provided in ~~((section 719 of this act))~~ section 701 of this act.

~~((q))~~ (q) \$13,000 of the general fund—state appropriation for fiscal year 2020, \$20,000 of the general fund—state appropriation for fiscal year 2021, and \$23,000 of the general fund—federal appropriation are provided solely to implement chapter 70, Laws of 2019 (SHB 1199).

~~((r))~~ (r) \$153,000 of the general fund—state appropriation for fiscal year 2020, \$356,000 of the general fund—state appropriation for fiscal year 2021, and \$643,000 of the general fund—federal appropriation are provided solely to increase rates for assisted living facility providers consistent with chapter 225, Laws of 2018 (SHB 2515) and for a rate add-on to providers that serve sixty percent or more medicaid clients.

~~((s))~~ (s) \$193,000 of the general fund—state appropriation for fiscal year 2020, \$385,000 of the general fund—state appropriation for fiscal year 2021, and \$654,000 of the general fund—federal appropriation are provided solely for a ten percent rate increase, effective January 1, 2020, for nurse delegation, private duty nursing, and supported living nursing services.

~~((t))~~ (t) \$3,490,000 of the general fund—local appropriation and \$3,490,000 of the general fund—federal appropriation are provided solely to implement Senate Bill No. 5359 (residential services and supports). The annual certification renewal fee for community residential service businesses is \$847 per client in fiscal year 2020 and \$859 per client in fiscal year 2021. The annual certification renewal fee may not exceed the department's annual licensing and oversight activity costs. ~~((If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.~~

~~((w))~~ (u) The appropriations in this section include sufficient funding to implement Second Substitute Senate Bill No. 5672 (adult family ~~((homes))~~ homes specialty services).

~~((v))~~ (v) \$100,000 of the general fund—state appropriation for fiscal year 2020, \$95,000 of the general fund—state appropriation for fiscal year 2021, and \$195,000 of the general fund—federal appropriation are provided solely for discharge case managers stationed at the state psychiatric hospitals. Discharge case managers will transition clients ready for hospital discharge into less restrictive alternative community placements. The transition of clients ready for discharge will free up bed capacity at the state psychiatric hospitals.

~~((z))~~ (w) \$4,886,000 of the general fund—state appropriation for fiscal year 2020, \$7,150,000 of the general fund—state appropriation for fiscal year 2021, and \$11,894,000 of the general fund—federal appropriation are provided solely to complete the three-year phase in of forty-seven clients from residential habilitation centers to state operated living alternatives.

~~((aa))~~ (x) \$2,279,000 of the general fund—state appropriation for fiscal year 2020, \$2,279,000 of the general fund—state appropriation for fiscal year 2021, and \$4,558,000 of the general fund—federal appropriation are provided solely for additional staffing resources for the transition of clients living in the intermediate care facilities at Rainier school, Fircrest school, and Lakeland village to state operated living alternatives to address deficiencies identified by the centers for medicare and medicaid services.

~~((bb))~~ (y) \$51,000 of the general fund—state appropriation for fiscal year 2020, ~~(((\$54,000))~~ \$108,000 of the general fund—state appropriation for fiscal year 2021, and ~~(((\$134,000))~~ \$203,000 of the general fund—federal appropriation are provided solely to increase the administrative rate for home care agencies by five cents per hour effective July 1, 2019, and by an additional five cents per hour effective July 1, 2020.

~~((cc))~~ (z) \$1,798,000 of the general fund—state appropriation for fiscal year 2020, \$2,422,000 of the general fund—state appropriation for fiscal year 2021, and \$4,219,000 of the general fund—federal appropriation are provided solely for state-operated living alternative homes.

(i) Of the amounts provided in this subsection, \$480,000 of the general fund—state appropriation for fiscal year 2020, \$646,000 of the general fund—state appropriation for fiscal year 2021, and \$1,125,000 of the general fund—federal appropriation are provided solely to

place residents in transition from the Rainier PAT A intermediate care facility.

(ii) Of the amounts provided in this subsection, \$420,000 of the general fund—state appropriation for fiscal year 2020, \$565,000 of the general fund—state appropriation for fiscal year 2021, and \$985,000 of the general fund—federal appropriation are provided solely to place developmental disability administration clients upon discharge from a hospital stay when the clients' previous providers are unable to manage the clients' care needs.

(aa) \$75,000 of the general fund—state appropriation for fiscal year 2021 and \$96,000 of the general fund—federal appropriation are provided solely to implement House Bill No. 2380 (home care agencies). If the bill is not enacted by June 30, 2020, the amounts provided in this subsection shall lapse.

(bb) \$145,000 of the general fund—state appropriation for fiscal year 2021 and \$107,000 of the general fund—federal appropriation are provided solely to implement Second Substitute House Bill No. 2386 (behavioral health ombuds). If the bill is not enacted by June 30, 2020, the amounts provided in this subsection shall lapse.

## (2) INSTITUTIONAL SERVICES

General Fund—State Appropriation (FY 2020)	
.....	<del>(\$119,201,000)</del>
	\$119,274,000

General Fund—State Appropriation (FY 2021)	
.....	<del>(\$120,511,000)</del>
	\$120,710,000

General Fund—Federal Appropriation	
.....	<del>(\$233,122,000)</del>
	\$233,393,000

General Fund—Private/Local Appropriation	
.....	\$27,041,000

Pension Funding Stabilization Account—State

Appropriation .....	\$11,396,000
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TOTAL APPROPRIATION .....	\$511,271,000
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\$511,814,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) Individuals receiving services as supplemental security income (SSI) state supplemental payments may not become eligible for medical assistance under RCW 74.09.510 due solely to the receipt of SSI state supplemental payments.

(b) \$495,000 of the general fund—state appropriation for fiscal year 2020 and \$495,000 of the general fund—state appropriation for fiscal year 2021 are for the department to fulfill its contracts with the school districts under chapter 28A.190 RCW to provide transportation, building space, and other support services as are reasonably necessary to support

the educational programs of students living in residential habilitation centers.

(c) The residential habilitation centers may use funds appropriated in this subsection to purchase goods, services, and supplies through hospital group purchasing organizations when it is cost-effective to do so.

(d) \$830,000 of the general fund—state appropriation for fiscal year 2020 and \$135,000 of the general fund—federal appropriation are provided solely for the loss of federal revenue and the transition of residents due to the decertification of the Rainier school PAT A intermediate care facility by the centers for medicare and medicaid services in calendar year 2019. It is the intent of the legislature that the developmental disabilities administration complete the transitions of Rainier PAT A residents by September 2019.

(e) \$3,455,000 of the general fund—state appropriation for fiscal year 2020, \$3,455,000 of the general fund—state appropriation for fiscal year 2021, and \$6,910,000 of the general fund—federal appropriation are provided solely for additional staffing resources for clients living in the intermediate care facilities at Rainier school, Fircrest school, and Lakeland village to address deficiencies identified by the centers for medicare and medicaid services and to gather information for the 2020 legislative session that will support appropriate levels of care for residential habilitation center clients.

(i) The department of social and health services must contract with the William D. Ruckelshaus center or other neutral third party to continue the facilitation of meetings and discussions about how to support appropriate levels of care for residential habilitation center clients based on the clients' needs and ages. The options explored in the meetings and discussions must include, but are not limited to, the longer-term issues identified in the January 2019 report to the legislature, including shifting care and staffing needs, crisis stabilization, alternative uses of residential habilitation center campus, and transforming adult family homes. An agreed-upon preferred longer term vision must be included within a report to the office of financial management and appropriate fiscal and policy committees of the legislature before December 1, 2019. The report must describe the policy rationale, implementation plan, timeline, and recommended statutory changes for the preferred long-term vision.

(ii) The parties invited to participate in the meetings and discussions must include:

(A) One member from each of the two largest caucuses in the senate, who shall be appointed by the majority leader and minority leader of the senate;

(B) One member from each of the two largest caucuses in the house of representatives, who shall be appointed by the speaker and minority leader of the house of representatives;

(C) One member from the office of the governor, appointed by the governor;

(D) One member from the developmental disabilities council;

\$1,318,492,000

(E) One member from the ARC of Washington;

General Fund—State Appropriation (FY 2021)  
..... (\$1,454,323,000)

(F) One member from the Washington federation of state employees;

\$1,493,091,000

(G) One member from the service employees international union 1199;

General Fund—Federal Appropriation  
..... (\$3,465,113,000)

\$3,482,711,000

(H) One member from the developmental disabilities administration within the department of social and health services;

General Fund—Private/Local Appropriation  
..... (\$37,765,000)

\$37,729,000

(I) One member from the aging and long term support administration within the department of social and health services; and

Traumatic Brain Injury Account—State Appropriation  
..... \$4,558,000

(J) Two members who are family members or guardians of current residential habilitation center residents.

Skilled Nursing Facility Safety Net Trust Account—  
State Appropriation..... \$133,360,000

(K) Staff support for the work group must be provided by the department of social and health services.

Pension Funding Stabilization Account—State  
Appropriation..... \$12,392,000

**(3) PROGRAM SUPPORT**

Long-Term Services and Supports Trust Account—  
State Appropriation..... (\$2,437,000)

General Fund—State Appropriation (FY 2020)  
..... (\$2,558,000)

\$2,536,000

\$2,937,000

General Fund—State Appropriation (FY 2021)  
..... (\$2,660,000)

\$2,752,000

**TOTAL APPROPRIATION..... \$6,423,636,000**

\$6,485,270,000

General Fund—Federal Appropriation..... (\$3,080,000)

\$3,273,000

The appropriations in this section are subject to the following conditions and limitations:

Pension Funding Stabilization Account—State

Appropriation ..... \$270,000

**TOTAL APPROPRIATION ..... \$8,568,000**

\$8,831,000

(1)(a) For purposes of implementing chapter 74.46 RCW, the weighted average nursing facility payment rate may not exceed \$220.37 for fiscal year 2020 and may not exceed (\$251.49) \$241.78 for fiscal year 2021.

**(4) SPECIAL PROJECTS**

General Fund—State Appropriation (FY 2020)  
..... \$62,000

General Fund—State Appropriation (FY 2021)  
..... \$62,000

General Fund—Federal Appropriation..... \$1,092,000

Pension Funding Stabilization Account—State

Appropriation ..... \$4,000

**TOTAL APPROPRIATION ..... \$1,220,000**

(b) The department shall provide a medicaid rate add-on to reimburse the medicaid share of the skilled nursing facility safety net assessment as a medicaid allowable cost. The nursing facility safety net rate add-on may not be included in the calculation of the annual statewide weighted average nursing facility payment rate.

(2) In accordance with RCW 18.51.050, 18.20.050, 70.128.060, and 43.135.055, the department is authorized to increase nursing facility, assisted living facility, and adult family home fees as necessary to fully support the actual costs of conducting the licensure, inspection, and regulatory programs. The license fees may not exceed the department's annual licensing and oversight activity costs and shall include the department's cost of paying providers for the amount of the license fee attributed to medicaid clients.

**Sec. 204.** 2019 c 415 s 204 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—AGING AND ADULT SERVICES PROGRAM**

General Fund—State Appropriation (FY 2020)  
..... (\$1,313,688,000)

(a) The current annual renewal license fee for adult family homes is \$225 per bed beginning in fiscal year 2020 and \$225 per bed beginning in fiscal year 2021. A processing fee of \$2,750 must be charged to each adult family home when the home is initially licensed. This fee is nonrefundable. A processing fee of \$700 shall be charged

when adult family home providers file a change of ownership application.

(b) The current annual renewal license fee for assisted living facilities is \$116 per bed beginning in fiscal year 2020 and \$116 per bed beginning in fiscal year 2021.

(c) The current annual renewal license fee for nursing facilities is \$359 per bed beginning in fiscal year 2020 and \$359 per bed beginning in fiscal year 2021.

(3) The department is authorized to place long-term care clients residing in nursing homes and paid for with state-only funds into less restrictive community care settings while continuing to meet the client's care needs.

(4) \$1,858,000 of the general fund—state appropriation for fiscal year 2020 and \$1,857,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for operation of the volunteer services program. Funding must be prioritized towards serving populations traditionally served by long-term care services to include senior citizens and persons with disabilities.

(5) \$15,748,000 of the general fund—state appropriation for fiscal year 2020, \$33,024,000 of the general fund—state appropriation for fiscal year 2021, and \$62,298,000 of the general fund—federal appropriation are provided solely for the implementation of the agreement reached between the governor and the service employees international union healthcare 775nw under the provisions of chapters 74.39A and 41.56 RCW for the 2019-2021 fiscal biennium.

(6) \$6,320,000 of the general fund—state appropriation for fiscal year 2020, \$13,142,000 of the general fund—state appropriation for fiscal year 2021, and \$24,768,000 of the general fund—federal appropriation are provided solely for the homecare agency parity impacts of the agreement between the governor and the service employees international union healthcare 775nw.

(7) \$5,094,000 of the general fund—state appropriation for fiscal year 2020 and \$5,094,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for services and support to individuals who are deaf, hard of hearing, or deaf-blind.

(8) The department may authorize a one-time waiver of all or any portion of the licensing and processing fees required under RCW 70.128.060 in any case in which the department determines that an adult family home is being relicensed because of exceptional circumstances, such as death or incapacity of a provider, and that to require the full payment of the licensing and processing fees would present a hardship to the applicant. In these situations the department is also granted the authority to waive the required residential administrator training for a period of 120 days if necessary to ensure continuity of care during the relicensing process.

(9) In accordance with RCW 18.390.030, the biennial registration fee for continuing care retirement communities shall be \$900 for each facility.

(10) \$479,000 of the general fund—state appropriation for fiscal year 2020 and \$479,000 of the general fund—state

appropriation for fiscal year 2021 are provided solely for the kinship navigator program in the Colville Indian reservation, Yakama Nation, and other tribal areas.

(11) Within available funds, the aging and long term support administration must maintain a unit within adult protective services that specializes in the investigation of financial abuse allegations and self-neglect allegations.

(12) Within amounts appropriated in this subsection, the department shall assist the legislature to continue the work of the joint legislative executive committee on planning for aging and disability issues.

(a) A joint legislative executive committee on aging and disability is continued, with members as provided in this subsection.

(i) Four members of the senate, with the leaders of the two largest caucuses each appointing two members, and four members of the house of representatives, with the leaders of the two largest caucuses each appointing two members;

(ii) A member from the office of the governor, appointed by the governor;

(iii) The secretary of the department of social and health services or his or her designee;

(iv) The director of the health care authority or his or her designee;

(v) A member from disability rights Washington and a member from the office of long-term care ombuds;

(vi) The insurance commissioner or his or her designee, who shall serve as an ex officio member; and

(vii) Other agency directors or designees as necessary.

(b) The committee must make recommendations and continue to identify key strategic actions to prepare for the aging of the population in Washington, including state budget and policy options, and may conduct, but are not limited to, the following tasks:

(i) Identify strategies to better serve the health care needs of an aging population and people with disabilities to promote healthy living and palliative care planning;

(ii) Identify strategies and policy options to create financing mechanisms for long-term service and supports that allow individuals and families to meet their needs for service;

(iii) Identify policies to promote financial security in retirement, support people who wish to stay in the workplace longer, and expand the availability of workplace retirement savings plans;

(iv) Identify ways to promote advance planning and advance care directives and implementation strategies for the Bree collaborative palliative care and related guidelines;

(v) Identify ways to meet the needs of the aging demographic impacted by reduced federal support;

(vi) Identify ways to protect the rights of vulnerable adults through assisted decision-making and guardianship and other relevant vulnerable adult protections;

(vii) Identify options for promoting client safety through residential care services and consider methods of protecting older people and people with disabilities from physical abuse and financial exploitation; and

(viii) Identify other policy options and recommendations to help communities adapt to the aging demographic in planning for housing, land use, and transportation.

(c) Staff support for the committee shall be provided by the office of program research, senate committee services, the office of financial management, and the department of social and health services.

(d) Within existing appropriations, the cost of meetings must be paid jointly by the senate, house of representatives, and the office of financial management. Joint committee expenditures and meetings are subject to approval by the senate facilities and operations committee and the house of representatives executive rules committee, or their successor committees. Meetings of the task force must be scheduled and conducted in accordance with the rules of both the senate and the house of representatives. The joint committee members may be reimbursed for travel expenses as authorized under RCW 43.03.050 and 43.03.060, and chapter 44.04 RCW as appropriate. Advisory committee members may not receive compensation or reimbursement for travel and expenses.

(13) \$315,000 of the general fund—state appropriation for fiscal year 2020, \$315,000 of the general fund—state appropriation for fiscal year 2021, and \$630,000 of the general fund—federal appropriation are provided solely for discharge case managers stationed at the state psychiatric hospitals. Discharge case managers will transition clients ready for hospital discharge into less restrictive alternative community placements. The transition of clients ready for discharge will free up bed capacity at the state psychiatric hospitals.

(14) \$135,000 of the general fund—state appropriation for fiscal year 2020, \$135,000 of the general fund—state appropriation for fiscal year 2021, and \$270,000 of the general fund—federal appropriation are provided solely for financial service specialists stationed at the state psychiatric hospitals. Financial service specialists will help to transition clients ready for hospital discharge into alternative community placements. The transition of clients ready for discharge will free up bed capacity at the state hospitals.

(15)(a) No more than \$102,880,000 of the general fund—federal appropriation may be expended for tailored support for older adults and medicaid alternative care described in initiative 2 of the medicaid transformation demonstration waiver under healthier Washington. The department shall not increase general fund—state expenditures on this initiative. The secretary in collaboration with the director of the health care authority shall report to the joint select committee on health care oversight no less than quarterly on financial and health outcomes. The

secretary in cooperation with the director shall also report to the fiscal committees of the legislature all of the expenditures of this subsection and shall provide such fiscal data in the time, manner, and form requested by the legislative fiscal committees.

(b) No more than \$2,525,000 of the general fund—federal appropriation may be expended for supported housing and employment services described in initiative 3a and 3b of the medicaid transformation demonstration waiver under healthier Washington. Under this initiative, the department and the health care authority shall ensure that allowable and necessary services are provided to eligible clients as identified by the department or its providers third party administrator. The department and the authority in consultation with the medicaid forecast work group shall ensure that reasonable reimbursements are established for services deemed necessary within an identified limit per individual. The department shall not increase general fund—state expenditures under this initiative. The secretary in cooperation with the director shall report to the joint select committee on health care oversight no less than quarterly on financial and health outcomes.

The secretary in cooperation with the director shall also report to the fiscal committees of the legislature all of the expenditures of this subsection and shall provide such fiscal data in the time, manner, and form requested by the legislative fiscal committees.

(16) \$13,303,000 of the general fund—state appropriation for fiscal year 2020, \$15,891,000 of the general fund—state appropriation for fiscal year 2021, and \$36,390,000 of the general fund—federal appropriation are provided solely for the implementation of an agreement reached between the governor and the adult family home council under the provisions of chapter 41.56 RCW for the 2019-2021 fiscal biennium.

(17) \$40,000 of the general fund—state appropriation for fiscal year 2020, \$40,000 of the general fund—state appropriation for fiscal year 2021, and \$80,000 of the general fund—federal appropriation are provided solely for the department, in partnership with the department of health and the health care authority, to assist a collaborative public-private entity with implementation of recommendations in the state plan to address alzheimer's disease and other dementias.

(18) \$428,000 of the general fund—state appropriation for fiscal year 2020, (~~(\$446,000)~~) \$1,997,000 of the general fund—state appropriation for fiscal year 2021, and (~~(\$896,000)~~) \$2,811,000 of the general fund—federal appropriation are provided solely for case managers at the area agencies on aging to coordinate care for medicaid clients with mental illness who are living in their own homes. Work shall be accomplished within existing standards for case management and no requirements will be added or modified unless by mutual agreement between the department of social and health services and area agencies on aging.

(19) \$117,000 of the general fund—state appropriation for fiscal year 2020 and \$116,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the

department to contract with an organization to provide educational materials, legal services, and attorney training to support persons with dementia. The funding provided in this subsection must be used for:

(a) An advance care and legal planning toolkit for persons and families living with dementia, designed and made available online and in print. The toolkit should include educational topics including, but not limited to:

- (i) The importance of early advance care, legal, and financial planning;
- (ii) The purpose and application of various advance care, legal, and financial documents;
- (iii) Dementia and capacity;
- (iv) Long-term care financing considerations;
- (v) Elder and vulnerable adult abuse and exploitation;
- (vi) Checklists such as "legal tips for caregivers," "meeting with an attorney," and "life and death planning;"
- (vii) Standardized forms such as general durable power of attorney forms and advance health care directives; and
- (viii) A selected list of additional resources.

(b) Webinars about the dementia legal and advance care planning toolkit and related issues and topics with subject area experts. The subject area expert presenters must provide their services in-kind, on a volunteer basis.

(c) Continuing legal education programs for attorneys to advise and assist persons with dementia. The continuing education programs must be offered at no cost to attorneys who make a commitment to participate in the pro bono program.

(d) Administrative support costs to develop intake forms and protocols, perform client intake, match participating attorneys with eligible clients statewide, maintain records and data, and produce reports as needed.

(20) \$18,000 of the traumatic brain injury account—state appropriation is provided solely to implement Substitute House Bill No. 1532 (domestic violence TBIs). ~~((If the bill is not enacted by June 30, 2019, the amount provided in this subsection shall lapse.))~~

(21) ~~\$543,000 of the general fund—state appropriation for fiscal year 2020, \$495,000 of the general fund—state appropriation for fiscal year 2021, and (((\$543,000)) \$1,038,000 of the general fund—federal appropriation are provided solely to begin implementing an asset verification system that is compliant with the federal medicaid extenders act by January 1, 2021 and is subject to the conditions, limitation, and review provided in ((section 719 of this act) section 701 of this act.~~ Of the amounts provided in this subsection, \$75,000 of the general fund—state appropriation in fiscal year 2020 and \$75,000 of the general fund—federal appropriation are provided solely for a feasibility study of information technology solutions for an asset verification system. The feasibility study shall consider the department's existing case management systems that may be required to

interface with the asset verification system. The department shall work with the health care authority to develop a long-term strategy for an asset verification system that complies with federal requirements, maximizes efficient use of staff time, supports accurate client financial eligibility determinations, and incorporates relevant findings from the feasibility study, and shall report its findings and recommendation to the governor and appropriate legislative committees no later than December 1, 2019.

(22) ~~(((\$2,437,000)) \$2,937,000 of the long-term services and supports trust account—state appropriation is provided solely to implement Second Substitute House Bill No. 1087 (long-term services and support). Of the amounts provided in this subsection, (((\$217,000)) \$717,000 is provided solely for a contract with the state actuary. ((If the bill is not enacted by June 30, 2019, the amount provided in this subsection shall lapse.))~~

(23) \$2,373,000 of the general fund—state appropriation for fiscal year 2020, \$2,459,000 of the general fund—state appropriation for fiscal year 2021, and \$6,215,000 of the general fund—federal appropriation are provided solely to assist home care agencies with implementing electronic visit verification systems that are compliant with the federal 21st century cures act no later than January 1, 2020.

(24) \$727,000 of the general fund—state appropriation for fiscal year 2020, \$1,455,000 of the general fund—state appropriation for fiscal year 2021, and \$2,469,000 of the general fund—federal appropriation are provided solely for a ten percent rate increase, effective January 1, 2020, for in-home skilled nursing services, nurse delegation, in-home private duty nursing, and adult family home private duty nursing.

(25) \$3,353,000 of the general fund—local appropriation and \$1,055,000 of the general fund—federal appropriation are provided solely to implement Senate Bill No. 5359 (residential services and supports). The annual certification renewal fee for community residential service businesses is \$847 per client in fiscal year 2020 and \$859 per client in fiscal year 2021. The annual certification renewal fee may not exceed the department's annual licensing and oversight activity costs. ~~((If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.))~~

(26) \$17,481,000 of the general fund—state appropriation for fiscal year 2020, \$28,471,000 of the general fund—state appropriation for fiscal year 2021, and \$41,031,000 of the general fund—federal appropriation are provided solely to continue community alternative placement beds that prioritize the transition of clients who are ready for discharge from the state psychiatric hospitals, but who have additional long-term care or developmental disability needs.

(a) Community alternative placement beds include enhanced service facility beds, adult family home beds, skilled nursing facility beds, shared supportive housing beds, state operated living alternative beds, assisted living facility beds, and specialized dementia beds.

(b) Each client must receive an individualized assessment prior to leaving one of the state psychiatric hospitals. The individualized assessment must identify and authorize personal care, nursing care, behavioral health stabilization, physical therapy, or other necessary services to meet the unique needs of each client. It is the expectation that, in most cases, staffing ratios in all community alternative placement options described in (a) of this subsection will need to increase to meet the needs of clients leaving the state psychiatric hospitals. If specialized training is necessary to meet the needs of a client before he or she enters a community placement, then the person centered service plan must also identify and authorize this training.

(c) When reviewing placement options, the department must consider the safety of other residents, as well as the safety of staff, in a facility. An initial evaluation of each placement, including any documented safety concerns, must occur within thirty days of a client leaving one of the state psychiatric hospitals and entering one of the community placement options described in (a) of this subsection. At a minimum, the department must perform two additional evaluations of each placement during the first year that a client has lived in the facility.

(d) In developing bed capacity, the department shall consider the complex needs of individuals waiting for discharge from the state psychiatric hospitals.

(27) \$1,344,000 of the general fund—state appropriation for fiscal year 2020 and \$1,344,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the kinship care support program.

(28) \$306,000 of the general fund—state appropriation for fiscal year 2020, ~~(((\$317,000))~~ \$634,000 of the general fund—state appropriation for fiscal year 2021, and ~~(((\$794,000))~~ \$1,198,000 of the general fund—federal appropriation are provided solely to increase the administrative rate for home care agencies by five cents per hour effective July 1, 2019, and by an additional five cents per hour effective July 1, 2020.

(29) \$94,000 of the general fund—state appropriation for fiscal year 2020 and \$94,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the department to establish a pilot project to provide personal care services to homeless seniors and persons with disabilities from the time the person presents at a shelter to the time the person becomes eligible for medicaid personal care services.

(a) The department shall contract with a single nonprofit organization that provides personal care services to homeless persons and operates a twenty-four hour homeless shelter, and that is currently partnering with the department to bring medicaid personal care services to homeless seniors and persons with disabilities.

(b) The department shall submit a report by December 1, 2020, to the governor and appropriate legislative committees. The report shall address findings and outcomes of the pilot and recommendations.

~~(((\$34)))~~ (30) \$3,669,000 of the general fund—state appropriation for fiscal year 2020, \$8,543,000 of the general fund—state appropriation for fiscal year 2021, and \$15,434,000 of the general fund—federal appropriation are provided solely to increase rates for assisted living facility providers consistent with chapter 225, Laws of 2018 (SHB 2515) and to provide a rate add-on to providers that serve sixty percent or more ~~((medicare))~~ medicaid clients.

~~(((\$32)))~~ (31) \$375,000 of the general fund—state appropriation for fiscal year 2020, ~~(((\$375,000))~~ \$637,000 of the general fund—state appropriation for fiscal year 2021, and ~~(((\$750,000))~~ \$1,016,000 of the general fund—federal appropriation are provided solely to increase rates for adult day health and adult day care providers effective July 1, 2019, and to increase rates by 6 percent effective July 1, 2020.

~~(((\$33)))~~ (32) The appropriations in this section include sufficient funding for the implementation of Second Substitute Senate Bill No. 5672 (adult family homes specialty services).

(33)(a) \$1,900,000 of the general fund—state appropriation for fiscal year 2021 is provided solely to station area agency on aging coordinators in acute care hospitals. Area agency on aging coordinators must transition clients ready for hospital discharge into the most appropriate home or community-based post-acute care placement for the clients' needs. The transition of clients ready for discharge with the coordinators' support is anticipated to expedite discharges, avoid unnecessary hospitalizations, and free up hospital bed capacity.

(b) No later than December 31, 2021, the department of social and health services and the health care authority shall submit a waiver request to the federal department of health and human services to authorize presumptive medicaid eligibility determinations for clients preparing for acute care hospital discharge who may need long-term services and supports. The department and the authority shall hold stakeholder discussions, including opportunities for public review and comment, during development of the waiver request. Upon submission of the waiver request, the department and the authority shall submit a report to the governor and the appropriate legislative committees that describes the request and identifies any statutory changes that may be necessary if the federal government approves the request.

(34) \$926,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for community-based resources for dementia education and support in two areas of the state, including dementia resource catalyst staff and direct services for people with dementia and their family caregivers.

(35) \$253,000 of the general fund—state appropriation for fiscal year 2021 and \$402,000 of the general fund—federal appropriation are provided solely to implement Engrossed Substitute House Bill No. 1422 (abuse registry). If the bill is not enacted by June 30, 2020, the amounts provided in this subsection shall lapse.

(36) \$439,000 of the general fund—state appropriation for fiscal year 2021 and \$559,000 of the general fund—federal appropriation are provided solely to implement House Bill No. 2380 (home care agencies). If the bill is not enacted by June 30, 2020, the amounts provided in this subsection shall lapse.

(37) The appropriations in this section include sufficient funding to implement Engrossed Substitute House Bill No. 1023 (adult family homes/8 beds). A nonrefundable fee of \$455 shall be charged for each application to increase bed capacity at an adult family home to seven or eight beds.

(38)(a) The department is authorized, when granting a limited exception to a nursing facility from the registered nurse coverage requirement under the process described in RCW 74.42.360(3)(b), to consider the competitiveness of wages and benefits offered by the facility as compared to nursing facilities with comparable geographic or metropolitan areas within Washington state and the provider's recruitment and retention efforts.

(b) In addition to the review required in RCW 74.42.360(3)(b)(ii), the department, along with a stakeholder work group, shall conduct a review of the exceptions process to determine if it is still necessary. As part of this review, the department shall provide the legislature with a report that includes enforcement and citation data for facilities that received an exception in the three previous fiscal years compared to comparable facilities that did not receive an exception. The report must include a similar comparison of data, provided to the department by the long-term care ombuds, on long-term care ombuds referrals for facilities that were granted an exception in the three previous fiscal years versus those without an exception. This report, along with a recommendation as to whether the exceptions process should continue, is due to the legislature no later than June 30, 2021.

**Sec. 205.** 2019 c 415 s 205 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—ECONOMIC SERVICES PROGRAM**

General Fund—State Appropriation (FY 2020)	
.....	<del>(\$362,649,000))</del>
	<u>\$360,463,000</u>
General Fund—State Appropriation (FY 2021)	
.....	<del>(\$365,538,000))</del>
	<u>\$368,403,000</u>
General Fund—Federal Appropriation	
.....	<del>(\$1,453,819,000))</del>
	<u>\$1,454,582,000</u>
General Fund—Private/Local Appropriation	
.....	\$5,416,000
Domestic Violence Prevention Account—State	
Appropriation .....	\$2,404,000

Pension Funding Stabilization Account—State

Appropriation..... ~~(((\$26,754,000))~~  
\$26,349,000

Administrative Contingency Account—State

Appropriation.....\$4,000,000

TOTAL APPROPRIATION.....\$2,220,580,000

\$2,221,617,000

The appropriations in this section are subject to the following conditions and limitations:

(1)(a) ~~(((\$77,346,000))~~ \$74,317,000 of the general fund—state appropriation for fiscal year 2020, ~~(((\$74,058,000))~~ \$70,480,000 of the general fund—state appropriation for fiscal year 2021, ~~(((\$808,761,000))~~ \$830,203,000 of the general fund—federal appropriation, \$4,000,000 of the administrative contingency account—state appropriation, and ~~(((\$5,662,000))~~ \$5,585,000 of the pension funding stabilization account—state appropriation are provided solely for all components of the WorkFirst program. Within the amounts provided for the WorkFirst program, the department may provide assistance using state-only funds for families eligible for temporary assistance for needy families. The department must create a WorkFirst budget structure that allows for transparent tracking of budget units and subunits of expenditures where these units and subunits are mutually exclusive from other department budget units. The budget structure must include budget units for the following: Cash assistance, child care, WorkFirst activities, and administration of the program. Within these budget units, the department must develop program index codes for specific activities and develop allotments and track expenditures using these codes. The department shall report to the office of financial management and the relevant fiscal and policy committees of the legislature prior to adopting a structure change.

(b)(i) ~~(((\$266,668,000))~~ \$266,439,000 of the amounts in (a) of this subsection is for assistance to clients, including grants, diversion cash assistance, and additional diversion emergency assistance including but not limited to assistance authorized under RCW 74.08A.210. The department may use state funds to provide support to working families that are eligible for temporary assistance for needy families but otherwise not receiving cash assistance.

(ii) Of the amounts in (a) of this subsection, \$1,213,000 of the general fund—state appropriation for fiscal year 2020 and \$989,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of Second Substitute House Bill No. 1603 (economic assistance programs). ~~((If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.))~~

(c)(i) ~~(((\$158,316,000))~~ \$162,746,000 of the amounts in (a) of this subsection is for WorkFirst job search, education and training activities, barrier removal services, limited English proficiency services, and tribal assistance under RCW 74.08A.040. The department must allocate this funding based on client outcomes and cost effectiveness



measures. Within amounts provided in this subsection (1)(c), the department shall implement the working family support program.

(ii) \$2,430,000 of the amounts provided in this subsection (1)(c) is for enhanced transportation assistance. The department must prioritize the use of these funds for the recipients most in need of financial assistance to facilitate their return to work. The department must not utilize these funds to supplant repayment arrangements that are currently in place to facilitate the reinstatement of drivers' licenses.

(iii) Of the amounts in (a) of this subsection, \$864,000 of the general fund—state appropriation for fiscal year 2020 and \$649,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of Second Substitute House Bill No. 1603 (economic assistance programs). ~~((If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.))~~

~~(d)((+))~~ \$353,402,000 of the general fund—federal appropriation is for the working connections child care program under RCW 43.216.020 within the department of children, youth, and families. The department is the lead agency for and recipient of the federal temporary assistance for needy families grant. A portion of this grant must be used to fund child care subsidies expenditures at the department of children, youth, and families. The department shall work in collaboration with the department of children, youth, and families to track the average monthly child care subsidy caseload and expenditures by fund type including the child care development fund, general fund—state, and the temporary assistance for needy families grant for the purpose of estimating the monthly temporary assistance for needy families grant reimbursement.

(e) \$68,496,000 of the general fund—federal appropriation is for child welfare services within the department of children, youth, and families.

(f)(i) ~~(((\$122,945,000))~~ \$137,302,000 of the amounts in (1)(a) of this section is for WorkFirst administration and overhead.

(ii) Of the amounts in (a) of this subsection, \$218,000 of the general fund—state appropriation for fiscal year 2020 and \$39,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of Second Substitute House Bill No. 1603 (economic assistance programs). ~~((If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.))~~

(g) The amounts in subsections (1)(b) through (e) of this section shall be expended for the programs and in the amounts specified. However, the department may transfer up to ten percent of funding between subsections (1)(b) through (f) of this section. The department shall provide notification prior to any transfer to the office of financial management and to the appropriate legislative committees and the legislative-executive WorkFirst poverty reduction oversight task force. The approval of the director of financial management is required prior to any transfer under this subsection.

(h) Each calendar quarter, the department shall provide a maintenance of effort and participation rate tracking report for temporary assistance for needy families to the office of financial management, the appropriate policy and fiscal committees of the legislature, and the legislative-executive WorkFirst poverty reduction oversight task force. The report must detail the following information for temporary assistance for needy families:

(i) An overview of federal rules related to maintenance of effort, excess maintenance of effort, participation rates for temporary assistance for needy families, and the child care development fund as it pertains to maintenance of effort and participation rates;

(ii) Countable maintenance of effort and excess maintenance of effort, by source, provided for the previous federal fiscal year;

(iii) Countable maintenance of effort and excess maintenance of effort, by source, for the current fiscal year, including changes in countable maintenance of effort from the previous year;

(iv) The status of reportable federal participation rate requirements, including any impact of excess maintenance of effort on participation targets;

(v) Potential new sources of maintenance of effort and progress to obtain additional maintenance of effort;

(vi) A two-year projection for meeting federal block grant and contingency fund maintenance of effort, participation targets, and future reportable federal participation rate requirements; and

(vii) Proposed and enacted federal law changes affecting maintenance of effort or the participation rate, what impact these changes have on Washington's temporary assistance for needy families program, and the department's plan to comply with these changes.

(j) In the 2019-2021 fiscal biennium, it is the intent of the legislature to provide appropriations from the state general fund for the purposes of (b) through (f) of this subsection if the department does not receive additional federal temporary assistance for needy families contingency funds in each fiscal year as assumed in the budget outlook.

(2) \$2,545,000 of the general fund—state appropriation for fiscal year 2020 and \$2,546,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for naturalization services.

(3) \$2,366,000 of the general fund—state appropriation for fiscal year 2020 is provided solely for employment services for refugees and immigrants, of which \$1,774,000 is provided solely for the department to pass through to statewide refugee and immigrant assistance organizations for limited English proficiency pathway services; and \$2,366,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for employment services for refugees and immigrants, of which \$1,774,000 is provided solely for the department to pass through to statewide refugee and immigrant assistance

organizations for limited English proficiency pathway services.

(4) On January 1, 2020, and annually thereafter, the department must report to the governor and the legislature on all sources of funding available for both refugee and immigrant services and naturalization services during the current fiscal year and the amounts expended to date by service type and funding source. The report must also include the number of clients served and outcome data for the clients.

(5) To ensure expenditures remain within available funds appropriated in this section, the legislature establishes the benefit under the state food assistance program, pursuant to RCW 74.08A.120, to be one hundred percent of the federal supplemental nutrition assistance program benefit amount.

(6) The department shall review clients receiving services through the aged, blind, or disabled assistance program, to determine whether they would benefit from assistance in becoming naturalized citizens, and thus be eligible to receive federal supplemental security income benefits. Those cases shall be given high priority for naturalization funding through the department.

(7) \$3,682,000 of the general fund—state appropriation for fiscal year 2020, \$1,344,000 of the general fund—state appropriation for fiscal year 2021, and \$10,333,000 of the general fund—federal appropriation are provided solely for the continuation of the ESAR project and ~~((are)) implementation of a disaster recovery plan. The funding is~~ subject to the conditions, limitations, and review provided in ~~((section 719 of this act))~~ section 701 of this act.

(8) The department shall continue the interagency agreement with the department of veterans' affairs to establish a process for referral of veterans who may be eligible for veterans' services. This agreement must include out-stationing department of veterans' affairs staff in selected community service office locations in King and Pierce counties to facilitate applications for veterans' services.

(9) \$1,000,000 of the general fund—state appropriation for fiscal year 2020 and ~~(((\$1,000,000))~~ \$1,200,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for operational support of the Washington information network 211 organization.

(10) ~~(((\$996,000))~~ \$748,000 of the general fund—state appropriation for fiscal year 2020, ~~\$2,155,000 of the general fund—state appropriation for fiscal year 2021, and~~ ~~(((\$775,000))~~ \$1,074,000 of the general fund—federal appropriation are provided solely to ~~((begin implementing))~~ implement an asset verification system that is compliant with the federal medicaid extenders act by January 1, 2021 and is subject to the conditions, limitations, and review provided in section 701 of this act.

(11) Within amounts appropriated in this section, the department must conduct a comprehensive study of the WorkFirst transportation pilot. The department must submit a report by November 1, 2020, to the governor and the

appropriate fiscal and policy committees that includes a cost benefit analysis of the transportation pilot. At a minimum, the report must include the total annual cost of the pilot since implementation, total annual number of clients accessing transportation services through the pilot, impacts to sanctions and the participation rate, employment outcomes, caseload impacts, department recommendations, and lessons learned.

(12) \$2,375,000 of the general fund—state appropriation for fiscal year 2021 and \$44,000 of the general fund—federal appropriation are provided solely to eliminate the supplied shelter grant standard for the pregnant women assistance, refugee cash assistance, temporary assistance for needy families, state family assistance, and the aged, blind, or disabled assistance programs.

(13) \$990,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for implementation of Substitute House Bill No. 2388 (homelessness definitions). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

(14) \$2,500,000 of the general fund—state appropriation for fiscal year 2021 is provided solely to add capacity to the basic food education and training program.

(15) \$228,000 of the general fund—state appropriation for fiscal year 2021 is provided to eliminate the mid-certification review for aged participants in the aged, blind, and disabled program.

**Sec. 206.** 2019 c 415 s 206 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—VOCATIONAL REHABILITATION PROGRAM**

General Fund—State Appropriation (FY 2020)	
.....	<del>(((\$16,656,000))</del>
	\$16,663,000
General Fund—State Appropriation (FY 2021)	
.....	<del>(((\$17,605,000))</del>
	\$17,697,000
General Fund—Federal Appropriation	
.....	<del>(((\$109,571,000))</del>
	\$109,595,000

Pension Funding Stabilization Account—State

Appropriation.....\$2,024,000

TOTAL APPROPRIATION.....\$145,856,000

\$145,979,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The department of social and health services vocational rehabilitation program shall participate in the development of an implementation plan to build statewide capacity among school districts to improve transition planning for students in special education who meet criteria

for services from the developmental disabilities administration, pursuant to section 501(3)(c) of this act.

(2) \$500,000 of the general fund—state appropriation for fiscal year 2020 and \$500,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for supported employment services for additional eligible clients with the most significant disabilities who would otherwise be placed on the federally required order of selection waiting list.

**Sec. 207.** 2019 c 415 s 207 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—SPECIAL COMMITMENT PROGRAM**

General Fund—State Appropriation (FY 2020)	
.....(((\$53,965,000))	
	<u>\$52,711,000</u>
General Fund—State Appropriation (FY 2021)	
.....(((\$54,800,000))	
	<u>\$53,955,000</u>
Pension Funding Stabilization Account—State	
Appropriation .....	\$4,580,000
TOTAL APPROPRIATION .....	<u>\$113,345,000</u>
	<u>\$111,246,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) The special commitment center may use funds appropriated in this subsection to purchase goods and supplies through hospital group purchasing organizations when it is cost-effective to do so.

(2) \$705,000 of the general fund—state appropriation for fiscal year 2020 and \$784,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the department to expand its King county secure transition facility from six beds to twelve beds beginning January 1, 2020.

(3) \$225,000 of the general fund—state appropriation for fiscal year 2020 and \$210,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the department to hire staff to provide medical transportation and hospital watch services for individuals in need of medical care outside the main facility.

(4) \$158,000 of the general fund—state appropriation for fiscal year 2020 and \$152,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the department to hire an administrator to coordinate siting efforts for new secure community transition facilities to house individuals transitioning to the community from the main facility.

**Sec. 208.** 2019 c 415 s 208 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—ADMINISTRATION AND SUPPORTING SERVICES PROGRAM**

General Fund—State Appropriation (FY 2020)	
.....(((\$31,403,000))	
	<u>\$32,306,000</u>
General Fund—State Appropriation (FY 2021)	
.....(((\$32,427,000))	
	<u>\$36,899,000</u>
General Fund—Federal Appropriation	
.....(((\$44,592,000))	
	<u>\$47,654,000</u>
Pension Funding Stabilization Account—State	
Appropriation.....	(((\$6,044,000))
	<u>\$6,449,000</u>
TOTAL APPROPRIATION.....	<u>\$114,466,000</u>
	<u>\$123,308,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) Within amounts appropriated in this section, the department shall provide to the department of health, where available, the following data for all nutrition assistance programs funded by the United States department of agriculture and administered by the department. The department must provide the report for the preceding federal fiscal year by February 1, 2020, and February 1, 2021. The report must provide:

(a) The number of people in Washington who are eligible for the program;

(b) The number of people in Washington who participated in the program;

(c) The average annual participation rate in the program;

(d) Participation rates by geographic distribution; and

(e) The annual federal funding of the program in Washington.

(2) \$47,000 of the general fund—state appropriation for fiscal year 2020, \$47,000 of the general fund—state appropriation for fiscal year 2021, and \$142,000 of the general fund—federal appropriation are provided solely for the implementation of an agreement reached between the governor and the Washington federation of state employees for the language access providers under the provisions of chapter 41.56 RCW for the 2019-2021 fiscal biennium.

**Sec. 209.** 2019 c 415 s 209 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—PAYMENTS TO OTHER AGENCIES PROGRAM**

General Fund—State Appropriation (FY 2020)	.....(((\$36,426,000))
	<u>\$37,215,000</u>
General Fund—State Appropriation (FY 2021)	.....(((\$38,154,000))
	<u>\$38,236,000</u>
General Fund—Federal Appropriation	.....(((\$41,143,000))
	<u>\$41,607,000</u>
TOTAL APPROPRIATION .....	<u>\$115,723,000</u>
	<u>\$117,058,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) Within the amounts appropriated in this section, the department must extend master property insurance to all buildings owned by the department valued over \$250,000 and to all locations leased by the department with contents valued over \$250,000.

(2) \$63,000 of the general fund—state appropriation for fiscal year 2020 and \$7,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of Engrossed Second Substitute Senate Bill No. 5497 (immigrants in the workplace). ~~((If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.))~~

**Sec. 210.** 2019 c 415 s 210 (uncodified) is amended to read as follows:

#### **FOR THE STATE HEALTH CARE AUTHORITY**

During the 2019-2021 fiscal biennium, the health care authority shall provide support and data as required by the office of the state actuary in providing the legislature with health care actuarial analysis, including providing any information in the possession of the health care authority or available to the health care authority through contracts with providers, plans, insurers, consultants, or any other entities contracting with the health care authority.

Information technology projects or investments and proposed projects or investments impacting time capture, payroll and payment processes and systems, eligibility, case management, and authorization systems within the health care authority are subject to technical oversight by the office of the chief information officer.

The health care authority shall not initiate any services that require expenditure of state general fund moneys unless expressly authorized in this act or other law. The health care authority may seek, receive, and spend, under RCW 43.79.260 through 43.79.282, federal moneys not anticipated in this act as long as the federal funding does not require expenditure of state moneys for the program in excess of amounts anticipated in this act. If the health care authority receives unanticipated unrestricted federal moneys, those moneys shall be spent for services authorized

in this act or in any other legislation providing appropriation authority, and an equal amount of appropriated state general fund moneys shall lapse. Upon the lapsing of any moneys under this subsection, the office of financial management shall notify the legislative fiscal committees. As used in this subsection, "unrestricted federal moneys" includes block grants and other funds that federal law does not require to be spent on specifically defined projects or matched on a formula basis by state funds.

The health care authority, the health benefit exchange, the department of social and health services, the department of health, and the department of children, youth, and families shall work together within existing resources to establish the health and human services enterprise coalition (the coalition). The coalition, led by the health care authority, must be a multi-organization collaborative that provides strategic direction and federal funding guidance for projects that have cross-organizational or enterprise impact, including information technology projects that affect organizations within the coalition. By October 31, 2019, the coalition must submit a report to the governor and the legislature that describes the coalition's plan for projects affecting the coalition organizations. The report must include any information technology projects impacting coalition organizations and, in collaboration with the office of the chief information officer, provide: (1) The status of any information technology projects currently being developed or implemented that affect the coalition; (2) funding needs of these current and future information technology projects; and (3) next steps for the coalition's information technology projects. The office of the chief information officer shall maintain a statewide perspective when collaborating with the coalition to ensure that the development of projects identified in this report are planned for in a manner that ensures the efficient use of state resources and maximizes federal financial participation. The work of the coalition is subject to the conditions, limitations, and review provided in ~~((section 719 of this act))~~ section 701 of this act.

The appropriations to the health care authority in this act shall be expended for the programs and in the amounts specified in this act. However, after May 1, 2020, unless prohibited by this act, the authority may transfer general fund—state appropriations for fiscal year 2020 among programs after approval by the director of the office of financial management. To the extent that appropriations in sections 211 through 215 are insufficient to fund actual expenditures in excess of caseload forecast and utilization assumptions, the authority may transfer general fund—state appropriations for fiscal year 2020 that are provided solely for a specified purpose. The authority may also transfer general fund—state appropriations for fiscal year 2020 that are provided solely for a specified purpose within section 215 of this act to cover any deficits in section 215 of this act resulting from assumptions related to the return of \$35,000,000 in general fund—state behavioral health organization reserves in fiscal year 2020. The authority may not transfer funds, and the director of the office of financial management shall not approve the transfer, unless the transfer is consistent with the objective of conserving, to the maximum extent possible, the expenditure of state funds.

The director of the office of financial management shall notify the appropriate fiscal committees of the legislature in writing seven days prior to approving any allotment modifications or transfers under this section. The written notification must include a narrative explanation and justification of changes, along with expenditures and allotments by budget unit and appropriation, both before and after any allotment modifications and transfers.

**Sec. 211.** 2019 c 415 s 211 (uncodified) is amended to read as follows:

**FOR THE STATE HEALTH CARE  
AUTHORITY—MEDICAL ASSISTANCE**

General Fund—State Appropriation (FY 2020)	
.....	<del>(\$2,281,076,000))</del>
	<u>\$2,379,949,000</u>
General Fund—State Appropriation (FY 2021)	
.....	<del>(\$2,325,882,000))</del>
	<u>\$2,443,118,000</u>
General Fund—Federal Appropriation	
.....	<del>(\$11,597,642,000))</del>
	<u>\$12,489,366,000</u>
General Fund—Private/Local Appropriation	
.....	<del>(\$285,918,000))</del>
	<u>\$362,413,000</u>
Emergency Medical Services and Trauma Care Systems	
Trust Account—State Appropriation.....	\$15,086,000
Hospital Safety Net Assessment Account—State	
Appropriation .....	<del>(\$721,718,000))</del>
	<u>\$715,909,000</u>
Medicaid Fraud Penalty Account—State	
Appropriation.....	<del>(\$10,364,000))</del>
	<u>\$10,144,000</u>
Dedicated Marijuana Account—State	
Appropriation (FY 2020).....	<del>(\$18,951,000))</del>
	<u>\$20,870,000</u>
Dedicated Marijuana Account—State	
Appropriation (FY 2021).....	<del>(\$19,341,000))</del>
	<u>\$20,954,000</u>
Pension Funding Stabilization Account—State	
Appropriation .....	\$4,544,000
Medical Aid Account—State Appropriation	\$538,000
TOTAL APPROPRIATION .....	<del>\$17,281,060,000</del>
	<u>\$18,462,891,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) The authority shall not accept or expend any federal funds received under a medicaid transformation waiver under healthier Washington except as described in subsections (2) and (3) of this section until specifically approved and appropriated by the legislature. To ensure compliance with legislative directive budget requirements and terms and conditions of the waiver, the authority shall implement the waiver and reporting requirements with oversight from the office of financial management. The legislature finds that appropriate management of the innovation waiver requires better analytic capability, transparency, consistency, timeliness, accuracy, and lack of redundancy with other established measures and that the patient must be considered first and foremost in the implementation and execution of the demonstration waiver. In order to effectuate these goals, the authority shall: (a) Require the Dr. Robert Bree collaborative and the health technology assessment program to reduce the administrative burden upon providers by only requiring performance measures that are nonduplicative of other nationally established measures. The joint select committee on health care oversight will evaluate the measures chosen by the collaborative and the health technology assessment program for effectiveness and appropriateness; (b) develop a patient satisfaction survey with the goal to gather information about whether it was beneficial for the patient to use the center of excellence location in exchange for additional out-of-pocket savings; (c) ensure patients and health care providers have significant input into the implementation of the demonstration waiver, in order to ensure improved patient health outcomes; and (d) in cooperation with the department of social and health services, consult with and provide notification of work on applications for federal waivers, including details on waiver duration, financial implications, and potential future impacts on the state budget, to the joint select committee on health care oversight prior to submitting waivers for federal approval. By federal standard, the medicaid transformation demonstration waiver shall not exceed the duration originally granted by the centers for medicare and medicaid services and any programs created or funded by this waiver do not create an entitlement. Beginning May 15, 2019, and continuing through December 15, 2019, by the 15th of each month, the director in consultation with the secretary shall report to the fiscal chair of the appropriate committees of the legislature in the manner and form requested the status of the medicaid transformation waiver, including any anticipated or proposed changes to accruals or expenditures.

(2) No more than ~~(\$305,659,000))~~ \$236,792,000 of the general fund—federal appropriation and no more than ~~(\$157,284,000))~~ \$169,627,000 of the general fund—local appropriation may be expended for transformation through accountable communities of health described in initiative 1 of the medicaid transformation demonstration wavier under healthier Washington, including preventing youth drug use, opioid prevention and treatment, and physical and behavioral health integration. Under this initiative, the authority shall take into account local input regarding community needs. In order to ensure transparency to the

appropriate fiscal committees of the legislature, the authority shall provide fiscal staff of the legislature query ability into any database of the fiscal intermediary that authority staff would be authorized to access. The authority shall not increase general fund—state expenditures under this initiative. The director shall also report to the fiscal committees of the legislature all of the expenditures under this subsection and shall provide such fiscal data in the time, manner, and form requested by the legislative fiscal committees. By December 15, 2019, the authority in collaboration with each accountable community of health shall demonstrate how it will be self-sustaining by the end of the demonstration waiver period, including sources of outside funding, and provide this reporting to the joint select committee on health care oversight. If by the third year of the demonstration waiver there are not measurable, improved patient outcomes and financial returns, the Washington state institute for public policy will conduct an audit of the accountable communities of health, in addition to the process set in place through the independent evaluation required by the agreement with centers for medicare and medicaid services.

(3)(a) No more than \$79,829,000 of the general fund—federal appropriation may be expended for supported housing and employment services described in initiative 3a and 3b of the medicaid transformation demonstration waiver under healthier Washington. Under this initiative, the authority and the department of social and health services shall ensure that allowable and necessary services are provided to eligible clients as identified by the department or its third party administrator. The authority and the department in consultation with the medicaid forecast work group, shall ensure that reasonable reimbursements are established for services deemed necessary within an identified limit per individual. The authority shall not increase general fund—state expenditures under this initiative. The director shall report to the joint select committee on health care oversight no less than quarterly on financial and health outcomes. The director shall also report to the fiscal committees of the legislature all of the expenditures of this subsection and shall provide such fiscal data in the time, manner, and form requested by the legislative fiscal committees.

(b) No more than \$169,676,000 of the general fund—federal appropriation and no more than \$69,306,000 of the general fund—local appropriation may be expended for the medicaid quality improvement program. Under federal regulations, the medicaid quality improvement program is authorized and allows states to design quality improvement programs for the medicaid population in ways that support the state's quality goals. Medicaid quality improvement program payments will not count against initiative 1 of the medicaid transformation demonstration waiver spending limit and are excluded from the waiver's budget neutrality calculation. Apple health managed care organizations and their partnering providers will receive medicaid quality improvement program payments as they meet designated milestones. Partnering providers and apple health managed care organizations will work together to achieve medicaid quality improvement program goals according to the performance period timelines and reporting deadlines as set

forth by the authority. The authority shall only utilize the medicaid quality improvement program to support the transformation waiver and shall not pursue its use for other purposes. Any programs created or funded by the medicaid quality improvement program do not create an entitlement. The authority shall not increase general fund—state expenditures under this program. The director shall report to the joint select committee on health care oversight not less than quarterly on financial and health outcomes. The director shall report to the fiscal committees of the legislature all of the expenditures under this subsection and shall provide such fiscal data in the time, manner, and form requested by the legislative fiscal committees.

(4) Annually, no later than November 1st, the authority shall report to the governor and appropriate committees of the legislature: (a) Savings attributed to behavioral and physical integration in areas that are scheduled to integrate in the following calendar year, and (b) savings attributed to behavioral and physical health integration and the level of savings achieved in areas that have integrated behavioral and physical health.

(5) Sufficient amounts are appropriated in this subsection to implement the medicaid expansion as defined in the social security act, section 1902(a)(10)(A)(i)(VIII).

(6) The legislature finds that medicaid payment rates, as calculated by the health care authority pursuant to the appropriations in this act, bear a reasonable relationship to the costs incurred by efficiently and economically operated facilities for providing quality services and will be sufficient to enlist enough providers so that care and services are available to the extent that such care and services are available to the general population in the geographic area. The legislature finds that the cost reports, payment data from the federal government, historical utilization, economic data, and clinical input constitute reliable data upon which to determine the payment rates.

(7) Based on quarterly expenditure reports and caseload forecasts, if the health care authority estimates that expenditures for the medical assistance program will exceed the appropriations, the health care authority shall take steps including but not limited to reduction of rates or elimination of optional services to reduce expenditures so that total program costs do not exceed the annual appropriation authority.

(8) In determining financial eligibility for medicaid-funded services, the health care authority is authorized to disregard recoveries by Holocaust survivors of insurance proceeds or other assets, as defined in RCW 48.104.030.

(9) The legislature affirms that it is in the state's interest for Harborview medical center to remain an economically viable component of the state's health care system.

(10) When a person is ineligible for medicaid solely by reason of residence in an institution for mental diseases, the health care authority shall provide the person with the same benefits as he or she would receive if eligible for medicaid, using state-only funds to the extent necessary.

(11) \$4,261,000 of the general fund—state appropriation for fiscal year 2020, \$4,261,000 of the general fund—state appropriation for fiscal year 2021, and \$8,522,000 of the general fund—federal appropriation are provided solely for low-income disproportionate share hospital payments.

(12) Within the amounts appropriated in this section, the health care authority shall provide disproportionate share hospital payments to hospitals that provide services to children in the children's health program who are not eligible for services under Title XIX or XXI of the federal social security act due to their citizenship status.

(13) ~~(\$6,000,000)~~ (a) \$7,000,000 of the general fund—federal appropriation is provided solely for supplemental payments to nursing homes operated by public hospital districts. The public hospital district shall be responsible for providing the required nonfederal match for the supplemental payment, and the payments shall not exceed the maximum allowable under federal rules. It is the legislature's intent that the payments shall be supplemental to and shall not in any way offset or reduce the payments calculated and provided in accordance with part E of chapter 74.46 RCW. It is the legislature's further intent that costs otherwise allowable for rate-setting and settlement against payments under chapter 74.46 RCW shall not be disallowed solely because such costs have been paid by revenues retained by the nursing home from these supplemental payments. The supplemental payments are subject to retrospective interim and final cost settlements based on the nursing homes' as-filed and final medicare cost reports. The timing of the interim and final cost settlements shall be at the health care authority's discretion. During either the interim cost settlement or the final cost settlement, the health care authority shall recoup from the public hospital districts the supplemental payments that exceed the medicaid cost limit and/or the medicare upper payment limit. The health care authority shall apply federal rules for identifying the eligible incurred medicaid costs and the medicare upper payment limit.

(b) The authority, in consultation with the department of social and health services and the nursing homes operated by public hospitals described in (a) of this subsection, must develop recommendations for an upper payment limit calculation and the supplemental payment model for nursing homes operated by a public hospital district. The group shall consider how to restructure payments under (a) of this subsection, taking into consideration alternate upper payment limit models, and submit a report to the appropriate committees of the legislature no later than September 30, 2020.

(c) \$193,000 of the general fund—state appropriation for fiscal year 2020 is provided solely for the authority to provide a one-time grant to a standalone skilled nursing facility operated by a public hospital district in Grant county. This grant is provided as a one-time offset to address the impact of the recoupment requirements of this subsection (13).

(14) The health care authority shall continue the inpatient hospital certified public expenditures program for

the 2019-2021 fiscal biennium. The program shall apply to all public hospitals, including those owned or operated by the state, except those classified as critical access hospitals or state psychiatric institutions. The health care authority shall submit reports to the governor and legislature by November 1, 2020, and by November 1, 2021, that evaluate whether savings continue to exceed costs for this program. If the certified public expenditures (CPE) program in its current form is no longer cost-effective to maintain, the health care authority shall submit a report to the governor and legislature detailing cost-effective alternative uses of local, state, and federal resources as a replacement for this program. During fiscal year 2020 and fiscal year 2021, hospitals in the program shall be paid and shall retain one hundred percent of the federal portion of the allowable hospital cost for each medicaid inpatient fee-for-service claim payable by medical assistance and one hundred percent of the federal portion of the maximum disproportionate share hospital payment allowable under federal regulations. Inpatient medicaid payments shall be established using an allowable methodology that approximates the cost of claims submitted by the hospitals. Payments made to each hospital in the program in each fiscal year of the biennium shall be compared to a baseline amount. The baseline amount will be determined by the total of (a) the inpatient claim payment amounts that would have been paid during the fiscal year had the hospital not been in the CPE program based on the reimbursement rates developed, implemented, and consistent with policies approved in the 2019-2021 biennial operating appropriations act and in effect on July 1, 2015, (b) one-half of the indigent assistance disproportionate share hospital payment amounts paid to and retained by each hospital during fiscal year 2005, and (c) all of the other disproportionate share hospital payment amounts paid to and retained by each hospital during fiscal year 2005 to the extent the same disproportionate share hospital programs exist in the 2019-2021 fiscal biennium. If payments during the fiscal year exceed the hospital's baseline amount, no additional payments will be made to the hospital except the federal portion of allowable disproportionate share hospital payments for which the hospital can certify allowable match. If payments during the fiscal year are less than the baseline amount, the hospital will be paid a state grant equal to the difference between payments during the fiscal year and the applicable baseline amount. Payment of the state grant shall be made in the applicable fiscal year and distributed in monthly payments. The grants will be recalculated and redistributed as the baseline is updated during the fiscal year. The grant payments are subject to an interim settlement within eleven months after the end of the fiscal year. A final settlement shall be performed. To the extent that either settlement determines that a hospital has received funds in excess of what it would have received as described in this subsection, the hospital must repay the excess amounts to the state when requested. ~~(\$537,000)~~ \$759,000 of the general fund—state appropriation for fiscal year 2020 and ~~(\$522,000)~~ \$740,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for state grants for the participating hospitals.

(15) The health care authority shall seek public-private partnerships and federal funds that are or may become

available to provide on-going support for outreach and education efforts under the federal children's health insurance program reauthorization act of 2009.

(16) The health care authority shall target funding for maternity support services towards pregnant women with factors that lead to higher rates of poor birth outcomes, including hypertension, a preterm or low birth weight birth in the most recent previous birth, a cognitive deficit or developmental disability, substance abuse, severe mental illness, unhealthy weight or failure to gain weight, tobacco use, or African American or Native American race. The health care authority shall prioritize evidence-based practices for delivery of maternity support services. To the extent practicable, the health care authority shall develop a mechanism to increase federal funding for maternity support services by leveraging local public funding for those services.

(17) The authority shall submit reports to the governor and the legislature by September 15, 2020, and no later than September 15, 2021, that delineate the number of individuals in medicaid managed care, by carrier, age, gender, and eligibility category, receiving preventative services and vaccinations. The reports should include baseline and benchmark information from the previous two fiscal years and should be inclusive of, but not limited to, services recommended under the United States preventative services task force, advisory committee on immunization practices, early and periodic screening, diagnostic, and treatment (EPSDT) guidelines, and other relevant preventative and vaccination medicaid guidelines and requirements.

(18) Managed care contracts must incorporate accountability measures that monitor patient health and improved health outcomes, and shall include an expectation that each patient receive a wellness examination that documents the baseline health status and allows for monitoring of health improvements and outcome measures.

(19) Sufficient amounts are appropriated in this section for the authority to provide an adult dental benefit.

(20) The health care authority shall coordinate with the department of social and health services to provide referrals to the Washington health benefit exchange for clients that will be ineligible for medicaid.

(21) To facilitate a single point of entry across public and medical assistance programs, and to maximize the use of federal funding, the health care authority, the department of social and health services, and the health benefit exchange will coordinate efforts to expand HealthPlanfinder access to public assistance and medical eligibility staff. The health care authority shall complete medicaid applications in the HealthPlanfinder for households receiving or applying for medical assistance benefits.

(22) \$90,000 of the general fund—state appropriation for fiscal year 2020, \$90,000 of the general fund—state appropriation for fiscal year 2021, and \$180,000 of the general fund—federal appropriation are provided solely to continue operation by a nonprofit organization of a toll-free hotline that assists families to learn about and enroll in the apple health for kids program.

(23) Within the amounts appropriated in this section, the authority shall reimburse for primary care services provided by naturopathic physicians.

(24) Within the amounts appropriated in this section, the authority shall continue to provide coverage for pregnant teens that qualify under existing pregnancy medical programs, but whose eligibility for pregnancy related services would otherwise end due to the application of the new modified adjusted gross income eligibility standard.

(25) Sufficient amounts are appropriated in this section to remove the mental health visit limit and to provide the shingles vaccine and screening, brief intervention, and referral to treatment benefits that are available in the medicaid alternative benefit plan in the classic medicaid benefit plan.

(26) The authority shall use revenue appropriated from the dedicated marijuana fund for contracts with community health centers under RCW 69.50.540 in lieu of general fund—state payments to community health centers for services provided to medical assistance clients, and it is the intent of the legislature that this policy will be continued in subsequent fiscal biennia.

(27) Beginning no later than January 1, 2018, for any service eligible under the medicaid state plan for encounter payments, managed care organizations at the request of a rural health clinic shall pay the full published encounter rate directly to the clinic. At no time will a managed care organization be at risk for or have any right to the supplemental portion of the claim. Payments will be reconciled on at least an annual basis between the managed care organization and the authority, with final review and approval by the authority.

(28) Sufficient funds are provided for the authority to remove payment and billing limitations identified during the review process required for implementation of chapter 226, Laws of 2017 (behavioral health care – primary care integration) for health and behavior codes, psychotherapy codes, and to continue to offer face-to-face tobacco cessation counseling only for pregnant individuals. Additional funding is provided to increase the rates for the health and behavior codes and psychotherapy codes identified through the stakeholder work group process required under chapter 226, Laws of 2017 (SSB 5779) by ten percent.

(29)(a) \$34,145,000 of the general fund—state appropriation for fiscal year 2021 and \$5,898,000 of the general fund—federal appropriation are provided solely for the compromise of claims in the reconciliation process for rural health clinics for the calendar years 2014-2017. The authority may not recover the state portion of rural health clinic reconciliations for calendar years 2014-2017 for which no state accrual was made. If the authority determines there are unliquidated prior period accrual balances available to refund the federal government for these years, these amounts must be used prior to the amounts provided under this subsection.

(b) By October 15, 2019, the authority shall report to the governor and relevant committees of the legislature the



status of rural health clinic reconciliations for calendar years 2011-2013, including any use of available unliquidated prior period accrual balances to refund the federal government for those calendar years. Additionally, the report shall include the status of rural health clinic reconciliations for calendar years 2014-2017, including anticipated amounts owed to or from rural health clinics from the reconciliation process for those fiscal years. The authority shall not recover the state portion of rural health reconciliations for calendar years 2011-2013 for which no general fund state accrual was made. The authority shall not pursue recoveries for calendar years 2014-2017 until after the legislature has an opportunity to take action during the 2020 legislative session. If the legislature does not take any action on rural health clinic reconciliations for calendar years 2014-2017, recoveries shall commence per administrative rule.

(30) Sufficient amounts are appropriated in this section for the authority to provide a medicaid equivalent adult dental benefit to clients enrolled in the medical care service program.

(31) \$300,000 of the general fund—state appropriation for fiscal year 2020 and ~~(((\$300,000))~~ \$600,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the Bree collaborative to support collaborative learning and targeted technical assistance for quality improvement initiatives. The collaborative must use these amounts to hire one full-time staff person to promote the adoption of Bree collaborative recommendations and to hold two conferences focused on the sharing of best implementation practices.

(32) Within the amounts appropriated in this section, the authority shall reimburse for maternity ~~((support))~~ services provided by doulas. The authority and the department of health must consult with stakeholders and develop methods to secure approval from the centers for medicare and medicaid services for reimbursement for doulas. The authority will report the group's recommendations to the appropriate committees of the legislature by December 1, 2020.

(33) The authority shall facilitate a home health work group consisting of home health provider associations, hospital associations, managed care organizations, the department of social and health services, and the department of health to develop a new medicaid payment methodology for home health services. The authority must submit a report with final recommendations and a proposed implementation timeline to the appropriate committees of the legislature by November 30, 2019. The work group must consider the following when developing the new payment methodology:

- (a) Reimbursement for telemedicine;
- (b) Reimbursement for social work for clients with behavioral health needs;
- (c) An additional add-on for services in rural or underserved areas;
- (d) Quality metrics for home health providers serving medical assistance clients including reducing hospital readmission;

(e) The role of home health in caring for individuals with complex, physical, and behavioral health needs who are able to receive care in their own home, but are unable to be discharged from hospital settings; and

(f) Partnerships between home health and other community resources that enable individuals to be served in a cost-effective setting that also meets the individual's needs and preferences.

(34) \$969,000 of the general fund—state appropriation for fiscal year 2020, \$2,607,000 of the general fund—state appropriation for fiscal year 2021, and \$1,268,000 of the general fund—federal appropriation are provided solely to create and operate a tele-behavioral health video call center staffed by the University of Washington's department of psychiatry and behavioral sciences. The center must provide emergency department providers, primary care providers, and county and municipal correctional facility providers with on-demand access to psychiatric and substance use disorder clinical consultation. When clinically appropriate and technically feasible, the clinical consultation may also involve direct assessment of patients using tele-video technology. The center must be available from 8 a.m. to 5 p.m. in fiscal year 2020 and twenty-four hours a day in fiscal year 2021. Of the federal amounts provided in this subsection, \$700,000 is from the substance abuse prevention and treatment federal block grant and is to support addiction medicine services through the call center.

(35) \$300,000 of the general fund—federal appropriation, from the substance abuse prevention and treatment federal block grant amount, is provided solely for medication interaction services through the Washington state poison center.

(36) Within the amounts appropriated in this section, the authority shall review the current diagnosis-related group high outlier claim policies and examine the impact of increasing the current high outlier threshold. To the extent necessary, the authority shall seek actuarial support for this work. The authority must provide a report to the appropriate committees of the legislature by December 31, 2019, that:

- (a) Outlines several options for increasing the threshold;
- (b) Describes the impact of these options on hospitals, the state, and medicaid managed care organizations; and
- (c) Identifies any technical challenge or limitations of changes to the threshold.

(37) Within the amounts appropriated in this section, the authority to include allergen control bed and pillow covers as part of the durable medical equipment benefit for children with an asthma diagnosis enrolled in medical assistance programs.

(38) Sufficient amounts are appropriated in this section to increase the hourly rate by ten percent for registered nurses and licensed practical nurses providing skilled nursing services for children who require medically intensive care in a home setting. This rate increase begins on January 1, 2020.

(39) Sufficient amounts are appropriated in this section to increase the daily rate by ten percent for registered nurses and licensed practical nurses providing skilled nursing services to medically intensive children's program clients who reside in a group home setting. This rate increase begins on January 1, 2020.

(40) ~~(((\$400,000)) \$439,000 of the general fund—state appropriation for fiscal year 2020 ((is)) and \$519,000 of the general fund—state appropriation for fiscal year 2021 are provided solely to implement Engrossed Substitute Senate Bill No. 5526 (individual health insurance market). ((If the bill is not enacted by June 30, 2019, the amount provided in this subsection shall lapse.))~~

(41) \$22,000 of the general fund—state appropriation for fiscal year 2020, \$159,000 of the general fund—state appropriation for fiscal year 2021, and \$181,000 of the general fund—federal appropriation are provided solely to implement Substitute House Bill No. 1199 (health care/disability). ~~((If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.))~~

(42) \$290,000 of the general fund—state appropriation for fiscal year 2020 and ~~(((\$165,000)) \$463,000 of the general fund—state appropriation for fiscal year 2021 are provided solely to implement Engrossed Second Substitute House Bill No. 1224 (Rx drug cost transparency). ((If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.))~~

(43) \$1,053,000 of the general fund—state appropriation for fiscal year 2020 and \$2,222,000 of the general fund—state appropriation for fiscal year 2021 are provided solely to implement Engrossed Substitute Senate Bill No. 5741 (all payer claims database). ~~((If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.))~~

(44) \$2,374,000 of the general fund—state appropriation for fiscal year 2020 and \$2,374,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the kidney disease program.

(45) The authority shall work with the department of health, other state agencies, and other hepatitis C virus medication purchasers to establish a comprehensive procurement strategy. As part of this work, the authority shall estimate, by program, any savings that will result from lower medication costs. It is the intent of the legislature to evaluate reinvesting any savings to expand treatment for individuals enrolled in state covered groups and to further the public health elimination effort during the 2020 legislative session. By October 31, 2019, the authority and department shall report to the governor and relevant committees of the legislature on:

- (a) The progress of the procurement;
- (b) The estimated savings resulting from lower medication costs;
- (c) Funding needed for public health interventions to eliminate the hepatitis C virus;
- (d) The current status of treatment; and

(e) A plan to implement the elimination effort.

(46) \$50,000 of the general fund—state appropriation for fiscal year 2020 and \$533,000 for fiscal year 2021 are provided solely for implementation of Engrossed Senate Bill No. 5274 (pacific islanders dental). Open enrollment periods and special enrollment periods must be consistent with the enrollment periods for the COFA medical program, through the health benefit exchange, and program administration must be consistent with the pacific islander medical program. The first open-enrollment period for the COFA dental program must begin no later than November 1, 2020. The dental services must be consistent with the adult medicaid dental coverage, including state payment of premiums, out-of-pocket costs for covered benefits under the qualified dental plan, and costs for noncovered qualified dental plan benefits consistent with, but not to exceed, the medicaid adult dental coverage. ~~((If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.))~~

(47) During the 2019-2021 biennium, sufficient amounts are provided in this section for the authority to provide services identical to those services covered by the Washington state family planning waiver program as of August 2018 to individuals who:

- (a) Are over nineteen years of age;
- (b) Are at or below two hundred and sixty percent of the federal poverty level as established in WAC 182-505-0100;
- (c) Are not covered by other public or private insurance; and
- (d) Need family planning services and are not currently covered by or eligible for another medical assistance program for family planning.

(48) \$282,000 of the general fund—state appropriation for fiscal year 2020 and \$754,000 of the general fund—federal appropriation are provided solely for the implementation of Senate Bill No. 5415 (Indian health improvement). ~~((If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.))~~

(49) \$3,150,000 of the general fund—state appropriation for fiscal year 2020 and \$3,500,000 of the general fund—state appropriation for fiscal year 2021 are provided solely to reimburse dental health aid therapists for services performed in tribal facilities for medicaid clients. The authority must leverage any federal funding that may become available as a result of appeal decisions from the centers for medicare and medicaid services.

(50) Sufficient amounts are appropriated within this section for the authority to incorporate the expected outcomes and criteria to measure the performance of service coordination organizations as provided in chapter 70.320 RCW into contracts with managed care organizations that provide services to clients. The authority is directed to:

- (a) Contract with an external quality improvement organization to annually analyze the performance of managed care organizations providing services to clients

under this chapter based on seven performance measures. The analysis required under this subsection must:

(i) Measure managed care performance in four common measures across each managed care organization, including:

(A) At least one common measure must be weighted towards having the potential to impact managed care costs; and

(B) At least one common measure must be weighted towards population health management, as defined by the measure; and

(ii) Measure managed care performance in an additional three quality focus performance measures specific to a managed care organization. Quality focus performance measures chosen by the authority must:

(A) Be chosen from the statewide common measure set;

(B) Reflect specific measures where a managed care organization has poor performance; and

(C) Be substantive and clinically meaningful in promoting health status.

(b) By September 1, 2019, the authority shall set the four common measures to be analyzed across all managed care organizations.

(c) By September 1, 2019, the authority shall set three quality focus performance measures specific to each managed care organization. The authority must determine performance measures for each managed care organization based on the criteria established in (a)(ii) of this subsection.

(d) By September 15, 2019, and annually thereafter, the authority shall notify each managed care organization of the performance measures for the organization for the subsequent plan year.

(e) Beginning in plan year 2020, two percent of the total plan year funding appropriated to each managed care organization that provides services to clients under chapter 70.320 RCW shall be withheld. At least seventy-five percent of the withhold shall be held contingent on each managed care organization's performance on the seven performance measures identified in this section. Each managed care organization may earn back the annual withhold if the external quality improvement organization finds that the managed care organization:

(i) Made statistically significant improvement in the seven performance measures as compared to the preceding plan year; or

(ii) Scored in the top national medicaid quartile of the performance measures.

(f) The amount of withhold annually paid to each managed care organization shall be proportional to findings of statistically significant improvement or top national medicaid quartile scoring by a managed care organization.

(g) For no more than two of the four quality focus performance measures, the authority may use an alternate methodology to approximate top national medicaid quartile performance where top quartile performance data is unavailable.

(h) For the purposes of this subsection, "external quality improvement organization" means an organization that meets the competence and independence requirements under 42 C.F.R. Sec. 438.354, as it existed on the effective date of this section.

(51) \$1,805,727,000 of the general fund—state appropriation for fiscal year 2020 and \$1,876,135,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the authority to implement the recommendations of the centers for medicare and medicaid services center for program integrity as provided to the authority in the January 2019 Washington focused program integrity review final report. The authority is directed to:

(a) Organize all program integrity activities into a centralized unit or under a common protocol addressing provider enrollment, fraud and abuse detection, investigations, and law enforcement referrals that is more reflective of industry standards;

(b) Ensure appropriate resources are dedicated to prevention, detection, investigation, and suspected provider fraud at both the authority and at contracted managed care organizations;

(c) Ensure all required federal regulations are being followed and are incorporated into managed care contracts;

(d) Directly audit managed care encounter data to identify fraud, waste, and abuse issues with managed care organization providers;

(e) Initiate data mining activities in order to identify fraud, waste, and abuse issues with managed care organization providers;

(f) Implement proactive data mining and routine audits of validated managed care encounter data;

(g) Assess liquidated damages to managed care organizations when fraud, waste, or abuse with managed care organization providers is identified;

(h) Require managed care organizations submit accurate reports on overpayments, including the prompt reporting of overpayments identified or recovered, specifying overpayments due to fraud, waste, or abuse;

(i) Implement processes to ensure integrity of data used for rate setting purposes;

(j) Refine payment suspension policies; and

(k) Ensure all federal database exclusion checks are performed at the appropriate intervals. The authority shall update managed care contracts as appropriate to reflect these requirements.

(52) \$96,130,000 of the general fund—state appropriation for fiscal year 2020 and \$100,476,000 of the general fund—state appropriation for fiscal year 2021 are

provided solely for fee-for-service dental services. The authority must provide these services through fee-for-service and may not proceed with either a carved-out or carved-in managed care dental option. Any contracts that have been procured or that are in the process of being procured shall not be entered into or implemented. By November 15, 2019, the authority shall report to the governor and appropriate committees of the legislature a plan to improve access to dental services for medicaid clients. This plan should address options for carve-in, carve-out, fee-for-service, and other models that would improve access and outcomes for adults and children. The plan should also include the cost for any options provided.

(53) During the 2019-2021 fiscal biennium, the authority must revise its agreements and contracts with vendors to include a provision to require that each vendor agrees to equality among its workers by ensuring similarly employed individuals are compensated as equals as follows:

(a) Employees are similarly employed if the individuals work for the same employer, the performance of the job requires comparable skill, effort, and responsibility, and the jobs are performed under similar working conditions. Job titles alone are not determinative of whether employees are similarly employed;

(b) Vendors may allow differentials in compensation for its workers based in good faith on any of the following:

(i) A seniority system; a merit system; a system that measures earnings by quantity or quality of production; a bona fide job-related factor or factors; or a bona fide regional difference in compensation levels.

(ii) A bona fide job-related factor or factors may include, but not be limited to, education, training, or experience, that is: Consistent with business necessity; not based on or derived from a gender-based differential; and accounts for the entire differential.

(iii) A bona fide regional difference in compensation level must be: Consistent with business necessity; not based on or derived from a gender-based differential; and account for the entire differential.

(c) The provision must allow for the termination of the contract if the authority or department of enterprise services determines that the vendor is not in compliance with this agreement or contract term.

(d) The authority must implement this provision with any new contract and at the time of renewal of any existing contract.

(54) The authority is prohibited to direct any funds to safe-injection sites for the illicit use of drugs.

(55) \$1,400,000 of the general fund—state appropriation for fiscal year 2020, \$1,400,000 of the general fund—state appropriation for fiscal year 2021, and \$7,000,000 of the general fund—federal appropriation are provided solely to increase the rates paid to rural hospitals that meet the criteria in (a) through (d) of this subsection. Payments for state and federal medical assistance programs for services provided by such a hospital, regardless of the

beneficiary's managed care enrollment status, must be increased to one hundred fifty percent of the hospital's fee-for-service rates. The authority must discontinue this rate increase after June 30, 2021, and return to the payment levels and methodology for these hospitals that were in place as of January 1, 2018. Hospitals participating in the certified public expenditures program may not receive increased reimbursement for inpatient services. Hospitals qualifying for this rate increase must:

(a) Be certified by the centers for medicare and medicaid services as sole community hospitals as of January 1, 2013;

(b) Have had less than one hundred fifty acute care licensed beds in fiscal year 2011;

(c) Have a level III adult trauma service designation from the department of health as of January 1, 2014; and

(d) Be owned and operated by the state or a political subdivision.

(56) Within the amounts appropriated within this section the authority shall conduct an evaluation of purchasing arrangements and paid claims or encounter data for prescription drugs under managed care contracts for plan years 2017 and 2018 and compare these to contract purchasing agreements under the same years for the prescription drug consortium and identify any cost differences. The authority shall report its findings to the governor and appropriate committees of the legislature by November 15, 2019.

(57) The health care authority is directed to convene a work group on establishing a universal health care system in Washington. ~~(((\$500,000)) \$338,000 of the general fund—state appropriation for fiscal year 2020 ((and)) and \$162,000 of the general fund—state appropriation for fiscal year 2021~~ are provided solely for the health care authority to contract with one or more consultants to perform any actuarial and financial analyses necessary to develop options under (b)(vi) of this subsection.

(a) The work group must consist of a broad range of stakeholders with expertise in the health care financing and delivery system, including but not limited to:

(i) Consumers, patients, and the general public;

(ii) Patient advocates and community health advocates;

(iii) Large and small businesses with experience with large and small group insurance and self-insured models;

(iv) Labor, including experience with Taft-Hartley coverage;

(v) Health care providers that are self-employed and health care providers that are otherwise employed;

(vi) Health care facilities such as hospitals and clinics;

(vii) Health insurance carriers;

(viii) The Washington health benefit exchange and state agencies, including the office of financial management,

the office of the insurance commissioner, the department of revenue, and the office of the state treasurer; and

(ix) Legislators from each caucus of the house of representatives and senate.

(b) The work group must study and make recommendations to the legislature on how to create, implement, maintain, and fund a universal health care system that may include publicly funded, publicly administered, and publicly and privately delivered health care that is sustainable and affordable to all Washington residents including, but not limited to:

(i) Options for increasing coverage and access for uninsured and underinsured populations;

(ii) Transparency measures across major health system actors, including carriers, hospitals, and other health care facilities, pharmaceutical companies, and provider groups that promote understanding and analyses to best manage and lower costs;

(iii) Innovations that will promote quality, evidence-based practices leading to sustainability, and affordability in a universal health care system. When studying innovations under this subsection, the work group must develop recommendations on issues related to covered benefits and quality assurance and consider expanding and supplementing the work of the Robert Bree collaborative and the health technology assessment program;

(iv) Options for ensuring a just transition to a universal health care system for all stakeholders including, but not limited to, consumers, businesses, health care providers and facilities, hospitals, health carriers, state agencies, and entities representing both management and labor for these stakeholders;

(v) Options to expand or establish health care purchasing in collaboration with neighboring states; and

(vi) Options for revenue and financing mechanisms to fund the universal health care system. The work group shall contract with one or more consultants to perform any actuarial and financial analyses necessary to develop options under this subsection.

(c) The work group must report its findings and recommendations to the appropriate committees of the legislature by November 15, 2020. Preliminary reports with findings and preliminary recommendations shall be made public and open for public comment by November 15, 2019, and May 15, 2020.

(58) \$23,000 of the general fund—state appropriation for fiscal year 2020, \$2,000 of the general fund—state appropriation for fiscal year 2021, and \$36,000 of the general fund—federal appropriation are provided solely for implementation of Engrossed Second Substitute Senate Bill No. 5497 (immigrants in the workplace). ~~((If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.))~~

(59) \$1,667,000 of the general fund—state appropriation for fiscal year 2020, \$855,000 of the general fund—state appropriation for fiscal year 2021, and

\$1,867,000 of the general fund—federal appropriation are provided solely for the Washington rural health access preservation pilot program.

(60) \$612,000 of the general fund—state appropriation for fiscal year 2021 and \$1,088,000 of the general fund—federal appropriation are provided solely for the authority to increase the nonemergency medical transportation broker administrative rate to ensure access to health care services for medicaid patients.

(61) \$250,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the authority to develop a public-private partnership with a state-based oral health foundation to connect medicaid patients to dental services and reduce barriers to accessing care. The authority shall submit a progress report to the appropriate committees of the legislature by June 30, 2021.

(62)(a) \$3,161,000 of the general fund—state appropriation for fiscal year 2020 and \$7,274,000 of the general fund—federal appropriation are provided solely for reconciliation of payment under alternate payment methodology four (APM4) for federally qualified health centers (FQHC) for state fiscal year 2020.

(b) By August 1, 2020, the authority shall convene representatives from FQHCs participating in the APM4 methodology, the FQHC association, the office of financial management, and fiscal committees of the legislature to evaluate and amend the APM4 model and memorandum of understanding.

(c) The authority in collaboration with the representatives in (b) of this subsection must develop an updated APM4 model and memorandum of understanding that:

(i) Identifies predictable spending targets;

(ii) Clearly defines quality performance standards for participating FQHCs;

(iii) Requires increasing standards of quality performance for participating FQHCs;

(iv) Clearly defines financial performance expectations for participating FQHCs;

(v) Requires increasing standards of financial performance for participating FQHCs; and

(vi) Requires that reconciliation payments made under APM4 may not fall below the payment level required by the federal law for qualifying face-to-face encounters.

(d) The authority, in collaboration with the office of financial management and representatives from fiscal committees of the legislature, shall conduct an evaluation of the APM4 model to determine its cost effectiveness and impact on patient outcomes and report its findings and recommendations to the appropriate committees of the legislature by November 15, 2022.

(e) The authority shall not enter into any future value-based arrangements with federally qualified health centers or rural health clinics prior to receiving approval from the

office of financial management and the appropriate committees of the legislature.

(63) \$70,000 of the general fund—state appropriation for fiscal year 2021 is provided solely to implement Engrossed House Bill No. 2755 (air ambulance cost transp.). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

(64) \$611,000 of the general fund—state appropriation for fiscal year 2021 is provided solely to implement Second Substitute House Bill No. 2457 (health care cost board). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

(65) \$259,000 of the general fund—state appropriation for fiscal year 2021 is provided solely to implement Engrossed Second Substitute House Bill No. 2662 (total cost of insulin). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

(66) The health care authority shall submit a state plan amendment to the centers for medicare and medicaid services to maintain children's health insurance program coverage as secondary payer for eligible child dependents of employees eligible for school employee or public employee benefit coverage. The intent of the legislature for this option is to provide children the best access to health care coverage while prioritizing efficient use of state funds. No later than October 15, 2020, the authority shall report to the fiscal committees of the legislature and the office of financial management on the status of the state plan amendment and the impact to the state. The health care authority shall implement the amendment in calendar year 2020, once approved by the centers for medicare and medicaid services.

(67) \$250,000 of the general fund—state appropriation for fiscal year 2020, \$250,000 of the general fund—state appropriation for fiscal year 2021, and \$500,000 of the general fund—federal appropriation are provided solely to increase the rates paid to provide education and clinical training for dental professionals and students in the care of persons with developmental or acquired disabilities, or both.

(68) \$200,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for mental health training for maternity support services and infant case managers across the state. The authority must use the amounts provided in this subsection for scholarships or other support for training that assists maternity support services and infant case management providers in identification, referral, and provision of culturally competent, evidence-based mental health interventions.

(69) \$510,000 of the general fund—state appropriation for fiscal year 2021 and \$76,000 of the general fund—federal appropriation are provided solely for the authority to collaborate with the University of Washington department of psychiatry and behavioral sciences and Seattle children's hospital to extend the partnership access line for moms and partnership access line for kids referral assistance service programs, as described in RCW 71.24.061(3)(a), until June 30, 2021.

(70) \$131,000 of the general fund—state appropriation for fiscal year 2021 and \$131,000 of the general fund—federal appropriation are provided solely for the authority to identify, analyze, and address health equity disparities in access and outcomes for individuals in the medicaid population.

(71) \$200,000 of the general fund—state appropriation for fiscal year 2021 and \$200,000 of the general fund—federal appropriation are provided solely to implement Substitute House Bill No. 2905 (baby, child dentistry access). If the bill is not enacted by June 30, 2020, the amounts provided in this subsection shall lapse.

(72) \$150,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the development of a system to address individuals with intellectual and developmental disabilities who present in an emergency in crisis. The system must include crisis plans to be available to emergency room providers; and education and training for emergency room providers in how to best serve this population to provide immediate intervention to prevent acute care admissions and support the individual to return to their current living arrangements.

(73) \$187,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for a full-time employee to coordinate client assessments and implement plans for patients who are hospitalized and likely to need post discharge services including placement in community or out of state settings. Client assessments must include information regarding the individual's specific care needs, whether medical, behavioral, or cognitive, and ability to perform activities of daily living. The coordinator must collaborate with the department of social and health services, the department of children, youth, and families, and health care organizations to promote the transition of patients to postacute care settings.

(74) \$331,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for a grant to an organization managing the Washington patient safety coalition to support the communication and resolution programs certification program to improve outcomes for patients by providing feedback to health care organizations.

(75) \$250,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the authority, through a contract, to study the feasibility of upgrading the existing health information exchange and clinical data repository to enable the automated population of clinical registries and other mandatory reporting requirements for health care providers and facilities. The contractor must report its findings to the authority and appropriate committees of the legislature by June 30, 2021.

(76) \$120,000 of the general fund—state appropriation for fiscal year 2021 and \$120,000 of the general fund—federal appropriation are provided solely for the authority to identify ways to maximize federal financial participation and any new opportunities to leverage federal funding. In collaboration with the department of health, the authority must explore options to leverage federal funding for foundational public health. The authority may use the

amounts in this subsection for staff support and one-time contracting.

(77)(a) Within amounts provided in this section, the authority must establish a primary care collaborative. The authority shall invite representatives from at least the following to participate:

- (i) Health care consumers;
- (ii) Behavioral health treatment providers;
- (iii) Employers that offer self-insured health benefit plans;
- (iv) The office of the insurance commissioner;
- (v) Medicaid-managed care organizations;
- (vi) Commercial health insurance carriers;
- (vii) The University of Washington school of medicine;
- (viii) The Elson S. Floyd college of medicine;
- (ix) The Pacific Northwest University of Health Sciences;
- (x) A statewide organization representing federally qualified health centers;
- (xi) A statewide organization representing hospitals and health systems;
- (xii) A statewide organization representing local public health districts;
- (xiii) A statewide professional association for family physicians;
- (xiv) A statewide professional association for pediatricians;
- (xv) A statewide professional association for physicians;
- (xvi) A statewide professional association for nurse practitioners; and
- (xvii) The centers for medicare and medicaid services.

(b) By December 1, 2020, the collaborative shall report findings and recommendations, including any recommended statutory changes, to the governor and appropriate committees of the legislature regarding statewide spending on primary care, addressing:

- (i) How to define "primary care" for purposes of determining current and desired levels of primary care spending by public and private payers as a proportion of overall health care spending;
- (ii) Barriers to the access and use of all the data needed to determine current and desired levels of primary care spending, and how to overcome them;
- (iii) What the desired level of primary care spending is in this state, and the annual progress needed to achieve that level of spending in a reasonable period of time;

(iv) How and by whom it should annually be determined whether desired levels of primary care spending are being achieved;

(v) Methods to incentivize the achievement of desired levels of primary care spending;

(vi)(A) Specific practices and methods of reimbursement to achieve and sustain desired levels of primary care spending, including but not limited to: Supporting advanced, integrated primary care involving a multidisciplinary team of health and social service professionals; addressing social determinants of health within the primary care setting; leveraging innovative uses of efficient, interoperable health information technology; increasing the primary care workforce; and reinforcing to patients the value of primary care, and eliminating any barriers to access.

(B) As much as possible, the practices and methods specified must hold primary care providers accountable for improved health outcomes, not increase the administrative burden on primary care providers or overall health care spending in the state, allow for uniform implementation across payers, and take into account differences in urban and rural delivery settings; and

(vii) The ongoing role of the collaborative in guiding and overseeing the development and application of primary care spending targets, and the implementation and evaluation of strategies to achieve them.

(c) In developing its report, the collaborative shall be informed by existing work in this state and others regarding primary care, including but not limited to the December 2019 report by the office of financial management, the work of the Bree collaborative, the work of the AIMS center and the center for health workforce studies at the University of Washington, and the work of the health care authority to strengthen primary care within state purchased health care.

(78) No later than December 31, 2021, the health care authority, in partnership with the department of social and health services as described in section 204(33)(b) of this act, shall submit a waiver request to the federal department of health and human services to authorize presumptive medicaid eligibility determinations for clients preparing for acute care hospital discharge who may need long-term services and supports. The department and the authority shall hold stakeholder discussions, including opportunities for public review and comment, during development of the waiver request. Upon submission of the waiver request, the department and the authority shall submit a report to the governor and the appropriate legislative committees that describes the request and identifies any statutory changes that may be necessary if the federal government approves the request.

(79) \$3,082,000 of the general fund state appropriation for fiscal year 2021 and \$5,221,000 of the general fund— federal appropriation are provided solely to maintain and increase access for behavioral health services through increased provider rates. The rate increases shall be effective in January 2021 and must be applied to the following codes for children and adults enrolled in the medicaid program:

90832, 90833, 90834, 90837, H0004, H0036, H2015, H2021, H0023, 90836, 90838, 96156, 96158, 96159, 96164, 96165, 96167, 96168, 96170, 96171, 90845, 90846, 90847, 90849, 90853, 90785, and 90791. The authority may use a substitute code in the event that any of the codes identified in this subsection are discontinued and replaced with an updated code covering the same service. Within the amounts provided in this subsection: (a) The authority must raise the state fee-for service rates for these codes by twenty-five percent except that the state medicaid rate may not exceed the published medicare rate or an equivalent relative value unit rate if a published medicare rate is not available; and (b) the authority must require in contracts with managed care organizations that, beginning in calendar year 2021, they pay no lower than the fee-for-service rate for these codes and managed care capitation rates must be adjusted accordingly. The authority must implement this rate increase in accordance with the process established in Engrossed House Bill No. 2584 (behavioral health rates). The increase in this subsection does not duplicate rate increases provided in subsection (80) of this section.

(80) \$14,492,000 of the general fund—state appropriation for fiscal year 2021 and \$29,130,000 of the general fund—federal appropriation are provided solely to maintain and increase access for primary care services for medicaid-enrolled patients through increased provider rates. Within the amounts provided in this subsection: (a) The authority must raise the state fee-for-service rates for primary care services that are reimbursed solely at the existing medical assistance rates, furnished by a nurse practitioner, naturopath, physician assistant, osteopathic physician assistant, physician, or osteopathic physician, by twenty-five percent except that the state medicaid rate may not exceed the published medicare rate or an equivalent relative value unit rate if a published medicare rate is not available; and (b) the authority must require in contracts with managed care organizations that, beginning in calendar year 2021, they pay no lower than the fee-for-service rate for these codes and managed care capitation rates must be adjusted accordingly. The authority must apply reimbursement rates required under this subsection to payment codes in a manner consistent with the temporary increase in medicaid reimbursement rates under federal rules and guidance in effect on January 1, 2014, implementing the patient protection and affordable care act, except that the authority may not require provider attestations. The increase in this subsection does not duplicate rate increases provided in subsection (79) of this section.

(81) \$770,000 of the general fund—state appropriation for fiscal year 2021 and \$800,000 of the general fund—federal appropriation are provided solely to increase home health rates beginning January 1, 2021.

(82) Within the amounts appropriated in this section, the authority must require all HIV antiviral drugs on the apple health preferred drug list to be covered with preferred status and without any prior or expedited prior authorization requirements and protocols.

**Sec. 212.** 2019 c 415 s 212 (uncodified) is amended to read as follows:

# **FOR THE STATE HEALTH CARE AUTHORITY—PUBLIC EMPLOYEES' BENEFITS BOARD AND EMPLOYEE BENEFITS PROGRAM**

State Health Care Authority Administrative  
Account—State

Appropriation..... ((\$35,274,000))  
\$35,685,000

School Employees' Insurance Administrative  
Account—State

Appropriation.....\$384,000

TOTAL APPROPRIATION.....\$35,274,000

\$36,069,000

The appropriation in this section is subject to the following conditions and limitations:

(1) Any savings resulting from reduced claims costs or other factors identified after March 1, 2019, must be reserved for funding employee benefits in the 2021-2023 fiscal biennium. The health care authority shall deposit any moneys received on behalf of the uniform medical plan resulting from rebates on prescription drugs, audits of hospitals, subrogation payments, or any other moneys received as a result of prior uniform medical plan claims payments, in the public employees' and retirees' insurance account to be used for insurance benefits. The authority may, however, conduct a request for information about a diabetes disease management program.

(2) Any changes to benefits must be approved by the public employees' benefits board. The board shall not make any changes to benefits without considering a comprehensive analysis of the cost of those changes, and shall not increase benefits unless savings achieved under subsection (3) of this section or offsetting cost reductions from other benefit revisions are sufficient to fund the changes. However, the funding provided anticipates that the public employees' benefits board may increase the availability of nutritional counseling in the uniform medical plan by allowing a lifetime limit of up to twelve nutritional counseling visits, and may increase hearing aid benefits to reflect the provisions of chapter 159, Laws of 2018, for the plan year beginning January 1, 2021. Provided further, that within the amount provided, the health care authority may update the public employees benefits board benefits enrollment process. The board may also, within the amounts provided, use cost savings to enhance the basic long-term disability benefit.

(3) Except as may be provided in a health care bargaining agreement, to provide benefits within the level of funding provided in part IX of this bill, the public employees' benefits board shall require or make any or all of the following: Employee premium copayments, increases in point-of-service cost sharing, the implementation of managed competition, or make other changes to benefits consistent with RCW 41.05.065.

(4) The board shall collect a surcharge payment of not less than twenty-five dollars per month from members who



(4) \$1,173,000 of the general fund—state appropriation for fiscal year 2020 is provided for the exchange to enhance Washington healthplanfinder so

eligible COFA citizens can obtain dental coverage. Open enrollment periods and special enrollment periods for the COFA dental program shall be consistent with the enrollment periods for the COFA medical program. The first open-enrollment period for the COFA dental program must begin no later than November 1, 2020.

(5) \$426,000 of the health benefit exchange account—state appropriation and \$874,000 of the general fund—federal appropriation are provided solely for cloud platform costs and are subject to the conditions, limitations, and review provided in (~~section 719 of this act~~) section 701 of this act.

(6) \$968,000 of the health benefit exchange account—state appropriation and \$1,978,000 of the general fund—federal appropriation are provided solely for system integrator procurement and are subject to the conditions, limitations, and review provided in (~~section 719 of this act~~) section 701 of this act.

(7) \$152,000 of the health benefit exchange account—state appropriation for fiscal year 2021 is provided solely to implement Substitute House Bill No. 2554 (health plan exclusions). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

(8) \$172,000 of the health benefit exchange account—state appropriation for fiscal year 2021 is provided solely to implement Engrossed Second Substitute House Bill No. 2662 (total cost of insulin). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

**Sec. 215.** 2019 c 415 s 215 (uncodified) is amended to read as follows:

**FOR THE STATE HEALTH CARE  
AUTHORITY—COMMUNITY BEHAVIORAL  
HEALTH PROGRAM**

General Fund—State Appropriation (FY 2020)	<del>(\$556,003,000))</del>
	<u>\$579,075,000</u>
General Fund—State Appropriation (FY 2021)	<del>(\$604,424,000))</del>
	<u>\$648,028,000</u>
General Fund—Federal Appropriation	<del>(\$1,966,699,000))</del>
	<u>\$2,075,822,000</u>
General Fund—Private/Local Appropriation	\$36,513,000
Criminal Justice Treatment Account—State Appropriation	<del>(\$12,986,000))</del>
	<u>\$17,486,000</u>
Problem Gambling Account—State Appropriation	\$1,461,000
Medicaid Fraud Penalty Account—State Appropriation	\$51,000

Dedicated Marijuana Account—State Appropriation (FY 2020)	\$28,490,000
Dedicated Marijuana Account—State Appropriation (FY 2021)	\$28,493,000
Pension Funding Stabilization Account—State Appropriation	\$1,714,000
TOTAL APPROPRIATION	<del>\$3,236,834,000</del>
	<u>\$3,417,133,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) For the purposes of this section, "behavioral health entities" means managed care organizations and administrative services organizations in regions where the authority is purchasing medical and behavioral health services through fully integrated contracts pursuant to RCW 71.24.380, and behavioral health organizations in regions that have not yet transitioned to fully integrated managed care.

(2) Within the amounts appropriated in this section, funding is provided for implementation of the settlement agreement under *Trueblood, et al. v. Department of Social and Health Services, et al.*, United States District Court for the Western District of Washington, Cause No. 14-cv-01178-MJP. In addition to amounts provided solely for implementation of the settlement agreement, class members must have access to supports and services funded throughout this section for which they meet eligibility and medical necessity requirements. The authority must include language in contracts that requires regional behavioral health entities to develop and implement plans for improving access to timely and appropriate treatment for individuals with behavioral health needs and current or prior criminal justice involvement who are eligible for services under these contracts.

(3) \$15,605,000 of the general fund—state appropriation for fiscal year 2020, \$15,754,000 of the general fund—state appropriation for fiscal year 2021, and \$4,789,000 of the general fund—federal appropriation are provided solely for the phase-in of the settlement agreement under *Trueblood, et al. v. Department of Social and Health Services, et al.*, United States District Court for the Western District of Washington, Cause No. 14-cv-01178-MJP. The department, in collaboration with the health care authority and the criminal justice training commission, must implement the provisions of the settlement agreement pursuant to the timeline and implementation plan provided for under the settlement agreement. This includes implementing provisions related to competency evaluations, competency restoration, crisis diversion and supports, education and training, and workforce development.

(4) (~~(\$8,777,000))~~ \$8,100,000 of the general fund—state appropriation for fiscal year 2020, (~~(\$10,424,000))~~ \$11,322,000 of the general fund—state appropriation for fiscal year 2021, and \$20,197,000 of the general fund—federal appropriation are provided solely for the authority

and behavioral health entities to continue to contract for implementation of high-intensity programs for assertive community treatment (PACT) teams. In determining the proportion of medicaid and nonmedicaid funding provided to behavioral health entities with PACT teams, the authority shall consider the differences between behavioral health entities in the percentages of services and other costs associated with the teams that are not reimbursable under medicaid. The authority may allow behavioral health entities which have nonmedicaid reimbursable costs that are higher than the nonmedicaid allocation they receive under this section to supplement these funds with local dollars or funds received under subsection (7) of this section. The authority and behavioral health entities shall maintain consistency with all essential elements of the PACT evidence-based practice model in programs funded under this section.

(5) From the general fund—state appropriations in this section, the authority shall assure that behavioral health entities reimburse the department of social and health services aging and long term support administration for the general fund—state cost of medicaid personal care services that enrolled behavioral health entity consumers use because of their psychiatric disability.

(6) \$3,520,000 of the general fund—federal appropriation is provided solely for the authority to maintain a pilot project to incorporate peer bridging staff into behavioral health regional teams that provide transitional services to individuals returning to their communities.

(7) (~~(\$81,930,000))~~ \$83,978,000 of the general fund—state appropriation for fiscal year 2020 and (~~(\$81,930,000))~~ \$86,027,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for persons and services not covered by the medicaid program. To the extent possible, levels of behavioral health entity spending must be maintained in the following priority order: Crisis and commitment services; community inpatient services; and residential care services, including personal care and emergency housing assistance. These amounts must be distributed to behavioral health entities as follows:

(a) \$2,048,000 of the fiscal year 2020 amounts must be distributed to behavioral health administrative service organizations. Of the remaining amounts for fiscal year 2020, seventy percent must be distributed to behavioral health administrative service organizations and thirty percent to managed care organizations. The percentage of funding provided to each behavioral health administrative services organization must be proportionate to the fiscal year 2019 regional allocation of flexible nonmedicaid funds.

(b) \$4,097,000 of the fiscal year 2021 amounts must be distributed to behavioral health administrative service organizations. Of the remaining amounts for fiscal year 2021, eighty percent must be distributed to behavioral health administrative service organizations and twenty percent to managed care organizations. The percentage of funding provided to each behavioral health administrative services organization must be proportionate to the fiscal year 2020 regional allocation of flexible nonmedicaid funds.

(c) The authority must include the following language in medicaid contracts with behavioral health entities unless

they are provided formal notification from the center for medicaid and medicare services that the language will result in the loss of federal medicaid participation: "The contractor may voluntarily provide services that are in addition to those covered under the state plan, although the cost of these services cannot be included when determining payment rates unless including these costs are specifically allowed under federal law or an approved waiver."

(8) The authority is authorized to continue to contract directly, rather than through contracts with behavioral health entities for children's long-term inpatient facility services.

(9) \$1,204,000 of the general fund—state appropriation for fiscal year 2020 and \$1,204,000 of the general fund—state appropriation for fiscal year 2021 are provided solely to reimburse Pierce and Spokane counties for the cost of conducting one hundred eighty-day commitment hearings at the state psychiatric hospitals.

(10) Behavioral health entities may use local funds to earn additional federal medicaid match, provided the locally matched rate does not exceed the upper-bound of their federally allowable rate range, and provided that the enhanced funding is used only to provide medicaid state plan or waiver services to medicaid clients. Additionally, behavioral health entities may use a portion of the state funds allocated in accordance with subsection (7) of this section to earn additional medicaid match, but only to the extent that the application of such funds to medicaid services does not diminish the level of crisis and commitment, community inpatient, residential care, and outpatient services presently available to persons not eligible for medicaid.

(11) \$2,291,000 of the general fund—state appropriation for fiscal year 2020 and \$2,291,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for mental health services for mentally ill offenders while confined in a county or city jail and for facilitating access to programs that offer mental health services upon release from confinement. The authority must collect information from the behavioral health entities on their plan for using these funds, the numbers of individuals served, and the types of services provided and submit a report to the office of financial management and the appropriate fiscal committees of the legislature by December 1st of each year of the biennium.

(12) Within the amounts appropriated in this section, funding is provided for the authority to develop and phase in intensive mental health services for high needs youth consistent with the settlement agreement in *T.R. v. Dreyfus and Porter*.

(13) The authority must establish minimum and maximum funding levels for all reserves allowed under behavioral health organization and administrative services organization contracts and include contract language that clearly states the requirements and limitations. The authority must monitor and ensure that behavioral health organization and administrative services organization reserves do not exceed maximum levels. The authority must monitor revenue and expenditure reports and must require a behavioral health organization or administrative services organization to submit a corrective action plan on how it will

spend its excess reserves within a reasonable period of time, when its reported reserves exceed maximum levels established under the contract. The authority must review and approve such plans and monitor to ensure compliance. If the authority determines that a behavioral health organization or administrative services organization has failed to provide an adequate excess reserve corrective action plan or is not complying with an approved plan, the authority must reduce payments to the entity in accordance with remedial actions provisions included in the contract. These reductions in payments must continue until the authority determines that the entity has come into substantial compliance with an approved excess reserve corrective action plan.

(14) During the 2019-2021 fiscal biennium, any amounts provided in this section that are used for case management services for pregnant and parenting women must be contracted directly between the authority and providers rather than through contracts with behavioral health organizations.

(15) Within the amounts appropriated in this section, the authority may contract with the University of Washington and community-based providers for the provision of the parent-child assistance program or other specialized chemical dependency case management providers for pregnant, post-partum, and parenting women. For all contractors: (a) Service and other outcome data must be provided to the authority by request; and (b) indirect charges for administering the program must not exceed ten percent of the total contract amount.

(16) \$3,500,000 of the general fund—federal appropriation (from the substance abuse prevention and treatment federal block grant) is provided solely for the continued funding of existing county drug and alcohol use prevention programs.

(17) Within the amounts provided in this section, behavioral health entities must provide outpatient chemical dependency treatment for offenders enrolled in the medicaid program who are supervised by the department of corrections pursuant to a term of community supervision. Contracts with behavioral health entities must require that behavioral health entities include in their provider network specialized expertise in the provision of manualized, evidence-based chemical dependency treatment services for offenders. The department of corrections and the authority must develop a memorandum of understanding for department of corrections offenders on active supervision who are medicaid eligible and meet medical necessity for outpatient substance use disorder treatment. The agreement will ensure that treatment services provided are coordinated, do not result in duplication of services, and maintain access and quality of care for the individuals being served. The authority must provide all necessary data, access, and reports to the department of corrections for all department of corrections offenders that receive medicaid paid services.

(18) The criminal justice treatment account—state appropriation is provided solely for treatment and treatment support services for offenders with a substance use disorder pursuant to RCW 71.24.580. The authority must offer

counties the option to administer their share of the distributions provided for under RCW 71.24.580(5)(a). If a county is not interested in administering the funds, the authority shall contract with behavioral health entities to administer these funds consistent with the plans approved by local panels pursuant to RCW 71.24.580(5)(b). The authority must provide a report to the office of financial management and the appropriate committees of the legislature which identifies the distribution of criminal justice treatment account funds by September 30, 2019.

(19) No more than \$27,844,000 of the general fund—federal appropriation may be expended for supported housing and employment services described in initiative 3a and 3b of the medicaid transformation demonstration waiver under healthier Washington. Under this initiative, the authority and the department of social and health services shall ensure that allowable and necessary services are provided to eligible clients as identified by the authority or its providers or third party administrator. The department and the authority in consultation with the medicaid forecast work group, shall ensure that reasonable reimbursements are established for services deemed necessary within an identified limit per individual. The authority shall not increase general fund—state expenditures under this initiative. The secretary in collaboration with the director of the authority shall report to the joint select committee on health care oversight no less than quarterly on financial and health outcomes. The secretary in cooperation with the director shall also report to the fiscal committees of the legislature all of the expenditures of this subsection and shall provide such fiscal data in the time, manner, and form requested by the legislative fiscal committees.

(20) \$6,858,000 of the general fund—state appropriation for fiscal year 2020, \$6,858,000 of the general fund—state appropriation for fiscal year 2021, and \$8,046,000 of the general fund—federal appropriation are provided solely to maintain new crisis triage or stabilization centers. Services in these facilities may include crisis stabilization and intervention, individual counseling, peer support, medication management, education, and referral assistance. The authority shall monitor each center's effectiveness at lowering the rate of state psychiatric hospital admissions.

(21) \$1,125,000 of the general fund—federal appropriation is provided solely for the authority to develop a memorandum of understanding with the department of health for implementation of chapter 297, Laws of 2017 (opioid treatment programs). The authority must use these amounts to reimburse the department of health for costs incurred through the implementation of the bill.

(22) \$6,655,000 of the general fund—state appropriation for fiscal year 2020, \$10,015,000 of the general fund—state appropriation for fiscal year 2021, and \$12,965,000 of the general fund—federal appropriation are provided solely for the operation of secure withdrawal management and stabilization facilities. The authority may not use any of these amounts for services in facilities that are subject to federal funding restrictions that apply to institutions for mental diseases, unless they have received a waiver that allows for full federal participation in these

facilities. Within these amounts, funding is provided to increase the fee for service rate for these facilities up to \$650 per day. The authority must require in contracts with behavioral health entities that, beginning in calendar year 2020, they pay no lower than the fee for service rate. The authority must coordinate with regional behavioral health entities to identify and implement purchasing strategies or regulatory changes that increase access to services for individuals with complex behavioral health needs at secure withdrawal management and stabilization facilities.

(23) \$23,090,000 of the general fund—state appropriation for fiscal year 2020, \$23,090,000 of the general fund—state appropriation for fiscal year 2021, and \$92,444,000 of the general fund—federal appropriation are provided solely to maintain the enhancement of community-based behavioral health services that was funded in fiscal year 2019. Twenty percent of the general fund—state appropriation amounts for each regional service area must be used to increase their nonmedicaid funding and the remainder must be used to increase medicaid rates above FY 2018 levels. Effective January 2020, the medicaid funding is intended to increase rates for behavioral health services provided by licensed and certified community behavioral health agencies as defined by the department of health. This funding must be allocated to the managed care organizations proportionate to their medicaid enrollees. The authority must require the managed care organizations to provide a report on their implementation of this funding. The authority must submit a report to the legislature by December 1, 2020, summarizing how this funding was used and provide information for future options of increasing behavioral health provider rates through directed payments. The report must identify different mechanisms for implementing directed payment for behavioral health providers including but not limited to minimum fee schedules, across the board percentage increases, and value-based payments. The report must provide a description of each of the mechanisms considered, the timeline that would be required for implementing the mechanism, and whether and how the mechanism is expected to have a differential impact on different providers. The report must also summarize the information provided by managed care organizations in implementing the funding provided under this section.

(24) \$27,917,000 of the general fund—state appropriation for fiscal year 2020, \$36,095,000 of the general fund—state appropriation for fiscal year 2021, and \$60,644,000 of the general fund—federal appropriation are provided solely for the department to contract with community hospitals or freestanding evaluation and treatment centers to provide long-term inpatient care beds as defined in RCW 71.24.025. Within these amounts, the authority must meet the requirements for reimbursing counties for the judicial services for patients being served in these settings in accordance with RCW 71.05.730. The authority must coordinate with the department of social and health services in developing the contract requirements, selecting contractors, and establishing processes for identifying patients that will be admitted to these facilities.

(a) Sufficient amounts are provided in fiscal year 2020 for the authority to reimburse community hospitals serving

medicaid clients in long-term inpatient care beds as defined in RCW 71.24.025 at a rate of \$1,171 per day, or the hospital's current psychiatric inpatient per diem rate, whichever is higher. ~~((The)) In fiscal year 2020, the rate paid to hospitals in this subsection cannot exceed one-hundred percent of the hospitals eligible costs based on their most recently completed medicare cost report. ((The authority in collaboration with the Washington state hospital association must convene a work group to develop a methodology for reimbursing community hospitals serving these clients. In developing this methodology, the authority must account for cost structure differences between teaching hospitals and other hospital types. The authority must provide a report to the appropriate committees of the legislature by December 1, 2019. The report must:~~

~~(a) Describe the methodology developed by the work group;~~

~~(b) Identify cost differences between teaching hospitals and other hospital types;~~

~~(c) Provide options for incentivizing community hospitals to offer long term inpatient care beds day beds including a rate recommendation;~~

~~(d) Identify the cost associated with any recommended changes in rates or rate setting methodology; and~~

~~(e) Outline an implementation plan.))~~

(b) Sufficient amounts are provided in fiscal year 2021 for the authority to reimburse providers serving medicaid clients in long-term inpatient care beds as defined in RCW 71.24.025 as follows: (i) Community hospitals whose costs exceed their current rates based on their most recently completed medicare cost report at one hundred percent of the hospitals eligible costs documented in the most recently completed medicare cost report; (ii) community hospitals whose costs do not exceed their current rates based on their most recently completed medicare cost report at a rate that reflects a five percent increase from their fiscal year 2020 psychiatric per diem rate for serving medicaid clients; and (iii) nonhospital residential treatment centers certified to provide long-term inpatient care beds as defined in RCW 71.24.025 at a rate that reflects a five percent increase from their fiscal year 2020 rate for serving medicaid clients in long-term inpatient care beds as defined in RCW 71.24.025.

(c) The authority must provide a report to the office of financial management and the appropriate committees of the legislature by December 1, 2020, on the impact of the rate increases provided in fiscal year 2021 on long-term psychiatric inpatient provider capacity and utilization. The report must also include information on short-term psychiatric inpatient provider capacity and utilization and clearly identify which providers increased overall capacity and which converted short-term to long-term beds.

(d) It is the intent of the legislature that future rate increases for long-term inpatient providers be informed by the health care growth benchmark established by the health care cost transparency board pursuant to Second Substitute House Bill No. 2457 (health care cost board). The legislature also intends to prioritize future rate increases for providers

that increase their overall psychiatric inpatient capacity and utilization.

(25) \$1,455,000 of the general fund—state appropriation for fiscal year 2020, \$1,401,000 of the general fund—state appropriation for fiscal year 2021, and \$3,210,000 of the general fund—federal appropriation are provided solely for the implementation of intensive behavioral health treatment facilities within the community behavioral health service system pursuant to Second Substitute House Bill No. 1394 (behavioral health facilities).

(26) \$21,000 of the general fund—state appropriation for fiscal year 2020, \$152,000 of the general fund—state appropriation for fiscal year 2021, and \$173,000 of the general fund—federal appropriation are provided solely to implement chapter 70, Laws of 2019 (SHB 1199) (health care/disability).

(27)(a) \$12,878,000 of the dedicated marijuana account—state appropriation for fiscal year 2020 and \$12,878,000 of the dedicated marijuana account—state appropriation for fiscal year 2021 are provided for:

(i) A memorandum of understanding with the department of children, youth, and families to provide substance abuse treatment programs;

(ii) A contract with the Washington state institute for public policy to conduct a cost-benefit evaluation of the implementations of chapter 3, Laws of 2013 (Initiative Measure No. 502);

(iii) Designing and administering the Washington state healthy youth survey and the Washington state young adult behavioral health survey;

(iv) Maintaining increased services to pregnant and parenting women provided through the parent child assistance program;

(v) Grants to the office of the superintendent of public instruction for life skills training to children and youth;

(vi) Maintaining increased prevention and treatment service provided by tribes and federally recognized American Indian organization to children and youth;

(vii) Maintaining increased residential treatment services for children and youth;

(viii) Training and technical assistance for the implementation of evidence-based, research based, and promising programs which prevent or reduce substance use disorder;

(ix) Expenditures into the home visiting services account; and

(x) Grants to community-based programs that provide prevention services or activities to youth.

(b) The authority must allocate the amounts provided in (a) of this subsection amongst the specific activities proportionate to the fiscal year 2019 allocation.

(28)(a) \$1,125,000 of the general fund—state appropriation for fiscal year 2020 and \$1,125,000 of the

general fund—state appropriation for fiscal year 2021 is provided solely for Spokane behavioral health entities to implement services to reduce utilization and the census at eastern state hospital. Such services must include:

(i) High intensity treatment team for persons who are high utilizers of psychiatric inpatient services, including those with co-occurring disorders and other special needs;

(ii) Crisis outreach and diversion services to stabilize in the community individuals in crisis who are at risk of requiring inpatient care or jail services;

(iii) Mental health services provided in nursing facilities to individuals with dementia, and consultation to facility staff treating those individuals; and

(iv) Services at the sixteen-bed evaluation and treatment facility.

(b) At least annually, the Spokane county behavioral health entities shall assess the effectiveness of these services in reducing utilization at eastern state hospital, identify services that are not optimally effective, and modify those services to improve their effectiveness.

(29) (~~(\$24,819,000)~~) \$29,288,000 of the general fund—state appropriation for fiscal year 2020 is provided solely to assist behavioral health entities with the costs of providing services to medicaid clients receiving services in psychiatric facilities classified as institutions of mental diseases. The authority must distribute these amounts proportionate to the number of bed days for medicaid clients in institutions for mental diseases that were excluded from behavioral health ((organization)) entity calendar year 2019 capitation rates because they exceeded the amounts allowed under federal regulations. The authority must also use these amounts to directly pay for costs that are ineligible for medicaid reimbursement in institutions of mental disease facilities for American Indian and Alaska Natives who opt to receive behavioral health services on a fee-for-service basis. The amounts used for these individuals must be reduced from the allocation of the behavioral health ((organization)) entities where the individual resides. If a behavioral health ((organization)) entity receives more funding through this subsection than is needed to pay for the cost of their medicaid clients in institutions for mental diseases, they must use the remainder of the amounts to provide other services not covered under the medicaid program. The authority must submit an application for a waiver to allow, by July 1, 2020, for full federal participation for medicaid clients in mental health facilities classified as institutions of mental diseases. The authority must submit a report on the status of the waiver to the office of financial management and the appropriate committees of the legislature by December 1, 2019.

(30) The authority must require all behavioral health organizations transitioning to full integration to either spend down or return all reserves in accordance with contract requirements and federal and state law. Behavioral health organization reserves may not be used to pay for services to be provided beyond the end of a behavioral health organization's contract or for startup costs in full integration regions except as provided in this subsection. The authority

must ensure that any increases in expenditures in behavioral health reserve spend-down plans are required for the operation of services during the contract period and do not result in overpayment to providers. If the nonfederal share of reserves returned during fiscal year 2020 exceeds \$35,000,000, the authority shall use some of the amounts in excess of \$35,000,000 to support the final regions transitioning to full integration of physical and behavioral health care. These amounts must be distributed proportionate to the population of each regional area covered. The maximum amount allowed per region is \$3,175 per 1,000 residents. These amounts must be used to provide a reserve for nonmedicaid services in the region to stabilize the new crisis services system.

(31) \$1,850,000 of the general fund—state appropriation for fiscal year 2020, \$1,850,000 of the general fund—state appropriation for fiscal year 2021, and \$13,312,000 of the general fund—federal appropriation are provided solely for the authority to implement a medicaid state plan amendment which provides for substance use disorder peer support services to be included in behavioral health capitation rates beginning in fiscal year 2020 in accordance with section 213(5)(ss), chapter 299, Laws of 2018. The authority shall require managed care organizations to provide access to peer support services for individuals with substance use disorders transitioning from emergency departments, inpatient facilities, or receiving treatment as part of hub and spoke networks.

(32) \$1,256,000 of the general fund—state appropriation for fiscal year 2021 and \$1,686,000 of the general fund—federal appropriation are provided solely for the authority to increase the number of residential beds for pregnant and parenting women. These amounts may be used for startup funds and ongoing costs associated with two new sixteen bed pregnant and parenting women residential treatment programs.

(33) Within the amounts appropriated in this section, the authority must maintain a rate increase for community hospitals that provide a minimum of 200 medicaid psychiatric inpatient days pursuant to the methodology adopted to implement section 213(5)(n), chapter 299, Laws of 2018 (ESSB 6032) (partial veto).

(34) \$1,393,000 of the general fund—state appropriation for fiscal year 2020, \$1,423,000 of the general fund—state appropriation for fiscal year 2021, and \$5,938,000 of the general fund—federal appropriation are provided solely for the authority to implement discharge wraparound services for individuals with complex behavioral health conditions transitioning or being diverted from admission to psychiatric inpatient programs. The authority must coordinate with the department of social and health services in establishing the standards for these programs.

(35) \$850,000 of the general fund—federal appropriation is provided solely to contract with a nationally recognized recovery residence organization and to create a revolving fund for loans to operators of recovery residences seeking certification in accordance with Second Substitute House Bill No. 1528 (recovery support services). ~~((If the bill~~

~~is not enacted by June 30, 2019, the amount in this subsection shall lapse.))~~

(36) \$212,000 of the general fund—state appropriation for fiscal year 2020, \$212,000 of the general fund—state appropriation for fiscal year 2021, and \$124,000 of the general fund—federal appropriation are provided solely for the implementation of Engrossed Second Substitute House Bill No. 1874 (adolescent behavioral health). Funding is provided specifically for the authority to provide an online training to behavioral health providers related to state law and best practices in family-initiated treatment, adolescent-initiated treatment, and other services and to conduct an annual survey to measure the impacts of implementing policies resulting from the bill. ~~((If the bill is not enacted by June 30, 2019, the amounts in this subsection shall lapse.))~~

(37) \$500,000 of the general fund—state appropriation for fiscal year 2020, \$500,000 of the general fund—state appropriation for fiscal year 2021, and \$1,000,000 of the general fund—federal appropriation are provided solely for the authority to implement a memorandum of understanding with the criminal justice training commission to provide funding for community grants pursuant to Second Substitute House Bill No. 1767 (alternatives to arrest). ~~((If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.))~~

(38) \$500,000 of the general fund—state appropriation for fiscal year 2020 and \$500,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for provision of crisis stabilization services to individuals who are not eligible for medicaid in Whatcom county. The authority must coordinate with crisis stabilization providers, managed care organizations, and behavioral health administrative services organizations throughout the state to identify payment models that reflect the unique needs of crisis stabilization and crisis triage providers. The report must also include an analysis of the estimated gap in nonmedicaid funding for crisis stabilization and triage facilities throughout the state. The authority must provide a report to the office of financial management and the appropriate committees of the legislature on the estimated nonmedicaid funding gap and payment models by December 1, 2019.

(39) The authority must conduct an analysis to determine whether there is a gap in fiscal year 2020 behavioral health entity funding for services in institutions for mental diseases and submit a report to the office of financial management and the appropriate committees of the legislature by November 1, 2019. The report must be developed in consultation with the office of financial management and staff from the fiscal committees of the legislature and must include the following elements: (a) The increase in the number of nonmedicaid bed days in institutions for mental diseases from fiscal year 2017 to fiscal year 2019 by facility and the estimated annual cost associated with these increased bed days in FY 2020; (b) the increase in the number of medicaid bed days in institutions for mental diseases from fiscal year 2017 to fiscal year 2019 by facility and the estimated annual cost associated with these increased bed days in FY 2020; (c) the amount of funding assumed in current behavioral health entity

medicaid capitation rates for institutions for mental diseases bed days that are currently allowable under medicaid regulation or waivers; (d) the amounts provided in subsection (29) of this section to assist with costs in institutions for mental diseases not covered in medicaid capitation rates; and (e) any remaining gap in behavioral health entity funding for institutions for mental diseases for medicaid or nonmedicaid clients.

(40) \$1,968,000 of the general fund—state appropriation for fiscal year 2020, \$3,396,000 of the general fund—state appropriation for fiscal year 2021, and \$12,150,000 of the general fund—federal appropriation are provided solely for support of and to increase clubhouse facilities across the state. The authority shall work with the centers for medicare and medicaid services to review opportunities to include clubhouse services as an optional "in lieu of" service in managed care organization contracts in order to maximize federal participation. The authority must provide a report to the office of financial management and the appropriate committees of the legislature on the status of efforts to implement clubhouse programs and receive federal approval for including these services in managed care organization contracts as an optional "in lieu of" service.

(41) \$1,000,000 of the general fund—federal appropriation (from the substance abuse prevention and treatment federal block grant) is provided solely for the authority to contract on a one-time basis with the University of Washington behavioral health institute to develop and disseminate model programs and curricula for inpatient and outpatient treatment for individuals with substance use disorder and co-occurring disorders. The behavioral health institute will provide individualized consultation to behavioral health agencies in order to improve the delivery of evidence-based and promising practices and overall quality of care. The behavioral health institute will provide training to staff of behavioral health agencies to enhance the quality of substance use disorder and co-occurring treatment delivered.

(42) The number of beds allocated for use by behavioral health entities at eastern state hospital shall be one hundred ninety two per day. The number of nonforensic beds allocated for use by behavioral health entities at western state hospital shall be five hundred twenty-seven per day. During fiscal year 2020, the authority must reduce the number of beds allocated for use by behavioral health entities at western state hospital by sixty beds to allow for the repurposing of two civil wards at western state hospital to provide forensic services. Contracted community beds provided under subsection (24) of this section shall be allocated to the behavioral health entities in lieu of beds at western state hospital and be incorporated in their allocation of state hospital patient days of care for the purposes of calculating reimbursements pursuant to RCW 71.24.310. It is the intent of the legislature to continue the policy of expanding community based alternatives for long-term civil commitment services that allow for state hospital beds to be prioritized for forensic patients.

(43) \$190,000 of the general fund—state appropriation for fiscal year 2020, \$947,000 of the general fund—state

appropriation for fiscal ~~((year))~~ year 2021, and \$1,023,000 of the general fund—federal appropriation are provided solely for the authority to develop a statewide plan to implement evidence-based coordinated specialty care programs that provide early identification and intervention for psychosis in behavioral health agencies in accordance with Second Substitute Senate Bill No. 5903 (children's mental health). ~~((If the bill is not enacted by June 30, 2019, the amounts in this subsection shall lapse.))~~

(44) \$708,000 of the general fund—state appropriation for fiscal year 2021 and \$799,000 of the general fund—federal appropriation are provided solely for implementing mental health peer respite centers and a pilot project to implement a mental health drop-in center beginning ~~((January))~~ July 1, 2020, in accordance with Second Substitute House Bill No. 1394 (behavioral health facilities).

(45) ~~(((\$250,000))~~ \$500,000 of the general fund—state appropriation for fiscal year 2020 ~~((and \$250,000 of the general fund—state appropriation for fiscal year 2021 are))~~ is provided on a one-time basis solely for a licensed youth residential psychiatric substance abuse and mental health agency located in Clark county to invest in staff training and increasing client census. This amount must be allocated subject to a contract with the authority concerning staffing levels, critical action plans, and client services.

(46) \$509,000 of the general fund—state appropriation for fiscal year 2020, \$494,000 of the general fund—state appropriation for fiscal year 2021, and \$4,823,000 of the general fund—federal appropriation are provided solely for diversion grants to establish new law enforcement assisted diversion programs outside of King county consistent with the provisions of Substitute Senate Bill No. 5380 (opioid use disorder).

(47) The authority must compile all previous reports and collaborate with any work groups created during the 2019-2021 fiscal biennium for the purpose of establishing the implementation plan for transferring the full risk of long-term inpatient care for mental illness into the behavioral health entity contracts by January 1, 2020.

(48) \$225,000 of the general fund—state appropriation for fiscal year 2020 and \$225,000 of the general fund—state appropriation for fiscal year 2021 are provided solely to continue funding one pilot project in Pierce county to promote increased utilization of assisted outpatient treatment programs. The authority shall provide a report to the legislature by October 15, 2020, which must include the number of individuals served, outcomes to include changes in use of inpatient treatment and hospital stays, and recommendations for further implementation based on lessons learned from the pilot project.

(49) \$18,000 of the general fund—state appropriation for fiscal year 2020, \$18,000 of the general fund—state appropriation for fiscal year 2021, and \$36,000 of the general fund—federal appropriation are provided solely for the implementation of Substitute Senate Bill No. 5181 (involuntary treatment procedures). ~~((If the bill is not enacted by June 30, 2019, the amounts in this subsection shall lapse.))~~



(50) \$814,000 of the general fund—state appropriation for fiscal year 2020, \$800,000 of the general fund—state appropriation for fiscal year 2021, and \$1,466,000 of the general fund—federal appropriation are provided solely for the authority to implement the recommendations of the state action alliance for suicide prevention, to include suicide assessments, treatment, and grant management.

(51) Within existing appropriations, the authority shall prioritize the prevention and treatment of intravenous opiate-based drug use.

(52) \$446,000 of the general fund—state appropriation for fiscal year 2020, \$446,000 of the general fund—state appropriation for fiscal year 2021, and \$178,000 of the general fund—federal appropriation are provided solely for the University of Washington's evidence-based practice institute which supports the identification, evaluation, and implementation of evidence-based or promising practices. The institute must work with the authority to develop a plan to seek private, federal, or other grant funding in order to reduce the need for state general funds. The authority must collect information from the institute on the use of these funds and submit a report to the office of financial management and the appropriate fiscal committees of the legislature by December 1st of each year of the biennium.

(53) \$60,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the authority to provide a one-time grant to the city of Maple Valley to support a pilot project for a community resource coordinator position for the city of Maple Valley, Tahoma school district, and the greater Maple Valley area. This amount must be used to develop programs, projects, and training that specifically address mental health awareness and education and facilitate access to school-based and community resources. The grant must require a report be submitted by the city of Maple Valley to the authority and the Maple Valley city council which summarizes the services provided and the perceived value of the community resource coordinator position for the community. The authority must submit the report to the office of financial management and the appropriate committees of the legislature by June 30, 2021.

(54) \$215,000 of the general fund—state appropriation for fiscal year 2020 and \$165,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for provision of crisis stabilization services in Island county. The authority must use this amount to contract for treatment services that are not reimbursable under medicaid provided in a crisis stabilization center in Island county. The authority must continue to coordinate with crisis stabilization providers and behavioral health entities to identify funding gaps for non-Medicaid services and payment models that reflect the unique needs of these facilities.

(55) \$200,000 of the general fund—state appropriation for fiscal year 2020 is provided on a one-time basis solely for the authority to contract with a family-centered substance use disorder treatment program which provides behavioral health services to families engaged in the foster system in Spokane county. This amount must be used to provide

wraparound behavioral health services to individuals enrolled in the program.

(56) \$300,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for training support grants for community mental health and substance abuse providers. The authority must implement these services in partnership with and through the regional accountable communities of health or the University of Washington behavioral health institute. The grants must provide flexible funding for training and mentoring of clinicians serving children and youth. The authority must consult with stakeholders, including but not limited to, behavioral health experts in services for children and youth, providers, and consumers, to develop guidelines for how the funding could be used, with a focus on evidence-based and promising practices, continuing education requirements, and quality-monitoring infrastructure.

(57) \$50,000 of the general fund—state appropriation for fiscal year 2021 and \$50,000 of the general fund—federal appropriation are provided solely for the authority to work with the actuaries responsible for establishing behavioral health capitation rates, the University of Washington behavioral health institute, managed care organizations, and community mental health and substance use disorder providers to develop strategies for enhancing behavioral health provider reimbursement to promote behavioral health workforce development efforts. The authority must submit a report to the office of financial management and the appropriate committees of the legislature by December 1, 2020, that identifies: (a) A description of the actuarial assumptions related to clinical supervision included in the development of calendar year 2020 managed care behavioral health capitation rates and the relative dollar value of these assumptions; (b) available information on whether and to what extent managed care organizations are accounting for clinical supervision in establishing behavioral health provider reimbursement methodologies and rates; (c) identification of provider reimbursement models through managed care organizations that effectively incentivize the expansion of internships and entry level opportunities for clinicians; and (d) recommendations for accountability mechanisms to demonstrate that amounts included in behavioral health capitation rates for clinical supervision are passed on to mental health and substance abuse agencies that provide internships and entry level opportunities for clinicians.

(58) \$776,000 of the general fund—state appropriation for fiscal year 2021 and \$3,616,000 of the general fund—federal appropriation are provided solely to support the administrative costs associated with the application and implementation of a federal waiver allowing for full federal participation in mental health treatment facilities identified as institutions of mental diseases.

(59) \$150,000 of the general fund—federal appropriation is provided solely for training of behavioral health ombuds. Beginning in January 2021, the authority must enter into a memorandum of understanding with the department of commerce to provide support for the state office of the behavioral health ombuds established pursuant

to Second Substitute House Bill No. 2386 (behavioral health ombuds).

(60) \$128,000 of the general fund—state appropriation for fiscal year 2021 and \$123,000 of the general fund—federal appropriation are provided solely for implementation of Engrossed House Bill No. 2584 (behavioral health rates). If the bill is not enacted by June 30, 2020, the amounts provided in this subsection shall lapse.

(61) \$139,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for implementation of Second Substitute House Bill No. 2737 (children's mental health work group). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

(62) \$766,000 of the general fund—state appropriation for fiscal year 2021 and \$1,526,000 of the general fund—federal appropriation are provided solely for implementation of Engrossed Substitute House Bill No. 2642 (substance use disorder coverage). If the bill is not enacted by June 30, 2020, the amounts provided in this subsection shall lapse.

(63) \$31,000 of the general fund—state appropriation for fiscal year 2020, \$94,000 of the general fund—state appropriation for fiscal year 2021, and \$125,000 of the general fund—federal appropriation are provided solely to conduct an analysis on the impact of changing policy in the apple health program to match best practices for mental health assessment and diagnosis for infants and children from birth through five years of age. The analysis must include cost estimates from the authority and the actuaries responsible for establishing medicaid managed care rates on the annual impact associated with policy changes in assessment and diagnosis of infants and children from birth through age five that at a minimum: (a) Allow reimbursement for three to five sessions for intake and assessment; (b) allow reimbursement for assessments in home or community settings, including reimbursement for clinician travel; and (c) require clinician use of the diagnostic classification of mental health and developmental disorders of infancy and early childhood. The authority must submit a report to the office of financial management and the appropriate committees of the legislature summarizing the results of the analysis and cost estimates by December 1, 2020.

(64) As an element of contractual network adequacy requirements and reporting, the authority shall direct managed care organizations to make all reasonable efforts to develop or maintain contracts with provider networks that leverage local, federal, or philanthropic funding to enhance effectiveness of medicaid-funded integrated care services. These networks must promote medicaid clients' access to a system of services that addresses additional social support services and social determinants of health as defined in RCW 43.20.025 in a manner that is integrated with the delivery of behavioral health and medical treatment services.

**Sec. 216.** 2019 c 415 s 216 (uncodified) is amended to read as follows:

#### **FOR THE HUMAN RIGHTS COMMISSION**

General Fund—State Appropriation (FY 2020)	.....	(\$2,510,000))
		<u>\$2,629,000</u>
General Fund—State Appropriation (FY 2021)	.....	(\$2,543,000))
		<u>\$2,863,000</u>
General Fund—Federal Appropriation	.....	\$2,613,000
Pension Funding Stabilization Account—State Appropriation	.....	\$190,000
TOTAL APPROPRIATION	.....	<u>\$7,856,000</u>
		<u>\$8,295,000</u>

The appropriations in this section are subject to the following conditions and limitations: \$103,000 of the general fund—state appropriation for fiscal year 2020 and \$97,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of Second Substitute Senate Bill No. 5602 (reproductive health care). ~~((If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.))~~

**Sec. 217.** 2019 c 415 s 217 (uncodified) is amended to read as follows:

#### **FOR THE BOARD OF INDUSTRIAL INSURANCE APPEALS**

Worker and Community Right to Know Fund—State Appropriation	.....	\$10,000
Accident Account—State Appropriation	.....	(\$24,326,000))
		<u>\$24,412,000</u>
Medical Aid Account—State Appropriation	.....	(\$24,327,000))
		<u>\$24,413,000</u>
TOTAL APPROPRIATION	.....	<u>\$48,663,000</u>
		<u>\$48,835,000</u>

The appropriation in this section is subject to the following conditions and limitations: \$114,000 of the accident account—state appropriation and \$114,000 of the medical aid account—state appropriation are provided solely for implementation of Substitute House Bill No. 2409 (industrial insur./employers). If the bill is not enacted by June 30, 2020, the amounts provided in this subsection shall lapse.

**Sec. 218.** 2019 c 415 s 218 (uncodified) is amended to read as follows:

#### **FOR THE CRIMINAL JUSTICE TRAINING COMMISSION**

General Fund—State Appropriation (FY 2020)	.....	(\$25,649,000))
		<u>\$29,850,000</u>

General Fund—State Appropriation (FY 2021)	<del>.....(((\$25,697,000))</del>
	<u>\$34,414,000</u>
General Fund—Private/Local Appropriation	<del>.....(((\$6,630,000))</del>
	<u>\$7,339,000</u>
Death Investigations Account—State Appropriation	<del>.....\$682,000</del>
Municipal Criminal Justice Assistance Account—	
State Appropriation .....	\$460,000
Washington Auto Theft Prevention Authority	
Account—State Appropriation .....	\$8,167,000
24/7 Sobriety Account—State Appropriation.	\$20,000
Pension Funding Stabilization Account—State	
Appropriation.....	\$460,000
TOTAL APPROPRIATION .....	<del>\$67,765,000</del>
	<u>\$81,392,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$5,000,000 of the general fund—state appropriation for fiscal year 2020 and \$5,000,000 of the general fund—state appropriation for fiscal year 2021, are provided to the Washington association of sheriffs and police chiefs solely to verify the address and residency of registered sex offenders and kidnapping offenders under RCW 9A.44.130.

(2) ~~(((\$2,248,000))~~ \$2,768,000 of the general fund—state appropriation for fiscal year 2020 and ~~(((\$2,269,000))~~ \$2,789,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for seventy-five percent of the costs of providing ~~((nine))~~ eleven additional statewide basic law enforcement trainings in each fiscal year. The criminal justice training commission must schedule its funded classes to minimize wait times throughout each fiscal year and meet statutory wait time requirements. The criminal justice training commission must track and report the average wait time for students at the beginning of each class and provide the findings in an annual report to the legislature due in December of each year. At least ~~((two))~~ three classes must be held in Spokane each year.

(3) The criminal justice training commission may not run a basic law enforcement academy class of fewer than 30 students.

(4) ~~(((\$429,000))~~ \$2,679,000 of the general fund—state appropriation for fiscal year 2020 and ~~(((\$429,000))~~ \$3,079,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for expenditure into the nonappropriated Washington internet crimes against children account for the implementation of chapter 84, Laws of 2015.

(5) \$2,000,000 of the general fund—state appropriation for fiscal year 2020 and \$2,000,000 of the

general fund—state appropriation for fiscal year 2021 are provided solely for the mental health field response team program administered by the Washington association of sheriffs and police chiefs. The association must distribute \$3,000,000 in grants to the phase one regions as outlined in the settlement agreement under *Trueblood, et. al. v. Department of Social and Health Services, et. al.*, U.S. District Court-Western District, Cause No. 14-cv-01178-MJP. The association must submit an annual report to the Governor and appropriate committees of the legislature by September 1st of each year of the biennium. The report shall include best practice recommendations on law enforcement and behavioral health field response and include outcome measures on all grants awarded.

(6) \$450,000 of the general fund—state appropriation for fiscal year 2020 and \$449,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for crisis intervention training for the phase one regions as outlined in the settlement agreement under *Trueblood, et. al. v. Department of Social and Health Services, et. al.*, U.S. District Court-Western District, Cause No. 14-cv-01178-MJP.

(7) \$534,000 of the death investigations account—state appropriation is provided solely for the commission to update and expand the medicolegal forensic investigation training currently provided to coroners and medical examiners from eighty hours to two-hundred forty hours to meet the recommendations of the national commission on forensic science for certification and accreditation. Funding is contingent on the death investigation account receiving three dollars of the five dollar increase in vital records fees from the passage of Engrossed Substitute Senate Bill No. 5332 (vital statistics). ~~((If the bill is not enacted by June 30, 2019, the amount provided in this subsection shall lapse.))~~

(8) \$10,000 of the general fund—state appropriation for fiscal year 2020, \$22,000 of the general fund—state appropriation for fiscal year 2021, and \$10,000 of the general fund—local appropriation are provided solely for an increase in vendor rates on the daily meals provided to basic law enforcement academy recruits during their training.

(9) \$200,000 of the general fund—state appropriation for fiscal year 2020 and \$200,000 of the general fund—state appropriation for fiscal year 2021 are provided solely to implement Second Substitute House Bill No. 1767 (alternatives to arrest/jail). ~~((If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.))~~

(10) ~~(((\$75,000))~~ \$397,000 of the general fund—state appropriation for fiscal year 2020 and ~~(((\$75,000))~~ \$397,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for a vendor rate increase ~~((of seven tenths of one percent))~~ for the Washington association of sheriffs and police chiefs.

(11) \$3,000,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the Washington association of sheriffs and police chiefs to administer the sexual assault kit initiative project under RCW 36.28A.430, to assist multidisciplinary community response teams seeking resolutions to cases tied to

previously unsubmitted sexual assault kits, and to provide support to survivors of sexual assault offenses. The commission must report to the governor and the chairs of the senate committee on ways and means and the house of representatives committee on appropriations by June 30, 2021, on the number of sexual assault kits that have been tested, the number of kits remaining to be tested, the number of sexual assault cases that had hits to other crimes, the number of cases that have been reinvestigated, the number of those cases that were reinvestigated using state funding under this appropriation, and the local jurisdictions that were a recipient of a grant under the sexual assault kit initiative project.

(12) \$20,000 of the general fund—state appropriation for fiscal year 2020 and \$20,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the Washington association of sheriffs and police chiefs to work with local law enforcement agencies and the Washington fire chiefs association to provide helmets to persons contacted by local law enforcement or an official of a local fire department for not wearing a helmet while riding a skateboard or bicycle in order to reduce traumatic brain injuries throughout the state. The Washington association of sheriffs and police chiefs shall work in conjunction with the Washington fire chiefs association in administering the helmet distribution program.

(13) \$50,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for Engrossed Substitute House Bill No. 2318 (criminal investigatory practices). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

(14) \$316,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for House Bill No. 2926 (critical stress management programs). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

(15) \$830,000 of the general fund—state appropriation for fiscal year 2021 and \$155,000 of the general fund—local appropriation are provided solely for Second Substitute House Bill No. 2499 (correctional officer certification). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

(16) \$92,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for Substitute House Bill No. 2789 (police deadly force data). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

(17) \$100,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the criminal justice training commission to develop and finalize the curriculum for the de-escalation law enforcement training as required under Initiative 940, the law enforcement training and community safety act.

(18) \$380,000 of the general fund—state appropriation for fiscal year 2020 is provided solely for the Washington association of sheriffs and police chiefs' for the wear the badge Washington program to recruit potential candidates, including non-traditional candidates, seeking law

enforcement careers. Funds must also be used to educate the public on the profession of law enforcement including the challenges and opportunities that a career in law enforcement provides and to provide additional resources for use by Washington law enforcement agencies in their specific recruiting efforts.

**Sec. 219.** 2019 c 415 s 219 (uncodified) is amended to read as follows:

# **FOR THE DEPARTMENT OF LABOR AND INDUSTRIES**

General Fund—State Appropriation (FY 2020)	..... (( <del>\$13,107,000</del> ))
	<u>\$14,865,000</u>
General Fund—State Appropriation (FY 2021)	..... (( <del>\$11,696,000</del> ))
	<u>\$10,460,000</u>
General Fund—Federal Appropriation ....	\$11,876,000
Asbestos Account—State Appropriation .....	\$590,000
Electrical License Account—State Appropriation	..... (( <del>\$58,068,000</del> ))
	<u>\$58,089,000</u>
Farm Labor Contractor Account—State Appropriation	..... \$28,000
Worker and Community Right to Know Fund—	
State Appropriation.....	\$1,039,000
Construction Registration Inspection Account—	
State Appropriation.....	(( <del>\$23,888,000</del> ))
	<u>\$25,403,000</u>
Public Works Administration Account—State	
Appropriation.....	(( <del>\$10,988,000</del> ))
	<u>\$10,990,000</u>
Manufactured Home Installation Training Account—	
State Appropriation.....	\$412,000
Pension Funding Stabilization Account—State	
Appropriation .....	\$1,434,000
Accident Account—State Appropriation	..... (( <del>\$392,548,000</del> ))
	<u>\$394,114,000</u>
Accident Account—Federal Appropriation	..... (( <del>\$15,674,000</del> ))
	<u>\$16,439,000</u>
Medical Aid Account—State Appropriation	..... (( <del>\$397,545,000</del> ))
	<u>\$398,238,000</u>

Medical Aid Account—Federal Appropriation .....	(\$3,515,000))
	<u>\$3,650,000</u>
Plumbing Certificate Account—State Appropriation .....	(\$2,004,000))
	<u>\$2,005,000</u>
Pressure Systems Safety Account—State Appropriation.....	(\$4,667,000))
	<u>\$4,669,000</u>
TOTAL APPROPRIATION .....	<u>\$949,079,000</u>
	<u>\$954,301,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$40,988,000 of the accident account—state appropriation and \$40,986,000 of the medical aid account—state appropriation are provided solely for the labor and industries workers' compensation information system replacement project and are subject to the conditions, limitations, and review provided in ~~((section 719 of this act))~~ section 701 of this act.

(2) \$250,000 of the medical aid account—state appropriation and \$250,000 of the accident account—state appropriation are provided solely for the department of labor and industries safety and health assessment and research for prevention program to conduct research to address the high injury rates of the janitorial workforce. The research must quantify the physical demands of common janitorial work tasks and assess the safety and health needs of janitorial workers. The research must also identify potential risk factors associated with increased risk of injury in the janitorial workforce and measure workload based on the strain janitorial work tasks place on janitors' bodies. The department must conduct interviews with janitors and their employers to collect information on risk factors, identify the tools, technologies, and methodologies used to complete work, and understand the safety culture and climate of the industry. The department must issue an initial report to the legislature, by June 30, 2020, assessing the physical capacity of workers in the context of the industry's economic environment and ascertain usable support tools for employers and workers to decrease risk of injury. After the initial report, the department must produce annual progress reports, beginning in 2021 through the year 2022 or until the tools are fully developed and deployed. The annual progress reports must be submitted to the legislature by December 1st of each year such reports are due.

(3) \$1,700,000 of the accident account—state appropriation and \$300,000 of the medical aid account—state appropriation are provided solely for a contract with a permanently registered Washington sector intermediary to provide supplemental instruction for information technology apprentices. Funds spent for this purpose must be matched by an equal amount of funding from the information technology industry members, except small and mid-sized employers. Up to \$1,000,000 may be spent to provide supplemental instruction for apprentices at small and mid-

sized businesses. "Small and mid-sized businesses" means those that have fewer than one hundred employees or have less than five percent annual net profitability. The sector intermediary will collaborate with the state board for community and technical colleges to integrate and offer related supplemental instruction through one or more Washington state community or technical colleges by the 2020-21 academic year.

(4) \$1,360,000 of the accident account—state appropriation and \$240,000 of the medical aid account—state appropriation are provided solely for the department of labor and industries to establish a health care apprenticeship program.

(5) \$273,000 of the accident account—state appropriation and \$273,000 of the medical aid account—state appropriation are provided solely for the department of labor and industries safety and health assessment research for prevention program to conduct research to prevent the types of work-related injuries that require immediate hospitalization. The department will develop and maintain a tracking system to identify and respond to all immediate in-patient hospitalizations and will examine incidents in defined high-priority areas, as determined from historical data and public priorities. The research must identify and characterize hazardous situations and contributing factors using epidemiological, safety-engineering, and human factors/ergonomics methods. The research must also identify common factors in certain types of workplace injuries that lead to hospitalization. The department must submit an initial report to the governor and appropriate legislative committees by August 30, 2020, and annually thereafter, summarizing work-related immediate hospitalizations and prevention opportunities, actions that employers and workers can take to make workplaces safer, and ways to avoid severe injuries.

(6) \$666,000 of the accident account—state appropriation and \$243,000 of the medical aid account—state appropriation are provided solely for implementation of Substitute Senate Bill No. 5175 (firefighter safety). ~~((If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.))~~

(7) \$2,257,000 of the public works administration account—state appropriation is provided solely for implementation of Engrossed Substitute Senate Bill No. 5035 (prevailing wage laws). Of this amount, \$464,100 is provided to incorporate information technology changes to the complaint activity tracking system, public works suite, accounts receivable collections, and the pay accounts receivable collections systems, and is subject to the conditions, limitations, and review provided in ~~((section 719 of this act))~~ section 701 of this act. ~~((If the bill is not enacted by June 30, 2019, the amount provided in this subsection shall lapse.))~~

(8) \$37,000 of the accident account—state appropriation and \$33,000 of the medical aid account—state appropriation are provided solely for implementation of Engrossed Second Substitute Senate Bill No. 5497 (immigrants in the workplace). ~~((If the bill is not enacted by~~

~~June 30, 2019, the amounts provided in this subsection shall lapse.))~~

(9) \$52,000 of the accident account—state appropriation is provided solely for the complaint activity tracking system adjustment project, which will add functionality related to conducting company-wide wage investigations. This funding is subject to the conditions, limitations, and review provided in ~~((section 719 of this act))~~ section 701 of this act.

(10) \$850,000 of the accident account—state appropriation and \$850,000 of the medical aid account—state appropriation are provided solely for issuing and managing contracts with customer-trusted groups to develop and deliver information to small businesses and their workers about workplace rights, regulations and services administered by the agency.

(11) ~~(((\$4,676,000))~~ \$6,160,000 of the general fund—state appropriation for fiscal year 2020 and ~~(((\$2,092,000))~~ \$504,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for increasing rates for medical and health care service providers treating persons in the crime victim compensation program.

(12) \$744,000 of the accident account—state appropriation and \$744,000 of the medical aid account—state appropriation are provided solely for customer service staffing at field offices.

(13) \$3,432,000 of the accident account—state appropriation and \$606,000 of the medical aid account—state appropriation are provided solely for the division of occupational safety and health to add workplace safety and health consultants, inspectors, and investigators.

(14) \$788,000 of the accident account—state appropriation and \$140,000 of the medical aid account—state appropriation are provided solely for apprenticeship staffing to respond to inquiries and process registrations.

(15) \$2,608,000 of the accident account—state appropriation and \$3,541,000 of the medical aid account—state appropriation are provided solely for claims management staffing to reduce caseloads.

(16) \$1,072,000 of the public works administration account—state appropriation is provided solely for implementation of Substitute House Bill No. 1295 (public works contracting). ~~((If the bill is not enacted by June 30, 2019, the amount provided in this subsection shall lapse.))~~

(17) \$695,000 of the accident account—state appropriation and \$124,000 of the medical aid account—state appropriation are provided solely for implementation of Engrossed Substitute House Bill No. 1817 (high hazard facilities). ~~((If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.))~~

(18) \$67,000 of the accident account—state appropriation and \$66,000 of the medical aid account—state appropriation are provided solely for implementation of Substitute House Bill No. 1909 (industrial ins. claim records). ~~((If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.))~~

~~(((\$313,000 of the accident account—state appropriation and \$312,000 of the medical aid account—state appropriation)) \$273,000 of the general fund—state appropriation for fiscal year 2020 and \$352,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of Engrossed Second Substitute Senate Bill No. 5116 (clean energy). ((If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.))~~

(20) \$213,000 of the accident account—state appropriation and \$37,000 of the medical aid account—state appropriation are provided solely to support the implementation of chapter 392, Laws of 2019 (isolated workers - sexual harassment and assault).

(21) \$683,000 of the accident account—state appropriation and \$683,000 of the medical aid account—state appropriation are provided solely for implementation of Substitute House Bill No. 2409 (industrial insur./employers). Of the amounts provided in this subsection, \$176,000 of the accident account—state appropriation and \$176,000 of the medical aid account—state appropriation are subject to the conditions, limitations, and review provided in section 701 of this act. If the bill is not enacted by June 30, 2020, the amounts provided in this subsection shall lapse.

**Sec. 220.** 2019 c 415 s 220 (uncodified) is amended to read as follows:

#### **FOR THE DEPARTMENT OF VETERANS AFFAIRS**

(1) The appropriations in this section are subject to the following conditions and limitations:

(a) The department of veterans affairs shall not initiate any services that will require expenditure of state general fund moneys unless expressly authorized in this act or other law. The department may seek, receive, and spend, under RCW 43.79.260 through 43.79.282, federal moneys not anticipated in this act as long as the federal funding does not require expenditure of state moneys for the program in excess of amounts anticipated in this act. If the department receives unanticipated unrestricted federal moneys, those moneys must be spent for services authorized in this act or in any other legislation that provides appropriation authority, and an equal amount of appropriated state moneys shall lapse. Upon the lapsing of any moneys under this subsection, the office of financial management shall notify the legislative fiscal committees. As used in this subsection, "unrestricted federal moneys" includes block grants and other funds that federal law does not require to be spent on specifically defined projects or matched on a formula basis by state funds.

(b) Each year, there is fluctuation in the revenue collected to support the operation of the state veteran homes. When the department has foreknowledge that revenue will decrease, such as from a loss of census or from the elimination of a program, the legislature expects the department to make reasonable efforts to reduce expenditures in a commensurate manner and to demonstrate that it has made such efforts. By December 31, ~~((2019))~~

2020, the department must: (i) Develop and implement a sustainable staffing model for the institutional services program to keep expenditures commensurate with the program revenue; and (ii) report to the legislature regarding its expenditures. In response to any request by the department for general fund—state appropriation to backfill a loss of revenue, the legislature shall consider the department's efforts in reducing its expenditures in light of known or anticipated decreases to revenues.

## (2) HEADQUARTERS

General Fund—State Appropriation (FY 2020)	<del>(\$4,088,000)</del>
	<u>\$3,369,000</u>
General Fund—State Appropriation (FY 2021)	<del>(\$4,119,000)</del>
	<u>\$3,398,000</u>
Charitable, Educational, Penal, and Reformatory Institutions Account—State Appropriation ....	\$10,000
Pension Funding Stabilization Account—State Appropriation.....	\$185,000
TOTAL APPROPRIATION .....	<u>\$8,402,000</u>
	<u>\$6,962,000</u>

## (3) FIELD SERVICES

General Fund—State Appropriation (FY 2020)	\$6,602,000
General Fund—State Appropriation (FY 2021)	<del>(\$6,770,000)</del>
	<u>\$7,053,000</u>
General Fund—Federal Appropriation. ( <del>\$4,435,000</del> )	<u>\$5,253,000</u>
General Fund—Private/Local Appropriation	<del>(\$4,958,000)</del>
	<u>\$5,323,000</u>
Veteran Estate Management Account—Private/Local Appropriation .....	\$708,000
Pension Funding Stabilization Account—State Appropriation.....	\$444,000
Veterans Stewardship ( <del>Nonappropriated</del> ) Account—State Appropriation .....	\$300,000
Veterans Innovation Program Account—State Appropriation .....	\$100,000
TOTAL APPROPRIATION .....	<u>\$24,317,000</u>
	<u>\$25,783,000</u>

The appropriations in this subsection are subject to the following conditions and limitations:

(a) \$1,338,000 of the general fund—federal appropriation and \$120,000 of the general fund—local appropriation are provided solely for the expansion of the transitional housing program at the Washington soldiers home.

(b) \$300,000 of the general fund—state appropriation for fiscal year 2020, \$300,000 of the general fund—state appropriation for fiscal year 2021, and \$100,000 of the veterans innovation account—state appropriation are provided solely for veterans innovation program grants.

(c) \$300,000 of the veterans stewardship nonappropriated account—state appropriation is provided solely for the department's traumatic brain injury program.

(d) \$300,000 of the general fund—state appropriation for fiscal year 2020 and \$300,000 of the general fund—state appropriation for fiscal year 2021 are provided solely to implement Second Substitute House Bill No. 1448 (veterans service officers). (~~If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.~~)

(e)(i) \$140,000 of the general fund—state appropriation for fiscal year 2020 and \$142,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the department to develop a statewide plan to reduce suicide among service members, veterans, and their families. In developing the plan, the department shall:

(A) Collaborate with government and nongovernment agencies and organizations to establish promising best practices for suicide awareness and prevention materials, training, and outreach programs targeted to service members, veterans, and their families;

(B) Cultivate peer-led organizations serving veterans in transition and recovery;

(C) Create statewide suicide awareness and prevention training programs with content specific to service members, veterans, and their families; and

(D) Provide safer homes materials and distribute safe firearms storage devices, to the Washington national guard, the Washington state patrol, allied veteran groups, and other organizations serving or employing veterans, following the recommendations of the suicide-safer homes task force.

(ii) The department must report to the legislature regarding the development of the plan no later than December 1, 2020.

(f) \$128,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for implementation of Substitute House Bill No. 2200 (military spouse liaison). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

## (4) INSTITUTIONAL SERVICES

General Fund—State Appropriation (FY 2020)	\$13,379,000
General Fund—State Appropriation (FY 2021)	<del>(\$14,565,000)</del>
	<u>\$14,795,000</u>

General	Fund—Federal	Appropriation
.....		<del>(\$85,479,000)</del>
		<u>\$101,679,000</u>
General	Fund—Private/Local	Appropriation
.....		<del>(\$28,737,000)</del>
		<u>\$21,737,000</u>
Pension Funding Stabilization Account—State		
Appropriation .....		\$1,464,000
TOTAL APPROPRIATION .....		<u>\$143,624,000</u>
		<u>\$153,054,000</u>

The appropriations in this subsection are subject to the following conditions and limitations: The amounts provided in this subsection include a general fund—state backfill for a revenue shortfall at the Washington soldiers home in Orting and the Walla Walla veterans home.

(5) CEMETERY SERVICES

General	Fund—State	Appropriation (FY 2020)
.....		\$100,000
General	Fund—State	Appropriation (FY 2021)
.....		\$100,000
General Fund—Federal Appropriation.....		\$688,000
TOTAL APPROPRIATION .....		\$888,000

**Sec. 221.** 2019 c 415 s 221 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF HEALTH**

General	Fund—State	Appropriation (FY 2020)
.....		<del>(\$75,208,000)</del>
		<u>\$79,584,000</u>
General	Fund—State	Appropriation (FY 2021)
.....		<del>(\$72,760,000)</del>
		<u>\$86,411,000</u>
General	Fund—Federal	Appropriation
.....		<del>(\$581,269,000)</del>
		<u>\$579,261,000</u>
General	Fund—Private/Local	Appropriation
.....		<del>(\$184,174,000)</del>
		<u>\$192,953,000</u>
Hospital Data Collection Account—State		
Appropriation.....		\$362,000
Health Professions Account—State Appropriation		
.....		<del>(\$144,746,000)</del>
		<u>\$147,463,000</u>
Aquatic Lands Enhancement Account—State		
Appropriation.....		\$633,000
Emergency Medical Services and Trauma Care		
Systems		

Trust Account—State Appropriation .....	\$10,091,000
Safe Drinking Water Account—State Appropriation	
.....	<del>(\$6,050,000)</del>
	<u>\$6,052,000</u>
Drinking Water Assistance Account—Federal	
Appropriation.....	<del>(\$16,974,000)</del>
	<u>\$16,983,000</u>
Waterworks Operator Certification Account—	
State Appropriation.....	\$1,990,000
Disaster Response Account—State Appropriation	
.....	<u>\$5,000,000</u>
Drinking Water Assistance Administrative Account—	
State Appropriation.....	<del>(\$1,228,000)</del>
	<u>\$1,628,000</u>
Site Closure Account—State Appropriation	\$183,000
Biotoxin Account—State Appropriation	
.....	<del>(\$1,693,000)</del>
	<u>\$1,694,000</u>
Model Toxics Control Operating Account—	
State Appropriation.....	<del>(\$4,465,000)</del>
	<u>\$4,467,000</u>
Medicaid Fraud Penalty Account—State	
Appropriation .....	<del>(\$1,326,000)</del>
	<u>\$1,374,000</u>
Medical Test Site Licensure Account—State	
Appropriation.....	<del>(\$2,703,000)</del>
	<u>\$3,233,000</u>
Secure Drug Take-Back Program Account—State	
Appropriation.....	<u>\$1,008,000</u>
Youth Tobacco and Vapor Products Prevention	
Account—	
State Appropriation.....	<del>(\$4,373,000)</del>
	<u>\$4,237,000</u>
Dedicated Marijuana Account—State Appropriation	
(FY 2020) .....	\$10,786,000
Dedicated Marijuana Account—State Appropriation	
(FY 2021) .....	\$10,616,000
Public Health Supplemental Account—Private/Local	
Appropriation.....	<del>(\$3,668,000)</del>
	<u>\$5,236,000</u>
Pension Funding Stabilization Account—State	



Appropriation .....	\$3,816,000
Accident Account—State Appropriation.....	\$362,000
Medical Aid Account—State Appropriation..	\$54,000
TOTAL APPROPRIATION .....	<del>\$1,139,530,000</del>
	<u>\$1,175,477,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) The department of health shall not initiate any services that will require expenditure of state general fund moneys unless expressly authorized in this act or other law. The department of health and the state board of health shall not implement any new or amended rules pertaining to primary and secondary school facilities until the rules and a final cost estimate have been presented to the legislature, and the legislature has formally funded implementation of the rules through the omnibus appropriations act or by statute. The department may seek, receive, and spend, under RCW 43.79.260 through 43.79.282, federal moneys not anticipated in this act as long as the federal funding does not require expenditure of state moneys for the program in excess of amounts anticipated in this act. If the department receives unanticipated unrestricted federal moneys, those moneys shall be spent for services authorized in this act or in any other legislation that provides appropriation authority, and an equal amount of appropriated state moneys shall lapse. Upon the lapsing of any moneys under this subsection, the office of financial management shall notify the legislative fiscal committees. As used in this subsection, "unrestricted federal moneys" includes block grants and other funds that federal law does not require to be spent on specifically defined projects or matched on a formula basis by state funds.

(2) During the 2019-2021 fiscal biennium, each person subject to RCW 43.70.110(3)(c) is required to pay only one surcharge of up to twenty-five dollars annually for the purposes of RCW 43.70.112, regardless of how many professional licenses the person holds.

(3) In accordance with RCW 43.20B.110, 43.135.055, and 71.24.035, the department is authorized to adopt license and certification fees in fiscal years 2020 and 2021 to support the costs of the regulatory program. The department's fee schedule shall have differential rates for providers with proof of accreditation from organizations that the department has determined to have substantially equivalent standards to those of the department, including but not limited to the joint commission on accreditation of health care organizations, the commission on accreditation of rehabilitation facilities, and the council on accreditation. To reflect the reduced costs associated with regulation of accredited programs, the department's fees for organizations with such proof of accreditation must reflect the lower costs of licensing for these programs than for other organizations which are not accredited.

(4) Within the amounts appropriated in this section, and in accordance with RCW 43.20B.110 and 70.41.100, the department shall set fees to include the full costs of the performance of inspections pursuant to RCW 70.41.080.

(5) In accordance with RCW 70.96A.090, 71.24.035, 43.20B.110, and 43.135.055, the department is authorized to adopt fees for the review and approval of mental health and substance use disorder treatment programs in fiscal years 2020 and 2021 as necessary to support the costs of the regulatory program. The department's fee schedule must have differential rates for providers with proof of accreditation from organizations that the department has determined to have substantially equivalent standards to those of the department, including but not limited to the joint commission on accreditation of health care organizations, the commission on accreditation of rehabilitation facilities, and the council on accreditation. To reflect the reduced costs associated with regulation of accredited programs, the department's fees for organizations with such proof of accreditation must reflect the lower cost of licensing for these programs than for other organizations which are not accredited.

(6) The health care authority, the health benefit exchange, the department of social and health services, the department of health, and the department of children, youth, and families shall work together within existing resources to establish the health and human services enterprise coalition (the coalition). The coalition, led by the health care authority, must be a multi-organization collaborative that provides strategic direction and federal funding guidance for projects that have cross-organizational or enterprise impact, including information technology projects that affect organizations within the coalition. By October 31, 2019, the coalition must submit a report to the governor and the legislature that describes the coalition's plan for projects affecting the coalition organizations. The report must include any information technology projects impacting coalition organizations and, in collaboration with the office of the chief information officer, provide: (a) The status of any information technology projects currently being developed or implemented that affect the coalition; (b) funding needs of these current and future information technology projects; and (c) next steps for the coalition's information technology projects. The office of the chief information officer shall maintain a statewide perspective when collaborating with the coalition to ensure that the development of projects identified in this report are planned for in a manner that ensures the efficient use of state resources and maximizes federal financial participation. The work of the coalition is subject to the conditions, limitations, and review provided in ~~((section 719 of this act))~~ section 701 of this act.

(7)(a) \$285,000 of the general fund—state appropriation for fiscal year 2020 and \$15,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the governor's interagency coordinating council on health disparities to establish a task force to develop a proposal for the creation of an office of equity. The purpose of the office of equity is to promote access to equitable opportunities and resources that reduce disparities, including racial and ethnic disparities, and improve outcomes statewide across all sectors of government. The council must provide staff support and coordinate community and stakeholder outreach for the task force.

(b) The task force shall include:

(i) The chair of the interagency coordinating council on health disparities, or the chair's designee, who shall serve as the chair of the task force;

(ii) Two members of the house of representatives, appointed by the speaker of the house of representatives;

(iii) Two members from the senate, appointed by the president of the senate;

(iv) A representative from the office of the governor, appointed by the governor;

(v) A representative from the office of financial management's diversity, equity, and inclusion council, appointed by the governor;

(vi) A representative from the office of minority and women's business enterprises, appointed by the director of the office of minority and women's business enterprises;

(vii) A representative from each ethnic commission, appointed by the director of each respective commission;

(viii) A representative from the women's commission, appointed by the director of the commission;

(ix) A representative from the human rights commission, appointed by the director of the commission;

(x) The director of the governor's office of Indian affairs, or the director's designee;

(xi) A member of the disability community, appointed by the chair of the governor's committee on disability issues and employment; and

(xii) A member of the lesbian, gay, bisexual, transgender, and queer community, appointed by the office of the governor.

(c) The task force must submit a preliminary report to the governor and legislature by December 15, 2019. The task force must submit a final proposal to the governor and the legislature by July 1, 2020. The final proposal must include the following recommendations:

(i) A mission statement and vision statement for the office;

(ii) A definition of "equity," which must be used by the office to guide its work;

(iii) The organizational structure of the office, which must include a community liaison for the office;

(iv) A plan to engage executive level management from all agencies;

(v) Mechanisms for facilitating state policy and systems change to promote equity, promoting community outreach and engagement, and establishing standards for the collection, analysis, and reporting of disaggregated data regarding race and ethnicity;

(vi) Mechanisms for accountability to ensure that performance measures around equity are met across all

agencies, including recommendations on audits of agencies and other accountability tools as deemed appropriate; and

(vii) A budget proposal including estimates for costs and staffing.

(d) Nonlegislative members of the task force must be reimbursed for expenses incurred in the performance of their duties in accordance with RCW 43.03.050 and 43.03.060. Legislative members must be reimbursed for expenses incurred in accordance with RCW 44.04.120.

(8) \$400,000 of the general fund—state appropriation for fiscal year 2020 and \$400,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the department to contract with a community-based nonprofit organization located in Yakima valley to develop a Spanish-language public radio media campaign aimed at preventing opioid use disorders through education outreach programs. The goal of the radio media campaign is reaching underserved populations, who may have limited literacy and who may experience cultural and informational isolation, to address prevention, education, and treatment for opioid users or those at risk for opioid use. The nonprofit organization must coordinate with stakeholders who are engaged in promoting healthy and educated choices about drug use and abuse to host four workshops and two conferences that present the latest research and best practices. The department, in coordination with the nonprofit, must provide a preliminary report to the legislature no later than December 31, 2020. A final report must be submitted to the legislature no later than June 30, 2021. Both reports must include: (a) A description of the outreach programs and their implementation; (b) a description of the workshops and conferences held; (c) the number of individuals who participated in or received services in relation to the outreach programs; and (d) any relevant demographic data regarding those individuals.

(9)(a) \$50,000 of the general fund—state appropriation for fiscal year 2020 and \$50,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the nursing care quality assurance commission to continue the work group on nurses in long-term care settings.

(b) The work group must base its work on the assessment of long-term care workforce needs required by chapter 299, Laws of 2018, and included in the long-term care workforce development report to the governor and the legislature submitted in December 2018. The commission shall maintain existing membership of the work group, may add additional stakeholder representation, and may create such technical advisory committees as may be necessary to accomplish its purposes.

(c) Work group priorities for the 2019-2021 fiscal biennium include:

(i) Identifying data sources necessary to ensure workers are achieving timely training, testing, and certification;

(ii) Working with regional workforce development councils to project worker shortages and on-going demands;

(iii) Establishing revised nursing assistant training that aligns directly with the learning outcomes of the competency-based common curriculum, and improves access, reduces costs, increases consistency across evaluators, increases pass rates, and provides support for languages other than English;

(iv) Recommending requirements to improve skilled nursing facility staffing models and address deficiencies in resident care; and

(v) Creating a competency-based common curriculum for nursing assistant training that includes knowledge and skills relevant to current nursing assistant practices; integrated specialty training on mental health, developmental disabilities, and dementia; and removing or revising outdated content. The curriculum must not unnecessarily add additional training hours, and must meet all applicable federal and state laws. The curriculum must be designed with seamless progression from or toward any point on the educational continuum.

(d) The commission must provide an interim report on the activities of the work group and its findings and recommendations for statutory and regulatory changes to the governor and legislature by November 15, 2019, and a final report to the governor and legislature by November 15, 2020.

(10) \$172,000 of the general fund—state appropriation for fiscal year 2020 and \$172,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of Substitute Senate Bill No. 5425 (maternal mortality reviews). ~~((If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.))~~

(11) \$399,000 of the general fund—local appropriation is provided solely for implementation of Engrossed Substitute Senate Bill No. 5332 (vital statistics). ~~((If the bill is not enacted by June 30, 2019, the amount provided in this subsection shall lapse.))~~

(12) \$52,000 of the general fund—state appropriation for fiscal year 2020, \$22,000 of the general fund—state appropriation for fiscal year 2021, \$11,000 of the general fund—local appropriation, and \$107,000 of the health professions account—state appropriation are provided solely for implementation of Substitute Senate Bill No. 5380 (opioid use disorder). ~~((If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.))~~

(13) \$80,000 of the general fund—state appropriation for fiscal year 2020, \$7,000 of the general fund—state appropriation for fiscal year 2021, and \$32,000 of the health professions account—state appropriation are provided solely for implementation of Engrossed Second Substitute Senate Bill No. 5497 (immigrants in the workplace). ~~((If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.))~~

(14) \$132,000 of the general fund—state appropriation for fiscal year 2020 and \$132,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of Substitute Senate Bill No. 5550 (pesticide

application safety). ~~((If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.))~~

(15) \$14,000 of the general fund—state appropriation for fiscal year 2020 is provided solely for implementation of Second Substitute Senate Bill No. 5846 (international medical graduates). ~~((If the bill is not enacted by June 30, 2019, the amount provided in this subsection shall lapse.))~~

(16) \$150,000 of the general fund—state appropriation for fiscal year 2020 and \$150,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the midwifery licensure and regulatory program to supplement revenue from fees. The department shall charge no more than five hundred twenty-five dollars annually for new or renewed licenses for the midwifery program.

(17)(a) \$62,000 of the general fund—state appropriation for fiscal year 2020 and \$63,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the King county local health jurisdiction, as part of the foundational public health services, to conduct a study on the population health impact of the SeaTac airport communities.

(b) By December 1, 2020, the King county local health jurisdiction shall submit a report to the appropriate committees of the legislature that must include:

(i) An analysis of existing data sources and an oversample of the best start for kids child health survey to produce airport community health profiles within a one mile, five mile, and ten mile radius of the airport;

(ii) A comprehensive literature review concerning the community health effects of airport operations, including a strength of evidence analysis;

(iii) The findings of the University of Washington school of public health study on ultrafine particulate matter at the airport and surrounding areas; and

(iv) Any recommendations to address health issues related to the impact of the airport on the community.

(18) \$1,000,000 of the youth tobacco and vapor products prevention account—state appropriation is provided solely, as part of foundational public health services, for the department to support local health jurisdictions to provide youth tobacco and vapor prevention programs, including the necessary outreach and education for Engrossed House Bill No. 1074 (tobacco and vapor/age).

(19) \$94,000 of the general fund—state appropriation for fiscal year 2020 is provided solely for implementation of Engrossed Second Substitute Senate Bill No. 5116 (clean energy). ~~((If the bill is not enacted by June 30, 2019, the amount provided in this subsection shall lapse.))~~

(20) The department shall report to the fiscal committees of the legislature by December 1, 2019, and December 1, 2020, if it anticipates that the amounts raised by ambulatory surgical facility licensing fees will not be sufficient to defray the cost of regulating ambulatory surgical facilities. The report shall identify the amount of state general fund money necessary to compensate for the insufficiency.

(21) \$162,000 of the general fund—state appropriation for fiscal year 2020, \$61,000 of the general fund—state appropriation for fiscal year 2021, and \$2,007,000 of the general fund—federal appropriation are provided solely to create a statewide data system to provide early intervention services for all children appropriately screened for developmental delays, to track developmental screenings and delays identified in children, and to assist with care coordination and early intervention; and is subject to the conditions, limitations, and review provided in ~~((section 719 of this act))~~ section 701 of this act.

(22) \$420,000 of the health professions account—state appropriation is provided solely for a work group to develop policy and practice recommendations to increase access to clinical training and supervised practice for the behavioral health workforce. The work group shall include representatives from the department, the workforce training and education coordinating board, and other appropriate stakeholders. The recommendations of the work group must address the following potential barriers: (a) reimbursement and incentives for supervision of interns and trainees; (b) supervision requirements; (c) competency-based training; (d) licensing reciprocity or the feasibility of an interstate licensing compact, or both; and (e) background checks, including barriers to work related to an applicant's criminal history or substance use disorder. The board must convene and facilitate the work group, and recommendations may be presented in two phases. Recommendations presented in the first phase must be provided by December 1, 2019. Recommendations presented in the second phase must be provided by December 1, 2020.

(23) \$500,000 of the general fund—state appropriation for fiscal year 2020 and \$500,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the Washington poison center. This funding is provided in addition to funding provided pursuant to RCW 69.50.540.

(24) \$21,000 of the general fund—state appropriation for fiscal year 2020 and \$4,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the development of a palliative care road map to provide information and guidance to providers, patients, families, and caregivers of individuals living with a serious or life-threatening illness. The department must work in consultation with appropriate stakeholders, including but not limited to, the health care authority, the department of social and health services, and hospital-based, outpatient, and community-based palliative care providers. The department must complete the document and make hard copies available for distribution no later than September 30, 2020.

(25) \$750,000 of the general fund—state appropriation for fiscal year 2020 ~~((is))~~ and \$750,000 of the general fund—state appropriation for fiscal year 2021 are provided to continue the collaboration between local public health, accountable communities of health, and health care providers to reduce potentially preventable hospitalizations in Pierce county. This collaboration will build from year ~~((one))~~ two planning to align care coordination efforts across health care systems and support the accountable communities of health initiatives, including innovative, collaborative models of care. Strategies include the

following, to reduce costly hospitalizations: (a) ~~((Increasing immunizations for bacterial pneumonia and influenza; (b) screening, brief intervention, and referral to treatment for alcohol, tobacco, and other drugs, and for depression; and (c) the sharing of health system wide data regarding usage and access patterns. By December 15, 2019, the collaborative shall provide a report to the legislature that illustrates the successes and challenges of the project.))~~ Analyze heart failure data to identify sub populations and risk factors and use this data to determine targeted interventions; (b) support provider and clinic implementation of screening, brief intervention, and referral to treatment through immunizations and ensure other areas of the county and state can duplicate the strategies; and (c) provide resources to achieve results and support collaboration across local health care systems and providers.

(26) \$55,000 of the health professions account—state appropriation is provided solely to implement Engrossed Substitute House Bill No. 1768 (substance use disorder professionals). ~~((If the bill is not enacted by June 30, 2019, the amount provided in this subsection shall lapse.))~~

(27) \$14,000 of the health professions account—state appropriation is provided solely to implement Substitute House Bill No. 1865 (acupuncture and Eastern medicine). ~~((If the bill is not enacted by June 30, 2019, the amount provided in this subsection shall lapse.))~~

(28)(a) \$257,000 of the general fund—state appropriation for fiscal year 2020 and \$304,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the suicide-safer homes task force defined in RCW 43.70.445 to:

(i) Expand support to industries, professions, and workplaces impacted by high rates of suicide, develop and provide online resources to disseminate best practices in workplace mental health and suicide prevention, and provide trainings for industries with the highest suicide rates and who are unable to pay for trainings;

(ii) Conduct a workplace suicide summit;

(iii) Deliver the task force's SAFER intervention and firearms and medication locking devices in partnership with nongovernment organizations in twelve rural communities across Washington; and

(iv) Develop and distribute a tool kit for suicide prevention and curriculum for firearms safety instructors for their inclusion in firearms safety courses.

(b) The task force shall distribute to all firearms dealers in the state suicide awareness and prevention materials tailored to firearms owners that are developed. Firearms dealers are strongly encouraged to post on the premises and make available to firearms purchasers and transferees the suicide awareness and prevention materials.

(c) The task force shall provide a report to the legislature regarding the directives of this subsection, and the report shall be included in the task force's final report to the legislature by December 1, 2020.

(29) \$16,000 of the general fund—state appropriation for fiscal year 2020 and \$8,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the pharmacy quality assurance commission to:

(a) Distribute or make available through electronic means to all licensed pharmacies suicide awareness and prevention materials developed by the suicide-safer homes task force, and each licensed pharmacy shall, when deemed appropriate through patient evaluation, make available to patients at the point of care the suicide awareness and prevention materials distributed by the commission; and

(b) Survey each pharmacist licensed under this chapter on methods to bridge the gap between practice and suicide awareness and prevention training, including identifying barriers that exist in putting the training into practice. The commission shall consult with the suicide-safer homes task force in developing the survey. The commission may distribute the survey as part of each pharmacist's license renewal. The commission shall compile and analyze the survey data and report the results to the appropriate committees of the legislature by November 15, 2020.

(30) \$1,310,000 of the health professions account—state appropriation is provided solely for the Washington medical commission for clinical health care investigators.

(31) \$3,210,000 of the health professions account—state appropriation is provided solely for the nursing care quality assurance commission to address increased complaints.

(32) Within the amounts appropriated in this section, and in accordance with RCW 43.70.110 and 71.12.470, the department shall set fees to include the full costs of the performance of inspections pursuant to RCW 71.12.485.

(33) \$18,000,000 of the general fund—local appropriation is provided solely for the department to provide core medical services, case management, and support services for individuals living with human immunodeficiency virus.

(34) \$1,606,000 of the general fund—local appropriation is provided solely for staff, equipment, testing supplies, and materials necessary to add Pompe disease and MPS-I to the mandatory newborn screening panel. The department is authorized to increase the newborn screening fee by \$10.50.

(35) \$332,000 of the general fund—local appropriation is provided solely for testing supplies necessary to perform x-linked adrenoleukodystrophy newborn screening panel testing. The department is authorized to increase the newborn screening fee by \$1.90.

(36) \$150,000 of the general fund—state appropriation for fiscal year 2020 and \$150,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the department to conduct formative research and development regarding dementia and the value and importance of early detection, diagnosis, and planning for the public, including racial and ethnic groups who are at increased risk. Qualified department staff or contracted experts must: (a) Investigate existing evidence-based messages and public awareness

campaign strategies; and (b) develop, place, and evaluate messages through a short-term digital awareness campaign in at least two, but no more than four, targeted areas of the state.

(37) \$125,000 of the general fund—state appropriation for fiscal year 2020 and \$125,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the department to contract with a nonprofit organization that provides support and education for adults, children, and families impacted by cancer. The nonprofit must provide programs and services that include, but are not limited to, adult support groups, camps for children impacted by cancer, education programs for teens to reduce future risk of cancer, and emotional and social support to families dealing with cancer.

(38) \$20,000 of the general fund—state appropriation for fiscal year 2020 is provided solely for the department to conduct a study on the state producing generic prescription drugs, with a priority on insulin. By December 1, 2019, the department shall submit a report of its findings and recommendations to the legislature.

(39) \$2,000,000 of the general fund—state appropriation for fiscal year 2020 and \$500,000 of the general fund—state appropriation for fiscal year 2021 are provided solely to implement Substitute House Bill No. 1587 (increasing access to fruits and vegetables). ~~((If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.))~~

(40) The department must submit an application for an extension or renewal of its current grant pursuant to the federal food insecurity incentives program. If an extension or renewal of the current grant is not permitted, the department must apply for a new grant under the same program, which was reauthorized in December 2018.

(41) \$22,000 of the general fund—state appropriation for fiscal year 2020 and \$22,000 of the general fund—state appropriation for fiscal year 2021 are provided solely to implement Engrossed House Bill No. 1638 (vaccine preventable diseases). ~~((If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.))~~

(42) \$207,000 of the health professions account—state appropriation is provided solely to implement chapter 69, Laws of 2019 (SHB 1198) (sexual misconduct notification).

(43) \$203,000 of the general fund—state appropriation for fiscal year 2020 and \$66,000 of the general fund—local appropriation are provided solely to implement Second Substitute House Bill No. 1394 (behavioral health facilities). ~~((If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.))~~

(44) \$36,000 of the health professions account—state appropriation is provided solely to implement House Bill No. 1554 (dental hygienists). ~~((If the bill is not enacted by June 30, 2019, the amount provided in this subsection shall lapse.))~~

(45) \$189,000 of the dedicated marijuana account—state appropriation for fiscal year 2020 is provided solely to implement Engrossed Substitute House Bill No. 1094

(medical marijuana renewals). ~~((If the bill is not enacted by June 30, 2019, the amount provided in this subsection shall lapse.))~~

(46) \$200,000 of the general fund—local appropriation is provided solely to implement chapter 68, Laws of 2019 (HB 1177) (dental laboratory registry).

(47) \$88,000 of the general fund—state appropriation for fiscal year 2020 and \$87,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for an online tutorial and link to web-based, continuing education funded by the centers for disease control for training for the primary care health workforce regarding the protocols for perinatal monitoring, birth-dose immunization, early diagnosis, linkage to care, and treatment for persons diagnosed with chronic hepatitis B or hepatitis using the project ECHO telehealth model operated by the University of Washington. Training shall focus on increased provider proficiency and increased number of trained providers in areas with high rates of reported cases of hepatitis B or hepatitis, including regions with high incidence of drug use or upward trend of children who have not received hepatitis B virus vaccinations according to centers for disease control recommendations. All digital and hardcopy training, educational, and outreach materials for this program must be culturally relevant and linguistically diverse.

(48) \$300,000 of the general fund—state appropriation for fiscal year 2020 and \$90,000 of the general fund—state appropriation for fiscal year 2021 are provided solely to the department of health for a task force established to recommend strategies for incorporating environmental justice principles into how state agencies discharge their responsibilities.

(a) The membership of the task force established under this section is as follows:

(i) The director of the department of commerce, or the director's designee;

(ii) The director of the department of ecology, or the director's designee;

(iii) The executive director of the Puget Sound partnership, or the executive director's designee;

(iv) The secretary of the department of transportation, or the secretary's designee;

(v) The secretary of the department of health, or the secretary's designee;

(vi) The chair of the energy facility site evaluation council, or the chair's designee;

(vii) The chair of the governor's interagency council on health disparities, or the chair's designee;

(viii) The commissioner of public lands, or the commissioner's designee;

(ix) A member from an organization representing statewide environmental justice issues, appointed by the governor;

(x) Three members from community-based organizations, appointed by the cochairs specified under (b) of this subsection, the nominations of which are based upon maintaining a balanced and diverse distribution, of representation from census tracts that are ranked at an eight or higher on the cumulative impact analysis and of ethnic, geographic, gender, sexual orientation, age, socioeconomic status, and occupational representation, where practicable;

(xi) A tribal leader, invited by the governor;

(xii) One member from an association representing business interests, appointed by the governor;

(xiii) One member from a union or other organized labor association representing worker interests, appointed by the governor;

(xiv) The director of the department of agriculture, or the director's designee; and

(xv) One member from an organization representing statewide agricultural interests, appointed by the governor.

(b) The representative of statewide environmental justice interests, and the chair of the governor's interagency council on health disparities, or the chair's designee, must cochair the task force.

(c) The governor's interagency council on health disparities shall provide staff support to the task force. The interagency council may work with other agencies, departments, or offices as necessary to provide staff support to the task force.

(d) The task force must submit a final report of its findings and recommendations to the appropriate committees of the legislature and the governor by October 31, 2020, and in compliance with RCW 43.01.036. The goal of the final report is to provide guidance to agencies, the legislature, and the governor, and at a minimum must include the following:

(i) Guidance for state agencies regarding how to use a cumulative impact analysis tool developed by the department of health. Guidance must cover how agencies identify highly impacted communities and must be based on best practices and current demographic data;

(ii) Best practices for increasing public participation and engagement by providing meaningful opportunities for involvement for all people, taking into account barriers to participation that may arise due to race, color, ethnicity, religion, income, or education level;

(iii) Recommendations for establishing measurable goals for reducing environmental health disparities for each community in Washington state and ways in which state agencies may focus their work towards meeting those goals;

(iv) Model policies for prioritizing highly impacted communities and vulnerable populations for the purpose of reducing environmental health disparities and advancing a healthy environment for all residents.

(e) If time and resources permit, the task force may also include in its final report:

(i) Recommendations for creating and implementing equity analysis into all significant planning, programmatic and policy decision making, and investments. The equity analysis methods may include a process for describing potential risks to, benefits to, and opportunities for highly impacted communities and vulnerable populations;

(ii) Best practices and needed resources for cataloging and cross-referencing current research and data collection for programs within all state agencies relating to the health and environment of people of all races, cultures, and income levels, including minority populations and low-income populations of the state.

(f) Members of the task force who are not state employees must be compensated in accordance with RCW 43.03.240 and are entitled to reimbursement individually for travel expenses incurred in the performance of their duties as members of the task force in accordance with RCW 43.03.050 and 43.03.060. The expenses of the task force must be paid by the governor's interagency council on health disparities.

(g) The task force must hold four regional meetings to seek input from, present their work plan and proposals to, and receive feedback from communities throughout the state. The following locations must be considered for these meetings: Northwest Washington, central Puget Sound region, south Puget Sound region, southwest Washington, central Washington, and eastern Washington.

(h) Reports submitted under this section must be available for public inspection and copying through the governor's interagency council on health disparities and must be posted on its web site.

(49) \$500,000 of the general fund—state appropriation for fiscal year 2020 and \$500,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for testing of lead in public schools. The department must determine which school districts have the highest priority and test those districts first. The department and the school districts for which tests are conducted must provide to parents, educators, school staff, and the public clear communications regarding the test results, the consequences of even low levels of exposure or ingestion, such as cognitive deficits, reduction in IQ, and neurological development, and the information that no level of lead in drinking water is safe. The communications must include a comparison of the results to the recommendation of the American academy of pediatrics (August 2017) and the national toxicology program of the national institutes of health and the center for disease control, regardless of whether the level exceeds the standard for action pursuant to the federal lead and copper rule. Communications regarding test results where levels exceed the level recommended by the American academy of pediatricians must be accompanied by examples of actions districts may take to prevent exposure, including automated flushing of water fountains and sinks, and installation of certified water filters or bottle filling stations.

(50) \$346,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for implementation of Engrossed Second Substitute House Bill No. 1860 (School

drinking water/lead). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

(51) \$68,000 of the health professions account—state appropriation is provided solely for implementation of Substitute House Bill No. 2378 (physician assistants). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

(52) \$88,000 of the health professions account—state appropriation is provided solely for implementation of Engrossed Substitute House Bill No. 2411 (suicide prevention/providers). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

(53) \$724,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for implementation of Substitute House Bill No. 2426 (psychiatric patient safety). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

(54) \$14,000 of the general fund—state appropriation for fiscal year 2020 and \$55,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of Engrossed Substitute House Bill No. 2731 (student head injury reports). If the bill is not enacted by June 30, 2020, the amounts provided in this subsection shall lapse.

(55) \$21,000 of the health professions account—state appropriation is provided solely for implementation of Engrossed Substitute House Bill No. 2775 (colon hydrotherapy). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

(56) \$16,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for implementation of Engrossed House Bill No. 2755 (air ambulance cost transp.). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

(57) \$66,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for implementation of Substitute House Bill No. 2419 (death with dignity barriers). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

(58) \$184,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for implementation of Engrossed Substitute House Bill No. 2036 (health system transparency). If the bill is not enacted by June 30, 2020, the amounts provided in this subsection shall lapse.

(59) \$415,000 of the general fund—local appropriation and \$270,000 of the health professions account—state appropriation are provided solely for implementation of Second Substitute House Bill No. 2386 (behavioral health ombuds). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

(60) \$111,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the department to distribute a fruit and vegetable benefit of no less than thirty-two dollars per summer farmers market season to each eligible participant in the women, infant, and children farmers market nutrition program.

(61) \$1,300,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for farmers market and grocery store basic food incentives for participants in the supplemental nutrition assistance program.

(62) \$5,000,000 of the disaster response account—state appropriation is provided solely for costs associated with the response to the coronavirus.

(63) \$52,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the department to collaborate, pursuant to section 501 of this act, with the office of the superintendent of public instruction in preparation of its report of findings related to statewide implementation of RCW 28A.210.383, authorizing prescriptions for, and the use of, school supplies of epinephrine autoinjectors.

(64)(a) Within amounts provided in this section, the department of health must convene a work group to collect information and establish guidelines and recommendations for how the office of the insurance commissioner can include telemedicine services in network adequacy requirements. The work group must consider the following:

(i) Changes to state statutes or rulemaking necessary for network adequacy to accommodate the use of telemedicine;

(ii) Changes to state statutes or rulemaking necessary regarding telemedicine and the scope of practice for providers;

(iii) Any other changes necessary for state statutes or rulemaking;

(iv) The best process for initial determinations of appropriate providers and services for telemedicine; and

(v) A method for updating the initial determinations as technology and practices change.

(b) The work group shall consist of the following members:

(i) State agency medical directors from the department of health, the health care authority, the department of labor and industries, the state board of health, the department of veteran affairs, the office of the insurance commissioner, and the department of corrections;

(ii) The chair of the Washington state telehealth collaborative;

(iii) The association of Washington health care plans; and

(iv) Health care providers.

(c) The work group must submit a final report with the work group recommendations to the appropriate legislative committees by January 1, 2021.

(65) Within amounts provided in this section, the department shall:

(a) Keep a monthly record of the wait times for processing applications for certification as an emergency

medical technician, starting with the time the application is received until the certification is approved or denied. The record shall include the number of applications processed and the median and average wait times per month. The department shall provide a summary of the monthly wait times to the legislature no later than December 1, 2020.

(b) Conduct a review the levels of emergency medicine competency applicable to military personnel and determine the equivalency of such levels to the standards required by the department for certification as an emergency medical technician in Washington state. The department shall report its findings to the legislature by December 1, 2020.

**Sec. 222.** 2019 c 415 s 222 (uncodified) is amended to read as follows:

#### **FOR THE DEPARTMENT OF CORRECTIONS**

The appropriations to the department of corrections in this act shall be expended for the programs and in the amounts specified in this act. However, after May 1, 2020, after approval by the director of financial management and unless specifically prohibited by this act, the department may transfer general fund—state appropriations for fiscal year 2020 between programs. The department may not transfer funds, and the director of financial management may not approve the transfer, unless the transfer is consistent with the objective of conserving, to the maximum extent possible, the expenditure of state funds. The director of financial management shall notify the appropriate fiscal committees of the legislature in writing seven days prior to approving any deviations from appropriation levels. The written notification must include a narrative explanation and justification of the changes, along with expenditures and allotments by budget unit and appropriation, both before and after any allotment modifications or transfers.

#### **(1) ADMINISTRATION AND SUPPORT SERVICES**

General Fund—State Appropriation (FY 2020)	
.....	<del>(\$68,636,000)</del>
	<u>\$68,583,000</u>
General Fund—State Appropriation (FY 2021)	
.....	<del>(\$69,672,000)</del>
	<u>\$74,274,000</u>
General Fund—Federal Appropriation .....	\$400,000
Pension Funding Stabilization Account—State	
Appropriation.....	\$7,616,000
TOTAL APPROPRIATION.....	<u>\$146,324,000</u>
	<u>\$150,873,000</u>

The appropriations in this subsection are subject to the following conditions and limitations:

~~((b))~~ (a) Within the funds appropriated in the subsection the department shall review and update the necessary business requirements for implementation of a comprehensive electronic health records system. The



department will utilize its feasibility study from 2013 and the health informatics roadmap completed in 2017 to update its business requirements and complete a request for information process by May 31, 2021. The department shall submit a report to the governor and the legislature outlining the system specifications and a cost model for implementation no later than June 30, 2021. This subsection is subject to the conditions, limitations, and review requirements of ~~((section 719 of this act))~~ section 701 of this act.

~~((c))~~ (b) \$13,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the implementation of Engrossed Second Substitute House Bill No. 1517 (domestic violence). ~~((If the bill is not enacted by June 30, 2019, the amount provided in this subsection shall lapse.~~

~~((d))~~ (c)(i) During the 2019-2021 fiscal biennium, the department must revise its agreements and contracts with vendors to include a provision to require that each vendor agrees to equality among its workers by ensuring similarly employed individuals are compensated as equals as follows:

(A) Employees are similarly employed if the individuals work for the same employer, the performance of the job requires comparable skill, effort, and responsibility, and the jobs are performed under similar working conditions. Job titles alone are not determinative of whether employees are similarly employed;

(B) Vendors may allow differentials in compensation for its workers based in good faith on any of the following:

(I) A seniority system; a merit system; a system that measures earnings by quantity or quality of production; a bona fide job-related factor or factors; or a bona fide regional difference in compensation levels.

(II) A bona fide job-related factor or factors may include, but not be limited to, education, training, or experience, that is: Consistent with business necessity; not based on or derived from a gender-based differential; and accounts for the entire differential.

(III) A bona fide regional difference in compensation level must be: Consistent with business necessity; not based on or derived from a gender-based differential; and account for the entire differential.

(ii) The provision must allow for the termination of the contract if the department or department of enterprise services determines that the vendor is not in compliance with this agreement or contract term.

(iii) The department must implement this provision with any new contract and at the time of renewal of any existing contract.

~~((e))~~ (d) The appropriations in this subsection include sufficient funding for the implementation of Second Substitute Senate Bill No. 5021 (DOC/interest arbitration).

(e) \$219,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for Engrossed Second Substitute House Bill No. 1521 (government contracting). If

the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

(f) \$188,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for Substitute House Bill No. 2393 (community custody conditions) and Substitute House Bill No. 2394 (community custody). If neither bill is enacted by June 30, 2020, the amount provided in this subsection shall lapse.

## (2) CORRECTIONAL OPERATIONS

General Fund—State Appropriation (FY 2020)  
..... ~~(((\$563,549,000))~~

\$563,264,000

General Fund—State Appropriation (FY 2021)  
..... ~~(((\$582,774,000))~~

\$600,479,000

General Fund—Federal Appropriation .....\$818,000

Washington Auto Theft Prevention Authority  
Account—

State Appropriation..... ~~(((\$4,680,000))~~

\$4,679,000

Pension Funding Stabilization Account—State

Appropriation.....\$62,920,000

TOTAL APPROPRIATION.....\$1,214,741,000

\$1,232,160,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) The department may contract for local jail beds statewide to the extent that it is at no net cost to the department. The department shall calculate and report the average cost per offender per day, inclusive of all services, on an annual basis for a facility that is representative of average medium or lower offender costs. The department shall not pay a rate greater than \$85 per day per offender excluding the costs of department of corrections provided services, including evidence-based substance abuse programming, dedicated department of corrections classification staff on-site for individualized case management, transportation of offenders to and from department of corrections facilities, and gender responsive training for Yakima jail staff assigned to the unit. The capacity provided at local correctional facilities must be for offenders whom the department of corrections defines as close medium or lower security offenders. Programming provided for offenders held in local jurisdictions is included in the rate, and details regarding the type and amount of programming, and any conditions regarding transferring offenders must be negotiated with the department as part of any contract. Local jurisdictions must provide health care to offenders that meet standards set by the department. The local jail must provide all medical care including unexpected emergent care. The department must utilize a screening process to ensure that offenders with existing extraordinary medical/mental health needs are not transferred to local jail

facilities. If extraordinary medical conditions develop for an inmate while at a jail facility, the jail may transfer the offender back to the department, subject to terms of the negotiated agreement. Health care costs incurred prior to transfer are the responsibility of the jail.

(b) \$501,000 of the general fund—state appropriation for fiscal year 2020 and \$501,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the department to maintain the facility, property, and assets at the institution formerly known as the maple lane school in Rochester.

(c) The appropriations in this subsection include sufficient funding for the implementation of Substitute Senate Bill No. 5492 (motor vehicle felonies).

(d) \$1,861,000 of the general fund—state appropriation for fiscal year 2020 and \$1,861,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the department to contract for the costs associated with use of offender bed capacity in lieu of prison beds for a therapeutic community program in Yakima county. The department shall provide a report to the legislature by December 15, 2019, outlining the program, its outcomes, and any improvements made over the previous contracted beds.

(e) \$3,314,000 of the general fund—state appropriation for fiscal year 2020 and \$3,014,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the department to increase custody staffing in its prison facilities to provide watch staff for hospital stays, mental health needs, and suicide watches to reduce overtime hours. The department shall track and report to the legislature on the changes in working conditions and overtime usage for nursing services by November 15, 2019.

(f) ~~(\$1,774,000)~~ \$1,071,000 of the general fund—state appropriation for fiscal year 2020 and \$1,567,000 of the general fund—state appropriation for fiscal year 2021 are provided solely to implement the settlement agreement in *Disability Rights Washington v. Inslee, et al.*, U.S. District Court for the Western District of Washington, cause No. 18-5071, for the portions of the agreement that require additional staff necessary to supervise individuals with greater out-of-cell time and to facilitate access to programming, treatment, and other required activities. If the settlement agreement is not fully executed and approved by the court before September 1, 2019, this appropriation shall lapse.

(g) ~~(\$764,000 of the general fund state appropriation for fiscal year 2020 and)~~ \$663,000 of the general fund—state appropriation for fiscal year 2021 ~~(are)~~ is provided solely for the department for payment of debt service associated with a certificate of participation for the equipment at the coyote ridge corrections center and its security electronics network project.

(h) \$16,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for Third Substitute House Bill No. 1504 (impaired driving). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

### (3) COMMUNITY SUPERVISION

General Fund—State Appropriation (FY 2020)  
..... ~~(\$220,368,000)~~

\$228,802,000

General Fund—State Appropriation (FY 2021)  
..... ~~(\$240,790,000)~~

\$241,472,000

General Fund—Federal Appropriation ..... \$3,632,000

Pension Funding Stabilization Account—State

Appropriation.....\$12,800,000

TOTAL APPROPRIATION.....\$477,590,000

\$486,706,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) \$1,320,000 of the general fund—state appropriation for fiscal year 2020 and \$2,560,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the department of corrections to negotiate annual contract rate increases with local and tribal governments for jail capacity to house offenders who violate the terms of their community supervision and must include increases for a regional jail serving the south King county area for providing enhanced medical services. A contract rate increase may not exceed five percent each year. The department may negotiate to include medical care of offenders in the contract rate if medical payments conform to the department's offender health plan and pharmacy formulary, and all off-site medical expenses are preapproved by department utilization management staff. If medical care of offender is included in the contract rate, the contract rate may exceed five percent to include the cost of that service.

(b) The department shall engage in ongoing mitigation strategies to reduce the costs associated with community supervision violators, including improvements in data collection and reporting and alternatives to short-term confinement for low-level violators.

~~((c))~~ (c) \$984,000 of the general fund—state appropriation for fiscal year 2020 and \$8,066,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the department to create two hundred work release beds in the community by the end of fiscal year 2021. The department shall create an implementation plan and provide a report to the legislature by September 1, 2019, that outlines when and where the work release facilities will be implemented.

~~((d))~~ (d) \$143,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the implementation of Engrossed Second Substitute House Bill No. 1517 (domestic violence). ~~((If the bill is not enacted by June 30, 2019, the amount provided in this subsection shall lapse.))~~

(e) \$188,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for Substitute House

Bill No. 2393 (community custody conditions) and Substitute House Bill No. 2394 (community custody). If neither bill is enacted by June 30, 2020, the amount provided in this subsection shall lapse.

(f) Amounts provided in this subsection include funding for improving community supervision including, but not limited to, reducing the community supervision ratio. The department of corrections must report to the governor and the chairs of senate committee on ways and means and the house of representatives committee on how additional funds are expended by June 30, 2021.

#### (4) CORRECTIONAL INDUSTRIES

General Fund—State Appropriation (FY 2020)	<del>(\$6,448,000)</del>
	\$7,371,000
General Fund—State Appropriation (FY 2021)	<del>(\$6,590,000)</del>
	\$6,877,000
Pension Funding Stabilization Account—State Appropriation	\$510,000
TOTAL APPROPRIATION	\$13,548,000
	\$14,758,000

#### (5) INTERAGENCY PAYMENTS

General Fund—State Appropriation (FY 2020)	<del>(\$46,625,000)</del>
	\$47,921,000
General Fund—State Appropriation (FY 2021)	<del>(\$45,238,000)</del>
	\$46,632,000
TOTAL APPROPRIATION	\$91,863,000
	\$94,553,000

#### (6) OFFENDER CHANGE

General Fund—State Appropriation (FY 2020)	<del>(\$59,538,000)</del>
	\$59,462,000
General Fund—State Appropriation (FY 2021)	<del>(\$61,135,000)</del>
	\$62,768,000
Pension Funding Stabilization Account—State Appropriation	\$4,430,000
TOTAL APPROPRIATION	\$125,403,000
	\$126,660,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) The department of corrections shall use funds appropriated in this subsection (6) for offender

programming. The department shall develop and implement a written comprehensive plan for offender programming that prioritizes programs which follow the risk-needs-responsivity model, are evidence-based, and have measurable outcomes. The department is authorized to discontinue ineffective programs and to repurpose underspent funds according to the priorities in the written plan.

(b) \$250,000 of the general fund—state appropriation for fiscal year 2020 and ~~(\$250,000)~~ \$1,261,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for additional rental vouchers for individuals released from prison facilities.

(c) \$9,000 of the general fund—state appropriation for fiscal year 2020 is provided solely for the implementation of Second Substitute Senate Bill No. 5433 (DOC/post secondary education). ~~((If the bill is not enacted by June 30, 2019, the amount provided in this subsection shall lapse.))~~

(d)(i) \$1,156,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for costs relating to a pilot program for expanding educational programming to include postsecondary degrees and secure internet connections at up to three correctional institutions. The institutions chosen must be participating in the federal second chance Pell program. The internet connections are limited to the following purposes:

(A) Adult basic education;

(B) Completion of the free application for federal student aid or the Washington application for state financial aid; and

(C) Postsecondary education and training.

(ii) A report shall be submitted to the governor and the appropriate committees of the legislature by December 1, 2021, including:

(A) A description of how the secure internet connections were implemented, including any barriers or challenges;

(B) How many inmates participated in the programs that used the secure internet connections and a description of how the internet connection changed existing practices; and

(C) Data on whether the secure internet connection increased general education development or high school equivalency certificate completions; free application for federal student aid or Washington application for state financial aid filings; access to Pell grants or other state financial aid; and postsecondary education and training credit, certificate, and degree completions.

#### (7) HEALTH CARE SERVICES

General Fund—State Appropriation (FY 2020)	<del>(\$160,657,000)</del>
	\$167,601,000

General Fund—State Appropriation (FY 2021)	<del>(\$164,466,000)</del>
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\$177,361,000

General Fund—Federal Appropriation..... \$1,400,000

TOTAL APPROPRIATION ..... \$325,123,000

\$346,362,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) The state prison medical facilities may use funds appropriated in this subsection to purchase goods, supplies, and services through hospital or other group purchasing organizations when it is cost effective to do so.

(b) \$895,000 of the general fund—state appropriation for fiscal year 2020 and \$895,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the department to increase on call nursing and overtime staff in order to cover required nursing posts in its prison facilities. The department shall track and report to the legislature on the changes in working conditions and overtime usage for nursing services by December 21, 2019.

(c) (~~(\$174,000)~~) \$108,000 of the general fund—state appropriation for fiscal year 2020 and \$164,000 of the general fund—state appropriation for fiscal year 2021 are provided solely to implement the settlement agreement in *Disability Rights Washington v. Inslee, et. al.*, United States District Court for the Western District of Washington, Cause No. 18-5071, for the portions of the agreement that require additional staff necessary to supervise individuals with greater out-of-cell time and to facilitate access to programming, treatment and other required activities. If the settlement agreement is not fully executed and approved by the court before September 1, 2019, the amounts provided in this subsection shall lapse.

**Sec. 223.** 2019 c 415 s 223 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF SERVICES FOR THE BLIND**

General Fund—State Appropriation (FY 2020)  
.....(~~(\$3,653,000)~~)

\$3,611,000

General Fund—State Appropriation (FY 2021)  
.....(~~(\$3,971,000)~~)

\$3,930,000

General Fund—Federal Appropriation.... \$25,492,000

General Fund—Private/Local Appropriation . \$60,000

Pension Funding Stabilization Account—State  
Appropriation..... \$172,000

TOTAL APPROPRIATION ..... \$33,348,000

\$33,265,000

The appropriations in this subsection are subject to the following conditions and limitations:

(1) \$275,000 of the general fund—state appropriation for fiscal year 2020 and \$275,000 of the general fund—state

appropriation for fiscal year 2021 are provided solely for vocational rehabilitation supported employment services for additional eligible clients with visual disabilities who would otherwise be placed on the federally required order of selection waiting list.

(2) \$115,000 of the general fund—state appropriation for fiscal year 2020 and \$115,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the independent living program.

**Sec. 224.** 2019 c 415 s 224 (uncodified) is amended to read as follows:

**FOR THE EMPLOYMENT SECURITY DEPARTMENT**

General Fund—State Appropriation (FY 2020)  
.....\$35,000

General Fund—State Appropriation (FY 2021)  
.....(~~(\$35,000)~~)

\$910,000

General Fund—Federal Appropriation  
.....(~~(\$224,813,000)~~)

\$252,142,000

General Fund—Private/Local Appropriation  
.....(~~(\$36,401,000)~~)

\$36,402,000

Unemployment Compensation Administration

Account—Federal Appropriation .... (~~(\$299,413,000)~~)

\$277,404,000

Administrative Contingency Account—State

Appropriation..... (~~(\$26,248,000)~~)

\$26,249,000

Employment Service Administrative Account—

State Appropriation..... (~~(\$54,315,000)~~)

\$65,828,000

Family and Medical Leave Insurance Account—

State Appropriation..... (~~(\$78,290,000)~~)

\$129,269,000

Long-Term Services and Supports Trust Account—

State Appropriation.....\$14,103,000

TOTAL APPROPRIATION.....\$733,653,000

\$802,342,000

The appropriations in this subsection are subject to the following conditions and limitations:

(1) The department is directed to maximize the use of federal funds. The department must update its budget annually to align expenditures with anticipated changes in projected revenues.

(a) \$748,000 of the general fund—state appropriation for fiscal year 2020 and \$748,000 of the general fund—state appropriation for fiscal year 2021 is provided solely to contract for the operation of one pediatric interim care center. The center shall provide residential care for up to thirteen children through two years of age. Seventy-five percent of the children served by the center must be in need of special care as a result of substance abuse by their mothers. The center shall also provide on-site training to biological, adoptive, or foster parents. The center shall provide at least three months of consultation and support to the parents accepting placement of children from the center. The center may recruit new and current foster and adoptive parents for infants served by the center. The department shall not require case management as a condition of the contract.

(b) \$253,000 of the general fund—state appropriation for fiscal year 2020 and ~~(((\$253,000))~~ \$662,000 of the general fund—state appropriation for fiscal year 2021 ~~((is))~~ are provided solely for the costs of hub home foster families that provide a foster care delivery model that includes a ~~((licensed))~~ hub home. Use of the hub home model is intended to support foster parent retention, improve child outcomes, and encourage the least restrictive community placements for children in out-of-home care.

(i) Of the amounts provided in this subsection, \$253,000 of the general fund—state appropriation for fiscal year 2020 and \$253,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the costs of existing hub home foster family constellations.

(ii) Of the amounts provided in this subsection, \$231,000 of the general fund—state appropriation for fiscal year 2021 appropriation is provided solely to expand the number of hub home constellations and provide technical assistance for existing constellations.

(iii) Of the amounts provided in this subsection, \$178,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for a contract with an organization with expertise in implementing the hub home model with fidelity to identify and train organizations serving kinship caregivers in eastern and western Washington with the goal of establishing additional hub home constellations to provide respite, training, and support to kinship caregivers. The department of children, youth, and families shall make available to the contracted organization information about the rates of placement of children with relative caregivers in order for the contracted organization to identify appropriate locations for expanding the model.

(c) \$579,000 of the general fund—state appropriation for fiscal year 2020 and \$579,000 of the general fund—state appropriation for fiscal year 2021 and \$110,000 of the general fund—federal appropriation are provided solely for a receiving care center east of the Cascade mountains.

(d) \$1,245,000 of the general fund—state appropriation for fiscal year 2020 and \$1,245,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for services provided through children's advocacy centers. Of the amounts provided in this subsection, \$255,000 of the general fund—state appropriation for fiscal year 2020 and \$255,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for an expansion to child advocacy center services.

(e) \$1,884,000 of the general fund—state appropriation for fiscal year 2020 and ~~(((\$1,884,000))~~ \$2,400,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for implementation of performance-based contracts for family support and related services pursuant to RCW 74.13B.020. Of the amounts provided in this subsection, \$533,000 of the general fund—state appropriation for fiscal year 2020 and ~~(((\$533,000))~~ \$1,049,000 of the general fund—state appropriation for fiscal year 2021 are provided solely to expand performance-based contracts through network administrators.

(f) ~~(((\$3,291,000))~~ \$2,799,000 of the general fund—state appropriation for fiscal year 2020, ~~(((\$5,998,000))~~ \$1,754,000 of the general fund—state appropriation for fiscal year 2021, and ~~(((\$5,876,000))~~ \$5,444,000 of the general fund—federal appropriation are provided solely for social worker and related staff to receive, refer, and respond to screened-in reports of child abuse and neglect pursuant to chapter 208, Laws of 2018.

(g) Beginning October 1, 2019, and each calendar quarter thereafter, the department shall provide a tracking report for social service specialists and corresponding social services support staff to the office of financial management, and the appropriate policy and fiscal committees of the legislature. ~~((The))~~ To the extent in which the information is available, the report shall include the following information identified separately for social service specialists doing case management work, supervisory work, and administrative support staff, and identified separately by job duty or program, including but not limited to intake, child protective services investigations, child protective services family assessment response, and child and family welfare services:

(i) Total full time equivalent employee authority, allotments and expenditures by region, office, classification and band, and job duty or program;

(ii) Vacancy rates by region, office, and classification and band; and

(iii) Average length of employment with the department, and when applicable, the date of exit for staff exiting employment with the department by region, office, classification and band, and job duty or program.

(h) \$94,000 of the general fund—state appropriation for fiscal year 2020 and \$94,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for a contract with a child advocacy center in Spokane to provide continuum of care services for children who have experienced abuse or neglect and their families.

(i) \$3,910,000 of the general fund—state appropriation for fiscal year 2020 and \$3,910,000 of the general fund—state appropriation for fiscal year 2021 and \$2,336,000 of the general fund—federal appropriation are provided solely for the department to reduce the caseload ratios of social workers serving children in foster care, to promote decreased lengths of stay and to make progress towards achievement of the Braam settlement caseload outcomes.

(j)(A) \$539,000 of the general fund—state appropriation for fiscal year 2020 and \$540,000 of the general fund—state appropriation for fiscal year 2021, \$656,000 of the general fund private/local appropriation, and \$252,000 of the general fund—federal appropriation are provided solely for a contract with an educational advocacy provider with expertise in foster care educational outreach. The amounts in this subsection are provided solely for contracted education coordinators to assist foster children in succeeding in K-12 and higher education systems and to assure a focus on education during the department's transition to performance-based contracts. Funding must be prioritized to regions with high numbers of foster care youth,

or regions where backlogs of youth that have formerly requested educational outreach services exist. The department is encouraged to use private matching funds to maintain educational advocacy services.

(B) The department shall contract with the office of the superintendent of public instruction, which in turn shall contract with a nongovernmental entity or entities to provide educational advocacy services pursuant to RCW 28A.300.590.

(k) The department shall continue to implement policies to reduce the percentage of parents requiring supervised visitation, including clarification of the threshold for transition from supervised to unsupervised visitation prior to reunification.

(l) \$375,000 of the general fund—state appropriation for fiscal year 2020 and \$375,000 of the general fund—state appropriation for fiscal year 2021 and \$112,000 of the general fund—federal appropriation are provided solely for the department to develop, implement, and expand strategies to improve the capacity, reliability, and effectiveness of contracted visitation services for children in temporary out-of-home care and their parents and siblings. Strategies may include, but are not limited to, increasing mileage reimbursement for providers, offering transportation-only contract options, and mechanisms to reduce the level of parent-child supervision when doing so is in the best interest of the child.

(m) For purposes of meeting the state's maintenance of effort for the state supplemental payment program, the department of children, youth, and families shall track and report to the department of social and health services the monthly state supplemental payment amounts attributable to foster care children who meet eligibility requirements specified in the state supplemental payment state plan. Such expenditures must equal at least \$3,100,000 annually and may not be claimed toward any other federal maintenance of effort requirement. Annual state supplemental payment expenditure targets must continue to be established by the department of social and health services. Attributable amounts must be communicated by the department of children, youth, and families to the department of social and health services on a monthly basis.

(n) \$1,230,000 of the general fund—state appropriation for fiscal year 2020 and ~~(((\$1,230,000))~~ \$2,230,000 of the general fund—state appropriation for fiscal year 2021 and \$156,000 of the general fund—federal appropriation are provided solely to increase the travel reimbursement for in-home service providers.

(o) The department is encouraged to control exceptional reimbursement decisions so that the child's needs are met without excessive costs.

(p) \$197,000 of the general fund—state appropriation for fiscal year 2020 and \$197,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the department to conduct biennial inspections and certifications of facilities, both overnight and day shelters, that serve those who are under 18 years old and are homeless.

(q) ~~(((\$1,740,000))~~ \$5,041,000 of the general fund—state appropriation for fiscal year 2020 ~~((and \$1,741,000))~~ \$6,052,000 of the general fund—state appropriation for fiscal year 2021 ~~((is))~~, and \$846,000 of the general fund—federal appropriation are provided solely for the department to operate emergent placement contracts. Of the amounts provided in this subsection (2)(q), \$1,037,000 of the general fund—state appropriation for fiscal year 2021 and \$115,000 of the general fund—federal appropriation are provided solely for contracts with enhanced therapeutic services and greater staff-to-child ratios. The department shall not include the costs to operate emergent placement contracts in the calculations for family foster home maintenance payments and shall submit as part of the budget submittal documentation required by RCW 43.88.030 any costs associated with increases in the number of emergent placement contract beds after the effective date of this section that cannot be sustained within existing appropriations.

(r) The appropriations in this section include sufficient funding for continued implementation of Chapter 80, Laws of 2018 (2SSB 6453) (kinship caregiver legal support).

(s)(i) \$10,828,000 of the general fund—state appropriation for fiscal year 2020, \$10,993,000 of the general fund—state appropriation for fiscal year 2021, and \$13,365,000 of the general fund—federal appropriation are provided solely for rate increases for behavioral rehabilitation services providers. The department shall modify the rate structure to one that is based on placement setting rather than acuity level pursuant to the rate study submitted in December 2018.

(ii) Beginning January 1, 2020, and continuing through the 2019-2021 fiscal biennium, the department must provide semi-annual reports to the governor and appropriate legislative committees that includes the number of in-state behavioral rehabilitation services providers and licensed beds, the number of out-of-state behavioral rehabilitation services placements, and a comparison of these numbers to the same metrics expressed as an average over the first six months of calendar year 2019. Beginning in state fiscal year 2021, the report shall identify beds with the behavioral rehabilitation services-plus services rate.

(t) Within existing resources, the department shall implement Engrossed Second Substitute Senate Bill No. 5291 (confinement alts./children).

(u) \$530,000 of the general fund—state appropriation for fiscal year 2021 and \$106,000 of the general fund—federal appropriation are provided solely to contract with a community organization with expertise in the vylifeset case management model to serve youth and young adults currently being served or exiting the foster care, juvenile justice, and mental health systems to successfully transition into self-reliant adults.

~~(((\$767,000 of the general fund—state appropriation for fiscal year 2020 and \$766,000))~~ (v) \$1,533,000 of the general fund—state appropriation for fiscal year 2021 ~~((are))~~ is provided solely for implementation of ~~((Second Substitute Senate Bill No. 5718 (child welfare housing assistance). If the bill is not enacted by June 30, 2019, the amounts~~

~~provided in this subsection shall lapse.)) chapter 328, Laws of 2019 (2SSB 5718). Of the amount provided in this subsection, \$767,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the department to provide short-term housing assistance to families that must not result in ongoing expenditures after June 30, 2021, consistent with the requirements of chapter 328, Laws of 2019 (2SSB 5718).~~

~~((v)) (w) \$413,000 of the general fund—state appropriation for fiscal year 2020, ((413,000)) \$513,000 of the general fund—state appropriation for fiscal year 2021, and \$826,000 of the general fund—federal appropriation are provided solely to increase family reconciliation services. The appropriations in this section include sufficient funding to implement Substitute House Bill No. 2873 (families in conflict).~~

~~((w)) (x) \$250,000 of the general fund—state appropriation for fiscal year 2020 and \$250,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementing the supportive visitation model that utilizes trained visit navigators to provide a structured and positive visitation experience for children and their parents.~~

~~((x)) (y) The department of children, youth, and families shall enter into interagency agreements with the office of public defense and office of civil legal aid to facilitate the use of federal Title IV-E reimbursement for parent representation and child representation services.~~

~~((y)) (z) \$146,000 of the general fund—state appropriation for fiscal year 2020 and \$147,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of Substitute Senate Bill No. 5955 (DCYF/statewide system). ((If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.~~

~~(z) \$7,586,000)) (aa) \$12,186,000 of the general fund—federal appropriation is provided solely for the department of children, youth, and families to leverage federal title IV-E funds available under the family first prevention services act for qualifying services and families.~~

(i) In fiscal year 2020, the department shall work with the department of social and health services to complete an evaluation of kinship navigator services that would enable establishment of a well-supported, supported, or promising practice model.

(ii) No later than December 1, 2019, the department shall report to the governor and appropriate legislative committees on the feasibility of claiming federal title IV-E reimbursement in fiscal year 2021 for home visiting services and kinship navigator services. The report shall include the estimated share of the current population receiving home visiting services whom the department would consider candidates for foster care for the purposes of title IV-E reimbursement under the family first prevention services act, and the estimated workload impacts for the department to identify and document the candidacy of populations receiving home visiting services.

~~((aa)) (bb) \$443,000 of the general fund—state appropriation for fiscal year 2020, \$443,000 of the general fund—state appropriation for fiscal year 2021, and \$818,000 of the general fund—federal appropriation are provided solely for ten child and family welfare services case workers.~~

~~((bb) \$379,000 of the general fund—state appropriation for fiscal year 2020 and \$871,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the department of children, youth, and families to contract with a county wide nonprofit organization with early childhood expertise in Pierce county for a pilot project to prevent child abuse and neglect using nationally recognized models. Of the amounts provided:~~

~~(i) \$323,000 of the general fund—state appropriation for fiscal year 2020 and \$333,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the nonprofit organization to convene stakeholders to implement a countywide resource and referral linkage system for families of children who are prenatal through age five.~~

~~(ii) \$56,000 of the general fund—state appropriation for fiscal year 2020 and \$539,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the nonprofit organization to offer a voluntary brief newborn home visiting program. The program must meet the diverse needs of Pierce county residents and, therefore, it must be flexible, culturally appropriate, and culturally responsive. The department, in collaboration with the nonprofit organization, must examine the feasibility of leveraging federal and other fund sources, including federal Title IV-E and Medicaid funds, for home visiting provided through the pilot. The department must report its findings to the governor and appropriate legislative committees by December 1, 2019.))~~

~~(cc) \$400,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for a contract with a national nonprofit organization to, in partnership with private matching funds, subcontract with a community organization for specialized, enhanced adoption placement services for legally free children in state custody. The contract must supplement, but not supplant, the work of the department to secure permanent adoptive homes for children with high needs.~~

~~(dd) \$666,000 of the general fund—state appropriation for fiscal year 2021 and \$74,000 of the general fund—federal appropriation are provided solely to implement Second Substitute House Bill No. 1645 (parental improvement). If the bill is not enacted by June 30, 2020, the amounts provided in this subsection shall lapse.~~

~~(ee) \$437,000 of the general fund—state appropriation for fiscal year 2021 and \$66,000 of the general fund—federal appropriation are provided solely to implement Engrossed Third Substitute House Bill No. 1775 (sexually exploited children). If the bill is not enacted by June 30, 2020, the amounts provided in this subsection shall lapse.~~

~~(ff) \$499,000 of the general fund—state appropriation for fiscal year 2021 and \$155,000 of the general fund—federal appropriation are provided solely to implement~~



Substitute House Bill No. 2525 (family connections program). If the bill is not enacted by June 30, 2020, the amounts provided in this subsection shall lapse.

(gg) \$498,000 of the general fund—state appropriation for fiscal year 2021 and \$93,000 of the general fund—federal appropriation are provided solely to increase all fees paid to child-placing agencies by 7.5 percent, effective July 1, 2020.

(hh) \$5,159,000 of the general fund—state appropriation for fiscal year 2021 and \$1,870,000 of the general fund—federal appropriation are provided solely to increase the basic foster care maintenance rate for all age groups effective July 1, 2020.

(ii) \$1,588,000 of the general fund—state appropriation for fiscal year 2021 and \$1,059,000 of the general fund—federal appropriation are provided solely to establish behavioral rehabilitation services-plus contracts to serve dependent youth whose needs cannot be met in regular behavioral rehabilitation services, and who may be transitioning from a hospital or other inpatient treatment, emergent placement services, a hotel stay, or an out-of-state placement. Contracts for behavioral rehabilitation services-plus must offer enhanced rates that support therapeutic services, appropriate staff-to-child ratios, and placement stabilization.

(jj) \$696,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for a contract with an organization or organizations with expertise in foster youth advocacy to help cover the costs of extracurricular activities for foster youth. The uses of amounts provided in this subsection must reflect foster youth choice regarding their participation in extracurricular activities.

(kk) The department of children, youth, and families shall make foster care maintenance payments to programs where children are placed with a parent in a residential program for substance abuse treatment. These maintenance payments are considered foster care maintenance payments for purposes of forecasting and budgeting at maintenance level as required by RCW 43.88.058.

(ll) No later than October 1, 2020, the department shall complete the following and report its findings to the appropriate legislative committees:

(a) Develop a proposed rate for contracted parent-child visitation providers that would accommodate a supportive visitation approach. The report must include a cost estimate to implement the proposed rate, and information on potential cost savings associated with supportive visitation; and

(b) Work with a University of Washington-based research organization that is overseeing implementation of the supportive visitation model in described in section 225(1)(x) of this act to evaluate the impact of the model on outcome measures and cost savings. To facilitate this work, the department must establish data collection and evaluation methodologies to assess the impact of this model, as well as that of any other supportive visitation efforts undertaken by the department.

~~((2))~~ (3) JUVENILE REHABILITATION PROGRAM

General Fund—State Appropriation (FY 2020)  
..... ~~((100,860,000))~~

\$100,595,000

General Fund—State Appropriation (FY 2021)  
..... ~~((101,604,000))~~

\$114,064,000

General Fund—Federal Appropriation .....\$3,464,000

General Fund—Private/Local Appropriation  
..... ~~((1,985,000))~~

\$1,790,000

Washington Auto Theft Prevention Authority

Account—State Appropriation .....\$196,000

Pension Funding Stabilization Account—State

Appropriation.....\$8,362,000

TOTAL APPROPRIATION.....\$216,471,000

\$228,471,000

The appropriations in this section are subject to the following conditions and limitations:

(a) \$331,000 of the general fund—state appropriation for fiscal year 2020 and \$331,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for deposit in the county criminal justice assistance account for costs to the criminal justice system associated with the implementation of chapter 338, Laws of 1997 (juvenile code revisions). The amounts provided in this subsection are intended to provide funding for county adult court costs associated with the implementation of chapter 338, Laws of 1997 and shall be distributed in accordance with RCW 82.14.310.

(b) \$2,841,000 of the general fund—state appropriation for fiscal year 2020 and \$2,841,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for grants to county juvenile courts for the juvenile justice programs identified by the Washington state institute for public policy in its report: "Inventory of Evidence-based, Research-based, and Promising Practices for Prevention and Intervention Services for Children and Juveniles in the Child Welfare, Juvenile Justice, and Mental Health Systems." Additional funding for this purpose is provided through an interagency agreement with the health care authority. County juvenile courts shall apply to the department of children, youth, and families for funding for program-specific participation and the department shall provide grants to the courts consistent with the per-participant treatment costs identified by the institute.

(c) \$1,537,000 of the general fund—state appropriation for fiscal year 2020 and \$1,537,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for expansion of the juvenile justice treatments and therapies in department of children, youth,

and families programs identified by the Washington state institute for public policy in its report: "Inventory of Evidence-based, Research-based, and Promising Practices for Prevention and Intervention Services for Children and Juveniles in the Child Welfare, Juvenile Justice, and Mental Health Systems." The department may concentrate delivery of these treatments and therapies at a limited number of programs to deliver the treatments in a cost-effective manner.

(d)(i) \$6,198,000 of the general fund—state appropriation for fiscal year 2020 and \$6,198,000 of the general fund—state appropriation for fiscal year 2021 are provided solely to implement evidence- and research-based programs through community juvenile accountability grants, administration of the grants, and evaluations of programs funded by the grants. In addition to funding provided in this subsection, funding to implement alcohol and substance abuse treatment programs for locally committed offenders is provided through an interagency agreement with the health care authority.

(ii) The department of children, youth, and families shall administer a block grant to county juvenile courts for the purpose of serving youth as defined in RCW 13.40.510(4)(a) in the county juvenile justice system. Funds dedicated to the block grant include: Consolidated juvenile service (CJS) funds, community juvenile accountability act (CJAA) grants, chemical dependency/mental health disposition alternative (CDDA), and suspended disposition alternative (SDA). The department of children, youth, and families shall follow the following formula and must prioritize evidence-based programs and disposition alternatives and take into account juvenile courts program-eligible youth in conjunction with the number of youth served in each approved evidence-based program or disposition alternative: (A) Thirty-seven and one-half percent for the at-risk population of youth ten to seventeen years old; (B) fifteen percent for the assessment of low, moderate, and high-risk youth; (C) twenty-five percent for evidence-based program participation; (D) seventeen and one-half percent for minority populations; (E) three percent for the chemical dependency and mental health disposition alternative; and (F) two percent for the suspended dispositional alternatives. Funding for the special sex offender disposition alternative (SSODA) shall not be included in the block grant, but allocated on the average daily population in juvenile courts. Funding for the evidence-based expansion grants shall be excluded from the block grant formula. Funds may be used for promising practices when approved by the department of children, youth, and families and juvenile courts, through the community juvenile accountability act committee, based on the criteria established in consultation with Washington state institute for public policy and the juvenile courts.

(iii) The department of children, youth, and families and the juvenile courts shall establish a block grant funding formula oversight committee with equal representation from the department of children, youth, and families and the juvenile courts. The purpose of this committee is to assess the ongoing implementation of the block grant funding formula, utilizing data-driven decision making and the most

current available information. The committee will be co-chaired by the department of children, youth, and families and the juvenile courts, who will also have the ability to change members of the committee as needed to achieve its purpose. The committee may make changes to the formula categories in (d)(ii) of this subsection if it determines the changes will increase statewide service delivery or effectiveness of evidence-based program or disposition alternative resulting in increased cost/benefit savings to the state, including long-term cost/benefit savings. The committee must also consider these outcomes in determining when evidence-based expansion or special sex offender disposition alternative funds should be included in the block grant or left separate.

(iv) The juvenile courts and administrative office of the courts must collect and distribute information and provide access to the data systems to the department of children, youth, and families and the Washington state institute for public policy related to program and outcome data. The department of children, youth, and families and the juvenile courts must work collaboratively to develop program outcomes that reinforce the greatest cost/benefit to the state in the implementation of evidence-based practices and disposition alternatives.

(e) (~~(\$557,000)~~) \$707,000 of the general fund—state appropriation for fiscal year 2020 and (~~(\$557,000)~~) \$707,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for funding of the teamchild project.

(f) \$283,000 of the general fund—state appropriation for fiscal year 2020 and \$283,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the juvenile detention alternatives initiative.

(g) \$500,000 of the general fund—state appropriation for fiscal year 2020 and \$500,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for a grant program focused on criminal street gang prevention and intervention. The department of children, youth, and families may award grants under this subsection. The department of children, youth, and families shall give priority to applicants who have demonstrated the greatest problems with criminal street gangs. Applicants composed of, at a minimum, one or more local governmental entities and one or more nonprofit, nongovernmental organizations that have a documented history of creating and administering effective criminal street gang prevention and intervention programs may apply for funding under this subsection. Each entity receiving funds must report to the department of children, youth, and families on the number and types of youth served, the services provided, and the impact of those services on the youth and the community.

(h) The juvenile rehabilitation institutions may use funding appropriated in this subsection to purchase goods, supplies, and services through hospital group purchasing organizations when it is cost-effective to do so.

(i) \$50,000 of the general fund—state appropriation for fiscal year 2020 and \$50,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for grants to county juvenile courts to establish alternative

detention facilities similar to the proctor house model in Jefferson county, Washington, that will provide less restrictive confinement alternatives to youth in their local communities. County juvenile courts shall apply to the department of children, youth, and families for funding and each entity receiving funds must report to the department on the number and types of youth serviced, the services provided, and the impact of those services on the youth and the community.

(j) \$432,000 of the general fund—state appropriation for fiscal year 2020 and \$432,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the department to provide housing services to clients releasing from incarceration into the community.

(k) ~~(((\$2,063,000))~~ \$4,179,000 of the general fund—state appropriation for fiscal year 2020 and ~~(((\$1,606,000))~~ \$9,779,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of Engrossed Second Substitute House Bill No. 1646 (juvenile rehabilitation confinement). ~~((If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.))~~

(l) \$80,000 of the general fund—state appropriation for fiscal year 2020 is provided solely for a contract with a non-governmental entity to research youth violence prevention strategies and explore new and existing resources to implement evidence-based youth prevention strategies in the city of Federal Way.

(m) \$200,000 of the general fund—state appropriation for fiscal year 2020 is provided for the department to measure the fidelity of the evidence-based interventions incorporated into the integrated treatment model. By July 1, 2020, the department must report to the governor and the appropriate fiscal and policy committees of the legislature on the results of the assessment of the integrated treatment model.

(n) \$425,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for community-based violence prevention and intervention services to individuals identified through the King county shots fired social network analysis. The department must complete an evaluation of the program and provide a report to the governor and the appropriate legislative committees by September 15, 2021.

(o) \$800,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the office of juvenile justice to establish a grant program for evidence-based services to youth who are at high risk to perpetrate gun violence and who reside in areas with high rates of gun violence.

(i) Priority shall be given to one site serving in south King county and one site in Yakima county.

(ii) Priority for funding shall be given to sites who partner with the University of Washington to deliver family integrated transition services through use of credible messenger advocates.

(p) \$25,000 of the general fund—state appropriation for fiscal year 2020 and \$75,000 of the general fund—state

appropriation for fiscal year 2021 are provided solely for the juvenile rehabilitation administration to contract with a cultural-based education, rehabilitation, and positive identity formation program to host music, dance, therapeutic African drumming, and cultural awareness workshops at Naselle youth camp.

(q) \$1,059,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for Second Substitute House Bill No. 2277 (youth solitary confinement). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

#### ~~((3))~~ (4) EARLY LEARNING PROGRAM

General Fund—State Appropriation (FY 2020)			
..... (( <del>\$232,310,000</del> ))			
<u>\$214,042,000</u>			
General Fund—State Appropriation (FY 2021)			
..... (( <del>\$246,369,000</del> ))			
<u>\$390,506,000</u>			
General	Fund—Federal	Appropriation	
..... (( <del>\$444,984,000</del> ))			
<u>\$412,831,000</u>			
General	Fund—Private/Local	Appropriation	
..... (( <del>\$100,000</del> ))			
<u>\$1,115,000</u>			
Education	Legacy	Trust	Account—State
Appropriation ..... (( <del>\$28,336,000</del> ))			
<u>\$28,156,000</u>			
Home	Visiting	Services	Account—State
Appropriation ..... (( <del>\$14,798,000</del> ))			
<u>\$15,326,000</u>			
Home	Visiting	Services	Account—Federal
Appropriation ..... (( <del>\$27,677,000</del> ))			
<u>\$28,522,000</u>			
Washington Opportunity Pathways Account—			
State Appropriation.....\$80,000,000			
Pension Funding Stabilization Account—State			
Appropriation.....\$3,900,000			
TOTAL APPROPRIATION..... <u>\$1,078,474,000</u>			
<u>\$1,174,398,000</u>			

The appropriations in this section are subject to the following conditions and limitations:

(a)(i) ~~(((\$81,236,000))~~ \$80,273,000 of the general fund—state appropriation for fiscal year 2020, ~~(((\$89,410,000))~~ \$100,331,000 of the general fund—state appropriation for fiscal year 2021, ~~(((\$24,250,000))~~ \$24,070,000 of the education legacy trust account—state appropriation, and \$80,000,000 of the opportunity pathways account appropriation are provided solely for the early

childhood education and assistance program. These amounts shall support at least 14,000 slots in fiscal year 2020 and 14,662 slots in fiscal year 2021. Of the 14,662 slots in fiscal year 2021, 50 slots must be reserved for foster children to receive school-year-round enrollment.

(ii) ~~((The department of children, youth, and families must develop a methodology to identify, at the school district level, the geographic locations of where early childhood education and assistance program slots are needed to meet the entitlement specified in RCW 43.216.556. This methodology must be linked to the caseload forecast produced by the caseload forecast council and must include estimates of the number of slots needed at each school district and the corresponding facility needs required to meet the entitlement in accordance with RCW 43.216.556. This methodology must be included as part of the budget submittal documentation required by RCW 43.88.030.))~~ \$9,664,000 of the general fund—state appropriation in fiscal year 2021 is for a slot rate increase of seven percent beginning in fiscal year 2021.

(b) \$200,000 of the general fund—state appropriation for fiscal year 2020 and \$200,000 of the general fund—state appropriation for fiscal year 2021 is provided solely to develop and provide culturally relevant supports for parents, family, and other caregivers.

(c) The department is the lead agency for and recipient of the federal child care and development fund grant. Amounts within this grant shall be used to fund child care licensing, quality initiatives, agency administration, and other costs associated with child care subsidies.

(d) ~~(((\$76,453,000))~~ \$59,193,000 of the general fund—state appropriation in fiscal year 2020, ~~(((\$82,736,000))~~ \$107,930,000 of the general fund—state appropriation in fiscal year 2021, and \$283,375,000 of the general fund—federal appropriation are provided solely for the working connections child care program under ~~((RCW 43.215.135))~~ RCW 43.216.135. Of the amounts provided in this subsection:

(i) \$78,101,000 of the general fund—state appropriation shall be claimed toward the state's temporary assistance for needy families federal maintenance of effort requirement. The department shall work in collaboration with the department of social and health services to track the average monthly child care subsidy caseload and expenditures by fund type, including child care development fund, general fund—state appropriation, and temporary assistance for needy families for the purpose of estimating the monthly temporary assistance for needy families reimbursement.

(ii) \$44,103,000 is for the compensation components of the 2019-2021 collective bargaining agreement covering family child care providers as provided in section 943 of this act.

(iii) \$28,000 of the general fund—state appropriation for fiscal year 2020 and \$1,359,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of Second Substitute House Bill No. 1303 (child care/higher education) ~~((or Engrossed Second~~

~~Substitute House Bill No. 2158 (workforce education investment). If neither bill is enacted by June 30, 2019, the amounts provided in this subsection (d)(iii) shall lapse)).~~

(iv) \$526,000 of the general fund—state appropriation for fiscal year 2020 and \$519,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of Second Substitute House Bill No. 1603 (economic assistance programs). ~~((If the bill is not enacted by June 30, 2019, the amounts provided in this subsection (d)(iv) shall lapse.))~~

(v) ~~(((\$101,414,000))~~ \$157,805,000 is for subsidy rate increases for child care center providers. Funding in this subsection is sufficient to achieve the 55th percentile of market at a level 3 standard of quality in fiscal year 2020 and the 75th percentile of market for both centers and licensed family homes at a level 2 standard of quality in fiscal year 2021. The state and the representative for family child care providers must enter into bargaining over the implementation of subsidy rate increases, and apply those increases consistent with the terms of this proviso and the agreement reached between the parties.

(vi) In order to not exceed the appropriated amount, the department shall manage the program so that the average monthly caseload does not exceed 33,000 households and the department shall give prioritized access into the program according to the following order:

(A) Families applying for or receiving temporary assistance for needy families (TANF);

(B) TANF families curing sanction;

(C) Foster children;

(D) Families that include a child with special needs;

(E) Families in which a parent of a child in care is a minor who is not living with a parent or guardian and who is a full-time student in a high school that has a school-sponsored on-site child care center;

(F) Families with a child residing with a biological parent or guardian who have received child protective services, child welfare services, or a family assessment response from the department in the past six months, and have received a referral for child care as part of the family's case management;

(G) Families that received subsidies within the last thirty days and:

(I) Have reapplied for subsidies; and

(II) Have household income of two hundred percent of the federal poverty level or below; and

(H) All other eligible families.

(vii) The department, in collaboration with the department of social and health services, must submit a follow-up report by December 1, 2019, to the governor and the appropriate fiscal and policy committees of the legislature on quality control measures for the working connections child care program. The report must include:

(A) An updated narrative of the procurement and implementation of an improved time and attendance system, including an updated and detailed accounting of the final costs of procurement and implementation;

(B) An updated and comprehensive description of all processes, including computer algorithms and additional rule development, that the department and the department of social and health services have implemented and that are planned to be implemented to avoid overpayments. The updated report must include an itemized description of the processes implemented or planned to be implemented to address each of the following:

(I) Ensure the department's auditing efforts are informed by regular and continuous alerts of the potential for overpayments;

(II) Avoid overpayments, including the billing of more regular business days than are in a month, to the maximum extent possible and expediently recover overpayments that have occurred;

(III) Withhold payment from providers when necessary to incentivize receipt of the necessary documentation to complete an audit;

(IV) Establish methods for reducing future payments or establishing repayment plans in order to recover any overpayments;

(V) Sanction providers, including termination of eligibility, who commit intentional program violations or fail to comply with program requirements, including compliance with any established repayment plans;

(VI) Consider pursuit of prosecution in cases with fraudulent activity; and

(VII) Ensure two half-day rates totaling more than one hundred percent of the daily rate are not paid to providers; and

(C) A description of the process by which fraud is identified and how fraud investigations are prioritized and expedited.

(viii) Beginning July 1, 2019, and annually thereafter, the department, in collaboration with the department of social and health services, must report to the governor and the appropriate fiscal and policy committees of the legislature on the status of overpayments in the working connections child care program. The report must include the following information for the previous fiscal year:

(A) A summary of the number of overpayments that occurred;

(B) The reason for each overpayment;

(C) The total cost of overpayments;

(D) A comparison to overpayments that occurred in the past two preceding fiscal years; and

(E) Any planned modifications to internal processes that will take place in the coming fiscal year to further reduce the occurrence of overpayments.

(e) Within available amounts, the department in consultation with the office of financial management shall report enrollments and active caseload for the working connections child care program to the governor and the legislative fiscal committees and the legislative-executive WorkFirst poverty reduction oversight task force on an agreed upon schedule. The report shall also identify the number of cases participating in both temporary assistance for needy families and working connections child care. The department must also report on the number of children served through contracted slots.

(f) \$1,560,000 of the general fund—state appropriation for fiscal year 2020 and \$1,560,000 of the general fund—state appropriation for fiscal year 2021 and \$13,424,000 of the general fund—federal appropriation are provided solely for the seasonal child care program. If federal sequestration cuts are realized, cuts to the seasonal child care program must be proportional to other federal reductions made within the department.

(g) \$379,000 of the general fund—state appropriation for fiscal year 2020 and \$871,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the department of children, youth, and families to contract with a countywide nonprofit organization with early childhood expertise in Pierce county for a pilot project to prevent child abuse and neglect using nationally recognized models. Of the amounts provided:

(i) \$323,000 of the general fund—state appropriation for fiscal year 2020 and \$333,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the nonprofit organization to convene stakeholders to implement a countywide resource and referral linkage system for families of children who are prenatal through age five.

(ii) \$56,000 of the general fund—state appropriation for fiscal year 2020 and \$539,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the nonprofit organization to offer a voluntary brief newborn home visiting program. The program must meet the diverse needs of Pierce county residents and, therefore, it must be flexible, culturally appropriate, and culturally responsive. The department, in collaboration with the nonprofit organization, must examine the feasibility of leveraging federal and other fund sources, including federal Title IV-E and medicaid funds, for home visiting provided through the pilot. The department must report its findings to the governor and appropriate legislative committees by December 1, 2019.

(h) ((~~\$4,674,000~~)) \$4,653,000 of the general fund—state appropriation for fiscal year 2020, ((~~\$3,598,000~~)) \$3,587,000 of the general fund—state appropriation for fiscal year 2021, and \$1,076,000 of the general fund—federal appropriation are provided solely for the early childhood intervention prevention services (ECLIPSE) program. The department shall contract for ECLIPSE services to provide therapeutic child care and other specialized treatment services to abused, neglected, at-risk, and/or drug-affected children. The department shall ensure that contracted providers pursue receipt of federal funding

associated with the early support for infants and toddlers program. Priority for services shall be given to children referred from the department.

~~((H))~~ (i) \$38,622,000 of the general fund—state appropriation for fiscal year 2020, \$38,095,000 of the general fund—state appropriation for fiscal year 2021 and \$33,908,000 of the general fund—federal appropriation are provided solely to maintain the requirements set forth in chapter 7, Laws of 2015, 3rd sp. sess. The department shall place a ten percent administrative overhead cap on any contract entered into with the University of Washington. In a bi-annual report to the governor and the legislature, the department shall report the total amount of funds spent on the quality rating and improvements system and the total amount of funds spent on degree incentives, scholarships, and tuition reimbursements. Of the amounts provided in this subsection:

(i) \$1,728,000 of the general fund—state appropriation for fiscal year 2020 and \$1,728,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for reducing barriers for low-income providers to participate in the early achievers program.

(ii) \$17,955,000 is for quality improvement awards, of which \$1,650,000 is to provide a \$500 increase for awards for select providers rated level three to five in accordance with the 2019-2021 collective bargaining agreement covering family child care providers as set forth in section 943 of this act.

(iii) \$1,283,000 of the general fund—state appropriation for fiscal year 2020 and \$417,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of Engrossed Second Substitute House Bill No. 1391 (early achievers program). ~~((If the bill is not enacted by June 30, 2019, the amounts provided in this subsection (h)(iii) shall lapse.~~

~~((i) \$150,000))~~ (j) \$225,000 of the general fund—state appropriation for fiscal year 2020 and ~~(((\$150,000))~~ \$225,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for a contract with a nonprofit entity experienced in the provision of promoting early literacy for children through pediatric office visits.

~~((j))~~ (k) \$4,000,000 of the education legacy trust account—state appropriation is provided solely for early intervention assessment and services.

~~((k))~~ (l) Information technology projects or investments and proposed projects or investments impacting time capture, payroll and payment processes and systems, eligibility, case management and authorization systems within the department are subject to technical oversight by the office of the chief information officer.

~~((H))~~ (m)(i)(A) The department is required to provide to the education research and data center, housed at the office of financial management, data on all state-funded early childhood programs. These programs include the early support for infants and toddlers, early childhood education and assistance program (ECEAP), and the working connections and seasonal subsidized childcare programs

including license exempt facilities or family, friend, and neighbor care. The data provided by the department to the education research data center must include information on children who participate in these programs, including their name and date of birth, and dates the child received services at a particular facility.

(B) ECEAP early learning professionals must enter any new qualifications into the department's professional development registry starting in the 2015-16 school year, and every school year thereafter. By October 2017, and every October thereafter, the department must provide updated ECEAP early learning professional data to the education research data center.

(C) The department must request federally funded head start programs to voluntarily provide data to the department and the education research data center that is equivalent to what is being provided for state-funded programs.

(D) The education research and data center must provide an updated report on early childhood program participation and K-12 outcomes to the house of representatives appropriations committee and the senate ways and means committee using available data every March for the previous school year.

(ii) The department, in consultation with the department of social and health services, must withhold payment for services to early childhood programs that do not report on the name, date of birth, and the dates a child received services at a particular facility.

~~((m))~~ (n) The department shall work with state and local law enforcement, federally recognized tribal governments, and tribal law enforcement to develop a process for expediting fingerprinting and data collection necessary to conduct background checks for tribal early learning and child care providers.

~~((m))~~ (o) \$5,157,000 of the general fund—state appropriation for fiscal year 2020 and \$4,938,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for components of the 2019-2021 collective bargaining agreement covering family child care providers as set forth in section 943 of this act. Of the amounts provided in this subsection:

(i) \$1,302,000 is for the family child care provider 501(c)(3) organization for board-approved training;

(ii) \$230,000 is for increasing training reimbursement up to \$250 per person;

(iii) \$115,000 is for training on the electronic child care time and attendance system;

(iv) \$3,000,000 is to maintain the career development fund;

(v) \$5,223,000 is for up to five days of substitute coverage per provider per year through the state-administered substitute pool.

(vi) \$226,000 is to provide an increase to monthly health care premiums.

~~((p))~~ (p) \$219,000 of the general fund—state appropriation for fiscal year 2020 and \$219,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of chapter 236, Laws of 2017 (SHB 1445) (dual language in early learning & K-12).

~~((q))~~ (q) \$100,000 of the general fund—state appropriation for fiscal year 2020 and \$100,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of chapter 202, Laws of 2017 (E2SHB 1713) (children's mental health).

~~((r))~~ (r) \$317,000 of the general fund—state appropriation for fiscal year 2020 and \$317,000 of the general fund—state appropriation for fiscal year 2021 are provided solely to continue a four year pilot for implementation of chapter 162, Laws of 2017 (SSB 5357) (outdoor early learning programs).

~~((s))~~ (s) Within existing resources, the department shall implement Substitute Senate Bill No. 5089 (early learning access).

~~((t))~~ (t) \$250,000 of the general fund—state appropriation for fiscal year 2020 and \$250,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for additional facilitated play groups offered statewide to family, friend, and neighbor child care providers.

~~((u))~~ (u)(i) The department of children, youth, and families, in consultation with the office of the superintendent of public instruction, the office of financial management, and the caseload forecast council must develop a proposal to transfer the annual allocations appropriated in the omnibus appropriations act for early intervention services for children with disabilities from birth through two years of age, from the superintendent of public instruction to the department of children, youth, and families beginning July 1, 2020. The department must submit a model detailing how allocations for this program will be determined and identifying the necessary statutory changes to the office of financial management and the fiscal committees of the legislature no later than September 1, 2019.

(ii) Beginning July 1, 2019, there shall be an administrative limit of five percent on all state funds allocated to school districts for early intervention services for children with disabilities from birth through two years of age.

~~((v))~~ (v) \$750,000 of the general fund—state appropriation for fiscal year 2020 ~~((is))~~ and \$750,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the expanded learning opportunity quality initiative pursuant to RCW 43.216.085(3)(d). No later than December 1, 2020, the department shall submit a report to the governor and the appropriate committees of the legislature regarding the outcomes of this pilot program and recommendations for future implementation that includes phasing-out the need for ongoing state support.

~~((w))~~ (w) \$3,779,000 of the home visiting services—state appropriation and \$3,779,000 of the home visiting services—federal appropriation are provided solely for the

department to contract for additional home visiting slots. To maximize the use of available federal funding, to the greatest extent possible, the department shall use these additional slots to serve families where one or more children are candidates for foster care. The federal amount in this subsection is contingent on the services and children being eligible under the federal family first prevention services act, P.L. 115-123. The department may not allocate the federal funds to contractors unless the federal funding requirements are met.

~~((x))~~ (x) \$9,000 of the general fund—state appropriation for fiscal year 2020 and \$9,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of Second Substitute House Bill No. 1344 (child care access work group). ~~((If the bill is not enacted by June 30, 2019, the amount provided in this subsection shall lapse.))~~

~~((y))~~ (y) \$773,000 of the general fund—state appropriation for fiscal year 2020 and \$773,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of Second Substitute Senate Bill No. 5903 (children's mental health). ~~((If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.))~~

(z) \$231,000 of the general fund—state appropriation for fiscal year 2020 and \$144,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the department of children, youth, and families to collaborate with the office of the superintendent of public instruction to complete a report with options and recommendations for administrative efficiencies and long-term strategies that align and integrate high-quality early learning programs administered by both agencies. The report shall address capital needs, data collection and data sharing, licensing changes, quality standards, options for community-based and school-based settings, fiscal modeling, and any statutory changes needed to achieve administrative efficiencies. The report is due to the governor and the appropriate legislative committees by September 1, 2020.

(aa) \$95,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the department to contract with the Walla Walla school district to repurpose an elementary school into an early learning center to serve as a regional prekindergarten facility. The early learning center must provide birth to five services such as parent education and supports, child care, and early learning programs.

(bb) \$500,000 of the general fund—state appropriation for fiscal year 2020 is provided solely for the department of children, youth, and families to contract with a nonprofit organization in Whatcom county to provide access to subsidized child care. The nonprofit must have over seventy years of experience serving Whatcom county and must currently provide affordable after school youth services to the county.

(cc) \$7,231,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the department to provide one-time scholarships for licensed family homes, child care center providers, and interested early learning providers to meet licensing requirements or

meet ECEAP staff qualifications. Scholarships must support early childhood education associate degrees offered at state community and technical colleges or the early childhood education stackable certificates. The department shall administer the scholarship program and leverage the infrastructure established with early achievers grants.

(dd) \$5,000,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the department to reduce working connections child care monthly copayments in order to reduce the child care subsidy cliff.

(ee) \$2,620,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for implementation of Substitute House Bill No. 2456 (working connect. eligibility). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

(ff) \$645,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for implementation of Engrossed Substitute House Bill No. 2455 (high school/child care). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

(gg) \$500,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for implementation of Substitute House Bill No. 2556 (early learning provider regs). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

(hh) \$250,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for implementation of House Bill No. 2619 (early learning access). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

(ii) \$92,228,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for payments to providers for the early support for infants and toddlers program to implement Substitute House Bill No. 2787 (infants and toddlers program). Beginning September 1, 2020, funding for this purpose is transferred from the office of the superintendent of public instruction. Funding and eligibility are associated with the 0-2 special education caseload prepared by the caseload forecast council.

#### ((4)) (5) PROGRAM SUPPORT

General Fund—State Appropriation (FY 2020)  
.....((~~\$75,435,000~~))  
\$118,458,000

General Fund—State Appropriation (FY 2021)  
.....((~~\$76,908,000~~))  
\$115,215,000

General Fund—Federal Appropriation  
.....((~~\$55,824,000~~))  
\$160,329,000

General Fund—Private/Local Appropriation \$195,000

Education Legacy Trust Account—State  
Appropriation..... \$180,000

Home Visiting Services Account—State  
Appropriation.....\$472,000

Home Visiting Services Account—Federal  
Appropriation.....\$354,000

Pension Funding Stabilization Account—State

Appropriation.....((~~\$14,000~~))  
\$2,990,000

TOTAL APPROPRIATION.....\$208,181,000  
\$398,193,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) The health care authority, the health benefit exchange, the department of social and health services, the department of health, and the department of children, youth, and families shall work together within existing resources to establish the health and human services enterprise coalition (the coalition). The coalition, led by the health care authority, must be a multi-organization collaborative that provides strategic direction and federal funding guidance for projects that have cross-organizational or enterprise impact, including information technology projects that affect organizations within the coalition. By October 31, 2019, the coalition must submit a report to the governor and the legislature that describes the coalition's plan for projects affecting the coalition organizations. The report must include any information technology projects impacting coalition organizations and, in collaboration with the office of the chief information officer, provide: (i) The status of any information technology projects currently being developed or implemented that affect the coalition; (ii) funding needs of these current and future information technology projects; and (iii) next steps for the coalition's information technology projects. The office of the chief information officer shall maintain a statewide perspective when collaborating with the coalition to ensure that the development of projects identified in this report are planned for in a manner that ensures the efficient use of state resources and maximizes federal financial participation. The work of the coalition is subject to the conditions, limitations, and review provided in ~~(section 719 of this act)~~ section 701 of this act.

(b) \$963,000 of the general fund—state appropriation for fiscal year 2020, \$963,000 of the general fund—state appropriation for fiscal year 2021, and \$180,000 of the education legacy trust account—state appropriation are provided solely for the early childhood education and assistance program. These amounts shall support at least 14,000 slots in fiscal year 2020 and 14,662 slots in fiscal year 2021. Of the 14,662 in fiscal year 2021, 50 slots must be reserved for foster children to receive school-year-round enrollment.

(ii) The department of children, youth, and families must develop a methodology to identify, at the school district level, the geographic locations of where early childhood education and assistance program slots are needed to meet the entitlement specified in RCW 43.216.556. This methodology must be linked to the caseload forecast



produced by the caseload forecast council and must include estimates of the number of slots needed at each school district and the corresponding facility needs required to meet the entitlement in accordance with RCW 43.216.556. This methodology must be included as part of the budget submittal documentation required by RCW 43.88.030.

(c) \$21,000 of the general fund—state appropriation for fiscal year 2020 and \$11,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the early childhood intervention prevention services (ECLIPSE) program. The department shall contract for ECLIPSE services to provide therapeutic child care and other specialized treatment services to abused, neglected, at-risk, and/or drug-affected children. The department shall ensure that contracted providers pursue receipt of federal funding associated with the early support for infants and toddlers program. Priority for services shall be given to children referred from the department.

(d) \$300,000 of the general fund—state appropriation for fiscal year 2020 and \$300,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for a Washington state mentoring organization to continue its public-private partnerships providing technical assistance and training to mentoring programs that serve at-risk youth.

((e)) (e) \$5,000 of the general fund—state appropriation for fiscal year 2020, \$5,000 of the general fund—state appropriation for fiscal year 2021, and \$16,000 of the general fund—federal appropriation are provided solely for the implementation of an agreement reached between the governor and the Washington federation of state employees for the language access providers under the provisions of chapter 41.56 RCW for the 2019-2021 fiscal biennium.

((f)) (f) \$63,000 of the general fund—state appropriation for fiscal year 2020 and \$7,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of Engrossed Second Substitute Senate Bill No. 5497 (immigrants in the workplace). ~~((If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.~~

((g)) (g) \$100,000 of the general fund—state appropriation for fiscal year 2020 and \$100,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for a full-time employee to coordinate policies and programs to support pregnant and parenting individuals receiving chemical dependency or substance use disorder treatment.

((h)) (h)(i) All agreements and contracts with vendors must include a provision to require that each vendor agrees to equality among its workers by ensuring similarly employed individuals are compensated as equals as follows:

(A) Employees are similarly employed if the individuals work for the same employer, the performance of the job requires comparable skill, effort, and responsibility, and the jobs are performed under similar working conditions. Job titles alone are not determinative of whether employees are similarly employed;

(B) Vendors may allow differentials in compensation for its workers based in good faith on any of the following:

(I) A seniority system; a merit system; a system that measures earnings by quantity or quality of production; a bona fide job-related factor or factors; or a bona fide regional difference in compensation levels.

(II) A bona fide job-related factor or factors may include, but not be limited to, education, training, or experience, that is: Consistent with business necessity; not based on or derived from a gender-based differential; and accounts for the entire differential.

(III) A bona fide regional difference in compensation level must be: Consistent with business necessity; not based on or derived from a gender-based differential; and account for the entire differential.

(ii) The provision must allow for the termination of the contract if the department or department of enterprise services determines that the vendor is not in compliance with this agreement or contract term.

(iii) The department must implement this provision with any new contract and at the time of renewal of any existing contract.

((g)) (i) The department must submit an agency budget request for the 2020 supplemental budget that identifies the amount of administrative funding to be transferred from appropriations in subsections ~~((1), (2), and (3))~~ (2), (3), and (4) of this section to this subsection ~~((4) of this section))~~ (5).

(j) \$50,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the department of children, youth, and families to fund an educational advocate for the city of Yakima. The advocate will provide intervention services to youth identified as most at risk to engage in firearm violence.

(k) \$50,000 of the general fund—state appropriation for fiscal year 2020 and \$200,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the department to contract with a nationwide organization that provides evidence-based mentoring by pairing youth with long-term professional mentors. The organization must have locations in Seattle, Tacoma, and southwest Washington, must select children facing the highest risks, and must employ and train salaried, professional mentors called friends. Funding is provided in this subsection for the organization to support measuring project outcomes, including but not limited to improved school attendance, reduced school discipline, acquisition of social and emotional skills, positive parent engagement, and progress in school achievement and course progression.

(l) \$83,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the office to participate in the work group established in section 922 of this act to create a family engagement framework for early learning through high school. At a minimum, the work group must review family engagement policies and practices in Washington and in other states, with a focus on identifying best practices that can be adopted throughout Washington.

**PART III****NATURAL RESOURCES**

**Sec. 301.** 2019 c 415 s 301 (uncodified) is amended to read as follows:

**FOR THE COLUMBIA RIVER GORGE COMMISSION**

General Fund—State Appropriation (FY 2020)  
.....(((\$544,000))

\$605,000

General Fund—State Appropriation (FY 2021)  
.....(((\$570,000))

\$667,000

General Fund—Federal Appropriation.....\$32,000

General Fund—Private/Local Appropriation  
.....(((\$1,138,000))

\$1,157,000

Pension Funding Stabilization Account—State  
Appropriation.....\$46,000

**TOTAL APPROPRIATION .....**\$2,330,000

\$2,507,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$45,000 of the general fund—state appropriation for fiscal year 2020 and \$45,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for a land use planner to conduct compliance monitoring on approved development projects and develop and track measures on the commission's effectiveness in implementing the national scenic area management plan.

(2) \$45,000 of the general fund—state appropriation for fiscal year 2020 and \$94,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for a land use planner to provide land use planning services dedicated to Klickitat county. Because the activities of the land use planner are solely for the benefit of Washington state, Oregon is not required to provide matching funds for this activity.

**Sec. 302.** 2019 c 415 s 302 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF ECOLOGY**

General Fund—State Appropriation (FY 2020)  
.....(((\$30,725,000))

\$30,665,000

General Fund—State Appropriation (FY 2021)  
.....(((\$29,342,000))

\$32,385,000

General Fund—Federal Appropriation..\$110,053,000

General Fund—Private/Local Appropriation  
.....(((\$23,406,000))

\$27,064,000

Reclamation Account—State Appropriation  
.....(((\$4,906,000))

\$4,927,000

Flood Control Assistance Account—State  
Appropriation.....(((\$4,174,000))

\$4,195,000

State Emergency Water Projects Revolving  
Account—State

Appropriation.....\$40,000

Waste Reduction, Recycling, and Litter Control

Account—State Appropriation .....(((\$24,951,000))

\$24,484,000

State Drought Preparedness Account—State  
Appropriation.....\$204,000

State and Local Improvements Revolving Account—  
Water

Supply Facilities—State Appropriation .....\$183,000

Aquatic Algae Control Account—State Appropriation  
.....\$528,000

Water Rights Tracking System Account—State  
Appropriation.....\$48,000

Site Closure Account—State Appropriation..\$582,000

Wood Stove Education and Enforcement Account—  
State

Appropriation.....\$577,000

Worker and Community Right to Know Fund—State

Appropriation.....\$1,995,000

Water Rights Processing Account—State  
Appropriation.....\$39,000

Model Toxics Control Operating Account—State

Appropriation.....(((\$237,148,000))

\$260,274,000

Model Toxics Control Operating Account—Local

Appropriation.....\$499,000

Water Quality Permit Account—State Appropriation  
.....(((\$47,872,000))

\$48,219,000

Underground Storage Tank Account—State  
Appropriation.....(((\$3,963,000))

\$3,989,000

Biosolids Permit Account—State Appropriation .....	<del>(\$2,703,000)</del>
	<u>\$2,718,000</u>
Hazardous Waste Assistance Account—State Appropriation.....	<del>(\$7,150,000)</del>
	<u>\$7,192,000</u>
Radioactive Mixed Waste Account—State Appropriation.....	<del>(\$19,626,000)</del>
	<u>\$21,196,000</u>
Air Pollution Control Account—State Appropriation .....	<del>(\$4,452,000)</del>
	<u>\$4,471,000</u>
Oil Spill Prevention Account—State Appropriation .....	<del>(\$11,351,000)</del>
	<u>\$9,211,000</u>
Air Operating Permit Account—State Appropriation .....	<del>(\$4,679,000)</del>
	<u>\$4,704,000</u>
Freshwater Aquatic Weeds Account—State Appropriation.....	\$1,497,000
Oil Spill Response Account—State Appropriation .....	<del>(\$7,076,000)</del>
	<u>\$8,576,000</u>
Dedicated Marijuana Account—State Appropriation (FY 2020) .....	\$465,000
Dedicated Marijuana Account—State Appropriation (FY 2021) .....	\$464,000
Pension Funding Stabilization Account—State Appropriation .....	\$2,920,000
Water Pollution Control Revolving Administration Account—State Appropriation .....	<del>(\$3,858,000)</del>
	<u>\$4,235,000</u>
Paint Product Stewardship Account—State Appropriation.....	\$182,000
TOTAL APPROPRIATION .....	<del>\$587,658,000</del>
	<u>\$618,781,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$170,000 of the oil spill prevention account—state appropriation is provided solely for a contract with the University of Washington's sea grant program to continue an educational program targeted to small spills from commercial fishing vessels, ferries, cruise ships, ports, and marinas.

(2) \$102,000 of the general fund—state appropriation for fiscal year 2020 and \$102,000 of the general fund—state

appropriation for fiscal year 2021 are provided solely for implementation of Executive Order No. 12-07, Washington's response to ocean acidification.

(3) \$726,000 of the general fund—state appropriation for fiscal year 2020, ~~(\$1,432,000)~~ \$1,742,000 of the general fund—state appropriation for fiscal year 2021, and \$1,600,000 of the flood control assistance account—state appropriation are provided solely for the continued implementation of the streamflow restoration program provided in chapter 90.94 RCW. Funding must be used to develop watershed plans, oversee consultants, adopt rules, and develop or oversee capital grant-funded projects that will improve instream flows statewide.

(4) \$1,259,000 of the model toxics control operating account—state appropriation is provided solely for the increased costs for Washington conservation corp member living allowances, vehicles used to transport crews to worksites, and costs unsupported by static federal AmeriCorps grant reimbursement.

(5) \$3,482,000 of the model toxics control operating account—state appropriation is provided solely for the department to implement recommendations that come from chemical action plans (CAP), such as the interim recommendations addressing PFAS (per- and polyfluorinated alkyl substances) contamination in drinking water and sources of that contamination, to monitor results, and to develop new CAPs.

(6) \$592,000 of the reclamation account—state appropriation is provided solely for the department to assess and explore opportunities to resolve water rights uncertainties and disputes through adjudications in selected basins where tribal senior water rights, unquantified claims, and similar uncertainties about the seniority, quantity, and validity of water rights exist.

(7) \$2,147,000 of the waste reduction, recycling, and litter control account—state appropriation is provided solely for the department to address litter prevention and recycling programs, and in response to new China-imposed restrictions on the import of recyclable materials. Activities funded from this increased appropriation include litter pickup by ecology youth crews, local governments, and other state agencies, and litter prevention public education campaigns.

(8) \$120,000 of the general fund—state appropriation for fiscal year 2020 and ~~(\$67,000)~~ \$569,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the implementation of Engrossed Second Substitute Senate Bill No. 5116 (clean energy). ~~((If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.))~~

(9) ~~(\$807,000)~~ \$1,286,000 of the model toxics control operating account—state appropriation is provided solely for the implementation of Substitute Senate Bill No. 5135 (toxic pollution). ~~((If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.))~~

~~(11))~~ (10) \$392,000 of the waste reduction, recycling, and litter control account—state appropriation is provided

solely for the implementation of Engrossed Second Substitute Senate Bill No. 5397 (plastic packaging). ~~((If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.))~~

~~((12))~~ (11) \$1,450,000 of the waste reduction, recycling, and litter control account—state appropriation is provided solely for the implementation of Engrossed Second Substitute House Bill No. 1543 (concerning sustainable recycling). ~~((If the bill is not enacted by June 30, 2019, the amount provided in this subsection shall lapse.))~~

~~((13))~~ (12) \$342,000 of the air pollution control account—state appropriation and \$619,000 of the model toxics control operating account—state appropriation are provided solely for the implementation of Engrossed Second Substitute House Bill No. 1112 (hydrofluorocarbons emissions). ~~((If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.))~~

~~((14))~~ (13) \$1,374,000 of the model toxics control operating account—state appropriation is provided solely for the implementation of Engrossed Substitute House Bill No. 1578 (oil transportation safety). ~~((If the bill is not enacted by June 30, 2019, the amount provided in this subsection shall lapse.))~~

~~((15))~~ (14) \$264,000 of the general fund—state appropriation for fiscal year 2020 and \$250,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the department to contract with the Walla Walla watershed management partnership board of directors to develop a thirty-year integrated water resource management strategic plan and to provide partnership staffing, reporting, and operating budget costs associated with new activities as described in Second Substitute Senate Bill No. 5352 (Walla Walla watershed pilot). ~~((If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.))~~

~~((16))~~ (15) \$455,000 of the general fund—state appropriation for fiscal year 2020 and \$455,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the department to grant to the northwest straits commission to distribute equally among the seven Puget Sound marine resource committees.

~~((17))~~ (16) \$290,000 of the general fund—state appropriation for fiscal year 2020 and \$290,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for rule making to change standards to allow for a higher volume of water to be spilled over Columbia river and Snake river dams to increase total dissolved gas for the benefit of Chinook salmon and other salmonids.

~~((18))~~ (17) \$118,000 of the general fund—state appropriation for fiscal year 2020 and \$118,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the agency to convene a stakeholder work group to identify actions to decrease loading of priority pharmaceuticals into Puget Sound, contract for technical experts to provide literature review, conduct an analysis and determine best practices for addressing pharmaceutical discharges, and carry out laboratory testing and analysis.

~~((19))~~ (18) \$319,000 of the general fund—state appropriation for fiscal year 2020 and \$319,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the department to increase coordination in reviewing shoreline armoring proposals to better protect forage fish.

~~((20))~~ (19) \$247,000 of the general fund—state appropriation for fiscal year 2020 and \$435,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for monitoring nutrient cycling and ocean acidification parameters at twenty marine stations in Puget Sound and Hood canal.

~~((21))~~ (20) \$250,000 of the flood control assistance account—state appropriation is provided solely for the Washington conservation corps to carry out emergency activities to respond to flooding by repairing levees, preventing or mitigating an impending flood hazard, or filling and stacking sandbags. This appropriation is also for grants to local governments for emergency response needs, including the removal of structures and repair of small-scale levees and tidegates.

~~((22))~~ (21) \$500,000 of the model toxics control operating account—~~((local))~~ state appropriation is provided solely for the Spokane river regional toxics task force to address elevated levels of polychlorinated biphenyls in the Spokane river.

~~((23))~~ (22) \$244,000 of the model toxics control operating—state appropriation is provided solely for the implementation of Engrossed Substitute Senate Bill No. 5579 (crude oil volatility/rail). ~~((If the bill is not enacted by June 30, 2019, the amount provided in this subsection shall lapse.))~~

~~((24))~~ (23) \$432,000 of the model toxics control operating—state appropriation is provided solely for the implementation of Substitute House Bill No. 1290 (voluntary cleanups/has waste). ~~((If the bill is not enacted by June 30, 2019, the amount provided in this subsection shall lapse.))~~

~~((25) \$10,000,000))~~ (24) \$19,000,000 of the model toxics control operating account—state appropriation is provided solely for the department to provide grants to local governments for the purpose of supporting local solid waste and financial assistance programs.

~~((26))~~ (25) \$100,000 of the oil spill prevention account—state appropriation is provided solely for the department to produce a synopsis of current maritime vessel activity, navigation lanes, and anchorages in the northern Puget Sound and the strait of Juan de Fuca, including vessel transit in Canadian portions of transboundary waters. Consistent with RCW 43.372.030, the synopsis must compile key findings and baseline information on the spatial and temporal distribution of and intensity of current maritime vessel activity. The department may collect new information on vessel activity, including information on commercial and recreational fishing, where relevant to the synopsis. In producing the synopsis, the department must invite the participation of Canadian agencies and first nations, and must coordinate with federal agencies, other

state agencies, federally recognized Indian tribes, commercial and recreational vessel operators and organizations representing such operators, and other stakeholders. The department must provide a draft of the synopsis to the appropriate committees of the legislature by June 30, 2021.

~~((27))~~ (26) \$500,000 of the waste reduction, recycling, and litter control account—state appropriation is provided solely for the implementation of Engrossed Second Substitute House Bill No. 1114 (food waste reduction). ~~((If the bill is not enacted by June 30, 2019, the amount provided in this subsection shall lapse.~~

~~((28))~~ (27) \$465,000 of the dedicated marijuana account—state appropriation for fiscal year 2020 and \$464,000 of the dedicated marijuana account—state appropriation for fiscal year 2021 are provided solely for the implementation of House Bill No. 2052 (marijuana product testing). ~~((If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.~~

~~((29))~~ (28) \$182,000 of the paint product stewardship account—state appropriation is provided solely for the implementation of Substitute House Bill No. 1652 (paint stewardship). ~~((If the bill is not enacted by June 30, 2019, the amount provided in this subsection shall lapse.))~~

(29) \$750,000 of the model toxics control operating account—state appropriation is provided solely for the department to provide funding to local governments to help address stormwater permit requirements and provide assistance to small businesses, as well as local source control monitoring to address toxic hotspots that impact Puget Sound.

(30) \$535,000 of the model toxics control operating account—state appropriation is provided solely for the department to develop a Puget Sound nutrients general permit for wastewater treatment plants in Puget Sound to reduce nutrients in wastewater discharges to Puget Sound.

(31) \$748,000 of the model toxics control operating account—state appropriation is provided solely for the department to add continuous freshwater monitoring at the mouth of the seven largest rivers discharging into Puget Sound.

(32) \$2,339,000 of the model toxics control operating account—state appropriation is provided solely for the department to adopt rules to strengthen and standardize the consideration of climate change risks, vulnerability, and greenhouse gas emissions in environmental assessments for major projects with significant environmental impacts. To provide clarity for the public, governmental agencies and project proponents, the rules must be uniform and apply to all branches of government, including state agencies, public and municipal corporations, and counties. The department shall develop such rules consistent with the requirements of chapter 34.05 RCW, the administrative procedure act. It is the intent of the legislature that in developing the rule, the department should carefully consider any potential overlap with other policies to reduce or regulate greenhouse gas emissions from major projects with significant

environmental impacts, in order to avoid duplicative obligations.

(33) \$654,000 of the model toxics control operating account—state appropriation is provided solely for additional staff to process clean water act certifications in the event that a sixty-day processing requirement is implemented for all United States army corps of engineers permitted projects in Washington. If such a requirement is not imposed, the amount provided in this subsection shall lapse.

(34) \$1,458,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the implementation of Engrossed Second Substitute House Bill No. 1110 (greenhouse gas/transp. fuels). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

(35) \$505,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the implementation of Second Substitute House Bill No. 2310 (on-demand transp. emissions). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

(36) \$70,000 of the model toxics control operating account—state appropriation is provided solely for the implementation of Engrossed Substitute House Bill No. 2722 (minimum recycled content). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

(37) Sufficient funding is provided in this section to implement Substitute House Bill No. 2892 (greenhouse gas emissions), including the costs of rulemaking.

(38)(a) \$51,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the department to conduct or contract for a study on the staffing and activities of the spill prevention, preparedness and response program over the past 10 years. The purpose of the study is to determine the impacts the program has on: (1) improvements to spill prevention and response; and (2) levels of employment and economic development in the communities most affected by oil transportation. The study must include analysis of, at a minimum:

(i) The program's staffing trends over time, including numbers and types of positions, and a comparison of the time and effort spent on different aspects of the program's work (for example, rulemaking and other regulatory work, training and drills, or creating geographic response plans);

(ii) Program outcomes, such as number of spills, spill response time, and spill preparedness across the state, and the extent to which the program's activities have led to those outcomes; and

(iii) Numbers of jobs reliant on oil transportation and other economic indicators in relevant communities around the state, as well as potential connections between those trends, the program's activities, and changes in regulations.

(b) The department must report the study to the appropriate committees of the legislature by December 31, 2020.

**Sec. 303.** 2019 c 415 s 303 (uncodified) is amended to read as follows:

**FOR THE STATE PARKS AND RECREATION COMMISSION**

General Fund—State Appropriation (FY 2020)	
.....	<del>(\$16,013,000)</del>
	<u>\$16,270,000</u>
General Fund—State Appropriation (FY 2021)	
.....	<del>(\$16,501,000)</del>
	<u>\$18,364,000</u>
General Fund—Federal Appropriation .....	\$7,079,000
Winter Recreation Program Account—State Appropriation .....	\$3,310,000
ORV and Nonhighway Vehicle Account—State Appropriation .....	\$403,000
Snowmobile Account—State Appropriation .....	\$5,657,000
Aquatic Lands Enhancement Account—State Appropriation .....	\$367,000
Parks Renewal and Stewardship Account—State Appropriation .....	<del>(\$125,438,000)</del>
	<u>\$126,701,000</u>
Parks Renewal and Stewardship Account—Private/Local	
Appropriation .....	\$420,000
Pension Funding Stabilization Account—State Appropriation .....	\$1,496,000
TOTAL APPROPRIATION .....	<del>\$176,684,000</del>
	<u>\$180,067,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$129,000 of the general fund—state appropriation for fiscal year 2020 and \$129,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for a grant for the operation of the Northwest weather and avalanche center.

(2) \$100,000 of the general fund—state appropriation for fiscal year 2020 and \$100,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the commission to pay assessments charged by local improvement districts.

(3) \$75,000 of the general fund—state appropriation for fiscal year 2020 and \$75,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the implementation of Senate Bill No. 5918 (whale watching

guidelines). ~~((If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.))~~

(4) \$916,000 of the general fund—state appropriation for fiscal year 2020, \$915,000 of the general fund—state appropriation for fiscal year 2021, and \$169,000 of the parks renewal and stewardship account—state appropriation are provided solely for the commission to replace major equipment with an emphasis on fire response equipment and law enforcement vehicles that have over fifteen years of useful life.

(5) \$252,000 of the general fund—state appropriation for fiscal year 2020, \$216,000 of the general fund—state appropriation for fiscal year 2021, and \$322,000 of the parks renewal and stewardship account—state appropriation are provided solely for operating budget impacts from capital budget projects funded in the 2017-2019 fiscal biennium.

(6) \$154,000 of the general fund—state appropriation for fiscal year 2020 and \$146,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for hiring new park rangers and park aides.

(7) \$3,750,000 of the general fund—state appropriation for fiscal year 2020, \$3,750,000 of the general fund—state appropriation for fiscal year 2021, and \$2,500,000 of the parks renewal and stewardship account—state appropriation are provided solely for maintaining current service levels for core functions such as customer service, facility maintenance, and law enforcement.

(8) \$382,000 of the general fund—state appropriation for fiscal year 2020 and \$567,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the commission to conduct forest health treatments on 500 acres of forestland each year, add stewardship staff capacity in the northwest region, and conduct vegetation surveys to identify rare and sensitive plants. One-time funding is also provided to replace a fire truck in the eastern region.

(9) \$750,000 of the general fund—state appropriation for fiscal year 2020 and \$750,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the commission to hire construction and maintenance staff to address the backlog of preventive maintenance at state parks.

(10) \$428,000 of the parks renewal and stewardship account—state appropriation is provided solely for increased technology costs associated with providing field staff with access to the state government network, providing law enforcement personnel remote access to law enforcement records, and providing public wi-fi services at dry falls, pacific beach, and potholes state parks.

(11) \$204,000 of the parks renewal and stewardship account—state appropriation is provided solely for maintaining the state parks' central reservation system, the law enforcement records management system, and discover pass automated pay stations.

(12) \$120,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the implementation of House Bill No. 2587 (scenic bikeway). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

**Sec. 304.** 2019 c 415 s 304 (uncodified) is amended to read as follows:

**FOR THE RECREATION AND CONSERVATION OFFICE**

General Fund—State Appropriation (FY 2020)	.....(( <del>\$1,193,000</del> ))
	<u>\$1,168,000</u>
General Fund—State Appropriation (FY 2021)	.....(( <del>\$1,166,000</del> ))
	<u>\$1,565,000</u>
General Fund—Federal Appropriation.(( <del>\$3,779,000</del> ))	
	<u>\$3,777,000</u>
General Fund—Private/Local Appropriation . \$24,000	
Aquatic Lands Enhancement Account—State Appropriation.....	\$333,000
Firearms Range Account—State Appropriation	.....\$37,000
Recreation Resources Account—State Appropriation	.....(( <del>\$4,143,000</del> ))
	<u>\$4,064,000</u>
NOVA Program Account—State Appropriation	.....\$1,107,000
Pension Funding Stabilization Account—State Appropriation.....	\$80,000
TOTAL APPROPRIATION .....	<u>\$11,862,000</u>
	<u>\$12,155,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$109,000 of the aquatic lands enhancement account—state appropriation is provided solely to the recreation and conservation funding board for administration of the aquatics lands enhancement account grant program as described in RCW 79.105.150.

(2) \$37,000 of the firearms range account—state appropriation is provided solely to the recreation and conservation funding board for administration of the firearms range grant program as described in RCW 79A.25.210.

(3) ((~~\$4,150,000~~)) \$4,064,000 of the recreation resources account—state appropriation is provided solely to the recreation and conservation funding board for administrative and coordinating costs of the recreation and conservation office and the board as described in RCW 79A.25.080(1).

(4) \$1,107,000 of the NOVA program account—state appropriation is provided solely to the recreation and conservation funding board for administration of the nonhighway and off-road vehicle activities program as described in chapter 46.09 RCW.

(5) \$175,000 of the general fund—state appropriation for fiscal year 2020 and \$175,000 of the general fund—state appropriation for fiscal year 2021 are provided solely to contract for implementation of the Nisqually watershed stewardship plan.

(6) \$140,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the governor's salmon recovery office to coordinate ongoing recovery efforts of southern resident orcas and monitor progress toward implementation of recommendations from the governor's southern resident killer whale task force.

(7) \$68,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the implementation of Engrossed Second Substitute House Bill No. 2311 (greenhouse gas emissions). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

(8)(a) \$75,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the recreation and conservation office, in collaboration with the department of natural resources, the state parks and recreation commission, and the department of fish and wildlife, to convene and facilitate an advisory group that includes recreational industry, and non-profit, motorized, non-motorized and other outdoor recreation groups to:

(i) Engage affected state agencies, partners and stakeholders in the development of a bold vision and twenty-year legislative strategy to invest in, promote, and support state outdoor recreation in Washington state;

(ii) Review the investment strategies and approaches taken by other states, including but not limited to Colorado and Oregon, to invest, promote and support outdoor recreation;

(iii) Identify strategies, investment priorities, and funding mechanisms that might be useful to implement in Washington;

(iv) Solicit feedback on potential recommendations from the general public and interested outdoor recreation stakeholders; and

(v) Incorporate the review and recommendations into a strategy for the future investments in outdoor recreation.

(b) The recreation and conservation office must submit the strategy for the future investments in outdoor recreation to the appropriate committees of the legislature by November 30, 2020.

**Sec. 305.** 2019 c 415 s 305 (uncodified) is amended to read as follows:

**FOR THE ENVIRONMENTAL AND LAND USE HEARINGS OFFICE**

General Fund—State Appropriation (FY 2020)	.....(( <del>\$2,533,000</del> ))
	<u>\$2,666,000</u>
General Fund—State Appropriation (FY 2021)	.....(( <del>\$2,440,000</del> ))

	<u>\$2,479,000</u>
Pension Funding Stabilization Account—State Appropriation.....	\$254,000
TOTAL APPROPRIATION .....	<u>\$5,227,000</u>
	<u>\$5,399,000</u>

The appropriations in this section are subject to the following conditions and limitations: \$170,000 of the general fund—state appropriation for fiscal year 2020 is provided solely for the implementation of Substitute Senate Bill No. 5151 (growth management board/indexing). ~~((If the bill is not enacted by June 30, 2019, the amount provided in this subsection shall lapse.))~~

**Sec. 306.** 2019 c 415 s 306 (uncodified) is amended to read as follows:

#### FOR THE CONSERVATION COMMISSION

General Fund—State Appropriation (FY 2020) .....	<del>(((\$7,936,000))</del>
	<u>\$7,845,000</u>
General Fund—State Appropriation (FY 2021) .....	<del>(((\$7,973,000))</del>
	<u>\$8,034,000</u>
General Fund—Federal Appropriation. <del>(((\$2,301,000))</del>	
	<u>\$2,482,000</u>
Public Works Assistance Account—State Appropriation.....	\$8,456,000
Model Toxics Control Operating Account—State Appropriation .....	\$1,000,000
Pension Funding Stabilization Account—State Appropriation.....	\$254,000
TOTAL APPROPRIATION .....	<u>\$27,920,000</u>
	<u>\$28,071,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$500,000 of the general fund—state appropriation for fiscal year 2020 and \$500,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the commission and conservation districts to increase landowner participation in voluntary actions that protect habitat to benefit salmon and southern resident orcas.

(2) \$8,456,000 of the public works assistance account—state appropriation is provided solely for implementation of the voluntary stewardship program. This amount may not be used to fund agency indirect and administrative expenses.

(3) \$50,000 of the general fund—state appropriation for fiscal year 2020 and \$50,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the commission to continue to convene and facilitate a food

policy forum and to implement recommendations identified through the previous work of the food policy forum.

(a) The commission shall coordinate implementation of the forum with the department of agriculture and the office of farmland preservation.

(b) The director of the commission and the director of the department of agriculture shall jointly appoint members of the forum, and no appointment may be made unless each director concurs in the appointment.

(c) In addition to members appointed by the directors, four legislators may serve on the food policy forum in an ex officio capacity. Legislative participants may be reimbursed for travel expenses by the senate or house of representatives as provided in RCW 44.04.120. Legislative participants must be appointed as follows:

(i) The speaker of the house of representatives shall appoint one member from each of the two largest caucuses of the house of representatives; and

(ii) The majority leader and minority leader of the senate shall appoint one member from each of the two largest caucuses of the senate.

(d) Meetings of the forum may be scheduled by either the director of the commission or the director of the department of agriculture.

(e) Staffing for the forum must be provided by the commission working jointly with staff from the department of agriculture.

(f) The commission and the department of agriculture shall jointly develop the agenda for each forum meeting as well as a report from the food policy forum. The report must contain recommendations and a workplan to implement the recommendations and must be delivered to the appropriate committees of the legislature and the governor by June 30, 2021.

~~(((\$5)))~~ (4) \$20,000 of the general fund—state appropriation for fiscal year 2020 is provided solely for the following activities:

(a) The commission and the department of agriculture must produce a gap analysis reviewing existing conservation grant programs and completed voluntary stewardship program plans to identify what technical assistance and cost-share resources are needed to meet the requirements placed on those activities by the legislature.

(b)(i) The commission, in collaboration with the department of agriculture, must develop recommendations for legislation or additional work that may be needed to implement a sustainable farms and fields grant program that prioritizes funding based on net reduction of greenhouse gas emissions on farm, aquatic, or ranch lands, including carbon sequestration.

(ii) The recommendations must incorporate the gap analysis required by this section. The recommendations must include information about how the grant program can complement and avoid competing with existing conservation programs, and provide cost share benefits to



existing and new programs designed to improve water quality, critical habitats, and soil health and soil-health research on farm, aquatic or timber lands.

(iii) The recommendations must be developed with input from stakeholder meetings with representatives from the environmental and agricultural communities.

(c) The commission and the department of agriculture must provide an update to the appropriate committees of the legislature by August 1, 2019, and final recommendations by November 1, 2019.

(5) \$65,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the implementation of Second Substitute House Bill No. 1733 (productive farmland). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

(6) \$61,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the implementation of Engrossed Second Substitute House Bill No. 2311 (greenhouse gas emissions). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

**Sec. 307.** 2019 c 415 s 307 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF FISH AND WILDLIFE**

General Fund—State Appropriation (FY 2020)  
.....(((\$74,521,000))  
\$76,955,000

General Fund—State Appropriation (FY 2021)  
.....(((\$63,849,000))  
\$86,021,000

General Fund—Federal Appropriation  
.....(((\$141,326,000))  
\$138,542,000

General Fund—Private/Local Appropriation  
.....(((\$69,360,000))  
\$69,490,000

ORV and Nonhighway Vehicle Account—State  
Appropriation..... \$701,000

Aquatic Lands Enhancement Account—State  
Appropriation ..... \$11,871,000

Recreational Fisheries Enhancement Account—State  
Appropriation ..... \$3,332,000

Warm Water Game Fish Account—State  
Appropriation..... \$2,824,000

Eastern Washington Pheasant Enhancement  
Account—State  
Appropriation ..... \$675,000

State Wildlife Account—State Appropriation  
.....(((\$115,447,000))  
\$90,059,000

Special Wildlife Account—State Appropriation  
.....\$2,904,000

Special Wildlife Account—Federal Appropriation  
.....\$517,000

Special Wildlife Account—Private/Local  
Appropriation .....\$3,653,000

Wildlife Rehabilitation Account—State  
Appropriation .....\$361,000

Ballast Water and Biofouling Management Account—  
State  
Appropriation.....\$10,000

Model Toxics Control Operating Account—State  
Appropriation.....\$2,946,000

Regional Fisheries Enhancement Salmonid Recovery  
Account—Federal Appropriation .....\$5,001,000

Oil Spill Prevention Account—State Appropriation  
.....\$1,199,000

Aquatic Invasive Species Management Account—  
State  
Appropriation.....\$1,906,000

Pension Funding Stabilization Account—State  
Appropriation.....\$5,186,000

Oyster Reserve Land Account—State Appropriation  
.....\$524,000

TOTAL APPROPRIATION.....\$508,113,000  
\$504,677,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$467,000 of the general fund—state appropriation for fiscal year 2020 and \$467,000 of the general fund—state appropriation for fiscal year 2021 are provided solely to pay for emergency fire suppression costs. These amounts may not be used to fund agency indirect and administrative expenses.

(2) \$415,000 of the general fund—state appropriation for fiscal year 2020, \$415,000 of the general fund—state appropriation for fiscal year 2021, and \$440,000 of the general fund—federal appropriation are provided solely for county assessments.

(3)(a) A legislative task force is established to recommend a group or entity to review the department's budget requests in place of the hatchery scientific review group. The task force is comprised of two members from each of the two largest caucuses in the senate, appointed by the president of the senate, and two members from each of the two largest caucuses in the house of representatives,

appointed by the speaker of the house. The task force shall be staffed by the office of program research and senate committee services. The task force must consult with tribes.

(b) The task force must review the purpose and activities of the hatchery scientific review group and develop recommendations for the legislature to establish a replacement group or entity that will analyze state spending and projects related to hatcheries that are proposed in state operating and capital budgets. Among other things, the task force shall recommend a process by which the replacement organization or entity, starting with the 2021-2023 fiscal biennium, contracts with the department to review the department's proposed agency biennial operating and capital budget requests related to state fish hatcheries prior to submission to the office of financial management. This review shall: (i) Examine if the proposed requests are consistent with independent scientific review standards using best available science; (ii) evaluate the components of the request based on the independent needs of each particular watershed and the return of salmonids including naturally spawning, endangered, and hatchery stocks; and (iii) evaluate whether the proposed requests are being made in the most cost-effective manner. This process must require the department to provide a copy of the review to the office of financial management and the legislature with its agency budget proposal.

(c) The task force shall report to the legislature on its findings and recommendations by December 1, 2019.

(4) \$400,000 of the general fund—state appropriation for fiscal year 2020 and \$400,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for a state match to support the Puget Sound nearshore partnership between the department and the United States army corps of engineers.

(5) \$762,000 of the general fund—state appropriation for fiscal year 2020, \$580,000 of the general fund—state appropriation for fiscal year 2021, and \$24,000 of the state wildlife account—state appropriation are provided solely for the implementation of Second Substitute Senate Bill No. 5577 (orca whales/vessels). ~~((If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.))~~

(6) \$156,000 of the general fund—state appropriation for fiscal year 2020 and \$155,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for operating budget impacts from capital budget projects funded in the 2017-2019 fiscal biennium.

(7) \$450,000 of the general fund—state appropriation for fiscal year 2020 and \$450,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the department to develop a pinto abalone recovery plan, expand field work, conduct genetics and disease assessments, and establish three satellite grow-out facilities. \$150,000 of the appropriation per fiscal year is for competitive grants to nonprofit organizations to assist in recovery and restoration work of native shellfish.

(8) \$350,000 of the general fund—state appropriation for fiscal year 2020 and \$350,000 of the general fund—state

appropriation for fiscal year 2021, are provided solely for the department to increase the work of regional fisheries enhancement groups.

(9) \$457,000 of the general fund—state appropriation for fiscal year 2020, \$457,000 of the general fund—state appropriation for fiscal year 2021, and \$110,000 of the state wildlife account—state appropriation are provided solely for the department to pay for costs to maintain upgraded network infrastructure and pay the debt service on purchased equipment.

(10) \$165,000 of the general fund—state appropriation for fiscal year 2020, \$166,000 of the general fund—state appropriation for fiscal year 2021, and \$495,000 of the state wildlife account—state appropriation are provided solely for new service or vendor costs, including PC leases, mobile devices, a remote management system, IT issue tracking technology, and virtual private network services.

(11) \$3,500,000 of the general fund—state appropriation for fiscal year 2020 and \$3,500,000 of the general fund—state appropriation for fiscal year 2021 are appropriated for the department to increase hatchery production of salmon throughout the Puget Sound, coast, and Columbia river. Increases in hatchery production must be prioritized to increase prey abundance for southern resident orcas. The department shall work with federal partners, tribal co-managers, and other interested parties when developing annual hatchery production plans. These increases shall be done consistent with best available science, most recent hatchery standards, and endangered species act requirements, and include adaptive management provisions to ensure the conservation and enhancement of wild stocks. Of the amounts provided in this subsection, \$500,000 in fiscal year 2020 is for wells and generators at the Samish hatchery.

(12) \$2,257,000 of the general fund—state appropriation for fiscal year 2020 and \$1,785,000 of the general fund—state appropriation for fiscal year 2021 are provided solely to grant to the northwest Indian fisheries commission to grant to tribes for hatchery operations that are prioritized to increase prey abundance for southern resident orcas. Of the amounts provided in this subsection:

(a) \$1,535,000 in each fiscal year is for additional hatchery production in the following amounts per fiscal year: \$150,000 for the Quinault Indian Nation, \$169,000 for the Tulalip Tribes, \$268,000 for the Quileute Tribe, \$186,000 for the Puyallup Tribe, \$112,000 for the Port Gamble S'Klallam Tribe, \$23,000 for the Muckleshoot Indian Tribe, \$207,000 for the Squaxin Island Tribe, \$142,000 for the Skokomish Indian Tribe, and \$278,000 for the Lummi Nation.

(b) \$472,000 in fiscal year 2020 is for improvements to hatchery facilities that support additional hatchery production in the following amounts: \$98,000 for the Tulalip Tribes, \$38,000 for the Puyallup Tribe, \$14,000 for the Port Gamble S'Klallam Tribe, \$25,000 for the Muckleshoot Indian Tribe, \$200,000 for the Squaxin Island Tribe, \$24,000 for the Skokomish Indian Tribe, and \$73,000 for the Lummi Nation.

(13) \$771,000 of the general fund—state appropriation in fiscal year 2020 and \$76,000 of the general fund—state appropriation in fiscal year 2021 are provided solely for the department to provide to tribes for hatchery operations that are prioritized to increase prey abundance for southern resident orcas. Of the amounts provided in this subsection, \$76,000 in each fiscal year is for the Yakama Nation for additional hatchery production, \$195,000 in fiscal year 2020 is for the Yakama Nation for improvements to hatchery facilities, and \$500,000 in fiscal year 2020 is for the Confederated Tribes of the Colville Reservation for improvements to hatchery facilities.

(14) ~~(((\$425,000))~~ \$175,000 of the general fund—state appropriation for fiscal year 2020 and ~~(((\$175,000))~~ \$425,000 of the general fund—state appropriation for fiscal year 2021 are provided solely to grant to public utility districts for additional hatchery production that is prioritized to increase prey abundance for southern resident orcas and other species that are critical to the marine food web. Of the amounts provided in this subsection, \$250,000 in fiscal year ~~((2020))~~ 2021 is for Puget Sound energy for ~~((wells and generators))~~ water supply system improvements at the Baker river fish hatchery.

(15) ~~(((\$1,361,000))~~ \$1,201,000 of the general fund—state appropriation for fiscal year 2020 and ~~(((\$1,360,000))~~ \$1,520,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the following activities to increase the availability of salmon for southern resident orcas: Surveying forage fish populations, conducting rulemaking for fish screens, reducing salmon predation by nonnative fish, prioritizing fish barrier removal, developing a strategy to reestablish salmon runs above dams, and increasing review of shoreline armoring proposals to protect forage fish.

(16) \$710,000 of the general fund—state appropriation for fiscal year 2020 and \$253,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the department to migrate to the state data center and are subject to the conditions, limitations, and review provided in ~~((section 719 of this act))~~ section 701 of this act.

(17) \$278,000 of the general fund—state appropriation for fiscal year 2020 and \$278,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the department to provide grants to the Lummi Nation to increase salmon production at the Skookum creek hatchery and the Lummi bay hatchery.

(18) \$477,000 of the general fund—state appropriation for fiscal year 2020 and \$477,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the implementation of Engrossed Substitute House Bill No. 2097 (statewide wolf recovery). ~~((If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.))~~

(19) \$200,000 of the general fund—state appropriation for fiscal year 2020 and \$200,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the department for elk management in the Skagit valley in cooperation with affected tribes and landowners. Authorized expenditures include, but are not limited to, elk fencing and

replacement hay to mitigate the impacts of elk on agricultural crop production.

(20) \$49,000 of the general fund—state appropriation for fiscal year 2020, \$47,000 of the general fund—state appropriation for fiscal year 2021, and \$37,000 of the state wildlife account—state appropriation are provided solely for the implementation of Second Substitute House Bill No. 1579 (chinook abundance). ~~((If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.))~~

(21) \$357,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for suppression, eradication, and monitoring of northern pike in the Columbia river. The department must work with the Spokane Tribe of Indians, the Confederated Tribes of the Colville Reservation, and the Kalispel Tribe of Indians on identifying appropriate actions to reduce threats to anadromous salmon from invasive northern pike.

(22) \$573,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for developing alternative gear methods for the commercial gill net fishery and a draft plan to reduce the number of commercial gill net licenses on the Columbia river. The department must consult with the state of Oregon and commercial gill net license holders on development of alternative gear and any proposed license reduction program. The department must provide a report to the governor and appropriate committees of the legislature by December 1, 2020.

(23) \$139,000 of the general fund—state appropriation for fiscal year 2020 and \$139,000 of the general fund—state appropriation for fiscal year 2021 are provided solely as matching funds for a federal grant to purchase two law enforcement vessels and equip them with optic system equipment to conduct marine patrols including vessel enforcement patrols related to southern resident orcas.

(24) \$924,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for expanded management of pinniped populations on the lower Columbia river and its tributaries with the goal of increasing chinook salmon abundance and prey availability for southern resident orcas. The department may only expend funds in this subsection after receiving necessary permits from the national marine fisheries service.

(25) \$225,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the department to increase enforcement of commercial and recreational vessel regulations for the protection of southern resident orcas in central and southern Puget Sound.

(26) \$112,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the implementation of Engrossed Second Substitute House Bill No. 2311 (greenhouse gas emissions). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

(27) \$1,262,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the costs for the department to maintain shellfish sanitation

activities necessary to implement its memorandum of understanding with the department of health to ensure the state is compliant with its federal obligations under the model ordinance of the national shellfish sanitation program.

(28) \$142,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for work addressing fish passage barriers, including data analysis and mapping to identify streams and barriers that have the greatest potential benefit to listed salmon populations, southern resident orca whales, and fisheries. In conducting this work, the department must consult with tribes and coordinate with the department of transportation's fish barrier work plans.

(29) \$90,000 of the general fund—state appropriation for fiscal year 2020 and \$166,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the department to contract with the Washington academy of sciences to complete the following activities:

(a) By December 1, 2020, and consistent with RCW 43.01.036, the department must submit a report to the legislature that assesses how to incorporate a net ecological gain standard into state land use, development, and environmental laws and rules to achieve a goal of better statewide performance on ecological health and endangered species recovery, including the recovery of salmon in order to fulfill tribal treaty obligations and achieve the delisting of threatened or endangered runs. The report must address each environmental, development, or land use law or rule where the existing standard is less protective of ecological integrity than the standard of net ecological gain, including the shoreline management act, chapter 90.58 RCW; the growth management act, chapter 36.70A RCW; and construction projects in state waters regulated under 77.55 RCW.

(b) In developing the report under this subsection, the department must consult with the appropriate local governments, state agencies, federally recognized Indian tribes, and stakeholders with subject matter expertise on environmental, land use, and development laws including, but not limited to, cities, counties, ports, the department of ecology, and the department of commerce. The department's consultation process under this subsection must include a total of at least two meetings at which local governments, state agencies, federally recognized Indian tribes, and stakeholders may provide input.

(c) The report must include:

(i) The development of a definition, goals, objectives, and measurable performance metrics for the standard of net ecological gain;

(ii) An assessment and analysis of opportunities and challenges, including legal issues and costs for state and local governments to achieve net ecological gain through both;

(A) Implementation of a standard of net ecological gain under different environmental, development, and land use laws; and

(B) An enhanced approach to implementing and monitoring no net loss in existing environmental, development, and land use laws;

(iii) Recommendations on funding, incentives, technical assistance, legal issues, monitoring, and use of scientific data, and other applicable considerations to the integration of net ecological gain into each environmental, developmental, and land use law or rule;

(iv) Assessments of how applying a standard of net ecological gain in the context of each environmental, land use, or development law is likely to achieve substantial additional environmental or social co-benefits; and

(v) Assessments of why existing standards of ecological protectiveness, such as no net loss standards, have been sufficient or insufficient to protect ecological health and achieve endangered species recovery.

**Sec. 308.** 2019 c 415 s 308 (uncodified) is amended to read as follows:

#### **FOR THE DEPARTMENT OF NATURAL RESOURCES**

General Fund—State Appropriation (FY 2020)	..... ((\$74,086,000))
	<u>\$101,317,000</u>
General Fund—State Appropriation (FY 2021)	..... ((\$62,093,000))
	<u>\$66,966,000</u>
General Fund—Federal Appropriation ....	\$34,977,000
General Fund—Private/Local Appropriation	..... \$2,534,000
Forest Development Account—State Appropriation	..... ((\$54,165,000))
	<u>\$54,166,000</u>
ORV and Nonhighway Vehicle Account—State	
Appropriation.....	..... ((\$8,166,000))
	<u>\$8,165,000</u>
Surveys and Maps Account—State Appropriation	..... \$2,595,000
Aquatic Lands Enhancement Account—State	
Appropriation.....	..... ((\$18,537,000))
	<u>\$14,135,000</u>
Resource Management Cost Account—State	
Appropriation.....	..... ((\$128,255,000))
	<u>\$128,248,000</u>
Surface Mining Reclamation Account—State	
Appropriation.....	\$4,103,000
Disaster Response Account—State Appropriation	..... \$23,063,000
Park Land Trust Revolving Account—State	
Appropriation.....	\$750,000

Forest and Fish Support Account—State	
Appropriation .....	<del>(\$16,354,000)</del>
	<u>\$12,859,000</u>
Aquatic Land Dredged Material Disposal Site Account—State	
Appropriation .....	\$402,000
Natural Resources Conservation Areas Stewardship Account—	
State Appropriation .....	\$39,000
Forest Fire Protection Assessment Nonappropriated Account—State Appropriation .....	<del>(\$5,896,000)</del>
	<u>\$5,713,000</u>
Model Toxics Control Operating Account—State	
Appropriation .....	<del>(\$5,995,000)</del>
	<u>\$9,250,000</u>
Forest Practices Application Account—State	
Appropriation .....	\$2,015,000
Air Pollution Control Account—State Appropriation .....	\$901,000
NOVA Program Account—State Appropriation .....	\$780,000
Pension Funding Stabilization Account—State	
Appropriation .....	\$3,240,000
Derelict Vessel Removal Account—State Appropriation .....	\$2,001,000
Community Forest Trust Account—State Appropriation .....	\$52,000
Agricultural College Trust Management Account—State	
Appropriation .....	\$3,179,000
TOTAL APPROPRIATION .....	<u>\$454,178,000</u>
	<u>\$481,450,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$1,583,000 of the general fund—state appropriation for fiscal year 2020 and \$1,515,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for deposit into the agricultural college trust management account and are provided solely to manage approximately 70,700 acres of Washington State University's agricultural college trust lands.

(2) ~~(\$16,546,000)~~ \$45,856,000 of the general fund—state appropriation for fiscal year 2020, \$16,546,000 of the general fund—state appropriation for fiscal year 2021, and \$16,050,000 of the disaster response account—state appropriation are provided solely for emergency fire

suppression. The appropriations provided in this subsection may not be used to fund the department's indirect and administrative expenses. The department's indirect and administrative costs shall be allocated among its remaining accounts and appropriations.

(3) ~~(\$5,000,000)~~ \$5,500,000 of the forest and fish support account—state appropriation is provided solely for outcome-based performance contracts with tribes to participate in the implementation of the forest practices program. Contracts awarded may only contain indirect costs set at or below the rate in the contracting tribe's indirect cost agreement with the federal government. Of the amount provided in this subsection, \$500,000 is contingent upon receipts under RCW 82.04.261 exceeding eight million dollars per biennium. If receipts under RCW 82.04.261 are more than eight million dollars but less than eight million five hundred thousand dollars for the biennium, an amount equivalent to the difference between actual receipts and eight million five hundred thousand dollars shall lapse.

(4) \$1,857,000 of the general fund—state appropriation for fiscal year 2020 and \$1,857,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the department to carry out the forest practices adaptive management program pursuant to RCW 76.09.370 and the May 24, 2012, settlement agreement entered into by the department and the department of ecology. Scientific research must be carried out according to the master project schedule and work plan of cooperative monitoring, evaluation, and research priorities adopted by the forest practices board. The forest practices board shall submit a report to the legislature following review, approval, and solicitation of public comment on the cooperative monitoring, evaluation, and research master project schedule, to include: Cooperative monitoring, evaluation, and research science and related adaptive management expenditure details, accomplishments, the use of cooperative monitoring, evaluation, and research science in decision-making, and funding needs for the coming biennium. The report shall be provided to the appropriate committees of the legislature by October 1, 2020.

(5) Consistent with the recommendations of the *Wildfire Suppression Funding and Costs (18-02)* report of the joint legislative audit and review committee, the department shall submit a report to the governor and legislature by December 1, 2019, and December 1, 2020, describing the previous fire season. At a minimum, the report shall provide information for each wildfire in the state, including its location, impact by type of land ownership, the extent it involved timber or range lands, cause, size, costs, and cost-share with federal agencies and nonstate partners. The report must also be posted on the agency's web site.

(6) \$26,000 of the general fund—state appropriation for fiscal year 2020 and \$27,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the implementation of Engrossed Second Substitute Senate Bill No. 5116 (clean energy). ~~((If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.))~~

(7) \$12,000 of the general fund—state appropriation for fiscal year 2020 and \$12,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the implementation of Substitute Senate Bill No. 5550 (pesticide application safety). ~~((If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.))~~

(8) The appropriations in this section include sufficient funding for the implementation of Engrossed Substitute Senate Bill No. 5330 (small forestland).

(9) \$42,000 of the general fund—state appropriation for fiscal year 2020 and \$21,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the implementation of Substitute Senate Bill No. 5106 (natural disaster mitigation). ~~((If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.))~~

(10) \$26,000 of the general fund—state appropriation for fiscal year 2020 and \$26,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the implementation of Substitute Senate Bill No. 5597 (aerial herbicide application). ~~((If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.))~~

(11) \$4,486,000 of the aquatic land enhancement account—state appropriation is provided solely for the removal of creosote pilings and debris from the marine environment and to continue monitoring zooplankton and eelgrass beds on state-owned aquatic lands managed by the department. Actions will address recommendations to recover the southern resident orca population and to monitor ocean acidification as well as help implement the Puget Sound action agenda.

(12) \$304,000 of the model toxics control operating account—state appropriation is provided solely for costs associated with the cleanup of the Fairview avenue site near Lake Union in Seattle. The aquatic site is contaminated with lead, chromium, and arsenic. This will be the department's final payment toward remediation costs.

(13) \$75,000 of the general fund—state appropriation for fiscal year 2020 and \$75,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the department to identify priority kelp restoration locations in central Puget Sound, based on historic locations, and monitor the role of natural kelp beds in moderating pH conditions in Puget Sound.

(14) \$188,000 of the general fund—state appropriation for fiscal year 2020 and \$187,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the department to coordinate with the Olympic natural resources center to study emerging ecosystem threats such as Swiss needlecast disease, conduct field trials for long-term ecosystem productivity and T3 watershed experiments, and engage stakeholders. The department must contract with the Olympic natural resources center for at least \$187,000 per fiscal year. The department may retain up to \$30,000 per fiscal year to conduct Swiss needlecast surveys and research. Administrative costs may be taken and are limited to twenty-seven percent of the amount of appropriation retained by the department.

(15) ~~((~~\$22,843,000~~))~~ \$20,820,000 of the general fund—state appropriation for fiscal year 2020, \$11,364,000 of the general fund—state appropriation for fiscal year 2021, and \$4,000,000 of the forest fire protection assessment nonappropriated account—state appropriation are provided solely for wildfire response, to include funding full time fire engine leaders, increasing the number of correctional camp fire crews in western Washington, purchasing two helicopters, providing dedicated staff to conduct fire response training, creating a fire prevention outreach program, forest health administration, landowner technical assistance, conducting forest health treatments on federal lands and implementing the department's twenty-year forest health strategic plan, post-wildfire landslide assessments, and other measures necessary for wildfire suppression and prevention.

(16) \$186,000 of the general fund—state appropriation for fiscal year 2020 and \$185,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for compensation to the trust beneficiaries and department for lost revenue from leases to amateur radio operators who use space on the department managed radio towers for their equipment. The department is authorized to lease sites at the rate of up to one hundred dollars per year, per site, per lessee. The legislature makes this appropriation to fulfill the remaining costs of the leases at market rate per RCW 79.13.510.

(17) \$110,000 of the general fund—state appropriation for fiscal year 2020 and \$110,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the department to conduct post wildfire landslide hazard assessments and reports.

(18) \$162,000 of the general fund—state appropriation for fiscal year 2020 and \$163,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for paving the road access to Leader lake in northeast Washington.

(19) The appropriations in this section include sufficient funding for the department to conduct an analysis of revenue impacts to the state forestlands taxing district beneficiaries as a result of the proposed long-term conservation strategy for the marbled murrelet. The department shall consult with state forestlands taxing district beneficiary representatives on the analysis. The department shall make the analysis available to state forestlands taxing districts and submit it to the board of natural resources by September 30, 2019.

(20) \$150,000 of the aquatic lands enhancement account—state appropriation is provided solely for continued facilitation and support services for the marine resources advisory council.

(21) \$217,000 of the aquatic lands enhancement account—state appropriation is provided solely for implementation of the state marine management plan and ongoing costs of the Washington coastal marine advisory council to serve as a forum and provide recommendations on coastal management issues.

~~((23))~~ (22) \$485,000 of the general fund—state appropriation for fiscal year 2020 and \$485,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the implementation of Second Substitute House Bill No. 1784 (wildfire prevention). ~~((If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.))~~

~~(24))~~ (23)(a) \$250,000 of the general fund—state appropriation for fiscal year 2020 and \$125,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the following activities:

(i) Conducting carbon inventories to build on existing efforts to understand carbon stocks, flux, trends, emissions, and sequestration across Washington's natural and working lands, including harvested wood products, wildfire emissions, land management activities, and sawmill energy use and emissions. Where feasible, the department shall use available existing data and information to conduct this inventory and analysis. For the purposes of this section, natural and working land types include forests, croplands, rangelands, wetlands, grasslands, aquatic lands, and urban green space.

(ii) Compiling and providing access to information on existing opportunities for carbon compensation services and other incentive-based carbon reducing programs to assist owners of private and other nonstate owned or managed forestland interested in voluntarily engaging in carbon markets.

(b) By December 1, 2020, the department must submit a report to the appropriate committees of the legislature summarizing the results of the inventories required under this section, and assessing actions that may improve the efficiency and effectiveness of carbon inventory activities on natural and working lands, including carbon sequestration in harvested forest products. The department must also describe any barriers, including costs, to the use of voluntary, incentive-based carbon reducing or sequestering programs. The department may also include recommendations for additional work or legislation that may be advisable resulting from the advisory group created in this subsection as part of this report.

(c) The department must form a natural and working lands carbon sequestration advisory group to help guide the activities provided in this section. The advisory group must be composed of a balance of representatives reflecting the diverse interests and expertise involved on the subject of carbon sequestration on natural and working lands.

(24) \$24,000 of the general fund—state appropriation for fiscal year 2021, \$9,000 of the forest development account—state appropriation, and \$15,000 of the resource management cost account—state appropriation are provided solely for the implementation of Engrossed Second Substitute House Bill No. 1521 (government contracting). If the bill is not enacted by June 30, 2020, the amounts provided in this subsection shall lapse.

(25) \$240,000 of the model toxics control operating account—state appropriation is provided solely for the implementation of Engrossed Second Substitute House Bill

No. 2311 (greenhouse gas emissions). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

(26) \$384,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the implementation of Substitute House Bill No. 2768 (urban and community forestry). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

**Sec. 309.** 2019 c 415 s 309 (uncodified) is amended to read as follows:

#### **FOR THE DEPARTMENT OF AGRICULTURE**

General Fund—State Appropriation (FY 2020)		
..... <del>(((\$18,858,000))</del>		
\$19,051,000		
General Fund—State Appropriation (FY 2021)		
..... <del>(((\$18,925,000))</del>		
\$20,195,000		
General	Fund—Federal	Appropriation
..... <del>(((\$32,078,000))</del>		
\$32,613,000		
General Fund—Private/Local Appropriation \$193,000		
Aquatic Lands Enhancement Account—State		
Appropriation ..... <del>(((\$2,527,000))</del>		
\$2,530,000		
Model Toxics Control Operating Account—State		
Appropriation ..... <del>(((\$5,808,000))</del>		
\$6,537,000		
Water Quality Permit Account—State Appropriation		
..... \$73,000		
Dedicated Marijuana Account—State Appropriation		
(FY 2020) ..... \$635,000		
Dedicated Marijuana Account—State Appropriation		
(FY 2021) ..... \$635,000		
Pension Funding Stabilization Account—State		
Appropriation ..... \$1,036,000		
TOTAL APPROPRIATION ..... <del>\$80,768,000</del>		
\$83,498,000		

The appropriations in this section are subject to the following conditions and limitations:

(1) \$6,108,445 of the general fund—state appropriation for fiscal year 2020 and ~~(((\$6,102,905))~~ \$6,202,905 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementing the food assistance program as defined in RCW 43.23.290.

(2) \$58,000 of the general fund—state appropriation for fiscal year 2020 and \$59,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the implementation of Substitute Senate Bill No. 5550 (pesticide

application safety). ~~((If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.))~~

(3) The appropriations in this section includes sufficient funding for the implementation of Engrossed Substitute Senate Bill No. 5959 (livestock identification).

(4) \$18,000 of the general fund—state appropriation for fiscal year 2020 and \$18,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the implementation of Substitute Senate Bill No. 5597 (aerial herbicide application). ~~((If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.))~~

(5) The appropriations in this section include sufficient funding for the implementation of Senate Bill No. 5447 (dairy milk assessment fee).

(6) \$250,000 of the general fund—state appropriation for fiscal year 2020 and \$250,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the department's regional markets program, which includes the small farm direct marketing program under RCW 15.64.050 and the farm-to-school program under RCW 15.64.060.

(7) \$125,000 of the general fund—state appropriation for fiscal year 2020 and \$125,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the northwest Washington fair youth education programs.

(8) \$197,000 of the general fund—state appropriation for fiscal year 2020 and \$202,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of Substitute Senate Bill No. 5552 (pollinators). ~~((If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.))~~

(9) \$32,000 of the general fund—state appropriation for fiscal year 2020, \$32,000 of the general fund—state appropriation for fiscal year 2021, and \$52,000 of the general fund—federal appropriation are provided solely for the department to migrate to the state data center and are subject to the conditions, limitations, and review provided in ~~((section 719 of this act))~~ section 701 of this act.

(10) \$24,000 of the general fund—state appropriation for fiscal year 2020 and \$24,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the department to continue to convene and facilitate a food policy forum and to implement recommendations identified through the previous work of the food policy forum.

(a) The department shall coordinate implementation of the forum with the conservation commission and the office of farmland preservation.

(b) The director of the department and the director of the conservation commission shall jointly appoint members of the forum, and no appointment may be made unless each director concurs in the appointment.

(c) In addition to members appointed by the directors, four legislators may serve on the food policy forum in an ex officio capacity. Legislative participants must be appointed as follows:

(i) The speaker of the house of representatives shall appoint one member from each of the two largest caucuses of the house of representatives; and

(ii) The majority leader and minority leader of the senate shall appoint one member from each of the two largest caucuses of the senate.

(d) Meetings of the forum may be scheduled by either the director of the department or the director of the conservation commission.

(e) Staffing for the forum must be provided by the department working jointly with staff from the conservation commission.

(f) The department and conservation commission shall jointly develop the agenda for each forum meeting as well as a report from the food policy forum. The report must contain recommendations and a workplan to implement the recommendations and must be delivered to the appropriate committees of the legislature and the governor by June 30, 2021.

(11) \$212,000 of the general fund—state appropriation for fiscal year 2020 is provided solely for the implementation of Engrossed Second Substitute Senate Bill No. 5276 (hemp production). ~~((If the bill is not enacted by June 30, 2019, the amount provided in this subsection shall lapse.))~~

(12) \$125,000 of the general fund—state appropriation for fiscal year 2020 and \$125,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the department to review and assist with agricultural economic development in southwest Washington. Funding is provided for the department to perform or contract for agricultural economic development services, including but not limited to grant application assistance, permitting assistance and coordination, and development of a food hub.

(13) \$250,000 of the aquatic lands enhancement account—state appropriation is provided solely to continue a shellfish coordinator position. The shellfish coordinator assists the industry with complying with regulatory requirements and will work with regulatory agencies to identify ways to streamline and make more transparent the permit process for establishing and maintaining shellfish operations.

(14) \$10,000 of the general fund—state appropriation for fiscal year 2020 is provided solely for the following activities:

(a) The department and the conservation commission must produce a gap analysis reviewing existing conservation grant programs and completed voluntary stewardship program plans to identify what technical assistance and cost-share resources are needed to meet the requirements placed on those activities by the legislature.

(b)(i) The department, in collaboration with the conservation commission, must develop recommendations for legislation or additional work that may be needed to implement a sustainable farms and fields grant program that prioritizes funding based on net reduction of greenhouse gas



emissions on farm, aquatic, or ranch lands, including carbon sequestration.

(ii) The recommendations must incorporate the gap analysis required by this section. The recommendations must include information about how the program can complement and avoid competing with existing conservation programs, and provide cost share benefits to existing and new programs designed to improve water quality, critical habitats, and soil health and soil-health research on farm, aquatic, or timber lands.

(iii) The recommendations must be developed with input from stakeholder meetings with representatives from the environmental and agricultural communities.

(c) The department and the conservation commission must provide an update to the appropriate committees of the legislature by August 1, 2019, and final recommendations by November 1, 2019.

(15) \$650,000 of the model toxics control operating account—state appropriation is provided solely for research contracts to assist with development of an integrated pest management plan to address burrowing shrimp in Willapa bay and Grays harbor and facilitate continued shellfish cultivation on tidelands. In selecting research contract recipients for this purpose, the department must incorporate the advice of the Willapa-Grays harbor working group formed from the settlement agreement with the department of ecology signed on October 15, 2019.

(16) \$17,000 of the general fund—state appropriation for fiscal year 2020 and \$64,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the implementation of House Bill No. 2524 (ag. product negotiations). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

(17) \$134,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the implementation of Engrossed Substitute House Bill No. 2713 (compost procurement and use). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

(18) \$50,000 of the general fund—state appropriation for fiscal year 2020 and \$450,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for infrastructure and equipment grants to food banks and meal programs for the safe storage and distribution of perishable food. Of the amounts provided in this subsection:

(a) \$10,000 in fiscal year 2020 and \$5,000 in fiscal year 2021 are for the department to administer the grants and to convene a community stakeholder group to review the grant applications described in (b)(ii) and (iii) of this subsection. The community stakeholder group must include representatives from food banks and meal programs that are not applying for grants, community advocates, and people that use food banks or meal programs.

(b) \$40,000 in fiscal year 2020 and \$445,000 in fiscal year 2021 are for grants, divided into the following three categories:

(i) Thirty-five percent is for a rebate program for smaller food pantries and meal programs to purchase equipment costing up to \$2,000. To increase efficiency, the department may pass funding for this rebate program to larger food banks to administer the rebates;

(ii) Thirty percent is for requests for proposals for larger projects costing up to \$75,000, and which require a community match of at least thirty percent; and

(iii) Thirty-five percent is for larger projects that are collaborations between organizations and have a proposed impact to improve efficiency and capacity for a regional or statewide emergency food system, and which require a community match of at least fifty percent.

(19) \$60,000 of the general fund—state appropriation for fiscal year 2020 and \$240,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for contracted range riders in the Kettle mountains area of Ferry county. The contract or contracts must include provisions for information sharing with:

(a) The department, for the purpose of accountability, including written and photographic evidence of range rider activities provided to the department by December 31, 2020; and

(b) The department of fish and wildlife, for the purpose of assisting wolf management decisions.

**Sec. 310.** 2019 c 415 s 310 (uncodified) is amended to read as follows:

#### **FOR THE WASHINGTON POLLUTION LIABILITY INSURANCE PROGRAM**

Pollution Liability Insurance Agency Underground Storage

Tank Revolving Account—State Appropriation .....	(((\$170,000))
	<u>\$845,000</u>

Pollution Liability Insurance Program Trust Account—State

Appropriation.....	(((\$1,655,000))
	<u>\$1,783,000</u>

TOTAL APPROPRIATION.....	<u>\$1,825,000</u>
	<u>\$2,628,000</u>

**Sec. 311.** 2019 c 415 s 311 (uncodified) is amended to read as follows:

#### **FOR THE PUGET SOUND PARTNERSHIP**

General Fund—State Appropriation (FY 2020) .....	(((\$4,696,000))
	<u>\$4,718,000</u>

General Fund—State Appropriation (FY 2021) .....	(((\$4,758,000))
	<u>\$4,791,000</u>

General	Fund—Federal	Appropriation
.....		.....(( <u>\$12,708,000</u> ))
		<u>\$12,725,000</u>
Aquatic	Lands	Enhancement
Appropriation.....	Account—State	.....(( <u>\$1,441,000</u> ))
		<u>\$1,444,000</u>
Model Toxics Control Operating Account—State		
Appropriation .....		(( <u>\$752,000</u> ))
		<u>\$755,000</u>
Pension Funding Stabilization Account—State		
Appropriation.....		\$276,000
TOTAL APPROPRIATION .....		<u>\$24,631,000</u>
		<u>\$24,709,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) By October 15, 2020, the Puget Sound partnership shall provide the governor and appropriate legislative fiscal committees a single, prioritized list of state agency 2021-2023 capital and operating budget requests related to Puget Sound restoration.

(2) \$1,111,000 of the general fund—state appropriation for fiscal year 2020 and \$1,111,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the partnership to implement a competitive, peer-reviewed process for soliciting, prioritizing, and funding research projects designed to advance scientific understanding of Puget Sound recovery. Solicitations and project selection for effectiveness monitoring will be organized and overseen by the Puget Sound ecosystem monitoring program. Initial projects will focus on implementation and effectiveness of Chinook recovery efforts, effectiveness of actions to restore shellfish beds, and implementation of priority studies of the Salish Sea marine survival project. Monitoring reports must be provided in context to the overall success and progress of Puget Sound recovery efforts.

(3) \$237,000 of the general fund—state appropriation for fiscal year 2020 and \$263,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for coordinating updates to the outdated Puget Sound chinook salmon recovery plan, provide support for adaptive management of local watershed chapters, and advance regional work on salmon and ecosystem recovery through local integrating organizations.

(4) \$500,000 of the general fund—state appropriation for fiscal year 2020 and \$500,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for additional monitoring and accountability actions in response to recommendations from the joint legislative audit and review committee.

#### PART IV

#### TRANSPORTATION

**Sec. 401.** 2019 c 415 s 401 (uncodified) is amended to read as follows:

#### FOR THE DEPARTMENT OF LICENSING

General	Fund—State	Appropriation (FY 2020)
.....		.....(( <u>\$5,424,000</u> ))
		<u>\$3,805,000</u>
General	Fund—State	Appropriation (FY 2021)
.....		.....(( <u>\$3,770,000</u> ))
		<u>\$6,086,000</u>
Architects' License Account—State		
Appropriation .....		(( <u>\$1,454,000</u> ))
		<u>\$1,651,000</u>
Real Estate Commission Account—State		
Appropriation .....		(( <u>\$13,263,000</u> ))
		<u>\$14,472,000</u>
Uniform Commercial Code Account—State		
Appropriation .....		(( <u>\$2,922,000</u> ))
		<u>\$2,953,000</u>
Real Estate Education Program Account—State		
Appropriation .....		\$276,000
Real Estate Appraiser Commission Account—State		
Appropriation.....		(( <u>\$1,743,000</u> ))
		<u>\$1,710,000</u>
Business and Professions Account—State		
Appropriation .....		(( <u>\$24,752,000</u> ))
		<u>\$26,984,000</u>
Real Estate Research Account—State		
Appropriation .....		\$415,000
Firearms Range Account—State		
Appropriation .....		\$74,000
Landscape Architects' License Account—State		
Appropriation .....		(( <u>\$58,000</u> ))
		<u>\$131,000</u>
Appraisal Management Company Account—State		
Appropriation .....		<u>\$446,000</u>
Concealed Pistol License Renewal Notification		
Account—State		
Appropriation .....		\$140,000
Geologists' Account—State		
Appropriation.....		(( <u>\$53,000</u> ))
		<u>\$120,000</u>
Pension Funding Stabilization Account—State		
Appropriation .....		\$96,000
Derelict Vessel Removal Account—State		
Appropriation .....		\$33,000
TOTAL APPROPRIATION .....		<u>\$54,473,000</u>
		<u>\$59,392,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) Appropriations provided for the business and technology modernization project in this section are subject to the conditions, limitations, and review provided in ~~((section 719 of this act))~~ section 701 of this act.

(2) \$72,000 of the real estate appraiser commission account—state appropriation is provided solely for implementation of Engrossed Substitute Senate Bill No. 5480 (real estate appraisers). ~~((If the bill is not enacted by June 30, 2019, the amount provided in this subsection shall lapse.~~

~~((4))~~ (3) \$144,000 of the business and professions account—state appropriation is provided solely for implementation of Senate Bill No. 5641 (uniform law on notarial acts). ~~((If the bill is not enacted by June 30, 2019, the amount provided in this subsection shall lapse.~~

~~((5))~~ (4) \$95,000 of the general fund—state appropriation for fiscal year 2020 and \$99,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the department to mail vessel registration renewal reminders.

~~((6) \$2,716,000))~~ (5) \$1,003,000 of the general fund—state appropriation for fiscal year 2020 and ~~((1,337,000))~~ \$3,050,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the department to procure a commercial off-the-shelf solution to replace the legacy firearms system, and is subject to the conditions, limitations, and review provided in ~~((section 719 of this act))~~ section 701 of this act.

(6) \$72,000 of the general fund—state appropriation for fiscal year 2020 and \$601,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of Substitute House Bill No. 2555 (other firearms/background). If the bill is not enacted by June 30, 2020, the amounts provided in this subsection shall lapse.

(7) \$11,000 of the architects' license account—state appropriation, \$69,000 of the real estate commission account—state appropriation, \$6,000 of the real estate appraiser commission account—state appropriation, \$162,000 of the business and professions account—state appropriation, \$5,000 of the landscape architects' license account—state appropriation, \$4,000 of the appraisal management company account—state appropriation, and \$6,000 of the geologists' account—state appropriation are provided solely for implementation of Substitute House Bill No. 2356 (prof. licensure/convictions). If the bill is not enacted by June 30, 2020, the amounts provided in this subsection shall lapse. Of the amounts provided in this subsection, \$9,000 of the architects' license account—state appropriation, \$59,000 of the real estate commission account—state appropriation, \$5,000 of the real estate appraiser commission account—state appropriation, \$141,000 of the business and professions account—state appropriation, \$4,000 of the landscape architects' license account—state appropriation, \$3,000 of the appraisal management company account—state appropriation, and \$5,000 of the geologists' account—state appropriation are

subject to the conditions, limitations, and review provided in section 701 of this act.

**Sec. 402.** 2019 c 415 s 402 (uncodified) is amended to read as follows:

**FOR THE WASHINGTON STATE PATROL**

General Fund—State Appropriation (FY 2020)	<del>((56,301,000))</del>	<u>\$57,529,000</u>
General Fund—State Appropriation (FY 2021)	<del>((55,374,000))</del>	<u>\$58,696,000</u>
General Fund—Federal Appropriation	<del>((16,699,000))</del>	<u>\$16,689,000</u>
General Fund—Private/Local Appropriation		\$3,091,000
Death Investigations Account—State Appropriation	<del>((9,365,000))</del>	<u>\$9,096,000</u>
County Criminal Justice Assistance Account—State Appropriation	<del>((4,546,000))</del>	<u>\$4,548,000</u>
Municipal Criminal Justice Assistance Account—State Appropriation	<del>((1,641,000))</del>	<u>\$1,643,000</u>
Fire Service Trust Account—State Appropriation		\$131,000
Vehicle License Fraud Account—State Appropriation		\$119,000
Disaster Response Account—State Appropriation		\$8,000,000
Washington Internet Crimes Against Children Account—State Appropriation		\$1,500,000
Fire Service Training Account—State Appropriation		\$11,764,000
Model Toxics Control Operating Account—State Appropriation		\$588,000
Aquatic Invasive Species Management Account—State Appropriation		\$54,000
Fingerprint Identification Account—State Appropriation	<del>((16,405,000))</del>	<u>\$16,444,000</u>

Dedicated Marijuana Account—State Appropriation (FY 2020).....	<del>(\$2,723,000)</del>
	<u>\$2,453,000</u>
Dedicated Marijuana Account—State Appropriation (FY 2021).....	<del>(\$2,523,000)</del>
	<u>\$2,793,000</u>
Pension Funding Stabilization Account—State Appropriation .....	\$3,300,000
TOTAL APPROPRIATION .....	<u>\$194,124,000</u>
	<u>\$198,438,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$8,000,000 of the disaster response account—state appropriation is provided solely for Washington state fire service resource mobilization costs incurred in response to an emergency or disaster authorized under RCW 43.43.960 through 43.43.964. The state patrol shall submit a report quarterly to the office of financial management and the legislative fiscal committees detailing information on current and planned expenditures from this account. This work shall be done in coordination with the military department.

(2) \$2,878,000 of the fingerprint identification account—state appropriation is provided solely for the completion of the state patrol's plan to upgrade the criminal history system, and is subject to the conditions, limitations, and review provided in ~~((section 719 of this act))~~ section 701 of this act.

(3) ~~(\$2,723,000)~~ \$2,453,000 of the dedicated marijuana account—state appropriation for fiscal year 2020 and ~~(\$2,523,000)~~ \$2,793,000 of the dedicated marijuana account—state appropriation for fiscal year 2021 are provided solely for the Washington state patrol's drug enforcement task force. The amounts in this subsection are provided solely for the following:

(a) \$2,423,000 of the dedicated marijuana account—state appropriation for fiscal year 2020 and \$2,423,000 of the dedicated marijuana account—state appropriation for fiscal year 2021 are provided solely for the Washington state patrol to partner with multi-jurisdictional drug and gang task forces to detect, deter, and dismantle criminal organizations involved in criminal activity including diversion of marijuana from the legalized market and the illicit production and distribution of marijuana and marijuana-related products in Washington state.

(b) ~~(\$300,000)~~ \$30,000 of the dedicated marijuana account—state appropriation for fiscal year 2020 and ~~(\$100,000)~~ \$370,000 of the dedicated marijuana account—state appropriation for fiscal year 2021 are provided solely for a case management system to serve as a repository for all information regarding criminal cases. This system must allow state patrol investigators to enter information and to search to provide patterns, trends, and links which will allow

the state patrol to identify connections on criminal investigations including efforts to dismantle marijuana and other drug trafficking organizations by identifying their established networks, and is subject to the conditions, limitations, and review provided in ~~((section 719 of this act))~~ section 701 of this act.

(4) \$479,000 of the general fund—state appropriation for fiscal year 2020 and \$255,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of Substitute Senate Bill No. 5181 (invol. treatment procedures). ~~((If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.))~~

(5) \$13,000 of the general fund—state appropriation for fiscal year 2020 and \$2,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of Engrossed Second Substitute Senate Bill No. 5497 (immigrants in the workplace). ~~((If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.))~~

(6) \$100,000 of the general fund—state appropriation for fiscal year 2020 and \$100,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of Senate Bill No. 5605 (marijuana misdemeanors). ~~((If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.))~~

(7) \$679,000 of the general fund—state appropriation for fiscal year 2020 and \$643,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for addressing a backlog of toxicology tests in the toxicology laboratory.

(8) \$1,500,000 of the Washington internet crimes against children account—state appropriation is provided solely for the missing and exploited children's task force within the patrol to help prevent possible abuse to children and other vulnerable citizens from sexual abuse.

(9) \$356,000 of the general fund—state appropriation for fiscal year 2020, \$356,000 of the general fund—state appropriation for fiscal year 2021, and \$298,000 of the death investigations account—state appropriations are provided solely for increased supply and maintenance costs for the crime laboratory division and toxicology laboratory division.

(10) \$5,770,000 of the general fund—state appropriation for fiscal year 2020, \$3,243,000 of the general fund—state appropriation for fiscal year 2021, and \$1,277,000 of the death investigations account—state appropriation are provided solely for implementation of Second Substitute House Bill No. 1166 (sexual assault). ~~((If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.))~~

(11) \$282,000 of the general fund—state appropriation for fiscal year 2020 and \$263,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of Second Substitute House Bill No. 1713 (Native American women). ~~((If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.))~~

(12) \$510,000 of the county criminal justice assistance account—state appropriation is provided solely for the Washington state patrol to support local police, sheriffs' departments, and multiagency task forces in the prosecution of criminals. However, the office of financial management must reduce the allotment of the amount provided in this subsection if allotment of the full appropriation will put the account into deficit.

(13) \$1,000,000 of the fire service training account—state appropriation is provided solely for the firefighter apprenticeship training program.

(14) \$150,000 of the general fund—state appropriation for fiscal year 2021 is for one intelligence analyst.

(15) \$100,000 of the general fund—state appropriation for fiscal year 2020 and \$300,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the Washington state patrol to develop a plan for implementation of a centralized firearm background check system. Funding is sufficient to fund a consultant to design an information technology system to conduct firearm background checks through a centralized system and a Washington state patrol project manager to design the implementation plan. The design should include recommendations to comply with the direction in RCW 9.41.139 and leverage the new firearms database system currently being procured by the department of licensing to create one streamlined system. The Washington state patrol shall convene an interagency work group to inform the centralized firearm background check system implementation plan, to include but not limited to the department of licensing, administrative office of the courts, health care authority, and office of financial management. Reports on the information technology system and the implementation plan shall be provided to the governor and appropriate committees of the legislature by December 1, 2020.

(16) \$25,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for collaboration with Washington State University to produce the report in section 604 of this act.

(17) \$34,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for Engrossed Substitute House Bill No. 2318 (criminal investigatory practices). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

## **PART V**

### **EDUCATION**

**Sec. 501.** 2019 c 415 s 501 (uncodified) is amended to read as follows:

#### **FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION**

General Fund—State Appropriation (FY 2020)  
.....((~~\$30,861,000~~))  
\$30,998,000

General Fund—State Appropriation (FY 2021)  
.....((~~\$27,751,000~~))  
\$29,962,000

General Fund—Federal Appropriation ....\$99,348,000

General Fund—Private/Local Appropriation  
.....\$8,060,000

Washington Opportunity Pathways Account—State

Appropriation.....((~~\$265,000~~))  
\$14,672,000

Dedicated Marijuana Account—State Appropriation

(FY 2020) .....\$522,000

Dedicated Marijuana Account—State Appropriation

(FY 2021) .....\$530,000

Pension Funding Stabilization Account—State  
Appropriation.....\$2,126,000

Performance Audits of Government Account—State

Appropriation.....\$213,000

TOTAL APPROPRIATION.....~~\$169,676,000~~  
\$186,431,000

The appropriations in this section are subject to the following conditions and limitations:

#### **(1) BASE OPERATIONS AND EXPENSES OF THE OFFICE**

(a) ((~~\$11,090,000~~)) \$11,109,000 of the general fund—state appropriation for fiscal year 2020 and ((~~\$11,087,000~~)) \$11,238,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the operation and expenses of the office of the superintendent of public instruction.

(i) The superintendent shall recognize the extraordinary accomplishments of four students who have demonstrated a strong understanding of the civics essential learning requirements to receive the Daniel J. Evans civic education award.

(ii) Districts shall report to the office of the superintendent of public instruction daily student unexcused absence data by school, using a uniform definition of unexcused absence as established by the superintendent.

(iii) By October 31st of each year, the office of the superintendent of public instruction shall produce an annual status report on implementation of the budget provisos in ((sections 501, 515, and 522 of this act)) section 501, chapter 415, Laws of 2019 and sections 513 and 520 of this act. The status report of each proviso shall include, but not be limited to, the following information: Purpose and objective, number of state staff funded by the proviso, number of contractors, status of proviso implementation, number of beneficiaries by year, list of beneficiaries, a comparison of budgeted funding and actual expenditures, other sources and

amounts of funding, and proviso outcomes and achievements.

(iv) The superintendent of public instruction, in consultation with the secretary of state, shall update the program prepared and distributed under RCW 28A.230.150 for the observation of temperance and good citizenship day to include providing an opportunity for eligible students to register to vote at school.

(v) Districts shall annually report to the office of the superintendent of public instruction on: (A) The annual number of graduating high school seniors within the district earning the Washington state seal of biliteracy provided in RCW 28A.300.575; and (B) the number of high school students earning competency-based high school credits for world languages by demonstrating proficiency in a language other than English. The office of the superintendent of public instruction shall provide a summary report to the office of the governor and the appropriate committees of the legislature by December 1st of each year.

(vi) The office of the superintendent of public instruction shall provide statewide oversight and coordination to the regional nursing corps program supported through the educational service districts.

(b) \$857,000 of the general fund—state appropriation for fiscal year 2020 and (~~(\$857,000)~~) \$1,217,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for maintenance of the apportionment system, including technical staff and the data governance working group.

(c) \$2,300,000 of the general fund—state appropriation for fiscal year 2020 is provided solely for activities associated with the implementation of chapter 13, Laws of 2017 3rd sp. sess. (fully funding the program of basic education) within the amounts provided in this subsection (1)(c), up to \$300,000 is for the office of the superintendent of public instruction to review the use of local revenues for compliance with enrichment requirements, including the preballot approval of enrichment levy spending plans approved by the superintendent of public instruction, and any supplemental contracts entered into under RCW 28A.400.200.

(d) \$494,000 of the general fund—state appropriation for fiscal year 2020 and \$494,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the implementation of chapter 240, Laws of 2010, including staffing the office of equity and civil rights.

(e)(i) \$61,000 of the general fund—state appropriation for fiscal year 2020 and (~~(\$61,000)~~) \$76,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the ongoing work of the education opportunity gap oversight and accountability committee.

(ii) Within amounts provided in this subsection, the committee must review the Washington kindergarten inventory of developing skills, including professional development available to educators and other assessment materials and tools, and make recommendations to the office

of the superintendent of public instruction and the education committees of the legislature on the following topics:

(A) Opportunities for reducing bias in the observational assessment process and materials; and

(B) Barriers to implementation of the inventory.

(iii) The committee shall seek feedback from relevant stakeholders, including but not limited to:

(A) The office of the superintendent of public instruction;

(B) The department of children, youth, and families;

(C) Kindergarten teachers who are representative of or who teach in schools with diverse student subgroups;

(D) A representative from a tribal school who is currently using the inventory;

(E) Principals who are currently using the inventory;

(F) Parents who are representative of student populations that have historically scored low on the inventory, and who are recommended by an organization that serves parents of color;

(G) District assessment coordinators; and

(H) Early childhood providers.

(f) \$61,000 of the general fund—state appropriation for fiscal year 2020 and \$61,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the implementation of chapter 380, Laws of 2009 (enacting the interstate compact on educational opportunity for military children).

(g) \$265,000 of the Washington opportunity pathways account—state appropriation is provided solely for activities related to public schools other than common schools authorized under chapter 28A.710 RCW.

(h) Within amounts appropriated in this section, the office of the superintendent of public instruction and the state board of education shall adopt a rule that the minimum number of students to be used for public reporting and federal accountability purposes is ten.

(i) \$123,000 of the general fund—state appropriation for fiscal year 2020 and \$123,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of chapter 163, Laws of 2012 (foster care outcomes). The office of the superintendent of public instruction shall annually report each December on the implementation of the state's plan of cross-system collaboration to promote educational stability and improve education outcomes of foster youth.

(j) \$250,000 of the general fund—state appropriation for fiscal year 2020 and \$250,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of chapter 178, Laws of 2012 (open K-12 education resources).

(k) \$14,000 of the general fund—state appropriation for fiscal year 2020 and \$14,000 of the general fund—state

appropriation for fiscal year 2021 are provided solely for implementation of chapter 242, Laws of 2013 (state-tribal education compacts).

(l) \$131,000 of the general fund—state appropriation for fiscal year 2020, \$131,000 of the general fund—state appropriation for fiscal year 2021, and \$213,000 of the performance audits of government account—state appropriation are provided solely for the office of the superintendent of public instruction to perform on-going program reviews of alternative learning experience programs, dropout reengagement programs, and other high risk programs. Findings from the program reviews will be used to support and prioritize the office of the superintendent of public instruction outreach and education efforts that assist school districts in implementing the programs in accordance with statute and legislative intent, as well as to support financial and performance audit work conducted by the office of the state auditor.

(m) \$117,000 of the general fund—state appropriation for fiscal year 2020 and \$117,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of chapter 3, Laws of 2015 1st sp. sess. (computer science).

(n) \$250,000 of the general fund—state appropriation for fiscal year 2020 and \$250,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of chapter 237, Laws of 2017 (paraeducators).

(o) \$235,000 of the general fund—state appropriation for fiscal year 2020 and ~~((235,000))~~ \$385,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the office of native education to increase services to tribes, including but not limited to, providing assistance to tribes and school districts to implement Since Time Immemorial, applying to become tribal compact schools, convening the Washington state native American education advisory committee, and extending professional learning opportunities to provide instruction in tribal history, culture, and government. Of the amounts provided in this subsection, \$150,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for professional learning and technical assistance to support the ongoing implementation of since time immemorial tribal sovereignty curriculum, tribal consultation and engagement, government to government training, and data collection and identification of American Indian and Alaska Native students. The professional development must be done in collaboration with school district administrators and school directors.

(p) \$175,000 of the general fund—state appropriation for fiscal year 2020 and ~~((175,000))~~ \$205,000 of the general fund—state appropriation for fiscal year 2021 are provided solely to promote the financial literacy of students. The effort will be coordinated through the financial literacy public-private partnership.

(q) \$75,000 of the general fund—state appropriation for fiscal year 2020 and \$75,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for staff at the office of the superintendent of public instruction

to coordinate and promote efforts to develop integrated math, science, technology, and engineering programs in schools and districts across the state.

(r) \$481,000 of the general fund—state appropriation for fiscal year 2020 and \$481,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for additional full-time equivalent staff to support the work of the safety net committee and to provide training and support to districts applying for safety net awards.

(s) The superintendent of public instruction must study and make recommendations for how Washington can make dual credit enrollment cost-free to students who are enrolled in running start, college in the high school, advanced placement, international baccalaureate, or other qualifying dual credit programs within existing basic education apportionments. While developing recommendations, the superintendent must collaborate and consult with K-12 and higher education stakeholders with expertise in dual credit instruction, transcription, and costs. The superintendent shall report the recommendations to the education policy and operating budget committees of the legislature by November 1, 2019. The recommendations must, at a minimum, consider:

(i) How to increase dual credit offerings and access for students that aligns with the student's high school and beyond plan and provides a pathway to education and training after high school, including careers, professional-technical education, apprenticeship, a college degree, or military service, among others.

(ii) How to ensure transfer of college credits earned by dual credit students to/among institutions of higher education.

(iii) How basic education funding will be used to provide for fees, books, and other direct costs charged by institutions of higher education and K-12 districts.

(iv) How K-12 and postsecondary institutions will equitably expand dual credit opportunities for students.

(v) How K-12 and postsecondary institutions will ensure coordinated advising and support services for students enrolled in, or considering enrollment in, dual credit programs.

(t) \$44,000 of the general fund—state appropriation for fiscal year 2020 and \$44,000 of the general fund—state appropriation for fiscal year 2021 are provided solely to pay for services for space in the state data center and networking charges.

(u) \$46,000 of the general fund—state appropriation for fiscal year 2020 and \$46,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for a new server and backup application due to the move to the state data center.

(v) \$55,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the consolidated technology services to host the office's web site and for web site maintenance and support services.

(w) Districts shall report to the office the results of each collective bargaining agreement for certificated staff within their district using a uniform template as required by the superintendent, within thirty days of finalizing contracts. The data must include but is not limited to: Minimum and maximum base salaries, supplemental salary information, and average percent increase for all certificated instructional staff. Within existing resources by December 1st of each year, the office shall produce a report for the legislative evaluation and accountability program committee summarizing the district level collective bargaining agreement data.

(x) The office shall review and update the guidelines "prohibiting discrimination in Washington public schools," which must include religious accommodations. Students' sincerely held religious beliefs and practices must be reasonably accommodated with respect to all examinations and other requirements to successfully complete coursework.

(y) In section 117(8) of this act, the office of the education ombuds is directed to develop a plan to implement a program to promote skills, knowledge, and awareness concerning issues of diversity, equity, and inclusion among families with school-age children, with a report due to the governor and the appropriate committees in the legislature by September 1, 2020. Within amounts provided in this subsection, the office of the superintendent of public instruction shall collaborate on the plan and report.

(z) In section 130(13) of this act, the office of financial management is directed to review and report on the pupil transportation funding system for K-12 education, the report is due to the governor and the appropriate committees in the legislature by September 1, 2020. Within amounts provided in this subsection, the office of the superintendent of public instruction shall collaborate on this review.

## (2) DATA SYSTEMS

(a) \$1,802,000 of the general fund—state appropriation for fiscal year 2020 and \$1,802,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementing a comprehensive data system to include financial, student, and educator data, including development and maintenance of the comprehensive education data and research system (CEDARS).

(b) \$1,221,000 of the general fund—state appropriation for fiscal year 2020 and ~~(( \$1,221,000 ))~~ \$281,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for K-20 telecommunications network technical support in the K-12 sector to prevent system failures and avoid interruptions in school utilization of the data processing and video-conferencing capabilities of the network. These funds may be used to purchase engineering and advanced technical support for the network.

(c) \$450,000 of the general fund—state appropriation for fiscal year 2020 and \$450,000 of the general fund—state appropriation for fiscal year 2021 are provided for the superintendent of public instruction to develop and implement a statewide accountability system to address

absenteeism and to improve student graduation rates. The system must use data to engage schools and districts in identifying successful strategies and systems that are based on federal and state accountability measures. Funding may also support the effort to provide assistance about successful strategies and systems to districts and schools that are underperforming in the targeted student subgroups.

## (3) WORK GROUPS

(a) \$335,000 of the general fund—state appropriation for fiscal year 2020 and \$335,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of chapter 206, Laws of 2018 (career and college readiness).

(b) \$200,000 of the general fund—state appropriation for fiscal year 2020 and \$200,000 of the general fund—state appropriation for fiscal year 2021 are provided for the office of the superintendent of public instruction to meet statutory obligations related to the provision of medically and scientifically accurate, age-appropriate, and inclusive sexual health education as authorized by chapter 206, Laws of 1988 (AIDS omnibus act) and chapter 265, Laws of 2007 (healthy youth act).

(c) The office of the superintendent of public instruction, in collaboration with the department of social and health services developmental disabilities administration and division of vocational rehabilitation, shall explore the development of an implementation plan to build statewide capacity among school districts to improve transition planning for students in special education who meet criteria for services from the developmental disabilities administration, and shall provide all school districts with an opportunity to participate. The plan shall be submitted in compliance with RCW 43.01.036 by November 1, 2018, and the final report must be submitted by November 1, 2020, to the governor and appropriate legislative committees. The final report must include the following:

(i) An examination of whether a data share agreement between the department of social and health services developmental disabilities administration, division of vocational rehabilitation, and the office of the superintendent of public instruction would improve coordination among the three agencies;

(ii) Defined roles for the associated stakeholders involved with the transition of students potentially eligible for services from the developmental disabilities administration, including but not limited to:

(A) The department of social and health services developmental disabilities administration;

(B) The office of the superintendent of public instruction;

(C) The division of vocational rehabilitation at the department of social and health services;

(D) School districts across the state of Washington; and

(E) Counties coordinating employment and day services.



(iii) An examination of the feasibility of a statewide developmental disabilities transition council, including representative positions, roles and responsibilities, costs, and data collection; and

(iv) Recommendations for supporting seamless transition from school to post-school life, up to and including potential legislation and funding, regional interagency transition networks, and coordination between counties, schools, and other partners for transition supports.

(d) \$40,000 of the general fund—state appropriation for fiscal year 2020 is provided solely for the legislative youth advisory council. The council of statewide members advises legislators on issues of importance to youth.

(e) \$118,000 of the general fund—state appropriation for fiscal year 2020 and \$118,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of chapter 75, Laws of 2018 (dyslexia).

(f) \$183,000 of the general fund—state appropriation for fiscal year 2020 and \$48,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the implementation of Engrossed Substitute House Bill No. 1130 (pub. school language access). ~~((If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse-))~~

(g) \$200,000 of the general fund—state appropriation for fiscal year 2020 and \$200,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of Second Substitute Senate Bill No. 5082 (social emotional learning). ~~((If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse-))~~

(h) \$60,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for a technical advisory committee to consider and make recommendations for an apportionment system that could effectively support teacher residency program model pilots in fiscal year 2022.

(i)(i) \$50,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the office of the superintendent of public instruction to convene a work group to develop recommendations for integrating, in a regular and ongoing basis, African American history, examinations of racism, and the history of the civil rights movement into curriculum provided to students in grades seven through twelve. Recommendations developed in accordance with this subsection must be preceded by a work group review of pertinent curriculum that is available to school districts, and must include recommendations for the professional development needed to support educators in providing the instruction to students.

(ii) The work group must consist of one representative from each of the following: (A) The Washington state commission on African American affairs; (B) the educational opportunity gap oversight and accountability committee; and (C) a statewide organization representing teachers. The work group may also include other persons with unique and specific expertise, including but not limited

to, Washington state historians and persons representing teacher preparation programs.

(iii) The office must report the findings and recommendations required by this subsection to the education committees of the legislature by November 15, 2020.

(j) \$50,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the office to participate in the work group established in section 922 of this act to create a family engagement framework for early learning through high school. At a minimum, the work group must review family engagement policies and practices in Washington and in other states, with a focus on identifying best practices that can be adopted throughout Washington.

(k) \$200,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the office of the superintendent of public instruction to collaborate with the office of the department of children, youth, and families to complete a report with options and recommendations for administrative efficiencies and long-term strategies that align and integrate high-quality early learning programs administered by both agencies. The report shall address capital needs, data collection and sharing, licensing changes, quality standards, options for community-based and school-based settings, fiscal modeling, and any statutory changes needed to achieve administrative efficiencies. The report is due to the governor and the appropriate legislative committees by September 1, 2020.

(l)(i)(A) Within amounts provided in this section, the office of the superintendent of public instruction shall convene a work group to:

(I) Review provisions related to sexual health education in the health and physical education learning standards adopted in 2016;

(II) Review existing sexual health education curricula in use in the state for the purpose of identifying gaps or potential inconsistencies with the health and physical education learning standards;

(III) Consider revisions to sexual health education provisions in statute; and

(IV) Consider the merits and challenges associated with requiring all public schools offer comprehensive sexual health education to students in all grades by September 1, 2022. For purposes of this subsection (h), "comprehensive sexual health education" means instruction in sexual health that, at a minimum, is evidence-informed, medically and scientifically accurate, age appropriate, and inclusive for all students.

(B) In meeting the requirements of this subsection (h), the work group shall consult with a broad array of stakeholders representing diverse opinions.

(ii) The work group shall consist of the following members:

(A) The superintendent of public instruction or the superintendent's designee;

(B) Three representatives of school districts recommended by the Washington state school directors' association. To the extent possible, the school district representatives must reflect a diversity of student enrollment, geographic location, and urban, suburban, and rural locations;

(C) Three school principals recommended by an association of Washington school principals, one each representing an elementary school, a middle school, and a high school. The three principals must represent the geographic diversity of urban, suburban, and rural locations;

(D) Three public school health educators recommended by an association of Washington educators, one each representing grades kindergarten through five, grades six through eight, and grades nine through twelve. The three public school health educators must represent the geographic diversity of urban, suburban, and rural locations;

(E) Three public health officials, at least two of whom are local public health officials with expertise in developing or presenting comprehensive sexual health education materials and resources, as recommended by the Washington state department of health. The three public health officials must represent the geographic diversity of urban, suburban, and rural locations; and

(F) Three parents recommended in accordance with this subsection (3)(h)(ii)(F), one with a child enrolled in a public school west of the crest of the Cascade mountain range, one with a child enrolled in a public school east of the crest of the Cascade mountain range, and one with a child enrolled in a public school who is also receiving special education services. The recommendation for a parent of a public school student receiving special education services must be made by an association of parents, teachers, and students that focuses on the needs of students receiving special education services. The recommendation for the other parents under this subsection must be made by an association of parents, teachers, and students.

(iii) The office of the superintendent of public instruction shall submit findings and recommendations required by this section to the state board of education, the department of health, and, in accordance with RCW 43.01.036, the education committees of the house of representatives and the senate by December 1, 2019.

(iv)(A) The office of the superintendent of public instruction and the Washington state school directors' association, shall collaborate with department of health to conduct a data survey of the availability of sexual health education in public schools and relevant health measures in those schools. All school districts shall submit to the office of the superintendent of public instruction, through the Washington school health profiles survey, or other reporting mechanisms, the curricula used in the district to teach sexual health education. The data survey must include a list of the schools within the boundaries of each school district that offer sexual health education and in which grade levels, and the curricula used to teach sexual health education, as reported according to RCW 28A.300.475(7). In addition, the data shall include, for each school district and inclusive of any charter schools that may be within the boundaries of the

school district, the rate of teen pregnancy, sexually transmitted infections, suicide, depression, and adverse childhood experiences in each of the previous five years for which data is available. To the extent that the data allows, the information shall be collected by school district, inclusive of any charter schools that may be within the boundaries of the school district. To the extent allowed by existing data sources, the information must be disaggregated by age, race, ethnicity, free and reduced lunch eligibility, sexual orientation, gender identity and expression, and geography, including school district population density, and conveyed, to the maximum extent possible, in a manner that complies with WAC 392-117-060. The data survey may combine multiple years of data if necessary to comply with student privacy requirements.

(B) The office of the superintendent of public instruction shall utilize the information collected from the data survey to inform the work group established in (f) of this subsection. The office, in accordance with RCW 43.01.036, shall submit the data survey to the committees of the legislature with jurisdiction over matters related to education and health care and the governor by December 1, 2019.

#### (4) STATEWIDE PROGRAMS

(a) \$2,590,000 of the general fund—state appropriation for fiscal year 2020 and \$2,590,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the Washington kindergarten inventory of developing skills. State funding shall support statewide administration and district implementation of the inventory under RCW 28A.655.080.

(b) \$703,000 of the general fund—state appropriation for fiscal year 2020 and \$703,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of chapter 72, Laws of 2016 (educational opportunity gap).

(c) \$950,000 of the general fund—state appropriation for fiscal year 2020 and \$950,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the Washington reading corps. The superintendent shall allocate reading corps members to schools identified for comprehensive or targeted support and school districts that are implementing comprehensive, proven, research-based reading programs. Two or more schools may combine their Washington reading corps programs.

(d) \$909,000 of the general fund—state appropriation for fiscal year 2020 and \$909,000 of the general fund—state appropriation for fiscal year 2021 are provided solely to implement chapter 18, Laws of 2013 2nd sp. sess. (strengthening student educational outcomes).

(e) \$10,000 of the general fund—state appropriation for fiscal year 2020 and \$10,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for chapter 102, Laws of 2014 (biliteracy seal).

(f)(i) \$50,000 of the general fund—state appropriation for fiscal year 2020 and \$50,000 of the general fund—state

appropriation for fiscal year 2021 are provided solely for school bullying and harassment prevention activities.

(ii) \$15,000 of the general fund—state appropriation for fiscal year 2020 and \$15,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of chapter 240, Laws of 2016 (school safety).

(iii) \$1,268,000 of the general fund—state appropriation for fiscal year 2020 ~~((and \$1,268,000 of the general fund—state appropriation for fiscal year 2021 are))~~ is provided solely to educational service districts for implementation of Second Substitute House Bill No. 1216 (school safety and well-being). ~~((If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.))~~

(iv) \$570,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the office of the superintendent of public instruction to provide statewide support and coordination for the regional network of behavioral health, school safety, and threat assessment established in chapter 333, Laws of 2019 (school safety and well-being). Within the amounts appropriated in this subsection (4)(f)(iv), \$200,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for grants to schools or school districts for planning and integrating tiered suicide prevention and behavioral health supports. Grants must be awarded first to districts demonstrating the greatest need and readiness. Grants may be used for intensive technical assistance and training, professional development, and evidence-based suicide prevention training.

(v) \$196,000 of the general fund—state appropriation for fiscal year 2020 and \$196,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the school safety center within the office of the superintendent of public instruction.

(A) Within the amounts provided in this subsection (4)(f)(~~(iv)~~) (v), \$100,000 of the general fund—state appropriation for fiscal year 2020 and \$100,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for a school safety program to provide school safety training for all school administrators and school safety personnel. The school safety center advisory committee shall develop and revise the training program, using the best practices in school safety.

(B) Within the amounts provided in this subsection (4)(f)(~~(iv)~~) (v), \$96,000 of the general fund—state appropriation for fiscal year 2020 and \$96,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for administration of the school safety center. The safety center shall act as an information dissemination and resource center when an incident occurs in a school district in Washington or in another state, coordinate activities relating to school safety, review and approve manuals and curricula used for school safety models and training, and maintain a school safety information web site.

(g)(i) \$162,000 of the general fund—state appropriation for fiscal year 2020 and \$162,000 of the

general fund—state appropriation for fiscal year 2021 are provided solely for youth suicide prevention activities.

(ii) \$204,000 of the general fund—state appropriation for fiscal year 2020 is provided solely for implementation of chapter 202, Laws of 2017 (children's mental health).

(iii) \$20,000 of the general fund—state appropriation for fiscal year 2020 is provided solely for implementation of chapter 175, Laws of 2018 (children's mental health services).

(iv) \$76,000 of the general fund—state appropriation for fiscal year 2020 and \$76,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of chapter 64, Laws of 2018 (sexual abuse of students).

(h)(i) \$280,000 of the general fund—state appropriation for fiscal year 2020, \$280,000 of the general fund—state appropriation for fiscal year 2021, and \$1,052,000 of the dedicated marijuana account—state appropriation are provided solely for dropout prevention, intervention, and reengagement programs, including the jobs for America's graduates (JAG) program, dropout prevention programs that provide student mentoring, and the building bridges statewide program. Students in the foster care system or who are homeless shall be given priority by districts offering the jobs for America's graduates program. The office of the superintendent of public instruction shall convene staff representatives from high schools to meet and share best practices for dropout prevention. Of these amounts, \$522,000 of the dedicated marijuana account—state appropriation for fiscal year 2020, and \$530,000 of the dedicated marijuana account—state appropriation for fiscal year 2021 are provided solely for the building bridges statewide program.

(ii) \$293,000 of the general fund—state appropriation for fiscal year 2020 and \$293,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the office of the superintendent of public instruction to support district implementation of comprehensive guidance and planning programs in support of high-quality high school and beyond plans consistent with RCW 28A.230.090.

(iii) \$178,000 of the general fund—state appropriation for fiscal year 2020 and \$178,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of chapter 291, Laws of 2017 (truancy reduction efforts).

(i) Sufficient amounts are appropriated in this section for the office of the superintendent of public instruction to create a process and provide assistance to school districts in planning for future implementation of the summer knowledge improvement program grants.

(j) \$369,000 of the general fund—state appropriation for fiscal year 2020 and \$358,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the implementation of Second Substitute House Bill No. 1424 (CTE course equivalencies). ~~((If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.))~~

(k) \$400,000 of the general fund—state appropriation for fiscal year 2020 and \$196,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the implementation of Engrossed Second Substitute House Bill No. 1599 (high school graduation reqs.). ~~((If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.))~~

(l) \$60,000 of the general fund—state appropriation for fiscal year 2020, \$60,000 of the general fund—state appropriation for fiscal year 2021, and \$680,000 of the general fund—federal appropriation are provided solely for the implementation of Engrossed Second Substitute House Bill No. 1139 (educator workforce supply). Of the amounts provided in this subsection, \$680,000 of the general fund—federal appropriation is provided solely for title II SEA state-level activities to implement section 103 of Engrossed Second Substitute House Bill No. 1139 relating to the regional recruiters program. ~~((If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.))~~

(m) \$66,000 of the general fund—state appropriation for fiscal year 2020 and \$60,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the office of the superintendent of public instruction to evaluate and implement best practices and procedures for ensuring that student lunch periods include a seated lunch duration of at least twenty minutes. The office of the superintendent of public instruction shall, through an application-based process, select six public schools to serve as demonstration sites. Of the amounts provided in this subsection:

(i) \$30,000 of the general fund—state appropriation for fiscal year 2020 and \$30,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for annual grant awards of \$5,000 each provided to the six school districts selected to serve as school demonstration sites;

(ii) \$20,000 of the general fund—state appropriation for fiscal year 2020 and \$20,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the office of the superintendent of public instruction to hire a consultant with expertise in nutrition programs to oversee the demonstration projects and provide technical support;

(iii) \$10,000 of the general fund—state appropriation for fiscal year 2020 and \$10,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the office of the superintendent of public instruction to provide technical support to the demonstration sites and report its findings and recommendations to the education committees of the house of representatives and the senate by June 30, 2021; and

(iv) \$6,000 of the general fund—state appropriation for fiscal year 2020 is provided solely for the Washington state school directors' association, in consultation with the office of the superintendent of public instruction, to adopt and make publicly available by February 14, 2020, a model policy and procedure that school districts may use to ensure that student lunch periods include a seated lunch duration of at least twenty minutes. In developing the model policy and procedure, the Washington state school directors' association

shall, to the extent appropriate and feasible, incorporate pertinent recommendations from the office of the state auditor.

(n) \$25,000 of the general fund—state appropriation for fiscal year 2020 and \$50,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the office of the superintendent of public instruction to publish a list of schools and districts that are not complying with RCW 28A.325.010 and 28A.325.050. The office must publish the list no later than December 30, 2020. Within amounts appropriated in this subsection, the office of the superintendent of public instruction must:

(i) Collaborate with associated student body executive boards statewide regarding district policies to reduce the extracurricular opportunity gap.

(ii) Require school districts to collect and report to the associated student body executive board the 2018-19 school year data related to students in possession of associated student body cards and student participation in school-based athletic programs by January 15, 2020. School districts with more than one high school must provide each high school's associated student body executive board only the data from each associated student body executive board's respective high school.

(A) Each school district with a high school must collect and publish on its website the following school-level data from each high school for the 2018-19 school year by January 15, 2020, for the 2019-20 school year by April 15, 2020, and for the 2020-21 school year by April 15, 2021:

(I) The number of high school students who are eligible to participate in the federal free and reduced-price meals program;

(II) The purchase amount of an associated student body card for high school students;

(III) The discounted purchase amount of an associated student body card for high school students who are eligible to participate in the federal free and reduced-price meals program;

(IV) Athletic program participation fees and any discounted fees for high school students who are eligible to participate in the federal free and reduced-price meals program;

(V) The number of high school students who possess an associated student body card;

(VI) The number of high school students who are eligible to participate in the federal free and reduced-price meals program and possess an associated student body card;

(VII) The number of high school students participating in an athletic program; and

(VIII) The number of high school students participating in an athletic program who are eligible to participate in the federal free and reduced-price meals program.

(B) The data for the April 2020 and April 2021 reports must include at least two weeks of data from the beginning of spring athletics season.

(C) The office of the superintendent of public instruction must provide support to ensure that all districts comply with the data reporting requirements in this subsection.

(D) No later than January 15, 2020, the office of the superintendent of public instruction must publish a list of schools and districts that are not complying with RCW 28A.325.050.

(o) \$60,000 of the general fund—state appropriation for fiscal year 2020 and \$60,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the office of the superintendent of public instruction to collect and monitor restraint and isolation data pursuant to chapter 206, Laws of 2015, and to provide training, technical assistance, and other support to schools and districts to reduce the use of restraint and isolation.

(p) \$225,000 of the general fund—state appropriation in fiscal year 2020 and \$225,000 of the general fund—state appropriation in fiscal year 2021 are provided solely for the office of the superintendent of public instruction to develop or expand a mentoring program for persons employed as educational interpreters in public schools. Funds provided under this section may only be used for recruiting, hiring, and training persons to be employed by Washington sensory disability services who must provide mentoring services in different geographic regions of the state, with the dual goals of: Providing services, beginning with the 2019-20 school year, to any requesting school district; and assisting persons in the timely and successful achievement of performance standards for educational interpreters.

(q) \$150,000 of the general fund—state appropriation for fiscal year 2020 is provided solely for the office of the superintendent of public instruction to create a series of articles, videos, and educational curriculum on the history of agriculture in Washington state, including the role and impact of indigenous and immigrant farmers. The materials must be made available for free to schools, educators, and students. The office may collaborate with other agencies or entities in order to create the educational materials.

(r) \$61,000 of the general fund—state appropriation for fiscal year 2020 ~~((is))~~ and \$64,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of Substitute Senate Bill No. 5023 (ethnic studies). ((If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.))

(s) \$63,000 of the general fund—state appropriation for fiscal year 2020 and \$7,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of Engrossed Second Substitute Senate Bill No. 5497 (immigrants in the workplace). ~~((If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.))~~

(t) Within existing resources, the office shall consult with the Washington student achievement council to adopt rules pursuant to Senate Bill No. 5088 (computer science).

(u) \$125,000 of the general fund—state appropriation for fiscal year 2020 and \$125,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the office of the superintendent of public instruction to conduct a pilot program in five school districts of a dropout early warning and intervention data system as defined in RCW 28A.175.074, to identify students beginning in grade eight who are at risk of not graduating from high school and require additional supports. The system at a minimum must measure attendance, behavior, and course performance. The office of the superintendent of public instruction must report to the appropriate committees of the legislature the progress of all participating schools by December 15, 2020.

(v) \$100,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the superintendent of public instruction to administer a pilot program in a school district with enrollment under 2,000 students in the 2019-20 school year and with at least one school identified for improvement through the Washington school improvement framework to move to a balanced school year. For the purposes of this pilot program, "balanced calendar school year" means a school schedule which distributes school vacations evenly throughout the school year while meeting minimum instructional hours and minimum days of instruction as required in law.

(w) \$75,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the office of the superintendent of public instruction to develop a list of curriculum and supplemental curriculum supports that align with the K-12 health education standards in order to support teaching emotional, mental, and behavioral health in schools.

(x)(i) \$76,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the office of the superintendent of public instruction to collaborate with the department of health to submit a report of findings related to statewide implementation of RCW 28A.210.383. In preparing the report, the office must collaborate with the department to:

(A) Analyze information about the schools that maintain a supply of epinephrine autoinjectors under RCW 28A.210.383;

(B) Examine the barriers and challenges licensed health professionals with the authority to prescribe epinephrine autoinjectors experience in prescribing this medication under a standing order;

(C) Review whether and to what extent the requirement under RCW 28A.210.320 that a student with a life-threatening allergic reaction present a medication or treatment order addressing the medical services that may be required to be performed at the school reduces the need for and use of a school supply of epinephrine autoinjectors;

(D) Determine the number of unused epinephrine autoinjectors discarded by schools, and returned to students' families, at the end of the 2019-20 school year;

(E) Complete an inventory of the number and categories of school district staff provided with training on identifying and responding to life-threatening allergies between September 1, 2017, and September 1, 2020; and

(F) Investigate any other implementation issues raised by school nurses, students who have life-threatening allergic reactions, and students' families during meetings held by the office for the purpose of soliciting feedback on these issues.

(ii) When collecting and analyzing information required under (i) of this subsection, the office and the department must collect information from multiple sources, and disaggregate information during analysis, such that information can be separated by school geography, student enrollment, school socioeconomic status, and other student demographics.

(iii) The office and the department must submit the report to the appropriate committees of the legislature by December 1, 2020.

(y) Within existing resources, the office shall implement Substitute Senate Bill No. 5324 (homeless student support).

(z) \$150,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for a tribal liaison at the office of the superintendent of public instruction to facilitate access to and support enrollment in career connected learning opportunities for tribal students, including career awareness and exploration, career preparation, and career launch programs, as defined in RCW 28C.30.020, so that tribal students may receive high school or college credit to the maximum extent possible.

(aa) \$474,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for implementation of Second Substitute House Bill No. 1182 (learning assistance program). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

(bb) \$173,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for implementation of Engrossed Substitute House Bill No. 1264 (secondary traumatic stress). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

(cc) \$57,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for implementation of Engrossed Substitute House Bill No. 2660 (school meals at no cost). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

(dd) \$872,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for implementation of Second Substitute House Bill No. 2864 (running start summer pilot). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

(ee) \$104,000 of the general fund—state appropriation for fiscal year 2020 and \$106,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for

implementation of Engrossed Second Substitute House Bill No. 1304 (CTE/alt. learning exp. prgs.). If the bill is not enacted by June 30, 2020, the amounts provided in this subsection shall lapse.

(ff) \$14,407,000 of the Washington state opportunities pathways account is provided solely for additional support in the form of one thousand dollars per full-time equivalent student for school districts during the 2020-2021 school year that have enrollments of less than six hundred fifty students and that have a regionalization factor of at least 1.04 during the 2020-2021 school year in the LEAP Document 3. For the purposes of this section, "LEAP Document 3" means the school district regionalization factors for certificated instructional, certificated administrative, and classified staff, as developed by the legislative evaluation and accountability program committee on February 24, 2020, at 2:22 hours. Funding provided in this subsection may be used only for enrichment activities permitted by RCW 28A.150.276(2). For the purposes of this subsection only, "school district" includes public schools receiving allocations under chapters 28A.710 and 28A.715 RCW.

(gg) \$50,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the office to develop Spanish language arts standards, contract with an organization to conduct a bias and sensitivity review of the proposed Spanish language arts standards; and provide professional learning outreach to school districts to help educators implement the Spanish language arts standards. The office must also develop a plan for phasing in language arts standards for other languages spoken by Washington students.

(hh) \$560,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the office of the superintendent of public instruction to develop or purchase online learning modules for all kindergarten through second grade educators and their school teams on the topics of dyslexia and foundational literacy skills to support early screening for dyslexia as required by RCW 28A.320.260.

(ii) \$20,000 of the general fund—state appropriation for fiscal year 2020 and \$30,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the office of the superintendent of public instruction, in consultation with the healthcare authority, to study and report on school districts' utilization of substitute teachers and the impact of the school employees' benefits board program on substitute teacher staffing. By December 1, 2020, and in compliance with RCW 43.01.036, the office of the superintendent of public instruction must submit the report to the appropriate fiscal and policy committees of the legislature. The report must include the following:

(i) The number of individual and full-time equivalent substitute teachers employed in the 2018-19 and 2019-20 school years by district.

(ii) Substitute teachers as a percentage of classroom teachers for the 2018-19 and 2019-20 school years by district.

(iii) The number of substitute teachers eligible for the school employees' benefits board program by district.

(iv) Impacts, both positive and negative, of the school employees' benefits board program on substitute teacher staffing.

(v) Options for substitute teacher eligibility under the school employees' benefits board program, including possible exceptions for substitute teachers.

(vi) Recommendations for preserving an adequate pool of substitute teachers while consistently classifying substitute teachers for health benefits eligibility.

**Sec. 502.** 2019 c 415 s 503 (uncodified) is amended to read as follows:

**FOR THE PROFESSIONAL EDUCATOR STANDARDS BOARD**

General Fund—State Appropriation (FY 2020)	\$3,839,000
General Fund—State Appropriation (FY 2021)	<del>(\$15,771,000)</del>
	<u>\$30,129,000</u>
TOTAL APPROPRIATION	<del>\$19,610,000</del>
	<u>\$33,968,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$2,834,000 of the general fund—state appropriation for fiscal year 2020 and \$2,887,000 of the general fund—state appropriation for fiscal year 2021 are provided solely to the professional educator standards board for the following:

(a) Within the amounts provided in this subsection (1), \$1,612,000 of the general fund—state appropriation for fiscal year 2020 and \$1,665,000 of the general fund—state appropriation for fiscal year 2021 are for the operation and expenses of the Washington professional educator standards board including implementation of chapter 172, Laws of 2017 (educator prep. data/PESB).

(b) Within the amounts provided in this subsection (1), \$600,000 of the general fund—state appropriation for fiscal year 2020 and \$600,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for grants to improve preservice teacher training and funding of alternate routes to certification programs administered by the professional educator standards board.

Within the amounts provided in this subsection (1)(b), up to \$500,000 of the general fund—state appropriation for fiscal year 2020 and up to \$500,000 of the general fund—state appropriation for fiscal year 2021 are provided for grants to public or private colleges of education in Washington state to develop models and share best practices for increasing the classroom teaching experience of preservice training programs.

(c) Within the amounts provided in this subsection (1), \$622,000 of the general fund—state appropriation for fiscal year 2020 and \$622,000 of the general fund—state appropriation for fiscal year 2021 are provided for the

recruiting Washington teachers program with priority given to programs that support bilingual teachers, teachers from populations that are underrepresented, and English language learners. Of the amounts provided in this subsection (1)(c), \$500,000 of the general fund—state appropriation for fiscal year 2020 and \$500,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation and expansion of the bilingual educator initiative pilot project established under RCW 28A.180.120.

(2) \$272,000 of the general fund—state appropriation for fiscal year 2020 and \$150,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the implementation of Engrossed Second Substitute House Bill No. 1139 (educator workforce supply). ~~((If the bill is not enacted by June 30, 2019, the amount provided in this subsection shall lapse.))~~

(3) \$662,000 of the general fund—state appropriation for fiscal year 2020 and ~~(\$12,663,000)~~ \$27,021,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of chapter 237, Laws of 2017 (paraeducators).

(a) Of the amount in this subsection, ~~(\$12,001,000)~~ \$26,359,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for grants to districts to provide ~~((two days))~~ four days of training in the fundamental course of study to all paraeducators. ~~((Funds in this subsection are provided solely for reimbursement to school districts that provide two days of training in the fundamental course of study to paraeducators during the 2019-20 school year.))~~

(b) No later than December 1, 2020, the professional educator standards board must submit a report to the legislature including the following:

(i) The total number of trainings that districts provided;

(ii) The number of paraeducators that completed the training, by district; and

(iii) The total expenditures reimbursed to school districts, by district.

**Sec. 503.** 2019 c 415 s 504 (uncodified) is amended to read as follows:

**FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR GENERAL APPORTIONMENT**

General Fund—State Appropriation (FY 2020)	<del>(\$8,752,402,000)</del>
	<u>\$8,449,996,000</u>
General Fund—State Appropriation (FY 2021)	<del>(\$9,137,269,000)</del>
	<u>\$8,948,508,000</u>
Education Legacy Trust Account—State Appropriation	<del>(\$1,345,730,000)</del>
	<u>\$1,955,730,000</u>

TOTAL APPROPRIATION ..... \$19,235,401,000  
\$19,354,234,000

The appropriations in this section are subject to the following conditions and limitations:

(1)(a) Each general fund fiscal year appropriation includes such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.

(b) For the 2019-20 and 2020-21 school years, the superintendent shall allocate general apportionment funding to school districts as provided in the funding formulas and salary allocations in sections 504 and 505 of this act, excluding (c) of this subsection.

(c) From July 1, 2019, to August 31, 2019, the superintendent shall allocate general apportionment funding to school districts programs as provided in sections 502 and 503, chapter 299, Laws of 2018.

(d) The enrollment of any district shall be the annual average number of full-time equivalent students and part-time students as provided in RCW 28A.150.350, enrolled on the fourth day of school in September and on the first school day of each month October through June, including students who are in attendance pursuant to RCW 28A.335.160 and 28A.225.250 who do not reside within the servicing school district. Any school district concluding its basic education program in May must report the enrollment of the last school day held in May in lieu of a June enrollment.

(e)(i) Funding provided in part V of this act is sufficient to provide each full-time equivalent student with the minimum hours of instruction required under RCW 28A.150.220.

(ii) The office of the superintendent of public instruction shall align the agency rules defining a full-time equivalent student with the increase in the minimum instructional hours under RCW 28A.150.220, as amended by the legislature in 2014.

(f) The superintendent shall adopt rules requiring school districts to report full-time equivalent student enrollment as provided in RCW 28A.655.210.

(g) For the 2019-20 and 2020-21 school years, school districts must report to the office of the superintendent of public instruction the monthly actual average district-wide class size across each grade level of kindergarten, first grade, second grade, and third grade classes. The superintendent of public instruction shall report this information to the education and fiscal committees of the house of representatives and the senate by September 30th of each year.

## (2) CERTIFICATED INSTRUCTIONAL STAFF ALLOCATIONS

Allocations for certificated instructional staff salaries for the 2019-20 and 2020-21 school years are determined using formula-generated staff units calculated pursuant to this subsection.

(a) Certificated instructional staff units, as defined in RCW 28A.150.410, shall be allocated to reflect the minimum class size allocations, requirements, and school prototypes assumptions as provided in RCW 28A.150.260. The superintendent shall make allocations to school districts based on the district's annual average full-time equivalent student enrollment in each grade.

(b) Additional certificated instructional staff units provided in this subsection (2) that exceed the minimum requirements in RCW 28A.150.260 are enhancements outside the program of basic education, except as otherwise provided in this section.

(c)(i) The superintendent shall base allocations for each level of prototypical school, including those at which more than fifty percent of the students were eligible for free and reduced-price meals in the prior school year, on the following regular education average class size of full-time equivalent students per teacher, except as provided in (c)(ii) of this subsection:

Gener al education class size:		RC W 28A.150.2 60		2019 Scho ol Year	2020 Scho ol Year
Grade					
K	Grade		17.0	17.0	
			0	0	
1	Grade		17.0	17.0	
			0	0	
2	Grade		17.0	17.0	
			0	0	
3	Grade		17.0	17.0	
			0	0	
4	Grade		27.0	27.0	
			0	0	
s 5-6	Grade		27.0	27.0	
			0	0	
s 7-8	Grade		28.5	28.5	
			3	3	
s 9-12	Grade		28.7	28.7	
			4	4	

The superintendent shall base allocations for: Laboratory science average class size as provided in RCW 28A.150.260; career and technical education (CTE) class size of 23.0; and skill center program class size of 20.0.

(ii) Pursuant to RCW 28A.150.260(4)(a), the assumed teacher planning period, expressed as a percentage of a teacher work day, is 13.42 percent in grades K-6, and 16.67 percent in grades 7-12; and



(iii) Advanced placement and international baccalaureate courses are funded at the same class size assumptions as general education schools in the same grade; and

(d)(i) Funding for teacher librarians, school nurses, social workers, school psychologists, and guidance counselors is allocated based on the school prototypes as provided in RCW 28A.150.260 and is considered certificated instructional staff, except as provided in (d)(ii) of this subsection.

(ii)(A) For the twenty schools with the lowest overall school score for all students in the 2018-19 school year, as determined by the Washington school improvement framework among elementary schools, middle schools, and other schools not serving students up to twelfth grade, having enrollments greater than one hundred fifty students, in addition to the allocation under (d)(i) of this subsection the superintendent shall allocate additional funding for guidance counselors for each level of prototypical school in the 2019-20 school year as follows:

	Elementary	Middle
Guidance counselors	0.307	0.512

To receive additional allocations under (d)(ii)(A) of this subsection, a school eligible to receive the allocation must have demonstrated actual staffing for guidance counselors for its prototypical school level that meets or exceeds the staffing for guidance counselors in (d)(i) of this subsection and this subsection (2)(d)(ii)(A) for its prototypical school level. School districts must distribute the additional guidance counselors allocation in this subsection to the schools that generate the allocation. The enhancement within this subsection is not part of the state's program of basic education.

(B) For qualifying high-poverty schools in the 2020-21 school year, in addition to the allocation under (d)(i) of this subsection, the superintendent shall allocate additional funding for guidance counselors for each level of prototypical school as follows:

	<u>Elementary</u>	<u>Middle</u>	<u>High</u>
<u>Guidance</u>			
<u>nc</u>		<u>0.50</u>	<u>0.5</u>
<u>Counselors</u>	<u>0.500</u>	<u>0</u>	<u>00</u>

In addition to schools with more than fifty percent of students eligible for free and reduced-price meals in the prior school year, elementary schools that enroll more than six hundred full-time equivalent students with at least forty-five percent of students eligible for free and reduced-price meals in the prior school year will qualify as a high-poverty school under this subsection.

(c) Students in approved career and technical education and skill center programs generate certificated instructional staff units to provide for the services of teacher librarians, school nurses, social workers, school

psychologists, and guidance counselors at the following combined rate per 1000 student full-time equivalent enrollment:

	2019-20 School Year	2020-21 School Year
Career and Technical Education	3.07	3.07
Skill Center	3.41	3.41

### (3) ADMINISTRATIVE STAFF ALLOCATIONS

(a) Allocations for school building-level certificated administrative staff salaries for the 2019-20 and 2020-21 school years for general education students are determined using the formula generated staff units calculated pursuant to this subsection. The superintendent shall make allocations to school districts based on the district's annual average full-time equivalent enrollment in each grade. The following prototypical school values shall determine the allocation for principals, assistant principals, and other certificated building level administrators:

Prototypical School Building:	
Elementary School	1.253
Middle School	1.353
High School	1.880

(b) Students in approved career and technical education and skill center programs generate certificated school building-level administrator staff units at per student rates that are a multiple of the general education rate in (a) of this subsection by the following factors: Career and Technical Education students..... 1.025

Skill Center students..... 1.198

### (4) CLASSIFIED STAFF ALLOCATIONS

Allocations for classified staff units providing school building-level and district-wide support services for the 2019-20 and 2020-21 school years are determined using the formula-generated staff units provided in RCW 28A.150.260 and pursuant to this subsection, and adjusted based on each district's annual average full-time equivalent student enrollment in each grade.

### (5) CENTRAL OFFICE ALLOCATIONS

In addition to classified and administrative staff units allocated in subsections (3) and (4) of this section, classified and administrative staff units are provided for the 2019-20 and 2020-21 school years for the central office administrative costs of operating a school district, at the following rates:

(a) The total central office staff units provided in this subsection (5) are calculated by first multiplying the total number of eligible certificated instructional, certificated administrative, and classified staff units providing school-based or district-wide support services, as identified in RCW 28A.150.260(6)(b) and the increased allocations provided pursuant to subsections (2) and (4) of this section, by 5.3 percent.

(b) Of the central office staff units calculated in (a) of this subsection, 74.53 percent are allocated as classified staff units, as generated in subsection (4) of this section, and 25.47 percent shall be allocated as administrative staff units, as generated in subsection (3) of this section.

(c) Staff units generated as enhancements outside the program of basic education to the minimum requirements of RCW 28A.150.260, and staff units generated by skill center and career-technical students, are excluded from the total central office staff units calculation in (a) of this subsection.

(d) For students in approved career-technical and skill center programs, central office classified units are allocated at the same staff unit per student rate as those generated for general education students of the same grade in this subsection (5), and central office administrative staff units are allocated at staff unit per student rates that exceed the general education rate established for students in the same grade in this subsection (5) by 12.51 percent in the 2019-20 school year and 12.53 percent in the 2020-21 school year for career and technical education students, and 17.84 percent in the 2019-20 school year and 17.86 percent in the 2020-21 school year for skill center students.

#### (6) FRINGE BENEFIT ALLOCATIONS

Fringe benefit allocations shall be calculated at a rate of 23.80 percent in the 2019-20 school year and ~~((23.80))~~ 24.08 percent in the 2020-21 school year for certificated salary allocations provided under subsections (2), (3), and (5) of this section, and a rate of 24.33 percent in the 2019-20 school year and ~~((24.33))~~ 24.45 percent in the 2020-21 school year for classified salary allocations provided under subsections (4) and (5) of this section.

#### (7) INSURANCE BENEFIT ALLOCATIONS

Insurance benefit allocations shall be calculated at the rates specified in section 506 of this act, based on the number of benefit units determined as follows:

(a) Until December 31, 2019 and for nonrepresented employees of educational service districts for the 2020-21 school year:

(i) The number of certificated staff units determined in subsections (2), (3), and (5) of this section; and

(ii) The number of classified staff units determined in subsections (4) and (5) of this section.

(b) Beginning January 1, 2020, and except for nonrepresented employees of educational service districts for the 2020-21 school year, the number of calculated benefit units determined below. Calculated benefit units are staff units multiplied by the benefit allocation factors established in the collective bargaining agreement referenced in

~~((section 938 of this act))~~ section 908 of this act. These factors are intended to adjust allocations so that, for the purpose of distributing insurance benefits, full-time equivalent employees may be calculated on the basis of 630 hours of work per year, with no individual employee counted as more than one full-time equivalent. The number of benefit units is determined as follows:

(i) The number of certificated staff units determined in subsections (2), (3), and (5) of this section multiplied by 1.02; and

(ii) The number of classified staff units determined in subsections (4) and (5) of this section multiplied by 1.43.

(c) For health benefits payments to the health care authority for benefits provided to school employees in January 2020, school districts must provide payment to the health care authority within three business days of receiving the January 2020 allocation for insurance benefits. The health care authority and office of the superintendent of public instruction must coordinate with school districts to enable timely payment to the health care authority consistent with this subsection.

#### (8) MATERIALS, SUPPLIES, AND OPERATING COSTS (MSOC) ALLOCATIONS

Funding is allocated per annual average full-time equivalent student for the materials, supplies, and operating costs (MSOC) incurred by school districts, consistent with the requirements of RCW 28A.150.260.

(a)(i) MSOC funding for general education students are allocated at the following per student rates:

##### MSOC RATES/STUDENT FTE

MSOC Component	2019-20 School Year	2020-21 School Year
Technology	\$135.91	<del>((138.75))</del> <u>\$138.08</u>
Utilities and Insurance	\$369.29	<del>((377.04))</del> <u>\$375.20</u>
Curriculum and Textbooks	\$145.92	<del>((148.99))</del> <u>\$148.26</u>
Other Supplies	\$289.00	<del>((295.07))</del> <u>\$293.62</u>
Library Materials	\$20.79	<del>((21.23))</del> <u>\$21.12</u>

Instructional Professional Development for Certificated and Classified Staff	\$22.57	<del>((23.04))</del> <u>\$22.93</u>
Facilities Maintenance	\$182.94	<del>((186.79))</del> <u>\$185.87</u>
Security and Central Office	\$126.74	<del>((129.41))</del> <u>\$128.77</u>
<b>TOTAL</b>	<b>\$1,293.1</b>	
<b>BASIC EDUCATION MSOC/STUDENT FTE</b>	<b>6</b>	<del>((1,320.32))</del> <u>\$1,313.85</u>

Other Supplies	\$83.04	<del>((84.79))</del> <u>\$84.37</u>
Library Materials	\$5.78	<del>((5.90))</del> <u>\$5.87</u>
Instructional Professional Development for Certificated and Classified Staff	\$7.11	<del>((7.25))</del> <u>\$7.22</u>
<b>TOTAL</b>	<b>\$177.64</b>	
<b>GRADE 9-12 BASIC EDUCATION MSOC/STUDENT FTE</b>		<del>((181.37))</del> <u>\$180.48</u>

(ii) For the 2019-20 school year and 2020-21 school year, as part of the budget development, hearing, and review process required by chapter 28A.505 RCW, each school district must disclose: (A) The amount of state funding to be received by the district under (a) and (d) of this subsection (8); (B) the amount the district proposes to spend for materials, supplies, and operating costs; (C) the difference between these two amounts; and (D) if (A) of this subsection (8)(a)(ii) exceeds (B) of this subsection (8)(a)(ii), any proposed use of this difference and how this use will improve student achievement.

(b) Students in approved skill center programs generate per student FTE MSOC allocations of \$1,529.98 for the 2019-20 school year and ~~((1,562.44))~~ \$1,554.46 for the 2020-21 school year.

(c) Students in approved exploratory and preparatory career and technical education programs generate per student FTE MSOC allocations of \$1,529.98 for the 2019-20 school year and ~~((1,562.44))~~ \$1,554.46 for the 2020-21 school year.

(d) Students in grades 9-12 generate per student FTE MSOC allocations in addition to the allocations provided in (a) through (c) of this subsection at the following rate:

MSOC Component	2019-20 School Year	2020-21 School Year
Technology	\$39.08	<del>((39.90))</del> <u>\$39.70</u>
Curriculum and Textbooks	\$42.63	<del>((43.53))</del> <u>\$43.32</u>

#### (9) SUBSTITUTE TEACHER ALLOCATIONS

For the 2019-20 and 2020-21 school years, funding for substitute costs for classroom teachers is based on four (4) funded substitute days per classroom teacher unit generated under subsection (2) of this section, at a daily substitute rate of \$151.86.

#### (10) ALTERNATIVE LEARNING EXPERIENCE PROGRAM FUNDING

(a) Amounts provided in this section from July 1, 2019, to August 31, 2019, are adjusted to reflect provisions of chapter 299, Laws of 2018 (allocation of funding for students enrolled in alternative learning experiences).

(b) The superintendent of public instruction shall require all districts receiving general apportionment funding for alternative learning experience (ALE) programs as defined in WAC 392-121-182 to provide separate financial accounting of expenditures for the ALE programs offered in district or with a provider, including but not limited to private companies and multidistrict cooperatives, as well as accurate, monthly headcount and FTE enrollment claimed for basic education, including separate counts of resident and nonresident students.

#### (11) DROPOUT REENGAGEMENT PROGRAM

The superintendent shall adopt rules to require students claimed for general apportionment funding based on enrollment in dropout reengagement programs authorized under RCW 28A.175.100 through 28A.175.115 to meet requirements for at least weekly minimum instructional contact, academic counseling, career counseling, or case management contact. Districts must also provide separate financial accounting of expenditures for the programs offered by the district or under contract with a provider, as well as accurate monthly headcount and full-time equivalent enrollment claimed for basic education, including separate enrollment counts of resident and nonresident students.

#### (12) ALL DAY KINDERGARTEN PROGRAMS

Funding in this section is sufficient to fund all day kindergarten programs in all schools in the 2019-20 school year and 2020-21 school year, pursuant to RCW 28A.150.220 and 28A.150.315.

**(13) ADDITIONAL FUNDING FOR SMALL SCHOOL DISTRICTS AND REMOTE AND NECESSARY PLANTS**

For small school districts and remote and necessary school plants within any district which have been judged to be remote and necessary by the superintendent of public instruction, additional staff units are provided to ensure a minimum level of staffing support. Additional administrative and certificated instructional staff units provided to districts in this subsection shall be reduced by the general education staff units, excluding career and technical education and skills center enhancement units, otherwise provided in subsections (2) through (5) of this section on a per district basis.

(a) For districts enrolling not more than twenty-five average annual full-time equivalent students in grades K-8, and for small school plants within any school district which have been judged to be remote and necessary by the superintendent of public instruction and enroll not more than twenty-five average annual full-time equivalent students in grades K-8:

(i) For those enrolling no students in grades 7 and 8, 1.76 certificated instructional staff units and 0.24 certificated administrative staff units for enrollment of not more than five students, plus one-twentieth of a certificated instructional staff unit for each additional student enrolled; and

(ii) For those enrolling students in grades 7 or 8, 1.68 certificated instructional staff units and 0.32 certificated administrative staff units for enrollment of not more than five students, plus one-tenth of a certificated instructional staff unit for each additional student enrolled;

(b) For specified enrollments in districts enrolling more than twenty-five but not more than one hundred average annual full-time equivalent students in grades K-8, and for small school plants within any school district which enroll more than twenty-five average annual full-time equivalent students in grades K-8 and have been judged to be remote and necessary by the superintendent of public instruction:

(i) For enrollment of up to sixty annual average full-time equivalent students in grades K-6, 2.76 certificated instructional staff units and 0.24 certificated administrative staff units; and

(ii) For enrollment of up to twenty annual average full-time equivalent students in grades 7 and 8, 0.92 certificated instructional staff units and 0.08 certificated administrative staff units;

(c) For districts operating no more than two high schools with enrollments of less than three hundred average annual full-time equivalent students, for enrollment in grades 9-12 in each such school, other than alternative schools, except as noted in this subsection:

(i) For remote and necessary schools enrolling students in any grades 9-12 but no more than twenty-five average annual full-time equivalent students in grades K-12, four and one-half certificated instructional staff units and one-quarter of a certificated administrative staff unit;

(ii) For all other small high schools under this subsection, nine certificated instructional staff units and one-half of a certificated administrative staff unit for the first sixty average annual full-time equivalent students, and additional staff units based on a ratio of 0.8732 certificated instructional staff units and 0.1268 certificated administrative staff units per each additional forty-three and one-half average annual full-time equivalent students;

(iii) Districts receiving staff units under this subsection shall add students enrolled in a district alternative high school and any grades nine through twelve alternative learning experience programs with the small high school enrollment for calculations under this subsection;

(d) For each nonhigh school district having an enrollment of more than seventy annual average full-time equivalent students and less than one hundred eighty students, operating a grades K-8 program or a grades 1-8 program, an additional one-half of a certificated instructional staff unit;

(e) For each nonhigh school district having an enrollment of more than fifty annual average full-time equivalent students and less than one hundred eighty students, operating a grades K-6 program or a grades 1-6 program, an additional one-half of a certificated instructional staff unit;

(f)(i) For enrollments generating certificated staff unit allocations under (a) through (e) of this subsection, one classified staff unit for each 2.94 certificated staff units allocated under such subsections;

(ii) For each nonhigh school district with an enrollment of more than fifty annual average full-time equivalent students and less than one hundred eighty students, an additional one-half of a classified staff unit; and

(g) School districts receiving additional staff units to support small student enrollments and remote and necessary plants under this subsection (13) shall generate additional MSOC allocations consistent with the nonemployee related costs (NERC) allocation formula in place for the 2010-11 school year as provided section 502, chapter 37, Laws of 2010 1st sp. sess. (2010 supplemental budget), adjusted annually for inflation.

(14) Any school district board of directors may petition the superintendent of public instruction by submission of a resolution adopted in a public meeting to reduce or delay any portion of its basic education allocation for any school year. The superintendent of public instruction shall approve such reduction or delay if it does not impair the district's financial condition. Any delay shall not be for more than two school years. Any reduction or delay shall have no impact on levy authority pursuant to RCW 84.52.0531 and local effort assistance pursuant to chapter 28A.500 RCW.

(15) The superintendent may distribute funding for the following programs outside the basic education formula during fiscal years 2020 and 2021 as follows:

(a) \$650,000 of the general fund—state appropriation for fiscal year 2020 and \$650,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for fire protection for school districts located in a fire protection district as now or hereafter established pursuant to chapter 52.04 RCW.

(b) \$436,000 of the general fund—state appropriation for fiscal year 2020 and \$436,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for programs providing skills training for secondary students who are enrolled in extended day school-to-work programs, as approved by the superintendent of public instruction. The funds shall be allocated at a rate not to exceed \$500 per full-time equivalent student enrolled in those programs.

(16) Funding in this section is sufficient to fund a maximum of 1.6 FTE enrollment for skills center students pursuant to chapter 463, Laws of 2007.

(17) Funding in this section is sufficient to fund a maximum of 1.2 FTE enrollment for career launch students pursuant to RCW 28A.700.130. Expenditures for this purpose must come first from the appropriations provided in section 521 of this act; funding for career launch enrollment exceeding those appropriations is provided in this section.

(18) Students participating in running start programs may be funded up to a combined maximum enrollment of 1.2 FTE including school district and institution of higher education enrollment consistent with the running start course requirements provided in chapter 202, Laws of 2015 (dual credit education opportunities). In calculating the combined 1.2 FTE, the office of the superintendent of public instruction may average the participating student's September through June enrollment to account for differences in the start and end dates for courses provided by the high school and higher education institution. Additionally, the office of the superintendent of public instruction, in consultation with the state board for community and technical colleges, the student achievement council, and the education data center, shall annually track and report to the fiscal committees of the legislature on the combined FTE experience of students participating in the running start program, including course load analyses at both the high school and community and technical college system.

~~((18))~~ (19) If two or more school districts consolidate and each district was receiving additional basic education formula staff units pursuant to subsection (13) of this section, the following apply:

(a) For three school years following consolidation, the number of basic education formula staff units shall not be less than the number of basic education formula staff units received by the districts in the school year prior to the consolidation; and

(b) For the fourth through eighth school years following consolidation, the difference between the basic

education formula staff units received by the districts for the school year prior to consolidation and the basic education formula staff units after consolidation pursuant to subsection (13) of this section shall be reduced in increments of twenty percent per year.

~~((19))~~ (20)(a) Indirect cost charges by a school district to approved career and technical education middle and secondary programs shall not exceed the lesser of five percent or the cap established in federal law of the combined basic education and career and technical education program enhancement allocations of state funds. Middle and secondary career and technical education programs are considered separate programs for funding and financial reporting purposes under this section.

(b) Career and technical education program full-time equivalent enrollment shall be reported on the same monthly basis as the enrollment for students eligible for basic support, and payments shall be adjusted for reported career and technical education program enrollments on the same monthly basis as those adjustments for enrollment for students eligible for basic support.

~~((20))~~ (21) Funding in this section is sufficient to provide full general apportionment payments to school districts eligible for federal forest revenues as provided in RCW 28A.520.020. For the 2019-2021 biennium, general apportionment payments are not reduced for school districts receiving federal forest revenues.

**Sec. 504.** 2019 c 415 s 505 (uncodified) is amended to read as follows:

**FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—BASIC EDUCATION EMPLOYEE COMPENSATION**

(1) The following calculations determine the salaries used in the state allocations for certificated instructional, certificated administrative, and classified staff units as provided in RCW 28A.150.260, and under ~~((section 504 of this act))~~ section 503 of this act: For the 2019-20 school year and the 2020-21 school year salary allocations for certificated instructional staff, certificated administrative staff, and classified staff units are determined for each school district by multiplying the statewide minimum salary allocation for each staff type by the school district's regionalization factor shown in LEAP Document 3.

**Statewide Minimum Salary Allocation**

Staff Type	2019-20 School Year	2020- 21 School Year
Certificated Instructional	\$66,520	<del>(((\$67,917))</del> <u>\$67,585</u>

Certificated	\$98,741
Administrative	<del>(\$100,815))</del> <u>\$100,321</u>
Classified	\$47,720
	<del>(\$48,722))</del> <u>\$48,483</u>

(2) For the purposes of this section, "LEAP Document 3" means the school district regionalization factors for certificated instructional, certificated administrative, and classified staff, as developed by the legislative evaluation and accountability program committee on ~~((December 10, 2018, at 8:24 hours))~~ February 24, 2020, at 2:22 hours.

(3) Incremental fringe benefit factors are applied to salary adjustments at a rate of 23.16 percent for school year 2019-20 and ~~((23.16))~~ 23.44 percent for school year 2020-21 for certificated instructional and certificated administrative staff and 20.83 percent for school year 2019-20 and ~~((20.83))~~ 20.95 percent for the 2020-21 school year for classified staff.

(4) The salary allocations established in this section are for allocation purposes only except as provided in this subsection, and do not entitle an individual staff position to a particular paid salary except as provided in RCW 28A.400.200, as amended by chapter 13, Laws of 2017 3rd sp. sess. (fully funding the program of basic education).

**Sec. 505.** 2019 c 415 s 506 (uncodified) is amended to read as follows:

**FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR SCHOOL EMPLOYEE COMPENSATION ADJUSTMENTS**

General Fund—State Appropriation (FY 2020)	<del>(\$379,041,000))</del> <u>\$387,492,000</u>
General Fund—State Appropriation (FY 2021)	<del>(\$726,648,000))</del> <u>\$645,608,000</u>
TOTAL APPROPRIATION .....	<u>\$1,105,689,000</u> <u>\$1,033,100,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) The salary increases provided in this section are 2.0 percent for the 2019-20 school year, and ~~((2.4))~~ 1.6 percent for the 2020-21 school year, the annual inflationary adjustments pursuant to RCW 28A.400.205.

~~(2)(a) In addition to salary allocations ((specified in this subsection (1) funding)), the appropriations in this ((subsection includes two days of)) section include funding for professional learning as defined in RCW 28A.415.430, 28A.415.432, and 28A.415.434. Funding for this purpose is calculated as the equivalent of two days of salary and benefits for each of the funded full-time equivalent certificated instructional staff units in school year 2019-20, and three days ((of professional learning)) of salary and~~

benefits for each of the funded full-time equivalent certificated instructional staff units in school year 2020-21. Nothing in this section entitles an individual certificated instructional staff to any particular number of professional learning days.

(b) Of the funding provided for professional learning in this section, the equivalent of one day of salary and benefits for each of the funded full-time equivalent certificated instructional staff units in school year 2020-21 must be used to train school district staff on racial literacy, cultural responsiveness, and stereotype threat for purposes of closing persistent opportunity gaps.

(3)(a) The appropriations in this section include associated incremental fringe benefit allocations at 23.16 percent for the 2019-20 school year and ~~((23.16))~~ 23.44 percent for the 2020-21 school year for certificated instructional and certificated administrative staff and 20.83 percent for the 2019-20 school year and ~~((20.83))~~ 20.95 percent for the 2020-21 school year for classified staff.

(b) The appropriations in this section include the increased or decreased portion of salaries and incremental fringe benefits for all relevant state-funded school programs in part V of this act. Changes for general apportionment (basic education) are based on the salary allocations and methodology in ~~((sections 504 and 505 of this act))~~ sections 503 and 504 of this act. Changes for special education result from changes in each district's basic education allocation per student. Changes for educational service districts and institutional education programs are determined by the superintendent of public instruction using the methodology for general apportionment salaries and benefits in ~~((sections 504 and 505 of this act))~~ sections 503 and 504 of this act. Changes for pupil transportation are determined by the superintendent of public instruction pursuant to RCW 28A.160.192, and impact compensation factors in sections 504, 505, and 506 of this act.

(c) The appropriations in this section include no salary adjustments for substitute teachers.

(4) The appropriations in this section are sufficient to fund the collective bargaining agreement referenced in ~~((section 938 of this act))~~ section 908 of this act and reflect the incremental change in cost of allocating rates as follows:

(a) For the 2019-20 school year, \$973.00 per month from September 1, 2019, to December 31, 2019, \$994 per month from January 1, 2020, to June 30, 2020, and \$1,056 per month from July 1, 2020, to August 31, 2020; and

(b) For the 2020-21 school year, ~~(\$1,056))~~ \$1,000 per month.

(5) When bargaining for funding for school employees health benefits for the 2021-2023 fiscal biennium, any proposal agreed upon must assume the imposition of a twenty-five dollar per month surcharge payment from members who use tobacco products and a surcharge payment of not less than fifty dollars per month from members who cover a spouse or domestic partner where the spouse or domestic partner has chosen not to enroll in another employer-based group health insurance that has benefits and

premiums with an actuarial value of not less than ninety-five percent of the actuarial value of the public employees' benefits board plan with the largest enrollment. The surcharge payments shall be collected in addition to the member premium payment.

(6) The rates specified in this section are subject to revision each year by the legislature.

(7)(a) ~~\$1,226,000 of the general fund—state appropriation for fiscal year 2020 ((and \$2,763,000 of the general fund—state appropriation for fiscal year 2021 are))~~ is provided solely for changes to the special education cost multiplier as specified in Engrossed Second Substitute Senate Bill No. 5091 (special education funding).

(b) Within amounts appropriated in this section, funding is provided for fiscal year 2021 for changes to the special education cost multiplier as specified in chapter 387, Laws of 2019 (special education funding).

**Sec. 506.** 2019 c 415 s 507 (uncodified) is amended to read as follows:

**FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR PUPIL TRANSPORTATION**

General Fund—State Appropriation (FY 2020)	
.....	<del>(\$614,906,000))</del>
	<u>\$666,162,000</u>
General Fund—State Appropriation (FY 2021)	
.....	<del>(\$615,788,000))</del>
	<u>\$641,529,000</u>
TOTAL APPROPRIATION .....	<u>\$1,230,694,000</u>
	<u>\$1,307,691,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) Each general fund fiscal year appropriation includes such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.

(2)(a) For the 2019-20 and 2020-21 school years, the superintendent shall allocate funding to school district programs for the transportation of eligible students as provided in RCW 28A.160.192. Funding in this section constitutes full implementation of RCW 28A.160.192, which enhancement is within the program of basic education. Students are considered eligible only if meeting the definitions provided in RCW 28A.160.160.

(b) From July 1, 2019, to August 31, 2019, the superintendent shall allocate funding to school districts programs for the transportation of students as provided in section 505, chapter 299, Laws of 2018.

(3) Within amounts appropriated in this section, up to \$10,000,000 of the general fund—state appropriation for fiscal year 2020 and up to \$10,000,000 of the general fund—state appropriation for fiscal year 2021 are for a transportation alternate funding grant program based on the alternate funding process established in RCW 28A.160.191.

The superintendent of public instruction must include a review of school district efficiency rating, key performance indicators and local school district characteristics such as unique geographic constraints in the grant award process.

(4) A maximum of \$939,000 of this fiscal year 2020 appropriation and a maximum of \$939,000 of the fiscal year 2021 appropriation may be expended for regional transportation coordinators and related activities. The transportation coordinators shall ensure that data submitted by school districts for state transportation funding shall, to the greatest extent practical, reflect the actual transportation activity of each district.

(5) Subject to available funds under this section, school districts may provide student transportation for summer skills center programs.

(6) The office of the superintendent of public instruction shall provide reimbursement funding to a school district for school bus purchases only after the superintendent of public instruction determines that the school bus was purchased from the list established pursuant to RCW 28A.160.195(2) or a comparable competitive bid process based on the lowest price quote based on similar bus categories to those used to establish the list pursuant to RCW 28A.160.195.

(7) The superintendent of public instruction shall base depreciation payments for school district buses on the presales tax five-year average of lowest bids in the appropriate category of bus. In the final year on the depreciation schedule, the depreciation payment shall be based on the lowest bid in the appropriate bus category for that school year.

(8) Funding levels in this section reflect waivers granted by the state board of education for four-day school weeks as allowed under RCW 28A.305.141.

(9) The office of the superintendent of public instruction shall annually disburse payments for bus depreciation in August.

(10) The office of the superintendent of public instruction must subtract pupil transportation amounts carried over from the 2018-19 school year to the 2019-20 school year from the prior year's expenditures used to determine the student transportation allocation for the 2020-21 school year.

(11) Student transportation allocations under RCW 28A.160.192 for the 2020-21 school year may not exceed \$601,198,000. This amount reflects adjustments for compensation costs included in previous years' allocations that were in excess of the base salaries provided in the 2017-19 omnibus appropriations act, as specified in RCW 28A.160.192(1)(b). Prior year total salary expenditures used to determine a district's student transportation allocation for the 2020-21 school year must be reduced by an amount equal to the difference between a district's actual salaries reported to the office of the superintendent of public instruction in personnel reporting and the average classified salary provided to the district under RCW 28A.150.410 multiplied by the district's full-time equivalent staff in the pupil

transportation program as reported to the office of the superintendent of public instruction, if actual salaries are greater.

**Sec. 507.** 2019 c 415 s 509 (uncodified) is amended to read as follows:

**FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR SPECIAL EDUCATION PROGRAMS**

General Fund—State Appropriation (FY 2020)	
.....	<del>(\$1,402,262,000))</del>
	<u>\$1,406,767,000</u>
General Fund—State Appropriation (FY 2021)	
.....	<del>(\$1,501,646,000))</del>
	<u>\$1,462,397,000</u>
General Fund—Federal Appropriation	
.....	<del>(\$499,428,000))</del>
	<u>\$514,008,000</u>
Education Legacy Trust Account—State Appropriation.....	\$54,694,000
Pension Funding Stabilization Account—State Appropriation.....	\$20,000
<b>TOTAL APPROPRIATION .....</b>	<del><b>\$3,458,050,000</b></del>
	<u><b>\$3,437,886,000</b></u>

The appropriations in this section are subject to the following conditions and limitations:

(1)(a) Funding for special education programs is provided on an excess cost basis, pursuant to RCW 28A.150.390. School districts shall ensure that special education students as a class receive their full share of the general apportionment allocation accruing through ~~((sections 504 and 506 of this act))~~ sections 503 and 505 of this act. To the extent a school district cannot provide an appropriate education for special education students under chapter 28A.155 RCW through the general apportionment allocation, it shall provide services through the special education excess cost allocation funded in this section.

(b) Funding provided within this section is sufficient for districts to provide school principals and lead special education teachers annual professional development on the best-practices for special education instruction and strategies for implementation. Districts shall annually provide a summary of professional development activities to the office of the superintendent of public instruction.

(2)(a) The superintendent of public instruction shall ensure that:

(i) Special education students are basic education students first;

(ii) As a class, special education students are entitled to the full basic education allocation; and

(iii) Special education students are basic education students for the entire school day.

(b) The superintendent of public instruction shall continue to implement the full cost method of excess cost accounting, as designed by the committee and recommended by the superintendent, pursuant to section 501(1)(k), chapter 372, Laws of 2006.

(3) Each fiscal year appropriation includes such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.

(4)(a) For the 2019-20 and 2020-21 school years, the superintendent shall allocate funding to school district programs for special education students as provided in RCW 28A.150.390 as amended by chapter 266, Laws of 2018 (basic education), except that the calculation of the base allocation also includes allocations provided under ~~((section 504 (2) and (4) of this act))~~ section 503 (2) and (4) of this act and RCW 28A.150.415, which enhancement is within the program of basic education.

(b) From July 1, 2019, to August 31, 2019, the superintendent shall allocate funding to school district programs for special education students as provided in section 507, chapter 299, Laws of 2018.

(5) The following applies throughout this section: The definitions for enrollment and enrollment percent are as specified in RCW 28A.150.390(3). Each district's general fund—state funded special education enrollment shall be the lesser of the district's actual enrollment percent or 13.5 percent.

(6) At the request of any interdistrict cooperative of at least 15 districts in which all excess cost services for special education students of the districts are provided by the cooperative, the maximum enrollment percent shall be calculated in accordance with RCW 28A.150.390(3) (c) and (d), and shall be calculated in the aggregate rather than individual district units. For purposes of this subsection, the average basic education allocation per full-time equivalent student shall be calculated in the aggregate rather than individual district units.

(7) ~~(((\$71,253,000))~~ \$63,609,000 of the general fund—state appropriation for fiscal year 2020, ~~(((\$87,253,000))~~ \$89,588,000 of the general fund—state appropriation for fiscal year 2021, and \$29,574,000 of the general fund—federal appropriation are provided solely for safety net awards for districts with demonstrated needs for special education funding beyond the amounts provided in subsection (4) of this section. If the federal safety net awards based on the federal eligibility threshold exceed the federal appropriation in this subsection (7) in any fiscal year, the superintendent shall expend all available federal discretionary funds necessary to meet this need. At the conclusion of each school year, the superintendent shall recover safety net funds that were distributed prospectively but for which districts were not subsequently eligible.

(a) For the 2019-20 and 2020-21 school years, safety net funds shall be awarded by the state safety net oversight committee as provided in section 109(1) chapter 548, Laws of 2009 (education).



(b) The office of the superintendent of public instruction shall make award determinations for state safety net funding in August of each school year, except that the superintendent of public instruction shall make award determinations for state safety net funding in July of each school year for the Washington state school for the blind and for the center for childhood deafness and hearing loss. Determinations on school district eligibility for state safety net awards shall be based on analysis of actual expenditure data from the current school year.

(8) A maximum of \$931,000 may be expended from the general fund—state appropriations to fund 5.43 full-time equivalent teachers and 2.1 full-time equivalent aides at children's orthopedic hospital and medical center. This amount is in lieu of money provided through the home and hospital allocation and the special education program.

(9) The superintendent shall maintain the percentage of federal flow-through to school districts at 85 percent. In addition to other purposes, school districts may use increased federal funds for high-cost students, for purchasing regional special education services from educational service districts, and for staff development activities particularly relating to inclusion issues.

(10) A school district may carry over from one year to the next year up to 10 percent of the general fund—state funds allocated under this program; however, carryover funds shall be expended in the special education program.

(11) \$50,000 of the general fund—state appropriation for fiscal year 2020, \$50,000 of the general fund—state appropriation for fiscal year 2021, and \$100,000 of the general fund—federal appropriation are provided solely for a special education family liaison position within the office of the superintendent of public instruction.

(12)(a) ~~\$30,746,000 of the general fund—state appropriation for fiscal year 2020 ((and \$46,425,000 of the general fund—state appropriation for fiscal year 2021 are))~~ is provided solely for changes to the special education cost multiplier as specified in Engrossed Second Substitute Senate Bill No. 5091 (special education funding).

(b) Within amounts appropriated in this section, funding is provided for fiscal year 2021 for changes to the special education cost multiplier as specified in chapter 387, Laws of 2019 (special education funding).

(13) ~~(((\$10,000,000)) \$5,200,000 of the general fund—state appropriation for fiscal year 2020 and (((\$15,000,000)) \$19,800,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the office of the superintendent of public instruction to support professional development in inclusionary practices for classroom teachers. The primary form of support to public school classroom teachers must be for mentors who are experts in best practices for inclusive education, differentiated instruction, and individualized instruction. Funding for mentors must be prioritized to the public schools with the highest percentage of students with individualized education programs aged six through twenty-one who spend the least amount of time in general education classrooms.~~

(14) Beginning September 1, 2020, funding for payments to providers for the early support for infants and toddler program is transferred to the department of children, youth, and families to implement Substitute House Bill No. 2787 (early support for infants and toddlers transfer). The amount of the transfer and related funding requirements are included in section 225(4)(ii) of this act.

**Sec. 508.** 2019 c 415 s 510 (uncodified) is amended to read as follows:

**FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR EDUCATIONAL SERVICE DISTRICTS**

General Fund—State Appropriation (FY 2020)	\$12,869,000
General Fund—State Appropriation (FY 2021)	<del>(((\$12,948,000))</del>
	\$21,627,000
TOTAL APPROPRIATION	\$25,817,000
	\$34,496,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The educational service districts shall continue to furnish financial services required by the superintendent of public instruction and RCW 28A.310.190 (3) and (4).

(2) Funding within this section is provided for regional professional development related to mathematics and science curriculum and instructional strategies aligned with common core state standards and next generation science standards. Funding shall be distributed among the educational service districts in the same proportion as distributions in the 2007-2009 biennium. Each educational service district shall use this funding solely for salary and benefits for a certificated instructional staff with expertise in the appropriate subject matter and in professional development delivery, and for travel, materials, and other expenditures related to providing regional professional development support.

(3) Funding within this section is provided for regional professional development related to English language arts curriculum and instructional strategies aligned with common core state standards. Each educational service district shall use this funding solely for salary and benefits for certificated instructional staff with expertise in the appropriate subject matter and in professional development delivery, and for travel, materials, and other expenditures related to providing regional professional development support.

(4) For fiscal year 2021, funding within this section is provided for regional technical support for the K-20 telecommunications network to prevent system failures and avoid interruptions in school utilization of the data processing and video-conferencing capabilities of the network. These funds may be used to purchase engineering and advanced technical support for the network.

(5) For fiscal year 2021, funding within this section is provided for a corps of nurses located at the educational

service districts, to be dispatched in coordination with the office of the superintendent of public instruction, to provide direct care to students, health education, and training for school staff. Funding is sufficient to provide one day of registered nursing services to each class II school district every ten school days. Funding in this subsection must supplement, and not supplant, funding for school nurses provided through the state prototypical model.

(6) For fiscal year 2021, funding within this section is provided for staff and support at the nine educational service districts to provide a network of support for school districts to develop and implement comprehensive suicide prevention and behavioral health supports for students.

(7) For fiscal year 2021, funding within this section is provided for staff and support at the nine educational service districts to provide assistance to school districts with comprehensive safe schools planning, conducting needs assessments, school safety and security trainings, coordinating appropriate crisis and emergency response and recovery, and developing threat assessment and crisis intervention teams.

(8) For fiscal year 2021, funding within this section is provided for regional English language arts coordinators to provide professional development of teachers and principals around the new early screening for dyslexia requirements.

(9) The educational service districts, at the request of the state board of education pursuant to RCW 28A.310.010 and 28A.305.130, may receive and screen applications for school accreditation, conduct school accreditation site visits pursuant to state board of education rules, and submit to the state board of education post-site visit recommendations for school accreditation. The educational service districts may assess a cooperative service fee to recover actual plus reasonable indirect costs for the purposes of this subsection.

**Sec. 509.** 2019 c 415 s 511 (uncodified) is amended to read as follows:

**FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR LOCAL EFFORT ASSISTANCE**

General Fund—State Appropriation (FY 2020)	
.....	(\$365,560,000))
	<u>\$355,633,000</u>
General Fund—State Appropriation (FY 2021)	
.....	(\$389,331,000))
	<u>\$334,138,000</u>
TOTAL APPROPRIATION .....	<u>\$754,891,000</u>
	<u>\$689,771,000</u>

The appropriations in this section are subject to the following conditions and limitations: ~~(((\$17,010,000 of the general fund—state appropriation for fiscal year 2020 and \$44,586,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for changes to the levy and levy equalization system as specified in either Substitute House Bill No. 2140 or Engrossed Substitute Senate Bill No. 5313 (K-12 education funding). If neither bill is enacted by~~

~~June 30, 2019, these amounts shall lapse. Included in these amounts are hold harmless local effort assistance payments. In calendar years 2020 and 2021, in each calendar year a school district will receive an amount equal to number A minus number B if number A is greater than number B. For purposes of this section:~~

~~(1) "Number A" is the sum of the local effort assistance and enrichment levy a district would have received under law as it existed on January 1, 2019.~~

~~(2) "Number B" is the sum of the local effort assistance and enrichment levy a district receives under Substitute House Bill No. 2140 (K-12 education funding), if the district's levy collections were the lesser of the maximum dollar amount that may be levied at twenty percent of the district's levy base or its voter approved levy amount in calendar year 2018-)) \$27,590,000 of the general fund—state appropriation for fiscal year 2020 and \$22,573,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for additional local effort assistance payments to districts specified in LEAP Document 5, as developed by the legislative evaluation and accountability program committee on February 26, 2020, at 8:26 hours.~~

**Sec. 510.** 2019 c 415 s 512 (uncodified) is amended to read as follows:

**FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR INSTITUTIONAL EDUCATION PROGRAMS**

General Fund—State Appropriation (FY 2020)	
.....	(\$15,886,000))
	<u>\$15,501,000</u>
General Fund—State Appropriation (FY 2021)	
.....	(\$16,461,000))
	<u>\$16,902,000</u>
TOTAL APPROPRIATION .....	<u>\$32,347,000</u>
	<u>\$32,403,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) Each general fund—state fiscal year appropriation includes such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.

(2) State funding provided under this section is based on salaries and other expenditures for a 220-day school year. The superintendent of public instruction shall monitor school district expenditure plans for institutional education programs to ensure that districts plan for a full-time summer program.

(3) State funding for each institutional education program shall be based on the institution's annual average full-time equivalent student enrollment. Staffing ratios for each category of institution shall remain the same as those funded in the 1995-97 biennium.

(4) The funded staffing ratios for education programs for juveniles age 18 or less in department of corrections facilities shall be the same as those provided in the 1997-99 biennium.

(5) \$701,000 of the general fund—state appropriation for fiscal year 2020 and \$701,000 of the general fund—state appropriation for fiscal year 2021 are provided solely to maintain at least one certificated instructional staff and related support services at an institution whenever the K-12 enrollment is not sufficient to support one full-time equivalent certificated instructional staff to furnish the educational program. The following types of institutions are included: Residential programs under the department of social and health services for developmentally disabled juveniles, programs for juveniles under the department of corrections, programs for juveniles under the juvenile rehabilitation administration, and programs for juveniles operated by city and county jails.

(6) (~~(\$1,066,000)~~) \$999,000 of the general fund—state appropriation for fiscal year 2020 and (~~(\$1,661,000)~~) \$2,322,000 of the general fund—state appropriation for fiscal year 2021 are provided solely to increase the capacity of institutional education programs to differentiate instruction to meet students' unique educational needs. Those needs may include but are not limited to one-on-one instruction, enhanced access to counseling for social emotional needs of the student, and services to identify the proper level of instruction at the time of student entry into the facility.

(7)(a) \$100,000 of the general fund—state appropriation in fiscal year 2020 (~~and \$100,000 of the general fund—state appropriation in fiscal year 2021 are~~) is provided solely to support one student records coordinator in the Issaquah school district to manage the transmission of academic records with the Echo Glen children's center.

(b) \$300,000 of the general fund—state appropriation in fiscal year 2021 is provided solely to support three student records coordinators to manage the transmission of academic records for each of the long-term juvenile institutions. One coordinator is provided for each of the following: The Issaquah school district for the Echo Glen children's center, the Chehalis school district for Green Hill academic school, and the Naselle-Grays River Valley school district for Naselle youth camp school.

(8) Ten percent of the funds allocated for the institution may be carried over from one year to the next.

**Sec. 511.** 2019 c 415 s 513 (uncodified) is amended to read as follows:

**FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR PROGRAMS FOR HIGHLY CAPABLE STUDENTS**

General Fund—State Appropriation (FY 2020)  
.....(~~(\$30,490,000)~~)  
\$30,504,000

General Fund—State Appropriation (FY 2021)  
.....(~~(\$31,551,000)~~)

\$31,655,000

TOTAL APPROPRIATION.....\$62,041,000

\$62,159,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Each general fund fiscal year appropriation includes such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.

(2)(a) For the 2019-20 and 2020-21 school years, the superintendent shall allocate funding to school district programs for highly capable students as provided in RCW 28A.150.260(10)(c) except that allocations must be based on 5.0 percent of each school district's full-time equivalent enrollment. In calculating the allocations, the superintendent shall assume the following: (i) Additional instruction of 2.1590 hours per week per funded highly capable program student; (ii) fifteen highly capable program students per teacher; (iii) 36 instructional weeks per year; (iv) 900 instructional hours per teacher; and (v) the compensation rates as provided in sections 505 and 506 of this act.

(b) From July 1, 2019, to August 31, 2019, the superintendent shall allocate funding to school districts programs for highly capable students as provided in section 511, chapter 299, Laws of 2018.

**Sec. 512.** 2019 c 415 s 514 (uncodified) is amended to read as follows:

**FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR MISCELLANEOUS—EVERY STUDENT SUCCEEDS ACT**

General Fund—Federal Appropriation (~~(\$5,802,000)~~)

\$6,802,000

TOTAL APPROPRIATION.....\$5,802,000

\$6,802,000

**Sec. 513.** 2019 c 415 s 515 (uncodified) is amended to read as follows:

**FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—EDUCATION REFORM PROGRAMS**

General Fund—State Appropriation (FY 2020)  
.....(~~(\$134,185,000)~~)

\$131,298,000

General Fund—State Appropriation (FY 2021)  
.....(~~(\$135,807,000)~~)

\$136,818,000

General Fund—Federal Appropriation ....\$96,576,000

General Fund—Private/Local Appropriation  
.....\$1,450,000

Education Legacy Trust Account—State  
Appropriation.....\$1,636,000

Pension Funding Stabilization Account—State  
Appropriation..... \$765,000

TOTAL APPROPRIATION ..... \$370,419,000  
\$368,543,000

The appropriations in this section are subject to the following conditions and limitations:

#### (1) ACCOUNTABILITY

(a) \$26,975,000 of the general fund—state appropriation for fiscal year 2020, \$26,975,000 of the general fund—state appropriation for fiscal year 2021, \$1,350,000 of the education legacy trust account—state appropriation, and \$15,868,000 of the general fund—federal appropriation are provided solely for development and implementation of the Washington state assessment system.

(b) \$14,352,000 of the general fund—state appropriation for fiscal year 2020 and \$14,352,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of chapter 159, Laws of 2013 (K-12 education - failing schools).

~~((c) Within the amounts provided in this section, the superintendent of public instruction shall obtain an existing student assessment inventory tool that is free and openly licensed and distribute the tool to every school district. Each school district shall use the student assessment inventory tool to identify all state level and district level assessments that are required of students. The state required assessments should include: Reading proficiency assessments used for compliance with RCW 28A.320.202; the required statewide assessments under chapter 28A.655 RCW in grades three through eight and at the high school level in English language arts, mathematics, and science, as well as the practice and training tests used to prepare for them; and the high school end of course exams in mathematics under RCW 28A.655.066. District required assessments should include: The second grade reading assessment used to comply with RCW 28A.300.320; interim smarter balanced assessments, if required; the measures of academic progress assessment, if required; and other required interim, benchmark, or summative standardized assessments, including assessments used in social studies, the arts, health, and physical education in accordance with RCW 28A.230.095, and for educational technology in accordance with RCW 28A.655.075. The assessments identified should not include assessments used to determine eligibility for any categorical program including the transitional bilingual instruction program, learning assistance program, highly capable program, special education program, or any formative or diagnostic assessments used solely to inform teacher instructional practices, other than those already identified. By October 15th of each year, each district shall report to the superintendent the amount of student time in the previous school year that is spent taking each assessment identified. By December 15th of each even numbered calendar year, the superintendent shall summarize the information reported by the school districts and report to the education committees of the house of representatives and the senate.))~~

#### (2) EDUCATOR CONTINUUM

(a) ~~(((\$72,124,000))~~ \$69,237,000 of the general fund—state appropriation for fiscal year 2020 and ~~(((\$73,619,000))~~ \$73,797,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the following bonuses for teachers who hold valid, unexpired certification from the national board for professional teaching standards and who are teaching in a Washington public school, subject to the following conditions and limitations:

(i) For national board certified teachers, a bonus of \$5,505 per teacher in the 2019-20 school year and a bonus of ~~(((\$5,624))~~ \$5,593 per teacher in the 2020-21 school year;

(ii) An additional \$5,000 annual bonus shall be paid to national board certified teachers who teach in either: (A) High schools where at least 50 percent of student headcount enrollment is eligible for federal free or reduced-price lunch, (B) middle schools where at least 60 percent of student headcount enrollment is eligible for federal free or reduced-price lunch, or (C) elementary schools where at least 70 percent of student headcount enrollment is eligible for federal free or reduced-price lunch;

(iii) The superintendent of public instruction shall adopt rules to ensure that national board certified teachers meet the qualifications for bonuses under (b) of this subsection for less than one full school year receive bonuses in a prorated manner. All bonuses in this subsection will be paid in July of each school year. Bonuses in this subsection shall be reduced by a factor of 40 percent for first year NBPTS certified teachers, to reflect the portion of the instructional school year they are certified; and

(iv) During the 2019-20 and 2020-21 school years, and within available funds, certificated instructional staff who have met the eligibility requirements and have applied for certification from the national board for professional teaching standards may receive a conditional loan of two thousand dollars or the amount set by the office of the superintendent of public instruction to contribute toward the current assessment fee, not including the initial up-front candidacy payment. The fee shall be an advance on the first annual bonus under RCW 28A.405.415. The conditional loan is provided in addition to compensation received under a district's salary allocation and shall not be included in calculations of a district's average salary and associated salary limitation under RCW 28A.400.200. Recipients who fail to receive certification after fully exhausting all years of candidacy as set by the national board for professional teaching standards are required to repay the conditional loan. The office of the superintendent of public instruction shall adopt rules to define the terms for initial grant of the assessment fee and repayment, including applicable fees. To the extent necessary, the superintendent may use revenues from the repayment of conditional loan scholarships to ensure payment of all national board bonus payments required by this section in each school year.

(b) \$3,418,000 of the general fund—state appropriation for fiscal year 2020 and \$3,418,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of a new performance-based evaluation for certificated educators and other

activities as provided in chapter 235, Laws of 2010 (education reform) and chapter 35, Laws of 2012 (certificated employee evaluations).

(c) \$477,000 of the general fund—state appropriation for fiscal year 2020 and \$477,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the leadership internship program for superintendents, principals, and program administrators.

(d) \$810,000 of the general fund—state appropriation for fiscal year 2020 and \$810,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the development of a leadership academy for school principals and administrators. The superintendent of public instruction shall contract with an independent organization to operate a state-of-the-art education leadership academy that will be accessible throughout the state. Semiannually the independent organization shall report on amounts committed by foundations and others to support the development and implementation of this program. Leadership academy partners shall include the state level organizations for school administrators and principals, the superintendent of public instruction, the professional educator standards board, and others as the independent organization shall identify.

(e) \$10,500,000 of the general fund—state appropriation for fiscal year 2020 and ~~(\$10,500,000)~~ \$11,500,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for a beginning educator support program (BEST). The program shall prioritize first year educators in the mentoring program. School districts and/or regional consortia may apply for grant funding. The program provided by a district and/or regional consortia shall include: A paid orientation; assignment of a qualified mentor; development of a professional growth plan for each beginning educator aligned with professional certification; release time for mentors and new educators to work together; and educator observation time with accomplished peers. Funding may be used to provide statewide professional development opportunities for mentors and beginning educators.

Of the amounts provided in this subsection:

(i) \$500,000 of the general fund—state appropriation for fiscal year 2021 is provided for continued funding for preservice mentor academies informed by equitable practices, for full beginning educator support team program funding for the educational service district piloting support for novice teachers of color and special educators, and for the districts that did preliminary BEST work during the 2019-20 school year.

(ii) \$500,000 of the general fund—state appropriation for fiscal year 2021 is provided for enhanced support to BEST grant recipients to provide additional induction services to up to 700 novice teachers who are serving with a limited certificate, and funding to support preliminary program development work with a new round of districts not currently part of the BEST program.

(f) \$4,000,000 of the general fund—state appropriation for fiscal year 2020 and \$4,000,000 of the general fund—state appropriation for fiscal year 2021 are

provided solely for the provision of training for teachers, principals, and principal evaluators in the performance-based teacher principal evaluation program.

**Sec. 514.** 2019 c 415 s 516 (uncodified) is amended to read as follows:

**FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR TRANSITIONAL BILINGUAL PROGRAMS**

General Fund—State Appropriation (FY 2020)	
.....	<del>(\$201,330,000)</del>
	<u>\$205,270,000</u>
General Fund—State Appropriation (FY 2021)	
.....	<del>(\$210,659,000)</del>
	<u>\$216,371,000</u>
General Fund—Federal Appropriation ..	\$102,242,000
Pension Funding Stabilization Account—State Appropriation .....	\$4,000
TOTAL APPROPRIATION .....	<u>\$514,235,000</u>
	<u>\$523,887,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) Each general fund fiscal year appropriation includes such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.

(2)(a) For the 2019-20 and 2020-21 school years, the superintendent shall allocate funding to school districts for transitional bilingual programs under RCW 28A.180.010 through 28A.180.080, including programs for exited students, as provided in RCW 28A.150.260(10)(b) and the provisions of this section. In calculating the allocations, the superintendent shall assume the following averages: (i) Additional instruction of 4.7780 hours per week per transitional bilingual program student in grades kindergarten through six and 6.7780 hours per week per transitional bilingual program student in grades seven through twelve in school years 2019-20 and 2020-21; (ii) additional instruction of 3.0000 hours per week in school years 2019-20 and 2020-21 for the head count number of students who have exited the transitional bilingual instruction program within the previous two years based on their performance on the English proficiency assessment; (iii) fifteen transitional bilingual program students per teacher; (iv) 36 instructional weeks per year; (v) 900 instructional hours per teacher; and (vi) the compensation rates as provided in sections 505 and 506 of this act. Pursuant to RCW 28A.180.040(1)(g), the instructional hours specified in (a)(ii) of this subsection (2) are within the program of basic education.

(b) From July 1, 2019, to August 31, 2019, the superintendent shall allocate funding to school districts for transitional bilingual instruction programs as provided in section 514, chapter 299, Laws of 2018.

(3) The superintendent may withhold allocations to school districts in subsection (2) of this section solely for the central provision of assessments as provided in RCW 28A.180.090 (1) and (2) up to the following amounts: ((4.97)) 1.93 percent for school year 2019-20 and ((4.95)) 1.89 percent for school year 2020-21.

(4) The general fund—federal appropriation in this section is for migrant education under Title I Part C and English language acquisition, and language enhancement grants under Title III of the elementary and secondary education act.

(5) \$35,000 of the general fund—state appropriation for fiscal year 2020 and \$35,000 of the general fund—state appropriation for fiscal year 2021 are provided solely to track current and former transitional bilingual program students.

(6) \$1,023,000 of the general fund—state appropriation in fiscal year 2020 and \$1,185,000 of the general fund—state appropriation in fiscal year 2021 are provided solely for the central provision of assessments as provided in RCW 28A.180.090, and is in addition to the withholding amounts specified in subsection (3) of this section.

**Sec. 515.** 2019 c 415 s 517 (uncodified) is amended to read as follows:

**FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR THE LEARNING ASSISTANCE PROGRAM**

General Fund—State Appropriation (FY 2020)	((438,940,000))
	<u>\$416,973,000</u>
General Fund—State Appropriation (FY 2021)	((450,681,000))
	<u>\$430,037,000</u>
General Fund—Federal Appropriation..	\$533,481,000
TOTAL APPROPRIATION .....	<u>\$1,423,102,000</u>
	<u>\$1,380,491,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) The general fund—state appropriations in this section are subject to the following conditions and limitations:

(a) The appropriations include such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.

(b)(i) For the 2019-20 and 2020-21 school years, the superintendent shall allocate funding to school districts for learning assistance programs as provided in RCW 28A.150.260(10)(a), except that the allocation for the additional instructional hours shall be enhanced as provided in this section, which enhancements are within the program of the basic education. In calculating the allocations, the superintendent shall assume the following averages: (A)

Additional instruction of 2.3975 hours per week per funded learning assistance program student for the 2019-20 and 2020-21 school years; (B) additional instruction of 1.1 hours per week per funded learning assistance program student for the 2019-20 and 2020-21 school years in qualifying high-poverty school building; (C) fifteen learning assistance program students per teacher; (D) 36 instructional weeks per year; (E) 900 instructional hours per teacher; and (F) the compensation rates as provided in sections 505 and 506 of this act.

(ii) From July 1, 2019, to August 31, 2019, the superintendent shall allocate funding to school districts for learning assistance programs as provided in section 515, chapter 299, Laws of 2018.

(c) A school district's funded students for the learning assistance program shall be the sum of the district's full-time equivalent enrollment in grades K-12 for the prior school year multiplied by the district's percentage of October headcount enrollment in grades K-12 eligible for free or reduced-price lunch in the prior school year. The prior school year's October headcount enrollment for free and reduced-price lunch shall be as reported in the comprehensive education data and research system.

(2) Allocations made pursuant to subsection (1) of this section shall be adjusted to reflect ineligible applications identified through the annual income verification process required by the national school lunch program, as recommended in the report of the state auditor on the learning assistance program dated February, 2010.

(3) The general fund—federal appropriation in this section is provided for Title I Part A allocations of the every student succeeds act of 2016.

(4) A school district may carry over from one year to the next up to 10 percent of the general fund—state funds allocated under this program; however, carryover funds shall be expended for the learning assistance program.

(5) Within existing resources, during the 2019-20 and 2020-21 school years, school districts are authorized to use funds allocated for the learning assistance program to also provide assistance to high school students who have not passed the state assessment in science.

**Sec. 516.** 2019 c 415 s 518 (uncodified) is amended to read as follows:

**FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—PER PUPIL ALLOCATIONS**

Statewide Average Allocations

Per Annual Average Full-Time Equivalent Student

Basic Education Program	2019-20	2020-21
	School Year	School Year
General Apportionment	((9,173)) <u>\$9,176</u>	((9,450)) <u>\$9,419</u>

Pupil Transportation	<del>(((\$519))</del> \$600	<del>(((\$524))</del> \$599
Special Education Programs	<del>(((\$9,696))</del> \$9,611	<del>(((\$10,158))</del> \$10,119
Institutional Education Programs	<del>(((\$18,562))</del> \$19,186	<del>(((\$19,030))</del> \$20,923
Programs for Highly Capable Students	\$598	<del>(((\$615))</del> \$610
Transition al Bilingual Programs	<del>(((\$1,346))</del> \$1,365	<del>(((\$1,380))</del> \$1,391
Learning Assistance Program	<del>(((\$969))</del> \$932	<del>(((\$997))</del> \$950

**Sec. 517.** 2019 c 415 s 519 (uncodified) is amended to read as follows:

**FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION**

(1) Amounts distributed to districts by the superintendent through part V of this act are for allocations purposes only, unless specified by part V of this act, and do not entitle a particular district, district employee, or student to a specific service, beyond what has been expressly provided in statute. Part V of this act restates the requirements of various sections of Title 28A RCW. If any conflict exists, the provisions of Title 28A RCW control unless this act explicitly states that it is providing an enhancement. Any amounts provided in part V of this act in excess of the amounts required by Title 28A RCW provided in statute, are not within the program of basic education unless clearly stated by this act.

(2) ~~((To the maximum extent practicable, when))~~ When adopting new or revised rules or policies relating to the administration of allocations in part V of this act that result in fiscal impact, the office of the superintendent of public instruction shall ~~((attempt to))~~ seek legislative approval through the budget request process.

(3) Appropriations made in this act to the office of the superintendent of public instruction shall initially be allotted as required by this act. Subsequent allotment modifications shall not include transfers of moneys between sections of this act except as expressly provided in subsection (4) of this section.

(4) The appropriations to the office of the superintendent of public instruction in this act shall be expended for the programs and amounts specified in this act. However, after May 1, 2020, unless specifically prohibited by this act and after approval by the director of financial management, the superintendent of public instruction may

transfer state general fund appropriations for fiscal year 2020 among the following programs to meet the apportionment schedule for a specified formula in another of these programs: General apportionment; employee compensation adjustments; pupil transportation; special education programs; institutional education programs; transitional bilingual programs; highly capable; and learning assistance programs.

(5) The director of financial management shall notify the appropriate legislative fiscal committees in writing prior to approving any allotment modifications or transfers under this section.

(6) Appropriations in ~~((sections 504 and 506 of this act))~~ sections 503 and 505 of this act for insurance benefits under chapter 41.05 RCW are provided solely for the superintendent to allocate to districts for employee health benefits as provided in ~~((section 938 of this act))~~ section 908 of this act. The superintendent may not allocate, and districts may not expend, these amounts for any other purpose beyond those authorized in ~~((section 938 of this act))~~ section 908 of this act.

~~(((\$)))~~ (7) As required by RCW 28A.710.110, the office of the superintendent of public instruction shall transmit the charter school authorizer oversight fee for the charter school commission to the charter school oversight account.

**Sec. 518.** 2019 c 415 s 520 (uncodified) is amended to read as follows:

**FOR THE OFFICE OF THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR CHARTER SCHOOLS**

Washington Opportunity Pathways Account—State Appropriation.....	<del>(((\$99,810,000))</del> \$94,188,000
TOTAL APPROPRIATION.....	<del>\$99,810,000</del> \$94,188,000

The appropriation in this section is subject to the following conditions and limitations: The superintendent shall distribute funding appropriated in this section to charter schools under chapter 28A.710 RCW. Within amounts provided in this section the superintendent may distribute funding for safety net awards for charter schools with demonstrated needs for special education funding beyond the amounts provided under chapter 28A.710 RCW.

**Sec. 519.** 2019 c 415 s 521 (uncodified) is amended to read as follows:

**FOR THE OFFICE OF THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR THE WASHINGTON STATE CHARTER SCHOOL COMMISSION**

Washington Opportunity Pathways Account—State Appropriation.....	<del>(((\$250,000))</del> \$289,000
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Charter Schools Oversight Account—State Appropriation.....	(\$2,210,000))
	\$2,454,000
TOTAL APPROPRIATION .....	\$2,460,000
	\$2,743,000

The appropriations in this section are subject to the following conditions and limitations: The entire Washington opportunity pathways account—state appropriation in this section is provided to the superintendent of public instruction solely for the operations of the Washington state charter school commission under chapter 28A.710 RCW.

**Sec. 520.** 2019 c 415 s 522 (uncodified) is amended to read as follows:

**FOR THE OFFICE OF THE  
SUPERINTENDENT OF PUBLIC INSTRUCTION—  
FOR GRANTS AND PASS THROUGH FUNDING**

General Fund—State Appropriation (FY 2020) .....	(\$35,516,000))
	\$35,466,000
General Fund—State Appropriation (FY 2021) .....	(\$35,621,000))
	\$36,780,000
TOTAL APPROPRIATION .....	\$71,137,000
	\$72,246,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$4,894,000 of the general fund—state appropriation for fiscal year 2020 and \$4,894,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for grants for implementation of dual credit programs and subsidized advanced placement exam fees, international baccalaureate class fees, and exam and course fees for low-income students.

For expenditures related to subsidized exam fees, the superintendent of public instruction shall report: The number of students served; the demographics of the students served; and how the students perform on the exams.

(2)(a) \$2,052,000 of the general fund—state appropriation for fiscal year 2020 and \$2,052,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for secondary career and technical education grants pursuant to chapter 170, Laws of 2008, including parts of programs receiving grants that serve students in grades four through six. If equally matched by private donations, \$1,075,000 of the 2020 appropriation and \$1,075,000 of the 2021 appropriation shall be used to support FIRST robotics programs in grades four through twelve. Of the amounts provided in this subsection, \$100,000 of the fiscal year 2020 appropriation and \$100,000 of the fiscal year 2021 appropriation are provided solely for the purpose of statewide supervision activities for career and technical education student leadership organizations. If equally matched by private donations, \$10,000 of the general

fund—state appropriation for fiscal year 2021 must be used to support FIRST robotics programs in grades one through four at elementary schools where more than fifty percent of the students were eligible for free and reduced-price meals in the prior school year and which are located within a county with a population of more than two million.

(b) \$135,000 of the general fund—state appropriation for fiscal year 2020 and \$135,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for science, technology, engineering and mathematics lighthouse projects, consistent with chapter 238, Laws of 2010.

(c) \$250,000 of the general fund—state appropriation for fiscal year 2020 and \$250,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for ~~((advanced))~~ project lead the way courses at ten high schools. To be eligible for funding ~~((in 2020))~~, a high school must have offered ~~((a foundational project lead the way course during the 2018-19 school year. The 2020 funding must be used for one time start-up course costs for an advanced project lead the way course, to be offered to students beginning in the 2019-20 school year. To be eligible for funding in 2021, a high school must have offered a foundational))~~ at least one project lead the way course during the ~~((2019-20))~~ prior school year. The ~~((2020))~~ funding must be used for one-time start-up course costs for ~~((an advanced))~~ a new project lead the way course ~~((to be offered to students beginning in the 2020-21 school year))~~. The office of the superintendent of public instruction and the education research and data center at the office of financial management shall track student participation and long-term outcome data. The office may require the recipient of these funds to report the impacts of the recipient's efforts in alignment with the measures of the Washington school improvement framework.

(d) \$2,127,000 of the general fund—state appropriation for fiscal year 2020 and \$2,127,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for annual startup, expansion, or maintenance of existing programs in maritime, construction, aerospace, and advanced manufacturing programs. To be eligible for funding, the skills center and high schools must agree to engage in developing local business and industry partnerships for oversight and input regarding program components. Program instructors must also agree to participate in professional development leading to student employment or certification in maritime, construction, aerospace, or advanced manufacturing industries, as determined by the superintendent of public instruction. The office of the superintendent of public instruction and the education research and data center shall report annually student participation and long-term outcome data. Within the amounts provided in this subsection:

(i) \$900,000 of the general fund—state appropriation for fiscal year 2020 and \$900,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for annual startup, expansion, or maintenance of existing programs in aerospace and advanced manufacturing programs.



(ii) \$150,000 of the general fund—state appropriation for fiscal year 2020 and \$150,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for annual startup, expansion, or maintenance of existing programs in construction programs.

(iii) \$300,000 of the general fund—state appropriation for fiscal year 2020 and \$300,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for annual startup, expansion, or maintenance of existing programs in maritime programs.

~~(iv) ((\$350,000 of the general fund—state appropriation for fiscal year 2020 and \$350,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the office of the superintendent of public instruction to contract with a nonprofit entity to expand the current employer engagement program to support schools, teachers, and students.~~

~~(v) \$427,000 of the general fund—state appropriation for fiscal year 2020 and \$427,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the office of the superintendent of public instruction to contract with a nonprofit entity to provide management, development, assessment, and outreach of the programs.))~~  
\$777,000 of the general fund—state appropriation for fiscal year 2020 and \$777,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the office of the superintendent of public instruction to contract with a nonprofit entity to expand the current employer engagement program to support schools, teachers, and students and to provide management, assessment, and outreach of the manufacturing programs.

(3)(a) \$75,000 of the general fund—state appropriation for fiscal year 2020 and \$75,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for project citizen and we the people: The citizen and the constitution programs sponsored by the national conference of state legislatures and the center for civic education to promote participation in government by middle and high school students. Of the amounts provided, \$15,000 of the general fund—state appropriation for fiscal year 2020 and \$15,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for awarding a travel grant to the winner of the we the people: The citizen and the constitution state competition.

(b) \$384,000 of the general fund—state appropriation for fiscal year 2020 and \$373,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of chapter 127, Laws of 2018 (civics education). Of the amounts provided in this subsection (3)(b), \$10,000 of the general fund—state appropriation for fiscal year 2020 and \$10,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for grant programs to school districts to help cover travel costs associated with civics education competitions.

(c) ~~(\$55,000))~~ \$30,000 of the general fund—state appropriation for fiscal year 2020 ~~((\$55,000))~~ and \$25,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the office of the superintendent of public instruction to develop civics education materials for grades

K-5. The office must contract for the production of the materials with an experienced Washington state organization that produces civics education materials currently posted as an open education resource at the office of the superintendent of public instruction.

(4)(a) \$31,000 of the general fund—state appropriation for fiscal year 2020 and \$55,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the office of the superintendent of public instruction for statewide implementation of career and technical education course equivalency frameworks authorized under RCW 28A.700.070 for math and science. This may include development of additional equivalency course frameworks, course performance assessments, and professional development for districts implementing the new frameworks.

(b) Within the amounts appropriated in this section the office of the superintendent of public instruction shall ensure career and technical education courses are aligned with high-demand, high-wage jobs. The superintendent shall verify that the current list of career and technical education courses meets the criteria established in RCW 28A.700.020(2). The superintendent shall remove from the list any career and technical education course that no longer meets such criteria.

(c) \$3,000,000 of the general fund—state appropriation for fiscal year 2020 and \$3,000,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the office of the superintendent of public instruction to provide grants to school districts and educational service districts for science teacher training in the next generation science standards including training in the climate science standards. At a minimum, school districts shall ensure that teachers in one grade level in each elementary, middle, and high school participate in this science training. Of the amount appropriated \$1,000,000 is provided solely for community based nonprofits including tribal education organizations to partner with public schools for next generation science standards.

(5) \$250,000 of the general fund—state appropriation for fiscal year 2020 and \$250,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the Kip Tokuda memorial Washington civil liberties public education program. The superintendent of public instruction shall award grants consistent with RCW 28A.300.410.

(6) \$3,145,000 of the general fund—state appropriation for fiscal year 2020 and \$3,145,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for a contract with a nongovernmental entity or entities for demonstration sites to improve the educational outcomes of students who are dependent pursuant to chapter 13.34 RCW pursuant to chapter 71, Laws of 2016 (foster youth edu. outcomes). The office may require the recipient of these funds to report the impacts of the recipient's efforts in alignment with the measures of the Washington school improvement framework.

(a) Of the amount provided in this subsection (6), \$446,000 of the general fund—state appropriation for fiscal year 2020 and \$446,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the

demonstration site established pursuant to the 2013-2015 omnibus appropriations act, section 202(10), chapter 4, Laws of 2013, 2nd sp. sess.

(b) Of the amount provided in this subsection (6), \$1,015,000 of the general fund—state appropriation for fiscal year 2020 and \$1,015,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the demonstration site established pursuant to the 2015-2017 omnibus appropriations act, section 501(43)(b), chapter 4, Laws of 2015, 3rd sp. sess., as amended.

(c) Of the amounts provided in this subsection (6), \$684,000 of the general fund—state appropriation for fiscal year 2020 and \$684,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the demonstration site established with funding provided in the 2017-2019 omnibus appropriations act, chapter 1, Laws of 2017, 3rd sp. sess., as amended.

(7) \$2,541,000 of the general fund—state appropriation for fiscal year 2020 ~~((and \$2,541,000 of the general fund—state appropriation for fiscal year 2021 are))~~ is provided solely for a corps of nurses located at educational service districts, as determined by the superintendent of public instruction, to be dispatched to the most needy schools to provide direct care to students, health education, and training for school staff.

(8)(a) \$1,000,000 of the general fund—state appropriation for fiscal year 2020 and ~~(((\$1,000,000))~~ \$2,300,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of chapter 157, Laws of 2016 (homeless students).

(b) \$36,000 of the general fund—state appropriation for fiscal year 2020 and \$36,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for chapter 212, Laws of 2014 (homeless student educational outcomes).

(9) \$375,000 of the general fund—state appropriation for fiscal year 2020 and \$375,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for a nonviolence and ethical leadership training and professional development program provided by the institute for community leadership.

(10)(a) \$1,425,000 of the general fund—state appropriation for fiscal year 2020 and \$1,425,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for dual language grants to grow capacity for high quality dual language learning. The grant money must be used for dual language program start-up and expansion costs, such as staff and teacher training, teacher recruitment, development and implementation of a dual language learning model and curriculum, and other costs required for beginning a program.

(b) Of the amounts provided in this subsection, \$1,425,000 of the general fund—state appropriation for fiscal year 2020 is provided solely for implementation of chapter 236, Laws of 2017 (SHB 1445) (dual language/early learning & K-12). In selecting recipients of the K-12 dual language grant, the superintendent of public instruction must

prioritize districts that received grants under section 501(33), chapter 299, Laws of 2018.

(11)(a) \$4,940,000 of the general fund—state appropriation for fiscal year 2020 and \$4,940,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the Washington state achievers scholarship and Washington higher education readiness program. The funds shall be used to: Support community involvement officers that recruit, train, and match community volunteer mentors with students selected as achievers scholars; and to identify and reduce barriers to college for low-income and underserved middle and high school students. Of the amounts provided: \$1,000,000 of the general fund—state appropriation for fiscal year 2020 and \$1,000,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the college success foundation to establish programming in new regions throughout the state. The office may require the recipient of these funds to report the impacts of the recipient's efforts in alignment with the measures of the Washington school improvement framework.

(b) \$1,454,000 of the general fund—state appropriation for fiscal year 2020 and \$1,454,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for contracting with a college scholarship organization with expertise in conducting outreach to students concerning eligibility for the Washington college bound scholarship consistent with chapter 405, Laws of 2007. The office may require the recipient of these funds to report the impacts of the recipient's efforts in alignment with the measures of the Washington school improvement framework.

(c) \$181,000 of the general fund—state appropriation for fiscal year 2020 and \$181,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of chapter 180, Laws of 2017 (Washington Aim program).

(12)(a) \$356,000 of the general fund—state appropriation for fiscal year 2020 and \$356,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the Washington state leadership and assistance for science education reform (LASER) regional partnership activities, including instructional material purchases, teacher and principal professional development, and school and community engagement events. The office may require the recipient of these funds to report the impacts of the recipient's efforts in alignment with the measures of the Washington school improvement framework.

(b) \$3,000,000 of the general fund—state appropriation for fiscal year 2020 and \$3,000,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for a statewide information technology academy program. This public-private partnership will provide educational software, as well as information technology certification and software training opportunities for students and staff in public schools. The office must require the recipient of these funds to report the impacts of the recipient's efforts in alignment with the measures of the Washington school improvement framework. The report

must include the number of students served disaggregated by gender, race, ethnicity, and free-and-reduced lunch eligibility as well as the number of industry certificates attained by type of certificate.

(c) \$50,000 of the general fund—state appropriation for fiscal year 2020 and \$50,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for grants of \$2,500 to provide twenty middle and high school teachers each year with professional development training for implementing integrated math, science, technology, and engineering programs in their schools.

(d) \$1,000,000 of the general fund—state appropriation for fiscal year 2020 and \$1,000,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the computer science and education grant program to support the following three purposes: Train and credential teachers in computer sciences; provide and upgrade technology needed to learn computer science; and, for computer science frontiers grants to introduce students to and engage them in computer science. The office of the superintendent of public instruction must use the computer science learning standards adopted pursuant to chapter 3, Laws of 2015 (computer science) in implementing the grant, to the extent possible. Additionally, grants provided for the purpose of introducing students to computer science are intended to support innovative ways to introduce and engage students from historically underrepresented groups, including girls, low-income students, and minority students, to computer science and to inspire them to enter computer science careers. The office of the superintendent of public instruction may award up to \$500,000 each year, without a matching requirement, to districts with greater than fifty percent of students eligible for free and reduced-price meals. All other awards must be equally matched by private sources for the program, including gifts, grants, or endowments.

~~((Funds may be expended as grant funding only to the extent that they are equally matched by private sources for the program, including gifts, grants, or endowments.))~~

(e) \$500,000 of the general fund—state appropriation for fiscal year 2020 and \$500,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the office of the superintendent of public instruction to contract with a ~~((nonprofit organization))~~ qualified 501(c)(3) nonprofit community-based organization physically located in Washington state that has at least seventeen years of experience collaborating with the office and school districts statewide to integrate the state learning standards in English language arts, mathematics, and science with FieldSTEM outdoor field studies and project-based and work-based learning opportunities aligned with the environmental, natural resource, and agricultural sectors. The office may require the recipient of these funds to report the impacts of the recipient's efforts in alignment with the measures of the Washington school improvement framework.

(f) \$62,000 of the general fund—state appropriation for fiscal year 2020 and \$62,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for competitive grants to school districts to increase the capacity of high schools to offer AP computer science courses. In

making grant allocations, the office of the superintendent of public instruction must give priority to schools and districts in rural areas, with substantial enrollment of low-income students, and that do not offer AP computer science. School districts may apply to receive either or both of the following grants:

(i) A grant to establish partnerships to support computer science professionals from private industry serving on a voluntary basis as coinstructors along with a certificated teacher, including via synchronous video, for AP computer science courses; or

(ii) A grant to purchase or upgrade technology and curriculum needed for AP computer science, as well as provide opportunities for professional development for classroom teachers to have the requisite knowledge and skills to teach AP computer science.

(g) \$100,000 of the general fund—state appropriation for fiscal year 2020 and \$100,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the Mobius science center to expand mobile outreach of science, technology, engineering, and mathematics (STEM) education to students in rural, tribal, and low-income communities.

(13) \$85,000 of the general fund—state appropriation for fiscal year 2020 and \$85,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the centrum program at Fort Worden state park.

(14) \$125,000 of the general fund—state appropriation for fiscal year 2020 and \$125,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the office of the superintendent of public instruction to provide learning experiences for student-athletes in the science, technology, engineering, and math sectors. The office must contract with a nonprofit to offer student-athlete classes, programs, and scholarships to improve school performance and advancement across diverse communities.

(15) ~~(((\$250,000))~~ \$600,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the office of the superintendent of public instruction to create and administer a grant program for districts to reduce associated student body fees or participation fees for students who are eligible to participate in the federal free and reduced-price meals program. The office must distribute grants for the 2020-21 school year to school districts by August 10, 2020 and grants for the 2021-22 school year to school districts by June 30, 2021.

(a) Grant awards must be prioritized in the following order:

(i) High schools implementing the United States department of agriculture community eligibility provision;

(ii) High schools with the highest percentage of students in grades nine through twelve eligible to participate in the federal free and reduced-price means program; and

(iii) High schools located in school districts enrolling five thousand or fewer students.

(b) The office of the superintendent of public instruction shall award grants of up to ~~((five))~~ ten thousand dollars per high school per year. The office may award additional funding if:

(i) The appropriations provided are greater than the total amount of funding requested at the end of the application cycle; and

(ii) The applicant shows a demonstrated need for additional support.

(16) \$125,000 of the general fund—state appropriation for fiscal year 2020 and \$125,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for contracts with state-based nonprofit organizations that provide direct services to military-connected students exclusively through one-to-one volunteer mentoring. The goal of the mentoring is to build resiliency in military connected students and increase their ability to cope with the stress of parental deployment and frequent moves, which will help promote good decision-making by youth, help increase attachment and a positive attitude toward school, and develop positive peer relationships. An applicant requesting funding for these dollars must successfully demonstrate to the department that it currently provides direct one-to-one volunteer mentoring services to military connected elementary students in the state and has been providing military mentoring to students in the state for at least twenty-four months prior to application.

(17) \$83,000 of the general fund—state appropriation for fiscal year 2020 and \$100,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of Substitute Senate Bill No. 5612 (holocaust education). ~~((If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.))~~

(18) \$250,000 of the general fund—state appropriation in fiscal year 2020 and \$130,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for a grant to the pacific science center to continue providing science on wheels activities in schools and other community settings. Funding is provided to develop a new computer science program and outfit a van with program resources in order to expand statewide outreach.

(19) \$250,000 of the general fund—state appropriation for fiscal year 2020 and \$250,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for contracts with Washington state based nonprofit organizations that provide a career-integrated one-to-one mentoring program for disadvantaged high school students facing academic and personal challenges with the goal of keeping them on track for graduation and post-high school success. The mentoring must include a focus on college readiness, career exploration and social-emotional learning. An applicant requesting funding for these dollars must successfully demonstrate to the department that it currently provides a career-integrated one-to-one volunteer mentoring program and has been mentoring high school youth for at least twenty years in the state prior to application.

(20) \$50,000 of the general fund—state appropriation for fiscal year 2020 and \$50,000 of the general fund—state

appropriation for fiscal year 2021 are provided solely for grants to school districts to provide school resource officer training, as required in Second Substitute House Bill No. 1216 (student mental health and well-being).

(21) \$125,000 of the general fund—state appropriation for fiscal year 2020 and \$125,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for Bethel school district to expand post-secondary education opportunities at Graham-Kapowsin high school.

(22) \$350,000 of the general fund—state appropriation for fiscal year 2020 and \$350,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the south Kitsap school district to develop pathways for high school diplomas and post-secondary credentials through controls programmer apprenticeships.

(23) \$255,000 of the general fund—state appropriation for fiscal year 2020 and \$255,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for a math improvement pilot program for school districts to improve math scores. Of the amounts provided in this subsection:

(a) \$85,000 of the general fund—state appropriation for fiscal year 2020 and \$85,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the Spokane school district to improve math scores.

(b) \$85,000 of the general fund—state appropriation for fiscal year 2020 and \$85,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the Chehalis school district to improve math scores.

(c) \$85,000 of the general fund—state appropriation for fiscal year 2020 and \$85,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the Bremerton school district to improve math scores.

(24) \$150,000 of the general fund—state appropriation for fiscal year 2020 and \$150,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the office to establish the media literacy grant program.

(25) \$250,000 of the general fund—state appropriation for fiscal year 2020 and \$250,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the Seattle education access program to ensure students on nontraditional educational pathways have the mentorship and technical assistance needed to navigate higher education and financial aid. The office may require the recipient of these funds to report the impacts of the recipient's efforts in alignment with the measures of the Washington school improvement framework.

(26) \$250,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the office of the superintendent of public instruction to contract with a Washington-based nonprofit organization to promote equitable access in science, technology, engineering, and math education for historically underserved students and communities. The nonprofit shall provide a system of science educational programming specifically for migrant and bilingual students, including teacher professional development, culturally responsive classroom resources, and

implementation support. At least seventy-five percent of the funding provided in this subsection must serve schools and school districts in eastern Washington. The nonprofit organization must have experience developing and implementing environmental science programming and resources for migrant and bilingual students.

(27) \$250,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the office to support the design and planning of a public secondary education institution in Washington state that is focused on maritime education in south King county. The population of the secondary education institution must reflect the student population of south King county through an enrollment process that ensures an equitable percentage of students at the institution are students of color or students with limited access to resources. In addition, the institution must meet criteria for state career and technical education and career launch operational funding requirements. The office must collaborate with a nonprofit institution that is completing similar design work and with local public schools and the various labor groups and industry associations representing maritime workers and business leaders.

(28) \$800,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the office to support the eight career and technical student organizations currently recognized by the office. Within amounts provided in this subsection, the office shall provide \$100,000 to each recognized career and technical student organization to support statewide operations.

(29) \$300,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the office to contract with the southwest Washington career connected learning network to convene education, industry, and higher education partners to create a system of career-related learning opportunities for students in Washington state. The amount provided in this subsection shall help support career connect southwest to scale the current network as a model for other statewide networks.

(30) \$250,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the office to contract with an organization to create an after-school and summer learning program in the city of Federal Way. The program shall provide comprehensive, culturally competent academic support and cultural enrichment for primarily latinx, spanish-speaking, low-income sixth, seventh, and eighth grade students. The department must contract with an organization with over forty years of experience that serves the latino community in Seattle and King county and has previously established an after-school and summer learning program.

(31) \$150,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the office to contract with the Yakama nation for a feasibility study to determine the scope, design, planning, and budget for the construction of a new state-tribal compact school.

**Sec. 521.** 2019 c 406 s 13 (uncodified) is amended to read as follows:

The appropriations in this section are provided to the office of the superintendent of public instruction and are subject to the following conditions and limitations:

(1) \$425,000, or as much thereof as may be necessary, is appropriated for the fiscal year ending June 30, 2020, from the workforce education investment account and \$425,000, or as much thereof as may be necessary, is appropriated for the fiscal year ending June 30, 2021, from the workforce education investment account provided solely for expanding career connected learning as defined in section 57 of this act.

(2) \$158,000, or as much thereof as may be necessary, is appropriated for the fiscal year ending June 30, 2020, from the workforce education investment account and \$480,000, or as much thereof as may be necessary, is appropriated for the fiscal year ending June 30, 2021, from the workforce education investment account provided solely for increasing the funding per full-time equivalent for career launch programs as described in ~~((section 60 of this act))~~ RCW 28A.700.130. In the 2019-21 fiscal biennium, for career launch enrollment exceeding the funding provided in this subsection funding is provided in section 503 of this act.

(3) \$750,000, or as much thereof as may be necessary, is appropriated for the fiscal year ending June 30, 2020, from the workforce education investment account and \$750,000, or as much thereof as may be necessary, is appropriated for the fiscal year ending June 30, 2021, from the workforce education investment account provided solely for Marysville school district to collaborate with Arlington school district, Everett Community College, other local school districts, local labor unions, local Washington state apprenticeship and training council registered apprenticeship programs, and local industry groups to develop a regional apprenticeship pathways pilot program. The pilot program must seek to:

(a) Establish an education-based apprenticeship preparation program recognized by the Washington state apprenticeship and training council that prepares individuals for registered apprenticeships within the building and construction trades;

(b) Provide dual credit for participants by meeting high school graduation requirements and providing opportunities for credit leading to a college credential; and

(c) Provide participants with preferred or direct entry into a state registered apprenticeship program in the building and construction trades.

## **PART VI**

### **HIGHER EDUCATION**

**Sec. 601.** 2019 c 415 s 601 (uncodified) is amended to read as follows:

The appropriations in sections ~~((605 through 611 of this act))~~ 602 through 608 of this act are subject to the following conditions and limitations:

(1) "Institutions" means the institutions of higher education receiving appropriations under sections ~~((605 through 611 of this act))~~ 602 through 608 of this act.

(2) The legislature, the office of financial management, and other state agencies need consistent and accurate personnel data from institutions of higher education for policy planning purposes. Institutions of higher education shall report personnel data to the office of financial management for inclusion in the agency's data warehouse. Uniform reporting procedures shall be established by the office of financial management's office of the state human resources director for use by the reporting institutions, including provisions for common job classifications and common definitions of full-time equivalent staff. Annual contract amounts, number of contract months, and funding sources shall be consistently reported for employees under contract.

(3) In addition to waivers granted under the authority of RCW 28B.15.910, the governing boards and the state board may waive all or a portion of operating fees for any student. State general fund appropriations shall not be provided to replace tuition and fee revenue foregone as a result of waivers granted under this subsection.

(4)(a) For employees under the jurisdiction of chapter 41.56 or 41.80 RCW, salary increases will be in accordance with the applicable collective bargaining agreement. However, an increase shall not be provided to any classified employee whose salary is above the approved salary range maximum for the class to which the employee's position is allocated.

(b) For each institution of higher education receiving appropriations under sections ~~((605 through 611 of this act))~~ 602 through 608 of this act:

(i) The only allowable salary increases are those associated with normally occurring promotions and increases related to faculty and staff retention and as provided in Part IX of this act.

(ii) Institutions may provide salary increases from sources other than general fund appropriations and tuition revenues to instructional and research faculty, exempt professional staff, teaching and research assistants, as classified by the office of financial management, and all other nonclassified staff, but not including employees under chapter 41.80 RCW. It is the intent of the legislature that salary increases provided under this subsection (4)(b)(ii) not increase state general fund support or impact tuition expenditures by an institution unless the legislature so determines.

(iii) Funding for salary increases provided under (b)(ii) of this subsection and RCW 41.76.035 and 28B.52.035 on or after July 1, 2019, must be excluded from the general fund and tuition salary base when calculating state funding for future general wage or other salary increases on or after July 1, 2019. In order to facilitate this funding policy, each institution shall report to the office of financial management on the details of locally authorized salary increases granted under (b)(ii) of this subsection and RCW 41.76.035 and 28B.52.035 with its 2021-2023 biennium budget submittal. At a minimum, the report must include the total cost of locally authorized increases by fiscal year, a description of the locally authorized provision, and the long-term source of funds that is anticipated to cover the cost.

(5) Within funds appropriated to institutions in sections ~~((605 through 611 of this act))~~ 602 through 608 of this act, teacher preparation programs shall meet the requirements of RCW 28B.10.710 to incorporate information on the culture, history, and government of American Indian people in this state by integrating the curriculum developed and made available free of charge by the office of the superintendent of public instruction into existing programs or courses and may modify that curriculum in order to incorporate elements that have a regionally specific focus.

(6) Each institution of higher education must include the phone number of a campus, local, state, or national suicide, crisis, or counseling hotline on the back of newly issued student and faculty identification cards starting in fall quarter 2019, or as soon as is practicable to implement.

(7)(a) The student achievement council and all institutions of higher education as defined in RCW 28B.92.030 and eligible for state financial aid programs under chapters 28B.92 and 28B.118 RCW shall ensure that data needed to analyze and evaluate the effectiveness of state financial aid programs are promptly transmitted to the education data center so that it is available and easily accessible. The data to be reported must include but not be limited to:

(i) The number of state need grant and college bound recipients;

(ii) The number of students on the unserved waiting list of the state need grant;

(iii) Persistence and completion rates of state need grant recipients and college bound recipients as well as students on the state need grant unserved waiting list, disaggregated by institution of higher education;

(iv) State need grant recipients and students on the state need grant unserved waiting list grade point averages; and

(v) State need grant and college bound scholarship program costs.

(b) The student achievement council shall submit student unit record data for state financial aid program applicants and recipients to the education data center.

(8) A representative of the public baccalaureate institutions and the state board for community and technical colleges shall participate in the work group under ~~((section 607(22) of this act))~~ section 604(22) of this act.

(9) Institutions of higher education must provide budget, expenditure, and revenue data as described in section 130(15) of this act on an annual basis to the education research and data center. Institutions must provide data for fiscal year 2020 by October 1, 2020.

**Sec. 602.** 2019 c 415 s 605 (uncodified) is amended to read as follows:

**FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES**

General Fund—State Appropriation (FY 2020)	
.....	<del>(\$677,935,000))</del>
	<u>\$678,329,000</u>
General Fund—State Appropriation (FY 2021)	
.....	<del>(\$703,459,000))</del>
	<u>\$705,106,000</u>
Community/Technical College Capital Projects	
Account—State Appropriation .....	\$23,505,000
Education Legacy Trust Account—State	
Appropriation.....	<del>(\$158,528,000))</del>
	<u>\$160,971,000</u>
Pension Funding Stabilization Account—State	
Appropriation .....	\$67,784,000
TOTAL APPROPRIATION .....	<u>\$1,631,211,000</u>
	<u>\$1,635,695,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$33,261,000 of the general fund—state appropriation for fiscal year 2020 and \$33,261,000 of the general fund—state appropriation for fiscal year 2021 are provided solely as special funds for training and related support services, including financial aid, as specified in RCW 28C.04.390. Funding is provided to support at least 7,170 full-time equivalent students in fiscal year 2020 and at least 7,170 full-time equivalent students in fiscal year 2021.

(2) ~~(\$5,450,000))~~ \$7,893,000 of the education legacy trust account—state appropriation is provided solely for administration and customized training contracts through the job skills program. The state board shall make an annual report by January 1st of each year to the governor and to the appropriate policy and fiscal committees of the legislature regarding implementation of this section, listing the scope of grant awards, the distribution of funds by educational sector and region of the state, and the results of the partnerships supported by these funds.

(3) \$425,000 of the general fund—state appropriation for fiscal year 2020 and \$425,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for Seattle central college's expansion of allied health programs.

(4) \$5,250,000 of the general fund—state appropriation for fiscal year 2020 and \$5,250,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the student achievement initiative.

(5) \$1,610,000 of the general fund—state appropriation for fiscal year 2020, and \$1,610,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the mathematics, engineering, and science achievement program.

(6) \$1,500,000 of the general fund—state appropriation for fiscal year 2020 and \$1,500,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for operating a fabrication composite wing

incumbent worker training program to be housed at the Washington aerospace training and research center.

(7) \$100,000 of the general fund—state appropriation for fiscal year 2020 and \$100,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the aerospace center of excellence currently hosted by Everett community college to:

(a) Increase statewide communications and outreach between industry sectors, industry organizations, businesses, K-12 schools, colleges, and universities;

(b) Enhance information technology to increase business and student accessibility and use of the center's web site; and

(c) Act as the information entry point for prospective students and job seekers regarding education, training, and employment in the industry.

(8) \$19,759,000 of the general fund—state appropriation for fiscal year 2020 and ~~(\$20,174,000))~~ \$20,194,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the implementation of the college affordability program as set forth in RCW 28B.15.066.

(9) Community and technical colleges are not required to send mass mailings of course catalogs to residents of their districts. Community and technical colleges shall consider lower cost alternatives, such as mailing postcards or brochures that direct individuals to online information and other ways of acquiring print catalogs.

(10) The state board for community and technical colleges shall not use funds appropriated in this section to support intercollegiate athletics programs.

(11) \$157,000 of the general fund—state appropriation for fiscal year 2020 and \$157,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the Wenatchee Valley college wildfire prevention program.

(12) The state board for community and technical colleges shall collaborate with a permanently registered Washington sector intermediary to integrate and offer related supplemental instruction for information technology apprentices by the 2020-21 academic year.

(13) \$150,000 of the general fund—state appropriation for fiscal year 2020 and \$150,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the Puget Sound welcome back center at Highline College to create a grant program for internationally trained individuals seeking employment in the behavioral health field in Washington state.

(14) \$750,000 of the general fund—state appropriation for fiscal year 2020 and \$750,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for increased enrollments in the integrated basic education and skills training program. Funding will support approximately 120 additional full-time equivalent enrollments annually.

(15)(a) The state board must provide quality assurance reports on the ctcLink project at the frequency directed by

the office of chief information officer for review and for posting on its information technology project dashboard.

(b) The state board must develop a technology budget using a method similar to the state capital budget, identifying project costs, funding sources, and anticipated deliverables through each stage of the investment and across fiscal periods and biennia from project initiation to implementation. The budget must be updated at the frequency directed by the office of chief information officer for review and for posting on its information technology project dashboard.

(c) The office of the chief information officer may suspend the ctcLink project at any time if the office of the chief information officer determines that the project is not meeting or is not expected to meet anticipated performance measures, implementation timelines, or budget estimates. Once suspension or termination occurs, the state board shall not make additional expenditures on the ctcLink project without approval of the chief information officer. The ctcLink project funded through the community and technical college innovation account created in RCW 28B.50.515 is subject to the conditions, limitations, and review provided in ~~((section 719 of this act))~~ section 701 of this act.

(16) \$216,000 of the general fund—state appropriation for fiscal year 2020 and \$216,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the opportunity center for employment and education at North Seattle College.

(17) \$500,000 of the general fund—state appropriation for fiscal year 2020 and \$500,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for Highline College to implement the Federal Way higher education initiative in partnership with the city of Federal Way and the University of Washington Tacoma campus.

(18) \$350,000 of the general fund—state appropriation for fiscal year 2020 and \$350,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for Peninsula College to maintain the annual cohorts of the specified programs as follows:

- (a) Medical assisting, 40 students;
- (b) Nursing assistant, 60 students; and
- (c) Registered nursing, 32 students.

(19) \$338,000 of the general fund—state appropriation for fiscal year 2020 and \$338,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the Washington state labor education and research center at South Seattle College.

(20) \$75,000 of the general fund—state appropriation for fiscal year 2020 and \$75,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for Washington family and community and engagement trust and Everett Community College to continue and expand a civic education and leadership program for underserved adults and youth.

(21) \$150,000 of the general fund—state appropriation for fiscal year 2020 and \$150,000 of the general fund—state

appropriation for fiscal year 2021 are provided solely for the aerospace and advanced manufacturing center of excellence hosted by Everett Community College to develop a semiconductor and electronics manufacturing branch in Vancouver.

(22) \$750,000 of the general fund—state appropriation for fiscal year 2020 and \$750,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of Second Substitute House Bill No. 1893 (student assistance grants). ~~((If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.))~~

(23) \$200,000 of the general fund—state appropriation for fiscal year 2020 and \$348,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of Second Substitute Senate Bill No. 5800 (homeless college students). ~~((If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.))~~

(24) \$1,500,000 of the general fund—state appropriation for fiscal year 2020 and \$1,500,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of guided pathways or similar programs designed to improve student success, including, but not limited to, academic program redesign, student advising, and other student supports.

(25) \$132,000 of the general fund—state appropriation for fiscal year 2020 and \$24,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the state board to develop a plan for the maintenance and administration of opioid overdose medication in and around residence halls housing at least 100 students and for the training of designated personnel to administer opioid overdose medication to respond to symptoms of an opioid-related overdose.

(26) \$784,000 of the general fund—state appropriation for fiscal year 2020 and \$779,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for legal costs related to the *Wolf vs State Board for Community and Technical Colleges* litigation.

(27) \$100,104 of the general fund—state appropriation for fiscal year 2021 is provided solely for expansion of the interpreter training program at Spokane Falls Community College.

(28) \$500,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for staff support and contract services with a nonprofit organization with experience in advancing affordable housing projects and education centers on public or tax-exempt land to coordinate the building of student, faculty, staff, and affordable workforce housing at the following institutions:

- (a) Highline College;
- (b) Lake Washington Institute of Technology;
- (c) North Seattle College; and
- (d) Tacoma Community College.



(29)(a) \$300,000 of the general fund—state appropriation for the fiscal year 2021 is provided solely for a study to identify and evaluate compliance with the requirements for firefighter basic recruit training, apprenticeship, and the firefighter joint apprenticeship training committee. The study must include:

(i) An evaluation of the firefighter joint apprenticeship training committee for funding source appropriateness, adequacy, and authority;

(ii) Effectiveness and relationship of training programs to hiring veterans, minorities, and women within the fire service; and

(iii) Administrative and operational efficiencies and opportunities for improvement of the firefighter joint apprenticeship training committee.

(b) By January 31, 2021, the study must be submitted to the governor and appropriate committees of the legislature.

(30) \$328,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for implementation of Engrossed Substitute House Bill No. 2327 (sexual misconduct/postsec.). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

**Sec. 603.** 2019 c 415 s 606 (uncodified) is amended to read as follows:

#### **FOR THE UNIVERSITY OF WASHINGTON**

##### **(1) GENERAL APPROPRIATIONS**

General Fund—State Appropriation (FY 2020)  
.....((~~\$341,498,000~~))

\$340,815,000

General Fund—State Appropriation (FY 2021)  
.....((~~\$347,067,000~~))

\$355,462,000

Aquatic Lands Enhancement Account—State  
Appropriation.....((~~\$1,590,000~~))

\$1,606,000

University of Washington Building Account—State  
Appropriation ..... \$1,546,000

Education Legacy Trust Account—State  
Appropriation.....((~~\$36,530,000~~))

\$36,731,000

Economic Development Strategic Reserve Account—  
State  
Appropriation .....((~~\$3,075,000~~))

\$1,538,000

Geoduck Aquaculture Research Account—State  
Appropriation..... \$800,000

Biotoxin Account—State Appropriation.((~~\$609,000~~))

\$612,000

Dedicated Marijuana Account—State Appropriation  
(FY 2020) .....\$256,000

Dedicated Marijuana Account—State Appropriation  
(FY 2021) .....((~~\$263,000~~))

\$272,000

Pension Funding Stabilization Account—State  
Appropriation.....\$50,906,000

Accident Account—State Appropriation  
.....((~~\$7,814,000~~))

\$7,906,000

Medical Aid Account—State Appropriation  
.....((~~\$7,419,000~~))

\$7,506,000

TOTAL APPROPRIATION .....\$799,373,000

\$805,956,000

The appropriations in this section are subject to the following conditions and limitations:

(a) \$41,010,000 of the general fund—state appropriation for fiscal year 2020 and ((~~\$41,872,000~~)) \$41,913,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the implementation of the college affordability program as set forth in RCW 28B.15.066.

(b) \$200,000 of the general fund—state appropriation for fiscal year 2020 and \$200,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for labor archives of Washington. The university shall work in collaboration with the state board for community and technical colleges.

(c) \$8,000,000 of the education legacy trust account—state appropriation is provided solely for the family medicine residency network at the university to maintain the number of residency slots available in Washington.

(d) The university must continue work with the education research and data center to demonstrate progress in computer science and engineering enrollments. By September 1st of each year, the university shall provide a report including but not limited to the cost per student, student completion rates, and the number of low-income students enrolled in each program, any process changes or best-practices implemented by the university, and how many students are enrolled in computer science and engineering programs above the prior academic year.

(e) \$250,000 of the general fund—state appropriation for fiscal year 2020 and \$251,000 of the general fund—state appropriation for fiscal year 2021 and \$1,550,000 of the aquatic lands enhancement account—state appropriation are provided solely for ocean acidification monitoring, forecasting, and research and for operation of the Washington ocean acidification center. The center must

continue to make quarterly progress reports to the Washington marine resources advisory council created under RCW 43.06.338.

(f) \$14,000,000 of the education legacy trust account—state appropriation is provided solely for the expansion of degrees in the department of computer science and engineering at the Seattle campus.

(g) (~~(\$3,000,000)~~) \$1,500,000 of the economic development strategic reserve account appropriation is provided solely to support the joint center for aerospace innovation technology.

(h) The University of Washington shall not use funds appropriated in this section to support intercollegiate athletics programs.

(i) \$7,345,000 of the general fund—state appropriation for fiscal year 2020 and \$7,345,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the continued operations and expansion of the Washington, Wyoming, Alaska, Montana, Idaho medical school program.

(j) \$2,625,000 of the general fund—state appropriation for fiscal year 2020 and \$2,625,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the institute for stem cell and regenerative medicine. Funds appropriated in this subsection must be dedicated to research utilizing pluripotent stem cells and related research methods.

(k) \$500,000 of the general fund—state appropriation for fiscal year 2020 and \$500,000 of the general fund—state appropriation for fiscal year 2021 are provided to the University of Washington to support youth and young adults experiencing homelessness in the university district of Seattle. Funding is provided for the university to work with community service providers and university colleges and departments to plan for and implement a comprehensive one-stop center with navigation services for homeless youth; the university may contract with the department of commerce to expand services that serve homeless youth in the university district.

(l) \$600,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the psychiatry residency program at the University of Washington to offer additional residency positions that are approved by the accreditation council for graduate medical education.

(m)(i) \$172,000 of the general fund—state appropriation for fiscal year 2020 and \$172,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for a University of Washington study in the south Cascades to determine current wolf use and density, and to gather baseline data to understand the effects of wolf recolonization on predator-prey dynamics of species that currently have established populations in the area. The study objectives shall include:

(A) Determination of whether wolves have started to recolonize a 5,000 square kilometer study area in the south Cascades of Washington, and if so, an assessment of their

distribution over the landscape as well as their health and pregnancy rates;

(B) Baseline data collection, if wolves have not yet established pack territories in this portion of the state, that will allow for the assessment of how the functional densities and diets of wolves across the landscape will affect the densities and diets in the following predators and prey: Coyote, cougar, black bear, bobcat, red fox, wolverine, elk, white tailed deer, mule deer, moose, caribou, and snowshoe hare;

(C) Examination of whether the microbiome of each species changes as wolves start to occupy suitable habitat; and

(D) An assessment of the use of alternative wildlife monitoring tools to cost-effectively monitor size of the wolf population over the long-term.

(ii) A report on the findings of the study shall be shared with the Washington department of fish and wildlife.

(n) \$5,000,000 of the general fund—state appropriation for fiscal year 2020 and \$5,000,000 of the general fund—state appropriation for fiscal year 2021 are provided solely to support the operations and teaching mission of the Harborview Medical Center and the University of Washington Medical Center.

(o) \$1,000,000 of the general fund—state appropriation for fiscal year 2020 and \$1,000,000 of the general fund—appropriation for fiscal year 2021 are provided solely for the University of Washington's psychiatry integrated care training program.

(p) \$400,000 of the geoduck aquaculture research account—state appropriation is provided solely for the Washington sea grant program at the University of Washington to complete a three-year study to identify best management practices related to shellfish production. The University of Washington must submit an annual report detailing any findings and outline the progress of the study, consistent with RCW 43.01.036, to the office of the governor and the appropriate legislative committees by December 1st of each year.

(q) \$1,000,000 of the general fund—state appropriation for fiscal year 2020 and \$1,000,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the University of Washington School of Dentistry to support its role as a major oral health provider to individuals covered by medicaid and the uninsured.

(r) \$200,000 of the general fund—state appropriation for fiscal year 2020 and \$200,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the pre-law pipeline and social justice program at the University of Washington Tacoma.

(s) \$200,000 of the general fund—state appropriation for fiscal year 2020 and \$200,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the Bothell branch to develop series of online courses for school district staff related to behavioral health. The standards for the online courses must be consistent with any knowledge,

skill, and performance standards related to mental health and well-being of public school students. Among other things, the online courses must:

(i) Teach participants relevant laws, including laws around physical restraint and isolation;

(ii) Provide foundational knowledge in behavioral health, mental health, and mental illness;

(iii) Describe how to assess, intervene upon, and refer behavioral health and substance use issues; and

(iv) Teach approaches to promote health and positively influence student health behaviors.

(t) \$110,000 of the general fund—state appropriation for fiscal year 2020 and \$110,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for core operations at forefront to achieve its mission of reducing suicide.

(u) \$138,000 of the general fund—state appropriation for fiscal year 2020 and \$138,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the university to collaborate with the northwest Parkinson's foundation and the state department of veterans affairs to study Parkinson's diagnoses treatment and specialist care across ethnic and racial groups and to develop a pilot program that helps people with Parkinson's better access specialist care and community services.

(v) \$256,000 of the general fund—state appropriation for fiscal year 2020 and \$226,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the university's neurology department to create a telemedicine program to disseminate dementia care best practices to primary care practitioners using the project ECHO model. The program shall provide a virtual connection for providers and content experts and include didactics, case conferences, and an emphasis on practice transformation and systems-level issues that affect care delivery. The initial users of this program shall include referral sources in health care systems and clinics, such as the university's neighborhood clinics and Virginia Mason Memorial in Yakima with a goal of adding fifteen to twenty providers from smaller clinics and practices per year.

(w) \$102,000 of the general fund—state appropriation for fiscal year 2020 and \$102,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the university's center for international trade in forest products.

(x) \$500,000 of the general fund—state appropriation for fiscal year 2020 and \$500,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the Latino center for health.

(y) \$150,000 of the general fund—state appropriation for fiscal year 2020 is provided solely for the Latino center for health to:

(i) Estimate the number of practicing Latino physicians in Washington including age and gender distributions;

(ii) Create a profile of Latino physicians that includes their geographic distribution, medical and surgical specialties, training and certifications, and language access;

(iii) Develop a set of policy recommendations to meet the growing needs of Latino communities in urban and rural communities throughout Washington. The center must provide the report to the university and the appropriate committees of the legislature by December 31, 2020.

(z) To ensure transparency and accountability, in the 2019-2021 fiscal biennium the University of Washington shall comply with any and all financial and accountability audits by the Washington state auditor including any and all audits of university services offered to the general public, including those offered through any public-private partnership, business venture, affiliation, or joint venture with a public or private entity, except the government of the United States. The university shall comply with all state auditor requests for the university's financial and business information including the university's governance and financial participation in these public-private partnerships, business ventures, affiliations, or joint ventures with a public or private entity. In any instance in which the university declines to produce the information to the state auditor, the university will provide the state auditor a brief summary of the documents withheld and a citation of the legal or contractual provision that prevents disclosure. The summaries must be compiled into a report by the state auditor and provided on a quarterly basis to the legislature.

(aa) \$50,000 of the general fund—state appropriation for fiscal year 2020 and \$30,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the university's school of public health to study home-sharing for privately-owned residential properties. The study must include:

(i) An analysis of home-sharing programs across the country, including population served, costs, duration of stays, and size of programs;

(ii) An analysis of similar initiatives in Washington state and potential barriers to expansion;

(iii) A review of best practices and policies; and

(iv) Recommendations for the establishment and continuation of home-sharing programs.

(bb) \$150,000 of the general fund—state appropriation for fiscal year 2020 and \$150,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the university to expand the project extension for community health care outcomes (ECHO) to include training related to people with autism and developmental disabilities. Project ECHO for autism and developmental disabilities must focus on supporting existing autism centers of excellence. The project will disseminate evidence-based diagnoses and treatments to increase access to medical services for people across the state.

(cc) \$100,000 of the general fund—state appropriation for fiscal year 2020 and \$75,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the William D. Ruckelshaus center to partner with the

University of Washington and the Washington State University to provide staff support and facilitation services to the task force established in part 9 of this act.

(dd) \$500,000 of the general fund—state appropriation for fiscal year 2020 and \$500,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the University of Washington department of psychiatry and behavioral sciences and Seattle children's hospital in consultation with the office of the superintendent of public instruction to plan for and implement a two-year pilot program of school mental health education and consultations for students at middle schools, junior high, and high schools in one school district on east side of Cascades and one school district on west side of Cascades. The pilot program must:

(i) Develop and provide behavioral health trainings for school counselors, social workers, psychologists, nurses, teachers, administrators, and classified staff by January 1, 2020; and

(ii) Beginning with the 2020-21 school year:

(A) Provide school counselors access to teleconsultations with psychologists and psychiatrists at Seattle children's hospital or the University of Washington department of psychiatry to support school staff in managing children with challenging behavior; and

(B) Provide students access to teleconsultations with psychologists and psychiatrists at Seattle children's hospital or the University of Washington department of psychiatry to provide crisis management services when assessed as clinically appropriate.

(ee) \$213,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for implementation of Second Substitute Senate Bill No. 5903 (children's mental health). ~~((If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.))~~

(ff) \$50,000 of the general fund—state appropriation for fiscal year 2020 is provided solely for implementation of Engrossed Second Substitute House Bill No. 1517 (domestic violence). ~~((If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.))~~

(gg)(i) \$463,000 of the general fund—state appropriation for fiscal year 2020 and \$400,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the climate impacts group in the college of the environment.

(ii) \$63,000 of the general fund—state appropriation for fiscal year 2020 in (gg)(i) of this subsection is provided solely for implementation of Engrossed Second Substitute Senate Bill No. 5116 (clean energy). ~~((If the bill is not enacted by June 30, 2019, the amounts provided in this subsection (1)(gg)(ii) shall lapse.))~~

(hh) \$25,000 of the general fund—state appropriation for fiscal year 2020 and \$25,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the university to develop a plan for the maintenance and administration of opioid overdose medication in and around residence halls housing at least 100 students and for the

training of designated personnel to administer opioid overdose medication to respond to symptoms of an opioid-related overdose.

(ii) \$500,000 of the general fund—state appropriation for fiscal year 2020 and \$500,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for a firearm policy research program. The program will:

(i) Support investigations of firearm death and injury risk factors;

(ii) Evaluate the effectiveness of state firearm laws and policies;

(iii) Assess the consequences of firearm violence; and

(iv) Develop strategies to reduce the toll of firearm violence to citizens of the state.

(jj) \$100,000 of the general fund—state appropriation for fiscal year 2020 is provided solely for the Evans school of public affairs to complete the business plan for a publicly owned Washington state depository bank as directed by section 129, chapter 299, Laws of 2018.

(kk) \$350,000 of the general fund—state appropriation for fiscal year 2020 and \$139,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of Engrossed Substitute Senate Bill No. 5330 (small forestland owners). ~~((If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.))~~

~~(((\$250,000 of the general fund—state appropriation for fiscal year 2020 and \$250,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the dental education in the care of persons with disabilities program.))~~

~~((mm) \$190,000))~~ \$95,000 of the general fund—state appropriation for fiscal year 2020 ~~((is))~~ and \$95,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the college of education to partner with school districts on a pilot program to improve the math scores of K-12 students.

~~((nn) \$300,000))~~ (mm) \$100,000 of the general fund—state appropriation for fiscal year 2020 ~~((is))~~ and \$200,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for matching nonstate funding contributions for a study of the feasibility of constructing of a biorefinery in southwest Washington. No state moneys may be expended until nonstate funding contributions are received. The study must:

(i) Assess the supply of biomass, including poplar feedstock grown on low-value lands and hardwood sawmill residuals;

(ii) Assess the potential for using poplar simultaneously for water treatment and as a biorefinery feedstock;

(iii) Assess southwest Washington landowner interest in growing poplar feedstock;

(iv) Evaluate options for locating a biorefinery in southwest Washington that considers potential for integration of future biorefineries with existing facilities such as power plants and pulp mills; and

(v) Result in a comprehensive technical and economic evaluation for southwest Washington biorefineries that will be used by biorefinery technology companies to develop their business plans and to attract potential investors.

~~((oo))~~ (nn) \$300,000 of the general fund—state appropriation for fiscal year 2020 and \$300,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the Harry Bridges center for labor studies. The center shall work in collaboration with the state board for community and technical colleges.

~~((pp))~~ (oo) \$400,000 of the geoduck aquaculture research account—state appropriation is provided solely for the Washington sea grant program crab team to continue work to protect against the impacts of invasive European green crab.

(pp) \$50,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the department of environmental and occupational health sciences to provide an air quality report. The report will study the relationship between indoor and outdoor ultrafine particle air quality at sites with vulnerable populations, such as schools or locations underneath flight paths within ten miles of Sea-Tac airport. The report recommendations must include an item addressing filtration systems at select locations with vulnerable populations. The report shall be submitted to the house environment and energy committee and the senate environment, energy and technology committee by December 15, 2020.

(qq) \$135,000 of the general fund—state appropriation for fiscal year 2021 is provided solely to the office of diversity for the establishment of a mathematics, engineering, science achievement program at First Nations in the Yakima valley.

(rr)(i) \$40,000 of the general fund—state appropriation for fiscal year 2020 and \$85,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for a study focusing on special purpose district elections to be completed within the division of politics, philosophy, and public affairs at the Tacoma campus. The study must include, at a minimum, an examination and comparison of:

(A) Different types of data collected based on the entity administering the election;

(B) Voting frequency, eligibility, demographics of voters and candidates, and equity within special purpose district elections;

(C) Individuals and entities affected outside the voting district of special purpose districts;

(D) A review of other governance models regarding special purpose districts; and

(E) Potential statutory and constitutional issues regarding special purpose district elections.

(ii) By December 1, 2020, the study must be submitted to the appropriate committees of the legislature.

(ss) \$300,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for:

(i) Increased training in rural areas for sexual assault nurse examiners; and

(ii) Expansion of web-based services for training of sexual assault nurse examiners to include webinars, live streamed trainings, and web-based consultations.

(tt)(i) \$100,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the center for cannabis research at the university to collaborate with the Washington State University collaboration on cannabis policy, research, and outreach to create frameworks for future studies. Each framework will include the length of time to complete, research licenses necessary, cost, literature review of national and international research, and a scope of work to be completed. The following frameworks shall be compiled in a report:

(A) Measuring and assessing impairment due to marijuana use; and

(B) Correlation between age of use, dosage of use, and appearance of occurrence of cannabis induced psychosis.

(ii) The report on the frameworks must be submitted to the appropriate committees of the legislature by December 1, 2020.

(uu) \$135,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for implementation of Engrossed Second Substitute House Bill No. 1521 (government contracting). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

(vv) \$562,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for implementation of Engrossed Substitute House Bill No. 2327 (sexual misconduct/postsec.). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

(ww) \$134,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for implementation of Substitute House Bill No. 2419 (death with dignity barriers). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

(2) ~~((CONDITIONAL GENERAL WAGE INCREASES))~~ COMPENSATION

~~((General Fund State Appropriation (FY 2020)~~  
~~.....\$2,320,000))~~

General Fund—State Appropriation (FY 2021)  
.....~~((~~\$4,664,000))

\$6,984,000

Aquatic Lands Enhancement Account—State Appropriation.....\$16,000

Education Legacy Trust Account—State Appropriation.....\$201,000

Economic Development Strategic Reserve Account— State	
Appropriation .....	\$12,000
<del>((Institutions of Higher Education—Grant and Contracts Account—State Appropriation \$19,587,000 Institutions of Higher Education—Dedicated Local Account Appropriation..... \$12,184,000 Institutions of Higher Education—Operating Fees Account—Local Appropriation..... \$13,786,000))</del>	
Biotoxin Account—State Appropriation .....	\$3,000
<del>((Dedicated Marijuana Account—State Appropriation (FY 2020)..... \$3,000))</del>	
Dedicated Marijuana Account—State Appropriation (FY 2021).....	<del>(((\$6,000))</del>
	<u>(\$9,000)</u>
<del>((University of Washington Hospital Account—Local Appropriation..... \$16,375,000))</del>	
Accident Account—State Appropriation.....	\$92,000
Medical Aid Account—State Appropriation..	\$87,000
TOTAL APPROPRIATION .....	\$69,336,000
	<u>\$7,386,000</u>

The appropriations in this subsection (2) are subject to the following conditions and limitations: Funding is provided solely for ~~((conditional general wage increases to all University of Washington employees of one percent on July 1, 2019, and one percent on July 1, 2020, subject to the conclusion of impacts bargaining over the application of the increases to represented employees covered by sections 921 through 925 of this act. If agreements to implement the one percent increases are not reached with the represented employees covered by sections 921 through 925 of this act by July 1, 2020, the amounts provided in this subsection (2) shall lapse. Funding for the conditional increases is provided from appropriated and nonappropriated accounts as authorized in this subsection (2)))~~ the collective bargaining agreements in sections 903, 904, and 905 of this act, and lump sum payments to nonrepresented employees, classified employees, who earn less than \$54,264 in salary annually as set forth in section 907(2) of this act.

**Sec. 604.** 2019 c 415 s 607 (uncodified) is amended to read as follows:

#### FOR WASHINGTON STATE UNIVERSITY

General Fund—State Appropriation (FY 2020) .....	<del>(((\$222,455,000))</del>
	<u>\$222,648,000</u>
General Fund—State Appropriation (FY 2021) .....	<del>(((\$230,453,000))</del>

Washington State University Building Account— State	
Appropriation.....	\$792,000
Education Legacy Trust Account—State Appropriation .....	\$33,995,000
<u>Model Toxics Control Stormwater Account—State Appropriation.....</u>	<u>\$50,000</u>
Dedicated Marijuana Account—State Appropriation (FY 2020) .....	\$138,000
Dedicated Marijuana Account—State Appropriation (FY 2021) .....	\$138,000
Pension Funding Stabilization Account—State Appropriation.....	\$30,954,000
TOTAL APPROPRIATION .....	<del>\$518,925,000</del>
	<u>\$519,918,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$90,000 of the general fund—state appropriation for fiscal year 2020 and \$90,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for a rural economic development and outreach coordinator.

(2) The university must continue work with the education research and data center to demonstrate progress in computer science and engineering enrollments. By September 1st of each year, the university shall provide a report including but not limited to the cost per student, student completion rates, and the number of low-income students enrolled in each program, any process changes or best-practices implemented by the university, and how many students are enrolled in computer science and engineering programs above the prior academic year.

(3) \$500,000 of the general fund—state appropriation for fiscal year 2020 and \$500,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for state match requirements related to the federal aviation administration grant.

(4) Washington State University shall not use funds appropriated in this section to support intercollegiate athletic programs.

(5) \$7,000,000 of the general fund—state appropriation for fiscal year 2020 and \$7,000,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the continued development and operations of a medical school program in Spokane.

(6) \$135,000 of the general fund—state appropriation for fiscal year 2020 and \$135,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for a honey bee biology research position.

(7) \$29,152,000 of the general fund—state appropriation for fiscal year 2020 and ~~(((\$29,764,000)) \$29,793,000~~ of the general fund—state appropriation for fiscal year 2021 are provided solely for the implementation of the college affordability program as set forth in RCW 28B.15.066.

(8) \$376,000 of the general fund—state appropriation for fiscal year 2020 and \$376,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for chapter 202, Laws of 2017 (2SHB 1713) (children's mental health).

(9) \$580,000 of the general fund—state appropriation for fiscal year 2020 and \$580,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the development of an organic agriculture systems degree program located at the university center in Everett.

(10) Within the funds appropriated in this section, Washington State University shall:

(a) Review the scholarly literature on the short-term and long-term effects of marijuana use to assess if other states or private entities are conducting marijuana research in areas that may be useful to the state.

(b) Provide as part of its budget request for the 2019-2021 fiscal biennium:

(i) A list of intended state, federal, and privately funded marijuana research, including cost, duration, and scope;

(ii) Plans for partnerships with other universities, state agencies, or private entities, including entities outside the state, for purposes related to researching short-term and long-term effects of marijuana use.

(11) \$585,000 of the general fund—state appropriation for fiscal year 2020 and \$585,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of chapter 159, Laws of 2017 (2SSB 5474) (elk hoof disease).

(12) \$630,000 of the general fund—state appropriation for fiscal year 2020 and \$630,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the creation of an electrical engineering program located in Bremerton. At full implementation, the university is expected to increase degree production by 25 new bachelor's degrees per year. The university must identify these students separately when providing data to the education research data center as required in subsection (2) of this section.

(13) \$1,370,000 of the general fund—state appropriation for fiscal year 2020 and \$1,370,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the creation of software engineering and data analytic programs at the university center in Everett. At full implementation, the university is expected to enroll 50 students per academic year. The university must identify these students separately when providing data to the education research data center as required in subsection (2) of this section.

(14) General fund—state appropriations in this section are reduced to reflect a reduction in state-supported tuition waivers for graduate students. When reducing tuition waivers, the university will not change its practices and procedures for providing eligible veterans with tuition waivers.

(15) \$1,119,000 of the general fund—state appropriation for fiscal year 2020 and \$1,154,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of chapter 36, Laws of 2017 3rd sp. sess. (renewable energy, tax incentives).

(16) \$500,000 of the general fund—state appropriation for fiscal year 2020 and \$500,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the joint center for deployment and research in earth abundant materials.

(17) \$20,000 of the general fund—state appropriation for fiscal year 2020 and \$20,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the office of clean technology at Washington State University to convene a sustainable aviation biofuels work group to further the development of sustainable aviation fuel as a productive industry in Washington. The work group must include members from the legislature and sectors involved in sustainable aviation biofuels research, development, production, and utilization. The work group must provide recommendations to the governor and the appropriate committees of the legislature by December 1, 2020.

(18) \$113,000 of the general fund—state appropriation for fiscal year 2020 and \$60,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of Engrossed Second Substitute House Bill No. 1517 (domestic violence). ~~((If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.))~~

(19) \$100,000 of the general fund—state appropriation for fiscal year 2020 and \$75,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the William D. Ruckelshaus center to partner with the University of Washington and the Washington State University to provide staff support and facilitation services to the task force established in section 9 of this act.

(20) \$264,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for implementation of Second Substitute Senate Bill No. 5903 (children's mental health). ~~((If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.))~~

(21) \$37,000 of the general fund—state appropriation for fiscal year 2020 and \$16,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the university to develop a plan for the maintenance and administration of opioid overdose medication in and around residence halls housing at least 100 students and for the training of designated personnel to administer opioid overdose medication to respond to symptoms of an opioid-related overdose.

(22) \$85,000 of the general fund—state appropriation for fiscal year 2020 is provided solely for the William D. Ruckelshaus center to coordinate a work group and process to develop options and recommendations to improve consistency, simplicity, transparency, and accountability in higher education data systems. The work group and process must be collaborative and include representatives from relevant agencies and stakeholders, including but not limited to: The Washington student achievement council, the workforce training and education coordinating board, the employment security department, the state board for community and technical colleges, the four-year institutions of higher education, the education data center, the office of the superintendent of public instruction, the Washington state institute for public policy, the joint legislative audit and review committee, and at least one representative from a nongovernmental organization that uses longitudinal data for research and decision making. The William D. Ruckelshaus center must facilitate meetings and discussions with stakeholders and provide a report to the appropriate committees of the legislature by December 1, 2019. The process must analyze and make recommendations on:

(a) Opportunities to increase postsecondary transparency and accountability across all institutions of higher education that receive state financial aid dollars while minimizing duplication of existing data reporting requirements;

(b) Opportunities to link labor market data with postsecondary data including degree production and postsecondary opportunities to help prospective postsecondary students navigate potential career and degree pathways;

(c) Opportunities to leverage existing data collection efforts across agencies and postsecondary sectors to minimize duplication, centralize data reporting, and create administrative efficiencies;

(d) Opportunities to develop a single, easy to navigate, postsecondary data system and dashboard to meet multiple state goals including transparency in postsecondary outcomes, clear linkages between data on postsecondary degrees and programs and labor market data, and linkages with P-20 data where appropriate. This includes a review of the efficacy, purpose, and cost of potential options for service and management of a statewide postsecondary dashboard; and

(e) Opportunities to increase state agency, legislative, and external researcher access to P-20 data systems in service to state educational goals.

(23) \$250,000 of the general fund—state appropriation for fiscal year 2020 and \$250,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the university's soil health initiative and its network of long-term agroecological research and extension (LTARE) sites. The network must include a Mount Vernon REC site.

(24) \$134,000 of the general fund—state appropriation for fiscal year 2020 and \$134,000 of the general fund—state appropriation for fiscal year 2021 are provided solely to

implement Substitute House Bill No. 2248 (community solar projects).

(25) \$50,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the department of criminal justice to develop a domestic violence risk assessment instrument that:

(a) Uses information from relevant court records and prior offenses to predict the likelihood of a domestic violence incident; and

(b) Determines whether law enforcement risk data and domestic violence supplemental forms are useful in determining re-offense.

(26) \$135,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the establishment of a mathematics, engineering, science achievement program on the Everett campus.

(27) \$50,000 of the model toxics control stormwater account—state appropriation is provided solely for the Washington stormwater center for the following purposes:

(a) The initial development of a plan for the implementation of a statewide don't drip and drive program; and

(b) The provision of technical assistance and education to local governments, community organizations, and businesses, that are undertaking or seek to potentially undertake behavior change strategies to prevent stormwater pollution from leaking motor vehicles.

(28)(a) \$25,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the collaboration with the Washington state patrol, to produce a report focused on recommendations to inform a longitudinal study regarding bias in traffic stops. The report shall include the following information and any additional items identified in the collaboration:

(i) Analysis of traffic stops data for evidence of biased policing in stops, levels of enforcement, and searches;

(ii) Statewide survey of Washington state residents' perception of the Washington state patrol, with a focus on communities and individuals of color; and

(iii) The driving population, Washington state patrol crash data, Washington state patrol calls for service or assistance data, and any other potential data sources and appropriate geographic-level analysis.

(b) The framework shall outline any needed policy changes necessary to perform a longitudinal study, including public engagement. The report shall be submitted to the appropriate committees of the legislature by December 31, 2020.

(29) \$149,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for implementation of Engrossed Substitute House Bill No. 2327 (sexual misconduct/postsec.). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.



(30) \$32,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for implementation of Engrossed Substitute House Bill No. 2645 (photovoltaic modules). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

(31) \$128,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the William D. Ruckelshaus center to assess the feasibility of and barriers to expanding and integrating district energy systems in the city of Bellingham. The study must include a situation assessment by the center, and an independent technical review by the Washington state academy of sciences. The study must be submitted to the appropriate committees of the legislature by December 31, 2020.

**Sec. 605.** 2019 c 415 s 608 (uncodified) is amended to read as follows:

**FOR EASTERN WASHINGTON UNIVERSITY**

General Fund—State Appropriation (FY 2020)	.....( <del>(\$54,894,000)</del> )
	<u>\$55,126,000</u>
General Fund—State Appropriation (FY 2021)	.....( <del>(\$57,331,000)</del> )
	<u>\$57,629,000</u>
Education Legacy Trust Account—State Appropriation.....	\$16,794,000
TOTAL APPROPRIATION .....	<u>\$129,049,000</u>
	<u>\$129,549,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) At least \$200,000 of the general fund—state appropriation for fiscal year 2020 and at least \$200,000 of the general fund—state appropriation for fiscal year 2021 must be expended on the Northwest autism center.

(2) The university must continue work with the education research and data center to demonstrate progress in computer science and engineering enrollments. By September 1st of each year, the university shall provide a report including but not limited to the cost per student, student completion rates, and the number of low-income students enrolled in each program, any process changes or best-practices implemented by the university, and how many students are enrolled in computer science and engineering programs above the prior academic year.

(3) Eastern Washington University shall not use funds appropriated in this section to support intercollegiate athletics programs.

(4) \$10,472,000 of the general fund—state appropriation for fiscal year 2020 and (~~(\$10,692,000)~~) \$10,702,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the implementation of the college affordability program as set forth in RCW 28B.15.066.

(5) Within amounts appropriated in this section, the university is encouraged to increase the number of tenure-track positions created and hired.

(6) \$125,000 of the general fund—state appropriation for fiscal year 2020 and \$125,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for gathering and archiving time-sensitive histories and materials and planning for a Lucy Covington center.

(7) (~~(\$146,000)~~) \$73,000 of the general fund—state appropriation for fiscal year 2020 (~~(#)~~) and \$73,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for a comprehensive analysis of the deep lake watershed involving land owners, ranchers, lake owners, one or more conservation districts, the department of ecology, and the department of natural resources.

(8) \$21,000 of the general fund—state appropriation for fiscal year 2020 and \$11,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the university to develop a plan for the maintenance and administration of opioid overdose medication in and around residence halls housing at least 100 students and for the training of designated personnel to administer opioid overdose medication to respond to symptoms of an opioid-related overdose.

(9) \$200,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for expansion of the American sign language program.

(10) \$32,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for implementation of Engrossed Substitute House Bill No. 2327 (sexual misconduct/postsec.). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

**Sec. 606.** 2019 c 415 s 609 (uncodified) is amended to read as follows:

**FOR CENTRAL WASHINGTON UNIVERSITY**

General Fund—State Appropriation (FY 2020)	.....( <del>(\$54,390,000)</del> )
	<u>\$54,517,000</u>
General Fund—State Appropriation (FY 2021)	.....( <del>(\$56,517,000)</del> )
	<u>\$56,672,000</u>
Central Washington University Capital Projects Account—	
State Appropriation.....	\$76,000
Education Legacy Trust Account—State Appropriation.....	\$19,076,000
Pension Funding Stabilization Account—State Appropriation.....	\$3,924,000
TOTAL APPROPRIATION.....	<u>\$133,983,000</u>
	<u>\$134,265,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) The university must continue work with the education research and data center to demonstrate progress in engineering enrollments. By September 1st of each year, the university shall provide a report including but not limited to the cost per student, student completion rates, and the number of low-income students enrolled in each program, any process changes or best-practices implemented by the university, and how many students are enrolled in engineering programs above the prior academic year.

(2) Central Washington University shall not use funds appropriated in this section to support intercollegiate athletics programs.

(3) \$11,803,000 of the general fund—state appropriation for fiscal year 2020 and ~~(((\$12,051,000))~~ \$12,063,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the implementation of the college affordability program as set forth in RCW 28B.15.066.

(4) Within amounts appropriated in this section, the university is encouraged to increase the number of tenure-track positions created and hired.

(5) \$221,000 of the general fund—state appropriation for fiscal year 2020 and \$221,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the game on! program, which provides underserved middle and high school students with training in leadership and science, technology, engineering, and math. The program is expected to serve approximately five hundred students per year.

(6) \$53,000 of the general fund—state appropriation for fiscal year 2020 and \$32,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the university to develop a plan for the maintenance and administration of opioid overdose medication in and around residence halls housing at least 100 students and for the training of designated personnel to administer opioid overdose medication to respond to symptoms of an opioid-related overdose.

(7) \$135,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for development of an educational American sign language interpreter preparation program.

(8) \$155,000 of the general fund—state appropriation for fiscal year 2020 is provided solely to implement chapter 295, Laws of 2019 (educator workforce supply).

**Sec. 607.** 2019 c 415 s 610 (uncodified) is amended to read as follows:

**FOR THE EVERGREEN STATE COLLEGE**

General Fund—State Appropriation (FY 2020)  
.....~~(((\$29,766,000))~~  
\$30,254,000

General Fund—State Appropriation (FY 2021)  
.....~~(((\$30,305,000))~~

\$31,909,000

The Evergreen State College Capital Projects Account—

State Appropriation.....\$80,000

Education Legacy Trust Account—State  
Appropriation.....\$5,450,000

Pension Funding Stabilization Account—State

Appropriation.....\$2,000

TOTAL APPROPRIATION.....~~\$65,603,000~~

\$67,695,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$3,590,000 of the general fund—state appropriation for fiscal year 2020 and ~~(((\$3,665,000))~~ \$3,669,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the implementation of the college affordability program as set forth in RCW 28B.15.066.

(2) Funding provided in this section is sufficient for The Evergreen State College to continue operations of the Longhouse Center and the Northwest Indian applied research institute.

(3) Within amounts appropriated in this section, the college is encouraged to increase the number of tenure-track positions created and hired.

(4) Within the amounts appropriated in this section, The Evergreen State College must provide the funding necessary to enable employees of the Washington state institute for public policy to receive the salary increases provided in part 9 of this act.

(5) ~~(((\$2,079,000))~~ \$2,484,000 of the general fund—state appropriation for fiscal year 2020 and ~~(((\$2,054,000))~~ \$3,545,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the Washington state institute for public policy to initiate, sponsor, conduct, and publish research that is directly useful to policymakers and manage reviews and evaluations of technical and scientific topics as they relate to major long-term issues facing the state. Within the amounts provided in this subsection (5):

(a) \$999,000 of the amounts in fiscal year 2020 and ~~(((\$879,000))~~ \$1,429,000 of the amounts in fiscal year 2021 are provided for administration and core operations.

(b) ~~(((\$1,030,000))~~ \$1,388,000 of the amounts in fiscal year 2020 and ~~(((\$1,002,000))~~ \$1,177,000 of the amounts in fiscal year 2021 are provided solely for ongoing and continuing studies on the Washington state institute for public policy's work plan.

(c) \$50,000 of the amounts in fiscal year 2020 and \$25,000 of the amounts in fiscal year 2021 are provided solely for the Washington state institute for public policy to evaluate the outcomes of resource and assessment centers licensed under RCW 74.15.311 and contracted with the department of children, youth, and families. By December 1,

2020, and in compliance with RCW 43.01.036, the institute shall report the results of its evaluation to the appropriate legislative committees; the governor; the department of children, youth, and families; and the oversight board for children, youth, and families. For the evaluation, the institute shall collect data regarding:

(i) The type of placement children experience following placement at a resource and assessment center;

(ii) The number of placement changes that children experience following placement in a resource and assessment center compared with other foster children;

(iii) The length of stay in foster care that children experience following placement in a resource and assessment center compared with other foster children;

(iv) The likelihood that children placed in a resource and assessment center will be placed with siblings; and

(v) The length of time that licensed foster families accepting children placed in resource and assessment centers maintain their licensure compared to licensed foster families receiving children directly from child protective services.

(d) \$115,000 of the amounts in fiscal year 2021 are provided solely for implementation of Engrossed Second Substitute House Bill No. 1391 (early achievers recommendations). ~~((If the bill is not enacted by June 30, 2019, the amount provided in this subsection (5)(d) shall lapse.))~~

(e) \$33,000 of the amounts in fiscal year 2021 are provided solely for implementation of Engrossed Second Substitute House Bill No. 1646 (juvenile rehab. confinement). ~~((If the bill is not enacted by June 30, 2019, the amount provided in this subsection (5)(e) shall lapse.))~~

(f) \$400,000 of the amounts in fiscal year 2021 are provided solely for the Washington state institute for public policy to study special education services in public K-12 education systems. Since fiscal year 2018, Washington has made large investments in special education programs both through increases in the education system as a whole and through targeted increases in the special education funding formula. These investments were spread across the education system rather than directed to meet specific student and district needs. An appropriation is provided for this study in the interest of addressing ongoing concerns about funding and service gaps with future investments. The institute will review the available research literature with a focus on evidence from rigorous research regarding impacts of specific special education services on student outcomes. Where available, the study will focus on student success outcomes including successful transitions to life post-high school, student engagement, disciplinary action, and academic outcomes. To the extent possible, the institute will study the cost effectiveness of various successful approaches to service delivery, including both broad strategies and specific services. The institute shall submit an interim report summarizing preliminary findings on special education strategies to the appropriate committees of the legislature and the governor by June 30, 2021, with the intent that a final

report be submitted to the appropriate committees of the legislature and the governor by June 30, 2022.

(g) \$200,000 of the amounts in fiscal year 2021 are provided solely for the Washington state institute for public policy to evaluate student participation in and outcomes of transitional kindergarten programs across the state. By June 30, 2021, the institute shall report the result of its evaluation to the appropriate legislative committees; the governor; the office of the superintendent of public instruction; and the department of children, youth, and families. For the evaluation, the institute shall collect data regarding:

(i) The number of districts providing transitional kindergarten programs, including the number of classrooms and students in the program per district;

(ii) The number of children participating in transitional kindergarten programs across the state, disaggregated by demographic information such as race, gender, and income level;

(iii) The number of children participating in transitional kindergarten programs that attended prekindergarten previous to transitional kindergarten;

(iv) The number of children participating in transitional kindergarten who received early learning services through the early childhood education and assistance program;

(v) The differences in classroom instruction for transitional kindergarten compared to the early childhood education and assistance program; and

(vi) The outcomes for transitional kindergarten participants on the Washington kindergarten inventory of developing skills compared to students who did not participate in transitional kindergarten.

(h) \$40,000 of the amounts in fiscal year 2021 are provided solely for the Washington state institute for public policy to conduct a literature review on mandatory arrests in domestic violence cases, including the effects of mandatory arrest on recidivism, domestic violence recidivism, domestic violence reporting, rates of domestic violence treatment, intimate partner violence, and other reported outcomes. By June 30, 2021, the institute must submit the review to the appropriate committees of the legislature.

(i) \$50,000 of the amounts in fiscal year 2021 are provided solely for the Washington state institute for public policy to study access to voting and voter registration, to determine if the policies outlined below have increased the number of registered voters and if the number of voters has increased. The study must analyze the impact of the recent policy changes including chapter 112, Laws of 2018 pertaining to same-day voter registration; chapter 110, Laws of 2018 pertaining to automatic voter registration, chapter 161, Laws of 2019 pertaining to pre-paid postage for ballots, chapter 327, Laws of 2017 pertaining to the number and locations by county of ballot boxes; and chapter 109, Laws of 2018 pertaining to the registration by individuals as a part of the future voter program. The institute must also report on absentee ballot requests by location. The institute shall submit a report on the impacts of the changes on voter

registration, voter turnout, and voting method to the appropriate committees of the legislature by November 30, 2020.

(j) \$47,000 of the general fund—state appropriation for fiscal year 2020 and \$76,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the Washington state institute for public policy, in collaboration with the Washington traffic safety commission, to conduct an examination of school bus safety issues associated with seat belts in all seating positions. The institute must report findings and recommendations resulting from the examination to the superintendent of public instruction and, in accordance with RCW 43.01.036, the education and transportation committees of the house of representatives and the senate by November 15, 2020. The examination required by this subsection must include:

(i) A review of the best available science regarding seat belt use in all seating positions in school buses with a gross vehicle weight rating greater than ten thousand pounds;

(ii) A review of laws and funding practices in other states regarding:

(A) The purchase of school buses with seat belts in all seating positions;

(B) Retrofitting existing school buses with seat belts in all seating positions;

(C) Student use of seat belts in all seating positions; and

(D) Increases or decreases in student injuries attributable to the states' requirements;

(iii) An identification of insurance and liability issues associated with mandating the purchase of school buses with seat belts in all seating positions, retrofitting existing school buses with seat belts in all seating positions, and mandating the use of seat belts in all seating positions;

(iv) An identification of route scheduling issues associated with mandating the use of seat belts in all seating positions; and

(v) An identification of the financial issues associated with mandating the purchase of school buses with seat belts in all seating positions, retrofitting existing school buses with seat belts in all seating positions, or both, including costs, retrofitting and compatibility issues, depreciation factors, and financial impacts associated with potential changes in passenger capacity due to mandated seat belt use.

(k) Notwithstanding other provisions in this subsection, the board of directors for the Washington state institute for public policy may adjust due dates for projects included on the institute's 2019-21 work plan as necessary to efficiently manage workload.

(6) \$15,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for implementation of Engrossed Substitute House Bill No. 2327 (sexual misconduct/postsec.). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

**Sec. 608.** 2019 c 415 s 611 (uncodified) is amended to read as follows:

**FOR WESTERN WASHINGTON UNIVERSITY**

General Fund—State Appropriation (FY 2020)  
..... ((~~\$78,694,000~~))

\$78,666,000

General Fund—State Appropriation (FY 2021)  
..... ((~~\$81,478,000~~))

\$81,720,000

Western Washington University Capital Projects  
Account—

State Appropriation.....\$1,424,000

Education Legacy Trust Account—State  
Appropriation.....\$13,831,000

TOTAL APPROPRIATION.....~~\$175,427,000~~

\$175,641,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The university must continue work with the education research and data center to demonstrate progress in computer science and engineering enrollments. By September 1st of each year, the university shall provide a report including but not limited to the cost per student, student completion rates, and the number of low-income students enrolled in each program, any process changes or best-practices implemented by the university, and how many students are enrolled in computer science and engineering programs above the prior academic year.

(2) Western Washington University shall not use funds appropriated in this section to support intercollegiate athletics programs.

(3) \$16,291,000 of the general fund—state appropriation for fiscal year 2020 and ((~~\$16,633,000~~)) \$16,649,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the implementation of the college affordability program as set forth in RCW 28B.15.066.

(4) \$700,000 of the general fund—state appropriation for fiscal year 2020 and \$700,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the creation and implementation of an early childhood education degree program at the western on the peninsulas campus. The university must collaborate with Olympic college. At full implementation, the university is expected to grant approximately 75 bachelor's degrees in early childhood education per year at the western on the peninsulas campus.

(5) \$1,306,000 of the general fund—state appropriation for fiscal year 2020 and \$1,306,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for Western Washington University to develop a new program in marine, coastal, and watershed sciences.

(6) Within amounts appropriated in this section, the university is encouraged to increase the number of tenure-track positions created and hired.

(7) \$250,000 of the general fund—state appropriation for fiscal year 2020 and \$250,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for campus connect to develop a student civic leaders initiative that will provide opportunities for students to gain work experience focused on addressing the following critical issues facing communities and campuses: Housing and food insecurities, mental health, civic education (higher education and K-12), breaking the prison pipeline, and the opioid epidemic. Students will:

(a) Participate in civic internships and receive wages to work on one or more of these critical issues on their campus and or in their community, or both;

(b) Receive training on civic education, civil discourse, and learn how to analyze policies that impact community issues; and

(c) Research issues and develop and implement strategies in teams to address them.

(8) \$45,000 of the general fund—state appropriation for fiscal year 2020 and \$25,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the university to develop a plan for the maintenance and administration of opioid overdose medication in and around residence halls housing at least 100 students and for the training of designated personnel to administer opioid overdose medication to respond to symptoms of an opioid-related overdose.

(9) \$215,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for development and expansion of American sign language education.

(10) \$41,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for implementation of Engrossed Substitute House Bill No. 2327 (sexual misconduct/postsec.). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

**Sec. 609.** 2019 c 415 s 612 (uncodified) is amended to read as follows:

**FOR THE STUDENT ACHIEVEMENT  
COUNCIL—POLICY COORDINATION AND  
ADMINISTRATION**

General Fund—State Appropriation (FY 2020)  
.....((~~\$6,431,000~~))

\$6,433,000

General Fund—State Appropriation (FY 2021)  
.....((~~\$6,533,000~~))

\$8,037,000

General Fund—Federal Appropriation.....\$4,927,000

Pension Funding Stabilization Account—State

Appropriation .....\$534,000

TOTAL APPROPRIATION.....~~\$18,425,000~~

\$19,931,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$126,000 of the general fund—state appropriation for fiscal year 2020 and \$126,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the consumer protection unit.

(2) \$104,000 of the general fund—state appropriation for fiscal year 2020 and \$174,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of Second Substitute Senate Bill No. 5800 (homeless college students). ~~((If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.))~~

(3) \$150,000 of the general fund—state appropriation is provided solely to create a career connected learning statewide program inventory as required in RCW 28C.30.040(1) (f) through (g).

(4) \$211,000 of the general fund—state appropriation is provided solely to implement the Washington college grant program as set forth in RCW 28B.92.200. Funding is sufficient for a senior budget and forecast analyst position to assist in the administration of the Washington college grant program established in RCW 28B.92.200 and other financial aid programs and to develop financial aid models to forecast costs related to the Washington college grant and college bound programs.

(5) \$33,000 of the general fund—state appropriation for fiscal year 2021 is provided solely to implement chapter 298, Laws of 2019 (college bound scholarship – ninth grade pledge and state need grant eligibility).

(6) The student achievement council must ensure that all institutions of higher education as defined in RCW 28B.92.030 and eligible for state financial aid programs under chapters 28B.92 and 28B.118 RCW provide the data needed to analyze and evaluate the effectiveness of state financial aid programs. This data must be promptly transmitted to the education data center so that it is available and easily accessible.

(7) \$100,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the student achievement council to convene a task force on student access to health care at Washington's public institutions of higher education, with members as provided in this subsection.

(a) Membership of the task force is:

(i) One staff member appointed by each of the following: The council of presidents, state board for community and technical colleges, insurance commissioner, workforce training and education coordinating board, health care authority, health benefit exchange, and department of health; and

(ii) Three members, one of which must be currently enrolled in a graduate or professional program, appointed by

the Washington student association with one member attending an institution west of the crest of the cascade mountains; one member attending an institution east of the crest of the cascade mountains; and one staff member of the Washington student association.

(b) The task force shall provide recommendations on the policies, resources, and technical assistance that are needed to support the institutions in improving access to affordable health care for their students. The task force, in cooperation with the state's public institutions of higher education, shall gather data related to affordable access to care for students at public institutions of higher education in Washington.

(c) Staff support for the task force must be provided by the council.

(d) In accordance with RCW 43.01.036 the task force shall report its preliminary findings to the governor and the appropriate committees of the legislature before the first day of the 2021 legislative session and its final findings and recommendations by November 1, 2021. The final report must include:

(i) A summary of the data reviewed by the task force, including information specific to each campus, when available;

(ii) Recommendations for the legislature and public institutions of higher education for improving student health care coverage and access including, but not limited to:

(A) A comparison of opt-in and opt-out student health insurance models, including their respective benefits, risks, impact on cost, level of coverage, and number of students enrolled;

(B) A model policy for the establishment of an opt-out insurance plan for public institutions of higher education to maximize accessibility, affordability, coverage, and ease of enrollment while minimizing accidental enrollment and other negative consequences;

(C) A review of currently available insurance plans and their feasibility in providing affordable and comprehensive coverage for Washington students enrolled in public institutions of higher education;

(D) A review of options for the state to provide greater coverage and access to care among students by allowing public institutions of higher education to provide opt-out plans, including premiums for student health insurance plans in cost of attendance considerations for state financial aid, among others; and

(E) Policy recommendations that address racial, ethnic, income-based, and geographic disparity and disproportionality in student health-based educational outcomes.

(8) \$833,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for implementation of House Bill No. 1201 (national guard ed. grants). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

(9) \$124,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for implementation of Engrossed Substitute House Bill No. 2327 (sexual misconduct/postsec.). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

(10) \$49,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for implementation of Second Substitute House Bill No. 1659 (health sciences auths/taxes). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

**Sec. 610.** 2019 c 415 s 613 (uncodified) is amended to read as follows:

**FOR THE STUDENT ACHIEVEMENT COUNCIL—OFFICE OF STUDENT FINANCIAL ASSISTANCE**

General Fund—State Appropriation (FY 2020)	
.....	(\$278,418,000)
	<u>\$271,935,000</u>
General Fund—State Appropriation (FY 2021)	
.....	(\$281,669,000)
	<u>\$286,911,000</u>
General Fund—Federal Appropriation	
.....	(\$12,035,000)
	<u>\$12,036,000</u>
General Fund—Private/Local Appropriation	\$300,000
Education Legacy Trust Account—State	
Appropriation .....	\$93,488,000
Washington Opportunity Pathways Account—State	
Appropriation .....	\$114,229,000
Aerospace Training Student Loan Account—State	
Appropriation .....	\$216,000
Workforce Education Investment Account—State	
Appropriation .....	<u>\$14,824,000</u>
Pension Funding Stabilization Account—State	
Appropriation .....	\$18,000
Health Professionals Loan Repayment and	
Scholarship	
Program Account—State Appropriation ....	\$1,720,000
State Educational Trust Fund ((Nonappropriated))	
Account—State Appropriation .....	\$6,000,000
TOTAL APPROPRIATION .....	<u>\$788,093,000</u>
	<u>\$801,677,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) If Engrossed Second Substitute House Bill No. 2158 (workforce education) is enacted by June 30, 2019, all

references made in this section to the state need grant program are deemed made to the Washington college grant program.

(2) ~~\$255,327,000 of the general fund—state appropriation for fiscal year 2020, ((\$266,528,000)) \$7,935,000 of the general fund—state appropriation for fiscal year 2021, ((\$77,639,000)) \$45,527,000 of the education legacy trust account—state appropriation, \$6,000,000 of the state educational trust fund nonappropriated account—state appropriation, and ((\$80,000,000)) \$38,350,000 of the Washington opportunity pathways account—state appropriation~~ are provided solely for student financial aid payments under the state need grant and state work study programs, including up to four percent administrative allowance for the state work study program.

(3) \$258,593,000 of the general fund—state appropriation for fiscal year 2021, \$14,824,000 of the workforce education investment account—state appropriation, \$32,112,000 of the education legacy trust fund—state appropriation, and \$56,950,000 of the Washington opportunity pathways account—state appropriation are provided solely for the Washington college grant program as provided in RCW 28B.92.200.

(4) Changes made to the state work study program in the 2009-2011 and 2011-2013 fiscal biennia are continued in the 2019-2021 fiscal biennium including maintaining the increased required employer share of wages; adjusted employer match rates; discontinuation of nonresident student eligibility for the program; and revising distribution methods to institutions by taking into consideration other factors such as off-campus job development, historical utilization trends, and student need.

(5) Within the funds appropriated in this section, eligibility for the state need grant includes students with family incomes at or below 70 percent of the state median family income (MFI), adjusted for family size, and shall include students enrolled in three to five credit-bearing quarter credits, or the equivalent semester credits. Awards for students with incomes between 51 and 70 percent of the state median shall be prorated at the following percentages of the award amount granted to those with incomes below 51 percent of the MFI: 70 percent for students with family incomes between 51 and 55 percent MFI; 65 percent for students with family incomes between 56 and 60 percent MFI; 60 percent for students with family incomes between 61 and 65 percent MFI; and 50 percent for students with family incomes between 66 and 70 percent MFI. If Engrossed Second Substitute House Bill No. 2158 (workforce education) is enacted by June 30, 2019, then the eligibility and proration provisions of that bill supersede the provisions of this subsection.

(6) Of the amounts provided in subsection ~~((4))~~ (2) of this section, \$100,000 of the general fund—state appropriation for fiscal year 2020 and \$100,000 of the general fund—state appropriation for fiscal year 2021 are provided for the council to process an alternative financial aid application system pursuant to RCW 28B.92.010.

(7) Students who are eligible for the college bound scholarship shall be given priority for the state need grant

program. These eligible college bound students whose family incomes are in the 0-65 percent median family income ranges must be awarded the maximum state need grant for which they are eligible under state policies and may not be denied maximum state need grant funding due to institutional policies or delayed awarding of college bound scholarship students. The council shall provide directions to institutions to maximize the number of college bound scholarship students receiving the maximum state need grant for which they are eligible with a goal of 100 percent coordination. Institutions shall identify all college bound scholarship students to receive state need grant priority. If an institution is unable to identify all college bound scholarship students at the time of initial state aid packaging, the institution should reserve state need grant funding sufficient to cover the projected enrollments of college bound scholarship students.

~~(8) ((\$1,023,000)) \$972,000 of the general fund—state appropriation for fiscal year 2020, ((\$855,000)) \$1,165,000 of the general fund—state appropriation for fiscal year 2021, \$15,849,000 of the education legacy trust account—state appropriation, and ((\$34,229,000)) \$18,929,000 of the Washington opportunity pathways account—state appropriation are provided solely for the college bound scholarship program and may support scholarships for summer session. The office of student financial assistance and the institutions of higher education shall not consider awards made by the opportunity scholarship program to be state-funded for the purpose of determining the value of an award amount under RCW 28B.118.010. ((If Engrossed Second Substitute House Bill No. 2158 (workforce education) is enacted by June 30, 2019, then the amount that is provided solely for purposes of this subsection from the Washington opportunity pathways account is provided for the Washington college grant in the amount of \$15,300,000.))~~

(9) \$2,759,000 of the general fund—state appropriation for fiscal year 2020 and \$2,795,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the passport to college program. The maximum scholarship award is up to \$5,000. The council shall contract with a nonprofit organization to provide support services to increase student completion in their postsecondary program and shall, under this contract, provide a minimum of \$500,000 in fiscal years 2020 and 2021 for this purpose.

(10) ~~(\$7,468,000))~~ \$1,036,000 of the general fund—state appropriation for fiscal year 2020 ((is)) and \$4,432,000 of the general fund—state appropriation for fiscal year 2021 are provided solely to meet state match requirements associated with the opportunity scholarship program. The legislature will evaluate subsequent appropriations to the opportunity scholarship program based on the extent that additional private contributions are made, program spending patterns, and fund balance.

(11) \$3,800,000 of the general fund—state appropriation for fiscal year 2020 and \$3,800,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for expenditure into the health professionals loan repayment and scholarship program account. These





The analysis and recommended action plan shall align with the recommendations of the adult behavioral health system task force and related work of the healthier Washington initiative. The board shall consider workforce data, gaps, distribution, pipeline, development, and infrastructure, including innovative high school, postsecondary, and postgraduate programs to evolve, align, and respond accordingly to our state's behavioral health and related and integrated primary care workforce needs.

(3) \$260,000 of the general fund—state appropriation for fiscal year 2020 is provided solely for implementation of chapter 294, Laws of 2018 (future of work task force).

(4) \$28,000 of the general fund—state appropriation for fiscal year 2020 is provided solely for implementation of Substitute Senate Bill No. 5166 (postsecondary religious acc.). ~~((If the bill is not enacted by June 30, 2019, the amount provided in this subsection shall lapse.))~~

**Sec. 612.** 2019 c 415 s 615 (uncodified) is amended to read as follows:

**FOR THE STATE SCHOOL FOR THE BLIND**

General Fund—State Appropriation (FY 2020)	.....(( <del>\$8,951,000</del> ))
	<u>\$9,001,000</u>
General Fund—State Appropriation (FY 2021)	.....(( <del>\$9,153,000</del> ))
	<u>\$9,248,000</u>
General Fund—Private/Local Appropriation .	\$34,000
Pension Funding Stabilization Account—State	
Appropriation .....	\$590,000
TOTAL APPROPRIATION .....	<del>\$18,728,000</del>
	<u>\$18,873,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) Funding provided in this section is sufficient for the school to offer to students enrolled in grades nine through twelve for full-time instructional services at the Vancouver campus with the opportunity to participate in a minimum of one thousand eighty hours of instruction and the opportunity to earn twenty-four high school credits.

(2) \$149,000 of the general fund—state appropriation for fiscal year 2020 and \$99,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for migration to the state data center, and are subject to the conditions, limitations, and review provided in ~~((section 719 of this act))~~ section 701 of this act.

**Sec. 613.** 2019 c 415 s 616 (uncodified) is amended to read as follows:

**FOR THE WASHINGTON STATE CENTER FOR CHILDHOOD DEAFNESS AND HEARING LOSS**

General Fund—State Appropriation (FY 2020)	.....(( <del>\$14,326,000</del> ))
	<u>\$14,463,000</u>
General Fund—State Appropriation (FY 2021)	.....(( <del>\$14,554,000</del> ))
	<u>\$14,543,000</u>
Pension Funding Stabilization Account—State	
Appropriation.....	\$728,000
TOTAL APPROPRIATION.....	<del>\$29,608,000</del>
	<u>\$29,734,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) Funding provided in this section is sufficient for the center to offer to students enrolled in grades nine through twelve for full-time instructional services at the Vancouver campus with the opportunity to participate in a minimum of one thousand eighty hours of instruction and the opportunity to earn twenty-four high school credits.

(2) \$12,319,000 of the general fund—state appropriation for fiscal year 2020 and \$12,319,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for operations, expenses, and direct service to students at the state school for the deaf referenced in RCW 72.40.015(2)(a).

(3) \$73,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the Washington center for deaf and hard of hearing youth to provide American sign language coaching to agency staff.

**Sec. 614.** 2019 c 415 s 617 (uncodified) is amended to read as follows:

**FOR THE WASHINGTON STATE ARTS COMMISSION**

General Fund—State Appropriation (FY 2020)	.....(( <del>\$2,108,000</del> ))
	<u>\$2,147,000</u>
General Fund—State Appropriation (FY 2021)	.....(( <del>\$2,307,000</del> ))
	<u>\$2,346,000</u>
General Fund—Federal Appropriation .....	\$2,160,000
General Fund—Private/Local Appropriation..	\$50,000
Pension Funding Stabilization Account—State	
Appropriation.....	\$122,000
TOTAL APPROPRIATION.....	<del>\$6,747,000</del>
	<u>\$6,825,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$175,000 of the general fund—state appropriation for fiscal year 2020 and \$175,000 of the general fund—state

appropriation for fiscal year 2021 are provided solely for the folk and traditional arts apprenticeship and jobs stimulation program.

(2) \$104,000 of the general fund—state appropriation for fiscal year 2020 and \$96,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the completion and maintenance of the my public art portal project.

(4) \$172,000 of the general fund—state appropriation for fiscal year 2020 and \$324,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for an arts-integration program that encourages kindergarten readiness in partnership with educational service districts, the office of the superintendent of public instruction, and the department of children, youth, and families.

**Sec. 615.** 2019 c 415 s 618 (uncodified) is amended to read as follows:

**FOR THE WASHINGTON STATE HISTORICAL SOCIETY**

General Fund—State Appropriation (FY 2020)  
.....((~~\$3,733,000~~))  
\$3,652,000

General Fund—State Appropriation (FY 2021)  
.....((~~\$3,654,000~~))  
\$3,755,000

Pension Funding Stabilization Account—State  
Appropriation ..... \$230,000  
TOTAL APPROPRIATION ..... \$7,617,000  
\$7,637,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$500,000 of the general fund—state appropriation for fiscal year 2020 and \$500,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for general support and operations of the Washington state historical society.

(2) \$52,000 of the general fund—state appropriation for fiscal year 2020 and \$42,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for supporting migration ~~((to the state data center))~~ of the agency's servers to the cloud environment and is subject to the conditions, limitations, and review provided in ~~((section 719 of this act))~~ section 701 of this act.

**Sec. 616.** 2019 c 415 s 619 (uncodified) is amended to read as follows:

**FOR THE EASTERN WASHINGTON STATE HISTORICAL SOCIETY**

General Fund—State Appropriation (FY 2020)  
.....((~~\$2,855,000~~))  
\$2,750,000

General Fund—State Appropriation (FY 2021)  
.....((~~\$2,885,000~~))  
\$2,833,000

Pension Funding Stabilization Account—State  
Appropriation.....\$214,000  
TOTAL APPROPRIATION.....\$5,954,000  
\$5,797,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$500,000 of the general fund—state appropriation for fiscal year 2020 and \$500,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for general support and operations of the eastern Washington state historical society.

(2) \$67,000 of the general fund—state appropriation for fiscal year 2020 and \$30,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for supporting migration to the state data center and is subject to the conditions, limitations, and review provided in ~~((section 719 of this act))~~ section 701 of this act.

**Sec. 617.** 2019 c 406 s 5 (uncodified) is amended to read as follows:

The appropriations in this section are provided to the state board for community and technical colleges and are subject to the following conditions and limitations:

(1) \$6,220,000, or as much thereof as may be necessary, is appropriated for the fiscal year ending June 30, 2020, from the workforce education investment account and \$7,610,000, or as much thereof as may be necessary, is appropriated for the fiscal year ending June 30, 2021, from the workforce education investment account provided solely for college operating costs, including compensation and central services, in recognition that these costs exceed estimated increases in undergraduate operating fee revenue as a result of RCW 28B.15.067.

(2) \$6,220,000, or as much thereof as may be necessary, is appropriated for the fiscal year ending June 30, 2020, from the workforce education investment account and \$7,610,000, or as much thereof as may be necessary, is appropriated for the fiscal year ending June 30, 2021, from the workforce education investment account provided solely for employee compensation, academic program enhancements, student support services, and other institutional priorities that maintain a quality academic experience for Washington students.

(3)(a) \$2,000,000, or as much thereof as may be necessary, is appropriated for the fiscal year ending June 30, 2020, from the workforce education investment account and \$30,124,000, or as much thereof as may be necessary, is appropriated for the fiscal year ending June 30, 2021, from the workforce education investment account provided solely to implement guided pathways at each of the state's community and technical colleges by academic year 2020-21. Guided pathways is a research-based approach that provides clear, structured, educational experiences for

students with four elements: Clarify paths to students' end goals, help students choose and enter a pathway, help students stay on path, and ensure that students are learning.

(b) Guided pathways implementation includes:

(i) Increased student support services, including advising and counseling;

(ii) Faculty teaching and planning time to redesign curriculum, develop meta-majors, and engage in interdepartmental planning on pathways;

(iii) Data analytics and student tracking technology to help advisors and students address challenges that may impede a student's progress; and

(iv) Research and evaluation to ensure reforms lead to improvements for all students.

(c) The state board for community and technical colleges shall report to the legislature on an annual basis beginning December 1, 2020, on the impacts of guided pathways on postsecondary outcomes, including credential completion, transfer pathways, credit accumulation, grade point averages, and persistence.

(4) \$20,400,000, or as much thereof as may be necessary, is appropriated for the fiscal year ending June 30, 2020, from the workforce education investment account and \$20,400,000, or as much thereof as may be necessary, is appropriated for the fiscal year ending June 30, 2021, from the workforce education investment account provided solely to increase nurse educator salaries. The fiscal year 2020 and fiscal year 2021 appropriations can also be used for nursing program equipment, including simulation lab equipment.

(5) \$20,000,000, or as much thereof as may be necessary, is appropriated for the fiscal year ending June 30, 2021, from the workforce education investment account provided solely for increasing high-demand program faculty salaries, including but not limited to nursing educators, other health-related professions, information technology, computer science, and trades, including welding. Contract negotiations relating to salary increases must consider, and to the extent practicable establish, salaries that are comparable to industry professionals, and no less than the average salary identified by the college and university professional association for human resources or a similar organization.

(6) \$1,000,000, or as much thereof as may be necessary, is appropriated for the fiscal year ending June 30, 2020, from the workforce education investment account and \$2,000,000, or as much thereof as may be necessary, is appropriated for the fiscal year ending June 30, 2021, from the workforce education investment account provided solely for enrollments in new career launch programs as defined in RCW 28C.30.020.

(7) \$500,000, or as much thereof as may be necessary, is appropriated for the fiscal year ending June 30, 2020, from the workforce education investment account provided solely for purchase of equipment for a regional training facility in Bothell to offer a simulated good manufacturing practice experience in partnership with a community college. The

regional training facility must be located on the campus of a manufacturer of protein-based therapeutics. The state board for community and technical colleges must use a written agreement to ensure the equipment is used in a way that provides adequate public benefit.

## PART VII

### SPECIAL APPROPRIATIONS

**Sec. 701.** 2019 c 415 s 719 (uncodified) is amended to read as follows:

#### FOR THE OFFICE OF FINANCIAL MANAGEMENT—INFORMATION TECHNOLOGY INVESTMENT POOL

General Fund—State Appropriation (FY 2020)	
.....	<del>(\$7,628,000)</del>
	<u>\$9,107,000</u>
General Fund—State Appropriation (FY 2021)	
.....	<del>(\$5,191,000)</del>
	<u>\$16,865,000</u>
General Fund—Federal Appropriation	<del>(\$4,608,000)</del>
	<u>\$7,427,000</u>
General Fund—Private/Local Appropriation	\$213,000
Other Appropriated Funds .....	<del>(\$56,530,000)</del>
	<u>\$65,400,000</u>
TOTAL APPROPRIATION.....	<u>\$74,170,000</u>
	<u>\$99,012,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) The appropriations in this section are provided solely for expenditure into the information technology investment revolving account created in RCW 43.41.433. Funds in the account are provided solely for the information technology projects shown in LEAP omnibus document IT-2019, dated April 25, 2019, and LEAP omnibus document IT-2020, dated February 24, 2020, which ~~((is))~~ are hereby incorporated by reference. To facilitate the transfer of moneys from other funds and accounts that are associated with projects contained in LEAP omnibus document IT-2019, dated April 25, 2019, and LEAP omnibus document IT-2020, dated February 24, 2020, the state treasurer is directed to transfer moneys from other funds and accounts to the information technology investment revolving account in accordance with schedules provided by the office of financial management. However, restricted federal funds and qualified employee benefit and pension funds may be transferred only to the extent permitted by law, and will not otherwise be transferred. The projects affected remain subject to the other provisions of this section.

(2) Agencies must apply to the office of financial management and the office of the chief information officer to receive funding from the information technology investment revolving account. The office of financial management must notify the fiscal committees of the

legislature of the receipt of each application and may not approve a funding request for ten business days from the date of notification.

(3) Allocations and allotments of information technology investment revolving account must be made for discrete stages of projects as determined by the technology budget approved by the office of the state chief information officer and office of financial management. Fifteen percent of total funding allocated by the office of financial management, or another amount as defined jointly by the office of financial management and the office of the state chief information officer, will be retained in the account, but remain allocated to that project. The retained funding will be released to the agency only after successful completion of that stage of the project. For the military department enhanced 911 next generation project, the amount retained is increased to at least twenty percent of total funding allocated for any stage of that project.

(4)(a) Each project must have a technology budget. The technology budget must use a method similar to the state capital budget, identifying project costs, each fund source, and anticipated deliverables through each stage of the entire project investment and across fiscal periods and biennia from project onset through implementation and close out.

(b) As part of the development of a technology budget and at each request for funding, the agency shall submit detailed financial information to the office of financial management and the office of the state chief information officer. The technology budget must describe the total cost of the project by fiscal month to include and identify:

- (i) Fund sources;
- (ii) Full time equivalent staffing level to include job classification assumptions;
- (iii) A discreet appropriation index and program index;
- (iv) Object and subobject codes of expenditures; and
- (v) Anticipated deliverables.

(5)(a) Each project must have an investment plan that includes:

- (i) An organizational chart of the project management team that identifies team members and their roles and responsibilities;
- (ii) The office of the state chief information officer staff assigned to the project;
- (iii) An implementation schedule covering activities, critical milestones, and deliverables at each stage of the project for the life of the project at each agency affected by the project;
- (iv) Performance measures used to determine that the project is on time, within budget, and meeting expectations for quality of work product;
- (v) Ongoing maintenance and operations cost of the project post implementation and close out delineated by agency staffing, contracted staffing, and service level agreements; and

(vi) Financial budget coding to include at least discreet program index and subobject codes.

(6) Projects with estimated costs greater than one hundred million dollars from initiation to completion and implementation may be divided into discrete subprojects as determined by the office of the state chief information officer. Each subproject must have a technology budget and investment plan as provided in this section.

(7)(a) The office of the state chief information officer shall maintain an information technology project dashboard that provides updated information each fiscal month on projects subject to this section. This includes:

- (i) Project changes each fiscal month;
  - (ii) Noting if the project has a completed market requirements document;
  - (iii) Financial status of information technology projects under oversight; and
  - (iv) Coordination with agencies.
- (b) The dashboard must retain a roll up of the entire project cost, including all subprojects, that can be displayed the subproject detail.

(8) If the project affects more than one agency:

- (a) A separate technology budget and investment plan must be prepared for each agency; and
- (b) The dashboard must contain a statewide project technology budget roll up that includes each affected agency at the subproject level.

(9) For any project that exceeds two million dollars in total funds to complete, requires more than one biennium to complete, or is financed through financial contracts, bonds, or other indebtedness:

- (a) Quality assurance for the project must report independently to the office of the chief information officer;
- (b) The office of the chief information officer must review, and, if necessary, revise the proposed project to ensure it is flexible and adaptable to advances in technology;
- (c) The technology budget must specifically identify the uses of any financing proceeds. No more than thirty percent of the financing proceeds may be used for payroll-related costs for state employees assigned to project management, installation, testing, or training;
- (d) The agency must consult with the office of the state treasurer during the competitive procurement process to evaluate early in the process whether products and services to be solicited and the responsive bids from a solicitation may be financed; and
- (e) The agency must consult with the contracting division of the department of enterprise services for a review of all contracts and agreements related to the project's information technology procurements.

(10) The office of the state chief information officer must evaluate the project at each stage and certify whether

the project is planned, managed, and meeting deliverable targets as defined in the project's approved technology budget and investment plan.

(11) The office of the state chief information officer may suspend or terminate a project at any time if it determines that the project is not meeting or not expected to meet anticipated performance and technology outcomes. Once suspension or termination occurs, the agency shall unallot any unused funding and shall not make any expenditure for the project without the approval of the office of financial management.

(12) The office of the state chief information officer, in consultation with the office of financial management, may identify additional projects to be subject to this section, including projects that are not separately identified within an agency budget.

(13) Any cost to administer or implement this section for projects listed in subsection (1) of this section, must be paid from the information technology investment revolving account. For any other information technology project made subject to the conditions, limitations, and review of this section, the cost to implement this section must be paid from the funds for that project.

(14) The information technology feasibility study of the Washington state gambling commission is subject to the conditions, limitations, and review in this section.

(15) The learning management system project of the department of enterprise services is subject to the conditions, limitations, and review in this section.

(16) The gambling self-exclusion program project of the Washington state gambling commission is subject to the conditions, limitations, and review in this section.

(17) The facilities portfolio management tool project of the office of financial management is subject to the conditions, limitations, and review in this section.

(18) The logging and monitoring project of the consolidated technology services agency is subject to the conditions, limitations, and review in this section.

**Sec. 702.** 2019 c 415 s 701 (uncodified) is amended to read as follows:

**FOR THE STATE TREASURER—BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR DEBT SUBJECT TO THE DEBT LIMIT**

General Fund—State Appropriation (FY 2020)	
.....	(( <del>\$1,191,069,000</del> ))
	<u>\$1,179,076,000</u>
General Fund—State Appropriation (FY 2021)	
.....	(( <del>\$1,268,197,000</del> ))
	<u>\$1,240,339,000</u>

State Building Construction Account—State	
Appropriation .....	\$6,273,000

Columbia River Basin Water Supply Development	
Account—State Appropriation .....	\$30,000
Watershed Restoration and Enhancement Bond	
Account—State Appropriation .....	\$46,000
State Taxable Building Construction Account—State	
Appropriation.....	(( <del>\$213,000</del> ))
	<u>\$277,000</u>
Debt-Limit Reimbursable Bond Retirement	
Account—State	
Appropriation.....	\$566,000
TOTAL APPROPRIATION .....	<u>\$2,466,394,000</u>
	<u>\$2,426,607,000</u>

The appropriations in this section are subject to the following conditions and limitations: The general fund appropriations are for expenditure into the debt-limit general fund bond retirement account.

**Sec. 703.** 2019 c 415 s 703 (uncodified) is amended to read as follows:

**FOR THE STATE TREASURER—BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR BOND SALE EXPENSES**

General Fund—State Appropriation (FY 2020)	
.....	\$1,400,000
General Fund—State Appropriation (FY 2021)	
.....	\$1,400,000
State Building Construction Account—State	
Appropriation .....	\$1,052,000
Columbia River Basin Water Supply Development	
Account—State Appropriation .....	\$6,000
School Construction and Skill Centers Building	
Account—State Appropriation .....	(( <del>\$1,000</del> ))
	<u>\$2,000</u>
Watershed Restoration and Enhancement Bond	
Account—State Appropriation .....	\$9,000
State Taxable Building Construction Account—State	
Appropriation.....	(( <del>\$36,000</del> ))
	<u>\$55,000</u>
TOTAL APPROPRIATION .....	<u>\$3,904,000</u>
	<u>\$3,924,000</u>

**NEW SECTION. Sec. 704.** A new section is added to 2019 c 415 (uncodified) to read as follows:**FOR SUNDRY CLAIMS**

The following sums, or so much thereof as may be necessary, are appropriated from the general fund for fiscal

year 2020, unless otherwise indicated, for relief of various individuals, firms, and corporations for sundry claims.

These appropriations are to be disbursed on vouchers approved by the director of the department of enterprise services, except as otherwise provided, for reimbursement of criminal defendants acquitted on the basis of self-defense, pursuant to RCW 9A.16.110, as follows:

(1) Gerardo Rodarte Gonzalez, claim number 99970260 .....	\$24,385
(2) Edward Bushnell, claim number 99970261 .....	\$153,357
(3) Shaun Beveridge, claim number 99970262 .....	\$56,514
(4) Brandon Wheeler, claim number 9991001053 .....	\$123,464
(5) Johnathan Paine, claim number 9991001583 .....	\$22,246
(6) Michael Welsh, claim number 9991001600 .....	\$5,000
(7) Douglas Bartlett, claim number 9991001646 .....	\$5,500
(8) Brian Minniear, claim number 9991001941 .....	\$111,956
(9) Thomas Carey, claim number 9991001917 .....	\$122,431

**Sec. 705.** 2019 c 415 s 712 (uncodified) is amended to read as follows:

**FOR THE OFFICE OF FINANCIAL  
MANAGEMENT—ANDY HILL CANCER  
RESEARCH ENDOWMENT FUND MATCH  
TRANSFER ACCOUNT**

~~((Foundational Public Health Services Account—  
State~~

<del>Appropriation .....</del>	<del>\$6,000,000))</del>
<u>General Fund—State Appropriation (FY 2020)</u> .....	<u>\$5,525,000</u>
TOTAL APPROPRIATION .....	<u>\$6,000,000</u>
	<u>\$5,525,000</u>

The appropriation in this section is subject to the following conditions and limitations: The appropriation in this section is provided solely for expenditure into the Andy Hill cancer research endowment fund match transfer account per RCW 43.348.080 to fund the Andy Hill cancer research endowment program. Matching funds using the amounts appropriated in this section may not be used to fund new grants that exceed two years in duration.

**Sec. 706.** 2019 c 415 s 720 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF RETIREMENT  
SYSTEMS—CONTRIBUTIONS TO RETIREMENT  
SYSTEMS**

(1) The appropriations in this section are subject to the following conditions and limitations: The appropriations for the law enforcement officers' and firefighters' retirement system shall be made on a monthly basis consistent with chapter 41.45 RCW, and the appropriations for the judges and judicial retirement systems shall be made on a quarterly basis consistent with chapters 2.10 and 2.12 RCW.

(2) There is appropriated for state contributions to the law enforcement officers' and firefighters' retirement system:

General Fund—State Appropriation (FY 2020) .....	\$73,000,000
General Fund—State Appropriation (FY 2021) .....	\$75,800,000
TOTAL APPROPRIATION .....	\$148,800,000

(3) There is appropriated for contributions to the judicial retirement system:

General Fund—State Appropriation (FY 2020) .....	\$1,545,000
Pension Funding Stabilization Account—State Appropriation.....	\$13,855,000
TOTAL APPROPRIATION .....	\$15,400,000

(4) There is appropriated for contributions to the judges' retirement system:

General Fund—State Appropriation (FY 2020) .....	\$400,000
General Fund—State Appropriation (FY 2021) .....	\$400,000
TOTAL APPROPRIATION .....	\$800,000

~~((5) There is appropriated for state contributions to the volunteer firefighters' and reserve officers' relief and pension principal fund:~~

<del>Volunteer Firefighters' and Reserve Officers' Administrative Account—State Appropriation</del> .....	<del>\$15,532,000</del>
TOTAL APPROPRIATION .....	<del>\$15,532,000</del>

**NEW SECTION. Sec. 707.** A new section is added to 2019 c 415 (uncodified) to read as follows:**FOR THE BOARD FOR VOLUNTEER FIREFIGHTERS AND RESERVE OFFICERS—CONTRIBUTIONS TO RETIREMENT SYSTEMS**

There is appropriated for state contributions to the volunteer firefighters' and reserve officers' relief and pension principal fund:

Volunteer Firefighters' and Reserve Officers' Administrative Account—State Appropriation .....	\$15,532,000
TOTAL APPROPRIATION .....	\$15,532,000

**Sec. 708.** 2019 c 415 s 725 (uncodified) is amended to read as follows:

**FOR THE OFFICE OF FINANCIAL  
MANAGEMENT—HEALTH PROFESSIONS  
ACCOUNT**

Dedicated Marijuana Account—State Appropriation  
(FY 2020).....((~~\$701,000~~))  
\$1,323,000  
TOTAL APPROPRIATION .....\$701,000  
\$1,323,000

The appropriation in this section is subject to the following conditions and limitations: The appropriations are provided solely for expenditure into the health professions account to reimburse the account for costs incurred by the department of health for the development and administration of the marijuana authorization database.

**Sec. 709.** 2019 c 415 s 728 (uncodified) is amended to read as follows:

**FOR THE OFFICE OF FINANCIAL  
MANAGEMENT—FOUNDATIONAL PUBLIC  
HEALTH SERVICES**

General Fund—State Appropriation (FY 2020)  
.....((~~\$5,000,000~~))  
\$10,503,000  
General Fund—State Appropriation (FY 2021)  
.....((~~\$5,000,000~~))  
\$14,024,000  
Foundational Public Health Services Account—State  
Appropriation .....((~~\$12,000,000~~))  
\$1,473,000  
TOTAL APPROPRIATION .....\$22,000,000  
\$26,000,000

The appropriations in this section are subject to the following conditions and limitations: The appropriations are provided solely for distribution as provided in section 2, chapter 14, Laws of 2019 (foundational public health services).

**Sec. 710.** 2019 c 415 s 730 (uncodified) is amended to read as follows:

**FOR THE OFFICE OF FINANCIAL  
MANAGEMENT—OUTDOOR EDUCATION AND  
RECREATION ACCOUNT**

General Fund—State Appropriation (FY 2020)  
.....\$750,000  
General Fund—State Appropriation (FY 2021)  
.....((~~\$750,000~~))  
\$1,250,000  
TOTAL APPROPRIATION .....\$1,500,000

\$2,000,000

The appropriations in this section are subject to the following conditions and limitations: The appropriations are provided solely for expenditure into the outdoor education and recreation account for the state parks and recreation commission's outdoor education and recreation program purposes identified in RCW 79A.05.351.

**NEW SECTION. Sec. 711.** A new section is added to 2019 c 415 (uncodified) to read as follows:**FOR THE  
OFFICE OF FINANCIAL MANAGEMENT—  
WORKFORCE EDUCATION INVESTMENT  
ACCOUNT**

General Fund—State Appropriation (FY 2020)  
.....\$41,342,000  
TOTAL APPROPRIATION .....\$41,342,000

The appropriation in this section is subject to the following conditions and limitations: The appropriation in this section is provided solely for expenditure into the workforce education investment account to ensure the account is not in deficit within the 2019-2021 fiscal biennium. The office of financial management, the fiscal committees of the legislature, and the workforce education investment accountability and oversight board shall collaborate on a solution to ensure the account remains solvent in future biennia.

**NEW SECTION. Sec. 712.** A new section is added to 2019 c 415 (uncodified) to read as follows:**FOR THE  
OFFICE OF FINANCIAL MANAGEMENT—  
DEVELOPMENTAL DISABILITIES COMMUNITY  
TRUST ACCOUNT**

General Fund—State Appropriation (FY 2021)  
.....\$1,000,000  
TOTAL APPROPRIATION .....\$1,000,000

The appropriation in this section is subject to the following conditions and limitations: The appropriation in this section is provided solely for expenditure into the developmental disabilities community trust account (Dan Thompson memorial trust account) for the purposes identified in RCW 71A.20.170.

**NEW SECTION. Sec. 713.** A new section is added to 2019 c 415 (uncodified) to read as follows:**COMPENSATION—PERS AND TRS PLAN 1  
RETIREE BENEFIT INCREASES**

General Fund—State Appropriation (FY 2021)  
.....\$17,655,000  
General Fund—Federal Appropriation .....\$482,000  
General Fund—Local Appropriation .....\$52,000  
Other Appropriated Funds .....\$804,000  
TOTAL APPROPRIATION .....\$18,993,000

The appropriations in this section are subject to the following conditions and limitations: The appropriations in this section are provided solely for implementation of Engrossed House Bill No. 1390 (plan 1 retiree benefit

increases). Of these amounts, \$15,039,000 of the general fund—state appropriation is for allocation to school districts. If the bill is not enacted by June 30, 2020, the amounts appropriated in this section shall lapse.

**NEW SECTION. Sec. 714.** A new section is added to 2019 c 415 (uncodified) to read as follows:**FOR THE OFFICE OF FINANCIAL MANAGEMENT—LIABILITY ACCOUNT**

General Fund—State Appropriation (FY 2021)	\$60,000,000
TOTAL APPROPRIATION	\$60,000,000

The appropriation in this section is subject to the following conditions and limitations: The appropriation in this section is provided solely for expenditure into the self-insurance liability account.

**NEW SECTION. Sec. 715.** A new section is added to 2019 c 415 (uncodified) to read as follows:**FOR THE OFFICE OF FINANCIAL MANAGEMENT—SECRETARY OF STATE ARCHIVES AND RECORDS MANAGEMENT**

General Fund—State Appropriation (FY 2020)	\$3,000
General Fund—State Appropriation (FY 2021)	\$4,000
General Fund—Federal Appropriation	\$1,000
TOTAL APPROPRIATION	\$8,000

The appropriations in this section are subject to the following conditions and limitations: The appropriations in this section reflect adjustments in agency appropriations related to corresponding adjustments in the secretary of state's billing authority for archives and records management. The office of financial management shall adjust allotments in the amounts specified, and to the state agencies specified in LEAP omnibus document 92C-2020, dated February 24, 2020, and adjust appropriation schedules accordingly.

**NEW SECTION. Sec. 716.** A new section is added to 2019 c 415 (uncodified) to read as follows:**FOR THE OFFICE OF FINANCIAL MANAGEMENT—STATE AUDITOR AUDIT SERVICES**

General Fund—State Appropriation (FY 2020)	\$2,000
General Fund—State Appropriation (FY 2021)	\$534,000
General Fund—Federal Appropriation	\$141,000
General Fund—Private/Local Appropriation	\$3,000
Other Appropriated Funds	\$256,000
TOTAL APPROPRIATION	\$936,000

The appropriations in this section are subject to the following conditions and limitations: The appropriations in this section reflect adjustments in agency appropriations related to corresponding adjustments in the state auditor's

billing authority for state agency auditing services. The office of financial management shall adjust allotments in the amounts specified, and to the state agencies specified in LEAP omnibus document 92D-2020, dated February 24, 2020, and adjust appropriation schedules accordingly.

**NEW SECTION. Sec. 717.** A new section is added to 2019 c 415 (uncodified) to read as follows:**FOR THE OFFICE OF FINANCIAL MANAGEMENT—OFFICE OF ATTORNEY GENERAL LEGAL SERVICES**

General Fund—State Appropriation (FY 2020)	\$148,000
General Fund—State Appropriation (FY 2021)	\$5,042,000
General Fund—Federal Appropriation	\$2,078,000
General Fund—Private/Local Appropriation	\$85,000
Other Appropriated Funds	\$1,973,000
TOTAL APPROPRIATION	\$9,326,000

The appropriations in this section are subject to the following conditions and limitations: The appropriations in this section reflect adjustments in agency appropriations related to corresponding adjustments in the office of attorney general's billing authority for legal services. The office of financial management shall adjust allotments in the amounts specified, and to the state agencies specified in LEAP omnibus document 92E-2020, dated February 24, 2020, and adjust appropriation schedules accordingly.

**NEW SECTION. Sec. 718.** A new section is added to 2019 c 415 (uncodified) to read as follows:**FOR THE OFFICE OF FINANCIAL MANAGEMENT—ADMINISTRATIVE HEARINGS**

General Fund—State Appropriation (FY 2020)	\$43,000
General Fund—State Appropriation (FY 2021)	\$568,000
General Fund—Federal Appropriation	\$64,000
Other Appropriated Funds	\$1,132,000
TOTAL APPROPRIATION	\$1,807,000

The appropriations in this section are subject to the following conditions and limitations: The appropriations in this section reflect adjustments in agency appropriations related to corresponding adjustments in the office of administrative hearing's billing authority. The office of financial management shall adjust allotments in the amounts specified, and to the state agencies specified in LEAP omnibus document 92G-2020, dated February 24, 2020, and adjust appropriation schedules accordingly.

**NEW SECTION. Sec. 719.** A new section is added to 2019 c 415 (uncodified) to read as follows:**FOR THE OFFICE OF FINANCIAL MANAGEMENT—CONSOLIDATED TECHNOLOGY SERVICES CENTRAL SERVICES**



General Fund—State Appropriation (FY 2020)	
.....	\$1,003,000
General Fund—State Appropriation (FY 2021)	
.....	\$1,024,000
General Fund—Federal Appropriation .....	\$4,000
Other Appropriated Funds .....	\$194,000
TOTAL APPROPRIATION .....	\$2,225,000

The appropriations in this section are subject to the following conditions and limitations: The appropriations in this section reflect adjustments in agency appropriations related to corresponding adjustments in the central technology services' billing authority. The office of financial management shall adjust allotments in the amounts specified, and to the state agencies specified in LEAP omnibus document 92J-2020, dated February 24, 2020, and adjust appropriation schedules accordingly.

**NEW SECTION. Sec. 720.** A new section is added to 2019 c 415 (uncodified) to read as follows: **FOR THE OFFICE OF FINANCIAL MANAGEMENT—DEPARTMENT OF ENTERPRISE SERVICES CENTRAL SERVICES**

General Fund—State Appropriation (FY 2020)	
.....	\$24,000
General Fund—State Appropriation (FY 2021)	
.....	\$420,000
General Fund—Federal Appropriation .....	\$113,000
General Fund—Private/Local Appropriation ..	\$9,000
Other Appropriated Funds .....	\$182,000
TOTAL APPROPRIATION .....	\$748,000

The appropriations in this section are subject to the following conditions and limitations: The appropriations in this section reflect adjustments in agency appropriations related to corresponding adjustments in the department of enterprise services' billing authority. The office of financial management shall adjust allotments in the amounts specified, and to the state agencies specified in LEAP omnibus document 92K-2020, dated February 24, 2020, and adjust appropriation schedules accordingly.

**NEW SECTION. Sec. 721.** A new section is added to 2019 c 415 (uncodified) to read as follows: **FOR THE OFFICE OF FINANCIAL MANAGEMENT—OFFICE OF FINANCIAL MANAGEMENT CENTRAL SERVICES**

General Fund—State Appropriation (FY 2020)	
.....	\$317,000
General Fund—State Appropriation (FY 2021)	
.....	\$13,599,000
General Fund—Federal Appropriation .....	\$1,743,000
General Fund—Private/Local Appropriation .....	\$161,000
Other Appropriated Funds .....	\$3,207,000

TOTAL APPROPRIATION.....\$19,027,000

The appropriations in this section are subject to the following conditions and limitations: The appropriations in this section reflect adjustments in agency appropriations related to new billing authority for central service functions performed by the office of financial management. The office of financial management shall adjust allotments in the amounts specified, and to the state agencies specified in LEAP omnibus document 92R-2020, dated February 24, 2020, and adjust appropriation schedules accordingly.

**NEW SECTION. Sec. 722.** A new section is added to 2019 c 415 (uncodified) to read as follows: **FOR THE OFFICE OF FINANCIAL MANAGEMENT—WASHINGTON HOUSING TRUST ACCOUNT**

General Fund—State Appropriation (FY 2021)	
.....	\$100,000,000
TOTAL APPROPRIATION.....	\$100,000,000

The appropriation in this section is subject to the following conditions and limitations: The appropriation in this section is provided solely for expenditure into the Washington housing trust account. Of the amounts provided in this section:

(1) \$15,000,000 of the general fund—state appropriation for fiscal year 2021 is for the preservation of affordable housing at risk of losing affordability due to expiration of use restrictions that otherwise require affordability, including but not limited to United States department of agriculture funded housing.

(2) \$15,000,000 of the general fund—state appropriation for fiscal year 2021 is for shelters serving adults, families, or youth and young adults experiencing homelessness.

(3) \$10,000,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for housing preservation grants or loans.

**NEW SECTION. Sec. 723.** A new section is added to 2019 c 415 (uncodified) to read as follows: **FOR THE OFFICE OF FINANCIAL MANAGEMENT—PERMANENT SUPPORTIVE HOUSING ASSISTANCE ACCOUNT**

General Fund—State Appropriation (FY 2021)	
.....	\$75,000,000
TOTAL APPROPRIATION.....	\$75,000,000

The appropriation in this section is subject to the following conditions and limitations: The appropriation in this section is provided solely for expenditure into the permanent supportive housing assistance account created in section 915 of this act.

**NEW SECTION. Sec. 724.** A new section is added to 2019 c 415 (uncodified) to read as follows: **FOR THE DEPARTMENT OF ECOLOGY—OIL SPILL RESPONSE ACCOUNT**

Oil Spill Prevention Account—State Appropriation	
.....	\$2,200,000

TOTAL APPROPRIATION .....\$2,200,000

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely for expenditure into the oil spill response account. This constitutes a loan from the oil spill prevention account and must be repaid, with interest, to the oil spill prevention account by June 30, 2028.

**NEW SECTION. Sec. 725.** A new section is added to 2019 c 415 (uncodified) to read as follows: **FOR THE OFFICE OF FINANCIAL MANAGEMENT—CRIMINAL JUSTICE TREATMENT ACCOUNT**

General Fund—State Appropriation (FY 2021)  
.....\$4,500,000

TOTAL APPROPRIATION .....\$4,500,000

The appropriation in this section is subject to the following conditions and limitations: The appropriation in this section is provided solely for expenditure into the criminal justice treatment account.

**NEW SECTION. Sec. 726.** A new section is added to 2019 c 415 (uncodified) to read as follows: **FOR THE OFFICE OF FINANCIAL MANAGEMENT—FOREST AND FOREST PRODUCTS CARBON ACCOUNT**

General Fund—State Appropriation (FY 2021)  
.....\$200,000

TOTAL APPROPRIATION .....\$200,000

The appropriation in this section is subject to the following conditions and limitations: The appropriation in this section is provided solely for expenditure into the forest and forest products account created in Engrossed Second Substitute House Bill No. 2528 (forest products/climate). If the bill is not enacted by June 30, 2020, the amount provided in this section shall lapse.

**NEW SECTION. Sec. 727.** A new section is added to 2019 c 415 (uncodified) to read as follows: **INCENTIVE SAVINGS—FY 2021**

The sum of fifty three million four hundred thousand dollars or so much thereof as may be available on June 30, 2021, from the total amount of unspent fiscal year 2021 state general fund appropriations, exclusive of amounts expressly placed into unallotted status by this act, is appropriated for the purposes of RCW 43.79.460 in the manner provided in this section.

(1) Of the total appropriated amount, one-half of that portion that is attributable to incentive savings, not to exceed twenty-six million seven hundred dollars, is appropriated to the savings incentive account for the purpose of improving the quality, efficiency, and effectiveness of agency services, and credited to the agency that generated the savings.

(2) The remainder of the total amount is appropriated to the education savings account. It is the intent of the legislature to continue this policy in the ensuing biennium.

**Sec. 728.** 2019 c 415 s 722 (uncodified) is amended to read as follows:

**FOR THE STATE TREASURER—STATE REVENUE DISTRIBUTIONS TO CITIES FOR TEMPORARY STREAMLINED SALES TAX MITIGATION**

General Fund—State Appropriation (FY 2020)  
.....((~~\$7,100,000~~))

\$5,362,000

((~~General Fund State Appropriation (FY 2021)~~)  
.....~~\$9,300,000~~))

TOTAL APPROPRIATION.....\$16,400,000

\$5,362,000

The appropriations in this section are subject to the following conditions and limitations:

(1) In order to mitigate local sales tax revenue net losses as a result of the sourcing provisions of the streamlined sales and use tax agreement under Title 82 RCW, the state treasurer, on October 1, 2019, and each calendar quarter thereafter through June 30, ((2021)) 2020, must distribute the appropriations in this section to qualified local taxing districts to mitigate actual net losses as determined under this section by the department of revenue.

(2) In determining net losses under this section, the department must use each qualified local taxing district's annual loss as most recently determined pursuant to RCW 82.14.500 prior to January 1, 2019. The department is not required to determine annual losses on a recurring basis, but may make any adjustments to annual losses as it deems proper as a result of the annual reviews. Each calendar quarter, distributions must be made by the state treasurer on the last working day of the calendar quarter, as directed by the department, to each qualified local taxing district in an amount representing one-fourth of the district's annual loss reduced by voluntary compliance revenue reported during the previous calendar quarter and marketplace facilitator/remote seller revenue reported during the previous calendar quarter.

(3) The definitions in this subsection apply throughout this section unless the context clearly requires otherwise.

(a) "Loss" or "losses" means the local sales and use tax revenue reduction to a qualified local taxing district resulting from the sourcing provisions in RCW 82.14.490 and section 502, chapter 6, Laws of 2007, as most recently determined by the department under RCW 82.14.500 prior to January 1, 2019, including any adjustments made pursuant to subsection (2) of this section.

(b) "Marketplace facilitator/remote seller revenue" means the local sales and use tax revenue gain, including taxes voluntarily remitted and taxes collected from consumers, to each qualified local taxing district from part II of chapter 28, Laws of 2017 3rd sp. sess. and from chapter 8, Laws of 2019 (Substitute Senate Bill No. 5581), as estimated by the department in RCW 82.14.500(6). "Marketplace facilitator/remote seller revenue" includes the local sales tax revenue gain reported to the department from remote sellers as defined in RCW 82.08.010 that have

registered through the central registration system authorized under the streamlined sales and use tax agreement.

(c) "Net loss" or "net losses" means a loss offset by any voluntary compliance revenue and marketplace facilitator/remote seller revenue.

(d) "Qualified local taxing district" means a city:

(i) That was eligible for streamlined sales tax mitigation payments of at least fifty thousand dollars under RCW 82.14.500 in calendar year 2018, based on the calculation and analysis required under RCW 82.14.500(3)(a); and

(ii) That has a continued local sales tax revenue loss as a result of the sourcing provision of the streamlined sales and use tax agreement under Title 82 RCW, as determined by the department.

(e) "Voluntary compliance revenue" means the local sales tax revenue gain to each qualified local taxing district reported to the department from persons registering through the central registration system authorized under the agreement.

**Sec. 729.** 2019 c 415 s 726 (uncodified) is amended to read as follows:

**FOR THE OFFICE OF FINANCIAL  
MANAGEMENT—LONG-TERM SERVICES AND  
SUPPORTS ACCOUNT**

General Fund—State Appropriation (FY 2020)	
.....	(\$1,231,000))
	<u>\$1,331,000</u>
General Fund—State Appropriation (FY 2021)	
.....	(\$15,309,000))
	<u>\$15,709,000</u>
TOTAL APPROPRIATION .....	<u>\$16,540,000</u>
	<u>\$17,040,000</u>

The appropriations in this section are subject to the following conditions and limitations: The appropriations are provided solely for expenditure into the long-term services and supports account pursuant to Second Substitute House Bill No. 1087 (long-term services and supports). This constitutes a loan from the general fund and must be repaid, with interest, to the general fund by June 30, 2022. If Second Substitute House Bill No. 1087 (long-term services and supports) is not enacted by June 30, 2019, the amounts appropriated in this section shall lapse.

**Sec. 730.** 2019 c 415 s 731 (uncodified) is amended to read as follows:

**FOR THE OFFICE OF FINANCIAL  
MANAGEMENT—COMMUNICATION SERVICES  
REFORM**

General Fund—State Appropriation (FY 2020)	
.....	(\$2,000,000))
	<u>\$5,000,000</u>

General Fund—State Appropriation (FY 2021)	
.....	(\$2,000,000))
	<u>\$5,000,000</u>
TOTAL APPROPRIATION .....	<u>\$4,000,000</u>
	<u>\$10,000,000</u>

The appropriations in this section are subject to the following conditions and limitations: The appropriations in this section are provided solely for expenditure into the universal communications services fund to fund the temporary universal communications services program pursuant to Second Substitute Senate Bill No. 5511 (broadband service). If the bill is not enacted by June 30, 2019, the amounts appropriated in this section shall lapse.

**PART VIII**

**OTHER TRANSFERS AND APPROPRIATIONS**

**Sec. 801.** 2019 c 415 s 801 (uncodified) is amended to read as follows:

**FOR THE STATE TREASURER—STATE  
REVENUES FOR DISTRIBUTION**

General Fund Appropriation for fire insurance	
premium distributions .....	(\$10,528,000))
	<u>\$10,883,000</u>
General Fund Appropriation for prosecuting attorney	
distributions .....	(\$7,014,000))
	<u>\$7,618,000</u>
General Fund Appropriation for boating safety and	
education distributions .....	\$4,000,000
General Fund Appropriation for public utility	
district excise tax distributions .....	(\$65,216,000))
	<u>\$65,249,000</u>
Death Investigations Account Appropriation for	
distribution to counties for publicly funded	
autopsies .....	\$3,464,000
Aquatic Lands Enhancement Account Appropriation	
for	
harbor improvement revenue distributions ...	\$140,000
Timber Tax Distribution Account Appropriation for	
distribution to "timber" counties .....	(\$84,366,000))
	<u>\$79,337,000</u>
County Criminal Justice Assistance Appropriation	
.....	(\$106,123,000))
	<u>\$103,457,000</u>
Municipal Criminal Justice Assistance Appropriation	
.....	(\$42,084,000))

		<u>\$40,310,000</u>
City-County Assistance Appropriation		<del>(\$33,218,000)</del>
		<u>\$35,507,000</u>
Liquor Excise Tax Account Appropriation for liquor excise tax distribution.....		<del>(\$64,079,000)</del>
		<u>\$67,362,000</u>
Streamlined Sales and Use Tax Mitigation Account Appropriation for distribution to local taxing jurisdictions to mitigate the unintended revenue redistributions effect of sourcing law changes .....		<del>(\$2,220,000)</del>
		<u>\$9,016,000</u>
Columbia River Water Delivery Account Appropriation for the Confederated Tribes of the Colville Reservation.....		<del>(\$8,379,000)</del>
		<u>\$8,364,000</u>
Columbia River Water Delivery Account Appropriation for the Spokane Tribe of Indians .....		<del>(\$5,737,000)</del>
		<u>\$5,728,000</u>
Liquor Revolving Account Appropriation for liquor profits distribution .....	\$98,876,000	
General Fund Appropriation for other tax distributions.....	\$80,000	
General Fund Appropriation for Marijuana Excise Tax distributions.....	<del>(\$30,000,000)</del>	
		<u>\$33,500,000</u>
General Fund Appropriation for Habitat Conservation Program distributions .....	\$5,754,000	
General Fund Appropriation for payment in-lieu of taxes to counties under Department of Fish and Wildlife program.....	<del>(\$3,993,000)</del>	
		<u>\$4,040,000</u>
Puget Sound Taxpayer Accountability Account Appropriation for distribution to counties in amounts not to exceed actual deposits into the account and attributable to those counties' share pursuant to RCW 43.79.520. If a county eligible for distributions under RCW 43.79.520		

has not adopted a sales and use tax under RCW 82.14.460 before July 1, 2019, then to prevent these distributions from supplanting existing local funding for vulnerable populations, the distributions are subject to the procedural requirements in this section. Before the county may receive distributions, it must provide a final budget for the distributions, submit the final budget to the department of commerce, and publish the final budget on its web site. To develop this final budget, under RCW 36.40.040 the county must develop and hold hearings on a preliminary budget that is separate from other appropriations ordinances or resolutions, and it must consult stakeholders, including community service organizations, and must consider input received during this process. Before holding a hearing on the preliminary budget, the county must notify local governments in the county that are within the borders of the regional transit authority, and legislators whose districts are within those borders. The county must then adopt a final budget under RCW 36.40.080 for the distributions that is separate from other appropriations ordinances or resolutions. After the county submits its final budget for the distributions to the department of commerce, the department must notify the state treasurer, who may then make the distributions to the county. ....\$28,683,000

TOTAL APPROPRIATION.....~~\$603,954,000~~

\$611,368,000

The total expenditures from the state treasury under the appropriations in this section shall not exceed the funds available under statutory distributions for the stated purposes.

**Sec. 802.** 2019 c 415 s 802 (uncodified) is amended to read as follows:

**FOR THE STATE TREASURER—FOR THE COUNTY CRIMINAL JUSTICE ASSISTANCE ACCOUNT**

Impaired Driving Safety Appropriation(~~\$1,933,000~~)

\$2,141,000

The appropriation in this section is subject to the following conditions and limitations: The amount appropriated in this section shall be distributed quarterly during the 2019-2021 fiscal biennium in accordance with RCW 82.14.310. This funding is provided to counties for the costs of implementing criminal justice legislation including, but not limited to: Chapter 206, Laws of 1998 (drunk driving penalties); chapter 207, Laws of 1998 (DUI penalties); chapter 208, Laws of 1998 (deferred prosecution); chapter 209, Laws of 1998 (DUI/license suspension); chapter 210, Laws of 1998 (ignition interlock violations); chapter 211, Laws of 1998 (DUI penalties); chapter 212, Laws of 1998 (DUI penalties); chapter 213, Laws of 1998 (intoxication levels lowered); chapter 214, Laws of 1998 (DUI penalties); and chapter 215, Laws of 1998 (DUI provisions).

**Sec. 803.** 2019 c 415 s 803 (uncodified) is amended to read as follows:

**FOR THE STATE TREASURER—MUNICIPAL CRIMINAL JUSTICE ASSISTANCE ACCOUNT**

Impaired Driving Safety Appropriation(~~(\$1,289,000))~~

\$1,428,000

The appropriation in this section is subject to the following conditions and limitations: The amount appropriated in this section shall be distributed quarterly during the 2019-2021 fiscal biennium to all cities ratably based on population as last determined by the office of financial management. The distributions to any city that substantially decriminalizes or repeals its criminal code after July 1, 1990, and that does not reimburse the county for costs associated with criminal cases under RCW 3.50.800 or 3.50.805(2), shall be made to the county in which the city is located. This funding is provided to cities for the costs of implementing criminal justice legislation including, but not limited to: Chapter 206, Laws of 1998 (drunk driving penalties); chapter 207, Laws of 1998 (DUI penalties); chapter 208, Laws of 1998 (deferred prosecution); chapter 209, Laws of 1998 (DUI/license suspension); chapter 210, Laws of 1998 (ignition interlock violations); chapter 211, Laws of 1998 (DUI penalties); chapter 212, Laws of 1998 (DUI penalties); chapter 213, Laws of 1998 (intoxication levels lowered); chapter 214, Laws of 1998 (DUI penalties); and chapter 215, Laws of 1998 (DUI provisions).

**Sec. 804.** 2019 c 415 s 805 (uncodified) is amended to read as follows:

**FOR THE STATE TREASURER—TRANSFERS**

Dedicated Marijuana Account: For transfer to the basic health plan trust account, the lesser of the amount determined pursuant to RCW 69.50.540 or this amount for fiscal year 2020, (~~(\$195,000,000)~~) \$213,000,000 and this amount for fiscal year 2021, (~~(\$199,000,000)~~) \$213,000,000.....(~~(\$394,000,000)~~)  
\$426,000,000

Dedicated Marijuana Account: For transfer to the state general fund, the lesser of the amount determined pursuant to RCW 69.50.540 or this amount for fiscal year 2020, (~~(\$136,000,000)~~) \$152,000,000 and this amount for fiscal year 2021, (~~(\$138,000,000)~~) \$152,000,000 ..... (~~(\$274,000,000)~~)  
\$304,000,000

Aquatic Lands Enhancement Account: For transfer to the clean up settlement account as repayment of the loan provided in section 3022(2), chapter 2, Laws of 2012 2nd sp. sess. (ESB 6074, 2012 supplemental capital budget), in an amount not to exceed the actual amount of the total remaining principal and interest of the loan, \$620,000 for fiscal year 2020 and (~~(\$620,000)~~) \$640,000 for fiscal year 2021 ..... (~~(\$1,240,000)~~)  
\$1,260,000

Tobacco Settlement Account: For transfer to the state general fund, in an amount not to exceed the actual amount of the annual base payment to the tobacco settlement account for fiscal year 2020 .....\$90,000,000

Tobacco Settlement Account: For transfer to the state general fund, in an amount not to exceed the actual amount of the annual base payment to the tobacco settlement account for fiscal year 2021 .....\$90,000,000

General Fund: For transfer to the statewide tourism marketing account, \$1,500,000 for fiscal year 2020 and \$1,500,000 for fiscal year 2021 ..\$3,000,000  
General Fund: For transfer to the streamlined sales and use tax account, \$2,220,000 for fiscal year 2020 and \$7,079,000 for fiscal year 2021 ..... (~~(\$2,220,000)~~)  
\$9,016,000

Criminal Justice Treatment Account: For transfer to the home security fund, \$4,500,000 for fiscal year 2020 and \$4,500,000 for fiscal year 2021 .....\$9,000,000

State Treasurer's Service Account: For transfer to the state general fund, \$8,000,000

for fiscal year 2020 and

\$8,000,000 for fiscal year 2021 ..... \$16,000,000

Disaster Response Account: For transfer to the  
state general fund, (~~(\$28,000,000)~~) \$8,726,000  
for fiscal year 2021..... (~~(\$28,000,000)~~)  
\$8,726,000

General Fund: For transfer to the fair fund under  
RCW 15.76.115, \$2,000,000 for fiscal year  
2020 and \$2,000,000 for fiscal year 2021 . \$4,000,000

Energy Freedom Account: For transfer to the general  
fund, \$1,000,000 or as much thereof that  
represents the balance in the account for  
fiscal year 2020 ..... \$1,000,000

Financial Services Regulation Account: For transfer  
to the state general fund, \$3,500,000  
for fiscal year 2020 and \$3,500,000  
for fiscal year 2021..... \$7,000,000

Aquatic Lands Enhancement Account: For transfer  
to the geoduck aquaculture research account,  
\$400,000 for fiscal year 2020 and \$400,000 for  
fiscal year 2021 ..... \$800,000

Public Works Assistance Account: For transfer to  
the education legacy trust account, \$80,000,000  
for fiscal year 2020 and \$80,000,000 for  
fiscal year 2021 ..... \$160,000,000

Model Toxics Control Operating Account: For  
transfer  
to the clean up settlement account as repayment  
of the loan provided in section 3022(2),  
chapter 2, Laws of 2012 2nd sp. sess. (ESB  
6074, 2012 supplemental capital budget), in an  
amount not to exceed the actual amount of the  
total remaining principal and interest of the  
loan, \$620,000 for fiscal year 2020 and  
(~~(\$620,000)~~) \$640,000 for fiscal year 2021  
..... (~~(\$1,240,000)~~)  
\$1,260,000

Marine Resources Stewardship Trust Account: For  
transfer to the aquatic lands enhancement  
account, \$160,000 for fiscal year 2020..... \$160,000

Water Pollution Control Revolving Administration Account: For transfer to the water pollution control revolving account, \$4,500,000 for fiscal year 2020.....	\$4,500,000
Oil Spill Response Account: For transfer to the oil spill prevention account for the military department to continue assisting local emergency planning committees statewide with hazardous materials plans that meet minimum federal requirements, \$520,000 for fiscal year 2020 and \$520,000 for fiscal year 2021 .....	\$1,040,000
<u>General Fund: For transfer to the sea cucumber dive fishery account, in an amount not to exceed the actual amount to correct the cash deficit for fiscal year 2020.....</u>	<u>\$4,000</u>
<u>General Fund: For transfer to the sea urchin diver fishery account, in an amount not to exceed the actual amount to correct the cash deficit for fiscal year 2020.....</u>	<u>\$1,000</u>
<u>Gambling Revolving Account: For transfer to the state general fund, \$6,000,000 for fiscal year 2021 .....</u>	<u>\$6,000,000</u>

## PART IX

## MISCELLANEOUS

**NEW SECTION. Sec. 901.** A new section is added to 2019 c 415 (uncodified) to read as follows:  
**COLLECTIVE BARGAINING AGREEMENTS**

Sections 902 through 905 of this act represent the results of the negotiations for fiscal year 2021 collective bargaining agreement changes, permitted under chapter 41.80 RCW. Provisions of the collective bargaining agreements contained in sections 902 through 905 of this act are described in general terms. Only major economic terms are included in the descriptions. These descriptions do not contain the complete contents of the agreements. The collective bargaining agreements contained in sections 502 and 503 of this act may also be funded by expenditures from nonappropriated accounts. If positions are funded with lidded grants or dedicated fund sources with insufficient revenue, additional funding from other sources is not provided.

**NEW SECTION. Sec. 902.** A new section is added to 2019 c 415 (uncodified) to read as follows:  
**COLLECTIVE BARGAINING AGREEMENT—ASSOCIATION OF WASHINGTON ASSISTANT ATTORNEYS GENERAL/WFSE**

An agreement has been reached between the governor and the association of Washington assistant attorneys general/Washington federation of state employees under the provisions of chapter 41.80 RCW for the 2021 fiscal year. Funding is provided to transition the represented employees into the newly established and agreed upon wage schedule, effective July 1, 2020.

**NEW SECTION. Sec. 903.** A new section is added to 2019 c 415 (uncodified) to read as follows:  
**COLLECTIVE BARGAINING AGREEMENT—UNIVERSITY OF WASHINGTON/WFSE**

An agreement has been reached between the University of Washington and the Washington federation of state employees under the provisions of chapter 41.80 RCW for the 2021 fiscal year. Funding is provided for a lump sum payment for all WFSE represented, permanent employees in the amount of \$700 for an FTE greater than .6 and \$125 for all WFSE represented, permanent employees holding an FTE of .6 or less, as of July 1, 2020.

**NEW SECTION. Sec. 904.** A new section is added to 2019 c 415 (uncodified) to read as follows:  
**COLLECTIVE BARGAINING AGREEMENT—UNIVERSITY OF WASHINGTON—SEIU 925**

An agreement has been reached between the University of Washington and the service employees international union local 925 under the provisions of chapter 41.80 RCW for the 2021 fiscal year. Funding is provided for a lump sum payment for all SEIU 925 represented, permanent employees in the amount of \$650 for an FTE greater than .6 and \$325 for all SEIU 925 represented, permanent employees holding an FTE of .6 or less, as of July 1, 2020.

**NEW SECTION. Sec. 905.** A new section is added to 2019 c 415 (uncodified) to read as follows:  
**COLLECTIVE BARGAINING AGREEMENT—UNIVERSITY OF WASHINGTON—SEIU 1199 RESEARCH/HALL HEALTH**

An agreement has been reached between the University of Washington and the service employees international union local 1199 under the provisions of chapter 41.80 RCW for the 2021 fiscal year. Funding is provided for a lump sum payment for all SEIU 1199NW represented, permanent employees in the amount of \$650 for an FTE of .5 or greater and \$325 for all SEIU 1199NW represented, permanent employees holding an FTE of less than .5 as of July 1, 2020.

**Sec. 906.** 2019 c 415 s 938 (uncodified) is amended to read as follows:

**COMPENSATION—SCHOOL EMPLOYEES—INSURANCE BENEFITS**

An agreement was reached for the 2019-2021 biennium between the governor and the school employee coalition under the provisions of chapters 41.56 and 41.59 RCW. Appropriations in this act for allocations to school districts are sufficient to implement the provisions of the 2019-2021 collective bargaining agreement, and for procurement of a benefit package that is materially similar

to benefits provided by the public employee benefits program as outlined in policies adopted by the school employees' benefits board, and are subject to the following conditions and limitations:

(1) The monthly employer funding rate for insurance benefit premiums, school employees' benefits board administration, retiree remittance, and the uniform medical plan, shall not exceed \$994 per eligible employee beginning January 1, 2020. For ~~((fiscal year 2021))~~ July and August 2020, the monthly employer funding rate shall not exceed \$1,056 per eligible employee. Beginning September 1, 2020, through June 30, 2021, the monthly employer funding rate shall not exceed \$1,000 per eligible employee. Employers will contribute one hundred percent of the retiree remittance defined in section 939 of this act.

(2) For the purposes of distributing insurance benefits, certificated staff units as determined in section 504 of this act will be multiplied by 1.02 and classified staff units as determined in section 504 of this act will be multiplied by 1.43.

(3) Except as provided by the parties' health care agreement, in order to achieve the level of funding provided for health benefits, the school employees' benefits board shall require any or all of the following: Employee premium copayments, increases in point-of-service cost sharing, the implementation of managed competition, or other changes to benefits consistent with RCW 41.05.740. The board shall collect a twenty-five dollar per month surcharge payment from members who use tobacco products and a surcharge payment of not less than fifty dollars per month from members who cover a spouse or domestic partner where the spouse or domestic partner has chosen not to enroll in another employer-based group health insurance that has benefits and premiums with an actuarial value of not less than ninety-five percent of the actuarial value of the public employees' benefits board plan with the largest enrollment. The surcharge payments shall be collected in addition to the member premium payment.

(4) The health care authority shall deposit any moneys received on behalf of the school employees' medical plan as a result of rebates on prescription drugs, audits of hospitals, subrogation payments, or any other moneys recovered as a result of prior uniform medical plan claims payments, into the school employees' and retirees' insurance account to be used for insurance benefits. Such receipts may not be used for administrative expenditures.

**Sec. 907.** 2019 c 415 s 946 (uncodified) is amended to read as follows:

**CONDITIONAL AND GENERAL WAGE INCREASES—UNIVERSITY OF WASHINGTON**

(1) Appropriations for the University of Washington in this act are sufficient to provide a general wage increase to employees who are not represented or who bargain under a statutory authority other than chapters 41.80 or 47.64 RCW or RCW 41.56.473. Funding is provided for a two percent general wage increase effective July 1, 2019, and a two percent increase July 1, 2020, for all employees described by this subsection.

(2) Appropriations for the University of Washington in this act are also sufficient to provide ~~((an additional wage increase)) a lump sum payment~~ for all ~~nonrepresented, classified~~ employees, ~~((both represented and not represented, of one percent effective July 1, 2019, and one percent)) who earn less than \$54,264 in salary annually, in the amount of \$650 for an FTE greater than 0.6 and \$325 for an FTE of 0.6 or less, effective July 1, 2020. ((This additional wage increase, funded in section 606 of this act, is conditioned upon the University of Washington concluding changes to the bargaining agreements with represented employees, including those whose agreements are approved in sections 921, 922, 923, 924, and 925 of this act, to provide the same one percent increases to represented employees.))~~

**Sec. 908.** 2019 c 415 s 996 (uncodified) is amended to read as follows:

#### ORCA PASSES

Appropriations to state agencies include funding for orca transit passes for employees who are not represented or who bargained under authority other than chapter 41.80 or 47.64 RCW or RCW 41.56.473 or 41.56.475, who work in King, Pierce, and Snohomish counties. The purchase of orca transit passes shall be administered by the office of financial management for fiscal year 2020.

**Sec. 909.** 2019 c 324 s 12 (uncodified) is amended to read as follows:

(1) The health care authority shall establish a pilot program to provide mental health drop-in center services. The mental health drop-in center services shall provide a peer-focused recovery model during daytime hours through a community-based, therapeutic, less restrictive alternative to hospitalization for acute psychiatric needs. The program shall assist clients in need of voluntary, short-term, noncrisis services that focus on recovery and wellness. Clients may refer themselves, be brought to the center by law enforcement, be brought to the center by family members, or be referred by an emergency department.

(2) The pilot program shall be conducted in the largest city in a regional service area that has at least nine counties. Funds to support the pilot program shall be distributed through the behavioral health administrative service organization that serves the pilot program.

(3) The pilot program shall begin on ~~((January)) July~~ 1, 2020, and conclude July 1, 2022.

(4) By December 1, 2020, the health care authority shall submit a preliminary report to the governor and the appropriate committees of the legislature. The preliminary report shall include a survey of peer mental health programs that are operating in the state, including the location, type of services offered, and number of clients served. By December 1, 2021, the health care authority shall report to the governor and the appropriate committees of the legislature on the results of the pilot program. The report shall include information about the number of clients served, the needs of the clients, the method of referral for the clients, and recommendations on how to expand the program statewide,

including any recommendations to account for different needs in urban and rural areas.

**Sec. 910.** RCW 28B.76.525 and 2019 c 406 s 38 are each amended to read as follows:

(1) The state financial aid account is created in the custody of the state treasurer. The primary purpose of the account is to ensure that all appropriations designated for financial aid through statewide student financial aid programs are made available to eligible students. The account shall be a nontreasury account.

(2) The office shall deposit in the account all money received for the Washington college grant program established under chapter 28B.92 RCW, the state work-study program established under chapter 28B.12 RCW, the Washington scholars program established under RCW 28A.600.110, the Washington award for vocational excellence program established under RCW 28C.04.525, and the educational opportunity grant program established under chapter 28B.101 RCW. The account shall consist of funds appropriated by the legislature for the programs listed in this subsection and private contributions to the programs. Moneys deposited in the account do not lapse at the close of the fiscal period for which they were appropriated. Both during and after the fiscal period in which moneys were deposited in the account, the office may expend moneys in the account only for the purposes for which they were appropriated, and the expenditures are subject to any other conditions or limitations placed on the appropriations.

(3) Expenditures from the account shall be used for scholarships to students eligible for the programs according to program rules and policies. For the 2019-2021 fiscal biennium, expenditures may also be used for scholarship awards in the passport to career program established under chapter 28B.117 RCW. It is the intent of the legislature that this policy will be continued in subsequent fiscal biennia.

(4) Disbursements from the account are exempt from appropriations and the allotment provisions of chapter 43.88 RCW.

(5) Only the director of the office or the director's designee may authorize expenditures from the account.

**Sec. 911.** RCW 28B.76.526 and 2019 c 406 s 39 are each amended to read as follows:

The Washington opportunity pathways account is created in the state treasury. Expenditures from the account may be used only for programs in chapter 28A.710 RCW (charter schools), chapter 28B.12 RCW (state work-study), chapter 28B.50 RCW (opportunity grant), RCW 28B.76.660 (Washington scholars award), RCW 28B.76.670 (Washington award for vocational excellence), chapter 28B.92 RCW (Washington college grant program), chapter 28B.105 RCW (GET ready for math and science scholarship), chapter 28B.117 RCW (passport to careers), chapter 28B.118 RCW (college bound scholarship), and chapter 43.216 RCW (early childhood education and assistance program). During the 2019-21 fiscal biennium, the account may also be appropriated for public schools funded under chapters 28A.150 and 28A.715 RCW.



**Sec. 912.** RCW 28B.145.050 and 2014 c 208 s 5 are each amended to read as follows:

(1) The opportunity scholarship match transfer account is created in the custody of the state treasurer as a nonappropriated account to be used solely and exclusively for the opportunity scholarship program created in RCW 28B.145.040. The purpose of the account is to provide matching funds for the opportunity scholarship program.

(2) Revenues to the account shall consist of appropriations by the legislature into the account and any gifts, grants, or donations received by the executive director of the council for this purpose.

(3) No expenditures from the account may be made except upon receipt of proof, by the executive director of the council from the program administrator, of private contributions to the opportunity scholarship program. Expenditures, in the form of matching funds, may not exceed the total amount of private contributions.

(4) Only the executive director of the council or the executive director's designee may authorize expenditures from the opportunity scholarship match transfer account. Such authorization must be made as soon as practicable following receipt of proof as required under subsection (3) of this section.

(5) The council shall enter into an appropriate agreement with the program administrator to demonstrate exchange of consideration for the matching funds.

(6) During the 2019-2021 fiscal biennium, expenditures from the opportunity scholarship match transfer account may be used for payment to the program administrator for administrative duties carried out under this chapter in an amount not to exceed two hundred fifty thousand dollars per fiscal year.

**Sec. 913.** RCW 38.52.105 and 2019 c 415 s 956 are each amended to read as follows:

The disaster response account is created in the state treasury. Moneys may be placed in the account from legislative appropriations and transfers, federal appropriations, or any other lawful source. Moneys in the account may be spent only after appropriation. Expenditures from the account may be used only for support of state agency and local government disaster response and recovery efforts and to reimburse the workers' compensation funds and self-insured employers under RCW 51.16.220. During the 2017-2019 and 2019-2021 fiscal biennia, expenditures from the disaster response account may be used for military department operations ~~((and))~~, to support wildland fire suppression preparedness, prevention, and restoration activities by state agencies and local governments, and to support the state's response to the coronavirus. During the 2017-2019 and 2019-2021 fiscal biennia, the legislature may direct the treasurer to make transfers of moneys in the disaster response account to the state general fund. It is the intent of the legislature that these policies will be continued in subsequent fiscal biennia.

**Sec. 914.** RCW 41.06.280 and 2019 c 415 s 957 are each amended to read as follows:

(1) There is hereby created a fund within the state treasury, designated as the "personnel service fund," to be used by the office of financial management as a revolving fund for the payment of salaries, wages, and operations required for the administration of the provisions of this chapter, applicable provisions of chapter 41.04 RCW, and chapter 41.60 RCW. An amount not to exceed one and one-half percent of the salaries and wages for all positions in the classified service in each of the agencies subject to this chapter, except the institutions of higher education, shall be charged to the operations appropriations of each agency and credited to the personnel service fund as the allotments are approved pursuant to chapter 43.88 RCW. Subject to the above limitations, the amount shall be charged against the allotments pro rata, at a rate to be fixed by the director from time to time which, together with income derived from services rendered under RCW 41.06.080, will provide the office of financial management with funds to meet its anticipated expenditures during the allotment period, including the training requirements in RCW 41.06.500 and 41.06.530. All revenues, net of expenditures, previously derived from services provided by the department of enterprise services under RCW 41.06.080 must be transferred to the enterprise services account.

(2) The director shall fix the terms and charges for services rendered by the office of financial management pursuant to RCW 41.06.080, which amounts shall be credited to the personnel service fund and charged against the proper fund or appropriation of the recipient of such services on a monthly basis. Payment for services so rendered under RCW 41.06.080 shall be made on a monthly basis to the state treasurer and deposited in the personnel service fund.

(3) Moneys from the personnel service fund shall be disbursed by the state treasurer by warrants on vouchers duly authorized by the office of financial management.

(4) During the 2019-2021 fiscal biennium, the office of financial management may use the personnel service fund to administer an employee transit pass program. ~~((The))~~ For fiscal year 2020, the office of financial management must bill state agencies for the total cost of administering the program and payments received from agencies must be deposited in the personnel service fund.

(5) During the 2019-2021 fiscal biennium, the office of financial management may use the personnel service fund to administer an employee flexible spending arrangement. ~~((The))~~ For fiscal year 2020, the office of financial management must bill state agencies for the total cost of administering the program and payments received from agencies must be deposited in the personnel service fund.

**NEW SECTION. Sec. 915.** A new section is added to chapter 43.185C RCW to read as follows:

(1) The permanent supportive housing assistance account is created in the custody of the state treasurer. All receipts from legislative appropriations must be deposited into the account. Expenditures from the account may be used only for the purposes specified in subsection (2) of this section. Only the director of the department or the director's designee may authorize expenditures from the account, and

may authorize up to a maximum of fifteen million dollars per fiscal year beginning July 1, 2020. The account is subject to allotment procedures under chapter 43.88 RCW, but an appropriation is not required for expenditures.

(2) Expenditures from the account may only be made for the following purposes:

(a) Grants to support the building operation, maintenance, and service costs of permanent supportive housing projects or units within housing projects that have or will receive funding from the Washington housing trust account or other public capital funding where the projects:

(i) Are dedicated as permanent supportive housing units;

(ii) Are occupied by low-income households with incomes at or below thirty percent of the area median income; and

(iii) Require a supplement to rental income to cover ongoing property operating, maintenance, and service expenses; and

(b) A maximum of five percent for the department to administer the grants authorized in (a) of this subsection.

**Sec. 916.** RCW 69.50.540 and 2019 c 415 s 978 are each amended to read as follows:

The legislature must annually appropriate moneys in the dedicated marijuana account created in RCW 69.50.530 as follows:

(1) For the purposes listed in this subsection (1), the legislature must appropriate to the respective agencies amounts sufficient to make the following expenditures on a quarterly basis or as provided in this subsection:

(a) One hundred twenty-five thousand dollars to the health care authority to design and administer the Washington state healthy youth survey, analyze the collected data, and produce reports, in collaboration with the office of the superintendent of public instruction, department of health, department of commerce, family policy council, and state liquor and cannabis board. The survey must be conducted at least every two years and include questions regarding, but not necessarily limited to, academic achievement, age at time of substance use initiation, antisocial behavior of friends, attitudes toward antisocial behavior, attitudes toward substance use, laws and community norms regarding antisocial behavior, family conflict, family management, parental attitudes toward substance use, peer rewarding of antisocial behavior, perceived risk of substance use, and rebelliousness. Funds disbursed under this subsection may be used to expand administration of the healthy youth survey to student populations attending institutions of higher education in Washington;

(b) Fifty thousand dollars to the health care authority for the purpose of contracting with the Washington state institute for public policy to conduct the cost-benefit evaluation and produce the reports described in RCW 69.50.550. This appropriation ends after production of the final report required by RCW 69.50.550;

(c) Five thousand dollars to the University of Washington alcohol and drug abuse institute for the creation, maintenance, and timely updating of web-based public education materials providing medically and scientifically accurate information about the health and safety risks posed by marijuana use;

(d)(i) An amount not less than one million two hundred fifty thousand dollars to the state liquor and cannabis board for administration of this chapter as appropriated in the omnibus appropriations act;

(ii) ~~((Two million six hundred fifty one thousand seven hundred fifty dollars for fiscal year 2018 and three hundred fifty one thousand seven hundred fifty dollars for fiscal year 2019))~~ One million three hundred twenty-three thousand dollars for fiscal year 2020 to the health professions account established under RCW 43.70.320 for the development and administration of the marijuana authorization database by the department of health;

(iii) Two million ~~((seven))~~ four hundred ~~((twenty-three))~~ fifty-three thousand dollars for fiscal year 2020 and two million ~~((five))~~ seven hundred ~~((twenty-three))~~ ninety-three thousand dollars for fiscal year 2021 to the Washington state patrol for a drug enforcement task force. It is the intent of the legislature that this policy will be continued in the 2021-2023 fiscal biennium; and

(iv) Ninety-eight thousand dollars for fiscal year 2019 to the department of ecology for research on accreditation of marijuana product testing laboratories;

(e) Four hundred sixty-five thousand dollars for fiscal year 2020 and four hundred sixty-four thousand dollars for fiscal year 2021 to the department of ecology for implementation of accreditation of marijuana product testing laboratories;

(f) One hundred eighty-nine thousand dollars for fiscal year 2020 to the department of health for rule making regarding compassionate care renewals;

(g) Eight hundred eight thousand dollars for fiscal year 2020 and eight hundred eight thousand dollars for fiscal year 2021 to the department of health for the administration of the marijuana authorization database; ~~((and))~~

(h) ~~(((\$635,000 ——— H:\DATA\2020 JOURNAL\Journal2020\LegDay047\Six hundred thirty-five thousand dollars.doc))~~ Six hundred thirty-five thousand dollars for fiscal year 2020 and ~~(((\$635,000 H:\DATA\2020 JOURNAL\Journal2020\LegDay047\six hundred thirty-five thousand dollars.doc))~~ six hundred thirty-five thousand dollars for fiscal year 2021 to the department of agriculture for compliance-based laboratory analysis of pesticides in marijuana; and

(i) One million one hundred thousand dollars for fiscal year 2021 to the department of commerce to fund the marijuana social equity technical assistance competitive grant program under Engrossed Second Substitute House Bill No. 2870 (marijuana retail licenses).

(2) From the amounts in the dedicated marijuana account after appropriation of the amounts identified in

subsection (1) of this section, the legislature must appropriate for the purposes listed in this subsection (2) as follows:

(a)(i) Up to fifteen percent to the health care authority for the development, implementation, maintenance, and evaluation of programs and practices aimed at the prevention or reduction of maladaptive substance use, substance use disorder, substance abuse or substance dependence, as these terms are defined in the Diagnostic and Statistical Manual of Mental Disorders, among middle school and high school-age students, whether as an explicit goal of a given program or practice or as a consistently corresponding effect of its implementation, mental health services for children and youth, and services for pregnant and parenting women; PROVIDED, That:

(A) Of the funds appropriated under (a)(i) of this subsection for new programs and new services, at least eighty-five percent must be directed to evidence-based or research-based programs and practices that produce objectively measurable results and, by September 1, 2020, are cost-beneficial; and

(B) Up to fifteen percent of the funds appropriated under (a)(i) of this subsection for new programs and new services may be directed to proven and tested practices, emerging best practices, or promising practices.

(ii) In deciding which programs and practices to fund, the director of the health care authority must consult, at least annually, with the University of Washington's social development research group and the University of Washington's alcohol and drug abuse institute.

(iii) For each fiscal year, the legislature must appropriate a minimum of twenty-five million five hundred thirty-six thousand dollars under this subsection (2)(a);

(b)(i) Up to ten percent to the department of health for the following, subject to (b)(ii) of this subsection (2):

(A) Creation, implementation, operation, and management of a marijuana education and public health program that contains the following:

(I) A marijuana use public health hotline that provides referrals to substance abuse treatment providers, utilizes evidence-based or research-based public health approaches to minimizing the harms associated with marijuana use, and does not solely advocate an abstinence-only approach;

(II) A grants program for local health departments or other local community agencies that supports development and implementation of coordinated intervention strategies for the prevention and reduction of marijuana use by youth; and

(III) Media-based education campaigns across television, internet, radio, print, and out-of-home advertising, separately targeting youth and adults, that provide medically and scientifically accurate information about the health and safety risks posed by marijuana use; and

(B) The Washington poison control center.

(ii) For each fiscal year, the legislature must appropriate a minimum of nine million seven hundred fifty thousand dollars under this subsection (2)(b);

(c)(i) Up to six-tenths of one percent to the University of Washington and four-tenths of one percent to Washington State University for research on the short and long-term effects of marijuana use, to include but not be limited to formal and informal methods for estimating and measuring intoxication and impairment, and for the dissemination of such research.

(ii) For each fiscal year, except for the 2017-2019 and 2019-2021 fiscal biennia, the legislature must appropriate a minimum of one million twenty-one thousand dollars to the University of Washington. For each fiscal year, except for the 2017-2019 and 2019-2021 fiscal biennia, the legislature must appropriate a minimum of six hundred eighty-one thousand dollars to Washington State University under this subsection (2)(c). It is the intent of the legislature that this policy will be continued in the 2019-2021 fiscal biennium;

(d) Fifty percent to the state basic health plan trust account to be administered by the Washington basic health plan administrator and used as provided under chapter 70.47 RCW;

(e) Five percent to the Washington state health care authority to be expended exclusively through contracts with community health centers to provide primary health and dental care services, migrant health services, and maternity health care services as provided under RCW 41.05.220;

(f)(i) Up to three-tenths of one percent to the office of the superintendent of public instruction to fund grants to building bridges programs under chapter 28A.175 RCW.

(ii) For each fiscal year, the legislature must appropriate a minimum of five hundred eleven thousand dollars to the office of the superintendent of public instruction under this subsection (2)(f); and

(g) At the end of each fiscal year, the treasurer must transfer any amounts in the dedicated marijuana account that are not appropriated pursuant to subsection (1) of this section and this subsection (2) into the general fund, except as provided in (g)(i) of this subsection (2).

(i) Beginning in fiscal year 2018, if marijuana excise tax collections deposited into the general fund in the prior fiscal year exceed twenty-five million dollars, then each fiscal year the legislature must appropriate an amount equal to thirty percent of all marijuana excise taxes deposited into the general fund the prior fiscal year to the treasurer for distribution to counties, cities, and towns as follows:

(A) Thirty percent must be distributed to counties, cities, and towns where licensed marijuana retailers are physically located. Each jurisdiction must receive a share of the revenue distribution under this subsection (2)(g)(i)(A) based on the proportional share of the total revenues generated in the individual jurisdiction from the taxes collected under RCW 69.50.535, from licensed marijuana retailers physically located in each jurisdiction. For purposes of this subsection (2)(g)(i)(A), one hundred percent of the proportional amount attributed to a retailer physically

located in a city or town must be distributed to the city or town.

(B) Seventy percent must be distributed to counties, cities, and towns ratably on a per capita basis. Counties must receive sixty percent of the distribution, which must be disbursed based on each county's total proportional population. Funds may only be distributed to jurisdictions that do not prohibit the siting of any state licensed marijuana producer, processor, or retailer.

(ii) Distribution amounts allocated to each county, city, and town must be distributed in four installments by the last day of each fiscal quarter.

(iii) By September 15th of each year, the state liquor and cannabis board must provide the state treasurer the annual distribution amount, if any, for each county and city as determined in (g)(i) of this subsection (2).

(iv) The total share of marijuana excise tax revenues distributed to counties and cities in (g)(i) of this subsection (2) may not exceed fifteen million dollars in fiscal years 2018, 2019, and 2020, ((and)) eighteen million five hundred thousand dollars for fiscal year 2021, and twenty million dollars per fiscal year thereafter. It is the intent of the legislature that the policy for the maximum distributions in the subsequent fiscal biennia will be no more than ((fifteen)) eighteen million five hundred thousand dollars per fiscal year.

For the purposes of this section, "marijuana products" means "useable marijuana," "marijuana concentrates," and "marijuana-infused products" as those terms are defined in RCW 69.50.101.

**Sec. 917.** RCW 71A.20.170 and 2011 1st sp.s. c 30 s 12 are each amended to read as follows:

(1) The developmental disabilities community trust account is created in the state treasury. All net proceeds from the use of excess property identified in the 2002 joint legislative audit and review committee capital study or other studies of the division of developmental disabilities residential habilitation centers that would not impact current residential habilitation center operations must be deposited into the account.

(2) Proceeds may come from the lease of the land, conservation easements, sale of timber, or other activities short of sale of the property, except as permitted under section 7 of this act.

(3) "Excess property" includes that portion of the property at Rainier school previously under the cognizance and control of Washington State University for use as a dairy/forage research facility.

(4) Only investment income from the principal of the proceeds deposited into the trust account may be spent from the account. For purposes of this section, "investment income" includes lease payments, rent payments, or other periodic payments deposited into the trust account. For purposes of this section, "principal" is the actual excess land from which proceeds are assigned to the trust account.

(5) Moneys in the account may be spent only after appropriation. Expenditures from the account shall be used exclusively to provide family support and/or employment/day services to eligible persons with developmental disabilities who can be served by community-based developmental disability services. It is the intent of the legislature that the account should not be used to replace, supplant, or reduce existing appropriations.

(6) The account shall be known as the Dan Thompson memorial developmental disabilities community trust account.

(7) During the 2019-2021 fiscal biennium, moneys appropriated from the general fund for expenditure into the Dan Thompson memorial developmental disabilities community trust account may be spent from the account for the purposes specified in subsection (5) of this section. It is the intent of the legislature that this policy will continue in subsequent biennia.

**Sec. 918.** RCW 82.19.040 and 2019 c 415 s 989 are each amended to read as follows:

(1) To the extent applicable, all of the definitions of chapter 82.04 RCW and all of the provisions of chapter 82.32 RCW apply to the tax imposed in this chapter.

(2) Beginning June 30, 2019, taxes collected under this chapter shall be deposited in the waste reduction, recycling, and litter control account under RCW 70.93.180, except that until June 30, ((2024)) 2020, one million two hundred fifty thousand dollars ((per fiscal year)) must be deposited in equal monthly amounts in the state parks renewal and stewardship account, with the remainder deposited in the waste reduction, recycling, and litter control account. ((It is the intent of the legislature to continue this policy in the ensuing biennium.))

**Sec. 919.** RCW 90.56.510 and 2019 c 415 s 994 are each amended to read as follows:

(1) The oil spill prevention account is created in the state treasury. All receipts from RCW 82.23B.020(2) shall be deposited in the account. Moneys from the account may be spent only after appropriation. The account is subject to allotment procedures under chapter 43.88 RCW. If, on the first day of any calendar month, the balance of the oil spill response account is greater than nine million dollars and the balance of the oil spill prevention account exceeds the unexpended appropriation for the current biennium, then the tax under RCW 82.23B.020(2) shall be suspended on the first day of the next calendar month until the beginning of the following biennium, provided that the tax shall not be suspended during the last six months of the biennium. If the tax imposed under RCW 82.23B.020(2) is suspended during two consecutive biennia, the department shall by November 1st after the end of the second biennium, recommend to the appropriate standing committees an adjustment in the tax rate. For the biennium ending June 30, 1999, and the biennium ending June 30, 2001, the state treasurer may transfer a total of up to one million dollars from the oil spill response account to the oil spill prevention account to support appropriations made from the oil spill prevention

account in the omnibus appropriations act adopted not later than June 30, 1999.

(2) Expenditures from the oil spill prevention account shall be used exclusively for the administrative costs related to the purposes of this chapter, and chapters 90.48, 88.40, and 88.46 RCW. In addition, until June 30, 2021, expenditures from the oil spill prevention account may be used, subject to amounts appropriated specifically for this purpose, for the development and annual review of local emergency planning committee emergency response plans in RCW 38.52.040(3). Starting with the 1995-1997 biennium, the legislature shall give activities of state agencies related to prevention of oil spills priority in funding from the oil spill prevention account. Costs of prevention include the costs of:

(a) Routine responses not covered under RCW 90.56.500;

(b) Management and staff development activities;

(c) Development of rules and policies and the statewide plan provided for in RCW 90.56.060;

(d) Facility and vessel plan review and approval, drills, inspections, investigations, enforcement, and litigation;

(e) Interagency coordination and public outreach and education;

(f) Collection and administration of the tax provided for in chapter 82.23B RCW; and

(g) Appropriate travel, goods and services, contracts, and equipment.

(3) Before expending moneys from the account for a response under subsection (2)(a) of this section, but without delaying response activities, the director shall make reasonable efforts to obtain funding for response costs under this section from the person responsible for the spill and from other sources, including the federal government.

(4) During the 2019-2021 fiscal biennium, the legislature may appropriate moneys from the oil spill prevention account to the oil spill response account.

**Sec. 920.** RCW 70.105D.190 and 2019 c 422 s 202 are each amended to read as follows:

(1) The model toxics control operating account is hereby created in the state treasury.

(2) Moneys in the model toxics control operating account must be used only to carry out the purposes of this chapter, including but not limited to the following:

(a) The state's responsibility for hazardous waste planning, management, regulation, enforcement, technical assistance, and public education required under chapter 70.105 RCW;

(b) The state's responsibility for solid waste planning, management, regulation, enforcement, technical assistance, and public education required under chapter 70.95 RCW;

(c) The hazardous waste clean-up program required under this chapter;

(d) State matching funds required under federal cleanup law;

(e) Financial assistance for local programs and plans, including local solid waste financial assistance, in accordance with chapters 70.76, 70.95, 70.95C, 70.95I, and 70.105 RCW;

(f) State government programs for the safe reduction, recycling, or disposal of paint and hazardous wastes from households, small businesses, and agriculture;

(g) Oil and hazardous materials spill prevention, preparedness, training, and response activities;

(h) Water and environmental health protection and monitoring programs;

(i) Programs authorized under chapter 70.146 RCW;

(j) A public participation program;

(k) Development and demonstration of alternative management technologies designed to carry out the hazardous waste management priorities of RCW 70.105.150;

(l) State agriculture and health programs for the safe use, reduction, recycling, or disposal of pesticides;

(m) Funding requirements to maintain receipt of federal funds under the federal solid waste disposal act (42 U.S.C. Sec. 6901 et seq.);

(n) Air quality programs and actions for reducing public exposure to toxic air pollution; (~~and~~)

(o) Petroleum-based plastic or expanded polystyrene foam debris clean-up activities in fresh or marine waters; and

(p) During the 2019-2021 fiscal biennium, forest practices regulation at the department of natural resources.

(3) Except for unanticipated receipts under RCW 43.79.260 through 43.79.282, moneys in model toxics control operating account may be spent only after appropriation by statute.

(4) One percent of the moneys collected under RCW 82.21.030 must be allocated only for public participation grants to persons who may be adversely affected by a release or threatened release of a hazardous substance and to not-for-profit public interest organizations. The primary purpose of these grants is to facilitate the participation by persons and organizations in the investigation and remedying of releases or threatened releases of hazardous substances and to implement the state's solid and hazardous waste management priorities. No grant may exceed sixty thousand dollars. Grants may be renewed annually. Moneys appropriated for public participation that are not expended at the close of any biennium revert to the model toxics control operating account.

(5) The department must adopt rules for grant or loan issuance and performance.

**Sec. 921.** RCW 74.46.561 and 2019 c 301 s 1 are each amended to read as follows:

(1) The legislature adopts a new system for establishing nursing home payment rates beginning July 1, 2016. Any payments to nursing homes for services provided after June 30, 2016, must be based on the new system. The new system must be designed in such a manner as to decrease administrative complexity associated with the payment methodology, reward nursing homes providing care for high acuity residents, incentivize quality care for residents of nursing homes, and establish minimum staffing standards for direct care.

(2) The new system must be based primarily on industry-wide costs, and have three main components: Direct care, indirect care, and capital.

(3) The direct care component must include the direct care and therapy care components of the previous system, along with food, laundry, and dietary services. Direct care must be paid at a fixed rate, based on one hundred percent or greater of statewide case mix neutral median costs, but shall be set so that a nursing home provider's direct care rate does not exceed one hundred eighteen percent of its base year's direct care allowable costs except if the provider is below the minimum staffing standard established in RCW 74.42.360(2). Direct care must be performance-adjusted for acuity every six months, using case mix principles. Direct care must be regionally adjusted using county wide wage index information available through the United States department of labor's bureau of labor statistics. There is no minimum occupancy for direct care. The direct care component rate allocations calculated in accordance with this section must be adjusted to the extent necessary to comply with RCW 74.46.421.

(4) The indirect care component must include the elements of administrative expenses, maintenance costs, and housekeeping services from the previous system. A minimum occupancy assumption of ninety percent must be applied to indirect care. Indirect care must be paid at a fixed rate, based on ninety percent or greater of statewide median costs. The indirect care component rate allocations calculated in accordance with this section must be adjusted to the extent necessary to comply with RCW 74.46.421.

(5) The capital component must use a fair market rental system to set a price per bed. The capital component must be adjusted for the age of the facility, and must use a minimum occupancy assumption of ninety percent.

(a) Beginning July 1, 2016, the fair rental rate allocation for each facility must be determined by multiplying the allowable nursing home square footage in (c) of this subsection by the RSMeans rental rate in (d) of this subsection and by the number of licensed beds yielding the gross unadjusted building value. An equipment allowance of ten percent must be added to the unadjusted building value. The sum of the unadjusted building value and equipment allowance must then be reduced by the average age of the facility as determined by (e) of this subsection using a depreciation rate of one and one-half percent. The depreciated building and equipment plus land valued at ten percent of the gross unadjusted building value before depreciation must then be multiplied by the rental rate at

seven and one-half percent to yield an allowable fair rental value for the land, building, and equipment.

(b) The fair rental value determined in (a) of this subsection must be divided by the greater of the actual total facility census from the prior full calendar year or imputed census based on the number of licensed beds at ninety percent occupancy.

(c) For the rate year beginning July 1, 2016, all facilities must be reimbursed using four hundred square feet. For the rate year beginning July 1, 2017, allowable nursing facility square footage must be determined using the total nursing facility square footage as reported on the medicaid cost reports submitted to the department in compliance with this chapter. The maximum allowable square feet per bed may not exceed four hundred fifty.

(d) Each facility must be paid at eighty-three percent or greater of the median nursing facility RSMeans construction index value per square foot. The department may use updated RSMeans construction index information when more recent square footage data becomes available. The statewide value per square foot must be indexed based on facility zip code by multiplying the statewide value per square foot times the appropriate zip code based index. For the purpose of implementing this section, the value per square foot effective July 1, 2016, must be set so that the weighted average fair rental value rate is not less than ten dollars and eighty cents per patient day. The capital component rate allocations calculated in accordance with this section must be adjusted to the extent necessary to comply with RCW 74.46.421.

(e) The average age is the actual facility age reduced for significant renovations. Significant renovations are defined as those renovations that exceed two thousand dollars per bed in a calendar year as reported on the annual cost report submitted in accordance with this chapter. For the rate beginning July 1, 2016, the department shall use renovation data back to 1994 as submitted on facility cost reports. Beginning July 1, 2016, facility ages must be reduced in future years if the value of the renovation completed in any year exceeds two thousand dollars times the number of licensed beds. The cost of the renovation must be divided by the accumulated depreciation per bed in the year of the renovation to determine the equivalent number of new replacement beds. The new age for the facility is a weighted average with the replacement bed equivalents reflecting an age of zero and the existing licensed beds, minus the new bed equivalents, reflecting their age in the year of the renovation. At no time may the depreciated age be less than zero or greater than forty-four years.

(f) A nursing facility's capital component rate allocation must be rebased annually, effective July 1, 2016, in accordance with this section and this chapter.

(g) For the purposes of this subsection (5), "RSMeans" means building construction costs data as published by Gordian.

(6) A quality incentive must be offered as a rate enhancement beginning July 1, 2016.

(a) An enhancement no larger than five percent and no less than one percent of the statewide average daily rate must be paid to facilities that meet or exceed the standard established for the quality incentive. All providers must have the opportunity to earn the full quality incentive payment.

(b) The quality incentive component must be determined by calculating an overall facility quality score composed of four to six quality measures. For fiscal year 2017 there shall be four quality measures, and for fiscal year 2018 there shall be six quality measures. Initially, the quality incentive component must be based on minimum data set quality measures for the percentage of long-stay residents who self-report moderate to severe pain, the percentage of high-risk long-stay residents with pressure ulcers, the percentage of long-stay residents experiencing one or more falls with major injury, and the percentage of long-stay residents with a urinary tract infection. Quality measures must be reviewed on an annual basis by a stakeholder work group established by the department. Upon review, quality measures may be added or changed. The department may risk adjust individual quality measures as it deems appropriate.

(c) The facility quality score must be point based, using at a minimum the facility's most recent available three-quarter average centers for medicare and medicaid services quality data. Point thresholds for each quality measure must be established using the corresponding statistical values for the quality measure point determinants of eighty quality measure points, sixty quality measure points, forty quality measure points, and twenty quality measure points, identified in the most recent available five-star quality rating system technical user's guide published by the center for medicare and medicaid services.

(d) Facilities meeting or exceeding the highest performance threshold (top level) for a quality measure receive twenty-five points. Facilities meeting the second highest performance threshold receive twenty points. Facilities meeting the third level of performance threshold receive fifteen points. Facilities in the bottom performance threshold level receive no points. Points from all quality measures must then be summed into a single aggregate quality score for each facility.

(e) Facilities receiving an aggregate quality score of eighty percent of the overall available total score or higher must be placed in the highest tier (tier V), facilities receiving an aggregate score of between seventy and seventy-nine percent of the overall available total score must be placed in the second highest tier (tier IV), facilities receiving an aggregate score of between sixty and sixty-nine percent of the overall available total score must be placed in the third highest tier (tier III), facilities receiving an aggregate score of between fifty and fifty-nine percent of the overall available total score must be placed in the fourth highest tier (tier II), and facilities receiving less than fifty percent of the overall available total score must be placed in the lowest tier (tier I).

(f) The tier system must be used to determine the amount of each facility's per patient day quality incentive component. The per patient day quality incentive component

for tier IV is seventy-five percent of the per patient day quality incentive component for tier V, the per patient day quality incentive component for tier III is fifty percent of the per patient day quality incentive component for tier V, and the per patient day quality incentive component for tier II is twenty-five percent of the per patient day quality incentive component for tier V. Facilities in tier I receive no quality incentive component.

(g) Tier system payments must be set in a manner that ensures that the entire biennial appropriation for the quality incentive program is allocated.

(h) Facilities with insufficient three-quarter average centers for medicare and medicaid services quality data must be assigned to the tier corresponding to their five-star quality rating. Facilities with a five-star quality rating must be assigned to the highest tier (tier V) and facilities with a one-star quality rating must be assigned to the lowest tier (tier I). The use of a facility's five-star quality rating shall only occur in the case of insufficient centers for medicare and medicaid services minimum data set information.

(i) The quality incentive rates must be adjusted semiannually on July 1 and January 1 of each year using, at a minimum, the most recent available three-quarter average centers for medicare and medicaid services quality data.

(j) Beginning July 1, 2017, the percentage of short-stay residents who newly received an antipsychotic medication must be added as a quality measure. The department must determine the quality incentive thresholds for this quality measure in a manner consistent with those outlined in (b) through (h) of this subsection using the centers for medicare and medicaid services quality data.

(k) Beginning July 1, 2017, the percentage of direct care staff turnover must be added as a quality measure using the centers for medicare and medicaid services' payroll-based journal and nursing home facility payroll data. Turnover is defined as an employee departure. The department must determine the quality incentive thresholds for this quality measure using data from the centers for medicare and medicaid services' payroll-based journal, unless such data is not available, in which case the department shall use direct care staffing turnover data from the most recent medicaid cost report.

(7) Reimbursement of the safety net assessment imposed by chapter 74.48 RCW and paid in relation to medicaid residents must be continued.

(8)(a) The direct care and indirect care components must be rebased in even-numbered years, beginning with rates paid on July 1, 2016. Rates paid on July 1, 2016, must be based on the 2014 calendar year cost report. On a percentage basis, after rebasing, the department must confirm that the statewide average daily rate has increased at least as much as the average rate of inflation, as determined by the skilled nursing facility market basket index published by the centers for medicare and medicaid services, or a comparable index. If after rebasing, the percentage increase to the statewide average daily rate is less than the average rate of inflation for the same time period, the department is authorized to increase rates by the difference between the

percentage increase after rebasing and the average rate of inflation.

(b) It is the intention of the legislature that direct and indirect care rates paid in fiscal year 2022 will be rebased using the calendar year 2019 cost reports. For fiscal year 2021, in addition to the rates generated by (a) of this subsection, an additional adjustment is provided as established in this subsection (8)(b). For fiscal year 2021, the calendar year costs must be adjusted for inflation by a twenty-four month consumer price index, based on the most recently available monthly index for all urban consumers, as published by the bureau of labor statistics. It is also the intent of the legislature that, starting in fiscal year 2022, a facility-specific rate add-on equal to the inflation adjustment that facilities received in fiscal year 2021, must be added to the rate.

(c) To determine the necessity of regular inflationary adjustments to the nursing facility rates, by December 1, 2020, the department shall provide the appropriate policy and fiscal committees of the legislature with a report that provides a review of rates paid in 2017, 2018, and 2019 in comparison to costs incurred by nursing facilities.

(9) The direct care component provided in subsection (3) of this section is subject to the reconciliation and settlement process provided in RCW 74.46.022(6). Beginning July 1, 2016, pursuant to rules established by the department, funds that are received through the reconciliation and settlement process provided in RCW 74.46.022(6) must be used for technical assistance, specialized training, or an increase to the quality enhancement established in subsection (6) of this section. The legislature intends to review the utility of maintaining the reconciliation and settlement process under a price-based payment methodology, and may discontinue the reconciliation and settlement process after the 2017-2019 fiscal biennium.

(10) Compared to the rate in effect June 30, 2016, including all cost components and rate add-ons, no facility may receive a rate reduction of more than one percent on July 1, 2016, more than two percent on July 1, 2017, or more than five percent on July 1, 2018. To ensure that the appropriation for nursing homes remains cost neutral, the department is authorized to cap the rate increase for facilities in fiscal years 2017, 2018, and 2019.

**NEW SECTION. Sec. 922.** (1) A work group is established to create a family engagement framework for early learning through school.

(2) At a minimum, the work group must review family engagement policies and practices in Washington and in other states, with a focus on identifying best practices that can be adopted throughout Washington.

(3) The members of the work group must represent the following groups: The department of children, youth, and families; the office of the superintendent of public instruction; the state board of education; parents of children in the state early childhood education and assistance program or the federal head start program; parents of students in elementary or secondary school; parents of

students who are English learners, with at least one parent with a student in preschool and at least one parent with a student in elementary or secondary school; parents of students who are in special education; parents of students in foster care; the office of the education ombuds; the educational opportunity gap oversight and accountability committee; the state commission on Asian Pacific American affairs; the state commission on Hispanic affairs; the state commission on African American affairs; the governor's office of Indian affairs; the Washington state school directors' association; a state organization of school principals; a state organization of teachers; early childhood teachers; elementary and postsecondary teachers; and a state organization representing school counselors.

(b) The members of the work group must elect cochair. One of the cochair must be a parent and the other cochair must represent a state agency.

(4) The work group must meet monthly. At each meeting of the work group, members must have the option to participate remotely. In addition, the work group must hold at least three meetings in central Washington and at least three meetings in eastern Washington.

(5) Staff support for the work group must be provided by the office of the superintendent of public instruction and the department of children, youth, and families.

(6) Members are not entitled to be reimbursed for meal or travel expenses if they are elected officials or are participating on behalf of an employer, governmental entity, or other organization. Any reimbursement for other members is subject to chapter 43.03 RCW.

(7) By June 30, 2021, and in compliance with RCW 43.01.036, the office of the superintendent of public instruction must report to the appropriate committees of the legislature with a summary of the activities of the work group and its recommendations for a family engagement framework for early learning through high school.

**NEW SECTION. Sec. 923.** The legislature intends to consider legislation in the 2021 session separating the joint superior court in Benton and Franklin counties into independent superior courts for each county, provided the legislative authorities of each county adopt a resolution requesting that the legislature separate their superior court system. By December 1, 2020, the legislative authorities of Benton and Franklin counties must provide a statement of intent to support or oppose the proposed dissolution of the joint court system, to the administrative office of the courts and the appropriate committees of the legislature. An indication of intent to support shall be accompanied with an operation plan indicating how this separation could be accomplished and the approximate costs to the counties to implement this separation. The superior court judges and each county clerk must provide all necessary assistance in the development of the plan, and the legislative authorities must consult with the superior court judges and each county clerk. The plan must be accompanied by legislative recommendations necessary for implementation.

**NEW SECTION. Sec. 924.** If any provision of this act or its application to any person or circumstance is held



invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

**NEW SECTION. Sec. 925.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

Correct the title.

Representative Stokesbary moved the adoption of amendment (1739) to the striking amendment (1686):

925.0. On page 68, after line 8, insert the following:

"(20) Within the amounts provided in this section, the office must review the monthly allotments and expenditures for the state hospitals operated by the department of social and health services. If it becomes apparent that the secretary of the department of social and health services is authorizing over-expenditure of state hospital appropriations made in the omnibus operating budget act, the director of the office must refer the matter for action to the Pierce county prosecutor and the office of the attorney general for possible action under RCW 43.88.270 et. seq. (requirements for fiscal responsibilities of state officers and employees)."

Representative Stokesbary spoke in favor of the adoption of the amendment to the striking amendment.

Representative Kilduff spoke against the adoption of the amendment to the striking amendment.

Amendment (1739) to the striking amendment (1686) was not adopted.

Representative Schmick moved the adoption of amendment (1693) to the striking amendment (1686):

925.0. On page 104, after line 6, insert the following:

"(c) The department may not transfer appropriations from any other subprogram to the mental health program. Within the mental health program, the department may transfer appropriations that are provided solely for a specified purpose as needed to fund actual expenditures through the end of fiscal year 2020."

Representatives Schmick and Robinson spoke in favor of the adoption of the amendment to the striking amendment.

Amendment (1693) to the striking amendment (1686) was adopted.

Representative Stokesbary moved the adoption of amendment (1741) to the striking amendment (1686):

925.0. On page 111, after line 31, insert the following:

"(q) Within the amounts appropriated in this section, the department must develop and submit an annual state hospital performance report for eastern and western state hospitals. Each measure included in the performance report must include baseline performance data, agency performance targets, and performance for the most recent fiscal year. The performance report must include a one page dashboard as well as charts for each fiscal and quality of care measure broken out by hospital and including but not limited to (i) monthly FTE expenditures compared to allotments; (ii) monthly dollar expenditures compared to allotments; (iii) monthly FTE expenditures per ten thousand patient bed days; (iv) monthly dollar expenditures per ten thousand patient bed days; (v) percentage of FTE expenditures for overtime; (vi) average length of stay by category of patient; (vii) average monthly civil wait list; (viii) average monthly forensic wait list; (ix) rate of staff assaults per 10,000 bed days; (x) rate of patient assaults per 10,000 bed days; (xi) average number of days to release after a patient has been determined to be clinically ready for discharge; and (xii) average monthly vacancy rates for key clinical positions. The department must submit the state hospital performance report to the office of financial management and the appropriate committees of the legislature by November 1, 2020 and provide annual updates thereafter."

Representatives Stokesbary and Cody spoke in favor of the adoption of the amendment to the striking amendment.

Amendment (1741) to the striking amendment (1686) was adopted.

Representative Chambers moved the adoption of amendment (1723) to the striking amendment (1686):

925.0. On page 112, line 9, increase the general fund-state appropriation for fiscal year 2021 by \$65,000

On page 112, line 11, increase the general fund-federal appropriation by \$65,000

On page 112, line 18, correct the total.

On page 119, after line 12, insert the following:

"(cc) \$65,000 of the general fund-state appropriation for fiscal year 2021 and \$65,000 of the general fund-federal appropriation are provided solely for staff to review the developmental disabilities administration no-paid services caseload to determine an accurate headcount of individuals who currently reside in Washington state and are interested in receiving a paid service from the developmental disabilities administration. The review may include, but is not limited to, an identification of the paid developmental disability services that individuals are specifically interested in receiving and the assessed eligibility of individuals for the services they seek. The developmental disabilities administration shall submit a report containing the results of its review to the governor and appropriate legislative committees no later than December 1, 2020. It is the intent of the Legislature to increase funded capacity of developmental disabilities administration medicaid waivers

in the 2021 legislative session so that more eligible individuals on the no-paid services caseload may access the paid services they need."

Representatives Chambers and Senn spoke in favor of the adoption of the amendment to the striking amendment.

Amendment (1723) to the striking amendment (1686) was adopted.

Representative Caldier moved the adoption of amendment (1698) to the striking amendment (1686):

925.0. On page 122, line 11, increase the general fund-state appropriation for fiscal year 2021 by \$1,364,000

On page 122, line 13, increase the general fund-federal appropriation by \$1,633,000

On page 122, line 25, correct the total.

On page 134, after line 14, insert the following:

"(39) \$1,364,000 of the general fund-state appropriation for fiscal year 2021 and \$1,633,000 of the general fund-federal appropriation are provided solely to increase rates for specialized dementia care services."

Representatives Caldier and Tharinger spoke in favor of the adoption of the amendment to the striking amendment.

Amendment (1698) to the striking amendment (1686) was adopted.

Representative Klippert moved the adoption of amendment (1716) to the striking amendment (1686):

925.0. On page 146, line 1, decrease the general fund-state appropriation for fiscal year 2021 by \$4,114,000

On page 146, line 23, correct the total.

On page 174, after line 5, insert the following:

"(83) The authority may not provide benefits or services to permit a woman to voluntarily terminate her pregnancy, except when the abortion is medically necessary, which means that, as determined by reasonable, good faith clinical judgement of the patient's primary care physician, the life of the woman seeking the abortion is in imminent danger because of a serious physical disorder, illness, or injury if the abortion is not performed."

On page 213, line 19, increase the general fund-state appropriation for fiscal year 2021 by \$3,000,000

On page 214, line 32, correct the total.

On page 234, after line 6, insert the following:

"(66) The department may not provide benefits or services to permit a woman to voluntarily terminate her pregnancy, except when the abortion is medically necessary,

which means that, as determined by reasonable, good faith clinical judgement of the patient's primary care physician, the life of the woman seeking the abortion is in imminent danger because of a serious physical disorder, illness, or injury if the abortion is not performed."

(67) \$3,000,000 of the general fund-state appropriation for fiscal year 2021 is provided solely to support organizations that provide breast and cervical cancer screenings at the county level. None of these amounts may be provided to organizations that perform abortions."

Correct any internal references accordingly.

On page 481, after line 16, insert the following:

"General Fund: For transfer to the sexual assault prevention and response account, \$1,114,000 for fiscal year 2021.....\$1,114,000"

Representative Klippert spoke in favor of the adoption of the amendment to the striking amendment.

Representative Macri spoke against the adoption of the amendment to the striking amendment.

Amendment (1716) to the striking amendment (1686) was not adopted.

Representative Dufault moved the adoption of amendment (1719) to the striking amendment (1686):

925.0. On page 245, after line 11, insert the following:

"(10) The department may not spend moneys appropriated in this act to conduct an annual agricultural wage and practice survey. The department must rely solely on federal data to establish agricultural wage rates."

(11) \$436,000 of the employment service administrative account—state appropriation is provided solely for services, including translation, for the benefit of migrant seasonal workers."

Representative Dufault spoke in favor of the adoption of the amendment to the striking amendment.

Representative Sells spoke against the adoption of the amendment to the striking amendment.

Amendment (1719) to the striking amendment (1686) was not adopted.

Representative DeBolt moved the adoption of amendment (1696) to the striking amendment (1686):

925.0. On page 286, after line 4, insert the following:

"(39) The department must conduct a study of the environmental impacts of untreated wastewater discharged into Puget Sound on salmon populations. The study must include a comparison of the impacts of untreated wastewater

on salmon to the impacts of other major pollutants in Puget Sound. The department must report to the appropriate committees of the legislature by December 1, 2020."

Representatives DeBolt and Fitzgibbon spoke in favor of the adoption of the amendment to the striking amendment.

Amendment (1696) to the striking amendment (1686) was adopted.

Representative Dufault moved the adoption of amendment (1720) to the striking amendment (1686):

925.0. On page 291, line 3, increase the model toxics control operating account--state appropriation by \$226,000

On page 291, line 6, correct the total.

On page 293, after line 10, insert the following:

"(7) \$226,000 of the model toxics control operating account --state appropriation is provided solely for the commission to provide to the south Yakima conservation district to address nitrate concentrations in groundwater, including nutrient management plans, well water sampling and analysis, landowner education and outreach, and database maintenance."

Representatives Dufault, Blake and Dufault (again) spoke in favor of the adoption of the amendment to the striking amendment.

Amendment (1720) to the striking amendment (1686) was adopted.

Representative Stokesbary moved the adoption of amendment (1740) to the striking amendment (1686):

925.0. On page 293, line 15, increase the general fund--state appropriation for fiscal year 2020 by \$100,000

On page 293, line 17, increase the general fund--state appropriation for fiscal year 2021 by \$385,000

On page 294, line 11, correct the total.

On page 301, after line 26, insert the following:

"(30) \$100,000 of the general fund--state appropriation for fiscal year 2020 and \$385,000 of the general fund--state appropriation for fiscal year 2021 are provided solely for monitoring, studying, and reporting on the growth and ecosystem impact of all species of pinniped populations in Puget Sound and the outer coast. Work must include updating, where necessary, aerial population surveys for Stellar Sea Lions, California Sea lions, and Harbor seals, forage fish monitoring, and the collection and analysis of other information necessary to prepare a management plan. The department must consult with the western Washington treaty tribes and NOAA on the development of study designs and reports, and must report initial findings to the legislature by January 1, 2021."

Representatives Stokesbary, Fitzgibbon, Klippert and Walsh spoke in favor of the adoption of the amendment to the striking amendment.

Amendment (1740) to the striking amendment (1686) was adopted.

Representative Dye moved the adoption of amendment (1718) to the striking amendment (1686):

925.0. On page 293, line 17, increase the general fund--state appropriation for fiscal year 2021 by \$800,000

On page 294, line 11, correct the total.

On page 301, after line 26, insert the following:

"(30) \$800,000 of the general fund--state appropriation for fiscal year 2021 is provided solely for developing and operating invasive species inspection stations and outreach to recreational boaters on the use of inspection stations. The department must report to the appropriate committees of the legislature by December 1, 2020 on the results of invasive species inspections and the status of invasive species threats."

Representatives Dye and Lekanoff spoke in favor of the adoption of the amendment to the striking amendment.

Amendment (1718) to the striking amendment (1686) was adopted.

Representative Kretz moved the adoption of amendment (1699) to the striking amendment (1686):

925.0. On page 302, after line 36, insert the following:

"Wildfire Prevention and Preparedness Account--State Appropriation... \$53,400,000"

On page 302, line 38, correct the total.

On page 308, after line 29, insert the following:

"(27) \$53,400,000 of the wildfire prevention and preparedness account--state appropriation is provided solely for the following purposes:

(a) \$10,000,000 is for fire preparedness activities, as described in Sec. 918(2)(a) of this act;

(b) \$2,000,000 is for fire prevention activities, as described in Sec. 918(2)(b) of this act;

(c) \$35,000,000 is for forest health activities, as described in Sec. 918(2)(c) of this act;

(d) \$5,000,000 is to provide to other state agencies for fire prevention, preparedness, or recovery activities, as described in Sec. 918(2)(d) of this act;

(e) \$1,400,000 is for wildfire tracking and reporting systems, as described in Sec. 918(2)(e) of this act."

On page 471, beginning on line 15, strike all of section 727

Renumber the remaining sections consecutively and correct any internal references accordingly.

On page 474, after line 19, insert the following:

"**NEW SECTION. Sec. 731.** A new section is added to 2019 c 415 (uncodified) to read as follows:

**FOR THE OFFICE OF FINANCIAL  
MANAGEMENT-WILDFIRE PREVENTION AND  
PREPAREDNESS ACCOUNT**

General Fund--State Appropriation (FY 2021)...  
\$53,400,000

TOTAL APPROPRIATION... \$53,400,000

The appropriation in this section is subject to the following conditions and limitations: The appropriation in this section is provided solely for expenditure into the wildfire prevention and preparedness account created in Section 918 of this act. It is the intent of the legislature that an equivalent amount is appropriated into the wildfire prevention and preparedness account in each fiscal year of the ensuing biennium."

On page 497, after line 2, insert the following:

"**NEW SECTION. Sec. 918.** A new section is added to chapter 76.04 RCW to read as follows:

(1) The wildfire prevention and preparedness account is created in the state treasury. Moneys in the account may be spent only after appropriation.

(2) The moneys in the account must be appropriated for the following priorities:

(a) Funding fire preparedness activities consistent with the goals contained in the "10-year wildland fire protection strategy" including, but not limited to, funding for full-time firefighters and investments in ground and aerial firefighting equipment and technology. When feasible, the department must prioritize the use of local resources for the purposes of this subsection;

(b) Fire prevention activities consistent with the "20-year eastern forest health strategy," the "10-year wildland fire protection strategy," and the "forest action plan" including, but not limited to, the national fire protection association's firewise USA and the fire-adapted communities network programs to help communities take action before, during, and after wildfires. If necessary or advisable, the department may develop rules for the programs authorized under this subsection (2)(b);

(c) Activities to restore and improve forest health and reduce vulnerability to drought, insect infestation, disease, and other threats to healthy forests. These activities include forest management, such as thinning and use of prescribed fire, postfire recovery activities, such as reforestation, and research and design with respect to cross-laminate timber and other emerging products and markets for those products. Funding priority must be given to programs, activities, or projects aligned with the "20-year

eastern forest health strategy," the "10-year wildland fire protection strategy," and the "forest action plan" prioritized pursuant to RCW 76.06.200 and 79.10.530 across any combination of local, state, federal, tribal, and private ownerships;

(d) Funding of fire prevention, preparedness, or recovery activities for other state agencies consistent with the "20-year eastern forest health strategy," the "10-year wildland fire protection strategy," and the "forest action plan"; and

(e) Funding for the investment in and maintenance of tracking and reporting systems to ensure accountability and transparency in wildfire prevention and preparedness activities and costs.

(3) The legislature may direct the forest health advisory committee established in RCW 76.06.200 and wildland fire advisory committee established in RCW 76.04.179 to provide recommendations for investments under this section.

(4)(a) The forest health advisory committee and wildland fire advisory committee must use environmental justice or equity focused tools, such as the Washington tracking network's environmental health disparities tool, to identify highly impacted communities. Analysis of how to benefit these communities must be used as a factor in determining recommendations for investments under this section.

(b) For the purposes of (a) of this subsection, "highly impacted communities" has the same meaning as defined in RCW 19.405.020."

Renumber the remaining sections consecutively and correct any internal references accordingly.

Correct the title.

Representatives Kretz, Smith, Orcutt, Ybarra and Dent spoke in favor of the adoption of the amendment to the striking amendment.

Representative Sullivan spoke against the adoption of the amendment to the striking amendment.

An electronic roll call was requested.

**ROLL CALL**

The Clerk called the roll on the adoption of amendment (1699) to the striking amendment (1686) and the amendment was not adopted by the following vote: Yeas, 43; Nays, 51; Absent, 0; Excused, 4.

Voting yea: Representatives Barkis, Blake, Boehnke, Caldier, Chambers, Chandler, Corry, DeBolt, Dent, Doglio, Dufault, Dye, Eslick, Gildon, Goehner, Graham, Griffey, Harris, Hoff, Irwin, Jenkin, Klippert, Kraft, Kretz, MacEwen, Maycumber, Mosbrucker, Orcutt, Riccelli, Rude, Schmick, Shewmake, Smith, Steele, Stokesbary, Sutherland, Van Werven, Vick, Volz, Walsh, Wilcox, Ybarra and Young.

Voting nay: Representatives Bergquist, Callan, Chapman, Chopp, Cody, Davis, Duerr, Entenman, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hansen, Hudgins, J. Johnson, Kilduff, Kirby, Kloba, Leavitt, Lekanoff, Lovick, Macri, Mead, Morgan, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Robinson, Ryu, Santos, Sells, Senn, Slatter, Springer, Stonier, Sullivan, Tarleton, Thai, Tharinger, Valdez, Walen, Wylie and Mme. Speaker.

Excused: Representatives Appleton, Dolan, McCaslin and Shea.

Representative Kretz moved the adoption of amendment (1695) to the striking amendment (1686):

925.0. On page 308, line 36, increase the general fund--state appropriation for fiscal year 2021 by \$40,000

On page 309, line 13, correct the total.

On page 313, after line 37, insert the following:

"(20) \$40,000 of the general fund--state appropriation for fiscal

year 2021 is provided solely for the department to provide to the

sheriff's departments of Ferry county and Stevens county to cooperate

with the department and the department of fish and wildlife on wolf

management activities. Of the amount provided in this subsection,

\$20,000 is for the Ferry county sheriff's department and \$20,000 is

for the Stevens county sheriff's department."

Representatives Kretz and Blake spoke in favor of the adoption of the amendment to the striking amendment.

Amendment (1695) to the striking amendment (1686) was adopted.

Representative Stokesbary moved the adoption of amendment (1742) to the striking amendment (1686):

925.0. On page 323, line 9, increase the general fund-state appropriation for fiscal year 2021 by \$50,000

On page 323, line 23, correct the total.

On page 347, after line 12, insert the following:

"(jj) \$50,000 of the general fund--state appropriation for fiscal year 2021 is provided solely for the Washington state school directors' association, in consultation with the office of the superintendent of public instruction, to adopt a model policy and procedure that school districts may use to implement individual health plans for students with epilepsy or other seizure disorders. The model policy and procedure

must be periodically reviewed by the Washington state school directors' association and may be revised as necessary."

Representatives Stokesbary and Ortiz-Self spoke in favor of the adoption of the amendment to the striking amendment.

Amendment (1742) to the striking amendment (1686) was adopted.

Representative Caldier moved the adoption of amendment (1697) to the striking amendment (1686):

925.0. On page 367, after line 38, insert the following:

"**Sec. 507.** 2019 c 415 s 508 (uncodified) is amended to read as follows:

**FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR SCHOOL FOOD SERVICE PROGRAMS**

General Fund—State Appropriation (FY 2020)  
.....\$7,230,000

General Fund—State Appropriation (FY 2021)  
.....(~~(\$7,230,000)~~)

\$12,230,000

General Fund—Federal Appropriation ..\$537,178,000

TOTAL APPROPRIATION ..(~~(\$551,638,000)~~)

\$556,638,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$7,111,000 of the general fund—state appropriation for fiscal year 2020 and \$7,111,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for state matching money for federal child nutrition programs, and may support the meals for kids program through the following allowable uses:

(a) Elimination of breakfast copays for eligible public school students and lunch copays for eligible public school students in grades kindergarten through third grade who are eligible for reduced-price lunch;

(b) Assistance to school districts and authorized public and private nonprofit organizations for supporting summer food service programs, and initiating new summer food service programs in low-income areas;

(c) Reimbursements to school districts for school breakfasts served to students eligible for free and reduced-price lunch, pursuant to chapter 287, Laws of 2005; and

(d) Assistance to school districts in initiating and expanding school breakfast programs.

(2) The office of the superintendent of public instruction shall report annually to the fiscal committees of

the legislature on annual expenditures in subsection (1)(a) through (c) of this section.

(3) The superintendent of public instruction shall provide the department of health with the following data, where available, for all nutrition assistance programs that are funded by the United States department of agriculture and administered by the office of the superintendent of public instruction. The superintendent must provide the report for the preceding federal fiscal year by February 1, 2020, and February 1, 2021. The report must provide:

(a) The number of people in Washington who are eligible for the program;

(b) The number of people in Washington who participated in the program;

(c) The average annual participation rate in the program;

(d) Participation rates by geographic distribution; and

(e) The annual federal funding of the program in Washington.

(4) \$119,000 of the general fund—state appropriation for fiscal year 2020 and \$119,000 of the general fund-state appropriation for fiscal year 2021 are provided solely for implementation of chapter 271, Laws of 2018 (school meal payment) to increase the number of schools participating in the federal community eligibility program and to support breakfast after the bell programs authorized by the legislature that have adopted the community eligibility provision.

(5) \$5,000,000 of the general fund-state appropriation for fiscal year 2021 is provided solely for the elimination of lunch copays for eligible public school students in grades four through twelve who are eligible for reduced-price lunch."

Renumber remaining sections consecutively and correct internal references.

On page 387, line 29, increase the general fund-state appropriation for fiscal year 2021 by \$8,100,000

On page 387, line 31, correct the total.

On page 397, line 9, strike "\$600,000" and insert "\$8,700,000"

On page 433, line 24, decrease the general fund-state appropriation for fiscal year 2021 by \$13,100,000

On page 433, line 31, correct the total.

Representatives Caldier and Stokesbary spoke in favor of the adoption of the amendment to the striking amendment.

Representative Robinson spoke against the adoption of the amendment to the striking amendment.

An electronic roll call was requested.

## ROLL CALL

The Clerk called the roll on the adoption of amendment (1697) to the striking amendment (1686) and the amendment was not adopted by the following vote: Yeas, 39; Nays, 55; Absent, 0; Excused, 4.

Voting yea: Representatives Barkis, Boehnke, Caldier, Chambers, Chandler, Corry, DeBolt, Dent, Dufault, Dye, Eslick, Gildon, Goehner, Graham, Griffey, Harris, Hoff, Irwin, Jenkin, Klippert, Kraft, Kretz, MacEwen, Maycumber, Mosbrucker, Orcutt, Rude, Schmick, Smith, Steele, Stokesbary, Sutherland, Van Werven, Vick, Volz, Walsh, Wilcox, Ybarra and Young.

Voting nay: Representatives Bergquist, Blake, Callan, Chapman, Chopp, Cody, Davis, Doglio, Duerr, Entenman, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hansen, Hudgins, J. Johnson, Kilduff, Kirby, Kloba, Leavitt, Lekanoff, Lovick, Macri, Mead, Morgan, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Ryu, Santos, Sells, Senn, Shewmake, Slatter, Springer, Stonier, Sullivan, Tarleton, Thai, Tharinger, Valdez, Walen, Wylie and Mme. Speaker.

Excused: Representatives Appleton, Dolan, McCaslin and Shea.

Representative Walsh moved the adoption of amendment (1715) to the striking amendment (1686):

925.0. On page 373, line 35, increase the general fund-state appropriation for fiscal year 2021 by \$55,848,000

On page 373, line 37, correct the total.

On page 374, line 21, after "~~2018~~," insert "(1)"

On page 374, after line 26, insert the following:

"(2) \$30,717,000 of the general fund-state appropriation for fiscal year 2021 is provided solely for changes to the levy and levy equalization system as specified in House Bill No. 2237 (Local effort assistance). If the bill is not enacted by June 30, 2020, the amounts in this subsection shall lapse."

Representatives Walsh and Orcutt spoke in favor of the adoption of the amendment to the striking amendment.

Representative Sullivan spoke against the adoption of the amendment to the striking amendment.

Amendment (1715) to the striking amendment (1686) was not adopted.

Representative Steele moved the adoption of amendment (1722) to the striking amendment (1686):

925.0. On page 387, line 29, increase the general fund-state appropriation for fiscal year 2021 by \$31,362,000

On page 387, line 31, correct the total.

On page 387, line 35, strike "\$4,894,000" and insert "~~(\$4,894,000)~~ \$33,253,000"

On page 388, line 1, after "class fees," insert "the cost of books."

On page 388, line 2, after "low-income students." insert the following:

"Within the amounts provided in this subsection:

(a) \$15,857,000 of the general fund-state appropriation for fiscal year 2021 is provided solely for the office to subsidize course fees for college in the high school for students eligible for the federal free and reduced-price lunch program. Amounts in (a) of this subsection are sufficient to pay for four college in the high school courses per eligible student in the 2020-2021 school year.

(b) \$7,462,000 of the general fund-state appropriation for fiscal year 2021 is provided solely for the office to subsidize the cost of books for the running start program for students eligible for the federal free and reduced-price lunch program.

(c) \$4,340,000 of the general fund-state appropriation for fiscal year 2021 is provided solely for the office to subsidize the cost of registration and test fees for advanced placement, international baccalaureate, or Cambridge international courses for students eligible for the federal free and reduced-price lunch program.

(d) \$200,000 of the general fund-state appropriation for fiscal year 2021 is provided solely for grants to school districts to provide outreach and information regarding dual credit programs to students eligible for the federal free and reduced-price lunch program.

(e) \$500,000 of the general fund-state appropriation for fiscal year 2021 is provided solely for grants to districts to increase the number of educators approved to teach college in the high school courses."

On page 388, line 8, strike "\$2,052,000" and insert "(\$2,052,000) \$5,055,000"

On page 388, after line 25, insert the following:

"Within the amounts provided in this subsection, \$3,003,000 of the general fund-state appropriation for fiscal year 2021 is provided for grants to districts to purchase equipment related to secondary career and technical education courses."

On page 405, line 36, decrease the general fund-state appropriation for fiscal year 2021 by \$17,066,000

On page 406, line 6, correct the total.

On page 411, line 20, decrease the general fund-state appropriation for fiscal year 2021 by \$8,416,000

On page 412, line 7, correct the total.

On page 423, line 35, decrease the general fund-state appropriation for fiscal year 2021 by \$297,000

On page 424, line 10, correct the total.

On page 432, line 7, decrease the general fund-state appropriation for fiscal year 2021 by \$4,128,000

On page 432, line 14, correct the total.

On page 433, line 24, decrease the general fund-state appropriation for fiscal year 2021 by \$1,354,000

On page 433, line 31, correct the total.

On page 438, line 32, decrease the general fund-state appropriation for fiscal year 2021 by \$101,000

On page 438, line 37, correct the total.

Representatives Steele and Stokesbary spoke in favor of the adoption of the amendment to the striking amendment.

Representative Hansen spoke against the adoption of the amendment to the striking amendment.

An electronic roll call was requested.

### ROLL CALL

The Clerk called the roll on the adoption of amendment (1722) to the striking amendment (1686) and the amendment was not adopted by the following vote: Yeas, 39; Nays, 55; Absent, 0; Excused, 4.

Voting yea: Representatives Barkis, Boehnke, Caldier, Chambers, Chandler, Corry, DeBolt, Dent, Dufault, Dye, Eslick, Gildon, Goehner, Graham, Griffey, Harris, Hoff, Irwin, Jenkin, Klippert, Kraft, Kretz, MacEwen, Maycumber, Mosbrucker, Orcutt, Rude, Schmick, Smith, Steele, Stokesbary, Sutherland, Van Werven, Vick, Volz, Walsh, Wilcox, Ybarra and Young.

Voting nay: Representatives Bergquist, Blake, Callan, Chapman, Chopp, Cody, Davis, Doglio, Duerr, Entenman, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hansen, Hudgins, J. Johnson, Kilduff, Kirby, Kloba, Leavitt, Lekanoff, Lovick, Macri, Mead, Morgan, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Ryu, Santos, Sells, Senn, Shewmake, Slatter, Springer, Stonier, Sullivan, Tarleton, Thai, Tharinger, Valdez, Walen, Wylie and Mme. Speaker.

Excused: Representatives Appleton, Dolan, McCaslin and Shea.

Representative Stokesbary moved the adoption of amendment (1738) to the striking amendment (1686):

925.0. On page 411, line 20, reduce the general fund-state appropriation for fiscal year 2021 by \$2,320,000

On page 411, line 22, reduce the aquatic lands enhancement account-state appropriation by \$5,000

On page 411, line 26, reduce the education legacy trust account-state appropriation by \$67,000

On page 411, line 29, reduce the economic development strategic reserve account-state appropriation by \$4,000

On page 411, line 32, reduce the biotoxin account-state appropriation by \$1,000

On page 411, line 37, reduce the dedicated marijuana account-state appropriation by \$3,000

On page 412, line 3, reduce the accident account-state appropriation by \$31,000

On page 412, line 5, reduce the medical aid account-state appropriation by \$29,000.

On page 412, line 7, correct the total.

Beginning on page 422, line 26, after "(2)" strike all material through "act" on page 423, line 28, and insert the following:

~~"((CONDITIONAL — GENERAL — WAGE INCREASES~~

~~General Fund State Appropriation (FY 2020)~~  
~~.....\$2,320,000~~

~~General Fund State Appropriation (FY 2021)~~  
~~.....\$4,664,000~~

~~Aquatic Lands Enhancement Account State~~  
~~Appropriation.....\$16,000~~

~~Education Legacy Trust Account State~~  
~~Appropriation.....\$201,000~~

~~Economic Development Strategic Reserve Account—~~  
~~State~~

~~Appropriation.....\$12,000~~

~~Institutions of Higher Education—Grant and~~

~~Contracts Account—State Appropriation \$19,587,000~~

~~Institutions of Higher Education—Dedicated Local~~

~~Account Appropriation.....\$12,184,000~~

~~Institutions of Higher Education—Operating Fees~~

~~Account—Local Appropriation.....\$13,786,000~~

~~Biotoxin Account—State Appropriation.....\$3,000~~

~~Dedicated Marijuana Account—State Appropriation~~

~~(FY 2020).....\$3,000~~

~~Dedicated Marijuana Account—State Appropriation~~

~~(FY 2021).....\$6,000~~

~~University of Washington Hospital Account—Local~~

~~Appropriation.....\$16,375,000~~

~~Accident Account—State Appropriation.....\$92,000~~

~~Medical Aid Account—State Appropriation..\$87,000~~

~~TOTAL APPROPRIATION.....\$69,336,000~~

The appropriations in this subsection (2) are subject to the following conditions and limitations: Funding is provided solely for conditional general wage increases to all University of Washington employees of one percent on July 1, 2019, and one percent on July 1, 2020, subject to the conclusion of impacts bargaining over the application of the increases to represented employees covered by sections 921 through 925 of this act. If agreements to implement the one percent increases are not reached with the represented

~~employees covered by sections 921 through 925 of this act by July 1, 2020, the amounts provided in this subsection (2) shall lapse. Funding for the conditional increases is provided from appropriated and nonappropriated accounts as authorized in this subsection (2))~~ CONDITIONAL GENERAL WAGE INCREASE

General Fund—State Appropriation (FY 2021)  
.....\$4,664,000

Aquatic Lands Enhancement Account—State  
Appropriation.....\$11,000

Education Legacy Trust Account—State  
Appropriation.....\$134,000

Economic Development Strategic Reserve Account—  
State

Appropriation.....\$8,000

Institutions of Higher Education - Grant and

Contracts Account—State Appropriation \$13,080,000

Institutions of Higher Education - Dedicated Local

Account Appropriation.....\$8,136,000

Institutions of Higher Education - Operating Fees

Account—Local Appropriation.....\$9,206,000

Biotoxin Account—State Appropriation.....\$2,000

Dedicated Marijuana Account—State Appropriation  
(FY 2021).....\$6,000

University of Washington Hospital Account—Local  
Appropriation.....\$10,935,000

Accident Account—State Appropriation.....\$61,000

Medical Aid Account—State Appropriation...\$58,000

TOTAL APPROPRIATION.....\$46,301,000

The appropriations in this subsection (2) are subject to the following conditions and limitations: Funding is provided solely for a conditional general wage increases to all University of Washington employees of two percent on July 1, 2020, subject to the conclusion of impacts bargaining over the application of the increases to represented employees. If agreements to implement the two percent increase is not reached with the represented employees covered by collective bargaining agreements subject to approval by the legislature by July 1, 2020, the amounts provided in this subsection (2) shall lapse. Funding for the conditional increase is provided from appropriated and nonappropriated accounts as authorized in this subsection (2)"

On page 482, line 33, after "2021 fiscal year." strike all material through "2020" on line 37 and insert "This agreement for a one-time payment of \$700 is rejected in favor of an ongoing 2 percent general increase as provided in section 603 of this act. The parties to the agreement are encouraged to immediately return to bargaining to implement this increase"



On page 483, beginning on line 7, strike all material through "2020" on line 21 and insert the following: "This agreement for a one-time payment of \$650 is rejected in favor of an ongoing 2 percent general increase as provided in section 603 of this act. The parties to the agreement are encouraged to immediately return to bargaining to implement this increase"

On page 483, beginning on line 18, strike all material through "2020" on line 21 and insert the following: "This agreement for a one-time payment of \$650 is rejected in favor of an ongoing 2 percent general increase as provided in section 603 of this act. The parties to the agreement are encouraged to immediately return to bargaining to implement this increase"

On page 484, beginning on line 33, strike all of section 907.

Renumber the remaining sections consecutively, and correct any references accordingly.

Representative Stokesbary spoke in favor of the adoption of the amendment to the striking amendment.

Representative Ormsby spoke against the adoption of the amendment to the striking amendment.

An electronic roll call was requested.

### ROLL CALL

The Clerk called the roll on the adoption of amendment (1738) to the striking amendment (1686) and the amendment was not adopted by the following vote: Yeas, 39; Nays, 55; Absent, 0; Excused, 4.

Voting yea: Representatives Barkis, Boehnke, Caldier, Chambers, Chandler, Corry, DeBolt, Dent, Dufault, Dye, Eslick, Gildon, Goehner, Graham, Griffey, Harris, Hoff, Irwin, Jenkin, Klippert, Kraft, Kretz, MacEwen, Maycumber, Mosbrucker, Orcutt, Rude, Schmick, Smith, Steele, Stokesbary, Sutherland, Van Werven, Vick, Volz, Walsh, Wilcox, Ybarra and Young.

Voting nay: Representatives Bergquist, Blake, Callan, Chapman, Chopp, Cody, Davis, Doglio, Duerr, Entenman, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hansen, Hudgins, J. Johnson, Kilduff, Kirby, Kloba, Leavitt, Lekanoff, Lovick, Macri, Mead, Morgan, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Ryu, Santos, Sells, Senn, Shewmake, Slatter, Springer, Stonier, Sullivan, Tarleton, Thai, Tharinger, Valdez, Walen, Wylie and Mme. Speaker.

Excused: Representatives Appleton, Dolan, McCaslin and Shea.

Representative Corry moved the adoption of amendment (1721) to the striking amendment (1686):

925.0. On page 479, after line 31, insert the following:

"General Fund: For transfer to the teachers' retirement system plan 1 fund, \$300 million for fiscal year 2021.....\$300,000,000"

Representative Corry spoke in favor of the adoption of the amendment to the striking amendment.

Representative Ormsby spoke against the adoption of the amendment to the striking amendment.

Amendment (1721) to the striking amendment (1686) was not adopted.

Representative Stokesbary moved the adoption of amendment (1737) to the striking amendment (1686):

925.0. On page 490, after line 8, insert the following:

"NEW SECTION. Sec. 915. RCW 41.80.040 and 2002 c 354 s 305 are each amended to read as follows:

The employer shall not bargain over rights of management which, in addition to all powers, duties, and rights established by constitutional provision or statute, shall include but not be limited to the following:

(1) The functions and programs of the employer, the use of technology, and the structure of the organization;

(2) The employer's budget, which includes for purposes of any negotiations conducted during the 2019-21 fiscal biennium any specification of the funds or accounts that must be appropriated by the legislature to fulfill the terms of an agreement, and the size of the agency workforce, including determining the financial basis for layoffs;

(3) The right to direct and supervise employees;

(4) The right to take whatever actions are deemed necessary to carry out the mission of the state and its agencies during emergencies; and

(5) Retirement plans and retirement benefits."

Renumber the remaining sections consecutively and correct any references accordingly

Correct the title.

Representatives Stokesbary and Ormsby spoke in favor of the adoption of the amendment to the striking amendment.

Amendment (1737) to the striking amendment (1686) was adopted.

Representative Boehnke moved the adoption of amendment (1717) to the striking amendment (1686):

925.0. On page 507, beginning on line 33, strike all of section 923

Renumber the remaining sections consecutively and correct any internal references accordingly.

Correct the title.

Representatives Boehnke and Bergquist spoke in favor of the adoption of the amendment to the striking amendment.

Amendment (1717) to the striking amendment (1686) was adopted.

The striking amendment (1686), as amended, was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Ormsby, Bergquist and Sullivan spoke in favor of the passage of the bill.

Representatives MacEwen, Sutherland, Walsh, Kraft, Kretz, Wilcox and Stokesbary spoke against the passage of the bill.

The Speaker stated the question before the House to be the final passage of Engrossed Substitute Senate Bill No. 6168, as amended by the House.

#### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 6168, as amended by the House, and the bill passed the House by the following vote: Yeas, 55; Nays, 39; Absent, 0; Excused, 4.

Voting yea: Representatives Bergquist, Blake, Callan, Chapman, Chopp, Cody, Davis, Doglio, Duerr, Entenman, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hansen, Hudgins, J. Johnson, Kilduff, Kirby, Kloba, Leavitt, Lekanoff, Lovick, Macri, Mead, Morgan, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Ryu, Santos, Sells, Senn, Shewmake, Slatter, Springer, Stonier, Sullivan, Tarleton, Thai, Tharinger, Valdez, Walen, Wylie and Mme. Speaker.

Voting nay: Representatives Barkis, Boehnke, Caldier, Chambers, Chandler, Corry, DeBolt, Dent, Dufault, Dye, Eslick, Gildon, Goehner, Graham, Griffey, Harris, Hoff, Irwin, Jenkin, Klippert, Kraft, Kretz, MacEwen, Maycumber, Mosbrucker, Orcutt, Rude, Schmick, Smith, Steele, Stokesbary, Sutherland, Van Werven, Vick, Volz, Walsh, Wilcox, Ybarra and Young.

Excused: Representatives Appleton, Dolan, McCaslin and Shea.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6168, as amended by the House, having received the necessary constitutional majority, was declared passed.

#### POINT OF PERSONAL PRIVILEGE

Representative Ormsby thanked and congratulated the staff of the Committee on Appropriations for their hard work and long hours and asked the members to acknowledge them.

There being no objection, the House reverted to the fifth order of business.

#### SUPPLEMENTAL REPORTS OF STANDING COMMITTEES

March 2, 2020 925.0.

3SSB 5164 Prime Sponsor, Committee on Ways & Means: Providing public assistance to victims of certain crimes including human trafficking. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass as amended by Committee on Appropriations and without amendment by Committee on Human Services & Early Learning. 925.0.

Strike everything after the enacting clause and insert the following:

"Sec. 926. RCW 74.04.005 and 2018 c 40 s 1 are each amended to read as follows:

For the purposes of this title, unless the context indicates otherwise, the following definitions shall apply:

(1) "Aged, blind, or disabled assistance program" means the program established under RCW 74.62.030.

(2) "Applicant" means any person who has made a request, or on behalf of whom a request has been made, to any county or local office for assistance.

(3) "Authority" means the health care authority.

(4) "County or local office" means the administrative office for one or more counties or designated service areas.

(5) "Department" means the department of social and health services.

(6) "Director" means the director of the health care authority.

(7) "Essential needs and housing support program" means the program established in RCW 43.185C.220.

(8) "Federal aid assistance" means the specific categories of assistance for which provision is made in any federal law existing or hereafter passed by which payments are made from the federal government to the state in aid or in respect to payment by the state for public assistance rendered to any category of needy persons for which provision for federal funds or aid may from time to time be made, or a federally administered needs-based program.

(9) "Income" means:

(a) All appreciable gains in real or personal property (cash or kind) or other assets, which are received by or become available for use and enjoyment by an applicant or recipient during the month of application or after applying for or receiving public assistance. The department may by rule and regulation exempt income received by an applicant for or recipient of public assistance which can be used by him or her to decrease his or her need for public assistance

or to aid in rehabilitating him or her or his or her dependents, but such exemption shall not, unless otherwise provided in this title, exceed the exemptions of resources granted under this chapter to an applicant for public assistance. In addition, for cash assistance the department may disregard income pursuant to RCW 74.08A.230 and 74.12.350.

(b) If, under applicable federal requirements, the state has the option of considering property in the form of lump sum compensatory awards or related settlements received by an applicant or recipient as income or as a resource, the department shall consider such property to be a resource.

(10) "Need" means the difference between the applicant's or recipient's standards of assistance for himself or herself and the dependent members of his or her family, as measured by the standards of the department, and value of all nonexempt resources and nonexempt income received by or available to the applicant or recipient and the dependent members of his or her family.

(11) "Public assistance" or "assistance" means public aid to persons in need thereof for any cause, including services, medical care, assistance grants, disbursing orders, work relief, benefits under RCW 74.62.030 and 43.185C.220, and federal aid assistance.

(12) "Recipient" means any person receiving assistance and in addition those dependents whose needs are included in the recipient's assistance.

(13) "Resource" means any asset, tangible or intangible, owned by or available to the applicant at the time of application, which can be applied toward meeting the applicant's need, either directly or by conversion into money or its equivalent. The department may by rule designate resources that an applicant may retain and not be ineligible for public assistance because of such resources. Exempt resources shall include, but are not limited to:

(a) A home that an applicant, recipient, or their dependents is living in, including the surrounding property;

(b) Household furnishings and personal effects;

(c) One motor vehicle, other than a motor home, used and useful having an equity value not to exceed ten thousand dollars;

(d) A motor vehicle necessary to transport a household member with a physical disability. This exclusion is limited to one vehicle per person with a physical disability;

(e) All other resources, including any excess of values exempted, not to exceed six thousand dollars or other limit as set by the department, to be consistent with limitations on resources and exemptions necessary for federal aid assistance;

(f) Applicants for or recipients of benefits under RCW 74.62.030 and 43.185C.220 shall have their eligibility based on resource limitations consistent with the temporary assistance for needy families program rules adopted by the department; and

(g) If an applicant for or recipient of public assistance possesses property and belongings in excess of the ceiling

value, such value shall be used in determining the need of the applicant or recipient, except that: (i) The department may exempt resources or income when the income and resources are determined necessary to the applicant's or recipient's restoration to independence, to decrease the need for public assistance, or to aid in rehabilitating the applicant or recipient or a dependent of the applicant or recipient; and (ii) the department may provide grant assistance for a period not to exceed nine months from the date the agreement is signed pursuant to this section to persons who are otherwise ineligible because of excess real property owned by such persons when they are making a good faith effort to dispose of that property if:

(A) The applicant or recipient signs an agreement to repay the lesser of the amount of aid received or the net proceeds of such sale;

(B) If the owner of the excess property ceases to make good faith efforts to sell the property, the entire amount of assistance may become an overpayment and a debt due the state and may be recovered pursuant to RCW 43.20B.630;

(C) Applicants and recipients are advised of their right to a fair hearing and afforded the opportunity to challenge a decision that good faith efforts to sell have ceased, prior to assessment of an overpayment under this section; and

(D) At the time assistance is authorized, the department files a lien without a sum certain on the specific property.

(14) "Secretary" means the secretary of social and health services.

(15) "Standards of assistance" means the level of income required by an applicant or recipient to maintain a level of living specified by the department.

(16) For purposes of determining eligibility for public assistance and participation levels in the cost of medical care, the department shall exempt restitution payments made to people of Japanese and Aleut ancestry pursuant to the Civil Liberties Act of 1988 and the Aleutian and Pribilof Island Restitution Act passed by congress, P.L. 100-383, including all income and resources derived therefrom.

(17) In the construction of words and phrases used in this title, the singular number shall include the plural, the masculine gender shall include both the feminine and neuter genders, and the present tense shall include the past and future tenses, unless the context thereof shall clearly indicate to the contrary.

(18)(a) "Victim of human trafficking" means a noncitizen and any qualifying family members who have:

(i) Filed or are preparing to file an application for T nonimmigrant status with the appropriate federal agency pursuant to 8 U.S.C. Sec. 1101(a)(15)(T), as it existed on January 1, 2020;

(ii) Filed or are preparing to file an application with the appropriate federal agency for status pursuant to 8 U.S.C. Sec. 1101(a)(15)(U), as it existed on January 1, 2020; or

(iii) Been harmed by either any violation of chapter 9A.40 or 9.68A RCW, or both, or by substantially similar crimes under federal law or the laws of any other state, and who;

(A) Are otherwise taking steps to meet the conditions for federal benefits eligibility under 22 U.S.C. Sec. 7105, as it existed on January 1, 2020; or

(B) Have filed or are preparing to file an application with the appropriate federal agency for status under 8 U.S.C. Sec. 1158.

(b)(i) "Qualifying family member" means:

(A) A victim's spouse and children; and

(B) When the victim is under twenty-one years of age, a victim's parents and unmarried siblings under the age of eighteen.

(ii) "Qualifying family member" does not include a family member who has been charged with or convicted of attempt, conspiracy, solicitation, or commission of any crime referenced in this subsection or described under 8 U.S.C. Sec. 1101(a)(15)(T) or (U) as either existed on January 1, 2020, when the crime is against a spouse who is a victim of human trafficking or against the child of a victim of human trafficking.

**Sec. 927.** RCW 74.08A.120 and 1999 c 120 s 4 are each amended to read as follows:

(1) The department may establish a food assistance program for legal immigrants and victims of human trafficking as defined in RCW 74.04.005 who are ineligible for the federal food stamp program.

(2) The rules for the state food assistance program shall follow exactly the rules of the federal food stamp program except for the provisions pertaining to immigrant status.

(3) The benefit under the state food assistance program shall be established by the legislature in the biennial operating budget.

(4) The department may enter into a contract with the United States department of agriculture to use the existing federal food stamp program coupon system for the purposes of administering the state food assistance program.

(5) In the event the department is unable to enter into a contract with the United States department of agriculture, the department may issue vouchers to eligible households for the purchase of eligible foods at participating retailers.

**NEW SECTION. Sec. 928.** A new section is added to chapter 74.04 RCW to read as follows:

Victims of human trafficking, as defined in RCW 74.04.005, are eligible for state family assistance programs as provided in rule on the effective date of this section, who otherwise meet program eligibility requirements.

**Sec. 929.** RCW 74.09.035 and 2013 2nd sp.s. c 10 s 7 are each amended to read as follows:

(1) To the extent of available funds, medical care services may be provided to:

(a) Victims of human trafficking, as defined in RCW 74.04.005, who are not eligible for medicaid under RCW 74.09.510, section 1902(a)(10)(A)(i)(VIII) of the social security act, or apple health for kids under RCW 74.09.470, who otherwise qualify for state family assistance programs under section 3 of this act;

(b) Persons eligible for the aged, blind, or disabled assistance program authorized in RCW 74.62.030 and who are not eligible for medicaid under RCW 74.09.510; and

~~((b))~~ (c) Persons eligible for essential needs and housing support under RCW 74.04.805 and who are not eligible for medicaid under RCW 74.09.510.

(2) Enrollment in medical care services may not result in expenditures that exceed the amount that has been appropriated in the operating budget. If it appears that continued enrollment will result in expenditures exceeding the appropriated level for a particular fiscal year, the department may freeze new enrollment and establish a waiting list of persons who may receive benefits only when sufficient funds are available.

(3) Determination of the amount, scope, and duration of medical care services shall be limited to coverage as defined by the authority, except that adult dental, and routine foot care shall not be included unless there is a specific appropriation for these services.

(4) The authority shall enter into performance-based contracts with one or more managed health care systems for the provision of medical care services under this section. The contract must provide for integrated delivery of medical and mental health services.

(5) The authority shall establish standards of assistance and resource and income exemptions, which may include deductibles and coinsurance provisions. In addition, the authority may include a prohibition against the voluntary assignment of property or cash for the purpose of qualifying for assistance.

(6) Eligibility for medical care services shall commence with the date of eligibility for the aged, blind, or disabled assistance program provided under RCW 74.62.030 or the date of eligibility for the essential needs and housing support program under RCW 74.04.805.

(7) To the extent possible, the authority must coordinate with the department of social and health services, food assistance programs for legal immigrants, state family assistance programs, and refugee cash assistance programs.

**NEW SECTION. Sec. 930.** This act takes effect February 1, 2022."

Correct the title.

Signed by Representatives Ormsby, Chair; Stokesbary, Ranking Minority Member; Robinson, 1st Vice Chair; Bergquist, 2nd Vice Chair; MacEwen, Assistant Ranking Minority Member; Rude, Assistant Ranking

Minority Member; Caldier; Chandler; Chopp; Cody; Corry; Dolan; Dye; Fitzgibbon; Hansen; Hoff; Hudgins; Kilduff; Kraft; Macri; Mosbrucker; Pettigrew; Pollet; Ryu; Schmick; Senn; Springer; Steele; Sullivan; Sutherland; Tarleton; Tharinger and Ybarra.

Referred to Committee on Appropriations.

February 27, 2020 930.0.

2SSB 5236 Prime Sponsor, Committee on Ways & Means: Encouraging apprenticeships. Reported by Committee on College & Workforce Development

MAJORITY recommendation: Do pass as amended. 930.0.

Strike everything after the enacting clause and insert the following:

"**Sec. 931.** RCW 28B.77.230 and 2012 c 229 s 116 are each amended to read as follows:

(1) The council, the state board for community and technical colleges, the council of presidents, the four-year institutions of higher education, the private independent higher education institutions, and the private career schools shall collaborate to carry out the following goals:

(a) Increase the number of students who receive academic credit for prior learning and the number of students who receive credit for prior learning that counts towards their major or towards earning their degree, certificate, or credential, while ensuring that credit is awarded only for high quality, course-level competencies;

(b) Increase the number and type of academic credits accepted for prior learning in institutions of higher education, while ensuring that credit is awarded only for high quality, course-level competencies;

(c) Develop transparent policies and practices in awarding academic credit for prior learning;

(d) Improve prior learning assessment practices across the institutions of higher education;

(e) Create tools to develop faculty and staff knowledge and expertise in awarding credit for prior learning and to share exemplary policies and practices among institutions of higher education;

(f) Develop articulation agreements when patterns of credit for prior learning are identified for particular programs and pathways; and

(g) Develop outcome measures to track progress on the goals outlined in this section.

(2) The council shall convene the academic credit for prior learning work group.

(a) The work group must include the following members:

(i) One representative from the council;

(ii) One representative from the state board for community and technical colleges;

(iii) One representative from the council of presidents;

(iv) Two representatives each from faculty from two and four-year institutions of higher education;

(v) Two representatives from private career schools;

(vi) Two representatives from business; and

(vii) Two representatives from labor.

(b) The purpose of the work group is to coordinate and implement the goals in subsection (1) of this section.

(3) The council shall report progress on the goals and outcome measures annually by December ~~((31st))~~ 10th.

(4) For the purposes of this section, "prior learning" means the knowledge and skills gained through work and life experience; through military training and experience; through hours of work and instruction as a registered apprentice; and through formal and informal education and training from in-state and out-of-state institutions including foreign institutions."

Correct the title.

Signed by Representatives Hansen, Chair; Entenman, Vice Chair; Leavitt, Vice Chair; Van Werven, Ranking Minority Member; Gildon, Assistant Ranking Minority Member; Graham, Assistant Ranking Minority Member; Bergquist; Kraft; Mead; Paul; Pollet; Ramos; Rude; Sells; Slatter; Sutherland and Young.

Referred to Committee on Rules for second reading.

March 4, 2020 931.0.

ESSB 5323 Prime Sponsor, Committee on Environment, Energy & Technology: Reducing pollution from plastic bags by establishing minimum state standards for the use of bags at retail establishments. Reported by Committee on Finance

MAJORITY recommendation: Do pass as amended by Committee on Finance and without amendment by Committee on Environment & Energy.

931.0.

Strike everything after the enacting clause and insert the following:

"**NEW SECTION. Sec. 932.** (1) State policy has long placed waste reduction as the highest priority in the collection, handling, and management of solid waste. Reducing plastic bag waste holds particular importance among state waste reduction efforts for a number of reasons:

(a) Single-use plastic carryout bags are made of nonrenewable resources and never biodegrade; instead, over time, they break down into tiny particles. Single-use plastic carryout bags, and the particles they break into, are carried

into rivers, lakes, Puget Sound, and the world's oceans, posing a threat to animal life and the food chain;

(b) Plastic bags are one of the most commonly found items that litter state roads, beaches, and other public spaces; and

(c) Even when plastic bags avoid the common fate of becoming litter, they are a drain on public resources and a burden on environment and resource conservation goals. For example, if plastic bags are disposed of in commingled recycling systems rather than as garbage or in retailer drop-off programs, they clog processing and sorting machinery, resulting in missorted materials and costly inefficiencies that are ultimately borne by utility ratepayers. Likewise, when green or brown-tinted plastic bags confuse consumers into attempting to dispose of them as compost, the resultant plastic contamination undercuts the ability to use the compost in gardens, farms, landscaping, and surface water and transportation projects.

(2) Alternatives to single-use plastic carryout bags are convenient, functional, widely available, and measure as superior across most environmental performance metrics. Alternatives to single-use plastic carryout bags feature especially superior environmental performance with respect to litter and marine debris, since plastic bags do not biodegrade.

(3) As of 2020, many local governments in Washington have shown leadership in regulating the use of single-use plastic carryout bags. This local leadership has shown the value of establishing state standards that will streamline regulatory inconsistency and reduce burdens on covered retailers caused by a patchwork of inconsistent local requirements across the state.

(4) Data provided from grocery retailers has shown that requests for paper bags have skyrocketed where plastic bag bans have been implemented. To accommodate the anticipated consequences of a statewide plastic bag ban, it is rational to expect additional capacity will be needed in Washington state for manufacturing paper bags. The legislature intends to provide that capacity by prioritizing and expediting siting and permitting of expansions or reconfiguring for paper manufacturing.

(5) Therefore, in order to reduce waste, litter, and marine pollution, conserve resources, and protect fish and wildlife, it is the intent of the legislature to:

(a) Prohibit the use of single-use plastic carryout bags;

(b) Require a pass-through charge on recycled content paper carryout bags and reusable carryout bags made of film plastic, to encourage shoppers to bring their own reusable carryout bags;

(c) Require bags provided by a retail establishment contain recycled content; and

(d) Encourage the provision of reusable and recycled content paper carryout bags by retail establishments.

**NEW SECTION. Sec. 933.** The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Carryout bag" means any bag that is provided by a retail establishment at home delivery, the check stand, cash register, point of sale, or other point of departure to a customer for use to transport or carry away purchases.

(2) "Department" means the department of ecology.

(3) "Pass-through charge" means a charge to be collected and retained by retailers from their customers when providing recycled content paper carryout bags and reusable carryout bags made of film plastic.

(4) "Recycled content paper carryout bag" means a paper carryout bag provided by a store to a customer at the point of sale that meets the requirements in section 3(6)(a) of this act.

(5) "Retail establishment" means any person, corporation, partnership, business, facility, vendor, organization, or individual that sells or provides food, merchandise, goods, or materials directly to a customer including home delivery, temporary stores, or vendors at farmers markets, street fairs, and festivals.

(6) "Reusable carryout bag" means a bag made of cloth or other durable material with handles that is specifically designed and manufactured for long-term multiple reuse and meets the requirements of section 3(6)(b) of this act.

(7) "Single-use plastic carryout bag" means any bag that is made from plastic that is designed and suitable only to be used once and disposed.

**NEW SECTION. Sec. 934.** (1) Beginning January 1, 2021, except as provided in this section and section 4 of this act, a retail establishment may not provide to a customer or a person at an event:

(a) A single-use plastic carryout bag; or

(b) A paper carryout bag or reusable carryout bag made of film plastic that does not meet recycled content requirements.

(2)(a) A retail establishment may provide a reusable carryout bag or a recycled content paper carryout bag of any size to a customer at the point of sale.

(b) A retail establishment must collect a pass-through charge of at least seven cents, but not more than ten cents for every recycled content paper carryout bag with a manufacturer's stated capacity of one-eighth barrel (eight hundred eighty-two cubic inches) or greater or reusable carryout bag made of film plastic it provides, except as provided in subsection (5) of this section and section 4 of this act. A retail establishment may make reusable carryout bags available to customers through sale.

(c) A retail establishment must keep all revenue from pass-through charges. The pass-through charge is a taxable retail sale. A retail establishment must show all pass-through charges on a receipt provided to the customer.

(3) Carryout bags provided by a retail establishment do not include:

(a) Bags used by consumers inside stores to:

(i) Package bulk items, such as fruit, vegetables, nuts, grains, candy, greeting cards, or small hardware items such as nails, bolts, or screws;

(ii) Contain or wrap items where dampness or sanitation might be a problem including, but not limited to:

- (A) Frozen foods;
- (B) Meat;
- (C) Fish;
- (D) Flowers; and
- (E) Potted plants;

(iii) Contain unwrapped prepared foods or bakery goods;

(iv) Contain prescription drugs; or

(v) Protect a purchased item from damaging or contaminating other purchased items when placed in a recycled content paper carryout bag or reusable carryout bag; or

(b) Newspaper bags, mailing pouches, sealed envelopes, door hanger bags, laundry/dry cleaning bags, or bags sold in packages containing multiple bags for uses such as food storage, garbage, or pet waste.

(4)(a) Any compostable film bag that a retail establishment provides to customers for products, including for products bagged in stores prior to checkout, must meet the requirements for compostable products and film bags in chapter 70.360 RCW.

(b) A retail establishment may not use or provide polyethylene or other noncompostable plastic bags for bagging of customer products in stores, as carryout bags, or for home delivery that do not meet the requirements for noncompostable products and film bags in chapter 70.360 RCW.

(5) Except as provided by local regulations enacted as of April 1, 2020, a retail establishment may provide a bag restricted under subsection (1) of this section from existing inventory until one year after the effective date of this section. The retail establishment, upon request by the department, must provide purchase invoices, distribution receipts, or other information documenting that the bag was acquired prior to the effective date of this section.

(6) For the purposes of this section:

(a) A recycled content paper carryout bag must:

(i) Contain a minimum of forty percent postconsumer recycled materials;

(ii) Be capable of composting, consistent with the timeline and specifications of the entire American society of testing materials D6868 and associated test methods that must be met, as it existed as of January 1, 2020; and

(iii) Display the minimum percentage of postconsumer content in print on the exterior of the paper bag.

(b) A reusable carryout bag must:

(i) Have a minimum lifetime of one hundred twenty-five uses, which for purposes of this subsection means the capacity to carry a minimum of twenty-two pounds one hundred twenty-five times over a distance of at least one hundred seventy-five feet;

(ii) Be machine washable or made from a durable material that may be cleaned or disinfected; and

(iii) If made of film plastic:

(A) Be made from a minimum of twenty percent postconsumer recycled content until July 1, 2022, and thereafter must be made from a minimum of forty percent postconsumer recycled material;

(B) Display the minimum percentage of postconsumer content and the mil thickness in print on the exterior of the plastic bag;

(C) Have a minimum thickness of no less than 2.25 mils; and

(D) Display wording that the bag is reusable.

(c) Except for the purposes of subsection (4) of this section, food banks and other food assistance programs are not retail establishments, but are encouraged to take actions to reduce the use of single-use plastic carryout bags.

**NEW SECTION. Sec. 935.** It is a violation of section 3 of this act for any retail establishment to pay or otherwise reimburse a customer for any portion of the pass-through charge; provided that retail establishments may not collect a pass-through charge from anyone using a voucher or electronic benefits card issued under the women, infants, and children (WIC) or temporary assistance for needy families (TANF) support programs, or the federal supplemental nutrition assistance program (SNAP, also known as basic food), or the Washington state food assistance program (FAP).

**NEW SECTION. Sec. 936.** (1) Until June 1, 2025, the department shall prioritize the expedited processing of applications for permits related to the expansion or reconfiguring of an existing pulp and paper mill for the purpose of manufacturing paper bags or raw materials used to manufacture paper bags.

(2) The department may adopt rules as necessary for the purpose of implementing, administering, and enforcing this chapter.

(3) The enforcement of this chapter must be based primarily on complaints filed with the department and local jurisdictions. The department must establish a forum for the filing of complaints. Local jurisdictions and other persons may file complaints with the department using the forum and local jurisdictions may review complaints filed with the department via the forum for purposes of the local jurisdiction carrying out education and outreach to retail establishments. A forum established by the department may include a complaint form on the department's web site, a telephone hotline, or a public outreach strategy relying upon electronic social media to receive complaints that allege violations. The department, in collaboration with the local jurisdictions, must provide education and outreach activities

to inform retail establishments, consumers, and other interested individuals about the requirements of this chapter.

(4) The department or local jurisdiction shall work with retail establishments, retail associations, unions, and other organizations to create educational elements regarding the ban and the benefits of reusable bags. Educational elements may include signage at store locations, informational literature, and employee training by October 1, 2020.

(5) Retail establishments are encouraged to educate their staff to promote reusable bags as the best option for carry-out bags and to post signs encouraging customers to use reusable bags.

(6) A violation of this chapter is subject to a civil penalty of up to two hundred fifty dollars. Each calendar day of operation or activity in violation of this chapter comprises a new violation. Penalties issued under this section are appealable to the pollution control hearings board established in chapter 43.21B RCW.

(7) If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by July 1, 2020, from the waste reduction, recycling, and litter control account for purposes of implementing the education and outreach activities required under this section, then this act is null and void.

**NEW SECTION. Sec. 937.** (1) Except as provided in subsection (2) of this section, a city, town, county, or municipal corporation may not implement a local carryout bag ordinance. Except as provided in subsection (2) of this section, any carryout bag ordinance that was enacted as of April 1, 2020, is preempted by this chapter.

(2)(a) A city, town, county, or municipal corporation ordinance enacted as of April 1, 2020, that has established a pass-through charge of ten cents is not preempted with respect to the amount of the pass-through charge.

(b) A city, town, county, or municipal corporation ordinance not specified in (a) of this subsection and enacted as of April 1 2020, is not preempted until January 1, 2021.

**NEW SECTION. Sec. 938.** (1) By October 31, 2023, the department must submit a report to the appropriate committees of the legislature. The report required under this section must include:

(a) An assessment of the effectiveness of the pass-through charge for reducing the total volume of bags purchased and encouraging the use of reusable bags;

(b) An assessment of the cost of the authorized bags to retail establishments versus the pass-through charge allowed under chapter 70.--- RCW (the new chapter created in section 11 of this act);

(c) An assessment of 2.25 mil plastic reusable bags, including their overall contribution to the reduction of the volume of plastic use; and

(d) Recommendations for revisions for this act, if needed.

(2) This section expires July 1, 2025.

**Sec. 939.** RCW 43.21B.110 and 2019 c 344 s 16, 2019 c 292 s 10, and 2019 c 290 s 12 are each reenacted and amended to read as follows:

(1) The hearings board shall only have jurisdiction to hear and decide appeals from the following decisions of the department, the director, local conservation districts, the air pollution control boards or authorities as established pursuant to chapter 70.94 RCW, local health departments, the department of natural resources, the department of fish and wildlife, the parks and recreation commission, and authorized public entities described in chapter 79.100 RCW:

(a) Civil penalties imposed pursuant to RCW 18.104.155, 70.94.431, 70.105.080, 70.107.050, section 5 of this act, 70.365.070, 70.375.060, 76.09.170, 77.55.440, 78.44.250, 88.46.090, 90.03.600, 90.46.270, 90.48.144, 90.56.310, 90.56.330, and 90.64.102.

(b) Orders issued pursuant to RCW 18.104.043, 18.104.060, 43.27A.190, 70.94.211, 70.94.332, 70.105.095, 70.365.070, 86.16.020, 88.46.070, 90.14.130, 90.46.250, 90.48.120, and 90.56.330.

(c) A final decision by the department or director made under chapter 183, Laws of 2009.

(d) Except as provided in RCW 90.03.210(2), the issuance, modification, or termination of any permit, certificate, or license by the department or any air authority in the exercise of its jurisdiction, including the issuance or termination of a waste disposal permit, the denial of an application for a waste disposal permit, the modification of the conditions or the terms of a waste disposal permit, or a decision to approve or deny an application for a solid waste permit exemption under RCW 70.95.300.

(e) Decisions of local health departments regarding the grant or denial of solid waste permits pursuant to chapter 70.95 RCW.

(f) Decisions of local health departments regarding the issuance and enforcement of permits to use or dispose of biosolids under RCW 70.95J.080.

(g) Decisions of the department regarding waste-derived fertilizer or micronutrient fertilizer under RCW 15.54.820, and decisions of the department regarding waste-derived soil amendments under RCW 70.95.205.

(h) Decisions of local conservation districts related to the denial of approval or denial of certification of a dairy nutrient management plan; conditions contained in a plan; application of any dairy nutrient management practices, standards, methods, and technologies to a particular dairy farm; and failure to adhere to the plan review and approval timelines in RCW 90.64.026.

(i) Any other decision by the department or an air authority which pursuant to law must be decided as an adjudicative proceeding under chapter 34.05 RCW.

(j) Decisions of the department of natural resources, the department of fish and wildlife, and the department that are reviewable under chapter 76.09 RCW, and the department of natural resources' appeals of county, city, or town objections under RCW 76.09.050(7).



(k) Forest health hazard orders issued by the commissioner of public lands under RCW 76.06.180.

(l) Decisions of the department of fish and wildlife to issue, deny, condition, or modify a hydraulic project approval permit under chapter 77.55 RCW, to issue a stop work order, to issue a notice to comply, to issue a civil penalty, or to issue a notice of intent to disapprove applications.

(m) Decisions of the department of natural resources that are reviewable under RCW 78.44.270.

(n) Decisions of an authorized public entity under RCW 79.100.010 to take temporary possession or custody of a vessel or to contest the amount of reimbursement owed that are reviewable by the hearings board under RCW 79.100.120.

(2) The following hearings shall not be conducted by the hearings board:

(a) Hearings required by law to be conducted by the shorelines hearings board pursuant to chapter 90.58 RCW.

(b) Hearings conducted by the department pursuant to RCW 70.94.332, 70.94.390, 70.94.395, 70.94.400, 70.94.405, 70.94.410, and 90.44.180.

(c) Appeals of decisions by the department under RCW 90.03.110 and 90.44.220.

(d) Hearings conducted by the department to adopt, modify, or repeal rules.

(3) Review of rules and regulations adopted by the hearings board shall be subject to review in accordance with the provisions of the administrative procedure act, chapter 34.05 RCW.

**Sec. 940.** RCW 43.21B.110 and 2019 c 344 s 16, 2019 c 292 s 10, and 2019 c 290 s 12 are each reenacted and amended to read as follows:

(1) The hearings board shall only have jurisdiction to hear and decide appeals from the following decisions of the department, the director, local conservation districts, the air pollution control boards or authorities as established pursuant to chapter 70.94 RCW, local health departments, the department of natural resources, the department of fish and wildlife, the parks and recreation commission, and authorized public entities described in chapter 79.100 RCW:

(a) Civil penalties imposed pursuant to RCW 18.104.155, 70.94.431, 70.105.080, 70.107.050, section 5 of this act, 70.365.070, 70.375.060, 76.09.170, 77.55.440, 78.44.250, 88.46.090, 90.03.600, 90.46.270, 90.48.144, 90.56.310, 90.56.330, and 90.64.102.

(b) Orders issued pursuant to RCW 18.104.043, 18.104.060, 43.27A.190, 70.94.211, 70.94.332, 70.105.095, 70.365.070, 86.16.020, 88.46.070, 90.14.130, 90.46.250, 90.48.120, and 90.56.330.

(c) Except as provided in RCW 90.03.210(2), the issuance, modification, or termination of any permit, certificate, or license by the department or any air authority in the exercise of its jurisdiction, including the issuance or

termination of a waste disposal permit, the denial of an application for a waste disposal permit, the modification of the conditions or the terms of a waste disposal permit, or a decision to approve or deny an application for a solid waste permit exemption under RCW 70.95.300.

(d) Decisions of local health departments regarding the grant or denial of solid waste permits pursuant to chapter 70.95 RCW.

(e) Decisions of local health departments regarding the issuance and enforcement of permits to use or dispose of biosolids under RCW 70.95J.080.

(f) Decisions of the department regarding waste-derived fertilizer or micronutrient fertilizer under RCW 15.54.820, and decisions of the department regarding waste-derived soil amendments under RCW 70.95.205.

(g) Decisions of local conservation districts related to the denial of approval or denial of certification of a dairy nutrient management plan; conditions contained in a plan; application of any dairy nutrient management practices, standards, methods, and technologies to a particular dairy farm; and failure to adhere to the plan review and approval timelines in RCW 90.64.026.

(h) Any other decision by the department or an air authority which pursuant to law must be decided as an adjudicative proceeding under chapter 34.05 RCW.

(i) Decisions of the department of natural resources, the department of fish and wildlife, and the department that are reviewable under chapter 76.09 RCW, and the department of natural resources' appeals of county, city, or town objections under RCW 76.09.050(7).

(j) Forest health hazard orders issued by the commissioner of public lands under RCW 76.06.180.

(k) Decisions of the department of fish and wildlife to issue, deny, condition, or modify a hydraulic project approval permit under chapter 77.55 RCW, to issue a stop work order, to issue a notice to comply, to issue a civil penalty, or to issue a notice of intent to disapprove applications.

(l) Decisions of the department of natural resources that are reviewable under RCW 78.44.270.

(m) Decisions of an authorized public entity under RCW 79.100.010 to take temporary possession or custody of a vessel or to contest the amount of reimbursement owed that are reviewable by the hearings board under RCW 79.100.120.

(2) The following hearings shall not be conducted by the hearings board:

(a) Hearings required by law to be conducted by the shorelines hearings board pursuant to chapter 90.58 RCW.

(b) Hearings conducted by the department pursuant to RCW 70.94.332, 70.94.390, 70.94.395, 70.94.400, 70.94.405, 70.94.410, and 90.44.180.

(c) Appeals of decisions by the department under RCW 90.03.110 and 90.44.220.

(d) Hearings conducted by the department to adopt, modify, or repeal rules.

(3) Review of rules and regulations adopted by the hearings board shall be subject to review in accordance with the provisions of the administrative procedure act, chapter 34.05 RCW.

**NEW SECTION. Sec. 941.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

**NEW SECTION. Sec. 942.** Sections 1 through 7 of this act constitute a new chapter in Title 70 RCW.

**NEW SECTION. Sec. 943.** Section 8 of this act expires June 30, 2021.

**NEW SECTION. Sec. 944.** Section 9 of this act takes effect June 30, 2021."

Correct the title.

Signed by Representatives Tarleton, Chair; Walen, Vice Chair; Frame; Macri; Orwall; Springer and Wylie.

MINORITY recommendation: Do not pass. Signed by Representatives Orcutt, Ranking Minority Member; Young, Assistant Ranking Minority Member; Chapman; Stokesbary and Vick.

Referred to Committee on Finance.

February 27, 2020 944.0.

**SB 5339** Prime Sponsor, Senator Carlyle: Reducing criminal justice expenses by eliminating the death penalty and instead requiring life imprisonment without possibility of release or parole as the sentence for aggravated first degree murder. Reported by Committee on Public Safety

MAJORITY recommendation: Do pass. Signed by Representatives Appleton, 2nd Vice Chair; Goodman, Chair; Davis, Vice Chair; Lovick; Orwall; Pellicciotti and Pettigrew.

MINORITY recommendation: Do not pass. Signed by Representatives Klippert, Ranking Minority Member; Sutherland, Assistant Ranking Minority Member and Graham.

MINORITY recommendation: Without recommendation. Signed by Representative Griffey.

Referred to Committee on Rules for second reading.

February 26, 2020 944.0.

**ESSB 5591** Prime Sponsor, Committee on Transportation: Exempting previously registered vehicles from the stolen vehicle

check fee. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives Fey, Chair; Slatter, 2nd Vice Chair; Valdez, 2nd Vice Chair; Wylie, 1st Vice Chair; Barkis, Ranking Minority Member; Walsh, Assistant Ranking Minority Member; Young, Assistant Ranking Minority Member; Boehnke; Chambers; Chapman; Dent; Doglio; Duerr; Dufault; Entenman; Eslick; Goehner; Gregerson; Irwin; Kloba; Lovick; McCaslin; Mead; Orcutt; Ortiz-Self; Paul; Ramos; Riccelli; Shewmake; Van Werven and Volz.

Referred to Committee on Rules for second reading.

February 26, 2020 944.0.

**2E2SSB 5740** Prime Sponsor, Committee on Ways & Means: Creating the secure choice retirement savings program. Reported by Committee on Consumer Protection & Business

MAJORITY recommendation: Do pass as amended. 944.0.

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 945.** The legislature finds: That large numbers of households in this state have no or inadequate retirement savings and many of those households do not have access to any savings plan at work; that this lack of retirement savings and coverage is more prevalent among low-income households; and that it is well-established that most workers will save for retirement if they are offered a workplace savings program. Washington state is deeply concerned about the retirement prospects of its citizens and the strain that large numbers of ill-prepared retirees may impose on taxpayer-financed elderly assistance programs for housing, food, medical care, and other necessities. The purpose of this act is to facilitate voluntary employer adoption of retirement plans and worker savings in this state by removing barriers to entry into the state's existing retirement savings program, making available to Washington employers a wide array of retirement plan options, including plans with auto-enrollment features, and ensuring flexible fee structures that will be transparent to marketplace participants.

**Sec. 946.** RCW 43.330.732 and 2015 c 296 s 2 are each amended to read as follows:

The definitions in this section apply throughout this subchapter unless the context clearly requires otherwise.

(1) "Approved plans" means retirement plans offered by private sector financial services firms that meet the requirements of this chapter to participate in the ((marketplace)) program.

(2) "Balanced fund" means a mutual fund that has an investment mandate to balance its portfolio holdings. The fund generally includes a mix of stocks and bonds in varying proportions according to the fund's investment outlook.

(3) "Eligible employer" means a self-employed individual, sole proprietor, or an employer with fewer than one hundred qualified employees at the time of enrollment.

(4) "Enrollee" means any employee who is voluntarily enrolled in an approved plan offered by an eligible employer through the ~~((Washington small business retirement marketplace))~~ secure choice retirement savings program.

(5) ~~((("myRA" means the myRA retirement program administered by the United States department of the treasury that is available to all employers and employees with no fees or no minimum contribution requirements. A myRA is a Roth IRA option and investments in these accounts are backed by the United States department of the treasury.~~

~~((6))~~ "Participating employer" means any eligible employer with employees enrolled in an approved plan offered through the ~~((Washington small business retirement marketplace))~~ secure choice retirement savings program who chooses to participate in the ~~((marketplace))~~ program and offers approved plans to employees for voluntary enrollment.

~~((7))~~ (6) "Private sector financial services firms" or "financial services firms" mean persons or entities licensed or holding a certificate of authority and in good standing by either the department of financial institutions or the office of the insurance commissioner and meeting all federal laws and regulations to offer retirement plans.

~~((8))~~ (7) "Qualified employee" means those workers who are defined by the federal internal revenue service to be eligible to participate in a specific qualified plan.

~~((9))~~ (8) "Target date or other similar fund" means a hybrid mutual fund that automatically resets the asset mix of stocks, bonds, and cash equivalents in its portfolio according to a selected time frame that is appropriate for a particular investor. A target date is structured to address a projected retirement date.

~~((10))~~ ~~("Washington small business retirement marketplace" or "marketplace"))~~ (9) "Secure choice retirement savings program" or "program" means the retirement savings program created to connect eligible employers and their employees with approved plans to increase retirement savings.

**Sec. 947.** RCW 43.330.735 and 2017 c 69 s 1 are each amended to read as follows:

(1) The ~~((Washington small business retirement marketplace))~~ secure choice retirement savings program is created.

(2) Prior to connecting any eligible employer with an approved plan in the ~~((marketplace))~~ program, the director shall design a plan for the operation of the ~~((marketplace))~~ program.

(3) The director shall consult with the Washington state department of retirement systems, the Washington state investment board, and the department of financial institutions in designing and managing the ~~((marketplace))~~ program.

(4) The director shall approve for participation in the ~~((marketplace))~~ program all private sector financial services firms that meet the requirements of RCW 43.330.732~~((7))~~ (6).

(5) ~~((A range of investment options must be provided to meet the needs of investors with various levels of risk tolerance and various ages.))~~ The director must approve a diverse array of private retirement plan options that are available to employers on a voluntary basis, including plans that are completely voluntary for employees and plans that have auto-enrollment and auto-escalation features designed to increase employee participation and savings. Available retirement plans may include but are not limited to ((life)); (a) Life insurance plans that are designed for retirement purposes((, and plans for eligible employer participation such as: (a) A SIMPLE IRA type plan that provides); (b) simplified employer pension plans; (c) SIMPLE IRA plans that provide for employer contributions to participating enrollee accounts; ((and (b)-a)) (d) payroll deduction ((individual retirement account type plan or workplace-based)) plans with individual retirement accounts open to all workers in which the employer does not contribute to the employees' accounts; (e) plans described under 401(a), 401(k), or 403(b) of the internal revenue code; and (f) pooled employer plans or multiple employer plans allowed under federal law.

(6)(a) Prior to approving a plan to be offered ~~((on))~~ in the ((marketplace)) program, the department must receive verification from the department of financial institutions or the office of the insurance commissioner:

(i) That the private sector financial services firm offering the plan meets the requirements of RCW 43.330.732~~((7))~~ (6); and

(ii) That the plan meets the requirements of this section excluding subsection (9) of this section which is subject to federal laws and regulations.

(b) If the plan includes either life insurance or annuity products, or both, the office of the insurance commissioner may request that the department of financial institutions conduct the plan review as provided in (a)(ii) of this subsection prior to submitting its verification to the department.

(c) The director may remove approved plans that no longer meet the requirements of this chapter.

(7) The financial services firms participating in the ~~((marketplace must offer a minimum of two product options))~~ program may offer retirement plans that include: (a) A target date or other similar fund, with asset allocations and maturities designed to coincide with the expected date of retirement ((and)); (b) a balanced fund; and (c) other fund options chosen by the participating employer or enrollee. ((The marketplace must offer myRA.))

(8) In order for the ~~((marketplace))~~ program to operate, there must be at least two approved plans ~~((on))~~ in the ~~((marketplace))~~ program; however, nothing in this subsection shall be construed to limit the number of private sector financial services firms with approved plans from participating in the ~~((marketplace))~~ program.

(9) Approved plans must meet federal law or regulation for internal revenue service approved retirement plans.

(10) The approved plans must include the option for enrollees to roll pretax contributions into a different individual retirement account or another eligible retirement plan after ceasing participation in a plan approved by the ~~((Washington small business retirement marketplace))~~ program.

(11) Financial services firms selected by the department to offer approved plans ~~((on))~~ in the ~~((marketplace))~~ program may ~~((not charge the participating employer an administrative fee and may not charge enrollees more than one hundred basis points in total annual fees and must provide information about their product's historical investment performance. Financial services firms may))~~ determine and charge the participating employer reasonable, market-based fees commensurate with the type of retirement plan and benefits offered, provided that the fee structure must be disclosed and made transparent to participating employers and employees in order to facilitate comparison of like plans offered in the marketplace. Financial services firms may also charge enrollees a de minimis fee for new and/or low balance accounts in amounts negotiated and agreed upon by the department and financial services firms. ((The director shall limit plans to those with total fees the director considers reasonable based on all the facts and circumstances.))

(12) Participation in the ~~((Washington small business retirement marketplace))~~ program is voluntary for both eligible employers and qualified employees.

(13) Enrollment in any approved plan offered in the ~~((marketplace))~~ program is not an entitlement.

**Sec. 948.** RCW 43.330.737 and 2015 c 296 s 4 are each amended to read as follows:

(1) The director shall contract with a private sector entity to:

(a) Establish a protocol for reviewing and approving the qualifications of all private sector financial services firms that meet the qualifications to participate in the ~~((marketplace))~~ program;

(b) Design and operate an internet web site that includes information about how eligible employers can voluntarily participate in the ~~((marketplace))~~ program;

(c) Develop marketing materials about the ~~((marketplace))~~ program that can be distributed electronically, posted on agency web sites that interact with eligible employers, or inserted into mail from the department of revenue, department of labor and industries, employment security department, the office of minority and women's

business enterprises, department of licensing, and secretary of state's division of corporations;

(d) Identify and promote existing federal and state tax credits and benefits for employers and employees that are related to encouraging retirement savings or participating in retirement plans; and

(e) Promote the benefits of retirement savings and other information that promotes financial literacy.

(2) The director shall address how rollovers are handled for eligible Washington employers that have workers in other states, and whether out-of-state employees with existing IRA's can roll them into the plans offered through the ~~((Washington small business retirement marketplace))~~ program.

(3) The director shall direct the entity retained pursuant to subsection (1) of this section to assure that licensed professionals who assist their eligible business clients or employees to enroll in a plan offered through the ~~((Washington small business retirement marketplace))~~ program may receive routine, market-based commissions or other compensation for their services.

(4) The director shall ensure by rule that there is objective criteria in the protocol provided in subsection (1)(a) of this section and that the protocol does not provide unfair advantage to the private sector entity which establishes the protocol.

(5) The director shall encourage the participation of private sector financial services firms in the ~~((marketplace))~~ program.

**Sec. 949.** RCW 43.330.740 and 2015 c 296 s 5 are each amended to read as follows:

In addition to any appropriated funds, the director may use private funding sources, including private foundation grants, to pay for ~~((marketplace))~~ program expenses. On behalf of the ~~((marketplace))~~ program, the department shall seek federal and private grants and is authorized to accept any funds awarded to the department for use in the ~~((marketplace))~~ program.

**Sec. 950.** RCW 43.330.742 and 2015 c 296 s 6 are each amended to read as follows:

The department shall not expose the state of Washington as an employer or through administration of the ~~((marketplace))~~ program to any potential liability under the federal employee retirement income ~~((security))~~ security act of 1974. As such, the department is specifically prohibited from offering and operating a state-based retirement plan for businesses or individuals who are not employed by the state of Washington.

**Sec. 951.** RCW 43.330.745 and 2015 c 296 s 7 are each amended to read as follows:

Using funds specifically appropriated for this purpose, and funds provided by private foundations or other private sector entities, the director may provide incentive payments to participating employers that enroll in the ~~((marketplace))~~ program.

**Sec. 952.** RCW 43.330.747 and 2015 c 296 s 8 are each amended to read as follows:

The director shall report biennially to the legislature on the effectiveness and efficiency of the ~~((Washington small business retirement marketplace))~~ secure choice retirement savings program, including the levels of enrollment and the retirement savings levels of participating enrollees that are obtained in aggregate on a voluntary basis from private sector financial services firms that participate in the ~~((marketplace))~~ program.

**Sec. 953.** RCW 43.330.750 and 2017 c 69 s 2 are each amended to read as follows:

The director shall adopt rules necessary to allow the ~~((marketplace))~~ program to operate as authorized by this subchapter. As part of the rule development process, the director shall consult with organizations representing eligible employers, qualified employees, private and nonprofit sector retirement plan administrators and providers, organizations representing private sector financial services firms, and any other individuals or entities that the director determines relevant to the development of an effective and efficient method for operating the ~~((marketplace))~~ program. ~~((The director or the director's designee may take the actions necessary to ensure chapter 69, Laws of 2017 is implemented on July 23, 2017.))~~

**Sec. 954.** RCW 43.320.180 and 2015 c 296 s 10 are each amended to read as follows:

The department of financial institutions, annually, or upon request of the department of commerce, must review individual retirement account products proposed for inclusion in the ~~((Washington small business retirement marketplace))~~ secure choice retirement savings program to confirm that the products comply with the requirements of RCW 43.330.735, except for those requirements that pertain to federal laws and regulations.

**NEW SECTION. Sec. 955.** RCW 43.330.730 (Finding—2015 c 296) is decodified."

Correct the title.

955.0.

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 956.** This act may be known and cited as the secure choice retirement savings program act.

**NEW SECTION. Sec. 957.** The legislature finds: That large numbers of households in this state have no or inadequate retirement savings and many of those households do not have access to any savings plan at work; that this lack of retirement savings and coverage is more prevalent among low-income households; and that it is well-established that most workers will save for retirement if they are offered a workplace savings program using an opt-out approach. Washington state is deeply concerned about the retirement prospects of its citizens and the strain that large numbers of ill-prepared retirees may impose on taxpayer-financed elderly assistance programs for housing, food, medical care,

and other necessities. Accordingly, this act will facilitate voluntary retirement savings by workers in this state by establishing an IRA savings program with automatic enrollment ("auto-IRA") and requiring employers in this state that do not offer a retirement plan to make the program available to their employees.

**NEW SECTION. Sec. 958.** The definitions in this section apply throughout sections 2 through 11 of this act unless the context clearly requires otherwise.

(1) "Administrative fee" means the amount deducted from the investment fund of a covered employee and used to pay the costs associated with administering the program.

(2) "Administrative fund" means the secure choice retirement savings administrative fund established under section 7 of this act.

(3) "Compensation" means compensation within the meaning of section 219(f)(1) of the internal revenue code that is received by a covered employee from a covered employer or a professional employer organization, as such term is defined in RCW 50.04.298.

(4) "Contribution rate" means the percentage of a covered employee's compensation that is withheld from his or her compensation and paid to the IRA established for the covered employee under the program.

(5) "Covered employee" means any individual who is eighteen years of age or older, who is employed by a covered employer, and who has compensation that is allocable to the state. For purposes of the investment, withdrawal, transfer, rollover, or other distribution of an IRA, the term covered employee also includes the beneficiary of a deceased covered employee and an "alternate payee" under state domestic relations law. For purposes of sections 2 through 11 of this act, a covered employee, as defined in this subsection, who is performing services for a client employer that has entered into a professional employer agreement with a professional employer organization, as such terms are defined in RCW 50.04.298, must be treated as employed by the client employer and not by the professional employer organization.

(6) "Covered employer" means an employer that either:

(a) Satisfies both of the following requirements:

(i) Has been in business for at least five years; and

(ii) Has not sponsored, maintained, or contributed to a retirement plan under sections 401(a), 401(k), 403(a), 403(b), 408(k), or 408(p) of the internal revenue code, including such a plan sponsored or maintained by a professional employer organization with which the employer has a professional employer agreement, as such terms are defined in RCW 50.04.298, at any time during the preceding two calendar years and does not currently sponsor, maintain, or contribute to a retirement plan; or

(b) Elects to be a covered employer if and as permitted in accordance with rules and procedures established by the director.

(7) "Director" means the director of the department of commerce.

(8) "Employer" means a person or entity engaged in a business, profession, trade, or other enterprise in the state, whether for profit or not for profit, that employs more than five individuals in the state; provided that a federal or state entity, agency, or instrumentality, or any political subdivision thereof, is not an employer.

(9) "Internal revenue code" means the federal internal revenue code of 1986, as amended.

(10) "Investment advisor" means:

(a) An investment advisor registered under the federal investment advisers act of 1940; or

(b) A bank or other institution exempt from registration under the federal investment advisers act of 1940.

(11) "Investment fund" means each investment portfolio established by the director within the trust for investment purposes.

(12) "IRA" means either an individual retirement account or individual retirement annuity established under section 408A of the internal revenue code.

(13) "Program" means the secure choice retirement savings program established under sections 2 through 11 of this act.

(14) "Trust" means the IRA retirement trust or annuity contract established under section 8 of this act.

(15) "Trustee" means the trustee of the trust, including an insurance company issuing an annuity contract, selected by the director under section 8 of this act.

**NEW SECTION. Sec. 959.** (1) The director has the following powers and duties:

(a) To design, establish, and operate the program in accordance with the requirements set forth in sections 2 through 11 of this act;

(b) To collect administrative fees to defray the costs of administering the program;

(c) To enter into contracts necessary or desirable for the establishment and administration of the program;

(d) To hire, retain, and terminate other state or nonstate entities as the director deems necessary or desirable for all or part of the services necessary for the management of the program, including, but not limited to, consultants, investment advisors, trustees, custodians, insurance companies, recordkeepers, administrators, actuaries, counsel, auditors, and other professionals; provided that each service provider must be authorized to do business in this state;

(e) To determine the type or types of IRAs to be offered, the default contribution rate and automatic escalation rate;

(f) To employ a program director and such other individuals as the director determines to be necessary or desirable to administer the program and the administrative fund;

(g) To develop and implement an outreach plan to gain input and disseminate information regarding the program and retirement and financial education in general, to employees, employers, and other constituents in the state;

(h) To develop and implement a marketing strategy for the program that includes outreach to communities of color and encourages small business engagement;

(i) To determine the number of days by which an eligible employer must make the program available to a covered employee upon first becoming an eligible employer or covered employee;

(j) To adopt rules and procedures for the establishment and operation of the program and to take such other actions necessary or desirable to establish and operate the program in accordance with sections 2 through 11 of this act.

(2) The director shall use the following principles in the design and operation of the program:

(a) Operate with low costs but sufficient to ensure that the program is sustainable;

(b) Structure the program so that covered employees are automatically enrolled and covered employer participation is required;

(c) Ensure that the program does not conflict with or be preempted by federal law, including the employee retirement income security act of 1974;

(d) Provide customer service processes to any and all pertinent persons and disseminate program information to covered employers and covered employees;

(e) Monitor the investment advisor's financial management policies, processes, and performance.

(3) Other state agencies must provide appropriate and reasonable assistance to the director as needed, including gathering data and information, in order for the director to carry out the purpose of sections 2 through 11 of this act.

(4) The director shall not impose any obligations on the state, nor may it pledge the credit of the state.

(5) The director, in consultation with the state investment board and the department of financial institutions, has discretion to establish and maintain the program by: Contracting with another state to use that state's auto-IRA program, partnering with one or more states to create a joint auto-IRA program that includes the program, or forming a consortium with one or more other states in which certain aspects of each state's program are combined for administrative convenience and efficiency, provided that in any such case, the auto-IRA program used, the joint program, or the consortium otherwise satisfies the requirements of this chapter.

**NEW SECTION. Sec. 960.** (1) The director, the trustee, and each investment adviser or other person which

has control of the assets of the trust shall be a fiduciary with respect to the trust and IRAs established and maintained under the program.

(2) Each covered employer is required to provide covered employees with such information as the director directs. No employer acting as such is a fiduciary with respect to the trust or an IRA or has fiduciary responsibilities under sections 2 through 11 of this act.

(3) Each fiduciary shall discharge its duties with respect to the program solely in the interests of covered employees and with the care, skill, prudence, and diligence under the circumstances then prevailing that a prudent person acting in a like capacity and familiar with those matters would use in the conduct of an enterprise of like character and aims.

**NEW SECTION. Sec. 961.** The secure choice retirement savings program must be designed, established, and operated in accordance with the following:

(1) Each covered employer is required to offer to each covered employee an opportunity to contribute to an IRA established under the program for the benefit of the covered employee through withholding from his or her compensation. No employer is permitted to contribute to the program or to endorse or otherwise promote the program.

(2) Unless the covered employee chooses otherwise, he or she shall be automatically enrolled in the program and contributions shall be withheld from such covered employee's compensation at a rate set by the director unless the covered employee elects not to contribute or to contribute at a different rate.

(3) The contribution rate of each covered employee shall be increased at such rate and at such intervals as from time to time established by the director, unless the covered employee elects not to have such automatic increases apply.

(4) The IRAs are intended to qualify for favorable federal income tax treatment under section 408A of the internal revenue code.

(5) The director may establish intervals after which a covered employee must reaffirm elections, including opt-out elections, with regard to participation or escalation.

(6) Each covered employer shall deposit covered employees' withheld contributions under the program with the trustee in such manner as is determined by the director, provided that the employer shall deliver the amounts withheld to the trustee in good order within ten business days after the date such amounts otherwise would have been paid to the covered employee.

(7) The director shall determine the rules and procedures for withdrawals, distributions, transfers, and rollovers of IRAs and for the designation of IRA beneficiaries.

(8) The director shall report annually to the governor and the legislature outlining the director's activities and the program's operations.

(9) The director shall cause to be furnished to each covered employer:

(a) Information regarding the program;

(b) Required disclosures to be furnished to covered employees. Such disclosures must include:

(i) A description of the benefits and risks associated with making contributions under the program;

(ii) Instructions about how to obtain additional information about the program;

(iii) A description of the tax consequences of an IRA, which may consist of or include the disclosure statement required to be distributed by the trustee under the internal revenue code and the treasury regulations thereunder;

(iv) A statement that covered employees seeking financial advice should contact their own financial advisors and that covered employers are not in a position to provide financial advice and that covered employers are not liable for decisions covered employees make under sections 2 through 11 of this act;

(v) A statement that the program is not an employer-sponsored retirement plan;

(vi) A statement that neither the program nor the covered employee's IRA established under the program is guaranteed by the state;

(vii) A statement that neither a covered employer nor the state will monitor or has an obligation to monitor the covered employee's eligibility under the internal revenue code to make contributions to an IRA or to monitor whether the covered employee's contributions to the IRA established for the covered employee under the program exceed the maximum permissible IRA contribution; that it is the covered employee's responsibility to monitor such matters; and that the state, the program, and the covered employer have no liability with respect to any failure of the covered employee to be eligible to make IRA contributions or any contribution in excess of the maximum IRA contribution;

(c) Information, forms, and instructions to be furnished to covered employees at such times as the director determines that provide the covered employee with the procedures for:

(i) Making contributions to the covered employee's IRA established under the program, including a description of the automatic enrollment rate, the automatic escalation rate and frequency, and the right to elect to make no contribution or to change the contribution rate under the program;

(ii) Making an investment election with respect to the covered employee's IRA established under the program, including a description of the default investment fund;

(iii) Making transfers, rollovers, withdrawals, and other distributions from the covered employee's IRA.

(10) Each covered employer shall deliver or facilitate the delivery of the items set forth in subsection (9)(b) and (c)

of this section to each covered employee at such time and in such manner as determined by the director.

(11) The program must be designed and operated in a manner that will cause it not to be an employee benefit plan within the meaning of section 3(3) of the employee retirement income security act of 1974.

(12) Nothing in sections 2 through 11 of this act prohibits a covered employer from contracting with a third party, such as a payroll service provider or a professional employer organization, to assist such employer with the tasks required of a covered employer under sections 2 through 11 of this act.

**NEW SECTION. Sec. 962.** (1) The secure choice retirement savings administrative fund is hereby established in the custody of the state treasurer as a nonappropriated account separate and apart from the trust. The director shall use moneys in the administrative fund to pay for administrative expenses it incurs in the performance of its duties under sections 2 through 11 of this act. The administrative fund may receive any grants or other moneys designated for the administrative fund from the state, or any unit of federal or local government, or any other person. Any interest earnings that are attributable to moneys in the administrative fund must be deposited into the administrative fund. Only the director may authorize expenditures from the account. The account is subject to allotment procedures under chapter 43.88 RCW, but an appropriation is not required for expenditures.

(2) The account is authorized to maintain a cash deficit in the account for a period of no more than six fiscal years after the implementation of the secure choice retirement savings program to defray its initial program administration costs. By January 1, 2020, the director shall establish a program administration spending plan and an administrative fee schedule to discharge any projected cash deficit to the account. The legislature may make appropriations into the account for the purpose of reducing program administration costs.

(3) Administrative fees may be used to contract with another state to use that state's program or to create a joint program or consortium with one or more states offering an existing program. No other state funds may be used to contract or partner with one or more other states.

**NEW SECTION. Sec. 963.** There is hereby created as an instrumentality of the state a trust to be known as the secure choice retirement savings trust.

(1) The director shall appoint an institution qualified to act as trustee of IRA trusts or insurance company issuing annuity contracts under section 408 of the internal revenue code and licensed to do business in the state to act as trustee.

(2) The assets of IRAs established for covered employees must be allocated to the trust and combined for investment purposes. Trust assets must be managed and administered for the exclusive purposes of providing benefits to covered employees and defraying reasonable expenses of administering and maintaining, and managing

investments, of the IRAs and the trust, including the expenses of the director under section 4 of this act.

(3) The director shall establish within the trust one or more investment funds, each pursuing an investment strategy and policy established by the director. The underlying investments of each investment fund shall be diversified, to the extent the director determines to be appropriate, so as to minimize the risk of large losses under the circumstances. The director may, at any time and from time to time, add, replace, or remove any investment fund.

(4) The director may allow covered employees to allocate assets of their IRAs among such investment funds and in such case, the director also may designate an investment fund as a default investment for the IRAs of covered employees who do not make an investment choice.

(5) Subject to subsection (6) of this section, the director, in consultation with such third-party professional investment advisers, managers, or consultants as it may retain, shall select the underlying investments of each investment fund. Such underlying investments may include, without limitation, shares of mutual funds and exchange-traded funds, publicly traded equity, and fixed-income securities, and other investments available for investment by the trust. No investment fund may invest in any bond, debt instrument, or other security issued by this state.

(6) The director may, in its discretion, retain an investment adviser to select and manage the investments of an investment fund on a discretionary basis, subject to the director's ongoing review and oversight.

(7) The trustee is subject to directions of the director under subsection (5) of this section or an investment adviser under subsection (6) of this section and otherwise has no responsibility for the selection, retention, or disposition of trust investments or assets.

(8) The assets of the trust must at all times be preserved, invested, and expended solely for the purposes of the trust and no property rights therein shall exist in favor of the state or any covered employer. Trust assets may not be transferred or used by the state for any purposes other than the purposes of the trust or funding the expenses of operating the program, including the expenses of the director. Amounts deposited with the trustee are not property of the state and may not be commingled with state funds and the state has no claim to or against, or interest in, the trust assets.

(9) The assets of the trust shall at all times be held separate and apart from the assets of the state. None of the state, the program, the director, nor any employer may guaranty any investment, rate of return, or interest on amounts held in the trust, an investment fund, or any IRA. None of the state, the program, the director, or any employer is liable for any losses incurred by trust investments or otherwise by any covered employee or other person as a result of participating in the program except for any liability that arises out of a breach of fiduciary duty under section 5 of this act. No covered employer is liable for any losses incurred by trust investments or otherwise by any covered employee or other person as a result of participating in the program.



(10) Any security issued, managed, or invested by the director within the secure choice retirement savings trust on behalf of an individual participating in the program is exempt from RCW 21.20.140.

(11) The trust is authorized to engage in trust business under Title 30B RCW and is exempt from the requirement to obtain a certificate of authority from the department of financial institutions under Title 30B RCW.

(12) If the director determines to exercise his or her discretion under section 4(5) of this act to establish the program by using another state's auto-IRA program, establishing a joint program, or a consortium with one or more other states, then the trust may be established by adopting the trust established under such other state's program or as a master trust or similar arrangement with such other states, provided that such trust, master trust, or similar arrangement otherwise satisfies the requirements of this section.

**NEW SECTION. Sec. 964.** If the director determines to exercise his or her discretion under section 4(5) of this act:

(1) Only the secure choice retirement savings administrative fund may be used to contract with another state to use that state's program or to create a joint program or consortium with one or more states offering an existing program;

(2) The rate of the administrative fee for covered employees may not exceed the rate charged to employees of another state participating in the same program; and

(3) The rate of the administrative fee may be increased only after consultation with the state investment board and the chair and ranking members of the appropriate legislative committees.

**NEW SECTION. Sec. 965.** The director may establish a pilot program for covered employers to auto enroll employees into an IRA by January 1, 2020. The director may also provide for a staggered rollout of the program so that covered employers are initially required to offer the program to covered employees in stages based on employee headcount or such other criteria as may be established by the director.

**NEW SECTION. Sec. 966.** (1) The director must develop an implementation plan that details how the department of commerce will design, establish, operate, and market the program under sections 2 through 10 of this act.

(2) By December 1, 2019, and in compliance with RCW 43.01.036, the department of commerce must submit a report to the appropriate committees of the legislature describing the implementation plan.

(3) Beginning on December 1st of the first year after fully implementing the program, the director must report annually on administrative fees. The report shall include:

(a) An update on progress to date towards eliminating the cash deficit in the secure choice retirement savings administrative fund;

(b) The administrative fee cost basis assigned to each state participating in the program;

(c) The uses of administrative fees; and

(d) A plan to the reduce administrative fee cost basis for covered employees as the assets under management in the secure choice retirement savings trust increase over time.

**NEW SECTION. Sec. 967.** RCW 43.330.730 (Finding—2015 c 296) is decodified.

**Sec. 968.** RCW 43.330.732 and 2015 c 296 s 2 are each amended to read as follows:

The definitions in this section apply throughout this subchapter unless the context clearly requires otherwise.

(1) "Approved plans" means retirement plans offered by private sector financial services firms that meet the requirements of this chapter to participate in the marketplace.

(2) "Balanced fund" means a mutual fund that has an investment mandate to balance its portfolio holdings. The fund generally includes a mix of stocks and bonds in varying proportions according to the fund's investment outlook.

(3) "Eligible employer" means a self-employed individual, sole proprietor, or an employer with ~~((fewer than))~~ at least one ~~((hundred))~~ qualified employee~~((s))~~ at the time of enrollment.

(4) "Enrollee" means any employee who is voluntarily enrolled in an approved plan offered by an eligible employer through the Washington small business retirement marketplace.

~~(5) ("myRA" means the myRA retirement program administered by the United States department of the treasury that is available to all employers and employees with no fees or no minimum contribution requirements. A myRA is a Roth IRA option and investments in these accounts are backed by the United States department of the treasury.~~

~~((6))~~ "Participating employer" means any eligible employer with employees enrolled in an approved plan offered through the Washington small business retirement marketplace who chooses to participate in the marketplace and offers approved plans to employees for voluntary enrollment.

~~((7))~~ (6) "Private sector financial services firms" or "financial services firms" mean persons or entities licensed or holding a certificate of authority and in good standing by either the department of financial institutions or the office of the insurance commissioner and meeting all federal laws and regulations to offer retirement plans.

~~((8))~~ (7) "Qualified employee" means those workers who are defined by the federal internal revenue service to be eligible to participate in a specific qualified plan.

~~((9))~~ (8) "Target date or other similar fund" means a hybrid mutual fund that automatically resets the asset mix of stocks, bonds, and cash equivalents in its portfolio according to a selected time frame that is appropriate for a particular

investor. A target date is structured to address a projected retirement date.

~~((40))~~ (9) "Washington small business retirement marketplace" or "marketplace" means the retirement savings program created to connect eligible employers and their employees with approved plans to increase retirement savings.

**Sec. 969.** RCW 43.330.735 and 2017 c 69 s 1 are each amended to read as follows:

(1) The Washington small business retirement marketplace is created.

(2) Prior to connecting any eligible employer with an approved plan in the marketplace, the director shall design a plan for the operation of the marketplace.

(3) The director shall consult with the Washington state department of retirement systems, the Washington state investment board, and the department of financial institutions in designing and managing the marketplace.

(4) The director shall approve for participation in the marketplace all private sector financial services firms that meet the requirements of RCW 43.330.732~~((7))~~ (6).

(5) A range of investment options must be provided to meet the needs of investors with various levels of risk tolerance and various ages. The director must approve a diverse array of private retirement plan options that are available to employers on a voluntary basis, including but not limited to life insurance plans that are designed for retirement purposes, and plans for eligible employer participation such as: (a) A SIMPLE IRA-type plan that provides for employer contributions to participating enrollee accounts; and (b) a payroll deduction individual retirement account type plan or workplace-based individual retirement accounts open to all workers in which the employer does not contribute to the employees' account.

(6)(a) Prior to approving a plan to be offered on the marketplace, the department must receive verification from the department of financial institutions or the office of the insurance commissioner:

(i) That the private sector financial services firm offering the plan meets the requirements of RCW 43.330.732~~((7))~~ (6); and

(ii) That the plan meets the requirements of this section excluding subsection (9) of this section which is subject to federal laws and regulations.

(b) If the plan includes either life insurance or annuity products, or both, the office of the insurance commissioner may request that the department of financial institutions conduct the plan review as provided in (a)(ii) of this subsection prior to submitting its verification to the department.

(c) The director may remove approved plans that no longer meet the requirements of this chapter.

(7) The financial services firms participating in the marketplace must offer a minimum of two product options: (a) A target date or other similar fund, with asset allocations

and maturities designed to coincide with the expected date of retirement and (b) a balanced fund. ~~((The marketplace must offer myRA.))~~

(8) In order for the marketplace to operate, there must be at least two approved plans on the marketplace; however, nothing in this subsection shall be construed to limit the number of private sector financial services firms with approved plans from participating in the marketplace.

(9) Approved plans must meet federal law or regulation for internal revenue service approved retirement plans.

(10) The approved plans must include the option for enrollees to roll pretax contributions into a different individual retirement account or another eligible retirement plan after ceasing participation in a plan approved by the Washington small business retirement marketplace.

(11) Financial services firms selected by the department to offer approved plans on the marketplace may not charge the participating employer an administrative fee and may not charge enrollees more than one hundred basis points in total annual fees and must provide information about their product's historical investment performance. Financial services firms may charge enrollees a de minimis fee for new and/or low balance accounts in amounts negotiated and agreed upon by the department and financial services firms. The director shall limit plans to those with total fees the director considers reasonable based on all the facts and circumstances.

(12) Participation in the Washington small business retirement marketplace is voluntary for both eligible employers and qualified employees.

(13) Enrollment in any approved plan offered in the marketplace is not an entitlement.

**Sec. 970.** RCW 43.79A.040 and 2018 c 260 s 28, 2018 c 258 s 4, and 2018 c 127 s 6 are each reenacted and amended to read as follows:

(1) Money in the treasurer's trust fund may be deposited, invested, and reinvested by the state treasurer in accordance with RCW 43.84.080 in the same manner and to the same extent as if the money were in the state treasury, and may be commingled with moneys in the state treasury for cash management and cash balance purposes.

(2) All income received from investment of the treasurer's trust fund must be set aside in an account in the treasury trust fund to be known as the investment income account.

(3) The investment income account may be utilized for the payment of purchased banking services on behalf of treasurer's trust funds including, but not limited to, depository, safekeeping, and disbursement functions for the state treasurer or affected state agencies. The investment income account is subject in all respects to chapter 43.88 RCW, but no appropriation is required for payments to financial institutions. Payments must occur prior to distribution of earnings set forth in subsection (4) of this section.

(4)(a) Monthly, the state treasurer must distribute the earnings credited to the investment income account to the state general fund except under (b), (c), and (d) of this subsection.

(b) The following accounts and funds must receive their proportionate share of earnings based upon each account's or fund's average daily balance for the period: The 24/7 sobriety account, the Washington promise scholarship account, the Gina Grant Bull memorial legislative page scholarship account, the Washington advanced college tuition payment program account, the Washington college savings program account, the accessible communities account, the Washington achieving a better life experience program account, the community and technical college innovation account, the agricultural local fund, the American Indian scholarship endowment fund, the foster care scholarship endowment fund, the foster care endowed scholarship trust fund, the contract harvesting revolving account, the Washington state combined fund drive account, the commemorative works account, the county enhanced 911 excise tax account, the toll collection account, the developmental disabilities endowment trust fund, the energy account, the fair fund, the family and medical leave insurance account, the fish and wildlife federal lands revolving account, the natural resources federal lands revolving account, the food animal veterinarian conditional scholarship account, the forest health revolving account, the fruit and vegetable inspection account, the future teachers conditional scholarship account, the game farm alternative account, the GET ready for math and science scholarship account, the Washington global health technologies and product development account, the grain inspection revolving fund, the Washington history day account, the industrial insurance rainy day fund, the juvenile accountability incentive account, the law enforcement officers' and firefighters' plan 2 expense fund, the local tourism promotion account, the low-income home rehabilitation revolving loan program account, the multiagency permitting team account, the northeast Washington wolf-livestock management account, the pilotage account, the produce railcar pool account, the regional transportation investment district account, the rural rehabilitation account, the Washington sexual assault kit account, the stadium and exhibition center account, the youth athletic facility account, the self-insurance revolving fund, the children's trust fund, the Washington horse racing commission Washington bred owners' bonus fund and breeder awards account, the Washington horse racing commission class C purse fund account, the individual development account program account, the Washington horse racing commission operating account, the life sciences discovery fund, the Washington state heritage center account, the reduced cigarette ignition propensity account, the center for childhood deafness and hearing loss account, the school for the blind account, the Millersylvania park trust fund, the public employees' and retirees' insurance reserve fund, the school employees' benefits board insurance reserve fund, ~~((the))~~ the public employees' and retirees' insurance account, ~~((the))~~ the school employees' insurance account, the secure choice retirement savings administrative fund, and the radiation perpetual maintenance fund.

(c) The following accounts and funds must receive eighty percent of their proportionate share of earnings based upon each account's or fund's average daily balance for the period: The advanced right-of-way revolving fund, the advanced environmental mitigation revolving account, the federal narcotics asset forfeitures account, the high occupancy vehicle account, the local rail service assistance account, and the miscellaneous transportation programs account.

(d) Any state agency that has independent authority over accounts or funds not statutorily required to be held in the custody of the state treasurer that deposits funds into a fund or account in the custody of the state treasurer pursuant to an agreement with the office of the state treasurer shall receive its proportionate share of earnings based upon each account's or fund's average daily balance for the period.

(5) In conformance with Article II, section 37 of the state Constitution, no trust accounts or funds shall be allocated earnings without the specific affirmative directive of this section.

**Sec. 971.** RCW 30B.04.040 and 2014 c 37 s 306 are each amended to read as follows:

Notwithstanding any other provision of this title, a person is exempt from the requirement of a certificate of authority or approval under this title, or from regulation by the director pursuant to this title, if the person is:

(1) An individual, sole proprietor, or general partnership or joint venture composed of individuals;

(2) Engaging in business in this state (a) as a national banking association or (b) as a federal mutual savings bank, federal stock savings bank, or federal savings and loan association under authority of the office of the comptroller of the currency;

(3) Acting in a manner otherwise authorized by law and within the scope of authority as an agent of a trust institution with respect to an activity which is not an unauthorized trust activity;

(4) Acting as a fiduciary solely by reason of being appointed by a court to perform the duties of a trustee, guardian, conservator, or receiver;

(5) While holding oneself out to the public as an attorney-at-law, law firm, or limited license legal technician, performing a service customarily performed as an attorney-at-law, law firm, or limited license legal technician in a manner approved and authorized by the supreme court of the state of Washington;

(6) Acting as an escrow agent pursuant to the escrow agent registration act, chapter 18.44 RCW, or in one's capacity as an authorized title agent under Title 48 RCW;

(7) Acting as trustee under a deed of trust delivered only as security for the payment of money or for the performance of another act;

(8) Receiving and distributing rents and proceeds of sale as a licensed real estate broker on behalf of a principal

in a manner authorized by the Washington department of licensing;

(9) Engaging in a securities transaction or providing an investment advisory service in the capacity of a licensed and registered broker-dealer, investment advisor, or registered representative thereof, provided the activity is regulated by the department or the United States securities and exchange commission;

(10) Engaging in the sale and administration of an insurance product by an insurance company or agent licensed by the office of the insurance commissioner to the extent that the activity is regulated by the office of the insurance commissioner;

(11) Acting as trustee under a voting trust as provided by Washington state law;

(12) Acting as trustee by a public, private, or independent institution of higher education or a university system authorized under Washington state law, including its affiliated foundations or corporations, with respect to endowment funds or other funds owned, controlled, provided to, or otherwise made available to such institution with respect to its educational or research purposes;

(13) Acting as a private trust or private trust company to the extent exempt from regulation of the department as set forth in chapter 30B.64 RCW; ((or))

(14) The trust created in section 8 of this act, or a trustee of such trust; or

(15) Engaging in other activities expressly excluded from the application of this title by rule of the director.

**NEW SECTION. Sec. 972.** If any provision of this act is found to be in conflict with federal law or regulations, including the employee retirement income security act of 1974, the conflicting provision of this act is declared to be inoperative solely to the extent of the conflict, and that finding or determination shall not affect the operation of the remainder of this act.

**NEW SECTION. Sec. 973.** Sections 2 through 11 of this act are each added to chapter 43.330 RCW."

Correct the title.

Signed by Representatives Kirby, Chair; Vick, Ranking Minority Member; Hoff, Assistant Ranking Minority Member; Barkis; Blake; Duerr; Dufault; Johnson, J.; Ryu; Santos; Volz; Walen and Ybarra.

Referred to Committee on Appropriations.

February 27, 2020 973.0.

**SSB 5867**

Prime Sponsor, Committee on Law & Justice: Resentencing of persons convicted of drug offenses. Reported by Committee on Public Safety

MAJORITY recommendation: Do pass. Signed by Representatives Appleton, 2nd Vice Chair; Goodman,

Chair; Davis, Vice Chair; Sutherland, Assistant Ranking Minority Member; Graham; Griffey; Lovick; Orwall; Pellicciotti and Pettigrew.

MINORITY recommendation: Do not pass. Signed by Representative Klippert, Ranking Minority Member.

Referred to Committee on Rules for second reading.

February 27, 2020 973.0.

**ESSB 5946**

Prime Sponsor, Committee on Housing Stability & Affordability: Concerning the application of the state environmental policy act to temporary shelters and transitional encampments. Reported by Committee on Environment & Energy

MAJORITY recommendation: Do pass as amended. 973.0.

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 974.** A new section is added to chapter 43.21C RCW to read as follows:

(1) Permit actions to site a temporary shelter or transitional encampment are exempt from compliance with this chapter if the shelter or encampment meets each of the following standards:

(a) The temporary shelter or transitional encampment is used for people experiencing homelessness;

(b) The temporary shelter or transitional encampment includes no more than two hundred beds and the number of occupants is based on one person for each bed;

(c) The permit for the temporary shelter or transitional encampment includes a condition that the shelter or encampment is used on the site for no more than three years. If a temporary shelter or transitional encampment is to remain on the site for more than three years, the permit action to extend or reissue a permit to the temporary shelter or transitional encampment is not exempt from compliance with this chapter;

(d) The temporary shelter or transitional encampment does not involve erecting a new permanent structure;

(e) The local jurisdiction acting as lead agency has declared a state of emergency on homelessness that is in effect at the time of the permit action;

(f) The temporary shelter or transitional encampment may not be located within one thousand feet of a salmon bearing stream or waterway, or any waterway that is currently listed for impaired water quality consistent with the provisions of chapter 90.48 RCW or section 303(d) of the federal clean water act; and

(g) The temporary encampment or shelter may not be located within one thousand feet of a public or private school or an early learning facility, unless the public or private school, early learning facility, or controlling affiliate organization of the public or private school or early learning

facility has provided written notification approving of the siting to the government entity responsible for the permit action;

(h) The allowance of drugs or alcohol by transitional encampment or temporary shelter occupants will be determined by the lead agency based on analysis of the needs and population served by the specific encampment or shelter; and

(i) The transitional encampment or temporary shelter complies with the drainage, erosion control, and other water quality regulations of the lead agency, and consistent with any applicable national pollutant discharge elimination system permit or permit issued under chapter 90.48 RCW to the jurisdiction.

(2) The definitions in this subsection apply throughout this section unless the context clearly requires otherwise.

(a) "School" means:

(i) A public school under RCW 28A.150.010;

(ii) A private school approved by the state under chapter 28A.195 RCW; and

(iii) A charter school under RCW 28A.710.010.

(b) "Early learning facility" means a facility that is permitted by the lead agency and in existence when the transitional encampment or temporary shelter is proposed and that is:

(i) A child day care center under RCW 43.216.010(1)(a);

(ii) An early childhood education and assistance program provider under RCW 43.216.010(8);

(iii) A family day care provider under RCW 43.216.010(1)(c);

(iv) A head start program under 42 U.S.C. 9801 et seq.; and

(v) A nursery school under RCW 43.216.010(2)(e).

(c)(i) "Temporary shelter" means a use sited in a new or existing structure or modular structure that provides temporary quarters for sleeping and shelter. The use may have common food preparation, shower, or other commonly used facilities that support temporary shelters.

(ii) "Temporary shelter" does not include a site that lacks sufficient sanitary facilities, such as restrooms and showers, whether portable or fixed, as determined by the lead agency after a public hearing at which information about sanitary capacity at the location in question is provided by a public health official.

(d)(i) "Transitional encampment" means a use having tents, modular structures, or a similar shelter, including vehicles used for shelter, that provides temporary quarters for sleeping and shelter. The use may have common food preparation, shower, or other commonly used facilities that are separate from the sleeping shelters and that support transitional encampments.

(ii) "Transitional encampment" does not include a site that lacks sufficient sanitary facilities, such as restrooms and showers, whether portable or fixed, as determined by the lead agency after a public hearing at which information about sanitary capacity at the location in question is provided by a public health official.

(3) The exemption established in this section is in addition to the exemption established by rule pursuant to RCW 43.21C.110(1)(k), and does not in any way limit or change that exemption."

Correct the title.

974.0.

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 975.** A new section is added to chapter 43.21C RCW to read as follows:

(1) Permit actions to site a temporary shelter or transitional encampment are exempt from compliance with this chapter if the shelter or encampment meets each of the following standards:

(a) The temporary shelter or transitional encampment is used for people experiencing homelessness;

(b) The temporary shelter or transitional encampment includes no more than two hundred beds and the number of occupants is based on one person for each bed;

(c) The permit for the temporary shelter or transitional encampment includes a condition that the shelter or encampment is used on the site for no more than three years. If a temporary shelter or transitional encampment is to remain on the site for more than three years, the permit action to extend or reissue a permit to the temporary shelter or transitional encampment is not exempt from compliance with this chapter;

(d) The temporary shelter or transitional encampment does not involve erecting a new permanent structure;

(e) The local jurisdiction acting as lead agency has declared a state of emergency on homelessness that is in effect at the time of the permit action; and

(f) The temporary encampment or shelter may not be located within one thousand feet of a public or private school or an early learning facility, unless the public or private school, early learning facility, or controlling affiliate organization of the public or private school or early learning facility has provided written notification approving of the siting to the government entity responsible for the permit action.

(2) The definitions in this subsection apply throughout this section unless the context clearly requires otherwise.

(a) "School" means:

(i) A public school under RCW 28A.150.010;

(ii) A private school approved by the state under chapter 28A.195 RCW; and

(iii) A charter school under RCW 28A.710.010.

(b) "Early learning facility" means:

(i) A child day care center under RCW 43.216.010(1)(a);

(ii) An early childhood education and assistance program provider under RCW 43.216.010(8);

(iii) A family day care provider under RCW 43.216.010(1)(c);

(iv) A head start program under 42 U.S.C. 9801 et seq.; and

(v) A nursery school under RCW 43.216.010(2)(e).

(c) "Temporary shelter" means a use sited in a new or existing structure or modular structure that provides temporary quarters for sleeping and shelter. The use may have common food preparation, shower, or other commonly used facilities that support temporary shelters.

(d) "Transitional encampment" means a use having tents, modular structures, or a similar shelter, including vehicles used for shelter, that provides temporary quarters for sleeping and shelter. The use may have common food preparation, shower, or other commonly used facilities that are separate from the sleeping shelters and that support transitional encampments.

(3) The exemption established in this section is in addition to the exemption established by rule pursuant to RCW 43.21C.110(1)(k), and does not in any way limit or change that exemption."

Correct the title.

Signed by Representatives Fitzgibbon, Chair; Lekanoff, Vice Chair; DeBolt, Ranking Minority Member; Dye, Assistant Ranking Minority Member; Doglio; Fey; Goehner; Mead; Robinson and Shewmake.

MINORITY recommendation: Do not pass. Signed by Representative Boehnke.

Referred to Committee on Rules for second reading.

February 27, 2020 975.0.

SSB 6022 Prime Sponsor, Committee on Law & Justice: Concerning fentanyl. Reported by Committee on Public Safety

MAJORITY recommendation: Do pass. Signed by Representatives Appleton, 2nd Vice Chair; Goodman, Chair; Davis, Vice Chair; Klippert, Ranking Minority Member; Sutherland, Assistant Ranking Minority Member; Graham; Griffey; Lovick; Orwall; Pellicciotti and Pettigrew.

Referred to Committee on Rules for second reading.

February 26, 2020 975.0.

ESB 6032 Prime Sponsor, Senator Hawkins: Creating a Washington apples special license plate. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives Fey, Chair; Slatter, 2nd Vice Chair; Valdez, 2nd Vice Chair; Wylie, 1st Vice Chair; Barkis, Ranking Minority Member; Walsh, Assistant Ranking Minority Member; Young, Assistant Ranking Minority Member; Boehnke; Chambers; Chapman; Dent; Doglio; Duerr; Dufault; Entenman; Eslick; Goehner; Gregerson; Irwin; Kloba; Lovick; McCaslin; Mead; Orcutt; Ortiz-Self; Paul; Ramos; Riccelli; Shewmake; Van Werven and Volz.

Referred to Committee on Rules for second reading.

February 27, 2020 975.0.

ESSB 6063 Prime Sponsor, Committee on Human Services, Reentry & Rehabilitation: Improving department of corrections health care administration. Reported by Committee on Public Safety

MAJORITY recommendation: Do pass. Signed by Representatives Appleton, 2nd Vice Chair; Goodman, Chair; Davis, Vice Chair; Klippert, Ranking Minority Member; Sutherland, Assistant Ranking Minority Member; Graham; Griffey; Lovick; Orwall; Pellicciotti and Pettigrew.

Referred to Committee on Rules for second reading.

February 27, 2020 975.0.

E2SSB 6087 Prime Sponsor, Committee on Ways & Means: Imposing cost-sharing requirements for coverage of insulin products. Reported by Committee on Health Care & Wellness

MAJORITY recommendation: Do pass as amended. 975.0.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 976. A new section is added to chapter 48.43 RCW to read as follows:

(1) Except as required in subsection (2) of this section, a health plan issued or renewed on or after January 1, 2021, that provides coverage for prescription insulin drugs for the treatment of diabetes must cap the total amount that an enrollee is required to pay for a covered insulin drug at an amount not to exceed one hundred dollars per thirty-day supply of the drug. Prescription insulin drugs must be covered without being subject to a deductible, and any cost

sharing paid by an enrollee must be applied toward the enrollee's deductible obligation.

(2) If the federal internal revenue service removes insulin from the list of preventive care services which can be covered by a qualifying health plan for a health savings account before the deductible is satisfied, for a health plan that provides coverage for prescription insulin drugs for the treatment of diabetes and is offered as a qualifying health plan for a health savings account, the carrier must establish the plan's cost sharing for the coverage of prescription insulin for diabetes at the minimum level necessary to preserve the enrollee's ability to claim tax exempt contributions from his or her health savings account under internal revenue service laws and regulations. The office of the insurance commissioner must provide written notice of the change in internal revenue service guidance to affected parties, the chief clerk of the house of representatives, the secretary of the senate, the office of the code reviser, and others as deemed appropriate by the office.

(3) This section expires January 1, 2023.

**NEW SECTION. Sec. 977.** A new section is added to chapter 41.05 RCW to read as follows:

(1) Except as required in subsection (2) of this section, a health plan offered to public employees and their covered dependents under this chapter that is issued or renewed by the board on or after January 1, 2021, that provides coverage for prescription insulin drugs for the treatment of diabetes must cap the total amount that an enrollee is required to pay for a covered insulin drug at an amount not to exceed one hundred dollars per thirty-day supply of the drug. Prescription insulin drugs must be covered without being subject to a deductible, and any cost sharing paid by an enrollee must be applied toward the enrollee's deductible obligation.

(2) If the federal internal revenue service removes insulin from the list of preventive care services which can be covered by a qualifying health plan for a health savings account before the deductible is satisfied, for a health plan that provides coverage for prescription insulin drugs for the treatment of diabetes and is offered as a qualifying health plan for a health savings account, the health plan offered under this chapter must establish the plan's cost sharing for the coverage of prescription insulin for diabetes at the minimum level necessary to preserve the enrollee's ability to claim tax exempt contributions from his or her health savings account under internal revenue service laws and regulations. The office of the insurance commissioner must provide written notice of the change in internal revenue service guidance to affected parties, the chief clerk of the house of representatives, the secretary of the senate, the office of the code reviser, and others as deemed appropriate by the office.

(3) The authority must monitor the wholesale acquisition cost of all insulin products sold in the state.

(4) This section expires January 1, 2023.

**Sec. 978.** RCW 48.20.391 and 1997 c 276 s 2 are each amended to read as follows:

The legislature finds that diabetes imposes a significant health risk and tremendous financial burden on the citizens and government of the state of Washington, and that access to the medically accepted standards of care for diabetes, its treatment and supplies, and self-management training and education is crucial to prevent or delay the short and long-term complications of diabetes and its attendant costs.

(1) The definitions in this subsection apply throughout this section unless the context clearly requires otherwise.

(a) "Person with diabetes" means a person diagnosed by a health care provider as having insulin using diabetes, noninsulin using diabetes, or elevated blood glucose levels induced by pregnancy; and

(b) "Health care provider" means a health care provider as defined in RCW 48.43.005.

(2) All disability insurance contracts providing health care services, delivered or issued for delivery in this state and issued or renewed after January 1, 1998, shall provide benefits for at least the following services and supplies for persons with diabetes:

(a) For disability insurance contracts that include pharmacy services, appropriate and medically necessary equipment and supplies, as prescribed by a health care provider, that includes but is not limited to insulin, syringes, injection aids, blood glucose monitors, test strips for blood glucose monitors, visual reading and urine test strips, insulin pumps and accessories to the pumps, insulin infusion devices, prescriptive oral agents for controlling blood sugar levels, foot care appliances for prevention of complications associated with diabetes, and glucagon emergency kits; and

(b) For all disability insurance contracts providing health care services, outpatient self-management training and education, including medical nutrition therapy, as ordered by the health care provider. Diabetes outpatient self-management training and education may be provided only by health care providers with expertise in diabetes. Nothing in this section prevents the insurer from restricting patients to seeing only health care providers who have signed participating provider agreements with the insurer or an insuring entity under contract with the insurer.

(3) ~~((Coverage))~~ Except as provided in section 1 of this act, coverage required under this section may be subject to customary cost-sharing provisions established for all other similar services or supplies within a policy.

(4) Health care coverage may not be reduced or eliminated due to this section.

(5) Services required under this section shall be covered when deemed medically necessary by the medical director, or his or her designee, subject to any referral and formulary requirements.

(6) The insurer need not include the coverage required in this section in a group contract offered to an employer or other group that offers to its eligible enrollees a self-insured health plan not subject to mandated benefits status under this

title that does not offer coverage similar to that mandated under this section.

(7) This section does not apply to the health benefit plan that provides benefits identical to the schedule of services covered by the basic health plan, as required by RCW 48.20.028.

**Sec. 979.** RCW 48.21.143 and 2004 c 244 s 10 are each amended to read as follows:

The legislature finds that diabetes imposes a significant health risk and tremendous financial burden on the citizens and government of the state of Washington, and that access to the medically accepted standards of care for diabetes, its treatment and supplies, and self-management training and education is crucial to prevent or delay the short and long-term complications of diabetes and its attendant costs.

(1) The definitions in this subsection apply throughout this section unless the context clearly requires otherwise.

(a) "Person with diabetes" means a person diagnosed by a health care provider as having insulin using diabetes, noninsulin using diabetes, or elevated blood glucose levels induced by pregnancy; and

(b) "Health care provider" means a health care provider as defined in RCW 48.43.005.

(2) All group disability insurance contracts and blanket disability insurance contracts providing health care services, issued or renewed after January 1, 1998, shall provide benefits for at least the following services and supplies for persons with diabetes:

(a) For group disability insurance contracts and blanket disability insurance contracts that include coverage for pharmacy services, appropriate and medically necessary equipment and supplies, as prescribed by a health care provider, that includes but is not limited to insulin, syringes, injection aids, blood glucose monitors, test strips for blood glucose monitors, visual reading and urine test strips, insulin pumps and accessories to the pumps, insulin infusion devices, prescriptive oral agents for controlling blood sugar levels, foot care appliances for prevention of complications associated with diabetes, and glucagon emergency kits; and

(b) For all group disability insurance contracts and blanket disability insurance contracts providing health care services, outpatient self-management training and education, including medical nutrition therapy, as ordered by the health care provider. Diabetes outpatient self-management training and education may be provided only by health care providers with expertise in diabetes. Nothing in this section prevents the insurer from restricting patients to seeing only health care providers who have signed participating provider agreements with the insurer or an insuring entity under contract with the insurer.

(3) ~~((Coverage))~~ Except as provided in section 1 of this act, coverage required under this section may be subject to customary cost-sharing provisions established for all other similar services or supplies within a policy.

(4) Health care coverage may not be reduced or eliminated due to this section.

(5) Services required under this section shall be covered when deemed medically necessary by the medical director, or his or her designee, subject to any referral and formulary requirements.

(6) The insurer need not include the coverage required in this section in a group contract offered to an employer or other group that offers to its eligible enrollees a self-insured health plan not subject to mandated benefits status under this title that does not offer coverage similar to that mandated under this section.

(7) This section does not apply to the health benefit plan that provides benefits identical to the schedule of services covered by the basic health plan.

**Sec. 980.** RCW 48.44.315 and 2004 c 244 s 12 are each amended to read as follows:

The legislature finds that diabetes imposes a significant health risk and tremendous financial burden on the citizens and government of the state of Washington, and that access to the medically accepted standards of care for diabetes, its treatment and supplies, and self-management training and education is crucial to prevent or delay the short and long-term complications of diabetes and its attendant costs.

(1) The definitions in this subsection apply throughout this section unless the context clearly requires otherwise.

(a) "Person with diabetes" means a person diagnosed by a health care provider as having insulin using diabetes, noninsulin using diabetes, or elevated blood glucose levels induced by pregnancy; and

(b) "Health care provider" means a health care provider as defined in RCW 48.43.005.

(2) All health benefit plans offered by health care service contractors, issued or renewed after January 1, 1998, shall provide benefits for at least the following services and supplies for persons with diabetes:

(a) For health benefit plans that include coverage for pharmacy services, appropriate and medically necessary equipment and supplies, as prescribed by a health care provider, that includes but is not limited to insulin, syringes, injection aids, blood glucose monitors, test strips for blood glucose monitors, visual reading and urine test strips, insulin pumps and accessories to the pumps, insulin infusion devices, prescriptive oral agents for controlling blood sugar levels, foot care appliances for prevention of complications associated with diabetes, and glucagon emergency kits; and

(b) For all health benefit plans, outpatient self-management training and education, including medical nutrition therapy, as ordered by the health care provider. Diabetes outpatient self-management training and education may be provided only by health care providers with expertise in diabetes. Nothing in this section prevents the health care services contractor from restricting patients to seeing only health care providers who have signed participating provider agreements with the health care services contractor or an



insuring entity under contract with the health care services contractor.

(3) ~~((Coverage))~~ Except as provided in section 1 of this act, coverage required under this section may be subject to customary cost-sharing provisions established for all other similar services or supplies within a policy.

(4) Health care coverage may not be reduced or eliminated due to this section.

(5) Services required under this section shall be covered when deemed medically necessary by the medical director, or his or her designee, subject to any referral and formulary requirements.

(6) The health care service contractor need not include the coverage required in this section in a group contract offered to an employer or other group that offers to its eligible enrollees a self-insured health plan not subject to mandated benefits status under this title that does not offer coverage similar to that mandated under this section.

(7) This section does not apply to the health benefit plans that provide benefits identical to the schedule of services covered by the basic health plan.

**Sec. 981.** RCW 48.46.272 and 2004 c 244 s 14 are each amended to read as follows:

The legislature finds that diabetes imposes a significant health risk and tremendous financial burden on the citizens and government of the state of Washington, and that access to the medically accepted standards of care for diabetes, its treatment and supplies, and self-management training and education is crucial to prevent or delay the short and long-term complications of diabetes and its attendant costs.

(1) The definitions in this subsection apply throughout this section unless the context clearly requires otherwise.

(a) "Person with diabetes" means a person diagnosed by a health care provider as having insulin using diabetes, noninsulin using diabetes, or elevated blood glucose levels induced by pregnancy; and

(b) "Health care provider" means a health care provider as defined in RCW 48.43.005.

(2) All health benefit plans offered by health maintenance organizations, issued or renewed after January 1, 1998, shall provide benefits for at least the following services and supplies for persons with diabetes:

(a) For health benefit plans that include coverage for pharmacy services, appropriate and medically necessary equipment and supplies, as prescribed by a health care provider, that includes but is not limited to insulin, syringes, injection aids, blood glucose monitors, test strips for blood glucose monitors, visual reading and urine test strips, insulin pumps and accessories to the pumps, insulin infusion devices, prescriptive oral agents for controlling blood sugar levels, foot care appliances for prevention of complications associated with diabetes, and glucagon emergency kits; and

(b) For all health benefit plans, outpatient self-management training and education, including medical

nutrition therapy, as ordered by the health care provider. Diabetes outpatient self-management training and education may be provided only by health care providers with expertise in diabetes. Nothing in this section prevents the health maintenance organization from restricting patients to seeing only health care providers who have signed participating provider agreements with the health maintenance organization or an insuring entity under contract with the health maintenance organization.

(3) ~~((Coverage))~~ Except as provided in section 1 of this act, coverage required under this section may be subject to customary cost-sharing provisions established for all other similar services or supplies within a policy.

(4) Health care coverage may not be reduced or eliminated due to this section.

(5) Services required under this section shall be covered when deemed medically necessary by the medical director, or his or her designee, subject to any referral and formulary requirements.

(6) The health maintenance organization need not include the coverage required in this section in a group contract offered to an employer or other group that offers to its eligible enrollees a self-insured health plan not subject to mandated benefits status under this title that does not offer coverage similar to that mandated under this section.

(7) This section does not apply to the health benefit plans that provide benefits identical to the schedule of services covered by the basic health plan."

Correct the title.

Signed by Representatives Cody, Chair; Macri, Vice Chair; Schmick, Ranking Minority Member; Chambers; Chopp; Davis; Maycumber; Riccelli; Robinson; Stonier; Thai and Tharinger.

MINORITY recommendation: Do not pass. Signed by Representative DeBolt.

MINORITY recommendation: Without recommendation. Signed by Representative Harris.

Referred to Committee on Rules for second reading.

March 2, 2020 981.0.

**SSB 6088** Prime Sponsor, Committee on Ways & Means: Establishing a prescription drug affordability board. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass as amended. 981.0.

Strike everything after the enacting clause and insert the following:

**NEW SECTION. Sec. 1.** A new section is added to chapter 70.14 RCW to read as follows:

The definitions in this section apply throughout sections 2 through 5 of this act unless the context clearly requires otherwise.

- (1) "Authority" means the health care authority.
- (2) "Biological product" has the meaning provided in 42 U.S.C. Sec. 262(i)(1).
- (3) "Biosimilar" has the meaning provided in 42 U.S.C. Sec. 262(i)(2).
- (4) "Board" means the prescription drug affordability board.
- (5) "Generic drug" has the meaning provided in RCW 69.48.020.

**NEW SECTION. Sec. 2.** A new section is added to chapter 70.14 RCW to read as follows:

(1) Subject to the availability of amounts appropriated for this specific purpose, the prescription drug affordability board is established, to include five members who have expertise in health care economics or clinical medicine appointed by the governor.

(2) Board members shall serve for a term of five years.

(3) No board member may be an employee of, a board member of, or consultant to, a prescription drug manufacturer, pharmacy benefit manager, health carrier, prescription drug wholesale distributor, or related trade association.

(4) The board may establish advisory groups consisting of relevant stakeholders when the board deems it necessary. Advisory group members are immune from civil liability for any official act performed in good faith as a member of the group.

(5) The authority shall provide administrative support to the board and any advisory group and may adopt rules governing their operation.

(6) Board members shall be compensated for participation in the work of the board in accordance with a personal services contract to be executed after appointment and before commencement of activities related to the work of the board.

(7) A simple majority of the board's membership constitutes a quorum for the purpose of conducting business.

(8) The board must coordinate with and complement the work of the authority, other boards, and work groups related to prescription drug costs and emerging therapies.

(9) All meetings of the board must be open and public, except that the board may hold executive sessions to the extent permitted by chapter 42.30 RCW.

**NEW SECTION. Sec. 3.** A new section is added to chapter 70.14 RCW to read as follows:

(1) By May 1, 2021, the board must provide the health care cost transparency board established in chapter 70.---

RCW (the new chapter created in Second Substitute House Bill No. 2457, Laws of 2020), with recommendations for the means and methodologies to establish a cost growth benchmark related to prescription drugs.

(2) By June 30, 2021, and yearly thereafter, using data collected under chapter 43.71C RCW, or other data deemed relevant by the board, the board must identify:

(a) Brand name prescription drugs and biological products that:

(i) Are introduced to the market with a wholesale acquisition cost of thirty thousand dollars or more per year or course of treatment lasting less than one year; or

(ii) Have a price increase of two thousand dollars or more in any twelve-month period;

(b) Biosimilar products that have a launch wholesale acquisition cost that is not at least fifteen percent lower than the reference brand biological product at the time the biosimilar is launched;

(c) Generic drugs with a wholesale acquisition cost of one hundred dollars or more for a thirty-day supply or less that has increased in price by two hundred percent or more in the preceding twelve months;

(d) Any prescription drug or biological products exceeding the relevant benchmark established by the health care cost transparency board established in chapter 70.--- RCW (the new chapter created in Second Substitute House Bill No. 2457, Laws of 2020); and

(e) Any other prescription drug or biological product the board believes the manufacturer's pricing of may exceed the proposed value of the prescription drug or biological products.

**NEW SECTION. Sec. 4.** A new section is added to chapter 70.14 RCW to read as follows:

(1) The board may choose to conduct a cost review of any prescription drug or biological product identified under section 3 of this act.

(2) For prescription drugs or biological products chosen for a cost review, the board must determine whether the manufacturer's pricing of the prescription drug or biological product substantially exceeds the proposed value of the prescription drug or biological product. The board may examine publicly available information as well as collect information from the drug manufacturer and other relevant sources. When conducting a review, the board may consider:

(a) The relevant factors contributing to the price paid by the state for the prescription drug or biological product, including the wholesale acquisition cost and discounts, rebates, or other price concessions provided by the manufacturer to the state;

(b) The average patient copay or other cost sharing for the drug;

(c) The dollar value of patient assistance programs offered by the manufacturer for the drug;

(d) The price of therapeutic alternatives;

(e) The amount of public funding received or provided for the development of the prescription drug or biological product;

(f) The manufacturer's research and development costs, as indicated on the manufacturer's federal tax filing or information filed with the federal securities and exchange commission for the most recent tax year in proportion to the manufacturer's sales in the state;

(g) The portion of direct-to-consumer marketing costs eligible for favorable federal tax treatment in the most recent tax year that are specific to the prescription drug under review and that are multiplied by the ratio of total manufacturer in-state sales to total manufacturer sales in the United States for the drug under review;

(h) The manufacturer's gross and net revenues for the most recent tax year; and

(i) Any other relevant factors as determined by the board.

(3) All information collected by the board under this section is not subject to public disclosure under chapter 42.56 RCW.

**NEW SECTION. Sec. 5.** A new section is added to chapter 70.14 RCW to read as follows:

(1) If, after the cost review of a prescription drug or biological product the board determines that the manufacturer's pricing of the drug or biological product does not substantially exceed the proposed value of the prescription drug or biological product, the board shall notify the manufacturer, in writing, of its determination and shall evaluate other ways to mitigate the eligible prescription drug or biological product's cost in order to improve patient access to the eligible prescription drug or biological product. The board may engage with the manufacturer and other relevant stakeholders, including, but not limited to, patients, patient advocacy organizations, providers, provider organizations and payers, to explore options for mitigating the cost of the prescription drug or biological product. Upon the conclusion of a stakeholder engagement process under this subsection, the board shall issue recommendations on ways to reduce the cost of the prescription drug or biological product for the purpose of improving patient access to the prescription drug or biological product. Recommendations must be publicly posted on the authority's web site. The recommendations may include, but are not be limited to:

(a) An alternative payment plan or methodology;

(b) A bulk purchasing program;

(c) Copayment, coinsurance, deductible, or other cost-sharing restrictions; and

(d) A reinsurance program to subsidize the cost of the eligible drug.

(2) If, after the cost review of a prescription drug or biological product, the board determines that the manufacturer's pricing of the prescription drug or biological product substantially exceeds the proposed value of the

prescription drug or biological product, the board shall request that the manufacturer provide further information related to the pricing of the prescription drug or biological product and the manufacturer's reasons for the pricing not later than sixty days after receiving the request.

(3) No later than ninety days after receiving the additional information from the manufacturer, the board shall confidentially issue a determination on whether the manufacturer's pricing of a prescription drug or biological product still substantially exceeds the board's proposed value of the prescription drug or biological product and request the manufacturer to enter into negotiations to reduce the cost of the prescription drug or biological product. If the manufacturer refuses to enter into negotiations, the authority shall post the board's proposed value on the authority's web site.

**Sec. 6.** RCW 43.71C.100 and 2019 c 334 s 10 are each amended to read as follows:

(1) The authority shall compile and analyze the data submitted by health carriers, pharmacy benefit managers, manufacturers, and pharmacy services administrative organizations pursuant to this chapter and prepare an annual report for the public and the legislature synthesizing the data to demonstrate the overall impact that drug costs, rebates, and other discounts have on health care premiums.

(2) The data in the report must be aggregated and must not reveal information specific to individual health carriers, pharmacy benefit managers, pharmacy services administrative organizations, ~~((individual prescription drugs, individual classes of prescription drugs,))~~ individual manufacturers, except in the case of single source drugs, or discount amounts paid in connection with individual prescription drugs.

(3) Data received under this section must be used only for the enumerated purposes of this chapter and other statutorily authorized purposes.

(4) Beginning January 1, 2021, and by each January 1st thereafter, the authority must publish the report on its web site.

~~((4))~~ (5) Except for the report, and as provided in subsection ((5)) (6) of this section, the authority shall keep confidential all data submitted pursuant to RCW 43.71C.020 through 43.71C.080.

~~((5))~~ (6) For purposes of public policy, upon request of ((a legislator)) the office of the governor, the office of the attorney general, the prescription drug affordability board established in section 2 of this act, or a committee or subcommittee of the legislature with jurisdiction over matters relating to drug transparency, the authority must provide all data provided pursuant to RCW 43.71C.020 through 43.71C.080 and any analysis prepared by the authority. Any information provided pursuant to this subsection must be kept confidential within the ((legislature)) office of the governor, the office of the attorney general, the prescription drug affordability board established in section 2 of this act, or a committee or subcommittee of the legislature with jurisdiction over

matters relating to drug transparency and may not be publicly released.

~~((6))~~ (7) The data collected pursuant to this chapter is not subject to public disclosure under chapter 42.56 RCW.

(8) Recipients of data received under subsection (6) of this section must:

(a) Follow all rules adopted by the authority regarding appropriate data use and protection; and

(b) Sign a nondisclosure agreement that includes acknowledgments that the recipient is solely responsible for any liability arising from misuse of the data, that the recipient does not have any conflicts under the ethics in public service act that would prevent the recipient from accessing or using the data, and that any violations of the nondisclosure agreement may result in losing the right to access or use the data.

**NEW SECTION. Sec. 7.** A new section is added to chapter 42.56 RCW to read as follows:

Any data collected by the prescription drug affordability board under section 4 of this act are exempt from disclosure under this chapter."

Correct the title.

Signed by Representatives Ormsby, Chair; Robinson, 1st Vice Chair; Bergquist, 2nd Vice Chair; Rude, Assistant Ranking Minority Member; Caldier; Chandler; Chopp; Cody; Corry; Dolan; Dye; Fitzgibbon; Hansen; Hudgins; Kilduff; Macri; Pettigrew; Pollet; Ryu; Schmick; Senn; Springer; Steele; Sullivan; Tarleton; Tharinger and Ybarra.

MINORITY recommendation: Do not pass. Signed by Representatives Stokesbary, Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Hoff; Kraft; Mosbrucker and Sutherland.

Referred to Committee on Appropriations.

March 2, 2020 7.0.

**SSB 6142** Prime Sponsor, Committee on Higher Education & Workforce Development: Creating the Washington common application. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Ormsby, Chair; Stokesbary, Ranking Minority Member; Robinson, 1st Vice Chair; Bergquist, 2nd Vice Chair; MacEwen, Assistant Ranking Minority Member; Rude, Assistant Ranking Minority Member; Caldier; Chandler; Chopp; Cody; Corry; Dolan; Dye; Fitzgibbon; Hansen; Hoff; Hudgins; Kilduff; Kraft; Macri; Mosbrucker; Pettigrew; Pollet; Ryu; Schmick; Senn; Springer; Steele; Sullivan; Sutherland; Tarleton; Tharinger and Ybarra.

Referred to Committee on Appropriations.

February 27, 2020 7.0.

**E2SSB 6205** Prime Sponsor, Committee on Ways & Means: Preventing harassment, abuse, and discrimination experienced by long-term care workers. Reported by Committee on Labor & Workplace Standards

MAJORITY recommendation: Do pass. Signed by Representatives Sells, Chair; Chapman, Vice Chair; Gregerson and Ormsby.

MINORITY recommendation: Do not pass. Signed by Representatives Mosbrucker, Ranking Minority Member and Hoff.

Referred to Committee on Rules for second reading.

February 27, 2020 7.0.

**ESB 6238** Prime Sponsor, Senator Hunt: (REVISED FOR ENGROSSED: Requiring local ballot measure statement committee members to be registered voters in the jurisdiction voting on the measure. ) Reported by Committee on State Government & Tribal Relations

MAJORITY recommendation: Do pass. Signed by Representatives Gregerson, Chair; Pellicciotti, Vice Chair; Appleton; Dolan and Hudgins.

MINORITY recommendation: Do not pass. Signed by Representatives Walsh, Ranking Minority Member; Goehner, Assistant Ranking Minority Member; Mosbrucker and Smith.

Referred to Committee on Rules for second reading.

February 27, 2020 7.0.

**SSB 6257** Prime Sponsor, Committee on Environment, Energy & Technology: Concerning the underground storage tank reinsurance program. Reported by Committee on Environment & Energy

MAJORITY recommendation: Do pass. Signed by Representatives Fitzgibbon, Chair; Lekanoff, Vice Chair; DeBolt, Ranking Minority Member; Dye, Assistant Ranking Minority Member; Boehnke; Doglio; Fey; Goehner; Mead; Robinson and Shewmake.

Referred to Committee on Rules for second reading.

February 29, 2020 7.0.

**SSB 6267** Prime Sponsor, Committee on Health & Long Term Care: Modifying the long-term services and supports trust program by

clarifying the ability for individuals with existing long-term care insurance to opt-out of the premium assessment and making technical corrections. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Ormsby, Chair; Stokesbary, Ranking Minority Member; Robinson, 1st Vice Chair; Bergquist, 2nd Vice Chair; Rude, Assistant Ranking Minority Member; Caldier; Chandler; Chopp; Cody; Corry; Dolan; Dye; Fitzgibbon; Hansen; Hudgins; Kilduff; Kraft; Macri; Mosbrucker; Pettigrew; Ryu; Schmick; Senn; Springer; Steele; Sullivan; Sutherland; Tarleton; Tharinger and Ybarra.

MINORITY recommendation: Do not pass. Signed by Representative Hoff.

Referred to Committee on Appropriations.

February 27, 2020 7.0.

2SSB 6342 Prime Sponsor, Committee on Ways & Means: Concerning chemical contaminants in drinking water. Reported by Committee on Environment & Energy

MAJORITY recommendation: Do pass as amended.  
7.0.

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 8.** (1) The legislature finds that ensuring safe drinking water is a primary concern for protecting public health. The federal safe drinking water act was established to protect the quality of drinking water through standards and regulations adopted by the United States environmental protection agency and implemented by the state. The United States has been known for safe and reliable drinking water. However, public health needs to keep pace with evolving science in developing and reevaluating standards to protect drinking water from contaminants.

(2) The legislature intends to protect public health, including vulnerable populations, by requiring the department of health to develop maximum contaminant levels or state action levels that take into account the best available science and treatment techniques to ensure safe drinking water.

**NEW SECTION. Sec. 9.** A new section is added to chapter 70.142 RCW to read as follows:

The definitions in this section apply throughout sections 3 and 4 of this act unless the context clearly requires otherwise.

(1) "Department" means the department of health.

(2) "Group A water system" means a system with fifteen or more service connections, regardless of the number of people; or a system serving an average of twenty-five or more people per day for sixty or more days within a

calendar year, regardless of the number of service connections.

(3) "PFAS chemicals" means a class of fluorinated organic chemicals containing at least one fully fluorinated carbon atom and referred to as perfluoroalkyl and polyfluoroalkyl substances.

(4) "Public water system" means any system, excluding a system serving only one single-family residence and a system with four or fewer connections all of which serve residences on the same farm, providing piped water for human consumption, including any collection, treatment, storage, or distribution facilities under control of the purveyor and used primarily in connection with the system; and collection or pretreatment storage facilities not under control of the purveyor but primarily used in connection with the system.

(5) "State action level" means the concentration of a contaminant or group of contaminants, without a maximum contaminant level, established by the department to protect public health, and when exceeded, triggers actions water purveyors must take.

**NEW SECTION. Sec. 10.** A new section is added to chapter 70.142 RCW to read as follows:

(1)(a) The state board of health must require public water systems at risk for PFAS chemicals contamination to test drinking water for PFAS chemicals. The state board of health may require other public water systems to test drinking water for PFAS chemicals. Tests must be carried out using an approved United States environmental protection agency method or another method approved by the department.

(b) The state board of health and the department may work with local health jurisdictions to determine public water systems at risk for contamination as well as testing and monitoring parameters.

(c) The samples must be collected by public water systems and must be transported and submitted for analysis consistent with the United States environmental protection agency methods or other department-approved methods. The test results must include all results from United States environmental protection agency-approved methods or other department-approved methods and must be provided to the department.

(2)(a) By July 1, 2022, the department must provide a report to the legislature consistent with RCW 43.01.036 that includes a review of:

(i) The test results and the extent to which any PFAS chemicals are found in public water systems, as determined under subsection (1) of this section;

(ii) The statewide scope and scale of PFAS chemical contamination in public water systems and group A water systems and effective and efficient mitigation efforts to address sources of PFAS chemical contamination;

(iii) Public water and group A water systems needs to address PFAS chemical contamination, including costs and impacts to consumers;

(iv) Impacts on vulnerable populations from PFAS chemical contamination;

(v) Other unregulated contaminants for which increased monitoring should be required of some or all public water systems; and

(vi) Recommendations for whether the state board of health should establish a state action level or maximum contaminant level for PFAS, or whether some or all state board of health actions on PFAS chemicals will be sufficiently addressed by federal standards.

(b) When developing the report, the department must consult with group A water systems and endeavor to review efforts by group A water systems that are mitigating for PFAS chemical contamination.

**NEW SECTION. Sec. 11.** A new section is added to chapter 70.142 RCW to read as follows:

(1) The state board of health must establish for group A water systems statewide maximum contaminant levels or state action levels for PFAS chemicals.

(2)(a) If there is sufficient evidence that PFAS chemical contamination is likely to occur in Washington waters, but there is not sufficient economic data available or such data does not support the adoption of a maximum contaminant level under subsection (1) of this section, the department may recommend, and the state board of health may approve, a state action level for some or all PFAS chemicals.

(b) Upon the establishment of a state action level, the department may require some or all public water supply systems to monitor for the contaminant.

(c) When a state action level is exceeded, the department may require that public water supply systems undertake certain follow-up actions, including continued monitoring for the contaminant, and the issuance of timely public notification to water supply system customers regarding:

(i) Contaminant specific health information;

(ii) Steps consumers may take to protect their health; and

(iii) Steps that the water supply system plans to take to address the contaminant.

(3) When establishing maximum contaminant levels or state action levels, the state board of health must review maximum contaminant levels or other health advisory levels adopted by other states, the studies and scientific evidence reviewed by those states, material in the agency for toxic substances and disease registry, and the latest peer-reviewed science and independent or government agency studies."

Correct the title.

Signed by Representatives Fitzgibbon, Chair; Lekanoff, Vice Chair; DeBolt, Ranking Minority Member; Dye, Assistant Ranking Minority Member; Doglio; Fey; Goehner; Mead; Robinson and Shewmake.

MINORITY recommendation: Do not pass. Signed by Representative Boehnke.

Referred to Committee on Appropriations.

February 29, 2020 11.0.

**ESSB 6419**

Prime Sponsor, Committee on Human Services, Reentry & Rehabilitation: Concerning implementation of the recommendations of the December 2019 report from the William D. Ruckelshaus center regarding residential habilitation center clients. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Ormsby, Chair; Stokesbary, Ranking Minority Member; Robinson, 1st Vice Chair; Bergquist, 2nd Vice Chair; Rude, Assistant Ranking Minority Member; Caldier; Chandler; Chopp; Cody; Corry; Dolan; Dye; Fitzgibbon; Hansen; Hoff; Hudgins; Kilduff; Kraft; Macri; Mosbrucker; Pettigrew; Ryu; Schmick; Senn; Springer; Steele; Sullivan; Sutherland; Tarleton; Tharinger and Ybarra.

Referred to Committee on Appropriations.

February 26, 2020 11.0.

**SB 6423**

Prime Sponsor, Senator Cleveland: Concerning reports alleging child abuse and neglect. Reported by Committee on Human Services & Early Learning

MAJORITY recommendation: Do pass. Signed by Representatives Senn, Chair; Callan, Vice Chair; Frame, Vice Chair; Dent, Ranking Minority Member; Eslick, Assistant Ranking Minority Member; McCaslin, Assistant Ranking Minority Member; Corry; Goodman; Griffey; Kilduff; Klippert; Lovick and Ortiz-Self.

Referred to Committee on Rules for second reading.

March 2, 2020 11.0.

**SB 6430**

Prime Sponsor, Senator Brown: Establishing a statewide industrial waste coordination program. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Ormsby, Chair; Stokesbary, Ranking Minority Member; Robinson, 1st Vice Chair; Bergquist, 2nd Vice Chair; MacEwen, Assistant Ranking Minority Member; Rude, Assistant Ranking Minority Member; Caldier; Chandler; Chopp; Cody; Corry; Dolan; Dye; Fitzgibbon; Hansen; Hoff; Hudgins; Kilduff; Kraft; Macri; Mosbrucker; Pettigrew; Pollet; Ryu; Schmick; Senn; Springer; Steele; Sullivan; Sutherland; Tarleton; Tharinger and Ybarra.

Referred to Committee on Appropriations.

February 29, 2020 11.0.

ESSB 6440 Prime Sponsor, Committee on Labor & Commerce: Concerning industrial insurance medical examinations. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass as amended by Committee on Labor & Workplace Standards.

11.0.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 12. A new section is added to chapter 51.08 RCW to read as follows:

"New medical issue" means a medical issue not covered by a previous medical examination requested by the department or the self-insurer such as an issue regarding medical causation, medical treatment, work restrictions, or evaluating permanent partial disability.

**Sec. 13.** RCW 51.32.110 and 1997 c 325 s 3 are each amended to read as follows:

(1) ~~((Any))~~ As required under RCW 51.36.070, any worker entitled to receive any benefits or claiming such under this title shall, if requested by the department or self-insurer, submit himself or herself for medical examination, ~~((at a time and from time to time,))~~ at a place reasonably convenient for the worker ~~((and as may be provided by the rules of the department))~~. An injured worker, whether an alien or other injured worker, who is not residing in the United States at the time that a medical examination is requested may be required to submit to an examination at any location in the United States determined by the department or self-insurer.

(2) If the worker refuses to submit to medical examination, or obstructs the same, or, if any injured worker shall persist in unsanitary or injurious practices which tend to imperil or retard his or her recovery, or shall refuse to submit to such medical or surgical treatment as is reasonably essential to his or her recovery or refuse or obstruct evaluation or examination for the purpose of vocational rehabilitation or does not cooperate in reasonable efforts at such rehabilitation, the department or the self-insurer upon approval by the department, with notice to the worker may suspend any further action on any claim of such worker so long as such refusal, obstruction, noncooperation, or practice continues and reduce, suspend, or deny any compensation for such period: PROVIDED, That ~~((the))~~ (a) The department or the self-insurer shall not suspend any further action on any claim of a worker or reduce, suspend, or deny any compensation if a worker has good cause for refusing to submit to or to obstruct any examination, evaluation, treatment or practice requested by the department or required under this section and (b) the department may not assess a no-show fee against the worker if the worker gives at least five business days' notice of the worker's intent not to attend the examination.

(3) If the worker necessarily incurs traveling expenses in attending the examination pursuant to the request of the department, such traveling expenses shall be repaid to him or her out of the accident fund upon proper voucher and audit or shall be repaid by the self-insurer, as the case may be.

(4)(a) If the medical examination required by this section causes the worker to be absent from his or her work without pay:

(i) In the case of a worker insured by the department, the worker shall be paid compensation out of the accident fund in an amount equal to his or her usual wages for the time lost from work while attending the medical examination; or

(ii) In the case of a worker of a self-insurer, the self-insurer shall pay the worker an amount equal to his or her usual wages for the time lost from work while attending the medical examination.

(b) This subsection (4) shall apply prospectively to all claims regardless of the date of injury.

**Sec. 14.** RCW 51.36.070 and 2001 c 152 s 2 are each amended to read as follows:

(1)(a) Whenever the ~~((director))~~ department or the self-insurer deems it necessary in order to ~~((resolve any))~~ (i) make a decision regarding claim allowance or reopening, (ii) resolve a new medical issue, an appeal, or case progress, or (iii) evaluate the worker's permanent disability or work restriction, a worker shall submit to examination by a physician or physicians selected by the ~~((director))~~ department, with the rendition of a report to the person ordering the examination, the attending physician, and the injured worker.

(b) The examination must be at a place reasonably convenient to the injured worker, or alternatively utilize telemedicine if the department determines telemedicine is appropriate for the examination. For purposes of this subsection, "reasonably convenient" means at a place where residents in the injured worker's community would normally travel to seek medical care for the same specialty as the examiner. The department must address in rule how to accommodate the injured worker if no approved medical examiner in the specialty needed is available in that community.

(2) The department or self-insurer shall provide the physician performing an examination with all relevant medical records from the worker's claim file. The director, in his or her discretion, may charge the cost of such examination or examinations to the self-insurer or to the medical aid fund as the case may be. The cost of said examination shall include payment to the worker of reasonable expenses connected therewith.

(3) For purposes of this section, "examination" means a physical or mental examination by a medical care provider licensed to practice medicine, osteopathy, podiatry, chiropractic, dentistry, or psychiatry at the request of the department or self-insured employer or by order of the board of industrial insurance appeals.

(4) This section applies prospectively to all claims regardless of the date of injury.

**NEW SECTION. Sec. 15.** (1) An independent medical examination work group is established within the department of labor and industries, with members as provided in this subsection.

(a) The speaker of the house of representatives shall appoint two members from the house of representatives, with one member appointed from each of the two largest caucuses of the house of representatives;

(b) The president of the senate shall appoint two members from the senate, with one member appointed from each of the two largest caucuses of the senate;

(c) The department of labor and industries shall appoint one business representative representing employers participating in the state fund;

(d) The department of labor and industries shall appoint one business representative representing employers who are self-insured for purposes of workers' compensation insurance;

(e) The department of labor and industries shall appoint two labor representatives;

(f) The department of labor and industries shall appoint one representative of both an association representing physicians who perform examinations for purposes of workers' compensation insurance and the panel companies that work with them; and

(g) The department of labor and industries shall appoint one attorney who represents injured workers.

(2) The work group must:

(a) Develop strategies for reducing the number of medical examinations per claim while considering claim duration and medical complexity;

(b) Develop strategies for improving access to medical records, including records and reports created during the course of or pursuant to an examination;

(c) Consider whether the department of labor and industries should do all the scheduling of independent medical examinations;

(d) Consider the circumstances for which independent medical examiners should be randomly selected or specified;

(e) Consider workers' rights in the independent medical examination process including attendance, specialist consultations, the audio or video recording of examinations, and the distance and location of examinations;

(f) Recommend changes to improve the efficiency of the independent medical examination process; and

(g) Identify barriers to increasing the supply of in-state physicians willing to do independent medical examinations in the workers' compensation system.

(3) The department of labor and industries must report its findings and recommendations to the legislature by December 11, 2020.

(4) This section expires December 31, 2020.

**NEW SECTION. Sec. 16.** A new section is added to chapter 51.36 RCW to read as follows:

(1) The department may adopt rules to implement section 3 of this act.

(2) The department must adopt rules, policies, and processes governing the use of telemedicine for independent medical examinations under section 3 of this act. Development of rules may include a pilot project. Consideration should be given to all available research regarding the use of telemedicine for independent medical examinations.

**NEW SECTION. Sec. 17.** Sections 1 through 3 of this act take effect January 1, 2021."

Correct the title.

Signed by Representatives Ormsby, Chair; Stokesbary, Ranking Minority Member; Robinson, 1st Vice Chair; Bergquist, 2nd Vice Chair; Rude, Assistant Ranking Minority Member; Caldier; Chandler; Chopp; Cody; Corry; Dolan; Dye; Fitzgibbon; Hansen; Hoff; Hudgins; Kilduff; Kraft; Macri; Mosbrucker; Pettigrew; Ryu; Schmick; Senn; Springer; Steele; Sullivan; Sutherland; Tarleton; Tharinger and Ybarra.

Referred to Committee on Appropriations.

March 2, 2020 17.0.

2SSB 6478 Prime Sponsor, Committee on Ways & Means: Revising economic assistance programs. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass as amended by Committee on Human Services & Early Learning.  
17.0.

Strike everything after the enacting clause and insert the following:

"**Sec. 18.** RCW 74.08A.010 and 2019 c 343 s 2 are each amended to read as follows:

(1) A family that includes an adult who has received temporary assistance for needy families for sixty months after July 27, 1997, shall be ineligible for further temporary assistance for needy families assistance.

(2) For the purposes of applying the rules of this section, the department shall count any month in which an adult family member received a temporary assistance for needy families cash assistance grant unless the assistance was provided when the adult family member was a minor



child and not the head of the household or married to the head of the household.

(3) The department shall adopt regulations to apply the sixty-month time limit to households in which a parent is in the home and ineligible for temporary assistance for needy families. Any regulations shall be consistent with federal funding requirements.

(4) The department shall refer recipients who require specialized assistance to appropriate department programs, crime victims' programs through the department of commerce, or the crime victims' compensation program of the department of labor and industries.

(5)(a) The department shall add to adopted rules related to temporary assistance for needy families time limit extensions, the following criteria by which the department shall exempt a recipient and the recipient's family from the application of subsection (1) of this section:

(i) By reason of hardship, including ~~((if the recipient is a homeless person as described in RCW 43.185C.010))~~ when:

(A) The recipient's family:

(I) Includes a child or youth who is without a fixed, regular, and adequate nighttime residence as described in the federal McKinney-Vento homeless assistance act (Title 42 U.S.C., chapter 119, subchapter VI, part B) as it existed on January 1, 2020; or

(II) Is at substantial risk of losing housing or housing support services as described in RCW 43.185C.220; or

(B) The recipient:

(I) Is participating satisfactorily in the program;

(II) Is temporarily prevented from working or looking for a job;

(III) Is in need of mental health or substance use disorder treatment; or

(IV) Demonstrates another basis by which the time limit pursuant to subsection (1) of this section would cause undue hardship to the recipient or the recipient's family; or

(ii) If the family includes an individual who meets the family violence options of section 402(A)(7) of Title IVA of the federal social security act as amended by P.L. 104-193.

(b) Policies related to circumstances under which a recipient will be exempted from the application of subsection (1) or (3) of this section shall treat adults receiving benefits on their own behalf, and parents receiving benefits on behalf of their child similarly, unless required otherwise under federal law.

(6) The department shall not exempt a recipient and his or her family from the application of subsection (1) or (3) of this section until after the recipient has received fifty-two months of assistance under this chapter.

(7) The department shall provide transitional food assistance for a period of five months to a household that ceases to receive temporary assistance for needy families

assistance and is not in sanction status. If necessary, the department shall extend the household's basic food certification until the end of the transition period.

**NEW SECTION. Sec. 19.** A new section is added to chapter 74.08A RCW to read as follows:

(1) Annually by December 31st, the department must report to the governor and the appropriate policy and fiscal committees of the legislature disaggregated data identifying the race of individuals whose temporary assistance for needy families benefits were reduced or terminated during the preceding year due to:

(a) Sanction as described in RCW 74.08A.260; or

(b) Reaching the sixty-month time limit under RCW 74.08A.010.

(2) If the disaggregated data for terminated or sanctioned individuals shows a disproportionate representation of any racial group that has experienced historic disparities or discrimination, the department must describe steps it is taking to address and remedy the racial disproportionality.

**Sec. 20.** RCW 74.08A.260 and 2018 c 126 s 5 and 2018 c 58 s 8 are each reenacted and amended to read as follows:

(1) Each recipient shall be assessed after determination of program eligibility and before referral to job search. Assessments shall be based upon factors that are critical to obtaining employment, including but not limited to education, availability of child care, history of family violence, history of substance abuse, and other factors that affect the ability to obtain employment. Assessments may be performed by the department or by a contracted entity. The assessment shall be based on a uniform, consistent, transferable format that will be accepted by all agencies and organizations serving the recipient.

(2) Based on the assessment, an individual responsibility plan shall be prepared that: (a) Sets forth an employment goal and a plan for maximizing the recipient's success at meeting the employment goal; (b) considers WorkFirst educational and training programs from which the recipient could benefit; (c) contains the obligation of the recipient to participate in the program by complying with the plan; (d) moves the recipient into full-time WorkFirst activities as quickly as possible; and (e) describes the services available to the recipient either during or after WorkFirst to enable the recipient to obtain and keep employment and to advance in the workplace and increase the recipient's wage earning potential over time.

(3) Recipients who are not engaged in work and work activities, and do not qualify for a good cause exemption under RCW 74.08A.270, shall engage in self-directed service as provided in RCW 74.08A.330.

(4)(a) If a recipient refuses to engage in work and work activities required by the department, the department must review the recipient's case to ensure the department has taken into consideration any barriers to work activities and made any necessary revisions to the recipient's individual

responsibility plan. As part of the review, the department must consider: (i) Whether the recipient was provided with adequate notice and opportunity to remedy his or her noncompliance with program requirements; and (ii) if the department considered good cause reasons for failure to participate pursuant to RCW 74.08A.270 before imposing sanctions.

(b) After two months of continuous noncompliance, the family's grant shall be reduced by the recipient's share((; and may, if the department determines it appropriate, be terminated)) or by forty percent, whichever is greater.

(5) The department ((may)) shall waive the penalties required under subsection (4) of this section, subject to a finding that the recipient ((refused to)) did not engage in work for good cause provided in RCW 74.08A.270.

(6) In consultation with the recipient, the department or contractor shall place the recipient into a work activity that is available in the local area where the recipient resides.

(7) Assessments conducted under this section shall include a consideration of the potential benefit to the recipient of engaging in financial literacy activities. The department shall consider the options for financial literacy activities available in the community, including information and resources available through the financial education public-private partnership created under RCW 28A.300.450. The department may authorize up to ten hours of financial literacy activities as a core activity or an optional activity under WorkFirst.

(8) Subsections (2) through (6) of this section are suspended for a recipient who is a parent or other relative personally providing care for a child under the age of two years. This suspension applies to both one and two parent families. However, both parents in a two-parent family cannot use the suspension during the same month. Nothing in this subsection shall prevent a recipient from participating in the WorkFirst program on a voluntary basis.

**NEW SECTION. Sec. 21.** (1) The department of social and health services shall conduct outreach to families terminated due to time limits on or after January 1, 2015, who appear to otherwise meet eligibility requirements for temporary assistance for needy families pursuant to section 1 of this act. The department must use all known contact information for families, including contact information available through client files related to other department-administered programs such as basic food and child support enforcement, to notify families of policy changes under section 1 of this act, and encourage families to apply for assistance.

(2) This section expires December 31, 2023.

**NEW SECTION. Sec. 22.** Sections 1 and 3 of this act take effect July 1, 2021."

Correct the title.

Signed by Representatives Ormsby, Chair; Robinson, 1st Vice Chair; Bergquist, 2nd Vice Chair; Chopp; Cody; Dolan; Fitzgibbon; Hansen; Hudgins; Kilduff;

Macri; Pettigrew; Pollet; Ryu; Senn; Springer; Sullivan; Tarleton and Tharinger.

MINORITY recommendation: Do not pass. Signed by Representatives Stokesbary, Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Rude, Assistant Ranking Minority Member; Caldier; Chandler; Corry; Dye; Hoff; Kraft; Mosbrucker; Schmick; Steele; Sutherland and Ybarra.

Referred to Committee on Appropriations.

February 26, 2020 22.0.

#### SSB 6500

Prime Sponsor, Committee on Human Services, Reentry & Rehabilitation: Addressing foster care licensing following a foster-family home licensee's move to a new location. Reported by Committee on Human Services & Early Learning

MAJORITY recommendation: Do pass. Signed by Representatives Senn, Chair; Callan, Vice Chair; Frame, Vice Chair; Dent, Ranking Minority Member; Eslick, Assistant Ranking Minority Member; McCaslin, Assistant Ranking Minority Member; Corry; Goodman; Griffey; Kilduff; Klippert; Lovick and Ortiz-Self.

Referred to Committee on Rules for second reading.

February 27, 2020 22.0.

#### ESSB 6574

Prime Sponsor, Committee on Local Government: Clarifying the respective administrative powers, duties, and responsibilities of the growth management hearings board and the environmental land use and hearings office. Reported by Committee on Environment & Energy

MAJORITY recommendation: Do pass as amended. 22.0.

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 36.70A.250 and 2010 c 211 s 4 are each amended to read as follows:

(1) ((A)) (a) There is hereby created within the environmental and land use hearings office established by RCW 43.21B.005 a growth management hearings board for the state of Washington ((is created)). The board shall consist of ((seven)) five members qualified by experience or training in pertinent matters pertaining to land use law or land use planning and who have experience in the practical application of those matters. All ((seven)) five board members shall be appointed by the governor((, two each residing respectively in the central Puget Sound, eastern Washington, and western Washington regions, plus one board member residing within the state of Washington)). At least three members of the board shall be admitted to practice law in this state, one each residing respectively in the central Puget Sound, eastern Washington, and western Washington

regions. At least ~~((three))~~ two members of the board shall have been a city or county elected official, one each residing respectively in ~~((the central Puget Sound,))~~ eastern Washington~~((,))~~ and western Washington ~~((regions))~~. ~~((After expiration of the terms of board members on the previously existing three growth management hearings boards, no))~~ No more than ~~((four))~~ three members of the ~~((seven member))~~ five-member board may be members of the same major political party. No more than two members at the time of their appointment or during their term may reside in the same county. Board members shall operate on a full-time basis, shall receive an annual salary to be determined by the governor pursuant to RCW 43.03.040, shall receive reimbursement for travel expenses incurred in the discharge of their duties in accordance with RCW 43.03.050 and 43.03.060, and shall be considered employees of the state of Washington subject to chapter 42.52 RCW.

(2) Each member of the board shall be appointed for a term of six years, and until their successors are appointed. A vacancy shall be filled by appointment by the governor for the unexpired portion of the term in which the vacancy occurs. ~~((Members of the previously existing three growth management hearings boards appointed before July 1, 2010, shall complete their staggered, six year terms as members of the growth management hearings board created under subsection (1) of this section. The reduction from nine board members on the previously existing three growth management hearings boards to seven total members on the growth management hearings board shall be made through attrition, voluntary resignation, or retirement.))~~

**Sec. 2.** RCW 36.70A.252 and 2010 c 210 s 15 are each amended to read as follows:

~~((+))~~ On July 1, 2011, the growth management hearings board is administratively consolidated into the environmental and land use hearings office created in RCW 43.21B.005. The chair of the growth management hearings board shall continue to exercise duties and responsibilities pursuant to RCW 36.70A.270(11). The environmental and land use hearings office shall be responsible for all other administrative functions pertaining to the growth management hearings board.

~~((2))~~ Not later than July 1, 2012, the growth management hearings board consists of seven members qualified by experience or training in matters pertaining to land use law or land use planning, except that the governor may reduce the board to six members if warranted by the board's caseload. All board members must be appointed by the governor, two each residing respectively in the central Puget Sound, eastern Washington, and western Washington regions and shall continue to meet the qualifications set out in RCW 36.70A.260. The reduction from seven board members to six board members must be made through attrition, voluntary resignation, or retirement.

**Sec. 3.** RCW 36.70A.260 and 2010 c 211 s 5 are each amended to read as follows:

(1) Each petition for review that is filed with the growth management hearings board shall be heard and decided by a regional panel of growth management hearings

board members. Regional panels shall be constituted as follows:

(a) Central Puget Sound region. A three-member central Puget Sound panel shall be selected to hear matters pertaining to cities and counties located within the region comprised of King, Pierce, Snohomish, and Kitsap counties.

(b) Eastern Washington region. A three-member eastern Washington panel shall be selected to hear matters pertaining to cities and counties that are required or choose to plan under RCW 36.70A.040 and are located east of the crest of the Cascade mountains.

(c) Western Washington region. A three-member western Washington panel shall be selected to hear matters pertaining to cities and counties that are required or choose to plan under RCW 36.70A.040, are located west of the crest of the Cascade mountains, and are not included in the central Puget Sound region. Skamania county, if it is required or chooses to plan under RCW 36.70A.040, may elect to be included within either the western Washington region or the eastern Washington region.

(2)(a) Each regional panel selected to hear and decide cases shall consist of three board members, at least a majority of whom shall reside within the region in which the case arose, unless such members cannot sit on a particular case because of recusal or disqualification, or unless the board ~~((administrative officer))~~ chair determines ~~((that there is an emergency including, but not limited to,))~~ otherwise due to caseload management determinations or the unavailability of a board member due to illness, absence, or vacancy~~((, or significant workload imbalance))~~. The presiding officer of each case shall reside within the region in which the case arose, unless the board ~~((administrative officer))~~ chair determines that there is an emergency.

(b) Except as provided otherwise in this subsection (2)(b), each regional panel must: (i) Include one member admitted to practice law in this state; (ii) include one member who has been a city or county elected official; and (iii) reflect the political composition of the board. The requirements of this subsection (2)(b) may be waived by the board ~~((administrative officer))~~ chair due to member unavailability, significant workload imbalances, or other reasons.

**Sec. 4.** RCW 36.70A.270 and 2019 c 452 s 2 are each amended to read as follows:

The growth management hearings board shall be governed by the following rules on conduct and procedure:

(1) Any board member may be removed for inefficiency, malfeasance, and misfeasance in office, under specific written charges filed by the governor. The governor shall transmit such written charges to the member accused and the chief justice of the supreme court. The chief justice shall thereupon designate a tribunal composed of three judges of the superior court to hear and adjudicate the charges. Removal of any member of the board by the tribunal shall disqualify such member for reappointment.

(2) ~~((Each board member shall receive reimbursement for travel expenses incurred in the discharge of his or her~~

~~duties in accordance with RCW 43.03.050 and 43.03.060. Each member shall receive an annual salary to be determined by the governor pursuant to RCW 43.03.040.)~~ The principal office of the board shall be located in ~~((Olympia))~~ Thurston county, but it may hold hearings at any other place in the state.

(3) Each board member shall not: (a) Be a candidate for or hold any other public office or trust; (b) engage in any occupation or business interfering with or inconsistent with his or her duty as a board member; and (c) for a period of one year after the termination of his or her board membership, act in a representative capacity before the board on any matter.

(4) A majority of the board shall constitute a quorum for adopting rules necessary for the conduct of its powers and duties or transacting other official business, and may act even though one position of the board is vacant. One or more members may hold hearings and take testimony to be reported for action by the board when authorized by rule or order of the board. The board shall perform all the powers and duties specified in this chapter or as otherwise provided by law.

(5) The board may use one or more hearing examiners to assist the board in its hearing function, to make conclusions of law and findings of fact and, if requested by the board, to make recommendations to the board for decisions in cases before the board. Such hearing examiners must have demonstrated knowledge of land use planning and law. The board shall specify in its rules of practice and procedure, as required by subsection (7) of this section, the procedure and criteria to be employed for designating hearing examiners as a presiding officer. Hearing examiners used by the board shall meet the requirements of subsection (3) of this section. The findings and conclusions of the hearing examiner shall not become final until they have been formally approved by the board. This authorization to use hearing examiners does not waive the requirement of RCW 36.70A.300 that final orders be issued within one hundred eighty days of board receipt of a petition.

(6) The board shall make findings of fact and prepare a written decision in each case decided by it, and such findings and decision shall be effective upon being signed by two or more members of the regional panel deciding the particular case and upon being filed at the board's principal office, and shall be open for public inspection at all reasonable times.

(7) All proceedings before the board, any of its members, or a hearing examiner appointed by the board shall be conducted in accordance with such administrative rules of practice and procedure as the board prescribes. The board shall develop and adopt rules of practice and procedure, including rules regarding expeditious and summary disposition of appeals and the assignment of cases to regional panels. The board shall publish such rules it renders and arrange for the reasonable distribution of the rules. Except as it conflicts with specific provisions of this chapter, the administrative procedure act, chapter 34.05 RCW, and specifically including the provisions of RCW 34.05.455

governing ex parte communications, shall govern the practice and procedure of the board.

(8) The board must ensure all rulings, decisions, and orders are available to the public through the environmental and land use hearings office's web sites as described in RCW 43.21B.005. To ensure uniformity and usability of searchable databases and web sites, the board shall coordinate with the environmental and land use hearings office, the department of commerce, and other interested stakeholders to develop and maintain a rational system of categorizing its decisions and orders.

(9) A board member or hearing examiner is subject to disqualification under chapter 34.05 RCW. The rules of practice of the board shall establish procedures by which a party to a hearing conducted before the board may file with the board a motion to disqualify, with supporting affidavit, against a board member or hearing examiner assigned to preside at the hearing.

(10) All members of the board shall meet on at least an annual basis with the objective of sharing information that promotes the goals and purposes of this chapter.

(11) The board shall annually elect one of its attorney members to be the board ~~((administrative officer))~~ chair. The duties and responsibilities of the ~~((administrative officer))~~ chair include ~~((handling day-to-day administrative, budget, and personnel matters on behalf of the board, together with making case assignments to board members in accordance with the board's rules of procedure in order to achieve a fair and balanced workload among all board members. The administrative officer of the board may carry a reduced caseload to allow time for performing the administrative work functions))~~ developing board procedures, making case assignments to board members in accordance with the board's rules of procedure in order to achieve a fair and balanced workload among all board members, and managing board meetings.

**Sec. 5.** RCW 43.21B.005 and 2019 c 452 s 1 are each amended to read as follows:

(1) There is created an environmental and land use hearings office of the state of Washington. The environmental and land use hearings office consists of the pollution control hearings board created in RCW 43.21B.010, the shorelines hearings board created in RCW 90.58.170, and the growth management hearings board created in RCW 36.70A.250. The governor shall ~~((designate one of the members of the pollution control hearings board or growth management hearings board to be the))~~ appoint a director of the environmental and land use hearings office during the term of the governor. Membership, powers, functions, and duties of the pollution control hearings board, the shorelines hearings board, and the growth management hearings board shall be as provided by law.

(2) The director of the environmental and land use hearings office may appoint one or more administrative appeals judges in cases before the environmental boards and, ~~((with the consent of the chair of the growth management hearings board,))~~ one or more hearing examiners in cases before the land use board comprising the office. The

administrative appeals judges shall possess the powers and duties conferred by the administrative procedure act, chapter 34.05 RCW, have a demonstrated knowledge of environmental law, and shall be admitted to the practice of law in the state of Washington. The hearing examiners possess the powers and duties provided for in RCW 36.70A.270.

(3) Administrative appeals judges are not subject to chapter 41.06 RCW. The administrative appeals judges appointed under subsection (2) of this section are subject to discipline and termination, for cause, by the director of the environmental and land use hearings office. Upon written request by the person so disciplined or terminated, the director of the environmental and land use hearings office shall state the reasons for such action in writing. The person affected has a right of review by the superior court of Thurston county on petition for reinstatement or other remedy filed within thirty days of receipt of such written reasons.

(4) The director of the environmental and land use hearings office may appoint, discharge, and fix the compensation of such administrative or clerical staff as may be necessary.

(5) The director of the environmental and land use hearings office may also contract for required services.

(6) The director of the environmental and land use hearings office must ensure that timely and accurate ~~((growth management hearings))~~ board rulings, decisions, and orders are made available to the public through searchable databases accessible through the environmental and land use hearings office web sites. To ensure uniformity and usability of searchable databases and web sites, the director must coordinate with the ~~((growth management hearings board))~~ relevant boards, the department of commerce, and other interested stakeholders to develop and maintain a rational system of categorizing ~~((growth management hearings))~~ board rulings, decisions, and orders. The environmental and land use hearings office web sites must allow a user to search growth management hearings board decisions and orders by topic, party, and geographic location or by natural language. All rulings, decisions, and orders issued before January 1, 2019, must be published by June 30, 2021."

Correct the title.

Signed by Representatives Fitzgibbon, Chair; Lekanoff, Vice Chair; DeBolt, Ranking Minority Member; Dye, Assistant Ranking Minority Member; Boehnke; Doglio; Fey; Goehner; Mead; Robinson and Shewmake.

Referred to Committee on Rules for second reading.

February 27, 2020 5.0.

2SSB 6591

Prime Sponsor, Committee on Ways & Means: Establishing a work group to address mental health advance directives. Reported by Committee on Health Care & Wellness

MAJORITY recommendation: Do pass as amended.

5.0.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 6. A new section is added to chapter 71.32 RCW to read as follows:

(1) The health care authority shall facilitate a work group to examine the use of mental health advance directives in Washington, how to improve and promote awareness and utilization of mental health advance directives in Washington, examine barriers and outcomes, and advise the legislature in the updating of the mental health advance directive law.

(2) The work group shall be convened by the health care authority and invite participation from behavioral health advocates, including but not limited to disability rights Washington, the national alliance on mental illness, and mothers of the mentally ill; peers and peer advocates; hospitals; physicians; psychiatrists; community behavioral health agencies; dementia advocates; the Washington state bar association elder law section; Seattle University school of law; the Washington state long-term care ombuds; managed care organizations; designated crisis responders; jails; and others at the discretion of the health care authority.

(3) The work group shall meet not less than quarterly, starting during the fiscal year that begins July 1, 2020, and submit a final report to the governor and appropriate committees of the legislature by October 1, 2021.

(4) This section expires June 30, 2024."

Correct the title.

Signed by Representatives Cody, Chair; Macri, Vice Chair; Schmick, Ranking Minority Member; Chambers; Chopp; Davis; DeBolt; Harris; Maycumber; Riccelli; Robinson; Stonier; Thai and Tharinger.

Referred to Committee on Rules for second reading.

February 26, 2020 6.0.

SB 6623

Prime Sponsor, Senator Darneille: Reducing host home funding restrictions. Reported by Committee on Human Services & Early Learning

MAJORITY recommendation: Do pass as amended.

6.0.

Strike everything after the enacting clause and insert the following:

"Sec. 7. RCW 74.15.020 and 2019 c 172 s 10 are each amended to read as follows:

The definitions in this section apply throughout this chapter and RCW 74.13.031 unless the context clearly requires otherwise.

(1) "Agency" means any person, firm, partnership, association, corporation, or facility which receives children, expectant mothers, or persons with developmental disabilities for control, care, or maintenance outside their own homes, or which places, arranges the placement of, or assists in the placement of children, expectant mothers, or persons with developmental disabilities for foster care or placement of children for adoption, and shall include the following irrespective of whether there is compensation to the agency or to the children, expectant mothers, or persons with developmental disabilities for services rendered:

(a) "Child-placing agency" means an agency which places a child or children for temporary care, continued care, or for adoption;

(b) "Community facility" means a group care facility operated for the care of juveniles committed to the department under RCW 13.40.185. A county detention facility that houses juveniles committed to the department under RCW 13.40.185 pursuant to a contract with the department is not a community facility;

(c) "Crisis residential center" means an agency which is a temporary protective residential facility operated to perform the duties specified in chapter 13.32A RCW, in the manner provided in RCW 43.185C.295 through 43.185C.310;

(d) "Emergency respite center" is an agency that may be commonly known as a crisis nursery, that provides emergency and crisis care for up to seventy-two hours to children who have been admitted by their parents or guardians to prevent abuse or neglect. Emergency respite centers may operate for up to twenty-four hours a day, and for up to seven days a week. Emergency respite centers may provide care for children ages birth through seventeen, and for persons eighteen through twenty with developmental disabilities who are admitted with a sibling or siblings through age seventeen. Emergency respite centers may not substitute for crisis residential centers or HOPE centers, or any other services defined under this section, and may not substitute for services which are required under chapter 13.32A or 13.34 RCW;

(e) "Foster-family home" means an agency which regularly provides care on a twenty-four hour basis to one or more children, expectant mothers, or persons with developmental disabilities in the family abode of the person or persons under whose direct care and supervision the child, expectant mother, or person with a developmental disability is placed;

(f) "Group-care facility" means an agency, other than a foster-family home, which is maintained and operated for the care of a group of children on a twenty-four hour basis. "Group care facility" includes but is not limited to:

(i) Qualified residential treatment programs as defined in RCW 13.34.030;

(ii) Facilities specializing in providing prenatal, postpartum, or parenting supports for youth; and

(iii) Facilities providing high-quality residential care and supportive services to children who are, or who are at risk of becoming, victims of sex trafficking;

(g) "HOPE center" means an agency licensed by the secretary to provide temporary residential placement and other services to street youth. A street youth may remain in a HOPE center for thirty days while services are arranged and permanent placement is coordinated. No street youth may stay longer than thirty days unless approved by the department and any additional days approved by the department must be based on the unavailability of a long-term placement option. A street youth whose parent wants him or her returned to home may remain in a HOPE center until his or her parent arranges return of the youth, not longer. All other street youth must have court approval under chapter 13.34 or 13.32A RCW to remain in a HOPE center up to thirty days;

(h) "Maternity service" means an agency which provides or arranges for care or services to expectant mothers, before or during confinement, or which provides care as needed to mothers and their infants after confinement;

(i) "Resource and assessment center" means an agency that provides short-term emergency and crisis care for a period up to seventy-two hours, excluding Saturdays, Sundays, and holidays to children who have been removed from their parent's or guardian's care by child protective services or law enforcement;

(j) "Responsible living skills program" means an agency licensed by the secretary that provides residential and transitional living services to persons ages sixteen to eighteen who are dependent under chapter 13.34 RCW and who have been unable to live in his or her legally authorized residence and, as a result, the minor lived outdoors or in another unsafe location not intended for occupancy by the minor. Dependent minors ages fourteen and fifteen may be eligible if no other placement alternative is available and the department approves the placement;

(k) "Service provider" means the entity that operates a community facility.

(2) "Agency" shall not include the following:

(a) Persons related to the child, expectant mother, or person with developmental disability in the following ways:

(i) Any blood relative, including those of half-blood, and including first cousins, second cousins, nephews or nieces, and persons of preceding generations as denoted by prefixes of grand, great, or great-great;

(ii) Stepfather, stepmother, stepbrother, and stepsister;

(iii) A person who legally adopts a child or the child's parent as well as the natural and other legally adopted children of such persons, and other relatives of the adoptive parents in accordance with state law;

(iv) Spouses of any persons named in (a)(i), (ii), or (iii) of this subsection (2), even after the marriage is terminated;

(v) Relatives, as named in (a)(i), (ii), (iii), or (iv) of this subsection (2), of any half sibling of the child; or

(vi) Extended family members, as defined by the law or custom of the Indian child's tribe or, in the absence of such law or custom, a person who has reached the age of eighteen and who is the Indian child's grandparent, aunt or uncle, brother or sister, brother-in-law or sister-in-law, niece or nephew, first or second cousin, or stepparent who provides care in the family abode on a twenty-four-hour basis to an Indian child as defined in 25 U.S.C. Sec. 1903(4);

(b) Persons who are legal guardians of the child, expectant mother, or persons with developmental disabilities;

(c) Persons who care for a neighbor's or friend's child or children, with or without compensation, where the parent and person providing care on a twenty-four-hour basis have agreed to the placement in writing and the state is not providing any payment for the care;

(d) A person, partnership, corporation, or other entity that provides placement or similar services to exchange students or international student exchange visitors or persons who have the care of an exchange student in their home;

(e) A person, partnership, corporation, or other entity that provides placement or similar services to international children who have entered the country by obtaining visas that meet the criteria for medical care as established by the United States citizenship and immigration services, or persons who have the care of such an international child in their home;

(f) Schools, including boarding schools, which are engaged primarily in education, operate on a definite school year schedule, follow a stated academic curriculum, accept only school-age children and do not accept custody of children;

(g) Hospitals licensed pursuant to chapter 70.41 RCW when performing functions defined in chapter 70.41 RCW, nursing homes licensed under chapter 18.51 RCW and assisted living facilities licensed under chapter 18.20 RCW;

(h) Licensed physicians or lawyers;

(i) Facilities approved and certified under chapter 71A.22 RCW;

(j) Any agency having been in operation in this state ten years prior to June 8, 1967, and not seeking or accepting moneys or assistance from any state or federal agency, and is supported in part by an endowment or trust fund;

(k) Persons who have a child in their home for purposes of adoption, if the child was placed in such home by a licensed child-placing agency, an authorized public or tribal agency or court or if a replacement report has been filed under chapter 26.33 RCW and the placement has been approved by the court;

(l) An agency operated by any unit of local, state, or federal government or an agency licensed by an Indian tribe pursuant to RCW 74.15.190;

(m) A maximum or medium security program for juvenile offenders operated by or under contract with the department;

(n) An agency located on a federal military reservation, except where the military authorities request that such agency be subject to the licensing requirements of this chapter;

(o)(i) A host home program, and host home, operated by a tax exempt organization for youth not in the care of or receiving services from the department, if that program: ~~((A))~~ (A) Recruits and screens potential homes in the program, including performing background checks on individuals over the age of eighteen residing in the home through the Washington state patrol or equivalent law enforcement agency and performing physical inspections of the home; ~~((B))~~ (B) screens and provides case management services to youth in the program; ~~((C))~~ (C) obtains a notarized permission slip or limited power of attorney from the parent or legal guardian of the youth authorizing the youth to participate in the program and the authorization is updated every six months when a youth remains in a host home longer than six months; ~~((D))~~ (D) obtains insurance for the program through an insurance provider authorized under Title 48 RCW; ~~((E))~~ (E) provides mandatory reporter and confidentiality training; and ~~((F))~~ (F) registers with the secretary of state as provided in RCW 24.03.550. ~~((A-host home))~~

(ii) For purposes of this section, a "host home" is a private home that volunteers to host youth in need of temporary placement that is associated with a host home program.

(iii) For purposes of this section, a "host home program" is a program that provides support to individual host homes and meets the requirements of (o)(i) of this subsection.

(iv) Any host home program that receives local, state, or government funding shall report the following information to the office of homeless youth prevention and protection programs annually by December 1st of each year: The number of children the program served, why the child was placed with a host home, and where the child went after leaving the host home, including but not limited to returning to the parents, running away, reaching the age of majority, or becoming a dependent of the state. ~~((A-host home program shall not receive more than one hundred thousand dollars per year of public funding, including local, state, and federal funding. A host home shall not receive any local, state, or government funding.))~~

(3) "Department" means the department of children, youth, and families.

(4) "Juvenile" means a person under the age of twenty-one who has been sentenced to a term of confinement under the supervision of the department under RCW 13.40.185.

(5) "Performance-based contracts" or "contracting" means the structuring of all aspects of the procurement of services around the purpose of the work to be performed and the desired results with the contract requirements set forth in

clear, specific, and objective terms with measurable outcomes. Contracts may also include provisions that link the performance of the contractor to the level and timing of the reimbursement.

(6) "Probationary license" means a license issued as a disciplinary measure to an agency that has previously been issued a full license but is out of compliance with licensing standards.

(7) "Requirement" means any rule, regulation, or standard of care to be maintained by an agency.

(8) "Secretary" means the secretary of the department.

(9) "Street youth" means a person under the age of eighteen who lives outdoors or in another unsafe location not intended for occupancy by the minor and who is not residing with his or her parent or at his or her legally authorized residence.

(10) "Transitional living services" means at a minimum, to the extent funds are available, the following:

(a) Educational services, including basic literacy and computational skills training, either in local alternative or public high schools or in a high school equivalency program that leads to obtaining a high school equivalency degree;

(b) Assistance and counseling related to obtaining vocational training or higher education, job readiness, job search assistance, and placement programs;

(c) Counseling and instruction in life skills such as money management, home management, consumer skills, parenting, health care, access to community resources, and transportation and housing options;

(d) Individual and group counseling; and

(e) Establishing networks with federal agencies and state and local organizations such as the United States department of labor, employment and training administration programs including the workforce innovation and opportunity act which administers private industry councils and the job corps; vocational rehabilitation; and volunteer programs."

Correct the title.

Signed by Representatives Senn, Chair; Callan, Vice Chair; Frame, Vice Chair; Dent, Ranking Minority Member; Eslick, Assistant Ranking Minority Member; McCaslin, Assistant Ranking Minority Member; Corry; Goodman; Griffey; Kilduff; Klippert; Lovick and Ortiz-Self.

Referred to Committee on Appropriations.

## SECOND SUPPLEMENTAL REPORTS OF STANDING COMMITTEES

February 27, 2020 7.0.

### HB 2324

Prime Sponsor, Representative Tharinger:  
Concerning the capital budget. Reported  
by Committee on Capital Budget

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Tharinger, Chair; Callan, Vice Chair; Doglio, Vice Chair; DeBolt, Ranking Minority Member; Smith, Assistant Ranking Minority Member; Steele, Assistant Ranking Minority Member; Corry; Davis; Dye; Eslick; Gildon; Harris; Irwin; Jenkin; Leavitt; Lekanoff; Maycumber; Morgan; Pellicciotti; Peterson; Riccelli; Santos; Sells; Stonier and Walsh.

Referred to Committee on Rules for second reading.

February 27, 2020 7.0.

### HB 2505

Prime Sponsor, Representative Robinson:  
Extending the business and occupation tax exemption for amounts received as credits against contracts with or funds provided by the Bonneville power administration and used for low-income ratepayer assistance and weatherization. Reported by Committee on Finance

MAJORITY recommendation: Do pass. Signed by Representatives Tarleton, Chair; Walen, Vice Chair; Orcutt, Ranking Minority Member; Young, Assistant Ranking Minority Member; Chapman; Frame; Macri; Orwall; Springer; Stokesbary; Vick and Wylie.

Referred to Committee on Rules for second reading.

February 27, 2020 7.0.

### HB 2630

Prime Sponsor, Representative Walen:  
Providing a limited property tax exemption for the construction of accessory dwelling units. Reported by Committee on Finance

MAJORITY recommendation: Do pass. Signed by Representatives Tarleton, Chair; Walen, Vice Chair; Orcutt, Ranking Minority Member; Young, Assistant Ranking Minority Member; Chapman; Frame; Macri; Orwall; Springer; Stokesbary; Vick and Wylie.

Referred to Committee on Rules for second reading.

February 27, 2020 7.0.

### HB 2931

Prime Sponsor, Representative Tharinger:  
Providing a sales and use tax exemption for labor and services rendered related to and tangible personal property incorporated in a qualified community multipurpose arts and events facility. Reported by Committee on Finance



MAJORITY recommendation: Do pass. Signed by Representatives Tarleton, Chair; Walen, Vice Chair; Chapman; Frame; Macri; Orwall; Springer; Stokesbary; Vick and Wylie.

MINORITY recommendation: Without recommendation. Signed by Representative Young, Assistant Ranking Minority Member.

MINORITY recommendation: Do not pass. Signed by Representative Orcutt, Ranking Minority Member.

Referred to Committee on Rules for second reading.

February 27, 2020 7.0.

HB 2945 Prime Sponsor, Representative Sullivan: Concerning aerospace business and occupation taxes and world trade organization compliance. Reported by Committee on Finance

MAJORITY recommendation: Do pass. Signed by Representatives Tarleton, Chair; Walen, Vice Chair; Young, Assistant Ranking Minority Member; Chapman; Orwall; Springer; Vick and Wylie.

MINORITY recommendation: Without recommendation. Signed by Representatives Orcutt, Ranking Minority Member; Frame; Macri and Stokesbary.

Referred to Committee on Rules for second reading.

February 28, 2020 7.0.

ESB 5165 Prime Sponsor, Senator Saldaña: Concerning discrimination based on citizenship or immigration status. Reported by Committee on Civil Rights & Judiciary

MAJORITY recommendation: Do pass. Signed by Representatives Kilduff, Chair; Thai, Vice Chair; Goodman; Hansen; Kirby; Orwall; Peterson; Rude; Valdez and Walen.

MINORITY recommendation: Do not pass. Signed by Representatives Irwin, Ranking Minority Member; Dufault, Assistant Ranking Minority Member; Graham; Klippert and Ybarra.

Referred to Committee on Rules for second reading.

February 28, 2020 7.0.

SSB 5168 Prime Sponsor, Committee on Law & Justice: Modifying notice and opportunity provisions relating to certain enforcement actions taken by a homeowners' or condominium association. Reported by Committee on Civil Rights & Judiciary

MAJORITY recommendation: Do pass. Signed by Representatives Kilduff, Chair; Thai, Vice Chair; Irwin, Ranking Minority Member; Dufault, Assistant Ranking Minority Member; Goodman; Graham; Hansen; Kirby; Klippert; Orwall; Peterson; Rude; Valdez; Walen and Ybarra.

Referred to Committee on Rules for second reading.

February 27, 2020 7.0.

E2SSB 5291 Prime Sponsor, Committee on Ways & Means: Creating alternatives to total confinement for certain qualifying persons with minor children. Reported by Committee on Public Safety

MAJORITY recommendation: Do pass as amended. 7.0.

Strike everything after the enacting clause and insert the following:

"Sec. 8. RCW 9.94A.030 and 2019 c 331 s 5, 2019 c 271 s 6, 2019 c 187 s 1, and 2019 c 46 s 5007 are each reenacted and amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Board" means the indeterminate sentence review board created under chapter 9.95 RCW.

(2) "Collect," or any derivative thereof, "collect and remit," or "collect and deliver," when used with reference to the department, means that the department, either directly or through a collection agreement authorized by RCW 9.94A.760, is responsible for monitoring and enforcing the offender's sentence with regard to the legal financial obligation, receiving payment thereof from the offender, and, consistent with current law, delivering daily the entire payment to the superior court clerk without depositing it in a departmental account.

(3) "Commission" means the sentencing guidelines commission.

(4) "Community corrections officer" means an employee of the department who is responsible for carrying out specific duties in supervision of sentenced offenders and monitoring of sentence conditions.

(5) "Community custody" means that portion of an offender's sentence of confinement in lieu of earned release time or imposed as part of a sentence under this chapter and served in the community subject to controls placed on the offender's movement and activities by the department.

(6) "Community protection zone" means the area within eight hundred eighty feet of the facilities and grounds of a public or private school.

(7) "Community restitution" means compulsory service, without compensation, performed for the benefit of the community by the offender.

(8) "Confinement" means total or partial confinement.

(9) "Conviction" means an adjudication of guilt pursuant to Title 10 or 13 RCW and includes a verdict of guilty, a finding of guilty, and acceptance of a plea of guilty.

(10) "Crime-related prohibition" means an order of a court prohibiting conduct that directly relates to the circumstances of the crime for which the offender has been convicted, and shall not be construed to mean orders directing an offender affirmatively to participate in rehabilitative programs or to otherwise perform affirmative conduct. However, affirmative acts necessary to monitor compliance with the order of a court may be required by the department.

(11) "Criminal history" means the list of a defendant's prior convictions and juvenile adjudications, whether in this state, in federal court, or elsewhere, and any issued certificates of restoration of opportunity pursuant to RCW 9.97.020.

(a) The history shall include, where known, for each conviction (i) whether the defendant has been placed on probation and the length and terms thereof; and (ii) whether the defendant has been incarcerated and the length of incarceration.

(b) A conviction may be removed from a defendant's criminal history only if it is vacated pursuant to RCW 9.96.060, 9.94A.640, 9.95.240, or a similar out-of-state statute, or if the conviction has been vacated pursuant to a governor's pardon. However, when a defendant is charged with a recidivist offense, "criminal history" includes a vacated prior conviction for the sole purpose of establishing that such vacated prior conviction constitutes an element of the present recidivist offense as provided in RCW 9.94A.640(3)(b) and 9.96.060(5)(c).

(c) The determination of a defendant's criminal history is distinct from the determination of an offender score. A prior conviction that was not included in an offender score calculated pursuant to a former version of the sentencing reform act remains part of the defendant's criminal history.

(12) "Criminal street gang" means any ongoing organization, association, or group of three or more persons, whether formal or informal, having a common name or common identifying sign or symbol, having as one of its primary activities the commission of criminal acts, and whose members or associates individually or collectively engage in or have engaged in a pattern of criminal street gang activity. This definition does not apply to employees engaged in concerted activities for their mutual aid and protection, or to the activities of labor and bona fide nonprofit organizations or their members or agents.

(13) "Criminal street gang associate or member" means any person who actively participates in any criminal street gang and who intentionally promotes, furthers, or assists in any criminal act by the criminal street gang.

(14) "Criminal street gang-related offense" means any felony or misdemeanor offense, whether in this state or elsewhere, that is committed for the benefit of, at the direction of, or in association with any criminal street gang,

or is committed with the intent to promote, further, or assist in any criminal conduct by the gang, or is committed for one or more of the following reasons:

(a) To gain admission, prestige, or promotion within the gang;

(b) To increase or maintain the gang's size, membership, prestige, dominance, or control in any geographical area;

(c) To exact revenge or retribution for the gang or any member of the gang;

(d) To obstruct justice, or intimidate or eliminate any witness against the gang or any member of the gang;

(e) To directly or indirectly cause any benefit, aggrandizement, gain, profit, or other advantage for the gang, its reputation, influence, or membership; or

(f) To provide the gang with any advantage in, or any control or dominance over any criminal market sector, including, but not limited to, manufacturing, delivering, or selling any controlled substance (chapter 69.50 RCW); arson (chapter 9A.48 RCW); trafficking in stolen property (chapter 9A.82 RCW); promoting prostitution (chapter 9A.88 RCW); human trafficking (RCW 9A.40.100); promoting commercial sexual abuse of a minor (RCW 9.68A.101); or promoting pornography (chapter 9.68 RCW).

(15) "Day fine" means a fine imposed by the sentencing court that equals the difference between the offender's net daily income and the reasonable obligations that the offender has for the support of the offender and any dependents.

(16) "Day reporting" means a program of enhanced supervision designed to monitor the offender's daily activities and compliance with sentence conditions, and in which the offender is required to report daily to a specific location designated by the department or the sentencing court.

(17) "Department" means the department of corrections.

(18) "Determinate sentence" means a sentence that states with exactitude the number of actual years, months, or days of total confinement, of partial confinement, of community custody, the number of actual hours or days of community restitution work, or dollars or terms of a legal financial obligation. The fact that an offender through earned release can reduce the actual period of confinement shall not affect the classification of the sentence as a determinate sentence.

(19) "Disposable earnings" means that part of the earnings of an offender remaining after the deduction from those earnings of any amount required by law to be withheld. For the purposes of this definition, "earnings" means compensation paid or payable for personal services, whether denominated as wages, salary, commission, bonuses, or otherwise, and, notwithstanding any other provision of law making the payments exempt from garnishment, attachment, or other process to satisfy a court-ordered legal financial obligation, specifically includes periodic payments pursuant

to pension or retirement programs, or insurance policies of any type, but does not include payments made under Title 50 RCW, except as provided in RCW 50.40.020 and 50.40.050, or Title 74 RCW.

(20) "Domestic violence" has the same meaning as defined in RCW 10.99.020 and 26.50.010.

(21) "Drug offender sentencing alternative" is a sentencing option available to persons convicted of a felony offense other than a violent offense or a sex offense and who are eligible for the option under RCW 9.94A.660.

(22) "Drug offense" means:

(a) Any felony violation of chapter 69.50 RCW except possession of a controlled substance (RCW 69.50.4013) or forged prescription for a controlled substance (RCW 69.50.403);

(b) Any offense defined as a felony under federal law that relates to the possession, manufacture, distribution, or transportation of a controlled substance; or

(c) Any out-of-state conviction for an offense that under the laws of this state would be a felony classified as a drug offense under (a) of this subsection.

(23) "Earned release" means earned release from confinement as provided in RCW 9.94A.728.

(24) "Electronic monitoring" means tracking the location of an individual, whether pretrial or posttrial, through the use of technology that is capable of determining or identifying the monitored individual's presence or absence at a particular location including, but not limited to:

(a) Radio frequency signaling technology, which detects if the monitored individual is or is not at an approved location and notifies the monitoring agency of the time that the monitored individual either leaves the approved location or tampers with or removes the monitoring device; or

(b) Active or passive global positioning system technology, which detects the location of the monitored individual and notifies the monitoring agency of the monitored individual's location.

(25) "Escape" means:

(a) Sexually violent predator escape (RCW 9A.76.115), escape in the first degree (RCW 9A.76.110), escape in the second degree (RCW 9A.76.120), willful failure to return from furlough (RCW 72.66.060), willful failure to return from work release (RCW 72.65.070), or willful failure to be available for supervision by the department while in community custody (RCW 72.09.310); or

(b) Any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as an escape under (a) of this subsection.

(26) "Felony traffic offense" means:

(a) Vehicular homicide (RCW 46.61.520), vehicular assault (RCW 46.61.522), eluding a police officer (RCW 46.61.024), felony hit-and-run injury-accident (RCW

46.52.020(4)), felony driving while under the influence of intoxicating liquor or any drug (RCW 46.61.502(6)), or felony physical control of a vehicle while under the influence of intoxicating liquor or any drug (RCW 46.61.504(6)); or

(b) Any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a felony traffic offense under (a) of this subsection.

(27) "Fine" means a specific sum of money ordered by the sentencing court to be paid by the offender to the court over a specific period of time.

(28) "First-time offender" means any person who has no prior convictions for a felony and is eligible for the first-time offender waiver under RCW 9.94A.650.

(29) "Home detention" is a subset of electronic monitoring and means a program of partial confinement available to offenders wherein the offender is confined in a private residence twenty-four hours a day, unless an absence from the residence is approved, authorized, or otherwise permitted in the order by the court or other supervising agency that ordered home detention, and the offender is subject to electronic monitoring.

(30) "Homelessness" or "homeless" means a condition where an individual lacks a fixed, regular, and adequate nighttime residence and who has a primary nighttime residence that is:

(a) A supervised, publicly or privately operated shelter designed to provide temporary living accommodations;

(b) A public or private place not designed for, or ordinarily used as, a regular sleeping accommodation for human beings; or

(c) A private residence where the individual stays as a transient invitee.

(31) "Legal financial obligation" means a sum of money that is ordered by a superior court of the state of Washington for legal financial obligations which may include restitution to the victim, statutorily imposed crime victims' compensation fees as assessed pursuant to RCW 7.68.035, court costs, county or interlocal drug funds, court-appointed attorneys' fees, and costs of defense, fines, and any other financial obligation that is assessed to the offender as a result of a felony conviction. Upon conviction for vehicular assault while under the influence of intoxicating liquor or any drug, RCW 46.61.522(1)(b), or vehicular homicide while under the influence of intoxicating liquor or any drug, RCW 46.61.520(1)(a), legal financial obligations may also include payment to a public agency of the expense of an emergency response to the incident resulting in the conviction, subject to RCW 38.52.430.

(32) ~~("Minor child" means a biological or adopted child of the offender who is under age eighteen at the time of the offender's current offense.~~

~~(33))~~ "Most serious offense" means any of the following felonies or a felony attempt to commit any of the following felonies:

(a) Any felony defined under any law as a class A felony or criminal solicitation of or criminal conspiracy to commit a class A felony;

(b) Assault in the second degree;

(c) Assault of a child in the second degree;

(d) Child molestation in the second degree;

(e) Controlled substance homicide;

(f) Extortion in the first degree;

(g) Incest when committed against a child under age fourteen;

(h) Indecent liberties;

(i) Kidnapping in the second degree;

(j) Leading organized crime;

(k) Manslaughter in the first degree;

(l) Manslaughter in the second degree;

(m) Promoting prostitution in the first degree;

(n) Rape in the third degree;

(o) Sexual exploitation;

(p) Vehicular assault, when caused by the operation or driving of a vehicle by a person while under the influence of intoxicating liquor or any drug or by the operation or driving of a vehicle in a reckless manner;

(q) Vehicular homicide, when proximately caused by the driving of any vehicle by any person while under the influence of intoxicating liquor or any drug as defined by RCW 46.61.502, or by the operation of any vehicle in a reckless manner;

(r) Any other class B felony offense with a finding of sexual motivation;

(s) Any other felony with a deadly weapon verdict under RCW 9A.44.825;

(t) Any felony offense in effect at any time prior to December 2, 1993, that is comparable to a most serious offense under this subsection, or any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a most serious offense under this subsection;

(u)(i) A prior conviction for indecent liberties under RCW 9A.44.100(1) (a), (b), and (c), chapter 260, Laws of 1975 1st ex. sess. as it existed until July 1, 1979, RCW 9A.44.100(1) (a), (b), and (c) as it existed from July 1, 1979, until June 11, 1986, and RCW 9A.44.100(1) (a), (b), and (d) as it existed from June 11, 1986, until July 1, 1988;

(ii) A prior conviction for indecent liberties under RCW 9A.44.100(1)(c) as it existed from June 11, 1986, until July 1, 1988, if: (A) The crime was committed against a child under the age of fourteen; or (B) the relationship between the victim and perpetrator is included in the definition of indecent liberties under RCW 9A.44.100(1)(c) as it existed from July 1, 1988, through July 27, 1997, or RCW

9A.44.100(1) (d) or (e) as it existed from July 25, 1993, through July 27, 1997;

(v) Any out-of-state conviction for a felony offense with a finding of sexual motivation if the minimum sentence imposed was ten years or more; provided that the out-of-state felony offense must be comparable to a felony offense under this title and Title 9A RCW and the out-of-state definition of sexual motivation must be comparable to the definition of sexual motivation contained in this section.

~~((34))~~ (33) "Nonviolent offense" means an offense which is not a violent offense.

~~((35))~~ (34) "Offender" means a person who has committed a felony established by state law and is eighteen years of age or older or is less than eighteen years of age but whose case is under superior court jurisdiction under RCW 13.04.030 or has been transferred by the appropriate juvenile court to a criminal court pursuant to RCW 13.40.110. In addition, for the purpose of community custody requirements under this chapter, "offender" also means a misdemeanor or gross misdemeanor probationer ordered by a superior court to probation pursuant to RCW 9.92.060, 9.95.204, or 9.95.210 and supervised by the department pursuant to RCW 9.94A.501 and 9.94A.5011. Throughout this chapter, the terms "offender" and "defendant" are used interchangeably.

~~((36))~~ (35) "Partial confinement" means confinement for no more than one year in a facility or institution operated or utilized under contract by the state or any other unit of government, or, if home detention, electronic monitoring, or work crew has been ordered by the court or home detention has been ordered by the department as part of the parenting program or the graduated reentry program, in an approved residence, for a substantial portion of each day with the balance of the day spent in the community. Partial confinement includes work release, home detention, work crew, electronic monitoring, and a combination of work crew, electronic monitoring, and home detention.

~~((37))~~ (36) "Pattern of criminal street gang activity" means:

(a) The commission, attempt, conspiracy, or solicitation of, or any prior juvenile adjudication of or adult conviction of, two or more of the following criminal street gang-related offenses:

(i) Any "serious violent" felony offense as defined in this section, excluding Homicide by Abuse (RCW 9A.32.055) and Assault of a Child 1 (RCW 9A.36.120);

(ii) Any "violent" offense as defined by this section, excluding Assault of a Child 2 (RCW 9A.36.130);

(iii) Deliver or Possession with Intent to Deliver a Controlled Substance (chapter 69.50 RCW);

(iv) Any violation of the firearms and dangerous weapon act (chapter 9.41 RCW);

(v) Theft of a Firearm (RCW 9A.56.300);

(vi) Possession of a Stolen Firearm (RCW 9A.56.310);

(vii) Hate Crime (RCW 9A.36.080);

(viii) Harassment where a subsequent violation or deadly threat is made (RCW 9A.46.020(2)(b));

(ix) Criminal Gang Intimidation (RCW 9A.46.120);

(x) Any felony conviction by a person eighteen years of age or older with a special finding of involving a juvenile in a felony offense under RCW 9.94A.833;

(xi) Residential Burglary (RCW 9A.52.025);

(xii) Burglary 2 (RCW 9A.52.030);

(xiii) Malicious Mischief 1 (RCW 9A.48.070);

(xiv) Malicious Mischief 2 (RCW 9A.48.080);

(xv) Theft of a Motor Vehicle (RCW 9A.56.065);

(xvi) Possession of a Stolen Motor Vehicle (RCW 9A.56.068);

(xvii) Taking a Motor Vehicle Without Permission 1 (RCW 9A.56.070);

(xviii) Taking a Motor Vehicle Without Permission 2 (RCW 9A.56.075);

(xix) Extortion 1 (RCW 9A.56.120);

(xx) Extortion 2 (RCW 9A.56.130);

(xxi) Intimidating a Witness (RCW 9A.72.110);

(xxii) Tampering with a Witness (RCW 9A.72.120);

(xxiii) Reckless Endangerment (RCW 9A.36.050);

(xxiv) Coercion (RCW 9A.36.070);

(xxv) Harassment (RCW 9A.46.020); or

(xxvi) Malicious Mischief 3 (RCW 9A.48.090);

(b) That at least one of the offenses listed in (a) of this subsection shall have occurred after July 1, 2008;

(c) That the most recent committed offense listed in (a) of this subsection occurred within three years of a prior offense listed in (a) of this subsection; and

(d) Of the offenses that were committed in (a) of this subsection, the offenses occurred on separate occasions or were committed by two or more persons.

~~((38))~~ (37) "Persistent offender" is an offender who:

(a)(i) Has been convicted in this state of any felony considered a most serious offense; and

(ii) Has, before the commission of the offense under (a) of this subsection, been convicted as an offender on at least two separate occasions, whether in this state or elsewhere, of felonies that under the laws of this state would be considered most serious offenses and would be included in the offender score under RCW 9.94A.525; provided that of the two or more previous convictions, at least one conviction must have occurred before the commission of any of the other most serious offenses for which the offender was previously convicted; or

(b)(i) Has been convicted of: (A) Rape in the first degree, rape of a child in the first degree, child molestation

in the first degree, rape in the second degree, rape of a child in the second degree, or indecent liberties by forcible compulsion; (B) any of the following offenses with a finding of sexual motivation: Murder in the first degree, murder in the second degree, homicide by abuse, kidnapping in the first degree, kidnapping in the second degree, assault in the first degree, assault in the second degree, assault of a child in the first degree, assault of a child in the second degree, or burglary in the first degree; or (C) an attempt to commit any crime listed in this subsection ~~((38))~~ (37)(b)(i); and

(ii) Has, before the commission of the offense under (b)(i) of this subsection, been convicted as an offender on at least one occasion, whether in this state or elsewhere, of an offense listed in (b)(i) of this subsection or any federal or out-of-state offense or offense under prior Washington law that is comparable to the offenses listed in (b)(i) of this subsection. A conviction for rape of a child in the first degree constitutes a conviction under (b)(i) of this subsection only when the offender was sixteen years of age or older when the offender committed the offense. A conviction for rape of a child in the second degree constitutes a conviction under (b)(i) of this subsection only when the offender was eighteen years of age or older when the offender committed the offense.

~~((39))~~ (38) "Predatory" means: (a) The perpetrator of the crime was a stranger to the victim, as defined in this section; (b) the perpetrator established or promoted a relationship with the victim prior to the offense and the victimization of the victim was a significant reason the perpetrator established or promoted the relationship; or (c) the perpetrator was: (i) A teacher, counselor, volunteer, or other person in authority in any public or private school and the victim was a student of the school under his or her authority or supervision. For purposes of this subsection, "school" does not include home-based instruction as defined in RCW 28A.225.010; (ii) a coach, trainer, volunteer, or other person in authority in any recreational activity and the victim was a participant in the activity under his or her authority or supervision; (iii) a pastor, elder, volunteer, or other person in authority in any church or religious organization, and the victim was a member or participant of the organization under his or her authority; or (iv) a teacher, counselor, volunteer, or other person in authority providing home-based instruction and the victim was a student receiving home-based instruction while under his or her authority or supervision. For purposes of this subsection: (A) "Home-based instruction" has the same meaning as defined in RCW 28A.225.010; and (B) "teacher, counselor, volunteer, or other person in authority" does not include the parent or legal guardian of the victim.

~~((40))~~ (39) "Private school" means a school regulated under chapter 28A.195 or 28A.205 RCW.

~~((41))~~ (40) "Public school" has the same meaning as in RCW 28A.150.010.

~~((42))~~ (41) "Recidivist offense" means a felony offense where a prior conviction of the same offense or other specified offense is an element of the crime including, but not limited to:

(a) Assault in the fourth degree where domestic violence is pleaded and proven, RCW 9A.36.041(3);

(b) Cyberstalking, RCW 9.61.260(3)(a);

(c) Harassment, RCW 9A.46.020(2)(b)(i);

(d) Indecent exposure, RCW 9A.88.010(2)(c);

(e) Stalking, RCW 9A.46.110(5)(b) (i) and (iii);

(f) Telephone harassment, RCW 9.61.230(2)(a); and

(g) Violation of a no-contact or protection order, RCW 26.50.110(5).

~~((43))~~ (42) "Repetitive domestic violence offense" means any:

(a)(i) Domestic violence assault that is not a felony offense under RCW 9A.36.041;

(ii) Domestic violence violation of a no-contact order under chapter 10.99 RCW that is not a felony offense;

(iii) Domestic violence violation of a protection order under chapter 26.09, 26.10, 26.26A, 26.26B, or 26.50 RCW that is not a felony offense;

(iv) Domestic violence harassment offense under RCW 9A.46.020 that is not a felony offense; or

(v) Domestic violence stalking offense under RCW 9A.46.110 that is not a felony offense; or

(b) Any federal, out-of-state, tribal court, military, county, or municipal conviction for an offense that under the laws of this state would be classified as a repetitive domestic violence offense under (a) of this subsection.

~~((44))~~ (43) "Restitution" means a specific sum of money ordered by the sentencing court to be paid by the offender to the court over a specified period of time as payment of damages. The sum may include both public and private costs.

~~((45))~~ (44) "Risk assessment" means the application of the risk instrument recommended to the department by the Washington state institute for public policy as having the highest degree of predictive accuracy for assessing an offender's risk of reoffense.

~~((46))~~ (45) "Serious traffic offense" means:

(a) Nonfelony driving while under the influence of intoxicating liquor or any drug (RCW 46.61.502), nonfelony actual physical control while under the influence of intoxicating liquor or any drug (RCW 46.61.504), reckless driving (RCW 46.61.500), or hit-and-run an attended vehicle (RCW 46.52.020(5)); or

(b) Any federal, out-of-state, county, or municipal conviction for an offense that under the laws of this state would be classified as a serious traffic offense under (a) of this subsection.

~~((47))~~ (46) "Serious violent offense" is a subcategory of violent offense and means:

(a)(i) Murder in the first degree;

(ii) Homicide by abuse;

(iii) Murder in the second degree;

(iv) Manslaughter in the first degree;

(v) Assault in the first degree;

(vi) Kidnapping in the first degree;

(vii) Rape in the first degree;

(viii) Assault of a child in the first degree; or

(ix) An attempt, criminal solicitation, or criminal conspiracy to commit one of these felonies; or

(b) Any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a serious violent offense under (a) of this subsection.

~~((48))~~ (47) "Sex offense" means:

(a)(i) A felony that is a violation of chapter 9A.44 RCW other than RCW 9A.44.132;

(ii) A violation of RCW 9A.64.020;

(iii) A felony that is a violation of chapter 9.68A RCW other than RCW 9.68A.080;

(iv) A felony that is, under chapter 9A.28 RCW, a criminal attempt, criminal solicitation, or criminal conspiracy to commit such crimes; or

(v) A felony violation of RCW 9A.44.132(1) (failure to register as a sex offender) if the person has been convicted of violating RCW 9A.44.132(1) (failure to register as a sex offender) or 9A.44.130 prior to June 10, 2010, on at least one prior occasion;

(b) Any conviction for a felony offense in effect at any time prior to July 1, 1976, that is comparable to a felony classified as a sex offense in (a) of this subsection;

(c) A felony with a finding of sexual motivation under RCW 9.94A.835 or 13.40.135; or

(d) Any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a sex offense under (a) of this subsection.

~~((49))~~ (48) "Sexual motivation" means that one of the purposes for which the defendant committed the crime was for the purpose of his or her sexual gratification.

~~((50))~~ (49) "Standard sentence range" means the sentencing court's discretionary range in imposing a nonappealable sentence.

~~((51))~~ (50) "Statutory maximum sentence" means the maximum length of time for which an offender may be confined as punishment for a crime as prescribed in chapter 9A.20 RCW, RCW 9.92.010, the statute defining the crime, or other statute defining the maximum penalty for a crime.

~~((52))~~ (51) "Stranger" means that the victim did not know the offender twenty-four hours before the offense.

~~((53))~~ (52) "Total confinement" means confinement inside the physical boundaries of a facility or institution operated or utilized under contract by the state or any other unit of government for twenty-four hours a day, or pursuant to RCW 72.64.050 and 72.64.060.

~~((54))~~ (53) "Transition training" means written and verbal instructions and assistance provided by the department to the offender during the two weeks prior to the offender's successful completion of the work ethic camp program. The transition training shall include instructions in the offender's requirements and obligations during the offender's period of community custody.

~~((55))~~ (54) "Victim" means any person who has sustained emotional, psychological, physical, or financial injury to person or property as a direct result of the crime charged.

~~((56))~~ (55) "Violent offense" means:

- (a) Any of the following felonies:
  - (i) Any felony defined under any law as a class A felony or an attempt to commit a class A felony;
  - (ii) Criminal solicitation of or criminal conspiracy to commit a class A felony;
  - (iii) Manslaughter in the first degree;
  - (iv) Manslaughter in the second degree;
  - (v) Indecent liberties if committed by forcible compulsion;
  - (vi) Kidnapping in the second degree;
  - (vii) Arson in the second degree;
  - (viii) Assault in the second degree;
  - (ix) Assault of a child in the second degree;
  - (x) Extortion in the first degree;
  - (xi) Robbery in the second degree;
  - (xii) Drive-by shooting;
  - (xiii) Vehicular assault, when caused by the operation or driving of a vehicle by a person while under the influence of intoxicating liquor or any drug or by the operation or driving of a vehicle in a reckless manner; and
  - (xiv) Vehicular homicide, when proximately caused by the driving of any vehicle by any person while under the influence of intoxicating liquor or any drug as defined by RCW 46.61.502, or by the operation of any vehicle in a reckless manner;

(b) Any conviction for a felony offense in effect at any time prior to July 1, 1976, that is comparable to a felony classified as a violent offense in (a) of this subsection; and

(c) Any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a violent offense under (a) or (b) of this subsection.

~~((57))~~ (56) "Work crew" means a program of partial confinement consisting of civic improvement tasks for the benefit of the community that complies with RCW 9.94A.725.

~~((58))~~ (57) "Work ethic camp" means an alternative incarceration program as provided in RCW 9.94A.690 designed to reduce recidivism and lower the cost of corrections by requiring offenders to complete a comprehensive array of real-world job and vocational experiences, character-building work ethics training, life management skills development, substance abuse rehabilitation, counseling, literacy training, and basic adult education.

~~((59))~~ (58) "Work release" means a program of partial confinement available to offenders who are employed or engaged as a student in a regular course of study at school.

**Sec. 9.** RCW 9.94A.655 and 2018 c 58 s 45 are each amended to read as follows:

(1) An offender is eligible for the parenting sentencing alternative if:

(a) The high end of the standard sentence range for the current offense is greater than one year;

(b) The offender has no prior or current conviction for a felony that is classified as a sex offense or a serious violent offense;

(c) The offender has ~~((not been found by the United States attorney general to be subject to a deportation detainer or order and does not become subject to a deportation order during the period of the sentence))~~ no current conviction for a violent offense;

(d) The offender signs any release of information waivers required to allow information regarding current or prior child welfare cases to be shared with the department and the court; and

(e) The offender ~~((has physical custody of his or her minor child or is a legal guardian or custodian with physical custody of a child under the age of eighteen at the time of the current offense))~~ is:

(i) A parent with physical custody of a minor child;

(ii) An expectant parent;

(iii) A legal guardian of a minor child; or

(iv) A biological parent, adoptive parent, custodian, or stepparent with a proven, established, ongoing, and substantial relationship with a minor child that existed at the time of the offense.

(2) Except for sex offenses and serious violent offenses, prior juvenile adjudications are not considered offenses when considering eligibility under this section.

(3) To assist the court in making its determination, the court may order the department to complete ~~((either))~~ a risk assessment report, including a family impact statement, or a chemical dependency screening report as provided in RCW 9.94A.500 ~~((or both reports))~~ prior to sentencing.

~~((3))~~ (4) If the court is considering this alternative, the court shall request that the department contact the department of children, youth, and families to determine if the agency has an open child welfare case or prior substantiated referral of abuse or neglect involving the offender or if the agency is aware of any substantiated case of abuse or neglect with a tribal child welfare agency involving the offender.

(a) If the offender has an open child welfare case or child abuse or neglect investigation, the department will provide the release of information waiver and request that the department of children, youth, and families or the tribal child welfare agency provide a report to the court. The department of children, youth, and families shall ~~((provide a report))~~, within seven business days of the request: Provide a copy of the most recent court order entered in proceedings under chapter 13.34 or 13.36 RCW pertaining to the offender, and provide a report regarding whether the offender has been cooperative with services ordered by the court in those proceedings; or, if there is no court order or there has not been court involvement, provide a report that includes, at the minimum, the following:

(i) Legal status of the child welfare case or child protective services response;

(ii) Length of time the department of children, youth, and families has ~~((been involved with))~~ had an open child welfare case or child protective services response involving the offender; and

(iii) ~~((Legal status of the case and permanent plan;~~

~~((iv)))~~ Any special needs of the child~~((;~~

~~((v) Whether or not the offender has been cooperative with services ordered by a juvenile court under a child welfare case; and~~

~~((vi) If the offender))~~.

(b) The department shall report to the court if the offender has been convicted of a crime against a child.

~~((b))~~ (c) If a report is required from a tribal child welfare agency, the department shall attempt to obtain information that is similar to what is required for the report provided by the department of children, youth, and families in a timely manner.

~~((c))~~ (d) If the offender does not have an open child welfare case with the department of children, youth, and families or with a tribal child welfare agency but has prior involvement, the department will obtain information from the department of children, youth, and families on the number and type of past substantiated referrals of abuse or neglect and report that information to the court. If the department of children, youth, and families has never had any substantiated referrals or an open case with the offender, the department will inform the court.

~~((d))~~ (e) The existence of a prior substantiated referral of child abuse or neglect or of an open child welfare case does not, alone, disqualify the parent from applying or participating in this alternative. The court shall consider whether the child-parent relationship can be readily

maintained during parental incarceration, and whether, due to the existence of an open child welfare case, parental incarceration exacerbates the likelihood of termination of the child-parent relationship.

(5) If the sentencing court determines that the offender is eligible for a sentencing alternative under this section and that the sentencing alternative is appropriate and should be imposed, the court shall waive imposition of a sentence within the standard sentence range and impose a sentence consisting of twelve months of community custody. The court shall consider the offender's criminal history when determining if the alternative is appropriate. The court shall also give great weight to the minor child's best interest.

~~((5))~~ (6) When a court imposes a sentence of community custody under this section:

(a) The court may impose conditions as provided in RCW 9.94A.703 and may impose other affirmative conditions as the court considers appropriate.

(b) The department may impose conditions as authorized in RCW 9.94A.704 that may include, but are not limited to:

(i) Parenting classes;

(ii) Chemical dependency treatment;

(iii) Mental health treatment;

(iv) Vocational training;

(v) ~~((Offender change))~~ Change programs;

(vi) Life skills classes.

(c) The department shall report to the court if the offender commits any violations of his or her sentence conditions.

~~((6))~~ (7) The department shall provide the court with quarterly progress reports regarding the offender's progress in required programming, treatment, and other supervision conditions. When an offender has an open child welfare case, the department will seek to coordinate services with the department of children, youth, and families.

~~((7))~~ (8)(a) The court may bring any offender sentenced under this section back into court at any time during the period of community custody on its own initiative to evaluate the offender's progress in treatment, or to determine if any violations of the conditions of the sentence have occurred.

(b) At the commencement of such a hearing, the court shall advise the offender sentenced under this section of the offender's right to assistance of counsel and appoint counsel if the offender is indigent.

(c) If the offender is brought back to court, the court may modify the conditions of community custody or impose sanctions under ~~((c))~~ (d) of this subsection, including extending the length of participation in the alternative program by no more than six months.

~~((c))~~ (d) The court may order the offender to serve a term of total confinement within the standard range of the



offender's current offense at any time during the period of community custody, if the offender violates the conditions or requirements of the sentence or if the offender is failing to make satisfactory progress in treatment.

~~((d))~~ (e) An offender ordered to serve a term of total confinement under ~~((e))~~ (d) of this subsection shall receive credit for any time previously served in confinement under this section.

(f) An offender sentenced under this section is subject to all rules relating to earned release time with respect to any period served in total confinement.

(9) The state and its agencies, officers, agents, or employees are not liable for the acts of offenders participating in the sentencing alternative under this section unless the state or its agencies, officers, agents, or employees act with willful disregard of a known risk of immediate harm.

(10) For the purposes of this section:

(a) "Expectant parent" means a pregnant or other parent awaiting the birth of his or her child, or an adoptive parent or person in the process of a final adoption.

(b) "Minor child" means a child under the age of eighteen.

**Sec. 10.** RCW 9.94A.6551 and 2018 c 58 s 47 are each amended to read as follows:

For an offender~~((s))~~ not sentenced under RCW 9.94A.655, but otherwise eligible under this section, no more than the final twelve months of the offender's term of confinement may be served in partial confinement as home detention as part of the parenting program developed by the department.

(1) The secretary may transfer an offender from a correctional facility to home detention in the community if it is determined that the parenting program is an appropriate placement and when all of the following conditions exist:

(a) The offender is serving a sentence in which the high end of the range is greater than one year;

(b) The offender has no current conviction for a felony that is classified as a sex offense or a serious violent offense;

(c) The offender has ~~((not been found by the United States attorney general to be subject to a deportation detainer or order and does not become subject to a deportation order during the period of the sentence))~~ no current conviction for a violent offense, or where the offender has a current conviction for a violent offense, he or she has not been determined to be a high risk to reoffend;

(d) The offender signs any release of information waivers required to allow information regarding current or prior child welfare cases to be shared with the department and the court;

(e) The offender is:

(i) ~~((Has physical or legal custody of a minor child;~~

~~((ii) Has a proven, established, ongoing, and substantial relationship with his or her minor child that existed prior to the commission of the current offense; or~~

~~((iii) Is a legal guardian of a child that was under the age of eighteen at the time of the current offense))~~ A parent with guardianship or legal custody of a minor child;

(ii) An expectant parent; or

(iii) A biological parent, adoptive parent, custodian, or stepparent with a proven, established, ongoing, and substantial relationship with a minor child that existed at the time of the offense; and

(f) The department determines that ~~((such a placement))~~ the offender's participation in the parenting program is in the best interests of the child. Nothing in this section provides the department with authority to determine placement of a minor child.

(2) Except for sex offenses and serious violent offenses, prior juvenile adjudications are not considered offenses when considering eligibility for the parenting program developed by the department.

(3) When the department is considering partial confinement as part of the parenting program for an offender, the department shall inquire of the individual and the department of children, youth, and families whether the agency has an open child welfare case or prior substantiated referral for abuse or neglect involving the offender.

(4) If the department of children, youth, and families or a tribal jurisdiction has an open child welfare case, the department will seek input from the department of children, youth, and families or the involved tribal jurisdiction as to: (a) The status of the child welfare case; and (b) recommendations regarding placement of the offender ~~((and services required of the department and the court governing))~~, services agreed to by the offender working voluntarily with the department, or services ordered by the court within the ((individual's)) offender's child welfare case. The department and its officers, agents, and employees are not liable for the acts of offenders participating in the parenting program unless the department or its officers, agents, and employees acted with willful and wanton disregard.

~~((3))~~ (5) All offenders placed on home detention as part of the parenting program shall provide an approved residence and living arrangement prior to transfer to home detention.

~~((4))~~ (6) While in the community on home detention as part of the parenting program, the department shall:

(a) Require the offender to be placed on electronic home monitoring;

(b) Require the offender to participate in programming and treatment that the department determines is needed after consideration of the offender's stated needs;

(c) Assign a community corrections officer who will monitor the offender's compliance with conditions of partial confinement and programming requirements; and

(d) If the offender has an open child welfare case with the department of children, youth, and families, collaborate and communicate with the identified social worker in the provision of services.

~~((5))~~ (7) The department has the authority to return any offender serving partial confinement in the parenting program to total confinement if the offender is not complying with sentence requirements.

(8) For the purposes of this section:

(a) "Expectant parent" means a pregnant or other parent awaiting the birth of his or her child, or an adoptive parent or person in the process of a final adoption.

(b) "Minor child" means a child under the age of eighteen."

Correct the title.

10.0.

Strike everything after the enacting clause and insert the following:

"Sec. 11. RCW 9.94A.030 and 2018 c 166 s 3 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Board" means the indeterminate sentence review board created under chapter 9.95 RCW.

(2) "Collect," or any derivative thereof, "collect and remit," or "collect and deliver," when used with reference to the department, means that the department, either directly or through a collection agreement authorized by RCW 9.94A.760, is responsible for monitoring and enforcing the offender's sentence with regard to the legal financial obligation, receiving payment thereof from the offender, and, consistent with current law, delivering daily the entire payment to the superior court clerk without depositing it in a departmental account.

(3) "Commission" means the sentencing guidelines commission.

(4) "Community corrections officer" means an employee of the department who is responsible for carrying out specific duties in supervision of sentenced offenders and monitoring of sentence conditions.

(5) "Community custody" means that portion of an offender's sentence of confinement in lieu of earned release time or imposed as part of a sentence under this chapter and served in the community subject to controls placed on the offender's movement and activities by the department.

(6) "Community protection zone" means the area within eight hundred eighty feet of the facilities and grounds of a public or private school.

(7) "Community restitution" means compulsory service, without compensation, performed for the benefit of the community by the offender.

(8) "Confinement" means total or partial confinement.

(9) "Conviction" means an adjudication of guilt pursuant to Title 10 or 13 RCW and includes a verdict of guilty, a finding of guilty, and acceptance of a plea of guilty.

(10) "Crime-related prohibition" means an order of a court prohibiting conduct that directly relates to the circumstances of the crime for which the offender has been convicted, and shall not be construed to mean orders directing an offender affirmatively to participate in rehabilitative programs or to otherwise perform affirmative conduct. However, affirmative acts necessary to monitor compliance with the order of a court may be required by the department.

(11) "Criminal history" means the list of a defendant's prior convictions and juvenile adjudications, whether in this state, in federal court, or elsewhere, and any issued certificates of restoration of opportunity pursuant to RCW 9.97.020.

(a) The history shall include, where known, for each conviction (i) whether the defendant has been placed on probation and the length and terms thereof; and (ii) whether the defendant has been incarcerated and the length of incarceration.

(b) A conviction may be removed from a defendant's criminal history only if it is vacated pursuant to RCW 9.96.060, 9.94A.640, 9.95.240, or a similar out-of-state statute, or if the conviction has been vacated pursuant to a governor's pardon.

(c) The determination of a defendant's criminal history is distinct from the determination of an offender score. A prior conviction that was not included in an offender score calculated pursuant to a former version of the sentencing reform act remains part of the defendant's criminal history.

(12) "Criminal street gang" means any ongoing organization, association, or group of three or more persons, whether formal or informal, having a common name or common identifying sign or symbol, having as one of its primary activities the commission of criminal acts, and whose members or associates individually or collectively engage in or have engaged in a pattern of criminal street gang activity. This definition does not apply to employees engaged in concerted activities for their mutual aid and protection, or to the activities of labor and bona fide nonprofit organizations or their members or agents.

(13) "Criminal street gang associate or member" means any person who actively participates in any criminal street gang and who intentionally promotes, furthers, or assists in any criminal act by the criminal street gang.

(14) "Criminal street gang-related offense" means any felony or misdemeanor offense, whether in this state or elsewhere, that is committed for the benefit of, at the direction of, or in association with any criminal street gang, or is committed with the intent to promote, further, or assist in any criminal conduct by the gang, or is committed for one or more of the following reasons:

(a) To gain admission, prestige, or promotion within the gang;

(b) To increase or maintain the gang's size, membership, prestige, dominance, or control in any geographical area;

(c) To exact revenge or retribution for the gang or any member of the gang;

(d) To obstruct justice, or intimidate or eliminate any witness against the gang or any member of the gang;

(e) To directly or indirectly cause any benefit, aggrandizement, gain, profit, or other advantage for the gang, its reputation, influence, or membership; or

(f) To provide the gang with any advantage in, or any control or dominance over any criminal market sector, including, but not limited to, manufacturing, delivering, or selling any controlled substance (chapter 69.50 RCW); arson (chapter 9A.48 RCW); trafficking in stolen property (chapter 9A.82 RCW); promoting prostitution (chapter 9A.88 RCW); human trafficking (RCW 9A.40.100); promoting commercial sexual abuse of a minor (RCW 9.68A.101); or promoting pornography (chapter 9.68 RCW).

(15) "Day fine" means a fine imposed by the sentencing court that equals the difference between the offender's net daily income and the reasonable obligations that the offender has for the support of the offender and any dependents.

(16) "Day reporting" means a program of enhanced supervision designed to monitor the offender's daily activities and compliance with sentence conditions, and in which the offender is required to report daily to a specific location designated by the department or the sentencing court.

(17) "Department" means the department of corrections.

(18) "Determinate sentence" means a sentence that states with exactitude the number of actual years, months, or days of total confinement, of partial confinement, of community custody, the number of actual hours or days of community restitution work, or dollars or terms of a legal financial obligation. The fact that an offender through earned release can reduce the actual period of confinement shall not affect the classification of the sentence as a determinate sentence.

(19) "Disposable earnings" means that part of the earnings of an offender remaining after the deduction from those earnings of any amount required by law to be withheld. For the purposes of this definition, "earnings" means compensation paid or payable for personal services, whether denominated as wages, salary, commission, bonuses, or otherwise, and, notwithstanding any other provision of law making the payments exempt from garnishment, attachment, or other process to satisfy a court-ordered legal financial obligation, specifically includes periodic payments pursuant to pension or retirement programs, or insurance policies of any type, but does not include payments made under Title 50

RCW, except as provided in RCW 50.40.020 and 50.40.050, or Title 74 RCW.

(20) "Domestic violence" has the same meaning as defined in RCW 10.99.020 and 26.50.010.

(21) "Drug offender sentencing alternative" is a sentencing option available to persons convicted of a felony offense other than a violent offense or a sex offense and who are eligible for the option under RCW 9.94A.660.

(22) "Drug offense" means:

(a) Any felony violation of chapter 69.50 RCW except possession of a controlled substance (RCW 69.50.4013) or forged prescription for a controlled substance (RCW 69.50.403);

(b) Any offense defined as a felony under federal law that relates to the possession, manufacture, distribution, or transportation of a controlled substance; or

(c) Any out-of-state conviction for an offense that under the laws of this state would be a felony classified as a drug offense under (a) of this subsection.

(23) "Earned release" means earned release from confinement as provided in RCW 9.94A.728.

(24) "Electronic monitoring" means tracking the location of an individual, whether pretrial or posttrial, through the use of technology that is capable of determining or identifying the monitored individual's presence or absence at a particular location including, but not limited to:

(a) Radio frequency signaling technology, which detects if the monitored individual is or is not at an approved location and notifies the monitoring agency of the time that the monitored individual either leaves the approved location or tampers with or removes the monitoring device; or

(b) Active or passive global positioning system technology, which detects the location of the monitored individual and notifies the monitoring agency of the monitored individual's location.

(25) "Escape" means:

(a) Sexually violent predator escape (RCW 9A.76.115), escape in the first degree (RCW 9A.76.110), escape in the second degree (RCW 9A.76.120), willful failure to return from furlough (RCW 72.66.060), willful failure to return from work release (RCW 72.65.070), or willful failure to be available for supervision by the department while in community custody (RCW 72.09.310); or

(b) Any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as an escape under (a) of this subsection.

(26) "Felony traffic offense" means:

(a) Vehicular homicide (RCW 46.61.520), vehicular assault (RCW 46.61.522), eluding a police officer (RCW 46.61.024), felony hit-and-run injury-accident (RCW 46.52.020(4)), felony driving while under the influence of intoxicating liquor or any drug (RCW 46.61.502(6)), or

felony physical control of a vehicle while under the influence of intoxicating liquor or any drug (RCW 46.61.504(6)); or

(b) Any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a felony traffic offense under (a) of this subsection.

(27) "Fine" means a specific sum of money ordered by the sentencing court to be paid by the offender to the court over a specific period of time.

(28) "First-time offender" means any person who has no prior convictions for a felony and is eligible for the first-time offender waiver under RCW 9.94A.650.

(29) "Home detention" is a subset of electronic monitoring and means a program of partial confinement available to offenders wherein the offender is confined in a private residence twenty-four hours a day, unless an absence from the residence is approved, authorized, or otherwise permitted in the order by the court or other supervising agency that ordered home detention, and the offender is subject to electronic monitoring.

(30) "Homelessness" or "homeless" means a condition where an individual lacks a fixed, regular, and adequate nighttime residence and who has a primary nighttime residence that is:

(a) A supervised, publicly or privately operated shelter designed to provide temporary living accommodations;

(b) A public or private place not designed for, or ordinarily used as, a regular sleeping accommodation for human beings; or

(c) A private residence where the individual stays as a transient invitee.

(31) "Legal financial obligation" means a sum of money that is ordered by a superior court of the state of Washington for legal financial obligations which may include restitution to the victim, statutorily imposed crime victims' compensation fees as assessed pursuant to RCW 7.68.035, court costs, county or interlocal drug funds, court-appointed attorneys' fees, and costs of defense, fines, and any other financial obligation that is assessed to the offender as a result of a felony conviction. Upon conviction for vehicular assault while under the influence of intoxicating liquor or any drug, RCW 46.61.522(1)(b), or vehicular homicide while under the influence of intoxicating liquor or any drug, RCW 46.61.520(1)(a), legal financial obligations may also include payment to a public agency of the expense of an emergency response to the incident resulting in the conviction, subject to RCW 38.52.430.

(32) (~~"Minor child" means a biological or adopted child of the offender who is under age eighteen at the time of the offender's current offense.~~

~~(33))~~ "Most serious offense" means any of the following felonies or a felony attempt to commit any of the following felonies:

(a) Any felony defined under any law as a class A felony or criminal solicitation of or criminal conspiracy to commit a class A felony;

(b) Assault in the second degree;

(c) Assault of a child in the second degree;

(d) Child molestation in the second degree;

(e) Controlled substance homicide;

(f) Extortion in the first degree;

(g) Incest when committed against a child under age fourteen;

(h) Indecent liberties;

(i) Kidnapping in the second degree;

(j) Leading organized crime;

(k) Manslaughter in the first degree;

(l) Manslaughter in the second degree;

(m) Promoting prostitution in the first degree;

(n) Rape in the third degree;

(o) Robbery in the second degree;

(p) Sexual exploitation;

(q) Vehicular assault, when caused by the operation or driving of a vehicle by a person while under the influence of intoxicating liquor or any drug or by the operation or driving of a vehicle in a reckless manner;

(r) Vehicular homicide, when proximately caused by the driving of any vehicle by any person while under the influence of intoxicating liquor or any drug as defined by RCW 46.61.502, or by the operation of any vehicle in a reckless manner;

(s) Any other class B felony offense with a finding of sexual motivation;

(t) Any other felony with a deadly weapon verdict under RCW 9.94A.825;

(u) Any felony offense in effect at any time prior to December 2, 1993, that is comparable to a most serious offense under this subsection, or any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a most serious offense under this subsection;

(v)(i) A prior conviction for indecent liberties under RCW 9A.44.100(1) (a), (b), and (c), chapter 260, Laws of 1975 1st ex. sess. as it existed until July 1, 1979, RCW 9A.44.100(1) (a), (b), and (c) as it existed from July 1, 1979, until June 11, 1986, and RCW 9A.44.100(1) (a), (b), and (d) as it existed from June 11, 1986, until July 1, 1988;

(ii) A prior conviction for indecent liberties under RCW 9A.44.100(1)(c) as it existed from June 11, 1986, until July 1, 1988, if: (A) The crime was committed against a child under the age of fourteen; or (B) the relationship between the victim and perpetrator is included in the definition of

indecent liberties under RCW 9A.44.100(1)(c) as it existed from July 1, 1988, through July 27, 1997, or RCW 9A.44.100(1) (d) or (e) as it existed from July 25, 1993, through July 27, 1997;

(w) Any out-of-state conviction for a felony offense with a finding of sexual motivation if the minimum sentence imposed was ten years or more; provided that the out-of-state felony offense must be comparable to a felony offense under this title and Title 9A RCW and the out-of-state definition of sexual motivation must be comparable to the definition of sexual motivation contained in this section.

((34)) (33) "Nonviolent offense" means an offense which is not a violent offense.

((35)) (34) "Offender" means a person who has committed a felony established by state law and is eighteen years of age or older or is less than eighteen years of age but whose case is under superior court jurisdiction under RCW 13.04.030 or has been transferred by the appropriate juvenile court to a criminal court pursuant to RCW 13.40.110. In addition, for the purpose of community custody requirements under this chapter, "offender" also means a misdemeanor or gross misdemeanor probationer ordered by a superior court to probation pursuant to RCW 9.92.060, 9.95.204, or 9.95.210 and supervised by the department pursuant to RCW 9.94A.501 and 9.94A.5011. Throughout this chapter, the terms "offender" and "defendant" are used interchangeably.

((36)) (35) "Partial confinement" means confinement for no more than one year in a facility or institution operated or utilized under contract by the state or any other unit of government, or, if home detention, electronic monitoring, or work crew has been ordered by the court or home detention has been ordered by the department as part of the parenting program or the graduated reentry program, in an approved residence, for a substantial portion of each day with the balance of the day spent in the community. Partial confinement includes work release, home detention, work crew, electronic monitoring, and a combination of work crew, electronic monitoring, and home detention.

((37)) (36) "Pattern of criminal street gang activity" means:

(a) The commission, attempt, conspiracy, or solicitation of, or any prior juvenile adjudication of or adult conviction of, two or more of the following criminal street gang-related offenses:

(i) Any "serious violent" felony offense as defined in this section, excluding Homicide by Abuse (RCW 9A.32.055) and Assault of a Child 1 (RCW 9A.36.120);

(ii) Any "violent" offense as defined by this section, excluding Assault of a Child 2 (RCW 9A.36.130);

(iii) Deliver or Possession with Intent to Deliver a Controlled Substance (chapter 69.50 RCW);

(iv) Any violation of the firearms and dangerous weapon act (chapter 9.41 RCW);

(v) Theft of a Firearm (RCW 9A.56.300);

(vi) Possession of a Stolen Firearm (RCW 9A.56.310);

(vii) Malicious Harassment (RCW 9A.36.080);

(viii) Harassment where a subsequent violation or deadly threat is made (RCW 9A.46.020(2)(b));

(ix) Criminal Gang Intimidation (RCW 9A.46.120);

(x) Any felony conviction by a person eighteen years of age or older with a special finding of involving a juvenile in a felony offense under RCW 9.94A.833;

(xi) Residential Burglary (RCW 9A.52.025);

(xii) Burglary 2 (RCW 9A.52.030);

(xiii) Malicious Mischief 1 (RCW 9A.48.070);

(xiv) Malicious Mischief 2 (RCW 9A.48.080);

(xv) Theft of a Motor Vehicle (RCW 9A.56.065);

(xvi) Possession of a Stolen Motor Vehicle (RCW 9A.56.068);

(xvii) Taking a Motor Vehicle Without Permission 1 (RCW 9A.56.070);

(xviii) Taking a Motor Vehicle Without Permission 2 (RCW 9A.56.075);

(xix) Extortion 1 (RCW 9A.56.120);

(xx) Extortion 2 (RCW 9A.56.130);

(xxi) Intimidating a Witness (RCW 9A.72.110);

(xxii) Tampering with a Witness (RCW 9A.72.120);

(xxiii) Reckless Endangerment (RCW 9A.36.050);

(xxiv) Coercion (RCW 9A.36.070);

(xxv) Harassment (RCW 9A.46.020); or

(xxvi) Malicious Mischief 3 (RCW 9A.48.090);

(b) That at least one of the offenses listed in (a) of this subsection shall have occurred after July 1, 2008;

(c) That the most recent committed offense listed in (a) of this subsection occurred within three years of a prior offense listed in (a) of this subsection; and

(d) Of the offenses that were committed in (a) of this subsection, the offenses occurred on separate occasions or were committed by two or more persons.

((38)) (37) "Persistent offender" is an offender who:

(a)(i) Has been convicted in this state of any felony considered a most serious offense; and

(ii) Has, before the commission of the offense under (a) of this subsection, been convicted as an offender on at least two separate occasions, whether in this state or elsewhere, of felonies that under the laws of this state would be considered most serious offenses and would be included in the offender score under RCW 9.94A.525; provided that of the two or more previous convictions, at least one conviction must have occurred before the commission of any

of the other most serious offenses for which the offender was previously convicted; or

(b)(i) Has been convicted of: (A) Rape in the first degree, rape of a child in the first degree, child molestation in the first degree, rape in the second degree, rape of a child in the second degree, or indecent liberties by forcible compulsion; (B) any of the following offenses with a finding of sexual motivation: Murder in the first degree, murder in the second degree, homicide by abuse, kidnapping in the first degree, kidnapping in the second degree, assault in the first degree, assault in the second degree, assault of a child in the first degree, assault of a child in the second degree, or burglary in the first degree; or (C) an attempt to commit any crime listed in this subsection ~~((38))~~ (37)(b)(i); and

(ii) Has, before the commission of the offense under (b)(i) of this subsection, been convicted as an offender on at least one occasion, whether in this state or elsewhere, of an offense listed in (b)(i) of this subsection or any federal or out-of-state offense or offense under prior Washington law that is comparable to the offenses listed in (b)(i) of this subsection. A conviction for rape of a child in the first degree constitutes a conviction under (b)(i) of this subsection only when the offender was sixteen years of age or older when the offender committed the offense. A conviction for rape of a child in the second degree constitutes a conviction under (b)(i) of this subsection only when the offender was eighteen years of age or older when the offender committed the offense.

~~((39))~~ (38) "Predatory" means: (a) The perpetrator of the crime was a stranger to the victim, as defined in this section; (b) the perpetrator established or promoted a relationship with the victim prior to the offense and the victimization of the victim was a significant reason the perpetrator established or promoted the relationship; or (c) the perpetrator was: (i) A teacher, counselor, volunteer, or other person in authority in any public or private school and the victim was a student of the school under his or her authority or supervision. For purposes of this subsection, "school" does not include home-based instruction as defined in RCW 28A.225.010; (ii) a coach, trainer, volunteer, or other person in authority in any recreational activity and the victim was a participant in the activity under his or her authority or supervision; (iii) a pastor, elder, volunteer, or other person in authority in any church or religious organization, and the victim was a member or participant of the organization under his or her authority; or (iv) a teacher, counselor, volunteer, or other person in authority providing home-based instruction and the victim was a student receiving home-based instruction while under his or her authority or supervision. For purposes of this subsection: (A) "Home-based instruction" has the same meaning as defined in RCW 28A.225.010; and (B) "teacher, counselor, volunteer, or other person in authority" does not include the parent or legal guardian of the victim.

~~((40))~~ (39) "Private school" means a school regulated under chapter 28A.195 or 28A.205 RCW.

~~((41))~~ (40) "Public school" has the same meaning as in RCW 28A.150.010.

~~((42))~~ (41) "Repetitive domestic violence offense" means any:

(a)(i) Domestic violence assault that is not a felony offense under RCW 9A.36.041;

(ii) Domestic violence violation of a no-contact order under chapter 10.99 RCW that is not a felony offense;

(iii) Domestic violence violation of a protection order under chapter 26.09, 26.10, 26.26, or 26.50 RCW that is not a felony offense;

(iv) Domestic violence harassment offense under RCW 9A.46.020 that is not a felony offense; or

(v) Domestic violence stalking offense under RCW 9A.46.110 that is not a felony offense; or

(b) Any federal, out-of-state, tribal court, military, county, or municipal conviction for an offense that under the laws of this state would be classified as a repetitive domestic violence offense under (a) of this subsection.

~~((43))~~ (42) "Restitution" means a specific sum of money ordered by the sentencing court to be paid by the offender to the court over a specified period of time as payment of damages. The sum may include both public and private costs.

~~((44))~~ (43) "Risk assessment" means the application of the risk instrument recommended to the department by the Washington state institute for public policy as having the highest degree of predictive accuracy for assessing an offender's risk of reoffense.

~~((45))~~ (44) "Serious traffic offense" means:

(a) Nonfelony driving while under the influence of intoxicating liquor or any drug (RCW 46.61.502), nonfelony actual physical control while under the influence of intoxicating liquor or any drug (RCW 46.61.504), reckless driving (RCW 46.61.500), or hit-and-run an attended vehicle (RCW 46.52.020(5)); or

(b) Any federal, out-of-state, county, or municipal conviction for an offense that under the laws of this state would be classified as a serious traffic offense under (a) of this subsection.

~~((46))~~ (45) "Serious violent offense" is a subcategory of violent offense and means:

(a)(i) Murder in the first degree;

(ii) Homicide by abuse;

(iii) Murder in the second degree;

(iv) Manslaughter in the first degree;

(v) Assault in the first degree;

(vi) Kidnapping in the first degree;

(vii) Rape in the first degree;

(viii) Assault of a child in the first degree; or

(ix) An attempt, criminal solicitation, or criminal conspiracy to commit one of these felonies; or

(b) Any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a serious violent offense under (a) of this subsection.

~~((47))~~ (46) "Sex offense" means:

(a)(i) A felony that is a violation of chapter 9A.44 RCW other than RCW 9A.44.132;

(ii) A violation of RCW 9A.64.020;

(iii) A felony that is a violation of chapter 9.68A RCW other than RCW 9.68A.080;

(iv) A felony that is, under chapter 9A.28 RCW, a criminal attempt, criminal solicitation, or criminal conspiracy to commit such crimes; or

(v) A felony violation of RCW 9A.44.132(1) (failure to register as a sex offender) if the person has been convicted of violating RCW 9A.44.132(1) (failure to register as a sex offender) or 9A.44.130 prior to June 10, 2010, on at least one prior occasion;

(b) Any conviction for a felony offense in effect at any time prior to July 1, 1976, that is comparable to a felony classified as a sex offense in (a) of this subsection;

(c) A felony with a finding of sexual motivation under RCW 9.94A.835 or 13.40.135; or

(d) Any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a sex offense under (a) of this subsection.

~~((48))~~ (47) "Sexual motivation" means that one of the purposes for which the defendant committed the crime was for the purpose of his or her sexual gratification.

~~((49))~~ (48) "Standard sentence range" means the sentencing court's discretionary range in imposing a nonappealable sentence.

~~((50))~~ (49) "Statutory maximum sentence" means the maximum length of time for which an offender may be confined as punishment for a crime as prescribed in chapter 9A.20 RCW, RCW 9.92.010, the statute defining the crime, or other statute defining the maximum penalty for a crime.

~~((51))~~ (50) "Stranger" means that the victim did not know the offender twenty-four hours before the offense.

~~((52))~~ (51) "Total confinement" means confinement inside the physical boundaries of a facility or institution operated or utilized under contract by the state or any other unit of government for twenty-four hours a day, or pursuant to RCW 72.64.050 and 72.64.060.

~~((53))~~ (52) "Transition training" means written and verbal instructions and assistance provided by the department to the offender during the two weeks prior to the offender's successful completion of the work ethic camp program. The transition training shall include instructions in the offender's requirements and obligations during the offender's period of community custody.

~~((54))~~ (53) "Victim" means any person who has sustained emotional, psychological, physical, or financial

injury to person or property as a direct result of the crime charged.

~~((55))~~ (54) "Violent offense" means:

(a) Any of the following felonies:

(i) Any felony defined under any law as a class A felony or an attempt to commit a class A felony;

(ii) Criminal solicitation of or criminal conspiracy to commit a class A felony;

(iii) Manslaughter in the first degree;

(iv) Manslaughter in the second degree;

(v) Indecent liberties if committed by forcible compulsion;

(vi) Kidnapping in the second degree;

(vii) Arson in the second degree;

(viii) Assault in the second degree;

(ix) Assault of a child in the second degree;

(x) Extortion in the first degree;

(xi) Robbery in the second degree;

(xii) Drive-by shooting;

(xiii) Vehicular assault, when caused by the operation or driving of a vehicle by a person while under the influence of intoxicating liquor or any drug or by the operation or driving of a vehicle in a reckless manner; and

(xiv) Vehicular homicide, when proximately caused by the driving of any vehicle by any person while under the influence of intoxicating liquor or any drug as defined by RCW 46.61.502, or by the operation of any vehicle in a reckless manner;

(b) Any conviction for a felony offense in effect at any time prior to July 1, 1976, that is comparable to a felony classified as a violent offense in (a) of this subsection; and

(c) Any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a violent offense under (a) or (b) of this subsection.

~~((56))~~ (55) "Work crew" means a program of partial confinement consisting of civic improvement tasks for the benefit of the community that complies with RCW 9.94A.725.

~~((57))~~ (56) "Work ethic camp" means an alternative incarceration program as provided in RCW 9.94A.690 designed to reduce recidivism and lower the cost of corrections by requiring offenders to complete a comprehensive array of real-world job and vocational experiences, character-building work ethics training, life management skills development, substance abuse rehabilitation, counseling, literacy training, and basic adult education.

~~((58))~~ (57) "Work release" means a program of partial confinement available to offenders who are employed or engaged as a student in a regular course of study at school.

**Sec. 12.** RCW 9.94A.655 and 2018 c 58 s 45 are each amended to read as follows:

(1) An offender is eligible for the parenting sentencing alternative if:

(a) The high end of the standard sentence range for the current offense is greater than one year;

(b) The offender has no prior or current conviction for a felony ~~((that is a))~~ sex offense or a serious violent offense;

(c) The offender has ~~((not been found by the United States attorney general to be subject to a deportation detainer or order and does not become subject to a deportation order during the period of the sentence))~~ no prior or current conviction for a violent offense, or where the offender has a prior or current conviction for a violent offense, he or she has been determined to be a low risk to reoffend;

(d) The offender signs any release of information waivers required to allow information regarding current or prior child welfare cases to be shared with the department and the court; and

(e) The offender ~~((has physical custody of his or her minor child or is a legal guardian or custodian with physical custody of a child under the age of eighteen at the time of the current offense))~~ is:

(i) A parent with physical custody of a minor child;

(ii) An expectant parent;

(iii) A legal guardian of a minor child; or

(iv) A biological parent, adoptive parent, custodian, or stepparent with a proven, established, ongoing, and substantial relationship with a minor child that existed at the time of the offense.

(2) Prior juvenile adjudications are not considered offenses when considering eligibility under this section.

(3) To assist the court in making its determination, the court may order the department to complete ~~((either))~~ a risk assessment report, including a family impact statement or a chemical dependency screening report as provided in RCW 9.94A.500, ~~((or both reports))~~ prior to sentencing.

~~((3))~~ (4) If the court is considering this alternative, the court shall request that the department contact the department of children, youth, and families to determine if the agency has an open child welfare case or prior substantiated referral of abuse or neglect involving the offender or if the agency is aware of any substantiated case of abuse or neglect with a tribal child welfare agency involving the offender.

(a) If the offender has an open child welfare case, the department will provide the release of information waiver and request that the department of children, youth, and families or the tribal child welfare agency provide a report to the court. The department of children, youth, and families

shall ~~((provide a report))~~, within seven business days of the request: Provide a copy of the most recent court order entered in a proceeding under chapter 13.34 or 13.36 RCW pertaining to the offender; or, if there is no court order or there has been no court involvement, provide a report that includes, at the minimum, the following:

(i) Legal status of the child welfare case or child protective services response;

(ii) Length of time the department of children, youth, and families has ~~((been involved with))~~ had an open child welfare case, or child protective services response involving the offender;

(iii) Legal status of the case ~~((and permanent plan));~~ and

(iv) Any special needs of the child~~((;~~

~~((v))~~ Whether or not the offender has been cooperative with services ordered by a juvenile court under a child welfare case; and);

~~((vi))~~ (b) The department shall report if the offender has been convicted of a crime against a child.

~~((b))~~ (c) If a report is required from a tribal child welfare agency, the department shall attempt to obtain information that is similar to what is required for the report provided by the department of children, youth, and families in a timely manner.

~~((c))~~ (d) If the offender does not have an open child welfare case with the department of children, youth, and families or with a tribal child welfare agency but has prior involvement, the department will obtain information from the department of children, youth, and families on the number and type of past substantiated referrals of abuse or neglect and report that information to the court. If the department of children, youth, and families has never had any substantiated referrals or an open case with the offender, the department will inform the court.

~~((4))~~ (e) The existence of a prior substantiated referral of child abuse or neglect or of an open child welfare case shall not, alone, disqualify an offender from applying or participating in this alternative. The court shall consider whether the child-parent relationship can be readily maintained during parental incarceration; and whether due to the existence of an open child welfare case, parental incarceration exacerbates the likelihood of termination of the child-parent relationship.

(f) The state and its agencies, officers, agents, or employees are not liable for the acts of offenders participating in the sentencing alternative under this section unless the state or its agencies, officers, agents, or employees act with willful disregard of a known risk of immediate harm.

(5) If the sentencing court determines that the offender is eligible for a sentencing alternative under this section and that the sentencing alternative is appropriate and should be imposed, the court shall waive imposition of a sentence within the standard sentence range and impose a sentence consisting of twelve months of community custody. The



court shall consider the offender's criminal history when determining if the alternative is appropriate. The court shall also give great weight to the minor child's best interest, which must include a determination by the juvenile court presiding over the minor child's proceedings under chapter 13.34 RCW, if any.

~~((5))~~ (6) When a court imposes a sentence of community custody under this section:

(a) The court may impose conditions as provided in RCW 9.94A.703 and may impose other affirmative conditions as the court considers appropriate.

(b) The department may impose conditions as authorized in RCW 9.94A.704 that may include, but are not limited to:

- (i) Parenting classes;
- (ii) Chemical dependency treatment;
- (iii) Mental health treatment;
- (iv) Vocational training;
- (v) ~~((Offender))~~ Change programs;
- (vi) Life skills classes.

(c) The department shall report to the court if the offender commits any violations of his or her sentence conditions.

~~((6))~~ (7) The department shall provide the court with quarterly progress reports regarding the offender's progress in required programming, treatment, and other supervision conditions. When an offender has an open child welfare case, the department will seek to coordinate services with the department of children, youth, and families.

~~((7))~~ (8)(a) The court may bring any offender sentenced under this section back into court at any time during the period of community custody on its own initiative to evaluate the offender's progress in treatment, or to determine if any violations of the conditions of the sentence have occurred.

(b) At the commencement of such a hearing, the court shall advise the offender sentenced under this section of his or her right to assistance of counsel and, if the offender is indigent, appoint counsel.

(c) If the offender is brought back to court, the court may modify the conditions of community custody or impose sanctions under ~~((e))~~ (d) of this subsection, including extending the length of community custody, by no more than six months. The court shall also consider modification to the offender's support and rehabilitation plan as needed.

~~((e))~~ (d) The court may order the offender to serve a term of total confinement within the standard range of the offender's current offense at any time during the period of community custody, if the offender violates the conditions or requirements of the sentence or if the offender is failing to make satisfactory progress in treatment.

~~((d))~~ (e) An offender ordered to serve a term of total confinement under ~~((e))~~ (d) of this subsection shall receive

credit for any time previously served in confinement under this section.

(f) An offender sentenced under this section is subject to all rules relating to earned release time with respect to any period served in total confinement.

(9) For the purposes of this section:

(a) "Expectant parent" means a pregnant or other parent awaiting the birth of his or her child, or an adoptive parent or person in process of a final adoption.

(b) "Minor child" means a child under the age of eighteen at the time of the current offense.

**Sec. 13.** RCW 9.94A.6551 and 2018 c 58 s 47 are each amended to read as follows:

For an offender~~((s))~~ not sentenced under RCW 9.94A.655, but otherwise eligible under this section, no more than the final twelve months of the offender's term of confinement may be served in partial confinement as home detention as part of the parenting program developed by the department.

(1) The secretary may transfer an offender from a correctional facility to home detention in the community if it is determined that the parenting program is an appropriate placement and when all of the following conditions exist:

(a) The offender is serving a sentence in which the high end of the range is greater than one year;

(b) The offender has no current conviction for a felony ~~((that is a))~~ sex offense or a serious violent offense;

(c) Where the offender has a current conviction for a violent offense, he or she has been determined to not be a high risk to reoffend;

(d) The offender ~~((has not been found by the United States attorney general to be subject to a deportation detainer or order and does not become subject to a deportation order during the period of the sentence))~~;

(i) Is a parent with physical or legal custody of a minor child;

(ii) Is a biological parent, adoptive parent, custodian, or stepparent with a proven, established, ongoing, and substantial relationship with a minor child that existed at the time of the offense;

(iii) Is the legal guardian of a minor child; or

(iv) Is an expectant parent;

~~((d))~~ (e) The offender signs any release of information waivers required to allow information regarding current or prior child welfare cases to be shared with the department and the court;

~~((e))~~ The offender:

(i) Has physical or legal custody of a minor child;

(ii) Has a proven, established, ongoing, and substantial relationship with his or her minor child that existed prior to the commission of the current offense; or

~~((iii)) Is a legal guardian of a child that was under the age of eighteen at the time of the current offense;)) and~~

~~((f)) The department determines that ((such a placement)) the offender's participation in the parenting program is in the best interests of the child. Nothing in this section provides the department with authority to determine placement of a minor child.~~

~~((2)) Prior juvenile adjudications are not considered offenses when considering eligibility under this section.~~

~~((3)) When the department is considering partial confinement as part of the parenting program for an offender, the department shall inquire of the ((individual)) offender and the department of children, youth, and families whether the agency has an open child welfare case or prior substantiated referral for abuse or neglect involving the offender. If the department of children, youth, and families or a tribal jurisdiction has an open child welfare case, the department will seek input from the department of children, youth, and families or the involved tribal jurisdiction as to:~~  
~~((a)) The status of the child welfare case; and ((b)) recommendations regarding placement of the offender ((and services required of the department and the court governing)), services agreed to by the offender working voluntarily with the department, or services ordered by the court within the ((individual's)) offender's child welfare case. The department and its officers, agents, and employees are not liable for the acts of offenders participating in the parenting program unless the department or its officers, agents, and employees acted with willful and wanton disregard.~~

~~((4)) ((4)) All offenders placed on home detention as part of the parenting program shall provide an approved residence and living arrangement prior to transfer to home detention.~~

~~((5)) ((5)) While in the community on home detention as part of the parenting program, the department shall:~~

~~((a)) Require the offender to be placed on electronic home monitoring;~~

~~((b)) Require the offender to participate in programming and treatment that the department and offender collectively determine((s)) is needed;~~

~~((c)) Assign a community corrections officer who will monitor the offender's compliance with conditions of partial confinement and programming requirements; and~~

~~((d)) If the offender has an open child welfare case with the department of children, youth, and families, collaborate and communicate with the identified social worker in the provision of services.~~

~~((6)) ((6)) The department has the authority to return any offender serving partial confinement in the parenting program to total confinement if the offender is not complying with sentence requirements.~~

((7)) For the purposes of this section:

((a)) "Expectant parent" means a pregnant or other parent awaiting the birth of his or her child, or an adoptive parent or person in the process of a final adoption.

((b)) "Minor child" means a child under the age of eighteen at the time of the current offense."

Correct the title.

Signed by Representatives Appleton, 2nd Vice Chair; Goodman, Chair; Davis, Vice Chair; Lovick; Orwall; Pellicciotti and Pettigrew.

MINORITY recommendation: Do not pass. Signed by Representatives Klippert, Ranking Minority Member; Sutherland, Assistant Ranking Minority Member and Graham.

MINORITY recommendation: Without recommendation. Signed by Representative Griffey.

Referred to Committee on Rules for second reading.

March 2, 2020 13.0.

E2SSB 5299 Prime Sponsor, Committee on Ways & Means: Concerning impaired driving. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Stokesbary, Ranking Minority Member; Robinson, 1st Vice Chair; Bergquist, 2nd Vice Chair; MacEwen, Assistant Ranking Minority Member; Rude, Assistant Ranking Minority Member; Caldier; Chandler; Chopp; Cody; Corry; Dye; Hansen; Hoff; Kilduff; Kraft; Mosbrucker; Pettigrew; Pollet; Ryu; Schmick; Springer; Steele; Sullivan; Sutherland; Tarleton and Ybarra.

MINORITY recommendation: Do not pass. Signed by Representatives Ormsby, Chair; Dolan; Fitzgibbon; Hudgins; Macri; Senn and Tharinger.

Referred to Committee on Appropriations.

February 27, 2020 13.0.

ESSB 5395 Prime Sponsor, Committee on Early Learning & K-12 Education: Concerning comprehensive sexual health education. Reported by Committee on Education

MAJORITY recommendation: Do pass as amended. 13.0.

Strike everything after the enacting clause and insert the following:

"Sec. 14. RCW 28A.300.475 and 2007 c 265 s 2 are each amended to read as follows:

((1)) ((By September 1, 2008,)) ((a))((i)) In accordance with the requirements of this section, every public school ((that offers)) shall provide comprehensive sexual health

education ~~((must assure that))~~ to each student by the 2022-23 school year. The curriculum, instruction, and materials used to provide the comprehensive sexual health education ~~((is))~~ must be medically and scientifically accurate, age-appropriate, ~~((appropriate for students regardless of gender, race, disability status, or sexual orientation))~~ and inclusive of all students, regardless of their protected class status under chapter 49.60 RCW, and must include(s) information about abstinence and other methods of preventing unintended pregnancy and sexually transmitted diseases. ~~((All sexual health information, instruction, and materials must be medically and scientifically accurate.))~~ Abstinence may not be taught to the exclusion of other materials and instruction on contraceptives and disease prevention.

(ii)(A) Beginning in the 2020-21 school year, any public school that provides comprehensive sexual health education must ensure that the curriculum, instruction, and materials include information about affirmative consent and bystander training.

(B) The school district boards of directors of one or more public schools that are not providing comprehensive sexual health education in either the 2019-20 school year, the 2020-21 school year, or both, must prepare for incorporating information about affirmative consent and bystander training into the comprehensive sexual health education curriculum, instruction, and materials required by this section. In satisfying the requirements of this subsection (1)(a)(ii)(B), school district boards of directors must also, no later than the 2020-21 school year, consult with parents and guardians of students, local communities, and the Washington state school directors' association.

(b) A public school may choose to use separate, outside speakers or prepared curriculum to teach different content areas or units within ~~((the))~~ its comprehensive sexual health education program ~~((as long as))~~ if all speakers, curriculum, and materials used are in compliance with this section.

(c) Comprehensive sexual health education must be consistent with the Washington state health and physical education K-12 learning standards and the January 2005 guidelines for sexual health information and disease prevention developed by the department of health and the office of the superintendent of public instruction.

(2) ~~((As used in chapter 265, Laws of 2007, "medically and scientifically accurate" means information that is verified or supported by research in compliance with scientific methods, is published in peer review journals, where appropriate, and is recognized as accurate and objective by professional organizations and agencies with expertise in the field of sexual health including but not limited to the American college of obstetricians and gynecologists, the Washington state department of health, and the federal centers for disease control and prevention.))~~

(a) Beginning in the 2021-22 school year, comprehensive sexual health education must be provided to all public school students in grades six through twelve.

(b) Beginning in the 2022-23 school year, comprehensive sexual health education must be provided to all public school students.

(c) The provision of comprehensive sexual health education to public school students as required by (a) and (b) of this subsection (2) must be provided no less than:

(i) Once to students in kindergarten through grade three;

(ii) Once to students in grades four through five;

(iii) Twice to students in grades six through eight; and

(iv) Twice to students in grades nine through twelve.

(3) The office of the superintendent of public instruction and the department of health shall make the Washington state health and physical education K-12 learning standards and the January 2005 guidelines for sexual health information and disease prevention available to public schools ~~((districts))~~, teachers, and guest speakers on their web sites. Within available resources, the office of the superintendent of public instruction and the department of health shall also, and to the extent permitted by applicable federal law, make any related information, model policies, curricula, or other resources available ~~((as well))~~ on their web sites.

(4) The office of the superintendent of public instruction, in consultation with the department of health, shall develop a list of comprehensive sexual health education curricula that are consistent with the 2005 guidelines for sexual health information and disease prevention, the Washington state health and physical education K-12 learning standards, and this section. This list ~~((shall be intended to))~~, which may serve as a resource for schools, teachers, or any other organization or community group, ~~((and shall))~~ must be updated ~~((no less frequently than))~~ at least annually, and must be made available on the web sites of the office of the superintendent of public instruction and the department of health.

(5) Subject to the availability of amounts appropriated for this specific purpose, the office of the superintendent of public instruction shall periodically review and revise, as necessary, training materials, which may be in an electronic format, for classroom teachers and principals to implement the applicable requirements of this section. The initial review required by this subsection (5) must be completed by March 1, 2021.

(6)(a) Public schools ~~((that offer sexual health education))~~ are encouraged to review their comprehensive sexual health education curricula and choose a curriculum from the list developed under subsection (4) of this section. Any public school ~~((that offers sexual health education))~~ may identify, choose, or develop any other curriculum~~((s))~~ if ~~((the curriculum chosen or developed))~~ it complies with the requirements of this section.

(b) If a public school chooses a curriculum that is not from the list developed under subsection (4) of this section, the public school or applicable school district, in consultation with the office of the superintendent of public instruction, must conduct a review of the selected or developed curriculum to ensure compliance with the requirements of this section using a comprehensive sexual

health education curriculum analysis tool of the office of the superintendent of public instruction.

(c) The office of the superintendent of public instruction shall provide technical assistance to public schools and school districts that is consistent with the curricula review, selection, and development provisions in (a) and (b) of this subsection (6).

~~((6))~~ (7)(a) Any parent or legal guardian who wishes to have his or her child excused from any planned instruction in comprehensive sexual health education may do so upon filing a written request with the school district board of directors or its designee, or the principal of the school his or her child attends, or the principal's designee. The person or entity to whom the request is directed must grant the written request to have the student excused from this instruction in accordance with this subsection. In addition, any parent or legal guardian may review the comprehensive sexual health education curriculum ((offered)) provided in his or her child's school by filing a written request with the school district board of directors, the principal of the school his or her child attends, or the principal's designee.

~~((7) The office of the superintendent of public instruction shall, through its Washington state school health profiles survey or other existing reporting mechanism, ask public))~~ (b) At the beginning of the 2021-22 school year, each school providing comprehensive sexual health education must notify parents and guardians, in writing or in accordance with the methods the school finds most effective in communicating with parents, that the school will be providing comprehensive sexual health education during the school year. The notice must include, or provide a means for electronic access to, all course materials, by grade, that will be used at the school during the instruction.

(8)(a) Public schools ((to)) shall annually, by September 1st, identify to the office of the superintendent of public instruction any curricula used by the school to provide comprehensive sexual health education((, and shall report the results of this inquiry to the legislature on a biennial basis, beginning with the 2008-09 school year)) as required by this section. Materials provided by schools under this subsection (8)(a) must also describe how the provided classroom instruction aligns with the requirements of this section.

(b) The office of the superintendent of public instruction shall summarize and, in accordance with RCW 43.01.036, report the results provided under (a) of this subsection (8) to the education committees of the house of representatives and the senate biennially, beginning after the 2022-23 school year.

~~((8) The requirement))~~ (9) RCW 28A.600.480(2), which encourages school employees, students, and volunteers to report harassment, intimidation, or bullying ((under RCW 28A.600.480(2))), applies to this section.

(10) Nothing in this section expresses legislative intent to require that comprehensive sexual health education, or components of comprehensive sexual health education, be integrated into curriculum, materials, or instruction in unrelated subject matters or courses.

(11) For the purposes of this section:

(a) "Affirmative consent" means a conscious and voluntary agreement to engage in sexual activity as a requirement before sexual activity;

(b) "Comprehensive sexual health education" means recurring instruction in human development and reproduction that is age-appropriate and inclusive of all students, regardless of their protected class status under chapter 49.60 RCW. All curriculum, instruction, and materials used in providing comprehensive sexual health education must be medically and scientifically accurate and must use language and strategies that recognize all members of protected classes under chapter 49.60 RCW. Comprehensive sexual health education for students in kindergarten through grade three must be instruction in social-emotional learning that is consistent with learning standards and benchmarks adopted by the office of the superintendent of public instruction under RCW 28A.300.478. Comprehensive sexual health education for students in grades four through twelve must include information about:

(i) The physiological, psychological, and sociological developmental processes experienced by an individual;

(ii) The development of intrapersonal and interpersonal skills to communicate, respectfully and effectively, to reduce health risks, and choose healthy behaviors and relationships that are based on mutual respect and affection, and are free from violence, coercion, and intimidation;

(iii) Health care and prevention resources;

(iv) The development of meaningful relationships and avoidance of exploitative relationships;

(v) Understanding the influences of family, peers, community, and the media throughout life on healthy sexual relationships; and

(vi) Affirmative consent and recognizing and responding safely and effectively when violence, or a risk of violence, is or may be present with strategies that include bystander training;

(c) "Medically and scientifically accurate" means information that is verified or supported by research in compliance with scientific methods, is published in peer-reviewed journals, where appropriate, and is recognized as accurate and objective by professional organizations and agencies with expertise in the field of sexual health including but not limited to the American college of obstetricians and gynecologists, the Washington state department of health, and the federal centers for disease control and prevention; and

(d) "Public schools" has the same meaning as in RCW 28A.150.010."

Correct the title.

Signed by Representatives Santos, Chair; Dolan, Vice Chair; Paul, Vice Chair; Bergquist; Callan; Ortiz-Self; Stonier; Thai and Valdez.

MINORITY recommendation: Do not pass. Signed by Representatives Steele, Ranking Minority Member; McCaslin, Assistant Ranking Minority Member; Volz, Assistant Ranking Minority Member; Caldier; Corry and Rude.

MINORITY recommendation: Without recommendation. Signed by Representatives Harris and Ybarra.

Referred to Committee on Rules for second reading.

February 28, 2020 14.0.

**ESSB 5434** Prime Sponsor, Committee on Law & Justice: Restricting possession of weapons in certain locations. Reported by Committee on Civil Rights & Judiciary

MAJORITY recommendation: Do pass as amended. 14.0.

Strike everything after the enacting clause and insert the following:

"**NEW SECTION. Sec. 15.** A new section is added to chapter 9.41 RCW to read as follows:

(1) It is unlawful for a person to carry onto, or to possess on, licensed child care center premises, child care center-provided transportation, or areas of facilities while being used exclusively by a child care center:

(a) Any firearm;

(b) Any other dangerous weapon as described in RCW 9.41.250;

(c) Any air gun, including any air pistol or air rifle, designed to propel a BB, pellet, or other projectile by the discharge of compressed air, carbon dioxide, or other gas; or

(d)(i) Any portable device manufactured to function as a weapon and which is commonly known as a stun gun, including a projectile stun gun that projects wired probes that are attached to the device that emit an electrical charge designed to administer to a person or an animal an electric shock, charge, or impulse; or

(ii) Any device, object, or instrument that is used or intended to be used as a weapon with the intent to injure a person by an electric shock, charge, or impulse.

(2) A person who violates subsection (1) of this section is guilty of a gross misdemeanor. If a person is convicted of a violation of subsection (1)(a) of this section, the person shall have his or her concealed pistol license, if any, revoked for a period of three years. Anyone convicted under subsection (1)(a) of this section is prohibited from applying for a concealed pistol license for a period of three years from the date of conviction. The court shall order the person to immediately surrender any concealed pistol license, and

within three business days notify the department of licensing in writing of the required revocation of any concealed pistol license held by the person. Upon receipt of the notification by the court, the department of licensing shall determine if the person has a concealed pistol license. If the person does have a concealed pistol license, the department of licensing shall immediately notify the license-issuing authority which, upon receipt of the notification, shall immediately revoke the license.

(3) Subsection (1) of this section does not apply to:

(a) Family day care provider homes as defined in RCW 43.216.010;

(b) Any person in possession of a pistol who has been issued a license under RCW 9.41.070, or is exempt from the licensing requirement by RCW 9.41.060, while picking up or dropping off a child at the child care center;

(c) Any person at least eighteen years of age legally in possession of a firearm or dangerous weapon that is secured within an attended vehicle or concealed from view within a locked unattended vehicle while conducting legitimate business at the child care center; or

(d) Any law enforcement officer of a federal, state, or local government agency.

(4) Child care centers must post "GUN-FREE ZONE" signs giving warning of the prohibition of the possession of firearms on center premises.

(5) A child care center that is located on public or private elementary or secondary school premises is subject to the requirements of RCW 9.41.280.

(6) For the purposes of this section, child care center has the same meaning as "child day care center" as defined in RCW 43.216.010.

**NEW SECTION. Sec. 16.** A new section is added to chapter 43.216 RCW to read as follows:

(1) Every child day care center and early childhood education and assistance program provider is subject to section 1 of this act.

(2)(a) A family day care provider must store any firearm, ammunition, or other dangerous weapon as described in RCW 9.41.250 in a secure area when children for whom the family day care provider is licensed to provide care are present on the premises.

(b) The secure area must be inaccessible to children and must consist of a locked gun safe or a locked room. If stored in a locked room, each firearm must be stored unloaded and with a trigger lock or other disabling feature.

(3) The department may deny, suspend, revoke, modify or not renew the license of a child care provider in violation of this section.

**NEW SECTION. Sec. 17.** A new section is added to chapter 43.216 RCW to read as follows:

The department must adopt rules to implement sections 1 and 2 of this act."

Correct the title.

Signed by Representatives Kilduff, Chair; Thai, Vice Chair; Goodman; Hansen; Kirby; Orwall; Peterson; Valdez and Walen.

MINORITY recommendation: Do not pass. Signed by Representatives Irwin, Ranking Minority Member; Dufault, Assistant Ranking Minority Member; Graham; Klippert; Rude and Ybarra.

Referred to Committee on Rules for second reading.

February 27, 2020 17.0.

2SSB 5488 Prime Sponsor, Committee on Human Services, Reentry & Rehabilitation: Modifying youth sentencing guidelines. Reported by Committee on Public Safety

MAJORITY recommendation: Do pass. Signed by Representatives Appleton, 2nd Vice Chair; Goodman, Chair; Davis, Vice Chair; Sutherland, Assistant Ranking Minority Member; Griffey; Lovick; Orwall; Pellicciotti and Pettigrew.

MINORITY recommendation: Do not pass. Signed by Representatives Klippert, Ranking Minority Member and Graham.

Referred to Committee on Rules for second reading.

February 28, 2020 17.0.

ESSB 5522 Prime Sponsor, Committee on Local Government: Providing code cities with the ability to annex unincorporated areas pursuant to a jointly approved interlocal agreement with the county. Reported by Committee on Local Government

MAJORITY recommendation: Do pass. Signed by Representatives Pollet, Chair; Duerr, Vice Chair; Griffey, Assistant Ranking Minority Member; Appleton; Goehner and Senn.

MINORITY recommendation: Do not pass. Signed by Representative Kraft, Ranking Minority Member.

Referred to Committee on Rules for second reading.

February 27, 2020 17.0.

4SSB 5533 Prime Sponsor, Committee on Ways & Means: Certifying parental improvement. Reported by Committee on Human Services & Early Learning

MAJORITY recommendation: Do pass. Signed by Representatives Senn, Chair; Callan, Vice Chair; Frame, Vice Chair; Eslick, Assistant Ranking Minority

Member; Corry; Goodman; Griffey; Kilduff; Lovick and Ortiz-Self.

MINORITY recommendation: Do not pass. Signed by Representatives Dent, Ranking Minority Member; McCaslin, Assistant Ranking Minority Member and Klippert.

Referred to Committee on Appropriations.

February 29, 2020 17.0.

2SSB 5601 Prime Sponsor, Committee on Ways & Means: Regulating health care benefit managers. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass as amended by Committee on Appropriations and without amendment by Committee on Health Care & Wellness.

17.0.

Strike everything after the enacting clause and insert the following:

"**NEW SECTION. Sec. 18.** (1) The legislature finds that growth in managed health care systems has shifted substantial authority over health care decisions from providers and patients to health carriers and health care benefit managers. Health care benefit managers acting as intermediaries between carriers, health care providers, and patients exercise broad discretion to affect health care services recommended and delivered by providers and the health care choices of patients. Regularly, these health care benefit managers are making health care decisions on behalf of carriers. However, unlike carriers, health care benefit managers are not currently regulated.

(2) Therefore, the legislature finds that it is in the best interest of the public to create a separate chapter in this title for health care benefit managers.

(3) The legislature intends to protect and promote the health, safety, and welfare of Washington residents by establishing standards for regulatory oversight of health care benefit managers.

**NEW SECTION. Sec. 19.** The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Affiliate" or "affiliated employer" means a person who directly or indirectly through one or more intermediaries, controls or is controlled by, or is under common control with, another specified person.

(2) "Certification" has the same meaning as in RCW 48.43.005.

(3) "Employee benefits programs" means programs under both the public employees' benefits board established in RCW 41.05.055 and the school employees' benefits board established in RCW 41.05.740.

(4)(a) "Health care benefit manager" means a person or entity providing services to, or acting on behalf of, a

health carrier or employee benefits programs, that directly or indirectly impacts the determination or utilization of benefits for, or patient access to, health care services, drugs, and supplies including, but not limited to:

- (i) Prior authorization or preauthorization of benefits or care;
  - (ii) Certification of benefits or care;
  - (iii) Medical necessity determinations;
  - (iv) Utilization review;
  - (v) Benefit determinations;
  - (vi) Claims processing and repricing for services and procedures;
  - (vii) Outcome management;
  - (viii) Provider credentialing and recredentialing;
  - (ix) Payment or authorization of payment to providers and facilities for services or procedures;
  - (x) Dispute resolution, grievances, or appeals relating to determinations or utilization of benefits;
  - (xi) Provider network management; or
  - (xii) Disease management.
- (b) "Health care benefit manager" includes, but is not limited to, health care benefit managers that specialize in specific types of health care benefit management such as pharmacy benefit managers, radiology benefit managers, laboratory benefit managers, and mental health benefit managers.
- (c) "Health care benefit manager" does not include:
- (i) Health care service contractors as defined in RCW 48.44.010;
  - (ii) Health maintenance organizations as defined in RCW 48.46.020;
  - (iii) Issuers as defined in RCW 48.01.053;
  - (iv) The public employees' benefits board established in RCW 41.05.055;
  - (v) The school employees' benefits board established in RCW 41.05.740;
  - (vi) Discount plans as defined in RCW 48.155.010;
  - (vii) Direct patient-provider primary care practices as defined in RCW 48.150.010;
  - (viii) An employer administering its employee benefit plan or the employee benefit plan of an affiliated employer under common management and control;
  - (ix) A union administering a benefit plan on behalf of its members;
  - (x) An insurance producer selling insurance or engaged in related activities within the scope of the producer's license;

(xi) A creditor acting on behalf of its debtors with respect to insurance, covering a debt between the creditor and its debtors;

(xii) A behavioral health administrative services organization or other county-managed entity that has been approved by the state health care authority to perform delegated functions on behalf of a carrier;

(xiii) A hospital licensed under chapter 70.41 RCW or ambulatory surgical facility licensed under chapter 70.230 RCW;

(xiv) The Robert Bree collaborative under chapter 70.250 RCW;

(xv) The health technology clinical committee established under RCW 70.14.090; or

(xvi) The prescription drug purchasing consortium established under RCW 70.14.060.

(5) "Health care provider" or "provider" has the same meaning as in RCW 48.43.005.

(6) "Health care service" has the same meaning as in RCW 48.43.005.

(7) "Health carrier" or "carrier" has the same meaning as in RCW 48.43.005.

(8) "Laboratory benefit manager" means a person or entity providing service to, or acting on behalf of, a health carrier, employee benefits programs, or another entity under contract with a carrier, that directly or indirectly impacts the determination or utilization of benefits for, or patient access to, health care services, drugs, and supplies relating to the use of clinical laboratory services and includes any requirement for a health care provider to submit a notification of an order for such services.

(9) "Mental health benefit manager" means a person or entity providing service to, or acting on behalf of, a health carrier, employee benefits programs, or another entity under contract with a carrier, that directly or indirectly impacts the determination of utilization of benefits for, or patient access to, health care services, drugs, and supplies relating to the use of mental health services and includes any requirement for a health care provider to submit a notification of an order for such services.

(10) "Network" means the group of participating providers, pharmacies, and suppliers providing health care services, drugs, or supplies to beneficiaries of a particular carrier or plan.

(11) "Person" includes, as applicable, natural persons, licensed health care providers, carriers, corporations, companies, trusts, unincorporated associations, and partnerships.

(12)(a) "Pharmacy benefit manager" means a person that contracts with pharmacies on behalf of an insurer, a third-party payor, or the prescription drug purchasing consortium established under RCW 70.14.060 to:

(i) Process claims for prescription drugs or medical supplies or provide retail network management for pharmacies or pharmacists;

(ii) Pay pharmacies or pharmacists for prescription drugs or medical supplies;

(iii) Negotiate rebates with manufacturers for drugs paid for or procured as described in this subsection;

(iv) Manage pharmacy networks; or

(v) Make credentialing determinations.

(b) "Pharmacy benefit manager" does not include a health care service contractor as defined in RCW 48.44.010.

(13)(a) "Radiology benefit manager" means any person or entity providing service to, or acting on behalf of, a health carrier, employee benefits programs, or another entity under contract with a carrier, that directly or indirectly impacts the determination or utilization of benefits for, or patient access to, the services of a licensed radiologist or to advanced diagnostic imaging services including, but not limited to:

(i) Processing claims for services and procedures performed by a licensed radiologist or advanced diagnostic imaging service provider; or

(ii) Providing payment or payment authorization to radiology clinics, radiologists, or advanced diagnostic imaging service providers for services or procedures.

(b) "Radiology benefit manager" does not include a health care service contractor as defined in RCW 48.44.010, a health maintenance organization as defined in RCW 48.46.020, or an issuer as defined in RCW 48.01.053.

(14) "Utilization review" has the same meaning as in RCW 48.43.005.

**NEW SECTION. Sec. 20.** (1) To conduct business in this state, a health care benefit manager must register with the commissioner and annually renew the registration.

(2) To apply for registration under this section, a health care benefit manager must:

(a) Submit an application on forms and in a manner prescribed by the commissioner and verified by the applicant by affidavit or declaration under chapter 5.50 RCW. Applications must contain at least the following information:

(i) The identity of the health care benefit manager and of persons with any ownership or controlling interest in the applicant including relevant business licenses and tax identification numbers, and the identity of any entity that the health care benefit manager has a controlling interest in;

(ii) The business name, address, phone number, and contact person for the health care benefit manager;

(iii) Any areas of specialty such as pharmacy benefit management, radiology benefit management, laboratory benefit management, mental health benefit management, or other specialty; and

(iv) Any other information as the commissioner may reasonably require.

(b) Pay an initial registration fee and annual renewal registration fee as established in rule by the commissioner. The fees for each registration must be set by the commissioner in an amount that ensures the registration, renewal, and oversight activities are self-supporting. If one health care benefit manager has a contract with more than one carrier, the health care benefit manager must complete only one application providing the details necessary for each contract.

(3) All receipts from fees collected by the commissioner under this section must be deposited into the insurance commissioner's regulatory account created in RCW 48.02.190.

(4) Before approving an application for or renewal of a registration, the commissioner must find that the health care benefit manager:

(a) Has not committed any act that would result in denial, suspension, or revocation of a registration;

(b) Has paid the required fees; and

(c) Has the capacity to comply with, and has designated a person responsible for, compliance with state and federal laws.

(5) Any material change in the information provided to obtain or renew a registration must be filed with the commissioner within thirty days of the change.

(6) Every registered health care benefit manager must retain a record of all transactions completed for a period of not less than seven years from the date of their creation. All such records as to any particular transaction must be kept available and open to inspection by the commissioner during the seven years after the date of completion of such transaction.

**NEW SECTION. Sec. 21.** (1) A health care benefit manager may not provide health care benefit management services to a health carrier or employee benefits programs without a written agreement describing the rights and responsibilities of the parties conforming to the provisions of this chapter and any rules adopted by the commissioner to implement or enforce this chapter including rules governing contract content.

(2) A health care benefit manager must file with the commissioner in the form and manner prescribed by the commissioner, every benefit management contract and contract amendment between the health care benefit manager and a provider, pharmacy, pharmacy services administration organization, or other health care benefit manager, entered into directly or indirectly in support of a contract with a carrier or employee benefits programs, within thirty days following the effective date of the contract or contract amendment.

(3) Contracts filed under this section are confidential and not subject to public inspection under RCW 48.02.120(2), or public disclosure under chapter 42.56 RCW, if filed in accordance with the procedures for



submitting confidential filings through the system for electronic rate and form filings and the general filing instructions as set forth by the commissioner. In the event the referenced filing fails to comply with the filing instructions setting forth the process to withhold the contract from public inspection, and the health care benefit manager indicates that the contract is to be withheld from public inspection, the commissioner must reject the filing and notify the health care benefit manager through the system for electronic rate and form filings to amend its filing to comply with the confidentiality filing instructions.

**NEW SECTION. Sec. 22.** (1) Upon notifying a carrier or health care benefit manager of an inquiry or complaint filed with the commissioner pertaining to the conduct of a health care benefit manager identified in the inquiry or complaint, the commissioner must provide notice of the inquiry or complaint concurrently to the health care benefit manager and any carrier to which the inquiry or complaint pertains.

(2) Upon receipt of an inquiry from the commissioner, a health care benefit manager must provide to the commissioner within fifteen business days, in the form and manner required by the commissioner, a complete response to that inquiry including, but not limited to, providing a statement or testimony, producing its accounts, records, and files, responding to complaints, or responding to surveys and general requests. Failure to make a complete or timely response constitutes a violation of this chapter.

(3) Subject to chapter 48.04 RCW, if the commissioner finds that a health care benefit manager or any person responsible for the conduct of the health care benefit manager's affairs has:

(a) Violated any insurance law, or violated any rule, subpoena, or order of the commissioner or of another state's insurance commissioner;

(b) Failed to renew the health care benefit manager's registration;

(c) Failed to pay the registration or renewal fees;

(d) Provided incorrect, misleading, incomplete, or materially untrue information to the commissioner, to a carrier, or to a beneficiary;

(e) Used fraudulent, coercive, or dishonest practices, or demonstrated incompetence, or financial irresponsibility in this state or elsewhere; or

(f) Had a health care benefit manager registration, or its equivalent, denied, suspended, or revoked in any other state, province, district, or territory;

the commissioner may take any combination of the following actions against a health care benefit manager or any person responsible for the conduct of the health care benefit manager's affairs, other than an employee benefits program:

(i) Place on probation, suspend, revoke, or refuse to issue or renew the health care benefit manager's registration;

(ii) Issue a cease and desist order against the health care benefit manager and contracting carrier;

(iii) Fine the health care benefit manager up to five thousand dollars per violation, and the contracting carrier is subject to a fine for acts conducted under the contract;

(iv) Issue an order requiring corrective action against the health care benefit manager, the contracting carrier acting with the health care benefit manager, or both the health care benefit manager and the contracting carrier acting with the health care benefit manager; and

(v) Temporarily suspend the health care benefit manager's registration by an order served by mail or by personal service upon the health care benefit manager not less than three days prior to the suspension effective date. The order must contain a notice of revocation and include a finding that the public safety or welfare requires emergency action. A temporary suspension under this subsection (3)(f)(v) continues until proceedings for revocation are concluded.

(4) A stay of action is not available for actions the commissioner takes by cease and desist order, by order on hearing, or by temporary suspension.

(5)(a) Health carriers and employee benefits programs are responsible for the compliance of any person or organization acting directly or indirectly on behalf of or at the direction of the carrier or program, or acting pursuant to carrier or program standards or requirements concerning the coverage of, payment for, or provision of health care benefits, services, drugs, and supplies.

(b) A carrier or program contracting with a health care benefit manager is responsible for the health care benefit manager's violations of this chapter, including a health care benefit manager's failure to produce records requested or required by the commissioner.

(c) No carrier or program may offer as a defense to a violation of any provision of this chapter that the violation arose from the act or omission of a health care benefit manager, or other person acting on behalf of or at the direction of the carrier or program, rather than from the direct act or omission of the carrier or program.

**NEW SECTION. Sec. 23.** A new section is added to chapter 48.43 RCW to read as follows:

(1) A carrier must file with the commissioner in the form and manner prescribed by the commissioner every contract and contract amendment between the carrier and any health care benefit manager registered under section 3 of this act, within thirty days following the effective date of the contract or contract amendment.

(2) For health plans issued or renewed on or after January 1, 2022, carriers must notify health plan enrollees in writing of each health care benefit manager contracted with the carrier to provide any benefit management services in the administration of the health plan.

(3) Contracts filed under this section are confidential and not subject to public inspection under RCW 48.02.120(2), or public disclosure under chapter 42.56

RCW, if filed in accordance with the procedures for submitting confidential filings through the system for electronic rate and form filings and the general filing instructions as set forth by the commissioner. In the event the referenced filing fails to comply with the filing instructions setting forth the process to withhold the contract from public inspection, and the carrier indicates that the contract is to be withheld from public inspection, the commissioner must reject the filing and notify the carrier through the system for electronic rate and form filings to amend its filing to comply with the confidentiality filing instructions.

(4) For purposes of this section, "health care benefit manager" has the same meaning as in section 2 of this act.

**Sec. 24.** RCW 48.02.120 and 2011 c 312 s 1 are each amended to read as follows:

(1) The commissioner shall preserve in permanent form records of his or her proceedings, hearings, investigations, and examinations, and shall file such records in his or her office.

(2) The records of the commissioner and insurance filings in his or her office shall be open to public inspection, except as otherwise provided by sections 4 and 6 of this act and this code.

(3) Except as provided in subsection (4) of this section, actuarial formulas, statistics, and assumptions submitted in support of a rate or form filing by an insurer, health care service contractor, or health maintenance organization or submitted to the commissioner upon his or her request shall be withheld from public inspection in order to preserve trade secrets or prevent unfair competition.

(4) For individual and small group health benefit plan rate filings submitted on or after July 1, 2011, subsection (3) of this section applies only to the numeric values of each small group rating factor used by a health carrier as authorized by RCW 48.21.045(3)(a), 48.44.023(3)(a), and 48.46.066(3)(a). Subsection (3) of this section may continue to apply for a period of one year from the date a new individual or small group product filing is submitted or until the next rate filing for the product, whichever occurs earlier, if the commissioner determines that the proposed rate filing is for a new product that is distinct and unique from any of the carrier's currently or previously offered health benefit plans. Carriers must make a written request for a product classification as a new product under this subsection and must receive subsequent written approval by the commissioner for this subsection to apply.

(5) Unless the commissioner has determined that a filing is for a new product pursuant to subsection (4) of this section, for all individual or small group health benefit rate filings submitted on or after July 1, 2011, the health carrier must submit part I rate increase summary and part II written explanation of the rate increase as set forth by the department of health and human services at the time of filing, and the commissioner must:

(a) Make each filing and the part I rate increase summary and part II written explanation of the rate increase

available for public inspection on the tenth calendar day after the commissioner determines that the rate filing is complete and accepts the filing for review through the electronic rate and form filing system; and

(b) Prepare a standardized rate summary form, to explain his or her findings after the rate review process is completed. The commissioner's summary form must be included as part of the rate filing documentation and available to the public electronically.

**Sec. 25.** RCW 48.02.220 and 2016 c 210 s 5 are each amended to read as follows:

(1) The commissioner shall accept registration of ~~((pharmacy))~~ health care benefit managers as established in ~~((RCW 49.340.030))~~ section 3 of this act and receipts shall be deposited in the insurance commissioner's regulatory account.

(2) The commissioner shall have enforcement authority over chapter ~~((49.340))~~ 48.--- RCW (the new chapter created in section 17 of this act) consistent with requirements established in RCW 19.340.110 (as recodified by this act).

(3) The commissioner may adopt rules to implement chapter ~~((49.340))~~ 48.--- RCW (the new chapter created in section 17 of this act) and to establish registration and renewal fees that ensure the registration, renewal, and oversight activities are self-supporting.

**Sec. 26.** RCW 42.56.400 and 2019 c 389 s 102 are each amended to read as follows:

The following information relating to insurance and financial institutions is exempt from disclosure under this chapter:

(1) Records maintained by the board of industrial insurance appeals that are related to appeals of crime victims' compensation claims filed with the board under RCW 7.68.110;

(2) Information obtained and exempted or withheld from public inspection by the health care authority under RCW 41.05.026, whether retained by the authority, transferred to another state purchased health care program by the authority, or transferred by the authority to a technical review committee created to facilitate the development, acquisition, or implementation of state purchased health care under chapter 41.05 RCW;

(3) The names and individual identification data of either all owners or all insureds, or both, received by the insurance commissioner under chapter 48.102 RCW;

(4) Information provided under RCW 48.30A.045 through 48.30A.060;

(5) Information provided under RCW 48.05.510 through 48.05.535, 48.43.200 through 48.43.225, 48.44.530 through 48.44.555, and 48.46.600 through 48.46.625;

(6) Examination reports and information obtained by the department of financial institutions from banks under RCW 30A.04.075, from savings banks under RCW 32.04.220, from savings and loan associations under RCW

33.04.110, from credit unions under RCW 31.12.565, from check cashers and sellers under RCW 31.45.030(3), and from securities brokers and investment advisers under RCW 21.20.100, all of which is confidential and privileged information;

(7) Information provided to the insurance commissioner under RCW 48.110.040(3);

(8) Documents, materials, or information obtained by the insurance commissioner under RCW 48.02.065, all of which are confidential and privileged;

(9) Documents, materials, or information obtained by the insurance commissioner under RCW 48.31B.015(2) (l) and (m), 48.31B.025, 48.31B.030, and 48.31B.035, all of which are confidential and privileged;

(10) Data filed under RCW 48.140.020, 48.140.030, 48.140.050, and 7.70.140 that, alone or in combination with any other data, may reveal the identity of a claimant, health care provider, health care facility, insuring entity, or self-insurer involved in a particular claim or a collection of claims. For the purposes of this subsection:

(a) "Claimant" has the same meaning as in RCW 48.140.010(2).

(b) "Health care facility" has the same meaning as in RCW 48.140.010(6).

(c) "Health care provider" has the same meaning as in RCW 48.140.010(7).

(d) "Insuring entity" has the same meaning as in RCW 48.140.010(8).

(e) "Self-insurer" has the same meaning as in RCW 48.140.010(11);

(11) Documents, materials, or information obtained by the insurance commissioner under RCW 48.135.060;

(12) Documents, materials, or information obtained by the insurance commissioner under RCW 48.37.060;

(13) Confidential and privileged documents obtained or produced by the insurance commissioner and identified in RCW 48.37.080;

(14) Documents, materials, or information obtained by the insurance commissioner under RCW 48.37.140;

(15) Documents, materials, or information obtained by the insurance commissioner under RCW 48.17.595;

(16) Documents, materials, or information obtained by the insurance commissioner under RCW 48.102.051(1) and 48.102.140 (3) and (7)(a)(ii);

(17) Documents, materials, or information obtained by the insurance commissioner in the commissioner's capacity as receiver under RCW 48.31.025 and 48.99.017, which are records under the jurisdiction and control of the receivership court. The commissioner is not required to search for, log, produce, or otherwise comply with the public records act for any records that the commissioner obtains under chapters 48.31 and 48.99 RCW in the commissioner's capacity as a receiver, except as directed by the receivership court;

(18) Documents, materials, or information obtained by the insurance commissioner under RCW 48.13.151;

(19) Data, information, and documents provided by a carrier pursuant to section 1, chapter 172, Laws of 2010;

(20) Information in a filing of usage-based insurance about the usage-based component of the rate pursuant to RCW 48.19.040(5)(b);

(21) Data, information, and documents, other than those described in RCW 48.02.210(2) as it existed prior to repeal by section 2, chapter 7, Laws of 2017 3rd sp. sess., that are submitted to the office of the insurance commissioner by an entity providing health care coverage pursuant to RCW 28A.400.275 as it existed on January 1, 2017, and RCW 48.02.210 as it existed prior to repeal by section 2, chapter 7, Laws of 2017 3rd sp. sess.;

(22) Data, information, and documents obtained by the insurance commissioner under RCW 48.29.017;

(23) Information not subject to public inspection or public disclosure under RCW 48.43.730(5);

(24) Documents, materials, or information obtained by the insurance commissioner under chapter 48.05A RCW;

(25) Documents, materials, or information obtained by the insurance commissioner under RCW 48.74.025, 48.74.028, 48.74.100(6), 48.74.110(2) (b) and (c), and 48.74.120 to the extent such documents, materials, or information independently qualify for exemption from disclosure as documents, materials, or information in possession of the commissioner pursuant to a financial conduct examination and exempt from disclosure under RCW 48.02.065;

(26) Nonpublic personal health information obtained by, disclosed to, or in the custody of the insurance commissioner, as provided in RCW 48.02.068;

(27) Data, information, and documents obtained by the insurance commissioner under RCW 48.02.230;

(28) Documents, materials, or other information, including the corporate annual disclosure obtained by the insurance commissioner under RCW 48.195.020;

(29) Findings and orders disapproving acquisition of a trust institution under RCW 30B.53.100(3); ~~((and))~~

(30) All claims data, including health care and financial related data received under RCW 41.05.890, received and held by the health care authority; and

(31) Contracts not subject to public disclosure under sections 4 and 6 of this act.

**Sec. 27.** RCW 19.340.020 and 2014 c 213 s 3 are each amended to read as follows:

~~((As used in))~~ The definitions in this section apply throughout this section and RCW 19.340.040 through ((19.340.090;)) 19.340.110 (as recodified by this act) unless the context clearly requires otherwise.

(1) "Audit" means an on-site or remote review of the records of a pharmacy by or on behalf of an entity.

(2) "Claim" means a request from a pharmacy or pharmacist to be reimbursed for the cost of filling or refilling a prescription for a drug or for providing a medical supply or service.

(3) "Clerical error" means a minor error:

(a) In the keeping, recording, or transcribing of records or documents or in the handling of electronic or hard copies of correspondence;

(b) That does not result in financial harm to an entity; and

(c) That does not involve dispensing an incorrect dose, amount, or type of medication, or dispensing a prescription drug to the wrong person.

~~((3))~~ (4) "Entity" includes:

(a) A pharmacy benefit manager;

(b) An insurer;

(c) A third-party payor;

(d) A state agency; or

(e) A person that represents or is employed by one of the entities described in this subsection.

~~((4))~~ (5) "Fraud" means knowingly and willfully executing or attempting to execute a scheme, in connection with the delivery of or payment for health care benefits, items, or services, that uses false or misleading pretenses, representations, or promises to obtain any money or property owned by or under the custody or control of any person.

(6) "Pharmacist" has the same meaning as in RCW 18.64.011.

(7) "Pharmacy" has the same meaning as in RCW 18.64.011.

(8) "Third-party payor" means a person licensed under RCW 48.39.005.

**Sec. 28.** RCW 19.340.040 and 2014 c 213 s 4 are each amended to read as follows:

An entity that audits claims or an independent third party that contracts with an entity to audit claims:

(1) Must establish, in writing, a procedure for a pharmacy to appeal the entity's findings with respect to a claim and must provide a pharmacy with a notice regarding the procedure, in writing or electronically, prior to conducting an audit of the pharmacy's claims;

(2) May not conduct an audit of a claim more than twenty-four months after the date the claim was adjudicated by the entity;

(3) Must give at least fifteen days' advance written notice of an on-site audit to the pharmacy or corporate headquarters of the pharmacy;

(4) May not conduct an on-site audit during the first five days of any month without the pharmacy's consent;

(5) Must conduct the audit in consultation with a pharmacist who is licensed by this or another state if the audit involves clinical or professional judgment;

(6) May not conduct an on-site audit of more than two hundred fifty unique prescriptions of a pharmacy in any twelve-month period except in cases of alleged fraud;

(7) May not conduct more than one on-site audit of a pharmacy in any twelve-month period;

(8) Must audit each pharmacy under the same standards and parameters that the entity uses to audit other similarly situated pharmacies;

(9) Must pay any outstanding claims of a pharmacy no more than forty-five days after the earlier of the date all appeals are concluded or the date a final report is issued under RCW 19.340.080(3) (as recodified by this act);

(10) May not include dispensing fees or interest in the amount of any overpayment assessed on a claim unless the overpaid claim was for a prescription that was not filled correctly;

(11) May not recoup costs associated with:

(a) Clerical errors; or

(b) Other errors that do not result in financial harm to the entity or a consumer; and

(12) May not charge a pharmacy for a denied or disputed claim until the audit and the appeals procedure established under subsection (1) of this section are final.

**Sec. 29.** RCW 19.340.070 and 2014 c 213 s 7 are each amended to read as follows:

For purposes of RCW 19.340.020 and 19.340.040 through 19.340.090 (as recodified by this act), an entity, or an independent third party that contracts with an entity to conduct audits, must allow as evidence of validation of a claim:

(1) An electronic or physical copy of a valid prescription if the prescribed drug was, within fourteen days of the dispensing date:

(a) Picked up by the patient or the patient's designee;

(b) Delivered by the pharmacy to the patient; or

(c) Sent by the pharmacy to the patient using the United States postal service or other common carrier;

(2) Point of sale electronic register data showing purchase of the prescribed drug, medical supply, or service by the patient or the patient's designee; or

(3) Electronic records, including electronic beneficiary signature logs, electronically scanned and stored patient records maintained at or accessible to the audited pharmacy's central operations, and any other reasonably clear and accurate electronic documentation that corresponds to a claim.

**Sec. 30.** RCW 19.340.080 and 2014 c 213 s 8 are each amended to read as follows:

(1)(a) After conducting an audit, an entity must provide the pharmacy that is the subject of the audit with a preliminary report of the audit. The preliminary report must be received by the pharmacy no later than forty-five days after the date on which the audit was completed and must be sent:

(i) By mail or common carrier with a return receipt requested; or

(ii) Electronically with electronic receipt confirmation.

(b) An entity shall provide a pharmacy receiving a preliminary report under this subsection no fewer than forty-five days after receiving the report to contest the report or any findings in the report in accordance with the appeals procedure established under RCW 19.340.040(1) (as recodified by this act) and ((to provide)) must allow the submission of additional documentation in support of the claim. The entity shall consider a reasonable request for an extension of time to submit documentation to contest the report or any findings in the report.

(2) If an audit results in the dispute or denial of a claim, the entity conducting the audit shall allow the pharmacy to resubmit the claim using any commercially reasonable method, including facsimile, mail, or ((electronic mail)) email.

(3) An entity must provide a pharmacy that is the subject of an audit with a final report of the audit no later than sixty days after the later of the date the preliminary report was received or the date the pharmacy contested the report using the appeals procedure established under RCW 19.340.040(1) (as recodified by this act). The final report must include a final accounting of all moneys to be recovered by the entity.

(4) Recoupment of disputed funds from a pharmacy by an entity or repayment of funds to an entity by a pharmacy, unless otherwise agreed to by the entity and the pharmacy, shall occur after the audit and the appeals procedure established under RCW 19.340.040(1) (as recodified by this act) are final. If the identified discrepancy for an individual audit exceeds forty thousand dollars, any future payments to the pharmacy may be withheld by the entity until the audit and the appeals procedure established under RCW 19.340.040(1) (as recodified by this act) are final.

**Sec. 31.** RCW 19.340.090 and 2014 c 213 s 9 are each amended to read as follows:

RCW 19.340.020 and 19.340.040 through 19.340.090 (as recodified by this act) do not:

(1) Preclude an entity from instituting an action for fraud against a pharmacy;

(2) Apply to an audit of pharmacy records when fraud or other intentional and willful misrepresentation is indicated by physical review, review of claims data or statements, or other investigative methods; or

(3) Apply to a state agency that is conducting audits or a person that has contracted with a state agency to conduct

audits of pharmacy records for prescription drugs paid for by the state medical assistance program.

**Sec. 32.** RCW 19.340.100 and 2016 c 210 s 4 are each amended to read as follows:

(1) ((As used in this section:)) The definitions in this subsection apply throughout this section unless the context clearly requires otherwise.

(a) "List" means the list of drugs for which predetermined reimbursement costs have been established, such as a maximum allowable cost or maximum allowable cost list or any other benchmark prices utilized by the pharmacy benefit manager and must include the basis of the methodology and sources utilized to determine multisource generic drug reimbursement amounts.

(b) "Multiple source drug" means a therapeutically equivalent drug that is available from at least two manufacturers.

(c) "Multisource generic drug" means any covered outpatient prescription drug for which there is at least one other drug product that is rated as therapeutically equivalent under the food and drug administration's most recent publication of "Approved Drug Products with Therapeutic Equivalence Evaluations;" is pharmaceutically equivalent or bioequivalent, as determined by the food and drug administration; and is sold or marketed in the state during the period.

(d) "Network pharmacy" means a retail drug outlet licensed as a pharmacy under RCW 18.64.043 that contracts with a pharmacy benefit manager.

(e) "Therapeutically equivalent" has the same meaning as in RCW 69.41.110.

(2) A pharmacy benefit manager:

(a) May not place a drug on a list unless there are at least two therapeutically equivalent multiple source drugs, or at least one generic drug available from only one manufacturer, generally available for purchase by network pharmacies from national or regional wholesalers;

(b) Shall ensure that all drugs on a list are readily available for purchase by pharmacies in this state from national or regional wholesalers that serve pharmacies in Washington;

(c) Shall ensure that all drugs on a list are not obsolete;

(d) Shall make available to each network pharmacy at the beginning of the term of a contract, and upon renewal of a contract, the sources utilized to determine the predetermined reimbursement costs for multisource generic drugs of the pharmacy benefit manager;

(e) Shall make a list available to a network pharmacy upon request in a format that is readily accessible to and usable by the network pharmacy;

(f) Shall update each list maintained by the pharmacy benefit manager every seven business days and make the updated lists, including all changes in the price of drugs,

available to network pharmacies in a readily accessible and usable format;

(g) Shall ensure that dispensing fees are not included in the calculation of the predetermined reimbursement costs for multisource generic drugs;

(h) May not cause or knowingly permit the use of any advertisement, promotion, solicitation, representation, proposal, or offer that is untrue, deceptive, or misleading;

(i) May not charge a pharmacy a fee related to the adjudication of a claim, credentialing, participation, certification, accreditation, or enrollment in a network including, but not limited to, a fee for the receipt and processing of a pharmacy claim, for the development or management of claims processing services in a pharmacy benefit manager network, or for participating in a pharmacy benefit manager network;

(j) May not require accreditation standards inconsistent with or more stringent than accreditation standards established by a national accreditation organization;

(k) May not reimburse a pharmacy in the state an amount less than the amount the pharmacy benefit manager reimburses an affiliate for providing the same pharmacy services; and

(l) May not directly or indirectly retroactively deny or reduce a claim or aggregate of claims after the claim or aggregate of claims has been adjudicated, unless:

(i) The original claim was submitted fraudulently; or

(ii) The denial or reduction is the result of a pharmacy audit conducted in accordance with RCW 19.340.040 (as recodified by this act).

(3) A pharmacy benefit manager must establish a process by which a network pharmacy may appeal its reimbursement for a drug subject to predetermined reimbursement costs for multisource generic drugs. A network pharmacy may appeal a predetermined reimbursement cost for a multisource generic drug if the reimbursement for the drug is less than the net amount that the network pharmacy paid to the supplier of the drug. An appeal requested under this section must be completed within thirty calendar days of the pharmacy submitting the appeal. If after thirty days the network pharmacy has not received the decision on the appeal from the pharmacy benefit manager, then the appeal is considered denied.

The pharmacy benefit manager shall uphold the appeal of a pharmacy with fewer than fifteen retail outlets, within the state of Washington, under its corporate umbrella if the pharmacy or pharmacist can demonstrate that it is unable to purchase a therapeutically equivalent interchangeable product from a supplier doing business in Washington at the pharmacy benefit manager's list price.

(4) A pharmacy benefit manager must provide as part of the appeals process established under subsection (3) of this section:

(a) A telephone number at which a network pharmacy may contact the pharmacy benefit manager and speak with an individual who is responsible for processing appeals; and

(b) If the appeal is denied, the reason for the denial and the national drug code of a drug that has been purchased by other network pharmacies located in Washington at a price that is equal to or less than the predetermined reimbursement cost for the multisource generic drug. A pharmacy with fifteen or more retail outlets, within the state of Washington, under its corporate umbrella may submit information to the commissioner about an appeal under subsection (3) of this section for purposes of information collection and analysis.

(5)(a) If an appeal is upheld under this section, the pharmacy benefit manager shall make a reasonable adjustment on a date no later than one day after the date of determination.

(b) If the request for an adjustment has come from a critical access pharmacy, as defined by the state health care authority by rule for purposes related to the prescription drug purchasing consortium established under RCW 70.14.060, the adjustment approved under (a) of this subsection shall apply only to critical access pharmacies.

(6) Beginning July 1, 2017, if a network pharmacy appeal to the pharmacy benefit manager is denied, or if the network pharmacy is unsatisfied with the outcome of the appeal, the pharmacy or pharmacist may dispute the decision and request review by the commissioner within thirty calendar days of receiving the decision.

(a) All relevant information from the parties may be presented to the commissioner, and the commissioner may enter an order directing the pharmacy benefit manager to make an adjustment to the disputed claim, deny the pharmacy appeal, or take other actions deemed fair and equitable. An appeal requested under this section must be completed within thirty calendar days of the request.

(b) Upon resolution of the dispute, the commissioner shall provide a copy of the decision to both parties within seven calendar days.

(c) The commissioner may authorize the office of administrative hearings, as provided in chapter 34.12 RCW, to conduct appeals under this subsection (6).

(d) A pharmacy benefit manager may not retaliate against a pharmacy for pursuing an appeal under this subsection (6).

(e) This subsection (6) applies only to a pharmacy with fewer than fifteen retail outlets, within the state of Washington, under its corporate umbrella.

(7) This section does not apply to the state medical assistance program.

~~((8) A pharmacy benefit manager shall comply with any requests for information from the commissioner for purposes of the study of the pharmacy chain of supply conducted under section 7, chapter 210, Laws of 2016.))~~

**Sec. 33.** RCW 19.340.110 and 2016 c 210 s 2 are each amended to read as follows:

(1) The commissioner shall have enforcement authority over this chapter and shall have authority to render a binding decision in any dispute between a pharmacy benefit manager, or third-party administrator of prescription drug benefits, and a pharmacy arising out of an appeal under RCW 19.340.100(6) (as recodified by this act) regarding drug pricing and reimbursement.

(2) Any person, corporation, third-party administrator of prescription drug benefits, pharmacy benefit manager, or business entity which violates any provision of this chapter shall be subject to a civil penalty in the amount of one thousand dollars for each act in violation of this chapter or, if the violation was knowing and willful, a civil penalty of five thousand dollars for each violation of this chapter.

**NEW SECTION. Sec. 34.** Sections 1 through 5 of this act constitute a new chapter in Title 48 RCW.

**NEW SECTION. Sec. 35.** RCW 19.340.020, 19.340.040, 19.340.050, 19.340.060, 19.340.070, 19.340.080, 19.340.090, 19.340.100, and 19.340.110 are each recodified as sections under a subchapter in chapter 48.-- RCW (the new chapter created in section 17 of this act).

**NEW SECTION. Sec. 36.** The following acts or parts of acts are each repealed:

(1) RCW 19.340.010 (Definitions) and 2016 c 210 s 3 & 2014 c 213 s 1;

(2) RCW 19.340.030 (Pharmacy benefit managers—Registration—Renewal) and 2016 c 210 s 1 & 2014 c 213 s 2; and

(3) RCW 19.365.010 (Registration required—Requirements) and 2015 c 166 s 1.

**NEW SECTION. Sec. 37.** The insurance commissioner may adopt any rules necessary to implement this act.

**NEW SECTION. Sec. 38.** (1) Subject to the availability of amounts appropriated for this specific purpose, the pharmacy contract work group is established. The work group membership must consist of the following members appointed by the governor:

(a) A representative from the prescription drug purchasing consortium described in RCW 70.14.060;

(b) A representative from the pharmacy quality assurance commission;

(c) A representative from an association representing pharmacies;

(d) A representative from an association representing hospital pharmacies;

(e) A representative from a health carrier offering at least one health plan in a commercial market in the state;

(f) A representative from a health maintenance organization offering at least one health plan in the state;

(g) A representative from an association representing health carriers;

(h) A representative from the health care authority on behalf of the public employees' benefits board or the school employees' benefits board;

(i) A representative from the health care authority on behalf of the state medicaid program;

(j) A representative from a pharmacy benefit manager; and

(k) A representative from the office of the insurance commissioner.

(2) The work group must also include:

(a) One member from each of the two largest caucuses of the house of representatives, appointed by the speaker of the house; and

(b) One member from each of the two largest caucuses of the senate, appointed by the president of the senate.

(3) The work group shall:

(a) Review pharmacy fee structures in the delivery of pharmacy benefits; and

(b) Review the use of performance-based contracts in the delivery of pharmacy benefits and develop recommendations on designs and use of performance-based contracts.

(4) Staff support for the work group shall be provided by the office of the insurance commissioner.

(5) The work group shall submit a progress report to the governor and the legislature by January 1, 2021, and a final report by September 1, 2021, detailing the current use of performance-based contracts and pharmacy fee structures in the delivery of pharmacy benefits and any recommendations for designs or use of performance-based contracts in the delivery of pharmacy benefits. The final report must include any statutory changes necessary to implement the recommendations.

**NEW SECTION. Sec. 39.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

**NEW SECTION. Sec. 40.** Sections 1 through 19 of this act take effect January 1, 2022.

Correct the title.

Signed by Representatives Ormsby, Chair; Stokesbary, Ranking Minority Member; Robinson, 1st Vice Chair; Bergquist, 2nd Vice Chair; Rude, Assistant Ranking Minority Member; Caldier; Chandler; Chopp; Cody; Corry; Dolan; Dye; Fitzgibbon; Hansen; Hoff; Hudgins; Kilduff; Kraft; Macri; Mosbrucker; Pettigrew; Ryu; Schmick; Senn; Springer; Steele; Sullivan; Sutherland; Tarleton; Tharinger and Ybarra.

Referred to Committee on Appropriations.

February 28, 2020 40.0.

**SSB 5679** Prime Sponsor, Committee on Local Government: Concerning the mitigation of public facilities in certain cities. Reported by Committee on Local Government

MAJORITY recommendation: Do pass. Signed by Representatives Pollet, Chair; Duerr, Vice Chair; Kraft, Ranking Minority Member; Griffey, Assistant Ranking Minority Member; Appleton and Senn.

MINORITY recommendation: Do not pass. Signed by Representative Goehner.

Referred to Committee on Rules for second reading.

March 2, 2020 40.0.

**2E2SSB 5720** Prime Sponsor, Committee on Ways & Means: Concerning the involuntary treatment act. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass as amended by Committee on Appropriations and without amendment by Committee on Civil Rights & Judiciary.  
40.0.

Strike everything after the enacting clause and insert the following:

"**Sec. 41.** RCW 71.05.010 and 2016 sp.s. c 29 s 203 are each amended to read as follows:

(1) The provisions of this chapter apply to persons who are eighteen years of age or older and are intended by the legislature:

(a) To protect the health and safety of persons suffering from ~~((mental disorders and substance use))~~ behavioral health disorders and to protect public safety through use of the parens patriae and police powers of the state;

(b) To prevent inappropriate, indefinite commitment of ~~((mentally disordered persons and persons with substance use disorders))~~ persons living with behavioral health disorders and to eliminate legal disabilities that arise from such commitment;

(c) To provide prompt evaluation and timely and appropriate treatment of persons with serious ~~((mental disorders and substance use))~~ behavioral health disorders;

(d) To safeguard individual rights;

(e) To provide continuity of care for persons with serious ~~((mental disorders and substance use))~~ behavioral health disorders;

(f) To encourage the full use of all existing agencies, professional personnel, and public funds to prevent duplication of services and unnecessary expenditures; and

(g) To encourage, whenever appropriate, that services be provided within the community.

(2) When construing the requirements of this chapter the court must focus on the merits of the petition, except where requirements have been totally disregarded, as provided in *In re C.W.*, 147 Wn.2d 259, 281 (2002). A presumption in favor of deciding petitions on their merits furthers both public and private interests because the mental and physical well-being of individuals as well as public safety may be implicated by the decision to release an individual and discontinue his or her treatment.

**Sec. 42.** RCW 71.05.012 and 1997 c 112 s 1 are each amended to read as follows:

It is the intent of the legislature to enhance continuity of care for persons with serious ~~((mental))~~ behavioral health disorders that can be controlled or stabilized in a less restrictive alternative commitment. Within the guidelines stated in *In re LaBelle* 107 Wn. 2d 196 (1986), the legislature intends to encourage appropriate interventions at a point when there is the best opportunity to restore the person to or maintain satisfactory functioning.

For persons with a prior history or pattern of repeated hospitalizations or law enforcement interventions due to decompensation, the consideration of prior ~~((mental))~~ history is particularly relevant in determining whether the person would receive, if released, such care as is essential for his or her health or safety.

Therefore, the legislature finds that for persons who are currently under a commitment order, a prior history of decompensation leading to repeated hospitalizations or law enforcement interventions should be given great weight in determining whether a new less restrictive alternative commitment should be ordered.

**Sec. 43.** RCW 71.05.020 and 2019 c 446 s 2, 2019 c 444 s 16, and 2019 c 325 s 3001 are each reenacted and amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Admission" or "admit" means a decision by a physician, physician assistant, or psychiatric advanced registered nurse practitioner that a person should be examined or treated as a patient in a hospital;

(2) "Alcoholism" means a disease, characterized by a dependency on alcoholic beverages, loss of control over the amount and circumstances of use, symptoms of tolerance, physiological or psychological withdrawal, or both, if use is reduced or discontinued, and impairment of health or disruption of social or economic functioning;

(3) "Antipsychotic medications" means that class of drugs primarily used to treat serious manifestations of mental illness associated with thought disorders, which includes, but is not limited to atypical antipsychotic medications;

(4) "Approved substance use disorder treatment program" means a program for persons with a substance use disorder provided by a treatment program certified by the department as meeting standards adopted under chapter 71.24 RCW;



(5) "Attending staff" means any person on the staff of a public or private agency having responsibility for the care and treatment of a patient;

(6) "Authority" means the Washington state health care authority;

(7) "Co-occurring disorder specialist" means an individual possessing an enhancement granted by the department of health under chapter 18.205 RCW that certifies the individual to provide substance use disorder counseling subject to the practice limitations under RCW 18.205.105;

(8) "Commitment" means the determination by a court that a person should be detained for a period of either evaluation or treatment, or both, in an inpatient or a less restrictive setting;

(9) "Conditional release" means a revocable modification of a commitment, which may be revoked upon violation of any of its terms;

(10) "Crisis stabilization unit" means a short-term facility or a portion of a facility licensed or certified by the department, such as an evaluation and treatment facility or a hospital, which has been designed to assess, diagnose, and treat individuals experiencing an acute crisis without the use of long-term hospitalization;

(11) "Custody" means involuntary detention under the provisions of this chapter or chapter 10.77 RCW, uninterrupted by any period of unconditional release from commitment from a facility providing involuntary care and treatment;

(12) "Department" means the department of health;

(13) "Designated crisis responder" means a mental health professional appointed by the county or an entity appointed by the county, to perform the duties specified in this chapter;

(14) "Detention" or "detain" means the lawful confinement of a person, under the provisions of this chapter;

(15) "Developmental disabilities professional" means a person who has specialized training and three years of experience in directly treating or working with persons with developmental disabilities and is a psychiatrist, physician assistant working with a supervising psychiatrist, psychologist, psychiatric advanced registered nurse practitioner, or social worker, and such other developmental disabilities professionals as may be defined by rules adopted by the secretary of the department of social and health services;

(16) "Developmental disability" means that condition defined in RCW 71A.10.020(5);

(17) "Director" means the director of the authority;

(18) "Discharge" means the termination of hospital medical authority. The commitment may remain in place, be terminated, or be amended by court order;

(19) "Drug addiction" means a disease, characterized by a dependency on psychoactive chemicals, loss of control over the amount and circumstances of use, symptoms of tolerance, physiological or psychological withdrawal, or both, if use is reduced or discontinued, and impairment of health or disruption of social or economic functioning;

(20) "Evaluation and treatment facility" means any facility which can provide directly, or by direct arrangement with other public or private agencies, emergency evaluation and treatment, outpatient care, and timely and appropriate inpatient care to persons suffering from a mental disorder, and which is licensed or certified as such by the department. The authority may certify single beds as temporary evaluation and treatment beds under RCW 71.05.745. A physically separate and separately operated portion of a state hospital may be designated as an evaluation and treatment facility. A facility which is part of, or operated by, the department of social and health services or any federal agency will not require certification. No correctional institution or facility, or jail, shall be an evaluation and treatment facility within the meaning of this chapter;

(21) "Gravely disabled" means a condition in which a person, as a result of a ~~((mental))~~ behavioral health disorder~~((, or as a result of the use of alcohol or other psychoactive chemicals))~~: (a) Is in danger of serious physical harm resulting from a failure to provide for his or her essential human needs of health or safety; or (b) manifests severe deterioration in routine functioning evidenced by repeated and escalating loss of cognitive or volitional control over his or her actions and is not receiving such care as is essential for his or her health or safety;

(22) "Habilitative services" means those services provided by program personnel to assist persons in acquiring and maintaining life skills and in raising their levels of physical, mental, social, and vocational functioning. Habilitative services include education, training for employment, and therapy. The habilitative process shall be undertaken with recognition of the risk to the public safety presented by the person being assisted as manifested by prior charged criminal conduct;

(23) "Hearing" means any proceeding conducted in open court~~((For purposes of this chapter, at any hearing the petitioner, the respondent, the witnesses, and the presiding judicial officer may be present and participate either in person or by video, as determined by the court. The term "video" as used herein shall include any functional equivalent. At any hearing conducted by video, the technology used must permit the judicial officer, counsel, all parties, and the witnesses to be able to see, hear, and speak, when authorized, during the hearing; to allow attorneys to use exhibits or other materials during the hearing; and to allow respondent's counsel to be in the same location as the respondent unless otherwise requested by the respondent or the respondent's counsel. Witnesses in a proceeding may also appear in court through other means, including telephonically, pursuant to the requirements of superior court civil rule 43. Notwithstanding the foregoing, the court, upon its own motion or upon a motion for good cause by any party, may require all parties and witnesses to participate in the hearing in person rather than by video. In ruling on any~~

~~such motion, the court may allow in person or video testimony; and the court may consider, among other things, whether the respondent's alleged mental illness affects the respondent's ability to perceive or participate in the proceeding by video)) that conforms to the requirements of section 101 of this act;~~

(24) "History of one or more violent acts" refers to the period of time ten years prior to the filing of a petition under this chapter, excluding any time spent, but not any violent acts committed, in a ~~((mental)) behavioral health facility((a long term alcoholism or drug treatment facility))~~, or in confinement as a result of a criminal conviction;

(25) "Imminent" means the state or condition of being likely to occur at any moment or near at hand, rather than distant or remote;

(26) "In need of assisted outpatient behavioral health treatment" means that a person, as a result of a ~~((mental disorder or substance use)) behavioral health~~ disorder: (a) Has been committed by a court to detention for involuntary behavioral health treatment during the preceding thirty-six months; (b) is unlikely to voluntarily participate in outpatient treatment without an order for less restrictive alternative treatment, based on a history of nonadherence with treatment or in view of the person's current behavior; (c) is likely to benefit from less restrictive alternative treatment; and (d) requires less restrictive alternative treatment to prevent a relapse, decompensation, or deterioration that is likely to result in the person presenting a likelihood of serious harm or the person becoming gravely disabled within a reasonably short period of time;

(27) "Individualized service plan" means a plan prepared by a developmental disabilities professional with other professionals as a team, for a person with developmental disabilities, which shall state:

(a) The nature of the person's specific problems, prior charged criminal behavior, and habilitation needs;

(b) The conditions and strategies necessary to achieve the purposes of habilitation;

(c) The intermediate and long-range goals of the habilitation program, with a projected timetable for the attainment;

(d) The rationale for using this plan of habilitation to achieve those intermediate and long-range goals;

(e) The staff responsible for carrying out the plan;

(f) Where relevant in light of past criminal behavior and due consideration for public safety, the criteria for proposed movement to less-restrictive settings, criteria for proposed eventual discharge or release, and a projected possible date for discharge or release; and

(g) The type of residence immediately anticipated for the person and possible future types of residences;

(28) ~~((("Information related to mental health services" means all information and records compiled, obtained, or maintained in the course of providing services to either voluntary or involuntary recipients of services by a mental~~

~~health service provider. This may include documents of legal proceedings under this chapter or chapter 71.34 or 10.77 RCW, or somatic health care information;~~

~~((29)))~~ (29) "Intoxicated person" means a person whose mental or physical functioning is substantially impaired as a result of the use of alcohol or other psychoactive chemicals;

~~((30)))~~ (29) "Judicial commitment" means a commitment by a court pursuant to the provisions of this chapter;

~~((31)))~~ (30) "Legal counsel" means attorneys and staff employed by county prosecutor offices or the state attorney general acting in their capacity as legal representatives of public ~~((mental)) behavioral health ((and substance use disorder))~~ service providers under RCW 71.05.130;

~~((32)))~~ (31) "Less restrictive alternative treatment" means a program of individualized treatment in a less restrictive setting than inpatient treatment that includes the services described in RCW 71.05.585;

~~((33)))~~ (32) "Licensed physician" means a person licensed to practice medicine or osteopathic medicine and surgery in the state of Washington;

~~((34)))~~ (33) "Likelihood of serious harm" means:

(a) A substantial risk that: (i) Physical harm will be inflicted by a person upon his or her own person, as evidenced by threats or attempts to commit suicide or inflict physical harm on oneself; (ii) physical harm will be inflicted by a person upon another, as evidenced by behavior which has caused such harm or which places another person or persons in reasonable fear of sustaining such harm; or (iii) physical harm will be inflicted by a person upon the property of others, as evidenced by behavior which has caused substantial loss or damage to the property of others; or

(b) The person has threatened the physical safety of another and has a history of one or more violent acts;

~~((35)))~~ (34) "Medical clearance" means a physician or other health care provider has determined that a person is medically stable and ready for referral to the designated crisis responder;

~~((36)))~~ (35) "Mental disorder" means any organic, mental, or emotional impairment which has substantial adverse effects on a person's cognitive or volitional functions;

~~((37)))~~ (36) "Mental health professional" means a psychiatrist, psychologist, physician assistant working with a supervising psychiatrist, psychiatric advanced registered nurse practitioner, psychiatric nurse, or social worker, and such other mental health professionals as may be defined by rules adopted by the secretary pursuant to the provisions of this chapter;

~~((38)))~~ (37) ~~((("Mental)) Behavioral health service provider" means a public or private agency that provides mental health, substance use disorder, or co-occurring disorder services to persons with ((mental disorders or substance use)) behavioral health disorders as defined under this section and receives funding from public sources. This~~

includes, but is not limited to, hospitals licensed under chapter 70.41 RCW, evaluation and treatment facilities as defined in this section, community mental health service delivery systems or community behavioral health programs as defined in RCW 71.24.025, facilities conducting competency evaluations and restoration under chapter 10.77 RCW, approved substance use disorder treatment programs as defined in this section, secure withdrawal management and stabilization facilities as defined in this section, and correctional facilities operated by state and local governments;

((39)) (38) "Peace officer" means a law enforcement official of a public agency or governmental unit, and includes persons specifically given peace officer powers by any state law, local ordinance, or judicial order of appointment;

((40)) (39) "Physician assistant" means a person licensed as a physician assistant under chapter 18.57A or 18.71A RCW;

((41)) (40) "Private agency" means any person, partnership, corporation, or association that is not a public agency, whether or not financed in whole or in part by public funds, which constitutes an evaluation and treatment facility or private institution, or hospital, or approved substance use disorder treatment program, which is conducted for, or includes a department or ward conducted for, the care and treatment of persons with ~~((mental illness, substance use disorders, or both mental illness and substance use))~~ behavioral health disorders;

((42)) (41) "Professional person" means a mental health professional, substance use disorder professional, or designated crisis responder and shall also mean a physician, physician assistant, psychiatric advanced registered nurse practitioner, registered nurse, and such others as may be defined by rules adopted by the secretary pursuant to the provisions of this chapter;

((43)) (42) "Psychiatric advanced registered nurse practitioner" means a person who is licensed as an advanced registered nurse practitioner pursuant to chapter 18.79 RCW; and who is board certified in advanced practice psychiatric and mental health nursing;

((44)) (43) "Psychiatrist" means a person having a license as a physician and surgeon in this state who has in addition completed three years of graduate training in psychiatry in a program approved by the American medical association or the American osteopathic association and is certified or eligible to be certified by the American board of psychiatry and neurology;

((45)) (44) "Psychologist" means a person who has been licensed as a psychologist pursuant to chapter 18.83 RCW;

((46)) (45) "Public agency" means any evaluation and treatment facility or institution, secure withdrawal management and stabilization facility, approved substance use disorder treatment program, or hospital which is conducted for, or includes a department or ward conducted for, the care and treatment of persons with ~~((mental illness,~~

~~substance use disorders, or both mental illness and substance use))~~ behavioral health disorders, if the agency is operated directly by federal, state, county, or municipal government, or a combination of such governments;

((47)) (46) "Release" means legal termination of the commitment under the provisions of this chapter;

((48)) (47) "Resource management services" has the meaning given in chapter 71.24 RCW;

((49)) (48) "Secretary" means the secretary of the department of health, or his or her designee;

((50)) (49) "Secure withdrawal management and stabilization facility" means a facility operated by either a public or private agency or by the program of an agency which provides care to voluntary individuals and individuals involuntarily detained and committed under this chapter for whom there is a likelihood of serious harm or who are gravely disabled due to the presence of a substance use disorder. Secure withdrawal management and stabilization facilities must:

(a) Provide the following services:

(i) Assessment and treatment, provided by certified substance use disorder professionals or co-occurring disorder specialists;

(ii) Clinical stabilization services;

(iii) Acute or subacute detoxification services for intoxicated individuals; and

(iv) Discharge assistance provided by certified substance use disorder professionals or co-occurring disorder specialists, including facilitating transitions to appropriate voluntary or involuntary inpatient services or to less restrictive alternatives as appropriate for the individual;

(b) Include security measures sufficient to protect the patients, staff, and community; and

(c) Be licensed or certified as such by the department of health;

~~((51) "Serious violent offense" has the same meaning as provided in RCW 9A.030;~~

~~((52))~~ (50) "Social worker" means a person with a master's or further advanced degree from a social work educational program accredited and approved as provided in RCW 18.320.010;

~~((53))~~ (51) "Substance use disorder" means a cluster of cognitive, behavioral, and physiological symptoms indicating that an individual continues using the substance despite significant substance-related problems. The diagnosis of a substance use disorder is based on a pathological pattern of behaviors related to the use of the substances;

~~((54))~~ (52) "Substance use disorder professional" means a person certified as a substance use disorder professional by the department of health under chapter 18.205 RCW;

~~((55))~~ (53) "Therapeutic court personnel" means the staff of a mental health court or other therapeutic court which has jurisdiction over defendants who are dually diagnosed with mental disorders, including court personnel, probation officers, a court monitor, prosecuting attorney, or defense counsel acting within the scope of therapeutic court duties;

~~((56))~~ (54) "Treatment records" include registration and all other records concerning persons who are receiving or who at any time have received services for ~~((mental illness))~~ behavioral health disorders, which are maintained by the department of social and health services, the department, the authority, behavioral health administrative services organizations and their staffs, managed care organizations and their staffs, and by treatment facilities. Treatment records include mental health information contained in a medical bill including but not limited to mental health drugs, a mental health diagnosis, provider name, and dates of service stemming from a medical service. Treatment records do not include notes or records maintained for personal use by a person providing treatment services for the department of social and health services, the department, the authority, behavioral health administrative services organizations, managed care organizations, or a treatment facility if the notes or records are not available to others;

~~((57))~~ (55) "Triage facility" means a short-term facility or a portion of a facility licensed or certified by the department, which is designed as a facility to assess and stabilize an individual or determine the need for involuntary commitment of an individual, and must meet department residential treatment facility standards. A triage facility may be structured as a voluntary or involuntary placement facility;

~~((58))~~ (56) "Violent act" means behavior that resulted in homicide, attempted suicide, ~~((nonfatal injuries))~~ injury, or substantial loss or damage to property;

(57) "Behavioral health disorder" means either a mental disorder as defined in this section, a substance use disorder as defined in this section, or a co-occurring mental disorder and substance use disorder;

(58) "Written order of apprehension" means an order of the court for a peace officer to deliver the named person in the order to a facility or emergency room as determined by the designated crisis responder. Such orders shall be entered into the Washington crime information center database;

(59) "Video," unless the context clearly indicates otherwise, means the delivery of behavioral health services through the use of interactive audio and video technology, permitting real-time communication between a person and a designated crisis responder, for the purpose of evaluation. "Video" does not include the use of audio-only telephone, facsimile, email, or store and forward technology. "Store and forward technology" means use of an asynchronous transmission of a person's medical information from a mental health service provider to the designated crisis responder which results in medical diagnosis, consultation, or treatment.

**Sec. 44.** RCW 71.05.020 and 2019 c 446 s 2, 2019 c 444 s 16, and 2019 c 325 s 3001 are each reenacted and amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Admission" or "admit" means a decision by a physician, physician assistant, or psychiatric advanced registered nurse practitioner that a person should be examined or treated as a patient in a hospital;

(2) "Alcoholism" means a disease, characterized by a dependency on alcoholic beverages, loss of control over the amount and circumstances of use, symptoms of tolerance, physiological or psychological withdrawal, or both, if use is reduced or discontinued, and impairment of health or disruption of social or economic functioning;

(3) "Antipsychotic medications" means that class of drugs primarily used to treat serious manifestations of mental illness associated with thought disorders, which includes, but is not limited to atypical antipsychotic medications;

(4) "Approved substance use disorder treatment program" means a program for persons with a substance use disorder provided by a treatment program certified by the department as meeting standards adopted under chapter 71.24 RCW;

(5) "Attending staff" means any person on the staff of a public or private agency having responsibility for the care and treatment of a patient;

(6) "Authority" means the Washington state health care authority;

(7) "Co-occurring disorder specialist" means an individual possessing an enhancement granted by the department of health under chapter 18.205 RCW that certifies the individual to provide substance use disorder counseling subject to the practice limitations under RCW 18.205.105;

(8) "Commitment" means the determination by a court that a person should be detained for a period of either evaluation or treatment, or both, in an inpatient or a less restrictive setting;

(9) "Conditional release" means a revocable modification of a commitment, which may be revoked upon violation of any of its terms;

(10) "Crisis stabilization unit" means a short-term facility or a portion of a facility licensed or certified by the department, such as an evaluation and treatment facility or a hospital, which has been designed to assess, diagnose, and treat individuals experiencing an acute crisis without the use of long-term hospitalization;

(11) "Custody" means involuntary detention under the provisions of this chapter or chapter 10.77 RCW, uninterrupted by any period of unconditional release from commitment from a facility providing involuntary care and treatment;

(12) "Department" means the department of health;

(13) "Designated crisis responder" means a mental health professional appointed by the county or an entity appointed by the county, to perform the duties specified in this chapter;

(14) "Detention" or "detain" means the lawful confinement of a person, under the provisions of this chapter;

(15) "Developmental disabilities professional" means a person who has specialized training and three years of experience in directly treating or working with persons with developmental disabilities and is a psychiatrist, physician assistant working with a supervising psychiatrist, psychologist, psychiatric advanced registered nurse practitioner, or social worker, and such other developmental disabilities professionals as may be defined by rules adopted by the secretary of the department of social and health services;

(16) "Developmental disability" means that condition defined in RCW 71A.10.020(5);

(17) "Director" means the director of the authority;

(18) "Discharge" means the termination of hospital medical authority. The commitment may remain in place, be terminated, or be amended by court order;

(19) "Drug addiction" means a disease, characterized by a dependency on psychoactive chemicals, loss of control over the amount and circumstances of use, symptoms of tolerance, physiological or psychological withdrawal, or both, if use is reduced or discontinued, and impairment of health or disruption of social or economic functioning;

(20) "Evaluation and treatment facility" means any facility which can provide directly, or by direct arrangement with other public or private agencies, emergency evaluation and treatment, outpatient care, and timely and appropriate inpatient care to persons suffering from a mental disorder, and which is licensed or certified as such by the department. The authority may certify single beds as temporary evaluation and treatment beds under RCW 71.05.745. A physically separate and separately operated portion of a state hospital may be designated as an evaluation and treatment facility. A facility which is part of, or operated by, the department of social and health services or any federal agency will not require certification. No correctional institution or facility, or jail, shall be an evaluation and treatment facility within the meaning of this chapter;

(21) "Gravely disabled" means a condition in which a person, as a result of a ~~((mental))~~ behavioral health disorder~~((, or as a result of the use of alcohol or other psychoactive chemicals))~~: (a) Is in danger of serious physical harm resulting from a failure to provide for his or her essential human needs of health or safety; or (b) manifests severe deterioration ~~((in routine functioning))~~ from safe behavior evidenced by repeated and escalating loss of cognitive or volitional control over his or her actions and is not receiving such care as is essential for his or her health or safety;

(22) "Habilitative services" means those services provided by program personnel to assist persons in acquiring

and maintaining life skills and in raising their levels of physical, mental, social, and vocational functioning. Habilitative services include education, training for employment, and therapy. The habilitative process shall be undertaken with recognition of the risk to the public safety presented by the person being assisted as manifested by prior charged criminal conduct;

(23) "Hearing" means any proceeding conducted in open court~~((For purposes of this chapter, at any hearing the petitioner, the respondent, the witnesses, and the presiding judicial officer may be present and participate either in person or by video, as determined by the court. The term "video" as used herein shall include any functional equivalent. At any hearing conducted by video, the technology used must permit the judicial officer, counsel, all parties, and the witnesses to be able to see, hear, and speak; when authorized, during the hearing; to allow attorneys to use exhibits or other materials during the hearing; and to allow respondent's counsel to be in the same location as the respondent unless otherwise requested by the respondent or the respondent's counsel. Witnesses in a proceeding may also appear in court through other means, including telephonically, pursuant to the requirements of superior court civil rule 43. Notwithstanding the foregoing, the court, upon its own motion or upon a motion for good cause by any party, may require all parties and witnesses to participate in the hearing in person rather than by video. In ruling on any such motion, the court may allow in person or video testimony; and the court may consider, among other things, whether the respondent's alleged mental illness affects the respondent's ability to perceive or participate in the proceeding by video))~~ that conforms to the requirements of section 101 of this act;

(24) "History of one or more violent acts" refers to the period of time ten years prior to the filing of a petition under this chapter, excluding any time spent, but not any violent acts committed, in a ~~((mental))~~ behavioral health facility~~((, a long-term alcoholism or drug treatment facility))~~, or in confinement as a result of a criminal conviction;

(25) "Imminent" means the state or condition of being likely to occur at any moment or near at hand, rather than distant or remote;

(26) "In need of assisted outpatient behavioral health treatment" means that a person, as a result of a ~~((mental disorder or substance use))~~ behavioral health disorder: (a) Has been committed by a court to detention for involuntary behavioral health treatment during the preceding thirty-six months; (b) is unlikely to voluntarily participate in outpatient treatment without an order for less restrictive alternative treatment, based on a history of nonadherence with treatment or in view of the person's current behavior; (c) is likely to benefit from less restrictive alternative treatment; and (d) requires less restrictive alternative treatment to prevent a relapse, decompensation, or deterioration that is likely to result in the person presenting a likelihood of serious harm or the person becoming gravely disabled within a reasonably short period of time;

(27) "Individualized service plan" means a plan prepared by a developmental disabilities professional with

other professionals as a team, for a person with developmental disabilities, which shall state:

(a) The nature of the person's specific problems, prior charged criminal behavior, and habilitation needs;

(b) The conditions and strategies necessary to achieve the purposes of habilitation;

(c) The intermediate and long-range goals of the habilitation program, with a projected timetable for the attainment;

(d) The rationale for using this plan of habilitation to achieve those intermediate and long-range goals;

(e) The staff responsible for carrying out the plan;

(f) Where relevant in light of past criminal behavior and due consideration for public safety, the criteria for proposed movement to less-restrictive settings, criteria for proposed eventual discharge or release, and a projected possible date for discharge or release; and

(g) The type of residence immediately anticipated for the person and possible future types of residences;

~~((28)) ("Information related to mental health services" means all information and records compiled, obtained, or maintained in the course of providing services to either voluntary or involuntary recipients of services by a mental health service provider. This may include documents of legal proceedings under this chapter or chapter 71.34 or 10.77 RCW, or somatic health care information;~~

~~((29))~~ "Intoxicated person" means a person whose mental or physical functioning is substantially impaired as a result of the use of alcohol or other psychoactive chemicals;

~~((30))~~ (29) "Judicial commitment" means a commitment by a court pursuant to the provisions of this chapter;

~~((31))~~ (30) "Legal counsel" means attorneys and staff employed by county prosecutor offices or the state attorney general acting in their capacity as legal representatives of public ~~((mental))~~ behavioral health ~~((and substance use disorder))~~ service providers under RCW 71.05.130;

~~((32))~~ (31) "Less restrictive alternative treatment" means a program of individualized treatment in a less restrictive setting than inpatient treatment that includes the services described in RCW 71.05.585;

~~((33))~~ (32) "Licensed physician" means a person licensed to practice medicine or osteopathic medicine and surgery in the state of Washington;

~~((34))~~ (33) "Likelihood of serious harm" means:

(a) A substantial risk that: (i) Physical harm will be inflicted by a person upon his or her own person, as evidenced by threats or attempts to commit suicide or inflict physical harm on oneself; (ii) physical harm will be inflicted by a person upon another, as evidenced by behavior which has caused ~~((such))~~ harm, substantial pain, or which places another person or persons in reasonable fear of ~~((sustaining such))~~ harm to themselves or others; or (iii) physical harm

will be inflicted by a person upon the property of others, as evidenced by behavior which has caused substantial loss or damage to the property of others; or

(b) The person has threatened the physical safety of another and has a history of one or more violent acts;

~~((35))~~ (34) "Medical clearance" means a physician or other health care provider has determined that a person is medically stable and ready for referral to the designated crisis responder;

~~((36))~~ (35) "Mental disorder" means any organic, mental, or emotional impairment which has substantial adverse effects on a person's cognitive or volitional functions;

~~((37))~~ (36) "Mental health professional" means a psychiatrist, psychologist, physician assistant working with a supervising psychiatrist, psychiatric advanced registered nurse practitioner, psychiatric nurse, or social worker, and such other mental health professionals as may be defined by rules adopted by the secretary pursuant to the provisions of this chapter;

~~((38))~~ (37) ~~((Mental))~~ Behavioral health service provider" means a public or private agency that provides mental health, substance use disorder, or co-occurring disorder services to persons with ~~((mental disorders or substance use))~~ behavioral health disorders as defined under this section and receives funding from public sources. This includes, but is not limited to, hospitals licensed under chapter 70.41 RCW, evaluation and treatment facilities as defined in this section, community mental health service delivery systems or community behavioral health programs as defined in RCW 71.24.025, facilities conducting competency evaluations and restoration under chapter 10.77 RCW, approved substance use disorder treatment programs as defined in this section, secure withdrawal management and stabilization facilities as defined in this section, and correctional facilities operated by state and local governments;

~~((39))~~ (38) "Peace officer" means a law enforcement official of a public agency or governmental unit, and includes persons specifically given peace officer powers by any state law, local ordinance, or judicial order of appointment;

~~((40))~~ (39) "Physician assistant" means a person licensed as a physician assistant under chapter 18.57A or 18.71A RCW;

~~((41))~~ (40) "Private agency" means any person, partnership, corporation, or association that is not a public agency, whether or not financed in whole or in part by public funds, which constitutes an evaluation and treatment facility or private institution, or hospital, or approved substance use disorder treatment program, which is conducted for, or includes a department or ward conducted for, the care and treatment of persons with ~~((mental illness, substance use disorders, or both mental illness and substance use))~~ behavioral health disorders;

~~((42))~~ (41) "Professional person" means a mental health professional, substance use disorder professional, or

designated crisis responder and shall also mean a physician, physician assistant, psychiatric advanced registered nurse practitioner, registered nurse, and such others as may be defined by rules adopted by the secretary pursuant to the provisions of this chapter;

~~((43))~~ (42) "Psychiatric advanced registered nurse practitioner" means a person who is licensed as an advanced registered nurse practitioner pursuant to chapter 18.79 RCW; and who is board certified in advanced practice psychiatric and mental health nursing;

~~((44))~~ (43) "Psychiatrist" means a person having a license as a physician and surgeon in this state who has in addition completed three years of graduate training in psychiatry in a program approved by the American medical association or the American osteopathic association and is certified or eligible to be certified by the American board of psychiatry and neurology;

~~((45))~~ (44) "Psychologist" means a person who has been licensed as a psychologist pursuant to chapter 18.83 RCW;

~~((46))~~ (45) "Public agency" means any evaluation and treatment facility or institution, secure withdrawal management and stabilization facility, approved substance use disorder treatment program, or hospital which is conducted for, or includes a department or ward conducted for, the care and treatment of persons with ~~((mental illness, substance use disorders, or both mental illness and substance use))~~ behavioral health disorders, if the agency is operated directly by federal, state, county, or municipal government, or a combination of such governments;

~~((47))~~ (46) "Release" means legal termination of the commitment under the provisions of this chapter;

~~((48))~~ (47) "Resource management services" has the meaning given in chapter 71.24 RCW;

~~((49))~~ (48) "Secretary" means the secretary of the department of health, or his or her designee;

~~((50))~~ (49) "Secure withdrawal management and stabilization facility" means a facility operated by either a public or private agency or by the program of an agency which provides care to voluntary individuals and individuals involuntarily detained and committed under this chapter for whom there is a likelihood of serious harm or who are gravely disabled due to the presence of a substance use disorder. Secure withdrawal management and stabilization facilities must:

- (a) Provide the following services:
  - (i) Assessment and treatment, provided by certified substance use disorder professionals or co-occurring disorder specialists;
  - (ii) Clinical stabilization services;
  - (iii) Acute or subacute detoxification services for intoxicated individuals; and
  - (iv) Discharge assistance provided by certified substance use disorder professionals or co-occurring disorder specialists, including facilitating transitions to appropriate

voluntary or involuntary inpatient services or to less restrictive alternatives as appropriate for the individual;

(b) Include security measures sufficient to protect the patients, staff, and community; and

(c) Be licensed or certified as such by the department of health;

~~((51))~~ "Serious violent offense" has the same meaning as provided in RCW 9A.030;

~~((52))~~ (50) "Social worker" means a person with a master's or further advanced degree from a social work educational program accredited and approved as provided in RCW 18.320.010;

~~((53))~~ (51) "Substance use disorder" means a cluster of cognitive, behavioral, and physiological symptoms indicating that an individual continues using the substance despite significant substance-related problems. The diagnosis of a substance use disorder is based on a pathological pattern of behaviors related to the use of the substances;

~~((54))~~ (52) "Substance use disorder professional" means a person certified as a substance use disorder professional by the department of health under chapter 18.205 RCW;

~~((55))~~ (53) "Therapeutic court personnel" means the staff of a mental health court or other therapeutic court which has jurisdiction over defendants who are dually diagnosed with mental disorders, including court personnel, probation officers, a court monitor, prosecuting attorney, or defense counsel acting within the scope of therapeutic court duties;

~~((56))~~ (54) "Treatment records" include registration and all other records concerning persons who are receiving or who at any time have received services for ~~((mental illness))~~ behavioral health disorders, which are maintained by the department of social and health services, the department, the authority, behavioral health administrative services organizations and their staffs, managed care organizations and their staffs, and by treatment facilities. Treatment records include mental health information contained in a medical bill including but not limited to mental health drugs, a mental health diagnosis, provider name, and dates of service stemming from a medical service. Treatment records do not include notes or records maintained for personal use by a person providing treatment services for the department of social and health services, the department, the authority, behavioral health administrative services organizations, managed care organizations, or a treatment facility if the notes or records are not available to others;

~~((57))~~ (55) "Triage facility" means a short-term facility or a portion of a facility licensed or certified by the department, which is designed as a facility to assess and stabilize an individual or determine the need for involuntary commitment of an individual, and must meet department residential treatment facility standards. A triage facility may be structured as a voluntary or involuntary placement facility;

~~((58))~~ (56) "Violent act" means behavior that resulted in homicide, attempted suicide, ~~((nonfatal injuries))~~ injury, or substantial loss or damage to property;

(57) "Behavioral health disorder" means either a mental disorder as defined in this section, a substance use disorder as defined in this section, or a co-occurring mental disorder and substance use disorder;

(58) "Severe deterioration from safe behavior" means that a person will, if not treated, suffer or continue to suffer severe and abnormal mental, emotional, or physical distress, and this distress is associated with significant impairment of judgment, reason, or behavior;

(59) "Written order of apprehension" means an order of the court for a peace officer to deliver the named person in the order to a facility or emergency room as determined by the designated crisis responder. Such orders shall be entered into the Washington crime information center database;

(60) "Video," unless the context clearly indicates otherwise, means the delivery of behavioral health services through the use of interactive audio and video technology, permitting real-time communication between a person and a designated crisis responder, for the purpose of evaluation. "Video" does not include the use of audio-only telephone, facsimile, email, or store and forward technology. "Store and forward technology" means use of an asynchronous transmission of a person's medical information from a mental health service provider to the designated crisis responder which results in medical diagnosis, consultation, or treatment.

**Sec. 45.** RCW 71.05.025 and 2019 c 325 s 3002 are each amended to read as follows:

The legislature intends that the procedures and services authorized in this chapter be integrated with those in chapter 71.24 RCW to the maximum extent necessary to assure ~~((a))~~ an appropriate continuum of care ~~((to))~~ for persons with ~~((mental illness or who have mental disorders or substance use))~~ behavioral health disorders, as defined in either or both this chapter and chapter 71.24 RCW. To this end, behavioral health administrative services organizations established in accordance with chapter 71.24 RCW shall institute procedures which require timely consultation with resource management services by designated crisis responders, managed care organizations, evaluation and treatment facilities, secure ~~((detoxification))~~ withdrawal management and stabilization facilities, and approved substance use disorder treatment programs to assure that determinations to admit, detain, commit, treat, discharge, or release persons with ~~((mental disorders or substance use))~~ behavioral health disorders under this chapter are made only after appropriate information regarding such person's treatment history and current treatment plan has been sought from resource management services.

**Sec. 46.** RCW 71.05.026 and 2019 c 325 s 3003 are each amended to read as follows:

(1) Except for monetary damage claims which have been reduced to final judgment by a superior court, this

section applies to all claims against the state, state agencies, state officials, or state employees that exist on or arise after March 29, 2006.

(2) Except as expressly provided in contracts entered into by the authority, the entities identified in subsection (3) of this section shall have no claim for declaratory relief, injunctive relief, judicial review under chapter 34.05 RCW, or civil liability against the state or state agencies for actions or inactions performed pursuant to the administration of this chapter with regard to the following: (a) The allocation or payment of federal or state funds; (b) the use or allocation of state hospital beds; or (c) financial responsibility for the provision of inpatient ~~((mental health care or inpatient substance use))~~ behavioral health disorder treatment and care.

(3) This section applies to counties, behavioral health administrative services organizations, managed care organizations, and entities which contract to provide behavioral health services and their subcontractors, agents, or employees.

**Sec. 47.** RCW 71.05.030 and 1998 c 297 s 4 are each amended to read as follows:

Persons suffering from a ~~((mental))~~ behavioral health disorder may not be involuntarily committed for treatment of such disorder except pursuant to provisions of this chapter, chapter 10.77 RCW, chapter 71.06 RCW, chapter 71.34 RCW, transfer pursuant to RCW 72.68.031 through 72.68.037, or pursuant to court ordered evaluation and treatment not to exceed ninety days pending a criminal trial or sentencing.

**Sec. 48.** RCW 71.05.040 and 2018 c 201 s 3004 are each amended to read as follows:

Persons with developmental disabilities, impaired by substance use disorder, or suffering from dementia shall not be detained for evaluation and treatment or judicially committed solely by reason of that condition unless such condition causes a person to be gravely disabled or ~~((as a result of a mental disorder such condition exists that constitutes))~~ to present a likelihood of serious harm. However, persons with developmental disabilities, impaired by substance use disorder, or suffering from dementia and who otherwise meet the criteria for detention or judicial commitment are not ineligible for detention or commitment based on this condition alone.

**Sec. 49.** RCW 71.05.050 and 2019 c 446 s 3 are each amended to read as follows:

(1) Nothing in this chapter shall be construed to limit the right of any person to apply voluntarily to any public or private agency or practitioner for treatment of a ~~((mental disorder or substance use))~~ behavioral health disorder, either by direct application or by referral. Any person voluntarily admitted for inpatient treatment to any public or private agency shall be released immediately upon his or her request. Any person voluntarily admitted for inpatient treatment to any public or private agency shall orally be advised of the right to immediate discharge, and further advised of such rights in writing as are secured to them



pursuant to this chapter and their rights of access to attorneys, courts, and other legal redress. Their condition and status shall be reviewed at least once each one hundred eighty days for evaluation as to the need for further treatment or possible discharge, at which time they shall again be advised of their right to discharge upon request.

(2) If the professional staff of any public or private agency or hospital regards a person voluntarily admitted who requests discharge as presenting, as a result of a ~~((mental disorder or substance use))~~ behavioral health disorder, an imminent likelihood of serious harm, or is gravely disabled, they may detain such person for sufficient time to notify the designated crisis responder of such person's condition to enable the designated crisis responder to authorize such person being further held in custody or transported to an evaluation and treatment center, secure withdrawal management and stabilization facility, or approved substance use disorder treatment program pursuant to the provisions of this chapter, which shall in ordinary circumstances be no later than the next judicial day.

(3) If a person is brought to the emergency room of a public or private agency or hospital for observation or treatment, the person refuses voluntary admission, and the professional staff of the public or private agency or hospital regard such person as presenting as a result of a ~~((mental disorder or substance use))~~ behavioral health disorder an imminent likelihood of serious harm, or as presenting an imminent danger because of grave disability, they may detain such person for sufficient time to notify the designated crisis responder of such person's condition to enable the designated crisis responder to authorize such person being further held in custody or transported to an evaluation treatment center, secure withdrawal management and stabilization facility, or approved substance use disorder treatment program pursuant to the conditions in this chapter, but which time shall be no more than six hours from the time the professional staff notify the designated crisis responder of the need for evaluation, not counting time periods prior to medical clearance.

(4) Dismissal of a commitment petition is not the appropriate remedy for a violation of the timeliness requirements of this section based on the intent of this chapter under RCW 71.05.010 except in the few cases where the facility staff or designated crisis responder has totally disregarded the requirements of this section.

**Sec. 50.** RCW 71.05.100 and 2018 c 201 s 3005 are each amended to read as follows:

In addition to the responsibility provided for by RCW 43.20B.330, any person, or his or her estate, or his or her spouse, ~~((or the parents of a minor person))~~ who is involuntarily detained pursuant to this chapter for the purpose of treatment and evaluation outside of a facility maintained and operated by the department of social and health services shall be responsible for the cost of such care and treatment. In the event that an individual is unable to pay for such treatment or in the event payment would result in a substantial hardship upon the individual or his or her family, then the county of residence of such person shall be responsible for such costs. If it is not possible to determine

the county of residence of the person, the cost shall be borne by the county where the person was originally detained. The department of social and health services, or the authority, as appropriate, shall, pursuant to chapter 34.05 RCW, adopt standards as to (1) inability to pay in whole or in part, (2) a definition of substantial hardship, and (3) appropriate payment schedules. Financial responsibility with respect to services and facilities of the department of social and health services shall continue to be as provided in RCW 43.20B.320 through 43.20B.360 and 43.20B.370.

**Sec. 51.** RCW 71.05.120 and 2019 c 446 s 22 are each amended to read as follows:

(1) No officer of a public or private agency, nor the superintendent, professional person in charge, his or her professional designee, or attending staff of any such agency, nor any public official performing functions necessary to the administration of this chapter, nor peace officer responsible for detaining a person pursuant to this chapter, nor any designated crisis responder, nor the state, a unit of local government, an evaluation and treatment facility, a secure withdrawal management and stabilization facility, or an approved substance use disorder treatment program shall be civilly or criminally liable for performing duties pursuant to this chapter with regard to the decision of whether to admit, discharge, release, administer antipsychotic medications, or detain a person for evaluation and treatment: PROVIDED, That such duties were performed in good faith and without gross negligence.

(2) Peace officers and their employing agencies are not liable for the referral of a person, or the failure to refer a person, to a ~~((mental))~~ behavioral health agency pursuant to a policy adopted pursuant to RCW 71.05.457 if such action or inaction is taken in good faith and without gross negligence.

(3) This section does not relieve a person from giving the required notices under RCW 71.05.330(2) or 71.05.340(1)(b), or the duty to warn or to take reasonable precautions to provide protection from violent behavior where the patient has communicated an actual threat of physical violence against a reasonably identifiable victim or victims. The duty to warn or to take reasonable precautions to provide protection from violent behavior is discharged if reasonable efforts are made to communicate the threat to the victim or victims and to law enforcement personnel.

**Sec. 52.** RCW 71.05.150 and 2019 c 446 s 4 are each amended to read as follows:

(1) When a designated crisis responder receives information alleging that a person, as a result of a ~~((mental))~~ behavioral health disorder, ~~((substance use disorder, or both))~~ presents a likelihood of serious harm or is gravely disabled, or that a person is in need of assisted outpatient behavioral health treatment; the designated crisis responder may, after investigation and evaluation of the specific facts alleged and of the reliability and credibility of any person providing information to initiate detention or involuntary outpatient treatment, if satisfied that the allegations are true and that the person will not voluntarily seek appropriate treatment, file a petition for initial detention under this section or a petition for involuntary outpatient behavioral

health treatment under RCW 71.05.148. Before filing the petition, the designated crisis responder must personally interview the person, unless the person refuses an interview, and determine whether the person will voluntarily receive appropriate evaluation and treatment at an evaluation and treatment facility, crisis stabilization unit, triage facility, or approved substance use disorder treatment program. The interview performed by the designated crisis responder may be conducted by video provided that a licensed health care professional or professional person who can adequately and accurately assist with obtaining any necessary information is present with the person at the time of the interview.

(2)(a) ~~((An))~~ A written order of apprehension to detain a person with a ~~((mental))~~ behavioral health disorder to a designated evaluation and treatment facility, ~~((or to detain a person with a substance use disorder to))~~ a secure withdrawal management and stabilization facility, or an approved substance use disorder treatment program, for not more than a seventy-two-hour evaluation and treatment period may be issued by a judge of the superior court upon request of a designated crisis responder, subject to (d) of this subsection, whenever it appears to the satisfaction of a judge of the superior court:

(i) That there is probable cause to support the petition; and

(ii) That the person has refused or failed to accept appropriate evaluation and treatment voluntarily.

(b) The petition for initial detention, signed under penalty of perjury, or sworn telephonic testimony may be considered by the court in determining whether there are sufficient grounds for issuing the order.

(c) The order shall designate retained counsel or, if counsel is appointed from a list provided by the court, the name, business address, and telephone number of the attorney appointed to represent the person.

(d) A court may not issue an order to detain a person to a secure withdrawal management and stabilization facility or approved substance use disorder treatment program unless there is an available secure withdrawal management and stabilization facility or approved substance use disorder treatment program that has adequate space for the person.

(e) If the court does not issue an order to detain a person pursuant to this subsection (2), the court shall issue an order to dismiss the initial petition.

(3) The designated crisis responder shall then serve or cause to be served on such person, his or her guardian, and conservator, if any, a copy of the order together with a notice of rights, and a petition for initial detention. After service on such person the designated crisis responder shall file the return of service in court and provide copies of all papers in the court file to the evaluation and treatment facility, secure withdrawal management and stabilization facility, or approved substance use disorder treatment program, and the designated attorney. The designated crisis responder shall notify the court and the prosecuting attorney that a probable cause hearing will be held within seventy-two hours of the date and time of outpatient evaluation or admission to the

evaluation and treatment facility, secure withdrawal management and stabilization facility, or approved substance use disorder treatment program. The person shall be permitted to be accompanied by one or more of his or her relatives, friends, an attorney, a personal physician, or other professional or religious advisor to the place of evaluation. An attorney accompanying the person to the place of evaluation shall be permitted to be present during the admission evaluation. Any other individual accompanying the person may be present during the admission evaluation. The facility may exclude the individual if his or her presence would present a safety risk, delay the proceedings, or otherwise interfere with the evaluation.

(4) The designated crisis responder may notify a peace officer to take such person or cause such person to be taken into custody and placed in an evaluation and treatment facility, secure withdrawal management and stabilization facility, or approved substance use disorder treatment program. At the time such person is taken into custody there shall commence to be served on such person, his or her guardian, and conservator, if any, a copy of the original order together with a notice of rights and a petition for initial detention.

**Sec. 53.** RCW 71.05.150 and 2019 c 446 s 4 are each amended to read as follows:

(1) When a designated crisis responder receives information alleging that a person, as a result of a ~~((mental))~~ behavioral health disorder, ~~((substance use disorder, or both))~~ presents a likelihood of serious harm or is gravely disabled, or that a person is in need of assisted outpatient behavioral health treatment; the designated crisis responder may, after investigation and evaluation of the specific facts alleged and of the reliability and credibility of any person providing information to initiate detention or involuntary outpatient treatment, if satisfied that the allegations are true and that the person will not voluntarily seek appropriate treatment, file a petition for initial detention under this section or a petition for involuntary outpatient behavioral health treatment under RCW 71.05.148. Before filing the petition, the designated crisis responder must personally interview the person, unless the person refuses an interview, and determine whether the person will voluntarily receive appropriate evaluation and treatment at an evaluation and treatment facility, crisis stabilization unit, triage facility, or approved substance use disorder treatment program. The interview performed by the designated crisis responder may be conducted by video provided that a licensed health care professional or professional person who can adequately and accurately assist with obtaining any necessary information is present with the person at the time of the interview.

(2)(a) ~~((An))~~ A written order of apprehension to detain a person with a ~~((mental))~~ behavioral health disorder to a designated evaluation and treatment facility, ~~((or to detain a person with a substance use disorder to))~~ a secure withdrawal management and stabilization facility, or an approved substance use disorder treatment program, for a period of not more than ((a seventy two hour)) one hundred twenty hours for evaluation and treatment ~~((period))~~, may be issued by a judge of the superior court upon request of a designated crisis responder, subject to (d) of this subsection,

whenever it appears to the satisfaction of a judge of the superior court:

(i) That there is probable cause to support the petition; and

(ii) That the person has refused or failed to accept appropriate evaluation and treatment voluntarily.

(b) The petition for initial detention, signed under penalty of perjury, or sworn telephonic testimony may be considered by the court in determining whether there are sufficient grounds for issuing the order.

(c) The order shall designate retained counsel or, if counsel is appointed from a list provided by the court, the name, business address, and telephone number of the attorney appointed to represent the person.

(d) A court may not issue an order to detain a person to a secure withdrawal management and stabilization facility or approved substance use disorder treatment program unless there is an available secure withdrawal management and stabilization facility or approved substance use disorder treatment program that has adequate space for the person.

(e) If the court does not issue an order to detain a person pursuant to this subsection (2), the court shall issue an order to dismiss the initial petition.

(3) The designated crisis responder shall then serve or cause to be served on such person, his or her guardian, and conservator, if any, a copy of the order together with a notice of rights, and a petition for initial detention. After service on such person the designated crisis responder shall file the return of service in court and provide copies of all papers in the court file to the evaluation and treatment facility, secure withdrawal management and stabilization facility, or approved substance use disorder treatment program, and the designated attorney. The designated crisis responder shall notify the court and the prosecuting attorney that a probable cause hearing will be held within ~~((seventy-two))~~ one hundred twenty hours of the date and time of outpatient evaluation or admission to the evaluation and treatment facility, secure withdrawal management and stabilization facility, or approved substance use disorder treatment program. The person shall be permitted to be accompanied by one or more of his or her relatives, friends, an attorney, a personal physician, or other professional or religious advisor to the place of evaluation. An attorney accompanying the person to the place of evaluation shall be permitted to be present during the admission evaluation. Any other individual accompanying the person may be present during the admission evaluation. The facility may exclude the individual if his or her presence would present a safety risk, delay the proceedings, or otherwise interfere with the evaluation.

(4) The designated crisis responder may notify a peace officer to take such person or cause such person to be taken into custody and placed in an evaluation and treatment facility, secure withdrawal management and stabilization facility, or approved substance use disorder treatment program. At the time such person is taken into custody there shall commence to be served on such person, his or her

guardian, and conservator, if any, a copy of the original order together with a notice of rights and a petition for initial detention.

**Sec. 54.** RCW 71.05.150 and 2019 c 446 s 5 are each amended to read as follows:

(1) When a designated crisis responder receives information alleging that a person, as a result of a ~~((mental))~~ behavioral health disorder, ~~((substance use disorder, or both))~~ presents a likelihood of serious harm or is gravely disabled, or that a person is in need of assisted outpatient behavioral health treatment; the designated crisis responder may, after investigation and evaluation of the specific facts alleged and of the reliability and credibility of any person providing information to initiate detention or involuntary outpatient treatment, if satisfied that the allegations are true and that the person will not voluntarily seek appropriate treatment, file a petition for initial detention under this section or a petition for involuntary outpatient behavioral health treatment under RCW 71.05.148. Before filing the petition, the designated crisis responder must personally interview the person, unless the person refuses an interview, and determine whether the person will voluntarily receive appropriate evaluation and treatment at an evaluation and treatment facility, crisis stabilization unit, triage facility, or approved substance use disorder treatment program. The interview performed by the designated crisis responder may be conducted by video provided that a licensed health care professional or professional person who can adequately and accurately assist with obtaining any necessary information is present with the person at the time of the interview.

(2)(a) ~~((An))~~ A written order of apprehension to detain a person with a ~~((mental))~~ behavioral health disorder to a designated evaluation and treatment facility, ~~((or to detain a person with a substance use disorder to))~~ a secure withdrawal management and stabilization facility, or an approved substance use disorder treatment program, for a period of not more than ~~((a seventy-two hour))~~ one hundred twenty hours for evaluation and treatment ~~((period))~~, may be issued by a judge of the superior court upon request of a designated crisis responder whenever it appears to the satisfaction of a judge of the superior court:

(i) That there is probable cause to support the petition; and

(ii) That the person has refused or failed to accept appropriate evaluation and treatment voluntarily.

(b) The petition for initial detention, signed under penalty of perjury, or sworn telephonic testimony may be considered by the court in determining whether there are sufficient grounds for issuing the order.

(c) The order shall designate retained counsel or, if counsel is appointed from a list provided by the court, the name, business address, and telephone number of the attorney appointed to represent the person.

(d) If the court does not issue an order to detain a person pursuant to this subsection (2), the court shall issue an order to dismiss the initial petition.

(3) The designated crisis responder shall then serve or cause to be served on such person, his or her guardian, and conservator, if any, a copy of the order together with a notice of rights, and a petition for initial detention. After service on such person the designated crisis responder shall file the return of service in court and provide copies of all papers in the court file to the evaluation and treatment facility, secure withdrawal management and stabilization facility, or approved substance use disorder treatment program, and the designated attorney. The designated crisis responder shall notify the court and the prosecuting attorney that a probable cause hearing will be held within ~~((seventy-two))~~ one hundred twenty hours of the date and time of outpatient evaluation or admission to the evaluation and treatment facility, secure withdrawal management and stabilization facility, or approved substance use disorder treatment program. The person shall be permitted to be accompanied by one or more of his or her relatives, friends, an attorney, a personal physician, or other professional or religious advisor to the place of evaluation. An attorney accompanying the person to the place of evaluation shall be permitted to be present during the admission evaluation. Any other individual accompanying the person may be present during the admission evaluation. The facility may exclude the individual if his or her presence would present a safety risk, delay the proceedings, or otherwise interfere with the evaluation.

(4) The designated crisis responder may notify a peace officer to take such person or cause such person to be taken into custody and placed in an evaluation and treatment facility, secure withdrawal management and stabilization facility, or approved substance use disorder treatment program. At the time such person is taken into custody there shall commence to be served on such person, his or her guardian, and conservator, if any, a copy of the original order together with a notice of rights and a petition for initial detention.

**Sec. 55.** RCW 71.05.153 and 2019 c 446 s 6 are each amended to read as follows:

(1) When a designated crisis responder receives information alleging that a person, as the result of a ~~((mental))~~ behavioral health disorder, presents an imminent likelihood of serious harm, or is in imminent danger because of being gravely disabled, after investigation and evaluation of the specific facts alleged and of the reliability and credibility of the person or persons providing the information if any, the designated crisis responder may take such person, or cause by oral or written order such person to be taken into emergency custody in an evaluation and treatment facility, secure withdrawal management and stabilization facility if available with adequate space for the person, or approved substance use disorder treatment program if available with adequate space for the person, for not more than seventy-two hours as described in RCW 71.05.180.

(2) ~~((When a designated crisis responder receives information alleging that a person, as the result of substance use disorder, presents an imminent likelihood of serious harm, or is in imminent danger because of being gravely disabled, after investigation and evaluation of the specific~~

~~facts alleged and of the reliability and credibility of the person or persons providing the information if any, the designated crisis responder may take the person, or cause by oral or written order the person to be taken, into emergency custody in a secure withdrawal management and stabilization facility or approved substance use disorder treatment program for not more than seventy-two hours as described in RCW 71.05.180, if a secure withdrawal management and stabilization facility or approved substance use disorder treatment program is available and has adequate space for the person.~~

~~((3))~~(a) Subject to (b) of this subsection, a peace officer may take or cause such person to be taken into custody and immediately delivered to a triage facility, crisis stabilization unit, evaluation and treatment facility, secure withdrawal management and stabilization facility, approved substance use disorder treatment program, or the emergency department of a local hospital under the following circumstances:

(i) Pursuant to subsection (1) ~~((or (2)))~~ of this section; or

(ii) When he or she has reasonable cause to believe that such person is suffering from a ~~((mental))~~ behavioral health disorder ~~((or substance use disorder))~~ and presents an imminent likelihood of serious harm or is in imminent danger because of being gravely disabled.

(b) A peace officer's delivery of a person, ~~((based on a substance use disorder.))~~ to a secure withdrawal management and stabilization facility or approved substance use disorder treatment program is subject to the availability of a secure withdrawal management and stabilization facility or approved substance use disorder treatment program with adequate space for the person.

~~((4))~~ (3) Persons delivered to a crisis stabilization unit, evaluation and treatment facility, emergency department of a local hospital, triage facility that has elected to operate as an involuntary facility, secure withdrawal management and stabilization facility, or approved substance use disorder treatment program by peace officers pursuant to subsection ~~((3))~~ (2) of this section may be held by the facility for a period of up to twelve hours, not counting time periods prior to medical clearance.

~~((5))~~ (4) Within three hours after arrival, not counting time periods prior to medical clearance, the person must be examined by a mental health professional or substance use disorder professional. Within twelve hours of notice of the need for evaluation, not counting time periods prior to medical clearance, the designated crisis responder must determine whether the individual meets detention criteria. The interview performed by the designated crisis responder may be conducted by video provided that a licensed health care professional or professional person who can adequately and accurately assist with obtaining any necessary information is present with the person at the time of the interview. If the individual is detained, the designated crisis responder shall file a petition for detention or a supplemental petition as appropriate and commence service on the designated attorney for the detained person. If the individual is released to the community, the ~~((mental))~~

behavioral health service provider shall inform the peace officer of the release within a reasonable period of time after the release if the peace officer has specifically requested notification and provided contact information to the provider.

((6)) (5) Dismissal of a commitment petition is not the appropriate remedy for a violation of the timeliness requirements of this section based on the intent of this chapter under RCW 71.05.010 except in the few cases where the facility staff or designated ~~((mental health professional))~~ crisis responder has totally disregarded the requirements of this section.

**Sec. 56.** RCW 71.05.153 and 2019 c 446 s 6 are each amended to read as follows:

(1) When a designated crisis responder receives information alleging that a person, as the result of a ~~((mental))~~ behavioral health disorder, presents an imminent likelihood of serious harm, or is in imminent danger because of being gravely disabled, after investigation and evaluation of the specific facts alleged and of the reliability and credibility of the person or persons providing the information if any, the designated crisis responder may take such person, or cause by oral or written order such person to be taken into emergency custody in an evaluation and treatment facility, secure withdrawal management and stabilization facility if available with adequate space for the person, or approved substance use disorder treatment program if available with adequate space for the person, for not more than ~~((seventy-two))~~ one hundred twenty hours as described in RCW 71.05.180.

(2) ~~((When a designated crisis responder receives information alleging that a person, as the result of substance use disorder, presents an imminent likelihood of serious harm, or is in imminent danger because of being gravely disabled, after investigation and evaluation of the specific facts alleged and of the reliability and credibility of the person or persons providing the information if any, the designated crisis responder may take the person, or cause by oral or written order the person to be taken, into emergency custody in a secure withdrawal management and stabilization facility or approved substance use disorder treatment program for not more than seventy-two hours as described in RCW 71.05.180, if a secure withdrawal management and stabilization facility or approved substance use disorder treatment program is available and has adequate space for the person.~~

~~((3))~~(a) Subject to (b) of this subsection, a peace officer may take or cause such person to be taken into custody and immediately delivered to a triage facility, crisis stabilization unit, evaluation and treatment facility, secure withdrawal management and stabilization facility, approved substance use disorder treatment program, or the emergency department of a local hospital under the following circumstances:

(i) Pursuant to subsection (1) ~~((or (2)))~~ of this section; or

(ii) When he or she has reasonable cause to believe that such person is suffering from a ~~((mental))~~ behavioral health

disorder ~~((or substance use disorder))~~ and presents an imminent likelihood of serious harm or is in imminent danger because of being gravely disabled.

(b) A peace officer's delivery of a person, ~~((based on a substance use disorder,))~~ to a secure withdrawal management and stabilization facility or approved substance use disorder treatment program is subject to the availability of a secure withdrawal management and stabilization facility or approved substance use disorder treatment program with adequate space for the person.

~~((4))~~ (3) Persons delivered to a crisis stabilization unit, evaluation and treatment facility, emergency department of a local hospital, triage facility that has elected to operate as an involuntary facility, secure withdrawal management and stabilization facility, or approved substance use disorder treatment program by peace officers pursuant to subsection ~~((43))~~ (2) of this section may be held by the facility for a period of up to twelve hours, not counting time periods prior to medical clearance.

~~((5))~~ (4) Within three hours after arrival, not counting time periods prior to medical clearance, the person must be examined by a mental health professional or substance use disorder professional. Within twelve hours of notice of the need for evaluation, not counting time periods prior to medical clearance, the designated crisis responder must determine whether the individual meets detention criteria. The interview performed by the designated crisis responder may be conducted by video provided that a licensed health care professional or professional person who can adequately and accurately assist with obtaining any necessary information is present with the person at the time of the interview. If the individual is detained, the designated crisis responder shall file a petition for detention or a supplemental petition as appropriate and commence service on the designated attorney for the detained person. If the individual is released to the community, the ~~((mental))~~ behavioral health service provider shall inform the peace officer of the release within a reasonable period of time after the release if the peace officer has specifically requested notification and provided contact information to the provider.

~~((6))~~ (5) Dismissal of a commitment petition is not the appropriate remedy for a violation of the timeliness requirements of this section based on the intent of this chapter under RCW 71.05.010 except in the few cases where the facility staff or designated ~~((mental health professional))~~ crisis responder has totally disregarded the requirements of this section.

**Sec. 57.** RCW 71.05.153 and 2019 c 446 s 7 are each amended to read as follows:

(1) When a designated crisis responder receives information alleging that a person, as the result of a ~~((mental))~~ behavioral health disorder, presents an imminent likelihood of serious harm, or is in imminent danger because of being gravely disabled, after investigation and evaluation of the specific facts alleged and of the reliability and credibility of the person or persons providing the information if any, the designated crisis responder may take such person, or cause by oral or written order such person to

be taken into emergency custody in an evaluation and treatment facility, secure withdrawal management and stabilization facility, or approved substance use disorder treatment program, for not more than ~~((seventy-two))~~ one hundred twenty hours as described in RCW 71.05.180.

~~((2))~~ ~~((When a designated crisis responder receives information alleging that a person, as the result of substance use disorder, presents an imminent likelihood of serious harm, or is in imminent danger because of being gravely disabled, after investigation and evaluation of the specific facts alleged and of the reliability and credibility of the person or persons providing the information if any, the designated crisis responder may take the person, or cause by oral or written order the person to be taken, into emergency custody in a secure withdrawal management and stabilization facility or approved substance use disorder treatment program for not more than seventy two hours as described in RCW 71.05.180.~~

~~((3))~~ A peace officer may take or cause such person to be taken into custody and immediately delivered to a triage facility, crisis stabilization unit, evaluation and treatment facility, secure withdrawal management and stabilization facility, approved substance use disorder treatment program, or the emergency department of a local hospital under the following circumstances:

(a) Pursuant to subsection (1) ~~((or (2)))~~ of this section; or

(b) When he or she has reasonable cause to believe that such person is suffering from a ~~((mental))~~ behavioral health disorder ~~((or substance use disorder))~~ and presents an imminent likelihood of serious harm or is in imminent danger because of being gravely disabled.

~~((4))~~ ~~((3))~~ Persons delivered to a crisis stabilization unit, evaluation and treatment facility, emergency department of a local hospital, triage facility that has elected to operate as an involuntary facility, secure withdrawal management and stabilization facility, or approved substance use disorder treatment program by peace officers pursuant to subsection ~~((3))~~ ~~((2))~~ of this section may be held by the facility for a period of up to twelve hours, not counting time periods prior to medical clearance.

~~((5))~~ ~~((4))~~ Within three hours after arrival, not counting time periods prior to medical clearance, the person must be examined by a mental health professional or substance use disorder professional. Within twelve hours of notice of the need for evaluation, not counting time periods prior to medical clearance, the designated crisis responder must determine whether the individual meets detention criteria. The interview performed by the designated crisis responder may be conducted by video provided that a licensed health care professional or professional person who can adequately and accurately assist with obtaining any necessary information is present with the person at the time of the interview. If the individual is detained, the designated crisis responder shall file a petition for detention or a supplemental petition as appropriate and commence service on the designated attorney for the detained person. If the individual is released to the community, the ~~((mental))~~ behavioral health service provider shall inform the peace

officer of the release within a reasonable period of time after the release if the peace officer has specifically requested notification and provided contact information to the provider.

~~((6))~~ ~~((5))~~ Dismissal of a commitment petition is not the appropriate remedy for a violation of the timeliness requirements of this section based on the intent of this chapter under RCW 71.05.010 except in the few cases where the facility staff or designated ~~((mental health professional))~~ crisis responder has totally disregarded the requirements of this section.

**Sec. 58.** RCW 71.05.160 and 2019 c 446 s 19 are each amended to read as follows:

~~((1))~~ Any facility receiving a person pursuant to RCW 71.05.150 or 71.05.153 shall require the designated crisis responder to prepare a petition for initial detention stating the circumstances under which the person's condition was made known and stating that there is evidence, as a result of his or her personal observation or investigation, that the actions of the person for which application is made constitute a likelihood of serious harm, or that he or she is gravely disabled, and stating the specific facts known to him or her as a result of his or her personal observation or investigation, upon which he or she bases the belief that such person should be detained for the purposes and under the authority of this chapter.

~~((2))~~ ~~((a))~~ If a person is involuntarily placed in an evaluation and treatment facility, secure withdrawal management and stabilization facility, or approved substance use disorder treatment program pursuant to RCW 71.05.150 or 71.05.153, on the next judicial day following the initial detention, the designated crisis responder shall file with the court and serve the designated attorney of the detained person the petition or supplemental petition for initial detention, proof of service of notice, and a copy of a notice of emergency detention.

~~((b))~~ If the person is involuntarily detained at an evaluation and treatment facility, secure withdrawal management and stabilization facility, or approved substance use disorder treatment program in a different county from where the person was initially detained, the facility or program may file with the court and serve the designated attorney of the detained person the petition or supplemental petition for initial detention, proof of service of notice, and a copy of a notice of emergency detention at the request of the designated crisis responder.

**Sec. 59.** RCW 71.05.170 and 2016 sp.s. c 29 s 218 are each amended to read as follows:

Whenever the designated crisis responder petitions for detention of a person whose actions constitute a likelihood of serious harm, or who is gravely disabled, the facility providing ~~((seventy-two))~~ one hundred twenty hour evaluation and treatment must immediately accept on a provisional basis the petition and the person. The facility shall then evaluate the person's condition and admit, detain, transfer, or discharge such person in accordance with RCW 71.05.210. The facility shall notify in writing the court and the designated crisis responder of the date and time of the

initial detention of each person involuntarily detained in order that a probable cause hearing shall be held no later than ~~((seventy-two))~~ one hundred twenty hours after detention.

The duty of a state hospital to accept persons for evaluation and treatment under this section shall be limited by chapter 71.24 RCW.

**Sec. 60.** RCW 71.05.180 and 2019 c 446 s 18 are each amended to read as follows:

If the evaluation and treatment facility, secure withdrawal management and stabilization facility, or approved substance use disorder treatment program admits the person, it may detain him or her for evaluation and treatment for a period not to exceed ~~((seventy-two))~~ one hundred twenty hours from the time of acceptance as set forth in RCW 71.05.170. The computation of such ~~((seventy-two))~~ one hundred twenty hour period shall exclude Saturdays, Sundays and holidays.

**Sec. 61.** RCW 71.05.182 and 2019 c 247 s 1 are each amended to read as follows:

(1) A person who under RCW 71.05.150 or 71.05.153 has been detained at a facility for ~~((seventy-two hour))~~ a period of not more than one hundred twenty hours for the purpose of evaluation and treatment on the grounds that the person presents a likelihood of serious harm, but who has not been subsequently committed for involuntary treatment under RCW 71.05.240, may not have in his or her possession or control any firearm for a period of six months after the date that the person is detained.

(2) Before the discharge of a person who has been initially detained under RCW 71.05.150 or 71.05.153 on the grounds that the person presents a likelihood of serious harm, but has not been subsequently committed for involuntary treatment under RCW 71.05.240, the designated crisis responder shall inform the person orally and in writing that:

(a) He or she is prohibited from possessing or controlling any firearm for a period of six months;

(b) He or she must immediately surrender, for the six-month period, any concealed pistol license and any firearms that the person possesses or controls to the sheriff of the county or the chief of police of the municipality in which the person is domiciled;

(c) After the six-month suspension, the person's right to control or possess any firearm or concealed pistol license shall be automatically restored, absent further restrictions imposed by other law; and

(d) Upon discharge, the person may petition the superior court to have his or her right to possess a firearm restored before the six-month suspension period has elapsed by following the procedures provided in RCW 9.41.047(3).

~~(3)((a)))~~ The designated crisis responder shall notify the sheriff of the county or the chief of police of the municipality in which the person is domiciled of the six-month suspension.

~~(4)~~ (4) A law enforcement agency holding any firearm that has been surrendered pursuant to this section shall, upon the request of the person from whom it was obtained, return the firearm at the expiration of the six-month suspension period, or prior to the expiration of the six-month period if the person's right to possess firearms has been restored by the court under RCW 9.41.047. The law enforcement agency, prior to returning the firearm, shall verify with the prosecuting attorney's office or designated crisis responders that the person has not been previously or subsequently committed for involuntary treatment under RCW 71.05.240. The law enforcement agency must comply with the provisions of RCW 9.41.345 when returning a firearm pursuant to this section.

~~((b)))~~ (5) Any firearm surrendered pursuant to this section that remains unclaimed by the lawful owner shall be disposed of in accordance with the law enforcement agency's policies and procedures for the disposal of firearms in police custody.

**Sec. 62.** RCW 71.05.190 and 2019 c 446 s 17 are each amended to read as follows:

If the person is not approved for admission by a facility providing ~~((seventy-two))~~ one hundred twenty hour evaluation and treatment, and the individual has not been arrested, the facility shall furnish transportation, if not otherwise available, for the person to his or her place of residence or other appropriate place. If the individual has been arrested, the evaluation and treatment facility, secure withdrawal management and stabilization facility, or approved substance use disorder treatment program shall detain the individual for not more than eight hours at the request of the peace officer. The facility shall make reasonable attempts to contact the requesting peace officer during this time to inform the peace officer that the person is not approved for admission in order to enable a peace officer to return to the facility and take the individual back into custody.

**Sec. 63.** RCW 71.05.195 and 2016 sp.s. c 29 s 221 are each amended to read as follows:

(1) A civil commitment may be initiated under the procedures described in RCW 71.05.150 or 71.05.153 for a person who has been found not guilty by reason of insanity in a state other than Washington and who has fled from detention, commitment, or conditional release in that state, on the basis of a request by the state in which the person was found not guilty by reason of insanity for the person to be detained and transferred back to the custody or care of the requesting state. A finding of likelihood of serious harm or grave disability is not required for a commitment under this section. The detention may occur at either an evaluation and treatment facility or a state hospital. The petition for ~~((seventy-two))~~ one hundred twenty hour detention filed by the designated crisis responder must be accompanied by the following documents:

(a) A copy of an order for detention, commitment, or conditional release of the person in a state other than Washington on the basis of a judgment of not guilty by reason of insanity;

(b) A warrant issued by a magistrate in the state in which the person was found not guilty by reason of insanity indicating that the person has fled from detention, commitment, or conditional release in that state and authorizing the detention of the person within the state in which the person was found not guilty by reason of insanity;

(c) A statement from the executive authority of the state in which the person was found not guilty by reason of insanity requesting that the person be returned to the requesting state and agreeing to facilitate the transfer of the person to the requesting state.

(2) The person shall be entitled to a probable cause hearing within the time limits applicable to other detentions under this chapter and shall be afforded the rights described in this chapter including the right to counsel. At the probable cause hearing, the court shall determine the identity of the person and whether the other requirements of this section are met. If the court so finds, the court may order continued detention in a treatment facility for up to thirty days for the purpose of the transfer of the person to the custody or care of the requesting state. The court may order a less restrictive alternative to detention only under conditions which ensure the person's safe transfer to the custody or care of the requesting state within thirty days without undue risk to the safety of the person or others.

(3) For the purposes of this section, "not guilty by reason of insanity" shall be construed to include any provision of law which is generally equivalent to a finding of criminal insanity within the state of Washington; and "state" shall be construed to mean any state, district, or territory of the United States.

**Sec. 64.** RCW 71.05.201 and 2018 c 291 s 11 are each amended to read as follows:

(1) If a designated crisis responder decides not to detain a person for evaluation and treatment under RCW 71.05.150 or 71.05.153 or forty-eight hours have elapsed since a designated crisis responder received a request for investigation and the designated crisis responder has not taken action to have the person detained, an immediate family member or guardian or conservator of the person may petition the superior court for the person's initial detention.

(2) A petition under this section must be filed within ten calendar days following the designated crisis responder investigation or the request for a designated crisis responder investigation. If more than ten days have elapsed, the immediate family member, guardian, or conservator may request a new designated crisis responder investigation.

(3)(a) The petition must be filed in the county in which the designated crisis responder investigation occurred or was requested to occur and must be submitted on forms developed by the administrative office of the courts for this purpose. The petition must be accompanied by a sworn declaration from the petitioner, and other witnesses if desired, describing why the person should be detained for evaluation and treatment. The description of why the person should be detained may contain, but is not limited to, the information identified in RCW 71.05.212.

(b) The petition must contain:

(i) A description of the relationship between the petitioner and the person; and

(ii) The date on which an investigation was requested from the designated crisis responder.

(4) The court shall, within one judicial day, review the petition to determine whether the petition raises sufficient evidence to support the allegation. If the court so finds, it shall provide a copy of the petition to the designated crisis responder agency with an order for the agency to provide the court, within one judicial day, with a written sworn statement describing the basis for the decision not to seek initial detention and a copy of all information material to the designated crisis responder's current decision.

(5) Following the filing of the petition and before the court reaches a decision, any person, including a mental health professional, may submit a sworn declaration to the court in support of or in opposition to initial detention.

(6) The court shall dismiss the petition at any time if it finds that a designated crisis responder has filed a petition for the person's initial detention under RCW 71.05.150 or 71.05.153 or that the person has voluntarily accepted appropriate treatment.

(7) The court must issue a final ruling on the petition within five judicial days after it is filed. After reviewing all of the information provided to the court, the court may enter an order for initial detention or an order instructing the designated crisis responder to file a petition for assisted outpatient behavioral health treatment if the court finds that: (a) There is probable cause to support a petition for detention or assisted outpatient behavioral health treatment; and (b) the person has refused or failed to accept appropriate evaluation and treatment voluntarily. The court shall transmit its final decision to the petitioner.

(8) If the court enters an order for initial detention, it shall provide the order to the designated crisis responder agency and issue a written order for apprehension ~~((of the person by a peace officer for delivery of the person to a facility or emergency room determined by the designated crisis responder))~~. The designated crisis responder agency serving the jurisdiction of the court must collaborate and coordinate with law enforcement regarding apprehensions and detentions under this subsection, including sharing of information relating to risk and which would assist in locating the person. A person may not be detained to jail pursuant to a written order issued under this subsection. An order for detention under this section should contain the advisement of rights which the person would receive if the person were detained by a designated crisis responder. An order for initial detention under this section expires one hundred eighty days from issuance.

(9) Except as otherwise expressly stated in this chapter, all procedures must be followed as if the order had been entered under RCW 71.05.150. RCW 71.05.160 does not apply if detention was initiated under the process set forth in this section.



(10) For purposes of this section, "immediate family member" means a spouse, domestic partner, child, stepchild, parent, stepparent, grandparent, or sibling.

**Sec. 65.** RCW 71.05.210 and 2019 c 446 s 8 are each amended to read as follows:

(1) Each person involuntarily detained and accepted or admitted at an evaluation and treatment facility, secure withdrawal management and stabilization facility, or approved substance use disorder treatment program:

(a) Shall, within twenty-four hours of his or her admission or acceptance at the facility, not counting time periods prior to medical clearance, be examined and evaluated by:

(i) One physician, physician assistant, or advanced registered nurse practitioner; and

(ii) One mental health professional. If the person is detained for substance use disorder evaluation and treatment, the person may be examined by a ~~((chemical dependency))~~ substance use disorder professional instead of a mental health professional; and

(b) Shall receive such treatment and care as his or her condition requires including treatment on an outpatient basis for the period that he or she is detained, except that, beginning twenty-four hours prior to a trial or hearing pursuant to RCW 71.05.215, 71.05.240, 71.05.310, 71.05.320, 71.05.590, or 71.05.217, the individual may refuse psychiatric medications, but may not refuse: (i) Any other medication previously prescribed by a person licensed under Title 18 RCW; or (ii) emergency lifesaving treatment, and the individual shall be informed at an appropriate time of his or her right of such refusal. The person shall be detained up to seventy-two hours, if, in the opinion of the professional person in charge of the facility, or his or her professional designee, the person presents a likelihood of serious harm, or is gravely disabled. A person who has been detained for seventy-two hours shall no later than the end of such period be released, unless referred for further care on a voluntary basis, or detained pursuant to court order for further treatment as provided in this chapter.

(2) If, after examination and evaluation, the mental health professional or ~~((chemical dependency))~~ substance use disorder professional and licensed physician, physician assistant, or psychiatric advanced registered nurse practitioner determine that the initial needs of the person, if detained to an evaluation and treatment facility, would be better served by placement in a substance use disorder treatment program, or, if detained to a secure withdrawal management and stabilization facility or approved substance use disorder treatment program, would be better served in an evaluation and treatment facility then the person shall be referred to the more appropriate placement; however, a person may only be referred to a secure withdrawal management and stabilization facility or approved substance use disorder treatment program if there is an available secure withdrawal management and stabilization facility or approved substance use disorder treatment program with adequate space for the person.

(3) An evaluation and treatment center, secure withdrawal management and stabilization facility, or approved substance use disorder treatment program admitting or accepting any person pursuant to this chapter whose physical condition reveals the need for hospitalization shall assure that such person is transferred to an appropriate hospital for evaluation or admission for treatment. Notice of such fact shall be given to the court, the designated attorney, and the designated crisis responder and the court shall order such continuance in proceedings under this chapter as may be necessary, but in no event may this continuance be more than fourteen days.

**Sec. 66.** RCW 71.05.210 and 2019 c 446 s 8 are each amended to read as follows:

(1) Each person involuntarily detained and accepted or admitted at an evaluation and treatment facility, secure withdrawal management and stabilization facility, or approved substance use disorder treatment program:

(a) Shall, within twenty-four hours of his or her admission or acceptance at the facility, not counting time periods prior to medical clearance, be examined and evaluated by:

(i) One physician, physician assistant, or advanced registered nurse practitioner; and

(ii) One mental health professional. If the person is detained for substance use disorder evaluation and treatment, the person may be examined by a ~~((chemical dependency))~~ substance use disorder professional instead of a mental health professional; and

(b) Shall receive such treatment and care as his or her condition requires including treatment on an outpatient basis for the period that he or she is detained, except that, beginning twenty-four hours prior to a trial or hearing pursuant to RCW 71.05.215, 71.05.240, 71.05.310, 71.05.320, 71.05.590, or 71.05.217, the individual may refuse psychiatric medications, but may not refuse: (i) Any other medication previously prescribed by a person licensed under Title 18 RCW; or (ii) emergency lifesaving treatment, and the individual shall be informed at an appropriate time of his or her right of such refusal. The person shall be detained up to ~~((seventy-two))~~ one hundred twenty hours, if, in the opinion of the professional person in charge of the facility, or his or her professional designee, the person presents a likelihood of serious harm, or is gravely disabled. A person who has been detained for ~~((seventy-two))~~ one hundred twenty hours shall no later than the end of such period be released, unless referred for further care on a voluntary basis, or detained pursuant to court order for further treatment as provided in this chapter.

(2) If, after examination and evaluation, the mental health professional or ~~((chemical dependency))~~ substance use disorder professional and licensed physician, physician assistant, or psychiatric advanced registered nurse practitioner determine that the initial needs of the person, if detained to an evaluation and treatment facility, would be better served by placement in a substance use disorder treatment program, or, if detained to a secure withdrawal management and stabilization facility or approved substance

use disorder treatment program, would be better served in an evaluation and treatment facility then the person shall be referred to the more appropriate placement; however, a person may only be referred to a secure withdrawal management and stabilization facility or approved substance use disorder treatment program if there is an available secure withdrawal management and stabilization facility or approved substance use disorder treatment program with adequate space for the person.

(3) An evaluation and treatment center, secure withdrawal management and stabilization facility, or approved substance use disorder treatment program admitting or accepting any person pursuant to this chapter whose physical condition reveals the need for hospitalization shall assure that such person is transferred to an appropriate hospital for evaluation or admission for treatment. Notice of such fact shall be given to the court, the designated attorney, and the designated crisis responder and the court shall order such continuance in proceedings under this chapter as may be necessary, but in no event may this continuance be more than fourteen days.

**Sec. 67.** RCW 71.05.210 and 2019 c 446 s 9 are each amended to read as follows:

(1) Each person involuntarily detained and accepted or admitted at an evaluation and treatment facility, secure withdrawal management and stabilization facility, or approved substance use disorder treatment program:

(a) Shall, within twenty-four hours of his or her admission or acceptance at the facility, not counting time periods prior to medical clearance, be examined and evaluated by:

(i) One physician, physician assistant, or advanced registered nurse practitioner; and

(ii) One mental health professional. If the person is detained for substance use disorder evaluation and treatment, the person may be examined by a ~~((chemical dependency))~~ substance use disorder professional instead of a mental health professional; and

(b) Shall receive such treatment and care as his or her condition requires including treatment on an outpatient basis for the period that he or she is detained, except that, beginning twenty-four hours prior to a trial or hearing pursuant to RCW 71.05.215, 71.05.240, 71.05.310, 71.05.320, 71.05.590, or 71.05.217, the individual may refuse psychiatric medications, but may not refuse: (i) Any other medication previously prescribed by a person licensed under Title 18 RCW; or (ii) emergency lifesaving treatment, and the individual shall be informed at an appropriate time of his or her right of such refusal. The person shall be detained up to ~~((seventy-two))~~ one hundred twenty hours, if, in the opinion of the professional person in charge of the facility, or his or her professional designee, the person presents a likelihood of serious harm, or is gravely disabled. A person who has been detained for ~~((seventy-two))~~ one hundred twenty hours shall no later than the end of such period be released, unless referred for further care on a voluntary basis, or detained pursuant to court order for further treatment as provided in this chapter.

(2) If, after examination and evaluation, the mental health professional or ~~((chemical dependency))~~ substance use disorder professional and licensed physician, physician assistant, or psychiatric advanced registered nurse practitioner determine that the initial needs of the person, if detained to an evaluation and treatment facility, would be better served by placement in a substance use disorder treatment program, or, if detained to a secure withdrawal management and stabilization facility or approved substance use disorder treatment program, would be better served in an evaluation and treatment facility then the person shall be referred to the more appropriate placement.

(3) An evaluation and treatment center, secure withdrawal management and stabilization facility, or approved substance use disorder treatment program admitting or accepting any person pursuant to this chapter whose physical condition reveals the need for hospitalization shall assure that such person is transferred to an appropriate hospital for evaluation or admission for treatment. Notice of such fact shall be given to the court, the designated attorney, and the designated crisis responder and the court shall order such continuance in proceedings under this chapter as may be necessary, but in no event may this continuance be more than fourteen days.

**Sec. 68.** RCW 71.05.212 and 2018 c 291 s 13 are each amended to read as follows:

(1) Whenever a designated crisis responder or professional person is conducting an evaluation under this chapter, consideration shall include all reasonably available information from credible witnesses and records regarding:

(a) Prior recommendations for evaluation of the need for civil commitments when the recommendation is made pursuant to an evaluation conducted under chapter 10.77 RCW;

(b) Historical behavior, including history of one or more violent acts;

(c) Prior determinations of incompetency or insanity under chapter 10.77 RCW; and

(d) Prior commitments under this chapter.

(2) Credible witnesses may include family members, landlords, neighbors, or others with significant contact and history of involvement with the person. If the designated crisis responder relies upon information from a credible witness in reaching his or her decision to detain the individual, then he or she must provide contact information for any such witness to the prosecutor. The designated crisis responder or prosecutor shall provide notice of the date, time, and location of the probable cause hearing to such a witness.

(3) Symptoms and behavior of the respondent which standing alone would not justify civil commitment may support a finding of grave disability or likelihood of serious harm, or a finding that the person is in need of assisted outpatient behavioral health treatment, when:

(a) Such symptoms or behavior are closely associated with symptoms or behavior which preceded and led to a past

incident of involuntary hospitalization, severe deterioration from safe behavior, or one or more violent acts;

(b) These symptoms or behavior represent a marked and concerning change in the baseline behavior of the respondent; and

(c) Without treatment, the continued deterioration of the respondent is probable.

(4) When conducting an evaluation for offenders identified under RCW 72.09.370, the designated crisis responder or professional person shall consider an offender's history of judicially required or administratively ordered antipsychotic medication while in confinement.

**Sec. 69.** RCW 71.05.214 and 2018 c 201 s 3007 are each amended to read as follows:

The authority shall develop statewide protocols to be utilized by professional persons and designated crisis responders in administration of this chapter and chapters 10.77 and 71.34 RCW. The protocols shall be updated at least every three years. The protocols shall provide uniform development and application of criteria in evaluation and commitment recommendations, of persons who have, or are alleged to have, ~~((mental disorders or substance use))~~ behavioral health disorders and are subject to this chapter.

The initial protocols shall be developed not later than September 1, 1999. The authority shall develop and update the protocols in consultation with representatives of designated crisis responders, the department of social and health services, local government, law enforcement, county and city prosecutors, public defenders, and groups concerned with ~~((mental illness and substance use))~~ behavioral health disorders. The protocols shall be submitted to the governor and legislature upon adoption by the authority.

**Sec. 70.** RCW 71.05.215 and 2018 c 201 s 3008 are each amended to read as follows:

(1) A person found to be gravely disabled or ~~((presents))~~ to present a likelihood of serious harm as a result of a ~~((mental disorder or substance use))~~ behavioral health disorder has a right to refuse antipsychotic medication unless it is determined that the failure to medicate may result in a likelihood of serious harm or substantial deterioration or substantially prolong the length of involuntary commitment and there is no less intrusive course of treatment than medication in the best interest of that person.

(2) The authority shall adopt rules to carry out the purposes of this chapter. These rules shall include:

(a) An attempt to obtain the informed consent of the person prior to administration of antipsychotic medication.

(b) For short-term treatment up to thirty days, the right to refuse antipsychotic medications unless there is an additional concurring medical opinion approving medication by a psychiatrist, physician assistant working with a supervising psychiatrist, psychiatric advanced registered nurse practitioner, or physician or physician assistant in consultation with a mental health professional with prescriptive authority.

(c) For continued treatment beyond thirty days through the hearing on any petition filed under RCW 71.05.217, the right to periodic review of the decision to medicate by the medical director or designee.

(d) Administration of antipsychotic medication in an emergency and review of this decision within twenty-four hours. An emergency exists if the person presents an imminent likelihood of serious harm, and medically acceptable alternatives to administration of antipsychotic medications are not available or are unlikely to be successful; and in the opinion of the physician, physician assistant, or psychiatric advanced registered nurse practitioner, the person's condition constitutes an emergency requiring the treatment be instituted prior to obtaining a second medical opinion.

(e) Documentation in the medical record of the attempt by the physician, physician assistant, or psychiatric advanced registered nurse practitioner to obtain informed consent and the reasons why antipsychotic medication is being administered over the person's objection or lack of consent.

**Sec. 71.** RCW 71.05.217 and 2016 c 155 s 4 are each amended to read as follows:

(1) Insofar as danger to the individual or others is not created, each person involuntarily detained, treated in a less restrictive alternative course of treatment, or committed for treatment and evaluation pursuant to this chapter shall have, in addition to other rights not specifically withheld by law, the following rights, a list of which shall be prominently posted in all facilities, institutions, and hospitals providing such services:

~~((4))~~ (a) To wear his or her own clothes and to keep and use his or her own personal possessions, except when deprivation of same is essential to protect the safety of the resident or other persons;

~~((2))~~ (b) To keep and be allowed to spend a reasonable sum of his or her own money for canteen expenses and small purchases;

~~((3))~~ (c) To have access to individual storage space for his or her private use;

~~((4))~~ (d) To have visitors at reasonable times;

~~((5))~~ (e) To have reasonable access to a telephone, both to make and receive confidential calls;

~~((6))~~ (f) To have ready access to letter writing materials, including stamps, and to send and receive uncensored correspondence through the mails;

~~((7))~~ (g) To have the right to individualized care and adequate treatment;

(h) To discuss treatment plans and decisions with professional persons;

(i) To not be denied access to treatment by spiritual means through prayer in accordance with the tenets and practices of a church or religious denomination in addition to the treatment otherwise proposed;

(j) Not to consent to the administration of antipsychotic medications beyond the hearing conducted pursuant to RCW 71.05.320(4) or the performance of electroconvulsant therapy or surgery, except emergency lifesaving surgery, unless ordered by a court of competent jurisdiction pursuant to the following standards and procedures:

((i)) (i) The administration of antipsychotic medication or electroconvulsant therapy shall not be ordered unless the petitioning party proves by clear, cogent, and convincing evidence that there exists a compelling state interest that justifies overriding the patient's lack of consent to the administration of antipsychotic medications or electroconvulsant therapy, that the proposed treatment is necessary and effective, and that medically acceptable alternative forms of treatment are not available, have not been successful, or are not likely to be effective.

((ii)) (ii) The court shall make specific findings of fact concerning: ((A)) (A) The existence of one or more compelling state interests; ((B)) (B) the necessity and effectiveness of the treatment; and ((C)) (C) the person's desires regarding the proposed treatment. If the patient is unable to make a rational and informed decision about consenting to or refusing the proposed treatment, the court shall make a substituted judgment for the patient as if he or she were competent to make such a determination.

((iii)) (iii) The person shall be present at any hearing on a request to administer antipsychotic medication or electroconvulsant therapy filed pursuant to this subsection. The person has the right: ((A)) (A) To be represented by an attorney; ((B)) (B) to present evidence; ((C)) (C) to cross-examine witnesses; ((D)) (D) to have the rules of evidence enforced; ((E)) (E) to remain silent; ((F)) (F) to view and copy all petitions and reports in the court file; and ((G)) (G) to be given reasonable notice and an opportunity to prepare for the hearing. The court may appoint a psychiatrist, physician assistant working with a supervising psychiatrist, psychiatric advanced registered nurse practitioner, psychologist within their scope of practice, physician assistant, or physician to examine and testify on behalf of such person. The court shall appoint a psychiatrist, physician assistant working with a supervising psychiatrist, psychiatric advanced registered nurse practitioner, psychologist within their scope of practice, physician assistant, or physician designated by such person or the person's counsel to testify on behalf of the person in cases where an order for electroconvulsant therapy is sought.

((iv)) (iv) An order for the administration of antipsychotic medications entered following a hearing conducted pursuant to this section shall be effective for the period of the current involuntary treatment order, and any interim period during which the person is awaiting trial or hearing on a new petition for involuntary treatment or involuntary medication.

((v)) (v) Any person detained pursuant to RCW 71.05.320(4), who subsequently refuses antipsychotic medication, shall be entitled to the procedures set forth in this subsection.

((vi)) (vi) Antipsychotic medication may be administered to a nonconsenting person detained or committed pursuant to this chapter without a court order pursuant to RCW 71.05.215(2) or under the following circumstances:

((A)) (A) A person presents an imminent likelihood of serious harm;

((B)) (B) Medically acceptable alternatives to administration of antipsychotic medications are not available, have not been successful, or are not likely to be effective; and

((C)) (C) In the opinion of the physician, physician assistant, or psychiatric advanced registered nurse practitioner with responsibility for treatment of the person, or his or her designee, the person's condition constitutes an emergency requiring the treatment be instituted before a judicial hearing as authorized pursuant to this section can be held.

If antipsychotic medications are administered over a person's lack of consent pursuant to this subsection, a petition for an order authorizing the administration of antipsychotic medications shall be filed on the next judicial day. The hearing shall be held within two judicial days. If deemed necessary by the physician, physician assistant, or psychiatric advanced registered nurse practitioner with responsibility for the treatment of the person, administration of antipsychotic medications may continue until the hearing is held;

((k)) (k) To dispose of property and sign contracts unless such person has been adjudicated an incompetent in a court proceeding directed to that particular issue;

((l)) (l) Not to have psychosurgery performed on him or her under any circumstances.

(2) Every person involuntarily detained or committed under the provisions of this chapter is entitled to all the rights set forth in this chapter and retains all rights not denied him or her under this chapter except as limited by chapter 9.41 RCW.

(3) No person may be presumed incompetent as a consequence of receiving evaluation or treatment for a behavioral health disorder. Competency may not be determined or withdrawn except under the provisions of chapter 10.77 or 11.88 RCW.

(4) Subject to RCW 71.05.745 and related regulations, persons receiving evaluation or treatment under this chapter must be given a reasonable choice of an available physician, physician assistant, psychiatric advanced registered nurse practitioner, or other professional person qualified to provide such services.

(5) Whenever any person is detained under this chapter, the person must be advised that unless the person is released or voluntarily admits himself or herself for treatment within seventy-two hours of the initial detention, a judicial hearing must be held in a superior court within seventy-two hours to determine whether there is probable cause to detain the person for up to an additional fourteen

days based on an allegation that because of a behavioral health disorder the person presents a likelihood of serious harm or is gravely disabled, and that at the probable cause hearing the person has the following rights:

(a) To communicate immediately with an attorney; to have an attorney appointed if the person is indigent; and to be told the name and address of the attorney that has been designated;

(b) To remain silent, and to know that any statement the person makes may be used against him or her;

(c) To present evidence on the person's behalf;

(d) To cross-examine witnesses who testify against him or her;

(e) To be proceeded against by the rules of evidence;

(f) To have the court appoint a reasonably available independent professional person to examine the person and testify in the hearing, at public expense unless the person is able to bear the cost;

(g) To view and copy all petitions and reports in the court file; and

(h) To refuse psychiatric medications, including antipsychotic medication beginning twenty-four hours prior to the probable cause hearing.

(6) The judicial hearing described in subsection (5) of this section must be held according to the provisions of subsection (5) of this section and rules promulgated by the supreme court.

(7)(a) Privileges between patients and physicians, physician assistants, psychologists, or psychiatric advanced registered nurse practitioners are deemed waived in proceedings under this chapter relating to the administration of antipsychotic medications. As to other proceedings under this chapter, the privileges are waived when a court of competent jurisdiction in its discretion determines that such waiver is necessary to protect either the detained person or the public.

(b) The waiver of a privilege under this section is limited to records or testimony relevant to evaluation of the detained person for purposes of a proceeding under this chapter. Upon motion by the detained person or on its own motion, the court shall examine a record or testimony sought by a petitioner to determine whether it is within the scope of the waiver.

(c) The record maker may not be required to testify in order to introduce medical or psychological records of the detained person so long as the requirements of RCW 5.45.020 are met except that portions of the record which contain opinions as to the detained person's mental state must be deleted from such records unless the person making such conclusions is available for cross-examination.

(8) Nothing contained in this chapter prohibits the patient from petitioning by writ of habeas corpus for release.

(9) Nothing in this section permits any person to knowingly violate a no-contact order or a condition of an

active judgment and sentence or an active condition of supervision by the department of corrections.

(10) The rights set forth under this section apply equally to ninety-day or one hundred eighty-day hearings under RCW 71.05.310.

**Sec. 72.** RCW 71.05.217 and 2016 c 155 s 4 are each amended to read as follows:

(1) Insofar as danger to the individual or others is not created, each person involuntarily detained, treated in a less restrictive alternative course of treatment, or committed for treatment and evaluation pursuant to this chapter shall have, in addition to other rights not specifically withheld by law, the following rights, a list of which shall be prominently posted in all facilities, institutions, and hospitals providing such services:

((1)) (a) To wear his or her own clothes and to keep and use his or her own personal possessions, except when deprivation of same is essential to protect the safety of the resident or other persons;

((2)) (b) To keep and be allowed to spend a reasonable sum of his or her own money for canteen expenses and small purchases;

((3)) (c) To have access to individual storage space for his or her private use;

((4)) (d) To have visitors at reasonable times;

((5)) (e) To have reasonable access to a telephone, both to make and receive confidential calls;

((6)) (f) To have ready access to letter writing materials, including stamps, and to send and receive uncensored correspondence through the mails;

((7)) (g) To have the right to individualized care and adequate treatment;

(h) To discuss treatment plans and decisions with professional persons;

(i) To not be denied access to treatment by spiritual means through prayer in accordance with the tenets and practices of a church or religious denomination in addition to the treatment otherwise proposed;

(j) Not to consent to the administration of antipsychotic medications beyond the hearing conducted pursuant to RCW 71.05.320(4) or the performance of electroconvulsant therapy or surgery, except emergency lifesaving surgery, unless ordered by a court of competent jurisdiction pursuant to the following standards and procedures:

((a)) (i) The administration of antipsychotic medication or electroconvulsant therapy shall not be ordered unless the petitioning party proves by clear, cogent, and convincing evidence that there exists a compelling state interest that justifies overriding the patient's lack of consent to the administration of antipsychotic medications or electroconvulsant therapy, that the proposed treatment is necessary and effective, and that medically acceptable

alternative forms of treatment are not available, have not been successful, or are not likely to be effective.

~~((b))~~ ~~((i))~~ (ii) The court shall make specific findings of fact concerning: ~~((i))~~ (A) The existence of one or more compelling state interests; ~~((ii))~~ (B) the necessity and effectiveness of the treatment; and ~~((iii))~~ (C) the person's desires regarding the proposed treatment. If the patient is unable to make a rational and informed decision about consenting to or refusing the proposed treatment, the court shall make a substituted judgment for the patient as if he or she were competent to make such a determination.

~~((c))~~ ~~((ii))~~ (iii) The person shall be present at any hearing on a request to administer antipsychotic medication or electroconvulsant therapy filed pursuant to this subsection. The person has the right: ~~((i))~~ (A) To be represented by an attorney; ~~((ii))~~ (B) to present evidence; ~~((iii))~~ (C) to cross-examine witnesses; ~~((iv))~~ (D) to have the rules of evidence enforced; ~~((v))~~ (E) to remain silent; ~~((vi))~~ (F) to view and copy all petitions and reports in the court file; and ~~((vii))~~ (G) to be given reasonable notice and an opportunity to prepare for the hearing. The court may appoint a psychiatrist, physician assistant working with a supervising psychiatrist, psychiatric advanced registered nurse practitioner, psychologist within their scope of practice, physician assistant, or physician to examine and testify on behalf of such person. The court shall appoint a psychiatrist, physician assistant working with a supervising psychiatrist, psychiatric advanced registered nurse practitioner, psychologist within their scope of practice, physician assistant, or physician designated by such person or the person's counsel to testify on behalf of the person in cases where an order for electroconvulsant therapy is sought.

~~((d))~~ ~~((iv))~~ (iv) An order for the administration of antipsychotic medications entered following a hearing conducted pursuant to this section shall be effective for the period of the current involuntary treatment order, and any interim period during which the person is awaiting trial or hearing on a new petition for involuntary treatment or involuntary medication.

~~((e))~~ ~~((v))~~ (v) Any person detained pursuant to RCW 71.05.320(4), who subsequently refuses antipsychotic medication, shall be entitled to the procedures set forth in this subsection.

~~((f))~~ ~~((vi))~~ (vi) Antipsychotic medication may be administered to a nonconsenting person detained or committed pursuant to this chapter without a court order pursuant to RCW 71.05.215(2) or under the following circumstances:

~~((i))~~ (A) A person presents an imminent likelihood of serious harm;

~~((ii))~~ (B) Medically acceptable alternatives to administration of antipsychotic medications are not available, have not been successful, or are not likely to be effective; and

~~((iii))~~ (C) In the opinion of the physician, physician assistant, or psychiatric advanced registered nurse practitioner with responsibility for treatment of the person,

or his or her designee, the person's condition constitutes an emergency requiring the treatment be instituted before a judicial hearing as authorized pursuant to this section can be held.

If antipsychotic medications are administered over a person's lack of consent pursuant to this subsection, a petition for an order authorizing the administration of antipsychotic medications shall be filed on the next judicial day. The hearing shall be held within two judicial days. If deemed necessary by the physician, physician assistant, or psychiatric advanced registered nurse practitioner with responsibility for the treatment of the person, administration of antipsychotic medications may continue until the hearing is held;

~~((g))~~ ~~((k))~~ (k) To dispose of property and sign contracts unless such person has been adjudicated an incompetent in a court proceeding directed to that particular issue;

~~((h))~~ ~~((l))~~ (l) Not to have psychosurgery performed on him or her under any circumstances.

(2) Every person involuntarily detained or committed under the provisions of this chapter is entitled to all the rights set forth in this chapter and retains all rights not denied him or her under this chapter except as limited by chapter 9.41 RCW.

(3) No person may be presumed incompetent as a consequence of receiving evaluation or treatment for a behavioral health disorder. Competency may not be determined or withdrawn except under the provisions of chapter 10.77 or 11.88 RCW.

(4) Subject to RCW 71.05.745 and related regulations, persons receiving evaluation or treatment under this chapter must be given a reasonable choice of an available physician, physician assistant, psychiatric advanced registered nurse practitioner, or other professional person qualified to provide such services.

(5) Whenever any person is detained under this chapter, the person must be advised that unless the person is released or voluntarily admits himself or herself for treatment within one hundred twenty hours of the initial detention, a judicial hearing must be held in a superior court within one hundred twenty hours to determine whether there is probable cause to detain the person for up to an additional fourteen days based on an allegation that because of a behavioral health disorder the person presents a likelihood of serious harm or is gravely disabled, and that at the probable cause hearing the person has the following rights:

(a) To communicate immediately with an attorney; to have an attorney appointed if the person is indigent; and to be told the name and address of the attorney that has been designated;

(b) To remain silent, and to know that any statement the person makes may be used against him or her;

(c) To present evidence on the person's behalf;

(d) To cross-examine witnesses who testify against him or her;

(e) To be proceeded against by the rules of evidence;

(f) To have the court appoint a reasonably available independent professional person to examine the person and testify in the hearing, at public expense unless the person is able to bear the cost;

(g) To view and copy all petitions and reports in the court file; and

(h) To refuse psychiatric medications, including antipsychotic medication beginning twenty-four hours prior to the probable cause hearing.

(6) The judicial hearing described in subsection (5) of this section must be held according to the provisions of subsection (5) of this section and rules promulgated by the supreme court.

(7)(a) Privileges between patients and physicians, physician assistants, psychologists, or psychiatric advanced registered nurse practitioners are deemed waived in proceedings under this chapter relating to the administration of antipsychotic medications. As to other proceedings under this chapter, the privileges are waived when a court of competent jurisdiction in its discretion determines that such waiver is necessary to protect either the detained person or the public.

(b) The waiver of a privilege under this section is limited to records or testimony relevant to evaluation of the detained person for purposes of a proceeding under this chapter. Upon motion by the detained person or on its own motion, the court shall examine a record or testimony sought by a petitioner to determine whether it is within the scope of the waiver.

(c) The record maker may not be required to testify in order to introduce medical or psychological records of the detained person so long as the requirements of RCW 5.45.020 are met except that portions of the record which contain opinions as to the detained person's mental state must be deleted from such records unless the person making such conclusions is available for cross-examination.

(8) Nothing contained in this chapter prohibits the patient from petitioning by writ of habeas corpus for release.

(9) Nothing in this section permits any person to knowingly violate a no-contact order or a condition of an active judgment and sentence or an active condition of supervision by the department of corrections.

(10) The rights set forth under this section apply equally to ninety-day or one hundred eighty-day hearings under RCW 71.05.310.

**Sec. 73.** RCW 71.05.230 and 2018 c 291 s 6 are each amended to read as follows:

A person detained for seventy-two hour evaluation and treatment may be committed for not more than fourteen additional days of involuntary intensive treatment or ninety additional days of a less restrictive alternative treatment. A petition may only be filed if the following conditions are met:

(1) The professional staff of the facility providing evaluation services has analyzed the person's condition and finds that the condition is caused by ~~((mental disorder or substance use))~~ a behavioral health disorder and results in: ~~(a) A~~ likelihood of serious harm~~((, results in))~~; ~~(b) the person being gravely disabled((;))~~; or ~~((results in))~~ ~~(c) the person being in need of assisted outpatient behavioral health treatment((;))~~; and are prepared to testify those conditions are met; and

(2) The person has been advised of the need for voluntary treatment and the professional staff of the facility has evidence that he or she has not in good faith volunteered; and

(3) The facility providing intensive treatment is certified to provide such treatment by the department or under RCW 71.05.745; and

(4)(a)(i) The professional staff of the facility or the designated crisis responder has filed a petition with the court for a fourteen day involuntary detention or a ninety day less restrictive alternative. The petition must be signed by:

(A) One physician, physician assistant, or psychiatric advanced registered nurse practitioner; and

(B) One physician, physician assistant, psychiatric advanced registered nurse practitioner, or mental health professional.

(ii) If the petition is for substance use disorder treatment, the petition may be signed by a ~~((chemical dependency))~~ substance use disorder professional instead of a mental health professional and by an advanced registered nurse practitioner instead of a psychiatric advanced registered nurse practitioner. The persons signing the petition must have examined the person.

(b) If involuntary detention is sought the petition shall state facts that support the finding that such person, as a result of a ~~((mental disorder or substance use))~~ behavioral health disorder, presents a likelihood of serious harm, or is gravely disabled and that there are no less restrictive alternatives to detention in the best interest of such person or others. The petition shall state specifically that less restrictive alternative treatment was considered and specify why treatment less restrictive than detention is not appropriate. If an involuntary less restrictive alternative is sought, the petition shall state facts that support the finding that such person, as a result of a ~~((mental disorder or as a result of a substance use))~~ behavioral health disorder, presents a likelihood of serious harm, is gravely disabled, or is in need of assisted outpatient behavioral health treatment, and shall set forth any recommendations for less restrictive alternative treatment services; and

(5) A copy of the petition has been served on the detained person, his or her attorney and his or her guardian or conservator, if any, prior to the probable cause hearing; and

(6) The court at the time the petition was filed and before the probable cause hearing has appointed counsel to represent such person if no other counsel has appeared; and

(7) The petition reflects that the person was informed of the loss of firearm rights if involuntarily committed for mental health treatment; and

(8) At the conclusion of the initial commitment period, the professional staff of the agency or facility or the designated crisis responder may petition for an additional period of either ninety days of less restrictive alternative treatment or ninety days of involuntary intensive treatment as provided in RCW 71.05.290; and

(9) If the hospital or facility designated to provide less restrictive alternative treatment is other than the facility providing involuntary treatment, the outpatient facility so designated to provide less restrictive alternative treatment has agreed to assume such responsibility.

**Sec. 74.** RCW 71.05.230 and 2018 c 291 s 6 are each amended to read as follows:

A person detained for ~~((seventy-two))~~ one hundred twenty hour evaluation and treatment may be committed for not more than fourteen additional days of involuntary intensive treatment or ninety additional days of a less restrictive alternative treatment. A petition may only be filed if the following conditions are met:

(1) The professional staff of the facility providing evaluation services has analyzed the person's condition and finds that the condition is caused by ~~((mental disorder or substance use))~~ a behavioral health disorder and results in: (a) A likelihood of serious harm((, results in)); (b) the person being gravely disabled((;)); or ((results in)) (c) the person being in need of assisted outpatient behavioral health treatment((;)); and are prepared to testify those conditions are met; and

(2) The person has been advised of the need for voluntary treatment and the professional staff of the facility has evidence that he or she has not in good faith volunteered; and

(3) The facility providing intensive treatment is certified to provide such treatment by the department or under RCW 71.05.745; and

(4)(a)(i) The professional staff of the facility or the designated crisis responder has filed a petition with the court for a fourteen day involuntary detention or a ninety day less restrictive alternative. The petition must be signed by:

(A) One physician, physician assistant, or psychiatric advanced registered nurse practitioner; and

(B) One physician, physician assistant, psychiatric advanced registered nurse practitioner, or mental health professional.

(ii) If the petition is for substance use disorder treatment, the petition may be signed by a ~~((chemical dependency))~~ substance use disorder professional instead of a mental health professional and by an advanced registered nurse practitioner instead of a psychiatric advanced registered nurse practitioner. The persons signing the petition must have examined the person.

(b) If involuntary detention is sought the petition shall state facts that support the finding that such person, as a result of a ~~((mental disorder or substance use))~~ behavioral health disorder, presents a likelihood of serious harm, or is gravely disabled and that there are no less restrictive alternatives to detention in the best interest of such person or others. The petition shall state specifically that less restrictive alternative treatment was considered and specify why treatment less restrictive than detention is not appropriate. If an involuntary less restrictive alternative is sought, the petition shall state facts that support the finding that such person, as a result of a ~~((mental disorder or as a result of a substance use))~~ behavioral health disorder, presents a likelihood of serious harm, is gravely disabled, or is in need of assisted outpatient behavioral health treatment, and shall set forth any recommendations for less restrictive alternative treatment services; and

(5) A copy of the petition has been served on the detained person, his or her attorney and his or her guardian or conservator, if any, prior to the probable cause hearing; and

(6) The court at the time the petition was filed and before the probable cause hearing has appointed counsel to represent such person if no other counsel has appeared; and

(7) The petition reflects that the person was informed of the loss of firearm rights if involuntarily committed for mental health treatment; and

(8) At the conclusion of the initial commitment period, the professional staff of the agency or facility or the designated crisis responder may petition for an additional period of either ninety days of less restrictive alternative treatment or ninety days of involuntary intensive treatment as provided in RCW 71.05.290; and

(9) If the hospital or facility designated to provide less restrictive alternative treatment is other than the facility providing involuntary treatment, the outpatient facility so designated to provide less restrictive alternative treatment has agreed to assume such responsibility.

**Sec. 75.** RCW 71.05.235 and 2016 sp.s. c 29 s 231 are each amended to read as follows:

(1) If an individual is referred to a designated crisis responder under RCW 10.77.088~~((1)(c)(i)))~~ (2)(d)(i)), the designated crisis responder shall examine the individual within forty-eight hours. If the designated crisis responder determines it is not appropriate to detain the individual or petition for a ninety-day less restrictive alternative under RCW 71.05.230(4), that decision shall be immediately presented to the superior court for hearing. The court shall hold a hearing to consider the decision of the designated crisis responder not later than the next judicial day. At the hearing the superior court shall review the determination of the designated crisis responder and determine whether an order should be entered requiring the person to be evaluated at an evaluation and treatment facility. No person referred to an evaluation and treatment facility may be held at the facility longer than seventy-two hours.



(2) If an individual is placed in an evaluation and treatment facility under RCW 10.77.088~~((1)(e)(ii))~~ (2)(d)(ii), a professional person shall evaluate the individual for purposes of determining whether to file a ninety-day inpatient or outpatient petition under this chapter. Before expiration of the seventy-two hour evaluation period authorized under RCW 10.77.088~~((1)(e)(ii))~~ (2)(d)(ii), the professional person shall file a petition or, if the recommendation of the professional person is to release the individual, present his or her recommendation to the superior court of the county in which the criminal charge was dismissed. The superior court shall review the recommendation not later than forty-eight hours, excluding Saturdays, Sundays, and holidays, after the recommendation is presented. If the court rejects the recommendation to unconditionally release the individual, the court may order the individual detained at a designated evaluation and treatment facility for not more than a seventy-two hour evaluation and treatment period ~~((and direct the individual to appear at a surety hearing before that court within seventy-two hours, or the court may release the individual but direct the individual to appear at a surety hearing set before that court within eleven days, at which time the prosecutor may file a petition under this chapter for ninety-day inpatient or outpatient treatment. If a petition is filed by the prosecutor, the court may order that the person named in the petition be detained at the evaluation and treatment facility that performed the evaluation under this subsection or order the respondent to be in outpatient treatment. If a petition is filed but the individual fails to appear in court for the surety hearing, the court shall order that a mental health professional or peace officer shall take such person or cause such person to be taken into custody and placed in an evaluation and treatment facility to be brought before the court the next judicial day after detention)). If the evaluation and treatment facility files a ninety-day petition within the seventy-two hour period, the clerk shall set a hearing after the day of filing consistent with RCW 71.05.300. Upon the individual's first appearance in court after a petition has been filed, proceedings under RCW 71.05.310 and 71.05.320 shall commence. For an individual subject to this subsection, the ((prosecutor or)) professional person may directly file a petition for ninety-day inpatient or outpatient treatment and no petition for initial detention or fourteen-day detention is required before such a petition may be filed.~~

~~((The court shall conduct the hearing on the petition filed under this subsection within five judicial days of the date the petition is filed. The court may continue the hearing upon the written request of the person named in the petition or the person's attorney, for good cause shown, which continuance shall not exceed five additional judicial days. If the person named in the petition requests a jury trial, the trial shall commence within ten judicial days of the date of the filing of the petition. The burden of proof shall be by clear, cogent, and convincing evidence and shall be upon the petitioner. The person shall be present at such proceeding, which shall in all respects accord with the constitutional guarantees of due process of law and the rules of evidence pursuant to RCW 71.05.360 (8) and (9).~~

~~During the proceeding the person named in the petition shall continue to be detained and treated until~~

~~released by order of the court. If no order has been made within thirty days after the filing of the petition, not including any extensions of time requested by the detained person or his or her attorney, the detained person shall be released.))~~

(3) If a designated crisis responder or the professional person and prosecuting attorney for the county in which the criminal charge was dismissed or attorney general, as appropriate, stipulate that the individual does not present a likelihood of serious harm or is not gravely disabled, the hearing under this section is not required and the individual, if in custody, shall be released.

~~((4) The individual shall have the rights specified in RCW 71.05.360 (8) and (9).))~~

**Sec. 76.** RCW 71.05.235 and 2016 sp.s. c 29 s 231 are each amended to read as follows:

(1) If an individual is referred to a designated crisis responder under RCW 10.77.088~~((1)(e)(ii))~~ (2)(d)(i), the designated crisis responder shall examine the individual within forty-eight hours. If the designated crisis responder determines it is not appropriate to detain the individual or petition for a ninety-day less restrictive alternative under RCW 71.05.230(4), that decision shall be immediately presented to the superior court for hearing. The court shall hold a hearing to consider the decision of the designated crisis responder not later than the next judicial day. At the hearing the superior court shall review the determination of the designated crisis responder and determine whether an order should be entered requiring the person to be evaluated at an evaluation and treatment facility. No person referred to an evaluation and treatment facility may be held at the facility longer than ~~((seventy-two))~~ one hundred twenty hours.

(2) If an individual is placed in an evaluation and treatment facility under RCW 10.77.088~~((1)(e)(ii))~~ (2)(d)(ii), a professional person shall evaluate the individual for purposes of determining whether to file a ninety-day inpatient or outpatient petition under this chapter. Before expiration of the ~~((seventy-two))~~ one hundred twenty hour evaluation period authorized under RCW 10.77.088~~((1)(e)(ii))~~ (2)(d)(ii), the professional person shall file a petition or, if the recommendation of the professional person is to release the individual, present his or her recommendation to the superior court of the county in which the criminal charge was dismissed. The superior court shall review the recommendation not later than forty-eight hours, excluding Saturdays, Sundays, and holidays, after the recommendation is presented. If the court rejects the recommendation to unconditionally release the individual, the court may order the individual detained at a designated evaluation and treatment facility for not more than a ~~((seventy-two))~~ one hundred twenty hour evaluation and treatment period ~~((and direct the individual to appear at a surety hearing before that court within seventy-two hours, or the court may release the individual but direct the individual to appear at a surety hearing set before that court within eleven days, at which time the prosecutor may file a petition under this chapter for ninety-day inpatient or outpatient treatment. If a petition is filed by the prosecutor, the court~~

~~may order that the person named in the petition be detained at the evaluation and treatment facility that performed the evaluation under this subsection or order the respondent to be in outpatient treatment. If a petition is filed but the individual fails to appear in court for the surety hearing, the court shall order that a mental health professional or peace officer shall take such person or cause such person to be taken into custody and placed in an evaluation and treatment facility to be brought before the court the next judicial day after detention)). If the evaluation and treatment facility files a ninety-day petition within the one hundred twenty hour period, the clerk shall set a hearing after the day of filing consistent with RCW 71.05.300. Upon the individual's first appearance in court after a petition has been filed, proceedings under RCW 71.05.310 and 71.05.320 shall commence. For an individual subject to this subsection, the ((prosecutor or)) professional person may directly file a petition for ninety-day inpatient or outpatient treatment and no petition for initial detention or fourteen-day detention is required before such a petition may be filed.~~

~~((The court shall conduct the hearing on the petition filed under this subsection within five judicial days of the date the petition is filed. The court may continue the hearing upon the written request of the person named in the petition or the person's attorney, for good cause shown, which continuance shall not exceed five additional judicial days. If the person named in the petition requests a jury trial, the trial shall commence within ten judicial days of the date of the filing of the petition. The burden of proof shall be by clear, cogent, and convincing evidence and shall be upon the petitioner. The person shall be present at such proceeding, which shall in all respects accord with the constitutional guarantees of due process of law and the rules of evidence pursuant to RCW 71.05.360 (8) and (9).~~

~~During the proceeding the person named in the petition shall continue to be detained and treated until released by order of the court. If no order has been made within thirty days after the filing of the petition, not including any extensions of time requested by the detained person or his or her attorney, the detained person shall be released.))~~

(3) If a designated crisis responder or the professional person and prosecuting attorney for the county in which the criminal charge was dismissed or attorney general, as appropriate, stipulate that the individual does not present a likelihood of serious harm or is not gravely disabled, the hearing under this section is not required and the individual, if in custody, shall be released.

~~((4) The individual shall have the rights specified in RCW 71.05.360 (8) and (9).))~~

**NEW SECTION. Sec. 77.** A new section is added to chapter 71.05 RCW to read as follows:

(1) In any proceeding for involuntary commitment under this chapter, the court may continue or postpone such proceeding for a reasonable time on motion of the respondent for good cause, or on motion of the prosecuting attorney or the attorney general if:

(a) The respondent expressly consents to a continuance or delay and there is a showing of good cause; or

(b) Such continuance is required in the proper administration of justice and the respondent will not be substantially prejudiced in the presentation of the respondent's case.

(2) The court may continue a hearing on a petition filed under RCW 71.05.280(3) for good cause upon written request by the petitioner, respondent, or respondent's attorney.

(3) The court may on its own motion continue the case when required in due administration of justice and when the respondent will not be substantially prejudiced in the presentation of the respondent's case.

(4) The court shall state in any order of continuance or postponement the grounds for the continuance or postponement and whether detention will be extended.

**Sec. 78.** RCW 71.05.240 and 2019 c 446 s 11 are each amended to read as follows:

(1) If a petition is filed for fourteen day involuntary treatment or ninety days of less restrictive alternative treatment, the court shall hold a probable cause hearing within seventy-two hours of the initial detention of such person as determined in RCW 71.05.180, or at a time determined under RCW 71.05.148. ~~((If requested by the person or his or her attorney, the hearing may be postponed for a period not to exceed forty eight hours. The hearing may also be continued subject to the conditions set forth in RCW 71.05.210 or subject to the petitioner's showing of good cause for a period not to exceed twenty four hours.))~~

(2) If the petition is for mental health treatment, the court or the prosecutor at the time of the probable cause hearing and before an order of commitment is entered shall inform the person ~~((both))~~ orally ~~((and))~~ or in writing that the failure to make a good faith effort to seek voluntary treatment as provided in RCW 71.05.230 will result in the loss of his or her firearm rights if the person is subsequently detained for involuntary treatment under this section.

(3) If the person or his or her attorney alleges, prior to the commencement of the hearing, that the person has in good faith volunteered for treatment, the petitioner must show, by preponderance of the evidence, that the person has not in good faith volunteered for appropriate treatment. In order to qualify as a good faith volunteer, the person must abide by procedures and a treatment plan as prescribed by a treatment facility and professional staff.

(4)(a) Subject to (b) of this subsection, at the conclusion of the probable cause hearing, if the court finds by a preponderance of the evidence that such person, as the result of a ((mental disorder or substance use)) behavioral health disorder, presents a likelihood of serious harm, or is gravely disabled, and, after considering less restrictive alternatives to involuntary detention and treatment, finds that no such alternatives are in the best interests of such person or others, the court shall order that such person be detained for involuntary treatment not to exceed fourteen days in a

facility licensed or certified to provide treatment by the department or under RCW 71.05.745.

(b) ~~((Commitment for up to fourteen days based on a substance use disorder must be to either a secure withdrawal management and stabilization facility or an approved substance use disorder treatment program.))~~ A court may only ~~((enter a commitment))~~ order ~~((based on a substance use disorder if there is an available))~~ commitment to a secure withdrawal management and stabilization facility or approved substance use disorder treatment program if there is an available facility with adequate space for the person.

(c) At the conclusion of the probable cause hearing, if the court finds by a preponderance of the evidence that such person, as the result of a ~~((mental disorder or substance use))~~ behavioral health disorder, presents a likelihood of serious harm~~((?))~~ or is gravely disabled, but that treatment in a less restrictive setting than detention is in the best interest of such person or others, the court shall order an appropriate less restrictive alternative course of treatment for ~~((not to exceed))~~ up to ninety days.

(d) If the court finds by a preponderance of the evidence that such person, as the result of a ~~((mental disorder or substance use))~~ behavioral health disorder, is in need of assisted outpatient behavioral health treatment, and that the person does not present a likelihood of serious harm ~~((or grave disability))~~ and is not gravely disabled, the court shall order an appropriate less restrictive alternative course of treatment ~~((not to exceed))~~ for up to ninety days.

~~((4))~~ (5) An order for less restrictive alternative treatment must name the ~~((mental))~~ behavioral health service provider responsible for identifying the services the person will receive in accordance with RCW 71.05.585, and must include a requirement that the person cooperate with the ~~((services planned by))~~ treatment recommendations of the ~~((mental))~~ behavioral health service provider.

~~((5))~~ (6) The court shall ~~((specifically state to such person and give such person notice))~~ notify the person orally and in writing that if involuntary treatment is sought beyond the fourteen-day (period) inpatient or (beyond the) ninety-day((s of)) less restrictive treatment ((is to be sought)) period, ((such)) the person ((will have)) has the right to a full hearing or jury trial ((as required by)) under RCW 71.05.310. If the commitment is for mental health treatment, the court shall also ((state to)) notify the person ((and provide written notice)) orally and in writing that the person is barred from the possession of firearms and that the prohibition remains in effect until a court restores his or her right to possess a firearm under RCW 9.41.047.

(7) If the court does not issue an order to detain a person under this section, the court shall issue an order to dismiss the petition.

**Sec. 79.** RCW 71.05.240 and 2019 c 446 s 11 are each amended to read as follows:

(1) If a petition is filed for fourteen day involuntary treatment or ninety days of less restrictive alternative treatment, the court shall hold a probable cause hearing within ~~((seventy two))~~ one hundred twenty hours of the

initial detention of such person as determined in RCW 71.05.180, or at a time determined under RCW 71.05.148. ~~((If requested by the person or his or her attorney, the hearing may be postponed for a period not to exceed forty eight hours. The hearing may also be continued subject to the conditions set forth in RCW 71.05.210 or subject to the petitioner's showing of good cause for a period not to exceed twenty four hours.))~~

(2) If the petition is for mental health treatment, the court ~~or the prosecutor~~ at the time of the probable cause hearing and before an order of commitment is entered shall inform the person ~~((both))~~ orally ~~((and))~~ or in writing that the failure to make a good faith effort to seek voluntary treatment as provided in RCW 71.05.230 will result in the loss of his or her firearm rights if the person is subsequently detained for involuntary treatment under this section.

(3) If the person or his or her attorney alleges, prior to the commencement of the hearing, that the person has in good faith volunteered for treatment, the petitioner must show, by preponderance of the evidence, that the person has not in good faith volunteered for appropriate treatment. In order to qualify as a good faith volunteer, the person must abide by procedures and a treatment plan as prescribed by a treatment facility and professional staff.

(4)(a) Subject to (b) of this subsection, at the conclusion of the probable cause hearing, if the court finds by a preponderance of the evidence that such person, as the result of a ~~((mental disorder or substance use))~~ behavioral health disorder, presents a likelihood of serious harm, or is gravely disabled, and, after considering less restrictive alternatives to involuntary detention and treatment, finds that no such alternatives are in the best interests of such person or others, the court shall order that such person be detained for involuntary treatment not to exceed fourteen days in a facility licensed or certified to provide treatment by the department or under RCW 71.05.745.

(b) ~~((Commitment for up to fourteen days based on a substance use disorder must be to either a secure withdrawal management and stabilization facility or an approved substance use disorder treatment program.))~~ A court may only ~~((enter a commitment))~~ order ~~((based on a substance use disorder if there is an available))~~ commitment to a secure withdrawal management and stabilization facility or approved substance use disorder treatment program if there is an available facility with adequate space for the person.

(c) At the conclusion of the probable cause hearing, if the court finds by a preponderance of the evidence that such person, as the result of a ~~((mental disorder or substance use))~~ behavioral health disorder, presents a likelihood of serious harm~~((?))~~ or is gravely disabled, but that treatment in a less restrictive setting than detention is in the best interest of such person or others, the court shall order an appropriate less restrictive alternative course of treatment for ~~((not to exceed))~~ up to ninety days.

(d) If the court finds by a preponderance of the evidence that such person, as the result of a ~~((mental disorder or substance use))~~ behavioral health disorder, is in need of assisted outpatient behavioral health treatment, and that the person does not present a likelihood of serious harm ~~((or~~

~~grave disability~~) and is not gravely disabled, the court shall order an appropriate less restrictive alternative course of treatment ~~((not to exceed))~~ for up to ninety days.

~~((4))~~ (5) An order for less restrictive alternative treatment must name the ~~((mental))~~ behavioral health service provider responsible for identifying the services the person will receive in accordance with RCW 71.05.585, and must include a requirement that the person cooperate with the ~~((services planned by))~~ treatment recommendations of the ~~((mental))~~ behavioral health service provider.

~~((5))~~ (6) The court shall ~~((specifically state to such person and give such person notice))~~ notify the person orally and in writing that if involuntary treatment is sought beyond the fourteen-day ~~((period))~~ inpatient or ~~((beyond the))~~ period, ~~((such))~~ the person ~~((will have))~~ has the right to a full hearing or jury trial ~~((as required by))~~ under RCW 71.05.310. If the commitment is for mental health treatment, the court shall also ~~((state to))~~ notify the person ~~((and provide written notice))~~ orally and in writing that the person is barred from the possession of firearms and that the prohibition remains in effect until a court restores his or her right to possess a firearm under RCW 9.41.047.

(7) If the court does not issue an order to detain a person under this section, the court shall issue an order to dismiss the petition.

**Sec. 80.** RCW 71.05.240 and 2019 c 446 s 12 are each amended to read as follows:

(1) If a petition is filed for fourteen day involuntary treatment or ninety days of less restrictive alternative treatment, the court shall hold a probable cause hearing within ~~((seventy two))~~ one hundred twenty hours of the initial detention of such person as determined in RCW 71.05.180, or at a time determined under RCW 71.05.148. ~~((If requested by the person or his or her attorney, the hearing may be postponed for a period not to exceed forty eight hours. The hearing may also be continued subject to the conditions set forth in RCW 71.05.210 or subject to the petitioner's showing of good cause for a period not to exceed twenty four hours.))~~

(2) If the petition is for mental health treatment, the court or the prosecutor at the time of the probable cause hearing and before an order of commitment is entered shall inform the person ~~((both))~~ orally ~~((and))~~ or in writing that the failure to make a good faith effort to seek voluntary treatment as provided in RCW 71.05.230 will result in the loss of his or her firearm rights if the person is subsequently detained for involuntary treatment under this section.

(3) If the person or his or her attorney alleges, prior to the commencement of the hearing, that the person has in good faith volunteered for treatment, the petitioner must show, by preponderance of the evidence, that the person has not in good faith volunteered for appropriate treatment. In order to qualify as a good faith volunteer, the person must abide by procedures and a treatment plan as prescribed by a treatment facility and professional staff.

~~((4))~~ (a) ~~((Subject to (b) of this subsection,))~~ At the conclusion of the probable cause hearing, if the court finds by a preponderance of the evidence that such person, as the result of a ~~((mental disorder or substance use))~~ behavioral health disorder, presents a likelihood of serious harm, or is gravely disabled, and, after considering less restrictive alternatives to involuntary detention and treatment, finds that no such alternatives are in the best interests of such person or others, the court shall order that such person be detained for involuntary treatment not to exceed fourteen days in a facility licensed or certified to provide treatment by the department or under RCW 71.05.745.

~~((b))~~ ~~((Commitment for up to fourteen days based on a substance use disorder must be to either a secure withdrawal management and stabilization facility or an approved substance use disorder treatment program.~~

~~((c))~~ At the conclusion of the probable cause hearing, if the court finds by a preponderance of the evidence that such person, as the result of a ~~((mental disorder or substance use))~~ behavioral health disorder, presents a likelihood of serious harm~~((;))~~ or is gravely disabled, but that treatment in a less restrictive setting than detention is in the best interest of such person or others, the court shall order an appropriate less restrictive alternative course of treatment for ~~((not to exceed))~~ up to ninety days.

~~((d))~~ (c) If the court finds by a preponderance of the evidence that such person, as the result of a ~~((mental disorder or substance use))~~ behavioral health disorder, is in need of assisted outpatient behavioral health treatment, and that the person does not present a likelihood of serious harm ~~((or grave disability))~~ and is not gravely disabled, the court shall order an appropriate less restrictive alternative course of treatment ~~((not to exceed))~~ for up to ninety days.

~~((4))~~ (5) An order for less restrictive alternative treatment must name the ~~((mental))~~ behavioral health service provider responsible for identifying the services the person will receive in accordance with RCW 71.05.585, and must include a requirement that the person cooperate with the ~~((services planned by))~~ treatment recommendations of the ~~((mental))~~ behavioral health service provider.

~~((5))~~ (6) The court shall ~~((specifically state to such person and give such person notice))~~ notify the person orally and in writing that if involuntary treatment is sought beyond the fourteen-day ~~((period))~~ inpatient or ~~((beyond the))~~ period, ~~((such))~~ the person ~~((will have))~~ has the right to a full hearing or jury trial ~~((as required by))~~ under RCW 71.05.310. If the commitment is for mental health treatment, the court shall also ~~((state to))~~ notify the person ~~((and provide written notice))~~ orally and in writing that the person is barred from the possession of firearms and that the prohibition remains in effect until a court restores his or her right to possess a firearm under RCW 9.41.047.

(7) If the court does not issue an order to detain a person under this section, the court shall issue an order to dismiss the petition.

**Sec. 81.** RCW 71.05.280 and 2018 c 291 s 15 are each amended to read as follows:

At the expiration of the fourteen-day period of intensive treatment, a person may be committed for further treatment pursuant to RCW 71.05.320 if:

(1) Such person after having been taken into custody for evaluation and treatment has threatened, attempted, or inflicted: (a) Physical harm upon the person of another or himself or herself, or substantial damage upon the property of another, and (b) as a result of ~~((mental disorder or substance use))~~ a behavioral health disorder presents a likelihood of serious harm; or

(2) Such person was taken into custody as a result of conduct in which he or she attempted or inflicted physical harm upon the person of another or himself or herself, or substantial damage upon the property of others, and continues to present, as a result of ~~((mental disorder or substance use))~~ a behavioral health disorder, a likelihood of serious harm; or

(3) Such person has been determined to be incompetent and criminal charges have been dismissed pursuant to RCW 10.77.086(4), and has committed acts constituting a felony, and as a result of a ~~((mental))~~ behavioral health disorder, presents a substantial likelihood of repeating similar acts.

(a) In any proceeding pursuant to this subsection it shall not be necessary to show intent, willfulness, or state of mind as an element of the crime;

(b) For any person subject to commitment under this subsection where the charge underlying the finding of incompetence is for a felony classified as violent under RCW 9.94A.030, the court shall determine whether the acts the person committed constitute a violent offense under RCW 9.94A.030; or

(4) Such person is gravely disabled; or

(5) Such person is in need of assisted outpatient behavioral health treatment.

**Sec. 82.** RCW 71.05.290 and 2017 3rd sp.s. c 14 s 18 are each amended to read as follows:

(1) At any time during a person's fourteen day intensive treatment period, the professional person in charge of a treatment facility or his or her professional designee or the designated crisis responder may petition the superior court for an order requiring such person to undergo an additional period of treatment. Such petition must be based on one or more of the grounds set forth in RCW 71.05.280.

(2)(a)(i) The petition shall summarize the facts which support the need for further commitment and shall be supported by affidavits based on an examination of the patient and signed by:

(A) One physician, physician assistant, or psychiatric advanced registered nurse practitioner; and

(B) One physician, physician assistant, psychiatric advanced registered nurse practitioner, or mental health professional.

(ii) If the petition is for substance use disorder treatment, the petition may be signed by a ~~((chemical~~

~~dependency))~~ substance use disorder professional instead of a mental health professional and by an advanced registered nurse practitioner instead of a psychiatric advanced registered nurse practitioner.

(b) The affidavits shall describe in detail the behavior of the detained person which supports the petition and shall explain what, if any, less restrictive treatments which are alternatives to detention are available to such person, and shall state the willingness of the affiant to testify to such facts in subsequent judicial proceedings under this chapter. If less restrictive alternative treatment is sought, the petition shall set forth any recommendations for less restrictive alternative treatment services.

(3) If a person has been determined to be incompetent pursuant to RCW 10.77.086(4), then the professional person in charge of the treatment facility or his or her professional designee or the designated crisis responder may directly file a petition for one hundred eighty-day treatment under RCW 71.05.280(3), or for ninety-day treatment under RCW 71.05.280 (1), (2), (4), or (5). No petition for initial detention or fourteen day detention is required before such a petition may be filed.

**Sec. 83.** RCW 71.05.300 and 2019 c 325 s 3007 are each amended to read as follows:

(1) The petition for ninety day treatment shall be filed with the clerk of the superior court at least three days before expiration of the fourteen-day period of intensive treatment. ~~((At the time of filing such petition,))~~ The clerk shall set a ((time for the person to come before the court on the next judicial day after the day of filing unless such appearance is waived by the person's attorney, and the clerk shall)) trial setting date as provided in RCW 71.05.310 on the next judicial day after the date of filing the petition and notify the designated crisis responder. The designated crisis responder shall immediately notify the person detained, his or her attorney, if any, and his or her guardian or conservator, if any, the prosecuting attorney, and the behavioral health administrative services organization administrator, and provide a copy of the petition to such persons as soon as possible. The behavioral health administrative services organization administrator or designee may review the petition and may appear and testify at the full hearing on the petition.

(2) ~~((At the time set for appearance))~~ The attorney for the detained person ((shall be brought before the court, unless such appearance has been waived and the court)) shall advise him or her of his or her right to be represented by an attorney, his or her right to a jury trial, and, if the petition is for commitment for mental health treatment, his or her loss of firearm rights if involuntarily committed. If the detained person is not represented by an attorney, or is indigent or is unwilling to retain an attorney, the court shall immediately appoint an attorney to represent him or her. The court shall, if requested, appoint a reasonably available licensed physician, physician assistant, psychiatric advanced registered nurse practitioner, psychologist, psychiatrist, or other professional person, designated by the detained person to examine and testify on behalf of the detained person.

(3) The court may, if requested, also appoint a professional person as defined in RCW 71.05.020 to seek less restrictive alternative courses of treatment and to testify on behalf of the detained person. In the case of a person with a developmental disability who has been determined to be incompetent pursuant to RCW 10.77.086(4), ~~((then))~~ the appointed professional person under this section shall be a developmental disabilities professional.

~~((4) The court shall also set a date for a full hearing on the petition as provided in RCW 71.05.310.))~~

**Sec. 84.** RCW 71.05.310 and 2012 c 256 s 8 are each amended to read as follows:

The court shall ~~((conduct))~~ set a hearing on the petition for ninety-day ~~or one hundred eighty-day~~ treatment within five judicial days of the ~~((first court appearance after the probable cause hearing))~~ trial setting hearing, or within ten judicial days for a petition filed under RCW 71.05.280(3). The court may continue the hearing ~~((for good cause upon the written request of the person named in the petition or the person's attorney. The court may continue for good cause the hearing on a petition filed under RCW 71.05.280(3) upon written request by the person named in the petition, the person's attorney, or the petitioner))~~ in accordance with section 37 of this act. If the person named in the petition requests a jury trial, the trial ~~((shall commence))~~ must be set within ten judicial days of the ~~((first court appearance after the probable cause hearing))~~ next judicial day after the date of filing the petition. The burden of proof shall be by clear, cogent, and convincing evidence and shall be upon the petitioner. The person ~~((shall))~~ has the right to be present at such proceeding, which shall in all respects accord with the constitutional guarantees of due process of law and the rules of evidence ~~((pursuant to RCW 71.05.360(8) and (9)))~~ under RCW 71.05.217.

During the proceeding, the person named in the petition shall continue to be treated until released by order of the superior court or discharged by the behavioral health service provider. If ~~((no order has been made))~~ the hearing has not commenced within thirty days after the filing of the petition, not including extensions of time ~~((requested by the detained person or his or her attorney, or the petitioner in the case of a petition filed under RCW 71.05.280(3)))~~ ordered under section 37 of this act, the detained person shall be released.

**Sec. 85.** RCW 71.05.320 and 2018 c 201 s 3012 are each amended to read as follows:

(1)(a) Subject to (b) of this subsection, if the court or jury finds that grounds set forth in RCW 71.05.280 have been proven and that the best interests of the person or others will not be served by a less restrictive treatment which is an alternative to detention, the court shall remand him or her to the custody of the department of social and health services or to a facility certified for ninety day treatment by the department for a further period of intensive treatment not to exceed ninety days from the date of judgment.

(b) If the order for inpatient treatment is based on a substance use disorder, treatment must take place at an approved substance use disorder treatment program. The

court may only enter an order for commitment based on a substance use disorder if there is an available approved substance use disorder treatment program with adequate space for the person.

(c) If the grounds set forth in RCW 71.05.280(3) are the basis of commitment, then the period of treatment may be up to but not exceed one hundred eighty days from the date of judgment to the custody of the department of social and health services or to a facility certified for one hundred eighty-day treatment by the department or under RCW 71.05.745.

(2) If the court or jury finds that grounds set forth in RCW 71.05.280 have been proven, but finds that treatment less restrictive than detention will be in the best interest of the person or others, then the court shall remand him or her to the custody of the department of social and health services or to a facility certified for ninety day treatment by the department or to a less restrictive alternative for a further period of less restrictive treatment not to exceed ninety days from the date of judgment. ~~((If the order for less restrictive treatment is based on a substance use disorder, treatment must be provided by an approved substance use disorder treatment program.))~~ If the grounds set forth in RCW 71.05.280(3) are the basis of commitment, then the period of treatment may be up to but not exceed one hundred eighty days from the date of judgment. If the court or jury finds that the grounds set forth in RCW 71.05.280(5) have been proven, and provide the only basis for commitment, the court must enter an order for less restrictive alternative treatment for up to ninety days from the date of judgment and may not order inpatient treatment.

(3) An order for less restrictive alternative treatment entered under subsection (2) of this section must name the ~~((mental))~~ behavioral health service provider responsible for identifying the services the person will receive in accordance with RCW 71.05.585, and must include a requirement that the person cooperate with the services planned by the ~~((mental))~~ behavioral health service provider.

(4) The person shall be released from involuntary treatment at the expiration of the period of commitment imposed under subsection (1) or (2) of this section unless the superintendent or professional person in charge of the facility in which he or she is confined, or in the event of a less restrictive alternative, the designated crisis responder, files a new petition for involuntary treatment on the grounds that the committed person:

(a) During the current period of court ordered treatment: (i) Has threatened, attempted, or inflicted physical harm upon the person of another, or substantial damage upon the property of another, and (ii) as a result of a ~~((mental disorder, substance use))~~ behavioral health disorder~~((;))~~ or developmental disability presents a likelihood of serious harm; or

(b) Was taken into custody as a result of conduct in which he or she attempted or inflicted serious physical harm upon the person of another, and continues to present, as a result of ~~((mental disorder, substance use))~~ a behavioral health disorder~~((;))~~ or developmental disability, a likelihood of serious harm; or

(c)(i) Is in custody pursuant to RCW 71.05.280(3) and as a result of ~~((mental))~~ a behavioral health disorder or developmental disability continues to present a substantial likelihood of repeating acts similar to the charged criminal behavior, when considering the person's life history, progress in treatment, and the public safety.

(ii) In cases under this subsection where the court has made an affirmative special finding under RCW 71.05.280(3)(b), the commitment shall continue for up to an additional one hundred eighty-day period whenever the petition presents prima facie evidence that the person continues to suffer from a ~~((mental))~~ behavioral health disorder or developmental disability that results in a substantial likelihood of committing acts similar to the charged criminal behavior, unless the person presents proof through an admissible expert opinion that the person's condition has so changed such that the ~~((mental))~~ behavioral health disorder or developmental disability no longer presents a substantial likelihood of the person committing acts similar to the charged criminal behavior. The initial or additional commitment period may include transfer to a specialized program of intensive support and treatment, which may be initiated prior to or after discharge from the state hospital; or

(d) Continues to be gravely disabled; or

(e) Is in need of assisted outpatient ~~((mental))~~ behavioral health treatment.

If the conduct required to be proven in (b) and (c) of this subsection was found by a judge or jury in a prior trial under this chapter, it shall not be necessary to prove such conduct again.

If less restrictive alternative treatment is sought, the petition shall set forth any recommendations for less restrictive alternative treatment services.

(5) A new petition for involuntary treatment filed under subsection (4) of this section shall be filed and heard in the superior court of the county of the facility which is filing the new petition for involuntary treatment unless good cause is shown for a change of venue. The cost of the proceedings shall be borne by the state.

(6)(a) The hearing shall be held as provided in RCW 71.05.310, and if the court or jury finds that the grounds for additional confinement as set forth in this section are present, subject to subsection (1)(b) of this section, the court may order the committed person returned for an additional period of treatment not to exceed one hundred eighty days from the date of judgment, except as provided in subsection (7) of this section. If the court's order is based solely on the grounds identified in subsection (4)(e) of this section, the court may enter an order for less restrictive alternative treatment not to exceed one hundred eighty days from the date of judgment, and may not enter an order for inpatient treatment. An order for less restrictive alternative treatment must name the ~~((mental))~~ behavioral health service provider responsible for identifying the services the person will receive in accordance with RCW 71.05.585, and must include a requirement that the person cooperate with the services planned by the ~~((mental))~~ behavioral health service provider.

(b) At the end of the one hundred eighty-day period of commitment, or one-year period of commitment if subsection (7) of this section applies, the committed person shall be released unless a petition for an additional one hundred eighty-day period of continued treatment is filed and heard in the same manner as provided in this section. Successive one hundred eighty-day commitments are permissible on the same grounds and pursuant to the same procedures as the original one hundred eighty-day commitment.

(7) An order for less restrictive treatment entered under subsection (6) of this section may be for up to one year when the person's previous commitment term was for intensive inpatient treatment in a state hospital.

(8) No person committed as provided in this section may be detained unless a valid order of commitment is in effect. No order of commitment can exceed one hundred eighty days in length except as provided in subsection (7) of this section.

**Sec. 86.** RCW 71.05.320 and 2018 c 201 s 3013 are each amended to read as follows:

(1) If the court or jury finds that grounds set forth in RCW 71.05.280 have been proven and that the best interests of the person or others will not be served by a less restrictive treatment which is an alternative to detention, the court shall remand him or her to the custody of the department of social and health services or to a facility certified for ninety day treatment by the department for a further period of intensive treatment not to exceed ninety days from the date of judgment.

If the order for inpatient treatment is based on a substance use disorder, treatment must take place at an approved substance use disorder treatment program. If the grounds set forth in RCW 71.05.280(3) are the basis of commitment, then the period of treatment may be up to but not exceed one hundred eighty days from the date of judgment to the custody of the department of social and health services or to a facility certified for one hundred eighty-day treatment by the department or under RCW 71.05.745.

(2) If the court or jury finds that grounds set forth in RCW 71.05.280 have been proven, but finds that treatment less restrictive than detention will be in the best interest of the person or others, then the court shall remand him or her to the custody of the department of social and health services or to a facility certified for ninety day treatment by the department or to a less restrictive alternative for a further period of less restrictive treatment not to exceed ninety days from the date of judgment. ~~((If the order for less restrictive treatment is based on a substance use disorder, treatment must be provided by an approved substance use disorder treatment program.))~~ If the grounds set forth in RCW 71.05.280(3) are the basis of commitment, then the period of treatment may be up to but not exceed one hundred eighty days from the date of judgment. If the court or jury finds that the grounds set forth in RCW 71.05.280(5) have been proven, and provide the only basis for commitment, the court must enter an order for less restrictive alternative treatment

for up to ninety days from the date of judgment and may not order inpatient treatment.

(3) An order for less restrictive alternative treatment entered under subsection (2) of this section must name the ~~((mental))~~ behavioral health service provider responsible for identifying the services the person will receive in accordance with RCW 71.05.585, and must include a requirement that the person cooperate with the services planned by the ~~((mental))~~ behavioral health service provider.

(4) The person shall be released from involuntary treatment at the expiration of the period of commitment imposed under subsection (1) or (2) of this section unless the superintendent or professional person in charge of the facility in which he or she is confined, or in the event of a less restrictive alternative, the designated crisis responder, files a new petition for involuntary treatment on the grounds that the committed person:

(a) During the current period of court ordered treatment: (i) Has threatened, attempted, or inflicted physical harm upon the person of another, or substantial damage upon the property of another, and (ii) as a result of a ~~((mental disorder, substance use))~~ behavioral health disorder~~((s))~~ or developmental disability presents a likelihood of serious harm; or

(b) Was taken into custody as a result of conduct in which he or she attempted or inflicted serious physical harm upon the person of another, and continues to present, as a result of ~~((mental disorder, substance use))~~ a behavioral health disorder~~((s))~~ or developmental disability, a likelihood of serious harm; or

(c)(i) Is in custody pursuant to RCW 71.05.280(3) and as a result of ~~((mental))~~ a behavioral health disorder or developmental disability continues to present a substantial likelihood of repeating acts similar to the charged criminal behavior, when considering the person's life history, progress in treatment, and the public safety.

(ii) In cases under this subsection where the court has made an affirmative special finding under RCW 71.05.280(3)(b), the commitment shall continue for up to an additional one hundred eighty-day period whenever the petition presents prima facie evidence that the person continues to suffer from a ~~((mental))~~ behavioral health disorder or developmental disability that results in a substantial likelihood of committing acts similar to the charged criminal behavior, unless the person presents proof through an admissible expert opinion that the person's condition has so changed such that the ~~((mental))~~ behavioral health disorder or developmental disability no longer presents a substantial likelihood of the person committing acts similar to the charged criminal behavior. The initial or additional commitment period may include transfer to a specialized program of intensive support and treatment, which may be initiated prior to or after discharge from the state hospital; or

(d) Continues to be gravely disabled; or

(e) Is in need of assisted outpatient ~~((mental))~~ behavioral health treatment.

If the conduct required to be proven in (b) and (c) of this subsection was found by a judge or jury in a prior trial under this chapter, it shall not be necessary to prove such conduct again.

If less restrictive alternative treatment is sought, the petition shall set forth any recommendations for less restrictive alternative treatment services.

(5) A new petition for involuntary treatment filed under subsection (4) of this section shall be filed and heard in the superior court of the county of the facility which is filing the new petition for involuntary treatment unless good cause is shown for a change of venue. The cost of the proceedings shall be borne by the state.

(6)(a) The hearing shall be held as provided in RCW 71.05.310, and if the court or jury finds that the grounds for additional confinement as set forth in this section are present, the court may order the committed person returned for an additional period of treatment not to exceed one hundred eighty days from the date of judgment, except as provided in subsection (7) of this section. If the court's order is based solely on the grounds identified in subsection (4)(e) of this section, the court may enter an order for less restrictive alternative treatment not to exceed one hundred eighty days from the date of judgment, and may not enter an order for inpatient treatment. An order for less restrictive alternative treatment must name the ~~((mental))~~ behavioral health service provider responsible for identifying the services the person will receive in accordance with RCW 71.05.585, and must include a requirement that the person cooperate with the services planned by the ~~((mental))~~ behavioral health service provider.

(b) At the end of the one hundred eighty-day period of commitment, or one-year period of commitment if subsection (7) of this section applies, the committed person shall be released unless a petition for an additional one hundred eighty-day period of continued treatment is filed and heard in the same manner as provided in this section. Successive one hundred eighty-day commitments are permissible on the same grounds and pursuant to the same procedures as the original one hundred eighty-day commitment.

(7) An order for less restrictive treatment entered under subsection (6) of this section may be for up to one year when the person's previous commitment term was for intensive inpatient treatment in a state hospital.

(8) No person committed as provided in this section may be detained unless a valid order of commitment is in effect. No order of commitment can exceed one hundred eighty days in length except as provided in subsection (7) of this section.

**Sec. 87.** RCW 71.05.380 and 2016 sp.s. c 29 s 245 are each amended to read as follows:

All persons voluntarily entering or remaining in any facility, institution, or hospital providing evaluation and treatment for ~~((mental disorders or substance use))~~ behavioral health disorders shall have no less than all rights



secured to involuntarily detained persons by RCW ((71.05.360 and)) 71.05.217.

**Sec. 88.** RCW 71.05.445 and 2019 c 325 s 3009 are each amended to read as follows:

(1)(a) When a ((~~mental~~)) behavioral health service provider conducts its initial assessment for a person receiving court-ordered treatment, the service provider shall inquire and shall be told by the offender whether he or she is subject to supervision by the department of corrections.

(b) When a person receiving court-ordered treatment or treatment ordered by the department of corrections discloses to his or her ((~~mental~~)) behavioral health service provider that he or she is subject to supervision by the department of corrections, the ((~~mental~~)) behavioral health service provider shall notify the department of corrections that he or she is treating the offender and shall notify the offender that his or her community corrections officer will be notified of the treatment, provided that if the offender has received relief from disclosure pursuant to RCW 9.94A.562 or 71.05.132 and the offender has provided the ((~~mental~~)) behavioral health service provider with a copy of the order granting relief from disclosure pursuant to RCW 9.94A.562 or 71.05.132, the ((~~mental~~)) behavioral health service provider is not required to notify the department of corrections that the ((~~mental~~)) behavioral health service provider is treating the offender. The notification may be written or oral and shall not require the consent of the offender. If an oral notification is made, it must be confirmed by a written notification. For purposes of this section, a written notification includes notification by email or facsimile, so long as the notifying ((~~mental~~)) behavioral health service provider is clearly identified.

(2) The information to be released to the department of corrections shall include all relevant records and reports, as defined by rule, necessary for the department of corrections to carry out its duties.

(3) The authority and the department of corrections, in consultation with behavioral health administrative services organizations, managed care organizations, ((~~mental~~)) behavioral health service providers as defined in RCW 71.05.020, ((~~mental~~)) behavioral health consumers, and advocates for persons with ((~~mental illness~~)) behavioral health disorders, shall adopt rules to implement the provisions of this section related to the type and scope of information to be released. These rules shall:

(a) Enhance and facilitate the ability of the department of corrections to carry out its responsibility of planning and ensuring community protection with respect to persons subject to sentencing under chapter 9.94A or 9.95 RCW, including accessing and releasing or disclosing information of persons who received ((~~mental~~)) behavioral health services as a minor; and

(b) Establish requirements for the notification of persons under the supervision of the department of corrections regarding the provisions of this section.

(4) The information received by the department of corrections under this section shall remain confidential and

subject to the limitations on disclosure outlined in this chapter, except as provided in RCW 72.09.585.

(5) No ((~~mental~~)) behavioral health service provider or individual employed by a ((~~mental~~)) behavioral health service provider shall be held responsible for information released to or used by the department of corrections under the provisions of this section or rules adopted under this section.

(6) Whenever federal law or federal regulations restrict the release of information and records related to ((~~mental~~)) behavioral health services for any patient who receives treatment for alcoholism or drug dependency, the release of the information may be restricted as necessary to comply with federal law and regulations.

(7) This section does not modify the terms and conditions of disclosure of information related to sexually transmitted diseases under chapter 70.24 RCW.

(8) The authority shall, subject to available resources, electronically, or by the most cost-effective means available, provide the department of corrections with the names, last dates of services, and addresses of specific behavioral health administrative services organizations, managed care organizations, and ((~~mental~~)) behavioral health service providers that delivered ((~~mental~~)) behavioral health services to a person subject to chapter 9.94A or 9.95 RCW pursuant to an agreement between the authority and the department of corrections.

**Sec. 89.** RCW 71.05.455 and 2016 c 158 s 2 are each amended to read as follows:

When funded, the Washington association of sheriffs and police chiefs, in consultation with the criminal justice training commission, must develop and adopt a model policy for use by law enforcement agencies relating to a law enforcement officer's referral of a person to a ((~~mental~~)) behavioral health agency after receiving a report of threatened or attempted suicide. The model policy must complement the criminal justice training commission's crisis intervention training curriculum.

**Sec. 90.** RCW 71.05.457 and 2016 c 158 s 3 are each amended to read as follows:

By July 1, 2017, all general authority Washington law enforcement agencies must adopt a policy establishing criteria and procedures for a law enforcement officer to refer a person to a ((~~mental~~)) behavioral health agency after receiving a report of threatened or attempted suicide.

**Sec. 91.** RCW 71.05.525 and 2018 c 201 s 3024 are each amended to read as follows:

When, in the judgment of the department of social and health services, the welfare of any person committed to or confined in any state juvenile correctional institution or facility necessitates that such a person be transferred or moved for observation, diagnosis or treatment to any state institution or facility for the care of juveniles with ((~~mental illness~~)) behavioral health disorders the secretary of the department of social and health services, or his or her designee, is authorized to order and effect such move or

transfer: PROVIDED, HOWEVER, That the secretary of the department of social and health services shall adopt and implement procedures to assure that persons so transferred shall, while detained or confined in such institution or facility for the care of juveniles with ~~((mental illness))~~ behavioral health disorders, be provided with substantially similar opportunities for parole or early release evaluation and determination as persons detained or confined in state juvenile correctional institutions or facilities: PROVIDED, FURTHER, That the secretary of the department of social and health services shall notify the original committing court of such transfer.

**Sec. 92.** RCW 71.05.530 and 2016 sp.s. c 29 s 247 are each amended to read as follows:

Evaluation and treatment facilities and secure ~~((detoxification))~~ withdrawal management and stabilization facilities authorized pursuant to this chapter may be part of the comprehensive community ~~((mental))~~ behavioral health services program conducted in counties pursuant to chapter 71.24 RCW, and may receive funding pursuant to the provisions thereof.

**Sec. 93.** RCW 71.05.585 and 2018 c 291 s 2 are each amended to read as follows:

(1) Less restrictive alternative treatment, at a minimum, includes the following services:

- (a) Assignment of a care coordinator;
- (b) An intake evaluation with the provider of the less restrictive alternative treatment;
- (c) A psychiatric evaluation;
- (d) A schedule of regular contacts with the provider of the less restrictive alternative treatment services for the duration of the order;
- (e) A transition plan addressing access to continued services at the expiration of the order;
- (f) An individual crisis plan; and
- (g) Notification to the care coordinator assigned in (a) of this subsection if reasonable efforts to engage the client fail to produce substantial compliance with court-ordered treatment conditions.

(2) Less restrictive alternative treatment may additionally include requirements to participate in the following services:

- (a) Medication management;
- (b) Psychotherapy;
- (c) Nursing;
- (d) Substance abuse counseling;
- (e) Residential treatment; and
- (f) Support for housing, benefits, education, and employment.

(3) If the person was provided with involuntary medication under RCW 71.05.215 or pursuant to a judicial

order during the involuntary commitment period, the less restrictive alternative treatment order may authorize the less restrictive alternative treatment provider or its designee to administer involuntary antipsychotic medication to the person if the provider has attempted and failed to obtain the informed consent of the person and there is a concurring medical opinion approving the medication by a psychiatrist, physician assistant working with a supervising psychiatrist, psychiatric advanced registered nurse practitioner, or physician or physician assistant in consultation with an independent mental health professional with prescribing authority.

(4) Less restrictive alternative treatment must be administered by a provider that is certified or licensed to provide or coordinate the full scope of services required under the less restrictive alternative order and that has agreed to assume this responsibility.

~~((4))~~ (5) The care coordinator assigned to a person ordered to less restrictive alternative treatment must submit an individualized plan for the person's treatment services to the court that entered the order. An initial plan must be submitted as soon as possible following the intake evaluation and a revised plan must be submitted upon any subsequent modification in which a type of service is removed from or added to the treatment plan.

~~((5))~~ (6) For the purpose of this section, "care coordinator" means a clinical practitioner who coordinates the activities of less restrictive alternative treatment. The care coordinator coordinates activities with the designated crisis responders that are necessary for enforcement and continuation of less restrictive alternative orders and is responsible for coordinating service activities with other agencies and establishing and maintaining a therapeutic relationship with the individual on a continuing basis.

**Sec. 94.** RCW 71.05.590 and 2019 c 446 s 14 are each amended to read as follows:

(1) Either an agency or facility designated to monitor or provide services under a less restrictive alternative order or conditional release order, or a designated crisis responder, may take action to enforce, modify, or revoke a less restrictive alternative or conditional release order. The agency, facility, or designated crisis responder must determine that:

- (a) The person is failing to adhere to the terms and conditions of the court order;
- (b) Substantial deterioration in the person's functioning has occurred;
- (c) There is evidence of substantial decompensation with a reasonable probability that the decompensation can be reversed by further evaluation, intervention, or treatment; or
- (d) The person poses a likelihood of serious harm.

(2) Actions taken under this section must include a flexible range of responses of varying levels of intensity appropriate to the circumstances and consistent with the interests of the individual and the public in personal

autonomy, safety, recovery, and compliance. Available actions may include, but are not limited to, any of the following:

(a) To counsel or advise the person as to their rights and responsibilities under the court order, and to offer appropriate incentives to motivate compliance;

(b) To increase the intensity of outpatient services provided to the person by increasing the frequency of contacts with the provider, referring the person for an assessment for assertive community services, or by other means;

(c) To request a court hearing for review and modification of the court order. The request must be made to or by the court with jurisdiction over the order and specify the circumstances that give rise to the request and what modification is being sought. The county prosecutor shall assist the agency or facility in requesting this hearing and issuing an appropriate summons to the person. This subsection does not limit the inherent authority of a treatment provider to alter conditions of treatment for clinical reasons, and is intended to be used only when court intervention is necessary or advisable to secure the person's compliance and prevent decompensation or deterioration;

(d) To cause the person to be transported by a peace officer, designated crisis responder, or other means to the agency or facility monitoring or providing services under the court order, or to a triage facility, crisis stabilization unit, emergency department, ~~((or to an))~~ evaluation and treatment facility ~~((if the person is committed for mental health treatment)), ((or to a))~~ secure withdrawal management and stabilization facility with available space, or an approved substance use disorder treatment program with available space ~~((if the person is committed for substance use disorder treatment))~~. The person may be detained at the facility for up to twelve hours for the purpose of an evaluation to determine whether modification, revocation, or commitment proceedings are necessary and appropriate to stabilize the person and prevent decompensation, deterioration, or physical harm. Temporary detention for evaluation under this subsection is intended to occur only following a pattern of noncompliance or the failure of reasonable attempts at outreach and engagement, and may occur only when in the clinical judgment of a designated crisis responder or the professional person in charge of an agency or facility designated to monitor less restrictive alternative services temporary detention is appropriate. This subsection does not limit the ability or obligation to pursue revocation procedures under subsection (4) of this section in appropriate circumstances; and

(e) To initiate revocation procedures under subsection (4) of this section or, if the current commitment is solely based on the person being in need of assisted outpatient behavioral health treatment as defined in RCW 71.05.020, initiate initial inpatient detention procedures under subsection (6) of this section.

(3) The facility or agency designated to provide outpatient treatment shall notify the secretary of the department of social and health services or designated crisis responder when a person fails to adhere to terms and

conditions of court ordered treatment or experiences substantial deterioration in his or her condition and, as a result, presents an increased likelihood of serious harm.

(4)(a) Except as provided in subsection (6) of this section, a designated crisis responder or the secretary of the department of social and health services may upon their own motion or notification by the facility or agency designated to provide outpatient care order a person subject to a court order under this chapter to be apprehended and taken into custody and temporary detention in an evaluation and treatment facility ~~((in or near the county in which he or she is receiving outpatient treatment if the person is committed for mental health treatment, or, if the person is committed for substance use disorder treatment, in a)), an available secure withdrawal management and stabilization facility with adequate space, or an available approved substance use disorder treatment program ((if either is available)) with adequate space, in or near the county in which he or she is receiving outpatient treatment ((and has adequate space))~~. Proceedings under this subsection (4) may be initiated without ordering the apprehension and detention of the person.

(b) Except as provided in subsection (6) of this section, a person detained under this subsection (4) must be held until such time, not exceeding five days, as a hearing can be scheduled to determine whether or not the person should be returned to the hospital or facility from which he or she had been released. If the person is not detained, the hearing must be scheduled within five days of service on the person. The designated crisis responder or the secretary of the department of social and health services may modify or rescind the order at any time prior to commencement of the court hearing.

(c) The designated crisis responder or secretary of the department of social and health services shall file a revocation petition and order of apprehension and detention with the court of the county where the person is currently located or being detained. The designated crisis responder shall serve the person and their attorney, guardian, and conservator, if any. The person has the same rights with respect to notice, hearing, and counsel as in any involuntary treatment proceeding, except as specifically set forth in this section. There is no right to jury trial. The venue for proceedings is the county where the petition is filed. Notice of the filing must be provided to the court that originally ordered commitment, if different from the court where the petition for revocation is filed, within two judicial days of the person's detention.

(d) Except as provided in subsection (6) of this section, the issues for the court to determine are whether: (i) The person adhered to the terms and conditions of the court order; (ii) substantial deterioration in the person's functioning has occurred; (iii) there is evidence of substantial decompensation with a reasonable probability that the decompensation can be reversed by further inpatient treatment; or (iv) there is a likelihood of serious harm; and, if any of the above conditions apply, whether the court should reinstate or modify the person's less restrictive alternative or conditional release order or order the person's detention for inpatient treatment. The person may waive the

court hearing and allow the court to enter a stipulated order upon the agreement of all parties. If the court orders detention for inpatient treatment, the treatment period ~~((may be for no longer than the period))~~ must be for fourteen days from the revocation hearing if the outpatient order was based on a petition under RCW 71.05.160 or 71.05.230. If the court orders detention for inpatient treatment and the outpatient order was based on a petition under RCW 71.05.290 or 71.05.320, the number of days remaining on the outpatient order must be converted to days of inpatient treatment authorized in the original court order. A court may not issue an order to detain a person for inpatient treatment in a secure withdrawal management and stabilization facility or approved substance use disorder treatment program under this subsection unless there is a secure withdrawal management and stabilization facility or approved substance use disorder treatment program available and with adequate space for the person.

(5) In determining whether or not to take action under this section the designated crisis responder, agency, or facility must consider the factors specified under RCW 71.05.212 and the court must consider the factors specified under RCW 71.05.245 as they apply to the question of whether to enforce, modify, or revoke a court order for involuntary treatment.

(6)(a) If the current commitment is solely based on the person being in need of assisted outpatient behavioral health treatment as defined in RCW 71.05.020, a designated crisis responder may initiate inpatient detention procedures under RCW 71.05.150 or 71.05.153 when appropriate. A designated crisis responder or the secretary may, upon their own motion or notification by the facility or agency designated to provide outpatient care to a person subject to a less restrictive alternative treatment order under RCW 71.05.320 subsequent to an order for assisted outpatient behavioral health treatment entered under RCW 71.05.148, order the person to be apprehended and taken into custody and temporary detention for inpatient evaluation in an evaluation and treatment facility ~~((in or near the county in which he or she is receiving outpatient treatment if the person is committed for mental health treatment, or, if the person is committed for substance use disorder treatment, in a))~~, secure withdrawal management and stabilization facility, or in an approved substance use disorder treatment program ~~((if either is available))~~, in or near the county in which he or she is receiving outpatient treatment. Proceedings under this subsection may be initiated without ordering the apprehension and detention of the person.

(b) A person detained under this subsection may be held for evaluation for up to seventy-two hours, excluding weekends and holidays, pending a court hearing. If the person is not detained, the hearing must be scheduled within seventy-two hours of service on the person. The designated crisis responder or the secretary may modify or rescind the order at any time prior to commencement of the court hearing.

(c) The issues for the court to determine are whether to continue the detention of the person for inpatient treatment or whether the court should reinstate or modify the person's less restrictive alternative order or order the person's

detention for inpatient treatment. To continue detention after the seventy-two hour period, the court must find that the person, as a result of a ~~((mental disorder or substance use))~~ behavioral health disorder, presents a likelihood of serious harm or is gravely disabled and, after considering less restrictive alternatives to involuntary detention and treatment, that no such alternatives are in the best interest of the person or others.

(d) A court may not issue an order to detain a person for inpatient treatment in a secure withdrawal management and stabilization facility or approved substance use disorder program under this subsection unless there is a secure withdrawal management and stabilization facility or approved substance use disorder treatment program available and with adequate space for the person.

**Sec. 95.** RCW 71.05.590 and 2019 c 446 s 14 are each amended to read as follows:

(1) Either an agency or facility designated to monitor or provide services under a less restrictive alternative order or conditional release order, or a designated crisis responder, may take action to enforce, modify, or revoke a less restrictive alternative or conditional release order. The agency, facility, or designated crisis responder must determine that:

(a) The person is failing to adhere to the terms and conditions of the court order;

(b) Substantial deterioration in the person's functioning has occurred;

(c) There is evidence of substantial decompensation with a reasonable probability that the decompensation can be reversed by further evaluation, intervention, or treatment; or

(d) The person poses a likelihood of serious harm.

(2) Actions taken under this section must include a flexible range of responses of varying levels of intensity appropriate to the circumstances and consistent with the interests of the individual and the public in personal autonomy, safety, recovery, and compliance. Available actions may include, but are not limited to, any of the following:

(a) To counsel or advise the person as to their rights and responsibilities under the court order, and to offer appropriate incentives to motivate compliance;

(b) To increase the intensity of outpatient services provided to the person by increasing the frequency of contacts with the provider, referring the person for an assessment for assertive community services, or by other means;

(c) To request a court hearing for review and modification of the court order. The request must be made to or by the court with jurisdiction over the order and specify the circumstances that give rise to the request and what modification is being sought. The county prosecutor shall assist the agency or facility in requesting this hearing and issuing an appropriate summons to the person. This subsection does not limit the inherent authority of a

treatment provider to alter conditions of treatment for clinical reasons, and is intended to be used only when court intervention is necessary or advisable to secure the person's compliance and prevent decompensation or deterioration;

(d) To cause the person to be transported by a peace officer, designated crisis responder, or other means to the agency or facility monitoring or providing services under the court order, or to a triage facility, crisis stabilization unit, emergency department, ~~((or to an))~~ evaluation and treatment facility ~~((if the person is committed for mental health treatment)), ((or to a))~~ secure withdrawal management and stabilization facility with available space, or an approved substance use disorder treatment program with available space ~~((if the person is committed for substance use disorder treatment))~~. The person may be detained at the facility for up to twelve hours for the purpose of an evaluation to determine whether modification, revocation, or commitment proceedings are necessary and appropriate to stabilize the person and prevent decompensation, deterioration, or physical harm. Temporary detention for evaluation under this subsection is intended to occur only following a pattern of noncompliance or the failure of reasonable attempts at outreach and engagement, and may occur only when in the clinical judgment of a designated crisis responder or the professional person in charge of an agency or facility designated to monitor less restrictive alternative services temporary detention is appropriate. This subsection does not limit the ability or obligation to pursue revocation procedures under subsection (4) of this section in appropriate circumstances; and

(e) To initiate revocation procedures under subsection (4) of this section or, if the current commitment is solely based on the person being in need of assisted outpatient behavioral health treatment as defined in RCW 71.05.020, initiate initial inpatient detention procedures under subsection (6) of this section.

(3) The facility or agency designated to provide outpatient treatment shall notify the secretary of the department of social and health services or designated crisis responder when a person fails to adhere to terms and conditions of court ordered treatment or experiences substantial deterioration in his or her condition and, as a result, presents an increased likelihood of serious harm.

(4)(a) Except as provided in subsection (6) of this section, a designated crisis responder or the secretary of the department of social and health services may upon their own motion or notification by the facility or agency designated to provide outpatient care order a person subject to a court order under this chapter to be apprehended and taken into custody and temporary detention in an evaluation and treatment facility ~~((in or near the county in which he or she is receiving outpatient treatment if the person is committed for mental health treatment, or, if the person is committed for substance use disorder treatment, in a))~~, an available secure withdrawal management and stabilization facility with adequate space, or an available approved substance use disorder treatment program ((if either is available)) with adequate space, in or near the county in which he or she is receiving outpatient treatment ~~((and has adequate space))~~. Proceedings under this subsection (4) may be initiated

without ordering the apprehension and detention of the person.

(b) Except as provided in subsection (6) of this section, a person detained under this subsection (4) must be held until such time, not exceeding five days, as a hearing can be scheduled to determine whether or not the person should be returned to the hospital or facility from which he or she had been released. If the person is not detained, the hearing must be scheduled within five days of service on the person. The designated crisis responder or the secretary of the department of social and health services may modify or rescind the order at any time prior to commencement of the court hearing.

(c) The designated crisis responder or secretary of the department of social and health services shall file a revocation petition and order of apprehension and detention with the court of the county where the person is currently located or being detained. The designated crisis responder shall serve the person and their attorney, guardian, and conservator, if any. The person has the same rights with respect to notice, hearing, and counsel as in any involuntary treatment proceeding, except as specifically set forth in this section. There is no right to jury trial. The venue for proceedings is the county where the petition is filed. Notice of the filing must be provided to the court that originally ordered commitment, if different from the court where the petition for revocation is filed, within two judicial days of the person's detention.

(d) Except as provided in subsection (6) of this section, the issues for the court to determine are whether: (i) The person adhered to the terms and conditions of the court order; (ii) substantial deterioration in the person's functioning has occurred; (iii) there is evidence of substantial decompensation with a reasonable probability that the decompensation can be reversed by further inpatient treatment; or (iv) there is a likelihood of serious harm; and, if any of the above conditions apply, whether the court should reinstate or modify the person's less restrictive alternative or conditional release order or order the person's detention for inpatient treatment. The person may waive the court hearing and allow the court to enter a stipulated order upon the agreement of all parties. If the court orders detention for inpatient treatment, the treatment period ~~((may be for no longer than the period))~~ must be for fourteen days from the revocation hearing if the outpatient order was based on a petition under RCW 71.05.160 or 71.05.230. If the court orders detention for inpatient treatment and the outpatient order was based on a petition under RCW 71.05.290 or 71.05.320, the number of days remaining on the outpatient order must be converted to days of inpatient treatment authorized in the original court order. A court may not issue an order to detain a person for inpatient treatment in a secure withdrawal management and stabilization facility or approved substance use disorder treatment program under this subsection unless there is a secure withdrawal management and stabilization facility or approved substance use disorder treatment program available and with adequate space for the person.

(5) In determining whether or not to take action under this section the designated crisis responder, agency, or

facility must consider the factors specified under RCW 71.05.212 and the court must consider the factors specified under RCW 71.05.245 as they apply to the question of whether to enforce, modify, or revoke a court order for involuntary treatment.

(6)(a) If the current commitment is solely based on the person being in need of assisted outpatient behavioral health treatment as defined in RCW 71.05.020, a designated crisis responder may initiate inpatient detention procedures under RCW 71.05.150 or 71.05.153 when appropriate. A designated crisis responder or the secretary may, upon their own motion or notification by the facility or agency designated to provide outpatient care to a person subject to a less restrictive alternative treatment order under RCW 71.05.320 subsequent to an order for assisted outpatient behavioral health treatment entered under RCW 71.05.148, order the person to be apprehended and taken into custody and temporary detention for inpatient evaluation in an evaluation and treatment facility ~~((in or near the county in which he or she is receiving outpatient treatment if the person is committed for mental health treatment, or, if the person is committed for substance use disorder treatment, in a))~~, secure withdrawal management and stabilization facility, or in an approved substance use disorder treatment program ~~((if either is available))~~, in or near the county in which he or she is receiving outpatient treatment. Proceedings under this subsection may be initiated without ordering the apprehension and detention of the person.

(b) A person detained under this subsection may be held for evaluation for up to ~~((seventy-two))~~ one hundred twenty hours, excluding weekends and holidays, pending a court hearing. If the person is not detained, the hearing must be scheduled within ~~((seventy-two))~~ one hundred twenty hours of service on the person. The designated crisis responder or the secretary may modify or rescind the order at any time prior to commencement of the court hearing.

(c) The issues for the court to determine are whether to continue the detention of the person for inpatient treatment or whether the court should reinstate or modify the person's less restrictive alternative order or order the person's detention for inpatient treatment. To continue detention after the ~~((seventy-two))~~ one hundred twenty hour period, the court must find that the person, as a result of a ~~((mental disorder or substance use))~~ behavioral health disorder, presents a likelihood of serious harm or is gravely disabled and, after considering less restrictive alternatives to involuntary detention and treatment, that no such alternatives are in the best interest of the person or others.

(d) A court may not issue an order to detain a person for inpatient treatment in a secure withdrawal management and stabilization facility or approved substance use disorder program under this subsection unless there is a secure withdrawal management and stabilization facility or approved substance use disorder treatment program available and with adequate space for the person.

**Sec. 96.** RCW 71.05.590 and 2019 c 446 s 15 are each amended to read as follows:

(1) Either an agency or facility designated to monitor or provide services under a less restrictive alternative order

or conditional release order, or a designated crisis responder, may take action to enforce, modify, or revoke a less restrictive alternative or conditional release order. The agency, facility, or designated crisis responder must determine that:

(a) The person is failing to adhere to the terms and conditions of the court order;

(b) Substantial deterioration in the person's functioning has occurred;

(c) There is evidence of substantial decompensation with a reasonable probability that the decompensation can be reversed by further evaluation, intervention, or treatment; or

(d) The person poses a likelihood of serious harm.

(2) Actions taken under this section must include a flexible range of responses of varying levels of intensity appropriate to the circumstances and consistent with the interests of the individual and the public in personal autonomy, safety, recovery, and compliance. Available actions may include, but are not limited to, any of the following:

(a) To counsel or advise the person as to their rights and responsibilities under the court order, and to offer appropriate incentives to motivate compliance;

(b) To increase the intensity of outpatient services provided to the person by increasing the frequency of contacts with the provider, referring the person for an assessment for assertive community services, or by other means;

(c) To request a court hearing for review and modification of the court order. The request must be made to or by the court with jurisdiction over the order and specify the circumstances that give rise to the request and what modification is being sought. The county prosecutor shall assist the agency or facility in requesting this hearing and issuing an appropriate summons to the person. This subsection does not limit the inherent authority of a treatment provider to alter conditions of treatment for clinical reasons, and is intended to be used only when court intervention is necessary or advisable to secure the person's compliance and prevent decompensation or deterioration;

(d) To cause the person to be transported by a peace officer, designated crisis responder, or other means to the agency or facility monitoring or providing services under the court order, or to a triage facility, crisis stabilization unit, emergency department, ~~((or to an))~~ evaluation and treatment facility ~~((if the person is committed for mental health treatment))~~, ~~((or to a))~~ secure withdrawal management and stabilization facility, or an approved substance use disorder treatment program ~~((if the person is committed for substance use disorder treatment))~~. The person may be detained at the facility for up to twelve hours for the purpose of an evaluation to determine whether modification, revocation, or commitment proceedings are necessary and appropriate to stabilize the person and prevent decompensation, deterioration, or physical harm. Temporary detention for evaluation under this subsection is intended to occur only

following a pattern of noncompliance or the failure of reasonable attempts at outreach and engagement, and may occur only when in the clinical judgment of a designated crisis responder or the professional person in charge of an agency or facility designated to monitor less restrictive alternative services temporary detention is appropriate. This subsection does not limit the ability or obligation to pursue revocation procedures under subsection (4) of this section in appropriate circumstances; and

(e) To initiate revocation procedures under subsection (4) of this section or, if the current commitment is solely based on the person being in need of assisted outpatient behavioral health treatment as defined in RCW 71.05.020, initial inpatient detention procedures under subsection (6) of this section.

(3) The facility or agency designated to provide outpatient treatment shall notify the secretary of the department of social and health services or designated crisis responder when a person fails to adhere to terms and conditions of court ordered treatment or experiences substantial deterioration in his or her condition and, as a result, presents an increased likelihood of serious harm.

(4)(a) Except as provided in subsection (6) of this section, a designated crisis responder or the secretary of the department of social and health services may upon their own motion or notification by the facility or agency designated to provide outpatient care order a person subject to a court order under this chapter to be apprehended and taken into custody and temporary detention in an evaluation and treatment facility ~~((in or near the county in which he or she is receiving outpatient treatment if the person is committed for mental health treatment, or, if the person is committed for substance use disorder treatment))~~, in a secure withdrawal management and stabilization facility, or in an approved substance use disorder treatment program ((if either is available)), in or near the county in which he or she is receiving outpatient treatment. Proceedings under this subsection (4) may be initiated without ordering the apprehension and detention of the person.

(b) Except as provided in subsection (6) of this section, a person detained under this subsection (4) must be held until such time, not exceeding five days, as a hearing can be scheduled to determine whether or not the person should be returned to the hospital or facility from which he or she had been released. If the person is not detained, the hearing must be scheduled within five days of service on the person. The designated crisis responder or the secretary of the department of social and health services may modify or rescind the order at any time prior to commencement of the court hearing.

(c) The designated crisis responder or secretary of the department of social and health services shall file a revocation petition and order of apprehension and detention with the court of the county where the person is currently located or being detained. The designated crisis responder shall serve the person and their attorney, guardian, and conservator, if any. The person has the same rights with respect to notice, hearing, and counsel as in any involuntary treatment proceeding, except as specifically set forth in this

section. There is no right to jury trial. The venue for proceedings is the county where the petition is filed. Notice of the filing must be provided to the court that originally ordered commitment, if different from the court where the petition for revocation is filed, within two judicial days of the person's detention.

(d) Except as provided in subsection (6) of this section, the issues for the court to determine are whether: (i) The person adhered to the terms and conditions of the court order; (ii) substantial deterioration in the person's functioning has occurred; (iii) there is evidence of substantial decompensation with a reasonable probability that the decompensation can be reversed by further inpatient treatment; or (iv) there is a likelihood of serious harm; and, if any of the above conditions apply, whether the court should reinstate or modify the person's less restrictive alternative or conditional release order or order the person's detention for inpatient treatment. The person may waive the court hearing and allow the court to enter a stipulated order upon the agreement of all parties. If the court orders detention for inpatient treatment, the treatment period ~~((may be for no longer than the period))~~ must be for fourteen days from the revocation hearing if the outpatient order was based on a petition under RCW 71.05.160 or 71.05.230. If the court orders detention for inpatient treatment and the outpatient order was based on a petition under RCW 71.05.290 or 71.05.320, the number of days remaining on the outpatient order must be converted to days of inpatient treatment authorized in the original court order.

(5) In determining whether or not to take action under this section the designated crisis responder, agency, or facility must consider the factors specified under RCW 71.05.212 and the court must consider the factors specified under RCW 71.05.245 as they apply to the question of whether to enforce, modify, or revoke a court order for involuntary treatment.

(6)(a) If the current commitment is solely based on the person being in need of assisted outpatient behavioral health treatment as defined in RCW 71.05.020, a designated crisis responder may initiate inpatient detention procedures under RCW 71.05.150 or 71.05.153 when appropriate. A designated crisis responder or the secretary may, upon their own motion or notification by the facility or agency designated to provide outpatient care to a person subject to a less restrictive alternative treatment order under RCW 71.05.320 subsequent to an order for assisted outpatient behavioral health treatment entered under RCW 71.05.148, order the person to be apprehended and taken into custody and temporary detention for inpatient evaluation in an evaluation and treatment facility ~~((in or near the county in which he or she is receiving outpatient treatment if the person is committed for mental health treatment, or, if the person is committed for substance use disorder treatment))~~, in a secure withdrawal management and stabilization facility, or in an approved substance use disorder treatment program ((if either is available)), in or near the county in which he or she is receiving outpatient treatment. Proceedings under this subsection may be initiated without ordering the apprehension and detention of the person.

(b) A person detained under this subsection may be held for evaluation for up to ~~((seventy-two))~~ one hundred twenty hours, excluding weekends and holidays, pending a court hearing. The designated crisis responder or the secretary may modify or rescind the order at any time prior to commencement of the court hearing.

(c) The issues for the court to determine are whether to continue the detention of the person for inpatient treatment or whether the court should reinstate or modify the person's less restrictive alternative order or order the person's detention for inpatient treatment. To continue detention after the ~~((seventy-two))~~ one hundred twenty hour period, the court must find that the person, as a result of a ~~((mental disorder or substance use))~~ behavioral health disorder, presents a likelihood of serious harm or is gravely disabled and, after considering less restrictive alternatives to involuntary detention and treatment, that no such alternatives are in the best interest of the person or others.

~~((d) A court may not issue an order to detain a person for inpatient treatment in a secure withdrawal management and stabilization facility or approved substance use disorder program under this subsection unless there is a secure withdrawal management and stabilization facility or approved substance use disorder treatment program available and with adequate space for the person.))~~

**Sec. 97.** RCW 71.05.720 and 2018 c 201 s 3029 are each amended to read as follows:

Annually, all community mental health employees who work directly with clients shall be provided with training on safety and violence prevention topics described in RCW 49.19.030. The curriculum for the training shall be developed collaboratively among the authority, the department, contracted ~~((mental))~~ behavioral health service providers, and employee organizations that represent community mental health workers.

**Sec. 98.** RCW 71.05.740 and 2019 c 325 s 3012 are each amended to read as follows:

All behavioral health administrative services organizations in the state of Washington must forward historical ~~((mental))~~ behavioral health involuntary commitment information retained by the organization, including identifying information and dates of commitment to the authority. As soon as feasible, the behavioral health administrative services organizations must arrange to report new commitment data to the authority within twenty-four hours. Commitment information under this section does not need to be resent if it is already in the possession of the authority. Behavioral health administrative services organizations and the authority shall be immune from liability related to the sharing of commitment information under this section.

**Sec. 99.** RCW 71.05.750 and 2019 c 325 s 3013 are each amended to read as follows:

(1) A designated crisis responder shall make a report to the authority when he or she determines a person meets detention criteria under RCW 71.05.150, 71.05.153, 71.34.700, or 71.34.710 and there are not any beds available

at an evaluation and treatment facility, the person has not been provisionally accepted for admission by a facility, and the person cannot be served on a single bed certification or less restrictive alternative. Starting at the time when the designated crisis responder determines a person meets detention criteria and the investigation has been completed, the designated crisis responder has twenty-four hours to submit a completed report to the authority.

(2) The report required under subsection (1) of this section must contain at a minimum:

(a) The date and time that the investigation was completed;

(b) The identity of the responsible behavioral health administrative services organization and managed care organization, if applicable;

(c) The county in which the person met detention criteria;

(d) A list of facilities which refused to admit the person; and

(e) Identifying information for the person, including age or date of birth.

(3) The authority shall develop a standardized reporting form or modify the current form used for single bed certifications for the report required under subsection (2) of this section and may require additional reporting elements as it determines are necessary or supportive. The authority shall also determine the method for the transmission of the completed report from the designated crisis responder to the authority.

(4) The authority shall create quarterly reports displayed on its web site that summarize the information reported under subsection (2) of this section. At a minimum, the reports must display data by county and by month. The reports must also include the number of single bed certifications granted by category. The categories must include all of the reasons that the authority recognizes for issuing a single bed certification, as identified in rule.

(5) The reports provided according to this section may not display "protected health information" as that term is used in the federal health insurance portability and accountability act of 1996, nor information contained in "mental health treatment records" as that term is used in chapter 70.02 RCW or elsewhere in state law, and must otherwise be compliant with state and federal privacy laws.

(6) For purposes of this section, the term "single bed certification" means a situation in which an adult on a ~~((seventy-two))~~ one hundred twenty hour detention, fourteen-day commitment, ninety-day commitment, or one hundred eighty-day commitment is detained to a facility that is:

(a) Not licensed or certified as an inpatient evaluation and treatment facility; or

(b) A licensed or certified inpatient evaluation and treatment facility that is already at capacity.



**Sec. 100.** RCW 9.41.047 and 2019 c 248 s 3 and 2019 c 247 s 3 are each reenacted and amended to read as follows:

(1)(a) At the time a person is convicted or found not guilty by reason of insanity of an offense making the person ineligible to possess a firearm, or at the time a person is committed by court order under RCW 71.05.240, 71.05.320, 71.34.740, 71.34.750, or chapter 10.77 RCW for mental health treatment, or at the time that charges are dismissed based on incompetency to stand trial under RCW 10.77.088 and the court makes a finding that the person has a history of one or more violent acts, the convicting or committing court, or court that dismisses charges, shall notify the person, orally and in writing, that the person must immediately surrender any concealed pistol license and that the person may not possess a firearm unless his or her right to do so is restored by a court of record. For purposes of this section a convicting court includes a court in which a person has been found not guilty by reason of insanity.

(b) The court shall forward within three judicial days after conviction, entry of the commitment order, or dismissal of charges, a copy of the person's driver's license or identicard, or comparable information such as their name, address, and date of birth, along with the date of conviction or commitment, or date charges are dismissed, to the department of licensing. When a person is committed by court order under RCW 71.05.240, 71.05.320, 71.34.740, 71.34.750, or chapter 10.77 RCW, for mental health treatment, or when a person's charges are dismissed based on incompetency to stand trial under RCW 10.77.088 and the court makes a finding that the person has a history of one or more violent acts, the court also shall forward, within three judicial days after entry of the commitment order, or dismissal of charges, a copy of the person's driver's license, or comparable information, along with the date of commitment or date charges are dismissed, to the national instant criminal background check system index, denied persons file, created by the federal Brady handgun violence prevention act (P.L. 103-159). The petitioning party shall provide the court with the information required. If more than one commitment order is entered under one cause number, only one notification to the department of licensing and the national instant criminal background check system is required.

(2) Upon receipt of the information provided for by subsection (1) of this section, the department of licensing shall determine if the convicted or committed person, or the person whose charges are dismissed based on incompetency to stand trial, has a concealed pistol license. If the person does have a concealed pistol license, the department of licensing shall immediately notify the license-issuing authority which, upon receipt of such notification, shall immediately revoke the license.

(3)(a) A person who is prohibited from possessing a firearm, by reason of having been involuntarily committed for mental health treatment under RCW 71.05.240, 71.05.320, 71.34.740, 71.34.750, chapter 10.77 RCW, or equivalent statutes of another jurisdiction, or by reason of having been detained under RCW 71.05.150 or 71.05.153, or because the person's charges were dismissed based on incompetency to stand trial under RCW 10.77.088 and the

court made a finding that the person has a history of one or more violent acts, may, upon discharge, petition the superior court to have his or her right to possess a firearm restored.

(b) The petition must be brought in the superior court that ordered the involuntary commitment or dismissed the charges based on incompetency to stand trial or the superior court of the county in which the petitioner resides.

(c) Except as provided in (d) and (e) of this subsection, the court shall restore the petitioner's right to possess a firearm if the petitioner proves by a preponderance of the evidence that:

(i) The petitioner is no longer required to participate in court-ordered inpatient or outpatient treatment;

(ii) The petitioner has successfully managed the condition related to the commitment or detention or incompetency;

(iii) The petitioner no longer presents a substantial danger to himself or herself, or the public; and

(iv) The symptoms related to the commitment or detention or incompetency are not reasonably likely to recur.

(d) If a preponderance of the evidence in the record supports a finding that the person petitioning the court has engaged in violence and that it is more likely than not that the person will engage in violence after his or her right to possess a firearm is restored, the person shall bear the burden of proving by clear, cogent, and convincing evidence that he or she does not present a substantial danger to the safety of others.

(e) If the petitioner seeks restoration after having been detained under RCW 71.05.150 or 71.05.153, the state shall bear the burden of proof to show, by a preponderance of the evidence, that the petitioner does not meet the restoration criteria in (c) of this subsection.

(f) When a person's right to possess a firearm has been restored under this subsection, the court shall forward, within three judicial days after entry of the restoration order, notification that the person's right to possess a firearm has been restored to the department of licensing with a copy of the person's driver's license or identicard, or comparable identification such as their name, address, and date of birth, the health care authority, and the national instant criminal background check system index, denied persons file. In the case of a person whose right to possess a firearm has been suspended for six months as provided in RCW 71.05.182, the department of licensing shall forward notification of the restoration order to the licensing authority, which, upon receipt of such notification, shall immediately lift the suspension, restoring the license.

(4) No person who has been found not guilty by reason of insanity may petition a court for restoration of the right to possess a firearm unless the person meets the requirements for the restoration of the right to possess a firearm under RCW 9.41.040(4).

**Sec. 101.** RCW 9.41.049 and 2019 c 247 s 2 are each amended to read as follows:

(1) When a designated crisis responder files a petition for initial detention under RCW 71.05.150 or 71.05.153 on the grounds that the person presents a likelihood of serious harm, the petition shall include a copy of the person's driver's license or identicard or comparable information such as their name, address, and date of birth. If the person is not subsequently committed for involuntary treatment under RCW 71.05.240, the court shall forward within three business days of the probable cause hearing a copy of the person's driver's license or identicard, or comparable information, along with the date of release from the facility, to the department of licensing and to the state patrol, who shall forward the information to the national instant criminal background check system index, denied persons file, created by the federal Brady handgun violence prevention act (P.L. 103-159). Upon expiration of the six-month period during which the person's right to possess a firearm is suspended as provided in RCW 71.05.182, the Washington state patrol shall forward to the national instant criminal background check system index, denied persons file, notice that the person's right to possess a firearm has been restored.

(2) Upon receipt of the information provided for by subsection (1) of this section, the department of licensing shall determine if the detained person has a concealed pistol license. If the person does have a concealed pistol license, the department of licensing shall immediately notify the license-issuing authority, which, upon receipt of such notification, shall immediately suspend the license for a period of six months from the date of the person's release from the facility.

(3) A person who is prohibited from possessing a firearm by reason of having been detained under RCW 71.05.150 or 71.05.153 may, upon discharge, petition the superior court to have his or her right to possess a firearm restored before the six-month suspension period has elapsed by following the procedures provided in RCW 9.41.047(3).

**Sec. 102.** RCW 71.34.010 and 2019 c 381 s 1 are each amended to read as follows:

(1) It is the purpose of this chapter to assure that minors in need of ~~((mental))~~ behavioral health care and treatment receive an appropriate continuum of culturally relevant care and treatment, including prevention and early intervention, self-directed care, parent-directed care, and involuntary treatment. To facilitate the continuum of care and treatment to minors in out-of-home placements, all divisions of the authority and the department that provide ~~((mental))~~ behavioral health services to minors shall jointly plan and deliver those services.

(2) It is also the purpose of this chapter to protect the rights of adolescents to confidentiality and to independently seek services for ~~((mental health and substance use))~~ behavioral health disorders. Mental health and ~~((chemical dependency))~~ substance use disorder professionals shall guard against needless hospitalization and deprivations of liberty, enable treatment decisions to be made in response to clinical needs in accordance with sound professional judgment, and encourage the use of voluntary services. Mental health and ~~((chemical dependency))~~ substance use disorder professionals shall, whenever clinically

appropriate, offer less restrictive alternatives to inpatient treatment. Additionally, all ~~((mental))~~ behavioral health care and treatment providers shall assure that minors' parents are given an opportunity to participate in the treatment decisions for their minor children. The ~~((mental))~~ behavioral health care and treatment providers shall, to the extent possible, offer services that involve minors' parents or family.

(3)(a) It is the intent of the legislature to enhance continuity of care for minors with serious behavioral health disorders that can be controlled or stabilized in a less restrictive alternative commitment. Within the guidelines stated in *In re LaBelle*, 107 Wn.2d 196 (1986), the legislature intends to encourage appropriate interventions at a point when there is the best opportunity to restore the minor to or maintain satisfactory functioning.

(b) For minors with a prior history or pattern of repeated hospitalizations or law enforcement interventions due to decompensation, the consideration of prior behavioral health history is particularly relevant in determining whether the minor would receive, if released, such care as is essential for his or her health or safety.

(c) Therefore, the legislature finds that for minors who are currently under a commitment order, a prior history of decompensation leading to repeated hospitalizations or law enforcement interventions should be given great weight in determining whether a new less restrictive alternative commitment should be ordered. The court must also consider any school behavioral issues, the impact on the family, the safety of other children in the household, and the developmental age of the minor.

(4) It is also the purpose of this chapter to protect the health and safety of minors suffering from behavioral health disorders and to protect public safety through use of the parens patriae and police powers of the state. Accordingly, when construing the requirements of this chapter the court must focus on the merits of the petition, except where requirements have been totally disregarded, as provided in *In re C.W.*, 147 Wn.2d 259, 281 (2002). A presumption in favor of deciding petitions on their merits furthers both public and private interests because the mental and physical well-being of minors as well as public safety may be implicated by the decision to release a minor and discontinue his or her treatment.

(5) It is also the purpose of this chapter to assure the ability of parents to exercise reasonable, compassionate care and control of their minor children when there is a medical necessity for treatment and without the requirement of filing a petition under this chapter, including the ability to request and receive medically necessary treatment for their adolescent children without the consent of the adolescent.

**Sec. 103.** RCW 71.34.020 and 2019 c 446 s 24, 2019 c 444 s 17, 2019 c 381 s 2, and 2019 c 325 s 2001 are each reenacted and amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Adolescent" means a minor thirteen years of age or older.

(2) "Alcoholism" means a disease, characterized by a dependency on alcoholic beverages, loss of control over the amount and circumstances of use, symptoms of tolerance, physiological or psychological withdrawal, or both, if use is reduced or discontinued, and impairment of health or disruption of social or economic functioning.

(3) "Approved substance use disorder treatment program" means a program for minors with substance use disorders provided by a treatment program licensed or certified by the department of health as meeting standards adopted under chapter 71.24 RCW.

(4) "Authority" means the Washington state health care authority.

(5) "Behavioral health administrative services organization" has the same meaning as provided in RCW 71.24.025.

(6) "Child psychiatrist" means a person having a license as a physician and surgeon in this state, who has had graduate training in child psychiatry in a program approved by the American Medical Association or the American Osteopathic Association, and who is board eligible or board certified in child psychiatry.

(7) "Children's mental health specialist" means:

(a) A mental health professional who has completed a minimum of one hundred actual hours, not quarter or semester hours, of specialized training devoted to the study of child development and the treatment of children; and

(b) A mental health professional who has the equivalent of one year of full-time experience in the treatment of children under the supervision of a children's mental health specialist.

(8) "Commitment" means a determination by a judge or court commissioner, made after a commitment hearing, that the minor is in need of inpatient diagnosis, evaluation, or treatment or that the minor is in need of less restrictive alternative treatment.

(9) "Co-occurring disorder specialist" means an individual possessing an enhancement granted by the department of health under chapter 18.205 RCW that certifies the individual to provide substance use disorder counseling subject to the practice limitations under RCW 18.205.105.

(10) "Department" means the department of social and health services.

(11) "Designated crisis responder" has the same meaning as provided in RCW 71.05.020.

(12) "Director" means the director of the authority.

(13) "Evaluation and treatment facility" means a public or private facility or unit that is licensed or certified by the department of health to provide emergency, inpatient, residential, or outpatient mental health evaluation and treatment services for minors. A physically separate and separately operated portion of a state hospital may be designated as an evaluation and treatment facility for minors. A facility which is part of or operated by the state or federal

agency does not require licensure or certification. No correctional institution or facility, juvenile court detention facility, or jail may be an evaluation and treatment facility within the meaning of this chapter.

(14) "Evaluation and treatment program" means the total system of services and facilities coordinated and approved by a county or combination of counties for the evaluation and treatment of minors under this chapter.

(15) "Gravely disabled minor" means a minor who, as a result of a ~~((mental))~~ behavioral health disorder ~~((or as a result of the use of alcohol or other psychoactive chemicals))~~, (a) is in danger of serious physical harm resulting from a failure to provide for his or her essential human needs of health or safety, or (b) manifests severe deterioration in routine functioning evidenced by repeated and escalating loss of cognitive or volitional control over his or her actions and is not receiving such care as is essential for his or her health or safety.

(16) "Inpatient treatment" means twenty-four-hour-per-day mental health care provided within a general hospital, psychiatric hospital, residential treatment facility licensed or certified by the department of health as an evaluation and treatment facility for minors, secure withdrawal management and stabilization facility for minors, or approved substance use disorder treatment program for minors.

(17) "Intoxicated minor" means a minor whose mental or physical functioning is substantially impaired as a result of the use of alcohol or other psychoactive chemicals.

(18) "Kinship caregiver" has the same meaning as in RCW 74.13.031(19)(a).

(19) "Less restrictive alternative" or "less restrictive setting" means outpatient treatment provided to a minor who is not residing in a facility providing inpatient treatment as defined in this chapter.

(20) "Likelihood of serious harm" means ~~((either))~~:

(a) A substantial risk that: (i) Physical harm will be inflicted by ~~((an individual))~~ a minor upon his or her own person, as evidenced by threats or attempts to commit suicide or inflict physical harm on oneself; ~~((b) a substantial risk that))~~ (ii) physical harm will be inflicted by ~~((an individual))~~ a minor upon another individual, as evidenced by behavior which has caused such harm or which places another person or persons in reasonable fear of sustaining such harm; or ~~((c) a substantial risk that))~~ (iii) physical harm will be inflicted by ~~((an individual))~~ a minor upon the property of others, as evidenced by behavior which has caused substantial loss or damage to the property of others; or

(b) The minor has threatened the physical safety of another and has a history of one or more violent acts.

(21) "Managed care organization" has the same meaning as provided in RCW 71.24.025.

(22) "Medical necessity" for inpatient care means a requested service which is reasonably calculated to: (a) Diagnose, correct, cure, or alleviate a mental disorder or

substance use disorder; or (b) prevent the progression of a mental disorder or substance use disorder that endangers life or causes suffering and pain, or results in illness or infirmity or threatens to cause or aggravate a handicap, or causes physical deformity or malfunction, and there is no adequate less restrictive alternative available.

(23) "Mental disorder" means any organic, mental, or emotional impairment that has substantial adverse effects on an individual's cognitive or volitional functions. The presence of alcohol abuse, drug abuse, juvenile criminal history, antisocial behavior, or intellectual disabilities alone is insufficient to justify a finding of "mental disorder" within the meaning of this section.

(24) "Mental health professional" means a psychiatrist, psychiatric advanced registered nurse practitioner, physician assistant working with a supervising psychiatrist, psychologist, psychiatric nurse, social worker, and such other mental health professionals as defined by rules adopted by the secretary of the department of health under this chapter.

(25) "Minor" means any person under the age of eighteen years.

(26) "Outpatient treatment" means any of the nonresidential services mandated under chapter 71.24 RCW and provided by licensed or certified behavioral health agencies as identified by RCW 71.24.025.

(27)(a) "Parent" has the same meaning as defined in RCW 26.26A.010, including either parent if custody is shared under a joint custody agreement, or a person or agency judicially appointed as legal guardian or custodian of the child.

(b) For purposes of family-initiated treatment under RCW 71.34.600 through 71.34.670, "parent" also includes a person to whom a parent defined in (a) of this subsection has given a signed authorization to make health care decisions for the adolescent, a stepparent who is involved in caring for the adolescent, a kinship caregiver who is involved in caring for the adolescent, or another relative who is responsible for the health care of the adolescent, who may be required to provide a declaration under penalty of perjury stating that he or she is a relative responsible for the health care of the adolescent pursuant to ((RCW 9A.72.085)) chapter 5.50 RCW. If a dispute arises between individuals authorized to act as a parent for the purpose of RCW 71.34.600 through 71.34.670, the disagreement must be resolved according to the priority established under RCW 7.70.065(2)(a).

(28) "Physician assistant" means a person licensed as a physician assistant under chapter 18.57A or 18.71A RCW.

(29) "Private agency" means any person, partnership, corporation, or association that is not a public agency, whether or not financed in whole or in part by public funds, that constitutes an evaluation and treatment facility or private institution, or hospital, or approved substance use disorder treatment program, that is conducted for, or includes a distinct unit, floor, or ward conducted for, the care and treatment of persons with mental illness, substance use disorders, or both mental illness and substance use disorders.

(30) "Professional person in charge" or "professional person" means a physician, other mental health professional, or other person empowered by an evaluation and treatment facility, secure withdrawal management and stabilization facility, or approved substance use disorder treatment program with authority to make admission and discharge decisions on behalf of that facility.

(31) "Psychiatric nurse" means a registered nurse who has experience in the direct treatment of persons who have a mental illness or who are emotionally disturbed, such experience gained under the supervision of a mental health professional.

(32) "Psychiatrist" means a person having a license as a physician in this state who has completed residency training in psychiatry in a program approved by the American Medical Association or the American Osteopathic Association, and is board eligible or board certified in psychiatry.

(33) "Psychologist" means a person licensed as a psychologist under chapter 18.83 RCW.

(34) "Public agency" means any evaluation and treatment facility or institution, or hospital, or approved substance use disorder treatment program that is conducted for, or includes a distinct unit, floor, or ward conducted for, the care and treatment of persons with mental illness, substance use disorders, or both mental illness and substance use disorders if the agency is operated directly by federal, state, county, or municipal government, or a combination of such governments.

(35) "Responsible other" means the minor, the minor's parent or estate, or any other person legally responsible for support of the minor.

(36) "Secretary" means the secretary of the department or secretary's designee.

(37) "Secure withdrawal management and stabilization facility" means a facility operated by either a public or private agency or by the program of an agency which provides care to voluntary individuals and individuals involuntarily detained and committed under this chapter for whom there is a likelihood of serious harm or who are gravely disabled due to the presence of a substance use disorder. Secure withdrawal management and stabilization facilities must:

(a) Provide the following services:

(i) Assessment and treatment, provided by certified substance use disorder professionals or co-occurring disorder specialists;

(ii) Clinical stabilization services;

(iii) Acute or subacute detoxification services for intoxicated individuals; and

(iv) Discharge assistance provided by certified substance use disorder professionals or co-occurring disorder specialists, including facilitating transitions to appropriate voluntary or involuntary inpatient services or to less restrictive alternatives as appropriate for the individual;

(b) Include security measures sufficient to protect the patients, staff, and community; and

(c) Be licensed or certified as such by the department of health.

(38) "Social worker" means a person with a master's or further advanced degree from a social work educational program accredited and approved as provided in RCW 18.320.010.

(39) "Start of initial detention" means the time of arrival of the minor at the first evaluation and treatment facility, secure withdrawal management and stabilization facility, or approved substance use disorder treatment program offering inpatient treatment if the minor is being involuntarily detained at the time. With regard to voluntary patients, "start of initial detention" means the time at which the minor gives notice of intent to leave under the provisions of this chapter.

(40) "Substance use disorder" means a cluster of cognitive, behavioral, and physiological symptoms indicating that an individual continues using the substance despite significant substance-related problems. The diagnosis of a substance use disorder is based on a pathological pattern of behaviors related to the use of the substances.

(41) "Substance use disorder professional" means a person certified as a substance use disorder professional by the department of health under chapter 18.205 RCW (~~or a person certified as a chemical dependency professional trainee under RCW 18.205.095 working under the direct supervision of a certified chemical dependency professional~~).

(42) "Admission" or "admit" means a decision by a physician, physician assistant, or psychiatric advanced registered nurse practitioner that a minor should be examined or treated as a patient in a hospital.

(43) "Antipsychotic medications" means that class of drugs primarily used to treat serious manifestations of mental illness associated with thought disorders, which includes, but is not limited to, atypical antipsychotic medications.

(44) "Attending staff" means any person on the staff of a public or private agency having responsibility for the care and treatment of a minor patient.

(45) "Behavioral health disorder" means either a mental disorder as defined in this section, a substance use disorder as defined in this section, or a co-occurring mental disorder and substance use disorder.

(46) "Conditional release" means a revocable modification of a commitment, which may be revoked upon violation of any of its terms.

(47) "Crisis stabilization unit" means a short-term facility or a portion of a facility licensed or certified by the department of health under RCW 71.24.035, such as a residential treatment facility or a hospital, which has been designed to assess, diagnose, and treat individuals

experiencing an acute crisis without the use of long-term hospitalization.

(48) "Custody" means involuntary detention under the provisions of this chapter or chapter 10.77 RCW, uninterrupted by any period of unconditional release from commitment from a facility providing involuntary care and treatment.

(49) "Detention" or "detain" means the lawful confinement of a person, under the provisions of this chapter.

(50) "Developmental disabilities professional" means a person who has specialized training and three years of experience in directly treating or working with persons with developmental disabilities and is a psychiatrist, physician assistant working with a supervising psychiatrist, psychologist, psychiatric advanced registered nurse practitioner, or social worker, and such other developmental disabilities professionals as may be defined by rules adopted by the secretary of the department.

(51) "Developmental disability" has the same meaning as defined in RCW 71A.10.020.

(52) "Discharge" means the termination of hospital medical authority. The commitment may remain in place, be terminated, or be amended by court order.

(53) "Habilitative services" means those services provided by program personnel to assist minors in acquiring and maintaining life skills and in raising their levels of physical, behavioral, social, and vocational functioning. Habilitative services include education, training for employment, and therapy.

(54) "Hearing" means any proceeding conducted in open court that conforms to the requirements of section 100 of this act.

(55) "History of one or more violent acts" refers to the period of time five years prior to the filing of a petition under this chapter, excluding any time spent, but not any violent acts committed, in a mental health facility, a long-term alcoholism or drug treatment facility, or in confinement as a result of a criminal conviction.

(56) "Individualized service plan" means a plan prepared by a developmental disabilities professional with other professionals as a team, for a person with developmental disabilities, which states:

(a) The nature of the person's specific problems, prior charged criminal behavior, and habilitation needs;

(b) The conditions and strategies necessary to achieve the purposes of habilitation;

(c) The intermediate and long-range goals of the habilitation program, with a projected timetable for the attainment;

(d) The rationale for using this plan of habilitation to achieve those intermediate and long-range goals;

(e) The staff responsible for carrying out the plan;

(f) Where relevant in light of past criminal behavior and due consideration for public safety, the criteria for proposed movement to less-restrictive settings, criteria for proposed eventual discharge or release, and a projected possible date for discharge or release; and

(g) The type of residence immediately anticipated for the person and possible future types of residences.

(57) "Judicial commitment" means a commitment by a court pursuant to the provisions of this chapter.

(58) "Legal counsel" means attorneys and staff employed by county prosecutor offices or the state attorney general acting in their capacity as legal representatives of public behavioral health service providers under RCW 71.05.130.

(59) "Licensed physician" means a person licensed to practice medicine or osteopathic medicine and surgery in the state of Washington.

(60) "Medical clearance" means a physician or other health care provider has determined that a person is medically stable and ready for referral to the designated crisis responder.

(61) "Peace officer" means a law enforcement official of a public agency or governmental unit, and includes persons specifically given peace officer powers by any state law, local ordinance, or judicial order of appointment.

(62) "Release" means legal termination of the commitment under the provisions of this chapter.

(63) "Resource management services" has the meaning given in chapter 71.24 RCW.

(64) "Therapeutic court personnel" means the staff of a mental health court or other therapeutic court which has jurisdiction over defendants who are dually diagnosed with mental disorders, including court personnel, probation officers, a court monitor, prosecuting attorney, or defense counsel acting within the scope of therapeutic court duties.

(65) "Treatment records" include registration and all other records concerning persons who are receiving or who at any time have received services for mental illness, which are maintained by the department, the department of health, the authority, behavioral health organizations and their staffs, and by treatment facilities. Treatment records include mental health information contained in a medical bill including but not limited to mental health drugs, a mental health diagnosis, provider name, and dates of service stemming from a medical service. Treatment records do not include notes or records maintained for personal use by a person providing treatment services for the department, the department of health, the authority, behavioral health organizations, or a treatment facility if the notes or records are not available to others.

(66) "Triage facility" means a short-term facility or a portion of a facility licensed or certified by the department of health under RCW 71.24.035, which is designed as a facility to assess and stabilize an individual or determine the need for involuntary commitment of an individual, and must meet department of health residential treatment facility

standards. A triage facility may be structured as a voluntary or involuntary placement facility.

(67) "Violent act" means behavior that resulted in homicide, attempted suicide, injury, or substantial loss or damage to property.

(68) "Written order of apprehension" means an order of the court for a peace officer to deliver the named minor in the order to a facility or emergency room as determined by the designated crisis responder. Such orders must be entered into the Washington crime information center database.

**Sec. 104.** RCW 71.34.020 and 2019 c 446 s 24, 2019 c 444 s 17, 2019 c 381 s 2, and 2019 c 325 s 2001 are each reenacted and amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Adolescent" means a minor thirteen years of age or older.

(2) "Alcoholism" means a disease, characterized by a dependency on alcoholic beverages, loss of control over the amount and circumstances of use, symptoms of tolerance, physiological or psychological withdrawal, or both, if use is reduced or discontinued, and impairment of health or disruption of social or economic functioning.

(3) "Approved substance use disorder treatment program" means a program for minors with substance use disorders provided by a treatment program licensed or certified by the department of health as meeting standards adopted under chapter 71.24 RCW.

(4) "Authority" means the Washington state health care authority.

(5) "Behavioral health administrative services organization" has the same meaning as provided in RCW 71.24.025.

(6) "Child psychiatrist" means a person having a license as a physician and surgeon in this state, who has had graduate training in child psychiatry in a program approved by the American Medical Association or the American Osteopathic Association, and who is board eligible or board certified in child psychiatry.

(7) "Children's mental health specialist" means:

(a) A mental health professional who has completed a minimum of one hundred actual hours, not quarter or semester hours, of specialized training devoted to the study of child development and the treatment of children; and

(b) A mental health professional who has the equivalent of one year of full-time experience in the treatment of children under the supervision of a children's mental health specialist.

(8) "Commitment" means a determination by a judge or court commissioner, made after a commitment hearing, that the minor is in need of inpatient diagnosis, evaluation, or treatment or that the minor is in need of less restrictive alternative treatment.

(9) "Co-occurring disorder specialist" means an individual possessing an enhancement granted by the department of health under chapter 18.205 RCW that certifies the individual to provide substance use disorder counseling subject to the practice limitations under RCW 18.205.105.

(10) "Department" means the department of social and health services.

(11) "Designated crisis responder" has the same meaning as provided in RCW 71.05.020.

(12) "Director" means the director of the authority.

(13) "Evaluation and treatment facility" means a public or private facility or unit that is licensed or certified by the department of health to provide emergency, inpatient, residential, or outpatient mental health evaluation and treatment services for minors. A physically separate and separately operated portion of a state hospital may be designated as an evaluation and treatment facility for minors. A facility which is part of or operated by the state or federal agency does not require licensure or certification. No correctional institution or facility, juvenile court detention facility, or jail may be an evaluation and treatment facility within the meaning of this chapter.

(14) "Evaluation and treatment program" means the total system of services and facilities coordinated and approved by a county or combination of counties for the evaluation and treatment of minors under this chapter.

(15) "Gravely disabled minor" means a minor who, as a result of a ~~((mental))~~ behavioral health disorder, ~~((or as a result of the use of alcohol or other psychoactive chemicals))~~ ((a)) is in danger of serious physical harm resulting from a failure to provide for his or her essential human needs of health or safety, or ((b)) manifests severe deterioration ~~((in routine functioning))~~ from safe behavior evidenced by repeated and escalating loss of cognitive or volitional control over his or her actions and is not receiving such care as is essential for his or her health or safety.

(16) "Inpatient treatment" means twenty-four-hour-per-day mental health care provided within a general hospital, psychiatric hospital, residential treatment facility licensed or certified by the department of health as an evaluation and treatment facility for minors, secure withdrawal management and stabilization facility for minors, or approved substance use disorder treatment program for minors.

(17) "Intoxicated minor" means a minor whose mental or physical functioning is substantially impaired as a result of the use of alcohol or other psychoactive chemicals.

(18) "Kinship caregiver" has the same meaning as in RCW 74.13.031(19)(a).

(19) "Less restrictive alternative" or "less restrictive setting" means outpatient treatment provided to a minor who is not residing in a facility providing inpatient treatment as defined in this chapter.

(20) "Likelihood of serious harm" means ~~((either))~~:

(a) A substantial risk that ~~((physical))~~: (i) Physical harm will be inflicted by ~~((an individual))~~ a minor upon his or her own person, as evidenced by threats or attempts to commit suicide or inflict physical harm on oneself; ~~((b))~~ a substantial risk that (ii) physical harm will be inflicted by ~~((an individual))~~ a minor upon another individual, as evidenced by behavior which has caused ~~((such))~~ harm, substantial pain, or which places another person or persons in reasonable fear of ~~((sustaining such))~~ harm to themselves or others; or ~~((c))~~ a substantial risk that (iii) physical harm will be inflicted by ~~((an individual))~~ a minor upon the property of others, as evidenced by behavior which has caused substantial loss or damage to the property of others; or

(b) The minor has threatened the physical safety of another and has a history of one or more violent acts.

(21) "Managed care organization" has the same meaning as provided in RCW 71.24.025.

(22) "Medical necessity" for inpatient care means a requested service which is reasonably calculated to: (a) Diagnose, correct, cure, or alleviate a mental disorder or substance use disorder; or (b) prevent the progression of a mental disorder or substance use disorder that endangers life or causes suffering and pain, or results in illness or infirmity or threatens to cause or aggravate a handicap, or causes physical deformity or malfunction, and there is no adequate less restrictive alternative available.

(23) "Mental disorder" means any organic, mental, or emotional impairment that has substantial adverse effects on an individual's cognitive or volitional functions. The presence of alcohol abuse, drug abuse, juvenile criminal history, antisocial behavior, or intellectual disabilities alone is insufficient to justify a finding of "mental disorder" within the meaning of this section.

(24) "Mental health professional" means a psychiatrist, psychiatric advanced registered nurse practitioner, physician assistant working with a supervising psychiatrist, psychologist, psychiatric nurse, social worker, and such other mental health professionals as defined by rules adopted by the secretary of the department of health under this chapter.

(25) "Minor" means any person under the age of eighteen years.

(26) "Outpatient treatment" means any of the nonresidential services mandated under chapter 71.24 RCW and provided by licensed or certified behavioral health agencies as identified by RCW 71.24.025.

(27)(a) "Parent" has the same meaning as defined in RCW 26.26A.010, including either parent if custody is shared under a joint custody agreement, or a person or agency judicially appointed as legal guardian or custodian of the child.

(b) For purposes of family-initiated treatment under RCW 71.34.600 through 71.34.670, "parent" also includes a person to whom a parent defined in (a) of this subsection has given a signed authorization to make health care decisions for the adolescent, a stepparent who is involved in caring for

the adolescent, a kinship caregiver who is involved in caring for the adolescent, or another relative who is responsible for the health care of the adolescent, who may be required to provide a declaration under penalty of perjury stating that he or she is a relative responsible for the health care of the adolescent pursuant to ~~((RCW 9A.72.085))~~ chapter 5.50 RCW. If a dispute arises between individuals authorized to act as a parent for the purpose of RCW 71.34.600 through 71.34.670, the disagreement must be resolved according to the priority established under RCW 7.70.065(2)(a).

(28) "Physician assistant" means a person licensed as a physician assistant under chapter 18.57A or 18.71A RCW.

(29) "Private agency" means any person, partnership, corporation, or association that is not a public agency, whether or not financed in whole or in part by public funds, that constitutes an evaluation and treatment facility or private institution, or hospital, or approved substance use disorder treatment program, that is conducted for, or includes a distinct unit, floor, or ward conducted for, the care and treatment of persons with mental illness, substance use disorders, or both mental illness and substance use disorders.

(30) "Professional person in charge" or "professional person" means a physician, other mental health professional, or other person empowered by an evaluation and treatment facility, secure withdrawal management and stabilization facility, or approved substance use disorder treatment program with authority to make admission and discharge decisions on behalf of that facility.

(31) "Psychiatric nurse" means a registered nurse who has experience in the direct treatment of persons who have a mental illness or who are emotionally disturbed, such experience gained under the supervision of a mental health professional.

(32) "Psychiatrist" means a person having a license as a physician in this state who has completed residency training in psychiatry in a program approved by the American Medical Association or the American Osteopathic Association, and is board eligible or board certified in psychiatry.

(33) "Psychologist" means a person licensed as a psychologist under chapter 18.83 RCW.

(34) "Public agency" means any evaluation and treatment facility or institution, or hospital, or approved substance use disorder treatment program that is conducted for, or includes a distinct unit, floor, or ward conducted for, the care and treatment of persons with mental illness, substance use disorders, or both mental illness and substance use disorders if the agency is operated directly by federal, state, county, or municipal government, or a combination of such governments.

(35) "Responsible other" means the minor, the minor's parent or estate, or any other person legally responsible for support of the minor.

(36) "Secretary" means the secretary of the department or secretary's designee.

(37) "Secure withdrawal management and stabilization facility" means a facility operated by either a public or private agency or by the program of an agency which provides care to voluntary individuals and individuals involuntarily detained and committed under this chapter for whom there is a likelihood of serious harm or who are gravely disabled due to the presence of a substance use disorder. Secure withdrawal management and stabilization facilities must:

(a) Provide the following services:

(i) Assessment and treatment, provided by certified substance use disorder professionals or co-occurring disorder specialists;

(ii) Clinical stabilization services;

(iii) Acute or subacute detoxification services for intoxicated individuals; and

(iv) Discharge assistance provided by certified substance use disorder professionals or co-occurring disorder specialists, including facilitating transitions to appropriate voluntary or involuntary inpatient services or to less restrictive alternatives as appropriate for the individual;

(b) Include security measures sufficient to protect the patients, staff, and community; and

(c) Be licensed or certified as such by the department of health.

(38) "Social worker" means a person with a master's or further advanced degree from a social work educational program accredited and approved as provided in RCW 18.320.010.

(39) "Start of initial detention" means the time of arrival of the minor at the first evaluation and treatment facility, secure withdrawal management and stabilization facility, or approved substance use disorder treatment program offering inpatient treatment if the minor is being involuntarily detained at the time. With regard to voluntary patients, "start of initial detention" means the time at which the minor gives notice of intent to leave under the provisions of this chapter.

(40) "Substance use disorder" means a cluster of cognitive, behavioral, and physiological symptoms indicating that an individual continues using the substance despite significant substance-related problems. The diagnosis of a substance use disorder is based on a pathological pattern of behaviors related to the use of the substances.

(41) "Substance use disorder professional" means a person certified as a substance use disorder professional by the department of health under chapter 18.205 RCW ~~((or a person certified as a chemical dependency professional trainee under RCW 18.205.095 working under the direct supervision of a certified chemical dependency professional))~~.

(42) "Admission" or "admit" means a decision by a physician, physician assistant, or psychiatric advanced



registered nurse practitioner that a minor should be examined or treated as a patient in a hospital.

(43) "Antipsychotic medications" means that class of drugs primarily used to treat serious manifestations of mental illness associated with thought disorders, which includes, but is not limited to, atypical antipsychotic medications.

(44) "Attending staff" means any person on the staff of a public or private agency having responsibility for the care and treatment of a minor patient.

(45) "Behavioral health disorder" means either a mental disorder as defined in this section, a substance use disorder as defined in this section, or a co-occurring mental disorder and substance use disorder.

(46) "Conditional release" means a revocable modification of a commitment, which may be revoked upon violation of any of its terms.

(47) "Crisis stabilization unit" means a short-term facility or a portion of a facility licensed or certified by the department of health under RCW 71.24.035, such as a residential treatment facility or a hospital, which has been designed to assess, diagnose, and treat individuals experiencing an acute crisis without the use of long-term hospitalization.

(48) "Custody" means involuntary detention under the provisions of this chapter or chapter 10.77 RCW, uninterrupted by any period of unconditional release from commitment from a facility providing involuntary care and treatment.

(49) "Detention" or "detain" means the lawful confinement of a person, under the provisions of this chapter.

(50) "Developmental disabilities professional" means a person who has specialized training and three years of experience in directly treating or working with persons with developmental disabilities and is a psychiatrist, physician assistant working with a supervising psychiatrist, psychologist, psychiatric advanced registered nurse practitioner, or social worker, and such other developmental disabilities professionals as may be defined by rules adopted by the secretary of the department.

(51) "Developmental disability" has the same meaning as defined in RCW 71A.10.020.

(52) "Discharge" means the termination of hospital medical authority. The commitment may remain in place, be terminated, or be amended by court order.

(53) "Habilitative services" means those services provided by program personnel to assist minors in acquiring and maintaining life skills and in raising their levels of physical, behavioral, social, and vocational functioning. Habilitative services include education, training for employment, and therapy.

(54) "Hearing" means any proceeding conducted in open court that conforms to the requirements of section 100 of this act.

(55) "History of one or more violent acts" refers to the period of time five years prior to the filing of a petition under this chapter, excluding any time spent, but not any violent acts committed, in a mental health facility, a long-term alcoholism or drug treatment facility, or in confinement as a result of a criminal conviction.

(56) "Individualized service plan" means a plan prepared by a developmental disabilities professional with other professionals as a team, for a person with developmental disabilities, which states:

(a) The nature of the person's specific problems, prior charged criminal behavior, and habilitation needs;

(b) The conditions and strategies necessary to achieve the purposes of habilitation;

(c) The intermediate and long-range goals of the habilitation program, with a projected timetable for the attainment;

(d) The rationale for using this plan of habilitation to achieve those intermediate and long-range goals;

(e) The staff responsible for carrying out the plan;

(f) Where relevant in light of past criminal behavior and due consideration for public safety, the criteria for proposed movement to less-restrictive settings, criteria for proposed eventual discharge or release, and a projected possible date for discharge or release; and

(g) The type of residence immediately anticipated for the person and possible future types of residences.

(57) "Judicial commitment" means a commitment by a court pursuant to the provisions of this chapter.

(58) "Legal counsel" means attorneys and staff employed by county prosecutor offices or the state attorney general acting in their capacity as legal representatives of public behavioral health service providers under RCW 71.05.130.

(59) "Licensed physician" means a person licensed to practice medicine or osteopathic medicine and surgery in the state of Washington.

(60) "Medical clearance" means a physician or other health care provider has determined that a person is medically stable and ready for referral to the designated crisis responder.

(61) "Peace officer" means a law enforcement official of a public agency or governmental unit, and includes persons specifically given peace officer powers by any state law, local ordinance, or judicial order of appointment.

(62) "Release" means legal termination of the commitment under the provisions of this chapter.

(63) "Resource management services" has the meaning given in chapter 71.24 RCW.

(64) "Severe deterioration from safe behavior" means that a person will, if not treated, suffer or continue to suffer severe and abnormal mental, emotional, or physical distress.

and this distress is associated with significant impairment of judgment, reason, or behavior.

(65) "Therapeutic court personnel" means the staff of a mental health court or other therapeutic court which has jurisdiction over defendants who are dually diagnosed with mental disorders, including court personnel, probation officers, a court monitor, prosecuting attorney, or defense counsel acting within the scope of therapeutic court duties.

(66) "Treatment records" include registration and all other records concerning persons who are receiving or who at any time have received services for mental illness, which are maintained by the department, the department of health, the authority, behavioral health organizations and their staffs, and by treatment facilities. Treatment records include mental health information contained in a medical bill including but not limited to mental health drugs, a mental health diagnosis, provider name, and dates of service stemming from a medical service. Treatment records do not include notes or records maintained for personal use by a person providing treatment services for the department, the department of health, the authority, behavioral health organizations, or a treatment facility if the notes or records are not available to others.

(67) "Triage facility" means a short-term facility or a portion of a facility licensed or certified by the department of health under RCW 71.24.035, which is designed as a facility to assess and stabilize an individual or determine the need for involuntary commitment of an individual, and must meet department of health residential treatment facility standards. A triage facility may be structured as a voluntary or involuntary placement facility.

(68) "Violent act" means behavior that resulted in homicide, attempted suicide, injury, or substantial loss or damage to property.

(69) "Written order of apprehension" means an order of the court for a peace officer to deliver the named minor in the order to a facility or emergency room as determined by the designated crisis responder. Such orders must be entered into the Washington crime information center database.

**Sec. 105.** RCW 71.34.305 and 2016 sp.s. c 29 s 255 are each amended to read as follows:

School district personnel who contact a ~~((mental health or substance use))~~ behavioral health disorder inpatient treatment program or provider for the purpose of referring a student to inpatient treatment shall provide the parents with notice of the contact within forty-eight hours.

**Sec. 106.** RCW 71.34.310 and 1985 c 354 s 26 are each amended to read as follows:

(1) The superior court has jurisdiction over proceedings under this chapter.

(2) A record of all petitions and proceedings under this chapter shall be maintained by the clerk of the superior court in the county in which the petition or proceedings was initiated.

(3) Petitions for commitment shall be filed and venue for hearings under this chapter shall be in the county in

which the minor is being detained. ~~((The court may, for good cause, transfer the proceeding to the county of the minor's residence, or to the county in which the alleged conduct evidencing need for commitment occurred. If the county of detention is changed, subsequent petitions may be filed in the county in which the minor is detained without the necessity of a change of venue.))~~

**NEW SECTION. Sec. 107.** A new section is added to chapter 71.34 RCW to read as follows:

A peace officer may take or authorize a minor to be taken into custody and immediately delivered to an appropriate triage facility, crisis stabilization unit, evaluation and treatment facility, secure withdrawal management and stabilization facility, approved substance use disorder treatment program, or the emergency department of a local hospital when he or she has reasonable cause to believe that such minor is suffering from a behavioral health disorder and presents an imminent likelihood of serious harm or is gravely disabled. Until July 1, 2026, a peace officer's delivery of a minor to a secure withdrawal management and stabilization facility or approved substance use disorder treatment program is subject to the availability of a secure withdrawal management and stabilization facility or approved substance use disorder treatment program with adequate space for the minor.

**Sec. 108.** RCW 71.34.355 and 2016 c 155 s 18 are each amended to read as follows:

(1) Absent a risk to self or others, minors treated under this chapter have the following rights, which shall be prominently posted in the evaluation and treatment facility:

~~((4))~~ (a) To wear their own clothes and to keep and use personal possessions;

~~((2))~~ (b) To keep and be allowed to spend a reasonable sum of their own money for canteen expenses and small purchases;

~~((3))~~ (c) To have individual storage space for private use;

~~((4))~~ (d) To have visitors at reasonable times;

~~((5))~~ (e) To have reasonable access to a telephone, both to make and receive confidential calls;

~~((6))~~ (f) To have ready access to letter-writing materials, including stamps, and to send and receive uncensored correspondence through the mails;

~~((7))~~ (g) To discuss treatment plans and decisions with mental health professionals;

~~((8))~~ (h) To have the right to adequate care and individualized treatment;

~~((9))~~ (i) To not be denied access to treatment by spiritual means through prayer in accordance with the tenets and practices of a church or religious denomination in addition to the treatment otherwise proposed;

(j) Not to consent to the administration of antipsychotic medications beyond the hearing conducted

pursuant to RCW 71.34.750 or the performance of electroconvulsive treatment or surgery, except emergency lifesaving surgery, upon him or her, ((and not to have electro convulsive treatment or nonemergency surgery in such circumstance)) unless ordered by a court ((pursuant to a judicial hearing in which the minor is present and represented by counsel, and the court shall appoint a psychiatrist, physician assistant, psychologist, psychiatric advanced registered nurse practitioner, or physician designated by the minor or the minor's counsel to testify on behalf of the minor)) under procedures described in RCW 71.05.217(1)(j). The minor's parent may exercise this right on the minor's behalf, and must be informed of any impending treatment;

~~((40))~~ (k) Not to have psychosurgery performed on him or her under any circumstances.

(2)(a) Privileges between minors and physicians, physician assistants, psychologists, or psychiatric advanced registered nurse practitioners are deemed waived in proceedings under this chapter relating to the administration of antipsychotic medications. As to other proceedings under this chapter, the privileges are waived when a court of competent jurisdiction in its discretion determines that such waiver is necessary to protect either the detained minor or the public.

(b) The waiver of a privilege under this section is limited to records or testimony relevant to evaluation of the detained minor for purposes of a proceeding under this chapter. Upon motion by the detained minor or on its own motion, the court shall examine a record or testimony sought by a petitioner to determine whether it is within the scope of the waiver.

(c) The record maker may not be required to testify in order to introduce medical or psychological records of the detained minor so long as the requirements of RCW 5.45.020 are met except that portions of the record which contain opinions as to the detained minor's mental state must be deleted from such records unless the person making such conclusions is available for cross-examination.

(3) No minor may be presumed incompetent as a consequence of receiving an evaluation or voluntary or involuntary treatment for a mental disorder or substance use disorder, under this chapter or any prior laws of this state dealing with mental illness or substance use disorders.

**NEW SECTION. Sec. 109.** A new section is added to chapter 71.34 RCW to read as follows:

At the time a minor is involuntarily admitted to an evaluation and treatment facility, secure withdrawal management and stabilization facility, or approved substance use disorder treatment program, the professional person in charge or his or her designee shall take reasonable precautions to inventory and safeguard the personal property of the detained minor. A copy of the inventory, signed by the staff member making it, must be given to the detained minor and must, in addition, be open to inspection to any responsible relative, subject to limitations, if any, specifically imposed by the detained minor. For purposes of this section, "responsible relative" includes the guardian,

conservator, attorney, parent, or adult brother or sister of the minor. The facility shall not disclose the contents of the inventory to any other person without the consent of the minor or order of the court.

**Sec. 110.** RCW 71.34.365 and 2018 c 201 s 5004 are each amended to read as follows:

(1) If a minor is not accepted for admission or is released by an inpatient evaluation and treatment facility, the facility shall release the minor to the custody of the minor's parent or other responsible person. If not otherwise available, the facility shall furnish transportation for the minor to the minor's residence or other appropriate place. If the minor has been arrested, the evaluation and treatment facility, secure withdrawal management and stabilization facility, or approved substance use disorder treatment program shall detain the minor for not more than eight hours at the request of the peace officer. The program or facility shall make reasonable attempts to contact the requesting peace officer during this time to inform the peace officer that the minor is not approved for admission or is being released in order to enable a peace officer to return to the facility and take the minor back into custody.

(2) If the minor is released to someone other than the minor's parent, the facility shall make every effort to notify the minor's parent of the release as soon as possible.

(3) No indigent minor may be released to less restrictive alternative treatment or setting or discharged from inpatient treatment without suitable clothing, and the authority shall furnish this clothing. As funds are available, the director may provide necessary funds for the immediate welfare of indigent minors upon discharge or release to less restrictive alternative treatment.

**Sec. 111.** RCW 71.34.410 and 2019 c 446 s 27 are each amended to read as follows:

(1) No public or private agency or governmental entity, nor officer of a public or private agency, nor the superintendent, or professional person in charge, his or her professional designee or attending staff of any such agency, nor any public official performing functions necessary to the administration of this chapter, nor peace officer responsible for detaining a ~~((person))~~ minor under this chapter, nor any designated crisis responder, nor professional person, nor evaluation and treatment facility, nor secure withdrawal management and stabilization facility, nor approved substance use disorder treatment program shall be civilly or criminally liable for performing actions authorized in this chapter with regard to the decision of whether to admit, release, administer antipsychotic medications, or detain a ~~((person))~~ minor for evaluation and treatment: PROVIDED, That such duties were performed in good faith and without gross negligence.

(2) This section does not relieve a person from giving the required duty to warn or to take reasonable precautions to provide protection from violent behavior where the minor has communicated an actual threat of physical violence against a reasonably identifiable victim or victims. The duty to warn or to take reasonable precautions to provide protection from violent behavior is discharged if reasonable

efforts are made to communicate the threat to the victim or victims and to law enforcement personnel.

**Sec. 112.** RCW 71.34.420 and 2018 c 201 s 5012 are each amended to read as follows:

(1) The authority may use a single bed certification process as outlined in rule to provide additional treatment capacity for a minor suffering from a mental disorder for whom an evaluation and treatment facility, secure withdrawal management and stabilization facility, or approved substance use disorder treatment program bed is not available. The facility that is the proposed site of the single bed certification must be a facility that is willing and able to provide the person with timely and appropriate treatment either directly or by arrangement with other public or private agencies.

(2) A single bed certification must be specific to the minor receiving treatment.

(3) A designated crisis responder who submits an application for a single bed certification for treatment at a facility that is willing and able to provide timely and appropriate mental health treatment in good faith belief that the single bed certification is appropriate may presume that the single bed certification will be approved for the purpose of completing the detention process and responding to other emergency calls.

(4) The authority may adopt rules implementing this section and continue to enforce rules it has already adopted except where inconsistent with this section.

**NEW SECTION. Sec. 113.** A new section is added to chapter 71.34 RCW to read as follows:

Nothing in this chapter shall prohibit the professional person in charge of a treatment facility, or his or her professional designee, from permitting a minor detained for intensive treatment to leave the facility for prescribed periods during the term of the minor's detention, under such conditions as may be appropriate.

**Sec. 114.** RCW 71.34.500 and 2019 c 381 s 3 are each amended to read as follows:

(1) An adolescent may admit himself or herself to an evaluation and treatment facility for inpatient mental health treatment or an approved substance use disorder treatment program for inpatient substance use disorder treatment without parental consent. The admission shall occur only if the professional person in charge of the facility concurs with the need for inpatient treatment. Parental authorization, or authorization from a person who may consent on behalf of the minor pursuant to RCW 7.70.065, is required for inpatient treatment of a minor under the age of thirteen.

(2) When, in the judgment of the professional person in charge of an evaluation and treatment facility or approved substance use disorder treatment program, there is reason to believe that a minor is in need of inpatient treatment because of a ~~((mental disorder or substance use))~~ behavioral health disorder, and the facility provides the type of evaluation and treatment needed by the minor, and it is not feasible to treat

the minor in any less restrictive setting or the minor's home, the minor may be admitted to the facility.

(3) Written renewal of voluntary consent must be obtained from the applicant no less than once every twelve months. The minor's need for continued inpatient treatments shall be reviewed and documented no less than every one hundred eighty days.

**Sec. 115.** RCW 71.34.600 and 2019 c 446 s 28 and 2019 c 381 s 7 are each reenacted and amended to read as follows:

(1) A parent may bring, or authorize the bringing of, his or her adolescent child to:

(a) An evaluation and treatment facility or an inpatient facility licensed under chapter 70.41, 71.12, or 72.23 RCW and request that the professional person examine the adolescent to determine whether the adolescent has a mental disorder and is in need of inpatient treatment; or

(b) A secure withdrawal management and stabilization facility or approved substance use disorder treatment program and request that a substance use disorder assessment be conducted by a professional person to determine whether the adolescent has a substance use disorder and is in need of inpatient treatment.

(2) The consent of the adolescent is not required for admission, evaluation, and treatment if a parent provides consent.

(3) An appropriately trained professional person may evaluate whether the adolescent has a ~~((mental disorder or has a substance use))~~ behavioral health disorder. The evaluation shall be completed within twenty-four hours of the time the adolescent was brought to the facility, unless the professional person determines that the condition of the adolescent necessitates additional time for evaluation. In no event shall an adolescent be held longer than seventy-two hours for evaluation. If, in the judgment of the professional person, it is determined it is a medical necessity for the adolescent to receive inpatient treatment, the adolescent may be held for treatment. The facility shall limit treatment to that which the professional person determines is medically necessary to stabilize the adolescent's condition until the evaluation has been completed. Within twenty-four hours of completion of the evaluation, the professional person shall notify the authority if the adolescent is held solely for mental health and not substance use disorder treatment and of the date of admission. If the adolescent is held for substance use disorder treatment only, the professional person shall provide notice to the authority which redacts all patient identifying information about the adolescent unless: (a) The adolescent provides written consent to the disclosure of the fact of admission and such other substance use disorder treatment information in the notice; or (b) permitted by federal law.

(4) No provider is obligated to provide treatment to an adolescent under the provisions of this section except that no provider may refuse to treat an adolescent under the provisions of this section solely on the basis that the adolescent has not consented to the treatment. No provider

may admit an adolescent to treatment under this section unless it is medically necessary.

(5) No adolescent receiving inpatient treatment under this section may be discharged from the facility based solely on his or her request.

(6) Prior to the review conducted under RCW 71.34.610, the professional person shall notify the adolescent of his or her right to petition superior court for release from the facility.

~~((7) For the purposes of this section "professional person" means "professional person" as defined in RCW 71.05.020.))~~

**Sec. 116.** RCW 71.34.600 and 2019 c 446 s 28 and 2019 c 381 s 7 are each reenacted and amended to read as follows:

(1) A parent may bring, or authorize the bringing of, his or her adolescent child to:

(a) An evaluation and treatment facility or an inpatient facility licensed under chapter 70.41, 71.12, or 72.23 RCW and request that the professional person examine the adolescent to determine whether the adolescent has a mental disorder and is in need of inpatient treatment; or

(b) A secure withdrawal management and stabilization facility or approved substance use disorder treatment program and request that a substance use disorder assessment be conducted by a professional person to determine whether the adolescent has a substance use disorder and is in need of inpatient treatment.

(2) The consent of the adolescent is not required for admission, evaluation, and treatment if a parent provides consent.

(3) An appropriately trained professional person may evaluate whether the adolescent has a ~~((mental disorder or has a substance use))~~ behavioral health disorder. The evaluation shall be completed within twenty-four hours of the time the adolescent was brought to the facility, unless the professional person determines that the condition of the adolescent necessitates additional time for evaluation. In no event shall an adolescent be held longer than ~~((seventy two))~~ one hundred twenty hours for evaluation. If, in the judgment of the professional person, it is determined it is a medical necessity for the adolescent to receive inpatient treatment, the adolescent may be held for treatment. The facility shall limit treatment to that which the professional person determines is medically necessary to stabilize the adolescent's condition until the evaluation has been completed. Within twenty-four hours of completion of the evaluation, the professional person shall notify the authority if the adolescent is held solely for mental health and not substance use disorder treatment and of the date of admission. If the adolescent is held for substance use disorder treatment only, the professional person shall provide notice to the authority which redacts all patient identifying information about the adolescent unless: (a) The adolescent provides written consent to the disclosure of the fact of admission and such other substance use disorder

treatment information in the notice; or (b) permitted by federal law.

(4) No provider is obligated to provide treatment to an adolescent under the provisions of this section except that no provider may refuse to treat an adolescent under the provisions of this section solely on the basis that the adolescent has not consented to the treatment. No provider may admit an adolescent to treatment under this section unless it is medically necessary.

(5) No adolescent receiving inpatient treatment under this section may be discharged from the facility based solely on his or her request.

(6) Prior to the review conducted under RCW 71.34.610, the professional person shall notify the adolescent of his or her right to petition superior court for release from the facility.

~~((7) For the purposes of this section "professional person" means "professional person" as defined in RCW 71.05.020.))~~

**Sec. 117.** RCW 71.34.650 and 2019 c 381 s 12 are each amended to read as follows:

(1) A parent may bring, or authorize the bringing of, his or her adolescent child to:

~~((a))~~ a provider of outpatient ((mental)) behavioral health treatment and request that an appropriately trained professional person examine the adolescent to determine whether the adolescent has a ((mental)) behavioral health disorder and is in need of outpatient treatment((; or

~~((b) A provider of outpatient substance use disorder treatment and request that an appropriately trained professional person examine the adolescent to determine whether the adolescent has a substance use disorder and is in need of outpatient treatment)).~~

(2) The consent of the adolescent is not required for evaluation if a parent provides consent.

(3) The professional person may evaluate whether the adolescent has a ~~((mental disorder or substance use))~~ behavioral health disorder and is in need of outpatient treatment.

(4) If a determination is made by a professional person under this section that an adolescent is in need of outpatient ~~((mental health or substance use))~~ behavioral health disorder treatment, a parent of an adolescent may request and receive such outpatient treatment for his or her adolescent without the consent of the adolescent for up to twelve outpatient sessions occurring within a three-month period.

(5) Following the treatment periods under subsection (4) of this section, an adolescent must provide his or her consent for further treatment with that specific professional person.

(6) If a determination is made by a professional person under this section that an adolescent is in need of treatment in a less restrictive setting, including partial hospitalization or intensive outpatient treatment, a parent of an adolescent

may request and receive such treatment for his or her adolescent without the consent of the adolescent.

(a) A professional person providing solely mental health treatment to an adolescent under this subsection (6) must convene a treatment review at least every thirty days after treatment begins that includes the adolescent, parent, and other treatment team members as appropriate to determine whether continued care under this subsection is medically necessary.

(b) A professional person providing solely mental health treatment to an adolescent under this subsection (6) shall provide notification of the adolescent's treatment to an independent reviewer at the authority within twenty-four hours of the adolescent's first receipt of treatment under this subsection. At least every forty-five days after the adolescent's first receipt of treatment under this subsection, the authority shall conduct a review to determine whether the current level of treatment is medically necessary.

(c) A professional person providing substance use disorder treatment under this subsection (6) shall convene a treatment review under (a) of this subsection and provide the notification of the adolescent's receipt of treatment to an independent reviewer at the authority as described in (b) of this subsection only if: (i) The adolescent provides written consent to the disclosure of substance use disorder treatment information including the fact of his or her receipt of such treatment; or (ii) permitted by federal law.

(7) Any adolescent admitted to inpatient treatment under RCW 71.34.500 or 71.34.600 shall be discharged immediately from inpatient treatment upon written request of the parent.

**Sec. 118.** RCW 71.34.700 and 2019 c 446 s 30 and 2019 c 381 s 14 are each reenacted and amended to read as follows:

(1) If an adolescent is brought to an evaluation and treatment facility, secure withdrawal management and stabilization facility with available space, approved substance use disorder treatment program with available space, or hospital emergency room for immediate ~~((mental))~~ behavioral health services, the professional person in charge of the facility shall evaluate the adolescent's ~~((mental))~~ condition, determine whether the adolescent suffers from a ~~((mental))~~ behavioral health disorder, and whether the adolescent is in need of immediate inpatient treatment.

(2) ~~((If an adolescent is brought to a secure withdrawal management and stabilization facility with available space, or a hospital emergency room for immediate substance use disorder treatment, the professional person in charge of the facility shall evaluate the adolescent's condition, determine whether the adolescent suffers from a substance use disorder, and whether the adolescent is in need of immediate inpatient treatment.~~

~~((3))~~ If it is determined under subsection (1) ~~((or (2)))~~ of this section that the adolescent suffers from a ~~((mental disorder or substance use))~~ behavioral health disorder, inpatient treatment is required, the adolescent is unwilling to consent to voluntary admission, and the professional person

believes that the adolescent meets the criteria for initial detention ~~((set forth herein))~~, the facility may detain or arrange for the detention of the adolescent for up to twelve hours, not including time periods prior to medical clearance, in order to enable a designated crisis responder to evaluate the adolescent and commence initial detention proceedings under the provisions of this chapter.

(3) Dismissal of a commitment petition is not the appropriate remedy for a violation of the timeliness requirements of this section, based on the purpose of this chapter under RCW 71.34.010, except in the few cases where the facility staff or the designated crisis responder have totally disregarded the requirements of this section.

**Sec. 119.** RCW 71.34.700 and 2019 c 446 s 31 and 2019 c 381 s 15 are each reenacted and amended to read as follows:

(1) If an adolescent is brought to an evaluation and treatment facility, secure withdrawal management and stabilization facility, approved substance use disorder treatment program, or hospital emergency room for immediate ~~((mental))~~ behavioral health services, the professional person in charge of the facility shall evaluate the adolescent's ~~((mental))~~ condition, determine whether the adolescent suffers from a ~~((mental))~~ behavioral health disorder, and whether the adolescent is in need of immediate inpatient treatment.

~~((2)) ((If an adolescent is brought to a secure withdrawal management and stabilization facility or a hospital emergency room for immediate substance use disorder treatment, the professional person in charge of the facility shall evaluate the adolescent's condition, determine whether the adolescent suffers from a substance use disorder, and whether the adolescent is in need of immediate inpatient treatment.~~

~~((3))~~ If it is determined under subsection (1) ~~((or (2)))~~ of this section that the adolescent suffers from a ~~((mental disorder or substance use))~~ behavioral health disorder, inpatient treatment is required, the adolescent is unwilling to consent to voluntary admission, and the professional person believes that the adolescent meets the criteria for initial detention ~~((set forth herein))~~, the facility may detain or arrange for the detention of the adolescent for up to twelve hours, not including time periods prior to medical clearance, in order to enable a designated crisis responder to evaluate the adolescent and commence initial detention proceedings under the provisions of this chapter.

(3) Dismissal of a commitment petition is not the appropriate remedy for a violation of the timeliness requirements of this section, based on the purpose of this chapter under RCW 71.34.010, except in the few cases where the facility staff or the designated crisis responder have totally disregarded the requirements of this section.

**NEW SECTION. Sec. 120.** A new section is added to chapter 71.34 RCW to read as follows:

(1) Whenever a designated crisis responder or professional person is conducting an evaluation under this chapter, the designated crisis responder or professional

person must consider all reasonably available information from credible witnesses and records regarding:

(a) Historical behavior, including history of one or more violent acts; and

(b) Prior commitments under this chapter.

(2) Credible witnesses may include family members, landlords, neighbors, teachers, school personnel, or others with significant contact and history of involvement with the minor. If the designated crisis responder relies upon information from a credible witness in reaching his or her decision to detain the minor, then he or she must provide contact information for any such witness to the prosecutor. The designated crisis responder or prosecutor shall provide notice of the date, time, and location of the probable cause hearing to such a witness.

(3) Symptoms and behavior of the minor which standing alone would not justify civil commitment may support a finding of grave disability or likelihood of serious harm, when:

(a) Such symptoms or behavior are closely associated with symptoms or behavior which preceded and led to a past incident of involuntary hospitalization, severe deterioration, or one or more violent acts;

(b) These symptoms or behavior represent a marked and concerning change in the baseline behavior of the minor; and

(c) Without treatment, the continued deterioration of the minor is probable.

**NEW SECTION. Sec. 121.** A new section is added to chapter 71.34 RCW to read as follows:

(1) Whenever a designated crisis responder or professional person is conducting an evaluation under this chapter, the designated crisis responder or professional person must consider all reasonably available information from credible witnesses and records regarding:

(a) Historical behavior, including history of one or more violent acts; and

(b) Prior commitments under this chapter.

(2) Credible witnesses may include family members, landlords, neighbors, teachers, school personnel, or others with significant contact and history of involvement with the minor. If the designated crisis responder relies upon information from a credible witness in reaching his or her decision to detain the minor, then he or she must provide contact information for any such witness to the prosecutor. The designated crisis responder or prosecutor shall provide notice of the date, time, and location of the probable cause hearing to such a witness.

(3) Symptoms and behavior of the minor which standing alone would not justify civil commitment may support a finding of grave disability or likelihood of serious harm, when:

(a) Such symptoms or behavior are closely associated with symptoms or behavior which preceded and led to a past

incident of involuntary hospitalization, severe deterioration from safe behavior, or one or more violent acts;

(b) These symptoms or behavior represent a marked and concerning change in the baseline behavior of the minor; and

(c) Without treatment, the continued deterioration of the minor is probable.

**Sec. 122.** RCW 71.34.710 and 2019 c 446 s 32 and 2019 c 381 s 16 are each reenacted and amended to read as follows:

(1)(a)((~~if~~)) When a designated crisis responder receives information that an adolescent as a result of a ~~((mental))~~ behavioral health disorder presents a likelihood of serious harm or is gravely disabled, has investigated the specific facts alleged and of the credibility of the person or persons providing the information, and has determined that voluntary admission for inpatient treatment is not possible, the designated crisis responder may take the adolescent, or cause the adolescent to be taken, into custody and transported to an evaluation and treatment facility, secure withdrawal management and stabilization facility, or approved substance use disorder treatment program providing inpatient treatment.

~~((ii)) When a designated crisis responder receives information that an adolescent as a result of a substance use disorder presents a likelihood of serious harm or is gravely disabled, has investigated the specific facts alleged and of the credibility of the person or persons providing the information, and has determined that voluntary admission for inpatient treatment is not possible, the designated crisis responder may take the adolescent, or cause the adolescent to be taken, into custody and transported to a secure withdrawal management and stabilization facility or approved substance use disorder treatment program, if))~~ A secure withdrawal management and stabilization facility or approved substance use disorder treatment program ((is)) must be available and ((has)) have adequate space for the adolescent.

(b) If ~~((the adolescent is not taken into custody for evaluation and treatment, the parent who has custody of the adolescent may seek review of that decision made by the designated crisis responder in court. The parent shall file notice with the court and provide a copy of the designated crisis responder's report or notes))~~ a designated crisis responder decides not to detain an adolescent for evaluation and treatment under RCW 71.34.700(2), or forty-eight hours have elapsed since a designated crisis responder received a request for investigation and the designated crisis responder has not taken action to have the adolescent detained, an immediate family member or guardian or conservator of the adolescent may petition the superior court for the adolescent's detention using the procedures under RCW 71.05.201 and 71.05.203; however, when the court enters an order of initial detention, except as otherwise expressly stated in this chapter, all procedures must be followed as if the order has been entered under (a) of this subsection.

(2)(a) Within twelve hours of the adolescent's arrival at the evaluation and treatment facility, secure withdrawal

management and stabilization facility, or approved substance use disorder treatment program, the designated crisis responder shall serve on the adolescent a copy of the petition for initial detention, notice of initial detention, and statement of rights. The designated crisis responder shall file with the court on the next judicial day following the initial detention the original petition for initial detention, notice of initial detention, and statement of rights along with an affidavit of service. The designated crisis responder shall commence service of the petition for initial detention and notice of the initial detention on the adolescent's parent and the adolescent's attorney as soon as possible following the initial detention.

(b) If the adolescent is involuntarily detained at an evaluation and treatment facility, secure withdrawal management and stabilization facility, or approved substance use disorder treatment program in a different county from where the adolescent was initially detained, the facility or program may serve the adolescent, notify the adolescent's parents and the adolescent's attorney, and file with the court on the next judicial day following the initial detention the original petition for initial detention, notice of initial detention, and statement of rights along with an affidavit of service when filing with the court at the request of the designated crisis responder.

(3)(a) At the time of initial detention, the designated crisis responder shall advise the adolescent both orally and in writing that if admitted to the evaluation and treatment facility, secure withdrawal management and stabilization facility, or approved substance use disorder treatment program for inpatient treatment, a commitment hearing shall be held within seventy-two hours of the adolescent's provisional acceptance to determine whether probable cause exists to commit the adolescent for further treatment.

(b) The adolescent shall be advised that he or she has a right to communicate immediately with an attorney and that he or she has a right to have an attorney appointed to represent him or her before and at the hearing if the adolescent is indigent.

(4) Subject to subsection (5) of this section, whenever the designated crisis responder petitions for detention of an adolescent under this chapter, an evaluation and treatment facility, secure withdrawal management and stabilization facility, or approved substance use disorder treatment program providing seventy-two hour evaluation and treatment must immediately accept on a provisional basis the petition and the person. Within twenty-four hours of the adolescent's arrival, the facility must evaluate the adolescent's condition and either admit or release the adolescent in accordance with this chapter.

(5) A designated crisis responder may not petition for detention of an adolescent to a secure withdrawal management and stabilization facility or approved substance use disorder treatment program unless there is a secure withdrawal management and stabilization facility or approved substance use disorder treatment program available and that has adequate space for the adolescent.

(6) If an adolescent is not approved for admission by the inpatient evaluation and treatment facility, secure

withdrawal management and stabilization facility, or approved substance use disorder treatment program, the facility shall make such recommendations and referrals for further care and treatment of the adolescent as necessary.

(7) Dismissal of a commitment petition is not the appropriate remedy for a violation of the timeliness requirements of this section, based on the purpose of this chapter under RCW 71.34.010, except in the few cases where the facility staff or the designated crisis responder have totally disregarded the requirements of this section.

**Sec. 123.** RCW 71.34.710 and 2019 c 446 s 32 and 2019 c 381 s 16 are each reenacted and amended to read as follows:

(1)(a)((4)) When a designated crisis responder receives information that an adolescent as a result of a ~~((mental))~~ behavioral health disorder presents a likelihood of serious harm or is gravely disabled, has investigated the specific facts alleged and of the credibility of the person or persons providing the information, and has determined that voluntary admission for inpatient treatment is not possible, the designated crisis responder may take the adolescent, or cause the adolescent to be taken, into custody and transported to an evaluation and treatment facility, secure withdrawal management and stabilization facility, or approved substance use disorder treatment program providing inpatient treatment.

~~((ii) When a designated crisis responder receives information that an adolescent as a result of a substance use disorder presents a likelihood of serious harm or is gravely disabled, has investigated the specific facts alleged and of the credibility of the person or persons providing the information, and has determined that voluntary admission for inpatient treatment is not possible, the designated crisis responder may take the adolescent, or cause the adolescent to be taken, into custody and transported to a secure withdrawal management and stabilization facility or approved substance use disorder treatment program, if)) A secure withdrawal management and stabilization facility or approved substance use disorder treatment program ((is)) must be available and ((has)) have adequate space for the adolescent.~~

(b) If ~~((the adolescent is not taken into custody for evaluation and treatment, the parent who has custody of the adolescent may seek review of that decision made by the designated crisis responder in court. The parent shall file notice with the court and provide a copy of the designated crisis responder's report or notes))~~ a designated crisis responder decides not to detain an adolescent for evaluation and treatment under RCW 71.34.700(2), or forty-eight hours have elapsed since a designated crisis responder received a request for investigation and the designated crisis responder has not taken action to have the adolescent detained, an immediate family member or guardian or conservator of the adolescent may petition the superior court for the adolescent's detention using the procedures under RCW 71.05.201 and 71.05.203; however, when the court enters an order of initial detention, except as otherwise expressly stated in this chapter, all procedures must be followed as if the order has been entered under (a) of this subsection.



(2)(a) Within twelve hours of the adolescent's arrival at the evaluation and treatment facility, secure withdrawal management and stabilization facility, or approved substance use disorder treatment program, the designated crisis responder shall serve on the adolescent a copy of the petition for initial detention, notice of initial detention, and statement of rights. The designated crisis responder shall file with the court on the next judicial day following the initial detention the original petition for initial detention, notice of initial detention, and statement of rights along with an affidavit of service. The designated crisis responder shall commence service of the petition for initial detention and notice of the initial detention on the adolescent's parent and the adolescent's attorney as soon as possible following the initial detention.

(b) If the adolescent is involuntarily detained at an evaluation and treatment facility, secure withdrawal management and stabilization facility, or approved substance use disorder treatment program in a different county from where the adolescent was initially detained, the facility or program may serve the adolescent, notify the adolescent's parents and the adolescent's attorney, and file with the court on the next judicial day following the initial detention the original petition for initial detention, notice of initial detention, and statement of rights along with an affidavit of service when filing with the court at the request of the designated crisis responder.

(3)(a) At the time of initial detention, the designated crisis responder shall advise the adolescent both orally and in writing that if admitted to the evaluation and treatment facility, secure withdrawal management and stabilization facility, or approved substance use disorder treatment program for inpatient treatment, a commitment hearing shall be held within ~~((seventy-two))~~ one hundred twenty hours of the adolescent's provisional acceptance to determine whether probable cause exists to commit the adolescent for further treatment.

(b) The adolescent shall be advised that he or she has a right to communicate immediately with an attorney and that he or she has a right to have an attorney appointed to represent him or her before and at the hearing if the adolescent is indigent.

(4) Subject to subsection (5) of this section, whenever the designated crisis responder petitions for detention of an adolescent under this chapter, an evaluation and treatment facility, secure withdrawal management and stabilization facility, or approved substance use disorder treatment program providing ~~((seventy-two))~~ one hundred twenty hour evaluation and treatment must immediately accept on a provisional basis the petition and the person. Within twenty-four hours of the adolescent's arrival, the facility must evaluate the adolescent's condition and either admit or release the adolescent in accordance with this chapter.

(5) A designated crisis responder may not petition for detention of an adolescent to a secure withdrawal management and stabilization facility or approved substance use disorder treatment program unless there is a secure withdrawal management and stabilization facility or

approved substance use disorder treatment program available and that has adequate space for the adolescent.

(6) If an adolescent is not approved for admission by the inpatient evaluation and treatment facility, secure withdrawal management and stabilization facility, or approved substance use disorder treatment program, the facility shall make such recommendations and referrals for further care and treatment of the adolescent as necessary.

(7) Dismissal of a commitment petition is not the appropriate remedy for a violation of the timeliness requirements of this section, based on the purpose of this chapter under RCW 71.34.010, except in the few cases where the facility staff or the designated crisis responder have totally disregarded the requirements of this section.

**Sec. 124.** RCW 71.34.710 and 2019 c 446 s 33 and 2019 c 381 s 17 are each reenacted and amended to read as follows:

(1)(a)((+)) When a designated crisis responder receives information that an adolescent as a result of a ~~((mental))~~ behavioral health disorder presents a likelihood of serious harm or is gravely disabled, has investigated the specific facts alleged and of the credibility of the person or persons providing the information, and has determined that voluntary admission for inpatient treatment is not possible, the designated crisis responder may take the adolescent, or cause the adolescent to be taken, into custody and transported to an evaluation and treatment facility, secure withdrawal management and stabilization facility, or approved substance use disorder treatment program providing inpatient treatment.

~~((ii) When a designated crisis responder receives information that an adolescent as a result of a substance use disorder presents a likelihood of serious harm or is gravely disabled, has investigated the specific facts alleged and of the credibility of the person or persons providing the information, and has determined that voluntary admission for inpatient treatment is not possible, the designated crisis responder may take the adolescent, or cause the adolescent to be taken, into custody and transported to a secure withdrawal management and stabilization facility or approved substance use disorder treatment program.))~~

(b) If ((the adolescent is not taken into custody for evaluation and treatment, the parent who has custody of the adolescent may seek review of that decision made by the designated crisis responder in court. The parent shall file notice with the court and provide a copy of the designated crisis responder's report or notes)) a designated crisis responder decides not to detain an adolescent for evaluation and treatment under RCW 71.34.700(2), or forty-eight hours have elapsed since a designated crisis responder received a request for investigation and the designated crisis responder has not taken action to have the adolescent detained, an immediate family member or guardian or conservator of the adolescent may petition the superior court for the adolescent's detention using the procedures under RCW 71.05.201 and 71.05.203; however, when the court enters an order of initial detention, except as otherwise expressly stated in this chapter, all procedures must be followed as if the order has been entered under (a) of this subsection.

(2)(a) Within twelve hours of the adolescent's arrival at the evaluation and treatment facility, secure withdrawal management and stabilization facility, or approved substance use disorder treatment program, the designated crisis responder shall serve on the adolescent a copy of the petition for initial detention, notice of initial detention, and statement of rights. The designated crisis responder shall file with the court on the next judicial day following the initial detention the original petition for initial detention, notice of initial detention, and statement of rights along with an affidavit of service. The designated crisis responder shall commence service of the petition for initial detention and notice of the initial detention on the adolescent's parent and the adolescent's attorney as soon as possible following the initial detention.

(b) If the adolescent is involuntarily detained at an evaluation and treatment facility, secure withdrawal management and stabilization facility, or approved substance use disorder treatment program in a different county from where the adolescent was initially detained, the facility or program may serve the adolescent, notify the adolescent's parents and the adolescent's attorney, and file with the court on the next judicial day following the initial detention the original petition for initial detention, notice of initial detention, and statement of rights along with an affidavit of service when filing with the court at the request of the designated crisis responder.

(3)(a) At the time of initial detention, the designated crisis responder shall advise the adolescent both orally and in writing that if admitted to the evaluation and treatment facility, secure withdrawal management and stabilization facility, or approved substance use disorder treatment program for inpatient treatment, a commitment hearing shall be held within ~~((seventy-two))~~ one hundred twenty hours of the adolescent's provisional acceptance to determine whether probable cause exists to commit the adolescent for further treatment.

(b) The adolescent shall be advised that he or she has a right to communicate immediately with an attorney and that he or she has a right to have an attorney appointed to represent him or her before and at the hearing if the adolescent is indigent.

(4) Whenever the designated crisis responder petitions for detention of an adolescent under this chapter, an evaluation and treatment facility, secure withdrawal management and stabilization facility, or approved substance use disorder treatment program providing ~~((seventy-two))~~ one hundred twenty hour evaluation and treatment must immediately accept on a provisional basis the petition and the person. Within twenty-four hours of the adolescent's arrival, the facility must evaluate the adolescent's condition and either admit or release the adolescent in accordance with this chapter.

(5) If an adolescent is not approved for admission by the inpatient evaluation and treatment facility, secure withdrawal management and stabilization facility, or approved substance use disorder treatment program, the facility shall make such recommendations and referrals for further care and treatment of the adolescent as necessary.

(6) Dismissal of a commitment petition is not the appropriate remedy for a violation of the timeliness requirements of this section, based on the purpose of this chapter under RCW 71.34.010, except in the few cases where the facility staff or the designated crisis responder have totally disregarded the requirements of this section.

**Sec. 125.** RCW 71.34.720 and 2019 c 446 s 34 and 2019 c 444 s 18 are each reenacted and amended to read as follows:

(1) Each minor approved by the facility for inpatient admission shall be examined and evaluated by a children's mental health specialist, for minors admitted as a result of a mental disorder, or by a substance use disorder professional or co-occurring disorder specialist, for minors admitted as a result of a substance use disorder, as to the child's mental condition and by a physician, physician assistant, or psychiatric advanced registered nurse practitioner as to the child's physical condition within twenty-four hours of admission. Reasonable measures shall be taken to ensure medical treatment is provided for any condition requiring immediate medical attention.

(2) If, after examination and evaluation, the children's mental health specialist or substance use disorder specialist and the physician, physician assistant, or psychiatric advanced registered nurse practitioner determine that the initial needs of the minor, if detained to an evaluation and treatment facility, would be better served by placement in a substance use disorder treatment program or, if detained to a secure withdrawal management and stabilization facility or approved substance use disorder treatment program, would be better served in an evaluation and treatment facility, then the minor shall be referred to the more appropriate placement; however a minor may only be referred to a secure withdrawal management and stabilization facility or approved substance use disorder treatment program if there is a secure withdrawal management and stabilization facility or approved substance use disorder treatment program available and that has adequate space for the minor.

(3) The admitting facility shall take reasonable steps to notify immediately the minor's parent of the admission.

(4) During the initial seventy-two hour treatment period, the minor has a right to associate or receive communications from parents or others unless the professional person in charge determines that such communication would be seriously detrimental to the minor's condition or treatment and so indicates in the minor's clinical record, and notifies the minor's parents of this determination. ~~((In no event may the minor))~~ A minor must not be denied the opportunity to consult an attorney unless there is an immediate risk of harm to the minor or others.

(5) If the evaluation and treatment facility, secure withdrawal management and stabilization facility, or approved substance use disorder treatment program admits the minor, it may detain the minor for evaluation and treatment for a period not to exceed seventy-two hours from the time of provisional acceptance. The computation of such seventy-two hour period shall exclude Saturdays, Sundays, and holidays. This initial treatment period shall not exceed seventy-two hours except when an application for voluntary

inpatient treatment is received or a petition for fourteen-day commitment is filed.

(6) Within twelve hours of the admission, the facility shall advise the minor of his or her rights as set forth in this chapter.

**Sec. 126.** RCW 71.34.720 and 2019 c 446 s 34 and 2019 c 444 s 18 are each reenacted and amended to read as follows:

(1) Each minor approved by the facility for inpatient admission shall be examined and evaluated by a children's mental health specialist, for minors admitted as a result of a mental disorder, or by a substance use disorder professional or co-occurring disorder specialist, for minors admitted as a result of a substance use disorder, as to the child's mental condition and by a physician, physician assistant, or psychiatric advanced registered nurse practitioner as to the child's physical condition within twenty-four hours of admission. Reasonable measures shall be taken to ensure medical treatment is provided for any condition requiring immediate medical attention.

(2) If, after examination and evaluation, the children's mental health specialist or substance use disorder specialist and the physician, physician assistant, or psychiatric advanced registered nurse practitioner determine that the initial needs of the minor, if detained to an evaluation and treatment facility, would be better served by placement in a substance use disorder treatment program or, if detained to a secure withdrawal management and stabilization facility or approved substance use disorder treatment program, would be better served in an evaluation and treatment facility, then the minor shall be referred to the more appropriate placement; however a minor may only be referred to a secure withdrawal management and stabilization facility or approved substance use disorder treatment program if there is a secure withdrawal management and stabilization facility or approved substance use disorder treatment program available and that has adequate space for the minor.

(3) The admitting facility shall take reasonable steps to notify immediately the minor's parent of the admission.

(4) During the initial ~~((seventy-two))~~ one hundred twenty hour treatment period, the minor has a right to associate or receive communications from parents or others unless the professional person in charge determines that such communication would be seriously detrimental to the minor's condition or treatment and so indicates in the minor's clinical record, and notifies the minor's parents of this determination. ~~((In no event may the minor))~~ A minor must not be denied the opportunity to consult an attorney unless there is an immediate risk of harm to the minor or others.

(5) If the evaluation and treatment facility, secure withdrawal management and stabilization facility, or approved substance use disorder treatment program admits the minor, it may detain the minor for evaluation and treatment for a period not to exceed ~~((seventy-two))~~ one hundred twenty hours from the time of provisional acceptance. The computation of such ~~((seventy-two))~~ one hundred twenty hour period shall exclude Saturdays, Sundays, and holidays. This initial treatment period shall not

exceed ~~((seventy-two))~~ one hundred twenty hours except when an application for voluntary inpatient treatment is received or a petition for fourteen-day commitment is filed.

(6) Within twelve hours of the admission, the facility shall advise the minor of his or her rights as set forth in this chapter.

**Sec. 127.** RCW 71.34.720 and 2019 c 446 s 35 and 2019 c 444 s 19 are each reenacted and amended to read as follows:

(1) Each minor approved by the facility for inpatient admission shall be examined and evaluated by a children's mental health specialist, for minors admitted as a result of a mental disorder, or by a substance use disorder professional or co-occurring disorder specialist, for minors admitted as a result of a substance use disorder, as to the child's mental condition and by a physician, physician assistant, or psychiatric advanced registered nurse practitioner as to the child's physical condition within twenty-four hours of admission. Reasonable measures shall be taken to ensure medical treatment is provided for any condition requiring immediate medical attention.

(2) If, after examination and evaluation, the children's mental health specialist or substance use disorder specialist and the physician, physician assistant, or psychiatric advanced registered nurse practitioner determine that the initial needs of the minor, if detained to an evaluation and treatment facility, would be better served by placement in a substance use disorder treatment program or, if detained to a secure withdrawal management and stabilization facility or approved substance use disorder treatment program, would be better served in an evaluation and treatment facility, then the minor shall be referred to the more appropriate placement.

(3) The admitting facility shall take reasonable steps to notify immediately the minor's parent of the admission.

(4) During the initial ~~((seventy-two))~~ one hundred twenty hour treatment period, the minor has a right to associate or receive communications from parents or others unless the professional person in charge determines that such communication would be seriously detrimental to the minor's condition or treatment and so indicates in the minor's clinical record, and notifies the minor's parents of this determination. ~~((In no event may the minor))~~ A minor must not be denied the opportunity to consult an attorney unless there is an immediate risk of harm to the minor or others.

(5) If the evaluation and treatment facility, secure withdrawal management and stabilization facility, or approved substance use disorder treatment program admits the minor, it may detain the minor for evaluation and treatment for a period not to exceed ~~((seventy-two))~~ one hundred twenty hours from the time of provisional acceptance. The computation of such ~~((seventy-two))~~ one hundred twenty hour period shall exclude Saturdays, Sundays, and holidays. This initial treatment period shall not exceed ~~((seventy-two))~~ one hundred twenty hours except when an application for voluntary inpatient treatment is received or a petition for fourteen-day commitment is filed.

(6) Within twelve hours of the admission, the facility shall advise the minor of his or her rights as set forth in this chapter.

**Sec. 128.** RCW 71.34.730 and 2019 c 446 s 36 are each amended to read as follows:

(1) The professional person in charge of an evaluation and treatment facility, secure withdrawal management and stabilization facility, or approved substance use disorder treatment program where a minor has been admitted involuntarily for the initial seventy-two hour treatment period under this chapter may petition to have a minor committed to an evaluation and treatment facility ~~((or, in the case of a minor with a substance use disorder, to))~~, a secure withdrawal management and stabilization facility, or an approved substance use disorder treatment program for fourteen-day diagnosis, evaluation, and treatment.

If the professional person in charge of the facility does not petition to have the minor committed, the parent who has custody of the minor may seek review of that decision in court. The parent shall file notice with the court and provide a copy of the treatment and evaluation facility's report.

(2) A petition for commitment of a minor under this section shall be filed with the superior court in the county where the minor is ~~((residing or))~~ being detained.

(a) A petition for a fourteen-day commitment shall be signed by:

(i) One physician, physician assistant, or psychiatric advanced registered nurse practitioner; and

(ii) One physician, physician assistant, psychiatric advanced registered nurse practitioner, or mental health professional.

(b) If the petition is for substance use disorder treatment, the petition may be signed by a ~~((chemical dependency))~~ substance use disorder professional instead of a mental health professional and by an advanced registered nurse practitioner instead of a psychiatric advanced registered nurse practitioner. The person signing the petition must have examined the minor, and the petition must contain the following:

(i) The name and address of the petitioner;

(ii) The name of the minor alleged to meet the criteria for fourteen-day commitment;

(iii) The name, telephone number, and address if known of every person believed by the petitioner to be legally responsible for the minor;

(iv) A statement that the petitioner has examined the minor and finds that the minor's condition meets required criteria for fourteen-day commitment and the supporting facts therefor;

(v) A statement that the minor has been advised of the need for voluntary treatment but has been unwilling or unable to consent to necessary treatment;

(vi) If the petition is for mental health treatment, a statement that the minor has been advised of the loss of firearm rights if involuntarily committed;

(vii) A statement recommending the appropriate facility or facilities to provide the necessary treatment; and

(viii) A statement concerning whether a less restrictive alternative to inpatient treatment is in the best interests of the minor.

(c) A copy of the petition shall be personally ~~((delivered to))~~ served on the minor by the petitioner or petitioner's designee. A copy of the petition shall be ~~((sent))~~ provided to the minor's attorney and the minor's parent.

**Sec. 129.** RCW 71.34.730 and 2019 c 446 s 36 are each amended to read as follows:

(1) The professional person in charge of an evaluation and treatment facility, secure withdrawal management and stabilization facility, or approved substance use disorder treatment program where a minor has been admitted involuntarily for the initial ~~((seventy-two))~~ one hundred twenty hour treatment period under this chapter may petition to have a minor committed to an evaluation and treatment facility ~~((or, in the case of a minor with a substance use disorder, to))~~, a secure withdrawal management and stabilization facility, or an approved substance use disorder treatment program for fourteen-day diagnosis, evaluation, and treatment.

If the professional person in charge of the facility does not petition to have the minor committed, the parent who has custody of the minor may seek review of that decision in court. The parent shall file notice with the court and provide a copy of the treatment and evaluation facility's report.

(2) A petition for commitment of a minor under this section shall be filed with the superior court in the county where the minor is ~~((residing or))~~ being detained.

(a) A petition for a fourteen-day commitment shall be signed by:

(i) One physician, physician assistant, or psychiatric advanced registered nurse practitioner; and

(ii) One physician, physician assistant, psychiatric advanced registered nurse practitioner, or mental health professional.

(b) If the petition is for substance use disorder treatment, the petition may be signed by a ~~((chemical dependency))~~ substance use disorder professional instead of a mental health professional and by an advanced registered nurse practitioner instead of a psychiatric advanced registered nurse practitioner. The person signing the petition must have examined the minor, and the petition must contain the following:

(i) The name and address of the petitioner;

(ii) The name of the minor alleged to meet the criteria for fourteen-day commitment;

(iii) The name, telephone number, and address if known of every person believed by the petitioner to be legally responsible for the minor;

(iv) A statement that the petitioner has examined the minor and finds that the minor's condition meets required criteria for fourteen-day commitment and the supporting facts therefor;

(v) A statement that the minor has been advised of the need for voluntary treatment but has been unwilling or unable to consent to necessary treatment;

(vi) If the petition is for mental health treatment, a statement that the minor has been advised of the loss of firearm rights if involuntarily committed;

(vii) A statement recommending the appropriate facility or facilities to provide the necessary treatment; and

(viii) A statement concerning whether a less restrictive alternative to inpatient treatment is in the best interests of the minor.

(c) A copy of the petition shall be personally ~~((delivered to))~~ served on the minor by the petitioner or petitioner's designee. A copy of the petition shall be ~~((sent))~~ provided to the minor's attorney and the minor's parent.

**NEW SECTION. Sec. 130.** A new section is added to chapter 71.34 RCW to read as follows:

(1) In any proceeding for involuntary commitment under this chapter, the court may continue or postpone such proceeding for a reasonable time on motion of the respondent for good cause, or on motion of the prosecuting attorney or the attorney general if:

(a) The respondent expressly consents to a continuance or delay and there is a showing of good cause; or

(b) Such continuance is required in the proper administration of justice and the respondent will not be substantially prejudiced in the presentation of the respondent's case.

(2) The court may on its own motion continue the case when required in due administration of justice and when the respondent will not be substantially prejudiced in the presentation of the respondent's case.

(3) The court shall state in any order of continuance or postponement the grounds for the continuance or postponement and whether detention will be extended.

**Sec. 131.** RCW 71.34.740 and 2019 c 446 s 37 are each amended to read as follows:

(1) A commitment hearing shall be held within seventy-two hours of the minor's admission, excluding Saturday, Sunday, and holidays, unless a continuance is ~~((requested by the minor or the minor's attorney))~~ ordered under section 90 of this act.

(2) The commitment hearing shall be conducted at the superior court or an appropriate place at the facility in which the minor is being detained.

(3) At the commitment hearing, the evidence in support of the petition shall be presented by the county prosecutor.

(4) The minor shall be present at the commitment hearing unless the minor, with the assistance of the minor's attorney, waives the right to be present at the hearing.

(5) If the parents are opposed to the petition, they may be represented at the hearing and shall be entitled to court-appointed counsel if they are indigent.

(6) At the commitment hearing, the minor shall have the following rights:

(a) To be represented by an attorney;

(b) To present evidence on his or her own behalf;

(c) To question persons testifying in support of the petition.

(7) If the hearing is for commitment for mental health treatment, the court at the time of the commitment hearing and before an order of commitment is entered shall inform the minor both orally and in writing that the failure to make a good faith effort to seek voluntary treatment as provided in RCW 71.34.730 will result in the loss of his or her firearm rights if the minor is subsequently detained for involuntary treatment under this section.

(8) If the minor has received medication within twenty-four hours of the hearing, the court shall be informed of that fact and of the probable effects of the medication.

~~((Rules of evidence shall not apply in fourteen-day commitment hearings.~~

~~((40)))~~ For a fourteen-day commitment, the court must find by a preponderance of the evidence that:

(a) The minor has a ~~((mental disorder or substance use))~~ behavioral health disorder and presents a likelihood of serious harm or is gravely disabled;

(b) The minor is in need of evaluation and treatment of the type provided by the inpatient evaluation and treatment facility, secure withdrawal management and stabilization facility, or approved substance use disorder treatment program to which continued inpatient care is sought or is in need of less restrictive alternative treatment found to be in the best interests of the minor or others;

(c) The minor is unwilling or unable in good faith to consent to voluntary treatment; and

(d) If commitment is for a substance use disorder, there is an available secure withdrawal management and stabilization facility or approved substance use disorder treatment program with adequate space for the minor.

~~((44)))~~ (10) If the court finds that the minor meets the criteria for a fourteen-day commitment, the court shall either authorize commitment of the minor for inpatient treatment or for less restrictive alternative treatment upon such conditions as are necessary. If the court determines that the minor does not meet the criteria for a fourteen-day commitment, the minor shall be released.

~~((42))~~ (11)(a) Nothing in this section prohibits the professional person in charge of the facility from releasing the minor at any time, when, in the opinion of the professional person in charge of the facility, further inpatient treatment is no longer necessary. The release may be subject to reasonable conditions if appropriate.

(b) Whenever a minor is released under this section, the professional person in charge shall within three days, notify the court in writing of the release.

~~((43))~~ (12) A minor who has been committed for fourteen days shall be released at the end of that period unless a petition for one hundred eighty-day commitment is pending before the court.

**Sec. 132.** RCW 71.34.740 and 2019 c 446 s 37 are each amended to read as follows:

(1) A commitment hearing shall be held within ~~((seventy-two))~~ one hundred twenty hours of the minor's admission, excluding Saturday, Sunday, and holidays, unless a continuance is ~~((requested by the minor or the minor's attorney))~~ ordered under section 90 of this act.

(2) The commitment hearing shall be conducted at the superior court or an appropriate place at the facility in which the minor is being detained.

(3) At the commitment hearing, the evidence in support of the petition shall be presented by the county prosecutor.

(4) The minor shall be present at the commitment hearing unless the minor, with the assistance of the minor's attorney, waives the right to be present at the hearing.

(5) If the parents are opposed to the petition, they may be represented at the hearing and shall be entitled to court-appointed counsel if they are indigent.

(6) At the commitment hearing, the minor shall have the following rights:

- (a) To be represented by an attorney;
- (b) To present evidence on his or her own behalf;
- (c) To question persons testifying in support of the petition.

(7) If the hearing is for commitment for mental health treatment, the court at the time of the commitment hearing and before an order of commitment is entered shall inform the minor both orally and in writing that the failure to make a good faith effort to seek voluntary treatment as provided in RCW 71.34.730 will result in the loss of his or her firearm rights if the minor is subsequently detained for involuntary treatment under this section.

(8) If the minor has received medication within twenty-four hours of the hearing, the court shall be informed of that fact and of the probable effects of the medication.

~~(9) ((Rules of evidence shall not apply in fourteen-day commitment hearings.~~

~~(40))~~ For a fourteen-day commitment, the court must find by a preponderance of the evidence that:

(a) The minor has a ~~((mental disorder or substance use))~~ behavioral health disorder and presents a likelihood of serious harm or is gravely disabled;

(b) The minor is in need of evaluation and treatment of the type provided by the inpatient evaluation and treatment facility, secure withdrawal management and stabilization facility, or approved substance use disorder treatment program to which continued inpatient care is sought or is in need of less restrictive alternative treatment found to be in the best interests of the minor or others;

(c) The minor is unwilling or unable in good faith to consent to voluntary treatment; and

(d) If commitment is for a substance use disorder, there is an available secure withdrawal management and stabilization facility or approved substance use disorder treatment program with adequate space for the minor.

~~((44))~~ (10) If the court finds that the minor meets the criteria for a fourteen-day commitment, the court shall either authorize commitment of the minor for inpatient treatment or for less restrictive alternative treatment upon such conditions as are necessary. If the court determines that the minor does not meet the criteria for a fourteen-day commitment, the minor shall be released.

~~((42))~~ (11)(a) Nothing in this section prohibits the professional person in charge of the facility from releasing the minor at any time, when, in the opinion of the professional person in charge of the facility, further inpatient treatment is no longer necessary. The release may be subject to reasonable conditions if appropriate.

(b) Whenever a minor is released under this section, the professional person in charge shall within three days, notify the court in writing of the release.

~~((43))~~ (12) A minor who has been committed for fourteen days shall be released at the end of that period unless a petition for one hundred eighty-day commitment is pending before the court.

**Sec. 133.** RCW 71.34.740 and 2019 c 446 s 38 are each amended to read as follows:

(1) A commitment hearing shall be held within ~~((seventy-two))~~ one hundred twenty hours of the minor's admission, excluding Saturday, Sunday, and holidays, unless a continuance is ~~((requested by the minor or the minor's attorney))~~ ordered under section 90 of this act.

(2) The commitment hearing shall be conducted at the superior court or an appropriate place at the facility in which the minor is being detained.

(3) At the commitment hearing, the evidence in support of the petition shall be presented by the county prosecutor.

(4) The minor shall be present at the commitment hearing unless the minor, with the assistance of the minor's attorney, waives the right to be present at the hearing.

(5) If the parents are opposed to the petition, they may be represented at the hearing and shall be entitled to court-appointed counsel if they are indigent.

(6) At the commitment hearing, the minor shall have the following rights:

- (a) To be represented by an attorney;
- (b) To present evidence on his or her own behalf;
- (c) To question persons testifying in support of the petition.

(7) If the hearing is for commitment for mental health treatment, the court at the time of the commitment hearing and before an order of commitment is entered shall inform the minor both orally and in writing that the failure to make a good faith effort to seek voluntary treatment as provided in RCW 71.34.730 will result in the loss of his or her firearm rights if the minor is subsequently detained for involuntary treatment under this section.

(8) If the minor has received medication within twenty-four hours of the hearing, the court shall be informed of that fact and of the probable effects of the medication.

~~(9) ((Rules of evidence shall not apply in fourteen-day commitment hearings.~~

~~(10)))~~ For a fourteen-day commitment, the court must find by a preponderance of the evidence that:

(a) The minor has a ~~((mental disorder or substance use))~~ behavioral health disorder and presents a likelihood of serious harm or is gravely disabled;

(b) The minor is in need of evaluation and treatment of the type provided by the inpatient evaluation and treatment facility, secure withdrawal management and stabilization facility, or approved substance use disorder treatment program to which continued inpatient care is sought or is in need of less restrictive alternative treatment found to be in the best interests of the minor or others; and

(c) The minor is unwilling or unable in good faith to consent to voluntary treatment.

~~((11)))~~ (10) If the court finds that the minor meets the criteria for a fourteen-day commitment, the court shall either authorize commitment of the minor for inpatient treatment or for less restrictive alternative treatment upon such conditions as are necessary. If the court determines that the minor does not meet the criteria for a fourteen-day commitment, the minor shall be released.

~~((12)))~~ (11)(a) Nothing in this section prohibits the professional person in charge of the facility from releasing the minor at any time, when, in the opinion of the professional person in charge of the facility, further inpatient treatment is no longer necessary. The release may be subject to reasonable conditions if appropriate.

(b) Whenever a minor is released under this section, the professional person in charge shall within three days, notify the court in writing of the release.

~~((13)))~~ (12) A minor who has been committed for fourteen days shall be released at the end of that period unless a petition for one hundred eighty-day commitment is pending before the court.

**Sec. 134.** RCW 71.34.750 and 2019 c 446 s 39 and 2019 c 325 s 2008 are each reenacted and amended to read as follows:

(1) At any time during the minor's period of fourteen-day commitment, the professional person in charge may petition the court for an order requiring the minor to undergo an additional one hundred eighty-day period of treatment. The evidence in support of the petition shall be presented by the county prosecutor unless the petition is filed by the professional person in charge of a state-operated facility in which case the evidence shall be presented by the attorney general.

(2) The petition for one hundred eighty-day commitment shall contain the following:

(a) The name and address of the petitioner or petitioners;

(b) The name of the minor alleged to meet the criteria for one hundred eighty-day commitment;

(c) A statement that the petitioner is the professional person in charge of the evaluation and treatment facility, secure withdrawal management and stabilization facility, or approved substance use disorder treatment program responsible for the treatment of the minor;

(d) The date of the fourteen-day commitment order; and

(e) A summary of the facts supporting the petition.

(3) The petition shall be supported by accompanying affidavits signed by: (a) Two examining physicians, one of whom shall be a child psychiatrist, or two psychiatric advanced registered nurse practitioners, one of whom shall be a child and adolescent or family psychiatric advanced registered nurse practitioner. If the petition is for substance use disorder treatment, the petition may be signed by a ~~((chemical dependency))~~ substance use disorder professional instead of a mental health professional and by an advanced registered nurse practitioner instead of a psychiatric advanced registered nurse practitioner, or two physician assistants, one of whom must be supervised by a child psychiatrist; (b) one children's mental health specialist and either an examining physician, physician assistant, or a psychiatric advanced registered nurse practitioner; or (c) two among an examining physician, physician assistant, and a psychiatric advanced registered nurse practitioner, one of which needs to be a child psychiatrist, a physician assistant supervised by a child psychiatrist, or a child and adolescent psychiatric nurse practitioner. The affidavits shall describe in detail the behavior of the detained minor which supports the petition and shall state whether a less restrictive alternative to inpatient treatment is in the best interests of the minor.

(4) The petition for one hundred eighty-day commitment shall be filed with the clerk of the court at least three days before the expiration of the fourteen-day commitment period. The petitioner or the petitioner's designee shall within twenty-four hours of filing serve a copy of the petition on the minor and notify the minor's attorney and the minor's parent. A copy of the petition shall

be provided to such persons at least twenty-four hours prior to the hearing.

(5) At the time of filing, the court shall set a date within seven days for the hearing on the petition. ~~((The court may continue the hearing upon the written request of the minor or the minor's attorney for not more than ten days.))~~ If the hearing is not commenced within thirty days after the filing of the petition, including extensions of time requested by the detained person or his or her attorney or the court in the administration of justice under section 90 of this act, the minor must be released. The minor or the parents shall be afforded the same rights as in a fourteen-day commitment hearing. Treatment of the minor shall continue pending the proceeding.

(6) For one hundred eighty-day commitment:

(a) The court must find by clear, cogent, and convincing evidence that the minor:

(i) Is suffering from a mental disorder or substance use disorder;

(ii) Presents a likelihood of serious harm or is gravely disabled; and

(iii) Is in need of further treatment that only can be provided in a one hundred eighty-day commitment.

(b) If commitment is for a substance use disorder, the court must find that there is an available approved substance use disorder treatment program that has adequate space for the minor.

(7) In determining whether an inpatient or less restrictive alternative commitment is appropriate, great weight must be given to evidence of a prior history or pattern of decompensation and discontinuation of treatment resulting in: (a) Repeated hospitalizations; or (b) repeated peace officer interventions resulting in juvenile charges. Such evidence may be used to provide a factual basis for concluding that the minor would not receive, if released, such care as is essential for his or her health or safety.

~~(8)~~(a) If the court finds that the criteria for commitment are met and that less restrictive treatment in a community setting is not appropriate or available, the court shall order the minor committed to the custody of the director for further inpatient mental health treatment, to an approved substance use disorder treatment program for further substance use disorder treatment, or to a private treatment and evaluation facility for inpatient mental health or substance use disorder treatment if the minor's parents have assumed responsibility for payment for the treatment. If the court finds that a less restrictive alternative is in the best interest of the minor, the court shall order less restrictive alternative treatment upon such conditions as necessary.

(b) If the court determines that the minor does not meet the criteria for one hundred eighty-day commitment, the minor shall be released.

~~((8))~~ (9) Successive one hundred eighty-day commitments are permissible on the same grounds and under the same procedures as the original one hundred eighty-day commitment. Such petitions shall be filed at least ~~((five))~~

three days prior to the expiration of the previous one hundred eighty-day commitment order.

**Sec. 135.** RCW 71.34.750 and 2019 c 446 s 40 and 2019 c 325 s 2009 are each reenacted and amended to read as follows:

(1) At any time during the minor's period of fourteen-day commitment, the professional person in charge may petition the court for an order requiring the minor to undergo an additional one hundred eighty-day period of treatment. The evidence in support of the petition shall be presented by the county prosecutor unless the petition is filed by the professional person in charge of a state-operated facility in which case the evidence shall be presented by the attorney general.

(2) The petition for one hundred eighty-day commitment shall contain the following:

(a) The name and address of the petitioner or petitioners;

(b) The name of the minor alleged to meet the criteria for one hundred eighty-day commitment;

(c) A statement that the petitioner is the professional person in charge of the evaluation and treatment facility, secure withdrawal management and stabilization facility, or approved substance use disorder treatment program responsible for the treatment of the minor;

(d) The date of the fourteen-day commitment order; and

(e) A summary of the facts supporting the petition.

(3) The petition shall be supported by accompanying affidavits signed by: (a) Two examining physicians, one of whom shall be a child psychiatrist, or two psychiatric advanced registered nurse practitioners, one of whom shall be a child and adolescent or family psychiatric advanced registered nurse practitioner. If the petition is for substance use disorder treatment, the petition may be signed by a ~~((chemical dependency))~~ substance use disorder professional instead of a mental health professional and by an advanced registered nurse practitioner instead of a psychiatric advanced registered nurse practitioner, or two physician assistants, one of whom must be supervised by a child psychiatrist; (b) one children's mental health specialist and either an examining physician, physician assistant, or a psychiatric advanced registered nurse practitioner; or (c) two among an examining physician, physician assistant, and a psychiatric advanced registered nurse practitioner, one of which needs to be a child psychiatrist, a physician assistant supervised by a child psychiatrist, or a child and adolescent psychiatric nurse practitioner. The affidavits shall describe in detail the behavior of the detained minor which supports the petition and shall state whether a less restrictive alternative to inpatient treatment is in the best interests of the minor.

(4) The petition for one hundred eighty-day commitment shall be filed with the clerk of the court at least three days before the expiration of the fourteen-day commitment period. The petitioner or the petitioner's



designee shall within twenty-four hours of filing serve a copy of the petition on the minor and notify the minor's attorney and the minor's parent. A copy of the petition shall be provided to such persons at least twenty-four hours prior to the hearing.

(5) At the time of filing, the court shall set a date within seven days for the hearing on the petition. ~~((The court may continue the hearing upon the written request of the minor or the minor's attorney for not more than ten days.))~~ If the hearing is not commenced within thirty days after the filing of the petition, including extensions of time requested by the detained person or his or her attorney or the court in the administration of justice under section 90 of this act, the minor must be released. The minor or the parents shall be afforded the same rights as in a fourteen-day commitment hearing. Treatment of the minor shall continue pending the proceeding.

(6) For one hundred eighty-day commitment, the court must find by clear, cogent, and convincing evidence that the minor:

(a) Is suffering from a mental disorder or substance use disorder;

(b) Presents a likelihood of serious harm or is gravely disabled; and

(c) Is in need of further treatment that only can be provided in a one hundred eighty-day commitment.

(7) In determining whether an inpatient or less restrictive alternative commitment is appropriate, great weight must be given to evidence of a prior history or pattern of decompensation and discontinuation of treatment resulting in: (a) Repeated hospitalizations; or (b) repeated peace officer interventions resulting in juvenile charges. Such evidence may be used to provide a factual basis for concluding that the minor would not receive, if released, such care as is essential for his or her health or safety.

(8)(a) If the court finds that the criteria for commitment are met and that less restrictive treatment in a community setting is not appropriate or available, the court shall order the minor committed to the custody of the director for further inpatient mental health treatment, to an approved substance use disorder treatment program for further substance use disorder treatment, or to a private treatment and evaluation facility for inpatient mental health or substance use disorder treatment if the minor's parents have assumed responsibility for payment for the treatment. If the court finds that a less restrictive alternative is in the best interest of the minor, the court shall order less restrictive alternative treatment upon such conditions as necessary.

(b) If the court determines that the minor does not meet the criteria for one hundred eighty-day commitment, the minor shall be released.

~~((8))~~ (9) Successive one hundred eighty-day commitments are permissible on the same grounds and under the same procedures as the original one hundred eighty-day commitment. Such petitions shall be filed at least ~~((five))~~ three days prior to the expiration of the previous one hundred eighty-day commitment order.

**NEW SECTION. Sec. 136.** A new section is added to chapter 71.34 RCW to read as follows:

(1) Less restrictive alternative treatment, at a minimum, must include the following services:

(a) Assignment of a care coordinator;

(b) An intake evaluation with the provider of the less restrictive alternative treatment;

(c) A psychiatric evaluation;

(d) A schedule of regular contacts with the provider of the less restrictive alternative treatment services for the duration of the order;

(e) A transition plan addressing access to continued services at the expiration of the order;

(f) An individual crisis plan; and

(g) Notification to the care coordinator assigned in (a) of this subsection if reasonable efforts to engage the client fail to produce substantial compliance with court-ordered treatment conditions.

(2) Less restrictive alternative treatment may include the following additional services:

(a) Medication management;

(b) Psychotherapy;

(c) Nursing;

(d) Substance abuse counseling;

(e) Residential treatment; and

(f) Support for housing, benefits, education, and employment.

(3) If the minor was provided with involuntary medication during the involuntary commitment period, the less restrictive alternative treatment order may authorize the less restrictive alternative treatment provider or its designee to administer involuntary antipsychotic medication to the person if the provider has attempted and failed to obtain the informed consent of the person and there is a concurring medical opinion approving the medication by a psychiatrist, physician assistant working with a supervising psychiatrist, psychiatric advanced registered nurse practitioner, or physician or physician assistant in consultation with an independent mental health professional with prescribing authority.

(4) Less restrictive alternative treatment must be administered by a provider that is certified or licensed to provide or coordinate the full scope of services required under the less restrictive alternative order and that has agreed to assume this responsibility.

(5) The care coordinator assigned to a minor ordered to less restrictive alternative treatment must submit an individualized plan for the minor's treatment services to the court that entered the order. An initial plan must be submitted as soon as possible following the intake evaluation and a revised plan must be submitted upon any subsequent

modification in which a type of service is removed from or added to the treatment plan.

(6) For the purpose of this section, "care coordinator" means a clinical practitioner who coordinates the activities of less restrictive alternative treatment. The care coordinator coordinates activities with the designated crisis responders that are necessary for enforcement and continuation of less restrictive alternative treatment orders and is responsible for coordinating service activities with other agencies and establishing and maintaining a therapeutic relationship with the individual on a continuing basis.

**Sec. 137.** RCW 71.34.780 and 2019 c 446 s 41 are each amended to read as follows:

(1) If the professional person in charge of an outpatient treatment program, a designated crisis responder, or the director or secretary, as appropriate, determines that a minor is failing to adhere to the conditions of the court order for less restrictive alternative treatment or the conditions for the conditional release, or that substantial deterioration in the minor's functioning has occurred, the designated crisis responder, or the director or secretary, as appropriate, may order that the minor ~~((, if committed for mental health treatment,))~~ be taken into custody and transported to an inpatient evaluation and treatment facility ~~((or, if committed for substance use disorder treatment, be taken into custody and transported to))~~, a secure withdrawal management and stabilization facility, or an approved substance use disorder treatment program ((if there is an available)). A secure withdrawal management and stabilization facility or approved substance use disorder treatment program that has adequate space for the minor must be available.

(2)(a) The designated crisis responder ~~((or the))~~, director, or secretary, as appropriate, shall file the order of apprehension and detention and serve it upon the minor and notify the minor's parent and the minor's attorney, if any, of the detention within two days of return. At the time of service the minor shall be informed of the right to a hearing and to representation by an attorney. The designated crisis responder or the director or secretary, as appropriate, may modify or rescind the order of apprehension and detention at any time prior to the hearing.

(b) If the minor is involuntarily detained for revocation at an evaluation and treatment facility, secure withdrawal management and stabilization facility, or approved substance use disorder treatment program in a different county from where the minor was initially detained, the facility or program may file the order of apprehension, serve it on the minor and notify the minor's parents and the minor's attorney at the request of the designated crisis responder.

(3) A petition for revocation of less restrictive alternative treatment shall be filed by the designated crisis responder or the director ~~((or))~~, secretary, or facility, as appropriate, with the court in the county ~~((ordering the less restrictive alternative treatment))~~ where the minor is detained. The court shall conduct the hearing in that county. A petition for revocation of conditional release ~~((may be filed with the court in the county ordering inpatient treatment or the county where the minor on conditional release is residing))~~ must be filed in the county where the minor is

detained. A petition shall describe the behavior of the minor indicating violation of the conditions or deterioration of routine functioning and a dispositional recommendation. ~~((Upon motion for good cause, the hearing may be transferred to the county of the minor's residence or to the county in which the alleged violations occurred.))~~ The hearing shall be held within seven days of the minor's return. The issues to be determined are whether the minor did or did not adhere to the conditions of the less restrictive alternative treatment or conditional release, or whether the minor's routine functioning has substantially deteriorated, and, if so, whether the conditions of less restrictive alternative treatment or conditional release should be modified or, subject to subsection (4) of this section, whether the minor should be returned to inpatient treatment. Pursuant to the determination of the court, the minor shall be returned to less restrictive alternative treatment or conditional release on the same or modified conditions or shall be returned to inpatient treatment. If the minor is returned to inpatient treatment, RCW 71.34.760 regarding the director's placement responsibility shall apply. The hearing may be waived by the minor and the minor returned to inpatient treatment or to less restrictive alternative treatment or conditional release on the same or modified conditions.

(4) A court may not order the return of a minor to inpatient treatment in a secure withdrawal management and stabilization facility or approved substance use disorder treatment program unless there is a secure withdrawal management and stabilization facility or approved substance use disorder treatment program available with adequate space for the minor.

**Sec. 138.** RCW 71.34.780 and 2019 c 446 s 42 are each amended to read as follows:

(1) If the professional person in charge of an outpatient treatment program, a designated crisis responder, or the director or secretary, as appropriate, determines that a minor is failing to adhere to the conditions of the court order for less restrictive alternative treatment or the conditions for the conditional release, or that substantial deterioration in the minor's functioning has occurred, the designated crisis responder, or the director or secretary, as appropriate, may order that the minor ~~((, if committed for mental health treatment,))~~ be taken into custody and transported to an inpatient evaluation and treatment facility ~~((or, if committed for substance use disorder treatment, be taken into custody and transported to))~~, a secure withdrawal management and stabilization facility, or an approved substance use disorder treatment program.

(2)(a) The designated crisis responder ~~((or the))~~, director, or secretary, as appropriate, shall file the order of apprehension and detention and serve it upon the minor and notify the minor's parent and the minor's attorney, if any, of the detention within two days of return. At the time of service the minor shall be informed of the right to a hearing and to representation by an attorney. The designated crisis responder or the director or secretary, as appropriate, may modify or rescind the order of apprehension and detention at any time prior to the hearing.

(b) If the minor is involuntarily detained for revocation at an evaluation and treatment facility, secure withdrawal management and stabilization facility, or approved substance use disorder treatment program in a different county from where the minor was initially detained, the facility or program may file the order of apprehension, serve it on the minor and notify the minor's parents and the minor's attorney at the request of the designated crisis responder.

(3) A petition for revocation of less restrictive alternative treatment shall be filed by the designated crisis responder or the director ~~((or)), secretary, or facility,~~ as appropriate, with the court in the county ~~((ordering the less restrictive alternative treatment))~~ where the minor is detained. The court shall conduct the hearing in that county. A petition for revocation of conditional release ~~((may be filed with the court in the county ordering inpatient treatment or the county where the minor on conditional release is residing))~~ must be filed in the county where the minor is detained. A petition shall describe the behavior of the minor indicating violation of the conditions or deterioration of routine functioning and a dispositional recommendation. ~~((Upon motion for good cause, the hearing may be transferred to the county of the minor's residence or to the county in which the alleged violations occurred.))~~ The hearing shall be held within seven days of the minor's return. The issues to be determined are whether the minor did or did not adhere to the conditions of the less restrictive alternative treatment or conditional release, or whether the minor's routine functioning has substantially deteriorated, and, if so, whether the conditions of less restrictive alternative treatment or conditional release should be modified or whether the minor should be returned to inpatient treatment. Pursuant to the determination of the court, the minor shall be returned to less restrictive alternative treatment or conditional release on the same or modified conditions or shall be returned to inpatient treatment. If the minor is returned to inpatient treatment, RCW 71.34.760 regarding the director's placement responsibility shall apply. The hearing may be waived by the minor and the minor returned to inpatient treatment or to less restrictive alternative treatment or conditional release on the same or modified conditions.

**NEW SECTION. Sec. 139.** A new section is added to chapter 71.34 RCW to read as follows:

The legislature recognizes the inherent authority of the judiciary under Article IV, section 1 of the state Constitution to establish rules regarding access to court records, and respectfully requests the Washington state supreme court to adopt rules regarding potential access for the following entities to the files and records of court proceedings under this chapter and chapter 71.05 RCW:

- (1) The department;
- (2) The department of health;
- (3) The authority;
- (4) The state hospitals as defined in RCW 72.23.010;
- (5) Any person who is the subject of a petition;
- (6) The attorney or guardian of the person;

(7) Resource management services for that person; and

(8) Service providers authorized to receive such information by resource management services.

**NEW SECTION. Sec. 140.** A new section is added to chapter 71.34 RCW to read as follows:

For purposes of this chapter, at any hearing the petitioner, the respondent, the witnesses, the interpreters, and the presiding judicial officer may be present and participate either in person or by video, as determined by the court. The term "video" as used in this section includes any functional equivalent. At any hearing conducted by video, the technology used must permit the judicial officer, counsel, all parties, and the witnesses to be able to see, hear, and speak, when authorized, during the hearing; to allow attorneys to use exhibits or other materials during the hearing; and to allow the respondent's counsel to be in the same location as the respondent unless otherwise requested by the respondent or the respondent's counsel. Witnesses in a proceeding may also appear in court through other means, including telephonically, pursuant to the requirements of superior court civil rule 43. Notwithstanding the foregoing, the court, upon its own motion or upon a motion for good cause by any party, may require all parties and witnesses to participate in the hearing in person rather than by video. In ruling on any such motion, the court may allow in-person or video testimony; and the court may consider, among other things, whether the respondent's alleged behavioral health disorder affects the respondent's ability to perceive or participate in the proceeding by video.

**NEW SECTION. Sec. 141.** A new section is added to chapter 71.05 RCW to read as follows:

For purposes of this chapter, at any hearing the petitioner, the respondent, the witnesses, the interpreters, and the presiding judicial officer may be present and participate either in person or by video, as determined by the court. The term "video" as used in this section includes any functional equivalent. At any hearing conducted by video, the technology used must permit the judicial officer, counsel, all parties, and the witnesses to be able to see, hear, and speak, when authorized, during the hearing; to allow attorneys to use exhibits or other materials during the hearing; and to allow the respondent's counsel to be in the same location as the respondent unless otherwise requested by the respondent or the respondent's counsel. Witnesses in a proceeding may also appear in court through other means, including telephonically, pursuant to the requirements of superior court civil rule 43. Notwithstanding the foregoing, the court, upon its own motion or upon a motion for good cause by any party, may require all parties and witnesses to participate in the hearing in person rather than by video. In ruling on any such motion, the court may allow in-person or video testimony; and the court may consider, among other things, whether the respondent's alleged behavioral health disorder affects the respondent's ability to perceive or participate in the proceeding by video.

**NEW SECTION. Sec. 142.** A new section is added to chapter 71.34 RCW to read as follows:

In addition to the responsibility provided for by RCW 43.20B.330, the parents of a minor person who is involuntarily detained pursuant to this chapter for the purpose of treatment and evaluation outside of a facility maintained and operated by the department shall be responsible for the cost of such care and treatment. In the event that an individual is unable to pay for such treatment or in the event payment would result in a substantial hardship upon the individual or his or her family, then the county of residence of such person shall be responsible for such costs. If it is not possible to determine the county of residence of the person, the cost shall be borne by the county where the person was originally detained. The department, or the authority, as appropriate, shall, pursuant to chapter 34.05 RCW, adopt standards as to (1) inability to pay in whole or in part, (2) a definition of substantial hardship, and (3) appropriate payment schedules. Financial responsibility with respect to services and facilities of the department shall continue to be as provided in RCW 43.20B.320 through 43.20B.360 and 43.20B.370.

**NEW SECTION. Sec. 143.** A new section is added to chapter 71.05 RCW to read as follows:

(1) An involuntary treatment act work group is established to evaluate the effect of changes to this chapter and chapter 71.34 RCW and to evaluate vulnerabilities in the crisis system.

(2) The work group shall:

(a) Commencing September 1, 2020, meet at least three times to: (i) Identify and evaluate systems and procedures that may be required to implement one hundred twenty hour initial detention; (ii) develop recommendations to implement one hundred twenty hour initial detention statewide; and (iii) disseminate the recommendations to stakeholders and report them to the governor and appropriate committees of the legislature by January 1, 2021.

(b) Commencing January 1, 2021, meet at least six times to evaluate: (i) The implementation of one hundred twenty hour initial detention, and the effects, if any, on involuntary behavioral health treatment capacity statewide, including the frequency of detentions, commitments, revocations of less restrictive alternative treatment, conditional release orders, single bed certifications, and no-bed reports under RCW 71.05.750; (ii) other issues related to implementation of this act; and (iii) other vulnerabilities in the involuntary treatment system.

(c)(i) Develop recommendations for operating the crisis system based on the evaluations in (b) of this subsection; and (ii) disseminate those recommendations to stakeholders and report them to the governor and the appropriate committees of the legislature no later than June 30, 2022.

(3) The work group shall be convened by the authority and shall receive technical and data gathering support from the authority, the department, and the department of social and health services as needed. The membership must consist of not more than eighteen members appointed by the governor, reflecting statewide representation, diverse viewpoints, and experience with involuntary treatment

cases. Appointed members must include but not be limited to:

(a) Representatives of the authority, the department, and the department of social and health services;

(b) Certified short-term civil commitment providers and providers who accept single bed certification under RCW 71.05.745;

(c) Certified long-term inpatient care providers for involuntary patients or providers with experience providing community long-term inpatient care for involuntary patients;

(d) Prosecuting attorneys;

(e) Defense attorneys;

(f) Family members and persons with lived experience of behavioral health disorders;

(g) At least two behavioral health peers with lived experience of civil commitment;

(h) The Washington state office of the attorney general;

(i) Advocates for persons with behavioral health disorders;

(j) Designated crisis responders;

(k) Behavioral health administrative services organizations;

(l) Managed care organizations;

(m) Law enforcement; and

(n) Judicial officers in involuntary treatment cases.

(4) Interested legislators and legislative staff may participate in the work group. The governor must request participation in the work group by a representative of tribal governments.

(5) The work group shall choose cochairs from among its members and receive staff support from the authority.

(6) This section expires June 30, 2022.

**NEW SECTION. Sec. 144.** The following acts or parts of acts are each repealed:

(1) RCW 71.05.360 (Rights of involuntarily detained persons) and 2019 c 446 s 13 and 2017 3rd sp.s. c 14 s 20; and

(2) RCW 71.34.370 (Antipsychotic medication and shock treatment) and 1989 c 120 s 9.

**NEW SECTION. Sec. 145.** RCW 71.05.525 is recodified as a section in chapter 71.34 RCW.

**NEW SECTION. Sec. 146.** Sections 12, 15, 25, 31, 33, 35, 38, 54, 75, 82, 85, 88, and 91 of this act expire January 1, 2021.

**NEW SECTION. Sec. 147.** Sections 13, 16, 19 through 23, 26, 32, 34, 36, 39, 55, 59, 76, 83, 86, 89, and 92 of this act take effect January 1, 2021.

**NEW SECTION. Sec. 148.** Sections 13, 16, 26, 39, 45, 55, 78, 83, 86, 92, 94, and 97 of this act expire July 1, 2026.

**NEW SECTION. Sec. 149.** Sections 14, 17, 27, 40, 46, 56, 79, 84, 87, 93, 95, and 98 of this act take effect July 1, 2026.

**NEW SECTION. Sec. 150.** (1) Sections 4, 28, 64, and 81 of this act take effect when monthly single-bed certifications authorized under RCW 71.05.745 fall below 200 reports for 3 consecutive months.

(2) The health care authority must provide written notice of the effective date of sections 4, 28, 64, and 81 of this act to affected parties, the chief clerk of the house of representatives, the secretary of the senate, the office of the code reviser, and others as deemed appropriate by the authority.

**Sec. 151.** RCW 70.02.010 and 2019 c 325 s 5019 are each amended to read as follows:

#### CONFORMING AMENDMENTS.

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Admission" has the same meaning as in RCW 71.05.020.

(2) "Audit" means an assessment, evaluation, determination, or investigation of a health care provider by a person not employed by or affiliated with the provider to determine compliance with:

(a) Statutory, regulatory, fiscal, medical, or scientific standards;

(b) A private or public program of payments to a health care provider; or

(c) Requirements for licensing, accreditation, or certification.

(3) "Authority" means the Washington state health care authority.

(4) "Commitment" has the same meaning as in RCW 71.05.020.

(5) "Custody" has the same meaning as in RCW 71.05.020.

(6) "Deidentified" means health information that does not identify an individual and with respect to which there is no reasonable basis to believe that the information can be used to identify an individual.

(7) "Department" means the department of social and health services.

(8) "Designated crisis responder" has the same meaning as in RCW 71.05.020 or 71.34.020, as applicable.

(9) "Detention" or "detain" has the same meaning as in RCW 71.05.020.

(10) "Directory information" means information disclosing the presence, and for the purpose of identification,

the name, location within a health care facility, and the general health condition of a particular patient who is a patient in a health care facility or who is currently receiving emergency health care in a health care facility.

(11) "Discharge" has the same meaning as in RCW 71.05.020.

(12) "Evaluation and treatment facility" has the same meaning as in RCW 71.05.020 or 71.34.020, as applicable.

(13) "Federal, state, or local law enforcement authorities" means an officer of any agency or authority in the United States, a state, a tribe, a territory, or a political subdivision of a state, a tribe, or a territory who is empowered by law to: (a) Investigate or conduct an official inquiry into a potential criminal violation of law; or (b) prosecute or otherwise conduct a criminal proceeding arising from an alleged violation of law.

(14) "General health condition" means the patient's health status described in terms of "critical," "poor," "fair," "good," "excellent," or terms denoting similar conditions.

(15) "Health care" means any care, service, or procedure provided by a health care provider:

(a) To diagnose, treat, or maintain a patient's physical or mental condition; or

(b) That affects the structure or any function of the human body.

(16) "Health care facility" means a hospital, clinic, nursing home, laboratory, office, or similar place where a health care provider provides health care to patients.

(17) "Health care information" means any information, whether oral or recorded in any form or medium, that identifies or can readily be associated with the identity of a patient and directly relates to the patient's health care, including a patient's deoxyribonucleic acid and identified sequence of chemical base pairs. The term includes any required accounting of disclosures of health care information.

(18) "Health care operations" means any of the following activities of a health care provider, health care facility, or third-party payor to the extent that the activities are related to functions that make an entity a health care provider, a health care facility, or a third-party payor:

(a) Conducting: Quality assessment and improvement activities, including outcomes evaluation and development of clinical guidelines, if the obtaining of generalizable knowledge is not the primary purpose of any studies resulting from such activities; population-based activities relating to improving health or reducing health care costs, protocol development, case management and care coordination, contacting of health care providers and patients with information about treatment alternatives; and related functions that do not include treatment;

(b) Reviewing the competence or qualifications of health care professionals, evaluating practitioner and provider performance and third-party payor performance, conducting training programs in which students, trainees, or

practitioners in areas of health care learn under supervision to practice or improve their skills as health care providers, training of nonhealth care professionals, accreditation, certification, licensing, or credentialing activities;

(c) Underwriting, premium rating, and other activities relating to the creation, renewal, or replacement of a contract of health insurance or health benefits, and ceding, securing, or placing a contract for reinsurance of risk relating to claims for health care, including stop-loss insurance and excess of loss insurance, if any applicable legal requirements are met;

(d) Conducting or arranging for medical review, legal services, and auditing functions, including fraud and abuse detection and compliance programs;

(e) Business planning and development, such as conducting cost-management and planning-related analyses related to managing and operating the health care facility or third-party payor, including formulary development and administration, development, or improvement of methods of payment or coverage policies; and

(f) Business management and general administrative activities of the health care facility, health care provider, or third-party payor including, but not limited to:

(i) Management activities relating to implementation of and compliance with the requirements of this chapter;

(ii) Customer service, including the provision of data analyses for policy holders, plan sponsors, or other customers, provided that health care information is not disclosed to such policy holder, plan sponsor, or customer;

(iii) Resolution of internal grievances;

(iv) The sale, transfer, merger, or consolidation of all or part of a health care provider, health care facility, or third-party payor with another health care provider, health care facility, or third-party payor or an entity that following such activity will become a health care provider, health care facility, or third-party payor, and due diligence related to such activity; and

(v) Consistent with applicable legal requirements, creating deidentified health care information or a limited dataset for the benefit of the health care provider, health care facility, or third-party payor.

(19) "Health care provider" means a person who is licensed, certified, registered, or otherwise authorized by the law of this state to provide health care in the ordinary course of business or practice of a profession.

(20) "Human immunodeficiency virus" or "HIV" has the same meaning as in RCW 70.24.017.

(21) "Imminent" has the same meaning as in RCW 71.05.020.

(22) "Information and records related to mental health services" means a type of health care information that relates to all information and records compiled, obtained, or maintained in the course of providing services by a mental health service agency or mental health professional to persons who are receiving or have received services for mental illness. The term includes mental health information

contained in a medical bill, registration records, as defined in RCW 70.97.010, and all other records regarding the person maintained by the department, by the authority, by behavioral health administrative services organizations and their staff, managed care organizations contracted with the authority under chapter 74.09 RCW and their staff, and by treatment facilities. The term further includes documents of legal proceedings under chapter 71.05, 71.34, or 10.77 RCW, or somatic health care information. For health care information maintained by a hospital as defined in RCW 70.41.020 or a health care facility or health care provider that participates with a hospital in an organized health care arrangement defined under federal law, "information and records related to mental health services" is limited to information and records of services provided by a mental health professional or information and records of services created by a hospital-operated community behavioral health program as defined in RCW 71.24.025. The term does not include psychotherapy notes.

(23) "Information and records related to sexually transmitted diseases" means a type of health care information that relates to the identity of any person upon whom an HIV antibody test or other sexually transmitted infection test is performed, the results of such tests, and any information relating to diagnosis of or treatment for any confirmed sexually transmitted infections.

(24) "Institutional review board" means any board, committee, or other group formally designated by an institution, or authorized under federal or state law, to review, approve the initiation of, or conduct periodic review of research programs to assure the protection of the rights and welfare of human research subjects.

(25) "Legal counsel" has the same meaning as in RCW 71.05.020.

(26) "Local public health officer" has the same meaning as in RCW 70.24.017.

(27) "Maintain," as related to health care information, means to hold, possess, preserve, retain, store, or control that information.

(28) "Mental health professional" means a psychiatrist, psychologist, psychiatric advanced registered nurse practitioner, psychiatric nurse, or social worker, and such other mental health professionals as may be defined by rules adopted by the secretary of health under chapter 71.05 RCW, whether that person works in a private or public setting.

(29) "Mental health service agency" means a public or private agency that provides services to persons with mental disorders as defined under RCW 71.05.020 or 71.34.020 and receives funding from public sources. This includes evaluation and treatment facilities as defined in RCW 71.34.020, community mental health service delivery systems, or community behavioral health programs, as defined in RCW 71.24.025, and facilities conducting competency evaluations and restoration under chapter 10.77 RCW.

(30) "Minor" has the same meaning as in RCW 71.34.020.

(31) "Parent" has the same meaning as in RCW 71.34.020.

(32) "Patient" means an individual who receives or has received health care. The term includes a deceased individual who has received health care.

(33) "Payment" means:

(a) The activities undertaken by:

(i) A third-party payor to obtain premiums or to determine or fulfill its responsibility for coverage and provision of benefits by the third-party payor; or

(ii) A health care provider, health care facility, or third-party payor, to obtain or provide reimbursement for the provision of health care; and

(b) The activities in (a) of this subsection that relate to the patient to whom health care is provided and that include, but are not limited to:

(i) Determinations of eligibility or coverage, including coordination of benefits or the determination of cost-sharing amounts, and adjudication or subrogation of health benefit claims;

(ii) Risk adjusting amounts due based on enrollee health status and demographic characteristics;

(iii) Billing, claims management, collection activities, obtaining payment under a contract for reinsurance, including stop-loss insurance and excess of loss insurance, and related health care data processing;

(iv) Review of health care services with respect to medical necessity, coverage under a health plan, appropriateness of care, or justification of charges;

(v) Utilization review activities, including precertification and preauthorization of services, and concurrent and retrospective review of services; and

(vi) Disclosure to consumer reporting agencies of any of the following health care information relating to collection of premiums or reimbursement:

(A) Name and address;

(B) Date of birth;

(C) Social security number;

(D) Payment history;

(E) Account number; and

(F) Name and address of the health care provider, health care facility, and/or third-party payor.

(34) "Person" means an individual, corporation, business trust, estate, trust, partnership, association, joint venture, government, governmental subdivision or agency, or any other legal or commercial entity.

(35) "Professional person" has the same meaning as in RCW 71.05.020.

(36) "Psychiatric advanced registered nurse practitioner" has the same meaning as in RCW 71.05.020.

(37) "Psychotherapy notes" means notes recorded, in any medium, by a mental health professional documenting or analyzing the contents of conversations during a private counseling session or group, joint, or family counseling session, and that are separated from the rest of the individual's medical record. The term excludes mediation prescription and monitoring, counseling session start and stop times, the modalities and frequencies of treatment furnished, results of clinical tests, and any summary of the following items: Diagnosis, functional status, the treatment plan, symptoms, prognosis, and progress to date.

(38) "Reasonable fee" means the charges for duplicating or searching the record, but shall not exceed sixty-five cents per page for the first thirty pages and fifty cents per page for all other pages. In addition, a clerical fee for searching and handling may be charged not to exceed fifteen dollars. These amounts shall be adjusted biennially in accordance with changes in the consumer price index, all consumers, for Seattle-Tacoma metropolitan statistical area as determined by the secretary of health. However, where editing of records by a health care provider is required by statute and is done by the provider personally, the fee may be the usual and customary charge for a basic office visit.

(39) "Release" has the same meaning as in RCW 71.05.020.

(40) "Resource management services" has the same meaning as in RCW 71.05.020.

(41) "Serious violent offense" has the same meaning as in RCW (~~71.05.020~~) 9.94A.030.

(42) "Sexually transmitted infection" or "sexually transmitted disease" has the same meaning as "sexually transmitted disease" in RCW 70.24.017.

(43) "Test for a sexually transmitted disease" has the same meaning as in RCW 70.24.017.

(44) "Third-party payor" means an insurer regulated under Title 48 RCW authorized to transact business in this state or other jurisdiction, including a health care service contractor, and health maintenance organization; or an employee welfare benefit plan, excluding fitness or wellness plans; or a state or federal health benefit program.

(45) "Treatment" means the provision, coordination, or management of health care and related services by one or more health care providers or health care facilities, including the coordination or management of health care by a health care provider or health care facility with a third party; consultation between health care providers or health care facilities relating to a patient; or the referral of a patient for health care from one health care provider or health care facility to another.

(46) "Managed care organization" has the same meaning as provided in RCW 71.24.025.

**Sec. 152.** RCW 5.60.060 and 2019 c 98 s 1 are each amended to read as follows:

## CONFORMING AMENDMENTS.

(1) A spouse or domestic partner shall not be examined for or against his or her spouse or domestic partner, without the consent of the spouse or domestic partner; nor can either during marriage or during the domestic partnership or afterward, be without the consent of the other, examined as to any communication made by one to the other during the marriage or the domestic partnership. But this exception shall not apply to a civil action or proceeding by one against the other, nor to a criminal action or proceeding for a crime committed by one against the other, nor to a criminal action or proceeding against a spouse or domestic partner if the marriage or the domestic partnership occurred subsequent to the filing of formal charges against the defendant, nor to a criminal action or proceeding for a crime committed by said spouse or domestic partner against any child of whom said spouse or domestic partner is the parent or guardian, nor to a proceeding under chapter 71.05 or 71.09 RCW: PROVIDED, That the spouse or the domestic partner of a person sought to be detained under chapter 71.05 or 71.09 RCW may not be compelled to testify and shall be so informed by the court prior to being called as a witness.

(2)(a) An attorney or counselor shall not, without the consent of his or her client, be examined as to any communication made by the client to him or her, or his or her advice given thereon in the course of professional employment.

(b) A parent or guardian of a minor child arrested on a criminal charge may not be examined as to a communication between the child and his or her attorney if the communication was made in the presence of the parent or guardian. This privilege does not extend to communications made prior to the arrest.

(3) A member of the clergy, a Christian Science practitioner listed in the Christian Science Journal, or a priest shall not, without the consent of a person making the confession or sacred confidence, be examined as to any confession or sacred confidence made to him or her in his or her professional character, in the course of discipline enjoined by the church to which he or she belongs.

(4) Subject to the limitations under RCW ((71.05.360 (8) and (9))) 71.05.217 (6) and (7), a physician or surgeon or osteopathic physician or surgeon or podiatric physician or surgeon shall not, without the consent of his or her patient, be examined in a civil action as to any information acquired in attending such patient, which was necessary to enable him or her to prescribe or act for the patient, except as follows:

(a) In any judicial proceedings regarding a child's injury, neglect, or sexual abuse or the cause thereof; and

(b) Ninety days after filing an action for personal injuries or wrongful death, the claimant shall be deemed to waive the physician-patient privilege. Waiver of the physician-patient privilege for any one physician or condition constitutes a waiver of the privilege as to all physicians or conditions, subject to such limitations as a court may impose pursuant to court rules.

(5) A public officer shall not be examined as a witness as to communications made to him or her in official confidence, when the public interest would suffer by the disclosure.

(6)(a) A peer support group counselor shall not, without consent of the first responder or jail staff person making the communication, be compelled to testify about any communication made to the counselor by the first responder or jail staff person while receiving counseling. The counselor must be designated as such by the agency employing the first responder or jail staff person prior to the incident that results in counseling. The privilege only applies when the communication was made to the counselor while acting in his or her capacity as a peer support group counselor. The privilege does not apply if the counselor was an initial responding first responder or jail staff person, a witness, or a party to the incident which prompted the delivery of peer support group counseling services to the first responder or jail staff person.

(b) For purposes of this section:

(i) "First responder" means:

(A) A law enforcement officer;

(B) A limited authority law enforcement officer;

(C) A firefighter;

(D) An emergency services dispatcher or recordkeeper;

(E) Emergency medical personnel, as licensed or certified by this state; or

(F) A member or former member of the Washington national guard acting in an emergency response capacity pursuant to chapter 38.52 RCW.

(ii) "Law enforcement officer" means a general authority Washington peace officer as defined in RCW 10.93.020;

(iii) "Limited authority law enforcement officer" means a limited authority Washington peace officer as defined in RCW 10.93.020 who is employed by the department of corrections, state parks and recreation commission, department of natural resources, liquor and cannabis board, or Washington state gambling commission; and

(iv) "Peer support group counselor" means:

(A) A first responder or jail staff person or a civilian employee of a first responder entity or agency, local jail, or state agency who has received training to provide emotional and moral support and counseling to a first responder or jail staff person who needs those services as a result of an incident in which the first responder or jail staff person was involved while acting in his or her official capacity; or

(B) A nonemployee counselor who has been designated by the first responder entity or agency, local jail, or state agency to provide emotional and moral support and counseling to a first responder or jail staff person who needs those services as a result of an incident in which the first



responder or jail staff person was involved while acting in his or her official capacity.

(7) A sexual assault advocate may not, without the consent of the victim, be examined as to any communication made between the victim and the sexual assault advocate.

(a) For purposes of this section, "sexual assault advocate" means the employee or volunteer from a community sexual assault program or underserved populations provider, victim assistance unit, program, or association, that provides information, medical or legal advocacy, counseling, or support to victims of sexual assault, who is designated by the victim to accompany the victim to the hospital or other health care facility and to proceedings concerning the alleged assault, including police and prosecution interviews and court proceedings.

(b) A sexual assault advocate may disclose a confidential communication without the consent of the victim if failure to disclose is likely to result in a clear, imminent risk of serious physical injury or death of the victim or another person. Any sexual assault advocate participating in good faith in the disclosing of records and communications under this section shall have immunity from any liability, civil, criminal, or otherwise, that might result from the action. In any proceeding, civil or criminal, arising out of a disclosure under this section, the good faith of the sexual assault advocate who disclosed the confidential communication shall be presumed.

(8) A domestic violence advocate may not, without the consent of the victim, be examined as to any communication between the victim and the domestic violence advocate.

(a) For purposes of this section, "domestic violence advocate" means an employee or supervised volunteer from a community-based domestic violence program or human services program that provides information, advocacy, counseling, crisis intervention, emergency shelter, or support to victims of domestic violence and who is not employed by, or under the direct supervision of, a law enforcement agency, a prosecutor's office, or the child protective services section of the department of ~~((social and health services))~~ children, youth, and families as defined in RCW 26.44.020.

(b) A domestic violence advocate may disclose a confidential communication without the consent of the victim if failure to disclose is likely to result in a clear, imminent risk of serious physical injury or death of the victim or another person. This section does not relieve a domestic violence advocate from the requirement to report or cause to be reported an incident under RCW 26.44.030(1) or to disclose relevant records relating to a child as required by RCW 26.44.030(~~((44))~~) (15). Any domestic violence advocate participating in good faith in the disclosing of communications under this subsection is immune from liability, civil, criminal, or otherwise, that might result from the action. In any proceeding, civil or criminal, arising out of a disclosure under this subsection, the good faith of the domestic violence advocate who disclosed the confidential communication shall be presumed.

(9) A mental health counselor, independent clinical social worker, or marriage and family therapist licensed under chapter 18.225 RCW may not disclose, or be compelled to testify about, any information acquired from persons consulting the individual in a professional capacity when the information was necessary to enable the individual to render professional services to those persons except:

(a) With the written authorization of that person or, in the case of death or disability, the person's personal representative;

(b) If the person waives the privilege by bringing charges against the mental health counselor licensed under chapter 18.225 RCW;

(c) In response to a subpoena from the secretary of health. The secretary may subpoena only records related to a complaint or report under RCW 18.130.050;

(d) As required under chapter 26.44 or 74.34 RCW or RCW ~~((71.05.360 (8) and (9)))~~ 71.05.217 (6) or (7); or

(e) To any individual if the mental health counselor, independent clinical social worker, or marriage and family therapist licensed under chapter 18.225 RCW reasonably believes that disclosure will avoid or minimize an imminent danger to the health or safety of the individual or any other individual; however, there is no obligation on the part of the provider to so disclose.

(10) An individual who acts as a sponsor providing guidance, emotional support, and counseling in an individualized manner to a person participating in an alcohol or drug addiction recovery fellowship may not testify in any civil action or proceeding about any communication made by the person participating in the addiction recovery fellowship to the individual who acts as a sponsor except with the written authorization of that person or, in the case of death or disability, the person's personal representative.

**Sec. 153.** RCW 71.12.570 and 2012 c 117 s 440 are each amended to read as follows:

#### CONFORMING AMENDMENTS.

No person in an establishment as defined in this chapter shall be restrained from sending written communications of the fact of his or her detention in such establishment to a friend, relative, or other person. The physician in charge of such person and the person in charge of such establishment shall send each such communication to the person to whom it is addressed. All persons in an establishment shall have no less than all rights secured to involuntarily detained persons by RCW ~~((71.05.360 and))~~ 71.05.217 and to voluntarily admitted or committed persons pursuant to RCW 71.05.050 and 71.05.380.

**Sec. 154.** RCW 18.225.105 and 2005 c 504 s 707 are each amended to read as follows:

#### CONFORMING AMENDMENTS.

A person licensed under this chapter shall not disclose the written acknowledgment of the disclosure statement pursuant to RCW 18.225.100, nor any information acquired from persons consulting the individual in a professional

capacity when the information was necessary to enable the individual to render professional services to those persons except:

(1) With the written authorization of that person or, in the case of death or disability, the person's personal representative;

(2) If the person waives the privilege by bringing charges against the person licensed under this chapter;

(3) In response to a subpoena from the secretary. The secretary may subpoena only records related to a complaint or report under RCW 18.130.050;

(4) As required under chapter 26.44 or 74.34 RCW or RCW ~~((71.05.360 (8) and (9)))~~ 71.05.217 (6) and (7); or

(5) To any individual if the person licensed under this chapter reasonably believes that disclosure will avoid or minimize an imminent danger to the health or safety of the individual or any other individual; however, there is no obligation on the part of the provider to so disclose.

**Sec. 155.** RCW 18.83.110 and 2016 sp.s. c 29 s 414 are each amended to read as follows:

#### CONFORMING AMENDMENTS.

Confidential communications between a client and a psychologist shall be privileged against compulsory disclosure to the same extent and subject to the same conditions as confidential communications between attorney and client, but this exception is subject to the limitations under RCW ~~((71.05.360 (8) and (9)))~~ 71.05.217 (6) and (7)."

Correct the title.

Signed by Representatives Ormsby, Chair; Stokesbary, Ranking Minority Member; Robinson, 1st Vice Chair; Bergquist, 2nd Vice Chair; MacEwen, Assistant Ranking Minority Member; Rude, Assistant Ranking Minority Member; Chopp; Cody; Corry; Dolan; Dye; Fitzgibbon; Hansen; Hoff; Hudgins; Kilduff; Macri; Pettigrew; Pollet; Ryu; Senn; Springer; Steele; Sullivan; Tarleton and Tharinger.

MINORITY recommendation: Do not pass. Signed by Representatives Caldier; Chandler; Kraft; Mosbrucker; Schmick; Sutherland and Ybarra.

Referred to Committee on Appropriations.

February 28, 2020 155.0.

**SB 5749** Prime Sponsor, Senator Mullet:  
Concerning faith-based exemptions regarding criminal mistreatment of children and vulnerable adults. Reported by Committee on Civil Rights & Judiciary

MAJORITY recommendation: Do pass as amended.  
155.0.

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 156.** It is the intent of the legislature that the changes proposed in this act neither approve nor disapprove of a particular religious practice, but simply remove a statutory reference that gives rise to constitutional issues by singling out one particular religion. These changes are not intended to express a bias against the practice of religious or spiritual healing, and are intended to clarify that parents and guardians are allowed to rely exclusively on religious healing practices under RCW 26.44.020 unless any such decision poses a clear and present danger to the health, welfare, or safety of the child. The legislature further does not intend: (1) To prevent adults, including dependent and vulnerable adults, from making their own voluntary decisions, including decisions to rely on the practice of religious healing in lieu of medical treatment; or (2) to make it a crime or prevent those charged with their care to honor and carry out those decisions, as recognized in Washington's vulnerable adult abuse law at RCW 74.34.180 and other areas of Washington statutory and case law.

**Sec. 157.** RCW 9A.42.005 and 1997 c 392 s 507 are each amended to read as follows:

The legislature finds that there is a significant need to protect children and dependent persons, including frail elder and vulnerable adults, from abuse and neglect by their parents, by persons entrusted with their physical custody, or by persons employed to provide them with the basic necessities of life. The legislature further finds that such abuse and neglect often takes the forms of either withholding from them the basic necessities of life, including food, water, shelter, clothing, and health care, or abandoning them, or both. Therefore, it is the intent of the legislature that criminal penalties be imposed on those guilty of such abuse or neglect. ~~((It is the intent of the legislature that a person who, in good faith, is furnished Christian Science treatment by a duly accredited Christian Science practitioner in lieu of medical care is not considered deprived of medically necessary health care or abandoned.))~~ Prosecutions under this chapter shall be consistent with the rules of evidence, including hearsay, under law.

**Sec. 158.** RCW 26.44.020 and 2019 c 172 s 5 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Abuse or neglect" means sexual abuse, sexual exploitation, or injury of a child by any person under circumstances which cause harm to the child's health, welfare, or safety, excluding conduct permitted under RCW 9A.16.100; or the negligent treatment or maltreatment of a child by a person responsible for or providing care to the child. An abused child is a child who has been subjected to child abuse or neglect as defined in this section.

(2) "Child" or "children" means any person under the age of eighteen years of age.

(3) "Child forensic interview" means a developmentally sensitive and legally sound method of gathering factual information regarding allegations of child abuse, child neglect, or exposure to violence. This interview is conducted by a competently trained, neutral professional

utilizing techniques informed by research and best practice as part of a larger investigative process.

(4) "Child protective services" means those services provided by the department designed to protect children from child abuse and neglect and safeguard such children from future abuse and neglect, and conduct investigations of child abuse and neglect reports. Investigations may be conducted regardless of the location of the alleged abuse or neglect. Child protective services includes referral to services to ameliorate conditions that endanger the welfare of children, the coordination of necessary programs and services relevant to the prevention, intervention, and treatment of child abuse and neglect, and services to children to ensure that each child has a permanent home. In determining whether protective services should be provided, the department shall not decline to provide such services solely because of the child's unwillingness or developmental inability to describe the nature and severity of the abuse or neglect.

(5) "Child protective services section" means the child protective services section of the department.

(6) "Child who is a candidate for foster care" means a child who the department identifies as being at imminent risk of entering foster care but who can remain safely in the child's home or in a kinship placement as long as services or programs that are necessary to prevent entry of the child into foster care are provided, and includes but is not limited to a child whose adoption or guardianship arrangement is at risk of a disruption or dissolution that would result in a foster care placement. The term includes a child for whom there is reasonable cause to believe that any of the following circumstances exist:

(a) The child has been abandoned by the parent as defined in RCW 13.34.030 and the child's health, safety, and welfare is seriously endangered as a result;

(b) The child has been abused or neglected as defined in this chapter (~~26.44 RCW~~) and the child's health, safety, and welfare is seriously endangered as a result;

(c) There is no parent capable of meeting the child's needs such that the child is in circumstances that constitute a serious danger to the child's development;

(d) The child is otherwise at imminent risk of harm.

(7) "Children's advocacy center" means a child-focused facility in good standing with the state chapter for children's advocacy centers and that coordinates a multidisciplinary process for the investigation, prosecution, and treatment of sexual and other types of child abuse. Children's advocacy centers provide a location for forensic interviews and coordinate access to services such as, but not limited to, medical evaluations, advocacy, therapy, and case review by multidisciplinary teams within the context of county protocols as defined in RCW 26.44.180 and 26.44.185.

(8) "Clergy" means any regularly licensed or ordained minister, priest, or rabbi of any church or religious denomination, whether acting in an individual capacity or as

an employee or agent of any public or private organization or institution.

(9) "Court" means the superior court of the state of Washington, juvenile department.

(10) "Department" means the department of children, youth, and families.

(11) "Family assessment" means a comprehensive assessment of child safety, risk of subsequent child abuse or neglect, and family strengths and needs that is applied to a child abuse or neglect report. Family assessment does not include a determination as to whether child abuse or neglect occurred, but does determine the need for services to address the safety of the child and the risk of subsequent maltreatment.

(12) "Family assessment response" means a way of responding to certain reports of child abuse or neglect made under this chapter using a differential response approach to child protective services. The family assessment response shall focus on the safety of the child, the integrity and preservation of the family, and shall assess the status of the child and the family in terms of risk of abuse and neglect including the parent's or guardian's or other caretaker's capacity and willingness to protect the child and, if necessary, plan and arrange the provision of services to reduce the risk and otherwise support the family. No one is named as a perpetrator, and no investigative finding is entered in the record as a result of a family assessment.

(13) "Founded" means the determination following an investigation by the department that, based on available information, it is more likely than not that child abuse or neglect did occur.

(14) "Inconclusive" means the determination following an investigation by the department of social and health services, prior to October 1, 2008, that based on available information a decision cannot be made that more likely than not, child abuse or neglect did or did not occur.

(15) "Institution" means a private or public hospital or any other facility providing medical diagnosis, treatment, or care.

(16) "Law enforcement agency" means the police department, the prosecuting attorney, the state patrol, the director of public safety, or the office of the sheriff.

(17) "Malice" or "maliciously" means an intent, wish, or design to intimidate, annoy, or injure another person. Such malice may be inferred from an act done in willful disregard of the rights of another, or an act wrongfully done without just cause or excuse, or an act or omission of duty betraying a willful disregard of social duty.

(18) "Negligent treatment or maltreatment" means an act or a failure to act, or the cumulative effects of a pattern of conduct, behavior, or inaction, that evidences a serious disregard of consequences of such magnitude as to constitute a clear and present danger to a child's health, welfare, or safety, including but not limited to conduct prohibited under RCW 9A.42.100. When considering whether a clear and present danger exists, evidence of a parent's substance abuse

as a contributing factor to negligent treatment or maltreatment shall be given great weight. The fact that siblings share a bedroom is not, in and of itself, negligent treatment or maltreatment. Poverty, homelessness, or exposure to domestic violence as defined in RCW 26.50.010 that is perpetrated against someone other than the child does not constitute negligent treatment or maltreatment in and of itself. Under this chapter, health care decisions made in reliance on faith-based practices do not in and of themselves constitute negligent treatment or maltreatment unless any such decision poses a clear and present danger to the health, welfare, or safety of the child.

(19) "Pharmacist" means any registered pharmacist under chapter 18.64 RCW, whether acting in an individual capacity or as an employee or agent of any public or private organization or institution.

(20) "Practitioner of the healing arts" or "practitioner" means a person licensed by this state to practice podiatric medicine and surgery, optometry, chiropractic, nursing, dentistry, osteopathic medicine and surgery, or medicine and surgery or to provide other health services. The term "practitioner" includes a duly accredited Christian Science practitioner. ~~((A person who is being furnished Christian Science treatment by a duly accredited Christian Science practitioner will not be considered, for that reason alone, a neglected person for the purposes of this chapter.))~~

(21) "Prevention and family services and programs" means specific mental health prevention and treatment services, substance abuse prevention and treatment services, and in-home parent skill-based programs that qualify for federal funding under the federal family first prevention services act, P.L. 115-123. For purposes of this chapter, prevention and family services and programs are not remedial services or family reunification services as described in RCW 13.34.025(2).

(22) "Professional school personnel" include, but are not limited to, teachers, counselors, administrators, child care facility personnel, and school nurses.

(23) "Psychologist" means any person licensed to practice psychology under chapter 18.83 RCW, whether acting in an individual capacity or as an employee or agent of any public or private organization or institution.

(24) "Screened-out report" means a report of alleged child abuse or neglect that the department has determined does not rise to the level of a credible report of abuse or neglect and is not referred for investigation.

(25) "Sexual exploitation" includes: (a) Allowing, permitting, or encouraging a child to engage in prostitution by any person; or (b) allowing, permitting, encouraging, or engaging in the obscene or pornographic photographing, filming, or depicting of a child by any person.

(26) "Sexually aggressive youth" means a child who is defined in RCW 74.13.075(1)(b) as being a sexually aggressive youth.

(27) "Social service counselor" means anyone engaged in a professional capacity during the regular course of employment in encouraging or promoting the health,

welfare, support, or education of children, or providing social services to adults or families, including mental health, drug and alcohol treatment, and domestic violence programs, whether in an individual capacity, or as an employee or agent of any public or private organization or institution.

(28) "Unfounded" means the determination following an investigation by the department that available information indicates that, more likely than not, child abuse or neglect did not occur, or that there is insufficient evidence for the department to determine whether the alleged child abuse did or did not occur."

Correct the title.

Signed by Representatives Kilduff, Chair; Thai, Vice Chair; Irwin, Ranking Minority Member; Goodman; Hansen; Kirby; Orwall; Peterson; Rude; Valdez; Walen and Ybarra.

MINORITY recommendation: Do not pass. Signed by Representative Klippert.

MINORITY recommendation: Without recommendation. Signed by Representatives Dufault, Assistant Ranking Minority Member and Graham.

Referred to Committee on Rules for second reading.

February 28, 2020 158.0.

SB 5782

Prime Sponsor, Senator Zeiger:  
Concerning spring blade knives. Reported  
by Committee on Civil Rights & Judiciary

MAJORITY recommendation: Do pass as amended.  
158.0.

Strike everything after the enacting clause and insert the following:

"**Sec. 159.** RCW 9A.1250 and 2012 c 179 s 1 are each amended to read as follows:

(1) Every person who:

(a) Manufactures, sells, or disposes of or possesses any instrument or weapon of the kind usually known as slungshot, sand club, or metal knuckles(~~(, or spring blade knife)~~);

(b) Furtively carries with intent to conceal any dagger, dirk, pistol, or other dangerous weapon; or

(c) Uses any contrivance or device for suppressing the noise of any firearm unless the suppressor is legally registered and possessed in accordance with federal law,

is guilty of a gross misdemeanor punishable under chapter 9A.20 RCW.

(2) "Spring blade knife" means any knife, including a prototype, model, or other sample, with a blade that is automatically released by a spring mechanism or other

mechanical device, or any knife having a blade which opens, or falls, or is ejected into position by the force of gravity, or by an outward, downward, or centrifugal thrust or movement. A knife that contains a spring, detent, or other mechanism designed to create a bias toward closure of the blade and that requires physical exertion applied to the blade by hand, wrist, or arm to overcome the bias toward closure to assist in opening the knife is not a spring blade knife. A spring blade knife is not a dangerous weapon under this section.

**Sec. 160.** RCW 9.41.280 and 2019 c 325 s 5001 are each amended to read as follows:

(1) It is unlawful for a person to carry onto, or to possess on, public or private elementary or secondary school premises, school-provided transportation, or areas of facilities while being used exclusively by public or private schools:

- (a) Any firearm;
- (b) Any other dangerous weapon as defined in RCW 9.41.250;
- (c) Any device commonly known as "nun-chu-ka sticks," consisting of two or more lengths of wood, metal, plastic, or similar substance connected with wire, rope, or other means;
- (d) Any device, commonly known as "throwing stars," which are multipointed, metal objects designed to embed upon impact from any aspect;
- (e) Any air gun, including any air pistol or air rifle, designed to propel a BB, pellet, or other projectile by the discharge of compressed air, carbon dioxide, or other gas; ~~((or))~~
- (f)(i) Any portable device manufactured to function as a weapon and which is commonly known as a stun gun, including a projectile stun gun which projects wired probes that are attached to the device that emit an electrical charge designed to administer to a person or an animal an electric shock, charge, or impulse; or
- (ii) Any device, object, or instrument which is used or intended to be used as a weapon with the intent to injure a person by an electric shock, charge, or impulse; or

(g) Any spring blade knife as defined in RCW 9.41.250(2).

(2) Any such person violating subsection (1) of this section is guilty of a gross misdemeanor. If any person is convicted of a violation of subsection (1)(a) of this section, the person shall have his or her concealed pistol license, if any revoked for a period of three years. Anyone convicted under this subsection is prohibited from applying for a concealed pistol license for a period of three years. The court shall send notice of the revocation to the department of licensing, and the city, town, or county which issued the license.

Any violation of subsection (1) of this section by elementary or secondary school students constitutes grounds for expulsion from the state's public schools in accordance

with RCW 28A.600.010. An appropriate school authority shall promptly notify law enforcement and the student's parent or guardian regarding any allegation or indication of such violation.

Upon the arrest of a person at least twelve years of age and not more than twenty-one years of age for violating subsection (1)(a) of this section, the person shall be detained or confined in a juvenile or adult facility for up to seventy-two hours. The person shall not be released within the seventy-two hours until after the person has been examined and evaluated by the designated crisis responder unless the court in its discretion releases the person sooner after a determination regarding probable cause or on probation bond or bail.

Within twenty-four hours of the arrest, the arresting law enforcement agency shall refer the person to the designated crisis responder for examination and evaluation under chapter 71.05 or 71.34 RCW and inform a parent or guardian of the person of the arrest, detention, and examination. The designated crisis responder shall examine and evaluate the person subject to the provisions of chapter 71.05 or 71.34 RCW. The examination shall occur at the facility in which the person is detained or confined. If the person has been released on probation, bond, or bail, the examination shall occur wherever is appropriate.

Upon completion of any examination by the designated crisis responder, the results of the examination shall be sent to the court, and the court shall consider those results in making any determination about the person.

The designated crisis responder shall, to the extent permitted by law, notify a parent or guardian of the person that an examination and evaluation has taken place and the results of the examination. Nothing in this subsection prohibits the delivery of additional, appropriate mental health examinations to the person while the person is detained or confined.

If the designated crisis responder determines it is appropriate, the designated crisis responder may refer the person to the local behavioral health administrative services organization for follow-up services or other community providers for other services to the family and individual.

(3) Subsection (1) of this section does not apply to:

(a) Any student or employee of a private military academy when on the property of the academy;

(b) Any person engaged in military, law enforcement, or school district security activities. However, a person who is not a commissioned law enforcement officer and who provides school security services under the direction of a school administrator may not possess a device listed in subsection (1)(f) of this section unless he or she has successfully completed training in the use of such devices that is equivalent to the training received by commissioned law enforcement officers;

(c) Any person who is involved in a convention, showing, demonstration, lecture, or firearms safety course authorized by school authorities in which the firearms of collectors or instructors are handled or displayed;

(d) Any person while the person is participating in a firearms or air gun competition approved by the school or school district;

(e) Any person in possession of a pistol who has been issued a license under RCW 9.41.070, or is exempt from the licensing requirement by RCW 9.41.060, while picking up or dropping off a student;

(f) Any nonstudent at least eighteen years of age legally in possession of a firearm or dangerous weapon that is secured within an attended vehicle or concealed from view within a locked unattended vehicle while conducting legitimate business at the school;

(g) Any nonstudent at least eighteen years of age who is in lawful possession of an unloaded firearm, secured in a vehicle while conducting legitimate business at the school; or

(h) Any law enforcement officer of the federal, state, or local government agency.

(4) Subsections (1)(c) and (d) of this section do not apply to any person who possesses nun-chu-ka sticks, throwing stars, or other dangerous weapons to be used in martial arts classes authorized to be conducted on the school premises.

(5) Subsection (1)(f)(i) of this section does not apply to any person who possesses a device listed in subsection (1)(f)(i) of this section, if the device is possessed and used solely for the purpose approved by a school for use in a school authorized event, lecture, or activity conducted on the school premises.

(6) Except as provided in subsection (3)(b), (c), (f), and (h) of this section, firearms are not permitted in a public or private school building.

(7) "GUN-FREE ZONE" signs shall be posted around school facilities giving warning of the prohibition of the possession of firearms on school grounds.

**Sec. 161.** RCW 9.41.300 and 2018 c 201 s 9003 and 2018 c 201 s 6007 are each reenacted and amended to read as follows:

(1) It is unlawful for any person to enter the following places when he or she knowingly possesses or knowingly has under his or her control a weapon:

(a) The restricted access areas of a jail, or of a law enforcement facility, or any place used for the confinement of a person (i) arrested for, charged with, or convicted of an offense, (ii) held for extradition or as a material witness, or (iii) otherwise confined pursuant to an order of a court, except an order under chapter 13.32A or 13.34 RCW. Restricted access areas do not include common areas of egress or ingress open to the general public;

(b) Those areas in any building which are used in connection with court proceedings, including courtrooms, jury rooms, judge's chambers, offices and areas used to conduct court business, waiting areas, and corridors adjacent to areas used in connection with court proceedings. The restricted areas do not include common areas of ingress and

egress to the building that is used in connection with court proceedings, when it is possible to protect court areas without restricting ingress and egress to the building. The restricted areas shall be the minimum necessary to fulfill the objective of this subsection (1)(b).

For purposes of this subsection (1)(b), "weapon" means any firearm, explosive as defined in RCW 70.74.010, or any weapon of the kind usually known as slungshot, sand club, or metal knuckles, or any knife, dagger, dirk, or other similar weapon that is capable of causing death or bodily injury and is commonly used with the intent to cause death or bodily injury.

In addition, the local legislative authority shall provide either a stationary locked box sufficient in size for pistols and key to a weapon owner for weapon storage, or shall designate an official to receive weapons for safekeeping, during the owner's visit to restricted areas of the building. The locked box or designated official shall be located within the same building used in connection with court proceedings. The local legislative authority shall be liable for any negligence causing damage to or loss of a weapon either placed in a locked box or left with an official during the owner's visit to restricted areas of the building.

The local judicial authority shall designate and clearly mark those areas where weapons are prohibited, and shall post notices at each entrance to the building of the prohibition against weapons in the restricted areas;

(c) The restricted access areas of a public mental health facility licensed or certified by the department of health for inpatient hospital care and state institutions for the care of the mentally ill, excluding those facilities solely for evaluation and treatment. Restricted access areas do not include common areas of egress and ingress open to the general public;

(d) That portion of an establishment classified by the state liquor and cannabis board as off-limits to persons under twenty-one years of age; or

(e) The restricted access areas of a commercial service airport designated in the airport security plan approved by the federal transportation security administration, including passenger screening checkpoints at or beyond the point at which a passenger initiates the screening process. These areas do not include airport drives, general parking areas and walkways, and shops and areas of the terminal that are outside the screening checkpoints and that are normally open to unscreened passengers or visitors to the airport. Any restricted access area shall be clearly indicated by prominent signs indicating that firearms and other weapons are prohibited in the area.

(2) Cities, towns, counties, and other municipalities may enact laws and ordinances:

(a) Restricting the discharge of firearms in any portion of their respective jurisdictions where there is a reasonable likelihood that humans, domestic animals, or property will be jeopardized. Such laws and ordinances shall not abridge the right of the individual guaranteed by Article I, section 24

of the state Constitution to bear arms in defense of self or others; and

(b) Restricting the possession of firearms in any stadium or convention center, operated by a city, town, county, or other municipality, except that such restrictions shall not apply to:

(i) Any pistol in the possession of a person licensed under RCW 9.41.070 or exempt from the licensing requirement by RCW 9.41.060; or

(ii) Any showing, demonstration, or lecture involving the exhibition of firearms.

(3)(a) Cities, towns, and counties may enact ordinances restricting the areas in their respective jurisdictions in which firearms may be sold, but, except as provided in (b) of this subsection, a business selling firearms may not be treated more restrictively than other businesses located within the same zone. An ordinance requiring the cessation of business within a zone shall not have a shorter grandfather period for businesses selling firearms than for any other businesses within the zone.

(b) Cities, towns, and counties may restrict the location of a business selling firearms to not less than five hundred feet from primary or secondary school grounds, if the business has a storefront, has hours during which it is open for business, and posts advertisements or signs observable to passersby that firearms are available for sale. A business selling firearms that exists as of the date a restriction is enacted under this subsection (3)(b) shall be grandfathered according to existing law.

(4) Violations of local ordinances adopted under subsection (2) of this section must have the same penalty as provided for by state law.

(5) The perimeter of the premises of any specific location covered by subsection (1) of this section shall be posted at reasonable intervals to alert the public as to the existence of any law restricting the possession of firearms on the premises.

(6) Subsection (1) of this section does not apply to:

(a) A person engaged in military activities sponsored by the federal or state governments, while engaged in official duties;

(b) Law enforcement personnel, except that subsection (1)(b) of this section does apply to a law enforcement officer who is present at a courthouse building as a party to an action under chapter 10.14, 10.99, or 26.50 RCW, or an action under Title 26 RCW where any party has alleged the existence of domestic violence as defined in RCW 26.50.010; or

(c) Security personnel while engaged in official duties.

(7) Subsection (1)(a), (b), (c), and (e) of this section does not apply to correctional personnel or community corrections officers, as long as they are employed as such, who have completed government-sponsored law enforcement firearms training, except that subsection (1)(b) of this section does apply to a correctional employee or

community corrections officer who is present at a courthouse building as a party to an action under chapter 10.14, 10.99, or 26.50 RCW, or an action under Title 26 RCW where any party has alleged the existence of domestic violence as defined in RCW 26.50.010.

(8) Subsection (1)(a) of this section does not apply to a person licensed pursuant to RCW 9.41.070 who, upon entering the place or facility, directly and promptly proceeds to the administrator of the facility or the administrator's designee and obtains written permission to possess the firearm while on the premises or checks his or her firearm. The person may reclaim the firearms upon leaving but must immediately and directly depart from the place or facility.

(9) Subsection (1)(c) of this section does not apply to any administrator or employee of the facility or to any person who, upon entering the place or facility, directly and promptly proceeds to the administrator of the facility or the administrator's designee and obtains written permission to possess the firearm while on the premises.

(10) Subsection (1)(d) of this section does not apply to the proprietor of the premises or his or her employees while engaged in their employment.

(11) Government-sponsored law enforcement firearms training must be training that correctional personnel and community corrections officers receive as part of their job requirement and reference to such training does not constitute a mandate that it be provided by the correctional facility.

(12) Any person violating subsection (1) of this section is guilty of a gross misdemeanor.

(13) "Weapon" as used in this section means any firearm, explosive as defined in RCW 70.74.010, spring blade knife as defined in RCW 9.41.250(2), or instrument or weapon listed in RCW 9.41.250.

**NEW SECTION. Sec. 162.** RCW 9.41.251 (Dangerous weapons—Application of restrictions to law enforcement, firefighting, rescue, and military personnel) and 2012 c 179 s 2 are each repealed."

Correct the title.

162.0.

Strike everything after the enacting clause and insert the following:

**"Sec. 163.** RCW 9.41.250 and 2012 c 179 s 1 are each amended to read as follows:

(1) Every person who:

(a) Manufactures, sells, or disposes of or possesses any instrument or weapon of the kind usually known as slung shot, sand club, or metal knuckles, or spring blade knife having a blade more than three and one-half inches in length;

(b) Furtively carries with intent to conceal any dagger, dirk, pistol, or other dangerous weapon; or

(c) Uses any contrivance or device for suppressing the noise of any firearm unless the suppressor is legally registered and possessed in accordance with federal law,

is guilty of a gross misdemeanor punishable under chapter 9A.20 RCW.

(2) "Spring blade knife" means any knife, including a prototype, model, or other sample, with a blade that is automatically released by a spring mechanism or other mechanical device, or any knife having a blade which opens, or falls, or is ejected into position by the force of gravity, or by an outward, downward, or centrifugal thrust or movement. A knife that contains a spring, detent, or other mechanism designed to create a bias toward closure of the blade and that requires physical exertion applied to the blade by hand, wrist, or arm to overcome the bias toward closure to assist in opening the knife is not a spring blade knife.

**Sec. 164.** RCW 9.41.280 and 2016 sp.s. c 29 s 403 are each amended to read as follows:

(1) It is unlawful for a person to carry onto, or to possess on, public or private elementary or secondary school premises, school-provided transportation, or areas of facilities while being used exclusively by public or private schools:

(a) Any firearm;

(b) Any other dangerous weapon as defined in RCW 9.41.250;

(c) Any device commonly known as "nun-chu-ka sticks," consisting of two or more lengths of wood, metal, plastic, or similar substance connected with wire, rope, or other means;

(d) Any device, commonly known as "throwing stars," which are multipointed, metal objects designed to embed upon impact from any aspect;

(e) Any air gun, including any air pistol or air rifle, designed to propel a BB, pellet, or other projectile by the discharge of compressed air, carbon dioxide, or other gas; ~~((or))~~

(f)(i) Any portable device manufactured to function as a weapon and which is commonly known as a stun gun, including a projectile stun gun which projects wired probes that are attached to the device that emit an electrical charge designed to administer to a person or an animal an electric shock, charge, or impulse; or

(ii) Any device, object, or instrument which is used or intended to be used as a weapon with the intent to injure a person by an electric shock, charge, or impulse; or

(g) Any spring blade knife as defined in RCW 9.41.250(2).

(2) Any such person violating subsection (1) of this section is guilty of a gross misdemeanor. If any person is convicted of a violation of subsection (1)(a) of this section, the person shall have his or her concealed pistol license, if any revoked for a period of three years. Anyone convicted under this subsection is prohibited from applying for a concealed pistol license for a period of three years. The court

shall send notice of the revocation to the department of licensing, and the city, town, or county which issued the license.

Any violation of subsection (1) of this section by elementary or secondary school students constitutes grounds for expulsion from the state's public schools in accordance with RCW 28A.600.010. An appropriate school authority shall promptly notify law enforcement and the student's parent or guardian regarding any allegation or indication of such violation.

Upon the arrest of a person at least twelve years of age and not more than twenty-one years of age for violating subsection (1)(a) of this section, the person shall be detained or confined in a juvenile or adult facility for up to seventy-two hours. The person shall not be released within the seventy-two hours until after the person has been examined and evaluated by the designated crisis responder unless the court in its discretion releases the person sooner after a determination regarding probable cause or on probation bond or bail.

Within twenty-four hours of the arrest, the arresting law enforcement agency shall refer the person to the designated crisis responder for examination and evaluation under chapter 71.05 or 71.34 RCW and inform a parent or guardian of the person of the arrest, detention, and examination. The designated crisis responder shall examine and evaluate the person subject to the provisions of chapter 71.05 or 71.34 RCW. The examination shall occur at the facility in which the person is detained or confined. If the person has been released on probation, bond, or bail, the examination shall occur wherever is appropriate.

Upon completion of any examination by the designated crisis responder, the results of the examination shall be sent to the court, and the court shall consider those results in making any determination about the person.

The designated crisis responder shall, to the extent permitted by law, notify a parent or guardian of the person that an examination and evaluation has taken place and the results of the examination. Nothing in this subsection prohibits the delivery of additional, appropriate mental health examinations to the person while the person is detained or confined.

If the designated crisis responder determines it is appropriate, the designated crisis responder may refer the person to the local behavioral health organization for follow-up services or the ~~((department of social and health services))~~ health care authority or other community providers for other services to the family and individual.

(3) Subsection (1) of this section does not apply to:

(a) Any student or employee of a private military academy when on the property of the academy;

(b) Any person engaged in military, law enforcement, or school district security activities. However, a person who is not a commissioned law enforcement officer and who provides school security services under the direction of a school administrator may not possess a device listed in subsection (1)(f) of this section unless he or she has



successfully completed training in the use of such devices that is equivalent to the training received by commissioned law enforcement officers;

(c) Any person who is involved in a convention, showing, demonstration, lecture, or firearms safety course authorized by school authorities in which the firearms of collectors or instructors are handled or displayed;

(d) Any person while the person is participating in a firearms or air gun competition approved by the school or school district;

(e) Any person in possession of a pistol who has been issued a license under RCW 9.41.070, or is exempt from the licensing requirement by RCW 9.41.060, while picking up or dropping off a student;

(f) Any nonstudent at least eighteen years of age legally in possession of a firearm or dangerous weapon that is secured within an attended vehicle or concealed from view within a locked unattended vehicle while conducting legitimate business at the school;

(g) Any nonstudent at least eighteen years of age who is in lawful possession of an unloaded firearm, secured in a vehicle while conducting legitimate business at the school; or

(h) Any law enforcement officer of the federal, state, or local government agency.

(4) Subsections (1)(c) and (d) of this section do not apply to any person who possesses nun-chu-ka sticks, throwing stars, or other dangerous weapons to be used in martial arts classes authorized to be conducted on the school premises.

(5) Subsection (1)(f)(i) of this section does not apply to any person who possesses a device listed in subsection (1)(f)(i) of this section, if the device is possessed and used solely for the purpose approved by a school for use in a school authorized event, lecture, or activity conducted on the school premises.

(6) Except as provided in subsection (3)(b), (c), (f), and (h) of this section, firearms are not permitted in a public or private school building.

(7) "GUN-FREE ZONE" signs shall be posted around school facilities giving warning of the prohibition of the possession of firearms on school grounds.

**Sec. 165.** RCW 9.41.300 and 2018 c 201 s 9003 and 2018 c 201 s 6007 are each reenacted and amended to read as follows:

(1) It is unlawful for any person to enter the following places when he or she knowingly possesses or knowingly has under his or her control a weapon:

(a) The restricted access areas of a jail, or of a law enforcement facility, or any place used for the confinement of a person (i) arrested for, charged with, or convicted of an offense, (ii) held for extradition or as a material witness, or (iii) otherwise confined pursuant to an order of a court, except an order under chapter 13.32A or 13.34 RCW.

Restricted access areas do not include common areas of egress or ingress open to the general public;

(b) Those areas in any building which are used in connection with court proceedings, including courtrooms, jury rooms, judge's chambers, offices and areas used to conduct court business, waiting areas, and corridors adjacent to areas used in connection with court proceedings. The restricted areas do not include common areas of ingress and egress to the building that is used in connection with court proceedings, when it is possible to protect court areas without restricting ingress and egress to the building. The restricted areas shall be the minimum necessary to fulfill the objective of this subsection (1)(b).

For purposes of this subsection (1)(b), "weapon" means any firearm, explosive as defined in RCW 70.74.010, or any weapon of the kind usually known as slung shot, sand club, or metal knuckles, or any knife, dagger, dirk, or other similar weapon that is capable of causing death or bodily injury and is commonly used with the intent to cause death or bodily injury.

In addition, the local legislative authority shall provide either a stationary locked box sufficient in size for pistols and key to a weapon owner for weapon storage, or shall designate an official to receive weapons for safekeeping, during the owner's visit to restricted areas of the building. The locked box or designated official shall be located within the same building used in connection with court proceedings. The local legislative authority shall be liable for any negligence causing damage to or loss of a weapon either placed in a locked box or left with an official during the owner's visit to restricted areas of the building.

The local judicial authority shall designate and clearly mark those areas where weapons are prohibited, and shall post notices at each entrance to the building of the prohibition against weapons in the restricted areas;

(c) The restricted access areas of a public mental health facility licensed or certified by the department of health for inpatient hospital care and state institutions for the care of the mentally ill, excluding those facilities solely for evaluation and treatment. Restricted access areas do not include common areas of egress and ingress open to the general public;

(d) That portion of an establishment classified by the state liquor and cannabis board as off-limits to persons under twenty-one years of age; or

(e) The restricted access areas of a commercial service airport designated in the airport security plan approved by the federal transportation security administration, including passenger screening checkpoints at or beyond the point at which a passenger initiates the screening process. These areas do not include airport drives, general parking areas and walkways, and shops and areas of the terminal that are outside the screening checkpoints and that are normally open to unscreened passengers or visitors to the airport. Any restricted access area shall be clearly indicated by prominent signs indicating that firearms and other weapons are prohibited in the area.

(2) Cities, towns, counties, and other municipalities may enact laws and ordinances:

(a) Restricting the discharge of firearms in any portion of their respective jurisdictions where there is a reasonable likelihood that humans, domestic animals, or property will be jeopardized. Such laws and ordinances shall not abridge the right of the individual guaranteed by Article I, section 24 of the state Constitution to bear arms in defense of self or others; and

(b) Restricting the possession of firearms in any stadium or convention center, operated by a city, town, county, or other municipality, except that such restrictions shall not apply to:

(i) Any pistol in the possession of a person licensed under RCW 9.41.070 or exempt from the licensing requirement by RCW 9.41.060; or

(ii) Any showing, demonstration, or lecture involving the exhibition of firearms.

(3)(a) Cities, towns, and counties may enact ordinances restricting the areas in their respective jurisdictions in which firearms may be sold, but, except as provided in (b) of this subsection, a business selling firearms may not be treated more restrictively than other businesses located within the same zone. An ordinance requiring the cessation of business within a zone shall not have a shorter grandfather period for businesses selling firearms than for any other businesses within the zone.

(b) Cities, towns, and counties may restrict the location of a business selling firearms to not less than five hundred feet from primary or secondary school grounds, if the business has a storefront, has hours during which it is open for business, and posts advertisements or signs observable to passersby that firearms are available for sale. A business selling firearms that exists as of the date a restriction is enacted under this subsection (3)(b) shall be grandfathered according to existing law.

(4) Violations of local ordinances adopted under subsection (2) of this section must have the same penalty as provided for by state law.

(5) The perimeter of the premises of any specific location covered by subsection (1) of this section shall be posted at reasonable intervals to alert the public as to the existence of any law restricting the possession of firearms on the premises.

(6) Subsection (1) of this section does not apply to:

(a) A person engaged in military activities sponsored by the federal or state governments, while engaged in official duties;

(b) Law enforcement personnel, except that subsection (1)(b) of this section does apply to a law enforcement officer who is present at a courthouse building as a party to an action under chapter 10.14, 10.99, or 26.50 RCW, or an action under Title 26 RCW where any party has alleged the existence of domestic violence as defined in RCW 26.50.010; or

(c) Security personnel while engaged in official duties.

(7) Subsection (1)(a), (b), (c), and (e) of this section does not apply to correctional personnel or community corrections officers, as long as they are employed as such, who have completed government-sponsored law enforcement firearms training, except that subsection (1)(b) of this section does apply to a correctional employee or community corrections officer who is present at a courthouse building as a party to an action under chapter 10.14, 10.99, or 26.50 RCW, or an action under Title 26 RCW where any party has alleged the existence of domestic violence as defined in RCW 26.50.010.

(8) Subsection (1)(a) of this section does not apply to a person licensed pursuant to RCW 9.41.070 who, upon entering the place or facility, directly and promptly proceeds to the administrator of the facility or the administrator's designee and obtains written permission to possess the firearm while on the premises or checks his or her firearm. The person may reclaim the firearms upon leaving but must immediately and directly depart from the place or facility.

(9) Subsection (1)(c) of this section does not apply to any administrator or employee of the facility or to any person who, upon entering the place or facility, directly and promptly proceeds to the administrator of the facility or the administrator's designee and obtains written permission to possess the firearm while on the premises.

(10) Subsection (1)(d) of this section does not apply to the proprietor of the premises or his or her employees while engaged in their employment.

(11) Government-sponsored law enforcement firearms training must be training that correctional personnel and community corrections officers receive as part of their job requirement and reference to such training does not constitute a mandate that it be provided by the correctional facility.

(12) Any person violating subsection (1) of this section is guilty of a gross misdemeanor.

(13) "Weapon" as used in this section means any firearm, explosive as defined in RCW 70.74.010, spring blade knife as defined in RCW 9.41.205(2), or instrument or weapon listed in RCW 9.41.250."

Correct the title.

Signed by Representatives Thai, Vice Chair; Irwin, Ranking Minority Member; Dufault, Assistant Ranking Minority Member; Goodman; Graham; Hansen; Kirby; Klippert; Peterson; Rude; Walen and Ybarra.

MINORITY recommendation: Do not pass. Signed by Representatives Kilduff, Chair; Orwall and Valdez.

Referred to Committee on Rules for second reading.

March 2, 2020 165.0.

**2SSB 5947** Prime Sponsor, Committee on Ways & Means: Establishing the sustainable farms and fields grant program. Reported by Committee on Capital Budget

MAJORITY recommendation: Do pass as amended by Committee on Capital Budget and without amendment by Committee on Rural Development, Agriculture, & Natural Resources.

165.0.

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 166.** The legislature finds that Washington's working agricultural lands are essential to the economic and social well-being of our rural communities and to the state's overall environment and economy. The legislature further finds that different challenges and opportunities exist to expand the use of precision agriculture for different crops in the state by assisting farmers, ranchers, and aquaculturists to purchase equipment and receive technical assistance to reduce their operations' carbon footprint while ensuring that crops and soils receive exactly what they need for optimum health and productivity. Moreover, the legislature finds that opportunities exist to enhance soil health through carbon farming and regenerative agriculture by increasing soil organic carbon levels while ensuring appropriate carbon to nitrogen ratios, and to store carbon in standing trees, seaweed, and other vegetation. Therefore, it is the intent of the legislature to provide cost-sharing competitive grant opportunities to enable farmers and ranchers to adopt practices that increase appropriate quantities of carbon stored in and above their soil and to initiate or expand the use of precision agriculture on their farms. This act seeks to leverage and enhance existing state and federal cost-sharing programs for farm, ranch, and aquaculture operations.

**NEW SECTION. Sec. 167.** The definitions in this section apply throughout this section and sections 3 through 7 of this act unless the context clearly requires otherwise.

(1) "Carbon dioxide equivalent emission" means a metric measure used to compare the emission impacts from various greenhouse gases based on their relative radiative forcing effect over a specified period of time compared to carbon dioxide emissions.

(2) "Carbon dioxide equivalent impact" means a metric measure of the cumulative radiative forcing impacts of both carbon dioxide equivalent emissions and the radiative forcing benefits of carbon storage.

(3) "Commission" means the Washington state conservation commission created in this chapter.

(4) "Conservation district" means one or a group of Washington state's conservation districts created in this chapter.

**NEW SECTION. Sec. 168.** (1) The commission shall develop a sustainable farms and fields grant program in consultation with the department of agriculture, Washington State University, and the United States department of agriculture natural resources conservation service.

(2) As funding allows, the commission shall distribute funds, as appropriate, to conservation districts and other public entities to help implement the projects approved by the commission.

(3) No more than fifteen percent of the funds may be used by the commission to develop, or to consult or contract with private or public entities, such as universities or conservation districts, to develop:

(a) An educational public awareness campaign and outreach about the sustainable farm and field program; or

(b) The grant program, including the production of analytical tools, measurement estimation and verification methods, cost-benefit measurements, and public reporting methods.

(4) No more than five percent of the funds may be used by the commission to cover the administrative costs of the program.

(5) No more than twenty percent of the funds may be awarded to any single grant applicant.

(6) Allowable uses of grant funds include:

(a) Annual payments to enrolled participants for successfully delivered carbon storage or reduction;

(b) Up-front payments for contracted carbon storage;

(c) Down payments on equipment;

(d) Purchases of equipment;

(e) Purchase of seed, seedlings, spores, animal feed, and amendments;

(f) Services to landowners, such as the development of site-specific conservation plans to increase soil organic levels or to increase usage of precision agricultural practices, or design and implementation of best management practices to reduce livestock emissions; and

(g) Other equipment purchases or financial assistance deemed appropriate by the commission to fulfill the intent of sections 2 through 7 of this act.

(7) Grant applications are eligible for costs associated with technical assistance.

(8) Conservation districts and other public entities may apply for a single grant from the commission that serves multiple farmers.

(9) Grant applicants may apply to share equipment purchased with grant funds. Applicants for equipment purchase grants issued under this grant program may be farm, ranch, or aquaculture operations coordinating as individual businesses or as formal cooperative ventures serving farm, ranch, or aquaculture operations. Conservation districts, separately or jointly, may also apply for grant funds to operate an equipment sharing program.

(10) No contract for carbon storage or changes to management practices may exceed twenty-five years. Grant contracts that include up-front payments for future benefits

must be conditioned to include penalties for default due to negligence on the part of the recipient.

(11) The commission shall attempt to achieve a geographically fair distribution of funds across a broad group of crop types, soil management practices, and farm sizes.

(12) Any applications involving state lands leased from the department of natural resources must include the department's approval.

**NEW SECTION. Sec. 169.** (1) When prioritizing grant recipients, the commission, in consultation with the department of agriculture, Washington State University, and the United States department of agriculture natural resources conservation service, shall seek to maximize the benefits of the grant program by leveraging other state, nonstate, public, and private sources of money. The primary metrics used to rank grant applications must be made public by the commission.

(2) The grant program must prioritize or weight projects based on consideration of the individual project's ability to:

(a) Increase the quantity of organic carbon in topsoil through practices including, but not limited to, cover cropping, no-till and minimum tillage conservation practices, crop rotations, manure application, biochar application, compost application, and changes in grazing management;

(b) Increase the quantity of organic carbon in aquatic soils;

(c) Intentionally integrate trees, shrubs, seaweed, or other vegetation into management of agricultural and aquacultural lands;

(d) Reduce or avoid carbon dioxide equivalent emissions in or from soils;

(e) Reduce nitrous oxide and methane emissions through changes to livestock or soil management; and

(f) Increase usage of precision agricultural practices.

(3) The commission shall develop and approve a prioritization metric to guide the distribution of funds appropriated by the legislature for this purpose, with the goal of producing cost-effective carbon dioxide equivalent impact benefits.

(4) Applicants that create riparian buffers along waterways, or otherwise benefit fish habitat, must receive an enhanced prioritization compared to other grant applications that perform similarly under the prioritization metrics developed by the commission.

(5) The commission shall downgrade a specific grant proposal within its prioritization metric if the proposal is expected to cause significant environmental damage to fish and wildlife habitat.

**NEW SECTION. Sec. 170.** (1) The commission shall determine methods for measuring, estimating, and verifying outcomes under the sustainable farms and fields grant

program in consultation with Washington State University, the department of agriculture, and the United States department of agriculture natural resources conservation service.

(2) The commission may require that a grant recipient allow the commission, or contractors hired by the commission, including the Washington State University extension program, access to the grant recipient's property, with reasonable notice, to monitor the results of the project or projects funded by the grant program on the grant recipient's property.

**NEW SECTION. Sec. 171.** (1) By October 15, 2021, and every two years thereafter, the commission shall report to the legislature and the governor on the performance of the sustainable farms and fields grant program.

(2) The commission shall update at least annually a public list of projects and pertinent information including a summary of state and federal funds, private funds spent, landowner and other private cost-share matching expenditures, the total number of projects, and an estimate of carbon sequestered or carbon emissions reduced.

(3) By July 1, 2024, the commission, in consultation with Washington State University and the University of Washington, must evaluate and update the most appropriate carbon equivalency metric to apply to the sustainable farms and fields grant program. Until this equivalency is updated by the commission, or unless the commission identifies a better metric, the commission must initially use a one hundred year storage equivalency that can be linearly annualized to recognize the storage of carbon on an annual basis based on the storage of 3.67 tons of biogenic carbon for one hundred years being assigned a value equal to avoiding one ton of carbon dioxide equivalent emissions.

(4) The grant recipient and other private cost-sharing participants may at their own discretion allow their business or other name to be listed on the public report produced by the commission. All grant recipients must allow anonymized information about the full funding of their project to be made available for public reporting purposes.

**NEW SECTION. Sec. 172.** The sustainable farms and fields account is created in the state treasury. All receipts of money directed to the account must be deposited in the account. Expenditures from the account may be used only for purposes relating to the sustainable farms and fields grant program established in section 3 of this act. Moneys in the account may be spent only after appropriation.

**NEW SECTION. Sec. 173.** Sections 2 through 7 of this act are each added to chapter 89.08 RCW.

**NEW SECTION. Sec. 174.** No public funds shall be awarded as grants under this act until public funds are appropriated specifically for the sustainable farms and fields grant program."

Correct the title.

Signed by Representatives Tharinger, Chair; Callan, Vice Chair; Doglio, Vice Chair; DeBolt, Ranking

Minority Member; Smith, Assistant Ranking Minority Member; Steele, Assistant Ranking Minority Member; Davis; Gildon; Leavitt; Lekanoff; Maycumber; Morgan; Pellicciotti; Peterson; Riccelli; Santos; Sells; Stonier and Walsh.

MINORITY recommendation: Without recommendation. Signed by Representative Corry.

MINORITY recommendation: Do not pass. Signed by Representative Dye.

Referred to Committee on Capital Budget.

February 28, 2020 174.0.

ESSB 5984 Prime Sponsor, Committee on Law & Justice: Concerning language understanding of documents used in dissolution proceedings. Reported by Committee on Civil Rights & Judiciary

MAJORITY recommendation: Do pass as amended. 174.0.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 175. A new section is added to chapter 26.09 RCW to read as follows:

In any matter brought pursuant to domestic relations proceedings under this chapter, when a party requests interpretation services or the court has reason to know that the party may require an interpreter on account of limited English proficiency or reliance on sign language due to being deaf, deaf-blind, or hard of hearing, any orders being presented to the court for signature on behalf of that party, or by agreement of the parties, must include a certification from an interpreter that the order has been interpreted to the party in the relevant language. The interpreter appointed for this purpose for a person with limited English proficiency must be an interpreter certified or registered by the administrative office of the courts pursuant to chapter 2.43 RCW or a qualified interpreter registered by the administrative office of the courts in a noncertified language, or where the necessary language is not certified or registered, the interpreter must be qualified by the judicial officer pursuant to chapter 2.43 RCW. In the event the party who is deaf, deaf-blind, or hard of hearing relies on any form of manual communication, the interpreter appointed for this purpose must be an interpreter appointed pursuant to chapter 2.42 RCW. When requested, and upon reasonable advance notice, an interpreter must be provided for limited English proficiency litigants by the court at no cost to the party for this purpose."

Correct the title.

Signed by Representatives Kilduff, Chair; Thai, Vice Chair; Irwin, Ranking Minority Member; Dufault, Assistant Ranking Minority Member; Goodman; Graham; Hansen; Kirby; Klippert; Orwall; Peterson; Rude; Valdez; Walen and Ybarra.

Referred to Committee on Rules for second reading.

February 27, 2020 175.0.

2SSB 6027 Prime Sponsor, Committee on Ways & Means: Concerning floating residences. Reported by Committee on Environment & Energy

MAJORITY recommendation: Do pass. Signed by Representatives Fitzgibbon, Chair; DeBolt, Ranking Minority Member; Dye, Assistant Ranking Minority Member; Boehnke; Doglio; Fey; Goehner; Mead; Robinson and Shewmake.

MINORITY recommendation: Do not pass. Signed by Representative Lekanoff, Vice Chair.

Referred to Committee on Rules for second reading.

February 28, 2020 175.0.

SB 6034 Prime Sponsor, Senator Keiser: Extending the time allowed to file a complaint with the human rights commission for a claim related to pregnancy discrimination. Reported by Committee on Civil Rights & Judiciary

MAJORITY recommendation: Do pass. Signed by Representatives Kilduff, Chair; Thai, Vice Chair; Irwin, Ranking Minority Member; Goodman; Hansen; Kirby; Klippert; Orwall; Peterson; Rude; Valdez; Walen and Ybarra.

MINORITY recommendation: Without recommendation. Signed by Representative Dufault, Assistant Ranking Minority Member.

MINORITY recommendation: Do not pass. Signed by Representative Graham.

Referred to Committee on Rules for second reading.

March 2, 2020 175.0.

SSB 6050 Prime Sponsor, Committee on Health & Long Term Care: Concerning insurance guaranty fund. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass as amended by Committee on Health Care & Wellness. 175.0.

Strike everything after the enacting clause and insert the following:

"**Sec. 176.** RCW 48.32A.015 and 2001 c 50 s 2 are each amended to read as follows:

(1) The purpose of this chapter is to protect, subject to certain limitations, the persons specified in RCW 48.32A.025(1) against failure in the performance of contractual obligations, under life ~~((and))~~ insurance, disability insurance ((policies)), health benefit plans, and certificates of coverage, and annuity policies, plans, or contracts specified in RCW 48.32A.025(2), because of the impairment or insolvency of the member insurer that issued the policies, plans, or contracts.

(2) To provide this protection, an association of member insurers is created to pay benefits and to continue coverages as limited by this chapter, and members of the association are subject to assessment to provide funds to carry out the purpose of this chapter.

**Sec. 177.** RCW 48.32A.025 and 2001 c 50 s 3 are each amended to read as follows:

(1) This chapter provides coverage for the policies and contracts specified in subsection (2) of this section as follows:

(a) To persons who, regardless of where they reside, except for nonresident certificate holders or enrollees under group policies or contracts, are the beneficiaries, assignees, or payees, including health care providers and facilities rendering services covered under health benefit plans, policies, or certificates of coverage, of the persons covered under (b) of this subsection;

(b) To persons who are owners of or certificate holders or enrollees under the policies or contracts, other than unallocated annuity contracts and structured settlement annuities, and in each case who:

(i) Are residents; or

(ii) Are not residents, but only under all of the following conditions:

(A) The member insurer that issued the policies or contracts is domiciled in this state;

(B) The states in which the persons reside have associations similar to the association created by this chapter; and

(C) The persons are not eligible for coverage by an association in any other state due to the fact that the insurer, health care service contractor, or health maintenance organization was not licensed in the state at the time specified in the state's guaranty association law;

(c) For unallocated annuity contracts specified in subsection (2) of this section, (a) and (b) of this subsection do not apply, and this chapter, except as provided in (e) and (f) of this subsection, does provide coverage to:

(i) Persons who are the owners of the unallocated annuity contracts if the contracts are issued to or in connection with a specific benefit plan whose plan sponsor has its principal place of business in this state; and

(ii) Persons who are owners of unallocated annuity contracts issued to or in connection with government lotteries if the owners are residents;

(d) For structured settlement annuities specified in subsection (2) of this section, (a) and (b) of this subsection do not apply, and this chapter, except as provided in (e) and (f) of this subsection, does provide coverage to a person who is a payee under a structured settlement annuity, or beneficiary of a payee if the payee is deceased, if the payee:

(i) Is a resident, regardless of where the contract owner resides; or

(ii) Is not a resident, but only under both of the following conditions:

(A)(I) The contract owner of the structured settlement annuity is a resident; or

(II) The contract owner of the structured settlement annuity is not a resident, but the insurer that issued the structured settlement annuity is domiciled in this state; and the state in which the contract owner resides has an association similar to the association created by this chapter; and

(B) Neither the payee, nor beneficiary, nor enrollee, nor the contract owner is eligible for coverage by the association of the state in which the payee or contract owner resides;

(e) This chapter does not provide coverage to:

(i) A person who is a payee, or beneficiary, of a contract owner resident of this state, if the payee, or beneficiary, is afforded any coverage by the association of another state; ~~((or))~~

(ii) A person covered under (c) of this subsection, if any coverage is provided by the association of another state to the person; or

(iii) A person who acquires rights to receive payments through a structured settlement factoring transaction as defined in 26 U.S.C. Sec. 5891(c)(3)(A), regardless of whether the transaction occurred before or after such section became effective; and

(f) This chapter is intended to provide coverage to a person who is a resident of this state and, in special circumstances, to a nonresident. In order to avoid duplicate coverage, if a person who would otherwise receive coverage under this chapter is provided coverage under the laws of any other state, the person shall not be provided coverage under this chapter. In determining the application of this subsection (1)(f) in situations where a person could be covered by the association of more than one state, whether as an owner, payee, beneficiary, enrollee, or assignee, this chapter shall be construed in conjunction with other state laws to result in coverage by only one association.

(2)(a) This chapter provides coverage to the persons specified in subsection (1) of this section for policies, plans, or contracts of direct, nongroup life, disability, health benefit, or ~~((annuity policies or contracts))~~ annuities and supplemental contracts to any of these, for certificates under direct group policies and contracts, and for unallocated annuity contracts issued by member insurers, except as limited by this chapter. Annuity contracts and certificates under group annuity contracts include but are not limited to

guaranteed investment contracts, deposit administration contracts, unallocated funding agreements, allocated funding agreements, structured settlement annuities, annuities issued to or in connection with government lotteries, and any immediate or deferred annuity contracts. However, any annuity contracts that are unallocated annuity contracts are subject to the specific provisions in this chapter for unallocated annuity contracts.

(b) ~~((This))~~ Except as provided in (c) of this subsection, this chapter does not provide coverage for:

(i) A portion of a policy or contract not guaranteed by the member insurer, or under which the risk is borne by the policy or contract owner;

(ii) A policy or contract of reinsurance, unless assumption certificates have been issued pursuant to the reinsurance policy or contract;

(iii) A portion of a policy or contract to the extent that the rate of interest on which it is based, or the interest rate, crediting rate, or similar factor determined by use of an index or other external reference stated in the policy or contract employed in calculating returns or changes in value:

(A) Averaged over the period of four years prior to the date on which the member insurer becomes an impaired or insolvent insurer under this chapter, whichever is earlier, exceeds the rate of interest determined by subtracting two percentage points from Moody's corporate bond yield average averaged for that same four-year period or for such lesser period if the policy or contract was issued less than four years before the member insurer becomes an impaired or insolvent insurer under this chapter, whichever is earlier; and

(B) On and after the date on which the member insurer becomes an impaired or insolvent insurer under this chapter, whichever is earlier, exceeds the rate of interest determined by subtracting three percentage points from Moody's corporate bond yield average as most recently available;

(iv) A portion of a policy or contract issued to a plan or program of an employer, association, or other person to provide life, disability, health, or annuity benefits to its employees, members, or others, to the extent that the plan or program is self-funded or uninsured, including but not limited to benefits payable by an employer, association, or other person under:

(A) A multiple employer welfare arrangement as defined in 29 U.S.C. Sec. ~~((1444))~~ 1002;

(B) A minimum premium group insurance plan;

(C) A stop-loss group insurance plan; or

(D) An administrative services only contract;

(v) A portion of a policy or contract to the extent that it provides for:

(A) Dividends or experience rating credits;

(B) Voting rights; or

(C) Payment of any fees or allowances to any person, including the policy or contract owner, in connection with the service to or administration of the policy or contract;

(vi) A policy or contract issued in this state by a member insurer at a time when it was not licensed or did not have a certificate of authority to issue the policy or contract in this state;

(vii) An unallocated annuity contract issued to or in connection with a benefit plan protected under the federal pension benefit guaranty corporation, regardless of whether the federal pension benefit guaranty corporation has yet become liable to make any payments with respect to the benefit plan;

(viii) A portion of an unallocated annuity contract that is not issued to or in connection with a specific employee, union, or association of natural persons benefit plan or a government lottery;

(ix) A portion of a policy or contract to the extent that the assessments required by RCW 48.32A.085 with respect to the policy or contract are preempted by federal or state law;

(x) An obligation that does not arise under the express written terms of the policy or contract issued by the member insurer to the enrollee, contract owner, certificate holder, or policy owner, including without limitation:

(A) Claims based on marketing materials;

(B) Claims based on side letters, riders, or other documents that were issued by the member insurer without meeting applicable policy or contract form filing or approval requirements;

(C) Misrepresentations of or regarding policy or contract benefits;

(D) Extra-contractual claims; or

(E) A claim for penalties or consequential or incidental damages;

(xi) A contractual agreement that establishes the member insurer's obligations to provide a book value accounting guaranty for defined contribution benefit plan participants by reference to a portfolio of assets that is owned by the benefit plan or its trustee, which in each case is not an affiliate of the member insurer; ~~((or))~~

(xii) A portion of a policy or contract to the extent it provides for interest or other changes in value to be determined by the use of an index or other external reference stated in the policy or contract, but which have not been credited to the policy or contract, or as to which the policy or contract owner's rights are subject to forfeiture, as of the date the member insurer becomes an impaired or insolvent insurer under this chapter, whichever is earlier. If a policy's or contract's interest or changes in value are credited less frequently than annually, then for purposes of determining the values that have been credited and are not subject to forfeiture under this subsection (2)(b)(xii), the interest or change in value determined by using the procedures defined in the policy or contract will be credited as if the contractual

date of crediting interest or changing values was the date of impairment or insolvency, whichever is earlier, and will not be subject to forfeiture;

(xiii) A policy or contract providing any hospital, medical, prescription drug or other health care benefits pursuant to parts C and D of subchapter XVIII, chapter 7 of Title 42, United States Code (commonly known as medicare parts C and D) or subchapter XIX, chapter 7 of Title 42, United States Code (commonly known as medicaid), and any regulations issued pursuant thereto, or chapter 74.09 RCW and any regulations issued pursuant thereto; or

(xiv) Structured settlement annuity benefits to which a payee or beneficiary has transferred his or her rights in a structured settlement factoring transaction as defined in 26 U.S.C. Sec. 5891(c)(3)(A), regardless of whether the transaction occurred before or after such section became effective.

(c) The exclusion from coverage referenced in (b)(iii) of this subsection does not apply to any portion of a policy or contract, including a rider, that provides long-term care or any other health benefits.

(3) The benefits that the association may become obligated to cover shall in no event exceed the lesser of:

(a) The contractual obligations for which the member insurer is liable or would have been liable if it were not an impaired or insolvent insurer; or

(b)(i) With respect to one life, regardless of the number of policies or contracts:

(A) Five hundred thousand dollars in life insurance death benefits, but not more than five hundred thousand dollars in net cash surrender and net cash withdrawal values for life insurance;

(B) In disability insurance and health benefit plan benefits:

(I) Five hundred thousand dollars for coverages not defined as disability income insurance or ~~((basic hospital, medical, and surgical insurance or major medical insurance))~~ health benefit plans including any net cash surrender and net cash withdrawal values;

(II) Five hundred thousand dollars for disability income insurance;

(III) Five hundred thousand dollars for ~~((basic hospital, medical, and surgical insurance or major medical insurance))~~ health benefit plans;

(IV) Five hundred thousand dollars for long-term care insurance; or

(C) Five hundred thousand dollars in the present value of annuity benefits, including net cash surrender and net cash withdrawal values, except as provided in (b)(ii), (iii), and (v) of this subsection (3)((b));

(ii) With respect to each individual participating in a governmental retirement benefit plan established under section 401, 403(b), or 457 of the United States Internal Revenue Code covered by an unallocated annuity contract or

the beneficiaries of each such individual if deceased, in the aggregate, one hundred thousand dollars in present value annuity benefits, including net cash surrender and net cash withdrawal values;

(iii) With respect to each payee of a structured settlement annuity, or beneficiary or beneficiaries of the payee if deceased, five hundred thousand dollars in present value annuity benefits, in the aggregate, including net cash surrender and net cash withdrawal values, if any;

(iv) However, in no event shall the association be obligated to cover more than: (A) An aggregate of five hundred thousand dollars in benefits with respect to any one life under (b)(i), (ii), ~~((and))~~ (iii), and (iv) of this subsection (3)((b)) except with respect to benefits for ~~((basic hospital, medical, and surgical insurance and major medical insurance))~~ health benefit plans under (b)(i)(B) of this subsection (3)((b)), in which case the aggregate liability of the association shall not exceed five hundred thousand dollars with respect to any one individual; or (B) with respect to one owner of multiple nongroup policies of life insurance, whether the policy or contract owner is an individual, firm, corporation, or other person, and whether the persons insured are officers, managers, employees, or other persons, more than five million dollars in benefits, regardless of the number of policies and contracts held by the owner;

(v) With respect to either: (A) One contract owner provided coverage under subsection (1)(d)(ii) of this section; or (B) one plan sponsor whose plans own directly or in trust one or more unallocated annuity contracts not included in (b)(ii) of this subsection (3)((b)), five million dollars in benefits, irrespective of the number of contracts with respect to the contract owner or plan sponsor. However, in the case where one or more unallocated annuity contracts are covered contracts under this chapter and are owned by a trust or other entity for the benefit of two or more plan sponsors, coverage shall be afforded by the association if the largest interest in the trust or entity owning the contract or contracts is held by a plan sponsor whose principal place of business is in this state and in no event shall the association be obligated to cover more than five million dollars in benefits with respect to all these unallocated contracts; ~~((or))~~

(vi) The limitations set forth in this subsection are limitations on the benefits for which the association is obligated before taking into account either its subrogation and assignment rights or the extent to which those benefits could be provided out of the assets of the impaired or insolvent insurer attributable to covered policies. The costs of the association's obligations under this chapter may be met by the use of assets attributable to covered policies or reimbursed to the association pursuant to its subrogation and assignment rights; or

(vii) For purposes of this chapter, benefits provided by a long-term care rider to a life insurance policy or annuity contract must be considered the same type of benefits as the base life insurance policy or annuity contract to which it relates.

(4) In performing its obligations to provide coverage under RCW 48.32A.075, the association is not required to guarantee, assume, reinsure, reissue, or perform, or cause to



be guaranteed, assumed, reinsured, reissued, or performed, the contractual obligations of the insolvent or impaired insurer under a covered policy or contract that do not materially affect the economic values or economic benefits of the covered policy or contract.

**Sec. 178.** RCW 48.32A.045 and 2001 c 50 s 5 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Account" means either of the two accounts created under RCW 48.32A.055.

(2) "Association" means the Washington life and disability insurance guaranty association created under RCW 48.32A.055.

(3) "Authorized assessment" or the term "authorized" when used in the context of assessments means a resolution by the board of directors has been passed whereby an assessment will be called immediately or in the future from member insurers for a specified amount. An assessment is authorized when the resolution is passed.

(4) "Benefit plan" means a specific employee, union, or association of natural persons benefit plan issued pursuant to the requirements of chapter 48.20 RCW.

(5) "Called assessment" or the term "called" when used in the context of assessments means that a notice has been issued by the association to member insurers requiring that an authorized assessment be paid within the time frame set forth within the notice. An authorized assessment becomes a called assessment when notice is mailed by the association to member insurers.

(6) "Commissioner" means the insurance commissioner of this state.

(7) "Contractual obligation" means an obligation under a policy or contract or certificate under a group policy or contract, or portion thereof for which coverage is provided under RCW 48.32A.025.

(8) "Covered policy" or "covered contract" means a policy or contract or portion of a policy or contract for which coverage is provided under RCW 48.32A.025.

(9) "Extra-contractual claims" includes, for example, claims relating to bad faith in the payment of claims, punitive or exemplary damages, or attorneys' fees and costs.

(10) "Health benefit plan" means any policy, contract, or agreement offered by a health carrier to provide, arrange, reimburse, or pay for health care services, except the following:

(a) Medicare supplemental health insurance governed by chapter 48.66 RCW;

(b) Coverage supplemental to the coverage provided under chapter 55 of Title 10 of the United States Code;

(c) Limited health care services offered by limited health care service contractors in accordance with RCW 48.44.035;

(d) Disability income;

(e) Coverage incidental to a property or casualty liability insurance policy, such as automobile personal injury protection coverage and homeowner guest medical;

(f) Workers' compensation coverage;

(g) Accident only coverage;

(h) Specified disease or illness-triggered fixed payment insurance, hospital confinement fixed payment insurance, or other fixed payment insurance offered as an independent, noncoordinated benefit;

(i) Employer-sponsored self-funded health plans;

(j) Dental only and vision only coverage;

(k) Plans deemed by the commissioner to have a short-term limited purpose or duration, or to be a student-only plan that is guaranteed renewable while the covered person is enrolled as a regular full-time undergraduate or graduate student at an accredited higher education institution, after a written request for such classification by the carrier and subsequent written approval by the commissioner;

(l) Civilian health and medical program for the veterans affairs administration (CHAMPVA); and

(m) Long-term care insurance as defined under chapter 48.83 or 48.84 RCW, or benefits for home health care, community-based care, or any combination thereof.

(11) "Impaired insurer" means a member insurer which, after July 22, 2001, is not an insolvent insurer, and is placed under an order of rehabilitation or conservation by a court of competent jurisdiction.

((44)) (12) "Insolvent insurer" means a member insurer which, after July 22, 2001, is placed under an order of liquidation by a court of competent jurisdiction with a finding of insolvency.

((42)) (13) "Member insurer" means an insurer, health care service contractor, or health maintenance organization licensed, or that holds a certificate of authority, or a certificate of registration, to transact in this state any kind of business related to insurance or a health benefit plan for which coverage is provided under RCW 48.32A.025, and includes an insurer, health care service contractor, or health maintenance organization whose license, certificate of registration, or certificate of authority in this state may have been suspended, revoked, not renewed, or voluntarily withdrawn, but does not include:

(a) ~~((A health care service contractor, whether profit or nonprofit;~~

~~(b) A health maintenance organization;~~

~~(c)) A fraternal benefit society;~~

~~((d)) (b) A mandatory state pooling plan;~~

~~((e)) (c) A mutual assessment company or other person that operates on an assessment basis;~~

~~((f)) (d) An insurance exchange;~~

~~((g))~~ (e) An organization that has a certificate or license limited to the issuance of charitable gift annuities under RCW 48.38.010;

(f) A nonrisk-bearing hospital or medical service organization, whether for profit or not for profit;

(g) A multiple employer welfare arrangement under chapter 48.125 RCW; or

(h) An entity similar to (a) through (g) of this subsection.

~~((13))~~ (14) "Moody's corporate bond yield average" means the monthly average corporates as published by Moody's investors service, inc., or any successor thereto.

~~((14))~~ (15) "Owner" of a policy or contract and "policy holder," "policy owner," and "contract owner" mean the person who is identified as the legal owner under the terms of the policy or contract or who is otherwise vested with legal title to the policy or contract through a valid assignment completed in accordance with the terms of the policy or contract and properly recorded as the owner on the books of the member insurer. "Owner," "policy holder," "contract owner," and "policy owner" do not include persons with a mere beneficial interest in a policy or contract.

~~((15))~~ (16) "Person" means an individual, corporation, limited liability company, partnership, association, governmental body or entity, or voluntary organization.

~~((16))~~ (17) "Plan sponsor" means:

(a) The employer in the case of a benefit plan established or maintained by a single employer;

(b) The employee organization in the case of a benefit plan established or maintained by an employee organization; or

(c) In the case of a benefit plan established or maintained by two or more employers or jointly by one or more employers and one or more employee organizations, the association, committee, joint board of trustees, or other similar group of representatives of the parties who establish or maintain the benefit plan.

~~((17))~~ (18) "Premiums" means amounts or considerations, by whatever name called, received on covered policies or contracts less returned premiums, considerations, and deposits and less dividends and experience credits. "Premiums" does not include amounts or considerations received for policies or contracts or for the portions of policies or contracts for which coverage is not provided under RCW 48.32A.025(2), except that assessable premium shall not be reduced on account of RCW 48.32A.025(2)(b)(iii) relating to interest limitations and RCW 48.32A.025(3)(b) relating to limitations with respect to one individual, one participant, and one policy or contract owner. "Premiums" does not include:

(a) Premiums in excess of five million dollars on an unallocated annuity contract not issued under a governmental retirement benefit plan, or its trustee,

established under section 401, 403(b), or 457 of the United States Internal Revenue Code; or

(b) With respect to multiple nongroup policies of life insurance owned by one owner, whether the policy or contract owner is an individual, firm, corporation, or other person, and whether the persons insured are officers, managers, employees, or other persons, premiums in excess of five million dollars with respect to these policies or contracts, regardless of the number of policies or contracts held by the owner.

~~((18))~~ (19)(a) "Principal place of business" of a plan sponsor or a person other than a natural person means the single state in which the natural persons who establish policy for the direction, control, and coordination of the operations of the entity as a whole primarily exercise that function, determined by the association in its reasonable judgment by considering the following factors:

(i) The state in which the primary executive and administrative headquarters of the entity is located;

(ii) The state in which the principal office of the chief executive officer of the entity is located;

(iii) The state in which the board of directors, or similar governing person or persons, of the entity conducts the majority of its meetings;

(iv) The state in which the executive or management committee of the board of directors, or similar governing person or persons, of the entity conducts the majority of its meetings;

(v) The state from which the management of the overall operations of the entity is directed; and

(vi) In the case of a benefit plan sponsored by affiliated companies comprising a consolidated corporation, the state in which the holding company or controlling affiliate has its principal place of business as determined using the factors in (a)(i) through (v) of this subsection.

However, in the case of a plan sponsor, if more than fifty percent of the participants in the benefit plan are employed in a single state, that state is the principal place of business of the plan sponsor.

(b) The principal place of business of a plan sponsor of a benefit plan described in subsection ~~((16))~~ (17)(c) of this section is the principal place of business of the association, committee, joint board of trustees, or other similar group of representatives of the parties who establish or maintain the benefit plan that, in lieu of a specific or clear designation of a principal place of business, is the principal place of business of the employer or employee organization that has the largest investment in the benefit plan in question.

~~((19))~~ (20) "Receivership court" means the court in the insolvent or impaired insurer's state having jurisdiction over the conservation, rehabilitation, or liquidation of the member insurer.

~~((20))~~ (21) "Resident" means a person to whom a contractual obligation is owed and who resides in this state on the date of entry of a court order that determines a

member insurer to be an impaired insurer or a court order that determines a member insurer to be an insolvent insurer, whichever occurs first. A person may be a resident of only one state, which in the case of a person other than a natural person is its principal place of business. Citizens of the United States that are either (a) residents of foreign countries, or (b) residents of United States possessions, territories, or protectorates that do not have an association similar to the association created by this chapter, are residents of the state of domicile of the member insurer that issued the policies or contracts.

((24)) (22) "Structured settlement annuity" means an annuity purchased in order to fund periodic payments for a plaintiff or other claimant in payment for or with respect to personal injury suffered by the plaintiff or other claimant.

((22)) (23) "State" means a state, the District of Columbia, Puerto Rico, and a United States possession, territory, or protectorate.

((23)) (24) "Supplemental contract" means a written agreement entered into for the distribution of proceeds under a life, disability, or annuity policy or contract.

((24)) (25) "Unallocated annuity contract" means an annuity contract or group annuity certificate which is not issued to and owned by an individual, except to the extent of any annuity benefits guaranteed to an individual by ((an)) a member insurer under the contract or certificate.

**Sec. 179.** RCW 48.32A.055 and 2001 c 50 s 6 are each amended to read as follows:

(1) There is created a nonprofit unincorporated legal entity to be known as the Washington life and disability insurance guaranty association which is composed of the commissioner ex officio and each member insurer. All member insurers must be and remain members of the association as a condition of their authority to transact the business of insurance, health care service contractor business, or health maintenance organization business in this state. The association shall perform its functions under the plan of operation established and approved under RCW 48.32A.095 and shall exercise its powers through a board of directors established under RCW 48.32A.065. For purposes of administration and assessment, the association shall maintain two accounts:

(a) The life insurance and annuity account which includes the following subaccounts:

(i) Life insurance account;

(ii) Annuity account which includes annuity contracts owned by a governmental retirement plan, or its trustee, established under section 401, 403(b), or 457 of the United States Internal Revenue Code, but otherwise excludes unallocated annuities; and

(iii) Unallocated annuity account, which excludes contracts owned by a governmental retirement benefit plan, or its trustee, established under section 401, 403(b), or 457 of the United States Internal Revenue Code; and

(b) The disability insurance account, which includes health benefit plans, disability benefit policies and contracts, and long-term care policies and contracts.

(2) The association is under the immediate supervision of the commissioner and is subject to the applicable provisions of the insurance laws of this state. Meetings or records of the association may be opened to the public upon majority vote of the board of directors of the association.

**Sec. 180.** RCW 48.32A.065 and 2001 c 50 s 7 are each amended to read as follows:

(1) The board of directors of the association consists of the commissioner ex officio and not less than ((five)) seven nor more than ((nine)) eleven member insurers serving terms as established in the plan of operation. The insurer members of the board are selected by member insurers subject to the approval of the commissioner.

Vacancies on the board are filled for the remaining period of the term by a majority vote of the remaining board members, subject to the approval of the commissioner.

(2) In approving selections or in appointing members to the board, the commissioner shall consider, among other things, whether all member insurers are fairly represented.

(3) Members of the board may be reimbursed from the assets of the association for expenses incurred by them as members of the board of directors but members of the board are not otherwise compensated by the association for their services.

**Sec. 181.** RCW 48.32A.075 and 2001 c 50 s 8 are each amended to read as follows:

(1) If a member insurer is an impaired insurer, the association may, in its discretion, and subject to any conditions imposed by the association that do not impair the contractual obligations of the impaired insurer and that are approved by the commissioner:

(a) ((Guaranty)) Guarantee, assume, reissue, or reinsure, or cause to be guaranteed, reissued, assumed, or reinsured, any or all of the policies or contracts of the impaired insurer; or

(b) Provide such moneys, pledges, loans, notes, guarantees, or other means as are proper to effectuate (a) of this subsection and assure payment of the contractual obligations of the impaired insurer pending action under (a) of this subsection.

(2) If a member insurer is an insolvent insurer, the association shall, in its discretion, either:

(a)(i)(A) ((Guaranty)) Guarantee, assume, reissue, or reinsure, or cause to be guaranteed, assumed, reissued, or reinsured, the policies or contracts of the insolvent insurer; or

(B) Assure payment of the contractual obligations of the insolvent insurer; and

(ii) Provide moneys, pledges, loans, notes, guarantees, or other means reasonably necessary to discharge the association's duties; or

(b) Provide benefits and coverages in accordance with the following provisions:

(i) With respect to ~~((life and disability insurance))~~ policies and ~~((annuities))~~ contracts, assure payment of benefits ~~((for premiums identical to the premiums and benefits, except for terms of conversion and renewability,))~~ that would have been payable under the policies or contracts of the insolvent insurer~~((s))~~ for claims incurred:

(A) With respect to group policies and contracts, not later than the earlier of the next renewal date under those policies or contracts or forty-five days, but in no event less than thirty days, after the date on which the association becomes obligated with respect to the policies and contracts;

(B) With respect to nongroup policies, contracts, and annuities not later than the earlier of the next renewal date, if any, under the policies or contracts or one year, but in no event less than thirty days, from the date on which the association becomes obligated with respect to the policies or contracts;

(ii) Make diligent efforts to provide all known insureds, enrollees, or annuitants, for nongroup policies and contracts, or group policy or contract owners with respect to group policies and contracts, thirty days notice of the termination of the benefits provided;

(iii) With respect to nongroup ~~((life and disability insurance))~~ policies ~~((and annuities))~~ or contracts covered by the association, make diligent efforts to make available to each known insured, enrollee, or annuitant, or owner if other than the insured, enrollee, or annuitant, and with respect to an individual formerly insured, ~~formerly an enrollee~~, or formerly an annuitant under a group policy who is not eligible for replacement group coverage, make diligent efforts to make available substitute coverage on an individual basis in accordance with the provisions of (b)(iv) of this subsection, if the insureds, enrollees, or annuitants had a right under law or the terminated policy or annuity to convert coverage to individual coverage or to continue an individual policy or annuity in force until a specified age or for a specified time, during which the member insurer, health care service contractor, or health maintenance organization had no right unilaterally to make changes in any provision of the policy, contract, or annuity or had a right only to make changes in premium by class;

(iv)(A) The substitute coverage under (b)(iii) of this subsection, must be offered through a solvent, admitted member insurer. In the alternative, the association in its discretion, and subject to any conditions imposed by the association and approved by the commissioner, may reissue the terminated coverage or issue an alternative policy or contract at actuarially justified rates, subject to the prior approval of the commissioner;

(B) Substituted coverage must be offered without requiring evidence of insurability, and may not provide for any waiting period or exclusion that would not have applied under the terminated policy or contract;

(C) The association may reinsure any alternative or reissued policy or contract;

(v) If the association elects to reissue terminated coverage at a premium rate different from that charged under the terminated policy or contract, the premium must be actuarially justified and set by the association in accordance with the amount of insurance or coverage provided and the age and class of risk, subject to approval of the ((domiciliary insurance)) commissioner ((and the receivership court));

(vi) If the association elects to issue alternative coverage:

(A) Alternative policies or contracts adopted by the association must be subject to the approval of the commissioner. The association may adopt alternative policies or contracts of various types for future issuance without regard to any particular impairment or insolvency.

(B) Alternative policies or contracts must contain at least the minimum statutory provisions required in this state and provide benefits that cannot be unreasonable in relation to the premium charged. The association must set the premium in accordance with a table of rates that it must adopt. The premium must reflect the amount of insurance benefits or coverage to be provided and the age and class of risk of each insured, but must not reflect any changes in the health of the insured after the original policy or contract was last underwritten.

(C) Any alternative policy or contract issued by the association shall provide coverage of a type similar to that of the policy or contract issued by the impaired or insolvent insurer, as determined by the association;

(vii) The association's obligations with respect to coverage under any policy or contract of the impaired or insolvent insurer or under any reissued policy or contract cease on the date the coverage or policy or contract is replaced by another similar policy or contract by the policy or contract owner, the insured, the enrollee, or the association; or

~~((vii))~~ (viii) When proceeding under this subsection (2)(b) with respect to a policy or contract carrying guaranteed minimum interest rates, the association shall assure the payment or crediting of a rate of interest consistent with RCW 48.32A.025(2)(b)(iii).

(3) Nonpayment of premiums within thirty-one days after the date required under the terms of any guaranteed, assumed, alternative, or reissued policy or contract or substitute coverage terminates the association's obligations under the policy, contract, or coverage under this chapter with respect to the policy, contract, or coverage, except with respect to any claims incurred or any net cash surrender value which may be due in accordance with the provisions of this chapter.

(4) Premiums due for coverage after entry of an order of liquidation of an insolvent insurer belong to and are payable at the direction of the association, and the association is liable for unearned premiums due to policy or contract owners arising after the entry of the order.

(5) The protection provided by this chapter does not apply when any guaranty protection is provided to residents of this state by the laws of the domiciliary state or

jurisdiction of the impaired or insolvent insurer other than this state.

(6) In carrying out its duties under subsection (2) of this section, the association may:

(a) Subject to approval by a court in this state, impose permanent policy or contract liens in connection with a guarantee, assumption, or reinsurance agreement, if the association finds that the amounts which can be assessed under this chapter are less than the amounts needed to assure full and prompt performance of the association's duties under this chapter, or that the economic or financial conditions as they affect member insurers are sufficiently adverse to render the imposition of such permanent policy or contract liens, are in the public interest; and

(b) Subject to approval by a court in this state, impose temporary moratoriums or liens on payments of cash values and policy loans, or any other right to withdraw funds held in conjunction with policies or contracts, in addition to any contractual provisions for deferral of cash or policy loan value. In addition, in the event of a temporary moratorium or moratorium charge imposed by the receivership court on payment of cash values or policy loans, or on any other right to withdraw funds held in conjunction with policies or contracts, out of the assets of the impaired or insolvent insurer, the association may defer the payment of cash values, policy loans, or other rights by the association for the period of the moratorium or moratorium charge imposed by the receivership court, except for claims covered by the association to be paid in accordance with a hardship procedure established by the liquidator or rehabilitator and approved by the receivership court.

(7) A deposit in this state, held pursuant to law or required by the commissioner for the benefit of creditors, including policy or contract owners, not turned over to the domiciliary liquidator upon the entry of a final order of liquidation or order approving a rehabilitation plan of ~~((an))~~ a member insurer domiciled in this state or in a reciprocal state, under RCW 48.31.171, shall be promptly paid to the association. The association is entitled to retain a portion of any amount so paid to it equal to the percentage determined by dividing the aggregate amount of policy or contract owners' claims related to that insolvency by the aggregate amount of all policy or contract owners' claims in this state related to that insolvency and shall remit to the domiciliary receiver the amount so paid to the association and not retained under this subsection. Any amount so paid to the association less the amount not retained by it shall be treated as a distribution of estate assets under RCW 48.31.185 or similar provision of the state of domicile of the impaired or insolvent insurer.

(8) If the association fails to act within a reasonable period of time with respect to an insolvent insurer, as provided in subsection (2) of this section, the commissioner has the powers and duties of the association under this chapter with respect to the insolvent insurer.

(9) The association may render assistance and advice to the commissioner, upon the commissioner's request, concerning rehabilitation, payment of claims, continuance of

coverage, or the performance of other contractual obligations of an impaired or insolvent insurer.

(10) The association has standing to appear or intervene before a court or agency in this state with jurisdiction over an impaired or insolvent insurer concerning which the association is or may become obligated under this chapter or with jurisdiction over any person or property against which the association may have rights through subrogation or otherwise. Standing extends to all matters germane to the powers and duties of the association, including, but not limited to, proposals for reissuing, reinsuring, modifying, or guaranteeing the policies or contracts of the impaired or insolvent insurer and the determination of the policies or contracts and contractual obligations. The association also has the right to appear or intervene before a court or agency in another state with jurisdiction over an impaired or insolvent insurer for which the association is or may become obligated or with jurisdiction over any person or property against whom the association may have rights through subrogation or otherwise.

(11)(a) A person receiving benefits under this chapter is deemed to have assigned the rights under, and any causes of action against any person for losses arising under, resulting from, or otherwise relating to, the covered policy or contract to the association to the extent of the benefits received because of this chapter, whether the benefits are payments of or on account of contractual obligations, continuation of coverage, or provision of substitute or alternative policies, contracts, or coverages. The association may require an assignment to it of such rights and cause of action by any enrollee, payee, policy or contract owner, beneficiary, insured, or annuitant as a condition precedent to the receipt of any right or benefits conferred by this chapter upon the person.

(b) The subrogation rights of the association under this subsection have the same priority against the assets of the impaired or insolvent insurer as that possessed by the person entitled to receive benefits under this chapter.

(c) In addition to (a) and (b) of this subsection, the association has all common law rights of subrogation and any other equitable or legal remedy that would have been available to the impaired or insolvent insurer or owner, enrollee, beneficiary, or payee of a policy or contract with respect to the policy or contracts, including without limitation, in the case of a structured settlement annuity, any rights of the owner, beneficiary, or payee of the annuity, to the extent of benefits received under this chapter, against a person originally or by succession responsible for the losses arising from the personal injury relating to the annuity or payment therefor, excepting any such person responsible solely by reason of serving as an assignee in respect of a qualified assignment under section 130 of the United States Internal Revenue Code.

(d) If (a) through (c) of this subsection are invalid or ineffective with respect to any person or claim for any reason, the amount payable by the association with respect to the related covered obligations shall be reduced by the amount realized by any other person with respect to the

person or claim that is attributable to the policies or contracts, or portion thereof, covered by the association.

(e) If the association has provided benefits with respect to a covered obligation and a person recovers amounts as to which the association has rights as described in this subsection, the person shall pay to the association the portion of the recovery attributable to the policies or contracts, or portion thereof, covered by the association.

(12) In addition to the rights and powers elsewhere in this chapter, the association may:

(a) Enter into such contracts as are necessary or proper to carry out the provisions and purposes of this chapter;

(b) Sue or be sued, including taking any legal actions necessary or proper to recover any unpaid assessments under RCW 48.32A.085 and to settle claims or potential claims against it;

(c) Borrow money to effect the purposes of this chapter; any notes or other evidence of indebtedness of the association not in default are legal investments for domestic insurers and may be carried as admitted assets;

(d) Employ or retain such persons as are necessary or appropriate to handle the financial transactions of the association, and to perform such other functions as become necessary or proper under this chapter;

(e) Take such legal action as may be necessary or appropriate to avoid or recover payment of improper claims;

(f) Exercise, for the purposes of this chapter and to the extent approved by the commissioner, the powers of a domestic life ~~((or))~~ insurer, disability insurer, health care service contractor, or health maintenance organization, but in no case may the association issue insurance policies or annuity contracts other than those issued to perform its obligations under this chapter;

(g) Organize itself as a corporation or in other legal form permitted by the laws of the state;

(h) Request information from a person seeking coverage from the association in order to aid the association in determining its obligations under this chapter with respect to the person, and the person shall promptly comply with the request; ~~((and))~~

(i) In accordance with the terms and conditions of the policy or contract, file for actuarially justified rate or premium increases for any policy or contract for which it provides coverage under this chapter; and

(j) Take other necessary or appropriate action to discharge its duties and obligations under this chapter or to exercise its powers under this chapter.

(13) The association may join an organization of one or more other state associations of similar purposes, to further the purposes and administer the powers and duties of the association.

(14)(a) At any time within one year after the coverage date, which is the date on which the association becomes responsible for the obligations of a member insurer, the

association may elect to succeed to the rights and obligations of the member insurer, that accrue on or after the coverage date and that relate to policies, contracts, or annuities, covered~~((s))~~ in whole or in part~~((s))~~ by the association, under any one or more indemnity reinsurance agreements entered into by the member insurer as a ceding insurer and selected by the association. However, the association may not exercise an election with respect to a reinsurance agreement if the receiver, rehabilitator, or liquidator of the member insurer has previously and expressly disaffirmed the reinsurance agreement. The election is effective when notice is provided to the receiver, rehabilitator, or liquidator and to the affected reinsurers. If the association makes an election, the following provisions apply with respect to the agreements selected by the association:

(i) The association is responsible for all unpaid premiums due under the agreements, for periods both before and after the coverage date, and is responsible for the performance of all other obligations to be performed after the coverage date, in each case which relate to policies, contracts, or annuities, covered~~((s))~~ in whole or in part~~((s))~~ by the association. The association may charge policies, contracts, or annuities, covered in part by the association, through reasonable allocation methods, the costs for reinsurance in excess of the obligations of the association;

(ii) The association is entitled to any amounts payable by the reinsurer under the agreements with respect to losses or events that occur in periods after the coverage date and that relate to policies, contracts, or annuities, covered by the association~~((s))~~ in whole or in part. However, upon receipt of any such amounts, the association is obliged to pay to the beneficiary under the policy ~~((or))~~ contract, or annuity on account of which the amounts were paid a portion of the amount equal to the excess of: The amount received by the association, over the benefits paid by the association on account of the policy ~~((or))~~ contract, or annuity, less the retention of the impaired or insolvent member insurer applicable to the loss or event;

(iii) Within thirty days following the association's election, the association and each indemnity reinsurer shall calculate the net balance due to or from the association under each reinsurance agreement as of the date of the association's election, giving full credit to all items paid by either the member insurer, or its receiver, rehabilitator, or liquidator, or the indemnity reinsurer during the period between the coverage date and the date of the association's election. Either the association or indemnity reinsurer shall pay the net balance due the other within five days of the completion of this calculation. If the receiver, rehabilitator, or liquidator has received any amounts due the association pursuant to (a)(ii) of this subsection, the receiver, rehabilitator, or liquidator shall remit the same to the association as promptly as practicable; and

(iv) If the association, within sixty days of the election, pays the premiums due for periods both before and after the coverage date that relate to policies, contracts, or annuities, covered by the association~~((s))~~ in whole or in part, the reinsurer is not entitled to terminate the reinsurance agreements, insofar as the agreements relate to policies, contracts, or annuities, covered by the association~~((s))~~ in

whole or in part, and is not entitled to set off any unpaid premium due for periods prior to the coverage date against amounts due the association;

(b) In the event the association transfers its obligations to another member insurer, and if the association and the other member insurers agree, the other member insurer succeeds to the rights and obligations of the association under (a) of this subsection effective as of the date agreed upon by the association and the other member insurers and regardless of whether the association has made the election referred to in (a) of this subsection. However:

(i) The indemnity reinsurance agreements automatically terminate for new reinsurance unless the indemnity reinsurer and the other member insurers agree to the contrary;

(ii) The obligations described in (a)(ii) of this subsection no longer apply on and after the date the indemnity reinsurance agreement is transferred to the third party member insurer; and

(iii) This subsection (14)(b) does not apply if the association has previously expressly determined in writing that it will not exercise the election referred to in (a) of this subsection;

(c) The provisions of this subsection supersede the provisions of any law of this state or of any affected reinsurance agreement that provides for or requires any payment of reinsurance proceeds, on account of losses or events that occur in periods after the coverage date, to the receiver, liquidator, or rehabilitator of the insolvent ~~((member))~~ insurer. The receiver, rehabilitator, or liquidator remains entitled to any amounts payable by the reinsurer under the reinsurance agreement with respect to losses or events that occur in periods prior to the coverage date, subject to applicable setoff provisions; and

(d) Except as set forth under this subsection, this subsection does not alter or modify the terms and conditions of the indemnity reinsurance agreements of the insolvent ~~((member))~~ insurer. This subsection does not abrogate or limit any rights of any reinsurer to claim that it is entitled to rescind a reinsurance agreement. This subsection does not give a policy or contract owner, an enrollee, or a beneficiary an independent cause of action against an indemnity reinsurer that is not otherwise set forth in the indemnity reinsurance agreement.

(15) The board of directors of the association has discretion and may exercise reasonable business judgment to determine the means by which the association provides the benefits of this chapter in an economical and efficient manner.

(16) When the association has arranged or offered to provide the benefits of this chapter to a covered person under a plan or arrangement that fulfills the association's obligations under this chapter, the person is not entitled to benefits from the association in addition to or other than those provided under the plan or arrangement.

(17) Venue in a suit against the association arising under this chapter is in the county in which liquidation or

rehabilitation proceedings have been filed in the case of a domestic member insurer. In other cases, venue is in King county or Thurston county. The association is not required to give an appeal bond in an appeal that relates to a cause of action arising under this chapter.

(18) In carrying out its duties in connection with guaranteeing, assuming, reissuing, or reinsuring policies or contracts under subsection (1) or (2) of this section, the association may ~~((, subject to approval of the receivership court,))~~ issue substitute coverage for a policy or contract that provides an interest rate, crediting rate, or similar factor determined by use of an index or other external reference stated in the policy or contract employed in calculating returns or changes in value by issuing an alternative policy or contract in accordance with the following provisions:

(a) In lieu of the index or other external reference provided for in the original policy or contract, the alternative policy or contract provides for: (i) A fixed interest rate; (ii) payment of dividends with minimum guarantees; or (iii) a different method for calculating interest or changes in value;

(b) There is no requirement for evidence of insurability, waiting period, or other exclusion that would not have applied under the replaced policy or contract; and

(c) The alternative policy or contract is substantially similar to the replaced policy or contract in all other material terms.

**Sec. 182.** RCW 48.32A.085 and 2001 c 50 s 9 are each amended to read as follows:

(1) For the purpose of providing the funds necessary to carry out the powers and duties of the association, the board of directors shall assess the member insurers, separately for each account, at such time and for such amounts as the board finds necessary. Assessments are due not less than thirty days after prior written notice to the member insurers and accrue interest at twelve percent per annum on and after the due date.

(2) There are two classes of assessments, as follows:

(a) Class A assessments are authorized and called for the purpose of meeting administrative and legal costs and other expenses. Class A assessments may be authorized and called whether or not related to a particular impaired or insolvent insurer; and

(b) Class B assessments are authorized and called to the extent necessary to carry out the powers and duties of the association under RCW 48.32A.075 with regard to an impaired or an insolvent insurer.

(3)(a) The amount of a class A assessment is determined by the board and may be authorized and called on a pro rata or nonpro rata basis. If pro rata, the board may provide that it be credited against future class B assessments. ~~((The total of all nonpro rata assessments may not exceed one hundred fifty dollars per member insurer in any one calendar year.))~~

(b) The amount of a class B assessment ((may)), except for assessments related to long-term care insurance, must be allocated for assessment purposes ((among))

between the accounts and among the subaccounts of the life insurance and annuity accounts, pursuant to an allocation formula which may be based on the premiums or reserves of the impaired or insolvent insurer or any other standard determined by the board to be fair and reasonable under the circumstances.

~~((b))~~ (c) The amount of the class B assessment for long-term care insurance written by an impaired or insolvent insurer must be allocated according to a methodology included in the plan of operation and approved by the commissioner. The methodology must provide for fifty percent of the assessment to be allocated to disability and health member insurers and fifty percent to be allocated to life and annuity member insurers.

(d) Class B assessments against member insurers for each account and subaccount must be in the proportion that the premiums received on business in this state by each assessed member insurer on policies or contracts covered by each account for the three most recent calendar years for which information is available preceding the year in which the insurer became insolvent or, in the case of an assessment with respect to an impaired insurer, the three most recent calendar years for which information is available preceding the year in which the insurer became impaired, bears to premiums received on business in this state for those calendar years by all assessed member insurers.

~~((e))~~ (e) Assessments for funds to meet the requirements of the association with respect to an impaired or insolvent insurer may not be authorized or called until necessary to implement the purposes of this chapter. Classification of assessments under subsection (2) of this section and computation of assessments under this subsection must be made with a reasonable degree of accuracy, recognizing that exact determinations are not always possible. The association shall notify each member insurer of its anticipated pro rata share of an authorized assessment not yet called within one hundred eighty days after the assessment is authorized.

(4) The association may abate or defer, in whole or in part, the assessment of a member insurer if, in the opinion of the board, payment of the assessment would endanger the ability of the member insurer to fulfill its contractual obligations. In the event an assessment against a member insurer is abated, or deferred in whole or in part, the amount by which the assessment is abated or deferred may be assessed against the other member insurers in a manner consistent with the basis for assessments set forth in this section. Once the conditions that caused a deferral have been removed or rectified, the member insurer shall pay all assessments that were deferred pursuant to a repayment plan approved by the association.

(5)(a)(i) Subject to the provisions of (a)(ii) of this subsection, the total of all assessments authorized by the association with respect to a member insurer for each subaccount of the life insurance and annuity account and for the ~~((health))~~ disability insurance account may not in one calendar year exceed two percent of that member insurer's average annual premiums received in this state on the policies and contracts covered by the subaccount or account

during the three calendar years preceding the year in which the insurer became an impaired or insolvent insurer.

(ii) If two or more assessments are authorized in one calendar year with respect to insurers that become impaired or insolvent in different calendar years, the average annual premiums for purposes of the aggregate assessment percentage limitation in (a)(i) of this subsection must be equal and limited to the higher of the three-year average annual premiums for the applicable subaccount or account as calculated under this section.

(iii) If the maximum assessment, together with the other assets of the association in an account, does not provide in one year in either account an amount sufficient to carry out the responsibilities of the association, the necessary additional funds must be assessed as soon thereafter as permitted by this chapter.

(b) The board may provide in the plan of operation a method of allocating funds among claims, whether relating to one or more impaired or insolvent insurers, when the maximum assessment is insufficient to cover anticipated claims.

(c) If the maximum assessment for a subaccount of the life and annuity account in one year does not provide an amount sufficient to carry out the responsibilities of the association, then under subsection (3)~~((b))~~ ~~(d)~~ of this section, the board shall access the other subaccounts of the life and annuity account for the necessary additional amount, subject to the maximum stated in (a) of this subsection.

(6) The board may, by an equitable method as established in the plan of operation, refund to member insurers, in proportion to the contribution of each member insurer to that account, the amount by which the assets of the account exceed the amount the board finds is necessary to carry out during the coming year the obligations of the association with regard to that account, including assets accruing from assignment, subrogation, net realized gains, and income from investments. A reasonable amount may be retained in any account to provide funds for the continuing expenses of the association and for future losses claims.

(7) Any member insurer may when determining its premium rates and policy owner dividends, as to any kind of insurance, health care service contractor business, or health maintenance organization business within the scope of this chapter, consider the amount reasonably necessary to meet its assessment obligations under this chapter.

(8) The association shall issue to each member insurer paying an assessment under this chapter, other than a class A assessment, a certificate of contribution, in a form prescribed by the commissioner, for the amount of the assessment paid. All outstanding certificates must be of equal dignity and priority without reference to amounts or dates of issue. A certificate of contribution may be shown by the member insurer in its financial statement as an asset in such form and for such amount, if any, and period of time as the commissioner may approve.

(9)(a) A member insurer that wishes to protest all or part of an assessment shall pay when due the full amount of



the assessment as set forth in the notice provided by the association. The payment is available to meet association obligations during the pendency of the protest or any subsequent appeal. Payment must be accompanied by a statement in writing that the payment is made under protest and setting forth a brief statement of the grounds for the protest.

(b) Within sixty days following the payment of an assessment under protest by a member insurer, the association shall notify the member insurer in writing of its determination with respect to the protest unless the association notifies the member insurer that additional time is required to resolve the issues raised by the protest.

(c) Within thirty days after a final decision has been made, the association shall notify the protesting member insurer in writing of that final decision. Within sixty days of receipt of notice of the final decision, the protesting member insurer may appeal that final action to the commissioner.

(d) In the alternative to rendering a final decision with respect to a protest based on a question regarding the assessment base, the association may refer protests to the commissioner for a final decision, with or without a recommendation from the association.

(e) If the protest or appeal on the assessment is upheld, the amount paid in error or excess must be returned to the member ~~((company))~~ insurer. Interest on a refund due a protesting member must be paid at the rate actually earned by the association.

(10) The association may request information of member insurers in order to aid in the exercise of its power under this section and member insurers shall promptly comply with a request.

**Sec. 183.** RCW 48.32A.095 and 2001 c 50 s 10 are each amended to read as follows:

(1)(a) The association shall submit to the commissioner a plan of operation and any amendments necessary or suitable to assure the fair, reasonable, and equitable administration of the association. The plan of operation and any amendments are effective upon the commissioner's written approval or unless it has not been disapproved within thirty days.

(b) If the association fails to submit a suitable plan of operation within one hundred twenty days following July 22, 2001, or if at any time thereafter the association fails to submit suitable amendments to the plan, the commissioner shall, after notice and hearing, adopt reasonable rules as necessary or advisable to effectuate the provisions of this chapter. The rules continue in force until modified by the commissioner or superseded by a plan submitted by the association and approved by the commissioner.

(2) All member insurers shall comply with the plan of operation.

(3) The plan of operation must, in addition to requirements enumerated elsewhere in this chapter:

(a) Establish procedures for handling the assets of the association;

(b) Establish the amount and method of reimbursing members of the board of directors under RCW 48.32A.065;

(c) Establish regular places and times for meetings including telephone conference calls of the board of directors;

(d) Establish procedures for records to be kept of all financial transactions of the association, its agents, and the board of directors;

(e) Establish the procedures whereby selections for the board of directors are made and submitted to the commissioner;

(f) Establish any additional procedures for assessments under RCW 48.32A.085; ~~((and))~~

(g) Establish procedures whereby a director may be removed for cause, including in the case where a member insurer becomes an impaired or insolvent insurer;

(h) Require the board of directors to establish policies and procedures for addressing conflicts of interests among the board of directors and the member insurers they represent; and

(i) Contain additional provisions necessary or proper for the execution of the powers and duties of the association.

(4) The plan of operation may provide that any or all powers and duties of the association, except those under RCW 48.32A.075(12)(c) and 48.32A.085, are delegated to a corporation, association, or other organization which performs or will perform functions similar to those of this association, or its equivalent, in two or more states. Such a corporation, association, or organization must be reimbursed for any payments made on behalf of the association and must be paid for its performance of any function of the association. A delegation under this subsection takes effect only with the approval of both the board of directors and the commissioner, and may be made only to a corporation, association, or organization which extends protection not substantially less favorable and effective than that provided by this chapter.

**Sec. 184.** RCW 48.32A.115 and 2001 c 50 s 12 are each amended to read as follows:

The commissioner shall aid in the detection and prevention of member insurer insolvencies or impairments.

(1) It is the duty of the commissioner to:

(a) Notify the commissioners of all the other states, territories of the United States, and the District of Columbia within thirty days following the action taken or the date the action occurs, when the commissioner takes any of the following actions against a member insurer:

(i) Revocation of license;

(ii) Suspension of license; or

(iii) Makes a formal order that the ~~((company))~~ member insurer restrict its premium writing, obtain additional contributions to surplus, withdraw from the state, reinsure all or any part of its business, or increase capital,

surplus, or any other account for the security of policy owners, certificate holders, contract owners, or creditors;

(b) Report to the board of directors when the commissioner has taken any of the actions set forth in (a) of this subsection or has received a report from any other commissioner indicating that any such action has been taken in another state. The report to the board of directors must contain all significant details of the action taken or the report received from another commissioner;

(c) Report to the board of directors when the commissioner has reasonable cause to believe from an examination, whether completed or in process, of any member insurer that the insurer may be an impaired or insolvent insurer; and

(d) Furnish to the board of directors the national association of insurance commissioners insurance regulatory information system ratios and listings of companies not included in the ratios developed by the national association of insurance commissioners, and the board may use the information contained therein in carrying out its duties and responsibilities under this section. The report and the information must be kept confidential by the board of directors until such time as made public by the commissioner or other lawful authority.

(2) The commissioner may seek the advice and recommendations of the board of directors concerning any matter affecting the duties and responsibilities of the commissioner regarding the financial condition of member insurers and ~~((companies))~~ insurers, health care service contractors, or health maintenance organizations seeking admission to transact ~~((insurance))~~ business in this state.

(3) The board of directors may, upon majority vote, make reports and recommendations to the commissioner upon any matter germane to the solvency, liquidation, rehabilitation, or conservation of any member insurer or germane to the solvency of any ~~((company))~~ insurer, health care service contractor, or health maintenance organization seeking to do ~~((an insurance))~~ business in this state. The reports and recommendations are not public documents.

(4) The board of directors may, upon majority vote, notify the commissioner of any information indicating a member insurer may be an impaired or insolvent insurer.

(5) The board of directors may, upon majority vote, make recommendations to the commissioner for the detection and prevention of member insurer insolvencies.

**Sec. 185.** RCW 48.32A.135 and 2001 c 50 s 14 are each amended to read as follows:

(1) This chapter does not reduce the liability for unpaid assessments of the insureds of an impaired or insolvent insurer operating under a plan with assessment liability.

(2) Records must be kept of all meetings of the board of directors to discuss the activities of the association in carrying out its powers and duties under RCW 48.32A.075. The records of the association with respect to an impaired or insolvent insurer may not be disclosed prior to the termination of a liquidation, rehabilitation, or conservation

proceeding involving the impaired or insolvent insurer, upon the termination of the impairment or insolvency of the insurer, or upon the order of a court of competent jurisdiction. This subsection does not limit the duty of the association to render a report of its activities under RCW 48.32A.145.

(3) For the purpose of carrying out its obligations under this chapter, the association is a creditor of the impaired or insolvent insurer to the extent of assets attributable to covered policies reduced by any amounts to which the association is entitled as subrogee under RCW 48.32A.075(11). Assets of the impaired or insolvent insurer attributable to covered policies must be used to continue all covered policies and pay all contractual obligations of the impaired or insolvent insurer as required by this chapter. Assets attributable to covered policies, as used in this subsection, are that proportion of the assets which the reserves that should have been established for such policies bear to the reserves that should have been established for all policies of insurance written by the impaired or insolvent insurer.

(4) As a creditor of the impaired or insolvent insurer as established in subsection (3) of this section, the association and other similar associations are entitled to receive a disbursement of assets out of the marshaled assets, from time to time as the assets become available to reimburse it, as a credit against contractual obligations under this chapter. If the liquidator has not, within one hundred twenty days of a final determination of insolvency of ~~((an))~~ a member insurer by the receivership court, made an application to the court for the approval of a proposal to disburse assets out of marshaled assets to guaranty associations having obligations because of the insolvency, then the association is entitled to make application to the receivership court for approval of its own proposal to disburse these assets.

(5)(a) Prior to the termination of any liquidation, rehabilitation, or conservation proceeding, the court may take into consideration the contributions of the respective parties, including the association, ~~((the))~~ shareholders, contract owners, certificate holders, enrollees, and ~~((the))~~ policy owners of the insolvent insurer, and any other party with a bona fide interest, in making an equitable distribution of the ownership rights of the insolvent insurer. In such a determination, consideration must be given to the welfare of the policy owners, contract owners, certificate holders, and enrollees of the continuing or successor member insurer.

(b) A distribution to stockholders, if any, of an impaired or insolvent insurer shall not be made until and unless the total amount of valid claims of the association with interest thereon for funds expended in carrying out its powers and duties under RCW 48.32A.075 with respect to the member insurer have been fully recovered by the association.

(6)(a) If an order for liquidation or rehabilitation of ~~((an))~~ a member insurer domiciled in this state has been entered, the receiver appointed under the order has a right to recover on behalf of the member insurer, from any affiliate that controlled it, the amount of distributions, other than

stock dividends paid by the insurer on its capital stock, made at any time during the five years preceding the petition for liquidation or rehabilitation subject to the limitations of (b) through (d) of this subsection.

(b) A distribution is not recoverable if the member insurer shows that when paid the distribution was lawful and reasonable, and that the member insurer did not know and could not reasonably have known that the distribution might adversely affect the ability of the member insurer to fulfill its contractual obligations.

(c) Any person who was an affiliate that controlled the member insurer at the time the distributions were paid is liable up to the amount of distributions received. Any person who was an affiliate that controlled the member insurer at the time the distributions were declared, is liable up to the amount of distributions which would have been received if they had been paid immediately. If two or more persons are liable with respect to the same distributions, they are jointly and severally liable.

(d) The maximum amount recoverable under this subsection is the amount needed in excess of all other available assets of the insolvent insurer to pay the contractual obligations of the insolvent insurer.

(e) If any person liable under (c) of this subsection is insolvent, all its affiliates that controlled it at the time the distribution was paid are jointly and severally liable for any resulting deficiency in the amount recovered from the insolvent affiliate.

**Sec. 186.** RCW 48.32A.175 and 2001 c 50 s 18 are each amended to read as follows:

All proceedings in which the insolvent insurer is a party in any court in this state are stayed ~~((sixty))~~ one hundred eighty days from the date an order of liquidation, rehabilitation, or conservation is final to permit proper legal action by the association on any matters germane to its powers or duties. As to judgment under any decision, order, verdict, or finding based on default the association may apply to have such a judgment set aside by the same court that made such a judgment and must be permitted to defend against the suit on the merits.

**Sec. 187.** RCW 48.32A.185 and 2005 c 274 s 313 are each amended to read as follows:

(1) No person, including ~~((a))~~ a member insurer, agent, or affiliate of ~~((a))~~ a member insurer may make, publish, disseminate, circulate, or place before the public, or cause directly or indirectly, to be made, published, disseminated, circulated, or placed before the public, in any newspaper, magazine, or other publication, or in the form of a notice, circular, pamphlet, letter, or poster, or over any radio station or television station, or in any other way, any advertisement, announcement, or statement, written or oral, which uses the existence of the insurance guaranty association of this state for the purpose of sales, solicitation, or inducement to purchase any form of insurance or other coverage covered by the Washington life and disability insurance guaranty association act. However, this section does not apply to the Washington life and disability

insurance guaranty association or any other entity which does not sell or solicit insurance or coverage by a health care service contractor or health maintenance organization.

(2) ~~((Within one hundred eighty days after July 22, 2001, the))~~ The association shall prepare a summary document describing the general purposes and current limitations of this chapter and complying with subsection (3) of this section. This summary document must be submitted to the commissioner for approval. The summary document must also be available upon request by a policy owner, contract owner, certificate owner, or enrollee. The distribution, delivery, contents, or interpretation of this document does not guarantee that either the policy or the contract or the ~~((owner of the policy or contract))~~ policy owner, contract owner, certificate holder, or enrollee is covered in the event of the impairment or insolvency of a member insurer. The ~~((description))~~ summary document must be revised by the association as amendments to this chapter may require. Failure to receive this document does not give the policy owner, contract owner, certificate holder, enrollee, or insured any greater rights than those stated in this chapter.

(3) The summary document prepared under subsection (2) of this section must contain a clear and conspicuous disclaimer on its face. The commissioner shall establish the form and content of the disclaimer. The disclaimer must:

(a) State the name and address of the life and disability insurance guaranty association and insurance department;

(b) Prominently warn the ~~((policy or contract owner))~~ policy owner, contract owner, certificate holder, or enrollee that the life and disability insurance guaranty association may not cover the policy or contract or, if coverage is available, it is subject to substantial limitations and exclusions and conditioned on continued residence in this state;

(c) State the types of policies or contracts for which guaranty funds provide coverage;

(d) State that the member insurer and its agents are prohibited by law from using the existence of the life and disability insurance guaranty association for the purpose of sales, solicitation, or inducement to purchase any form of insurance, health care service contractor coverage, or health maintenance organization coverage;

(e) State that the policy ~~((or))~~ owner, contract owner, certificate holder, insured, or enrollee should not rely on coverage under the life and disability insurance guaranty association when selecting an insurer, health care service contractor, or health maintenance organization;

(f) Explain rights available and procedures for filing a complaint to allege a violation of any provisions of this chapter; and

(g) Provide other information as directed by the commissioner including but not limited to, sources for information about the financial condition of member insurers provided that the information is not proprietary and is subject to disclosure under chapter 42.56 RCW.

(4) A member insurer must retain evidence of compliance with subsection (2) of this section for as long as the policy or contract for which the notice is given remains in effect."

Correct the title.

Signed by Representatives Ormsby, Chair; Robinson, 1st Vice Chair; Bergquist, 2nd Vice Chair; Cody; Dolan; Fitzgibbon; Hansen; Hudgins; Kilduff; Macri; Pettigrew; Pollet; Ryu; Senn; Sullivan; Tarleton and Tharinger.

MINORITY recommendation: Do not pass. Signed by Representatives Stokesbary, Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Rude, Assistant Ranking Minority Member; Caldier; Chandler; Chopp; Corry; Dye; Hoff; Kraft; Mosbrucker; Schmick; Springer; Steele; Sutherland and Ybarra.

Referred to Committee on Appropriations.

February 28, 2020 187.0.

SSB 6058 Prime Sponsor, Committee on Local Government: Concerning fire district health clinic services. Reported by Committee on Local Government

MAJORITY recommendation: Do pass. Signed by Representatives Pollet, Chair; Duerr, Vice Chair; Griffey, Assistant Ranking Minority Member; Appleton; Goehner and Senn.

MINORITY recommendation: Do not pass. Signed by Representative Kraft, Ranking Minority Member.

Referred to Committee on Rules for second reading.

February 28, 2020 187.0.

SB 6090 Prime Sponsor, Senator Warnick: Limiting fire protection service agency liability for the installation of detection devices. Reported by Committee on Civil Rights & Judiciary

MAJORITY recommendation: Do pass as amended. 187.0.

Strike everything after the enacting clause and insert the following:

"**NEW SECTION. Sec. 188.** A new section is added to chapter 4.24 RCW to read as follows:

(1) Any fire protection service agency, as defined in RCW 52.12.160, as well as the firefighters therein, whether volunteer or paid, that delivers to, or installs at, residential premises a device or batteries for such a device is not liable for civil damages resulting from any act or omission in the delivery or installation of a device or batteries for such a device, provided:

(a) Such installation was done in conformance with the manufacturer's instructions;

(b) Such installation or delivery was in the fire protection service agency's official capacity; and

(c) The act or omission did not constitute gross negligence or willful or wanton misconduct.

(2) Any device delivered or installed pursuant to subsection (1) of this section must be new and meet all applicable current safety and manufacturing standards.

(3) Smoke alarm installation program records considered a public record by chapter 40.14 RCW shall be retained in accordance with the schedule provided within that law.

(4) Nothing in this section shall be construed to limit or otherwise affect the obligations and duties of the owner or occupier of the residential premises receiving such delivery or installation services.

(5) For purposes of this section, "device" includes any battery-operated or plug-in smoke detector, carbon monoxide detector, or combination smoke and carbon monoxide detector."

Correct the title.

Signed by Representatives Kilduff, Chair; Thai, Vice Chair; Irwin, Ranking Minority Member; Dufault, Assistant Ranking Minority Member; Goodman; Graham; Hansen; Kirby; Klippert; Orwall; Peterson; Rude; Valdez; Walen and Ybarra.

Referred to Committee on Rules for second reading.

March 2, 2020 188.0.

SSB 6091 Prime Sponsor, Committee on Agriculture, Water, Natural Resources & Parks: Continuing the work of the Washington food policy forum. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Ormsby, Chair; Stokesbary, Ranking Minority Member; Robinson, 1st Vice Chair; Bergquist, 2nd Vice Chair; MacEwen, Assistant Ranking Minority Member; Rude, Assistant Ranking Minority Member; Caldier; Chandler; Chopp; Cody; Corry; Dolan; Dye; Fitzgibbon; Hansen; Hoff; Hudgins; Kilduff; Kraft; Macri; Mosbrucker; Pettigrew; Pollet; Ryu; Schmick; Senn; Springer; Steele; Sullivan; Sutherland; Tarleton; Tharinger and Ybarra.

Referred to Committee on Appropriations.

February 27, 2020 188.0.

ESSB 6097 Prime Sponsor, Committee on Health & Long Term Care: (REVISED FOR ENGROSSED: Requiring the insurance

commissioner to review a health carrier's surplus, capital, or profit levels as part of its rate filing review process. ) Reported by Committee on Health Care & Wellness

MAJORITY recommendation: Do pass as amended.  
188.0.

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 189.** A new section is added to chapter 48.43 RCW to read as follows:

(1) For individual and small group rate filings with an effective date on or after January 1, 2021, submitted by a health carrier for either the individual or small group markets, the commissioner may review the carrier's surplus, capital, or profit levels as an element in determining the reasonableness of the proposed rate.

(2) In reviewing the surplus, capital, or profit levels, the commissioner must take into consideration the current capital facility needs for carriers, including those maintaining and operating hospital and clinical facilities.

(3) Except as provided in subsection (1) of this section, this section does not affect the rate review authority granted to the commissioner by chapter 48.19, 48.44, or 48.46 RCW.

(4) Nothing in this section affects the requirement that all approved individual and small group rates be actuarially sound according to chapter 48.19, 48.44, or 48.46 RCW.

(5) The commissioner may adopt rules to implement this section."

Correct the title.

Signed by Representatives Cody, Chair; Macri, Vice Chair; Chopp; Davis; Riccelli; Robinson; Stonier; Thai and Tharinger.

MINORITY recommendation: Do not pass. Signed by Representatives Schmick, Ranking Minority Member; Chambers and DeBolt.

MINORITY recommendation: Without recommendation. Signed by Representatives Harris and Maycumber.

Referred to Committee on Rules for second reading.

February 27, 2020 189.0.

SSB 6112 Prime Sponsor, Committee on Human Services, Reentry & Rehabilitation: Concerning youth solitary confinement. Reported by Committee on Human Services & Early Learning

MAJORITY recommendation: Do pass as amended.

189.0.

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 190. LEGISLATIVE FINDINGS.** (1) The legislature finds that prolonged isolation for juveniles may cause harm. Prolonged solitary confinement has also been shown as ineffective at reducing behavioral incidents and may increase anxiety and anger in youth.

(2) Creating alternative solutions to solitary confinement for juveniles will further protect the well-being of juveniles in all detention facilities and institutions and enhance the rehabilitative goals of Washington's juvenile justice system. This act seeks to end the use of solitary confinement in juvenile facilities when used as a form of punishment or retaliation. This act also seeks to limit placement in isolation, except in the circumstances outlined in section 3 of this act. Juvenile institutions and detention facilities must implement a system of graduated interventions to avoid the use of solitary confinement. Less restrictive forms of confinement should be used to regulate the behavior of juveniles in institutions and detention facilities.

(3) The legislature intends to prevent the use of solitary confinement and, in the limited instances of isolation, ensure that the use advances the rehabilitative goals of Washington's juvenile justice system, and that it is not used as a punitive measure.

**NEW SECTION. Sec. 191. DEFINITIONS.** The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Department" means the department of children, youth, and families.

(2) "Detention facility" means:

(a) Any detention facility as defined under RCW 13.40.020; and

(b) Any juvenile correctional facility under alternative administration operated by a consortium of counties under RCW 13.04.035.

(3) "Imminent harm" means immediate and impending threat of a person causing bodily injury to self or others.

(4) "Institution" has the same meaning as in RCW 13.40.020.

(5) "Isolation" means confinement that occurs (a) when a youth is separated from the youth population and placed in a room for longer than fifteen minutes for the purpose of discipline, behavior modification, or due to an imminent threat to the safety of the youth or others; and (b) in a room other than the room assigned to the youth for sleeping. Juveniles are in isolation from the moment they are separated from others until they have rejoined the population. Juveniles who are pregnant shall not be put into isolation. Maintaining appropriate gender separation does not constitute isolation.

(6) "Juvenile" means:

(a) Any individual who is under the chronological age of eighteen years; and

(b) Any individual under the chronological age of twenty-five years who is confined in an institution, including an individual confined in an institution under RCW 72.01.410.

(7) "Juvenile court administrator" means an administrator appointed pursuant to RCW 13.04.035.

(8) "Room confinement" means a juvenile is separated from the youth population and placed in a room or cell that the juvenile is assigned to for sleeping, other than during normal sleeping hours or interim rest hours. "Room confinement" does not include time a youth requests to spend in his or her room or rest periods in between facility programming. Juveniles are in room confinement from the moment they are separated from others until they are permitted to rejoin the population.

(9) "Solitary confinement" means a youth is involuntarily separated from the youth population and placed in a room or cell other than the room assigned to the youth for sleeping for longer than fifteen minutes for punitive purposes. Different terminology does not exempt practice from being "solitary confinement."

**NEW SECTION. Sec. 192. PROCESS AND EXCEPTIONS.** (1) The use of solitary confinement for juveniles in a detention facility or institution is prohibited.

(2) A juvenile may only be placed in isolation or room confinement in a detention facility or institution as authorized in this section.

(a)(i) Total isolation and room confinement of a juvenile shall be limited in duration to no more than four hours in any twenty-four hour period. Detention facilities and institutions can exceed those four hours, including if the extension is necessary due to subsequent or multiple incidents, if the following requirements are met:

(A) The reason for isolation or room confinement is documented, including the basis for the extension, the date and time the juvenile was first placed in isolation or room confinement, and when the juvenile is eventually released from isolation or room confinement;

(B) An individualized plan that includes the goals and objectives to be met in order to reintegrate the juvenile to the general population is developed;

(C) The detention facility or institution superintendent or his or her designee provides documented authorization every four hours thereafter.

(ii) A medical and mental health assessment may occur after the juvenile's release so as not to extend his or her time in isolation or confinement.

(iii) If the total isolation or room confinement exceeds twenty-four hours, then the secretary, or his or her designee, of the department or the juvenile court administrator must provide documented authorization.

(b) Each juvenile placed in isolation or room confinement shall be visually checked at least every fifteen

minutes, and staff shall attend to the needs of the juvenile at that time. Staff shall attempt to communicate with an awake juvenile during required checks to evaluate and encourage the juvenile on the goals and objectives the juvenile needs to achieve in order to be released from isolation or room confinement.

(c) Every instance of isolation and room confinement shall be documented in accordance with section 5 or 6 of this act.

(d) When a juvenile is placed in isolation or under room confinement, the juvenile must have access to:

(i) Clothing;

(ii) Mattress and bedding;

(iii) Medication under staff supervision;

(iv) A toilet and sink at least hourly;

(v) A bath or shower at least daily;

(vi) Necessary mental health services; and

(vii) Reading material, paper, writing material, envelopes, and treatment material, unless precluded by suicide precaution level or the items would hinder staff efforts to resolve the problems that caused isolation or room confinement.

(e) Staff must remove the juvenile from isolation and room confinement when one of the following requirements is met:

(i) The purpose of the confinement is met;

(ii) The desired behavior is evident; or

(iii) The juvenile has been evaluated by a professional who has determined the juvenile is no longer an imminent risk to self, staff, or the general population. The institution or detention facility may designate who counts as a professional.

(f) Isolation can be used when:

(i) Isolation is necessary to prevent imminent harm based on the juvenile's behavior, and less restrictive alternatives were unsuccessful;

(ii) The juvenile needs to be held in isolation awaiting transfer of facilities;

(iii) The juvenile needs to be placed in isolation overnight due to disruptive behavior that prevents the nighttime routine of other juvenile residents; or

(iv) It is necessary to respond to an escape attempt.

(g) Room confinement can be used when it is necessary to prevent behavior that causes disruption of the detention facility or institution, but the behavior does not rise to the level of imminent harm including, but not limited to, behavior that may constitute a violation of law.

(3) Nothing in this section requires that juveniles be placed with adults while in custody.

**NEW SECTION. Sec. 193. MODEL POLICY.** (1)

The department shall, by July 1, 2021, adopt a model policy prohibiting the use of solitary confinement of juveniles in detention facilities and institutions, with the goal of also limiting the use and duration of isolation and room confinement. In determining the model policy, the department must consult with appropriate stakeholders including, but not limited to, juvenile court administrators, impacted youth, and representatives of staff. At a minimum, the model policy must include:

(a) Isolation. Isolation may only be used as a last resort when less restrictive methods have not been effective. Where needed, medical professionals must assess or evaluate any juvenile in isolation as soon as possible after the juvenile is placed in isolation, and qualified mental health professionals must evaluate and develop a care plan for juveniles placed in isolation to prevent self-harm as soon as possible after the juvenile is placed in isolation. The model policy must include measures to prevent the use of isolation, while protecting the safety and security of incarcerated juveniles and their peers, the staff of the detention facilities and institutions, other persons who work in the detention facilities and institutions, and visitors.

(b) Room confinement. Room confinement is the preferred option for maladaptive or negative behavior. Staff will use the least amount of time to meet the purpose of the intervention. The model policy must include measures to prevent the use of room confinement, while protecting the safety and security of incarcerated juveniles and their peers, the staff of the detention facilities and institutions, other persons who work in the detention facilities and institutions, and visitors.

(2) By December 1, 2021, the detention facility or institution shall review and either (a) adopt the model policy established in this section or (b) notify the department of the reasons the detention facility or institution will not adopt the model policy, including how the detention facility or institution's policies and procedures differ from the model policy.

**NEW SECTION. Sec. 194. REPORTING REQUIREMENTS FOR THE DEPARTMENT.** (1) The department must compile, on a monthly basis until November 1, 2022, the following information with respect to juveniles confined in all state institutions and facilities used for juvenile rehabilitation for whom isolation or room confinement was used in excess of one hour:

(a) The number of times isolation and room confinement were used;

(b) The circumstances leading to the use of isolation and room confinement;

(c) The duration of each use of isolation and whether, for each instance of isolation, the use of isolation lasted more than four hours within a twenty-four hour period;

(d) Whether or not supervisory review occurred and was documented for each instance of isolation and room confinement;

(e) The race and age of the juvenile for each instance of isolation and room confinement;

(f) Whether or not a medical assessment or review and a mental health assessment or review were conducted and documented for each instance of isolation; and

(g) If the affected juvenile was not afforded access to medication, meals, and reading material during the term of confinement for each instance of isolation and room confinement.

(2) Until November 1, 2022, information collected under subsection (1) of this section must be compiled into a report and submitted in compliance with section 7(1) of this act.

(3) After November 1, 2022, the department must annually compile the information collected under subsection (1) of this section. The information collected must be posted on the department's web site.

**NEW SECTION. Sec. 195. REPORTING REQUIREMENTS FOR A COUNTY.** (1) A county operating a detention facility must compile, on a monthly basis until November 1, 2022, the following information with respect to the detention facility for whom isolation or room confinement was used in excess of one hour:

(a) The number of times isolation and room confinement were used;

(b) The circumstances leading to the use of isolation and room confinement;

(c) The duration of each use of isolation and whether, for each instance of isolation, the use of isolation lasted more or less than four hours within a twenty-four hour period, and, for instances lasting more than four hours, the length of time the juvenile remained in isolation;

(d) Whether or not supervisory review occurred and was documented for each instance of isolation and room confinement;

(e) The race and age of the juvenile for each instance of isolation and room confinement;

(f) Whether or not a medical assessment or review and a mental health assessment or review were conducted and documented for each instance of isolation; and

(g) If the affected juvenile was not afforded access to medication, meals, and reading material during the term of confinement for each instance of isolation and room confinement.

(2) Until November 1, 2022, information collected under subsection (1) of this section must be compiled into a report and submitted in compliance with section 7(1) of this act.

(3) After November 1, 2022, a county operating a detention facility must annually compile the information collected under subsection (1) of this section. The information collected must be posted on the detention facility's web site.

**NEW SECTION. Sec. 196. DATA REPORTING.**

(1) Information collected under sections 5(2) and 6(2) of this act and RCW 13.04.116(1)(c) must be reported to the department of children, youth, and families by December 1, 2021, and an updated report must be submitted to the department by November 1, 2022. The department must compile the reported data and, in compliance with RCW 43.01.036, provide a data report to the appropriate committees of the legislature by December 1, 2022.

(2) Beginning in January 2023, the department shall conduct periodic reviews of policies, procedures, and use of solitary confinement, isolation, and room confinement in juvenile detention facilities and institutions. Every three years, the department shall prepare a report to the legislature summarizing its reviews.

**Sec. 197.** RCW 13.04.116 and 2017 3rd sp.s. c 6 s 603 are each amended to read as follows:

(1) A juvenile shall not be confined in a jail or holding facility for adults, except:

(a) For a period not exceeding twenty-four hours excluding weekends and holidays and only for the purpose of an initial court appearance in a county where no juvenile detention facility is available, a juvenile may be held in an adult facility provided that the confinement is separate from the sight and sound of adult inmates; ~~((or))~~

(b) For not more than six hours and pursuant to a lawful detention in the course of an investigation, a juvenile may be held in an adult facility provided that the confinement is separate from the sight and sound of adult inmates; or

(c) For a juvenile who is subject to exclusive adult criminal court jurisdiction under RCW 13.04.030 or who has been transferred to adult criminal court under RCW 13.40.110, the juvenile may not be held in a jail or holding facility for a period exceeding twenty-four hours excluding weekends and holidays, unless a court finds, after a hearing and in writing, that it is in the interest of justice.

(i) If a court determines that it is in the interest of justice to permit a juvenile who is subject to exclusive adult criminal court jurisdiction under RCW 13.04.030 or who has been transferred to adult criminal court under RCW 13.40.110 to be held in a jail or holding facility, the juvenile may not have sight or sound contact with adult inmates, unless the court also finds, after a hearing and in writing, that it is in the interest of justice to permit sight or sound contact with adult inmates. In making the determination regarding sight or sound contact with adult inmates under this subsection, the court shall consider:

(A) The age of the juvenile;

(B) The physical and mental maturity of the juvenile;

(C) The present mental state of the juvenile, including whether the juvenile presents an imminent risk of harm to himself or herself;

(D) The nature and circumstances of the alleged offense;

(E) The juvenile's history of prior delinquent acts;

(F) The relative ability of the available adult and juvenile detention facilities to meet the specific needs of the juvenile, protect the safety of the public, and protect other detained juveniles; and

(G) Any other relevant factors.

(ii) If a court determines that it is in the interest of justice to permit a juvenile who is subject to exclusive adult criminal court jurisdiction under RCW 13.04.030 or who has been transferred to adult criminal court under RCW 13.40.110 to be held in a jail or holding facility or have sight or sound contact with adult inmates under this section:

(A) The court shall hold a hearing at least once every thirty days to review whether it is still in the interest of justice to permit the juvenile to be held in a jail or holding facility, as defined under RCW 70.48.020, or have sight or sound contact with adult inmates; and

(B) The juvenile shall not be held in any jail or holding facility or permitted to have sight or sound contact with adult inmates, for more than one hundred eighty days, unless:

(I) The court, in writing, determines that there is good cause to allow an extension beyond one hundred eighty days; or

(II) The juvenile expressly waives this limitation.

(iii) A juvenile who is subject to exclusive adult criminal court jurisdiction under RCW 13.04.030 or who has been transferred to adult criminal court under RCW 13.40.110 has the right to be represented by counsel, and if indigent, to have counsel appointed for him or her by the court at any hearing held to determine whether to place the juvenile in a jail or holding facility or to continue the juvenile's placement in such a facility.

~~(2) ((For purposes of this section a juvenile is an individual under the chronological age of eighteen years who has not been transferred previously to adult courts.~~

~~(3)) The department shall monitor and enforce compliance with this section. The department may use information regarding juveniles confined in a jail gathered under the authority granted by this subsection in the report required in section 7(1) of this act with respect to juveniles in the custody of a jail or holding facility.~~

A detention facility and a governing unit for a jail or holding facility must provide assistance to the department in gathering information regarding juveniles confined in a jail or holding facility. This information must include:

(a) The age, race, and gender of each juvenile;

(b) The circumstances requiring the juvenile to be placed in the jail or holding facility; and

(c) The length of time the juvenile was held in the jail or holding facility.

~~((4)) (3) This section shall not be construed to expand or limit the authority to lawfully detain juveniles.~~



(4) For purposes of this section, the following definitions apply:

(a) "Detention facility" has the same meaning as provided under RCW 13.40.020.

(b) "Governing unit" has the same meaning as provided under RCW 70.48.020.

(c) "Holding facility" has the same meaning as provided under RCW 70.48.020.

(d) "Jail" has the same meaning as provided under RCW 70.48.020.

**NEW SECTION. Sec. 198.** If any part of this act is found to be in conflict with federal requirements that are a prescribed condition to the allocation of federal funds to the state, the conflicting part of this act is inoperative solely to the extent of the conflict and with respect to the agencies directly affected, and this finding does not affect the operation of the remainder of this act in its application to the agencies concerned. Rules adopted under this act must meet federal requirements that are a necessary condition to the receipt of federal funds by the state.

**NEW SECTION. Sec. 199.** Sections 1 through 7 and 9 of this act constitute a new chapter in Title 13 RCW."

Correct the title.

Signed by Representatives Senn, Chair; Callan, Vice Chair; Frame, Vice Chair; Eslick, Assistant Ranking Minority Member; Goodman; Griffey; Kilduff; Lovick and Ortiz-Self.

MINORITY recommendation: Do not pass. Signed by Representatives Dent, Ranking Minority Member; McCaslin, Assistant Ranking Minority Member and Klippert.

MINORITY recommendation: Without recommendation. Signed by Representative Corry.

Referred to Committee on Appropriations.

February 29, 2020 199.0.

**SSB 6113** Prime Sponsor, Committee on Ways & Means: Creating a central insulin purchasing program. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Ormsby, Chair; Robinson, 1st Vice Chair; Bergquist, 2nd Vice Chair; Chandler; Chopp; Cody; Dolan; Fitzgibbon; Hansen; Hudgins; Kilduff; Macri; Pettigrew; Ryu; Schmick; Senn; Springer; Sullivan; Tarleton and Tharinger.

MINORITY recommendation: Do not pass. Signed by Representatives Stokesbary, Ranking Minority Member; Rude, Assistant Ranking Minority Member; Caldier;

Corry; Dye; Hoff; Kraft; Mosbrucker; Steele; Sutherland and Ybarra.

Referred to Committee on Appropriations.

February 27, 2020 199.0.

**SSB 6135** Prime Sponsor, Committee on Environment, Energy & Technology: Concerning system reliability during the clean energy transformation act implementation. Reported by Committee on Environment & Energy

MAJORITY recommendation: Do pass. Signed by Representatives Fitzgibbon, Chair; Lekanoff, Vice Chair; DeBolt, Ranking Minority Member; Dye, Assistant Ranking Minority Member; Boehnke; Doglio; Fey; Goehner; Mead; Robinson and Shewmake.

Referred to Committee on Rules for second reading.

February 28, 2020 199.0.

**ESSB 6147** Prime Sponsor, Committee on Agriculture, Water, Natural Resources & Parks: Concerning the replacement of shoreline armoring. Reported by Committee on Rural Development, Agriculture, & Natural Resources

MAJORITY recommendation: Do pass as amended. 199.0.

Strike everything after the enacting clause and insert the following:

"**Sec. 200.** RCW 77.55.231 and 2012 1st sp.s. c 1 s 106 are each amended to read as follows:

(1)(a) Conditions imposed upon a permit must be reasonably related to the project. The permit conditions must ensure that the project provides proper protection for fish life, but the department may not impose conditions that attempt to optimize conditions for fish life that are out of proportion to the impact of the proposed project.

(b) Projects for the replacement of marine shoreline stabilization or armoring, bulkheads, or other measures to protect residential structures from marine shoreline erosion must consider the least impactful alternative for the protection of fish life in the following order of preference:

(i) Remove the structure and restore the beach;

(ii) Remove the structure and install native vegetation;

(iii) Remove the structure and control upland drainage;

(iv) Remove the structure and replace it with a soft structure constructed of natural materials, including bioengineering;

(v) Remove the hard structure and construct upland retaining walls;

(vi) Remove the hard structure and replace it with a hard structure located landward of the existing structure, preferably at or above the ordinary high water line; or

(vii) Remove the hard structure and replace it with hard shoreline structure in the same footprint as the existing structure.

(c) The department shall adjust the order of preference if the project proponent can demonstrate by clear and convincing evidence that the preferred alternative is cost prohibitive or practically infeasible.

(2) The permit must contain provisions allowing for minor modifications to the plans and specifications without requiring reissuance of the permit.

(3) The permit must contain provisions that allow for minor modifications to the required work timing without requiring the reissuance of the permit. "Minor modifications to the required work timing" means a minor deviation from the timing window set forth in the permit when there are no spawning or incubating fish present within the vicinity of the project."

Correct the title.

Signed by Representatives Blake, Chair; Shewmake, Vice Chair; Chapman; Fitzgibbon; Lekanoff; Pettigrew; Ramos and Springer.

MINORITY recommendation: Do not pass. Signed by Representatives Chandler, Ranking Minority Member; Dent, Assistant Ranking Minority Member; Dye; Orcutt; Schmick and Walsh.

Referred to Committee on Rules for second reading.

February 27, 2020 200.0.

SSB 6152 Prime Sponsor, Committee on State Government, Tribal Relations & Elections: Concerning the level of foreign national ownership and control of entities that participate in Washington state elections. Reported by Committee on State Government & Tribal Relations

MAJORITY recommendation: Do pass as amended. 200.0.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 201. The legislature finds that the First Amendment rights of freedom of speech and free association, as they relate to participating in elections, are core values in the United States. The United States supreme court has repeatedly held that these rights include the right to make campaign contributions in support of candidates and ballot measures at the federal, state, and local levels.

The legislature also finds, in accordance with federal law, that these rights are reserved solely for citizens of the United States and permanent legal residents, whether they act as individuals or in association. The First Amendment protection for political speech does not apply to foreign nationals, who are forbidden under 52 U.S.C. Sec. 30121 from directly or indirectly making political contributions or financing independent expenditures and electioneering communications, either individually or collectively through a corporation or other association. Furthermore, federal law prohibits any person from knowingly soliciting or receiving contributions from a foreign national. Therefore, it falls to individual states to help protect the prohibition on foreign influence in our state and local elections by requiring certification that contributions, expenditures, political advertising, and electioneering communications are not financed in any part by foreign nationals and that foreign nationals are not involved in making decisions regarding such election activity in any way.

**Sec. 202.** RCW 42.17A.005 and 2019 c 428 s 3 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Actual malice" means to act with knowledge of falsity or with reckless disregard as to truth or falsity.

(2) "Agency" includes all state agencies and all local agencies. "State agency" includes every state office, department, division, bureau, board, commission, or other state agency. "Local agency" includes every county, city, town, municipal corporation, quasi-municipal corporation, or special purpose district, or any office, department, division, bureau, board, commission, or agency thereof, or other local public agency.

(3) "Authorized committee" means the political committee authorized by a candidate, or by the public official against whom recall charges have been filed, to accept contributions or make expenditures on behalf of the candidate or public official.

(4) "Ballot proposition" means any "measure" as defined by RCW 29A.04.091, or any initiative, recall, or referendum proposition proposed to be submitted to the voters of the state or any municipal corporation, political subdivision, or other voting constituency from and after the time when the proposition has been initially filed with the appropriate election officer of that constituency before its circulation for signatures.

(5) "Benefit" means a commercial, proprietary, financial, economic, or monetary advantage, or the avoidance of a commercial, proprietary, financial, economic, or monetary disadvantage.

(6) "Bona fide political party" means:

(a) An organization that has been recognized as a minor political party by the secretary of state;

(b) The governing body of the state organization of a major political party, as defined in RCW 29A.04.086, that is

the body authorized by the charter or bylaws of the party to exercise authority on behalf of the state party; or

(c) The county central committee or legislative district committee of a major political party. There may be only one legislative district committee for each party in each legislative district.

(7) "Books of account" means:

(a) In the case of a campaign or political committee, a ledger or similar listing of contributions, expenditures, and debts, such as a campaign or committee is required to file regularly with the commission, current as of the most recent business day; or

(b) In the case of a commercial advertiser, details of political advertising or electioneering communications provided by the advertiser, including the names and addresses of persons from whom it accepted political advertising or electioneering communications, the exact nature and extent of the services rendered and the total cost and the manner of payment for the services.

(8) "Candidate" means any individual who seeks nomination for election or election to public office. An individual seeks nomination or election when the individual first:

(a) Receives contributions or makes expenditures or reserves space or facilities with intent to promote the individual's candidacy for office;

(b) Announces publicly or files for office;

(c) Purchases commercial advertising space or broadcast time to promote the individual's candidacy; or

(d) Gives consent to another person to take on behalf of the individual any of the actions in (a) or (c) of this subsection.

(9) "Caucus political committee" means a political committee organized and maintained by the members of a major political party in the state senate or state house of representatives.

(10) "Commercial advertiser" means any person that sells the service of communicating messages or producing material for broadcast or distribution to the general public or segments of the general public whether through brochures, fliers, newspapers, magazines, television, radio, billboards, direct mail advertising, printing, paid internet or digital communications, or any other means of mass communications used for the purpose of appealing, directly or indirectly, for votes or for financial or other support in any election campaign.

(11) "Commission" means the agency established under RCW 42.17A.100.

(12) "Committee" unless the context indicates otherwise, includes a political committee such as a candidate, ballot proposition, recall, political, or continuing political committee.

(13) "Compensation" unless the context requires a narrower meaning, includes payment in any form for real or

personal property or services of any kind. For the purpose of compliance with RCW 42.17A.710, "compensation" does not include per diem allowances or other payments made by a governmental entity to reimburse a public official for expenses incurred while the official is engaged in the official business of the governmental entity.

(14) "Continuing political committee" means a political committee that is an organization of continuing existence not limited to participation in any particular election campaign or election cycle.

(15)(a) "Contribution" includes:

(i) A loan, gift, deposit, subscription, forgiveness of indebtedness, donation, advance, pledge, payment, transfer of funds, or anything of value, including personal and professional services for less than full consideration;

(ii) An expenditure made by a person in cooperation, consultation, or concert with, or at the request or suggestion of, a candidate, a political or incidental committee, the person or persons named on the candidate's or committee's registration form who direct expenditures on behalf of the candidate or committee, or their agents;

(iii) The financing by a person of the dissemination, distribution, or republication, in whole or in part, of broadcast, written, graphic, digital, or other form of political advertising or electioneering communication prepared by a candidate, a political or incidental committee, or its authorized agent;

(iv) Sums paid for tickets to fund-raising events such as dinners and parties, except for the actual cost of the consumables furnished at the event.

(b) "Contribution" does not include:

(i) Accrued interest on money deposited in a political or incidental committee's account;

(ii) Ordinary home hospitality;

(iii) A contribution received by a candidate or political or incidental committee that is returned to the contributor within ten business days of the date on which it is received by the candidate or political or incidental committee;

(iv) A news item, feature, commentary, or editorial in a regularly scheduled news medium that is of interest to the public, that is in a news medium controlled by a person whose business is that news medium, and that is not controlled by a candidate or a political or incidental committee;

(v) An internal political communication primarily limited to the members of or contributors to a political party organization or political or incidental committee, or to the officers, management staff, or stockholders of a corporation or similar enterprise, or to the members of a labor organization or other membership organization;

(vi) The rendering of personal services of the sort commonly performed by volunteer campaign workers, or incidental expenses personally incurred by volunteer campaign workers not in excess of fifty dollars personally paid for by the worker. "Volunteer services," for the

purposes of this subsection, means services or labor for which the individual is not compensated by any person;

(vii) Messages in the form of reader boards, banners, or yard or window signs displayed on a person's own property or property occupied by a person. However, a facility used for such political advertising for which a rental charge is normally made must be reported as an in-kind contribution and counts toward any applicable contribution limit of the person providing the facility;

(viii) Legal or accounting services rendered to or on behalf of:

(A) A political party or caucus political committee if the person paying for the services is the regular employer of the person rendering such services; or

(B) A candidate or an authorized committee if the person paying for the services is the regular employer of the individual rendering the services and if the services are solely for the purpose of ensuring compliance with state election or public disclosure laws; or

(ix) The performance of ministerial functions by a person on behalf of two or more candidates or political or incidental committees either as volunteer services defined in (b)(vi) of this subsection or for payment by the candidate or political or incidental committee for whom the services are performed as long as:

(A) The person performs solely ministerial functions;

(B) A person who is paid by two or more candidates or political or incidental committees is identified by the candidates and political committees on whose behalf services are performed as part of their respective statements of organization under RCW 42.17A.205; and

(C) The person does not disclose, except as required by law, any information regarding a candidate's or committee's plans, projects, activities, or needs, or regarding a candidate's or committee's contributions or expenditures that is not already publicly available from campaign reports filed with the commission, or otherwise engage in activity that constitutes a contribution under (a)(ii) of this subsection.

A person who performs ministerial functions under this subsection (15)(b)(ix) is not considered an agent of the candidate or committee as long as the person has no authority to authorize expenditures or make decisions on behalf of the candidate or committee.

(c) Contributions other than money or its equivalent are deemed to have a monetary value equivalent to the fair market value of the contribution. Services or property or rights furnished at less than their fair market value for the purpose of assisting any candidate or political committee are deemed a contribution. Such a contribution must be reported as an in-kind contribution at its fair market value and counts towards any applicable contribution limit of the provider.

(16) "Depository" means a bank, mutual savings bank, savings and loan association, or credit union doing business in this state.

(17) "Elected official" means any person elected at a general or special election to any public office, and any person appointed to fill a vacancy in any such office.

(18) "Election" includes any primary, general, or special election for public office and any election in which a ballot proposition is submitted to the voters. An election in which the qualifications for voting include other than those requirements set forth in Article VI, section 1 (Amendment 63) of the Constitution of the state of Washington shall not be considered an election for purposes of this chapter.

(19) "Election campaign" means any campaign in support of or in opposition to a candidate for election to public office and any campaign in support of, or in opposition to, a ballot proposition.

(20) "Election cycle" means the period beginning on the first day of January after the date of the last previous general election for the office that the candidate seeks and ending on December 31st after the next election for the office. In the case of a special election to fill a vacancy in an office, "election cycle" means the period beginning on the day the vacancy occurs and ending on December 31st after the special election.

(21)(a) "Electioneering communication" means any broadcast, cable, or satellite television, radio transmission, digital communication, United States postal service mailing, billboard, newspaper, or periodical that:

(i) Clearly identifies a candidate for a state, local, or judicial office either by specifically naming the candidate, or identifying the candidate without using the candidate's name;

(ii) Is broadcast, transmitted electronically or by other means, mailed, erected, distributed, or otherwise published within sixty days before any election for that office in the jurisdiction in which the candidate is seeking election; and

(iii) Either alone, or in combination with one or more communications identifying the candidate by the same sponsor during the sixty days before an election, has a fair market value or cost of one thousand dollars or more.

(b) "Electioneering communication" does not include:

(i) Usual and customary advertising of a business owned by a candidate, even if the candidate is mentioned in the advertising when the candidate has been regularly mentioned in that advertising appearing at least twelve months preceding the candidate becoming a candidate;

(ii) Advertising for candidate debates or forums when the advertising is paid for by or on behalf of the debate or forum sponsor, so long as two or more candidates for the same position have been invited to participate in the debate or forum;

(iii) A news item, feature, commentary, or editorial in a regularly scheduled news medium that is:

(A) Of interest to the public;

(B) In a news medium controlled by a person whose business is that news medium; and

(C) Not a medium controlled by a candidate or a political or incidental committee;

(iv) Slate cards and sample ballots;

(v) Advertising for books, films, dissertations, or similar works (A) written by a candidate when the candidate entered into a contract for such publications or media at least twelve months before becoming a candidate, or (B) written about a candidate;

(vi) Public service announcements;

(vii) An internal political communication primarily limited to the members of or contributors to a political party organization or political or incidental committee, or to the officers, management staff, or stockholders of a corporation or similar enterprise, or to the members of a labor organization or other membership organization;

(viii) An expenditure by or contribution to the authorized committee of a candidate for state, local, or judicial office; or

(ix) Any other communication exempted by the commission through rule consistent with the intent of this chapter.

(22) "Expenditure" includes a payment, contribution, subscription, distribution, loan, advance, deposit, or gift of money or anything of value, and includes a contract, promise, or agreement, whether or not legally enforceable, to make an expenditure. "Expenditure" also includes a promise to pay, a payment, or a transfer of anything of value in exchange for goods, services, property, facilities, or anything of value for the purpose of assisting, benefiting, or honoring any public official or candidate, or assisting in furthering or opposing any election campaign. For the purposes of this chapter, agreements to make expenditures, contracts, and promises to pay may be reported as estimated obligations until actual payment is made. "Expenditure" shall not include the partial or complete repayment by a candidate or political or incidental committee of the principal of a loan, the receipt of which loan has been properly reported.

(23) "Final report" means the report described as a final report in RCW 42.17A.235(11)(a).

(24) "Foreign national" means:

(a) An individual who is not a citizen of the United States and is not lawfully admitted for permanent residence;

(b) A government, or subdivision, of a foreign country;

(c) A foreign political party; and

(d) Any entity, such as a partnership, association, corporation, organization, or other combination of persons, that is organized under the laws of or has its principal place of business in a foreign country.

(25) "General election" for the purposes of RCW 42.17A.405 means the election that results in the election of a person to a state or local office. It does not include a primary.

~~((25))~~ (26) "Gift" has the definition in RCW 42.52.010.

~~((26))~~ (27) "Immediate family" includes the spouse or domestic partner, dependent children, and other dependent relatives, if living in the household. For the purposes of the definition of "intermediary" in this section, "immediate family" means an individual's spouse or domestic partner, and child, stepchild, grandchild, parent, stepparent, grandparent, brother, half brother, sister, or half sister of the individual and the spouse or the domestic partner of any such person and a child, stepchild, grandchild, parent, stepparent, grandparent, brother, half brother, sister, or half sister of the individual's spouse or domestic partner and the spouse or the domestic partner of any such person.

~~((27))~~ (28) "Incidental committee" means any nonprofit organization not otherwise defined as a political committee but that may incidentally make a contribution or an expenditure in excess of the reporting thresholds in RCW 42.17A.235, directly or through a political committee. Any nonprofit organization is not an incidental committee if it is only remitting payments through the nonprofit organization in an aggregated form and the nonprofit organization is not required to report those payments in accordance with this chapter.

~~((28))~~ (29) "Incumbent" means a person who is in present possession of an elected office.

~~((29))~~ (30)(a) "Independent expenditure" means an expenditure that has each of the following elements:

(i) It is made in support of or in opposition to a candidate for office by a person who is not:

(A) A candidate for that office;

(B) An authorized committee of that candidate for that office; and

(C) A person who has received the candidate's encouragement or approval to make the expenditure, if the expenditure pays in whole or in part for political advertising supporting that candidate or promoting the defeat of any other candidate or candidates for that office;

(ii) It is made in support of or in opposition to a candidate for office by a person with whom the candidate has not collaborated for the purpose of making the expenditure, if the expenditure pays in whole or in part for political advertising supporting that candidate or promoting the defeat of any other candidate or candidates for that office;

(iii) The expenditure pays in whole or in part for political advertising that either specifically names the candidate supported or opposed, or clearly and beyond any doubt identifies the candidate without using the candidate's name; and

(iv) The expenditure, alone or in conjunction with another expenditure or other expenditures of the same person in support of or opposition to that candidate, has a value of one thousand dollars or more. A series of expenditures, each of which is under one thousand dollars, constitutes one

independent expenditure if their cumulative value is one thousand dollars or more.

(b) "Independent expenditure" does not include: Ordinary home hospitality; communications with journalists or editorial staff designed to elicit a news item, feature, commentary, or editorial in a regularly scheduled news medium that is of primary interest to the general public, controlled by a person whose business is that news medium, and not controlled by a candidate or a political committee; participation in the creation of a publicly funded voters pamphlet statement in written or video form; an internal political communication primarily limited to contributors to a political party organization or political action committee, the officers, management staff, and stockholders of a corporation or similar enterprise, or the members of a labor organization or other membership organization; or the rendering of personal services of the sort commonly performed by volunteer campaign workers or incidental expenses personally incurred by volunteer campaign workers not in excess of two hundred fifty dollars personally paid for by the worker.

~~((30))~~ (31)(a) "Intermediary" means an individual who transmits a contribution to a candidate or committee from another person unless the contribution is from the individual's employer, immediate family, or an association to which the individual belongs.

(b) A treasurer or a candidate is not an intermediary for purposes of the committee that the treasurer or candidate serves.

(c) A professional fund-raiser is not an intermediary if the fund-raiser is compensated for fund-raising services at the usual and customary rate.

(d) A volunteer hosting a fund-raising event at the individual's home is not an intermediary for purposes of that event.

~~((34))~~ (32) "Legislation" means bills, resolutions, motions, amendments, nominations, and other matters pending or proposed in either house of the state legislature, and includes any other matter that may be the subject of action by either house or any committee of the legislature and all bills and resolutions that, having passed both houses, are pending approval by the governor.

~~((32))~~ (33) "Legislative office" means the office of a member of the state house of representatives or the office of a member of the state senate.

~~((33))~~ (34) "Lobby" and "lobbying" each mean attempting to influence the passage or defeat of any legislation by the legislature of the state of Washington, or the adoption or rejection of any rule, standard, rate, or other legislative enactment of any state agency under the state administrative procedure act, chapter 34.05 RCW. Neither "lobby" nor "lobbying" includes an association's or other organization's act of communicating with the members of that association or organization.

~~((34))~~ (35) "Lobbyist" includes any person who lobbies either on the person's own or another's behalf.

~~((35))~~ (36) "Lobbyist's employer" means the person or persons by whom a lobbyist is employed and all persons by whom the lobbyist is compensated for acting as a lobbyist.

~~((36))~~ (37) "Ministerial functions" means an act or duty carried out as part of the duties of an administrative office without exercise of personal judgment or discretion.

~~((37))~~ (38) "Participate" means that, with respect to a particular election, an entity:

(a) Makes either a monetary or in-kind contribution to a candidate;

(b) Makes an independent expenditure or electioneering communication in support of or opposition to a candidate;

(c) Endorses a candidate before contributions are made by a subsidiary corporation or local unit with respect to that candidate or that candidate's opponent;

(d) Makes a recommendation regarding whether a candidate should be supported or opposed before a contribution is made by a subsidiary corporation or local unit with respect to that candidate or that candidate's opponent; or

(e) Directly or indirectly collaborates or consults with a subsidiary corporation or local unit on matters relating to the support of or opposition to a candidate, including, but not limited to, the amount of a contribution, when a contribution should be given, and what assistance, services or independent expenditures, or electioneering communications, if any, will be made or should be made in support of or opposition to a candidate.

~~((38))~~ (39) "Person" includes an individual, partnership, joint venture, public or private corporation, association, federal, state, or local governmental entity or agency however constituted, candidate, committee, political committee, political party, executive committee thereof, or any other organization or group of persons, however organized.

~~((39))~~ (40) "Political advertising" includes any advertising displays, newspaper ads, billboards, signs, brochures, articles, tabloids, flyers, letters, radio or television presentations, digital communication, or other means of mass communication, used for the purpose of appealing, directly or indirectly, for votes or for financial or other support or opposition in any election campaign.

~~((40))~~ (41) "Political committee" means any person (except a candidate or an individual dealing with the candidate's or individual's own funds or property) having the expectation of receiving contributions or making expenditures in support of, or opposition to, any candidate or any ballot proposition.

~~((41))~~ (42) "Primary" for the purposes of RCW 42.17A.405 means the procedure for nominating a candidate to state or local office under chapter 29A.52 RCW or any other primary for an election that uses, in large measure, the procedures established in chapter 29A.52 RCW.

~~((42))~~ (43) "Public office" means any federal, state, judicial, county, city, town, school district, port district, special district, or other state political subdivision elective office.

~~((43))~~ (44) "Public record" has the definition in RCW 42.56.010.

~~((44))~~ (45) "Recall campaign" means the period of time beginning on the date of the filing of recall charges under RCW 29A.56.120 and ending thirty days after the recall election.

~~((45))~~ (46) "Remediable violation" means any violation of this chapter that:

(a) Involved expenditures or contributions totaling no more than the contribution limits set out under RCW 42.17A.405(2) per election, or one thousand dollars if there is no statutory limit;

(b) Occurred:

(i) More than thirty days before an election, where the commission entered into an agreement to resolve the matter; or

(ii) At any time where the violation did not constitute a material violation because it was inadvertent and minor or otherwise has been cured and, after consideration of all the circumstances, further proceedings would not serve the purposes of this chapter;

(c) Does not materially harm the public interest, beyond the harm to the policy of this chapter inherent in any violation; and

(d) Involved:

(i) A person who:

(A) Took corrective action within five business days after the commission first notified the person of noncompliance, or where the commission did not provide notice and filed a required report within twenty-one days after the report was due to be filed; and

(B) Substantially met the filing deadline for all other required reports within the immediately preceding twelve-month period; or

(ii) A candidate who:

(A) Lost the election in question; and

(B) Did not receive contributions over one hundred times the contribution limit in aggregate per election during the campaign in question.

~~((46))~~ (47)(a) "Sponsor" for purposes of an electioneering communications, independent expenditures, or political advertising means the person paying for the electioneering communication, independent expenditure, or political advertising. If a person acts as an agent for another or is reimbursed by another for the payment, the original source of the payment is the sponsor.

(b) "Sponsor," for purposes of a political or incidental committee, means any person, except an authorized committee, to whom any of the following applies:

(i) The committee receives eighty percent or more of its contributions either from the person or from the person's members, officers, employees, or shareholders;

(ii) The person collects contributions for the committee by use of payroll deductions or dues from its members, officers, or employees.

~~((47))~~ (48) "Sponsored committee" means a committee, other than an authorized committee, that has one or more sponsors.

~~((48))~~ (49) "State office" means state legislative office or the office of governor, lieutenant governor, secretary of state, attorney general, commissioner of public lands, insurance commissioner, superintendent of public instruction, state auditor, or state treasurer.

~~((49))~~ (50) "State official" means a person who holds a state office.

~~((50))~~ (51) "Surplus funds" mean, in the case of a political committee or candidate, the balance of contributions that remain in the possession or control of that committee or candidate subsequent to the election for which the contributions were received, and that are in excess of the amount necessary to pay remaining debts or expenses incurred by the committee or candidate with respect to that election. In the case of a continuing political committee, "surplus funds" mean those contributions remaining in the possession or control of the committee that are in excess of the amount necessary to pay all remaining debts or expenses when it makes its final report under RCW 42.17A.255.

~~((51))~~ (52) "Technical correction" means the correction of a minor or ministerial error in a required report that does not materially harm the public interest and needs to be corrected for the report to be in full compliance with the requirements of this chapter.

~~((52))~~ (53) "Treasurer" and "deputy treasurer" mean the individuals appointed by a candidate or political or incidental committee, pursuant to RCW 42.17A.210, to perform the duties specified in that section.

~~((53))~~ (54) "Violation" means a violation of this chapter that is not a remediable violation, minor violation, or an error classified by the commission as appropriate to address by a technical correction.

**Sec. 203.** RCW 42.17A.240 and 2019 c 428 s 21 are each amended to read as follows:

Each report required under RCW 42.17A.235 (1) through (4) must be certified as correct by the treasurer and the candidate and shall disclose the following, except an incidental committee only must disclose and certify as correct the information required under subsections (2)(d) and ~~((6))~~ (7) of this section:

(1) The funds on hand at the beginning of the period;

(2) The name and address of each person who has made one or more contributions during the period, together

with the money value and date of each contribution and the aggregate value of all contributions received from each person during the campaign, or in the case of a continuing political committee, the current calendar year, with the following exceptions:

(a) Pledges in the aggregate of less than one hundred dollars from any one person need not be reported;

(b) Income that results from a fund-raising activity conducted in accordance with RCW 42.17A.230 may be reported as one lump sum, with the exception of that portion received from persons whose names and addresses are required to be included in the report required by RCW 42.17A.230;

(c) Contributions of no more than twenty-five dollars in the aggregate from any one person during the election campaign may be reported as one lump sum if the treasurer maintains a separate and private list of the name, address, and amount of each such contributor;

(d) Payments received by an incidental committee from any one person need not be reported unless the person is one of the committee's ten largest sources of payments received, including any persons tied as the tenth largest source of payments received, during the current calendar year, and the value of the cumulative payments received from that person during the current calendar year is ten thousand dollars or greater. For payments to incidental committees from multiple persons received in aggregated form, any payment of more than ten thousand dollars from any single person must be reported, but the aggregated payment itself may not be reported. The commission may suspend or modify reporting requirements for payments received by an incidental committee in cases of manifestly unreasonable hardship under this chapter;

(e) Payments from private foundations organized under section 501(c)(3) of the internal revenue code to an incidental committee do not have to be reported if:

(i) The private foundation is contracting with the incidental committee for a specific purpose other than election campaign purposes;

(ii) Use of the funds for election campaign purposes is explicitly prohibited by contract; and

(iii) Funding from the private foundation represents less than twenty-five percent of the incidental committee's total budget;

(f) Commentary or analysis on a ballot proposition by an incidental committee is not considered a contribution if it does not advocate specifically to vote for or against the ballot proposition; and

(g) The money value of contributions of postage is the face value of the postage;

(3) Each loan, promissory note, or security instrument to be used by or for the benefit of the candidate or political committee made by any person, including the names and addresses of the lender and each person liable directly, indirectly or contingently and the date and amount of each such loan, promissory note, or security instrument;

(4) All other contributions not otherwise listed or exempted;

(5) A statement that the candidate or political committee has received a certification from each person making a contribution to the candidate or political committee that:

(a) The contribution is not financed in any part by a foreign national; and

(b) Foreign nationals are not involved in making decisions regarding the contribution in any way;

(6) The name and address of each candidate or political committee to which any transfer of funds was made, including the amounts and dates of the transfers;

~~((6))~~ (7) The name and address of each person to whom an expenditure was made in the aggregate amount of more than fifty dollars during the period covered by this report, the amount, date, and purpose of each expenditure, and the total sum of all expenditures. An incidental committee only must report on expenditures, made and reportable as contributions as defined in RCW 42.17A.005, to election campaigns. For purposes of this subsection, commentary or analysis on a ballot proposition by an incidental committee is not considered an expenditure if it does not advocate specifically to vote for or against the ballot proposition;

~~((7))~~ (8) The name, address, and electronic contact information of each person to whom an expenditure was made for soliciting or procuring signatures on an initiative or referendum petition, the amount of the compensation to each person, and the total expenditures made for this purpose. Such expenditures shall be reported under this subsection in addition to what is required to be reported under subsection ~~((6))~~ (7) of this section;

~~((8))~~ (9)(a) The name and address of any person and the amount owed for any debt with a value of more than seven hundred fifty dollars that has not been paid for any invoices submitted, goods received, or services performed, within five business days during the period within thirty days before an election, or within ten business days during any other period.

(b) For purposes of this subsection, debt does not include regularly recurring expenditures of the same amount that have already been reported at least once and that are not late or outstanding;

~~((9))~~ (10) The surplus or deficit of contributions over expenditures;

~~((10))~~ (11) The disposition made in accordance with RCW 42.17A.430 of any surplus funds; and

~~((11))~~ (12) Any other information required by the commission by rule in conformance with the policies and purposes of this chapter.

**Sec. 204.** RCW 42.17A.250 and 2010 c 204 s 411 are each amended to read as follows:

(1) An out-of-state political committee organized for the purpose of supporting or opposing candidates or ballot



propositions in another state that is not otherwise required to report under RCW 42.17A.205 through 42.17A.240 shall report as required in this section when it makes an expenditure supporting or opposing a Washington state candidate or political committee. The committee shall file with the commission a statement disclosing:

- (a) Its name and address;
- (b) The purposes of the out-of-state committee;
- (c) The names, addresses, and titles of its officers or, if it has no officers, the names, addresses, and the titles of its responsible leaders;
- (d) The name, office sought, and party affiliation of each candidate in the state of Washington whom the out-of-state committee is supporting or opposing and, if the committee is supporting or opposing the entire ticket of any party, the name of the party;
- (e) The ballot proposition supported or opposed in the state of Washington, if any, and whether the committee is in favor of or opposed to that proposition;
- (f) The name and address of each person residing in the state of Washington or corporation that has a place of business in the state of Washington who has made one or more contributions in the aggregate of more than twenty-five dollars to the out-of-state committee during the current calendar year, together with the money value and date of the contributions;
- (g) The name, address, and employer of each person or corporation residing outside the state of Washington who has made one or more contributions in the aggregate of more than two thousand five hundred fifty dollars to the out-of-state committee during the current calendar year, together with the money value and date of the contributions. Annually, the commission must modify the two thousand five hundred fifty dollar limit in this subsection based on percentage change in the implicit price deflator for personal consumption expenditures for the United States as published for the most recent twelve-month period by the bureau of economic analysis of the federal department of commerce;
- (h) The name and address of each person in the state of Washington to whom an expenditure was made by the out-of-state committee with respect to a candidate or political committee in the aggregate amount of more than fifty dollars, the amount, date, and purpose of the expenditure, and the total sum of the expenditures; ~~((and))~~
- (i) A statement that the out-of-state committee has received a certification from each person making a contribution reportable under this section that:
  - (i) The contribution is not financed in any part by a foreign national; and
  - (ii) Foreign nationals are not involved in making decisions regarding the contribution in any way; and
  - (j) Any other information as the commission may prescribe by rule in keeping with the policies and purposes of this chapter.

(2) Each statement shall be filed no later than the tenth day of the month following any month in which a contribution or other expenditure reportable under subsection (1) of this section is made. An out-of-state committee incurring an obligation to file additional statements in a calendar year may satisfy the obligation by timely filing reports that supplement previously filed information.

**Sec. 205.** RCW 42.17A.255 and 2019 c 428 s 22 are each amended to read as follows:

(1) For the purposes of this section the term "independent expenditure" means any expenditure that is made in support of or in opposition to any candidate or ballot proposition and is not otherwise required to be reported pursuant to RCW 42.17A.225, 42.17A.235, and 42.17A.240. "Independent expenditure" does not include: An internal political communication primarily limited to the contributors to a political party organization or political action committee, or the officers, management staff, and stockholders of a corporation or similar enterprise, or the members of a labor organization or other membership organization; or the rendering of personal services of the sort commonly performed by volunteer campaign workers, or incidental expenses personally incurred by volunteer campaign workers not in excess of fifty dollars personally paid for by the worker. "Volunteer services," for the purposes of this section, means services or labor for which the individual is not compensated by any person.

(2) Within five days after the date of making an independent expenditure that by itself or when added to all other such independent expenditures made during the same election campaign by the same person equals one hundred dollars or more, or within five days after the date of making an independent expenditure for which no reasonable estimate of monetary value is practicable, whichever occurs first, the person who made the independent expenditure shall file with the commission an initial report of all independent expenditures made during the campaign prior to and including such date.

(3) At the following intervals each person who is required to file an initial report pursuant to subsection (2) of this section shall file with the commission a further report of the independent expenditures made since the date of the last report:

- (a) On the twenty-first day and the seventh day preceding the date on which the election is held; and
- (b) On the tenth day of the first month after the election; and
- (c) On the tenth day of each month in which no other reports are required to be filed pursuant to this section. However, the further reports required by this subsection (3) shall only be filed if the reporting person has made an independent expenditure since the date of the last previous report filed.

The report filed pursuant to (a) of this subsection (3) shall be the final report, and upon submitting such final

report the duties of the reporting person shall cease, and there shall be no obligation to make any further reports.

(4) All reports filed pursuant to this section shall be certified as correct by the reporting person.

(5) Each report required by subsections (2) and (3) of this section shall disclose for the period beginning at the end of the period for the last previous report filed or, in the case of an initial report, beginning at the time of the first independent expenditure, and ending not more than one business day before the date the report is due:

(a) The name, address, and electronic contact information of the person filing the report;

(b) The name and address of each person to whom an independent expenditure was made in the aggregate amount of more than fifty dollars, and the amount, date, and purpose of each such expenditure. If no reasonable estimate of the monetary value of a particular independent expenditure is practicable, it is sufficient to report instead a precise description of services, property, or rights furnished through the expenditure and where appropriate to attach a copy of the item produced or distributed by the expenditure;

(c) The total sum of all independent expenditures made during the campaign to date; (~~and~~)

(d) A statement from the person making an independent expenditure that:

(i) The expenditure is not financed in any part by a foreign national; and

(ii) Foreign nationals are not involved in making decisions regarding the expenditure in any way; and

(e) Such other information as shall be required by the commission by rule in conformance with the policies and purposes of this chapter.

**Sec. 206.** RCW 42.17A.260 and 2019 c 428 s 23 are each amended to read as follows:

(1) The sponsor of political advertising shall file a special report to the commission within twenty-four hours of, or on the first working day after, the date the political advertising is first published, mailed, or otherwise presented to the public, if the political advertising:

(a) Is published, mailed, or otherwise presented to the public within twenty-one days of an election; and

(b) Either:

(i) Qualifies as an independent expenditure with a fair market value or actual cost of one thousand dollars or more, for political advertising supporting or opposing a candidate; or

(ii) Has a fair market value or actual cost of one thousand dollars or more, for political advertising supporting or opposing a ballot proposition.

(2) If a sponsor is required to file a special report under this section, the sponsor shall also deliver to the commission within the delivery period established in subsection (1) of this section a special report for each subsequent independent

expenditure of any size supporting or opposing the same candidate who was the subject of the previous independent expenditure, supporting or opposing that candidate's opponent, or, in the case of a subsequent expenditure of any size made in support of or in opposition to a ballot proposition not otherwise required to be reported pursuant to RCW 42.17A.225, 42.17A.235, or 42.17A.240, supporting or opposing the same ballot proposition that was the subject of the previous expenditure.

(3) The special report must include:

(a) The name and address of the person making the expenditure;

(b) The name and address of the person to whom the expenditure was made;

(c) A detailed description of the expenditure;

(d) The date the expenditure was made and the date the political advertising was first published or otherwise presented to the public;

(e) The amount of the expenditure;

(f) The name of the candidate supported or opposed by the expenditure, the office being sought by the candidate, and whether the expenditure supports or opposes the candidate; or the name of the ballot proposition supported or opposed by the expenditure and whether the expenditure supports or opposes the ballot proposition; (~~and~~)

(g) A statement from the sponsor that:

(i) The political advertising is not financed in any part by a foreign national; and

(ii) Foreign nationals are not involved in making decisions regarding the political advertising in any way; and

(h) Any other information the commission may require by rule.

(4) All persons required to report under RCW 42.17A.225, 42.17A.235, 42.17A.240, 42.17A.255, and 42.17A.305 are subject to the requirements of this section. The commission may determine that reports filed pursuant to this section also satisfy the requirements of RCW 42.17A.255.

(5) The sponsor of independent expenditures supporting a candidate or opposing that candidate's opponent required to report under this section shall file with each required report an affidavit or declaration of the person responsible for making the independent expenditure that the expenditure was not made in cooperation, consultation, or concert with, or at the request or suggestion of, the candidate, the candidate's authorized committee, or the candidate's agent, or with the encouragement or approval of the candidate, the candidate's authorized committee, or the candidate's agent.

**Sec. 207.** RCW 42.17A.265 and 2019 c 428 s 24 are each amended to read as follows:

(1) Treasurers shall prepare and deliver to the commission a special report when a contribution or

aggregate of contributions totals one thousand dollars or more, is from a single person or entity, and is received during a special reporting period.

(2) A political committee shall prepare and deliver to the commission a special report when it makes a contribution or an aggregate of contributions to a single entity that totals one thousand dollars or more during a special reporting period.

(3) An aggregate of contributions includes only those contributions made to or received from a single entity during any one special reporting period. Any subsequent contribution of any size made to or received from the same person or entity during the special reporting period must also be reported.

(4) Special reporting periods, for purposes of this section, include:

(a) The period beginning on the day after the last report required by RCW 42.17A.235 and 42.17A.240 to be filed before a primary and concluding on the end of the day before that primary;

(b) The period twenty-one days preceding a general election; and

(c) An aggregate of contributions includes only those contributions received from a single entity during any one special reporting period or made by the contributing political committee to a single entity during any one special reporting period.

(5) If a campaign treasurer files a special report under this section for one or more contributions received from a single entity during a special reporting period, the treasurer shall also file a special report under this section for each subsequent contribution of any size which is received from that entity during the special reporting period. If a political committee files a special report under this section for a contribution or contributions made to a single entity during a special reporting period, the political committee shall also file a special report for each subsequent contribution of any size which is made to that entity during the special reporting period.

(6) Special reports required by this section shall be delivered electronically, or in written form if an electronic alternative is not available.

(a) The special report required of a contribution recipient under subsection (1) of this section shall be delivered to the commission within forty-eight hours of the time, or on the first working day after: The contribution of one thousand dollars or more is received by the candidate or treasurer; the aggregate received by the candidate or treasurer first equals one thousand dollars or more; or any subsequent contribution from the same source is received by the candidate or treasurer.

(b) The special report required of a contributor under subsection (2) of this section or RCW 42.17A.625 shall be delivered to the commission, and the candidate or political committee to whom the contribution or contributions are made, within twenty-four hours of the time, or on the first

working day after: The contribution is made; the aggregate of contributions made first equals one thousand dollars or more; or any subsequent contribution to the same person or entity is made.

(7) The special report shall include:

(a) The amount of the contribution or contributions;

(b) The date or dates of receipt;

(c) The name and address of the donor;

(d) The name and address of the recipient; ~~((and))~~

(e) A statement that the candidate or political committee has received a certification from each person making a contribution reportable under this section that:

(i) The contribution is not financed in any part by a foreign national; and

(ii) Foreign nationals are not involved in making decisions regarding the contribution in any way; and

(f) Any other information the commission may by rule require.

(8) Contributions reported under this section shall also be reported as required by other provisions of this chapter.

(9) The commission shall prepare daily a summary of the special reports made under this section and RCW 42.17A.625.

(10) Contributions governed by this section include, but are not limited to, contributions made or received indirectly through a third party or entity whether the contributions are or are not reported to the commission as earmarked contributions under RCW 42.17A.270.

**Sec. 208.** RCW 42.17A.305 and 2019 c 428 s 25 are each amended to read as follows:

(1) A payment for or promise to pay for any electioneering communication shall be reported to the commission by the sponsor on forms the commission shall develop by rule to include, at a minimum, the following information:

(a) Name and address of the sponsor;

(b) Source of funds for the communication, including:

(i) General treasury funds. The name and address of businesses, unions, groups, associations, or other organizations using general treasury funds for the communication, however, if a business, union, group, association, or other organization undertakes a special solicitation of its members or other persons for an electioneering communication, or it otherwise receives funds for an electioneering communication, that entity shall report pursuant to (b)(ii) of this subsection;

(ii) Special solicitations and other funds. The name, address, and, for individuals, occupation and employer, of a person whose funds were used to pay for the electioneering communication, along with the amount, if such funds from the person have exceeded two hundred fifty dollars in the aggregate for the electioneering communication; ~~((and))~~

(iii) A statement from the sponsor that:

(A) The electioneering communication is not financed in any part by a foreign national; and

(B) Foreign nationals are not involved in making decisions regarding the electioneering communication in any way; and

(iv) Any other source information required or exempted by the commission by rule;

(c) Name and address of the person to whom an electioneering communication related expenditure was made;

(d) A detailed description of each expenditure of more than one hundred dollars;

(e) The date the expenditure was made and the date the electioneering communication was first broadcast, transmitted, mailed, erected, distributed, or otherwise published;

(f) The amount of the expenditure;

(g) The name of each candidate clearly identified in the electioneering communication, the office being sought by each candidate, and the amount of the expenditure attributable to each candidate; and

(h) Any other information the commission may require or exempt by rule.

(2) Electioneering communications shall be reported as follows: The sponsor of an electioneering communication shall report to the commission within twenty-four hours of, or on the first working day after, the date the electioneering communication is broadcast, transmitted, mailed, erected, distributed, digitally or otherwise, or otherwise published.

(3) Electioneering communications shall be reported electronically by the sponsor using software provided or approved by the commission. The commission may make exceptions on a case-by-case basis for a sponsor who lacks the technological ability to file reports using the electronic means provided or approved by the commission.

(4) All persons required to report under RCW 42.17A.225, 42.17A.235, 42.17A.240, and 42.17A.255 are subject to the requirements of this section, although the commission may determine by rule that persons filing according to those sections may be exempt from reporting some of the information otherwise required by this section. The commission may determine that reports filed pursuant to this section also satisfy the requirements of RCW 42.17A.255 and 42.17A.260.

(5) Failure of any sponsor to report electronically under this section shall be a violation of this chapter.

**NEW SECTION. Sec. 209.** A new section is added to chapter 42.17A RCW to read as follows:

(1) A foreign national may not make a contribution to any candidate or political committee, make an expenditure in support of or in opposition to any candidate or ballot

measure, or sponsor political advertising or an electioneering communication.

(2) A person may not make a contribution to any candidate or political committee, make an expenditure in support of or in opposition to any candidate or ballot measure, or sponsor political advertising or an electioneering communication, if:

(a) The contribution, expenditure, political advertising, or electioneering communication is financed in any part by a foreign national; or

(b) Foreign nationals are involved in making decisions regarding the contribution, expenditure, political advertising, or electioneering communication in any way.

**NEW SECTION. Sec. 210.** A new section is added to chapter 42.17A RCW to read as follows:

(1) Each candidate or political committee that has accepted a contribution, and each out-of-state committee that has accepted a contribution reportable under RCW 42.17A.250, must receive a certification from each person making a contribution that:

(a) The contribution is not financed in any part by a foreign national; and

(b) Foreign nationals are not involved in making decisions regarding the contribution in any way.

(2) The certifications must be maintained for a period of no less than five years after the date of the applicable election.

(3) At the request of the commission, each person required to comply with subsection (1) of this section must provide to the commission copies of the certifications maintained under this section."

Correct the title.

Signed by Representatives Gregerson, Chair; Pellicciotti, Vice Chair; Appleton; Dolan; Hudgins and Smith.

MINORITY recommendation: Do not pass. Signed by Representatives Walsh, Ranking Minority Member; Goehner, Assistant Ranking Minority Member and Mosbrucker.

Referred to Committee on Rules for second reading.

February 27, 2020 210.0.

**SSB 6155**

Prime Sponsor, Committee on Law & Justice: Eliminating proof of nonmarriage as an element of a sex offense. Reported by Committee on Public Safety

MAJORITY recommendation: Do pass as amended. 210.0.

Strike everything after the enacting clause and insert the following:

**"Sec. 211.** RCW 9A.44.050 and 2007 c 20 s 1 are each amended to read as follows:

(1) A person is guilty of rape in the second degree when, under circumstances not constituting rape in the first degree, the person engages in sexual intercourse with another person:

- (a) By forcible compulsion;
- (b) When the victim is incapable of consent by reason of being physically helpless or mentally incapacitated;
- (c) When the victim is a person with a developmental disability and the perpetrator is a person who ~~((is not married to the victim and who))~~:
- (i) Has supervisory authority over the victim; or
- (ii) Was providing transportation, within the course of his or her employment, to the victim at the time of the offense;
- (d) When the perpetrator is a health care provider, the victim is a client or patient, and the sexual intercourse occurs during a treatment session, consultation, interview, or examination. It is an affirmative defense that the defendant must prove by a preponderance of the evidence that the client or patient consented to the sexual intercourse with the knowledge that the sexual intercourse was not for the purpose of treatment;
- (e) When the victim is a resident of a facility for persons with a mental disorder or chemical dependency and the perpetrator is a person who ~~((is not married to the victim and))~~ has supervisory authority over the victim; or
- (f) When the victim is a frail elder or vulnerable adult and the perpetrator is a person who ~~((is not married to the victim and who))~~:
- (i) Has a significant relationship with the victim; or
- (ii) Was providing transportation, within the course of his or her employment, to the victim at the time of the offense.

(2) Rape in the second degree is a class A felony.

**Sec. 212.** RCW 9A.44.073 and 1988 c 145 s 2 are each amended to read as follows:

(1) A person is guilty of rape of a child in the first degree when the person has sexual intercourse with another who is less than twelve years old ~~((and not married to the perpetrator))~~ and the perpetrator is at least twenty-four months older than the victim.

(2) Rape of a child in the first degree is a class A felony.

**Sec. 213.** RCW 9A.44.076 and 1990 c 3 s 903 are each amended to read as follows:

(1) A person is guilty of rape of a child in the second degree when the person has sexual intercourse with another who is at least twelve years old but less than fourteen years old ~~((and not married to the perpetrator))~~ and the perpetrator is at least thirty-six months older than the victim.

(2) Rape of a child in the second degree is a class A felony.

**Sec. 214.** RCW 9A.44.079 and 1988 c 145 s 4 are each amended to read as follows:

(1) A person is guilty of rape of a child in the third degree when the person has sexual intercourse with another who is at least fourteen years old but less than sixteen years old ~~((and not married to the perpetrator))~~ and the perpetrator is at least forty-eight months older than the victim.

(2) Rape of a child in the third degree is a class C felony.

**Sec. 215.** RCW 9A.44.083 and 1994 c 271 s 303 are each amended to read as follows:

(1) A person is guilty of child molestation in the first degree when the person has, or knowingly causes another person under the age of eighteen to have, sexual contact with another who is less than twelve years old ~~((and not married to the perpetrator))~~ and the perpetrator is at least thirty-six months older than the victim.

(2) Child molestation in the first degree is a class A felony.

**Sec. 216.** RCW 9A.44.086 and 1994 c 271 s 304 are each amended to read as follows:

(1) A person is guilty of child molestation in the second degree when the person has, or knowingly causes another person under the age of eighteen to have, sexual contact with another who is at least twelve years old but less than fourteen years old ~~((and not married to the perpetrator))~~ and the perpetrator is at least thirty-six months older than the victim.

(2) Child molestation in the second degree is a class B felony.

**Sec. 217.** RCW 9A.44.089 and 1994 c 271 s 305 are each amended to read as follows:

(1) A person is guilty of child molestation in the third degree when the person has, or knowingly causes another person under the age of eighteen to have, sexual contact with another who is at least fourteen years old but less than sixteen years old ~~((and not married to the perpetrator))~~ and the perpetrator is at least forty-eight months older than the victim.

(2) Child molestation in the third degree is a class C felony.

**Sec. 218.** RCW 9A.44.093 and 2009 c 324 s 1 are each amended to read as follows:

(1) A person is guilty of sexual misconduct with a minor in the first degree when: (a) The person has, or knowingly causes another person under the age of eighteen to have, sexual intercourse with another person who is at least sixteen years old but less than eighteen years old ~~((and not married to the perpetrator))~~, if the perpetrator is at least sixty months older than the victim, is in a significant relationship to the victim, and abuses a supervisory position within that relationship in order to engage in or cause another

person under the age of eighteen to engage in sexual intercourse with the victim; (b) the person is a school employee who has, or knowingly causes another person under the age of eighteen to have, sexual intercourse with an enrolled student of the school who is at least sixteen years old and not more than twenty-one years old (~~((and not married to the employee))~~), if the employee is at least sixty months older than the student; or (c) the person is a foster parent who has, or knowingly causes another person under the age of eighteen to have, sexual intercourse with his or her foster child who is at least sixteen.

(2) Sexual misconduct with a minor in the first degree is a class C felony.

(3) For the purposes of this section:

(a) "Enrolled student" means any student enrolled at or attending a program hosted or sponsored by a common school as defined in RCW 28A.150.020, or a student enrolled at or attending a program hosted or sponsored by a private school under chapter 28A.195 RCW, or any person who receives home-based instruction under chapter 28A.200 RCW.

(b) "School employee" means an employee of a common school defined in RCW 28A.150.020, or a grade kindergarten through twelve employee of a private school under chapter 28A.195 RCW, who is not enrolled as a student of the common school or private school.

**Sec. 219.** RCW 9A.44.096 and 2009 c 324 s 2 are each amended to read as follows:

(1) A person is guilty of sexual misconduct with a minor in the second degree when: (a) The person has, or knowingly causes another person under the age of eighteen to have, sexual contact with another person who is at least sixteen years old but less than eighteen years old (~~((and not married to the perpetrator))~~), if the perpetrator is at least sixty months older than the victim, is in a significant relationship to the victim, and abuses a supervisory position within that relationship in order to engage in or cause another person under the age of eighteen to engage in sexual contact with the victim; (b) the person is a school employee who has, or knowingly causes another person under the age of eighteen to have, sexual contact with an enrolled student of the school who is at least sixteen years old and not more than twenty-one years old (~~((and not married to the employee))~~), if the employee is at least sixty months older than the student; or (c) the person is a foster parent who has, or knowingly causes another person under the age of eighteen to have, sexual contact with his or her foster child who is at least sixteen.

(2) Sexual misconduct with a minor in the second degree is a gross misdemeanor.

(3) For the purposes of this section:

(a) "Enrolled student" means any student enrolled at or attending a program hosted or sponsored by a common school as defined in RCW 28A.150.020, or a student enrolled at or attending a program hosted or sponsored by a private school under chapter 28A.195 RCW, or any person who receives home-based instruction under chapter 28A.200 RCW.

(b) "School employee" means an employee of a common school defined in RCW 28A.150.020, or a grade kindergarten through twelve employee of a private school under chapter 28A.195 RCW, who is not enrolled as a student of the common school or private school.

**Sec. 220.** RCW 9A.44.100 and 2013 c 94 s 2 are each amended to read as follows:

(1) A person is guilty of indecent liberties when he or she knowingly causes another person to have sexual contact with him or her or another:

(a) By forcible compulsion;

(b) When the other person is incapable of consent by reason of being mentally defective, mentally incapacitated, or physically helpless;

(c) When the victim is a person with a developmental disability and the perpetrator is a person who (~~((is not married to the victim and who))~~):

(i) Has supervisory authority over the victim; or

(ii) Was providing transportation, within the course of his or her employment, to the victim at the time of the offense;

(d) When the perpetrator is a health care provider, the victim is a client or patient, and the sexual contact occurs during a treatment session, consultation, interview, or examination. It is an affirmative defense that the defendant must prove by a preponderance of the evidence that the client or patient consented to the sexual contact with the knowledge that the sexual contact was not for the purpose of treatment;

(e) When the victim is a resident of a facility for persons with a mental disorder or chemical dependency and the perpetrator is a person who (~~((is not married to the victim and))~~) has supervisory authority over the victim; or

(f) When the victim is a frail elder or vulnerable adult and the perpetrator is a person who (~~((is not married to the victim and who))~~):

(i) Has a significant relationship with the victim; or

(ii) Was providing transportation, within the course of his or her employment, to the victim at the time of the offense.

(2)(a) Except as provided in (b) of this subsection, indecent liberties is a class B felony.

(b) Indecent liberties by forcible compulsion is a class A felony.

**NEW SECTION. Sec. 221.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

Correct the title.

Signed by Representatives Appleton, 2nd Vice Chair; Goodman, Chair; Davis, Vice Chair; Klippert, Ranking Minority Member; Sutherland, Assistant Ranking Minority Member; Graham; Griffey; Lovick; Orwall; Pellicciotti and Pettigrew.

Referred to Committee on Rules for second reading.

February 27, 2020 221.0.

**SB 6164** Prime Sponsor, Senator Dhingra:  
Concerning prosecutorial discretion to seek  
resentencing. Reported by Committee on  
Public Safety

MAJORITY recommendation: Do pass as amended.  
221.0.

Strike everything after the enacting clause and insert  
the following:

**"NEW SECTION. Sec. 222.** It is the intent of the legislature to give prosecutors the discretion to petition the court to resentence an individual if the person's sentence no longer advances the interests of justice. The purpose of sentencing is to advance public safety through punishment, rehabilitation, and restorative justice. When a sentence includes incarceration, this purpose is best served by terms that are proportionate to the seriousness of the offense and provide uniformity with the sentences of offenders committing the same offense under similar circumstances. By providing a means to reevaluate a sentence after some time has passed, the legislature intends to provide the prosecutor and the court with another tool to ensure that these purposes are achieved.

**NEW SECTION. Sec. 223.** A new section is added to chapter 36.27 RCW to read as follows:

(1) The prosecutor of a county in which an offender was sentenced for a felony offense may petition the sentencing court or the sentencing court's successor to resentence the offender if the original sentence no longer advances the interests of justice.

(2) The court may grant or deny a petition under this section. If the court grants a petition, the court shall resentence the defendant in the same manner as if the offender had not previously been sentenced, provided the new sentence, if any, is no greater than the initial sentence.

(3) The court may consider postconviction factors including, but not limited to, the inmate's disciplinary record and record of rehabilitation while incarcerated; evidence that reflects whether age, time served, and diminished physical condition, if any, have reduced the inmate's risk for future violence; and evidence that reflects changed circumstances since the inmate's original sentencing such that the inmate's continued incarceration no longer serves the interests of justice. Credit shall be given for time served.

(4) The prosecuting attorney shall make reasonable efforts to notify victims and survivors of victims of the petition for resentencing and the date of the resentencing hearing. The prosecuting attorney shall provide victims and survivors of victims access to available victim advocates and

other related services. The court shall provide an opportunity for victims and survivors of victims of any crimes for which the offender has been convicted to present a statement personally or by representation. The prosecuting attorney and the court shall comply with the requirements set forth in chapter 7.69 RCW.

(5) A resentencing under this section shall not reopen the defendant's conviction to challenges that would otherwise be barred."

Correct the title.

Signed by Representatives Appleton, 2nd Vice Chair; Goodman, Chair; Davis, Vice Chair; Klippert, Ranking Minority Member; Sutherland, Assistant Ranking Minority Member; Graham; Griffey; Lovick; Orwall; Pellicciotti and Pettigrew.

Referred to Committee on Rules for second reading.

February 27, 2020 223.0.

**ESB 6180** Prime Sponsor, Senator Darneille:  
Concerning juvenile sex offense  
registration waivers under the special  
sexual offender disposition alternative.  
Reported by Committee on Human  
Services & Early Learning

MAJORITY recommendation: Do pass as amended.  
223.0.

Strike everything after the enacting clause and insert  
the following:

**"Sec. 224.** RCW 13.40.162 and 2011 c 338 s 3 are each amended to read as follows:

(1) A juvenile offender is eligible for the special sex offender disposition alternative when:

(a) The offender is found to have committed a sex offense, other than a sex offense that is also a serious violent offense as defined by RCW 9.94A.030, and the offender has no history of a prior sex offense; ((and)) or

(b) The offender is found to have committed assault in the fourth degree with sexual motivation, and the offender has no history of a prior sex offense.

(2) If the court finds the offender is eligible for this alternative, the court, on its own motion or the motion of the state or the respondent, may order an examination to determine whether the respondent is amenable to treatment.

(a) The report of the examination shall include at a minimum the following:

(i) The respondent's version of the facts and the official version of the facts;

(ii) The respondent's offense history;

(iii) An assessment of problems in addition to alleged deviant behaviors;

(iv) The respondent's social, educational, and employment situation;

(v) Other evaluation measures used.

The report shall set forth the sources of the evaluator's information.

(b) The examiner shall assess and report regarding the respondent's amenability to treatment and relative risk to the community. A proposed treatment plan shall be provided and shall include, at a minimum:

(i) The frequency and type of contact between the offender and therapist;

(ii) Specific issues to be addressed in the treatment and description of planned treatment modalities;

(iii) Monitoring plans, including any requirements regarding living conditions, lifestyle requirements, and monitoring by family members, legal guardians, or others;

(iv) Anticipated length of treatment; and

(v) Recommended crime-related prohibitions.

(c) The court on its own motion may order, or on a motion by the state shall order, a second examination regarding the offender's amenability to treatment. The evaluator shall be selected by the party making the motion. The defendant shall pay the cost of any second examination ordered unless the court finds the defendant to be indigent in which case the state shall pay the cost.

(3) After receipt of reports of the examination, the court shall then consider whether the offender and the community will benefit from use of this special sex offender disposition alternative and consider the victim's opinion whether the offender should receive a treatment disposition under this section. If the court determines that this special sex offender disposition alternative is appropriate, then the court shall impose a determinate disposition within the standard range for the offense, or if the court concludes, and enters reasons for its conclusions, that such disposition would cause a manifest injustice, the court shall impose a disposition under option D, and the court may suspend the execution of the disposition and place the offender on community supervision for at least two years.

(4) As a condition of the suspended disposition, the court may impose the conditions of community supervision and other conditions, including up to thirty days of confinement and requirements that the offender do any one or more of the following:

(a) Devote time to a specific education, employment, or occupation;

(b) Undergo available outpatient sex offender treatment for up to two years, or inpatient sex offender treatment not to exceed the standard range of confinement for that offense. A community mental health center may not be used for such treatment unless it has an appropriate program designed for sex offender treatment. The

respondent shall not change sex offender treatment providers or treatment conditions without first notifying the prosecutor, the probation counselor, and the court, and shall not change providers without court approval after a hearing if the prosecutor or probation counselor object to the change;

(c) Remain within prescribed geographical boundaries and notify the court or the probation counselor prior to any change in the offender's address, educational program, or employment;

(d) Report to the prosecutor and the probation counselor prior to any change in a sex offender treatment provider. This change shall have prior approval by the court;

(e) Report as directed to the court and a probation counselor;

(f) Pay all court-ordered legal financial obligations, perform community restitution, or any combination thereof;

(g) Make restitution to the victim for the cost of any counseling reasonably related to the offense; or

(h) Comply with the conditions of any court-ordered probation bond.

(5) If the court orders twenty-four hour, continuous monitoring of the offender while on probation, the court shall include the basis for this condition in its findings.

(6)(a) The court must order the offender not to attend the public or approved private elementary, middle, or high school attended by the victim or the victim's siblings.

(b) The parents or legal guardians of the offender are responsible for transportation or other costs associated with the offender's change of school that would otherwise be paid by the school district.

(c) The court shall send notice of the disposition and restriction on attending the same school as the victim or victim's siblings to the public or approved private school the juvenile will attend, if known, or if unknown, to the approved private schools and the public school district board of directors of the district in which the juvenile resides or intends to reside. This notice must be sent at the earliest possible date but not later than ten calendar days after entry of the disposition.

(7)((a)) For offenders required to register under RCW 9A.44.130, at the end of the supervision ordered under this disposition alternative, there is a presumption that the offender is sufficiently rehabilitated to warrant removal from the central registry of sex offenders. The court shall relieve the offender's duty to register unless the court finds that the offender is not sufficiently rehabilitated to warrant removal and may consider the following factors: (a) The nature of the offense committed, including the number of victims and the length of the offense history;

(b) Any subsequent criminal history of the juvenile;

(c) The juvenile's compliance with supervision requirements;

(d) The length of time since the charged incident occurred;



(e) Any input from community corrections officers, juvenile parole or probation officers, law enforcement, or treatment providers;

(f) The juvenile's participation in sex offender treatment;

(g) The juvenile's participation in other treatment and rehabilitative programs;

(h) The juvenile's stability in employment and housing;

(i) The juvenile's community and personal support system;

(j) Any risk assessments or evaluations prepared by a qualified professional related to the juvenile;

(k) Any updated polygraph examination completed by the juvenile;

(l) Any input of the victim; and

(m) Any other factors the court may consider relevant.

(8)(a) The sex offender treatment provider shall submit quarterly reports on the respondent's progress in treatment to the court and the parties. The reports shall reference the treatment plan and include at a minimum the following: Dates of attendance, respondent's compliance with requirements, treatment activities, the respondent's relative progress in treatment, and any other material specified by the court at the time of the disposition.

(b) At the time of the disposition, the court may set treatment review hearings as the court considers appropriate.

(c) Except as provided in this subsection, examinations and treatment ordered pursuant to this subsection shall ~~((only))~~ be conducted by qualified professionals as described under (d) of this subsection, certified sex offender treatment providers, or certified affiliate sex offender treatment providers under chapter 18.155 RCW.

(d) A sex offender therapist who examines or treats a juvenile sex offender pursuant to this subsection does not have to be certified by the department of health pursuant to chapter 18.155 RCW if the therapist is a professional licensed under chapter 18.225 or 18.83 RCW and the treatment employed is evidence-based for sex offender treatment, or if the court finds that: (i) The offender has already moved to another state or plans to move to another state for reasons other than circumventing the certification requirements; (ii) no certified sex offender treatment providers or certified affiliate sex offender treatment providers are available for treatment within a reasonable geographical distance of the offender's home; and (iii) the evaluation and treatment plan comply with this subsection and the rules adopted by the department of health.

~~((8))~~ (9)(a) If the offender violates any condition of the disposition or the court finds that the respondent is failing to make satisfactory progress in treatment, the court may revoke the suspension and order execution of the disposition or the court may impose a penalty of up to thirty days confinement for violating conditions of the disposition.

(b) The court may order both execution of the disposition and up to thirty days confinement for the violation of the conditions of the disposition.

(c) The court shall give credit for any confinement time previously served if that confinement was for the offense for which the suspension is being revoked.

~~((9))~~ (10) For purposes of this section, "victim" means any person who has sustained emotional, psychological, physical, or financial injury to person or property as a direct result of the crime charged. "Victim" may also include a known parent or guardian of a victim who is a minor child unless the parent or guardian is the perpetrator of the offense.

~~((40))~~ (11) A disposition entered under this section is not appealable under RCW 13.40.230.

**Sec. 225.** RCW 9A.44.140 and 2015 c 261 s 6 are each amended to read as follows:

The duty to register under RCW 9A.44.130 shall continue for the duration provided in this section.

(1) For a person convicted in this state of a class A felony, or a person convicted of any sex offense or kidnapping offense who has one or more prior convictions for a sex offense or kidnapping offense, the duty to register shall continue indefinitely.

(2) For a person convicted in this state of a class B felony who does not have one or more prior convictions for a sex offense or kidnapping offense, the duty to register shall end fifteen years after the last date of release from confinement, if any, (including full-time residential treatment) pursuant to the conviction, or entry of the judgment and sentence, if the person has spent fifteen consecutive years in the community without being convicted of a disqualifying offense during that time period.

(3) For a person convicted in this state of a class C felony, a violation of RCW 9.68A.090 or 9A.44.096, or an attempt, solicitation, or conspiracy to commit a class C felony, and the person does not have one or more prior convictions for a sex offense or kidnapping offense, the duty to register shall end ten years after the last date of release from confinement, if any, (including full-time residential treatment) pursuant to the conviction, or entry of the judgment and sentence, if the person has spent ten consecutive years in the community without being convicted of a disqualifying offense during that time period.

(4) Except as provided in RCW 9A.44.142, for a person required to register for a federal, tribal, or out-of-state conviction, the duty to register shall continue indefinitely.

(5) For a person who is or has been determined to be a sexually violent predator pursuant to chapter 71.09 RCW, the duty to register shall continue for the person's lifetime.

(6) Nothing in this section prevents a person from being relieved of the duty to register under RCW 9A.44.142 ~~((and)), 9A.44.143, and 13.40.162.~~

(7) Nothing in RCW 9.94A.637 relating to discharge of an offender shall be construed as operating to relieve the

offender of his or her duty to register pursuant to RCW 9A.44.130.

(8) For purposes of determining whether a person has been convicted of more than one sex offense, failure to register as a sex offender or kidnapping offender is not a sex or kidnapping offense.

(9) The provisions of this section and RCW 9A.44.141 through 9A.44.143 apply equally to a person who has been found not guilty by reason of insanity under chapter 10.77 RCW of a sex offense or kidnapping offense."

Correct the title.

Signed by Representatives Senn, Chair; Callan, Vice Chair; Frame, Vice Chair; Eslick, Assistant Ranking Minority Member; McCaslin, Assistant Ranking Minority Member; Corry; Goodman; Griffey; Kilduff; Lovick and Ortiz-Self.

MINORITY recommendation: Do not pass. Signed by Representatives Dent, Ranking Minority Member and Klippert.

Referred to Committee on Rules for second reading.

February 28, 2020 225.0.

**SSB 6182** Prime Sponsor, Committee on Law & Justice: Concerning closed captioning on televisions in places of public accommodation. Reported by Committee on Civil Rights & Judiciary

MAJORITY recommendation: Do pass as amended. 225.0.

Strike everything after the enacting clause and insert the following:

"**NEW SECTION. Sec. 226.** A new section is added to chapter 49.60 RCW to read as follows:

(1)(a) Any person that owns or manages a place of public accommodation that offers a closed-captioned television receiver for use in any public area must activate closed captioning, unless:

(i) The only receiver of television programming available in a public area is technically incapable of displaying closed captioning; or

(ii) The place of public accommodation is otherwise exempt from the closed captioning requirement under state or federal law.

(b) In a public area with multiple televisions, up to fifty percent of on-premises televisions may be exempt from displaying closed captioning. The exempted televisions must clearly display that they do not have volume or are on mute.

(2) If multiple television models are displayed together for sale in a public area, at least one closed-captioned television must be available for viewing.

(3) If after ninety days from the effective date of this section a person that owns or manages a place of public accommodation fails to comply with the requirements of this section, that person shall be subject to a civil fine of up to seventy-five dollars for each violation. Written notice of the violation must be provided to the person and must state that the fine will be assessed. The notice must also state that the person has an opportunity to cure the violation by complying with the requirement within thirty days after delivery of the notice. If the person demonstrates compliance within the thirty-day period, the fine will not be assessed, and the violation must be dismissed. Any subsequent violation shall result in a civil fine of up to one hundred fifty dollars.

(4) For purposes of this section the following definitions apply:

(a) "Closed-captioned television receiver" means a receiver of television programming that has the ability to display closed captioning including, but not limited to, a television, digital set-top box, and other technology capable of displaying closed captioning for television programming.

(b) "Closed captioning" means a transcript or dialog of the audio portion of a television program that is displayed on either the bottom or top portion of a television receiver screen when the user activates the feature. There is no requirement for the closed-captioned transcript or dialog to be in any language other than the language of the audio programming, or a default language where a television receiver only displays one language.

(c) "Public area" means any part of a place of public accommodation that is open to the general public.

(5) A violation of this section is a violation of this chapter.

(6) The human rights commission must prepare an educational pamphlet advising employers and employees of their duty and liability under this section. The pamphlet should be made available online. Employers must provide employees with training on this section using the pamphlet."

Correct the title.

Signed by Representatives Kilduff, Chair; Thai, Vice Chair; Irwin, Ranking Minority Member; Dufault, Assistant Ranking Minority Member; Goodman; Graham; Hansen; Kirby; Klippert; Orwall; Peterson; Rude; Valdez; Walen and Ybarra.

Referred to Committee on Rules for second reading.

February 28, 2020 226.0.

**SB 6236** Prime Sponsor, Senator Kuderer: Concerning certain noneconomic damage waivers. Reported by Committee on Civil Rights & Judiciary

MAJORITY recommendation: Do pass. Signed by Representatives Kilduff, Chair; Thai, Vice Chair; Irwin,

Ranking Minority Member; Goodman; Hansen; Kirby; Orwall; Peterson; Rude; Valdez; Walen and Ybarra.

MINORITY recommendation: Without recommendation. Signed by Representatives Dufault, Assistant Ranking Minority Member and Graham.

MINORITY recommendation: Do not pass. Signed by Representative Klippert.

Referred to Committee on Rules for second reading.

March 2, 2020 226.0.

SSB 6256 Prime Sponsor, Committee on Environment, Energy & Technology: Concerning the heating oil insurance program. Reported by Committee on Capital Budget

MAJORITY recommendation: Do pass. Signed by Representatives Tharinger, Chair; Callan, Vice Chair; Doglio, Vice Chair; DeBolt, Ranking Minority Member; Smith, Assistant Ranking Minority Member; Steele, Assistant Ranking Minority Member; Corry; Davis; Dye; Gildon; Leavitt; Lekanoff; Maycumber; Morgan; Pellicciotti; Peterson; Riccelli; Santos; Sells; Stonier and Walsh.

Referred to Committee on Capital Budget.

February 28, 2020 226.0.

ESSB 6268 Prime Sponsor, Committee on Law & Justice: Preventing abusive litigation between intimate partners. Reported by Committee on Civil Rights & Judiciary

MAJORITY recommendation: Do pass as amended. 226.0.

Strike everything after the enacting clause and insert the following:

"**NEW SECTION. Sec. 227.** The legislature recognizes that individuals who abuse their intimate partners often misuse court proceedings in order to control, harass, intimidate, coerce, and/or impoverish the abused partner. Court proceedings can provide a means for an abuser to exert and reestablish power and control over a domestic violence survivor long after a relationship has ended. The legal system unwittingly becomes another avenue that abusers exploit to cause psychological, emotional, and financial devastation. This misuse of the court system by abusers has been referred to as legal bullying, stalking through the courts, paper abuse, and similar terms. The legislature finds that the term "abusive litigation" is the most common term and that it accurately describes this problem. Abusive litigation against domestic violence survivors arises in a variety of contexts. Family law cases such as dissolutions, legal separations, parenting plan actions or modifications, and protection order proceedings are particularly common forums for abusive litigation. It is also not uncommon for abusers to file civil lawsuits against survivors, such as

defamation, tort, or breach of contract claims. Even if a lawsuit is meritless, forcing a survivor to spend time, money, and emotional resources responding to the action provides a means for the abuser to assert power and control over the survivor.

The legislature finds that courts have considerable authority to respond to abusive litigation tactics, while upholding litigants' constitutional rights to access to the courts. Because courts have inherent authority to control the conduct of litigants, they have considerable discretion to fashion creative remedies in order to curb abusive litigation. The legislature intends to provide the courts with an additional tool to curb abusive litigation and to mitigate the harms abusive litigation perpetuates.

**NEW SECTION. Sec. 228.** The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Abusive litigation" means litigation where the following apply:

(a)(i) The opposing parties have a current or former intimate partner relationship;

(ii) The party who is filing, initiating, advancing, or continuing the litigation has been found by a court to have committed domestic violence against the other party pursuant to: (A) An order entered under this chapter; (B) a parenting plan with restrictions based on RCW 26.09.191(2)(a)(iii); or (C) a restraining order entered under chapter 26.09, 26.26, or 26.26A RCW, provided that the issuing court made a specific finding that the restraining order was necessary due to domestic violence; and

(iii) The litigation is being initiated, advanced, or continued primarily for the purpose of harassing, intimidating, or maintaining contact with the other party; and

(b) At least one of the following factors apply:

(i) Claims, allegations, and other legal contentions made in the litigation are not warranted by existing law or by a reasonable argument for the extension, modification, or reversal of existing law, or the establishment of new law;

(ii) Allegations and other factual contentions made in the litigation are without the existence of evidentiary support; or

(iii) An issue or issues that are the basis of the litigation have previously been filed in one or more other courts or jurisdictions and the actions have been litigated and disposed of unfavorably to the party filing, initiating, advancing, or continuing the litigation.

(2) "Intimate partner" is defined in RCW 26.50.010.

(3) "Litigation" means any kind of legal action or proceeding including, but not limited to: (i) Filing a summons, complaint, demand, or petition; (ii) serving a summons, complaint, demand, or petition, regardless of whether it has been filed; (iii) filing a motion, notice of court date, note for motion docket, or order to appear; (iv) serving a motion, notice of court date, note for motion docket, or order to appear, regardless of whether it has been filed or

scheduled; (v) filing a subpoena, subpoena duces tecum, request for interrogatories, request for production, notice of deposition, or other discovery request; or (vi) serving a subpoena, subpoena duces tecum, request for interrogatories, request for production, notice of deposition, or other discovery request.

(4) "Perpetrator of abusive litigation" means a person who files, initiates, advances, or continues litigation in violation of an order restricting abusive litigation.

**NEW SECTION. Sec. 229.** (1) A party to a case may request from the court an order restricting abusive litigation if the parties are current or former intimate partners and one party has been found by the court to have committed domestic violence against the other party:

(a) In any answer or response to the litigation being filed, initiated, advanced, or continued;

(b) By motion made at any time during any open or ongoing case; or

(c) By separate motion made under this chapter, within five years of the entry of an order for protection even if the order has since expired.

(2) Any court of competent jurisdiction may, on its own motion, determine that a hearing pursuant to section 4 of this act is necessary to determine if a party is engaging in abusive litigation.

(3) The administrative office of the courts shall update the instructions, brochures, standard petition, and order for protection forms, and create new forms for the motion for order restricting abusive litigation and order restricting abusive litigation, and update the court staff handbook when changes in the law make an update necessary.

(4) No filing fee may be charged to the unrestricted party for proceedings under this section regardless of whether it is filed under this chapter or another action in this title. Forms and instructional brochures shall be provided free of charge.

(5) The provisions of this section are nonexclusive and do not affect any other remedy available.

**NEW SECTION. Sec. 230.** (1) If a party asserts that they are being subjected to abusive litigation, the court shall attempt to verify that the parties have or previously had an intimate partner relationship and that the party raising the claim of abusive litigation has been found to be a victim of domestic violence by the other party. If the court verifies that both elements are true, or is unable to verify that they are not true, the court shall set a hearing to determine whether the litigation meets the definition of abusive litigation.

(2) At the time set for the hearing on the alleged abusive civil action, the court shall hear all relevant testimony and may require any affidavits, documentary evidence, or other records the court deems necessary.

**NEW SECTION. Sec. 231.** At the hearing conducted pursuant to section 4 of this act, evidence of any of the following creates a rebuttable presumption that litigation is being initiated, advanced, or continued primarily for the

purpose of harassing, intimidating, or maintaining contact with the other party:

(1) The same or substantially similar issues between the same or substantially similar parties have been litigated within the past five years in the same court or any other court of competent jurisdiction; or

(2) The same or substantially similar issues between the same or substantially similar parties have been raised, pled, or alleged in the past five years and were dismissed on the merits or with prejudice; or

(3) Within the last ten years, the party allegedly engaging in abusive litigation has been sanctioned under superior court civil rule 11 or a similar rule or law in another jurisdiction for filing one or more cases, petitions, motions, or other filings, that were found to have been frivolous, vexatious, intransigent, or brought in bad faith involving the same opposing party; or

(4) A court of record in another judicial district has determined that the party allegedly engaging in abusive litigation has previously engaged in abusive litigation or similar conduct and has been subject to a court order imposing prefilings restrictions.

**NEW SECTION. Sec. 232.** (1) If the court finds by a preponderance of the evidence that a party is engaging in abusive litigation, and that any or all of the motions or actions pending before the court are abusive litigation, the litigation shall be dismissed, denied, stricken, or resolved by other disposition with prejudice.

(2) In addition to dismissal or denial of any pending abusive litigation within the jurisdiction of the court, the court shall enter an "order restricting abusive litigation." The order shall:

(a) Impose all costs of any abusive civil action pending in the court at the time of the court's finding pursuant to subsection (1) of this section against the party advancing the abusive litigation;

(b) Award the other party reasonable attorneys' fees and costs of responding to the abusive litigation including the cost of seeking the order restricting abusive litigation; and

(c) Identify the party protected by the order and impose prefilings restrictions upon the party found to have engaged in abusive litigation for a period of not less than forty-eight months nor more than seventy-two months.

(3) If the court finds by a preponderance of the evidence that the litigation does not constitute abusive litigation, the court shall enter written findings and the litigation shall proceed. Nothing in this section or chapter shall be construed as limiting the court's inherent authority to control the proceedings and litigants before it.

(4) The provisions of this section are nonexclusive and do not affect any other remedy available to the person who is protected by the order restricting abusive litigation or to the court.

**NEW SECTION. Sec. 233.** (1) Except as provided in this section, a person who is subject to an order restricting abusive litigation is prohibited from filing, initiating, advancing, or continuing the litigation against the protected party for the period of time the filing restrictions are in effect.

(2) Notwithstanding subsection (1) of this section and consistent with the state Constitution, a person who is subject to an order restricting abusive litigation may seek permission to file a new case or a motion in an existing case using the procedure set out in subsection (3) of this section.

(3)(a) A person who is subject to an order restricting litigation against whom prefilings restrictions have been imposed pursuant to this chapter who wishes to initiate a new case or file a motion in an existing case during the time the person is under filing restrictions must first appear before the judicial officer who imposed the prefilings restrictions to make application for permission to institute the civil action.

(b)(i) The judicial officer may examine witnesses, court records, and any other available evidence to determine if the proposed litigation is abusive litigation or if there are reasonable and legitimate grounds upon which the litigation is based.

(ii) If the judicial officer determines the proposed litigation is abusive litigation, based on reviewing the records as well as any evidence from the person who is subject to the order, then it is not necessary for the person protected by the order to appear or participate in any way. If the judicial officer is unable to determine whether the proposed litigation is abusive without hearing from the person protected by the order, then the court shall issue an order scheduling a hearing, and notifying the protected party of the party's right to appear and/or participate in the hearing. The order should specify whether the protected party is expected to submit a written response. When possible, the protected party should be permitted to appear telephonically and provided instructions for how to appear telephonically.

(c)(i) If the judicial officer believes the litigation that the party who is subject to the prefilings order is making application to file will constitute abusive litigation, the application shall be denied, dismissed, or otherwise disposed with prejudice.

(ii) If the judicial officer reasonably believes that the litigation the party who is subject to the prefilings order is making application to file will not be abusive litigation, the judicial officer may grant the application and issue an order permitting the filing of the case, motion, or pleading. The order shall be attached to the front of the pleading to be filed with the clerk. The party who is protected by the order shall be served with a copy of the order at the same time as the underlying pleading.

(d) The findings of the judicial officer shall be reduced to writing and made a part of the record in the matter. If the party who is subject to the order disputes the finding of the judge, the party may seek review of the decision as provided by the applicable court rules.

(4) If the application for the filing of a pleading is granted pursuant to this section, the period of time commencing with the filing of the application requesting permission to file the action and ending with the issuance of an order permitting filing of the action shall not be computed as a part of any applicable period of limitations within which the matter must be instituted.

(5) If, after a party who is subject to prefilings restrictions has made application and been granted permission to file or advance a case pursuant to this section, any judicial officer hearing or presiding over the case, or any part thereof, determines that the person is attempting to add parties, amend the complaint, or is otherwise attempting to alter the parties and issues involved in the litigation in a manner that the judicial officer reasonably believes would constitute abusive litigation, the judicial officer shall stay the proceedings and refer the case back to the judicial officer who granted the application to file, for further disposition.

(6)(a) If a party who is protected by an order restricting abusive litigation is served with a pleading filed by the person who is subject to the order, and the pleading does not have an attached order allowing the pleading, the protected party may respond to the case by filing a copy of the order restricting abusive litigation.

(b) If it is brought to the attention of the court that a person against whom prefilings restrictions have been imposed has filed a new case or is continuing an existing case without having been granted permission pursuant to this section, the court shall dismiss, deny, or otherwise dispose of the matter. This action may be taken by the court on the court's own motion or initiative. The court may take whatever action against the perpetrator of abusive litigation deemed necessary and appropriate for a violation of the order restricting abusive litigation.

(c) If a party who is protected by an order restricting abusive litigation is served with a pleading filed by the person who is subject to the order, and the pleading does not have an attached order allowing the pleading, the protected party is under no obligation or duty to respond to the summons, complaint, petition, motion, to answer interrogatories, to appear for depositions, or any other responsive action required by rule or statute in a civil action.

(7) If the judicial officer who imposed the prefilings restrictions is no longer serving in the same capacity in the same judicial district where the restrictions were placed, or is otherwise unavailable for any reason, any other judicial officer in that judicial district may perform the review required and permitted by this section.

**Sec. 234.** RCW 26.09.191 and 2019 c 46 s 5020 are each amended to read as follows:

(1) The permanent parenting plan shall not require mutual decision-making or designation of a dispute resolution process other than court action if it is found that a parent has engaged in any of the following conduct: (a) Willful abandonment that continues for an extended period of time or substantial refusal to perform parenting functions; (b) physical, sexual, or a pattern of emotional abuse of a child; or (c) a history of acts of domestic violence as defined

in RCW 26.50.010(3) or an assault or sexual assault that causes grievous bodily harm or the fear of such harm or that results in a pregnancy.

(2)(a) The parent's residential time with the child shall be limited if it is found that the parent has engaged in any of the following conduct: (i) Willful abandonment that continues for an extended period of time or substantial refusal to perform parenting functions; (ii) physical, sexual, or a pattern of emotional abuse of a child; (iii) a history of acts of domestic violence as defined in RCW 26.50.010(3) or an assault or sexual assault that causes grievous bodily harm or the fear of such harm or that results in a pregnancy; or (iv) the parent has been convicted as an adult of a sex offense under:

(A) RCW 9A.44.076 if, because of the difference in age between the offender and the victim, no rebuttable presumption exists under (d) of this subsection;

(B) RCW 9A.44.079 if, because of the difference in age between the offender and the victim, no rebuttable presumption exists under (d) of this subsection;

(C) RCW 9A.44.086 if, because of the difference in age between the offender and the victim, no rebuttable presumption exists under (d) of this subsection;

(D) RCW 9A.44.089;

(E) RCW 9A.44.093;

(F) RCW 9A.44.096;

(G) RCW 9A.64.020 (1) or (2) if, because of the difference in age between the offender and the victim, no rebuttable presumption exists under (d) of this subsection;

(H) Chapter 9.68A RCW;

(I) Any predecessor or antecedent statute for the offenses listed in (a)(iv)(A) through (H) of this subsection;

(J) Any statute from any other jurisdiction that describes an offense analogous to the offenses listed in (a)(iv)(A) through (H) of this subsection.

This subsection (2)(a) shall not apply when (c) or (d) of this subsection applies.

(b) The parent's residential time with the child shall be limited if it is found that the parent resides with a person who has engaged in any of the following conduct: (i) Physical, sexual, or a pattern of emotional abuse of a child; (ii) a history of acts of domestic violence as defined in RCW 26.50.010(3) or an assault or sexual assault that causes grievous bodily harm or the fear of such harm or that results in a pregnancy; or (iii) the person has been convicted as an adult or as a juvenile has been adjudicated of a sex offense under:

(A) RCW 9A.44.076 if, because of the difference in age between the offender and the victim, no rebuttable presumption exists under (e) of this subsection;

(B) RCW 9A.44.079 if, because of the difference in age between the offender and the victim, no rebuttable presumption exists under (e) of this subsection;

(C) RCW 9A.44.086 if, because of the difference in age between the offender and the victim, no rebuttable presumption exists under (e) of this subsection;

(D) RCW 9A.44.089;

(E) RCW 9A.44.093;

(F) RCW 9A.44.096;

(G) RCW 9A.64.020 (1) or (2) if, because of the difference in age between the offender and the victim, no rebuttable presumption exists under (e) of this subsection;

(H) Chapter 9.68A RCW;

(I) Any predecessor or antecedent statute for the offenses listed in (b)(iii)(A) through (H) of this subsection;

(J) Any statute from any other jurisdiction that describes an offense analogous to the offenses listed in (b)(iii)(A) through (H) of this subsection.

This subsection (2)(b) shall not apply when (c) or (e) of this subsection applies.

(c) If a parent has been found to be a sexual predator under chapter 71.09 RCW or under an analogous statute of any other jurisdiction, the court shall restrain the parent from contact with a child that would otherwise be allowed under this chapter. If a parent resides with an adult or a juvenile who has been found to be a sexual predator under chapter 71.09 RCW or under an analogous statute of any other jurisdiction, the court shall restrain the parent from contact with the parent's child except contact that occurs outside that person's presence.

(d) There is a rebuttable presumption that a parent who has been convicted as an adult of a sex offense listed in (d)(i) through (ix) of this subsection poses a present danger to a child. Unless the parent rebuts this presumption, the court shall restrain the parent from contact with a child that would otherwise be allowed under this chapter:

(i) RCW 9A.64.020 (1) or (2), provided that the person convicted was at least five years older than the other person;

(ii) RCW 9A.44.073;

(iii) RCW 9A.44.076, provided that the person convicted was at least eight years older than the victim;

(iv) RCW 9A.44.079, provided that the person convicted was at least eight years older than the victim;

(v) RCW 9A.44.083;

(vi) RCW 9A.44.086, provided that the person convicted was at least eight years older than the victim;

(vii) RCW 9A.44.100;

(viii) Any predecessor or antecedent statute for the offenses listed in (d)(i) through (vii) of this subsection;

(ix) Any statute from any other jurisdiction that describes an offense analogous to the offenses listed in (d)(i) through (vii) of this subsection.

(e) There is a rebuttable presumption that a parent who resides with a person who, as an adult, has been convicted,

or as a juvenile has been adjudicated, of the sex offenses listed in (e)(i) through (ix) of this subsection places a child at risk of abuse or harm when that parent exercises residential time in the presence of the convicted or adjudicated person. Unless the parent rebuts the presumption, the court shall restrain the parent from contact with the parent's child except for contact that occurs outside of the convicted or adjudicated person's presence:

(i) RCW 9A.64.020 (1) or (2), provided that the person convicted was at least five years older than the other person;

(ii) RCW 9A.44.073;

(iii) RCW 9A.44.076, provided that the person convicted was at least eight years older than the victim;

(iv) RCW 9A.44.079, provided that the person convicted was at least eight years older than the victim;

(v) RCW 9A.44.083;

(vi) RCW 9A.44.086, provided that the person convicted was at least eight years older than the victim;

(vii) RCW 9A.44.100;

(viii) Any predecessor or antecedent statute for the offenses listed in (e)(i) through (vii) of this subsection;

(ix) Any statute from any other jurisdiction that describes an offense analogous to the offenses listed in (e)(i) through (vii) of this subsection.

(f) The presumption established in (d) of this subsection may be rebutted only after a written finding that the child was not conceived and subsequently born as a result of a sexual assault committed by the parent requesting residential time and that:

(i) If the child was not the victim of the sex offense committed by the parent requesting residential time, (A) contact between the child and the offending parent is appropriate and poses minimal risk to the child, and (B) the offending parent has successfully engaged in treatment for sex offenders or is engaged in and making progress in such treatment, if any was ordered by a court, and the treatment provider believes such contact is appropriate and poses minimal risk to the child; or

(ii) If the child was the victim of the sex offense committed by the parent requesting residential time, (A) contact between the child and the offending parent is appropriate and poses minimal risk to the child, (B) if the child is in or has been in therapy for victims of sexual abuse, the child's counselor believes such contact between the child and the offending parent is in the child's best interest, and (C) the offending parent has successfully engaged in treatment for sex offenders or is engaged in and making progress in such treatment, if any was ordered by a court, and the treatment provider believes such contact is appropriate and poses minimal risk to the child.

(g) The presumption established in (e) of this subsection may be rebutted only after a written finding that the child was not conceived and subsequently born as a result of a sexual assault committed by the parent requesting residential time and that:

(i) If the child was not the victim of the sex offense committed by the person who is residing with the parent requesting residential time, (A) contact between the child and the parent residing with the convicted or adjudicated person is appropriate and that parent is able to protect the child in the presence of the convicted or adjudicated person, and (B) the convicted or adjudicated person has successfully engaged in treatment for sex offenders or is engaged in and making progress in such treatment, if any was ordered by a court, and the treatment provider believes such contact is appropriate and poses minimal risk to the child; or

(ii) If the child was the victim of the sex offense committed by the person who is residing with the parent requesting residential time, (A) contact between the child and the parent in the presence of the convicted or adjudicated person is appropriate and poses minimal risk to the child, (B) if the child is in or has been in therapy for victims of sexual abuse, the child's counselor believes such contact between the child and the parent residing with the convicted or adjudicated person in the presence of the convicted or adjudicated person is in the child's best interest, and (C) the convicted or adjudicated person has successfully engaged in treatment for sex offenders or is engaged in and making progress in such treatment, if any was ordered by a court, and the treatment provider believes contact between the parent and child in the presence of the convicted or adjudicated person is appropriate and poses minimal risk to the child.

(h) If the court finds that the parent has met the burden of rebutting the presumption under (f) of this subsection, the court may allow a parent who has been convicted as an adult of a sex offense listed in (d)(i) through (ix) of this subsection to have residential time with the child supervised by a neutral and independent adult and pursuant to an adequate plan for supervision of such residential time. The court shall not approve of a supervisor for contact between the child and the parent unless the court finds, based on the evidence, that the supervisor is willing and capable of protecting the child from harm. The court shall revoke court approval of the supervisor upon finding, based on the evidence, that the supervisor has failed to protect the child or is no longer willing or capable of protecting the child.

(i) If the court finds that the parent has met the burden of rebutting the presumption under (g) of this subsection, the court may allow a parent residing with a person who has been adjudicated as a juvenile of a sex offense listed in (e)(i) through (ix) of this subsection to have residential time with the child in the presence of the person adjudicated as a juvenile, supervised by a neutral and independent adult and pursuant to an adequate plan for supervision of such residential time. The court shall not approve of a supervisor for contact between the child and the parent unless the court finds, based on the evidence, that the supervisor is willing and capable of protecting the child from harm. The court shall revoke court approval of the supervisor upon finding, based on the evidence, that the supervisor has failed to protect the child or is no longer willing or capable of protecting the child.

(j) If the court finds that the parent has met the burden of rebutting the presumption under (g) of this subsection, the

court may allow a parent residing with a person who, as an adult, has been convicted of a sex offense listed in (e)(i) through (ix) of this subsection to have residential time with the child in the presence of the convicted person supervised by a neutral and independent adult and pursuant to an adequate plan for supervision of such residential time. The court shall not approve of a supervisor for contact between the child and the parent unless the court finds, based on the evidence, that the supervisor is willing and capable of protecting the child from harm. The court shall revoke court approval of the supervisor upon finding, based on the evidence, that the supervisor has failed to protect the child or is no longer willing or capable of protecting the child.

(k) A court shall not order unsupervised contact between the offending parent and a child of the offending parent who was sexually abused by that parent. A court may order unsupervised contact between the offending parent and a child who was not sexually abused by the parent after the presumption under (d) of this subsection has been rebutted and supervised residential time has occurred for at least two years with no further arrests or convictions of sex offenses involving children under chapter 9A.44 RCW, RCW 9A.64.020, or chapter 9.68A RCW and (i) the sex offense of the offending parent was not committed against a child of the offending parent, and (ii) the court finds that unsupervised contact between the child and the offending parent is appropriate and poses minimal risk to the child, after consideration of the testimony of a state-certified therapist, mental health counselor, or social worker with expertise in treating child sexual abuse victims who has supervised at least one period of residential time between the parent and the child, and after consideration of evidence of the offending parent's compliance with community supervision requirements, if any. If the offending parent was not ordered by a court to participate in treatment for sex offenders, then the parent shall obtain a psychosexual evaluation conducted by a certified sex offender treatment provider or a certified affiliate sex offender treatment provider indicating that the offender has the lowest likelihood of risk to reoffend before the court grants unsupervised contact between the parent and a child.

(l) A court may order unsupervised contact between the parent and a child which may occur in the presence of a juvenile adjudicated of a sex offense listed in (e)(i) through (ix) of this subsection who resides with the parent after the presumption under (e) of this subsection has been rebutted and supervised residential time has occurred for at least two years during which time the adjudicated juvenile has had no further arrests, adjudications, or convictions of sex offenses involving children under chapter 9A.44 RCW, RCW 9A.64.020, or chapter 9.68A RCW, and (i) the court finds that unsupervised contact between the child and the parent that may occur in the presence of the adjudicated juvenile is appropriate and poses minimal risk to the child, after consideration of the testimony of a state-certified therapist, mental health counselor, or social worker with expertise in treatment of child sexual abuse victims who has supervised at least one period of residential time between the parent and the child in the presence of the adjudicated juvenile, and after consideration of evidence of the adjudicated juvenile's compliance with community supervision or parole

requirements, if any. If the adjudicated juvenile was not ordered by a court to participate in treatment for sex offenders, then the adjudicated juvenile shall obtain a psychosexual evaluation conducted by a certified sex offender treatment provider or a certified affiliate sex offender treatment provider indicating that the adjudicated juvenile has the lowest likelihood of risk to reoffend before the court grants unsupervised contact between the parent and a child which may occur in the presence of the adjudicated juvenile who is residing with the parent.

(m)(i) The limitations imposed by the court under (a) or (b) of this subsection shall be reasonably calculated to protect the child from the physical, sexual, or emotional abuse or harm that could result if the child has contact with the parent requesting residential time. The limitations shall also be reasonably calculated to provide for the safety of the parent who may be at risk of physical, sexual, or emotional abuse or harm that could result if the parent has contact with the parent requesting residential time. The limitations the court may impose include, but are not limited to: Supervised contact between the child and the parent or completion of relevant counseling or treatment. If the court expressly finds based on the evidence that limitations on the residential time with the child will not adequately protect the child from the harm or abuse that could result if the child has contact with the parent requesting residential time, the court shall restrain the parent requesting residential time from all contact with the child.

(ii) The court shall not enter an order under (a) of this subsection allowing a parent to have contact with a child if the parent has been found by clear and convincing evidence in a civil action or by a preponderance of the evidence in a dependency action to have sexually abused the child, except upon recommendation by an evaluator or therapist for the child that the child is ready for contact with the parent and will not be harmed by the contact. The court shall not enter an order allowing a parent to have contact with the child in the offender's presence if the parent resides with a person who has been found by clear and convincing evidence in a civil action or by a preponderance of the evidence in a dependency action to have sexually abused a child, unless the court finds that the parent accepts that the person engaged in the harmful conduct and the parent is willing to and capable of protecting the child from harm from the person.

(iii) The court shall not enter an order under (a) of this subsection allowing a parent to have contact with a child if the parent has been found by clear and convincing evidence pursuant to RCW 26.26A.465 to have committed sexual assault, as defined in RCW 26.26A.465, against the child's parent, and that the child was born within three hundred twenty days of the sexual assault.

(iv) If the court limits residential time under (a) or (b) of this subsection to require supervised contact between the child and the parent, the court shall not approve of a supervisor for contact between a child and a parent who has engaged in physical, sexual, or a pattern of emotional abuse of the child unless the court finds based upon the evidence that the supervisor accepts that the harmful conduct occurred and is willing to and capable of protecting the child from



harm. The court shall revoke court approval of the supervisor upon finding, based on the evidence, that the supervisor has failed to protect the child or is no longer willing to or capable of protecting the child.

(n) If the court expressly finds based on the evidence that contact between the parent and the child will not cause physical, sexual, or emotional abuse or harm to the child and that the probability that the parent's or other person's harmful or abusive conduct will recur is so remote that it would not be in the child's best interests to apply the limitations of (a), (b), and (m)(i) and (iv) of this subsection, or if the court expressly finds that the parent's conduct did not have an impact on the child, then the court need not apply the limitations of (a), (b), and (m)(i) and (iv) of this subsection. The weight given to the existence of a protection order issued under chapter 26.50 RCW as to domestic violence is within the discretion of the court. This subsection shall not apply when (c), (d), (e), (f), (g), (h), (i), (j), (k), (l), and (m)(ii) of this subsection apply.

(3) A parent's involvement or conduct may have an adverse effect on the child's best interests, and the court may preclude or limit any provisions of the parenting plan, if any of the following factors exist:

(a) A parent's neglect or substantial nonperformance of parenting functions;

(b) A long-term emotional or physical impairment which interferes with the parent's performance of parenting functions as defined in RCW 26.09.004;

(c) A long-term impairment resulting from drug, alcohol, or other substance abuse that interferes with the performance of parenting functions;

(d) The absence or substantial impairment of emotional ties between the parent and the child;

(e) The abusive use of conflict by the parent which creates the danger of serious damage to the child's psychological development. Abusive use of conflict includes, but is not limited to, abusive litigation as defined in section 2 of this act. If the court finds a parent has engaged in abusive litigation, the court may impose any restrictions or remedies set forth in chapter 26,--- RCW (the new chapter created in section 10 of this act) in addition to including a finding in the parenting plan. Litigation that is aggressive or improper but that does not meet the definition of abusive litigation shall not constitute a basis for a finding under this section. A report made in good faith to law enforcement, a medical professional, or child protective services of sexual, physical, or mental abuse of a child shall not constitute a basis for a finding of abusive use of conflict;

(f) A parent has withheld from the other parent access to the child for a protracted period without good cause; or

(g) Such other factors or conduct as the court expressly finds adverse to the best interests of the child.

(4) In cases involving allegations of limiting factors under subsection (2)(a)(ii) and (iii) of this section, both parties shall be screened to determine the appropriateness of

a comprehensive assessment regarding the impact of the limiting factor on the child and the parties.

(5) In entering a permanent parenting plan, the court shall not draw any presumptions from the provisions of the temporary parenting plan.

(6) In determining whether any of the conduct described in this section has occurred, the court shall apply the civil rules of evidence, proof, and procedure.

(7) For the purposes of this section:

(a) "A parent's child" means that parent's natural child, adopted child, or stepchild; and

(b) "Social worker" means a person with a master's or further advanced degree from a social work educational program accredited and approved as provided in RCW 18.320.010.

**Sec. 235.** RCW 26.50.060 and 2019 c 46 s 5038 are each amended to read as follows:

(1) Upon notice and after hearing, the court may provide relief as follows:

(a) Restrain the respondent from committing acts of domestic violence;

(b) Exclude the respondent from the dwelling that the parties share, from the residence, workplace, or school of the petitioner, or from the day care or school of a child;

(c) Prohibit the respondent from knowingly coming within, or knowingly remaining within, a specified distance from a specified location;

(d) On the same basis as is provided in chapter 26.09 RCW, the court shall make residential provision with regard to minor children of the parties. However, parenting plans as specified in chapter 26.09 RCW shall not be required under this chapter;

(e) Order the respondent to participate in a domestic violence perpetrator treatment program approved under RCW 26.50.150;

(f) Order other relief as it deems necessary for the protection of the petitioner and other family or household members sought to be protected, including orders or directives to a peace officer, as allowed under this chapter;

(g) Require the respondent to pay the administrative court costs and service fees, as established by the county or municipality incurring the expense and to reimburse the petitioner for costs incurred in bringing the action, including reasonable attorneys' fees or limited license legal technician fees when such fees are incurred by a person licensed and practicing in accordance with the state supreme court's admission to practice rule 28, the limited practice rule for limited license legal technicians;

(h) Restrain the respondent from having any contact with the victim of domestic violence or the victim's children or members of the victim's household;

(i) Restrain the respondent from harassing, following, keeping under physical or electronic surveillance,

cyberstalking as defined in RCW 9.61.260, and using telephonic, audiovisual, or other electronic means to monitor the actions, location, or communication of a victim of domestic violence, the victim's children, or members of the victim's household. For the purposes of this subsection, "communication" includes both "wire communication" and "electronic communication" as defined in RCW 9.73.260;

(j) Require the respondent to submit to electronic monitoring. The order shall specify who shall provide the electronic monitoring services and the terms under which the monitoring must be performed. The order also may include a requirement that the respondent pay the costs of the monitoring. The court shall consider the ability of the respondent to pay for electronic monitoring;

(k) Consider the provisions of RCW 9.41.800;

(l) Order possession and use of essential personal effects. The court shall list the essential personal effects with sufficient specificity to make it clear which property is included. Personal effects may include pets. The court may order that a petitioner be granted the exclusive custody or control of any pet owned, possessed, leased, kept, or held by the petitioner, respondent, or minor child residing with either the petitioner or respondent and may prohibit the respondent from interfering with the petitioner's efforts to remove the pet. The court may also prohibit the respondent from knowingly coming within, or knowingly remaining within, a specified distance of specified locations where the pet is regularly found; ~~(and)~~

(m) Order use of a vehicle; ~~and~~

(n) Enter an order restricting the respondent from engaging in abusive litigation as set forth in chapter 26.--- RCW (the new chapter created in section 10 of this act). A petitioner may request this relief in the petition or by separate motion. A petitioner may request this relief by separate motion at any time within five years of the date the order for protection is entered even if the order has since expired. A stand-alone motion for an order restricting abusive litigation may be brought by a party who meets the requirements of chapter 26.--- RCW (the new chapter created in section 10 of this act) regardless of whether the party has previously sought an order for protection under this chapter, provided the motion is made within five years of the date the order that made a finding of domestic violence was entered. In cases where a finding of domestic violence was entered pursuant to an order under chapter 26.09, 26.26, or 26.26A RCW, a motion for an order restricting abusive litigation may be brought under the family law case or as a stand-alone action filed under this chapter, when it is not reasonable or practical to file under the family law case.

(2) If a protection order restrains the respondent from contacting the respondent's minor children the restraint shall be for a fixed period not to exceed one year. This limitation is not applicable to orders for protection issued under chapter 26.09, 26.10, 26.26A, or 26.26B RCW. With regard to other relief, if the petitioner has petitioned for relief on his or her own behalf or on behalf of the petitioner's family or household members or minor children, and the court finds that the respondent is likely to resume acts of domestic violence against the petitioner or the petitioner's family or

household members or minor children when the order expires, the court may either grant relief for a fixed period or enter a permanent order of protection.

If the petitioner has petitioned for relief on behalf of the respondent's minor children, the court shall advise the petitioner that if the petitioner wants to continue protection for a period beyond one year the petitioner may either petition for renewal pursuant to the provisions of this chapter or may seek relief pursuant to the provisions of chapter 26.09, 26.26A, or 26.26B RCW.

(3) If the court grants an order for a fixed time period, the petitioner may apply for renewal of the order by filing a petition for renewal at any time within the three months before the order expires. The petition for renewal shall state the reasons why the petitioner seeks to renew the protection order. Upon receipt of the petition for renewal the court shall order a hearing which shall be not later than fourteen days from the date of the order. Except as provided in RCW 26.50.085, personal service shall be made on the respondent not less than five days before the hearing. If timely service cannot be made the court shall set a new hearing date and shall either require additional attempts at obtaining personal service or permit service by publication as provided in RCW 26.50.085 or by mail as provided in RCW 26.50.123. If the court permits service by publication or mail, the court shall set the new hearing date not later than twenty-four days from the date of the order. If the order expires because timely service cannot be made the court shall grant an ex parte order of protection as provided in RCW 26.50.070. The court shall grant the petition for renewal unless the respondent proves by a preponderance of the evidence that the respondent will not resume acts of domestic violence against the petitioner or the petitioner's children or family or household members when the order expires. The court may renew the protection order for another fixed time period or may enter a permanent order as provided in this section. The court may award court costs, service fees, and reasonable attorneys' fees as provided in subsection (1)(g) of this section.

(4) In providing relief under this chapter, the court may realign the designation of the parties as "petitioner" and "respondent" where the court finds that the original petitioner is the abuser and the original respondent is the victim of domestic violence and may issue an ex parte temporary order for protection in accordance with RCW 26.50.070 on behalf of the victim until the victim is able to prepare a petition for an order for protection in accordance with RCW 26.50.030.

(5) Except as provided in subsection (4) of this section, no order for protection shall grant relief to any party except upon notice to the respondent and hearing pursuant to a petition or counter-petition filed and served by the party seeking relief in accordance with RCW 26.50.050.

(6) The court order shall specify the date the order expires if any. The court order shall also state whether the court issued the protection order following personal service, service by publication, or service by mail and whether the court has approved service by publication or mail of an order issued under this section.

(7) If the court declines to issue an order for protection or declines to renew an order for protection, the court shall state in writing on the order the particular reasons for the court's denial.

NEW SECTION. Sec. 236. Sections 1 through 7 of this act constitute a new chapter in Title 26 RCW.

NEW SECTION. Sec. 237. This act shall be construed liberally so as to effectuate the goal of protecting survivors of domestic violence from abusive litigation.

NEW SECTION. Sec. 238. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 239. This act takes effect January 1, 2021."

Correct the title.

Signed by Representatives Kilduff, Chair; Thai, Vice Chair; Irwin, Ranking Minority Member; Goodman; Hansen; Kirby; Orwall; Peterson; Rude; Valdez; Walen and Ybarra.

MINORITY recommendation: Do not pass. Signed by Representative Klippert.

MINORITY recommendation: Without recommendation. Signed by Representatives Dufault, Assistant Ranking Minority Member and Graham.

Referred to Committee on Rules for second reading.

March 2, 2020 239.0.

2SSB 6275 Prime Sponsor, Committee on Ways & Means: Increasing patient access rights to timely and appropriate postacute care. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass as amended by Committee on Appropriations and without amendment by Committee on Health Care & Wellness.

239.0.

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 74.39A.040 and 1995 1st sp.s. c 18 s 6 are each amended to read as follows:

The department shall work in partnership with hospitals in assisting patients and their families to find and gain timely access to long-term care services of their choice. The department shall not delay hospital discharges but shall assist and support the activities of hospital discharge planners. The department also shall coordinate with home health and hospice agencies whenever appropriate. The role of the department is to assist the hospital and to assist patients and their families in making informed choices by providing information regarding home and community

options to individuals who are hospitalized and likely to need long-term care.

(1) To the extent of available funds, the department shall assess individuals who:

(a) Are medicaid clients, medicaid applicants, or eligible for both medicare and medicaid; and

(b) Apply or are likely to apply for admission to a nursing facility.

(2)(a) Subject to the availability of amounts appropriated for this specific purpose, the department shall complete its assessment and determine a hospitalized individual's eligibility for medicaid funded long-term services and supports within twenty business days of receiving the request for an assessment.

(b) If the department is not able to determine eligibility within the relevant timeline in (a) of this subsection due to patient-specific situations beyond the control of the department, the department shall notify the hospital where the patient is located of the specific reason for the delay, the status of the assessment and determination, and the expected completion date.

(c) This subsection (2) does not impact assessments performed in community settings or case management functions performed by department employees.

(3) Subject to the availability of amounts appropriated for this specific purpose, the department shall develop specialty contracts that prioritize the transition of long length of stay clients who are ready to discharge from acute care hospitals, but are not able to discharge to appropriate locations due to complex medical and behavioral needs requiring additional supports and funding.

(4) For individuals who are reasonably expected to become medicaid recipients within one hundred eighty days of admission to a nursing facility, the department shall, to the extent of available funds, offer an assessment and information regarding appropriate in-home and community services.

~~((3))~~ (5) When the department finds, based on assessment, that the individual prefers and could live appropriately and cost-effectively at home or in some other community-based setting, the department shall:

(a) Advise the individual that an in-home or other community service is appropriate;

(b) Develop, with the individual or the individual's representative, a comprehensive community service plan;

(c) Inform the individual regarding the availability of services that could meet the applicant's needs as set forth in the community service plan and explain the cost to the applicant of the available in-home and community services relative to nursing facility care; and

(d) Discuss and evaluate the need for ongoing involvement with the individual or the individual's representative.

((4)) (6) When the department finds, based on assessment, that the individual prefers and needs nursing facility care, the department shall:

(a) Advise the individual that nursing facility care is appropriate and inform the individual of the available nursing facility vacancies;

(b) If appropriate, advise the individual that the stay in the nursing facility may be short term; and

(c) Describe the role of the department in providing nursing facility case management.

**NEW SECTION. Sec. 2.** A new section is added to chapter 74.39A RCW to read as follows:

(1) A patient, client, health care provider, hospital, facility, or department case manager may submit a request justifying the need for additional personal care services and an increased daily rate to the department's exception to rule committee.

(2) The committee shall provide the requesting person or entity, the client, and the hospital or facility where the patient is located, with a copy of its final decision, including whether the request was approved, modified, or denied, and the reason for the decision. The department shall track and make publicly available data on the number of requests and decisions by the committee.

**NEW SECTION. Sec. 3.** (1) The joint legislative audit and review committee shall conduct a review of the staffing model the department of social and health services uses to transition acute care individuals to home and community-based services under chapter 74.39A RCW. This review shall consider the process used to staff financial and functional eligibility determinations, as well as staffing for service plan development and transition activities, for patients located in an acute care setting. The committee shall consult with the department of social and health services in conducting this review. By September 1, 2021, the committee shall submit a report with its findings to the office of financial management, the research and data analysis division of the department of social and health services, and the appropriate committees of the legislature.

(2) Until January 1, 2022, the research and data analysis division of the department of social and health services, in collaboration with the health care authority, the Washington state hospital association, and other stakeholders, shall prepare a report regarding patients who remain in a hospital setting due to barriers in accessing community alternatives.

(a) In preparing the report, the division may use administrative data sources in the integrated client databases maintained by the division. The division will consider information and recommendations produced under subsection (1) of this section. The Washington state hospital association and hospitals may provide data identifying the target populations for the division to link to its integrated client databases. The division will work with the Washington state hospital association to develop the format hospitals may use in providing the data.

(b) The report must, at a minimum:

(i) Describe the physical and behavioral health, cognitive performance, functional support, and housing needs of these patients;

(ii) Identify how the department of social and health services' current assessment tool captures patients' personal care needs related to behavioral health and cognitive function;

(iii) Identify barriers for patients accessing postacute settings, including funding, services, and supports, that are not captured or accounted for in the department of social and health services' current assessment tool and identify alternative sources for addressing and resolving the identified barriers; and

(iv) Identify the potential types and sources of funding that may be used to transition patients to a postacute care setting.

(c) The division shall submit the report to the office of financial management and the appropriate committees of the legislature by November 15, 2021.

**NEW SECTION. Sec. 4.** No later than December 31, 2021, the health care authority, in partnership with the department of social and health services shall submit a waiver request to the federal department of health and human services to authorize presumptive medicaid eligibility determinations for clients preparing for acute care hospital discharge who may need long-term services and supports. The authority and the department shall hold stakeholder discussions including opportunities for public review and comment, during development of the waiver request. Upon submission of the waiver request, the authority and the department shall submit a report to the governor and the appropriate legislative committees that describes the request and identifies any statutory changes that may be necessary if the federal government approves the request."

Correct the title.

Signed by Representatives Ormsby, Chair; Stokesbary, Ranking Minority Member; Robinson, 1st Vice Chair; Bergquist, 2nd Vice Chair; MacEwen, Assistant Ranking Minority Member; Rude, Assistant Ranking Minority Member; Caldier; Chandler; Chopp; Cody; Corry; Dolan; Dye; Fitzgibbon; Hansen; Hoff; Hudgins; Kilduff; Kraft; Macri; Mosbrucker; Pettigrew; Pollet; Ryu; Schmick; Senn; Springer; Steele; Sullivan; Sutherland; Tarleton; Tharinger and Ybarra.

Referred to Committee on Appropriations.

March 2, 2020 4.0.

**ESSB 6280**

Prime Sponsor, Committee on Environment, Energy & Technology: Concerning the use of facial recognition services. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass as amended by Committee on Innovation, Technology & Economic Development.

4.0.

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 5.** The legislature finds that:

(1) Unconstrained use of facial recognition services by state and local government agencies poses broad social ramifications that should be considered and addressed. Accordingly, legislation is required to establish safeguards that will allow state and local government agencies to use facial recognition services in a manner that benefits society while prohibiting uses that threaten our democratic freedoms and put our civil liberties at risk.

(2) However, state and local government agencies may use facial recognition services in a variety of beneficial ways, such as locating missing or incapacitated persons, identifying victims of crime, and keeping the public safe.

**NEW SECTION. Sec. 6.** The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Accountability report" means a report developed in accordance with section 3 of this act.

(2) "Enroll," "enrolled," or "enrolling" means the process by which a facial recognition service creates a facial template from one or more images of an individual and adds the facial template to a gallery used by the facial recognition service for recognition or persistent tracking of individuals. It also includes the act of adding an existing facial template directly into a gallery used by a facial recognition service.

(3)(a) "Facial recognition service" means technology that analyzes facial features and is used by a state or local government agency for the identification, verification, or persistent tracking of individuals in still or video images.

(b) "Facial recognition service" does not include: (i) The analysis of facial features to grant or deny access to an electronic device; or (ii) the use of an automated or semiautomated process for the purpose of redacting a recording for release or disclosure outside the law enforcement agency to protect the privacy of a subject depicted in the recording, if the process does not generate or result in the retention of any biometric data or surveillance information.

(4) "Facial template" means the machine-interpretable pattern of facial features that is extracted from one or more images of an individual by a facial recognition service.

(5) "Identification" means the use of a facial recognition service by a state or local government agency to determine whether an unknown individual matches any individual whose identity is known to the state or local government agency and who has been enrolled by reference to that identity in a gallery used by the facial recognition service.

(6) "Legislative authority" means the respective city or county council, commission, or other body in which legislative powers are vested. For a state agency, "legislative authority" refers to the state legislature.

(7) "Meaningful human review" means review or oversight by one or more individuals who are trained in accordance with section 8 of this act and who have the authority to alter the decision under review.

(8) "Nonidentifying demographic data" means data that is not linked or reasonably linkable to an identified or identifiable individual, and includes, at a minimum, information about gender, race or ethnicity, age, and location.

(9) "Ongoing surveillance" means tracking the physical movements of a specified individual through one or more public places over time, whether in real time or through application of a facial recognition service to historical records. It does not include a single recognition or attempted recognition of an individual, if no attempt is made to subsequently track that individual's movement over time after they have been recognized.

(10) "Persistent tracking" means the use of a facial recognition service by a state or local government agency to track the movements of an individual on a persistent basis without identification or verification of that individual. Such tracking becomes persistent as soon as:

(a) The facial template that permits the tracking is maintained for more than forty-eight hours after first enrolling that template; or

(b) Data created by the facial recognition service is linked to any other data such that the individual who has been tracked is identified or identifiable.

(11) "Recognition" means the use of a facial recognition service by a state or local government agency to determine whether an unknown individual matches:

(a) Any individual who has been enrolled in a gallery used by the facial recognition service; or

(b) A specific individual who has been enrolled in a gallery used by the facial recognition service.

(12) "Serious criminal offense" means any offense defined under RCW 9.94A.030 (26), (33), (42), (43), (47), or (56).

(13) "Verification" means the use of a facial recognition service by a state or local government agency to determine whether an individual is a specific individual whose identity is known to the state or local government agency and who has been enrolled by reference to that identity in a gallery used by the facial recognition service.

**NEW SECTION. Sec. 7.** (1) A state or local government agency using or intending to develop, procure, or use a facial recognition service must file with a legislative authority a notice of intent to develop, procure, or use a facial recognition service and specify a purpose for which the technology is to be used. A state or local government agency may commence the accountability report required in this

section only upon the approval of the notice of intent by the legislative authority.

(2) Prior to developing, procuring, or using a facial recognition service, a state or local government agency must produce an accountability report for that service. Each accountability report must include, at minimum, clear and understandable statements of the following:

(a)(i) The name of the facial recognition service, vendor, and version; and (ii) a description of its general capabilities and limitations, including reasonably foreseeable capabilities outside the scope of the proposed use of the agency;

(b)(i) The type or types of data inputs that the technology uses; (ii) how that data is generated, collected, and processed; and (iii) the type or types of data the system is reasonably likely to generate;

(c)(i) A description of the purpose and proposed use of the facial recognition service, including what decision or decisions will be used to make or support it; (ii) whether it is a final or support decision system; and (iii) its intended benefits, including any data or research demonstrating those benefits;

(d) A clear use and data management policy, including protocols for the following:

(i) How and when the facial recognition service will be deployed or used and by whom including, but not limited to, the factors that will be used to determine where, when, and how the technology is deployed, and other relevant information, such as whether the technology will be operated continuously or used only under specific circumstances. If the facial recognition service will be operated or used by another entity on the agency's behalf, the facial recognition service accountability report must explicitly include a description of the other entity's access and any applicable protocols;

(ii) Any measures taken to minimize inadvertent collection of additional data beyond the amount necessary for the specific purpose or purposes for which the facial recognition service will be used;

(iii) Data integrity and retention policies applicable to the data collected using the facial recognition service, including how the agency will maintain and update records used in connection with the service, how long the agency will keep the data, and the processes by which data will be deleted;

(iv) Any additional rules that will govern use of the facial recognition service and what processes will be required prior to each use of the facial recognition service;

(v) Data security measures applicable to the facial recognition service including how data collected using the facial recognition service will be securely stored and accessed, if and why an agency intends to share access to the facial recognition service or the data from that facial recognition service with any other entity, and the rules and procedures by which an agency sharing data with any other entity will ensure that such entities comply with the sharing

agency's use and data management policy as part of the data sharing agreement;

(vi) How the facial recognition service provider intends to fulfill security breach notification requirements pursuant to chapter 19.255 RCW and how the agency intends to fulfill security breach notification requirements pursuant to RCW 42.56.590; and

(vii) The agency's training procedures, including those implemented in accordance with section 8 of this act, and how the agency will ensure that all personnel who operate the facial recognition service or access its data are knowledgeable about and able to ensure compliance with the use and data management policy prior to use of the facial recognition service;

(e) The agency's testing procedures, including its processes for periodically undertaking operational tests of the facial recognition service in accordance with section 6 of this act;

(f) Information on the facial recognition service's rate of false matches, potential impacts on protected subpopulations, and how the agency will address error rates, determined independently, greater than one percent;

(g) A description of any potential impacts of the facial recognition service on civil rights and liberties, including potential impacts to privacy and potential disparate impacts on marginalized communities, and the specific steps the agency will take to mitigate the potential impacts and prevent unauthorized use of the facial recognition service; and

(h) The agency's procedures for receiving feedback, including the channels for receiving feedback from individuals affected by the use of the facial recognition service and from the community at large, as well as the procedures for responding to feedback.

(3) Prior to finalizing the accountability report, the agency must:

(a) Allow for a public review and comment period;

(b) Hold at least three community consultation meetings; and

(c) Consider the issues raised by the public through the public review and comment period and the community consultation meetings.

(4) The final accountability report must be adopted by a legislative authority in a public meeting before the agency may develop, procure, or use a facial recognition service.

(5) The final adopted accountability report must be clearly communicated to the public at least ninety days prior to the agency putting the facial recognition service into operational use, posted on the agency's public web site, and submitted to the consolidated technology services agency established in RCW 43.105.006. The consolidated technology services agency must post each submitted accountability report on its public web site.

(6) A state or local government agency seeking to procure a facial recognition service must require vendors to

disclose any complaints or reports of bias regarding the service.

(7) The accountability report must be updated every two years and each update must be subject to the public comment and community consultation processes described in this section.

(8) An agency seeking to use a facial recognition service for a purpose not disclosed in the agency's existing accountability report must first seek public comment and community consultation on the proposed new use and adopt an updated accountability report pursuant to the requirements contained in this section.

(9) The accountability report required for the facial recognition matching system authorized in RCW 46.20.037 is due July 1, 2021.

(10) Except for the facial recognition matching system authorized in RCW 46.20.037, a state or local government agency that is using a facial recognition service as of the effective date of this section must suspend its use of the service until it complies with the requirements of this chapter.

**NEW SECTION. Sec. 8.** (1) State and local government agencies using a facial recognition service are required to prepare and publish an annual report that discloses:

(a) The extent and effectiveness of their use of such services, including nonidentifying demographic data about individuals subjected to a facial recognition service;

(b) An assessment of compliance with the terms of their accountability report;

(c) Any known or reasonably suspected violations of their accountability report, including categories of complaints alleging violations; and

(d) Any revisions to the accountability report recommended by the agency during the next update of the policy.

(2) The annual report must be adopted by a legislative authority and submitted to the office of privacy and data protection.

(3) All agencies must hold community meetings to review and discuss their annual report within sixty days of its adoption by a legislative authority and public release.

**NEW SECTION. Sec. 9.** State and local government agencies using a facial recognition service to make decisions that produce legal effects concerning individuals or similarly significant effects concerning individuals must ensure that those decisions are subject to meaningful human review. Decisions that produce legal effects concerning individuals or similarly significant effects concerning individuals means decisions that result in the provision or denial of financial and lending services, housing, insurance, education enrollment, criminal justice, employment opportunities, health care services, or access to basic necessities such as food and water, or that impact civil rights of individuals.

**NEW SECTION. Sec. 10.** Prior to deploying a facial recognition service in the context in which it will be used, state and local government agencies using a facial recognition service to make decisions that produce legal effects on individuals or similarly significant effect on individuals must test the facial recognition service in operational conditions. State and local government agencies must take reasonable steps to ensure best quality results by following all guidance provided by the developer of the facial recognition service.

**NEW SECTION. Sec. 11.** (1) A facial recognition service provider that provides or intends to provide facial recognition services to state or local government agencies must make available an application programming interface or other technical capability, chosen by the provider, to enable legitimate, independent, and reasonable tests of those facial recognition services for accuracy and unfair performance differences across distinct subpopulations. Such subpopulations are defined by visually detectable characteristics such as: (a) Race, skin tone, ethnicity, gender, age, or disability status; or (b) other protected characteristics that are objectively determinable or self-identified by the individuals portrayed in the testing dataset. If the results of the independent testing identify material unfair performance differences across subpopulations, and the methodology, data, and results are disclosed in a manner that allows full reproduction directly to the provider who, acting reasonably, determines that the methodology and results of that testing are valid, then the provider must develop and implement a plan to mitigate the identified performance differences.

(2) This section does not apply to the facial recognition matching system authorized in RCW 46.20.037 under contract as of the effective date of this section. Upon renewal or extension of the contract as of the effective date of this section, or upon entering into a new contract for facial recognition services, the department of licensing must ensure that the facial recognition service provider of the system authorized in RCW 46.20.037 fulfills the requirements of this section.

(3) Nothing in this section requires a state or local government to collect or provide data to a facial recognition service provider to satisfy the requirements in subsection (1) of this section.

**NEW SECTION. Sec. 12.** State and local government agencies using a facial recognition service must conduct periodic training of all individuals who operate a facial recognition service or who process personal data obtained from the use of a facial recognition service. The training must include, but not be limited to, coverage of:

(1) The capabilities and limitations of the facial recognition service;

(2) Procedures to interpret and act on the output of the facial recognition service; and

(3) To the extent applicable to the deployment context, the meaningful human review requirement for decisions that produce legal effects concerning individuals or similarly significant effects concerning individuals.

**NEW SECTION. Sec. 13.** (1) State and local government agencies must disclose their use of a facial recognition service on a criminal defendant to that defendant in a timely manner prior to trial.

(2) State and local government agencies using a facial recognition service shall maintain records of their use of the service that are sufficient to facilitate public reporting and auditing of compliance with agencies' facial recognition policies.

(3) In January of each year, any judge who has issued a warrant for ongoing surveillance, or an extension thereof, as described in section 12(1) of this act, that expired during the preceding year, or who has denied approval of such a warrant during that year shall report to the administrator for the courts:

(a) The fact that a warrant or extension was applied for;

(b) The fact that the warrant or extension was granted as applied for, was modified, or was denied;

(c) The period of ongoing surveillance authorized by the warrant and the number and duration of any extensions of the warrant;

(d) The identity of the applying investigative or law enforcement officer and agency making the application and the person authorizing the application; and

(e) The nature of the public spaces where the surveillance was conducted.

(4) In January of each year, any state or local government agency that has applied for a warrant, or an extension thereof, for ongoing surveillance as described in section 12(1) of this act shall provide to a legislative authority a report summarizing nonidentifying demographic data of individuals named in warrant applications as subjects of ongoing surveillance with the use of a facial recognition service.

**NEW SECTION. Sec. 14.** This chapter does not apply to a state or local government agency that is mandated to use a specific facial recognition service pursuant to a federal regulation or order. A state or local government agency must report the mandated use of a facial recognition service to a legislative authority.

**NEW SECTION. Sec. 15.** (1)(a) A legislative task force on facial recognition services is established, with members as provided in this subsection.

(i) The president of the senate shall appoint one member from each of the two largest caucuses of the senate;

(ii) The speaker of the house of representatives shall appoint one member from each of the two largest caucuses of the house of representatives;

(iii) Eight representatives from advocacy organizations that represent individuals or protected classes of communities historically impacted by surveillance technologies including, but not limited to, African American, Hispanic American, Native American, and Asian

American communities, religious minorities, protest and activist groups, and other vulnerable communities;

(iv) Two members from law enforcement or other agencies of government;

(v) One representative from a retailer or other company who deploys facial recognition services in physical premises open to the public;

(vi) Two representatives from consumer protection organizations;

(vii) Two representatives from companies that develop and provide facial recognition services; and

(viii) Two representatives from universities or research institutions who are experts in either facial recognition services or their sociotechnical implications, or both.

(b) The task force shall choose two cochairs from among its legislative membership.

(2) The task force shall review the following issues:

(a) Provide recommendations addressing the potential abuses and threats posed by the use of a facial recognition service to civil liberties and freedoms, privacy and security, and discrimination against vulnerable communities, as well as other potential harm, while also addressing how to facilitate and encourage the continued development of a facial recognition service so that individuals, businesses, government, and other stakeholders in society continue to utilize its benefits;

(b) Provide recommendations regarding the adequacy and effectiveness of applicable Washington state laws; and

(c) Conduct a study on the quality, accuracy, and efficacy of a facial recognition service including, but not limited to, its quality, accuracy, and efficacy across different subpopulations.

(3) Staff support for the task force must be provided by senate committee services and the house of representatives office of program research.

(4) Legislative members of the task force are reimbursed for travel expenses in accordance with RCW 44.04.120. Nonlegislative members are not entitled to be reimbursed for travel expenses if they are elected officials or are participating on behalf of an employer, governmental entity, or other organization. Any reimbursement for other nonlegislative members is subject to chapter 43.03 RCW.

(5) The expenses of the task force must be paid jointly by the senate and the house of representatives. Task force expenditures are subject to approval by the senate facilities and operations committee and the house of representatives executive rules committee, or their successor committees.

(6) The task force shall report its findings and recommendations to the governor and the appropriate committees of the legislature by September 30, 2021.

(7) This section expires September 30, 2022.



**NEW SECTION. Sec. 16.** A new section is added to chapter 9.73 RCW to read as follows:

(1) State and local government agencies may not use a facial recognition service to engage in any surveillance, including, but not limited to, engaging in ongoing surveillance, creating a facial template, conducting an identification, starting persistent surveillance, or performing a recognition, without a warrant.

(2) State and local government agencies must not apply a facial recognition service to any individual based on their religious, political, or social views or activities, participation in a particular noncriminal organization or lawful event, or actual or perceived race, ethnicity, citizenship, place of origin, immigration status, age, disability, gender, gender identity, sexual orientation, or other characteristic protected by law. This subsection does not condone profiling including, but not limited to, predictive law enforcement tools. The prohibition in this subsection does not prohibit state and local government agencies from applying a facial recognition service to an individual who happens to possess one or more of these characteristics where an officer of that agency holds a reasonable suspicion that that individual has committed, is engaged in, or is about to commit a felony or there is need to invoke their community care-taking function.

(3) State and local government agencies may not use a facial recognition service to create a record describing any individual's exercise of rights guaranteed by the First Amendment of the United States Constitution and by Article I, section 5 of the state Constitution.

(4) Law enforcement agencies that utilize body worn camera recordings shall comply with the provisions of RCW 42.56.240(14).

(5) A facial recognition service match alone does not constitute reasonable suspicion.

**NEW SECTION. Sec. 17.** Sections 1 through 10 of this act constitute a new chapter in Title 43 RCW."

Correct the title.

Signed by Representatives Ormsby, Chair; Robinson, 1st Vice Chair; Bergquist, 2nd Vice Chair; Chopp; Cody; Dolan; Fitzgibbon; Hansen; Hudgins; Kilduff; Macri; Pettigrew; Pollet; Ryu; Senn; Springer; Sullivan; Tarleton; Tharinger and Ybarra.

MINORITY recommendation: Do not pass. Signed by Representatives Stokesbary, Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Caldier; Chandler; Corry; Dye; Hoff; Kraft; Mosbrucker; Schmick; Steele and Sutherland.

MINORITY recommendation: Without recommendation. Signed by Representative Rude, Assistant Ranking Minority Member.

Referred to Committee on Appropriations.

March 2, 2020 17.0.

**2SSB 6281**

Prime Sponsor, Committee on Ways & Means: Concerning the management and oversight of personal data. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass as amended by Committee on Innovation, Technology & Economic Development.

17.0.

Strike everything after the enacting clause and insert the following:

"**NEW SECTION. Sec. 18. SHORT TITLE.** This act may be known and cited as the Washington privacy act.

**NEW SECTION. Sec. 19. LEGISLATIVE FINDINGS.** (1) The legislature finds that the people of Washington regard their privacy as a fundamental right and an essential element of their individual freedom. Washington's Constitution explicitly provides the right to privacy, and fundamental privacy rights have long been and continue to be integral to protecting Washingtonians and to safeguarding our democratic republic.

(2) Ongoing advances in technology have produced an exponential growth in the volume and variety of personal data being generated, collected, stored, and analyzed, which presents both promise and potential peril. The ability to harness and use data in positive ways is driving innovation and brings beneficial technologies to society; however, it has also created risks to privacy and freedom. The unregulated and unauthorized use and disclosure of personal information and loss of privacy can have devastating impacts, ranging from financial fraud, identity theft, and unnecessary costs, to personal time and finances, to destruction of property, harassment, reputational damage, emotional distress, and physical harm.

(3) Given that technological innovation and new uses of data can help solve societal problems and improve quality of life, the legislature seeks to shape responsible public policies where innovation and protection of individual privacy coexist. The legislature notes that our federal authorities have not developed or adopted into law regulatory or legislative solutions that give consumers control over their privacy. In contrast, the European Union's general data protection regulation has continued to influence data privacy policies and practices of those businesses competing in global markets. In the absence of federal standards, Washington and other states across the United States are analyzing elements of the European Union's general data protection regulation to enact state-based data privacy regulatory protections.

(4) With this act, Washington state will be among the first tier of states giving consumers the ability to protect their own rights to privacy and requiring companies to be responsible custodians of data as technological innovations emerge. This act does so by explicitly providing consumers the right to access, correction, and deletion of personal data, as well as the right to opt out of the collection and use of personal data for certain purposes. These rights will add to,

and not subtract from, the consumer protection rights that consumers already have under Washington state law.

(5) Additionally, this act imposes affirmative obligations upon companies to safeguard personal data and provide clear, understandable, and transparent information to consumers about how their personal data are used. It strengthens compliance and accountability by requiring data protection assessments in the collection and use of personal data. Finally, it empowers the state attorney general to obtain and evaluate a company's data protection assessments, to impose penalties where violations occur, and to prevent against future violations.

(6) The legislature also encourages the state office of privacy and data protection to monitor the development of universal privacy controls that communicate a consumer's affirmative, freely given, and unambiguous choice to opt out of the processing of personal data concerning the consumer for the purposes of targeted advertising, the sale of personal data, or profiling in furtherance of decisions that produce legal effects concerning the consumer or similarly significant effects concerning consumers.

(7) The legislature recognizes the unique business needs of institutions of higher education and nonprofit corporations. However, these entities control and process an extraordinary amount of personal data and consumers should be afforded the rights provided by this act regarding personal data. Therefore, it is the intent of the legislature to delay the date of application for these entities by three years in order to provide sufficient time to develop a plan to comply with the provisions of this act.

**NEW SECTION. Sec. 20. DEFINITIONS.** The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Affiliate" means a legal entity that controls, is controlled by, or is under common control with, that other legal entity. For these purposes, "control" or "controlled" means ownership of, or the power to vote, more than fifty percent of the outstanding shares of any class of voting security of a company; control in any manner over the election of a majority of the directors or of individuals exercising similar functions; or the power to exercise a controlling influence over the management of a company.

(2) "Authenticate" means to use reasonable means to determine that a request to exercise any of the rights in section 6 (1) through (4) of this act is being made by the consumer who is entitled to exercise such rights with respect to the personal data at issue.

(3) "Business associate" has the same meaning as in Title 45 C.F.R., established pursuant to the federal health insurance portability and accountability act of 1996.

(4) "Child" means any natural person under thirteen years of age.

(5) "Consent" means a clear affirmative act signifying a freely given, specific, informed, and unambiguous indication of a consumer's agreement to the processing of personal data relating to the consumer, such as by a written

statement, including by electronic means, or other clear affirmative action.

(6) "Consumer" means a natural person who is a Washington resident acting only in an individual or household context, including buying and selling in an individual or household context. It does not include a natural person acting in a commercial or employment context.

(7) "Controller" means the natural or legal person which, alone or jointly with others, determines the purposes and means of the processing of personal data.

(8) "Covered entity" has the same meaning as in Title 45 C.F.R., established pursuant to the federal health insurance portability and accountability act of 1996.

(9) "Decisions that produce legal effects concerning a consumer or similarly significant effects concerning a consumer" means decisions that result in the provision or denial of financial and lending services, housing, insurance, education enrollment, criminal justice, employment opportunities, health care services, or access to basic necessities, such as food and water.

(10) "Deidentified data" means data that cannot reasonably be used to infer information about, or otherwise be linked to, an identified or identifiable natural person, or a device linked to such person, provided that the controller that possesses the data: (a) Takes reasonable measures to ensure that the data cannot be associated with a natural person; (b) publicly commits to maintain and use the data only in a deidentified fashion and not attempt to reidentify the data; and (c) contractually obligates any recipients of the information to comply with all provisions of this subsection.

(11) "Enroll," "enrolled," or "enrolling" means the process by which a facial recognition service creates a facial template from one or more images of a consumer and adds the facial template to a gallery used by the facial recognition service for identification, verification, or persistent tracking of consumers. It also includes the act of adding an existing facial template directly into a gallery used by a facial recognition service.

(12) "Facial recognition service" means technology that analyzes facial features and is used for the identification, verification, or persistent tracking of consumers in still or video images.

(13) "Facial template" means the machine-interpretable pattern of facial features that is extracted from one or more images of a consumer by a facial recognition service.

(14) "Health care facility" has the same meaning as in RCW 70.02.010.

(15) "Health care information" has the same meaning as in RCW 70.02.010.

(16) "Health care provider" has the same meaning as in RCW 70.02.010.

(17) "Identification" means the use of a facial recognition service by a controller to determine whether an unknown consumer matches any consumer whose identity is

known to the controller and who has been enrolled by reference to that identity in a gallery used by the facial recognition service.

(18) "Identified or identifiable natural person" means a person who can be readily identified, directly or indirectly.

(19) "Institutions of higher education" has the same meaning as in RCW 28B.92.030.

(20) "Local government" has the same meaning as in RCW 39.46.020.

(21) "Meaningful human review" means review or oversight by one or more individuals who are trained in accordance with section 17(8) of this act and who have the authority to alter the decision under review.

(22) "Nonprofit corporation" has the same meaning as in RCW 24.03.005.

(23) "Ongoing surveillance" means tracking the physical movements of a specified individual through one or more public places over time, whether in real time or through application of a facial recognition service to historical records. It does not include a single recognition or attempted recognition of an individual if no attempt is made to subsequently track that individual's movement over time after the individual has been recognized.

(24) "Persistent tracking" means the use of a facial recognition service to track the movements of a consumer on a persistent basis without identification or verification of that consumer. Such tracking becomes persistent as soon as:

(a) The facial template that permits the tracking uses a facial recognition service for more than forty-eight hours after the first enrolling of that template; or

(b) The data created by the facial recognition service in connection with the tracking of the movements of the consumer are linked to any other data such that the consumer who has been tracked is identified or identifiable.

(25)(a) "Personal data" means any information that is linked or reasonably linkable to an identified or identifiable natural person. "Personal data" does not include deidentified data or publicly available information.

(b) For purposes of this subsection, "publicly available information" means information that is lawfully made available from federal, state, or local government records.

(26) "Process" or "processing" means any operation or set of operations which are performed on personal data or on sets of personal data, whether or not by automated means, such as the collection, use, storage, disclosure, analysis, deletion, or modification of personal data.

(27) "Processor" means a natural or legal person who processes personal data on behalf of a controller.

(28) "Profiling" means any form of automated processing of personal data to evaluate, analyze, or predict personal aspects concerning an identified or identifiable natural person's economic situation, health, personal preferences, interests, reliability, behavior, location, or movements.

(29) "Protected health information" has the same meaning as in Title 45 C.F.R., established pursuant to the federal health insurance portability and accountability act of 1996.

(30) "Pseudonymous data" means personal data that cannot be attributed to a specific natural person without the use of additional information, provided that such additional information is kept separately and is subject to appropriate technical and organizational measures to ensure that the personal data are not attributed to an identified or identifiable natural person.

(31) "Recognition" means the use of a facial recognition service to determine whether:

(a) An unknown consumer matches any consumer who has been enrolled in a gallery used by the facial recognition service; or

(b) An unknown consumer matches a specific consumer who has been enrolled in a gallery used by the facial recognition service.

(32)(a) "Sale," "sell," or "sold" means the exchange of personal data for monetary or other valuable consideration by the controller to a third party.

(b) "Sale" does not include the following: (i) The disclosure of personal data to a processor who processes the personal data on behalf of the controller; (ii) the disclosure of personal data to a third party with whom the consumer has a direct relationship for purposes of providing a product or service requested by the consumer; (iii) the disclosure or transfer of personal data to an affiliate of the controller; (iv) the disclosure of information that the consumer (A) intentionally made available to the general public via a channel of mass media, and (B) did not restrict to a specific audience; or (v) the disclosure or transfer of personal data to a third party as an asset that is part of a merger, acquisition, bankruptcy, or other transaction in which the third party assumes control of all or part of the controller's assets.

(33) "Security or safety purpose" means physical security, protection of consumer data, safety, fraud prevention, or asset protection.

(34) "Sensitive data" means (a) personal data revealing racial or ethnic origin, religious beliefs, mental or physical health condition or diagnosis, sexual orientation, or citizenship or immigration status; (b) the processing of genetic or biometric data for the purpose of uniquely identifying a natural person; (c) the personal data from a known child; or (d) specific geolocation data. "Sensitive data" is a form of personal data.

(35) "Serious criminal offense" means any felony under chapter 9.94A RCW or an offense enumerated by Title 18 U.S.C. Sec. 2516.

(36) "Specific geolocation data" means information derived from technology, including, but not limited to, global positioning system level latitude and longitude coordinates or other mechanisms, that directly identifies the specific location of a natural person with the precision and accuracy below one thousand seven hundred fifty feet.

Specific geolocation data excludes the content of communications.

(37) "State agency" has the same meaning as in RCW 43.105.020.

(38) "Targeted advertising" means displaying advertisements to a consumer where the advertisement is selected based on personal data obtained from a consumer's activities over time and across nonaffiliated web sites or online applications to predict such consumer's preferences or interests. It does not include advertising: (a) Based on activities within a controller's own web sites or online applications; (b) based on the context of a consumer's current search query or visit to a web site or online application; or (c) to a consumer in response to the consumer's request for information or feedback.

(39) "Third party" means a natural or legal person, public authority, agency, or body other than the consumer, controller, processor, or an affiliate of the processor or the controller.

(40) "Verification" means the use of a facial recognition service by a controller to determine whether a consumer is a specific consumer whose identity is known to the controller and who has been enrolled by reference to that identity in a gallery used by the facial recognition service.

**NEW SECTION. Sec. 21. JURISDICTIONAL SCOPE.** (1) This chapter applies to legal entities that conduct business in Washington or produce products or services that are targeted to residents of Washington, and that satisfy one or more of the following thresholds:

(a) During a calendar year, controls or processes personal data of one hundred thousand consumers or more; or

(b) Derives over twenty-five percent of gross revenue from the sale of personal data and processes or controls personal data of twenty-five thousand consumers or more.

(2) This chapter does not apply to:

(a) State agencies, local governments, or tribes;

(b) Municipal corporations;

(c) Information that meets the definition of:

(i) Protected health information for purposes of the federal health insurance portability and accountability act of 1996 and related regulations;

(ii) Health care information for purposes of chapter 70.02 RCW;

(iii) Patient identifying information for purposes of 42 C.F.R. Part 2, established pursuant to 42 U.S.C. Sec. 290dd-2;

(iv) Identifiable private information for purposes of the federal policy for the protection of human subjects, 45 C.F.R. Part 46; identifiable private information that is otherwise information collected as part of human subjects research pursuant to the good clinical practice guidelines issued by the international council for harmonisation; the

protection of human subjects under 21 C.F.R. Parts 50 and 56; or personal data used or shared in research conducted in accordance with one or more of the requirements set forth in this subsection;

(v) Information and documents created specifically for, and collected and maintained by:

(A) A quality improvement committee for purposes of RCW 43.70.510, 70.230.080, or 70.41.200;

(B) A peer review committee for purposes of RCW 4.24.250;

(C) A quality assurance committee for purposes of RCW 74.42.640 or 18.20.390;

(D) A hospital, as defined in RCW 43.70.056, for reporting of health care-associated infections for purposes of RCW 43.70.056, a notification of an incident for purposes of RCW 70.56.040(5), or reports regarding adverse events for purposes of RCW 70.56.020(2)(b);

(vi) Information and documents created for purposes of the federal health care quality improvement act of 1986, and related regulations;

(vii) Patient safety work product for purposes of 42 C.F.R. Part 3, established pursuant to 42 U.S.C. Sec. 299b-21 through 299b-26; or

(viii) Information that is (A) deidentified in accordance with the requirements for deidentification set forth in 45 C.F.R. Part 164, and (B) derived from any of the health care-related information listed in this subsection (2)(c);

(d) Information originating from, and intermingled to be indistinguishable with, information under (c) of this subsection that is maintained by:

(i) A covered entity or business associate as defined by the health insurance portability and accountability act of 1996 and related regulations;

(ii) A health care facility or health care provider as defined in RCW 70.02.010; or

(iii) A program or a qualified service organization as defined by 42 C.F.R. Part 2, established pursuant to 42 U.S.C. Sec. 290dd-2;

(e) Information used only for public health activities and purposes as described in 45 C.F.R. Sec. 164.512;

(f)(i) An activity involving the collection, maintenance, disclosure, sale, communication, or use of any personal information bearing on a consumer's credit worthiness, credit standing, credit capacity, character, general reputation, personal characteristics, or mode of living by a consumer reporting agency, as defined in Title 15 U.S.C. Sec. 1681a(f), by a furnisher of information, as set forth in Title 15 U.S.C. Sec. 1681s-2, who provides information for use in a consumer report, as defined in Title 15 U.S.C. Sec. 1681a(d), and by a user of a consumer report, as set forth in Title 15 U.S.C. Sec. 1681b.

(ii) (f)(i) of this subsection shall apply only to the extent that such activity involving the collection, maintenance, disclosure, sale, communication, or use of such information by that agency, furnisher, or user is subject to regulation under the fair credit reporting act, Title 15 U.S.C. Sec. 1681 et seq., and the information is not collected, maintained, used, communicated, disclosed, or sold except as authorized by the fair credit reporting act;

(g) Personal data collected and maintained for purposes of chapter 43.71 RCW;

(h) Personal data collected, processed, sold, or disclosed pursuant to the federal Gramm-Leach-Bliley act (P.L. 106-102), and implementing regulations, if the collection, processing, sale, or disclosure is in compliance with that law;

(i) Personal data collected, processed, sold, or disclosed pursuant to the federal driver's privacy protection act of 1994 (18 U.S.C. Sec. 2721 et seq.), if the collection, processing, sale, or disclosure is in compliance with that law;

(j) Personal data regulated by the federal family education rights and privacy act, 20 U.S.C. Sec. 1232g and its implementing regulations;

(k) Personal data regulated by the student user privacy in education rights act, chapter 28A.604 RCW;

(l) Personal data collected, processed, sold, or disclosed pursuant to the federal farm credit act of 1971 (as amended in 12 U.S.C. Sec. 2001-2279cc) and its implementing regulations (12 C.F.R. Part 600 et seq.) if the collection, processing, sale, or disclosure is in compliance with that law; or

(m) Data maintained for employment records purposes.

(3) Controllers that are in compliance with the verifiable parental consent mechanisms under the children's online privacy protection act, Title 15 U.S.C. Sec. 6501 through 6506 and its implementing regulations, shall be deemed compliant with any obligation to obtain parental consent under this chapter.

(4) Payment-only credit, check, or cash transactions where no data about consumers are retained do not count as "consumers" for purposes of subsection (1) of this section.

**NEW SECTION. Sec. 22. RESPONSIBILITY ACCORDING TO ROLE.** (1) Controllers and processors are responsible for meeting their respective obligations established under this chapter.

(2) Processors are responsible under this chapter for adhering to the instructions of the controller and assisting the controller to meet its obligations under this chapter. Such assistance shall include the following:

(a) Taking into account the nature of the processing, the processor shall assist the controller by appropriate technical and organizational measures, insofar as this is possible, for the fulfillment of the controller's obligation to respond to consumer requests to exercise their rights pursuant to section 6 of this act; and

(b) Taking into account the nature of processing and the information available to the processor, the processor shall assist the controller in meeting the controller's obligations in relation to the security of processing the personal data and in relation to the notification of a breach of the security of the system pursuant to RCW 19.255.010; and shall provide information to the controller necessary to enable the controller to conduct and document any data protection assessments required by section 9 of this act.

(3) Notwithstanding the instructions of the controller, a processor shall:

(a) Implement and maintain reasonable security procedures and practices to protect personal data, taking into account the context in which the personal data are to be processed;

(b) Ensure that each person processing the personal data is subject to a duty of confidentiality with respect to the data; and

(c) Engage a subcontractor only after providing the controller with an opportunity to object and pursuant to a written contract in accordance with subsection (5) of this section that requires the subcontractor to meet the obligations of the processor with respect to the personal data.

(4) Processing by a processor shall be governed by a contract between the controller and the processor that is binding on both parties and that sets out the processing instructions to which the processor is bound, including the nature and purpose of the processing, the type of personal data subject to the processing, the duration of the processing, and the obligations and rights of both parties. In addition, the contract shall include the requirements imposed by this subsection and subsection (3) of this section, as well as the following requirements:

(a) At the choice of the controller, the processor shall delete or return all personal data to the controller as requested at the end of the provision of services, unless retention of the personal data is required by law;

(b)(i) The processor shall make available to the controller all information necessary to demonstrate compliance with the obligations in this chapter; and (ii) the processor shall allow for, and contribute to, reasonable audits and inspections by the controller or the controller's designated auditor; alternatively, the processor may, with the controller's consent, arrange for a qualified and independent auditor to conduct, at least annually and at the processor's expense, an audit of the processor's policies and technical and organizational measures in support of the obligations under this chapter using an appropriate and accepted control standard or framework and audit procedure for such audits as applicable, and shall provide a report of such audit to the controller upon request.

(5) In no event shall any contract relieve a controller or a processor from the liabilities imposed on them by virtue of its role in the processing relationship as defined by this chapter.

(6) Determining whether a person is acting as a controller or processor with respect to a specific processing

of data is a fact-based determination that depends upon the context in which personal data are to be processed. A person that is not limited in its processing of personal data pursuant to a controller's instructions, or that fails to adhere to such instructions, is a controller and not a processor with respect to a specific processing of data. A processor that continues to adhere to a controller's instructions with respect to a specific processing of personal data remains a processor. If a processor begins, alone or jointly with others, determining the purposes and means of the processing of personal data, it is a controller with respect to such processing.

**NEW SECTION. Sec. 23. CONSUMER PERSONAL DATA RIGHTS.** Consumers may exercise the rights set forth in this section by submitting a request, at any time, to a controller specifying which rights the consumer wishes to exercise. In the case of processing personal data concerning a known child, the parent or legal guardian of the known child shall exercise the rights of this chapter on the child's behalf. Where a controller processes personal data concerning a consumer subject to guardianship, conservatorship, or other protective arrangement under chapter 11.130 RCW, the controller must allow the guardian or the conservator to exercise the rights of this chapter on the consumer's behalf. Except as provided in this chapter, the controller must comply with a request to exercise the rights pursuant to subsections (1) through (5) of this section.

(1) *Right of access.* A consumer has the right to confirm whether or not a controller is processing personal data concerning the consumer and access such personal data.

(2) *Right to correction.* A consumer has the right to correct inaccurate personal data concerning the consumer, taking into account the nature of the personal data and the purposes of the processing of the personal data.

(3) *Right to deletion.* A consumer has the right to delete personal data concerning the consumer.

(4) *Right to data portability.* A consumer has the right to obtain personal data concerning the consumer, which the consumer previously provided to the controller, in a portable and, to the extent technically feasible, readily usable format that allows the consumer to transmit the data to another controller without hindrance, where the processing is carried out by automated means.

(5) *Right to opt out.* A consumer has the right to opt out of the processing of personal data concerning such consumer for purposes of targeted advertising, the sale of personal data, or profiling in furtherance of decisions that produce legal effects concerning a consumer or similarly significant effects concerning a consumer.

(6) *Responding to consumer requests.* (a) A controller must inform a consumer of any action taken on a request under subsections (1) through (5) of this section without undue delay and in any event within forty-five days of receipt of the request. That period may be extended once by forty-five additional days where reasonably necessary, taking into account the complexity and number of the requests. The controller must inform the consumer of any such extension within forty-five days of receipt of the request, together with the reasons for the delay.

(b) If a controller does not take action on the request of a consumer, the controller must inform the consumer without undue delay and at the latest within forty-five days of receipt of the request of the reasons for not taking action and instructions for how to appeal the decision with the controller as described in subsection (7) of this section.

(c) Information provided under this section must be provided by the controller free of charge, up to twice annually to the consumer. Where requests from a consumer are manifestly unfounded or excessive, in particular because of their repetitive character, the controller may either: (i) Charge a reasonable fee to cover the administrative costs of complying with the request, or (ii) refuse to act on the request. The controller bears the burden of demonstrating the manifestly unfounded or excessive character of the request.

(d) A controller is not required to comply with a request to exercise any of the rights under subsections (1) through (4) of this section if the controller is unable to authenticate the request using commercially reasonable efforts. In such cases, the controller may request the provision of additional information reasonably necessary to authenticate the request.

(7)(a) Controllers must establish an internal process whereby consumers may appeal a refusal to take action on a request to exercise any of the rights under subsections (1) through (5) of this section within a reasonable period of time after the consumer's receipt of the notice sent by the controller under subsection (6)(b) of this section.

(b) The appeal process must be conspicuously available and as easy to use as the process for submitting such requests under this section.

(c) Within thirty days of receipt of an appeal, a controller must inform the consumer of any action taken or not taken in response to the appeal, along with a written explanation of the reasons in support thereof. That period may be extended by sixty additional days where reasonably necessary, taking into account the complexity and number of the requests serving as the basis for the appeal. The controller must inform the consumer of any such extension within thirty days of receipt of the appeal, together with the reasons for the delay. The controller must also provide the consumer with an email address or other online mechanism through which the consumer may submit the appeal, along with any action taken or not taken by the controller in response to the appeal and the controller's written explanation of the reasons in support thereof, to the attorney general.

(d) When informing a consumer of any action taken or not taken in response to an appeal pursuant to (c) of this subsection, the controller must clearly and prominently ask the consumer whether the consumer consents to having the controller submit the appeal, along with any action taken or not taken by the controller in response to the appeal and must, upon request, provide the controller's written explanation of the reasons in support thereof, to the attorney general. If the consumer provides such consent, the controller must submit such information to the attorney general.

**NEW SECTION. Sec. 24. PROCESSING DEIDENTIFIED DATA OR PSEUDONYMOUS DATA.**

(1) This chapter does not require a controller or processor to do any of the following solely for purposes of complying with this chapter:

- (a) Reidentify deidentified data;
- (b) Comply with an authenticated consumer request to access, correct, delete, or port personal data pursuant to section 6 (1) through (4) of this act, if all of the following are true:
  - (i)(A) The controller is not reasonably capable of associating the request with the personal data, or (B) it would be unreasonably burdensome for the controller to associate the request with the personal data;
  - (ii) The controller does not use the personal data to recognize or respond to the specific consumer who is the subject of the personal data, or associate the personal data with other personal data about the same specific consumer; and
  - (iii) The controller does not sell the personal data to any third party or otherwise voluntarily disclose the personal data to any third party other than a processor, except as otherwise permitted in this section; or

(c) Maintain data in identifiable form, or collect, obtain, retain, or access any data or technology, in order to be capable of associating an authenticated consumer request with personal data.

(2) The rights contained in section 6 (1) through (4) of this act do not apply to pseudonymous data in cases where the controller is able to demonstrate any information necessary to identify the consumer is kept separately and is subject to effective technical and organizational controls that prevent the controller from accessing such information.

(3) A controller that uses pseudonymous data or deidentified data must exercise reasonable oversight to monitor compliance with any contractual commitments to which the pseudonymous data or deidentified data are subject, and must take appropriate steps to address any breaches of contractual commitments.

**NEW SECTION. Sec. 25. RESPONSIBILITIES OF CONTROLLERS. (1) *Transparency.***

(a) Controllers shall provide consumers with a reasonably accessible, clear, and meaningful privacy notice that includes:

- (i) The categories of personal data processed by the controller;
- (ii) The purposes for which the categories of personal data are processed;
- (iii) How and where consumers may exercise the rights contained in section 6 of this act, including how a consumer may appeal a controller's action with regard to the consumer's request;
- (iv) The categories of personal data that the controller shares with third parties, if any; and

(v) The categories of third parties, if any, with whom the controller shares personal data.

(b) If a controller sells personal data to third parties or processes personal data for targeted advertising, it must clearly and conspicuously disclose such processing, as well as the manner in which a consumer may exercise the right to opt out of such processing, in a clear and conspicuous manner.

(c) Controllers shall establish, and shall describe in the privacy notice, one or more secure and reliable means for consumers to submit a request to exercise their rights under this chapter. Such means shall take into account the ways in which consumers interact with the controller, the need for secure and reliable communication of such requests, and the controller's ability to authenticate the identity of the consumer making the request. Controllers shall not require a consumer to create a new account in order to exercise a right, but a controller may require a consumer to use an existing account to exercise the consumer's rights under this chapter.

(2) *Purpose specification.* A controller's collection of personal data must be limited to what is reasonably necessary in relation to the purposes for which such data are processed, as disclosed to the consumer.

(3) *Data minimization.* A controller's collection of personal data must be only as reasonably necessary to provide services requested by a consumer, to conduct an activity that a consumer has requested, or to verify requests made pursuant to section 6 of this act.

(4) *Avoid secondary use.* Except as provided in this chapter, a controller may not process personal data for purposes that are not reasonably necessary to, or compatible with, the purposes for which such personal data are processed, as disclosed to the consumer, unless the controller obtains the consumer's consent.

(5) *Security.* A controller shall establish, implement, and maintain reasonable administrative, technical, and physical data security practices to protect the confidentiality, integrity, and accessibility of personal data. Such data security practices shall be appropriate to the volume and nature of the personal data at issue.

(6) *Nondiscrimination.* A controller may not process personal data in violation of state and federal laws that prohibit unlawful discrimination against consumers. A controller shall not discriminate against a consumer for exercising any of the rights contained in this chapter, including denying goods or services to the consumer, charging different prices or rates for goods or services, and providing a different level of quality of goods and services to the consumer. This subsection shall not prohibit a controller from offering a different price, rate, level, quality, or selection of goods or services to a consumer, including offering goods or services for no fee, if the offering is in connection with a consumer's voluntary participation in a bona fide loyalty, rewards, premium features, discounts, or club card program. A controller may not sell personal data to a third-party controller as part of such a program unless:

- (a) The sale is reasonably necessary to enable the third party to provide a benefit to which the consumer is entitled; (b) the

sale of personal data to third parties is clearly disclosed in the terms of the program; and (c) the third party uses the personal data only for purposes of facilitating such benefit to which the consumer is entitled and does not retain or otherwise use or disclose the personal data for any other purpose. A controller may not enroll a consumer in a facial recognition service in connection with a bona fide loyalty, rewards, premium features, discounts, or club card program.

(7) *Sensitive data.* Except as otherwise provided in this act, a controller may not process sensitive data concerning a consumer without obtaining the consumer's consent, or, in the case of the processing of personal data concerning a known child, without obtaining consent from the child's parent or lawful guardian, in accordance with the children's online privacy protection act requirements.

(8) *Nonwaiver of consumer rights.* Any provision of a contract or agreement of any kind that purports to waive or limit in any way a consumer's rights under this chapter shall be deemed contrary to public policy and shall be void and unenforceable.

**NEW SECTION. Sec. 26. DATA PROTECTION ASSESSMENTS.** (1) Controllers must conduct and document a data protection assessment of each of the following processing activities involving personal data:

(a) The processing of personal data for purposes of targeted advertising;

(b) The sale of personal data;

(c) The processing of personal data for purposes of profiling, where such profiling presents a reasonably foreseeable risk of: (i) Unfair or deceptive treatment of, or disparate impact on, consumers; (ii) financial, physical, or reputational injury to consumers; (iii) a physical or other intrusion upon the solitude or seclusion, or the private affairs or concerns, of consumers, where such intrusion would be offensive to a reasonable person; or (iv) other substantial injury to consumers;

(d) The processing of sensitive data; and

(e) Any processing activities involving personal data that present a heightened risk of harm to consumers.

Such data protection assessments must take into account the type of personal data to be processed by the controller, including the extent to which the personal data are sensitive data, and the context in which the personal data are to be processed.

(2) Data protection assessments conducted under subsection (1) of this section must identify and weigh the benefits that may flow directly and indirectly from the processing to the controller, consumer, other stakeholders, and the public against the potential risks to the rights of the consumer associated with such processing, as mitigated by safeguards that can be employed by the controller to reduce such risks. The use of deidentified data and the reasonable expectations of consumers, as well as the context of the processing and the relationship between the controller and the consumer whose personal data will be processed, must be factored into this assessment by the controller.

(3) The attorney general may request, in writing, that a controller disclose any data protection assessment that is relevant to an investigation conducted by the attorney general. The controller must make a data protection assessment available to the attorney general upon such a request. The attorney general may evaluate the data protection assessments for compliance with the responsibilities contained in section 8 of this act and with other laws including, but not limited to, chapter 19.86 RCW. Data protection assessments are confidential and exempt from public inspection and copying under chapter 42.56 RCW. The disclosure of a data protection assessment pursuant to a request from the attorney general under this subsection does not constitute a waiver of the attorney-client privilege or work product protection with respect to the assessment and any information contained in the assessment.

(4) Data protection assessments conducted by a controller for the purpose of compliance with other laws or regulations may qualify under this section if they have a similar scope and effect.

**NEW SECTION. Sec. 27. LIMITATIONS AND APPLICABILITY.** (1) The obligations imposed on controllers or processors under this chapter do not restrict a controller's or processor's ability to:

(a) Comply with federal, state, or local laws, rules, or regulations;

(b) Comply with a civil, criminal, or regulatory inquiry, investigation, subpoena, or summons by federal, state, local, or other governmental authorities;

(c) Cooperate with law enforcement agencies concerning conduct or activity that the controller or processor reasonably and in good faith believes may violate federal, state, or local laws, rules, or regulations;

(d) Investigate, establish, exercise, prepare for, or defend legal claims;

(e) Provide a product or service specifically requested by a consumer, perform a contract to which the consumer is a party, or take steps at the request of the consumer prior to entering into a contract;

(f) Take immediate steps to protect an interest that is essential for the life of the consumer or of another natural person, and where the processing cannot be manifestly based on another legal basis;

(g) Prevent, detect, protect against, or respond to security incidents, identity theft, fraud, harassment, malicious or deceptive activities, or any illegal activity; preserve the integrity or security of systems; or investigate, report, or prosecute those responsible for any such action;

(h) Engage in public or peer-reviewed scientific, historical, or statistical research in the public interest that adheres to all other applicable ethics and privacy laws if the deletion of the information is likely to render impossible or seriously impair the achievement of the research and the consumer provided consent; or

(i) Assist another controller, processor, or third party with any of the obligations under this subsection.



(2) The obligations imposed on controllers or processors under this chapter do not restrict a controller's or processor's ability to collect, use, or retain data to:

(a) Conduct internal research solely to improve or repair products, services, or technology;

(b) Identify and repair technical errors that impair existing or intended functionality; or

(c) Perform solely internal operations that are reasonably aligned with the expectations of the consumer based on the consumer's existing relationship with the controller, or are otherwise compatible with processing in furtherance of the provision of a product or service specifically requested by a consumer or the performance of a contract to which the consumer is a party.

(3) The obligations imposed on controllers or processors under this chapter do not apply where compliance by the controller or processor with this chapter would violate an evidentiary privilege under Washington law and do not prevent a controller or processor from providing personal data concerning a consumer to a person covered by an evidentiary privilege under Washington law as part of a privileged communication.

(4) A controller or processor that discloses personal data to a third-party controller or processor in compliance with the requirements of this chapter is not in violation of this chapter if the recipient processes such personal data in violation of this chapter, provided that, at the time of disclosing the personal data, the disclosing controller or processor did not have actual knowledge that the recipient intended to commit a violation. A third-party controller or processor receiving personal data from a controller or processor in compliance with the requirements of this chapter is likewise not in violation of this chapter for the obligations of the controller or processor from which it receives such personal data.

(5) Obligations imposed on controllers and processors under this chapter shall not:

(a) Adversely affect the rights or freedoms of any persons, such as exercising the right of free speech pursuant to the First Amendment to the United States Constitution; or

(b) Apply to the processing of personal data by a natural person in the course of a purely personal or household activity.

(6) Personal data that are processed by a controller pursuant to this section must not be processed for any purpose other than those expressly listed in this section. Personal data that are processed by a controller pursuant to this section may be processed solely to the extent that such processing is: (i) Necessary, reasonable, and proportionate to the purposes listed in this section; and (ii) adequate, relevant, and limited to what is necessary in relation to the specific purpose or purposes listed in this section. Furthermore, personal data that are collected, used, or retained pursuant to subsection (2) of this section must, insofar as possible, taking into account the nature and purpose or purposes of such collection, use, or retention, be subjected to reasonable administrative, technical, and

physical measures to protect the confidentiality, integrity, and accessibility of the personal data, and to reduce reasonably foreseeable risks of harm to consumers relating to such collection, use, or retention of personal data.

(7) If a controller processes personal data pursuant to an exemption in this section, the controller bears the burden of demonstrating that such processing qualifies for the exemption and complies with the requirements in subsection (6) of this section.

(8) Processing personal data solely for the purposes expressly identified in subsection (1)(a) through (d) or (g) of this section does not, by itself, make an entity a controller with respect to such processing.

**NEW SECTION. Sec. 28. ENFORCEMENT.** (1) The legislature finds that the practices covered by this chapter are matters vitally affecting the public interest for the purpose of applying the consumer protection act, chapter 19.86 RCW. A violation of this chapter is not reasonable in relation to the development and preservation of business and is an unfair or deceptive act in trade or commerce and an unfair method of competition for the purpose of applying the consumer protection act, chapter 19.86 RCW.

(2) Any controller or processor that violates this chapter is subject to an injunction and liable for a civil penalty of not more than seven thousand five hundred dollars for each violation.

**NEW SECTION. Sec. 29. CONSUMER PRIVACY ACCOUNT.** The consumer privacy account is created in the state treasury. All receipts from the imposition of civil penalties under this chapter must be deposited into the account except for the recovery of costs and attorneys' fees accrued by the attorney general in enforcing this chapter. Moneys in the account may be spent only after appropriation. Moneys in the account may only be used for the purposes of the office of privacy and data protection as created under RCW 43.105.369, and may not be used to supplant general fund appropriations to the agency.

**NEW SECTION. Sec. 30. PREEMPTION.** (1) This chapter supersedes and preempts laws, ordinances, regulations, or the equivalent adopted by any local entity regarding the processing of personal data by controllers or processors. Laws, ordinances, or regulations regarding the processing of personal data by controllers or processors that are adopted by any local entity prior to the effective date of this chapter are not superseded or preempted.

(2) This chapter does not supersede or preempt laws, ordinances, regulations, or the equivalent adopted by any local entity regarding facial recognition.

**NEW SECTION. Sec. 31. THE OFFICE OF PRIVACY AND DATA PROTECTION REPORT.** (1) By December 1, 2020, the office of privacy and data protection shall prepare and post to its public web site a report that summarizes the data protected and not protected by this chapter. At a minimum, the report must include, with reasonable detail, a list of the types of information that are publicly available from local, state, and federal government sources, and an inventory of information to which this

chapter does not apply by virtue of a limitation in section 4 of this act. The report may be updated as new information becomes available to the office.

(2) The office of privacy and data protection may consult with stakeholders and provide recommendations regarding the appropriate breadth and number of circumstances that limit the obligations of controllers and processors, and in particular whether those limits should apply for a prescribed period of time or in perpetuity.

(3) The office of privacy and data protection may consult with stakeholders, including those in the industry, academia, and consumer and privacy advocacy, regarding the scope and coverage of this chapter.

**NEW SECTION. Sec. 32. ATTORNEY GENERAL REPORT.** (1) The attorney general shall compile a report evaluating the liability and enforcement provisions of this chapter including, but not limited to, the effectiveness of its efforts to enforce this chapter, and any recommendations for changes to such provisions.

(2) The attorney general shall submit the report to the governor and the appropriate committees of the legislature by July 1, 2022.

**NEW SECTION. Sec. 33. JOINT RESEARCH INITIATIVES.** The governor may enter into agreements with the governments of the Canadian province of British Columbia and the states of California and Oregon for the purpose of sharing personal data or personal information by public bodies across national and state borders to enable collaboration for joint data-driven research initiatives. Such agreements must provide reciprocal protections that the respective governments agree appropriately safeguard the data.

**NEW SECTION. Sec. 34. FACIAL RECOGNITION.** (1) Processors that provide facial recognition services must make available an application programming interface or other technical capability, chosen by the processor, to enable controllers or third parties to conduct legitimate, independent, and reasonable tests of those facial recognition services for accuracy and unfair performance differences across distinct subpopulations: PROVIDED, That making such an application programming interface or other technical capability available does not require the disclosure of proprietary data, trade secrets, intellectual property, or other information, or if doing so would increase the risk of cyberattacks including, without limitation, cyberattacks related to unique methods of conducting business, data unique to the product or services, or determining prices or rates to be charged for services. Such subpopulations are defined by visually detectable characteristics, such as (a) race, skin tone, ethnicity, gender, age, or disability status, or (b) other protected characteristics that are objectively determinable or self-identified by the individuals portrayed in the testing dataset. If the results of that independent testing identify material unfair performance differences across subpopulations and the methodology, data, and results are disclosed in a manner that allow full reproduction of the testing directly to the processor, who, acting reasonably, determines that the methodology and results of that testing are valid, then the

processor must develop and implement a plan to mitigate the identified performance differences. Nothing in this subsection prevents a processor from prohibiting the use of the processor's facial recognition service by a competitor for competitive purposes.

(2) Processors that provide facial recognition services must provide documentation that includes general information that:

(a) Explains the capabilities and limitations of the services in plain language; and

(b) Enables testing of the services in accordance with this section.

(3) Processors that provide facial recognition services must prohibit, in the contract required by section 5 of this act, the use of facial recognition services by controllers to unlawfully discriminate under federal or state law against individual consumers or groups of consumers.

(4) Controllers must provide a conspicuous and contextually appropriate notice whenever a facial recognition service is deployed in a physical premise open to the public that includes, at minimum, the following:

(a) The purpose or purposes for which the facial recognition service is deployed; and

(b) Information about where consumers can obtain additional information about the facial recognition service including, but not limited to, a link to any applicable online notice, terms, or policy that provides information about where and how consumers can exercise any rights that they have with respect to the facial recognition service.

(5) Controllers must obtain consent from a consumer prior to enrolling an image of that consumer in a facial recognition service used in a physical premise open to the public.

(6) Controllers using a facial recognition service to make decisions that produce legal effects on consumers or similarly significant effects on consumers must ensure that those decisions are subject to meaningful human review.

(7) Prior to deploying a facial recognition service in the context in which it will be used, controllers using a facial recognition service to make decisions that produce legal effects on consumers or similarly significant effects on consumers must test the facial recognition service in operational conditions. Controllers must take commercially reasonable steps to ensure best quality results by following all reasonable guidance provided by the developer of the facial recognition service.

(8) Controllers using a facial recognition service must conduct periodic training of all individuals that operate a facial recognition service or that process personal data obtained from the use of facial recognition services. Such training shall include, but not be limited to, coverage of:

(a) The capabilities and limitations of the facial recognition service, including facial recognition rates of error based on demographical differences among different subpopulations;

(b) Procedures to interpret and act on the output of the facial recognition service; and

(c) The meaningful human review requirement for decisions that produce legal effects on consumers or similarly significant effects on consumers, to the extent applicable to the deployment context.

(9) Controllers shall not knowingly disclose personal data obtained from a facial recognition service to a law enforcement agency, except when such disclosure is:

(a) Pursuant to the consent of the consumer to whom the personal data relates;

(b) Required by federal, state, or local law in response to a court-ordered warrant;

(c) Necessary to prevent or respond to an emergency involving danger of death or serious physical injury to any person, upon a good faith belief by the controller; or

(d) To the national center for missing and exploited children, in connection with a report submitted thereto under Title 18 U.S.C. Sec. 2258A.

(10) Controllers that deploy a facial recognition service must respond to a consumer request to exercise the rights specified in section 6 of this act and must fulfill the responsibilities identified in section 8 of this act.

(11) Voluntary facial recognition services used to verify an aviation passenger's identity in connection with services regulated by the secretary of transportation under Title 49 U.S.C. Sec. 41712 and exempt from state regulation under Title 49 U.S.C. Sec. 41713(b)(1) are exempt from this section. Images captured by an airline must not be retained for more than twenty-four hours and, upon request of the attorney general, airlines must certify that they do not retain the image for more than twenty-four hours. An airline facial recognition service must disclose and obtain consent from the customer prior to capturing an image.

**NEW SECTION. Sec. 35.** This chapter does not apply to institutions of higher education or nonprofit corporations until July 31, 2024.

**NEW SECTION. Sec. 36.** Sections 1 through 18 and 20 of this act constitute a new chapter in Title 19 RCW.

**NEW SECTION. Sec. 37.** This act takes effect July 31, 2021."

Correct the title.

Signed by Representatives Ormsby, Chair; Robinson, 1st Vice Chair; Bergquist, 2nd Vice Chair; Chopp; Cody; Dolan; Fitzgibbon; Hansen; Hudgins; Kilduff; Macri; Pettigrew; Pollet; Ryu; Senn; Springer; Sullivan; Tarleton and Tharinger.

MINORITY recommendation: Do not pass. Signed by Representatives Stokesbary, Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Rude, Assistant Ranking Minority Member; Caldier; Chandler; Corry; Dye; Hoff; Kraft; Mosbrucker; Schmick; Steele; Sutherland and Ybarra.

Referred to Committee on Appropriations.

March 2, 2020 37.0.

ESSB 6287 Prime Sponsor, Committee on Law & Justice: Concerning guardianships and conservatorships. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass as amended by Committee on Civil Rights & Judiciary.  
37.0.

Strike everything after the enacting clause and insert the following:

"**Sec. 101.** RCW 11.130.185 and 2019 c 437 s 201 are each amended to read as follows:

(1) A person becomes a guardian for a minor only on appointment by the court.

(2) The court may appoint a guardian for a minor who does not have a guardian if the court finds the appointment is in the minor's best interest and:

(a) Each parent of the minor, after being fully informed of the nature and consequences of guardianship, consents;

(b) All parental rights have been terminated; or

(c) There is clear and convincing evidence that no parent of the minor is willing or able to exercise ~~((the powers the court is granting the guardian))~~ parenting functions as defined in RCW 26.09.004.

**Sec. 102.** RCW 11.130.190 and 2019 c 437 s 202 are each amended to read as follows:

(1) A person interested in the welfare of a minor, including the minor, may petition for appointment of a guardian for the minor.

(2) A petition under subsection (1) of this section must state the petitioner's name, principal residence, current street address, if different, relationship to the minor, interest in the appointment, the name and address of any attorney representing the petitioner, and, to the extent known, the following:

(a) The minor's name, age, principal residence, current street address, if different, and, if different, address of the dwelling in which it is proposed the minor will reside if the appointment is made;

(b) The name and current street address of the minor's parents;

(c) The name and address, if known, of each person that had primary care or custody of the minor for at least sixty days during the two years immediately before the filing of the petition or for at least seven hundred thirty days during the five years immediately before the filing of the petition;

(d) The name and address of any attorney for the minor and any attorney for each parent of the minor;

(e) ~~((The reason guardianship is sought and would be in the best interest of the minor))~~ The legal basis for the guardianship. Factual reasons why the guardianship is sought and would be in the best interest of the minor shall be set out in a separate supplemental declaration;

(f) The name and address of any proposed guardian and the reason the proposed guardian should be selected;

(g) If the minor has property other than personal effects, a general statement of the minor's property with an estimate of its value;

(h) Whether the minor needs an interpreter, translator, or other form of support to communicate effectively with the court or understand court proceedings;

(i) Whether any parent of the minor needs an interpreter, translator, or other form of support to communicate effectively with the court or understand court proceedings; and

(j) Whether any other proceeding concerning the care or custody of the minor is pending in any court in this state or another jurisdiction.

(3) The court may, upon a showing of good cause, order that the information concerning the reasons for the guardianship contained in the supplemental declaration to the petition and all subsequently filed pleadings and evidence by any party not be served on the minor if the minor is unrepresented. A minor entitled to service under this subsection may request access to the court pleadings and evidence filed in the court record.

(4) Courts may develop forms for the purpose of filing petitions under subsection (1) of this section.

**Sec. 103.** RCW 11.130.195 and 2019 c 437 s 203 are each amended to read as follows:

(1) If a petition is filed under RCW 11.130.190, the court shall schedule a hearing and the petitioner shall:

(a) Serve notice of the date, time, and place of the hearing, together with a copy of the petition and supplemental declaration, personally on each of the following that is not the petitioner:

(i) The minor, if the minor ~~((will be))~~ is twelve years of age or older ~~((at the time of the hearing))~~. The court may, upon a showing of good cause, order that information concerning the reasons for the guardianship contained in the petition, the supplemental declaration, and all subsequently filed pleadings and evidence by any party, not be served on the minor if the minor is unrepresented. A minor entitled to service under this subsection may request access to the court pleadings and evidence filed in the court record;

(ii) Each parent of the minor or, if there is none, the adult nearest in kinship who can be found with reasonable diligence;

(iii) ~~((Any adult with whom the minor resides;~~

~~(iv) Each person that had primary care or custody of the minor for at least sixty days during the two years immediately before the filing of the petition or for at least seven hundred thirty days during the five years immediately before the filing of the petition; and~~

~~((v))~~ Any guardian or person with nonparental custody of the minor issued under chapter 26.10 RCW; and

(iv) Any other person the court determines should receive personal service of notice; and

(b)(i) Give notice by mail or other action reasonably calculated to give notice under RCW 11.130.065 of the date, time, and place of the hearing, together with a copy of the petition, to:

~~((i))~~ (A) Any adult with primary care and custody of the minor who is not a parent, guardian, or person with nonparental custody issued under chapter 26.10 RCW;

(B) Each person that had primary care or custody of the minor for at least sixty days during the two years immediately before the filing of the petition or for at least seven hundred thirty days during the five years immediately before the filing of the petition, if known;

(C) Any person nominated as guardian by the minor, if the minor is twelve years of age or older;

~~((ii))~~ (D) Any nominee of a parent;

~~((iii))~~ (E) Each grandparent and adult sibling of the minor, if known;

~~((iv))~~ (F) Any ((guardian or)) conservator acting for the minor in any jurisdiction; and

~~((v))~~ (G) Any other person the court determines,

(ii) The court may waive notice to persons listed under (b)(i) of this subsection for good cause. Good cause includes an allegation that giving notice may risk harm to the minor.

(2) Notice required by subsection (1) of this section must include a statement of the right to request appointment of an attorney for the minor or object to appointment of a guardian and a description of the nature, purpose, and consequences of appointment of a guardian. Notice for the minor must specifically state all rights retained by the minor including the right to request counsel, the right to attend, and the right to participate and communicate with the court. Notice for the minor must also state whether the court has entered any prior order limiting information served upon the minor, and that the minor may ask the court to reconsider the court's order at any time. Notice for the minor must include information on how the minor can respond to the petition.

(3) The court may not grant a petition for guardianship of a minor if notice substantially complying with subsection (1)(a) of this section is not served on:

(a) The minor, if the minor is twelve years of age or older; and

(b) Each parent of the minor, unless the court finds by clear and convincing evidence that the parent cannot with

due diligence be located and served or the parent waived, in a record, the right to notice.

(4) If a petitioner is unable to serve notice under subsection (1)(a) of this section on a parent of a minor or alleges that the parent waived, in a record, the right to notice under this section, and in all cases involving a minor twelve years of age and older when the minor is unrepresented, the court shall appoint a court visitor who shall:

(a) Interview the petitioner and the minor;

(b) Meet with the minor and explain the rights retained by the minor as outlined in the notice requirements under this section. The court visitor shall ascertain the minor's views or positions regarding the guardianship and shall file a report with the court regarding the minor's views or positions. If the minor wishes the court to reconsider any prior order limiting information served upon the minor, the court visitor shall inform the court of the minor's request;

(c) If the petitioner alleges the parent cannot be located, ascertain whether the parent cannot be located with due diligence;

~~((e))~~ (d) Investigate any other matter relating to the petition the court directs; and

~~((d))~~ (e) Ascertain whether the parent consents to the guardian for the minor.

**Sec. 104.** RCW 11.130.205 and 2019 c 437 s 205 are each amended to read as follows:

(1) The court shall allow a minor who is the subject of a hearing under RCW 11.130.195 to attend the hearing and allow the minor to participate in the hearing unless the court determines ~~((by clear and convincing evidence presented at the hearing or a separate hearing,))~~ that:

(a) The minor lacks the ability or maturity to participate meaningfully in the hearing; or

(b) Attendance would be harmful to the minor.

(2) Unless excused by the court for good cause, the person proposed to be appointed as guardian for a minor shall attend a hearing under RCW 11.130.195.

(3) Each parent of a minor who is the subject of a hearing under RCW 11.130.195 has the right to attend the hearing.

(4) A person may request permission to participate in a hearing under RCW 11.130.195. The court may grant the request, with or without hearing, on determining that it is in the best interest of the minor who is the subject of the hearing. The court may impose appropriate conditions on the person's participation.

**Sec. 105.** RCW 11.130.210 and 2019 c 437 s 206 are each amended to read as follows:

(1) Before granting any order ~~((regarding the custody of a child))~~ under this chapter, the court must consult the judicial information system, if available, to determine the existence of any information and proceedings that are relevant to the placement of the child.

(2) Before entering a final order, the court must:

(a) Direct the department of children, youth, and families to release information as provided under RCW 13.50.100; and

(b) Require the petitioner to provide the results of an examination of state and national criminal identification data provided by the Washington state patrol criminal identification system as described in chapter 43.43 RCW for the petitioner and adult members of the petitioner's household.

**Sec. 106.** RCW 11.130.215 and 2019 c 437 s 207 are each amended to read as follows:

(1) After a hearing under RCW 11.130.195, the court may appoint a guardian for a minor, if appointment is proper under RCW 11.130.185, dismiss the proceeding, or take other appropriate action consistent with this chapter or law of this state other than this chapter.

(2) In appointing a guardian under subsection (1) of this section, the following rules apply:

(a) The court shall appoint a person nominated as guardian by a parent of the minor in a will or other record unless the court finds the appointment is contrary to the best interest of the minor.

(b) If multiple parents have nominated different persons to serve as guardian, the court shall appoint the nominee whose appointment is in the best interest of the minor, unless the court finds that appointment of none of the nominees is in the best interest of the minor.

(c) If a guardian is not appointed under (a) or (b) of this subsection, the court shall appoint the person nominated by the minor if the minor is twelve years of age or older unless the court finds that appointment is contrary to the best interest of the minor. In that case, the court shall appoint as guardian a person whose appointment is in the best interest of the minor.

(3) In the interest of maintaining or encouraging involvement by a minor's parent in the minor's life, developing self-reliance of the minor, or for other good cause, the court, at the time of appointment of a guardian for the minor or later, on its own or on motion of the minor or other interested person, may create a limited guardianship by limiting the powers otherwise granted by this article to the guardian. Following the same procedure, the court may grant additional powers or withdraw powers previously granted.

(4) The court, as part of an order appointing a guardian for a minor, shall state rights retained by any parent of the minor, which shall preserve the parent-child relationship through an order for parent-child visitation and other contact, unless the court finds the relationship should be limited or restricted under RCW 26.09.191; and which may include ~~((contact or visitation with the minor,))~~ decision making regarding the minor's health care, education, or other matter, or access to a record regarding the minor.

(5) An order granting a guardianship for a minor must state that each parent of the minor is entitled to notice that:

(a) The guardian has delegated custody of the minor subject to guardianship;

(b) The court has modified or limited the powers of the guardian; or

(c) The court has removed the guardian.

(6) An order granting a guardianship for a minor must identify any person in addition to a parent of the minor which is entitled to notice of the events listed in subsection (5) of this section.

(7) An order granting guardianship for a minor must direct the clerk of the court to issue letters of office to the guardian containing an expiration date which should be the minor's eighteenth birthday.

**Sec. 107.** RCW 11.130.220 and 2019 c 437 s 208 are each amended to read as follows:

(1) A standby guardian appointed under this section may act as guardian, with all duties and powers of a guardian under RCW 11.130.230 and 11.130.235, when no parent of the minor is willing or able to exercise the duties and powers granted to the guardian.

(2) A parent of a minor, in a signed record, may nominate a person to be appointed by the court as standby guardian for the minor. The parent, in a signed record, may state desired limitations on the powers to be granted the standby guardian. The parent, in a signed record, may revoke or amend the nomination at any time before the court appoints a standby guardian.

(3) The court may appoint a standby guardian for a minor on:

(a) Petition by a parent of the minor or a person nominated under subsection (2) of this section; and

(b) Finding that, within two years after the appointment, no parent of the minor likely will be able or willing to ~~((care for or make decisions with respect to the minor not later than two years after the appointment))~~ perform parenting functions as defined in RCW 26.09.004.

(4) A petition under subsection (3)(a) of this section must include the same information required under RCW 11.130.190 for the appointment of a guardian for a minor.

(5) On filing a petition under subsection (3)(a) of this section, the petitioner shall:

(a) Serve a copy of the petition personally on:

(i) The minor, if the minor is twelve years of age or older, and the minor's attorney, if any;

(ii) Each parent of the minor;

(iii) The person nominated as standby guardian; and

(iv) Any other person the court determines; and

(b) Include with the copy of the petition served under

(a) of this subsection a statement of the right to request appointment of an attorney for the minor or to object to appointment of the standby guardian, and a description of

the nature, purpose, and consequences of appointment of a standby guardian.

(6) The court may, upon a showing of good cause, order that the information concerning the reasons for the standby guardianship contained in the petition and all subsequently filed pleadings and evidence by any party not be served on the minor if the minor is unrepresented. A minor entitled to service under this subsection may request access to the court pleadings and evidence filed in the court record.

(7) A person entitled to notice under subsection (5) of this section, not later than sixty days after service of the petition and statement, may object to appointment of the standby guardian by filing an objection with the court and giving notice of the objection to each other person entitled to notice under subsection (5) of this section.

~~((7))~~ (8) If an objection is filed under subsection ~~((6))~~ (7) of this section, the court shall hold a hearing to determine whether a standby guardian should be appointed and, if so, the person that should be appointed. If no objection is filed, the court may make the appointment.

~~((8))~~ (9) The court may not grant a petition for a standby guardian of the minor if notice substantially complying with subsection (5) of this section is not served on:

(a) The minor, if the minor is twelve years of age or older; and

(b) Each parent of the minor, unless the court finds by clear and convincing evidence that the parent, in a record, waived the right to notice or cannot be located and served with due diligence.

~~((9))~~ (10) If a petitioner is unable to serve notice under subsection (5) of this section on a parent of the minor or alleges that a parent of the minor waived the right to notice under this section, the court shall appoint a court visitor who shall:

(a) Interview the petitioner and the minor;

(b) If the petitioner alleges the parent cannot be located and served, ascertain whether the parent cannot be located with due diligence; and

(c) Investigate any other matter relating to the petition the court directs.

~~((10))~~ (11) If the court finds under subsection (3) of this section that a standby guardian should be appointed, the following rules apply:

(a) The court shall appoint the person nominated under subsection (2) of this section unless the court finds the appointment is contrary to the best interest of the minor.

(b) If the parents have nominated different persons to serve as standby guardian, the court shall appoint the nominee whose appointment is in the best interest of the minor, unless the court finds that appointment of none of the nominees is in the best interest of the minor.

~~((14))~~ (12) An order appointing a standby guardian under this section must state that each parent of the minor is entitled to notice, and identify any other person entitled to notice, if:

- (a) The standby guardian assumes the duties and powers of the guardian;
- (b) The guardian delegates custody of the minor;
- (c) The court modifies or limits the powers of the guardian; or
- (d) The court removes the guardian.

~~((12))~~ (13) Before assuming the duties and powers of a guardian, a standby guardian must file with the court an acceptance of appointment as guardian and give notice of the acceptance to:

- (a) Each parent of the minor, unless the parent, in a record, waived the right to notice or cannot be located and served with due diligence;
- (b) The minor, if the minor is twelve years of age or older; and
- (c) Any person, other than the parent, having care or custody of the minor.

~~((13))~~ (14) A person that receives notice under subsection ~~((12))~~ (13) of this section or any other person interested in the welfare of the minor may file with the court an objection to the standby guardian's assumption of duties and powers of a guardian. The court shall hold a hearing if the objection supports a reasonable belief that the conditions for assumption of duties and powers have not been satisfied.

**Sec. 108.** RCW 11.130.225 and 2019 c 437 s 209 are each amended to read as follows:

(1) On its own, or on petition by a person interested in a minor's welfare, including the minor, the court may appoint an emergency guardian for the minor if the court finds:

- (a) Appointment of an emergency guardian is likely to prevent substantial harm to the minor's health, safety, or welfare; and
- (b) No other person appears to have authority and willingness to act in the circumstances.

(2) The duration of authority of an emergency guardian for a minor may not exceed sixty days and the emergency guardian may exercise only the powers specified in the order of appointment. The emergency guardian's authority may be extended once for not more than sixty days if the court finds that the conditions for appointment of an emergency guardian in subsection (1) of this section continue.

(3) Except as otherwise provided in subsection (4) of this section, reasonable notice of the date, time, and place of a hearing on a petition for appointment of an emergency guardian for a minor must be given to:

- (a) The minor, if the minor is twelve years of age or older;

(b) Any attorney appointed under RCW 11.130.200;

(c) Each parent of the minor;

(d) Any person, other than a parent, having care or custody of the minor; and

(e) Any other person the court determines.

(4) The court may appoint an emergency guardian for a minor without notice under subsection (3) of this section and a hearing only if the court finds from an affidavit or testimony that the minor's health, safety, or welfare will be substantially harmed before a hearing with notice on the appointment can be held. If the court appoints an emergency guardian without notice to an unrepresented minor or the attorney for a represented minor, notice of the appointment must be given not later than forty-eight hours after the appointment to the individuals listed in subsection (3) of this section. Not later than five days after the appointment, the court shall hold a hearing on the appropriateness of the appointment.

(5) Appointment of an emergency guardian under this section, with or without notice, is not a determination that a basis exists for appointment of a guardian under RCW 11.130.185.

(6) The court may remove an emergency guardian appointed under this section at any time. The emergency guardian shall make any report the court requires.

(7) Notwithstanding subsection (2) of this section, the court may extend an emergency guardianship pending the outcome of a full hearing under RCW 11.130.190 or 11.130.220.

(8) If a petition for guardianship under RCW 11.130.215 is pending, or is subsequently filed after a petition under this section, the cases shall be linked or consolidated.

**Sec. 109.** RCW 11.130.230 and 2019 c 437 s 210 are each amended to read as follows:

(1) A guardian for a minor is a fiduciary. Except as otherwise limited by the court, a guardian for a minor has the duties and responsibilities of a parent regarding the minor's support, care, education, health, safety, and welfare. A guardian shall act in the minor's best interest and exercise reasonable care, diligence, and prudence.

(2) A guardian for a minor shall:

(a) Be personally acquainted with the minor and maintain sufficient contact with the minor to know the minor's abilities, limitations, needs, opportunities, and physical and mental health;

(b) Take reasonable care of the minor's personal effects and bring a proceeding for a conservatorship or protective arrangement instead of conservatorship if necessary to protect other property of the minor;

(c) Expend funds of the minor which have been received by the guardian for the minor's current needs for support, care, education, health, safety, and welfare;

(d) Conserve any funds of the minor not expended under (c) of this subsection for the minor's future needs, but if a conservator is appointed for the minor, pay the funds at least quarterly to the conservator to be conserved for the minor's future needs;

(e) Report the condition of the minor and account for funds and other property of the minor in the guardian's possession or subject to the guardian's control, ~~((as required by court rule or))~~ if ordered by the court on its own motion or on application of a person interested in the minor's welfare;

(f) Inform the court of any change in the minor's dwelling or address; and

(g) In determining what is in the minor's best interest, take into account the minor's preferences to the extent actually known or reasonably ascertainable by the guardian.

**Sec. 110.** RCW 11.130.240 and 2019 c 437 s 212 are each amended to read as follows:

(1) Guardianship under this chapter for a minor terminates:

(a) On the minor's death, adoption, emancipation, or attainment of majority; or

(b) When the court finds that the ~~((standard))~~ basis in RCW 11.130.185 for appointment of a guardian ~~((is not satisfied))~~ no longer exists, unless the court finds that:

(i) Termination of the guardianship would be harmful to the minor; and

(ii) The minor's interest in the continuation of the guardianship outweighs the interest of any parent of the minor in restoration of the parent's right to make decisions for the minor.

(2) A minor subject to guardianship or a person interested in the welfare of the minor, including a parent, may petition the court to terminate the guardianship, modify the guardianship, remove the guardian and appoint a successor guardian, or remove a standby guardian and appoint a different standby guardian.

(3) A petitioner under subsection (2) of this section shall give notice of the hearing on the petition to the minor, if the minor is twelve years of age or older and is not the petitioner, the guardian, each parent of the minor, and any other person the court determines.

(4) The court shall follow the priorities in RCW 11.130.215(2) when selecting a successor guardian for a minor.

(5) Not later than thirty days after appointment of a successor guardian for a minor, the court shall give notice of the appointment to the minor subject to guardianship, if the minor is twelve years of age or older, each parent of the minor, and any other person the court determines.

(6) When terminating a guardianship for a minor under this section, the court may issue an order providing for transitional arrangements that will assist the minor with a transition of custody and is in the best interest of the minor.

(7) A guardian for a minor that is removed shall cooperate with a successor guardian to facilitate transition of the guardian's responsibilities and protect the best interest of the minor.

**Sec. 111.** RCW 11.130.245 and 2019 c 437 s 213 are each amended to read as follows:

(1) This chapter does not affect the validity of any court order issued under chapter 26.10 RCW prior to January 1, 2021. Orders issued under chapter 26.10 RCW prior to January 1, 2021, remain in effect and do not need to be reissued in a new order under this chapter.

(2) All orders issued under chapter 26.10 RCW prior to the effective date of chapter 437, Laws of 2019 remain operative after the effective date of chapter 437, Laws of 2019. After the effective date of chapter 437, Laws of 2019, if an order issued under chapter 26.10 RCW is modified, the modification is subject to the requirements of this chapter.

**NEW SECTION. Sec. 112.** A new section is added to chapter 11.130 RCW to read as follows:

(1) In a proceeding under this chapter either party may file a motion for temporary support of children entitled to support. The motion shall be accompanied by an affidavit setting forth the factual basis for the motion and the amount requested.

(2) In a proceeding under this chapter either party may file a motion for a temporary restraining order or preliminary injunction, providing relief proper in the circumstances, and restraining or enjoining another party from:

(a) Molesting or disturbing the peace of the other party or of any child;

(b) Entering the family home or the home of the other party upon a showing of the necessity therefor;

(c) Knowingly coming within, or knowingly remaining within, a specified distance from a specified location; and

(d) Removing a child from the jurisdiction of the court.

(3) Either party may request a domestic violence protection order under chapter 26.50 RCW or an antiharassment protection order under chapter 10.14 RCW on a temporary basis by filing an appropriate separate civil cause of action. The petitioner shall inform the court of the existence of the action under this title. The court shall set all future protection hearings on the guardianship calendar to be heard concurrent with the action under this title and the clerk shall relate the cases in the case management system. The court may grant any of the relief provided in RCW 26.50.060 except relief pertaining to residential provisions for the children which provisions shall be provided for under this chapter, and any of the relief provided in RCW 10.14.080. Ex parte orders issued under this subsection shall be effective for a fixed period not to exceed fourteen days, or upon court order, not to exceed twenty-four days if necessary to ensure that all temporary motions in the case can be heard at the same time.



(4) In issuing the order, the court shall consider the provisions of RCW 9.41.800, and shall order the respondent to surrender, and prohibit the respondent from possessing, all firearms, dangerous weapons, and any concealed pistol license as required in RCW 9.41.800. Such orders may only be made in the civil protection case related to the action under this title.

(5) The court may issue a temporary restraining order without requiring notice to the other party only if it finds on the basis of the moving affidavit or other evidence that irreparable injury could result if an order is not issued until the time for responding has elapsed.

(6) The court may issue a temporary restraining order or preliminary injunction and an order for temporary support in such amounts and on such terms as are just and proper in the circumstances.

(7) A temporary order, temporary restraining order, or preliminary injunction:

(a) Does not prejudice the rights of a party or any child which are to be adjudicated at subsequent hearings in the proceeding;

(b) May be revoked or modified;

(c) Terminates when the final order is entered or when the motion is dismissed;

(d) May be entered in a proceeding for the modification of an existing order.

(8) A support debt owed to the state for public assistance expenditures which has been charged against a party pursuant to RCW 74.20A.040 and/or 74.20A.055 shall not be merged in, or otherwise extinguished by, the final decree or order, unless the office of support enforcement has been given notice of the final proceeding and an opportunity to present its claim for the support debt to the court and has failed to file an affidavit as provided in this subsection. Notice of the proceeding shall be served upon the office of support enforcement personally, or by certified mail, and shall be given no fewer than thirty days prior to the date of the final proceeding. An original copy of the notice shall be filed with the court either before service or within a reasonable time thereafter. The office of support enforcement may present its claim, and thereby preserve the support debt, by filing an affidavit setting forth the amount of the debt with the court, and by mailing a copy of the affidavit to the parties or their attorney prior to the date of the final proceeding.

**Sec. 113.** RCW 11.130.250 and 2019 c 437 s 214 are each amended to read as follows:

(1) Every petition filed in proceedings under this chapter shall contain a statement alleging whether the child is or may be an Indian child as defined in RCW 13.38.040. If the child is an Indian child, chapter 13.38 RCW shall apply.

(2) Every order or decree entered in any proceeding under this chapter shall contain a finding that the federal Indian child welfare act or chapter 13.38 RCW does or does not apply. Where there is a finding that the federal Indian

child welfare act or chapter 13.38 RCW does apply, the decree or order must also contain a finding that all notice ~~((and))~~, evidentiary requirements, and placement preferences under the federal Indian child welfare act and chapter 13.38 RCW have been satisfied.

**Sec. 114.** RCW 13.34.030 and 2019 c 172 s 2 and 2019 c 46 s 5016 are each reenacted and amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Abandoned" means when the child's parent, guardian, or other custodian has expressed, either by statement or conduct, an intent to forego, for an extended period, parental rights or responsibilities despite an ability to exercise such rights and responsibilities. If the court finds that the petitioner has exercised due diligence in attempting to locate the parent, no contact between the child and the child's parent, guardian, or other custodian for a period of three months creates a rebuttable presumption of abandonment, even if there is no expressed intent to abandon.

(2) "Child," "juvenile," and "youth" mean:

(a) Any individual under the age of eighteen years; or

(b) Any individual age eighteen to twenty-one years who is eligible to receive and who elects to receive the extended foster care services authorized under RCW 74.13.031. A youth who remains dependent and who receives extended foster care services under RCW 74.13.031 shall not be considered a "child" under any other statute or for any other purpose.

(3) "Current placement episode" means the period of time that begins with the most recent date that the child was removed from the home of the parent, guardian, or legal custodian for purposes of placement in out-of-home care and continues until: (a) The child returns home; (b) an adoption decree, a permanent custody order, or guardianship order is entered; or (c) the dependency is dismissed, whichever occurs first.

(4) "Department" means the department of children, youth, and families.

(5) "Dependency guardian" means the person, nonprofit corporation, or Indian tribe appointed by the court pursuant to this chapter for the limited purpose of assisting the court in the supervision of the dependency.

(6) "Dependent child" means any child who:

(a) Has been abandoned;

(b) Is abused or neglected as defined in chapter 26.44 RCW by a person legally responsible for the care of the child;

(c) Has no parent, guardian, or custodian capable of adequately caring for the child, such that the child is in circumstances which constitute a danger of substantial damage to the child's psychological or physical development; or

(d) Is receiving extended foster care services, as authorized by RCW 74.13.031.

(7) "Developmental disability" means a disability attributable to intellectual disability, cerebral palsy, epilepsy, autism, or another neurological or other condition of an individual found by the secretary of the department of social and health services to be closely related to an intellectual disability or to require treatment similar to that required for individuals with intellectual disabilities, which disability originates before the individual attains age eighteen, which has continued or can be expected to continue indefinitely, and which constitutes a substantial limitation to the individual.

(8) "Educational liaison" means a person who has been appointed by the court to fulfill responsibilities outlined in RCW 13.34.046.

(9) "Extended foster care services" means residential and other support services the department is authorized to provide under RCW 74.13.031. These services may include placement in licensed, relative, or otherwise approved care, or supervised independent living settings; assistance in meeting basic needs; independent living services; medical assistance; and counseling or treatment.

(10) "Guardian" means the person or agency that: (a) Has been appointed as the guardian of a child in a legal proceeding, including a guardian appointed pursuant to chapter 13.36 RCW; and (b) has the legal right to custody of the child pursuant to such appointment. The term "guardian" does not include a "dependency guardian" appointed pursuant to a proceeding under this chapter.

(11) "Guardian ad litem" means a person, appointed by the court to represent the best interests of a child in a proceeding under this chapter, or in any matter which may be consolidated with a proceeding under this chapter. A "court-appointed special advocate" appointed by the court to be the guardian ad litem for the child, or to perform substantially the same duties and functions as a guardian ad litem, shall be deemed to be guardian ad litem for all purposes and uses of this chapter.

(12) "Guardian ad litem program" means a court-authorized volunteer program, which is or may be established by the superior court of the county in which such proceeding is filed, to manage all aspects of volunteer guardian ad litem representation for children alleged or found to be dependent. Such management shall include but is not limited to: Recruitment, screening, training, supervision, assignment, and discharge of volunteers.

(13) "Guardianship" means a guardianship pursuant to chapter 13.36 RCW or a limited guardianship of a minor pursuant to RCW 11.130.215 or equivalent laws of another state or a federally recognized Indian tribe.

(14) "Housing assistance" means appropriate referrals by the department or other agencies to federal, state, local, or private agencies or organizations, assistance with forms, applications, or financial subsidies or other monetary assistance for housing. For purposes of this chapter,

"housing assistance" is not a remedial service or family reunification service as described in RCW 13.34.025(2).

~~((44))~~ (15) "Indigent" means a person who, at any stage of a court proceeding, is:

(a) Receiving one of the following types of public assistance: Temporary assistance for needy families, aged, blind, or disabled assistance benefits, medical care services under RCW 74.09.035, pregnant women assistance benefits, poverty-related veterans' benefits, food stamps or food stamp benefits transferred electronically, refugee resettlement benefits, medicaid, or supplemental security income; or

(b) Involuntarily committed to a public mental health facility; or

(c) Receiving an annual income, after taxes, of one hundred twenty-five percent or less of the federally established poverty level; or

(d) Unable to pay the anticipated cost of counsel for the matter before the court because his or her available funds are insufficient to pay any amount for the retention of counsel.

~~((45))~~ (16) "Nonminor dependent" means any individual age eighteen to twenty-one years who is participating in extended foster care services authorized under RCW 74.13.031.

~~((46))~~ (17) "Out-of-home care" means placement in a foster family home or group care facility licensed pursuant to chapter 74.15 RCW or placement in a home, other than that of the child's parent, guardian, or legal custodian, not required to be licensed pursuant to chapter 74.15 RCW.

~~((47))~~ (18) "Parent" means the biological or adoptive parents of a child, or an individual who has established a parent-child relationship under RCW 26.26A.100, unless the legal rights of that person have been terminated by a judicial proceeding pursuant to this chapter, chapter 26.33 RCW, or the equivalent laws of another state or a federally recognized Indian tribe.

~~((48))~~ (19) "Prevention and family services and programs" means specific mental health prevention and treatment services, substance abuse prevention and treatment services, and in-home parent skill-based programs that qualify for federal funding under the federal family first prevention services act, P.L. 115-123. For purposes of this chapter, prevention and family services and programs are not remedial services or family reunification services as described in RCW 13.34.025(2).

~~((49))~~ (20) "Prevention services" means preservation services, as defined in chapter 74.14C RCW, and other reasonably available services, including housing assistance, capable of preventing the need for out-of-home placement while protecting the child. Prevention services include, but are not limited to, prevention and family services and programs as defined in this section.

~~((20))~~ (21) "Qualified residential treatment program" means a program licensed as a group care facility under chapter 74.15 RCW that also qualifies for funding under the

federal family first prevention services act under 42 U.S.C. Sec. 672(k) and meets the requirements provided in RCW 13.34.420.

~~((24))~~ (22) "Relative" includes persons related to a child in the following ways:

(a) Any blood relative, including those of half-blood, and including first cousins, second cousins, nephews or nieces, and persons of preceding generations as denoted by prefixes of grand, great, or great-great;

(b) Stepfather, stepmother, stepbrother, and stepsister;

(c) A person who legally adopts a child or the child's parent as well as the natural and other legally adopted children of such persons, and other relatives of the adoptive parents in accordance with state law;

(d) Spouses of any persons named in (a), (b), or (c) of this subsection, even after the marriage is terminated;

(e) Relatives, as named in (a), (b), (c), or (d) of this subsection, of any half sibling of the child; or

(f) Extended family members, as defined by the law or custom of the Indian child's tribe or, in the absence of such law or custom, a person who has reached the age of eighteen and who is the Indian child's grandparent, aunt or uncle, brother or sister, brother-in-law or sister-in-law, niece or nephew, first or second cousin, or stepparent who provides care in the family abode on a twenty-four hour basis to an Indian child as defined in 25 U.S.C. Sec. 1903(4);

~~((22))~~ (23) "Shelter care" means temporary physical care in a facility licensed pursuant to RCW 74.15.030 or in a home not required to be licensed pursuant to RCW 74.15.030.

~~((23))~~ (24) "Sibling" means a child's birth brother, birth sister, adoptive brother, adoptive sister, half-brother, or half-sister, or as defined by the law or custom of the Indian child's tribe for an Indian child as defined in RCW 13.38.040.

~~((24))~~ (25) "Social study" means a written evaluation of matters relevant to the disposition of the case that contains the information required by RCW 13.34.430.

~~((25))~~ (26) "Supervised independent living" includes, but is not limited to, apartment living, room and board arrangements, college or university dormitories, and shared roommate settings. Supervised independent living settings must be approved by the department or the court.

~~((26))~~ (27) "Voluntary placement agreement" means, for the purposes of extended foster care services, a written voluntary agreement between a nonminor dependent who agrees to submit to the care and authority of the department for the purposes of participating in the extended foster care program.

**Sec. 115.** RCW 13.34.062 and 2018 c 58 s 71 are each amended to read as follows:

(1)(a) Whenever a child is taken into custody by child protective services pursuant to a court order issued under RCW 13.34.050 or when child protective services is notified

that a child has been taken into custody pursuant to RCW 26.44.050 or 26.44.056, child protective services shall make reasonable efforts to inform the parent, guardian, or legal custodian of the fact that the child has been taken into custody, the reasons why the child was taken into custody, and their legal rights under this title, including the right to a shelter care hearing, as soon as possible. Notice must be provided in an understandable manner and take into consideration the parent's, guardian's, or legal custodian's primary language, level of education, and cultural issues.

(b) In no event shall the notice required by this section be provided to the parent, guardian, or legal custodian more than twenty-four hours after the child has been taken into custody or twenty-four hours after child protective services has been notified that the child has been taken into custody.

(2)(a) The notice of custody and rights may be given by any means reasonably certain of notifying the parents including, but not limited to, written, telephone, or in person oral notification. If the initial notification is provided by a means other than writing, child protective services shall make reasonable efforts to also provide written notification.

(b) The written notice of custody and rights required by this section shall be in substantially the following form:

#### "NOTICE

Your child has been placed in temporary custody under the supervision of Child Protective Services (or other person or agency). You have important legal rights and you must take steps to protect your interests.

1. A court hearing will be held before a judge within 72 hours of the time your child is taken into custody excluding Saturdays, Sundays, and holidays. You should call the court at ~~((insert appropriate phone number here))~~ ... (insert appropriate phone number here) for specific information about the date, time, and location of the court hearing.

2. You have the right to have a lawyer represent you at the hearing. Your right to representation continues after the shelter care hearing. You have the right to records the department intends to rely upon. A lawyer can look at the files in your case, talk to child protective services and other agencies, tell you about the law, help you understand your rights, and help you at hearings. If you cannot afford a lawyer, the court will appoint one to represent you. To get a court-appointed lawyer you must contact: ~~((explain local procedure))~~ ... (explain local procedure).

3. At the hearing, you have the right to speak on your own behalf, to introduce evidence, to examine witnesses, and to receive a decision based solely on the evidence presented to the judge.

4. If your hearing occurs before a court commissioner, you have the right to have the decision of the court commissioner reviewed by a superior court judge. To obtain that review, you must, within ten days after the entry of the decision of the court commissioner, file with the court a motion for revision of the decision, as provided in RCW 2.24.050.

You should be present at any shelter care hearing. If you do not come, the judge will not hear what you have to say.

You may call the Child Protective Services' caseworker for more information about your child. The caseworker's name and telephone number are: (~~(insert name and telephone number)~~) . . . (insert name and telephone number).

5. You have a right to a case conference to develop a written service agreement following the shelter care hearing. The service agreement may not conflict with the court's order of shelter care. You may request that a multidisciplinary team, family group conference, or prognostic staffing be convened for your child's case. You may participate in these processes with your counsel present.

6. If your child is placed in the custody of the department of children, youth, and families or other supervising agency, immediately following the shelter care hearing, the court will enter an order granting the department or other supervising agency the right to inspect and copy all health, medical, mental health, and education records of the child, directing health care providers to release such information without your further consent, and granting the department or supervising agency or its designee the authority and responsibility, where applicable, to:

- (1) Notify the child's school that the child is in out-of-home placement;
- (2) Enroll the child in school;
- (3) Request the school transfer records;
- (4) Request and authorize evaluation of special needs;
- (5) Attend parent or teacher conferences;
- (6) Excuse absences;
- (7) Grant permission for extracurricular activities;
- (8) Authorize medications which need to be administered during school hours and sign for medical needs that arise during school hours; and
- (9) Complete or update school emergency records.

7. If the court decides to place your child in the custody of the department of children, youth, and families or other supervising agency, the department or agency will create a permanency plan for your child, including a primary placement goal and secondary placement goal. The department or agency also will recommend that the court order services for your child and for you, if needed. The department or agency is required to make reasonable efforts to provide you with services to address your parenting problems, and to provide you with visitation with your child according to court orders. Failure to promptly engage in services or to maintain contact with your child may lead to the filing of a petition to terminate your parental rights.

8. Primary and secondary permanency plans are intended to run at the same time so that your child will have a permanent home as quickly as possible. Absent good cause, and when appropriate, the department or other

supervising agency must follow the wishes of a natural parent regarding placement of a child. You should tell your lawyer and the court where you wish your child placed immediately, including whether you want your child placed with you, with a relative, or with another suitable person. You also should tell your lawyer and the court what services you feel are necessary and your wishes regarding visitation with your child. Even if you want another parent or person to be the primary placement choice for your child, you should tell your lawyer, the department or other supervising agency, and the court if you want to be a secondary placement option, and you should comply with court orders for services and participate in visitation with your child. Early and consistent involvement in your child's case plan is important for the well-being of your child.

9. A dependency petition begins a judicial process, which, if the court finds your child dependent, could result in substantial restrictions including, the entry or modification of a parenting plan or residential schedule, previously existing nonparental custody order or decree, guardianship order, or permanent loss of your parental rights."

Upon receipt of the written notice, the parent, guardian, or legal custodian shall acknowledge such notice by signing a receipt prepared by child protective services. If the parent, guardian, or legal custodian does not sign the receipt, the reason for lack of a signature shall be written on the receipt. The receipt shall be made a part of the court's file in the dependency action.

If after making reasonable efforts to provide notification, child protective services is unable to determine the whereabouts of the parents, guardian, or legal custodian, the notice shall be delivered or sent to the last known address of the parent, guardian, or legal custodian.

(3) If child protective services is not required to give notice under this section, the juvenile court counselor assigned to the matter shall make all reasonable efforts to advise the parents, guardian, or legal custodian of the time and place of any shelter care hearing, request that they be present, and inform them of their basic rights as provided in RCW 13.34.090.

(4) Reasonable efforts to advise and to give notice, as required in this section, shall include, at a minimum, investigation of the whereabouts of the parent, guardian, or legal custodian. If such reasonable efforts are not successful, or the parent, guardian, or legal custodian does not appear at the shelter care hearing, the petitioner shall testify at the hearing or state in a declaration:

(a) The efforts made to investigate the whereabouts of, and to advise, the parent, guardian, or custodian; and

(b) Whether actual advice of rights was made, to whom it was made, and how it was made, including the substance of any oral communication or copies of written materials used.

**Sec. 116.** RCW 13.34.110 and 2017 3rd sp.s. c 6 s 305 are each amended to read as follows:

(1) The court shall hold a fact-finding hearing on the petition and, unless the court dismisses the petition, shall make written findings of fact, stating the reasons therefor. The rules of evidence shall apply at the fact-finding hearing and the parent, guardian, or legal custodian of the child shall have all of the rights provided in RCW 13.34.090(1). The petitioner shall have the burden of establishing by a preponderance of the evidence that the child is dependent within the meaning of RCW 13.34.030.

(2) The court in a fact-finding hearing may consider the history of past involvement of child protective services or law enforcement agencies with the family for the purpose of establishing a pattern of conduct, behavior, or inaction with regard to the health, safety, or welfare of the child on the part of the child's parent, guardian, or legal custodian, or for the purpose of establishing that reasonable efforts have been made by the department to prevent or eliminate the need for removal of the child from the child's home. No report of child abuse or neglect that has been destroyed or expunged under RCW 26.44.031 may be used for such purposes.

(3)(a) The parent, guardian, or legal custodian of the child may waive his or her right to a fact-finding hearing by stipulating or agreeing to the entry of an order of dependency establishing that the child is dependent within the meaning of RCW 13.34.030. The parent, guardian, or legal custodian may also stipulate or agree to an order of disposition pursuant to RCW 13.34.130 at the same time. Any stipulated or agreed order of dependency or disposition must be signed by the parent, guardian, or legal custodian and his or her attorney, unless the parent, guardian, or legal custodian has waived his or her right to an attorney in open court, and by the petitioner and the attorney, guardian ad litem, or court-appointed special advocate for the child, if any. If the department is not the petitioner and is required by the order to supervise the placement of the child or provide services to any party, the department must also agree to and sign the order.

(b) Entry of any stipulated or agreed order of dependency or disposition is subject to approval by the court. The court shall receive and review a social study before entering a stipulated or agreed order and shall consider whether the order is consistent with the allegations of the dependency petition and the problems that necessitated the child's placement in out-of-home care. No social file or social study may be considered by the court in connection with the fact-finding hearing or prior to factual determination, except as otherwise admissible under the rules of evidence.

(c) Prior to the entry of any stipulated or agreed order of dependency, the parent, guardian, or legal custodian of the child and his or her attorney must appear before the court and the court within available resources must inquire and establish on the record that:

(i) The parent, guardian, or legal custodian understands the terms of the order or orders he or she has signed, including his or her responsibility to participate in remedial services as provided in any disposition order;

(ii) The parent, guardian, or legal custodian understands that entry of the order starts a process that could result in the filing of a petition to terminate his or her relationship with the child within the time frames required by state and federal law if he or she fails to comply with the terms of the dependency or disposition orders or fails to substantially remedy the problems that necessitated the child's placement in out-of-home care;

(iii) The parent, guardian, or legal custodian understands that the entry of the stipulated or agreed order of dependency is an admission that the child is dependent within the meaning of RCW 13.34.030 and shall have the same legal effect as a finding by the court that the child is dependent by at least a preponderance of the evidence, and that the parent, guardian, or legal custodian shall not have the right in any subsequent proceeding for termination of parental rights ~~((or dependency guardianship))~~ pursuant to this chapter or ~~((nonparental custody))~~ guardianship pursuant to ~~((chapter 26.10))~~ chapters 13.36 or 11.130 RCW to challenge or dispute the fact that the child was found to be dependent; and

(iv) The parent, guardian, or legal custodian knowingly and willingly stipulated and agreed to and signed the order or orders, without duress, and without misrepresentation or fraud by any other party.

If a parent, guardian, or legal custodian fails to appear before the court after stipulating or agreeing to entry of an order of dependency, the court may enter the order upon a finding that the parent, guardian, or legal custodian had actual notice of the right to appear before the court and chose not to do so. The court may require other parties to the order, including the attorney for the parent, guardian, or legal custodian, to appear and advise the court of the parent's, guardian's, or legal custodian's notice of the right to appear and understanding of the factors specified in this subsection. A parent, guardian, or legal custodian may choose to waive his or her presence at the in-court hearing for entry of the stipulated or agreed order of dependency by submitting to the court through counsel a completed stipulated or agreed dependency fact-finding/disposition statement in a form determined by the Washington state supreme court pursuant to General Rule GR 9.

(4) Immediately after the entry of the findings of fact, the court shall hold a disposition hearing, unless there is good cause for continuing the matter for up to fourteen days. If good cause is shown, the case may be continued for longer than fourteen days. Notice of the time and place of the continued hearing may be given in open court. If notice in open court is not given to a party, that party shall be notified by certified mail of the time and place of any continued hearing. Unless there is reasonable cause to believe the health, safety, or welfare of the child would be jeopardized or efforts to reunite the parent and child would be hindered, the court shall direct the department to notify those adult persons who: (a) Are related by blood or marriage to the child in the following degrees: Parent, grandparent, brother, sister, stepparent, stepbrother, stepsister, uncle, or aunt; (b) are known to the department as having been in contact with the family or child within the past twelve months; and (c) would be an appropriate placement for the child. Reasonable

cause to dispense with notification to a parent under this section must be proved by clear, cogent, and convincing evidence.

The parties need not appear at the fact-finding or dispositional hearing if the parties, their attorneys, the guardian ad litem, and court-appointed special advocates, if any, are all in agreement.

**Sec. 117.** RCW 13.34.136 and 2018 c 284 s 13 are each amended to read as follows:

(1) Whenever a child is ordered removed from the home, a permanency plan shall be developed no later than sixty days from the time the department assumes responsibility for providing services, including placing the child, or at the time of a hearing under RCW 13.34.130, whichever occurs first. The permanency planning process continues until a permanency planning goal is achieved or dependency is dismissed. The planning process shall include reasonable efforts to return the child to the parent's home.

(2) The department shall submit a written permanency plan to all parties and the court not less than fourteen days prior to the scheduled hearing. Responsive reports of parties not in agreement with the department's proposed permanency plan must be provided to the department, all other parties, and the court at least seven days prior to the hearing.

The permanency plan shall include:

(a) A permanency plan of care that shall identify one of the following outcomes as a primary goal and may identify additional outcomes as alternative goals: Return of the child to the home of the child's parent, guardian, or legal custodian; adoption, including a tribal customary adoption as defined in RCW 13.38.040; guardianship pursuant to chapter 13.36 RCW; guardianship of a minor pursuant to RCW 11.130.215; ((permanent legal custody;)) long-term relative or foster care, if the child is between ages sixteen and eighteen, with a written agreement between the parties and the care provider; successful completion of a responsible living skills program; or independent living, if appropriate and if the child is age sixteen or older. Although a permanency plan of care may only identify long-term relative or foster care for children between ages sixteen and eighteen, children under sixteen may remain placed with relatives or in foster care. The department shall not discharge a child to an independent living situation before the child is eighteen years of age unless the child becomes emancipated pursuant to chapter 13.64 RCW;

(b) Unless the court has ordered, pursuant to RCW 13.34.130(8), that a termination petition be filed, a specific plan as to where the child will be placed, what steps will be taken to return the child home, what steps the department will take to promote existing appropriate sibling relationships and/or facilitate placement together or contact in accordance with the best interests of each child, and what actions the department will take to maintain parent-child ties. All aspects of the plan shall include the goal of achieving permanence for the child.

(i) The department's plan shall specify what services the parents will be offered to enable them to resume custody, what requirements the parents must meet to resume custody, and a time limit for each service plan and parental requirement.

(A) If the parent is incarcerated, the plan must address how the parent will participate in the case conference and permanency planning meetings and, where possible, must include treatment that reflects the resources available at the facility where the parent is confined. The plan must provide for visitation opportunities, unless visitation is not in the best interests of the child.

(B) If a parent has a developmental disability according to the definition provided in RCW 71A.10.020, and that individual is eligible for services provided by the department of social and health services developmental disabilities administration, the department shall make reasonable efforts to consult with the department of social and health services developmental disabilities administration to create an appropriate plan for services. For individuals who meet the definition of developmental disability provided in RCW 71A.10.020 and who are eligible for services through the developmental disabilities administration, the plan for services must be tailored to correct the parental deficiency taking into consideration the parent's disability and the department shall also determine an appropriate method to offer those services based on the parent's disability.

(ii)(A) Visitation is the right of the family, including the child and the parent, in cases in which visitation is in the best interest of the child. Early, consistent, and frequent visitation is crucial for maintaining parent-child relationships and making it possible for parents and children to safely reunify. The department shall encourage the maximum parent and child and sibling contact possible, when it is in the best interest of the child, including regular visitation and participation by the parents in the care of the child while the child is in placement.

(B) Visitation shall not be limited as a sanction for a parent's failure to comply with court orders or services where the health, safety, or welfare of the child is not at risk as a result of the visitation.

(C) Visitation may be limited or denied only if the court determines that such limitation or denial is necessary to protect the child's health, safety, or welfare. When a parent or sibling has been identified as a suspect in an active criminal investigation for a violent crime that, if the allegations are true, would impact the safety of the child, the department shall make a concerted effort to consult with the assigned law enforcement officer in the criminal case before recommending any changes in parent/child or child/sibling contact. In the event that the law enforcement officer has information pertaining to the criminal case that may have serious implications for child safety or well-being, the law enforcement officer shall provide this information to the department during the consultation. The department may only use the information provided by law enforcement during the consultation to inform family visitation plans and may not share or otherwise distribute the information to any

person or entity. Any information provided to the department by law enforcement during the consultation is considered investigative information and is exempt from public inspection pursuant to RCW 42.56.240. The results of the consultation shall be communicated to the court.

(D) The court and the department should rely upon community resources, relatives, foster parents, and other appropriate persons to provide transportation and supervision for visitation to the extent that such resources are available, and appropriate, and the child's safety would not be compromised.

(iii)(A) The department, court, or caregiver in the out-of-home placement may not limit visitation or contact between a child and sibling as a sanction for a child's behavior or as an incentive to the child to change his or her behavior.

(B) Any exceptions, limitation, or denial of contacts or visitation must be approved by the supervisor of the department caseworker and documented. The child, parent, department, guardian ad litem, or court-appointed special advocate may challenge the denial of visits in court.

(iv) A child shall be placed as close to the child's home as possible, preferably in the child's own neighborhood, unless the court finds that placement at a greater distance is necessary to promote the child's or parents' well-being.

(v) The plan shall state whether both in-state and, where appropriate, out-of-state placement options have been considered by the department.

(vi) Unless it is not in the best interests of the child, whenever practical, the plan should ensure the child remains enrolled in the school the child was attending at the time the child entered foster care.

(vii) The department shall provide all reasonable services that are available within the department, or within the community, or those services which the department has existing contracts to purchase. It shall report to the court if it is unable to provide such services; and

(c) If the court has ordered, pursuant to RCW 13.34.130(~~((8))~~) (9), that a termination petition be filed, a specific plan as to where the child will be placed, what steps will be taken to achieve permanency for the child, services to be offered or provided to the child, and, if visitation would be in the best interests of the child, a recommendation to the court regarding visitation between parent and child pending a fact-finding hearing on the termination petition. The department shall not be required to develop a plan of services for the parents or provide services to the parents if the court orders a termination petition be filed. However, reasonable efforts to ensure visitation and contact between siblings shall be made unless there is reasonable cause to believe the best interests of the child or siblings would be jeopardized.

(3) Permanency planning goals should be achieved at the earliest possible date. If the child has been in out-of-home care for fifteen of the most recent twenty-two months, and the court has not made a good cause exception, the court shall require the department to file a petition seeking termination of parental rights in accordance with RCW

13.34.145(4)(b)(vi). In cases where parental rights have been terminated, the child is legally free for adoption, and adoption has been identified as the primary permanency planning goal, it shall be a goal to complete the adoption within six months following entry of the termination order.

(4) If the court determines that the continuation of reasonable efforts to prevent or eliminate the need to remove the child from his or her home or to safely return the child home should not be part of the permanency plan of care for the child, reasonable efforts shall be made to place the child in a timely manner and to complete whatever steps are necessary to finalize the permanent placement of the child.

(5) The identified outcomes and goals of the permanency plan may change over time based upon the circumstances of the particular case.

(6) The court shall consider the child's relationships with the child's siblings in accordance with RCW 13.34.130(~~((6))~~) (7). Whenever the permanency plan for a child is adoption, the court shall encourage the prospective adoptive parents, birth parents, foster parents, kinship caregivers, and the department or other agency to seriously consider the long-term benefits to the child adoptee and his or her siblings of providing for and facilitating continuing postadoption contact between the siblings. To the extent that it is feasible, and when it is in the best interests of the child adoptee and his or her siblings, contact between the siblings should be frequent and of a similar nature as that which existed prior to the adoption. If the child adoptee or his or her siblings are represented by an attorney or guardian ad litem in a proceeding under this chapter or in any other child custody proceeding, the court shall inquire of each attorney and guardian ad litem regarding the potential benefits of continuing contact between the siblings and the potential detriments of severing contact. This section does not require the department or other agency to agree to any specific provisions in an open adoption agreement and does not create a new obligation for the department to provide supervision or transportation for visits between siblings separated by adoption from foster care.

(7) For purposes related to permanency planning(~~((:~~

~~((a) "Guardianship"))~~, "guardianship" means a ~~((dependency guardianship or a legal))~~ guardianship pursuant to chapter ~~((11.88))~~ 13.36 RCW or a guardianship of a minor pursuant to RCW 11.130.215, or equivalent laws of another state or a federally recognized Indian tribe.

~~((b) "Permanent custody order" means a custody order entered pursuant to chapter 26.10 RCW.~~

~~((c) "Permanent legal custody" means legal custody pursuant to chapter 26.10 RCW or equivalent laws of another state or a federally recognized Indian tribe.))~~

**Sec. 118.** RCW 13.34.145 and 2019 c 172 s 15 are each amended to read as follows:

(1) The purpose of a permanency planning hearing is to review the permanency plan for the child, inquire into the welfare of the child and progress of the case, and reach decisions regarding the permanent placement of the child.

(a) A permanency planning hearing shall be held in all cases where the child has remained in out-of-home care for at least nine months and an adoption decree, guardianship order, or permanent custody order has not previously been entered. The hearing shall take place no later than twelve months following commencement of the current placement episode.

(b) Whenever a child is removed from the home of a dependency guardian or long-term relative or foster care provider, and the child is not returned to the home of the parent, guardian, or legal custodian but is placed in out-of-home care, a permanency planning hearing shall take place no later than twelve months, as provided in this section, following the date of removal unless, prior to the hearing, the child returns to the home of the dependency guardian or long-term care provider, the child is placed in the home of the parent, guardian, or legal custodian, an adoption decree, guardianship order, or a permanent custody order is entered, or the dependency is dismissed. Every effort shall be made to provide stability in long-term placement, and to avoid disruption of placement, unless the child is being returned home or it is in the best interest of the child.

(c) Permanency planning goals should be achieved at the earliest possible date, preferably before the child has been in out-of-home care for fifteen months. In cases where parental rights have been terminated, the child is legally free for adoption, and adoption has been identified as the primary permanency planning goal, it shall be a goal to complete the adoption within six months following entry of the termination order.

(2) No later than ten working days prior to the permanency planning hearing, the agency having custody of the child shall submit a written permanency plan to the court and shall mail a copy of the plan to all parties and their legal counsel, if any.

(3) When the youth is at least age seventeen years but not older than seventeen years and six months, the department shall provide the youth with written documentation which explains the availability of extended foster care services and detailed instructions regarding how the youth may access such services after he or she reaches age eighteen years.

(4) At the permanency planning hearing, the court shall conduct the following inquiry:

(a) If a goal of long-term foster or relative care has been achieved prior to the permanency planning hearing, the court shall review the child's status to determine whether the placement and the plan for the child's care remain appropriate. The court shall find, as of the date of the hearing, that the child's placement and plan of care is the best permanency plan for the child and provide compelling reasons why it continues to not be in the child's best interest to (i) return home; (ii) be placed for adoption; (iii) be placed with a legal guardian; or (iv) be placed with a fit and willing relative. If the child is present at the hearing, the court should ask the child about his or her desired permanency outcome.

(b) In cases where the primary permanency planning goal has not been achieved, the court shall inquire regarding

the reasons why the primary goal has not been achieved and determine what needs to be done to make it possible to achieve the primary goal. The court shall review the permanency plan prepared by the agency and make explicit findings regarding each of the following:

(i) The continuing necessity for, and the safety and appropriateness of, the placement;

(ii) The extent of compliance with the permanency plan by the department and any other service providers, the child's parents, the child, and the child's guardian, if any;

(iii) The extent of any efforts to involve appropriate service providers in addition to department staff in planning to meet the special needs of the child and the child's parents;

(iv) The progress toward eliminating the causes for the child's placement outside of his or her home and toward returning the child safely to his or her home or obtaining a permanent placement for the child;

(v) The date by which it is likely that the child will be returned to his or her home or placed for adoption, with a guardian or in some other alternative permanent placement; and

(vi) If the child has been placed outside of his or her home for fifteen of the most recent twenty-two months, not including any period during which the child was a runaway from the out-of-home placement or the first six months of any period during which the child was returned to his or her home for a trial home visit, the appropriateness of the permanency plan, whether reasonable efforts were made by the department to achieve the goal of the permanency plan, and the circumstances which prevent the child from any of the following:

(A) Being returned safely to his or her home;

(B) Having a petition for the involuntary termination of parental rights filed on behalf of the child;

(C) Being placed for adoption;

(D) Being placed with a guardian;

(E) Being placed in the home of a fit and willing relative of the child; or

(F) Being placed in some other alternative permanent placement, including independent living or long-term foster care.

(c) Regardless of whether the primary permanency planning goal has been achieved, for a child who remains placed in a qualified residential treatment program as defined in this chapter for at least sixty days, and remains placed there at subsequent permanency planning hearings, the court shall establish in writing:

(i) Whether ongoing assessment of the child's strengths and needs continues to support the determination that the child's needs cannot be met through placement in a foster family home;



(ii) Whether the child's placement provides the most effective and appropriate level of care in the least restrictive environment;

(iii) Whether the placement is consistent with the child's short and long-term goals as stated in the child's permanency plan;

(iv) What specific treatment or service needs will be met in the placement, and how long the child is expected to need the treatment or services; and

(v) What efforts the department has made to prepare the child to return home or be placed with a fit and willing relative as defined in RCW 13.34.030, a Title 13 RCW ~~((legal))~~ guardian, a guardian pursuant to RCW 11.130.215, an adoptive parent, or in a foster family home.

(5) Following this inquiry, at the permanency planning hearing, the court shall order the department to file a petition seeking termination of parental rights if the child has been in out-of-home care for fifteen of the last twenty-two months since the date the dependency petition was filed unless the court makes a good cause exception as to why the filing of a termination of parental rights petition is not appropriate. Any good cause finding shall be reviewed at all subsequent hearings pertaining to the child.

(a) For purposes of this subsection, "good cause exception" includes but is not limited to the following:

(i) The child is being cared for by a relative;

(ii) The department has not provided to the child's family such services as the court and the department have deemed necessary for the child's safe return home;

(iii) The department has documented in the case plan a compelling reason for determining that filing a petition to terminate parental rights would not be in the child's best interests;

(iv) The parent is incarcerated, or the parent's prior incarceration is a significant factor in why the child has been in foster care for fifteen of the last twenty-two months, the parent maintains a meaningful role in the child's life, and the department has not documented another reason why it would be otherwise appropriate to file a petition pursuant to this section;

(v) Where a parent has been accepted into a dependency treatment court program or long-term substance abuse or dual diagnoses treatment program and is demonstrating compliance with treatment goals; or

(vi) Where a parent who has been court ordered to complete services necessary for the child's safe return home files a declaration under penalty of perjury stating the parent's financial inability to pay for the same court-ordered services, and also declares the department was unwilling or unable to pay for the same services necessary for the child's safe return home.

(b) The court's assessment of whether a parent who is incarcerated maintains a meaningful role in the child's life may include consideration of the following:

(i) The parent's expressions or acts of manifesting concern for the child, such as letters, telephone calls, visits, and other forms of communication with the child;

(ii) The parent's efforts to communicate and work with the department or other individuals for the purpose of complying with the service plan and repairing, maintaining, or building the parent-child relationship;

(iii) A positive response by the parent to the reasonable efforts of the department;

(iv) Information provided by individuals or agencies in a reasonable position to assist the court in making this assessment, including but not limited to the parent's attorney, correctional and mental health personnel, or other individuals providing services to the parent;

(v) Limitations in the parent's access to family support programs, therapeutic services, and visiting opportunities, restrictions to telephone and mail services, inability to participate in foster care planning meetings, and difficulty accessing lawyers and participating meaningfully in court proceedings; and

(vi) Whether the continued involvement of the parent in the child's life is in the child's best interest.

(c) The constraints of a parent's current or prior incarceration and associated delays or barriers to accessing court-mandated services may be considered in rebuttal to a claim of aggravated circumstances under RCW 13.34.132(4)(h) for a parent's failure to complete available treatment.

(6)(a) If the permanency plan identifies independent living as a goal, the court at the permanency planning hearing shall make a finding that the provision of services to assist the child in making a transition from foster care to independent living will allow the child to manage his or her financial, personal, social, educational, and nonfinancial affairs prior to approving independent living as a permanency plan of care. The court will inquire whether the child has been provided information about extended foster care services.

(b) The permanency plan shall also specifically identify the services, including extended foster care services, where appropriate, that will be provided to assist the child to make a successful transition from foster care to independent living.

(c) The department shall not discharge a child to an independent living situation before the child is eighteen years of age unless the child becomes emancipated pursuant to chapter 13.64 RCW.

(7) If the child has resided in the home of a foster parent or relative for more than six months prior to the permanency planning hearing, the court shall:

(a) Enter a finding regarding whether the foster parent or relative was informed of the hearing as required in RCW 74.13.280, 13.34.215(6), and 13.34.096; and

(b) If the department is recommending a placement other than the child's current placement with a foster parent,

relative, or other suitable person, enter a finding as to the reasons for the recommendation for a change in placement.

(8) In all cases, at the permanency planning hearing, the court shall:

(a)(i) Order the permanency plan prepared by the department to be implemented; or

(ii) Modify the permanency plan, and order implementation of the modified plan; and

(b)(i) Order the child returned home only if the court finds that a reason for removal as set forth in RCW 13.34.130 no longer exists; or

(ii) Order the child to remain in out-of-home care for a limited specified time period while efforts are made to implement the permanency plan.

(9) Following the first permanency planning hearing, the court shall hold a further permanency planning hearing in accordance with this section at least once every twelve months until a permanency planning goal is achieved or the dependency is dismissed, whichever occurs first.

(10) Prior to the second permanency planning hearing, the agency that has custody of the child shall consider whether to file a petition for termination of parental rights.

(11) If the court orders the child returned home, casework supervision by the department shall continue for at least six months, at which time a review hearing shall be held pursuant to RCW 13.34.138, and the court shall determine the need for continued intervention.

(12) The juvenile court may hear a petition for permanent legal custody when: (a) The court has ordered implementation of a permanency plan that includes permanent legal custody; and (b) the party pursuing the permanent legal custody is the party identified in the permanency plan as the prospective legal custodian. During the pendency of such proceeding, the court shall conduct review hearings and further permanency planning hearings as provided in this chapter. At the conclusion of the legal guardianship or permanent legal custody proceeding, a juvenile court hearing shall be held for the purpose of determining whether dependency should be dismissed. If a guardianship or permanent custody order has been entered, the dependency shall be dismissed.

(13) Continued juvenile court jurisdiction under this chapter shall not be a barrier to the entry of an order establishing a legal guardianship or permanent legal custody when the requirements of subsection (12) of this section are met.

(14) Nothing in this chapter may be construed to limit the ability of the agency that has custody of the child to file a petition for termination of parental rights or a guardianship petition at any time following the establishment of dependency. Upon the filing of such a petition, a fact-finding hearing shall be scheduled and held in accordance with this chapter unless the department requests dismissal of the petition prior to the hearing or unless the parties enter an agreed order terminating parental rights, establishing guardianship, or otherwise resolving the matter.

(15) The approval of a permanency plan that does not contemplate return of the child to the parent does not relieve the department of its obligation to provide reasonable services, under this chapter, intended to effectuate the return of the child to the parent, including but not limited to, visitation rights. The court shall consider the child's relationships with siblings in accordance with RCW 13.34.130.

(16) Nothing in this chapter may be construed to limit the procedural due process rights of any party in a termination or guardianship proceeding filed under this chapter.

**Sec. 119.** RCW 13.34.155 and 2019 c 46 s 5017 are each amended to read as follows:

(1) The court hearing the dependency petition may hear and determine issues related to ~~((chapter 26.10 RCW))~~ a guardianship of a minor under RCW 11.130.215 in a dependency proceeding as necessary to facilitate a permanency plan for the child or children as part of the dependency disposition order or a dependency review order or as otherwise necessary to implement a permanency plan of care for a child. Any modification or establishment of a guardianship of a minor must be made in conformity with the standards in chapter 11.130 RCW. The parents, guardians, or legal custodian of the child must agree, subject to court approval, to establish or modify a ~~((permanent custody order))~~ guardianship of a minor, but the court may decide any contested issues implementing the guardianship. This agreed ~~((order))~~ guardianship of a minor may have the concurrence of the other parties to the dependency, the guardian ad litem of the child, and the child if age twelve or older, and must also be in the best interests of the child. If the petitioner for a ~~((custody))~~ guardianship of a minor order under ~~((chapter 26.10))~~ RCW 11.130.215 is not a party to the dependency proceeding, he or she must agree on the record or by the filing of a declaration to the entry of a ~~((custody order))~~ guardianship of a minor. Once ~~((an))~~ a guardianship of a minor order is entered under ~~((chapter 26.10))~~ RCW 11.130.215, and the dependency petition dismissed, the department shall not continue to supervise the placement.

(2)(a) The court hearing the dependency petition may establish or modify a parenting plan under chapter 26.09, 26.26A, or 26.26B RCW as part of a disposition order or at a review hearing when doing so will implement a permanent plan of care for the child and result in dismissal of the dependency.

(b) The dependency court shall adhere to procedural requirements under chapter 26.09 RCW and must make a written finding that the parenting plan established or modified by the dependency court under this section is in the child's best interests.

(c) Unless the whereabouts of one of the parents is unknown to either the department or the court, the parents must agree, subject to court approval, to establish the parenting plan or modify an existing parenting plan.

(d) Whenever the court is asked to establish or modify a parenting plan, the child's residential schedule, the

allocation of decision-making authority, and dispute resolution under this section, the dependency court may:

(i) Appoint a guardian ad litem to represent the interests of the child when the court believes the appointment is necessary to protect the best interests of the child; and

(ii) Appoint an attorney to represent the interests of the child with respect to provisions for the parenting plan.

(e) The dependency court must make a written finding that the parenting plan established or modified by the dependency court under this section is in the child's best interests.

(f) The dependency court may interview the child in chambers to ascertain the child's wishes as to the child's residential schedule in a proceeding for the entry or modification of a parenting plan under this section. The court may permit counsel to be present at the interview. The court shall cause a record of the interview to be made and to become part of the court record of the dependency case and the case under chapter 26.09, 26.26A, or 26.26B RCW.

(g) In the absence of agreement by a parent, guardian, or legal custodian of the child to allow the juvenile court to hear and determine issues related to the establishment or modification of a parenting plan under chapter 26.09, 26.26A, or 26.26B RCW, a party may move the court to transfer such issues to the family law department of the superior court for further resolution. The court may only grant the motion upon entry of a written finding that it is in the best interests of the child.

(h) In any parenting plan agreed to by the parents and entered or modified in juvenile court under this section, all issues pertaining to child support and the division of marital property shall be referred to or retained by the family law department of the superior court.

~~(3) ((Any court order determining issues under chapter 26.10 RCW is subject to modification upon the same showing and standards as a court order determining Title 26 RCW issues.~~

~~(4)) Any order entered in the dependency court establishing or modifying a ((permanent legal custody order)) guardianship of a minor under RCW 11.130.215, parenting plan, or residential schedule under chapter 26.09, ~~((26.10,))~~ 26.26A, or 26.26B RCW shall also be filed in the chapter 11.130, 26.09, ~~((26.10,))~~ 26.26A, or 26.26B RCW action by the moving or prevailing party. If the petitioning or moving party has been found indigent and appointed counsel at public expense in the dependency proceeding, no filing fees shall be imposed by the clerk. Once filed, any guardianship of a minor order, parenting plan, or residential schedule establishing or modifying permanent legal custody of a child shall survive dismissal of the dependency proceeding.~~

**Sec. 120.** RCW 13.34.210 and 2018 c 284 s 21 are each amended to read as follows:

If, upon entering an order terminating the parental rights of a parent, there remains no parent having parental

rights, the court shall commit the child to the custody of the department willing to accept custody for the purpose of placing the child for adoption. If an adoptive home has not been identified, the department shall place the child in a licensed foster home, or take other suitable measures for the care and welfare of the child. The custodian shall have authority to consent to the adoption of the child consistent with chapter 26.33 RCW, the marriage of the child, the enlistment of the child in the armed forces of the United States, necessary surgical and other medical treatment for the child, and to consent to such other matters as might normally be required of the parent of the child.

If a child has not been adopted within six months after the date of the order and a guardianship of the child under chapter 13.36 RCW or ~~((chapter 11.88 RCW, or a permanent custody order under chapter 26.10 RCW,))~~ a guardianship of a minor under RCW 11.130.215 has not been entered by the court, the court shall review the case every six months until a decree of adoption is entered. The department shall take reasonable steps to ensure that the child maintains relationships with siblings as provided in RCW 13.34.130~~((6))~~ (7) and shall report to the court the status and extent of such relationships.

**Sec. 121.** RCW 13.50.100 and 2019 c 470 s 21 are each amended to read as follows:

(1) This section governs records not covered by RCW 13.50.050, 13.50.260, and 13.50.270.

(2) Records covered by this section shall be confidential and shall be released only pursuant to this section and RCW 13.50.010.

(3) Records retained or produced by any juvenile justice or care agency may be released to other participants in the juvenile justice or care system only when an investigation or case involving the juvenile in question is being pursued by the other participant or when that other participant is assigned the responsibility of supervising the juvenile. Records covered under this section and maintained by the juvenile courts which relate to the official actions of the agency may be entered in the statewide judicial information system. However, truancy records associated with a juvenile who has no other case history, and records of a juvenile's parents who have no other case history, shall be removed from the judicial information system when the juvenile is no longer subject to the compulsory attendance laws in chapter 28A.225 RCW. A county clerk is not liable for unauthorized release of this data by persons or agencies not in his or her employ or otherwise subject to his or her control, nor is the county clerk liable for inaccurate or incomplete information collected from litigants or other persons required to provide identifying data pursuant to this section.

(4) Subject to (a) of this subsection, the department of children, youth, and families may release information retained in the course of conducting child protective services investigations to a family or juvenile court hearing a petition for custody of a minor under chapter ~~((26.10))~~ 11.130 RCW.

(a) Information that may be released shall be limited to information regarding investigations in which: (i) The

juvenile was an alleged victim of abandonment or abuse or neglect; or (ii) the petitioner for custody of the juvenile, or any individual aged sixteen or older residing in the petitioner's household, is the subject of a founded or currently pending child protective services investigation made by the department of social and health services or the department of children, youth, and families subsequent to October 1, 1998.

(b) Additional information may only be released with the written consent of the subject of the investigation and the juvenile alleged to be the victim of abandonment or abuse and neglect, or the parent, custodian, guardian, or personal representative of the juvenile, or by court order obtained with notice to all interested parties.

(5) Any disclosure of records or information by the department of social and health services or the department of children, youth, and families, pursuant to this section shall not be deemed a waiver of any confidentiality or privilege attached to the records or information by operation of any state or federal statute or regulation, and any recipient of such records or information shall maintain it in such a manner as to comply with such state and federal statutes and regulations and to protect against unauthorized disclosure.

(6) A contracting agency or service provider of the department of social and health services or the department of children, youth, and families, that provides counseling, psychological, psychiatric, or medical services may release to the office of the family and children's ombuds information or records relating to services provided to a juvenile who is dependent under chapter 13.34 RCW without the consent of the parent or guardian of the juvenile, or of the juvenile if the juvenile is under the age of thirteen years, unless such release is otherwise specifically prohibited by law.

(7) A juvenile, his or her parents, the juvenile's attorney, and the juvenile's parent's attorney, shall, upon request, be given access to all records and information collected or retained by a juvenile justice or care agency which pertain to the juvenile except:

(a) If it is determined by the agency that release of this information is likely to cause severe psychological or physical harm to the juvenile or his or her parents the agency may withhold the information subject to other order of the court: PROVIDED, That if the court determines that limited release of the information is appropriate, the court may specify terms and conditions for the release of the information; or

(b) If the information or record has been obtained by a juvenile justice or care agency in connection with the provision of counseling, psychological, psychiatric, or medical services to the juvenile, when the services have been sought voluntarily by the juvenile, and the juvenile has a legal right to receive those services without the consent of any person or agency, then the information or record may not be disclosed to the juvenile's parents without the informed consent of the juvenile unless otherwise authorized by law; or

(c) That the department of children, youth, and families or the department of social and health services may

delete the name and identifying information regarding persons or organizations who have reported alleged child abuse or neglect.

(8) A juvenile or his or her parent denied access to any records following an agency determination under subsection (7) of this section may file a motion in juvenile court requesting access to the records. The court shall grant the motion unless it finds access may not be permitted according to the standards found in subsection (7)(a) and (b) of this section.

(9) The person making a motion under subsection (8) of this section shall give reasonable notice of the motion to all parties to the original action and to any agency whose records will be affected by the motion.

(10) Subject to the rules of discovery in civil cases, any party to a proceeding seeking a declaration of dependency or a termination of the parent-child relationship and any party's counsel and the guardian ad litem of any party, shall have access to the records of any natural or adoptive child of the parent, subject to the limitations in subsection (7) of this section. A party denied access to records may request judicial review of the denial. If the party prevails, he or she shall be awarded attorneys' fees, costs, and an amount not less than five dollars and not more than one hundred dollars for each day the records were wrongfully denied.

(11) No unfounded allegation of child abuse or neglect as defined in RCW 26.44.020(1) may be disclosed to a child-placing agency, private adoption agency, or any other licensed provider.

**NEW SECTION. Sec. 122.** A new section is added to chapter 11.130 RCW to read as follows:

Any order for the relocation of a minor under a guardianship must comply with the notice requirements of RCW 26.09.430 through 26.09.490.

## **PART II**

### **GUARDIANSHIPS OF ADULTS**

**Sec. 201.** RCW 11.130.275 and 2019 c 437 s 303 are each amended to read as follows:

(1) All petitions filed under RCW 11.130.270 for appointment of a guardian for an adult shall be heard within sixty-days unless an extension of time is requested by a party or the court visitor within such sixty-day period and granted for good cause shown. If an extension is granted, the court shall set a new hearing date.

(2)(a) A copy of a petition under RCW 11.130.270 and notice of a hearing on the petition must be served personally on the respondent and the court visitor appointed under RCW 11.130.280 not more than five court days after the petition under RCW 11.130.270 has been filed. ~~((The notice must inform the respondent of the respondent's rights at the hearing, including the right to an attorney and to attend the hearing. The notice must include a description of the nature, purpose, and consequences of granting the petition.))~~

(b) Notice under this subsection shall include a clear and easily readable statement of the legal rights of the

respondent that could be restricted or transferred to a guardian by a guardianship order as well as the right to counsel of choice and to a jury trial on whether a basis exists under RCW 11.130.265 for the appointment of a guardian and the issue of the respondent's rights that will be retained or restricted if a guardian is appointed. Such notice must be in substantially the same form as set forth in section 321 of this act and must be double-spaced and in a type size not smaller than sixteen point font. The court may not grant the petition if notice substantially complying with this subsection is not served on the respondent.

(3) In a proceeding on a petition under RCW 11.130.270, the notice required under subsection (2) of this section must be given to the persons required to be listed in the petition under RCW 11.130.270(2) (a) through (c) and any other ~~((person interested in the respondent's welfare the court determines))~~ notice party. Failure to give notice under this subsection does not preclude the court from appointing a guardian.

(4) After the appointment of a guardian, notice of a hearing on a petition for an order under this article, together with a copy of the petition, must be given to:

- (a) The adult subject to guardianship;
- (b) The guardian; and
- (c) Any other notice party or person the court determines pursuant to RCW 11.130.310(5) or a subsequent court order.

**Sec. 202.** RCW 11.130.285 and 2019 c 437 s 305 are each amended to read as follows:

(1)(a) The respondent shall have the right to be represented by a willing attorney of their choosing at any stage in guardianship proceedings. Any attorney purporting to represent a respondent or person subject to guardianship shall petition the court to be appointed to represent the respondent or person subject to guardianship.

(b) Unless the respondent in a proceeding for appointment of a guardian for an adult is represented by an attorney, the court is not required, but may appoint an attorney to represent the respondent, regardless of the respondent's ability to pay, except as provided otherwise in (c) of this subsection.

(c)(i) The court must appoint an attorney to represent the respondent at public expense when either:

- (A) The respondent is unable to afford an attorney;
- (B) The expense of an attorney would result in substantial hardship to the respondent; or
- (C) The respondent does not have practical access to funds with which to pay an attorney. If the respondent can afford an attorney but lacks practical access to funds, the court must provide an attorney and may impose a reimbursement requirement as part of a final order.

(ii) When, in the opinion of the court, the rights and interests of the respondent cannot otherwise be adequately protected and represented, the court on its own motion must appoint an attorney at any time to represent the respondent.

(iii) An attorney must be provided under this subsection (1)(c) as soon as practicable after a petition is filed and long enough before any final hearing to allow adequate time for consultation and preparation. Absent a convincing showing in the record to the contrary, a period of less than three weeks is presumed by a reviewing court to be inadequate time for consultation and preparation.

(2) An attorney representing the respondent in a proceeding for appointment of a guardian for an adult shall:

- (a) Make reasonable efforts to ascertain the respondent's wishes;
- (b) Advocate for the respondent's wishes to the extent reasonably ascertainable; and
- (c) If the respondent's wishes are not reasonably ascertainable, advocate for the result that is the least restrictive in type, duration, and scope, consistent with the respondent's interests.

**Sec. 203.** RCW 11.130.290 and 2019 c 437 s 306 are each amended to read as follows:

(1) ~~((At or before a hearing on a petition for a guardianship for an adult, the court shall order a professional evaluation of the respondent:~~

- ~~(a) If the respondent requests the evaluation; or~~
- ~~(b) In other cases, unless the court finds that it has sufficient information to determine the respondent's needs and abilities without the evaluation.))~~ On receipt of a petition under RCW 11.130.270 and at the time the court appoints a court visitor under RCW 11.130.280, the court shall order a professional evaluation of the respondent.

(2) ~~((If the court orders an evaluation under subsection (1) of this section, the))~~ The respondent must be examined by a physician licensed to practice under chapter 18.71 or 18.57 RCW, psychologist licensed under chapter 18.83 RCW, ((or)) advanced registered nurse practitioner licensed under chapter 18.79 RCW, or physician assistant licensed under chapter 18.71A RCW selected by the court visitor who is qualified to evaluate the respondent's alleged cognitive and functional abilities and limitations and will not be advantaged or disadvantaged by a decision to grant the petition or otherwise have a conflict of interest. ((The individual conducting the evaluation promptly shall file a report in a record with the court.)) If the respondent opposes the professional selected by the court visitor, the court visitor shall obtain a professional evaluation from the professional selected by the respondent. The court visitor, after receiving a professional evaluation from the individual selected by the respondent, may obtain a supplemental evaluation from a different professional.

(3) The individual conducting the evaluation shall provide the completed evaluation report to the court visitor within thirty days of the examination of the respondent. The court visitor shall file the report in a sealed record with the court. Unless otherwise directed by the court, the report must contain:

- (a) The professional's name, address, education, and experience;

(b) A description of the nature, type, and extent of the respondent's cognitive and functional abilities and limitations;

~~((b))~~ (c) An evaluation of the respondent's mental and physical condition and, if appropriate, educational potential, adaptive behavior, and social skills;

~~((c))~~ (d) A prognosis for improvement and recommendation for the appropriate treatment, support, or habilitation plan; ~~(and~~

~~((d))~~ (e) A description of the respondent's current medications, and the effect of the medications on the respondent's cognitive and functional abilities;

(f) Identification of persons with whom the professional has met or spoken with regarding the respondent; and

(g) The date of the examination on which the report is based.

~~((3) The)~~ (4) If the respondent ~~((may decline))~~ declines to participate in an evaluation ordered under subsection (1) of this section, the court may proceed with the hearing under RCW 11.130.275 if the court finds that it has sufficient information to determine the respondent's needs and abilities without the professional evaluation.

**Sec. 204.** RCW 11.130.320 and 2019 c 437 s 312 are each amended to read as follows:

(1) A person interested in an adult's welfare, including the adult for whom the order is sought, may petition for appointment of an emergency guardian for the adult.

(2) An emergency petition under subsection (1) of this section must state the petitioner's name, principal residence, and current street address, if different, and to the extent known, the following:

(a) The respondent's name, age, principal residence and current street address, if different;

(b) The name and address of the respondent's:

(i) Spouse or domestic partner or, if the respondent has none, an adult with whom the respondent has shared household responsibilities for more than six months in the twelve-month period immediately before the filing of the emergency petition;

(ii) Adult children or, if none, each parent and adult sibling of the respondent, or, if none, at least one adult nearest in kinship to the respondent who can be found with reasonable diligence; and

(iii) Adult stepchildren whom the respondent actively parented during the stepchildren's minor years and with whom the respondent had an ongoing relationship in the two-year period immediately before the filing of the emergency petition;

(c) The name and current address of each of the following, if applicable:

(i) A person responsible for care of the respondent;

(ii) Any attorney currently representing the respondent;

(iii) Any representative payee appointed by the social security administration for the respondent;

(iv) A guardian or conservator acting for the respondent in this state or in another jurisdiction;

(v) A trustee or custodian of a trust or custodianship of which the respondent is a beneficiary;

(vi) Any fiduciary for the respondent appointed by the department of veterans affairs;

(vii) Any representative payee or authorized representative or protective payee;

(viii) An agent designated under a power of attorney for health care in which the respondent is identified as the principal;

(ix) An agent designated under a power of attorney for finances in which the respondent is identified as the principal;

(x) A person nominated as guardian by the respondent;

(xi) A person nominated as guardian by the respondent's parent or spouse or domestic partner in a will or other signed record;

(xii) A proposed emergency guardian, and the reason the proposed emergency guardian should be selected; and

(xiii) A person known to have routinely assisted the respondent with decision making during the six months immediately before the filing of the emergency petition;

(d) The reason an emergency guardianship is necessary, including a specific description of:

(i) The nature and extent of the emergency situation;

(ii) The nature and extent of the respondent's alleged emergency need that arose because of the emergency situation;

(iii) The substantial and irreparable harm to the respondent's health, safety, welfare, or rights that is likely to be prevented by the appointment of an emergency guardian;

(iv) All protective arrangements or other less restrictive alternatives that have been considered or implemented to meet the respondent's alleged emergency need instead of emergency guardianship;

(v) If no protective arrangements or other less restrictive alternatives have been considered or implemented instead of emergency guardianship, the reason they have not been considered or implemented; and

(vi) The reason a protective arrangement or other less restrictive alternative instead of emergency guardianship is insufficient to meet the respondent's alleged emergency need;

(e) The reason the petitioner believes that a basis for appointment of a guardian under RCW 11.130.265 exists;

(f) Whether the petitioner intends to also seek guardianship for an adult under RCW 11.130.270;

(g) The reason the petitioner believes that no other person appears to have authority and willingness to act to address the respondent's identified needs caused by the emergency circumstances;

(h) The specific powers to be granted to the proposed emergency guardian and a description of how those powers will be used to meet the respondent's alleged emergency need;

(i) If the respondent has property other than personal effects, a general statement of the respondent's property, with an estimate of its value, including any insurance or pension, and the source and amount of other anticipated income or receipts; and

(j) Whether the respondent needs an interpreter, translator, or other form of support to communicate effectively with the court or understand court proceedings.

(3) The requirements of RCW 11.130.090 apply to an emergency guardian appointed for an adult with the following exceptions for any proposed emergency guardian required to complete the training under RCW 11.130.090:

(a) The proposed emergency guardian shall present evidence of the successful completion of the required training video or web cast to the court no later than the hearing on the petition for appointment of an emergency guardian for an adult; and

(b) The superior court may defer the completion of the training requirement to a date no later than fourteen days after appointment if the petitioner requests an extension of time to complete the training due to emergent circumstances beyond the control of petitioner.

(4) On its own after a petition has been filed under RCW 11.130.270, or on petition (~~by a person interested in an adult's welfare~~) for appointment of an emergency guardian for an adult, the court may appoint an emergency guardian for the adult if the court (~~finds~~) makes specific findings based on clear and convincing evidence that:

(a) (~~Appointment~~) An emergency exists such that appointment of an emergency guardian is likely to prevent substantial and irreparable harm to the adult's physical health, safety, or welfare;

(b) The respondent's identified needs caused by the emergency cannot be met by a protective arrangement or other less restrictive alternative instead of emergency guardianship;

(c) No other person appears to have authority and willingness to act (~~in the~~) to address the respondent's identified needs caused by the emergency circumstances; and

(~~(e)~~) (d) There is reason to believe that a basis for appointment of a guardian under RCW 11.130.265 exists.

(~~(2)~~) (5) If the court acts on its own to appoint an emergency guardian after a petition has been filed under

RCW 11.130.270, all requirements of this section shall be met.

(6) A court order appointing an emergency guardian for an adult shall:

(a) Grant only the specific powers necessary to meet the adult's identified emergency need and to prevent substantial and irreparable harm to the adult's physical health, safety, or welfare;

(b) Include a specific finding that clear and convincing evidence established that an emergency exists such that appointment of an emergency guardian is likely to prevent substantial and irreparable harm to the respondent's health, safety, or welfare;

(c) Include a specific finding that the identified emergency need of the respondent cannot be met by a protective arrangement instead of guardianship or other less restrictive alternative, including any relief available under chapter 74.34 RCW or use of appropriate supportive services, technological assistance, or supported decision making;

(d) Include a specific finding that clear and convincing evidence established the respondent was given proper notice of the hearing on the petition;

(e) State that the adult subject to emergency guardianship retains all rights the adult enjoyed prior to the emergency guardianship with the exception of the rights not retained during the period of emergency guardianship;

(f) Include the date that the sixty-day period of emergency guardianship ends, and the date the emergency guardian's report, required by this section, is due to the court; and

(g) Identify any person or notice party that subsequently is entitled to:

(i) Notice of the rights of the adult;

(ii) Notice of a change in the primary dwelling of the adult;

(iii) Notice of the removal of the guardian;

(iv) A copy of the emergency guardian's plan and the emergency guardian's report under this section;

(v) Access to court records relating to the emergency guardianship;

(vi) Notice of the death or significant change in the condition of the adult;

(vii) Notice that the court has limited or modified the powers of the emergency guardian; and

(viii) Notice of the removal of the emergency guardian.

(7) A spouse, a domestic partner, and adult children of an adult subject to emergency guardianship are entitled to notice under this section unless the court orders otherwise based on good cause. Good cause includes the court's determination that notice would be contrary to the

preferences or prior directions of the adult subject to emergency guardianship or not in the best interest of the adult subject to the emergency guardianship.

(8) The duration of authority of an emergency guardian for an adult may not exceed sixty days, and the emergency guardian may exercise only the powers specified in the order of appointment. ~~((The))~~ Upon a motion by the petitioner, adult subject to emergency guardianship, court visitor, or the emergency guardian, with notice served upon all applicable notice parties, the emergency guardian's authority may be extended once for not more than sixty days if the court finds that the conditions for appointment of an emergency guardian in subsection ~~((4))~~ (4) of this section continue.

~~((3))~~ (9) Immediately on filing of a petition for appointment of an emergency guardian for an adult, the court shall appoint an attorney to represent the respondent in the proceeding. Except as otherwise provided in subsection ~~((4))~~ (10) of this section, ~~((reasonable))~~ an order appointing an emergency guardian for the respondent may not be entered unless the respondent, the respondent's attorney, and the court visitor appointed under subsection (11) of this section have received a minimum of fourteen days' notice of the date, time, and place of a hearing on the petition ~~((must be given to the respondent, the respondent's attorney, and any other person the court determines))~~. A copy of the emergency petition and notice of a hearing on the petition must be served personally on the respondent, the respondent's attorney, and the court visitor not more than two court days after the petition has been filed. The notice must inform the respondent of the respondent's rights at the hearing, including the right to an attorney and to attend the hearing. The notice must include a description of the nature, purpose, and consequences of granting the emergency petition. The court shall not grant the emergency petition if notice substantially complying with this subsection is not served on the respondent.

~~((4))~~ (10) The court may appoint an emergency guardian for an adult without notice to the adult and any attorney for the adult only if the court finds from an affidavit or testimony that the respondent's physical health, safety, or welfare will be substantially harmed before a hearing with notice on the appointment can be held. If the court appoints an emergency guardian without giving notice under subsection ~~((3))~~ (9) of this section, the court must:

(a) Give notice of the appointment not later than forty-eight hours after the appointment to:

- (i) The respondent;
- (ii) The respondent's attorney; and
- (iii) Any other person the court determines; and

(b) Hold a hearing on the appropriateness of the appointment not later than five days after the appointment.

~~((5))~~ (11) On receipt of a petition for appointment of emergency guardian for an adult, the court shall appoint a court visitor. Notice of appointment of the court visitor must be served upon the court visitor within two days of appointment. The court visitor must be an individual with

training or experience in the type of abilities, limitations, and needs alleged in the emergency petition. The court, in the order appointing a court visitor, shall specify the hourly rate the visitor may charge for his or her services, and shall specify the maximum amount the court visitor may charge without additional court review and approval.

(a) The court visitor shall within two days of service of notice of appointment file with the court and serve, either personally or by certified mail with return receipt, the respondent or the respondent's legal counsel, the petitioner or the petitioner's legal counsel, and any notice party with a statement including the court visitor's: Training relating to the duties as a court visitor; criminal history as defined in RCW 9.94A.030 for the period covering ten years prior to the appointment; hourly rate, if compensated; contact, if any, with a party to the proceeding prior to appointment; and apparent or actual conflicts of interest.

(b) A court visitor appointed under this section shall use due diligence to attempt to interview the respondent in person and, in a manner the respondent is best able to understand:

(i) Explain to the respondent the substance of the emergency petition, the nature, purpose, and effect of the proceeding, the respondent's rights at the hearing on the petition, and the proposed specific powers and duties of the proposed guardian as stated in the emergency petition;

(ii) Determine the respondent's views about the emergency appointment sought by the petitioner, including views about a proposed emergency guardian, the emergency guardian's proposed powers and duties, and the scope and duration of the proposed emergency guardianship; and

(iii) Inform the respondent that all costs and expenses of the proceeding, including but not limited to the respondent's attorneys' fees, the appointed guardian's fees, and the appointed guardian's attorneys' fees, will be paid from the respondent's assets upon approval by the court.

(c) The court visitor appointed under this section shall:

(i) Interview the petitioner and proposed emergency guardian;

(ii) Use due diligence to attempt to visit the respondent's present dwelling;

(iii) Use due diligence to attempt to obtain information from any physician or other person known to have treated, advised, or assessed the respondent's relevant physical or mental condition; and

(iv) Investigate the allegations in the emergency petition and any other matter relating to the emergency petition the court directs.

(d) A court visitor appointed under this section shall file a report in a record with the court and provide a copy of the report to the respondent, petitioner, and any notice party at least seven days prior to the hearing on the emergency petition, which must include:

(i) A summary of self-care and independent living tasks the respondent can manage without assistance or with



existing supports, could manage with the assistance of appropriate supportive services, technological assistance, or supported decision making, and cannot manage;

(ii) A recommendation regarding the appropriateness of emergency guardianship, including whether a protective arrangement instead of guardianship or other less restrictive alternative for meeting the respondent's needs is available, and if an emergency guardianship is recommended;

(iii) A detailed summary of the alleged emergency and the substantial and irreparable harm to the respondent's health, safety, welfare, or rights that is likely to be prevented by the appointment of an emergency guardian;

(iv) A statement as to whether the alleged emergency and the respondent's alleged needs are likely to require an extension of sixty days as authorized under this section;

(v) The specific powers to be granted to the emergency guardian and how the specific powers will address the alleged emergency and the respondent's alleged need;

(vi) A recommendation regarding the appropriateness of an ongoing guardianship for an adult, including whether a protective arrangement instead of guardianship or other less restrictive alternative for meeting the respondent's needs is available;

(vii) A statement of the qualifications of the proposed emergency guardian and whether the respondent approves or disapproves of the proposed emergency guardian, and the reasons for such approval or disapproval;

(viii) A recommendation whether a professional evaluation under RCW 11.130.290 is necessary;

(ix) A statement whether the respondent is able to attend a hearing at the location court proceedings typically are held;

(x) A statement whether the respondent is able to participate in a hearing which identifies any technology or other form of support that would enhance the respondent's ability to participate;

(xi) A statement, as needed when the petition seeks emergency authority to change the respondent's place of dwelling, as to whether the proposed dwelling meets the respondent's needs and whether the respondent has expressed a preference as to residence; and

(xii) Any other matter the court directs.

(12) An emergency guardian shall:

(a) Comply with the requirements of RCW 11.130.325, the requirements regarding the adult's right to association under RCW 11.130.335, and the requirements of this chapter that pertain to the rights of an adult subject to guardianship;

(b) Not have authority to make decisions or take actions that a guardian for an adult is prohibited by law from having; and

(c) Be subject to the same special limitations on a guardian's power that apply to a guardian for an adult.

(13) Appointment of an emergency guardian under this section is not a determination that a basis exists for appointment of a guardian under RCW 11.130.265.

~~((6))~~ (14) The court may remove an emergency guardian appointed under this section at any time.

(15) The emergency guardian shall file a report in a record with the court and provide a copy of the report to the adult subject to emergency guardianship, and any notice party no later than forty-five days after appointment. The report shall include specific and updated information regarding the emergency alleged in the emergency petition, the adult's emergency needs, all actions and decisions by the emergency guardian, and a recommendation as to whether a guardian for an adult should be appointed. If the appointment of the emergency guardian is extended for an additional sixty days, the emergency guardian shall file a second report in a record with the court and provide a copy of the report to the adult subject to emergency guardianship, and any notice party no later than forty-five days after extension of the appointment is granted by the court, which shall include the same information required for the first report. The emergency guardian shall make any other report the court requires.

(16) The court shall issue letters of emergency guardianship to the emergency guardian in compliance with RCW 11.130.040. Such letters shall be issued on an expedited basis.

**Sec. 205.** RCW 11.130.330 and 2019 c 437 s 314 are each amended to read as follows:

(1) Except as limited by court order, a guardian for an adult may:

(a) Apply for and receive funds and benefits as a representative payee or an authorized representative or protective payee for the support of the adult, unless a conservator is appointed for the adult and the application or receipt is within the powers of the conservator;

(b) Unless inconsistent with a court order, establish the adult's place of dwelling;

(c) Consent to health or other care, treatment, or service for the adult;

(d) If a conservator for the adult has not been appointed, commence a proceeding, including an administrative proceeding, or take other appropriate action to compel another person to support the adult or pay funds for the adult's benefit;

(e) To the extent reasonable, delegate to the adult responsibility for a decision affecting the adult's well-being; and

(f) Receive personally identifiable health care information regarding the adult.

(2) The court by specific order may authorize a guardian for an adult to consent to the adoption of the adult.

(3) The court by specific order may authorize a guardian for an adult to:

(a) Consent or withhold consent to the marriage of the adult if the adult's right to marry has been removed under RCW 11.130.310;

(b) Petition for divorce, dissolution, or annulment of marriage of the adult or a declaration of invalidity of the adult's marriage; or

(c) Support or oppose a petition for divorce, dissolution, or annulment of marriage of the adult or a declaration of invalidity of the adult's marriage.

(4) In determining whether to authorize a power under subsection (2) or (3) of this section, the court shall consider whether the underlying act would be in accordance with the adult's preferences, values, and prior directions and whether the underlying act would be in the adult's best interest.

(5) In exercising a guardian's power under subsection (1)(b) of this section to establish the adult's place of dwelling, the guardian shall:

(a) Select a residential setting the guardian believes the adult would select if the adult were able, in accordance with the decision-making standard in RCW 11.130.325 (4) and (5). If the guardian does not know and cannot reasonably determine what setting the adult subject to guardianship probably would choose if able, or the guardian reasonably believes the decision the adult would make would unreasonably harm or endanger the welfare or personal or financial interests of the adult, the guardian shall choose in accordance with RCW 11.130.325(5) a residential setting that is consistent with the adult's best interest;

(b) In selecting among residential settings, give priority to a residential setting in a location that will allow the adult to interact with persons important to the adult and meet the adult's needs in the least restrictive manner reasonably feasible unless to do so would be inconsistent with the decision-making standard in RCW 11.130.325 (4) and (5);

(c) Not later than thirty days after a change in the dwelling of the adult:

(i) Give notice of the change to the court, the adult, and any ~~((person identified as entitled to the notice in the court order appointing the guardian or a subsequent order))~~ other notice party; and

(ii) Include in the notice the address and nature of the new dwelling and state whether the adult received advance notice of the change and whether the adult objected to the change;

(d) Establish or move the permanent place of dwelling of the adult to a ~~((nursing home, mental health facility, or other facility))~~ care setting that places restrictions on the adult's ability to leave or have visitors only if:

(i) The establishment or move is in the guardian's plan under RCW 11.130.340;

(ii) The court authorizes the establishment or move; or

(iii) The guardian gives notice of the establishment or move at least fourteen days before the establishment or move to the adult and all persons entitled to notice under RCW

11.130.310(5)(b) or a subsequent order, and no objection is filed;

(e) Establish or move the place of dwelling of the adult outside this state only if consistent with the guardian's plan and authorized by the court by specific order; and

(f) Take action that would result in the sale of or surrender of the lease to the primary dwelling of the adult only if:

(i) The action is specifically included in the guardian's plan under RCW 11.130.340;

(ii) The court authorizes the action by specific order; or

(iii) Notice of the action was given at least fourteen days before the action to the adult and all persons entitled to the notice under RCW 11.130.310(5)(b) or a subsequent order and no objection has been filed.

(6) In exercising a guardian's power under subsection (1)(c) of this section to make health care decisions, the guardian shall:

(a) Involve the adult in decision making to the extent reasonably feasible, including, when practicable, by encouraging and supporting the adult in understanding the risks and benefits of health care options;

(b) Defer to a decision by an agent under a power of attorney for health care executed by the adult and cooperate to the extent feasible with the agent making the decision; and

(c) Take into account:

(i) The risks and benefits of treatment options; and

(ii) The current and previous wishes and values of the adult, if known or reasonably ascertainable by the guardian.

(7) Notwithstanding subsection (1)(b) of this section no ~~((residential treatment facility))~~ care setting which provides nursing or other care may detain a person within such facility against their will. Any court order, other than an order issued in accordance with the involuntary treatment provisions of chapters 10.77, 71.05, and 72.23 RCW, which purports to authorize such involuntary detention or purports to authorize a guardian or limited guardian to consent to such involuntary detention on behalf of an individual subject to a guardianship shall be void and of no force or effect. ~~((This section does not apply to the detention of a minor as provided in chapter 71.34 RCW.))~~

(8) Nothing in this section shall be construed to require a court order authorizing placement of an incapacitated person in a ~~((residential treatment facility))~~ care setting if such order is not otherwise required by law: PROVIDED, That notice of any residential placement of an individual subject to a guardianship shall be served, either before or after placement, by the guardian or limited guardian on such individual, any court visitor of record, any guardian ad litem of record, and any attorney of record.

**Sec. 206.** RCW 11.130.335 and 2019 c 437 s 315 are each amended to read as follows:

(1) ~~((Unless authorized by the court by specific order, a))~~ A guardian for an adult does not have the power to revoke or amend a power of attorney for health care or power of attorney for finances executed by the adult. If a power of attorney for health care is in effect, unless there is a court order to the contrary, a health care decision of an agent takes precedence over that of the guardian and the guardian shall cooperate with the agent to the extent feasible. If a power of attorney for finances is in effect, unless there is a court order to the contrary, a decision by the agent which the agent is authorized to make under the power of attorney for finances takes precedence over that of the guardian and the guardian shall cooperate with the agent to the extent feasible. The court has authority to revoke or amend any power of attorney executed by the adult.

(2) A guardian for an adult ~~((may))~~ shall not initiate the commitment of the adult to an evaluation and treatment facility except in accordance with the ~~((state's procedure for involuntary civil commitment))~~ provisions of chapter 10.77, 71.05, or 72.23 RCW.

(3) Unless authorized by the court in accordance with subsection (4) of this section within the past thirty days, a guardian for an adult may not consent to any of the following procedures for the adult:

- (a) Therapy or other procedure to induce convulsion;
- (b) Surgery solely for the purpose of psychosurgery; or
- (c) Other psychiatric or mental health procedures that restrict physical freedom of movement or the rights set forth in RCW 71.05.217.

(4) The court may order a procedure listed in subsection (3) of this section only after giving notice to the adult's attorney and holding a hearing. If the adult does not have an attorney, the court must appoint an attorney for the adult prior to entering an order under this subsection.

(5) Persons under a guardianship, conservatorship, or other protective arrangements—Right to associate with persons of their choosing.

(a) Except as otherwise provided in this section, ~~((a person under a guardianship retains the right to associate with persons of the person under a guardianship's choosing. This right includes, but is not limited to, the right to freely communicate and interact with other persons, whether through in person visits, telephone calls, electronic communication, personal mail, or other means. If the person under a guardianship is unable to express consent for communication, visitation, or interaction with another person, or is otherwise unable to make a decision regarding association with another person, a guardian of a person under a guardianship, whether full or limited, must:~~

~~((i) Personally inform the person under a guardianship of the decision under consideration, using plain language, in a manner calculated to maximize the understanding of the person under a guardianship;~~

~~((ii) Maximize the person under a guardianship's participation in the decision making process to the greatest~~

~~extent possible, consistent with the person under a guardianship's abilities; and~~

~~((iii) Give substantial weight to the person under a guardianship's preferences, both expressed and historical.~~

~~((b) A guardian or limited guardian may not restrict a person under a guardianship's right to communicate, visit, interact, or otherwise associate with persons of the person under a guardianship's choosing, unless:~~

~~((i) The restriction is specifically authorized by the guardianship court in the court order establishing or modifying the guardianship or limited guardianship under chapter 11.130 RCW;~~

~~((ii) The restriction is pursuant to a protection order issued under chapter 74.34 RCW, chapter 26.50 RCW, or other law, that limits contact between the person under a guardianship and other persons;~~

~~((iii)(A) The guardian or limited guardian has good cause to believe that there is an immediate need to restrict a person under a guardianship's right to communicate, visit, interact, or otherwise associate with persons of the person under a guardianship's choosing in order to protect the person under a guardianship from abuse, neglect, abandonment, or financial exploitation, as those terms are defined in RCW 74.34.020, or to protect the person under a guardianship from activities that unnecessarily impose significant distress on the person under a guardianship; and~~

~~((B) Within fourteen calendar days of imposing the restriction under (b)(iii)(A) of this subsection, the guardian or limited guardian files a petition for a protection order under chapter 74.34 RCW. The immediate need restriction may remain in place until the court has heard and issued an order or decision on the petition; or~~

~~((iv) The restriction is pursuant to participation in the community protection program under chapter 71A.12 RCW.~~

~~((6) A protection order under chapter 74.34 RCW issued to protect the person under a guardianship)) an adult subject to a guardianship, conservatorship, or other protective arrangement retains the right to associate with other persons of the adult's choosing. This right includes, but is not limited to, the right to freely communicate and interact with other persons, whether through in-person visits, telephone calls, electronic communication, personal mail, or other means. If the adult subject to a guardianship, conservatorship, or other protective arrangement is unable to express consent for communication, visitation, or interaction with another person, or is otherwise unable to make a decision regarding association with another person, the guardian, conservator, or person acting under a protective arrangement, whether full or limited, must:~~

~~((i) Personally inform the adult subject to a guardianship, conservatorship, or other protective arrangement of the decision under consideration, using plain language, in a manner calculated to maximize the understanding of the adult;~~

(ii) Maximize the adult's participation in the decision-making process to the greatest extent possible, consistent with the adult's abilities; and

(iii) Give substantial weight to the adult's preferences, both expressed and historical.

(b) A guardian or limited guardian, a conservator or limited conservator, or a person acting under a protective arrangement may not restrict an adult's right to communicate, visit, interact, or otherwise associate with persons of the adult's choosing, unless:

(i) The restriction is specifically authorized by the court in the court order establishing or modifying the guardianship or limited guardianship, the conservatorship or limited conservatorship, or the protective arrangement under this chapter;

(ii) The restriction is pursuant to a protection order issued under chapter 74.34 or 26.50 RCW, or other law, that limits contact between the adult under a guardianship, conservatorship, or other protective arrangement and other persons;

(iii)(A) The guardian or limited guardian, the conservator or limited conservator, or the person acting under the protective arrangement has good cause to believe that there is an immediate need to restrict the adult's right to communicate, visit, interact, or otherwise associate with persons of the adult's choosing in order to protect the adult from abuse, neglect, abandonment, or financial exploitation, as those terms are defined in RCW 74.34.020, or to protect the adult from activities that unnecessarily impose significant distress on the adult; and

(B) Within fourteen calendar days of imposing the restriction under (b)(iii)(A) of this subsection, the guardian or limited guardian, the conservator or limited conservator, or person acting under the protective arrangement files a petition for a protection order under chapter 74.34 RCW. The immediate need restriction may remain in place until the court has heard and issued an order or decision on the petition; or

(iv) The restriction is pursuant to participation in the community protection program under chapter 71A.12 RCW.

(6) A protection order under chapter 74.34 RCW issued to protect the adult under a guardianship, conservatorship, or other protective arrangement as described in subsection (5)(b)(iii)(B) of this section:

(a) Must include written findings of fact and conclusions of law;

(b) May not be more restrictive than necessary to protect the ~~((person under a guardianship))~~ adult from abuse, neglect, abandonment, or financial exploitation as those terms are defined in RCW 74.34.020; and

(c) May not deny communication, visitation, interaction, or other association between the ~~((person under a guardianship))~~ adult and another person unless the court finds that placing reasonable time, place, or manner restrictions is unlikely to sufficiently protect the ~~((person under a guardianship))~~ adult from abuse, neglect,

abandonment, or financial exploitation as those terms are defined in RCW 74.34.020.

**Sec. 207.** RCW 11.130.340 and 2019 c 437 s 317 are each amended to read as follows:

(1) A guardian for an adult, not later than ninety days after appointment, shall file with the court a plan for the care of the adult and shall provide a copy of the plan to the adult subject to guardianship(~~((a person entitled to notice under RCW 11.130.310(5) or a subsequent order,))~~) and any other ~~((person the court determines))~~ notice party. The plan must be based on the needs of the adult and take into account the best interest of the adult as well as the adult's preferences, values, and prior directions, to the extent known to or reasonably ascertainable by the guardian. The guardian shall include in the plan:

(a) The living arrangement, services, and supports the guardian expects to arrange, facilitate, or continue for the adult;

(b) Social and educational activities the guardian expects to facilitate on behalf of the adult;

(c) Any person with whom the adult has a close personal relationship or relationship involving regular visitation and any plan the guardian has for facilitating visits with the person;

(d) The anticipated nature and frequency of the guardian's visits and communication with the adult;

(e) Goals for the adult, including any goal related to the restoration of the adult's rights, and how the guardian anticipates achieving the goals;

(f) Whether the adult has an existing plan and, if so, whether the guardian's plan is consistent with the adult's plan; and

(g) A statement or list of the amount the guardian proposes to charge for each service the guardian anticipates providing to the adult.

(2) A guardian shall give notice of the filing of the guardian's plan under subsection (1) of this section, together with a copy of the plan, to the adult subject to guardianship(~~((a person entitled to notice under RCW 11.130.310(5) or a subsequent order,))~~) and any other ~~((person the court determines))~~ notice party. The notice must include a statement of the right to object to the plan and be given not later than fourteen days after the filing.

(3) An adult subject to guardianship and any person entitled under subsection (2) of this section to receive notice and a copy of the guardian's plan may object to the plan.

(4) The court shall review the guardian's plan filed under subsection (1) of this section and determine whether to approve the plan or require a new plan. In deciding whether to approve the plan, the court shall consider an objection under subsection (3) of this section and whether the plan is consistent with the guardian's duties and powers under RCW 11.130.325 and 11.130.330. The court may not approve the plan until thirty days after its filing.

(5) After the guardian's plan filed under this section is approved by the court, the guardian shall provide a copy of the order approving the plan to the adult subject to guardianship(~~((a person entitled to notice under RCW 11.130.310(5) or a subsequent order,))~~) and any other ((person the court determines)) notice party.

**Sec. 208.** RCW 11.130.345 and 2019 c 437 s 318 are each amended to read as follows:

(1) A guardian for an adult shall file with the court by the date established by the court a report in a record regarding the condition of the adult and accounting for funds and other property in the guardian's possession or subject to the guardian's control. The guardian shall provide a copy of the report to the adult subject to guardianship(~~((a person entitled to notice under RCW 11.130.310(5) or a subsequent order,))~~) and any other ((person the court determines)) notice party.

(2) A report under subsection (1) of this section must state or contain:

(a) The mental, physical, and social condition of the adult;

(b) The living arrangements of the adult during the reporting period;

(c) A summary of the supported decision making, technological assistance, medical services, educational and vocational services, and other supports and services provided to the adult and the guardian's opinion as to the adequacy of the adult's care;

(d) A summary of the guardian's visits with the adult, including the dates of the visits;

(e) Action taken on behalf of the adult;

(f) The extent to which the adult has participated in decision making;

(g) If the adult is living in ~~((an evaluation and treatment facility or living in a facility that provides the adult with health care or other personal services))~~ a care setting, whether the guardian considers the facility's current plan for support, care, treatment, or habilitation consistent with the adult's preferences, values, prior directions, and best interests;

(h) Anything of more than de minimis value which the guardian, any individual who resides with the guardian, or the spouse, domestic partner, parent, child, or sibling of the guardian has received from an individual providing goods or services to the adult. A professional guardian must abide by the standards of practice regarding the acceptance of gifts;

(i) If the guardian delegated a power to an agent, the power delegated and the reason for the delegation;

(j) Any business relation the guardian has with a person the guardian has paid or that has benefited from the property of the adult;

(k) A copy of the guardian's most recently approved plan under RCW 11.130.340 and a statement whether the

guardian has deviated from the plan and, if so, how the guardian has deviated and why;

(l) Plans for future care and support of the adult;

(m) A recommendation as to the need for continued guardianship and any recommended change in the scope of the guardianship; and

(n) Whether any co-guardian or successor guardian appointed to serve when a designated event occurs is alive and able to serve.

(3) The court may appoint a court visitor to review a report submitted under this section or a guardian's plan submitted under RCW 11.130.340, interview the guardian or adult subject to guardianship, or investigate any other matter involving the guardianship.

(4) Notice of the filing under this section of a guardian's report, together with a copy of the report, must be given to the adult subject to guardianship(~~((a person entitled to notice under RCW 11.130.310(5) or a subsequent order,))~~) and any other ((person the court determines)) notice party. The notice and report must be given not later than fourteen days after the filing.

(5) The court shall establish procedures for monitoring a report submitted under this section and review each report to determine whether:

(a) The report provides sufficient information to establish the guardian has complied with the guardian's duties;

(b) The guardianship should continue; and

(c) The guardian's requested fees, if any, should be approved.

(6) If the court determines there is reason to believe a guardian for an adult has not complied with the guardian's duties or the guardianship should be modified or terminated, the court:

(a) Shall notify the adult, the guardian, and any other person entitled to notice under RCW 11.130.310(5) or a subsequent order;

(b) May require additional information from the guardian;

(c) May appoint a court visitor to interview the adult or guardian or investigate any matter involving the guardianship; and

(d) Consistent with this section and RCW 11.130.350, may hold a hearing to consider removal of the guardian, termination of the guardianship, or a change in the powers granted to the guardian or terms of the guardianship.

(7) If the court has reason to believe fees requested by a guardian for an adult are not reasonable, the court shall hold a hearing to determine whether to adjust the requested fees.

(8) A guardian for an adult must petition the court for approval of a report filed under this section. The court after review may approve the report. If the court approves the

report, there is a rebuttable presumption the report is accurate as to a matter adequately disclosed in the report.

(9) If the court approves a report filed under this section, the order approving the report shall set the due date for the filing of the next report to be filed under this section. The court may set the review interval at annual, biennial, or triennial with the report due date to be within ninety days of the anniversary date of appointment. When determining the report interval, the court can consider: The length of time the guardian has been serving the person under guardianship; whether the guardian has timely filed all required reports with the court; whether the guardian is monitored by other state or local agencies; and whether there have been any allegations of abuse, neglect, or a breach of fiduciary duty against the guardian.

(10) If the court approves a report filed under this section, the order approving the report shall contain a guardianship summary or be accompanied by a guardianship summary in the form or substantially in the same form as set forth in RCW 11.130.665.

(11) If the court approves a report filed under this section, the order approving the report shall direct the clerk of the court to reissue letters of office in the form or substantially in the same form as set forth in RCW 11.130.660 to the guardian containing an expiration date which will be within one hundred twenty days after the date the court directs the guardian file its next report.

(12) Any requirement to establish a monitoring program under this section is subject to appropriation.

**Sec. 209.** RCW 11.130.360 and 2019 c 437 s 401 are each amended to read as follows:

(1) On petition and after notice and hearing, the court may appoint a conservator for the property or financial affairs of a minor if the court finds by a preponderance of evidence that appointment of a conservator is in the minor's best interest, and:

(a) If the minor has a parent, the court gives weight to any recommendation of the parent whether an appointment is in the minor's best interest; and

(b) Either:

(i) The minor owns funds or other property requiring management or protection that otherwise cannot be provided;

(ii) The minor has or may have financial affairs that may be put at unreasonable risk or hindered because of the minor's age; or

(iii) Appointment is necessary or desirable to obtain or provide funds or other property needed for the support, care, education, health, or welfare of the minor.

(2) On petition and after notice and hearing, the court may appoint a conservator for the property or financial affairs of an adult if the court finds by clear and convincing evidence that:

(a) The adult is unable to manage property or financial affairs because:

(i) Of a limitation in the adult's ability to receive and evaluate information or make or communicate decisions, even with the use of appropriate supportive services, technological assistance, or supported decision making; or

(ii) The adult is missing, detained, or unable to return to the United States;

(b) Appointment is necessary to:

(i) Avoid harm to the adult or significant dissipation of the property of the adult; or

(ii) Obtain or provide funds or other property needed for the support, care, education, health, or welfare of the adult or of an individual entitled to the adult's support; and

(c) The ~~((respondent's))~~ adult's identified needs cannot be met by a protective arrangement instead of conservatorship or other less restrictive alternatives.

(3) The court shall grant a conservator only those powers necessitated by demonstrated limitations and needs of the respondent and issue orders that will encourage development of the respondent's maximum self-determination and independence. The court may not establish a full conservatorship if a limited conservatorship, protective arrangement instead of conservatorship, or other less restrictive alternative would meet the needs of the respondent.

(4) A determination by the court that a basis under subsection (2) of this section exists for the appointment of a conservator for an adult and on the issue of the rights that will be retained or restricted by the appointment of a conservator is a legal, not a medical decision. The determination must be based on demonstrated management insufficiencies over time in the area of property or financial affairs. Age, eccentricity, poverty, or medical diagnosis alone are not a sufficient basis under subsection (2) of this section to justify a determination that a conservator should be appointed for the respondent.

(5) For purposes of subsection (2) of this section, an adult who resides in a long-term care facility, resides in another care setting, or is the subject of an involuntary commitment order is not considered missing or detained.

**Sec. 210.** RCW 11.130.370 and 2019 c 437 s 403 are each amended to read as follows:

(1) All petitions filed under RCW 11.130.365 for appointment of a conservator shall be heard within sixty days unless an extension of time is requested by a party or the court visitor within such sixty-day period and granted for good cause shown. If an extension is granted, the court shall set a new hearing date.

(2)(a) A copy of a petition under RCW 11.130.365 and notice of a hearing on the petition must be served personally on the respondent ~~((and))~~, the court visitor appointed under RCW 11.130.380, and the appointed or proposed guardian not more than five court days after the petition under RCW 11.130.365 has been filed. If the respondent's whereabouts are unknown or personal service cannot be made, service on the respondent must be made by publication. ~~((The notice must inform the respondent of the respondent's rights at the~~

~~hearing, including the right to an attorney and to attend the hearing. The notice must include a description of the nature, purpose, and consequences of granting the petition.))~~

(b) Notice under this subsection shall include a clear and easily readable statement of the legal rights of the respondent that could be restricted or transferred to a conservator by a conservatorship order as well as the right to counsel of choice and to a jury trial whether a basis exists under RCW 11.130.360(2) for the appointment of a conservator and the issue of the respondent's rights that will be retained or restricted if a conservator is appointed. Such notice must be in substantially the same form as set forth in section 321 of this act and must be double-spaced and in a type size not smaller than sixteen point font. The court may not grant ((a)) the petition ((for appointment of a conservator)) if notice substantially complying with this subsection is not served on the respondent.

(3) In a proceeding on a petition under RCW 11.130.365, the notice required under subsection (2) of this section must be ~~((given to))~~ served upon the persons required to be listed in the petition under RCW 11.130.365(2) (a) through (c) and any other ~~((person interested in the respondent's welfare the court determines))~~ notice party. Failure to give notice under this subsection does not preclude the court from appointing a conservator.

(4) After the appointment of a conservator, notice of a hearing on a petition for an order under this article, together with a copy of the petition, must be given to:

(a) The individual subject to conservatorship, if the individual is twelve years of age or older and not missing, detained, or unable to return to the United States;

(b) The conservator; and

(c) Any other notice party or person the court determines pursuant to RCW 11.130.420(6) or a subsequent court order.

**Sec. 211.** RCW 11.130.385 and 2019 c 437 s 406 are each amended to read as follows:

(1)(a) The respondent shall have the right to be represented by a willing attorney of their choosing at any stage in conservatorship proceedings. Any attorney purporting to represent a respondent or person subject to conservatorship shall petition the court to be appointed to represent the respondent or person subject to conservatorship.

(b) Unless the respondent in a proceeding for appointment of a conservator is represented by an attorney, the court is not required, but may appoint an attorney to represent the respondent, regardless of the respondent's ability to pay, except as provided otherwise in (c) of this subsection.

(c)(i) The court must appoint an attorney to represent the respondent at public expense when either:

(A) The respondent is unable to afford an attorney;

(B) The expense of an attorney would result in substantial hardship to the respondent; or

(C) The respondent does not have practical access to funds with which to pay an attorney. If the respondent can afford an attorney but lacks practical access to funds, the court must provide an attorney and may impose a reimbursement requirement as part of a final order.

(ii) When, in the opinion of the court, the rights and interests of the respondent cannot otherwise be adequately protected and represented, the court on its own motion must appoint an attorney at any time to represent the respondent.

(iii) An attorney must be provided under this subsection (1)(c) as soon as practicable after a petition is filed and long enough before any final hearing to allow adequate time for consultation and preparation. Absent a convincing showing in the record to the contrary, a period of less than three weeks is presumed by a reviewing court to be inadequate time for consultation and preparation.

(2) An attorney representing the respondent in a proceeding for appointment of a conservator shall:

(a) Make reasonable efforts to ascertain the respondent's wishes;

(b) Advocate for the respondent's wishes to the extent reasonably ascertainable; and

(c) If the respondent's wishes are not reasonably ascertainable, advocate for the result that is the least restrictive in type, duration, and scope, consistent with the respondent's interests.

(3) The court is not required, but may appoint an attorney to represent a parent of a minor who is the subject of a proceeding under RCW 11.130.365 if:

(a) The parent objects to appointment of a conservator;

(b) The court determines that counsel is needed to ensure that consent to appointment of a conservator is informed; or

(c) The court otherwise determines the parent needs representation.

**Sec. 212.** RCW 11.130.390 and 2019 c 437 s 407 are each amended to read as follows:

(1) ~~((At or before a hearing on a petition for conservatorship for an adult, the court shall order a professional evaluation of the respondent:~~

~~(a) If the respondent requests the evaluation; or~~

~~(b) In other cases, unless the court finds it has sufficient information to determine the respondent's needs and abilities without the evaluation.))~~ On receipt of a petition under RCW 11.130.360 and at the time the court appoints a court visitor under RCW 11.130.380, the court shall order a professional evaluation of the respondent.

(2) ~~((If the court orders an evaluation under subsection (1) of this section, the))~~ The respondent must be examined by a physician licensed to practice under chapter 18.71 or 18.57 RCW, psychologist licensed under chapter 18.83 RCW, ((or)) advanced registered nurse practitioner licensed under chapter 18.79 RCW, or physician assistant licensed

under chapter 18.71A RCW, selected by the court visitor who is qualified to evaluate the respondent's alleged cognitive and functional abilities and limitations and will not be advantaged or disadvantaged by a decision to grant the petition or otherwise have a conflict of interest. If the respondent opposes the professional selected by the court visitor, the court visitor shall obtain a professional evaluation from the professional selected by the respondent. The court visitor, after receiving a professional evaluation from the individual selected by the respondent, may obtain a supplemental evaluation from a different professional.

~~((promptly))~~ (3) The individual conducting the evaluation shall promptly provide the completed evaluation report to the court visitor who shall file ((a)) the report in a sealed record with the court. Unless otherwise directed by the court, the report must contain:

(a) The professional's name, address, education, and experience;

(b) A description of the nature, type, and extent of the respondent's cognitive and functional abilities and limitations with regard to the management of the respondent's property and financial affairs;

~~((b))~~ (c) An evaluation of the respondent's mental and physical condition and, if appropriate, educational potential, adaptive behavior, and social skills;

~~((c))~~ (d) A prognosis for improvement with regard to the ability to manage the respondent's property and financial affairs; ~~((and~~

~~((d))~~ (e) A description of the respondent's current medications, and the effect of the medications on the respondent's cognitive and functional abilities;

(f) Identification or persons with whom the professional has met or spoken with regarding the respondent; and

(g) The date of the examination on which the report is based.

~~((3-A))~~ (4) If the respondent ((may decline)) declines to participate in an evaluation ordered under subsection (1) of this section, the court may proceed with the hearing under RCW 11.130.370 if the court finds that it has sufficient information to determine the respondent's needs and abilities without the professional evaluation.

(5) A professional evaluation is not required if a petition for appointment of a conservator under RCW 11.130.360 is for a conservator for the property or financial affairs of a minor or for an adult missing, detained, or unable to return to the United States.

**Sec. 213.** RCW 11.130.410 and 2019 c 437 s 409 are each amended to read as follows:

(1) The existence of a proceeding for or the existence of conservatorship is a matter of public record unless the court seals the record after:

(a) The respondent, the individual subject to conservatorship, or the parent of a minor subject to conservatorship requests the record be sealed; and

(b) Either:

(i) The petition for conservatorship is dismissed; or

(ii) The conservatorship is terminated.

(2) An individual subject to a proceeding for a conservatorship, whether or not a conservator is appointed, an attorney designated by the individual, and a person entitled to notice under RCW 11.130.420(6) or a subsequent order may access court records of the proceeding and resulting conservatorship, including the conservator's plan under RCW 11.130.510 and the conservator's report under RCW 11.130.530. A person not otherwise entitled access to court records under this section for good cause may petition the court for access to court records of the conservatorship, including the conservator's plan and report. The court shall grant access if access is in the best interest of the respondent or individual subject to conservatorship or furthers the public interest and does not endanger the welfare or financial interests of the respondent or individual.

(3) A report under RCW 11.130.380 of a court visitor or professional evaluation under RCW 11.130.390 is confidential and must be sealed on filing, but is available to:

(a) The court;

(b) The individual who is the subject of the report or evaluation, without limitation as to use;

(c) The petitioner, court visitor, ~~((and))~~ petitioner's and respondent's attorneys, and proposed guardians, for purposes of the proceeding;

(d) Unless the court directs otherwise, an agent appointed under a power of attorney for finances in which the respondent is identified as the principal; and

(e) Any other person if it is in the public interest or for a purpose the court orders for good cause.

**Sec. 214.** RCW 11.130.415 and 2019 c 437 s 410 are each amended to read as follows:

(1) Except as otherwise provided in subsection (3) of this section, the court in appointing a conservator shall consider persons qualified to be a conservator in the following order of priority:

(a) A conservator, other than a temporary or emergency conservator, currently acting for the respondent in another jurisdiction;

(b) A person nominated as conservator by the respondent, including the respondent's most recent nomination made in a power of attorney for finances;

(c) An agent appointed by the respondent to manage the respondent's property under a power of attorney for finances;

(d) A spouse or domestic partner of the respondent;

(e) A relative or other individual who has shown special care and concern for the respondent; and

(f) A certified professional guardian or conservator or other entity the court determines is suitable.



(2) If two or more persons have equal priority under subsection (1) of this section, the court shall select as conservator the person the court considers best qualified. In determining the best qualified person, the court shall consider the person's relationship with the respondent, the person's skills, the expressed wishes of the respondent, the extent to which the person and the respondent have similar values and preferences, and the likelihood the person will be able to perform the duties of a conservator successfully.

(3) The court, acting in the best interest of the respondent, may decline to appoint as conservator a person having priority under subsection (1) of this section and appoint a person having a lower priority or no priority.

(4) A person that provides paid services to the respondent, or an individual who is employed by a person that provides paid services to the respondent or is the spouse, domestic partner, parent, or child of an individual who provides or is employed to provide paid services to the respondent, may not be appointed as conservator unless:

(a) The individual is related to the respondent by blood(~~(, marriage, or adoption)~~) or law; or

(b) The court finds by clear and convincing evidence that the person is the best qualified person available for appointment and the appointment is in the best interest of the respondent.

(5) An owner, operator, or employee of a long-term care facility at which the respondent is receiving care may not be appointed as conservator unless the owner, operator, or employee is related to the respondent by blood(~~(, marriage, or adoption)~~) or law.

**Sec. 215.** RCW 11.130.420 and 2019 c 437 s 411 are each amended to read as follows:

(1) A court order appointing a conservator for a minor must include findings to support appointment of a conservator and, if a full conservatorship is granted, the reason a limited conservatorship would not meet the identified needs of the minor.

(2) A court order appointing a conservator for a minor may dispense with the requirement for the conservator to file reports with the court under RCW 11.130.530 if all the property of the minor subject to the conservatorship is protected by a verified receipt.

(3) A court order appointing a conservator for an adult must:

(a) Include a specific finding that clear and convincing evidence has established that the identified needs of the respondent cannot be met by a protective arrangement instead of conservatorship or other less restrictive alternatives, including use of appropriate supportive services, technological assistance, or supported decision making; and

(b) Include a specific finding that clear and convincing evidence established the respondent was given proper notice of the hearing on the petition.

(4) A court order establishing a full conservatorship for an adult must state the basis for granting a full conservatorship and include specific findings to support the conclusion that a limited conservatorship would not meet the functional needs of the adult.

(5) A court order establishing a limited conservatorship must state the specific property placed under the control of the conservator and the powers granted to the conservator.

(6) The court, as part of an order establishing a conservatorship, shall identify any person that subsequently is entitled to:

(a) Notice of the rights of the individual subject to conservatorship under RCW 11.130.425(2);

(b) Notice of a sale of or surrender of a lease to the primary dwelling of the individual;

(c) Notice that the conservator has delegated a power that requires court approval under RCW 11.130.435 or substantially all powers of the conservator;

(d) Notice that the conservator will be unavailable to perform the conservator's duties for more than one month;

(e) A copy of the conservator's plan under RCW 11.130.510 and the conservator's report under RCW 11.130.530;

(f) Access to court records relating to the conservatorship;

(g) Notice of a transaction involving a substantial conflict between the conservator's fiduciary duties and personal interests;

(h) Notice of the death or significant change in the condition of the individual;

(i) Notice that the court has limited or modified the powers of the conservator; and

(j) Notice of the removal of the conservator.

(7) If an individual subject to conservatorship is an adult, the spouse, domestic partner, and adult children of the adult subject to conservatorship are entitled under subsection (6) of this section to notice unless the court ~~((determines))~~ orders otherwise based on good cause. Good cause includes the court's determination that notice would be contrary to the preferences or prior directions of the adult subject to conservatorship ((or not in the best interest of the adult)).

(8) If an individual subject to conservatorship is a minor, each parent and adult sibling of the minor is entitled under subsection (6) of this section to notice unless the court determines notice would not be in the best interest of the minor.

(9) All orders establishing a conservatorship for an adult must contain:

(a) A conservatorship summary placed directly below the case caption or on a separate cover page in the form or substantially the same form as set forth in RCW 11.130.665;

(b) The date which the limited conservator or conservator must file the conservator's plan under RCW 11.130.510;

(c) The date which the limited conservator or conservator must file an inventory under RCW 11.130.515;

(d) The date by which the court will review the conservator's plan as required by RCW 11.130.510;

(e) The report interval which the conservator must file its report under RCW 11.130.530. The report interval may be annual, biennial, or triennial;

(f) The date the limited conservator or conservator must file its report under RCW 11.130.530. The due date of the filing of the report shall be within ninety days after the anniversary date of the appointment;

(g) The date for the court to review the report under RCW 11.130.530 and enter its order. The court shall conduct the review within one hundred twenty days after the anniversary date of the appointment.

**Sec. 216.** RCW 11.130.425 and 2019 c 437 s 412 are each amended to read as follows:

(1) A conservator appointed under RCW 11.130.420 shall give to the individual subject to conservatorship and to all other persons ~~((given))~~ entitled to notice pursuant to an order under RCW ~~((11.130.370))~~ 11.130.420(6) or a subsequent order a copy of the order of appointment, together with notice of the right to request termination or modification. The order and notice must be given not later than fourteen days after the appointment.

(2) Not later than thirty days after appointment of a conservator under RCW 11.130.420, the conservator shall give to the individual subject to conservatorship and any other person entitled to notice under RCW 11.130.420(6) a statement of the rights of the individual subject to conservatorship and procedures to seek relief if the individual is denied those rights. The statement must be in plain language, in at least sixteen-point font, and to the extent feasible, in a language in which the individual subject to conservatorship is proficient. The statement must notify the individual subject to conservatorship of the right to:

(a) Seek termination or modification of the conservatorship, or removal of the conservator, and choose an attorney to represent the individual in these matters;

(b) Participate in decision making to the extent reasonably feasible;

(c) Receive a copy of the conservator's plan under RCW 11.130.510, the conservator's inventory under RCW 11.130.515, and the conservator's report under RCW 11.130.530; and

(d) Object to the conservator's inventory, plan, or report.

(3) If a conservator is appointed for the reasons stated in RCW 11.130.360(2)(a)(ii) and the individual subject to conservatorship is missing, notice under this section to the individual is not required.

**Sec. 217.** RCW 11.130.430 and 2019 c 437 s 413 are each amended to read as follows:

(1) A person interested in an individual's welfare, including the individual for whom the order is sought, may petition for appointment of an emergency conservator for the individual.

(2) An emergency petition under subsection (1) of this section must state the petitioner's name, principal residence, and current street address, if different, and to the extent known, the following:

(a) The respondent's name, age, principal residence and current street address, if different;

(b) The name and address of the respondent's:

(i) Spouse or domestic partner or, if the respondent has none, an adult with whom the respondent has shared household responsibilities for more than six months in the twelve-month period immediately before the filing of the emergency petition;

(ii) Adult children or, if none, each parent and adult sibling of the respondent, or, if none, at least one adult nearest in kinship to the respondent who can be found with reasonable diligence; and

(iii) Adult stepchildren whom the respondent actively parented during the stepchildren's minor years and with whom the respondent had an ongoing relationship in the two-year period immediately before the filing of the emergency petition;

(c) The name and current address of each of the following, if applicable:

(i) A person responsible for care of the respondent;

(ii) Any attorney currently representing the respondent;

(iii) Any representative payee appointed by the social security administration for the respondent;

(iv) A guardian or conservator acting for the respondent in this state or in another jurisdiction;

(v) A trustee or custodian of a trust or custodianship of which the respondent is a beneficiary;

(vi) Any fiduciary for the respondent appointed by the department of veterans affairs;

(vii) Any representative payee or authorized representative or protective payee;

(viii) An agent designated under a power of attorney for health care in which the respondent is identified as the principal;

(ix) An agent designated under a power of attorney for finances in which the respondent is identified as the principal;

(x) A person nominated as conservator by the respondent;

(xi) A person nominated as conservator by the respondent's parent or spouse or domestic partner in a will or other signed record;

(xii) A proposed emergency conservator, and the reason the proposed emergency conservator should be selected; and

(xiii) A person known to have routinely assisted the respondent with decision making during the six months immediately before the filing of the emergency petition;

(d) The reason an emergency conservatorship is necessary, including a specific description of:

(i) The nature and extent of the emergency situation;

(ii) The nature and extent of the individual's alleged emergency need that arose because of the emergency situation;

(iii) The substantial and irreparable harm to the individual's property or financial interests that is likely to be prevented by the appointment of an emergency conservator;

(iv) All protective arrangements or other less restrictive alternatives that have been considered or implemented to meet the individual's alleged emergency needs instead of emergency conservatorship;

(v) If no protective arrangements or other less restrictive alternatives have been considered or implemented instead of emergency conservatorship, the reason they have not been considered or implemented; and

(vi) The reason a protective arrangement or other less restrictive alternative instead of emergency conservatorship is insufficient to meet the individual's alleged emergency need;

(e) The reason the petitioner believes that a basis for appointment of a conservator under RCW 11.130.360 exists;

(f) Whether the petitioner intends to also seek conservatorship for an individual under RCW 11.130.365;

(g) The reason the petitioner believes that no other person appears to have authority and willingness to act to address the individual's identified needs caused by the emergency circumstances;

(h) The specific powers to be granted to the proposed emergency conservator and a description of how those powers will be used to meet the individual's alleged emergency need;

(i) If the individual has property other than personal effects, a general statement of the individual's property, with an estimate of its value, including any insurance or pension, and the source and amount of other anticipated income or receipts; and

(j) Whether the individual needs an interpreter, translator, or other form of support to communicate effectively with the court or understand court proceedings.

(3) The requirements of RCW 11.130.090 apply to an emergency conservator appointed for an individual with the following exceptions for any proposed emergency

conservator required to complete the training under RCW 11.130.090:

(a) The proposed emergency conservator shall present evidence of the successful completion of the required training video or web cast to the court no later than the hearing on the petition for appointment of an emergency conservator for an individual; and

(b) The superior court may defer the completion of the training requirement to a date no later than fourteen days after appointment if the petitioner requests an extension of time to complete the training due to emergent circumstances beyond the control of petitioner.

(4) On its own or on petition (~~by a person interested in an individual's welfare~~) for appointment of an emergency conservator for an individual after a petition has been filed under RCW 11.130.365, the court may appoint an emergency conservator for the individual if the court (~~finds~~) makes specific findings based on clear and convincing evidence that:

(a) (~~Appointment~~) An emergency exists such that appointment of an emergency conservator is likely to prevent substantial and irreparable harm to the individual's property or financial interests;

(b) The individual's identified needs caused by the emergency cannot be met by a protective arrangement or other less restrictive alternative instead of emergency conservatorship;

(c) No other person appears to have authority and willingness to act (~~in the~~) to address the individual's identified needs caused by the emergency circumstances; and

(~~(e)~~) (d) There is reason to believe that a basis for appointment of a conservator under RCW 11.130.360 exists.

(~~(2)~~) (5) If the court acts on its own to appoint an emergency conservator after a petition has been filed under RCW 11.130.365, all requirements of this section shall be met.

(6) A court order appointing an emergency conservator for an individual shall:

(a) Grant only the specific powers necessary to meet the individual's identified emergency need and to prevent substantial and irreparable harm to the individual's property or financial interests;

(b) Include a specific finding that clear and convincing evidence established that an emergency exists such that appointment of an emergency conservator is likely to prevent substantial and irreparable harm to the individual's property or financial interests;

(c) Include a specific finding that the identified emergency need of the individual cannot be met by a protective arrangement instead of conservatorship or other less restrictive alternative, including any relief available under chapter 74.34 RCW or use of appropriate supportive services, technological assistance, or supported decision making;

(d) Include a specific finding that clear and convincing evidence established the adult respondent was given proper notice of the hearing on the petition;

(e) State that the individual subject to emergency conservatorship retains all rights the individual enjoyed prior to the emergency conservatorship with the exception of the rights not retained during the period of emergency conservatorship;

(f) Require the emergency conservator to furnish a bond or other security under RCW 11.130.445;

(g) Include the date that the sixty-day period of emergency conservatorship ends, and the date the emergency conservator's report, required by this section, is due to the court; and

(h) Identify any person or notice party that subsequently is entitled to:

(i) Notice of the rights of the individual;

(ii) Notice of a change in the primary dwelling of the individual;

(iii) Notice of the removal of the conservator;

(iv) A copy of the emergency conservator's plan and the emergency conservator's report under this section;

(v) Access to court records relating to the emergency conservatorship;

(vi) Notice of the death or significant change in the condition of the individual;

(vii) Notice that the court has limited or modified the powers of the emergency conservator; and

(viii) Notice of the removal of the emergency conservator.

(7) A spouse, a domestic partner, and adult children of an adult subject to emergency conservatorship are entitled to notice under this section unless the court orders otherwise based on good cause. Good cause includes the court's determination that notice would be contrary to the preferences or prior directions of the individual subject to emergency conservatorship or in the best interest of the individual.

(8) The duration of authority of an emergency conservator may not exceed sixty days and the emergency conservator may exercise only the powers specified in the order of appointment. ~~((The))~~ Upon a motion by the emergency conservator, with notice served upon all applicable notice parties, the emergency conservator's authority may be extended once for not more than sixty days if the court finds that the conditions for appointment of an emergency conservator under subsection ~~((4))~~ (4) of this section continue.

~~((3))~~ (9) Immediately on filing of a petition for an emergency conservator for an adult, the court shall appoint an attorney to represent the ~~((respondent))~~ adult in the proceeding. ~~((Except as otherwise provided in subsection (4) of this section, reasonable notice of the date, time, and place~~

~~of a hearing on the petition must be given to the respondent, the respondent's attorney, and any other person the court determines))~~ An order appointing an emergency conservator for an adult may not be entered unless the adult respondent, the adult respondent's attorney, and the court visitor appointed under subsection (10) of this section have received a minimum of fourteen days' notice of the date, time, and place of a hearing on the petition. A copy of the emergency petition and notice of a hearing on the petition must be served personally on the adult respondent, the adult respondent's attorney, and the court visitor appointed under subsection (10) of this section not more than two court days after the petition has been filed. The notice must inform the respondent of the adult respondent's rights at the hearing, including the right to an attorney and to attend the hearing. The notice must include a description of the nature, purpose, and consequences of granting the emergency petition. The court shall not grant the emergency petition if notice substantially complying with this subsection is not served on the respondent.

~~((4) The court may appoint an emergency conservator without notice to the respondent and any attorney for the respondent only if the court finds from an affidavit or testimony that the respondent's property or financial interests will be substantially and irreparably harmed before a hearing with notice on the appointment can be held. If the court appoints an emergency conservator without giving notice under subsection (3) of this section, the court must give notice of the appointment not later than forty-eight hours after the appointment to:~~

~~(a) The respondent;~~

~~(b) The respondent's attorney; and~~

~~(c) Any other person the court determines.~~

~~(5) Not later than five days after the appointment, the court shall hold a hearing on the appropriateness of the appointment.~~

~~(6))~~ (10)(a) On receipt of a petition for appointment of emergency conservator for an individual, the court:

(i) Shall appoint a court visitor if an emergency conservator is sought for an adult; or

(ii) May appoint a court visitor if an emergency conservator is sought for a minor.

(b) Notice of appointment of the court visitor must be served upon the court visitor within two days of appointment. The court visitor must be an individual with training or experience in the type of abilities, limitations, and needs alleged in the emergency petition. The court, in the order appointing a court visitor, shall specify the hourly rate the visitor may charge for his or her services, and shall specify the maximum amount the court visitor may charge without additional court review and approval.

(c) The court visitor shall within two days of service of notice of appointment file with the court and serve, either personally or by certified mail with return receipt, the respondent or the respondent's legal counsel, the petitioner or the petitioner's legal counsel, and any notice party with a

statement including the court visitor's: Training relating to the duties as a court visitor; criminal history as defined in RCW 9.94A.030 for the period covering ten years prior to the appointment; hourly rate, if compensated; contact, if any, with a party to the proceeding prior to appointment; and apparent or actual conflicts of interest.

(d) A court visitor appointed under this section shall use due diligence to attempt to interview the adult respondent in person and, in a manner the individual is best able to understand:

(i) Explain to the adult respondent the substance of the emergency petition, the nature, purpose, and effect of the proceeding, the respondent's rights at the hearing on the petition, and the proposed specific powers and duties of the proposed conservator as stated in the emergency petition;

(ii) Determine the adult respondent's views about the emergency appointment sought by the petitioner, including views about a proposed emergency conservator, the emergency conservator's proposed powers and duties, and the scope and duration of the proposed emergency conservatorship; and

(iii) Inform the adult respondent that all costs and expenses of the proceeding, including but not limited to the adult respondent's attorneys' fees, the appointed conservator's fees, and the appointed conservator's attorneys' fees, will be paid from the individual's assets upon approval by the court.

(e) The court visitor appointed under this section shall:

(i) Interview the petitioner and proposed emergency conservator;

(ii) Use due diligence to attempt to visit the adult respondent's present dwelling;

(iii) Use due diligence to attempt to obtain information from any physician or other person known to have treated, advised, or assessed the adult respondent's relevant physical or mental condition; and

(iv) Investigate the allegations in the emergency petition and any other matter relating to the emergency petition the court directs.

(f) A court visitor appointed under this section shall file a report in a record with the court and provide a copy of the report to the petitioner, the adult subject to the emergency conservatorship, and any notice party at least seven days prior to the hearing on the emergency petition, which must include:

(i) A recommendation regarding the appropriateness of emergency conservatorship, including whether a protective arrangement instead of conservatorship or other less restrictive alternative for meeting the respondent's needs is available, and if an emergency conservatorship is recommended;

(ii) A detailed summary of the alleged emergency and the substantial and irreparable harm to the individual's property or finances that is likely to be prevented by the appointment of an emergency conservator;

(iii) A statement as to whether the alleged emergency and the respondent's alleged needs are likely to require an extension of sixty days as authorized under this section;

(iv) The specific powers to be granted to the emergency conservator and how the specific powers will address the alleged emergency and the respondent's alleged need;

(v) A recommendation regarding the appropriateness of an ongoing conservatorship for an individual, including whether a protective arrangement instead of conservatorship or other less restrictive alternative for meeting the respondent's needs is available;

(vi) A statement of the qualifications of the proposed emergency conservator and whether the respondent approves or disapproves of the proposed emergency conservator, and the reasons for such approval or disapproval;

(vii) A recommendation whether a professional evaluation under RCW 11.130.390 is necessary;

(viii) A statement whether the respondent is able to attend a hearing at the location court proceedings typically are held;

(ix) A statement whether the respondent is able to participate in a hearing which identifies any technology or other form of support that would enhance the respondent's ability to participate; and

(x) Any other matter the court directs.

(11) An emergency conservator shall:

(a) Comply with the requirements of RCW 11.130.505 and the requirements of this chapter that pertain to the rights of an individual subject to conservatorship;

(b) Not have authority to make decisions or take actions that a conservator for an individual is prohibited by law from having; and

(c) Be subject to the same special limitations on a conservator's power that apply to a conservator for an individual.

(12) Appointment of an emergency conservator under this section is not a determination that a basis exists for appointment of a conservator under RCW 11.130.360.

((7)) (13) The court may remove an emergency conservator appointed under this section at any time.

(14) The emergency conservator shall file a report in a record with the court and provide a copy of the report to the individual subject to emergency conservatorship, and any notice party no later than forty-five days after appointment. The report shall include specific and updated information regarding the emergency alleged in the emergency petition, the individual's emergency needs, all actions and decisions by the emergency conservator, and a recommendation as to whether a conservator for an individual should be appointed. If the appointment of the emergency conservator is extended for an additional sixty days, the emergency conservator shall file a second report in a record with the court and provide a

copy of the report to the individual subject to emergency conservatorship, and any notice party no later than forty-five days after the emergency conservatorship is extended by the court, which shall include the same information required for the first report. The emergency conservator shall make any other report the court requires.

(15) The court shall issue letters of emergency conservatorship to the emergency conservator in compliance with RCW 11.130.040.

**Sec. 218.** RCW 11.130.435 and 2019 c 437 s 414 are each amended to read as follows:

(1) Except as otherwise ordered by the court, a conservator must give notice to persons entitled to notice under RCW 11.130.370(4) and receive specific authorization by the court before the conservator may exercise with respect to the conservatorship the power to:

(a) Make a gift, except a gift of de minimis value;

(b) Sell, encumber an interest in, or surrender a lease to the primary dwelling of the individual subject to conservatorship;

(c) Sell, or encumber an interest in, any other real estate;

(d) Convey, release, or disclaim a contingent or expectant interest in property, including marital property and any right of survivorship incident to joint tenancy or tenancy by the entireties;

~~((d))~~ (e) Exercise or release a power of appointment;

~~((e))~~ (f) Create a revocable or irrevocable trust of property of the conservatorship estate, whether or not the trust extends beyond the duration of the conservatorship, or revoke or amend a trust revocable by the individual subject to conservatorship;

~~((f))~~ (g) Exercise a right to elect an option or change a beneficiary under an insurance policy or annuity or surrender the policy or annuity for its cash value;

~~((g))~~ (h) Exercise a right to a quasi-community property share under RCW 26.16.230 or a right to an elective share under other law in the estate of a deceased spouse or domestic partner of the individual subject to conservatorship or renounce or disclaim a property interest;

~~((h))~~ (i) Grant a creditor priority for payment over creditors of the same or higher class if the creditor is providing property or services used to meet the basic living and care needs of the individual subject to conservatorship and preferential treatment otherwise would be impermissible under RCW 11.130.555(5); ~~((and~~

~~((i))~~ (j) Make, modify, amend, or revoke the will of the individual subject to conservatorship in compliance with chapter 11.12 RCW;

(k) Acquire or dispose of property, including real property in another state, for cash or on credit, at public or private sale, and manage, develop, improve, exchange, partition, change the character of, or abandon property;

(l) Make ordinary or extraordinary repairs or alterations in a building or other structure, demolish any improvement, or raze an existing or erect a new party wall or building;

(m) Subdivide or develop land, dedicate land to public use, make or obtain the vacation of a plat and adjust a boundary, adjust a difference in valuation of land, exchange or partition land by giving or receiving consideration, and dedicate an easement to public use without consideration;

(n) Enter for any purpose into a lease of property as lessor or lessee, with or without an option to purchase or renew, for a term within or extending beyond the term of the conservatorship; and

(o) Structure the finances of the individual subject to conservatorship to establish eligibility for a public benefit including by making gifts consistent with the individual's preferences, values, and prior directions, if the conservator's action does not jeopardize the individual's welfare and otherwise is consistent with the conservator's duties.

(2) In approving a conservator's exercise of a power listed in subsection (1) of this section, the court shall consider primarily the decision the individual subject to conservatorship would make if able, to the extent the decision can be ascertained.

(3) To determine under subsection (2) of this section the decision the individual subject to conservatorship would make if able, the court shall consider the individual's prior or current directions, preferences, opinions, values, and actions, to the extent actually known or reasonably ascertainable by the conservator. The court also shall consider:

(a) The financial needs of the individual subject to conservatorship and individuals who are in fact dependent on the individual subject to conservatorship for support, and the interests of creditors of the individual;

(b) Possible reduction of income, estate, inheritance, or other tax liabilities;

(c) Eligibility for governmental assistance;

(d) The previous pattern of giving or level of support provided by the individual;

(e) Any existing estate plan or lack of estate plan of the individual;

(f) The life expectancy of the individual and the probability the conservatorship will terminate before the individual's death; and

(g) Any other relevant factor.

(4) A conservator may not revoke or amend a power of attorney for finances executed by the individual subject to conservatorship. If a power of attorney for finances is in effect, a decision of the agent within the scope of the agent's authority takes precedence over that of the conservator, unless the court orders otherwise. The court has authority to revoke or amend any power of attorney executed by the adult.

**Sec. 219.** RCW 11.130.505 and 2019 c 437 s 418 are each amended to read as follows:

(1) A conservator is a fiduciary and has duties of prudence and loyalty to the individual subject to conservatorship.

(2) A conservator shall promote the self-determination of the individual subject to conservatorship and, to the extent feasible, encourage the individual to participate in decisions, act on the individual's own behalf, and develop or regain the capacity to manage the individual's personal affairs.

(3) In making a decision for an individual subject to conservatorship, the conservator shall make the decision the conservator reasonably believes the individual would make if able, unless doing so would fail to preserve the resources needed to maintain the individual's well-being and lifestyle or otherwise unreasonably harm or endanger the welfare or personal or financial interests of the individual. To determine the decision the individual would make if able, the conservator shall consider the individual's prior or current directions, preferences, opinions, values, and actions, to the extent actually known or reasonably ascertainable by the conservator.

(4) If a conservator cannot make a decision under subsection (3) of this section because the conservator does not know and cannot reasonably determine the decision the individual subject to conservatorship probably would make if able, or the conservator reasonably believes the decision the individual would make would fail to preserve resources needed to maintain the individual's well-being and lifestyle or otherwise unreasonably harm or endanger the welfare or personal or financial interests of the individual, the conservator shall act in accordance with the best interests of the individual. In determining the best interests of the individual, the conservator shall consider:

(a) Information received from professionals and persons that demonstrate sufficient interest in the welfare of the individual;

(b) Other information the conservator believes the individual would have considered if the individual were able to act; and

(c) Other factors a reasonable person in the circumstances of the individual would consider, including consequences for others.

(5) Except when inconsistent with the conservator's duties under subsections (1) through (4) of this section, a conservator shall invest and manage the conservatorship estate as a prudent investor would, by considering:

(a) The circumstances of the individual subject to conservatorship and the conservatorship estate;

(b) General economic conditions;

(c) The possible effect of inflation or deflation;

(d) The expected tax consequences of an investment decision or strategy;

(e) The role of each investment or course of action in relation to the conservatorship estate as a whole;

(f) The expected total return from income and appreciation of capital;

(g) The need for liquidity, regularity of income, and preservation or appreciation of capital; and

(h) The special relationship or value, if any, of specific property to the individual subject to conservatorship.

(6) The propriety of a conservator's investment and management of the conservatorship estate is determined in light of the facts and circumstances existing when the conservator decides or acts and not by hindsight.

(7) A conservator shall make a reasonable effort to verify facts relevant to the investment and management of the conservatorship estate.

(8) A conservator that has special skills or expertise, or is named conservator in reliance on the conservator's representation of special skills or expertise, has a duty to use the special skills or expertise in carrying out the conservator's duties.

(9) In investing, selecting specific property for distribution, and invoking a power of revocation or withdrawal for the use or benefit of the individual subject to conservatorship, a conservator shall consider any estate plan of the individual known or reasonably ascertainable to the conservator and may examine the will or other donative, nominative, or appointive instrument of the individual.

(10) A conservator shall maintain insurance on the insurable real and personal property of the individual subject to conservatorship, unless the conservatorship estate lacks sufficient funds to pay for insurance or the court finds:

(a) The property lacks sufficient equity; or

(b) Insuring the property would unreasonably dissipate the conservatorship estate or otherwise not be in the best interest of the individual.

(11) If a power of attorney for finances is in effect, a conservator shall cooperate with the agent to the extent feasible.

(12) A conservator has access to and authority over a digital asset of the individual subject to conservatorship to the extent provided by the revised uniform fiduciary access to digital assets act (chapter 11.120 RCW) or court order.

(13) A conservator for an adult shall notify the court if the condition of the adult has changed so that the adult is capable of exercising rights previously removed. The notice must be given immediately on learning of the change.

(14) A conservator shall notify the court within thirty days of any substantial change in the value of the property of the person subject to conservatorship and shall provide a copy of the notice to the person subject to guardianship, a person entitled to notice under RCW ((41.130.370)) 11.130.420(6) or a subsequent court order, and any other person the court has determined is entitled to notice and schedule a hearing for the court to review the adequacy of the bond or other verified receipt under RCW 11.130.445 and 11.130.500.

**Sec. 220.** RCW 11.130.515 and 2019 c 437 s 420 are each amended to read as follows:

(1) Not later than ~~((sixty))~~ ninety days after appointment, a conservator shall prepare and file with the appointing court a detailed inventory of the conservatorship estate, together with an oath or affirmation that the inventory is believed to be complete and accurate as far as information permits.

(2) A conservator shall give notice of the filing of an inventory to the individual subject to conservatorship, a person entitled to notice under RCW 11.130.420(6) or a subsequent order, and any other person the court determines. The notice must be given not later than fourteen days after the filing.

(3) A conservator shall keep records of the administration of the conservatorship estate and make them available for examination on reasonable request of the individual subject to conservatorship, a guardian for the individual, or any other person the conservator or the court determines.

**Sec. 221.** RCW 11.130.520 and 2019 c 437 s 421 are each amended to read as follows:

(1) Except as otherwise provided in RCW 11.130.435 or qualified or limited in the court's order of appointment and stated in the letters of office, a conservator has all powers granted in this section and any additional power granted to a trustee by law of this state other than this chapter.

(2) A conservator, acting reasonably and consistent with the fiduciary duties of the conservator to accomplish the purpose of the conservatorship, without specific court authorization or confirmation, may with respect to the conservatorship estate:

(a) Collect, hold, and retain property, including property in which the conservator has a personal interest and real property in another state, until the conservator determines disposition of the property should be made;

(b) Receive additions to the conservatorship estate;

(c) Continue or participate in the operation of a business or other enterprise;

(d) Acquire an undivided interest in property in which the conservator, in a fiduciary capacity, holds an undivided interest;

(e) Invest assets;

(f) Deposit funds or other property in a financial institution, including one operated by the conservator;

(g) ~~((Acquire or dispose of property, including real property in another state, for cash or on credit, at public or private sale, and manage, develop, improve, exchange, partition, change the character of, or abandon property;~~

~~((h) Make ordinary or extraordinary repairs or alterations in a building or other structure, demolish any improvement, or raze an existing or erect a new party wall or building;~~

~~((i) Subdivide or develop land, dedicate land to public use, make or obtain the vacation of a plat and adjust a boundary, adjust a difference in valuation of land, exchange or partition land by giving or receiving consideration, and dedicate an easement to public use without consideration;~~

~~((j) Enter for any purpose into a lease of property as lessor or lessee, with or without an option to purchase or renew, for a term within or extending beyond the term of the conservatorship;~~

~~((k))~~ Enter into a lease or arrangement for exploration and removal of minerals or other natural resources or a pooling or unitization agreement;

~~((l))~~ (h) Grant an option involving disposition of property or accept or exercise an option for the acquisition of property;

~~((m))~~ (i) Vote a security, in person or by general or limited proxy;

~~((n))~~ (j) Pay a call, assessment, or other sum chargeable or accruing against or on account of a security;

~~((o))~~ (k) Sell or exercise a stock subscription or conversion right;

~~((p))~~ (l) Consent, directly or through a committee or agent, to the reorganization, consolidation, merger, dissolution, or liquidation of a corporation or other business enterprise;

~~((q))~~ (m) Hold a security in the name of a nominee or in other form without disclosure of the conservatorship so that title to the security may pass by delivery;

~~((r))~~ (n) Insure:

(i) The conservatorship estate, in whole or in part, against damage or loss in accordance with RCW 11.130.505(10); and

(ii) The conservator against liability with respect to a third person;

~~((s))~~ (o) Borrow funds, with or without security, to be repaid from the conservatorship estate or otherwise;

~~((t))~~ (p) Advance funds for the protection of the conservatorship estate or the individual subject to conservatorship and all expenses, losses, and liability sustained in the administration of the conservatorship estate or because of holding any property for which the conservator has a lien on the conservatorship estate;

~~((u))~~ (q) Pay or contest a claim, settle a claim by or against the conservatorship estate or the individual subject to conservatorship by compromise, arbitration, or otherwise, or release, in whole or in part, a claim belonging to the conservatorship estate to the extent the claim is uncollectible;

~~((v))~~ (r) Pay a tax, assessment, compensation of the conservator or any guardian, and other expense incurred in the collection, care, administration, and protection of the conservatorship estate;



~~((w))~~ (s) Pay a sum distributable to the individual subject to conservatorship or an individual who is in fact dependent on the individual subject to conservatorship by paying the sum to the distributee or for the use of the distributee:

- (i) To the guardian for the distributee;
- (ii) To the custodian of the distributee under the uniform transfers to minors act (chapter 11.114 RCW); or
- (iii) If there is no guardian, custodian, or custodial trustee, to a relative or other person having physical custody of the distributee;

~~((x))~~ (t) Bring or defend an action, claim, or proceeding in any jurisdiction for the protection of the conservatorship estate or the conservator in the performance of the conservator's duties; and

~~((y))~~ (u) Structure the finances of the individual subject to conservatorship to establish eligibility for a public benefit, including by making gifts consistent with the individual's preferences, values, and prior directions, if the conservator's action does not jeopardize the individual's welfare and otherwise is consistent with the conservator's duties; and

~~((z))~~ (u) Execute and deliver any instrument that will accomplish or facilitate the exercise of a power of the conservator.

**Sec. 222.** RCW 11.130.530 and 2019 c 437 s 423 are each amended to read as follows:

(1) A conservator shall file with the court by the date established by the court a report in a record regarding the administration of the conservatorship estate unless the court otherwise directs, on resignation or removal, on termination of the conservatorship, and at any other time the court directs.

(2) A report under subsection (1) of this section must state or contain:

(a) An accounting that lists property included in the conservatorship estate and the receipts, disbursements, liabilities, and distributions during the period for which the report is made;

(b) A list of the services provided to the individual subject to conservatorship;

(c) A copy of the conservator's most recently approved plan and a statement whether the conservator has deviated from the plan and, if so, how the conservator has deviated and why;

(d) A recommendation as to the need for continued conservatorship and any recommended change in the scope of the conservatorship;

(e) To the extent feasible, a copy of the most recent reasonably available financial statements evidencing the status of bank accounts, investment accounts, and mortgages or other debts of the individual subject to conservatorship with all but the last four digits of the account numbers and social security number redacted;

(f) Anything of more than de minimis value which the conservator, any individual who resides with the conservator, or the spouse, domestic partner, parent, child, or sibling of the conservator has received from a person providing goods or services to the individual subject to conservatorship;

(g) Any business relation the conservator has with a person the conservator has paid or that has benefited from the property of the individual subject to conservatorship; and

(h) Whether any co-conservator or successor conservator appointed to serve when a designated event occurs is alive and able to serve.

(3) The court may appoint a court visitor to review a report under this section or conservator's plan under RCW 11.130.510, interview the individual subject to conservatorship or conservator, or investigate any other matter involving the conservatorship. In connection with the report, the court may order the conservator to submit the conservatorship estate to appropriate examination in a manner the court directs.

(4) Notice of the filing under this section of a conservator's report, together with a copy of the report, must be provided to the individual subject to conservatorship, a person entitled to notice under RCW 11.130.420(6) or a subsequent order, and other persons the court determines. The notice and report must be given not later than fourteen days after filing.

(5) The court shall establish procedures for monitoring a report submitted under this section and review each report at least annually to determine whether:

(a) The reports provide sufficient information to establish the conservator has complied with the conservator's duties;

(b) The conservatorship should continue; and

(c) The conservator's requested fees, if any, should be approved.

(6) If the court determines there is reason to believe a conservator has not complied with the conservator's duties or the conservatorship should not continue, the court:

(a) Shall notify the individual subject to conservatorship, the conservator, and any other person entitled to notice under RCW 11.130.420(6) or a subsequent order;

(b) May require additional information from the conservator;

(c) May appoint a court visitor to interview the individual subject to conservatorship or conservator or investigate any matter involving the conservatorship; and

(d) Consistent with RCW 11.130.565 and 11.130.570, may hold a hearing to consider removal of the conservator, termination of the conservatorship, or a change in the powers granted to the conservator or terms of the conservatorship.

(7) If the court has reason to believe fees requested by a conservator are not reasonable, the court shall hold a hearing to determine whether to adjust the requested fees.

(8) A conservator must petition the court for approval of a report filed under this section. The court after review may approve the report. If the court approves the report, there is a rebuttable presumption the report is accurate as to a matter adequately disclosed in the report.

(9) An order, after notice and hearing, approving an interim report of a conservator filed under this section adjudicates liabilities concerning a matter adequately disclosed in the report, as to a person given notice of the report or accounting.

(10) If the court approves a report filed under this section, the order approving the report shall set the due date for the filing of the next report to be filed under this section. The court may set the review at annual, biennial, or triennial intervals with the report due date to be within ninety days of the anniversary date of appointment. When determining the report interval, the court can consider: The length of time the conservator has been serving the person under conservatorship; whether the conservator has timely filed all required reports with the court; whether the conservator is monitored by other state or local agencies; the income of the person subject to conservatorship; the value of the property of the person subject to conservatorship; the adequacy of the bond and other verified receipt; and whether there have been any allegations of abuse, neglect, or a breach of fiduciary duty against the conservator.

(11) If the court approves a report filed under this section, the order approving the report shall contain a conservatorship summary or accompanied by a conservatorship summary in the form or substantially in the same form as set forth in RCW 11.130.665.

(12) If the court approves a report filed under this section, the order approving the report shall direct the clerk of the court to reissue letters of office in the form or substantially in the same form as set forth in RCW 11.130.660 to the conservator containing an expiration date which will be within one hundred (~~twenty~~) eighty days after the date the court directs the conservator file its next report.

(13) An order, after notice and hearing, approving a final report filed under this section discharges the conservator from all liabilities, claims, and causes of action by a person given notice of the report and the hearing as to a matter adequately disclosed in the report.

(14) Any requirement to establish a monitoring program under this section is subject to appropriation.

**Sec. 223.** RCW 11.130.550 and 2019 c 437 s 427 are each amended to read as follows:

(1) (~~If an individual subject to conservatorship dies, the conservator shall deliver~~) Upon the death of an individual subject to conservatorship, a conservator shall:

(a) Have authority to disburse or commit those funds under the control of the conservator as are prudent and

within the means of the estate for the disposition of the deceased individual subject to conservatorship's remains. Consent for such arrangement must be secured according to RCW 68.50.160. If no person authorized by RCW 68.50.160 accepts responsibility for giving consent, the conservator may consent, subject to the provisions of this section and to the known directives of the deceased individual subject to conservatorship. Reasonable financial commitments made by a conservator pursuant to this section are binding against the estate of the deceased individual subject to conservatorship;

(b) Deliver to the court for safekeeping any will of the individual in the conservator's possession and inform the personal representative named in the will if feasible, or if not feasible, a beneficiary named in the will, of the delivery.

(2) If forty days after the death of an individual subject to conservatorship no personal representative has been appointed and no application or petition for appointment is before the court, the conservator may apply to exercise the powers and duties of a personal representative to administer and distribute the decedent's estate. The conservator shall give notice of his or her appointment and the pendency of any probate proceedings as provided in RCW 11.28.237 and shall also give notice to a person nominated as personal representative by a will of the decedent of which the conservator is aware. The court may grant the application if there is no objection and endorse the letters of office to note that the individual formerly subject to conservatorship is deceased and the conservator has acquired the powers and duties of a personal representative.

(3) On the death of an individual subject to conservatorship, the conservator shall conclude the administration of the conservatorship estate as provided in RCW 11.130.570.

**NEW SECTION. Sec. 224.** A new section is added to chapter 11.130 RCW to read as follows:

#### CONSERVATOR ACCESS TO CERTAIN HELD ASSETS.

(1) For purposes of this section, "institution" means all financial institutions as defined in RCW 30A.22.041, all insurance companies holding a certificate of authority under chapter 48.05 RCW, or any agent who constitutes a salesperson or broker-dealer of securities under the definitions of RCW 21.20.005, individually and collectively.

(2) Institutions shall provide the conservator access and control over the assets described in (a)(vii) of this subsection, including but not limited to delivery of the asset to the conservator, upon receipt of the following:

(a) An affidavit containing as an attachment a true and correct copy of the conservator's letters of conservatorship and stating:

(i) That as of the date of the affidavit, the affiant is a duly appointed conservator with authority over assets held by the institution but owned or subject to withdrawal or delivery to a client or depositor of the institution;

(ii) The cause number of the conservatorship;

(iii) The name of the person under conservatorship and the name of the client or depositor, which names must be the same;

(iv) The account or the safety deposit box number or numbers;

(v) The address of the client or depositor;

(vi) The name and address of the affiant-conservator being provided assets or access to assets;

(vii) A description of and the value of the asset or assets, or, where the value cannot be readily ascertained, a reasonable estimate thereof, and a statement that the conservator receives delivery or control of each asset solely in its capacity as conservator;

(viii) The date the conservator assumed control over the assets; and

(ix) That a true and correct copy of the letters of conservatorship duly issued by a court to the conservator is attached to the affidavit; and

(b) An envelope, with postage prepaid, addressed to the clerk of the court issuing the letters of conservatorship. The affidavit must be sent in the envelope by the institution to the clerk of the court together with a statement signed by an agent of the institution that the description of the asset set forth in the affidavit appears to be accurate, and confirming in the case of cash assets, the value of the asset.

(3) Any conservator provided with access to a safe deposit box pursuant to subsection (1) of this section shall make an inventory of the contents of the box and attach this inventory to the affidavit before the affidavit is sent to the clerk of the court and before the contents of the box are released to the conservator. Any inventory must be prepared in the presence of an employee of the institution and the statement of the institution required under subsection (1) of this section must include a statement executed by the employee that the inventory appears to be accurate. The institution may require payment by the conservator of any fees or charges then due in connection with the asset or account and of a reasonable fee for witnessing preparation of the inventory and preparing the statement required by this subsection or subsection (1) of this section.

(4) Any institution to which an affidavit complying with subsection (1) of this section is submitted may rely on the affidavit without inquiry and is not subject to any liability of any nature whatsoever to any person whatsoever, including but not limited to the institution's client or depositor or any other person with an ownership or other interest in or right to the asset, for the reliance or for providing the conservator access and control over the asset, including but not limited to delivery of the asset to the conservator.

**Sec. 225.** RCW 11.130.670 and 2019 c 437 s 701 are each amended to read as follows:

(1) The certified professional guardianship board must resolve grievances against professional guardians and/or conservators within a reasonable time for alleged violations of the certified professional guardianship board's standards

of practice, statutes, regulations, or rules, that relate to the conduct of a certified professional guardian or conservator.

(a) All grievances must initially be reviewed within thirty days by certified professional guardianship board members, or a subset thereof, to determine if the grievance is complete, states facts that ((allege)) describe a violation of the standards of practice, statutes, regulations, or rules, and relates to the conduct of a professional guardian and/or conservator, before ((any investigation of)) investigating, requesting a response ((is requested)) from the professional guardian or conservator, or forwarding to the superior courts, ((Grievances)) To be complete, grievances must provide sufficient details of the alleged conduct to demonstrate that a violation of the statute, regulation, standard of practice, or rule, relating to the conduct of a certified professional guardian or conservator could have occurred, the dates ((of)) the alleged ((violations)) conduct occurred, and must be signed and dated by the person filing the grievance. Grievance investigations by the board are limited to the allegations contained in the grievance unless, after review by a majority of the members of the certified professional guardianship board, further investigation is justified.

(b) If the certified professional guardianship board determines the grievance is complete, states facts that allege a violation of the certified professional guardianship board's standards of practice, and relates to the conduct of a professional guardian and/or conservator, the certified professional guardianship board must forward that grievance within ten days to the superior court for that guardianship or conservatorship and to the professional guardian and/or conservator. The court must review the matter as set forth in RCW 11.130.140, and must direct the clerk of the court to send a copy of the order entered under this section to the certified professional guardianship board. The certified professional guardianship board must accept as facts any finding of fact contained in the order. The certified professional guardianship board must act consistently with any finding of fact issued in that order.

(2) Grievances received by the certified professional guardianship board must be ((resolved)) investigated and the resolution determined and in process within one hundred eighty days of receipt. The one hundred eighty days is tolled during any period of time when:

(a) The certified professional guardianship board has provided a certified professional guardian or conservator an opportunity to respond to a grievance against the certified professional guardian or conservator and the certified professional guardianship board is awaiting the certified professional guardian or conservator's response;

(b) The certified professional guardianship board has forwarded a grievance to the superior court for review under subsection (1)(b) of this section and is awaiting receipt of the court's entered order with findings; or

(c) A certified professional guardianship board disciplinary hearing has been requested or is in process and during the time of posthearing board review of the hearing officer's recommendations through issuance of a final certified professional guardianship board's order on the matter.

(3) If the grievance cannot be resolved within one hundred eighty days, the certified professional guardianship board must notify the professional guardian and/or conservator. The professional guardian or conservator may propose a resolution of the grievance with facts and/or arguments. The certified professional guardianship board may accept the proposed resolution or determine that an additional ninety days are needed to review the grievance. If the certified professional guardianship board has not resolved the grievance within the additional ninety days the professional guardian or conservator may:

(a) File a motion for a court order to compel the certified professional guardianship board to resolve the grievance within a reasonable time; or

(b) Move for the superior court to resolve the grievance instead of being resolved by the certified professional guardianship board.

(4) The superior court has authority to enforce the certified professional guardianship board's standards of practice in this article to the extent those standards are related to statutory or fiduciary duties of guardians and conservators.

(5) Any unresolved grievances filed with the certified professional guardianship board ~~((at the time of))~~ one year or more before January 1, 2021, must be forwarded to the superior court for that guardianship or conservatorship for review by the superior court as set forth in RCW 11.130.140 if the grievance is not in process of a hearing or final resolution.

**NEW SECTION. Sec. 226.** A new section is added to chapter 11.130 RCW to read as follows:

For the purposes of this chapter, an adult is presumed to have legal capacity.

### **PART III**

#### **OTHER PROVISIONS**

**Sec. 301.** RCW 11.130.010 and 2019 c 437 s 102 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Adult" means an individual at least eighteen years of age or an emancipated individual under eighteen years of age.

(2) "Adult subject to conservatorship" means an adult for whom a conservator has been appointed under this chapter.

(3) "Adult subject to guardianship" means an adult for whom a guardian has been appointed under this chapter.

(4) "Claim" includes a claim against an individual or conservatorship estate, whether arising in contract, tort, or otherwise.

(5) "Conservator" means a person appointed by a court to make decisions with respect to the property or financial

affairs of an individual subject to conservatorship. The term includes a co-conservator.

(6) "Conservatorship estate" means the property subject to conservatorship under this chapter.

(7) "Court visitor" means the person appointed by the court pursuant to this chapter.

(8) "Evaluation and treatment facility" has the same meaning as provided in RCW 71.05.020.

~~((8))~~ (9) "Full conservatorship" means a conservatorship that grants the conservator all powers available under this chapter.

~~((9))~~ (10) "Full guardianship" means a guardianship that grants the guardian all powers available under this chapter.

~~((10))~~ (11) "Guardian" means a person appointed by the court to make decisions with respect to the personal affairs of an individual. The term includes a co-guardian but does not include a guardian ad litem.

~~((11))~~ (12) "Guardian ad litem" means a person appointed to inform the court about, and to represent, the needs and best interests of ~~((an individual))~~ a minor.

~~((12))~~ (13) "Individual subject to conservatorship" means an adult or minor for whom a conservator has been appointed under this chapter.

~~((13))~~ (14) "Individual subject to guardianship" means an adult or minor for whom a guardian has been appointed under this chapter.

~~((14))~~ (15) "Less restrictive alternative" means an approach to meeting an individual's needs which restricts fewer rights of the individual than would the appointment of a guardian or conservator. The term includes supported decision making, appropriate technological assistance, appointment of a representative payee, and appointment of an agent by the individual, including appointment under a power of attorney for health care or power of attorney for finances.

~~((15))~~ (16) "Letters of office" means a record issued by a court certifying a guardian's or conservator's authority to act.

~~((16))~~ (17) "Limited conservatorship" means a conservatorship that grants the conservator less than all powers available under this chapter, grants powers over only certain property, or otherwise restricts the powers of the conservator.

~~((17))~~ (18) "Limited guardianship" means a guardianship that grants the guardian less than all powers available under this chapter or otherwise restricts the powers of the guardian.

~~((18))~~ (19) "Long-term care facility" has the same meaning as provided in RCW 70.129.010.

~~((19))~~ (20) "Minor" means an unemancipated individual under eighteen years of age.

~~((20))~~ (21) "Minor subject to conservatorship" means a minor for whom a conservator has been appointed under this chapter.

~~((24))~~ (22) "Minor subject to guardianship" means a minor for whom a guardian has been appointed under this chapter.

~~((22))~~ (23) "Notice party" means a person entitled to notice under this chapter or otherwise determined by the court to be entitled to notice.

(24) "Parent" does not include an individual whose parental rights have been terminated.

~~((23))~~ (25) "Person" means an individual, estate, business or nonprofit entity, public corporation, government or governmental subdivision, agency, or instrumentality, or other legal entity.

~~((24))~~ (26) "Professional guardian or conservator" means a guardian or conservator appointed under this chapter who is not a relative of the person subject to guardianship or conservatorship established under this chapter and who charges fees for carrying out the duties of court-appointed guardian or conservator for three or more persons.

~~((25))~~ (27) "Property" includes tangible and intangible property.

~~((26))~~ (28) "Protective arrangement instead of conservatorship" means a court order entered under RCW 11.130.590.

~~((27))~~ (29) "Protective arrangement instead of guardianship" means a court order entered under RCW 11.130.585.

~~((28))~~ (30) "Protective arrangement under Article 5 of this chapter" means a court order entered under RCW 11.130.585 or 11.130.590.

~~((29))~~ (31) "Record," used as a noun, means information that is inscribed on a tangible medium or that is stored in an electronic or other medium and is retrievable in perceivable form.

~~((30))~~ (32) "Relative" means any person related by blood or by law to the person subject to guardianship, conservatorship, or other protective arrangements.

~~((34))~~ (33) "Respondent" means an individual for whom appointment of a guardian or conservator or a protective arrangement instead of guardianship or conservatorship is sought.

~~((32))~~ (34) "Sign" means, with present intent to authenticate or adopt a record:

(a) To execute or adopt a tangible symbol; or

(b) To attach to or logically associate with the record an electronic symbol, sound, or process.

~~((33))~~ (35) "Special agent" means the person appointed by the court pursuant to RCW 11.130.375 or 11.130.635.

~~((34))~~ (36) "Standby guardian" means a person appointed by the court under RCW 11.130.220.

~~((35))~~ (37) "State" means a state of the United States, the District of Columbia, Puerto Rico, the United States Virgin Islands, or any territory or insular possession subject to the jurisdiction of the United States. The term includes a federally recognized Indian tribe.

~~((36))~~ (38) "Supported decision making" means assistance from one or more persons of an individual's choosing in understanding the nature and consequences of potential personal and financial decisions, which enables the individual to make the decisions, and in communicating a decision once made if consistent with the individual's wishes.

~~((37))~~ (39) "Verified receipt" is a verified receipt signed by the custodian of funds stating that a savings and loan association or bank, trust company, escrow corporation, or other corporations approved by the court hold the cash or securities of the individual subject to conservatorship subject to withdrawal only by order of the court.

~~((38))~~ (40) "Visitor" means ~~((the person appointed by the court pursuant to RCW 11.130.280(1) or 11.130.380(1)))~~ a court visitor.

**Sec. 302.** RCW 11.130.035 and 2019 c 437 s 107 are each amended to read as follows:

(1) Except as otherwise provided in this chapter, the rules of evidence and civil procedure, including rules concerning appellate review, govern a proceeding under this chapter.

(2) If proceedings for a guardianship, conservatorship, or protective arrangement under Article 5 of this chapter for the same individual are commenced or pending in the same court, the proceedings may be consolidated.

(3) ~~((A))~~ An adult respondent may demand a jury trial in a proceeding under this chapter on the issue ~~((whether a basis exists for appointment of a guardian or conservator))~~ of whether a basis exists for the appointment of a guardian under RCW 11.130.265 or a conservator under RCW 11.130.360(2) and on the rights to be retained or restricted if a guardian or conservator is appointed.

(4) Upon the motion of the respondent or the court visitor, prior to the appointment of a guardian or a conservator or the establishment of a protective arrangement for an adult, or upon the motion of the respondent, guardian, conservator, or any notice party subsequent to such appointment, whenever it appears that the adult respondent could benefit from mediation, the court may require the petitioner, adult respondent, guardian, conservator, and any notice party to participate in mediation pursuant to RCW 11.96A.300.

**Sec. 303.** RCW 11.130.040 and 2019 c 437 s 108 are each amended to read as follows:

(1) The court shall issue letters of guardianship to a guardian on filing by the guardian of an acceptance of appointment.

(2) The court shall issue letters of conservatorship to a conservator on filing by the conservator of an acceptance of appointment and filing of any required bond or compliance with any other verified receipt required by the court.

(3) Limitations on the powers of a guardian or conservator or on the property subject to conservatorship must be ~~((stated on the letters of office))~~ included on the form prescribed by RCW 11.130.660.

(4) The court at any time may limit the powers conferred on a guardian or conservator. The court shall issue new letters of office to reflect the limitation.

(5) A guardian or conservator may not act on behalf of a person under guardianship or conservatorship without valid letters of office.

(6) The clerk of the superior court shall issue letters of guardianship or conservatorship in or substantially in the same form as set forth in RCW 11.130.660.

(7) Letters of office issued to a guardian or conservator who is a nonresident of this state must include the name and contact information for the resident agent of the guardian or conservator, appointed pursuant to RCW 11.130.090(1)(c).

(8) This chapter does not affect the validity of letters of office issued under chapter 11.88 RCW prior to January 1, 2021.

**Sec. 304.** RCW 11.130.100 and 2019 c 437 s 120 are each amended to read as follows:

(1) Unless otherwise compensated or reimbursed, an attorney for a respondent in a proceeding under this chapter is entitled to reasonable compensation for services and reimbursement of reasonable expenses from the property of the respondent.

(2) Unless otherwise compensated or reimbursed, an attorney or other person whose services resulted in an order beneficial to an individual subject to guardianship or conservatorship or for whom a protective arrangement under Article 5 of this chapter was ordered is entitled to reasonable compensation for services and reimbursement of reasonable expenses from the property of the individual.

(3) ~~((The court must approve compensation and expenses payable under this section before payment. Approval is not required before a service is provided or an expense is incurred.~~

~~((4) If the court dismisses a petition under this chapter and determines the petition was filed in bad faith, the court may assess the cost of any court-ordered professional evaluation or visitor against the petitioner.~~

~~((5))~~ Where the person subject to guardianship or conservatorship is a department of social and health services client, or health care authority client, and is required to contribute a portion of their income towards the cost of long-term care services or room and board, the amount of compensation or reimbursement shall not exceed the amount allowed by the department of social and health services or health care authority by rule.

~~((6))~~ (4) Where the person subject to guardianship or conservatorship receives guardianship, conservatorships, or other protective services from the office of public guardianship, the amount of compensation or reimbursement shall not exceed the amount allowed by the office of public guardianship.

~~((7))~~ (5) The court must approve compensation and expenses payable under this section before payment. Approval is not required before a service is provided or an expense is incurred.

~~((8))~~ (6) If the court dismisses a petition under this chapter and determines the petition was filed in bad faith, the court may assess the cost of any court-ordered professional evaluation or court visitor against the petitioner.

**Sec. 305.** RCW 11.130.105 and 2019 c 437 s 121 are each amended to read as follows:

(1) Subject to court approval, a guardian is entitled to reasonable compensation for services as guardian and to reimbursement for room, board, clothing, and other appropriate expenses advanced for the benefit of the individual subject to guardianship. ~~((If a conservator, other than the guardian or a person affiliated with the guardian, is appointed for the individual, reasonable compensation and reimbursement to the guardian may be approved and paid by the conservator without court approval.))~~ The court shall determine if the fees charged by a guardian and conservator are just and reasonable.

(2) Subject to court approval, a conservator is entitled to reasonable compensation for services and reimbursement for appropriate expenses from the property of the individual subject to conservatorship.

(3) In determining reasonable compensation for a guardian or conservator, the court, or a conservator in determining reasonable compensation for a guardian as provided in subsection (1) of this section, shall approve compensation that shall not exceed the typical amounts paid for comparable services in the community, at a rate for which the service can be performed in the most efficient and cost-effective manner, considering:

(a) The necessity and quality of the services provided;

(b) The experience, training, professional standing, and skills of the guardian or conservator;

(c) The difficulty of the services performed, including the degree of skill and care required;

(d) The conditions and circumstances under which a service was performed, including whether the service was provided outside regular business hours or under dangerous or extraordinary conditions;

(e) The effect of the services on the individual subject to guardianship or conservatorship;

(f) The extent to which the services provided were or were not consistent with the guardian's plan under RCW 11.130.340 or conservator's plan under RCW 11.130.510; and

(g) The fees customarily paid to a person that performs a like service in the community.

(4) A guardian or conservator need not use personal funds of the guardian or conservator for the expenses of the individual subject to guardianship or conservatorship.

(5) Where the person subject to guardianship or conservatorship is a department of social and health services client, or health care authority client, and is required to contribute a portion of their income towards the cost of long-term care services or room and board, the amount of compensation or reimbursement shall not exceed the amount allowed by the department of social and health services or health care authority by rule.

(6) Where the person subject to guardianship or conservatorship receives guardianship, conservatorship, or other protective services from the office of public guardianship, the amount of compensation or reimbursement shall not exceed the amount allowed by the office of public guardianship.

(7) If an individual subject to guardianship or conservatorship seeks to modify or terminate the guardianship or conservatorship or remove the guardian or conservator, the court may order compensation to the guardian or conservator for time spent opposing modification, termination, or removal only to the extent the court determines the opposition was reasonably necessary to protect the interests of the individual subject to guardianship or conservatorship.

**Sec. 306.** RCW 11.130.115 and 2019 c 437 s 123 are each amended to read as follows:

(1) A guardian or conservator may petition the court for instruction concerning fiduciary responsibility or ratification of a particular act related to the guardianship or conservatorship.

(2) ~~((On reasonable notice and hearing on))~~ Fourteen days after notice of a petition under subsection (1) of this section, the court may give an instruction and issue an appropriate order.

(3) The petitioner must provide reasonable notice of the petition and hearing to the individual subject to a guardianship or conservatorship and any notice party.

**Sec. 307.** RCW 11.130.140 and 2019 c 437 s 128 are each amended to read as follows:

(1) An individual who is subject to guardianship or conservatorship, or person interested in the welfare of an individual subject to guardianship or conservatorship, that reasonably believes the guardian or conservator is breaching the guardian's or conservator's fiduciary duty or otherwise acting in a manner inconsistent with this chapter may file a grievance in a record with the court.

(2)(a) An unrepresented person or entity may submit a complaint to the court. Complaints must be addressed to one of the following designees of the court: The clerk of the court having jurisdiction in the guardianship, the court administrator, or the guardianship monitoring program, and must identify the complainant and the person who is the

subject of the guardianship or conservatorship. The complaint must also provide the complainant's address, the case number (if available), and the address of the person subject to a guardianship or conservatorship (if available). The complaint must state facts to support the claim.

(b) By the next judicial day after receipt of a complaint from an unrepresented person, the court's designee must ensure the original complaint is filed and deliver the complaint to the court.

(c) Within fourteen days of being presented with a complaint, the court must enter an order to do one or more of the following actions:

(i) To show cause, with fourteen days' notice, directing the guardian or conservator to appear at a hearing set by the court in order to respond to the complaint;

(ii) To appoint a court visitor or other court representative to investigate the issues raised by the complaint or to take any emergency action the court deems necessary to protect the person subject to a guardianship or conservatorship until a hearing can be held;

(iii) To dismiss the complaint without scheduling a hearing, if it appears to the court that the complaint: Is without merit on its face; is filed in other than good faith; is filed for an improper purpose; regards issues that have already been adjudicated; or is frivolous. In making a determination, the court may review the matter and consider previous behavior of the complainant that is documented in the guardianship or conservatorship record;

(iv) To direct the guardian or conservator to provide, in not less than fourteen days, a written report to the court on the issues raised in the complaint;

(v) To defer consideration of the complaint until the next regularly scheduled hearing in the guardianship or conservatorship, if the date of that hearing is within the next three months, provided that there is no indication that the person subject to a guardianship or conservatorship will suffer physical, emotional, financial, or other harm as a result of the court's deferral of consideration;

(vi) To order other action, in the court's discretion, in addition to doing one or more of the actions set out in this subsection.

(3) Subject to subsection ((3)) (4) of this section, after receiving a grievance under subsection (1) of this section, the court:

(a) Shall promptly review the grievance against a guardian and shall act to protect the autonomy, values, preferences, and independence of the individual subject to guardianship or conservatorship;

(b) Shall schedule a hearing if the individual subject to guardianship or conservatorship is an adult and the grievance supports a reasonable belief that:

(i) Removal of the guardian and appointment of a successor may be appropriate under RCW 11.130.350;

(ii) Termination or modification of the guardianship may be appropriate under RCW 11.130.355;

(iii) Removal of the conservator and appointment of a successor may be appropriate under RCW 11.130.565;

(iv) Termination or modification of the conservatorship may be appropriate under RCW 11.130.570; or

(v) A hearing is necessary to resolve the allegations set forth in the grievance; and

(c) May take any action supported by the evidence, including:

(i) Ordering the guardian or conservator to provide the court a report, accounting, inventory, updated plan, or other information;

(ii) Appointing a ~~((guardian ad litem))~~ court visitor;

(iii) Appointing an attorney for the individual subject to guardianship or conservatorship; or

(iv) Holding a hearing.

~~((3))~~ (4) The court may decline to act under subsection ~~((2))~~ (3) of this section if a similar grievance was filed within the six months preceding the filing of the current grievance and the court followed the procedures of subsection ~~((2))~~ (3) of this section in considering the earlier grievance; and may levy necessary sanctions, including but not limited to the imposition of reasonable attorney fees, costs, striking pleadings, or other appropriate relief, if after consideration the court finds that the grievance is made for reason to harass, delay, with malice, or other bad faith.

~~((4))~~ (5) In any court action under this section where the court finds the professional guardian or conservator breached a fiduciary duty, the court must direct the clerk of the court to send a copy of the order entered under this section to the certified professional guardianship board.

~~((5))~~ (6) A court shall not dismiss a grievance that has been filed against a guardian or conservator due to an inability to resolve the grievance in a timely manner.

**Sec. 308.** RCW 11.130.265 and 2019 c 437 s 301 are each amended to read as follows:

(1) On petition and after notice and hearing, the court may:

(a) Appoint a guardian for an adult if the court finds by clear and convincing evidence that:

(i) The respondent lacks the ability to meet essential requirements for physical health, safety, or self-care because the respondent is unable to receive and evaluate information or make or communicate decisions, even with appropriate supportive services, technological assistance, or supported decision making; ~~((and))~~

(ii) Appointment is necessary to prevent significant risk of harm to the adult respondent's physical health, safety, or self-care; and

(iii) The respondent's identified needs cannot be met by a protective arrangement instead of guardianship or other less restrictive alternative; or

(b) With appropriate findings, treat the petition as one for a conservatorship under Article 4 of this chapter or protective arrangement under Article 5 of this chapter, issue any appropriate order, or dismiss the proceeding.

(2) The court shall grant a guardian appointed under subsection (1) of this section only those powers necessitated by the demonstrated needs and limitations of the respondent and issue orders that will encourage development of the respondent's maximum self-determination and independence. The court may not establish a full guardianship if a limited guardianship, protective arrangement instead of guardianship, or other less restrictive alternative would meet the needs of the respondent.

(3) A determination by the court that a basis exists under subsection (1) of this section for the appointment of a guardian and on the issue of the rights that will be retained or restricted by the appointment of a guardian is a legal decision, not a medical decision. The determination must be based on a demonstration of management insufficiencies over time in the area of physical health, safety, or self-care. Age, eccentricity, poverty, or medical diagnosis alone are not sufficient basis under subsection (1) of this section to justify a determination that a guardian should be appointed for the respondent.

**Sec. 309.** RCW 11.130.280 and 2019 c 437 s 304 are each amended to read as follows:

(1) On receipt of a petition under RCW 11.130.270 for appointment of a guardian for an adult, the court shall appoint a court visitor. The court visitor must be an individual with training or experience in the type of abilities, limitations, and needs alleged in the petition.

(2) The court, in the order appointing a court visitor, shall specify the hourly rate the court visitor may charge for his or her services, and shall specify the maximum amount the court visitor may charge without additional court review and approval. The fee shall be charged to the person subject to a guardianship or conservatorship proceeding unless the court finds that such payment would result in substantial hardship upon such person, in which case the county shall be responsible for such costs: PROVIDED, That the court may charge such fee to the petitioner, the person subject to a guardianship or conservatorship proceeding, or any person who has appeared in the action; or may allocate the fee, as it deems just. If the petition is found to be frivolous or not brought in good faith, the court visitor fee shall be charged to the petitioner. The court shall not be required to provide for the payment of a fee to any salaried employee of a public agency.

(3)(a) The court visitor appointed under subsection (1) of this section shall within five days of receipt of notice of appointment file with the court and serve, either personally or by certified mail with return receipt, the respondent or his or her legal counsel, the petitioner or his or her legal counsel, and any interested party entitled to notice under RCW 11.130.080 with a statement including: His or her training relating to the duties as a court visitor; his or her criminal history as defined in RCW 9.94A.030 for the period covering ten years prior to the appointment; his or her hourly rate, if compensated; whether the court visitor has had any



contact with a party to the proceeding prior to his or her appointment; and whether he or she has an apparent conflict of interest. Within three days of the later of the actual service or filing of the court visitor's statement, any party may set a hearing and file and serve a motion for an order to show cause why the court visitor should not be removed for one of the following three reasons:

- (i) Lack of expertise necessary for the proceeding;
- (ii) An hourly rate higher than what is reasonable for the particular proceeding; or
- (iii) A conflict of interest.

(b) Notice of the hearing shall be provided to the court visitor and all parties. If, after a hearing, the court enters an order replacing the court visitor, findings shall be included, expressly stating the reasons for the removal. If the court visitor is not removed, the court has the authority to assess to the moving party attorneys' fees and costs related to the motion. The court shall assess attorneys' fees and costs for frivolous motions.

(4) A court visitor appointed under subsection (1) of this section shall interview the respondent in person and, in a manner the respondent is best able to understand:

(a) Explain to the respondent the substance of the petition, the nature, purpose, and effect of the proceeding, the respondent's rights at the hearing on the petition, and the general powers and duties of a guardian;

(b) Determine the respondent's views about the appointment sought by the petitioner, including views about a proposed guardian, the guardian's proposed powers and duties, and the scope and duration of the proposed guardianship; and

(c) Inform the respondent that all costs and expenses of the proceeding, including the respondent's attorney's fees, may be paid from the respondent's assets.

(5) The court visitor appointed under subsection (1) of this section shall:

(a) Interview the petitioner and proposed guardian, if any;

(b) Visit the respondent's present dwelling and any dwelling in which it is reasonably believed the respondent will live if the appointment is made;

(c) Obtain information from any physician or other person known to have treated, advised, or assessed the respondent's relevant physical or mental condition; and

(d) Investigate the allegations in the petition and any other matter relating to the petition the court directs.

(6) A court visitor appointed under subsection (1) of this section shall file a report in a record with the court and provide a copy of the report to the respondent, petitioner, and any interested party entitled to notice under RCW 11.130.080 at least fifteen days prior to the hearing on the petition filed under RCW 11.130.270, which must include:

(a) A summary of self-care and independent living tasks the respondent can manage without assistance or with existing supports, could manage with the assistance of appropriate supportive services, technological assistance, or supported decision making, and cannot manage;

(b) A recommendation regarding the appropriateness of guardianship, including whether a protective arrangement instead of guardianship or other less restrictive alternative for meeting the respondent's needs is available and:

(i) If a guardianship is recommended, whether it should be full or limited; and

(ii) If a limited guardianship is recommended, the powers to be granted to the guardian;

(c) A statement of the qualifications of the proposed guardian and whether the respondent approves or disapproves of the proposed guardian;

(d) A statement whether the proposed dwelling meets the respondent's needs and whether the respondent has expressed a preference as to residence;

(e) A ~~((recommendation whether))~~ statement whether the respondent declined a professional evaluation under RCW 11.130.290 ((is necessary)) and what other information is available to determine the respondent's needs and abilities without the professional evaluation;

(f) A statement whether the respondent is able to attend a hearing at the location court proceedings typically are held;

(g) A statement whether the respondent is able to participate in a hearing and which identifies any technology or other form of support that would enhance the respondent's ability to participate; and

(h) Any other matter the court directs.

(7) The appointment of a court visitor has no effect on the determination of the adult respondent's legal capacity and does not overcome the presumption of legal capacity or full legal and civil rights of the adult respondent.

**Sec. 310.** RCW 11.130.380 and 2019 c 437 s 405 are each amended to read as follows:

(1) If the respondent in a proceeding to appoint a conservator is a minor, the court may appoint a court visitor to investigate a matter related to the petition or inform the minor or a parent of the minor about the petition or a related matter.

(2) If the respondent in a proceeding to appoint a conservator is an adult, the court shall appoint a court visitor. The duties and reporting requirements of the court visitor are limited to the relief requested in the petition. The court visitor must be an individual with training or experience in the type of abilities, limitations, and needs alleged in the petition.

(3) The court, in the order appointing court visitor, shall specify the hourly rate the court visitor may charge for his or her services, and shall specify the maximum amount the court visitor may charge without additional court review

and approval. The fee shall be charged to the person subject to a guardianship or conservatorship proceeding unless the court finds that such payment would result in substantial hardship upon such person, in which case the county shall be responsible for such costs: PROVIDED, That the court may charge such fee to the petitioner, the person subject to a guardianship or conservatorship proceeding, or any person who has appeared in the action; or may allocate the fee, as it deems just. If the petition is found to be frivolous or not brought in good faith, the court visitor fee shall be charged to the petitioner. The court shall not be required to provide for the payment of a fee to any salaried employee of a public agency.

(4)(a) The court visitor appointed under subsection (1) or (2) of this section shall within five days of receipt of notice of appointment file with the court and serve, either personally or by certified mail with return receipt, the respondent or his or her legal counsel, the petitioner or his or her legal counsel, and any interested party entitled to notice under RCW 11.130.080 with a statement including: His or her training relating to the duties as a court visitor; his or her criminal history as defined in RCW 9.94A.030 for the period covering ten years prior to the appointment; his or her hourly rate, if compensated; whether the ~~((guardian ad litem))~~ court visitor has had any contact with a party to the proceeding prior to his or her appointment; and whether he or she has an apparent conflict of interest. Within three days of the later of the actual service or filing of the court visitor's statement, any party may set a hearing and file and serve a motion for an order to show cause why the court visitor should not be removed for one of the following three reasons:

- (i) Lack of expertise necessary for the proceeding;
- (ii) An hourly rate higher than what is reasonable for the particular proceeding; or
- (iii) A conflict of interest.

(b) Notice of the hearing shall be provided to the court visitor and all parties. If, after a hearing, the court enters an order replacing the court visitor, findings shall be included, expressly stating the reasons for the removal. If the court visitor is not removed, the court has the authority to assess to the moving party attorneys' fees and costs related to the motion. The court shall assess attorneys' fees and costs for frivolous motions.

(5) A court visitor appointed under subsection (2) of this section for an adult shall interview the respondent in person and in a manner the respondent is best able to understand:

(a) Explain to the respondent the substance of the petition, the nature, purpose, and effect of the proceeding, the respondent's rights at the hearing on the petition, and the general powers and duties of a conservator;

(b) Determine the respondent's views about the appointment sought by the petitioner, including views about a proposed conservator, the conservator's proposed powers and duties, and the scope and duration of the proposed conservatorship; and

(c) Inform the respondent that all costs and expenses of the proceeding, including respondent's attorneys' fees, may be paid from the respondent's assets.

(6) A court visitor appointed under subsection (2) of this section for an adult shall:

(a) Interview the petitioner and proposed conservator, if any;

(b) Review financial records of the respondent, if relevant to the court visitor's recommendation under subsection (7)(b) of this section;

(c) Investigate whether the respondent's needs could be met by a protective arrangement instead of conservatorship or other less restrictive alternative and, if so, identify the arrangement or other less restrictive alternative; and

(d) Investigate the allegations in the petition and any other matter relating to the petition the court directs.

(7) A court visitor appointed under subsection (2) of this section for an adult shall file a report in a record with the court and provide a copy of the report to the respondent, petitioner, and any interested party entitled to notice under RCW 11.130.080 at least fifteen days prior to the hearing on the petition filed under RCW 11.130.365, which must include:

(a) A recommendation:

(i) Regarding the appropriateness of conservatorship, or whether a protective arrangement instead of conservatorship or other less restrictive alternative for meeting the respondent's needs is available;

(ii) If a conservatorship is recommended, whether it should be full or limited;

(iii) If a limited conservatorship is recommended, the powers to be granted to the conservator, and the property that should be placed under the conservator's control; and

(iv) If a conservatorship is recommended, the amount of the bond or other verified receipt needed under RCW 11.130.445 and 11.130.500;

(b) A statement of the qualifications of the proposed conservator and whether the respondent approves or disapproves of the proposed conservator;

(c) A ~~((recommendation whether))~~ statement whether the respondent declined a professional evaluation under RCW 11.130.390 ((is necessary)) and what other information is available to determine the respondent's needs and abilities without the professional evaluation;

(d) A statement whether the respondent is able to attend a hearing at the location court proceedings typically are held;

(e) A statement whether the respondent is able to participate in a hearing and which identifies any technology or other form of support that would enhance the respondent's ability to participate; and

(f) Any other matter the court directs.

(8) The appointment of a court visitor has no effect on the determination of the adult respondent's legal capacity and does not overcome the presumption of legal capacity or full legal and civil rights of the adult respondent.

**Sec. 311.** RCW 11.130.605 and 2019 c 437 s 506 are each amended to read as follows:

(1) On filing of a petition under RCW 11.130.580 for a protective arrangement instead of guardianship, the court shall appoint a court visitor. The court visitor must be an individual with training or experience in the type of abilities, limitations, and needs alleged in the petition.

(2) On filing of a petition under RCW 11.130.580 for a protective arrangement instead of conservatorship for a minor, the court may appoint a court visitor to investigate a matter related to the petition or inform the minor or a parent of the minor about the petition or a related matter.

(3) On filing of a petition under RCW 11.130.580 or a protective arrangement instead of conservatorship for an adult, the court shall appoint a court visitor unless the respondent is represented by an attorney appointed by the court. The court visitor must be an individual with training or experience in the types of abilities, limitations, and needs alleged in the petition.

(4) The court, in the order appointing a court visitor, shall specify the hourly rate the court visitor may charge for his or her services, and shall specify the maximum amount the court visitor may charge without additional court review and approval. The fee shall be charged to the person subject to a guardianship, conservatorship, or other protective arrangement proceeding unless the court finds that such payment would result in substantial hardship upon such person, in which case the county shall be responsible for such costs: PROVIDED, That the court may charge such fee to the petitioner, the person subject to a guardianship or conservatorship proceeding, or any person who has appeared in the action; or may allocate the fee, as it deems just. If the petition is found to be frivolous or not brought in good faith, the court visitor fee shall be charged to the petitioner. The court shall not be required to provide for the payment of a fee to any salaried employee of a public agency.

(5)(a) The court visitor appointed under subsection (1) or (3) of this section shall within five days of receipt of notice of appointment file with the court and serve, either personally or by certified mail with return receipt, the respondent or his or her legal counsel, the petitioner or his or her legal counsel, and any interested party entitled to notice under RCW 11.130.080 with a statement including: His or her training relating to the duties as a court visitor; his or her criminal history as defined in RCW 9.94A.030 for the period covering ten years prior to the appointment; his or her hourly rate, if compensated; whether the ~~((guardian ad litem))~~ court visitor has had any contact with a party to the proceeding prior to his or her appointment; and whether he or she has an apparent conflict of interest. Within three days of the later of the actual service or filing of the court visitor's statement, any party may set a hearing and file and serve a motion for an order to show cause why the court visitor should not be removed for one of the following three reasons:

(i) Lack of expertise necessary for the proceeding;

(ii) An hourly rate higher than what is reasonable for the particular proceeding; or

(iii) A conflict of interest.

(b) Notice of the hearing shall be provided to the court visitor and all parties. If, after a hearing, the court enters an order replacing the court visitor, findings shall be included, expressly stating the reasons for the removal. If the court visitor is not removed, the court has the authority to assess to the moving party attorneys' fees and costs related to the motion. The court shall assess attorneys' fees and costs for frivolous motions.

(6) A court visitor appointed under subsection (1) or (3) of this section shall interview the respondent in person and in a manner the respondent is best able to understand:

(a) Explain to the respondent the substance of the petition, the nature, purpose, and effect of the proceeding, and the respondent's rights at the hearing on the petition;

(b) Determine the respondent's views with respect to the order sought;

(c) Inform the respondent that all costs and expenses of the proceeding, including respondent's attorneys' fees, may be paid from the respondent's assets;

(d) If the petitioner seeks an order related to the dwelling of the respondent, visit the respondent's present dwelling and any dwelling in which it is reasonably believed the respondent will live if the order is granted;

(e) If a protective arrangement instead of guardianship is sought, obtain information from any physician or other person known to have treated, advised, or assessed the respondent's relevant physical or mental condition;

(f) If a protective arrangement instead of conservatorship is sought, review financial records of the respondent, if relevant to the court visitor's recommendation under subsection (7)(b) of this section; and

(g) Investigate the allegations in the petition and any other matter relating to the petition the court directs.

(7) A court visitor under subsection (1), (2), or (3) of this section promptly shall file a report in a record with the court and provide a copy of the report to the respondent, petitioner, and any interested party entitled to notice under RCW 11.130.580 (1) through (3), at least fifteen days prior to the hearing on the petition filed under RCW 11.130.585, 11.130.590, or 11.130.595, which must include:

(a) To the extent relevant to the order sought, a summary of self-care, independent living tasks, and financial management tasks the respondent:

(i) Can manage without assistance or with existing supports;

(ii) Could manage with the assistance of appropriate supportive services, technological assistance, or supported decision making; and

(iii) Cannot manage;

(b) A recommendation regarding the appropriateness of the protective arrangement sought and whether a less restrictive alternative for meeting the respondent's needs is available;

(c) If the petition seeks to change the physical location of the dwelling of the respondent, a statement whether the proposed dwelling meets the respondent's needs and whether the respondent has expressed a preference as to the respondent's dwelling;

(d) A ~~((recommendation whether))~~ statement whether the respondent declined a professional evaluation under RCW 11.130.615 ((is necessary)) and what other information is available to determine the respondent's needs and abilities without the professional evaluation;

(e) A statement whether the respondent is able to attend a hearing at the location court proceedings typically are held;

(f) A statement whether the respondent is able to participate in a hearing and which identifies any technology or other form of support that would enhance the respondent's ability to participate; and

(g) Any other matter the court directs.

**Sec. 312.** RCW 11.130.080 and 2019 c 437 s 116 are each amended to read as follows:

(1) A person may file with the court a request for notice under this chapter if the person is:

(a) Not otherwise entitled to notice; and

(b) Interested in the welfare of a respondent, individual subject to guardianship or conservatorship, or individual subject to a protective arrangement under Article 5 of this chapter.

(2) A request under subsection (1) of this section must include a statement showing the interest of the person making the request and the address of the person or an attorney for the person to whom notice is to be given.

(3) If the court approves a request under subsection (1) of this section, the ~~((court))~~ approved individual shall give notice of the approval to the guardian or conservator, if one has been appointed, or the respondent if no guardian or conservator has been appointed.

**Sec. 313.** RCW 11.130.120 and 2019 c 437 s 124 are each amended to read as follows:

(1) A person must not recognize the authority of a guardian or conservator to act on behalf of an individual subject to guardianship or conservatorship if:

(a) The person has actual knowledge or a reasonable belief that the letters of office of the guardian or conservator are invalid or the conservator or guardian is exceeding or improperly exercising authority granted by the court; or

(b) The person has actual knowledge that the individual subject to guardianship or conservatorship is subject to physical or financial abuse, neglect, exploitation,

or abandonment by the guardian or conservator or a person acting for or with the guardian or conservator.

(2) A person may refuse to recognize the authority of a guardian or conservator to act on behalf of an individual subject to guardianship or conservatorship if:

(a) The guardian's or conservator's proposed action would be inconsistent with this chapter; or

(b) The person makes, or has actual knowledge that another person has made, a report to the department of children, youth, and families or the department of social and health services stating a good-faith belief that the individual subject to guardianship or conservatorship is subject to physical or financial abuse, neglect, exploitation, or abandonment by the guardian or conservator or a person acting for or with the guardian or conservator.

(3) A person that refuses to accept the authority of a guardian or conservator in accordance with subsection (2) of this section may report the refusal and the reason for refusal to the court. The court on receiving the report shall consider whether removal of the guardian or conservator or other action is appropriate.

(4) A guardian or conservator may petition the court to require a third party to accept a decision made by the guardian or conservator on behalf of the individual subject to guardianship or conservatorship.

(5) If the court determines that a third party has failed to recognize the legitimate authority of a guardian or conservator, or requires a third party to accept a decision made by the guardian on behalf of the individual subject to guardianship, the court may order that third party to compensate the guardian or conservator, for the time spent only to the extent the court determines the opposition was reasonably necessary to protect the interests of the individual subject to guardianship.

**Sec. 314.** RCW 11.130.295 and 2019 c 437 s 307 are each amended to read as follows:

(1) Except as otherwise provided in subsection (2) of this section, a hearing under RCW 11.130.275 may not proceed unless the respondent attends the hearing. If it is not reasonably feasible for the respondent to attend a hearing at the location court proceedings typically are held, the court shall make reasonable efforts to hold the hearing at an alternative location convenient to the respondent or allow the respondent to attend the hearing using real-time audio-visual technology.

(2) A hearing under RCW 11.130.275 may proceed without the respondent in attendance if the court finds by clear and convincing evidence that:

(a) The respondent ~~((consistently and repeatedly))~~ has refused to attend the hearing after having been fully informed of the right to attend and the potential consequences of failing to do so; or

(b) There is no practicable way for the respondent to attend and participate in the hearing even with appropriate supportive services and technological assistance.

(3) The respondent may be assisted in a hearing under RCW 11.130.275 by a person or persons of the respondent's choosing, assistive technology, or an interpreter or translator, or a combination of these supports. If assistance would facilitate the respondent's participation in the hearing, but is not otherwise available to the respondent, the court shall make reasonable efforts to provide it.

(4) The respondent has a right to choose an attorney to represent the respondent at a hearing under RCW 11.130.275.

(5) At a hearing held under RCW 11.130.275, the respondent may:

(a) Present evidence and subpoena witnesses and documents;

(b) Examine witnesses, including any court-appointed evaluator and the court visitor; and

(c) Otherwise participate in the hearing.

(6) Unless excused by the court for good cause, a proposed guardian shall attend a hearing under RCW 11.130.275.

(7) A hearing under RCW 11.130.275 must be closed on request of the respondent and a showing of good cause.

(8) Any person may request to participate in a hearing under RCW 11.130.275. The court may grant the request, with or without a hearing, on determining that the best interest of the respondent will be served. The court may impose appropriate conditions on the person's participation.

**Sec. 315.** RCW 11.130.585 and 2019 c 437 s 502 are each amended to read as follows:

(1) After the hearing on a petition under RCW 11.130.270 for a guardianship or under RCW 11.130.580(2) for a protective arrangement instead of guardianship, the court may issue an order under subsection (2) of this section for a protective arrangement instead of guardianship if the court finds by clear and convincing evidence that:

(a) The respondent lacks the ability to meet essential requirements for physical health, safety, or self-care because the respondent is unable to receive and evaluate information or make or communicate decisions, even with appropriate supportive services, technological assistance, or supported decision making; and

(b) The respondent's identified needs cannot be met by a less restrictive alternative.

(2) If the court makes the findings under subsection (1) of this section, the court, instead of appointing a guardian, may:

(a) Authorize or direct a transaction necessary to meet the respondent's need for health, safety, or care, including:

(i) A particular medical treatment or refusal of a particular medical treatment; or

(ii) ~~((A move to a specified place of dwelling; or~~

~~((iii)))~~ Visitation or supervised visitation between the respondent and another person;

(b) Restrict access to the respondent by a specified person whose access places the respondent at serious risk of physical, psychological, or financial harm; and

(c) Reorder other arrangements on a limited basis that are appropriate.

(3) In deciding whether to issue an order under this section, the court shall consider the factors under RCW 11.130.330 and 11.130.335 that a guardian must consider when making a decision on behalf of an adult subject to guardianship.

**Sec. 316.** RCW 11.130.600 and 2019 c 437 s 505 are each amended to read as follows:

(1) All petitions filed under RCW 11.130.595 for ~~((appointment of a guardian for an adult))~~ the establishment of a protective arrangement shall be heard within sixty days unless an extension of time is requested by a party or the court visitor within such sixty-day period and granted for good cause shown.

(2)(a) A copy of a petition under RCW 11.130.580 and notice of a hearing on the petition must be served personally on the respondent and the court visitor appointed under RCW 11.130.605 not more than five court days after the petition under RCW 11.130.595 has been filed.

(b) A copy of a petition under RCW 11.130.580 and notice of a hearing on the petition must be served personally on the respondent and the court visitor appointed under RCW 11.130.605 not more than five court days after the petition under RCW 11.130.595 has been filed. The notice must inform the respondent of the respondent's rights at the hearing, including the right to an attorney and to attend the hearing. The notice must include a description of the nature, purpose, and consequences of granting the petition for a protective arrangement. The court may not grant the petition if notice substantially complying with this subsection is not served on the respondent.

(3) In a proceeding on a petition under RCW 11.130.580, the notice required under subsection (2) of this section must be given to the persons required to be listed in the petition under RCW 11.130.595 (1) through (3) and any other person interested in the respondent's welfare the court determines. Failure to give notice under this subsection does not preclude the court from granting the petition.

(4) After the court has ordered a protective arrangement under this article, notice of a hearing on a petition filed under this chapter, together with a copy of the petition, must be given to the respondent and any other person the court determines.

**Sec. 317.** RCW 11.130.625 and 2019 c 437 s 510 are each amended to read as follows:

The ~~((court))~~ petitioner shall give notice of an order under this article to the individual who is subject to the protective arrangement instead of guardianship or conservatorship, a person whose access to the individual is

restricted by the order, and any other person the court determines.

**Sec. 318.** RCW 11.130.610 and 2019 c 437 s 507 are each amended to read as follows:

(1)(a) The respondent shall have the right to be represented by a willing attorney of their choosing at any stage in protective arrangement proceedings. Any attorney purporting to represent a respondent or person subject to a protective arrangement shall petition the court to be appointed to represent the respondent or person subject to a protective arrangement.

(b) Unless the respondent in a proceeding under this article is represented by an attorney, the court is not required, but may appoint an attorney to represent the respondent, regardless of the respondent's ability to pay, except as provided otherwise in (c) of this subsection.

(c)(i) The court must appoint an attorney to represent the respondent at public expense when either:

(A) The respondent is unable to afford an attorney;

(B) The expense of an attorney would result in substantial hardship to the respondent; or

(C) The respondent does not have practical access to funds with which to pay an attorney. If the respondent can afford an attorney but lacks practical access to funds, the court must provide an attorney and may impose a reimbursement requirement as part of a final order.

(ii) When, in the opinion of the court, the rights and interests of the respondent cannot otherwise be adequately protected and represented, the court on its own motion must appoint an attorney at any time to represent the respondent.

(iii) An attorney must be provided under this subsection (1)(c) as soon as practicable after a petition is filed and long enough before any final hearing to allow adequate time for consultation and preparation. Absent a convincing showing in the record to the contrary, a period of less than three weeks is presumed by a reviewing court to be inadequate time for consultation and preparation.

(2) An attorney representing the respondent in a proceeding under this article shall:

(a) Make reasonable efforts to ascertain the respondent's wishes;

(b) Advocate for the respondent's wishes to the extent reasonably ascertainable; and

(c) If the respondent's wishes are not reasonably ascertainable, advocate for the result that is the least restrictive alternative in type, duration, and scope, consistent with the respondent's interests.

(3) The court is not required, but may appoint an attorney to represent a parent of a minor who is the subject of a proceeding under this article if:

(a) The parent objects to the entry of an order for a protective arrangement instead of guardianship or conservatorship;

(b) The court determines that counsel is needed to ensure that consent to the entry of an order for a protective arrangement is informed; or

(c) The court otherwise determines the parent needs representation.

**Sec. 319.** RCW 11.130.615 and 2019 c 437 s 508 are each amended to read as follows:

(1) ~~((At or before a hearing on a petition under this article for a protective arrangement, the court shall order a professional evaluation of the respondent:~~

~~(a) If the respondent requests the evaluation; or~~

~~(b) In other cases, unless the court finds that it has sufficient information to determine the respondent's needs and abilities without the evaluation.~~

~~(2) If the court orders an evaluation under subsection (1) of this section, the respondent must be examined by a licensed physician, psychologist, social worker, or other individual appointed by the court who is qualified to evaluate the respondent's alleged cognitive and functional abilities and limitations and will not be advantaged or disadvantaged by a decision to grant the petition or otherwise have a conflict of interest. The individual conducting the evaluation promptly shall file a report in a record with the court. Unless otherwise directed by the court, the report must contain:~~

~~(a) A description of the nature, type, and extent of the respondent's cognitive and functional abilities and limitations;~~

~~(b) An evaluation of the respondent's mental and physical condition and, if appropriate, educational potential, adaptive behavior, and social skills;~~

~~(c) A prognosis for improvement, including with regard to the ability to manage the respondent's property and financial affairs if a limitation in that ability is alleged, and recommendation for the appropriate treatment, support, or habilitation plan; and~~

~~(d) The date of the examination on which the report is based.~~

~~(3) The respondent may decline)) On receipt of a petition under RCW 11.130.595 and at the time the court appoints a court visitor under RCW 11.130.605, the court shall order a professional evaluation of the respondent.~~

(2) The respondent must be examined by a physician licensed to practice under chapter 18.71 or 18.57 RCW, psychologist licensed under chapter 18.83 RCW, advanced registered nurse practitioner licensed under chapter 18.79 RCW, or physician assistant licensed under chapter 18.71A RCW selected by the court visitor who is qualified to evaluate the respondent's alleged cognitive and functional abilities and limitations and will not be advantaged or disadvantaged by a decision to grant the petition or otherwise have a conflict of interest. If the respondent opposes the professional selected by the court visitor, the court visitor shall obtain a professional evaluation from the professional selected by the respondent. The court visitor,

after receiving a professional evaluation from the individual selected by the respondent, may obtain a supplemental evaluation from a different professional.

(3) The individual conducting the evaluation shall provide the completed evaluation report to the court visitor within thirty days of the examination of the respondent. The court visitor shall file the report in a sealed record with the court. Unless otherwise directed by the court, the report must contain:

(a) The professional's name, address, education, and experience;

(b) A description of the nature, type, and extent of the respondent's cognitive and functional abilities and limitations;

(c) An evaluation of the respondent's mental and physical condition and, if appropriate, education potential, adaptive behavior, and social skills;

(d) A prognosis for improvement and recommendation for the appropriate treatment, support, or habilitation plan;

(e) A description of the respondent's current medications, and the effect of the medications on the respondent's cognitive and functional abilities;

(f) Identification or persons with whom the professional has met or spoken with regarding the respondent; and

(g) The date of the examination on which the report is based.

(4) If the respondent declines to participate in an evaluation ordered under subsection (1) of this section, the court may proceed with the hearing under RCW 11.130.600 if the court finds that it has sufficient information to determine the respondent's needs and abilities without the professional evaluation.

**Sec. 320.** RCW 11.125.080 and 2019 c 437 s 316 are each amended to read as follows:

(1) In a power of attorney, a principal may nominate a ~~((guardian)) conservator~~ of the ~~((principal's))~~ estate or guardian of the ~~((principal's))~~ person for consideration by the court if protective proceedings for the principal's estate or person are begun after the principal executes the power of attorney. Except for good cause shown or disqualification, the court shall make its appointment in accordance with the principal's most recent nomination.

(2) If, after a principal executes a power of attorney, a court appoints a ~~((guardian of the principal's estate or other fiduciary charged with the management of all of the principal's property, the power of attorney remains in effect subject to the provisions of RCW 11.130.335(1-))~~ conservator of the estate or other fiduciary charged with the management of some or all of the principal's property, the agent is accountable to the fiduciary as well as to the principal. The power of attorney is not terminated and the agent's authority continues, subject to the provisions of RCW 11.130.335(1) and 11.130.435(4), unless limited, suspended, or terminated by the court.

(3) If, after a principal executes a power of attorney ~~((a court appoints a guardian of the principal's estate or other fiduciary charged with the management of some but not all of the principal's property, the power of attorney shall not terminate or be modified, except to the extent ordered by the court-))~~ that includes health care decisions, a court appoints a guardian of the person, the agent is accountable to the fiduciary as well as to the principal. The power of attorney is not terminated and the agent's authority continues, subject to the provisions of RCW 11.130.335(1) and 11.130.435(4), unless limited, suspended, or terminated by the court.

**NEW SECTION. Sec. 321.** A new section is added to chapter 11.130 RCW to read as follows:

This form must be used to notify an adult respondent of the respondent's rights that could be restricted if a guardianship petition under RCW 11.130.270 or a conservatorship petition under RCW 11.130.365 is granted.

#### IMPORTANT NOTICE

#### PLEASE READ CAREFULLY

A petition to have a guardian or conservator appointed for you has been filed in the . . . county superior court by . . . If a guardian or conservator is appointed, you could lose one or more of the following rights:

- (1) To marry, divorce, or enter into or end a state registered domestic partnership;
- (2) To vote or hold an elected office;
- (3) To enter into a contract or make or revoke a will;
- (4) To appoint someone to act on your behalf;
- (5) To sue and be sued other than through a guardian;
- (6) To possess a license to drive;
- (7) To buy, sell, own, mortgage, or lease property;
- (8) To consent to or refuse medical treatment;
- (9) To decide who shall provide care and assistance;
- (10) To make decisions regarding social aspects of your life.

Under the law, you have certain rights.

You have the right to be represented by a lawyer of your own choosing. The court will appoint a lawyer to represent you if you are unable to pay or payment would result in a substantial hardship to you.

You have the right to ask for a jury trial on the issue of capacity.

You have the right to be present in court and testify when the hearing is held to decide whether or not you need a guardian or conservator. If a court visitor is appointed, you have the right to request the court to replace that person.

You have the right to ask the court to establish a protective arrangement instead of a guardianship or conservatorship.

#### PART IV

## OFFICE OF PUBLIC GUARDIANSHIP

**Sec. 401.** RCW 2.72.005 and 2019 c 215 s 1 are each amended to read as follows:

(1) In establishing an office of public guardianship and conservatorship, the legislature intends to promote the availability of guardianship, conservatorship, and alternate services that provide support for decision making for individuals who need them and for whom adequate services may otherwise be unavailable. The legislature reaffirms its commitment to treat liberty and autonomy as paramount values for all Washington residents and to authorize public guardianship and conservatorship only to the minimum extent necessary to provide for health or safety, or to manage financial affairs, when the legal conditions for appointment of a guardian or conservator are met. It does not intend to alter those legal conditions or to expand judicial authority to determine that any individual ~~((is incapacitated))~~ may be subject to guardianship or conservatorship.

(2) The legislature further recognizes that ~~((services that support))~~ decision making assistance for people who have limited capacity can preserve individual liberty and provide effective support responsive to individual needs and wishes. The legislature also recognizes that these services may be less expensive than guardianship and conservatorship for the state, the courts, and for individuals with limited capacity and their families.

**Sec. 402.** RCW 2.72.010 and 2019 c 215 s 2 are each reenacted and amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) ~~((“Attorney in fact” means an agent authorized by an individual to act on his or her behalf pursuant to a power of attorney.))~~ “Agent” means a person granted authority to act for a principal under a power of attorney.

(2) “Contract service provider” means a public guardian or public conservator providing services under contract with the office of public guardianship and conservatorship. Any public guardian or public conservator providing such services must be certified by the certified professional guardian board established by the supreme court.

(3) “Estate administration” means services provided for a fee to the estate of an individual who died at age eighteen or older, in circumstances where a contract service provider is granted letters under RCW 11.28.120(7).

(4) “Long-term care services” means services provided through the department of social and health services either in a hospital or skilled nursing facility, or in another setting under a home and community-based waiver authorized under 42 U.S.C. Sec. 1396n.

~~((3))~~ (5) “Office” means the office of public guardianship and conservatorship.

~~((4))~~ (6) “Public conservator” means an individual or entity appointed by a court to make decisions with respect to property or financial affairs of an individual subject to conservatorship, and who provides these services under

contract with the office of public guardianship and conservatorship.

(7) “Public guardian” means an individual or entity ~~((providing public guardianship services))~~ appointed by the court to make decisions with respect to the personal affairs of an individual, and who provides these services under contract with the office of public guardianship and conservatorship.

~~((5))~~ “Public guardianship services” means the services provided by a guardian or limited guardian appointed under chapters 11.88 and 11.92 RCW, who is compensated under a contract with the office of public guardianship.

~~((6))~~ (8) “Representative payee” means the designated agent for a recipient of government benefits whom a government agency has determined to be incapable of managing his or her benefits.

~~((7))~~ “Supported decision-making” (9) “Decision-making assistance” means support for an individual with diminished decision-making ability in making decisions affecting health or safety or to manage financial affairs. Assistance includes, without limitation, acting as a representative payee, an ~~((attorney in fact))~~ agent, a trustee, ~~((or))~~ a public guardian, or a public conservator.

~~((8))~~ (10) “Trustee” means a person or organization named in a trust agreement to handle trust property for the benefit of one or more beneficiaries in accordance with the terms of the agreement.

**Sec. 403.** RCW 2.72.020 and 2019 c 215 s 3 are each amended to read as follows:

(1) There is created an office of public guardianship and conservatorship within the administrative office of the courts.

(2) The supreme court shall appoint a public guardianship and conservatorship administrator to establish and administer a public guardianship, public conservatorship, ~~((supported))~~ decision-making assistance, and estate administration program in the office of public guardianship and conservatorship. The public guardianship and conservatorship administrator serves at the pleasure of the supreme court.

**Sec. 404.** RCW 2.72.030 and 2019 c 215 s 4 are each amended to read as follows:

The public guardianship and conservatorship administrator is authorized to establish and administer a public guardianship, public conservatorship, ~~((supported))~~ decision-making assistance, and estate administration program as follows:

(1)(a) The office shall contract with ~~((public or private entities or individuals to provide:~~

~~((i) Public guardianship, supported decision-making assistance, and estate administration services to))~~ certified professional guardians and conservators or certified professional guardian and conservator agencies to provide public guardianship, public conservatorship, decision-



making assistance, and estate administration services to persons age eighteen or older whose income does not exceed two hundred percent of the federal poverty level determined annually by the United States department of health and human services or who are receiving long-term care services through the Washington state department of social and health services((;

~~((ii) Supported decision-making services for a fee to persons age eighteen or older)),~~ when there is no one else qualified who is willing and able to serve((; and

~~((iii) Estate administration services for a fee to the estate of an individual who died at age eighteen or older, in circumstances where a service provider under contract with the office of public guardianship is granted letters under RCW 11.28.120(7)).~~

(b) Neither the public guardianship and conservatorship administrator nor the office may act as public guardian or ~~((limited guardian))~~ conservator or act in any other representative capacity for any individual.

(c) The primary function of the office is to contract for public guardianship, public conservatorship, ~~((supported))~~ decision-making assistance, and estate administration services that are provided in a manner consistent with the requirements of this chapter. The office is subject to audit by the state auditor.

(d) Public guardianship, public conservatorship, ~~((supported))~~ decision-making assistance, and estate administration service contracts are dependent upon legislative appropriation. This chapter does not create an entitlement.

(2) The office shall adopt and maintain eligibility criteria to enable it to serve individuals with the greatest need when the number of cases in which courts propose to appoint a public guardian or conservator exceeds the number of cases in which ~~((public guardianship and supported decision-making assistance))~~ services can be provided. In adopting such criteria, the office may consider factors including, but not limited to, the following: Whether an individual with diminished decision-making ability is at significant risk of harm from abuse, exploitation, abandonment, neglect, or self-neglect; and whether an individual with diminished decision-making ability is in imminent danger of loss or significant reduction in public services that are necessary for the individual to live successfully in the most integrated and least restrictive environment that is appropriate in light of the individual's needs and values.

(3) The office shall adopt minimum standards of practice for public guardians, public conservators, and other contract service providers providing public guardianship, public conservatorship, ~~((supported))~~ decision-making assistance, and estate administration services. ~~((Any public guardian providing such public guardianship services must be certified by the certified professional guardian board established by the supreme court.))~~

(4) The office shall require a public guardian or conservator to visit each ~~((incapacitated person))~~ individual

subject to guardianship or conservatorship for which public guardianship or conservatorship services are provided no less than monthly to be eligible for compensation.

(5) The office shall not petition for appointment of a public guardian or conservator for any individual. It may develop a proposal for the legislature to make affordable legal assistance available to petition for guardianships or conservatorships.

(6) The office shall develop and adopt a case-weighting system designed to balance the increasing need for access to guardianship and conservatorship services, while effectively managing public guardian and conservator caseloads and providing appropriate supports for individuals on that caseload.

(a) The standard caseload limit for a contract service provider must be no more than twenty ~~((incapacitated))~~ persons placed under a guardianship per certified professional guardian or conservator. The office may authorize adjustments to the standard caseload limit on a case-by-case basis, and payment for services to a contract service provider that serves more than twenty ~~((incapacitated))~~ persons placed under a guardianship per professional guardian or conservator is subject to review by the office. In evaluating caseload size, the office shall consider the expected activities, time, and demands involved, as well as the available support for each case.

(b) ~~((Caseload))~~ Adjusted caseload limits must not exceed thirty-six cases. The office shall not authorize payment for services for any contract service provider that fails to comply with the ~~((standard))~~ adjusted caseload limit guidelines.

(c) The office shall develop case-weighting guidelines to include a process for adjusting caseload limits, relevant policies and procedures, and recommendations for changes in court rules which may be appropriate for the implementation of the system.

(d) By December 1, 2019, the office must submit to the legislature a report detailing the final case-weighting system and guidelines, and implementation progress and recommendations. The report must be made available to the public.

(e) The administrative office of the courts shall notify the superior courts of the policies contained in the final case-weighting system.

(7) The office shall monitor and oversee the use of state funding to ensure compliance with this chapter.

(8) The office shall collect uniform and consistent basic data elements regarding service delivery. This data shall be made available to the legislature and supreme court in a format that is not identifiable by individual ~~((incapacitated person))~~ subject to guardianship or conservatorship to protect confidentiality.

(9) The office shall require contract service providers to seek reimbursement of fees from program clients who are receiving long-term care services through the department of social and health services to the extent, and only to the

extent, that such reimbursement may be paid, consistent with an order of the superior court, from income that would otherwise be required by the department to be paid toward the cost of the client's care. Fees reimbursed shall be remitted by the contract service provider to the office unless a different disposition is directed by the public guardianship and conservatorship administrator.

(10) Fees may be collected from the estate when the ~~((decendant's))~~ decendent's income prior to death exceeded two hundred percent of the federal poverty level, determined annually by the United States department of health and human services, based on a fee schedule established by the office that must be published annually.

(11) The office shall require public ~~((guardianship providers))~~ guardians or conservators to certify annually that for each individual served they have reviewed the need for continued public guardianship ~~((services))~~ or conservatorship and the appropriateness of limiting, or further limiting, the authority of the public guardian or conservator under the applicable ~~((guardianship))~~ order, and that where termination or modification of a guardianship or conservatorship order appears warranted, the superior court has been asked to take the corresponding action.

(12) The office shall adopt a process for receipt and consideration of and response to complaints against the office and ~~((contracted))~~ contract service providers of public guardianship, public conservatorship, ~~((supported))~~ decision-making assistance, and estate administration ~~((services))~~. The process shall include investigation in cases in which investigation appears warranted in the judgment of the administrator.

(13) The office shall develop standardized forms and reporting instruments that may include, but are not limited to, intake, initial assessment, guardianship care plan, decisional accounting, staff time logs, changes in condition or abilities of an ~~((incapacitated person))~~ individual subject to guardianship or conservatorship, and values history. The office shall collect and analyze the data gathered from these reports.

(14) The office shall identify training needs for contract service providers it contracts with, and shall make recommendations to the supreme court, the certified professional guardian board, and the legislature for improvements in training. The office may offer training to individuals providing services pursuant to this chapter, to individuals who, in the judgment of the administrator or the administrator's designee, are likely to provide such services in the future, to lay guardians or conservators, and to the family and friends of individuals subject to guardianship or conservatorship.

(15) The office shall establish a system for monitoring the performance of contract service providers, and office staff shall make in-home visits to a randomly selected sample of public guardianship, public conservatorship, and ~~((supported))~~ decision-making assistance clients. The office may conduct further monitoring, including in-home visits, as the administrator deems appropriate. For monitoring purposes, office staff shall have access to any information relating to a public guardianship, public conservatorship,

~~((supported))~~ decision-making assistance, and estate administration client that is available to the guardian or conservator.

**Sec. 405.** RCW 11.28.120 and 2019 c 215 s 5 are each amended to read as follows:

Administration of an estate if the decedent died intestate or if the personal representative or representatives named in the will declined or were unable to serve shall be granted to some one or more of the persons hereinafter mentioned, and they shall be respectively entitled in the following order:

(1) The surviving spouse or state registered domestic partner, or such person as he or she may request to have appointed.

(2) The next of kin in the following order: (a) Child or children; (b) father or mother; (c) brothers or sisters; (d) grandchildren; (e) nephews or nieces.

(3) The trustee named by the decedent in an inter vivos trust instrument, testamentary trustee named in the will, guardian ~~((of the person or estate))~~ of the decedent, conservator of the decedent, or ~~((attorney in fact))~~ an agent named in a durable power of attorney appointed by the decedent, if any such a fiduciary controlled or potentially controlled substantially all of the decedent's probate and nonprobate assets.

(4) One or more of the beneficiaries or transferees of the decedent's probate or nonprobate assets.

(5)(a) The director of revenue, or the director's designee, for those estates having property subject to the provisions of chapter 11.08 RCW; however, the director may waive this right.

(b) The secretary of the department of social and health services for those estates owing debts for long-term care services as defined in RCW 74.39A.008; however the secretary may waive this right.

(6) One or more of the principal creditors.

(7) If the persons so entitled shall fail for more than forty days after the death of the decedent to present a petition for letters of administration, or if it appears to the satisfaction of the court that there is no next of kin, as above specified eligible to appointment, or they waive their right, and there are no principal creditor or creditors, or such creditor or creditors waive their right, then the court may appoint a contract service provider ~~((under contract))~~ with the office of public guardianship and conservatorship under chapter 2.72 RCW or any suitable person to administer such estate.

## PART V

### UNIFORM ADULT GUARDIANSHIP AND PROTECTIVE PROCEEDINGS ACT

**Sec. 501.** RCW 11.90.020 and 2009 c 81 s 2 are each amended to read as follows:

In this chapter:

(1) "Adult" means an individual who has attained eighteen years of age.

(2) (~~("Guardian of the estate")~~) "Conservator" means a person appointed by the court to administer the property of an adult, including a person appointed under chapter 11.130 RCW, and includes a conservator appointed by the court in another state.

(3) (~~("Guardian of the person" or "guardian")~~) "Guardian" means a person appointed by the court to make decisions regarding the person of an adult, including a person appointed under chapter 11.130 RCW, and includes a guardian appointed by the court in another state.

(4) "Guardianship order" means an order appointing a guardian (~~(of the person or guardian of the estate)~~).

(5) "Guardianship proceeding" means a judicial proceeding in which an order for the appointment of a guardian (~~(of the person or guardian of the estate)~~) is sought or has been issued.

(6) (~~("Incapacitated person" means an adult for whom a guardian of the person or guardian of the estate has been appointed.~~)

~~(7))~~ "Party" means the respondent, petitioner, guardian (~~(of the person or guardian of the estate)~~), conservator, or any other person allowed by the court to participate in a guardianship or protective proceeding.

~~((8))~~ (7) "Person," except in the term (~~(incapacitated)~~) person under a guardianship, person under a conservatorship, or protected person, means an individual, corporation, business trust, estate, trust, partnership, limited liability company, association, joint venture, public corporation, government or governmental subdivision, agency, or instrumentality, or any other legal or commercial entity.

(8) "Person subject to a guardianship" means an adult for whom a guardian has been appointed.

(9) "Protected person" means an adult for whom a protective order has been issued.

(10) "Protective order" means an order appointing a (~~(guardian of the estate)~~) conservator or other order related to management of an adult's property (~~(including an order issued by a court in another state appointing a conservator)~~).

(11) "Protective proceeding" means a judicial proceeding in which a protective order is sought or has been issued.

(12) "Record" means information that is inscribed on a tangible medium or that is stored in an electronic or other medium and is retrievable in perceivable form.

(13) "Respondent" means an adult for whom a protective order or the appointment of a guardian (~~(of the person)~~) is sought.

(14) "State" means a state of the United States, the District of Columbia, Puerto Rico, the United States Virgin Islands, a federally recognized Indian tribe, or any territory

or insular possession subject to the jurisdiction of the United States.

**Sec. 502.** RCW 11.90.230 and 2009 c 81 s 10 are each amended to read as follows:

(1) A court of this state lacking jurisdiction under RCW 11.90.220 has special jurisdiction to do any of the following:

(a) (~~(In an emergency, process a petition under RCW 11.88.090 for appointment of a guardian for a respondent who is physically present in this state, for a term not exceeding ninety days;)~~) Appoint a guardian in an emergency for a term not exceeding sixty days for a respondent who is physically present in this state;

(b) Issue a protective order with respect to (~~(a respondent's)~~) real or tangible personal property located in this state if a petition for appointment of a guardian or a conservator for the respondent is pending or has been approved in another state;

(c) Appoint a guardian (~~(of the person or guardian of the estate)~~) or conservator for ((an incapacitated)) a person under a guardianship, person under a conservatorship, or protected person for whom a provisional order to transfer the proceeding from another state has been issued under procedures similar to RCW 11.90.400.

(2) If a petition for the appointment of a guardian in an emergency is brought in this state and this state was not the respondent's home state on the date the petition was filed, the court shall dismiss the proceeding at the request of the court of the home state, if any, whether dismissal is requested before or after the emergency appointment.

**Sec. 503.** RCW 11.90.250 and 2009 c 81 s 12 are each amended to read as follows:

(1) A court of this state having jurisdiction under RCW 11.90.220 to appoint a guardian or issue a protective order may decline to exercise its jurisdiction if it determines at any time that a court of another state is a more appropriate forum.

(2) If a court of this state declines to exercise its jurisdiction under subsection (1) of this section, it shall either dismiss or stay the proceeding. The court may impose any condition the court considers just and proper, including the condition that a petition for the appointment of a guardian or issuance of a protective order be filed promptly in another state.

(3) In determining whether it is an appropriate forum, the court shall consider all relevant factors, including:

(a) Any expressed preference of the respondent;

(b) Whether abuse, neglect, or exploitation of the respondent has occurred or is likely to occur and which state could best protect the respondent from the abuse, neglect, or exploitation;

(c) The length of time the respondent was physically present in or was a legal resident of this or another state;

(d) The distance of the respondent from the court in each state;

(e) The financial circumstances of the respondent's estate;

(f) The nature and location of the evidence;

(g) The ability of the court in each state to decide the issue expeditiously and the procedures necessary to present evidence;

(h) The familiarity of the court of each state with the facts and issues in the proceeding; and

(i) If an appointment were made, the court's ability to monitor the conduct of the guardian ~~((of the person or guardian of the estate))~~ or conservator.

**Sec. 504.** RCW 11.90.400 and 2009 c 81 s 16 are each amended to read as follows:

(1) A guardian ~~((of the person or guardian of the estate))~~ or conservator appointed in this state may petition the court to transfer the guardianship or conservatorship to another state.

(2) Notice of a petition under subsection (1) of this section must be given to the persons that would be entitled to notice of a petition in this state for the appointment of a guardian ~~((of the person or guardian of the estate))~~ or conservator.

(3) On the court's own motion or on request of the guardian ~~((of the person or guardian of the estate))~~ or conservator, the ~~((incapacitated))~~ person under a guardianship, person under a conservatorship, or protected person, or other person required to be notified of the petition, the court shall hold a hearing on a petition filed pursuant to subsection (1) of this section.

(4) The court shall issue an order provisionally granting a petition to transfer a guardianship and shall direct the guardian ~~((of the person or guardian of the estate))~~ to petition for guardianship in the other state if the court is satisfied that the guardianship will be accepted by the court in the other state and the court finds that:

(a) The ~~((incapacitated))~~ person under a guardianship is physically present in or is reasonably expected to move permanently to the other state;

(b) An objection to the transfer has not been made or, if an objection has been made, the objector has not established that the transfer would be contrary to the interests of the ~~((incapacitated))~~ person under a guardianship; and

(c) Plans for care and services for the ~~((incapacitated))~~ person under a guardianship in the other state are reasonable and sufficient.

(5) The court shall issue a provisional order granting a petition to transfer a ~~((guardianship of the estate))~~ conservatorship and shall direct the ~~((guardian of the estate))~~ conservator to petition for ~~((guardianship of the estate or))~~ conservatorship in the other state if the court is satisfied that the ~~((guardianship of the estate))~~ conservatorship will be accepted by the court of the other state and the court finds that:

(a) The protected person is physically present in or is reasonably expected to move permanently to the other state, or the protected person has a significant connection to the other state considering the factors in RCW 11.90.200(2);

(b) An objection to the transfer has not been made or, if an objection has been made, the objector has not established that the transfer would be contrary to the interests of the protected person; and

(c) Adequate arrangements will be made for management of the protected person's property.

(6) The court shall issue a final order confirming the transfer and terminating the guardianship ~~((of the person or guardianship of the estate))~~ or conservatorship upon its receipt of:

(a) A provisional order accepting the proceeding from the court to which the proceeding is to be transferred which is issued under provisions similar to RCW 11.90.410; and

(b) The documents required to terminate a guardianship ~~((of the person or guardianship of the estate))~~ or conservatorship in this state.

**Sec. 505.** RCW 11.90.410 and 2009 c 81 s 17 are each amended to read as follows:

(1) To confirm transfer of a guardianship or conservatorship transferred to this state under provisions similar to RCW 11.90.400, the guardian or conservator must petition the court in this state to accept the guardianship or conservatorship. The petition must include a certified copy of the other state's provisional order of transfer.

(2) Notice of a petition under subsection (1) of this section must be given to those persons that would be entitled to notice if the petition were a petition for the appointment of a guardian or issuance of a protective order in both the transferring state and this state. The notice must be given in the same manner as notice is required to be given in this state.

(3) On the court's own motion or on request of the guardian or conservator, the ~~((incapacitated))~~ person under a guardianship, person under a conservatorship, or protected person, or other person required to be notified of the proceeding, the court shall hold a hearing on a petition filed pursuant to subsection (1) of this section.

(4) The court shall issue an order provisionally granting a petition filed under subsection (1) of this section unless:

(a) An objection is made and the objector establishes that transfer of the proceeding would be contrary to the interests of the ~~((incapacitated))~~ person under a guardianship, person under a conservatorship, or protected person; or

(b) The guardian or conservator is ineligible for appointment in this state.

(5) The court shall issue a final order accepting the proceeding and appointing the guardian or conservator as guardian ~~((of the person or guardian of the estate))~~ or conservator in this state upon its receipt from the court from

which the proceeding is being transferred of a final order issued under provisions similar to RCW 11.90.400 transferring the proceeding to this state.

(6) Not later than ninety days after issuance of a final order accepting transfer of a guardianship or conservatorship, the court shall determine whether the guardianship ~~((of the person or guardianship of the estate))~~ or conservatorship needs to be modified to conform to the law of this state.

(7) In granting a petition under this section, the court shall recognize a guardianship or conservatorship order from the other state, including the determination of the ~~((incapacitated))~~ person under a guardianship, person under a conservatorship, or protected person's incapacity and the appointment of the guardian or conservator.

(8) The denial by a court of this state of a petition to accept a guardianship or conservatorship transferred from another state does not affect the ability of the guardian or conservator to seek appointment as guardian or ~~((guardian of the estate))~~ conservator in this state if the court has jurisdiction to make an appointment other than by reason of the provisional order of transfer.

## PART VI

### SUPPORTED DECISION-MAKING AGREEMENTS

NEW SECTION. Sec. 601. DEFINITIONS. The definitions in this section apply throughout this section and sections 602 through 612 of this act unless the context clearly requires otherwise.

(1) "Disability" means, with respect to an individual, a physical or mental impairment that substantially limits one or more major life activities.

(2) "Supported decision-making agreement" is an agreement between an adult with a disability and one or more supporters entered into under this chapter.

(3) "Supporter" means an adult who has entered into a supported decision-making agreement with an adult with a disability.

NEW SECTION. Sec. 602. PURPOSE. The purpose of sections 601 through 612 of this act is to recognize a less restrictive alternative to guardianship for adults with disabilities who need assistance with decisions regarding daily living.

NEW SECTION. Sec. 603. PRESUMPTION OF CAPACITY. (1) All adults are presumed to be capable of managing their affairs.

(2) The manner in which an adult communicates with others is not grounds for deciding that the adult is incapable of managing the adult's affairs.

(3) Execution of a supported decision-making agreement may not be used as evidence for the petition or appointment of a guardianship or conservatorship under this chapter, and does not preclude the ability of the adult who has entered into such an agreement to act independently of the agreement.

NEW SECTION. Sec. 604. SCOPE OF SUPPORTED DECISION-MAKING AGREEMENT. An adult with a disability may voluntarily, without undue influence or coercion, enter into a supported decision-making agreement with a supporter under which the adult with a disability authorizes the supporter to do any or all of the following:

(1) Provide supported decision-making, including assistance in understanding the options, responsibilities, and consequences of the adult's life decisions, without making those decisions on behalf of the adult with a disability;

(2) Assist the adult in accessing, collecting, and obtaining information that is relevant to a given life decision, including medical, psychological, financial, educational, or treatment records, from any person;

(3) Assist the adult with a disability in understanding the information described in subsection (2) of this section; and

(4) Assist the adult in communicating the adult's decisions to appropriate persons.

NEW SECTION. Sec. 605. AUTHORITY OF SUPPORTER. A supporter may exercise the authority granted to the supporter in the supported decision-making agreement.

NEW SECTION. Sec. 606. TERM OF AGREEMENT. (1) Except as provided by subsection (2) of this section, the supported decision-making agreement extends until terminated by either party or by the terms of the agreement.

(2) The supported decision-making agreement is terminated if:

(a) The department of social and health services finds that the adult with a disability has been abused, neglected, or exploited by the supporter;

(b) The supporter is found criminally liable for conduct described in (a) of this subsection;

(c) The person with a disability gives notice to the supporter orally, in writing, through an assistive technology device, or by any other means or act showing a specific intent to terminate the agreement; or

(d) The supporter provides written notice of the supporter's resignation to the person with a disability. If a supported decision-making agreement includes more than one supporter, each supporter can terminate the agreement only as to that supporter.

NEW SECTION. Sec. 607. DISQUALIFICATION OF SUPPORTER. The following are disqualified from acting as a supporter:

(1) A person who is an employer or employee of the adult with a disability, unless the person is an immediate family member of the adult with a disability;

(2) A person directly providing paid support services to the adult with a disability, unless the person is an immediate family member of the adult with a disability; and

(3) An individual against whom the person with a disability has obtained an order of protection from abuse, or an individual who is the subject of a civil or criminal order prohibiting contact with the adult with a disability.

**NEW SECTION. Sec. 608. ACCESS TO PERSONAL INFORMATION.** (1) A supporter is only authorized to assist the adult with a disability in accessing, collecting, or obtaining information that is relevant to a decision authorized under the supported decision-making agreement.

(2) If a supporter assists an adult with a disability in accessing, collecting, or obtaining personal information, including protected health information under the federal health insurance portability and accountability act of 1996, P.L. 104-191, or educational records under the federal family educational rights and privacy act of 1974, 20 U.S.C. Sec. 1232g, the supporter shall ensure the information is kept privileged and confidential, as applicable, and is not subject to unauthorized access, use, or disclosure.

(3) The existence of a supported decision-making agreement does not preclude an adult with a disability from seeking personal information without the assistance of a supporter.

**NEW SECTION. Sec. 609. AUTHORIZING AND WITNESSING OF SUPPORTED DECISION-MAKING AGREEMENT.** (1) A supported decision-making agreement must be in writing, dated, and signed voluntarily, without coercion or undue influence, by the adult with a disability and the supporter in the presence of two or more subscribing witnesses or a notary public.

(2) If signed before two witnesses, the attesting witnesses must be at least eighteen years of age.

(3) The witnesses required by subsection (1) of this section may not be any of the following:

- (a) A supporter for the person with a disability;
- (b) An employee or agent of a supporter named in the supported decision-making agreement;
- (c) A paid provider of services to the person with a disability; or
- (d) Any person who does not understand the type of communication the person with a disability uses, unless an individual who understands the person with a disability's means of communication is present to assist during the execution of the supported decision-making agreement.

**NEW SECTION. Sec. 610. FORM OF SUPPORTED DECISION-MAKING AGREEMENT.** (1) Subject to subsection (2) of this section, a supported decision-making agreement is valid only if it is in substantially the following form:

#### SUPPORTED DECISION-MAKING AGREEMENT

##### Appointment of Supporter

I, ..... (name of supported adult), make this agreement of my own free will.

I agree and designate that:

Name: ..... (name of supporter)

Address: ..... (address of supporter)

Phone Number: ..... (phone number of supporter)

Email Address: ..... (email address of supporter)

is my supporter.

My supporter may help me with making everyday life decisions relating to the following:

(Y/N) Obtaining food, clothing, and shelter.

(Y/N) Taking care of my health.

(Y/N) Managing my financial affairs.

(Y/N) Other matters: ..... (specify).

My supporter is not allowed to make decisions for me. To help me with my decisions, my supporter may:

1. Help me access, collect, or obtain information that is relevant to a decision, including medical, psychological, financial, educational, or treatment records;

2. Help me understand my options so I can make an informed decision; and

3. Help me communicate my decision to appropriate persons.

(Y/N) A release allowing my supporter to see protected health information under the Health Insurance Portability and Accountability Act of 1996, P.L. 104-191, is attached.

(Y/N) A release allowing my supporter to see educational records under the Family Educational Rights and Privacy Act of 1974, 20 U.S.C. Sec. 1232g, is attached.

Effective Date of Supported Decision-Making Agreement

This supported decision-making agreement is effective immediately and will continue until ..... (insert date) or until the agreement is terminated by my supporter or me or by operation of law.

Signed this ..... (day) day of ..... (month), ..... (year)

Consent of Supporter

I, ..... (name of supporter), acknowledge my responsibilities and consent to act as a supporter under this agreement.

(Signature of supporter)

(Printed name of supporter)

Supporter

(Signature of supported adult)

(Printed name of supported adult)

Supported Adult

(Signature of witness 1)

(Printed name of witness 1)

Witness 1

(Signature of witness 2)

(Printed name of witness 2)

Witness 2

State of .....

County of .....

This record was acknowledged before me on ..... (date)  
by ..... (name(s) of individuals).

.....

(Signature of notary public)

(Stamp)

.....

(Title of office)

My commission expires:

.....

(Date)

**WARNING: PROTECTION FOR VULNERABLE ADULTS AS DEFINED UNDER CHAPTER 74.34 RCW.**

IF A PERSON WHO RECEIVES A COPY OF THIS AGREEMENT OR IS AWARE OF THE EXISTENCE OF THIS AGREEMENT HAS CAUSE TO BELIEVE THAT A VULNERABLE ADULT IS BEING ABUSED, ABANDONED, NEGLECTED (INCLUDING SELF-NEGLECT), OR PERSONALLY OR FINANCIALLY EXPLOITED BY THE SUPPORTER, THE PERSON SHALL REPORT THE ALLEGED ABUSE, ABANDONMENT, NEGLECT, SELF-NEGLECT, OR PERSONAL OR FINANCIAL EXPLOITATION TO THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES BY CALLING THE ABUSE HOTLINE AT 1-800-END-HARM.

(2) A supported decision-making agreement may be in any form not inconsistent with subsection (1) of this section and the other requirements of this chapter.

**NEW SECTION. Sec. 611. RELIANCE ON AGREEMENT—LIMITATION OF LIABILITY.** (1) A person who receives the original or a copy of a supported decision-making agreement shall rely on the agreement.

(2) A person is not subject to criminal or civil liability and has not engaged in professional misconduct for an act or omission if the act or omission is done in good faith and in reliance on a supported decision-making agreement.

**NEW SECTION. Sec. 612. REPORTING OF SUSPECTED ABUSE, ABANDONMENT, NEGLECT (INCLUDING SELF-NEGLECT), OR PERSONAL OR FINANCIAL EXPLOITATION.** If a person who receives a copy of a supported decision-making agreement or is aware of the existence of a supported decision-making agreement has cause to believe that a vulnerable adult as defined in

RCW 74.34.020 is being abused, abandoned, neglected (including self-neglect), or personally or financially exploited by the supporter, the person shall make a report to the department of social and health services, except where the person is exempted from the requirements to report abuse due to a confidential relationship recognized in statute, regulation, or professional standards.

## PART VII

### TECHNICAL CORRECTIONS

**Sec. 701.** RCW 2.56.150 and 2005 c 282 s 9 are each amended to read as follows:

(1) The administrator for the courts shall review the advisability and feasibility of the statewide mandatory use of court-appointed special advocates as described in RCW 26.12.175 to act as guardians ad litem in appropriate cases under Titles 13 and 26 RCW. The review must explore the feasibility of obtaining various sources of private and public funding to implement statewide mandatory use of court-appointed special advocates, such as grants and donations, instead of or in combination with raising court fees or assessments.

(2) The administrator shall also conduct a study on the feasibility and desirability of requiring all persons who act as guardians ad litem or court visitors under Titles 11, 13, and 26 RCW to be certified as qualified guardians ad litem or court visitors prior to their eligibility for appointment.

(3) In conducting the review and study the administrator shall consult with: (a) The presidents or directors of all public benefit nonprofit corporations that are eligible to receive state funds under RCW 43.330.135; (b) the attorney general, or a designee; (c) the secretary of the department of social and health services, or a designee; (d) the superior court judges' association; (e) the Washington state bar association; (f) public defenders who represent children under Title 13 or 26 RCW; (g) private attorneys who represent parents under Title 13 or 26 RCW; (h) professionals who evaluate families for the purposes of determining the custody or placement decisions of children; (i) the office of financial management; (j) persons who act as volunteer or compensated guardians ad litem; and (k) parents who have dealt with guardians ad litem or court visitors in court cases. For the purposes of studying the feasibility of a certification requirement for guardians ad litem acting under Title 11 RCW the administrator shall consult with the advisory group formed under RCW ~~((41.88.090))~~ 11.130.155.

(4) The administrator shall also conduct a review of problems and concerns about the role of guardians ad litem in actions under Titles 11, 13, and 26 RCW and recommend alternatives to strengthen judicial oversight of guardians ad litem or court visitors and ensure fairness and impartiality of the process. The administrator must accept and obtain comments from parties designated in subsection (3) of this section.

**Sec. 702.** RCW 4.16.190 and 2006 c 8 s 303 are each amended to read as follows:

(1) Unless otherwise provided in this section, if a person entitled to bring an action mentioned in this chapter, except for a penalty or forfeiture, or against a sheriff or other officer, for an escape, be at the time the cause of action accrued either under the age of eighteen years, or incompetent or disabled to such a degree that he or she cannot understand the nature of the proceedings, such incompetency or disability as determined according to chapter ~~((11.88))~~ 11.130 RCW, or imprisoned on a criminal charge prior to sentencing, the time of such disability shall not be a part of the time limited for the commencement of action.

(2) Subsection (1) of this section with respect to a person under the age of eighteen years does not apply to the time limited for the commencement of an action under RCW 4.16.350.

**Sec. 703.** RCW 7.28.090 and 1977 ex.s. c 80 s 7 are each amended to read as follows:

RCW 7.28.070 and 7.28.080 shall not extend to lands or tenements owned by the United States or this state, nor to school lands, nor to lands held for any public purpose. Nor shall they extend to lands or tenements when there shall be an adverse title to such lands or tenements, and the holder of such adverse title is a person under eighteen years of age, or ~~((incompetent within the meaning of RCW 11.88.010: PROVIDED, Such))~~ has been placed under a guardianship under RCW 11.130.265 or has been placed under a conservatorship under RCW 11.130.360. However, such persons as aforesaid shall commence an action to recover such lands or tenements so possessed as aforesaid, within three years after the several disabilities herein enumerated shall cease to exist, and shall prosecute such action to judgment, or in case of vacant and unoccupied land shall, within the time last aforesaid, pay to the person or persons who have paid the same for his or her betterments, and the taxes, with interest on said taxes at the legal rate per annum that have been paid on said vacant and unimproved land.

**Sec. 704.** RCW 7.36.020 and 2008 c 6 s 801 are each amended to read as follows:

Writs of habeas corpus shall be granted in favor of parents, guardians, limited guardians where appropriate, spouses or domestic partners, and next of kin, and to enforce the rights, and for the protection of ~~((infants and incompetent or disabled persons within the meaning of RCW 11.88.010))~~ minors and persons who have been placed under a guardianship under RCW 11.130.265 or under a conservatorship under RCW 11.130.360; and the proceedings shall in all cases conform to the provisions of this chapter.

**Sec. 705.** RCW 7.70.065 and 2019 c 232 s 8 and 2019 c 209 s 1 are each reenacted and amended to read as follows:

(1) Informed consent for health care for a patient who is ~~((not competent, as defined in RCW 11.88.010(1)(e)))~~ a minor or, to consent may be obtained from a person authorized to consent on behalf of such patient.

(a) Persons authorized to provide informed consent to health care on behalf of a patient who ~~((is not competent to~~

~~consent, based upon a reason other than incapacity as defined in RCW 11.88.010(1)(d)))~~ has been placed under a guardianship under RCW 11.130.265 a minor or, shall be a member of one of the following classes of persons in the following order of priority:

- (i) The appointed guardian of the patient, if any;
- (ii) The individual, if any, to whom the patient has given a durable power of attorney that encompasses the authority to make health care decisions;
- (iii) The patient's spouse or state registered domestic partner;
- (iv) Children of the patient who are at least eighteen years of age;
- (v) Parents of the patient;
- (vi) Adult brothers and sisters of the patient;
- (vii) Adult grandchildren of the patient who are familiar with the patient;
- (viii) Adult nieces and nephews of the patient who are familiar with the patient;
- (ix) Adult aunts and uncles of the patient who are familiar with the patient; and
- (x)(A) An adult who:
  - (I) Has exhibited special care and concern for the patient;
  - (II) Is familiar with the patient's personal values;
  - (III) Is reasonably available to make health care decisions;
  - (IV) Is not any of the following: A physician to the patient or an employee of the physician; the owner, administrator, or employee of a health care facility, nursing home, or long-term care facility where the patient resides or receives care; or a person who receives compensation to provide care to the patient; and
  - (V) Provides a declaration under (a)(x)(B) of this subsection.

(B) An adult who meets the requirements of (a)(x)(A) of this subsection shall provide a declaration, which is effective for up to six months from the date of the declaration, signed and dated under penalty of perjury pursuant to ~~((RCW 9A.72.085))~~ chapter 5.50 RCW, that recites facts and circumstances demonstrating that he or she is familiar with the patient and that he or she:

- (I) Meets the requirements of (a)(x)(A) of this subsection;
- (II) Is a close friend of the patient;
- (III) Is willing and able to become involved in the patient's health care;
- (IV) Has maintained such regular contact with the patient as to be familiar with the patient's activities, health, personal values, and morals; and



(V) Is not aware of a person in a higher priority class willing and able to provide informed consent to health care on behalf of the patient.

(C) A health care provider may, but is not required to, rely on a declaration provided under (a)(x)(B) of this subsection. The health care provider or health care facility where services are rendered is immune from suit in any action, civil or criminal, or from professional or other disciplinary action when such reliance is based on a declaration provided in compliance with (a)(x)(B) of this subsection.

(b) If the health care provider seeking informed consent for proposed health care of the patient who ~~((is not competent to consent under RCW 11.88.010(1)(e), other than a person determined to be incapacitated because he or she is under the age of majority and who is not otherwise authorized to provide informed consent))~~ has been placed under a guardianship under RCW 11.130.265, makes reasonable efforts to locate and secure authorization from a competent person in the first or succeeding class and finds no such person available, authorization may be given by any person in the next class in the order of descending priority. However, no person under this section may provide informed consent to health care:

(i) If a person of higher priority under this section has refused to give such authorization; or

(ii) If there are two or more individuals in the same class and the decision is not unanimous among all available members of that class.

(c) Before any person authorized to provide informed consent on behalf of a patient ~~((not competent to consent under RCW 11.88.010(1)(e), other than a person determined to be incapacitated because he or she is under the age of majority and who is not otherwise authorized to provide informed consent))~~ who has been placed under a guardianship under RCW 11.130.265, exercises that authority, the person must first determine in good faith that that patient, if competent, would consent to the proposed health care. If such a determination cannot be made, the decision to consent to the proposed health care may be made only after determining that the proposed health care is in the patient's best interests.

(d) No rights under Washington's death with dignity act, chapter 70.245 RCW, may be exercised through a person authorized to provide informed consent to health care on behalf of a patient ~~((not competent to consent under RCW 11.88.010(1)(e)))~~ who is a minor or has been placed under a guardianship under RCW 11.130.265.

(2) Informed consent for health care, including mental health care, for a patient who ~~((is not competent, as defined in RCW 11.88.010(1)(e), because he or she))~~ is under the age of majority and who is not otherwise authorized to provide informed consent, may be obtained from a person authorized to consent on behalf of such a patient.

(a) Persons authorized to provide informed consent to health care, including mental health care, on behalf of a patient who ~~((is incapacitated, as defined in RCW~~

~~11.88.010(1)(e), because he or she))~~ is under the age of majority and who is not otherwise authorized to provide informed consent, shall be a member of one of the following classes of persons in the following order of priority:

(i) The appointed guardian, or legal custodian authorized pursuant to Title 26 RCW, of the minor patient, if any;

(ii) A person authorized by the court to consent to medical care for a child in out-of-home placement pursuant to chapter 13.32A or 13.34 RCW, if any;

(iii) Parents of the minor patient;

(iv) The individual, if any, to whom the minor's parent has given a signed authorization to make health care decisions for the minor patient; and

(v) A competent adult representing himself or herself to be a relative responsible for the health care of such minor patient or a competent adult who has signed and dated a declaration under penalty of perjury pursuant to chapter 5.50 RCW stating that the adult person is a relative responsible for the health care of the minor patient. Such declaration shall be effective for up to six months from the date of the declaration.

(b)(i) Informed consent for health care on behalf of a patient who ~~((is incapacitated, as defined in RCW 11.88.010(1)(e), because he or she))~~ is under the age of majority and who is not otherwise authorized to provide informed consent may be obtained from a school nurse, school counselor, or homeless student liaison when:

(A) Consent is necessary for nonemergency, outpatient, primary care services, including physical examinations, vision examinations and eyeglasses, dental examinations, hearing examinations and hearing aids, immunizations, treatments for illnesses and conditions, and routine follow-up care customarily provided by a health care provider in an outpatient setting, excluding elective surgeries;

(B) The minor patient meets the definition of a "homeless child or youth" under the federal McKinney-Vento homeless education assistance improvements act of 2001, P.L. 107-110, January 8, 2002, 115 Stat. 2005; and

(C) The minor patient is not under the supervision or control of a parent, custodian, or legal guardian, and is not in the care and custody of the department of social and health services.

(ii) A person authorized to consent to care under this subsection (2)(b) and the person's employing school or school district are not subject to administrative sanctions or civil damages resulting from the consent or nonconsent for care, any care, or payment for any care, rendered pursuant to this section. Nothing in this section prevents a health care facility or a health care provider from seeking reimbursement from other sources for care provided to a minor patient under this subsection (2)(b).

(iii) Upon request by a health care facility or a health care provider, a person authorized to consent to care under this subsection (2)(b) must provide to the person rendering

care a declaration signed and dated under penalty of perjury pursuant to chapter 5.50 RCW stating that the person is a school nurse, school counselor, or homeless student liaison and that the minor patient meets the elements under (b)(i) of this subsection. The declaration must also include written notice of the exemption from liability under (b)(ii) of this subsection.

(c) A health care provider may, but is not required to, rely on the representations or declaration of a person claiming to be a relative responsible for the care of the minor patient, under (a)(v) of this subsection, or a person claiming to be authorized to consent to the health care of the minor patient under (b) of this subsection, if the health care provider does not have actual notice of the falsity of any of the statements made by the person claiming to be a relative responsible for the health care of the minor patient, or person claiming to be authorized to consent to the health care of the minor patient.

(d) A health care facility or a health care provider may, in its discretion, require documentation of a person's claimed status as being a relative responsible for the health care of the minor patient, or a person claiming to be authorized to consent to the health care of the minor patient under (b) of this subsection. However, there is no obligation to require such documentation.

(e) The health care provider or health care facility where services are rendered shall be immune from suit in any action, civil or criminal, or from professional or other disciplinary action when such reliance is based on a declaration signed under penalty of perjury pursuant to chapter 5.50 RCW stating that the adult person is a relative responsible for the health care of the minor patient under (a)(v) of this subsection, or a person claiming to be authorized to consent to the health care of the minor patient under (b) of this subsection.

(3) For the purposes of this section, "health care," "health care provider," and "health care facility" shall be defined as established in RCW 70.02.010.

(4) A person who knowingly provides a false declaration under this section shall be subject to criminal penalties under chapter 9A.72 RCW.

**Sec. 706.** RCW 9.35.005 and 2017 c 4 s 3 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Financial information" means any of the following information identifiable to the individual that concerns the amount and conditions of an individual's assets, liabilities, or credit:

- (a) Account numbers and balances;
- (b) Transactional information concerning an account; and
- (c) Codes, passwords, social security numbers, tax identification numbers, driver's license or permit numbers, state identicard numbers issued by the department of

licensing, and other information held for the purpose of account access or transaction initiation.

(2) "Financial information repository" means a person engaged in the business of providing services to customers who have a credit, deposit, trust, stock, or other financial account or relationship with the person.

(3) "Means of identification" means information or an item that is not describing finances or credit but is personal to or identifiable with an individual or other person, including: A current or former name of the person, telephone number, an electronic address, or identifier of the individual or a member of his or her family, including the ancestor of the person; information relating to a change in name, address, telephone number, or electronic address or identifier of the individual or his or her family; a social security, driver's license, or tax identification number of the individual or a member of his or her family; and other information that could be used to identify the person, including unique biometric data.

(4) "Person" means a person as defined in RCW 9A.04.110.

(5) "Senior" means a person over the age of sixty-five.

(6) "Victim" means a person whose means of identification or financial information has been used or transferred with the intent to commit, or to aid or abet, any unlawful activity.

(7) "Vulnerable individual" means a person:

~~((i) [(a)])~~ (a) Sixty years of age or older who has the functional, mental, or physical inability to care for himself or herself;

~~((ii) [(b)] Found incapacitated under chapter 11.88))~~  
(b) Who has been placed under a guardianship under RCW 11.130.265 or has been placed under a conservatorship under RCW 11.130.360 RCW;

~~((iii) [(c)])~~ (c) Who has a developmental disability as defined under RCW 71A.10.020;

~~((iv) [(d)])~~ (d) Admitted to any facility;

~~((v) [(e)])~~ (e) Receiving services from home health, hospice, or home care agencies licensed or required to be licensed under chapter 70.127 RCW;

~~((vi) [(f)])~~ (f) Receiving services from an individual provider as defined in RCW 74.39A.240; or

~~((vii) [(g)])~~ (g) Who self-directs his or her own care and receives services from a personal aide under chapter 74.39 RCW.

**Sec. 707.** RCW 9A.44.010 and 2007 c 20 s 3 are each amended to read as follows:

As used in this chapter:

(1) "Sexual intercourse" (a) has its ordinary meaning and occurs upon any penetration, however slight, and

(b) Also means any penetration of the vagina or anus however slight, by an object, when committed on one person

by another, whether such persons are of the same or opposite sex, except when such penetration is accomplished for medically recognized treatment or diagnostic purposes, and

(c) Also means any act of sexual contact between persons involving the sex organs of one person and the mouth or anus of another whether such persons are of the same or opposite sex.

(2) "Sexual contact" means any touching of the sexual or other intimate parts of a person done for the purpose of gratifying sexual desire of either party or a third party.

(3) "Married" means one who is legally married to another, but does not include a person who is living separate and apart from his or her spouse and who has filed in an appropriate court for legal separation or for dissolution of his or her marriage.

(4) "Mental incapacity" is that condition existing at the time of the offense which prevents a person from understanding the nature or consequences of the act of sexual intercourse whether that condition is produced by illness, defect, the influence of a substance or from some other cause.

(5) "Physically helpless" means a person who is unconscious or for any other reason is physically unable to communicate unwillingness to an act.

(6) "Forcible compulsion" means physical force which overcomes resistance, or a threat, express or implied, that places a person in fear of death or physical injury to herself or himself or another person, or in fear that she or he or another person will be kidnapped.

(7) "Consent" means that at the time of the act of sexual intercourse or sexual contact there are actual words or conduct indicating freely given agreement to have sexual intercourse or sexual contact.

(8) "Significant relationship" means a situation in which the perpetrator is:

(a) A person who undertakes the responsibility, professionally or voluntarily, to provide education, health, welfare, or organized recreational activities principally for minors;

(b) A person who in the course of his or her employment supervises minors; or

(c) A person who provides welfare, health or residential assistance, personal care, or organized recreational activities to frail elders or vulnerable adults, including a provider, employee, temporary employee, volunteer, or independent contractor who supplies services to long-term care facilities licensed or required to be licensed under chapter 18.20, 18.51, 72.36, or 70.128 RCW, and home health, hospice, or home care agencies licensed or required to be licensed under chapter 70.127 RCW, but not including a consensual sexual partner.

(9) "Abuse of a supervisory position" means:

(a) To use a direct or indirect threat or promise to exercise authority to the detriment or benefit of a minor; or

(b) To exploit a significant relationship in order to obtain the consent of a minor.

(10) "Person with a developmental disability," for purposes of RCW 9A.44.050(1)(c) and 9A.44.100(1)(c), means a person with a developmental disability as defined in RCW 71A.10.020.

(11) "Person with supervisory authority," for purposes of RCW 9A.44.050(1)(c) or (e) and 9A.44.100(1)(c) or (e), means any proprietor or employee of any public or private care or treatment facility who directly supervises developmentally disabled, mentally disordered, or chemically dependent persons at the facility.

(12) "Person with a mental disorder" for the purposes of RCW 9A.44.050(1)(e) and 9A.44.100(1)(e) means a person with a "mental disorder" as defined in RCW 71.05.020.

(13) "Person with a chemical dependency" for purposes of RCW 9A.44.050(1)(e) and 9A.44.100(1)(e) means a person who is "chemically dependent" as defined in RCW 70.96A.020(((4)))

(14) "Health care provider" for purposes of RCW 9A.44.050 and 9A.44.100 means a person who is, holds himself or herself out to be, or provides services as if he or she were: (a) A member of a health care profession under chapter 18.130 RCW; or (b) registered under chapter 18.19 RCW or licensed under chapter 18.225 RCW, regardless of whether the health care provider is licensed, certified, or registered by the state.

(15) "Treatment" for purposes of RCW 9A.44.050 and 9A.44.100 means the active delivery of professional services by a health care provider which the health care provider holds himself or herself out to be qualified to provide.

(16) "Frail elder or vulnerable adult" means a person sixty years of age or older who has the functional, mental, or physical inability to care for himself or herself. "Frail elder or vulnerable adult" also includes a person ~~((found incapacitated under chapter 11.88 RCW))~~ who has been placed under a guardianship under RCW 11.130.265 or a conservatorship under RCW 11.130.360, a person over eighteen years of age who has a developmental disability under chapter 71A.10 RCW, a person admitted to a long-term care facility that is licensed or required to be licensed under chapter 18.20, 18.51, 72.36, or 70.128 RCW, and a person receiving services from a home health, hospice, or home care agency licensed or required to be licensed under chapter 70.127 RCW.

**Sec. 708.** RCW 11.02.005 and 2018 c 22 s 6 are each amended to read as follows:

When used in this title, unless otherwise required from the context:

(1) "Administrator" means a personal representative of the estate of a decedent and the term may be used in lieu of "personal representative" wherever required by context.

(2) "Codicil" means a will that modifies or partially revokes an existing earlier will. A codicil need not refer to or be attached to the earlier will.

(3) "Degree of kinship" means the degree of kinship as computed according to the rules of the civil law; that is, by counting upward from the intestate to the nearest common ancestor and then downward to the relative, the degree of kinship being the sum of these two counts.

(4) "Executor" means a personal representative of the estate of a decedent appointed by will and the term may be used in lieu of "personal representative" wherever required by context.

(5) "Guardian," ~~((or))~~ "limited guardian," "conservator," or "limited conservator" means a personal representative of the person or estate of ~~((an incompetent or disabled))~~ a person ~~((as defined in RCW 11.88.010))~~ who has been placed under a guardianship under RCW 11.130.265 or who has been placed under a conservatorship under RCW 11.130.360 and the term may be used in lieu of "personal representative" wherever required by context.

(6) "Heirs" denotes those persons, including the surviving spouse or surviving domestic partner, who are entitled under the statutes of intestate succession to the real and personal property of a decedent on the decedent's death intestate.

(7) "Internal revenue code" means the United States internal revenue code of 1986, as amended or renumbered as of January 1, 2001.

(8) "Issue" means all the lineal descendants of an individual. An adopted individual is a lineal descendant of each of his or her adoptive parents and of all individuals with regard to which each adoptive parent is a lineal descendant. A child conceived prior to the death of a parent but born after the death of the deceased parent is considered to be the surviving issue of the deceased parent for purposes of this title.

(9) "Net estate" refers to the real and personal property of a decedent exclusive of homestead rights, exempt property, the family allowance and enforceable claims against, and debts of, the deceased or the estate.

(10) "Nonprobate asset" means those rights and interests of a person having beneficial ownership of an asset that pass on the person's death under a written instrument or arrangement other than the person's will. "Nonprobate asset" includes, but is not limited to, a right or interest passing under a joint tenancy with right of survivorship, joint bank account with right of survivorship, transfer on death deed, payable on death or trust bank account, transfer on death security or security account, deed or conveyance if possession has been postponed until the death of the person, trust of which the person is grantor and that becomes effective or irrevocable only upon the person's death, community property agreement, individual retirement account or bond, or note or other contract the payment or performance of which is affected by the death of the person. "Nonprobate asset" does not include: A payable-on-death provision of a life insurance policy, annuity, or other similar contract, or of an employee benefit plan; a right or interest passing by descent and distribution under chapter 11.04 RCW; a right or interest if, before death, the person has irrevocably transferred the right or interest, the person has

waived the power to transfer it or, in the case of contractual arrangement, the person has waived the unilateral right to rescind or modify the arrangement; or a right or interest held by the person solely in a fiduciary capacity. For the definition of "nonprobate asset" relating to revocation of a provision for a former spouse upon dissolution of marriage or declaration of invalidity of marriage, RCW 11.07.010(5) applies. For the definition of "nonprobate asset" relating to testamentary disposition of nonprobate assets, see RCW 11.11.010(7).

(11) "Personal representative" includes executor, administrator, special administrator, and ~~((guardian))~~ conservator or limited ~~((guardian))~~ conservator and special representative.

(12) "Real estate" includes, except as otherwise specifically provided herein, all lands, tenements, and hereditaments, and all rights thereto, and all interest therein possessed and claimed in fee simple, or for the life of a third person.

(13) "Representation" refers to a method of determining distribution in which the takers are in unequal degrees of kinship with respect to a decedent, and is accomplished as follows: After first determining who, of those entitled to share in the estate, are in the nearest degree of kinship, the estate is divided into equal shares, the number of shares being the sum of the number of persons who survive the decedent who are in the nearest degree of kinship and the number of persons in the same degree of kinship who died before the decedent but who left issue surviving the decedent; each share of a deceased person in the nearest degree must be divided among those of the deceased person's issue who survive the decedent and have no ancestor then living who is in the line of relationship between them and the decedent, those more remote in degree taking together the share which their ancestor would have taken had he or she survived the decedent.

(14) References to "section 2033A" of the internal revenue code in wills, trust agreements, powers of appointment, beneficiary designations, and other instruments governed by or subject to this title are deemed to refer to the comparable or corresponding provisions of section 2057 of the internal revenue code, as added by section 6006(b) of the internal revenue service restructuring act of 1998 (H.R. 2676, P.L. 105-206); and references to the section 2033A "exclusion" are deemed to mean the section 2057 deduction.

(15) "Settlor" has the same meaning as provided for "trustor" in this section.

(16) "Special administrator" means a personal representative of the estate of a decedent appointed for limited purposes and the term may be used in lieu of "personal representative" wherever required by context.

(17) "Surviving spouse" or "surviving domestic partner" does not include an individual whose marriage to or state registered domestic partnership with the decedent has been terminated, dissolved, or invalidated unless, by virtue of a subsequent marriage or state registered domestic partnership, he or she is married to or in a domestic

partnership with the decedent at the time of death. A decree of separation that does not terminate the status of spouses or domestic partners is not a dissolution or invalidation for purposes of this subsection.

(18) "Trustee" means an original, added, or successor trustee and includes the state, or any agency thereof, when it is acting as the trustee of a trust to which chapter 11.98 RCW applies.

(19) "Trustor" means a person, including a testator, who creates, or contributes property to, a trust.

(20) "Will" means an instrument validly executed as required by RCW 11.12.020.

Words that import the singular number may also be applied to the plural of persons and things.

Words importing the masculine gender only may be extended to females also.

**Sec. 709.** RCW 11.28.185 and 2008 c 6 s 915 are each amended to read as follows:

When the terms of the decedent's will manifest an intent that the personal representative appointed to administer the estate shall not be required to furnish bond or other security, or when the personal representative is the surviving spouse or surviving domestic partner of the decedent and it appears to the court that the entire estate, after provision for expenses and claims of creditors, will be distributable to such spouse or surviving domestic partner, then such personal representative shall not be required to give bond or other security as a condition of appointment. In all cases where a bank or trust company authorized to act as personal representative is appointed as personal representative, no bond shall be required. In all other cases, unless waived by the court, the personal representative shall give such bond or other security, in such amount and with such surety or sureties, as the court may direct.

Every person required to furnish bond must, before receiving letters testamentary or of administration, execute a bond to the state of Washington conditioned that the personal representative shall faithfully execute the duty of the trust according to law.

The court may at any time after appointment of the personal representative require said personal representative to give a bond or additional bond, the same to be conditioned and to be approved as provided in this section; or the court may allow a reduction of the bond upon a proper showing.

In lieu of bond, the court may in its discretion, substitute other security or financial arrangements, such as provided under RCW (~~11.88.105~~) 11.130.445, or as the court may deem adequate to protect the assets of the estate.

**Sec. 710.** RCW 11.76.080 and 2008 c 6 s 806 are each amended to read as follows:

If there be any alleged incapacitated person (~~as defined in RCW 11.88.010~~) interested in the estate who has no legally appointed (~~guardian or limited guardian~~) conservator or limited conservator under RCW 11.130.360, the court:

(1) At any stage of the proceeding in its discretion and for such purpose or purposes as it shall indicate, may appoint; and

(2) For hearings held under RCW 11.54.010, 11.68.041, 11.68.100, and 11.76.050 or for entry of an order adjudicating testacy or intestacy and heirship when no personal representative is appointed to administer the estate of the decedent, shall appoint some disinterested person as guardian ad litem to represent the allegedly incapacitated person with reference to any petition, proceeding report, or adjudication of testacy or intestacy without the appointment of a personal representative to administer the estate of decedent in which the alleged incapacitated person may have an interest, who, on behalf of the alleged incapacitated person, may contest the same as any other person interested might contest it, and who shall be allowed by the court reasonable compensation for his or her services: **PROVIDED, HOWEVER,** That where a surviving spouse or surviving domestic partner is the sole beneficiary under the terms of a will, the court may grant a motion by the personal representative to waive the appointment of a guardian ad litem for a person who is the minor child of the surviving spouse or surviving domestic partner and the decedent and who is incapacitated solely for the reason of his or her being under eighteen years of age.

**Sec. 711.** RCW 11.86.021 and 2016 c 209 s 402 are each amended to read as follows:

(1) A beneficiary may disclaim an interest in whole or in part, or with reference to specific parts, shares or assets, in the manner provided in RCW 11.86.031.

(2) Likewise, a beneficiary may so disclaim through an agent or attorney so authorized by written instrument.

(3) A personal representative, guardian, attorney-in-fact if authorized under a durable power of attorney under chapter 11.125 RCW, or other legal representative of the estate of a minor, incompetent, or deceased beneficiary, may so disclaim on behalf of the beneficiary, with or without court order, if:

(a) The legal representative deems the disclaimer to be in the best interests of those interested in the estate of the beneficiary and of those who take the disclaimed interest because of the disclaimer, and not detrimental to the best interests of the beneficiary; and

(b) In the case of a (~~guardian~~) conservatorship, no order has been issued under (~~RCW 11.92.140~~) RCW 11.130.435 determining that the disclaimer is not in the best interests of the beneficiary.

**Sec. 712.** RCW 11.90.210 and 2009 c 81 s 8 are each amended to read as follows:

This chapter provides the exclusive jurisdictional basis for a court of this state to appoint a guardian or issue a protective order for an adult under (~~chapters 11.88 and 11.92~~) chapter 11.130 RCW.

**Sec. 713.** RCW 11.96A.050 and 2013 c 272 s 3 are each amended to read as follows:

(1) Venue for proceedings pertaining to trusts is:

(a) For testamentary trusts established under wills probated in the state of Washington, in the superior court of the county where the probate of the will is being administered or was completed or, in the alternative, the superior court of the county where any qualified beneficiary of the trust as defined in RCW 11.98.002 resides, the county where any trustee resides or has a place of business, or the county where any real property that is an asset of the trust is located; and

(b) For all other trusts, in the superior court of the county where any qualified beneficiary of the trust as defined in RCW 11.98.002 resides, the county where any trustee resides or has a place of business, or the county where any real property that is an asset of the trust is located. If no county has venue for proceedings pertaining to a trust under the preceding sentence, then in any county.

(2) A party to a proceeding pertaining to a trust may request that venue be changed. If the request is made within four months of the giving of the first notice of a proceeding pertaining to the trust, except for good cause shown, venue must be moved to the county with the strongest connection to the trust as determined by the court, considering such factors as the residence of a qualified beneficiary of the trust as defined in RCW 11.98.002, the residence or place of business of a trustee, and the location of any real property that is an asset of the trust.

(3) Venue for proceedings subject to chapter ~~((11.88 or 11.92))~~ 11.130 RCW must be determined under the provisions of those chapters.

(4) Venue for proceedings pertaining to the probate of wills, the administration and disposition of a decedent's property, including nonprobate assets, and any other matter not identified in subsection (1), (2), or (3) of this section, must be in any county in the state of Washington that the petitioner selects. A party to a proceeding may request that venue be changed if the request is made within four months of the mailing of the notice of appointment and pendency of probate required by RCW 11.28.237, and except for good cause shown, venue must be moved as follows:

(a) If the decedent was a resident of the state of Washington at the time of death, to the county of the decedent's residence; or

(b) If the decedent was not a resident of the state of Washington at the time of death, to any of the following:

(i) Any county in which any part of the probate estate might be;

(ii) If there are no probate assets, any county where any nonprobate asset might be; or

(iii) The county in which the decedent died.

(5) Once letters testamentary or of administration have been granted in the state of Washington, all orders, settlements, trials, and other proceedings under this title must be had or made in the county in which such letters have been granted unless venue is moved as provided in subsection (4) of this section.

(6) Venue for proceedings pertaining to powers of attorney must be in the superior court of the county of the principal's residence, except for good cause shown.

(7) If venue is moved, an action taken before venue is changed is not invalid because of the venue.

(8) Any request to change venue that is made more than four months after the commencement of the action may be granted in the discretion of the court.

**Sec. 714.** RCW 11.96A.080 and 1999 c 42 s 301 are each amended to read as follows:

(1) Subject to the provisions of RCW 11.96A.260 through 11.96A.320, any party may have a judicial proceeding for the declaration of rights or legal relations with respect to any matter, as defined by RCW 11.96A.030; the resolution of any other case or controversy that arises under the Revised Code of Washington and references judicial proceedings under this title; or the determination of the persons entitled to notice under RCW 11.96A.110 or 11.96A.120.

(2) The provisions of this chapter apply to disputes arising in connection with estates of ~~((incapacitated persons))~~ individuals subject to conservatorship under RCW 11.130.360 unless otherwise covered by ~~((chapters 11.88 and 11.92))~~ chapter 11.130 RCW. The provisions of this chapter shall not supersede, but shall supplement, any otherwise applicable provisions and procedures contained in this title, including without limitation those contained in chapter 11.20, 11.24, 11.28, 11.40, 11.42, or 11.56 RCW. The provisions of this chapter shall not apply to actions for wrongful death under chapter 4.20 RCW.

**Sec. 715.** RCW 11.96A.120 and 2013 c 272 s 5 are each amended to read as follows:

(1) Notice to a person who may represent and bind another person under this section has the same effect as if notice were given directly to the other person.

(2) The consent of a person who may represent and bind another person under this section is binding on the person represented unless the person represented objects to the representation before the consent would otherwise have become effective.

(3) The following limitations on the ability to serve as a virtual representative apply:

(a) A trustor may not represent and bind a beneficiary under this section with respect to the termination and modification of an irrevocable trust; and

(b) Representation of an incapacitated trustor with respect to his or her powers over a trust is subject to the provisions of RCW 11.103.030, and chapters 11.96A(~~;~~ ~~11.88, and 11.92))~~ and 11.130 RCW.

(4) To the extent there is no conflict of interest between the representative and the person represented or among those being represented with respect to the particular question or dispute:

(a) A guardian may represent and bind the estate that the guardian controls, subject to chapters 11.96A(~~(11.88, and 11.92))~~ and 11.130 RCW;

(b) A guardian of the person may represent and bind the incapacitated person if a guardian of the incapacitated person's estate has not been appointed;

(c) An agent having authority to act with respect to the particular question or dispute may represent and bind the principal;

(d) A trustee may represent and bind the beneficiaries of the trust;

(e) A personal representative of a decedent's estate may represent and bind persons interested in the estate; and

(f) A parent may represent and bind the parent's minor or unborn child or children if a guardian for the child or children has not been appointed.

(5) Unless otherwise represented, a minor, incapacitated, or unborn individual, or a person whose identity or location is unknown and not reasonably ascertainable, may be represented by and bound by another having a substantially identical interest with respect to the particular question or dispute, but only to the extent there is no conflict of interest between the representative and the person represented with regard to the particular question or dispute.

(6) Where an interest has been given to persons who comprise a certain class upon the happening of a certain event, the living persons who would constitute the class as of the date the representation is to be determined may virtually represent all other members of the class as of that date, but only to the extent that there is no conflict of interest between the representative and the person(s) represented with regard to the particular question or dispute.

(7) Where an interest has been given to a living person, and the same interest, or a share in it, is to pass to the surviving spouse or surviving domestic partner or to persons who are, or might be, the heirs, issue, or other kindred of that living person or the distributees of the estate of that living person upon the happening of a future event, that living person may virtually represent the surviving spouse or surviving domestic partner, heirs, issue, or other kindred of the person, and the distributees of the estate of the person, but only to the extent that there is no conflict of interest between the representative and the person(s) represented with regard to the particular question or dispute.

(8) Except as otherwise provided in subsection (7) of this section, where an interest has been given to a person or a class of persons, or both, upon the happening of any future event, and the same interest or a share of the interest is to pass to another person or class of persons, or both, upon the happening of an additional future event, the living person or persons who would take the interest upon the happening of the first event may virtually represent the persons and classes of persons who might take on the happening of the additional future event, but only to the extent that there is no conflict of interest between the representative and the person(s) represented with regard to the particular question or dispute.

(9) To the extent there is no conflict of interest between the holder of the power of appointment and the persons represented with respect to the particular question or dispute, the holder of a lifetime or testamentary power of appointment may virtually represent and bind persons who are permissible appointees or takers in default (but only to the extent that they are permissible appointees in the case of a limited power of appointment) under the power, and who are not permissible distributees as defined in RCW 11.98.002.

(10) The attorney general may virtually represent and bind a charitable organization if:

(a) The charitable organization is not a qualified beneficiary as defined in RCW 11.98.002 specified in the trust instrument or acting as trustee; or

(b) The charitable organization is a qualified beneficiary, but is not a permissible distributee, as those terms are defined in RCW 11.98.002, and its beneficial interest in the trust is subject to change by the trustor or by a person designated by the trustor.

(11) An action taken by the court is conclusive and binding upon each person receiving actual or constructive notice or who is otherwise represented under this section.

(12) This section is intended to adopt the common law concept of virtual representation. This section supplements the common law relating to the doctrine of virtual representation and may not be construed as limiting the application of that common law doctrine.

**Sec. 716.** RCW 11.96A.130 and 1999 c 42 s 306 are each amended to read as follows:

Nothing in this chapter eliminates the requirement to give notice to a person who has requested special notice under RCW 11.28.240 or (~~(11.92.150))~~ notice under RCW 11.130.080.

**Sec. 717.** RCW 11.96A.150 and 2007 c 475 s 5 are each amended to read as follows:

(1) Either the superior court or any court on an appeal may, in its discretion, order costs, including reasonable attorneys' fees, to be awarded to any party: (a) From any party to the proceedings; (b) from the assets of the estate or trust involved in the proceedings; or (c) from any nonprobate asset that is the subject of the proceedings. The court may order the costs, including reasonable attorneys' fees, to be paid in such amount and in such manner as the court determines to be equitable. In exercising its discretion under this section, the court may consider any and all factors that it deems to be relevant and appropriate, which factors may but need not include whether the litigation benefits the estate or trust involved.

(2) This section applies to all proceedings governed by this title, including but not limited to proceedings involving trusts, decedent's estates and properties, and guardianship matters. This section shall not be construed as being limited by any other specific statutory provision providing for the payment of costs, including RCW 11.68.070 and 11.24.050, unless such statute specifically provides otherwise. This

section shall apply to matters involving guardians and guardians ad litem ~~((and shall not be limited or controlled by the provisions of RCW 11.88.090(10))).~~

**Sec. 718.** RCW 11.96A.220 and 1999 c 42 s 402 are each amended to read as follows:

RCW 11.96A.210 through 11.96A.250 shall be applicable to the resolution of any matter, as defined by RCW 11.96A.030, other than matters subject to chapter ~~((11.88 or 11.92))~~ 11.130 RCW, or a trust for a minor or other incapacitated person created at its inception by the judgment or decree of a court unless the judgment or decree provides that RCW 11.96A.210 through 11.96A.250 shall be applicable. If all parties agree to a resolution of any such matter, then the agreement shall be evidenced by a written agreement signed by all parties. Subject to the provisions of RCW 11.96A.240, the written agreement shall be binding and conclusive on all persons interested in the estate or trust. The agreement shall identify the subject matter of the dispute and the parties. If the agreement or a memorandum of the agreement is to be filed with the court under RCW 11.96A.230, the agreement may, but need not, include provisions specifically addressing jurisdiction, governing law, the waiver of notice of the filing as provided in RCW 11.96A.230, and the discharge of any special representative who has acted with respect to the agreement.

If a party who virtually represents another under RCW 11.96A.120 signs the agreement, then the party's signature constitutes the signature of all persons whom the party virtually represents, and all the virtually represented persons shall be bound by the agreement.

**Sec. 719.** RCW 11.103.030 and 2016 c 209 s 404 are each amended to read as follows:

(1) Unless the terms of a trust expressly provide that the trust is revocable, the trustor may not revoke or amend the trust.

(2) If a revocable trust is created or funded by more than one trustor and unless the trust agreement provides otherwise:

(a) To the extent the trust consists of community property, the trust may be revoked by either spouse or either domestic partner acting alone but may be amended only by joint action of both spouses or both domestic partners;

(b) To the extent the trust consists of property other than community property, each trustor may revoke or amend the trust with regard to the portion of the trust property attributable to that trustor's contribution;

(c) The character of community property or separate property is unaffected by its transfer to and from a revocable trust; and

(d) Upon the revocation or amendment of the trust by fewer than all of the trustors, the trustee must promptly notify the other trustors of the revocation or amendment.

(3) The trustor may revoke or amend a revocable trust:

(a) By substantial compliance with a method provided in the terms of the trust; or

(b)(i) If the terms of the trust do not provide a method or the method provided in the terms is not expressly made exclusive, by:

(A) A later will or codicil that expressly refers to the trust or specifically devises property that would otherwise have passed according to the terms of the trust; or

(B) A written instrument signed by the trustor evidencing intent to revoke or amend.

(ii) The requirements of chapter 11.11 RCW do not apply to revocation or amendment of a revocable trust under (b)(i) of this subsection.

(4) Upon revocation of a revocable trust, the trustee must deliver the trust property as the trustor directs.

(5) A trustor's powers with respect to the revocation or amendment of a trust or distribution of the property of a trust may be exercised by the trustor's agent under a power of attorney only to the extent specified in the power of attorney document, as provided in RCW 11.125.240 and to the extent consistent with or expressly authorized by the trust agreement.

(6) A ~~((guardian))~~ conservator of the trustor may exercise a trustor's powers with respect to revocation, amendment, or distribution of trust property only with the approval of the court supervising the guardianship pursuant to ~~((RCW 11.92.140))~~ chapter 11.130 RCW.

(7) A trustee who does not know that a trust has been revoked or amended is not liable to the trustor or trustor's successors in interest for distributions made and other actions taken on the assumption that the trust had not been amended or revoked.

(8) This section does not limit or affect operation of RCW 11.96A.220 through 11.96A.240.

**Sec. 720.** RCW 11.107.060 and 2017 c 29 s 6 are each amended to read as follows:

(1) The definitions in this subsection apply throughout this section unless the context clearly requires otherwise.

(a) "Beneficiary with a disability" means a beneficiary of the first trust who the trustee believes may qualify for governmental benefits based on disability, whether or not the beneficiary currently receives those benefits or is an individual who ~~((is incapacitated within the meaning of RCW 11.88.010))~~ has been placed under a guardianship or conservatorship under chapter 11.130 RCW.

(b) "Governmental benefits" means financial aid or services from a state, federal, or other public agency.

(c) "Special needs trust" means a trust the trustee believes would not be considered a resource for purposes of determining whether the beneficiary with a disability is eligible for governmental benefits.

(2) A trustee may exercise the decanting power under RCW 11.107.020 and 11.107.030 over the property of the first trust as if the trustee had authority to distribute principal to a beneficiary with a disability subject to expanded discretion if:



(a) The second trust is a special needs trust that benefits the beneficiary with a disability; and

(b) The trustee determines that exercise of the decanting power will further the purposes of the first trust.

(3) In an exercise of the decanting power under this section, the following rules apply:

(a) The provisions of the second trust for a beneficiary with a disability may:

(i) Meet the medicaid law requirements for an account in a pooled trust for a beneficiary with a disability under 42 U.S.C. Sec. 1369p(d)(4)(C), as amended, including requiring a payback to the state of medicaid expenditures of funds not retained by the pooled trust; or

(ii) Meet the medicaid law requirements for a trust for the sole benefit of a beneficiary with a disability under age sixty-five under 42 U.S.C. Sec. 1369(d)(4)(A), as amended, including requiring a payback to the state of medicaid expenditures.

(b) RCW 11.107.020(1)(a)(iii) does not apply to the interests of the beneficiary with a disability.

(c) Except as affected by any change to the interests of the beneficiary with a disability, the second trusts, in the aggregate, must grant each other beneficiary of the first trust beneficial interests in the second trusts which are substantially similar to the beneficiary's beneficial interests in the first trust unless inconsistent with (a)(i) or (ii) of this subsection (3).

**Sec. 721.** RCW 11.120.140 and 2016 c 140 s 14 are each amended to read as follows:

(1) Unless otherwise ordered by the court, a guardian or conservator appointed ~~((due to a finding of incapacity under RCW 11.88.010(1))~~ under chapter 11.130 RCW has the right to access an incapacitated person's digital assets other than the content of electronic communications.

(2) Unless otherwise ordered by the court or directed by the user, a custodian shall disclose to a guardian the catalogue of electronic communications sent or received by an incapacitated person and any digital assets, other than the content of electronic communications, if the guardian gives the custodian:

(a) A written request for disclosure in physical or electronic form;

(b) Certified copies of letters of guardianship and the court order appointing the guardian; and

(c) If requested by the custodian:

(i) A number, user name, address, or other unique subscriber or account identifier assigned by the custodian to identify the account of the person; or

(ii) Evidence linking the account to the incapacitated person.

(3) A guardian may request a custodian of the incapacitated person's digital assets to suspend or terminate an account of the incapacitated person for good cause. A

request made under this section must be accompanied by certified copies of letters of guardianship and the court order appointing the guardian.

**Sec. 722.** RCW 11.125.400 and 2016 c 209 s 217 are each amended to read as follows:

Unless the power of attorney otherwise provides, where language in a power of attorney grants general authority with respect to health care matters:

(1) The agent shall be authorized to act as the principal's personal representative pursuant to the health insurance portability and accountability act, sections 1171 through 1179 of the social security act, 42 U.S.C. Sec. 1320d, as amended, and applicable regulations for all purposes thereunder, including but not limited to accessing and acquiring the principal's health care related information.

(2) The agent shall be authorized to provide informed consent for health care decisions on the principal's behalf. If a principal has appointed more than one agent with authority to make mental health treatment decisions in accordance with a directive under chapter 71.32 RCW, to the extent of any conflict, the most recently appointed agent shall be treated as the principal's agent for mental health treatment decisions unless provided otherwise in either appointment.

(3) Unless he or she is the spouse, state registered domestic partner, father or mother, or adult child or brother or sister of the principal, none of the following persons may act as the agent for the principal: Any of the principal's physicians, the physicians' employees, or the owners, administrators, or employees of the health care facility or long-term care facility as defined in RCW 43.190.020 where the principal resides or receives care. Except when the principal has consented in a mental health advance directive executed under chapter 71.32 RCW to inpatient admission or electroconvulsive therapy, this authorization is subject to the same limitations as those that apply to a guardian under ~~((RCW 11.92.043(5)(a) through (e) and 11.92.190))~~ chapter 11.130 RCW.

**Sec. 723.** RCW 11.125.410 and 2016 c 209 s 218 are each amended to read as follows:

Unless the power of attorney otherwise provides, the following general provisions shall apply to any power of attorney making reference to the care of the principal's minor children:

(1) A parent or guardian, through a power of attorney, may authorize an agent to make health care decisions on behalf of one or more of his or her children, or children for whom he or she is the legal guardian, who are under the age of majority as defined in RCW 26.28.015, to be effective if the child has no other parent or legal representative readily available and authorized to give such consent.

(2) A principal may further nominate a guardian or guardians of the person, or of the estate or both, of a minor child, whether born at the time of making the durable power of attorney or afterwards, to continue during the disability of the principal, during the minority of the child or for any less time by including such a provision in his or her power of attorney.

(3) The authority of any guardian of the person of any minor child shall supersede the authority of a designated agent to make health care decisions for the minor only after such designated guardian has been appointed by the court.

(4) In the event a conflict between the provisions of a will nominating a testamentary guardian under ~~((the authority of RCW 11.88.080))~~ chapter 11.130 RCW and the nomination of a guardian under the authority of this statute, the most recent designation shall control.

**Sec. 724.** RCW 13.32A.160 and 2019 c 124 s 1 are each amended to read as follows:

(1) When a proper child in need of services petition to approve an out-of-home placement is filed under RCW 13.32A.120, 13.32A.140, or 13.32A.150 the juvenile court shall: (a)(i) Schedule a fact-finding hearing to be held: (A) For a child who resides in a place other than his or her parent's home and other than an out-of-home placement, within five calendar days unless the last calendar day is a Saturday, Sunday, or holiday, in which case the hearing shall be held on the preceding judicial day; or (B) for a child living at home or in an out-of-home placement, within ten days; and (ii) notify the parent, child, and the department of such date; (b) notify the parent of the right to be represented by counsel and, if indigent, to have counsel appointed for him or her by the court; (c) appoint legal counsel for the child; (d) inform the child and his or her parent of the legal consequences of the court approving or disapproving a child in need of services petition; (e) notify the parents of their rights under this chapter and chapters ~~((41.88))~~ 11.130, 13.34, and 71.34 RCW, including the right to file an at-risk youth petition, the right to submit an application for admission of their child to a treatment facility for alcohol, chemical dependency, or mental health treatment, and the right to file a guardianship petition; and (f) notify all parties, including the department, of their right to present evidence at the fact-finding hearing.

(2) Upon filing of a child in need of services petition, the child may be placed, if not already placed, by the department in a crisis residential center, HOPE center, foster family home, group home facility licensed under chapter 74.15 RCW, or any other suitable residence to be determined by the department. The court may place a child in a crisis residential center for a temporary out-of-home placement as long as the requirements of RCW 13.32A.125 are met.

(3) If the child has been placed in a foster family home or group care facility under chapter 74.15 RCW, the child shall remain there, or in any other suitable residence as determined by the department, pending resolution of the petition by the court. Any placement may be reviewed by the court within three judicial days upon the request of the juvenile or the juvenile's parent.

**Sec. 725.** RCW 13.34.270 and 2019 c 470 s 1 are each amended to read as follows:

(1) Whenever the department of social and health services places a child with a developmental disability in out-of-home care pursuant to RCW 74.13.350, the department shall obtain a judicial determination within one hundred eighty days of the placement that continued

placement is in the best interests of the child. If the child's out-of-home placement ends before one hundred eighty days have elapsed, no judicial determination is required.

(2) To obtain the judicial determination, the department shall file a petition alleging that there is located or residing within the county a child who has a developmental disability and that the child has been placed in out-of-home care pursuant to RCW 74.13.350. The petition shall request that the court review the child's placement, make a determination whether continued placement is in the best interests of the child, and take other necessary action as provided in this section. The petition shall contain the name, date of birth, and residence of the child and the names and residences of the child's parent or legal guardian who has agreed to the child's placement in out-of-home care. Reasonable attempts shall be made by the department to ascertain and set forth in the petition the identity, location, and custodial status of any parent who is not a party to the placement agreement and why that parent cannot assume custody of the child.

(3) Upon filing of the petition, the clerk of the court shall schedule the petition for a hearing to be held no later than fourteen calendar days after the petition has been filed. The department shall provide notification of the time, date, and purpose of the hearing to the parent or legal guardian who has agreed to the child's placement in out-of-home care. The department shall also make reasonable attempts to notify any parent who is not a party to the placement agreement, if the parent's identity and location is known. Notification under this section may be given by the most expedient means, including but not limited to, mail, personal service, and telephone.

(4) The court shall appoint a guardian ad litem for the child as provided in RCW 13.34.100, unless the court for good cause finds the appointment unnecessary.

(5) Permanency planning hearings shall be held as provided in this section. At the hearing, the court shall review whether the child's best interests are served by continued out-of-home placement and determine the future legal status of the child.

(a) For children age ten and under, a permanency planning hearing shall be held in all cases where the child has remained in out-of-home care for at least nine months and an adoption decree or guardianship order under chapter ~~((41.88))~~ 11.130 RCW has not previously been entered. The hearing shall take place no later than twelve months following commencement of the child's current placement episode.

(b) For children over age ten, a permanency planning hearing shall be held in all cases where the child has remained in out-of-home care for at least fifteen months and an adoption decree or guardianship order under chapter ~~((41.88))~~ 11.130 RCW has not previously been entered. The hearing shall take place no later than eighteen months following commencement of the current placement episode.

(c) No later than ten working days before the permanency planning hearing, the department shall submit a written permanency plan to the court and shall mail a copy

of the plan to all parties. The plan shall be directed toward securing a safe, stable, and permanent home for the child as soon as possible. The plan shall identify one of the following outcomes as the primary goal and may also identify additional outcomes as alternative goals: Return of the child to the home of the child's parent or legal guardian; adoption; guardianship; or long-term out-of-home care, until the child is age eighteen, with a written agreement between the parties and the child's care provider.

(d) If a goal of long-term out-of-home care has been achieved before the permanency planning hearing, the court shall review the child's status to determine whether the placement and the plan for the child's care remains appropriate. In cases where the primary permanency planning goal has not been achieved, the court shall inquire regarding the reasons why the primary goal has not been achieved and determine what needs to be done to make it possible to achieve the primary goal.

(e) Following the first permanency planning hearing, the court shall hold a further permanency planning hearing in accordance with this section at least once every twelve months until a permanency planning goal is achieved or the voluntary placement agreement is terminated.

(6) Any party to the voluntary placement agreement may terminate the agreement at any time. Upon termination of the agreement, the child shall be returned to the care of the child's parent or legal guardian, unless the child has been taken into custody pursuant to RCW 13.34.050 or 26.44.050, placed in shelter care pursuant to RCW 13.34.060, or placed in foster care pursuant to RCW 13.34.130. The department shall notify the court upon termination of the voluntary placement agreement and return of the child to the care of the child's parent or legal guardian. Whenever a voluntary placement agreement is terminated, an action under this section shall be dismissed.

(7) When state or federal funds are expended for the care and maintenance of a child with a developmental disability, placed in care as a result of an action under this chapter, the department shall refer the case to the division of child support, unless the department finds that there is good cause not to pursue collection of child support against the parent or parents of the child.

(8) This section does not prevent the department of children, youth, and families from filing a dependency petition if there is reason to believe that the child is a dependent child as defined in RCW 13.34.030. An action filed under this section shall be dismissed upon the filing of a dependency petition regarding a child who is the subject of the action under this section.

(9) For purposes of this section, unless the context clearly requires otherwise, "department" means the department of social and health services.

**Sec. 726.** RCW 18.20.020 and 2012 c 10 s 2 are each reenacted and amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Adult day services" means care and services provided to a nonresident individual by the assisted living facility on the assisted living facility premises, for a period of time not to exceed ten continuous hours, and does not involve an overnight stay.

(2) "Assisted living facility" means any home or other institution, however named, which is advertised, announced, or maintained for the express or implied purpose of providing housing, basic services, and assuming general responsibility for the safety and well-being of the residents, and may also provide domiciliary care, consistent with chapter 142, Laws of 2004, to seven or more residents after July 1, 2000. However, an assisted living facility that is licensed for three to six residents prior to or on July 1, 2000, may maintain its assisted living facility license as long as it is continually licensed as an assisted living facility. "Assisted living facility" shall not include facilities certified as group training homes pursuant to RCW 71A.22.040, nor any home, institution or section thereof which is otherwise licensed and regulated under the provisions of state law providing specifically for the licensing and regulation of such home, institution or section thereof. Nor shall it include any independent senior housing, independent living units in continuing care retirement communities, or other similar living situations including those subsidized by the department of housing and urban development.

(3) "Basic services" means housekeeping services, meals, nutritious snacks, laundry, and activities.

(4) "Department" means the state department of social and health services.

(5) "Domiciliary care" means: Assistance with activities of daily living provided by the assisted living facility either directly or indirectly; or health support services, if provided directly or indirectly by the assisted living facility; or intermittent nursing services, if provided directly or indirectly by the assisted living facility.

(6) "General responsibility for the safety and well-being of the resident" means the provision of the following: Prescribed general low sodium diets; prescribed general diabetic diets; prescribed mechanical soft foods; emergency assistance; monitoring of the resident; arranging health care appointments with outside health care providers and reminding residents of such appointments as necessary; coordinating health care services with outside health care providers consistent with RCW 18.20.380; assisting the resident to obtain and maintain glasses, hearing aids, dentures, canes, crutches, walkers, wheelchairs, and assistive communication devices; observation of the resident for changes in overall functioning; blood pressure checks as scheduled; responding appropriately when there are observable or reported changes in the resident's physical, mental, or emotional functioning; or medication assistance as permitted under RCW 69.41.085 and as defined in RCW 69.41.010.

(7) "Legal representative" means a person or persons identified in RCW 7.70.065 who may act on behalf of the resident pursuant to the scope of their legal authority. The legal representative shall not be affiliated with the licensee,

assisted living facility, or management company, unless the affiliated person is a family member of the resident.

(8) "Nonresident individual" means a person who resides in independent senior housing, independent living units in continuing care retirement communities, or in other similar living environments or in an unlicensed room located within an assisted living facility. Nothing in this chapter prohibits nonresidents from receiving one or more of the services listed in RCW 18.20.030(5) or requires licensure as an assisted living facility when one or more of the services listed in RCW 18.20.030(5) are provided to nonresidents. A nonresident individual may not receive domiciliary care, as defined in this chapter, directly or indirectly by the assisted living facility and may not receive the items and services listed in subsection (6) of this section, except during the time the person is receiving adult day services as defined in this section.

(9) "Person" means any individual, firm, partnership, corporation, company, association, or joint stock association, and the legal successor thereof.

(10) "Resident" means an individual who is not related by blood or marriage to the operator of the assisted living facility, and by reason of age or disability, chooses to reside in the assisted living facility and receives basic services and one or more of the services listed under general responsibility for the safety and well-being of the resident and may receive domiciliary care or respite care provided directly or indirectly by the assisted living facility and shall be permitted to receive hospice care through an outside service provider when arranged by the resident or the resident's legal representative under RCW 18.20.380.

(11) "Resident applicant" means an individual who is seeking admission to a licensed assisted living facility and who has completed and signed an application for admission, or such application for admission has been completed and signed in their behalf by their legal representative if any, and if not, then the designated representative if any.

(12) "Resident's representative" means a person designated voluntarily by a competent resident, in writing, to act in the resident's behalf concerning the care and services provided by the assisted living facility and to receive information from the assisted living facility, if there is no legal representative. The resident's competence shall be determined using the criteria in ~~((RCW 11.88.010(1)(e)))~~ chapter 11.130 RCW. The resident's representative may not be affiliated with the licensee, assisted living facility, or management company, unless the affiliated person is a family member of the resident. The resident's representative shall not have authority to act on behalf of the resident once the resident is no longer competent.

(13) "Secretary" means the secretary of social and health services.

**Sec. 727.** RCW 25.15.131 and 2015 c 188 s 28 are each amended to read as follows:

(1) A person is dissociated as a member of a limited liability company upon the occurrence of one or more of the following events:

(a) The member dies or withdraws by voluntary act from the limited liability company as provided in subsection (2) of this section;

(b) The transfer of all of the member's transferable interest in the limited liability company;

(c) The member is removed as a member in accordance with the limited liability company agreement;

(d) The occurrence of an event upon which the member ceases to be a member under the limited liability company agreement;

(e) The person is a corporation, limited liability company, general partnership, or limited partnership, and the person is removed as a member by the unanimous consent of the other members, which may be done under this subsection (1)(e) only if:

(i) The person has filed articles of dissolution, a certificate of dissolution or the equivalent, or the person has been administratively or judicially dissolved, or its right to conduct business has been suspended or revoked by the jurisdiction of its incorporation, or the person has otherwise been dissolved; and

(ii) The dissolution has not been revoked or the person or its right to conduct business has not been reinstated within ninety days after the limited liability company notifies the person that it will be removed as a member for any reason identified in (e)(i) of this subsection;

(f) Unless all other members otherwise agree at the time, the member (i) makes a general assignment for the benefit of creditors; (ii) files a voluntary petition in bankruptcy; (iii) becomes the subject of an order for relief in bankruptcy proceedings; (iv) files a petition or answer seeking for the member any reorganization, arrangement, composition, readjustment, liquidation, dissolution, or similar relief under any statute, law, or regulation; (v) files an answer or other pleading admitting or failing to contest the material allegations of a petition filed against the member in any proceeding of the nature described in (f)(i) through (iv) of this subsection; or (vi) seeks, consents to, or acquiesces in the appointment of a trustee, receiver, or liquidator of the member or of all or any substantial part of the member's properties;

(g) Unless all other members otherwise agree at the time, if within one hundred twenty days after the commencement of any proceeding against the member seeking reorganization, arrangement, composition, readjustment, liquidation, dissolution, or similar relief under any statute, law, or regulation, the proceeding has not been dismissed, or if within ninety days after the appointment without his or her consent or acquiescence of a trustee, receiver, or liquidator of the member or of all or any substantial part of the member's properties, the appointment is not vacated or stayed, or within ninety days after the expiration of any stay, the appointment is not vacated; or

(h) Unless all other members otherwise agree at the time, in the case of a member who is an individual, the entry of an order by a court of competent jurisdiction adjudicating the member ~~((incapacitated, as used and defined under~~

~~chapter 11.88 RCW, as to his or her estate)) as being subject to a conservatorship under RCW 11.130.360.~~

(2) A member may withdraw from a limited liability company at the time or upon the happening of events specified in and in accordance with the limited liability company agreement. If the limited liability company agreement does not specify the time or the events upon the happening of which a member may withdraw, a member may not withdraw from the limited liability company without the written consent of all other members.

(3) When a person is dissociated as a member of a limited liability company:

(a) The person's right to participate as a member in the management and conduct of the limited liability company's activities terminates;

(b) If the limited liability company is member-managed, the person's fiduciary duties as a member end with regard to matters arising and events occurring after the person's dissociation; and

(c) Subject to subsection (5) of this section, any transferable interest owned by the person immediately before dissociation in the person's capacity as a member is owned by the person solely as a transferee.

(4) A person's dissociation as a member of a limited liability company does not of itself discharge the person from any debt, obligation, or other liability to the limited liability company or the other members which the person incurred while a member.

(5) If a member dies, the deceased member's personal representative or other legal representative may exercise the rights of a transferee provided in RCW 25.15.251 and, for the purposes of settling the estate, the rights of a current member under RCW 25.15.136.

**Sec. 728.** RCW 29A.08.515 and 2004 c 267 s 125 are each amended to read as follows:

Upon receiving official notice that a court has imposed a guardianship for ~~((an incapacitated))~~ a person under RCW 11.130.265 and has determined that the person is incompetent for the purpose of rationally exercising the right to vote, ~~((under chapter 11.88 RCW,))~~ if the ~~((incapacitated))~~ person subject to guardianship is a registered voter in the county, the county auditor shall cancel ~~((the incapacitated))~~ that person's voter registration.

**Sec. 729.** RCW 70.58A.010 and 2019 c 148 s 2 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Adult" means a person who is at least eighteen years of age, or an emancipated minor under chapter 13.64 RCW.

(2) "Amendment" means a change to a certification item on the vital record.

(3) "Authorized representative" means a person permitted to receive a certification who is:

(a) Identified in a notarized statement signed by a qualified applicant; or

(b) An agent identified in a power of attorney as defined in chapter 11.125 RCW.

(4) "Certification" means the document, in either paper or electronic format, containing all or part of the information contained in the original vital record from which the document is derived, and is issued from the central vital records system. A certification includes an attestation by the state or local registrar to the accuracy of information, and has the full force and effect of the original vital record.

(5) "Certification item" means any item of information that appears on certifications.

(6) "Coroner" means the person elected or appointed in a county under chapter 36.16 RCW to serve as the county coroner and fulfill the responsibilities established under chapter 36.24 RCW.

(7) "Cremated remains" has the same meaning as "cremated human remains" in chapter 68.04 RCW.

(8) "Delayed report of live birth" means the report submitted to the department for the purpose of registering the live birth of a person born in state that was not registered within one year of the date of live birth.

(9) "Department" means the department of health.

(10) "Domestic partner" means a party to a state registered domestic partnership established under chapter 26.60 RCW.

(11) "Facility" means any licensed establishment, public or private, located in state, which provides inpatient or outpatient medical, surgical, or diagnostic care or treatment; or nursing, custodial, or domiciliary care. The term also includes establishments to which persons are committed by law including, but not limited to:

(a) Mental illness detention facilities designated to assess, diagnose, and treat individuals detained or committed, under chapter 71.05 RCW;

(b) City and county jails;

(c) State department of corrections facilities; and

(d) Juvenile correction centers governed by Title 72 RCW.

(12) "Fetal death" means any product of conception that shows no evidence of life, such as breathing, beating of the heart, pulsation of the umbilical cord, or definite movement of voluntary muscles after complete expulsion or extraction from the individual who gave birth that is not an induced termination of pregnancy and:

(a) Has completed twenty or more weeks of gestation as calculated from the date the last menstrual period of the individual who gave birth began, to the date of expulsion or extraction; or

(b) Weighs three hundred fifty grams or more, if weeks of gestation are not known.

(13) "Final disposition" means the burial, interment, entombment, cremation, removal from the state, or other manner of disposing of human remains as authorized under chapter 68.50 RCW.

(14) "Funeral director" means a person licensed under chapter 18.39 RCW as a funeral director.

(15) "Funeral establishment" means a place of business licensed under chapter 18.39 RCW as a funeral establishment.

(16) "Government agencies" include state boards, commissions, committees, departments, educational institutions, or other state agencies which are created by or pursuant to statute, other than courts and the legislature; county or city agencies, United States federal agencies, and federally recognized tribes and tribal organizations.

(17) "Human remains" means the body of a deceased person, includes the body in any stage of decomposition, and includes cremated human remains, but does not include human remains that are or were at any time under the jurisdiction of the state physical anthropologist under chapter 27.44 RCW.

(18) "Individual" means a natural person.

(19) "Induced termination of pregnancy" means the purposeful interruption of an intrauterine pregnancy with an intention other than to produce a live-born infant, and which does not result in a live birth.

(20) "Informational copy" means a birth or death record issued from the central vital records system, containing all or part of the information contained in the original vital record from which the document is derived, and indicating it cannot be used for legal purposes on its face.

(21) "Legal guardian" means a person who serves as a guardian for the purpose of either legal or custodial matters, or both, relating to the person for whom the guardian is appointed. The term legal guardian includes, but is not limited to, guardians appointed pursuant to chapters ~~((41.88))~~ 11.130 and 13.36 RCW.

(22) "Legal representative" means a licensed attorney representing either the subject of the record or qualified applicant.

(23) "Live birth" means the complete expulsion or extraction of a product of human conception from the individual who gave birth, irrespective of the duration of pregnancy, which, after such expulsion or extraction, breathes or shows any other evidence of life, such as beating of the heart, pulsation of the umbilical cord, or definite movement of voluntary muscles.

(24) "Local health officer" has the same meaning as in chapter 70.05 RCW.

(25) "Medical certifier" for a death or fetal death means an individual required to attest to the cause of death information provided on a report of death or fetal death. Each individual certifying cause of death or fetal death may

certify cause of death only as permitted by that individual's professional scope of practice. These individuals include:

(a) A physician, physician's assistant, or an advanced registered nurse practitioner last in attendance at death or who treated the decedent through examination, medical advice, or medications within the twelve months preceding the death;

(b) A midwife, only in cases of fetal death; and

(c) A physician performing an autopsy, when the decedent was not treated within the last twelve months and the person died a natural death.

(26) "Medical examiner" means the person appointed under chapter 36.24 RCW to fulfill the responsibilities established under chapter 36.24 RCW.

(27) "Midwife" means a person licensed to practice midwifery pursuant to chapter 18.50 RCW.

(28) "Physician" means a person licensed to practice medicine, naturopathy, or osteopathy pursuant to Title 18 RCW.

(29) "Registration" or "register" means the process by which a report is approved and incorporated as a vital record into the vital records system.

(30) "Registration date" means the month, day, and year a report is incorporated into the vital records system.

(31) "Report" means an electronic or paper document containing information related to a vital life event for the purpose of registering the vital life event.

(32) "Sealed record" means the original record of a vital life event and the evidence submitted to support a change to the original record.

(33) "Secretary" means the secretary of the department of health.

(34) "State" means Washington state unless otherwise specified.

(35) "State registrar" means the person appointed by the secretary to administer the vital records system under RCW 70.58A.030.

(36) "Territory of the United States" means American Samoa, the Commonwealth of the Northern Mariana Islands, the Commonwealth of Puerto Rico, Guam, and the United States Virgin Islands.

(37) "Vital life event" means a birth, death, fetal death, marriage, dissolution of marriage, dissolution of domestic partnership, declaration of invalidity of marriage, declaration of invalidity of domestic partnership, and legal separation.

(38) "Vital record" or "record" means a report of a vital life event that has been registered and supporting documentation.

(39) "Vital records system" means the statewide system created, operated, and maintained by the department under this chapter.

(40) "Vital statistics" means the aggregated data derived from vital records, including related reports, and supporting documentation.

**Sec. 730.** RCW 70.97.040 and 2013 c 23 s 179 are each amended to read as follows:

(1)(a) Every person who is a resident of an enhanced services facility shall be entitled to all the rights set forth in this chapter, and chapters 71.05 and 70.96A RCW, and shall retain all rights not denied him or her under these chapters.

(b) No person shall be presumed incompetent as a consequence of receiving an evaluation or voluntary or involuntary treatment for a mental disorder, chemical dependency disorder, or both, under this chapter, or chapter 71.05 or 70.96A RCW, or any prior laws of this state dealing with mental illness. Competency shall not be determined or withdrawn except under the provisions of chapter 10.77 or ~~((41.88))~~ 11.130 RCW.

(c) At the time of his or her treatment planning meeting, every resident of an enhanced services facility shall be given a written statement setting forth the substance of this section. The department shall by rule develop a statement and process for informing residents of their rights in a manner that is likely to be understood by the resident.

(2) Every resident of an enhanced services facility shall have the right to adequate care and individualized treatment.

(3) The provisions of this chapter shall not be construed to deny to any person treatment by spiritual means through prayer in accordance with the tenets and practices of a church or religious denomination.

(4) Persons receiving evaluation or treatment under this chapter shall be given a reasonable choice of an available physician or other professional person qualified to provide such services.

(5) The physician-patient privilege or the psychologist-client privilege shall be deemed waived in proceedings under this chapter relating to the administration of antipsychotic medications. As to other proceedings under chapter 10.77, 70.96A, or 71.05 RCW, the privileges shall be waived when a court of competent jurisdiction in its discretion determines that such waiver is necessary to protect either the detained person or the public.

(6) Insofar as danger to the person or others is not created, each resident of an enhanced services facility shall have, in addition to other rights not specifically withheld by law, the following rights, a list of which shall be prominently posted in all facilities, institutions, and hospitals providing such services:

(a) To wear his or her own clothes and to keep and use his or her own personal possessions, except when deprivation of same is essential to protect the safety of the resident or other persons;

(b) To keep and be allowed to spend a reasonable sum of his or her own money for canteen expenses and small purchases;

(c) To have access to individual storage space for his or her private use;

(d) To have visitors at reasonable times;

(e) To have reasonable access to a telephone, both to make and receive confidential calls, consistent with an effective treatment program;

(f) To have ready access to letter writing materials, including stamps, and to send and receive uncensored correspondence through the mails;

(g) Not to consent to the administration of antipsychotic medications beyond the hearing conducted pursuant to RCW 71.05.215 or 71.05.217, or the performance of electroconvulsant therapy, or surgery, except emergency lifesaving surgery, unless ordered by a court under RCW 71.05.217;

(h) To discuss and actively participate in treatment plans and decisions with professional persons;

(i) Not to have psychosurgery performed on him or her under any circumstances;

(j) To dispose of property and sign contracts unless such person has been adjudicated an incompetent in a court proceeding directed to that particular issue; and

(k) To complain about rights violations or conditions and request the assistance of a mental health ombuds or representative of Washington protection and advocacy. The facility may not prohibit or interfere with a resident's decision to consult with an advocate of his or her choice.

(7) Nothing contained in this chapter shall prohibit a resident from petitioning by writ of habeas corpus for release.

(8) Nothing in this section permits any person to knowingly violate a no-contact order or a condition of an active judgment and sentence or active supervision by the department of corrections.

(9) A person has a right to refuse placement, except where subject to commitment, in an enhanced services facility. No person shall be denied other department services solely on the grounds that he or she has made such a refusal.

(10) A person has a right to appeal the decision of the department that he or she is eligible for placement at an enhanced services facility, and shall be given notice of the right to appeal in a format that is accessible to the person with instructions regarding what to do if the person wants to appeal.

**Sec. 731.** RCW 71.05.360 and 2019 c 446 s 13 are each amended to read as follows:

(1)(a) Every person involuntarily detained or committed under the provisions of this chapter shall be entitled to all the rights set forth in this chapter, which shall be prominently posted in the facility, and shall retain all rights not denied him or her under this chapter except as chapter 9.41 RCW may limit the right of a person to purchase or possess a firearm or to qualify for a concealed

pistol license if the person is committed under RCW 71.05.240 or 71.05.320 for mental health treatment.

(b) No person shall be presumed incompetent as a consequence of receiving an evaluation or voluntary or involuntary treatment for a mental disorder or substance use disorder, under this chapter or any prior laws of this state dealing with mental illness or substance use disorders. Competency shall not be determined or withdrawn except under the provisions of chapter 10.77 or ~~((41.88))~~ 11.130 RCW.

(c) Any person who leaves a public or private agency following evaluation or treatment for a mental disorder or substance use disorder shall be given a written statement setting forth the substance of this section.

(2) Each person involuntarily detained or committed pursuant to this chapter shall have the right to adequate care and individualized treatment.

(3) The provisions of this chapter shall not be construed to deny to any person treatment by spiritual means through prayer in accordance with the tenets and practices of a church or religious denomination.

(4) Persons receiving evaluation or treatment under this chapter shall be given a reasonable choice of an available physician, physician assistant, psychiatric advanced registered nurse practitioner, or other professional person qualified to provide such services.

(5) Whenever any person is detained for evaluation and treatment pursuant to this chapter, both the person and, if possible, a responsible member of his or her immediate family, personal representative, guardian, or conservator, if any, shall be advised as soon as possible in writing or orally, by the officer or person taking him or her into custody or by personnel of the evaluation and treatment facility, secure withdrawal management and stabilization facility, or approved substance use disorder treatment program where the person is detained that unless the person is released or voluntarily admits himself or herself for treatment within seventy-two hours of the initial detention:

(a) A judicial hearing in a superior court, either by a judge or court commissioner thereof, shall be held not more than seventy-two hours after the initial detention to determine whether there is probable cause to detain the person after the seventy-two hours have expired for up to an additional fourteen days without further automatic hearing for the reason that the person is a person whose mental disorder or substance use disorder presents a likelihood of serious harm or that the person is gravely disabled;

(b) The person has a right to communicate immediately with an attorney; has a right to have an attorney appointed to represent him or her before and at the probable cause hearing if he or she is indigent; and has the right to be told the name and address of the attorney that the mental health professional has designated pursuant to this chapter;

(c) The person has the right to remain silent and that any statement he or she makes may be used against him or her;

(d) The person has the right to present evidence and to cross-examine witnesses who testify against him or her at the probable cause hearing; and

(e) The person has the right to refuse psychiatric medications, including antipsychotic medication beginning twenty-four hours prior to the probable cause hearing.

(6) When proceedings are initiated under RCW 71.05.153, no later than twelve hours after such person is admitted to the evaluation and treatment facility, secure withdrawal management and stabilization facility, or approved substance use disorder treatment program the personnel of the facility or the designated crisis responder shall serve on such person a copy of the petition for initial detention and the name, business address, and phone number of the designated attorney and shall forthwith commence service of a copy of the petition for initial detention on the designated attorney.

(7) The judicial hearing described in subsection (5) of this section is hereby authorized, and shall be held according to the provisions of subsection (5) of this section and rules promulgated by the supreme court.

(8) At the probable cause hearing the detained person shall have the following rights in addition to the rights previously specified:

(a) To present evidence on his or her behalf;

(b) To cross-examine witnesses who testify against him or her;

(c) To be proceeded against by the rules of evidence;

(d) To remain silent;

(e) To view and copy all petitions and reports in the court file.

(9) Privileges between patients and physicians, physician assistants, psychologists, or psychiatric advanced registered nurse practitioners are deemed waived in proceedings under this chapter relating to the administration of antipsychotic medications. As to other proceedings under this chapter, the privileges shall be waived when a court of competent jurisdiction in its discretion determines that such waiver is necessary to protect either the detained person or the public.

The waiver of a privilege under this section is limited to records or testimony relevant to evaluation of the detained person for purposes of a proceeding under this chapter. Upon motion by the detained person or on its own motion, the court shall examine a record or testimony sought by a petitioner to determine whether it is within the scope of the waiver.

The record maker shall not be required to testify in order to introduce medical or psychological records of the detained person so long as the requirements of RCW 5.45.020 are met except that portions of the record which contain opinions as to the detained person's mental state must be deleted from such records unless the person making such conclusions is available for cross-examination.



(10) Insofar as danger to the person or others is not created, each person involuntarily detained, treated in a less restrictive alternative course of treatment, or committed for treatment and evaluation pursuant to this chapter shall have, in addition to other rights not specifically withheld by law, the following rights:

(a) To wear his or her own clothes and to keep and use his or her own personal possessions, except when deprivation of same is essential to protect the safety of the resident or other persons;

(b) To keep and be allowed to spend a reasonable sum of his or her own money for canteen expenses and small purchases;

(c) To have access to individual storage space for his or her private use;

(d) To have visitors at reasonable times;

(e) To have reasonable access to a telephone, both to make and receive confidential calls, consistent with an effective treatment program;

(f) To have ready access to letter writing materials, including stamps, and to send and receive uncensored correspondence through the mails;

(g) To discuss treatment plans and decisions with professional persons;

(h) Not to consent to the administration of antipsychotic medications and not to thereafter be administered antipsychotic medications unless ordered by a court under RCW 71.05.217 or pursuant to an administrative hearing under RCW 71.05.215;

(i) Not to consent to the performance of electroconvulsant therapy or surgery, except emergency lifesaving surgery, unless ordered by a court under RCW 71.05.217;

(j) Not to have psychosurgery performed on him or her under any circumstances;

(k) To dispose of property and sign contracts unless such person has been adjudicated an incompetent in a court proceeding directed to that particular issue.

(11) Every person involuntarily detained shall immediately be informed of his or her right to a hearing to review the legality of his or her detention and of his or her right to counsel, by the professional person in charge of the facility providing evaluation and treatment, or his or her designee, and, when appropriate, by the court. If the person so elects, the court shall immediately appoint an attorney to assist him or her.

(12) A person challenging his or her detention or his or her attorney shall have the right to designate and have the court appoint a reasonably available independent physician, physician assistant, psychiatric advanced registered nurse practitioner, or other professional person to examine the person detained, the results of which examination may be used in the proceeding. The person shall, if he or she is financially able, bear the cost of such expert examination,

otherwise such expert examination shall be at public expense.

(13) Nothing contained in this chapter shall prohibit the patient from petitioning by writ of habeas corpus for release.

(14) Nothing in this chapter shall prohibit a person committed on or prior to January 1, 1974, from exercising a right available to him or her at or prior to January 1, 1974, for obtaining release from confinement.

(15) Nothing in this section permits any person to knowingly violate a no-contact order or a condition of an active judgment and sentence or an active condition of supervision by the department of corrections.

**Sec. 732.** RCW 71.32.020 and 2016 c 209 s 407 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Adult" means any individual who has attained the age of majority or is an emancipated minor.

(2) "Agent" has the same meaning as an attorney-in-fact or agent as provided in chapter 11.125 RCW.

(3) "Capacity" means that an adult has not been found to be incapacitated pursuant to this chapter or ~~((RCW 11.88.010(1)(e)))~~ subject to a guardianship under RCW 11.130.265.

(4) "Court" means a superior court under chapter 2.08 RCW.

(5) "Health care facility" means a hospital, as defined in RCW 70.41.020; an institution, as defined in RCW 71.12.455; a state hospital, as defined in RCW 72.23.010; a nursing home, as defined in RCW 18.51.010; or a clinic that is part of a community mental health service delivery system, as defined in RCW 71.24.025.

(6) "Health care provider" means an osteopathic physician or osteopathic physician's assistant licensed under chapter 18.57 or 18.57A RCW, a physician or physician's assistant licensed under chapter 18.71 or 18.71A RCW, or an advanced registered nurse practitioner licensed under RCW 18.79.050.

(7) "Incapacitated" means an adult who: (a) Is unable to understand the nature, character, and anticipated results of proposed treatment or alternatives; understand the recognized serious possible risks, complications, and anticipated benefits in treatments and alternatives, including nontreatment; or communicate his or her understanding or treatment decisions; or (b) has been found to be ~~((incompetent pursuant to RCW 11.88.010(1)(e)))~~ subject to a guardianship under RCW 11.130.265.

(8) "Informed consent" means consent that is given after the person: (a) Is provided with a description of the nature, character, and anticipated results of proposed treatments and alternatives, and the recognized serious possible risks, complications, and anticipated benefits in the treatments and alternatives, including nontreatment, in language that the person can reasonably be expected to

understand; or (b) elects not to be given the information included in (a) of this subsection.

(9) "Long-term care facility" has the same meaning as defined in RCW 43.190.020.

(10) "Mental disorder" means any organic, mental, or emotional impairment which has substantial adverse effects on an individual's cognitive or volitional functions.

(11) "Mental health advance directive" or "directive" means a written document in which the principal makes a declaration of instructions or preferences or appoints an agent to make decisions on behalf of the principal regarding the principal's mental health treatment, or both, and that is consistent with the provisions of this chapter.

(12) "Mental health professional" means a psychiatrist, psychologist, psychiatric nurse, or social worker, and such other mental health professionals as may be defined by rules adopted by the secretary pursuant to the provisions of chapter 71.05 RCW.

(13) "Principal" means an adult who has executed a mental health advance directive.

(14) "Professional person" means a mental health professional and shall also mean a physician, registered nurse, and such others as may be defined by rules adopted by the secretary pursuant to the provisions of chapter 71.05 RCW.

(15) "Social worker" means a person with a master's or further advanced degree from a social work educational program accredited and approved as provided in RCW 18.320.010.

**Sec. 733.** RCW 71A.16.030 and 1998 c 216 s 4 are each amended to read as follows:

~~(1) ((The department will develop an outreach program to ensure that any eligible person with developmental disabilities services in homes, the community, and residential habilitation centers will be made aware of these services. This subsection (1) expires June 30, 2003.~~

~~((2)))~~ The secretary shall establish a single procedure for persons to apply for a determination of eligibility for services provided to persons with developmental disabilities.

~~((3)) Until June 30, 2003, the procedure set out under subsection (1) of this section must require that all applicants and all persons with developmental disabilities currently receiving services from the division of developmental disabilities within the department be given notice of the existence and availability of residential habilitation center and community support services. For genuine choice to exist, people must know what the options are. Available options must be clearly explained, with services customized to fit the unique needs and circumstances of developmentally disabled clients and their families. Choice of providers and design of services and supports will be determined by the individual in conjunction with the department. When the person cannot make these choices, the person's legal guardian may make them, consistent with chapter 11.88 or 11.92 RCW. This subsection expires June 30, 2003.~~

~~(4)))~~ (2) An application may be submitted by a person with a developmental disability, by the legal representative of a person with a developmental disability, or by any other person who is authorized by rule of the secretary to submit an application.

**Sec. 734.** RCW 73.36.050 and 1994 c 147 s 4 are each amended to read as follows:

(1) A petition for the appointment of a guardian may be filed by any relative or friend of the ward or by any person who is authorized by law to file such a petition. If there is no person so authorized or if the person so authorized refuses or fails to file such a petition within thirty days after mailing of notice by the veterans administration to the last known address of the person, if any, indicating the necessity for the same, a petition for appointment may be filed by any resident of this state.

(2) The petition for appointment shall set forth the name, age, place of residence of the ward, the name and place of residence of the nearest relative, if known, and the fact that the ward is entitled to receive benefits payable by or through the veterans administration and shall set forth the amount of moneys then due and the amount of probable future payments.

(3) The petition shall also set forth the name and address of the person or institution, if any, having actual custody of the ward and the name, age, relationship, if any, occupation and address of the proposed guardian and if the nominee is a natural person, the number of wards for whom the nominee is presently acting as guardian. Notwithstanding any law as to priority of persons entitled to appointment, or the nomination in the petition, the court may appoint some other individual or a bank or trust company as guardian, if the court determines it is for the best interest of the ward.

(4) In the case of a mentally incompetent ward the petition shall show that such ward has been rated incompetent by the veterans administration on examination in accordance with the laws and regulations governing the veterans administration.

(5) All proceedings under this chapter shall be governed by the provisions of ~~((chapters 11.88 and 11.92))~~ chapter 11.130 RCW which shall prevail over any conflicting provisions of this chapter.

**Sec. 735.** RCW 74.34.020 and 2019 c 325 s 5030 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Abandonment" means action or inaction by a person or entity with a duty of care for a vulnerable adult that leaves the vulnerable person without the means or ability to obtain necessary food, clothing, shelter, or health care.

(2) "Abuse" means the willful action or inaction that inflicts injury, unreasonable confinement, intimidation, or punishment on a vulnerable adult. In instances of abuse of a vulnerable adult who is unable to express or demonstrate physical harm, pain, or mental anguish, the abuse is

presumed to cause physical harm, pain, or mental anguish. Abuse includes sexual abuse, mental abuse, physical abuse, and personal exploitation of a vulnerable adult, and improper use of restraint against a vulnerable adult which have the following meanings:

(a) "Sexual abuse" means any form of nonconsensual sexual conduct, including but not limited to unwanted or inappropriate touching, rape, sodomy, sexual coercion, sexually explicit photographing, and sexual harassment. Sexual abuse also includes any sexual conduct between a staff person, who is not also a resident or client, of a facility or a staff person of a program authorized under chapter 71A.12 RCW, and a vulnerable adult living in that facility or receiving service from a program authorized under chapter 71A.12 RCW, whether or not it is consensual.

(b) "Physical abuse" means the willful action of inflicting bodily injury or physical mistreatment. Physical abuse includes, but is not limited to, striking with or without an object, slapping, pinching, choking, kicking, shoving, or prodding.

(c) "Mental abuse" means a willful verbal or nonverbal action that threatens, humiliates, harasses, coerces, intimidates, isolates, unreasonably confines, or punishes a vulnerable adult. Mental abuse may include ridiculing, yelling, or swearing.

(d) "Personal exploitation" means an act of forcing, compelling, or exerting undue influence over a vulnerable adult causing the vulnerable adult to act in a way that is inconsistent with relevant past behavior, or causing the vulnerable adult to perform services for the benefit of another.

(e) "Improper use of restraint" means the inappropriate use of chemical, physical, or mechanical restraints for convenience or discipline or in a manner that: (i) Is inconsistent with federal or state licensing or certification requirements for facilities, hospitals, or programs authorized under chapter 71A.12 RCW; (ii) is not medically authorized; or (iii) otherwise constitutes abuse under this section.

(3) "Chemical restraint" means the administration of any drug to manage a vulnerable adult's behavior in a way that reduces the safety risk to the vulnerable adult or others, has the temporary effect of restricting the vulnerable adult's freedom of movement, and is not standard treatment for the vulnerable adult's medical or psychiatric condition.

(4) "Consent" means express written consent granted after the vulnerable adult or his or her legal representative has been fully informed of the nature of the services to be offered and that the receipt of services is voluntary.

(5) "Department" means the department of social and health services.

(6) "Facility" means a residence licensed or required to be licensed under chapter 18.20 RCW, assisted living facilities; chapter 18.51 RCW, nursing homes; chapter 70.128 RCW, adult family homes; chapter 72.36 RCW, soldiers' homes; chapter 71A.20 RCW, residential habilitation centers; or any other facility licensed or certified by the department.

(7) "Financial exploitation" means the illegal or improper use, control over, or withholding of the property, income, resources, or trust funds of the vulnerable adult by any person or entity for any person's or entity's profit or advantage other than for the vulnerable adult's profit or advantage. "Financial exploitation" includes, but is not limited to:

(a) The use of deception, intimidation, or undue influence by a person or entity in a position of trust and confidence with a vulnerable adult to obtain or use the property, income, resources, or trust funds of the vulnerable adult for the benefit of a person or entity other than the vulnerable adult;

(b) The breach of a fiduciary duty, including, but not limited to, the misuse of a power of attorney, trust, or a guardianship appointment, that results in the unauthorized appropriation, sale, or transfer of the property, income, resources, or trust funds of the vulnerable adult for the benefit of a person or entity other than the vulnerable adult; or

(c) Obtaining or using a vulnerable adult's property, income, resources, or trust funds without lawful authority, by a person or entity who knows or clearly should know that the vulnerable adult lacks the capacity to consent to the release or use of his or her property, income, resources, or trust funds.

(8) "Financial institution" has the same meaning as in RCW 30A.22.040 and 30A.22.041. For purposes of this chapter only, "financial institution" also means a "broker-dealer" or "investment adviser" as defined in RCW 21.20.005.

(9) "Hospital" means a facility licensed under chapter 70.41 or 71.12 RCW or a state hospital defined in chapter 72.23 RCW and any employee, agent, officer, director, or independent contractor thereof.

~~(10) ("Incapacitated person" means a person who is at a significant risk of personal or financial harm under RCW 11.88.010(1) (a), (b), (c), or (d).~~

~~(11))~~ "Individual provider" means a person under contract with the department to provide services in the home under chapter 74.09 or 74.39A RCW.

~~((12))~~ (11) "Interested person" means a person who demonstrates to the court's satisfaction that the person is interested in the welfare of the vulnerable adult, that the person has a good faith belief that the court's intervention is necessary, and that the vulnerable adult is unable, due to incapacity, undue influence, or duress at the time the petition is filed, to protect his or her own interests.

~~((13))~~ (12)(a) "Isolate" or "isolation" means to restrict a vulnerable adult's ability to communicate, visit, interact, or otherwise associate with persons of his or her choosing. Isolation may be evidenced by acts including but not limited to:

(i) Acts that prevent a vulnerable adult from sending, making, or receiving his or her personal mail, electronic communications, or telephone calls; or

(ii) Acts that prevent or obstruct the vulnerable adult from meeting with others, such as telling a prospective visitor or caller that a vulnerable adult is not present, or does not wish contact, where the statement is contrary to the express wishes of the vulnerable adult.

(b) The term "isolate" or "isolation" may not be construed in a manner that prevents a guardian or limited guardian from performing his or her fiduciary obligations under chapter ~~((41.92))~~ 11.130 RCW or prevents a hospital or facility from providing treatment consistent with the standard of care for delivery of health services.

~~((44))~~ (13) "Mandated reporter" is an employee of the department; law enforcement officer; social worker; professional school personnel; individual provider; an employee of a facility; an operator of a facility; an employee of a social service, welfare, mental health, adult day health, adult day care, home health, home care, or hospice agency; county coroner or medical examiner; Christian Science practitioner; or health care provider subject to chapter 18.130 RCW.

~~((45))~~ (14) "Mechanical restraint" means any device attached or adjacent to the vulnerable adult's body that he or she cannot easily remove that restricts freedom of movement or normal access to his or her body. "Mechanical restraint" does not include the use of devices, materials, or equipment that are (a) medically authorized, as required, and (b) used in a manner that is consistent with federal or state licensing or certification requirements for facilities, hospitals, or programs authorized under chapter 71A.12 RCW.

~~((46))~~ (15) "Neglect" means (a) a pattern of conduct or inaction by a person or entity with a duty of care that fails to provide the goods and services that maintain physical or mental health of a vulnerable adult, or that fails to avoid or prevent physical or mental harm or pain to a vulnerable adult; or (b) an act or omission by a person or entity with a duty of care that demonstrates a serious disregard of consequences of such a magnitude as to constitute a clear and present danger to the vulnerable adult's health, welfare, or safety, including but not limited to conduct prohibited under RCW 9A.42.100.

~~((47))~~ (16) "Permissive reporter" means any person, including, but not limited to, an employee of a financial institution, attorney, or volunteer in a facility or program providing services for vulnerable adults.

~~((48))~~ (17) "Physical restraint" means the application of physical force without the use of any device, for the purpose of restraining the free movement of a vulnerable adult's body. "Physical restraint" does not include (a) briefly holding without undue force a vulnerable adult in order to calm or comfort him or her, or (b) holding a vulnerable adult's hand to safely escort him or her from one area to another.

~~((49))~~ (18) "Protective services" means any services provided by the department to a vulnerable adult with the consent of the vulnerable adult, or the legal representative of the vulnerable adult, who has been abandoned, abused, financially exploited, neglected, or in a state of self-neglect. These services may include, but are not limited to case

management, social casework, home care, placement, arranging for medical evaluations, psychological evaluations, day care, or referral for legal assistance.

~~((20))~~ (19) "Self-neglect" means the failure of a vulnerable adult, not living in a facility, to provide for himself or herself the goods and services necessary for the vulnerable adult's physical or mental health, and the absence of which impairs or threatens the vulnerable adult's well-being. This definition may include a vulnerable adult who is receiving services through home health, hospice, or a home care agency, or an individual provider when the neglect is not a result of inaction by that agency or individual provider.

~~((21))~~ (20) "Social worker" means:

(a) A social worker as defined in RCW 18.320.010(2); or

(b) Anyone engaged in a professional capacity during the regular course of employment in encouraging or promoting the health, welfare, support, or education of vulnerable adults, or providing social services to vulnerable adults, whether in an individual capacity or as an employee or agent of any public or private organization or institution.

~~((22))~~ (21) "Vulnerable adult" includes a person:

(a) Sixty years of age or older who has the functional, mental, or physical inability to care for himself or herself; or

(b) ~~((Found incapacitated under chapter 11.88 RCW))~~ Subject to a guardianship under RCW 11.130.265 or adult subject to conservatorship under RCW 11.130.360; or

(c) Who has a developmental disability as defined under RCW 71A.10.020; or

(d) Admitted to any facility; or

(e) Receiving services from home health, hospice, or home care agencies licensed or required to be licensed under chapter 70.127 RCW; or

(f) Receiving services from an individual provider; or

(g) Who self-directs his or her own care and receives services from a personal aide under chapter 74.39 RCW.

~~((23))~~ (22) "Vulnerable adult advocacy team" means a team of three or more persons who coordinate a multidisciplinary process, in compliance with chapter 266, Laws of 2017 and the protocol governed by RCW 74.34.320, for preventing, identifying, investigating, prosecuting, and providing services related to abuse, neglect, or financial exploitation of vulnerable adults.

**Sec. 736.** RCW 74.34.067 and 2013 c 263 s 3 are each amended to read as follows:

(1) Where appropriate, an investigation by the department may include a private interview with the vulnerable adult regarding the alleged abandonment, abuse, financial exploitation, neglect, or self-neglect.

(2) In conducting the investigation, the department shall interview the complainant, unless anonymous, and shall use its best efforts to interview the vulnerable adult or adults harmed, and, consistent with the protection of the

vulnerable adult shall interview facility staff, any available independent sources of relevant information, including if appropriate the family members of the vulnerable adult.

(3) The department may conduct ongoing case planning and consultation with: (a) Those persons or agencies required to report under this chapter or submit a report under this chapter; (b) consultants designated by the department; and (c) designated representatives of Washington Indian tribes if client information exchanged is pertinent to cases under investigation or the provision of protective services. Information considered privileged by statute and not directly related to reports required by this chapter must not be divulged without a valid written waiver of the privilege.

(4) The department shall prepare and keep on file a report of each investigation conducted by the department for a period of time in accordance with policies established by the department.

(5) If the department has reason to believe that the vulnerable adult has suffered from abandonment, abuse, financial exploitation, neglect, or self-neglect, and lacks the ability or capacity to consent, and needs the protection of a guardian, the department may bring a guardianship ~~((action))~~, conservatorship, or other protective proceedings under chapter ~~((41.88))~~ 11.130 RCW.

(6) For purposes consistent with this chapter, the department, the certified professional guardian board, and the office of public guardianship may share information contained in reports and investigations of the abuse, abandonment, neglect, self-neglect, and financial exploitation of vulnerable adults. This information may be used solely for (a) recruiting or appointing appropriate guardians and (b) monitoring, or when appropriate, disciplining certified professional or public guardians. Reports of abuse, abandonment, neglect, self-neglect, and financial exploitation are confidential under RCW 74.34.095 and other laws, and secondary disclosure of information shared under this section is prohibited.

(7) When the investigation is completed and the department determines that an incident of abandonment, abuse, financial exploitation, neglect, or self-neglect has occurred, the department shall inform the vulnerable adult of their right to refuse protective services, and ensure that, if necessary, appropriate protective services are provided to the vulnerable adult, with the consent of the vulnerable adult. The vulnerable adult has the right to withdraw or refuse protective services.

(8) The department's adult protective services division may enter into agreements with federally recognized tribes to investigate reports of abandonment, abuse, financial exploitation, neglect, or self-neglect of vulnerable adults on property over which a federally recognized tribe has exclusive jurisdiction. If the department has information that abandonment, abuse, financial exploitation, or neglect is criminal or is placing a vulnerable adult on tribal property at potential risk of personal or financial harm, the department may notify tribal law enforcement or another tribal representative specified by the tribe. Upon receipt of the notification, the tribe may assume jurisdiction of the matter.

Neither the department nor its employees may participate in the investigation after the tribe assumes jurisdiction. The department, its officers, and its employees are not liable for any action or inaction of the tribe or for any harm to the alleged victim, the person against whom the allegations were made, or other parties that occurs after the tribe assumes jurisdiction. Nothing in this section limits the department's jurisdiction and authority over facilities or entities that the department licenses or certifies under federal or state law.

(9) The department may photograph a vulnerable adult or their environment for the purpose of providing documentary evidence of the physical condition of the vulnerable adult or his or her environment. When photographing the vulnerable adult, the department shall obtain permission from the vulnerable adult or his or her legal representative unless immediate photographing is necessary to preserve evidence. However, if the legal representative is alleged to have abused, neglected, abandoned, or exploited the vulnerable adult, consent from the legal representative is not necessary. No such consent is necessary when photographing the physical environment.

(10) When the investigation is complete and the department determines that the incident of abandonment, abuse, financial exploitation, or neglect has occurred, the department shall inform the facility in which the incident occurred, consistent with confidentiality requirements concerning the vulnerable adult, witnesses, and complainants.

**Sec. 737.** RCW 74.34.135 and 2007 c 312 s 9 are each amended to read as follows:

(1) When a petition for protection under RCW 74.34.110 is filed by someone other than the vulnerable adult or the vulnerable adult's ~~((full))~~ guardian ~~((over either the person or the estate))~~, conservator, or person acting under a protective arrangement, or both, and the vulnerable adult for whom protection is sought advises the court at the hearing that he or she does not want all or part of the protection sought in the petition, then the court may dismiss the petition or the provisions that the vulnerable adult objects to and any protection order issued under RCW 74.34.120 or 74.34.130, or the court may take additional testimony or evidence, or order additional evidentiary hearings to determine whether the vulnerable adult is unable, due to incapacity, undue influence, or duress, to protect his or her person or estate in connection with the issues raised in the petition or order. If an additional evidentiary hearing is ordered and the court determines that there is reason to believe that there is a genuine issue about whether the vulnerable adult is unable to protect his or her person or estate in connection with the issues raised in the petition or order, the court may issue a temporary order for protection of the vulnerable adult pending a decision after the evidentiary hearing.

(2) An evidentiary hearing on the issue of whether the vulnerable adult is unable, due to incapacity, undue influence, or duress, to protect his or her person or estate in connection with the issues raised in the petition or order, shall be held within fourteen days of entry of the temporary order for protection under subsection (1) of this section. If the court did not enter a temporary order for protection, the

evidentiary hearing shall be held within fourteen days of the prior hearing on the petition. Notice of the time and place of the evidentiary hearing shall be personally served upon the vulnerable adult and the respondent not less than six court days before the hearing. When good faith attempts to personally serve the vulnerable adult and the respondent have been unsuccessful, the court shall permit service by mail, or by publication if the court determines that personal service and service by mail cannot be obtained. If timely service cannot be made, the court may set a new hearing date. A hearing under this subsection is not necessary if the vulnerable adult has been determined to be ~~((fully incapacitated over either the person or the estate, or both, under the guardianship laws,))~~ subject to a guardianship, conservatorship, or other protective arrangement under chapter ((41.88)) 11.130 RCW. If a hearing is scheduled under this subsection, the protection order shall remain in effect pending the court's decision at the subsequent hearing.

(3) At the hearing scheduled by the court, the court shall give the vulnerable adult, the respondent, the petitioner, and in the court's discretion other interested persons, the opportunity to testify and submit relevant evidence.

(4) If the court determines that the vulnerable adult is capable of protecting his or her person or estate in connection with the issues raised in the petition, and the individual continues to object to the protection order, the court shall dismiss the order or may modify the order if agreed to by the vulnerable adult. If the court determines that the vulnerable adult is not capable of protecting his or her person or estate in connection with the issues raised in the petition or order, and that the individual continues to need protection, the court shall order relief consistent with RCW 74.34.130 as it deems necessary for the protection of the vulnerable adult. In the entry of any order that is inconsistent with the expressed wishes of the vulnerable adult, the court's order shall be governed by the legislative findings contained in RCW 74.34.005.

**Sec. 738.** RCW 74.34.163 and 2007 c 312 s 10 are each amended to read as follows:

Any vulnerable adult who ~~((has not been adjudicated fully incapacitated under chapter 11.88 RCW, or the vulnerable adult's guardian,))~~ is subject to a limited guardianship, limited conservatorship, or other protective arrangement under chapter 11.130 RCW, or the vulnerable adult's guardian, conservator, or person acting on behalf of the vulnerable adult under a protective arrangement may at any time subsequent to entry of a permanent protection order under this chapter, ~~((may))~~ apply to the court for an order to modify or vacate the order. In a hearing on an application to dismiss or modify the protection order, the court shall grant such relief consistent with RCW 74.34.110 as it deems necessary for the protection of the vulnerable adult, including dismissal or modification of the protection order.

**Sec. 739.** RCW 74.42.430 and 1980 c 184 s 12 are each amended to read as follows:

The facility shall develop written guidelines governing:

- (1) All services provided by the facility;

- (2) Admission, transfer or discharge;

- (3) The use of chemical and physical restraints, the personnel authorized to administer restraints in an emergency, and procedures for monitoring and controlling the use of the restraints;

- (4) Procedures for receiving and responding to residents' complaints and recommendations;

- (5) Access to, duplication of, and dissemination of information from the resident's record;

- (6) Residents' rights, privileges, and duties;

- (7) Procedures if the resident is adjudicated incompetent or incapable of understanding his or her rights and responsibilities;

- (8) When to recommend initiation of guardianship, conservatorship, or other protective arrangement proceedings under chapter ~~((41.88))~~ 11.130 RCW; ~~((and))~~

- (9) Emergencies;

- (10) Procedures for isolation of residents with infectious diseases; and

- (11) Procedures for residents to refuse treatment and for the facility to document informed refusal.

The written guidelines shall be made available to the staff, residents, members of residents' families, and the public.

## PART VIII

### INTENT

**NEW SECTION. Sec. 801.** A new section is added to chapter 11.130 RCW to read as follows:

It is the intent of the legislature to protect the liberty and autonomy of all people of this state, and to enable them to exercise their rights under the law to the maximum extent, consistent with the capacity of each person. The legislature recognizes that people with incapacities have unique abilities and needs, and that some people with incapacities cannot exercise their rights or provide for their basic needs without the help of a guardian. However, their liberty and autonomy should be restricted through guardianship, conservatorship, emergency guardianship, emergency conservatorship, and other protective arrangements only to the minimum extent necessary to adequately provide for their own health or safety, or to adequately manage their financial affairs.

## PART IX

### TECHNICAL

**NEW SECTION. Sec. 901.** Sections 601 through 612 of this act are each added to chapter 11.130 RCW.

**Sec. 902.** RCW 11.130.915 and 2019 c 437 s 807 are each amended to read as follows:

This act takes effect January 1, ~~((2024))~~ 2022, except that:

(1) Section 129, chapter 437, Laws of 2019 takes effect on the effective date of this section; and

(2) With respect to minors, sections 101 through 128, 130 through 136, 201 through 216, 602, 802, 803, and 805, chapter 437, Laws of 2019 take effect January 1, 2021.

**NEW SECTION. Sec. 903.** 2019 c 437 s 801 (uncodified) is repealed.

**NEW SECTION. Sec. 904.** The following acts or parts of acts are each repealed:

(1)RCW 11.88.005 (Legislative intent) and 1990 c 122 s 1, 1977 ex.s. c 309 s 1, & 1975 1st ex.s. c 95 s 1;

(2)RCW 11.88.008 ("Professional guardian" defined) and 1997 c 312 s 2;

(3)RCW 11.88.010 (Authority to appoint guardians—Definitions—Venue—Nomination by principal) and 2016 c 209 s 403, 2008 c 6 s 802, 2005 c 236 s 3, (2005 c 236 s 2 expired January 1, 2006), 2004 c 267 s 139, 1991 c 289 s 1, 1990 c 122 s 2, 1984 c 149 s 176, 1977 ex.s. c 309 s 2, 1975 1st ex.s. c 95 s 2, & 1965 c 145 s 11.88.010;

(4)RCW 11.88.020 (Qualifications) and 2011 c 329 s 1, 1997 c 312 s 1, 1990 c 122 s 3, 1975 1st ex.s. c 95 s 3, 1971 c 28 s 4, & 1965 c 145 s 11.88.020;

(5)RCW 11.88.030 (Petition—Contents—Hearing) and 2011 c 329 s 2, 2009 c 521 s 36, 1996 c 249 s 8, 1995 c 297 s 1, 1991 c 289 s 2, 1990 c 122 s 4, 1977 ex.s. c 309 s 3, 1975 1st ex.s. c 95 s 4, & 1965 c 145 s 11.88.030;

(6)RCW 11.88.040 (Notice and hearing, when required—Service—Procedure) and 2008 c 6 s 803, 1995 c 297 s 2, 1991 c 289 s 3, 1990 c 122 s 5, 1984 c 149 s 177, 1977 ex.s. c 309 s 4, 1975 1st ex.s. c 95 s 5, 1969 c 70 s 1, & 1965 c 145 s 11.88.040;

(7)RCW 11.88.045 (Legal counsel and jury trial—Proof—Medical report—Examinations—Waiver) and 2001 c 148 s 1, 1996 c 249 s 9, 1995 c 297 s 3, 1991 c 289 s 4, 1990 c 122 s 6, 1977 ex.s. c 309 s 5, & 1975 1st ex.s. c 95 s 7;

(8)RCW 11.88.080 (Guardians nominated by will or durable power of attorney) and 2016 c 209 s 401, 2005 c 97 s 11, 1990 c 122 s 7, & 1965 c 145 s 11.88.080;

(9)RCW 11.88.090 (Guardian ad litem—Mediation—Appointment—Qualifications—Notice of and statement by guardian ad litem—Hearing and notice—Attorneys' fees and costs—Registry—Duties—Report—Responses—Fee) and 2008 c 6 s 804, 2000 c 124 s 1, 1999 c 360 s 1, 1996 c 249 s 10, 1995 c 297 s 4, 1991 c 289 s 5, 1990 c 122 s 8, 1977 ex.s. c 309 s 6, 1975 1st ex.s. c 95 s 9, & 1965 c 145 s 11.88.090;

(10)RCW 11.88.093 (Ex parte communications—Removal) and 2000 c 124 s 10;

(11)RCW 11.88.095 (Disposition of guardianship petition) and 2011 c 329 s 4, 1995 c 297 s 5, 1991 c 289 s 6, & 1990 c 122 s 9;

(12)RCW 11.88.097 (Guardian ad litem—Fees) and 2000 c 124 s 13;

(13)RCW 11.88.100 (Oath and bond of guardian or limited guardian) and 2010 c 8 s 2088, 1990 c 122 s 10, 1983 c 271 s 1, 1977 ex.s. c 309 s 7, 1975 1st ex.s. c 95 s 10, & 1965 c 145 s 11.88.100;

(14)RCW 11.88.105 (Reduction in amount of bond) and 1990 c 122 s 11, 1975 1st ex.s. c 95 s 11, & 1965 c 145 s 11.88.105;

(15)RCW 11.88.107 (When bond not required) and 1990 c 122 s 12, 1977 ex.s. c 309 s 8, 1975 1st ex.s. c 95 s 12, & 1965 c 145 s 11.88.107;

(16)RCW 11.88.110 (Law on executors' and administrators' bonds applicable) and 1975 1st ex.s. c 95 s 13 & 1965 c 145 s 11.88.110;

(17)RCW 11.88.115 (Notice to department of revenue);

(18)RCW 11.88.120 (Modification or termination of guardianship—Procedure) and 2017 c 271 s 2, 2015 c 293 s 1, 1991 c 289 s 7, 1990 c 122 s 14, 1977 ex.s. c 309 s 9, 1975 1st ex.s. c 95 s 14, & 1965 c 145 s 11.88.120;

(19)RCW 11.88.125 (Standby limited guardian or limited guardian) and 2013 c 304 s 1, 2011 c 329 s 5, 2008 c 6 s 805, 1991 c 289 s 8, 1990 c 122 s 15, 1979 c 32 s 1, 1977 ex.s. c 309 s 10, & 1975 1st ex.s. c 95 s 6;

(20)RCW 11.88.127 (Guardianship—Incapacitated person—Letters of guardianship) and 2011 c 329 s 6;

(21)RCW 11.88.130 (Transfer of jurisdiction and venue) and 1990 c 122 s 16, 1975 1st ex.s. c 95 s 15, & 1965 c 145 s 11.88.130;

(22)RCW 11.88.140 (Termination of guardianship or limited guardianship) and 2016 c 202 s 9, 2011 c 329 s 7, 1991 c 289 s 9, 1990 c 122 s 17, 1977 ex.s. c 309 s 11, 1975 1st ex.s. c 95 s 16, & 1965 c 145 s 11.88.140;

(23)RCW 11.88.150 (Administration of deceased incapacitated person's estate) and 2010 c 8 s 2089, 1990 c 122 s 18, 1977 ex.s. c 309 s 12, 1975 1st ex.s. c 95 s 17, & 1965 c 145 s 11.88.150;

(24)RCW 11.88.160 (Guardianships involving veterans) and 1990 c 122 s 13;

(25)RCW 11.88.170 (Guardianship courthouse facilitator program) and 2015 c 295 s 1;

(26)RCW 11.88.900 (Construction—Chapter applicable to state registered domestic partnerships—2009 c 521) and 2009 c 521 s 35;

(27)RCW 11.92.010 (Guardians or limited guardians under court control—Legal age) and 1975 1st ex.s. c 95 s 18, 1971 c 28 s 5, & 1965 c 145 s 11.92.010;

(28)RCW 11.92.035 (Claims) and 1990 c 122 s 19, 1975 1st ex.s. c 95 s 19, & 1965 c 145 s 11.92.035;

(29)RCW 11.92.040 (Duties of guardian or limited guardian in general) and 2011 c 329 s 9, 1991 c 289 s 10, 1990 c 122 s 20, & 1985 c 30 s 9;

(30)RCW 11.92.043 (Additional duties) and 2017 c 268 s 3, 2011 c 329 s 3, 1991 c 289 s 11, & 1990 c 122 s 21;

(31)RCW 11.92.050 (Intermediate accounts or reports—Hearing—Order) and 2011 c 329 s 10, 1995 c 297 s 6, 1990 c 122 s 23, 1975 1st ex.s. c 95 s 21, & 1965 c 145 s 11.92.050;

(32)RCW 11.92.053 (Settlement of estate upon termination) and 2011 c 329 s 8, 1995 c 297 s 7, 1990 c 122 s 24, & 1965 c 145 s 11.92.053;

(33)RCW 11.92.056 (Citation of surety on bond) and 1990 c 122 s 25, 1975 1st ex.s. c 95 s 22, & 1965 c 145 s 11.92.056;

(34)RCW 11.92.060 (Guardian to represent incapacitated person—Compromise of claims—Service of process) and 1990 c 122 s 26, 1975 1st ex.s. c 95 s 23, & 1965 c 145 s 11.92.060;

(35)RCW 11.92.090 (Sale, exchange, lease, or mortgage of property) and 1990 c 122 s 27, 1975 1st ex.s. c 95 s 24, & 1965 c 145 s 11.92.090;

(36)RCW 11.92.096 (Guardian access to certain held assets) and 1991 c 289 s 13;

(37)RCW 11.92.100 (Petition—Contents) and 1990 c 122 s 28, 1975 1st ex.s. c 95 s 25, & 1965 c 145 s 11.92.100;

(38)RCW 11.92.110 (Sale of real estate) and 1990 c 122 s 29, 1975 1st ex.s. c 95 s 26, & 1965 c 145 s 11.92.110;

(39)RCW 11.92.115 (Return and confirmation of sale) and 2010 c 8 s 2090, 1990 c 122 s 30, 1975 1st ex.s. c 95 s 27, & 1965 c 145 s 11.92.115;

(40)RCW 11.92.120 (Confirmation conclusive) and 1975 1st ex.s. c 95 s 28 & 1965 c 145 s 11.92.120;

(41)RCW 11.92.125 (Broker's fee and closing expenses—Sale, exchange, mortgage, or lease of real estate) and 1977 ex.s. c 309 s 15 & 1965 c 145 s 11.92.125;

(42)RCW 11.92.130 (Performance of contracts) and 1990 c 122 s 31, 1975 1st ex.s. c 95 s 29, & 1965 c 145 s 11.92.130;

(43)RCW 11.92.140 (Court authorization for actions regarding guardianship funds) and 2008 c 6 s 807, 1999 c 42 s 616, 1991 c 193 s 32, 1990 c 122 s 32, & 1985 c 30 s 10;

(44)RCW 11.92.150 (Request for special notice of proceedings) and 1990 c 122 s 33 & 1985 c 30 s 11;

(45)RCW 11.92.160 (Citation for failure to file account or report) and 1990 c 122 s 34, 1975 1st ex.s. c 95 s 31, & 1965 c 145 s 11.92.160;

(46)RCW 11.92.170 (Removal of property of nonresident incapacitated person) and 1990 c 122 s 35, 1977 ex.s. c 309 s 16, 1975 1st ex.s. c 95 s 32, & 1965 c 145 s 11.92.170;

(47)RCW 11.92.180 (Compensation and expenses of guardian or limited guardian—Attorney's fees—Department of social and health services clients paying part of costs—Rules) and 1995 c 297 s 8, 1994 c 68 s 1, 1991 c 289 s 12,

1990 c 122 s 36, 1975 1st ex.s. c 95 s 33, & 1965 c 145 s 11.92.180;

(48)RCW 11.92.185 (Concealed or embezzled property) and 1990 c 122 s 37, 1975 1st ex.s. c 95 s 34, & 1965 c 145 s 11.92.185;

(49)RCW 11.92.190 (Detention of person in residential placement facility against will prohibited—Effect of court order—Service of notice of residential placement) and 2016 sp.s. c 29 s 412, 1996 c 249 s 11, & 1977 ex.s. c 309 s 14; and

(50)RCW 11.92.195 (Incapacitated persons—Right to associate with persons of their choosing) and 2017 c 268 s 1.

**NEW SECTION. Sec. 905.** The following acts or parts of acts are each repealed:

(1)RCW 26.10.010 (Intent) and 1987 c 460 s 25;

(2)RCW 26.10.015 (Mandatory use of approved forms) and 1992 c 229 s 4 & 1990 1st ex.s. c 2 s 27;

(3)RCW 26.10.020 (Civil practice to govern—Designation of proceedings—Decrees) and 1987 c 460 s 26;

(4)RCW 26.10.030 (Child custody proceeding—Commencement—Notice—Intervention) and 2003 c 105 s 3, 2000 c 135 s 3, 1998 c 130 s 4, & 1987 c 460 s 27;

(5)RCW 26.10.032 (Child custody motion—Affidavit required—Notice—Denial of motion—Show cause hearing) and 2003 c 105 s 6;

(6)RCW 26.10.034 (Petitions—Indian child statement—Application of federal Indian child welfare act) and 2011 c 309 s 31, 2004 c 64 s 1, & 2003 c 105 s 7;

(7)RCW 26.10.040 (Provisions for child support, custody, and visitation—Federal tax exemption—Continuing restraining orders—Domestic violence or antiharassment protection orders—Notice of modification or termination of restraining order) and 2000 c 119 s 8, 1995 c 93 s 3, 1994 sp.s. c 7 s 453, 1989 c 375 s 31, & 1987 c 460 s 28;

(8)RCW 26.10.045 (Child support schedule) and 1988 c 275 s 12;

(9)RCW 26.10.050 (Child support by parents—Apportionment of expense) and 2008 c 6 s 1023 & 1987 c 460 s 29;

(10)RCW 26.10.060 (Health insurance coverage—Conditions) and 1989 c 375 s 19 & 1987 c 460 s 30;

(11)RCW 26.10.070 (Minor or dependent child—Court appointed attorney to represent—Payment of costs, fees, and disbursements) and 1989 c 375 s 20 & 1987 c 460 s 31;

(12)RCW 26.10.080 (Payment of costs, attorney's fees, etc.) and 1987 c 460 s 35;

(13)RCW 26.10.090 (Failure to comply with decree or temporary injunction—Obligation to make support payments or permit visitation not suspended—Motion) and 1987 c 460 s 36;



(14)RCW 26.10.100 (Determination of custody—Child's best interests) and 1987 c 460 s 38;

(15)RCW 26.10.110 (Temporary custody order—Vacation of order) and 1987 c 460 s 39;

(16)RCW 26.10.120 (Interview with child by court—Advice of professional personnel) and 1987 c 460 s 40;

(17)RCW 26.10.130 (Investigation and report) and 1993 c 289 s 2 & 1987 c 460 s 41;

(18)RCW 26.10.135 (Custody orders—Background information to be consulted) and 2017 3rd sp.s. c 6 s 333 & 2003 c 105 s 1;

(19)RCW 26.10.140 (Hearing—Record—Expenses of witnesses) and 1987 c 460 s 42;

(20)RCW 26.10.150 (Access to child's education and medical records) and 1987 c 460 s 43;

(21)RCW 26.10.160 (Visitation rights—Limitations) and 2018 c 183 s 7, 2011 c 89 s 7, 2004 c 38 s 13, 1996 c 303 s 2, 1994 c 267 s 2, 1989 c 326 s 2, & 1987 c 460 s 44;

(22)RCW 26.10.170 (Powers and duties of custodian—Supervision by appropriate agency when necessary) and 1987 c 460 s 45;

(23)RCW 26.10.180 (Remedies when a child is taken, enticed, or concealed) and 2008 c 6 s 1024, 1989 c 375 s 21, & 1987 c 460 s 46;

(24)RCW 26.10.190 (Petitions for modification and proceedings concerning relocation of child—Assessment of attorneys' fees) and 2000 c 21 s 21, 1989 c 375 s 24, & 1987 c 460 s 47;

(25)RCW 26.10.200 (Temporary custody order or modification of custody decree—Affidavits required) and 1987 c 460 s 48;

(26)RCW 26.10.210 (Venue) and 1987 c 460 s 49;

(27)RCW 26.10.220 (Restraining orders—Notice—Refusal to comply—Arrest—Penalty—Defense—Peace officers, immunity) and 2000 c 119 s 22, 1999 c 184 s 11, 1996 c 248 s 10, 1995 c 246 s 30, & 1987 c 460 s 50; and

(28)RCW 26.10.910 (Short title—1987 c 460).

**NEW SECTION. Sec. 906.** A new section is added to chapter 11.130 RCW to read as follows:

(1) To the extent of a conflict between this chapter and chapter 11.88 or 11.92 RCW, chapter 11.88 or 11.92 RCW prevails.

(2) This section expires January 1, 2022.

**NEW SECTION. Sec. 907.** (1) Except for sections 101 through 122, 301 through 307, 312, 313, 725, 801, 902, 903, 905, and 906 of this act, this act takes effect January 1, 2022.

(2) Sections 101 through 122, 301 through 307, 312, 313, 725, 801, 905, and 906 of this act take effect January 1, 2021."

Correct the title.

Signed by Representatives Ormsby, Chair; Robinson, 1st Vice Chair; Bergquist, 2nd Vice Chair; Rude, Assistant Ranking Minority Member; Caldier; Chopp; Cody; Corry; Dolan; Fitzgibbon; Hansen; Hudgins; Kilduff; Macri; Pettigrew; Pollet; Ryu; Senn; Springer; Steele; Sullivan; Tarleton and Tharinger.

MINORITY recommendation: Do not pass. Signed by Representatives Stokesbary, Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Chandler; Dye; Hoff; Kraft; Mosbrucker; Schmick; Sutherland and Ybarra.

Referred to Committee on Appropriations.

March 2, 2020 907.0.

**ESSB 6288** Prime Sponsor, Committee on Law & Justice: (REVISED FOR ENGROSSED: Creating the Washington office of firearm safety and violence prevention. ) Reported by Committee on Appropriations

MAJORITY recommendation: Do pass as amended by Committee on Civil Rights & Judiciary.  
907.0.

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 908.** The legislature finds that firearm violence is a significant public health and safety concern in Washington. From 2014 to 2018, over one thousand people in Washington were murdered and well over half of those victims were murdered with a gun. Thousands more were hospitalized or treated in emergency departments after surviving gunshot injuries. The legislature recognizes that firearm violence in Washington disproportionately impacts low-income communities and communities of color, with young men of color being particularly vulnerable. This violence imposes a high physical, emotional, and financial toll on families and communities across the state. In Washington, the overall estimate of the annual economic cost of gun violence is three billion eight hundred million dollars.

The legislature recognizes that rates of suicide have been growing in the United States as well as in the state of Washington. Seventy-nine percent of all firearm deaths in Washington state are suicides. More people die of suicide by firearm than by all other means combined.

The legislature intends to establish the Washington office of firearm safety and violence prevention to provide statewide leadership, coordination, and technical assistance to promote effective state and local efforts to reduce preventable injuries and deaths from firearm violence. The office will work with government entities, law enforcement agencies, community-based organizations, and individuals through the state to develop evidence-based policies, strategies, and interventions to reduce the impacts of firearm violence in Washington's communities. The office will also

administer the Washington firearm violence intervention and prevention grant program which will provide for intentional, coordinated, and sustained investments in evidence-based violence reduction strategies to reduce the human and financial costs of firearm violence and enhance firearm safety.

**NEW SECTION. Sec. 909.** The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Department" means the department of commerce.

(2) "Office" means the Washington office of firearm safety and violence prevention.

**NEW SECTION. Sec. 910.** (1) The Washington office of firearm safety and violence prevention is created within the department for the purposes of coordinating and promoting effective state and local efforts to reduce firearm violence.

(2) The duties of the office include, but are not limited to:

(a) Working with law enforcement agencies, county prosecutors, researchers, and public health agencies throughout the state to identify and improve upon available data sources, data collection methods, and data-sharing mechanisms. The office will also identify gaps in available data needed for ongoing analysis, policy development, and the implementation of evidence-based firearm violence intervention and prevention strategies;

(b) Researching, identifying, and recommending legislative policy options to promote the implementation of statewide evidence-based firearm violence intervention and prevention strategies;

(c) Researching, identifying, and applying for nonstate funding to aid in the research, analysis, and implementation of statewide firearm violence intervention and prevention strategies;

(d) Working with the office of crime victim advocacy to identify opportunities to better support victims of firearm violence, a population that is currently underrepresented among recipients of victim services;

(e) Contract for a statewide helpline, counseling, and referral services for victims, friends, and family members impacted by gun violence and community professionals and providers who engage with them;

(f) Contract with the University of Washington to develop a best practice guide for therapy for gun violence victims;

(g) Administering the Washington firearm violence intervention and prevention grant program as outlined in section 6 of this act.

(3) The office shall report to the appropriate legislative policy committees by December 1st every odd-numbered year on its progress and findings in analyzing data, developing strategies to prevent firearm violence, and recommendations for additional legislative policy options. The first report must be submitted by December 1, 2021.

**NEW SECTION. Sec. 911.** Subject to the availability of amounts appropriated for this specific purpose, the office shall contract with a level one trauma center in the state of Washington to provide a statewide helpline, counseling, and referral service for victims, friends, and family members impacted by gun violence and community professionals, legal practitioners, health providers, and others who engage with them. The service must be developed in consultation with the office of crime victims advocacy established in RCW 43.280.080, and include the opportunity for brief clinical encounters, problem solving, and referral to the best statewide resources available to meet their needs. The service must become conversant with providers across the state that are trained in evidence-based trauma therapy and establish relationships to ensure specific knowledge of available resources. The office of crime victims advocacy established in RCW 43.280.080 must provide consultation within existing resources.

**NEW SECTION. Sec. 912.** The office shall contract with the University of Washington department of psychiatry and behavioral sciences to develop a best practice guide for therapy for gun violence victims in collaboration with the Harborview center for sexual assault and traumatic stress. The guide must summarize the state of the knowledge in this area and provide recommendations for areas of focus and action that are meaningful and practical for different constituencies. The guide must be made available to the public online and disseminated across the state to appropriate entities including but not limited to medical examiner's offices, prosecuting attorneys, level one and level two trauma centers, and victim support organizations.

**NEW SECTION. Sec. 913.** (1) The Washington firearm violence intervention and prevention grant program is created to be administered by the office. The purpose of the program is to improve public health and safety by supporting effective firearm violence reduction initiatives in communities that are disproportionately affected by firearm violence including suicides.

(2) Program grants shall be used to support, expand, and replicate evidence-based violence reduction initiatives, including hospital-based violence intervention programs, evidence-based street outreach programs, and focused deterrence strategies, that seek to interrupt the cycles of violence, victimization, and retaliation in order to reduce the incidence of firearm violence. These initiatives must be primarily focused on providing violence intervention services to the small segment of the population that is identified as having the highest risk of perpetrating or being victimized by firearm violence.

(3) Program grants shall be made on a competitive basis to cities that are disproportionately impacted by violence, to law enforcement agencies in those cities, and to community-based organizations that serve the residents of those cities. Where appropriate, two or more cities may submit joint applications to better address regional problems.

(4) An applicant for a program grant shall submit a proposal, in a form prescribed by the office, which must include, but not be limited to, all of the following:

(a) Clearly defined and measurable objectives for the grant;

(b) A statement describing how the applicant proposes to use the grant to implement an evidence-based firearm violence reduction initiative in accordance with this section;

(c) A statement describing how the applicant proposes to use the grant to enhance coordination of existing violence prevention and intervention programs and minimize duplication of services; and

(d) Evidence indicating that the proposed firearm violence reduction initiative would likely reduce the incidence of firearm violence.

(5) In awarding program grants, the office shall give preference to applicants whose grant proposals demonstrate the greatest likelihood of reducing firearm violence in the applicant's community, without contributing to mass incarceration.

(6) Each city that receives a program grant shall distribute no less than fifty percent of the grant funds to one or more of any of the following types of entities:

(a) Community-based organizations; and

(b) Public agencies or departments that are primarily dedicated to community safety or firearm violence prevention.

(7) The office shall form a grant selection advisory committee including, without limitation, persons who have been impacted by violence, formerly incarcerated persons, and persons with direct experience in implementing evidence-based violence reduction initiatives, including initiatives that incorporate public health and community-based approaches.

(8) Each grantee shall report to the office, in a form and at intervals prescribed by the office, the grantee's progress in achieving the grant objectives.

(9) The office may contract with an independent entity with expertise in evaluating community-based grant-funded programs to evaluate the grant program's effectiveness.

**NEW SECTION. Sec. 914.** Sections 2 through 6 of this act constitute a new chapter in Title 43 RCW."

Correct the title.

Signed by Representatives Ormsby, Chair; Robinson, 1st Vice Chair; Bergquist, 2nd Vice Chair; Chopp; Cody; Dolan; Fitzgibbon; Hansen; Hudgins; Kilduff; Macri; Pettigrew; Pollet; Ryu; Senn; Springer; Sullivan; Tarleton and Tharinger.

MINORITY recommendation: Do not pass. Signed by Representatives Stokesbary, Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Rude, Assistant Ranking Minority Member; Caldier; Chandler; Corry; Dye; Hoff; Kraft; Mosbrucker; Steele; Sutherland and Ybarra.

MINORITY recommendation: Without recommendation. Signed by Representative Schmick.

Referred to Committee on Appropriations.

February 27, 2020 914.0.

**ESSB 6300** Prime Sponsor, Committee on Law & Justice: Concerning animal welfare. Reported by Committee on Public Safety

MAJORITY recommendation: Do pass as amended. 914.0.

Strike everything after the enacting clause and insert the following:

"**Sec. 915.** RCW 16.08.100 and 2002 c 244 s 3 are each amended to read as follows:

(1) Any dangerous dog shall be immediately confiscated by an animal control authority if the: (a) Dog is not validly registered under RCW 16.08.080; (b) owner does not secure the liability insurance coverage required under RCW 16.08.080; (c) dog is not maintained in the proper enclosure; or (d) dog is outside of the dwelling of the owner, or outside of the proper enclosure and not under physical restraint of the responsible person. The owner must pay the costs of confinement and control. The animal control authority must serve notice upon the dog owner in person or by regular and certified mail, return receipt requested, specifying the reason for the confiscation of the dangerous dog, that the owner is responsible for payment of the costs of confinement and control, and that the dog will be destroyed in an expeditious and humane manner if the deficiencies for which the dog was confiscated are not corrected within twenty days. The animal control authority shall destroy the confiscated dangerous dog in an expeditious and humane manner if any deficiencies required by this subsection are not corrected within twenty days of notification. In addition, the owner shall be guilty of a gross misdemeanor punishable in accordance with RCW 9A.20.021.

(2) If a dangerous dog of an owner with a prior conviction under this chapter attacks or bites a person or another domestic animal, the dog's owner is guilty of a class C felony, punishable in accordance with RCW 9A.20.021. It is an affirmative defense that the defendant must prove by a preponderance of the evidence that he or she was in compliance with the requirements for ownership of a dangerous dog pursuant to this chapter and the person or domestic animal attacked or bitten by the defendant's dog trespassed on the defendant's real or personal property or provoked the defendant's dog without justification or excuse. In addition, the dangerous dog shall be immediately confiscated by an animal control authority, placed in quarantine for the proper length of time, and thereafter destroyed in an expeditious and humane manner.

(3) The owner of any dog that aggressively attacks and causes severe injury or death of any human, whether or not the dog has previously been declared potentially dangerous or dangerous, shall, upon conviction, be guilty of a class C felony punishable in accordance with RCW 9A.20.021. It is

an affirmative defense that the defendant must prove by a preponderance of the evidence that the human severely injured or killed by the defendant's dog: (a) Trespassed on the defendant's real or personal property which was enclosed by fencing suitable to prevent the entry of young children and designed to prevent the dog from escaping and marked with clearly visible signs warning people, including children, not to trespass and to beware of dog; or (b) provoked the defendant's dog without justification or excuse on the defendant's real or personal property which was enclosed by fencing suitable to prevent the entry of young children and designed to prevent the dog from escaping and marked with clearly visible signs warning people, including children, not to trespass and to beware of dog. In such a prosecution, the state has the burden of showing that the owner of the dog either knew or should have known that the dog was potentially dangerous as defined in this chapter. The state may not meet its burden of proof that the owner should have known the dog was potentially dangerous solely by showing the dog to be a particular breed or breeds. In addition, the dog shall be immediately confiscated by an animal control authority, quarantined, and upon conviction of the owner destroyed in an expeditious and humane manner.

~~((4) Any person entering a dog in a dog fight is guilty of a class C felony punishable in accordance with RCW 9A.20.021.))~~

**Sec. 916.** RCW 16.52.011 and 2019 c 174 s 3 are each amended to read as follows:

(1) Principles of liability as defined in chapter 9A.08 RCW apply to this chapter.

(2) The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(a) "Abandons" means the knowing or reckless desertion of an animal by its owner, or by a person who has taken control, custody, or possession of an animal that was involved in animal fighting as described in RCW 16.52.117, or the causing of the animal to be deserted by its owner, in any place, without making provisions for the animal's adequate care.

(b) "Animal" means any nonhuman mammal, bird, reptile, or amphibian.

(c) "Animal care and control agency" means any city or county animal control agency or authority authorized to enforce city or county municipal ordinances regulating the care, control, licensing, or treatment of animals within the city or county, and any corporation organized under RCW 16.52.020 that contracts with a city or county to enforce the city or county ordinances governing animal care and control.

(d) "Animal control officer" means any individual employed, contracted, or appointed pursuant to RCW 16.52.025 by an animal care and control agency or humane society to aid in the enforcement of ordinances or laws regulating the care and control of animals. For purposes of this chapter, the term "animal control officer" shall be interpreted to include "humane officer" as defined in (h) of this subsection and RCW 16.52.025.

(e) "Dog" means an animal of the species *Canis lupus familiaris*.

(f) "Euthanasia" means the humane destruction of an animal accomplished by a method that involves instantaneous unconsciousness and immediate death, or by a method that causes painless loss of consciousness, and death during the loss of consciousness.

(g) "Food" means food or feed appropriate to the species for which it is intended.

(h) "Humane officer" means any individual employed, contracted, or appointed by an animal care and control agency or humane society as authorized under RCW 16.52.025.

(i) "Law enforcement agency" means a general authority Washington law enforcement agency as defined in RCW 10.93.020.

(j) "Livestock" includes, but is not limited to, horses, mules, cattle, sheep, swine, goats, and bison.

(k) "Malice" has the same meaning as provided in RCW 9A.04.110, but applied to acts against animals.

(l) "Necessary food" means the provision at suitable intervals of wholesome foodstuff suitable for the animal's age, species, and condition, and that is sufficient to provide a reasonable level of nutrition for the animal and is easily accessible to the animal or as directed by a veterinarian for medical reasons.

(m) "Necessary shelter" means a structure sufficient to protect a dog from wind, rain, snow, cold, heat, or sun that has bedding to permit a dog to remain dry and reasonably clean and maintain a normal body temperature.

(n) "Necessary water" means water that is in sufficient quantity and of appropriate quality for the species for which it is intended and that is accessible to the animal or as directed by a veterinarian for medical reasons.

(o) "Owner" means a person who has a right, claim, title, legal share, or right of possession to an animal or a person having lawful control, custody, or possession of an animal.

(p) "Person" means individuals, corporations, partnerships, associations, or other legal entities, and agents of those entities.

~~(q) ("Similar animal" means: (i) For a mammal, another animal that is in the same taxonomic order; or (ii) for an animal that is not a mammal, another animal that is in the same taxonomic class.~~

~~(r))~~ "Substantial bodily harm" means substantial bodily harm as defined in RCW 9A.04.110.

~~((s))~~ (r) "Tether" means: (i) To restrain an animal by tying or securing the animal to any object or structure; and (ii) a device including, but not limited to, a chain, rope, cable, cord, tie-out, pulley, or trolley system for restraining an animal.

**Sec. 917.** RCW 16.52.085 and 2016 c 181 s 1 are each amended to read as follows:

(1) If a law enforcement officer or animal control officer has probable cause to believe that an owner of a domestic animal has violated this chapter or a person owns, cares for, or resides with an animal in violation of an order issued under RCW 16.52.200(4) and no responsible person can be found to assume the animal's care, the officer may authorize, with a warrant, the removal of the animal to a suitable place for feeding and care, or may place the animal under the custody of an animal care and control agency. In determining what is a suitable place, the officer shall consider the animal's needs, including its size and behavioral characteristics. An officer may remove an animal under this subsection without a warrant only if the animal is in an immediate life-threatening condition.

(2) If a law enforcement officer or an animal control officer has probable cause to believe a violation of this chapter has occurred, the officer may authorize an examination of a domestic animal allegedly neglected or abused in violation of this chapter by a veterinarian to determine whether the level of neglect or abuse in violation of this chapter is sufficient to require removal of the animal. This section does not condone illegal entry onto private property.

(3) Any owner whose domestic animal is removed pursuant to this chapter shall be given written notice of the circumstances of the removal and notice of legal remedies available to the owner. The notice shall be given by posting at the place of seizure, by delivery to a person residing at the place of seizure, or by registered mail if the owner is known. In making the decision to remove an animal pursuant to this chapter, the officer shall make a good faith effort to contact the animal's owner before removal.

(4) The agency having custody of the animal may euthanize the animal or may find a responsible person to adopt the animal not less than fifteen business days after the animal is taken into custody. A custodial agency may euthanize severely injured, diseased, or suffering animals at any time. An owner may prevent the animal's destruction or adoption by: (a) Petitioning the district court of the county where the animal was seized for the animal's immediate return subject to court-imposed conditions, or (b) posting a bond or security in an amount sufficient to provide for the animal's care for a minimum of thirty days from the seizure date. If the custodial agency still has custody of the animal when the bond or security expires, the animal shall become the agency's property unless the court orders an alternative disposition. If a court order prevents the agency from assuming ownership and the agency continues to care for the animal, the court shall order the owner to post or renew a bond or security for the agency's continuing costs for the animal's care. When a court has prohibited the owner from owning, caring for, or residing with ~~((a similar))~~ animals under RCW 16.52.200(4), the agency having custody of the animal may assume ownership upon seizure and the owner may not prevent the animal's destruction or adoption by petitioning the court or posting a bond.

(5) If no criminal case is filed within fourteen business days of the animal's removal, the owner may petition the district court of the county where the animal was removed for the animal's return. The petition shall be filed with the court. Copies of the petition must be served on the law enforcement or animal care and control agency responsible for removing the animal and to the prosecuting attorney. If the court grants the petition, the agency which seized the animal must surrender the animal to the owner at no cost to the owner. If a criminal action is filed after the petition is filed but before the hearing on the petition, then the petition shall be joined with the criminal matter.

(6) In a motion or petition for the animal's return before a trial, the burden is on the owner to prove by a preponderance of the evidence that the animal will not suffer future neglect or abuse and is not in need of being restored to health.

(7) Any authorized person treating or attempting to restore an animal to health under this chapter shall not be civilly or criminally liable for such action.

**Sec. 918.** RCW 16.52.095 and 1994 c 261 s 7 are each amended to read as follows:

~~((It shall not be lawful for))~~ (1) Except as provided in subsection (2) of this section, it is a misdemeanor:

~~(a) For any person to cut off more than one-half of the ear or ears of any domestic animal such as an ox, cow, bull, calf, sheep, goat, or hog, or dog, and any person cutting off more than one-half of the ear or ears of any such animals, shall be deemed guilty of a misdemeanor, and upon conviction, shall be fined in any sum less than twenty dollars. This section does not apply if cutting off more than one-half of the ear of the animal is a customary husbandry practice); or~~

(b) For any person to:

(i) Devocalize a dog;

(ii) Crop or cut off any part of the ear of a dog; or

(iii) Crop or cut off any part of the tail of a dog that is seven days old or older, or has opened its eyes, whichever occurs sooner.

(2) This section does not apply if the person performing the procedure is a licensed veterinarian utilizing accepted veterinary surgical protocols that may include local anesthesia, general anesthesia, or perioperative pain management.

**Sec. 919.** RCW 16.52.200 and 2016 c 181 s 2 are each amended to read as follows:

(1) The sentence imposed for a misdemeanor or gross misdemeanor violation of this chapter may be deferred or suspended in accordance with RCW 3.66.067 and 3.66.068, however the probationary period shall be two years.

(2) In case of multiple misdemeanor or gross misdemeanor convictions, the sentences shall be consecutive, however the probationary period shall remain two years.

(3) In addition to the penalties imposed by the court, the court shall order the forfeiture of all animals held by law enforcement or animal care and control authorities under the provisions of this chapter if any one of the animals involved dies as a result of a violation of this chapter or if the defendant has a prior conviction under this chapter. In other cases the court may enter an order requiring the owner to forfeit the animal if the court deems the animal's treatment to have been severe and likely to reoccur.

(4) Any person convicted of animal cruelty shall be prohibited from owning, caring for, possessing, or residing with any ~~((similar))~~ animals for a period of time as follows:

(a) Two years for a first conviction of animal cruelty in the second degree under RCW 16.52.207;

(b) Permanently for a first conviction of animal cruelty in the first degree under RCW 16.52.205;

(c) Permanently for a second or subsequent conviction of animal cruelty, except as provided in subsection (5) of this section.

(5) If a person has no more than two convictions of animal cruelty and each conviction is for animal cruelty in the second degree, the person may petition the sentencing court in which the most recent animal cruelty conviction occurred, for a restoration of the right to own ~~((or possess a similar animal))~~, care for, possess, or reside with animals five years after the date of the second conviction. In determining whether to grant the petition, the court shall consider, but not be limited to, the following:

(a) The person's prior animal cruelty in the second degree convictions;

(b) The type of harm or violence inflicted upon the animals;

(c) Whether the person has completed the conditions imposed by the court as a result of the underlying convictions;

(d) Whether the person complied with the prohibition on owning, caring for, possessing, or residing with ~~((similar))~~ animals; and

(e) Any other matters the court finds reasonable and material to consider in determining whether the person is likely to abuse another animal.

The court may delay its decision on forfeiture under subsection (3) of this section until the end of the probationary period.

(6) In addition to fines and court costs, the defendant, only if convicted or in agreement, shall be liable for reasonable costs incurred pursuant to this chapter by law enforcement agencies, animal care and control agencies, or authorized private or public entities involved with the care of the animals. Reasonable costs include expenses of the investigation, and the animal's care, euthanization, or adoption.

(7) If convicted, the defendant shall also pay a civil penalty of one thousand dollars to the county to prevent cruelty to animals. These funds shall be used to prosecute

offenses under this chapter and to care for forfeited animals pending trial.

(8) If a person violates the prohibition on owning, caring for, possessing, or residing with ~~((similar))~~ animals under subsection (4) of this section, that person:

(a) Shall pay a civil penalty of one thousand dollars for the first violation;

(b) Shall pay a civil penalty of two thousand five hundred dollars for the second violation; and

(c) Is guilty of a gross misdemeanor for the third and each subsequent violation.

(9) As a condition of the sentence imposed under this chapter or RCW 9.08.070 through 9.08.078, the court may also order the defendant to participate in an available animal cruelty prevention or education program or obtain available psychological counseling to treat mental health problems contributing to the violation's commission. The defendant shall bear the costs of the program or treatment.

(10) Nothing in this section limits the authority of a law enforcement officer, animal control officer, custodial agency, or court to remove, adopt, euthanize, or require forfeiture of an animal under RCW 16.52.085.

**Sec. 920.** RCW 16.52.205 and 2015 c 235 s 6 are each amended to read as follows:

(1) A person is guilty of animal cruelty in the first degree when, except as authorized in law, he or she intentionally (a) inflicts substantial pain on, (b) causes physical injury to, or (c) kills an animal by a means causing undue suffering or while manifesting an extreme indifference to life, or forces a minor to inflict unnecessary pain, injury, or death on an animal.

(2)(a) A person is guilty of animal cruelty in the first degree when, except as authorized by law or as provided in (c) of this subsection, he or she, with criminal negligence, starves, dehydrates, or suffocates an animal, or exposes an animal to excessive heat or cold and as a result causes: ~~((a))~~ (i) Substantial and unjustifiable physical pain that extends for a period sufficient to cause considerable suffering; or ~~((b))~~ (ii) death.

(b) In determining whether an animal has experienced the condition described in (a)(i) of this subsection due to exposure to excessive heat or cold, the trier of fact shall consider any evidence as to: (i) Whether the animal's particular species and breed is physiologically adaptable to the conditions to which the animal was exposed; and (ii) the animal's age, health, medical conditions, and any other physical characteristics of the animal or factor that may affect its susceptibility to excessive heat or cold.

(c) A person is not guilty of animal cruelty in the first degree by means of exposing an animal to excessive heat or cold if the exposure is due to an unforeseen or unpreventable accident or event caused exclusively by an extraordinary force of nature.

(3) A person is guilty of animal cruelty in the first degree when he or she:

(a) Knowingly engages in any sexual conduct or sexual contact with an animal;

(b) Knowingly causes, aids, or abets another person to engage in any sexual conduct or sexual contact with an animal;

(c) Knowingly permits any sexual conduct or sexual contact with an animal to be conducted on any premises under his or her charge or control;

(d) Knowingly engages in, organizes, promotes, conducts, advertises, aids, abets, participates in as an observer, or performs any service in the furtherance of an act involving any sexual conduct or sexual contact with an animal for a commercial or recreational purpose; or

(e) Knowingly photographs or films, for purposes of sexual gratification, a person engaged in a sexual act or sexual contact with an animal.

(4) Animal cruelty in the first degree is a class C felony.

(5) In addition to the penalty imposed in subsection (4) of this section, the court ~~((may))~~ must order that the convicted person ~~((do any of the following:))~~

~~((a) Not harbor or own animals or reside in any household where animals are present;~~

~~((b))~~ not own, care for, possess, or reside in any household where an animal is present, in accordance with RCW 16.52.200.

(6) In addition to the penalties imposed in subsections (4) and (5) of this section, the court may order that the convicted person:

(a) Participate in appropriate counseling at the defendant's expense;

~~((c))~~ (b) Reimburse the animal shelter or humane society for any reasonable costs incurred for the care and maintenance of any animals taken to the animal shelter or humane society as a result of conduct proscribed in ((subsection (3) of)) this section.

~~((6))~~ (7) Nothing in this section ((may be considered to)) prohibits accepted animal husbandry practices or ((accepted veterinary medical practices by)) prohibits a licensed veterinarian or certified veterinary technician from performing procedures on an animal that are accepted veterinary medical practices.

~~((7))~~ (8) If the court has reasonable grounds to believe that a violation of this section has occurred, the court may order the seizure of all animals involved in the alleged violation as a condition of bond of a person charged with a violation.

~~((8))~~ (9) For purposes of this section:

(a) "Animal" means every creature, either alive or dead, other than a human being.

(b) "Sexual conduct" means any touching ~~((or))~~ by a person of, fondling by a person of, transfer of saliva by a person to, or use of a foreign object by a person on, ((either

~~directly or through clothing, of))~~ the sex organs or anus of an animal, either directly or through clothing, or any transfer or transmission of semen by the person upon any part of the animal ~~((, for the purpose of sexual gratification or arousal of the person)).~~

(c) "Sexual contact" means any contact, however slight, between the mouth, sex organ, or anus of a person and the mouth, sex organ, or anus of an animal, or any intrusion, however slight, of any part of the body of the person or foreign object into the sex organ or anus of an animal, or any intrusion of the sex organ or anus of the person into the mouth of the animal ~~((, for the purpose of sexual gratification or arousal of the person)).~~

(d) "Photographs" or "films" means the making of a photograph, motion picture film, videotape, digital image, or any other recording, sale, or transmission of the image.

**Sec. 921.** RCW 16.52.207 and 2019 c 174 s 2 are each amended to read as follows:

(1) A person is guilty of animal cruelty in the second degree if, under circumstances not amounting to first degree animal cruelty:

(a) The person knowingly, recklessly, or with criminal negligence inflicts unnecessary suffering or pain upon an animal; or

(b) The person takes control, custody, or possession of an animal that was involved in animal fighting as described in RCW 16.52.117 and knowingly, recklessly, or with criminal negligence abandons the animal ~~((and (i) as a result of being abandoned, the animal suffers bodily harm; or (ii) abandoning the animal creates an imminent and substantial risk that the animal will suffer substantial bodily harm)).~~

(2) An owner of an animal is guilty of animal cruelty in the second degree if, under circumstances not amounting to first degree animal cruelty, the owner knowingly, recklessly, or with criminal negligence:

(a) Fails to provide the animal with necessary shelter, rest, sanitation, space, or medical attention and the animal suffers unnecessary or unjustifiable physical pain as a result of the failure; or

(b) ~~((Under circumstances not amounting to animal cruelty in the second degree under (c) of this subsection, abandons))~~ Abandons the animal ~~((; or~~

~~((c) Abandons the animal and (i) as a result of being abandoned, the animal suffers bodily harm; or (ii) abandoning the animal creates an imminent and substantial risk that the animal will suffer substantial bodily harm)).~~

(3) Animal cruelty in the second degree is a gross misdemeanor.

~~((4) In any prosecution of animal cruelty in the second degree under subsection (1)(a) or (2)(a) of this section, it shall be an affirmative defense, if established by the defendant by a preponderance of the evidence, that the defendant's failure was due to economic distress beyond the defendant's control.))~~

**Sec. 922.** RCW 16.54.020 and 2011 c 336 s 425 are each amended to read as follows:

Any person having in his or her care, custody, or control any abandoned animal as defined in RCW 16.54.010, may deliver such animal to any ~~((humane society having facilities for the care of such animals or to any pound maintained by or under contract or agreement with any city or county within which such animal was abandoned. If no such humane society or pound exists within the county))~~ animal care and control agency as defined in RCW 16.52.011 or to an animal rescue group as defined in RCW 82.04.040 having the facilities and resources necessary for the care of such animals. If such an animal care and control agency or animal rescue group cannot reasonably be identified to receive the animal, the person with whom the animal was abandoned may notify the sheriff of the county wherein the abandonment occurred.

**Sec. 923.** RCW 16.54.030 and 1955 c 190 s 3 are each amended to read as follows:

It shall be the duty of the sheriff of such county upon being so notified, to dispose of such animal as provided by law in reference to estrays if such law is applicable to the animal abandoned, or if not so applicable then deliver such an animal to any animal care and control agency as defined in RCW 16.52.011 or to an animal rescue group as defined in RCW 82.04.040 having the facilities and resources necessary for the care of such an animal. If such an animal care and control agency or animal rescue group cannot reasonably be identified to receive the animal, then such an animal shall be sold by the sheriff at public auction. Notice of any such sale shall be given by posting a notice in three public places in the county at least ten days prior to such public sale. Proceeds of such sale shall be paid to the county treasurer for deposit in the county general fund.

**NEW SECTION. Sec. 924.** The following acts or parts of acts are each repealed:

(1) RCW 16.08.030 (Marauding dog—Duty of owner to kill) and 1929 c 198 s 7;

(2) RCW 16.52.110 (Old or diseased animals at large) and 2011 c 336 s 424 & 1901 c 146 s 13; and

(3) RCW 16.52.165 (Punishment—Conviction of misdemeanor) and 1982 c 114 s 7 & 1901 c 146 s 16."

Correct the title.

Signed by Representatives Appleton, 2nd Vice Chair; Goodman, Chair; Davis, Vice Chair; Klippert, Ranking Minority Member; Sutherland, Assistant Ranking Minority Member; Graham; Griffey; Lovick; Orwall; Pellicciotti and Pettigrew.

Referred to Committee on Rules for second reading.

February 28, 2020 924.0.

SSB 6302

Prime Sponsor, Committee on Housing Stability & Affordability: Prohibiting local

governments from limiting the number of unrelated persons occupying a home.  
Reported by Committee on Local Government

MAJORITY recommendation: Do pass as amended.  
924.0.

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 925.** A new section is added to chapter 35.21 RCW to read as follows:

(1) Cities that have an ordinance that limits the number of unrelated persons that may occupy a home must provide a process for a property owner to apply to exceed the limit for the number of unrelated persons occupying a household or dwelling unit. The process for determining whether to grant an exception may include a review of:

- (a) The household or dwelling unit's compliance with applicable building codes;
- (b) The public health impacts of the application;
- (c) Any public safety concerns raised by the application;
- (d) The provision of cooking and sanitation relative to occupancy in the proposal; and
- (e) The infrastructure capacity of the property seeking the exception.

(2) The city may condition its approval of the application on the household or dwelling unit's compliance with conditions established by the city.

(3) If an application is approved by the city, the city may revoke the exception to exceed the unrelated occupant limit if the household or dwelling is not in compliance with one or more provisions of the local fire code, building code, municipal code, or other code provisions.

(4) This section does not apply to occupant limits on group living arrangements regulated under state law or on short-term rentals as defined in RCW 64.37.010.

**NEW SECTION. Sec. 926.** A new section is added to chapter 35A.21 RCW to read as follows:

(1) Code cities that have an ordinance that limits the number of unrelated persons that may occupy a home must provide a process for a property owner to apply to exceed the limit for the number of unrelated persons occupying a household or dwelling unit. The process for determining whether to grant an exception may include a review of:

- (a) The household or dwelling unit's compliance with applicable building codes;
- (b) The public health impacts of the application;
- (c) Any public safety concerns raised by the application;



(d) The provision of cooking and sanitation relative to occupancy in the proposal; and

(e) The infrastructure capacity of the property seeking the exception.

(2) The code city may condition its approval of the application on the household or dwelling unit's compliance with conditions established by the code city.

(3) If an application is approved by the code city, the code city may revoke the exception to exceed the unrelated occupant limit if the household or dwelling is not in compliance with one or more provisions of the local fire code, building code, municipal code, or other code provisions.

(4) This section does not apply to occupant limits on group living arrangements regulated under state law or on short-term rentals as defined in RCW 64.37.010.

**NEW SECTION. Sec. 927.** A new section is added to chapter 36.01 RCW to read as follows:

(1) Counties that have an ordinance that limits the number of unrelated persons that may occupy a home must provide a process for a property owner to apply to exceed the limit for the number of unrelated persons occupying a household or dwelling unit. The process for determining whether to grant an exception may include a review of:

(a) The household or dwelling unit's compliance with applicable building codes;

(b) The public health impacts of the application;

(c) Any public safety concerns raised by the application;

(d) The provision of cooking and sanitation relative to occupancy in the proposal; and

(e) The infrastructure capacity of the property seeking the exception.

(2) The county may condition its approval of the application on the household or dwelling unit's compliance with conditions established by the county.

(3) If an application is approved by the county, the county may revoke the exception to exceed the unrelated occupant limit if the household or dwelling is not in compliance with one or more provisions of the county code or other code provisions.

(4) This section does not apply to occupant limits on group living arrangements regulated under state law or on short-term rentals as defined in RCW 64.37.010."

Correct the title.

Signed by Representatives Pollet, Chair; Duerr, Vice Chair; Appleton and Senn.

MINORITY recommendation: Without recommendation. Signed by Representative Griffey, Assistant Ranking Minority Member.

MINORITY recommendation: Do not pass. Signed by Representatives Kraft, Ranking Minority Member and Goehner.

Referred to Committee on Rules for second reading.

February 28, 2020 927.0.

**SB 6305**

Prime Sponsor, Senator Liias: Concerning library districts. Reported by Committee on Local Government

MAJORITY recommendation: Do pass as amended. 927.0.

Strike everything after the enacting clause and insert the following:

"**Sec. 928.** RCW 27.12.222 and 1984 c 186 s 8 are each amended to read as follows:

A rural county library district, intercounty rural library district, or island library district may contract indebtedness and issue general obligation bonds not to exceed an amount, together with any outstanding nonvoter approved general obligation indebtedness, equal to one-tenth of one percent of the value of the taxable property within the district, as the term "value of the taxable property" is defined in RCW 39.36.015. The maximum term of nonvoter approved general obligation bonds shall not exceed ~~((six))~~ twenty years. A rural county library district, island library district, or intercounty rural library district may additionally contract indebtedness and issue general obligation bonds for capital purposes only, together with any outstanding general indebtedness, not to exceed an amount equal to one-half of one percent of the value of the taxable property within the district, as the term "value of the taxable property" is defined in RCW 39.36.015 whenever a proposition authorizing the issuance of such bonds has been approved by the voters of the district pursuant to RCW 39.36.050, by three-fifths of the persons voting on the proposition at which election the number of persons voting on the proposition shall constitute not less than forty percent of the total number of votes cast in such taxing district at the last preceding general election. If the voters shall so authorize at an election held pursuant to RCW 39.36.050, the district may levy annual taxes in excess of normal legal limitations to pay the principal and interest upon such bonds as they shall become due. The excess levies mentioned in this section or in RCW 84.52.052 or 84.52.056 may be made notwithstanding anything contained in RCW 27.12.050 or 27.12.150 or any other statute pertaining to such library districts.

**Sec. 929.** RCW 27.15.020 and 2015 c 53 s 4 are each amended to read as follows:

(1) Upon receipt of a completed written request to both establish a library capital facility area and submit a ballot proposition under RCW 27.15.050 to finance library capital facilities, that is signed by a majority of the members of the board of trustees of a library district or board of trustees of a city or town library, the county legislative authority or county legislative authorities for the county or counties in which a proposed library capital facility area is to be

established ~~((shall))~~ must submit ~~((separate))~~ a ballot proposition~~((s))~~ to voters to ~~((authorize establishing))~~ establish the proposed library capital facility area and ~~((authorizing))~~ authorize the library capital facility area~~((if established,))~~ to finance library capital facilities by issuing general indebtedness and imposing excess levies to retire the indebtedness. The ballot proposition~~((s-shall))~~ must be submitted to voters at a general or special election. If the proposed election date is not a general election, the county legislative authority is encouraged to request an election when another unit of local government with territory located in the proposed library capital facility area is already holding a special election under RCW 29A.04.330. ~~((Approval of the ballot proposition to create a library capital facility area shall be))~~ The ballot proposition must be approved by a ~~((simple majority))~~ supermajority vote.

(2) A completed request submitted under this section ~~((shall))~~ must include: ~~((+))~~ (a) A description of the boundaries of the library capital facility area; and ~~((+))~~ (b) a copy of the resolution of the legislative authority of each city or town, and board of trustees of each library district, with territory included within the proposed library capital facility area indicating both: ~~((+))~~ (i) Its approval of the creation of the proposed library capital facility area; and ~~((+))~~ (ii) agreement on how election costs will be paid for submitting the ballot proposition~~((s))~~ to voters ~~((that authorize the library capital facility area to incur general indebtedness and impose excess levies to retire the general indebtedness))~~.

(3) For the purposes of this section, a supermajority vote means the affirmative vote of a three-fifths majority of those voting on the proposition, and the total number of persons voting on the proposition must be at least 40 percent of the voters in the proposed library capital facility area who voted in the last preceding statewide general election."

Correct the title.

Signed by Representatives Pollet, Chair; Duerr, Vice Chair; Griffey, Assistant Ranking Minority Member; Appleton; Goehner and Senn.

MINORITY recommendation: Do not pass. Signed by Representative Kraft, Ranking Minority Member.

Referred to Committee on Rules for second reading.

March 2, 2020 929.0.

SSB 6306 Prime Sponsor, Committee on Ways & Means: Creating the Washington soil health initiative. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Ormsby, Chair; Stokesbary, Ranking Minority Member; Robinson, 1st Vice Chair; Bergquist, 2nd Vice Chair; MacEwen, Assistant Ranking Minority Member; Rude, Assistant Ranking Minority Member; Caldier; Chandler; Chopp; Cody; Corry; Dolan; Dye;

Fitzgibbon; Hansen; Hoff; Hudgins; Kilduff; Kraft; Macri; Mosbrucker; Pettigrew; Pollet; Ryu; Schmick; Senn; Springer; Steele; Sullivan; Sutherland; Tarleton; Tharinger and Ybarra.

Referred to Committee on Appropriations.

February 27, 2020 929.0.

SB 6359 Prime Sponsor, Senator Short: Creating regulation exemptions for rural health clinics providing services in a designated home health shortage area. Reported by Committee on Health Care & Wellness

MAJORITY recommendation: Do pass as amended. 929.0.

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 70.38.111 and 2019 c 324 s 8 and 2019 c 31 s 1 are each reenacted and amended to read as follows:

(1) The department shall not require a certificate of need for the offering of an inpatient tertiary health service by:

(a) A health maintenance organization or a combination of health maintenance organizations if (i) the organization or combination of organizations has, in the service area of the organization or the service areas of the organizations in the combination, an enrollment of at least fifty thousand individuals, (ii) the facility in which the service will be provided is or will be geographically located so that the service will be reasonably accessible to such enrolled individuals, and (iii) at least seventy-five percent of the patients who can reasonably be expected to receive the tertiary health service will be individuals enrolled with such organization or organizations in the combination;

(b) A health care facility if (i) the facility primarily provides or will provide inpatient health services, (ii) the facility is or will be controlled, directly or indirectly, by a health maintenance organization or a combination of health maintenance organizations which has, in the service area of the organization or service areas of the organizations in the combination, an enrollment of at least fifty thousand individuals, (iii) the facility is or will be geographically located so that the service will be reasonably accessible to such enrolled individuals, and (iv) at least seventy-five percent of the patients who can reasonably be expected to receive the tertiary health service will be individuals enrolled with such organization or organizations in the combination; or

(c) A health care facility (or portion thereof) if (i) the facility is or will be leased by a health maintenance organization or combination of health maintenance organizations which has, in the service area of the organization or the service areas of the organizations in the combination, an enrollment of at least fifty thousand individuals and, on the date the application is submitted

under subsection (2) of this section, at least fifteen years remain in the term of the lease, (ii) the facility is or will be geographically located so that the service will be reasonably accessible to such enrolled individuals, and (iii) at least seventy-five percent of the patients who can reasonably be expected to receive the tertiary health service will be individuals enrolled with such organization;

if, with respect to such offering or obligation by a nursing home, the department has, upon application under subsection (2) of this section, granted an exemption from such requirement to the organization, combination of organizations, or facility.

(2) A health maintenance organization, combination of health maintenance organizations, or health care facility shall not be exempt under subsection (1) of this section from obtaining a certificate of need before offering a tertiary health service unless:

(a) It has submitted at least thirty days prior to the offering of services reviewable under RCW 70.38.105(4)(d) an application for such exemption; and

(b) The application contains such information respecting the organization, combination, or facility and the proposed offering or obligation by a nursing home as the department may require to determine if the organization or combination meets the requirements of subsection (1) of this section or the facility meets or will meet such requirements; and

(c) The department approves such application. The department shall approve or disapprove an application for exemption within thirty days of receipt of a completed application. In the case of a proposed health care facility (or portion thereof) which has not begun to provide tertiary health services on the date an application is submitted under this subsection with respect to such facility (or portion), the facility (or portion) shall meet the applicable requirements of subsection (1) of this section when the facility first provides such services. The department shall approve an application submitted under this subsection if it determines that the applicable requirements of subsection (1) of this section are met.

(3) A health care facility (or any part thereof) with respect to which an exemption was granted under subsection (1) of this section may not be sold or leased and a controlling interest in such facility or in a lease of such facility may not be acquired and a health care facility described in (1)(c) which was granted an exemption under subsection (1) of this section may not be used by any person other than the lessee described in (1)(c) unless:

(a) The department issues a certificate of need approving the sale, lease, acquisition, or use; or

(b) The department determines, upon application, that (i) the entity to which the facility is proposed to be sold or leased, which intends to acquire the controlling interest, or which intends to use the facility is a health maintenance organization or a combination of health maintenance organizations which meets the requirements of (1)(a)(i), and

(ii) with respect to such facility, meets the requirements of (1)(a)(ii) or (iii) or the requirements of (1)(b)(i) and (ii).

(4) In the case of a health maintenance organization, an ambulatory care facility, or a health care facility, which ambulatory or health care facility is controlled, directly or indirectly, by a health maintenance organization or a combination of health maintenance organizations, the department may under the program apply its certificate of need requirements to the offering of inpatient tertiary health services to the extent that such offering is not exempt under the provisions of this section or RCW 70.38.105(7).

(5)(a) The department shall not require a certificate of need for the construction, development, or other establishment of a nursing home, or the addition of beds to an existing nursing home, that is owned and operated by a continuing care retirement community that:

(i) Offers services only to contractual members;

(ii) Provides its members a contractually guaranteed range of services from independent living through skilled nursing, including some assistance with daily living activities;

(iii) Contractually assumes responsibility for the cost of services exceeding the member's financial responsibility under the contract, so that no third party, with the exception of insurance purchased by the retirement community or its members, but including the medicaid program, is liable for costs of care even if the member depletes his or her personal resources;

(iv) Has offered continuing care contracts and operated a nursing home continuously since January 1, 1988, or has obtained a certificate of need to establish a nursing home;

(v) Maintains a binding agreement with the state assuring that financial liability for services to members, including nursing home services, will not fall upon the state;

(vi) Does not operate, and has not undertaken a project that would result in a number of nursing home beds in excess of one for every four living units operated by the continuing care retirement community, exclusive of nursing home beds; and

(vii) Has obtained a professional review of pricing and long-term solvency within the prior five years which was fully disclosed to members.

(b) A continuing care retirement community shall not be exempt under this subsection from obtaining a certificate of need unless:

(i) It has submitted an application for exemption at least thirty days prior to commencing construction of, is submitting an application for the licensure of, or is commencing operation of a nursing home, whichever comes first; and

(ii) The application documents to the department that the continuing care retirement community qualifies for exemption.

(c) The sale, lease, acquisition, or use of part or all of a continuing care retirement community nursing home that qualifies for exemption under this subsection shall require prior certificate of need approval to qualify for licensure as a nursing home unless the department determines such sale, lease, acquisition, or use is by a continuing care retirement community that meets the conditions of (a) of this subsection.

(6) A rural hospital, as defined by the department, reducing the number of licensed beds to become a rural primary care hospital under the provisions of Part A Title XVIII of the Social Security Act Section 1820, 42 U.S.C., 1395c et seq. may, within three years of the reduction of beds licensed under chapter 70.41 RCW, increase the number of licensed beds to no more than the previously licensed number without being subject to the provisions of this chapter.

(7) A rural health care facility licensed under RCW 70.175.100 formerly licensed as a hospital under chapter 70.41 RCW may, within three years of the effective date of the rural health care facility license, apply to the department for a hospital license and not be subject to the requirements of RCW 70.38.105(4)(a) as the construction, development, or other establishment of a new hospital, provided there is no increase in the number of beds previously licensed under chapter 70.41 RCW and there is no redistribution in the number of beds used for acute care or long-term care, the rural health care facility has been in continuous operation, and the rural health care facility has not been purchased or leased.

(8) A rural hospital determined to no longer meet critical access hospital status for state law purposes as a result of participation in the Washington rural health access preservation pilot identified by the state office of rural health and formerly licensed as a hospital under chapter 70.41 RCW may apply to the department to renew its hospital license and not be subject to the requirements of RCW 70.38.105(4)(a) as the construction, development, or other establishment of a new hospital, provided there is no increase in the number of beds previously licensed under chapter 70.41 RCW. If all or part of a formerly licensed rural hospital is sold, purchased, or leased during the period the rural hospital does not meet critical access hospital status as a result of participation in the Washington rural health access preservation pilot and the new owner or lessor applies to renew the rural hospital's license, then the sale, purchase, or lease of part or all of the rural hospital is subject to the provisions of this chapter.

(9)(a) A nursing home that voluntarily reduces the number of its licensed beds to provide assisted living, licensed assisted living facility care, adult day care, adult day health, respite care, hospice, outpatient therapy services, congregate meals, home health, or senior wellness clinic, or to reduce to one or two the number of beds per room or to otherwise enhance the quality of life for residents in the nursing home, may convert the original facility or portion of the facility back, and thereby increase the number of nursing home beds to no more than the previously licensed number of nursing home beds without obtaining a certificate of need under this chapter, provided the facility has been in

continuous operation and has not been purchased or leased. Any conversion to the original licensed bed capacity, or to any portion thereof, shall comply with the same life and safety code requirements as existed at the time the nursing home voluntarily reduced its licensed beds; unless waivers from such requirements were issued, in which case the converted beds shall reflect the conditions or standards that then existed pursuant to the approved waivers.

(b) To convert beds back to nursing home beds under this subsection, the nursing home must:

(i) Give notice of its intent to preserve conversion options to the department of health no later than thirty days after the effective date of the license reduction; and

(ii) Give notice to the department of health and to the department of social and health services of the intent to convert beds back. If construction is required for the conversion of beds back, the notice of intent to convert beds back must be given, at a minimum, one year prior to the effective date of license modification reflecting the restored beds; otherwise, the notice must be given a minimum of ninety days prior to the effective date of license modification reflecting the restored beds. Prior to any license modification to convert beds back to nursing home beds under this section, the licensee must demonstrate that the nursing home meets the certificate of need exemption requirements of this section.

The term "construction," as used in (b)(ii) of this subsection, is limited to those projects that are expected to equal or exceed the expenditure minimum amount, as determined under this chapter.

(c) Conversion of beds back under this subsection must be completed no later than four years after the effective date of the license reduction. However, for good cause shown, the four-year period for conversion may be extended by the department of health for one additional four-year period.

(d) Nursing home beds that have been voluntarily reduced under this section shall be counted as available nursing home beds for the purpose of evaluating need under RCW 70.38.115(2) (a) and (k) so long as the facility retains the ability to convert them back to nursing home use under the terms of this section.

(e) When a building owner has secured an interest in the nursing home beds, which are intended to be voluntarily reduced by the licensee under (a) of this subsection, the applicant shall provide the department with a written statement indicating the building owner's approval of the bed reduction.

(10)(a) The department shall not require a certificate of need for a hospice agency if:

(i) The hospice agency is designed to serve the unique religious or cultural needs of a religious group or an ethnic minority and commits to furnishing hospice services in a manner specifically aimed at meeting the unique religious or cultural needs of the religious group or ethnic minority;

(ii) The hospice agency is operated by an organization that:

(A) Operates a facility, or group of facilities, that offers a comprehensive continuum of long-term care services, including, at a minimum, a licensed, medicare-certified nursing home, assisted living, independent living, day health, and various community-based support services, designed to meet the unique social, cultural, and religious needs of a specific cultural and ethnic minority group;

(B) Has operated the facility or group of facilities for at least ten continuous years prior to the establishment of the hospice agency;

(iii) The hospice agency commits to coordinating with existing hospice programs in its community when appropriate;

(iv) The hospice agency has a census of no more than forty patients;

(v) The hospice agency commits to obtaining and maintaining medicare certification;

(vi) The hospice agency only serves patients located in the same county as the majority of the long-term care services offered by the organization that operates the agency; and

(vii) The hospice agency is not sold or transferred to another agency.

(b) The department shall include the patient census for an agency exempted under this subsection (10) in its calculations for future certificate of need applications.

(11) To alleviate the need to board psychiatric patients in emergency departments and increase capacity of hospitals to serve individuals on ninety-day or one hundred eighty-day commitment orders, for the period of time from May 5, 2017, through June 30, 2021:

(a) The department shall suspend the certificate of need requirement for a hospital licensed under chapter 70.41 RCW that changes the use of licensed beds to increase the number of beds to provide psychiatric services, including involuntary treatment services. A certificate of need exemption under this subsection (11)(a) shall be valid for two years.

(b) The department may not require a certificate of need for:

(i) The addition of beds as described in RCW 70.38.260 (2) and (3); or

(ii) The construction, development, or establishment of a psychiatric hospital licensed as an establishment under chapter 71.12 RCW that will have no more than sixteen beds and provide treatment to adults on ninety or one hundred eighty-day involuntary commitment orders, as described in RCW 70.38.260(4).

(12)(a) An ambulatory surgical facility is exempt from all certificate of need requirements if the facility:

(i) Is an individual or group practice and, if the facility is a group practice, the privilege of using the facility is not extended to physicians outside the group practice;

(ii) Operated or received approval to operate, prior to January 19, 2018; and

(iii) Was exempt from certificate of need requirements prior to January 19, 2018, because the facility either:

(A) Was determined to be exempt from certificate of need requirements pursuant to a determination of reviewability issued by the department; or

(B) Was a single-specialty endoscopy center in existence prior to January 14, 2003, when the department determined that endoscopy procedures were surgeries for purposes of certificate of need.

(b) The exemption under this subsection:

(i) Applies regardless of future changes of ownership, corporate structure, or affiliations of the individual or group practice as long as the use of the facility remains limited to physicians in the group practice; and

(ii) Does not apply to changes in services, specialties, or number of operating rooms.

(13) A rural health clinic providing health services in a home health shortage area as declared by the department pursuant to 42 C.F.R. Sec. 405.2416 is not subject to certificate of need review under this chapter.

**Sec. 2.** RCW 70.127.040 and 2012 c 10 s 54 are each amended to read as follows:

The following are not subject to regulation for the purposes of this chapter:

(1) A family member providing home health, hospice, or home care services;

(2) A person who provides only meal services in an individual's permanent or temporary residence;

(3) An individual providing home care through a direct agreement with a recipient of care in an individual's permanent or temporary residence;

(4) A person furnishing or delivering home medical supplies or equipment that does not involve the provision of services beyond those necessary to deliver, set up, and monitor the proper functioning of the equipment and educate the user on its proper use;

(5) A person who provides services through a contract with a licensed agency;

(6) An employee or volunteer of a licensed agency who provides services only as an employee or volunteer;

(7) Facilities and institutions, including but not limited to nursing homes under chapter 18.51 RCW, hospitals under chapter 70.41 RCW, adult family homes under chapter 70.128 RCW, assisted living facilities under chapter 18.20 RCW, developmental disability residential programs under chapter 71A.12 RCW, other entities licensed under chapter 71.12 RCW, or other licensed facilities and institutions, only

when providing services to persons residing within the facility or institution;

(8) Local and combined city-county health departments providing services under chapters 70.05 and 70.08 RCW;

(9) An individual providing care to ill individuals, individuals with disabilities, or vulnerable individuals through a contract with the department of social and health services;

(10) Nursing homes, hospitals, or other institutions, agencies, organizations, or persons that contract with licensed home health, hospice, or home care agencies for the delivery of services;

(11) In-home assessments of an ill individual, an individual with a disability, or a vulnerable individual that does not result in regular ongoing care at home;

(12) Services conducted by and for the adherents of a church or religious denomination that rely upon spiritual means alone through prayer for healing in accordance with the tenets and practices of such church or religious denomination and the bona fide religious beliefs genuinely held by such adherents;

(13) A medicare-approved dialysis center operating a medicare-approved home dialysis program;

(14) A person providing case management services. For the purposes of this subsection, "case management" means the assessment, coordination, authorization, planning, training, and monitoring of home health, hospice, and home care, and does not include the direct provision of care to an individual;

(15) Pharmacies licensed under RCW 18.64.043 that deliver prescription drugs and durable medical equipment that does not involve the use of professional services beyond those authorized to be performed by licensed pharmacists pursuant to chapter 18.64 RCW and those necessary to set up and monitor the proper functioning of the equipment and educate the person on its proper use;

(16) A volunteer hospice complying with the requirements of RCW 70.127.050;

(17) A person who provides home care services without compensation; ~~((and))~~

(18) Nursing homes that provide telephone or web-based transitional care management services; and

(19) A rural health clinic providing health services in a home health shortage area as declared by the department pursuant to 42 C.F.R. Sec. 405.2416."

Correct the title.

Signed by Representatives Cody, Chair; Macri, Vice Chair; Schmick, Ranking Minority Member; Chambers; Chopp; Davis; DeBolt; Harris; Maycumber; Riccelli; Robinson; Stonier; Thai and Tharinger.

Referred to Committee on Rules for second reading.

February 28, 2020 2.0.

ESSB 6378 Prime Sponsor, Committee on Housing Stability & Affordability: Concerning residential tenant protections. Reported by Committee on Civil Rights & Judiciary

MAJORITY recommendation: Do pass. Signed by Representatives Kilduff, Chair; Thai, Vice Chair; Goodman; Hansen; Kirby; Orwall; Peterson; Valdez and Walen.

MINORITY recommendation: Do not pass. Signed by Representatives Irwin, Ranking Minority Member; Dufault, Assistant Ranking Minority Member; Graham; Klippert; Rude and Ybarra.

Referred to Committee on Rules for second reading.

March 2, 2020 2.0.

2SSB 6382 Prime Sponsor, Committee on Ways & Means: Creating the meat and poultry processing and marketing assistance program. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Ormsby, Chair; Stokesbary, Ranking Minority Member; Robinson, 1st Vice Chair; Bergquist, 2nd Vice Chair; MacEwen, Assistant Ranking Minority Member; Rude, Assistant Ranking Minority Member; Caldier; Chandler; Chopp; Cody; Corry; Dolan; Dye; Fitzgibbon; Hansen; Hoff; Hudgins; Kilduff; Kraft; Macri; Mosbrucker; Pettigrew; Pollet; Ryu; Schmick; Senn; Springer; Steele; Sullivan; Sutherland; Tarleton; Tharinger and Ybarra.

Referred to Committee on Appropriations.

February 27, 2020 2.0.

ESSB 6404 Prime Sponsor, Committee on Health & Long Term Care: Adopting prior authorization and appropriate use criteria in patient care. Reported by Committee on Health Care & Wellness

MAJORITY recommendation: Do pass as amended. 2.0.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 3. A new section is added to chapter 48.43 RCW to read as follows:

(1) By October 1, 2020, and annually thereafter, for individual and group health plans issued by a carrier that has written at least one percent of the total accident and health insurance premiums written by all companies authorized to offer accident and health insurance in Washington in the most recently available year, the carrier shall report to the

commissioner the following aggregated and deidentified data related to the carrier's prior authorization practices and experience for the prior plan year:

(a) Lists of the ten inpatient medical or surgical codes:

(i) With the highest total number of prior authorization requests during the previous plan year, including the total number of prior authorization requests for each code and the percent of approved requests for each code;

(ii) With the highest percentage of approved prior authorization requests during the previous plan year, including the total number of prior authorization requests for each code and the percent of approved requests for each code; and

(iii) With the highest percentage of prior authorization requests that were initially denied and then subsequently approved on appeal, including the total number of prior authorization requests for each code and the percent of requests that were initially denied and then subsequently approved for each code;

(b) Lists of the ten outpatient medical or surgical codes:

(i) With the highest total number of prior authorization requests during the previous plan year, including the total number of prior authorization requests for each code and the percent of approved requests for each code;

(ii) With the highest percentage of approved prior authorization requests during the previous plan year, including the total number of prior authorization requests for each code and the percent of approved requests for each code; and

(iii) With the highest percentage of prior authorization requests that were initially denied and then subsequently approved on appeal, including the total number of prior authorization requests for each code and the percent of requests that were initially denied and then subsequently approved for each code;

(c) Lists of the ten inpatient mental health and substance use disorder service codes:

(i) With the highest total number of prior authorization requests during the previous plan year, including the total number of prior authorization requests for each code and the percent of approved requests for each code;

(ii) With the highest percentage of approved prior authorization requests during the previous plan year, including the total number of prior authorization requests for each code and the percent of approved requests for each code;

(iii) With the highest percentage of prior authorization requests that were initially denied and then subsequently approved on appeal, including the total number of prior authorization requests for each code and the percent of requests that were initially denied and then subsequently approved for each code;

(d) Lists of the ten outpatient mental health and substance use disorder service codes:

(i) With the highest total number of prior authorization requests during the previous plan year, including the total number of prior authorization requests for each code and the percent of approved requests for each code;

(ii) With the highest percentage of approved prior authorization requests during the previous plan year, including the total number of prior authorization requests for each code and the percent of approved requests for each code;

(iii) With the highest percentage of prior authorization requests that were initially denied and then subsequently approved on appeal, including the total number of prior authorization requests for each code and the percent of requests that were initially denied and then subsequently approved; and

(e) The average determination response time in hours for prior authorization requests to the carrier with respect to each code reported under (a) through (d) of this subsection for each of the following categories of prior authorization:

(i) Expedited decisions;

(ii) Standard decisions; and

(iii) Extenuating circumstances decisions.

(2) By January 1, 2021, and annually thereafter, the commissioner shall aggregate and deidentify the data collected under subsection (1) of this section into a standard report and may not identify the name of the carrier that submitted the data. The commissioner must make the report available to interested parties.

(3) The commissioner may request additional information from carriers reporting data under this section.

(4) The commissioner may adopt rules to implement this section. In adopting rules, the commissioner must consult stakeholders including carriers, health care practitioners, health care facilities, and patients.

(5) For the purpose of this section, "prior authorization" means a mandatory process that a carrier or its designated or contracted representative requires a provider or facility to follow before a service is delivered, to determine if a service is a benefit and meets the requirements for medical necessity, clinical appropriateness, level of care, or effectiveness in relation to the applicable plan, including any term used by a carrier or its designated or contracted representative to describe this process."

Correct the title.

Signed by Representatives Cody, Chair; Macri, Vice Chair; Chambers; Chopp; Davis; DeBolt; Harris; Maycumber; Riccelli; Robinson; Stonier; Thai and Tharinger.

MINORITY recommendation: Do not pass. Signed by Representative Schmick, Ranking Minority Member.

Referred to Committee on Rules for second reading.

March 2, 2020 3.0.

**SSB 6408** Prime Sponsor, Committee on Financial Institutions, Economic Development & Trade: Concerning agency responsibilities to regulated businesses and professions. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass as amended.

3.0.

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 4.** The legislature reaffirms its findings that the licensing and regulation of businesses and professions requires periodic inspections, audits, interviews, site visits, or other oversight measures to verify that licensing, permit, and other regulatory requirements are met, and that unnecessary costs and delays may occur when business owners, particularly small business owners, must seek outside counsel or other professional assistance to prepare for and participate in review and enforcement actions such as audits, inspections, or examinations of their records, facilities, or job sites.

The legislature finds that agencies have a responsibility to provide a clear description of their audit, inspection, or examination processes to businesses and professions they regulate. This information must be clear, concise, and sufficient to provide regulated businesses and professions with an understanding of what they may expect before, during, and after an audit, inspection, or examination.

The legislature intends to improve and enhance communications between agencies and regulated businesses during audits, inspections, and examinations, but it does not intend to alter or limit existing regulatory requirements, obligations, or responsibilities of businesses.

**NEW SECTION. Sec. 5.** (1) By December 31, 2020, each state regulatory agency that conducts audits, inspections, or examinations within its regulatory authority over businesses and professions must provide, or provide references to, the following information at each audit, inspection, or examination:

(a) The purpose and legal authority for conducting the audit, inspection, or examination;

(b) If advance notice for an audit, inspection, or examination will not be provided, the basis for not providing advance notice;

(c) The auditor, inspector, or examiner must present identification at the start of an audit, inspection, or examination;

(d) The auditor, inspector, or examiner must provide contact information for a staff person who is available to answer questions regarding the audit, inspection, or examination;

(e) If existing procedures provide for a cure or correction, how the business may cure or correct a potential or actual violation during or after an audit, inspection, or

examination to avoid or mitigate an administrative sanction, if any;

(f) How the business may provide past written agency advice or interpretations it relied upon for consideration in agency decisions;

(g) Whether the business may designate one or more individuals as official company representatives and have legal, accounting, safety, or other technical professionals participate in any audit, inspection, or examination; and

(h) What the next steps are in the process and a good faith estimate for future communication. Outcomes could include agency reports, findings, orders, or other documentation about the audit, inspection, or examination.

(2) The requirements specified in subsection (1) of this section do not apply:

(a) In emergency situations where environmental quality or worker or public safety, health, or welfare are in imminent danger;

(b) In emergency situations where there is imminent financial harm to a consumer or the public;

(c) In any criminal investigations or proceedings, including when a criminal justice agency as defined in RCW 10.97.030 exercises its law enforcement authority, or to an agency's undercover, surveillance, or seizure activities;

(d) To site visits conducted by employees, vendors, or contractors of a state regulatory agency if the purpose of the site visit is not related to verifying compliance with licensing or other regulatory requirements; or

(e) If they would create a conflict with federal or state law or unreasonably limit, delay, or prevent an agency from performing its statutorily authorized duties.

**NEW SECTION. Sec. 6.** For the purposes of this chapter, "regulatory agency" means one of the agencies listed in RCW 19.02.050 (1) through (24).

**NEW SECTION. Sec. 7.** Nothing contained in this chapter shall be construed to affect the validity of any report, finding, order, or any other lawful agency action taken in connection with an audit, inspection, or examination. Nothing contained in this chapter shall constitute a defense to a prosecution of, or preclude an agency enforcement action against, a business for a violation of law or rule related to an audit, inspection, or examination.

**NEW SECTION. Sec. 8.** State regulatory agencies must post a general description about the responsibilities specified in section 2 of this act on their web site. The posting does not have to include specifics for each audit, inspection, or examination program, but must indicate that the information will be provided at an audit, inspection, or examination.

**NEW SECTION. Sec. 9.** (1) The joint legislative audit and review committee shall review agencies' performance and compliance with this act by December 31, 2023. The review must include surveying regulated businesses to obtain their views on agency implementation



and identifying how views compare for small and large businesses.

(2) This section expires July 1, 2024.

NEW SECTION. Sec. 10. Sections 2 through 5 of this act constitute a new chapter in Title 18 RCW."

Correct the title.

Signed by Representatives Ormsby, Chair; Stokesbary, Ranking Minority Member; Robinson, 1st Vice Chair; Bergquist, 2nd Vice Chair; MacEwen, Assistant Ranking Minority Member; Rude, Assistant Ranking Minority Member; Caldier; Chandler; Chopp; Cody; Corry; Dolan; Dye; Fitzgibbon; Hansen; Hoff; Hudgins; Kilduff; Kraft; Macri; Mosbrucker; Pettigrew; Pollet; Ryu; Schmick; Senn; Springer; Steele; Sullivan; Sutherland; Tarleton; Tharinger and Ybarra.

Referred to Committee on Appropriations.

February 27, 2020 10.0.

ESSB 6432 Prime Sponsor, Committee on Environment, Energy & Technology: Concerning offshore oil extraction. Reported by Committee on Environment & Energy

MAJORITY recommendation: Do pass as amended.

On page 2, line 14, after "oil" strike "spill" and insert "spills"

On page 5, line 12, after "Sec." strike "1331" and insert "1301"

Signed by Representatives Fitzgibbon, Chair; Lekanoff, Vice Chair; DeBolt, Ranking Minority Member; Dye, Assistant Ranking Minority Member; Boehnke; Doglio; Fey; Goehner; Mead; Robinson and Shewmake.

Referred to Committee on Rules for second reading.

February 27, 2020 10.0.

ESSB 6442 Prime Sponsor, Committee on Human Services, Reentry & Rehabilitation: Concerning the private detainment of individuals. Reported by Committee on Public Safety

MAJORITY recommendation: Do pass as amended.  
10.0.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 11. LEGISLATIVE FINDINGS. (1) The legislature finds that all people confined in prisons in Washington deserve basic health care, nutrition, and safety. As held in *United States v. California*, 921 F.3d 865, 886 (9th Cir. 2019), states possess "the general authority to ensure the health and welfare of inmates and detainees in facilities within its borders."

(2) The legislature finds that profit motives lead private prisons to cut operational costs, including the provision of food, health care, and rehabilitative services, because their primary fiduciary duty is to maximize shareholder profits. The legislature finds that this is in stark contrast to the interests of the state to ensure the health, safety, and welfare of Washingtonians.

(3) The legislature finds that people confined in for-profit prisons have experienced abuses and have been confined in dangerous and unsanitary conditions. Safety risks and abuses in private prisons at the local, state, and federal level have been consistently and repeatedly documented. The United States department of justice office of the inspector general found in 2016 that privately operated prisons "incurred more safety and security incidents per capita than comparable BOP (federal bureau of prisons) institutions." The office of inspector general additionally found that privately operated prisons had "higher rates of inmate-on-inmate and inmate-on-staff assaults, as well as higher rates of staff uses of force."

(4) The legislature finds that private prison operators have cut costs by reducing essential security and health care staffing. The sentencing project, a national research and advocacy organization, found in 2012 that private prison staff earn an average of five thousand dollars less than staff at publicly run facilities and receive almost sixty hours less training. The office of inspector general also found that people confined in private facilities often failed to receive necessary medical care and that one private prison went without a full-time physician for eight months.

(5) The legislature finds that private prisons are less accountable for what happens inside those facilities than state-run facilities, as they are not subject to the freedom of information act under 5 U.S.C. Sec. 552 or the Washington public records act under chapter 42.56 RCW.

(6) The legislature finds that at least twenty-two other states have stopped confining people in private for-profit facilities.

(7) Therefore, it is the intent of the legislature to prohibit the use of private prisons in Washington state.

NEW SECTION. Sec. 12. A new section is added to chapter 72.68 RCW to read as follows:

#### PROHIBITION ON PRIVATE INCARCERATION.

(1) Except as provided in subsection (2) of this section and RCW 72.68.010(2), the secretary is prohibited from utilizing a contract with a private correctional entity for the transfer or placement of offenders.

(2) This section does not apply to:

(a) State work release centers, juvenile residential facilities, nonprofit community-based alternative juvenile detention facilities, or nonprofit community-based alternative adult detention facilities that provide separate care or special treatment, operated in whole or in part by for-profit contractors;

(b) Contracts for ancillary services including, but not limited to, medical services, educational services, repair and maintenance contracts, behavioral health services, or other services not directly related to the ownership, management, or operation of security services in a correctional facility; or

(c) Tribal entities.

**Sec. 13.** RCW 72.68.040 and 2012 c 117 s 500 are each amended to read as follows:

(1) The secretary may contract with the authorities of the federal government, or the authorities of any state of the United States, ~~((private companies in other states,))~~ or any county or city in this state providing for the detention in an institution or jail operated by such entity, for prisoners convicted of a felony in the courts of this state and sentenced to a term of imprisonment therefor in a state correctional institution for convicted felons under the jurisdiction of the department. ~~((After))~~ Except as provided in subsection (2) of this section, after the making of a contract under this section, prisoners sentenced to a term of imprisonment in a state correctional institution for convicted felons may be conveyed by the superintendent or his or her assistants to the institution or jail named in the contract. The prisoners shall be delivered to the authorities of the institution or jail, there to be confined until their sentences have expired or they are otherwise discharged by law, paroled, or until they are returned to a state correctional institution for convicted felons for further confinement.

(2) A prisoner may not be conveyed to a private correctional entity except under the circumstances identified in RCW 72.68.010(2) or section 2(2) of this act.

**Sec. 14.** RCW 72.68.010 and 2000 c 62 s 2 are each amended to read as follows:

(1) Whenever in its judgment the best interests of the state or the welfare of any prisoner confined in any penal institution will be better served by his or her transfer to another institution or to a foreign country of which the prisoner is a citizen or national, the secretary may effect such transfer consistent with applicable federal laws and treaties. The secretary has the authority to transfer offenders between in-state correctional facilities or to out-of-state ~~((to private or))~~ governmental institutions if the secretary determines that transfer is in the best interest of the state or the offender. The determination of what is in the best interest of the state or offender may include but is not limited to considerations of overcrowding, emergency conditions, or hardship to the offender. In determining whether the transfer will impose a hardship on the offender, the secretary shall consider: (a) The location of the offender's family and whether the offender has maintained contact with members of his or her family; (b) whether, if the offender has maintained contact, the contact will be significantly disrupted by the transfer due to the family's inability to maintain the contact as a result of

the transfer; and (c) whether the offender is enrolled in a vocational or educational program that cannot reasonably be resumed if the offender is returned to the state.

(2)(a) The secretary has the authority to transfer offenders to an out-of-state private correctional entity only if:

(i) The governor finds that an emergency exists such that the population of a state correctional facility exceeds its reasonable, maximum capacity, resulting in safety and security concerns;

(ii) The governor has considered all other legal options to address capacity, including those pursuant to RCW 9.94A.870;

(iii) The secretary determines that transfer is in the best interest of the state or the offender; and

(iv) The contract with the out-of-state private correctional entity includes requirements for access to public records to the same extent as if the facility were operated by the department, inmate access to the office of the corrections ombuds, and inspections and visits without notice.

(b) Should any of these requirements in this subsection not be met, the contract with the private correctional entity shall be terminated.

(3) If directed by the governor, the secretary shall, in carrying out this section and RCW 43.06.350, adopt rules under chapter 34.05 RCW to effect the transfer of prisoners requesting transfer to foreign countries.

**Sec. 15.** RCW 72.09.050 and 1999 c 309 s 1902 and 1999 c 309 s 924 are each reenacted and amended to read as follows:

The secretary shall manage the department of corrections and shall be responsible for the administration of adult correctional programs, including but not limited to the operation of all state correctional institutions or facilities used for the confinement of convicted felons. In addition, the secretary shall have broad powers to enter into agreements with any federal agency, or any other state, or any Washington state agency or local government providing for the operation of any correctional facility or program for persons convicted of felonies or misdemeanors or for juvenile offenders. Such agreements for counties with local law and justice councils shall be required in the local law and justice plan pursuant to RCW 72.09.300. The agreements may provide for joint operation or operation by the department of corrections, alone, for by any of the other governmental entities, alone. ~~((Beginning February 1, 1999, the secretary may expend funds appropriated for the 1997-1999 biennium to enter into agreements with any local government or private organization in any other state, providing for the operation of any correctional facility or program for persons convicted of felonies. Between July 1, 1999, and June 30, 2001, the secretary may expend funds appropriated for the 1999-01 biennium to enter into agreements with any local government or private organization in any other state, providing for the operation of any correctional facility or program for persons convicted of felonies.))~~ The secretary may employ persons to aid in

performing the functions and duties of the department. The secretary may delegate any of his or her functions or duties to department employees, including the authority to certify and maintain custody of records and documents on file with the department. The secretary is authorized to promulgate standards for the department of corrections within appropriation levels authorized by the legislature.

Pursuant to the authority granted in chapter 34.05 RCW, the secretary shall adopt rules providing for inmate restitution when restitution is determined appropriate as a result of a disciplinary action.

**Sec. 16.** RCW 72.68.001 and 1981 c 136 s 114 are each amended to read as follows:

#### DEFINITIONS.

~~((As used in this chapter:))~~ The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Department" means the department of corrections~~(; and)~~.

(2) "Private correctional entity" means a for-profit contractor or for-profit vendor who provides services relating to the ownership, management, or administration of security services of a correctional facility for the incarceration of persons.

(3) "Secretary" means the secretary of corrections.

NEW SECTION. **Sec. 17.** REPEALER. RCW 72.68.012 (Transfer to private institutions—Intent—Authority) and 2000 c 62 s 1 are each repealed.

NEW SECTION. **Sec. 18.** LIBERAL CONSTRUCTION. This act shall be construed liberally for the accomplishment of the purposes thereof.

NEW SECTION. **Sec. 19.** EMERGENCY CLAUSE. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately.

NEW SECTION. **Sec. 20.** SEVERABILITY. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

Correct the title.

Signed by Representatives Appleton, 2nd Vice Chair; Goodman, Chair; Davis, Vice Chair; Griffey; Lovick; Orwall; Pellicciotti and Pettigrew.

MINORITY recommendation: Do not pass. Signed by Representatives Klippert, Ranking Minority Member; Sutherland, Assistant Ranking Minority Member and Graham.

Referred to Committee on Rules for second reading.

February 28, 2020 20.0.

#### SSB 6455

Prime Sponsor, Committee on Health & Long Term Care: Requiring default beverages for children's meals. Reported by Committee on Local Government

MAJORITY recommendation: Do pass. Signed by Representatives Pollet, Chair; Duerr, Vice Chair; Appleton and Senn.

MINORITY recommendation: Do not pass. Signed by Representatives Kraft, Ranking Minority Member; Griffey, Assistant Ranking Minority Member and Goehner.

Referred to Committee on Rules for second reading.

February 29, 2020 20.0.

#### SSB 6476

Prime Sponsor, Committee on Human Services, Reentry & Rehabilitation: Increasing and expanding access of inmates and immediate family members of inmates to services provided within correctional facilities. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Ormsby, Chair; Stokesbary, Ranking Minority Member; Robinson, 1st Vice Chair; Bergquist, 2nd Vice Chair; Rude, Assistant Ranking Minority Member; Caldier; Chandler; Chopp; Cody; Dolan; Fitzgibbon; Hansen; Hoff; Hudgins; Kilduff; Macri; Pettigrew; Ryu; Senn; Springer; Steele; Sullivan; Sutherland; Tarleton and Tharinger.

MINORITY recommendation: Without recommendation. Signed by Representative Corry.

MINORITY recommendation: Do not pass. Signed by Representatives Dye; Kraft; Mosbrucker; Schmick and Ybarra.

Referred to Committee on Appropriations.

February 27, 2020 20.0.

#### SSB 6483

Prime Sponsor, Committee on Early Learning & K-12 Education: Concerning rating requirements for child care providers. Reported by Committee on Human Services & Early Learning

MAJORITY recommendation: Do pass. Signed by Representatives Senn, Chair; Callan, Vice Chair; Frame, Vice Chair; Dent, Ranking Minority Member; Eslick, Assistant Ranking Minority Member; McCaslin, Assistant Ranking Minority Member; Corry; Goodman; Griffey; Kilduff; Klippert; Lovick and Ortiz-Self.

Referred to Committee on Rules for second reading.

March 2, 2020 20.0.

**SSB 6488** Prime Sponsor, Committee on Agriculture, Water, Natural Resources & Parks: Concerning aerial herbicides in forestlands. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass as amended by Committee on Rural Development, Agriculture, & Natural Resources.  
20.0.

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 21.** The legislature, through the enactment of Substitute Senate Bill No. 5597 (chapter 355, Laws of 2019), created the work group on aerial application of herbicides on state and private forestlands and directed a report back to the legislature with recommendations for any improvements to best management practices in herbicide application and nonchemical alternatives in vegetation management. The legislature intends by this act to adopt several of those recommendations.

**NEW SECTION. Sec. 22.** A new section is added to chapter 43.30 RCW under the subchapter heading "part 5 powers and duties - general" to read as follows:

(1) The department, subject to the availability of amounts appropriated for this specific purpose, must evaluate and conduct research trials of chemical and nonchemical forest vegetation management strategies, in a manner that does not disadvantage the trust beneficiaries, and collaborate with other forestland owners through coordination with leading forestry research cooperatives and universities in the Pacific Northwest.

(2) This section expires June 30, 2030.

**NEW SECTION. Sec. 23.** A new section is added to chapter 76.09 RCW to read as follows:

(1) The board shall develop interpretive guidance in the forest practices board manual to clarify the adjacent property buffer requirements in the forest practices rules, including provisions for the board manual that explain the buffer rules for the protection of private property, including adjacent residential and agricultural properties. The board must also use a stakeholder process to update the forest practices board manual, as provided in WAC 222-12-090 as it existed on January 1, 2020, to include best management practices and technical guidance related to the aerial application of herbicides consistent with forest practices rules including, but not limited to, equipment, weather conditions, communicating best management practices to neighbors, signage, and as appropriate, information about alternatives to herbicides. The forest practices board manual updates must be completed by November 1, 2021.

(2) The board must improve the aerial herbicide application signage information included in the forest practices board manual and provide a sign template that satisfies the legal posting requirements. The board must also

update the board manual to reflect that emergency contact information may be included on the signage. The department must add these elements to the forest practices illustrated guidance document.

(3) The board must integrate evaluation of forest practices aerial applications of herbicide into the 2021-2023 biennial forest practices compliance monitoring sampling conducted pursuant to WAC 222-08-160, as it existed on the effective date of this section.

(4) This section expires December 31, 2021.

**Sec. 24.** RCW 76.09.060 and 2012 1st sp.s. c 1 s 206 are each amended to read as follows:

(1) The department shall prescribe the form and contents of the notification and application. The forest practices rules shall specify by whom and under what conditions the notification and application shall be signed or otherwise certified as acceptable. Activities conducted by the department or a contractor under the direction of the department under the provisions of RCW 76.04.660, shall be exempt from the landowner signature requirement on any forest practices application required to be filed. The application or notification shall be delivered in person to the department, sent by first-class mail to the department or electronically filed in a form defined by the department. The form for electronic filing shall be readily convertible to a paper copy, which shall be available to the public pursuant to chapter 42.56 RCW, including through electronic access in the form of a readily available link on the department's web site. The information required may include, but is not limited to:

(a) Name and address of the forestland owner, timber owner, and operator;

(b) Description of the proposed forest practice or practices to be conducted;

(c) Legal description and tax parcel identification numbers of the land on which the forest practices are to be conducted;

(d) Planimetric and topographic maps showing location and size of all lakes and streams and other public waters in and immediately adjacent to the operating area and showing all existing and proposed roads and major tractor roads;

(e) Description of the silvicultural, harvesting, or other forest practice methods to be used, including the type of equipment to be used and materials to be applied;

(f) For an application or notification submitted on or after July 10, 2012, that includes a forest practices hydraulic project, plans and specifications for the forest practices hydraulic project to ensure the proper protection of fish life;

(g) Proposed plan for reforestation and for any revegetation necessary to reduce erosion potential from roadsides and yarding roads, as required by the forest practices rules;

(h) Soil, geological, and hydrological data with respect to forest practices;

(i) The expected dates of commencement and completion of all forest practices specified in the application;

(j) Provisions for continuing maintenance of roads and other construction or other measures necessary to afford protection to public resources;

(k) An affirmation that the statements contained in the notification or application are true; and

(l) All necessary application or notification fees.

(2) Long range plans may be submitted to the department for review and consultation.

(3) The application for a forest practice or the notification of a forest practice is subject to the reforestation requirement of RCW 76.09.070.

(a) If the application states that any land will be or is intended to be converted:

(i) The reforestation requirements of this chapter and of the forest practices rules shall not apply if the land is in fact converted unless applicable alternatives or limitations are provided in forest practices rules issued under RCW 76.09.070;

(ii) Completion of such forest practice operations shall be deemed conversion of the lands to another use for purposes of chapters 84.33 and 84.34 RCW unless the conversion is to a use permitted under a current use tax agreement permitted under chapter 84.34 RCW;

(iii) The forest practices described in the application are subject to applicable county, city, town, and regional governmental authority permitted under RCW 76.09.240 as well as the forest practices rules.

(b) Except as provided elsewhere in this section, if the landowner harvests without an approved application or notification or the landowner does not state that any land covered by the application or notification will be or is intended to be converted, and the department or the county, city, town, or regional governmental entity becomes aware of conversion activities to a use other than commercial timber operations, as that term is defined in RCW 76.09.020, then the department shall send to the department of ecology and the appropriate county, city, town, and regional governmental entities the following documents:

(i) A notice of a conversion to nonforestry use;

(ii) A copy of the applicable forest practices application or notification, if any; and

(iii) Copies of any applicable outstanding final orders or decisions issued by the department related to the forest practices application or notification.

(c) Failure to comply with the reforestation requirements contained in any final order or decision shall constitute a removal of designation under the provisions of RCW 84.33.140, and a change of use under the provisions of RCW 84.34.080, and, if applicable, shall subject such lands to the payments and/or penalties resulting from such removals or changes.

(d) Conversion to a use other than commercial forest product operations within six years after approval of the forest practices application or notification without the consent of the county, city, or town shall constitute a violation of each of the county, municipal city, town, and regional authorities to which the forest practice operations would have been subject if the application had stated an intent to convert.

(e) Land that is the subject of a notice of conversion to a nonforestry use produced by the department and sent to the department of ecology and a local government under this subsection is subject to the development prohibition and conditions provided in RCW 76.09.460.

(f) Landowners who have not stated an intent to convert the land covered by an application or notification and who decide to convert the land to a nonforestry use within six years of receiving an approved application or notification must do so in a manner consistent with RCW 76.09.470.

(g) The application or notification must include a statement requiring an acknowledgment by the forestland owner of his or her intent with respect to conversion and acknowledging that he or she is familiar with the effects of this subsection.

(4) Whenever an approved application authorizes a forest practice which, because of soil condition, proximity to a water course or other unusual factor, has a potential for causing material damage to a public resource, as determined by the department, the applicant shall, when requested on the approved application, notify the department two days before the commencement of actual operations.

(5) Before the operator commences any forest practice in a manner or to an extent significantly different from that described in a previously approved application or notification, there shall be submitted to the department a new application or notification form in the manner set forth in this section.

(6)(a) Except as provided in RCW 76.09.350(4), the notification to or the approval given by the department to an application to conduct a forest practice shall be effective for a term of three years from the date of approval or notification.

(b) A notification or application may be renewed for an additional three-year term by the filing and approval of a notification or application, as applicable, prior to the expiration of the original application or notification. A renewal application or notification is subject to the forest practices rules in effect at the time the renewal application or notification is filed. Nothing in this section precludes the applicant from applying for a new application or notification after the renewal period has lapsed.

(c) At the option of the applicant, an application or notification may be submitted to cover a single forest practice or a number of forest practices within reasonable geographic or political boundaries as specified by the department. An application or notification that covers more

than one forest practice may have an effective term of more than three years.

(d) The board shall adopt rules that establish standards and procedures for approving an application or notification that has an effective term of more than three years. Such rules shall include extended time periods for application or notification approval or disapproval. The department may require the applicant to provide advance notice before commencing operations on an approved application or notification.

(7) Notwithstanding any other provision of this section, no prior application or notification shall be required for any emergency forest practice necessitated by fire, flood, windstorm, earthquake, or other emergency as defined by the board, but the operator shall submit an application or notification, whichever is applicable, to the department within forty-eight hours after commencement of such practice or as required by local regulations.

(8) Forest practices applications or notifications are not required for forest practices conducted to control exotic forest insect or disease outbreaks, when conducted by or under the direction of the department of agriculture in carrying out an order of the governor or director of the department of agriculture to implement pest control measures as authorized under chapter 17.24 RCW, and are not required when conducted by or under the direction of the department in carrying out emergency measures under a forest health emergency declaration by the commissioner of public lands as provided in RCW 76.06.130.

(a) For the purposes of this subsection, exotic forest insect or disease has the same meaning as defined in RCW 76.06.020.

(b) In order to minimize adverse impacts to public resources, control measures must be based on integrated pest management, as defined in RCW 17.15.010, and must follow forest practices rules relating to road construction and maintenance, timber harvest, and forest chemicals, to the extent possible without compromising control objectives.

(c) Agencies conducting or directing control efforts must provide advance notice to the appropriate regulatory staff of the department of the operations that would be subject to exemption from forest practices application or notification requirements.

(d) When the appropriate regulatory staff of the department are notified under (c) of this subsection, they must consult with the landowner, interested agencies, and affected tribes, and assist the notifying agencies in the development of integrated pest management plans that comply with forest practices rules as required under (b) of this subsection.

(e) Nothing under this subsection relieves agencies conducting or directing control efforts from requirements of the federal clean water act as administered by the department of ecology under RCW 90.48.260.

(f) Forestlands where trees have been cut as part of an exotic forest insect or disease control effort under this

subsection are subject to reforestation requirements under RCW 76.09.070.

(g) The exemption from obtaining approved forest practices applications or notifications does not apply to forest practices conducted after the governor, the director of the department of agriculture, or the commissioner of public lands have declared that an emergency no longer exists because control objectives have been met, that there is no longer an imminent threat, or that there is no longer a good likelihood of control.

**NEW SECTION. Sec. 25.** (1) Within existing resources, the department of agriculture must work with the departments of natural resources, labor and industries, health, and ecology, and consult with external stakeholders, to evaluate pesticide investigation rules, processes, and first responder outreach. By December 31, 2021, the work group must report back to the legislature with any recommended changes, including how complaints should be reported and ensuring that complaints are properly referred.

(2) This section expires December 31, 2021.

**NEW SECTION. Sec. 26.** (1) The department of natural resources must develop a proposal to be submitted to the governor and the legislature for inclusion in the 2021-2022 omnibus operating appropriations act to replace or upgrade the existing forest practices application review system. The department of natural resources must develop a proposed upgrade or replacement with an external steering group composed of users of the existing system. One outcome of an upgraded or replaced system must be an improved user interface for review of forest practices applications with aerial herbicide application as a component.

(2) This section expires June 30, 2022."

Correct the title.

Signed by Representatives Ormsby, Chair; Stokesbary, Ranking Minority Member; Robinson, 1st Vice Chair; Bergquist, 2nd Vice Chair; MacEwen, Assistant Ranking Minority Member; Rude, Assistant Ranking Minority Member; Caldier; Chandler; Chopp; Cody; Corry; Dolan; Dye; Fitzgibbon; Hansen; Hoff; Hudgins; Kilduff; Kraft; Macri; Mosbrucker; Pettigrew; Pollet; Ryu; Schmick; Senn; Springer; Steele; Sullivan; Sutherland; Tarleton; Tharinger and Ybarra.

Referred to Committee on Appropriations.

February 27, 2020 26.0.

**SSB 6501**

Prime Sponsor, Committee on Law & Justice: Concerning the disposition of human remains and cremation. Reported by Committee on Public Safety

MAJORITY recommendation: Do pass. Signed by Representatives Appleton, 2nd Vice Chair; Goodman, Chair; Davis, Vice Chair; Klippert, Ranking Minority

Member; Sutherland, Assistant Ranking Minority Member; Graham; Griffey; Lovick; Orwall; Pellicciotti and Pettigrew.

Referred to Committee on Rules for second reading.

February 27, 2020 26.0.

**SB 6507** Prime Sponsor, Senator Nguyen: Concerning legislative reporting requirements for certain department of children, youth, and families programs. Reported by Committee on Human Services & Early Learning

MAJORITY recommendation: Do pass. Signed by Representatives Senn, Chair; Callan, Vice Chair; Frame, Vice Chair; Goodman; Kilduff; Lovick and Ortiz-Self.

MINORITY recommendation: Do not pass. Signed by Representatives Dent, Ranking Minority Member; Eslick, Assistant Ranking Minority Member; McCaslin, Assistant Ranking Minority Member and Klippert.

MINORITY recommendation: Without recommendation. Signed by Representatives Corry and Griffey.

Referred to Committee on Rules for second reading.

March 2, 2020 26.0.

**E2SSB 6518** Prime Sponsor, Committee on Ways & Means: Reducing prenatal exposure and harm to children by limiting environmental exposure to certain pesticides. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass as amended by Committee on Appropriations and without amendment by Committee on Rural Development, Agriculture, & Natural Resources.

26.0.

Strike everything after the enacting clause and insert the following:

"**NEW SECTION. Sec. 27.** The legislature finds that scientific research has played an important role in informing and advancing public policy in many areas, including health, education, early childhood development, and environmental and wildlife protection.

(1) The legislature also finds that organophosphate pesticides, such as chlorpyrifos, above certain levels may harm aquatic habitats and aquatic organisms, including salmon.

(2) In addition, the legislature finds that scientific research has identified early childhood as a critical period of intervention during which children develop the foundation for educational achievement. Young children are especially vulnerable to environmental contaminants and toxic stress.

(3) Chlorpyrifos and other organophosphate pesticides affect the nervous system through inhibition of cholinesterase, an enzyme required for proper nerve functioning.

(4) Children experience greater exposure to chlorpyrifos pesticides because, relative to adults, they eat, drink, and breathe more in proportion to their body weight. Because of this concern, the federal food quality protection act requires a tenfold margin of safety in the registration of pesticides to protect infants and children.

**NEW SECTION. Sec. 28.** A new section is added to chapter 17.21 RCW to read as follows:

The director must adopt emergency rules that take effect by January 1, 2022, that include specific control measures for chlorpyrifos that are designed to reduce emissions sufficiently so the public is not subject to levels of exposure that may cause or contribute to significant adverse health effects.

**NEW SECTION. Sec. 29.** (1) Subject to the availability of amounts appropriated for this specific purpose, Washington State University shall provide the Washington state commission on pesticide registration with funding to work with agricultural grower groups presently using chlorpyrifos to research alternative pest control strategies.

(2) Additional funding must be provided to the department of agriculture for training and enforcement of the Washington pesticide application act.

**NEW SECTION. Sec. 30.** If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2020, in the omnibus appropriations act, this act is null and void."

Correct the title.

Signed by Representatives Ormsby, Chair; Stokesbary, Ranking Minority Member; Robinson, 1st Vice Chair; Bergquist, 2nd Vice Chair; MacEwen, Assistant Ranking Minority Member; Rude, Assistant Ranking Minority Member; Caldier; Chandler; Chopp; Cody; Dolan; Dye; Fitzgibbon; Hansen; Hoff; Hudgins; Kilduff; Kraft; Macri; Mosbrucker; Pettigrew; Pollet; Ryu; Schmick; Senn; Springer; Steele; Sullivan; Tarleton; Tharinger and Ybarra.

MINORITY recommendation: Do not pass. Signed by Representatives Corry and Sutherland.

Referred to Committee on Appropriations.

March 2, 2020 30.0.

**2SSB 6528** Prime Sponsor, Committee on Ways & Means: Concerning the prevention of derelict vessels. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Ormsby, Chair; Stokesbary, Ranking Minority Member; Robinson, 1st Vice Chair; Bergquist, 2nd Vice Chair; MacEwen, Assistant Ranking Minority Member; Rude, Assistant Ranking Minority Member; Caldier; Chandler; Chopp; Cody; Corry; Dolan; Dye; Fitzgibbon; Hansen; Hoff; Hudgins; Kilduff; Kraft; Macri; Mosbrucker; Pettigrew; Pollet; Ryu; Schmick; Senn; Springer; Steele; Sullivan; Sutherland; Tarleton; Tharinger and Ybarra.

Referred to Committee on Appropriations.

February 29, 2020 30.0.

ESSB 6540 Prime Sponsor, Committee on Ways & Means: Concerning working connections child care payment authorizations. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Ormsby, Chair; Stokesbary, Ranking Minority Member; Robinson, 1st Vice Chair; Bergquist, 2nd Vice Chair; Rude, Assistant Ranking Minority Member; Caldier; Chandler; Chopp; Cody; Corry; Dolan; Dye; Fitzgibbon; Hansen; Hoff; Hudgins; Kilduff; Kraft; Macri; Mosbrucker; Pettigrew; Ryu; Schmick; Senn; Springer; Steele; Sullivan; Sutherland; Tarleton; Tharinger and Ybarra.

Referred to Committee on Appropriations.

February 27, 2020 30.0.

SB 6551 Prime Sponsor, Senator Stanford: Integrating international medical graduates into Washington's health care delivery system. Reported by Committee on Health Care & Wellness

MAJORITY recommendation: Do pass. Signed by Representatives Cody, Chair; Macri, Vice Chair; Chopp; Davis; Harris; Maycumber; Riccelli; Robinson; Stonier; Thai and Tharinger.

MINORITY recommendation: Do not pass. Signed by Representatives Schmick, Ranking Minority Member; Chambers and DeBolt.

Referred to Committee on Rules for second reading.

March 2, 2020 30.0.

2SSB 6561 Prime Sponsor, Committee on Ways & Means: Creating the undocumented student support loan program. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass as amended by Committee on College & Workforce Development. 30.0.

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 31.** (1) The legislature recognizes that students seeking to attend an institution of higher education or to receive training at a technical college have a variety of ways to fund their education. Students who meet Washington state residency requirements have access to state-funded financial aid programs such as the Washington college grant, college bound, and running start. While state residents have access to these state-sponsored financial aid options, not all state residents are eligible to receive federal financial aid such as the Pell grant or subsidized and unsubsidized student loans. Students who rely solely on state financial aid or scholarships might have difficulty in affording the remaining cost of attendance that student loans could fund.

(2) Therefore, the legislature intends to increase access to those students who are ineligible for federal financial aid by creating a state-funded and state-administered student loan program. The legislature intends for the undocumented student support loan program to provide students loans that are competitive with federal student loans and offer multiple options for repayment including adjusted monthly payments based on income.

**NEW SECTION. Sec. 32.** The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Eligible student" means a student who:

(a) Is a resident student as defined in RCW 28B.15.012;

(b) Demonstrates financial need as defined in RCW 28B.92.030;

(c) Has indicated they will attend an institution of higher education or is making satisfactory progress in a program, as defined in rule by the office, at an institution of higher education;

(d) Fills out the Washington application for state financial aid; and

(e) Does not qualify for federally funded student financial aid because of their citizenship status.

(2) "Institution of higher education" has the same meaning as in RCW 28B.92.030.

(3) "Office" means the office of student financial assistance created in RCW 28B.76.090.

(4) "Participant" means an eligible student who has received an undocumented student support loan.

**NEW SECTION. Sec. 33.** (1) The undocumented student support loan program is established.

(2) The program shall be designed by the office, in consultation with financial aid professionals at institutions of higher education, state and nonprofit programs that work with eligible students, and relevant student associations and stakeholders in the development of the program.



(3) The program shall be administered by the office. In administering the program, the office has the following powers and duties:

(a) Screen and select, in coordination with representatives of institutions of higher education, eligible students to receive an undocumented student support loan;

(b) Consider an eligible student's financial inability to meet the total cost of the participant's educational program in the selection process;

(c) Issue low-interest student loans that are competitive with federal student loan programs;

(d) Establish annual and lifetime loan limits equal to the cost of attendance minus any other financial aid received as provided in subsection (6) of this section;

(e) Define the terms of repayment, including applicable interest rates, fees, and deferments;

(f) Collect and manage repayments from students who do not meet their obligations under this chapter;

(g) Consider income-based repayment options;

(h) Solicit and accept grants and donations from public and private sources for the program; and

(i) Adopt rules necessary to implement the program.

(4) The undocumented student support loan does not accrue interest while a participant is enrolled in an institution of higher education.

(5) The office may impose a loan origination fee up to, but not to exceed, the current rate imposed by the federal government on subsidized student loans.

(6) The maximum annual loan amount granted per student for the undocumented student support loan program is:

(a)(i) The cost of tuition and required fees at the public institution of higher education the student is attending; or

(ii) If the student is attending a private institution of higher education, the tuition and required fees at an equivalent public institution; and

(b) Less the value of any state-funded grant, scholarship, or waiver assistance the student receives, plus five hundred dollars for books and materials.

(7) Data collected by the program is private and confidential and must only be used for statistical analysis, research, and evaluation purposes. Data sharing by the office may be extended to include the office of financial management and other state governmental entities with oversight responsibility for the program, as long as personally identifiable student information is removed.

(8) The office shall provide information to the appropriate fiscal and relevant policy committees of the legislature by December 1, 2023, and every two years thereafter that includes the following:

(a) Dollar amount and number of private donations received;

(b) Number of applications received;

(c) Number of student loans provided to eligible students per year;

(d) Average student loan amount provided per participant;

(e) Level of degree program participants are pursuing;

(f) Number of student loans in active repayment, deferment, and default status; and

(g) Any other information the office deems relevant.

**NEW SECTION. Sec. 34.** (1) The undocumented student support loan match account is created in the custody of the state treasurer as a nonappropriated account to be used solely and exclusively for the program created in section 3 of this act. The purpose of the account is to provide state matching funds for the undocumented student support loan program.

(2) Revenues to the account consist of appropriations by the legislature into the account.

(3) The legislature must appropriate a state match, up to a maximum of two million dollars per fiscal biennium, beginning January 1, 2022, and each January 1st following the end of the fiscal year based on donations and pledges received by the office for the program as of the date each official state caseload forecast is submitted by the caseload forecast council to the legislative fiscal committees, as provided under RCW 43.88C.020. Nothing in this subsection expands or modifies the responsibilities of the caseload forecast council.

(4) Expenditures, in the form of matching funds, from the account may be made only upon receipt of proof from the office of private contributions to the program. Expenditures, in the form of matching funds, may not exceed the total amount of private contributions.

(5) Only the executive director of the office or the executive director's designee may authorize expenditures from the account. Such authorization must be made as soon as practicable following receipt of proof as required under subsection (4) of this section.

**NEW SECTION. Sec. 35.** This act takes effect July 1, 2021.

**NEW SECTION. Sec. 36.** Sections 1 through 5 of this act constitute a new chapter in Title 28B RCW."

Correct the title.

Signed by Representatives Ormsby, Chair; Stokesbary, Ranking Minority Member; Robinson, 1st Vice Chair; Bergquist, 2nd Vice Chair; Rude, Assistant Ranking Minority Member; Chopp; Cody; Dolan; Fitzgibbon; Hansen; Hudgins; Kilduff; Macri; Pettigrew; Pollet; Ryu; Senn; Springer; Steele; Sullivan; Sutherland; Tarleton; Tharinger and Ybarra.

MINORITY recommendation: Do not pass. Signed by Representatives Caldier; Chandler; Dye; Hoff; Kraft and Schmick.

MINORITY recommendation: Without recommendation. Signed by Representatives MacEwen, Assistant Ranking Minority Member; Corry and Mosbrucker.

Referred to Committee on Appropriations.

March 2, 2020 36.0.

SSB 6570 Prime Sponsor, Committee on Behavioral Health Subcommittee to Health & Long Term Care: Concerning law enforcement officer mental health and wellness. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass as amended by Committee on Health Care & Wellness.  
36.0.

Strike everything after the enacting clause and insert the following:

"**NEW SECTION. Sec. 37.** (1) The legislature finds that law enforcement officers respond to and witness some of the most tragic events that happen in our communities. On-the-job stress can have a significant impact on their physical and mental well-being and can accumulate over the course of a career.

(2) Research indicates that law enforcement officers experience key risk factors for suicides, including exposure to trauma, alcohol use, availability of firearms, and the strains of shift work. Compared to the general population, law enforcement officers report much higher rates of depression, posttraumatic stress disorder, and other anxiety-related mental health conditions. These health conditions have a significant impact on the officers and their families.

(3) A 2019 report from the United States department of justice found that, nationally, law enforcement suicides are 28.2 per one hundred thousand for men and 12.2 per one hundred thousand for women. A 2018 report by the Ruderman family foundation found that law enforcement officers are one and one-half times more likely to die by suicide than the general population.

(4) Despite these significant risk factors, there is no central repository of comprehensive data regarding law enforcement officer suicides. As a result, there are no comprehensive tools available to law enforcement agencies to develop effective suicide prevention strategies, or to know whether those strategies are making a difference.

(5) Although Washington state has conducted significant work towards suicide prevention more broadly, there is not a current statewide program that provides comprehensive, evidence-based mental health and suicide prevention resources for law enforcement and their families.

(6) The legislature finds that there is an urgent need to develop resources and interventions specifically targeted at helping law enforcement and their family members manage their behavioral health needs.

**NEW SECTION. Sec. 38.** (1)(a) The department of health shall convene a task force on law enforcement officer mental health and wellness in Washington state with members as provided in this subsection:

(i) The secretary of health, or the secretary's designee;

(ii) The chief of the Washington state patrol, or the chief's designee;

(iii) The director of the health care authority, or the director's designee;

(iv) The secretary of the department of corrections, or the secretary's designee;

(v) A representative from the University of Washington's forefront suicide prevention program;

(vi) The executive director of the criminal justice training commission, or the director's designee;

(vii) A psychiatrist;

(viii) A representative of local public health;

(ix) One representative each from:

(A) The Washington council of police and sheriffs;

(B) The Washington state fraternal order of police;

(C) The council of metropolitan police and sheriffs;

(D) The Washington state patrol troopers association;

(E) The Washington state patrol lieutenants and captains association;

(F) Tribal law enforcement;

(G) The Washington association of sheriffs and police chiefs;

(H) An association representing community behavioral health agencies;

(I) An association representing mental health providers; and

(J) An association representing substance use disorder treatment providers.

(b) The representative from the department of health shall serve as the chair of the task force.

(c) At a minimum, the task force shall meet quarterly.

(2) The task force shall review the following issues and information:

(a) Data related to the behavioral health status of law enforcement officers, including suicide rates, substance abuse rates, posttraumatic stress disorder, depression, availability of behavioral health services, and utilization of behavioral health services;

(b) Factors unique to the law enforcement community that affect the behavioral health of persons working in law enforcement, including factors affecting suicide rates;

(c) Components that should be addressed in the behavioral health and suicide prevention pilot program established in section 3 of this act, including consideration of components that relate to similar programs funded or partially funded by the bureau of justice assistance and the national institute of justice;

(d) The recommendations of the Washington state department of health's suicide prevention plan and the applicability of the plan's recommendations to law enforcement mental health issues;

(e) The recommendations of the United States department of justice 2019 report to congress on law enforcement mental health and wellness; and

(f) Options to improve the behavioral health status of and reduce prevalent mental health issues and the suicide risk among law enforcement officers and their families.

(3) Staff support for the task force shall be provided by the department of health.

(4) The task force shall report its findings and recommendations to the governor and relevant committees of the legislature by December 1, 2021, including a summary of:

(a) The data to be reviewed described in subsection (2) of this section;

(b) The results of the pilot projects funded by this act and recommendations regarding the continuation of those programs;

(c) The best practices and policies for providing mental health services and preventing law enforcement suicides; and

(d) Recommendations on resources and technical assistance to support law enforcement agencies in preventing law enforcement suicides.

(5) This section expires July 1, 2022.

**NEW SECTION. Sec. 39.** (1) Subject to the availability of amounts appropriated for this specific purpose not to exceed three hundred thousand dollars per fiscal year, the Washington association of sheriffs and police chiefs shall establish three pilot projects to support behavioral health improvement and suicide prevention efforts for law enforcement officers.

(2) The Washington association of sheriffs and police chiefs shall establish a competitive grant program to award funding for the three pilot projects by September 1, 2020.

(3) Law enforcement associations and agencies are eligible to compete for grant funding.

(4) The following programs and activities are eligible for grant funding:

(a) Public information and wellness promotion campaigns;

(b) Embedded mental health professionals;

(c) Peer support programs;

(d) Resiliency training programs; and

(e) Critical incident stress management programs.

(5) Grantees must provide a report to the association on the results of their program by October 1, 2021. The association must provide the information to the officer mental health and wellness task force established in section 2 of this act, for incorporation in the December 1, 2021, report to the governor and relevant committees of the legislature."

Correct the title.

Signed by Representatives Ormsby, Chair; Stokesbary, Ranking Minority Member; Robinson, 1st Vice Chair; Bergquist, 2nd Vice Chair; MacEwen, Assistant Ranking Minority Member; Rude, Assistant Ranking Minority Member; Caldier; Chandler; Chopp; Cody; Corry; Dolan; Dye; Fitzgibbon; Hansen; Hoff; Hudgins; Kilduff; Kraft; Macri; Mosbrucker; Pettigrew; Pollet; Ryu; Schmick; Senn; Springer; Steele; Sullivan; Sutherland; Tarleton; Tharinger and Ybarra.

Referred to Committee on Appropriations.

February 28, 2020 39.0.

SB 6582

Prime Sponsor, Senator Hobbs: Concerning the number of fire protection district commissioners. Reported by Committee on Local Government

MAJORITY recommendation: Do pass. Signed by Representatives Pollet, Chair; Duerr, Vice Chair; Kraft, Ranking Minority Member; Griffey, Assistant Ranking Minority Member; Appleton; Goehner and Senn.

Referred to Committee on Rules for second reading.

March 2, 2020 39.0.

ESSB 6592

Prime Sponsor, Committee on Local Government: Concerning tourism authorities. Reported by Committee on Finance

MAJORITY recommendation: Do pass as amended by Committee on Finance and without amendment by Committee on Innovation, Technology & Economic Development.

On page 2, line 29, after "area." insert "To impose the additional charge, signatures of the persons who operate lodging businesses who would pay sixty percent or more of the proposed charges must be provided together with the proposed uses and projects to which the proposed revenue from the additional charge shall be put, the total estimate costs, and the estimated rate for the charge with a proposed

breakdown by class of lodging business if such classification is to be used."

On page 3, line 13, after "charge," insert "The legislative authority may determine the timing of when to remove the charge so that the effective date of the expiration of the charge will not adversely impact existing contractual obligations not to exceed twelve months. The legislative authority may not be held liable for any financial obligations, contractual obligations, or damages for removing the charge."

Signed by Representatives Tarleton, Chair; Walen, Vice Chair; Orcutt, Ranking Minority Member; Young, Assistant Ranking Minority Member; Chapman; Frame; Macri; Orwall; Springer; Stokesbary; Vick and Wylie.

Referred to Committee on Finance.

February 28, 2020 39.0.

**SSB 6613** Prime Sponsor, Committee on Agriculture, Water, Natural Resources & Parks: Concerning the inspection of marine aquatic farming locations. Reported by Committee on Rural Development, Agriculture, & Natural Resources

MAJORITY recommendation: Do pass. Signed by Representatives Blake, Chair; Shewmake, Vice Chair; Chandler, Ranking Minority Member; Dent, Assistant Ranking Minority Member; Chapman; Fitzgibbon; Lekanoff; Orcutt; Pettigrew; Ramos and Springer.

MINORITY recommendation: Do not pass. Signed by Representatives Dye; Schmick and Walsh.

Referred to Committee on Rules for second reading.

February 27, 2020 39.0.

**ESSB 6617** Prime Sponsor, Committee on Housing Stability & Affordability: Concerning accessory dwelling unit regulation. Reported by Committee on Environment & Energy

MAJORITY recommendation: Do pass as amended. 39.0.

Strike everything after the enacting clause and insert the following:

"**NEW SECTION. Sec. 40.** (1) The legislature makes the following findings:

(a) Washington state is experiencing a housing affordability crisis. Many communities across the state are in need of more housing for renters, across the income spectrum. Accessory dwelling units are frequently rented at below market rate, providing additional affordable housing options for renters.

(b) Accessory dwelling units are often occupied by tenants who pay no rent at all; among these tenants are grandparents, adult children, family members with disabilities, friends going through life transitions, and community members in need. Accessory dwelling units meet the needs of these people who might otherwise require scarce subsidized housing space and resources.

(c) Accessory dwelling units can meet the needs of Washington's growing senior population, making it possible for this population to age in their communities by offering senior-friendly housing, which prioritizes physical accessibility, in walkable communities near amenities essential to successful aging in place, including transit and grocery stores, without requiring costly renovations of existing housing stock.

(d) Homeowners who add an accessory dwelling unit may benefit from added income and an increased sense of security.

(e) Siting accessory dwelling units near transit hubs and near public amenities can help to reduce greenhouse gas emissions by increasing walkability, shortening household commutes, and limiting sprawl.

(2) The legislature intends to promote and encourage the creation of accessory dwelling units as a means to address the need for additional affordable housing options.

**NEW SECTION. Sec. 41.** A new section is added to chapter 36.70A RCW to read as follows:

The definitions in this section apply throughout sections 3 and 4 of this act unless the context clearly requires otherwise.

(1) "Accessory dwelling unit" means a dwelling unit located on the same lot as a single-family housing unit, duplex, triplex, townhome, or other housing unit.

(2) "Attached accessory dwelling unit" means an accessory dwelling unit located within or attached to a single-family housing unit, duplex, triplex, townhome, or other housing unit.

(3) "City" means any city, code city, and town located in a county planning under RCW 36.70A.040.

(4) "Detached accessory dwelling unit" means an accessory dwelling unit that consists partly or entirely of a building that is separate and detached from a single-family housing unit, duplex, triplex, townhome, or other housing unit.

(5) "Dwelling unit" means a residential living unit that provides complete independent living facilities for one or more persons and that includes permanent provisions for living, sleeping, eating, cooking, and sanitation.

(6) "Major transit stop" means:

(a) A stop on a high capacity transportation system funded or expanded under the provisions of chapter 81.104 RCW;

(b) Commuter rail stops;

(c) Stops on rail or fixed guideway systems, including transitways;

(d) Stops on bus rapid transit routes or routes that run on high occupancy vehicle lanes; or

(e) Stops for a bus or other transit mode providing fixed route service at intervals of at least fifteen minutes during the peak hours of operation.

**NEW SECTION. Sec. 42.** A new section is added to chapter 36.70A RCW to read as follows:

(1)(a) Cities must adopt or amend by ordinance, and incorporate into their development regulations, zoning regulations, and other official controls the requirements of section 4(2) of this act to take effect by July 1, 2021.

(b) Beginning July 1, 2021, the requirements of section 4(2) of this act:

(i) Apply and take effect in any city that has not adopted or amended ordinances, regulations, or other official controls as required under this section; and

(ii) Supersede, preempt, and invalidate any local development regulations that conflict with section 4(2) of this act.

(2) Any action taken by a city that is authorized or required under section 4 of this act is not subject to legal challenge under this chapter or chapter 43.21C RCW, except that ordinances, regulations, and other official controls are subject to legal challenge if authorization is provided for the siting of accessory dwelling units on properties zoned such that single-family housing units are a nonconforming use.

**NEW SECTION. Sec. 43.** A new section is added to chapter 36.70A RCW to read as follows:

(1) Through the adoption or amendment of ordinances, development regulations, zoning regulations, and other official controls, cities:

(a) May allow up to two accessory dwelling units on all lots on which there is a single-family housing unit, duplex, triplex, fourplex, rowhouse, townhome, or apartment building, regardless of zoning district; the accessory dwelling units allowed under this subsection may be either attached accessory dwelling units or detached accessory dwelling units.

(b) May remove any requirement that the owner of a lot on which there is an accessory dwelling unit reside in or occupy the accessory dwelling unit or another housing unit on the same lot.

(2)(a) Except as provided in (b) of this subsection, through ordinances, development regulations, zoning regulations, and other official controls as required under section 3 of this act, cities may not require the provision of off-street parking for accessory dwelling units within one-quarter mile of a major transit stop.

(b) A city may require the provision of off-street parking for an accessory dwelling unit located within one-quarter mile of a major transit stop if the city has determined that the accessory dwelling unit is in an area with a lack of

access to street parking capacity, physical space impediments, or other reasons supported by evidence that would make on-street parking infeasible for the accessory dwelling unit.

**Sec. 44.** RCW 43.21C.495 and 2019 c 348 s 4 are each amended to read as follows:

(1) If adopted by April 1, 2021, amendments to development regulations and other nonproject actions taken by a city to implement RCW 36.70A.600 (1) or (4), with the exception of the action specified in RCW 36.70A.600(1)(f), are not subject to administrative or judicial appeals under this chapter.

(2) Amendments to development regulations and other nonproject actions taken by a city consistent with sections 3 and 4 of this act are not subject to administrative or judicial appeals under this chapter."

Correct the title.

Signed by Representatives Fitzgibbon, Chair; Lekanoff, Vice Chair; DeBolt, Ranking Minority Member; Dye, Assistant Ranking Minority Member; Boehnke; Doglio; Fey; Mead; Robinson and Shewmake.

MINORITY recommendation: Do not pass. Signed by Representative Goehner.

Referred to Committee on Rules for second reading.

February 28, 2020 44.0.

**ESB 6626** Prime Sponsor, Senator Conway: Creating the position of military spouse liaison. Reported by Committee on Housing, Community Development & Veterans

MAJORITY recommendation: Do pass as amended. 44.0.

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 45.** A new section is added to chapter 43.60A RCW to read as follows:

(1) The position of military spouse liaison is created within the department.

(2) The duties of the military spouse liaison include, but are not limited to:

(a) Conducting outreach to and advocating on behalf of military spouses in Washington;

(b) Providing assistance and information to military spouses seeking professional licenses and credentials or other employment in Washington;

(c) Coordinating research on issues facing military spouses and creating informational materials to assist military spouses and their families;

(d) Examining barriers and providing recommendations to assist spouses in accessing high quality child care and developing resources in coordination with military installations and the department of children, youth, and families to increase access to high quality child care for military families; and

(e) Developing, in coordination with the employment security department and employers, a common form for military spouses to complete highlighting specific skills, education, and training to help spouses quickly find meaningful employment in relevant economic sectors.

(3) The military spouse liaison is encouraged to periodically report on the work of the liaison to the relevant standing committees of the legislature and the joint committee on veterans' and military affairs and participate in policy development relating to military spouses."

Correct the title.

Signed by Representatives Gildon, Assistant Ranking Minority Member; Ryu, Chair; Morgan, Vice Chair; Barkis; Frame; Leavitt and Ramel.

MINORITY recommendation: Do not pass. Signed by Representative Jenkin, Ranking Minority Member.

Referred to Committee on Appropriations.

February 27, 2020 45.0.

**ESSB 6638** Prime Sponsor, Committee on Human Services, Reentry & Rehabilitation: Providing reentry services. Reported by Committee on Public Safety

MAJORITY recommendation: Do pass as amended. 45.0.

Strike everything after the enacting clause and insert the following:

"**NEW SECTION. Sec. 46.** (1) The legislature finds that it is critical to successful community reintegration and recovery for persons who are being released from prison, jail, juvenile rehabilitation, or other state institutions to have access to supportive services and for those who have behavioral health services needs to receive targeted assistance. This act employs multiple strategies to improve reentry services for these individuals. It provides for suspension of medicaid benefits to end before a person's release from custody so that medical assistance benefits can be made available immediately upon the person's release and so that authorized medicaid services can be provided before the person's release if the state receives a medicaid waiver. It creates a reentry services modality within the community behavioral health services act and directs the Washington state health care authority to apply for a section 1115 medicaid waiver so that the state can leverage federal funding to provide reentry services before the person's release. It provides persons applying for a conditional

release under chapter 10.77 RCW with access to the same community support services available to persons receiving community services under a less restrictive alternative order under chapter 71.05 RCW. Finally, it removes stigmatizing language from the program created under RCW 72.09.370 and 71.24.470 and creates a work group to advise the state how to use strategies based on evidence-based, research-based, and promising practices to expand the provision of cost-effective reentry services to new populations.

(2) The legislature finds that the support for patients and communities act, H.R. 6 115th Cong. Sec. 271 (2018), provided federal recognition of the importance of providing transition services to persons who are soon to be former inmates of public institutions. This act requires the secretary of health and human services to issue a state medicaid director letter by October 2019 regarding opportunities for states to apply for a section 1115 waiver to improve care transitions by providing medicaid services up to thirty days before a person's expected release. This guidance has not yet been released. New York state and the District of Columbia have already submitted section 1115 waiver applications which remain pending in the year 2019 in anticipation of this opportunity.

**Sec. 47.** RCW 74.09.670 and 2016 c 154 s 2 are each amended to read as follows:

(1) The authority is directed to suspend, rather than terminate, medical assistance benefits by July 1, 2017, for persons who are incarcerated or committed to a state hospital or other institution or facility. This must include the ability for a person to apply for medical assistance in suspense status during incarceration or civil commitment, and may not depend upon knowledge of the release date of the person. The authority must provide a progress report describing program design and a detailed fiscal estimate to the governor and relevant committees of the legislature by December 1, 2016.

(2) When a release date is scheduled for an individual whose medical assistance benefits are suspended under this section, the medical assistance benefits of a person may be restored up to ninety days prior to the person's release to facilitate reentry services, provided that no federal funds may be expended during this period for purposes not permitted by the state's agreements with the federal government.

(3) Starting January 1, 2022, the medical assistance benefits of a person that have been suspended under this section must be restored up to ninety days and not less than seven days prior to the person's scheduled release to facilitate reentry services, provided that no federal funds may be expended during this period for purposes not permitted by the state's agreements with the federal government.

(4) For the purpose of this section, "reentry services" has the same meaning as under RCW 71.24.025.

**Sec. 48.** RCW 71.24.025 and 2019 c 325 s 1004 and 2019 c 324 s 2 are each reenacted and amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Acutely mentally ill" means a condition which is limited to a short-term severe crisis episode of:

(a) A mental disorder as defined in RCW 71.05.020 or, in the case of a child, as defined in RCW 71.34.020;

(b) Being gravely disabled as defined in RCW 71.05.020 or, in the case of a child, a gravely disabled minor as defined in RCW 71.34.020;

(c) Presenting a likelihood of serious harm as defined in RCW 71.05.020 or, in the case of a child, as defined in RCW 71.34.020.

(2) "Alcoholism" means a disease, characterized by a dependency on alcoholic beverages, loss of control over the amount and circumstances of use, symptoms of tolerance, physiological or psychological withdrawal, or both, if use is reduced or discontinued, and impairment of health or disruption of social or economic functioning.

(3) "Approved substance use disorder treatment program" means a program for persons with a substance use disorder provided by a treatment program licensed or certified by the department as meeting standards adopted under this chapter.

(4) "Authority" means the Washington state health care authority.

(5) "Available resources" means funds appropriated for the purpose of providing community behavioral health programs, federal funds, except those provided according to Title XIX of the Social Security Act, and state funds appropriated under this chapter or chapter 71.05 RCW by the legislature during any biennium for the purpose of providing residential services, resource management services, community support services, and other behavioral health services. This does not include funds appropriated for the purpose of operating and administering the state psychiatric hospitals.

(6) "Behavioral health administrative services organization" means an entity contracted with the authority to administer behavioral health services and programs under RCW 71.24.381, including crisis services and administration of chapter 71.05 RCW, the involuntary treatment act, for all individuals in a defined regional service area.

(7) "Behavioral health provider" means a person licensed under chapter 18.57, 18.57A, 18.71, 18.71A, 18.83, 18.205, 18.225, or 18.79 RCW, as it applies to registered nurses and advanced registered nurse practitioners.

(8) "Behavioral health services" means mental health services as described in this chapter and chapter 71.36 RCW and substance use disorder treatment services as described in this chapter that, depending on the type of service, are provided by licensed or certified behavioral health agencies, behavioral health providers, or integrated into other health care providers.

(9) "Child" means a person under the age of eighteen years.

(10) "Chronically mentally ill adult" or "adult who is chronically mentally ill" means an adult who has a mental disorder and meets at least one of the following criteria:

(a) Has undergone two or more episodes of hospital care for a mental disorder within the preceding two years; or

(b) Has experienced a continuous psychiatric hospitalization or residential treatment exceeding six months' duration within the preceding year; or

(c) Has been unable to engage in any substantial gainful activity by reason of any mental disorder which has lasted for a continuous period of not less than twelve months. "Substantial gainful activity" shall be defined by the authority by rule consistent with Public Law 92-603, as amended.

(11) "Clubhouse" means a community-based program that provides rehabilitation services and is licensed or certified by the department.

(12) "Community behavioral health program" means all expenditures, services, activities, or programs, including reasonable administration and overhead, designed and conducted to prevent or treat substance use disorder, mental illness, or both in the community behavioral health system.

(13) "Community behavioral health service delivery system" means public, private, or tribal agencies that provide services specifically to persons with mental disorders, substance use disorders, or both, as defined under RCW 71.05.020 and receive funding from public sources.

(14) "Community support services" means services authorized, planned, and coordinated through resource management services including, at a minimum, assessment, diagnosis, emergency crisis intervention available twenty-four hours, seven days a week, prescreening determinations for persons who are mentally ill being considered for placement in nursing homes as required by federal law, screening for patients being considered for admission to residential services, diagnosis and treatment for children who are acutely mentally ill or severely emotionally or behaviorally disturbed discovered under screening through the federal Title XIX early and periodic screening, diagnosis, and treatment program, investigation, legal, and other nonresidential services under chapter 71.05 RCW, case management services, psychiatric treatment including medication supervision, counseling, psychotherapy, assuring transfer of relevant patient information between service providers, recovery services, and other services determined by behavioral health administrative services organizations.

(15) "Consensus-based" means a program or practice that has general support among treatment providers and experts, based on experience or professional literature, and may have anecdotal or case study support, or that is agreed but not possible to perform studies with random assignment and controlled groups.

(16) "County authority" means the board of county commissioners, county council, or county executive having authority to establish a behavioral health administrative services organization, or two or more of the county

authorities specified in this subsection which have entered into an agreement to establish a behavioral health administrative services organization.

(17) "Department" means the department of health.

(18) "Designated crisis responder" has the same meaning as in RCW 71.05.020.

(19) "Director" means the director of the authority.

(20) "Drug addiction" means a disease characterized by a dependency on psychoactive chemicals, loss of control over the amount and circumstances of use, symptoms of tolerance, physiological or psychological withdrawal, or both, if use is reduced or discontinued, and impairment of health or disruption of social or economic functioning.

(21) "Early adopter" means a regional service area for which all of the county authorities have requested that the authority purchase medical and behavioral health services through a managed care health system as defined under RCW 71.24.380(6).

(22) "Emerging best practice" or "promising practice" means a program or practice that, based on statistical analyses or a well established theory of change, shows potential for meeting the evidence-based or research-based criteria, which may include the use of a program that is evidence-based for outcomes other than those listed in subsection (23) of this section.

(23) "Evidence-based" means a program or practice that has been tested in heterogeneous or intended populations with multiple randomized, or statistically controlled evaluations, or both; or one large multiple site randomized, or statistically controlled evaluation, or both, where the weight of the evidence from a systemic review demonstrates sustained improvements in at least one outcome. "Evidence-based" also means a program or practice that can be implemented with a set of procedures to allow successful replication in Washington and, when possible, is determined to be cost-beneficial.

(24) "Indian health care provider" means a health care program operated by the Indian health service or by a tribe, tribal organization, or urban Indian organization as those terms are defined in the Indian health care improvement act (25 U.S.C. Sec. 1603).

(25) "Intensive behavioral health treatment facility" means a community-based specialized residential treatment facility for individuals with behavioral health conditions, including individuals discharging from or being diverted from state and local hospitals, whose impairment or behaviors do not meet, or no longer meet, criteria for involuntary inpatient commitment under chapter 71.05 RCW, but whose care needs cannot be met in other community-based placement settings.

(26) "Licensed or certified behavioral health agency" means:

(a) An entity licensed or certified according to this chapter or chapter 71.05 RCW;

(b) An entity deemed to meet state minimum standards as a result of accreditation by a recognized behavioral health accrediting body recognized and having a current agreement with the department; or

(c) An entity with a tribal attestation that it meets state minimum standards for a licensed or certified behavioral health agency.

(27) "Licensed physician" means a person licensed to practice medicine or osteopathic medicine and surgery in the state of Washington.

(28) "Long-term inpatient care" means inpatient services for persons committed for, or voluntarily receiving intensive treatment for, periods of ninety days or greater under chapter 71.05 RCW. "Long-term inpatient care" as used in this chapter does not include: (a) Services for individuals committed under chapter 71.05 RCW who are receiving services pursuant to a conditional release or a court-ordered less restrictive alternative to detention; or (b) services for individuals voluntarily receiving less restrictive alternative treatment on the grounds of the state hospital.

(29) "Managed care organization" means an organization, having a certificate of authority or certificate of registration from the office of the insurance commissioner, that contracts with the authority under a comprehensive risk contract to provide prepaid health care services to enrollees under the authority's managed care programs under chapter 74.09 RCW.

(30) "Mental health peer respite center" means a peer-run program to serve individuals in need of voluntary, short-term, noncrisis services that focus on recovery and wellness.

(31) Mental health "treatment records" include registration and all other records concerning persons who are receiving or who at any time have received services for mental illness, which are maintained by the department of social and health services or the authority, by behavioral health administrative services organizations and their staffs, by managed care organizations and their staffs, or by treatment facilities. "Treatment records" do not include notes or records maintained for personal use by a person providing treatment services for the entities listed in this subsection, or a treatment facility if the notes or records are not available to others.

(32) "Mentally ill persons," "persons who are mentally ill," and "the mentally ill" mean persons and conditions defined in subsections (1), (10), (39), and (40) of this section.

(33) "Recovery" means a process of change through which individuals improve their health and wellness, live a self-directed life, and strive to reach their full potential.

(34) "Research-based" means a program or practice that has been tested with a single randomized, or statistically controlled evaluation, or both, demonstrating sustained desirable outcomes; or where the weight of the evidence from a systemic review supports sustained outcomes as described in subsection (23) of this section but does not meet the full criteria for evidence-based.



(35) "Residential services" means a complete range of residences and supports authorized by resource management services and which may involve a facility, a distinct part thereof, or services which support community living, for persons who are acutely mentally ill, adults who are chronically mentally ill, children who are severely emotionally disturbed, or adults who are seriously disturbed and determined by the behavioral health administrative services organization or managed care organization to be at risk of becoming acutely or chronically mentally ill. The services shall include at least evaluation and treatment services as defined in chapter 71.05 RCW, acute crisis respite care, long-term adaptive and rehabilitative care, and supervised and supported living services, and shall also include any residential services developed to service persons who are mentally ill in nursing homes, residential treatment facilities, assisted living facilities, and adult family homes, and may include outpatient services provided as an element in a package of services in a supported housing model. Residential services for children in out-of-home placements related to their mental disorder shall not include the costs of food and shelter, except for children's long-term residential facilities existing prior to January 1, 1991.

(36) "Resilience" means the personal and community qualities that enable individuals to rebound from adversity, trauma, tragedy, threats, or other stresses, and to live productive lives.

(37) "Resource management services" mean the planning, coordination, and authorization of residential services and community support services administered pursuant to an individual service plan for: (a) Adults and children who are acutely mentally ill; (b) adults who are chronically mentally ill; (c) children who are severely emotionally disturbed; or (d) adults who are seriously disturbed and determined by a behavioral health administrative services organization or managed care organization to be at risk of becoming acutely or chronically mentally ill. Such planning, coordination, and authorization shall include mental health screening for children eligible under the federal Title XIX early and periodic screening, diagnosis, and treatment program. Resource management services include seven day a week, twenty-four hour a day availability of information regarding enrollment of adults and children who are mentally ill in services and their individual service plan to designated crisis responders, evaluation and treatment facilities, and others as determined by the behavioral health administrative services organization or managed care organization, as applicable.

(38) "Secretary" means the secretary of the department of health.

(39) "Seriously disturbed person" means a person who:

(a) Is gravely disabled or presents a likelihood of serious harm to himself or herself or others, or to the property of others, as a result of a mental disorder as defined in chapter 71.05 RCW;

(b) Has been on conditional release status, or under a less restrictive alternative order, at some time during the

preceding two years from an evaluation and treatment facility or a state mental health hospital;

(c) Has a mental disorder which causes major impairment in several areas of daily living;

(d) Exhibits suicidal preoccupation or attempts; or

(e) Is a child diagnosed by a mental health professional, as defined in chapter 71.34 RCW, as experiencing a mental disorder which is clearly interfering with the child's functioning in family or school or with peers or is clearly interfering with the child's personality development and learning.

(40) "Severely emotionally disturbed child" or "child who is severely emotionally disturbed" means a child who has been determined by the behavioral health administrative services organization or managed care organization, if applicable, to be experiencing a mental disorder as defined in chapter 71.34 RCW, including those mental disorders that result in a behavioral or conduct disorder, that is clearly interfering with the child's functioning in family or school or with peers and who meets at least one of the following criteria:

(a) Has undergone inpatient treatment or placement outside of the home related to a mental disorder within the last two years;

(b) Has undergone involuntary treatment under chapter 71.34 RCW within the last two years;

(c) Is currently served by at least one of the following child-serving systems: Juvenile justice, child-protection/welfare, special education, or developmental disabilities;

(d) Is at risk of escalating maladjustment due to:

(i) Chronic family dysfunction involving a caretaker who is mentally ill or inadequate;

(ii) Changes in custodial adult;

(iii) Going to, residing in, or returning from any placement outside of the home, for example, psychiatric hospital, short-term inpatient, residential treatment, group or foster home, or a correctional facility;

(iv) Subject to repeated physical abuse or neglect;

(v) Drug or alcohol abuse; or

(vi) Homelessness.

(41) "State minimum standards" means minimum requirements established by rules adopted and necessary to implement this chapter by:

(a) The authority for:

(i) Delivery of mental health and substance use disorder services; and

(ii) Community support services and resource management services;

(b) The department of health for:

(i) Licensed or certified behavioral health agencies for the purpose of providing mental health or substance use disorder programs and services, or both;

(ii) Licensed behavioral health providers for the provision of mental health or substance use disorder services, or both; and

(iii) Residential services.

(42) "Substance use disorder" means a cluster of cognitive, behavioral, and physiological symptoms indicating that an individual continues using the substance despite significant substance-related problems. The diagnosis of a substance use disorder is based on a pathological pattern of behaviors related to the use of the substances.

(43) "Tribe," for the purposes of this section, means a federally recognized Indian tribe.

(44) "Reentry services" means targeted services to support community reintegration and recovery for a person with an identified behavioral health services need who is scheduled or expected to be released from a prison, jail, juvenile rehabilitation facility, state hospital, or other institution or facility within ninety days. "Reentry services" also means targeted services provided to such a person following release to support the person's recovery and stability in the community. "Reentry services" may include:

(a) Engagement, assessment, recovery support, and release planning provided up to ninety days prior to a scheduled or expected release provided by behavioral health clinicians, certified peer counselors, or both;

(b) Intensive case management, peer bridger services, or both provided during the period beginning immediately upon the person's release which may decrease in intensity over time depending on the specific needs of the individual;

(c) Coordination of mental health services, assistance with unfunded medical expenses, assistance obtaining substance use disorder treatment, housing, employment services, educational or vocational training, transportation, independent living skills, parenting education, anger management services, peer services, and such other services as the case manager deems necessary; and

(d) Provision of services under contract through the reentry community services program under RCW 72.09.370 and 71.24.470.

**NEW SECTION. Sec. 49.** (1) The health care authority shall, after the release of federal guidance, apply for a section 1115 medicaid waiver to provide reentry services as defined under RCW 71.24.025 through the state medicaid program to persons who are expecting to be released from a public institution and are otherwise eligible to receive medical assistance. The authority shall consult with the work group established under section 10 of this act about the details of the application and how to maximize support for Washington state reentry programs within the limitations of what the centers of medicare and medicaid services are likely to approve.

(2) In developing its application, the health care authority must explicitly consider how to best leverage the 1115 medicaid waiver application for the following purposes:

(a) To provide federal funding support for the state-only portions of the reentry community services program under RCW 72.09.370 and 71.24.470;

(b) To provide sustainable funding for cost-effective or cost-neutral reentry or diversion services provided by pilot programs funded by contempt fines in *Trueblood, et al., v. DSHS, et al.*, No. 15-35462; and

(c) To accommodate the special needs of persons in jail who tend to stay for short periods of time and not have access to a documented anticipated release date.

(3) The authority shall consider how evaluations of the reentry community services program created under RCW 72.09.370 and 71.24.470 conducted by the Washington state institute for public policy may be used to establish an evidence base for its waiver application demonstrating the potential for delivering cost-effective reentry services in the state of Washington.

(4) The health care authority shall update the governor and appropriate committees of the legislature in writing upon submission of its section 1115 medicaid waiver application, at the point at which such application obtains final approval or denial from the centers for medicaid and medicare services, and at other critical junctures at the discretion of the health care authority.

**Sec. 50.** RCW 71.24.385 and 2019 c 325 s 1023 and 2019 c 264 s 6 are each reenacted and amended to read as follows:

(1) Within funds appropriated by the legislature for this purpose, behavioral health administrative services organizations and managed care organizations, as applicable, shall develop the means to serve the needs of people:

(a) With mental disorders residing within the boundaries of their regional service area. Elements of the program may include:

(i) Crisis diversion services;

(ii) Evaluation and treatment and community hospital beds;

(iii) Residential treatment;

(iv) Programs for intensive community treatment;

(v) Outpatient services, including family support;

(vi) Peer support services;

(vii) Community support services;

(viii) Resource management services; ~~((and))~~

(ix) Reentry services; and

(x) Supported housing and supported employment services.

(b) With substance use disorders and their families, people incapacitated by alcohol or other psychoactive chemicals, and intoxicated people.

(i) Elements of the program shall include, but not necessarily be limited to, a continuum of substance use disorder treatment services that includes:

- (A) Withdrawal management;
- (B) Residential treatment; and
- (C) Outpatient treatment.

(ii) The program may include peer support, supported housing, supported employment, crisis diversion, recovery support services, reentry services, or technology-based recovery supports.

(iii) The authority may contract for the use of an approved substance use disorder treatment program or other individual or organization if the director considers this to be an effective and economical course to follow.

(2)(a) The managed care organization and the behavioral health administrative services organization shall have the flexibility, within the funds appropriated by the legislature for this purpose and the terms of their contract, to design the mix of services that will be most effective within their service area of meeting the needs of people with behavioral health disorders and avoiding placement of such individuals at the state mental hospital. Managed care organizations and behavioral health administrative services organizations are encouraged to maximize the use of evidence-based practices and alternative resources with the goal of substantially reducing and potentially eliminating the use of institutions for mental diseases.

(b) Managed care organizations and behavioral health administrative services organizations may allow reimbursement to providers for services delivered through a partial hospitalization or intensive outpatient program. Such payment and services are distinct from the state's delivery of wraparound with intensive services under the *T.R. v. Strange and Birch* settlement agreement.

(3)(a) Treatment provided under this chapter must be purchased primarily through managed care contracts.

(b) Consistent with RCW 71.24.580, services and funding provided through the criminal justice treatment account are intended to be exempted from managed care contracting.

**Sec. 51.** RCW 10.77.150 and 2010 c 263 s 5 are each amended to read as follows:

(1) Persons examined pursuant to RCW 10.77.140 may make application to the secretary for conditional release. The secretary shall, after considering the reports of experts or professional persons conducting the examination pursuant to RCW 10.77.140, forward to the court of the county which ordered the person's commitment the person's application for conditional release as well as the secretary's recommendations concerning the application and any proposed terms and conditions upon which the secretary reasonably believes the person can be conditionally released.

Conditional release may also contemplate partial release for work, training, or educational purposes.

(2) In instances in which persons examined pursuant to RCW 10.77.140 have not made application to the secretary for conditional release, but the secretary, after considering the reports of experts or professional persons conducting the examination pursuant to RCW 10.77.140, reasonably believes the person may be conditionally released, the secretary may submit a recommendation for release to the court of the county that ordered the person's commitment. The secretary's recommendation must include any proposed terms and conditions upon which the secretary reasonably believes the person may be conditionally released. Conditional release may also include partial release for work, training, or educational purposes. Notice of the secretary's recommendation under this subsection must be provided to the person for whom the secretary has made the recommendation for release and to his or her attorney.

(3)(a) The court of the county which ordered the person's commitment, upon receipt of an application or recommendation for conditional release with the secretary's recommendation for conditional release terms and conditions, shall within thirty days schedule a hearing. The court may schedule a hearing on applications recommended for disapproval by the secretary.

(b) The prosecuting attorney shall represent the state at such hearings and shall have the right to have the patient examined by an expert or professional person of the prosecuting attorney's choice. If the committed person is indigent, and he or she so requests, the court shall appoint a qualified expert or professional person to examine the person on his or her behalf.

(c) The issue to be determined at such a hearing is whether or not the person may be released conditionally without substantial danger to other persons, or substantial likelihood of committing criminal acts jeopardizing public safety or security.

(d) The court, after the hearing, shall rule on the secretary's recommendations, and if it disapproves of conditional release, may do so only on the basis of substantial evidence. The court may modify the suggested terms and conditions on which the person is to be conditionally released. Pursuant to the determination of the court after hearing, the committed person shall thereupon be released on such conditions as the court determines to be necessary, or shall be remitted to the custody of the secretary. If the order of conditional release includes a requirement for the committed person to report to a community corrections officer, the order shall also specify that the conditionally released person shall be under the supervision of the secretary of corrections or such person as the secretary of corrections may designate and shall follow explicitly the instructions of the secretary of corrections including reporting as directed to a community corrections officer, remaining within prescribed geographical boundaries, and notifying the community corrections officer prior to making any change in the offender's address or employment. If the order of conditional release includes a requirement for the committed person to report to a

community corrections officer, the community corrections officer shall notify the secretary or the secretary's designee, if the person is not in compliance with the court-ordered conditions of release.

(4) If the court determines that receiving regular or periodic medication or other medical treatment shall be a condition of the committed person's release, then the court shall require him or her to report to a physician or other medical or mental health practitioner for the medication or treatment. In addition to submitting any report required by RCW 10.77.160, the physician or other medical or mental health practitioner shall immediately upon the released person's failure to appear for the medication or treatment or upon a change in mental health condition that renders the patient a potential risk to the public report to the court, to the prosecuting attorney of the county in which the released person was committed, to the secretary, and to the supervising community corrections officer.

(5) Any person, whose application for conditional release has been denied, may reapply after a period of six months from the date of denial.

(6) A licensed or certified behavioral health agency as defined under RCW 71.24.025 that provides community behavioral health services to a person placed on conditional release under this section or agrees to provide such services upon the person's conditional release shall provide equivalent services to the person as it would provide to a person who is court ordered to receive less restrictive alternative treatment under RCW 71.05.585. A licensed or certified behavioral health agency must participate in reentry planning when a person is recommended for conditional release under this section and may provide reentry services as defined in RCW 71.24.025 in coordination with state hospital staff and the person's managed care organization, behavioral health administrative services organization, or private insurance carrier.

**Sec. 52.** RCW 72.09.370 and 2019 c 325 s 5025 are each amended to read as follows:

(1) The ~~((offender))~~ reentry community ~~((safety))~~ services program is established to provide intensive services to ~~((offenders))~~ incarcerated persons identified under this subsection and to thereby promote successful reentry, public safety, and recovery. The secretary shall identify ~~((offenders))~~ persons in confinement or partial confinement who: (a) Are reasonably believed to ~~((be dangerous))~~ present a danger to themselves or others if released to the community without supportive services; and (b) have a mental disorder. In determining ~~((an offender's dangerousness))~~ whether an incarcerated person may meet these criteria, the secretary shall consider behavior known to the department and factors, based on research, that are linked to ~~((an increased))~~ risk ~~((for))~~ of dangerousness ((of offenders)) for persons with mental illnesses who are involved with the criminal justice system and shall include consideration of ((an offender's)) the person's substance use disorder or history of substance abuse.

(2) Prior to release of ~~((an offender))~~ a person identified under this section, a team consisting of representatives of the department of corrections, the health

care authority, and, as necessary, the indeterminate sentence review board, divisions or administrations within the department of social and health services, specifically including the division of developmental disabilities, the appropriate managed care organization ~~((contracted with the health care authority, the appropriate))~~ or behavioral health administrative services organization, and ~~((the))~~ reentry community services providers, as appropriate, shall develop a plan, as determined necessary by the team, for delivery of treatment and support services to the ~~((offender))~~ incarcerated person upon release. In developing the plan, the ~~((offender))~~ person shall be offered assistance in executing a mental health advance directive under chapter 71.32 RCW, after being fully informed of the benefits, scope, and purposes of such directive. The team may include a school district representative for ~~((offenders))~~ incarcerated persons under the age of twenty-one. The team shall consult with the ~~((offender's))~~ person's counsel, if any, and, as appropriate, the ~~((offender's))~~ person's family and community. The team shall notify the crime victim/witness program, which shall provide notice to all people registered to receive notice under RCW 72.09.712 of the proposed release plan developed by the team. Victims, witnesses, and other interested people notified by the department may provide information and comments to the department on potential safety risk to specific individuals or classes of individuals posed by the specific ~~((offender))~~ incarcerated person. The team may recommend: (a) That the ~~((offender))~~ person be evaluated by ~~((the))~~ a designated crisis responder, as defined in chapter 71.05 RCW; (b) department-supervised community treatment; or (c) voluntary community mental health or substance use disorder or abuse treatment.

(3) Prior to release of an ~~((offender))~~ incarcerated person identified under this section, the team shall determine whether or not an evaluation by a designated crisis responder is needed. If an evaluation is recommended, the supporting documentation shall be immediately forwarded to the appropriate designated crisis responder. The supporting documentation shall include the ~~((offender's))~~ person's criminal history, history of judicially required or administratively ordered involuntary antipsychotic medication while in confinement, and any known history of involuntary civil commitment.

(4) If an evaluation by a designated crisis responder is recommended by the team, such evaluation shall occur not more than ten days, nor less than five days, prior to release.

(5) A second evaluation by a designated crisis responder shall occur on the day of release if requested by the team, based upon new information or a change in the ~~((offender's))~~ person's mental condition, and the initial evaluation did not result in an emergency detention or a summons under chapter 71.05 RCW.

(6) If the designated crisis responder determines an emergency detention under chapter 71.05 RCW is necessary, the department shall release the ~~((offender))~~ person only to a state hospital or to a consenting evaluation and treatment facility or secure withdrawal management and stabilization facility. The department shall arrange transportation of the ~~((offender))~~ person to the hospital or facility.

(7) If the designated crisis responder believes that a less restrictive alternative treatment is appropriate, he or she shall seek a summons, pursuant to the provisions of chapter 71.05 RCW, to require the ~~((offender))~~ person to appear at an evaluation and treatment facility or secure withdrawal management and stabilization facility. If a summons is issued, the ~~((offender))~~ person shall remain within the corrections facility until completion of his or her term of confinement and be transported, by corrections personnel on the day of completion, directly to the identified ~~((evaluation and treatment))~~ facility.

(8) The secretary shall adopt rules to implement this section.

**Sec. 53.** RCW 71.24.470 and 2019 c 325 s 1030 are each amended to read as follows:

(1) The director shall contract, to the extent that funds are appropriated for this purpose, for case management services and such other services as the director deems necessary to assist ~~((offenders))~~ incarcerated persons identified under RCW 72.09.370 for participation in the ~~((offender))~~ reentry community ~~((safety))~~ services program. The contracts may be with any qualified and appropriate entities.

(2) The case manager has the authority to assist these ~~((offenders))~~ individuals in obtaining the services, as set forth in the plan created under RCW 72.09.370(2), for up to five years. The services may include coordination of mental health services, assistance with unfunded medical expenses, assistance obtaining substance use disorder treatment, housing, employment services, educational or vocational training, independent living skills, parenting education, anger management services, peer services, and such other services as the case manager deems necessary.

(3) The legislature intends that funds appropriated for the purposes of RCW 72.09.370, 71.05.145, and 71.05.212, and this section are to supplement and not to supplant general funding. Funds appropriated to implement RCW 72.09.370, 71.05.145, and 71.05.212, and this section are not to be considered available resources as defined in RCW 71.24.025 and are not subject to the priorities, terms, or conditions in the appropriations act established pursuant to RCW 71.24.035.

(4) The ~~((offender))~~ reentry community ~~((safety))~~ services program was formerly known as the community integration assistance program.

**Sec. 54.** RCW 71.24.480 and 2019 c 325 s 1031 are each amended to read as follows:

(1) A licensed or certified behavioral health agency acting in the course of the ~~((provider's))~~ agency's duties under this chapter ~~((is))~~ and its individual employees are not liable for civil damages resulting from the injury or death of another caused by a participant in the ~~((offender))~~ reentry community ~~((safety))~~ services program who is a client of the ~~((provider or organization))~~ agency, unless the act or omission of the ~~((provider or organization))~~ agency or employee constitutes:

(a) Gross negligence;

(b) Willful or wanton misconduct; or

(c) A breach of the duty to warn of and protect from a client's threatened violent behavior if the client has communicated a serious threat of physical violence against a reasonably ascertainable victim or victims.

(2) In addition to any other requirements to report violations, the licensed or certified behavioral health agency shall report ~~((an offender's))~~ a reentry community services program participant's expressions of intent to harm or other predatory behavior, regardless of whether there is an ascertainable victim, in progress reports and other established processes that enable courts and supervising entities to assess and address the progress and appropriateness of treatment.

(3) A licensed or certified behavioral health agency's mere act of treating a participant in the ~~((offender))~~ reentry community ~~((safety))~~ services program is not negligence. Nothing in this subsection alters the licensed or certified behavioral health agency's normal duty of care with regard to the client.

(4) The limited liability provided by this section applies only to the conduct of licensed or certified behavioral health agencies and their employees and does not apply to conduct of the state.

(5) For purposes of this section, "participant in the ~~((offender))~~ reentry community ~~((safety))~~ services program" means a person who has been identified under RCW 72.09.370 as ~~((an offender))~~ a person who: (a) Is reasonably believed to ~~((be dangerous))~~ present a danger to himself or herself or others if released to the community without supportive services; and (b) has a mental disorder.

**NEW SECTION. Sec. 55.** A new section is added to chapter 71.24 RCW to read as follows:

(1) The authority shall convene a reentry services work group to consider ways to improve reentry services for persons with an identified behavioral health services need. The work group shall:

(a) Advise the authority on its waiver application under section 4 of this act;

(b) Consider how to expand, replicate, or adapt the essential elements of the reentry community services program under RCW 72.09.370 and 71.24.470 while preserving those aspects most essential to stable reentry and recovery to provide reentry community services to:

(i) A larger set of persons incarcerated in prison including up to all persons releasing from prison who are reasonably believed to present either a high risk of violent recidivism, a high risk of nonviolent recidivism, or both in combination with a mental disorder or a substance use disorder, or other subsets of persons at the discretion of the work group;

(ii) Persons who are committed to a state hospital or long-term involuntary behavioral health treatment facility under chapter 10.77 RCW or RCW 71.05.280(3), who are reasonably believed to be ready for safe discharge to an appropriate community placement;

(iii) Persons expecting release from confinement under chapter 13.40 RCW;

(iv) Persons expecting release from confinement in jail; and/or

(v) Other populations recommended by the work group;

(c) Evaluate whether it would be better for administration of contracts for services under the reentry community services program remain at the state level or instead be administered by managed care organizations or behavioral health administrative services organizations;

(d) Identify the costs and savings that could be realized through expanding or replicating the reentry community services program as described under (b) of this subsection or through other means of providing reentry services;

(e) Evaluate the sustainability of promising reentry services or diversion services provided by pilot programs funded by contempt fines in *Trueblood, et al., v. DSHS, et al.*, No. 15-35462;

(f) Recommend means of funding and staffing expanded reentry services; and

(g) Consider how peer services can be incorporated into the reentry services programs.

(2) The authority shall invite participation in the work group by stakeholders including but not limited to representatives from: Disability rights Washington; behavioral health advocacy organizations; behavioral health peers; reentry community services providers; community behavioral health agencies; advocates for persons with developmental disabilities; the department of corrections; the department of children, youth, and families; the Washington association of sheriffs and police chiefs; prosecutors; defense attorneys; the Washington state association of counties; King county behavioral health and recovery division; the department of social and health services; state hospital employees who serve patients committed under chapters 10.77 and 71.05 RCW; the public safety review panel under RCW 10.77.270; managed care organizations; behavioral health administrative services organizations; the Washington statewide reentry council; the Washington state senate and house of representatives; and the Washington state institute for public policy.

(3) The work group must provide a progress report to the governor and appropriate committees of the legislature by December 1, 2020, and a final report by December 1, 2021.

**NEW SECTION. Sec. 56.** The Washington state health care authority shall revise its contracts with managed care organizations and behavioral health administrative services organizations to require those entities to ensure that providers that contract to provide services through the reentry community services program under RCW 72.09.370 and 71.24.330 are available to their eligible clients in every regional service area.

**NEW SECTION. Sec. 57.** The Washington state institute for public policy shall update its previous

evaluations of the reentry community services program under RCW 72.09.370 and 71.24.470, considering impacts on both recidivism and the use of public services. The institute shall collaborate with the work group established under section 10 of this act to determine research parameters and additional research questions that would support the work of the work group including, but not limited to, the potential cost, benefit, and risks to the state of expanding or replicating the reentry community services program; and what modifications to the program are most and least likely to prove advantageous based on the current state of knowledge about evidence-based, research-based, and promising programs. The department of corrections, health care authority, administrative office of the courts, King county, and department of social and health services must cooperate with the institute to facilitate access to data or other resources necessary to complete this work. The institute must provide a preliminary report by December 1, 2020, and a final report by November 1, 2021, to the governor and relevant committees of the legislature.

**Sec. 58.** RCW 9.98.010 and 2011 c 336 s 345 are each amended to read as follows:

(1) Whenever a person has entered upon a term of imprisonment in a penal ~~((or))~~, correctional, or juvenile rehabilitation institution of this state, and whenever during the continuance of the term of imprisonment there is pending in this state any untried indictment, information, or complaint against the ~~((prisoner))~~ person, he or she shall be brought to trial within one hundred twenty days after he or she shall have caused to be delivered to the prosecuting attorney and the ~~((superior))~~ court ~~((of the county))~~ in which the indictment, information, or complaint is pending written notice of the place of his or her imprisonment and his or her request for a final disposition to be made of the indictment, information, or complaint ~~((- PROVIDED, That for))~~. The following time periods shall be excluded from the one hundred twenty-day calculation:

(a) Arraignment, pretrial proceedings, trial, and sentencing on an unrelated charge in a different country than the court where the charge is pending;

(b) Proceedings related to competency to stand trial on the pending charge, from the entry of an evaluation order to the entry of a court order finding the person competent to proceed; and

(c) Time during which the person is detained in a federal jail or prison and subject to conditions of release not imposed by the state of Washington.

(2) The superintendent who provides the certificate under subsection (4) of this section shall inform any prosecuting attorney or court requesting transportation of the person to resolve an untried indictment, information, or complaint of the person's current location and availability for trial. If the person is unavailable for transportation due to court proceedings in another county, the department shall inform the prosecuting attorney or court when the person becomes available for transportation and provide a new certificate containing the information under subsection (4) of this section.

(3) For good cause shown in open court, with the ((prisoner)) person or his or her counsel ((shall have)) having the right to be present, the court having jurisdiction of the matter may grant any necessary or reasonable continuance.

(4) The request of the ((prisoner)) person shall be accompanied by a certificate of the superintendent having custody of the ((prisoner)) person, stating the term of commitment under which the ((prisoner)) person is being held, the time already served, the time remaining to be served on the sentence, the amount of good time earned, the ((time of parole eligibility)) earned release date of the ((prisoner)) person, and any decisions of the indeterminate sentence review board relating to the ((prisoner)) person.

((2)) (5) The written notice and request for final disposition referred to in subsection (1) of this section shall be given or sent by the ((prisoner)) person to the superintendent having custody of him or her, who shall promptly forward it together with the certificate to the appropriate prosecuting attorney and superior, district, municipal, or juvenile court by certified mail, return receipt requested.

((3)) (6) The superintendent having custody of the ((prisoner)) person shall promptly inform him or her in writing of the source and contents of any untried indictment, information, or complaint against him or her concerning which the superintendent has knowledge and of his or her right to make a request for final disposition thereof.

((4)) (7) Escape from custody by the ((prisoner)) person subsequent to his or her execution of the request for final disposition referred to in subsection (1) of this section shall void the request."

Correct the title.

Signed by Representatives Appleton, 2nd Vice Chair; Goodman, Chair; Davis, Vice Chair; Klippert, Ranking Minority Member; Sutherland, Assistant Ranking Minority Member; Graham; Griffey; Lovick; Orwall; Pellicciotti and Pettigrew.

Referred to Committee on Appropriations.

February 27, 2020 58.0.

ESSB 6641 Prime Sponsor, Committee on Human Services, Reentry & Rehabilitation: Increasing the availability of certified sex offender treatment providers. Reported by Committee on Health Care & Wellness

MAJORITY recommendation: Do pass as amended. 58.0.

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 18.155.020 and 2004 c 38 s 3 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter:

(1) "Advisory committee" means the sex offender treatment providers advisory committee established under section 5 of this act.

(2) "Certified sex offender treatment provider" means ((a licensed, certified, or registered health professional)) an individual who is a licensed psychologist, licensed marriage and family therapist, licensed social worker, mental health professional, as defined in RCW 71.05.020, or psychiatrist, as defined in RCW 71.05.020, who is certified to examine and treat sex offenders pursuant to chapters 9.94A and 13.40 RCW and sexually violent predators under chapter 71.09 RCW.

((2)) (3) "Certified affiliate sex offender treatment provider" means ((a licensed, certified, or registered health professional)) an individual who is a licensed psychologist, licensed marriage and family therapist, licensed social worker, mental health professional, as defined in RCW 71.05.020, or psychiatrist, as defined in RCW 71.05.020, who is certified as an affiliate to examine and treat sex offenders pursuant to chapters 9.94A and 13.40 RCW and sexually violent predators under chapter 71.09 RCW under the supervision of a ((certified sex offender treatment provider)) qualified supervisor.

((3)) (4) "Department" means the department of health.

((4)) (5)(a) "Qualified supervisor" means:

(i) A person who meets the requirements for certification as a sex offender treatment provider:

(ii) A person who meets a lifetime experience threshold of having provided at least two thousand hours of direct sex offender specific treatment and assessment services and who continues to maintain professional involvement in the field; or

(iii) A person who meets a lifetime experience threshold of at least two years of full-time work in a state-run facility or state-run treatment program providing direct sex offender specific treatment and assessment services and who continues to maintain professional involvement in the field.

(b) A qualified supervisor not credentialed by the department as a sex offender treatment provider must sign and submit to the department an attestation form provided by the department stating under penalty of perjury that the qualified supervisor has met the requisite education, training, or experience requirements and that the qualified supervisor is able to substantiate the qualified supervisor's claim to have met the requirements for education, training, or experience.

(6) "Secretary" means the secretary of health.

((5)) (7) "Sex offender treatment provider" or "affiliate sex offender treatment provider" means a person who counsels or treats sex offenders accused of or convicted of a sex offense as defined by RCW 9.94A.030.

**Sec. 2.** RCW 18.155.030 and 2004 c 38 s 4 are each amended to read as follows:

(1) No person shall represent himself or herself as a certified sex offender treatment provider or certified affiliate sex offender treatment provider without first applying for and receiving a certificate pursuant to this chapter.

(2) Only a certified sex offender treatment provider, or certified affiliate sex offender treatment provider who has completed at least fifty percent of the required hours under the supervision of a ~~((certified sex offender treatment provider))~~ qualified supervisor, may perform or provide the following services:

(a) ~~((Evaluations conducted for the purposes of and pursuant to RCW 9.94A.670 and 13.40.160;~~

~~((b)))~~ Treatment or evaluation of convicted level III sex offenders who are sentenced and ordered into treatment pursuant to chapter 9.94A RCW and adjudicated level III juvenile sex offenders who are ordered into treatment pursuant to chapter 13.40 RCW; or

~~((c)))~~ (b) Except as provided under subsection (3) of this section, treatment of sexually violent predators who are conditionally released to a less restrictive alternative pursuant to chapter 71.09 RCW.

(3) A certified sex offender treatment provider, or certified affiliate sex offender treatment provider who has completed at least fifty percent of the required hours under the supervision of a ~~((certified sex offender treatment provider))~~ qualified supervisor, may not perform or provide treatment of sexually violent predators under subsection (2)~~((c)))~~ (b) of this section if the treatment provider has been:

(a) Convicted of a sex offense, as defined in RCW 9.94A.030;

(b) Convicted in any other jurisdiction of an offense that under the laws of this state would be classified as a sex offense as defined in RCW 9.94A.030; or

(c) Suspended or otherwise restricted from practicing any health care profession by competent authority in any state, federal, or foreign jurisdiction.

(4) Certified sex offender treatment providers and certified affiliate sex offender treatment providers may perform or provide the following service: Treatment or evaluation of convicted level I and level II sex offenders who are sentenced and ordered into treatment pursuant to chapter 9.94A RCW and adjudicated juvenile level I and level II sex offenders who are sentenced and ordered into treatment pursuant to chapter 13.40 RCW.

(5) Employees of state-run facilities or state-run treatment programs are not required to be a certified sex offender treatment provider or a certified affiliate sex offender treatment provider to do the work described in this section as part of their job duties if not pursuing certification under this chapter.

**Sec. 3.** RCW 18.155.075 and 2006 c 134 s 2 are each amended to read as follows:

The department shall issue an affiliate certificate to any applicant who meets the following requirements:

(1) Successful completion of an educational program approved by the secretary or successful completion of alternate training which meets the criteria of the secretary;

(2) Successful completion of an examination administered or approved by the secretary;

(3) Proof of supervision by a ~~((certified sex offender treatment provider))~~ qualified supervisor;

(4) Not having engaged in unprofessional conduct or being unable to practice with reasonable skill and safety as a result of a physical or mental impairment;

(5) Not convicted of a sex offense, as defined in RCW 9.94A.030 or convicted in any other jurisdiction of an offense that under the laws of this state would be classified as a sex offense as defined in RCW 9.94A.030; and

(6) Other requirements as may be established by the secretary that impact the competence of the sex offender treatment provider.

**Sec. 4.** RCW 18.155.080 and 2004 c 38 s 7 are each amended to read as follows:

The secretary shall establish standards and procedures for approval of the following:

(1) Educational programs and alternate training, which must consider credit for experience obtained through work in a state-run facility or state-run treatment program in Washington or in another state or territory of the United States where the applicant demonstrates having provided at least two thousand hours of direct sex offender specific treatment and assessment services, or two years full-time experience working in a state-run facility or state-run treatment program providing direct sex offender specific treatment and assessment services, and continue to maintain professional involvement in the field;

(2) Examination procedures;

(3)(a) Certifying applicants who have a comparable certification in another jurisdiction, who must be allowed to receive consideration of certification if:

(i) They hold or have held within the past thirty-six months a credential in good standing from another state or territory of the United States that the secretary, with advice from the advisory committee, deems to be substantially equivalent to sex offender treatment provider certification in Washington; or

(ii) They meet a lifetime experience threshold of having provided at least two thousand hours of direct sex offender specific treatment and assessment services, or two years full-time experience working in a state-run facility or state-run treatment program providing direct sex offender specific treatment and assessment services, and continue to maintain professional involvement in the field;

(b) Nothing in (a) of this subsection prohibits the secretary from requiring background checks as a condition of receiving a credential;



- (4) Application method and forms;
- (5) Requirements for renewals of certificates;
- (6) Requirements of certified sex offender treatment providers and certified affiliate sex offender treatment providers who seek inactive status;
- (7) Other rules, policies, administrative procedures, and administrative requirements as appropriate to carry out the purposes of this chapter.
- (8) In construing the requirements of this section, the applicant may sign attestation forms under penalty of perjury indicating that the applicant has participated in the required training and that the applicant is able to substantiate the applicant's claim to have met the requirements for hours of training if such substantiation is requested. Substantiation may include letters of recommendation from experts in the field with personal knowledge of the applicant's qualifications and experience to treat sex offenders in the community.
- (9) Employees of a state-run facility or state-run treatment program may obtain the necessary experience to qualify for this certification through their work and do not need to be certified as an affiliate sex offender treatment provider to obtain the necessary experience requirements upon demonstrating proof of supervision by a qualified supervisor.

**NEW SECTION. Sec. 5.** A new section is added to chapter 18.155 RCW to read as follows:

- (1) The sex offender treatment providers advisory committee is established to advise the secretary concerning the administration of this chapter.
- (2) The secretary shall appoint the members of the advisory committee, which shall consist of the following persons:
  - (a) One superior court judge;
  - (b) Three sex offender treatment providers;
  - (c) One mental health practitioner who specializes in treating victims of sexual assault;
  - (d) One defense attorney with experience in representing persons charged with sexual offenses;
  - (e) One representative from a statewide association representing prosecuting attorneys;
  - (f) The secretary of the department of social and health services or the secretary's designee;
  - (g) The secretary of the department of corrections or the secretary's designee; and
  - (h) The secretary of the department of children, youth, and families or the secretary's designee.

(3) The advisory committee shall be a permanent body. The members shall serve staggered six-year terms, to be set by the secretary. No person other than the members representing the departments of social and health services,

children, youth, and families, and corrections may serve more than two consecutive terms.

(4) The secretary may remove any member of the advisory committee for cause as specified by rule. In the case of a vacancy, the secretary shall appoint a person to serve for the remainder of the unexpired term.

(5) The advisory committee shall provide advice to the secretary concerning:

(a) Certification procedures under this chapter and their implementation;

(b) Standards maintained under RCW 18.155.080, and advice on individual applications for certification;

(c) Issues pertaining to maintaining a healthy workforce of certified sex offender treatment providers to meet the needs of the state of Washington; and

(d) Recommendations for reform of regulatory or administrative practices of the department, the department of social and health services, or the department of corrections that are within the purview and expertise of the advisory committee. The advisory committee may submit recommendations requiring statutory reform to the office of the governor, the secretary of the senate, and the chief clerk of the house of representatives.

(6) Committee members shall be reimbursed for travel expenses in accordance with RCW 43.03.050 and 43.03.060.

(7) The advisory committee shall elect officers as deemed necessary to administer its duties. A simple majority of the advisory committee members currently serving shall constitute a quorum of the advisory committee.

(8) Members of the advisory committee shall be residents of the state of Washington.

(9) Members of the advisory committee who are sex offender treatment providers must have a minimum of five years of extensive work experience in treating sex offenders to qualify for appointment to the advisory committee. The sex offender treatment providers on the advisory committee must be certified under this chapter.

(10) The advisory committee shall meet at times as necessary to conduct advisory committee business.

**NEW SECTION. Sec. 6.** The following sections are decodified:

(1) RCW 18.155.900 (Index, part headings not law—1990 c 3);

(2) RCW 18.155.901 (Severability—1990 c 3); and

(3) RCW 18.155.902 (Effective dates—Application—1990 c 3)."

Correct the title.

Signed by Representatives Cody, Chair; Macri, Vice Chair; Schmick, Ranking Minority Member; Chambers; Chopp; Davis; DeBolt; Harris; Maycumber; Riccelli; Robinson; Stonier; Thai and Tharinger.

Referred to Committee on Rules for second reading.

February 28, 2020 6.0.

SJM 8014 Prime Sponsor, Senator McCoy:  
Concerning logging and mining in the  
upper Skagit watershed. Reported by  
Committee on Rural Development,  
Agriculture, & Natural Resources

MAJORITY recommendation: Do pass as amended.

Beginning on page 1, line 11, strike all material  
through "Resources." on page 3, line 11, and insert the  
following:

"WHEREAS, The Skagit River watershed is shared by  
British Columbia and the state of Washington, with the  
headwaters high in the mountains of the province where the  
watershed north of the border supplies thirty percent of the  
waters flowing into the Salish Sea; and

WHEREAS, The Skagit headwaters provide  
enormous environmental resource values to the whole  
watershed and the Pacific Northwest, including habitat for  
wildlife such as the grizzly bear, and spawning habitat for  
the endangered bull trout; and

WHEREAS, The state of Washington and the  
province of British Columbia both have roles to play in  
conserving the valuable resources and habitat in the Skagit  
River Watershed; and

WHEREAS, That concurrently with the United States  
and Canada High Ross Treaty in 1984, the province and the  
city of Seattle entered an agreement to enhance the  
recreational and environmental opportunities within the  
watershed on both sides of the border, and created the Skagit  
Environmental Endowment Commission to work toward  
these objectives; and

WHEREAS, The Skagit Environmental Endowment  
Commission is led by four commissioners appointed by the  
province and four commissioners appointed by the city of  
Seattle; and

WHEREAS, Among the purposes of the Skagit  
Environmental Endowment Commission is to seek the  
acquisition of mineral or timber rights consistent with  
conservation and recreational purposes, including the area of  
the "donut hole," lying between two parks created by the  
province to protect the upper watershed's conservation and  
recreational resources; and

WHEREAS, The potential of copper mining waste  
runoff poses severe danger to fish populations throughout  
the Skagit River, which supports the largest populations of  
threatened steelhead and Chinook salmon in the United  
States portion of the Salish Sea; and

WHEREAS, The company holding the mineral claims  
has a record of noncompliance with mine discharge  
standards; and

WHEREAS, The Skagit Environmental Endowment  
Commission seeks to acquire the mineral claims in order to  
ensure the permanent conservation of the upper Skagit  
watershed; and

WHEREAS, Numerous First Nations, tribes in the  
United States, the city of Seattle, and numerous conservation  
organizations have opposed the threat to the upper  
watershed's conservation and recreational values posed by  
mining in the donut hole; and

WHEREAS, The Legislature recognizes that mining is  
one of several activities that take place on both sides of the  
Canada – United States Border that potentially impact water  
quality and the health and recovery of salmon populations;

NOW, THEREFORE, Your Memorialists respectfully  
pray that the province work with the city of Seattle, tribes  
and First Nations, and the Skagit Environmental Endowment  
Commission to prevent mining in the donut hole of the upper  
Skagit watershed, in order to ensure that the area's  
environmental and recreational resources are permanently  
protected.

BE IT RESOLVED, That copies of this Memorial be  
immediately transmitted to the Honorable John Horgan,  
Premier of the province of British Columbia, to the  
Honorable Dr. Darryl Plecas, Speaker of the British  
Columbia Legislative Assembly, to the Honorable Doug  
Donaldson, Minister of Forests, Lands, Natural Resource  
Operations and Rural Development, to the Honorable  
George Heyman, Minister of Environment and Climate  
Change Strategy, and to the Honorable Michelle Mungall,  
Minister of Energy, Mines and Petroleum Resources."

Signed by Representatives Blake, Chair; Shewmake,  
Vice Chair; Chandler, Ranking Minority Member; Dent,  
Assistant Ranking Minority Member; Chapman;  
Fitzgibbon; Lekanoff; Pettigrew; Ramos and Springer.

MINORITY recommendation: Do not pass. Signed by  
Representatives Dye; Orcutt; Schmick and Walsh.

Referred to Committee on Rules for second reading.

February 27, 2020 6.0.

SSJM 8017 Prime Sponsor, Committee on State  
Government, Tribal Relations & Elections:  
Addressing compacts of free association.  
Reported by Committee on State  
Government & Tribal Relations

MAJORITY recommendation: Do pass. Signed by  
Representatives Gregerson, Chair; Pellicciotti, Vice  
Chair; Walsh, Ranking Minority Member; Goehner,  
Assistant Ranking Minority Member; Appleton; Dolan;  
Hudgins; Mosbrucker and Smith.

Referred to Committee on Rules for second reading.

There being no objection, the bills and memorials listed  
on the day's supplemental and second supplemental

committee reports under the fifth order of business were referred to the committees so designated.

There being no objection, the House adjourned until 9:55 a.m., March 2, 2020, the 50th Day of the Regular Session.

LAURIE JINKINS, Speaker

BERNARD DEAN, Chief Clerk

## SIXTY SIXTH LEGISLATURE - REGULAR SESSION

## FIFTIETH DAY

House Chamber, Olympia, Monday, March 2, 2020

The House was called to order at 9:00 a.m. by the Speaker (Representative Orwall presiding).

Reading of the Journal of the previous day was dispensed with and it was ordered to stand approved.

There being no objection, the House advanced to the fourth order of business.

## INTRODUCTION &amp; FIRST READING

HB 2956 by Representatives Stokesbary, Fitzgibbon, Boehnke and Walsh

AN ACT Relating to providing funding for the unfunded liabilities in the teachers' retirement system and the public employees' retirement system plans 1; adding a new section to chapter 82.04 RCW; creating a new section; making an appropriation; and providing an effective date.

Referred to Committee on Appropriations.

HB 2957 by Representatives Fitzgibbon and Pollet

AN ACT Relating to reducing greenhouse gas emissions by providing authority for the regulation of indirect sources under the clean air act and implementing standards and programs that reduce emissions associated with buildings; amending RCW 70.94.030, 70.94.331, 70.94.151, and 70.94.015; adding new sections to chapter 70.94 RCW; adding a new section to chapter 70.235 RCW; adding a new section to chapter 80.28 RCW; adding a new section to chapter 19.27A RCW; and creating a new section.

Referred to Committee on Appropriations.

HB 2958 by Representatives Dufault, Eslick and Walsh

AN ACT Relating to preventing the curtailment of employment opportunities by allowing employers to pay a training wage for a specified period of time; and adding a new section to chapter 49.46 RCW.

Referred to Committee on Labor & Workplace Standards.

HB 2959 by Representatives Riccelli, Robinson and Pollet

AN ACT Relating to requiring the reporting of paid claims by covered entities to the office of the insurance

commissioner; and adding a new section to chapter 48.43 RCW.

Referred to Committee on Health Care & Wellness.

HB 2960 by Representatives Sutherland, Jenkin, Graham, Walsh and Shea

AN ACT Relating to eliminating the state property tax levies over four years; amending RCW 84.52.065; and creating a new section.

Referred to Committee on Finance.

HB 2961 by Representatives Shewmake and Pollet

AN ACT Relating to excusing breastfeeding mothers from jury service; and amending RCW 2.36.100.

Referred to Committee on Civil Rights & Judiciary.

HB 2962 by Representatives Chapman, Ybarra and Boehnke

AN ACT Relating to broadening the eligibility requirements and extending the expiration date for the data center tax incentive; amending RCW 82.08.986 and 82.12.986; creating new sections; and providing expiration dates.

Referred to Committee on Finance.

There being no objection, the bills listed on the day's introduction sheet under the fourth order of business were referred to the committees so designated.

There being no objection, the House advanced to the fifth order of business.

## REPORTS OF STANDING COMMITTEES

March 2, 2020 6.0.

SB 6218 Prime Sponsor, Senator Schoesler: Modifying the definition of salary for the Washington state patrol retirement system. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives Fey, Chair; Slatter, 2nd Vice Chair; Valdez, 2nd Vice Chair; Wylie, 1st Vice Chair; Barkis, Ranking Minority Member; Walsh, Assistant Ranking Minority Member; Young, Assistant Ranking Minority

Member; Boehnke; Chambers; Chapman; Dent; Doglio; Duerr; Entenman; Eslick; Goehner; Gregerson; Irwin; Kloba; Lovick; McCaslin; Mead; Orcutt; Ortiz-Self; Paul; Ramos; Riccelli; Shewmake; Van Werven and Volz.

Referred to Committee on Transportation.

There being no objection, the bill listed on the day's committee reports under the fifth order of business was referred to the committee so designated.

There being no objection, the House advanced to the eighth order of business.

### MOTION

There being no objection, the Committee on Appropriations was relieved of SENATE BILL NO. 6623 and ENGROSSED SENATE BILL NO. 6626 and the bills were referred to the Committee on Rules.

### RESOLUTION

#### **HOUSE RESOLUTION NO. 2020-4672, by Representatives Vick and Hoff**

WHEREAS, It is the policy of the Washington State House of Representatives to recognize excellence in every field of endeavor; and

WHEREAS, The Camas High School Papermakers are the 2019 4A Boys' Cross-Country State Champions; and

WHEREAS, The 2019 Camas High School Papermakers team placed all five of their runners in the top 30 to win the first state cross-country championship for Camas high school; and

WHEREAS, The Camas High School Papermakers overcame sickness and injury to defeat teams from across the state in the championship match at the Sun Willows Golf Course in Pasco, Washington on November 9, 2019; and

WHEREAS, The Camas High School Papermakers team members demonstrated their team's strength as Evan Jenkins came in fourth place at 15:18.00 and Sam Geiger followed close behind at 15:22.70 arriving in sixth place. Luc Utheza competed despite a recent calf injury and finished in sixteenth place at 15:37.90. Spencer Tyman placed in twentieth at 15:49.20 and Austin Weese was twenty-ninth with a time of 15:52.80; and

WHEREAS, The combined efforts of all team members carried the Papermakers to victory in the championship meet;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives congratulate the Camas High School Papermakers team on their state championship, and congratulate their fans, supportive alumni, and the entire community for this amazing accomplishment; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Chief Clerk of the House of Representatives to the Camas High School

Papermakers cross-country team and to Head Coach Laurie Porter.

There being no objection, HOUSE RESOLUTION NO. 4672 was adopted.

### RESOLUTION

#### **HOUSE RESOLUTION NO. 2020-4673, by Representatives Vick and Hoff**

WHEREAS, It is the policy of the Washington State House of Representatives to recognize excellence in every field of endeavor; and

WHEREAS, The Camas High School Papermakers are the 2019 4A Football State Champions; and

WHEREAS, The Papermakers completed a perfect regular season, the first since the 2016 championships; and

WHEREAS, The Camas High School Papermakers were able to win the State Championship in a revenge tour; and

WHEREAS, The Papermakers finished the season with a record of 14-0; and

WHEREAS, The Camas High School Papermakers defeated the Bothell High School Cougars in the state championship at the Mt. Tahoma Stadium on December 7, 2019, by a final score of 35 to 14; and

WHEREAS, The Camas High School Papermakers beat the Mount Si Wildcats in the state semifinals by a score of 35 to 14; and

WHEREAS, In the final game Jackson Clemmer turned the tide when he intercepted Bothell quarterback Andrew Sirmon; and

WHEREAS, Running back Jacques Badolato-Birdsell ran for 215 yards and 3 touchdowns in the state championship game; and

WHEREAS, Tyler Forner led the defensive effort in the state championship with 7 tackles and one sack;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives congratulate the Camas High School Papermakers football team on their state championship, and congratulate their fans, supportive alumni, and the entire community for this phenomenal achievement; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Chief Clerk of the House of Representatives to the Camas High School Papermakers football team and to Head Coach Jon Eagle.

There being no objection, HOUSE RESOLUTION NO. 4673 was adopted.

### RESOLUTION

#### **HOUSE RESOLUTION NO. 2020-4674, by Representatives Vick and Hoff**

WHEREAS, It is the policy of the Washington State House of Representatives to recognize excellence in every field and endeavor; and

WHEREAS, For the second time in 30 years, the Ridgefield High School Spudders are the 2019 2A Volleyball State Champions; and

WHEREAS, The Ridgefield High School Spudders won every game preceding the championship except for a tie with the Emerald Ridge Jaguars; and

WHEREAS, The Spudders defeated the River Ridge Hawks three to zero in the quarter finals; and

WHEREAS, The Spudders triumphed over the Lynden Lions three to one before proceeding to the semifinals against the Washington Patriots; and

WHEREAS, They swiftly defeated the Washington Patriots three to one and advanced to the finals; and

WHEREAS, In the finals they defeated the Ellensburg Bulldogs; and

WHEREAS, Delaney Nicoll led Ridgefield with 25 kills in the tournament match and was among the team's leaders in digs and assists; and

WHEREAS, Allie Andrew made 12 kills and 5 blocks contributing to the Spudders' capture of the state title;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives congratulate the Ridgefield High School volleyball team on their state championship, and their fans, supportive alumni, and the entire community for this phenomenal achievement; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Chief Clerk of the House of Representatives to the Ridgefield High School Spudders volleyball team and to Head Coach Sabrina Dobbs.

There being no objection, HOUSE RESOLUTION NO. 4674 was adopted.

#### RESOLUTION

#### **HOUSE RESOLUTION NO. 2020-4675, by Representatives Vick and Hoff**

WHEREAS, It is the policy of the Washington State House of Representatives to recognize excellence in every field of endeavor; and

WHEREAS, The Columbia River High School Chieftains are the 2019 2A Girls' Soccer State Champions; and

WHEREAS, The Columbia River High School Chieftains defeated the Hockinson High School Hawks in the state championship at Shoreline Stadium in Shoreline, Washington on November 23, 2019, by a score of 1-0; and

WHEREAS, The Columbia River Chieftains defeated the Fife Trojans by a score of 1-0 at the Sunset Chev Stadium

in Sumner, Washington on November 13, 2019, to advance to the quarter finals; and

WHEREAS, The Columbia River Chieftains defeated the Liberty Patriots by a score of 4-1 at Fife high school on November 16, 2019, to advance to the semifinals; and

WHEREAS, The Columbia River Chieftains defeated the Selah Vikings in a shutout by a score of 1-0 on November 22, 2019, at Sunset Chev Stadium in the semifinals; and

WHEREAS, The Columbia River Chieftains defeated the Hockinson Hawks to win the state championship; and

WHEREAS, Yaneisy Rodriguez scored a 36-yard free kick in the 57th minute to score the only goal in the championship game; and

WHEREAS, Goalkeeper Allison Countryman saved three goals during the championship game;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives congratulate the Columbia River High School Chieftains soccer team on their state championship, and congratulate their fans, supportive alumni, and the entire community for this amazing accomplishment; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Chief Clerk of the House of Representatives to the Columbia River High School Chieftains soccer team and to Head Coach Filomon Afenegus.

There being no objection, HOUSE RESOLUTION NO. 4675 was adopted.

#### RESOLUTION

#### **HOUSE RESOLUTION NO. 2020-4676, by Representative Dufault**

WHEREAS, It is the policy of the Washington State Legislature to recognize excellence in all fields of endeavor; and

WHEREAS, Greg G. Stewart was born in Olympia, Washington, and attended Centralia College and Washington State University where he graduated with a degree in agricultural economics; and

WHEREAS, Greg Stewart served in the U.S. Army from 1966 to 1969, including a tour of duty in Vietnam; and

WHEREAS, Greg Stewart and his wife, Karen, have been married since November 4, 1967, and raised two daughters, Tami and Stephanie; and

WHEREAS, Greg Stewart was hired in 1972 by the Central Washington Fair Association to be the assistant general manager under long time fair manager Hugh J. King; and

WHEREAS, When Hugh J. King retired in 1973, Greg was appointed general manager of what was then a five-day fair, overseeing a full-time staff of three people; and

WHEREAS, Under Greg Stewart's leadership, the one hundred twenty acre Central Washington Fairgrounds were transformed with renovations to the historic Agriculture Building, Modern Living Building, Pioneer Hall, and Expo Hall; and

WHEREAS, Greg Stewart oversaw construction of new buildings on the fairgrounds, including the Deccio Administration building; the Yakima County Stadium, where the Yakima Valley Pippins minor league baseball team plays; the eight thousand seat, thirteen million dollar Yakima Valley SunDome, where the Yakima Sun Kings play; and a host of other events that are held throughout the year, including concerts and rodeos; and

WHEREAS, Greg Stewart helped to build the fairgrounds, now known as State Fair Park, into a statewide attraction, with twenty-three full-time employees, a ten-day event that is recognized as one of the premier events in the Northwest, and which has become the largest single-family entertainment event in Eastern Washington with more than three hundred thousand visitors each year; and

WHEREAS, Under Greg Stewart's guidance in 2000, the former Yakima Meadows horse racetrack was turned into a racetrack for sprint cars and dirt track autos; and

WHEREAS, Greg Stewart was involved in numerous professional and community activities, including the Yakima Rotary Club, Greater Yakima Chamber of Commerce, Yakima Valley Visitors and Convention Bureau, and became the recipient of the International Association of Fairs and Expositions Hall of Fame award and leadership award from the Yakima Latino Professional Association; and

WHEREAS, Greg Stewart recently retired as general manager and fair board president after an illustrious and unparalleled forty-eight year career dedicated to the State of Washington and its fair industry;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives of the State of Washington recognize Gregory G. Stewart for his outstanding achievements and public service to his community, fair goers, and the State of Washington; and

BE IT FURTHER RESOLVED, That a copy of this resolution be immediately transmitted by the Chief Clerk of the House of Representatives to Greg Stewart and his family.

There being no objection, HOUSE RESOLUTION NO. 4676 was adopted.

## RESOLUTION

### **HOUSE RESOLUTION NO. 2020-4677, by Representatives Orcutt and DeBolt**

WHEREAS, The Onalaska Loggers high school football team, under the leadership of Coach Mazen Saade, finished the 2019 season with a perfect 13-0 record; and

WHEREAS, The Loggers defeated the very tough Kalama Chinook team by a score of 48-30 on Saturday,

December 7, 2019, at Harry E. Lang Stadium in Lakewood, WA; and

WHEREAS, No team had scored that many points in a title game since 1998; and

WHEREAS, The Loggers fought tooth and nail to bring home their first state championship in 33 years; and

WHEREAS, Onalaska played in what was, without question, the toughest division in the state, with three 2B League Mountain Division teams making the state semifinals; and

WHEREAS, In their five games against these Mountain Division opponents, the Loggers scored an average of 46.8 points a game and gave up an average of only 9.8; and

WHEREAS, The Loggers' impressive year was led by their five senior captains and All-State Players Hazen Inman, Cade Lawrence, Lucas Kreger, Alex Frazier, and Ashton Haight; and

WHEREAS, Fullback Ashton Haight ran for 2,714 yards on 345 carries and scored 35 touchdowns, logging an incredible 7.86 yards per carry; and

WHEREAS, Ashton's rushing total was the fifth-highest total over the course of a season in state history; and

WHEREAS, The Onalaska Loggers' toughness and resolve, both offensively and defensively, earned them the nickname "Grit-Ville USA";

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives congratulate Carter Whitehead, Juan Ibarra, Lane Olsen, Cade Lawrence, Malachi Ratkie, Omar Cardenas, James Mcmillion, Danny Dalsted, Kolby Mazingo, Logan Kreger, Joel Williams, Lucas Kreger, Alex Pannkuk, Gunnar Talley, Braydon Hadaller, Brayden Martin, Braedon Marshall, Marshal Haight, Ashton Haight, Zavon Baldwin, Hazen Inman, Dyllon Dublin, Spencer Hamilton, Justin Bushnell, Aidan Readman, Nick Spillman, Alex Frazier, Cody Myers, Ethan Allen, Joaquin Patraca, Nate Conkey, Andrew Brumley, Josue Roque, Ben Frazier, Baltazar Barrera, Ismael Baires, Hank Rider, Derik Gooch, Daniel Malott, Abel Johnson, and Kayden Allison on their outstanding and well-deserved State Championship victory; and

BE IT FURTHER RESOLVED, That the House of Representatives congratulate Head Coach Mazen Saade, as well as Assistant Coaches Wayne Nelson, Weylin Womack, and Kenny Ulery, for the excellent leadership they provide to Washington's student athletes; and

BE IT FURTHER RESOLVED, That copies of this resolution be transmitted by the Chief Clerk of the House of Representatives to Onalaska High School's Coach Mazen Saade, Principal Jared Schnaffer, and to the players of the Onalaska Loggers football team, to convey the respect of this body for a job well done and to wish them success in all their future endeavors.

There being no objection, HOUSE RESOLUTION NO. 4677 was adopted.

**RESOLUTION****HOUSE RESOLUTION NO. 2020-4678, by  
Representatives Orcutt and DeBolt**

WHEREAS, It is the policy of the Washington state House of Representatives to recognize excellence in every field of endeavor; and

WHEREAS, The Dairy Cattle Evaluation team from the Chehalis Future Farmers of America Chapter placed 4th in the nation; and

WHEREAS, The state champion team outperformed other states in their ability to select and manage quality dairy cattle at the Future Farmers of America convention in Indianapolis, Indiana; and

WHEREAS, The abilities of team members Gary Young, Cassy Schilter, Lauryn Young, Kaylee Keehr, and Sahara Twiss to herd record evaluation and work together in dairy management across six classes of dairy cattle has led to the team's national recognition; and

WHEREAS, Lauryn Young, a freshman at William F. West high school placed 6th in the nation individually for her outstanding performance; and

WHEREAS, The Chehalis FFA Dairy Cattle Evaluation team will bring international recognition to our state as they compete in the Royal Highland Stock Show in Edinburgh, Scotland and the Charleville Stock Show in Killarney, Ireland next summer;

NOW, THEREFORE, BE IT RESOLVED, That on this day the House of Representatives congratulate the Chehalis Future Farmers of America Dairy Evaluation team on their national success and the entire Chehalis community for this momentous accomplishment; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Chief Clerk of the House of Representatives to the Chehalis FFA Dairy Cattle Evaluation team and to their advisers Chris Guenther and Kyla Bailey.

There being no objection, HOUSE RESOLUTION NO. 4678 was adopted.

**RESOLUTION****HOUSE RESOLUTION NO. 2020-4679, by  
Representatives Orcutt and DeBolt**

WHEREAS, It is the honor of the Washington State Legislature to recognize excellence in all fields of student endeavor; and

WHEREAS, The 2019-2020 W.F. West Girls Bearcat Bowling Team exhibited the highest level of distinction in winning the 2A State Championship; and

WHEREAS, The W.F. West Girls Bearcat Bowling Team demonstrated extraordinary athletic achievements, including an undefeated Evergreen Conference League Championship title with a record of fifteen to zero, a school record of scoring over two thousand total pins ten times, a school record of an average score of two thousand fifty-eight

total pins for the season, a school record of outscoring opponents by an average of five hundred twenty-five pins a match, and winning the esteemed Tower Classic Tournament; and

WHEREAS, The W.F. West Girls Bearcat Bowling Team demonstrates robust academic achievement, with six student athletes receiving Evergreen Conference All-Academic Awards earning 3.5 grade point averages or higher; and

WHEREAS, Head Coach Don Bunker, Assistant Coach Bob Spahr, Assistant Coach Rich Bunker, Team Manager Brock Bunker, and all the players share the W.F. West Girls Bearcat Bowling Team's success by combining sensational coaching with sensational playing; and

WHEREAS, The W.F. West Girls Bearcat Bowling Team roster includes: Piper Chalmers with a one hundred ninety-six average, Ellie Bunker with a one hundred eighty-six average, Kelsey Stritmatter with a one hundred seventy-two average, Brianna Powe with a one hundred seventy average, Cami Aldrich with a one hundred sixty-five average, Jessica Loflin with a one hundred sixty average, Clara Bunker with a one hundred forty-eight average, and Anabelle Lopez with a one hundred forty-five average; and

WHEREAS, The inspiring individual and team achievements of the 2019-2020 W.F. West Girls Bearcat Bowling Team will be remembered for years to come by the Chehalis community for what the team accomplished; and

WHEREAS, The W.F. West Girls Bearcat Bowling Team has demonstrated remarkable hard work and dedication to their sport and each other;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives honor, celebrate, and recognize the 2019-2020 W.F. West Girls Bearcat Bowling Team and the team's remarkable academic and athletic feats; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Chief Clerk of the House of Representatives to the 2019-2020 W.F. West Girls Bearcat Bowling Team Head Coach Don Bunker, W.F. West High School Principal Bob Walters, and School District Superintendent Ed Rothlin.

There being no objection, HOUSE RESOLUTION NO. 4679 was adopted.

**RESOLUTION**

**HOUSE RESOLUTION NO. 2020-4680, by  
Representatives Wilcox, Barkis, Boehnke, Caldier,  
Chambers, Chandler, Corry, DeBolt, Dent, Dufault, Dye,  
Eslick, Gildon, Goehner, Graham, Griffey, Harris, Hoff,  
Irwin, Jenkin, Klippert, Kraft, Kretz, MacEwen,  
Maycumber, McCaslin, Mosbrucker, Orcutt, Rude,  
Schmick, Smith, Steele, Stokesbary, Sutherland, Van  
Werven, Vick, Volz, Walsh, Ybarra, and Young**

WHEREAS, The Washington Future Farmers of America (FFA) has approximately twelve thousand student members represented by all nine FFA districts around the entire state; and



WHEREAS, Washington FFA members contribute 4.4 billion dollars nationally generated through their Supervised Agricultural Experience programs, which promote hands-on learning as an extension of the classroom; and

WHEREAS, Washington agriculture contributes 10.6 billion dollars in revenue a year from thirty-nine thousand five hundred farms and ranches, according to the Washington Farm Bureau, and is twelve percent of Washington's total economy; and

WHEREAS, The Washington FFA allows students to develop personally and professionally through a variety of opportunities that appeal to all different learning types, utilizing a three-circle model encompassing classroom instruction, Supervised Agricultural Experiences, and FFA; and

WHEREAS, Each FFA chapter plans events throughout the year, which will better their members and the community around them through a program of activities, which is submitted to the Washington FFA Association at the beginning of each school year; and

WHEREAS, The Washington FFA hosts "Emerge," which is an in-state leadership conference reaching approximately two hundred eighty members statewide; and

WHEREAS, The Washington FFA is home to Julie Smiley who was the first-ever female national officer in 1976 hailing from the Mount Vernon FFA chapter; and

WHEREAS, The Sumner FFA chapter is in the top six for most national winners with fifteen first-place finishers; and

WHEREAS, On average, three thousand members and guests attend the Washington FFA state convention each spring; and

WHEREAS, Individual members and teams of members are recognized for their hard work and success in thirty-two different career and leadership development events each year at the convention; and

WHEREAS, The ninetieth Washington FFA Convention and Expo will be held May 14th through 16th; and

WHEREAS, The Washington FFA began in 1930 and is celebrating its ninetieth year in 2020;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State House of Representatives recognize the Washington FFA's ninetieth year of existence and community service.

There being no objection, HOUSE RESOLUTION NO. 4680 was adopted.

There being no objection, the House reverted to the fourth order of business.

#### **SUPPLEMENTAL INTRODUCTION & FIRST READING**

HB 2963 by Representative Walsh

AN ACT Relating to voting rights in public utility district elections; and amending RCW 54.04.060.

Referred to Committee on State Government & Tribal Relations.

HB 2964 by Representative Stokesbary

AN ACT Relating to local effort assistance; and amending RCW 28A.500.015.

Referred to Committee on Appropriations.

HB 2965 by Representatives Cody, Schmick, Riccelli, Bergquist, Callan, Dufault, Hudgins, Leavitt, Shewmake, Tharinger, Maycumber, Ramos, Ortiz-Self and Stonier

AN ACT Relating to the state's response to the novel coronavirus; amending RCW 38.52.105; adding a new section to chapter 74.46 RCW; making appropriations; and declaring an emergency.

There being no objection, the bills listed on the day's supplemental introduction sheet under the fourth order of business were referred to the committees so designated, with the exception of HOUSE BILL NO. 2965 which was read the first time, and under suspension of the rules, was placed on the second reading calendar.

There being no objection, the House advanced to the fifth order of business.

#### **SUPPLEMENTAL REPORTS OF STANDING COMMITTEES**

March 2, 2020 6.0.

HB 2943 Prime Sponsor, Representative Robinson: Providing a business and occupation tax preference for behavioral health administrative services organizations. Reported by Committee on Finance

MAJORITY recommendation: Do pass. Signed by Representatives Tarleton, Chair; Walen, Vice Chair; Orcutt, Ranking Minority Member; Young, Assistant Ranking Minority Member; Chapman; Frame; Macri; Orwall; Springer; Stokesbary; Vick and Wylie.

Referred to Committee on Rules for second reading.

March 2, 2020 6.0.

HB 2950 Prime Sponsor, Representative Macri: Addressing affordable housing needs through the multifamily housing tax exemption by providing an extension of the exemption until January 1, 2022, for certain properties currently receiving a twelve-

year exemption and by convening a work group. Reported by Committee on Finance

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Tarleton, Chair; Walen, Vice Chair; Orcutt, Ranking Minority Member; Young, Assistant Ranking Minority Member; Chapman; Frame; Macri; Orwall; Springer; Stokesbary; Vick and Wylie.

Referred to Committee on Rules for second reading.

March 2, 2020 6.0.

SSB 5011 Prime Sponsor, Committee on Transportation: Concerning a community aviation revitalization loan program. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives Fey, Chair; Slatter, 2nd Vice Chair; Valdez, 2nd Vice Chair; Wylie, 1st Vice Chair; Barkis, Ranking Minority Member; Walsh, Assistant Ranking Minority Member; Young, Assistant Ranking Minority Member; Boehnke; Chambers; Chapman; Dent; Doglio; Duerr; Entenman; Eslick; Goehner; Gregerson; Irwin; Kloba; Lovick; McCaslin; Mead; Orcutt; Ortiz-Self; Paul; Ramos; Riccelli; Shewmake; Van Werven and Volz.

Referred to Committee on Rules for second reading.

February 29, 2020 6.0.

2SSB 5144 Prime Sponsor, Committee on Human Services, Reentry & Rehabilitation: Implementing child support pass-through payments. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Ormsby, Chair; Stokesbary, Ranking Minority Member; Robinson, 1st Vice Chair; Bergquist, 2nd Vice Chair; Rude, Assistant Ranking Minority Member; Caldier; Chopp; Cody; Corry; Dolan; Dye; Fitzgibbon; Hansen; Hoff; Hudgins; Kilduff; Macri; Mosbrucker; Pettigrew; Ryu; Schmick; Senn; Springer; Steele; Sullivan; Sutherland; Tarleton; Tharinger and Ybarra.

MINORITY recommendation: Do not pass. Signed by Representatives Chandler and Kraft.

Referred to Committee on Rules for second reading.

February 29, 2020 6.0.

2SSB 5149 Prime Sponsor, Committee on Law & Justice: Concerning electronic monitoring with victim notification technology. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Ormsby, Chair; Stokesbary, Ranking Minority Member; Robinson, 1st Vice Chair; Bergquist, 2nd Vice Chair; Rude, Assistant Ranking Minority Member; Caldier; Chandler; Chopp; Cody; Corry; Dolan; Dye; Fitzgibbon; Hansen; Hoff; Hudgins; Kilduff; Kraft; Macri; Mosbrucker; Pettigrew; Ryu; Schmick; Senn; Springer; Steele; Sullivan; Sutherland; Tarleton; Tharinger and Ybarra.

Referred to Committee on Rules for second reading.

March 2, 2020 6.0.

ESB 5402 Prime Sponsor, Senator Schoesler: Improving tax and licensing laws administered by the department of revenue, but not including changes to tax laws that are estimated to affect state or local tax collections as reflected in any fiscal note prepared and approved under the process established in chapter 43.88A RCW. Reported by Committee on Finance

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"Sec. 1. 2017 3rd sp.s. c 37 s 501 (uncodified) is amended to read as follows:

(1) This section is the tax preference performance statement for the tax preferences contained in sections 502 and 503, chapter 37, Laws of 2017 3rd sp. sess. This performance statement is only intended to be used for subsequent evaluation of the tax preferences. It is not intended to create a private right of action by any party or be used to determine eligibility for preferential tax treatment.

(2) The legislature categorizes these tax preferences as ones intended to induce certain designated behavior by taxpayers, improve industry competitiveness, and create or retain jobs, as indicated in RCW 82.32.808(2) (a) through (c).

(3) It is the legislature's specific public policy objective to maintain and expand business in the semiconductor cluster. It is the legislature's intent to extend by ten years the preferential tax rates for manufacturers and processors for hire of semiconductor materials in order to maintain and grow jobs in the semiconductor cluster.

(4) If a review finds that: (a) Since October 19, 2017, at least one project in the semiconductor cluster has located in Clark county, and that this project generates at least two thousand five hundred high-wage jobs, all of which pay twenty dollars per hour or more and at least eighty percent of which pay thirty-five dollars per hour or more; and (b) the number of jobs in the semiconductor cluster in Washington has increased since October 19, 2017, then the legislature intends to extend the expiration date of the tax preference.

(5) In order to obtain the data necessary to perform the review in subsection (4) of this section, the joint legislative

audit and review committee may refer to data from the department of revenue's annual survey ((data)) for tax years ending before January 1, 2020, and annual tax performance report for subsequent tax years.

**Sec. 2.** 2017 3rd sp.s. c 37 s 504 (uncodified) is amended to read as follows:

(1) This section is the tax preference performance statement for the tax preferences contained in sections 505 through 508, chapter 37, Laws of 2017 3rd sp. sess. This performance statement is only intended to be used for subsequent evaluation of the tax preferences. It is not intended to create a private right of action by any party or be used to determine eligibility for preferential tax treatment.

(2) The legislature categorizes these tax preferences as ones intended to induce certain designated behavior by taxpayers, improve industry competitiveness, and create or retain jobs, as indicated in RCW 82.32.808(2) (a) through (c).

(3) It is the legislature's specific public policy objective to encourage significant construction projects; retain, expand, and attract semiconductor business; and encourage and expand family-wage jobs. It is the legislature's intent to extend by ten years the ~~((preferential tax rates))~~ exemptions for sales and use of gases and chemicals used in the production of semiconductor materials, in order to encourage the growth and retention of the semiconductor business in Washington, thereby strengthening Washington's competitiveness with other states for manufacturing investment.

(4) If a review finds that the number of construction projects in the industry has increased, and that ~~((H:\DATA\2020 JOURNAL\Journal2020\LegDay050\the.doc))~~ the number of people employed by the solar silicon, silicon manufacturing, and semiconductor fabrication industry in Washington is the same or more than in 2015, and that at least sixty percent of employees earn sixty thousand dollars a year, then the legislature intends to extend the expiration date of the tax preferences.

(5) In order to obtain the data necessary to perform the review in subsection (4) of this section, the joint legislative audit and review committee may refer to data from the department of revenue's annual survey ((data)) for tax years ending before January 1, 2020, and annual tax performance report for subsequent tax years.

**Sec. 3.** RCW 19.02.085 and 2013 c 144 s 22 are each amended to read as follows:

(1) To encourage timely renewal by applicants, a business license delinquency fee is imposed on licensees who fail to renew by the business license expiration date. The business license delinquency fee must be the lesser of one hundred fifty dollars or fifty percent of a base comprised of the licensee's renewal fee minus corporate licensing taxes, corporation annual report fee, and any interest fees or penalties charged for late taxes or corporate renewals. The business license delinquency fee must be added to the renewal fee and paid by the licensee before a business

license is renewed. The delinquency fee must be deposited in the business license account.

(2) The department must waive or cancel the business license delinquency fee imposed in subsection (1) of this section only if the department determines that the licensee failed to renew a license by the business license expiration date due to an undisputable error or failure by the department. For purposes of this subsection, an error or failure is undisputable if the department is satisfied, beyond any doubt, that the error or failure occurred.

**Sec. 4.** RCW 82.04.192 and 2017 c 323 s 514 are each amended to read as follows:

(1) "Digital audio works" means works that result from the fixation of a series of musical, spoken, or other sounds, including ringtones.

(2) "Digital audiovisual works" means a series of related images which, when shown in succession, impart an impression of motion, together with accompanying sounds, if any.

(3)(a) "Digital automated service," except as provided in (b) of this subsection (3), means any service transferred electronically that uses one or more software applications.

(b) "Digital automated service" does not include:

(i) Any service that primarily involves the application of human effort by the seller, and the human effort originated after the customer requested the service;

(ii) The loaning or transferring of money or the purchase, sale, or transfer of financial instruments. For purposes of this subsection (3)(b)(ii), "financial instruments" include cash, accounts receivable and payable, loans and notes receivable and payable, debt securities, equity securities, as well as derivative contracts such as forward contracts, swap contracts, and options;

(iii) Dispensing cash or other physical items from a machine;

(iv) Payment processing services;

(v) Parimutuel wagering and handicapping contests as authorized by chapter 67.16 RCW;

(vi) Telecommunications services and ancillary services as those terms are defined in RCW 82.04.065;

(vii) The internet and internet access as those terms are defined in RCW 82.04.297;

(viii) The service described in RCW 82.04.050(6)(c);

(ix) Online educational programs provided by a:

(A) Public or private elementary or secondary school; or

(B) An institution of higher education as defined in sections 1001 or 1002 of the federal higher education act of 1965 (Title 20 U.S.C. Secs. 1001 and 1002), as existing on July 1, 2009. For purposes of this subsection (3)(b)(ix)(B), an online educational program must be encompassed within the institution's accreditation;

(x) Live presentations, such as lectures, seminars, workshops, or courses, where participants are connected to other participants via the internet or telecommunications equipment, which allows audience members and the presenter or instructor to give, receive, and discuss information with each other in real time;

(xi) Travel agent services, including online travel services, and automated systems used by travel agents to book reservations;

(xii)(A) A service that allows the person receiving the service to make online sales of products or services, digital or otherwise, using either: (I) The service provider's web site; or (II) the service recipient's web site, but only when the service provider's technology is used in creating or hosting the service recipient's web site or is used in processing orders from customers using the service recipient's web site.

(B) The service described in this subsection (3)(b)(xii) does not include the underlying sale of the products or services, digital or otherwise, by the person receiving the service;

(xiii) Advertising services. For purposes of this subsection (3)(b)(xiii), "advertising services" means all services directly related to the creation, preparation, production, or the dissemination of advertisements. Advertising services include layout, art direction, graphic design, mechanical preparation, production supervision, placement, and rendering advice to a client concerning the best methods of advertising that client's products or services. Advertising services also include online referrals, search engine marketing and lead generation optimization, web campaign planning, the acquisition of advertising space in the internet media, and the monitoring and evaluation of web site traffic for purposes of determining the effectiveness of an advertising campaign. Advertising services do not include web hosting services and domain name registration;

(xiv) The mere storage of digital products, digital codes, computer software, or master copies of software. This exclusion from the definition of digital automated services includes providing space on a server for web hosting or the backing up of data or other information;

(xv) Data processing services. For purposes of this subsection (3)(b)(xv), "data processing service" means a primarily automated service provided to a business or other organization where the primary object of the service is the systematic performance of operations by the service provider on data supplied in whole or in part by the customer to extract the required information in an appropriate form or to convert the data to usable information. Data processing services include check processing, image processing, form processing, survey processing, payroll processing, claim processing, and similar activities. Data processing does not include the service described in RCW 82.04.050(6)(c); and

(xvi) Digital goods.

(4) "Digital books" means works that are generally recognized in the ordinary and usual sense as books.

(5) "Digital code" means a code that provides a purchaser with the right to obtain one or more digital

products, if all of the digital products to be obtained through the use of the code have the same sales and use tax treatment. "Digital code" does not include a code that represents a stored monetary value that is deducted from a total as it is used by the purchaser. "Digital code" also does not include a code that represents a redeemable card, gift card, or gift certificate that entitles the holder to select digital products of an indicated cash value. A digital code may be obtained by any means, including email or by tangible means regardless of its designation as song code, video code, book code, or some other term.

(6)(a) "Digital goods," except as provided in (b) of this subsection (6), means sounds, images, data, facts, or information, or any combination thereof, transferred electronically, including, but not limited to, specified digital products and other products transferred electronically not included within the definition of specified digital products.

(b) The term "digital goods" does not include:

(i) Telecommunications services and ancillary services as those terms are defined in RCW 82.04.065;

(ii) Computer software as defined in RCW 82.04.215;

(iii) The internet and internet access as those terms are defined in RCW 82.04.297;

(iv)(A) Except as provided in (b)(iv)(B) of this subsection (6), the representation of a personal or professional service in electronic form, such as an electronic copy of an engineering report prepared by an engineer, where the service primarily involves the application of human effort by the service provider, and the human effort originated after the customer requested the service.

(B) The exclusion in (b)(iv)(A) of this subsection (6) does not apply to photographers in respect to amounts received for the taking of photographs that are transferred electronically to the customer, but only if the customer is an end user, as defined in RCW 82.04.190(11), of the photographs. Such amounts are considered to be for the sale of digital goods; and

(v) Services and activities excluded from the definition of digital automated services in subsection (3)(b)(i) through (xv) of this section and not otherwise described in (b)(i) through (iv) of this subsection (6).

(7) "Digital products" means digital goods and digital automated services.

(8) "Electronically transferred" or "transferred electronically" means obtained by the purchaser by means other than tangible storage media. It is not necessary that a copy of the product be physically transferred to the purchaser. So long as the purchaser may access the product, it will be considered to have been electronically transferred to the purchaser.

(9) "Specified digital products" means electronically transferred digital audiovisual works, digital audio works, and digital books.

(10) "Subscription radio services" means the sale of audio programming by a radio broadcaster as defined in

RCW ~~((82.08.02081))~~ 82.08.0208, except as otherwise provided in this subsection. "Subscription radio services" does not include audio programming that is sold on a pay-per-program basis or that allows the buyer to access a library of programs at any time for a specific charge for that service.

(11) "Subscription television services" means the sale of video programming by a television broadcaster as defined in RCW ~~((82.08.02081))~~ 82.08.0208, except as otherwise provided in this subsection. "Subscription television services" does not include video programming that is sold on a pay-per-program basis or that allows the buyer to access a library of programs at any time for a specific charge for that service, but only if the seller is not subject to a franchise fee in this state under the authority of Title 47 U.S.C. Sec. 542(a) on the gross revenue derived from the sale.

**Sec. 5.** RCW 82.04.4266 and 2015 3rd sp.s. c 6 s 202 are each amended to read as follows:

(1) This chapter does not apply to the value of products or the gross proceeds of sales derived from:

(a) Manufacturing fruits or vegetables by canning, preserving, freezing, processing, or dehydrating fresh fruits or vegetables; or

(b) Selling at wholesale fruits or vegetables manufactured by the seller by canning, preserving, freezing, processing, or dehydrating fresh fruits or vegetables and sold to purchasers who transport in the ordinary course of business the goods out of this state. A person taking an exemption under this subsection (1)(b) must keep and preserve records for the period required by RCW 82.32.070 establishing that the goods were transported by the purchaser in the ordinary course of business out of this state.

(2) For purposes of this section, "fruits" and "vegetables" do not include marijuana, useable marijuana, or marijuana-infused products.

(3) A person claiming the exemption provided in this section must file a complete annual ~~((survey))~~ tax performance report with the department under RCW ~~((82.32.585))~~ 82.32.534.

(4) This section expires July 1, 2025.

**Sec. 6.** RCW 82.04.4268 and 2015 3rd sp.s. c 6 s 203 are each amended to read as follows:

(1) In computing tax there may be deducted from the measure of tax, the value of products or the gross proceeds of sales derived from:

(a) Manufacturing dairy products; or

(b) Selling dairy products manufactured by the seller to purchasers who either transport in the ordinary course of business the goods out of this state or purchasers who use such dairy products as an ingredient or component in the manufacturing of a dairy product. A person taking an exemption under this subsection (1)(b) must keep and preserve records for the period required by RCW 82.32.070 establishing that the goods were transported by the purchaser in the ordinary course of business out of this state or sold to

a manufacturer for use as an ingredient or component in the manufacturing of a dairy product.

(2) "Dairy products" has the same meaning as provided in RCW 82.04.260.

(3) A person claiming the exemption provided in this section must file a complete annual ~~((survey))~~ tax performance report with the department under RCW ~~((82.32.585))~~ 82.32.534.

(4) This section expires July 1, 2025.

**Sec. 7.** RCW 82.04.4269 and 2015 3rd sp.s. c 6 s 204 are each amended to read as follows:

(1) This chapter does not apply to the value of products or the gross proceeds of sales derived from:

(a) Manufacturing seafood products that remain in a raw, raw frozen, or raw salted state at the completion of the manufacturing by that person; or

(b) Selling manufactured seafood products that remain in a raw, raw frozen, or raw salted state to purchasers who transport in the ordinary course of business the goods out of this state. A person taking an exemption under this subsection (1)(b) must keep and preserve records for the period required by RCW 82.32.070 establishing that the goods were transported by the purchaser in the ordinary course of business out of this state.

(2) A person claiming the exemption provided in this section must file a complete annual ~~((survey))~~ tax performance report with the department under RCW ~~((82.32.585))~~ 82.32.534.

(3) This section expires July 1, 2025.

**Sec. 8.** RCW 82.04.4327 and 1985 c 471 s 6 are each amended to read as follows:

In computing tax ~~((there may be deducted))~~ under this chapter, an artistic or cultural organization may deduct from the measure of tax ~~((those))~~:

(1) All amounts received by the artistic or cultural ~~((organizations which represent income derived from business activities conducted by the organization))~~ organization; and

(2) The value of articles manufactured by the artistic or cultural organization solely for use by the organization in displaying art objects or presenting artistic or cultural exhibitions, performances, or programs for attendance or viewing by the general public.

**Sec. 9.** RCW 82.04.4328 and 1985 c 471 s 7 are each amended to read as follows:

(1) For the purposes of RCW ~~((82.04.4322, 82.04.4324, 82.04.4326,))~~ 82.04.4327, 82.08.031, and 82.12.031, the term "artistic or cultural organization" means an organization ~~((which))~~ that is organized and operated exclusively for the purpose of providing artistic or cultural exhibitions, presentations, or performances or cultural or art education programs, as defined in subsection (2) of this section, for viewing or attendance by the general public. The

organization must be a not-for-profit corporation under chapter 24.03 RCW and managed by a governing board of not less than eight individuals none of whom is a paid employee of the organization or by a corporation sole under chapter 24.12 RCW. In addition, to qualify for deduction or exemption from taxation under RCW ~~((82.04.4322, 82.04.4324, 82.04.4326,))~~ 82.04.4327, 82.08.031, and 82.12.031, the corporation ~~((shall))~~ must satisfy the following conditions:

(a) No part of its income may be paid directly or indirectly to its members, stockholders, officers, directors, or trustees except in the form of services rendered by the corporation in accordance with its purposes and bylaws;

(b) Salary or compensation paid to its officers and executives must be only for actual services rendered, and at levels comparable to the salary or compensation of like positions within the state;

(c) Assets of the corporation must be irrevocably dedicated to the activities for which the exemption is granted and, on the liquidation, dissolution, or abandonment by the corporation, may not inure directly or indirectly to the benefit of any member or individual except a nonprofit organization, association, or corporation which also would be entitled to the exemption;

(d) The corporation must be duly licensed or certified when licensing or certification is required by law or regulation;

(e) The amounts received that qualify for exemption must be used for the activities for which the exemption is granted;

(f) Services must be available regardless of race, color, national origin, or ancestry; and

(g) The director of revenue ~~((shall))~~ must have access to its books in order to determine whether the corporation is exempt from taxes.

(2) The term "artistic or cultural exhibitions, presentations, or performances or cultural or art education programs" includes and is limited to:

(a) An exhibition or presentation of works of art or objects of cultural or historical significance, such as those commonly displayed in art or history museums;

(b) A musical or dramatic performance or series of performances; or

(c) An educational seminar or program, or series of such programs, offered by the organization to the general public on an artistic, cultural, or historical subject.

**Sec. 10.** RCW 82.08.0201 and 1992 c 194 s 10 are each amended to read as follows:

Before January 1, 1994, and January 1<sup>st</sup> of each odd-numbered year thereafter:

The department of licensing, with the assistance of the department of revenue, ~~((shall))~~ must provide the office of financial management and the fiscal committees of the legislature with an updated estimate of the amount of

revenue attributable to the taxes imposed in RCW 82.08.020(2) ~~((and the amount of revenue not collected as a result of RCW 82.44.023))~~.

**Sec. 11.** RCW 82.08.0208 and 2009 c 535 s 501 are each amended to read as follows:

(1) The tax imposed by RCW 82.08.020 does not apply to the sale of a digital code for one or more digital products if the sale of the digital products to which the digital code relates is exempt from the tax levied by RCW 82.08.020.

(2)(a) The tax imposed by RCW 82.08.020 does not apply to a business or other organization for the purpose of making the digital good or digital automated service, including a digital good or digital automated service acquired through the use of a digital code, or service defined as a retail sale in RCW 82.04.050(6)(c), available free of charge for the use or enjoyment of the general public. The exemption provided in this subsection (2) does not apply unless the purchaser has the legal right to broadcast, rebroadcast, transmit, retransmit, license, relicense, distribute, redistribute, or exhibit the product, in whole or in part, to the general public.

(b) For purposes of this subsection (2), "general public" means all persons and not limited or restricted to a particular class of persons, except that the general public includes:

(i) A class of persons that is defined as all persons residing or owning property within the boundaries of a state, political subdivision of a state, or a municipal corporation; and

(ii) With respect to libraries, authorized library patrons.

(3)(a) The tax imposed by RCW 82.08.020 does not apply to the sale to a business of digital goods, and services rendered in respect to digital goods, if the digital goods and services rendered in respect to digital goods are purchased solely for business purposes. The exemption provided by this subsection (3) also applies to the sale to a business of a digital code if all of the digital goods to be obtained through the use of the code will be used solely for business purposes.

(b) For purposes of this subsection (3), the following definitions apply:

(i) "Business purposes" means any purpose relevant to the business needs of the taxpayer claiming an exemption under this subsection (3). Business purposes do not include any personal, family, or household purpose. The term also does not include any activity conducted by a government entity as that term is defined in RCW 7.25.005; and

(ii) "Services rendered in respect to digital goods" means those services defined as a retail sale in RCW 82.04.050(2)(g).

(4)(a) The tax imposed by RCW 82.08.020 does not apply to the sale of digital goods, digital codes, digital automated services, prewritten computer software, or services defined as a retail sale in RCW 82.04.050(6)(c) to a buyer that provides the seller with an exemption certificate

claiming multiple points of use. An exemption certificate claiming multiple points of use must be in a form and contain such information as required by the department.

(b) A buyer is entitled to use an exemption certificate claiming multiple points of use only if the buyer is a business or other organization and the digital goods or digital automated services purchased, or the digital goods or digital automated services to be obtained by the digital code purchased, or the prewritten computer software or services defined as a retail sale in RCW 82.04.050(6)(c) purchased will be concurrently available for use within and outside this state. A buyer is not entitled to use an exemption certificate claiming multiple points of use for digital goods, digital codes, digital automated services, prewritten computer software, or services defined as a retail sale in RCW 82.04.050(6)(c) purchased for personal use.

(c) A buyer claiming an exemption under this subsection (4) must report and pay the tax imposed in RCW 82.12.020 and any local use taxes imposed under the authority of chapter 82.14 RCW and RCW 81.104.170 directly to the department in accordance with RCW 82.12.0208 and 82.14.457.

(d) For purposes of this subsection (4), "concurrently available for use within and outside this state" means that employees or other agents of the buyer may use the digital goods, digital automated services, prewritten computer software, or services defined as a retail sale in RCW 82.04.050(6)(c) simultaneously from one or more locations within this state and one or more locations outside this state. A digital code is concurrently available for use within and outside this state if employees or other agents of the buyer may use the digital goods or digital automated services to be obtained by the code simultaneously at one or more locations within this state and one or more locations outside this state.

(5)(a) Except as provided in (b) of this subsection (5), the tax imposed by RCW 82.08.020 does not apply to sales of audio or video programming by a radio or television broadcaster.

(b)(i) Except as provided in (b)(ii) of this subsection (5), the exemption provided in this subsection (5) does not apply in respect to programming that is sold on a pay-per-program basis or that allows the buyer to access a library of programs at any time for a specific charge for that service.

(ii) The exemption provided in this subsection (5) applies to the sale of programming described in (b)(i) of this subsection (5) if the seller is subject to a franchise fee in this state under the authority of Title 47 U.S.C. Sec. 542(a) on the gross revenue derived from the sale.

(c) For purposes of this subsection (5), "radio or television broadcaster" includes satellite radio providers, satellite television providers, cable television providers, and providers of subscription internet television.

(6) Sellers making tax-exempt sales under subsection (2) or (3) of this section must obtain an exemption certificate from the buyer in a form and manner prescribed by the department. The seller must retain a copy of the exemption certificate for the seller's files. In lieu of an exemption

certificate, a seller may capture the relevant data elements as allowed under the streamlined sales and use tax agreement.

**Sec. 12.** RCW 82.08.025651 and 2011 c 23 s 4 are each amended to read as follows:

(1)(a) The tax levied by RCW 82.08.020 does not apply to sales to a public research institution of machinery and equipment used primarily in a research and development operation, or to sales of or charges made for labor and services rendered in respect to installing, repairing, cleaning, altering, or improving the machinery and equipment.

(b) Sellers making tax-exempt sales under this section must obtain from the purchaser an exemption certificate in a form and manner prescribed by the department. The seller must retain a copy of the certificate for the seller's files.

(2) A public research institution claiming the exemption provided in this section must file a complete annual ~~((survey))~~ tax performance report with the department under RCW ~~((82.32.585))~~ 82.32.534.

(3) For purposes of this section, the following definitions apply:

(a) "Machinery and equipment" means those fixtures, pieces of equipment, digital goods, and support facilities that are an integral and necessary part of a research and development operation, and tangible personal property that becomes an ingredient or component of such fixtures, equipment, and support facilities, including repair parts and replacement parts. "Machinery and equipment" may include, but is not limited to: Computers; software; data processing equipment; laboratory equipment, instrumentation, and other devices used in a process of experimentation to develop a new or improved pilot model, plant process, product, formula, or invention; vats, tanks, and fermenters; operating structures; and all equipment used to control, monitor, or operate the machinery and equipment.

(b) "Machinery and equipment" does not include:

(i) Hand-powered tools;

(ii) Property with a useful life of less than one year;

(iii) Buildings; and

(iv) Those building fixtures that are not an integral and necessary part of a research and development operation and that are permanently affixed to and become a physical part of a building, such as utility systems for heating, ventilation, air conditioning, communications, plumbing, or electrical.

(c) "Primarily" means greater than fifty percent as measured by time. If machinery and equipment is used simultaneously in a research and development operation and also for other purposes, the use for other purposes must be disregarded during the period of simultaneous use for purposes of determining whether the machinery and equipment is used primarily in a research and development operation.

(d) "Public research institution" means any college or university included within the definitions of state universities, regional universities, or state college in RCW 28B.10.016.

(e) "Research and development operation" means engaging in research and development as defined in RCW 82.63.010.

**Sec. 13.** RCW 82.08.02807 and 2014 c 97 s 306 are each amended to read as follows:

(1) The tax levied by RCW 82.08.020 (~~shall~~) does not apply to the sales of medical supplies, chemicals, or materials to an organ procurement organization exempt under RCW 82.04.326. This exemption does not apply to the sale of construction materials, office equipment, building equipment, administrative supplies, or vehicles.

(2) The definitions in this subsection apply throughout this section unless the context clearly requires otherwise.

(a) "Chemical" means any catalyst, solvent, water, acid, oil, or other additive that physically or chemically interacts with blood, bone, or tissue.

(b) "Materials" means any item of tangible personal property including, but not limited to, bags, packs, collecting sets, filtering materials, testing reagents, antisera, and refrigerants, used or consumed in performing research on, procuring, testing, processing, storing, packaging, distributing, or using blood, bone, or tissue.

(c) "Medical supplies" means any item of tangible personal property, including any repair and replacement parts for such tangible personal property, used by an organ procurement organization exempt under RCW 82.04.326 for the purpose of performing research on, procuring, testing, processing, storing, packaging, distributing, or using blood, bone, or tissue. The term includes tangible personal property used to:

(i) Provide preparatory treatment of blood, bone, or tissue;

(ii) Control, guide, measure, tune, verify, align, regulate, test, or physically support blood, bone, or tissue; or

(iii) Protect the health and safety of employees or others present during research on, procuring, testing, processing, storing, packaging, distributing, or using blood, bone, or tissue.

**Sec. 14.** RCW 82.08.155 and 2012 c 39 s 1 are each amended to read as follows:

(1)(a) If the department determines that a taxpayer is more than thirty days delinquent in reporting or remitting spirits taxes on a tax return or assessed by the department, including any applicable penalties and interest on such taxes, the department may request that the liquor (~~control~~) and cannabis board suspend the taxpayer's spirits license or licenses and refuse to renew any existing spirits license held by the taxpayer or issue any new spirits license to the taxpayer. The department must provide written notice to the affected taxpayer of the department's request to the liquor (~~control~~) and cannabis board.

(b) Before the department may make a request to the liquor (~~control~~) and cannabis board as authorized in (a) of this subsection (1), the department must have provided the taxpayer with at least seven calendar days prior written

notice. This notice must inform the taxpayer that the department intends to request that the liquor (~~control~~) and cannabis board suspend the taxpayer's spirits license or licenses and refuse to renew any existing license of the taxpayer or issue any new spirits license to the taxpayer unless, within seven calendar days of the date of the notice, the taxpayer submits any unfiled tax returns for reporting spirits taxes and remits full payment of its outstanding spirits tax liability to the department or negotiates payment arrangements for the unpaid spirits taxes. The notice required by this subsection (1)(b) must include information listing any unfiled tax returns; the amount of unpaid spirits taxes, including any applicable penalties and interest; who to contact to inquire about payment arrangements; and that the taxpayer may seek administrative review by the department of the notice, and the deadline for seeking such review. Nothing in this subsection (1)(b) requires the department to enter into any payment arrangement proposed by a taxpayer if the department determines that the taxpayer's proposal is not satisfactory.

(c) The department may not make a request to the liquor (~~control~~) and cannabis board under (a) of this subsection (~~((1)(a) of this section))~~ relating to any spirits taxes that are the subject of pending administrative review by the department.

(2) A taxpayer's right to administrative review of the notice required in subsection (1)(b) of this section:

(a) May be conducted under any rule adopted pursuant to RCW 82.01.060(4) or as a brief adjudicative proceeding under RCW 34.05.485 through 34.05.494; and

(b) Does not include the right to challenge the amount of any spirits taxes assessed by the department if the taxpayer previously sought or could have sought administrative review of the assessment as provided in RCW 82.32.160.

(3) The notices required by this section may be provided electronically in accordance with RCW 82.32.135.

(4) For purposes of this section:

(a) "Spirits license" has the same meaning as in RCW 66.24.010(3)(c); and

(b) "Spirits taxes" means the taxes imposed in RCW 82.08.150.

**Sec. 15.** RCW 82.08.195 and 2010 c 111 s 601 are each amended to read as follows:

(1) Except as provided in subsection (6) of this section, a bundled transaction is subject to the tax imposed by RCW 82.08.020 if the retail sale of any of its component products would be subject to the tax imposed by RCW 82.08.020.

(2) The transactions described in RCW 82.08.190(4) (a) and (b) are subject to the tax imposed by RCW 82.08.020 if the service that is the true object of the transaction is subject to the tax imposed by RCW 82.08.020. If the service that is the true object of the transaction is not subject to the tax imposed by RCW 82.08.020, the transaction is not subject to the tax imposed by RCW 82.08.020.



(3) The transaction described in RCW 82.08.190(4)(c) is not subject to the tax imposed by RCW 82.08.020.

(4) The transaction described in RCW 82.08.190(4)(d) is not subject to the tax imposed by RCW 82.08.020.

(5) In the case of a bundled transaction that includes any of the following: Telecommunications service, ancillary service, internet access, or audio or video programming service:

(a) If the price is attributable to products that are taxable and products that are not taxable, the portion of the price attributable to the nontaxable products are subject to the tax imposed by RCW 82.08.020 unless the seller can identify by reasonable and verifiable standards the portion from its books and records that are kept in the regular course of business for other purposes including, but not limited to, nontax purposes;

(b) If the price is attributable to products that are subject to tax at different tax rates, the total price is attributable to the products subject to the tax at the highest tax rate unless the seller can identify by reasonable and verifiable standards the portion of the price attributable to the products subject to the tax imposed by RCW 82.08.020 at the lower rate from its books and records that are kept in the regular course of business for other purposes including, but not limited to, nontax purposes.

(6) The tax imposed by RCW 82.08.020 does not apply in respect to a bundled transaction consisting entirely of the sale of services or of services and prepared food, if the sale is to a resident, sixty-two years of age or older, of a qualified low-income senior housing facility by the lessor or operator of the facility. A single bundled transaction involving both spouses of a marital community or both domestic partners of a domestic partnership meets the age requirement in this subsection if at least one of the spouses or domestic partners is at least sixty-two years of age. For purposes of this subsection, "qualified low-income senior housing facility" has the same meaning as in RCW 82.08.0293.

(7) In the case of the sale of a code that provides a purchaser with the right to obtain more than one digital product or one or more digital products and other products or services, and all of the products and services, digital or otherwise, to be obtained through the use of the code do not have the same sales and use tax treatment, for purposes of the tax imposed by RCW 82.08.020:

(a) The transaction is deemed to be the sale of the products and services to be obtained through the use of the code; and

(b)(i) The tax imposed by RCW 82.08.020 applies to the entire selling price of the code, except as provided in (b)(ii) of this subsection (7).

(ii) If the seller can identify by reasonable and verifiable standards the portion of the selling price attributable to the products and services that are not subject to the tax imposed by RCW 82.08.020 from its books and records that are kept in the regular course of business for other purposes including, but not limited to, nontax

purposes, the tax imposed by RCW 82.08.020 does not apply to that portion of the selling price of the code attributable to the products and services that are not subject to the tax imposed by RCW 82.08.020 nor to that portion of the selling price of the code attributable to any digital goods, the sale of which is exempt under RCW ~~((82.08.02087))~~ 82.08.0208(3).

**Sec. 16.** RCW 82.08.806 and 2011 c 174 s 204 are each amended to read as follows:

(1) The tax levied by RCW 82.08.020 does not apply to sales, to a printer or publisher, of computer equipment, including repair parts and replacement parts for such equipment, when the computer equipment is used primarily in the printing or publishing of any printed material, or to sales of or charges made for labor and services rendered in respect to installing, repairing, cleaning, altering, or improving the computer equipment. This exemption applies only to computer equipment not otherwise exempt under RCW 82.08.02565.

(2) A person taking the exemption under this section must keep records necessary for the department to verify eligibility under this section. This exemption is available only when the purchaser provides the seller with an exemption certificate in a form and manner prescribed by the department. The seller must retain a copy of the certificate for the seller's files.

(3) The definitions in this subsection (3) apply throughout this section, unless the context clearly requires otherwise.

(a) "Computer" has the same meaning as in RCW 82.04.215.

(b) "Computer equipment" means a computer and the associated physical components that constitute a computer system, including monitors, keyboards, printers, modems, scanners, pointing devices, and other computer peripheral equipment, cables, servers, and routers. "Computer equipment" also includes digital cameras and computer software.

(c) "Computer software" has the same meaning as in RCW 82.04.215.

(d) "Primarily" means greater than fifty percent as measured by time.

(e) "Printer or publisher" means a person, as defined in RCW 82.04.030, who is subject to tax under RCW 82.04.260~~((13))~~ (14) or 82.04.280(1)(a).

(4) "Computer equipment" does not include computer equipment that is used primarily for administrative purposes including but not limited to payroll processing, accounting, customer service, telemarketing, and collection. If computer equipment is used simultaneously for administrative and nonadministrative purposes, the administrative use must be disregarded during the period of simultaneous use for purposes of determining whether the computer equipment is used primarily for administrative purposes.

**Sec. 17.** RCW 82.08.9651 and 2017 3rd sp.s. c 37 s 506 are each amended to read as follows:

(1) The tax levied by RCW 82.08.020 does not apply to sales of gases and chemicals used by a manufacturer or processor for hire in the production of semiconductor materials. This exemption is limited to gases and chemicals used in the production process to grow the product, deposit or grow permanent or sacrificial layers on the product, to etch or remove material from the product, to anneal the product, to immerse the product, to clean the product, and other such uses whereby the gases and chemicals come into direct contact with the product during the production process, or uses of gases and chemicals to clean the chambers and other like equipment in which such processing takes place. For the purposes of this section, "semiconductor materials" has the meaning provided in RCW 82.04.2404 and 82.04.294(3).

(2) A person claiming the exemption under this section must file a complete annual tax performance report with the department under RCW 82.32.534.

(3) No application is necessary for the tax exemption. The person is subject to all of the requirements of chapter 82.32 RCW.

(4) Any person who has claimed the ~~((preferential tax rate))~~ exemption under this section must reimburse the department for fifty percent of the amount of the tax preference under this section, if:

(a) The number of persons employed by the person claiming the tax preference is less than ninety percent of the person's three-year employment average for the three years immediately preceding the year in which the ~~((preferential tax rate))~~ exemption is claimed; or

(b) The person is subject to a review under section 501(4)(a), chapter 37, Laws of 2017 3rd sp. sess. and such person does not meet performance criteria in section 501(4)(a), chapter 37, Laws of 2017 3rd sp. sess.

(5) This section expires December 1, 2028.

**Sec. 18.** RCW 82.12.0208 and 2009 c 535 s 601 are each amended to read as follows:

(1) The provisions of this chapter do not apply in respect to the use of a digital code for one or more digital products, if the use of the digital products to which the digital code relates is exempt from the tax levied by RCW 82.12.020.

(2) The provisions of this chapter do not apply to the use by a business or other organization of digital goods, digital codes, digital automated services, or services defined as a retail sale in RCW 82.04.050(6)(c) for the purpose of making the digital good or digital automated service, including a digital good or digital automated service acquired through the use of a digital code, or service defined as a retail sale in RCW 82.04.050(6)(c) available free of charge for the use or enjoyment of the general public. For purposes of this subsection (2), "general public" has the same meaning as in RCW 82.08.0208. The exemption provided in this subsection (2) does not apply unless the user has the legal right to broadcast, rebroadcast, transmit, retransmit, license, relicense, distribute, redistribute, or exhibit the product, in whole or in part, to the general public.

(3) The provisions of this chapter do not apply to the use by students of digital goods furnished by a public or private elementary or secondary school, or an institution of higher education as defined in section 1001 or 1002 of the federal higher education act of 1965 (Title 20 U.S.C. Secs. 1001 and 1002), as existing on July 1, 2009.

(4)(a) The provisions of this chapter do not apply in respect to the use of digital goods that are:

(i) Of a noncommercial nature, such as personal email communications;

(ii) Created solely for an internal audience; or

(iii) Created solely for the business needs of the person who created the digital good, including business email communications, but not including the type of digital good that is offered for sale.

(b) This subsection (4) does not apply to the use of any digital goods purchased by the user, the user's donor, or anybody on the user's behalf.

(5) The provisions of this chapter do not apply in respect to the use of digital products or digital codes obtained by the end user free of charge.

(6) The provisions of this chapter do not apply to the use by a business of digital goods, and services rendered in respect to digital goods, where the digital goods and services rendered in respect to digital goods are used solely for business purposes. The exemption provided by this subsection (6) also applies to the use by a business of a digital code if all of the digital goods to be obtained through the use of the code will be used solely for business purposes. For purposes of this subsection (6), the definitions in RCW 82.08.0208 apply.

(7)(a) A business or other organization subject to the tax imposed in RCW 82.12.020 on the use of digital goods, digital codes, digital automated services, prewritten computer software, or services defined as a retail sale in RCW 82.04.050(6)(c) that are concurrently available for use within and outside this state is entitled to apportion the amount of tax due this state based on users in this state compared to users everywhere. The department may authorize or require an alternative method of apportionment supported by the taxpayer's records that fairly reflects the proportion of in-state to out-of-state use by the taxpayer of the digital goods, digital automated services, prewritten computer software, or services defined as a retail sale in RCW 82.04.050(6)(c).

(b) No apportionment under this subsection (7) is allowed unless the apportionment method is supported by the taxpayer's records kept in the ordinary course of business.

(c) For purposes of this subsection (7), the following definitions apply:

(i) "Concurrently available for use within and outside this state" means that employees or other agents of the taxpayer may use the digital goods, digital automated services, prewritten computer software, or services defined as a retail sale in RCW 82.04.050(6)(c) simultaneously at

one or more locations within this state and one or more locations outside this state. A digital code is concurrently available for use within and outside this state if employees or other agents of the taxpayer may use the digital goods or digital automated services to be obtained by the code simultaneously at one or more locations within this state and one or more locations outside this state; and

(ii) "User" means an employee or agent of the taxpayer who is authorized by the taxpayer to use the digital goods, digital automated services, prewritten computer software, or services defined as a retail sale in RCW 82.04.050(6)(c) in the performance of his or her duties as an employee or other agent of the taxpayer.

(8)(a) Except as provided in (b) of this subsection (8), the provisions of this chapter do not apply to the use of audio or video programming provided by a radio or television broadcaster.

(b)(i) Except as provided in (b)(ii) of this subsection (8), the exemption provided in this subsection (8) does not apply in respect to programming that is sold on a pay-per-program basis or that allows the buyer to access a library of programs at any time for a specific charge for that service.

(ii) The exemption provided in this subsection (8) applies to the sale of programming described in (b)(i) of this subsection (8) if the seller is subject to a franchise fee in this state under the authority of Title 47 U.S.C. Sec. 542(a) on the gross revenue derived from the sale.

(c) For purposes of this subsection (8), "radio or television broadcaster" includes satellite radio providers, satellite television providers, cable television providers, providers of subscription internet television, and persons who provide radio or television broadcasting to listeners or viewers for no charge.

**Sec. 19.** RCW 82.12.02749 and 2002 c 113 s 3 are each amended to read as follows:

The tax levied by RCW 82.08.020 (~~(shall)~~) does not apply to the use of medical supplies, chemicals, or materials by an organ procurement organization exempt under RCW 82.04.326. The definitions of medical supplies, chemicals, and materials in RCW (~~(82.04.324)~~) 82.08.02807 apply to this section. This exemption does not apply to the use of construction materials, office equipment, building equipment, administrative supplies, or vehicles.

**Sec. 20.** RCW 82.12.930 and 2003 c 5 s 17 are each amended to read as follows:

The provisions of this chapter do not apply with respect to the use by municipal corporations, the state, and all political subdivisions thereof of tangible personal property consumed and/or of labor and services as defined in RCW 82.04.050(2)(a) rendered in respect to contracts for watershed protection and/or flood prevention. This exemption is limited to that portion of the selling price that is reimbursed by the United States government according to the provisions of the watershed protection and flood prevention act (68 Stat. 666; 16 U.S.C. Sec. (~~(401)~~) 1001 et seq.).

**Sec. 21.** RCW 82.12.956 and 2013 2nd sp.s. c 13 s 1003 are each amended to read as follows:

(1) The provisions of this chapter do not apply with respect to the use of hog fuel for production of electricity, steam, heat, or biofuel.

(2) For the purposes of this section:

(a) "Biofuel" has the same meaning as provided in RCW 82.08.956; and

(b) "Hog fuel" has the same meaning as provided in RCW 82.08.956(~~(; and~~

~~(b) "Biofuel" has the same meaning as provided in RCW 43.325.010)).~~

(3) This section expires June 30, 2024.

**Sec. 22.** RCW 82.12.9651 and 2017 3rd sp.s. c 37 s 508 are each amended to read as follows:

(1) The provisions of this chapter do not apply with respect to the use of gases and chemicals used by a manufacturer or processor for hire in the production of semiconductor materials. This exemption is limited to gases and chemicals used in the production process to grow the product, deposit or grow permanent or sacrificial layers on the product, to etch or remove material from the product, to anneal the product, to immerse the product, to clean the product, and other such uses whereby the gases and chemicals come into direct contact with the product during the production process, or uses of gases and chemicals to clean the chambers and other like equipment in which such processing takes place. For purposes of this section, "semiconductor materials" has the meaning provided in RCW 82.04.2404 and 82.04.294(3).

(2) A person claiming the exemption under this section must file a complete annual tax performance report with the department under RCW 82.32.534.

(3) No application is necessary for the tax exemption. The person is subject to all of the requirements of chapter 82.32 RCW.

(4) Any person who has claimed the (~~(preferential tax rate))~~ exemption under this section must reimburse the department for fifty percent of the amount of the tax preference under this section, if:

(a) The number of persons employed by the person claiming the tax preference is less than ninety percent of the person's three-year employment average for the three years immediately preceding the year in which the (~~(preferential tax rate))~~ exemption is claimed; or

(b) The person is subject to a review under section 501(4)(a), chapter 37, Laws of 2017 3rd sp. sess. and such person does not meet performance criteria in section 501(4)(a), chapter 37, Laws of 2017 3rd sp. sess.

(5) This section expires December 1, 2028.

**Sec. 23.** RCW 82.14.049 and 2011 c 174 s 107 are each amended to read as follows:

(1) The legislative authority of any county may impose a sales and use tax, in addition to the tax authorized by RCW 82.14.030, upon retail car rentals within the county that are taxable by the state under chapters 82.08 and 82.12 RCW. The rate of tax is one percent of the selling price in the case of a sales tax or rental value of the vehicle in the case of a use tax. Proceeds of the tax may not be used to subsidize any professional sports team and must be used solely for the following purposes:

- (a) Acquiring, constructing, maintaining, or operating public sports stadium facilities;
- (b) Engineering, planning, financial, legal, or professional services incidental to public sports stadium facilities;
- (c) Youth or amateur sport activities or facilities; or
- (d) Debt or refinancing debt issued for the purposes of subsection (1) of this section.

(2) In a county of one million or more, at least seventy-five percent of the tax imposed under this section must be used to retire the debt on the stadium under RCW 67.28.180(2)(b)(~~(iii)~~) (i)(B), until that debt is fully retired.

**Sec. 24.** RCW 82.14.400 and 2000 c 240 s 1 are each amended to read as follows:

(1) Upon the joint request of a metropolitan park district, a city with a population of more than one hundred fifty thousand, and a county legislative authority in a county with a national park and a population of more than five hundred thousand and less than one million five hundred thousand, the county (~~(shall)~~) must submit an authorizing proposition to the county voters, fixing and imposing a sales and use tax in accordance with this chapter for the purposes designated in subsection (4) of this section and identified in the joint request. Such proposition must be placed on a ballot for a special or general election to be held no later than one year after the date of the joint request.

(2) The proposition is approved if it receives the votes of a majority of those voting on the proposition.

(3) The tax authorized in this section is in addition to any other taxes authorized by law and (~~(shall)~~) must be collected from those persons who are taxable by the state under chapters 82.08 and 82.12 RCW upon the occurrence of any taxable event within the county. The rate of tax (~~(shall)~~) must equal no more than one-tenth of one percent of the selling price in the case of a sales tax, or value of the article used, in the case of a use tax.

(4) Moneys received from any tax imposed under this section (~~(shall)~~) must be used solely for the purpose of providing funds for:

- (a) Costs associated with financing, design, acquisition, construction, equipping, operating, maintaining, remodeling, repairing, reequipping, or improvement of zoo, aquarium, and wildlife preservation and display facilities that are currently accredited by the American zoo and aquarium association; or

(b) Those costs associated with (a) of this subsection and costs related to parks located within a county described in subsection (1) of this section.

(5) The department (~~(of revenue shall)~~) must perform the collection of such taxes on behalf of the county at no cost to the county. In lieu of the charge for the administration and collection of local sales and use taxes under RCW 82.14.050 from which the county is exempt under this subsection (5), a percentage of the tax revenues authorized by this section equal to one-half of the maximum percentage provided in RCW 82.14.050 (~~(shall)~~) must be transferred annually to the department of (~~(community, trade, and economic development)~~) commerce, or its successor agency, from the funds allocated under subsection (6)(b) of this section for a period of twelve years from the first date of distribution of funds under subsection (6)(b) of this section. The department of (~~(community, trade, and economic development)~~) commerce, or its successor agency, (~~(shall)~~) must use funds transferred to it pursuant to this subsection (5) to provide, operate, and maintain community-based housing under chapter 43.185 RCW for (~~(persons who are mentally ill)~~) individuals with mental illness.

(6) If the joint request and the authorizing proposition include provisions for funding those costs included within subsection (4)(b) of this section, the tax revenues authorized by this section (~~(shall)~~) must be allocated annually as follows:

(a) Fifty percent to the zoo and aquarium advisory authority; and

(b) Fifty percent to be distributed on a per capita basis as set out in the most recent population figures for unincorporated and incorporated areas only within that county, as determined by the office of financial management, solely for parks, as follows: To any metropolitan park district, to cities and towns not contained within a metropolitan park district, and the remainder to the county. Moneys received under this subsection (6)(b) by a county may not be used to replace or supplant existing per capita funding.

(7) Funds (~~(shall)~~) must be distributed annually by the county treasurer to the county, and cities and towns located within the county, in the manner set out in subsection (6)(b) of this section.

(8) Prior to expenditure of any funds received by the county under subsection (6)(b) of this section, the county (~~(shall)~~) must establish a process which considers needs throughout the unincorporated areas of the county in consultation with community advisory councils established by ordinance.

(9) By December 31, 2005, and thereafter, the county or any city with a population greater than eighty thousand must provide at least one dollar match for every two dollars received under this section.

(10) Properties subject to a memorandum of agreement between the federal bureau of land management, the advisory council on historic preservation, and the Washington state historic preservation officer have priority

for funding from money received under subsection (6)(b) of this section for implementation of the stipulations in the memorandum of agreement.

(a) At least one hundred thousand dollars of the first four years of allocations under subsection (6)(b) of this section, to be matched by the county or city with one dollar for every two dollars received, ~~((shall))~~ must be used to implement the stipulations of the memorandum of agreement and for other historical, archaeological, architectural, and cultural preservation and improvements related to the properties.

(b) The amount in (a) of this subsection ~~((shall))~~ must come equally from the allocations to the county and to the city in which the properties are located, unless otherwise agreed to by the county and the city.

(c) The amount in (a) of this subsection ~~((shall))~~ may not be construed to displace or be offered in lieu of any lease payment from a county or city to the state for the properties in question.

**Sec. 25.** RCW 82.14.457 and 2017 c 323 s 527 are each amended to read as follows:

(1) A business or other organization that is entitled under RCW ~~((82.12.02088))~~ 82.12.0208(7) to apportion the amount of state use tax on the use of digital goods, digital codes, digital automated services, prewritten computer software, or services defined as a retail sale in RCW 82.04.050(6)(c) is also entitled to apportion the amount of local use taxes imposed under the authority of this chapter and RCW 81.104.170 on the use of such products or services.

(2) To ensure that the tax base for state and local use taxes is identical, the measure of local use taxes apportioned under this section must be the same as the measure of state use tax apportioned under RCW ~~((82.12.02088))~~ 82.12.0208(7).

(3) This section does not affect the sourcing of local use taxes.

**Sec. 26.** RCW 82.16.0497 and 2006 c 213 s 1 are each amended to read as follows:

(1) ~~((Unless the context clearly requires otherwise,))~~ The definitions in this subsection apply throughout this section unless the context clearly requires otherwise.

(a) "Base credit" means the maximum amount of credit against the tax imposed by this chapter that each light and power business or gas distribution business may take each fiscal year as calculated by the department. The base credit is equal to the proportionate share that the total grants received by each light and power business or gas distribution business in the prior fiscal year bears to the total grants received by all light and power businesses and gas distribution businesses in the prior fiscal year multiplied by five million five hundred thousand dollars for fiscal year 2007, and two million five hundred thousand dollars for all other fiscal years before and after fiscal year 2007.

(b) "Billing discount" means a reduction in the amount charged for providing service to qualifying persons in

Washington made by a light and power business or a gas distribution business. Billing discount does not include grants received by the light and power business or a gas distribution business.

(c) "Grant" means funds provided to a light and power business or gas distribution business by the department of ~~((community, trade, and economic development))~~ commerce or by a qualifying organization.

(d) "Low-income home energy assistance program" means energy assistance programs for low-income households as defined on December 31, 2000, in the low-income home energy assistance act of 1981 as amended August 1, 1999, 42 U.S.C. Sec. 8623 et seq.

(e) "Qualifying person" means a Washington resident who applies for assistance and qualifies for a grant regardless of whether that person receives a grant.

(f) "Qualifying contribution" means money given by a light and power business or a gas distribution business to a qualifying organization, exclusive of money received in the prior fiscal year from its customers for the purpose of assisting other customers.

(g) "Qualifying organization" means an entity that has a contractual agreement with the department of ~~((community, trade, and economic development))~~ commerce to administer in a specified service area low-income home energy assistance funds received from the federal government and such other funds that may be received by the entity.

(2) Subject to the limitations in this section, a light and power business or a gas distribution business may take a credit each fiscal year against the tax imposed under this chapter.

(a)(i) A credit may be taken for qualifying contributions if the dollar amount of qualifying contributions for the fiscal year in which the tax credit is taken is greater than one hundred twenty-five percent of the dollar amount of qualifying contributions given in fiscal year 2000.

(ii) If no qualifying contributions were given in fiscal year 2000, a credit ~~((shall be))~~ is allowed for the first fiscal year that qualifying contributions are given. Thereafter, credit ~~((shall be))~~ is allowed if the qualifying contributions given exceed one hundred twenty-five percent of qualifying contributions given in the first fiscal year.

(iii) The amount of credit ~~((shall be))~~ is fifty percent of the dollar amount of qualifying contributions given in the fiscal year in which the tax credit is taken.

(b)(i) A credit may be taken for billing discounts if the dollar amount of billing discounts for the fiscal year in which the tax credit is taken is greater than one hundred twenty-five percent of the dollar amount of billing discounts given in fiscal year 2000.

(ii) If no billing discounts were given in fiscal year 2000, a credit ~~((shall be))~~ is allowed in the first fiscal year that billing discounts are given. Thereafter, credit ~~((shall be))~~ is allowed if the dollar amount of billing discounts given

exceeds one hundred twenty-five percent of billing discounts given in the first fiscal year.

(iii) The amount of credit ~~((shall be))~~ is fifty percent of the dollar amount of the billing discounts given in the fiscal year in which the tax credit is taken.

(c) The total amount of credit that may be taken for qualifying contributions and billing discounts in a fiscal year is limited to the base credit for the same fiscal year.

(3)(a)(i) Except as provided in (a)(ii) of this subsection, the total amount of credit, statewide, that may be taken in any fiscal year ~~((shall))~~ may not exceed two million five hundred thousand dollars.

(ii) The total amount of credit, statewide, that may be taken in fiscal year 2007 ~~((shall))~~ may not exceed five million five hundred thousand dollars.

(b) By May 1st of each year starting in 2002, the department of ~~((community, trade, and economic development shall))~~ commerce must notify the department of revenue in writing of the grants received in the current fiscal year by each light and power business and gas distribution business.

(4)(a) Not later than June 1st of each year beginning in 2002, the department ~~((shall))~~ must publish the base credit for each light and power business and gas distribution business for the next fiscal year.

(b) Not later than July 1st of each year beginning in 2002, application for credit must ~~((by))~~ be made to the department including but not limited to the following information: Billing discounts given by the applicant in fiscal year 2000; qualifying contributions given by the applicant in the prior fiscal year; the amount of money received in the prior fiscal year from customers for the purpose of assisting other customers; the base credit for the next fiscal year for the applicant; the qualifying contributions anticipated to be given in the next fiscal year; and billing discounts anticipated to be given in the next fiscal year. No credit under this section will be allowed to a light and power business or gas distribution business that does not file the application by July 1st.

(c) Not later than August 1st of each year beginning in 2002, the department ~~((shall))~~ must notify each applicant of the amount of credit that may be taken in that fiscal year.

(d) The balance of base credits not used by other light and power businesses and gas distribution businesses ~~((shall))~~ must be ratably distributed to applicants under the formula in subsection (1)(a) of this section. The total amount of credit that may be taken by an applicant is the base credit plus any ratable portion of unused base credit.

(5) The credit taken under this section is limited to the amount of tax imposed under this chapter for the fiscal year. The credit must be claimed in the fiscal year in which the billing reduction is made. Any unused credit expires. Refunds ~~((shall))~~ may not be given in place of credits.

(6) No credit may be taken for billing discounts made before July 1, 2001. Within two weeks of May 8, 2001, the department of ~~((community, trade, and economic~~

~~development shall))~~ commerce must notify the department of revenue in writing of the grants received in fiscal year 2001 by each light and power business and gas distribution business. Within four weeks of May 8, 2001, the department of revenue ~~((shall))~~ must publish the base credit for each light and power business and gas distribution business for fiscal year 2002. Within eight weeks of May 8, 2001, application to the department must be made showing the information required in subsection (4)(b) of this section. Within twelve weeks of May 8, 2001, the department ~~((shall))~~ must notify each applicant of the amount of credit that may be taken in fiscal year 2002.

**Sec. 27.** RCW 82.16.055 and 1980 c 149 s 3 are each amended to read as follows:

(1) In computing tax under this chapter there ~~((shall))~~ must be deducted from the gross income:

(a) An amount equal to the cost of production at the plant for consumption within the state of Washington of:

(i) Electrical energy produced or generated from cogeneration as defined in RCW 82.35.020, as existing on June 30, 2006; and

(ii) Electrical energy or gas produced or generated from renewable energy resources such as solar energy, wind energy, hydroelectric energy, geothermal energy, wood, wood wastes, municipal wastes, agricultural products and wastes, and end-use waste heat; and

(b) Those amounts expended to improve consumers' efficiency of energy end use or to otherwise reduce the use of electrical energy or gas by the consumer.

(2) This section applies only to new facilities for the production or generation of energy from cogeneration or renewable energy resources or measures to improve the efficiency of energy end use on which construction or installation is begun after June 12, 1980, and before January 1, 1990.

(3) Deductions under subsection (1)(a) of this section ~~((shall))~~ must be allowed for a period not to exceed thirty years after the project is placed in operation.

(4) Measures or projects encouraged under this section ~~((shall))~~ must at the time they are placed in service be reasonably expected to save, produce, or generate energy at a total incremental system cost per unit of energy delivered to end use which is less than or equal to the incremental system cost per unit of energy delivered to end use from similarly available conventional energy resources which utilize nuclear energy or fossil fuels and which the gas or electric utility could acquire to meet energy demand in the same time period.

(5) The department of revenue, after consultation with the utilities and transportation commission in the case of investor-owned utilities and the governing bodies of locally regulated utilities, ~~((shall))~~ must determine the eligibility of individual projects and measures for deductions under this section.

**Sec. 28.** RCW 82.23A.010 and 2012 1st sp.s. c 3 s 4 are each amended to read as follows:

~~((Unless the context clearly requires otherwise,))~~ The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Petroleum product" means plant condensate, lubricating oil, gasoline, aviation fuel, kerosene, diesel motor fuel, benzol, fuel oil, residual oil, and every other product derived from the refining of crude oil, but the term does not include crude oil or liquefiable gases.

(2) "Possession" means the control of a petroleum product located within this state and includes both actual and constructive possession. "Actual possession" occurs when the person with control has physical possession. "Constructive possession" occurs when the person with control does not have physical possession. "Control" means the power to sell or use a petroleum product or to authorize the sale or use by another.

(3) "Previously taxed petroleum product" means a petroleum product in respect to which a tax has been paid under this chapter and that has not been remanufactured or reprocessed in any manner (other than mere repackaging or recycling for beneficial reuse) since the tax was paid.

(4) "Rack" means a mechanism for delivering petroleum products from a refinery or terminal into a truck, trailer, railcar, or other means of nonbulk transfer. For the purposes of this definition:

(a) "Terminal" has the same ~~((definition as in RCW 82.36.010 and))~~ meaning as provided in RCW 82.38.020; and

(b) "Nonbulk transfer" means a transfer that does not meet the definition of "bulk transfer" as defined in RCW ~~((82.36.010 and))~~ 82.38.020.

(5) "Wholesale value" means fair market wholesale value, determined as nearly as possible according to the wholesale selling price at the place of use of similar products of like quality and character, in accordance with rules of the department.

(6) Except for terms defined in this section, the definitions in chapters 82.04, 82.08, and 82.12 RCW apply to this chapter.

**Sec. 29.** RCW 82.24.010 and 2012 2nd sp.s. c 4 s 1 are each amended to read as follows:

~~((Unless the context clearly requires otherwise,))~~ The definitions in this section apply throughout this chapter~~((:))~~ unless the context clearly requires otherwise.

(1) "Board" means the liquor ~~((control))~~ and cannabis board.

(2) "Cigarette" means any roll for smoking made wholly or in part of tobacco, irrespective of size or shape and irrespective of the tobacco being flavored, adulterated, or mixed with any other ingredient, where such roll has a wrapper or cover made of paper or any material, except where such wrapper is wholly or in the greater part made of natural leaf tobacco in its natural state. "Cigarette" includes a roll-your-own cigarette.

(3) "Cigarette paper" means any paper or any other material except tobacco, prepared for use as a cigarette wrapper.

(4) "Cigarette tube" means cigarette paper made into a hollow cylinder for use in making cigarettes.

(5) "Commercial cigarette-making machine" means a machine that is operated in a retail establishment and that is capable of being loaded with loose tobacco, cigarette paper or tubes, and any other components related to the production of roll-your-own cigarettes, including filters.

(6) "Indian tribal organization" means a federally recognized Indian tribe, or tribal entity, and includes an Indian wholesaler or retailer that is owned by an Indian who is an enrolled tribal member conducting business under tribal license or similar tribal approval within Indian country. For purposes of this chapter "Indian country" is defined in the manner set forth in 18 U.S.C. Sec. 1151.

(7) "Precollection obligation" means the obligation of a seller otherwise exempt from the tax imposed by this chapter to collect the tax from that seller's buyer.

(8) "Retailer" means every person, other than a wholesaler, who purchases, sells, offers for sale or distributes any one or more of the articles taxed herein, irrespective of quantity or amount, or the number of sales, and all persons operating under a retailer's registration certificate.

(9) "Retail selling price" means the ordinary, customary or usual price paid by the consumer for each package of cigarettes, less the tax levied by this chapter and less any similar tax levied by this state.

(10) "Roll-your-own cigarettes" means cigarettes produced by a commercial cigarette-making machine.

(11) "Stamp" means the stamp or stamps by use of which the tax levy under this chapter is paid or identification is made of those cigarettes with respect to which no tax is imposed.

(12) "Wholesaler" means every person who purchases, sells, or distributes any one or more of the articles taxed herein to retailers for the purpose of resale only.

(13) The meaning attributed, in chapter 82.04 RCW, to the words "person," "sale," "business" and "successor" applies equally in this chapter.

**Sec. 30.** RCW 82.24.551 and 1997 c 420 s 10 are each amended to read as follows:

The department ~~((shall))~~ must appoint, as duly authorized agents, enforcement officers of the liquor ~~((control))~~ and cannabis board to enforce provisions of this chapter. These officers ~~((shall))~~ are not ~~((be))~~ considered employees of the department.

**Sec. 31.** RCW 82.26.010 and 2010 1st sp.s. c 22 s 4 are each reenacted and amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Actual price" means the total amount of consideration for which tobacco products are sold, valued in money, whether received in money or otherwise, including any charges by the seller necessary to complete the sale such as charges for delivery, freight, transportation, or handling.

(2) "Affiliated" means related in any way by virtue of any form or amount of common ownership, control, operation, or management.

(3) "Board" means the liquor ~~((control))~~ and cannabis board.

(4) "Business" means any trade, occupation, activity, or enterprise engaged in for the purpose of selling or distributing tobacco products in this state.

(5) "Cigar" means a roll for smoking that is of any size or shape and that is made wholly or in part of tobacco, irrespective of whether the tobacco is pure or flavored, adulterated or mixed with any other ingredient, if the roll has a wrapper made wholly or in greater part of tobacco. "Cigar" does not include a cigarette.

(6) "Cigarette" has the same meaning as in RCW 82.24.010.

(7) "Department" means the department of revenue.

(8) "Distributor" means (a) any person engaged in the business of selling tobacco products in this state who brings, or causes to be brought, into this state from without the state any tobacco products for sale, (b) any person who makes, manufactures, fabricates, or stores tobacco products in this state for sale in this state, (c) any person engaged in the business of selling tobacco products without this state who ships or transports tobacco products to retailers in this state, to be sold by those retailers, (d) any person engaged in the business of selling tobacco products in this state who handles for sale any tobacco products that are within this state but upon which tax has not been imposed.

(9) "Indian country" means the same as defined in chapter 82.24 RCW.

(10) "Little cigar" means a cigar that has a cellulose acetate integrated filter.

(11) "Manufacturer" means a person who manufactures and sells tobacco products.

(12) "Manufacturer's representative" means a person hired by a manufacturer to sell or distribute the manufacturer's tobacco products, and includes employees and independent contractors.

(13) "Moist snuff" means tobacco that is finely cut, ground, or powdered; is not for smoking; and is intended to be placed in the oral, but not the nasal, cavity.

(14) "Person" means any individual, receiver, administrator, executor, assignee, trustee in bankruptcy, trust, estate, firm, copartnership, joint venture, club, company, joint stock company, business trust, municipal corporation, the state and its departments and institutions, political subdivision of the state of Washington, corporation, limited liability company, association, society, any group of individuals acting as a unit, whether mutual, cooperative,

fraternal, nonprofit, or otherwise. The term excludes any person immune from state taxation, including the United States or its instrumentalities, and federally recognized Indian tribes and enrolled tribal members, conducting business within Indian country.

(15) "Place of business" means any place where tobacco products are sold or where tobacco products are manufactured, stored, or kept for the purpose of sale, including any vessel, vehicle, airplane, train, or vending machine.

(16) "Retail outlet" means each place of business from which tobacco products are sold to consumers.

(17) "Retailer" means any person engaged in the business of selling tobacco products to ultimate consumers.

(18)(a) "Sale" means any transfer, exchange, or barter, in any manner or by any means whatsoever, for a consideration, and includes and means all sales made by any person.

(b) The term "sale" includes a gift by a person engaged in the business of selling tobacco products, for advertising, promoting, or as a means of evading the provisions of this chapter.

(19)(a) "Taxable sales price" means:

(i) In the case of a taxpayer that is not affiliated with the manufacturer, distributor, or other person from whom the taxpayer purchased tobacco products, the actual price for which the taxpayer purchased the tobacco products;

(ii) In the case of a taxpayer that purchases tobacco products from an affiliated manufacturer, affiliated distributor, or other affiliated person, and that sells those tobacco products to unaffiliated distributors, unaffiliated retailers, or ultimate consumers, the actual price for which that taxpayer sells those tobacco products to unaffiliated distributors, unaffiliated retailers, or ultimate consumers;

(iii) In the case of a taxpayer that sells tobacco products only to affiliated distributors or affiliated retailers, the price, determined as nearly as possible according to the actual price, that other distributors sell similar tobacco products of like quality and character to unaffiliated distributors, unaffiliated retailers, or ultimate consumers;

(iv) In the case of a taxpayer that is a manufacturer selling tobacco products directly to ultimate consumers, the actual price for which the taxpayer sells those tobacco products to ultimate consumers;

(v) In the case of a taxpayer that has acquired tobacco products under a sale as defined in subsection (18)(b) of this section, the price, determined as nearly as possible according to the actual price, that the taxpayer or other distributors sell the same tobacco products or similar tobacco products of like quality and character to unaffiliated distributors, unaffiliated retailers, or ultimate consumers; or

(vi) In any case where (a)(i) through (v) of this subsection do not apply, the price, determined as nearly as possible according to the actual price, that the taxpayer or other distributors sell the same tobacco products or similar



tobacco products of like quality and character to unaffiliated distributors, unaffiliated retailers, or ultimate consumers.

(b) For purposes of (a)(i) and (ii) of this subsection only, "person" includes both persons as defined in subsection (14) of this section and any person immune from state taxation, including the United States or its instrumentalities, and federally recognized Indian tribes and enrolled tribal members, conducting business within Indian country.

(c) The department may adopt rules regarding the determination of taxable sales price under this subsection.

(20) "Taxpayer" means a person liable for the tax imposed by this chapter.

(21) "Tobacco products" means cigars, cheroots, stogies, periques, granulated, plug cut, crimp cut, ready rubbed, and other smoking tobacco, snuff, snuff flour, cavendish, plug and twist tobacco, fine-cut and other chewing tobaccos, shorts, refuse scraps, clippings, cuttings and sweepings of tobacco, and other kinds and forms of tobacco, prepared in such manner as to be suitable for chewing or smoking in a pipe or otherwise, or both for chewing and smoking, and any other product, regardless of form, that contains tobacco and is intended for human consumption or placement in the oral or nasal cavity or absorption into the human body by any other means, but does not include cigarettes as defined in RCW 82.24.010.

(22) "Unaffiliated distributor" means a distributor that is not affiliated with the manufacturer, distributor, or other person from whom the distributor has purchased tobacco products.

(23) "Unaffiliated retailer" means a retailer that is not affiliated with the manufacturer, distributor, or other person from whom the retailer has purchased tobacco products.

**Sec. 32.** RCW 82.26.121 and 1997 c 420 s 11 are each amended to read as follows:

The department (~~((shall))~~) must appoint, as duly authorized agents, enforcement officers of the liquor (~~((control))~~) and cannabis board to enforce provisions of this chapter. These officers (~~((shall))~~) are not (~~((be))~~) considered employees of the department.

**Sec. 33.** RCW 82.26.130 and 2002 c 325 s 5 are each amended to read as follows:

(1) The department (~~((shall))~~) must by rule establish the invoice detail required under RCW 82.26.060 for a distributor under RCW 82.26.010(~~((3))~~) (8)(d) and for those invoices required to be provided to retailers under RCW 82.26.070.

(2) If a retailer fails to keep invoices as required under chapter 82.32 RCW, the retailer is liable for the tax owed on any uninvoiced tobacco products but not penalties and interest, except as provided in subsection (3) of this section.

(3) If the department finds that the nonpayment of tax by the retailer was willful or if in the case of a second or plural nonpayment of tax by the retailer, penalties and

interest (~~((shall))~~) must be assessed in accordance with chapter 82.32 RCW.

**Sec. 34.** RCW 82.26.190 and 2009 c 154 s 6 are each amended to read as follows:

(1)(a) No person may engage in or conduct business as a distributor or retailer in this state after September 30, 2005, without a valid license issued under this chapter. Any person who sells tobacco products to persons other than ultimate consumers or who meets the definition of distributor under RCW 82.26.010(~~((3))~~) (8)(d) must obtain a distributor's license under this chapter. Any person who sells tobacco products to ultimate consumers must obtain a retailer's license under this chapter.

(b) A violation of this subsection (1) is punishable as a class C felony according to chapter 9A.20 RCW.

(2)(a) No person engaged in or conducting business as a distributor or retailer in this state may:

(i) Refuse to allow the department or the board, on demand, to make a full inspection of any place of business where any of the tobacco products taxed under this chapter are sold, stored, or handled, or otherwise hinder or prevent such inspection;

(ii) Make, use, or present or exhibit to the department or the board any invoice for any of the tobacco products taxed under this chapter that bears an untrue date or falsely states the nature or quantity of the goods invoiced; or

(iii) Fail to produce on demand of the department or the board all invoices of all the tobacco products taxed under this chapter within five years prior to such demand unless the person can show by satisfactory proof that the nonproduction of the invoices was due to causes beyond the person's control.

(b) No person, other than a licensed distributor or retailer, may transport tobacco products for sale in this state for which the taxes imposed under this chapter have not been paid unless:

(i) Notice of the transportation has been given as required under RCW 82.26.140;

(ii) The person transporting the tobacco products actually possesses invoices or delivery tickets showing the true name and address of the consignor or seller, the true name and address of the consignee or purchaser, and the quantity and brands of tobacco products being transported; and

(iii) The tobacco products are consigned to or purchased by a person in this state who is licensed under this chapter.

(c) A violation of this subsection (2) is a gross misdemeanor.

(3) Any person licensed under this chapter as a distributor, and any person licensed under this chapter as a retailer, (~~((shall))~~) may not operate in any other capacity unless the additional appropriate license is first secured. A violation of this subsection (3) is a misdemeanor.

(4) The penalties provided in this section are in addition to any other penalties provided by law for violating the provisions of this chapter or the rules adopted under this chapter.

**Sec. 35.** RCW 82.26.200 and 2005 c 180 s 17 are each amended to read as follows:

(1) A retailer that obtains tobacco products from an unlicensed distributor or any other person that is not licensed under this chapter must be licensed both as a retailer and a distributor under this chapter and is liable for the tax imposed under RCW 82.26.020 with respect to the tobacco products acquired from the unlicensed person that are held for sale, handling, or distribution in this state. For the purposes of this subsection, "person" includes both persons defined in RCW 82.26.010(~~((49))~~) (14) and any person immune from state taxation, such as the United States or its instrumentalities, and federally recognized Indian tribes and enrolled tribal members, conducting business within Indian country.

(2) Every distributor licensed under this chapter (~~((shall))~~) must sell tobacco products to retailers located in Washington only if the retailer has a current retailer's license under this chapter.

**Sec. 36.** RCW 82.29A.060 and 1994 c 95 s 1 are each amended to read as follows:

(1) All administrative provisions in chapters 82.02 and 82.32 RCW (~~((shall be))~~) are applicable to taxes imposed pursuant to this chapter.

(2)(a) A lessee, or a sublessee in the case where the sublessee is responsible for paying the tax imposed under this chapter, of property used for residential purposes may petition the county board of equalization for a change in appraised value when the department of revenue establishes taxable rent under RCW 82.29A.020(2)(~~((b))~~) (g) based on an appraisal done by the county assessor at the request of the department. The petition must be on forms prescribed or approved by the department of revenue and any petition not conforming to those requirements or not properly completed (~~((shall))~~) may not be considered by the board. The petition must be filed with the board within the time period set forth in RCW 84.40.038. A decision of the board of equalization may be appealed by the taxpayer to the board of tax appeals as provided in RCW 84.08.130.

(b) A sublessee, in the case where the sublessee is responsible for paying the tax imposed under this chapter, of property used for residential purposes may petition the department for a change in taxable rent when the department of revenue establishes taxable rent under RCW 82.29A.020(2)(~~((b))~~) (g).

(c) Any change in tax resulting from an appeal under this subsection (~~((shall))~~) must be allocated to the lessee or sublessee responsible for paying the tax.

(3) This section (~~((shall))~~) does not authorize the issuance of any levy upon any property owned by the public lessor.

(4) In selecting leasehold excise tax returns for audit the department of revenue (~~((shall))~~) must give priority to any return an audit of which is specifically requested in writing by the county assessor or treasurer or other chief financial officer of any city or county affected by such return. Notwithstanding the provisions of RCW 82.32.330, findings of fact and determinations of the amount of taxable rent made pursuant to the provisions of this chapter (~~((shall))~~) must be open to public inspection at all reasonable times.

**Sec. 37.** RCW 82.29A.120 and 2017 3rd sp.s. c 37 s 1302 are each amended to read as follows:

(1)(a) After computation of the taxes imposed pursuant to RCW 82.29A.030 and 82.29A.040, the following credits are allowed in determining the tax payable:

(i) For lessees and sublessees who would qualify for a property tax exemption under RCW 84.36.381 if the property were privately owned, the tax otherwise due after this credit must be reduced by a percentage equal to the percentage reduction in property tax that would result from the property tax exemption under RCW 84.36.381; and

(ii) A credit of thirty-three percent of the tax otherwise due is allowed with respect to a product lease.

(b)(i) For a leasehold interest in real property owned by a state university, a credit is allowed equal to the amount that the tax under this chapter exceeds the property tax that would apply if the real property were privately owned by the taxpayer.

(ii) The credit under this subsection (1)(b) is available only if the tax parcel that is subject to the leasehold interest has a market value in excess of ten million dollars. If the leasehold interest attaches to two or more parcels, the credit is available if at least one of the tax parcels has a market value in excess of ten million dollars. In either case, the market value must be determined as of January 1st of the year prior to the year for which the credit is claimed.

(iii) For purposes of calculating the credit under this subsection (1)(b):

(A) If a tax parcel does not have current assessed value in accordance with RCW 84.40.020, a market value appraisal performed by a Washington state-certified general real estate appraiser, as defined in RCW 18.140.010, is sufficient to establish the market value. If the underlying real property that is the subject of the leasehold interest consists of a part of one or more tax parcels, this appraisal must include the market value of the part of the parcel or parcels to which the leasehold interest applies; and

(B) The property tax that would otherwise apply to the real property that is the subject of the leasehold interest is calculated using the existing consolidated levy rate for the property's tax code area.

(iv) The definitions in this subsection apply throughout this subsection (1)(b) unless the context clearly requires otherwise.

(A) "Market value" means the true and fair value of the property as that term is used in RCW 84.40.030, based

on the property's highest and best use and determined by any reasonable means approved by the department.

(B) "Real property" has the same meaning as in RCW 84.04.090 and also includes all improvements upon the land the fee of which is still vested in the public owner.

(C) "State university" has the same meaning as "state universities" as provided in RCW 28B.10.016.

(v) The credit provided under this subsection (1)(b) may not be claimed for tax reporting periods beginning on or after January 1, 2032.

(2) ~~((This section expires))~~ No credit under subsection (1)(b) of this section may be claimed or approved on or after January 1, 2032.

**Sec. 38.** RCW 82.32.062 and 2002 c 57 s 1 are each amended to read as follows:

(1) In addition to the procedure set forth in RCW 82.32.060 and as an exception to the four-year period explicitly set forth in RCW 82.32.060, an offset for a tax that has been paid in excess of that properly due may be taken under the following conditions:

~~((1)) (a)~~ The tax paid in excess of that properly due was sales ((tax paid on the purchase of property acquired for leasing; (2))) or use tax paid on property purchased for the purpose of leasing;

~~((b))~~ The taxpayer was at the time of purchase entitled to purchase the property at wholesale under RCW 82.04.060; and

~~((3)) (c)~~ The taxpayer substantiates that ((sales tax was paid at the time of purchase)) the taxpayer paid sales or use tax on the purchase of the property and that there was no intervening use of the ((equipment)) property by the taxpayer.

(2) The offset under this section is applied to and reduced by the amount of retail sales tax otherwise due from the beginning of lease of the property until the offset is extinguished.

**Sec. 39.** RCW 82.32.300 and 2019 c 445 s 209 are each amended to read as follows:

(1) The ~~((administration of this and chapters 82.04 through 82.27 RCW of this title is vested in the department, which must))~~ department must administer this chapter and such other provisions of the Revised Code of Washington as specifically provided by law. To that end, the department may prescribe forms and rules of procedure for the determination of the taxable status of any person, for the making of returns and for the ascertainment, assessment, and collection of taxes and penalties imposed thereunder.

(2)(a) The department ~~((must))~~ may make and publish rules ~~((and regulations)),~~ not inconsistent therewith, necessary to enforce provisions of this chapter ~~((and chapters 82.02 through 82.23B and 82.27 RCW, and the liquor and cannabis board must))~~ and such other provisions of the Revised Code of Washington that the department is empowered by law to enforce. The liquor and cannabis board

may make and publish rules necessary to enforce chapters 82.24, 82.26, and 82.25 RCW~~((, which has)),~~

(b) Rules adopted by the department or liquor and cannabis board under the authority of this subsection have the same force and effect as if specifically included ((therein)) in law, unless declared invalid by the judgment of a court of record not appealed from.

(3) The department may employ such clerks, specialists, and other assistants as are necessary. Salaries and compensation of such employees must be fixed by the department and charged to the proper appropriation for the department.

(4) The department must exercise general supervision of the collection of taxes and, in the discharge of such duty, may institute and prosecute such suits or proceedings in the courts as may be necessary and proper.

**Sec. 40.** RCW 82.32.780 and 2010 c 112 s 2 are each amended to read as follows:

(1)(a) Taxpayers seeking to obtain a new reseller permit or to renew or reinstate a reseller permit, other than taxpayers subject to the provisions of RCW 82.32.783, must apply to the department in a form and manner prescribed by the department. The department must use its best efforts to rule on applications within sixty days of receiving a complete application. If the department fails to rule on an application within sixty days of receiving a complete application, the taxpayer may either request a review as provided in subsection (6) of this section or resubmit the application. Nothing in this subsection may be construed as preventing the department from ruling on an application more than sixty days after the department received the application.

(b) An application must be denied if:

(i) The department determines that, based on the nature of the applicant's business, the applicant is not entitled to make purchases at wholesale or is otherwise prohibited from using a reseller permit;

(ii) The application contains any material misstatement; or

(iii) The application is incomplete.

(c) The department may also deny an application if it determines that denial would be in the best interest of collecting taxes due under this title.

(d) The department's decision to approve or deny an application may be based on tax returns previously filed with the department by the applicant, a current or previous examination of the applicant's books and records by the department, information provided by the applicant in the master application and the reseller permit application, and other information available to the department.

(e) The department must refuse to accept an application to renew a reseller permit that is received more than ninety days before the expiration of the reseller permit.

(2) Notwithstanding subsection (1) of this section, the department may issue or renew a reseller permit for a

taxpayer that has not applied for the permit or renewal of the permit if it appears to the department's satisfaction, based on the nature of the taxpayer's business activities and any other information available to the department, that the taxpayer is entitled to make purchases at wholesale.

(3)(a) Except as otherwise provided in this section, reseller permits issued, renewed, or reinstated under this section will be valid for a period of forty-eight months from the date of issuance, renewal, or reinstatement.

(b)(i) A reseller permit is valid for a period of twenty-four months and may be renewed for the period prescribed in (a) of this subsection (3) if the permit is issued to a taxpayer who:

(A) Is not registered with the department under RCW 82.32.030;

(B) Has been registered with the department under RCW 82.32.030 for a continuous period of less than one year as of the date that the department received the taxpayer's application for a reseller permit;

(C) Was on nonreporting status as authorized under RCW 82.32.045~~((4))~~ (5) at the time that the department received the taxpayer's application for a reseller permit or to renew or reinstate a reseller permit;

(D) Has filed tax returns reporting no business activity for purposes of sales and business and occupation taxes for the twelve-month period immediately preceding the date that the department received the taxpayer's application for a reseller permit or to renew or reinstate a reseller permit; or

(E) Has failed to file tax returns covering any part of the twelve-month period immediately preceding the department's receipt of the taxpayer's application for a reseller permit or to renew or reinstate a reseller permit.

(ii) The provisions of this subsection (3)(b) do not apply to reseller permits issued to any business owned by a federally recognized Indian tribe or by an enrolled member of a federally recognized Indian tribe, if the business does not engage in any business activity that subjects the business to any tax imposed by the state under chapter 82.04 RCW. Permits issued to such businesses are valid for the period provided in (a) of this subsection (3).

(iii) Nothing in this subsection (3)(b) may be construed as affecting the department's right to deny a taxpayer's application for a reseller permit or to renew or reinstate a reseller permit as provided in subsection (1)(b) and (c) of this section.

(c) A reseller permit is no longer valid if the permit holder's certificate of registration is revoked, the permit holder's tax reporting account is closed by the department, or the permit holder otherwise ceases to engage in business.

(d) The department may provide by rule for a uniform expiration date for reseller permits issued, renewed, or reinstated under this section, if the department determines that a uniform expiration date for reseller permits will improve administrative efficiency for the department. If the department adopts a uniform expiration date by rule, the department may extend or shorten the twenty-four or forty-

eight month period provided in (a) and (b) of this subsection for a period not to exceed six months as necessary to conform the reseller permit to the uniform expiration date.

(4)(a) The department may revoke a taxpayer's reseller permit for any of the following reasons:

(i) The taxpayer used or allowed or caused its reseller permit to be used to purchase any item or service without payment of sales tax, but the taxpayer or other purchaser was not entitled to use the reseller permit for the purchase;

(ii) The department issued the reseller permit to the taxpayer in error;

(iii) The department determines that the taxpayer is no longer entitled to make purchases at wholesale; or

(iv) The department determines that revocation of the reseller permit would be in the best interest of collecting taxes due under this title.

(b) The notice of revocation must be in writing and is effective on the date specified in the revocation notice. The notice must also advise the taxpayer of its right to a review by the department.

(c) The department may refuse to reinstate a reseller permit revoked under (a)(i) of this subsection until all taxes, penalties, and interest due on any improperly purchased item or service have been paid in full. In the event a taxpayer whose reseller permit has been revoked under this subsection reorganizes, the new business resulting from the reorganization is not entitled to a reseller permit until all taxes, penalties, and interest due on any improperly purchased item or service have been paid in full.

(d) For purposes of this subsection, "reorganize" or "reorganization" means: (i) The transfer, however effected, of a majority of the assets of one business to another business where any of the persons having an interest in the ownership or management in the former business maintain an ownership or management interest in the new business, either directly or indirectly; (ii) a mere change in identity or form of ownership, however effected; or (iii) the new business is a mere continuation of the former business based on significant shared features such as owners, personnel, assets, or general business activity.

(5) The department may provide the public with access to reseller permit numbers on its web site, including the name of the permit holder, the status of the reseller permit, the expiration date of the permit, and any other information that is disclosable under RCW 82.32.330~~(3)((4))~~ (k).

(6) The department must provide by rule for the review of the department's decision to deny, revoke, or refuse to reinstate a reseller permit or the department's failure to rule on an application within the time prescribed in subsection (1)(a) of this section. Such review must be consistent with the requirements of chapter 34.05 RCW.

(7) As part of its continuing efforts to educate taxpayers on their sales and use tax responsibilities, the department will educate taxpayers on the appropriate use of a reseller permit or other documentation authorized under

RCW 82.04.470 and the consequences of misusing such permits or other documentation.

**Sec. 41.** RCW 82.60.025 and 2010 1st sp.s. c 16 s 4 are each amended to read as follows:

The lessor or owner of a qualified building is not eligible for a deferral unless:

(1) The underlying ownership of the buildings, machinery, and equipment vests exclusively in the same person; or

(2)(a) The lessor by written contract agrees to pass the economic benefit of the deferral to the lessee;

(b) The lessee that receives the economic benefit of the deferral agrees in writing with the department to complete the annual ~~((survey))~~ tax performance report required under RCW 82.60.070; and

(c) The economic benefit of the deferral passed to the lessee is no less than the amount of tax deferred by the lessor and is evidenced by written documentation of any type of payment, credit, or other financial arrangement between the lessor or owner of the qualified building and the lessee.

**Sec. 42.** RCW 82.60.063 and 2010 1st sp.s. c 16 s 10 are each amended to read as follows:

(1) Subject to the conditions in this section, a person is not liable for the amount of deferred taxes outstanding for an investment project when the person temporarily ceases to use its qualified buildings and qualified machinery and equipment for manufacturing or research and development activities in a county with a population of less than twenty thousand persons for a period not to exceed twenty-four months from the date that the department sent its assessment for the amount of outstanding deferred taxes to the taxpayer.

(2) The relief from repayment of deferred taxes under this section does not apply unless the number of qualified employment positions maintained at the investment project after manufacturing or research and development activities are temporarily ceased is at least ten percent of the number of qualified employment positions employed at the investment project at the time the deferral was approved by the department. If a person has been approved for more than one deferral under this chapter, relief from repayment of deferred taxes under this section does not apply unless the number of qualified employment positions maintained at the investment project after manufacturing or research and development activities are temporarily ceased is at least ten percent of the highest number of qualified employment positions at the investment project at the time any of the deferrals were approved by the department. If, at any time during the twenty-four month period after the department has sent the taxpayer an assessment for outstanding deferred taxes resulting from the person temporarily ceasing to use its qualified buildings and qualified machinery and equipment for manufacturing or research and development activities, the number of qualified employment positions falls below the ten percent threshold in this subsection, the amount of deferred taxes outstanding for the project is immediately due.

(3) The lessor of an investment project for which a deferral has been granted under this chapter who has passed the economic benefits of the deferral to the lessee is not eligible for relief from the payment of deferred taxes under this section.

(4) A person seeking relief from the payment of deferred taxes under this section must apply to the department in a form and manner prescribed by the department. The application required under this subsection must be received by the department within thirty days of the date that the department sent its assessment for outstanding deferred taxes resulting from the person temporarily ceasing to use its qualified buildings and qualified machinery and equipment for manufacturing or research and development activities. The department must approve applications that meet the requirements in this section for relief from the payment of deferred taxes.

(5) A person is entitled to relief under this section only once.

(6) A person whose application for relief from the payment of deferred taxes has been approved under this section must continue to file an annual ~~((survey))~~ tax performance report as required under RCW 82.60.070(1) or any successor statute. In addition, the person must file, in a form and manner prescribed by the department, a report on the status of the business and the outlook for commencing manufacturing or research and development activities.

**Sec. 43.** RCW 82.63.010 and 2015 3rd sp.s. c 5 s 303 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Advanced computing" means technologies used in the designing and developing of computing hardware and software, including innovations in designing the full spectrum of hardware from handheld calculators to super computers, and peripheral equipment.

(2) "Advanced materials" means materials with engineered properties created through the development of specialized processing and synthesis technology, including ceramics, high value-added metals, electronic materials, composites, polymers, and biomaterials.

(3) "Applicant" means a person applying for a tax deferral under this chapter.

(4) "Biotechnology" means the application of technologies, such as recombinant DNA techniques, biochemistry, molecular and cellular biology, genetics and genetic engineering, cell fusion techniques, and new bioprocesses, using living organisms, or parts of organisms, to produce or modify products, to improve plants or animals, to develop microorganisms for specific uses, to identify targets for small molecule pharmaceutical development, or to transform biological systems into useful processes and products or to develop microorganisms for specific uses.

(5) "Department" means the department of revenue.

(6) "Electronic device technology" means technologies involving microelectronics; semiconductors;

electronic equipment and instrumentation; radio frequency, microwave, and millimeter electronics; optical and optoelectrical devices; and data and digital communications and imaging devices.

(7) "Eligible investment project" means an investment project which either initiates a new operation, or expands or diversifies a current operation by expanding, renovating, or equipping an existing facility. The lessor or owner of the qualified building is not eligible for a deferral unless:

(a) The underlying ownership of the buildings, machinery, and equipment vests exclusively in the same person; or

(b)(i) The lessor by written contract agrees to pass the economic benefit of the deferral to the lessee;

(ii) The lessee that receives the economic benefit of the deferral agrees in writing with the department to complete the annual ~~((survey))~~ tax performance report required under RCW 82.63.020(2); and

(iii) The economic benefit of the deferral passed to the lessee is no less than the amount of tax deferred by the lessor and is evidenced by written documentation of any type of payment, credit, or other financial arrangement between the lessor or owner of the qualified building and the lessee.

(8) "Environmental technology" means assessment and prevention of threats or damage to human health or the environment, environmental cleanup, and the development of alternative energy sources.

(9)(a) "Initiation of construction" means the date that a building permit is issued under the building code adopted under RCW 19.27.031 for:

(i) Construction of the qualified building, if the underlying ownership of the building vests exclusively with the person receiving the economic benefit of the deferral;

(ii) Construction of the qualified building, if the economic benefits of the deferral are passed to a lessee as provided in subsection (7) of this section; or

(iii) Tenant improvements for a qualified building, if the economic benefits of the deferral are passed to a lessee as provided in subsection (7) of this section.

(b) "Initiation of construction" does not include soil testing, site clearing and grading, site preparation, or any other related activities that are initiated before the issuance of a building permit for the construction of the foundation of the building.

(c) If the investment project is a phased project, "initiation of construction" ~~((shall apply))~~ applies separately to each phase.

(10) "Investment project" means an investment in qualified buildings or qualified machinery and equipment, including labor and services rendered in the planning, installation, and construction or improvement of the project.

(11) "Multiple qualified buildings" means qualified buildings leased to the same person when such structures: (a) Are located within a five-mile radius; and (b) the initiation

of construction of each building begins within a sixty-month period.

(12) "Person" has the meaning given in RCW 82.04.030 and includes state universities as defined in RCW 28B.10.016.

(13) "Pilot scale manufacturing" means design, construction, and testing of preproduction prototypes and models in the fields of biotechnology, advanced computing, electronic device technology, advanced materials, and environmental technology other than for commercial sale. As used in this subsection, "commercial sale" excludes sales of prototypes or sales for market testing if the total gross receipts from such sales of the product, service, or process do not exceed one million dollars.

(14) "Qualified buildings" means construction of new structures, and expansion or renovation of existing structures for the purpose of increasing floor space or production capacity used for pilot scale manufacturing or qualified research and development, including plant offices and other facilities that are an essential or an integral part of a structure used for pilot scale manufacturing or qualified research and development. If a building or buildings are used partly for pilot scale manufacturing or qualified research and development, and partly for other purposes, the applicable tax deferral ~~((shall be))~~ is determined by apportionment of the costs of construction under rules adopted by the department. Such rules may include provisions for determining the amount of the deferral based on apportionment of costs of construction of an investment project consisting of a building or multiple buildings, where qualified research and development or pilot scale manufacturing activities are shifted within a building or from one building to another building.

(15)(a) "Qualified machinery and equipment" means fixtures, equipment, and support facilities that are an integral and necessary part of a pilot scale manufacturing or qualified research and development operation. "Qualified machinery and equipment" includes: Computers; software; data processing equipment; laboratory equipment, instrumentation, and other devices used in a process of experimentation to develop a new or improved pilot model, plant process, product, formula, invention, or similar property; manufacturing components such as belts, pulleys, shafts, and moving parts; molds, tools, and dies; vats, tanks, and fermenters; operating structures; and all other equipment used to control, monitor, or operate the machinery. For purposes of this chapter, qualified machinery and equipment must be either new to the taxing jurisdiction of the state or new to the certificate holder, except that used machinery and equipment may be treated as qualified machinery and equipment if the certificate holder either brings the machinery and equipment into Washington or makes a retail purchase of the machinery and equipment in Washington or elsewhere.

(b) "Qualified machinery and equipment" does not include any fixtures, equipment, or support facilities, if the sale to or use by the recipient is not eligible for an exemption under RCW 82.08.02565 or 82.12.02565 solely because the

recipient is an ineligible person as defined in RCW 82.08.02565.

(16) "Qualified research and development" means research and development performed within this state in the fields of advanced computing, advanced materials, biotechnology, electronic device technology, and environmental technology.

(17) "Recipient" means a person receiving a tax deferral under this chapter.

(18) "Research and development" means activities performed to discover technological information, and technical and nonroutine activities concerned with translating technological information into new or improved products, processes, techniques, formulas, inventions, or software. The term includes exploration of a new use for an existing drug, device, or biological product if the new use requires separate licensing by the federal food and drug administration under chapter 21, C.F.R., as amended. The term does not include adaptation or duplication of existing products where the products are not substantially improved by application of the technology, nor does the term include surveys and studies, social science and humanities research, market research or testing, quality control, sale promotion and service, computer software developed for internal use, and research in areas such as improved style, taste, and seasonal design.

**Sec. 44.** RCW 82.74.010 and 2006 c 354 s 6 are each amended to read as follows:

~~((Unless the context clearly requires otherwise,))~~ The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Applicant" means a person applying for a tax deferral under this chapter.

(2) "Cold storage warehouse" means a storage warehouse owned or operated by a wholesaler or third-party warehouse as those terms are defined in RCW 82.08.820 to store fresh and/or frozen perishable fruits or vegetables, dairy products, seafood products, or any combination thereof, at a desired temperature to maintain the quality of the product for orderly marketing.

(3) "Dairy product" means dairy products that as of September 20, 2001, are identified in 21 C.F.R., chapter 1, parts 131, 133, and 135, including by-products from the manufacturing of the dairy products such as whey and casein.

(4) "Dairy product manufacturing" means manufacturing, as defined in RCW 82.04.120, of dairy products.

(5) "Department" means the department of revenue.

(6) "Eligible investment project" means an investment in qualified buildings or qualified machinery and equipment, including labor and services rendered in the planning, installation, and construction of the project. The lessor or owner of a qualified building is not eligible for a deferral unless (a) the underlying ownership of the buildings, machinery, and equipment vests exclusively in the same

person; or (b)(i) the lessor by written contract agrees to pass the economic benefit of the deferral to the lessee in the form of reduced rent payments, and (ii) the lessee that receives the economic benefit of the deferral agrees in writing with the department to complete the annual ~~((survey))~~ tax performance report under RCW 82.74.040. The economic benefit of the deferral to the lessee may be evidenced by any type of payment, credit, or any other financial arrangement between the lessor or owner of the qualified building and the lessee.

(7) "Fresh fruit and vegetable processing" means manufacturing as defined in RCW 82.04.120 which consists of the canning, preserving, freezing, processing, or dehydrating fresh fruits and/or vegetables.

(8)(a) "Initiation of construction" means the date that a building permit is issued under the building code adopted under RCW 19.27.031 for:

(i) Construction of the qualified building, if the underlying ownership of the building vests exclusively with the person receiving the economic benefit of the deferral;

(ii) Construction of the qualified building, if the economic benefits of the deferral are passed to a lessee as provided in subsection (6) of this section; or

(iii) Tenant improvements for a qualified building, if the economic benefits of the deferral are passed to a lessee as provided in subsection (6) of this section.

(b) "Initiation of construction" does not include soil testing, site clearing and grading, site preparation, or any other related activities that are initiated before the issuance of a building permit for the construction of the foundation of the building.

(c) If the investment project is a phased project, "initiation of construction" applies separately to each phase.

(9) "Person" has the meaning given in RCW 82.04.030.

(10) "Qualified buildings" means construction of new structures, and expansion or renovation of existing structures for the purpose of increasing floor space or production capacity used for fresh fruit and vegetable processing, dairy product manufacturing, seafood product manufacturing, cold storage warehousing, and research and development activities, including plant offices and warehouses or other facilities for the storage of raw material or finished goods if such facilities are an essential or an integral part of a factory, plant, or laboratory used for fresh fruit and vegetable processing, dairy product manufacturing, seafood product manufacturing, cold storage warehousing, or research and development. If a building is used partly for fresh fruit and vegetable processing, dairy product manufacturing, seafood product manufacturing, cold storage warehousing, or research and development and partly for other purposes, the applicable tax deferral ~~((shall be))~~ is determined by apportionment of the costs of construction under rules adopted by the department.

(11) "Qualified machinery and equipment" means all industrial and research fixtures, equipment, and support

facilities that are an integral and necessary part of a fresh fruit and vegetable processing, dairy product manufacturing, seafood product manufacturing, cold storage (~~((warehouse))~~ warehousing, or research and development operation. "Qualified machinery and equipment" includes: Computers; software; data processing equipment; laboratory equipment; manufacturing components such as belts, pulleys, shafts, and moving parts; molds, tools, and dies; operating structures; and all equipment used to control or operate the machinery.

(12) "Recipient" means a person receiving a tax deferral under this chapter.

(13) "Research and development" means the development, refinement, testing, marketing, and commercialization of a product, service, or process related to fresh fruit and vegetable processing, dairy product manufacturing, seafood product manufacturing, or cold storage warehousing before commercial sales have begun. As used in this subsection, "commercial sales" excludes sales of prototypes or sales for market testing if the total gross receipts from such sales of the product, service, or process do not exceed one million dollars.

(14) "Seafood product" means any edible marine fish and shellfish that remains in a raw, raw frozen, or raw salted state.

(15) "Seafood product manufacturing" means the manufacturing, as defined in RCW 82.04.120, of seafood products.

**Sec. 45.** RCW 82.75.010 and 2010 c 114 s 145 are each amended to read as follows:

~~((Unless the context clearly requires otherwise,))~~ The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Applicant" means a person applying for a tax deferral under this chapter.

(2) "Biotechnology" means a technology based on the science of biology, microbiology, molecular biology, cellular biology, biochemistry, or biophysics, or any combination of these, and includes, but is not limited to, recombinant DNA techniques, genetics and genetic engineering, cell fusion techniques, and new bioprocesses, using living organisms, or parts of organisms.

(3) "Biotechnology product" means any virus, therapeutic serum, antibody, protein, toxin, antitoxin, vaccine, blood, blood component or derivative, allergenic product, or analogous product produced through the application of biotechnology that is used in the prevention, treatment, or cure of diseases or injuries to humans.

(4) "Department" means the department of revenue.

(5)(a) "Eligible investment project" means an investment in qualified buildings or qualified machinery and equipment, including labor and services rendered in the planning, installation, and construction of the project.

(b) The lessor or owner of a qualified building is not eligible for a deferral unless:

(i) The underlying ownership of the buildings, machinery, and equipment vests exclusively in the same person; or

(ii)(A) The lessor by written contract agrees to pass the economic benefit of the deferral to the lessee;

(B) The lessee that receives the economic benefit of the deferral agrees in writing with the department to complete the annual ~~((survey))~~ tax performance report required under RCW 82.75.070; and

(C) The economic benefit of the deferral passed to the lessee is no less than the amount of tax deferred by the lessor and is evidenced by written documentation of any type of payment, credit, or other financial arrangement between the lessor or owner of the qualified building and the lessee.

(6)(a) "Initiation of construction" means the date that a building permit is issued under the building code adopted under RCW 19.27.031 for:

(i) Construction of the qualified building, if the underlying ownership of the building vests exclusively with the person receiving the economic benefit of the deferral;

(ii) Construction of the qualified building, if the economic benefits of the deferral are passed to a lessee as provided in subsection (5)(b)(ii)(A) of this section; or

(iii) Tenant improvements for a qualified building, if the economic benefits of the deferral are passed to a lessee as provided in subsection (5)(b)(ii)(A) of this section.

(b) "Initiation of construction" does not include soil testing, site clearing and grading, site preparation, or any other related activities that are initiated before the issuance of a building permit for the construction of the foundation of the building.

(c) If the investment project is a phased project, "initiation of construction" applies separately to each phase.

(7) "Manufacturing" has the meaning provided in RCW 82.04.120.

(8) "Medical device" means an instrument, apparatus, implement, machine, contrivance, implant, in vitro reagent, or other similar or related article, including any component, part, or accessory, that is designed or developed and:

(a) Recognized in the national formulary, or the United States pharmacopeia, or any supplement to them;

(b) Intended for use in the diagnosis of disease, or in the cure, mitigation, treatment, or prevention of disease or other conditions in human beings or other animals; or

(c) Intended to affect the structure or any function of the body of human beings or other animals, and which does not achieve any of its primary intended purposes through chemical action within or on the body of human beings or other animals and which is not dependent upon being metabolized for the achievement of any of its principal intended purposes.

(9) "Person" has the meaning provided in RCW 82.04.030.



(10) "Qualified buildings" means construction of new structures, and expansion or renovation of existing structures for the purpose of increasing floor space or production capacity used for biotechnology product manufacturing or medical device manufacturing activities, including plant offices, commercial laboratories for process development, quality assurance and quality control, and warehouses or other facilities for the storage of raw material or finished goods if the facilities are an essential or an integral part of a factory, plant, or laboratory used for biotechnology product manufacturing or medical device manufacturing. If a building is used partly for biotechnology product manufacturing or medical device manufacturing and partly for other purposes, the applicable tax deferral must be determined by apportionment of the costs of construction under rules adopted by the department.

(11) "Qualified machinery and equipment" means all new industrial and research fixtures, equipment, and support facilities that are an integral and necessary part of a biotechnology product manufacturing or medical device manufacturing operation. "Qualified machinery and equipment" includes: Computers; software; data processing equipment; laboratory equipment; manufacturing components such as belts, pulleys, shafts, and moving parts; molds, tools, and dies; operating structures; and all equipment used to control or operate the machinery.

(12) "Recipient" means a person receiving a tax deferral under this chapter.

**Sec. 46.** RCW 82.82.010 and 2008 c 15 s 1 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Applicant" means a person applying for a tax deferral under this chapter.

(2) "Corporate headquarters" means a facility or facilities where corporate staff employees are physically employed, and where the majority of the company's management services are handled either on a regional or a national basis. Company management services may include: Accounts receivable and payable, accounting, data processing, distribution management, employee benefit plan, financial and securities accounting, information technology, insurance, legal, merchandising, payroll, personnel, purchasing procurement, planning, reporting and compliance, research and development, tax, treasury, or other headquarters-related services. "Corporate headquarters" does not include a facility or facilities used for manufacturing, wholesaling, or warehousing.

(3) "Department" means the department of revenue.

(4) "Eligible area" means a designated community empowerment zone approved under RCW 43.31C.020.

(5)(a) "Eligible investment project" means an investment project in a qualified building or buildings in an eligible area, as defined in subsection (4) of this section, which will have employment at the qualified building or buildings of at least three hundred employees in qualified employment positions, each of whom must earn for the year

reported at least the average annual wage for the state for that year as determined by the employment security department.

(b) The lessor or owner of a qualified building or buildings is not eligible for a deferral unless:

(i) The underlying ownership of the building or buildings vests exclusively in the same person; or

(ii)(A) The lessor by written contract agrees to pass the economic benefit of the deferral to the lessee;

(B) The lessee that receives the economic benefit of the deferral agrees in writing with the department to complete the annual ~~((survey))~~ tax performance report required under RCW 82.82.020; and

(C) The economic benefit of the deferral passed to the lessee is no less than the amount of tax deferred by the lessor and is evidenced by written documentation of any type of payment, credit, or other financial arrangement between the lessor or owner of the qualified building and the lessee.

(6) "Investment project" means a capital investment of at least thirty million dollars in a qualified building or buildings including tangible personal property and fixtures that will be incorporated as an ingredient or component of such buildings during the course of their construction, and including labor and services rendered in the planning, installation, and construction of the project.

(7) "Manufacture" has the same meaning as provided in RCW 82.04.120.

(8) "Operationally complete" means a date no later than one year from the date the project is issued an occupancy permit by the local permit issuing authority.

(9) "Person" has the same meaning as provided in RCW 82.04.030.

(10) "Qualified building or buildings" means construction of a new structure or structures or expansion of an existing structure or structures to be used for corporate headquarters. If a building is used partly for corporate headquarters and partly for other purposes, the applicable tax deferral is determined by apportionment of the costs of construction under rules adopted by the department.

(11) "Qualified employment position" means a permanent full-time employee employed in the eligible investment project during the entire tax year. The term "entire tax year" means a full-time position that is filled for a period of twelve consecutive months. The term "full-time" means at least thirty-five hours a week, four hundred fifty-five hours a quarter, or one thousand eight hundred twenty hours a year.

(12) "Recipient" means a person receiving a tax deferral under this chapter.

(13) "Warehouse" means a building or structure, or any part thereof, in which goods, wares, or merchandise are received for storage for compensation.

(14) "Wholesale sale" has the same meaning as provided in RCW 82.04.060.

**Sec. 47.** RCW 82.85.030 and 2015 3rd sp.s. c 6 s 403 are each amended to read as follows:

The lessor or owner of a qualified building is not eligible for a deferral unless:

(1) The underlying ownership of the building, machinery, and equipment vests exclusively in the same person; or

(2)(a) The lessor by written contract agrees to pass the economic benefit of the deferral to the lessee;

(b) The lessee that receives the economic benefit of the deferral agrees in writing with the department to complete the annual ~~((survey))~~ tax performance report required under RCW ~~((82.32.585))~~ 82.32.534; and

(c) The economic benefit of the deferral passed to the lessee is no less than the amount of tax deferred by the lessor and is evidenced by written documentation of any type of payment, credit, or other financial arrangement between the lessor or owner of the qualified building and the lessee.

**Sec. 48.** RCW 82.85.080 and 2015 3rd sp.s. c 6 s 408 are each amended to read as follows:

(1) Each recipient of a deferral of taxes granted under this chapter must file a complete annual ~~((survey))~~ tax performance report with the department under RCW ~~((82.32.585))~~ 82.32.534. If the economic benefits of the deferral are passed to a lessee as provided in RCW 82.85.030, the lessee must file a complete annual ~~((survey))~~ tax performance report, and the applicant is not required to file a complete annual ~~((survey))~~ tax performance report.

(2) If, on the basis of a ~~((survey))~~ tax performance report under RCW ~~((82.32.585))~~ 82.32.534 or other information, the department finds that an investment project is not eligible for tax deferral under this chapter due to the fact the investment project is no longer used for qualified activities, the amount of deferred taxes outstanding for the investment project is immediately due and payable.

(3) If the economic benefits of a tax deferral under this chapter are passed to a lessee as provided in RCW 82.85.030, the lessee is responsible for payment to the extent the lessee has received the economic benefit.

**Sec. 49.** RCW 84.36.840 and 2016 c 217 s 6 are each amended to read as follows:

(1) In order to determine whether organizations, associations, corporations, or institutions, except those exempted under RCW 84.36.020, 84.36.049, and 84.36.030, are exempt from property taxes, and before the exemption is allowed for any year, the superintendent or manager or other proper officer of the organization, association, corporation, or institution claiming exemption from taxation must file with the department of revenue a statement certifying that the income and the receipts thereof, including donations to it, have been applied to the actual expenses of operating and maintaining it, or for its capital expenditures, and to no other purpose. This report must also include a statement of the receipts and disbursements of the exempt organization, association, corporation, or institution.

~~(2) ((Educational institutions claiming exemption under RCW 84.36.050 must also file a list of all property claimed to be exempt, the purpose for which it is used, the revenue derived from it for the preceding year, the use to which the revenue was applied, the number of students who attended the school or college, the total revenues of the institution with the source from which they were derived, and the purposes to which the revenues were applied, listing the items of such revenues and expenditures in detail.~~

~~(3))~~ The reports required under ~~((subsections (1) and (2) of))~~ this section may be submitted electronically, in a format provided or approved by the department, or mailed to the department. The reports must be submitted on or before March 31st of each year. The department must remove the tax exemption from the property of any organization, association, corporation, or institution that does not file the required report with the department on or before the due date. However, the department must allow a reasonable extension of time for filing upon receipt of a written request on or before the required filing date and for good cause shown therein.

**Sec. 50.** RCW 84.37.040 and 2007 sp.s. c 2 s 4 are each amended to read as follows:

(1) Each claimant electing to defer payment of special assessments or real property tax obligations, or both, under this chapter ~~((shall))~~ must file with the county assessor, on forms prescribed by the department and supplied by the assessor, a written declaration thereof. The declaration to defer special assessments and/or real property taxes for any year ~~((shall))~~ must be filed no later than the first day of September of the year for which the deferral is sought(~~PROVIDED, That~~); however, for good cause shown, the department may waive this requirement.

(2) The declaration ~~((shall))~~ must designate the property to which the deferral applies, and ~~((shall))~~ must include a statement setting forth (a) a list of all members of the claimant's household, (b) the claimant's equity value in his or her residence, (c) facts establishing the eligibility for the deferral under the provisions of this chapter, and (d) any other relevant information required by the rules of the department. ~~((Each copy shall))~~ The declaration must be signed by the claimant subject to the penalties as provided in chapter 9A.72 RCW for false swearing.

(3) The county assessor ~~((shall))~~ must determine if each claimant ~~((shall be))~~ is granted a deferral for each year but the claimant ~~((shall have))~~ has the right to appeal this determination to the county board of equalization, in accordance with the provisions of RCW 84.40.038, whose decision ~~((shall be))~~ is final as to the deferral of that year.

**Sec. 51.** RCW 84.38.040 and 2013 c 23 s 353 are each amended to read as follows:

(1) Each claimant electing to defer payment of special assessments and/or real property tax obligations under this chapter ~~((shall))~~ must file with the county assessor, on forms prescribed by the department and supplied by the assessor, a written declaration thereof. The declaration to defer special assessments and/or real property taxes for any year ~~((shall))~~ must be filed no later than thirty days before the tax or

assessment is due or thirty days after receiving notice under RCW 84.64.050, whichever is later~~((=PROVIDED, That))~~; however, for good cause shown, the department may waive this requirement.

(2) The declaration ~~((shall))~~ must designate the property to which the deferral applies, and ~~((shall))~~ must include a statement setting forth (a) a list of all members of the claimant's household, (b) the claimant's equity value in his or her residence, (c) facts establishing the eligibility for the deferral under the provisions of this chapter, and (d) any other relevant information required by the rules of the department. ~~((Each copy shall))~~ The declaration must be signed by the claimant subject to the penalties as provided in chapter 9A.72 RCW for false swearing. The first declaration to defer filed in a county ~~((shall))~~ must include proof of the claimant's age acceptable to the assessor.

(3) The county assessor ~~((shall))~~ must determine if each claimant ~~((shall be))~~ is granted a deferral for each year but the claimant ~~((shall have))~~ has the right to appeal this determination to the county board of equalization, in accordance with the provisions of RCW 84.40.038, whose decision ~~((shall be))~~ is final as to the deferral of that year.

**Sec. 52.** RCW 84.38.050 and 1979 ex.s. c 214 s 8 are each amended to read as follows:

(1)(a) Declarations to defer property taxes for all years following the first year may be made by filing with the county assessor no later than thirty days before the tax is due a renewal form ~~((in duplicate))~~, prescribed by the department of revenue and supplied by the county assessor, which affirms the continued eligibility of the claimant.

(b) In January of each year, the county assessor ~~((shall))~~ must send to each claimant who has been granted deferral of ad valorem taxes for the previous year renewal forms and notice to renew.

(2) Declarations to defer special assessments ~~((shall))~~ must be made by filing with the assessor no later than thirty days before the special assessment is due on a form to be prescribed by the department of revenue and supplied by the county assessor. Upon approval, the full amount of special assessments upon such claimant's residence ~~((shall))~~ must be deferred but not to exceed an amount equal to eighty percent of the claimant's equity value in said property.

**Sec. 53.** RCW 84.38.110 and 1984 c 220 s 24 are each amended to read as follows:

The county assessor ~~((shall))~~ must:

(1) Immediately transmit ~~((one))~~ a copy of each declaration to defer to the department of revenue. The department may audit any declaration and ~~((shall))~~ must notify the assessor as soon as possible of any claim where any factor appears to disqualify the claimant for the deferral sought.

(2) Transmit ~~((one))~~ a copy of each declaration to defer a special assessment to the local improvement district which imposed such assessment.

(3) Compute the dollar tax rate for the county as if any deferrals provided by this chapter did not exist.

(4) As soon as possible notify the department of revenue and the county treasurer of the amount of real property taxes deferred for that year and notify the department of revenue and the respective treasurers of municipal corporations of the amount of special assessments deferred for each local improvement district within such unit.

**Sec. 54.** RCW 84.39.020 and 2005 c 253 s 2 are each amended to read as follows:

(1) Each claimant applying for assistance under RCW 84.39.010 ~~((shall))~~ must file a claim with the department, on forms prescribed by the department, no later than thirty days before the tax is due. The department may waive this requirement for good cause shown. The department ~~((shall))~~ must supply forms to the county assessor to allow persons to apply for the program at the county assessor's office.

(2) The claim ~~((shall))~~ must designate the property to which the assistance applies and ~~((shall))~~ must include a statement setting forth (a) a list of all members of the claimant's household, (b) facts establishing the eligibility under this section, and (c) any other relevant information required by the rules of the department. ~~((Each copy shall))~~ The claim must be signed by the claimant subject to the penalties as provided in chapter 9A.72 RCW for false swearing. The first claim ~~((shall))~~ must include proof of the claimant's age acceptable to the department.

(3) The following documentation ~~((shall))~~ must be filed with a claim along with any other documentation required by the department:

(a) The deceased veteran's DD 214 report of separation, or its equivalent, that must be under honorable conditions;

(b) A copy of the applicant's certificate of marriage to the deceased;

(c) A copy of the deceased veteran's death certificate; and

(d) A letter from the United States veterans' administration certifying that the death of the veteran meets the requirements of RCW 84.39.010(2).

(4) The department of veterans affairs ~~((shall))~~ must assist an eligible widow or widower in the preparation and submission of an application and the procurement of necessary substantiating documentation.

~~((4))~~ (5) The department ~~((shall))~~ must determine if each claimant is eligible each year. Any applicant aggrieved by the department's denial of assistance may petition the state board of tax appeals to review the denial and the board ~~((shall))~~ must consider any appeals to determine (a) if the claimant is entitled to assistance and (b) the amount or portion thereof.

**Sec. 55.** RCW 84.39.030 and 2005 c 253 s 3 are each amended to read as follows:

(1) Claims for assistance for all years following the first year may be made by filing with the department no later than thirty days before the tax is due a renewal form ~~((in~~

~~duplicate~~)), prescribed by the department, that affirms the continued eligibility of the claimant.

(2) In January of each year, the department ~~((shall))~~ must send to each claimant who has been granted assistance for the previous year a renewal form~~((s))~~ and notice to renew.

**Sec. 56.** RCW 84.56.150 and 1961 c 15 s 84.56.150 are each amended to read as follows:

If any person, firm, or corporation ~~((shall remove))~~ removes from one county to another in this state personal property ~~((which))~~ that has been assessed in the former county for a tax ~~((which))~~ that is unpaid at the time of such removal, the treasurer of the county from which the property is removed ~~((shall))~~ must certify to the treasurer of the county to which the property has been ~~((removed))~~ moved a statement of the tax together with all delinquencies and penalties.

**Sec. 57.** RCW 82.32.805 and 2013 2nd sp.s. c 13 s 1701 are each amended to read as follows:

(1)(a) Except as otherwise provided in this section, every new tax preference expires on the first day of the calendar year that is subsequent to the calendar year that is ten years from the effective date of the tax preference. With respect to any new property tax exemption, the exemption does not apply to taxes levied for collection beginning in the calendar year that is subsequent to the calendar year that is ten years from the effective date of the tax preference.

(b) A future amendment that expands a tax preference does not extend the tax preference beyond the period provided in this subsection unless an extension is expressly and unambiguously stated in the amendment.

(2) Subsection (1) of this section does not apply if legislation creating a new tax preference includes an expiration date for the new tax preference or an exemption from this section in its entirety or from the provisions of subsection (1) of this section, whether or not such exemption is codified.

(3) Subsection (1) of this section does not apply to any existing tax preference that is amended to clarify an ambiguity or correct a technical inconsistency. Future enacted legislation intended to make such clarifications or corrections must explicitly indicate this intent.

(4) For the purposes of this section, the following definitions apply:

(a) "New tax preference" means a tax preference that initially takes effect after August 1, 2013, or a tax preference in effect as of August 1, 2013, that is expanded or extended after August 1, 2013, even if the expanding or extending amendment includes any other change to the tax preference.

(b) "Tax preference" has the same meaning as in RCW 43.136.021 with respect to any state tax administered by the department, except does not include the Washington estate and transfer tax in chapter 83.100 RCW.

(5) The department must provide written notice to the office of the code reviser of a ten-year expiration date required under this section for a new tax preference.

**Sec. 58.** RCW 82.32.808 and 2017 c 135 s 8 are each amended to read as follows:

(1) As provided in this section, every bill enacting a new tax preference must include a tax preference performance statement, unless the legislation enacting the new tax preference contains an explicit exemption from the requirements of this section.

(2) A tax preference performance statement must state the legislative purpose for the new tax preference. The tax preference performance statement must indicate one or more of the following general categories, by reference to the applicable category specified in this subsection, as the legislative purpose of the new tax preference:

(a) Tax preferences intended to induce certain designated behavior by taxpayers;

(b) Tax preferences intended to improve industry competitiveness;

(c) Tax preferences intended to create or retain jobs;

(d) Tax preferences intended to reduce structural inefficiencies in the tax structure;

(e) Tax preferences intended to provide tax relief for certain businesses or individuals; or

(f) A general purpose not identified in (a) through (e) of this subsection.

(3) In addition to identifying the general legislative purpose of the tax preference under subsection (2) of this section, the tax preference performance statement must provide additional detailed information regarding the legislative purpose of the new tax preference.

(4) A new tax preference performance statement must specify clear, relevant, and ascertainable metrics and data requirements that allow the joint legislative audit and review committee and the legislature to measure the effectiveness of the new tax preference in achieving the purpose designated under subsection (2) of this section.

(5) If the tax preference performance statement for a new tax preference indicates a legislative purpose described in subsection (2)(b) or (c) of this section, any taxpayer claiming the new tax preference must file an annual tax performance report in accordance with RCW 82.32.534.

(6)(a) Taxpayers claiming a new tax preference must report the amount of the tax preference claimed by the taxpayer to the department as otherwise required by statute or determined by the department as part of the taxpayer's regular tax reporting responsibilities. For new tax preferences allowing certain types of gross income of the business to be excluded from business and occupation or public utility taxation, the tax return must explicitly report the amount of the exclusion, regardless of whether it is structured as an exemption or deduction, if the taxpayer is otherwise required to report taxes to the department on a monthly or quarterly basis. For a new sales and use tax

exemption, the total purchase price or value of the exempt product or service subject to the exemption claimed by the buyer must be reported on an addendum to the buyer's tax return if the buyer is otherwise required to report taxes to the department on a monthly or quarterly basis and the buyer is required to submit an exemption certificate, or similar document, to the seller.

(b) This subsection does not apply to:

- (i) Property tax exemptions;
- (ii) Tax preferences required by constitutional law;
- (iii) Tax preferences for which the tax benefit to the taxpayer is less than one thousand dollars per calendar year; or
- (iv) Taxpayers who are annual filers.

(c) The department may waive the filing requirements of this subsection for taxpayers who are not required to file electronically any return or report under this chapter.

(7)(a) Except as otherwise provided in this subsection, the amount claimed by a taxpayer for any new tax preference is subject to public disclosure and is not considered confidential tax information under RCW 82.32.330, if the reporting periods subject to disclosure ended at least twenty-four months prior to the date of disclosure and the taxpayer is required to report the amount of the tax preference claimed by the taxpayer to the department under subsection (6) of this section.

(b)(i) The department may waive the public disclosure requirement under (a) of this subsection (7) for good cause. Good cause may be demonstrated by a reasonable showing of economic harm to a taxpayer if the information specified under this subsection is disclosed. The waiver under this subsection (7)(b)(i) only applies to the new tax preferences provided in chapter 13, Laws of 2013 2nd sp. sess.

(ii) The amount of the tax preference claimed by a taxpayer during a calendar year is confidential under RCW 82.32.330 and may not be disclosed under this subsection if the amount for the calendar year is less than ten thousand dollars.

(c) In lieu of the disclosure and waiver requirements under this subsection, the requirements under RCW 82.32.534 apply to any tax preference that requires a tax performance report.

(8) If a new tax preference does not include the information required under subsections (2) through (4) of this section, the joint legislative audit and review committee is not required to perform a tax preference review under chapter 43.136 RCW, and it is legislatively presumed that it is the intent of the legislature to allow the new tax preference to expire upon its scheduled expiration date.

(9) For the purposes of this section, "tax preference" and "new tax preference" have the same meaning as provided in RCW 82.32.805.

(10) The provisions of this section do not apply to the extent that legislation creating a new tax preference provides

an exemption, in whole or in part, from this section, whether or not such exemption is codified.

**NEW SECTION. Sec. 59.** The following acts or parts of acts are each repealed:

(1)RCW 82.04.4322 (Deductions—Artistic or cultural organization—Compensation from United States, state, etc., for artistic or cultural exhibitions, performances, or programs) and 1981 c 140 s 1;

(2)RCW 82.04.4324 (Deductions—Artistic or cultural organization—Deduction for tax under RCW 82.04.240—Value of articles for use in displaying art objects or presenting artistic or cultural exhibitions, performances, or programs) and 1981 c 140 s 2;

(3)RCW 82.04.4326 (Deductions—Artistic or cultural organizations—Tuition charges for attending artistic or cultural education programs) and 1981 c 140 s 3;

(4)RCW 82.08.02081 (Exemptions—Audio or video programming) and 2009 c 535 s 502;

(5)RCW 82.08.02082 (Exemptions—Digital products or services—Ingredient or component—Made available for free) and 2017 c 323 s 517, 2010 c 111 s 401, & 2009 c 535 s 503;

(6)RCW 82.08.02087 (Exemptions—Digital goods and services—Purchased for business purposes) and 2010 c 111 s 402 & 2009 c 535 s 504;

(7)RCW 82.08.02088 (Exemptions—Digital products—Business buyers—Concurrently available for use within and outside state) and 2017 c 323 s 518 & 2009 c 535 s 701;

(8)RCW 82.12.02081 (Exemptions—Audio or video programming) and 2009 c 535 s 602;

(9)RCW 82.12.02082 (Exemptions—Digital products or services—Made available for free to general public) and 2017 c 323 s 521, 2010 c 111 s 501, & 2009 c 535 s 603;

(10)RCW 82.12.02084 (Exemptions—Digital goods—Use by students) and 2009 c 535 s 604;

(11)RCW 82.12.02085 (Exemptions—Digital goods—Noncommercial—Internal audience—Not for sale) and 2009 c 535 s 605;

(12)RCW 82.12.02086 (Exemptions—Digital products or codes—Free of charge) and 2009 c 535 s 606;

(13)RCW 82.12.02087 (Exemptions—Digital goods, codes, and services—Used for business purposes) and 2010 c 111 s 502 & 2009 c 535 s 607;

(14)RCW 82.32.755 (Sourcing compliance—Taxpayer relief—Interest and penalties—Streamlined sales and use tax agreement) and 2007 c 6 s 1601;

(15)RCW 82.32.760 (Sourcing compliance—Taxpayer relief—Credits—Streamlined sales and use tax agreement) and 2007 c 6 s 1602;

(16)RCW 82.66.010 (Definitions) and 1995 c 352 s 1;

(17)RCW 82.66.020 (Application for deferral—Contents—Ruling) and 1995 c 352 s 2;

(18)RCW 82.66.040 (Repayment schedule—Interest, penalties) and 1998 c 339 s 1 & 1995 c 352 s 4;

(19)RCW 82.66.050 (Applications not confidential) and 1995 c 352 s 6;

(20)RCW 82.66.060 (Administration) and 1995 c 352 s 5; and

(21)RCW 82.66.901 (Effective date—1995 c 352) and 1995 c 352 s 9.

**NEW SECTION. Sec. 60.** The following sections are decodified:

(1) RCW 82.58.005 (Findings);

(2) RCW 82.58.901 (Effective date—2002 c 267 §§ 1-9); and

(3) RCW 82.58.902 (Contingent effective date—2002 c 267 §§ 10 and 11).

**NEW SECTION. Sec. 61.** Section 37 of this act takes effect January 1, 2022."

Correct the title.

Signed by Representatives Tarleton, Chair; Walen, Vice Chair; Orcutt, Ranking Minority Member; Young, Assistant Ranking Minority Member; Chapman; Frame; Macri; Orwall; Springer; Stokesbary; Vick and Wylie.

Referred to Committee on Rules for second reading.

March 2, 2020 61.0.

**ESB 5457** Prime Sponsor, Senator Keiser: Naming of subcontractors by prime contract bidders on public works contracts. Reported by Committee on Capital Budget

**MAJORITY recommendation:** Do pass. Signed by Representatives Tharinger, Chair; Callan, Vice Chair; Doglio, Vice Chair; DeBolt, Ranking Minority Member; Steele, Assistant Ranking Minority Member; Davis; Gildon; Leavitt; Lekanoff; Maycumber; Morgan; Pellicciotti; Peterson; Riccelli; Santos; Sells; Stonier and Walsh.

**MINORITY recommendation:** Without recommendation. Signed by Representatives Smith, Assistant Ranking Minority Member and Corry.

**MINORITY recommendation:** Do not pass. Signed by Representative Dye.

Referred to Committee on Rules for second reading.

February 29, 2020 61.0.

**E2SSB 5481** Prime Sponsor, Committee on Ways & Means: (REVISED FOR ENGROSSED:

Concerning collective bargaining by fish and wildlife officers. ) Reported by Committee on Appropriations

**MAJORITY recommendation:** Do pass. Signed by Representatives Ormsby, Chair; Robinson, 1st Vice Chair; Bergquist, 2nd Vice Chair; Rude, Assistant Ranking Minority Member; Chandler; Chopp; Cody; Corry; Dolan; Fitzgibbon; Hansen; Hudgins; Kilduff; Macri; Mosbrucker; Pettigrew; Ryu; Senn; Springer; Steele; Sullivan; Tarleton; Tharinger and Ybarra.

**MINORITY recommendation:** Do not pass. Signed by Representatives Stokesbary, Ranking Minority Member; Caldier; Dye; Hoff; Kraft; Schmick and Sutherland.

Referred to Committee on Rules for second reading.

March 2, 2020 61.0.

**2SSB 5572** Prime Sponsor, Committee on Ways & Means: Authorizing modernization grants for small school districts. Reported by Committee on Capital Budget

**MAJORITY recommendation:** Do pass. Signed by Representatives Tharinger, Chair; Callan, Vice Chair; Doglio, Vice Chair; DeBolt, Ranking Minority Member; Smith, Assistant Ranking Minority Member; Steele, Assistant Ranking Minority Member; Corry; Davis; Dye; Gildon; Leavitt; Lekanoff; Maycumber; Morgan; Pellicciotti; Peterson; Riccelli; Santos; Sells; Stonier and Walsh.

Referred to Committee on Rules for second reading.

February 29, 2020 61.0.

**2SSB 5601** Prime Sponsor, Committee on Ways & Means: Regulating health care benefit managers. Reported by Committee on Appropriations

**MAJORITY recommendation:** Do pass as amended by Committee on Appropriations and without amendment by Committee on Health Care & Wellness.

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 62.** (1) The legislature finds that growth in managed health care systems has shifted substantial authority over health care decisions from providers and patients to health carriers and health care benefit managers. Health care benefit managers acting as intermediaries between carriers, health care providers, and patients exercise broad discretion to affect health care services recommended and delivered by providers and the health care choices of patients. Regularly, these health care benefit managers are making health care decisions on behalf of carriers. However, unlike carriers, health care benefit managers are not currently regulated.

(2) Therefore, the legislature finds that it is in the best interest of the public to create a separate chapter in this title for health care benefit managers.

(3) The legislature intends to protect and promote the health, safety, and welfare of Washington residents by establishing standards for regulatory oversight of health care benefit managers.

**NEW SECTION. Sec. 63.** The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Affiliate" or "affiliated employer" means a person who directly or indirectly through one or more intermediaries, controls or is controlled by, or is under common control with, another specified person.

(2) "Certification" has the same meaning as in RCW 48.43.005.

(3) "Employee benefits programs" means programs under both the public employees' benefits board established in RCW 41.05.055 and the school employees' benefits board established in RCW 41.05.740.

(4)(a) "Health care benefit manager" means a person or entity providing services to, or acting on behalf of, a health carrier or employee benefits programs, that directly or indirectly impacts the determination or utilization of benefits for, or patient access to, health care services, drugs, and supplies including, but not limited to:

(i) Prior authorization or preauthorization of benefits or care;

(ii) Certification of benefits or care;

(iii) Medical necessity determinations;

(iv) Utilization review;

(v) Benefit determinations;

(vi) Claims processing and repricing for services and procedures;

(vii) Outcome management;

(viii) Provider credentialing and recredentialing;

(ix) Payment or authorization of payment to providers and facilities for services or procedures;

(x) Dispute resolution, grievances, or appeals relating to determinations or utilization of benefits;

(xi) Provider network management; or

(xii) Disease management.

(b) "Health care benefit manager" includes, but is not limited to, health care benefit managers that specialize in specific types of health care benefit management such as pharmacy benefit managers, radiology benefit managers, laboratory benefit managers, and mental health benefit managers.

(c) "Health care benefit manager" does not include:

(i) Health care service contractors as defined in RCW 48.44.010;

(ii) Health maintenance organizations as defined in RCW 48.46.020;

(iii) Issuers as defined in RCW 48.01.053;

(iv) The public employees' benefits board established in RCW 41.05.055;

(v) The school employees' benefits board established in RCW 41.05.740;

(vi) Discount plans as defined in RCW 48.155.010;

(vii) Direct patient-provider primary care practices as defined in RCW 48.150.010;

(viii) An employer administering its employee benefit plan or the employee benefit plan of an affiliated employer under common management and control;

(ix) A union administering a benefit plan on behalf of its members;

(x) An insurance producer selling insurance or engaged in related activities within the scope of the producer's license;

(xi) A creditor acting on behalf of its debtors with respect to insurance, covering a debt between the creditor and its debtors;

(xii) A behavioral health administrative services organization or other county-managed entity that has been approved by the state health care authority to perform delegated functions on behalf of a carrier;

(xiii) A hospital licensed under chapter 70.41 RCW or ambulatory surgical facility licensed under chapter 70.230 RCW;

(xiv) The Robert Bree collaborative under chapter 70.250 RCW;

(xv) The health technology clinical committee established under RCW 70.14.090; or

(xvi) The prescription drug purchasing consortium established under RCW 70.14.060.

(5) "Health care provider" or "provider" has the same meaning as in RCW 48.43.005.

(6) "Health care service" has the same meaning as in RCW 48.43.005.

(7) "Health carrier" or "carrier" has the same meaning as in RCW 48.43.005.

(8) "Laboratory benefit manager" means a person or entity providing service to, or acting on behalf of, a health carrier, employee benefits programs, or another entity under contract with a carrier, that directly or indirectly impacts the determination or utilization of benefits for, or patient access to, health care services, drugs, and supplies relating to the use of clinical laboratory services and includes any requirement for a health care provider to submit a notification of an order for such services.

(9) "Mental health benefit manager" means a person or entity providing service to, or acting on behalf of, a health carrier, employee benefits programs, or another entity under contract with a carrier, that directly or indirectly impacts the determination of utilization of benefits for, or patient access to, health care services, drugs, and supplies relating to the use of mental health services and includes any requirement for a health care provider to submit a notification of an order for such services.

(10) "Network" means the group of participating providers, pharmacies, and suppliers providing health care services, drugs, or supplies to beneficiaries of a particular carrier or plan.

(11) "Person" includes, as applicable, natural persons, licensed health care providers, carriers, corporations, companies, trusts, unincorporated associations, and partnerships.

(12)(a) "Pharmacy benefit manager" means a person that contracts with pharmacies on behalf of an insurer, a third-party payor, or the prescription drug purchasing consortium established under RCW 70.14.060 to:

(i) Process claims for prescription drugs or medical supplies or provide retail network management for pharmacies or pharmacists;

(ii) Pay pharmacies or pharmacists for prescription drugs or medical supplies;

(iii) Negotiate rebates with manufacturers for drugs paid for or procured as described in this subsection;

(iv) Manage pharmacy networks; or

(v) Make credentialing determinations.

(b) "Pharmacy benefit manager" does not include a health care service contractor as defined in RCW 48.44.010.

(13)(a) "Radiology benefit manager" means any person or entity providing service to, or acting on behalf of, a health carrier, employee benefits programs, or another entity under contract with a carrier, that directly or indirectly impacts the determination or utilization of benefits for, or patient access to, the services of a licensed radiologist or to advanced diagnostic imaging services including, but not limited to:

(i) Processing claims for services and procedures performed by a licensed radiologist or advanced diagnostic imaging service provider; or

(ii) Providing payment or payment authorization to radiology clinics, radiologists, or advanced diagnostic imaging service providers for services or procedures.

(b) "Radiology benefit manager" does not include a health care service contractor as defined in RCW 48.44.010, a health maintenance organization as defined in RCW 48.46.020, or an issuer as defined in RCW 48.01.053.

(14) "Utilization review" has the same meaning as in RCW 48.43.005.

**NEW SECTION. Sec. 64.** (1) To conduct business in this state, a health care benefit manager must register with the commissioner and annually renew the registration.

(2) To apply for registration under this section, a health care benefit manager must:

(a) Submit an application on forms and in a manner prescribed by the commissioner and verified by the applicant by affidavit or declaration under chapter 5.50 RCW. Applications must contain at least the following information:

(i) The identity of the health care benefit manager and of persons with any ownership or controlling interest in the applicant including relevant business licenses and tax identification numbers, and the identity of any entity that the health care benefit manager has a controlling interest in;

(ii) The business name, address, phone number, and contact person for the health care benefit manager;

(iii) Any areas of specialty such as pharmacy benefit management, radiology benefit management, laboratory benefit management, mental health benefit management, or other specialty; and

(iv) Any other information as the commissioner may reasonably require.

(b) Pay an initial registration fee and annual renewal registration fee as established in rule by the commissioner. The fees for each registration must be set by the commissioner in an amount that ensures the registration, renewal, and oversight activities are self-supporting. If one health care benefit manager has a contract with more than one carrier, the health care benefit manager must complete only one application providing the details necessary for each contract.

(3) All receipts from fees collected by the commissioner under this section must be deposited into the insurance commissioner's regulatory account created in RCW 48.02.190.

(4) Before approving an application for or renewal of a registration, the commissioner must find that the health care benefit manager:

(a) Has not committed any act that would result in denial, suspension, or revocation of a registration;

(b) Has paid the required fees; and

(c) Has the capacity to comply with, and has designated a person responsible for, compliance with state and federal laws.

(5) Any material change in the information provided to obtain or renew a registration must be filed with the commissioner within thirty days of the change.

(6) Every registered health care benefit manager must retain a record of all transactions completed for a period of not less than seven years from the date of their creation. All such records as to any particular transaction must be kept available and open to inspection by the commissioner during the seven years after the date of completion of such transaction.



**NEW SECTION. Sec. 65.** (1) A health care benefit manager may not provide health care benefit management services to a health carrier or employee benefits programs without a written agreement describing the rights and responsibilities of the parties conforming to the provisions of this chapter and any rules adopted by the commissioner to implement or enforce this chapter including rules governing contract content.

(2) A health care benefit manager must file with the commissioner in the form and manner prescribed by the commissioner, every benefit management contract and contract amendment between the health care benefit manager and a provider, pharmacy, pharmacy services administration organization, or other health care benefit manager, entered into directly or indirectly in support of a contract with a carrier or employee benefits programs, within thirty days following the effective date of the contract or contract amendment.

(3) Contracts filed under this section are confidential and not subject to public inspection under RCW 48.02.120(2), or public disclosure under chapter 42.56 RCW, if filed in accordance with the procedures for submitting confidential filings through the system for electronic rate and form filings and the general filing instructions as set forth by the commissioner. In the event the referenced filing fails to comply with the filing instructions setting forth the process to withhold the contract from public inspection, and the health care benefit manager indicates that the contract is to be withheld from public inspection, the commissioner must reject the filing and notify the health care benefit manager through the system for electronic rate and form filings to amend its filing to comply with the confidentiality filing instructions.

**NEW SECTION. Sec. 66.** (1) Upon notifying a carrier or health care benefit manager of an inquiry or complaint filed with the commissioner pertaining to the conduct of a health care benefit manager identified in the inquiry or complaint, the commissioner must provide notice of the inquiry or complaint concurrently to the health care benefit manager and any carrier to which the inquiry or complaint pertains.

(2) Upon receipt of an inquiry from the commissioner, a health care benefit manager must provide to the commissioner within fifteen business days, in the form and manner required by the commissioner, a complete response to that inquiry including, but not limited to, providing a statement or testimony, producing its accounts, records, and files, responding to complaints, or responding to surveys and general requests. Failure to make a complete or timely response constitutes a violation of this chapter.

(3) Subject to chapter 48.04 RCW, if the commissioner finds that a health care benefit manager or any person responsible for the conduct of the health care benefit manager's affairs has:

(a) Violated any insurance law, or violated any rule, subpoena, or order of the commissioner or of another state's insurance commissioner;

(b) Failed to renew the health care benefit manager's registration;

(c) Failed to pay the registration or renewal fees;

(d) Provided incorrect, misleading, incomplete, or materially untrue information to the commissioner, to a carrier, or to a beneficiary;

(e) Used fraudulent, coercive, or dishonest practices, or demonstrated incompetence, or financial irresponsibility in this state or elsewhere; or

(f) Had a health care benefit manager registration, or its equivalent, denied, suspended, or revoked in any other state, province, district, or territory;

the commissioner may take any combination of the following actions against a health care benefit manager or any person responsible for the conduct of the health care benefit manager's affairs, other than an employee benefits program:

(i) Place on probation, suspend, revoke, or refuse to issue or renew the health care benefit manager's registration;

(ii) Issue a cease and desist order against the health care benefit manager and contracting carrier;

(iii) Fine the health care benefit manager up to five thousand dollars per violation, and the contracting carrier is subject to a fine for acts conducted under the contract;

(iv) Issue an order requiring corrective action against the health care benefit manager, the contracting carrier acting with the health care benefit manager, or both the health care benefit manager and the contracting carrier acting with the health care benefit manager; and

(v) Temporarily suspend the health care benefit manager's registration by an order served by mail or by personal service upon the health care benefit manager not less than three days prior to the suspension effective date. The order must contain a notice of revocation and include a finding that the public safety or welfare requires emergency action. A temporary suspension under this subsection (3)(f)(v) continues until proceedings for revocation are concluded.

(4) A stay of action is not available for actions the commissioner takes by cease and desist order, by order on hearing, or by temporary suspension.

(5)(a) Health carriers and employee benefits programs are responsible for the compliance of any person or organization acting directly or indirectly on behalf of or at the direction of the carrier or program, or acting pursuant to carrier or program standards or requirements concerning the coverage of, payment for, or provision of health care benefits, services, drugs, and supplies.

(b) A carrier or program contracting with a health care benefit manager is responsible for the health care benefit manager's violations of this chapter, including a health care benefit manager's failure to produce records requested or required by the commissioner.

(c) No carrier or program may offer as a defense to a violation of any provision of this chapter that the violation arose from the act or omission of a health care benefit manager, or other person acting on behalf of or at the direction of the carrier or program, rather than from the direct act or omission of the carrier or program.

**NEW SECTION. Sec. 67.** A new section is added to chapter 48.43 RCW to read as follows:

(1) A carrier must file with the commissioner in the form and manner prescribed by the commissioner every contract and contract amendment between the carrier and any health care benefit manager registered under section 3 of this act, within thirty days following the effective date of the contract or contract amendment.

(2) For health plans issued or renewed on or after January 1, 2022, carriers must notify health plan enrollees in writing of each health care benefit manager contracted with the carrier to provide any benefit management services in the administration of the health plan.

(3) Contracts filed under this section are confidential and not subject to public inspection under RCW 48.02.120(2), or public disclosure under chapter 42.56 RCW, if filed in accordance with the procedures for submitting confidential filings through the system for electronic rate and form filings and the general filing instructions as set forth by the commissioner. In the event the referenced filing fails to comply with the filing instructions setting forth the process to withhold the contract from public inspection, and the carrier indicates that the contract is to be withheld from public inspection, the commissioner must reject the filing and notify the carrier through the system for electronic rate and form filings to amend its filing to comply with the confidentiality filing instructions.

(4) For purposes of this section, "health care benefit manager" has the same meaning as in section 2 of this act.

**Sec. 68.** RCW 48.02.120 and 2011 c 312 s 1 are each amended to read as follows:

(1) The commissioner shall preserve in permanent form records of his or her proceedings, hearings, investigations, and examinations, and shall file such records in his or her office.

(2) The records of the commissioner and insurance filings in his or her office shall be open to public inspection, except as otherwise provided by sections 4 and 6 of this act and this code.

(3) Except as provided in subsection (4) of this section, actuarial formulas, statistics, and assumptions submitted in support of a rate or form filing by an insurer, health care service contractor, or health maintenance organization or submitted to the commissioner upon his or her request shall be withheld from public inspection in order to preserve trade secrets or prevent unfair competition.

(4) For individual and small group health benefit plan rate filings submitted on or after July 1, 2011, subsection (3) of this section applies only to the numeric values of each

small group rating factor used by a health carrier as authorized by RCW 48.21.045(3)(a), 48.44.023(3)(a), and 48.46.066(3)(a). Subsection (3) of this section may continue to apply for a period of one year from the date a new individual or small group product filing is submitted or until the next rate filing for the product, whichever occurs earlier, if the commissioner determines that the proposed rate filing is for a new product that is distinct and unique from any of the carrier's currently or previously offered health benefit plans. Carriers must make a written request for a product classification as a new product under this subsection and must receive subsequent written approval by the commissioner for this subsection to apply.

(5) Unless the commissioner has determined that a filing is for a new product pursuant to subsection (4) of this section, for all individual or small group health benefit rate filings submitted on or after July 1, 2011, the health carrier must submit part I rate increase summary and part II written explanation of the rate increase as set forth by the department of health and human services at the time of filing, and the commissioner must:

(a) Make each filing and the part I rate increase summary and part II written explanation of the rate increase available for public inspection on the tenth calendar day after the commissioner determines that the rate filing is complete and accepts the filing for review through the electronic rate and form filing system; and

(b) Prepare a standardized rate summary form, to explain his or her findings after the rate review process is completed. The commissioner's summary form must be included as part of the rate filing documentation and available to the public electronically.

**Sec. 69.** RCW 48.02.220 and 2016 c 210 s 5 are each amended to read as follows:

(1) The commissioner shall accept registration of ~~((pharmacy)) health care~~ benefit managers as established in ~~((RCW 49.340.030)) section 3 of this act~~ and receipts shall be deposited in the insurance commissioner's regulatory account.

(2) The commissioner shall have enforcement authority over chapter ~~((49.340)) 48.---~~ RCW (the new chapter created in section 17 of this act) consistent with requirements established in RCW 19.340.110 (as recodified by this act).

(3) The commissioner may adopt rules to implement chapter ~~((49.340)) 48.---~~ RCW (the new chapter created in section 17 of this act) and to establish registration and renewal fees that ensure the registration, renewal, and oversight activities are self-supporting.

**Sec. 70.** RCW 42.56.400 and 2019 c 389 s 102 are each amended to read as follows:

The following information relating to insurance and financial institutions is exempt from disclosure under this chapter:

(1) Records maintained by the board of industrial insurance appeals that are related to appeals of crime victims'

compensation claims filed with the board under RCW 7.68.110;

(2) Information obtained and exempted or withheld from public inspection by the health care authority under RCW 41.05.026, whether retained by the authority, transferred to another state purchased health care program by the authority, or transferred by the authority to a technical review committee created to facilitate the development, acquisition, or implementation of state purchased health care under chapter 41.05 RCW;

(3) The names and individual identification data of either all owners or all insureds, or both, received by the insurance commissioner under chapter 48.102 RCW;

(4) Information provided under RCW 48.30A.045 through 48.30A.060;

(5) Information provided under RCW 48.05.510 through 48.05.535, 48.43.200 through 48.43.225, 48.44.530 through 48.44.555, and 48.46.600 through 48.46.625;

(6) Examination reports and information obtained by the department of financial institutions from banks under RCW 30A.04.075, from savings banks under RCW 32.04.220, from savings and loan associations under RCW 33.04.110, from credit unions under RCW 31.12.565, from check cashers and sellers under RCW 31.45.030(3), and from securities brokers and investment advisers under RCW 21.20.100, all of which is confidential and privileged information;

(7) Information provided to the insurance commissioner under RCW 48.110.040(3);

(8) Documents, materials, or information obtained by the insurance commissioner under RCW 48.02.065, all of which are confidential and privileged;

(9) Documents, materials, or information obtained by the insurance commissioner under RCW 48.31B.015(2) (l) and (m), 48.31B.025, 48.31B.030, and 48.31B.035, all of which are confidential and privileged;

(10) Data filed under RCW 48.140.020, 48.140.030, 48.140.050, and 7.70.140 that, alone or in combination with any other data, may reveal the identity of a claimant, health care provider, health care facility, insuring entity, or self-insurer involved in a particular claim or a collection of claims. For the purposes of this subsection:

(a) "Claimant" has the same meaning as in RCW 48.140.010(2).

(b) "Health care facility" has the same meaning as in RCW 48.140.010(6).

(c) "Health care provider" has the same meaning as in RCW 48.140.010(7).

(d) "Insuring entity" has the same meaning as in RCW 48.140.010(8).

(e) "Self-insurer" has the same meaning as in RCW 48.140.010(11);

(11) Documents, materials, or information obtained by the insurance commissioner under RCW 48.135.060;

(12) Documents, materials, or information obtained by the insurance commissioner under RCW 48.37.060;

(13) Confidential and privileged documents obtained or produced by the insurance commissioner and identified in RCW 48.37.080;

(14) Documents, materials, or information obtained by the insurance commissioner under RCW 48.37.140;

(15) Documents, materials, or information obtained by the insurance commissioner under RCW 48.17.595;

(16) Documents, materials, or information obtained by the insurance commissioner under RCW 48.102.051(1) and 48.102.140 (3) and (7)(a)(ii);

(17) Documents, materials, or information obtained by the insurance commissioner in the commissioner's capacity as receiver under RCW 48.31.025 and 48.99.017, which are records under the jurisdiction and control of the receivership court. The commissioner is not required to search for, log, produce, or otherwise comply with the public records act for any records that the commissioner obtains under chapters 48.31 and 48.99 RCW in the commissioner's capacity as a receiver, except as directed by the receivership court;

(18) Documents, materials, or information obtained by the insurance commissioner under RCW 48.13.151;

(19) Data, information, and documents provided by a carrier pursuant to section 1, chapter 172, Laws of 2010;

(20) Information in a filing of usage-based insurance about the usage-based component of the rate pursuant to RCW 48.19.040(5)(b);

(21) Data, information, and documents, other than those described in RCW 48.02.210(2) as it existed prior to repeal by section 2, chapter 7, Laws of 2017 3rd sp. sess., that are submitted to the office of the insurance commissioner by an entity providing health care coverage pursuant to RCW 28A.400.275 as it existed on January 1, 2017, and RCW 48.02.210 as it existed prior to repeal by section 2, chapter 7, Laws of 2017 3rd sp. sess.;

(22) Data, information, and documents obtained by the insurance commissioner under RCW 48.29.017;

(23) Information not subject to public inspection or public disclosure under RCW 48.43.730(5);

(24) Documents, materials, or information obtained by the insurance commissioner under chapter 48.05A RCW;

(25) Documents, materials, or information obtained by the insurance commissioner under RCW 48.74.025, 48.74.028, 48.74.100(6), 48.74.110(2) (b) and (c), and 48.74.120 to the extent such documents, materials, or information independently qualify for exemption from disclosure as documents, materials, or information in possession of the commissioner pursuant to a financial conduct examination and exempt from disclosure under RCW 48.02.065;

(26) Nonpublic personal health information obtained by, disclosed to, or in the custody of the insurance commissioner, as provided in RCW 48.02.068;

(27) Data, information, and documents obtained by the insurance commissioner under RCW 48.02.230;

(28) Documents, materials, or other information, including the corporate annual disclosure obtained by the insurance commissioner under RCW 48.195.020;

(29) Findings and orders disapproving acquisition of a trust institution under RCW 30B.53.100(3); ~~((and))~~

(30) All claims data, including health care and financial related data received under RCW 41.05.890, received and held by the health care authority; and

(31) Contracts not subject to public disclosure under sections 4 and 6 of this act.

**Sec. 71.** RCW 19.340.020 and 2014 c 213 s 3 are each amended to read as follows:

~~((As used in))~~ The definitions in this section apply throughout this section and RCW 19.340.040 through ((19.340.090:)) 19.340.110 (as recodified by this act) unless the context clearly requires otherwise.

(1) "Audit" means an on-site or remote review of the records of a pharmacy by or on behalf of an entity.

(2) "Claim" means a request from a pharmacy or pharmacist to be reimbursed for the cost of filling or refilling a prescription for a drug or for providing a medical supply or service.

(3) "Clerical error" means a minor error:

(a) In the keeping, recording, or transcribing of records or documents or in the handling of electronic or hard copies of correspondence;

(b) That does not result in financial harm to an entity; and

(c) That does not involve dispensing an incorrect dose, amount, or type of medication, or dispensing a prescription drug to the wrong person.

~~((3))~~ (4) "Entity" includes:

(a) A pharmacy benefit manager;

(b) An insurer;

(c) A third-party payor;

(d) A state agency; or

(e) A person that represents or is employed by one of the entities described in this subsection.

~~((4))~~ (5) "Fraud" means knowingly and willfully executing or attempting to execute a scheme, in connection with the delivery of or payment for health care benefits, items, or services, that uses false or misleading pretenses, representations, or promises to obtain any money or property owned by or under the custody or control of any person.

(6) "Pharmacist" has the same meaning as in RCW 18.64.011.

(7) "Pharmacy" has the same meaning as in RCW 18.64.011.

(8) "Third-party payor" means a person licensed under RCW 48.39.005.

**Sec. 72.** RCW 19.340.040 and 2014 c 213 s 4 are each amended to read as follows:

An entity that audits claims or an independent third party that contracts with an entity to audit claims:

(1) Must establish, in writing, a procedure for a pharmacy to appeal the entity's findings with respect to a claim and must provide a pharmacy with a notice regarding the procedure, in writing or electronically, prior to conducting an audit of the pharmacy's claims;

(2) May not conduct an audit of a claim more than twenty-four months after the date the claim was adjudicated by the entity;

(3) Must give at least fifteen days' advance written notice of an on-site audit to the pharmacy or corporate headquarters of the pharmacy;

(4) May not conduct an on-site audit during the first five days of any month without the pharmacy's consent;

(5) Must conduct the audit in consultation with a pharmacist who is licensed by this or another state if the audit involves clinical or professional judgment;

(6) May not conduct an on-site audit of more than two hundred fifty unique prescriptions of a pharmacy in any twelve-month period except in cases of alleged fraud;

(7) May not conduct more than one on-site audit of a pharmacy in any twelve-month period;

(8) Must audit each pharmacy under the same standards and parameters that the entity uses to audit other similarly situated pharmacies;

(9) Must pay any outstanding claims of a pharmacy no more than forty-five days after the earlier of the date all appeals are concluded or the date a final report is issued under RCW 19.340.080(3) (as recodified by this act);

(10) May not include dispensing fees or interest in the amount of any overpayment assessed on a claim unless the overpaid claim was for a prescription that was not filled correctly;

(11) May not recoup costs associated with:

(a) Clerical errors; or

(b) Other errors that do not result in financial harm to the entity or a consumer; and

(12) May not charge a pharmacy for a denied or disputed claim until the audit and the appeals procedure established under subsection (1) of this section are final.

**Sec. 73.** RCW 19.340.070 and 2014 c 213 s 7 are each amended to read as follows:

For purposes of RCW 19.340.020 and 19.340.040 through 19.340.090 (as recodified by this act), an entity, or an independent third party that contracts with an entity to conduct audits, must allow as evidence of validation of a claim:

(1) An electronic or physical copy of a valid prescription if the prescribed drug was, within fourteen days of the dispensing date:

- (a) Picked up by the patient or the patient's designee;
- (b) Delivered by the pharmacy to the patient; or
- (c) Sent by the pharmacy to the patient using the United States postal service or other common carrier;

(2) Point of sale electronic register data showing purchase of the prescribed drug, medical supply, or service by the patient or the patient's designee; or

(3) Electronic records, including electronic beneficiary signature logs, electronically scanned and stored patient records maintained at or accessible to the audited pharmacy's central operations, and any other reasonably clear and accurate electronic documentation that corresponds to a claim.

**Sec. 74.** RCW 19.340.080 and 2014 c 213 s 8 are each amended to read as follows:

(1)(a) After conducting an audit, an entity must provide the pharmacy that is the subject of the audit with a preliminary report of the audit. The preliminary report must be received by the pharmacy no later than forty-five days after the date on which the audit was completed and must be sent:

- (i) By mail or common carrier with a return receipt requested; or
- (ii) Electronically with electronic receipt confirmation.

(b) An entity shall provide a pharmacy receiving a preliminary report under this subsection no fewer than forty-five days after receiving the report to contest the report or any findings in the report in accordance with the appeals procedure established under RCW 19.340.040(1) (as recodified by this act) and ((to provide)) must allow the submission of additional documentation in support of the claim. The entity shall consider a reasonable request for an extension of time to submit documentation to contest the report or any findings in the report.

(2) If an audit results in the dispute or denial of a claim, the entity conducting the audit shall allow the pharmacy to resubmit the claim using any commercially reasonable method, including facsimile, mail, or ((electronic mail)) email.

(3) An entity must provide a pharmacy that is the subject of an audit with a final report of the audit no later than sixty days after the later of the date the preliminary report was received or the date the pharmacy contested the report using the appeals procedure established under RCW 19.340.040(1) (as recodified by this act). The final report

must include a final accounting of all moneys to be recovered by the entity.

(4) Recoupment of disputed funds from a pharmacy by an entity or repayment of funds to an entity by a pharmacy, unless otherwise agreed to by the entity and the pharmacy, shall occur after the audit and the appeals procedure established under RCW 19.340.040(1) (as recodified by this act) are final. If the identified discrepancy for an individual audit exceeds forty thousand dollars, any future payments to the pharmacy may be withheld by the entity until the audit and the appeals procedure established under RCW 19.340.040(1) (as recodified by this act) are final.

**Sec. 75.** RCW 19.340.090 and 2014 c 213 s 9 are each amended to read as follows:

RCW 19.340.020 and 19.340.040 through 19.340.090 (as recodified by this act) do not:

(1) Preclude an entity from instituting an action for fraud against a pharmacy;

(2) Apply to an audit of pharmacy records when fraud or other intentional and willful misrepresentation is indicated by physical review, review of claims data or statements, or other investigative methods; or

(3) Apply to a state agency that is conducting audits or a person that has contracted with a state agency to conduct audits of pharmacy records for prescription drugs paid for by the state medical assistance program.

**Sec. 76.** RCW 19.340.100 and 2016 c 210 s 4 are each amended to read as follows:

(1) ~~((As used in this section:))~~ The definitions in this subsection apply throughout this section unless the context clearly requires otherwise.

(a) "List" means the list of drugs for which predetermined reimbursement costs have been established, such as a maximum allowable cost or maximum allowable cost list or any other benchmark prices utilized by the pharmacy benefit manager and must include the basis of the methodology and sources utilized to determine multisource generic drug reimbursement amounts.

(b) "Multiple source drug" means a therapeutically equivalent drug that is available from at least two manufacturers.

(c) "Multisource generic drug" means any covered outpatient prescription drug for which there is at least one other drug product that is rated as therapeutically equivalent under the food and drug administration's most recent publication of "Approved Drug Products with Therapeutic Equivalence Evaluations;" is pharmaceutically equivalent or bioequivalent, as determined by the food and drug administration; and is sold or marketed in the state during the period.

(d) "Network pharmacy" means a retail drug outlet licensed as a pharmacy under RCW 18.64.043 that contracts with a pharmacy benefit manager.

(e) "Therapeutically equivalent" has the same meaning as in RCW 69.41.110.

(2) A pharmacy benefit manager:

(a) May not place a drug on a list unless there are at least two therapeutically equivalent multiple source drugs, or at least one generic drug available from only one manufacturer, generally available for purchase by network pharmacies from national or regional wholesalers;

(b) Shall ensure that all drugs on a list are readily available for purchase by pharmacies in this state from national or regional wholesalers that serve pharmacies in Washington;

(c) Shall ensure that all drugs on a list are not obsolete;

(d) Shall make available to each network pharmacy at the beginning of the term of a contract, and upon renewal of a contract, the sources utilized to determine the predetermined reimbursement costs for multisource generic drugs of the pharmacy benefit manager;

(e) Shall make a list available to a network pharmacy upon request in a format that is readily accessible to and usable by the network pharmacy;

(f) Shall update each list maintained by the pharmacy benefit manager every seven business days and make the updated lists, including all changes in the price of drugs, available to network pharmacies in a readily accessible and usable format;

(g) Shall ensure that dispensing fees are not included in the calculation of the predetermined reimbursement costs for multisource generic drugs;

(h) May not cause or knowingly permit the use of any advertisement, promotion, solicitation, representation, proposal, or offer that is untrue, deceptive, or misleading;

(i) May not charge a pharmacy a fee related to the adjudication of a claim, credentialing, participation, certification, accreditation, or enrollment in a network including, but not limited to, a fee for the receipt and processing of a pharmacy claim, for the development or management of claims processing services in a pharmacy benefit manager network, or for participating in a pharmacy benefit manager network;

(j) May not require accreditation standards inconsistent with or more stringent than accreditation standards established by a national accreditation organization;

(k) May not reimburse a pharmacy in the state an amount less than the amount the pharmacy benefit manager reimburses an affiliate for providing the same pharmacy services; and

(l) May not directly or indirectly retroactively deny or reduce a claim or aggregate of claims after the claim or aggregate of claims has been adjudicated, unless:

(i) The original claim was submitted fraudulently; or

(ii) The denial or reduction is the result of a pharmacy audit conducted in accordance with RCW 19.340.040 (as recodified by this act).

(3) A pharmacy benefit manager must establish a process by which a network pharmacy may appeal its reimbursement for a drug subject to predetermined reimbursement costs for multisource generic drugs. A network pharmacy may appeal a predetermined reimbursement cost for a multisource generic drug if the reimbursement for the drug is less than the net amount that the network pharmacy paid to the supplier of the drug. An appeal requested under this section must be completed within thirty calendar days of the pharmacy submitting the appeal. If after thirty days the network pharmacy has not received the decision on the appeal from the pharmacy benefit manager, then the appeal is considered denied.

The pharmacy benefit manager shall uphold the appeal of a pharmacy with fewer than fifteen retail outlets, within the state of Washington, under its corporate umbrella if the pharmacy or pharmacist can demonstrate that it is unable to purchase a therapeutically equivalent interchangeable product from a supplier doing business in Washington at the pharmacy benefit manager's list price.

(4) A pharmacy benefit manager must provide as part of the appeals process established under subsection (3) of this section:

(a) A telephone number at which a network pharmacy may contact the pharmacy benefit manager and speak with an individual who is responsible for processing appeals; and

(b) If the appeal is denied, the reason for the denial and the national drug code of a drug that has been purchased by other network pharmacies located in Washington at a price that is equal to or less than the predetermined reimbursement cost for the multisource generic drug. A pharmacy with fifteen or more retail outlets, within the state of Washington, under its corporate umbrella may submit information to the commissioner about an appeal under subsection (3) of this section for purposes of information collection and analysis.

(5)(a) If an appeal is upheld under this section, the pharmacy benefit manager shall make a reasonable adjustment on a date no later than one day after the date of determination.

(b) If the request for an adjustment has come from a critical access pharmacy, as defined by the state health care authority by rule for purposes related to the prescription drug purchasing consortium established under RCW 70.14.060, the adjustment approved under (a) of this subsection shall apply only to critical access pharmacies.

(6) Beginning July 1, 2017, if a network pharmacy appeal to the pharmacy benefit manager is denied, or if the network pharmacy is unsatisfied with the outcome of the appeal, the pharmacy or pharmacist may dispute the decision and request review by the commissioner within thirty calendar days of receiving the decision.

(a) All relevant information from the parties may be presented to the commissioner, and the commissioner may enter an order directing the pharmacy benefit manager to make an adjustment to the disputed claim, deny the pharmacy appeal, or take other actions deemed fair and

equitable. An appeal requested under this section must be completed within thirty calendar days of the request.

(b) Upon resolution of the dispute, the commissioner shall provide a copy of the decision to both parties within seven calendar days.

(c) The commissioner may authorize the office of administrative hearings, as provided in chapter 34.12 RCW, to conduct appeals under this subsection (6).

(d) A pharmacy benefit manager may not retaliate against a pharmacy for pursuing an appeal under this subsection (6).

(e) This subsection (6) applies only to a pharmacy with fewer than fifteen retail outlets, within the state of Washington, under its corporate umbrella.

(7) This section does not apply to the state medical assistance program.

~~((8) A pharmacy benefit manager shall comply with any requests for information from the commissioner for purposes of the study of the pharmacy chain of supply conducted under section 7, chapter 210, Laws of 2016.))~~

**Sec. 77.** RCW 19.340.110 and 2016 c 210 s 2 are each amended to read as follows:

(1) The commissioner shall have enforcement authority over this chapter and shall have authority to render a binding decision in any dispute between a pharmacy benefit manager, or third-party administrator of prescription drug benefits, and a pharmacy arising out of an appeal under RCW 19.340.100(6) (as recodified by this act) regarding drug pricing and reimbursement.

(2) Any person, corporation, third-party administrator of prescription drug benefits, pharmacy benefit manager, or business entity which violates any provision of this chapter shall be subject to a civil penalty in the amount of one thousand dollars for each act in violation of this chapter or, if the violation was knowing and willful, a civil penalty of five thousand dollars for each violation of this chapter.

**NEW SECTION. Sec. 78.** Sections 1 through 5 of this act constitute a new chapter in Title 48 RCW.

**NEW SECTION. Sec. 79.** RCW 19.340.020, 19.340.040, 19.340.050, 19.340.060, 19.340.070, 19.340.080, 19.340.090, 19.340.100, and 19.340.110 are each recodified as sections under a subchapter in chapter 48.-- RCW (the new chapter created in section 17 of this act).

**NEW SECTION. Sec. 80.** The following acts or parts of acts are each repealed:

(1) RCW 19.340.010 (Definitions) and 2016 c 210 s 3 & 2014 c 213 s 1;

(2) RCW 19.340.030 (Pharmacy benefit managers—Registration—Renewal) and 2016 c 210 s 1 & 2014 c 213 s 2; and

(3) RCW 19.365.010 (Registration required—Requirements) and 2015 c 166 s 1.

**NEW SECTION. Sec. 81.** The insurance commissioner may adopt any rules necessary to implement this act.

**NEW SECTION. Sec. 82.** (1) Subject to the availability of amounts appropriated for this specific purpose, the pharmacy contract work group is established. The work group membership must consist of the following members appointed by the governor:

(a) A representative from the prescription drug purchasing consortium described in RCW 70.14.060;

(b) A representative from the pharmacy quality assurance commission;

(c) A representative from an association representing pharmacies;

(d) A representative from an association representing hospital pharmacies;

(e) A representative from a health carrier offering at least one health plan in a commercial market in the state;

(f) A representative from a health maintenance organization offering at least one health plan in the state;

(g) A representative from an association representing health carriers;

(h) A representative from the health care authority on behalf of the public employees' benefits board or the school employees' benefits board;

(i) A representative from the health care authority on behalf of the state medicaid program;

(j) A representative from a pharmacy benefit manager; and

(k) A representative from the office of the insurance commissioner.

(2) The work group must also include:

(a) One member from each of the two largest caucuses of the house of representatives, appointed by the speaker of the house; and

(b) One member from each of the two largest caucuses of the senate, appointed by the president of the senate.

(3) The work group shall:

(a) Review pharmacy fee structures in the delivery of pharmacy benefits; and

(b) Review the use of performance-based contracts in the delivery of pharmacy benefits and develop recommendations on designs and use of performance-based contracts.

(4) Staff support for the work group shall be provided by the office of the insurance commissioner.

(5) The work group shall submit a progress report to the governor and the legislature by January 1, 2021, and a final report by September 1, 2021, detailing the current use of performance-based contracts and pharmacy fee structures in the delivery of pharmacy benefits and any

recommendations for designs or use of performance-based contracts in the delivery of pharmacy benefits. The final report must include any statutory changes necessary to implement the recommendations.

**NEW SECTION. Sec. 83.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

**NEW SECTION. Sec. 84.** Sections 1 through 19 of this act take effect January 1, 2022.

Correct the title.

Signed by Representatives Ormsby, Chair; Stokesbary, Ranking Minority Member; Robinson, 1st Vice Chair; Bergquist, 2nd Vice Chair; Rude, Assistant Ranking Minority Member; Caldier; Chandler; Chopp; Cody; Corry; Dolan; Dye; Fitzgibbon; Hansen; Hoff; Hudgins; Kilduff; Kraft; Macri; Mosbrucker; Pettigrew; Ryu; Schmick; Senn; Springer; Steele; Sullivan; Sutherland; Tarleton; Tharinger and Ybarra.

Referred to Committee on Rules for second reading.

February 29, 2020 84.0.

**ESSB 5759** Prime Sponsor, Committee on Health & Long Term Care: Increasing opportunities for the use of remote technology in corrective lens prescriptions. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 85.** This act may be known and cited as the consumer protection in eye care act.

**NEW SECTION. Sec. 86. INTENT.** (1) The legislature recognizes the importance of allowing licensed practitioners to use their professional judgment, based on their education, training, and expertise, to determine the appropriate use of current and future technologies to enhance patient care. Guidelines for providing health care services through remote technology have been addressed by the medical community, and the legislature intends to complement and clarify those guidelines with respect to using remote technology to provide prescriptions for corrective lenses.

(2) The legislature also recognizes that health care consumers, including eye health care consumers, can benefit from developments in technology that offer advantages such as increased convenience or increased speed in delivery of services. However, the legislature recognizes that health care consumers can be misled or harmed by the use of developments in technology that are not properly supervised by qualified providers.

(3) The legislature recognizes that the use of technology that permits a consumer to submit data to an entity for the purposes of obtaining a prescription for corrective lenses, including contact lenses, may fail to detect serious eye health issues resulting in permanent vision loss if the patient is not also receiving comprehensive eye care according to standard of care.

(4) Therefore, the legislature concludes that consumers should be protected from improper or unsupervised use of technology for purposes of obtaining a prescription for corrective lenses, without unduly restricting the development and implementation of technology and without unduly restricting licensed practitioners from using such technology where appropriate.

**NEW SECTION. Sec. 87. DEFINITIONS.** The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Contact lens" means any lens placed directly on the surface of the eye, regardless of whether or not it is intended to correct a visual defect. Contact lens includes, but is not limited to, cosmetic, therapeutic, and corrective lenses that are a federally regulated medical device.

(2) "Corrective lenses" means any lenses, including lenses in spectacles and contact lenses, that are manufactured in accordance with the specific terms of a valid prescription for an individual patient for the purpose of correcting the patient's refractive or binocular error.

(3) "Department" means the department of health.

(4) "Diagnostic information and data" mean any and all information and data, including but not limited to photographs and scans, generated by or through the use of any remote technology.

(5) "Patient-practitioner relationship" means the relationship between a provider of medical services, the practitioner, and a receiver of medical services, the patient, based on mutual understanding of their shared responsibility for the patient's health care.

(6) "Prescription" means the written or electronic directive from a qualified provider for corrective lenses and consists of the refractive power as well as contact lens parameters in the case of contact lens prescriptions.

(7) "Qualified provider" means a physician licensed under chapter 18.71 RCW or an osteopathic physician licensed under chapter 18.57 RCW practicing ophthalmology, or a person licensed under chapter 18.53 RCW to practice optometry.

(8) "Remote qualified provider" means any qualified provider who is not physically present at the time of the examination.

(9) "Remote technology" means any automated equipment or testing device and any application designed to be used on or with a phone, computer, or internet-based device that is used without the physical presence and participation of a qualified provider that generates data for purposes of determining an individual's refractive error. Remote technology does not include the use of telemedicine



as defined in RCW 48.43.735 for purposes other than determining an individual's refractive error.

(10) "Spectacles" means any device worn by an individual that has one or more lenses through which the wearer looks. Spectacles are commonly known and referred to as glasses, and may include cosmetic or corrective lenses.

(11) "Standard of care" means those standards developed and defined by the American academy of ophthalmology preferred practice pattern "Comprehensive Adult Medical Eye Evaluation" (Appendix 1), as the preferred practice pattern existed on the effective date of this act.

(12) "Standard of care for contact lenses" means the frequency of eye examinations as recommended for contact lens wearers in the American academy of ophthalmology publication "Refractive Errors & Refractive Surgery Preferred Practice Pattern" (Appendix 2), as the preferred practice pattern existed on the effective date of this act.

**NEW SECTION. Sec. 88. USE OF REMOTE TECHNOLOGY FOR CORRECTIVE LENS PRESCRIPTIONS.** A qualified provider may prepare a prescription for corrective lenses intended to correct an individual's refractive error by remote technology if:

(1) The prescribing qualified provider is held to the same standard of care applicable to qualified providers providing corrective lens prescriptions in traditional in-person clinical settings;

(2) A patient-practitioner relationship is clearly established by the qualified provider agreeing to provide a corrective lens prescription, whether or not there was an in-person encounter between the parties. The parameters of the patient-practitioner relationship for the use of remote technology must mirror those that would be expected for similar in-person encounters to provide corrective lens prescriptions;

(3) The remote technology is only offered to patients who meet appropriate screening criteria. A review of the patient's medical and ocular history that meets standard of care is required to determine who may or may not be safely treated with refraction without a concurrent comprehensive eye exam. Patients must also be informed that a refraction alone, whether utilizing remote technology or in person, does not substitute for a comprehensive eye exam;

(4) Continuity of care is maintained. Continuity of care requires but is not limited to:

(a) A qualified provider addressing an adverse event that occurs as a result of the prescription written by the qualified provider by:

(i) Being available to address the patient's vision or medical condition directly, either in-person or remotely, if it is possible to address the adverse event remotely;

(ii) Having an agreement with another qualified provider or licensed medical provider who is available to address the patient's vision or medical condition, either in-person or remotely; or

(iii) Referring the patient to a qualified provider or licensed medical provider who is capable of addressing the patient's condition;

(b) Retaining patient exam documentation for a minimum of ten years and retaining communication between the remote qualified provider who evaluated the patient and prescribed corrective lenses and any applicable providers as they normally would in an in-person setting; and

(5) When prescribing for contact lenses, the examination of the eyes is performed in accordance with the standard of care and standard of care for contact lenses. The components of the eye examination, if done remotely, must be to the same evaluation and standard of care the qualified provider would typically do in an in-person setting for the same condition. If the eye examination is performed by someone other than the prescribing qualified provider, the prescribing qualified provider must obtain written, faxed, or electronically communicated affirmative verification of the results of that eye examination from the provider who performed the examination. The absence of receipt of affirmative verification within any specified time period cannot be used as presumed affirmative verification.

**NEW SECTION. Sec. 89. REMOTE TECHNOLOGY STANDARDS FOR USE.** It is unlawful for any person to offer or otherwise make available to consumers in this state remote technology under this chapter without fully complying with the following:

(1) The remote technology must be approved by the United States food and drug administration when applicable;

(2) The remote technology must be designed and operated in a manner that provides any accommodation required by the Americans with disabilities act of 1990, 42 U.S.C. Sec. 12101 et seq. when applicable;

(3) The remote technology, when used for the collection and transmission of diagnostic information and data, must gather and transmit any protected health information in compliance with the federal health insurance portability and accountability act of 1996 and related regulations;

(4) The remote technology, when used for the collection and transmission of diagnostic information and data, may only transmit the diagnostic information and data to a qualified provider, their staff, contracted support staff, or another licensed health care provider for the purposes of collaboration in providing care to the patient. When diagnostic information and data are collected and transmitted through remote technology, that information must be read and interpreted by a qualified provider in order to release a corrective lens prescription to the patient or other entity. Contracted support staff must comply with all requirements of this chapter. Contract support staff and the supervising provider retain personal and professional responsibility for any violation of this chapter by the contracted support staff; and

(5) The owner, lessee, or operator of the remote technology must maintain liability insurance in an amount reasonably sufficient to cover claims which may be made by

individuals diagnosed or treated based on information and data by the automated equipment, including but not limited to photographs and scans.

**NEW SECTION. Sec. 90. ENFORCEMENT.** (1) The relevant disciplinary authority for the qualified provider shall review any written complaint alleging a violation, or attempted violation, of this chapter or rules adopted pursuant to this chapter, and conduct an investigation.

(2) If the disciplinary authority finds that a person has violated or attempted to violate this chapter, it may:

(a) Upon the first violation or attempted violation that did not result in significant harm to an individual's health, issue a written warning; or

(b) In all other cases, impose a civil penalty of not less than one thousand dollars and not more than ten thousand dollars for each violation.

(3) At the request of the department, the attorney general may file a civil action seeking an injunction or other appropriate relief to enforce this chapter and the rules adopted pursuant to this chapter.

(4) For the purposes of this section, "disciplinary authority" means the same as in RCW 18.130.020.

**NEW SECTION. Sec. 91. RULE MAKING.** The department shall adopt any rules necessary to implement this chapter.

**NEW SECTION. Sec. 92.** Sections 2 through 7 of this act constitute a new chapter in Title 18 RCW."

Correct the title.

Signed by Representatives Ormsby, Chair; Stokesbary, Ranking Minority Member; Robinson, 1st Vice Chair; Bergquist, 2nd Vice Chair; Rude, Assistant Ranking Minority Member; Caldier; Chandler; Chopp; Cody; Corry; Dolan; Dye; Fitzgibbon; Hansen; Hoff; Hudgins; Kilduff; Kraft; Macri; Mosbrucker; Pettigrew; Ryu; Schmick; Senn; Springer; Steele; Sullivan; Sutherland; Tarleton; Tharinger and Ybarra.

Referred to Committee on Rules for second reading.

March 2, 2020 92.0.

**SSB 5789** Prime Sponsor, Committee on Transportation: Establishing additional uses for automated traffic safety cameras for traffic congestion reduction and increased safety. Reported by Committee on Transportation

**MAJORITY recommendation:** Do pass. Signed by Representatives Fey, Chair; Slatter, 2nd Vice Chair; Valdez, 2nd Vice Chair; Wylie, 1st Vice Chair; Barkis, Ranking Minority Member; Chapman; Doglio; Duerr; Entenman; Eslick; Gregerson; Irwin; Kloba; Lovick; Mead; Ortiz-Self; Paul; Riccelli; Shewmake and Van Werven.

**MINORITY recommendation:** Do not pass. Signed by Representatives Walsh, Assistant Ranking Minority Member; Young, Assistant Ranking Minority Member; Boehnke; Chambers; Dent; Goehner; McCaslin; Orcutt and Volz.

**MINORITY recommendation:** Without recommendation. Signed by Representative Ramos.

Referred to Committee on Rules for second reading.

February 29, 2020 92.0.

**SSB 5900** Prime Sponsor, Committee on Ways & Means: Promoting access to earned benefits and services for lesbian, gay, bisexual, transgender, and queer veterans. Reported by Committee on Appropriations

**MAJORITY recommendation:** Do pass. Signed by Representatives Ormsby, Chair; Stokesbary, Ranking Minority Member; Robinson, 1st Vice Chair; Bergquist, 2nd Vice Chair; Rude, Assistant Ranking Minority Member; Caldier; Chandler; Chopp; Cody; Corry; Dolan; Dye; Fitzgibbon; Hansen; Hoff; Hudgins; Kilduff; Macri; Mosbrucker; Pettigrew; Ryu; Schmick; Senn; Springer; Steele; Sullivan; Tarleton; Tharinger and Ybarra.

**MINORITY recommendation:** Without recommendation. Signed by Representative Sutherland.

**MINORITY recommendation:** Do not pass. Signed by Representative Kraft.

Referred to Committee on Rules for second reading.

March 2, 2020 92.0.

**2SSB 5947** Prime Sponsor, Committee on Ways & Means: Establishing the sustainable farms and fields grant program. Reported by Committee on Capital Budget

**MAJORITY recommendation:** Do pass as amended by Committee on Capital Budget and without amendment by Committee on Rural Development, Agriculture, & Natural Resources.

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 93.** The legislature finds that Washington's working agricultural lands are essential to the economic and social well-being of our rural communities and to the state's overall environment and economy. The legislature further finds that different challenges and opportunities exist to expand the use of precision agriculture for different crops in the state by assisting farmers, ranchers, and aquaculturists to purchase equipment and receive technical assistance to reduce their operations' carbon footprint while ensuring that crops and soils receive exactly

what they need for optimum health and productivity. Moreover, the legislature finds that opportunities exist to enhance soil health through carbon farming and regenerative agriculture by increasing soil organic carbon levels while ensuring appropriate carbon to nitrogen ratios, and to store carbon in standing trees, seaweed, and other vegetation. Therefore, it is the intent of the legislature to provide cost-sharing competitive grant opportunities to enable farmers and ranchers to adopt practices that increase appropriate quantities of carbon stored in and above their soil and to initiate or expand the use of precision agriculture on their farms. This act seeks to leverage and enhance existing state and federal cost-sharing programs for farm, ranch, and aquaculture operations.

**NEW SECTION. Sec. 94.** The definitions in this section apply throughout this section and sections 3 through 7 of this act unless the context clearly requires otherwise.

(1) "Carbon dioxide equivalent emission" means a metric measure used to compare the emission impacts from various greenhouse gases based on their relative radiative forcing effect over a specified period of time compared to carbon dioxide emissions.

(2) "Carbon dioxide equivalent impact" means a metric measure of the cumulative radiative forcing impacts of both carbon dioxide equivalent emissions and the radiative forcing benefits of carbon storage.

(3) "Commission" means the Washington state conservation commission created in this chapter.

(4) "Conservation district" means one or a group of Washington state's conservation districts created in this chapter.

**NEW SECTION. Sec. 95.** (1) The commission shall develop a sustainable farms and fields grant program in consultation with the department of agriculture, Washington State University, and the United States department of agriculture natural resources conservation service.

(2) As funding allows, the commission shall distribute funds, as appropriate, to conservation districts and other public entities to help implement the projects approved by the commission.

(3) No more than fifteen percent of the funds may be used by the commission to develop, or to consult or contract with private or public entities, such as universities or conservation districts, to develop:

(a) An educational public awareness campaign and outreach about the sustainable farm and field program; or

(b) The grant program, including the production of analytical tools, measurement estimation and verification methods, cost-benefit measurements, and public reporting methods.

(4) No more than five percent of the funds may be used by the commission to cover the administrative costs of the program.

(5) No more than twenty percent of the funds may be awarded to any single grant applicant.

(6) Allowable uses of grant funds include:

(a) Annual payments to enrolled participants for successfully delivered carbon storage or reduction;

(b) Up-front payments for contracted carbon storage;

(c) Down payments on equipment;

(d) Purchases of equipment;

(e) Purchase of seed, seedlings, spores, animal feed, and amendments;

(f) Services to landowners, such as the development of site-specific conservation plans to increase soil organic levels or to increase usage of precision agricultural practices, or design and implementation of best management practices to reduce livestock emissions; and

(g) Other equipment purchases or financial assistance deemed appropriate by the commission to fulfill the intent of sections 2 through 7 of this act.

(7) Grant applications are eligible for costs associated with technical assistance.

(8) Conservation districts and other public entities may apply for a single grant from the commission that serves multiple farmers.

(9) Grant applicants may apply to share equipment purchased with grant funds. Applicants for equipment purchase grants issued under this grant program may be farm, ranch, or aquaculture operations coordinating as individual businesses or as formal cooperative ventures serving farm, ranch, or aquaculture operations. Conservation districts, separately or jointly, may also apply for grant funds to operate an equipment sharing program.

(10) No contract for carbon storage or changes to management practices may exceed twenty-five years. Grant contracts that include up-front payments for future benefits must be conditioned to include penalties for default due to negligence on the part of the recipient.

(11) The commission shall attempt to achieve a geographically fair distribution of funds across a broad group of crop types, soil management practices, and farm sizes.

(12) Any applications involving state lands leased from the department of natural resources must include the department's approval.

**NEW SECTION. Sec. 96.** (1) When prioritizing grant recipients, the commission, in consultation with the department of agriculture, Washington State University, and the United States department of agriculture natural resources conservation service, shall seek to maximize the benefits of the grant program by leveraging other state, nonstate, public, and private sources of money. The primary metrics used to rank grant applications must be made public by the commission.

(2) The grant program must prioritize or weight projects based on consideration of the individual project's ability to:

(a) Increase the quantity of organic carbon in topsoil through practices including, but not limited to, cover cropping, no-till and minimum tillage conservation practices, crop rotations, manure application, biochar application, compost application, and changes in grazing management;

(b) Increase the quantity of organic carbon in aquatic soils;

(c) Intentionally integrate trees, shrubs, seaweed, or other vegetation into management of agricultural and aquacultural lands;

(d) Reduce or avoid carbon dioxide equivalent emissions in or from soils;

(e) Reduce nitrous oxide and methane emissions through changes to livestock or soil management; and

(f) Increase usage of precision agricultural practices.

(3) The commission shall develop and approve a prioritization metric to guide the distribution of funds appropriated by the legislature for this purpose, with the goal of producing cost-effective carbon dioxide equivalent impact benefits.

(4) Applicants that create riparian buffers along waterways, or otherwise benefit fish habitat, must receive an enhanced prioritization compared to other grant applications that perform similarly under the prioritization metrics developed by the commission.

(5) The commission shall downgrade a specific grant proposal within its prioritization metric if the proposal is expected to cause significant environmental damage to fish and wildlife habitat.

**NEW SECTION. Sec. 97.** (1) The commission shall determine methods for measuring, estimating, and verifying outcomes under the sustainable farms and fields grant program in consultation with Washington State University, the department of agriculture, and the United States department of agriculture natural resources conservation service.

(2) The commission may require that a grant recipient allow the commission, or contractors hired by the commission, including the Washington State University extension program, access to the grant recipient's property, with reasonable notice, to monitor the results of the project or projects funded by the grant program on the grant recipient's property.

**NEW SECTION. Sec. 98.** (1) By October 15, 2021, and every two years thereafter, the commission shall report to the legislature and the governor on the performance of the sustainable farms and fields grant program.

(2) The commission shall update at least annually a public list of projects and pertinent information including a summary of state and federal funds, private funds spent, landowner and other private cost-share matching expenditures, the total number of projects, and an estimate of carbon sequestered or carbon emissions reduced.

(3) By July 1, 2024, the commission, in consultation with Washington State University and the University of Washington, must evaluate and update the most appropriate carbon equivalency metric to apply to the sustainable farms and fields grant program. Until this equivalency is updated by the commission, or unless the commission identifies a better metric, the commission must initially use a one hundred year storage equivalency that can be linearly annualized to recognize the storage of carbon on an annual basis based on the storage of 3.67 tons of biogenic carbon for one hundred years being assigned a value equal to avoiding one ton of carbon dioxide equivalent emissions.

(4) The grant recipient and other private cost-sharing participants may at their own discretion allow their business or other name to be listed on the public report produced by the commission. All grant recipients must allow anonymized information about the full funding of their project to be made available for public reporting purposes.

**NEW SECTION. Sec. 99.** The sustainable farms and fields account is created in the state treasury. All receipts of money directed to the account must be deposited in the account. Expenditures from the account may be used only for purposes relating to the sustainable farms and fields grant program established in section 3 of this act. Moneys in the account may be spent only after appropriation.

**NEW SECTION. Sec. 100.** Sections 2 through 7 of this act are each added to chapter 89.08 RCW.

**NEW SECTION. Sec. 101.** No public funds shall be awarded as grants under this act until public funds are appropriated specifically for the sustainable farms and fields grant program."

Correct the title.

Signed by Representatives Tharinger, Chair; Callan, Vice Chair; Doglio, Vice Chair; DeBolt, Ranking Minority Member; Smith, Assistant Ranking Minority Member; Steele, Assistant Ranking Minority Member; Davis; Gildon; Leavitt; Lekanoff; Maycumber; Morgan; Pellicciotti; Peterson; Riccelli; Santos; Sells; Stonier and Walsh.

MINORITY recommendation: Without recommendation. Signed by Representative Corry.

MINORITY recommendation: Do not pass. Signed by Representative Dye.

Referred to Committee on Rules for second reading.

February 29, 2020 101.0.

**SSB 5976**

Prime Sponsor, Committee on Ways & Means: Concerning the access to baby and child dentistry program for children with disabilities. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Ormsby, Chair; Stokesbary, Ranking

Minority Member; Robinson, 1st Vice Chair; Bergquist, 2nd Vice Chair; Rude, Assistant Ranking Minority Member; Caldier; Chandler; Chopp; Cody; Corry; Dolan; Dye; Fitzgibbon; Hansen; Hoff; Hudgins; Kilduff; Macri; Mosbrucker; Pettigrew; Ryu; Schmick; Senn; Springer; Steele; Sullivan; Sutherland; Tarleton; Tharinger and Ybarra.

MINORITY recommendation: Without recommendation. Signed by Representative Kraft.

Referred to Committee on Rules for second reading.

March 2, 2020 101.0.

SB 6045 Prime Sponsor, Senator Takko: Concerning vulnerable users of a public way. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives Fey, Chair; Slatter, 2nd Vice Chair; Valdez, 2nd Vice Chair; Wylie, 1st Vice Chair; Barkis, Ranking Minority Member; Walsh, Assistant Ranking Minority Member; Young, Assistant Ranking Minority Member; Boehnke; Chambers; Chapman; Dent; Doglio; Duerr; Entenman; Eslick; Goehner; Gregerson; Irwin; Kloba; Lovick; McCaslin; Mead; Orcutt; Ortiz-Self; Paul; Ramos; Riccelli; Shewmake; Van Werven and Volz.

Referred to Committee on Rules for second reading.

March 2, 2020 101.0.

SB 6049 Prime Sponsor, Senator Liias: Creating the insurance commissioner's fraud account. Reported by Committee on Finance

MAJORITY recommendation: Do pass. Signed by Representatives Tarleton, Chair; Walen, Vice Chair; Orcutt, Ranking Minority Member; Young, Assistant Ranking Minority Member; Chapman; Frame; Macri; Orwall; Springer; Stokesbary; Vick and Wylie.

Referred to Committee on Rules for second reading.

March 2, 2020 101.0.

SSB 6068 Prime Sponsor, Committee on Ways & Means: Concerning sales and use tax exemptions for large private airplanes. Reported by Committee on Finance

MAJORITY recommendation: Do pass. Signed by Representatives Tarleton, Chair; Walen, Vice Chair; Orcutt, Ranking Minority Member; Young, Assistant Ranking Minority Member; Chapman; Macri; Orwall; Springer; Stokesbary; Vick and Wylie.

MINORITY recommendation: Without recommendation. Signed by Representative Frame.

Referred to Committee on Rules for second reading.

February 29, 2020 101.0.

SSB 6072 Prime Sponsor, Committee on Ways & Means: Dividing the state wildlife account into the fish, wildlife, and conservation account and the limited fish and wildlife account. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Ormsby, Chair; Stokesbary, Ranking Minority Member; Robinson, 1st Vice Chair; Bergquist, 2nd Vice Chair; Rude, Assistant Ranking Minority Member; Caldier; Chandler; Chopp; Cody; Corry; Dolan; Dye; Fitzgibbon; Hansen; Hoff; Hudgins; Kilduff; Kraft; Macri; Mosbrucker; Pettigrew; Ryu; Schmick; Senn; Springer; Steele; Sullivan; Sutherland; Tarleton; Tharinger and Ybarra.

Referred to Committee on Rules for second reading.

March 2, 2020 101.0.

SSB 6084 Prime Sponsor, Committee on Transportation: Concerning circular intersections. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives Fey, Chair; Slatter, 2nd Vice Chair; Valdez, 2nd Vice Chair; Wylie, 1st Vice Chair; Barkis, Ranking Minority Member; Walsh, Assistant Ranking Minority Member; Young, Assistant Ranking Minority Member; Boehnke; Chambers; Chapman; Dent; Doglio; Duerr; Entenman; Eslick; Goehner; Gregerson; Irwin; Kloba; Lovick; McCaslin; Mead; Orcutt; Ortiz-Self; Paul; Ramos; Riccelli; Shewmake; Van Werven and Volz.

Referred to Committee on Rules for second reading.

March 2, 2020 101.0.

SB 6102 Prime Sponsor, Senator Wellman: Adjusting stop signal requirements for school buses. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives Fey, Chair; Slatter, 2nd Vice Chair; Valdez, 2nd Vice Chair; Wylie, 1st Vice Chair; Barkis, Ranking Minority Member; Walsh, Assistant Ranking Minority Member; Young, Assistant Ranking Minority Member; Boehnke; Chambers; Chapman; Dent; Doglio; Duerr; Entenman; Eslick; Goehner; Gregerson; Irwin; Kloba; Lovick; McCaslin; Mead; Orcutt; Ortiz-Self; Paul; Ramos; Riccelli; Shewmake; Van Werven and Volz.

Referred to Committee on Rules for second reading.

February 29, 2020 101.0.

SSB 6113 Prime Sponsor, Committee on Ways & Means: Creating a central insulin purchasing program. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Ormsby, Chair; Robinson, 1st Vice Chair; Bergquist, 2nd Vice Chair; Chandler; Chopp; Cody; Dolan; Fitzgibbon; Hansen; Hudgins; Kilduff; Macri; Pettigrew; Ryu; Schmick; Senn; Springer; Sullivan; Tarleton and Tharinger.

MINORITY recommendation: Do not pass. Signed by Representatives Stokesbary, Ranking Minority Member; Rude, Assistant Ranking Minority Member; Caldier; Corry; Dye; Hoff; Kraft; Mosbrucker; Steele; Sutherland and Ybarra.

Referred to Committee on Rules for second reading.

February 29, 2020 101.0.

2SSB 6139 Prime Sponsor, Committee on Ways & Means: Extending the joint center for aerospace technology innovation program. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Ormsby, Chair; Stokesbary, Ranking Minority Member; Robinson, 1st Vice Chair; Bergquist, 2nd Vice Chair; Rude, Assistant Ranking Minority Member; Caldier; Chandler; Chopp; Cody; Corry; Dolan; Dye; Fitzgibbon; Hansen; Hoff; Hudgins; Kilduff; Kraft; Macri; Mosbrucker; Pettigrew; Ryu; Schmick; Senn; Springer; Steele; Sullivan; Sutherland; Tarleton; Tharinger and Ybarra.

Referred to Committee on Rules for second reading.

February 29, 2020 101.0.

SB 6170 Prime Sponsor, Senator Keiser: Concerning plumbing. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Ormsby, Chair; Stokesbary, Ranking Minority Member; Robinson, 1st Vice Chair; Bergquist, 2nd Vice Chair; Rude, Assistant Ranking Minority Member; Caldier; Chandler; Chopp; Cody; Corry; Dolan; Dye; Fitzgibbon; Hansen; Hoff; Hudgins; Kilduff; Kraft; Macri; Mosbrucker; Pettigrew; Ryu; Schmick; Senn; Springer; Steele; Sullivan; Sutherland; Tarleton; Tharinger and Ybarra.

Referred to Committee on Rules for second reading.

March 2, 2020 101.0.

SSB 6190 Prime Sponsor, Committee on Health & Long Term Care: Preserving the developmental disabilities community trust. Reported by Committee on Capital Budget

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"**Sec. 102.** RCW 71A.20.170 and 2011 1st sp.s. c 30 s 12 are each amended to read as follows:

(1) The developmental disabilities community ((~~trust~~) services account is created in the state treasury. ((~~All net proceeds from the use of excess property identified in the 2002 joint legislative audit and review committee capital study or other studies of the division of developmental disabilities residential habilitation centers that would not impact current residential habilitation center operations must be deposited into the account.~~))

(2) ((~~Proceeds may come from the lease of the land, conservation easements, sale of timber, or other activities short of sale of the property, except as permitted under section 7 of this act.~~)) The following revenues must be deposited in the account:

(a) All net proceeds from leases or sales of real property, conservation easements, and sales of timber, from the state properties at the Fircrest residential habilitation center, the Lakeland Village residential habilitation center, the Rainier school, and the Yakima Valley school. However, real property that is determined by the department of social and health services to be required for the operations of the residential habilitation centers is excluded from the real property that may be leased or sold for the benefit of the account. In addition, real property owned by the charitable, educational, penal, and reformatory institutions trust, and revenue therefrom, is excluded; and

(b) Any other moneys appropriated or transferred to the account by the legislature.

(3) ((~~"Excess property" includes that portion of the property at Rainier school previously under the cognizance and control of Washington State University for use as a dairy/forage research facility.~~)) Any sale, lease, or easement under this section must be at fair market value.

(4) ((~~Only investment income from the principal of the proceeds deposited into the trust account may be spent from the account. For purposes of this section, "investment income" includes lease payments, rent payments, or other periodic payments deposited into the trust account. For purposes of this section, "principal" is the actual excess land from which proceeds are assigned to the trust account.~~))

(~~5~~)) Moneys in the account may be spent only after appropriation. Expenditures from the account shall be used exclusively ((~~to provide family support and/or employment/day services to eligible persons with developmental disabilities who can be served by~~

~~community-based developmental disability services. It is the intent of the legislature that the account should not be used to replace, supplant, or reduce existing appropriations.~~

~~(6)) for:~~

(a) Supports and services in a community setting to benefit eligible persons with intellectual and developmental disabilities; or

(b) Investment expenses of the state investment board.

(5) The department of social and health services must solicit recommendations from the Washington state developmental disabilities council regarding expenditure of moneys from the Dan Thompson memorial developmental disabilities community services account for supports and services in a community setting to benefit eligible persons with developmental disabilities.

(6) Expenditures from the account must supplement, and may not replace, supplant, or reduce current state expenditure levels for supports and services in the community setting for eligible persons with developmental disabilities.

(7)(a) The state investment board must invest moneys in the account. The state investment board has the full power to invest, reinvest, manage, contract, sell, or exchange investment money in the account. All investment and operating costs associated with the investment of money shall be paid under RCW 43.33A.160 and 43.84.160.

(b) All investments made by the state investment board shall be made with the degree of judgment and care required under RCW 43.33A.140 and the investment policy established by the state investment board.

(c) The state investment board shall routinely consult and communicate with the department of social and health services and the legislature on the investment policy, earnings of the account, and related needs of the account.

(8) The account shall be known as the Dan Thompson memorial developmental disabilities community ~~((trust))~~ services account."

Correct the title.

Signed by Representatives Tharinger, Chair; Callan, Vice Chair; Doglio, Vice Chair; DeBolt, Ranking Minority Member; Smith, Assistant Ranking Minority Member; Steele, Assistant Ranking Minority Member; Corry; Davis; Dye; Gildon; Leavitt; Lekanoff; Maycumber; Morgan; Pellicciotti; Peterson; Riccelli; Santos; Sells; Stonier and Walsh.

Referred to Committee on Rules for second reading.

February 29, 2020 102.0.

SSB 6191

Prime Sponsor, Committee on Early Learning & K-12 Education: Assessing the prevalence of adverse childhood experiences in middle and high school

students to inform decision making and improve services. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass as amended by Committee on Education.

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 103.** (1) The legislature stated in RCW 70.305.005 that "adverse childhood experiences are a powerful common determinant of a child's ability to be successful at school and, as an adult, to be successful at work, to avoid behavioral and chronic physical health conditions, and to build healthy relationships."

(2) The legislature recognizes that the healthy youth survey is a voluntary and anonymous survey administered every two years to students in sixth, eighth, tenth, and twelfth grades.

(3) The legislature intends to include questions related to adverse childhood experiences in the healthy youth survey to help assess the prevalence of adverse childhood experiences throughout the state. The legislature further intends for these data to help inform school district and community decision making and improve services for students.

**NEW SECTION. Sec. 104.** A new section is added to chapter 28A.300 RCW to read as follows:

(1)(a) The health care authority, in collaboration with the office of the superintendent of public instruction, the department of health, and the liquor and cannabis board, must incorporate questions related to adverse childhood experiences into the healthy youth survey that are validated for children and would allow reporting of adverse childhood experiences during childhood to be included in frequency reports. The questions must be administered for two cycles of the healthy youth survey and then evaluated by the agencies for any needed changes.

(b) Student responses to the healthy youth survey are voluntary and must remain anonymous.

(c) The aggregated student responses to the adverse childhood experiences questions must be made publicly available and disaggregated by state, educational service district, and county.

(d) School districts and school buildings must be provided the aggregated student responses of their students.

(e) The student response data specified in (c) and (d) of this subsection must comply with state and federal privacy laws.

(2) School districts are encouraged to use the information about adverse childhood experiences in their decision making and to help improve services for students."

Correct the title.

Signed by Representatives Ormsby, Chair; Stokesbary, Ranking Minority Member; Robinson, 1st Vice Chair; Bergquist, 2nd Vice Chair; Rude, Assistant Ranking Minority Member; Caldier; Chandler; Chopp; Cody; Corry; Dolan; Dye; Fitzgibbon; Hansen; Hoff; Hudgins; Kilduff; Macri; Mosbrucker; Pettigrew; Ryu; Schmick; Senn; Springer; Steele; Sullivan; Sutherland; Tarleton; Tharinger and Ybarra.

MINORITY recommendation: Do not pass. Signed by Representative Kraft.

Referred to Committee on Rules for second reading.

March 2, 2020 104.0.

SSB 6208 Prime Sponsor, Committee on Transportation: Increasing mobility through the modification of stop sign requirements for bicyclists. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives Fey, Chair; Slatter, 2nd Vice Chair; Valdez, 2nd Vice Chair; Wylie, 1st Vice Chair; Barkis, Ranking Minority Member; Chapman; Dent; Doglio; Duerr; Entenman; Gregerson; Irwin; Kloba; Lovick; Mead; Orcutt; Ortiz-Self; Paul; Ramos; Riccelli; Shewmake; Van Werven and Volz.

MINORITY recommendation: Do not pass. Signed by Representatives Walsh, Assistant Ranking Minority Member; Young, Assistant Ranking Minority Member; Boehnke; Chambers; Eslick; Goehner and McCaslin.

Referred to Committee on Rules for second reading.

February 29, 2020 104.0.

SSB 6210 Prime Sponsor, Committee on Ways & Means: Concerning antifouling paints on recreational water vessels. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Ormsby, Chair; Stokesbary, Ranking Minority Member; Robinson, 1st Vice Chair; Bergquist, 2nd Vice Chair; Rude, Assistant Ranking Minority Member; Caldier; Chandler; Chopp; Cody; Corry; Dolan; Dye; Fitzgibbon; Hansen; Hoff; Hudgins; Kilduff; Kraft; Macri; Mosbrucker; Pettigrew; Ryu; Schmick; Senn; Springer; Steele; Sullivan; Sutherland; Tarleton; Tharinger and Ybarra.

Referred to Committee on Rules for second reading.

February 29, 2020 104.0.

2SSB 6211 Prime Sponsor, Committee on Ways & Means: Concerning drug offender sentencing. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass as amended by Committee on Public Safety.

Strike everything after the enacting clause and insert the following:

"**Sec. 105.** RCW 9.94A.660 and 2019 c 325 s 5002 and 2019 c 263 s 502 are each reenacted and amended to read as follows:

(1) An offender is eligible for the special drug offender sentencing alternative if:

(a) The offender is convicted of a felony that is not a violent offense (~~((or sex offense))~~) and the violation does not involve a sentence enhancement under RCW 9.94A.533 (3) or (4);

(b) The offender is convicted of a felony that is not a felony driving while under the influence of intoxicating liquor or any drug under RCW 46.61.502(6) or felony physical control of a vehicle while under the influence of intoxicating liquor or any drug under RCW 46.61.504(6);

(c) The offender has no current or prior convictions for a sex offense (~~((at any time or))~~) for which the offender is currently or may be required to register pursuant to RCW 9A.44.130;

(d) The offender has no prior convictions in this state, and no prior convictions for an equivalent out-of-state or federal offense, for the following offenses during the following time frames:

(i) Robbery in the second degree that did not involve the use of a firearm and was not reduced from robbery in the first degree within seven years before conviction of the current offense; or

(ii) Any other violent offense within ten years before conviction of the current offense(~~((, in this state, another state, or the United States))~~);

~~((d))~~ (e) For a violation of the Uniform Controlled Substances Act under chapter 69.50 RCW or a criminal solicitation to commit such a violation under chapter 9A.28 RCW, the offense involved only a small quantity of the particular controlled substance as determined by the judge upon consideration of such factors as the weight, purity, packaging, sale price, and street value of the controlled substance;

~~((e))~~ (f) The offender has not been found by the United States attorney general to be subject to a deportation detainer or order and does not become subject to a deportation order during the period of the sentence; and

~~((f) The end of the standard sentence range for the current offense is greater than one year; and))~~

(g) The offender has not received a drug offender sentencing alternative more than once in the prior ten years before the current offense.

(2) A motion for a special drug offender sentencing alternative may be made by the court, the offender, or the state.



(3) If the sentencing court determines that the offender is eligible for an alternative sentence under this section and that the alternative sentence is appropriate, the court shall waive imposition of a sentence within the standard sentence range and impose a sentence consisting of either a prison-based alternative under RCW 9.94A.662 or a residential substance use disorder treatment-based alternative under RCW 9.94A.664. The residential substance use disorder treatment-based alternative is only available if the midpoint of the standard range is ~~((twenty-four))~~ twenty-six months or less.

(4)(a) To assist the court in making its determination, the court may order the department to complete either or both a risk assessment report and a substance use disorder screening report as provided in RCW 9.94A.500.

(b) To assist the court in making its determination in domestic violence cases, the court shall order the department to complete a presentence investigation and a chemical dependency screening report as provided in RCW 9.94A.500, unless otherwise specifically waived by the court.

(5)~~((a))~~ If the court is considering imposing a sentence under the residential substance use disorder treatment-based alternative, the court may order an examination of the offender by the department. The examination must be performed by an agency certified by the department of health to provide substance use disorder services. The examination shall, at a minimum, address the following issues:

~~((i))~~ (a) Whether the offender suffers from ~~((drug addiction))~~ a substance use disorder;

~~((ii))~~ (b) Whether the ~~((addiction))~~ substance use disorder is such that there is a probability that criminal behavior will occur in the future;

~~((iii))~~ (c) Whether effective treatment for the offender's ~~((addiction))~~ substance use disorder is available from a provider that has been licensed or certified by the department of health, and where applicable, whether effective domestic violence perpetrator treatment is available from a state-certified domestic violence treatment provider pursuant to chapter 26.50 RCW; and

~~((iv))~~ (d) Whether the offender and the community will benefit from the use of the alternative.

~~((b) The examination report must contain:~~

~~(i) A proposed monitoring plan, including any requirements regarding living conditions, lifestyle requirements, and monitoring by family members and others; and~~

~~(ii) Recommended crime-related prohibitions and affirmative conditions;))~~

(6) When a court imposes a sentence of community custody under this section:

(a) The court may impose conditions as provided in RCW 9.94A.703 and may impose other affirmative conditions as the court considers appropriate. In addition, an

offender may be required to pay thirty dollars per month while on community custody to offset the cost of monitoring for alcohol or controlled substances, or in cases of domestic violence for monitoring with global positioning system technology for compliance with a no-contact order.

(b) The department may impose conditions and sanctions as authorized in RCW 9.94A.704 and 9.94A.737.

(7)(a) The court may bring any offender sentenced under this section back into court at any time on its own initiative to evaluate the offender's progress in treatment or to determine if any violations of the conditions of the sentence have occurred.

(b) If the offender is brought back to court, the court may modify the conditions of the community custody or impose sanctions under (c) of this subsection.

(c) The court may order the offender to serve a term of total confinement within the standard range of the offender's current offense at any time during the period of community custody if the offender violates the conditions or requirements of the sentence or if the offender is failing to make satisfactory progress in treatment.

(d) An offender ordered to serve a term of total confinement under (c) of this subsection shall receive credit for ~~((any))~~ time previously served in total or partial confinement and inpatient treatment under this section, and shall receive fifty percent credit for time previously served in community custody under this section.

(8) In serving a term of community custody imposed upon failure to complete, or administrative termination from, the special drug offender sentencing alternative program, the offender shall receive no credit for time served in community custody prior to termination of the offender's participation in the program.

(9) An offender sentenced under this section shall be subject to all rules relating to earned release time with respect to any period served in total confinement.

(10) ~~((Costs of examinations and preparing treatment plans under a special drug offender sentencing alternative may be paid, at the option of the county, from funds provided to the county from the criminal justice treatment account under RCW 71.24.580))~~ The Washington state institute for public policy shall submit a report to the governor and the appropriate committees of the legislature by November 1, 2022, analyzing the effectiveness of the drug offender sentencing alternative in reducing recidivism among various offender populations. An additional report is due November 1, 2028, and every five years thereafter. The Washington state institute for public policy may coordinate with the department and the caseload forecast council in tracking data and preparing the report.

**Sec. 106.** RCW 9.94A.662 and 2019 c 263 s 503 are each amended to read as follows:

(1) The court may only order a prison-based special drug offender sentencing alternative if the high end of the standard sentence range for the current offense is greater than one year.

(2) A sentence for a prison-based special drug offender sentencing alternative shall include:

(a) A period of total confinement in a state facility for one-half the midpoint of the standard sentence range or twelve months, whichever is greater;

(b) One-half the midpoint of the standard sentence range as a term of community custody, which must include appropriate substance ~~((abuse))~~ use disorder treatment in a program that has been approved by the ~~((division of alcohol and substance abuse of the))~~ department of ~~((social and))~~ health ~~((services))~~, and for co-occurring drug and domestic violence cases, must also include an appropriate domestic violence treatment program by a state-certified domestic violence treatment provider pursuant to chapter 26.50 RCW;

(c) Crime-related prohibitions, including a condition not to use illegal controlled substances;

(d) A requirement to submit to urinalysis or other testing to monitor that status; and

(e) A term of community custody pursuant to RCW 9.94A.701 to be imposed upon the failure to complete or administrative termination from the special drug offender sentencing alternative program.

~~((2))~~ (3)(a) During incarceration in the state facility, offenders sentenced under this section shall undergo a comprehensive substance ~~((abuse))~~ use disorder assessment and receive, within available resources, treatment services appropriate for the offender. The substance ~~((abuse))~~ use disorder treatment services shall be ~~((designed))~~ licensed by the ~~((division of alcohol and substance abuse of the))~~ department of ~~((social and))~~ health ~~((services, in cooperation with the department of corrections))~~.

(b) When applicable for cases involving domestic violence, domestic violence treatment must be provided by a state-certified domestic violence treatment provider pursuant to chapter 26.50 RCW during the term of community custody.

~~((3))~~ (4) If the department finds that conditions of community custody have been willfully violated, the offender may be reclassified to serve the remaining balance of the original sentence. An offender who fails to complete the program or who is administratively terminated from the program shall be reclassified to serve the unexpired term of his or her sentence as ordered by the sentencing court.

~~((4))~~ (5) If an offender sentenced to the prison-based alternative under this section is found by the United States attorney general to be subject to a deportation order, a hearing shall be held by the department unless waived by the offender, and, if the department finds that the offender is subject to a valid deportation order, the department may administratively terminate the offender from the program and reclassify the offender to serve the remaining balance of the original sentence.

**Sec. 107.** RCW 9.94A.664 and 2019 c 325 s 5003 and 2019 c 263 s 504 are each reenacted and amended to read as follows:

(1)(a) A sentence for a residential substance use disorder treatment-based alternative shall include a term of community custody equal to one-half the midpoint of the standard sentence range or two years, whichever is greater, conditioned on the offender entering and remaining in a residential substance use disorder treatment program certified by the department of health for a period set by the court ~~((between three and))~~ up to six months with treatment completion and continued care delivered in accordance with rules established by the health care authority. In establishing rules pursuant to this subsection, the health care authority must consider criteria established by the American society of addiction medicine.

(b) The sentence may include an indeterminate term of confinement of no more than thirty days in a facility operated or utilized under contract by the county in order to facilitate direct transfer to a residential substance use disorder treatment facility.

(2)(a) During any period of community custody, the court shall impose~~((, as conditions of community custody,))~~ treatment and other conditions ~~((as proposed in the examination report completed pursuant to RCW 9.94A.660)).~~

(b) ~~((If the court imposes a term of community custody, the))~~ The department shall, within available resources, make substance use disorder assessment and treatment services available to the offender during ~~((the))~~ any term of community custody, and within available resources, make domestic violence treatment services available to a domestic violence offender during the term of community custody.

(3)(a) If the court imposes a sentence under this section, the treatment provider must send the treatment plan to the court within thirty days of the offender's arrival to the residential substance use disorder treatment program and, when applicable, the domestic violence treatment program.

(b) Upon receipt of the plan, the court shall schedule a progress hearing during the period of ~~((residential substance use disorder))~~ treatment, and schedule a treatment termination hearing for three months before the expiration of the term of community custody.

(c) Before the progress hearing and treatment termination hearing, the treatment provider and the department shall submit written reports to the court and parties regarding the offender's compliance with treatment and monitoring requirements, and recommendations regarding termination from treatment.

(4) At a progress hearing or treatment termination hearing, the court may:

(a) Authorize the department to terminate the offender's community custody status on the expiration date determined under subsection (1) of this section;

(b) Continue the hearing to a date before the expiration date of community custody, with or without modifying the conditions of community custody; or

(c) Impose a term of total confinement equal to one-half the midpoint of the standard sentence range, followed by a term of community custody under RCW 9.94A.701.

(5) If the court imposes a term of total confinement, the department shall, within available resources, make substance use disorder assessment and treatment services available to the offender during the term of total confinement and subsequent term of community custody.

**Sec. 108.** RCW 9.94A.030 and 2019 c 331 s 5, 2019 c 271 s 6, 2019 c 187 s 1, and 2019 c 46 s 5007 are each reenacted and amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Board" means the indeterminate sentence review board created under chapter 9.95 RCW.

(2) "Collect," or any derivative thereof, "collect and remit," or "collect and deliver," when used with reference to the department, means that the department, either directly or through a collection agreement authorized by RCW 9.94A.760, is responsible for monitoring and enforcing the offender's sentence with regard to the legal financial obligation, receiving payment thereof from the offender, and, consistent with current law, delivering daily the entire payment to the superior court clerk without depositing it in a departmental account.

(3) "Commission" means the sentencing guidelines commission.

(4) "Community corrections officer" means an employee of the department who is responsible for carrying out specific duties in supervision of sentenced offenders and monitoring of sentence conditions.

(5) "Community custody" means that portion of an offender's sentence of confinement in lieu of earned release time or imposed as part of a sentence under this chapter and served in the community subject to controls placed on the offender's movement and activities by the department.

(6) "Community protection zone" means the area within eight hundred eighty feet of the facilities and grounds of a public or private school.

(7) "Community restitution" means compulsory service, without compensation, performed for the benefit of the community by the offender.

(8) "Confinement" means total or partial confinement.

(9) "Conviction" means an adjudication of guilt pursuant to Title 10 or 13 RCW and includes a verdict of guilty, a finding of guilty, and acceptance of a plea of guilty.

(10) "Crime-related prohibition" means an order of a court prohibiting conduct that directly relates to the circumstances of the crime for which the offender has been convicted, and shall not be construed to mean orders directing an offender affirmatively to participate in rehabilitative programs or to otherwise perform affirmative conduct. However, affirmative acts necessary to monitor compliance with the order of a court may be required by the department.

(11) "Criminal history" means the list of a defendant's prior convictions and juvenile adjudications, whether in this state, in federal court, or elsewhere, and any issued certificates of restoration of opportunity pursuant to RCW 9.97.020.

(a) The history shall include, where known, for each conviction (i) whether the defendant has been placed on probation and the length and terms thereof; and (ii) whether the defendant has been incarcerated and the length of incarceration.

(b) A conviction may be removed from a defendant's criminal history only if it is vacated pursuant to RCW 9.96.060, 9.94A.640, 9.95.240, or a similar out-of-state statute, or if the conviction has been vacated pursuant to a governor's pardon. However, when a defendant is charged with a recidivist offense, "criminal history" includes a vacated prior conviction for the sole purpose of establishing that such vacated prior conviction constitutes an element of the present recidivist offense as provided in RCW 9.94A.640(3)(b) and 9.96.060(~~((5))~~) (6)(c).

(c) The determination of a defendant's criminal history is distinct from the determination of an offender score. A prior conviction that was not included in an offender score calculated pursuant to a former version of the sentencing reform act remains part of the defendant's criminal history.

(12) "Criminal street gang" means any ongoing organization, association, or group of three or more persons, whether formal or informal, having a common name or common identifying sign or symbol, having as one of its primary activities the commission of criminal acts, and whose members or associates individually or collectively engage in or have engaged in a pattern of criminal street gang activity. This definition does not apply to employees engaged in concerted activities for their mutual aid and protection, or to the activities of labor and bona fide nonprofit organizations or their members or agents.

(13) "Criminal street gang associate or member" means any person who actively participates in any criminal street gang and who intentionally promotes, furthers, or assists in any criminal act by the criminal street gang.

(14) "Criminal street gang-related offense" means any felony or misdemeanor offense, whether in this state or elsewhere, that is committed for the benefit of, at the direction of, or in association with any criminal street gang, or is committed with the intent to promote, further, or assist in any criminal conduct by the gang, or is committed for one or more of the following reasons:

(a) To gain admission, prestige, or promotion within the gang;

(b) To increase or maintain the gang's size, membership, prestige, dominance, or control in any geographical area;

(c) To exact revenge or retribution for the gang or any member of the gang;

(d) To obstruct justice, or intimidate or eliminate any witness against the gang or any member of the gang;

(e) To directly or indirectly cause any benefit, aggrandizement, gain, profit, or other advantage for the gang, its reputation, influence, or membership; or

(f) To provide the gang with any advantage in, or any control or dominance over any criminal market sector, including, but not limited to, manufacturing, delivering, or selling any controlled substance (chapter 69.50 RCW); arson (chapter 9A.48 RCW); trafficking in stolen property (chapter 9A.82 RCW); promoting prostitution (chapter 9A.88 RCW); human trafficking (RCW 9A.40.100); promoting commercial sexual abuse of a minor (RCW 9.68A.101); or promoting pornography (chapter 9.68 RCW).

(15) "Day fine" means a fine imposed by the sentencing court that equals the difference between the offender's net daily income and the reasonable obligations that the offender has for the support of the offender and any dependents.

(16) "Day reporting" means a program of enhanced supervision designed to monitor the offender's daily activities and compliance with sentence conditions, and in which the offender is required to report daily to a specific location designated by the department or the sentencing court.

(17) "Department" means the department of corrections.

(18) "Determinate sentence" means a sentence that states with exactitude the number of actual years, months, or days of total confinement, of partial confinement, of community custody, the number of actual hours or days of community restitution work, or dollars or terms of a legal financial obligation. The fact that an offender through earned release can reduce the actual period of confinement shall not affect the classification of the sentence as a determinate sentence.

(19) "Disposable earnings" means that part of the earnings of an offender remaining after the deduction from those earnings of any amount required by law to be withheld. For the purposes of this definition, "earnings" means compensation paid or payable for personal services, whether denominated as wages, salary, commission, bonuses, or otherwise, and, notwithstanding any other provision of law making the payments exempt from garnishment, attachment, or other process to satisfy a court-ordered legal financial obligation, specifically includes periodic payments pursuant to pension or retirement programs, or insurance policies of any type, but does not include payments made under Title 50 RCW, except as provided in RCW 50.40.020 and 50.40.050, or Title 74 RCW.

(20) "Domestic violence" has the same meaning as defined in RCW 10.99.020 and 26.50.010.

(21) "Drug offender sentencing alternative" is a sentencing option available to persons convicted of a felony offense ~~((other than a violent offense or a sex offense and))~~ who are eligible for the option under RCW 9.94A.660.

(22) "Drug offense" means:

(a) Any felony violation of chapter 69.50 RCW except possession of a controlled substance (RCW 69.50.4013) or forged prescription for a controlled substance (RCW 69.50.403);

(b) Any offense defined as a felony under federal law that relates to the possession, manufacture, distribution, or transportation of a controlled substance; or

(c) Any out-of-state conviction for an offense that under the laws of this state would be a felony classified as a drug offense under (a) of this subsection.

(23) "Earned release" means earned release from confinement as provided in RCW 9.94A.728.

(24) "Electronic monitoring" means tracking the location of an individual, whether pretrial or posttrial, through the use of technology that is capable of determining or identifying the monitored individual's presence or absence at a particular location including, but not limited to:

(a) Radio frequency signaling technology, which detects if the monitored individual is or is not at an approved location and notifies the monitoring agency of the time that the monitored individual either leaves the approved location or tampers with or removes the monitoring device; or

(b) Active or passive global positioning system technology, which detects the location of the monitored individual and notifies the monitoring agency of the monitored individual's location.

(25) "Escape" means:

(a) Sexually violent predator escape (RCW 9A.76.115), escape in the first degree (RCW 9A.76.110), escape in the second degree (RCW 9A.76.120), willful failure to return from furlough (RCW 72.66.060), willful failure to return from work release (RCW 72.65.070), or willful failure to be available for supervision by the department while in community custody (RCW 72.09.310); or

(b) Any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as an escape under (a) of this subsection.

(26) "Felony traffic offense" means:

(a) Vehicular homicide (RCW 46.61.520), vehicular assault (RCW 46.61.522), eluding a police officer (RCW 46.61.024), felony hit-and-run injury-accident (RCW 46.52.020(4)), felony driving while under the influence of intoxicating liquor or any drug (RCW 46.61.502(6)), or felony physical control of a vehicle while under the influence of intoxicating liquor or any drug (RCW 46.61.504(6)); or

(b) Any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a felony traffic offense under (a) of this subsection.

(27) "Fine" means a specific sum of money ordered by the sentencing court to be paid by the offender to the court over a specific period of time.

(28) "First-time offender" means any person who has no prior convictions for a felony and is eligible for the first-time offender waiver under RCW 9.94A.650.

(29) "Home detention" is a subset of electronic monitoring and means a program of partial confinement available to offenders wherein the offender is confined in a private residence twenty-four hours a day, unless an absence from the residence is approved, authorized, or otherwise permitted in the order by the court or other supervising agency that ordered home detention, and the offender is subject to electronic monitoring.

(30) "Homelessness" or "homeless" means a condition where an individual lacks a fixed, regular, and adequate nighttime residence and who has a primary nighttime residence that is:

(a) A supervised, publicly or privately operated shelter designed to provide temporary living accommodations;

(b) A public or private place not designed for, or ordinarily used as, a regular sleeping accommodation for human beings; or

(c) A private residence where the individual stays as a transient invitee.

(31) "Legal financial obligation" means a sum of money that is ordered by a superior court of the state of Washington for legal financial obligations which may include restitution to the victim, statutorily imposed crime victims' compensation fees as assessed pursuant to RCW 7.68.035, court costs, county or interlocal drug funds, court-appointed attorneys' fees, and costs of defense, fines, and any other financial obligation that is assessed to the offender as a result of a felony conviction. Upon conviction for vehicular assault while under the influence of intoxicating liquor or any drug, RCW 46.61.522(1)(b), or vehicular homicide while under the influence of intoxicating liquor or any drug, RCW 46.61.520(1)(a), legal financial obligations may also include payment to a public agency of the expense of an emergency response to the incident resulting in the conviction, subject to RCW 38.52.430.

(32) "Minor child" means a biological or adopted child of the offender who is under age eighteen at the time of the offender's current offense.

(33) "Most serious offense" means any of the following felonies or a felony attempt to commit any of the following felonies:

(a) Any felony defined under any law as a class A felony or criminal solicitation of or criminal conspiracy to commit a class A felony;

(b) Assault in the second degree;

(c) Assault of a child in the second degree;

(d) Child molestation in the second degree;

(e) Controlled substance homicide;

(f) Extortion in the first degree;

(g) Incest when committed against a child under age fourteen;

(h) Indecent liberties;

(i) Kidnapping in the second degree;

(j) Leading organized crime;

(k) Manslaughter in the first degree;

(l) Manslaughter in the second degree;

(m) Promoting prostitution in the first degree;

(n) Rape in the third degree;

(o) Sexual exploitation;

(p) Vehicular assault, when caused by the operation or driving of a vehicle by a person while under the influence of intoxicating liquor or any drug or by the operation or driving of a vehicle in a reckless manner;

(q) Vehicular homicide, when proximately caused by the driving of any vehicle by any person while under the influence of intoxicating liquor or any drug as defined by RCW 46.61.502, or by the operation of any vehicle in a reckless manner;

(r) Any other class B felony offense with a finding of sexual motivation;

(s) Any other felony with a deadly weapon verdict under RCW 9.94A.825;

(t) Any felony offense in effect at any time prior to December 2, 1993, that is comparable to a most serious offense under this subsection, or any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a most serious offense under this subsection;

(u)(i) A prior conviction for indecent liberties under RCW 9A.44.100(1) (a), (b), and (c), chapter 260, Laws of 1975 1st ex. sess. as it existed until July 1, 1979, RCW 9A.44.100(1) (a), (b), and (c) as it existed from July 1, 1979, until June 11, 1986, and RCW 9A.44.100(1) (a), (b), and (d) as it existed from June 11, 1986, until July 1, 1988;

(ii) A prior conviction for indecent liberties under RCW 9A.44.100(1)(c) as it existed from June 11, 1986, until July 1, 1988, if: (A) The crime was committed against a child under the age of fourteen; or (B) the relationship between the victim and perpetrator is included in the definition of indecent liberties under RCW 9A.44.100(1)(c) as it existed from July 1, 1988, through July 27, 1997, or RCW 9A.44.100(1) (d) or (e) as it existed from July 25, 1993, through July 27, 1997;

(v) Any out-of-state conviction for a felony offense with a finding of sexual motivation if the minimum sentence imposed was ten years or more; provided that the out-of-state felony offense must be comparable to a felony offense under this title and Title 9A RCW and the out-of-state definition of sexual motivation must be comparable to the definition of sexual motivation contained in this section.

(34) "Nonviolent offense" means an offense which is not a violent offense.

(35) "Offender" means a person who has committed a felony established by state law and is eighteen years of age or older or is less than eighteen years of age but whose case is under superior court jurisdiction under RCW 13.04.030 or has been transferred by the appropriate juvenile court to a criminal court pursuant to RCW 13.40.110. In addition, for the purpose of community custody requirements under this chapter, "offender" also means a misdemeanor or gross misdemeanor probationer ordered by a superior court to probation pursuant to RCW 9.92.060, 9.95.204, or 9.95.210 and supervised by the department pursuant to RCW 9.94A.501 and 9.94A.5011. Throughout this chapter, the terms "offender" and "defendant" are used interchangeably.

(36) "Partial confinement" means confinement for no more than one year in a facility or institution operated or utilized under contract by the state or any other unit of government, or, if home detention, electronic monitoring, or work crew has been ordered by the court or home detention has been ordered by the department as part of the parenting program or the graduated reentry program, in an approved residence, for a substantial portion of each day with the balance of the day spent in the community. Partial confinement includes work release, home detention, work crew, electronic monitoring, and a combination of work crew, electronic monitoring, and home detention.

(37) "Pattern of criminal street gang activity" means:

(a) The commission, attempt, conspiracy, or solicitation of, or any prior juvenile adjudication of or adult conviction of, two or more of the following criminal street gang-related offenses:

(i) Any "serious violent" felony offense as defined in this section, excluding Homicide by Abuse (RCW 9A.32.055) and Assault of a Child 1 (RCW 9A.36.120);

(ii) Any "violent" offense as defined by this section, excluding Assault of a Child 2 (RCW 9A.36.130);

(iii) Deliver or Possession with Intent to Deliver a Controlled Substance (chapter 69.50 RCW);

(iv) Any violation of the firearms and dangerous weapon act (chapter 9.41 RCW);

(v) Theft of a Firearm (RCW 9A.56.300);

(vi) Possession of a Stolen Firearm (RCW 9A.56.310);

(vii) Hate Crime (RCW 9A.36.080);

(viii) Harassment where a subsequent violation or deadly threat is made (RCW 9A.46.020(2)(b));

(ix) Criminal Gang Intimidation (RCW 9A.46.120);

(x) Any felony conviction by a person eighteen years of age or older with a special finding of involving a juvenile in a felony offense under RCW 9.94A.833;

(xi) Residential Burglary (RCW 9A.52.025);

(xii) Burglary 2 (RCW 9A.52.030);

(xiii) Malicious Mischief 1 (RCW 9A.48.070);

(xiv) Malicious Mischief 2 (RCW 9A.48.080);

(xv) Theft of a Motor Vehicle (RCW 9A.56.065);

(xvi) Possession of a Stolen Motor Vehicle (RCW 9A.56.068);

(xvii) Taking a Motor Vehicle Without Permission 1 (RCW 9A.56.070);

(xviii) Taking a Motor Vehicle Without Permission 2 (RCW 9A.56.075);

(xix) Extortion 1 (RCW 9A.56.120);

(xx) Extortion 2 (RCW 9A.56.130);

(xxi) Intimidating a Witness (RCW 9A.72.110);

(xxii) Tampering with a Witness (RCW 9A.72.120);

(xxiii) Reckless Endangerment (RCW 9A.36.050);

(xxiv) Coercion (RCW 9A.36.070);

(xxv) Harassment (RCW 9A.46.020); or

(xxvi) Malicious Mischief 3 (RCW 9A.48.090);

(b) That at least one of the offenses listed in (a) of this subsection shall have occurred after July 1, 2008;

(c) That the most recent committed offense listed in (a) of this subsection occurred within three years of a prior offense listed in (a) of this subsection; and

(d) Of the offenses that were committed in (a) of this subsection, the offenses occurred on separate occasions or were committed by two or more persons.

(38) "Persistent offender" is an offender who:

(a)(i) Has been convicted in this state of any felony considered a most serious offense; and

(ii) Has, before the commission of the offense under (a) of this subsection, been convicted as an offender on at least two separate occasions, whether in this state or elsewhere, of felonies that under the laws of this state would be considered most serious offenses and would be included in the offender score under RCW 9.94A.525; provided that of the two or more previous convictions, at least one conviction must have occurred before the commission of any of the other most serious offenses for which the offender was previously convicted; or

(b)(i) Has been convicted of: (A) Rape in the first degree, rape of a child in the first degree, child molestation in the first degree, rape in the second degree, rape of a child in the second degree, or indecent liberties by forcible compulsion; (B) any of the following offenses with a finding of sexual motivation: Murder in the first degree, murder in the second degree, homicide by abuse, kidnapping in the first degree, kidnapping in the second degree, assault in the first degree, assault in the second degree, assault of a child in the first degree, assault of a child in the second degree, or burglary in the first degree; or (C) an attempt to commit any crime listed in this subsection (38)(b)(i); and

(ii) Has, before the commission of the offense under (b)(i) of this subsection, been convicted as an offender on at least one occasion, whether in this state or elsewhere, of an offense listed in (b)(i) of this subsection or any federal or out-of-state offense or offense under prior Washington law that is comparable to the offenses listed in (b)(i) of this subsection. A conviction for rape of a child in the first degree constitutes a conviction under (b)(i) of this subsection only when the offender was sixteen years of age or older when the offender committed the offense. A conviction for rape of a child in the second degree constitutes a conviction under (b)(i) of this subsection only when the offender was eighteen years of age or older when the offender committed the offense.

(39) "Predatory" means: (a) The perpetrator of the crime was a stranger to the victim, as defined in this section; (b) the perpetrator established or promoted a relationship with the victim prior to the offense and the victimization of the victim was a significant reason the perpetrator established or promoted the relationship; or (c) the perpetrator was: (i) A teacher, counselor, volunteer, or other person in authority in any public or private school and the victim was a student of the school under his or her authority or supervision. For purposes of this subsection, "school" does not include home-based instruction as defined in RCW 28A.225.010; (ii) a coach, trainer, volunteer, or other person in authority in any recreational activity and the victim was a participant in the activity under his or her authority or supervision; (iii) a pastor, elder, volunteer, or other person in authority in any church or religious organization, and the victim was a member or participant of the organization under his or her authority; or (iv) a teacher, counselor, volunteer, or other person in authority providing home-based instruction and the victim was a student receiving home-based instruction while under his or her authority or supervision. For purposes of this subsection: (A) "Home-based instruction" has the same meaning as defined in RCW 28A.225.010; and (B) "teacher, counselor, volunteer, or other person in authority" does not include the parent or legal guardian of the victim.

(40) "Private school" means a school regulated under chapter 28A.195 or 28A.205 RCW.

(41) "Public school" has the same meaning as in RCW 28A.150.010.

(42) "Recidivist offense" means a felony offense where a prior conviction of the same offense or other specified offense is an element of the crime including, but not limited to:

(a) Assault in the fourth degree where domestic violence is pleaded and proven, RCW 9A.36.041(3);

(b) Cyberstalking, RCW 9A.61.260(3)(a);

(c) Harassment, RCW 9A.46.020(2)(b)(i);

(d) Indecent exposure, RCW 9A.88.010(2)(c);

(e) Stalking, RCW 9A.46.110(5)(b) (i) and (iii);

(f) Telephone harassment, RCW 9A.61.230(2)(a); and

(g) Violation of a no-contact or protection order, RCW 26.50.110(5).

(43) "Repetitive domestic violence offense" means any:

(a)(i) Domestic violence assault that is not a felony offense under RCW 9A.36.041;

(ii) Domestic violence violation of a no-contact order under chapter 10.99 RCW that is not a felony offense;

(iii) Domestic violence violation of a protection order under chapter 26.09, 26.10, 26.26A, 26.26B, or 26.50 RCW that is not a felony offense;

(iv) Domestic violence harassment offense under RCW 9A.46.020 that is not a felony offense; or

(v) Domestic violence stalking offense under RCW 9A.46.110 that is not a felony offense; or

(b) Any federal, out-of-state, tribal court, military, county, or municipal conviction for an offense that under the laws of this state would be classified as a repetitive domestic violence offense under (a) of this subsection.

(44) "Restitution" means a specific sum of money ordered by the sentencing court to be paid by the offender to the court over a specified period of time as payment of damages. The sum may include both public and private costs.

(45) "Risk assessment" means the application of the risk instrument recommended to the department by the Washington state institute for public policy as having the highest degree of predictive accuracy for assessing an offender's risk of reoffense.

(46) "Serious traffic offense" means:

(a) Nonfelony driving while under the influence of intoxicating liquor or any drug (RCW 46.61.502), nonfelony actual physical control while under the influence of intoxicating liquor or any drug (RCW 46.61.504), reckless driving (RCW 46.61.500), or hit-and-run an attended vehicle (RCW 46.52.020(5)); or

(b) Any federal, out-of-state, county, or municipal conviction for an offense that under the laws of this state would be classified as a serious traffic offense under (a) of this subsection.

(47) "Serious violent offense" is a subcategory of violent offense and means:

(a)(i) Murder in the first degree;

(ii) Homicide by abuse;

(iii) Murder in the second degree;

(iv) Manslaughter in the first degree;

(v) Assault in the first degree;

(vi) Kidnapping in the first degree;

(vii) Rape in the first degree;

(viii) Assault of a child in the first degree; or

(ix) An attempt, criminal solicitation, or criminal conspiracy to commit one of these felonies; or

(b) Any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a serious violent offense under (a) of this subsection.

(48) "Sex offense" means:

(a)(i) A felony that is a violation of chapter 9A.44 RCW other than RCW 9A.44.132;

(ii) A violation of RCW 9A.64.020;

(iii) A felony that is a violation of chapter 9.68A RCW other than RCW 9.68A.080;

(iv) A felony that is, under chapter 9A.28 RCW, a criminal attempt, criminal solicitation, or criminal conspiracy to commit such crimes; or

(v) A felony violation of RCW 9A.44.132(1) (failure to register as a sex offender) if the person has been convicted of violating RCW 9A.44.132(1) (failure to register as a sex offender) or 9A.44.130 prior to June 10, 2010, on at least one prior occasion;

(b) Any conviction for a felony offense in effect at any time prior to July 1, 1976, that is comparable to a felony classified as a sex offense in (a) of this subsection;

(c) A felony with a finding of sexual motivation under RCW 9.94A.835 or 13.40.135; or

(d) Any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a sex offense under (a) of this subsection.

(49) "Sexual motivation" means that one of the purposes for which the defendant committed the crime was for the purpose of his or her sexual gratification.

(50) "Standard sentence range" means the sentencing court's discretionary range in imposing a nonappealable sentence.

(51) "Statutory maximum sentence" means the maximum length of time for which an offender may be confined as punishment for a crime as prescribed in chapter 9A.20 RCW, RCW 9.92.010, the statute defining the crime, or other statute defining the maximum penalty for a crime.

(52) "Stranger" means that the victim did not know the offender twenty-four hours before the offense.

(53) "Total confinement" means confinement inside the physical boundaries of a facility or institution operated or utilized under contract by the state or any other unit of government for twenty-four hours a day, or pursuant to RCW 72.64.050 and 72.64.060.

(54) "Transition training" means written and verbal instructions and assistance provided by the department to the offender during the two weeks prior to the offender's successful completion of the work ethic camp program. The transition training shall include instructions in the offender's requirements and obligations during the offender's period of community custody.

(55) "Victim" means any person who has sustained emotional, psychological, physical, or financial injury to person or property as a direct result of the crime charged.

(56) "Violent offense" means:

(a) Any of the following felonies:

(i) Any felony defined under any law as a class A felony or an attempt to commit a class A felony;

(ii) Criminal solicitation of or criminal conspiracy to commit a class A felony;

(iii) Manslaughter in the first degree;

(iv) Manslaughter in the second degree;

(v) Indecent liberties if committed by forcible compulsion;

(vi) Kidnapping in the second degree;

(vii) Arson in the second degree;

(viii) Assault in the second degree;

(ix) Assault of a child in the second degree;

(x) Extortion in the first degree;

(xi) Robbery in the second degree;

(xii) Drive-by shooting;

(xiii) Vehicular assault, when caused by the operation or driving of a vehicle by a person while under the influence of intoxicating liquor or any drug or by the operation or driving of a vehicle in a reckless manner; and

(xiv) Vehicular homicide, when proximately caused by the driving of any vehicle by any person while under the influence of intoxicating liquor or any drug as defined by RCW 46.61.502, or by the operation of any vehicle in a reckless manner;

(b) Any conviction for a felony offense in effect at any time prior to July 1, 1976, that is comparable to a felony classified as a violent offense in (a) of this subsection; and

(c) Any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a violent offense under (a) or (b) of this subsection.

(57) "Work crew" means a program of partial confinement consisting of civic improvement tasks for the benefit of the community that complies with RCW 9.94A.725.

(58) "Work ethic camp" means an alternative incarceration program as provided in RCW 9.94A.690 designed to reduce recidivism and lower the cost of corrections by requiring offenders to complete a comprehensive array of real-world job and vocational experiences, character-building work ethics training, life management skills development, substance abuse rehabilitation, counseling, literacy training, and basic adult education.



(59) "Work release" means a program of partial confinement available to offenders who are employed or engaged as a student in a regular course of study at school.

NEW SECTION. **Sec. 109.** This act takes effect January 1, 2021."

Correct the title.

Signed by Representatives Ormsby, Chair; Stokesbary, Ranking Minority Member; Robinson, 1st Vice Chair; Bergquist, 2nd Vice Chair; Rude, Assistant Ranking Minority Member; Caldier; Chopp; Cody; Corry; Dolan; Dye; Fitzgibbon; Hansen; Hoff; Hudgins; Kilduff; Macri; Pettigrew; Ryu; Schmick; Senn; Springer; Steele; Sullivan; Sutherland; Tarleton; Tharinger and Ybarra.

MINORITY recommendation: Do not pass. Signed by Representatives Chandler; Kraft and Mosbrucker.

Referred to Committee on Rules for second reading.

March 2, 2020 109.0.

SB 6212 Prime Sponsor, Senator Das: Concerning the authority of counties, cities, and towns to exceed statutory property tax limitations for the purpose of financing affordable housing for very low-income households and low-income households. Reported by Committee on Finance

MAJORITY recommendation: Do pass. Signed by Representatives Tarleton, Chair; Walen, Vice Chair; Orcutt, Ranking Minority Member; Young, Assistant Ranking Minority Member; Chapman; Frame; Macri; Orwall; Springer; Stokesbary; Vick and Wylie.

Referred to Committee on Rules for second reading.

March 2, 2020 109.0.

SB 6218 Prime Sponsor, Senator Schoesler: Modifying the definition of salary for the Washington state patrol retirement system. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives Fey, Chair; Slatter, 2nd Vice Chair; Valdez, 2nd Vice Chair; Wylie, 1st Vice Chair; Barkis, Ranking Minority Member; Walsh, Assistant Ranking Minority Member; Young, Assistant Ranking Minority Member; Boehnke; Chambers; Chapman; Dent; Doglio; Duerr; Entenman; Eslick; Goehner; Gregerson; Irwin; Kloba; Lovick; McCaslin; Mead; Orcutt; Ortiz-Self; Paul; Ramos; Riccelli; Shewmake; Van Werven and Volz.

Referred to Committee on Rules for second reading.

February 29, 2020 109.0.

SB 6229

Prime Sponsor, Senator Kuderer: Streamlining reporting for recipients of housing-related state funding by removing Washington state quality award program requirements. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Ormsby, Chair; Stokesbary, Ranking Minority Member; Robinson, 1st Vice Chair; Bergquist, 2nd Vice Chair; Rude, Assistant Ranking Minority Member; Caldier; Chandler; Chopp; Cody; Corry; Dolan; Dye; Fitzgibbon; Hansen; Hoff; Hudgins; Kilduff; Kraft; Macri; Mosbrucker; Pettigrew; Ryu; Schmick; Senn; Springer; Steele; Sullivan; Sutherland; Tarleton; Tharinger and Ybarra.

Referred to Committee on Rules for second reading.

March 2, 2020 109.0.

SSB 6256

Prime Sponsor, Committee on Environment, Energy & Technology: Concerning the heating oil insurance program. Reported by Committee on Capital Budget

MAJORITY recommendation: Do pass. Signed by Representatives Tharinger, Chair; Callan, Vice Chair; Doglio, Vice Chair; DeBolt, Ranking Minority Member; Smith, Assistant Ranking Minority Member; Steele, Assistant Ranking Minority Member; Corry; Davis; Dye; Gildon; Leavitt; Lekanoff; Maycumber; Morgan; Pellicciotti; Peterson; Riccelli; Santos; Sells; Stonier and Walsh.

Referred to Committee on Rules for second reading.

February 29, 2020 109.0.

SSB 6267

Prime Sponsor, Committee on Health & Long Term Care: Modifying the long-term services and supports trust program by clarifying the ability for individuals with existing long-term care insurance to opt-out of the premium assessment and making technical corrections. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Ormsby, Chair; Stokesbary, Ranking Minority Member; Robinson, 1st Vice Chair; Bergquist, 2nd Vice Chair; Rude, Assistant Ranking Minority Member; Caldier; Chandler; Chopp; Cody; Corry; Dolan; Dye; Fitzgibbon; Hansen; Hudgins; Kilduff; Kraft; Macri; Mosbrucker; Pettigrew; Ryu; Schmick; Senn; Springer; Steele; Sullivan; Sutherland; Tarleton; Tharinger and Ybarra.

MINORITY recommendation: Do not pass. Signed by Representative Hoff.

Referred to Committee on Rules for second reading.

March 2, 2020 109.0.

**SSB 6319** Prime Sponsor, Committee on Ways & Means: Concerning administration of the senior property tax exemption program. Reported by Committee on Finance

MAJORITY recommendation: Do pass. Signed by Representatives Tarleton, Chair; Walen, Vice Chair; Orcutt, Ranking Minority Member; Young, Assistant Ranking Minority Member; Chapman; Frame; Macri; Orwall; Springer; Stokesbary; Vick and Wylie.

Referred to Committee on Rules for second reading.

February 29, 2020 109.0.

**SSB 6358** Prime Sponsor, Committee on Health & Long Term Care: Requiring medicaid managed care organizations to provide reimbursement of health care services provided by substitute providers. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Ormsby, Chair; Stokesbary, Ranking Minority Member; Robinson, 1st Vice Chair; Bergquist, 2nd Vice Chair; Rude, Assistant Ranking Minority Member; Caldier; Chandler; Chopp; Cody; Corry; Dolan; Dye; Fitzgibbon; Hansen; Hoff; Hudgins; Kilduff; Kraft; Macri; Mosbrucker; Pettigrew; Ryu; Schmick; Senn; Springer; Steele; Sullivan; Sutherland; Tarleton; Tharinger and Ybarra.

Referred to Committee on Rules for second reading.

March 2, 2020 109.0.

**SB 6363** Prime Sponsor, Senator Takko: Concerning tracked and wheeled all-terrain vehicles. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives Fey, Chair; Slatter, 2nd Vice Chair; Valdez, 2nd Vice Chair; Wylie, 1st Vice Chair; Barkis, Ranking Minority Member; Walsh, Assistant Ranking Minority Member; Young, Assistant Ranking Minority Member; Boehnke; Chambers; Chapman; Dent; Doglio; Duerr; Entenman; Eslick; Goehner; Gregerson; Irwin; Kloba; Lovick; McCaslin; Mead; Orcutt; Ortiz-Self; Paul; Ramos; Riccelli; Shewmake; Van Werven and Volz.

Referred to Committee on Rules for second reading.

February 29, 2020 109.0.

**SSB 6397** Prime Sponsor, Committee on Ways & Means: Concerning nonparticipating

providers. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"**Sec. 110.** RCW 74.09.522 and 2019 c 325 s 4004 are each amended to read as follows:

(1) For the purposes of this section:

(a) "Managed health care system" means any health care organization, including health care providers, insurers, health care service contractors, health maintenance organizations, health insuring organizations, or any combination thereof, that provides directly or by contract health care services covered under this chapter or other applicable law and rendered by licensed providers, on a prepaid capitated basis and that meets the requirements of section 1903(m)(1)(A) of Title XIX of the federal social security act or federal demonstration waivers granted under section 1115(a) of Title XI of the federal social security act;

(b) "Nonparticipating provider" means a person, health care provider, practitioner, facility, or entity, acting within their scope of practice, that does not have a written contract to participate in a managed health care system's provider network, but provides health care services to enrollees of programs authorized under this chapter or other applicable law whose health care services are provided by the managed health care system.

(2) The authority shall enter into agreements with managed health care systems to provide health care services to recipients of medicaid under the following conditions:

(a) Agreements shall be made for at least thirty thousand recipients statewide;

(b) Agreements in at least one county shall include enrollment of all recipients of programs as allowed for in the approved state plan amendment or federal waiver for Washington state's medicaid program;

(c) To the extent that this provision is consistent with section 1903(m) of Title XIX of the federal social security act or federal demonstration waivers granted under section 1115(a) of Title XI of the federal social security act, recipients shall have a choice of systems in which to enroll and shall have the right to terminate their enrollment in a system: PROVIDED, That the authority may limit recipient termination of enrollment without cause to the first month of a period of enrollment, which period shall not exceed twelve months: AND PROVIDED FURTHER, That the authority shall not restrict a recipient's right to terminate enrollment in a system for good cause as established by the authority by rule;

(d) To the extent that this provision is consistent with section 1903(m) of Title XIX of the federal social security act, participating managed health care systems shall not enroll a disproportionate number of medical assistance recipients within the total numbers of persons served by the managed health care systems, except as authorized by the

authority under federal demonstration waivers granted under section 1115(a) of Title XI of the federal social security act;

(e)(i) In negotiating with managed health care systems the authority shall adopt a uniform procedure to enter into contractual arrangements, including:

(A) Standards regarding the quality of services to be provided;

(B) The financial integrity of the responding system;

(C) Provider reimbursement methods that incentivize chronic care management within health homes, including comprehensive medication management services for patients with multiple chronic conditions consistent with the findings and goals established in RCW 74.09.5223;

(D) Provider reimbursement methods that reward health homes that, by using chronic care management, reduce emergency department and inpatient use;

(E) Promoting provider participation in the program of training and technical assistance regarding care of people with chronic conditions described in RCW 43.70.533, including allocation of funds to support provider participation in the training, unless the managed care system is an integrated health delivery system that has programs in place for chronic care management;

(F) Provider reimbursement methods within the medical billing processes that incentivize pharmacists or other qualified providers licensed in Washington state to provide comprehensive medication management services consistent with the findings and goals established in RCW 74.09.5223;

(G) Evaluation and reporting on the impact of comprehensive medication management services on patient clinical outcomes and total health care costs, including reductions in emergency department utilization, hospitalization, and drug costs; and

(H) Established consistent processes to incentivize integration of behavioral health services in the primary care setting, promoting care that is integrated, collaborative, colocated, and preventive.

(ii)(A) Health home services contracted for under this subsection may be prioritized to enrollees with complex, high cost, or multiple chronic conditions.

(B) Contracts that include the items in (e)(i)(C) through (G) of this subsection must not exceed the rates that would be paid in the absence of these provisions;

(f) The authority shall seek waivers from federal requirements as necessary to implement this chapter;

(g) The authority shall, wherever possible, enter into prepaid capitation contracts that include inpatient care. However, if this is not possible or feasible, the authority may enter into prepaid capitation contracts that do not include inpatient care;

(h) The authority shall define those circumstances under which a managed health care system is responsible for

out-of-plan services and assure that recipients shall not be charged for such services;

(i) Nothing in this section prevents the authority from entering into similar agreements for other groups of people eligible to receive services under this chapter; and

(j) The authority must consult with the federal center for medicare and medicaid innovation and seek funding opportunities to support health homes.

(3) The authority shall ensure that publicly supported community health centers and providers in rural areas, who show serious intent and apparent capability to participate as managed health care systems are seriously considered as contractors. The authority shall coordinate its managed care activities with activities under chapter 70.47 RCW.

(4) The authority shall work jointly with the state of Oregon and other states in this geographical region in order to develop recommendations to be presented to the appropriate federal agencies and the United States congress for improving health care of the poor, while controlling related costs.

(5) The legislature finds that competition in the managed health care marketplace is enhanced, in the long term, by the existence of a large number of managed health care system options for medicaid clients. In a managed care delivery system, whose goal is to focus on prevention, primary care, and improved enrollee health status, continuity in care relationships is of substantial importance, and disruption to clients and health care providers should be minimized. To help ensure these goals are met, the following principles shall guide the authority in its healthy options managed health care purchasing efforts:

(a) All managed health care systems should have an opportunity to contract with the authority to the extent that minimum contracting requirements defined by the authority are met, at payment rates that enable the authority to operate as far below appropriated spending levels as possible, consistent with the principles established in this section.

(b) Managed health care systems should compete for the award of contracts and assignment of medicaid beneficiaries who do not voluntarily select a contracting system, based upon:

(i) Demonstrated commitment to or experience in serving low-income populations;

(ii) Quality of services provided to enrollees;

(iii) Accessibility, including appropriate utilization, of services offered to enrollees;

(iv) Demonstrated capability to perform contracted services, including ability to supply an adequate provider network;

(v) Payment rates; and

(vi) The ability to meet other specifically defined contract requirements established by the authority, including consideration of past and current performance and participation in other state or federal health programs as a contractor.

(c) Consideration should be given to using multiple year contracting periods.

(d) Quality, accessibility, and demonstrated commitment to serving low-income populations shall be given significant weight in the contracting, evaluation, and assignment process.

(e) All contractors that are regulated health carriers must meet state minimum net worth requirements as defined in applicable state laws. The authority shall adopt rules establishing the minimum net worth requirements for contractors that are not regulated health carriers. This subsection does not limit the authority of the Washington state health care authority to take action under a contract upon finding that a contractor's financial status seriously jeopardizes the contractor's ability to meet its contract obligations.

(f) Procedures for resolution of disputes between the authority and contract bidders or the authority and contracting carriers related to the award of, or failure to award, a managed care contract must be clearly set out in the procurement document.

(6) The authority may apply the principles set forth in subsection (5) of this section to its managed health care purchasing efforts on behalf of clients receiving supplemental security income benefits to the extent appropriate.

(7) Any contract with a managed health care system to provide services to medical assistance enrollees shall require that managed health care systems offer contracts to mental health providers and substance use disorder treatment providers to provide access to primary care services integrated into behavioral health clinical settings, for individuals with behavioral health and medical comorbidities.

(8) Managed health care system contracts effective on or after April 1, 2016, shall serve geographic areas that correspond to the regional service areas established in RCW 74.09.870.

(9) A managed health care system shall pay a nonparticipating provider that provides a service covered under this chapter or other applicable law to the system's enrollee no more than the lowest amount paid for that service under the managed health care system's contracts with similar providers in the state if the managed health care system has made good faith efforts to contract with the nonparticipating provider.

(10) For services covered under this chapter or other applicable law to medical assistance or medical care services enrollees, nonparticipating providers must accept as payment in full the amount paid by the managed health care system under subsection (9) of this section in addition to any deductible, coinsurance, or copayment that is due from the enrollee for the service provided. An enrollee is not liable to any nonparticipating provider for covered services, except for amounts due for any deductible, coinsurance, or copayment under the terms and conditions set forth in the

managed health care system contract to provide services under this section.

(11) Pursuant to federal managed care access standards, 42 C.F.R. Sec. 438, managed health care systems must maintain a network of appropriate providers that is supported by written agreements sufficient to provide adequate access to all services covered under the contract with the authority, including hospital-based physician services. The authority will monitor and periodically report on the proportion of services provided by contracted providers and nonparticipating providers, by county, for each managed health care system to ensure that managed health care systems are meeting network adequacy requirements. No later than January 1st of each year, the authority will review and report its findings to the appropriate policy and fiscal committees of the legislature for the preceding state fiscal year.

(12) Payments under RCW 74.60.130 are exempt from this section.

~~((13) Subsections (9) through (11) of this section expire July 1, 2021.))"~~

Correct the title.

Signed by Representatives Ormsby, Chair; Stokesbary, Ranking Minority Member; Robinson, 1st Vice Chair; Bergquist, 2nd Vice Chair; Rude, Assistant Ranking Minority Member; Caldier; Chandler; Chopp; Cody; Corry; Dolan; Dye; Fitzgibbon; Hansen; Hoff; Hudgins; Kilduff; Kraft; Macri; Mosbrucker; Pettigrew; Ryu; Schmick; Senn; Springer; Steele; Sullivan; Sutherland; Tarleton; Tharinger and Ybarra.

Referred to Committee on Rules for second reading.

March 2, 2020 110.0.

#### SSB 6415

Prime Sponsor, Committee on Local Government: Allowing a permanent fire protection district benefit charge with voter approval. Reported by Committee on Finance

MAJORITY recommendation: Do pass. Signed by Representatives Tarleton, Chair; Walen, Vice Chair; Young, Assistant Ranking Minority Member; Chapman; Frame; Macri; Orwall; Springer; Stokesbary and Wylie.

MINORITY recommendation: Do not pass. Signed by Representatives Orcutt, Ranking Minority Member and Vick.

Referred to Committee on Rules for second reading.

February 29, 2020 110.0.

#### SB 6417

Prime Sponsor, Senator Holy: Allowing retirees to change their survivor option election after retirement. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Ormsby, Chair; Stokesbary, Ranking Minority Member; Robinson, 1st Vice Chair; Bergquist, 2nd Vice Chair; Rude, Assistant Ranking Minority Member; Caldier; Chandler; Chopp; Cody; Corry; Dolan; Dye; Fitzgibbon; Hansen; Hoff; Hudgins; Kilduff; Kraft; Macri; Mosbrucker; Pettigrew; Ryu; Schmick; Senn; Springer; Steele; Sullivan; Sutherland; Tarleton; Tharinger and Ybarra.

Referred to Committee on Rules for second reading.

February 29, 2020 110.0.

ESSB 6419 Prime Sponsor, Committee on Human Services, Reentry & Rehabilitation: Concerning implementation of the recommendations of the December 2019 report from the William D. Ruckelshaus center regarding residential habilitation center clients. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Ormsby, Chair; Stokesbary, Ranking Minority Member; Robinson, 1st Vice Chair; Bergquist, 2nd Vice Chair; Rude, Assistant Ranking Minority Member; Caldier; Chandler; Chopp; Cody; Corry; Dolan; Dye; Fitzgibbon; Hansen; Hoff; Hudgins; Kilduff; Kraft; Macri; Mosbrucker; Pettigrew; Ryu; Schmick; Senn; Springer; Steele; Sullivan; Sutherland; Tarleton; Tharinger and Ybarra.

Referred to Committee on Rules for second reading.

March 2, 2020 110.0.

SSB 6429 Prime Sponsor, Committee on Transportation: Providing a designation on a driver's license or identicard that a person has a developmental disability. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives Fey, Chair; Slatter, 2nd Vice Chair; Valdez, 2nd Vice Chair; Wylie, 1st Vice Chair; Barkis, Ranking Minority Member; Walsh, Assistant Ranking Minority Member; Young, Assistant Ranking Minority Member; Boehnke; Chambers; Chapman; Dent; Doglio; Duerr; Entenman; Eslick; Goehner; Gregerson; Irwin; Kloba; Lovick; McCaslin; Mead; Orcutt; Ortiz-Self; Paul; Ramos; Riccelli; Shewmake; Van Werven and Volz.

Referred to Committee on Rules for second reading.

February 29, 2020 110.0.

ESSB 6440 Prime Sponsor, Committee on Labor & Commerce: Concerning industrial

insurance medical examinations. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass as amended by Committee on Labor & Workplace Standards.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 111. A new section is added to chapter 51.08 RCW to read as follows:

"New medical issue" means a medical issue not covered by a previous medical examination requested by the department or the self-insurer such as an issue regarding medical causation, medical treatment, work restrictions, or evaluating permanent partial disability.

**Sec. 112.** RCW 51.32.110 and 1997 c 325 s 3 are each amended to read as follows:

(1) ~~((Any))~~ As required under RCW 51.36.070, any worker entitled to receive any benefits or claiming such under this title shall, if requested by the department or self-insurer, submit himself or herself for medical examination, ~~((at a time and from time to time,))~~ at a place reasonably convenient for the worker ~~((and as may be provided by the rules of the department))~~. An injured worker, whether an alien or other injured worker, who is not residing in the United States at the time that a medical examination is requested may be required to submit to an examination at any location in the United States determined by the department or self-insurer.

(2) If the worker refuses to submit to medical examination, or obstructs the same, or, if any injured worker shall persist in unsanitary or injurious practices which tend to imperil or retard his or her recovery, or shall refuse to submit to such medical or surgical treatment as is reasonably essential to his or her recovery or refuse or obstruct evaluation or examination for the purpose of vocational rehabilitation or does not cooperate in reasonable efforts at such rehabilitation, the department or the self-insurer upon approval by the department, with notice to the worker may suspend any further action on any claim of such worker so long as such refusal, obstruction, noncooperation, or practice continues and reduce, suspend, or deny any compensation for such period: PROVIDED, That ~~((the))~~ (a) The department or the self-insurer shall not suspend any further action on any claim of a worker or reduce, suspend, or deny any compensation if a worker has good cause for refusing to submit to or to obstruct any examination, evaluation, treatment or practice requested by the department or required under this section and (b) the department may not assess a no-show fee against the worker if the worker gives at least five business days' notice of the worker's intent not to attend the examination.

(3) If the worker necessarily incurs traveling expenses in attending the examination pursuant to the request of the department, such traveling expenses shall be repaid to him or her out of the accident fund upon proper voucher and audit or shall be repaid by the self-insurer, as the case may be.

(4)(a) If the medical examination required by this section causes the worker to be absent from his or her work without pay:

(i) In the case of a worker insured by the department, the worker shall be paid compensation out of the accident fund in an amount equal to his or her usual wages for the time lost from work while attending the medical examination; or

(ii) In the case of a worker of a self-insurer, the self-insurer shall pay the worker an amount equal to his or her usual wages for the time lost from work while attending the medical examination.

(b) This subsection (4) shall apply prospectively to all claims regardless of the date of injury.

**Sec. 113.** RCW 51.36.070 and 2001 c 152 s 2 are each amended to read as follows:

(1)(a) Whenever the ((director)) department or the self-insurer deems it necessary in order to ((resolve any)) (i) make a decision regarding claim allowance or reopening, (ii) resolve a new medical issue, an appeal, or case progress, or (iii) evaluate the worker's permanent disability or work restriction, a worker shall submit to examination by a physician or physicians selected by the ((director)) department, with the rendition of a report to the person ordering the examination, the attending physician, and the injured worker.

(b) The examination must be at a place reasonably convenient to the injured worker, or alternatively utilize telemedicine if the department determines telemedicine is appropriate for the examination. For purposes of this subsection, "reasonably convenient" means at a place where residents in the injured worker's community would normally travel to seek medical care for the same specialty as the examiner. The department must address in rule how to accommodate the injured worker if no approved medical examiner in the specialty needed is available in that community.

(2) The department or self-insurer shall provide the physician performing an examination with all relevant medical records from the worker's claim file. The director, in his or her discretion, may charge the cost of such examination or examinations to the self-insurer or to the medical aid fund as the case may be. The cost of said examination shall include payment to the worker of reasonable expenses connected therewith.

(3) For purposes of this section, "examination" means a physical or mental examination by a medical care provider licensed to practice medicine, osteopathy, podiatry, chiropractic, dentistry, or psychiatry at the request of the department or self-insured employer or by order of the board of industrial insurance appeals.

(4) This section applies prospectively to all claims regardless of the date of injury.

**NEW SECTION. Sec. 114.** (1) An independent medical examination work group is established within the

department of labor and industries, with members as provided in this subsection.

(a) The speaker of the house of representatives shall appoint two members from the house of representatives, with one member appointed from each of the two largest caucuses of the house of representatives;

(b) The president of the senate shall appoint two members from the senate, with one member appointed from each of the two largest caucuses of the senate;

(c) The department of labor and industries shall appoint one business representative representing employers participating in the state fund;

(d) The department of labor and industries shall appoint one business representative representing employers who are self-insured for purposes of workers' compensation insurance;

(e) The department of labor and industries shall appoint two labor representatives;

(f) The department of labor and industries shall appoint one representative of both an association representing physicians who perform examinations for purposes of workers' compensation insurance and the panel companies that work with them; and

(g) The department of labor and industries shall appoint one attorney who represents injured workers.

(2) The work group must:

(a) Develop strategies for reducing the number of medical examinations per claim while considering claim duration and medical complexity;

(b) Develop strategies for improving access to medical records, including records and reports created during the course of or pursuant to an examination;

(c) Consider whether the department of labor and industries should do all the scheduling of independent medical examinations;

(d) Consider the circumstances for which independent medical examiners should be randomly selected or specified;

(e) Consider workers' rights in the independent medical examination process including attendance, specialist consultations, the audio or video recording of examinations, and the distance and location of examinations;

(f) Recommend changes to improve the efficiency of the independent medical examination process; and

(g) Identify barriers to increasing the supply of in-state physicians willing to do independent medical examinations in the workers' compensation system.

(3) The department of labor and industries must report its findings and recommendations to the legislature by December 11, 2020.

(4) This section expires December 31, 2020.

**NEW SECTION. Sec. 115.** A new section is added to chapter 51.36 RCW to read as follows:

(1) The department may adopt rules to implement section 3 of this act.

(2) The department must adopt rules, policies, and processes governing the use of telemedicine for independent medical examinations under section 3 of this act. Development of rules may include a pilot project. Consideration should be given to all available research regarding the use of telemedicine for independent medical examinations.

**NEW SECTION. Sec. 116.** Sections 1 through 3 of this act take effect January 1, 2021."

Correct the title.

Signed by Representatives Ormsby, Chair; Stokesbary, Ranking Minority Member; Robinson, 1st Vice Chair; Bergquist, 2nd Vice Chair; Rude, Assistant Ranking Minority Member; Caldier; Chandler; Chopp; Cody; Corry; Dolan; Dye; Fitzgibbon; Hansen; Hoff; Hudgins; Kilduff; Kraft; Macri; Mosbrucker; Pettigrew; Ryu; Schmick; Senn; Springer; Steele; Sullivan; Sutherland; Tarleton; Tharinger and Ybarra.

Referred to Committee on Rules for second reading.

February 29, 2020 116.0.

**SSB 6476** Prime Sponsor, Committee on Human Services, Reentry & Rehabilitation: Increasing and expanding access of inmates and immediate family members of inmates to services provided within correctional facilities. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Ormsby, Chair; Stokesbary, Ranking Minority Member; Robinson, 1st Vice Chair; Bergquist, 2nd Vice Chair; Rude, Assistant Ranking Minority Member; Caldier; Chandler; Chopp; Cody; Dolan; Fitzgibbon; Hansen; Hoff; Hudgins; Kilduff; Macri; Pettigrew; Ryu; Senn; Springer; Steele; Sullivan; Sutherland; Tarleton and Tharinger.

MINORITY recommendation: Without recommendation. Signed by Representative Corry.

MINORITY recommendation: Do not pass. Signed by Representatives Dye; Kraft; Mosbrucker; Schmick and Ybarra.

Referred to Committee on Rules for second reading.

March 2, 2020 116.0.

**SB 6493** Prime Sponsor, Senator Liias: Concerning the Cooper Jones active transportation safety council. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives Fey, Chair; Slatter, 2nd Vice Chair; Valdez, 2nd Vice Chair; Wylie, 1st Vice Chair; Barkis, Ranking Minority Member; Young, Assistant Ranking Minority Member; Chapman; Dent; Doglio; Duerr; Entenman; Eslick; Goehner; Gregerson; Irwin; Kloba; Lovick; Mead; Orcutt; Ortiz-Self; Paul; Ramos; Riccelli; Shewmake; Van Werven and Volz.

MINORITY recommendation: Do not pass. Signed by Representatives Boehnke; Chambers and McCaslin.

MINORITY recommendation: Without recommendation. Signed by Representative Walsh, Assistant Ranking Minority Member.

Referred to Committee on Rules for second reading.

February 29, 2020 116.0.

**SSB 6495** Prime Sponsor, Committee on Ways & Means: Regarding essential needs and housing support eligibility. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Ormsby, Chair; Stokesbary, Ranking Minority Member; Robinson, 1st Vice Chair; Bergquist, 2nd Vice Chair; Rude, Assistant Ranking Minority Member; Caldier; Chandler; Chopp; Cody; Corry; Dolan; Dye; Fitzgibbon; Hansen; Hoff; Hudgins; Kilduff; Kraft; Macri; Mosbrucker; Pettigrew; Ryu; Schmick; Senn; Springer; Steele; Sullivan; Sutherland; Tarleton; Tharinger and Ybarra.

Referred to Committee on Rules for second reading.

February 29, 2020 116.0.

**SSB 6521** Prime Sponsor, Committee on Early Learning & K-12 Education: Creating an innovative learning pilot program. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Ormsby, Chair; Stokesbary, Ranking Minority Member; Robinson, 1st Vice Chair; Bergquist, 2nd Vice Chair; Rude, Assistant Ranking Minority Member; Caldier; Chandler; Chopp; Cody; Corry; Dolan; Dye; Fitzgibbon; Hansen; Hoff; Hudgins; Kilduff; Kraft; Macri; Mosbrucker; Pettigrew; Ryu; Schmick; Senn; Springer; Steele; Sullivan; Sutherland; Tarleton; Tharinger and Ybarra.

Referred to Committee on Rules for second reading.

February 29, 2020 116.0.

**ESSB 6540** Prime Sponsor, Committee on Ways & Means: Concerning working connections child care payment authorizations. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Ormsby, Chair; Stokesbary, Ranking Minority Member; Robinson, 1st Vice Chair; Bergquist, 2nd Vice Chair; Rude, Assistant Ranking Minority Member; Caldier; Chandler; Chopp; Cody; Corry; Dolan; Dye; Fitzgibbon; Hansen; Hoff; Hudgins; Kilduff; Kraft; Macri; Mosbrucker; Pettigrew; Ryu; Schmick; Senn; Springer; Steele; Sullivan; Sutherland; Tarleton; Tharinger and Ybarra.

Referred to Committee on Rules for second reading.

March 2, 2020 116.0.

**SB 6565** Prime Sponsor, Senator Randall: Establishing permissible methods of parking a motorcycle. Reported by Committee on Transportation

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 46.61.575 and 1977 ex.s. c 151 s 41 are each amended to read as follows:

(1) Except as otherwise provided in this section, every vehicle stopped or parked upon a two-way roadway shall be so stopped or parked with the right-hand wheels parallel to and within twelve inches of the right-hand curb or as close as practicable to the right edge of the right-hand shoulder.

(2) Except when otherwise provided by local ordinance, every vehicle stopped or parked upon a one-way roadway shall be so stopped or parked parallel to the curb or edge of the roadway, in the direction of authorized traffic movement, with its right-hand wheels within twelve inches of the right-hand curb or as close as practicable to the right edge of the right-hand shoulder, or with its left-hand wheels within twelve inches of the left-hand curb or as close as practicable to the left edge of the left-hand shoulder. This subsection does not apply to the parking of motorcycles, unless a local jurisdiction prohibits angle parking as permitted under subsection (3)(a)(i) of this section and does not otherwise specify the manner in which a motorcycle must park.

(3)(a)(i) Every motorcycle stopped or parked on a one-way or two-way highway shall be so stopped or parked parallel or at an angle to the curb or edge of the highway with at least one wheel or fender within twelve inches of the curb nearest to which the motorcycle is parked or as close as practicable to the edge of the shoulder nearest to which the motorcycle is parked. A motorcycle may not be parked in such a manner that it extends into the roadway.

(ii) A county, city, or town may by ordinance prohibit the angle stopping or parking of a motorcycle as specified in (a)(i) of this subsection, but must post visible signage in a location to provide notice of the prohibition on angle stopping or parking for the prohibition to apply to that location.

(b)(i) More than one motorcycle may occupy a parking space, provided that the parked motorcycles occupying the parking space do not exceed the boundaries of that parking space.

(ii) All motor vehicle parking laws and penalties for the unlawful parking of a motor vehicle apply to each motorcycle parked in a parking space when multiple motorcycles are parked in that space to the same extent that motor vehicle parking laws apply to a single motor vehicle when it is the sole motor vehicle parked in a parking space. When proof of payment is required to be displayed by each motor vehicle parking at a location, all motorcycles must display such proof of payment, even if more than one motorcycle is parked in the same parking space. However, parking spaces that are metered by the space may not require payment multiple times for the use of a single parking space by multiple motorcycles during the same period of time.

(4) Local authorities may by ordinance or resolution permit angle parking on any roadway, except that angle parking shall not be permitted on any federal-aid or state highway unless the secretary of transportation has determined by order that the roadway is of sufficient width to permit angle parking without interfering with the free movement of traffic. The angle parking of motorcycles, which is governed under subsection (3) of this section, is not subject to this determination by the secretary of transportation.

((4)) (5) The secretary with respect to highways under his or her jurisdiction may place official traffic control devices prohibiting, limiting, or restricting the stopping, standing, or parking of vehicles on any highway where the secretary has determined by order, such stopping, standing, or parking is dangerous to those using the highway or where the stopping, standing, or parking of vehicles would unduly interfere with the free movement of traffic thereon. No person shall stop, stand, or park any vehicle in violation of the restrictions indicated by such devices."

Correct the title.

Signed by Representatives Fey, Chair; Slatter, 2nd Vice Chair; Valdez, 2nd Vice Chair; Wylie, 1st Vice Chair; Barkis, Ranking Minority Member; Walsh, Assistant Ranking Minority Member; Young, Assistant Ranking Minority Member; Boehnke; Chambers; Chapman; Dent; Doglio; Duerr; Entenman; Eslick; Goehner; Gregerson; Irwin; Kloba; Lovick; McCaslin; Mead; Orcutt; Ortiz-Self; Paul; Ramos; Riccelli; Shewmake; Van Werven and Volz.

Referred to Committee on Rules for second reading.

March 2, 2020 1.0.

**SB 6580** Prime Sponsor, Senator Mullet: Concerning organ transport vehicles. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives Fey, Chair; Slatter, 2nd Vice Chair;



Valdez, 2nd Vice Chair; Wylie, 1st Vice Chair; Barkis, Ranking Minority Member; Walsh, Assistant Ranking Minority Member; Young, Assistant Ranking Minority Member; Boehnke; Chambers; Chapman; Dent; Doglio; Duerr; Entenman; Eslick; Goehner; Gregerson; Irwin; Kloba; Lovick; McCaslin; Mead; Orcutt; Ortiz-Self; Paul; Ramos; Riccelli; Shewmake; Van Werven and Volz.

Referred to Committee on Rules for second reading.

March 2, 2020 1.0.

**ESSB 6592** Prime Sponsor, Committee on Local Government: Concerning tourism authorities. Reported by Committee on Finance

MAJORITY recommendation: Do pass as amended by Committee on Finance and without amendment by Committee on Innovation, Technology & Economic Development.

On page 2, line 29, after "area." insert "To impose the additional charge, signatures of the persons who operate lodging businesses who would pay sixty percent or more of the proposed charges must be provided together with the proposed uses and projects to which the proposed revenue from the additional charge shall be put, the total estimate costs, and the estimated rate for the charge with a proposed breakdown by class of lodging business if such classification is to be used."

On page 3, line 13, after "charge." insert "The legislative authority may determine the timing of when to remove the charge so that the effective date of the expiration of the charge will not adversely impact existing contractual obligations not to exceed twelve months. The legislative authority may not be held liable for any financial obligations, contractual obligations, or damages for removing the charge."

Signed by Representatives Tarleton, Chair; Walen, Vice Chair; Orcutt, Ranking Minority Member; Young, Assistant Ranking Minority Member; Chapman; Frame; Macri; Orwall; Springer; Stokesbary; Vick and Wylie.

Referred to Committee on Rules for second reading.

February 29, 2020 1.0.

**SSB 6605** Prime Sponsor, Committee on Labor & Commerce: Licensing security guards. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass as amended by Committee on Consumer Protection & Business.

Strike everything after the enacting clause and insert the following:

"**Sec. 2.** RCW 18.170.040 and 1991 c 334 s 4 are each amended to read as follows:

(1) An applicant must meet the following minimum requirements to obtain an armed private security guard license:

(a) Be licensed as a private security guard;

(b) Be at least twenty-one years of age;

(c) Have a current firearms certificate issued by the commission; and

(d) Pay the fee established by the director, which must be clearly itemized on each application and renewal form.

(2) An armed private security guard license may take the form of an endorsement to the security guard license if deemed appropriate by the director.

**Sec. 3.** RCW 18.170.130 and 1995 c 277 s 10 are each amended to read as follows:

(1) Applications for licenses required under this chapter shall be filed with the director on a form provided by the director. The director may require any information and documentation that reasonably relates to the need to determine whether the applicant meets the criteria.

(2) After receipt of an application for ~~((a license))~~ licensure or renewal, the director shall conduct an investigation to determine whether the facts set forth in the application are true and shall request that the Washington state patrol compare the fingerprints submitted with the application to fingerprint records available to the Washington state patrol. The Washington state patrol shall forward the fingerprints of applicants for an armed private security guard license to the federal bureau of investigation for a national criminal history records check. The director may require that fingerprint cards of licensees be periodically reprocessed to identify criminal convictions subsequent to registration.

(3) The director shall solicit comments from the chief law enforcement officer of the county and city or town in which the applicant's employer is located on issuance of a permanent private security guard license.

(4) A summary of the information acquired under this section, to the extent that it is public information, shall be forwarded by the department to the applicant's employer.

**NEW SECTION. Sec. 4.** This act takes effect January 1, 2021."

Correct the title.

Signed by Representatives Ormsby, Chair; Stokesbary, Ranking Minority Member; Robinson, 1st Vice Chair; Bergquist, 2nd Vice Chair; Rude, Assistant Ranking Minority Member; Caldier; Chandler; Chopp; Cody; Corry; Dolan; Dye; Fitzgibbon; Hansen; Hoff; Hudgins; Kilduff; Kraft; Macri; Mosbrucker; Pettigrew; Ryu; Schmick; Senn; Springer; Steele; Sullivan; Sutherland; Tarleton; Tharinger and Ybarra.

Referred to Committee on Rules for second reading.

March 2, 2020 4.0.

SSB 6632 Prime Sponsor, Committee on Ways & Means: Providing additional funding for the business licensing service program administered by the department of revenue. Reported by Committee on Finance

MAJORITY recommendation: Do pass. Signed by Representatives Tarleton, Chair; Walen, Vice Chair; Orcutt, Ranking Minority Member; Chapman; Frame; Macri; Orwall; Springer; Vick and Wylie.

MINORITY recommendation: Do not pass. Signed by Representatives Young, Assistant Ranking Minority Member and Stokesbary.

Referred to Committee on Rules for second reading.

There being no objection, the bills listed on the day's supplemental committee reports under the fifth order of business were referred to the committees so designated.

There being no objection, the House advanced to the eighth order of business.

### MOTION

There being no objection, the Committee on Rules was relieved of the following bills and the bills were placed on the second reading calendar:

ENGROSSED SENATE BILL NO. 5165  
ENGROSSED SECOND SUBSTITUTE SENATE  
BILL NO. 5291  
ENGROSSED SUBSTITUTE SENATE BILL NO.  
5395  
ENGROSSED SUBSTITUTE SENATE BILL NO.  
5434  
ENGROSSED SUBSTITUTE SENATE BILL NO.  
5473  
SECOND SUBSTITUTE SENATE BILL NO. 5488  
ENGROSSED SUBSTITUTE SENATE BILL NO.  
5522  
ENGROSSED SUBSTITUTE SENATE BILL NO.  
5591  
SENATE BILL NO. 5613  
SUBSTITUTE SENATE BILL NO. 5640  
SENATE BILL NO. 5782  
SENATE BILL NO. 5792  
SUBSTITUTE SENATE BILL NO. 5867  
ENGROSSED SUBSTITUTE SENATE BILL NO.  
6028  
ENGROSSED SENATE BILL NO. 6032  
SENATE BILL NO. 6034  
SUBSTITUTE SENATE BILL NO. 6048  
SUBSTITUTE SENATE BILL NO. 6061  
ENGROSSED SUBSTITUTE SENATE BILL NO.  
6063  
SUBSTITUTE SENATE BILL NO. 6065

SENATE BILL NO. 6096  
ENGROSSED SUBSTITUTE SENATE BILL NO.  
6122  
SENATE BILL NO. 6136  
ENGROSSED SUBSTITUTE SENATE BILL NO.  
6141  
ENGROSSED SUBSTITUTE SENATE BILL NO.  
6147  
SUBSTITUTE SENATE BILL NO. 6152  
SUBSTITUTE SENATE BILL NO. 6155  
SENATE BILL NO. 6164  
ENGROSSED SENATE BILL NO. 6180  
SENATE BILL NO. 6187  
ENGROSSED SECOND SUBSTITUTE SENATE  
BILL NO. 6205  
ENGROSSED SUBSTITUTE SENATE BILL NO.  
6217  
ENGROSSED SENATE BILL NO. 6239  
ENGROSSED SUBSTITUTE SENATE BILL NO.  
6261  
SENATE BILL NO. 6263  
ENGROSSED SUBSTITUTE SENATE BILL NO.  
6268  
ENGROSSED SUBSTITUTE SENATE BILL NO.  
6300  
SENATE BILL NO. 6305  
SENATE BILL NO. 6326  
SENATE BILL NO. 6359  
SENATE BILL NO. 6374  
ENGROSSED SUBSTITUTE SENATE BILL NO.  
6378  
SUBSTITUTE SENATE BILL NO. 6392  
SUBSTITUTE SENATE BILL NO. 6409  
ENGROSSED SUBSTITUTE SENATE BILL NO.  
6473  
SUBSTITUTE SENATE BILL NO. 6483  
SUBSTITUTE SENATE BILL NO. 6499  
SUBSTITUTE SENATE BILL NO. 6500  
SENATE BILL NO. 6507  
SUBSTITUTE SENATE BILL NO. 6526  
SUBSTITUTE SENATE BILL NO. 6531  
SENATE BILL NO. 6551  
ENGROSSED SUBSTITUTE SENATE BILL NO.  
6617  
ENGROSSED SUBSTITUTE SENATE BILL NO.  
6641  
SUBSTITUTE SENATE BILL NO. 6663  
SUBSTITUTE SENATE BILL NO. 6670  
SENATE JOINT MEMORIAL NO. 8014

There being no objection, the House adjourned until 10:00 a.m., March 3, 2020, the 51st Day of the Regular Session.

LAURIE JINKINS, Speaker

BERNARD DEAN, Chief Clerk

**SIXTY SIXTH LEGISLATURE - REGULAR SESSION****FIFTY FIRST DAY**

House Chamber, Olympia, Tuesday, March 3, 2020

The House was called to order at 10:00 a.m. by the Speaker (Representative Lovick presiding). The Clerk called the roll and a quorum was present.

The flags were escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Jack Schneider and Arya Plascencia. The Speaker (Representative Lovick presiding) led the Chamber in the Pledge of Allegiance. The prayer was offered by Pastor John Mutchler, Ferndale Alliance Church, Washington.

Reading of the Journal of the previous day was dispensed with and it was ordered to stand approved.

The Speaker (Representative Lovick presiding) called upon Representative Cody to preside.

The Speaker assumed the chair.

**SIGNED BY THE SPEAKER**

The Speaker signed the following bills:

ENGROSSED HOUSE BILL NO. 1687  
HOUSE BILL NO. 1750  
SUBSTITUTE SENATE BILL NO. 5097

The Speaker called upon Representative Lovick to preside.

There being no objection, the House advanced to the sixth order of business.

**SECOND READING**

**SECOND ENGROSSED SENATE BILL NO. 5887,  
by Senators Short, Keiser and Nguyen**

**Concerning health carrier requirements for prior authorization standards.**

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Health Care & Wellness was adopted. (For Committee amendment, see Journal, Day 44, February 25, 2020).

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Schmick and Cody spoke in favor of the passage of the bill.

**MOTIONS**

On motion of Representative Riccelli, Representative Leavitt was excused.

On motion of Representative MacEwen, Representatives Griffey and Smith were excused.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Second Engrossed Senate Bill No. 5887, as amended by the House.

**ROLL CALL**

The Clerk called the roll on the final passage of Second Engrossed Senate Bill No. 5887, as amended by the House, and the bill passed the House by the following vote: Yeas, 95; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Mead, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shea, Shewmake, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Excused: Representatives Griffey, Leavitt and Smith.

SECOND ENGROSSED SENATE BILL NO. 5887, as amended by the House, having received the necessary constitutional majority, was declared passed.

**SUBSTITUTE SENATE BILL NO. 6029, by Senate Committee on Law & Justice (originally sponsored by Pedersen and Padden)**

**Concerning the uniform directed trust act.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Kilduff and Irwin spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 6029.

### ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6029, and the bill passed the House by the following vote: Yeas, 95; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Mead, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shea, Shewmake, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Excused: Representatives Griffey, Leavitt and Smith.

SUBSTITUTE SENATE BILL NO. 6029, having received the necessary constitutional majority, was declared passed.

**SUBSTITUTE SENATE BILL NO. 6037, by Senate Committee on Law & Justice (originally sponsored by Pedersen, Wellman, Rivers, Keiser, Dhingra, Kuderer, Cleveland, Saldaña, Randall, Darnelle, Rolfes, Das, Frockt, Carlyle, Wilson, C., Hunt and Stanford)**

### Concerning business corporations.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Kilduff spoke in favor of the passage of the bill.

Representative Dufault spoke against the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 6037.

### ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6037, and the bill passed the House by the following vote: Yeas, 56; Nays, 40; Absent, 0; Excused, 2.

Voting yea: Representatives Appleton, Bergquist, Callan, Chapman, Chopp, Cody, Davis, Doglio, Dolan, Duerr, Entenman, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hansen, Hudgins, J. Johnson, Kilduff, Kirby, Kloba, Leavitt, Lekanoff, Lovick, Macri, Mead, Morgan, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Ryu, Santos, Sells, Senn, Shewmake, Slatter, Springer, Stonier, Sullivan, Tarleton, Thai, Tharinger, Valdez, Walen, Wylie and Mme. Speaker.

Voting nay: Representatives Barkis, Blake, Boehnke, Caldier, Chambers, Chandler, Corry, DeBolt, Dent, Dufault, Dye, Eslick, Gildon, Goehner, Graham, Harris, Hoff, Irwin, Jenkin, Klippert, Kraft, Kretz, MacEwen, Maycumber, McCaslin, Mosbrucker, Orcutt, Rude, Schmick, Shea, Steele, Stokesbary, Sutherland, Van Werven, Vick, Volz, Walsh, Wilcox, Ybarra and Young.

Excused: Representatives Griffey and Smith.

SUBSTITUTE SENATE BILL NO. 6037, having received the necessary constitutional majority, was declared passed.

**SENATE BILL NO. 6038, by Senators Rivers, Cleveland, Keiser, Short, Conway, Kuderer, Saldaña, Wilson and C.**

### Concerning acupuncture and Eastern medicine.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Schmick and Macri spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Senate Bill No. 6038.

### ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 6038, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri,

Maycumber, McCaslin, Mead, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shea, Shewmake, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Excused: Representatives Griffey and Smith.

SENATE BILL NO. 6038, having received the necessary constitutional majority, was declared passed.

**SUBSTITUTE SENATE BILL NO. 6051, by Senate Committee on Health & Long Term Care (originally sponsored by Cleveland, O'Ban, Becker, Wilson and C.)**

**Concerning health coverage supplementing medicare part D provided through a federally authorized employer group waiver plan.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Macri and Schmick spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 6051.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6051, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Mead, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shea, Shewmake, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Excused: Representatives Griffey and Smith.

SUBSTITUTE SENATE BILL NO. 6051, having received the necessary constitutional majority, was declared passed.

**SUBSTITUTE SENATE BILL NO. 6052, by Senate Committee on Financial Institutions, Economic Development & Trade (originally sponsored by Mullet, Wilson, L. and Kuderer)**

**Concerning life insurance products or services that are intended to incent behavioral changes that improve the health and reduce the risk of death of the insured.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Kirby and Vick spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 6052.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6052, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Mead, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shea, Shewmake, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Excused: Representatives Griffey and Smith.

SUBSTITUTE SENATE BILL NO. 6052, having received the necessary constitutional majority, was declared passed.

**SENATE BILL NO. 6131, by Senators Mullet, Hobbs, Short, Wilson, L. and Das**

**Repealing the debenture company laws from the securities act of Washington.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Kirby and Vick spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Senate Bill No. 6131.

### ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 6131, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Mead, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shea, Shewmake, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Excused: Representatives Griffey and Smith.

SENATE BILL NO. 6131, having received the necessary constitutional majority, was declared passed.

**ENGROSSED SENATE BILL NO. 5165, by Senators Saldana, Hasegawa, Wellman, Darneille, Keiser, Nguyen, Wilson and C.**

**Concerning discrimination based on citizenship or immigration status.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Kilduff spoke in favor of the passage of the bill.

Representative Irwin spoke against the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Senate Bill No. 5165.

### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Senate Bill No. 5165, and the bill passed the House by the following vote: Yeas, 57; Nays, 39; Absent, 0; Excused, 2.

Voting yea: Representatives Appleton, Bergquist, Blake, Callan, Chapman, Chopp, Cody, Davis, Doglio, Dolan, Duerr, Entenman, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hansen, Hudgins, J. Johnson, Kilduff, Kirby, Kloba, Leavitt, Lekanoff, Lovick, Macri, Mead, Morgan, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Ryu, Santos, Sells, Senn, Shewmake, Slatter, Springer, Stonier, Sullivan, Tarleton, Thai, Tharinger, Valdez, Walen, Wylie and Mme. Speaker.

Voting nay: Representatives Barkis, Boehnke, Caldier, Chambers, Chandler, Corry, DeBolt, Dent, Dufault, Dye, Eslick, Gildon, Goehner, Graham, Harris, Hoff, Irwin, Jenkin, Klippert, Kraft, Kretz, MacEwen, Maycumber, McCaslin, Mosbrucker, Orcutt, Rude, Schmick, Shea, Steele, Stokesbary, Sutherland, Van Werven, Vick, Volz, Walsh, Wilcox, Ybarra and Young.

Excused: Representatives Griffey and Smith.

ENGROSSED SENATE BILL NO. 5165, having received the necessary constitutional majority, was declared passed.

**ENGROSSED SUBSTITUTE SENATE BILL NO. 5522, by Senate Committee on Local Government (originally sponsored by Takko)**

**Providing code cities with the ability to annex unincorporated areas pursuant to a jointly approved interlocal agreement with the county.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Pollet spoke in favor of the passage of the bill.

Representative Kraft spoke against the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Substitute Senate Bill No. 5522.

### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 5522, and the bill passed the House by the following vote: Yeas, 68; Nays, 28; Absent, 0; Excused, 2.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Callan, Chambers, Chapman, Chopp, Cody, Davis, DeBolt, Doglio, Dolan, Duerr, Entenman, Fey, Frame, Goehner, Graham, Gregerson, Hansen, Hoff, Hudgins, Kilduff, Kirby, Klippert, Kloba, Lekanoff, Lovick, Macri, Mead, Morgan, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Sells, Senn, Shewmake, Slatter, Springer, Steele,

Stokesbary, Stonier, Sullivan, Tarleton, Thai, Tharinger, Valdez, Van Werven, Walen, Walsh, Wilcox, Wylie, Ybarra and Mme. Speaker.

Voting nay: Representatives Caldier, Chandler, Corry, Dent, Dufault, Dye, Eslick, Fitzgibbon, Gildon, Goodman, Harris, Irwin, Jenkin, J. Johnson, Kraft, Kretz, Leavitt, MacEwen, Maycumber, McCaslin, Mosbrucker, Paul, Schmick, Shea, Sutherland, Vick, Volz and Young.

Excused: Representatives Griffey and Smith.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5522, having received the necessary constitutional majority, was declared passed.

#### STATEMENT FOR THE JOURNAL

I intended to vote NAY on Engrossed Substitute Senate Bill No. 5522.

Representative Cody, 34th District

#### SECOND READING

**ENGROSSED SUBSTITUTE SENATE BILL NO. 5591, by Senate Committee on Transportation (originally sponsored by Schoesler)**

**Exempting previously registered vehicles from the stolen vehicle check fee.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Irwin and Valdez spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Substitute Senate Bill No. 5591.

#### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 5591, and the bill passed the House by the following vote: Yeas, 95; Nays, 1; Absent, 0; Excused, 2.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Mead, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shea, Shewmake, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Voting nay: Representative Ramos.

Excused: Representatives Griffey and Smith.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5591, having received the necessary constitutional majority, was declared passed.

**SENATE BILL NO. 5613, by Senators Rivers, Schoesler, Becker, Brown, Short, Warnick, Wilson, L. and Fortunato**

**Concerning the authority of counties to vacate a county road that abuts on a body of water if the county road is hazardous or creates a significant risk to public safety.**

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Local Government was adopted. (For Committee amendment, see Journal, Day 47, February 28, 2020).

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Pollet and Kraft spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Senate Bill No. 5613, as amended by the House.

#### ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5613, as amended by the House, and the bill passed the House by the following vote: Yeas, 93; Nays, 3; Absent, 0; Excused, 2.

Voting yea: Representatives Barkis, Bergquist, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Mead, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shea, Shewmake, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Voting nay: Representatives Appleton, Blake and Ramos.

Excused: Representatives Griffey and Smith.

SENATE BILL NO. 5613, as amended by the House, having received the necessary constitutional majority, was declared passed.

**SUBSTITUTE SENATE BILL NO. 6048, by Senate Committee on Financial Institutions, Economic Development & Trade (originally sponsored by Das, Lovelett, Nguyen, Saldaña, Kuderer, Wilson and C.)**

**Addressing the group-wide supervision of internationally active insurance groups.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Kirby and Vick spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 6048.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6048, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Mead, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shea, Shewmake, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Excused: Representatives Griffey and Smith.

SUBSTITUTE SENATE BILL NO. 6048, having received the necessary constitutional majority, was declared passed.

**SENATE BILL NO. 6263, by Senators McCoy, Wellman, Kuderer, Hasegawa, Lovelett, Wilson, C., Das, Nguyen and Hunt**

**Creating a model educational data sharing agreement between school districts and tribes.**

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Education was adopted. (For Committee amendment, see Journal, Day 46, February 27, 2020).

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Paul and Rude spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Senate Bill No. 6263, as amended by the House.

#### ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 6263, as amended by the House, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Mead, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shea, Shewmake, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Excused: Representatives Griffey and Smith.

SENATE BILL NO. 6263, as amended by the House, having received the necessary constitutional majority, was declared passed.

**SENATE BILL NO. 6326, by Senator Warnick**

**Concerning municipal conflicts of interest.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Pollet and Kraft spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Senate Bill No. 6326.

#### ROLL CALL



The Clerk called the roll on the final passage of Senate Bill No. 6326, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Mead, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shea, Shewmake, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Excused: Representatives Griffey and Smith.

SENATE BILL NO. 6326, having received the necessary constitutional majority, was declared passed.

**ENGROSSED SUBSTITUTE SENATE BILL NO. 6473, by Senate Committee on Labor & Commerce (originally sponsored by Stanford, Frockt, Conway, Keiser, Hasegawa, Liias, Van De Wege, Billig, Hunt and Saldaña)**

**Concerning asbestos-containing building materials.**

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Environment & Energy was adopted. (For Committee amendment, see Journal, Day 47, February 28, 2020).

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Substitute Senate Bill No. 6473, as amended by the House.

#### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 6473, as amended by the House, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri,

Maycumber, McCaslin, Mead, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shea, Shewmake, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Excused: Representatives Griffey and Smith.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6473, as amended by the House, having received the necessary constitutional majority, was declared passed.

**SUBSTITUTE SENATE BILL NO. 6670, by Senate Committee on Agriculture, Water, Natural Resources & Parks (originally sponsored by Billig, Van De Wege, Salomon, Schoesler, Conway and Saldaña)**

**Encouraging access to state parks through cooperative programs with libraries.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Ryu and Jenkin spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 6670.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6670, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Mead, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shea, Shewmake, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Excused: Representatives Griffey and Smith.

SUBSTITUTE SENATE BILL NO. 6670, having received the necessary constitutional majority, was declared passed.

**ENGROSSED SUBSTITUTE SENATE BILL NO. 5434, by Senate Committee on Law & Justice (originally sponsored by Wilson, C., Hunt, Keiser, Kuderer, Nguyen and Pedersen)**

**Restricting possession of weapons in certain locations.**

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Civil Rights & Judiciary was before the House for purpose of amendment. (For Committee amendment, see Journal, Day 47, February 28, 2020).

Representative Klippert moved the adoption of amendment (1787) to the committee striking amendment:

4.0. On page 1, line 20 of the striking amendment, after "intent to" strike "injure" and insert "incapacitate"

Representative Klippert spoke in favor of the adoption of the amendment to the committee striking amendment.

Representative Kilduff spoke against the adoption of the amendment to the committee striking amendment.

Amendment (1787) to the committee striking amendment was not adopted.

The committee striking amendment was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representative Kilduff spoke in favor of the passage of the bill.

Representatives Irwin, Sutherland and Walsh spoke against the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Substitute Senate Bill No. 5434, as amended by the House.

**ROLL CALL**

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 5434, as amended by the House, and the bill passed the House by the following vote: Yeas, 56; Nays, 40; Absent, 0; Excused, 2.

Voting yea: Representatives Appleton, Bergquist, Callan, Chapman, Chopp, Cody, Davis, Doglio, Dolan, Duerr, Entenman, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hansen, Hudgins, J. Johnson, Kilduff, Kirby, Kloba, Leavitt, Lekanoff, Lovick, Macri, Mead, Morgan, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Ryu, Santos, Sells, Senn, Shewmake, Slatter, Springer, Stonier,

Sullivan, Tarleton, Thai, Tharinger, Valdez, Walen, Wylie and Mme. Speaker.

Voting nay: Representatives Barkis, Blake, Boehnke, Caldier, Chambers, Chandler, Corry, DeBolt, Dent, Dufault, Dye, Eslick, Gildon, Goehner, Graham, Harris, Hoff, Irwin, Jenkin, Klippert, Kraft, Kretz, MacEwen, Maycumber, McCaslin, Mosbrucker, Orcutt, Rude, Schmick, Shea, Steele, Stokesbary, Sutherland, Van Werven, Vick, Volz, Walsh, Wilcox, Ybarra and Young.

Excused: Representatives Griffey and Smith.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5434, as amended by the House, having received the necessary constitutional majority, was declared passed.

**SECOND SUBSTITUTE SENATE BILL NO. 5488, by Senate Committee on Human Services, Reentry & Rehabilitation (originally sponsored by Darneille, Saldaña, Wilson, C., Keiser and Nguyen)**

**Concerning the sentencing of persons under the age of twenty-one years at the time of the commission of a crime. Revised for 2nd Substitute: Modifying youth sentencing guidelines.**

The bill was read the second time.

Representative Goodman moved the adoption of amendment (1788):

4.0. On page 8, beginning on line 23, strike all of section 2

Correct the title.

Representative Goodman spoke in favor of the adoption of the amendment.

Amendment (1788) was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representative Goodman spoke in favor of the passage of the bill.

Representative Klippert spoke against the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Second Substitute Senate Bill No. 5488, as amended by the House.

**ROLL CALL**

The Clerk called the roll on the final passage of Second Substitute Senate Bill No. 5488, as amended by the House, and the bill passed the House by the following vote: Yeas, 64; Nays, 32; Absent, 0; Excused, 2.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Callan, Chambers, Chapman, Chopp,

Cody, Davis, Doglio, Dolan, Duerr, Entenman, Fey, Fitzgibbon, Frame, Gildon, Goodman, Gregerson, Hansen, Harris, Hoff, Hudgins, J. Johnson, Kilduff, Kirby, Kloba, Leavitt, Lekanoff, Lovick, Macri, Mead, Morgan, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Ryu, Santos, Sells, Senn, Shewmake, Slatter, Springer, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Walen, Wylie and Mme. Speaker.

Voting nay: Representatives Boehnke, Caldier, Chandler, Corry, DeBolt, Dent, Dufault, Dye, Eslick, Goehner, Graham, Irwin, Jenkin, Klippert, Kraft, Kretz, MacEwen, Maycumber, McCaslin, Mosbrucker, Orcutt, Rude, Schmick, Shea, Steele, Stokesbary, Vick, Volz, Walsh, Wilcox, Ybarra and Young.

Excused: Representatives Griffey and Smith.

SECOND SUBSTITUTE SENATE BILL NO. 5488, as amended by the House, having received the necessary constitutional majority, was declared passed.

The Speaker assumed the chair.

**ENGROSSED SUBSTITUTE SENATE BILL NO. 6063, by Senate Committee on Human Services, Reentry & Rehabilitation (originally sponsored by Wagoner, Kuderer and Padden)**

**Improving department of corrections health care administration.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Klippert spoke in favor of the passage of the bill.

The Speaker stated the question before the House to be the final passage of Engrossed Substitute Senate Bill No. 6063.

#### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 6063, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Mead, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shea, Shewmake,

Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Excused: Representatives Griffey and Smith.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6063, having received the necessary constitutional majority, was declared passed.

**SUBSTITUTE SENATE BILL NO. 6061, by Senate Committee on Health & Long Term Care (originally sponsored by Becker and Conway)**

**Requiring training standards in providing telemedicine services.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Schmick and Riccelli spoke in favor of the passage of the bill.

The Speaker stated the question before the House to be the final passage of Substitute Senate Bill No. 6061.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6061, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Mead, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shea, Shewmake, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Excused: Representatives Griffey and Smith.

SUBSTITUTE SENATE BILL NO. 6061, having received the necessary constitutional majority, was declared passed.

**SUBSTITUTE SENATE BILL NO. 5640, by Senate Committee on Human Services, Reentry & Rehabilitation (originally sponsored by Holy, Pedersen, Wellman, Billig, Padden, Becker, Warnick, Short, Hasegawa, Walsh, Bailey, Wilson, C. and Kuderer)**

### Concerning youth courts.

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Civil Rights & Judiciary was adopted. (For Committee amendment, see Journal, Day 47, February 28, 2020).

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Kilduff and Gildon spoke in favor of the passage of the bill.

The Speaker stated the question before the House to be the final passage of Substitute Senate Bill No. 5640, as amended by the House.

### ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5640, as amended by the House, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Mead, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shea, Shewmake, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Excused: Representatives Griffey and Smith.

SUBSTITUTE SENATE BILL NO. 5640, as amended by the House, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 2965, by Representatives Cody, Schmick, Riccelli, Bergquist, Callan, Dufault, Hudgins, Leavitt, Shewmake, Tharinger, Maycumber, Ramos, Ortiz-Self and Stonier)**

### Concerning the state's response to the novel coronavirus.

The bill was read the second time.

Representative Cody moved the adoption of amendment (1786):

4.0. On page 1, line 5, after "sum of" strike "fifty" and insert "one hundred"

On page 1, line 12, after "sum of" strike "fifty" and insert "one hundred"

Representatives Cody and Schmick spoke in favor of the adoption of the amendment.

Amendment (1786) was adopted.

Representative Lekanoff moved the adoption of amendment (1842):

4.0. On page 1, line 9, after "government" insert "and federally recognized tribes"

On page 1, line 16, after "governments" insert "and federally recognized tribes"

On page 2, line 9, after "response" insert "by state and local government and federally recognized tribes"

Representatives Lekanoff and Schmick spoke in favor of the adoption of the amendment.

Amendment (1842) was adopted.

Representative Stokesbary moved the adoption of amendment (1863):

4.0. On page 1, line 11, after "2020." insert "For purposes of RCW 43.88.055(4), the appropriation in this section does not alter the requirement to balance in the ensuing biennium."

On page 1, line 18, after "2020." insert: "The appropriation in this section is subject to the following conditions and limitations:

(1) The office of financial management must provide monthly updates on spending from this appropriation to the fiscal committees of the legislature.

(2) Funding from this section may not be used to supplant existing federal, state, and local funds for services and activities that will assist in the response to the novel coronavirus.

(3) Agencies and local governments must demonstrate maximum use of available federal funds for novel coronavirus response and recovery efforts before seeking funding from this appropriation. If an agency or local government subsequently receives reimbursement from federal sources of amounts spent from the appropriation in this section, the agency or local government must remit the federal funding to the state treasurer for reimbursement to the budget stabilization account.

(4) By July 1, 2021, the office of financial management must certify to the state treasurer the amount of any unobligated moneys in the disaster response account that are attributable to the budget stabilization account appropriation in section 1 of this act, and the treasurer must

transfer those moneys back to the budget stabilization account."

Representatives Stokesbary and Cody spoke in favor of the adoption of the amendment.

Amendment (1863) was adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Cody and Schmick spoke in favor of the passage of the bill.

The Speaker stated the question before the House to be the final passage of Engrossed House Bill No. 2965.

### ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 2965, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Mead, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shea, Shewmake, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Excused: Representatives Griffey and Smith.

ENGROSSED HOUSE BILL NO. 2965, having received the necessary constitutional majority, was declared passed.

**ENGROSSED SUBSTITUTE SENATE BILL NO. 6028, by Senate Committee on Law & Justice (originally sponsored by Pedersen, Padden, Dhingra, Holy, Kuderer, Wilson and C.)**

**Adopting the uniform electronic transactions act and aligning statutory provisions relating to signatures, declarations, and documents.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Kilduff and Irwin spoke in favor of the passage of the bill.

The Speaker stated the question before the House to be the final passage of Engrossed Substitute Senate Bill No. 6028.

### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 6028, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Mead, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shea, Shewmake, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Excused: Representatives Griffey and Smith.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6028, having received the necessary constitutional majority, was declared passed.

**SENATE BILL NO. 6136, by Senators Nguyen and O'Ban**

**Updating restrictions on electronic benefit cards.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Senn and Dent spoke in favor of the passage of the bill.

The Speaker stated the question before the House to be the final passage of Senate Bill No. 6136.

### ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 6136, and the bill passed the House by the following vote: Yeas, 92; Nays, 4; Absent, 0; Excused, 2.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Duerr, Dufault, Dye, Entenman,

Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, J. Johnson, Kilduff, Kirby, Kloba, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Mead, Morgan, Mosbrucker, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Ryu, Santos, Schmick, Sells, Senn, Shea, Shewmake, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Voting nay: Representatives Klippert, Kraft, Orcutt and Rude.

Excused: Representatives Griffey and Smith.

SENATE BILL NO. 6136, having received the necessary constitutional majority, was declared passed.

**SENATE BILL NO. 6164, by Senators Dhingra, Wilson, C., McCoy, Das, Darneille, Kuderer and Randall**

**Concerning prosecutorial discretion to seek resentencing.**

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Public Safety was adopted. (For Committee amendment, see Journal, Day 47, February 28, 2020).

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Davis and Klippert spoke in favor of the passage of the bill.

The Speaker stated the question before the House to be the final passage of Senate Bill No. 6164, as amended by the House.

#### **ROLL CALL**

The Clerk called the roll on the final passage of Senate Bill No. 6164, as amended by the House, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Mead, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shea, Shewmake, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven,

Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Excused: Representatives Griffey and Smith.

SENATE BILL NO. 6164, as amended by the House, having received the necessary constitutional majority, was declared passed.

**SUBSTITUTE SENATE BILL NO. 6409, by Senate Committee on Labor & Commerce (originally sponsored by King)**

**Providing an exemption from electrical licensing, certification, and inspection for industrial equipment.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Mosbrucker and Sells spoke in favor of the passage of the bill.

The Speaker stated the question before the House to be the final passage of Substitute Senate Bill No. 6409.

#### **ROLL CALL**

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6409, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Mead, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shea, Shewmake, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Excused: Representatives Griffey and Smith.

SUBSTITUTE SENATE BILL NO. 6409, having received the necessary constitutional majority, was declared passed.

**ENGROSSED SUBSTITUTE SENATE BILL NO. 6261, by Senate Committee on Labor & Commerce (originally sponsored by McCoy, Saldaña, Conway, Kuderer, Hasegawa, Wilson, C., Das, Nguyen and Keiser)**

**Strengthening the farm labor contractor system by removing an exemption for nonprofits, prohibiting retaliation and the use of farm labor contractors in certain circumstances, and establishing liability for related violations. Revised for 1st Substitute: (REVISED FOR ENGROSSED: Strengthening the farm labor contractor system by removing an exemption for nonprofits.)**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Sells spoke in favor of the passage of the bill.

Representative Mosbrucker spoke against the passage of the bill.

The Speaker stated the question before the House to be the final passage of Engrossed Substitute Senate Bill No. 6261.

#### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 6261, and the bill passed the House by the following vote: Yeas, 57; Nays, 39; Absent, 0; Excused, 2.

Voting yea: Representatives Appleton, Bergquist, Blake, Callan, Chapman, Chopp, Cody, Davis, Doglio, Dolan, Duerr, Entenman, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hansen, Hudgins, J. Johnson, Kilduff, Kirby, Kloba, Leavitt, Lekanoff, Lovick, Macri, Mead, Morgan, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Ryu, Santos, Sells, Senn, Shewmake, Slatter, Springer, Stonier, Sullivan, Tarleton, Thai, Tharinger, Valdez, Walen, Wylie and Mme. Speaker.

Voting nay: Representatives Barkis, Boehnke, Caldier, Chambers, Chandler, Corry, DeBolt, Dent, Dufault, Dye, Eslick, Gildon, Goehner, Graham, Harris, Hoff, Irwin, Jenkin, Klippert, Kraft, Kretz, MacEwen, Maycumber, McCaslin, Mosbrucker, Orcutt, Rude, Schmick, Shea, Steele, Stokesbary, Sutherland, Van Werven, Vick, Volz, Walsh, Wilcox, Ybarra and Young.

Excused: Representatives Griffey and Smith.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6261, having received the necessary constitutional majority, was declared passed.

**ENGROSSED SUBSTITUTE SENATE BILL NO. 6268, by Senate Committee on Law & Justice (originally sponsored by Rolfes, Kuderer, Wellman, Darneille, Hasegawa, Wilson, C. and Das)**

**Preventing abusive litigation between intimate partners.**

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Civil Rights & Judiciary was adopted. (For Committee amendment, see Journal, Day 47, February 28, 2020).

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Kilduff and Irwin spoke in favor of the passage of the bill.

The Speaker stated the question before the House to be the final passage of Engrossed Substitute Senate Bill No. 6268, as amended by the House.

#### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 6268, as amended by the House, and the bill passed the House by the following vote: Yeas, 90; Nays, 6; Absent, 0; Excused, 2.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Caldier, Callan, Chambers, Chapman, Chopp, Cody, Davis, DeBolt, Dent, Doglio, Dolan, Duerr, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Hansen, Harris, Hoff, Hudgins, Irwin, J. Johnson, Kilduff, Kirby, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Mead, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shea, Shewmake, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Voting nay: Representatives Boehnke, Chandler, Corry, Dufault, Jenkin and Klippert.

Excused: Representatives Griffey and Smith.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6268, as amended by the House, having received the necessary constitutional majority, was declared passed.

**SUBSTITUTE SENATE BILL NO. 6500, by Senate Committee on Human Services, Reentry & Rehabilitation (originally sponsored by Padden, Darneille, Nguyen, Wilson and C.)**

**Addressing foster care licensing following a foster-family home licensee's move to a new location.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Senn, Dent and Corry spoke in favor of the passage of the bill.

The Speaker stated the question before the House to be the final passage of Substitute Senate Bill No. 6500.

### ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6500, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Mead, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shea, Shewmake, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Excused: Representatives Griffey and Smith.

SUBSTITUTE SENATE BILL NO. 6500, having received the necessary constitutional majority, was declared passed.

**SUBSTITUTE SENATE BILL NO. 6526, by Senate Committee on Health & Long Term Care (originally sponsored by Cleveland, Hasegawa, Keiser, Van De Wege, Wilson and C.)**

**Reusing and donating unexpired prescription drugs.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Cody and Schmick spoke in favor of the passage of the bill.

The Speaker stated the question before the House to be the final passage of Substitute Senate Bill No. 6526.

### ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6526, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, DeBolt,

Dent, Doglio, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Mead, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shea, Shewmake, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Excused: Representatives Griffey and Smith.

SUBSTITUTE SENATE BILL NO. 6526, having received the necessary constitutional majority, was declared passed.

**SENATE BILL NO. 6551, by Senators Stanford, Saldaña, Darneille, Dhingra, Frockt, Hasegawa, Wilson and C.**

**Integrating international medical graduates into Washington's health care delivery system.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Macri spoke in favor of the passage of the bill.

Representative Schmick spoke against the passage of the bill.

The Speaker stated the question before the House to be the final passage of Senate Bill No. 6551.

### ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 6551, and the bill passed the House by the following vote: Yeas, 66; Nays, 30; Absent, 0; Excused, 2.

Voting yea: Representatives Appleton, Bergquist, Blake, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Davis, Doglio, Dolan, Duerr, Entenman, Eslick, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hansen, Harris, Hoff, Hudgins, Irwin, J. Johnson, Kilduff, Kirby, Kloba, Kretz, Leavitt, Lekanoff, Lovick, Macri, Maycumber, Mead, Morgan, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Ryu, Santos, Sells, Senn, Shewmake, Slatter, Springer, Stonier, Sullivan, Tarleton, Thai, Tharinger, Valdez, Van Werven, Walen, Wylie and Mme. Speaker.

Voting nay: Representatives Barkis, Boehnke, Caldier, Corry, DeBolt, Dent, Dufault, Dye, Gildon, Goehner, Graham, Jenkin, Klippert, Kraft, MacEwen, McCaslin, Mosbrucker, Orcutt, Rude, Schmick, Shea, Steele,



Stokesbary, Sutherland, Vick, Volz, Walsh, Wilcox, Ybarra and Young.

Excused: Representatives Griffey and Smith.

SENATE BILL NO. 6551, having received the necessary constitutional majority, was declared passed.

**SENATE BILL NO. 6374, by Senators Holy, Mullet, Padden, Wilson, L., Wilson and C.**

**Concerning apprenticeship materials for dual credit scholarship programs.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Leavitt and Van Werven spoke in favor of the passage of the bill.

The Speaker stated the question before the House to be the final passage of Senate Bill No. 6374.

#### ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 6374, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Mead, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmicke, Sells, Senn, Shea, Shewmake, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Excused: Representatives Griffey and Smith.

SENATE BILL NO. 6374, having received the necessary constitutional majority, was declared passed.

**ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5291, by Senate Committee on Ways & Means (originally sponsored by Darneille, Randall, Kuderer, Frockt, Hasegawa, Nguyen and Saldaña)**

**Creating alternatives to total confinement for certain qualifying persons with minor children.**

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Public Safety was before the House for purpose of amendment. (For Committee amendment, see Journal, Day 47, February 28, 2020).

With the consent of the House, amendment (1848) to the committee striking amendment was withdrawn.

Representative Harris moved the adoption of amendment (1850) to the committee striking amendment:

4.0. On page 15, beginning on line 28 of the striking amendment, after "for" strike all material through "violent offense" on line 29 and insert "; a felony ~~((that is a))~~ sex offense ~~((or))~~; a serious violent offense; or a felony offense where the offender was armed with a firearm or deadly weapon in the commission of the offense"

On page 16, beginning on line 8 of the striking amendment, after "(2)" strike all material through "section" on line 10 and insert "Prior juvenile adjudications are not considered offenses when considering eligibility under this section, except for any sex offense, serious violent offense, or felony offense where the offender was armed with a firearm or deadly weapon in the commission of the offense"

Representatives Harris, Goodman and Klippert spoke in favor of the adoption of the amendment to the committee striking amendment.

Amendment (1850) to the committee striking amendment was adopted.

The committee striking amendment, as amended, was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representative Goodman spoke in favor of the passage of the bill.

Representative Klippert spoke against the passage of the bill.

The Speaker stated the question before the House to be the final passage of Engrossed Second Substitute Senate Bill No. 5291, as amended by the House.

#### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 5291, as amended by the House, and the bill passed the House by the following vote: Yeas, 61; Nays, 35; Absent, 0; Excused, 2.

Voting yea: Representatives Appleton, Bergquist, Blake, Callan, Chambers, Chapman, Chopp, Cody, Davis, Doglio, Dolan, Duerr, Entenman, Fey, Fitzgibbon, Frame, Gildon, Goodman, Gregerson, Hansen, Hudgins, Irwin, J. Johnson, Kilduff, Kirby, Kloba, Leavitt, Lekanoff, Lovick, Macri, Mead, Morgan, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos,

Riccelli, Robinson, Ryu, Santos, Sells, Senn, Shewmake, Slatter, Springer, Stonier, Sullivan, Tarleton, Thai, Tharinger, Valdez, Van Werven, Walen, Wylie and Mme. Speaker.

Voting nay: Representatives Barkis, Boehnke, Caldier, Chandler, Corry, DeBolt, Dent, Dufault, Dye, Eslick, Goehner, Graham, Harris, Hoff, Jenkin, Klippert, Kraft, Kretz, MacEwen, Maycumber, McCaslin, Mosbrucker, Orcutt, Rude, Schmick, Shea, Steele, Stokesbary, Sutherland, Vick, Volz, Walsh, Wilcox, Ybarra and Young.

Excused: Representatives Griffey and Smith.

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5291, as amended by the House, having received the necessary constitutional majority, was declared passed.

**SENATE BILL NO. 6305, by Senators Liias, Braun, Wagoner, Wilson and C.**

**Concerning library districts.**

The bill was read the second time.

With the consent of the House, amendment (1810) to the committee amendment was withdrawn.

There being no objection, the committee amendment by the Committee on Local Government was adopted. (For Committee amendment, see Journal, Day 47, February 28, 2020).

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representative Pollet spoke in favor of the passage of the bill.

Representatives Kraft and Orcutt spoke against the passage of the bill.

The Speaker stated the question before the House to be the final passage of Senate Bill No. 6305, as amended by the House.

**ROLL CALL**

The Clerk called the roll on the final passage of Senate Bill No. 6305, as amended by the House, and the bill passed the House by the following vote: Yeas, 73; Nays, 23; Absent, 0; Excused, 2.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Callan, Chambers, Chapman, Chopp, Cody, Corry, Davis, DeBolt, Doglio, Dolan, Duerr, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Gregerson, Hansen, Harris, Hudgins, Irwin, J. Johnson, Kilduff, Kirby, Kloba, Lekanoff, Lovick, Macri, Mead, Morgan, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Sells, Senn, Shewmake, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van

Werven, Volz, Walen, Wilcox, Wylie, Ybarra and Mme. Speaker.

Voting nay: Representatives Boehnke, Caldier, Chandler, Dent, Dufault, Dye, Graham, Hoff, Jenkin, Klippert, Kraft, Kretz, Leavitt, MacEwen, Maycumber, McCaslin, Mosbrucker, Orcutt, Schmick, Shea, Vick, Walsh and Young.

Excused: Representatives Griffey and Smith.

SENATE BILL NO. 6305, as amended by the House, having received the necessary constitutional majority, was declared passed.

**ENGROSSED SUBSTITUTE SENATE BILL NO. 6378, by Senate Committee on Housing Stability & Affordability (originally sponsored by Kuderer, Darneille, Das and Lovelett)**

**Concerning residential tenant protections.**

The bill was read the second time.

Representative Dufault moved the adoption of amendment (1825):

4.0. On page 1, beginning on line 5, strike all of section 1

Renumber the remaining sections consecutively, and correct any internal references accordingly. Correct the title.

Representative Dufault spoke in favor of the adoption of the amendment.

Representative Kilduff spoke against the adoption of the amendment.

Amendment (1825) was not adopted.

Representative Irwin moved the adoption of amendment (1826):

4.0. On page 2, beginning on line 20, after "**be**" strike all material through "**agreement**")" on line 23 and insert "**by cash, cashier's check, money order, or certified funds pursuant to the terms of the rental agreement**"

Representatives Irwin and Dufault spoke in favor of the adoption of the amendment.

Representative Kilduff spoke against the adoption of the amendment.

Amendment (1826) was not adopted.

Representative Walsh moved the adoption of amendment (1827):

4.0. On page 2, beginning on line 37, after "~~(888) 201-1014~~" strike "~~weekdays between 9:15 a.m. - 12:15 p.m.,~~"

Representatives Walsh and Dufault spoke in favor of the adoption of the amendment.

Representative Kilduff spoke against the adoption of the amendment.

Amendment (1827) was not adopted.

Representative Ybarra moved the adoption of amendment (1828):

4.0. On page 5, beginning at the beginning of line 1, strike "~~weekdays between 9:15 a.m. - 12:15 p.m.,~~"

Representative Ybarra spoke in favor of the adoption of the amendment.

Representative Kilduff spoke against the adoption of the amendment.

Amendment (1828) was not adopted.

Representative Walsh moved the adoption of amendment (1831):

4.0. On page 6, line 17, after "(2)" insert "(a)"

On page 6, line 28, after "tenancy." insert the following:

"(b)"

On page 7, line 16, after "documentation." insert the following:

"(c)"

On page 7, after line 24, insert the following:

"(d) Subsection (b) of this subsection does not apply to rental property that is located within a city, town, or county that has enacted an ordinance that limits the ability of a property owner to commence or complete an unlawful detainer action during specific months or times of the year."

Representatives Walsh and Dufault spoke in favor of the adoption of the amendment.

Representative Kilduff spoke against the adoption of the amendment.

Amendment (1831) was not adopted.

Representative Dufault moved the adoption of amendment (1829):

4.0. On page 7, beginning on line 7, after "will" strike all material through "subsection" on line 10 and

insert "cover all amounts owed to the landlord, including all past and current rent due, reasonable attorneys' fees, and any other recurring or nonrecurring charges owed"

Representatives Dufault, Corry and DeBolt spoke in favor of the adoption of the amendment.

Representative Kilduff spoke against the adoption of the amendment.

Amendment (1829) was not adopted.

Representative Sutherland moved the adoption of amendment (1838):

4.0. On page 7, line 13, after "funds." insert "However, if emergency rental assistance funds for the total payment of both the amount of rent due, including any current rent, and other amounts if required under this subsection are not received within fourteen days after the landlord provides the necessary payment information, the landlord is entitled to request that the sheriff execute on the writ of restitution."

Representatives Sutherland and Dufault spoke in favor of the adoption of the amendment.

Representative Kilduff spoke against the adoption of the amendment.

Amendment (1838) was not adopted.

Representative Dufault moved the adoption of amendment (1830):

4.0. On page 11, line 5, after "funds." insert "To the extent that funds are available to provide reimbursement from the landlord mitigation program, such funds shall be allocated proportionately across the state to each county according to its population."

On page 15, line 3, after "entitlement." insert "To the extent that funds are available to provide reimbursement from the landlord mitigation program account pursuant to this subsection (1)(c), such funds shall be allocated proportionately across the state to each county according to its population."

Representatives Dufault, Dufault (again) and Corry spoke in favor of the adoption of the amendment.

Representatives Kilduff and Riccelli spoke against the adoption of the amendment.

Amendment (1830) was not adopted.

Representative Graham moved the adoption of amendment (1837):

4.0. On page 11, beginning on line 21, after "(4)" strike all material through "(5)" on line 32 and

~~insert "(If a tenant seeks to stay a writ of restitution issued pursuant to this chapter, the court may issue an ex parte stay of the writ of restitution provided the tenant or tenant's attorney submits a declaration indicating good faith efforts were made to notify the other party or, if no efforts were made, why notice could not be provided prior to the application for an ex parte stay, and describing the immediate or irreparable harm that may result if an immediate stay is not granted.~~

~~(5))"~~

On page 11, at the beginning of line 35, strike "(6)" and insert "(((6)) (5))"

Representatives Graham, Dufault and Walsh spoke in favor of the adoption of the amendment.

Representative Kilduff spoke against the adoption of the amendment.

Amendment (1837) was not adopted.

Representative Gildon moved the adoption of amendment (1839):

4.0. On page 13, beginning on line 30, after "landlord" strike all material through "RCW 59.18.410(3)" on page 14, line 3 and insert "~~((; however, the court shall not award attorneys' fees in the following instances:~~

~~(a) If the judgment for possession is entered after the tenant failed to appear; or~~

~~(b) If the total amount of rent awarded in the judgment for rent is equal to or less than two months of the tenant's monthly contract rent or one thousand two hundred dollars, whichever is greater.~~

~~(4) If a tenant has filed a motion to stay a writ of restitution from execution, the court may only award attorneys' fees to the landlord if the tenant is permitted to be reinstated. Any attorneys' fees awarded shall be subject to repayment pursuant to RCW 59.18.410(3)))"~~

Representatives Gildon and Dufault spoke in favor of the adoption of the amendment.

Representative Kilduff spoke against the adoption of the amendment.

Amendment (1839) was not adopted.

Representative Klippert moved the adoption of amendment (1834):

4.0. On page 19, beginning on line 22, strike all of section 9

Correct the title.

Representative Klippert spoke in favor of the adoption of the amendment.

Representative Kilduff spoke against the adoption of the amendment.

Amendment (1834) was not adopted.

Representative Vick moved the adoption of amendment (1840):

4.0. On page 19, after line 25, insert the following:

"NEW SECTION. Sec. 10. A new section is added to chapter 59.18 RCW to read as follows:

The imposition of controls regarding any residential tenancies is of statewide significance and is preempted by the state. No city, town, or county may enact, maintain, or enforce ordinances with respect to residential tenancies that are governed by this chapter and any such ordinances or other provisions that are in effect on the effective date of this act shall be as of that date null and void and of no effect."

Representatives Vick and Barkis spoke in favor of the adoption of the amendment.

Representative Kilduff spoke against the adoption of the amendment.

Amendment (1840) was not adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Kilduff, Macri and Doglio spoke in favor of the passage of the bill.

Representatives Barkis, Harris, Graham, Klippert, Schmick, Jenkin, Orcutt, Walsh, Dufault, Sutherland, Boehnke and Shea spoke against the passage of the bill.

The Speaker stated the question before the House to be the final passage of Engrossed Substitute Senate Bill No. 6378.

## ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 6378 and the bill passed the House by the following vote: Yeas, 54; Nays, 42; Absent, 0; Excused, 2.

Voting yea: Representatives Appleton, Bergquist, Callan, Chopp, Cody, Davis, Doglio, Dolan, Duerr, Entenman, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hansen, Hudgins, J. Johnson, Kilduff, Kirby, Kloba, Leavitt, Lekanoff, Lovick, Macri, Mead, Morgan, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Ryu, Santos, Sells, Senn, Shewmake, Slatter, Stonier, Sullivan, Tarleton, Thai, Tharinger, Valdez, Walen, Wylie and Mme. Speaker.

Voting nay: Representatives Barkis, Blake, Boehnke, Caldier, Chambers, Chandler, Chapman, Corry, DeBolt, Dent, Dufault, Dye, Eslick, Gildon, Goehner, Graham, Harris, Hoff, Irwin, Jenkin, Klippert, Kraft, Kretz, MacEwen, Maycumber, McCaslin, Mosbrucker, Orcutt, Rude, Schmick, Shea, Springer, Steele, Stokesbary, Sutherland, Van Werven, Vick, Volz, Walsh, Wilcox, Ybarra and Young.

Excused: Representatives Griffey and Smith.

LAURIE JINKINS, Speaker

BERNARD DEAN, Chief Clerk

ENGROSSED SUBSTITUTE SENATE BILL NO. 6378, having received the necessary constitutional majority, was declared passed.

There being no objection, the House advanced to the eighth order of business.

### MOTION

There being no objection, the Committee on Rules was relieved of the following bills and the bills were placed on the second reading calendar:

SECOND SUBSTITUTE SENATE BILL NO. 5144  
 SECOND SUBSTITUTE SENATE BILL NO. 5149  
     ENGROSSED SENATE BILL NO. 5402  
 SECOND SUBSTITUTE SENATE BILL NO. 5572  
     SENATE BILL NO. 5811  
 SECOND SUBSTITUTE SENATE BILL NO. 5947  
 SECOND SUBSTITUTE SENATE BILL NO. 6027  
     ENGROSSED SECOND SUBSTITUTE SENATE  
         BILL NO. 6128  
 SECOND SUBSTITUTE SENATE BILL NO. 6139  
     SENATE BILL NO. 6170  
     SUBSTITUTE SENATE BILL NO. 6190  
     SUBSTITUTE SENATE BILL NO. 6191  
     SUBSTITUTE SENATE BILL NO. 6208  
     SUBSTITUTE SENATE BILL NO. 6210  
         SENATE BILL NO. 6218  
         SENATE BILL NO. 6229  
     SUBSTITUTE SENATE BILL NO. 6267  
         SENATE BILL NO. 6286  
 ENGROSSED SUBSTITUTE SENATE BILL NO.  
     6288  
 SECOND SUBSTITUTE SENATE BILL NO. 6309  
     ENGROSSED SENATE BILL NO. 6313  
     SUBSTITUTE SENATE BILL NO. 6397  
         SENATE BILL NO. 6417  
         SENATE BILL NO. 6420  
     ENGROSSED SENATE BILL NO. 6421  
 ENGROSSED SUBSTITUTE SENATE BILL NO.  
     6440  
         SENATE BILL NO. 6439  
     SUBSTITUTE SENATE BILL NO. 6495  
 SECOND SUBSTITUTE SENATE BILL NO. 6561  
 ENGROSSED SUBSTITUTE SENATE BILL NO.  
     6592

There being no objection, the House adjourned until 9:00 a.m., March 4, 2020, the 52nd Day of the Regular Session.

**SIXTY SIXTH LEGISLATURE - REGULAR SESSION****FIFTY SECOND DAY**

House Chamber, Olympia, Wednesday, March 4, 2020

The House was called to order at 10:00 a.m. by the Speaker (Representative Lovick presiding). The Clerk called the roll and a quorum was present.

The flags were escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Grace Davis and John Aldridge. The Speaker (Representative Lovick presiding) led the Chamber in the Pledge of Allegiance. The prayer was offered by Pastor Marlando Jordan, Sozo Church, Kennewick, Washington.

Reading of the Journal of the previous day was dispensed with and it was ordered to stand approved.

**SPEAKER'S PRIVILEGE**

The Speaker (Representative Lovick presiding) recognized the family of organ donor Gordon Anderson, recognized by House Resolution 4660.

Speaker Jenkins assumed the Chair.

There being no objection, the House advanced to the third order of business.

**MESSAGES FROM THE SENATE**

March 3, 2020

Mme. SPEAKER:

The President has signed:

ENGROSSED HOUSE BILL NO. 1687,  
HOUSE BILL NO. 1750,

and the same are herewith transmitted.

Brad Hendrickson, Secretary

March 3, 2020

Mme. SPEAKER:

The Senate has passed:

SECOND ENGROSSED HOUSE BILL NO. 1056,  
HOUSE BILL NO. 1165,  
ENGROSSED HOUSE BILL NO. 1187,  
ENGROSSED SUBSTITUTE HOUSE BILL NO.  
1520,  
ENGROSSED SUBSTITUTE HOUSE BILL NO.  
1551,

HOUSE BILL NO. 2109,  
SUBSTITUTE HOUSE BILL NO. 2205,  
HOUSE BILL NO. 2251,  
HOUSE BILL NO. 2259,  
HOUSE BILL NO. 2266,  
SUBSTITUTE HOUSE BILL NO. 2378,  
HOUSE BILL NO. 2390,  
ENGROSSED SUBSTITUTE HOUSE BILL NO.  
2411,  
HOUSE BILL NO. 2416,  
SUBSTITUTE HOUSE BILL NO. 2473,  
HOUSE BILL NO. 2474,  
SUBSTITUTE HOUSE BILL NO. 2476,  
HOUSE BILL NO. 2508,  
HOUSE BILL NO. 2512,  
ENGROSSED SUBSTITUTE HOUSE BILL NO.  
2571,  
SUBSTITUTE HOUSE BILL NO. 2589,  
HOUSE BILL NO. 2599,  
HOUSE BILL NO. 2677,  
HOUSE BILL NO. 2682,  
HOUSE BILL NO. 2762,  
SUBSTITUTE HOUSE BILL NO. 2785,  
ENGROSSED HOUSE BILL NO. 2792,  
SUBSTITUTE HOUSE BILL NO. 2868,  
SUBSTITUTE HOUSE BILL NO. 2873,  
SUBSTITUTE HOUSE BILL NO. 2883,

and the same are herewith transmitted.

Brad Hendrickson, Secretary

February 27, 2020

Mme. SPEAKER:

The Senate has passed:

ENGROSSED SUBSTITUTE SENATE BILL NO.  
6168,

and the same is herewith transmitted.

Brad Hendrickson, Secretary

February 28, 2020

Mme. SPEAKER:

The President has signed:

SUBSTITUTE SENATE BILL NO. 5097,

and the same is herewith transmitted.

Brad Hendrickson, Secretary

### POINT OF PERSONAL PRIVILEGE

Representative Smith: “Madame Speaker, it is with a lot of emotion and a lot of excitement, a lot of sadness, but mostly a lot of looking forward today that I wanted you and my good colleagues on the floor to know that I will not be seeking reelection for the 10<sup>th</sup> District. I want you to know that working with you and every member on this floor has been an extraordinary honor over the last 13 years. Thirteen years is a long time and Madam Speaker, you know my heart on so many issues; we’ve talked about a lot of things, and one of the things that has been consistent in my life is the call to serve, and serving here, and working on sound public policy; working on behavioral and mental health; working on environmental policy; working on those things that we care so deeply about and we’ve joined forces together and we’ve passed some incredible legislation that makes a difference for the people we serve; that is an incredible way to serve. The work we do here, the work our staff helps us to do here is so incredibly important, but Madam Speaker, there’s another calling on my life that has been as consistent as well, that’s part of serving, and that is teaching and mentoring. From high school, it’s been a part of my life to share with others; to come alongside them in their journeys; to touch their lives and allow them to touch mine; to see people, and in that moment, to help them know their intrinsic value; that they are loved, that they are beloved, that their lives matter. And so Madam Speaker, as more and more of those opportunities have arisen over the last few years and I’ve had to say “no” because of this work that is so important, I want to be able to say “yes” to what I believe is the most important work. And Madam Speaker, we here can solve problems that touch many areas of people’s lives. We can help them with their physical challenges; we can help provide housing, we can help provide solutions that address the physical and the intellectual and the, perhaps even sometimes, emotional challenges of life. But Madam Speaker, here we can’t solve the deepest longings of the heart, the spiritual nature of who we are. To address those eternal issues; to know that we are loved and to know how to love. That, I believe, is my next calling because it’s been my calling for as long as I can remember and I look forward to being able to invest my heart more fully both in my own family, my community, in the faith community, wherever I am led in this next season of life and I want you to know that the experiences here will impact that effort, that calling, that work, and I want to say thank you for the journey we have been on here in this House together. Our journeys will continue in different ways. I want to be a, in any way that I can be, help to any of my colleagues on the floor; I want to be able to do that, but today, I want to say “Thank you” to you, to my colleagues, most of all to the people of the 10<sup>th</sup> Legislative district who gave me the great privilege and honor of giving myself fully to representing them here in the House of Representatives. I will be forever grateful. Thank you Madam Speaker.”

Speaker Jenkins: “Thank you Representative Smith. Norma, the loss that this body will feel and that the people of the state will feel, will only be a gain to those people in your community that you are going to be able to be in closer touch with and your grandchildren who you’ve talked to me a lot about and wanting to be with them, so we’ll have more opportunities, next week likely, to recognize and celebrate your service, but for now, I will just say “Thank you.”

There being no objection, the House advanced to the fourth order of business.

### INTRODUCTION & FIRST READING

ESSB 6248 by Senate Committee on Ways & Means  
(originally sponsored by Frockt and Honeyford)

AN ACT Relating to capital budget; making appropriations and authorizing expenditures for capital improvements; amending RCW 43.19.501; amending 2019 c 413 ss 1009, 1029, 1030, 1033, 1035, 1041, 1042, 1043, 1051, 1059, 1073, 1078, 1090, 1092, 1093, 2001, 2002, 2010, 2030, 2037, 2038, 2039, 2041, 2072, 2075, 2091, 2093, 2094, 2096, 2098, 3008, 3009, 3011, 3016, 3022, 3023, 3026, 3028, 3030, 3031, 3032, 3034, 3036, 3038, 3052, 3056, 3062, 3064, 3081, 3096, 3097, 3115, 3069, 3119, 3120, 3123, 3129, 3131, 3132, 3135, 3137, 3141, 3143, 3144, 3145, 3149, 3150, 3151, 3152, 3153, 3156, 3204, 3223, 3232, 3236, 3242, 3247, 3252, 3253, 3254, 3255, 3274, 3275, 3294, 5012, 5028, 5030, 5035, 5072, 5079, 5093, 5098, 5101, 5060, 5122, 6003, 6005, 1024, 7001, 7002, and 7021 (uncodified); adding new sections to 2019 c 413 (uncodified); creating a new section; making appropriations; repealing 2019 c 413 ss 3099 and 3296 (uncodified); and declaring an emergency.

There being no objection, the bill listed on the day’s introduction sheet under the fourth order of business was read the first time, and under suspension of the rules, was placed on the second reading calendar.

There being no objection, the House advanced to the sixth order of business.

### SECOND READING

**SUBSTITUTE SENATE BILL NO. 6267, by Senate Committee on Health & Long Term Care (originally sponsored by Takko, King and Van De Wege)**

**Modifying the long-term services and supports trust program by clarifying the ability for individuals with existing long-term care insurance to opt-out of the premium assessment and making technical corrections.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Cody and Schmick spoke in favor of the passage of the bill.

### MOTION

On motion of Representative Stonier, Representative Mead was excused.

The Speaker stated the question before the House to be the final passage of Substitute Senate Bill No. 6267.

### ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6267, and the bill passed the House by the following vote: Yeas, 95; Nays, 2; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Duerr, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hudgins, Irwin, Jenkin, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shea, Shewmake, Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Voting nay: Representatives Dufault and Hoff.  
Excused: Representative Mead.

SUBSTITUTE SENATE BILL NO. 6267, having received the necessary constitutional majority, was declared passed.

**SUBSTITUTE SENATE BILL NO. 5867, by Senate Committee on Law & Justice (originally sponsored by Zeiger, Pedersen, Nguyen, Darneille, Ericksen, Walsh and Kuderer)**

#### **Resentencing of persons convicted of drug offenses.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Goodman and Sutherland spoke in favor of the passage of the bill.

The Speaker stated the question before the House to be the final passage of Substitute Senate Bill No. 5867.

### ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5867, and the bill passed the House by the following vote: Yeas, 84; Nays, 13; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, Doglio, Dolan, Duerr, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Gregerson, Griffey, Hansen, Harris, Hudgins, J. Johnson, Kilduff, Kirby, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, McCaslin, Morgan, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shea, Shewmake, Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Volz, Walen, Walsh, Wilcox, Wylie, Young and Mme. Speaker.

Voting nay: Representatives DeBolt, Dent, Dufault, Graham, Hoff, Irwin, Jenkin, Klippert, Maycumber, Mosbrucker, Orcutt, Vick and Ybarra.

Excused: Representative Mead.

SUBSTITUTE SENATE BILL NO. 5867, having received the necessary constitutional majority, was declared passed.

#### **SENATE BILL NO. 6096, by Senators Keiser, Stanford and Saldaña**

#### **Preventing disruption of certain state-financed and procured services due to labor unrest within contracted service providers.**

The bill was read the second time.

Representative Kraft moved the adoption of amendment (1852):

4.0. On page 2, after line 8, insert the following:

"The legislature also finds that the state has an interest in ensuring that Washington's students receive high quality uninterrupted educational services."

On page 3, after line 18, insert the following:

"Sec. 3. RCW 41.59.105 and 2017 3rd sp.s. c 13 s 818 are each amended to read as follows:

(1) All collective bargaining agreements entered into between a school district employer and school district employees under this chapter after June 10, 2010, as well as bargaining agreements existing on June 10, 2010, but renewed or extended after June 10, 2010, shall be consistent with RCW 28A.657.050.

(2) All collective bargaining agreements entered into between a school district employer and school district employees under this chapter shall be consistent with RCW 28A.400.280 and 28A.400.350.

(3) If a collective bargaining agreement between a school district employer and school district employees



prohibits its certificated employees from striking, the certificated employees may not strike for any reason for the entire time the collective bargaining agreement is in place. If a certificated employee strikes in violation of the collective bargaining agreement, the school district may take any appropriate action to remedy the situation, as provided in the collective bargaining agreement or, if not specified in the collective bargaining agreement, as allowed within the school district's discretion.

(4) Employee bargaining shall be initiated after July 1, 2018, over the dollar amount to be contributed beginning January 1, 2020, on behalf of each employee for health care benefits. Bargaining must subsequently be conducted in even-numbered years between the governor or governor's designee and one coalition of all the exclusive bargaining representatives impacted by benefit purchasing with the school employees' benefits board established in RCW 41.05.740, consistent with RCW 28A.400.280 and 28A.400.350. The coalition bargaining must follow the model initially established for state employees in RCW 41.80.020.

~~((4))~~ (5) The governor shall submit a request for funds necessary to implement the collective bargaining agreement for the dollar amount to be expended for school employee health benefits, or for legislation necessary to implement the agreement. A request for funds shall not be submitted to the legislature by the governor unless such request:

(a) Has been submitted to the director of the office of financial management by October 1st prior to the legislative session at which the request is to be considered; and

(b) Has been certified by the director of the office of financial management as being feasible financially for the state.

The legislature shall approve or reject the submission of the request for funds. The legislature shall not consider a request for funds unless the request is transmitted to the legislature as part of the governor's budget document submitted under RCW 43.88.030 and 43.88.060.

If the legislature rejects or fails to act on the submission, either party may reopen all or part of the agreement. However, if the director of the office of financial management does not certify a request under this section as being feasible financially for the state, the parties shall enter into collective bargaining solely for the purpose of reaching a mutually agreed upon modification of the agreement necessary to address the absence of those requested funds. The legislature may act upon the health care benefit provisions of the modified collective bargaining agreement if those provisions are agreed upon and submitted to the office of financial management and legislative budget committees before final legislative action on the biennial or supplemental operating budget. If the legislature rejects or fails to act on the submission, either party may reopen all or part of the agreement."

Correct the title.

## POINT OF ORDER

Representative Stonier requested a scope and object ruling on amendment (1852) to SB 6096.

## SPEAKER'S RULING

Madame Speaker: "The title of the bill is an act relating to preventing disruption of certain state financed and procured services due to labor unrest within contracted service providers.

The bill requires that certain contracts between the Department of Social and Health Services and private contractors must contain assurances that the contracted services will not be disrupted or delayed by economic or industrial action.

The amendment addresses labor unrest between different parties – school districts and their employees.

The Speaker therefore finds and rules that the amendment is outside the scope and object of the bill.

The point of order is well taken."

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Sells spoke in favor of the passage of the bill.

Representative Mosbrucker spoke against the passage of the bill.

The Speaker stated the question before the House to be the final passage of Senate Bill No. 6096.

## ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 6096, and the bill passed the House by the following vote: Yeas, 62; Nays, 35; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Bergquist, Blake, Callan, Chambers, Chapman, Chopp, Cody, Davis, Doglio, Dolan, Duerr, Entenman, Fey, Fitzgibbon, Frame, Gildon, Goodman, Graham, Gregerson, Hansen, Hudgins, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Leavitt, Lekanoff, Lovick, Macri, Morgan, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Ryu, Santos, Sells, Senn, Shewmake, Slatter, Springer, Stonier, Sullivan, Tarleton, Thai, Tharinger, Valdez, Volz, Walen, Walsh, Wylie and Mme. Speaker.

Voting nay: Representatives Barkis, Boehnke, Caldier, Chandler, Corry, DeBolt, Dent, Dufault, Dye, Eslick, Goehner, Griffey, Harris, Hoff, Irwin, Jenkin, Kraft, Kretz, MacEwen, Maycumber, McCaslin, Mosbrucker, Orcutt, Rude, Schmick, Shea, Smith, Steele, Stokesbary, Sutherland, Van Werven, Vick, Wilcox, Ybarra and Young.

Excused: Representative Mead.

SENATE BILL NO. 6096, having received the necessary constitutional majority, was declared passed.

**ENGROSSED SENATE BILL NO. 6239, by Senators Conway, Keiser, Hasegawa, Saldana, Van De Wege, Lovelett, Wilson and C.**

**Addressing compliance with apprenticeship utilization requirements and bidding on public works projects.**

The bill was read the second time.

Representative Sells moved the adoption of amendment (1814):

4.0. On page 4, line 15, after "the" strike "apprenticeship utilization goals" and insert "apprentice utilization requirements"

On page 4, line 18, after "plan" strike "along with its bid documents" and insert "within ten business days immediately following the notice to proceed date"

Representative Sells spoke in favor of the adoption of the amendment.

Representative Mosbrucker spoke against the adoption of the amendment.

Amendment (1814) was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representative Sells spoke in favor of the passage of the bill.

Representative Mosbrucker spoke against the passage of the bill.

The Speaker stated the question before the House to be the final passage of Engrossed Senate Bill No. 6239, as amended by the House.

### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Senate Bill No. 6239, as amended by the House, and the bill passed the House by the following vote: Yeas, 60; Nays, 37; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Bergquist, Blake, Callan, Chapman, Chopp, Cody, Davis, Doglio, Dolan, Duerr, Entenman, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Griffey, Hansen, Hudgins, J. Johnson, Kilduff, Kirby, Kloba, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Morgan, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Ryu, Santos, Sells, Senn, Shewmake, Slatter, Springer, Stonier, Sullivan, Tarleton, Thai,

Tharinger, Valdez, Volz, Walen, Walsh, Wylie and Mme. Speaker.

Voting nay: Representatives Barkis, Boehnke, Caldier, Chambers, Chandler, Corry, DeBolt, Dent, Dufault, Dye, Eslick, Gildon, Goehner, Graham, Harris, Hoff, Irwin, Jenkin, Klippert, Kraft, Kretz, Maycumber, McCaslin, Mosbrucker, Orcutt, Rude, Schmick, Shea, Smith, Steele, Stokesbary, Sutherland, Van Werven, Vick, Wilcox, Ybarra and Young.

Excused: Representative Mead.

ENGROSSED SENATE BILL NO. 6239, as amended by the House, having received the necessary constitutional majority, was declared passed.

Speaker Jenkins called upon Representative Orwall to preside.

**SENATE BILL NO. 6507, by Senators Nguyen, Darneille, Wilson and C.**

**Concerning legislative reporting requirements for certain department of children, youth, and families programs.**

The bill was read the second time.

Representative Dent moved the adoption of amendment (1832):

4.0. On page 8, beginning on line 36, strike all of section 2

ReNUMBER the remaining sections consecutively and correct any internal references accordingly.

Correct the title.

With the consent of the House, amendment (1832) was withdrawn.

Representative Dent moved the adoption of amendment (1833):

4.0. On page 11, line 26, after "funding;" strike "and" and insert "~~((and))~~"

On page 11, line 27, after "(l)" insert "An analysis of the impact of increased regulations on the cost of child care:  
and

(m)"

Representatives Dent and Senn spoke in favor of the adoption of the amendment.

Amendment (1833) was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Senn and Dent spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Senate Bill No. 6507, as amended by the House.

### ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 6507, as amended by the House, and the bill passed the House by the following vote: Yeas, 87; Nays, 10; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Caldier, Callan, Chandler, Chapman, Chopp, Cody, Corry, Davis, Dent, Doglio, Dolan, Duerr, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, J. Johnson, Kilduff, Kirby, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, Morgan, Mosbrucker, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Voting nay: Representatives Boehnke, Chambers, DeBolt, Dufault, Jenkin, Klippert, McCaslin, Orcutt, Shea and Smith.

Excused: Representative Mead.

SENATE BILL NO. 6507, as amended by the House, having received the necessary constitutional majority, was declared passed.

**ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 6128, by Senate Committee on Ways & Means (originally sponsored by Randall, Darneille, Dhingra, Frockt, Hasegawa, Hunt, Kuderer, Lovelett, Salomon, Stanford, Van De Wege, Nguyen, Wilson and C.)**

#### **Extending coverage during the postpartum period.**

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Appropriations was adopted. (For Committee amendment, see Journal, Day 50, March 2, 2020).

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Stonier and Stokesbary spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Engrossed Second Substitute Senate Bill No. 6128, as amended by the House.

### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 6128, as amended by the House, and the bill passed the House by the following vote: Yeas, 96; Nays, 1; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shea, Shewmake, Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Voting nay: Representative Kraft.

Excused: Representative Mead.

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 6128, as amended by the House, having received the necessary constitutional majority, was declared passed.

**SECOND SUBSTITUTE SENATE BILL NO. 6139, by Senate Committee on Ways & Means (originally sponsored by Mullet, Wagoner, Takko, Wilson, L., Wilson, C., Randall, Conway, Stanford and Carlyle)**

**Extending the joint center for aerospace technology innovation program.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Kloba and Smith spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Second Substitute Senate Bill No. 6139.

### ROLL CALL

The Clerk called the roll on the final passage of Second Substitute Senate Bill No. 6139, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shea, Shewmake, Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Excused: Representative Mead.

SECOND SUBSTITUTE SENATE BILL NO. 6139, having received the necessary constitutional majority, was declared passed.

**SENATE BILL NO. 6170, by Senators Keiser, Conway, Fortunato, Hasegawa and King**

**Concerning plumbing.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Sells and Mosbrucker spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Senate Bill No. 6170.

**ROLL CALL**

The Clerk called the roll on the final passage of Senate Bill No. 6170, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shea, Shewmake, Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Excused: Representative Mead.

SENATE BILL NO. 6170, having received the necessary constitutional majority, was declared passed.

**SUBSTITUTE SENATE BILL NO. 6190, by Senate Committee on Health & Long Term Care (originally sponsored by Braun, Keiser and Kuderer)**

**Preserving the developmental disabilities community trust.**

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Capital Budget was adopted. (For Committee amendment, see Journal, Day 51, March 3, 2020).

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Tharinger and DeBolt spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 6190, as amended by the House.

**ROLL CALL**

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6190, as amended by the House, and the bill passed the House by the following vote: Yeas, 95; Nays, 2; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Voting nay: Representatives Shea and Sutherland.

Excused: Representative Mead.

SUBSTITUTE SENATE BILL NO. 6190, as amended by the House, having received the necessary constitutional majority, was declared passed.

**SUBSTITUTE SENATE BILL NO. 6191, by Senate Committee on Early Learning & K-12 Education (originally sponsored by Braun, Darneille, Hasegawa, O'Ban, Rolfes, Short, Wilson and C.)**

**Assessing the prevalence of adverse childhood experiences in middle and high school students to inform decision making and improve services.**

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Education was adopted. (For Committee amendment, see Journal, Day 51, March 3, 2020).

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representative Paul spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 6191, as amended by the House.

**ROLL CALL**

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6191, as amended by the House, and the bill passed the House by the following vote: Yeas, 96; Nays, 1; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shea, Shewmake, Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Voting nay: Representative McCaslin.

Excused: Representative Mead.

SUBSTITUTE SENATE BILL NO. 6191, as amended by the House, having received the necessary constitutional majority, was declared passed.

**SUBSTITUTE SENATE BILL NO. 6208, by Senate Committee on Transportation (originally sponsored by Billig, Rivers, Liias, Randall, Wilson and C.)**

**Increasing mobility through the modification of stop sign requirements for bicyclists.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Fitzgibbon and Irwin spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 6208.

**ROLL CALL**

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6208, and the bill passed the House by the following vote: Yeas, 77; Nays, 20; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Davis, DeBolt, Dent, Doglio, Dolan, Duerr, Dufault, Dye, Entenman, Fey, Fitzgibbon, Frame, Gildon, Goodman, Graham, Gregerson, Hansen, Harris, Hudgins, Irwin, J. Johnson, Kilduff, Kirby, Kloba, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Morgan, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Slatter, Smith, Springer, Stokesbary, Stonier, Sullivan, Tarleton, Thai, Tharinger, Valdez, Van Werven, Volz, Walen, Wilcox, Wylie, Ybarra and Mme. Speaker.

Voting nay: Representatives Boehnke, Corry, Eslick, Goehner, Griffey, Hoff, Jenkin, Klippert, Kraft, Kretz, Maycumber, McCaslin, Mosbrucker, Rude, Shea, Steele, Sutherland, Vick, Walsh and Young.

Excused: Representative Mead.

SUBSTITUTE SENATE BILL NO. 6208, having received the necessary constitutional majority, was declared passed.

**SUBSTITUTE SENATE BILL NO. 6210, by Senate Committee on Ways & Means (originally sponsored by Lovelett, Rolfes, Wilson and C.)**

**Concerning antifouling paints on recreational water vessels.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Lekanoff and DeBolt spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 6210.

**ROLL CALL**

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6210, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shea, Shewmake, Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Excused: Representative Mead.

SUBSTITUTE SENATE BILL NO. 6210, having received the necessary constitutional majority, was declared passed.

**SENATE BILL NO. 6218, by Senators Schoesler and Conway**

**Modifying the definition of salary for the Washington state patrol retirement system.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Irwin, Fitzgibbon and Stokesbary spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Senate Bill No. 6218.

**ROLL CALL**

The Clerk called the roll on the final passage of Senate Bill No. 6218, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shea, Shewmake,

Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Excused: Representative Mead.

SENATE BILL NO. 6218, having received the necessary constitutional majority, was declared passed.

**SENATE BILL NO. 6229, by Senators Kuderer, Wilson and C.**

**Streamlining reporting for recipients of housing-related state funding by removing Washington state quality award program requirements.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Duerr spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Senate Bill No. 6229.

**ROLL CALL**

The Clerk called the roll on the final passage of Senate Bill No. 6229, and the bill passed the House by the following vote: Yeas, 91; Nays, 6; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, DeBolt, Doglio, Dolan, Duerr, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Sells, Senn, Shewmake, Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Voting nay: Representatives Dent, Dufault, Dye, Schmick, Shea and Vick.

Excused: Representative Mead.

SENATE BILL NO. 6229, having received the necessary constitutional majority, was declared passed.

**SENATE BILL NO. 6286, by Senators Frockt, Pedersen and Mullet**

**Permitting athlete agents to provide some benefits to student athletes.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Kirby and Vick spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Senate Bill No. 6286.

### ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 6286, and the bill passed the House by the following vote: Yeas, 95; Nays, 2; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, Dent, Doglio, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, J. Johnson, Kilduff, Kirby, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shea, Shewmake, Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Voting nay: Representatives DeBolt and Klippert.  
Excused: Representative Mead.

SENATE BILL NO. 6286, having received the necessary constitutional majority, was declared passed.

**SECOND SUBSTITUTE SENATE BILL NO. 6309, by Senate Committee on Ways & Means (originally sponsored by Lovelett, Wagoner, Nguyen, Walsh, Das, Salomon, Randall, Billig, Dhingra, Hasegawa, Saldaña, Wilson and C.)**

#### **Expanding access to nutritious food.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Leavitt and Klippert spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Second Substitute Senate Bill No. 6309.

### ROLL CALL

The Clerk called the roll on the final passage of Second Substitute Senate Bill No. 6309, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shea, Shewmake, Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Excused: Representative Mead.

SECOND SUBSTITUTE SENATE BILL NO. 6309, having received the necessary constitutional majority, was declared passed.

**SUBSTITUTE SENATE BILL NO. 6397, by Senate Committee on Ways & Means (originally sponsored by Frockt, Rolfes and Keiser)**

#### **Concerning nonparticipating providers.**

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Appropriations was adopted. (For Committee amendment, see Journal, Day 51, March 3, 2020).

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Cody and Schmick spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 6397, as amended by the House.

### ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6397, as amended by the House, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman,

Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shea, Shewmake, Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Excused: Representative Mead.

SUBSTITUTE SENATE BILL NO. 6397, as amended by the House, having received the necessary constitutional majority, was declared passed.

**SENATE BILL NO. 6420, by Senators Takko and Short**

**Concerning underground utilities and safety committee.**

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Local Government was adopted. (For Committee amendment, see Journal, Day 47, February 28, 2020).

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Pollet and Griffey spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Senate Bill No. 6420, as amended by the House.

**ROLL CALL**

The Clerk called the roll on the final passage of Senate Bill No. 6420, as amended by the House, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shea, Shewmake, Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van

Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Excused: Representative Mead.

SENATE BILL NO. 6420, as amended by the House, having received the necessary constitutional majority, was declared passed.

**ENGROSSED SUBSTITUTE SENATE BILL NO. 6440, by Senate Committee on Labor & Commerce (originally sponsored by Stanford, Hunt, Keiser, McCoy, Das and Conway)**

**Concerning industrial insurance medical examinations.**

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Labor & Workplace Standards was adopted. (For Committee amendment, see Journal, Day 46, February 27, 2020).

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Kilduff and Mosbrucker spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Engrossed Substitute Senate Bill No. 6440, as amended by the House.

**ROLL CALL**

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 6440, as amended by the House, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shea, Shewmake, Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Excused: Representative Mead.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6440, as amended by the House, having received the necessary constitutional majority, was declared passed.



The Speaker (Representative Orwall presiding) called upon Representative Lovick to preside.

**SECOND SUBSTITUTE SENATE BILL NO. 5144, by Senate Committee on Human Services, Reentry & Rehabilitation (originally sponsored by Dhingra, O'Ban, Wilson, C., Keiser, Darneille and Frockt)**

**Implementing child support pass-through payments.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Kilduff and Irwin spoke in favor of the passage of the bill.

### **MOTION**

On motion of Representative Riccelli, Representative Thai was excused.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Second Substitute Senate Bill No. 5144.

### **ROLL CALL**

The Clerk called the roll on the final passage of Second Substitute Senate Bill No. 5144, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shea, Shewmake, Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Excused: Representatives Mead and Thai.

**SECOND SUBSTITUTE SENATE BILL NO. 5144**, having received the necessary constitutional majority, was declared passed.

**SECOND SUBSTITUTE SENATE BILL NO. 5947, by Senate Committee on Ways & Means (originally sponsored by McCoy, Schoesler, Palumbo, King, Salomon and Warnick)**

**Establishing the sustainable farms and fields grant program.**

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Capital Budget was adopted. (For Committee amendment, see Journal, Day 51, March 3, 2020).

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Shewmake and Walsh spoke in favor of the passage of the bill.

Representatives Schmick, Dent and Dye spoke against the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Second Substitute Senate Bill No. 5947, as amended by the House.

### **ROLL CALL**

The Clerk called the roll on the final passage of Second Substitute Senate Bill No. 5947, as amended by the House, and the bill passed the House by the following vote: Yeas, 74; Nays, 22; Absent, 0; Excused, 2.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, DeBolt, Doglio, Dolan, Duerr, Entenman, Fey, Fitzgibbon, Frame, Gildon, Goodman, Gregerson, Griffey, Hansen, Harris, Hudgins, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Kraft, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Morgan, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Sells, Senn, Shewmake, Slatter, Smith, Springer, Steele, Stonier, Sullivan, Tarleton, Tharinger, Valdez, Van Werven, Walen, Walsh, Wylie, Ybarra, Young and Mme. Speaker.

Voting nay: Representatives Boehnke, Dent, Dufault, Dye, Eslick, Goehner, Graham, Hoff, Irwin, Jenkin, Kretz, Maycumber, McCaslin, Mosbrucker, Orcutt, Schmick, Shea, Stokesbary, Sutherland, Vick, Volz and Wilcox.

Excused: Representatives Mead and Thai.

**SECOND SUBSTITUTE SENATE BILL NO. 5947**, as amended by the House, having received the necessary constitutional majority, was declared passed.

**SENATE BILL NO. 6034, by Senators Keiser, Conway, Wellman, Dhingra, Stanford, Saldaña, Pedersen, Darneille, Frockt, Hunt, Kuderer, Lovelett, Nguyen, Randall, Cleveland, Wilson and C.**

**Extending the time allowed to file a complaint with the human rights commission for a claim related to pregnancy discrimination.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Orwall spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Senate Bill No. 6034.

### ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 6034, and the bill passed the House by the following vote: Yeas, 95; Nays, 1; Absent, 0; Excused, 2.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chapman, Chopp, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shea, Shewmake, Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Voting nay: Representative Chandler.

Excused: Representatives Mead and Thai.

SENATE BILL NO. 6034, having received the necessary constitutional majority, was declared passed.

**ENGROSSED SUBSTITUTE SENATE BILL NO. 6141, by Senate Committee on Higher Education & Workforce Development (originally sponsored by Randall, Hasegawa, Keiser, Stanford, Frockett, Wilson, C. and Sheldon)**

#### **Expanding access to higher education.**

The bill was read the second time.

There being no objection, the committee amendment by the Committee on College & Workforce Development was adopted. (For Committee amendment, see Journal, Day 47, February 28, 2020).

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Paul and Van Werven spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Substitute Senate Bill No. 6141, as amended by the House.

### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 6141, as amended by the House, and the bill passed the House by the following vote: Yeas, 93; Nays, 3; Absent, 0; Excused, 2.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chapman, Chopp, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, J. Johnson, Kilduff, Kirby, Kloba, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shea, Shewmake, Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Voting nay: Representatives Chandler, Klippert and Kraft.

Excused: Representatives Mead and Thai.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6141, as amended by the House, having received the necessary constitutional majority, was declared passed.

**SUBSTITUTE SENATE BILL NO. 6483, by Senate Committee on Early Learning & K-12 Education (originally sponsored by Wilson, C. and Nguyen)**

**Concerning rating requirements for child care providers.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Senn, Dent and Corry spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 6483.

### ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6483, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shea, Shewmake, Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Excused: Representatives Mead and Thai.

SUBSTITUTE SENATE BILL NO. 6483, having received the necessary constitutional majority, was declared passed.

**SUBSTITUTE SENATE BILL NO. 6663, by Senate Committee on Ways & Means (originally sponsored by Brown, Becker and Walsh)**

**Studying dual diagnoses of eating disorder and diabetes mellitus type 1. Revised for 1st Substitute: Concerning dual diagnoses of eating disorder and diabetes mellitus type 1.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Schmick and Cody spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 6663.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6663, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shea, Shewmake,

Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Excused: Representatives Mead and Thai.

SUBSTITUTE SENATE BILL NO. 6663, having received the necessary constitutional majority, was declared passed.

**SECOND SUBSTITUTE SENATE BILL NO. 5149, by Senate Committee on Law & Justice (originally sponsored by Wilson, L., Becker, Kuderer, Short and Takko)**

**Monitoring of domestic violence perpetrators. Revised for 2nd Substitute: Concerning electronic monitoring with victim notification technology.**

The bill was read the second time.

Representative Goodman moved the adoption of amendment (2023):

4.0. On page 5, beginning on line 38, after "individual" strike all material through "away" on line 39 and insert "enters within the restricted distance of a victim or protected party, or within the restricted distance of a designated location"

Representatives Goodman and Klippert spoke in favor of the adoption of the amendment.

Amendment (2023) was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Goodman, Klippert, Wylie, Stonier and Kraft spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Second Substitute Senate Bill No. 5149, as amended by the House.

#### ROLL CALL

The Clerk called the roll on the final passage of Second Substitute Senate Bill No. 5149, as amended by the House, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, J. Johnson, Kilduff, Kirby, Klippert, Kloba,

Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shea, Shewmake, Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Excused: Representatives Mead and Thai.

SECOND SUBSTITUTE SENATE BILL NO. 5149, as amended by the House, having received the necessary constitutional majority, was declared passed.

The Speaker (Representative Lovick presiding) called upon Representative Orwall to preside.

There being no objection, the House reverted to the third order of business.

#### MESSAGES FROM THE SENATE

March 4, 2020

Mme. SPEAKER:

The Senate has passed:

SUBSTITUTE HOUSE BILL NO. 2567,  
HOUSE BILL NO. 2602,

and the same are herewith transmitted.

Brad Hendrickson, Secretary

March 4, 2020

Mme. SPEAKER:

The President has signed:

ENGROSSED SENATE BILL NO. 5165,  
ENGROSSED SUBSTITUTE SENATE BILL NO.  
5522,  
ENGROSSED SUBSTITUTE SENATE BILL NO.  
5591,  
ENGROSSED SUBSTITUTE SENATE BILL NO.  
6028,  
SUBSTITUTE SENATE BILL NO. 6029,  
SUBSTITUTE SENATE BILL NO. 6037,  
SENATE BILL NO. 6038,  
SUBSTITUTE SENATE BILL NO. 6048,  
SUBSTITUTE SENATE BILL NO. 6051,  
SUBSTITUTE SENATE BILL NO. 6052,  
SUBSTITUTE SENATE BILL NO. 6061,  
ENGROSSED SUBSTITUTE SENATE BILL NO.  
6063,  
SENATE BILL NO. 6131,  
SENATE BILL NO. 6136,  
ENGROSSED SUBSTITUTE SENATE BILL NO.  
6261,

SENATE BILL NO. 6326,  
SENATE BILL NO. 6374,  
ENGROSSED SUBSTITUTE SENATE BILL NO.  
6378,  
SUBSTITUTE SENATE BILL NO. 6409,  
SUBSTITUTE SENATE BILL NO. 6500,  
SUBSTITUTE SENATE BILL NO. 6526,  
SENATE BILL NO. 6551,  
SUBSTITUTE SENATE BILL NO. 6670,

and the same are herewith transmitted.

Brad Hendrickson, Secretary

March 3, 2020

Mme. SPEAKER:

The Senate has passed:

THIRD SUBSTITUTE HOUSE BILL NO. 1660,  
HOUSE BILL NO. 1755,  
ENGROSSED SUBSTITUTE HOUSE BILL NO.  
2551,  
ENGROSSED SUBSTITUTE HOUSE BILL NO.  
2576,  
HOUSE BILL NO. 2617,  
SUBSTITUTE HOUSE BILL NO. 2673,  
HOUSE BILL NO. 2837,

and the same are herewith transmitted.

Brad Hendrickson, Secretary

There being no objection, the House advanced to the sixth order of business.

#### SECOND READING

**HOUSE BILL NO. 2804, by Representatives Duerr, Ryu, Pollet, Slatter and Boehnke**

**Addressing local government infrastructure.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 2804 was substituted for House Bill No. 2804 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2804 was read the second time.

With the consent of the House, amendment (1128) was withdrawn.

Representative Kirby moved the adoption of amendment (1671):

4.0. On page 5, line 11, after "area," strike "or" and insert "((or))"

On page 5, line 13, after "35.21.395" insert "or

(iv) Relocation and construction of a state-owned facility, with written permission from the state agency owning the facility and the office of financial management"

Representatives Kirby and Kraft spoke in favor of the adoption of the amendment.

Amendment (1671) was adopted.

Representative Pollet moved the adoption of amendment (1809):

4.0. On page 8, beginning on line 38, after "government has" strike "consulted with a federally recognized Indian tribe when the project may involve archeological, cultural, or natural resource sites of significance to the tribe" and insert "an agreement on how formal consultation will proceed, if the application is approved, with the federally recognized Indian tribe or tribes with cultural or treaty interests in the area when the project may involve archaeological, cultural, natural resource sites of significance to the tribe, or other treaty reserved rights or interests. This consultation is to supplement rather than replace tribal consultation under Executive Order 05-05 or subsequent executive orders issued to protect cultural resources and treaty reserved rights or interests"

Representatives Pollet and Kraft spoke in favor of the adoption of the amendment.

Amendment (1809) was adopted.

Representative Duerr moved the adoption of amendment (1683):

4.0. On page 11, line 13, after "involving" insert "the construction of new"

On page 11, line 16, after "jurisdiction." insert "For projects involving existing affordable housing, whether any such housing may be lost as part of the project, and whether, if a loss of affordable housing may occur, the sponsoring local government has a plan to mitigate such losses."

Representatives Duerr and Kraft spoke in favor of the adoption of the amendment.

Amendment (1683) was adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Duerr and Kraft spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 2804.

## ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2804, and the bill passed the House by the following vote: Yeas, 94; Nays, 3; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chopp, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Schmick, Sells, Senn, Shea, Shewmake, Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Voting nay: Representatives Chapman, Gregerson and Santos.

Excused: Representative Mead.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2804, having received the necessary constitutional majority, was declared passed.

**SUBSTITUTE SENATE BILL NO. 6152, by Senate Committee on State Government, Tribal Relations & Elections (originally sponsored by Salomon, Billig, Hunt, Nguyen, McCoy, Lovelett, Kuderer, Rolfes, Liias, Van De Wege, Das, Wilson and C.)**

**Concerning certification of the level of foreign national ownership for corporations that participate in Washington state elections. Revised for 1st Substitute: Concerning the level of foreign national ownership and control of entities that participate in Washington state elections.**

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Appropriations was before the House for purpose of amendment. (For Committee amendment, see Journal, Day 47, February 28, 2020).

With the consent of the House, amendments (1807), (1808), (1804), (1835) and (1836) to the committee amendment were withdrawn.

Representative Walsh moved the adoption of amendment (2062) to the committee amendment:

4.0. On page 16, line 5 of the striking amendment, after "from" strike "each person" and insert "any partnership, association, corporation, organization, or other combination of persons"

On page 18, line 13 of the striking amendment, after "from" strike "each person" and insert "any partnership, association, corporation, organization, or other combination of persons"

On page 23, line 28 of the striking amendment, after "from" strike "each person" and insert "any partnership, association, corporation, organization, or other combination of persons"

On page 26, line 11 of the striking amendment, after "42.17A.250," insert "from a partnership, association, corporation, organization, or other combination of persons"

On page 26, line 12 of the striking amendment, after "each" strike "person making a contribution" and insert "contributor"

On page 26, line 18 of the striking amendment, after "than" strike "five" and insert "three"

On page 26, line 19 of the striking amendment, after "each" strike "person" and insert "candidate or committee"

Representatives Walsh and Pellicciotti spoke in favor of the adoption of the amendment to the committee striking amendment.

Amendment (2062) to the committee striking amendment was adopted.

Representative Pellicciotti moved the adoption of amendment (1864) to the committee striking amendment:

4.0. On page 26, line 22 of the striking amendment, after "section." insert the following:

**"NEW SECTION. Sec. 11.** A new section is added to chapter 42.17A RCW to read as follows:

This act does not affect or modify the power of a local government to adopt an ordinance or regulation on matters governed by this act."

Representatives Pellicciotti and Walsh spoke in favor of the adoption of the amendment to the committee striking amendment.

Amendment (1864) to the committee striking amendment was adopted.

The committee amendment, as amended, was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill as amended by the House, was placed on final passage.

Representatives Pellicciotti and Walsh spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 6152, as amended by the House.

## ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6152, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shea, Shewmake, Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Excused: Representative Mead.

SUBSTITUTE SENATE BILL NO. 6152, as amended by the House, having received the necessary constitutional majority, was declared passed.

**ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 6205, by Senate Committee on Ways & Means (originally sponsored by Cleveland, Conway, Randall, Keiser, Mullet, Frockt, Billig, Saldaña, Dhingra, Van De Wege, Hunt, Kuderer, Lovelett, Stanford, Wilson and C.)**

**Preventing harassment, abuse, and discrimination experienced by long-term care workers.**

The bill was read the second time.

With the consent of the House, amendments (1857) and (1858) were withdrawn.

Representative Mosbrucker moved the adoption of amendment (1815):

4.0. On page 2, line 24, after "to" insert "create a stakeholder work group to review and make recommendations related to the need for additional requirements on long-term care workers and their employers. Recommended requirements, such as training, are intended to"

On page 2, beginning on line 30, strike all of sections 2 through 6

Renumber the remaining sections consecutively and correct any internal references accordingly.

On page 12, line 16, after "recommendations" insert "related to the need for additional requirements on covered employers and long-term care workers to address

workplace harassment, abusive conduct, and challenging behaviors. The report must also contain recommendations"

On page 12, beginning on line 20, after "care." strike all material through "act." on line 24

On page 12, beginning on line 25, strike all of sections 8 through 10

Correct the title.

Representative Mosbrucker spoke in favor of the adoption of the amendment.

Representative Sells spoke against the adoption of the amendment.

An electronic roll call was requested.

### ROLL CALL

The Clerk called the roll on the adoption of amendment (1815) and the amendment was not adopted by the following vote: Yeas: 42 Nays: 55 Absent: 0 Excused: 1

Voting yea: Representatives Barkis, Boehnke, Caldier, Chambers, Chandler, Chapman, Corry, DeBolt, Dent, Dufault, Dye, Eslick, Gildon, Goehner, Graham, Griffey, Harris, Hoff, Irwin, Jenkin, Klippert, Kraft, Kretz, MacEwen, Maycumber, McCaslin, Mosbrucker, Orcutt, Rude, Schmick, Shea, Smith, Steele, Stokesbary, Sutherland, Van Werven, Vick, Volz, Walsh, Wilcox, Ybarra, and Young

Voting nay: Representatives Appleton, Bergquist, Blake, Callan, Chopp, Cody, Davis, Doglio, Dolan, Duerr, Entenman, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hansen, Hudgins, Jenkins, Johnson, J., Kilduff, Kirby, Kloba, Leavitt, Lekanoff, Lovick, Macri, Morgan, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Ryu, Santos, Sells, Senn, Shewmake, Slatter, Springer, Stonier, Sullivan, Tarleton, Thai, Tharinger, Valdez, Walen, and Wylie

Excused: Representative Mead

Amendment (1815) was not adopted.

Representative Chambers moved the adoption of amendment (1859):

On page 6, line 23, after "(1)" insert "(a)"

On page 6, after line 38, insert the following:

"(b) If a workplace safety committee does not have the requisite number of employee-elected members or service recipient representatives because employees or service recipient representatives do not wish to participate in the workplace safety committee, the covered employer will be considered in compliance with the requirement to have a workplace safety committee if the covered employer has documented evidence showing it was unable to get employees or a service recipient representative to participate in the workplace safety committee."

Representatives Chambers and Sells spoke in favor of the adoption of the amendment.

Amendment (1859) was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Stonier, Caldier, Chambers and Stonier (again) spoke in favor of the passage of the bill.

Representative Mosbrucker spoke against the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Engrossed Second Substitute Senate Bill No. 6205, as amended by the House.

### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 6205, as amended by the House, and the bill passed the House by the following vote: Yeas, 74; Nays, 23; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chopp, Cody, Corry, Davis, Doglio, Dolan, Duerr, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hudgins, J. Johnson, Kilduff, Kirby, Kloba, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Morgan, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Sells, Senn, Shewmake, Slatter, Smith, Springer, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wylie, Young and Mme. Speaker.

Voting nay: Representatives Chandler, Chapman, DeBolt, Dent, Dufault, Dye, Goehner, Hoff, Irwin, Jenkin, Klippert, Kraft, Kretz, Maycumber, McCaslin, Mosbrucker, Orcutt, Schmick, Shea, Steele, Stokesbary, Wilcox and Ybarra.

Excused: Representative Mead.

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 6205, as amended by the House, having received the necessary constitutional majority, was declared passed.

**ENGROSSED SUBSTITUTE SENATE BILL NO. 6217, by Senate Committee on Labor & Commerce (originally sponsored by Keiser, Saldaña, Nguyen, Hasegawa, Conway, Wilson and C.)**

**Concerning minimum labor standards for certain employees working at an airport or air navigation facility.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Gregerson and Mosbrucker spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Engrossed Substitute Senate Bill No. 6217.

### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 6217, and the bill passed the House by the following vote: Yeas, 58; Nays, 39; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Bergquist, Blake, Callan, Chopp, Cody, Davis, Doglio, Dolan, Duerr, Entenman, Fey, Fitzgibbon, Frame, Goehner, Goodman, Gregerson, Hansen, Harris, Hudgins, Irwin, J. Johnson, Kilduff, Kirby, Kloba, Leavitt, Lekanoff, Lovick, Macri, Morgan, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Ryu, Santos, Sells, Senn, Shewmake, Slatter, Springer, Stonier, Sullivan, Tarleton, Thai, Tharinger, Valdez, Walen, Wylie and Mme. Speaker.

Voting nay: Representatives Barkis, Boehnke, Caldier, Chambers, Chandler, Chapman, Corry, DeBolt, Dent, Dufault, Dye, Eslick, Gildon, Graham, Griffey, Hoff, Jenkin, Klippert, Kraft, Kretz, MacEwen, Maycumber, McCaslin, Mosbrucker, Orcutt, Rude, Schmick, Shea, Smith, Steele, Stokesbary, Sutherland, Van Werven, Vick, Volz, Walsh, Wilcox, Ybarra and Young.

Excused: Representative Mead.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6217, having received the necessary constitutional majority, was declared passed.

**ENGROSSED SENATE BILL NO. 6421, by Senators Muzzall, Hunt, Warnick, Takko, Schoesler, Wagoner, Padden, Hasegawa and Saldaña**

#### Extending the farm internship program.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Mosbrucker and Sells spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Engrossed Senate Bill No. 6421.

### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Senate Bill No. 6421, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shea, Shewmake, Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Excused: Representative Mead.

ENGROSSED SENATE BILL NO. 6421, having received the necessary constitutional majority, was declared passed.

**SENATE BILL NO. 6493, by Senators Lias, King, Hobbs, Billig, Saldaña, Wilson and C.**

#### Concerning the Cooper Jones active transportation safety council.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Wylie and Barkis spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Senate Bill No. 6493.

### ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 6493, and the bill passed the House by the following vote: Yeas, 83; Nays, 14; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Duerr, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Gregerson, Hansen, Harris, Hoff, Hudgins, Irwin, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Leavitt, Lekanoff, Lovick, Macri, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai,



Tharinger, Valdez, Van Werven, Volz, Walen, Wilcox, Wylie, Ybarra and Mme. Speaker.

Voting nay: Representatives Caldier, Dufault, Graham, Griffey, Jenkin, Kraft, Kretz, MacEwen, Maycumber, McCaslin, Shea, Vick, Walsh and Young.

Excused: Representative Mead.

SENATE BILL NO. 6493, having received the necessary constitutional majority, was declared passed.

**SUBSTITUTE SENATE BILL NO. 6495, by Senate Committee on Ways & Means (originally sponsored by Walsh)**

**Regarding essential needs and housing support eligibility.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Senn and Schmick spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 6495.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6495, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shea, Shewmake, Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Excused: Representative Mead.

SUBSTITUTE SENATE BILL NO. 6495, having received the necessary constitutional majority, was declared passed.

Speaker Jenkins assumed the chair.

**ENGROSSED SUBSTITUTE SENATE BILL NO. 5395, by Senate Committee on Early Learning & K-12**

**Education (originally sponsored by Wilson, C., Randall, Keiser, Saldaña, Takko, Mullet, Wellman, Das, Nguyen, Billig, Pedersen, Rolfes, Darneille, Dhingra, Hasegawa, Hunt and Kuderer)**

**Concerning comprehensive sexual health education.**

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Education was before the House for purpose of amendment. (For Committee amendment, see Journal, Day 47, February 28, 2020).

With the consent of the House, amendments (1743), (1744), (1745), (1746), (1747), (1748), (1749), (1750), (1751), (1752), (1753), (1754), (1756), (1757), (1758), (1759), (1760), (1761), (1762), (1793), (1794), (1797), (1798), (1800), (1801), (1802), (1811), (1812), (1817), (1821), (1822), (1824), (1868), (1869), (1870), (1871), (1872), (1874), (1875), (1876), (1877), (1878), (1879), (1880), (1881), (1882), (1883), (1884), (1885), (1886), (1887), (1888), (1889), (1890), (1891), (1892), (1893), (1894), (1895), (1896), (1897), (1898), (1899), (1900), (1901), (1902), (1903), (1904), (1905), (1906), (1907), (1908), (1909), (1910), (1911), (1912), (1914), (1915), (1916), (1920), (1921), (1922), (1923), (1924), (1926), (1927), (1928), (1929), (1933), (2008), (2029), (2031), (2032), (2036), (2037), (2041), (2042), and (2044) were withdrawn.

Representative Shea moved the adoption of amendment (1819) to the committee striking amendment:

4.0. On page 1, line 18 of the striking amendment, after "~~accurate-)~~" insert "Abstinence must be discussed as a lifestyle that fosters skills and the ability to make the commitment of fidelity later in life and marriage."

Representative Shea spoke in favor of the adoption of the amendment to the committee striking amendment.

Representative Santos spoke against the adoption of the amendment to the committee striking amendment.

Amendment (1819) to the committee striking amendment was not adopted.

Representative Shea moved the adoption of amendment (1823) to the committee striking amendment:

4.0. On page 1, line 18, after "~~accurate-)~~" insert "The curriculum, instruction, and materials must include equal amounts of time and information on the benefits of abstinence before marriage and discuss the consequences and benefits of other methods of preventing unintended pregnancy and sexually transmitted diseases."

Representative Shea and Shea (again) spoke in favor of the adoption of the amendment to the committee striking amendment.

Representative Santos spoke against the adoption of the amendment to the committee striking amendment.

Amendment (1823) to the committee striking amendment was not adopted.

Representative Shea moved the adoption of amendment (1820) to the committee striking amendment:

4.0. On page 1, line 19 of the striking amendment, after "prevention." insert "The curriculum, instruction, and materials must include information about boundary setting for optimal health and minimal risk for achieving primary prevention skills and behaviors."

Representative Shea and Shea (again) spoke in favor of the adoption of the amendment to the committee striking amendment.

Representative Stonier spoke against the adoption of the amendment to the committee striking amendment.

Amendment (1820) to the committee striking amendment was not adopted.

Representative Shea moved the adoption of amendment (2015) to the committee striking amendment:

4.0. On page 1, line 19 of the striking amendment, after "prevention." insert "Any discussion of pregnancy in the curriculum, instruction, and materials must include the option of foster care, the benefits of adoption, and the potential consequences of abortions, especially those referred to as family planning."

Representative Shea and Shea (again) spoke in favor of the adoption of the amendment to the committee striking amendment.

Representative Stonier spoke against the adoption of the amendment to the committee striking amendment.

Amendment (2015) to the committee striking amendment was not adopted.

Representative Shea moved the adoption of amendment (1818) to the committee striking amendment:

4.0. On page 2, after line 2 of the striking amendment, insert the following:

"(C) During the development process for the curriculum, instruction, and materials, school district boards of directors must also, no later than the 2021-2022 school year, consult with parents and guardians of students and local communities. The persons consulted may not be family of, or related to, school board members or school staff."

Representative Shea and Shea (again) spoke in favor of the adoption of the amendment to the committee striking amendment.

Representative Santos spoke against the adoption of the amendment to the committee striking amendment.

Amendment (1818) to the committee striking amendment was not adopted.

Representative Shea moved the adoption of amendment (1817) to the committee striking amendment:

4.0. On page 2, line 7 of the striking amendment, after "section." insert "Outside speakers must speak to their area of expertise and their information must align with the local standards and expected behaviors of students at each age level."

With the consent of the House, amendment (1818) to the committee striking amendment was withdrawn.

Representative Shea moved the adoption of amendment (2013) to the committee striking amendment:

4.0. On page 2, line 12 of the striking amendment, after "instruction." insert "Any changes the superintendent of public instruction makes to policies, standards, practices, or procedures that affect the comprehensive sexual health education required under this section must be adopted by the superintendent of public instruction in rule under the administrative procedures act, chapter 34.05 RCW."

Representative Shea and Shea (again) spoke in favor of the adoption of the amendment to the committee striking amendment.

Representative Stonier spoke against the adoption of the amendment to the committee striking amendment.

Amendment (2013) to the committee striking amendment was not adopted.

Representative Kraft moved the adoption of amendment (2043) to the committee striking amendment:

4.0. On page 3, line 4 of the striking amendment, after "(4)" insert "(a)"

On page 3, after line 14 of the striking amendment insert the following:

"(b) To ensure that all curriculum is science and evidence-based, curricula may not be added to the list required by this subsection (4) until it is reviewed by a panel of experts that includes an OB-GYN, a urologist, a mental health counselor, a family therapist, a pediatrician, a pharmacist, a psychologist, a pastor, and midwife. The panel must review all curricula and determine what age it is appropriate for and when it should be taught."

Representatives Kraft, Caldier Corry and Kraft (again) spoke in favor of the adoption of the amendment to the committee striking amendment.

Representatives Dolan and Stonier spoke against the adoption of the amendment to the committee striking amendment.

Amendment (2043) to the committee striking amendment was not adopted.

Representative Young moved the adoption of amendment (1925) to the committee striking amendment:

4.0. On page 3, line 14 of the striking amendment, after "health." insert "No curricula on the list or otherwise considered by the office to be compliant with this subsection (4) may include lessons on legislative advocacy or lobbying."

Representatives Young, Caldier, Walsh, Kraft, Orcutt, Young (again) and Shea spoke in favor of the adoption of the amendment to the committee striking amendment.

Representative Stonier and Stonier (again) spoke against the adoption of the amendment to the committee striking amendment.

An electronic roll call was requested.

### ROLL CALL

The Clerk called the roll on the adoption of amendment (1925) to the committee striking amendment, and the amendment was not adopted by the following vote: Yeas, 42; Nays, 55; Absent, 0; Excused, 1.

Voting yea: Representatives Barkis, Boehnke, Caldier, Chambers, Chandler, Corry, DeBolt, Dent, Dufault, Dye, Eslick, Gildon, Goehner, Graham, Griffey, Harris, Hoff, Irwin, Jenkin, Klippert, Kraft, Kretz, MacEwen, Maycumber, McCaslin, Mosbrucker, Orcutt, Paul, Rude, Schmick, Shea, Smith, Steele, Stokesbary, Sutherland, Van Werven, Vick, Volz, Walsh, Wilcox, Ybarra and Young.

Voting nay: Representatives Appleton, Bergquist, Blake, Callan, Chapman, Chopp, Cody, Davis, Doglio, Dolan, Duerr, Entenman, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hansen, Hudgins, J. Johnson, Kilduff, Kirby, Kloba, Leavitt, Lekanoff, Lovick, Macri, Morgan, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Ryu, Santos, Sells, Senn, Shewmake, Slatter, Springer, Stonier, Sullivan, Thai, Tharinger, Valdez, Walen, Wylie and Mme. Speaker.

Excused: Representative Mead.

Amendment (1925) to the committee striking amendment was not adopted.

Representative Shea moved the adoption of amendment (2020) to the committee striking amendment:

4.0. On page 3, line 37 of the striking amendment, after "(c)" insert "Each public school shall translate the curriculum, whether chosen from the list developed under subsection (4) of this section or otherwise, and all related materials into languages spoken by non-English speaking populations in the school, and provide the translated curriculum and materials to all parents and guardians prior to any instruction using the chosen curriculum."

(d)"

Representatives Shea, Smith and Shea (again) spoke in favor of the adoption of the amendment to the committee striking amendment.

Representative Santos spoke against the adoption of the amendment to the committee striking amendment.

Division was demanded and the demand was sustained. The Speaker divided the House. The result was 41 - YEAS; 56 - NAYS.

Amendment (2020) to the committee striking amendment was not adopted.

Representative Gildon moved the adoption of amendment (2007) to the committee striking amendment:

4.0. On page 4, line 1 of the striking amendment, after "(7)(a)" insert "Beginning in the 2021-22 school year, each public school, or applicable school district, providing sexual health education must post the grade-level learning objectives on its website."

(b)"

Renumber the remaining subsection consecutively and correct any internal references accordingly.

Representatives Gildon, Klippert and Gildon (again) spoke in favor of the adoption of the amendment to the committee striking amendment.

Representative Stonier spoke against the adoption of the amendment to the committee striking amendment.

Amendment (2007) to the committee striking amendment was not adopted.

Representative Shea moved the adoption of amendment (2014) to the committee striking amendment:

4.0. On page 4, line 2 of the striking amendment, after "child" insert "who is in grades five through twelve"

On page 4, line 8 of the striking amendment, after "subsection." insert the following:

"(b) A child in grades kindergarten through four may not participate in any planned instruction in comprehensive sexual health education without the written consent of the child's parent or legal guardian.

(c)"

Renumber the remaining subsection consecutively and correct any internal references accordingly.

Representative Shea and Shea (again) spoke in favor of the adoption of the amendment to the committee striking amendment.

Representative Santos spoke against the adoption of the amendment to the committee striking amendment.

Amendment (2014) to the committee striking amendment was not adopted.

Representative Shea moved the adoption of amendment (2016) to the committee striking amendment:

4.0. On page 4, line 16 of the striking amendment, after "(b)" insert "Each school providing comprehensive sexual health education must convene a public meeting with full display and description of actual instructional materials one month prior to the beginning of classroom instruction. Additionally, days of classroom instruction must be listed on the school calendar for parents and guardians and included in school newsletters. Written notice of classroom instruction must be sent with each child to the child's parent or guardian, and must be returned to the school with the parent's or guardian's written consent for or written excuse from participation in classroom instruction. Unless and until the child's parent or guardian provides written consent, the child may not participate in classroom instruction.

(c)"

Representative Shea spoke in favor of the adoption of the amendment to the committee striking amendment.

Representative Stonier spoke against the adoption of the amendment to the committee striking amendment.

Amendment (2016) to the committee striking amendment was not adopted.

Representative Jenkin moved the adoption of amendment (2030) to the committee striking amendment:

4.0. On page 4, after line 24 of the striking amendment, insert the following:

"(c) A student who wishes to be excused from planned instruction in comprehensive sexual health education may do so by following the excusal requirements for parents and legal guardians in (a) of this subsection (7)."

Representatives Jenkin, DeBolt and Klippert spoke in favor of the adoption of the amendment to the committee striking amendment.

Representative Santos spoke against the adoption of the amendment to the committee striking amendment.

Amendment (2030) to the committee striking amendment was not adopted.

Representative Shea moved the adoption of amendment (2017) to the committee striking amendment:

4.0. On page 4, line 34 of the striking amendment, after "(b)" insert "Public schools shall annually, by September 1st, make available for public review in each building the actual instructional materials used for classroom instruction.

(c)"

Representative Shea and Shea (again) spoke in favor of the adoption of the amendment to the committee striking amendment.

Representative Stonier spoke against the adoption of the amendment to the committee striking amendment.

Amendment (2017) to the committee striking amendment was not adopted.

Representative Shea moved the adoption of amendment (1755) to the committee striking amendment:

4.0.

On page 5, line 7, after "(11)" insert "Any discussion of pornography in the curriculum, instruction, or materials used in accordance with this section must reference all of the potential risks associated with pornography, including addiction, disassociation from real intimacy, objectification of women, and normalizing violent and abusive behavior toward women.

(12)"

Representatives Shea, Kraft, Caldier, Kretz and Smith spoke in favor of the adoption of the amendment to the committee striking amendment.

Representative Stonier spoke against the adoption of the amendment to the committee striking amendment.

An electronic roll call was requested.

## ROLL CALL

The Clerk called the roll on the adoption of amendment (1755) to the committee striking amendment, and the amendment was not adopted by the following vote: Yeas, 44; Nays, 53; Absent, 0; Excused, 1.

Voting yea: Representatives Barkis, Boehnke, Caldier, Chambers, Chandler, Corry, DeBolt, Dent, Dufault, Dye, Eslick, Gildon, Goehner, Graham, Griffey, Harris, Hoff,

Irwin, Jenkin, J. Johnson, Klippert, Kraft, Kretz, Leavitt, MacEwen, Maycumber, McCaslin, Mosbrucker, Orcutt, Paul, Rude, Schmick, Shea, Smith, Steele, Stokesbary, Sutherland, Van Werven, Vick, Volz, Walsh, Wilcox, Ybarra and Young.

Voting nay: Representatives Appleton, Bergquist, Blake, Callan, Chapman, Chopp, Cody, Davis, Doglio, Dolan, Duerr, Entenman, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hansen, Hudgins, Kilduff, Kirby, Kloba, Lekanoff, Lovick, Macri, Morgan, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Ryu, Santos, Sells, Senn, Shewmake, Slatter, Springer, Stonier, Sullivan, Tarleton, Thai, Tharinger, Valdez, Walen, Wylie and Mme. Speaker.

Excused: Representative Mead.

Representative Caldier moved the adoption of amendment (1792) to the committee striking amendment:

4.0.

On page 5, line 7, after "(11)" insert "Curriculum, instruction, and materials used to provide instruction under this section may not include or otherwise require role playing.

(12)"

Representatives Caldier, Corry, Kraft and Walsh spoke in favor of the adoption of the amendment to the committee striking amendment.

Representative Dolan spoke against the adoption of the amendment to the committee striking amendment.

Amendment (1792) to the committee striking amendment was not adopted.

Representative Shea moved the adoption of amendment (2019) to the committee striking amendment:

4.0. On page 5, line 7 of the striking amendment, after "(11)" insert "By January 1, 2021, the office of the superintendent of public instruction shall prepare a school district fiscal note on this section. The fiscal note shall show the fiscal impact of this section on each school district. The fiscal note must set forth any assumptions made about the fiscal impact. The fiscal note is subject to coordination by the office of financial management under RCW 43.88A.020 and are otherwise subject to the requirements and procedures of chapter 43.88A RCW.

(12)"

Representative Shea and Shea (again) spoke in favor of the adoption of the amendment to the committee striking amendment.

Representative Santos spoke against the adoption of the amendment to the committee striking amendment.

Amendment (2019) to the committee striking amendment was not adopted.

Representative Shea moved the adoption of amendment (2021) to the committee striking amendment:

4.0. On page 5, line 7 of the striking amendment, after "(11)" insert "Public schools must provide teachers and other school employees with an opportunity to opt of providing the instruction in comprehensive sexual health education required under this section. No public school shall discharge or in any manner discriminate against any teacher or school employee because such teacher or employee has opted out of providing instruction. Any teacher or school employee who believes that he or she has been discharged or otherwise discriminated against in violation of this subsection may bring an action in the superior court of the county wherein the violation is alleged to have occurred against the public school alleged to have violated this subsection. The superior court shall have jurisdiction, for cause shown, to restrain violations of this subsection and order all appropriate relief, including rehiring or reinstatement of the teacher or school employee to his or her former position with back pay.

(12)"

Representative Shea and Shea (again) spoke in favor of the adoption of the amendment to the committee striking amendment.

Representative Ortiz-Self spoke against the adoption of the amendment to the committee striking amendment.

Division was demanded and the demand was sustained. The Speaker divided the House. The result was 41 - YEAS; 56 - NAYS.

Amendment (2021) to the committee striking amendment was not adopted.

Representative Irwin moved the adoption of amendment (1913) to the committee striking amendment:

4.0. On page 5, line 10 of the striking amendment, after "activity" insert ". This definition acknowledges that a minor is generally incapable of consent under chapter 9A.44 RCW;"

Representatives Irwin, Chambers and Eslick spoke in favor of the adoption of the amendment to the committee striking amendment.

Representative Goodman spoke against the adoption of the amendment to the committee striking amendment.

An electronic roll call was requested.

**ROLL CALL**

The Clerk called the roll on the adoption of amendment (1913) to the committee striking amendment, and the amendment was not adopted by the following vote: Yeas, 42; Nays, 55; Absent, 0; Excused, 1.

Voting yea: Representatives Barkis, Boehnke, Caldier, Chambers, Chandler, Corry, DeBolt, Dent, Dufault, Dye, Eslick, Gildon, Goehner, Graham, Griffey, Harris, Hoff, Irwin, Jenkin, J. Johnson, Klippert, Kraft, Kretz, MacEwen, Maycumber, McCaslin, Mosbrucker, Orcutt, Rude, Schmick, Shea, Smith, Steele, Stokesbary, Sutherland, Van Werven, Vick, Volz, Walsh, Wilcox, Ybarra and Young.

Voting nay: Representatives Appleton, Bergquist, Blake, Callan, Chapman, Chopp, Cody, Davis, Doglio, Dolan, Duerr, Entenman, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hansen, Hudgins, Kilduff, Kirby, Kloba, Leavitt, Lekanoff, Lovick, Macri, Morgan, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Ryu, Santos, Sells, Senn, Shewmake, Slatter, Springer, Stonier, Sullivan, Tarleton, Thai, Tharinger, Valdez, Walen, Wylie and Mme. Speaker.

Excused: Representative Mead.

Representative Shea moved the adoption of amendment (2018) to the committee striking amendment:

4.0. On page 5, line 18 of the striking amendment, after "RCW," insert "Comprehensive sexual health education for all students must include information about how to recognize the danger signs and signals of online predators and sex trafficking, and how to avoid and report suspected attempts by and incidents involving online predators and sex traffickers."

Representative Shea and Shea (again) spoke in favor of the adoption of the amendment to the committee striking amendment.

Representative Stonier spoke against the adoption of the amendment to the committee striking amendment.

Division was demanded and the demand was sustained. The Speaker divided the House. The result was 41 - YEAS; 56 - NAYS.

Amendment (2018) to the committee striking amendment was not adopted.

Representative Van Werven moved the adoption of amendment (1795) to the committee striking amendment:

4.0. On page 6, after line 10 of the striking amendment, insert the following:

"(12) If comprehensive sexual health education provided under this section includes instruction related to abortions, the classroom instruction must include information about the medical procedures used to perform abortions at each stage of fetal development."

Representatives Van Werven, Graham and Smith spoke in favor of the adoption of the amendment to the committee striking amendment.

Representative Callan spoke against the adoption of the amendment to the committee striking amendment.

Amendment (1795) to the committee striking amendment was not adopted.

Representative Ybarra moved the adoption of amendment (1796) to the committee striking amendment:

4.0. On page 6, after line 10 of the striking amendment, insert the following:

"(12) The requirement to provide comprehensive sexual health education under this section does not take effect until the list created by the office of the superintendent of public instruction in accordance with subsection (4) of this section has ten or more curricula for each of the following:

(a) Kindergarten through grade three;

(b) Grades four through five;

(c) Grades six through eight; and

(d) Grades nine through twelve."

Representatives Ybarra, Caldier and Dent spoke in favor of the adoption of the amendment to the committee striking amendment.

Representative Stonier spoke against the adoption of the amendment to the committee striking amendment.

An electronic roll call was requested.

## ROLL CALL

The Clerk called the roll on the adoption of amendment (1796) to the committee striking amendment, and the amendment was not adopted by the following vote: Yeas, 41; Nays, 56; Absent, 0; Excused, 1.

Voting yea: Representatives Barkis, Boehnke, Caldier, Chambers, Chandler, Corry, DeBolt, Dent, Dufault, Dye, Eslick, Gildon, Goehner, Graham, Griffey, Harris, Hoff, Irwin, Jenkin, Klippert, Kraft, Kretz, MacEwen, Maycumber, McCaslin, Mosbrucker, Orcutt, Rude, Schmick, Shea, Smith, Steele, Stokesbary, Sutherland, Van Werven, Vick, Volz, Walsh, Wilcox, Ybarra and Young.

Voting nay: Representatives Appleton, Bergquist, Blake, Callan, Chapman, Chopp, Cody, Davis, Doglio, Dolan, Duerr, Entenman, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hansen, Hudgins, J. Johnson, Kilduff, Kirby, Kloba, Leavitt, Lekanoff, Lovick, Macri, Morgan, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Ryu, Santos, Sells, Senn, Shewmake, Slatter, Springer, Stonier, Sullivan, Tarleton, Thai, Tharinger, Valdez, Walen, Wylie and Mme. Speaker.

Excused: Representative Mead.

Representative Corry moved the adoption of amendment (1799) to the committee striking amendment:

4.0. On page 6, after line 10 of the striking amendment, insert the following:

"(12) Comprehensive sexual health education curriculum, materials, and instruction may be included only in the formal classroom instruction for comprehensive sexual health education and may not be integrated into other classes, courses, or subject matter."

Representatives Corry, Kraft and Graham spoke in favor of the adoption of the amendment to the committee striking amendment.

Representative Bergquist spoke against the adoption of the amendment to the committee striking amendment.

An electronic roll call was requested.

### ROLL CALL

The Clerk called the roll on the adoption of amendment (1799) to the committee striking amendment, and the amendment was not adopted by the following vote: Yeas, 41; Nays, 56; Absent, 0; Excused, 1.

Voting yea: Representatives Barkis, Boehnke, Caldier, Chambers, Chandler, Corry, DeBolt, Dent, Dufault, Dye, Eslick, Gildon, Goehner, Graham, Griffey, Harris, Hoff, Irwin, Jenkin, Klippert, Kraft, Kretz, MacEwen, Maycumber, McCaslin, Mosbrucker, Orcutt, Rude, Schmick, Shea, Smith, Steele, Stokesbary, Sutherland, Van Werven, Vick, Volz, Walsh, Wilcox, Ybarra and Young.

Voting nay: Representatives Appleton, Bergquist, Blake, Callan, Chapman, Chopp, Cody, Davis, Doglio, Dolan, Duerr, Entenman, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hansen, Hudgins, J. Johnson, Kilduff, Kirby, Kloba, Leavitt, Lekanoff, Lovick, Macri, Morgan, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Ryu, Santos, Sells, Senn, Shewmake, Slatter, Springer, Stonier, Sullivan, Tarleton, Thai, Tharinger, Valdez, Walen, Wylie and Mme. Speaker.

Excused: Representative Mead.

Representative Corry moved the adoption of amendment (1803) to the committee striking amendment:

4.0. On page 6, after line 10 of the striking amendment, insert the following:

"(12) Nothing in this section requires, or may be construed as requiring, a teacher to provide instruction under this section if he or she requests to be excused from providing the instruction."

Representatives Corry, Mosbrucker and Smith spoke in favor of the adoption of the amendment to the committee striking amendment.

Representatives Ortiz-Self and Walsh spoke against the adoption of the amendment to the committee striking amendment.

An electronic roll call was requested.

### ROLL CALL

The Clerk called the roll on the adoption of amendment (1803) to the committee striking amendment, and the amendment was not adopted by the following vote: Yeas, 41; Nays, 56; Absent, 0; Excused, 1.

Voting yea: Representatives Barkis, Boehnke, Caldier, Chambers, Chandler, Corry, DeBolt, Dent, Dufault, Dye, Eslick, Gildon, Goehner, Graham, Griffey, Harris, Hoff, Irwin, Jenkin, Klippert, Kraft, Kretz, MacEwen, Maycumber, McCaslin, Mosbrucker, Orcutt, Rude, Schmick, Shea, Smith, Steele, Stokesbary, Sutherland, Van Werven, Vick, Volz, Walsh, Wilcox, Ybarra and Young.

Voting nay: Representatives Appleton, Bergquist, Blake, Callan, Chapman, Chopp, Cody, Davis, Doglio, Dolan, Duerr, Entenman, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hansen, Hudgins, J. Johnson, Kilduff, Kirby, Kloba, Leavitt, Lekanoff, Lovick, Macri, Morgan, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Ryu, Santos, Sells, Senn, Shewmake, Slatter, Springer, Stonier, Sullivan, Tarleton, Thai, Tharinger, Valdez, Walen, Wylie and Mme. Speaker.

Excused: Representative Mead.

The Speaker called upon Representative Orwall to preside.

Representative Stokesbary moved the adoption of amendment (1873) to the committee striking amendment:

4.0. On page 6, line 10 of the striking amendment, after "schools" strike all material through "28A.150.010" and insert "unless the context clearly requires otherwise, means the common schools as referred to in Article IX of the state Constitution, but does not include charter schools established under chapter 28A.710 RCW"

Representative Stokesbary spoke in favor of the adoption of the amendment to the committee striking amendment.

Representative Santos spoke against the adoption of the amendment to the committee striking amendment.

Amendment (1873) to the committee striking amendment was not adopted.

Representative Shea moved the adoption of amendment (2022) to the committee striking amendment:

4.0. On page 6, after line 10 of the striking amendment, insert the following:

"(12) This section takes effect July 1, 2021, if a full risk analysis of comprehensive sexual health education

curricula is submitted to the legislature for review by January 1, 2021. The analysis must include a review of alternative health education curricula, and must be conducted by psychologists, psychiatrists, endocrinologists, sex trauma experts, parents, teachers, and other representatives of public schools. If the risk analysis is not submitted by January 1, 2021, or is otherwise inconsistent with the requirements of this subsection, this act is void in its entirety."

Representative Shea and Shea (again) spoke in favor of the adoption of the amendment to the committee striking amendment.

Representative Santos spoke against the adoption of the amendment to the committee striking amendment.

Amendment (2022) to the committee striking amendment was not adopted.

Representative Klippert moved the adoption of amendment (2033) to the committee striking amendment:

4.0. On page 6, after line 10 of the striking amendment, insert the following:

**"NEW SECTION, Sec. 4.2.** A new section is added to chapter 43.30 RCW to read as follows:

(1) The department, in consultation with the office of the superintendent of public instruction, the department of revenue, and the state treasurer, shall develop a program to permit parents and guardians who withdraw a student from a public school because of the provision of comprehensive sexual health education student's school, to receive funding, in the form of a voucher, for the education costs of the student, including for costs associated with tuition at a private school or home-based instruction. Funding provided to parents and guardians in accordance with this subsection (1) must be comparable to the per-pupil amount provided to schools for general apportionment under RCW 28A.150.260.

(2) The department may adopt and periodically update rules for the creation and implementation program required by this section."

Representatives Klippert, Dye and Walsh spoke in favor of the adoption of the amendment to the committee striking amendment.

Representative Santos spoke against the adoption of the amendment to the committee striking amendment.

Amendment (2033) to the committee striking amendment was not adopted.

Representative Hoff moved the adoption of amendment (2034) to the committee striking amendment:

4.0. On page 6, after line 10 of the striking amendment, insert the following:

"(12)(a) Schools, following the provision of comprehensive sexual health education, must hold parent meetings to discuss the classroom instruction and to solicit parental feedback. In preparation for the parent meetings, the schools must survey students three times: Once before the instruction is provided; once at the mid-point of instruction; and once following the conclusion of instruction. The purpose the of survey is to assess student perspectives regarding the instruction."

(b) Information collected under (a) of this subsection (12) must be provided to the office of the superintendent of public instruction and posted on its web site."

Representatives Hoff, Kraft and Dye spoke in favor of the adoption of the amendment to the committee striking amendment.

Representative Callan spoke against the adoption of the amendment to the committee striking amendment.

Amendment (2034) to the committee striking amendment was not adopted.

Representative Hoff moved the adoption of amendment (2035) to the committee striking amendment:

4.0. On page 6, after line 10 of the striking amendment, insert the following:

"(12) Due to the sensitive nature of the topic, instruction provided in accordance with this section may only be provided by an individual who has received special training in teaching sensitive materials and mental health counseling."

Representatives Hoff, Eslick and Dent spoke in favor of the adoption of the amendment to the committee striking amendment.

Representatives Stonier and Ortiz-Self spoke against the adoption of the amendment to the committee striking amendment.

Amendment (2035) to the committee striking amendment was not adopted.

The committee striking amendment was adopted.

With the adoption of the committee striking amendment, amendments (1763), (1764), (1765), (1766), (1767), (1768), (1769), (1770), (1771), (1772), (1773), (1774), (1775), (1776), (1777), (1778), (1779), (1780), (1781), (1782), (1865), (1866), (1934), (1935), (1936), (1937), (1938), (1939), (1940), (1941), (1942), (1943), (1944), (1945), (1946), (1947), (1948), (1949), (1950), (1951), (1952), (1953), (1954), (1955), (1956), (1957), (1958), (1959), (1960), (1961), (1962), (1963), (1964), (1965), (1966), (1967), (1968), (1969), (1970), (1971), (1972), (1973), (1974), (1975), (1976), (1977), (1978), (1979), (1980), (1981), (1982), (1983), (1984), (1985), (1986),



(1987), (1988), (1989), (1990), (1991), (1992), (1993), (1994), (1995), (1996), (1997), (1998), (1999), (2000), (2001), (2002) were ruled out of order.

There being no objection, the rules were suspended, the second reading considered the third and the bill as amended by the House, was placed on final passage.

Representatives Santos, Lekanoff, Bergquist, Shewmake, Walen, Callan, Stonier and Ortiz-Self spoke in favor of the passage of the bill.

Representatives Steele, Dent, Corry, Griffey, Orcutt, Dufault, Schmick, Dye, Caldier, Barkis, Gildon, Van Werven, Goehner, Chambers, Graham, Boehnke, Jenkin, Rude, McCaslin, Kraft, Vick, Ybarra, Sutherland, Walsh, Klippert, Shea, Young, Volz, MacEwen, Mosbrucker, Smith, Hoff and Maycumber spoke against the passage of the bill.

Representative DeBolt was excused from the bar.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Engrossed Substitute Senate Bill No. 5395, as amended by the House.

### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 5395, as amended by the House, and the bill passed the House by the following vote: Yeas, 56; Nays, 40; Absent, 0; Excused, 2.

Voting yea: Representatives Appleton, Bergquist, Blake, Callan, Chapman, Chopp, Cody, Davis, Doglio, Dolan, Duerr, Entenman, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hansen, Hudgins, J. Johnson, Kilduff, Kirby, Kloba, Leavitt, Lekanoff, Lovick, Macri, Morgan, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Ryu, Santos, Sells, Senn, Shewmake, Slatter, Springer, Stonier, Sullivan, Tarleton, Thai, Tharinger, Valdez, Walen, Wylie and Mme. Speaker.

Voting nay: Representatives Barkis, Boehnke, Caldier, Chambers, Chandler, Corry, Dent, Dufault, Dye, Eslick, Gildon, Goehner, Graham, Griffey, Harris, Hoff, Irwin, Jenkin, Klippert, Kraft, Kretz, MacEwen, Maycumber, McCaslin, Mosbrucker, Orcutt, Rude, Schmick, Shea, Smith, Steele, Stokesbary, Sutherland, Van Werven, Vick, Volz, Walsh, Wilcox, Ybarra and Young.

Excused: Representatives DeBolt and Mead.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5395, as amended by the House, having received the necessary constitutional majority, was declared passed.

There being no objection, the House advanced to the eighth order of business.

### MOTION

There being no objection, the Committee on Rules was relieved of the following bills and the bills were placed on the second reading calendar:

SUBSTITUTE HOUSE BILL NO. 2950  
 SENATE BILL NO. 5197  
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5385  
 ENGROSSED SENATE BILL NO. 5450  
 ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5481  
 SENATE BILL NO. 5519  
 SECOND ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5720  
 SENATE BILL NO. 5749  
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5829  
 SUBSTITUTE SENATE BILL NO. 5900  
 ENGROSSED SUBSTITUTE SENATE BILL NO. 6040  
 SENATE BILL NO. 6047  
 SENATE BILL NO. 6078  
 ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 6087  
 SUBSTITUTE SENATE BILL NO. 6088  
 SUBSTITUTE SENATE BILL NO. 6091  
 ENGROSSED SUBSTITUTE SENATE BILL NO. 6095  
 SENATE BILL NO. 6143  
 SUBSTITUTE SENATE BILL NO. 6158  
 SECOND SUBSTITUTE SENATE BILL NO. 6181  
 SUBSTITUTE SENATE BILL NO. 6182  
 SUBSTITUTE SENATE BILL NO. 6206  
 SECOND SUBSTITUTE SENATE BILL NO. 6211  
 SUBSTITUTE SENATE BILL NO. 6259  
 ENGROSSED SUBSTITUTE SENATE BILL NO. 6280  
 SECOND SUBSTITUTE SENATE BILL NO. 6281  
 ENGROSSED SUBSTITUTE SENATE BILL NO. 6287  
 SUBSTITUTE SENATE BILL NO. 6306  
 SUBSTITUTE SENATE BILL NO. 6319  
 SECOND SUBSTITUTE SENATE BILL NO. 6382  
 ENGROSSED SUBSTITUTE SENATE BILL NO. 6404  
 SENATE BILL NO. 6423  
 SENATE BILL NO. 6430  
 ENGROSSED SUBSTITUTE SENATE BILL NO. 6442  
 SUBSTITUTE SENATE BILL NO. 6455  
 SUBSTITUTE SENATE BILL NO. 6476  
 SUBSTITUTE SENATE BILL NO. 6501  
 SUBSTITUTE SENATE BILL NO. 6521  
 ENGROSSED SUBSTITUTE SENATE BILL NO. 6540  
 SENATE BILL NO. 6556  
 SENATE BILL NO. 6565  
 SENATE BILL NO. 6567  
 SUBSTITUTE SENATE BILL NO. 6570

There being no objection, the House adjourned until 10:00 a.m., March 5, 2020, the 53rd Day of the Regular Session.

LAURIE JINKINS, Speaker

BERNARD DEAN, Chief Clerk

HOUSE JOURNAL  
OF THE  
SIXTY-SIXTH LEGISLATURE  
OF THE  
STATE OF WASHINGTON  
AT  
OLYMPIA, THE STATE CAPITOL

2020 Regular Session  
Convened January 13, 2020  
Adjourned Sine Die March 12, 2020

VOLUME 3



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**Laurie Jenkins**, Speaker  
**Tina Orwall**, Speaker Pro Tempore  
**Bernard Dean**, Chief Clerk

Compiled and edited by Gary Holt & Maureen Mueller, House Journal Clerks

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**SIXTY SIXTH LEGISLATURE - REGULAR SESSION****FIFTY THIRD DAY**

House Chamber, Olympia, Thursday, March 5, 2020

The House was called to order at 10:00 a.m. by the Speaker (Representative Lovick presiding). The Clerk called the roll and a quorum was present.

The flags were escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Sons of the American Revolution Color Guard, comprised of Art Dolan, Doug Nelson, Ralph Liening and Jan Lemmer. The Speaker (Representative Lovick presiding) led the Chamber in the Pledge of Allegiance. The prayer was offered by Reverend Malando Redeemer, Shiloh Baptist Church, Tacoma, Washington.

Reading of the Journal of the previous day was dispensed with and it was ordered to stand approved.

The Speaker (Representative Lovick presiding) called upon Representative Fey to preside.

The Speaker assumed the chair.

**SIGNED BY THE SPEAKER**

The Speaker signed the following bills:

ENGROSSED SENATE BILL NO. 5165  
ENGROSSED SUBSTITUTE SENATE BILL NO.  
5522  
ENGROSSED SUBSTITUTE SENATE BILL NO.  
5591  
ENGROSSED SUBSTITUTE SENATE BILL NO.  
6028  
SUBSTITUTE SENATE BILL NO. 6029  
SUBSTITUTE SENATE BILL NO. 6037  
SENATE BILL NO. 6038  
SUBSTITUTE SENATE BILL NO. 6048  
SUBSTITUTE SENATE BILL NO. 6051  
SUBSTITUTE SENATE BILL NO. 6052  
SUBSTITUTE SENATE BILL NO. 6061  
ENGROSSED SUBSTITUTE SENATE BILL NO.  
6063  
SENATE BILL NO. 6131  
SENATE BILL NO. 6136  
ENGROSSED SUBSTITUTE SENATE BILL NO.  
6261  
SENATE BILL NO. 6329  
SENATE BILL NO. 6374  
ENGROSSED SUBSTITUTE SENATE BILL NO.  
6378  
SUBSTITUTE SENATE BILL NO. 6409  
SUBSTITUTE SENATE BILL NO. 6500  
SUBSTITUTE SENATE BILL NO. 6526  
SENATE BILL NO. 6551  
SUBSTITUTE SENATE BILL NO. 6670

The Speaker called upon Representative Orwall to preside.

There being no objection, the House advanced to the third order of business.

**MESSAGES FROM THE SENATE**

March 4, 2020

Mme. SPEAKER:

The Senate has passed:

ENGROSSED SECOND SUBSTITUTE SENATE  
BILL NO. 6515,

and the same is herewith transmitted.

Brad Hendrickson, Secretary

March 4, 2020

Mme. SPEAKER:

The Senate has passed:

SECOND SUBSTITUTE HOUSE BILL NO. 1651,  
SUBSTITUTE HOUSE BILL NO. 2017,  
SECOND SUBSTITUTE HOUSE BILL NO. 2066,  
SUBSTITUTE HOUSE BILL NO. 2295,  
SUBSTITUTE HOUSE BILL NO. 2417,  
SUBSTITUTE HOUSE BILL NO. 2483,  
SUBSTITUTE HOUSE BILL NO. 2525,  
HOUSE BILL NO. 2619,  
ENGROSSED SUBSTITUTE HOUSE BILL NO.  
2783,

and the same are herewith transmitted.

Brad Hendrickson, Secretary

March 4, 2020

Mme. SPEAKER:

The Senate has passed:

ENGROSSED SUBSTITUTE HOUSE BILL NO.  
1608,  
SUBSTITUTE HOUSE BILL NO. 2448,  
SUBSTITUTE HOUSE BILL NO. 2613,

and the same are herewith transmitted.

Brad Hendrickson, Secretary

There being no objection, the House advanced to the fifth order of business.

## REPORTS OF STANDING COMMITTEES

March 4, 2020 4.0.

ESSB 5323 Prime Sponsor, Committee on Environment, Energy & Technology: Reducing pollution from plastic bags by establishing minimum state standards for the use of bags at retail establishments. Reported by Committee on Finance

MAJORITY recommendation: Do pass as amended by Committee on Finance and without amendment by Committee on Environment & Energy.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 5. (1) State policy has long placed waste reduction as the highest priority in the collection, handling, and management of solid waste. Reducing plastic bag waste holds particular importance among state waste reduction efforts for a number of reasons:

(a) Single-use plastic carryout bags are made of nonrenewable resources and never biodegrade; instead, over time, they break down into tiny particles. Single-use plastic carryout bags, and the particles they break into, are carried into rivers, lakes, Puget Sound, and the world's oceans, posing a threat to animal life and the food chain;

(b) Plastic bags are one of the most commonly found items that litter state roads, beaches, and other public spaces; and

(c) Even when plastic bags avoid the common fate of becoming litter, they are a drain on public resources and a burden on environment and resource conservation goals. For example, if plastic bags are disposed of in commingled recycling systems rather than as garbage or in retailer drop-off programs, they clog processing and sorting machinery, resulting in missorted materials and costly inefficiencies that are ultimately borne by utility ratepayers. Likewise, when green or brown-tinted plastic bags confuse consumers into attempting to dispose of them as compost, the resultant plastic contamination undercuts the ability to use the compost in gardens, farms, landscaping, and surface water and transportation projects.

(2) Alternatives to single-use plastic carryout bags are convenient, functional, widely available, and measure as superior across most environmental performance metrics. Alternatives to single-use plastic carryout bags feature especially superior environmental performance with respect to litter and marine debris, since plastic bags do not biodegrade.

(3) As of 2020, many local governments in Washington have shown leadership in regulating the use of single-use plastic carryout bags. This local leadership has shown the value of establishing state standards that will streamline regulatory inconsistency and reduce burdens on covered retailers caused by a patchwork of inconsistent local requirements across the state.

(4) Data provided from grocery retailers has shown that requests for paper bags have skyrocketed where plastic bag bans have been implemented. To accommodate the anticipated consequences of a statewide plastic bag ban, it is rational to expect additional capacity will be needed in Washington state for manufacturing paper bags. The legislature intends to provide that capacity by prioritizing and expediting siting and permitting of expansions or reconfiguring for paper manufacturing.

(5) Therefore, in order to reduce waste, litter, and marine pollution, conserve resources, and protect fish and wildlife, it is the intent of the legislature to:

(a) Prohibit the use of single-use plastic carryout bags;

(b) Require a pass-through charge on recycled content paper carryout bags and reusable carryout bags made of film plastic, to encourage shoppers to bring their own reusable carryout bags;

(c) Require bags provided by a retail establishment contain recycled content; and

(d) Encourage the provision of reusable and recycled content paper carryout bags by retail establishments.

NEW SECTION. Sec. 6. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Carryout bag" means any bag that is provided by a retail establishment at home delivery, the check stand, cash register, point of sale, or other point of departure to a customer for use to transport or carry away purchases.

(2) "Department" means the department of ecology.

(3) "Pass-through charge" means a charge to be collected and retained by retailers from their customers when providing recycled content paper carryout bags and reusable carryout bags made of film plastic.

(4) "Recycled content paper carryout bag" means a paper carryout bag provided by a store to a customer at the point of sale that meets the requirements in section 3(6)(a) of this act.

(5) "Retail establishment" means any person, corporation, partnership, business, facility, vendor, organization, or individual that sells or provides food, merchandise, goods, or materials directly to a customer including home delivery, temporary stores, or vendors at farmers markets, street fairs, and festivals.

(6) "Reusable carryout bag" means a bag made of cloth or other durable material with handles that is specifically designed and manufactured for long-term multiple reuse and meets the requirements of section 3(6)(b) of this act.



(7) "Single-use plastic carryout bag" means any bag that is made from plastic that is designed and suitable only to be used once and disposed.

**NEW SECTION. Sec. 7.** (1) Beginning January 1, 2021, except as provided in this section and section 4 of this act, a retail establishment may not provide to a customer or a person at an event:

(a) A single-use plastic carryout bag; or

(b) A paper carryout bag or reusable carryout bag made of film plastic that does not meet recycled content requirements.

(2)(a) A retail establishment may provide a reusable carryout bag or a recycled content paper carryout bag of any size to a customer at the point of sale.

(b) A retail establishment must collect a pass-through charge of at least seven cents, but not more than ten cents for every recycled content paper carryout bag with a manufacturer's stated capacity of one-eighth barrel (eight hundred eighty-two cubic inches) or greater or reusable carryout bag made of film plastic it provides, except as provided in subsection (5) of this section and section 4 of this act. A retail establishment may make reusable carryout bags available to customers through sale.

(c) A retail establishment must keep all revenue from pass-through charges. The pass-through charge is a taxable retail sale. A retail establishment must show all pass-through charges on a receipt provided to the customer.

(3) Carryout bags provided by a retail establishment do not include:

(a) Bags used by consumers inside stores to:

(i) Package bulk items, such as fruit, vegetables, nuts, grains, candy, greeting cards, or small hardware items such as nails, bolts, or screws;

(ii) Contain or wrap items where dampness or sanitation might be a problem including, but not limited to:

(A) Frozen foods;

(B) Meat;

(C) Fish;

(D) Flowers; and

(E) Potted plants;

(iii) Contain unwrapped prepared foods or bakery goods;

(iv) Contain prescription drugs; or

(v) Protect a purchased item from damaging or contaminating other purchased items when placed in a recycled content paper carryout bag or reusable carryout bag; or

(b) Newspaper bags, mailing pouches, sealed envelopes, door hanger bags, laundry/dry cleaning bags, or bags sold in packages containing multiple bags for uses such as food storage, garbage, or pet waste.

(4)(a) Any compostable film bag that a retail establishment provides to customers for products, including for products bagged in stores prior to checkout, must meet the requirements for compostable products and film bags in chapter 70.360 RCW.

(b) A retail establishment may not use or provide polyethylene or other noncompostable plastic bags for bagging of customer products in stores, as carryout bags, or for home delivery that do not meet the requirements for noncompostable products and film bags in chapter 70.360 RCW.

(5) Except as provided by local regulations enacted as of April 1, 2020, a retail establishment may provide a bag restricted under subsection (1) of this section from existing inventory until one year after the effective date of this section. The retail establishment, upon request by the department, must provide purchase invoices, distribution receipts, or other information documenting that the bag was acquired prior to the effective date of this section.

(6) For the purposes of this section:

(a) A recycled content paper carryout bag must:

(i) Contain a minimum of forty percent postconsumer recycled materials;

(ii) Be capable of composting, consistent with the timeline and specifications of the entire American society of testing materials D6868 and associated test methods that must be met, as it existed as of January 1, 2020; and

(iii) Display the minimum percentage of postconsumer content in print on the exterior of the paper bag.

(b) A reusable carryout bag must:

(i) Have a minimum lifetime of one hundred twenty-five uses, which for purposes of this subsection means the capacity to carry a minimum of twenty-two pounds one hundred twenty-five times over a distance of at least one hundred seventy-five feet;

(ii) Be machine washable or made from a durable material that may be cleaned or disinfected; and

(iii) If made of film plastic:

(A) Be made from a minimum of twenty percent postconsumer recycled content until July 1, 2022, and thereafter must be made from a minimum of forty percent postconsumer recycled material;

(B) Display the minimum percentage of postconsumer content and the mil thickness in print on the exterior of the plastic bag;

(C) Have a minimum thickness of no less than 2.25 mils; and

(D) Display wording that the bag is reusable.

(c) Except for the purposes of subsection (4) of this section, food banks and other food assistance programs are not retail establishments, but are encouraged to take actions to reduce the use of single-use plastic carryout bags.

**NEW SECTION. Sec. 8.** It is a violation of section 3 of this act for any retail establishment to pay or otherwise reimburse a customer for any portion of the pass-through charge; provided that retail establishments may not collect a pass-through charge from anyone using a voucher or electronic benefits card issued under the women, infants, and children (WIC) or temporary assistance for needy families (TANF) support programs, or the federal supplemental nutrition assistance program (SNAP, also known as basic food), or the Washington state food assistance program (FAP).

**NEW SECTION. Sec. 9.** (1) Until June 1, 2025, the department shall prioritize the expedited processing of applications for permits related to the expansion or reconfiguring of an existing pulp and paper mill for the purpose of manufacturing paper bags or raw materials used to manufacture paper bags.

(2) The department may adopt rules as necessary for the purpose of implementing, administering, and enforcing this chapter.

(3) The enforcement of this chapter must be based primarily on complaints filed with the department and local jurisdictions. The department must establish a forum for the filing of complaints. Local jurisdictions and other persons may file complaints with the department using the forum and local jurisdictions may review complaints filed with the department via the forum for purposes of the local jurisdiction carrying out education and outreach to retail establishments. A forum established by the department may include a complaint form on the department's web site, a telephone hotline, or a public outreach strategy relying upon electronic social media to receive complaints that allege violations. The department, in collaboration with the local jurisdictions, must provide education and outreach activities to inform retail establishments, consumers, and other interested individuals about the requirements of this chapter.

(4) The department or local jurisdiction shall work with retail establishments, retail associations, unions, and other organizations to create educational elements regarding the ban and the benefits of reusable bags. Educational elements may include signage at store locations, informational literature, and employee training by October 1, 2020.

(5) Retail establishments are encouraged to educate their staff to promote reusable bags as the best option for carry-out bags and to post signs encouraging customers to use reusable bags.

(6) A violation of this chapter is subject to a civil penalty of up to two hundred fifty dollars. Each calendar day of operation or activity in violation of this chapter comprises a new violation. Penalties issued under this section are appealable to the pollution control hearings board established in chapter 43.21B RCW.

(7) If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by July 1, 2020, from the waste reduction, recycling, and litter control account for purposes of implementing the

education and outreach activities required under this section, then this act is null and void.

**NEW SECTION. Sec. 10.** (1) Except as provided in subsection (2) of this section, a city, town, county, or municipal corporation may not implement a local carryout bag ordinance. Except as provided in subsection (2) of this section, any carryout bag ordinance that was enacted as of April 1, 2020, is preempted by this chapter.

(2)(a) A city, town, county, or municipal corporation ordinance enacted as of April 1, 2020, that has established a pass-through charge of ten cents is not preempted with respect to the amount of the pass-through charge.

(b) A city, town, county, or municipal corporation ordinance not specified in (a) of this subsection and enacted as of April 1 2020, is not preempted until January 1, 2021.

**NEW SECTION. Sec. 11.** (1) By October 31, 2023, the department must submit a report to the appropriate committees of the legislature. The report required under this section must include:

(a) An assessment of the effectiveness of the pass-through charge for reducing the total volume of bags purchased and encouraging the use of reusable bags;

(b) An assessment of the cost of the authorized bags to retail establishments versus the pass-through charge allowed under chapter 70.--- RCW (the new chapter created in section 11 of this act);

(c) An assessment of 2.25 mil plastic reusable bags, including their overall contribution to the reduction of the volume of plastic use; and

(d) Recommendations for revisions for this act, if needed.

(2) This section expires July 1, 2025.

**Sec. 12.** RCW 43.21B.110 and 2019 c 344 s 16, 2019 c 292 s 10, and 2019 c 290 s 12 are each reenacted and amended to read as follows:

(1) The hearings board shall only have jurisdiction to hear and decide appeals from the following decisions of the department, the director, local conservation districts, the air pollution control boards or authorities as established pursuant to chapter 70.94 RCW, local health departments, the department of natural resources, the department of fish and wildlife, the parks and recreation commission, and authorized public entities described in chapter 79.100 RCW:

(a) Civil penalties imposed pursuant to RCW 18.104.155, 70.94.431, 70.105.080, 70.107.050, section 5 of this act, 70.365.070, 70.375.060, 76.09.170, 77.55.440, 78.44.250, 88.46.090, 90.03.600, 90.46.270, 90.48.144, 90.56.310, 90.56.330, and 90.64.102.

(b) Orders issued pursuant to RCW 18.104.043, 18.104.060, 43.27A.190, 70.94.211, 70.94.332, 70.105.095, 70.365.070, 86.16.020, 88.46.070, 90.14.130, 90.46.250, 90.48.120, and 90.56.330.

(c) A final decision by the department or director made under chapter 183, Laws of 2009.

(d) Except as provided in RCW 90.03.210(2), the issuance, modification, or termination of any permit, certificate, or license by the department or any air authority in the exercise of its jurisdiction, including the issuance or termination of a waste disposal permit, the denial of an application for a waste disposal permit, the modification of the conditions or the terms of a waste disposal permit, or a decision to approve or deny an application for a solid waste permit exemption under RCW 70.95.300.

(e) Decisions of local health departments regarding the grant or denial of solid waste permits pursuant to chapter 70.95 RCW.

(f) Decisions of local health departments regarding the issuance and enforcement of permits to use or dispose of biosolids under RCW 70.95J.080.

(g) Decisions of the department regarding waste-derived fertilizer or micronutrient fertilizer under RCW 15.54.820, and decisions of the department regarding waste-derived soil amendments under RCW 70.95.205.

(h) Decisions of local conservation districts related to the denial of approval or denial of certification of a dairy nutrient management plan; conditions contained in a plan; application of any dairy nutrient management practices, standards, methods, and technologies to a particular dairy farm; and failure to adhere to the plan review and approval timelines in RCW 90.64.026.

(i) Any other decision by the department or an air authority which pursuant to law must be decided as an adjudicative proceeding under chapter 34.05 RCW.

(j) Decisions of the department of natural resources, the department of fish and wildlife, and the department that are reviewable under chapter 76.09 RCW, and the department of natural resources' appeals of county, city, or town objections under RCW 76.09.050(7).

(k) Forest health hazard orders issued by the commissioner of public lands under RCW 76.06.180.

(l) Decisions of the department of fish and wildlife to issue, deny, condition, or modify a hydraulic project approval permit under chapter 77.55 RCW, to issue a stop work order, to issue a notice to comply, to issue a civil penalty, or to issue a notice of intent to disapprove applications.

(m) Decisions of the department of natural resources that are reviewable under RCW 78.44.270.

(n) Decisions of an authorized public entity under RCW 79.100.010 to take temporary possession or custody of a vessel or to contest the amount of reimbursement owed that are reviewable by the hearings board under RCW 79.100.120.

(2) The following hearings shall not be conducted by the hearings board:

(a) Hearings required by law to be conducted by the shorelines hearings board pursuant to chapter 90.58 RCW.

(b) Hearings conducted by the department pursuant to RCW 70.94.332, 70.94.390, 70.94.395, 70.94.400, 70.94.405, 70.94.410, and 90.44.180.

(c) Appeals of decisions by the department under RCW 90.03.110 and 90.44.220.

(d) Hearings conducted by the department to adopt, modify, or repeal rules.

(3) Review of rules and regulations adopted by the hearings board shall be subject to review in accordance with the provisions of the administrative procedure act, chapter 34.05 RCW.

**Sec. 13.** RCW 43.21B.110 and 2019 c 344 s 16, 2019 c 292 s 10, and 2019 c 290 s 12 are each reenacted and amended to read as follows:

(1) The hearings board shall only have jurisdiction to hear and decide appeals from the following decisions of the department, the director, local conservation districts, the air pollution control boards or authorities as established pursuant to chapter 70.94 RCW, local health departments, the department of natural resources, the department of fish and wildlife, the parks and recreation commission, and authorized public entities described in chapter 79.100 RCW:

(a) Civil penalties imposed pursuant to RCW 18.104.155, 70.94.431, 70.105.080, 70.107.050, section 5 of this act, 70.365.070, 70.375.060, 76.09.170, 77.55.440, 78.44.250, 88.46.090, 90.03.600, 90.46.270, 90.48.144, 90.56.310, 90.56.330, and 90.64.102.

(b) Orders issued pursuant to RCW 18.104.043, 18.104.060, 43.27A.190, 70.94.211, 70.94.332, 70.105.095, 70.365.070, 86.16.020, 88.46.070, 90.14.130, 90.46.250, 90.48.120, and 90.56.330.

(c) Except as provided in RCW 90.03.210(2), the issuance, modification, or termination of any permit, certificate, or license by the department or any air authority in the exercise of its jurisdiction, including the issuance or termination of a waste disposal permit, the denial of an application for a waste disposal permit, the modification of the conditions or the terms of a waste disposal permit, or a decision to approve or deny an application for a solid waste permit exemption under RCW 70.95.300.

(d) Decisions of local health departments regarding the grant or denial of solid waste permits pursuant to chapter 70.95 RCW.

(e) Decisions of local health departments regarding the issuance and enforcement of permits to use or dispose of biosolids under RCW 70.95J.080.

(f) Decisions of the department regarding waste-derived fertilizer or micronutrient fertilizer under RCW 15.54.820, and decisions of the department regarding waste-derived soil amendments under RCW 70.95.205.

(g) Decisions of local conservation districts related to the denial of approval or denial of certification of a dairy nutrient management plan; conditions contained in a plan; application of any dairy nutrient management practices, standards, methods, and technologies to a particular dairy

farm; and failure to adhere to the plan review and approval timelines in RCW 90.64.026.

(h) Any other decision by the department or an air authority which pursuant to law must be decided as an adjudicative proceeding under chapter 34.05 RCW.

(i) Decisions of the department of natural resources, the department of fish and wildlife, and the department that are reviewable under chapter 76.09 RCW, and the department of natural resources' appeals of county, city, or town objections under RCW 76.09.050(7).

(j) Forest health hazard orders issued by the commissioner of public lands under RCW 76.06.180.

(k) Decisions of the department of fish and wildlife to issue, deny, condition, or modify a hydraulic project approval permit under chapter 77.55 RCW, to issue a stop work order, to issue a notice to comply, to issue a civil penalty, or to issue a notice of intent to disapprove applications.

(l) Decisions of the department of natural resources that are reviewable under RCW 78.44.270.

(m) Decisions of an authorized public entity under RCW 79.100.010 to take temporary possession or custody of a vessel or to contest the amount of reimbursement owed that are reviewable by the hearings board under RCW 79.100.120.

(2) The following hearings shall not be conducted by the hearings board:

(a) Hearings required by law to be conducted by the shorelines hearings board pursuant to chapter 90.58 RCW.

(b) Hearings conducted by the department pursuant to RCW 70.94.332, 70.94.390, 70.94.395, 70.94.400, 70.94.405, 70.94.410, and 90.44.180.

(c) Appeals of decisions by the department under RCW 90.03.110 and 90.44.220.

(d) Hearings conducted by the department to adopt, modify, or repeal rules.

(3) Review of rules and regulations adopted by the hearings board shall be subject to review in accordance with the provisions of the administrative procedure act, chapter 34.05 RCW.

**NEW SECTION. Sec. 14.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

**NEW SECTION. Sec. 15.** Sections 1 through 7 of this act constitute a new chapter in Title 70 RCW.

**NEW SECTION. Sec. 16.** Section 8 of this act expires June 30, 2021.

**NEW SECTION. Sec. 17.** Section 9 of this act takes effect June 30, 2021."

Correct the title.

Signed by Representatives Tarleton, Chair; Walen, Vice Chair; Frame; Macri; Orwall; Springer and Wylie.

MINORITY recommendation: Do not pass. Signed by Representatives Orcutt, Ranking Minority Member; Young, Assistant Ranking Minority Member; Chapman; Stokesbary and Vick.

Referred to Committee on Rules for second reading.

March 4, 2020 17.0.

**ESSB 6012** Prime Sponsor, Committee on Ways & Means: Promoting renewable energy through modifying tax incentives. Reported by Committee on Finance

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 18.** (1) The legislature finds that Washington, through implementation of the clean energy transformation act, is transforming its energy supply and modernizing its electricity system. In implementing this act, the state is prioritizing creation of family wage jobs and providing safeguards to ensure that the achievement of this policy does not impair the reliability of the electricity system or impose unreasonable costs on utility customers.

(2) The legislature finds that to accomplish the goals of chapter 288, Laws of 2019—promote energy independence; create high-quality jobs in the clean energy sector; maximize the value of hydropower, our principal renewable resource; maintain safe and reliable electricity to all customers at stable and affordable rates; and protect clean air and water in the Pacific Northwest—utilities will need to invest in new renewable energy sources and maximize the use of existing resources, especially renewable resources that can be called upon to produce electricity at all hours throughout the year.

(3) The legislature declares that the state has an important role to play in supporting the development of these new renewable energy resources, including the provision of incentives to support hydropower system investments that are specifically targeted to achieve the goals of this policy, provided said investments, and resulting operations maintain or enhance fish conservation mandates and responsibilities.

(4) It is the intent of the legislature to exempt from sales and use taxes hydropower system investments that directly support the goals of chapter 288, Laws of 2019. The total amount of exemption will be determined based on the prorated share of hydropower capacity owned by each utility in Washington state as of December 31, 2019.

**NEW SECTION. Sec. 19.** (1) This section is the tax preference performance statement for the sales and use tax exemptions contained in sections 3 and 4, chapter . . . , Laws of 2020 (sections 3 and 4 of this act). This performance statement is only intended to be used for subsequent evaluation of these tax preferences. It is not intended to

create a private right of action by any party or be used to determine eligibility for preferential tax treatment.

(2) The legislature categorizes these sales and use tax exemptions as ones intended to induce certain designated behavior by taxpayers, as indicated in RCW 82.32.808(2)(a).

(3) If a review finds that the exemptions provided in sections 3 and 4, chapter . . . , Laws of 2020 (sections 3 and 4 of this act) support the goals of chapter 288, Laws of 2019—to promote energy independence; create high-quality jobs in the clean energy sector; maximize the value of hydropower, our principal renewable resource; maintain safe and reliable electricity to all customers at stable and affordable rates; and protect clean air and water in the Pacific Northwest—then the legislature intends to extend the expiration date of these tax preferences.

(4) In order to obtain the data necessary to perform the review in subsection (3) of this section, the joint legislative audit and review committee may refer to any data collected by the state.

**NEW SECTION. Sec. 20.** A new section is added to chapter 82.08 RCW to read as follows:

(1) Beginning July 1, 2020, the tax imposed by RCW 82.08.020 does not apply to the following:

(a) The sale of or charge made for machinery and equipment, and labor and services, that will provide additional support for the transition to clean energy through incremental increases in production, capacity, flexibility, or efficiency of operation or performance from the refurbishment or replacement of existing machinery and equipment, or purchase of new machinery and equipment, for an existing hydroelectric generation facility; and

(b) The sale of or charge made for machinery and equipment, and labor and services, necessary for an existing hydroelectric generation facility to develop self-lubricating adjustable turbine blade hubs for further evaluation and testing.

(2) In order to qualify for the exemption provided in subsection (1) of this section:

(a) Machinery and equipment must be received by the purchaser after June 30, 2020, and before July 1, 2031; and

(b) Labor and services, as described in subsection (1) of this section, must be rendered after June 30, 2020, and before July 1, 2031.

(3)(a)(i) The total exemption from the state sales and use tax under this section and section 4 of this act is subject to the following biennial limits:

(A) For fiscal year 2021, two million five hundred thousand dollars; and

(B) For each biennium beginning on or after July 1, 2021, five million dollars.

(ii) Unclaimed exempted amounts from fiscal year 2021 or a given biennium must be carried over and added to the limit of the following biennium.

(b) Each generating utility in the state is eligible for a proportional amount of the total tax preference over eleven years. This figure will be based on the prorated share of total hydropower generator capacity owned by each generating utility in Washington state as of December 31, 2019. The department of commerce must calculate the prorated shares based on information provided by the utilities and provide this information to the department of revenue.

(c) A generating utility may claim an exemption at any time during the eleven-year period that this exemption is in effect, up to its prorated share and subject to the statutory time limitations in RCW 82.32.060. Applications for remittance will be processed on a first-in-time basis. If funds are not available in the biennium in which the application is submitted to the department, the generating utility will be eligible to claim funds the following biennium before any new applicants.

(4)(a) The exemption provided under this section is in the form of a remittance and applies only to the state portion of the tax. A generating utility claiming an exemption from the state portion of the sales tax for eligible projects under this section must pay all state and local sales and use taxes. The buyer may then apply to the department for remittance on an annual basis for one hundred percent of the state sales and use tax paid on qualifying purchases subject to the requirements of this section.

(b) The department must determine eligibility under this section based on information provided by the buyer and through audit and other administrative records. The buyer must submit an application, in a form and manner as required by the department, specifying the amount of exempted tax claimed and the qualifying purchases or acquisitions for which the exemption is claimed. The buyer must retain, in adequate detail to enable the department to determine whether the charges made for machinery and equipment, and labor and services, meet the criteria under this section: Invoices; proof of tax paid; documents describing the equipment; and construction invoices and documents.

(c) As part of the application for a remittance under this section, the generating utility must attest:

(i)(A) That the contractors on the project have a history of complying with federal and state wage and hour laws and regulations; or

(B) That the project is developed under a community workforce agreement or project labor agreement; or

(ii) That, if the contract for refurbishment or upgrade of a hydroelectric generation facility or machinery and equipment therein under subsection (1)(a) or (b) of this section was executed prior to July 1, 2020, and the remaining machinery and equipment, and labor and services, will be delivered or rendered on or after July 1, 2020, either of the conditions in (c)(i) of this subsection (4) is met and wages consistent with chapter 39.12 RCW are paid on the project.

(d) If the department determines that any of the facts attested to as required under (c) of this subsection are not true, the department must deny the application for remittance. However, nothing in this section requires the

department to endeavor to determine the veracity of the facts attested to as required under (c) of this subsection. Upon the department's request, state agencies must provide assistance to the department in reviewing the information submitted by a generating utility as required by (c) of this subsection.

(e) Upon approval of an application for remittance under this section, the department must remit exempted amounts to the generating utility. Remittances under this section are subject to repayment if the department subsequently determines, through audit or other information, that the generating utility was not eligible for the remittance.

(5) The definitions in this subsection apply throughout this section unless the context clearly requires otherwise.

(a) "Eligible project" means a project meeting the requirements in subsection (1) of this section within a hydroelectric facility designed to generate at least one thousand kilowatts of electricity using the energy of falling or flowing fresh water.

(b)(i) "Generating utility" means public and private utilities regulated under the laws of Washington state that own and operate hydroelectric facilities located within the state.

(ii) "Generating utility" does not include hydroelectric facilities owned by the federal government.

(c) "Labor and services" means work associated with demolition, removal, and deconstruction of an existing turbine or generation machinery and equipment; and the construction, installation, alteration, replacement, repair, cleaning, conversion, or assembly of the self-lubricating adjustable turbine blade hub or other machinery and equipment that is acquired or used as part of an eligible project.

(d)(i) "Machinery and equipment" means fixtures, devices, control systems, and support facilities that are integral and necessary to the generation of electricity using the energy of falling or flowing fresh water.

(ii) "Machinery and equipment" does not include: (A) Hand-powered tools; (B) property with a useful life of less than one year; (C) repair parts required to restore machinery and equipment to normal working order; (D) replacement parts that do not increase productivity, improve efficiency, or extend the useful life of machinery and equipment; (E) buildings and other structures, such as dams, powerhouses, fish ladders, and transmission towers; and (F) building fixtures that are not integral and necessary to the generation of electricity that are permanently affixed to and become a physical part of a building.

(e) "Self-lubricating adjustable turbine blade hub" means a type of horizontal or vertical hydroelectric turbine with adjustable blades that use alternative technology to lubricate the internal components.

(6) This section expires July 1, 2031.

**NEW SECTION. Sec. 21.** A new section is added to chapter 82.12 RCW to read as follows:

(1) The tax imposed by RCW 82.12.020 does not apply to the use of:

(a) Machinery and equipment, and labor and services, that will provide additional support for the transition to clean energy through incremental increases in production, capacity, flexibility, or efficiency of operation or performance from the refurbishment or replacement of existing machinery and equipment, or purchase of new machinery and equipment, for an existing hydroelectric generation facility; and

(b) Machinery and equipment, and labor and services, necessary for an existing hydroelectric generation facility to develop self-lubricating adjustable turbine blade hubs for further evaluation and testing.

(2) In order to qualify for the exemption provided in subsection (1) of this section:

(a) First use of the machinery and equipment, as described in subsection (1) of this section, must occur after June 30, 2020, and before July 1, 2031; and

(b) Labor and services, as described in subsection (1) of this section, must be rendered after June 30, 2020, and before July 1, 2031.

(3) The definitions, conditions, and requirements under section 3 of this act apply to this section.

(4) This section expires July 1, 2031.

**NEW SECTION. Sec. 22.** This act takes effect July 1, 2020."

Correct the title.

Signed by Representatives Tarleton, Chair; Walen, Vice Chair; Orcutt, Ranking Minority Member; Young, Assistant Ranking Minority Member; Chapman; Orwall; Springer; Stokesbary; Vick and Wylie.

MINORITY recommendation: Without recommendation. Signed by Representatives Frame and Macri.

Referred to Committee on Rules for second reading.

There being no objection, the bills listed on the day's committee reports under the fifth order of business were referred to the committees so designated.

There being no objection, the House advanced to the sixth order of business.

## SECOND READING

**ENGROSSED SENATE BILL NO. 6180, by Senators Darnelle, Nguyen, Das, Wilson and C.**

**Concerning juvenile sex offense registration waivers under the special sexual offender disposition alternative.**

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Human Services & Early Learning was adopted. (For Committee amendment, see Journal, Day 47, February 28, 2020).

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representative Senn spoke in favor of the passage of the bill.

Representative Klippert spoke against the passage of the bill.

### MOTION

On motion of Representative Stonier, Representative Mead was excused.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Engrossed Senate Bill No. 6180, as amended by the House.

### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Senate Bill No. 6180, as amended by the House, and the bill passed the House by the following vote: Yeas, 79; Nays, 18; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Caldier, Callan, Chambers, Chapman, Chopp, Cody, Corry, Davis, Doglio, Dolan, Duerr, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, J. Johnson, Kilduff, Kirby, Kloba, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, McCaslin, Morgan, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Sells, Senn, Shea, Shewmake, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Volz, Walen, Wylie, Young and Mme. Speaker.

Voting nay: Representatives Boehnke, Chandler, DeBolt, Dent, Dufault, Dye, Jenkin, Klippert, Kraft, Maycumber, Mosbrucker, Orcutt, Schmick, Smith, Vick, Walsh, Wilcox and Ybarra.

Excused: Representative Mead.

ENGROSSED SENATE BILL NO. 6180, as amended by the House, having received the necessary constitutional majority, was declared passed.

**ENGROSSED SUBSTITUTE SENATE BILL NO. 5473, by Senate Committee on Labor & Commerce (originally sponsored by Saldaña and Nguyen)**

**Making unemployment benefits accessible to persons with family responsibilities and other availability issues and making clarifying changes. Revised for 1st Substitute: Studying exceptions to provisions**

**disqualifying individuals from receiving unemployment benefits for leaving work voluntarily without good cause.**

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Labor & Workplace Standards was adopted. (For Committee amendment, see Journal, Day 46, February 27, 2020).

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representative Sells spoke in favor of the passage of the bill.

Representative Mosbrucker spoke against the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Engrossed Substitute Senate Bill No. 5473, as amended by the House.

### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 5473, as amended by the House, and the bill passed the House by the following vote: Yeas, 57; Nays, 40; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Bergquist, Blake, Callan, Chapman, Chopp, Cody, Davis, Doglio, Dolan, Duerr, Entenman, Fey, Fitzgibbon, Frame, Goodman, Graham, Gregerson, Hansen, Hudgins, J. Johnson, Kilduff, Kirby, Kloba, Leavitt, Lekanoff, Lovick, Macri, Morgan, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Ryu, Santos, Sells, Senn, Shewmake, Slatter, Springer, Stonier, Sullivan, Tarleton, Thai, Tharinger, Valdez, Walen, Wylie and Mme. Speaker.

Voting nay: Representatives Barkis, Boehnke, Caldier, Chambers, Chandler, Corry, DeBolt, Dent, Dufault, Dye, Eslick, Gildon, Goehner, Griffey, Harris, Hoff, Irwin, Jenkin, Klippert, Kraft, Kretz, MacEwen, Maycumber, McCaslin, Mosbrucker, Orcutt, Rude, Schmick, Shea, Smith, Steele, Stokesbary, Sutherland, Van Werven, Vick, Volz, Walsh, Wilcox, Ybarra and Young.

Excused: Representative Mead.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5473, as amended by the House, having received the necessary constitutional majority, was declared passed.

**SECOND SUBSTITUTE SENATE BILL NO. 6027, by Senate Committee on Ways & Means (originally sponsored by Pedersen, Carlyle, Warnick, Van De Wege, Hunt, Rolfes, Short and Honeyford)**

**Concerning floating residences.**

The bill was read the second time.

### POINT OF PARLIAMENTARY INQUIRY

Representative MacEwen: "Madame Speaker, I wish to be excused from this vote. Regardless of whether or not I have a conflict which prevents me from voting, given the small class of people impacted by the bill and the fact that I fall within that small class, I would like to avoid even the appearance of a conflict and am asking to be excused."

### SPEAKER'S RULING

Madame Speaker: "The member is excused."

Representative Shewmake moved the adoption of amendment (1932):

22.0. On page 2, line 32, after "residence" insert ". All replacements and remodels which add one hundred twenty square feet or more to the living space must require on-board gray-water containment or a waste-water connection that disposes of the gray water to a waste-water disposal system"

Representatives Lekanoff and DeBolt spoke in favor of the adoption of the amendment.

Amendment (1932) was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Fitzgibbon and DeBolt spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Second Substitute Senate Bill No. 6027, as amended by the House.

### ROLL CALL

The Clerk called the roll on the final passage of Second Substitute Senate Bill No. 6027, as amended by the House, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, Macri, Maycumber, McCaslin, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shea, Shewmake, Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland,

Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Excused: Representatives MacEwen and Mead.

SECOND SUBSTITUTE SENATE BILL NO. 6027, as amended by the House, having received the necessary constitutional majority, was declared passed.

### SENATE BILL NO. 6359, by Senators Short and Randall

**Creating regulation exemptions for rural health clinics providing services in a designated home health shortage area.**

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Health Care & Wellness was adopted. (For Committee amendment, see Journal, Day 47, February 28, 2020).

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Schmick and Cody spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Senate Bill No. 6359, as amended by the House.

### ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 6359, as amended by the House, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shea, Shewmake, Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Excused: Representative Mead.

SENATE BILL NO. 6359, as amended by the House, having received the necessary constitutional majority, was declared passed.



**SUBSTITUTE SENATE BILL NO. 6392, by Senate Committee on Labor & Commerce (originally sponsored by Van De Wege, King, Walsh, Warnick, Rolfes, Honeyford, Wilson and C.)**

**Creating a local wine industry association license.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Peterson and Jenkin spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 6392.

**ROLL CALL**

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6392, and the bill passed the House by the following vote: Yeas, 93; Nays, 4; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, DeBolt, Dent, Doglio, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Hoff, Hudgins, Irwin, Jenkin, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Santos, Schmick, Sells, Senn, Shea, Shewmake, Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Voting nay: Representatives Davis, Harris, Leavitt and Ryu.

Excused: Representative Mead.

SUBSTITUTE SENATE BILL NO. 6392, having received the necessary constitutional majority, was declared passed.

**ENGROSSED SUBSTITUTE SENATE BILL NO. 5385, by Senate Committee on Health & Long Term Care (originally sponsored by Becker, Cleveland, Braun, O'Ban, Wilson, L., Brown, Warnick, Zeiger, Bailey and Van De Wege)**

**Concerning telemedicine payment parity. Revised for 1st Substitute: Concerning telemedicine payment parity. (REVISED FOR ENGROSSED: Reimbursing for telemedicine services at the same rate as in person. )**

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Appropriations was adopted. (For Committee amendment, see Journal, Day 50, March 2, 2020).

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Schmick and Riccelli spoke in favor of the passage of the bill.

Representative Caldier spoke against the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Engrossed Substitute Senate Bill No. 5385, as amended by the House.

**ROLL CALL**

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 5385, as amended by the House, and the bill passed the House by the following vote: Yeas, 94; Nays, 3; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, J. Johnson, Kilduff, Kirby, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shea, Shewmake, Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra and Mme. Speaker.

Voting nay: Representatives Caldier, Klippert and Young.

Excused: Representative Mead.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5385, as amended by the House, having received the necessary constitutional majority, was declared passed.

**SUBSTITUTE SENATE BILL NO. 5900, by Senate Committee on Ways & Means (originally sponsored by Randall, Wilson, C., Takko, Saldaña, Van De Wege, Salomon, Liias, Das, Pedersen and Nguyen)**

**Promoting access to earned benefits and services for lesbian, gay, bisexual, transgender, and queer veterans.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Kilduff, Rude and Volz spoke in favor of the passage of the bill.

Representatives Jenkin and Kraft spoke against the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5900.

### ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5900, and the bill passed the House by the following vote: Yeas, 87; Nays, 10; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, DeBolt, Doglio, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, J. Johnson, Kilduff, Kirby, Kloba, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Morgan, Mosbrucker, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra and Mme. Speaker.

Voting nay: Representatives Boehnke, Dent, Goehner, Jenkin, Klippert, Kraft, Orcutt, Shea, Sutherland and Young.  
Excused: Representative Mead.

SUBSTITUTE SENATE BILL NO. 5900, having received the necessary constitutional majority, was declared passed.

### SENATE BILL NO. 6078, by Senator Mullet

#### Clarifying reimbursement for certain clean-up or removal actions by fire protection jurisdictions.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Kirby and Vick spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Senate Bill No. 6078.

### ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 6078, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shea, Shewmake, Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Excused: Representative Mead.

SENATE BILL NO. 6078, having received the necessary constitutional majority, was declared passed.

### SECOND SUBSTITUTE SENATE BILL NO. 6211, by Senate Committee on Ways & Means (originally sponsored by Dhingra, Padden, Nguyen, Das and Hasegawa)

#### Concerning drug offender sentencing.

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Public Safety was adopted. (For Committee amendment, see Journal, Day 47, February 28, 2020).

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Davis and Klippert spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Second Substitute Senate Bill No. 6211, as amended by the House.

### ROLL CALL

The Clerk called the roll on the final passage of Second Substitute Senate Bill No. 6211, as amended by the House, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins,

Irwin, Jenkin, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shea, Shewmake, Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Excused: Representative Mead.

SECOND SUBSTITUTE SENATE BILL NO. 6211, as amended by the House, having received the necessary constitutional majority, was declared passed.

**SUBSTITUTE SENATE BILL NO. 6259, by Senate Committee on Behavioral Health Subcommittee to Health & Long Term Care (originally sponsored by McCoy, Hasegawa, Stanford, Wilson, C., Das, Nguyen, Van De Wege and Darneille)**

**Improving the Indian behavioral health system.**

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Health Care & Wellness was adopted. (For Committee amendment, see Journal, Day 47, February 28, 2020).

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Tharinger and Schmick spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 6259, as amended by the House.

**ROLL CALL**

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6259, as amended by the House, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shea, Shewmake, Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van

Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Excused: Representative Mead.

SUBSTITUTE SENATE BILL NO. 6259, as amended by the House, having received the necessary constitutional majority, was declared passed.

**ENGROSSED SENATE BILL NO. 6313, by Senators Liias, Kuderer, Hunt, Randall, Mullet, Keiser, Billig, Saldaña, Darneille, Hasegawa, Takko, Rolfes, McCoy, Stanford, Das, Dhingra, Lovelett, Nguyen, Wilson and C.**

**Increasing opportunities for young voters.**

The bill was read the second time.

There being no objection, the committee amendment by the Committee on State Government & Tribal Relations was not adopted. (For Committee amendment, see Journal, Day 44, February 25, 2020).

There being no objection, the committee striking amendment by the Committee on Appropriations was before the House for purpose of amendment. (For Committee amendment, see Journal, Day 50, March 2, 2020).

Representative Walsh moved the adoption of amendment (2071) to the committee amendment:

22.0. On page 2, beginning on line 1 of the striking amendment, strike all of part II

Re-number the remaining parts and sections consecutively and correct any internal references accordingly.

On page 11, beginning on line 24 of the striking amendment, strike all of sections 13, 14, 15, 16, and 17

Re-number the remaining sections consecutively and correct any internal references accordingly.

On page 17, beginning on line 32 of the striking amendment, strike all of section 24

Re-number the remaining sections consecutively and correct any internal references accordingly.

Representative Walsh spoke in favor of the adoption of the amendment to the committee striking amendment.

Representative Gregerson spoke against the adoption of the amendment to the committee striking amendment.

Amendment (2071) to the committee striking amendment was not adopted.

Representative Hoff moved the adoption of amendment (2069) to the committee striking amendment:

22.0. On page 2, line 25 of the striking amendment, after "~~((eighteen))~~" strike "sixteen" and insert "seventeen"

On page 2, line 33 of the striking amendment, after "least" strike "sixteen" and insert "seventeen"

On page 3, at the beginning of line 21 of the striking amendment, strike "sixteen" and insert "seventeen"

On page 4, line 11 of the striking amendment, after "((eighteen))" strike "sixteen" and insert "seventeen"

On page 6, line 35 of the striking amendment, after "person" strike "sixteen or"

On page 7, line 27 of the striking amendment, after "((eighteen))" strike "sixteen" and insert "seventeen"

On page 12, at the beginning of line 36 of the striking amendment, strike "sixteen or" and insert "((~~sixteen~~ or))"

On page 13, line 9 of the striking amendment, after "attained" strike "sixteen" and insert "((~~sixteen~~) seventeen)"

On page 13, line 22 of the striking amendment, after "attained" strike "sixteen" and insert "((~~sixteen~~) seventeen)"

On page 14, line 18 of the striking amendment, after "persons" strike "sixteen or"

On page 16, line 1 of the striking amendment, after "age" strike "sixteen or" and insert "((~~sixteen or~~)"

On page 16, line 7 of the striking amendment, after "persons" strike "sixteen or"

Representative Hoff spoke in favor of the adoption of the amendment to the committee striking amendment.

Representative Gregerson spoke against the adoption of the amendment to the committee striking amendment.

Amendment (2069) to the committee striking amendment was not adopted.

Representative Walsh moved the adoption of amendment (2072) to the committee striking amendment:

22.0. On page 9, beginning on line 3 of the striking amendment, strike all of part IV

Renumber the remaining parts and sections consecutively and correct any internal references accordingly.

On page 10, beginning on line 23 of the striking amendment, after "RCW 29A.32.080;" strike all material through "(8)" on line 26 and insert "and

(7)"

On page 11, beginning on line 10 of the striking amendment, after "RCW 29A.32.280;" strike all material through "(g)" on line 13 and insert "and

(f)"

On page 16, line 34 of the striking amendment, after "center," strike "a student engagement hub."

Representative Walsh spoke in favor of the adoption of the amendment to the committee striking amendment.

Representative Gregerson spoke against the adoption of the amendment to the committee striking amendment.

Amendment (2072) to the committee striking amendment was not adopted.

Representative Hoff moved the adoption of amendment (2070) to the committee striking amendment:

22.0. On page 9, beginning on line 5 of the striking amendment, strike all of section 10 and insert the following:

"NEW SECTION. Sec. 22.10. A new section is added to chapter 29A.40 RCW to read as follows:

(1) Each public university campus described in chapter 28B.45 RCW with an enrollment of five thousand students or greater shall open a student engagement hub on its campus during a presidential general election, beginning five days prior to the deadline to register to vote electronically under RCW 29A.08.140(1)(a). The student engagement hub must be open during business hours through the deadline to register to vote electronically under RCW 29A.08.140(1)(a). All student engagement hubs must allow students to download their exact ballot from an online portal. A student engagement hub is not a voting center as outlined in RCW 29A.40.160.

(2) Upon request of the student government organization to the administration and the county auditor, the state universities, regional universities, and The Evergreen State College as defined in RCW 28B.10.016 and excluding university campuses described in chapter 28B.45 RCW shall open a student engagement hub on its campus. The student engagement hub shall provide the services described in subsection (1) of this section."

Representative Hoff spoke in favor of the adoption of the amendment to the committee striking amendment.

Representative Gregerson spoke against the adoption of the amendment to the committee striking amendment.

Amendment (2070) to the committee striking amendment was not adopted.

The committee striking amendment was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill as amended by the House, was placed on final passage.

Representative Bergquist spoke in favor of the passage of the bill.

Representatives Walsh, Sutherland and Maycumber spoke against the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Engrossed Senate Bill No. 6313, as amended by the House.

**ROLL CALL**

The Clerk called the roll on the final passage of Engrossed Senate Bill No. 6313, as amended by the House, and the bill passed the House by the following vote: Yeas, 56; Nays, 41; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Bergquist, Blake, Callan, Chapman, Chopp, Cody, Davis, Doglio, Dolan, Duerr, Entenman, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hansen, Hudgins, J. Johnson, Kilduff, Kirby, Kloba, Leavitt, Lekanoff, Lovick, Macri, Morgan, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Ryu, Santos, Sells, Senn, Shewmake, Slatter, Springer, Stonier, Sullivan, Tarleton, Thai, Tharinger, Valdez, Walen, Wylie and Mme. Speaker.

Voting nay: Representatives Barkis, Boehnke, Caldier, Chambers, Chandler, Corry, DeBolt, Dent, Dufault, Dye, Eslick, Gildon, Goehner, Graham, Griffey, Harris, Hoff, Irwin, Jenkin, Klippert, Kraft, Kretz, MacEwen, Maycumber, McCaslin, Mosbrucker, Orcutt, Rude, Schmick, Shea, Smith, Steele, Stokesbary, Sutherland, Van Werven, Vick, Volz, Walsh, Wilcox, Ybarra and Young.

Excused: Representative Mead.

ENGROSSED SENATE BILL NO. 6313, as amended by the House, having received the necessary constitutional majority, was declared passed.

There being no objection, the House advanced to the eighth order of business.

**MOTION**

There being no objection, the Committee on Rules was relieved of the following bills and the bills were placed on the second reading calendar:

SUBSTITUTE HOUSE BILL NO. 2936  
 SUBSTITUTE SENATE BILL NO. 6050  
 ENGROSSED SUBSTITUTE SENATE BILL NO. 6097  
 SENATE BILL NO. 6119  
 SENATE BILL NO. 6120  
 SENATE BILL NO. 6383  
 ENGROSSED SENATE BILL NO. 6626

There being no objection, the House reverted to the sixth order of business.

**SECOND READING**

**ENGROSSED SENATE BILL NO. 5450, by Senators Rivers, Wilson and L.**

**Concerning superior court judges.**

The bill was read the second time.

Representative MacEwen moved the adoption of amendment (1861):

22.0. On page 2, beginning on line 1, after "(2)" strike all material through "any" on line 5 and insert "The judicial position created by section 1 of this act becomes effective upon the election of a judge to fill the position at the next general election"

On page 2, beginning on line 25, after "(2)" strike all material through "any" on line 31 and insert "The judicial position created by section 3 of this act becomes effective upon the election of a judge to fill the position at the next general election"

With the consent of the House, amendment (1861) was withdrawn.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Irwin and Kilduff spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Engrossed Senate Bill No. 5450.

**ROLL CALL**

The Clerk called the roll on the final passage of Engrossed Senate Bill No. 5450, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shea, Shewmake, Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Excused: Representative Mead.

ENGROSSED SENATE BILL NO. 5450, having received the necessary constitutional majority, was declared passed.

The Speaker (Representative Orwall presiding) called upon Representative Lovick to preside.

**ENGROSSED SUBSTITUTE SENATE BILL NO. 6300, by Senate Committee on Law & Justice (originally sponsored by Rivers, Pedersen, Zeiger, Kuderer, Frockt and Lovelett)**

**Concerning animal welfare.**

The bill was read the second time.

There being no objection, the committee striking amendment by the Committee on Public Safety was before the House for purpose of amendment. (For Committee amendment, see Journal, Day 47, February 28, 2020).

With the consent of the House, amendment (1785) was withdrawn.

Representative Orwall moved the adoption of amendment (1813) to the committee striking amendment: 22.0.

Beginning on page 10, line 36, after "means" strike all material through "~~person~~)" on page 11, line 2, and insert "~~((any))~~: (i) Any contact, however slight, between the mouth, sex organ, or anus of a person and the sex organ or anus of an animal, or between the sex organ or anus of a person and the mouth of an animal; or (ii) any intrusion, however slight, of any part of the body of the person or foreign object into the sex organ or anus of an animal(~~or any intrusion of the sex organ or anus of the person into the mouth of the animal, for the purpose of sexual gratification or arousal of the person~~)")

Representatives Orwall and Klippert spoke in favor of the adoption of the amendment to the committee striking amendment.

Amendment (1813) to the committee striking amendment, was adopted.

The committee striking amendment, as amended, was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Orwall and Sutherland spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Substitute Senate Bill No. 6300, as amended by the House.

### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 6300, as amended by the House, and the bill passed the House by the following vote: Yeas, 89; Nays, 8; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, DeBolt, Doglio, Dolan, Duerr, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, J. Johnson, Kilduff, Kirby, Kloba, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti,

Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Voting nay: Representatives Boehnke, Dent, Dufault, Jenkin, Klippert, Kraft, McCaslin and Shea.

Excused: Representative Mead.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6300, as amended by the House, having received the necessary constitutional majority, was declared passed.

**SUBSTITUTE SENATE BILL NO. 6306, by Senate Committee on Ways & Means (originally sponsored by Liias, Van De Wege, Warnick, Rolfes, Short, Nguyen, Das, Lovelett, Randall, Saldaña, Wilson and C.)**

### Creating the Washington soil health initiative.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Shewmake, Dye, Goehner and Klippert spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 6306.

### ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6306, and the bill passed the House by the following vote: Yeas, 94; Nays, 3; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, Dent, Doglio, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Kraft, Leavitt, Lekanoff, Lovick, MacEwen, Macri, McCaslin, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shea, Shewmake, Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Voting nay: Representatives DeBolt, Kretz and Maycumber.

Excused: Representative Mead.

SUBSTITUTE SENATE BILL NO. 6306, having received the necessary constitutional majority, was declared passed.

**ENGROSSED SUBSTITUTE SENATE BILL NO. 6288, by Senate Committee on Law & Justice (originally sponsored by Dhingra, Pedersen, Frockt, Carlyle, Wilson, C., Kuderer, Das, Hunt, Lovelett, Nguyen and Saldaña)**

**Creating the Washington office of firearm violence prevention. Revised for 1st Substitute: (REVISED FOR ENGROSSED: Creating the Washington office of firearm safety and violence prevention.)**

The bill was read the second time.

There being no objection, the committee striking amendment by the Committee on Civil Rights & Judiciary was before the House for purpose of amendment. (For Committee amendment, see Journal, Day 47, February 28, 2020).

With the consent of the House, amendments (2051), (1931) and (2039) to the committee striking amendment were withdrawn.

Representative Dent moved the adoption of amendment (2040) to the committee striking amendment:

22.0. On page 1, line 9 of the striking amendment, after "violence" insert ", including organized gang violence,"

Representatives Dent and Irwin spoke in favor of the adoption of the amendment to the committee striking amendment.

Representative Valdez spoke against of the adoption of the amendment to the committee striking amendment.

Amendment (2040) to the committee striking amendment was not adopted.

Representative Young moved the adoption of amendment (2054) to the committee striking amendment:

22.0. On page 1, line 22 of the striking amendment, after "safety" insert ", suicide,"

On page 2, line 10 of the striking amendment, after "safety" insert ", suicide,"

Representative Young spoke in favor of the adoption of the amendment to the committee striking amendment.

Representative Walen spoke against the adoption of the amendment to the committee striking amendment.

Amendment (2054) to the committee striking amendment was not adopted.

Representative Irwin moved the adoption of amendment (2003) to the committee striking amendment:

22.0. On page 2, line 21 of the striking amendment, after "Researching," strike "identifying, and recommending" and insert "and identifying"

On page 2, line 22 of the striking amendment, after "to" strike "promote" and insert "address"

Representative Irwin spoke in favor of the adoption of the amendment to the committee striking amendment.

Representative Kilduff spoke against the adoption of the amendment to the committee striking amendment.

Amendment (2003) to the committee striking amendment was not adopted.

Representative Sutherland moved the adoption of amendment (2010) to the committee striking amendment:

22.0. On page 2, line 22 of the striking amendment, after "statewide" strike "evidence-based" and insert "scientific, peer-reviewed"

Representatives Sutherland, Shea, Walsh and Sutherland (again) spoke in favor of the adoption of the amendment to the committee striking amendment.

Representative Peterson spoke against the adoption of the amendment to the committee striking amendment.

Amendment (2010) to the committee striking amendment was not adopted.

Representative Mosbrucker moved the adoption of amendment (2027) to the committee striking amendment:

22.0. On page 2, line 31 of the striking amendment, after "(e)" insert "Coordinating with the University of Washington's forefront suicide prevention to expand access to suicide prevention trainings;

(f)"

Renumber the remaining subsections consecutively and correct any internal references accordingly.

Representatives Mosbrucker and Irwin spoke in favor of the adoption of the amendment to the committee striking amendment.

Representative Walen spoke against the adoption of the amendment to the committee striking amendment.

Amendment (2027) to the committee striking amendment was not adopted.

Representative Walsh moved the adoption of amendment (2049) to the committee striking amendment:

22.0. On page 2, line 31 of the striking amendment, after "(e)" insert "Focusing on firearm safety, including preventing firearm misfires from faulty ammunition including, but not limited to, duds, squibs, stovepipes, failure to feed, and barrel obstruction;

(f)"

Renumber the remaining subsections consecutively and correct any internal references accordingly.

Representatives Walsh, Irwin and Walsh (again) spoke in favor of the adoption of the amendment to the committee striking amendment.

Representative Valdez spoke against the adoption of the amendment to the committee striking amendment.

Amendment (2049) to the committee striking amendment was not adopted.

Representative Ybarra moved the adoption of amendment (2025) to the committee striking amendment:

22.0. On page 2, line 37 of the striking amendment, after "(g)" insert "Reducing instances of firearm deaths by suicide, which comprise over seventy-five percent of firearm deaths in Washington over the last five years, in collaboration with the department of health and the Washington action alliance for suicide prevention; and

(h)"

On page 3, line 5, after "must" insert "include efforts and progress in reducing firearm deaths by suicide and must"

Representatives Ybarra and Gildon spoke in favor of the adoption of the amendment to the committee striking amendment.

Representative Walen spoke against the adoption of the amendment to the committee striking amendment.

Amendment (2025) to the committee striking amendment was not adopted.

Representative Young moved the adoption of amendment (2053) to the committee striking amendment:

22.0. On page 2, line 37 of the striking amendment, after "firearm" insert "safety, suicide, and"

On page 3, line 34 of the striking amendment, after "firearm" insert "safety, suicide, and"

Representative Young spoke in favor of the adoption of the amendment to the committee striking amendment.

Representative Walen spoke against the adoption of the amendment to the committee striking amendment.

Amendment (2053) to the committee striking amendment was not adopted.

Representative Stokesbary moved the adoption of amendment (2047) to the committee striking amendment:

22.0. On page 2, beginning on line 37 of the striking amendment, after "Administering" strike all material through "program" on line 38 and insert "performance-based contracts"

On page 3, beginning on line 34 of the striking amendment, after "(1)" strike all material through "is" on line 36 and insert "It is the intent of the legislature that the office is authorized to engage in competitive contracting using performance-based contracts"

On page 4, line 3 of the striking amendment, after "(2)" strike "Program grants" and insert "The office must use competitive performance-based contracting to award contracts based on factors that include but are not limited to demonstrated ability to perform the contract effectively, past performance of the contractor, financial strength of the contractor, and merits of a proposal for services submitted by the contractor. Contracts"

On page 4, line 13 of the striking amendment, after "(3)" strike "Program grants" and insert "Contracts"

On page 4, line 19 of the striking amendment, after "for a" strike "program grant" and insert "contract"

On page 4, line 22 of the striking amendment, after "the" strike "grant" and insert "contract"

On page 4, at the beginning of line 24 of the striking amendment, strike "grant" and insert "contract"

On page 4, at the beginning of line 27 of the striking amendment, strike "grant" and insert "contract"

On page 4, line 32 of the striking amendment, after "awarding" strike "program grants" and insert "contracts"

On page 4, line 33 of the striking amendment, after "whose" strike "grant"

On page 4, line 36 of the striking amendment, after "a" strike "program grant" and insert "contract"

On page 4, line 37 of the striking amendment, after "the" strike "grant"

On page 5, line 3 of the striking amendment, after "a" strike "grant"

On page 5, line 9 of the striking amendment, after "Each" strike "grantee" and insert "contractor"

On page 5, line 10 of the striking amendment, after ", the" strike "grantee's" and insert "contractor's"

On page 5, line 11 of the striking amendment, after "the" strike "grant" and insert "contract"

On page 5, line 13 of the striking amendment, after "community-based" strike "grant-funded"

On page 5, line 14 of the striking amendment, after "the" strike "grant program's" and insert "contract's"

On page 5, after line 14 of the striking amendment, insert the following:

"(10) The office is tasked with developing metrics to ensure contracts achieve a reduction in firearm-related violence in the communities served."

Representatives Stokesbary, Hoff, Boehnke and Corry spoke in favor of the adoption of the amendment to the committee striking amendment.



Representative Peterson spoke against the adoption of the amendment to the committee striking amendment.

Amendment (2047) to the committee striking amendment was not adopted.

Representative Young moved the adoption of amendment (2011) to the committee striking amendment:

22.0. On page 3, after line 6 of the striking amendment, insert the following:

"(4)(a) The department shall establish an oversight board to oversee and monitor the office and ensure fidelity and accountability to its stated statutory purpose.

(b)(i) Membership shall consist of, but is not limited to, the following:

(A) Two senators and two representatives from the legislature with one member from each major caucus;

(B) One constitutional rights advocate;

(C) One firearm rights advocate;

(D) One firearm responsibility advocate;

(E) Two law enforcement representatives;

(F) One tribal representative from west of the crest of the Cascade mountains;

(G) One tribal representative from east of the crest of the Cascade mountains; and

(H) One citizens from eastern Washington and one citizen from Western Washington.

(ii) The senate members of the board shall be appointed by the leaders of the two major caucuses of the senate. The house of representatives members of the board shall be appointed by the leaders of the two major caucuses of the house of representatives. Members shall be appointed before the close of each regular session of the legislature during an even-numbered year.

(iii) The remaining board members shall be appointed by the secretary, subject to the approval of the appointed legislators by majority vote and serve three-year terms.

(c) Staff support for the board shall be provided by the department not to exceed one full-time equivalent employee. The board-selected executive director of the board is responsible for coordinating staff appointments.

(d) The board has the following powers, which may be exercised by majority vote of the board:

(i) To receive reports of the office;

(ii) To obtain access to all relevant records in the possession of the office, except as prohibited by law;

(iii) To select its officers and adoption of rules for orderly procedure;

(iv) To request and receive information, outcome data, documents, materials, and records from the office relating to

evidence-based firearm violence intervention and prevention strategies, including information related to suicide prevention;

(v) To determine whether the office is achieving its stated purpose; and

(vi) To conduct annual reviews of a sample of office contracts for services to ensure that those contracts are performance-based and to assess the measures included in each contract.

(e) The board has general oversight over the performance and policies of the office and shall provide advice and input to the department and the governor.

(f) The board members shall receive no compensation for their service on the board, but shall be reimbursed for travel expenses incurred while conducting business of the board when authorized by the board and within resources allocated for this purpose, except appointed legislators who shall be reimbursed for travel expenses in accordance with RCW 43.03.050 and 43.03.060.

(g) The board shall meet two times a year. The board shall issue an annual report to the governor and legislature by December 1st of each year with an initial report delivered by December 1, 2020. The report must review the office's progress towards meeting stated goals and desired outcomes and must also include a review of the office's strategic plan, policies, and rules."

Representatives Young, Irwin, Walsh, Kraft and Corry spoke in favor of the adoption of the amendment to the committee striking amendment.

Representative Kilduff spoke against the adoption of the amendment to the committee striking amendment.

Amendment (2011) to the committee striking amendment was not adopted.

Representative Ybarra moved the adoption of amendment (2024) to the committee striking amendment:

22.0. On page 4, line 2 of the striking amendment, after "suicides" insert "and gang-related activity"

Representatives Ybarra, Schmick, Eslick and Sutherland spoke in favor of the adoption of the amendment to the committee striking amendment.

Representative Kilduff spoke against the adoption of the amendment to the committee striking amendment.

Amendment (2024) to the committee striking amendment was not adopted.

Representative Shea moved the adoption of amendment (2061) to the committee striking amendment:

22.0. On page 4, line 12 of the striking amendment, after "violence." insert "Program grants may not be used for any firearm buy-back program or other

initiative that involves using taxpayer funds for the physical reduction of firearms."

On page 4, line 22 of the striking amendment, after "grant" insert ", which may not involve using taxpayer funds for the physical reduction of firearms"

On page 4, line 25 of the striking amendment, after "initiative" insert ", which may not include any firearm buy-back program or other initiative that involves using taxpayer funds for the physical reduction of firearms,"

Representative Shea and Shea (again) spoke in favor of the adoption of the amendment to the committee striking amendment.

Representative Peterson spoke against the adoption of the amendment to the committee striking amendment.

Amendment (2061) to the committee striking amendment was not adopted.

Representative Irwin moved the adoption of amendment (2055) to the committee striking amendment:

22.0. On page 4, line 33 of the striking amendment, after "to" insert "law enforcement agencies impacted by firearm violence against officers and"

Representatives Irwin, Irwin (again), Walsh, Walsh (again) and Sutherland spoke in favor of the adoption of the amendment to the committee striking amendment.

Representatives Valdez and Kilduff spoke against the adoption of the amendment to the committee striking amendment.

Amendment (2005) to the committee striking amendment was not adopted.

Representative Walsh moved the adoption of amendment (2009) to the committee striking amendment:

22.0. On page 4, beginning on line 35 of the striking amendment, after "community" strike ", without contributing to mass incarceration"

Representative Walsh and Walsh (again) spoke in favor of the adoption of the amendment to the committee striking amendment.

Representative Peterson spoke against the adoption of the amendment to the committee striking amendment.

Amendment (2009) to the committee striking amendment was not adopted.

Representative Irwin moved the adoption of amendment (2004) to the committee striking amendment:

22.0. On page 4, line 39 of the striking amendment, after "organizations" insert "that are primarily

dedicated to community safety, victims' rights, or violence prevention"

Representative Irwin spoke in favor of the adoption of the amendment to the committee striking amendment.

Representative Valdez spoke against the adoption of the amendment to the committee striking amendment.

Amendment (2004) to the committee striking amendment was not adopted.

Representative Griffey moved the adoption of amendment (2052) to the committee striking amendment:

22.0. On page 4, line 39 of the striking amendment, after "organizations;" strike "and"

On page 5, line 1 of the striking amendment, after "(b)" insert "Indian tribes and tribal organizations; and

(c)"

Representatives Griffey and Kilduff spoke in favor of the adoption of the amendment to the committee striking amendment.

Amendment (2052) to the committee striking amendment was adopted.

Representative Walsh moved the adoption of amendment (2050) to the committee striking amendment:

22.0. On page 5, after line 14 of the striking amendment, insert the following:

"NEW SECTION. Sec. 7. (1) The department shall establish the public safety and firearm rights commission, consisting of ten individuals.

(2) Commission membership shall consist of the following:

(a) Two senators and two representatives from the legislature with one member from each major caucus;

(b) One citizen appointed by each major caucus;

(c) A representative of the Washington association of sheriffs and police chiefs, appointed by the secretary; and

(d) A representative of a national second amendment rights organization, appointed by the secretary.

(3) The duty of the commission is to research, identify, and recommend legislative policy options to promote the implementation of policies that promote the rights of law-abiding citizens under Article I, section 24 of the state Constitution and the Second Amendment of the United States Constitution.

(4) Commissioners may not receive compensation for their service on the commission, but may be reimbursed for travel expenses incurred while conducting business of the commission when authorized by the commission and within resources allocated for this purpose, except appointed

legislators must be reimbursed for travel expenses in accordance with RCW 43.03.050 and 43.03.060.

(g) The commission shall meet two times a year. The commission shall issue an annual report to the governor and legislature by December 1st of each year with an initial report delivered by December 1, 2020."

Renumber the remaining sections consecutively and correct any internal references accordingly.

On 5, line 15 of the striking amendment, after "through" strike "6" and insert "7"

### POINT OF ORDER

Representative Stonier requested a scope and object ruling on amendment (2050) to the committee amendment to ESSB 6288.

### SPEAKER'S RULING

Madame Speaker (Representative Orwall presiding): "The title of the bill is an act relating to the Washington office of firearm safety and violence prevention. The bill establishes the office of firearm safety and violence prevention and describes its duties. The amendment creates an entirely different entity with an entirely different purpose. The Speaker therefore finds and rules that the amendment is outside the scope and object of the bill. The point of order is well taken."

The committee amendment, as amended, was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representative Kilduff spoke in favor of the passage of the bill.

Representatives Irwin, Sutherland and Walsh spoke against the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Substitute Senate Bill No. 6288, as amended by the House.

### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 6288, as amended by the House, and the bill passed the House by the following vote: Yeas, 53; Nays, 44; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Bergquist, Callan, Chapman, Chopp, Cody, Davis, Doglio, Dolan, Duerr, Entenman, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hansen, Hudgins, J. Johnson, Kilduff, Kirby, Kloba, Lekanoff, Lovick, Macri, Morgan, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Ryu, Santos, Sells, Senn, Shewmake, Slatter, Springer, Stonier, Sullivan, Tarleton, Thai, Tharinger, Valdez, Walen, Wylie and Mme. Speaker.

Voting nay: Representatives Barkis, Blake, Boehnke, Caldier, Chambers, Chandler, Corry, DeBolt, Dent, Dufault, Dye, Eslick, Gildon, Goehner, Graham, Griffey, Harris, Hoff, Irwin, Jenkin, Klippert, Kraft, Kretz, Leavitt, MacEwen, Maycumber, McCaslin, Mosbrucker, Orcutt, Paul, Rude, Schmick, Shea, Smith, Steele, Stokesbary, Sutherland, Van Werven, Vick, Volz, Walsh, Wilcox, Ybarra and Young.

Excused: Representative Mead.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6288, as amended by the House, having received the necessary constitutional majority, was declared passed.

There being no objection, the House advanced to the eighth order of business.

### MOTION

There being no objection, the Committee on Rules was relieved of the following bills and the bills were placed on the second reading calendar:

ENGROSSED SUBSTITUTE SENATE BILL NO. 5006  
 SUBSTITUTE SENATE BILL NO. 5011  
 THIRD SUBSTITUTE SENATE BILL NO. 5164  
 ENGROSSED SENATE BILL NO. 5457  
 ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5549  
 SUBSTITUTE SENATE BILL NO. 5679  
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5759  
 SUBSTITUTE SENATE BILL NO. 6022  
 SENATE BILL NO. 6066  
 SUBSTITUTE SENATE BILL NO. 6072  
 SUBSTITUTE SENATE BILL NO. 6086  
 SENATE BILL NO. 6090  
 SENATE BILL NO. 6102  
 SENATE BILL NO. 6103  
 SUBSTITUTE SENATE BILL NO. 6142  
 ENGROSSED SENATE BILL NO. 6238  
 SUBSTITUTE SENATE BILL NO. 6256  
 SUBSTITUTE SENATE BILL NO. 6257  
 SUBSTITUTE SENATE BILL NO. 6408  
 ENGROSSED SUBSTITUTE SENATE BILL NO. 6419  
 SUBSTITUTE SENATE BILL NO. 6429  
 SECOND SUBSTITUTE SENATE BILL NO. 6478  
 ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 6518  
 SECOND SUBSTITUTE SENATE BILL NO. 6528  
 ENGROSSED SUBSTITUTE SENATE BILL NO. 6574  
 SENATE BILL NO. 6623  
 SUBSTITUTE SENATE BILL NO. 6660

There being no objection, the House reverted to the sixth order of business.

### SECOND READING

**SECOND ENGROSSED SECOND SUBSTITUTE  
SENATE BILL NO. 5720, by Senate Committee on Ways  
& Means (originally sponsored by Dhingra, Wagoner  
and Kuderer)**

**Concerning the involuntary treatment act.**

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Civil Rights & Judiciary was not adopted. (For Committee amendment, see Journal, Day 47, February 28, 2020).

There being no objection, the committee striking amendment by the Committee on Appropriations was before the House for purpose of amendment. (For Committee amendment, see Journal, Day 50, March 2, 2020).

Representative Klippert moved the adoption of amendment (1856) to the committee striking amendment:

22.0. On page 25, line 37 of the striking amendment, after "detain" insert "and transport"

On page 28, line 6 of the striking amendment, after "detain" insert "and transport"

On page 30, line 15 of the striking amendment, after "detain" insert "and transport"

Representative Klippert spoke in favor of the adoption of the amendment to the committee striking amendment.

Representative Kilduff spoke against the adoption of the amendment to the committee striking amendment.

Amendment (1856) to the committee striking amendment was not adopted.

Representative Klippert moved the adoption of amendment (2091) to the committee striking amendment:

22.0. On page 68, line 34 of the striking amendment, after "person" strike "~~((both))~~" and insert "both"

On page 68, line 35 of the striking amendment, after "orally" strike "~~((and))~~ or" and insert "and"

On page 70, line 37 of the striking amendment, after "person" strike "~~((both))~~" and insert "both"

On page 70, line 38 of the striking amendment, after "orally" strike "~~((and))~~ or" and insert "and"

On page 72, line 39 of the striking amendment, after "person" strike "~~((both))~~" and insert "both"

On page 73, line 1 of the striking amendment, after "orally" strike "~~((and))~~ or" and insert "and"

Representatives Klippert and Kilduff spoke in favor of the adoption of the amendment to the committee striking amendment.

Amendment (2091) to the committee striking amendment was adopted.

Representative Kilduff moved the adoption of amendment (2095) to the committee striking amendment:

22.0. On page 174, line 24 of the striking amendment, after "Commencing" strike "September" and insert "July"

Representatives Kilduff and Irwin spoke in favor of the adoption of the amendment to the committee striking amendment.

Amendment (2095) to the committee striking amendment was adopted.

Representative Frame moved the adoption of amendment (2096) to the committee striking amendment:

22.0. On page 176, line 18 of the striking amendment, after "4" strike ", 28, 64, and 81" and insert "and 28"

On page 176, line 22 of the striking amendment, after "4" strike ", 28, 64, and 81" and insert "and 28"

On page 176, after line 25 of the striking amendment, insert the following:

**"NEW SECTION. Sec. 111.** (1) Sections 64 and 81 of this act take effect when the average wait time for children's long-term inpatient placement admission is 30 days or less for two consecutive quarters.

(2) The health care authority must provide written notice of the effective date of sections 64 and 81 of this act to affected parties, the chief clerk of the house of representatives, the secretary of the senate, the office of the code reviser, and others as deemed appropriate by the authority."

Renumber the remaining sections consecutively and correct any internal references accordingly.

Representatives Frame and Irwin spoke in favor of the adoption of the amendment to the committee striking amendment.

Amendment (2096) to the committee striking amendment was adopted.

The committee striking amendment, as amended, was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Kilduff, Irwin, Dye and Harris spoke in favor of the passage of the bill.

Representative Santos spoke against the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Second Engrossed Second Substitute Senate Bill No. 5270, as amended by the House.

### ROLL CALL

The Clerk called the roll on the final passage of Second Engrossed Second Substitute Senate Bill No. 5270, as amended by the House, and the bill passed the House by the following vote: Yeas, 95; Nays, 2; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Morgan, Mosbrucker, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Schmick, Sells, Senn, Shea, Shewmake, Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Voting nay: Representatives Orcutt and Santos.

Excused: Representative Mead.

SECOND ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5270, as amended by the House, having received the necessary constitutional majority, was declared passed.

### SENATE BILL NO. 6187, by Senator Zeiger

**Modifying the definition of personal information for notifying the public about data breaches of a state or local agency system.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Boehnke and Hudgins spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Senate Bill No. 6187.

### ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 6187, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, DeBolt,

Dent, Doglio, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shea, Shewmake, Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Excused: Representative Mead.

SENATE BILL NO. 6187, having received the necessary constitutional majority, was declared passed.

**ENGROSSED SUBSTITUTE SENATE BILL NO. 6287, by Senate Committee on Law & Justice (originally sponsored by Pedersen, Holy, Dhingra, Rivers, Kuderer, Salomon, Conway, Keiser, Wilson and C.)**

### Concerning guardianships and conservatorships.

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Civil Rights & Judiciary was adopted. (For Committee amendment, see Journal, Day 47, February 28, 2020).

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Kilduff and Dufault spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Substitute Senate Bill No. 6287, as amended by the House.

### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 6287, as amended by the House, and the bill passed the House by the following vote: Yeas, 91; Nays, 6; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Duerr, Dufault, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, Morgan, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Sells, Senn, Shewmake, Slatter, Smith, Springer, Steele, Stokesbary,

Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Voting nay: Representatives Dye, Kraft, McCaslin, Mosbrucker, Schmick and Shea.

Excused: Representative Mead.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6287, as amended by the House, having received the necessary constitutional majority, was declared passed.

**SECOND SUBSTITUTE SENATE BILL NO. 6561, by Senate Committee on Ways & Means (originally sponsored by Liias, Saldaña, Das, Nguyen, Hasegawa, Stanford, Dhingra, Hunt, Kuderer, Wellman, Wilson and C.)**

**Creating the undocumented student support loan program.**

The bill was read the second time.

There being no objection, the committee striking amendment by the Committee on College & Workforce Development was before the House for purpose of amendment. (For Committee amendment, see Journal, Day 47, February 28, 2020).

Representative Gregerson moved the adoption of amendment (2063) to the committee striking amendment:

22.0. On page 1, line 26 of the striking amendment, after "student" strike "as defined in RCW 28B.15.012"

On page 2, after line 10 of the striking amendment, insert the following:

"(5) Resident student means:

(a) A financially independent student who has had a domicile in the state of Washington for the period of one year immediately prior to the time of commencement of the first day of the semester or quarter for which the student has registered at any institution and has in fact established a bona fide domicile in this state primarily for purposes other than educational;

(b) A dependent student, if one or both of the student's parents or legal guardians have maintained a bona fide domicile in the state of Washington for at least one year immediately prior to commencement of the semester or quarter for which the student has registered at any institution;

(c) Any student:

(i) Who has spent at least seventy-five percent of both his or her junior and senior years in high schools in this state;

(ii) Whose parents or legal guardians have been domiciled in the state for a period of at least one year within the five-year period before the student graduates from high school; and

(iii) Who enrolls in a public institution of higher education within six months of leaving high school, for as long as the student remains continuously enrolled for three quarters or two semesters in any calendar year; or

(d) Any person:

(i) Who has completed the full senior year of high school and obtained a high school diploma, both at a Washington public high school or private high school approved under chapter 28A.195 RCW, or a person who has received the equivalent of a diploma;

(ii) Who has lived in Washington for at least three years immediately prior to receiving the diploma or its equivalent;

(iii) Who has continuously lived in the state of Washington after receiving the diploma or its equivalent and until such time as the individual is admitted to an institution of higher education; and

(iv) Who provides to the institution an affidavit indicating that the individual will file an application to become a permanent resident at the earliest opportunity the individual is eligible to do so and a willingness to engage in any other activities necessary to acquire citizenship, including but not limited to citizenship or civics review courses."

Representatives Gregerson and Van Werven spoke in favor of the adoption of the amendment to the committee striking amendment.

Amendment (2063) to the committee striking amendment was adopted.

Representative DeBolt moved the adoption of amendment (2066) to the committee striking amendment:

22.0. On page 1, line 26 of the striking amendment, after "student" strike "as defined in RCW 28B.15.012"

On page 2, after line 10 of the striking amendment, insert the following:

"(5) "Resident student" means:

(a) Any student:

(i) Who has spent at least seventy-five percent of both his or her junior and senior years in high schools in this state;

(ii) Whose parents or legal guardians have been domiciled in the state for a period of at least one year within the five-year period before the student graduates from high school; and

(iii) Who enrolls in a public institution of higher education within six months of leaving high school, for as long as the student remains continuously enrolled for three quarters or two semesters in any calendar year; or

(b) Any person:

(i) Who has completed the full senior year of high school and obtained a high school diploma, both at a Washington public high school or private high school approved under chapter 28A.195 RCW, or a person who has received the equivalent of a diploma;

(ii) Who has lived in Washington for at least three years immediately prior to receiving the diploma or its equivalent;

(iii) Who has continuously lived in the state of Washington after receiving the diploma or its equivalent and until such time as the individual is admitted to an institution of higher education; and

(iv) Who provides to the institution an affidavit indicating that the individual will file an application to become a permanent resident at the earliest opportunity the individual is eligible to do so and a willingness to engage in any other activities necessary to acquire citizenship, including but not limited to citizenship or civics review courses."

Representatives DeBolt and Corry spoke in favor of the adoption of the amendment to the committee striking amendment.

Representative Hansen spoke against the adoption of the amendment to the committee striking amendment.

Amendment (2066) to the committee striking amendment was not adopted.

With the consent of the House, amendment (2048) to the committee striking amendment was withdrawn.

Representative Caldier moved the adoption of amendment (2076) to the committee striking amendment:

22.0. On page 3, line 17 of the striking amendment, after "(7)" insert "Student loans issued under the program shall follow the requirements under 11 U.S.C. Sec. 523 regarding dischargeability in bankruptcy.

(8)"

Renumber the remaining subsections consecutively and correct any internal references accordingly.

Representatives Caldier and Hansen spoke in favor of the adoption of the amendment to the committee striking amendment.

Amendment (2076) to the committee striking amendment was adopted.

Representative Gildon moved the adoption of amendment (2068) to the committee striking amendment:

22.0. On page 4, line 5 of the striking amendment, after "(3)" insert "(a)"

On page 4, after line 12 of the striking amendment, insert the following:

"(b) In any year that the fund balance of the account is ten million dollars or more on the last day of the fiscal year, no state match shall be required the following year."

Representatives Gildon and Hansen spoke in favor of the adoption of the amendment to the committee striking amendment.

Amendment (2068) to the committee striking amendment was adopted.

The committee striking amendment, as amended, was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Van Werven, Ybarra and Sutherland spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Second Substitute Senate Bill No. 6561, as amended by the House.

## ROLL CALL

The Clerk called the roll on the final passage of Second Substitute Senate Bill No. 6561, as amended by the House, and the bill passed the House by the following vote: Yeas, 82; Nays, 15; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Barkis, Bergquist, Boehnke, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Duerr, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hudgins, Irwin, J. Johnson, Kilduff, Kirby, Kloba, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, Morgan, Mosbrucker, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Sells, Senn, Shewmake, Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Volz, Walen, Wilcox, Wylie, Ybarra and Mme. Speaker.

Voting nay: Representatives Blake, Caldier, Dufault, Dye, Hoff, Jenkin, Klippert, Kraft, McCaslin, Orcutt, Schmick, Shea, Vick, Walsh and Young.

Excused: Representative Mead.

SECOND SUBSTITUTE SENATE BILL NO. 6561, as amended by the House, having received the necessary constitutional majority, was declared passed.

**ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5481, by Senate Committee on Ways & Means (originally sponsored by Warnick, Sheldon, Short, Van De Wege, Honeyford, Wagoner, Fortunato and Holy)**

**Establishing a coalition of commissioned officers, detectives, and sergeants of the department of fish and wildlife for the purposes of collective bargaining,**

**including interest arbitration. Revised for 2nd Substitute: (REVISED FOR ENGROSSED: Concerning collective bargaining by fish and wildlife officers.)**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Mosbrucker and Sells spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Second Substitute Senate Bill No. 5481.

### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 5481, and the bill passed the House by the following vote: Yeas, 87; Nays, 10; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Duerr, Dufault, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hudgins, Irwin, J. Johnson, Kilduff, Kirby, Kloba, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Morgan, Mosbrucker, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Sells, Senn, Shea, Shewmake, Slatter, Smith, Springer, Steele, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Voting nay: Representatives Dye, Goehner, Hoff, Jenkin, Klippert, Kraft, Orcutt, Schmick, Stokesbary and Vick.

Excused: Representative Mead.

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5481, having received the necessary constitutional majority, was declared passed.

**SENATE BILL NO. 5519, by Senators Cleveland, King, Takko, Warnick, Short, Braun, Wilson, L. and Honeyford**

**Concerning mosquito control districts.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Pollet and Kraft spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Senate Bill No. 5519.

### ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5519, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shea, Shewmake, Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Excused: Representative Mead.

SENATE BILL NO. 5519, having received the necessary constitutional majority, was declared passed.

**SUBSTITUTE SENATE BILL NO. 6050, by Senate Committee on Health & Long Term Care (originally sponsored by Cleveland, Keiser and Kuderer)**

**Concerning insurance guaranty fund.**

The bill was read the second time.

There being no objection, the committee striking amendment by the Committee on Health Care & Wellness was before the House for purpose of amendment. (For Committee amendment, see Journal, Day 47, February 28, 2020).

Representative DeBolt moved the adoption of amendment (2059) to the committee striking amendment:

22.0. On page 1, beginning on line 3 of the striking amendment, strike all of sections 1 through 4 and insert the following:

**"Sec. 1.** RCW 50B.04.100 and 2019 c 363 s 11 are each amended to read as follows:

(1) The long-term services and supports trust account is created in the custody of the state treasurer. All receipts from employers under RCW 50B.04.080 must be deposited in the account. Expenditures from the account may be used for the administrative activities of the department of social and health services, the health care authority, and the employment security department. Benefits associated with the program must be disbursed from the account by the department of social and health services. Only the secretary



of the department of social and health services or the secretary's designee may authorize disbursements from the account. The account is subject to the allotment procedures under chapter 43.88 RCW. An appropriation is required for administrative expenses, but not for benefit payments. The account must provide reimbursement of any amounts from other sources that may have been used for the initial establishment of the program.

(2) The revenue generated pursuant to this chapter shall be utilized to expand long-term care in the state. These funds may not be used either in whole or in part to supplant existing state or county funds for programs that meet the definition of approved services.

(3) The moneys deposited in the account must remain in the account until expended in accordance with the requirements of this chapter. If moneys are appropriated for any purpose other than supporting the long-term services and supports program, or for the purposes described in section 7 of this act, the legislature shall notify each qualified individual by mail that the person's premiums have been appropriated for an alternate use, describe the alternate use, and state its plan for restoring the funds so that premiums are not increased and benefits are not reduced.

**Sec. 2.** RCW 48.32A.025 and 2001 c 50 s 3 are each amended to read as follows:

(1) This chapter provides coverage for the policies and contracts specified in subsection (2) of this section as follows:

(a) To persons who, regardless of where they reside, except for nonresident certificate holders under group policies or contracts, are the beneficiaries, assignees, or payees of the persons covered under (b) of this subsection;

(b) To persons who are owners of or certificate holders under the policies or contracts, other than unallocated annuity contracts and structured settlement annuities, and in each case who:

(i) Are residents; or

(ii) Are not residents, but only under all of the following conditions:

(A) The insurer that issued the policies or contracts is domiciled in this state;

(B) The states in which the persons reside have associations similar to the association created by this chapter; and

(C) The persons are not eligible for coverage by an association in any other state due to the fact that the insurer was not licensed in the state at the time specified in the state's guaranty association law;

(c) For unallocated annuity contracts specified in subsection (2) of this section, (a) and (b) of this subsection do not apply, and this chapter, except as provided in (e) and (f) of this subsection, does provide coverage to:

(i) Persons who are the owners of the unallocated annuity contracts if the contracts are issued to or in

connection with a specific benefit plan whose plan sponsor has its principal place of business in this state; and

(ii) Persons who are owners of unallocated annuity contracts issued to or in connection with government lotteries if the owners are residents;

(d) For structured settlement annuities specified in subsection (2) of this section, (a) and (b) of this subsection do not apply, and this chapter, except as provided in (e) and (f) of this subsection, does provide coverage to a person who is a payee under a structured settlement annuity, or beneficiary of a payee if the payee is deceased, if the payee:

(i) Is a resident, regardless of where the contract owner resides; or

(ii) Is not a resident, but only under both of the following conditions:

(A)(I) The contract owner of the structured settlement annuity is a resident; or

(II) The contract owner of the structured settlement annuity is not a resident, but the insurer that issued the structured settlement annuity is domiciled in this state; and the state in which the contract owner resides has an association similar to the association created by this chapter; and

(B) Neither the payee, nor beneficiary, nor the contract owner is eligible for coverage by the association of the state in which the payee or contract owner resides;

(e) This chapter does not provide coverage to:

(i) A person who is a payee, or beneficiary, of a contract owner resident of this state, if the payee, or beneficiary, is afforded any coverage by the association of another state; or

(ii) A person covered under (c) of this subsection, if any coverage is provided by the association of another state to the person; and

(f) This chapter is intended to provide coverage to a person who is a resident of this state and, in special circumstances, to a nonresident. In order to avoid duplicate coverage, if a person who would otherwise receive coverage under this chapter is provided coverage under the laws of any other state, the person shall not be provided coverage under this chapter. In determining the application of this subsection (1)(f) in situations where a person could be covered by the association of more than one state, whether as an owner, payee, beneficiary, or assignee, this chapter shall be construed in conjunction with other state laws to result in coverage by only one association.

(2)(a) This chapter provides coverage to the persons specified in subsection (1) of this section for direct, nongroup life, disability, or annuity policies or contracts and supplemental contracts to any of these, for certificates under direct group policies and contracts, and for unallocated annuity contracts issued by member insurers, except as limited by this chapter. Annuity contracts and certificates under group annuity contracts include but are not limited to guaranteed investment contracts, deposit administration

contracts, unallocated funding agreements, allocated funding agreements, structured settlement annuities, annuities issued to or in connection with government lotteries, and any immediate or deferred annuity contracts. However, any annuity contracts that are unallocated annuity contracts are subject to the specific provisions in this chapter for unallocated annuity contracts.

(b) This chapter does not provide coverage for:

(i) A portion of a policy or contract not guaranteed by the insurer, or under which the risk is borne by the policy or contract owner;

(ii) A policy or contract of reinsurance, unless assumption certificates have been issued pursuant to the reinsurance policy or contract;

(iii) A portion of a policy or contract to the extent that the rate of interest on which it is based, or the interest rate, crediting rate, or similar factor determined by use of an index or other external reference stated in the policy or contract employed in calculating returns or changes in value:

(A) Averaged over the period of four years prior to the date on which the member insurer becomes an impaired or insolvent insurer under this chapter, whichever is earlier, exceeds the rate of interest determined by subtracting two percentage points from Moody's corporate bond yield average averaged for that same four-year period or for such lesser period if the policy or contract was issued less than four years before the member insurer becomes an impaired or insolvent insurer under this chapter, whichever is earlier; and

(B) On and after the date on which the member insurer becomes an impaired or insolvent insurer under this chapter, whichever is earlier, exceeds the rate of interest determined by subtracting three percentage points from Moody's corporate bond yield average as most recently available;

(iv) A portion of a policy or contract issued to a plan or program of an employer, association, or other person to provide life, disability, or annuity benefits to its employees, members, or others, to the extent that the plan or program is self-funded or uninsured, including but not limited to benefits payable by an employer, association, or other person under:

(A) A multiple employer welfare arrangement as defined in 29 U.S.C. Sec. 1144;

(B) A minimum premium group insurance plan;

(C) A stop-loss group insurance plan; or

(D) An administrative services only contract;

(v) A portion of a policy or contract to the extent that it provides for:

(A) Dividends or experience rating credits;

(B) Voting rights; or

(C) Payment of any fees or allowances to any person, including the policy or contract owner, in connection with the service to or administration of the policy or contract;

(vi) A policy or contract issued in this state by a member insurer at a time when it was not licensed or did not have a certificate of authority to issue the policy or contract in this state;

(vii) An unallocated annuity contract issued to or in connection with a benefit plan protected under the federal pension benefit guaranty corporation, regardless of whether the federal pension benefit guaranty corporation has yet become liable to make any payments with respect to the benefit plan;

(viii) A portion of an unallocated annuity contract that is not issued to or in connection with a specific employee, union, or association of natural persons benefit plan or a government lottery;

(ix) A portion of a policy or contract to the extent that the assessments required by RCW 48.32A.085 with respect to the policy or contract are preempted by federal or state law;

(x) An obligation that does not arise under the express written terms of the policy or contract issued by the insurer to the contract owner or policy owner, including without limitation:

(A) Claims based on marketing materials;

(B) Claims based on side letters, riders, or other documents that were issued by the insurer without meeting applicable policy form filing or approval requirements;

(C) Misrepresentations of or regarding policy benefits;

(D) Extra-contractual claims; or

(E) A claim for penalties or consequential or incidental damages;

(xi) A contractual agreement that establishes the member insurer's obligations to provide a book value accounting guaranty for defined contribution benefit plan participants by reference to a portfolio of assets that is owned by the benefit plan or its trustee, which in each case is not an affiliate of the member insurer; or

(xii) A portion of a policy or contract to the extent it provides for interest or other changes in value to be determined by the use of an index or other external reference stated in the policy or contract, but which have not been credited to the policy or contract, or as to which the policy or contract owner's rights are subject to forfeiture, as of the date the member insurer becomes an impaired or insolvent insurer under this chapter, whichever is earlier. If a policy's or contract's interest or changes in value are credited less frequently than annually, then for purposes of determining the values that have been credited and are not subject to forfeiture under this subsection (2)(b)(xii), the interest or change in value determined by using the procedures defined in the policy or contract will be credited as if the contractual date of crediting interest or changing values was the date of impairment or insolvency, whichever is earlier, and will not be subject to forfeiture.

(3) The benefits that the association may become obligated to cover shall in no event exceed the lesser of:

(a) The contractual obligations for which the insurer is liable or would have been liable if it were not an impaired or insolvent insurer; or

(b)(i) With respect to one life, regardless of the number of policies or contracts:

(A) Five hundred thousand dollars in life insurance death benefits, but not more than five hundred thousand dollars in net cash surrender and net cash withdrawal values for life insurance;

(B) In disability insurance benefits:

(I) Five hundred thousand dollars for coverages not defined as disability income insurance or basic hospital, medical, and surgical insurance or major medical insurance including any net cash surrender and net cash withdrawal values;

(II) Five hundred thousand dollars for disability income insurance;

(III) Five hundred thousand dollars for basic hospital medical and surgical insurance or major medical insurance; ((or))

(IV) Five hundred thousand dollars for long-term care insurance; or

(C) Five hundred thousand dollars in the present value of annuity benefits, including net cash surrender and net cash withdrawal values, except as provided in (ii), (iii), and (v) of this subsection (3)(b);

(ii) With respect to each individual participating in a governmental retirement benefit plan established under section 401, 403(b), or 457 of the United States Internal Revenue Code covered by an unallocated annuity contract or the beneficiaries of each such individual if deceased, in the aggregate, one hundred thousand dollars in present value annuity benefits, including net cash surrender and net cash withdrawal values;

(iii) With respect to each payee of a structured settlement annuity, or beneficiary or beneficiaries of the payee if deceased, five hundred thousand dollars in present value annuity benefits, in the aggregate, including net cash surrender and net cash withdrawal values, if any;

(iv) However, in no event shall the association be obligated to cover more than: (A) An aggregate of five hundred thousand dollars in benefits with respect to any one life under (i), (ii), and (iii) of this subsection (3)(b) except with respect to benefits for basic hospital, medical, and surgical insurance and major medical insurance under (i)(B) of this subsection (3)(b), in which case the aggregate liability of the association shall not exceed five hundred thousand dollars with respect to any one individual; or (B) with respect to one owner of multiple nongroup policies of life insurance, whether the policy owner is an individual, firm, corporation, or other person, and whether the persons insured are officers, managers, employees, or other persons, more than five million dollars in benefits, regardless of the number of policies and contracts held by the owner;

(v) With respect to either: (A) One contract owner provided coverage under subsection (1)(d)(ii) of this section; or (B) one plan sponsor whose plans own directly or in trust one or more unallocated annuity contracts not included in (ii) of this subsection (3)(b), five million dollars in benefits, irrespective of the number of contracts with respect to the contract owner or plan sponsor. However, in the case where one or more unallocated annuity contracts are covered contracts under this chapter and are owned by a trust or other entity for the benefit of two or more plan sponsors, coverage shall be afforded by the association if the largest interest in the trust or entity owning the contract or contracts is held by a plan sponsor whose principal place of business is in this state and in no event shall the association be obligated to cover more than five million dollars in benefits with respect to all these unallocated contracts; or

(vi) The limitations set forth in this subsection are limitations on the benefits for which the association is obligated before taking into account either its subrogation and assignment rights or the extent to which those benefits could be provided out of the assets of the impaired or insolvent insurer attributable to covered policies. The costs of the association's obligations under this chapter may be met by the use of assets attributable to covered policies or reimbursed to the association pursuant to its subrogation and assignment rights.

(4) In performing its obligations to provide coverage under RCW 48.32A.075, the association is not required to guarantee, assume, reinsure, or perform, or cause to be guaranteed, assumed, reinsured, or performed, the contractual obligations of the insolvent or impaired insurer under a covered policy or contract that do not materially affect the economic values or economic benefits of the covered policy or contract."

Renumber the remaining sections consecutively and correct any internal references accordingly.

On page 17, beginning on line 4 of the striking amendment, after "insurer" strike "health care service contractor, or health maintenance organization"

On page 22, beginning on line 7 of the striking amendment, after "insurer" strike "disability insurer, health care service contractor, or health maintenance organization." and insert "or disability insurer,"

On page 26, beginning on line 27 of the striking amendment, after "(c)" strike all material through "insurers" on line 33, and insert "The class B assessment for long-term care insurance written by an impaired or insolvent insurer must be funded by the long-term services and supports trust account established in chapter 50B.04 RCW. The employment security department may not increase the premium rate to fund the class B assessment. Any additional funds necessary for the class B assessment shall be appropriated from the general fund"

On page 28, beginning on line 30 of the striking amendment, after "insurance" strike "health care service contractor business, or health maintenance organization business"

On page 32, beginning on line 9 of the striking amendment, after "insurers" strike "health care service contractors, or health maintenance organizations"

On page 32, beginning on line 15 of the striking amendment, after "insurer" strike "health care service contractor, or health maintenance organization"

On page 35, beginning on line 7 of the striking amendment, strike all of section 12

Representatives DeBolt and Irwin spoke in favor of the adoption of the amendment to the committee striking amendment.

Representative Cody spoke against the adoption of the amendment to the committee striking amendment.

Amendment (2059) to the committee striking amendment was not adopted.

The committee striking amendment was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Cody and Schmick spoke in favor of the passage of the bill.

Representative Corry spoke against the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 6050, as amended by the House.

### ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6050, as amended by the House, and the bill passed the House by the following vote: Yeas, 60; Nays, 37; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Bergquist, Blake, Callan, Chandler, Cody, Davis, DeBolt, Doglio, Dolan, Duerr, Entenman, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hansen, Hudgins, Irwin, J. Johnson, Kilduff, Kirby, Kloba, Leavitt, Lekanoff, Lovick, Macri, Morgan, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Slatter, Smith, Springer, Stonier, Sullivan, Tarleton, Thai, Tharinger, Valdez, Walen, Walsh, Wylie and Mme. Speaker.

Voting nay: Representatives Barkis, Boehnke, Calder, Chambers, Chapman, Chopp, Corry, Dent, Dufault, Dye, Eslick, Gildon, Goehner, Graham, Griffey, Harris, Hoff, Jenkin, Klippert, Kraft, Kretz, MacEwen, Maycumber, McCaslin, Mosbrucker, Orcutt, Rude, Shea, Steele, Stokesbary, Sutherland, Van Werven, Vick, Volz, Wilcox, Ybarra and Young.

Excused: Representative Mead.

SUBSTITUTE SENATE BILL NO. 6050, as amended by the House, having received the necessary constitutional majority, was declared passed.

**SUBSTITUTE SENATE BILL NO. 6065, by Senate Committee on Environment, Energy & Technology (originally sponsored by Brown, Hasegawa, Kuderer, Nguyen, Rolfes, Short, Wilson, L., Das and Wellman)**

**Establishing the Washington blockchain work group.**

The bill was read the second time.

There being no objection, the committee striking amendment by the Committee on Innovation, Technology & Economic Development was before the House for purpose of amendment. (For Committee amendment, see Journal, Day 47, February 28, 2020).

With the consent of the House, amendments (1805), (2055) and (2056) to the committee striking amendment were withdrawn.

Representative Hudgins moved the adoption of amendment (2078) to the committee striking amendment:

22.0. On page 1, line 17 of the striking amendment, after "(c)" insert "The lieutenant governor, or the lieutenant governor's designee;

(d)"

Reletter the remaining subsections consecutively and correct any internal references accordingly.

On page 1, beginning on line 25 of the striking amendment, strike all of subsections (g) and (h)

Reletter the remaining subsections consecutively and correct any internal references accordingly.

On page 2, beginning on line 38 of the striking amendment, after "office of the" strike all material through "group" on page 3, line 2 and insert "lieutenant governor"

On page 3, beginning on line 3 of the striking amendment, strike all of subsection (8)

Renumber the remaining subsections consecutively and correct any internal references accordingly.

Representatives Hudgins and Boehnke spoke in favor of the adoption of the amendment to the committee striking amendment.

Amendment (2078) to the committee striking amendment was adopted.

The committee striking amendment, as amended, was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Boehnke and Kraft spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 6065, as amended by the House.

### ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6065, as amended by the House, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shea, Shewmake, Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Excused: Representative Mead.

SUBSTITUTE SENATE BILL NO. 6065, as amended by the House, having received the necessary constitutional majority, was declared passed.

**ENGROSSED SUBSTITUTE SENATE BILL NO. 6097, by Senate Committee on Health & Long Term Care (originally sponsored by Rolfes, Kuderer, Pedersen, Frockt, Conway, Randall, Carlyle and Saldaña)**

**Requiring the insurance commissioner to review a health carrier's surplus levels as part of its rate filing review process. Revised for 1st Substitute: (REVISED FOR ENGROSSED: Requiring the insurance commissioner to review a health carrier's surplus, capital, or profit levels as part of its rate filing review process.)**

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Health Care & Wellness was adopted. (For Committee amendment, see Journal, Day 47, February 28, 2020).

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Cody, Schmick and Riccelli spoke in favor of the passage of the bill.

Representative Corry spoke against the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Substitute Senate Bill No. 6097, as amended by the House.

### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 6097, as amended by the House, and the bill passed the House by the following vote: Yeas, 83; Nays, 14; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Callan, Chandler, Chapman, Chopp, Cody, Davis, DeBolt, Dent, Doglio, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Hansen, Harris, Hudgins, Irwin, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Kretz, Leavitt, Lekanoff, Lovick, Macri, Maycumber, McCaslin, Morgan, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shea, Shewmake, Slatter, Smith, Steele, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Volz, Walen, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Voting nay: Representatives Caldier, Chambers, Corry, Griffey, Hoff, Jenkin, Kraft, MacEwen, Mosbrucker, Springer, Stokesbary, Van Werven, Vick and Walsh.

Excused: Representative Mead.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6097, as amended by the House, having received the necessary constitutional majority, was declared passed.

**SENATE BILL NO. 6143, by Senators Cleveland, Rivers and Becker**

**Concerning the podiatric medical board.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Cody and Schmick spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Senate Bill No. 6143.

### ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 6143, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shea, Shewmake, Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Excused: Representative Mead.

SENATE BILL NO. 6143, having received the necessary constitutional majority, was declared passed.

The Speaker (Representative Orwall presiding) called upon Representative Lovick to preside.

**SUBSTITUTE SENATE BILL NO. 6158, by Senate Committee on Health & Long Term Care (originally sponsored by Dhingra, Cleveland, Wilson, C., Das, Darnelle, Hunt, Keiser, Kuderer, Lovelett, Randall, Stanford and Carlyle)**

**Concerning model sexual assault protocols for hospitals and clinics.**

The bill was read the second time.

There being no objection, the committee striking amendment by the Committee on Public Safety was before the House for purpose of amendment. (For Committee amendment, see Journal, Day 47, February 28, 2020).

Representative Orwall moved the adoption of amendment (2028) to the committee striking amendment:

22.0. On page 1, line 10 of the striking amendment, after "(b)(i) The" strike "caucus leaders from" and insert "president of"

On page 1, line 12 of the striking amendment, after "(ii) The" strike "caucus leaders from" and insert "speaker of"

Representative Orwall spoke in favor of the adoption of the amendment to the committee striking amendment.

Amendment (2028) to the committee striking amendment was adopted.

The committee striking amendment, as amended, was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Orwall and Klippert spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 6158, as amended by the House.

## ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6158, as amended by the House, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shea, Shewmake, Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Excused: Representative Mead.

SUBSTITUTE SENATE BILL NO. 6158, as amended by the House, having received the necessary constitutional majority, was declared passed.

**SECOND SUBSTITUTE SENATE BILL NO. 6181, by Senate Committee on Ways & Means (originally sponsored by Padden, Pedersen, O'Ban, Warnick and Kuderer)**

**Concerning compensation for parents of minor victims of crime. Revised for 2nd Substitute: Concerning crime victims' compensation.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Goodman and Klippert spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Second Substitute Senate Bill No. 6181.

## ROLL CALL

The Clerk called the roll on the final passage of Second Substitute Senate Bill No. 6181, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shea, Shewmake, Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Excused: Representative Mead.

SECOND SUBSTITUTE SENATE BILL NO. 6181, having received the necessary constitutional majority, was declared passed.

**SUBSTITUTE SENATE BILL NO. 6206, by Senate Committee on Labor & Commerce (originally sponsored by Rivers, King and Stanford)**

**Creating a certificate of compliance for marijuana business premises that meet the statutory qualifications at the time of application.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Peterson spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 6206.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6206, and the bill passed the House by the following vote: Yeas, 84; Nays, 13; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, DeBolt, Doglio, Dolan, Duerr, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, J. Johnson, Kirby, Kloba, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, Morgan, Orcutt, Ormsby, Ortiz-Self, Orwall,

Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Voting nay: Representatives Boehnke, Dent, Dufault, Dye, Jenkin, Kilduff, Klippert, Kraft, McCaslin, Mosbrucker, Shea, Smith and Van Werven.

Excused: Representative Mead.

SUBSTITUTE SENATE BILL NO. 6206, having received the necessary constitutional majority, was declared passed.

**SENATE BILL NO. 6423, by Senators Cleveland, Darneille, Wilson and C.**

**Concerning reports alleging child abuse and neglect.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Senn and Dent spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Senate Bill No. 6423.

#### ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 6423, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shea, Shewmake, Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Excused: Representative Mead.

SENATE BILL NO. 6423, having received the necessary constitutional majority, was declared passed.

**ENGROSSED SUBSTITUTE SENATE BILL NO. 6442, by Senate Committee on Human Services, Reentry & Rehabilitation (originally sponsored by Saldaña,**

**Wilson, C., Salomon, McCoy, Wellman, Stanford, Hasegawa, Kuderer, Pedersen, Nguyen, Frockt and Das)**

**Concerning private detention facilities. Revised for 1st Substitute: Concerning the private detainment of individuals.**

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Public Safety was adopted. (For Committee amendment, see Journal, Day 47, February 28, 2020).

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Ortiz-Self and Doglio spoke in favor of the passage of the bill.

Representative Klippert spoke against the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Substitute Senate Bill No. 6442, as amended by the House.

#### **ROLL CALL**

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 6442, as amended by the House, and the bill passed the House by the following vote: Yeas, 64; Nays, 33; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Bergquist, Blake, Caldier, Callan, Chandler, Chapman, Chopp, Cody, Davis, Doglio, Dolan, Duerr, Entenman, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Griffey, Hansen, Hudgins, J. Johnson, Kilduff, Kirby, Kloba, Leavitt, Lekanoff, Lovick, MacEwen, Macri, McCaslin, Morgan, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Sells, Senn, Shea, Shewmake, Slatter, Springer, Stonier, Sullivan, Tarleton, Thai, Tharinger, Valdez, Walen, Wylie, Young and Mme. Speaker.

Voting nay: Representatives Barkis, Boehnke, Chambers, Corry, DeBolt, Dent, Dufault, Dye, Eslick, Gildon, Goehner, Graham, Harris, Hoff, Irwin, Jenkin, Klippert, Kraft, Kretz, Maycumber, Mosbrucker, Orcutt, Schmick, Smith, Steele, Stokesbary, Sutherland, Van Werven, Vick, Volz, Walsh, Wilcox and Ybarra.

Excused: Representative Mead.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6442, as amended by the House, having received the necessary constitutional majority, was declared passed.

**SUBSTITUTE SENATE BILL NO. 6476, by Senate Committee on Human Services, Reentry & Rehabilitation (originally sponsored by Stanford, Darneille, Wilson, C., Nguyen, Hasegawa and Saldaña)**

**Increasing and expanding access of inmates and immediate family members of inmates to services provided within correctional facilities.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Goodman and Appleton spoke in favor of the passage of the bill.

Representative Klippert spoke against the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 6476.

#### **ROLL CALL**

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6476, and the bill passed the House by the following vote: Yeas, 68; Nays, 29; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Bergquist, Blake, Caldier, Callan, Chandler, Chapman, Chopp, Cody, Davis, Doglio, Dolan, Duerr, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Gregerson, Griffey, Hansen, Hudgins, Irwin, J. Johnson, Kilduff, Kirby, Kloba, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Morgan, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Sells, Senn, Shewmake, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Walen, Wylie and Mme. Speaker.

Voting nay: Representatives Barkis, Boehnke, Chambers, Corry, DeBolt, Dent, Dufault, Dye, Graham, Harris, Hoff, Jenkin, Klippert, Kraft, Kretz, Maycumber, McCaslin, Mosbrucker, Orcutt, Schmick, Shea, Smith, Van Werven, Vick, Volz, Walsh, Wilcox, Ybarra and Young.

Excused: Representative Mead.

SUBSTITUTE SENATE BILL NO. 6476, having received the necessary constitutional majority, was declared passed.

**ENGROSSED SUBSTITUTE SENATE BILL NO. 6540, by Senate Committee on Ways & Means (originally sponsored by Wilson, C., Wellman, Dhingra, Hasegawa, Kuderer and Saldaña)**

**Concerning working connections child care payment authorizations.**

The bill was read the second time.



There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Senn and Dent spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Substitute Senate Bill No. 6540.

### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 6540, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shea, Shewmake, Slatte, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Excused: Representative Mead.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6540, having received the necessary constitutional majority, was declared passed.

The Speaker (Representative Lovick presiding) called upon Representative Orwall to preside.

**ENGROSSED SUBSTITUTE SENATE BILL NO. 5006, by Senate Committee on Labor & Commerce (originally sponsored by Takko, Fortunato, Palumbo and Mullet)**

**Allowing the sale of wine by microbrewery license holders. Revised for 1st Substitute: Allowing the sale of wine by microbrewery license holders. (REVISED FOR ENGROSSED: Creating a new on-premises endorsement for domestic wineries and domestic breweries and microbreweries.)**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives MacEwen and Kloba spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Engrossed Substitute Senate Bill No. 5006.

### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 5006, and the bill passed the House by the following vote: Yeas, 96; Nays, 1; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, DeBolt, Dent, Doglio, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shea, Shewmake, Slatte, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Voting nay: Representative Davis.

Excused: Representative Mead.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5006, having received the necessary constitutional majority, was declared passed.

**THIRD SUBSTITUTE SENATE BILL NO. 5164, by Senate Committee on Ways & Means (originally sponsored by Saldaña, Hasegawa, Frock, Palumbo, Keiser, Nguyen, Wilson, C. and Darneille)**

**Providing public assistance to certain victims of human trafficking. Revised for 3rd Substitute: Providing public assistance to victims of certain crimes including human trafficking.**

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Human Services and Early Learning was not adopted. (For Committee amendment, see Journal, Day 47, February 28, 2020).

There being no objection, the committee amendment by the Committee on Appropriations was adopted. (For Committee amendment, see Journal, Day 50, March 2, 2020).

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representative Pellicciotti and Stokesbary spoke in favor of the passage of the bill.

Representative Dent spoke against the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Third Substitute Senate Bill No. 5164, as amended by the House.

### ROLL CALL

The Clerk called the roll on the final passage of Third Substitute Senate Bill No. 5164, as amended by the House, and the bill passed the House by the following vote: Yeas, 89; Nays, 8; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, DeBolt, Doglio, Dolan, Duerr, Dufault, Dye, Entenman, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, J. Johnson, Kilduff, Kirby, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shea, Shewmake, Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Wilcox, Wylie, Ybarra and Mme. Speaker.

Voting nay: Representatives Dent, Eslick, Jenkin, Klippert, McCaslin, Shea, Walsh and Young.

Excused: Representative Mead.

THIRD SUBSTITUTE SENATE BILL NO. 5164, as amended by the House, having received the necessary constitutional majority, was declared passed.

**ENGROSSED SENATE BILL NO. 5457, by Senators Keiser, Saldaña, Conway, Hasegawa, Hunt and Nguyen**

**Naming of subcontractors by prime contract bidders on public works contracts.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Tharinger and Steele spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Engrossed Senate Bill No. 5457.

### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Senate Bill No. 5457, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shea, Shewmake, Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Excused: Representative Mead.

ENGROSSED SENATE BILL NO. 5457, having received the necessary constitutional majority, was declared passed.

**ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5549, by Senate Committee on Ways & Means (originally sponsored by Liias, King, Hunt and Braun)**

**Modernizing resident distillery marketing and sales restrictions.**

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Commerce & Gaming was adopted. (For Committee amendment, see Journal, Day 44, February 25, 2020).

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Peterson, MacEwen, Vick, Caldier and Riccelli spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Engrossed Second Substitute Senate Bill No. 5549, as amended by the House.

### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 5549, as amended by the House, and the bill passed the House by the following vote: Yeas, 89; Nays, 8; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Chambers, Chandler, Chapman, Chopp, Cody, Corry, DeBolt, Dent, Doglio, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, J. Johnson, Kirby, Klippert, Kloba, Kraft, Kretz, Lekanoff, Lovick, MacEwen, Macri, Maycumber,

McCaslin, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Ramel, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Shea, Shewmake, Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra and Young.

Voting nay: Representatives Callan, Davis, Kilduff, Leavitt, Pollet, Ramos, Senn and Mme. Speaker.

Excused: Representative Mead.

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5549, as amended by the House, having received the necessary constitutional majority, was declared passed.

**ENGROSSED SUBSTITUTE SENATE BILL NO. 5759, by Senate Committee on Health & Long Term Care (originally sponsored by Cleveland, Rivers, Conway, Bailey, Wilson, L., Short and Keiser)**

**Increasing opportunities for the use of remote technology in eye exams. Revised for 1st Substitute: Increasing opportunities for the use of remote technology in corrective lens prescriptions.**

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Appropriations was adopted. (For Committee amendment, see Journal, Day 50, March 2, 2020).

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Cody and Schmick spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Engrossed Substitute Senate Bill No. 5759, as amended by the House.

#### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 5759, as amended by the House, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shea, Shewmake,

Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Excused: Representative Mead.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5759, as amended by the House, having received the necessary constitutional majority, was declared passed.

**SENATE BILL NO. 5811, by Senators Nguyen, Rolfes, Wilson, C., Liias, Das, Hunt, Kuderer and Saldaña**

**Reducing emissions by making changes to the clean car standards and clean car program.**

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Environment & Energy was adopted. (For Committee amendment, see Journal, Day 43, February 24, 2020).

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Fitzgibbon and Kloba spoke in favor of the passage of the bill.

Representatives DeBolt, Dye and Walsh spoke against the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Senate Bill No. 5811, as amended by the House.

#### ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5811, as amended by the House, and the bill passed the House by the following vote: Yeas: 57 Nays: 40 Absent: 0 Excused: 1.

Voting yea: Representatives Appleton, Bergquist, Callan, Chapman, Chopp, Cody, Davis, Doglio, Dolan, Duerr, Entenman, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hansen, Hudgins, Irwin, Jenkins, Johnson, J., Kilduff, Kirby, Kloba, Leavitt, Lekanoff, Lovick, Macri, Maycumber, Morgan, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Ryu, Santos, Sells, Senn, Shewmake, Slatter, Springer, Stonier, Sullivan, Tarleton, Thai, Tharinger, Valdez, Walen, and Wylie

Voting nay: Representatives Barkis, Blake, Boehnke, Caldier, Chambers, Chandler, Corry, DeBolt, Dent, Dufault, Dye, Eslick, Gildon, Goehner, Graham, Griffey, Harris, Hoff, Jenkin, Klippert, Kraft, Kretz, MacEwen, McCaslin, Mosbrucker, Orcutt, Rude, Schmick, Shea, Smith, Steele, Stokesbary, Sutherland, Van Werven, Vick, Volz, Walsh, Wilcox, Ybarra, and Young

Excused: Representative Mead

SENATE BILL NO. 5811, as amended by the House, having received the necessary constitutional majority, was declared passed.

**SUBSTITUTE SENATE BILL NO. 6072, by Senate Committee on Ways & Means (originally sponsored by Rolfes, Braun and Becker)**

**Dividing the state wildlife account into the fish, wildlife, and conservation account and the limited fish and wildlife account.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Bergquist and MacEwen spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 6072.

**ROLL CALL**

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6072, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shea, Shewmake, Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Excused: Representative Mead.

SUBSTITUTE SENATE BILL NO. 6072, having received the necessary constitutional majority, was declared passed.

**RECONSIDERATION**

There being no objection, the House immediately reconsidered the vote by which SENATE BILL NO. 5811 passed the House.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of

Senate Bill No. 5811, as amended by the House, on reconsideration.

**ROLL CALL**

The Clerk called the roll on the final passage of Senate Bill No. 5811, as amended by the House, on reconsideration, and the bill passed the House by the following vote: Yeas; 55 Nays; 42 Absent; 0 Excused; 1

Voting yea: Representatives Appleton, Bergquist, Callan, Chapman, Chopp, Cody, Davis, Doglio, Dolan, Duerr, Entenman, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hansen, Hudgins, Jenkins, Johnson, J., Kilduff, Kirby, Kloba, Leavitt, Lekanoff, Lovick, Macri, Morgan, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Ryu, Santos, Sells, Senn, Shewmake, Slatter, Springer, Stonier, Sullivan, Tarleton, Thai, Tharinger, Valdez, Walen, and Wylie

Voting nay: Representatives Barkis, Blake, Boehnke, Caldier, Chambers, Chandler, Corry, DeBolt, Dent, Dufault, Dye, Eslick, Gildon, Goehner, Graham, Griffey, Harris, Hoff, Irwin, Jenkin, Klippert, Kraft, Kretz, MacEwen, Maycumber, McCaslin, Mosbrucker, Orcutt, Rude, Schmick, Shea, Smith, Steele, Stokesbary, Sutherland, Van Werven, Vick, Volz, Walsh, Wilcox, Ybarra, and Young

Excused: Representative Mead

SENATE BILL NO. 5811, as amended by the House, on reconsideration, having received the necessary constitutional majority, was declared passed.

**SENATE BILL NO. 6102, by Senators Wellman, Mullet, Wilson, C. and Sheldon**

**Adjusting stop signal requirements for school buses.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Fey and Barkis spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Senate Bill No. 6102.

**ROLL CALL**

The Clerk called the roll on the final passage of Senate Bill No. 6102, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, J. Johnson, Kilduff, Kirby, Klippert, Kloba,

Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shea, Shewmake, Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Excused: Representative Mead.

SENATE BILL NO. 6102, having received the necessary constitutional majority, was declared passed.

**SENATE BILL NO. 6103, by Senators Wellman, Wilson and C.**

**Concerning educational reporting requirements.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Paul and Steele spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Senate Bill No. 6103.

#### ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 6103, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shea, Shewmake, Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Excused: Representative Mead.

SENATE BILL NO. 6103, having received the necessary constitutional majority, was declared passed.

**SENATE BILL NO. 6119, by Senators Conway, Holy, King, Keiser, Pedersen, Van De Wege, Wilson, L. and Saldaña**

**Authorizing that money laundering forfeited proceeds and property be used for improvement of gambling-related law enforcement activities.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Kloba and MacEwen spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Senate Bill No. 6119.

#### ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 6119, and the bill passed the House by the following vote: Yeas; 95 Nays; 2 Absent; 0 Excused; 1

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, Jinkins, Johnson, J., Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shea, Shewmake, Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra, and Young

Voting nay: Representatives Fey, and Ramel

Excused: Representative Mead

SENATE BILL NO. 6119, having received the necessary constitutional majority, was declared passed.

**SENATE BILL NO. 6120, by Senators Conway and King**

**Amending types of nonprofit organizations qualified to engage in gambling activities.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Kloba and MacEwen spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Senate Bill No. 6120.

**ROLL CALL**

The Clerk called the roll on the final passage of Senate Bill No. 6120, and the bill passed the House by the following vote: Yeas, 96; Nays, 1; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shea, Shewmake, Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Voting nay: Representative Leavitt.

Excused: Representative Mead.

SENATE BILL NO. 6120, having received the necessary constitutional majority, was declared passed.

**RECONSIDERATION**

There being no objection, the House immediately reconsidered the vote by which SENATE BILL NO. 6119 passed the House.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Senate Bill No. 6119, on reconsideration.

**ROLL CALL**

The Clerk called the roll on the final passage of Senate Bill No. 6119 on reconsideration, and the bill passed the House by the following vote: Yeas; 94 Nays; 3 Absent; 0 Excused; 1

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, Jinkins, Johnson, J., Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shea, Shewmake, Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra, and Young

Voting nay: Representatives Morgan, Ramel, and Ramos

Excused: Representative Mead

SENATE BILL NO. 6119, on reconsideration, having received the necessary constitutional majority, was declared passed.

**SUBSTITUTE SENATE BILL NO. 6142, by Senate Committee on Higher Education & Workforce Development (originally sponsored by Liias, Randall, Dhingra, Hasegawa, Mullet, Nguyen, Stanford, Carlyle, Wilson and C.)**

**Creating the Washington common application.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Leavitt and Van Werven spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 6142.

**ROLL CALL**

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6142, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shea, Shewmake, Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Excused: Representative Mead.

SUBSTITUTE SENATE BILL NO. 6142, having received the necessary constitutional majority, was declared passed.

**SUBSTITUTE SENATE BILL NO. 6256, by Senate Committee on Environment, Energy & Technology (originally sponsored by Wellman, Short and Hasegawa)**

**Concerning the heating oil insurance program.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Fitzgibbon and Boehnke spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 6256.

### ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6256, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shea, Shewmake, Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Excused: Representative Mead.

SUBSTITUTE SENATE BILL NO. 6256, having received the necessary constitutional majority, was declared passed.

**SUBSTITUTE SENATE BILL NO. 6257, by Senate Committee on Environment, Energy & Technology (originally sponsored by Wellman and Short)**

**Concerning the underground storage tank reinsurance program.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Dye and Fitzgibbon spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 6257.

### ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6257, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shea, Shewmake, Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Excused: Representative Mead.

SUBSTITUTE SENATE BILL NO. 6257, having received the necessary constitutional majority, was declared passed.

**SENATE BILL NO. 6383, by Senators Conway, Schoesler and Mullet**

**Concerning the retirement strategy funds in the plan 3 and the deferred compensation programs.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Bergquist and Stokesbary spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Senate Bill No. 6383.

### ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 6383, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shea, Shewmake,

Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Excused: Representative Mead.

SENATE BILL NO. 6383, having received the necessary constitutional majority, was declared passed.

**SENATE BILL NO. 6417, by Senators Holy and Van De Wege**

**Allowing retirees to change their survivor option election after retirement.**

The bill was read the second time.

With the consent of the House, amendment (1851) was withdrawn.

Representative Bergquist moved the adoption of amendment (2064):

22.0. On page 5, line 3, after "(6)" strike "Retirees" and insert "Beginning on the date that the state receives a determination from the federal internal revenue service that this subsection (6) conforms with federal law, retirees"

On page 5, after line 7, insert the following:

"**Sec. 2.** RCW 41.32.785 and 2019 c 102 s 3 are each amended to read as follows:

(1) Upon retirement for service as prescribed in RCW 41.32.765 or retirement for disability under RCW 41.32.790, a member shall elect to have the retirement allowance paid pursuant to the following options, calculated so as to be actuarially equivalent to each other.

(a) Standard allowance. A member electing this option shall receive a retirement allowance payable throughout such member's life. However, if the retiree dies before the total of the retirement allowance paid to such retiree equals the amount of such retiree's accumulated contributions at the time of retirement, then the balance shall be paid to the member's estate, or such person or persons, trust, or organization as the retiree shall have nominated by written designation duly executed and filed with the department; or if there be no such designated person or persons still living at the time of the retiree's death, then to the surviving spouse; or if there be neither such designated person or persons still living at the time of death nor a surviving spouse, then to the retiree's legal representative.

(b) The department shall adopt rules that allow a member to select a retirement option that pays the member a reduced retirement allowance and upon death, such portion of the member's reduced retirement allowance as the department by rule designates shall be continued throughout the life of and paid to a designated person. Such person shall be nominated by the member by written designation duly executed and filed with the department at the time of retirement. The options adopted by the department shall

include, but are not limited to, a joint and one hundred percent survivor option and a joint and fifty percent survivor option.

(2)(a) A member, if married, must provide the written consent of his or her spouse to the option selected under this section, except as provided in (b) and (c) of this subsection. If a member is married and both the member and member's spouse do not give written consent to an option under this section, the department will pay the member a joint and fifty percent survivor benefit and record the member's spouse as the beneficiary. Such benefit shall be calculated to be actuarially equivalent to the benefit options available under subsection (1) of this section unless spousal consent is not required as provided in (b) and (c) of this subsection.

(b) Written consent from a spouse or domestic partner is not required if a member who is married or a domestic partner selects a joint and survivor option under subsection (1)(b) of this section and names the member's spouse or domestic partner as the survivor beneficiary.

(c) If a copy of a dissolution order designating a survivor beneficiary under RCW 41.50.790 has been filed with the department at least thirty days prior to a member's retirement:

(i) The department shall honor the designation as if made by the member under subsection (1) of this section; and

(ii) The spousal consent provisions of (a) of this subsection do not apply.

(3)(a) Any member who retired before January 1, 1996, and who elected to receive a reduced retirement allowance under subsection (1)(b) or (2) of this section is entitled to receive a retirement allowance adjusted in accordance with (b) of this subsection, if they meet the following conditions:

(i) The retiree's designated beneficiary predeceases or has predeceased the retiree; and

(ii) The retiree provides to the department proper proof of the designated beneficiary's death.

(b) The retirement allowance payable to the retiree, as of July 1, 1998, or the date of the designated beneficiary's death, whichever comes last, shall be increased by the percentage derived in (c) of this subsection.

(c) The percentage increase shall be derived by the following:

(i) One hundred percent multiplied by the result of (c)(ii) of this subsection converted to a percent;

(ii) Subtract one from the reciprocal of the appropriate joint and survivor option factor;

(iii) The joint and survivor option factor shall be from the table in effect as of July 1, 1998.

(d) The adjustment under (b) of this subsection shall accrue from the beginning of the month following the date of the designated beneficiary's death or from July 1, 1998, whichever comes last.



(4) No later than July 1, 2001, the department shall adopt rules that allow a member additional actuarially equivalent survivor benefit options, and shall include, but are not limited to:

(a)(i) A retired member who retired without designating a survivor beneficiary shall have the opportunity to designate their spouse from a postretirement marriage as a survivor during a one-year period beginning one year after the date of the postretirement marriage provided the retirement allowance payable to the retiree is not subject to periodic payments pursuant to a property division obligation as provided for in RCW 41.50.670.

(ii) A member who entered into a postretirement marriage prior to the effective date of the rules adopted pursuant to this subsection and satisfies the conditions of (a)(i) of this subsection shall have one year to designate their spouse as a survivor beneficiary following the adoption of the rules.

(b) A retired member who elected to receive a reduced retirement allowance under this section and designated a nonspouse as survivor beneficiary shall have the opportunity to remove the survivor designation and have their future benefit adjusted.

(c) The department may make an additional charge, if necessary, to ensure that the benefits provided under this subsection remain actuarially equivalent.

(5) No later than July 1, 2003, the department shall adopt rules to permit:

(a) A court-approved property settlement incident to a court decree of dissolution made before retirement to provide that benefits payable to a member who meets the length of service requirements of RCW 41.32.815 and the member's divorcing spouse be divided into two separate benefits payable over the life of each spouse.

The member shall have available the benefit options of subsection (1) of this section upon retirement, and if remarried at the time of retirement remains subject to the spousal consent requirements of subsection (2) of this section. Any reductions of the member's benefit subsequent to the division into two separate benefits shall be made solely to the separate benefit of the member.

The nonmember ex spouse shall be eligible to commence receiving their separate benefit upon reaching the age provided in RCW 41.32.765(1) and after filing a written application with the department.

(b) A court-approved property settlement incident to a court decree of dissolution made after retirement may only divide the benefit into two separate benefits payable over the life of each spouse if the nonmember ex spouse was selected as a survivor beneficiary at retirement.

The retired member may later choose the survivor benefit options available in subsection (4) of this section. Any actuarial reductions subsequent to the division into two separate benefits shall be made solely to the separate benefit of the member.

Both the retired member and the nonmember divorced spouse shall be eligible to commence receiving their separate benefits upon filing a copy of the dissolution order with the department in accordance with RCW 41.50.670.

(c) The department may make an additional charge or adjustment if necessary to ensure that the separate benefits provided under this subsection are actuarially equivalent to the benefits payable prior to the decree of dissolution.

(6) Beginning on the date that the state receives a determination from the federal internal revenue service that this

subsection (6) conforms with federal law, retirees have up to ninety calendar days after the receipt of their first retirement allowance to change their survivor election under subsections (1) and (2) of this section. If a member changes the member's survivor election under this subsection the change is effective the first of the following month and is prospective only.

**Sec. 3.** RCW 41.32.851 and 2019 c 102 s 4 are each amended to read as follows:

(1) Upon retirement for service as prescribed in RCW 41.32.875 or retirement for disability under RCW 41.32.880, a member shall elect to have the retirement allowance paid pursuant to one of the following options, calculated so as to be actuarially equivalent to each other.

(a) Standard allowance. A member electing this option shall receive a retirement allowance payable throughout such member's life. Upon the death of the retired member, all benefits shall cease.

(b) The department shall adopt rules that allow a member to select a retirement option that pays the member a reduced retirement allowance and upon death, such portion of the member's reduced retirement allowance as the department by rule designates shall be continued throughout the life of and paid to such person or persons as the retiree shall have nominated by written designation duly executed and filed with the department at the time of retirement. The options adopted by the department shall include, but are not limited to, a joint and one hundred percent survivor option and joint and fifty percent survivor option.

(2)(a) A member, if married, must provide the written consent of his or her spouse to the option selected under this section, except as provided in (b) and (c) of this subsection. If a member is married and both the member and the member's spouse do not give written consent to an option under this section, the department shall pay a joint and fifty-percent survivor benefit calculated to be actuarially equivalent to the benefit options available under subsection (1) of this section unless spousal consent is not required as provided in (b) and (c) of this subsection.

(b) Written consent from a spouse or domestic partner is not required if a member who is married or a domestic partner selects a joint and survivor option under subsection (1)(b) of this section and names the member's spouse or domestic partner as the survivor beneficiary.

(c) If a copy of a dissolution order designating a survivor beneficiary under RCW 41.50.790 has been filed with the department at least thirty days prior to a member's retirement:

(i) The department shall honor the designation as if made by the member under subsection (1) of this section; and

(ii) The spousal consent provisions of (a) of this subsection do not apply.

(3) No later than July 1, 2001, the department shall adopt rules that allow a member additional actuarially equivalent survivor benefit options, and shall include, but are not limited to:

(a)(i) A retired member who retired without designating a survivor beneficiary shall have the opportunity to designate their spouse from a postretirement marriage as a survivor during a one-year period beginning one year after the date of the postretirement marriage provided the retirement allowance payable to the retiree is not subject to periodic payments pursuant to a property division obligation as provided for in RCW 41.50.670.

(ii) A member who entered into a postretirement marriage prior to the effective date of the rules adopted pursuant to this subsection and satisfies the conditions of (a)(i) of this subsection shall have one year to designate their spouse as a survivor beneficiary following the adoption of the rules.

(b) A retired member who elected to receive a reduced retirement allowance under this section and designated a nonspouse as survivor beneficiary shall have the opportunity to remove the survivor designation and have their future benefit adjusted.

(c) The department may make an additional charge, if necessary, to ensure that the benefits provided under this subsection remain actuarially equivalent.

(4) No later than July 1, 2003, the department shall adopt rules to permit:

(a) A court-approved property settlement incident to a court decree of dissolution made before retirement to provide that benefits payable to a member who meets the length of service requirements of RCW 41.32.875(1) and the member's divorcing spouse be divided into two separate benefits payable over the life of each spouse.

The member shall have available the benefit options of subsection (1) of this section upon retirement, and if remarried at the time of retirement remains subject to the spousal consent requirements of subsection (2) of this section. Any reductions of the member's benefit subsequent to the division into two separate benefits shall be made solely to the separate benefit of the member.

The nonmember ex spouse shall be eligible to commence receiving their separate benefit upon reaching the age provided in RCW 41.32.875(1) and after filing a written application with the department.

(b) A court-approved property settlement incident to a court decree of dissolution made after retirement may only divide the benefit into two separate benefits payable over the life of each spouse if the nonmember ex spouse was selected as a survivor beneficiary at retirement.

The retired member may later choose the survivor benefit options available in subsection (3) of this section. Any actuarial reductions subsequent to the division into two separate benefits shall be made solely to the separate benefit of the member.

Both the retired member and the nonmember divorced spouse shall be eligible to commence receiving their separate benefits upon filing a copy of the dissolution order with the department in accordance with RCW 41.50.670.

(c) The department may make an additional charge or adjustment if necessary to ensure that the separate benefits provided under this subsection are actuarially equivalent to the benefits payable prior to the decree of dissolution.

(5) Beginning on the date that the state receives a determination from the federal internal revenue service that this

subsection (5) conforms with federal law, retirees have up to ninety calendar days after the receipt of their first retirement allowance to change their survivor election under subsections (1) and (2) of this section. If a member changes the member's survivor election under this subsection the change is effective the first of the following month and is prospective only.

**Sec. 4.** RCW 41.35.220 and 2019 c 102 s 5 are each amended to read as follows:

(1) Upon retirement for service as prescribed in RCW 41.35.420 or 41.35.680 or retirement for disability under RCW 41.35.440 or 41.35.690, a member shall elect to have the retirement allowance paid pursuant to one of the following options, calculated so as to be actuarially equivalent to each other.

(a) Standard allowance. A member electing this option shall receive a retirement allowance payable throughout such member's life.

(i) For members of plan 2, if the retiree dies before the total of the retirement allowance paid to such retiree equals the amount of such retiree's accumulated contributions at the time of retirement, then the balance shall be paid to the member's estate, or such person or persons, trust, or organization as the retiree shall have nominated by written designation duly executed and filed with the department; or if there be no such designated person or persons still living at the time of the retiree's death, then to the surviving spouse; or if there be neither such designated person or persons still living at the time of death nor a surviving spouse, then to the retiree's legal representative.

(ii) For members of plan 3, upon the death of the retired member, the member's benefits shall cease.

(b) The department shall adopt rules that allow a member to select a retirement option that pays the member a reduced retirement allowance and upon death, such portion

of the member's reduced retirement allowance as the department by rule designates shall be continued throughout the life of and paid to a person nominated by the member by written designation duly executed and filed with the department at the time of retirement. The options adopted by the department shall include, but are not limited to, a joint and one hundred percent survivor option and a joint and fifty percent survivor option.

(2)(a) A member, if married, must provide the written consent of his or her spouse to the option selected under this section, except as provided in (b) and (c) of this subsection. If a member is married and both the member and the member's spouse do not give written consent to an option under this section, the department shall pay a joint and fifty percent survivor benefit calculated to be actuarially equivalent to the benefit options available under subsection (1) of this section unless spousal consent is not required as provided in (b) and (c) of this subsection.

(b) Written consent from a spouse or domestic partner is not required if a member who is married or a domestic partner selects a joint and survivor option under subsection (1)(b) of this section and names the member's spouse or domestic partner as the survivor beneficiary.

(c) If a copy of a dissolution order designating a survivor beneficiary under RCW 41.50.790 has been filed with the department at least thirty days prior to a member's retirement:

(i) The department shall honor the designation as if made by the member under subsection (1) of this section; and

(ii) The spousal consent provisions of (a) of this subsection do not apply.

(3) No later than July 1, 2001, the department shall adopt rules that allow a member additional actuarially equivalent survivor benefit options, and shall include, but are not limited to:

(a)(i) A retired member who retired without designating a survivor beneficiary shall have the opportunity to designate their spouse from a postretirement marriage as a survivor during a one-year period beginning one year after the date of the postretirement marriage provided the retirement allowance payable to the retiree is not subject to periodic payments pursuant to a property division obligation as provided for in RCW 41.50.670.

(ii) A member who entered into a postretirement marriage prior to the effective date of the rules adopted pursuant to this subsection and satisfies the conditions of (a)(i) of this subsection shall have one year to designate their spouse as a survivor beneficiary following the adoption of the rules.

(b) A retired member who elected to receive a reduced retirement allowance under this section and designated a nonspouse as survivor beneficiary shall have the opportunity to remove the survivor designation and have their future benefit adjusted.

(c) The department may make an additional charge, if necessary, to ensure that the benefits provided under this subsection remain actuarially equivalent.

(4) No later than July 1, 2003, the department shall adopt rules to permit:

(a) A court-approved property settlement incident to a court decree of dissolution made before retirement to provide that benefits payable to a member of plan 2 who meets the length of service requirements of RCW 41.35.420, or a member of plan 3 who meets the length of service requirements of RCW 41.35.680(1), and the member's divorcing spouse be divided into two separate benefits payable over the life of each spouse.

The member shall have available the benefit options of subsection (1) of this section upon retirement, and if remarried at the time of retirement remains subject to the spousal consent requirements of subsection (2) of this section. Any reductions of the member's benefit subsequent to the division into two separate benefits shall be made solely to the separate benefit of the member.

The nonmember ex spouse shall be eligible to commence receiving their separate benefit upon reaching the ages provided in RCW 41.35.420(1) for members of plan 2, or RCW 41.35.680(1) for members of plan 3, and after filing a written application with the department.

(b) A court-approved property settlement incident to a court decree of dissolution made after retirement may only divide the benefit into two separate benefits payable over the life of each spouse if the nonmember ex spouse was selected as a survivor beneficiary at retirement.

The retired member may later choose the survivor benefit options available in subsection (3) of this section. Any actuarial reductions subsequent to the division into two separate benefits shall be made solely to the separate benefit of the member.

Both the retired member and the nonmember divorced spouse shall be eligible to commence receiving their separate benefits upon filing a copy of the dissolution order with the department in accordance with RCW 41.50.670.

(c) The department may make an additional charge or adjustment if necessary to ensure that the separate benefits provided under this subsection are actuarially equivalent to the benefits payable prior to the decree of dissolution.

(5) Beginning on the date that the state receives a determination from the federal internal revenue service that this subsection (5) conforms with federal law, retirees have up to ninety calendar days after the receipt of their first retirement allowance to change their survivor election under subsections (1) and (2) of this section. If a member changes the member's survivor election under this subsection the change is effective the first of the following month and is prospective only.

**Sec. 5.** RCW 41.37.170 and 2019 c 102 s 6 are each amended to read as follows:

(1) Upon retirement for service as prescribed in RCW 41.37.210 or retirement for disability under RCW 41.37.230,

a member shall elect to have the retirement allowance paid pursuant to one of the following options, calculated so as to be actuarially equivalent to each other.

(a) Standard allowance. A member electing this option shall receive a retirement allowance payable throughout the member's life. If the retiree dies before the total of the retirement allowance paid to the retiree equals the amount of the retiree's accumulated contributions at the time of retirement, then the balance shall be paid to the member's estate, or the person or persons, trust, or organization the retiree nominated by written designation duly executed and filed with the department; or if there is no designated person or persons still living at the time of the retiree's death, then to the surviving spouse; or if there is neither a designated person or persons still living at the time of death nor a surviving spouse, then to the retiree's legal representative.

(b) The department shall adopt rules that allow a member to select a retirement option that pays the member a reduced retirement allowance and upon death, the portion of the member's reduced retirement allowance as the department by rule designates shall be continued throughout the life of and paid to a person nominated by the member by written designation duly executed and filed with the department at the time of retirement. The options adopted by the department shall include, but are not limited to, a joint and one hundred percent survivor option and a joint and fifty percent survivor option.

(2)(a) A member, if married, must provide the written consent of his or her spouse to the option selected under this section, except as provided in (b) and (c) of this subsection. If a member is married and both the member and the member's spouse do not give written consent to an option under this section, the department shall pay a joint and fifty percent survivor benefit calculated to be actuarially equivalent to the benefit options available under subsection (1) of this section unless spousal consent is not required as provided in (b) and (c) of this subsection.

(b) Written consent from a spouse or domestic partner is not required if a member who is married or a domestic partner selects a joint and survivor option under subsection (1)(b) of this section and names the member's spouse or domestic partner as the survivor beneficiary.

(c) If a copy of a dissolution order designating a survivor beneficiary under RCW 41.50.790 has been filed with the department at least thirty days prior to a member's retirement:

(i) The department shall honor the designation as if made by the member under subsection (1) of this section; and

(ii) The spousal consent provisions of (a) of this subsection do not apply.

(3) The department shall adopt rules that allow a member additional actuarially equivalent survivor benefit options, and shall include, but are not limited to:

(a)(i) A retired member who retired without designating a survivor beneficiary shall have the opportunity to designate their spouse from a postretirement marriage as

a survivor during a one-year period beginning one year after the date of the postretirement marriage provided the retirement allowance payable to the retiree is not subject to periodic payments pursuant to a property division obligation as provided for in RCW 41.50.670.

(ii) A member who entered into a postretirement marriage prior to the effective date of the rules adopted pursuant to this subsection and satisfies the conditions of (a)(i) of this subsection shall have one year to designate their spouse as a survivor beneficiary following the adoption of the rules.

(b) A retired member who elected to receive a reduced retirement allowance under this section and designated a nonspouse as survivor beneficiary shall have the opportunity to remove the survivor designation and have their future benefit adjusted.

(c) The department may make an additional charge, if necessary, to ensure that the benefits provided under this subsection remain actuarially equivalent.

(4) The department shall adopt rules to permit:

(a) A court-approved property settlement incident to a court decree of dissolution made before retirement to provide that benefits payable to a member who meets the length of service requirements of RCW 41.37.210 and the member's divorcing spouse be divided into two separate benefits payable over the life of each spouse.

The member shall have available the benefit options of subsection (1) of this section upon retirement, and if remarried at the time of retirement remains subject to the spousal consent requirements of subsection (2) of this section. Any reductions of the member's benefit subsequent to the division into two separate benefits shall be made solely to the separate benefit of the member.

The nonmember ex spouse shall be eligible to commence receiving their separate benefit upon reaching the age provided in RCW 41.37.210(1) and after filing a written application with the department.

(b) A court-approved property settlement incident to a court decree of dissolution made after retirement may only divide the benefit into two separate benefits payable over the life of each spouse if the nonmember ex spouse was selected as a survivor beneficiary at retirement.

The retired member may later choose the survivor benefit options available in subsection (3) of this section. Any actuarial reductions subsequent to the division into two separate benefits shall be made solely to the separate benefit of the member.

Both the retired member and the nonmember divorced spouse shall be eligible to commence receiving their separate benefits upon filing a copy of the dissolution order with the department in accordance with RCW 41.50.670.

(c) The department may make an additional charge or adjustment if necessary to ensure that the separate benefits provided under this subsection are actuarially equivalent to the benefits payable prior to the decree of dissolution.

(5) Beginning on the date that the state receives a determination from the federal internal revenue service that this subsection (5) conforms with federal law, retirees have up to ninety calendar days after the receipt of their first retirement allowance to change their survivor election under subsections (1) and (2) of this section. If a member changes the member's survivor election under this subsection the change is effective the first of the following month and is prospective only.

**Sec. 6.** RCW 41.40.660 and 2019 c 102 s 8 are each amended to read as follows:

(1) Upon retirement for service as prescribed in RCW 41.40.630 or retirement for disability under RCW 41.40.670, a member shall elect to have the retirement allowance paid pursuant to one of the following options, calculated so as to be actuarially equivalent to each other.

(a) Standard allowance. A member electing this option shall receive a retirement allowance payable throughout such member's life. However, if the retiree dies before the total of the retirement allowance paid to such retiree equals the amount of such retiree's accumulated contributions at the time of retirement, then the balance shall be paid to the member's estate, or such person or persons, trust, or organization as the retiree shall have nominated by written designation duly executed and filed with the department; or if there be no such designated person or persons still living at the time of the retiree's death, then to the surviving spouse; or if there be neither such designated person or persons still living at the time of death nor a surviving spouse, then to the retiree's legal representative.

(b) The department shall adopt rules that allow a member to select a retirement option that pays the member a reduced retirement allowance and upon death, such portion of the member's reduced retirement allowance as the department by rule designates shall be continued throughout the life of and paid to a person nominated by the member by written designation duly executed and filed with the department at the time of retirement. The options adopted by the department shall include, but are not limited to, a joint and one hundred percent survivor option and a joint and fifty percent survivor option.

(2)(a) A member, if married, must provide the written consent of his or her spouse to the option selected under this section, except as provided in (b) and (c) of this subsection. If a member is married and both the member and the member's spouse do not give written consent to an option under this section, the department shall pay a joint and fifty percent survivor benefit calculated to be actuarially equivalent to the benefit options available under subsection (1) of this section unless spousal consent is not required as provided in (b) and (c) of this subsection.

(b) Written consent from a spouse or domestic partner is not required if a member who is married or a domestic partner selects a joint and survivor option under subsection (1)(b) of this section and names the member's spouse or domestic partner as the survivor beneficiary.

(c) If a copy of a dissolution order designating a survivor beneficiary under RCW 41.50.790 has been filed with the department at least thirty days prior to a member's retirement:

(i) The department shall honor the designation as if made by the member under subsection (1) of this section; and

(ii) The spousal consent provisions of (a) of this subsection do not apply.

(3)(a) Any member who retired before January 1, 1996, and who elected to receive a reduced retirement allowance under subsection (1)(b) or (2) of this section is entitled to receive a retirement allowance adjusted in accordance with (b) of this subsection, if they meet the following conditions:

(i) The retiree's designated beneficiary predeceases or has predeceased the retiree; and

(ii) The retiree provides to the department proper proof of the designated beneficiary's death.

(b) The retirement allowance payable to the retiree, as of July 1, 1998, or the date of the designated beneficiary's death, whichever comes last, shall be increased by the percentage derived in (c) of this subsection.

(c) The percentage increase shall be derived by the following:

(i) One hundred percent multiplied by the result of (c)(ii) of this subsection converted to a percent;

(ii) Subtract one from the reciprocal of the appropriate joint and survivor option factor;

(iii) The joint and survivor option factor shall be from the table in effect as of July 1, 1998.

(d) The adjustment under (b) of this subsection shall accrue from the beginning of the month following the date of the designated beneficiary's death or from July 1, 1998, whichever comes last.

(4) No later than July 1, 2001, the department shall adopt rules that allow a member additional actuarially equivalent survivor benefit options, and shall include, but are not limited to:

(a)(i) A retired member who retired without designating a survivor beneficiary shall have the opportunity to designate their spouse from a postretirement marriage as a survivor during a one-year period beginning one year after the date of the postretirement marriage provided the retirement allowance payable to the retiree is not subject to periodic payments pursuant to a property division obligation as provided for in RCW 41.50.670.

(ii) A member who entered into a postretirement marriage prior to the effective date of the rules adopted pursuant to this subsection and satisfies the conditions of (a)(i) of this subsection shall have one year to designate their spouse as a survivor beneficiary following the adoption of the rules.

(b) A retired member who elected to receive a reduced retirement allowance under this section and designated a nonspouse as survivor beneficiary shall have the opportunity to remove the survivor designation and have their future benefit adjusted.

(c) The department may make an additional charge, if necessary, to ensure that the benefits provided under this subsection remain actuarially equivalent.

(5) No later than July 1, 2003, the department shall adopt rules to permit:

(a) A court-approved property settlement incident to a court decree of dissolution made before retirement to provide that benefits payable to a member who meets the length of service requirements of RCW 41.40.720 and the member's divorcing spouse be divided into two separate benefits payable over the life of each spouse.

The member shall have available the benefit options of subsection (1) of this section upon retirement, and if remarried at the time of retirement remains subject to the spousal consent requirements of subsection (2) of this section. Any reductions of the member's benefit subsequent to the division into two separate benefits shall be made solely to the separate benefit of the member.

The nonmember ex spouse shall be eligible to commence receiving their separate benefit upon reaching the age provided in RCW 41.40.630(1) and after filing a written application with the department.

(b) A court-approved property settlement incident to a court decree of dissolution made after retirement may only divide the benefit into two separate benefits payable over the life of each spouse if the nonmember ex spouse was selected as a survivor beneficiary at retirement.

The retired member may later choose the survivor benefit options available in subsection (4) of this section. Any actuarial reductions subsequent to the division into two separate benefits shall be made solely to the separate benefit of the member.

Both the retired member and the nonmember divorced spouse shall be eligible to commence receiving their separate benefits upon filing a copy of the dissolution order with the department in accordance with RCW 41.50.670.

(c) The department may make an additional charge or adjustment if necessary to ensure that the separate benefits provided under this subsection are actuarially equivalent to the benefits payable prior to the decree of dissolution.

(6) Beginning on the date that the state receives a determination from the federal internal revenue service that this subsection (6) conforms with federal law, retirees have up to ninety calendar days after the receipt of their first retirement allowance to change their survivor election under subsections (1) and (2) of this section. If a member changes the member's survivor election under this subsection the change is effective the first of the following month and is prospective only.

**Sec. 7.** RCW 41.40.845 and 2019 c 102 s 9 are each amended to read as follows:

(1) Upon retirement for service as prescribed in RCW 41.40.820 or retirement for disability under RCW 41.40.825, a member shall elect to have the retirement allowance paid pursuant to one of the following options, calculated so as to be actuarially equivalent to each other.

(a) Standard allowance. A member electing this option shall receive a retirement allowance payable throughout such member's life. Upon the death of the member, the member's benefits shall cease.

(b) The department shall adopt rules that allow a member to select a retirement option that pays the member a reduced retirement allowance and upon death, such portion of the member's reduced retirement allowance as the department by rule designates shall be continued throughout the life of and paid to a person nominated by the member by written designation duly executed and filed with the department at the time of retirement. The options adopted by the department shall include, but are not limited to, a joint and one hundred percent survivor option and a joint and fifty percent survivor option.

(2)(a) A member, if married, must provide the written consent of his or her spouse to the option selected under this section, except as provided in (b) and (c) of this subsection. If a member is married and both the member and the member's spouse do not give written consent to an option under this section, the department shall pay a joint and fifty percent survivor benefit calculated to be actuarially equivalent to the benefit options available under subsection (1) of this section unless spousal consent is not required as provided in (b) and (c) of this subsection.

(b) Written consent from a spouse or domestic partner is not required if a member who is married or a domestic partner selects a joint and survivor option under subsection (1)(b) of this section and names the member's spouse or domestic partner as the survivor beneficiary.

(c) If a copy of a dissolution order designating a survivor beneficiary under RCW 41.50.790 has been filed with the department at least thirty days prior to a member's retirement:

(i) The department shall honor the designation as if made by the member under subsection (1) of this section; and

(ii) The spousal consent provisions of (a) of this subsection do not apply.

(3) No later than July 1, 2002, the department shall adopt rules that allow a member additional actuarially equivalent survivor benefit options, and shall include, but are not limited to:

(a)(i) A retired member who retired without designating a survivor beneficiary shall have the opportunity to designate their spouse from a postretirement marriage as a survivor during a one-year period beginning one year after the date of the postretirement marriage provided the retirement allowance payable to the retiree is not subject to periodic payments pursuant to a property division obligation as provided for in RCW 41.50.670.

(ii) A member who entered into a postretirement marriage prior to the effective date of the rules adopted under this section and satisfies the conditions of (a)(i) of this subsection shall have one year to designate their spouse as a survivor beneficiary following the adoption of the rules.

(b) A retired member who elected to receive a reduced retirement allowance under this section and designated a nonspouse as survivor beneficiary shall have the opportunity to remove the survivor designation and have their future benefit adjusted.

(c) The department may make an additional charge, if necessary, to ensure that the benefits provided under this subsection remain actuarially equivalent.

(4) No later than July 1, 2003, the department shall adopt rules to permit:

(a) A court-approved property settlement incident to a court decree of dissolution made before retirement to provide that benefits payable to a member who meets the length of service requirements of RCW 41.40.820(1) and the member's divorcing spouse be divided into two separate benefits payable over the life of each spouse.

The member shall have available the benefit options of subsection (1) of this section upon retirement, and if remarried at the time of retirement remains subject to the spousal consent requirements of subsection (2) of this section. Any reductions of the member's benefit subsequent to the division into two separate benefits shall be made solely to the separate benefit of the member.

The nonmember ex spouse shall be eligible to commence receiving their separate benefit upon reaching the age provided in RCW 41.40.820(1) and after filing a written application with the department.

(b) A court-approved property settlement incident to a court decree of dissolution made after retirement may only divide the benefit into two separate benefits payable over the life of each spouse if the nonmember ex spouse was selected as a survivor beneficiary at retirement.

The retired member may later choose the survivor benefit options available in subsection (3) of this section. Any actuarial reductions subsequent to the division into two separate benefits shall be made solely to the separate benefit of the member.

Both the retired member and the nonmember divorced spouse shall be eligible to commence receiving their separate benefits upon filing a copy of the dissolution order with the department in accordance with RCW 41.50.670.

(c) The department may make an additional charge or adjustment if necessary to ensure that the separate benefits provided under this subsection are actuarially equivalent to the benefits payable prior to the decree of dissolution.

(5) Beginning on the date that the state receives a determination from the federal internal revenue service that this subsection (5) conforms with federal law, retirees have up to ninety calendar days after the receipt of their first retirement allowance to change their survivor election under subsections (1) and (2) of this section. If a member changes

the member's survivor election under this subsection the change is effective the first of the following month and is prospective only.

**Sec. 8.** RCW 43.43.271 and 2019 c 102 s 10 are each amended to read as follows:

(1) A member commissioned on or after January 1, 2003, upon retirement for service as prescribed in RCW 43.43.250 shall elect to have the retirement allowance paid pursuant to the following options, calculated so as to be actuarially equivalent to each other.

(a) Standard allowance. A member electing this option shall receive a retirement allowance payable throughout the member's life. However, if the retiree dies before the total of the retirement allowance paid to the retiree equals the amount of the retiree's accumulated contributions at the time of retirement, then the balance shall be paid to the member's estate, or such person or persons, trust, or organization as the retiree shall have nominated by written designation duly executed and filed with the department; or if there be no such designated person or persons still living at the time of the retiree's death, then to the surviving spouse or domestic partner; or if there be neither such designated person or persons still living at the time of death nor a surviving spouse or domestic partner, then to the retiree's legal representative.

(b) The department shall adopt rules that allow a member to select a retirement option that pays the member a reduced retirement allowance and upon death, such portion of the member's reduced retirement allowance as the department by rule designates shall be continued throughout the life of and paid to a designated person. Such person shall be nominated by the member by written designation duly executed and filed with the department at the time of retirement. The options adopted by the department shall include, but are not limited to, a joint and one hundred percent survivor option and a joint and fifty percent survivor option.

(2)(a) A member, if married or in a domestic partnership, must provide the written consent of his or her spouse or domestic partner to the option selected under this section, except as provided in (b) and (c) of this subsection. If a member is married or in a domestic partnership and both the member and member's spouse or domestic partner do not give written consent to an option under this section, the department will pay the member a joint and fifty percent survivor benefit and record the member's spouse or domestic partner as the beneficiary. This benefit shall be calculated to be actuarially equivalent to the benefit options available under subsection (1) of this section unless consent by the spouse or domestic partner is not required as provided in (b) and (c) of this subsection.

(b) Written consent from a spouse or domestic partner is not required if a member who is married or a domestic partner selects a joint and survivor option under subsection (1)(b) of this section and names the member's spouse or domestic partner as the survivor beneficiary.

(c) If a copy of a dissolution order designating a survivor beneficiary under RCW 41.50.790 has been filed

with the department at least thirty days prior to a member's retirement:

(i) The department shall honor the designation as if made by the member under subsection (1) of this section; and

(ii) The spouse or domestic partner consent provisions of (a) of this subsection do not apply.

(3) No later than January 1, 2003, the department shall adopt rules that allow a member additional actuarially equivalent survivor benefit options, and shall include, but are not limited to:

(a)(i) A retired member who retired without designating a survivor beneficiary shall have the opportunity to designate their spouse or domestic partner from a postretirement marriage or domestic partnership as a survivor during a one-year period beginning one year after the date of the postretirement marriage or domestic partnership provided the retirement allowance payable to the retiree is not subject to periodic payments pursuant to a property division obligation as provided for in RCW 41.50.670.

(ii) A member who entered into a postretirement marriage or domestic partnership prior to the effective date of the rules adopted pursuant to this subsection and satisfies the conditions of (a)(i) of this subsection shall have one year to designate their spouse or domestic partner as a survivor beneficiary following the adoption of the rules.

(b) A retired member who elected to receive a reduced retirement allowance under this section and designated a nonspouse or a nondomestic partner as survivor beneficiary shall have the opportunity to remove the survivor designation and have their future benefit adjusted.

(c) The department may make an additional charge, if necessary, to ensure that the benefits provided under this subsection remain actuarially equivalent.

(4) No later than July 1, 2003, the department shall adopt rules to permit:

(a) A court-approved property settlement incident to a court decree of dissolution made before retirement to provide that benefits payable to a member who has completed at least five years of service and the member's divorcing spouse or former domestic partner be divided into two separate benefits payable over the life of each spouse or domestic partner.

The member shall have available the benefit options of subsection (1) of this section upon retirement, and if remarried or in a domestic partnership at the time of retirement remains subject to the spouse or domestic partner consent requirements of subsection (2) of this section. Any reductions of the member's benefit subsequent to the division into two separate benefits shall be made solely to the separate benefit of the member.

The nonmember ex spouse or former domestic partner shall be eligible to commence receiving their separate benefit upon reaching the ages provided in RCW

43.43.250(2) and after filing a written application with the department.

(b) A court-approved property settlement incident to a court decree of dissolution made after retirement may only divide the benefit into two separate benefits payable over the life of each spouse or domestic partner if the nonmember ex spouse or former domestic partner was selected as a survivor beneficiary at retirement.

The retired member may later choose the survivor benefit options available in subsection (3) of this section. Any actuarial reductions subsequent to the division into two separate benefits shall be made solely to the separate benefit of the member.

Both the retired member and the nonmember divorced spouse or former domestic partner shall be eligible to commence receiving their separate benefits upon filing a copy of the dissolution order with the department in accordance with RCW 41.50.670.

(c) The department may make an additional charge or adjustment if necessary to ensure that the separate benefits provided under this subsection are actuarially equivalent to the benefits payable prior to the decree of dissolution.

(5) Beginning on the date that the state receives a determination from the federal internal revenue service that this subsection (5) conforms with federal law, retirees have up to ninety calendar days after the receipt of their first retirement allowance to change their survivor election under subsections (1) and (2) of this section. If a member changes the member's survivor election under this subsection the change is effective the first of the following month and is prospective only."

Correct the title.

Representatives Bergquist and Stokesbary spoke in favor of the adoption of the amendment.

Amendment (2064) was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Stokesbary and Bergquist spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Senate Bill No. 6417, as amended by the House.

## ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 6417, as amended by the House, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, DeBolt,



Dent, Doglio, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shea, Shewmake, Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Excused: Representative Mead.

SENATE BILL NO. 6417, as amended by the House, having received the necessary constitutional majority, was declared passed.

**ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 6518, by Senate Committee on Ways & Means (originally sponsored by Rolfes, Van De Wege, Wilson and C.)**

**Reducing prenatal exposure and harm to children by limiting environmental exposure to certain pesticides.**

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Rural Development, Agriculture & Natural Resources was not adopted. (For Committee amendment, see Journal, Day 47, February 28, 2020).

There being no objection, the committee amendment by the Committee on Appropriations was adopted. (For Committee amendment, see Journal, Day 50, March 2, 2020).

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Blake and Dent spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Engrossed Second Substitute Senate Bill No. 6518, as amended by the House.

#### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 6518, as amended by the House, and the bill passed the House by the following vote: Yeas, 88; Nays, 9; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Davis, DeBolt, Dent, Doglio, Dolan, Duerr, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham,

Gregerson, Griffey, Hansen, Harris, Hudgins, Irwin, Jenkin, J. Johnson, Kilduff, Kirby, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, Morgan, Mosbrucker, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra and Mme. Speaker.

Voting nay: Representatives Corry, Dufault, Hoff, Klippert, McCaslin, Orcutt, Shea, Vick and Young.

Excused: Representative Mead.

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 6518, as amended by the House, having received the necessary constitutional majority, was declared passed.

**SECOND SUBSTITUTE SENATE BILL NO. 6528, by Senate Committee on Ways & Means (originally sponsored by Lovelett, McCoy, Takko, Das, Hasegawa, Rolfes, Van De Wege, Wilson and C.)**

**Concerning the prevention of derelict vessels.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Shewmake and Steele spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Second Substitute Senate Bill No. 6528.

#### ROLL CALL

The Clerk called the roll on the final passage of Second Substitute Senate Bill No. 6528, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shea, Shewmake, Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Excused: Representative Mead.

SECOND SUBSTITUTE SENATE BILL NO. 6528, having received the necessary constitutional majority, was declared passed.

**SENATE BILL NO. 6565, by Senators Randall, Nguyen, Lovelett, Hasegawa, Das, Saldaña, Wilson and C.**

**Establishing permissible methods of parking a motorcycle.**

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Transportation was adopted. (For Committee amendment, see Journal, Day 50, March 2, 2020).

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage, as amended by the House.

Representatives Paul, Chambers and Sutherland spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Senate Bill No. 6565, as amended by the House.

#### **ROLL CALL**

The Clerk called the roll on the final passage of Senate Bill No. 6565, as amended by the House, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shea, Shewmake, Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Excused: Representative Mead.

SENATE BILL NO. 6565, as amended by the House, having received the necessary constitutional majority, was declared passed.

**SUBSTITUTE SENATE BILL NO. 6570, by Senate Committee on Behavioral Health Subcommittee to Health & Long Term Care (originally sponsored by King, Saldaña, Wagoner, Lovelett, Wilson and C.)**

**Concerning law enforcement officer mental health and wellness.**

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Health Care & Wellness was adopted. (For Committee amendment, see Journal, Day 47, February 28, 2020).

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Schmick and Macri spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 6570, as amended by the House.

#### **ROLL CALL**

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6570, as amended by the House, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shea, Shewmake, Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Excused: Representative Mead.

SUBSTITUTE SENATE BILL NO. 6570, as amended by the House, having received the necessary constitutional majority, was declared passed.

**ENGROSSED SENATE BILL NO. 6626, by Senators Conway, O'Ban, Hunt, Zeiger, Hobbs, Becker, Randall, Short, Brown and Wagoner**

**Creating the position of military spouse liaison.**

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Housing, Community Development & Veterans was adopted. (For Committee amendment, see Journal, Day 47, February 28, 2020).

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Ryu and Gildon spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Engrossed Senate Bill No. 6626, as amended by the House.

### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Senate Bill No. 6626, as amended by the House, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shea, Shewmake, Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Excused: Representative Mead.

ENGROSSED SENATE BILL NO. 6626, as amended by the House, having received the necessary constitutional majority, was declared passed.

**ENGROSSED SUBSTITUTE SENATE BILL NO. 6641, by Senate Committee on Human Services, Reentry & Rehabilitation (originally sponsored by O'Ban, Conway, Wilson and C.)**

**Increasing the availability of certified sex offender treatment providers.**

The bill was read the second time.

There being no objection, the committee striking amendment by the Committee on Health Care & Wellness was before the House for purpose of amendment. (For Committee amendment, see Journal, Day 47, February 28, 2020).

Representative Cody moved the adoption of amendment (2075) to the committee striking amendment:

22.0. On page 1, line 12 of the striking amendment, after "worker," insert "licensed mental health counselor."

On page 1, line 20 of the striking amendment, after "worker," insert "licensed mental health counselor."

Representatives Cody and Schmick spoke in favor of the adoption of the amendment to the committee striking amendment.

Amendment (2075) to the committee striking amendment was adopted.

Representative Kilduff moved the adoption of amendment (2093) to the committee striking amendment:

On page 6, line 26 of the striking amendment, after "Washington" insert ". In considering workforce issues, the advisory committee must evaluate options for reducing or eliminating some or all of the certification-related fees, including the feasibility of requiring that the cost of regulation of persons certified under this chapter be borne by the professions that are identified as eligible to be an underlying credential for certification"

On page 7, after line 9 of the striking amendment, insert the following:

**"NEW SECTION. Sec. 6.** A new section is added to chapter 71.09 RCW to read as follows:

To facilitate the equitable geographic distribution of conditional releases under this chapter, the department shall notify the secretary of health, or the secretary's designee, whenever a sex offender treatment provider in an underserved county has been contracted to provide treatment services to persons on conditional release under this chapter, in which case the secretary of health shall waive any fees for the initial issue, renewal, and reissuance of a credential for the provider under chapter 18.155 RCW. An underserved county is any county identified by the department as having an inadequate supply of qualified sex offender treatment providers to achieve equitable geographic distribution of conditional releases under this chapter.

**Sec. 7.** RCW 18.155.040 and 2004 c 38 s 5 are each amended to read as follows:

In addition to any other authority provided by law, the secretary shall have the following authority:

(1) To set administrative procedures, administrative requirements, and fees in accordance with RCW 43.70.250, ~~((and))~~ 43.70.280, and section 6 of this act;

(2) To establish forms necessary to administer this chapter;

(3) To issue a certificate or an affiliate certificate to any applicant who has met the education, training, and examination requirements for certification or an affiliate certification and deny a certificate to applicants who do not meet the minimum qualifications for certification or affiliate certification. Proceedings concerning the denial of certificates based on unprofessional conduct or impaired practice shall be governed by the uniform disciplinary act, chapter 18.130 RCW;

(4) To hire clerical, administrative, and investigative staff as needed to implement and administer this chapter and

to hire individuals including those certified under this chapter to serve as examiners or consultants as necessary to implement and administer this chapter;

(5) To maintain the official department record of all applicants and certifications;

(6) To conduct a hearing on an appeal of a denial of a certificate on the applicant's failure to meet the minimum qualifications for certification. The hearing shall be conducted pursuant to chapter 34.05 RCW;

(7) To issue subpoenas, statements of charges, statements of intent to deny certificates, and orders and to delegate in writing to a designee the authority to issue subpoenas, statements of charges, and statements of intent to deny certificates;

(8) To determine the minimum education, work experience, and training requirements for certification or affiliate certification, including but not limited to approval of educational programs;

(9) To prepare and administer or approve the preparation and administration of examinations for certification;

(10) To establish by rule the procedure for appeal of an examination failure;

(11) To adopt rules implementing a continuing competency program;

(12) To adopt rules in accordance with chapter 34.05 RCW as necessary to implement this chapter."

Renumber the remaining sections consecutively and correct any internal references accordingly.

Correct the title.

Representatives Kilduff and Schmick spoke in favor of the adoption of the amendment to the committee striking amendment.

Amendment (2093) to the committee striking amendment was adopted.

The committee striking amendment, as amended, was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Schmick and Cody spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Engrossed Substitute Senate Bill No. 6641, as amended by the House.

#### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 6641, as amended by the House, and the bill passed the House by the following vote: Yeas, 96; Nays, 1; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Barkis, Bergquist, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shea, Shewmake, Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Voting nay: Representative Blake.

Excused: Representative Mead.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6641, as amended by the House, having received the necessary constitutional majority, was declared passed.

**ENGROSSED SUBSTITUTE SENATE BILL NO. 6404, by Senate Committee on Health & Long Term Care (originally sponsored by Frockt, O'Ban, Dhingra, Becker, Kuderer, Rivers, Lovelett, Wellman, Pedersen, Nguyen, Darneille, Hasegawa, McCoy, Wilson, C., Das, Conway and Saldaña)**

**Adopting prior authorization and appropriate use criteria in patient care.**

The bill was read the second time.

There being no objection, the committee striking amendment by the Committee on Health Care & Wellness was before the House for purpose of amendment. (For Committee amendment, see Journal, Day 47, February 28, 2020).

With the consent of the House, amendment (1930) to the committee striking amendment was withdrawn.

Representative DeBolt moved the adoption of amendment (2057) to the committee striking amendment:

22.0. On page 1, line 5 of the striking amendment, after "By" strike "October 1, 2020" and insert "April 1, 2021"

On page 3, line 10 of the striking amendment, after "(e)" insert "Lists of the ten durable medical equipment codes: (i) With the highest total number of prior authorization requests during the previous plan year, including the total number of prior authorization requests for each code and the percent of approved requests for each code; (ii) With the highest percentage of approved prior authorization requests during the previous plan year,

including the total number of prior authorization requests for each code and the percent of approved requests for each code; (iii) With the highest percentage of prior authorization requests that were initially denied and then subsequently approved on appeal, including the total number of prior authorization requests for each code and the percent of requests that were initially denied and then subsequently approved for each code;

(f)"

On page 3, line 12 of the striking amendment, after "through" strike "(d)" and insert "(e)"

On page 3, line 17 of the striking amendment, after "By" strike "January" and insert "July"

Representatives DeBolt and Cody spoke in favor of the adoption of the amendment to the committee striking amendment.

Amendment (2057) to the committee striking amendment was adopted.

Representative DeBolt moved the adoption of amendment (2058) to the committee striking amendment:

On page 1, line 5 of the striking amendment, after "By" strike "October 1, 2020" and insert "April 1, 2021"

On page 3, line 10 of the striking amendment, after "(e)" insert "Lists of the ten durable medical equipment codes: (i) With the highest total number of prior authorization requests during the previous plan year, including the total number of prior authorization requests for each code and the percent of approved requests for each code; (ii) With the highest percentage of approved prior authorization requests during the previous plan year, including the total number of prior authorization requests for each code and the percent of approved requests for each code; (iii) With the highest percentage of prior authorization requests that were initially denied and then subsequently approved on appeal, including the total number of prior authorization requests for each code and the percent of requests that were initially denied and then subsequently approved for each code;

(f)"

On page 3, line 12 of the striking amendment, after "through" strike "(d)" and insert "(e)"

On page 3, line 17 of the striking amendment, after "By" strike "January" and insert "July"

Representatives DeBolt and Cody spoke in favor of the adoption of the amendment to the committee striking amendment.

Amendment (2058) to the committee striking amendment was adopted.

The committee striking amendment, as amended, was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Cody, Schmick and Slatter spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Engrossed Substitute Senate Bill No. 6404, as amended by the House.

### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 6404, as amended by the House, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shea, Shewmake, Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Excused: Representative Mead.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6404, as amended by the House, having received the necessary constitutional majority, was declared passed.

**SUBSTITUTE SENATE BILL NO. 6521, by Senate Committee on Early Learning & K-12 Education (originally sponsored by Wellman, Hunt, Mullet, Wilson and C.)**

### Creating an innovative learning pilot program.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Paul and Steele spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 6521.

### ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6521, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shea, Shewmake, Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Excused: Representative Mead.

SUBSTITUTE SENATE BILL NO. 6521, having received the necessary constitutional majority, was declared passed.

**ENGROSSED SENATE JOINT RESOLUTION NO. 8212, by Senators Braun, Conway, Mullet, Schoesler and Palumbo**

**(REVISED FOR ENGROSSED: Proposing an amendment to the Constitution concerning the investment of funds to provide for long-term care services and supports.)**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Stokesbary and Sullivan spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Engrossed Senate Joint Resolution No. 8212.

### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Senate Joint Resolution No. 8212, and the bill passed the House by the following vote: Yeas, 96; Nays, 1; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers,

Chandler, Chapman, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shea, Shewmake, Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Voting nay: Representative Chopp.

Excused: Representative Mead.

ENGROSSED SENATE JOINT RESOLUTION NO. 8212, having received the necessary constitutional majority, was declared passed.

There being no objection, the House advanced to the eighth order of business.

### MOTIONS

There being no objection, the Committee on Rules was relieved of the following bills and the bills were placed on the second reading calendar:

ENGROSSED SENATE BILL NO. 5402  
SECOND SUBSTITUTE SENATE BILL NO. 5601  
SENATE BILL NO. 6045  
SUBSTITUTE SENATE BILL NO. 6058  
SUBSTITUTE SENATE BILL NO. 6084  
SENATE BILL NO. 6123  
ENGROSSED SUBSTITUTE SENATE BILL NO. 6189  
SENATE BILL NO. 6236  
SECOND SUBSTITUTE SENATE BILL NO. 6275  
SUBSTITUTE SENATE BILL NO. 6319

There being no objection, the Committee on State Government & Tribal Relations was relieved of ENGROSSED SENATE BILL NO. 5294 and the bill was placed on the second reading calendar:

There being no objection, the House adjourned until 9:00 a.m., March 6, 2020, the 54th Day of the Regular Session.

LAURIE JINKINS, Speaker

BERNARD DEAN, Chief Clerk

**SIXTY SIXTH LEGISLATURE - REGULAR SESSION****FIFTY FOURTH DAY**

House Chamber, Olympia, Friday, March 6, 2020

The House was called to order at 10:00 a.m. by the Speaker (Representative Lovick presiding). The Clerk called the roll and a quorum was present.

The flags were escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Carter Black and Francoise De Paul Musafiri. The Speaker (Representative Lovick presiding) led the Chamber in the Pledge of Allegiance. The prayer was offered by Pastor Cody Ryu, United Presbyterian Church of Seattle in Edmonds, and spouse of Representative Cindy Ryu.

Reading of the Journal of the previous day was dispensed with and it was ordered to stand approved.

There being no objection, the House advanced to the eighth order of business.

**MOTIONS**

There being no objection, the Committee on Appropriations was relieved of the following bills and the bills were placed on the second reading calendar:

SUBSTITUTE SENATE BILL NO. 6074  
SUBSTITUTE SENATE BILL NO. 6358

There being no objection, the Committee on Rules was relieved of SENATE BILL NO. 6357 and the bill was placed on the second reading calendar.

Representative Paul was excused from the bar.

There being no objection, the House reverted to the third order of business.

**MESSAGES FROM THE SENATE**

Mme. SPEAKER:

The Senate has passed:

HOUSE BILL NO. 1702  
HOUSE BILL NO. 2217  
SECOND SUBSTITUTE HOUSE BILL NO. 2277  
SUBSTITUTE HOUSE BILL NO. 2308  
ENGROSSED SECOND SUBSTITUTE HOUSE  
BILL NO. 2311  
ENGROSSED SECOND SUBSTITUTE HOUSE  
BILL NO. 2467  
ENGROSSED SECOND SUBSTITUTE HOUSE  
BILL NO. 2518  
SUBSTITUTE HOUSE BILL NO. 2607

SUBSTITUTE HOUSE BILL NO. 2803

HOUSE BILL NO. 2853

SECOND SUBSTITUTE HOUSE BILL NO. 2864

and the same are herewith transmitted.

Brad Hendrickson, Secretary

March 5, 2020

Mme. SPEAKER:

The President has signed:

SECOND SUBSTITUTE SENATE BILL NO. 5144,  
SUBSTITUTE SENATE BILL NO. 5867,  
SENATE BILL NO. 6034,  
SENATE BILL NO. 6096,  
SECOND SUBSTITUTE SENATE BILL NO. 6139,  
SENATE BILL NO. 6170,  
SUBSTITUTE SENATE BILL NO. 6208,  
SUBSTITUTE SENATE BILL NO. 6210,  
ENGROSSED SUBSTITUTE SENATE BILL NO.  
6217,  
SENATE BILL NO. 6218,  
SENATE BILL NO. 6229,  
SUBSTITUTE SENATE BILL NO. 6267,  
SENATE BILL NO. 6286,  
SECOND SUBSTITUTE SENATE BILL NO. 6309,  
ENGROSSED SENATE BILL NO. 6421,  
SUBSTITUTE SENATE BILL NO. 6483,  
SENATE BILL NO. 6493,  
SUBSTITUTE SENATE BILL NO. 6495,  
SUBSTITUTE SENATE BILL NO. 6663,

and the same are herewith transmitted.

Brad Hendrickson, Secretary

March 5, 2020

Mme. SPEAKER:

The Senate has passed:

ENGROSSED SUBSTITUTE HOUSE BILL NO.  
1261,  
HOUSE BILL NO. 1347,  
ENGROSSED SUBSTITUTE HOUSE BILL NO.  
2265,  
SUBSTITUTE HOUSE BILL NO. 2614,  
ENGROSSED HOUSE BILL NO. 2755,

and the same are herewith transmitted.

Brad Hendrickson, Secretary

There being no objection, the House advanced to the fourth order of business.

### INTRODUCTION & FIRST READING

**HB 2966** by Representatives Tarleton, Frame and Ryu

AN ACT Relating to state lands development authorities; and adding a new chapter to Title 43 RCW.

Referred to Committee on Housing, Community Development & Veterans.

**E2SSB 6515** by Senate Committee on Ways & Means (originally sponsored by Van De Wege, Randall, Mullet, Takko, Lovelett, Lias, Conway, Hasegawa, Wilson and C.)

AN ACT Relating to nursing facilities; amending RCW 18.51.091, 18.51.230, 74.42.360, and 74.46.561; adding a new section to chapter 74.46 RCW; creating a new section; and declaring an emergency.

Referred to Committee on Rules.

**ESSB 6534** by Senate Committee on Health & Long Term Care (originally sponsored by Cleveland)

AN ACT Relating to an ambulance transport quality assurance fee; reenacting and amending RCW 43.84.092; adding a new chapter to Title 74 RCW; prescribing penalties; providing an expiration date; and declaring an emergency.

Referred to Committee on Rules.

There being no objection, the bills listed on the day's introduction sheet under the fourth order of business were referred to the committees so designated.

There being no objection, the House advanced to the sixth order of business.

### SECOND READING

**SENATE BILL NO. 6066, by Senators Hasegawa, Kuderer, Nguyen, Stanford, Saldaña, Wilson and C.**

**Expanding ethnic studies materials and resources for public school students in grades kindergarten through six.**

The bill was read the second time.

Representative Stokesbary moved the adoption of amendment (2144):

22.0. On page 2, line 34, after "(3)" insert "By October 1, 2021, and in compliance with RCW 43.01.036, the superintendent of public instruction must submit to the appropriate committees of the legislature a report about the ethnic studies materials and resources identified and posted on its web site under RCW 28A.300.112, including an analysis, disaggregated by grade band, of which ethnic groups the materials and resources focus on, and which ethnic groups are not represented.

(4)"

Representative Stokesbary spoke in favor of the adoption of the amendment.

Representative Santos spoke against the adoption of the amendment.

Amendment (2144) was not adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Ortiz-Self and Corry spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Senate Bill No. 6066.

### ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 6066 and the bill passed the House by the following vote: Yeas, 64; Nays, 33; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Bergquist, Blake, Callan, Chapman, Chopp, Cody, Corry, Davis, Doglio, Dolan, Duerr, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goodman, Gregerson, Hansen, Harris, Hudgins, J. Johnson, Kilduff, Kirby, Kloba, Leavitt, Lekanoff, Lovick, Macri, Mead, Morgan, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Sells, Senn, Shewmake, Slatter, Springer, Stokesbary, Stonier, Sullivan, Tarleton, Thai, Tharinger, Valdez, Walen, Wylie, Ybarra and Mme. Speaker.

Voting nay: Representatives Barkis, Boehnke, Caldier, Chambers, Chandler, DeBolt, Dent, Dufault, Goehner, Graham, Griffey, Hoff, Irwin, Jenkin, Klippert, Kraft, Kretz, MacEwen, Maycumber, McCaslin, Mosbrucker, Orcutt, Schmick, Shea, Smith, Steele, Sutherland, Van Werven, Vick, Volz, Walsh, Wilcox and Young.

Excused: Representative Paul.

SENATE BILL NO. 6066 having received the necessary constitutional majority, was declared passed.

**SUBSTITUTE SENATE BILL NO. 6074, by Senate Committee on Law & Justice (originally sponsored by Dhingra, Rivers, Padden, Mullet, Van De Wege, Randall, Salomon, Keiser, Conway, Pedersen, Kuderer, Das and Stanford)**



**Reauthorizing and expanding the financial fraud and identity theft crimes investigation and prosecution program.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Kirby spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 6074.

**ROLL CALL**

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6074, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Mead, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shea, Shewmake, Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Excused: Representative Paul.

SUBSTITUTE SENATE BILL NO. 6074, having received the necessary constitutional majority, was declared passed.

**SUBSTITUTE SENATE BILL NO. 6088, by Senate Committee on Ways & Means (originally sponsored by Keiser, Conway, Das, Frockt, Hasegawa, Hunt, Kuderer, Pedersen, Randall, Rolfes, Stanford, Wilson and C.)**

**Establishing a prescription drug affordability board.**

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Appropriations was before the House for purpose of amendment. (For Committee amendment, see Journal, Day 50, March 2, 2020).

Representative Cody moved the adoption of amendment (2067) to the committee striking amendment:

22.0. On page 5, after line 7 of the striking amendment, insert the following:

"(4) Any proprietary information submitted by a prescription drug or biological product manufacturer pursuant to this section or section 4 of this act must be kept confidential."

Representatives Cody and Schmick spoke in favor of the adoption of the amendment to the committee striking amendment.

Amendment (2067) to the committee striking amendment was adopted.

The committee striking amendment, as amended, was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Cody and Schmick spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 6088, as amended by the House.

**ROLL CALL**

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6088, as amended by the House, and the bill passed the House by the following vote: Yeas, 94; Nays, 3; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Mead, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Voting nay: Representatives Kraft, Shea and Sutherland.  
Excused: Representative Paul.

SUBSTITUTE SENATE BILL NO. 6088, as amended by the House, having received the necessary constitutional majority, was declared passed.

**SENATE BILL NO. 6357, by Senators Conway and King**

**Increasing the dollar limit of pull-tabs.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Peterson and MacEwen spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Senate Bill No. 6357.

### ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 6357, and the bill passed the House by the following vote: Yeas, 86; Nays, 11; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Chambers, Chandler, Chapman, Cody, Corry, DeBolt, Dent, Doglio, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Hoff, Hudgins, Irwin, Jenkin, J. Johnson, Kirby, Klippert, Kloba, Kraft, Kretz, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Mead, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Riccelli, Robinson, Rude, Santos, Schmick, Sells, Shea, Shewmake, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Voting nay: Representatives Callan, Chopp, Davis, Harris, Kilduff, Leavitt, Ramos, Ryu, Senn, Smith and Thai. Excused: Representative Paul.

SENATE BILL NO. 6357, having received the necessary constitutional majority, was declared passed.

**ENGROSSED SUBSTITUTE SENATE BILL NO. 6419, by Senate Committee on Human Services, Reentry & Rehabilitation (originally sponsored by Keiser, Braun, Rolfes, Randall, Rivers, Dhingra, Darneille, Wilson, C., Saldaña and Salomon)**

**Concerning implementation of the recommendations of the December 2019 report from the William D. Ruckelshaus center regarding residential habilitation center clients.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Robinson and Dent spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Substitute Senate Bill No. 6419.

### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 6419, and the bill passed the House by the following vote: Yeas, 95; Nays, 2; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, Dent, Doglio, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, J. Johnson, Kilduff, Kirby, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Mead, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shea, Shewmake, Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Voting nay: Representatives DeBolt and Klippert. Excused: Representative Paul.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6419, having received the necessary constitutional majority, was declared passed.

**SECOND SUBSTITUTE SENATE BILL NO. 6478, by Senate Committee on Ways & Means (originally sponsored by Nguyen, Darneille, Stanford, Saldaña, Dhingra, Das and Hasegawa)**

### Revising economic assistance programs.

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Human Services & Early Learning was not adopted. (For Committee amendment, see Journal, Day 47, February 28, 2020).

Representative Senn moved the adoption of the striking amendment (2133):  
22.0.

Strike everything after the enacting clause and insert the following:

**"Sec. 23.** RCW 74.08A.010 and 2019 c 343 s 2 are each amended to read as follows:

(1) A family that includes an adult who has received temporary assistance for needy families for sixty months after July 27, 1997, shall be ineligible for further temporary assistance for needy families assistance.

(2) For the purposes of applying the rules of this section, the department shall count any month in which an

adult family member received a temporary assistance for needy families cash assistance grant unless the assistance was provided when the adult family member was a minor child and not the head of the household or married to the head of the household.

(3) The department shall adopt regulations to apply the sixty-month time limit to households in which a parent is in the home and ineligible for temporary assistance for needy families. Any regulations shall be consistent with federal funding requirements.

(4) The department shall refer recipients who require specialized assistance to appropriate department programs, crime victims' programs through the department of commerce, or the crime victims' compensation program of the department of labor and industries.

(5)(a) The department shall add to adopted rules related to temporary assistance for needy families time limit extensions, the following criteria by which the department shall exempt a recipient and the recipient's family from the application of subsection (1) of this section:

(i) By reason of hardship, including ~~((if the recipient is a homeless person as described in RCW 43.185C.010))~~ when:

(A) The recipient's family includes a child or youth who is without a fixed, regular, and adequate nighttime residence as described in the federal McKinney-Vento homeless assistance act (Title 42 U.S.C., chapter 119, subchapter VI, part B) as it existed on January 1, 2020; or

(B) The recipient is in need of mental health or substance use disorder treatment; or

(ii) If the family includes an individual who meets the family violence options of section 402(A)(7) of Title IVA of the federal social security act as amended by P.L. 104-193.

(b) Policies related to circumstances under which a recipient will be exempted from the application of subsection (1) or (3) of this section shall treat adults receiving benefits on their own behalf, and parents receiving benefits on behalf of their child similarly, unless required otherwise under federal law.

(6) The department shall not exempt a recipient and his or her family from the application of subsection (1) or (3) of this section until after the recipient has received fifty-two months of assistance under this chapter.

(7) The department shall provide transitional food assistance for a period of five months to a household that ceases to receive temporary assistance for needy families assistance and is not in sanction status. If necessary, the department shall extend the household's basic food certification until the end of the transition period.

**NEW SECTION. Sec. 24.** A new section is added to chapter 74.08A RCW to read as follows:

(1) Annually by December 31st, the department must report to the governor and the appropriate policy and fiscal committees of the legislature disaggregated data identifying the race of individuals whose temporary assistance for needy

families benefits were reduced or terminated during the preceding year due to:

(a) Sanction as described in RCW 74.08A.260; or

(b) Reaching the sixty-month time limit under RCW 74.08A.010.

(2) If the disaggregated data for terminated or sanctioned individuals shows a disproportionate representation of any racial group that has experienced historic disparities or discrimination, the department must describe steps it is taking to address and remedy the racial disproportionality.

**NEW SECTION. Sec. 25.** Section 1 of this act takes effect July 1, 2021."

Correct the title.

Representative Senn spoke in favor of the adoption of the striking amendment.

The striking amendment (2133) was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Senn and Entenman spoke in favor of the passage of the bill.

Representatives Dent and Dye spoke against the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Second Substitute Senate Bill No. 6478, as amended by the House.

## ROLL CALL

The Clerk called the roll on the final passage of Second Substitute Senate Bill No. 6478, as amended by the House, and the bill passed the House by the following vote: Yeas, 57; Nays, 40; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Bergquist, Blake, Boehnke, Callan, Chapman, Chopp, Cody, Davis, Doglio, Dolan, Duerr, Entenman, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hansen, Hudgins, J. Johnson, Kilduff, Kirby, Kloba, Leavitt, Lekanoff, Lovick, Macri, Mead, Morgan, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Ryu, Santos, Sells, Senn, Shewmake, Slatter, Springer, Stonier, Sullivan, Tarleton, Thai, Tharinger, Valdez, Walen, Wylie and Mme. Speaker.

Voting nay: Representatives Barkis, Caldier, Chambers, Chandler, Corry, DeBolt, Dent, Dufault, Dye, Eslick, Gildon, Goehner, Graham, Griffey, Harris, Hoff, Irwin, Jenkin, Klippert, Kraft, Kretz, MacEwen, Maycumber, McCaslin, Mosbrucker, Orcutt, Rude, Schmick, Shea, Smith, Steele, Stokesbary, Sutherland, Van Werven, Vick, Volz, Walsh, Wilcox, Ybarra and Young.

Excused: Representative Paul.

SECOND SUBSTITUTE SENATE BILL NO. 6478, as amended by the House, having received the necessary constitutional majority, was declared passed.

**ENGROSSED SUBSTITUTE SENATE BILL NO. 6592, by Senate Committee on Local Government (originally sponsored by Holy, Hunt, Takko and Keiser)**

**Concerning tourism authorities.**

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Innovation, Technology & Economic Development was not adopted. (For Committee amendment, see Journal, Day 47, February 28, 2020).

There being no objection, the committee amendment by the Committee on Finance was adopted. (For Committee amendment, see Journal, Day 50, March 2, 2020).

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Tarleton, Boehnke, Tarleton (again), Orcutt and Jenkin spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Substitute Senate Bill No. 6592, as amended by the House.

**ROLL CALL**

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 6592, as amended by the House, and the bill passed the House by the following vote: Yeas, 89; Nays, 8; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Davis, DeBolt, Dent, Doglio, Dolan, Duerr, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Mead, Morgan, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Voting nay: Representatives Caldier, Corry, Dufault, Gildon, Kraft, Mosbrucker, Shea and Sutherland.

Excused: Representative Paul.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6592, as amended by the House, having received the necessary constitutional majority, was declared passed.

**SUBSTITUTE SENATE BILL NO. 6086, by Senate Committee on Behavioral Health Subcommittee to Health & Long Term Care (originally sponsored by Hasegawa, Keiser, Kuderer and Nguyen)**

**Increasing access to medications for opioid use disorder.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Davis and Schmick spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 6086.

**ROLL CALL**

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6086, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Mead, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shea, Shewmake, Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Excused: Representative Paul.

SUBSTITUTE SENATE BILL NO. 6086, having received the necessary constitutional majority, was declared passed.

**ENGROSSED SUBSTITUTE SENATE BILL NO. 6280, by Senate Committee on Environment, Energy & Technology (originally sponsored by Nguyen, Carlyle, Wellman, Salomon, Lovelett, Das, Randall, Pedersen, Wilson, C. and Hunt)**

**Concerning the use of facial recognition services.**

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Innovation, Technology & Economic

Development was not adopted. (For Committee amendment, see Journal, Day 47, February 28, 2020).

With the consent of the House, amendment (2097) was withdrawn.

Representative Entenman moved the adoption of the striking amendment (2120):

25.0.

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 26.** The legislature finds that:

(1) Unconstrained use of facial recognition services by state and local government agencies poses broad social ramifications that should be considered and addressed. Accordingly, legislation is required to establish safeguards that will allow state and local government agencies to use facial recognition services in a manner that benefits society while prohibiting uses that threaten our democratic freedoms and put our civil liberties at risk.

(2) However, state and local government agencies may use facial recognition services in a variety of beneficial ways, such as locating missing or incapacitated persons, identifying victims of crime, and keeping the public safe.

**NEW SECTION. Sec. 27.** The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Accountability report" means a report developed in accordance with section 3 of this act.

(2) "Enroll," "enrolled," or "enrolling" means the process by which a facial recognition service creates a facial template from one or more images of an individual and adds the facial template to a gallery used by the facial recognition service for recognition or persistent tracking of individuals. It also includes the act of adding an existing facial template directly into a gallery used by a facial recognition service.

(3)(a) "Facial recognition service" means technology that analyzes facial features and is used by a state or local government agency for the identification, verification, or persistent tracking of individuals in still or video images.

(b) "Facial recognition service" does not include: (i) The analysis of facial features to grant or deny access to an electronic device; or (ii) the use of an automated or semiautomated process for the purpose of redacting a recording for release or disclosure outside the law enforcement agency to protect the privacy of a subject depicted in the recording, if the process does not generate or result in the retention of any biometric data or surveillance information.

(4) "Facial template" means the machine-interpretable pattern of facial features that is extracted from one or more images of an individual by a facial recognition service.

(5) "Identification" means the use of a facial recognition service by a state or local government agency to determine whether an unknown individual matches any

individual whose identity is known to the state or local government agency and who has been enrolled by reference to that identity in a gallery used by the facial recognition service.

(6) "Legislative authority" means the respective city, county, or other local governmental agency's council, commission, or other body in which legislative powers are vested. For a port district, the legislative authority refers to the port district's port commission. For an airport established pursuant to chapter 14.08 RCW and operated by a board, the legislative authority refers to the airport's board. For a state agency, "legislative authority" refers to the technology services board created in RCW 43.105.285.

(7) "Meaningful human review" means review or oversight by one or more individuals who are trained in accordance with section 8 of this act and who have the authority to alter the decision under review.

(8) "Nonidentifying demographic data" means data that is not linked or reasonably linkable to an identified or identifiable individual, and includes, at a minimum, information about gender, race or ethnicity, age, and location.

(9) "Ongoing surveillance" means using a facial recognition service to track the physical movements of a specified individual through one or more public places over time, whether in real time or through application of a facial recognition service to historical records. It does not include a single recognition or attempted recognition of an individual, if no attempt is made to subsequently track that individual's movement over time after they have been recognized.

(10) "Persistent tracking" means the use of a facial recognition service by a state or local government agency to track the movements of an individual on a persistent basis without identification or verification of that individual. Such tracking becomes persistent as soon as:

(a) The facial template that permits the tracking is maintained for more than forty-eight hours after first enrolling that template; or

(b) Data created by the facial recognition service is linked to any other data such that the individual who has been tracked is identified or identifiable.

(11) "Recognition" means the use of a facial recognition service by a state or local government agency to determine whether an unknown individual matches:

(a) Any individual who has been enrolled in a gallery used by the facial recognition service; or

(b) A specific individual who has been enrolled in a gallery used by the facial recognition service.

(12) "Serious criminal offense" means any offense defined under RCW 9.94A.030 (26), (33), (42), (43), (47), or (56).

(13) "Verification" means the use of a facial recognition service by a state or local government agency to determine whether an individual is a specific individual

whose identity is known to the state or local government agency and who has been enrolled by reference to that identity in a gallery used by the facial recognition service.

**NEW SECTION. Sec. 28.** (1) A state or local government agency using or intending to develop, procure, or use a facial recognition service must file with a legislative authority a notice of intent to develop, procure, or use a facial recognition service and specify a purpose for which the technology is to be used. A state or local government agency may commence the accountability report required in this section only upon the approval of the notice of intent by the legislative authority.

(2) Prior to developing, procuring, or using a facial recognition service, a state or local government agency must produce an accountability report for that service. Each accountability report must include, at minimum, clear and understandable statements of the following:

(a)(i) The name of the facial recognition service, vendor, and version; and (ii) a description of its general capabilities and limitations, including reasonably foreseeable capabilities outside the scope of the proposed use of the agency;

(b)(i) The type or types of data inputs that the technology uses; (ii) how that data is generated, collected, and processed; and (iii) the type or types of data the system is reasonably likely to generate;

(c)(i) A description of the purpose and proposed use of the facial recognition service, including what decision or decisions will be used to make or support it; (ii) whether it is a final or support decision system; and (iii) its intended benefits, including any data or research demonstrating those benefits;

(d) A clear use and data management policy, including protocols for the following:

(i) How and when the facial recognition service will be deployed or used and by whom including, but not limited to, the factors that will be used to determine where, when, and how the technology is deployed, and other relevant information, such as whether the technology will be operated continuously or used only under specific circumstances. If the facial recognition service will be operated or used by another entity on the agency's behalf, the facial recognition service accountability report must explicitly include a description of the other entity's access and any applicable protocols;

(ii) Any measures taken to minimize inadvertent collection of additional data beyond the amount necessary for the specific purpose or purposes for which the facial recognition service will be used;

(iii) Data integrity and retention policies applicable to the data collected using the facial recognition service, including how the agency will maintain and update records used in connection with the service, how long the agency will keep the data, and the processes by which data will be deleted;

(iv) Any additional rules that will govern use of the facial recognition service and what processes will be required prior to each use of the facial recognition service;

(v) Data security measures applicable to the facial recognition service including how data collected using the facial recognition service will be securely stored and accessed, if and why an agency intends to share access to the facial recognition service or the data from that facial recognition service with any other entity, and the rules and procedures by which an agency sharing data with any other entity will ensure that such entities comply with the sharing agency's use and data management policy as part of the data sharing agreement;

(vi) How the facial recognition service provider intends to fulfill security breach notification requirements pursuant to chapter 19.255 RCW and how the agency intends to fulfill security breach notification requirements pursuant to RCW 42.56.590; and

(vii) The agency's training procedures, including those implemented in accordance with section 8 of this act, and how the agency will ensure that all personnel who operate the facial recognition service or access its data are knowledgeable about and able to ensure compliance with the use and data management policy prior to use of the facial recognition service;

(e) The agency's testing procedures, including its processes for periodically undertaking operational tests of the facial recognition service in accordance with section 6 of this act;

(f) Information on the facial recognition service's rate of false matches, potential impacts on protected subpopulations, and how the agency will address error rates, determined independently, greater than one percent;

(g) A description of any potential impacts of the facial recognition service on civil rights and liberties, including potential impacts to privacy and potential disparate impacts on marginalized communities, and the specific steps the agency will take to mitigate the potential impacts and prevent unauthorized use of the facial recognition service; and

(h) The agency's procedures for receiving feedback, including the channels for receiving feedback from individuals affected by the use of the facial recognition service and from the community at large, as well as the procedures for responding to feedback.

(3) Prior to finalizing the accountability report, the agency must:

(a) Allow for a public review and comment period;

(b) Hold at least three community consultation meetings; and

(c) Consider the issues raised by the public through the public review and comment period and the community consultation meetings.

(4) The final accountability report must be adopted by a legislative authority in a public meeting before the agency may develop, procure, or use a facial recognition service.

(5) The final adopted accountability report must be clearly communicated to the public at least ninety days prior to the agency putting the facial recognition service into operational use, posted on the agency's public web site, and submitted to the consolidated technology services agency established in RCW 43.105.006. The consolidated technology services agency must post each submitted accountability report on its public web site.

(6) A state or local government agency seeking to procure a facial recognition service must require vendors to disclose any complaints or reports of bias regarding the service.

(7) An agency seeking to use a facial recognition service for a purpose not disclosed in the agency's existing accountability report must first seek public comment and community consultation on the proposed new use and adopt an updated accountability report pursuant to the requirements contained in this section.

(8) A state or local government agency that is using a facial recognition service as of the effective date of this section must suspend its use of the service until it complies with the requirements of this chapter.

**NEW SECTION. Sec. 29.** (1) State and local government agencies using a facial recognition service are required to prepare and publish an annual report that discloses:

(a) The extent and effectiveness of their use of such services, including nonidentifying demographic data about individuals subjected to a facial recognition service;

(b) An assessment of compliance with the terms of their accountability report;

(c) Any known or reasonably suspected violations of their accountability report, including categories of complaints alleging violations; and

(d) Any revisions to the accountability report recommended by the agency during the next update of the policy.

(2) The annual report must be submitted to the office of privacy and data protection.

(3) All agencies must hold community meetings to review and discuss their annual report within sixty days of its adoption by a legislative authority and public release.

**NEW SECTION. Sec. 30.** State and local government agencies using a facial recognition service to make decisions that produce legal effects concerning individuals or similarly significant effects concerning individuals must ensure that those decisions are subject to meaningful human review. Decisions that produce legal effects concerning individuals or similarly significant effects concerning individuals means decisions that result in the provision or denial of financial and lending services, housing, insurance, education enrollment, criminal justice, employment opportunities,

health care services, or access to basic necessities such as food and water, or that impact civil rights of individuals.

**NEW SECTION. Sec. 31.** Prior to deploying a facial recognition service in the context in which it will be used, state and local government agencies using a facial recognition service to make decisions that produce legal effects on individuals or similarly significant effect on individuals must test the facial recognition service in operational conditions. State and local government agencies must take reasonable steps to ensure best quality results by following all guidance provided by the developer of the facial recognition service.

**NEW SECTION. Sec. 32.** (1)(a) A facial recognition service provider that provides or intends to provide facial recognition services to state or local government agencies must make available an application programming interface or other technical capability, chosen by the provider, to enable legitimate, independent, and reasonable tests of those facial recognition services for accuracy and unfair performance differences across distinct subpopulations. Such subpopulations are defined by visually detectable characteristics such as: (i) Race, skin tone, ethnicity, gender, age, or disability status; or (ii) other protected characteristics that are objectively determinable or self-identified by the individuals portrayed in the testing dataset. If the results of the independent testing identify material unfair performance differences across subpopulations, the provider must develop and implement a plan to mitigate the identified performance differences.

(b) Making an application programming interface or other technical capability does not require providers to do so in a manner that would increase the risk of cyberattacks or to disclose proprietary data. Providers bear the burden of minimizing these risks when making an application programming interface or other technical capability available for testing.

(2) Nothing in this section requires a state or local government to collect or provide data to a facial recognition service provider to satisfy the requirements in subsection (1) of this section.

**NEW SECTION. Sec. 33.** State and local government agencies using a facial recognition service must conduct periodic training of all individuals who operate a facial recognition service or who process personal data obtained from the use of a facial recognition service. The training must include, but not be limited to, coverage of:

(1) The capabilities and limitations of the facial recognition service;

(2) Procedures to interpret and act on the output of the facial recognition service; and

(3) To the extent applicable to the deployment context, the meaningful human review requirement for decisions that produce legal effects concerning individuals or similarly significant effects concerning individuals.

**NEW SECTION. Sec. 34.** (1) State and local government agencies must disclose their use of a facial

recognition service on a criminal defendant to that defendant in a timely manner prior to trial.

(2) State and local government agencies using a facial recognition service shall maintain records of their use of the service that are sufficient to facilitate public reporting and auditing of compliance with agencies' facial recognition policies.

(3) In January of each year, any judge who has issued a warrant for the use of a facial recognition service to engage in any surveillance, or an extension thereof, as described in section 13(1) of this act, that expired during the preceding year, or who has denied approval of such a warrant during that year shall report to the administrator for the courts:

(a) The fact that a warrant or extension was applied for;

(b) The fact that the warrant or extension was granted as applied for, was modified, or was denied;

(c) The period of surveillance authorized by the warrant and the number and duration of any extensions of the warrant;

(d) The identity of the applying investigative or law enforcement officer and agency making the application and the person authorizing the application; and

(e) The nature of the public spaces where the surveillance was conducted.

(4) In January of each year, any state or local government agency that has applied for a warrant, or an extension thereof, for the use of a facial recognition service to engage in any surveillance as described in section 13(1) of this act shall provide to a legislative authority a report summarizing nonidentifying demographic data of individuals named in warrant applications as subjects of surveillance with the use of a facial recognition service.

**NEW SECTION. Sec. 35.** This chapter does not apply to a state or local government agency that is mandated to use a specific facial recognition service pursuant to a federal regulation or order, or that are undertaken through partnership with a federal agency to fulfill a congressional mandate. A state or local government agency must report the mandated use of a facial recognition service to a legislative authority.

**NEW SECTION. Sec. 36.** (1) Any person who has been subjected to a facial recognition service in violation of this chapter or about whom information has been obtained, retained, accessed, or used in violation of this chapter, may institute proceedings for injunctive relief, declaratory relief, or writ of mandate in any court of competent jurisdiction to enforce this chapter.

(2) A court shall award costs and reasonable attorneys' fees to a prevailing plaintiff in an action brought under subsection (1) of this section.

**NEW SECTION. Sec. 37.** (1)(a) The William D. Ruckelshaus center must establish a facial recognition task force, with members as provided in this subsection.

(i) The president of the senate shall appoint one member from each of the two largest caucuses of the senate;

(ii) The speaker of the house of representatives shall appoint one member from each of the two largest caucuses of the house of representatives;

(iii) Eight representatives from advocacy organizations that represent individuals or protected classes of communities historically impacted by surveillance technologies including, but not limited to, African American, Hispanic American, Native American, and Asian American communities, religious minorities, protest and activist groups, and other vulnerable communities;

(iv) Two members from law enforcement or other agencies of government;

(v) One representative from a retailer or other company who deploys facial recognition services in physical premises open to the public;

(vi) Two representatives from consumer protection organizations;

(vii) Two representatives from companies that develop and provide facial recognition services; and

(viii) Two representatives from universities or research institutions who are experts in either facial recognition services or their sociotechnical implications, or both.

(b) The task force shall choose two cochairs from among its legislative membership.

(2) The task force shall review the following issues:

(a) Provide recommendations addressing the potential abuses and threats posed by the use of a facial recognition service to civil liberties and freedoms, privacy and security, and discrimination against vulnerable communities, as well as other potential harm, while also addressing how to facilitate and encourage the continued development of a facial recognition service so that individuals, businesses, government, and other stakeholders in society continue to utilize its benefits;

(b) Provide recommendations regarding the adequacy and effectiveness of applicable Washington state laws; and

(c) Conduct a study on the quality, accuracy, and efficacy of a facial recognition service including, but not limited to, its quality, accuracy, and efficacy across different subpopulations.

(3) Legislative members of the task force are reimbursed for travel expenses in accordance with RCW 44.04.120. Nonlegislative members are not entitled to be reimbursed for travel expenses if they are elected officials or are participating on behalf of an employer, governmental entity, or other organization. Any reimbursement for other nonlegislative members is subject to chapter 43.03 RCW.

(4) The task force shall report its findings and recommendations to the governor and the appropriate committees of the legislature by September 30, 2021.



(5) This section expires September 30, 2022.

**NEW SECTION. Sec. 38.** A new section is added to chapter 9.73 RCW to read as follows:

(1) State and local government agencies may not use a facial recognition service to engage in any surveillance including, but not limited to, engaging in ongoing surveillance, creating a facial template, conducting an identification, starting persistent surveillance, or performing a recognition, without a warrant, unless exigent circumstances exist.

(2) State and local government agencies must not apply a facial recognition service to any individual based on their religious, political, or social views or activities, participation in a particular noncriminal organization or lawful event, or actual or perceived race, ethnicity, citizenship, place of origin, immigration status, age, disability, gender, gender identity, sexual orientation, or other characteristic protected by law. This subsection does not condone profiling including, but not limited to, predictive law enforcement tools.

(3) State and local government agencies may not use a facial recognition service to create a record describing any individual's exercise of rights guaranteed by the First Amendment of the United States Constitution and by Article I, section 5 of the state Constitution.

(4) Law enforcement agencies that utilize body worn camera recordings shall comply with the provisions of RCW 42.56.240(14).

(5) State and local law enforcement agencies may not use the results of a facial recognition service as the sole basis to establish probable cause in a criminal investigation. The results of a facial recognition service may be used in conjunction with other information and evidence lawfully obtained by a law enforcement officer to establish probable cause in a criminal investigation.

**NEW SECTION. Sec. 39.** The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Consumer" means a natural person who is a Washington resident.

(2) "Controller" means the natural or legal person which, alone or jointly with others, determines the purposes and means of the processing of personal data.

(3) "Enroll," "enrolled," or "enrolling" means the process by which a facial recognition service creates a facial template from one or more images of a consumer and adds the facial template to a gallery used by the facial recognition service for identification, verification, or persistent tracking of consumers. It also includes the act of adding an existing facial template directly into a gallery used by a facial recognition service.

(4) "Facial recognition service" means technology that analyzes facial features and is used for the identification, verification, or persistent tracking of consumers in still or video images.

(5) "Facial template" means the machine-interpretable pattern of facial features that is extracted from one or more images of an individual by a facial recognition service.

(6) "Identification" means the use of a facial recognition service by a controller to determine whether an unknown consumer matches any consumer whose identity is known to the controller and who has been enrolled by reference to that identity in a gallery used by the facial recognition service.

(7) "Meaningful human review" means review or oversight by one or more individuals who are trained in accordance with section 15(8) of this act and who have the authority to alter the decision under review.

(8) "Persistent tracking" means the use of a facial recognition service to track the movements of a consumer on a persistent basis without identification or verification of that consumer. Such tracking becomes persistent as soon as:

(a) The facial template that permits the tracking uses a facial recognition service for more than forty-eight hours after the first enrolling of that template; or

(b) The data created by the facial recognition service in connection with the tracking of the movements of the consumer are linked to any other data such that the consumer who has been tracked is identified or identifiable.

(9) "Personal data" means any information that is linked or reasonably linkable to an identified or identifiable natural person. "Personal data" does not include deidentified data or publicly available information.

(10) "Processor" means a natural or legal person who processes personal data on behalf of a controller.

(11) "Recognition" means the use of a facial recognition service to determine whether:

(a) An unknown consumer matches any consumer who has been enrolled in a gallery used by the facial recognition service; or

(b) An unknown consumer matches a specific consumer who has been enrolled in a gallery used by the facial recognition service.

(12) "Verification" means the use of a facial recognition service by a controller to determine whether a consumer is a specific consumer whose identity is known to the controller and who has been enrolled by reference to that identity in a gallery used by the facial recognition service.

**NEW SECTION. Sec. 40.** (1)(a) Processors that provide facial recognition services must make available an application programming interface or other technical capability, chosen by the processor, to enable controllers or third parties to conduct legitimate, independent, and reasonable tests of those facial recognition services for accuracy and unfair performance differences across distinct subpopulations. Such subpopulations are defined by visually detectable characteristics, such as (i) race, skin tone, ethnicity, gender, age, or disability status, or (ii) other protected characteristics that are objectively determinable or self-identified by the individuals portrayed in the testing

dataset. If the results of that independent testing identify material unfair performance differences across subpopulations, the processor must develop and implement a plan to mitigate the identified performance differences. Nothing in this subsection prevents a processor from prohibiting the use of the processor's facial recognition service by a competitor for competitive purposes.

(b) Making an application programming interface or other technical capability does not require processors to do so in a manner that would increase the risk of cyberattacks or to disclose proprietary data. Processors bear the burden of minimizing these risks when making an application programming interface or other technical capability available for testing.

(2) Processors that provide facial recognition services must provide documentation that includes general information that:

(a) Explains the capabilities and limitations of the services in plain language; and

(b) Enables testing of the services in accordance with this section.

(3) Processors that provide facial recognition services must prohibit by contract the use of facial recognition services by controllers to unlawfully discriminate under federal or state law against individual consumers or groups of consumers.

(4) Controllers must provide a conspicuous and contextually appropriate notice whenever a facial recognition service is deployed in a physical premise open to the public that includes, at minimum, the following:

(a) The purpose or purposes for which the facial recognition service is deployed; and

(b) Information about where consumers can obtain additional information about the facial recognition service including, but not limited to, a link to any applicable online notice, terms, or policy that provides information about where and how consumers can exercise any rights that they have with respect to the facial recognition service.

(5) Controllers must obtain consent from a consumer prior to enrolling an image of that consumer in a facial recognition service used in a physical premise open to the public.

(6) Controllers using a facial recognition service to make decisions that produce legal effects on consumers or similarly significant effects on consumers must ensure that those decisions are subject to meaningful human review.

(7) Prior to deploying a facial recognition service in the context in which it will be used, controllers using a facial recognition service to make decisions that produce legal effects on consumers or similarly significant effects on consumers must test the facial recognition service in operational conditions. Controllers must take commercially reasonable steps to ensure best quality results by following all reasonable guidance provided by the developer of the facial recognition service.

(8) Controllers using a facial recognition service must conduct periodic training of all individuals that operate a facial recognition service or that process personal data obtained from the use of facial recognition services. Such training shall include, but not be limited to, coverage of:

(a) The capabilities and limitations of the facial recognition service;

(b) Procedures to interpret and act on the output of the facial recognition service; and

(c) The meaningful human review requirement for decisions that produce legal effects on consumers or similarly significant effects on consumers, to the extent applicable to the deployment context.

(9) Controllers shall not knowingly disclose personal data obtained from a facial recognition service to a law enforcement agency, except when such disclosure is:

(a) Pursuant to the consent of the consumer to whom the personal data relates;

(b) Required by federal, state, or local law in response to a warrant;

(c) Necessary to prevent or respond to an emergency involving danger of death or serious physical injury to any person, upon a good faith belief by the controller; or

(d) To the national center for missing and exploited children, in connection with a report submitted thereto under Title 18 U.S.C. Sec. 2258A.

(10) Voluntary facial recognition services used to verify an aviation passenger's identity in connection with services regulated by the secretary of transportation under Title 49 U.S.C. Sec. 41712 and exempt from state regulation under Title 49 U.S.C. Sec. 41713(b)(1) are exempt from this section. Images captured by an airline must not be retained for more than twenty-four hours and, upon request of the attorney general, airlines must certify that they do not retain the image for more than twenty-four hours. An airline facial recognition service must disclose and obtain consent from the customer prior to capturing an image.

**NEW SECTION. Sec. 41.** (1) Any person who has been subjected to a facial recognition service in violation of this chapter, or about whom information has been obtained, retained, accessed, or used in violation of this chapter, may institute proceedings in any court of competent jurisdiction to obtain injunctive relief or declaratory relief, or to recover actual damages, but not less than statutory damages of seven thousand five hundred dollars per violation, whichever is greater.

(2) A court shall award costs and reasonable attorneys' fees to a prevailing plaintiff in an action brought under subsection (1) of this section.

**NEW SECTION. Sec. 42.** Nothing in this act applies to the use of a facial recognition matching system by the department of licensing pursuant to RCW 46.20.037.

**NEW SECTION. Sec. 43.** (1) Sections 1 through 11 and 17 of this act constitute a new chapter in Title 43 RCW.

(2) Sections 14 through 16 of this act constitute a new chapter in Title 19 RCW."

Correct the title.

Representative Santos moved the adoption of amendment (2128) to the striking amendment (2120):

43.0. On page 10, line 4 of the striking amendment, after "Native American," insert "Pacific Islander American,"

Representatives Santos and Smith spoke in favor of the adoption of the amendment to the striking amendment.

Amendment (2128) to the striking amendment (2120) was adopted.

Representative Entenman moved the adoption of amendment (2125) to the striking amendment (2120):

43.0. On page 11, line 12 of the striking amendment, after "exist," insert "A warrant is not required if a facial recognition service is used solely for purposes of locating a missing child or identifying a deceased person."

Representatives Entenman and Klippert spoke in favor of the adoption of the amendment to the striking amendment.

Amendment (2125) to the striking amendment (2120) was adopted.

Representative Entenman moved the adoption of amendment (2126) to the striking amendment (2120):

43.0. On page 11, after line 34 of the striking amendment, insert the following:

"(6) State and local law enforcement agencies may not use a facial recognition service to identify an individual based on a sketch or other manually produced image.

(7) State and local law enforcement agencies may not substantively manipulate an image for use in a facial recognition service in a manner not consistent with the facial recognition service provider's intended use and training."

Representatives Entenman and Klippert spoke in favor of the adoption of the amendment to the striking amendment.

Amendment (2126) to the striking amendment (2120) was adopted.

Representative Klippert moved the adoption of amendment (2127) to the striking amendment (2120):

43.0.

On page 1, line 14, after "crime," insert "identifying perpetrators of crime and bringing them to justice,"

On page 1, beginning on line 18, after "(1)" strike all material through "(3)" on line 27

Renumber the remaining subsections consecutively and correct any internal references accordingly.

Beginning on page 1, line 29, after "or" strike all material through "individuals." on page 7, line 11 and insert "ongoing surveillance of individuals in still or video images.

(b) "Facial recognition service" does not include: (i) The analysis of facial features to grant or deny access to a controlled access area or an electronic device or system; (ii) the use of an automated or semiautomated process for the purpose of redacting a recording for release or disclosure outside the law enforcement agency to protect the privacy of a subject depicted in the recording, if the process does not generate or result in the retention of any biometric data or surveillance information; (iii) the analysis of facial features as part of security systems protecting government facilities or property; or (iv) other uses that do not involve the involuntary analysis of the facial features of a member of the general public.

(2) "Facial recognition transparency report" means a report developed in accordance with section 3 of this act.

(3) "Meaningful human review" means review or oversight by one or more individuals who are trained in accordance with section 8 of this act and who have the authority to alter the decision under review.

(4) "Ongoing surveillance" means the continuous tracking of the physical movements of an identified individual through one or more public places for more than forty-eight consecutive hours by law enforcement.

**NEW SECTION. Sec. 3.** (1) At least ninety days prior to putting a facial recognition service into operational use for the first time after the effective date of this section, a state or local government agency must produce a facial recognition transparency report. The report must be clearly communicated to the public, posted on the agency's public web site, and submitted to the consolidated technology services agency established in RCW 43.105.006. The consolidated technology services agency must post each submitted transparency report on its public web site.

(2) Each facial recognition transparency report must include, at minimum, clear and understandable statements of the following:

(a) The name of the facial recognition service, vendor, and version, and a description of its general capabilities and limitations;

(b) A description of the purpose and proposed use of the facial recognition service and its intended benefits, including any data or research demonstrating those benefits;

(c) A clear use and data management policy;

(d) Measures taken to minimize inadvertent collection of additional data beyond the amount necessary for the specific purpose or purposes for which the facial recognition service will be used;

(e) Data integrity and retention policies applicable to the data collected using the facial recognition service, including how the agency will maintain and update records used in connection with the service, how long the agency will keep the data, and the processes by which data will be deleted;

(f) Any additional rules that will govern use of the facial recognition service;

(g) The agency's testing procedures, including its processes for periodically undertaking operational tests of the facial recognition service in accordance with section 6 of this act;

(h) The agency's procedures for receiving feedback, including the channels for receiving feedback from individuals affected by the use of the facial recognition service and from the community at large, as well as the procedures for responding to feedback.

(3) Prior to finalizing and implementing the facial recognition transparency report, the agency must consider issues raised by the public through:

(a) A public review and comment period; and

(b) Community consultation meetings during the public review period.

(4) The agency may update its facial recognition transparency report as it deems necessary and each update must be subject to the public comment and community consultation processes described in this section and submitted to the consolidated technology services agency.

(5) The facial recognition transparency report required for any facial recognition system in use as of the effective date of this section is due December 1, 2021.

**NEW SECTION. Sec. 4.** (1) State and local government agencies using a facial recognition service are required to prepare and publish an annual report that discloses:

(a) A summary of the extent of their use of such services;

(b) An assessment of compliance with the provisions of the agency's facial recognition transparency report;

(c) Any known violations of the agency's facial recognition transparency report; and

(d) Any revisions to the facial recognition transparency report recommended by the agency.

(2) All agencies must hold community meetings to review and discuss their annual report within sixty days of its public release.

**NEW SECTION. Sec. 5.** State and local government agencies using a facial recognition service to make decisions that produce legal effects concerning individuals must ensure that those decisions are subject to meaningful human review. Decisions that produce legal effects concerning individuals means decisions that result in the provision or denial of financial and lending services, housing, insurance, education enrollment, criminal justice, employment opportunities, health care services, or access to basic necessities such as food and water."

On page 7, beginning on line 15, after "individuals" strike all material through "individuals" on line 16

On page 7, line 19, after "all" insert "reasonable"

Beginning on page 7, line 21, strike all of section 7 and insert the following:

**"NEW SECTION. Sec. 7.** (1)(a) A state or local government agency that deploys a facial recognition service must require a facial recognition service provider to either:

(i) Make available an application programming interface or other technical capability, chosen by the provider, to enable legitimate, independent, and reasonable tests of those facial recognition services for accuracy and unfair performance differences across distinct subpopulations. However, making such an application programming interface or other technical capability available does not require the disclosure of proprietary data, trade secrets, intellectual property, or other information, or if doing so would increase the risk of cyber attacks including, without limitation, cyber attacks related to unique methods of conducting business, data unique to the product or services, or determining prices or rates to be charged for services. Such subpopulations are defined by visually detectable characteristics such as: (A) Race, skin tone, ethnicity, gender, age, or disability status; or (B) other protected characteristics that are objectively determinable among the individuals portrayed in the testing data set: Provided, however, that such characteristics are characteristics that the facial recognition service provider claims the technology is capable of detecting, and are characteristics that the state or local government agency intends to detect with its facial recognition service; or

(ii) Submit the service to the national institute of standards and technology for review and testing.

(b) If the results of the independent testing identify material unfair performance differences across subpopulations, and the methodology, data, and results are disclosed in a manner that allows full reproduction directly to the provider who, acting reasonably, determines that the methodology and results of that testing are valid, then the provider must develop and implement a plan to mitigate the identified performance differences.

(2) This section does not apply to any facial recognition service in use as of the effective date of this section. Upon renewal or extension of any contract as of the effective date of this section, or upon entering into a new contract for facial recognition services, the state or local government agency must ensure that the facial recognition service provider fulfills the requirements of this section."

On page 8, beginning on line 18, after "individuals" strike all material through "individuals" on line 19

Beginning on page 8, line 20, strike all of sections 9 through 18 and insert the following:

**"NEW SECTION. Sec. 9.** (1) State and local government agencies must disclose to a criminal defendant evidence gathered through the use of a facial recognition service that has been used, or is intended to be used against the defendant in the current criminal proceeding in a timely manner prior to trial.

(2) State and local government agencies using a facial recognition service shall maintain records of their use of the

service that are sufficient to facilitate the annual reporting under section 4 of this act.

**NEW SECTION. Sec. 10.** This chapter does not apply to a state or local government agency that is mandated to use a specific facial recognition service pursuant to a federal regulation or order.

**NEW SECTION. Sec. 11.** A new section is added to chapter 9.73 RCW to read as follows:

(1) State and local government agencies may not use a facial recognition service:

(a) In a manner that disturbs a person's private affairs, or invades their home, without authority of law;

(b) Without a bona fide criminal justice purpose;

(c) Without reasonable suspicion that a criminal offense has been committed, is being committed, or is about to be committed; or

(d) To engage in ongoing surveillance unless the use is in support of law enforcement activities and there is reasonable suspicion to believe that an individual has committed, is engaged in, or is about to commit, a criminal offense or there is a need by law enforcement to invoke their community caretaking function, and either:

(i) A court order has been obtained to permit the use of the facial recognition service for ongoing surveillance; or

(ii) Where the agency reasonably determines that an exigent circumstance exists, and an appropriate court order is obtained as soon as reasonably practicable. In the absence of an authorizing order, such use must immediately terminate at the earliest of the following:

(A) The information sought is obtained;

(B) The application for the order is denied; or

(C) When forty-eight hours have lapsed since the beginning of the emergency surveillance for the purpose of ongoing surveillance.

(2) State and local government agencies must not apply a facial recognition service to any individual based on their religious, political, or social views or activities, participation in a particular noncriminal organization or lawful event, or actual or perceived race, ethnicity, citizenship, place of origin, age, disability, gender, gender identity, sexual orientation, or other characteristic protected by law. This subsection does not condone profiling. The prohibition in this subsection does not prohibit state and local government agencies from applying a facial recognition service to an individual who possesses one or more of these characteristics where an officer of that agency holds a reasonable suspicion that that individual has committed, is engaged in, or is about to commit a criminal offense or there is need to invoke their community caretaking function.

(3) State and local government agencies may not use a facial recognition service to create a record describing any individual's exercise of rights guaranteed by the First

Amendment of the United States Constitution and by Article I, section 5 of the state Constitution, unless:

(a) Such use is pertinent to and within the scope of an authorized law enforcement activity; and

(b) There is reasonable suspicion to believe the individual has committed, is engaged in, or is about to commit a criminal offense or there is need to invoke their community caretaking function.

(4) Law enforcement agencies that utilize body worn camera recordings shall comply with the provisions of RCW 42.56.240(14).

(5) State and local law enforcement agencies may not use the results of a facial recognition service as the sole basis to establish probable cause in a criminal investigation. The results of a facial recognition service may be used in conjunction with other information and evidence lawfully obtained by a law enforcement officer to establish probable cause in a criminal investigation.

(6) State and local law enforcement agencies may not use a facial recognition service to identify an individual based on a sketch or other manually produced image.

(7) State and local law enforcement agencies may not substantively manipulate an image for use in a facial recognition service in any manner not consistent with the facial recognition service provider's intended use and training.

**NEW SECTION. Sec. 12.** Sections 1 through 10 of this act constitute a new chapter in Title 43 RCW."

Representatives Klippert and Boehnke spoke in favor of the adoption of the amendment to the striking amendment.

Representatives Hudgins and Hansen spoke against the adoption of the amendment to the striking amendment.

An electronic roll call was requested.

## ROLL CALL

The Clerk called the roll on the adoption of amendment (2127) to the striking amendment (2120) and the amendment was not adopted by the following vote: Yeas, 41; Nays, 56; Absent, 0; Excused, 1.

Voting yea: Representatives Barkis, Blake, Boehnke, Caldier, Chambers, Chandler, Corry, DeBolt, Dent, Dufault, Dye, Eslick, Gildon, Goehner, Graham, Griffey, Harris, Hoff, Irwin, Jenkin, Klippert, Kraft, Kretz, Leavitt, MacEwen, Maycumber, Mosbrucker, Orcutt, Rude, Schmick, Shea, Shewmake, Steele, Stokesbary, Sutherland, Van Werven, Vick, Volz, Walsh, Wilcox and Ybarra.

Voting nay: Representatives Appleton, Bergquist, Callan, Chapman, Chopp, Cody, Davis, Doglio, Dolan, Duerr, Entenman, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hansen, Hudgins, J. Johnson, Kilduff, Kirby, Kloba, Lekanoff, Lovick, Macri, McCaslin, Mead, Morgan, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Ryu, Santos, Sells, Senn, Slatter, Smith, Springer, Stonier,

Sullivan, Tarleton, Thai, Tharinger, Valdez, Walen, Wylie, Young and Mme. Speaker.

Excused: Representative Paul.

The striking amendment (2120), as amended, was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Entenman, Smith, Orcutt and Kraft spoke in favor of the passage of the bill.

Representatives Klippert, Appleton and Stokesbary spoke against the passage of the bill.

Representative Shea was excused from the bar.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Substitute Senate Bill No. 6280, as amended by the House.

### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 6280, as amended by the House, and the bill passed the House by the following vote: Yeas, 63; Nays, 33; Absent, 0; Excused, 2.

Voting yea: Representatives Bergquist, Blake, Calder, Callan, Chandler, Chopp, Cody, Davis, DeBolt, Doglio, Dolan, Duerr, Entenman, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hansen, Hudgins, J. Johnson, Kilduff, Kirby, Kloba, Kraft, Leavitt, Lekanoff, Lovick, Macri, Mead, Morgan, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Sells, Senn, Shewmake, Slatter, Smith, Springer, Stonier, Sullivan, Tarleton, Thai, Tharinger, Valdez, Walen, Walsh, Wylie, Young and Mme. Speaker.

Voting nay: Representatives Appleton, Barkis, Boehnke, Chambers, Chapman, Corry, Dent, Dufault, Dye, Eslick, Gildon, Goehner, Graham, Griffey, Harris, Hoff, Irwin, Jenkin, Klippert, Kretz, MacEwen, Maycumber, McCaslin, Mosbrucker, Schmick, Steele, Stokesbary, Sutherland, Van Werven, Vick, Volz, Wilcox and Ybarra.

Excused: Representatives Paul and Shea.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6280, as amended by the House, having received the necessary constitutional majority, was declared passed.

**ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 6087, by Senate Committee on Ways & Means (originally sponsored by Keiser, Conway, Das, Hasegawa, Hunt, Kuderer, Pedersen, Randall, Rolfes, Stanford, Saldaña, Wilson, C. and Sheldon)**

**Imposing cost-sharing requirements for coverage of insulin products.**

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Health Care & Wellness was adopted. (For Committee amendment, see Journal, Day 47, February 28, 2020).

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Cody and Schmick spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Second Substitute Senate Bill No. 6087, as amended by the House.

### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 6087, as amended by the House, and the bill passed the House by the following vote: Yeas, 63; Nays, 33; Absent, 0; Excused, 2.

Voting yea: Representatives Appleton, Bergquist, Blake, Callan, Chapman, Chopp, Cody, Davis, Doglio, Dolan, Duerr, Entenman, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Griffey, Hansen, Hudgins, Irwin, J. Johnson, Kilduff, Kirby, Kloba, Leavitt, Lekanoff, Lovick, Macri, Maycumber, Mead, Morgan, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Tarleton, Thai, Tharinger, Valdez, Walen, Wylie and Mme. Speaker.

Voting nay: Representatives Barkis, Boehnke, Calder, Chambers, Chandler, Corry, DeBolt, Dent, Dufault, Dye, Eslick, Gildon, Goehner, Graham, Harris, Hoff, Jenkin, Klippert, Kraft, Kretz, MacEwen, McCaslin, Mosbrucker, Orcutt, Smith, Sutherland, Van Werven, Vick, Volz, Walsh, Wilcox, Ybarra and Young.

Excused: Representatives Paul and Shea.

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 6087, as amended by the House, having received the necessary constitutional majority, was declared passed.

**SENATE BILL NO. 6090, by Senators Warnick, Honeyford and Liias**

**Limiting fire protection service agency liability for the installation of detection devices.**

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Civil Rights & Judiciary was adopted. (For Committee amendment, see Journal, Day 47, February 28, 2020).

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Irwin and Kilduff spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Senate Bill No. 6090, as amended by the House.

### ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 6090, as amended by the House, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Mead, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Excused: Representatives Paul and Shea.

SENATE BILL NO. 6090, as amended by the House, having received the necessary constitutional majority, was declared passed.

### ENGROSSED SUBSTITUTE SENATE BILL NO. 6095, by Senate Committee on Labor & Commerce (originally sponsored by Keiser)

**Excluding the common carrier licensees from the definition of retailer for the purposes of the three-tier system. Revised for 1st Substitute: Describing permissible common carrier activities under the three-tier system.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Peterson, MacEwen, Orwall and Jenkin spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Substitute Senate Bill No. 6095.

### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 6095, and the bill passed the House by the following vote: Yeas, 93; Nays, 3; Absent, 0; Excused, 2.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, DeBolt, Dent, Doglio, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Hoff, Hudgins, Irwin, Jenkin, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Mead, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Voting nay: Representatives Davis, Harris and Leavitt.

Excused: Representatives Paul and Shea.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6095, having received the necessary constitutional majority, was declared passed.

### SUBSTITUTE SENATE BILL NO. 6319, by Senate Committee on Ways & Means (originally sponsored by Takko, Short, Dhingra, Lovelett, Wilson and C.)

#### Concerning administration of the senior property tax exemption program.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Ryu and Orcutt spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 6319.

### ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6319, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri,

Maycumber, McCaslin, Mead, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Excused: Representatives Paul and Shea.

SUBSTITUTE SENATE BILL NO. 6319, having received the necessary constitutional majority, was declared passed.

**SENATE BILL NO. 6430, by Senators Brown, Rolfes, Frockt, Warnick, Das and Hasegawa**

**Establishing a statewide industrial waste coordination program.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Boehnke and Doglio spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Senate Bill No. 6430.

**ROLL CALL**

The Clerk called the roll on the final passage of Senate Bill No. 6430, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Mead, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Excused: Representatives Paul and Shea.

SENATE BILL NO. 6430, having received the necessary constitutional majority, was declared passed.

**SUBSTITUTE SENATE BILL NO. 6499, by Senate Committee on State Government, Tribal Relations &**

**Elections (originally sponsored by Schoesler, Hunt, Kuderer, Becker, Conway and Hasegawa)**

**Concerning the confidentiality of retirement system files and records relating to health information.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Gregerson and Smith spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 6499.

**ROLL CALL**

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6499, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Mead, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Excused: Representatives Paul and Shea.

SUBSTITUTE SENATE BILL NO. 6499, having received the necessary constitutional majority, was declared passed.

**SENATE BILL NO. 6567, by Senators Frockt, Conway, Short, Pedersen, Cleveland, Kuderer, Randall, Hunt, Saldaña, Takko, Wellman, Wilson and C.**

**Recognizing the eighteenth day of December as blood donor day.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Walsh, Gregerson and Stokesbary spoke in favor of the passage of the bill.



The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Senate Bill No. 6567.

### ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 6567, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Mead, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shea, Shewmake, Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Excused: Representative Paul.

SENATE BILL NO. 6567, having received the necessary constitutional majority, was declared passed.

**ENGROSSED SUBSTITUTE SENATE BILL NO. 6574, by Senate Committee on Local Government (originally sponsored by Takko and Short)**

**Clarifying the respective administrative powers, duties, and responsibilities of the growth management hearings board and the environmental land use and hearings office.**

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Environment & Energy was adopted. (For Committee amendment, see Journal, Day 47, February 28, 2020).

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Fitzgibbon and Goehner spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Substitute Senate Bill No. 6574, as amended by the House.

### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 6574, as amended by the House, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Mead, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shea, Shewmake, Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Excused: Representative Paul.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6574, as amended by the House, having received the necessary constitutional majority, was declared passed.

**SENATE BILL NO. 6623, by Senators Darneille, Kuderer, Warnick, Zeiger, Das, Nguyen and Saldaña**

**Reducing host home funding restrictions.**

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Human Services & Early Learning was adopted. (For Committee amendment, see Journal, Day 47, February 28, 2020).

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Senn and Dent spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Senate Bill No. 6623, as amended by the House.

### ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 6623, as amended by the House, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, J. Johnson, Kilduff, Kirby, Klippert, Kloba,

Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Mead, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shea, Shewmake, Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Excused: Representative Paul.

SENATE BILL NO. 6623, as amended by the House, having received the necessary constitutional majority, was declared passed.

The Speaker (Representative Lovick presiding) called upon Representative Appleton to preside.

The Speaker assumed the chair.

### **SIGNED BY THE SPEAKER**

The Speaker signed the following bills:

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1261  
HOUSE BILL NO. 1347  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1608  
SECOND SUBSTITUTE HOUSE BILL NO. 1651  
THIRD SUBSTITUTE HOUSE BILL NO. 1660  
HOUSE BILL NO. 1755  
SUBSTITUTE HOUSE BILL NO. 2017  
SECOND SUBSTITUTE HOUSE BILL NO. 2066  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2265  
SUBSTITUTE HOUSE BILL NO. 2295  
SUBSTITUTE HOUSE BILL NO. 2417  
SUBSTITUTE HOUSE BILL NO. 2448  
SUBSTITUTE HOUSE BILL NO. 2483  
SUBSTITUTE HOUSE BILL NO. 2525  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2551  
SUBSTITUTE HOUSE BILL NO. 2567  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2576  
HOUSE BILL NO. 2602  
SUBSTITUTE HOUSE BILL NO. 2613  
SUBSTITUTE HOUSE BILL NO. 2614  
HOUSE BILL NO. 2617  
HOUSE BILL NO. 2619  
SUBSTITUTE HOUSE BILL NO. 2673  
ENGROSSED HOUSE BILL NO. 2755  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2783  
HOUSE BILL NO. 2837

The Speaker called upon Representative Lovick to preside.

### **SECOND READING**

**ENGROSSED SUBSTITUTE SENATE BILL NO. 6189, by Senate Committee on Ways & Means (originally sponsored by Wellman, Mullet, Pedersen, Zeiger, Kuderer, Das, Short, Wilson and C.)**

### **Clarifying eligibility for school employees' benefits board coverage. Revised for 1st Substitute: Concerning eligibility for school employees' benefits board coverage.**

The bill was read the second time.

Representative Bergquist moved the adoption of amendment (2162):

12.0. On page 3, after line 18, insert the following:

**"NEW SECTION. Sec. 5.** A new section is added to chapter 41.05 RCW to read as follows:

(1) A school employee eligible as of February 29, 2020, for the employer contribution towards benefits offered by the school employees' benefits board shall maintain their eligibility for the employer contribution under the following circumstances directly related or in response to the governor's February 29, 2020, proclamation of a state of emergency existing in all counties in the state of Washington related to the novel coronavirus (COVID-19):

(a) During any school closures or changes in school operations for the school employee;

(b) While the school employee is quarantined or required to care for a family member, as defined by RCW 49.46.210(2), who is quarantined; and

(c) In order to take care of a child as defined by RCW 49.46.210(2), who is enrolled in school employee benefits, when the child's:

(i) School is closed;

(ii) Regular day care facility is closed; or

(iii) Regular child care provider is unable to provide services.

(2) Requirements in subsection (1) of this section expires when the governor's state of emergency related to the novel coronavirus (COVID-19) ends.

(3) When regular school operations resume, school employees shall continue to maintain their eligibility for the employer contribution for the remainder of the school year so long as their work schedule returns to the schedule in place before February 29, 2020, or, if there is a change in schedule, so long as the new schedule, had it been in effect at the start of the school year, would have resulted in the employee being anticipated to work the minimum hours to meet benefits eligibility.

(4) Quarantine, as used in subsection (1)(b) includes only periods of isolation required by the federal government, a foreign national government, a state or local public health official, a health care provider, or an employer."

Correct the title.

Representatives Bergquist and Stokesbary spoke in favor of the adoption of the amendment.

Amendment (2162) was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Robinson and Stokesbary spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Substitute Senate Bill No. 6189, as amended by the House.

### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 6189, as amended by the House, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Mead, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shea, Shewmake, Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Excused: Representative Paul.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6189, as amended by the House, having received the necessary constitutional majority, was declared passed.

### SENATE BILL NO. 6236, by Senators Kuderer, Pedersen, Lovelett, Wellman and Hasegawa

#### Concerning certain noneconomic damage waivers.

The bill was read the second time.

With the consent of the House, amendment (2154) was withdrawn.

Representative Irwin moved the adoption of the striking amendment (2153):

12.0. Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 12.1. (1) The administrative office of the courts is directed to create a work group to study the appropriateness of discovery of health care records as evidence in claims requesting noneconomic damages brought under the Washington law against discrimination, chapter 48.60 RCW.

(2) Work group membership shall include, but is not limited to:

(a) lawyers with experience representing plaintiffs in discrimination cases;

(b) lawyers with experience representing defendants in discrimination cases;

(c) representatives from the office of the attorney general; and

(d) members of the judicial branch, especially including judges of the superior courts and district courts.

(3) The work group must develop suggestions and recommendations specific to whether RCW 49.60.510 should be maintained, amended, or repealed.

(4) The work group shall report to the administrative office of the courts and appropriate committees of the legislature on its findings and recommendations by June 1, 2021."

Correct the title.

Representative Irwin spoke in favor of the adoption of the striking amendment.

Representative Kilduff spoke against the adoption of the striking amendment.

The striking amendment (2153) was not adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Kilduff spoke in favor of the passage of the bill.

Representative Irwin spoke against the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Senate Bill No. 6236.

### ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 6236 and the bill passed the House by the following vote: Yeas, 56; Nays, 41; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Bergquist, Blake, Callan, Chapman, Chopp, Cody, Davis, Doglio, Dolan, Duerr, Entenman, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hansen, Hudgins, J. Johnson, Kilduff, Kirby, Kloba, Leavitt, Lekanoff, Lovick, Macri, Mead, Morgan, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Ryu, Santos, Sells, Senn, Shewmake, Slatter, Springer, Stonier, Sullivan, Tarleton, Thai, Tharinger, Valdez, Walen, Wylie and Mme. Speaker.

Voting nay: Representatives Barkis, Boehnke, Caldier, Chambers, Chandler, Corry, DeBolt, Dent, Dufault, Dye,

Eslick, Gildon, Goehner, Graham, Griffey, Harris, Hoff, Irwin, Jenkin, Klippert, Kraft, Kretz, MacEwen, Maycumber, McCaslin, Mosbrucker, Orcutt, Rude, Schmick, Shea, Smith, Steele, Stokesbary, Sutherland, Van Werven, Vick, Volz, Walsh, Wilcox, Ybarra and Young.  
Excused: Representative Paul.

SENATE BILL NO. 6236, having received the necessary constitutional majority, was declared passed.

The speaker (Representative Lovick presiding) called upon Representative Orwall to preside.

**ENGROSSED SENATE BILL NO. 6032, by Senators Hawkins, Hobbs, King, Takko, Kuderer, Fortunato, Becker, Short, Sheldon, Warnick, Saldaña, Mullet, Zeiger, Wilson, C., Holy, Hunt, Wilson, L., Wellman, Padden, Hasegawa, Brown, Carlyle, Conway, Das, Dhingra, Ericksen, Lovelett, Muzzall, Nguyen, Pedersen, Rivers, Rolfes and Salomon**

**Creating a Washington apples special license plate.**

The bill was read the second time.

With the consent of the House, amendment (2065) was withdrawn.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Dufault, Valdez, Steele, Goehner, Corry and Jenkin spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Engrossed Senate Bill No. 6032.

#### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Senate Bill No. 6032, and the bill passed the House by the following vote: Yeas, 92; Nays, 5; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, Dent, Doglio, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Mead, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Robinson, Rude, Sells, Shea, Shewmake, Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Voting nay: Representatives DeBolt, Leavitt, Rude, Senn and Thai.

Excused: Representative Paul.

ENGROSSED SENATE BILL NO. 6032, having received the necessary constitutional majority, was declared passed.

**SUBSTITUTE SENATE BILL NO. 6660, by Senate Committee on Ways & Means (originally sponsored by Rolfes, Braun and Mullet)**

**Improving fiscal responsibility and budget discipline by replacing the spending limit with additional four-year balanced budget requirements.**

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Appropriations was adopted. (For Committee amendment, see Journal, Day 50, March 2, 2020).

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Sullivan, Stokesbary and Kraft spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 6660, as amended by the House.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6660, as amended by the House, and the bill passed the House by the following vote: Yeas, 86; Nays, 11; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chopp, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Irwin, Jenkin, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, Mead, Morgan, Mosbrucker, Orcutt, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Thai, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra and Mme. Speaker.

Voting nay: Representatives Chapman, Cody, Fitzgibbon, Hudgins, McCaslin, Ormsby, Riccelli, Shea, Tarleton, Tharinger and Young.

Excused: Representative Paul.

SUBSTITUTE SENATE BILL NO. 6660, as amended by the House, having received the necessary constitutional majority, was declared passed.

**SENATE BILL NO. 5197, by Senators Hobbs, Zeiger, Wagoner, Short, Bailey, Hunt, Fortunato and Keiser**

**Concerning the Washington national guard postsecondary education grant program.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Kilduff and Jenkin spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Senate Bill No. 5197.

**ROLL CALL**

The Clerk called the roll on the final passage of Senate Bill No. 5197, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Mead, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shea, Shewmake, Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Excused: Representative Paul.

SENATE BILL NO. 5197, having received the necessary constitutional majority, was declared passed.

**SENATE BILL NO. 6045, by Senators Takko, Kuderer, Pedersen, Randall and Rolfes**

**Concerning vulnerable users of a public way.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Fey and Barkis spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Senate Bill No. 6045.

**ROLL CALL**

The Clerk called the roll on the final passage of Senate Bill No. 6045, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Mead, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shea, Shewmake, Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Excused: Representative Paul.

SENATE BILL NO. 6045, having received the necessary constitutional majority, was declared passed.

**SENATE BILL NO. 6123, by Senators Hunt, Kuderer, Nguyen, Stanford, Van De Wege, Wilson, C. and Sheldon**

**Allowing state employee leave for organ donation.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Gregerson and Walsh spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Senate Bill No. 6123.

**ROLL CALL**

The Clerk called the roll on the final passage of Senate Bill No. 6123, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri,

Maycumber, McCaslin, Mead, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shea, Shewmake, Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Excused: Representative Paul.

SENATE BILL NO. 6123, having received the necessary constitutional majority, was declared passed.

**SENATE BILL NO. 5792, by Senators Salomon, Wellman, Walsh and Honeyford**

**Making statutory requirements and policies for cultural access programs the same in all counties of the state.**

The bill was read the second time.

With the consent of the House, amendments (2045) and (2046) were withdrawn.

Representative Bergquist moved the adoption of amendment (1843):

12.0.

On page 5, line 34, after "county." insert "A public school cultural access program must provide every school in the county a list of appropriate off-site cultural experiences and a list of appropriate on-site cultural experiences for each grade level, every year. Information notifying schools of available transportation funding must be included in the list of off-site cultural experiences."

On page 6, line 2, after "funding" insert ". A public school cultural access program must provide transportation to off-site cultural experiences for all students at all schools in the county that are located within a school district in which at least forty percent of the district's students are eligible for the federal free and reduced-price school meals program. The county may limit its spending on the transportation benefit to no more than five percent of funds collected each year under RCW 36.160.080"

Representatives Bergquist and Jenkin spoke in favor of the adoption of the amendment.

Amendment (1843) was adopted.

Representative Ryu moved the adoption of amendment (1867):

12.0. On page 6, line 23, after "entity;" strike "and" and insert "~~((and))~~"

On page 6, line 28, after "organizations;" insert "and

(f) Procedures to be used by the designated entity in considering the award of funding to community preservation and development authorities formed under chapter 43.167 RCW, if any exist within the county. The procedures must

ensure the eligibility of and consider support for the projects and programs identified in the strategic preservation and development plans, adopted pursuant to RCW 43.167.030, of each community preservation and development authority within the county."

Representatives Ryu and Jenkin spoke in favor of the adoption of the amendment.

Amendment (1867) was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Springer and Jenkin spoke in favor of the passage of the bill.

Representative Santos spoke against the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Senate Bill No. 5792, as amended by the House.

**ROLL CALL**

The Clerk called the roll on the final passage of Senate Bill No. 5792, as amended by the House, and the bill passed the House by the following vote: Yeas, 80; Nays, 17; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Caldier, Callan, Chambers, Chandler, Chopp, Cody, Corry, Davis, DeBolt, Doglio, Duerr, Dye, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Griffey, Hansen, Harris, Hoff, Irwin, Jenkin, J. Johnson, Kilduff, Kirby, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Mead, Morgan, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Rude, Ryu, Schmick, Senn, Shea, Shewmake, Slatter, Smith, Springer, Steele, Stokesbary, Sullivan, Sutherland, Tarleton, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Voting nay: Representatives Boehnke, Chapman, Dent, Dolan, Dufault, Entenman, Gregerson, Hudgins, Klippert, Kloba, Kraft, Mosbrucker, Robinson, Santos, Sells, Stonier and Thai.

Excused: Representative Paul.

SENATE BILL NO. 5792, as amended by the House, having received the necessary constitutional majority, was declared passed.

There being no objection, the House advanced to the eighth order of business.

**MOTION**

There being no objection, the Committee on Rules was relieved of the following bills and the bills were placed on the second reading calendar:

SUBSTITUTE SENATE BILL NO. 5976  
 SUBSTITUTE SENATE BILL NO. 6135  
 SUBSTITUTE SENATE BILL NO. 6302

Speaker Jenkins assumed the chair.

**SUBSTITUTE SENATE BILL NO. 6091, by Senate Committee on Agriculture, Water, Natural Resources & Parks (originally sponsored by Warnick, Saldaña, Lovelett, Stanford, Wilson and C.)**

**Continuing the work of the Washington food policy forum.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Dye and Gregerson spoke in favor of the passage of the bill.

The Speaker stated the question before the House to be the final passage of Substitute Senate Bill No. 6091.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6091, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Mead, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shea, Shewmake, Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Excused: Representative Paul.

SUBSTITUTE SENATE BILL NO. 6091, having received the necessary constitutional majority, was declared passed.

**ENGROSSED SUBSTITUTE SENATE BILL NO. 6617, by Senate Committee on Housing Stability & Affordability (originally sponsored by Liias and Das)**

**Concerning accessory dwelling unit regulation.**

The bill was read the second time.

With the consent of the House, amendments (2006), (1791), (1854), (1855), (1789) and (1790) were withdrawn.

Representative Fitzgibbon moved the adoption of the striking amendment (2038):

12.0.

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 13.** (1) The legislature makes the following findings:

(a) Washington state is experiencing a housing affordability crisis. Many communities across the state are in need of more housing for renters, across the income spectrum. Accessory dwelling units are frequently rented at below market rate, providing additional affordable housing options for renters.

(b) Accessory dwelling units are often occupied by tenants who pay no rent at all; among these tenants are grandparents, adult children, family members with disabilities, friends going through life transitions, and community members in need. Accessory dwelling units meet the needs of these people who might otherwise require scarce subsidized housing space and resources.

(c) Accessory dwelling units can meet the needs of Washington's growing senior population, making it possible for this population to age in their communities by offering senior-friendly housing, which prioritizes physical accessibility, in walkable communities near amenities essential to successful aging in place, including transit and grocery stores, without requiring costly renovations of existing housing stock.

(d) Homeowners who add an accessory dwelling unit may benefit from added income and an increased sense of security.

(e) Siting accessory dwelling units near transit hubs and near public amenities can help to reduce greenhouse gas emissions by increasing walkability, shortening household commutes, and limiting sprawl.

(2) The legislature intends to promote and encourage the creation of accessory dwelling units as a means to address the need for additional affordable housing options.

**NEW SECTION. Sec. 14.** A new section is added to chapter 36.70A RCW to read as follows:

The definitions in this section apply throughout sections 3 and 4 of this act unless the context clearly requires otherwise.

(1) "Accessory dwelling unit" means a dwelling unit located on the same lot as a single-family housing unit, duplex, triplex, townhome, or other housing unit.

(2) "Attached accessory dwelling unit" means an accessory dwelling unit located within or attached to a single-family housing unit, duplex, triplex, townhome, or other housing unit.

(3) "City" means any city, code city, and town located in a county planning under RCW 36.70A.040.

(4) "Detached accessory dwelling unit" means an accessory dwelling unit that consists partly or entirely of a building that is separate and detached from a single-family housing unit, duplex, triplex, townhome, or other housing unit.

(5) "Dwelling unit" means a residential living unit that provides complete independent living facilities for one or more persons and that includes permanent provisions for living, sleeping, eating, cooking, and sanitation.

(6) "Major transit stop" means:

(a) A stop on a high capacity transportation system funded or expanded under the provisions of chapter 81.104 RCW;

(b) Commuter rail stops;

(c) Stops on rail or fixed guideway systems, including transitways;

(d) Stops on bus rapid transit routes or routes that run on high occupancy vehicle lanes; or

(e) Stops for a bus or other transit mode providing fixed route service at intervals of at least fifteen minutes during the peak hours of operation.

**NEW SECTION. Sec. 15.** A new section is added to chapter 36.70A RCW to read as follows:

(1) Cities must adopt or amend by ordinance, and incorporate into their development regulations, zoning regulations, and other official controls the requirements of section 4 of this act to take effect by July 1, 2021.

(2) Beginning July 1, 2021, the requirements of section 4 of this act:

(a) Apply and take effect in any city that has not adopted or amended ordinances, regulations, or other official controls as required under this section; and

(b) Supersede, preempt, and invalidate any local development regulations that conflict with section 4 of this act.

**NEW SECTION. Sec. 16.** A new section is added to chapter 36.70A RCW to read as follows:

(1) Except as provided in subsection (2) and (3) of this section, through ordinances, development regulations, zoning regulations, and other official controls as required under section 3 of this act, cities may not require the provision of off-street parking for accessory dwelling units within one-quarter mile of a major transit stop.

(2) A city may require the provision of off-street parking for an accessory dwelling unit located within one-quarter mile of a major transit stop if the city has determined that the accessory dwelling unit is in an area with a lack of access to street parking capacity, physical space impediments, or other reasons supported by evidence that would make on-street parking infeasible for the accessory dwelling unit.

(3) A city that has adopted or substantively amended accessory dwelling unit regulations within the four years previous to the effective date of this section is not subject to the requirements of this section.

**NEW SECTION. Sec. 17.** A new section is added to chapter 36.70A RCW to read as follows:

Nothing in this act modifies or limits any rights or interests legally recorded in the governing documents of associations subject to chapter 64.32, 64.34, 64.38, or 64.90 RCW."

Correct the title.

Representatives Fitzgibbon and DeBolt spoke in favor of the adoption of the striking amendment.

The striking amendment (2038) was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Fitzgibbon, DeBolt, Mosbrucker and Barkis spoke in favor of the passage of the bill.

The Speaker stated the question before the House to be the final passage of Engrossed Substitute Senate Bill No. 6617, as amended by the House.

## ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 6617, as amended by the House, and the bill passed the House by the following vote: Yeas, 94; Nays, 3; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Duerr, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Mead, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shea, Shewmake, Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Voting nay: Representatives Dufault, Goehner and Kraft.

Excused: Representative Paul.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6617, as amended by the House, having received the necessary constitutional majority, was declared passed.

**SECOND SUBSTITUTE SENATE BILL NO. 5601,**  
by Senate Committee on Ways & Means (originally



sponsored by Rolfes, Short, Keiser, Liias, Kuderer, Walsh, Hobbs, King, Warnick, Honeyford and Conway)

**Concerning health care benefit management.  
Revised for 2nd Substitute: Regulating health care  
benefit managers.**

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Health Care & Wellness was not adopted. (For Committee amendment, see Journal, Day 47, February 28, 2020).

There being no objection, the committee amendment by the Committee on Appropriations was adopted. (For Committee amendment, see Journal, Day 50, March 2, 2020).

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Stonier, Schmick and DeBolt spoke in favor of the passage of the bill.

The Speaker stated the question before the House to be the final passage of Second Substitute Senate Bill No. 5601, as amended by the House.

#### ROLL CALL

The Clerk called the roll on the final passage of Second Substitute Senate Bill No. 5601, as amended by the House, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Mead, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shea, Shewmake, Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Excused: Representative Paul.

SECOND SUBSTITUTE SENATE BILL NO. 5601, as amended by the House, having received the necessary constitutional majority, was declared passed.

**ENGROSSED SUBSTITUTE SENATE BILL NO. 5829, by Senate Committee on Ways & Means (originally sponsored by Mullet, Schoesler, Hunt, Walsh, Warnick, Takko and Van De Wege)**

**Concerning pension benefits and contributions in the volunteer firefighters' and reserve officers' relief and pension system.**

The bill was read the second time.

Representative Stokesbary moved the adoption of amendment (2118):

17.0. On page 6, line 30, strike all of section 3 and insert the following:

"**NEW SECTION. Sec. 3.** This act takes effect the later of January 1, 2021, or the date that the board for volunteer firefighters and reserve officers receives notice from the federal internal revenue service that the volunteer firefighters and reserve officers relief and pension system is a qualified employee benefit plan under the federal law. The board must provide written notice of the effective date of this act to affected parties, the chief clerk of the house of representatives, the secretary of the senate, the office of the code reviser, and others as deemed appropriate by the board."

Representatives Stokesbary and Bergquist spoke in favor of the adoption of the amendment.

Amendment (2118) was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Bergquist and Stokesbary spoke in favor of the passage of the bill.

The Speaker stated the question before the House to be the final passage of Engrossed Substitute Senate Bill No. 5829, as amended by the House.

#### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 5829, as amended by the House, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Mead, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shea, Shewmake, Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Excused: Representative Paul.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5829, as amended by the House, having received the necessary constitutional majority, was declared passed.

**ENGROSSED SUBSTITUTE SENATE BILL NO. 6040, by Senate Committee on Ways & Means (originally sponsored by Braun, Becker and Kuderer)**

**Concerning the budgeting process for certain state waiver services for individuals with developmental disabilities.**

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Appropriations was adopted. (For Committee amendment, see Journal, Day 50, March 2, 2020).

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Robinson and Stokesbary spoke in favor of the passage of the bill.

The Speaker stated the question before the House to be the final passage of Engrossed Substitute Senate Bill No. 6040, as amended by the House.

#### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 6040, as amended by the House, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Mead, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shea, Shewmake, Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Excused: Representative Paul.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6040, as amended by the House, having received the necessary constitutional majority, was declared passed.

**SUBSTITUTE SENATE BILL NO. 6058, by Senate Committee on Local Government (originally sponsored**

**by Randall, Saldaña, Wilson, C., Hunt, Kuderer, Nguyen and Van De Wege)**

**Concerning fire district health clinic services.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

The Speaker stated the question before the House to be the final passage of Substitute Senate Bill No. 6058.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6058, and the bill passed the House by the following vote: Yeas, 94; Nays, 3; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, Mead, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shea, Shewmake, Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Voting nay: Representatives Kraft, McCaslin and Walsh.

Excused: Representative Paul.

SUBSTITUTE SENATE BILL NO. 6058, having received the necessary constitutional majority, was declared passed.

**SUBSTITUTE SENATE BILL NO. 6084, by Senate Committee on Transportation (originally sponsored by Takko, Hobbs, Mullet and Padden)**

**Concerning roundabouts. Revised for 1st Substitute: Concerning circular intersections.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Valdez, Barkis and Orcutt spoke in favor of the passage of the bill.

The Speaker stated the question before the House to be the final passage of Substitute Senate Bill No. 6084.

**ROLL CALL**

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6084, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Mead, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shea, Shewmake, Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Excused: Representative Paul.

SUBSTITUTE SENATE BILL NO. 6084, having received the necessary constitutional majority, was declared passed.

**SENATE BILL NO. 6212, by Senators Das, Keiser, Lovelett, Zeiger, Dhingra, Saldaña, Nguyen, Kuderer, Warnick, Randall, Darneille, Van De Wege, Conway, Wilson and C.**

**Concerning the authority of counties, cities, and towns to exceed statutory property tax limitations for the purpose of financing affordable housing for very low-income households and low-income households.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Walen, Orcutt and Ryu spoke in favor of the passage of the bill.

The Speaker stated the question before the House to be the final passage of Senate Bill No. 6212.

**ROLL CALL**

The Clerk called the roll on the final passage of Senate Bill No. 6212, and the bill passed the House by the following vote: Yeas, 91; Nays, 6; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Duerr, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Kretz,

Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, Mead, Morgan, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Voting nay: Representatives Dufault, Kraft, McCaslin, Mosbrucker, Shea and Sutherland.

Excused: Representative Paul.

SENATE BILL NO. 6212, having received the necessary constitutional majority, was declared passed.

**SUBSTITUTE SENATE BILL NO. 6415, by Senate Committee on Local Government (originally sponsored by Das, Van De Wege, Wellman, Takko, Wilson, C., Hunt and Billig)**

**Allowing a permanent fire protection district benefit charge with voter approval.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Springer and Stokesbary spoke in favor of the passage of the bill.

Representatives Orcutt and Walsh spoke against the passage of the bill.

The Speaker stated the question before the House to be the final passage of Substitute Senate Bill No. 6415.

**ROLL CALL**

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6415, and the bill passed the House by the following vote: Yeas, 72; Nays, 25; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Bergquist, Blake, Boehnke, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Davis, Doglio, Dolan, Duerr, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hudgins, Irwin, J. Johnson, Kilduff, Kirby, Kloba, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, Mead, Morgan, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Sells, Senn, Shewmake, Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Tarleton, Thai, Tharinger, Valdez, Volz, Walen, Wylie and Mme. Speaker.

Voting nay: Representatives Barkis, Caldier, Corry, DeBolt, Dent, Dufault, Dye, Goehner, Hoff, Jenkin, Klippert, Kraft, Kretz, McCaslin, Mosbrucker, Orcutt, Schmick, Shea, Sutherland, Van Werven, Vick, Walsh, Wilcox, Ybarra and Young.

Excused: Representative Paul.

SUBSTITUTE SENATE BILL NO. 6415, having received the necessary constitutional majority, was declared passed.

**SUBSTITUTE SENATE JOINT MEMORIAL NO. 8017, by Senate Committee on State Government, Tribal Relations & Elections (originally sponsored by Hasegawa, Hunt, Billig, Saldaña, Stanford, Wilson and C.)**

**Addressing compacts of free association.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Riccelli, Walsh and Harris spoke in favor of the passage of the bill.

The Speaker stated the question before the House to be the final passage of Substitute Senate Joint Memorial No. 8017.

**ROLL CALL**

The Clerk called the roll on the final passage of Substitute Senate Joint Memorial No. 8017, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Mead, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shea, Shewmake, Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Excused: Representative Paul.

SUBSTITUTE SENATE JOINT MEMORIAL NO. 8017, having received the necessary constitutional majority, was declared passed.

**SUBSTITUTE SENATE BILL NO. 5976, by Senate Committee on Ways & Means (originally sponsored by Rolfes, Kuderer and Walsh)**

**Concerning the access to baby and child dentistry program for children with disabilities.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Riccelli and Caldier spoke in favor of the passage of the bill.

The Speaker stated the question before the House to be the final passage of Substitute Senate Bill No. 5976.

**ROLL CALL**

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5976, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Mead, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shea, Shewmake, Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Excused: Representative Paul.

SUBSTITUTE SENATE BILL NO. 5976, having received the necessary constitutional majority, was declared passed.

**SECOND SUBSTITUTE SENATE BILL NO. 5572, by Senate Committee on Ways & Means (originally sponsored by Honeyford, Takko, Short, Warnick, Schoesler and King)**

**Authorizing modernization grants for small school districts.**

The bill was read the second time.

With the consent of the House, amendment (2143) was withdrawn.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Callan and Steele spoke in favor of the passage of the bill.

The Speaker stated the question before the House to be the final passage of Second Substitute Senate Bill No. 5572.

**ROLL CALL**

The Clerk called the roll on the final passage of Second Substitute Senate Bill No. 5572, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Mead, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shea, Shewmake, Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Excused: Representative Paul.

SECOND SUBSTITUTE SENATE BILL NO. 5572, having received the necessary constitutional majority, was declared passed.

**ENGROSSED SENATE BILL NO. 5402, by  
Senators Schoesler and Rolfes**

**Improving tax and licensing laws administered by the department of revenue, but not including changes to tax laws that are estimated to affect state or local tax collections as reflected in any fiscal note prepared and approved under the process established in chapter 43.88A RCW.**

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Finance was before the House for purpose of amendment. (For Committee amendment, see Journal, Day 50, March 2, 2020).

Representative Walen moved the adoption of amendment (2163) to the committee striking amendment:

17.0.

On page 68, after line 31, insert the following:

"Sec. 59. RCW 82.32.050 and 2008 c 181 s 501 are each amended to read as follows:

(1) If upon examination of any returns or from other information obtained by the department it appears that a tax or penalty has been paid less than that properly due, the department shall assess against the taxpayer such additional amount found to be due and shall add thereto interest on the tax only. The department shall notify the taxpayer by mail, or electronically as provided in RCW 82.32.135, of the additional amount and the additional amount shall become due and shall be paid within thirty days from the date of the

notice, or within such further time as the department may provide.

(a) For tax liabilities arising before January 1, 1992, interest shall be computed at the rate of nine percent per annum from the last day of the year in which the deficiency is incurred until the earlier of December 31, 1998, or the date of payment. After December 31, 1998, the rate of interest shall be variable and computed as provided in subsection (2) of this section. The rate so computed shall be adjusted on the first day of January of each year for use in computing interest for that calendar year.

(b) For tax liabilities arising after December 31, 1991, the rate of interest shall be variable and computed as provided in subsection (2) of this section from the last day of the year in which the deficiency is incurred until the date of payment. The rate so computed shall be adjusted on the first day of January of each year for use in computing interest for that calendar year.

(c) ~~(Interest)~~ (i) Except as otherwise provided in (c)(ii) of this subsection (1), interest imposed after December 31, 1998, shall be computed from the last day of the month following each calendar year included in a notice, and the last day of the month following the final month included in a notice if not the end of a calendar year, until the due date of the notice.

(ii) For interest associated with annual tax reporting periods having a due date as prescribed in RCW 82.32.045(3), interest must be computed from the last day of April immediately following each such annual reporting period included in the notice, until the due date of the notice.

(iii) If payment in full is not made by the due date of the notice, additional interest shall be computed under this subsection (1)(c) until the date of payment. The rate of interest shall be variable and computed as provided in subsection (2) of this section. The rate so computed shall be adjusted on the first day of January of each year for use in computing interest for that calendar year.

(2) For the purposes of this section, the rate of interest to be charged to the taxpayer shall be an average of the federal short-term rate as defined in 26 U.S.C. Sec. 1274(d) plus two percentage points. The rate set for each new year shall be computed by taking an arithmetical average to the nearest percentage point of the federal short-term rate, compounded annually. That average shall be calculated using the rates from four months: January, April, and July of the calendar year immediately preceding the new year, and October of the previous preceding year.

(3) During a state of emergency declared under RCW 43.06.010(12), the department, on its own motion or at the request of any taxpayer affected by the emergency, may extend the due date of any assessment or correction of an assessment for additional taxes, penalties, or interest as the department deems proper.

(4) No assessment or correction of an assessment for additional taxes, penalties, or interest due may be made by the department more than four years after the close of the tax year, except (a) against a taxpayer who has not registered as

required by this chapter, (b) upon a showing of fraud or of misrepresentation of a material fact by the taxpayer, or (c) where a taxpayer has executed a written waiver of such limitation. The execution of a written waiver shall also extend the period for making a refund or credit as provided in RCW 82.32.060(2).

(5) For the purposes of this section, "return" means any document a person is required by the state of Washington to file to satisfy or establish a tax or fee obligation that is administered or collected by the department of revenue and that has a statutorily defined due date.

**Sec. 60.** RCW 82.32.060 and 2009 c 176 s 4 are each amended to read as follows:

(1) If, upon receipt of an application by a taxpayer for a refund or for an audit of the taxpayer's records, or upon an examination of the returns or records of any taxpayer, it is determined by the department that within the statutory period for assessment of taxes, penalties, or interest prescribed by RCW 82.32.050 any amount of tax, penalty, or interest has been paid in excess of that properly due, the excess amount paid within, or attributable to, such period must be credited to the taxpayer's account or must be refunded to the taxpayer, at the taxpayer's option. Except as provided in subsection (2) of this section, no refund or credit may be made for taxes, penalties, or interest paid more than four years prior to the beginning of the calendar year in which the refund application is made or examination of records is completed.

(2)(a) The execution of a written waiver under RCW 82.32.050 or 82.32.100 will extend the time for making a refund or credit of any taxes paid during, or attributable to, the years covered by the waiver if, prior to the expiration of the waiver period, an application for refund of such taxes is made by the taxpayer or the department discovers a refund or credit is due.

(b) A refund or credit must be allowed for an excess payment resulting from the failure to claim a bad debt deduction, credit, or refund under RCW 82.04.4284, 82.08.037, 82.12.037, 82.14B.150, or 82.16.050(5) for debts that became bad debts under 26 U.S.C. Sec. 166, as amended or renumbered as of January 1, 2003, less than four years prior to the beginning of the calendar year in which the refund application is made or examination of records is completed.

(3) Any such refunds must be made by means of vouchers approved by the department and by the issuance of state warrants drawn upon and payable from such funds as the legislature may provide. However, taxpayers who are required to pay taxes by electronic funds transfer under RCW 82.32.080 must have any refunds paid by electronic funds transfer if the department has the necessary account information to facilitate a refund by electronic funds transfer.

(4) Any judgment for which a recovery is granted by any court of competent jurisdiction, not appealed from, for tax, penalties, and interest which were paid by the taxpayer, and costs, in a suit by any taxpayer must be paid in the same manner, as provided in subsection (3) of this section, upon

the filing with the department of a certified copy of the order or judgment of the court.

(a) Interest at the rate of three percent per annum must be allowed by the department and by any court on the amount of any refund, credit, or other recovery allowed to a taxpayer for taxes, penalties, or interest paid by the taxpayer before January 1, 1992. This rate of interest applies for all interest allowed through December 31, 1998. Interest allowed after December 31, 1998, must be computed at the rate as computed under RCW 82.32.050(2). The rate so computed must be adjusted on the first day of January of each year for use in computing interest for that calendar year.

(b) For refunds or credits of amounts paid or other recovery allowed to a taxpayer after December 31, 1991, the rate of interest must be the rate as computed for assessments under RCW 82.32.050(2) less one percent. This rate of interest applies for all interest allowed through December 31, 1998. Interest allowed after December 31, 1998, must be computed at the rate as computed under RCW 82.32.050(2). The rate so computed must be adjusted on the first day of January of each year for use in computing interest for that calendar year.

(5) Interest allowed on a credit notice or refund issued after December 31, 2003, must be computed as follows:

(a) If all overpayments for each calendar year and all reporting periods ending with the final month included in a notice or refund were made on or before the due date of the final return for each calendar year or the final reporting period included in the notice or refund:

(i) Interest must be computed from January 31st following each calendar year included in a notice or refund; ~~((or))~~

(ii) Interest must be computed from the last day of the month following the final month included in a notice or refund; or

(iii) For interest associated with annual tax reporting periods having a due date as prescribed in RCW 82.32.045(3), interest must be computed from the last day of April following each such annual reporting period included in a notice or refund.

(b) If the taxpayer has not made all overpayments for each calendar year and all reporting periods ending with the final month included in a notice or refund on or before the dates specified by RCW 82.32.045 for the final return for each calendar year or the final month included in the notice or refund, interest must be computed from the last day of the month following the date on which payment in full of the liabilities was made for each calendar year included in a notice or refund, and the last day of the month following the date on which payment in full of the liabilities was made if the final month included in a notice or refund is not the end of a calendar year.

(c) Interest included in a credit notice must accrue up to the date the taxpayer could reasonably be expected to use the credit notice, as defined by the department's rules. If a credit notice is converted to a refund, interest must be recomputed to the date the refund is issued, but not to exceed

the amount of interest that would have been allowed with the credit notice.

**NEW SECTION. Sec. 61.** Sections 59 and 60 of this act apply both prospectively and retroactively to January 1, 2020.

**NEW SECTION. Sec. 62.** Sections 59 through 61 of this act are necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and take effect immediately."

Correct the title.

Representatives Walen and Orcutt spoke in favor of the adoption of the amendment to the committee striking amendment.

Amendment (2163) to the committee striking amendment, was adopted.

Representative Orwall moved the adoption of amendment (2168) to the committee striking amendment:

62.0. On page 68, after line 31 of the striking amendment, insert the following:

"**Sec. 59.** RCW 35.90.020 and 2017 c 209 s 2 are each amended to read as follows:

(1) Except as otherwise provided in subsection (7) of this section, a city that requires a general business license of any person that engages in business activities within that city must partner with the department to have such license issued, and renewed if the city requires renewal, through the business licensing service in accordance with chapter 19.02 RCW.

(a) Except as otherwise provided in subsection (3) of this section, the department must phase in the issuance and renewal of general business licenses of cities that required a general business license as of July 1, 2017, and are not already partnering with the department, as follows:

(i) Between January 1, 2018, and December 31, 2021, the department must partner with at least six cities per year;

(ii) Between January 1, 2022, and December 31, 2027, the department must partner with the remaining cities; or

(iii) Between July 1, 2017 and December 31, 2022, the department must partner with all cities requiring a general business license if specific funding for the purposes of this subsection

((H:\DATA\2020 JOURNAL\Journal2020\LegDay054\1(a).doc)) (1)(a)(iii) is appropriated in the omnibus appropriations act.

(b) A city that imposes a general business license requirement and does not partner with the department as of January 1, 2018, may continue to issue and renew its general business licenses until the city partners with the department as provided in subsection (4) of this section.

(2)(a) A city that did not require a general business license as of July 1, 2017, but imposes a new general business license requirement after that date must advise the

department in writing of its intent to do so at least ninety days before the requirement takes effect.

(b) If a city subject to (a) of this subsection (2) imposes a new general business license requirement after July 1, 2017, the department, in its sole discretion, may adjust resources to partner with the imposing city as of the date that the new general business licensing requirement takes effect. If the department cannot reallocate resources, the city may issue and renew its general business license until the department is able to partner with the city.

(3) The department may delay assuming the duties of issuing and renewing general business licenses beyond the dates provided in subsection (1)(a) of this section if:

(a) Insufficient funds are appropriated for this specific purpose;

(b) The department cannot ensure the business licensing system is adequately prepared to handle all general business licenses due to unforeseen circumstances;

(c) The department determines that a delay is necessary to ensure that the transition to mandatory department issuance and renewal of general business licenses is as seamless as possible; or

(d) The department receives a written notice from a city within sixty days of the date that the city appears on the department's biennial partnership plan, which includes an explanation of the fiscal or technical challenges causing the city to delay joining the system. A delay under this subsection (3)(d) may be for no more than three years.

(4)(a) In consultation with affected cities and in accordance with the priorities established in subsection (5) of this section, the department must establish a biennial plan for partnering with cities to assume the issuance and renewal of general business licenses as required by this section. The plan must identify the cities that the department will partner with and the dates targeted for the department to assume the duties of issuing and renewing general business licenses.

(b) By January 1, 2018, and January 1st of each even-numbered year thereafter until the department has partnered with all cities that currently impose a general business license requirement and that have not declined to partner with the department under subsection (7) of this section, the department must submit the partnering plan required in (a) of this subsection (4) to the governor; legislative fiscal committees; house local government committee; senate ((agriculture, water, trade and)) financial institutions, economic development and trade committee; senate local government committee; affected cities; association of Washington cities; association of Washington business; national federation of independent business; and Washington retail association.

(c) The department may, in its sole discretion, alter the plan required in (a) of this subsection (4) with a minimum notice of thirty days to affected cities.

(5) When determining the plan to partner with cities for the issuance and renewal of general business licenses as required in subsection (4) of this section, cities that notified

the department of their wish to partner with the department before January 1, 2017, must be allowed to partner before other cities.

(6) A city that partners with the department for the issuance and renewal of general business licenses through the business licensing service in accordance with chapter 19.02 RCW may not issue and renew those licenses.

(7) ((A)) (a) Except at provided in (b) of this subsection, a city may decline to partner with the department for the issuance and renewal of a general business license as provided in subsection (1) of this section if the city participates in the online local business license and tax filing portal known as "FileLocal" as of July 1, 2020.

(b) A city that receives at least one million nine hundred fifty thousand dollars in fiscal year 2020 for temporary streamlined sales tax mitigation under the 2019 omnibus appropriations act, section 722, chapter 415, Laws of 2019, may decline to partner with the department for the issuance and renewal of a general business license as provided in subsection (1) of this section if the city participates in FileLocal as of July 1, 2021.

(c) For the purposes of this subsection (7), a city is considered to be a FileLocal participant as of the date that a business may access FileLocal for purposes of applying for or renewing that city's general business license and reporting and paying that city's local business and occupation taxes. A city that ceases participation in FileLocal after July 1, 2020, or July 1, 2021, in the case of a city eligible for the extension under (b) of this subsection, must partner with the department for the issuance and renewal of its general business license as provided in subsection (1) of this section.

(8) By January 1, 2019, and each January 1st thereafter through January 1, 2028, the department must submit a progress report to the legislature. The report required by this subsection must provide information about the progress of the department's efforts to partner with all cities that impose a general business license requirement and include:

(a) A list of cities that have partnered with the department as required in subsection (1) of this section;

(b) A list of cities that have not partnered with the department;

(c) A list of cities that are scheduled to partner with the department during the upcoming calendar year;

(d) A list of cities that have declined to partner with the department as provided in subsection (7) of this section;

(e) An explanation of lessons learned and any process efficiencies incorporated by the department;

(f) Any recommendations to further simplify the issuance and renewal of general business licenses by the department; and

(g) Any other information the department considers relevant."

Correct the title.

Representatives Orwall and Orcutt spoke in favor of the adoption of the amendment to the committee striking amendment.

Amendment (2168) to the committee striking amendment, was adopted.

The committee striking amendment, as amended, was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill as amended by the House, was placed on final passage.

Representatives Orcutt and Tarleton spoke in favor of the passage of the bill.

The Speaker stated the question before the House to be the final passage of Engrossed Senate Bill No. 5402, as amended by the House.

### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Senate Bill No. 5402, as amended by the House, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Mead, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shea, Shewmake, Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Excused: Representative Paul.

ENGROSSED SENATE BILL NO. 5402, as amended by the House, having received the necessary constitutional majority, was declared passed.

**SUBSTITUTE SENATE BILL NO. 6135, by Senate Committee on Environment, Energy & Technology (originally sponsored by Sheldon, Carlyle and Short)**

**Concerning system reliability under the clean energy transformation act. Revised for 1st Substitute: Concerning system reliability during the clean energy transformation act implementation.**

The bill was read the second time.



There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Fitzgibbon, MacEwen and Boehnke spoke in favor of the passage of the bill.

The Speaker stated the question before the House to be the final passage of Substitute Senate Bill No. 6135.

### ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6135, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Mead, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shea, Shewmake, Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Excused: Representative Paul.

SUBSTITUTE SENATE BILL NO. 6135, having received the necessary constitutional majority, was declared passed.

**SUBSTITUTE SENATE BILL NO. 6429, by Senate Committee on Transportation (originally sponsored by Brown, Walsh, Schoesler, Rivers, Van De Wege and Becker)**

**Providing a designation on a driver's license or identicard that a person has a developmental disability.**

The bill was read the second time.

With the consent of the House, amendment (2170) was withdrawn.

Representative Kilduff moved the adoption of the striking amendment (2171):

62.0. Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 63.** The legislature finds that the health and safety of the traveling public, law enforcement, and emergency medical service providers are enhanced by the voluntary sharing of information about medical conditions, including deafness and developmental disabilities. Licensed drivers and applicants who wish to

voluntarily include a medical alert designation on their driver's license may provide law enforcement and emergency medical service providers with the opportunity to know at the point of contact or shortly thereafter that there is a medical condition which could affect communication or account for a driver health emergency. By taking action in accordance with existing driver privacy protections, the legislature seeks to enhance health and public safety by the voluntary provision and careful use of this information.

**Sec. 64.** RCW 46.20.117 and 2018 c 157 s 2 are each amended to read as follows:

(1) **Issuance.** The department shall issue an identicard, containing a picture, if the applicant:

(a) Does not hold a valid Washington driver's license;

(b) Proves his or her identity as required by RCW 46.20.035; and

(c) Pays the required fee. Except as provided in subsection ~~((5))~~ (7) of this section, the fee is fifty-four dollars, unless an applicant is:

(i) A recipient of continuing public assistance grants under Title 74 RCW, who is referred in writing by the secretary of social and health services;

(ii) Under the age of eighteen and does not have a permanent residence address as determined by the department by rule; or

(iii) An individual who is scheduled to be released from an institution as defined in RCW 13.40.020, a community facility as defined in RCW 72.05.020, or other juvenile rehabilitation facility operated by the department of social and health services or the department of children, youth, and families; or an individual who has been released from such an institution or facility within thirty calendar days before the date of the application.

For those persons under (c)(i) through (iii) of this subsection, the fee must be the actual cost of production of the identicard.

(2)(a) **Design and term.** The identicard must:

(i) Be distinctly designed so that it will not be confused with the official driver's license; and

(ii) Except as provided in subsection ~~((5))~~ (7) of this section, expire on the sixth anniversary of the applicant's birthdate after issuance.

(b) The identicard may include the person's status as a veteran, consistent with RCW 46.20.161 ~~((2))~~ (4).

(c) If applicable, the identicard may include a medical alert designation as provided in subsection (5) of this section.

(3) **Renewal.** An application for identicard renewal may be submitted by means of:

(a) Personal appearance before the department; or

(b) Mail or electronic commerce, if permitted by rule of the department and if the applicant did not renew his or

her identicard by mail or by electronic commerce when it last expired.

An identicard may not be renewed by mail or by electronic commerce unless the renewal issued by the department includes a photograph of the identicard holder.

(4) **Cancellation.** The department may cancel an identicard if the holder of the identicard used the card or allowed others to use the card in violation of RCW 46.20.0921.

(5) Any person may apply to the department to obtain a medical alert designation, a developmental disability designation, or a deafness designation on an identicard issued under this chapter by providing:

(a) Self-attestation that the individual:

(i) Has a medical condition that could affect communication or account for a health emergency;

(ii) Is deaf or hard of hearing; or

(iii) Has a developmental disability as defined in RCW 71A.10.020;

(b) A statement from the person that they have voluntarily provided the self-attestation and other information verifying the condition; and

(c) For persons under eighteen years of age or who have a developmental disability, the signature of a parent or legal guardian.

(6) A self-attestation or data contained in a self-attestation provided under this section:

(a) Shall not be disclosed; and

(b) Is for the confidential use of the director, the chief of the Washington state patrol, and law enforcement and emergency medical service providers as designated by law.

(7) **Alternative issuance/renewal/extension.** The department may issue or renew an identicard for a period other than six years, or may extend by mail or electronic commerce an identicard that has already been issued, in order to evenly distribute, as nearly as possible, the yearly renewal rate of identicard holders. The fee for an identicard issued or renewed for a period other than six years, or that has been extended by mail or electronic commerce, is nine dollars for each year that the identicard is issued, renewed, or extended. The department may adopt any rules as are necessary to carry out this subsection.

**Sec. 65.** RCW 46.20.161 and 2018 c 69 s 1 are each amended to read as follows:

(1) The department, upon receipt of a fee of forty-five dollars from October 1, 2012, to June 30, 2013, and fifty-four dollars after June 30, 2013, unless the driver's license is issued for a period other than five years from October 1, 2012, to June 30, 2013, or six years after June 30, 2013, in which case the fee shall be nine dollars for each year that the license is issued, which includes the fee for the required photograph, shall issue to every qualifying applicant a driver's license. A driver's license issued to a person under

the age of eighteen is an intermediate license, subject to the restrictions imposed under RCW 46.20.075, until the person reaches the age of eighteen.

(2) The license must include:

(a) A distinguishing number assigned to the licensee((~~g~~));

(b) The name of record((~~g~~));

(c) Date of birth((~~g~~));

(d) Washington residence address((~~g~~));

(e) Photograph((~~g~~));

(f) A brief description of the licensee((~~g~~));

(g) Either a facsimile of the signature of the licensee or a space upon which the licensee shall write his or her usual signature with pen and ink immediately upon receipt of the license((~~g~~ and ~~g~~));

(h) If applicable, the person's status as a veteran as provided in subsection ((~~2~~)) (4) of this section; and

(i) If applicable, a medical alert designation as provided in subsection (5) of this section.

(3) No license is valid until it has been ((~~se~~)) signed by the licensee.

((~~2~~)) (4)(a) A veteran, as defined in RCW 41.04.007, or an individual who otherwise meets the criteria of RCW 41.04.007 but who has received a general discharge under honorable conditions, may apply to the department to obtain a veteran designation on a driver's license issued under this section by providing:

((~~2~~)) (i) A United States department of veterans affairs identification card or proof of service letter;

((~~2~~)) (ii) A United States department of defense discharge document, DD Form 214 or DD Form 215, as it exists on June 7, 2018, or such subsequent date as may be provided by the department by rule, consistent with the purposes of this section, or equivalent or successor discharge paperwork, that shows a discharge status of "honorable" or "general under honorable conditions" that establishes the person's service in the armed forces of the United States;

((~~2~~)) (iii) A national guard state-issued report of separation and military service, NGB Form 22, as it exists on June 7, 2018, or such subsequent date as may be provided by the department by rule, consistent with the purposes of this section, or equivalent or successor discharge paperwork, that shows a discharge status of "honorable" or "general under honorable conditions" that establishes the person's active duty or reserve service in the national guard; or

((~~2~~)) (iv) A United States uniformed services identification card, DD Form 2, that displays on its face that it has been issued to a retired member of any of the armed forces of the United States, including the national guard and armed forces reserves.

(b) The department may permit a veteran, as defined in RCW 41.04.007, or an individual who otherwise meets

the criteria of RCW 41.04.007 but who has received a general discharge under honorable conditions, to submit an alternate form of documentation to apply to obtain a veteran designation on a driver's license, as specified by rule, that requires a discharge status of "honorable" or "general under honorable conditions" and that establishes the person's service as required under RCW 41.04.007.

(5) Any person may apply to the department to obtain a medical alert designation, a developmental disability designation, or a deafness designation on a driver's license issued under this chapter by providing:

(a) Self-attestation that the individual:

(i) Has a medical condition that could affect communication or account for a driver health emergency;

(ii) Is deaf or hard of hearing; or

(iii) Has a developmental disability as defined in RCW 71A.10.020;

(b) A statement from the person that they have voluntarily provided the self-attestation and other information verifying the condition; and

(c) For persons under eighteen years of age or who have a developmental disability, the signature of a parent or legal guardian.

(6) A self-attestation or data contained in a self-attestation provided under this section:

(a) Shall not be disclosed;

(b) Is for the confidential use of the director, the chief of the Washington state patrol, and law enforcement and emergency medical service providers as designated by law; and

(c) Is subject to the privacy protections of the driver's privacy protection act, 18 U.S.C. Sec. 2725.

**NEW SECTION. Sec. 66.** This act takes effect January 1, 2022."

Correct the title.

Representatives Kilduff and Schmick spoke in favor of the adoption of the striking amendment.

The striking amendment (2171) was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Kilduff and Schmick spoke in favor of the passage of the bill.

The Speaker stated the question before the House to be the final passage of Substitute Senate Bill No. 6429, as amended by the House.

## ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6429, as amended by the House, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Mead, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shea, Shewmake, Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Excused: Representative Paul.

SUBSTITUTE SENATE BILL NO. 6429, as amended by the House, having received the necessary constitutional majority, was declared passed.

**SECOND SUBSTITUTE SENATE BILL NO. 6281, by Senate Committee on Ways & Means (originally sponsored by Carlyle, Nguyen, Rivers, Short, Sheldon, Wellman, Lovelett, Das, Van De Wege, Billig, Randall, Pedersen, Dhingra, Hunt, Salomon, Lias, Mullet, Wilson, C., Frockt, Cleveland and Keiser)**

**Concerning the management and oversight of personal data.**

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Innovation, Technology & Economic Development was before the House for purpose of amendment. (For Committee amendment, see Journal, Day 47, February 28, 2020).

With the consent of the House, amendments (2142), (2159), (2161), (2156), (2142), (2159), (2161) and (2156) were withdrawn.

Representative Smith moved the adoption of amendment (2155) to the committee striking amendment:

66.0. On page 3, line 19 of the striking amendment, after "(4)" insert "'Chief privacy officer" means the person appointed under RCW 43.105.369(2).

(5)"

Renumber the remaining subsections consecutively and correct any internal reference accordingly.

On page 3, line 36 of the striking amendment, after "(9)" insert "(a) "Data broker" means a business, or unit or units of a business, separately or together, that knowingly

collects and sells or licenses to third parties the personal data of a consumer with whom the business does not have a direct relationship.

(b) The following activities conducted by a business do not qualify the business as a data broker:

(i) Furnishing a consumer report, as defined in 15 U.S.C. Sec. 1681a(d), by a consumer reporting agency, as defined in 15 U.S.C. Sec. 1681a(f);

(ii) Collecting or disclosing nonpublic personal information, as defined in 15 U.S.C. Sec. 6809(4), by a financial institution, as defined in 15 U.S.C. Sec. 6809(3), in a manner than is regulated under the federal Gramm Leach Bliley act, P.L. 106-102, and implementing regulations;

(iii) Providing 411 directory assistance or directory information services, including name, address, and telephone number, on behalf of or as a function of a telecommunications carrier; or

(iv) Providing publicly available information via real-time or near real-time alert services for health or safety purposes.

(10)"

Renumber the remaining subsections consecutively and correct any internal references accordingly.

On page 21, after line 15 of the striking amendment, insert the following:

**"NEW SECTION. Sec. 11. DATA BROKER REGISTRATION.** (1) Annually, on or before January 31st following a year in which a business meets the definition of data broker as provided in section 3 of this act, a data broker shall:

(a) Register with the chief privacy officer;

(b) Pay a registration fee of two hundred fifty dollars to the chief privacy officer; and

(c) Provide the following information to the chief privacy officer:

(i) The name and primary physical, email, and internet addresses of the data broker;

(ii) If the data broker permits a consumer to opt out of the data broker's collection of personal data, opt out of its databases, or opt out of certain sales of data:

(A) The method for requesting an opt-out;

(B) If the opt-out applies to only certain activities or sales, a statement specifying to which activities or sales the opt-out applies;

(C) Whether the data broker permits a consumer to authorize a third party to opt out on the consumer's behalf;

(D) A statement specifying the data collection, databases, or sales activities from which a consumer may not opt out;

(iii) Whether the data broker implements a purchaser credentialing process;

(iv) Where the data broker has actual knowledge that it possesses the personal data of minors, a separate statement detailing the data collection practices, databases, sales activities, and opt-out policies that are applicable to the personal data of minors; and

(v) Any additional data that the data broker chooses to provide concerning its data collection practices.

(2) The chief privacy officer is authorized to coordinate with a third party for the purpose of collecting the registration fee under subsection (1)(b) of this section.

(3) A data broker that fails to fulfill the requirements of subsection (1) of this section is subject to:

(a) A civil penalty of fifty dollars for each day, not to exceed a total of ten thousand dollars for each year it fails to register pursuant to this section;

(b) A fine equal to the fees due under this section during the period it failed to register pursuant to this section; and

(c) Other penalties imposed by law.

(4) The attorney general may maintain an action to collect the penalties imposed in this section and to seek appropriate injunctive relief."

Renumber the remaining sections consecutively and correct any internal references accordingly.

On page 26, line 4 of the striking amendment, after "through" strike "18 and 20" and insert "19 and 21"

Representative Smith spoke in favor of the adoption of the amendment to the committee striking amendment.

Representative Slatter spoke against the adoption of the amendment to the committee striking amendment.

Amendment (2155) to the committee striking amendment was not adopted.

Representative Smith moved the adoption of amendment (2141) to the committee striking amendment:

66.0. On page 4, line 5 of the striking amendment, after "device" insert "or household"

On page 4, line 8 of the striking amendment, after "person" insert ", or a device or household linked to such person"

Representatives Smith and Kloba spoke in favor of the adoption of the amendment to the committee striking amendment.

Amendment (2141) to the committee striking amendment was adopted.

Representative Hudgins moved the adoption of amendment (2117) to the committee striking amendment:

66.0. On page 4, beginning on line 12 of the striking amendment, strike all of subsections (11) through (13)

Renumber the remaining subsections consecutively and correct any internal references accordingly.

On page 4, beginning on line 31 of the striking amendment, strike all of subsection (17)

Renumber the remaining subsections consecutively and correct any internal references accordingly.

On page 5, beginning on line 14 of the striking amendment, strike all of subsection (24)

Renumber the remaining subsections consecutively and correct any internal references accordingly.

On page 6, beginning on line 13 of the striking amendment, strike all of subsection (31)

Renumber the remaining subsections consecutively and correct any internal references accordingly.

On page 7, beginning on line 28 of the striking amendment, strike all of subsection (40)

On page 17, beginning on line 16 of the striking amendment, after "purpose." strike all material through "program." on line 19

On page 22, line 1 of the striking amendment, after "PREEMPTION." strike "(1)"

On page 22, beginning on line 8 of the striking amendment, strike all of subsection (2)

On page 23, beginning on line 9 of the striking amendment, strike all of section 17

Renumber the remaining sections consecutively and correct any internal references accordingly.

On page 26, line 4 of the striking amendment, after "through" strike "18 and 20" and insert "17 and 19"

Representative Hudgins spoke in favor of the adoption of the amendment to the committee striking amendment.

Amendment (2117) to the committee striking amendment was adopted.

With the consent of the House, amendments (2122) and (2151) were withdrawn.

Representative Smith moved the adoption of amendment (2160) to the committee striking amendment:

66.0. On page 5, line 31 of the striking amendment, after "records" insert "'Publicly available information" does not mean information collected by a business about a consumer without the consumer's knowledge."

Representative Smith spoke in favor of the adoption of the amendment to the committee striking amendment.

Representative Tarleton spoke against the adoption of the amendment to the committee striking amendment.

Amendment (2160) to the committee striking amendment was not adopted.

Representative Smith moved the adoption of amendment (2139) to the committee striking amendment:

66.0. On page 6, line 12 of the striking amendment, after "person." insert "Photographs or other graphic or visual depictions of natural persons, whether or not in electronic form, cannot be pseudonymous within the meaning of this subsection."

Representatives Smith and Kloba spoke in favor of the adoption of the amendment to the committee striking amendment.

Amendment (2139) to the committee striking amendment was adopted.

Representative Van Werven moved the adoption of amendment (2137) to the committee striking amendment:

66.0. On page 7, line 3 of the striking amendment, after "from a" strike "known child; or (d)" and insert "child; (d) a minor over twelve and under sixteen years of age; or (e)"

Representatives Van Werven, Smith, Corry, Walsh and Maycumber spoke in favor of the adoption of the amendment to the committee striking amendment.

Representatives Tarleton and Hudgins spoke against the adoption of the amendment to the committee striking amendment.

An electronic roll call was requested.

## ROLL CALL

The Clerk called the roll on the adoption of amendment (2137) to the committee striking amendment, and the amendment was not adopted by the following vote: Yeas, 46; Nays, 51; Absent, 0; Excused, 1.

Voting yea: Representatives Barkis, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Corry, DeBolt, Dent, Doglio, Dufault, Dye, Eslick, Gildon, Goehner, Graham, Griffey, Harris, Hoff, Irwin, Jenkin, Klippert, Kraft, Kretz, Leavitt, MacEwen, Maycumber, McCaslin, Mosbrucker, Orcutt, Rude, Schmick, Shea, Shewmake, Smith, Steele, Stokesbary, Sutherland, Van Werven, Vick, Volz, Walsh, Wilcox, Ybarra and Young.

Voting nay: Representatives Appleton, Bergquist, Chapman, Chopp, Cody, Davis, Dolan, Duerr, Entenman, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hansen, Hudgins, J. Johnson, Kilduff, Kirby, Kloba, Lekanoff, Lovick, Macri, Mead, Morgan, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Ryu, Santos, Sells, Senn, Slatter,

Springer, Stonier, Sullivan, Tarleton, Thai, Tharinger, Valdez, Walen, Wylie and Mme. Speaker.

Excused: Representative Paul.

Representative Stokesbary moved the adoption of amendment (2148) to the committee striking amendment:

66.0. On page 7, line 34 of the striking amendment, after "to" insert "institutions of higher education and"

On page 7, line 36 of the striking amendment, after "Washington," strike "and that" and insert "if the institutions or legal entities"

On page 26, at the beginning of line 2 of the striking amendment, strike "institutions of higher education or"

Representatives Stokesbary, Boehnke, Corry, Gildon and Walsh spoke in favor of the adoption of the amendment to the committee striking amendment.

Representative Wylie spoke against the adoption of the amendment to the committee striking amendment.

Amendment (2148) to the committee striking amendment was not adopted.

Representative Hoff moved the adoption of amendment (2150) to the committee striking amendment:

66.0. On page 7, line 34 of the striking amendment, after "to" insert "state agencies, local governments, municipal corporations, and"

On page 7, line 36 of the striking amendment, after "Washington," strike "and that" and insert "if the state agencies, local governments, municipal corporations, or legal entities"

On page 8, beginning on line 5 of the striking amendment, after "(a)" strike all material through "(c)" on line 7

Renumber the remaining subsections consecutively and correct any internal references accordingly.

Representatives Hoff, Kraft, Maycumber, Boehnke, Stokesbary and Dufault spoke in favor of the adoption of the amendment to the committee striking amendment.

Representatives Kloba and Hudgins spoke against the adoption of the amendment to the committee striking amendment.

Amendment (2150) to the committee striking amendment was not adopted.

Representative Barkis moved the adoption of amendment (2149) to the committee striking amendment:

66.0. On page 8, line 7 of the striking amendment, after "(c)" insert "Legal entities earning less than five million dollars in global revenue, including revenue attributable to their affiliates;

(d)"

Renumber the remaining subsections consecutively and correct any internal references accordingly.

Representatives Barkis, Stokesbary, Walsh and Boehnke spoke in favor of the adoption of the amendment to the committee striking amendment.

Representatives Wylie and Hudgins spoke against the adoption of the amendment to the committee striking amendment.

Amendment (2149) to the committee striking amendment was not adopted.

Representative Smith moved the adoption of amendment (2158) to the committee striking amendment:

66.0. On page 8, line 7 of the striking amendment, after "of" insert "personal data, unless this chapter provides stronger or additional privacy protections for such data"

Representative Smith spoke in favor of the adoption of the amendment to the committee striking amendment.

Representative Hudgins spoke against the adoption of the amendment to the committee striking amendment.

Amendment (2158) to the committee striking amendment was not adopted.

Representative Smith moved the adoption of amendment (2157) to the committee striking amendment:

66.0. On page 13, beginning on line 6 of the striking amendment, after "consumer" strike all material through "concerning a consumer" on line 9

Representative Smith spoke in favor of the adoption of the amendment to the committee striking amendment.

Representative Hudgins spoke against the adoption of the amendment to the committee striking amendment.

Amendment (2157) to the committee striking amendment was not adopted.

Representative Smith moved the adoption of amendment (2136) to the committee striking amendment:

66.0. On page 13, line 39 of the striking amendment, after "(7)" insert "*Notifying third parties of consumer requests.* A controller must take reasonable steps to communicate a consumer's request to correct, delete, or opt out of the processing of personal data under subsection (2), (3), or (5) of this section to each third party to whom the controller disclosed, including through sale, the personal data within one year preceding the consumer's request, unless this proves functionally impractical, technically infeasible, or involves disproportionate effort.

(8)"

Renumber the remaining subsections consecutively and correct any internal references accordingly.

Representative Smith and Smith (again) spoke in favor of the adoption of the amendment to the committee striking amendment.

Representative Slatter spoke against the adoption of the amendment to the committee striking amendment.

Amendment (2136) to the committee striking amendment was not adopted.

Representative Smith moved the adoption of amendment (2152) to the committee striking amendment:

66.0. On page 17, line 20 of the striking amendment, after "data." insert "(a)"

On page 17, line 26 of the striking amendment, after "requirements." insert "Each person has an absolute privacy right in the person's biometric identifiers.

(b)(i) The office of the attorney general, in consultation with the office of privacy and data protection, must convene a task force to examine the issues related to infringement by biometric surveillance technology on the biometric identifiers privacy rights guaranteed in (a) of this subsection, including:

(A) The use of affirmative consent for collection of biometric data;

(B) Requiring clear purposes for which biometric data is collected and limiting collection to those purposes;

(C) The ability of a consumer to withdraw consent and obtain deletion of all biometric data of the consumer; and

(D) Imposing on entities that collect biometric data the duties to protect, secure, and prevent misuse of biometric data.

(ii) The majority of the task force members must be representatives of organizations that advocate for civil liberties, consumer rights, and privacy protections. The task force must also include a data ethics expert and a representative from a statewide organization that represents law enforcement agencies.

(iii) By December 1, 2021, the attorney general must submit to the relevant committees of the legislature a report that summarizes the findings of the task force. The report must include for consideration and possible adoption by the legislature recommendations regarding legal remedies to provide justice for those whose biometric privacy rights are violated.

(c) For purposes of this subsection (7):

(i) "Biometric identifier" means any information, regardless of how it is captured, converted, stored, or shared, based on biological, physiological, or behavioral traits that are uniquely attributable to a single individual.

(ii) "Biometric surveillance technology" means any technology or process capable of collecting, capturing, or replicating a biometric identifier."

Representatives Smith, Boehnke and Walsh spoke in favor of the adoption of the amendment to the committee striking amendment.

Representative Slatter spoke against the adoption of the amendment to the committee striking amendment.

Amendment (2152) to the committee striking amendment was not adopted.

Representative Smith moved the adoption of amendment (2138) to the committee striking amendment:

66.0. On page 19, beginning on line 37 of the striking amendment, strike all of subsection (a)

Renumber the remaining subsections consecutively and correct any internal references accordingly.

Representatives Smith and Walsh spoke in favor of the adoption of the amendment to the committee striking amendment.

Representative Slatter spoke against the adoption of the amendment to the committee striking amendment.

Amendment (2138) to the committee striking amendment was not adopted.

Representative Smith moved the adoption of amendment (2135) to the committee striking amendment:

66.0. On page 19, beginning on line 37 of the striking amendment, strike all of subsection (a)

Renumber the remaining subsections consecutively and correct any internal references accordingly.

Representative Smith spoke in favor of the adoption of the amendment to the committee striking amendment.

Representative Hudgins spoke against the adoption of the amendment to the committee striking amendment.

Amendment (2135) to the committee striking amendment was not adopted.

Representative Corry moved the adoption of amendment (2147) to the committee striking amendment:

66.0. On page 21, line 24 of the striking amendment, after "(2)" insert "A controller or processor earning less than one hundred million dollars in annual global revenue, including revenue attributable to its affiliates, is in violation of this chapter if it fails to cure any alleged violation within thirty days after receiving notice of alleged noncompliance."

Representatives Corry and Stokesbary spoke in favor of the adoption of the amendment to the committee striking amendment.

Representative Hudgins spoke against the adoption of the amendment to the committee striking amendment.

Amendment (2147) to the committee striking amendment was not adopted.

Representative Walen moved the adoption of amendment (2131) to the committee striking amendment:

66.0. On page 21, beginning on line 16 of the striking amendment, strike all of section 11 and insert the following:

**"NEW SECTION. Sec. 66.11. LIABILITY.** (1) Any violation of this chapter shall not serve as the basis for, or be subject to, a private right of action under this chapter or any other law or serve as the basis for a violation of chapter 19.86 RCW or under any other law. This chapter does not relieve any party from any duty or obligation imposed, or alter any right, burden, or obligation that a consumer has under other laws, including without limitation chapter 19.86 RCW, the Washington State Constitution, or the United States Constitution.

(2) In the event that a consumer institutes a civil action under chapter 19.86 RCW arising out of conduct that independently violates chapter 19.86 RCW, such civil action shall continue to be permitted solely under chapter 19.86 RCW, even if such conduct is regulated by this chapter. For purposes of RCW 19.86.093, this chapter does not incorporate chapter 19.86 RCW.

(3) Where more than one controller or processor, or both a controller and a processor, involved in the same processing, is in violation of this chapter, the liability must be allocated among the parties according to principles of comparative fault.

**NEW SECTION. Sec. 66.12. ENFORCEMENT.** (1) The attorney general has exclusive authority to enforce this chapter. The attorney general shall exercise such authority by bringing an action either in the name of the state or as parens patriae on behalf of persons residing in the state. For the purposes of this chapter the attorney general has the same authority to investigate alleged violations as he or she does in RCW 19.86.110.

(2) Any controller or processor that violates this chapter is subject to an injunction and liable for a civil penalty of not more than seven thousand five hundred dollars for each violation.

(3) In the event that a legal entity subject to this chapter is held liable in any action arising out of conduct governed under this chapter, such legal entity shall not be made to defend against, and shall not be held liable, against causes of action or claims arising of the same conduct in any other proceeding."

Renumber the remaining sections consecutively and correct any internal references accordingly.

On page 26, line 4 of the striking amendment, after "through" strike "18 and 20" and insert "19 and 21"

Representatives Walen, Dufault and Stokesbary spoke in favor of the adoption of the amendment to the committee striking amendment.

Representative Hudgins spoke against the adoption of the amendment to the committee striking amendment.

An electronic roll call was requested.

### ROLL CALL

The Clerk called the roll on the adoption of amendment (2131) and the amendment was not adopted by the following vote: Yeas, 46; Nays, 51; Absent, 0; Excused, 1.

Voting yea: Representatives Barkis, Calder, Chambers, Chandler, Chapman, Corry, DeBolt, Dent, Dufault, Dye, Eslick, Fey, Gildon, Goehner, Graham, Griffey, Harris, Hoff, Irwin, Jenkin, Kirby, Klippert, Kraft, Kretz, MacEwen, Maycumber, McCaslin, Mosbrucker, Orcutt, Pettigrew, Rude, Schmick, Shea, Slatter, Springer, Steele, Stokesbary, Sutherland, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Ybarra and Young.

Voting nay: Representatives Appleton, Bergquist, Blake, Boehnke, Callan, Chopp, Cody, Davis, Doglio, Dolan, Duerr, Entenman, Fitzgibbon, Frame, Goodman, Gregerson, Hansen, Hudgins, J. Johnson, Kilduff, Kloba, Leavitt, Lekanoff, Lovick, Macri, Mead, Morgan, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pollet, Ramel, Ramos, Riccelli, Robinson, Ryu, Santos, Sells, Senn, Shewmake, Smith, Stonier, Sullivan, Tarleton, Thai, Tharinger, Valdez, Wylie and Mme. Speaker.

Excused: Representative Paul.

Amendment (2134) was ruled out of order.

Representative Vick moved the adoption of amendment (2146) to the committee striking amendment:

66.0. On page 22, beginning on line 4 of the striking amendment, after "processors." strike all material through "preempted."

Representatives Vick and Stokesbary spoke in favor of the adoption of the amendment to the committee striking amendment.

Representative Tarleton spoke against the adoption of the amendment to the committee striking amendment.

Amendment (2146) to the committee striking amendment was not adopted.

Representative Boehnke moved the adoption of amendment (2140) to the committee striking amendment:

66.0. On page 23, at the beginning of line 4 of the striking amendment, strike all material through "initiatives" on line 6 and insert "to enable the sharing of personal data or personal information by public bodies



across national and state borders, but solely for the purposes of joint data-driven research on life-threatening diseases"

On page 23, line 8 of the striking amendment, after "data." insert "Prior to sharing any personal data or personal information, public bodies must obtain informed opt-in consent of Washington residents whose personal data or personal information is shared across national and state borders."

Representatives Boehnke, Kraft and Walsh spoke in favor of the adoption of the amendment to the committee striking amendment.

Representative Tarleton spoke against the adoption of the amendment to the committee striking amendment.

Amendment (2140) to the committee striking amendment was not adopted.

The committee striking amendment, as amended, was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Kloba, Wylie and Smith spoke in favor of the passage of the bill.

Representatives Stokesbary, Dufault, Sutherland, Boehnke, Corry and Kraft spoke against the passage of the bill.

The Speaker stated the question before the House to be the final passage of Second Substitute Senate Bill No. 6281, as amended by the House.

### ROLL CALL

The Clerk called the roll on the final passage of Second Substitute Senate Bill No. 6281, as amended by the House, and the bill passed the House by the following vote: Yeas, 56; Nays, 41; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Bergquist, Blake, Callan, Chopp, Cody, Davis, DeBolt, Doglio, Dolan, Duerr, Entenman, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hansen, Hudgins, J. Johnson, Kilduff, Kloba, Leavitt, Lekanoff, Lovick, Macri, Mead, Morgan, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Sells, Senn, Shewmake, Slatter, Smith, Stonier, Sullivan, Tarleton, Thai, Tharinger, Valdez, Wylie and Mme. Speaker.

Voting nay: Representatives Barkis, Boehnke, Calder, Chambers, Chandler, Chapman, Corry, Dent, Dufault, Dye, Eslick, Gildon, Goehner, Graham, Griffey, Harris, Hoff, Irwin, Jenkin, Kirby, Klippert, Kraft, Kretz, MacEwen, Maycumber, McCaslin, Mosbrucker, Schmick, Shea, Springer, Steele, Stokesbary, Sutherland, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Ybarra and Young.

Excused: Representative Paul.

SECOND SUBSTITUTE SENATE BILL NO. 6281, as amended by the House, having received the necessary constitutional majority, was declared passed.

There being no objection, the House advanced to the eighth order of business.

### MOTIONS

There being no objection, the following bills were returned to the Committee on Rules:

SUBSTITUTE SENATE BILL NO. 5011  
ENGROSSED SENATE BILL NO. 5294  
SUBSTITUTE SENATE BILL NO. 5679  
SENATE BILL NO. 5749  
SENATE BILL NO. 5782  
SUBSTITUTE SENATE BILL NO. 6022  
SENATE BILL NO. 6047  
ENGROSSED SUBSTITUTE SENATE BILL NO. 6122  
ENGROSSED SUBSTITUTE SENATE BILL NO. 6147  
SUBSTITUTE SENATE BILL NO. 6155  
SUBSTITUTE SENATE BILL NO. 6182  
ENGROSSED SENATE BILL NO. 6238  
SECOND SUBSTITUTE SENATE BILL NO. 6275  
SUBSTITUTE SENATE BILL NO. 6302  
SUBSTITUTE SENATE BILL NO. 6358  
SECOND SUBSTITUTE SENATE BILL NO. 6382  
SUBSTITUTE SENATE BILL NO. 6408  
SUBSTITUTE SENATE BILL NO. 6455  
SUBSTITUTE SENATE BILL NO. 6501  
SUBSTITUTE SENATE BILL NO. 6531  
SENATE BILL NO. 6556  
SENATE JOINT MEMORIAL NO. 8014

There being no objection, the Committee on Rules was relieved of the following bills and the bills were placed on the second reading calendar:

SUBSTITUTE HOUSE BILL NO. 1808  
HOUSE BILL NO. 2505  
HOUSE BILL NO. 2943  
HOUSE BILL NO. 2945  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5323  
SENATE BILL NO. 6049  
SUBSTITUTE SENATE BILL NO. 6632

There being no objection, the House adjourned until 9:00 a.m., March 7, 2020, the 55th Day of the Regular Session.

LAURIE JINKINS, Speaker

BERNARD DEAN, Chief Clerk



**SIXTY SIXTH LEGISLATURE - REGULAR SESSION****FIFTY FIFTH DAY**

House Chamber, Olympia, Saturday, March 7, 2020

The House was called to order at 10:00 a.m. by the Speaker (Representative Lovick presiding). The Clerk called the roll and a quorum was present.

March 6, 2020

The flags were escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Nicole Rees and Clara Sodon. The Speaker (Representative Lovick presiding) led the Chamber in the Pledge of Allegiance. The prayer was offered by Representative Norma Smith, 10th Legislative District, Washington.

Reading of the Journal of the previous day was dispensed with and it was ordered to stand approved.

There being no objection, the House advanced to the third order of business.

**MESSAGES FROM THE SENATE**

March 6, 2020

Mme. SPEAKER:

The Senate has passed:

SECOND SUBSTITUTE HOUSE BILL NO. 1645,  
 SUBSTITUTE HOUSE BILL NO. 1847,  
 ENGROSSED HOUSE BILL NO. 2188,  
 HOUSE BILL NO. 2229,  
 SUBSTITUTE HOUSE BILL NO. 2246,  
 SUBSTITUTE HOUSE BILL NO. 2250,  
 HOUSE BILL NO. 2271,  
 SUBSTITUTE HOUSE BILL NO. 2338,  
 HOUSE BILL NO. 2380,  
 HOUSE BILL NO. 2491,  
 SUBSTITUTE HOUSE BILL NO. 2544,  
 SUBSTITUTE HOUSE BILL NO. 2555,  
 SUBSTITUTE HOUSE BILL NO. 2556,  
 HOUSE BILL NO. 2579,  
 HOUSE BILL NO. 2624,  
 ENGROSSED SUBSTITUTE HOUSE BILL NO.  
 2731,  
 SUBSTITUTE HOUSE BILL NO. 2758,  
 HOUSE BILL NO. 2763,  
 ENGROSSED HOUSE BILL NO. 2819,  
 HOUSE BILL NO. 2826,  
 HOUSE BILL NO. 2833,  
 HOUSE BILL NO. 2858,  
 HOUSE BILL NO. 2860,

and the same are herewith transmitted.

Brad Hendrickson, Secretary

Mme. SPEAKER:

The President has signed:

SECOND ENGROSSED HOUSE BILL NO. 1056,  
 HOUSE BILL NO. 1165,  
 ENGROSSED HOUSE BILL NO. 1187,  
 ENGROSSED SUBSTITUTE HOUSE BILL NO.  
 1520,  
 ENGROSSED SUBSTITUTE HOUSE BILL NO.  
 1551,  
 HOUSE BILL NO. 2109,  
 SUBSTITUTE HOUSE BILL NO. 2205,  
 HOUSE BILL NO. 2251,  
 HOUSE BILL NO. 2259,  
 HOUSE BILL NO. 2266,  
 SUBSTITUTE HOUSE BILL NO. 2378,  
 HOUSE BILL NO. 2390,  
 ENGROSSED SUBSTITUTE HOUSE BILL NO.  
 2411,  
 HOUSE BILL NO. 2416,  
 SUBSTITUTE HOUSE BILL NO. 2473,  
 HOUSE BILL NO. 2474,  
 SUBSTITUTE HOUSE BILL NO. 2476,  
 HOUSE BILL NO. 2508,  
 HOUSE BILL NO. 2512,  
 ENGROSSED SUBSTITUTE HOUSE BILL NO.  
 2571,  
 SUBSTITUTE HOUSE BILL NO. 2589,  
 HOUSE BILL NO. 2599,  
 HOUSE BILL NO. 2677,  
 HOUSE BILL NO. 2682,  
 HOUSE BILL NO. 2762,  
 SUBSTITUTE HOUSE BILL NO. 2785,  
 ENGROSSED HOUSE BILL NO. 2792,  
 SUBSTITUTE HOUSE BILL NO. 2868,  
 SUBSTITUTE HOUSE BILL NO. 2873,  
 SUBSTITUTE HOUSE BILL NO. 2883,

and the same are herewith transmitted.

Brad Hendrickson, Secretary

There being no objection, the House advanced to the sixth order of business.

**SECOND READING**

**ENGROSSED SUBSTITUTE SENATE BILL NO. 5323, by Senate Committee on Environment, Energy & Technology (originally sponsored by Das, Carlyle, Kuderer, Palumbo, Hunt, Rolfes, Frockt, Keiser, Pedersen and Saldaña)**

**Reducing pollution from plastic bags by establishing minimum state standards for the use of bags at retail establishments.**

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Environment & Energy was not adopted. (For Committee amendment, see Journal, Day 47, February 28, 2020).

There being no objection, the committee amendment by the Committee on Finance was not adopted. (For Committee amendment, see Journal, Day 53, March 5, 2020).

Amendment (2132) to the Finance committee amendment was ruled out of order.

Representative Chapman moved the adoption of the striking amendment (2167):

66.0.

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 67.** (1) State policy has long placed waste reduction as the highest priority in the collection, handling, and management of solid waste. Reducing plastic bag waste holds particular importance among state waste reduction efforts for a number of reasons:

(a) Single-use plastic carryout bags are made of nonrenewable resources and never biodegrade; instead, over time, they break down into tiny particles. Single-use plastic carryout bags, and the particles they break into, are carried into rivers, lakes, Puget Sound, and the world's oceans, posing a threat to animal life and the food chain;

(b) Plastic bags are one of the most commonly found items that litter state roads, beaches, and other public spaces; and

(c) Even when plastic bags avoid the common fate of becoming litter, they are a drain on public resources and a burden on environment and resource conservation goals. For example, if plastic bags are disposed of in commingled recycling systems rather than as garbage or in retailer drop-off programs, they clog processing and sorting machinery, resulting in missorted materials and costly inefficiencies that are ultimately borne by utility ratepayers. Likewise, when green or brown-tinted plastic bags confuse consumers into attempting to dispose of them as compost, the resultant plastic contamination undercuts the ability to use the compost in gardens, farms, landscaping, and surface water and transportation projects.

(2) Alternatives to single-use plastic carryout bags are convenient, functional, widely available, and measure as

superior across most environmental performance metrics. Alternatives to single-use plastic carryout bags feature especially superior environmental performance with respect to litter and marine debris, since plastic bags do not biodegrade.

(3) As of 2020, many local governments in Washington have shown leadership in regulating the use of single-use plastic carryout bags. This local leadership has shown the value of establishing state standards that will streamline regulatory inconsistency and reduce burdens on covered retailers caused by a patchwork of inconsistent local requirements across the state.

(4) Data provided from grocery retailers has shown that requests for paper bags have skyrocketed where plastic bag bans have been implemented. To accommodate the anticipated consequences of a statewide plastic bag ban, it is rational to expect additional capacity will be needed in Washington state for manufacturing paper bags. The legislature intends to provide that capacity by prioritizing and expediting siting and permitting of expansions or reconfiguring for paper manufacturing.

(5) Therefore, in order to reduce waste, litter, and marine pollution, conserve resources, and protect fish and wildlife, it is the intent of the legislature to:

(a) Prohibit the use of single-use plastic carryout bags;

(b) Require a pass-through charge on recycled content paper carryout bags and reusable carryout bags made of film plastic, to encourage shoppers to bring their own reusable carryout bags;

(c) Require that bags provided by a retail establishment contain recycled content; and

(d) Encourage the provision of reusable and recycled content paper carryout bags by retail establishments.

**NEW SECTION. Sec. 68.** The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Carryout bag" means any bag that is provided by a retail establishment at home delivery, the check stand, cash register, point of sale, or other point of departure to a customer for use to transport or carry away purchases.

(2) "Department" means the department of ecology.

(3) "Pass-through charge" means a charge to be collected and retained by retail establishments from their customers when providing recycled content paper carryout bags and reusable carryout bags made of film plastic.

(4) "Recycled content paper carryout bag" means a paper carryout bag provided by a retail establishment to a customer that meets the requirements in section 3(6)(a) of this act.

(5) "Retail establishment" means any person, corporation, partnership, business, facility, vendor, organization, or individual that sells or provides food, merchandise, goods, or materials directly to a customer including home delivery, temporary stores, or vendors at farmers markets, street fairs, and festivals.

(6) "Reusable carryout bag" means a carryout bag made of cloth or other durable material with handles that is specifically designed and manufactured for long-term multiple reuse and meets the requirements of section 3(6)(b) of this act.

(7) "Single-use plastic carryout bag" means any carryout bag that is made from plastic that is designed and suitable only to be used once and disposed.

**NEW SECTION. Sec. 69.** (1) Beginning January 1, 2021, except as provided in this section and section 4 of this act, a retail establishment may not provide to a customer or a person at an event:

(a) A single-use plastic carryout bag;

(b) A paper carryout bag or reusable carryout bag made of film plastic that does not meet recycled content requirements; or

(c) Beginning January 1, 2026, a reusable carryout bag made of film plastic with a thickness of less than four mils, in the event that the 2025 legislature does not amend this section to reflect the recommendations to the legislature made consistent with section 7 of this act.

(2)(a) A retail establishment may provide a reusable carryout bag or a recycled content paper carryout bag of any size to a customer at the point of sale. A retail establishment may make reusable carryout bags available to customers through sale.

(b)(i) Until December 31, 2025, a retail establishment must collect a pass-through charge of eight cents for every recycled content paper carryout bag with a manufacturer's stated capacity of one-eighth barrel (eight hundred eighty-two cubic inches) or greater or reusable carryout bag made of film plastic it provides, except as provided in subsection (5) of this section and section 4 of this act.

(ii) Beginning January 1, 2026, a retail establishment must collect a pass-through charge of twelve cents for reusable carryout bags made of film plastic and eight cents for recycled content paper carryout bags, in the event that the 2025 legislature does not amend this section to reflect the recommendations to the legislature made consistent with section 7 of this act. It is the intent of the legislature for the 2025 legislature to reassess the amount of the pass-through charge authorized under this subsection (2)(b), taking into consideration the content of the report to the legislature under section 7 of this act.

(c) A retail establishment must keep all revenue from pass-through charges. The pass-through charge is a taxable retail sale. A retail establishment must show all pass-through charges on a receipt provided to the customer.

(3) Carryout bags provided by a retail establishment do not include:

(a) Bags used by consumers inside stores to:

(i) Package bulk items, such as fruit, vegetables, nuts, grains, candy, greeting cards, or small hardware items such as nails, bolts, or screws;

(ii) Contain or wrap items where dampness or sanitation might be a problem including, but not limited to:

(A) Frozen foods;

(B) Meat;

(C) Fish;

(D) Flowers; and

(E) Potted plants;

(iii) Contain unwrapped prepared foods or bakery goods;

(iv) Contain prescription drugs; or

(v) Protect a purchased item from damaging or contaminating other purchased items when placed in a recycled content paper carryout bag or reusable carryout bag; or

(b) Newspaper bags, mailing pouches, sealed envelopes, door hanger bags, laundry/dry cleaning bags, or bags sold in packages containing multiple bags for uses such as food storage, garbage, or pet waste.

(4)(a) Any compostable film bag that a retail establishment provides to customers for products, including for products bagged in stores prior to checkout, must meet the requirements for compostable products and film bags in chapter 70.360 RCW.

(b) A retail establishment may not use or provide polyethylene or other noncompostable plastic bags for bagging of customer products in stores, as carryout bags, or for home delivery that do not meet the requirements for noncompostable products and film bags in chapter 70.360 RCW.

(5) Except as provided by local regulations enacted as of April 1, 2020, a retail establishment may provide a bag restricted under subsection (1) of this section from existing inventory until one year after the effective date of this section. The retail establishment, upon request by the department, must provide purchase invoices, distribution receipts, or other information documenting that the bag was acquired prior to the effective date of this section.

(6) For the purposes of this section:

(a) A recycled content paper carryout bag must:

(i) Contain a minimum of forty percent postconsumer recycled materials;

(ii) Be capable of composting, consistent with the timeline and specifications of the entire American society of testing materials D6868 and associated test methods that must be met, as it existed as of January 1, 2020; and

(iii) Display in print on the exterior of the paper bag the minimum percentage of postconsumer content.

(b) A reusable carryout bag must:

(i) Have a minimum lifetime of one hundred twenty-five uses, which for purposes of this subsection means the capacity to carry a minimum of twenty-two pounds one

hundred twenty-five times over a distance of at least one hundred seventy-five feet;

(ii) Be machine washable or made from a durable material that may be cleaned or disinfected; and

(iii) If made of film plastic:

(A) Be made from a minimum of twenty percent postconsumer recycled content until July 1, 2022, and thereafter must be made from a minimum of forty percent postconsumer recycled content;

(B) Display in print on the exterior of the plastic bag the minimum percentage of postconsumer recycled content, the mil thickness, and that the bag is reusable; and

(C) Have a minimum thickness of no less than 2.25 mils until December 31, 2025, and beginning January 1, 2026, must have a minimum thickness of four mils.

(c) Except for the purposes of subsection (4) of this section, food banks and other food assistance programs are not retail establishments, but are encouraged to take actions to reduce the use of single-use plastic carryout bags.

**NEW SECTION. Sec. 70.** It is a violation of section 3 of this act for any retail establishment to pay or otherwise reimburse a customer for any portion of the pass-through charge; provided that retail establishments may not collect a pass-through charge from anyone using a voucher or electronic benefits card issued under the women, infants, and children (WIC) or temporary assistance for needy families (TANF) support programs, or the federal supplemental nutrition assistance program (SNAP, also known as basic food), or the Washington state food assistance program (FAP).

**NEW SECTION. Sec. 71.** (1) Until June 1, 2025, the department shall prioritize the expedited processing of applications for permits related to the expansion or reconfiguration of an existing pulp and paper mill for the purpose of manufacturing paper bags or raw materials used to manufacture paper bags.

(2) The department may adopt rules as necessary for the purpose of implementing, administering, and enforcing this chapter.

(3) The enforcement of this chapter must be based primarily on complaints filed with the department and local governments. The department must establish a forum for the filing of complaints. Local governments and any person may file complaints with the department using the forum and local governments may review complaints filed with the department via the forum for purposes of the local government carrying out education and outreach to retail establishments. The forum established by the department may include a complaint form on the department's web site, a telephone hotline, or a public outreach strategy relying upon electronic social media to receive complaints that allege violations. The department, in collaboration with the local governments, must provide education and outreach activities to inform retail establishments, consumers, and other interested individuals about the requirements of this chapter.

(4) The department or local government shall work with retail establishments, retail associations, unions, and other organizations to create educational elements regarding the ban and the benefits of reusable carryout bags. Educational elements may include signage at store locations, informational literature, and employee training by October 1, 2020.

(5) Retail establishments are encouraged to educate their staff to promote reusable bags as the best option for carryout bags and to post signs encouraging customers to use reusable carryout bags.

(6) A violation of this chapter is subject to a civil penalty of up to two hundred fifty dollars. Each calendar day of operation or activity in violation of this chapter comprises a new violation. Penalties issued under this section are appealable to the pollution control hearings board established in chapter 43.21B RCW.

(7) If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by July 1, 2020, from the waste reduction, recycling, and litter control account for purposes of implementing the education and outreach activities required under this section, then this act is null and void.

**NEW SECTION. Sec. 72.** (1) Except as provided in subsection (2) of this section, a city, town, county, or municipal corporation may not implement a local carryout bag ordinance. Except as provided in subsection (2) of this section, any carryout bag ordinance that was enacted as of April 1, 2020, is preempted by this chapter.

(2)(a) A city, town, county, or municipal corporation carryout bag ordinance enacted as of April 1, 2020, that has established a pass-through charge of ten cents is not preempted with respect to the amount of the pass-through charge until January 1, 2026.

(b) A city, town, county, or municipal corporation ordinance not specified in (a) of this subsection and enacted as of April 1 2020, is not preempted until January 1, 2021.

**NEW SECTION. Sec. 73.** (1) By December 1, 2024, the department of commerce, in consultation with the department, must submit a report to the appropriate committees of the legislature in order to allow an opportunity for the legislature to amend the mil thickness requirements for reusable carryout bags made of film plastic, the amount of the pass-through charges for bags, or to make other needed revisions to this chapter during the 2025 legislative session. The report required under this section must include:

(a) An assessment of the effectiveness of the pass-through charge for reducing the total volume of bags purchased and encouraging the use of reusable carryout bags;

(b) An assessment of the sufficiency of the amount of the pass-through charge allowed under chapter 70.--- RCW (the new chapter created in section 13 of this act) relative to the cost of the authorized bags to retail establishments and an assessment of the pricing and availability of various types of carryout bags. For purposes of conducting this

assessment, the department and the department of commerce may request, but not require, retail establishments and bag distributors to furnish information regarding the cost of various types of paper and plastic carryout bags provided to retail establishments; and

(c) Recommendations for revisions to chapter 70.--- RCW (the new chapter created in section 13 of this act), if needed.

(2) This section expires July 1, 2027.

**NEW SECTION. Sec. 74.** A new section is added to chapter 82.04 RCW to read as follows:

In computing the tax due under this chapter, there may be deducted any amounts derived from the pass-through charge collected by a taxpayer pursuant to chapter 70.--- RCW (the new chapter created in section 13 of this act).

**NEW SECTION. Sec. 75.** RCW 82.32.805 and 82.32.808 do not apply to this act.

**Sec. 76.** RCW 43.21B.110 and 2019 c 344 s 16, 2019 c 292 s 10, and 2019 c 290 s 12 are each reenacted and amended to read as follows:

(1) The hearings board shall only have jurisdiction to hear and decide appeals from the following decisions of the department, the director, local conservation districts, the air pollution control boards or authorities as established pursuant to chapter 70.94 RCW, local health departments, the department of natural resources, the department of fish and wildlife, the parks and recreation commission, and authorized public entities described in chapter 79.100 RCW:

(a) Civil penalties imposed pursuant to RCW 18.104.155, 70.94.431, 70.105.080, 70.107.050, section 5 of this act, 70.365.070, 70.375.060, 76.09.170, 77.55.440, 78.44.250, 88.46.090, 90.03.600, 90.46.270, 90.48.144, 90.56.310, 90.56.330, and 90.64.102.

(b) Orders issued pursuant to RCW 18.104.043, 18.104.060, 43.27A.190, 70.94.211, 70.94.332, 70.105.095, 70.365.070, 86.16.020, 88.46.070, 90.14.130, 90.46.250, 90.48.120, and 90.56.330.

(c) A final decision by the department or director made under chapter 183, Laws of 2009.

(d) Except as provided in RCW 90.03.210(2), the issuance, modification, or termination of any permit, certificate, or license by the department or any air authority in the exercise of its jurisdiction, including the issuance or termination of a waste disposal permit, the denial of an application for a waste disposal permit, the modification of the conditions or the terms of a waste disposal permit, or a decision to approve or deny an application for a solid waste permit exemption under RCW 70.95.300.

(e) Decisions of local health departments regarding the grant or denial of solid waste permits pursuant to chapter 70.95 RCW.

(f) Decisions of local health departments regarding the issuance and enforcement of permits to use or dispose of biosolids under RCW 70.95J.080.

(g) Decisions of the department regarding waste-derived fertilizer or micronutrient fertilizer under RCW 15.54.820, and decisions of the department regarding waste-derived soil amendments under RCW 70.95.205.

(h) Decisions of local conservation districts related to the denial of approval or denial of certification of a dairy nutrient management plan; conditions contained in a plan; application of any dairy nutrient management practices, standards, methods, and technologies to a particular dairy farm; and failure to adhere to the plan review and approval timelines in RCW 90.64.026.

(i) Any other decision by the department or an air authority which pursuant to law must be decided as an adjudicative proceeding under chapter 34.05 RCW.

(j) Decisions of the department of natural resources, the department of fish and wildlife, and the department that are reviewable under chapter 76.09 RCW, and the department of natural resources' appeals of county, city, or town objections under RCW 76.09.050(7).

(k) Forest health hazard orders issued by the commissioner of public lands under RCW 76.06.180.

(l) Decisions of the department of fish and wildlife to issue, deny, condition, or modify a hydraulic project approval permit under chapter 77.55 RCW, to issue a stop work order, to issue a notice to comply, to issue a civil penalty, or to issue a notice of intent to disapprove applications.

(m) Decisions of the department of natural resources that are reviewable under RCW 78.44.270.

(n) Decisions of an authorized public entity under RCW 79.100.010 to take temporary possession or custody of a vessel or to contest the amount of reimbursement owed that are reviewable by the hearings board under RCW 79.100.120.

(2) The following hearings shall not be conducted by the hearings board:

(a) Hearings required by law to be conducted by the shorelines hearings board pursuant to chapter 90.58 RCW.

(b) Hearings conducted by the department pursuant to RCW 70.94.332, 70.94.390, 70.94.395, 70.94.400, 70.94.405, 70.94.410, and 90.44.180.

(c) Appeals of decisions by the department under RCW 90.03.110 and 90.44.220.

(d) Hearings conducted by the department to adopt, modify, or repeal rules.

(3) Review of rules and regulations adopted by the hearings board shall be subject to review in accordance with the provisions of the administrative procedure act, chapter 34.05 RCW.

**Sec. 77.** RCW 43.21B.110 and 2019 c 344 s 16, 2019 c 292 s 10, and 2019 c 290 s 12 are each reenacted and amended to read as follows:

(1) The hearings board shall only have jurisdiction to hear and decide appeals from the following decisions of the department, the director, local conservation districts, the air pollution control boards or authorities as established pursuant to chapter 70.94 RCW, local health departments, the department of natural resources, the department of fish and wildlife, the parks and recreation commission, and authorized public entities described in chapter 79.100 RCW:

(a) Civil penalties imposed pursuant to RCW 18.104.155, 70.94.431, 70.105.080, 70.107.050, section 5 of this act, 70.365.070, 70.375.060, 76.09.170, 77.55.440, 78.44.250, 88.46.090, 90.03.600, 90.46.270, 90.48.144, 90.56.310, 90.56.330, and 90.64.102.

(b) Orders issued pursuant to RCW 18.104.043, 18.104.060, 43.27A.190, 70.94.211, 70.94.332, 70.105.095, 70.365.070, 86.16.020, 88.46.070, 90.14.130, 90.46.250, 90.48.120, and 90.56.330.

(c) Except as provided in RCW 90.03.210(2), the issuance, modification, or termination of any permit, certificate, or license by the department or any air authority in the exercise of its jurisdiction, including the issuance or termination of a waste disposal permit, the denial of an application for a waste disposal permit, the modification of the conditions or the terms of a waste disposal permit, or a decision to approve or deny an application for a solid waste permit exemption under RCW 70.95.300.

(d) Decisions of local health departments regarding the grant or denial of solid waste permits pursuant to chapter 70.95 RCW.

(e) Decisions of local health departments regarding the issuance and enforcement of permits to use or dispose of biosolids under RCW 70.95J.080.

(f) Decisions of the department regarding waste-derived fertilizer or micronutrient fertilizer under RCW 15.54.820, and decisions of the department regarding waste-derived soil amendments under RCW 70.95.205.

(g) Decisions of local conservation districts related to the denial of approval or denial of certification of a dairy nutrient management plan; conditions contained in a plan; application of any dairy nutrient management practices, standards, methods, and technologies to a particular dairy farm; and failure to adhere to the plan review and approval timelines in RCW 90.64.026.

(h) Any other decision by the department or an air authority which pursuant to law must be decided as an adjudicative proceeding under chapter 34.05 RCW.

(i) Decisions of the department of natural resources, the department of fish and wildlife, and the department that are reviewable under chapter 76.09 RCW, and the department of natural resources' appeals of county, city, or town objections under RCW 76.09.050(7).

(j) Forest health hazard orders issued by the commissioner of public lands under RCW 76.06.180.

(k) Decisions of the department of fish and wildlife to issue, deny, condition, or modify a hydraulic project approval permit under chapter 77.55 RCW, to issue a stop

work order, to issue a notice to comply, to issue a civil penalty, or to issue a notice of intent to disapprove applications.

(l) Decisions of the department of natural resources that are reviewable under RCW 78.44.270.

(m) Decisions of an authorized public entity under RCW 79.100.010 to take temporary possession or custody of a vessel or to contest the amount of reimbursement owed that are reviewable by the hearings board under RCW 79.100.120.

(2) The following hearings shall not be conducted by the hearings board:

(a) Hearings required by law to be conducted by the shorelines hearings board pursuant to chapter 90.58 RCW.

(b) Hearings conducted by the department pursuant to RCW 70.94.332, 70.94.390, 70.94.395, 70.94.400, 70.94.405, 70.94.410, and 90.44.180.

(c) Appeals of decisions by the department under RCW 90.03.110 and 90.44.220.

(d) Hearings conducted by the department to adopt, modify, or repeal rules.

(3) Review of rules and regulations adopted by the hearings board shall be subject to review in accordance with the provisions of the administrative procedure act, chapter 34.05 RCW.

**NEW SECTION. Sec. 78.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

**NEW SECTION. Sec. 79.** Sections 1 through 7 of this act constitute a new chapter in Title 70 RCW.

**NEW SECTION. Sec. 80.** Section 10 of this act expires June 30, 2021.

**NEW SECTION. Sec. 81.** Section 11 of this act takes effect June 30, 2021."

Correct the title.

Representative Orcutt moved the adoption of amendment (2173) to the striking amendment (2167):

81.0. On page 3, line 27 of the striking amendment, after "(2)" strike "(a)"

On page 3, line 29 of the striking amendment, after "make" strike "reusable"

Beginning on page 3, line 31 of the striking amendment, strike all of subsections (b) and (c)

On page 6, beginning on line 1 of the striking amendment, strike all of section 4

Renumber the remaining sections consecutively, and correct any internal references accordingly.



On page 7, beginning on line 11 of the striking amendment, after "(1)" strike "Except as provided in subsection (2) of this section, a" and insert "A"

On page 7, beginning on line 13 of the striking amendment, after "ordinance." strike everything through "2021." on line 22 and insert "Any carryout bag ordinance that was enacted as of April 1, 2020 is preempted by this chapter, effective January 1, 2021."

Beginning on page 7, line 30 of the striking amendment, after "include" strike everything through "Recommendations" on page 8, line 6 and insert "recommendations"

On page 8, beginning on line 12 of the striking amendment, after "the" strike "pass-through charge collected" and insert "sale of a carryout bag"

Representative Orcutt and Orcutt (again) spoke in favor of the adoption of the amendment to the striking amendment.

Representative Peterson spoke against the adoption of the amendment to the striking amendment.

Amendment (2173) to the striking amendment (2167) was not adopted.

Representative Stokesbary moved the adoption of amendment (2172) to the striking amendment (2167):

81.0. On page 4, line 9 of the striking amendment, after "charges." strike "The pass-through charge is a taxable retail sale."

On page 8, after line 14 of the striking amendment, insert the following:

**NEW SECTION. Sec. 9.** A new section is added to chapter 82.08 RCW to read as follows:

The tax levied pursuant to RCW 82.08.020 does not apply to a reusable carryout bag or a recycled content paper carryout bag provided by a retail establishment pursuant to this act."

Renumber the remaining sections consecutively, and correct any internal references accordingly.

Representatives Stokesbary, Orcutt and Walsh spoke in favor of the adoption of the amendment to the striking amendment.

Representative Springer spoke against the adoption of the amendment to the striking amendment.

### **MOTION**

On motion of Representative Riccelli, Representatives Appleton and Paul were excused.

Division was demanded and the demand was sustained. The Speaker (Representative Lovick presiding) divided the House. The result was 44 - YEAS; 52 - NAYS.

Amendment (2172) to the striking amendment (2167) was not adopted.

Representatives Chapman and DeBolt spoke in favor of the adoption of the striking amendment.

The striking amendment (2167) was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Peterson, DeBolt, Chapman and Dye spoke in favor of the passage of the bill.

Representatives Orcutt and Sutherland spoke against the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Substitute Senate Bill No. 5323, as amended by the House.

### **ROLL CALL**

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 5323, as amended by the House, and the bill passed the House by the following vote: Yeas, 67; Nays, 29; Absent, 0; Excused, 2.

Voting yea: Representatives Bergquist, Boehnke, Callan, Chambers, Chapman, Chopp, Cody, Davis, DeBolt, Doglio, Dolan, Duerr, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Gregerson, Hansen, Harris, Hudgins, J. Johnson, Kilduff, Kirby, Kloba, Lekanoff, Lovick, Macri, Mead, Morgan, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Ryu, Santos, Sells, Senn, Shewmake, Slatter, Smith, Springer, Steele, Stonier, Sullivan, Tarleton, Thai, Tharinger, Valdez, Van Werven, Walen, Walsh, Wylie, Ybarra, Young and Mme. Speaker.

Voting nay: Representatives Barkis, Blake, Caldier, Chandler, Corry, Dent, Dufault, Graham, Griffey, Hoff, Irwin, Jenkin, Klippert, Kraft, Kretz, Leavitt, MacEwen, Maycumber, McCaslin, Mosbrucker, Orcutt, Rude, Schmick, Shea, Stokesbary, Sutherland, Vick, Volz and Wilcox.

Excused: Representatives Appleton and Paul.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5323, as amended by the House, having received the necessary constitutional majority, was declared passed.

### **HOUSE BILL NO. 1808, by Orcutt**

**Making the nonprofit and library fund-raising exemption permanent.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 1808 was substituted for House Bill No. 1808 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1808 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Orcutt, Tarleton and Kraft spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1808.

### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1808, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Representatives Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Mead, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shea, Shewmake, Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Excused: Representatives Appleton and Paul.

SUBSTITUTE HOUSE BILL NO. 1808, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 2505, by Representatives Robinson, Boehnke, Chapman, Leavitt, Orcutt, Doglio and Tharinger**

**Extending the business and occupation tax exemption for amounts received as credits against contracts with or funds provided by the Bonneville power administration and used for low-income ratepayer assistance and weatherization.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Robinson, Orcutt and Boehnke spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of House Bill No. 2505.

### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2505, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Representatives Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Mead, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shea, Shewmake, Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Excused: Representatives Appleton and Paul.

HOUSE BILL NO. 2505, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 2943, by Representatives Robinson, Chapman and Tharinger**

**Providing a business and occupation tax preference for behavioral health administrative services organizations.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Robinson and Orcutt spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of House Bill No. 2943.

### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2943, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon,

Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Mead, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shea, Shewmake, Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Excused: Representative Appleton.

HOUSE BILL NO. 2943, having received the necessary constitutional majority, was declared passed.

#### **HOUSE BILL NO. 2950, by Macri and Ramel**

**Addressing affordable housing needs through the multifamily housing tax exemption by providing an extension of the exemption until January 1, 2022, for certain properties currently receiving a twelve-year exemption and by convening a work group.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 2950 was substituted for House Bill No. 2950 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2950 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Macri, Barkis and Orcutt spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2950.

#### **ROLL CALL**

The Clerk called the roll on the final passage of Substitute House Bill No. 2950, and the bill passed the House by the following vote: Yeas, 93; Nays, 4; Absent, 0; Excused, 1.

Voting yea: Representatives Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Duerr, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Mead, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Sells, Senn, Shea,

Shewmake, Slatter, Smith, Springer, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Voting nay: Representatives Dufault, Goehner, Schmick and Steele.

Excused: Representative Appleton.

SUBSTITUTE HOUSE BILL NO. 2950, having received the necessary constitutional majority, was declared passed.

**SENATE BILL NO. 6049, by Senators Liias, Das, Keiser, Kuderer, Rolfes, Van De Wege, Wilson and C.**

**Creating the insurance commissioner's fraud account.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Tarleton and Orcutt spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Senate Bill No. 6049.

#### **ROLL CALL**

The Clerk called the roll on the final passage of Senate Bill No. 6049, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Mead, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shea, Shewmake, Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Excused: Representative Appleton.

SENATE BILL NO. 6049, having received the necessary constitutional majority, was declared passed.

**SUBSTITUTE SENATE BILL NO. 6632, by Senate Committee on Ways & Means (originally sponsored by Takko)**

**Providing additional funding for the business licensing service program administered by the department of revenue.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Orcutt, Springer and Eslick spoke in favor of the passage of the bill.

Representative Kraft spoke against the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 6632.

**ROLL CALL**

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6632, and the bill passed the House by the following vote: Yeas, 80; Nays, 17; Absent, 0; Excused, 1.

Voting yea: Representatives Barkis, Bergquist, Blake, Boehnke, Callan, Chambers, Chapman, Chopp, Cody, Davis, DeBolt, Dent, Doglio, Dolan, Duerr, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Hansen, Harris, Hoff, Hudgins, Jenkin, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Kretz, Leavitt, Lekanoff, Lovick, Macri, Maycumber, Mead, Morgan, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Sells, Senn, Shewmake, Slatter, Springer, Steele, Stonier, Sullivan, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Voting nay: Representatives Caldier, Chandler, Corry, Dufault, Dye, Griffey, Irwin, Kraft, MacEwen, McCaslin, Mosbrucker, Schmick, Shea, Smith, Stokesbary, Sutherland and Walsh.

Excused: Representative Appleton.

SUBSTITUTE SENATE BILL NO. 6632, having received the necessary constitutional majority, was declared passed.

The Speaker assumed the chair.

**SIGNED BY THE SPEAKER**

The Speaker signed the following bills:

HOUSE BILL NO. 1702  
HOUSE BILL NO. 2217  
SECOND SUBSTITUTE HOUSE BILL NO. 2277  
SUBSTITUTE HOUSE BILL NO. 2308  
ENGROSSED SECOND SUBSTITUTE HOUSE  
BILL NO. 2311  
SUBSTITUTE HOUSE BILL NO. 2419

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2455  
ENGROSSED SECOND SUBSTITUTE HOUSE  
BILL NO. 2467  
ENGROSSED SECOND SUBSTITUTE HOUSE  
BILL NO. 2518  
SUBSTITUTE HOUSE BILL NO. 2607  
SUBSTITUTE HOUSE BILL NO. 2803  
HOUSE BILL NO. 2853  
SECOND SUBSTITUTE HOUSE BILL NO. 2864

The Speaker called upon Representative Lovick to preside.

There being no objection, the House advanced to the seventh order of business.

**THIRD READING**

**MESSAGE FROM THE SENATE**

March 4, 2020

Mme. SPEAKER:

The Senate has passed SECOND SUBSTITUTE HOUSE BILL NO. 1182, with the following amendment:

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 82.** The legislature acknowledges that the learning assistance program was developed to provide supplemental services for public school students who are not meeting academic standards. Initially, school districts were allowed to use learning assistance program funds in a flexible manner to support participating students. Over time, the legislature has continued to reduce flexibility, create additional restrictions, and establish priorities for the use of learning assistance program funds to such an extent that the program may no longer be as effective in promoting student success or serving the original intent as it could be. The legislature finds that it is time to reexamine the learning assistance program requirements in a holistic manner with a goal of restoring flexibility to districts to use the funds in a way that promotes a coordinated system of academic and nonacademic supports that reduce barriers to academic achievement and best serve student success while also balancing local control with local accountability for improvement in student learning.

**NEW SECTION. Sec. 83.** (1) The office of the superintendent of public instruction shall review the requirements of the learning assistance program and shall make recommendations to the legislature by October 1, 2020, on how to modify the program requirements including, but not limited to, recommendations on:

(a) Appropriate monitoring and reporting requirements;

(b) The types of services and activities that can be supported by the learning assistance program funds, including whether support for all or portions of the

Washington integrated student supports protocol established under RCW 28A.300.139 should be included; and

(c) Whether use of a practice or strategy identified on the state menu as required by RCW 28A.165.035 should continue to be a criteria of the program.

(2) This section expires January 1, 2021.

**Sec. 84.** RCW 28A.165.035 and 2018 c 75 s 7 are each amended to read as follows:

(1) Use of best practices that have been demonstrated through research to be associated with increased student achievement magnifies the opportunities for student success. To the extent they are included as a best practice or strategy in one of the state menus or an approved alternative under this section or RCW 28A.655.235, the following are services and activities that may be supported by the learning assistance program:

(a) Extended learning time opportunities occurring:

(i) Before or after the regular school day;

(ii) On Saturday; and

(iii) Beyond the regular school year;

(b) Services under RCW 28A.320.190;

(c) Intensive reading and literacy improvement strategies under RCW 28A.655.235;

(d) Professional development for certificated and classified staff that focuses on:

(i) The needs of a diverse student population;

(ii) Specific literacy and mathematics content and instructional strategies; and

(iii) The use of student work to guide effective instruction and appropriate assistance;

~~((d))~~ (e) Consultant teachers to assist in implementing effective instructional practices by teachers serving participating students;

~~((e))~~ (f) Tutoring support for participating students;

~~((f))~~ (g) School-wide behavioral health system of supports and interventions for students including social workers, counselors, instructional aides, and other school-based health professionals;

(h) Screening and intervention requirements under RCW 28A.320.260, even if the student being screened or provided with supports is not eligible to participate in the learning assistance program, and any staff trainings necessary to implement RCW 28A.320.260;

(i) Outreach activities and support for parents of participating students, including employing parent and family engagement coordinators; and

~~((g))~~ (j) Up to ~~((five))~~ fifteen percent of a district's learning assistance program allocation may be used for development of partnerships with community-based organizations, educational service districts, and other local agencies to deliver academic and nonacademic supports to

participating students who are significantly at risk of not being successful in school to reduce barriers to learning, increase student engagement, and enhance students' readiness to learn. The school board must approve in an open meeting any community-based organization or local agency before learning assistance program funds may be expended.

(2) In addition to the state menu developed under RCW 28A.655.235, the office of the superintendent of public instruction shall convene a panel of experts, including the Washington state institute for public policy, to develop additional state menus of best practices and strategies for use in the learning assistance program to assist struggling students at all grade levels in English language arts and mathematics and reduce disruptive behaviors in the classroom. The office of the superintendent of public instruction shall publish the state menus by July 1<sup>st</sup> ~~((--2015, and update the state menus by each July 1st thereafter))~~ of each year.

(3)(a) ~~((Beginning in the 2016-17 school year, except))~~ Except as provided in (b) of this subsection, school districts must use a practice or strategy that is on a state menu developed under subsection (2) of this section or RCW 28A.655.235.

(b) ~~((Beginning in the 2016-17 school year, school))~~ School districts may use a practice or strategy that is not on a state menu developed under subsection (2) of this section for two school years initially. If the district is able to demonstrate improved outcomes for participating students over the previous two school years at a level commensurate with the best practices and strategies on the state menu, the office of the superintendent of public instruction shall approve use of the alternative practice or strategy by the district for one additional school year. Subsequent annual approval by the superintendent of public instruction to use the alternative practice or strategy is dependent on the district continuing to demonstrate increased improved outcomes for participating students.

(c) ~~((Beginning in the 2016-17 school year, school))~~ School districts may enter cooperative agreements with state agencies, local governments, or school districts for administrative or operational costs needed to provide services in accordance with the state menus developed under this section and RCW 28A.655.235.

~~((4))~~ School districts are encouraged to implement best practices and strategies from the state menus developed under this section and RCW 28A.655.235 before the use is required.

~~(5) School districts may use learning assistance program allocations to meet the screening and intervention requirements of RCW 28A.320.260, even if the student being screened or provided with supports is not eligible to participate in the learning assistance program. The learning assistance program allocations may also be used for school district staff trainings necessary to implement the provisions of RCW 28A.320.260.)~~

**Sec. 85.** RCW 28A.165.005 and 2017 3rd sp.s. c 13 s 403 are each amended to read as follows:

(1) This chapter is designed to: (a) Promote the use of data when developing programs to assist students who are not meeting academic standards and reduce disruptive behaviors in the classroom; and (b) guide school districts in providing the most effective and efficient practices when implementing supplemental instruction and services to assist students who are not meeting academic standards and reduce disruptive behaviors in the classroom.

(2) School districts implementing a learning assistance program shall ~~((focus first on addressing))~~ expend a portion of learning assistance program funding to address the needs of students in grades kindergarten through four who are deficient in reading or reading readiness skills to improve reading literacy."

On page 1, line 5 of the title, after "protocol;" strike the remainder of the title and insert "amending RCW 28A.165.035 and 28A.165.005; creating new sections; and providing an expiration date."

and the same is herewith transmitted.

Sarah Bannister, Deputy Secretary

#### SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House refused to concur in the Senate amendment to SECOND SUBSTITUTE HOUSE BILL NO. 1182 and asked the Senate to recede therefrom.

#### MESSAGE FROM THE SENATE

March 4, 2020

Mme. SPEAKER:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 2421, with the following amendment:

Strike everything after the enacting clause and insert the following:

"**Sec. 86.** RCW 29A.04.410 and 2013 c 11 s 10 are each amended to read as follows:

Every county, city, town, and district, ~~and the state~~ is liable for its proportionate share of the costs when such elections are held in conjunction with other elections held under RCW 29A.04.321 and 29A.04.330.

Whenever any county, city, town, or district, ~~or the state~~ holds any primary or election, general or special, on an isolated date, all costs of such elections must be borne by the county, city, town, or district concerned, ~~or the state as appropriate~~.

The purpose of this section is to clearly establish that the county is not responsible for any costs involved in the holding of any city, town, ~~((or))~~ district, state, or federal election.

In recovering such election expenses, including a reasonable ~~((pro-ration))~~ proration of administrative costs,

the county auditor shall certify the cost to the county treasurer with a copy to the clerk or auditor of the city, town, or district concerned, ~~or the secretary of state as appropriate~~. Upon receipt of such certification relating to a city, town, or district, the county treasurer shall make the transfer from any available and appropriate city, town, or district funds to the county current expense fund or to the county election reserve fund if such a fund is established. Each city, town, or district must be promptly notified by the county treasurer whenever such transfer has been completed. However, in those districts wherein a treasurer, other than the county treasurer, has been appointed such transfer procedure does not apply, but the district shall promptly issue its warrant for payment of election costs. State and federal offices are to be considered one entity for purposes of election cost proration and reimbursement.

**Sec. 87.** RCW 29A.04.420 and 2019 c 161 s 2 are each amended to read as follows:

(1) Whenever federal officers, state officers, or measures are voted upon at a state primary or general election held ~~((in an odd-numbered year))~~ under RCW 29A.04.321, the state of Washington shall assume a prorated share of the costs of that state primary or general election~~((:~~

~~((2))~~ The state shall reimburse counties for) for the federal and state offices and measures, including the prorated cost of return postage, required to be included on return envelopes pursuant to RCW 29A.40.091~~((, for all elections))~~.

~~((3))~~ (2) Whenever a primary or vacancy election is held to fill a vacancy in the position of United States senator or United States representative under chapter 29A.28 RCW, the state of Washington shall assume a prorated share of the costs of that primary or vacancy election.

~~((4))~~ (3) The county auditor shall apportion the state's share of these expenses when prorating election costs under RCW 29A.04.410 and in accordance with the state budgeting, accounting, and reporting system, shall file such expense claims with the secretary of state.

~~((5))~~ (4) The secretary of state shall include in his or her biennial budget requests sufficient funds to carry out this section. Reimbursements for election costs shall be from appropriations specifically provided by law for that purpose.

(5) State and federal offices are to be considered one entity for purposes of election cost proration and reimbursement.

**Sec. 88.** RCW 29A.04.216 and 2013 c 11 s 7 are each amended to read as follows:

The county auditor of each county shall be ex officio the supervisor of all primaries and elections, general or special, and it shall be the county auditor's duty to provide places for holding such primaries and elections; to provide the supplies and materials necessary for the conduct of elections; and to publish and post notices of calling such primaries and elections in the manner provided by law. The auditor shall also apportion to the county, each city, town, or district, and to the state of Washington ~~((in the odd-numbered year))~~, its share of the expense of such primaries

and elections. This section does not apply to general or special elections for any city, town, or district that is not subject to RCW 29A.04.321 and 29A.04.330, but all such elections must be held and conducted at the time, in the manner, and by the officials (with such notice, requirements for filing for office, and certifications by local officers) as provided and required by the laws governing such elections. State and federal offices are to be considered one entity for purposes of election cost proration and reimbursement.

**Sec. 89.** RCW 29A.04.430 and 2003 c 111 s 148 are each amended to read as follows:

(1) For any reimbursement of election costs under RCW 29A.04.420, the secretary of state shall pay ~~((interest at an annual rate equal to two percentage points in excess of the discount rate on ninety day commercial paper in effect at the federal reserve bank in San Francisco on the fifteenth day of the month immediately preceding the payment for any period of time in excess of))~~ within thirty days after the receipt of a properly executed and documented voucher for such expenses and the entry of an allotment from specifically appropriated funds for this purpose until those funds are exhausted. If funds appropriated for this purpose are not sufficient to pay all claims, the secretary of state shall include a budget request to the legislature during the next legislative session for sufficient funds for reimbursement of all remaining claims and shall pay all properly executed and documented vouchers to the counties within thirty days of allotment of specifically appropriated funds for this purpose. The secretary of state shall promptly notify any county that submits an incomplete or inaccurate voucher for reimbursement under RCW 29A.04.420.

(2) Funding provided in this section to counties for election costs in even-numbered years is retrospective and prospective reimbursement under RCW 43.135.060 for any new or increased responsibilities under this title.

**Sec. 90.** RCW 29A.64.081 and 2004 c 271 s 181 are each amended to read as follows:

The canvassing board shall determine the expenses for conducting a recount of votes.

~~((The))~~ (1) For a recount conducted under RCW 29A.64.011, the cost of the recount shall be deducted from the amount deposited by the applicant for the recount at the time of filing the request for the recount, and the balance shall be returned to the applicant. If the costs of the recount exceed the deposit, the applicant shall pay the difference. No charges may be deducted by the canvassing board from the deposit for a recount if the recount changes the result of the nomination or election for which the recount was ordered.

(2) For a recount conducted under RCW 29A.64.021, for an office where the candidates filed the declarations of candidacy with the secretary of state, any legislative office, and any congressional office, the county auditor shall file an expense claim for such costs with the secretary of state. The secretary of state shall include a budget request to the legislature during the next legislative session for sufficient funds for reimbursement of all costs of the recount and shall pay all properly executed and documented vouchers to the counties within thirty days of allotment of specifically

appropriated funds for this purpose. The secretary of state shall promptly notify any county that submits an incomplete or inaccurate voucher for reimbursement under this section.

(3) State and federal offices are to be considered one entity for purposes of election cost proration and reimbursement.

**Sec. 91.** RCW 29A.32.210 and 2013 c 11 s 38 are each amended to read as follows:

~~((At least ninety days before))~~ Before any primary or general election, or ~~((at least forty days before))~~ any special election held under RCW 29A.04.321 or 29A.04.330, ~~((the legislative authority of any county or first class or code city may adopt an ordinance authorizing the publication and distribution of))~~ each county auditor shall print and distribute a local voters' pamphlet. The pamphlet shall provide information on all measures ~~((within that jurisdiction and may, if specified in the ordinance, include information on))~~ and candidates within that jurisdiction. ~~((If both a county and a first class or code city within that county authorize a local voters' pamphlet for the same election, the pamphlet shall be produced jointly by the county and the first class or code city. If no agreement can be reached between the county and first class or code city, the county and first class or code city may each produce a pamphlet. Any ordinance adopted authorizing a local voters' pamphlet may be for a specific primary, special election, or general election or for any future primaries or elections.))~~ The format of any local voters' pamphlet shall, whenever applicable, comply with the provisions of this chapter regarding the publication of the state candidates' and voters' pamphlets.

NEW SECTION. **Sec. 92.** This act takes effect July 1, 2021."

On page 1, line 1 of the title, after "costs;" strike the remainder of the title and insert "amending RCW 29A.04.410, 29A.04.420, 29A.04.216, 29A.04.430, 29A.64.081, and 29A.32.210; and providing an effective date."

and the same is herewith transmitted.

Brad Hendrickson, Secretary

#### SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House refused to concur in the Senate amendment to ENGROSSED SUBSTITUTE HOUSE BILL NO. 2421 and asked the Senate to recede therefrom.

#### MESSAGE FROM THE SENATE

March 5, 2020

Mme. SPEAKER:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 2456, with the following amendment:

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 93.** A new section is added to chapter 43.216 RCW to read as follows:

(1) The department must extend the homeless grace period, as adopted in department rule as of January 1, 2020, from a four-month grace period to a six-month grace period.

(2) For the purposes of this section, "homeless" means being without a fixed, regular, and adequate nighttime residence as described in the federal McKinney-Vento homeless assistance act (42 U.S.C., chapter 119, subchapter VI, part B) as it existed on January 1, 2020.

(3) The homeless grace period must begin on the date that child care is expected to begin.

**NEW SECTION. Sec. 94.** This act takes effect July 1, 2020."

On page 1, line 1 of the title, after "eligibility;" strike the remainder of the title and insert "adding a new section to chapter 43.216 RCW; and providing an effective date."

and the same is herewith transmitted.

Sarah Bannister, Deputy Secretary

#### SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House refused to concur in the Senate amendment to SUBSTITUTE HOUSE BILL NO. 2456 and asked the Senate to recede therefrom.

#### MESSAGE FROM THE SENATE

March 3, 2020

Mme. SPEAKER:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 2632, with the following amendment:

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 95.** False reporting laws criminalize the knowingly false reporting of certain occurrences that are likely to cause unwarranted evacuations, public inconvenience, or alarm. Recently, however, false reporting and the 911 system have been weaponized, resulting in serious dangers and even lost lives. The term "swatting" describes the false reporting of an emergency with the goal of having a police unit or special weapons and tactics team deployed. The reckless act of swatting, often motivated by the perpetrator's bias towards protected classes, has caused death and trauma in some cases. As such, we find that a gross misdemeanor is insufficient as a legal response and here create felony false reporting punishments when the false reporting leads to injury or death.

**Sec. 96.** RCW 9A.84.040 and 2011 c 336 s 411 are each amended to read as follows:

(1) ~~((A))~~ (a) Except as provided in subsection (5) of this section and under circumstances not constituting false

reporting in the first or second degree, a person is guilty of false reporting in the third degree if with knowledge that the information reported, conveyed, or circulated is false, ~~((he or she))~~ that person initiates or circulates a false report or warning of an alleged occurrence or impending occurrence ~~((of a fire, explosion, crime, catastrophe, or emergency))~~ knowing that such false report is likely to cause ~~((evacuation of a building, place of assembly, or transportation facility, or to cause public inconvenience or alarm))~~ an emergency response.

~~((2))~~ (b) False reporting in the third degree is a gross misdemeanor.

(2)(a) Except as provided in subsection (5) of this section, a person is guilty of false reporting in the second degree if with knowledge that the information reported, conveyed, or circulated is false, that person initiates or circulates a false report or warning of an alleged occurrence or impending occurrence knowing that such false report is likely to cause an emergency response, the report was made with reckless disregard for the safety of others, and substantial bodily harm is sustained by any person as a proximate result of an emergency response.

(b) False reporting in the second degree is a class C felony.

(3)(a) Except as provided in subsection (5) of this section, a person is guilty of false reporting in the first degree if with knowledge that the information reported, conveyed, or circulated is false, that person initiates or circulates a false report or warning of an alleged occurrence or impending occurrence knowing that such false report is likely to cause an emergency response, the report was made with reckless disregard for the safety of others, and death is sustained by any person as a proximate result of an emergency response.

(b) False reporting in the first degree is a class B felony.

(4) Any person convicted of violating this section and that resulted in an emergency response may be liable to a public agency for the reasonable costs of the emergency response by, and at the discretion of, the public agency that incurred the costs.

(5) Where a case is legally sufficient to charge a person under the age of eighteen with the crime of false reporting and the alleged offense is the offender's first violation of this section, the prosecutor may divert the case.

(6) A violation or attempted violation of this section may be prosecuted in any jurisdiction where the defendant made the false report, the county where the false report was communicated to law enforcement, or the county where law enforcement responded to the false report.

(7)(a) An individual who is a victim of an offense under this section may bring a civil action against the person who committed the offense or against any person who knowingly benefits, financially or by receiving anything of value, from participation in a venture that the person knew or should have known has engaged in an act in violation of this chapter, and may recover damages and any other appropriate relief, including reasonable attorneys' fees.



(b) A person who is found liable under this subsection shall be jointly and severally liable with each other person, if any, who is found liable under this subsection for damages arising from the same violation of this section.

(8) As used in this section, "emergency response" means any action to protect life, health, or property by:

(a) A peace officer or law enforcement agency of the United States, the state, or a political subdivision of the state;

(b) An agency of the United States, the state, or a political subdivision of the state, or a private not-for-profit organization, that provides fire, rescue, or emergency medical services.

(9) Nothing in this section will be construed to:

(a) Impose liability on a person who contacts law enforcement for the purpose of, or in connection with, the reporting of unlawful conduct;

(b) Conflict with Title 47 U.S.C. Sec. 230 of the communication decency act; or

(c) Conflict with Title 42 U.S.C. Sec. 1983 of the civil rights act.

**Sec. 97.** RCW 9.94A.515 and 2019 c 271 s 7, 2019 c 243 s 5, 2019 c 64 s 3, and 2019 c 46 s 5009 are each reenacted and amended to read as follows:

TABLE 2

CRIMES INCLUDED WITHIN EACH  
SERIOUSNESS LEVEL

XVI	Aggravated Murder 1 (RCW 10.95.020)	XI	Promoting Commercial Sexual Abuse of a Minor (RCW 9.68A.101)
			Rape 1 (RCW 9A.44.040)
XV	Homicide by abuse (RCW 9A.32.055)		Rape of a Child 1 (RCW 9A.44.073)
	Malicious explosion 1 (RCW 70.74.280(1))		Trafficking 2 (RCW 9A.40.100(3))
XIV	Murder 1 (RCW 9A.32.030)	X	Manslaughter 1 (RCW 9A.32.060)
	Murder 2 (RCW 9A.32.050)		Rape 2 (RCW 9A.44.050)
XIII	Trafficking 1 (RCW 9A.40.100(1))		Rape of a Child 2 (RCW 9A.44.076)
	Malicious explosion 2 (RCW 70.74.280(2))		Vehicular Homicide, by being under the influence of intoxicating liquor or any drug (RCW 46.61.520)
XII	Malicious placement of an explosive 1 (RCW 70.74.270(1))	IX	Vehicular Homicide, by the operation of any vehicle in a reckless manner (RCW 46.61.520)
	Assault 1 (RCW 9A.36.011)		Child Molestation 1 (RCW 9A.44.083)
	Assault of a Child 1 (RCW 9A.36.120)		Criminal Mistreatment 1 (RCW 9A.42.020)
	Malicious placement of an imitation device 1 (RCW 70.74.272(1)(a))		Indecent Liberties (with forcible compulsion) (RCW 9A.44.100(1)(a))
			Kidnapping 1 (RCW 9A.40.020)
			Leading Organized Crime (RCW 9A.82.060(1)(a))
			Malicious explosion 3 (RCW 70.74.280(3))
			Sexually Violent Predator Escape (RCW 9A.76.115)
			Abandonment of Dependent Person 1 (RCW 9A.42.060)
			Assault of a Child 2 (RCW 9A.36.130)
			Explosive devices prohibited (RCW 70.74.180)
			Hit and Run—Death (RCW 46.52.020(4)(a))
			Homicide by Watercraft, by being under the influence of intoxicating liquor or any drug (RCW 9A.60.050)
			Inciting Criminal Profiteering (RCW 9A.82.060(1)(b))
			Malicious placement of an explosive 2 (RCW 70.74.270(2))

	Robbery 1 (RCW 9A.56.200)	Negligently Causing Death By Use of a Signal Preemption Device (RCW 46.37.675)
	Sexual Exploitation (RCW 9.68A.040)	
VIII	Arson 1 (RCW 9A.48.020)	Sell, install, or reinstall counterfeit, nonfunctional, damaged, or previously deployed airbag (RCW 46.37.650(2)(b))
	Commercial Sexual Abuse of a Minor (RCW 9.68A.100)	
	Homicide by Watercraft, by the operation of any vessel in a reckless manner (RCW 79A.60.050)	Sending, bringing into state depictions of minor engaged in sexually explicit conduct 1 (RCW 9.68A.060(1))
	Manslaughter 2 (RCW 9A.32.070)	Unlawful Possession of a Firearm in the first degree (RCW 9.41.040(1))
	Promoting Prostitution 1 (RCW 9A.88.070)	Use of a Machine Gun or Bump-fire Stock in Commission of a Felony (RCW 9.41.225)
	Theft of Ammonia (RCW 69.55.010)	
VII	Air bag diagnostic systems (causing bodily injury or death) (RCW 46.37.660(2)(b))	Vehicular Homicide, by disregard for the safety of others (RCW 46.61.520)
	Air bag replacement requirements (causing bodily injury or death) (RCW 46.37.660(1)(b))	VI Bail Jumping with Murder 1 (RCW 9A.76.170(3)(a))
	Burglary 1 (RCW 9A.52.020)	Bribery (RCW 9A.68.010)
	Child Molestation 2 (RCW 9A.44.086)	Incest 1 (RCW 9A.64.020(1))
	Civil Disorder Training (RCW 9A.48.120)	Intimidating a Judge (RCW 9A.72.160)
	Dealing in depictions of minor engaged in sexually explicit conduct 1 (RCW 9.68A.050(1))	Intimidating a Juror/Witness (RCW 9A.72.110, 9A.72.130)
	Drive-by Shooting (RCW 9A.36.045)	Malicious placement of an imitation device 2 (RCW 70.74.272(1)(b))
	<u>False Reporting 1 (section 2(3) of this act)</u>	Possession of Depictions of a Minor Engaged in Sexually Explicit Conduct 1 (RCW 9.68A.070(1))
	Homicide by Watercraft, by disregard for the safety of others (RCW 79A.60.050)	Rape of a Child 3 (RCW 9A.44.079)
	Indecent Liberties (without forcible compulsion) (RCW 9A.44.100(1) (b) and (c))	Theft of a Firearm (RCW 9A.56.300)
	Introducing Contraband 1 (RCW 9A.76.140)	Theft from a Vulnerable Adult 1 (RCW 9A.56.400(1))
	Malicious placement of an explosive 3 (RCW 70.74.270(3))	Unlawful Storage of Ammonia (RCW 69.55.020)
	Manufacture or import counterfeit, nonfunctional, damaged, or previously deployed air bag (causing bodily injury or death) (RCW 46.37.650(1)(b))	V Abandonment of Dependent Person 2 (RCW 9A.42.070)
		Advancing money or property for extortionate extension of credit (RCW 9A.82.030)
		Air bag diagnostic systems (RCW 46.37.660(2)(c))

Air bag replacement requirements (RCW 46.37.660(1)(c))	Sexual Misconduct with a Minor 1 (RCW 9A.44.093)
Bail Jumping with class A Felony (RCW 9A.76.170(3)(b))	Sexually Violating Human Remains (RCW 9A.44.105)
Child Molestation 3 (RCW 9A.44.089)	Stalking (RCW 9A.46.110)
Criminal Mistreatment 2 (RCW 9A.42.030)	Taking Motor Vehicle Without Permission 1 (RCW 9A.56.070)
Custodial Sexual Misconduct 1 (RCW 9A.44.160)	IV Arson 2 (RCW 9A.48.030)
Dealing in Depictions of Minor Engaged in Sexually Explicit Conduct 2 (RCW 9.68A.050(2))	Assault 2 (RCW 9A.36.021)
Domestic Violence Court Order Violation (RCW 10.99.040, 10.99.050, 26.09.300, 26.10.220, 26.26B.050, 26.50.110, 26.52.070, or 74.34.145)	Assault 3 (of a Peace Officer with a Projectile Stun Gun) (RCW 9A.36.031(1)(h))
Extortion 1 (RCW 9A.56.120)	Assault 4 (third domestic violence offense) (RCW 9A.36.041(3))
Extortionate Extension of Credit (RCW 9A.82.020)	Assault by Watercraft (RCW 79A.60.060)
Extortionate Means to Collect Extensions of Credit (RCW 9A.82.040)	Bribing a Witness/Bribe Received by Witness (RCW 9A.72.090, 9A.72.100)
Incest 2 (RCW 9A.64.020(2))	Cheating 1 (RCW 9.46.1961)
Kidnapping 2 (RCW 9A.40.030)	Commercial Bribery (RCW 9A.68.060)
Manufacture or import counterfeit, nonfunctional, damaged, or previously deployed air bag (RCW 46.37.650(1)(c))	Counterfeiting (RCW 9.16.035(4))
Perjury 1 (RCW 9A.72.020)	Driving While Under the Influence (RCW 46.61.502(6))
Persistent prison misbehavior (RCW 9.94.070)	Endangerment with a Controlled Substance (RCW 9A.42.100)
Possession of a Stolen Firearm (RCW 9A.56.310)	Escape 1 (RCW 9A.76.110)
Rape 3 (RCW 9A.44.060)	Hate Crime (RCW 9A.36.080)
Rendering Criminal Assistance 1 (RCW 9A.76.070)	Hit and Run—Injury (RCW 46.52.020(4)(b))
Sell, install, or reinstall counterfeit, nonfunctional, damaged, or previously deployed airbag (RCW 46.37.650(2)(c))	Hit and Run with Vessel—Injury Accident (RCW 79A.60.200(3))
Sending, Bringing into State Depictions of Minor Engaged in Sexually Explicit Conduct 2 (RCW 9.68A.060(2))	Identity Theft 1 (RCW 9.35.020(2))
	Indecent Exposure to Person Under Age Fourteen (subsequent sex offense) (RCW 9A.88.010)
	Influencing Outcome of Sporting Event (RCW 9A.82.070)
	Physical Control of a Vehicle While Under the Influence (RCW 46.61.504(6))

	Possession of Depictions of a Minor Engaged in Sexually Explicit Conduct 2 (RCW 9.68A.070(2))	Bail Jumping with class B or C Felony (RCW 9A.76.170(3)(c))
	Residential Burglary (RCW 9A.52.025)	Burglary 2 (RCW 9A.52.030)
	Robbery 2 (RCW 9A.56.210)	Communication with a Minor for Immoral Purposes (RCW 9.68A.090)
	Theft of Livestock 1 (RCW 9A.56.080)	Criminal Gang Intimidation (RCW 9A.46.120)
	Threats to Bomb (RCW 9.61.160)	Custodial Assault (RCW 9A.36.100)
	Trafficking in Stolen Property 1 (RCW 9A.82.050)	Cyberstalking (subsequent conviction or threat of death) (RCW 9.61.260(3))
	Unlawful factoring of a credit card or payment card transaction (RCW 9A.56.290(4)(b))	Escape 2 (RCW 9A.76.120)
	Unlawful transaction of health coverage as a health care service contractor (RCW 48.44.016(3))	Extortion 2 (RCW 9A.56.130)
	Unlawful transaction of health coverage as a health maintenance organization (RCW 48.46.033(3))	<u>False Reporting 2 (section 2(2) of this act)</u>
	Unlawful transaction of insurance business (RCW 48.15.023(3))	Harassment (RCW 9A.46.020)
	Unlicensed practice as an insurance professional (RCW 48.17.063(2))	Intimidating a Public Servant (RCW 9A.76.180)
	Use of Proceeds of Criminal Profiteering (RCW 9A.82.080 (1) and (2))	Introducing Contraband 2 (RCW 9A.76.150)
	Vehicle Prowling 2 (third or subsequent offense) (RCW 9A.52.100(3))	Malicious Injury to Railroad Property (RCW 81.60.070)
	Vehicular Assault, by being under the influence of intoxicating liquor or any drug, or by the operation or driving of a vehicle in a reckless manner (RCW 46.61.522)	Manufacture of Untraceable Firearm with Intent to Sell (RCW 9.41.190)
	Viewing of Depictions of a Minor Engaged in Sexually Explicit Conduct 1 (RCW 9.68A.075(1))	Manufacture or Assembly of an Undetectable Firearm or Untraceable Firearm (RCW 9.41.325)
	Willful Failure to Return from Furlough (RCW 72.66.060)	Mortgage Fraud (RCW 19.144.080)
III	Animal Cruelty 1 (Sexual Conduct or Contact) (RCW 16.52.205(3))	Negligently Causing Substantial Bodily Harm By Use of a Signal Preemption Device (RCW 46.37.674)
	Assault 3 (Except Assault 3 of a Peace Officer With a Projectile Stun Gun) (RCW 9A.36.031 except subsection (1)(h))	Organized Retail Theft 1 (RCW 9A.56.350(2))
	Assault of a Child 3 (RCW 9A.36.140)	Perjury 2 (RCW 9A.72.030)
		Possession of Incendiary Device (RCW 9.40.120)
		Possession of Machine Gun, Bump-Fire Stock, Undetectable Firearm, or Short-Barreled Shotgun or Rifle (RCW 9.41.190)
		Promoting Prostitution 2 (RCW 9A.88.080)

	Retail Theft with Special Circumstances 1 (RCW 9A.56.360(2))	Electronic Data Theft (RCW 9A.90.100)
	Securities Act violation (RCW 21.20.400)	Engaging in Fish Dealing Activity Unlicensed 1 (RCW 77.15.620(3))
	Tampering with a Witness (RCW 9A.72.120)	Escape from Community Custody (RCW 72.09.310)
	Telephone Harassment (subsequent conviction or threat of death) (RCW 9.61.230(2))	Failure to Register as a Sex Offender (second or subsequent offense) (RCW 9A.44.130 prior to June 10, 2010, and RCW 9A.44.132)
	Theft of Livestock 2 (RCW 9A.56.083)	Health Care False Claims (RCW 48.80.030)
	Theft with the Intent to Resell 1 (RCW 9A.56.340(2))	Identity Theft 2 (RCW 9.35.020(3))
	Trafficking in Stolen Property 2 (RCW 9A.82.055)	Improperly Obtaining Financial Information (RCW 9.35.010)
	Unlawful Hunting of Big Game 1 (RCW 77.15.410(3)(b))	Malicious Mischief 1 (RCW 9A.48.070)
	Unlawful Imprisonment (RCW 9A.40.040)	Organized Retail Theft 2 (RCW 9A.56.350(3))
	Unlawful Misbranding of Fish or Shellfish 1 (RCW 77.140.060(3))	Possession of Stolen Property 1 (RCW 9A.56.150)
	Unlawful possession of firearm in the second degree (RCW 9.41.040(2))	Possession of a Stolen Vehicle (RCW 9A.56.068)
	Unlawful Taking of Endangered Fish or Wildlife 1 (RCW 77.15.120(3)(b))	Retail Theft with Special Circumstances 2 (RCW 9A.56.360(3))
	Unlawful Trafficking in Fish, Shellfish, or Wildlife 1 (RCW 77.15.260(3)(b))	Scrap Processing, Recycling, or Supplying Without a License (second or subsequent offense) (RCW 19.290.100)
	Unlawful Use of a Nondesignated Vessel (RCW 77.15.530(4))	Theft 1 (RCW 9A.56.030)
	Vehicular Assault, by the operation or driving of a vehicle with disregard for the safety of others (RCW 46.61.522)	Theft of a Motor Vehicle (RCW 9A.56.065)
	Willful Failure to Return from Work Release (RCW 72.65.070)	Theft of Rental, Leased, Lease-purchased, or Loaned Property (valued at five thousand dollars or more) (RCW 9A.56.096(5)(a))
II	Commercial Fishing Without a License 1 (RCW 77.15.500(3)(b))	Theft with the Intent to Resell 2 (RCW 9A.56.340(3))
	Computer Trespass 1 (RCW 9A.90.040)	Trafficking in Insurance Claims (RCW 48.30A.015)
	Counterfeiting (RCW 9.16.035(3))	Unlawful factoring of a credit card or payment card transaction (RCW 9A.56.290(4)(a))
	Electronic Data Service Interference (RCW 9A.90.060)	
	Electronic Data Tampering 1 (RCW 9A.90.080)	

Unlawful Participation of Non-Indians in Indian Fishery (RCW 77.15.570(2))

Unlawful Practice of Law (RCW 2.48.180)

Unlawful Purchase or Use of a License (RCW 77.15.650(3)(b))

Unlawful Trafficking in Fish, Shellfish, or Wildlife 2 (RCW 77.15.260(3)(a))

Unlicensed Practice of a Profession or Business (RCW 18.130.190(7))

Voyeurism 1 (RCW 9A.44.115)

I Attempting to Elude a Pursuing Police Vehicle (RCW 46.61.024)

False Verification for Welfare (RCW 74.08.055)

Forgery (RCW 9A.60.020)

Fraudulent Creation or Revocation of a Mental Health Advance Directive (RCW 9A.60.060)

Malicious Mischief 2 (RCW 9A.48.080)

Mineral Trespass (RCW 78.44.330)

Possession of Stolen Property 2 (RCW 9A.56.160)

Reckless Burning 1 (RCW 9A.48.040)

Spotlighting Big Game 1 (RCW 77.15.450(3)(b))

Suspension of Department Privileges 1 (RCW 77.15.670(3)(b))

Taking Motor Vehicle Without Permission 2 (RCW 9A.56.075)

Theft 2 (RCW 9A.56.040)

Theft from a Vulnerable Adult 2 (RCW 9A.56.400(2))

Theft of Rental, Leased, Lease-purchased, or Loaned Property (valued at seven hundred fifty dollars or more but less than five thousand dollars) (RCW 9A.56.096(5)(b))

Transaction of insurance business beyond the scope of licensure (RCW 48.17.063)

Unlawful Fish and Shellfish Catch Accounting (RCW 77.15.630(3)(b))

Unlawful Issuance of Checks or Drafts (RCW 9A.56.060)

Unlawful Possession of Fictitious Identification (RCW 9A.56.320)

Unlawful Possession of Instruments of Financial Fraud (RCW 9A.56.320)

Unlawful Possession of Payment Instruments (RCW 9A.56.320)

Unlawful Possession of a Personal Identification Device (RCW 9A.56.320)

Unlawful Production of Payment Instruments (RCW 9A.56.320)

Unlawful Releasing, Planting, Possessing, or Placing Deleterious Exotic Wildlife (RCW 77.15.250(2)(b))

Unlawful Trafficking in Food Stamps (RCW 9.91.142)

Unlawful Use of Food Stamps (RCW 9.91.144)

Unlawful Use of Net to Take Fish 1 (RCW 77.15.580(3)(b))

Unlawful Use of Prohibited Aquatic Animal Species (RCW 77.15.253(3))

Vehicle Prowl 1 (RCW 9A.52.095)

Violating Commercial Fishing Area or Time 1 (RCW 77.15.550(3)(b))"

On page 1, line 1 of the title, after "emergency;" strike the remainder of the title and insert "amending RCW 9A.84.040; reenacting and amending RCW 9.94A.515; creating a new section; and prescribing penalties."

and the same is herewith transmitted.

Sarah Bannister, Deputy Secretary

#### SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House refused to concur in the Senate amendment to SUBSTITUTE HOUSE BILL NO. 2632 and asked the Senate to recede therefrom.

#### MESSAGE FROM THE SENATE

March 5, 2020

Mme. SPEAKER:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 2722, with the following amendment:

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 98.** (1) Sustainable and resilient markets for recycled materials are essential to any successful recycling system. For many years, Washington has depended on foreign markets to accept the recyclable materials that are collected for recycling in the state. Developing domestic markets for recycled materials benefits the environment and the state's economy and is critical due to the loss of foreign markets.

(2) China's 2018 national sword policy bans the importation of recycled mixed paper and certain types of recycled plastic and imposes a stringent one-half of one percent contamination limit on all other recycled material imports. Washington's recycling facilities are struggling to find markets for recycled materials, resulting in the stockpiling of these materials. Washington must reduce its reliance on unpredictable foreign markets for its recycled materials.

(3) Plastic bottles can be recycled and can contain recycled content in order to close the loop in the recycling stream. Many companies have already taken the initiative at closing the loop by using plastic bottles that contain one hundred percent recycled content. Since November 2010, one national juice company has been using bottles made with one hundred percent postconsumer recycled content for all of its juices and juice smoothies. In January 2018, an international beverage producer announced that it will make all its bottles from one hundred percent recycled plastic by 2025.

(4) The requirements imposed by this act are reasonable and are achievable at minimal cost relative to the burden imposed by the continued excessive use of virgin materials in beverage containers in Washington.

(5) The legislature encourages beverage manufacturers to use plastic beverage containers that exceed the standards set forth in this act.

**NEW SECTION. Sec. 99.** The definitions in this section apply throughout sections 3 through 7 of this act unless the context clearly requires otherwise.

(1) "Beverage manufacturer" means a manufacturer of one or more beverages described in section 3(1) of this act, that are sold, offered for sale, or distributed in Washington.

(2) "Beverage manufacturing industry" means an association that represents companies that manufacture beverages.

(3) "Department" means the department of ecology.

**NEW SECTION. Sec. 100.** (1) Beginning January 1, 2022, manufacturers of plastic beverage containers that offer for sale, sell, or distribute in Washington beverages, intended for human or animal consumption and in a quantity more than or equal to two fluid ounces and less than or equal

to one gallon, must meet minimum postconsumer recycled content as required under section 4 of this act, on average for the total number of plastic beverage containers for the following beverages:

(a) Water and flavored water;

(b) Beer or other malt beverages;

(c) Wine;

(d) Mineral waters, soda water, and similar carbonated soft drinks; and

(e) Any beverage other than those specified in subsection (2) of this section, except infant formula.

(2) The following containers are exempt from sections 3 through 6 of this act:

(a) Refillable plastic beverage containers;

(b) Rigid plastic containers or rigid plastic bottles that are medical devices, medical products that are required to be sterile, prescription medicine, and packaging used for those products; and

(c) Bladders or pouches that contain wine.

(3) The department may adopt rules to exempt beverages.

**NEW SECTION. Sec. 101.** (1) Every year, a beverage manufacturer must meet the following minimum postconsumer recycled plastic content on average for the total number of plastic beverage containers for beverages as established in section 3 of this act that are sold, offered for sale, or distributed in Washington effective:

(a) January 1, 2022, through December 31, 2024: No less than ten percent postconsumer recycled plastic;

(b) January 1, 2025, through December 31, 2029: No less than twenty-five percent postconsumer recycled plastic;

(c) On and after January 1, 2030: No less than fifty percent postconsumer recycled plastic.

(2)(a) Beginning in 2021, and every other year thereafter, or at the petition of the beverage manufacturing industry but not more than annually, the department shall consider whether the minimum postconsumer recycled content requirements established under subsection (1) of this section should be waived or reduced. The department must consider a petition from the beverage manufacturing industry within sixty days of receipt.

(b) If the department determines that a minimum postconsumer recycled content requirement should be adjusted, the adjusted rate must be in effect until a new determination is made or upon the expiration of the minimum postconsumer recycled content requirement's effective period, whichever occurs first. The department may not adjust the minimum postconsumer recycled content requirements above the minimum postconsumer recycled plastic content percentages, as established under subsection (1) of this section. In making a determination to adjust the minimum postconsumer recycled content requirements the department must at least consider the following:

(i) Changes in market conditions, including supply and demand for postconsumer recycled plastics, collection rates, and bale availability;

(ii) Recycling rates;

(iii) The availability of recycled plastic suitable to meet the minimum postconsumer recycled content requirements, including the availability of high quality recycled plastic, and food grade recycled plastic from beverage container recycling programs;

(iv) The capacity of recycling or processing infrastructure;

(v) The progress made by beverage manufacturers in meeting the requirements of this section; and

(vi) The carbon footprint of the transportation of the recycled resin.

(3) The beverage manufacturing industry or a beverage manufacturer may appeal adjustments to the requirement for minimum postconsumer recycled content as determined under subsection (1) of this section to the pollution control hearings board within thirty days of the department's determination.

(4) The department may grant extensions of time for beverage manufacturers to meet the minimum postconsumer recycled plastic content requirements established under subsection (1) of this section if the department determines that a beverage manufacturer has made a substantial effort but has failed to meet the minimum recycled plastic content requirements due to extenuating circumstances beyond the beverage manufacturer's control.

(5) A beverage manufacturer that does not meet the minimum postconsumer recycled plastic content requirements established in subsection (1) of this section is subject to a fee established in section 6 of this act.

**NEW SECTION. Sec. 102.** (1)(a) On or before March 1, 2022, and annually thereafter, a beverage manufacturer, under penalty of perjury, must report to the department, in pounds and by resin type, the amount of virgin plastic and postconsumer recycled plastic used for plastic beverage containers containing a beverage as established under section 3 of this act sold, offered for sale, or distributed in Washington in the previous calendar year.

(b) The department must post the information reported under this subsection on its web site.

(2) The department may: (a) Conduct audits and investigations for the purpose of ensuring compliance with this section based on the information reported under subsection (1) of this section; and (b) adopt rules to implement, administer, and enforce the requirements of this act.

(3) The department shall keep confidential all business trade secrets and proprietary information about manufacturing processes and equipment that the department gathers or becomes aware of through the course of conducting audits or investigations pursuant to this chapter.

**NEW SECTION. Sec. 103.** (1) Beginning January 1, 2023, a beverage manufacturer that does not meet the minimum postconsumer recycled plastic content requirements as established under section 4 of this act, based upon the amount in pounds and in the aggregate, is subject to an annual fee.

(2) The following violation levels are based on a beverage manufacturer's overall compliance rate of the minimum postconsumer recycled plastic content requirements.

(a) Level one violation: At least seventy-five percent but less than one hundred percent of the minimum recycled plastic content requirements;

(b) Level two violation: At least fifty percent but less than seventy-five percent of the minimum recycled plastic content requirements;

(c) Level three violation: At least twenty-five percent but less than fifty percent of the minimum recycled plastic content requirements;

(d) Level four violation: At least fifteen percent but less than twenty-five percent of the minimum recycled plastic content requirements; and

(e) Level five violation: Less than fifteen percent of the minimum recycled plastic content requirements.

(3) Beginning March 1, 2023, the department may assess fees for violations as follows:

(a) Level one violation, the fee range is five cents to fifteen cents per pound;

(b) Level two violation, the fee range is ten cents to twenty cents per pound;

(c) Level three violation, the fee range is fifteen cents to twenty-five cents per pound;

(d) Level four violation, the fee range is twenty cents to thirty cents per pound;

(e) Level five violation, the fee range is twenty-five cents to thirty cents per pound.

(4) In lieu of or in addition to assessing a fee under subsection (3) of this section, the department may require a beverage manufacturer to submit a corrective action plan detailing how the beverage manufacturer plans to come into compliance with section 4 of this act.

(5) The department shall consider equitable factors in determining whether to assess a fee under subsection (3) of this section and the amount of the fee including, but not limited to: The nature and circumstances of the violation; actions taken by the beverage manufacturer to correct the violation; the beverage manufacturer's history of compliance; the size and economic condition of the beverage manufacturer; and whether the violation or conditions giving rise to the violation were due to circumstances beyond the reasonable control of the beverage manufacturer or were otherwise unavoidable under the circumstances including, but not limited to, unforeseen changes in market conditions.



(6) A beverage manufacturer must:

(a) Pay to the department assessed fees in quarterly installments; or

(b) Arrange an alternative payment schedule subject to the approval of the department.

(7) A beverage manufacturer may appeal fees assessed under this section to the pollution control hearings board within thirty days of assessment.

(8)(a) The department shall consider waiving or reducing the fees or extending the time frame for assessing fees established under subsection (3) of this section for a beverage manufacturer that has demonstrated progress toward meeting the minimum postconsumer recycled content requirements, as established under section 4 of this act, if the beverage manufacturer:

(i) Has failed to meet the minimum postconsumer recycled content requirements; or

(ii) Anticipates it will not be able to meet the minimum postconsumer recycled content requirements.

(b) In determining whether to grant a waiver of, or reduce a fee, or extend the time frame for assessing a fee, the department shall consider, at a minimum, all of the following:

(i) Anomalous market conditions;

(ii) Disruption in, or lack of supply of, recycled plastics; and

(iii) Other factors that have prevented a beverage manufacturer from meeting the requirements.

(9) A beverage manufacturer shall pay the fees assessed pursuant to this section, as applicable, based on the information reported to the department as required under section 5(1) of this act in the form and manner prescribed by the department.

**NEW SECTION. Sec. 104.** The recycling enhancement fee account is created in the state treasury. All fees collected by the department pursuant to section 6 of this act must be deposited in the account. Moneys in the account may be spent only after appropriation. Expenditures from the account may be used by the department only for providing funding to the recycling development center created in RCW 70.370.030 for the purpose of furthering the development of recycling infrastructure in this state.

**NEW SECTION. Sec. 105.** A new section is added to chapter 42.56 RCW to read as follows:

Information submitted to the department of ecology under chapter 70.--- RCW (the new chapter created in section 13 of this act), that contains business trade secrets or proprietary information about manufacturing processes and equipment, is exempt from disclosure under this chapter.

**Sec. 106.** RCW 43.21B.110 and 2019 c 344 s 16, 2019 c 292 s 10, and 2019 c 290 s 12 are each reenacted and amended to read as follows:

(1) The hearings board shall only have jurisdiction to hear and decide appeals from the following decisions of the department, the director, local conservation districts, the air pollution control boards or authorities as established pursuant to chapter 70.94 RCW, local health departments, the department of natural resources, the department of fish and wildlife, the parks and recreation commission, and authorized public entities described in chapter 79.100 RCW:

(a) Civil penalties imposed pursuant to RCW 18.104.155, 70.94.431, 70.105.080, 70.107.050, 70.365.070, 70.375.060, 76.09.170, 77.55.440, 78.44.250, 88.46.090, 90.03.600, 90.46.270, 90.48.144, 90.56.310, 90.56.330, and 90.64.102.

(b) Orders issued pursuant to RCW 18.104.043, 18.104.060, 43.27A.190, 70.94.211, 70.94.332, 70.105.095, 70.365.070, 86.16.020, 88.46.070, 90.14.130, 90.46.250, 90.48.120, and 90.56.330.

(c) A final decision by the department or director made under chapter 183, Laws of 2009.

(d) Except as provided in RCW 90.03.210(2), the issuance, modification, or termination of any permit, certificate, or license by the department or any air authority in the exercise of its jurisdiction, including the issuance or termination of a waste disposal permit, the denial of an application for a waste disposal permit, the modification of the conditions or the terms of a waste disposal permit, or a decision to approve or deny an application for a solid waste permit exemption under RCW 70.95.300.

(e) Decisions of local health departments regarding the grant or denial of solid waste permits pursuant to chapter 70.95 RCW.

(f) Decisions of local health departments regarding the issuance and enforcement of permits to use or dispose of biosolids under RCW 70.95J.080.

(g) Decisions of the department regarding waste-derived fertilizer or micronutrient fertilizer under RCW 15.54.820, and decisions of the department regarding waste-derived soil amendments under RCW 70.95.205.

(h) Decisions of local conservation districts related to the denial of approval or denial of certification of a dairy nutrient management plan; conditions contained in a plan; application of any dairy nutrient management practices, standards, methods, and technologies to a particular dairy farm; and failure to adhere to the plan review and approval timelines in RCW 90.64.026.

(i) Any other decision by the department or an air authority which pursuant to law must be decided as an adjudicative proceeding under chapter 34.05 RCW.

(j) Decisions of the department of natural resources, the department of fish and wildlife, and the department that are reviewable under chapter 76.09 RCW, and the department of natural resources' appeals of county, city, or town objections under RCW 76.09.050(7).

(k) Forest health hazard orders issued by the commissioner of public lands under RCW 76.06.180.

(l) Decisions of the department of fish and wildlife to issue, deny, condition, or modify a hydraulic project approval permit under chapter 77.55 RCW, to issue a stop work order, to issue a notice to comply, to issue a civil penalty, or to issue a notice of intent to disapprove applications.

(m) Decisions of the department of natural resources that are reviewable under RCW 78.44.270.

(n) Decisions of an authorized public entity under RCW 79.100.010 to take temporary possession or custody of a vessel or to contest the amount of reimbursement owed that are reviewable by the hearings board under RCW 79.100.120.

(o) Decisions of the department that are appealable under sections 4 and 6 of this act, to set recycled minimum postconsumer content for plastic beverage containers and to assess fees.

(2) The following hearings shall not be conducted by the hearings board:

(a) Hearings required by law to be conducted by the shorelines hearings board pursuant to chapter 90.58 RCW.

(b) Hearings conducted by the department pursuant to RCW 70.94.332, 70.94.390, 70.94.395, 70.94.400, 70.94.405, 70.94.410, and 90.44.180.

(c) Appeals of decisions by the department under RCW 90.03.110 and 90.44.220.

(d) Hearings conducted by the department to adopt, modify, or repeal rules.

(3) Review of rules and regulations adopted by the hearings board shall be subject to review in accordance with the provisions of the administrative procedure act, chapter 34.05 RCW.

**Sec. 107.** RCW 43.21B.110 and 2019 c 344 s 16, 2019 c 292 s 10, and 2019 c 290 s 12 are each reenacted and amended to read as follows:

(1) The hearings board shall only have jurisdiction to hear and decide appeals from the following decisions of the department, the director, local conservation districts, the air pollution control boards or authorities as established pursuant to chapter 70.94 RCW, local health departments, the department of natural resources, the department of fish and wildlife, the parks and recreation commission, and authorized public entities described in chapter 79.100 RCW:

(a) Civil penalties imposed pursuant to RCW 18.104.155, 70.94.431, 70.105.080, 70.107.050, 70.365.070, 70.375.060, 76.09.170, 77.55.440, 78.44.250, 88.46.090, 90.03.600, 90.46.270, 90.48.144, 90.56.310, 90.56.330, and 90.64.102.

(b) Orders issued pursuant to RCW 18.104.043, 18.104.060, 43.27A.190, 70.94.211, 70.94.332, 70.105.095, 70.365.070, 86.16.020, 88.46.070, 90.14.130, 90.46.250, 90.48.120, and 90.56.330.

(c) Except as provided in RCW 90.03.210(2), the issuance, modification, or termination of any permit,

certificate, or license by the department or any air authority in the exercise of its jurisdiction, including the issuance or termination of a waste disposal permit, the denial of an application for a waste disposal permit, the modification of the conditions or the terms of a waste disposal permit, or a decision to approve or deny an application for a solid waste permit exemption under RCW 70.95.300.

(d) Decisions of local health departments regarding the grant or denial of solid waste permits pursuant to chapter 70.95 RCW.

(e) Decisions of local health departments regarding the issuance and enforcement of permits to use or dispose of biosolids under RCW 70.95J.080.

(f) Decisions of the department regarding waste-derived fertilizer or micronutrient fertilizer under RCW 15.54.820, and decisions of the department regarding waste-derived soil amendments under RCW 70.95.205.

(g) Decisions of local conservation districts related to the denial of approval or denial of certification of a dairy nutrient management plan; conditions contained in a plan; application of any dairy nutrient management practices, standards, methods, and technologies to a particular dairy farm; and failure to adhere to the plan review and approval timelines in RCW 90.64.026.

(h) Any other decision by the department or an air authority which pursuant to law must be decided as an adjudicative proceeding under chapter 34.05 RCW.

(i) Decisions of the department of natural resources, the department of fish and wildlife, and the department that are reviewable under chapter 76.09 RCW, and the department of natural resources' appeals of county, city, or town objections under RCW 76.09.050(7).

(j) Forest health hazard orders issued by the commissioner of public lands under RCW 76.06.180.

(k) Decisions of the department of fish and wildlife to issue, deny, condition, or modify a hydraulic project approval permit under chapter 77.55 RCW, to issue a stop work order, to issue a notice to comply, to issue a civil penalty, or to issue a notice of intent to disapprove applications.

(l) Decisions of the department of natural resources that are reviewable under RCW 78.44.270.

(m) Decisions of an authorized public entity under RCW 79.100.010 to take temporary possession or custody of a vessel or to contest the amount of reimbursement owed that are reviewable by the hearings board under RCW 79.100.120.

(n) Decisions of the department that are appealable under sections 4 and 6 of this act, to set recycled minimum postconsumer content for plastic beverage containers and to assess fees.

(2) The following hearings shall not be conducted by the hearings board:

(a) Hearings required by law to be conducted by the shorelines hearings board pursuant to chapter 90.58 RCW.

(b) Hearings conducted by the department pursuant to RCW 70.94.332, 70.94.390, 70.94.395, 70.94.400, 70.94.405, 70.94.410, and 90.44.180.

(c) Appeals of decisions by the department under RCW 90.03.110 and 90.44.220.

(d) Hearings conducted by the department to adopt, modify, or repeal rules.

(3) Review of rules and regulations adopted by the hearings board shall be subject to review in accordance with the provisions of the administrative procedure act, chapter 34.05 RCW.

**NEW SECTION. Sec. 108.** Section 9 of this act expires June 30, 2021.

**NEW SECTION. Sec. 109.** Section 10 of this act takes effect June 30, 2021.

**NEW SECTION. Sec. 110.** Sections 2 through 7 of this act constitute a new chapter in Title 70 RCW."

On page 1, line 1 of the title, after "requirements;" strike the remainder of the title and insert "reenacting and amending RCW 43.21B.110 and 43.21B.110; adding a new section to chapter 42.56 RCW; adding a new chapter to Title 70 RCW; creating a new section; prescribing penalties; providing an effective date; and providing an expiration date."

and the same is herewith transmitted.

Sarah Bannister, Deputy Secretary

#### SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House refused to concur in the Senate amendment to ENGROSSED SUBSTITUTE HOUSE BILL NO. 2722 and asked the Senate to recede therefrom.

#### MESSAGE FROM THE SENATE

March 4, 2020

Madame Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1251 with the following amendment:

110.0.

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** The legislature finds that public confidence in state elections systems and election data are of paramount consideration to the integrity of the voting process. The legislature also finds that recent events have revealed an intentional and persistent effort by foreign entities to influence election systems and other cyber networks. Therefore, the legislature intends to review the state's electoral systems and processes and take appropriate measures to identify whether foreign entities were responsible for the intrusions.

**NEW SECTION. Sec. 2.** A new section is added to chapter 29A.12 RCW to read as follows:

(1) The secretary of state must annually consult with the Washington state fusion center, state chief information officer, and each county auditor to identify instances of security breaches of election systems or election data.

(2) To the extent possible, the secretary of state must identify whether the source of a security breach, if any, is a foreign entity, domestic entity, or both.

(3) By December 31st of each year, the secretary of state must submit a report to the governor, state chief information officer, Washington state fusion center, and the chairs and ranking members of the appropriate legislative committees from the senate and house of representatives that includes information on any instances of security breaches identified under subsection (1) of this section and options to increase the security of the election systems and election data, and to prevent future security breaches. The report, and any related material, data, or information provided pursuant to subsection (1) of this section or used to assemble the report, may only be distributed to, or otherwise shared with, the individuals specifically mentioned in this subsection (3).

(4) For the purposes of this section:

(a) "Foreign entity" means an entity that is not organized or formed under the laws of the United States, or a person who is not domiciled in the United States or a citizen of the United States.

(b) "Security breach" means a breach of the election system or associated data where the system or associated data has been penetrated, accessed, or manipulated by an unauthorized person.

**Sec. 3.** RCW 29A.12.070 and 2003 c 111 s 307 are each amended to read as follows:

An agreement to purchase or lease a voting system or a component of a voting system is subject to that system or component passing ((~~aa~~)):

(1) An acceptance test sufficient to demonstrate that the equipment is the same as that certified by the secretary of state and that the equipment is operating correctly as delivered to the county; and

(2) A vulnerability test conducted by a federal or state public entity which includes participation by local elections officials."

On page 1, line 2 of the title, after "entities;" strike the remainder of the title and insert "amending RCW 29A.12.070; adding a new section to chapter 29A.12 RCW; and creating a new section."

and the same is herewith transmitted.

Brad Hendrickson, Secretary

#### SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to SUBSTITUTE HOUSE BILL NO.

1251 and advanced the bill as amended by the Senate to final passage.

### FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representatives Tarleton and Walsh spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1251, as amended by the Senate.

### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1251, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Mead, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shea, Shewmake, Slater, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Excused: Representative Appleton.

SUBSTITUTE HOUSE BILL NO. 1251, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

### MESSAGE FROM THE SENATE

March 5, 2020

Madame Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 1622 with the following amendment:

3.0.

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** A new section is added to chapter 43.83B RCW to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Department" means the department of ecology.

(2) "Drought condition" means that the water supply for a geographic area, or for a significant portion of a geographic area, is below seventy-five percent of normal and

the water shortage is likely to create undue hardships for water users or the environment.

(3) "Normal" water supply, for the purpose of determining drought conditions, means the median amount of water available to a geographical area, relative to the most recent thirty-year base period used to define climate normals.

**Sec. 2.** RCW 43.83B.400 and 1989 c 171 s 1 are each amended to read as follows:

~~((It is the intent of))~~ The legislature ~~((to provide emergency powers to the department of ecology to enable it to take actions, in a timely and expeditious manner, that are designed to alleviate hardships and reduce burdens on various water users and uses arising from drought conditions. As used in this chapter, "drought condition" means that the water supply for a geographical area or for a significant portion of a geographical area is below seventy-five percent of normal and the water shortage is likely to create undue hardships for various water uses and users.))~~ recognizes that drought and water shortages can place a significant hardship on Washington communities, farms, and the natural environment. Rising temperatures due to climate change may cause water supply shortages to be more frequent and severe in the future. Therefore, the ability to respond to drought and water shortage emergencies is critical to the long-term prosperity of our state. It is the intent of the legislature to provide the department with the authority to effectively and efficiently take actions when a drought emergency occurs to alleviate hardship on water users and our natural environment.

The legislature also recognizes that effective emergency drought response is predicated on building resiliency and preparedness before water shortages occur. Therefore, it is also the intent of the legislature that the department assist water users by supporting measures to strengthen the resiliency and preparedness of water users to drought conditions in the long term.

**Sec. 3.** RCW 43.83B.405 and 1989 c 171 s 2 are each amended to read as follows:

(1) Whenever it appears to the department, based on the definitions of drought condition and normal water supply set forth in section 1 of this act, that drought conditions may develop, the department may issue a drought advisory. The drought advisory should seek to increase the awareness and readiness of affected water users and may recommend voluntary actions to alleviate drought impacts.

(2)(a) Whenever it appears to the department ~~((of ecology))~~, based on the definitions of drought condition and normal water supply set forth in section 1 of this act, that a drought condition either exists or is forecast to occur within the state or portions thereof, the department ~~((of ecology))~~ is authorized to issue orders of drought emergency, pursuant to adopted rules ~~((previously adopted))~~, to implement the powers as set forth in RCW 43.83B.410 through 43.83B.420. ~~((The department shall, immediately upon the issuance of an order under this section, cause said order to be published in newspapers of general circulation in the areas of the state to which the order relates.))~~

(b) Prior to the issuance of an order of drought emergency, the department shall ~~((a))~~:

(i) Consult with ~~((and obtain the views of))~~ the federal and state government entities identified in the drought contingency plan periodically revised by the department pursuant to ~~((RCW 43.83B.410(4), and~~

~~((b)))~~ section 7 of this act and consult with affected federally recognized tribes;

(ii) Consider input from local water users, including nursery and landscape professionals, in the determination of undue hardship under section 1(2) of this act; and

(iii) Obtain the written approval of the governor.

(c) Upon issuance of an order of drought emergency, the department shall notify the public of the order consistent with rules adopted by the department.

(d) Orders of drought emergency issued under ~~((this section))~~ (a) of this subsection shall be deemed orders for the purposes of chapter 34.05 RCW.

(e) A person may petition the department to declare a drought emergency for the state or portions of the state. The department may review a petition, but any order of drought emergency issued after receipt of a petition must be based on the definitions of drought condition and normal water supply set forth in section 1 of this act, and must be issued according to the procedure set forth in this section. The department must not rely exclusively on information presented in a petition when determining whether to issue an order of drought emergency.

~~((2))~~ (3)(a) Any order issued under subsection ~~((4))~~ (2) of this section shall contain a termination date for the order. The termination date shall be not later than one calendar year from the date the order is issued. Although the department may, with the written approval of the governor, change the termination date by amending the order, no such amendment or series of amendments may have the effect of extending its termination to a date which is later than two calendar years after the issuance of the order.

~~((3))~~ (b) The provisions of ~~((subsection (2) of))~~ this section do not preclude the issuance of more than one order under subsection ~~((4))~~ (2) of this section for different areas of the state, or sequentially for the same area, as the need arises ~~((for such an order or orders)).~~

**Sec. 4.** RCW 43.83B.410 and 1989 c 171 s 3 are each amended to read as follows:

Upon the issuance of an order of drought emergency under RCW 43.83B.405(2), the department ~~((of ecology is empowered to))~~ may:

(1)(a) Authorize emergency withdrawal of public surface and ground waters, including dead storage within reservoirs, on a temporary basis and authorize temporary or permanent associated physical works ~~((which may be either temporary or permanent))~~. The department shall prioritize the approval of emergency withdrawal authorizations in order to address those most affected by the water deficit to

ensure the survival of irrigated crops, the state's fisheries, and the provision of water for small communities.

(b) The termination date for ~~((the authority to make such an))~~ emergency withdrawals may not be later than the termination date of the order issued under RCW 43.83B.405(2) ~~((under which the power to authorize the withdrawal is established)).~~

(c) The department ~~((of ecology))~~ may issue ~~((such))~~ emergency withdrawal authorizations only when, after investigation and after providing appropriate federal, state, and local governmental bodies and affected federally recognized tribes an opportunity to comment, the following are found:

(i) The waters proposed for withdrawal are to be used for a beneficial use involving a previously established activity or purpose;

(ii) The previously established activity or purpose was furnished water through rights applicable to the use of a public body of water that cannot be exercised due to the lack of water arising from natural drought conditions; and

(iii) The proposed withdrawal will not reduce flows or levels below essential minimums necessary ~~((A))~~ to ~~((assure))~~ ensure the maintenance of fisheries requirements~~((s))~~ and ~~((B))~~ to protect federal and state interests including, among others, power generation, navigation, and existing water rights~~((s))~~.

~~((B))~~ (d) All emergency withdrawal authorizations issued under this section shall contain provisions that allow for termination of withdrawals, in whole or in part, whenever withdrawals will conflict with flows and levels as provided in ~~((a))~~ (c)(iii) of this subsection. ~~((Domestic and irrigation uses of public surface and ground waters shall be given priority in determining "beneficial uses."))~~

(e) As to water withdrawal and associated works authorized under this subsection, the requirements of chapter 43.21C RCW and public bidding requirements as otherwise provided by law are waived and inapplicable. All state and local agencies with authority to issue permits or other authorizations for such works shall, to the extent possible, expedite the processing of the permits or authorizations in keeping with the emergency nature of the requests and shall provide a decision to the applicant within fifteen calendar days of the date of application. All state departments or other agencies having jurisdiction over state or other public lands, if such lands are necessary to effectuate the withdrawal authorizations issued under this subsection, shall provide short-term easements or other appropriate property interest upon the payment of the fair market value. This mandate shall not apply to any lands of the state that are reserved for a special purpose or use that cannot properly be carried out if the property interest were conveyed;

(2) Approve a temporary change in purpose, place of use, ~~((or))~~ point of diversion, or point of withdrawal, consistent with existing state policy allowing transfer or lease of waters between willing parties, as provided for in RCW 90.03.380, 90.03.390, and 90.44.100. However, compliance with any requirements of ~~((a))~~ notice of

newspaper publication of these sections or ~~((b))~~ the state environmental policy act ~~((s))~~ under chapter 43.21C RCW, is not required when such changes are necessary to respond to drought conditions as determined by the department ~~((of ecology))~~. An approval of a temporary change of a water right as authorized under this subsection is not admissible as evidence in either supporting or contesting the validity of water claims in ~~((State of Washington, Department of Ecology v. Aquavella, Yakima county superior court number 77-2-01484-5))~~ a general adjudication under RCW 90.03.210 or any similar proceeding where the existence of a water right is at issue ~~((s))~~;

(3) Employ additional persons for specified terms of time, consistent with the term of a drought condition, as are necessary to ensure the successful performance of the activities associated with implementing the emergency drought program of this chapter ~~((s))~~;

(4) ~~((Revise the drought contingency plan previously developed by the department; and~~

~~((s)))~~ Acquire needed emergency drought-related equipment;

(5) Enter into agreements with applicants receiving emergency withdrawal authorizations established under this section to recover the costs, or a portion thereof, of mitigation for emergency withdrawal authorizations, provided that mitigation is done to protect instream flows, federally regulated flows, or senior water rights. The department may establish the specifics of cost recovery by rule, based on the amount of water used in the emergency withdrawal, which shall not exceed the cost of mitigation; and

(6) Enter into interagency agreements as authorized under chapter 39.34 RCW to partner in emergency drought response.

**Sec. 5.** RCW 43.83B.415 and 1989 c 171 s 4 are each amended to read as follows:

~~(1)(a) The department ((of ecology is authorized to make loans, grants, or combinations of loans and grants from emergency agricultural water supply funds when necessary to provide water to alleviate emergency drought conditions in order to ensure the survival of irrigated crops and the state's fisheries. For the purposes of this section, "emergency agricultural water supply funds" means funds appropriated from the state emergency water projects revolving account created under RCW 43.83B.360. The department of ecology may make the loans, grants, or combinations of loans and grants as matching funds in any case where federal, local, or other funds have been made available on a matching basis. The department may make a loan of up to ninety percent of the total eligible project cost or combination loan and grant up to one hundred percent of the total single project cost. The grant portion for any single project shall not exceed twenty percent of the total project cost except that, for activities forecast to have fifty percent or less of normal seasonal water supply, the grant portion for any single project or entity shall not exceed forty percent of the total project cost. No single entity shall receive more than ten percent of the total emergency agricultural water supply funds available for~~

~~drought relief. These funds shall not be used for nonagricultural drought relief purposes unless there are no other capital budget funds available for these purposes. In any biennium the total expenditures of emergency agricultural water supply funds for nonagricultural drought relief purposes may not exceed ten percent of the total of such funds available during that biennium.~~

~~(2)(a) Except as provided in (b) of this subsection, after June 30, 1989, emergency agricultural water supply funds, including the repayment of loans and any accrued interest, shall not be used for any purpose except during drought conditions as determined under RCW 43.83B.400 and 43.83B.405.~~

(b) Emergency agricultural water supply funds may be used on a one-time basis for the development of procedures to be used by state governmental entities to implement the state's drought contingency plan.) is authorized to issue grants to eligible public entities to reduce current or future hardship caused by water unavailability stemming from drought conditions. No single entity may receive more than twenty-five percent of the total funds available. The department is not obligated to fund projects that do not provide sufficient benefit to alleviating hardship caused by drought or water unavailability. Projects must show substantial benefit from securing water supply, availability, or reliability relative to project costs.

(b) Except for projects for public water systems serving economically disadvantaged communities, the department may only fund up to fifty percent of the total eligible cost of the project. Money used by applicants as a cash match may not originate from other state funds.

(c) For the purposes of this chapter, eligible public entities include only:

(i) Counties, cities, and towns;

(ii) Water and sewer districts formed under chapter 57.02 RCW;

(iii) Public utility districts formed under chapter 54.04 RCW;

(iv) Port districts formed under chapter 53.04 RCW;

(v) Conservation districts formed under chapter 89.08 RCW;

(vi) Irrigation districts formed under chapter 87.03 RCW;

(vii) Watershed management partnerships formed under RCW 39.34.200; and

(viii) Federally recognized tribes.

(2) Grants may be used to develop projects that enhance the ability of water users to effectively mitigate for the impacts of water unavailability arising from drought. Project applicants must demonstrate that the projects will increase their resiliency, preparedness, or ability to withstand drought conditions when they occur. Projects may include, but are not limited to:

(a) Creation of additional water storage;

(b) Implementation of source substitution projects;

(c) Development of alternative, backup, or emergency water supplies or interties;

(d) Installation of infrastructure or creation of educational programs that improve water conservation and efficiency or promote use of reclaimed water;

(e) Development or update of local drought contingency plans if not already required by state rules adopted under chapter 246-290 WAC;

(f) Mitigation of emergency withdrawals authorized under RCW 43.83B.410(1);

(g) Projects designed to mitigate for the impacts of water supply shortages on fish and wildlife; and

(h) Emergency construction or modification of water recreational facilities.

(3) During a drought emergency order pursuant to RCW 43.83B.405(2), the department shall prioritize funding for projects designed to relieve the immediate hardship caused by water unavailability.

**Sec. 6.** RCW 43.83B.430 and 2016 sp.s. c 36 s 933 are each amended to read as follows:

The state drought preparedness and response account is created in the state treasury. All receipts from appropriated funds designated for the account and ~~((funds transferred from the state emergency water projects revolving account))~~ all cost recovery revenues collected under RCW 43.83B.410(5) must be deposited into the account. Expenditures from the account may be used for drought preparedness and response activities under this chapter, including grants issued under RCW 43.83B.415. Moneys in the account may be spent only after appropriation. ((Expenditures from the account may be used only for drought preparedness. During the 2009-2011 fiscal biennium, the legislature may transfer from the state drought preparedness account to the state general fund such amounts as reflect the excess fund balance of the account. For the 2015-2017 fiscal biennium, the account may also accept revenue collected from emergency drought well related water service contracts and may be used for drought response.))

**NEW SECTION. Sec. 7.** A new section is added to chapter 43.83B RCW to read as follows:

In collaboration with affected governments, the department may revise the existing drought contingency plan. The department shall notify interested parties of any updates to the drought contingency plan.

**NEW SECTION. Sec. 8.** A new section is added to chapter 43.83B RCW to read as follows:

(1) The department shall initiate a pilot program in a selected basin or basins to explore the cost, feasibility, and benefits of entering into long-term water right lease agreements. The purpose of the agreements is to alleviate water supply conditions that may affect public health and safety, drinking water supplies, agricultural activities, or fish and wildlife survival. Under this program, the department is

authorized to negotiate and enter into contractual agreements before a drought emergency is declared under RCW 43.83B.405(2) that identify projects, measures, sources of water, and other resources that may be accessed during times of water shortage. Water right changes executed under agreement under this section are subject to the requirements of RCW 90.03.380.

(2) The department shall submit a report to the legislature by December 31, 2024, on the results of the pilot program. The department shall include a summary of the contracts entered into pursuant to this section and recommendations to the legislature.

(3) This section expires June 30, 2025.

**NEW SECTION. Sec. 9.** The following sections are decodified:

(1) RCW 43.83B.005 (Transfer of duties to the department of health);

(2) RCW 43.83B.200 (Deposit of proceeds from repayment of loans, interest, gifts, grants, etc., in state and local improvements revolving account—water supply facilities—Use);

(3) RCW 43.83B.210 (Loans or grants from department of ecology—Authorized—Limitations);

(4) RCW 43.83B.300 (Legislative findings—General obligation bonds authorized—Issuance, terms—Appropriation required);

(5) RCW 43.83B.345 (Rates of charges for water—Payment into bond redemption fund—Grants and loans—Contracts);

(6) RCW 43.83B.360 (State emergency water projects revolving account—Proceeds from sale of bonds);

(7) RCW 43.83B.380 (Appropriations to department of health—Authorized projects—Conditions); and

(8) RCW 43.83B.385 (Appropriations to department of ecology—Authorized projects—Findings).

**NEW SECTION. Sec. 10.** The following acts or parts of acts are each repealed:

(1) RCW 43.83B.220 (Contractual agreements) and 2009 c 549 s 5159, 1989 c 11 s 17, & 1975 1st ex.s. c 295 s 5; and

(2) RCW 43.83B.336 (Civil penalties)."

On page 1, line 1 of the title, after "response;" strike the remainder of the title and insert "amending RCW 43.83B.400, 43.83B.405, 43.83B.410, 43.83B.415, and 43.83B.430; adding new sections to chapter 43.83B RCW; decodifying RCW 43.83B.005, 43.83B.200, 43.83B.210, 43.83B.300, 43.83B.345, 43.83B.360, 43.83B.380, and 43.83B.385; repealing RCW 43.83B.220 and 43.83B.336; and providing an expiration date."

and the same is herewith transmitted.

Sarah Bannister, Deputy, Secretary

### SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to ENGROSSED SUBSTITUTE HOUSE BILL NO. 1622 and advanced the bill as amended by the Senate to final passage.

### FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representatives Chandler and Pettigrew spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1622, as amended by the Senate.

### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1622, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 87; Nays, 10; Absent, 0; Excused, 1.

Voting yea: Representatives Barkis, Bergquist, Blake, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, J. Johnson, Kilduff, Kirby, Kloba, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, Mead, Morgan, Mosbrucker, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Voting nay: Representatives Boehnke, Goehner, Jenkin, Klippert, Kraft, McCaslin, Orcutt, Shea, Sutherland and Walsh.

Excused: Representative Appleton.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1622, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

### MESSAGE FROM THE SENATE

March 3, 2020

Madame Speaker:

The Senate has passed ENGROSSED HOUSE BILL NO. 1694 with the following amendment:

10.0.

Strike everything after the enacting clause and insert the following:

"**NEW SECTION. Sec. 11.** A new section is added to chapter 59.18 RCW to read as follows:

(1)(a) Except as provided in (b) of this subsection, upon receipt of a tenant's written request, a landlord must

permit the tenant to pay any deposits, nonrefundable fees, and last month's rent in installments.

(b) A landlord is not required to permit a tenant to pay in installments if the total amount of the deposits and nonrefundable fees do not exceed twenty-five percent of the first full month's rent and payment of the last month's rent is not required at the inception of the tenancy.

(2) In all cases where premises are rented for a specified time that is three months or longer, the tenant may elect to pay any deposits, nonrefundable fees, and last month's rent in three consecutive and equal monthly installments, beginning at the inception of the tenancy. In all other cases, the tenant may elect to pay any deposits, nonrefundable fees, and last month's rent in two consecutive and equal monthly installments, beginning at the inception of the tenancy.

(3) A landlord may not impose any fee, charge any interest, or otherwise impose a cost on a tenant because a tenant elects to pay in installments. Installment payments are due at the same time as rent is due. All installment schedules must be in writing and signed by the landlord and the tenant.

(4)(a) A fee or deposit to hold a dwelling unit or secure that the prospective tenant will move into a dwelling unit, as authorized under RCW 59.18.253, shall not be considered a deposit or nonrefundable fee for purposes of this section.

(b) A landlord may not request a fee or deposit to hold a dwelling unit or secure that the prospective tenant will move into a dwelling unit in excess of twenty-five percent of the first month's rent.

(5) Beginning January 1, 2021, any landlord who refuses to permit a tenant to pay any deposits, nonrefundable fees, and last month's rent in installments upon the tenant's written request as described in subsection (1) of this section is subject to a statutory penalty of one month's rent and reasonable attorneys' fees payable to the tenant.

(6)(a) In any application seeking relief pursuant RCW 59.18.283(3), the court shall issue a finding as to whether the tenant is low-income, limited resourced, or experiencing hardship to determine if the landlord would be eligible for reimbursement through the landlord mitigation program account established within RCW 43.31.605(1)(c). In making this finding, the court may include an inquiry regarding the tenant's income relative to area median income, household composition, any extenuating circumstances, or other factors, and may rely on written declarations or oral testimony by the parties at the hearing.

(b) After a finding that the tenant is low-income, limited resourced, or experiencing hardship, the court may issue an order: (i) Finding that the landlord is eligible to receive on behalf of the tenant and may apply for reimbursement from the landlord mitigation program; and (ii) directing the clerk to remit, without further order of the court, any future payments made by the tenant in order to reimburse the department of commerce pursuant to RCW 43.31.605(1)(c)(iii). Nothing in this subsection shall be deemed to obligate the department of commerce to provide



assistance in claim reimbursement through the landlord mitigation program if there are not sufficient funds.

(c) Upon payment by the department of commerce to the landlord for the remaining or total amount of the judgment, as applicable, the judgment is satisfied and the landlord shall file a satisfaction of judgment with the court.

**Sec. 12.** RCW 43.31.605 and 2019 c 356 s 12 are each amended to read as follows:

(1)(a) Subject to the availability of funds for this purpose, the landlord mitigation program is created and administered by the department. The department shall have such rule-making authority as the department deems necessary to administer the program.

(b) The following types of claims related to landlord mitigation for renting private market rental units to low-income tenants using a housing subsidy program are eligible for reimbursement from the landlord mitigation program account:

(i) Up to one thousand dollars for improvements identified in RCW 59.18.255(1)(a). In order to be eligible for reimbursement under this subsection (1)(b)(i), the landlord must pay for the first five hundred dollars for improvements, and rent to the tenant whose housing subsidy program was conditioned on the real property passing inspection. Reimbursement under this subsection (1)(b)(i) may also include up to fourteen days of lost rental income from the date of offer of housing to the applicant whose housing subsidy program was conditioned on the real property passing inspection until move in by that applicant;

(ii) Reimbursement for damages as reflected in a judgment obtained against the tenant through either an unlawful detainer proceeding, or through a civil action in a court of competent jurisdiction after a hearing;

(iii) Reimbursement for damages established pursuant to subsection (2) of this section; and

(iv) Reimbursement for unpaid rent and unpaid utilities, provided that the landlord can evidence it to the department's satisfaction.

(c) Claims related to landlord mitigation for an unpaid judgment for rent, unpaid judgments resulting from the tenant's failure to comply with an installment payment agreement identified in section 1 of this act, late fees, attorneys' fees, and costs after a court order pursuant to RCW 59.18.410(3), including any unpaid portion of the judgment after the tenant defaults on the payment plan pursuant to RCW 59.18.410(3)(c), are eligible for reimbursement from the landlord mitigation program account and are exempt from any postjudgment interest required under RCW 4.56.110. Any claim for reimbursement under this subsection (1)(c) is not an entitlement.

(i) The department shall provide for a form on its web site for tenants and landlords to apply for reimbursement funds for the landlord pursuant to this subsection (1)(c).

(ii) The form must include: (A) Space for the landlord and tenant to provide names, mailing addresses, phone numbers, date of birth for the tenant, and any other

identifying information necessary for the department to process payment; (B) the landlord's statewide vendor identification number and how to obtain one; (C) name and address to whom payment must be made; (D) the amount of the judgment with instructions to include any other supporting documentation the department may need to process payment; (E) instructions for how the tenant is to reimburse the department under (c)(iii) of this subsection; (F) a description of the consequences if the tenant does not reimburse the department as provided in this subsection (1)(c); (G) a signature line for the landlord and tenant to confirm that they have read and understood the contents of the form and program; and (H) any other information necessary for the operation of the program. If the tenant has not signed the form after the landlord has made good faith efforts to obtain the tenant's signature, the landlord may solely submit the form but must attest to the amount of money owed and sign the form under penalty of perjury.

(iii) When a landlord has been reimbursed pursuant to this subsection (1)(c), the tenant for whom payment was made shall reimburse the department by depositing the amount disbursed from the landlord mitigation program account into the court registry of the superior court in which the judgment was entered. The tenant or other interested party may seek an ex parte order of the court under the unlawful detainer action to order such funds to be disbursed by the court. Upon entry of the order, the court clerk shall disburse the funds and include a case number with any payment issued to the department. If directed by the court, a clerk shall issue any payments made by a tenant to the department without further court order.

(iv) The department may deny an application made by a tenant who has failed to reimburse the department for prior payments issued pursuant to this subsection (1)(c).

(v) With any disbursement from the account to the landlord, the department shall notify the tenant at the address provided within the application that a disbursement has been made to the landlord on the tenant's behalf and that failure to reimburse the account for the payment through the court registry may result in a denial of a future application to the account pursuant to this subsection (1)(c). The department may include any other additional information about how to reimburse the account it deems necessary to fully inform the tenant.

(vi) The department's duties with respect to obtaining reimbursement from the tenant to the account are limited to those specified within this subsection (1)(c).

(vii) If at any time funds do not exist in the landlord mitigation program account to reimburse claims submitted under this subsection (1)(c), the department must create and maintain a waitlist and distribute funds in the order the claims are received pursuant to subsection (6) of this section. Payment of any claims on the waitlist shall be made only from the landlord mitigation program account. The department shall not be civilly or criminally liable and may not have any penalty or cause of action of any nature arise against it regarding the provision or lack of provision of funds for reimbursement.

(2) In order for a claim under subsection (1)(b)(iii) of this section to be eligible for reimbursement from the landlord mitigation program account, a landlord must:

(a) Have ensured that the rental property was inspected at the commencement of the tenancy by both the tenant and the landlord or landlord's agent and that a detailed written move-in property inspection report, as required in RCW 59.18.260, was prepared and signed by both the tenant and the landlord or landlord's agent;

(b) Make repairs and then apply for reimbursement to the department;

(c) Submit a claim on a form to be determined by the department, signed under penalty of perjury; and

(d) Submit to the department copies of the move-in property inspection report specified in (a) of this subsection and supporting materials including, but not limited to, before repair and after repair photographs, videos, copies of repair receipts for labor and materials, and such other documentation or information as the department may request.

(3) The department shall make reasonable efforts to review a claim within ten business days from the date it received properly submitted and complete claims to the satisfaction of the department. In reviewing a claim pursuant to subsection (1)(b) of this section, and determining eligibility for reimbursement, the department must receive documentation, acceptable to the department in its sole discretion, that the claim involves a private market rental unit rented to a low-income tenant who is using a housing subsidy program.

(4) Claims pursuant to subsection (1)(b) of this section related to a tenancy must total at least five hundred dollars in order for a claim to be eligible for reimbursement from the program. While claims or damages may exceed five thousand dollars, total reimbursement from the program may not exceed five thousand dollars per tenancy.

(5) Damages, beyond wear and tear, that are eligible for reimbursement include, but are not limited to: Interior wall gouges and holes; damage to doors and cabinets, including hardware; carpet stains or burns; cracked tiles or hard surfaces; broken windows; damage to household fixtures such as disposal, toilet, sink, sink handle, ceiling fan, and lighting. Other property damages beyond normal wear and tear may also be eligible for reimbursement at the department's discretion.

(6) All reimbursements for eligible claims shall be made on a first-come, first-served basis, to the extent of available funds. The department shall use best efforts to notify the tenant of the amount and the reasons for any reimbursements made.

(7) The department, in its sole discretion, may inspect the property and the landlord's records related to a claim, including the use of a third-party inspector as needed to investigate fraud, to assist in making its claim review and determination of eligibility.

(8) A landlord in receipt of reimbursement from the program pursuant to subsection (1)(b) of this section is prohibited from:

(a) Taking legal action against the tenant for damages attributable to the same tenancy; or

(b) Pursuing collection, or authorizing another entity to pursue collection on the landlord's behalf, of a judgment against the tenant for damages attributable to the same tenancy.

(9) A landlord denied reimbursement under subsection (1)(b)(iii) of this section may seek to obtain a judgment from a court of competent jurisdiction and, if successful, may resubmit a claim for damages supported by the judgment, along with a certified copy of the judgment. The department may reimburse the landlord for that portion of such judgment that is based on damages reimbursable under the landlord mitigation program, subject to the limitations set forth in this section.

(10) Determinations regarding reimbursements shall be made by the department in its sole discretion.

(11) The department must establish a web site that advertises the landlord mitigation program, the availability of reimbursement from the landlord mitigation program account, and maintains or links to the agency rules and policies established pursuant to this section.

(12) Neither the state, the department, or persons acting on behalf of the department, while acting within the scope of their employment or agency, is liable to any person for any loss, damage, harm, or other consequence resulting directly or indirectly from the department's administration of the landlord mitigation program or determinations under this section.

(13)(a) A report to the appropriate committees of the legislature on the effectiveness of the program and recommended modifications shall be submitted to the governor and the appropriate committees of the legislature by January 1, 2021. In preparing the report, the department shall convene and solicit input from a group of stakeholders to include representatives of large multifamily housing property owners or managers, small rental housing owners in both rural and urban markets, a representative of tenant advocates, and a representative of the housing authorities.

(b) The report shall include discussion of the effectiveness of the program as well as the department's recommendations to improve the program, and shall include the following:

(i) The number of total claims and total amount reimbursed to landlords by the fund;

(ii) Any indices of fraud identified by the department;

(iii) Any reports by the department regarding inspections authorized by and conducted on behalf of the department;

(iv) An outline of the process to obtain reimbursement for improvements and for damages from the fund;

(v) An outline of the process to obtain reimbursement for lost rent due to the rental inspection and tenant screening process, together with the total amount reimbursed for such damages;

(vi) An evaluation of the feasibility for expanding the use of the mitigation fund to provide up to ninety-day no interest loans to landlords who have not received timely rental payments from a housing authority that is administering section 8 rental assistance;

(vii) Any other modifications and recommendations made by stakeholders to improve the effectiveness and applicability of the program.

(14) As used in this section:

(a) "Housing subsidy program" means a housing voucher as established under 42 U.S.C. Sec. 1437 as of January 1, 2018, or other housing subsidy program including, but not limited to, valid short-term or long-term federal, state, or local government, private nonprofit, or other assistance program in which the tenant's rent is paid either partially by the program and partially by the tenant, or completely by the program directly to the landlord;

(b) "Low-income" means income that does not exceed eighty percent of the median income for the standard metropolitan statistical area in which the private market rental unit is located; and

(c) "Private market rental unit" means any unit available for rent that is owned by an individual, corporation, limited liability company, nonprofit housing provider, or other entity structure, but does not include housing acquired, or constructed by a public housing agency under 42 U.S.C. Sec. 1437 as it existed on January 1, 2018.

**Sec. 13.** RCW 59.18.253 and 2011 c 132 s 12 are each amended to read as follows:

(1) It shall be unlawful for a landlord to require a fee or deposit from a prospective tenant for the privilege of being placed on a waiting list to be considered as a tenant for a dwelling unit.

(2) A landlord who charges a prospective tenant a fee or deposit to hold a dwelling unit or secure that the prospective tenant will move into a dwelling unit, after the dwelling unit has been offered to the prospective tenant, must provide the prospective tenant with a receipt for the fee or deposit, together with a written statement of the conditions, if any, under which the fee or deposit may be retained, immediately upon payment of the fee or deposit.

(3) A landlord may not request a fee or deposit to hold a dwelling or secure that the prospective tenant will move into the dwelling unit in excess of twenty-five percent of the first month's rent as described in section 1(4) of this act.

(4)(a) If the prospective tenant does occupy the dwelling unit, then the landlord must credit the amount of the fee or deposit to the tenant's first month's rent or to the tenant's security deposit. If the prospective tenant does not occupy the dwelling unit, then the landlord may keep up to the full amount of any fee or deposit that was paid by the prospective tenant to secure the tenancy, so long as it is in

accordance with the written statement of conditions furnished to the prospective tenant at the time the fee or deposit was charged.

(b) A fee or deposit to hold a dwelling unit or secure that the prospective tenant will move into a dwelling unit under this subsection does not include any cost charged by a landlord to use a tenant screening service or obtain background information on a prospective tenant.

(c) A portion of the fee or deposit may not be withheld if the dwelling unit fails a tenant-based rental assistance program inspection by a qualified inspector as defined in RCW 59.18.030. If the inspection does not occur within ten days from the date of collection of the fee or deposit or a longer period of time that the landlord and tenant may agree upon, the landlord may notify the tenant that the dwelling unit will no longer be held. The landlord shall promptly return the fee or deposit to the prospective tenant after the landlord is notified that the dwelling unit failed the inspection or the landlord has notified the tenant that the dwelling unit will no longer be held. The landlord complies with this section by promptly depositing the fee or deposit in the United States mail properly addressed with first-class postage prepaid.

((4)) (5) In any action brought for a violation of this section, a landlord may be liable for the amount of the fee or deposit charged. In addition, any landlord who violates this section may be liable to the prospective tenant for an amount not to exceed two times the fee or deposit. The prevailing party may also recover court costs and a reasonable attorneys' fee."

On page 1, line 2 of the title, after "installments;" strike the remainder of the title and insert "amending RCW 43.31.605 and 59.18.253; and adding a new section to chapter 59.18 RCW."

and the same is herewith transmitted.

Sarah Bannister, Deputy, Secretary

#### SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to ENGROSSED HOUSE BILL NO. 1694 and advanced the bill as amended by the Senate to final passage.

#### FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representative Morgan spoke in favor of the passage of the bill.

Representative Dufault spoke against the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed House Bill No. 1694, as amended by the Senate.

#### ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 1694, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 53; Nays, 44; Absent, 0; Excused, 1.

Voting yea: Representatives Bergquist, Blake, Callan, Chopp, Cody, Davis, Doglio, Dolan, Duerr, Entenman, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hansen, Hudgins, J. Johnson, Kilduff, Kirby, Kloba, Lekanoff, Lovick, Macri, Mead, Morgan, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Ryu, Santos, Sells, Senn, Shewmake, Slatter, Springer, Stonier, Sullivan, Tarleton, Thai, Tharinger, Valdez, Walen, Wylie and Mme. Speaker.

Voting nay: Representatives Barkis, Boehnke, Calder, Chambers, Chandler, Chapman, Corry, DeBolt, Dent, Dufault, Dye, Eslick, Gildon, Goehner, Graham, Griffey, Harris, Hoff, Irwin, Jenkin, Klippert, Kraft, Kretz, Leavitt, MacEwen, Maycumber, McCaslin, Mosbrucker, Orcutt, Paul, Rude, Schmick, Shea, Smith, Steele, Stokesbary, Sutherland, Van Werven, Vick, Volz, Walsh, Wilcox, Ybarra and Young.

Excused: Representative Appleton.

ENGROSSED HOUSE BILL NO. 1694, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

#### MESSAGE FROM THE SENATE

March 3, 2020

Madame Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 1754 with the following amendment: 13.0.

Strike everything after the enacting clause and insert the following:

"**NEW SECTION. Sec. 1.** (1) The legislature makes the following findings:

(a) Residents in temporary settings hosted by religious organizations are a particularly vulnerable population that do not have access to the same services as citizens with more stable housing.

(b) Residents in these settings, including outdoor uses such as outdoor encampments, indoor overnight shelters, temporary small houses on-site, and homeless-occupied vehicle resident safe parking, can be at increased risk of exploitation, theft, unsanitary living conditions, and physical harm.

(c) Furthermore, the legislature finds and declares that hosted outdoor encampments, indoor overnight shelters, temporary small houses on-site, and homeless-occupied vehicle resident safe parking serve as pathways for individuals experiencing homelessness to receive services and achieve financial stability, health, and permanent housing.

(2) The legislature intends that local municipalities have the discretion to protect the health and safety of both

residents in temporary settings that are hosted by religious organizations and the surrounding community. The legislature encourages local jurisdictions and religious organizations to work together collaboratively to protect the health and safety of residents and the surrounding community while allowing religious organizations to fulfill their mission to serve the homeless. The legislature further intends to monitor the implementation of this act and continue to refine it to achieve these goals.

**Sec. 2.** RCW 36.01.290 and 2010 c 175 s 2 are each amended to read as follows:

(1) A religious organization may host ~~((temporary encampments for))~~ the homeless on property owned or controlled by the religious organization whether within buildings located on the property or elsewhere on the property outside of buildings.

(2) Except as provided in subsection (7) of this section, a county may not enact an ordinance or regulation or take any other action that:

(a) Imposes conditions other than those necessary to protect public health and safety and that do not substantially burden the decisions or actions of a religious organization regarding the location of housing or shelter, such as an outdoor encampment, indoor overnight shelter, temporary small house on-site, or vehicle resident safe parking, for homeless persons on property owned or controlled by the religious organization;

(b) Requires a religious organization to obtain insurance pertaining to the liability of a municipality with respect to homeless persons housed on property owned by a religious organization or otherwise requires the religious organization to indemnify the municipality against such liability; ~~((or))~~

(c) Imposes permit fees in excess of the actual costs associated with the review and approval of ~~((the required))~~ permit applications. A county has discretion to reduce or waive permit fees for a religious organization that is hosting the homeless;

(d) Specifically limits a religious organization's availability to host an outdoor encampment on its property or property controlled by the religious organization to fewer than six months during any calendar year. However, a county may enact an ordinance or regulation that requires a separation of time of no more than three months between subsequent or established outdoor encampments at a particular site;

(e) Specifically limits a religious organization's outdoor encampment hosting term to fewer than four consecutive months;

(f) Limits the number of simultaneous religious organization outdoor encampment hostings within the same municipality during any given period of time. Simultaneous and adjacent hostings of outdoor encampments by religious organizations may be limited if located within one thousand feet of another outdoor encampment concurrently hosted by a religious organization;

(g) Limits a religious organization's availability to host safe parking efforts at its on-site parking lot, including limitations on any other congregationally sponsored uses and the parking available to support such uses during the hosting, except for limitations that are in accord with the following criteria that would govern if enacted by local ordinance or memorandum of understanding between the host religious organization and the jurisdiction:

(i) No less than one space may be devoted to safe parking per ten on-site parking spaces;

(ii) Restroom access must be provided either within the buildings on the property or through use of portable facilities, with the provision for proper disposal of waste if recreational vehicles are hosted; and

(iii) Religious organizations providing spaces for safe parking must continue to abide by any existing on-site parking minimum requirement so that the provision of safe parking spaces does not reduce the total number of available parking spaces below the minimum number of spaces required by the county, but a county may enter into a memorandum of understanding with a religious organization that reduces the minimum number of on-site parking spaces required;

(h) Limits a religious organization's availability to host an indoor overnight shelter in spaces with at least two accessible exits due to lack of sprinklers or other fire-related concerns, except that:

(i) If a county fire official finds that fire-related concerns associated with an indoor overnight shelter pose an imminent danger to persons within the shelter, the county may take action to limit the religious organization's availability to host the indoor overnight shelter; and

(ii) A county may require a host religious organization to enter into a memorandum of understanding for fire safety that includes local fire district inspections, an outline for appropriate emergency procedures, a determination of the most viable means to evacuate occupants from inside the host site with appropriate illuminated exit signage, panic bar exit doors, and a completed fire watch agreement indicating:

(A) Posted safe means of egress;

(B) Operable smoke detectors, carbon monoxide detectors as necessary, and fire extinguishers;

(C) A plan for monitors who spend the night awake and are familiar with emergency protocols, who have suitable communication devices, and who know how to contact the local fire department; or

(i) Limits a religious organization's ability to host temporary small houses on land owned or controlled by the religious organization, except for recommendations that are in accord with the following criteria:

(i) A renewable one-year duration agreed to by the host religious organization and local jurisdiction via a memorandum of understanding;

(ii) Maintaining a maximum unit square footage of one hundred twenty square feet, with units set at least six feet apart;

(iii) Electricity and heat, if provided, must be inspected by the local jurisdiction;

(iv) Space heaters, if provided, must be approved by the local fire authority;

(v) Doors and windows must be included and be lockable, with a recommendation that the managing agency and host religious organization also possess keys;

(vi) Each unit must have a fire extinguisher;

(vii) Adequate restrooms must be provided, including restrooms solely for families if present, along with handwashing and potable running water to be available if not provided within the individual units, including accommodating black water;

(viii) A recommendation for the host religious organization to partner with regional homeless service providers to develop pathways to permanent housing.

(3)(a) A county may enact an ordinance or regulation or take any other action that requires a host religious organization and a distinct managing agency using the religious organization's property, owned or controlled by the religious organization, for hostings to include outdoor encampments, temporary small houses on-site, indoor overnight shelters, or vehicle resident safe parking to enter into a memorandum of understanding to protect the public health and safety of both the residents of the particular hosting and the residents of the county.

(b) At a minimum, the agreement must include information regarding: The right of a resident in an outdoor encampment, vehicle resident safe parking, temporary small house on-site, or indoor overnight shelter to seek public health and safety assistance, the resident's ability to access social services on-site, and the resident's ability to directly interact with the host religious organization, including the ability to express any concerns regarding the managing agency to the religious organization; a written code of conduct agreed to by the managing agency, if any, host religious organization, and all volunteers working with residents of the outdoor encampment, temporary small house on-site, indoor overnight shelter, or vehicle resident safe parking; and when a publicly funded managing agency exists, the ability for the host religious organization to interact with residents of the outdoor encampment, indoor overnight shelter, temporary small house on-site, or vehicle resident safe parking using a release of information.

(4) If required to do so by the county, any host religious organization performing any hosting of an outdoor encampment, vehicle resident safe parking, or indoor overnight shelter, or the host religious organization's managing agency, must ensure that the county or local law enforcement agency has completed sex offender checks of all adult residents and guests. The host religious organization retains the authority to allow such offenders to remain on the property. A host religious organization or host religious organization's managing agency performing any hosting of

vehicle resident safe parking must inform vehicle residents how to comply with laws regarding the legal status of vehicles and drivers, and provide a written code of conduct consistent with area standards.

(5) Any host religious organization performing any hosting of an outdoor encampment, vehicle resident safe parking, temporary small house on-site, or indoor overnight shelter, with a publicly funded managing agency, must work with the county to utilize Washington's homeless client management information system, as provided for in RCW 43.185C.180. When the religious organization does not partner with a managing agency, the religious organization is encouraged to partner with a local homeless services provider using the Washington homeless client managing information system. Any managing agency receiving any funding from local continuum of care programs must utilize the homeless client management information system. Temporary, overnight, extreme weather shelter provided in religious organization buildings does not need to meet this requirement.

(6) For the purposes of this section((7)):

(a) "Managing agency" means an organization such as a religious organization or other organized entity that has the capacity to organize and manage a homeless outdoor encampment, temporary small houses on-site, indoor overnight shelter, and a vehicle resident safe parking program.

(b) "Outdoor encampment" means any temporary tent or structure encampment, or both.

(c) "Religious organization" means the federally protected practice of a recognized religious assembly, school, or institution that owns or controls real property.

(d) "Temporary" means not affixed to land permanently and not using underground utilities.

((4)) (7)(a) Subsection (2) of this section does not affect a county policy, ordinance, memorandum of understanding, or applicable consent decree that regulates religious organizations' hosting of the homeless if such policies, ordinances, memoranda of understanding, or consent decrees:

(i) Exist prior to the effective date of this section;

(ii) Do not categorically prohibit the hosting of the homeless by religious organizations; and

(iii) Have not been previously ruled by a court to violate the religious land use and institutionalized persons act, 42 U.S.C. Sec. 2000cc.

(b) If such policies, ordinances, memoranda of understanding, and consent decrees are amended after the effective date of this section, those amendments are not affected by subsection (2) of this section if those amendments satisfy (a)(ii) and (iii) of this subsection.

(8) An appointed or elected public official, public employee, or public agency as defined in RCW 4.24.470 is immune from civil liability for (a) damages arising from the permitting decisions for a temporary encampment for the

homeless as provided in this section and (b) any conduct or unlawful activity that may occur as a result of the temporary encampment for the homeless as provided in this section.

(9) A religious organization hosting outdoor encampments, vehicle resident safe parking, or indoor overnight shelters for the homeless that receives funds from any government agency may not refuse to host any resident or prospective resident because of age, sex, marital status, sexual orientation, race, creed, color, national origin, honorably discharged veteran or military status, or the presence of any sensory, mental, or physical disability or the use of a trained dog guide or service animal by a person with a disability, as these terms are defined in RCW 49.60.040.

(10)(a) Prior to the opening of an outdoor encampment, indoor overnight shelter, temporary small house on-site, or vehicle resident safe parking, a religious organization hosting the homeless on property owned or controlled by the religious organization must host a meeting open to the public for the purpose of providing a forum for discussion of related neighborhood concerns, unless the use is in response to a declared emergency. The religious organization must provide written notice of the meeting to the county legislative authority at least one week if possible but no later than ninety-six hours prior to the meeting. The notice must specify the time, place, and purpose of the meeting.

(b) A county must provide community notice of the meeting described in (a) of this subsection by taking at least two of the following actions at any time prior to the time of the meeting:

(i) Delivering to each local newspaper of general circulation and local radio or television station that has on file with the governing body a written request to be notified of special meetings;

(ii) Posting on the county's web site. A county is not required to post a special meeting notice on its web site if it: (A) Does not have a web site; (B) employs fewer than ten full-time equivalent employees; or (C) does not employ personnel whose duty, as defined by a job description or existing contract, is to maintain or update the web site;

(iii) Prominently displaying, on signage at least two feet in height and two feet in width, one or more meeting notices that can be placed on or adjacent to the main arterials in proximity to the location of the meeting; or

(iv) Prominently displaying the notice at the meeting site.

**Sec. 3.** RCW 35.21.915 and 2010 c 175 s 3 are each amended to read as follows:

(1) A religious organization may host ~~((temporary encampments for))~~ the homeless on property owned or controlled by the religious organization whether within buildings located on the property or elsewhere on the property outside of buildings.

(2) Except as provided in subsection (7) of this section, a city or town may not enact an ordinance or regulation or take any other action that:

(a) Imposes conditions other than those necessary to protect public health and safety and that do not substantially burden the decisions or actions of a religious organization regarding the location of housing or shelter, such as an outdoor encampment, indoor overnight shelter, temporary small house on-site, or vehicle resident safe parking, for homeless persons on property owned or controlled by the religious organization;

(b) Requires a religious organization to obtain insurance pertaining to the liability of a municipality with respect to homeless persons housed on property owned by a religious organization or otherwise requires the religious organization to indemnify the municipality against such liability; ~~((e))~~

(c) Imposes permit fees in excess of the actual costs associated with the review and approval of ~~((the required))~~ permit applications. A city or town has discretion to reduce or waive permit fees for a religious organization that is hosting the homeless;

(d) Specifically limits a religious organization's availability to host an outdoor encampment on its property or property controlled by the religious organization to fewer than six months during any calendar year. However, a city or town may enact an ordinance or regulation that requires a separation of time of no more than three months between subsequent or established outdoor encampments at a particular site;

(e) Specifically limits a religious organization's outdoor encampment hosting term to fewer than four consecutive months;

(f) Limits the number of simultaneous religious organization outdoor encampment hostings within the same municipality during any given period of time. Simultaneous and adjacent hostings of outdoor encampments by religious organizations may be limited if located within one thousand feet of another outdoor encampment concurrently hosted by a religious organization;

(g) Limits a religious organization's availability to host safe parking efforts at its on-site parking lot, including limitations on any other congregationally sponsored uses and the parking available to support such uses during the hosting, except for limitations that are in accord with the following criteria that would govern if enacted by local ordinance or memorandum of understanding between the host religious organization and the jurisdiction;

(i) No less than one space may be devoted to safe parking per ten on-site parking spaces;

(ii) Restroom access must be provided either within the buildings on the property or through use of portable facilities, with the provision for proper disposal of waste if recreational vehicles are hosted; and

(iii) Religious organizations providing spaces for safe parking must continue to abide by any existing on-site parking minimum requirement so that the provision of safe parking spaces does not reduce the total number of available parking spaces below the minimum number of spaces required by the city or town, but a city or town may enter

into a memorandum of understanding with a religious organization that reduces the minimum number of on-site parking spaces required;

(h) Limits a religious organization's availability to host an indoor overnight shelter in spaces with at least two accessible exits due to lack of sprinklers or other fire-related concerns, except that;

(i) If a city or town fire official finds that fire-related concerns associated with an indoor overnight shelter pose an imminent danger to persons within the shelter, the city or town may take action to limit the religious organization's availability to host the indoor overnight shelter; and

(ii) A city or town may require a host religious organization to enter into a memorandum of understanding for fire safety that includes local fire district inspections, an outline for appropriate emergency procedures, a determination of the most viable means to evacuate occupants from inside the host site with appropriate illuminated exit signage, panic bar exit doors, and a completed fire watch agreement indicating;

(A) Posted safe means of egress;

(B) Operable smoke detectors, carbon monoxide detectors as necessary, and fire extinguishers;

(C) A plan for monitors who spend the night awake and are familiar with emergency protocols, who have suitable communication devices, and who know how to contact the local fire department; or

(i) Limits a religious organization's ability to host temporary small houses on land owned or controlled by the religious organization, except for recommendations that are in accord with the following criteria:

(i) A renewable one-year duration agreed to by the host religious organization and local jurisdiction via a memorandum of understanding;

(ii) Maintaining a maximum unit square footage of one hundred twenty square feet, with units set at least six feet apart;

(iii) Electricity and heat, if provided, must be inspected by the local jurisdiction;

(iv) Space heaters, if provided, must be approved by the local fire authority;

(v) Doors and windows must be included and be lockable, with a recommendation that the managing agency and host religious organization also possess keys;

(vi) Each unit must have a fire extinguisher;

(vii) Adequate restrooms must be provided, including restrooms solely for families if present, along with handwashing and potable running water to be available if not provided within the individual units, including accommodating black water;

(viii) A recommendation for the host religious organization to partner with regional homeless service providers to develop pathways to permanent housing.

(3)(a) A city or town may enact an ordinance or regulation or take any other action that requires a host religious organization and a distinct managing agency using the religious organization's property, owned or controlled by the religious organization, for hostings to include outdoor encampments, temporary small houses on-site, indoor overnight shelters, or vehicle resident safe parking to enter into a memorandum of understanding to protect the public health and safety of both the residents of the particular hosting and the residents of the city or town.

(b) At a minimum, the agreement must include information regarding: The right of a resident in an outdoor encampment, vehicle resident safe parking, temporary small house on-site, or indoor overnight shelter to seek public health and safety assistance, the resident's ability to access social services on-site, and the resident's ability to directly interact with the host religious organization, including the ability to express any concerns regarding the managing agency to the religious organization; a written code of conduct agreed to by the managing agency, if any, host religious organization, and all volunteers working with residents of the outdoor encampment, temporary small house on-site, indoor overnight shelter, or vehicle resident safe parking; and when a publicly funded managing agency exists, the ability for the host religious organization to interact with residents of the outdoor encampment, indoor overnight shelter, temporary small house on-site, or vehicle resident safe parking using a release of information.

(4) If required to do so by a city or town, any host religious organization performing any hosting of an outdoor encampment, vehicle resident safe parking, or indoor overnight shelter, or the host religious organization's managing agency, must ensure that the city or town or local law enforcement agency has completed sex offender checks of all adult residents and guests. The host religious organization retains the authority to allow such offenders to remain on the property. A host religious organization or host religious organization's managing agency performing any hosting of vehicle resident safe parking must inform vehicle residents how to comply with laws regarding the legal status of vehicles and drivers, and provide a written code of conduct consistent with area standards.

(5) Any host religious organization performing any hosting of an outdoor encampment, vehicle resident safe parking, temporary small house on-site, or indoor overnight shelter, with a publicly funded managing agency, must work with the city or town to utilize Washington's homeless client management information system, as provided for in RCW 43.185C.180. When the religious organization does not partner with a managing agency, the religious organization is encouraged to partner with a local homeless services provider using the Washington homeless client managing information system. Any managing agency receiving any funding from local continuum of care programs must utilize the homeless client management information system. Temporary, overnight, extreme weather shelter provided in religious organization buildings does not need to meet this requirement.

(6) For the purposes of this section((?));

(a) "Managing agency" means an organization such as a religious organization or other organized entity that has the capacity to organize and manage a homeless outdoor encampment, temporary small houses on-site, indoor overnight shelter, and a vehicle resident safe parking program.

(b) "Outdoor encampment" means any temporary tent or structure encampment, or both.

(c) "Religious organization" means the federally protected practice of a recognized religious assembly, school, or institution that owns or controls real property.

(d) "Temporary" means not affixed to land permanently and not using underground utilities.

((4)) (7)(a) Subsection (2) of this section does not affect a city or town policy, ordinance, memorandum of understanding, or applicable consent decree that regulates religious organizations' hosting of the homeless if such policies, ordinances, memoranda of understanding, or consent decrees:

(i) Exist prior to the effective date of this section;

(ii) Do not categorically prohibit the hosting of the homeless by religious organizations; and

(iii) Have not been previously ruled by a court to violate the religious land use and institutionalized persons act, 42 U.S.C. Sec. 2000cc.

(b) If such policies, ordinances, memoranda of understanding, and consent decrees are amended after the effective date of this section, those amendments are not affected by subsection (2) of this section if those amendments satisfy (a)(ii) and (iii) of this subsection.

(8) An appointed or elected public official, public employee, or public agency as defined in RCW 4.24.470 is immune from civil liability for (a) damages arising from the permitting decisions for a temporary encampment for the homeless as provided in this section and (b) any conduct or unlawful activity that may occur as a result of the temporary encampment for the homeless as provided in this section.

(9) A religious organization hosting outdoor encampments, vehicle resident safe parking, or indoor overnight shelters for the homeless that receives funds from any government agency may not refuse to host any resident or prospective resident because of age, sex, marital status, sexual orientation, race, creed, color, national origin, honorably discharged veteran or military status, or the presence of any sensory, mental, or physical disability or the use of a trained dog guide or service animal by a person with a disability, as these terms are defined in RCW 49.60.040.

(10)(a) Prior to the opening of an outdoor encampment, indoor overnight shelter, temporary small house on-site, or vehicle resident safe parking, a religious organization hosting the homeless on property owned or controlled by the religious organization must host a meeting open to the public for the purpose of providing a forum for discussion of related neighborhood concerns, unless the use is in response to a declared emergency. The religious organization must provide written notice of the meeting to



the city or town legislative authority at least one week if possible but no later than ninety-six hours prior to the meeting. The notice must specify the time, place, and purpose of the meeting.

(b) A city or town must provide community notice of the meeting described in (a) of this subsection by taking at least two of the following actions at any time prior to the time of the meeting:

(i) Delivering to each local newspaper of general circulation and local radio or television station that has on file with the governing body a written request to be notified of special meetings;

(ii) Posting on the city or town's web site. A city or town is not required to post a special meeting notice on its web site if it: (A) Does not have a web site; (B) employs fewer than ten full-time equivalent employees; or (C) does not employ personnel whose duty, as defined by a job description or existing contract, is to maintain or update the web site;

(iii) Prominently displaying, on signage at least two feet in height and two feet in width, one or more meeting notices that can be placed on or adjacent to the main arterials in proximity to the location of the meeting; or

(iv) Prominently displaying the notice at the meeting site.

**Sec. 4.** RCW 35A.21.360 and 2010 c 175 s 4 are each amended to read as follows:

(1) A religious organization may host ~~((temporary encampments for))~~ the homeless on property owned or controlled by the religious organization whether within buildings located on the property or elsewhere on the property outside of buildings.

(2) Except as provided in subsection (7) of this section, a code city may not enact an ordinance or regulation or take any other action that:

(a) Imposes conditions other than those necessary to protect public health and safety and that do not substantially burden the decisions or actions of a religious organization regarding the location of housing or shelter, such as an outdoor encampment, indoor overnight shelter, temporary small house on-site, or vehicle resident safe parking, for homeless persons on property owned or controlled by the religious organization;

(b) Requires a religious organization to obtain insurance pertaining to the liability of a municipality with respect to homeless persons housed on property owned by a religious organization or otherwise requires the religious organization to indemnify the municipality against such liability; ~~((or))~~

(c) Imposes permit fees in excess of the actual costs associated with the review and approval of ~~((the required))~~ permit applications. A code city has discretion to reduce or waive permit fees for a religious organization that is hosting the homeless;

(d) Specifically limits a religious organization's availability to host an outdoor encampment on its property or property controlled by the religious organization to fewer than six months during any calendar year. However, a code city may enact an ordinance or regulation that requires a separation of time of no more than three months between subsequent or established outdoor encampments at a particular site;

(e) Specifically limits a religious organization's outdoor encampment hosting term to fewer than four consecutive months;

(f) Limits the number of simultaneous religious organization outdoor encampment hostings within the same municipality during any given period of time. Simultaneous and adjacent hostings of outdoor encampments by religious organizations may be limited if located within one thousand feet of another outdoor encampment concurrently hosted by a religious organization;

(g) Limits a religious organization's availability to host safe parking efforts at its on-site parking lot, including limitations on any other congregationally sponsored uses and the parking available to support such uses during the hosting, except for limitations that are in accord with the following criteria that would govern if enacted by local ordinance or memorandum of understanding between the host religious organization and the jurisdiction:

(i) No less than one space may be devoted to safe parking per ten on-site parking spaces;

(ii) Restroom access must be provided either within the buildings on the property or through use of portable facilities, with the provision for proper disposal of waste if recreational vehicles are hosted; and

(iii) Religious organizations providing spaces for safe parking must continue to abide by any existing on-site parking minimum requirement so that the provision of safe parking spaces does not reduce the total number of available parking spaces below the minimum number of spaces required by the code city, but a code city may enter into a memorandum of understanding with a religious organization that reduces the minimum number of on-site parking spaces required;

(h) Limits a religious organization's availability to host an indoor overnight shelter in spaces with at least two accessible exits due to lack of sprinklers or other fire-related concerns, except that:

(i) If a code city fire official finds that fire-related concerns associated with an indoor overnight shelter pose an imminent danger to persons within the shelter, the code city may take action to limit the religious organization's availability to host the indoor overnight shelter; and

(ii) A code city may require a host religious organization to enter into a memorandum of understanding for fire safety that includes local fire district inspections, an outline for appropriate emergency procedures, a determination of the most viable means to evacuate occupants from inside the host site with appropriate

illuminated exit signage, panic bar exit doors, and a completed fire watch agreement indicating:

(A) Posted safe means of egress;

(B) Operable smoke detectors, carbon monoxide detectors as necessary, and fire extinguishers;

(C) A plan for monitors who spend the night awake and are familiar with emergency protocols, who have suitable communication devices, and who know how to contact the local fire department; or

(i) Limits a religious organization's ability to host temporary small houses on land owned or controlled by the religious organization, except for recommendations that are in accord with the following criteria:

(i) A renewable one-year duration agreed to by the host religious organization and local jurisdiction via a memorandum of understanding;

(ii) Maintaining a maximum unit square footage of one hundred twenty square feet, with units set at least six feet apart;

(iii) Electricity and heat, if provided, must be inspected by the local jurisdiction;

(iv) Space heaters, if provided, must be approved by the local fire authority;

(v) Doors and windows must be included and be lockable, with a recommendation that the managing agency and host religious organization also possess keys;

(vi) Each unit must have a fire extinguisher;

(vii) Adequate restrooms must be provided, including restrooms solely for families if present, along with handwashing and potable running water to be available if not provided within the individual units, including accommodating black water;

(viii) A recommendation for the host religious organization to partner with regional homeless service providers to develop pathways to permanent housing.

(3)(a) A code city may enact an ordinance or regulation or take any other action that requires a host religious organization and a distinct managing agency using the religious organization's property, owned or controlled by the religious organization, for hostings to include outdoor encampments, temporary small houses on-site, indoor overnight shelters, or vehicle resident safe parking to enter into a memorandum of understanding to protect the public health and safety of both the residents of the particular hosting and the residents of the code city.

(b) At a minimum, the agreement must include information regarding: The right of a resident in an outdoor encampment, vehicle resident safe parking, temporary small house on-site, or indoor overnight shelter to seek public health and safety assistance, the resident's ability to access social services on-site, and the resident's ability to directly interact with the host religious organization, including the ability to express any concerns regarding the managing agency to the religious organization; a written code of

conduct agreed to by the managing agency, if any, host religious organization, and all volunteers working with residents of the outdoor encampment, temporary small house on-site, indoor overnight shelter, or vehicle resident safe parking; and when a publicly funded managing agency exists, the ability for the host religious organization to interact with residents of the outdoor encampment, indoor overnight shelter, temporary small house on-site, or vehicle resident safe parking using a release of information.

(4) If required to do so by a code city, any host religious organization performing any hosting of an outdoor encampment, vehicle resident safe parking, or indoor overnight shelter, or the host religious organization's managing agency, must ensure that the code city or local law enforcement agency has completed sex offender checks of all adult residents and guests. The host religious organization retains the authority to allow such offenders to remain on the property. A host religious organization or host religious organization's managing agency performing any hosting of vehicle resident safe parking must inform vehicle residents how to comply with laws regarding the legal status of vehicles and drivers, and provide a written code of conduct consistent with area standards.

(5) Any host religious organization performing any hosting of an outdoor encampment, vehicle resident safe parking, temporary small house on-site, or indoor overnight shelter, with a publicly funded managing agency, must work with the code city to utilize Washington's homeless client management information system, as provided for in RCW 43.185C.180. When the religious organization does not partner with a managing agency, the religious organization is encouraged to partner with a local homeless services provider using the Washington homeless client managing information system. Any managing agency receiving any funding from local continuum of care programs must utilize the homeless client management information system. Temporary, overnight, extreme weather shelter provided in religious organization buildings does not need to meet this requirement.

(6) For the purposes of this section((7)):

(a) "Managing agency" means an organization such as a religious organization or other organized entity that has the capacity to organize and manage a homeless outdoor encampment, temporary small houses on-site, indoor overnight shelter, and a vehicle resident safe parking program.

(b) "Outdoor encampment" means any temporary tent or structure encampment, or both.

(c) "Religious organization" means the federally protected practice of a recognized religious assembly, school, or institution that owns or controls real property.

(d) "Temporary" means not affixed to land permanently and not using underground utilities.

((4)) (7)(a) Subsection (2) of this section does not affect a code city policy, ordinance, memorandum of understanding, or applicable consent decree that regulates religious organizations' hosting of the homeless if such

policies, ordinances, memoranda of understanding, or consent decrees:

(i) Exist prior to the effective date of this section;

(ii) Do not categorically prohibit the hosting of the homeless by religious organizations; and

(iii) Have not been previously ruled by a court to violate the religious land use and institutionalized persons act, 42 U.S.C. Sec. 2000cc.

(b) If such policies, ordinances, memoranda of understanding, and consent decrees are amended after the effective date of this section, those amendments are not affected by subsection (2) of this section if those amendments satisfy (a)(ii) and (iii) of this subsection.

(8) An appointed or elected public official, public employee, or public agency as defined in RCW 4.24.470 is immune from civil liability for (a) damages arising from the permitting decisions for a temporary encampment for the homeless as provided in this section and (b) any conduct or unlawful activity that may occur as a result of the temporary encampment for the homeless as provided in this section.

(9) A religious organization hosting outdoor encampments, vehicle resident safe parking, or indoor overnight shelters for the homeless that receives funds from any government agency may not refuse to host any resident or prospective resident because of age, sex, marital status, sexual orientation, race, creed, color, national origin, honorably discharged veteran or military status, or the presence of any sensory, mental, or physical disability or the use of a trained dog guide or service animal by a person with a disability, as these terms are defined in RCW 49.60.040.

(10)(a) Prior to the opening of an outdoor encampment, indoor overnight shelter, temporary small house on-site, or vehicle resident safe parking, a religious organization hosting the homeless on property owned or controlled by the religious organization must host a meeting open to the public for the purpose of providing a forum for discussion of related neighborhood concerns, unless the use is in response to a declared emergency. The religious organization must provide written notice of the meeting to the code city legislative authority at least one week if possible but no later than ninety-six hours prior to the meeting. The notice must specify the time, place, and purpose of the meeting.

(b) A code city must provide community notice of the meeting described in (a) of this subsection by taking at least two of the following actions at any time prior to the time of the meeting:

(i) Delivering to each local newspaper of general circulation and local radio or television station that has on file with the governing body a written request to be notified of special meetings;

(ii) Posting on the code city's web site. A code city is not required to post a special meeting notice on its web site if it: (A) Does not have a web site; (B) employs fewer than ten full-time equivalent employees; or (C) does not employ

personnel whose duty, as defined by a job description or existing contract, is to maintain or update the web site;

(iii) Prominently displaying, on signage at least two feet in height and two feet in width, one or more meeting notices that can be placed on or adjacent to the main arterials in proximity to the location of the meeting; or

(iv) Prominently displaying the notice at the meeting site."

On page 1, line 2 of the title, after "organizations;" strike the remainder of the title and insert "amending RCW 36.01.290, 35.21.915, and 35A.21.360; and creating a new section."

and the same is herewith transmitted.

Sarah Bannister, Deputy, Secretary

### SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to ENGROSSED SUBSTITUTE HOUSE BILL NO. 1754 and advanced the bill as amended by the Senate to final passage.

### FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representatives Santos and Jenkin spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1754, as amended by the Senate.

### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1754, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Mead, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shea, Shewmake, Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Excused: Representative Appleton.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1754, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

# MESSAGE FROM THE SENATE

March 3, 2020

Madame Speaker:

The Senate has passed ENGROSSED HOUSE BILL NO. 2040 with the following amendment:

4.0.

Strike everything after the enacting clause and insert the following:

"Sec. 5. RCW 28A.545.030 and 2017 3rd sp.s. c 13 s 1001 are each amended to read as follows:

The purposes of RCW 28A.545.030 through 28A.545.110 and 84.52.0531 are to:

(1) Simplify the annual process of determining and paying the amounts due by nonhigh school districts to high school districts for educating students residing in a nonhigh school district;

(2) Provide for a payment schedule that coincides to the extent practicable with the ability of nonhigh school districts to pay and the need of high school districts for payment; ~~(and)~~

(3) Establish that the maximum amount due per annual average full-time equivalent student by a nonhigh school district for each school year is ~~((no greater than))~~ the lesser of:

(a) The enrichment levy rate per annual average full-time equivalent student levied upon the taxpayers of the high school district; or

(b) The enrichment levy rate per annual average full-time equivalent student levied upon the taxpayers of the nonhigh school district;

(4) If the nonhigh school district has not levied an enrichment levy during the current school year, then the amount due per annual average full-time equivalent student by the nonhigh school district is the enrichment levy rate per annual average full-time equivalent student levied upon the taxpayers of the high school district; and

(5) Designate the revenue provided to secondary school buildings to ensure dollars are being spent to support secondary school students.

NEW SECTION. Sec. 6. A new section is added to chapter 28A.545 RCW to read as follows:

Upon a nonhigh school district's request, a host high school district shall provide an annual data report to the nonhigh school district within sixty days of the request. The report must include attendance, grades, discipline, and state assessment data for all nonhigh secondary students sent to the high school district.

Sec. 7. RCW 28A.545.070 and 2017 3rd sp.s. c 13 s 1002 are each amended to read as follows:

(1) The superintendent of public instruction shall annually determine the estimated amount due by a nonhigh school district to a high school district for the school year as follows:

(a) The total of the high school district's enrichment levy or nonhigh school district's enrichment levy, as determined under RCW 28A.545.030(3), that has been authorized and determined by the superintendent of public instruction to be allowable pursuant to RCW 84.52.0531, as now or hereafter amended, for collection during the next calendar year, shall first be divided by the total estimated number of annual average full-time equivalent students which ~~((the high school district))~~ that district's superintendent or the superintendent of public instruction has certified pursuant to RCW 28A.545.060 will be enrolled in ~~((the high school))~~ that district during the school year;

(b) The result of the calculation provided for in subsection (1)(a) of this section shall then be multiplied by the estimated number of annual average full-time equivalent students residing in the nonhigh school district that will be enrolled in the high school district during the school year which has been established pursuant to RCW 28A.545.060; and

(c) The result of the calculation provided for in subsection (1)(b) of this section shall be adjusted upward to the extent the estimated amount due by a nonhigh school district for the prior school year was less than the actual amount due based upon actual annual average full-time equivalent student enrollments during the previous school year and the actual per annual average full-time equivalent student enrichment levy rate for the current tax collection year, ~~((of the high school district,))~~ or adjusted downward to the extent the estimated amount due was greater than such actual amount due or greater than such lesser amount as a high school district may have elected to assess pursuant to RCW 28A.545.090.

(2) The amount arrived at pursuant to subsection (1)(c) of this subsection shall constitute the estimated amount due by a nonhigh school district to a high school district for the school year."

On page 1, line 2 of the title, after "districts;" strike the remainder of the title and insert "amending RCW 28A.545.030 and 28A.545.070; and adding a new section to chapter 28A.545 RCW."

Correct the title.

and the same is herewith transmitted.

Sarah Bannister, Deputy, Secretary

# SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to ENGROSSED HOUSE BILL NO. 2040 and advanced the bill as amended by the Senate to final passage.

# FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representatives MacEwen and Stonier spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed House Bill No. 2040, as amended by the Senate.

### ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 2040, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Mead, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shea, Shewmake, Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Excused: Representative Appleton.

ENGROSSED HOUSE BILL NO. 2040, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

### MESSAGE FROM THE SENATE

March 5, 2020

Madame Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 2099 with the following amendment:

7.0.

Strike everything after the enacting clause and insert the following:

"Sec. 8. RCW 71.05.020 and 2019 c 446 s 2, 2019 c 444 s 16, and 2019 c 325 s 3001 are each reenacted and amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Admission" or "admit" means a decision by a physician, physician assistant, or psychiatric advanced registered nurse practitioner that a person should be examined or treated as a patient in a hospital;

(2) "Alcoholism" means a disease, characterized by a dependency on alcoholic beverages, loss of control over the amount and circumstances of use, symptoms of tolerance, physiological or psychological withdrawal, or both, if use is

reduced or discontinued, and impairment of health or disruption of social or economic functioning;

(3) "Antipsychotic medications" means that class of drugs primarily used to treat serious manifestations of mental illness associated with thought disorders, which includes, but is not limited to atypical antipsychotic medications;

(4) "Approved substance use disorder treatment program" means a program for persons with a substance use disorder provided by a treatment program certified by the department as meeting standards adopted under chapter 71.24 RCW;

(5) "Attending staff" means any person on the staff of a public or private agency having responsibility for the care and treatment of a patient;

(6) "Authority" means the Washington state health care authority;

(7) "Co-occurring disorder specialist" means an individual possessing an enhancement granted by the department of health under chapter 18.205 RCW that certifies the individual to provide substance use disorder counseling subject to the practice limitations under RCW 18.205.105;

(8) "Commitment" means the determination by a court that a person should be detained for a period of either evaluation or treatment, or both, in an inpatient or a less restrictive setting;

(9) "Conditional release" means a revocable modification of a commitment, which may be revoked upon violation of any of its terms;

(10) "Crisis stabilization unit" means a short-term facility or a portion of a facility licensed or certified by the department, such as an evaluation and treatment facility or a hospital, which has been designed to assess, diagnose, and treat individuals experiencing an acute crisis without the use of long-term hospitalization;

(11) "Custody" means involuntary detention under the provisions of this chapter or chapter 10.77 RCW, uninterrupted by any period of unconditional release from commitment from a facility providing involuntary care and treatment;

(12) "Department" means the department of health;

(13) "Designated crisis responder" means a mental health professional appointed by the county or an entity appointed by the county, to perform the duties specified in this chapter;

(14) "Detention" or "detain" means the lawful confinement of a person, under the provisions of this chapter;

(15) "Developmental disabilities professional" means a person who has specialized training and three years of experience in directly treating or working with persons with developmental disabilities and is a psychiatrist, physician assistant working with a supervising psychiatrist, psychologist, psychiatric advanced registered nurse

practitioner, or social worker, and such other developmental disabilities professionals as may be defined by rules adopted by the secretary of the department of social and health services;

(16) "Developmental disability" means that condition defined in RCW 71A.10.020(5);

(17) "Director" means the director of the authority;

(18) "Discharge" means the termination of hospital medical authority. The commitment may remain in place, be terminated, or be amended by court order;

(19) "Drug addiction" means a disease, characterized by a dependency on psychoactive chemicals, loss of control over the amount and circumstances of use, symptoms of tolerance, physiological or psychological withdrawal, or both, if use is reduced or discontinued, and impairment of health or disruption of social or economic functioning;

(20) "Evaluation and treatment facility" means any facility which can provide directly, or by direct arrangement with other public or private agencies, emergency evaluation and treatment, outpatient care, and timely and appropriate inpatient care to persons suffering from a mental disorder, and which is licensed or certified as such by the department. The authority may certify single beds as temporary evaluation and treatment beds under RCW 71.05.745. A physically separate and separately operated portion of a state hospital may be designated as an evaluation and treatment facility. A facility which is part of, or operated by, the department of social and health services or any federal agency will not require certification. No correctional institution or facility, or jail, shall be an evaluation and treatment facility within the meaning of this chapter;

(21) "Gravely disabled" means a condition in which a person, as a result of a mental disorder, or as a result of the use of alcohol or other psychoactive chemicals: (a) Is in danger of serious physical harm resulting from a failure to provide for his or her essential human needs of health or safety; or (b) manifests severe deterioration in routine functioning evidenced by repeated and escalating loss of cognitive or volitional control over his or her actions and is not receiving such care as is essential for his or her health or safety;

(22) "Habilitative services" means those services provided by program personnel to assist persons in acquiring and maintaining life skills and in raising their levels of physical, mental, social, and vocational functioning. Habilitative services include education, training for employment, and therapy. The habilitative process shall be undertaken with recognition of the risk to the public safety presented by the person being assisted as manifested by prior charged criminal conduct;

(23) "Hearing" means any proceeding conducted in open court. For purposes of this chapter, at any hearing the petitioner, the respondent, the witnesses, and the presiding judicial officer may be present and participate either in person or by video, as determined by the court. The term "video" as used herein shall include any functional equivalent. At any hearing conducted by video, the

technology used must permit the judicial officer, counsel, all parties, and the witnesses to be able to see, hear, and speak, when authorized, during the hearing; to allow attorneys to use exhibits or other materials during the hearing; and to allow respondent's counsel to be in the same location as the respondent unless otherwise requested by the respondent or the respondent's counsel. Witnesses in a proceeding may also appear in court through other means, including telephonically, pursuant to the requirements of superior court civil rule 43. Notwithstanding the foregoing, the court, upon its own motion or upon a motion for good cause by any party, may require all parties and witnesses to participate in the hearing in person rather than by video. In ruling on any such motion, the court may allow in-person or video testimony; and the court may consider, among other things, whether the respondent's alleged mental illness affects the respondent's ability to perceive or participate in the proceeding by video;

(24) "History of one or more violent acts" refers to the period of time ten years prior to the filing of a petition under this chapter, excluding any time spent, but not any violent acts committed, in a mental health facility, a long-term alcoholism or drug treatment facility, or in confinement as a result of a criminal conviction;

(25) "Imminent" means the state or condition of being likely to occur at any moment or near at hand, rather than distant or remote;

(26) "In need of assisted outpatient behavioral health treatment" means that a person, as a result of a mental disorder or substance use disorder: (a) Has been committed by a court to detention for involuntary behavioral health treatment during the preceding thirty-six months; (b) is unlikely to voluntarily participate in outpatient treatment without an order for less restrictive alternative treatment, based on a history of nonadherence with treatment or in view of the person's current behavior; (c) is likely to benefit from less restrictive alternative treatment; and (d) requires less restrictive alternative treatment to prevent a relapse, decompensation, or deterioration that is likely to result in the person presenting a likelihood of serious harm or the person becoming gravely disabled within a reasonably short period of time;

(27) "Individualized service plan" means a plan prepared by a developmental disabilities professional with other professionals as a team, for a person with developmental disabilities, which shall state:

(a) The nature of the person's specific problems, prior charged criminal behavior, and habilitation needs;

(b) The conditions and strategies necessary to achieve the purposes of habilitation;

(c) The intermediate and long-range goals of the habilitation program, with a projected timetable for the attainment;

(d) The rationale for using this plan of habilitation to achieve those intermediate and long-range goals;

(e) The staff responsible for carrying out the plan;

(f) Where relevant in light of past criminal behavior and due consideration for public safety, the criteria for proposed movement to less-restrictive settings, criteria for proposed eventual discharge or release, and a projected possible date for discharge or release; and

(g) The type of residence immediately anticipated for the person and possible future types of residences;

(28) "Information related to mental health services" means all information and records compiled, obtained, or maintained in the course of providing services to either voluntary or involuntary recipients of services by a mental health service provider. This may include documents of legal proceedings under this chapter or chapter 71.34 or 10.77 RCW, or somatic health care information;

(29) "Intoxicated person" means a person whose mental or physical functioning is substantially impaired as a result of the use of alcohol or other psychoactive chemicals;

(30) "Judicial commitment" means a commitment by a court pursuant to the provisions of this chapter;

(31) "Legal counsel" means attorneys and staff employed by county prosecutor offices or the state attorney general acting in their capacity as legal representatives of public mental health and substance use disorder service providers under RCW 71.05.130;

(32) "Less restrictive alternative treatment" means a program of individualized treatment in a less restrictive setting than inpatient treatment that includes the services described in RCW 71.05.585;

(33) "Licensed physician" means a person licensed to practice medicine or osteopathic medicine and surgery in the state of Washington;

(34) "Likelihood of serious harm" means:

(a) A substantial risk that: (i) Physical harm will be inflicted by a person upon his or her own person, as evidenced by threats or attempts to commit suicide or inflict physical harm on oneself; (ii) physical harm will be inflicted by a person upon another, as evidenced by behavior which has caused such harm or which places another person or persons in reasonable fear of sustaining such harm; or (iii) physical harm will be inflicted by a person upon the property of others, as evidenced by behavior which has caused substantial loss or damage to the property of others; or

(b) The person has threatened the physical safety of another and has a history of one or more violent acts;

(35) "Medical clearance" means a physician or other health care provider has determined that a person is medically stable and ready for referral to the designated crisis responder;

(36) "Mental disorder" means any organic, mental, or emotional impairment which has substantial adverse effects on a person's cognitive or volitional functions;

(37) "Mental health professional" means a psychiatrist, psychologist, physician assistant working with a supervising psychiatrist, psychiatric advanced registered nurse practitioner, psychiatric nurse, or social worker, and

such other mental health professionals as may be defined by rules adopted by the secretary pursuant to the provisions of this chapter;

(38) "Mental health service provider" means a public or private agency that provides mental health services to persons with mental disorders or substance use disorders as defined under this section and receives funding from public sources. This includes, but is not limited to, hospitals licensed under chapter 70.41 RCW, evaluation and treatment facilities as defined in this section, community mental health service delivery systems or community behavioral health programs as defined in RCW 71.24.025, facilities conducting competency evaluations and restoration under chapter 10.77 RCW, approved substance use disorder treatment programs as defined in this section, secure withdrawal management and stabilization facilities as defined in this section, and correctional facilities operated by state and local governments;

(39) "Peace officer" means a law enforcement official of a public agency or governmental unit, and includes persons specifically given peace officer powers by any state law, local ordinance, or judicial order of appointment;

(40) "Physician assistant" means a person licensed as a physician assistant under chapter 18.57A or 18.71A RCW;

(41) "Private agency" means any person, partnership, corporation, or association that is not a public agency, whether or not financed in whole or in part by public funds, which constitutes an evaluation and treatment facility or private institution, or hospital, or approved substance use disorder treatment program, which is conducted for, or includes a department or ward conducted for, the care and treatment of persons with mental illness, substance use disorders, or both mental illness and substance use disorders;

(42) "Professional person" means a mental health professional, substance use disorder professional, or designated crisis responder and shall also mean a physician, physician assistant, psychiatric advanced registered nurse practitioner, registered nurse, and such others as may be defined by rules adopted by the secretary pursuant to the provisions of this chapter;

(43) "Psychiatric advanced registered nurse practitioner" means a person who is licensed as an advanced registered nurse practitioner pursuant to chapter 18.79 RCW; and who is board certified in advanced practice psychiatric and mental health nursing;

(44) "Psychiatrist" means a person having a license as a physician and surgeon in this state who has in addition completed three years of graduate training in psychiatry in a program approved by the American medical association or the American osteopathic association and is certified or eligible to be certified by the American board of psychiatry and neurology;

(45) "Psychologist" means a person who has been licensed as a psychologist pursuant to chapter 18.83 RCW;

(46) "Public agency" means any evaluation and treatment facility or institution, secure withdrawal management and stabilization facility, approved substance

use disorder treatment program, or hospital which is conducted for, or includes a department or ward conducted for, the care and treatment of persons with mental illness, substance use disorders, or both mental illness and substance use disorders, if the agency is operated directly by federal, state, county, or municipal government, or a combination of such governments;

(47) "Release" means legal termination of the commitment under the provisions of this chapter;

(48) "Resource management services" has the meaning given in chapter 71.24 RCW;

(49) "Secretary" means the secretary of the department of health, or his or her designee;

(50) "Secure withdrawal management and stabilization facility" means a facility operated by either a public or private agency or by the program of an agency which provides care to voluntary individuals and individuals involuntarily detained and committed under this chapter for whom there is a likelihood of serious harm or who are gravely disabled due to the presence of a substance use disorder. Secure withdrawal management and stabilization facilities must:

(a) Provide the following services:

(i) Assessment and treatment, provided by certified substance use disorder professionals or co-occurring disorder specialists;

(ii) Clinical stabilization services;

(iii) Acute or subacute detoxification services for intoxicated individuals; and

(iv) Discharge assistance provided by certified substance use disorder professionals or co-occurring disorder specialists, including facilitating transitions to appropriate voluntary or involuntary inpatient services or to less restrictive alternatives as appropriate for the individual;

(b) Include security measures sufficient to protect the patients, staff, and community; and

(c) Be licensed or certified as such by the department of health;

(51) "Serious violent offense" has the same meaning as provided in RCW 9.94A.030;

(52) "Social worker" means a person with a master's or further advanced degree from a social work educational program accredited and approved as provided in RCW 18.320.010;

(53) "Substance use disorder" means a cluster of cognitive, behavioral, and physiological symptoms indicating that an individual continues using the substance despite significant substance-related problems. The diagnosis of a substance use disorder is based on a pathological pattern of behaviors related to the use of the substances;

(54) "Substance use disorder professional" means a person certified as a substance use disorder professional by the department of health under chapter 18.205 RCW;

(55) "Therapeutic court personnel" means the staff of a mental health court or other therapeutic court which has jurisdiction over defendants who are dually diagnosed with mental disorders, including court personnel, probation officers, a court monitor, prosecuting attorney, or defense counsel acting within the scope of therapeutic court duties;

(56) "Treatment records" include registration and all other records concerning persons who are receiving or who at any time have received services for mental illness, which are maintained by the department of social and health services, the department, the authority, behavioral health administrative services organizations and their staffs, managed care organizations and their staffs, and by treatment facilities. Treatment records include mental health information contained in a medical bill including but not limited to mental health drugs, a mental health diagnosis, provider name, and dates of service stemming from a medical service. Treatment records do not include notes or records maintained for personal use by a person providing treatment services for the department of social and health services, the department, the authority, behavioral health administrative services organizations, managed care organizations, or a treatment facility if the notes or records are not available to others;

(57) "Triage facility" means a short-term facility or a portion of a facility licensed or certified by the department, which is designed as a facility to assess and stabilize an individual or determine the need for involuntary commitment of an individual, and must meet department residential treatment facility standards. A triage facility may be structured as a voluntary or involuntary placement facility;

(58) "Video," unless the context clearly indicates otherwise, means the delivery of behavioral health services through the use of interactive audio and video technology, permitting real-time communication between a person and a designated crisis responder, for the purpose of evaluation. "Video" does not include the use of audio-only telephone, facsimile, email, or store and forward technology. "Store and forward technology" means use of an asynchronous transmission of a person's medical information from a mental health service provider to the designated crisis responder which results in medical diagnosis, consultation, or treatment;

(59) "Violent act" means behavior that resulted in homicide, attempted suicide, nonfatal injuries, or substantial damage to property.

**Sec. 9.** RCW 71.05.150 and 2019 c 446 s 4 are each amended to read as follows:

(1) When a designated crisis responder receives information alleging that a person, as a result of a mental disorder, substance use disorder, or both presents a likelihood of serious harm or is gravely disabled, or that a person is in need of assisted outpatient behavioral health treatment; the designated crisis responder may, after



investigation and evaluation of the specific facts alleged and of the reliability and credibility of any person providing information to initiate detention or involuntary outpatient treatment, if satisfied that the allegations are true and that the person will not voluntarily seek appropriate treatment, file a petition for initial detention under this section or a petition for involuntary outpatient behavioral health treatment under RCW 71.05.148. Before filing the petition, the designated crisis responder must personally interview the person, unless the person refuses an interview, and determine whether the person will voluntarily receive appropriate evaluation and treatment at an evaluation and treatment facility, crisis stabilization unit, triage facility, or approved substance use disorder treatment program. The interview performed by the designated crisis responder may be conducted by video provided that a licensed health care professional or professional person who can adequately and accurately assist with obtaining any necessary information is present with the person at the time of the interview.

(2)(a) An order to detain a person with a mental disorder to a designated evaluation and treatment facility, or to detain a person with a substance use disorder to a secure withdrawal management and stabilization facility or approved substance use disorder treatment program, for not more than a seventy-two-hour evaluation and treatment period may be issued by a judge of the superior court upon request of a designated crisis responder, subject to (d) of this subsection, whenever it appears to the satisfaction of a judge of the superior court:

(i) That there is probable cause to support the petition; and

(ii) That the person has refused or failed to accept appropriate evaluation and treatment voluntarily.

(b) The petition for initial detention, signed under penalty of perjury, or sworn telephonic testimony may be considered by the court in determining whether there are sufficient grounds for issuing the order.

(c) The order shall designate retained counsel or, if counsel is appointed from a list provided by the court, the name, business address, and telephone number of the attorney appointed to represent the person.

(d) A court may not issue an order to detain a person to a secure withdrawal management and stabilization facility or approved substance use disorder treatment program unless there is an available secure withdrawal management and stabilization facility or approved substance use disorder treatment program that has adequate space for the person.

(3) The designated crisis responder shall then serve or cause to be served on such person, his or her guardian, and conservator, if any, a copy of the order together with a notice of rights, and a petition for initial detention. After service on such person the designated crisis responder shall file the return of service in court and provide copies of all papers in the court file to the evaluation and treatment facility, secure withdrawal management and stabilization facility, or approved substance use disorder treatment program, and the designated attorney. The designated crisis responder shall notify the court and the prosecuting attorney that a probable

cause hearing will be held within seventy-two hours of the date and time of outpatient evaluation or admission to the evaluation and treatment facility, secure withdrawal management and stabilization facility, or approved substance use disorder treatment program. The person shall be permitted to be accompanied by one or more of his or her relatives, friends, an attorney, a personal physician, or other professional or religious advisor to the place of evaluation. An attorney accompanying the person to the place of evaluation shall be permitted to be present during the admission evaluation. Any other individual accompanying the person may be present during the admission evaluation. The facility may exclude the individual if his or her presence would present a safety risk, delay the proceedings, or otherwise interfere with the evaluation.

(4) The designated crisis responder may notify a peace officer to take such person or cause such person to be taken into custody and placed in an evaluation and treatment facility, secure withdrawal management and stabilization facility, or approved substance use disorder treatment program. At the time such person is taken into custody there shall commence to be served on such person, his or her guardian, and conservator, if any, a copy of the original order together with a notice of rights and a petition for initial detention.

**Sec. 10.** RCW 71.05.150 and 2019 c 446 s 5 are each amended to read as follows:

(1) When a designated crisis responder receives information alleging that a person, as a result of a mental disorder, substance use disorder, or both presents a likelihood of serious harm or is gravely disabled, or that a person is in need of assisted outpatient behavioral health treatment; the designated crisis responder may, after investigation and evaluation of the specific facts alleged and of the reliability and credibility of any person providing information to initiate detention or involuntary outpatient treatment, if satisfied that the allegations are true and that the person will not voluntarily seek appropriate treatment, file a petition for initial detention under this section or a petition for involuntary outpatient behavioral health treatment under RCW 71.05.148. Before filing the petition, the designated crisis responder must personally interview the person, unless the person refuses an interview, and determine whether the person will voluntarily receive appropriate evaluation and treatment at an evaluation and treatment facility, crisis stabilization unit, triage facility, or approved substance use disorder treatment program. The interview performed by the designated crisis responder may be conducted by video provided that a licensed health care professional or professional person who can adequately and accurately assist with obtaining any necessary information is present with the person at the time of the interview.

(2)(a) An order to detain a person with a mental disorder to a designated evaluation and treatment facility, or to detain a person with a substance use disorder to a secure withdrawal management and stabilization facility or approved substance use disorder treatment program, for not more than a seventy-two-hour evaluation and treatment period may be issued by a judge of the superior court upon

request of a designated crisis responder whenever it appears to the satisfaction of a judge of the superior court:

(i) That there is probable cause to support the petition; and

(ii) That the person has refused or failed to accept appropriate evaluation and treatment voluntarily.

(b) The petition for initial detention, signed under penalty of perjury, or sworn telephonic testimony may be considered by the court in determining whether there are sufficient grounds for issuing the order.

(c) The order shall designate retained counsel or, if counsel is appointed from a list provided by the court, the name, business address, and telephone number of the attorney appointed to represent the person.

(3) The designated crisis responder shall then serve or cause to be served on such person, his or her guardian, and conservator, if any, a copy of the order together with a notice of rights, and a petition for initial detention. After service on such person the designated crisis responder shall file the return of service in court and provide copies of all papers in the court file to the evaluation and treatment facility, secure withdrawal management and stabilization facility, or approved substance use disorder treatment program, and the designated attorney. The designated crisis responder shall notify the court and the prosecuting attorney that a probable cause hearing will be held within seventy-two hours of the date and time of outpatient evaluation or admission to the evaluation and treatment facility, secure withdrawal management and stabilization facility, or approved substance use disorder treatment program. The person shall be permitted to be accompanied by one or more of his or her relatives, friends, an attorney, a personal physician, or other professional or religious advisor to the place of evaluation. An attorney accompanying the person to the place of evaluation shall be permitted to be present during the admission evaluation. Any other individual accompanying the person may be present during the admission evaluation. The facility may exclude the individual if his or her presence would present a safety risk, delay the proceedings, or otherwise interfere with the evaluation.

(4) The designated crisis responder may notify a peace officer to take such person or cause such person to be taken into custody and placed in an evaluation and treatment facility, secure withdrawal management and stabilization facility, or approved substance use disorder treatment program. At the time such person is taken into custody there shall commence to be served on such person, his or her guardian, and conservator, if any, a copy of the original order together with a notice of rights and a petition for initial detention.

**Sec. 11.** RCW 71.05.153 and 2019 c 446 s 6 are each amended to read as follows:

(1) When a designated crisis responder receives information alleging that a person, as the result of a mental disorder, presents an imminent likelihood of serious harm, or is in imminent danger because of being gravely disabled, after investigation and evaluation of the specific facts

alleged and of the reliability and credibility of the person or persons providing the information if any, the designated crisis responder may take such person, or cause by oral or written order such person to be taken into emergency custody in an evaluation and treatment facility for not more than seventy-two hours as described in RCW 71.05.180.

(2) When a designated crisis responder receives information alleging that a person, as the result of substance use disorder, presents an imminent likelihood of serious harm, or is in imminent danger because of being gravely disabled, after investigation and evaluation of the specific facts alleged and of the reliability and credibility of the person or persons providing the information if any, the designated crisis responder may take the person, or cause by oral or written order the person to be taken, into emergency custody in a secure withdrawal management and stabilization facility or approved substance use disorder treatment program for not more than seventy-two hours as described in RCW 71.05.180, if a secure withdrawal management and stabilization facility or approved substance use disorder treatment program is available and has adequate space for the person.

(3)(a) Subject to (b) of this subsection, a peace officer may take or cause such person to be taken into custody and immediately delivered to a triage facility, crisis stabilization unit, evaluation and treatment facility, secure withdrawal management and stabilization facility, approved substance use disorder treatment program, or the emergency department of a local hospital under the following circumstances:

(i) Pursuant to subsection (1) or (2) of this section; or

(ii) When he or she has reasonable cause to believe that such person is suffering from a mental disorder or substance use disorder and presents an imminent likelihood of serious harm or is in imminent danger because of being gravely disabled.

(b) A peace officer's delivery of a person, based on a substance use disorder, to a secure withdrawal management and stabilization facility or approved substance use disorder treatment program is subject to the availability of a secure withdrawal management and stabilization facility or approved substance use disorder treatment program with adequate space for the person.

(4) Persons delivered to a crisis stabilization unit, evaluation and treatment facility, emergency department of a local hospital, triage facility that has elected to operate as an involuntary facility, secure withdrawal management and stabilization facility, or approved substance use disorder treatment program by peace officers pursuant to subsection (3) of this section may be held by the facility for a period of up to twelve hours, not counting time periods prior to medical clearance.

(5) Within three hours after arrival, not counting time periods prior to medical clearance, the person must be examined by a mental health professional. Within twelve hours of notice of the need for evaluation, not counting time periods prior to medical clearance, the designated crisis responder must determine whether the individual meets

detention criteria. The interview performed by the designated crisis responder may be conducted by video provided that a licensed health care professional or professional person who can adequately and accurately assist with obtaining any necessary information is present with the person at the time of the interview. If the individual is detained, the designated crisis responder shall file a petition for detention or a supplemental petition as appropriate and commence service on the designated attorney for the detained person. If the individual is released to the community, the mental health service provider shall inform the peace officer of the release within a reasonable period of time after the release if the peace officer has specifically requested notification and provided contact information to the provider.

(6) Dismissal of a commitment petition is not the appropriate remedy for a violation of the timeliness requirements of this section based on the intent of this chapter under RCW 71.05.010 except in the few cases where the facility staff or designated mental health professional has totally disregarded the requirements of this section.

**Sec. 12.** RCW 71.05.153 and 2019 c 446 s 7 are each amended to read as follows:

(1) When a designated crisis responder receives information alleging that a person, as the result of a mental disorder, presents an imminent likelihood of serious harm, or is in imminent danger because of being gravely disabled, after investigation and evaluation of the specific facts alleged and of the reliability and credibility of the person or persons providing the information if any, the designated crisis responder may take such person, or cause by oral or written order such person to be taken into emergency custody in an evaluation and treatment facility for not more than seventy-two hours as described in RCW 71.05.180.

(2) When a designated crisis responder receives information alleging that a person, as the result of substance use disorder, presents an imminent likelihood of serious harm, or is in imminent danger because of being gravely disabled, after investigation and evaluation of the specific facts alleged and of the reliability and credibility of the person or persons providing the information if any, the designated crisis responder may take the person, or cause by oral or written order the person to be taken, into emergency custody in a secure withdrawal management and stabilization facility or approved substance use disorder treatment program for not more than seventy-two hours as described in RCW 71.05.180.

(3) A peace officer may take or cause such person to be taken into custody and immediately delivered to a triage facility, crisis stabilization unit, evaluation and treatment facility, secure withdrawal management and stabilization facility, approved substance use disorder treatment program, or the emergency department of a local hospital under the following circumstances:

(a) Pursuant to subsection (1) or (2) of this section; or

(b) When he or she has reasonable cause to believe that such person is suffering from a mental disorder or substance use disorder and presents an imminent likelihood of serious

harm or is in imminent danger because of being gravely disabled.

(4) Persons delivered to a crisis stabilization unit, evaluation and treatment facility, emergency department of a local hospital, triage facility that has elected to operate as an involuntary facility, secure withdrawal management and stabilization facility, or approved substance use disorder treatment program by peace officers pursuant to subsection (3) of this section may be held by the facility for a period of up to twelve hours, not counting time periods prior to medical clearance.

(5) Within three hours after arrival, not counting time periods prior to medical clearance, the person must be examined by a mental health professional. Within twelve hours of notice of the need for evaluation, not counting time periods prior to medical clearance, the designated crisis responder must determine whether the individual meets detention criteria. The interview performed by the designated crisis responder may be conducted by video provided that a licensed health care professional or professional person who can adequately and accurately assist with obtaining any necessary information is present with the person at the time of the interview. If the individual is detained, the designated crisis responder shall file a petition for detention or a supplemental petition as appropriate and commence service on the designated attorney for the detained person. If the individual is released to the community, the mental health service provider shall inform the peace officer of the release within a reasonable period of time after the release if the peace officer has specifically requested notification and provided contact information to the provider.

(6) Dismissal of a commitment petition is not the appropriate remedy for a violation of the timeliness requirements of this section based on the intent of this chapter under RCW 71.05.010 except in the few cases where the facility staff or designated mental health professional has totally disregarded the requirements of this section.

**NEW SECTION. Sec. 13.** Sections 2 and 4 of this act expire July 1, 2026.

**NEW SECTION. Sec. 14.** Sections 3 and 5 of this act take effect July 1, 2026."

On page 1, line 2 of the title, after "act;" strike the remainder of the title and insert "amending RCW 71.05.150, 71.05.150, 71.05.153, and 71.05.153; reenacting and amending RCW 71.05.020; providing an effective date; and providing an expiration date."

and the same is herewith transmitted.

Sarah Bannister, Deputy, Secretary

#### SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to ENGROSSED SUBSTITUTE HOUSE BILL NO. 2099 and advanced the bill as amended by the Senate to final passage.

### FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representatives Irwin and Kilduff spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 2099, as amended by the Senate.

### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2099, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.

Voting yeas: Representatives Barkis, Bergquist, Blake, Boehnke, Calder, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Mead, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shea, Shewmake, Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Excused: Representative Appleton.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2099, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

### MESSAGE FROM THE SENATE

March 4, 2020

Madame Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 2231 with the following amendment:

14.0.

Strike everything after the enacting clause and insert the following:

"**Sec. 15.** RCW 9A.76.170 and 2001 c 264 s 3 are each amended to read as follows:

(1) ~~((Any person having been))~~ A person is guilty of bail jumping if he or she:

(a) Is released by court order or admitted to bail ((with knowledge)), has received written notice of the requirement of a subsequent personal appearance for trial before any court of this state, and fails to appear for trial as required; or

(b)(i) Is held for, charged with, or convicted of a violent offense or sex offense, as those terms are defined in RCW 9.94A.030, is released by court order or admitted to

bail, has received written notice of the requirement of a subsequent personal appearance before any court of this state or of the requirement to report to a correctional facility for service of sentence, and ((who)) fails to appear or ((who)) fails to surrender for service of sentence as required ((is guilty of bail jumping)); and

((ii)(A) Within thirty days of the issuance of a warrant for failure to appear or surrender, does not make a motion with the court to quash the warrant, and if a motion is made under this subsection, he or she does not appear before the court with respect to the motion; or

(B) Has had a prior warrant issued based on a prior incident of failure to appear or surrender for the present cause for which he or she is being held or charged or has been convicted.

(2) It is an affirmative defense to a prosecution under this section that uncontrollable circumstances prevented the person from appearing or surrendering, and that the person did not contribute to the creation of such circumstances ~~((in reckless disregard of))~~ by negligently disregarding the requirement to appear or surrender, and that the person appeared or surrendered as soon as such circumstances ceased to exist.

(3) Bail jumping is:

(a) A class A felony if the person was held for, charged with, or convicted of murder in the first degree;

(b) A class B felony if the person was held for, charged with, or convicted of a class A felony other than murder in the first degree;

(c) A class C felony if the person was held for, charged with, or convicted of a class B or class C felony; or

(d) A misdemeanor if the person was held for, charged with, or convicted of a gross misdemeanor or misdemeanor.

**NEW SECTION. Sec. 16.** A new section is added to chapter 9A.76 RCW to read as follows:

(1)(a) A person is guilty of failure to appear or surrender if he or she is released by court order or admitted to bail, has received written notice of the requirement of a subsequent personal appearance before any court of this state or of the requirement to report to a correctional facility for service of sentence, and fails to appear or fails to surrender for service of sentence as required; and

(b)(i) Within thirty days of the issuance of a warrant for failure to appear or surrender, does not make a motion with the court to quash the warrant, and if a motion is made under this subsection, he or she does not appear before the court with respect to the motion; or

(ii) Has had a prior warrant issued based on a prior incident of failure to appear or surrender for the present cause for which he or she is being held or charged or has been convicted.

(2) It is an affirmative defense to a prosecution under this section that uncontrollable circumstances prevented the person from appearing or surrendering, that the person did not contribute to the creation of such circumstances by

negligently disregarding the requirement to appear or surrender, and that the person appeared or surrendered as soon as such circumstances ceased to exist.

(3) Failure to appear or surrender is:

(a) A gross misdemeanor if the person was held for, charged with, or convicted of a felony; or

(b) A misdemeanor if the person was held for, charged with, or convicted of a gross misdemeanor or misdemeanor."

On page 1, line 1 of the title, after "jumping;" strike the remainder of the title and insert "amending RCW 9A.76.170; adding a new section to chapter 9A.76 RCW; and prescribing penalties."

and the same is herewith transmitted.

Sarah Bannister, Deputy, Secretary

#### SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to ENGROSSED SUBSTITUTE HOUSE BILL NO. 2231 and advanced the bill as amended by the Senate to final passage.

#### FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representative Pellicciotti spoke in favor of the passage of the bill.

Representative Klippert spoke against the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 2231, as amended by the Senate.

#### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2231, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 53; Nays, 44; Absent, 0; Excused, 1.

Voting yea: Representatives Bergquist, Callan, Chapman, Chopp, Cody, Davis, Doglio, Dolan, Duerr, Entenman, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hansen, Hudgins, J. Johnson, Kilduff, Kirby, Kloba, Lekanoff, Lovick, Macri, Mead, Morgan, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Ryu, Santos, Sells, Senn, Shewmake, Slatter, Springer, Stonier, Sullivan, Tarleton, Thai, Tharinger, Valdez, Walen, Wylie and Mme. Speaker.

Voting nay: Representatives Barkis, Blake, Boehnke, Caldier, Chambers, Chandler, Corry, DeBolt, Dent, Dufault, Dye, Eslick, Gildon, Goehner, Graham, Griffey, Harris, Hoff, Irwin, Jenkin, Klippert, Kraft, Kretz, Leavitt, MacEwen, Maycumber, McCaslin, Mosbrucker, Orcutt, Paul, Rude, Schmick, Shea, Smith, Steele, Stokesbary,

Sutherland, Van Werven, Vick, Volz, Walsh, Wilcox, Ybarra and Young.

Excused: Representative Appleton.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2231, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

#### MESSAGE FROM THE SENATE

March 4, 2020

Madame Speaker:

The Senate has passed HOUSE BILL NO. 2315 with the following amendment:

16.0.

Strike everything after the enacting clause and insert the following:

"Sec. 17. RCW 53.54.030 and 1993 c 150 s 1 are each amended to read as follows:

For the purposes of this chapter, in developing a remedial program, the port commission may utilize one or more of the following programs:

(1) Acquisition of property or property rights within the impacted area, which shall be deemed necessary to accomplish a port purpose. The port district may purchase such property or property rights by time payment notwithstanding the time limitations provided for in RCW 53.08.010. The port district may mortgage or otherwise pledge any such properties acquired to secure such transactions. The port district may assume any outstanding mortgages.

(2) Transaction assistance programs, including assistance with real estate fees and mortgage assistance, and other neighborhood remedial programs as compensation for impacts due to aircraft noise and noise associated conditions. Any such programs shall be in connection with properties located within an impacted area and shall be provided upon terms and conditions as the port district shall determine appropriate.

(3) Programs of soundproofing structures located within an impacted area. Such programs may be executed without regard to the ownership, provided the owner waives damages and conveys an easement for the operation of aircraft, and for noise and noise associated conditions therewith, to the port district.

(4) Mortgage insurance of private owners of lands or improvements within such noise impacted area where such private owners are unable to obtain mortgage insurance solely because of noise impact. In this regard, the port district may establish reasonable regulations and may impose reasonable conditions and charges upon the granting of such mortgage insurance: PROVIDED, That such fees and charges shall at no time exceed fees established for federal mortgage insurance programs for like service.

(5)(a) An individual property may be provided benefits by the port district under each of the programs described in subsections (1) through (4) of this section.

However, an individual property may not be provided benefits under any one of these programs more than once, unless the property ((is));

(i) Is subjected to increased aircraft noise or differing aircraft noise impacts that would have afforded different levels of mitigation, even if the property owner had waived all damages and conveyed a full and unrestricted easement; or

(ii) Contains a soundproofing installation, structure, or other type of sound mitigation equipment product or benefit previously installed pursuant to the remedial program under this chapter by the port district that is determined through inspection to be in need of a repair or replacement.

(b) Port districts choosing to exercise the authority under (a)(ii) of this subsection are required to conduct inspections of homes where mitigation improvements are no longer working as intended. In those properties, port districts must work with a state certified building inspector to determine whether package failure resulted in additional hazards or structural damage to the property.

(6) Management of all lands, easements, or development rights acquired, including but not limited to the following:

(a) Rental of any or all lands or structures acquired;

(b) Redevelopment of any such lands for any economic use consistent with airport operations, local zoning and the state environmental policy;

(c) Sale of such properties for cash or for time payment and subjection of such property to mortgage or other security transaction: PROVIDED, That any such sale shall reserve to the port district by covenant an unconditional right of easement for the operation of all aircraft and for all noise or noise conditions associated therewith.

(7) A property shall be considered within the impacted area if any part thereof is within the impacted area."

On page 1, line 2 of the title, after "area;" strike the remainder of the title and insert "and amending RCW 53.54.030."

and the same is herewith transmitted.

Sarah Bannister, Deputy, Secretary

#### SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to HOUSE BILL NO. 2315 and advanced the bill as amended by the Senate to final passage.

#### FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representatives Orwall and Kraft spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of House Bill No. 2315, as amended by the Senate.

#### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2315, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Mead, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shea, Shewmake, Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Excused: Representative Appleton.

HOUSE BILL NO. 2315, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

#### MESSAGE FROM THE SENATE

March 4, 2020

Madame Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 2318 with the following amendment: 17.0.

Strike everything after the enacting clause and insert the following:

"**Sec. 18.** RCW 5.70.010 and 2015 c 221 s 1 are each amended to read as follows:

(1) In any felony case initially charged as a violent or sex offense, as defined in RCW 9.94A.030, a governmental entity shall preserve any DNA work product that has been secured in connection with the criminal case, including related investigatory reports and records, according to the following guidelines:

(a) Except as provided in (b) of this subsection, where a defendant has been charged and convicted in connection with the case, the DNA work product and investigatory reports and records must be maintained throughout the length of the sentence, including any period of community custody extending through final discharge;

(b) Where a defendant has been convicted and sentenced under RCW 9.94A.507 in connection with the case, the DNA work product and investigatory reports and

records must be maintained for ninety-nine years or until the death of the defendant, whichever is sooner; and

(c) Where no conviction has been made in connection with the case, the DNA work product and investigatory reports and records must be maintained for ninety-nine years or throughout the period of the statute of limitations pursuant to RCW 9A.04.080, whichever is sooner.

(2) Notwithstanding subsection (1) of this section, in any felony case regardless of whether the identity of the offender is known and law enforcement has probable cause sufficient to believe the elements of a violent or sex offense as defined in RCW 9.94A.030 have been committed, a governmental entity shall preserve any DNA work product(~~including a sexual assault examination kit,~~) secured in connection with the criminal case and investigatory reports and records for ninety-nine years or throughout the period of the statute of limitations pursuant to RCW 9A.04.080, whichever is sooner.

(3) (~~For purposes of this section:~~

(a) "Amplified DNA" means DNA generated during scientific analysis using a polymerase chain reaction.

(b) "DNA work product" means (i) product generated during the process of scientific analysis of such material, except amplified DNA, material that had been subjected to DNA extraction, and DNA extracts from reference samples; or (ii) any material contained on a microscope slide, swab, in a sample tube, cutting, DNA extract, or some other similar retention method used to isolate potential biological evidence that has been collected by law enforcement as part of its investigation and prepared for scientific analysis, whether or not it is submitted for scientific analysis and derived from:

(A) The contents of a sexual assault examination kit;

(B) Blood;

(C) Semen;

(D) Hair;

(E) Saliva;

(F) Skin tissue;

(G) Fingerprints;

(H) Bones;

(I) Teeth; or

(J) Any other identifiable human biological material or physical evidence.

Notwithstanding the foregoing, "DNA work product" does not include a reference sample collected unless it has been shown through DNA comparison to associate the source of the sample with the criminal case for which it was collected.

(c) "Governmental entity" means any general law enforcement agency or any person or organization officially acting on behalf of the state or any political subdivision of the state involved in the collection, examination, tracking,

~~packaging, storing, or disposition of biological material collected in connection with a criminal investigation relating to a felony offense.~~

(d) "Reference sample" means a known sample collected from an individual by a governmental entity for the purpose of comparison to DNA profiles developed in a criminal case.

(4)) The failure of a law enforcement agency to preserve DNA work product does not constitute grounds in any criminal proceeding for challenging the admissibility of other DNA work product that was preserved in a case, and any evidence offered may not be excluded by a court on those grounds. The court may not set aside the conviction or sentence or order the reversal of a conviction under this section on the grounds that the DNA work product is no longer available. Unless the court finds that DNA work product was destroyed with malicious intent to violate this section, a person accused of committing a crime against a person has no cause of action against a law enforcement agency for failure to comply with the requirements of this section. If the court finds that DNA work product was destroyed with malicious intent to violate this section, the court may impose appropriate sanctions. Nothing in this section may be construed to create a private right of action on the part of any individual or entity against any law enforcement agency or any contractor of a law enforcement agency.

**NEW SECTION. Sec. 19.** A new section is added to chapter 5.70 RCW to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Amplified DNA" means DNA generated during scientific analysis using a polymerase chain reaction.

(2) "DNA work product" means (a) product generated during the process of scientific analysis of such material, except amplified DNA, material that had been subjected to DNA extraction, screening byproducts, and DNA extracts from reference samples; or (b) any material contained on a microscope slide, swab, in a sample tube, cutting, DNA extract, or some other similar retention method used to isolate potential biological evidence that has been collected by law enforcement or a forensic nurse as part of an investigation and prepared for scientific analysis, whether or not it is submitted for scientific analysis and derived from:

(i) The contents of a sexual assault examination kit;

(ii) Blood;

(iii) Semen;

(iv) Hair;

(v) Saliva;

(vi) Skin tissue;

(vii) Fingerprints;

(viii) Bones;

(ix) Teeth; or

(x) Any other identifiable human biological material or physical evidence.

Notwithstanding the foregoing, "DNA work product" does not include a reference sample collected unless it has been shown through DNA comparison to associate the source of the sample with the criminal case for which it was collected.

(3) "Governmental entity" means any general law enforcement agency or any person or organization officially acting on behalf of the state or any political subdivision of the state involved in the collection, examination, tracking, packaging, storing, or disposition of biological material collected in connection with a criminal investigation relating to a felony offense.

(4) "Reference sample" means a known sample collected from an individual by a governmental entity for the purpose of comparison to DNA profiles developed in a criminal case.

(5) "Screening byproduct" means a product or waste generated during examination of DNA evidence, or the screening process of such evidence, that is not intended for long-term storage.

(6) "Sexual assault kit" includes all evidence collected during a sexual assault medical forensic examination.

(7) "Unreported sexual assault kit" means a sexual assault kit where a law enforcement agency has not received a related report or complaint alleging a sexual assault or other crime has occurred.

**NEW SECTION. Sec. 20.** A new section is added to chapter 5.70 RCW to read as follows:

(1)(a) Any unreported sexual assault kit collected on or after the effective date of this section must be transported from the collecting entity to the applicable local law enforcement agency.

(b) By January 1, 2021, unreported sexual assault kits collected prior to the effective date of this section and stored according to the requirements of RCW 70.125.101 must be transported to the applicable local law enforcement agency.

(2)(a) The applicable local law enforcement agency is responsible for conducting the transport of the unreported sexual assault kit from the collecting entity to the agency as required under subsection (1) of this section.

(b) The applicable law enforcement agency shall store and preserve the unreported sexual assault kit for twenty years from the date of collection.

(3) The term "applicable local law enforcement agency" refers to the local law enforcement agency that would have jurisdiction to investigate any related criminal allegations if they were to be reported to law enforcement. The applicable local law enforcement agency is determined through consultation between the collecting entity or, in the case of unreported sexual assault kits stored according to the requirements of RCW 70.125.101, the Washington state patrol, and local law enforcement agencies.

**Sec. 21.** RCW 70.125.090 and 2019 c 93 s 6 are each amended to read as follows:

(1) When a law enforcement agency receives a sexual assault kit, the law enforcement agency must, within thirty days of its receipt, submit a request for laboratory examination to the Washington state patrol crime laboratory for prioritization for testing by it or another accredited laboratory that holds an outsourcing agreement with the Washington state patrol if:

(a) The law enforcement agency has received a related report or complaint alleging a sexual assault or other crime has occurred; and

(b)(i) Consent for laboratory examination has been given by the victim; or

(ii) The victim is a person under the age of eighteen who is not emancipated pursuant to chapter 13.64 RCW.

(2) Beginning May 1, 2022, when the Washington state patrol receives a request for laboratory examination of a sexual assault kit from a law enforcement agency, the Washington state patrol shall conduct the laboratory examination of the sexual assault kit, and when appropriate, enter relevant information into the combined DNA index system, within forty-five days of receipt of the request. The Washington state patrol crime laboratory must give priority to the laboratory examination of sexual assault kits at the request of a local law enforcement agency for:

(a) Active investigations and cases with impending court dates;

(b) Active investigations where public safety is an immediate concern;

(c) Violent crimes investigations, including active sexual assault investigations;

(d) Postconviction cases; and

(e) Other crimes' investigations and nonactive investigations, such as previously unsubmitted older sexual assault kits or recently collected sexual assault kits that the submitting agency has determined to be lower priority based on their initial investigation.

(3) The requirements to request and complete laboratory examination of sexual assault kits under subsections (1) and (2) of this section do not include forensic toxicological analysis. However, nothing in this section limits or modifies the authority of a law enforcement agency to request toxicological analysis of evidence collected in a sexual assault kit.

(4) The failure of a law enforcement agency to submit a request for laboratory examination, or the failure of the Washington state patrol to facilitate laboratory examination, within the time periods prescribed under this section does not constitute grounds in any criminal proceeding for challenging the validity of a DNA evidence association, and any evidence obtained from the sexual assault kit may not be excluded by a court on those grounds.

~~((4))~~ (5) A person accused or convicted of committing a crime against a victim has no standing to object



to any failure to comply with the requirements of this section, and the failure to comply with the requirements of this section is not grounds for setting aside the conviction or sentence.

~~((5))~~ (6) Nothing in this section may be construed to create a private right of action or claim on the part of any individual, entity, or agency against any law enforcement agency or any contractor of any law enforcement agency.

~~((6))~~ (7) This section applies ~~((prospectively only and not retroactively. It only applies))~~ to sexual assault examinations performed on or after July 24, 2015.

~~((7))~~ (8)(a) Until June 30, 2023, the Washington state patrol shall compile the following information related to the sexual assault kits identified in this section and RCW 70.125.100 (as recodified by this act):

(i) The number of requests for laboratory examination made for sexual assault kits and the law enforcement agencies that submitted the requests; and

(ii) The progress made towards testing the sexual assault kits, including the status of requests for laboratory examination made by each law enforcement agency.

(b) The Washington state patrol shall make recommendations for increasing the progress on testing any untested sexual assault kits.

(c) Beginning in 2015, the Washington state patrol shall report its findings and recommendations annually to the appropriate committees of the legislature and the governor by December 1st of each year.

**Sec. 22.** RCW 70.125.100 and 2019 c 93 s 7 are each amended to read as follows:

(1) Law enforcement agencies shall submit requests for forensic analysis of all sexual assault kits collected prior to July 24, 2015, and in the possession of the agencies to the Washington state patrol crime laboratory by October 1, 2019, except submission for forensic analysis is not required when: (a) Forensic analysis has previously been conducted; (b) there is documentation of an adult victim or emancipated minor victim expressing that he or she does not want his or her sexual assault kit submitted for forensic analysis; or (c) a sexual assault kit is noninvestigatory and held by a law enforcement agency pursuant to an agreement with a hospital or other medical provider. The requirements of this subsection apply regardless of the statute of limitations or the status of any related investigation.

(2) The Washington state patrol crime laboratory may consult with local law enforcement agencies to coordinate the efficient submission of requests for forensic analysis under this section in conjunction with the implementation of the statewide tracking system under RCW 43.43.545, provided that all requests are submitted and all required information is entered into the statewide sexual assault tracking system by October 1, 2019. The Washington state patrol crime laboratory shall facilitate the forensic analysis of all sexual assault kits submitted under this section by December 1, 2021. The analysis may be conducted by the Washington state patrol laboratory or an accredited

laboratory holding a contract or agreement with the Washington state patrol. The Washington state patrol shall process the forensic analysis of sexual assault kits in accordance with the priorities in RCW 70.125.090(2) (as recodified by this act).

(3) The requirements to request and complete laboratory examination of sexual assault kits under this section do not include forensic toxicological analysis. However, nothing in this section limits or modifies the authority of a law enforcement agency to request toxicological analysis of evidence collected in a sexual assault kit.

(4) The failure of a law enforcement agency to submit a request for laboratory examination within the time prescribed under this section does not constitute grounds in any criminal proceeding for challenging the validity of a DNA evidence association, and any evidence obtained from the sexual assault kit may not be excluded by a court on those grounds.

~~((4))~~ (5) A person accused or convicted of committing a crime against a victim has no standing to object to any failure to comply with the requirements of this section, and the failure to comply with the requirements of this section is not grounds for setting aside the conviction or sentence.

~~((5))~~ (6) Nothing in this section may be construed to create a private right of action or claim on the part of any individual, entity, or agency against any law enforcement agency or any contractor of any law enforcement agency.

**Sec. 23.** RCW 43.43.545 and 2019 c 93 s 4 are each amended to read as follows:

(1) The Washington state patrol shall create and operate a statewide sexual assault kit tracking system. The Washington state patrol may contract with state or nonstate entities including, but not limited to, private software and technology providers, for the creation, operation, and maintenance of the system.

(2) The statewide sexual assault kit tracking system must:

(a) Track the location and status of sexual assault kits throughout the criminal justice process, including the initial collection in examinations performed at medical facilities, receipt and storage at law enforcement agencies, receipt and analysis at forensic laboratories, and storage and any destruction after completion of analysis;

(b) Designate sexual assault kits as unreported or reported;

(c) Indicate whether a sexual assault kit contains biological materials collected for the purpose of forensic toxicological analysis;

(d) Allow medical facilities performing sexual assault forensic examinations, law enforcement agencies, prosecutors, the Washington state patrol bureau of forensic laboratory services, and other entities having custody of sexual assault kits to update and track the status and location of sexual assault kits;

~~((d))~~ (e) Allow victims of sexual assault to anonymously track or receive updates regarding the status of their sexual assault kits; and

~~((e))~~ (f) Use electronic technology or technologies allowing continuous access.

(3) The Washington state patrol may use a phased implementation process in order to launch the system and facilitate entry and use of the system for required participants. The Washington state patrol may phase initial participation according to region, volume, or other appropriate classifications. All entities having custody of sexual assault kits shall fully participate in the system no later than June 1, 2018. The Washington state patrol shall submit a report on the current status and plan for launching the system, including the plan for phased implementation, to the joint legislative task force on sexual assault forensic examination best practices, the appropriate committees of the legislature, and the governor no later than January 1, 2017.

(4) The Washington state patrol shall submit a semiannual report on the statewide sexual assault kit tracking system to the joint legislative task force on sexual assault forensic examination best practices, the appropriate committees of the legislature, and the governor. The Washington state patrol may publish the current report on its web site. The first report is due July 31, 2018, and subsequent reports are due January 31st and July 31st of each year. The report must include the following:

(a) The total number of sexual assault kits in the system statewide and by jurisdiction;

(b) The total and semiannual number of sexual assault kits where forensic analysis has been completed statewide and by jurisdiction;

(c) The number of sexual assault kits added to the system in the reporting period statewide and by jurisdiction;

(d) The total and semiannual number of sexual assault kits where forensic analysis has been requested but not completed statewide and by jurisdiction;

(e) The average and median length of time for sexual assault kits to be submitted for forensic analysis after being added to the system, including separate sets of data for all sexual assault kits in the system statewide and by jurisdiction and for sexual assault kits added to the system in the reporting period statewide and by jurisdiction;

(f) The average and median length of time for forensic analysis to be completed on sexual assault kits after being submitted for analysis, including separate sets of data for all sexual assault kits in the system statewide and by jurisdiction and for sexual assault kits added to the system in the reporting period statewide and by jurisdiction;

(g) The total and semiannual number of sexual assault kits destroyed or removed from the system statewide and by jurisdiction;

(h) The total number of sexual assault kits, statewide and by jurisdiction, where forensic analysis has not been

completed and six months or more have passed since those sexual assault kits were added to the system; and

(i) The total number of sexual assault kits, statewide and by jurisdiction, where forensic analysis has not been completed and one year or more has passed since those sexual assault kits were added to the system.

(5) For the purpose of reports under subsection (4) of this section, a sexual assault kit must be assigned to the jurisdiction associated with the law enforcement agency anticipated to receive the sexual assault kit or otherwise having custody of the sexual assault kit.

(6) Any public agency or entity, including its officials and employees, and any hospital and its employees providing services to victims of sexual assault may not be held civilly liable for damages arising from any release of information or the failure to release information related to the statewide sexual assault kit tracking system, so long as the release was without gross negligence.

(7) The Washington state patrol shall adopt rules as necessary to implement this section.

(8) For the purposes of this section ~~((an "unreported sexual assault kit" refers to a sexual assault kit collected from a victim who has consented to the collection of the sexual assault kit but who has not reported the alleged crime to law enforcement))~~;

(a) "Reported sexual assault kit" means a sexual assault kit where a law enforcement agency has received a related report or complaint alleging a sexual assault or other crime has occurred;

(b) "Sexual assault kit" includes all evidence collected during a sexual assault medical forensic examination; and

(c) "Unreported sexual assault kit" means a sexual assault kit where a law enforcement agency has not received a related report or complaint alleging a sexual assault or other crime has occurred.

**Sec. 24.** RCW 43.43.754 and 2019 c 443 s 3 are each amended to read as follows:

(1) A biological sample must be collected for purposes of DNA identification analysis from:

(a) Every adult or juvenile individual convicted of a felony, or any of the following crimes (or equivalent juvenile offenses):

(i) Assault in the fourth degree where domestic violence as defined in RCW 9.94A.030 was pleaded and proven (RCW 9A.36.041, 9.94A.030);

(ii) Assault in the fourth degree with sexual motivation (RCW 9A.36.041, 9.94A.835);

(iii) Communication with a minor for immoral purposes (RCW 9.68A.090);

(iv) Custodial sexual misconduct in the second degree (RCW 9A.44.170);

(v) Failure to register (chapter 9A.44 RCW);

- (vi) Harassment (RCW 9A.46.020);
- (vii) Patronizing a prostitute (RCW 9A.88.110);
- (viii) Sexual misconduct with a minor in the second degree (RCW 9A.44.096);
- (ix) Stalking (RCW 9A.46.110);
- (x) Indecent exposure (RCW 9A.88.010);
- (xi) Violation of a sexual assault protection order granted under chapter 7.90 RCW; and
- (b) Every adult or juvenile individual who is required to register under RCW 9A.44.130.

(2)(a) A municipal jurisdiction may also submit any biological sample to the laboratory services bureau of the Washington state patrol for purposes of DNA identification analysis when:

(i) The sample was collected from a defendant upon conviction for a municipal offense where the underlying ordinance does not adopt the relevant state statute by reference but the offense is otherwise equivalent to an offense in subsection (1)(a) of this section;

(ii) The equivalent offense in subsection (1)(a) of this section was an offense for which collection of a biological sample was required under this section at the time of the conviction; and

(iii) The sample was collected on or after June 12, 2008, and before January 1, 2020.

(b) When submitting a biological sample under this subsection, the municipal jurisdiction must include a signed affidavit from the municipal prosecuting authority of the jurisdiction in which the conviction occurred specifying the state crime to which the municipal offense is equivalent.

(3) Law enforcement may submit to the forensic laboratory services bureau of the Washington state patrol, for purposes of DNA identification analysis, any lawfully obtained biological sample within its control from a deceased offender who was previously convicted of an offense under subsection (1)(a) of this section, regardless of the date of conviction.

(4) If the Washington state patrol crime laboratory already has a DNA sample from an individual for a qualifying offense, a subsequent submission is not required to be submitted.

(5) Biological samples shall be collected in the following manner:

(a) For persons convicted of any offense listed in subsection (1)(a) of this section or adjudicated guilty of an equivalent juvenile offense, who do not serve a term of confinement in a department of corrections facility or a department of children, youth, and families facility, and are serving a term of confinement in a city or county jail facility, the city or county jail facility shall be responsible for obtaining the biological samples.

(b) The local police department or sheriff's office shall be responsible for obtaining the biological samples for:

(i) Persons convicted of any offense listed in subsection (1)(a) of this section or adjudicated guilty of an equivalent juvenile offense, who do not serve a term of confinement in a department of corrections facility, department of children, youth, and families facility, or a city or county jail facility; and

(ii) Persons who are required to register under RCW 9A.44.130.

(c) For persons convicted of any offense listed in subsection (1)(a) of this section or adjudicated guilty of an equivalent juvenile offense, who are serving or who are to serve a term of confinement in a department of corrections facility or a department of children, youth, and families facility, the facility holding the person shall be responsible for obtaining the biological samples as part of the intake process. If the facility did not collect the biological sample during the intake process, then the facility shall collect the biological sample as soon as is practicable. For those persons incarcerated before June 12, 2008, who have not yet had a biological sample collected, priority shall be given to those persons who will be released the soonest.

~~((6))~~ (d) For persons convicted of any offense listed in subsection (1)(a) of this section or adjudicated guilty of an equivalent juvenile offense, who will not serve a term of confinement, the court shall ~~((order))~~: Order the person to report to the local police department or sheriff's office as provided under subsection (5)(b)(i) of this section within a reasonable period of time established by the court in order to provide a biological sample; or if the local police department or sheriff's office has a protocol for collecting the biological sample in the courtroom, order the person to immediately provide the biological sample to the local police department or sheriff's office before leaving the presence of the court. The court must further inform the person that refusal to provide a biological sample is a gross misdemeanor under this section.

~~((7))~~ (6) Any biological sample taken pursuant to RCW 43.43.752 through 43.43.758 may be retained by the forensic laboratory services bureau, and shall be used solely for the purpose of providing DNA or other tests for identification analysis and prosecution of a criminal offense or for the identification of human remains or missing persons. Nothing in this section prohibits the submission of results derived from the biological samples to the federal bureau of investigation combined DNA index system.

~~((8))~~ (7) The forensic laboratory services bureau of the Washington state patrol is responsible for testing performed on all biological samples that are collected under this section, to the extent allowed by funding available for this purpose. Known duplicate samples may be excluded from testing unless testing is deemed necessary or advisable by the director.

~~((9))~~ (8) This section applies to:

(a) All adults and juveniles to whom this section applied prior to June 12, 2008;

(b) All adults and juveniles to whom this section did not apply prior to June 12, 2008, who:

(i) Are convicted on or after June 12, 2008, of an offense listed in subsection (1)(a) of this section on the date of conviction; or

(ii) Were convicted prior to June 12, 2008, of an offense listed in subsection (1)(a) of this section and are still incarcerated on or after June 12, 2008;

(c) All adults and juveniles who are required to register under RCW 9A.44.130 on or after June 12, 2008, whether convicted before, on, or after June 12, 2008; and

(d) All samples submitted under subsections (2) and (3) of this section.

~~((49))~~ (9) This section creates no rights in a third person. No cause of action may be brought based upon the noncollection or nonanalysis or the delayed collection or analysis of a biological sample authorized to be taken under RCW 43.43.752 through 43.43.758.

~~((44))~~ (10) The detention, arrest, or conviction of a person based upon a database match or database information is not invalidated if it is determined that the sample was obtained or placed in the database by mistake, or if the conviction or juvenile adjudication that resulted in the collection of the biological sample was subsequently vacated or otherwise altered in any future proceeding including but not limited to posttrial or postfact-finding motions, appeals, or collateral attacks. No cause of action may be brought against the state based upon the analysis of a biological sample authorized to be taken pursuant to a municipal ordinance if the conviction or adjudication that resulted in the collection of the biological sample was subsequently vacated or otherwise altered in any future proceeding including, but not limited to, posttrial or postfact-finding motions, appeals, or collateral attacks.

~~((42))~~ (11) A person commits the crime of refusal to provide DNA if the person willfully refuses to comply with a legal request for a DNA sample as required under this section. The refusal to provide DNA is a gross misdemeanor.

**NEW SECTION. Sec. 25.** A new section is added to chapter 43.101 RCW to read as follows:

(1) Subject to the availability of amounts appropriated for this specific purpose, the commission shall develop a proposal for a case review program. The commission shall research, design, and develop case review strategies designed to optimize outcomes in sexual assault investigations through improved training and investigatory practices. The proposed program must evaluate whether current training and practices foster a trauma-informed, victim-centered approach to victim interviews that identifies best practices and current gaps in training and assesses the integration of the community resiliency model. The program will include a comparison of cases involving investigators and interviewers who have participated in training to cases involving investigators and interviewers who have not participated in training. The program will also include other randomly selected cases for a systematic review to assess whether current practices conform to national best practices for a multidisciplinary approach to investigating sexual assault cases and interacting with survivors.

(2) In designing the program, the commission shall consult and collaborate with experts in trauma-informed and victim-centered training, experts in sexual assault investigations and prosecutions, victim advocates, and other stakeholders identified by the commission. The commission may form a multidisciplinary working group for the purpose of carrying out the requirements of this section.

(3) The commission shall submit a report with a summary of its proposal to the governor and the appropriate committees of the legislature by December 1, 2020.

(4) This section expires July 1, 2021.

**NEW SECTION. Sec. 26.** The legislature recognizes that proper storage and preservation of evidence, including maintaining chain of custody requirements, are critical to any successful investigation and prosecution. Unreported sexual assault kits are, therefore, most appropriately stored and preserved by law enforcement agencies. The legislature further recognizes that some agencies are facing storage capacity constraints. Agencies are currently responsible for storing found property, regardless if the property is associated with a criminal investigation. Therefore, the legislature hereby intends to provide flexibility for local governments to designate an alternate entity to store found property in order to allow those agencies with capacity issues to prioritize storage space for evidence and potential evidence in criminal investigations.

**Sec. 27.** RCW 63.21.010 and 1997 c 237 s 1 are each amended to read as follows:

(1) Any person who finds property that is not unlawful to possess, the owner of which is unknown, and who wishes to claim the found property, shall:

(a) Within seven days of the finding acquire a signed statement setting forth an appraisal of the current market value of the property prepared by a qualified person engaged in buying or selling like items or by a district court judge, unless the found property is cash; and

(b) Within seven days report the find of property and surrender, if requested, the property and a copy of the evidence of the value of the property to the chief law enforcement officer, ~~((or))~~ his or her designated representative, or other designated entity under section 15 of this act, of the governmental entity where the property was found, and serve written notice upon the officer or designee of the finder's intent to claim the property if the owner does not make out his or her right to it under this chapter.

(2) Within thirty days of the report the governmental entity shall cause notice of the finding to be published at least once a week for two successive weeks in a newspaper of general circulation in the county where the property was found, unless the appraised value of the property is less than the cost of publishing notice. If the value is less than the cost of publishing notice, the governmental entity may cause notice to be posted or published in other media or formats that do not incur expense to the governmental entity.

**Sec. 28.** RCW 63.21.020 and 1979 ex.s. c 85 s 2 are each amended to read as follows:

The finder's claim to the property shall be extinguished:

(1) If the owner satisfactorily establishes, within sixty days after the find was reported to the appropriate officer or, if so designated under section 15 of this act, the appropriate entity, the owner's right to possession of the property; or

(2) If the chief law enforcement officer or designee determines and so informs the finder that the property is illegal for the finder to possess.

**Sec. 29.** RCW 63.21.030 and 1997 c 237 s 2 are each amended to read as follows:

(1) The found property shall be released to the finder and become the property of the finder sixty days after the find was reported to the appropriate officer or designee if no owner has been found, or sixty days after the final disposition of any judicial or other official proceeding involving the property, whichever is later. The property shall be released only after the finder has presented evidence of payment to the treasurer of the governmental entity handling the found property, the amount of ten dollars plus the amount of the cost of publication of notice incurred by the ~~((government—[governmental]))~~ governmental entity pursuant to RCW 63.21.010, which amount shall be deposited in the general fund of the governmental entity. If the appraised value of the property is less than the cost of publication of notice of the finding, then the finder is not required to pay any fee.

(2) When ninety days have passed after the found property was reported to the appropriate officer or designee, or ninety days after the final disposition of a judicial or other proceeding involving the found property, and the finder has not completed the requirements of this chapter, the finder's claim shall be deemed to have expired and the found property may be disposed of as unclaimed property under chapter 63.32 or 63.40 RCW. Such laws shall also apply whenever a finder states in writing that he or she has no intention of claiming the found property.

**Sec. 30.** RCW 63.21.050 and 2019 c 30 s 1 are each amended to read as follows:

(1) The chief law enforcement officer ~~((or))~~, his or her designated representative, or other designated entity under section 15 of this act to whom a finder surrenders property, must:

(a) Advise the finder if the found property is illegal for him or her to possess;

(b) Advise the finder if the found property is to be held as evidence in judicial or other official proceedings;

(c) Advise the finder in writing of the procedures to be followed in claiming the found property;

(d) If the property is valued at one hundred dollars or less adjusted for inflation under subsection (2) of this section, allow the finder to retain the property if it is determined there is no reason for the officer or designee to retain the property;

(e) If the property exceeds one hundred dollars adjusted for inflation under subsection (2) of this section in value and has been requested to be surrendered to the ~~((law enforcement agency))~~ governmental entity, retain the property for sixty days before it can be claimed by the finder under this chapter, unless the owner has recovered the property;

(f) If the property is held as evidence in judicial or other official proceedings, retain the property for sixty days after the final disposition of the judicial or other official proceeding, before it can be claimed by the finder or owner under the provisions of this chapter;

(g) After the required number of days have passed, and if no owner has been found, surrender the property to the finder according to the requirements of this chapter; or

(h) If neither the finder nor the owner claim the property retained by the officer or designee within thirty days of the time when the claim can be made, the property must be disposed of as unclaimed property under chapter 63.32 or 63.40 RCW.

(2)(a) The office of financial management must adjust the dollar thresholds established in subsection (1)(d) and (e) of this section for inflation every five years, beginning July 1, 2025, based upon changes in the Seattle consumer price index during that time period. The office of financial management must calculate the new dollar threshold and transmit the new dollar threshold, rounded up to the nearest dollar, to the office of the code reviser for publication in the Washington State Register at least one month before the new dollar threshold is to take effect.

(b) For the purposes of determining the thresholds in subsection (1)(d) and (e) of this section, the chief law enforcement officer ~~((or))~~, his or her designated representative, or other designated entity under section 15 of this act must use the latest thresholds published by the office of financial management in the Washington State Register under (a) of this subsection.

**Sec. 31.** RCW 63.21.060 and 1979 ex.s. c 85 s 6 are each amended to read as follows:

Any governmental entity that acquires lost property shall attempt to notify the apparent owner of the property. If the property is not returned to a person validly establishing ownership or right to possession of the property, the governmental entity shall forward the lost property within thirty days but not less than ten days after the time the governmental entity acquires the lost property to the chief law enforcement officer, ~~((or))~~ his or her designated representative, or other designated entity under section 16 of this act, of the county in which the property was found, except that if the property is found within the borders of a city or town the property shall be forwarded to the chief law enforcement officer of the city or town ~~((or))~~, his or her designated representative, or other entity of the city or town so designated under section 15 of this act. A governmental entity may elect to retain property which it acquires and dispose of the property as provided by chapter 63.32 or 63.40 RCW.

**NEW SECTION. Sec. 32.** A new section is added to chapter 63.21 RCW to read as follows:

(1) Except as provided in subsection (2) of this section, a county, city, or town may designate an alternate department or governmental entity to accept, store, retain, and dispose of found property as required under this chapter, rather than the chief law enforcement officer or his or her designee, so long as the alternate department or governmental entity complies with the requirements and procedures under this chapter.

(2) Regardless of whether a county, city, or town designates an alternate department or governmental entity under subsection (1) of this section, the chief law enforcement officer or his or her designated representative is responsible for retaining any of the following types of property in accordance with the requirements of this chapter: A bank card; charge or credit card; cash; government-issued document, financial document, or legal document; firearm; evidence in a judicial or other official proceeding; or an item that is not legal for the finder to possess. A county, city, or town designating an alternate department or governmental entity under subsection (1) of this section shall establish procedures for ensuring these types of property are directed to the chief law enforcement officer or his or her designated representative.

**NEW SECTION. Sec. 33.** A new section is added to chapter 63.32 RCW to read as follows:

(1) This chapter does not modify the requirements for a police department to accept found property under chapter 63.21 RCW.

(2) If a city or town designates an alternate department or governmental entity to accept found property under section 15 of this act:

(a) The designated department or governmental entity shall comply with the retention and disposition requirements under this chapter in the same manner as would be required of a police department; and

(b) The police department is not required to accept found property from a finder of said property, unless the property is any of the following: A bank card; charge or credit card; cash; government-issued document, financial document, or legal document; firearm; evidence in a judicial or other official proceeding; or an item that is not legal for the finder to possess. Such found property accepted by a police department must be retained or disposed of in accordance with this chapter and other applicable state laws.

**NEW SECTION. Sec. 34.** A new section is added to chapter 63.40 RCW to read as follows:

(1) This chapter does not modify the requirements for a sheriff to accept found property under chapter 63.21 RCW.

(2) If a county designates an alternate department or governmental entity to accept found property under section 15 of this act:

(a) The designated department or governmental entity shall comply with the disposition requirements under this

chapter in the same manner as would be required of the sheriff; and

(b) The sheriff is not required to accept found property from a finder of said property, unless the property is any of the following: A bank card; charge or credit card; cash; government-issued document, financial document, or legal document; firearm; evidence in a judicial or other official proceeding; or an item that is not legal for the finder to possess. Such found property accepted by a sheriff must be retained or disposed of in accordance with this chapter and other applicable state laws.

**NEW SECTION. Sec. 35.** RCW 70.125.090 and 70.125.100 are each recodified as sections in chapter 5.70 RCW.

**NEW SECTION. Sec. 36.** Section 3 of this act takes effect June 30, 2020."

On page 1, line 1 of the title, after "practices;" strike the remainder of the title and insert "amending RCW 5.70.010, 70.125.090, 70.125.100, 43.43.545, 43.43.754, 63.21.010, 63.21.020, 63.21.030, 63.21.050, and 63.21.060; adding new sections to chapter 5.70 RCW; adding a new section to chapter 43.101 RCW; adding a new section to chapter 63.21 RCW; adding a new section to chapter 63.32 RCW; adding a new section to chapter 63.40 RCW; creating a new section; recodifying RCW 70.125.090 and 70.125.100; providing an effective date; and providing an expiration date."

and the same is herewith transmitted.

Sarah Bannister, Deputy, Secretary

#### SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to ENGROSSED SUBSTITUTE HOUSE BILL NO. 2318 and advanced the bill as amended by the Senate to final passage.

#### FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representative Orwall spoke in favor of the passage of the bill.

Representative Klippert spoke against the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 2318, as amended by the Senate.

#### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2318, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 96; Nays, 1; Absent, 0; Excused, 1.

Voting yea: Representatives Barkis, Bergquist, Blake, Boehnke, Calder, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, J. Johnson, Kilduff, Kirby, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Mead, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shea, Shewmake, Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Voting nay: Representative Klippert.

Excused: Representative Appleton.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2318, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

#### MESSAGE FROM THE SENATE

March 3, 2020

Madame Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 2343 with the following amendment:

36.0.

Strike everything after the enacting clause and insert the following:

"**Sec. 37.** RCW 36.70A.600 and 2019 c 348 s 1 are each amended to read as follows:

(1) A city planning pursuant to RCW 36.70A.040 is encouraged to take the following actions in order to increase its residential building capacity:

(a) Authorize development in one or more areas of not fewer than five hundred acres that include at least one train station served by commuter rail or light rail with an average of at least fifty residential units per acre that require no more than an average of one on-site parking space per two bedrooms in the portions of multifamily zones that are located within the areas;

(b) Authorize development in one or more areas of not fewer than ~~((five))~~ two hundred acres in cities with a population greater than forty thousand or not fewer than ~~((two))~~ one hundred ~~((fifty))~~ acres in cities with a population less than forty thousand that include at least one bus stop served by scheduled bus service of at least four times per hour for twelve or more hours per day with an average of at least twenty-five residential units per acre that require no more than an average of one on-site parking space per two bedrooms in portions of the multifamily zones that are located within the areas;

(c) Authorize at least one duplex, triplex, quadplex, sixplex, stacked flat, townhouse, or courtyard apartment on each parcel in one or more zoning districts that permit single-

family residences unless a city documents a specific infrastructure of physical constraint that would make this requirement unfeasible for a particular parcel;

(d) Authorize a duplex, triplex, quadplex, sixplex, stacked flat, townhouse, or courtyard apartment on one or more parcels for which they are not currently authorized;

(e) Authorize cluster zoning or lot size averaging in all zoning districts that permit single-family residences;

~~((e) Authorize attached accessory dwelling units on all parcels containing single family homes where the lot is at least three thousand two hundred square feet in size, and permit both attached and detached accessory dwelling units on all parcels containing single family homes, provided lots are at least four thousand three hundred fifty six square feet in size. Qualifying city ordinances or regulations may not provide for on-site parking requirements, owner occupancy requirements, or square footage limitations below one thousand square feet for the accessory dwelling unit, and must not prohibit the separate rental or sale of accessory dwelling units and the primary residence. Cities must set applicable impact fees at no more than the projected impact of the accessory dwelling unit. To allow local flexibility, other than these factors, accessory dwelling units may be subject to such regulations, conditions, procedures, and limitations as determined by the local legislative authority, and must follow all applicable state and federal laws and local ordinances;))~~

(f) Adopt a subarea plan pursuant to RCW 43.21C.420;

(g) Adopt a planned action pursuant to RCW 43.21C.440(1)(b)(ii), except that an environmental impact statement pursuant to RCW 43.21C.030 is not required for such an action;

(h) Adopt increases in categorical exemptions pursuant to RCW 43.21C.229 for residential or mixed-use development;

(i) Adopt a form-based code in one or more zoning districts that permit residential uses. "Form-based code" means a land development regulation that uses physical form, rather than separation of use, as the organizing principle for the code;

(j) Authorize a duplex on each corner lot within all zoning districts that permit single-family residences;

(k) Allow for the division or redivision of land into the maximum number of lots through the short subdivision process provided in chapter 58.17 RCW; ~~((and))~~

(l) Authorize a minimum net density of six dwelling units per acre in all residential zones, where the residential development capacity will increase within the city. For purposes of this subsection, the calculation of net density does not include the square footage of areas that are otherwise prohibited from development, such as critical areas, the area of buffers around critical areas, and the area of roads and similar features;

(m) Create one or more zoning districts of medium density in which individual lots may be no larger than three

thousand five hundred square feet and single-family residences may be no larger than one thousand two hundred square feet;

(n) Authorize accessory dwelling units in one or more zoning districts in which they are currently prohibited;

(o) Remove minimum residential parking requirements related to accessory dwelling units;

(p) Remove owner occupancy requirements related to accessory dwelling units;

(q) Adopt new square footage requirements related to accessory dwelling units that are less restrictive than existing square footage requirements related to accessory dwelling units;

(r) Adopt maximum allowable exemption levels in WAC 197-11-800(1) as it existed on the effective date of this section, or such subsequent date as may be provided by the department of ecology by rule, consistent with the purposes of this section;

(s) Adopt standards for administrative approval of final plats pursuant to RCW 58.17.100;

(t) Adopt ordinances authorizing administrative review of preliminary plats pursuant to RCW 58.17.095;

(u) Adopt other permit process improvements where it is demonstrated that the code, development regulation, or ordinance changes will result in a more efficient permit process for customers;

(v) Update use matrices and allowable use tables that eliminate conditional use permits and administrative conditional use permits for all housing types, including single-family homes, townhomes, multifamily housing, low-income housing, and senior housing, but excluding essential public facilities;

(w) Allow off-street parking to compensate for lack of on-street parking when private roads are utilized or a parking demand study shows that less parking is required for the project;

(x) Develop a local program that offers homeowners a combination of financing, design, permitting, or construction support to build accessory dwelling units. A city may condition this program on a requirement to provide the unit for affordable home ownership or rent the accessory dwelling unit for a defined period of time to either tenants in a housing subsidy program as defined in RCW 43.31.605(14) or to tenants whose income is less than eighty percent of the city or county median family income. If the city includes an affordability requirement under the program, it must provide additional incentives, such as:

(i) Density bonuses;

(ii) Height and bulk bonuses;

(iii) Fee waivers or exemptions;

(iv) Parking reductions; or

(v) Expedited permitting; and

(y) Develop a local program that offers homeowners a combination of financing, design, permitting, or construction support to convert a single-family home into a duplex, triplex, or quadplex where those housing types are authorized. A local government may condition this program on a requirement to provide a certain number of units for affordable home ownership or to rent a certain number of the newly created units for a defined period of time to either tenants in a housing subsidy program as defined in RCW 43.31.605(14) or to tenants whose income is less than eighty percent of the city or county median family income. If the city includes an affordability requirement, it must provide additional incentives, such as:

(i) Density bonuses;

(ii) Height and bulk bonuses;

(iii) Fee waivers or exemptions;

(iv) Parking reductions; or

(v) Expedited permitting.

(2) A city planning pursuant to RCW 36.70A.040 may adopt a housing action plan as described in this subsection. The goal of any such housing plan must be to encourage construction of additional affordable and market rate housing in a greater variety of housing types and at prices that are accessible to a greater variety of incomes, including strategies aimed at the for-profit single-family home market. A housing action plan may utilize data compiled pursuant to RCW 36.70A.610. The housing action plan should:

(a) Quantify existing and projected housing needs for all income levels, including extremely low-income households, with documentation of housing and household characteristics, and cost-burdened households;

(b) Develop strategies to increase the supply of housing, and variety of housing types, needed to serve the housing needs identified in (a) of this subsection;

(c) Analyze population and employment trends, with documentation of projections;

(d) Consider strategies to minimize displacement of low-income residents resulting from redevelopment;

(e) Review and evaluate the current housing element adopted pursuant to RCW 36.70A.070, including an evaluation of success in attaining planned housing types and units, achievement of goals and policies, and implementation of the schedule of programs and actions;

(f) Provide for participation and input from community members, community groups, local builders, local realtors, nonprofit housing advocates, and local religious groups; and

(g) Include a schedule of programs and actions to implement the recommendations of the housing action plan.

(3) If adopted by April 1, ~~((2024))~~ 2023, ordinances, amendments to development regulations, and other nonproject actions taken by a city to implement the actions specified in subsection (1) of this section, with the exception of the action specified in subsection (1)(f) of this section, are



not subject to administrative or judicial appeal under chapter 43.21C RCW.

(4) Any action taken by a city prior to April 1, ~~((2021))~~ 2023, to amend their comprehensive plan, or adopt or amend ordinances or development regulations, solely to enact provisions under subsection (1) of this section is not subject to legal challenge under this chapter.

(5) In taking action under subsection (1) of this section, cities are encouraged to utilize strategies that increase residential building capacity in areas with frequent transit service and with the transportation and utility infrastructure that supports the additional residential building capacity.

(6) A city ~~((with a population over twenty thousand))~~ that is planning to take at least two actions under subsection (1) of this section, and that action will occur between July 28, 2019, and April 1, 2021, is eligible to apply to the department for planning grant assistance of up to one hundred thousand dollars, subject to the availability of funds appropriated for that purpose. The department shall develop grant criteria to ensure that grant funds awarded are proportionate to the level of effort proposed by a city, and the potential increase in housing supply or regulatory streamlining that could be achieved. Funding may be provided in advance of, and to support, adoption of policies or ordinances consistent with this section. A city can request, and the department may award, more than one hundred thousand dollars for applications that demonstrate extraordinary potential to increase housing supply or regulatory streamlining.

(7) A city seeking to develop a housing action plan under subsection (2) of this section is eligible to apply to the department for up to one hundred thousand dollars.

(8) The department shall establish grant award amounts under subsections (6) and (7) of this section based on the expected number of cities that will seek grant assistance, to ensure that all cities can receive some level of grant support. If funding capacity allows, the department may consider accepting and funding applications from cities with a population of less than twenty thousand if the actions proposed in the application will create a significant amount of housing capacity or regulatory streamlining and are consistent with the actions in this section.

(9) In implementing chapter 348, Laws of 2019, cities are encouraged to prioritize the creation of affordable, inclusive neighborhoods and to consider the risk of residential displacement, particularly in neighborhoods with communities at high risk of displacement.

**Sec. 38.** RCW 43.21C.495 and 2019 c 348 s 4 are each amended to read as follows:

If adopted by April 1, ~~((2021))~~ 2023, amendments to development regulations and other nonproject actions taken by a city to implement RCW 36.70A.600 (1) or (4), with the exception of the action specified in RCW 36.70A.600(1)(f), are not subject to administrative or judicial appeals under this chapter.

**Sec. 39.** RCW 36.70A.620 and 2019 c 348 s 5 are each amended to read as follows:

In counties and cities planning under RCW 36.70A.040, minimum residential parking requirements mandated by municipal zoning ordinances for housing units constructed after July 1, 2019, are subject to the following requirements:

(1) For housing units that are affordable to very low-income or extremely low-income individuals and that are located within one-quarter mile of a transit stop that receives transit service at least ~~((four))~~ two times per hour for twelve or more hours per day, minimum residential parking requirements may be no greater than one parking space per bedroom or .75 space per unit. A city may require a developer to record a covenant that prohibits the rental of a unit subject to this parking restriction for any purpose other than providing for housing for very low-income or extremely low-income individuals. The covenant must address price restrictions and household income limits and policies if the property is converted to a use other than for low-income housing. A city may establish a requirement for the provision of more than one parking space per bedroom or .75 space per unit if the jurisdiction has determined a particular housing unit to be in an area with a lack of access to street parking capacity, physical space impediments, or other reasons supported by evidence that would make on-street parking infeasible for the unit.

(2) For housing units that are specifically for seniors or people with disabilities, that are located within one-quarter mile of a transit stop that receives transit service at least four times per hour for twelve or more hours per day, a city may not impose minimum residential parking requirements for the residents of such housing units, subject to the exceptions provided in this subsection. A city may establish parking requirements for staff and visitors of such housing units. A city may establish a requirement for the provision of one or more parking space per bedroom if the jurisdiction has determined a particular housing unit to be in an area with a lack of access to street parking capacity, physical space impediments, or other reasons supported by evidence that would make on-street parking infeasible for the unit. A city may require a developer to record a covenant that prohibits the rental of a unit subject to this parking restriction for any purpose other than providing for housing for seniors or people with disabilities.

(3) For market rate multifamily housing units that are located within one-quarter mile of a transit stop that receives transit service from at least one route that provides service at least four times per hour for twelve or more hours per day, minimum residential parking requirements may be no greater than one parking space per bedroom or .75 space per unit. A city or county may establish a requirement for the provision of more than one parking space per bedroom or .75 space per unit if the jurisdiction has determined a particular housing unit to be in an area with a lack of access to street parking capacity, physical space impediments, or other reasons supported by evidence that would make on-street parking infeasible for the unit.

**Sec. 40.** RCW 36.70A.030 and 2019 c 348 s 2 are each reenacted and amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Adopt a comprehensive land use plan" means to enact a new comprehensive land use plan or to update an existing comprehensive land use plan.

(2) "Affordable housing" means, unless the context clearly indicates otherwise, residential housing whose monthly costs, including utilities other than telephone, do not exceed thirty percent of the monthly income of a household whose income is:

(a) For rental housing, sixty percent of the median household income adjusted for household size, for the county where the household is located, as reported by the United States department of housing and urban development; or

(b) For owner-occupied housing, eighty percent of the median household income adjusted for household size, for the county where the household is located, as reported by the United States department of housing and urban development.

(3) "Agricultural land" means land primarily devoted to the commercial production of horticultural, viticultural, floricultural, dairy, apiary, vegetable, or animal products or of berries, grain, hay, straw, turf, seed, Christmas trees not subject to the excise tax imposed by RCW 84.33.100 through 84.33.140, finfish in upland hatcheries, or livestock, and that has long-term commercial significance for agricultural production.

(4) "City" means any city or town, including a code city.

(5) "Comprehensive land use plan," "comprehensive plan," or "plan" means a generalized coordinated land use policy statement of the governing body of a county or city that is adopted pursuant to this chapter.

(6) "Critical areas" include the following areas and ecosystems: (a) Wetlands; (b) areas with a critical recharging effect on aquifers used for potable water; (c) fish and wildlife habitat conservation areas; (d) frequently flooded areas; and (e) geologically hazardous areas. "Fish and wildlife habitat conservation areas" does not include such artificial features or constructs as irrigation delivery systems, irrigation infrastructure, irrigation canals, or drainage ditches that lie within the boundaries of and are maintained by a port district or an irrigation district or company.

(7) "Department" means the department of commerce.

(8) "Development regulations" or "regulation" means the controls placed on development or land use activities by a county or city, including, but not limited to, zoning ordinances, critical areas ordinances, shoreline master programs, official controls, planned unit development ordinances, subdivision ordinances, and binding site plan ordinances together with any amendments thereto. A development regulation does not include a decision to approve a project permit application, as defined in RCW

36.70B.020, even though the decision may be expressed in a resolution or ordinance of the legislative body of the county or city.

(9) "Extremely low-income household" means a single person, family, or unrelated persons living together whose adjusted income is at or below thirty percent of the median household income adjusted for household size, for the county where the household is located, as reported by the United States department of housing and urban development.

(10) "Forestland" means land primarily devoted to growing trees for long-term commercial timber production on land that can be economically and practically managed for such production, including Christmas trees subject to the excise tax imposed under RCW 84.33.100 through 84.33.140, and that has long-term commercial significance. In determining whether forestland is primarily devoted to growing trees for long-term commercial timber production on land that can be economically and practically managed for such production, the following factors shall be considered: (a) The proximity of the land to urban, suburban, and rural settlements; (b) surrounding parcel size and the compatibility and intensity of adjacent and nearby land uses; (c) long-term local economic conditions that affect the ability to manage for timber production; and (d) the availability of public facilities and services conducive to conversion of forestland to other uses.

(11) "Freight rail dependent uses" means buildings and other infrastructure that are used in the fabrication, processing, storage, and transport of goods where the use is dependent on and makes use of an adjacent short line railroad. Such facilities are both urban and rural development for purposes of this chapter. "Freight rail dependent uses" does not include buildings and other infrastructure that are used in the fabrication, processing, storage, and transport of coal, liquefied natural gas, or "crude oil" as defined in RCW 90.56.010.

(12) "Geologically hazardous areas" means areas that because of their susceptibility to erosion, sliding, earthquake, or other geological events, are not suited to the siting of commercial, residential, or industrial development consistent with public health or safety concerns.

(13) "Long-term commercial significance" includes the growing capacity, productivity, and soil composition of the land for long-term commercial production, in consideration with the land's proximity to population areas, and the possibility of more intense uses of the land.

(14) "Low-income household" means a single person, family, or unrelated persons living together whose adjusted income is at or below eighty percent of the median household income adjusted for household size, for the county where the household is located, as reported by the United States department of housing and urban development.

(15) "Minerals" include gravel, sand, and valuable metallic substances.

(16) "Permanent supportive housing" is subsidized, leased housing with no limit on length of stay ~~((paired with on-site or off-site voluntary services designed to support a person living with a disability to be a successful tenant in a housing arrangement, improve the resident's health status, and connect residents of the housing with community-based health care, treatment, and employment services))~~ that prioritizes people who need comprehensive support services to retain tenancy and utilizes admissions practices designed to use lower barriers to entry than would be typical for other subsidized or unsubsidized rental housing, especially related to rental history, criminal history, and personal behaviors. Permanent supportive housing is paired with on-site or off-site voluntary services designed to support a person living with a complex and disabling behavioral health or physical health condition who was experiencing homelessness or was at imminent risk of homelessness prior to moving into housing to retain their housing and be a successful tenant in a housing arrangement, improve the resident's health status, and connect the resident of the housing with community-based health care, treatment, or employment services. Permanent supportive housing is subject to all of the rights and responsibilities defined in chapter 59.18 RCW.

(17) "Public facilities" include streets, roads, highways, sidewalks, street and road lighting systems, traffic signals, domestic water systems, storm and sanitary sewer systems, parks and recreational facilities, and schools.

(18) "Public services" include fire protection and suppression, law enforcement, public health, education, recreation, environmental protection, and other governmental services.

(19) "Recreational land" means land so designated under RCW 36.70A.1701 and that, immediately prior to this designation, was designated as agricultural land of long-term commercial significance under RCW 36.70A.170. Recreational land must have playing fields and supporting facilities existing before July 1, 2004, for sports played on grass playing fields.

(20) "Rural character" refers to the patterns of land use and development established by a county in the rural element of its comprehensive plan:

(a) In which open space, the natural landscape, and vegetation predominate over the built environment;

(b) That foster traditional rural lifestyles, rural-based economies, and opportunities to both live and work in rural areas;

(c) That provide visual landscapes that are traditionally found in rural areas and communities;

(d) That are compatible with the use of the land by wildlife and for fish and wildlife habitat;

(e) That reduce the inappropriate conversion of undeveloped land into sprawling, low-density development;

(f) That generally do not require the extension of urban governmental services; and

(g) That are consistent with the protection of natural surface water flows and groundwater and surface water recharge and discharge areas.

(21) "Rural development" refers to development outside the urban growth area and outside agricultural, forest, and mineral resource lands designated pursuant to RCW 36.70A.170. Rural development can consist of a variety of uses and residential densities, including clustered residential development, at levels that are consistent with the preservation of rural character and the requirements of the rural element. Rural development does not refer to agriculture or forestry activities that may be conducted in rural areas.

(22) "Rural governmental services" or "rural services" include those public services and public facilities historically and typically delivered at an intensity usually found in rural areas, and may include domestic water systems, fire and police protection services, transportation and public transit services, and other public utilities associated with rural development and normally not associated with urban areas. Rural services do not include storm or sanitary sewers, except as otherwise authorized by RCW 36.70A.110(4).

(23) "Short line railroad" means those railroad lines designated class II or class III by the United States surface transportation board.

(24) "Urban governmental services" or "urban services" include those public services and public facilities at an intensity historically and typically provided in cities, specifically including storm and sanitary sewer systems, domestic water systems, street cleaning services, fire and police protection services, public transit services, and other public utilities associated with urban areas and normally not associated with rural areas.

(25) "Urban growth" refers to growth that makes intensive use of land for the location of buildings, structures, and impermeable surfaces to such a degree as to be incompatible with the primary use of land for the production of food, other agricultural products, or fiber, or the extraction of mineral resources, rural uses, rural development, and natural resource lands designated pursuant to RCW 36.70A.170. A pattern of more intensive rural development, as provided in RCW 36.70A.070(5)(d), is not urban growth. When allowed to spread over wide areas, urban growth typically requires urban governmental services. "Characterized by urban growth" refers to land having urban growth located on it, or to land located in relationship to an area with urban growth on it as to be appropriate for urban growth.

(26) "Urban growth areas" means those areas designated by a county pursuant to RCW 36.70A.110.

(27) "Very low-income household" means a single person, family, or unrelated persons living together whose adjusted income is at or below fifty percent of the median household income adjusted for household size, for the county where the household is located, as reported by the United States department of housing and urban development.

(28) "Wetland" or "wetlands" means areas that are inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas. Wetlands do not include those artificial wetlands intentionally created from nonwetland sites, including, but not limited to, irrigation and drainage ditches, grass-lined swales, canals, detention facilities, wastewater treatment facilities, farm ponds, and landscape amenities, or those wetlands created after July 1, 1990, that were unintentionally created as a result of the construction of a road, street, or highway. Wetlands may include those artificial wetlands intentionally created from nonwetland areas created to mitigate conversion of wetlands.

**NEW SECTION. Sec. 41.** The department of ecology shall remove parking as an element of the environment within WAC 197-11-444 and as a component of the environmental checklist within WAC 197-11-960, as those sections existed on the effective date of this section, the next time that the department amends rules implementing chapter 43.21C RCW after the effective date of this section.

**Sec. 42.** RCW 36.70A.610 and 2019 c 348 s 3 are each amended to read as follows:

(1) The Washington center for real estate research at the University of Washington shall produce a ~~((report every two years))~~ series of reports as described in this section that compiles housing supply and affordability metrics for each city planning under RCW 36.70A.040 with a population of ten thousand or more.

(a) The initial report, completed by October 15, 2020, must be a compilation of objective criteria relating to ~~((development regulations, zoning,))~~ income, employment, housing and rental prices, housing affordability ~~((programs))~~ by housing tenure, and other metrics relevant to assessing housing supply and affordability for all income segments, including the percentage of cost-burdened households~~((s))~~ of each ~~((city subject to the report required by this section))~~ jurisdiction. This report may also include city-specific median income data for those cities implementing the multifamily tax exemption program under chapter 84.14 RCW.

(b) The report completed by October 15, 2021, must include an analysis of the private rental housing market for each area outlining the number of units, vacancy rates, and rents by unit type, where possible. This analysis should separate market rate multifamily rental housing developments and other smaller scale market rate rental housing. This analysis should also incorporate data from the Washington state housing finance commission on subsidized rental housing in the area consistent with the first report under this subsection.

(c) The report completed by October 15, 2022, must also include data relating to actions taken by cities under chapter 348, Laws of 2019 as well as detailed information on development regulations, levies and fees, and zoning related to housing development.

(d) The report completed by October 15, 2024, and every two years thereafter, must also include relevant data relating to buildable lands reports prepared under RCW 36.70A.215, where applicable, and updates to comprehensive plans under this chapter.

(2) The Washington center for real estate research shall collaborate with the Washington housing finance commission and the office of financial management to develop the metrics compiled in the ~~((report))~~ series of reports under this section.

(3) The ~~((report))~~ series of reports under this section must be submitted, consistent with RCW 43.01.036, to the standing committees of the legislature with jurisdiction over housing issues and this chapter."

On page 1, line 1 of the title, after "supply;" strike the remainder of the title and insert "amending RCW 36.70A.600, 43.21C.495, 36.70A.620, and 36.70A.610; reenacting and amending RCW 36.70A.030; and creating a new section."

and the same is herewith transmitted.

Sarah Bannister, Deputy, Secretary

#### SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to SUBSTITUTE HOUSE BILL NO. 2343 and advanced the bill as amended by the Senate to final passage.

#### FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representatives Tharinger and Dye spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2343, as amended by the Senate.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2343, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 92; Nays, 5; Absent, 0; Excused, 1.

Voting yea: Representatives Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Duerr, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, Mead, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger,

Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Voting nay: Representatives Chopp, Dufault, Kraft, McCaslin and Shea.

Excused: Representative Appleton.

SUBSTITUTE HOUSE BILL NO. 2343, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

### MESSAGE FROM THE SENATE

March 5, 2020

Madame Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 2384 with the following amendment:

42.0.

Strike everything after the enacting clause and insert the following:

"**Sec. 43.** RCW 84.36.560 and 2019 c 390 s 11 are each amended to read as follows:

(1) The real and personal property owned or used by a nonprofit entity in providing rental housing for ~~((very low income))~~ qualifying households or used to provide space for the placement of a mobile home for a ~~((very low income))~~ qualifying household within a mobile home park is exempt from taxation if:

(a) The benefit of the exemption inures to the nonprofit entity;

(b) At least seventy-five percent of the occupied dwelling units in the rental housing or lots in a mobile home park are occupied by a ~~((very low income))~~ qualifying household; and

(c) The rental housing or lots in a mobile home park were insured, financed, or assisted in whole or in part through one or more of the following sources:

(i) A federal or state housing program administered by the department of commerce;

(ii) A federal housing program administered by a city or county government;

(iii) An affordable housing levy authorized under RCW 84.52.105;

(iv) The surcharges authorized by RCW 36.22.178 and 36.22.179 and any of the surcharges authorized in chapter 43.185C RCW; or

(v) The Washington state housing finance commission, provided that the financing is for a mobile home park cooperative or a manufactured housing cooperative, as defined in RCW 59.20.030, or a nonprofit entity.

(2) If less than seventy-five percent of the occupied dwelling units within the rental housing or lots in the mobile home park are occupied by ~~((very low income))~~ qualifying households, the rental housing or mobile home park is eligible for a partial exemption on the real property and a

total exemption of the housing's or park's personal property as follows:

(a) A partial exemption is allowed for each dwelling unit in the rental housing or for each lot in a mobile home park occupied by a ~~((very low income))~~ qualifying household.

(b) The amount of exemption must be calculated by multiplying the assessed value of the property reasonably necessary to provide the rental housing or to operate the mobile home park by a fraction. The numerator of the fraction is the number of dwelling units or lots occupied by ~~((very low income))~~ qualifying households as of December 31st of the first assessment year in which the rental housing or mobile home park becomes operational or on January 1st of each subsequent assessment year for which the exemption is claimed. The denominator of the fraction is the total number of dwelling units or lots occupied as of December 31st of the first assessment year the rental housing or mobile home park becomes operational and January 1st of each subsequent assessment year for which exemption is claimed.

(3) If a currently exempt rental housing unit ~~((in a facility with ten units or fewer))~~ or mobile home lot in a mobile home park ~~((with ten lots or fewer))~~ was occupied by a ~~((very low income))~~ qualifying household at the time the exemption was granted and the income of the household subsequently rises above ~~((fifty percent of the median income))~~ the threshold set in subsection (7)(e) of this section but remains at or below eighty percent of the median income, the exemption will continue as long as the housing continues to meet the certification requirements ~~((of a very low income housing program))~~ listed in subsection (1) of this section. For purposes of this section, median income, as most recently determined by the federal department of housing and urban development for the county in which the rental housing or mobile home park is located, shall be adjusted for family size. However, if a dwelling unit or a lot becomes vacant and is subsequently rented, the income of the new household must be at or below ~~((fifty percent of the median income adjusted for family size as most recently determined by the federal department of housing and urban development for the county in which the rental housing or mobile home park is located))~~ the threshold set in subsection (7)(e) of this section to remain exempt from property tax.

(4) If at the time of initial application the property is unoccupied, or subsequent to the initial application the property is unoccupied because of renovations, and the property is not currently being used for the exempt purpose authorized by this section but will be used for the exempt purpose within two assessment years, the property shall be eligible for a property tax exemption for the assessment year in which the claim for exemption is submitted under the following conditions:

(a) A commitment for financing to acquire, construct, renovate, or otherwise convert the property to provide housing for ~~((very low income))~~ qualifying households has been obtained, in whole or in part, by the nonprofit entity claiming the exemption from one or more of the sources listed in subsection (1)(c) of this section;

(b) The nonprofit entity has manifested its intent in writing to construct, remodel, or otherwise convert the property to housing for ~~((very low income))~~ qualifying households; and

(c) Only the portion of property that will be used to provide housing or lots for ~~((very low income))~~ qualifying households shall be exempt under this section.

(5) To be exempt under this section, the property must be used exclusively for the purposes for which the exemption is granted, except as provided in RCW 84.36.805.

(6) The nonprofit entity qualifying for a property tax exemption under this section may agree to make payments to the city, county, or other political subdivision for improvements, services, and facilities furnished by the city, county, or political subdivision for the benefit of the rental housing. However, these payments shall not exceed the amount last levied as the annual tax of the city, county, or political subdivision upon the property prior to exemption.

(7) The definitions in this subsection apply throughout this section unless the context clearly requires otherwise.

(a) "Group home" means a single-family dwelling financed, in whole or in part, by one or more of the sources listed in subsection (1)(c) of this section. The residents of a group home shall not be considered to jointly constitute a household, but each resident shall be considered to be a separate household occupying a separate dwelling unit. The individual incomes of the residents shall not be aggregated for purposes of this exemption;

(b) "Mobile home lot" or "mobile home park" means the same as these terms are defined in RCW 59.20.030;

(c) "Occupied dwelling unit" means a living unit that is occupied by an individual or household as of December 31st of the first assessment year the rental housing becomes operational or is occupied by an individual or household on January 1st of each subsequent assessment year in which the claim for exemption is submitted. If the housing facility is comprised of three or fewer dwelling units and there are any unoccupied units on January 1st, the department shall base the amount of the exemption upon the number of occupied dwelling units as of December 31st of the first assessment year the rental housing becomes operational and on May 1st of each subsequent assessment year in which the claim for exemption is submitted;

(d) "Rental housing" means a residential housing facility or group home that is occupied but not owned by ~~((very low income))~~ qualifying households;

(e)(i) ~~((Very low income))~~ Qualifying household means a single person, family, or unrelated persons living together whose income is at or below fifty percent of the median income adjusted for family size as most recently determined by the federal department of housing and urban development for the county in which the rental housing or mobile home park is located and in effect as of January 1st of the year the application for exemption is submitted; ~~((and))~~

(ii) Beginning July 1, 2021, "qualifying household" means a single person, family, or unrelated persons living together whose income is at or below sixty percent of the median income adjusted for family size as most recently determined by the federal department of housing and urban development for the county in which the rental housing or mobile home park is located and in effect as of January 1st of the year the application for exemption is submitted; and

(f) "Nonprofit entity" means a:

(i) Nonprofit as defined in RCW 84.36.800 that is exempt from income tax under section 501(c) of the federal internal revenue code;

(ii) Limited partnership where a nonprofit as defined in RCW 84.36.800 that is exempt from income tax under section 501(c) of the federal internal revenue code, a public corporation established under RCW 35.21.660, 35.21.670, or 35.21.730, a housing authority created under RCW 35.82.030 or 35.82.300, or a housing authority meeting the definition in RCW 35.82.210(2)(a) is a general partner;

(iii) Limited liability company where a nonprofit as defined in RCW 84.36.800 that is exempt from income tax under section 501(c) of the federal internal revenue code, a public corporation established under RCW 35.21.660, 35.21.670, or 35.21.730, a housing authority established under RCW 35.82.030 or 35.82.300, or a housing authority meeting the definition in RCW 35.82.210(2)(a) is a managing member; or

(iv) Mobile home park cooperative or a manufactured housing cooperative, as defined in RCW 59.20.030.

**Sec. 44.** RCW 84.36.815 and 2016 c 217 s 4 are each amended to read as follows:

(1) In order to qualify for exempt status for any real or personal property under this chapter except personal property under RCW 84.36.600, all foreign national governments; cemeteries; nongovernmental nonprofit corporations, organizations, and associations; hospitals owned and operated by a public hospital district for purposes of exemption under RCW 84.36.040(2); and soil and water conservation districts must file an initial application on or before March 31st with the state department of revenue. However, the initial application deadline for the exemption provided in RCW 84.36.049 is July 1st for 2016 and March 31st for 2017 and thereafter. All applications must be filed on forms prescribed by the department and must be signed by an authorized agent of the applicant.

(2)(a) In order to requalify for exempt status, all applicants except nonprofit cemeteries and nonprofits receiving the exemption under RCW 84.36.049 and nonprofits receiving the exemption under RCW 84.36.560 must file an annual renewal declaration on or before March 31st each year. The renewal declaration must be on forms prescribed by the department of revenue and must contain a statement certifying the exempt status of the real or personal property owned by the exempt organization. This renewal declaration may be submitted electronically in a format provided or approved by the department. Information may also be required with the renewal declaration to assist the

department in determining whether the property tax exemption should continue.

(b) In order to requalify for exempt status, nonprofits receiving the exemption under RCW 84.36.560 must file a renewal declaration on or before March 31st of every third year following initial qualification for the exemption. Except for the annual renewal requirement, all other requirements of (a) of this subsection apply.

(3) When an organization acquires real property qualified for exemption or converts real property to exempt status, the organization must file an initial application for the property within sixty days following the acquisition or conversion in accordance with all applicable provisions of subsection (1) of this section. If the application is filed after the expiration of the sixty-day period, a late filing penalty is imposed under RCW 84.36.825.

(4) When organizations acquire real property qualified for exemption or convert real property to an exempt use, the property, upon approval of the application for exemption, is entitled to a property tax exemption for property taxes due and payable the following year. If the owner has paid taxes for the year following the year the property qualified for exemption, the owner is entitled to a refund of the amount paid on the property so acquired or converted.

(5) The department must share approved initial applications for the tax preference provided in RCW 84.36.049 with the joint legislative audit and review committee, upon request by the committee, in order for the committee to complete its review of the tax preference provided in RCW 84.36.049.

NEW SECTION. Sec. 45. The provisions of RCW 82.32.805 and 82.32.808 do not apply to this act."

On page 1, line 3 of the title, after "households;" strike the remainder of the title and insert "amending RCW 84.36.560 and 84.36.815; and creating a new section."

and the same is herewith transmitted.

Sarah Bannister, Deputy, Secretary

#### SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to SUBSTITUTE HOUSE BILL NO. 2384 and advanced the bill as amended by the Senate to final passage.

#### FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representatives Doglio and Orcutt spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2384, as amended by the Senate.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2384, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 94; Nays, 3; Absent, 0; Excused, 1.

Voting yea: Representatives Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Duerr, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, Mead, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Voting nay: Representatives Dufault, McCaslin and Shea.

Excused: Representative Appleton.

SUBSTITUTE HOUSE BILL NO. 2384, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

#### MESSAGE FROM THE SENATE

March 3, 2020

Madame Speaker:

The Senate has passed HOUSE BILL NO. 2402 with the following amendment:  
45.0.

Strike everything after the enacting clause and insert the following:

#### "PART I

#### REPEAL OF SELECTED STATUTORY COMMITTEES

NEW SECTION. Sec. 46. The following acts or parts of acts are each repealed:

(1)RCW 28A.657.130 (Education accountability system oversight committee—Membership—Duties—Reports) and 2013 c 159 s 13;

(2)RCW 28B.95.170 (Legislative advisory committee) and 2011 1st sp.s. c 12 s 6;

(3)RCW 44.55.010 (Findings—Intent) and 2003 c 404 s 1;

(4)RCW 44.55.020 (Committee membership) and 2003 c 404 s 2;

(5)RCW 44.55.030 (Chair—Officers—Rules) and 2003 c 404 s 3;

(6)RCW 44.55.040 (Powers, duties) and 2003 c 404 s 4;

(7)RCW 44.55.050 (Staff support) and 2003 c 404 s 5;

(8)RCW 44.55.060 (Compensation) and 2003 c 404 s 6;

(9)RCW 44.68.020 (Committee created—Members, terms, vacancies, officers, rules) and 1993 c 332 s 1 & 1986 c 61 s 2; and

(10)RCW 44.68.035 (Administration) and 2001 c 259 s 16.

## PART II

### RELATED AMENDMENTS

**Sec. 47.** RCW 28A.175.075 and 2018 c 58 s 31 are each amended to read as follows:

(1) The office of the superintendent of public instruction shall establish a state-level ~~((building bridges work group that includes))~~ advisory committee to be known as the graduation: a team effort partnership advisory committee. The advisory committee shall include K-12 and state agencies that work with youth who have dropped out or are at risk of dropping out of school. The following agencies shall appoint representatives to the ~~((work group))~~ advisory committee: The office of the superintendent of public instruction, the workforce training and education coordinating board, the department of children, youth, and families, the employment security department, the state board for community and technical colleges, the department of health, the community mobilization office, and the children's services and behavioral health and recovery divisions of the department of social and health services. The ~~((work group should))~~ advisory committee shall also consist of one representative from each of the following agencies and organizations: A statewide organization representing career and technical education programs including skill centers; the juvenile courts or the office of juvenile justice, or both; the Washington association of prosecuting attorneys; the Washington state office of public defense; accredited institutions of higher education; the educational service districts; the area workforce development councils; parent and educator associations; educational opportunity gap oversight and accountability committee; office of the education ombuds; local school districts; agencies or organizations that provide services to special education students; community organizations serving youth; federally recognized tribes and urban tribal centers; each of the major political caucuses of the senate and house of representatives; and the minority commissions.

(2) To assist and enhance the work of the ~~((building bridges))~~ programs established in RCW 28A.175.025, the ~~((state level work group))~~ advisory committee shall:

(a) Identify and make recommendations to the legislature for the reduction of fiscal, legal, and regulatory barriers that prevent coordination of program resources across agencies at the state and local level;

(b) Develop and track performance measures and benchmarks for each partner agency or organization across the state including performance measures and benchmarks based on student characteristics and outcomes specified in RCW 28A.175.035(1)(e); and

(c) Identify research-based and emerging best practices regarding prevention, intervention, and retrieval programs.

(3)~~((a))~~ The ~~((work group))~~ advisory committee shall report to the appropriate committees of the legislature and the governor on an annual basis beginning December 1, 2007, with proposed strategies for building K-12 dropout prevention, intervention, and reengagement systems in local communities throughout the state including, but not limited to, recommendations for implementing emerging best practices, needed additional resources, and eliminating barriers.

~~((b) By September 15, 2010, the work group shall report on:~~

~~((i) A recommended state goal and annual state targets for the percentage of students graduating from high school;~~

~~((ii) A recommended state goal and annual state targets for the percentage of youth who have dropped out of school who should be reengaged in education and be college and work ready;~~

~~((iii) Recommended funding for supporting career guidance and the planning and implementation of K-12 dropout prevention, intervention, and reengagement systems in school districts and a plan for phasing the funding into the program of basic education, beginning in the 2011-2013 biennium; and~~

~~((iv) A plan for phasing in the expansion of the current school improvement planning program to include state-funded, dropout-focused school improvement technical assistance for school districts in significant need of improvement regarding high school graduation rates.))~~

(4) State agencies in the ~~((building bridges work group))~~ advisory committee shall work together, wherever feasible, on the following activities to support school/family/community partnerships engaged in building K-12 dropout prevention, intervention, and reengagement systems:

(a) Providing opportunities for coordination and flexibility of program eligibility and funding criteria;

(b) Providing joint funding;

(c) Developing protocols and templates for model agreements on sharing records and data;

(d) Providing joint professional development opportunities that provide knowledge and training on:

(i) Research-based and promising practices;

(ii) The availability of programs and services for vulnerable youth; and

(iii) Cultural competence.

~~((5) The building bridges work group shall make recommendations to the governor and the legislature by December 1, 2010, on a state level and regional infrastructure for coordinating services for vulnerable youth. Recommendations must address the following issues:~~



~~(a) Whether to adopt an official conceptual approach or framework for all entities working with vulnerable youth that can support coordinated planning and evaluation;~~

~~(b) The creation of a performance-based management system, including outcomes, indicators, and performance measures relating to vulnerable youth and programs serving them, including accountability for the dropout issue;~~

~~(c) The development of regional and/or county-level multipartner youth consortia with a specific charge to assist school districts and local communities in building K-12 comprehensive dropout prevention, intervention, and reengagement systems;~~

~~(d) The development of integrated or school-based one-stop shopping for services that would;~~

~~(i) Provide individualized attention to the neediest youth and prioritized access to services for students identified by a dropout early warning and intervention data system;~~

~~(ii) Establish protocols for coordinating data and services, including getting data release at time of intake and common assessment and referral processes; and~~

~~(iii) Build a system of single case managers across agencies;~~

~~(e) Launching a statewide media campaign on increasing the high school graduation rate; and~~

~~(f) Developing a statewide database of available services for vulnerable youth.))~~

**Sec. 48.** RCW 28A.657.100 and 2013 c 159 s 10 are each amended to read as follows:

(1) The superintendent of public instruction must provide a report twice per year to the state board of education regarding the progress made by all school districts designated as required action districts.

(2) The superintendent of public instruction must recommend to the state board of education that a school district be released from the designation as a required action district after the district implements a required action plan for a period of three years; has made progress, as defined by the superintendent of public instruction using the criteria adopted under RCW 28A.657.020 including progress in closing the educational opportunity gap; and no longer has a school within the district identified as persistently lowest-achieving. The state board shall release a school district from the designation as a required action district upon confirmation that the district has met the requirements for a release.

(3) If the state board of education determines that the required action district has not met the requirements for release after at least three years of implementing a required action plan, the board may recommend that the district remain in required action and submit a new or revised plan under the process in RCW 28A.657.050, or the board may direct that the school district be assigned to level two of the required action process as provided in RCW 28A.657.105. If the required action district received a federal school

improvement grant for the same persistently lowest-achieving school in 2010 or 2011, the board may direct that the school district be assigned to level two of the required action process after one year of implementing a required action plan under this chapter if the district is not making progress. ~~((Before making a determination of whether to recommend that a school district that is not making progress remain in required action or be assigned to level two of the required action process, the state board of education must submit its findings to the education accountability system oversight committee under RCW 28A.657.130 and provide an opportunity for the oversight committee to review and comment.))~~

**Sec. 49.** RCW 28B.15.067 and 2015 3rd sp.s. c 36 s 3 are each amended to read as follows:

(1) Tuition fees shall be established under the provisions of this chapter.

~~(2) ((Beginning in the 2011-12 academic year and through the 2014-15 academic year, reductions or increases in full-time tuition fees shall be as provided in the omnibus appropriations act for resident undergraduate students at community and technical colleges.~~

~~(3)(a) In the 2015-16 and 2016-17 academic years, tuition operating fees for resident undergraduates at community and technical colleges excluding applied baccalaureate degrees as defined in RCW 28B.50.030, shall be five percent less than the 2014-15 academic year tuition operating fee.~~

~~((b) Beginning in the 2017-18 academic year, tuition))~~ Tuition operating fees for resident undergraduates at ~~((community and technical colleges))~~ institutions of higher education as defined in RCW 28B.10.016, excluding applied baccalaureate degrees as defined in RCW 28B.50.030, may increase by no more than the average annual percentage growth rate in the median hourly wage for Washington for the previous fourteen years as the wage is determined by the federal bureau of labor statistics.

~~((4))~~ (3) The governing boards of the state universities, regional universities, and The Evergreen State College; and the state board for community and technical colleges may reduce or increase full-time tuition fees for all students other than resident undergraduates, including nonresident students, summer school students, and students in other self-supporting degree programs. Percentage increases in full-time tuition may exceed the fiscal growth factor. Except during the 2013-2015 fiscal biennium, the state board for community and technical colleges may pilot or institute differential tuition models. The board may define scale, scope, and rationale for the models.

~~((5)(a) Beginning with the 2011-12 academic year and through the end of the 2014-15 academic year, the governing boards of the state universities, the regional universities, and The Evergreen State College may reduce or increase full-time tuition fees for all students, including summer school students and students in other self-supporting degree programs. Percentage increases in full-time tuition fees may exceed the fiscal growth factor. Reductions or increases may be made for all or portions of~~

~~an institution's programs, campuses, courses, or students; however, during the 2013-2015 fiscal biennium, reductions or increases in tuition must be uniform among resident undergraduate students.~~

~~(b) Prior to reducing or increasing tuition for each academic year, the governing boards of the state universities, the regional universities, and The Evergreen State College shall consult with existing student associations or organizations with student undergraduate and graduate representatives regarding the impacts of potential tuition increases. Each governing board shall make public its proposal for tuition and fee increases twenty-one days before the governing board of the institution considers adoption and allow opportunity for public comment. However, the requirement to make public a proposal for tuition and fee increases twenty-one days before the governing board considers adoption shall not apply if the omnibus appropriations act has not passed the legislature by May 15th. Governing boards shall be required to provide data regarding the percentage of students receiving financial aid, the sources of aid, and the percentage of total costs of attendance paid for by aid.~~

~~(c) Prior to reducing or increasing tuition for each academic year, the state board for community and technical college system shall consult with existing student associations or organizations with undergraduate student representation regarding the impacts of potential tuition increases. The state board for community and technical colleges shall provide data regarding the percentage of students receiving financial aid, the sources of aid, and the percentage of total costs of attendance paid for by aid.~~

~~(6)(a) In the 2015-16 academic year, full-time tuition operating fees for resident undergraduates for state universities, regional universities, The Evergreen State College, and applied baccalaureate degrees as defined in RCW 28B.50.030 shall be five percent less than the 2014-15 academic year tuition operating fee.~~

~~(b) Beginning with the 2016-17 academic year, full-time tuition operating fees for resident undergraduates for:~~

~~(i) State universities shall be fifteen percent less than the 2014-15 academic year tuition operating fee; and~~

~~(ii) Regional universities, The Evergreen State College, and applied baccalaureate degrees as defined in RCW 28B.50.030 shall be twenty percent less than the 2014-15 academic year tuition operating fee.~~

~~(c) Beginning with the 2017-18 academic year, full-time tuition operating fees for resident undergraduates in (b) of this subsection may increase by no more than the average annual percentage growth rate in the median hourly wage for Washington for the previous fourteen years as the wage is determined by the federal bureau of labor statistics.~~

~~(7)) (4) The tuition fees established under this chapter shall not apply to high school students enrolling in participating institutions of higher education under RCW 28A.600.300 through 28A.600.400.~~

~~((8)) (5) The tuition fees established under this chapter shall not apply to eligible students enrolling in a~~

dropout reengagement program through an interlocal agreement between a school district and a community or technical college under RCW 28A.175.100 through 28A.175.110.

~~((9) The legislative advisory committee to the committee on advanced tuition payment established in RCW 28B.95.170 shall:~~

~~(a) Review the impact of differential tuition rates on the funded status and future unit price of the Washington advanced college tuition payment program; and~~

~~(b) No later than January 14, 2013, make a recommendation to the appropriate policy and fiscal committees of the legislature regarding how differential tuition should be addressed in order to maintain the ongoing solvency of the Washington advanced college tuition payment program.~~

~~(10)) (6) As a result of any changes in tuition under section 3, chapter 36, Laws of 2015 3rd sp. sess., the governing boards of the state universities, the regional universities, and The Evergreen State College shall not reduce resident undergraduate enrollment below the 2014-15 academic year levels.~~

**Sec. 50.** RCW 43.15.020 and 2017 3rd sp.s. c 6 s 814 are each amended to read as follows:

The lieutenant governor serves as president of the senate and is responsible for making appointments to, and serving on, the committees and boards as set forth in this section.

(1) The lieutenant governor serves on the following boards and committees:

(a) Capitol furnishings preservation committee, RCW 27.48.040;

(b) Washington higher education facilities authority, RCW 28B.07.030;

(c) Productivity board, also known as the employee involvement and recognition board, RCW 41.60.015;

(d) State finance committee, RCW 43.33.010;

(e) State capitol committee, RCW 43.34.010;

(f) Washington health care facilities authority, RCW 70.37.030;

(g) State medal of merit nominating committee, RCW 1.40.020;

(h) Medal of valor committee, RCW 1.60.020; and

(i) ~~((Association of Washington generals))~~ Washington state leadership board, RCW 43.15.030.

(2) The lieutenant governor, and when serving as president of the senate, appoints members to the following boards and committees:

(a) Civil legal aid oversight committee, RCW 2.53.010;

(b) Office of public defense advisory committee, RCW 2.70.030;

(c) Washington state gambling commission, RCW 9.46.040;

(d) Sentencing guidelines commission, RCW 9.94A.860;

(e) State building code council, RCW 19.27.070;

(f) Financial education public-private partnership, RCW 28A.300.450;

(g) Joint administrative rules review committee, RCW 34.05.610;

(h) Capital projects advisory review board, RCW 39.10.220;

(i) Select committee on pension policy, RCW 41.04.276;

(j) Legislative ethics board, RCW 42.52.310;

(k) Washington citizens' commission on salaries, RCW 43.03.305;

(l) Legislative oral history committee, RCW 44.04.325;

(m) State council on aging, RCW 43.20A.685;

(n) State investment board, RCW 43.33A.020;

(o) Capitol campus design advisory committee, RCW 43.34.080;

(p) Washington state arts commission, RCW 43.46.015;

(q) PNWER-Net working subgroup under chapter 43.147 RCW;

(r) Community economic revitalization board, RCW 43.160.030;

(s) Washington economic development finance authority, RCW 43.163.020;

~~(t) ((Life sciences discovery fund authority, RCW 43.350.020;~~

~~((u))~~ Joint legislative audit and review committee, RCW 44.28.010;

~~((v))~~ (u) Joint committee on energy supply and energy conservation, RCW 44.39.015;

~~((w))~~ (v) Legislative evaluation and accountability program committee, RCW 44.48.010;

~~((x) Agency council on coordinated transportation, RCW 47.06B.020;~~

~~((y))~~ (w) Washington horse racing commission, RCW 67.16.014;

~~((z))~~ (x) Correctional industries board of directors, RCW 72.09.080;

~~((aa))~~ (y) Joint committee on veterans' and military affairs, RCW 73.04.150;

~~((bb))~~ (z) Joint legislative committee on water supply during drought, RCW 90.86.020; and

~~((cc))~~ (aa) Statute law committee, RCW 1.08.001(~~;~~ and

~~((dd) Joint legislative oversight committee on trade policy, RCW 44.55.020)).~~

**Sec. 51.** RCW 43.216.572 and 2016 c 57 s 1 are each amended to read as follows:

For the purposes of implementing this chapter, the governor shall appoint a state ~~((birth to three))~~ interagency coordinating council for infants and toddlers with disabilities and their families and ensure that state agencies involved in the provision of, or payment for, early intervention services to infants and toddlers with disabilities and their families shall coordinate and collaborate in the planning and delivery of such services.

No state or local agency currently providing early intervention services to infants and toddlers with disabilities may use funds appropriated for early intervention services for infants and toddlers with disabilities to supplant funds from other sources.

All state and local agencies shall ensure that the implementation of this chapter will not cause any interruption in existing early intervention services for infants and toddlers with disabilities.

Nothing in this chapter shall be construed to permit the restriction or reduction of eligibility under Title V of the Social Security Act, P.L. 90-248, relating to maternal and child health or Title XIX of the Social Security Act, P.L. 89-97, relating to medicaid for infants and toddlers with disabilities.

**Sec. 52.** RCW 43.216.574 and 2016 c 57 s 2 are each amended to read as follows:

The state ~~((birth to three))~~ interagency coordinating council for infants and toddlers with disabilities and their families shall identify and work with county early childhood interagency coordinating councils to coordinate and enhance existing early intervention services and assist each community to meet the needs of infants and toddlers with disabilities and their families.

**Sec. 53.** RCW 44.04.325 and 2008 c 222 s 4 are each amended to read as follows:

(1) A legislative oral history committee is created, which shall consist of the following individuals:

(a) Four members of the house of representatives, two from each of the two largest caucuses of the house, appointed by the speaker of the house of representatives;

(b) Four members of the senate, two from each of the two largest caucuses of the senate, appointed by the president of the senate;

(c) The chief clerk of the house of representatives; and

(d) The secretary of the senate.

(2) Ex officio members may be appointed by a majority vote of the committee's members appointed under subsection (1) of this section.

(3) The chair of the committee shall be elected by a majority vote of the committee members appointed under subsection (1) of this section.

(4) Staff support for the committee must be provided by the office of the secretary of the senate and the office of the chief clerk of the house of representatives.

**Sec. 54.** RCW 44.68.010 and 2007 c 18 s 1 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Administrative committee" means the joint legislative systems administrative committee created under RCW 44.68.030.

(2) "Center" means the legislative service center established under RCW 44.68.060.

(3) "Coordinator" means the legislative systems coordinator employed under RCW 44.68.040.

~~((4) "Systems committee" means the joint legislative systems committee created under RCW 44.68.020.))~~

**Sec. 55.** RCW 44.68.040 and 2007 c 18 s 3 are each amended to read as follows:

Subject to RCW 44.04.260:

(1) The ~~((systems committee, after consultation with the))~~ administrative committee~~((;))~~ shall employ a legislative systems coordinator. The coordinator shall serve at the pleasure of the ~~((systems))~~ administrative committee, which shall fix the coordinator's salary.

(2)(a) The coordinator shall serve as the executive and administrative head of the center, and shall assist the administrative committee in managing the information processing and communications systems of the legislature as directed by the administrative committee;

(b) In accordance with an adopted personnel plan, the coordinator shall employ or engage and fix the compensation for personnel required to carry out the purposes of this chapter;

(c) The coordinator shall enter into contracts for: (i) The sale, exchange, or acquisition of equipment, supplies, services, and facilities required to carry out the purposes of this chapter; and (ii) the distribution of legislative information.

**Sec. 56.** RCW 44.68.050 and 2007 c 18 s 4 are each amended to read as follows:

The administrative committee shall, ~~((subject to the approval of the systems committee and))~~ subject to RCW 44.04.260:

(1) Adopt policies, procedures, and standards regarding the information processing and communications systems of the legislature;

(2) Establish appropriate charges for services, equipment, and publications provided by the legislative information processing and communications systems, applicable to legislative and nonlegislative users as determined by the administrative committee;

(3) Adopt a compensation plan for personnel required to carry out the purposes of this chapter; and

(4) Approve strategic and tactical information technology plans and provide guidance in operational matters required to carry out (a) the purposes of this chapter; and (b) the distribution of legislative information~~((;~~

~~((5) Generally assist the systems committee in carrying out its responsibilities under this chapter, as directed by the systems committee)).~~

**Sec. 57.** RCW 44.68.060 and 2007 c 18 s 5 are each amended to read as follows:

(1) The administrative committee~~((, subject to the approval of the systems committee,))~~ shall establish a legislative service center. The center shall provide automatic data processing services, equipment, training, and support to the legislature and legislative agencies. The center may also, by agreement, provide services to agencies of the judicial and executive branches of state government and other governmental entities, and provide public access to legislative information. All operations of the center shall be subject to the general supervision of the administrative committee in accordance with the policies, procedures, and standards established under RCW 44.68.050.

(2) Except as provided otherwise in subsection (3) of this section, determinations regarding the security, disclosure, and disposition of information placed or maintained in the center shall rest solely with the originator and shall be made in accordance with any law regulating the disclosure of such information. The originator is the person who directly places information in the center.

(3) When utilizing the center to carry out the bill drafting functions required under RCW 1.08.027, the code reviser shall be considered the originator as defined in ~~((RCW 44.68.060))~~ this section. However, determinations regarding the security, disclosure, and disposition of drafts placed or maintained in the center shall be made by the person requesting the code reviser's services and the code reviser, acting as the originator, shall comply with and carry out such determinations as directed by that person. A measure once introduced shall not be considered a draft under this subsection.

**Sec. 58.** RCW 44.68.065 and 2015 3rd sp.s. c 1 s 411 are each amended to read as follows:

The legislative service center, under the direction of ~~((the joint legislative systems committee and))~~ the joint legislative systems administrative committee, shall:

(1) Develop a legislative information technology portfolio consistent with the provisions of RCW 43.105.341;

(2) Participate in the development of an enterprise-based statewide information technology strategy;

(3) Ensure the legislative information technology portfolio is organized and structured to clearly indicate participation in and use of enterprise-wide information technology strategies;

(4) As part of the biennial budget process, submit the legislative information technology portfolio to the chair and ranking member of the ways and means committees of the house of representatives and the senate, the office of financial management, and the consolidated technology services agency.

**Sec. 59.** RCW 44.68.085 and 2007 c 18 s 6 are each amended to read as follows:

Subject to RCW 44.04.260, all expenses incurred, including salaries and expenses of employees, shall be paid upon voucher forms as provided and signed by the coordinator. Vouchers may be drawn on funds appropriated by law for the ~~((systems committee,))~~ administrative committee~~((;))~~ and center: PROVIDED, That the senate, house of representatives, and code reviser may authorize the ~~((systems committee,))~~ administrative committee~~((;))~~ and center to draw on funds appropriated by the legislature for related information technology expenses. The senate and house of representatives may transfer moneys appropriated for legislative expenses to the ~~((systems committee,))~~ administrative committee~~((;))~~ and center, in addition to charges made under RCW 44.68.050(2).

**Sec. 60.** RCW 44.68.090 and 1986 c 61 s 9 are each amended to read as follows:

Members ~~((of the systems committee and))~~ of the administrative committee shall be reimbursed for travel expenses under RCW 44.04.120 or 43.03.050 and 43.03.060, as appropriate, while attending meetings of their respective committees or on other official business authorized by their respective committees.

**Sec. 61.** RCW 44.68.100 and 1996 c 171 s 4 are each amended to read as follows:

The legislature and legislative agencies through the ~~((joint legislative systems))~~ administrative committee, shall:

(1) Continue to plan for and implement processes for making legislative information available electronically;

(2) Promote and facilitate electronic access to the public of legislative information and services;

(3) Establish technical standards for such services;

(4) Consider electronic public access needs when planning new information systems or major upgrades of information systems;

(5) Develop processes to determine which legislative information the public most wants and needs;

(6) Increase capabilities to receive information electronically from the public and transmit forms, applications and other communications and transactions electronically;

(7) Use technologies that allow continuous access twenty-four hours a day, seven days per week, involve little

or no cost to access, and are capable of being used by persons without extensive technology ability; and

(8) Consider and incorporate wherever possible ease of access to electronic technologies by persons with disabilities.

**Sec. 62.** RCW 44.68.105 and 2007 c 18 s 7 are each amended to read as follows:

The ~~((systems committee,))~~ administrative committee~~((;))~~ and center are hereby expressly exempted from the provisions of chapter 43.105 RCW.

**Sec. 63.** RCW 43.15.030 and 2018 c 67 s 1 are each amended to read as follows:

(1) The ~~((association of Washington generals))~~ Washington state leadership board is organized as a private, nonprofit, nonpartisan corporation in accordance with chapter 24.03 RCW and this section.

(2) The purpose of the ~~((association of Washington generals))~~ Washington state leadership board is to:

(a) Provide the state a means of extending formal recognition for an individual's outstanding services to the state;

(b) Bring together those individuals to serve the state as ambassadors of trade, tourism, and international goodwill; and

(c) Expand educational, sports, leadership, and/or employment opportunities for youth, veterans, and people with disabilities in Washington state.

(3) The ~~((association of Washington generals))~~ Washington state leadership board may conduct activities in support of their mission~~((, including but not limited to:~~

~~((a) Establishing selection criteria for selecting Washington generals;~~

~~((b) Training Washington generals as ambassadors of the state of Washington, nationally and internationally; and~~

~~((c) Promoting Washington generals as ambassadors of the state of Washington)).~~

(4) The ~~((association of Washington generals))~~ Washington state leadership board is governed by a board of directors. The board of directors is composed of the governor, the lieutenant governor, and the secretary of state, who serve as ex officio, nonvoting members, and other officers and members as the ~~((association of Washington generals))~~ Washington state leadership board designates. In addition, four legislators may be appointed to the board of directors as ex officio members in the following manner: One legislator from each of the two largest caucuses of the senate, appointed by the president of the senate, and one legislator from each of the two largest caucuses of the house of representatives, appointed by the speaker of the house of representatives.

(5) The board of directors shall~~((;~~

~~((a) Review nominations for and be responsible for the selection of Washington generals;~~

~~(b) Establish the title of honorary Washington general to honor worthy individuals from outside the state of Washington; and~~

~~(c) Adopt~~ adopt bylaws and establish governance and transparency policies.

(6) The lieutenant governor's office may provide technical and financial assistance for the ~~((association of Washington generals))~~ Washington state leadership board, where the work of the ~~((association))~~ board aligns with the mission of the office. Assistance from the lieutenant governor's office may include, but is not limited to:

(a) Collaboration with the ~~((association of Washington generals))~~ Washington state leadership board on the Washington world fellows program, a college readiness and study abroad fellowship administered by the office of the lieutenant governor;

(b) Beginning January 1, 2019, collaboration with the ~~((association of Washington generals))~~ Washington state leadership board to administer the sports mentoring program as established under RCW 43.15.100, a mentoring program to encourage underserved youth to join sports or otherwise participate in the area of sports. If approved by the board, boundless Washington, an outdoor leadership program for young people with disabilities, shall satisfy the terms of the sports mentoring program; and

(c) The compilation of a yearly financial report, which shall be made available to the legislature no later than January 15th of each year, detailing all revenues and expenditures associated with the Washington world fellows program and the sports mentoring program. Any expenditures made by the ~~((association of Washington generals))~~ Washington state leadership board in support of the Washington world fellows program and the sports mentoring program shall be made available to the office of the lieutenant governor for the purpose of inclusion in the annual financial report.

(7) The legislature may make appropriations in support of the ~~((Washington generals))~~ Washington state leadership board subject to the availability of funds.

(8) The office of the lieutenant governor must post on its web site detailed information on all funds received by the ~~((association of Washington generals))~~ Washington state leadership board and all expenditures by the ~~((association of Washington generals))~~ Washington state leadership board.

**Sec. 64.** RCW 43.15.040 and 2005 c 69 s 2 are each amended to read as follows:

The ~~((association of Washington generals))~~ Washington state leadership board may use the image of the Washington state flag to promote the mission of the organization as set forth under RCW ~~((43.342.010))~~ 43.15.030. The ~~((association))~~ board retains any revenue generated by the use of the image, when the usage is consistent with the purposes under RCW ~~((43.342.010))~~ 43.15.030.

**Sec. 65.** RCW 43.15.060 and 2003 c 347 s 1 are each amended to read as follows:

(1) Economic development and in particular international trade, tourism, and investment have become increasingly important to Washington, affecting the state's employment, revenues, and general economic well-being. Additionally, economic trends are rapidly changing and the international marketplace has become increasingly competitive as states and countries seek to improve and safeguard their own economic well-being. The purpose of the legislative committee on economic development and international relations is to provide responsive and consistent involvement by the legislature in economic development to maintain a healthy state economy and to provide employment opportunities to Washington residents.

(2) There is created a legislative committee on economic development and international relations which shall consist of six senators and six representatives from the legislature and the lieutenant governor who shall serve as chairperson. The senate members of the committee shall be appointed by the president of the senate and the house members of the committee shall be appointed by the speaker of the house. Not more than three members from each house shall be from the same political party. ~~((A list of appointees shall be submitted before the close of each regular legislative session during an odd-numbered year or any successive special session convened by the governor or the legislature prior to the close of such regular session or successive special session(s) for confirmation of senate members, by the senate, and house members, by the house.))~~ Vacancies occurring shall be filled by the appointing authority.

**Sec. 66.** RCW 43.15.065 and 1985 c 467 s 18 are each amended to read as follows:

The committee shall by majority vote establish subcommittees, and prescribe rules of procedure for itself and its subcommittees which are consistent with this chapter. ~~((The committee shall at a minimum establish a subcommittee on international trade and a subcommittee on industrial development.))~~

**Sec. 67.** RCW 43.15.070 and 1985 c 467 s 19 are each amended to read as follows:

The committee or its subcommittees are authorized to study and review economic development issues with special emphasis on international trade, tourism, investment, and industrial development, and to assist the legislature in developing a comprehensive and consistent economic development policy. The issues under review by the committee shall include, but not be limited to:

(1) Evaluating existing state policies, laws, and programs which promote or affect economic development with special emphasis on those concerning international trade, tourism, and investment and determine their cost-effectiveness and level of cooperation with other public and private agencies(-);

(2) Monitoring economic trends, and developing for review by the legislature such ~~((appropriate))~~ state responses as may be deemed effective and appropriate(-);

(3) Monitoring economic development policies and programs of other states and nations and evaluating their effectiveness((-));

(4) Determining the economic impact of international trade, tourism, and investment upon the state's economy((-);

(5) Assessing the need for and effect of federal, regional, and state cooperation in economic development policies and programs((-);

(6) Evaluating opportunities to collaborate with public and private agencies in achieving Washington state's international relations objectives;

(7) Studying and adopting any state tourism slogan or tagline recommended by the Washington tourism marketing authority established in RCW 43.384.020;

(8) Designating official legislative trade delegations and nominating legislators for inclusion in official trade delegations organized by the office of international relations and protocol;

(9) Proposing potential sister-state relationships to be submitted to the governor for approval; and

(10) Developing and evaluating legislative proposals concerning the issues specified in this section.

**Sec. 68.** RCW 28A.300.801 and 2009 c 410 s 1 are each amended to read as follows:

(1) The legislative youth advisory council is established to examine issues of importance to youth, including but not limited to education, employment, strategies to increase youth participation in state and municipal government, safe environments for youth, substance abuse, emotional and physical health, foster care, poverty, homelessness, and youth access to services on a statewide and municipal basis.

(2) The council consists of at least twenty-two members as provided in this subsection who, at the time of appointment, are aged fourteen to eighteen. The council shall select a chair from among its members.

(3) (~~Except for initial members, members~~) Members shall serve two-year terms((-)) and, if eligible, may be reappointed for subsequent two-year terms. (~~One half of the initial members shall be appointed to one-year terms, and these appointments shall be made in such a way as to preserve overall representation on the committee.~~)

(4)(a) (~~By July 2, 2007, and annually thereafter, students~~) Students may apply annually to be considered for participation in the program by completing an online application form and submitting the application to the legislative youth advisory council. The council may develop selection criteria and an application review process. The council shall recommend candidates whose names will be submitted to the office of the lieutenant governor for final selection. (~~Beginning May 7, 2009, the~~) The office of the lieutenant governor shall notify all applicants of the final selections (~~(using existing staff and resources)~~).

(b) (~~(Within existing staff and resources, the)~~) The office of the lieutenant governor shall make the application available on the lieutenant governor's web site.

(5) (~~(If the council has sufficient funds from any source, then)~~) Subject to the supervision of the office of the lieutenant governor, the council shall have the following duties:

(a) Advising the legislature on proposed and pending legislation, including state budget expenditures and policy matters relating to youth;

(b) Advising the standing committees of the legislature and study commissions, committees, and task forces regarding issues relating to youth;

(c) Conducting periodic seminars for its members regarding leadership, government, and the legislature;

(d) Accepting and soliciting for grants and donations from public and private sources to support the activities of the council; and

(e) Reporting annually by December 1st to the legislature on its activities, including proposed legislation that implements recommendations of the council.

(6) (~~(If the council has sufficient funds from any source, then in)~~) In carrying out its duties under this section, the council (~~(may)~~) must meet at least three times (~~(but not more than six times)~~) per year. (~~The council shall consider conducting at least some of the meetings via the K 20 telecommunications network.~~) The council is encouraged to use technology, such as remote videoconferencing technology, to facilitate members' participation in meetings. The council is encouraged to invite local state legislators to participate in the meetings. The council is encouraged to poll other students in order to get a broad perspective on (~~the~~) various policy issues. The council is encouraged to use technology to conduct (~~the~~) polling(~~(including the council's web site, if the council has a web site).~~).

(7) (~~(If the council has sufficient funds from any source, then members shall)~~) Members may be reimbursed as provided in RCW 43.03.050 and 43.03.060.

(8) (~~(If sufficient funds are available from any source, beginning with May 7, 2009, the)~~) The office of (~~(superintendent of public instruction)~~) the lieutenant governor shall provide administration, (~~(coordination)~~) supervision, and facilitation (~~(assistance)~~) support to the council. In facilitating the program, the office of the lieutenant governor may collaborate with the Washington state leadership board established in RCW 43.15.030. The senate and house of representatives may provide policy and fiscal briefings and assistance with drafting proposed legislation. The senate and the house of representatives shall each develop internal policies relating to staff assistance provided to the council. Such policies may include applicable internal personnel and practices guidelines, resource use and expense reimbursement guidelines, and applicable ethics mandates. Provision of funds, resources, and staff, as well as the assignment and direction of staff, remains at all times within the sole discretion of the chamber making the provision.

(9) The office of the lieutenant governor, ~~((the office of the superintendent of public instruction,))~~ the legislature, any agency of the legislature, and any official or employee of such office or agency are immune from liability for any injury that is incurred by or caused by a member of the legislative youth advisory council and that occurs while the member of the council is performing duties of the council or is otherwise engaged in activities or receiving services for which reimbursement is allowed under subsection (7) of this section. The immunity provided by this subsection does not apply to an injury intentionally caused by the act or omission of an employee or official of the ~~((superintendent of public instruction or))~~ office of the lieutenant governor, the legislature, or any agency of the legislature.

### **PART III**

#### **MISCELLANEOUS**

NEW SECTION. Sec. 69. RCW 28A.300.801 is recodified as a section in chapter 43.15 RCW.

NEW SECTION. Sec. 70. This act takes effect July 1, 2020."

On page 1, line 2 of the title, after "committees;" strike the remainder of the title and insert "amending RCW 28A.175.075, 28A.657.100, 28B.15.067, 43.15.020, 43.216.572, 43.216.574, 44.04.325, 44.68.010, 44.68.040, 44.68.050, 44.68.060, 44.68.065, 44.68.085, 44.68.090, 44.68.100, 44.68.105, 43.15.030, 43.15.040, 43.15.060, 43.15.065, 43.15.070, and 28A.300.801; adding a new section to chapter 43.15 RCW; recodifying RCW 28A.300.801; repealing RCW 28A.657.130, 28B.95.170, 44.55.010, 44.55.020, 44.55.030, 44.55.040, 44.55.050, 44.55.060, 44.68.020, and 44.68.035; and providing an effective date."

and the same is herewith transmitted.

Sarah Bannister, Deputy, Secretary

#### **SENATE AMENDMENT TO HOUSE BILL**

There being no objection, the House concurred in the Senate amendment to HOUSE BILL NO. 2402 and advanced the bill as amended by the Senate to final passage.

#### **FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED**

Representatives Hudgins and Walsh spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of House Bill No. 2402, as amended by the Senate.

#### **ROLL CALL**

The Clerk called the roll on the final passage of House Bill No. 2402, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 96; Nays, 1; Absent, 0; Excused, 1.

Voting yea: Representatives Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Mead, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shea, Shewmake, Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Voting nay: Representative Kraft.

Excused: Representative Appleton.

HOUSE BILL NO. 2402, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

#### **MESSAGE FROM THE SENATE**

March 5, 2020

Madame Speaker:

The Senate has passed ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2405 with the following amendment:

70.0.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 71. (1) The legislature finds that the efficiency and resiliency of buildings in Washington is essential for ensuring the health and safety of residents, employees, and tenants; for using water and energy more efficiently; and for economic development of our communities. Buildings in Washington have significant needs for resiliency retrofits, including seismic improvements, stormwater management, flood mitigation, wildfire and wind resistance, and for clean energy and energy efficiency improvements, but these improvements often have high up-front capital costs.

(2) This chapter authorizes the establishment of a commercial property assessed clean energy and resiliency ("C-PACER") program that jurisdictions can voluntarily implement to ensure that free and willing owners of agricultural, commercial, and industrial properties and of multifamily residential properties with five or more dwelling units can obtain low-cost, long-term financing for qualifying improvements, including energy efficiency, water conservation, renewable energy, and resiliency projects. These improvements are repaid by a voluntary assessment on the property, secured by a county lien, and assigned to a capital provider for all the administrative aspects of billing, collecting, and enforcing the lien and without the accumulation of cost to the county and without the creation of a personal debt obligation to the property owner. The obligation is instead carried by the property and remains



with the property until repaid, regardless of any potential transfer of property ownership. After the adoption of a C-PACER program, a county's role is limited to the approval of an assessment and recordation of a C-PACER lien, and administration of the C-PACER program which may be contracted out to a private third party.

(3) The legislature declares that the establishment and operation of a C-PACER program under this chapter serves important public health and safety interests. A qualified improvement as defined in section 2 of this act provides benefit to the public, either in the form of energy or water resource conservation, reduced public health risk, or reduced public emergency response risk. Accordingly, the governing body of a county is authorized to determine that it is convenient and advantageous to adopt a program under this chapter.

**NEW SECTION. Sec. 72.** The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Assessment" means the voluntary agreement of a property owner to allow a county to place an annual assessment on their property to repay C-PACER financing.

(2) "Capital provider" means any private entity, their designee, successor, and assigns that makes or funds C-PACER financing under this chapter.

(3) "C-PACER financing" means an investment from a capital provider to a property owner to finance or refinance a qualified project as described under this chapter.

(4) "C-PACER lien" means the lien recorded at the county on the eligible property to secure the voluntary annual assessment, which remains on the property until paid in full.

(5) "Eligible property" means privately owned commercial, industrial, or agricultural real property or multifamily residential real property with five or more dwelling units. Eligible property may be owned by any type of business, corporation, individual, or nonprofit organization permitted by state law.

(6) "Financing agreement" means the contract under which a property owner agrees to repay a capital provider for the C-PACER financing including, but not limited to, details of any finance charges, fees, debt servicing, accrual of interest and penalties, and any terms relating to treatment of prepayment and partial payment of the C-PACER financing.

(7) "Program" means a C-PACER program established under this chapter.

(8) "Program administrator" means the party designated by a county or the department of commerce to administer a C-PACER program. This may be the department of commerce, the county itself, or a third party, provided that the administration procedures used conform to the requirements of this chapter.

(9) "Program guidebook" means a comprehensive document that illustrates the applicable region for a program and establishes any appropriate guidelines, specifications, underwriting and approval criteria, and any standard

application forms consistent with the administration of a program and not detailed in this chapter.

(10) "Project application" means an application submitted to a program to demonstrate that a proposed project qualifies for C-PACER financing and for a C-PACER lien.

(11) "Qualified improvement" means a permanent improvement affixed to real property and intended to: (a) Decrease energy consumption or demand through the use of efficiency technologies, products, or activities that reduce or support the reduction of energy consumption, allow for the reduction in demand, or support the production of clean, renewable energy, including but not limited to a product, device, or interacting group of products or devices on the customer's side of the meter that generates electricity, provides thermal energy, or regulates temperature; (b) decrease water consumption or demand and address safe drinking water through the use of efficiency technologies, products, or activities that reduce or support the reduction of water consumption, allow for the reduction in demand, or reduce or eliminate lead from water which may be used for drinking or cooking; or (c) increase resilience, including but not limited to seismic retrofits, flood mitigation, stormwater management, wildfire and wind resistance, energy storage, and microgrids.

(12) "Qualified project" means a project approved by the program administrator, involving the installation or modification of a qualified improvement, including new construction or the adaptive reuse of eligible property with a qualified improvement.

(13) "Region" means a geographical area as determined by a county pursuant to section 4 of this act.

**NEW SECTION. Sec. 73.** (1)(a) The department of commerce may establish a voluntary statewide C-PACER program that counties may choose to participate in. A county may establish a separate voluntary countywide C-PACER program, provided that it conforms to the requirements of this chapter.

(b) A C-PACER program shall be managed efficiently and transparently, including by:

(i) Making any services that the program may choose to offer to property owners, such as estimating energy savings, overseeing project development, or evaluating alternative equipment installations, priced separately and open to purchase by the property owner from qualified third-party providers;

(ii) Making any properties participating in the program available to receiving impartial terms from all interested and qualifying third-party capital providers;

(iii) Allowing financial underwriting and evaluation to be performed by capital providers; and

(iv) Working in a collaborative working group process with capital providers and other stakeholders to develop the program guidebook and any other relevant documents or forms.

(2) The program shall establish uniform criteria for which projects qualify due to their public benefit for participation in C-PACER programs including, but not limited to, criteria for measuring or determining if investments in energy will reduce greenhouse gas emissions; be effective for reducing energy demand or replacing nonrenewable energy with renewable energy; will be appropriate to meet seismic risks for each region of the state and type of structure; will reduce stormwater or pollution to be significant public benefit; or will reduce the risk of wildfire, flooding, or other natural or human-caused disaster, including how to determine if the public benefit in reduced public risk and emergency response qualifies for inclusion in C-PACER programs.

(3) The program must prepare a program guidebook that must include at minimum:

(a) A sample form bilateral or triparty agreement or agreements, as appropriate, between a county, the property owner, and the capital provider which details the agreement between the county and the property owner to have an assessment placed on the qualified property as repayment for C-PACER financing; an agreement by the county to place a lien on the property to secure the obligation to repay; the obligation of the property owner to repay the C-PACER financing to the capital provider; and an assignment of the C-PACER lien by the county to the capital provider;

(b) A statement that the period of the financing agreement will not exceed the useful life of the qualified project, or weighted average life if more than one qualified improvement is included in the qualified project, that is the basis for the financing agreement;

(c) A description of the application process and eligibility requirements for participation in the program;

(d) A statement explaining the lender consent requirement provided in section 8 of this act;

(e) A statement explaining the review requirement provided by section 4 of this act;

(f) A description of marketing and participant education services to be provided for the program;

(g) A statement specifying that the county has no liability as a result of the agreement; and

(h) A program guidebook need not be completed and adopted prior to accepting and approving applications by a program, so long as the program complies with the provisions of this chapter.

(4) The program administrator must make the program guidebook available for public inspection on the county's or department of commerce's web site.

(5) A county or the department of commerce may contract out the responsibilities of program administration, including the responsibilities of this section, to a public, quasi-public, or private third-party entity.

(6) Any county program guidebook established prior to a statewide program may subsequently include or incorporate by reference any aspect of a statewide program

guidebook; however, upon development of a statewide program guidebook with a form agreement or agreements developed pursuant to subsection (3)(a) of this section, the form agreement or agreements shall be required to be used by all county programs from the time that the first C-PACER lien is recorded under the statewide program, or the department of commerce may incorporate by reference any portion of any county program guidebooks, including a form agreement or agreements, as its program guidebook.

(7) The department of commerce may provide grants to counties to assist in the design and implementation of C-PACER programs under this chapter.

**NEW SECTION. Sec. 74.** (1) A program must establish a C-PACER application and review process to review and evaluate project applications for C-PACER financing, and prescribe the form and manner of the application. At a minimum, an applicant must demonstrate:

(a) That the project provides a benefit to the public, in the form of energy or water resource conservation, reduced public health risk, or reduced public emergency response risk;

(b) For an existing building: (i) Where energy or water usage improvements are proposed, certification by a licensed professional engineer, or other professional listed in the program guidebook, stating that the proposed qualified improvements will either result in more efficient use or conservation of energy or water, the reduction of greenhouse gas emissions, or the addition of renewable sources of energy or water, or (ii) where resilience improvements are proposed, certification by a licensed professional engineer stating that the qualified improvements will result in improved resilience;

(c) For new construction, certification by a licensed professional engineer stating that the proposed qualified improvements will enable the project to exceed the energy efficiency or water efficiency or renewable energy or renewable water or resilience requirements of the current building code.

(2) The program may charge an application fee to cover the costs of establishing and conducting the application review process.

(3) Upon the denial of an application, the program administrator must provide an opportunity for an adjudicative proceeding subject to the applicable provisions of chapter 34.05 RCW.

(4) After an approved project is completed, an applicant must provide the program written verification, as defined in the program guidebook, stating that the qualified project was properly completed and is operating as intended.

(5) No later than one year after the governing body of a county establishes a program under this chapter, it must begin accepting applications and approving applications.

(6) The department of commerce may adopt rules to implement the voluntary statewide program.

**NEW SECTION. Sec. 75.** (1) To adopt a program under this chapter, the governing body of a county must take the following actions:

- (a) Adopt a resolution or ordinance that includes:
  - (i) A statement that financing qualified projects, repaid by voluntary assessments on property benefited by C-PACER improvements, is in the public interest for safety, health, and other common good reasons;
  - (ii) A description of the region in which the program is offered, which:
    - (A) May include the entire county, which may include both unincorporated and incorporated territory; and
    - (B) Must be located wholly within the county's jurisdiction; and
    - (iii) A statement of the time and place for a public hearing on the proposed program; and
  - (b) Hold a public hearing at which the public may comment on the proposed program.
- (2) A county may designate more than one region. If multiple regions are designated, the regions may be separate, overlapping, or coterminous.
- (3) The resolution or ordinance adopted by a county under this section may incorporate the department of commerce program guidebook or any amended versions of that program guidebook, as appropriate, by reference.
- (4) A county adopting a C-PACER program pursuant to this chapter may narrow the definition of "qualified improvements" to be consistent with the county's climate goals.
- (5) Any combination of counties may agree to jointly implement a program under this chapter. If two or more counties implement a program jointly, a single public hearing held jointly by the cooperating counties is sufficient to satisfy the requirements of this chapter.
- (6) If a county elects to join the statewide program administered by the department of commerce, it may adopt a resolution or ordinance in accordance with the requirements of the department.
- (7) In lieu of establishing a voluntary statewide program, the department of commerce may produce a program guidebook for reference and use by county programs.

**NEW SECTION. Sec. 76.** (1) A county shall record each C-PACER lien in the real property records of the county in which the property is located. The lien and release shall be prepared in conformity with chapter 65.04 RCW.

- (2) The recording under subsection (1) of this section must contain:
  - (a) The legal description of the eligible property;
  - (b) The assessor's parcel number of the property;
  - (c) The grantor's name, which must be the same as the property owner on the assessment agreement;

- (d) The grantee's name, which must be the county in which the property is located;

- (e) The date on which the lien was created;
- (f) The principal amount of the lien;
- (g) The terms and length of the lien; and

- (h) A copy of the voluntary assessment agreement between the county and the property owner.

(3) The county shall also record the assignment of the C-PACER lien from the county to the appropriate capital provider.

(4) The lien holder or assignee will record a release upon discharge of the lien. The lien holder may also record a partial release.

**NEW SECTION. Sec. 77.** (1) The C-PACER lien amount plus any interest, penalties, and charges accrued or accruing on the C-PACER lien:

- (a) Takes precedence over all other liens or encumbrances except a lien for taxes imposed by the state, a local government, or a junior taxing district on real property, which liens for taxes shall have priority over such benefit C-PACER lien, provided existing mortgage holders, if any, have provided written consent described in section 8 of this act; and

- (b) Is a first and prior lien, second only to a lien for taxes imposed by the state, a local government, or a junior taxing district against the real property on which the C-PACER lien is imposed, from the date on which the notice of the C-PACER lien is recorded until the C-PACER lien, interest, penalties, and charges accrued or accruing are paid.

(2) The C-PACER lien runs with the land, and that portion of the C-PACER lien that has not yet become due is not accelerated or eliminated by foreclosure of the C-PACER lien or any lien for taxes imposed by the state, a local government, or junior taxing district against the real property on which the C-PACER lien is imposed.

(3) Delinquent installments due on a C-PACER lien incur interest and penalties as specified in the financing agreement.

(4) After the C-PACER lien is recorded as provided in this section, the voluntary assessment and the C-PACER lien may not be contested on the basis that the improvement is not a qualified improvement or that the project is not a qualified project.

(5) Collection and enforcement of delinquent C-PACER liens or C-PACER financing installment payments, including foreclosure, shall remain the responsibility of the capital provider.

(6) The C-PACER lien shall be enforced by the capital provider at any time after one year from the date of delinquency in the same manner that the collection of delinquent real property taxes is enforced by the county under chapter 84.64 RCW, including the provisions of RCW 84.64.040, excepting that a sworn declaration by the capital provider or assignee attesting to the assessment delinquency

of at least one year shall be used in lieu of the certificate required under RCW 84.64.050.

(7) The capital provider may sell or assign, for consideration, any and all liens received from the participating county. The capital provider or their assignee shall have and possess the same powers and rights at law or in equity to enforce the C-PACER lien in the same manner as described in subsection (6) of this section.

**NEW SECTION. Sec. 78.** (1) Before a capital provider may enter into a financing agreement to provide C-PACER financing of a qualified project to a record owner of any eligible property, the capital provider must receive written consent from any holder of a lien, mortgage, or security interest in the real property that the property may participate in the program and that the C-PACER lien will take precedence over all other liens except for a lien for taxes as described in section 7 of this act.

(2) Before a capital provider may enter into a financing agreement to provide C-PACER financing of a qualified project to the record owner of any multifamily residential real property with five or more dwelling units, the program administrator must also receive written consent from any and all holders of affordable housing covenants, restrictions, or regulatory agreements in the real property that the property may participate in the program and that the C-PACER lien will take precedence over all other liens except for a lien for taxes as described in section 7 of this act.

**NEW SECTION. Sec. 79.** The C-PACER financing through a program established under this chapter may include:

(1) The cost of materials and labor necessary for installation or modification of a qualified improvement;

(2) Permit fees;

(3) Inspection fees;

(4) Lender's fees;

(5) Program application and administrative fees;

(6) Project development and engineering fees;

(7) Third-party review fees, including verification review fees;

(8) Capitalized interest;

(9) Interest reserves;

(10) Escrow for prepaid property taxes and insurance;  
or

(11) Any other fees or costs that may be incurred by the property owner incident to the installation, modification, or improvement on a specific or pro rata basis.

**NEW SECTION. Sec. 80.** The proposed C-PACER financing for a qualified project may authorize the property owner to:

(1) Purchase directly the related equipment and materials for the installation or modification of a qualified improvement; and

(2) Contract directly, including through lease, power purchase agreement, or other service contract, for the installation or modification of a qualified improvement.

**NEW SECTION. Sec. 81.** A county that adopts a program and designates a program region under this chapter may not:

(1) Make the issuance of a permit, license, or other authorization from the county to a person who owns property in the region contingent on the person entering into a written contract to repay the financing of a qualified project under this chapter; or

(2) Otherwise compel a person who owns property in the region to enter into a written contract to repay the financing of a qualified project under this chapter.

**NEW SECTION. Sec. 82.** The members of the governing body of a county, employees of a county, and board members, executives, and employees under this chapter are not personally liable as a result of exercising any rights or responsibilities granted under this chapter.

**NEW SECTION. Sec. 83.** A county may not enforce any privately financed debt under this chapter. Neither the state nor any county may use public funds to fund or repay any loan between a capital provider and property owner. No section under this chapter shall be interpreted to pledge, offer, or encumber the full faith and credit of a local government, nor shall any local government pledge, offer, or encumber its full faith and credit for any lien amount through a program.

**NEW SECTION. Sec. 84.** Sections 1 through 13 of this act constitute a new chapter in Title 36 RCW."

On page 1, line 2 of the title, after "resilience;" strike the remainder of the title and insert "and adding a new chapter to Title 36 RCW."

and the same is herewith transmitted.

Sarah Bannister, Deputy, Secretary

#### SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2405 and advanced the bill as amended by the Senate to final passage.

#### FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representatives Duerr and Kraft spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Second Substitute House Bill No. 2405, as amended by the Senate.

#### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 2405, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 93; Nays, 4; Absent, 0; Excused, 1.

Voting yea: Representatives Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Duerr, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, Mead, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Voting nay: Representatives Chopp, Dufault, McCaslin and Shea.

Excused: Representative Appleton.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2405, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

#### MESSAGE FROM THE SENATE

March 4, 2020

Madame Speaker:

The Senate has passed HOUSE BILL NO. 2449 with the following amendment:

84.0.

Strike everything after the enacting clause and insert the following:

"**Sec. 85.** RCW 35.61.150 and 2019 c 198 s 1 are each amended to read as follows:

(1) Metropolitan park commissioners selected by election according to RCW 35.61.050(2) shall perform their duties and may provide, by resolution passed by the commissioners, for the payment of compensation to each of its commissioners at a rate up to the daily compensation maximum amount provided in subsection (3) of this section for each day or portion of a day spent in actual attendance at official meetings or in performance of other official services or duties on behalf of the district. However, the compensation for each commissioner must not exceed the annual compensation maximum amount provided in subsection (3) of this section per year.

(2) Any commissioner may waive all or any portion of his or her compensation payable under this section as to any month or months during his or her term of office, by a written waiver filed with the clerk of the board. The waiver, to be effective, must be filed any time after the commissioner's election and prior to the date on which the compensation would otherwise be paid. The waiver shall specify the month or period of months for which it is made.

(3)(a) For purposes of the references in subsection (1) of this section, the daily compensation maximum amount is one hundred twenty-eight dollars and the annual compensation maximum amount is twelve thousand two hundred eighty-eight dollars. However, for any metropolitan park district with facilities including an aquarium, a wildlife park, and a zoo, accredited by a nationally recognized accrediting agency, the annual compensation maximum amount is twenty-four thousand five hundred seventy-six dollars.

(b) The dollar thresholds established in this subsection (3) must be adjusted for inflation by the office of financial management every five years, beginning (~~July 1, 2023~~) January 1, 2024, based upon changes in the consumer price index during that time period. "Consumer price index" means, for any calendar year, that year's annual average consumer price index, for Washington state, for wage earners and clerical workers, all items, compiled by the bureau of labor and statistics, United States department of labor. If the bureau of labor and statistics develops more than one consumer price index for areas within the state, the index covering the greatest number of people, covering areas exclusively within the boundaries of the state, and including all items shall be used for the adjustments for inflation in this section. The office of financial management must calculate the new dollar threshold and transmit it to the office of the code reviser for publication in the Washington State Register at least one month before the new dollar threshold is to take effect.

(4) A person holding office as commissioner for two or more special purpose districts shall receive only that per diem compensation authorized for one of his or her commissioner positions as compensation for attending an official meeting or conducting official services or duties while representing more than one of his or her districts. However, such commissioner may receive additional per diem compensation if approved by resolution of all boards of the affected commissions.

**Sec. 86.** RCW 36.57A.050 and 2018 c 154 s 1 are each amended to read as follows:

Within sixty days of the establishment of the boundaries of the public transportation benefit area the members of the county legislative authority and the elected representative of each city within the area shall provide for the selection of the governing body of such area, the public transportation benefit area authority, which shall consist of elected officials selected by and serving at the pleasure of the governing bodies of component cities within the area and the county legislative authority of each county within the area. The members of the governing body of the public transportation benefit area, if the population of the county in which the public transportation benefit area is located is more than four hundred thousand and the county does not also contain a city with a population of seventy-five thousand or more operating a transit system pursuant to chapter 35.95 RCW, must be selected to assure proportional representation, based on population, of each of the component cities located within the public transportation benefit area and the unincorporated areas of the county located within the public transportation benefit area, to the

extent possible within the restrictions placed on the size of the governing body of a public transportation benefit area. If necessary to assure such proportional representation, multiple cities may be represented by a single elected official from one of the cities. A majority of the governing board may not be selected to represent a single component city. If at the time a public transportation benefit area authority assumes the public transportation functions previously provided under the interlocal cooperation act (chapter 39.34 RCW) there are citizen positions on the governing board of the transit system, those positions may be retained as positions on the governing board of the public transportation benefit area authority.

Within such sixty-day period, any city may by resolution of its legislative body withdraw from participation in the public transportation benefit area. The county legislative authority and each city remaining in the public transportation benefit area may disapprove and prevent the establishment of any governing body of a public transportation benefit area if the composition thereof does not meet its approval.

In no case shall the governing body of a single county public transportation benefit area be greater than nine voting members and in the case of a multicounty area, fifteen voting members. Those cities within the public transportation benefit area and excluded from direct membership on the authority are hereby authorized to designate a member of the authority who shall be entitled to represent the interests of such city which is excluded from direct membership on the authority. The legislative body of such city shall notify the authority as to the determination of its authorized representative on the authority.

There is one nonvoting member of the public transportation benefit area authority. The nonvoting member is recommended by the labor organization representing the public transportation employees within the local public transportation system. If the public transportation employees are represented by more than one labor organization, all such labor organizations shall select the nonvoting member by majority vote. The nonvoting member shall comply with all governing bylaws and policies of the authority. The chair or cochair of the authority shall exclude the nonvoting member from attending any executive session held for the purpose of discussing negotiations with labor organizations. The chair or cochair may exclude the nonvoting member from attending any other executive session. The requirement that a nonvoting member be appointed to the governing body of a public transportation benefit area authority does not apply to an authority that has no employees represented by a labor union.

Each member of the authority is eligible to be reimbursed for travel expenses in accordance with RCW 43.03.050 and 43.03.060 and to receive compensation, as set by the authority, in an amount not to exceed forty-four dollars for each day during which the member attends official meetings of the authority or performs prescribed duties approved by the chair of the authority. Except that the authority may, by resolution, increase the payment of per diem compensation to each member from forty-four dollars up to ninety dollars per day or portion of a day for actual

attendance at board meetings or for performance of other official services or duties on behalf of the authority. In no event may a member be compensated in any year for more than seventy-five days, except the chair who may be paid compensation for not more than one hundred days: PROVIDED, That compensation shall not be paid to an elected official or employee of federal, state, or local government who is receiving regular full-time compensation from such government for attending meetings and performing prescribed duties of the authority.

The dollar thresholds established in this section must be adjusted for inflation by the office of financial management every five years, beginning (~~July 1, 2008~~) January 1, 2024, based upon changes in the consumer price index during that time period. "Consumer price index" means, for any calendar year, that year's annual average consumer price index, for Washington state, for wage earners and clerical workers, all items, compiled by the bureau of labor and statistics, United States department of labor. If the bureau of labor and statistics develops more than one consumer price index for areas within the state, the index covering the greatest number of people, covering areas exclusively within the boundaries of the state, and including all items shall be used for the adjustments for inflation in this section. The office of financial management must calculate the new dollar threshold and transmit it to the office of the code reviser for publication in the Washington State Register at least one month before the new dollar threshold is to take effect.

A person holding office as commissioner for two or more special purpose districts shall receive only that per diem compensation authorized for one of his or her commissioner positions as compensation for attending an official meeting or conducting official services or duties while representing more than one of his or her districts. However, such commissioner may receive additional per diem compensation if approved by resolution of all boards of the affected commissions.

**Sec. 87.** RCW 53.12.260 and 2011 c 152 s 1 are each amended to read as follows:

(1) Each commissioner of a port district shall receive ninety dollars, as adjusted for inflation by the office of financial management in subsection (4) of this section, per day or portion thereof spent (a) in actual attendance at official meetings of the port district commission, or (b) in performance of other official services or duties on behalf of the district. The total per diem compensation of a port commissioner shall not exceed eight thousand six hundred forty dollars in a year, as adjusted for inflation by the office of financial management in subsection (4) of this section, or ten thousand eight hundred dollars in any year, as adjusted for inflation by the office of financial management in subsection (4) of this section, for a port district with gross operating income of twenty-five million or more in the preceding calendar year.

(2) Port commissioners shall receive additional compensation as follows: (a) Each commissioner of a port district with gross operating revenues of twenty-five million dollars or more in the preceding calendar year shall receive

a salary of five hundred dollars per month, as adjusted for inflation by the office of financial management in subsection (4) of this section; and (b) each commissioner of a port district with gross operating revenues of from one million dollars to less than twenty-five million dollars in the preceding calendar year shall receive a salary of two hundred dollars per month, as adjusted for inflation by the office of financial management in subsection (4) of this section.

(3) In lieu of the compensation specified in this section, a port commission may set compensation to be paid to commissioners.

(4) For any commissioner who has not elected to become a member of public employees retirement system before May 1, 1975, the compensation provided pursuant to this section shall not be considered salary for purposes of the provisions of any retirement system created pursuant to the general laws of this state nor shall attendance at such meetings or other service on behalf of the district constitute service as defined in RCW 41.40.010(37): PROVIDED, That in the case of a port district when commissioners are receiving compensation and contributing to the public employees retirement system, these benefits shall continue in full force and effect notwithstanding the provisions of ((RCW 53.12.260)) this section and RCW 53.12.265.

The dollar thresholds for salaries and per diem compensation established in this section must be adjusted for inflation by the office of financial management every five years, beginning ((July 1, 2008)) January 1, 2024, based upon changes in the consumer price index during that time period. "Consumer price index" means, for any calendar year, that year's annual average consumer price index, for Washington state, for wage earners and clerical workers, all items, compiled by the bureau of labor and statistics, United States department of labor. If the bureau of labor and statistics develops more than one consumer price index for areas within the state, the index covering the greatest number of people, covering areas exclusively within the boundaries of the state, and including all items shall be used for the adjustments for inflation in this section. The office of financial management must calculate the new dollar threshold and transmit it to the office of the code reviser for publication in the Washington State Register at least one month before the new dollar threshold is to take effect.

A person holding office as commissioner for two or more special purpose districts shall receive only that per diem compensation authorized for one of his or her commissioner positions as compensation for attending an official meeting or conducting official services or duties while representing more than one of his or her districts. However, such commissioner may receive additional per diem compensation if approved by resolution of all boards of the affected commissions.

**Sec. 88.** RCW 54.12.080 and 2010 c 58 s 1 are each amended to read as follows:

(1) Commissioners of public utility districts shall receive salaries as follows:

(a) Each public utility district commissioner of a district operating utility properties shall receive a salary of

one thousand eight hundred dollars per month, as adjusted for inflation by the office of financial management in subsection (6) of this section, during a calendar year if the district received total gross revenue of over fifteen million dollars during the fiscal year ending June 30th before the calendar year.

(b) Each public utility district commissioner of a district operating utility properties shall receive a salary of one thousand three hundred dollars per month, as adjusted for inflation by the office of financial management in subsection (6) of this section, during a calendar year if the district received total gross revenue of from two million dollars to fifteen million dollars during the fiscal year ending June 30th before the calendar year.

(c) Commissioners of other districts shall receive a salary of six hundred dollars per month, as adjusted for inflation by the office of financial management in subsection (6) of this section, for each commissioner.

(2) In addition to salary, all districts shall provide for the payment of per diem compensation to each commissioner at a rate of ninety dollars, as adjusted for inflation by the office of financial management in subsection (6) of this section, for each day or portion thereof spent in actual attendance at official meetings of the district commission or in performance of other official services or duties on behalf of the district, to include meetings of the commission of his or her district or meetings attended by one or more commissioners of two or more districts called to consider business common to them, but such compensation paid during any one year to a commissioner shall not exceed twelve thousand six hundred dollars, as adjusted for inflation by the office of financial management in subsection (6) of this section. Per diem compensation shall not be paid for services of a ministerial or professional nature.

(3) Any commissioner may waive all or any portion of his or her compensation payable under this section as to any month or months during his or her term of office, by a written waiver filed with the district as provided in this section. The waiver, to be effective, must be filed any time after the commissioner's election and prior to the date on which the compensation would otherwise be paid. The waiver shall specify the month or period of months for which it is made.

(4) Each district commissioner shall be reimbursed for reasonable expenses actually incurred in connection with such business and meetings, including his or her subsistence and lodging and travel while away from his or her place of residence.

(5) Any district providing group insurance for its employees, covering them, their immediate family, and dependents, may provide insurance for its commissioner with the same coverage.

(6) The dollar thresholds for salaries and per diem compensation established in this section must be adjusted for inflation by the office of financial management every five years, beginning ((July 1, 2008)) January 1, 2024, based upon changes in the consumer price index during that time period. "Consumer price index" means, for any calendar year, that year's annual average consumer price index, for

Washington state, for wage earners and clerical workers, all items, compiled by the bureau of labor and statistics, United States department of labor. If the bureau of labor and statistics develops more than one consumer price index for areas within the state, the index covering the greatest number of people, covering areas exclusively within the boundaries of the state, and including all items shall be used for the adjustments for inflation in this section. The office of financial management must calculate the new dollar threshold and transmit it to the office of the code reviser for publication in the Washington State Register at least one month before the new dollar threshold is to take effect.

(7) A person holding office as commissioner for two or more special purpose districts shall receive only that per diem compensation authorized for one of his or her commissioner positions as compensation for attending an official meeting or conducting official services or duties while representing more than one of his or her districts. However, such commissioner may receive additional per diem compensation if approved by resolution of all boards of the affected commissions.

**Sec. 89.** RCW 57.12.010 and 2008 c 31 s 1 are each amended to read as follows:

The governing body of a district shall be a board of commissioners consisting of three members, or five or seven members as provided in RCW 57.12.015. The board shall annually elect one of its members as president and another as secretary.

The board shall by resolution adopt rules governing the transaction of its business and shall adopt an official seal. All proceedings shall be by resolution recorded in a book kept for that purpose which shall be a public record.

Each commissioner shall receive ninety dollars for each day or portion thereof spent in actual attendance at official meetings of the district commission, or in performance of other official services or duties on behalf of the district. However, the compensation for each commissioner shall not exceed eight thousand six hundred forty dollars per year. In addition, the secretary may be paid a reasonable sum for clerical services.

Any commissioner may waive all or any portion of his or her compensation payable under this section as to any month or months during the commissioner's term of office, by a written waiver filed with the district at any time after the commissioner's election and prior to the date on which the compensation would otherwise be paid. The waiver shall specify the month or period of months for which it is made.

No commissioner shall be employed full time by the district. A commissioner shall be reimbursed for reasonable expenses actually incurred in connection with district business, including subsistence and lodging while away from the commissioner's place of residence and mileage for use of a privately owned vehicle at the mileage rate authorized in RCW 43.03.060.

The dollar thresholds established in this section must be adjusted for inflation by the office of financial management every five years, beginning (~~July 1, 2008~~)

January 1, 2024, based upon changes in the consumer price index during that time period. "Consumer price index" means, for any calendar year, that year's annual average consumer price index, for Washington state, for wage earners and clerical workers, all items, compiled by the bureau of labor and statistics, United States department of labor. If the bureau of labor and statistics develops more than one consumer price index for areas within the state, the index covering the greatest number of people, covering areas exclusively within the boundaries of the state, and including all items shall be used for the adjustments for inflation in this section. The office of financial management must calculate the new dollar threshold and transmit it to the office of the code reviser for publication in the Washington State Register at least one month before the new dollar threshold is to take effect.

A person holding office as commissioner for two or more special purpose districts shall receive only that per diem compensation authorized for one of his or her commissioner positions as compensation for attending an official meeting or conducting official services or duties while representing more than one of his or her districts. However, such commissioner may receive additional per diem compensation if approved by resolution of all boards of the affected commissions.

**Sec. 90.** RCW 68.52.220 and 2013 c 167 s 9 are each amended to read as follows:

(1) The affairs of the cemetery district must be managed by a board of cemetery district commissioners composed of three members. The board may provide, by resolution passed by the commissioners, for the payment of compensation to each of its commissioners at a rate of up to ninety dollars for each day or portion of a day spent in actual attendance at official meetings of the district commission, or in performance of other official services or duties on behalf of the district. However, the compensation for each commissioner must not exceed eight thousand six hundred forty dollars per year.

(2) Any commissioner may waive all or any portion of his or her compensation payable under this section as to any month or months during his or her term of office, by a written waiver filed with the clerk of the board. The waiver, to be effective, must be filed any time after the commissioner's election and prior to the date on which the compensation would otherwise be paid. The waiver must specify the month or period of months for which it is made. The board must fix the compensation to be paid the secretary and other employees of the district. Cemetery district commissioners and candidates for cemetery district commissioner are exempt from the requirements of chapter 42.17A RCW.

(3) The initial cemetery district commissioners must assume office immediately upon their election and qualification. Staggering of terms of office must be accomplished as follows: (a) The person elected receiving the greatest number of votes is elected to a six-year term of office if the election is held in an odd-numbered year or a five-year term of office if the election is held in an even-numbered year; (b) the person who is elected receiving the next greatest number of votes is elected to a four-year term



of office if the election is held in an odd-numbered year or a three-year term of office if the election is held in an even-numbered year; and (c) the other person who is elected is elected to a two-year term of office if the election is held in an odd-numbered year or a one-year term of office if the election is held in an even-numbered year. The initial commissioners must assume office immediately after they are elected and qualified but their terms of office must be calculated from the first day of January after the election.

(4) Thereafter, commissioners are elected to six-year terms of office. Commissioners must serve until their successors are elected and qualified and assume office as provided in RCW ((29A.20.040)) 29A.60.280.

(5) The dollar thresholds established in this section must be adjusted for inflation by the office of financial management every five years, beginning ((July 1, 2008)) January 1, 2024, based upon changes in the consumer price index during that time period. "Consumer price index" means, for any calendar year, that year's annual average consumer price index, for Washington state, for wage earners and clerical workers, all items, compiled by the bureau of labor and statistics, United States department of labor. If the bureau of labor and statistics develops more than one consumer price index for areas within the state, the index covering the greatest number of people, covering areas exclusively within the boundaries of the state, and including all items must be used for the adjustments for inflation in this section. The office of financial management must calculate the new dollar threshold and transmit it to the office of the code reviser for publication in the Washington State Register at least one month before the new dollar threshold is to take effect.

(6) A person holding office as commissioner for two or more special purpose districts may receive only that per diem compensation authorized for one of his or her commissioner positions as compensation for attending an official meeting or conducting official services or duties while representing more than one of his or her districts. However, such commissioner may receive additional per diem compensation if approved by resolution of all boards of the affected commissions.

**Sec. 91.** RCW 70.44.050 and 2008 c 31 s 2 are each amended to read as follows:

Each commissioner shall receive ninety dollars for each day or portion thereof spent in actual attendance at official meetings of the district commission, or in performance of other official services or duties on behalf of the district, to include meetings of the commission of his or her own district, or meetings attended by one or more commissioners of two or more districts called to consider business common to them, except that the total compensation paid to such commissioner during any one year shall not exceed eight thousand six hundred forty dollars. The commissioners may not be compensated for services performed of a ministerial or professional nature.

Any commissioner may waive all or any portion of his or her compensation payable under this section as to any month or months during his or her term of office, by a written waiver filed with the district as provided in this section. The

waiver, to be effective, must be filed any time after the commissioner's election and prior to the date on which the compensation would otherwise be paid. The waiver shall specify the month or period of months for which it is made.

Any district providing group insurance for its employees, covering them, their immediate family, and dependents, may provide insurance for its commissioners with the same coverage. Each commissioner shall be reimbursed for reasonable expenses actually incurred in connection with such business and meetings, including his or her subsistence and lodging and travel while away from his or her place of residence. No resolution shall be adopted without a majority vote of the whole commission. The commission shall organize by election of its own members of a president and secretary, shall by resolution adopt rules governing the transaction of its business and shall adopt an official seal. All proceedings of the commission shall be by motion or resolution recorded in a book or books kept for such purpose, which shall be public records.

The dollar thresholds established in this section must be adjusted for inflation by the office of financial management every five years, beginning ((July 1, 2008)) January 1, 2024, based upon changes in the consumer price index during that time period. "Consumer price index" means, for any calendar year, that year's annual average consumer price index, for Washington state, for wage earners and clerical workers, all items, compiled by the bureau of labor and statistics, United States department of labor. If the bureau of labor and statistics develops more than one consumer price index for areas within the state, the index covering the greatest number of people, covering areas exclusively within the boundaries of the state, and including all items shall be used for the adjustments for inflation in this section. The office of financial management must calculate the new dollar threshold and transmit it to the office of the code reviser for publication in the Washington State Register at least one month before the new dollar threshold is to take effect.

A person holding office as commissioner for two or more special purpose districts shall receive only that per diem compensation authorized for one of his or her commissioner positions as compensation for attending an official meeting or conducting official services or duties while representing more than one of his or her districts. However, such commissioner may receive additional per diem compensation if approved by resolution of all boards of the affected commissions.

**Sec. 92.** RCW 85.05.410 and 2007 c 469 s 8 are each amended to read as follows:

Members of the board of diking commissioners of any diking district in this state may receive as compensation the sum of up to ninety dollars for actual attendance at official meetings of the district and for each day or part thereof, or in performance of other official services or duties on behalf of the district and shall receive the same compensation as other labor of a like character for all other necessary work or services performed in connection with their duties: PROVIDED, That such compensation shall not exceed eight thousand six hundred forty dollars in one calendar year,

except when the commissioners declare an emergency. Allowance of such compensation shall be established and approved at regular meetings of the board, and when a copy of the extracts of minutes of the board meeting relative thereto showing such approval is certified by the secretary of such board and filed with the county auditor, the allowance made shall be paid as are other claims against the district.

Each commissioner is entitled to reimbursement for reasonable expenses actually incurred in connection with such business, including subsistence and lodging, while away from the commissioner's place of residence, and mileage for use of a privately owned vehicle in accordance with chapter 42.24 RCW.

Any commissioner may waive all or any portion of his or her compensation payable under this section as to any month or months during his or her term of office, by a written waiver filed with the secretary as provided in this section. The waiver, to be effective, must be filed any time after the commissioner's election and prior to the date on which the compensation would otherwise be paid. The waiver shall specify the month or period of months for which it is made.

The dollar thresholds established in this section must be adjusted for inflation by the office of financial management every five years, beginning ~~((July 1, 2008))~~ January 1, 2024, based upon changes in the consumer price index during that time period. "Consumer price index" means, for any calendar year, that year's annual average consumer price index, for Washington state, for wage earners and clerical workers, all items, compiled by the bureau of labor and statistics, United States department of labor. If the bureau of labor and statistics develops more than one consumer price index for areas within the state, the index covering the greatest number of people, covering areas exclusively within the boundaries of the state, and including all items shall be used for the adjustments for inflation in this section. The office of financial management must calculate the new dollar threshold and transmit it to the office of the code reviser for publication in the Washington State Register at least one month before the new dollar threshold is to take effect.

A person holding office as commissioner for two or more special purpose districts shall receive only that per diem compensation authorized for one of his or her commissioner positions as compensation for attending an official meeting or conducting official services or duties while representing more than one of his or her districts. However, such commissioner may receive additional per diem compensation if approved by resolution of all boards of the affected commissions.

**Sec. 93.** RCW 85.06.380 and 2007 c 469 s 9 are each amended to read as follows:

In performing their duties under the provisions of this title the board and members of the board of drainage commissioners may receive as compensation up to ninety dollars per day or portion thereof spent in actual attendance at official meetings of the district, or in performance of other official services or duties on behalf of the district: PROVIDED, That such compensation shall not exceed eight

thousand six hundred forty dollars in one calendar year: PROVIDED FURTHER, That such services and compensation are allowed and approved at a regular meeting of the board. Upon the submission of a copy, certified by the secretary, of the extracts of the relevant minutes of the board showing such approval, to the county auditor, the same shall be paid as other claims against the district are paid. Each commissioner is entitled to reimbursement for reasonable expenses actually incurred in connection with such business, including subsistence and lodging, while away from the commissioner's place of residence and mileage for use of a privately-owned vehicle in accordance with chapter 42.24 RCW.

Any commissioner may waive all or any portion of his or her compensation payable under this section as to any month or months during his or her term of office, by a written waiver filed with the secretary as provided in this section. The waiver, to be effective, must be filed any time after the commissioner's election and prior to the date on which the compensation would otherwise be paid. The waiver shall specify the month or period of months for which it is made.

The dollar thresholds established in this section must be adjusted for inflation by the office of financial management every five years, beginning ~~((July 1, 2008))~~ January 1, 2024, based upon changes in the consumer price index during that time period. "Consumer price index" means, for any calendar year, that year's annual average consumer price index, for Washington state, for wage earners and clerical workers, all items, compiled by the bureau of labor and statistics, United States department of labor. If the bureau of labor and statistics develops more than one consumer price index for areas within the state, the index covering the greatest number of people, covering areas exclusively within the boundaries of the state, and including all items shall be used for the adjustments for inflation in this section. The office of financial management must calculate the new dollar threshold and transmit it to the office of the code reviser for publication in the Washington State Register at least one month before the new dollar threshold is to take effect.

A person holding office as commissioner for two or more special purpose districts shall receive only that per diem compensation authorized for one of his or her commissioner positions as compensation for attending an official meeting or conducting official services or duties while representing more than one of his or her districts. However, such commissioner may receive additional per diem compensation if approved by resolution of all boards of the affected commissions.

**Sec. 94.** RCW 85.08.320 and 2007 c 469 s 10 are each amended to read as follows:

The compensation of the superintendent of construction, the board of appraisers hereinafter provided for, and any special engineer, attorney or agent employed by the district in connection with the improvement, the maximum wages to be paid, and the maximum price of materials to be used, shall be fixed by the district board of supervisors. Members of the board of supervisors may receive compensation up to ninety dollars per day or portion

thereof spent in actual attendance at official meetings of the district, or in performance of other official services or duties on behalf of the district: PROVIDED, That such compensation shall not exceed eight thousand six hundred forty dollars in one calendar year. Each supervisor shall be entitled to reimbursement for reasonable expenses actually incurred in connection with business, including subsistence and lodging while away from the supervisor's place of residence and mileage for use of a privately owned vehicle in accordance with chapter 42.24 RCW. All costs of construction or maintenance done under the direction of the board of supervisors shall be paid upon vouchers or payrolls verified by two of the said supervisors. All costs of construction and all other expenses, fees and charges on account of such improvement shall be paid by warrants drawn by the county auditor upon the county treasurer upon the proper fund, and shall draw interest at a rate determined by the county legislative authority until paid or called by the county treasurer as warrants of the county are called.

Any supervisor may waive all or any portion of his or her compensation payable under this section as to any month or months during his or her term of office, by a written waiver filed with the secretary as provided in this section. The waiver, to be effective, must be filed any time after the supervisor's election and prior to the date on which the compensation would otherwise be paid. The waiver shall specify the month or period of months for which it is made.

The dollar thresholds established in this section must be adjusted for inflation by the office of financial management every five years, beginning (~~July 1, 2008~~) January 1, 2024, based upon changes in the consumer price index during that time period. "Consumer price index" means, for any calendar year, that year's annual average consumer price index, for Washington state, for wage earners and clerical workers, all items, compiled by the bureau of labor and statistics, United States department of labor. If the bureau of labor and statistics develops more than one consumer price index for areas within the state, the index covering the greatest number of people, covering areas exclusively within the boundaries of the state, and including all items shall be used for the adjustments for inflation in this section. The office of financial management must calculate the new dollar threshold and transmit it to the office of the code reviser for publication in the Washington State Register at least one month before the new dollar threshold is to take effect.

A person holding office as commissioner for two or more special purpose districts shall receive only that per diem compensation authorized for one of his or her commissioner positions as compensation for attending an official meeting or conducting official services or duties while representing more than one of his or her districts. However, such commissioner may receive additional per diem compensation if approved by resolution of all boards of the affected commissions.

**Sec. 95.** RCW 85.24.080 and 2007 c 469 s 11 are each amended to read as follows:

The members of the board may receive as compensation up to ninety dollars per day or portion thereof

spent in actual attendance at official meetings of the district, or in performance of other official services or duties on behalf of the district: PROVIDED, That such compensation shall not exceed eight thousand six hundred forty dollars in one calendar year: PROVIDED FURTHER, That the board may fix a different salary for the secretary thereof in lieu of the per diem. Each commissioner is entitled to reimbursement for reasonable expenses actually incurred in connection with such business, including subsistence and lodging, while away from the commissioner's place of residence, and mileage for use of a privately owned vehicle in accordance with chapter 42.24 RCW. The salary and expenses shall be paid by the treasurer of the fund, upon orders made by the board. Each member of the board must before being paid for expenses, take vouchers therefore from the person or persons to whom the particular amount was paid, and must also make affidavit that the amounts were necessarily incurred and expended in the performance of his or her duties.

Any commissioner may waive all or any portion of his or her compensation payable under this section as to any month or months during his or her term of office, by a written waiver filed with the secretary as provided in this section. The waiver, to be effective, must be filed any time after the commissioner's election and prior to the date on which the compensation would otherwise be paid. The waiver shall specify the month or period of months for which it is made.

The dollar thresholds established in this section must be adjusted for inflation by the office of financial management every five years, beginning (~~July 1, 2008~~) January 1, 2024, based upon changes in the consumer price index during that time period. "Consumer price index" means, for any calendar year, that year's annual average consumer price index, for Washington state, for wage earners and clerical workers, all items, compiled by the bureau of labor and statistics, United States department of labor. If the bureau of labor and statistics develops more than one consumer price index for areas within the state, the index covering the greatest number of people, covering areas exclusively within the boundaries of the state, and including all items shall be used for the adjustments for inflation in this section. The office of financial management must calculate the new dollar threshold and transmit it to the office of the code reviser for publication in the Washington State Register at least one month before the new dollar threshold is to take effect.

A person holding office as commissioner for two or more special purpose districts shall receive only that per diem compensation authorized for one of his or her commissioner positions as compensation for attending an official meeting or conducting official services or duties while representing more than one of his or her districts. However, such commissioner may receive additional per diem compensation if approved by resolution of all boards of the affected commissions.

**Sec. 96.** RCW 85.38.075 and 2007 c 469 s 15 are each amended to read as follows:

The members of the governing body may each receive up to ninety dollars per day or portion thereof spent in actual

attendance at official meetings of the governing body or in performance of other official services or duties on behalf of the district. The governing body shall fix the compensation to be paid to the members, secretary, and all other agents and employees of the district. Compensation for the members shall not exceed eight thousand six hundred forty dollars in one calendar year. A member is entitled to reimbursement for reasonable expenses actually incurred in connection with such business, including subsistence and lodging, while away from the member's place of residence, and mileage for use of a privately owned vehicle in accordance with chapter 42.24 RCW.

Any member may waive all or any portion of his or her compensation payable under this section as to any month or months during his or her term of office, by a written waiver filed with the secretary as provided in this section. The waiver, to be effective, must be filed any time after the member's election and prior to the date on which the compensation would otherwise be paid. The waiver shall specify the month or period of months for which it is made.

The dollar thresholds established in this section must be adjusted for inflation by the office of financial management every five years, beginning ~~((July 1, 2008))~~ January 1, 2024, based upon changes in the consumer price index during that time period. "Consumer price index" means, for any calendar year, that year's annual average consumer price index, for Washington state, for wage earners and clerical workers, all items, compiled by the bureau of labor and statistics, United States department of labor. If the bureau of labor and statistics develops more than one consumer price index for areas within the state, the index covering the greatest number of people, covering areas exclusively within the boundaries of the state, and including all items shall be used for the adjustments for inflation in this section. The office of financial management must calculate the new dollar threshold and transmit it to the office of the code reviser for publication in the Washington State Register at least one month before the new dollar threshold is to take effect.

A person holding office as commissioner for two or more special purpose districts shall receive only that per diem compensation authorized for one of his or her commissioner positions as compensation for attending an official meeting or conducting official services or duties while representing more than one of his or her districts. However, such commissioner may receive additional per diem compensation if approved by resolution of all boards of the affected commissions.

**Sec. 97.** RCW 86.09.283 and 2007 c 469 s 12 are each amended to read as follows:

The board of directors may each receive up to ninety dollars per day or portion thereof spent in actual attendance at official meetings of the board, or in performance of other official services or duties on behalf of the board. The board shall fix the compensation to be paid to the directors, secretary, and all other agents and employees of the district. Compensation for the directors shall not exceed eight thousand six hundred forty dollars in one calendar year. A director is entitled to reimbursement for reasonable expenses

actually incurred in connection with such business, including subsistence and lodging, while away from the director's place of residence, and mileage for use of a privately owned vehicle in accordance with chapter 42.24 RCW.

Any director may waive all or any portion of his or her compensation payable under this section as to any month or months during his or her term of office, by a written waiver filed with the secretary as provided in this section. The waiver, to be effective, must be filed any time after the director's election and prior to the date on which the compensation would otherwise be paid. The waiver shall specify the month or period of months for which it is made.

The dollar thresholds established in this section must be adjusted for inflation by the office of financial management every five years, beginning ~~((July 1, 2008))~~ January 1, 2024, based upon changes in the consumer price index during that time period. "Consumer price index" means, for any calendar year, that year's annual average consumer price index, for Washington state, for wage earners and clerical workers, all items, compiled by the bureau of labor and statistics, United States department of labor. If the bureau of labor and statistics develops more than one consumer price index for areas within the state, the index covering the greatest number of people, covering areas exclusively within the boundaries of the state, and including all items shall be used for the adjustments for inflation in this section. The office of financial management must calculate the new dollar threshold and transmit it to the office of the code reviser for publication in the Washington State Register at least one month before the new dollar threshold is to take effect.

A person holding office as commissioner for two or more special purpose districts shall receive only that per diem compensation authorized for one of his or her commissioner positions as compensation for attending an official meeting or conducting official services or duties while representing more than one of his or her districts. However, such commissioner may receive additional per diem compensation if approved by resolution of all boards of the affected commissions.

**Sec. 98.** RCW 86.15.055 and 2015 c 165 s 1 are each amended to read as follows:

(1) In a zone with supervisors elected pursuant to RCW 86.15.050, the supervisors may, as adjusted in accordance with subsection (4) of this section, each receive up to one hundred fourteen dollars per day or portion of a day spent in actual attendance at official meetings of the governing body or in performance of other official services or duties on behalf of the zone. The compensation for supervisors in office on January 1, 2015, is fixed at one hundred fourteen dollars per day. The board of county commissioners shall fix any such compensation to be paid to the initial supervisors during their initial terms of office. The supervisors shall fix the compensation to be paid to the supervisors thereafter. Compensation for the supervisors shall not exceed ten thousand nine hundred forty-four dollars in one calendar year.

(2) A supervisor is entitled to reimbursement for reasonable expenses actually incurred in connection with performance of the duties of a supervisor, including subsistence and lodging, while away from the supervisor's place of residence, and mileage for use of a privately owned vehicle in accordance with chapter 42.24 RCW.

(3) Any supervisor may waive all or any portion of his or her compensation payable under this section as to any month or months during his or her term of office, by a written waiver filed with the supervisors as provided in this section. The waiver, to be effective, must be filed any time after the member's election and prior to the date on which the compensation would otherwise be paid. The waiver shall specify the month or period of months for which it is made.

(4) The dollar thresholds established in this section must be adjusted for inflation by the office of financial management every five years, beginning ~~((July 1, 2018))~~ January 1, 2024, based upon changes in the consumer price index during that time period. "Consumer price index" means, for any calendar year, that year's annual average consumer price index, for Washington state, for wage earners and clerical workers, all items, compiled by the bureau of labor and statistics, United States department of labor. If the bureau of labor and statistics develops more than one consumer price index for areas within the state, the index covering the greatest number of people, covering areas exclusively within the boundaries of the state and including all items, must be used for the adjustments of inflation in this section. The office of financial management must calculate the new dollar threshold and transmit it to the office of the code reviser for publication in the Washington State Register at least one month before the new dollar threshold is to take effect.

**Sec. 99.** RCW 87.03.460 and 2009 c 145 s 2 are each amended to read as follows:

(1) In addition to their reasonable expenses in accordance with chapter 42.24 RCW, the directors shall each receive ninety dollars for each day or portion thereof spent by a director for such actual attendance at official meetings of the district, or in performance of other official services or duties on behalf of the district. The total amount of such additional compensation received by a director may not exceed eight thousand six hundred forty dollars in a calendar year. The board shall fix the compensation of the secretary and all other employees.

(2) Any director may waive all or any portion of his or her compensation payable under this section as to any month or months during his or her term of office, by a written waiver filed with the secretary as provided in this section. The waiver, to be effective, must be filed any time after the director's election and prior to the date on which the compensation would otherwise be paid. The waiver shall specify the month or period of months for which it is made.

(3) The dollar thresholds established in this section must be adjusted for inflation by the office of financial management every five years, beginning ~~((July 1, 2008))~~ January 1, 2024, based upon changes in the consumer price index during that time period. "Consumer price index" means, for any calendar year, that year's annual average

consumer price index, for Washington state, for wage earners and clerical workers, all items, compiled by the bureau of labor and statistics, United States department of labor. If the bureau of labor and statistics develops more than one consumer price index for areas within the state, the index covering the greatest number of people, covering areas exclusively within the boundaries of the state, and including all items shall be used for the adjustments for inflation in this section. The office of financial management must calculate the new dollar threshold and transmit it to the office of the code reviser for publication in the Washington State Register at least one month before the new dollar threshold is to take effect.

(4) A person holding office as commissioner for two or more special purpose districts shall receive only that per diem compensation authorized for one of his or her commissioner positions as compensation for attending an official meeting or conducting official services or duties while representing more than one of his or her districts. However, such commissioner may receive additional per diem compensation if approved by resolution of all boards of the affected commissions."

On page 1, line 2 of the title, after "compensation;" strike the remainder of the title and insert "and amending RCW 35.61.150, 36.57A.050, 53.12.260, 54.12.080, 57.12.010, 68.52.220, 70.44.050, 85.05.410, 85.06.380, 85.08.320, 85.24.080, 85.38.075, 86.09.283, 86.15.055, and 87.03.460."

and the same is herewith transmitted.

Brad Hendrickson, Secretary

#### SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to HOUSE BILL NO. 2449 and advanced the bill as amended by the Senate to final passage.

#### FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representatives Griffey and Pollet spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of House Bill No. 2449, as amended by the Senate.

#### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2449, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, J.

Johnson, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Mead, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shea, Shewmake, Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Excused: Representative Appleton.

HOUSE BILL NO. 2449, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

### MESSAGE FROM THE SENATE

March 3, 2020

Madame Speaker:

The Senate has passed HOUSE BILL NO. 2497 with the following amendment:

99.0.

Strike everything after the enacting clause and insert the following:

"**Sec. 100.** RCW 39.89.020 and 2001 c 212 s 2 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Assessed value of real property" means the valuation of real property as placed on the last completed assessment roll.

(2) "Local government" means any city, town, county, port district, or any combination thereof.

(3) "Ordinance" means any appropriate method of taking legislative action by a local government.

(4) "Public improvements" means:

(a) Infrastructure improvements within the increment area that include:

(i) Street and road construction and maintenance;

(ii) Water and sewer system construction and improvements;

(iii) Sidewalks and streetlights;

(iv) Parking, terminal, and dock facilities;

(v) Park and ride facilities of a transit authority;

(vi) Park facilities and recreational areas; and

(vii) Stormwater and drainage management systems; and

(b) Expenditures for any of the following purposes:

(i) Providing environmental analysis, professional management, planning, and promotion within the increment

area, including the management and promotion of retail trade activities in the increment area;

(ii) Providing maintenance and security for common or public areas in the increment area; or

(iii) Historic preservation activities authorized under RCW 35.21.395.

(5) "Public improvement costs" means the costs of: (a) Design, planning, acquisition, site preparation, construction, reconstruction, rehabilitation, improvement, and installation of public improvements; (b) purchasing, rehabilitating, retrofitting for energy efficiency, and constructing housing for the purpose of creating or preserving permanently affordable housing; (c) relocating, maintaining, and operating property pending construction of public improvements; ~~((e))~~ (d) relocating utilities as a result of public improvements; ~~((f))~~ (e) financing public improvements, including interest during construction, legal and other professional services, taxes, insurance, principal and interest costs on general indebtedness issued to finance public improvements, and any necessary reserves for general indebtedness; ~~((g))~~ (f) assessments incurred in revaluing real property for the purpose of determining the tax allocation base value that are in excess of costs incurred by the assessor in accordance with the revaluation plan under chapter 84.41 RCW, and the costs of apportioning the taxes and complying with this chapter and other applicable law; and ~~((h))~~ (g) administrative expenses and feasibility studies reasonably necessary and related to these costs, including related costs that may have been incurred before adoption of the ordinance authorizing the public improvements and the use of community revitalization financing to fund the costs of the public improvements.

(6) "Regular property taxes" means regular property taxes as defined in RCW 84.04.140, except: (a) Regular property taxes levied by port districts or public utility districts specifically for the purpose of making required payments of principal and interest on general indebtedness; and (b) regular property taxes levied by the state for the support of the common schools under RCW 84.52.065. Regular property taxes do not include excess property tax levies that are exempt from the aggregate limits for junior and senior taxing districts as provided in RCW 84.52.043.

(7) "Tax allocation base value" means the true and fair value of real property located within an increment area for taxes imposed in the year in which the increment area is created, plus twenty-five percent of any increase in the true and fair value of real property located within an increment area that is placed on the assessment rolls after the increment area is created.

(8) "Tax allocation revenues" means those tax revenues derived from the imposition of regular property taxes on the increment value and distributed to finance public improvements.

(9) "Increment area" means the geographic area from which taxes are to be appropriated to finance public improvements authorized under this chapter.

(10) "Increment value" means seventy-five percent of any increase in the true and fair value of real property in an increment area that is placed on the tax rolls after the increment area is created.

(11) "Taxing districts" means a governmental entity that levies or has levied for it regular property taxes upon real property located within a proposed or approved increment area.

(12) "Value of taxable property" means the value of the taxable property as defined in RCW 39.36.015.

(13) "Permanently affordable housing" means housing, regardless of ownership, for which there is a legally binding, recorded document in effect that limits the price at which the owner may sell or restricts the occupancy of the unit to a qualified, low-income household, for a period of at least forty years for a property used for shelter or rental housing, or for a period of at least twenty-five years for a property to be owned by a low-income household. These documents include, but are not limited to, affordability covenants, deed restrictions, and community land trust leases. Resale restrictions exercised by providers of permanently affordable housing can include, but are not limited to:

(a) Continuous ownership of land by a public entity or nonprofit housing provider with a lease allowing ownership of the structure by an income-eligible household;

(b) A nonpossessory interest or right in real property, such as a deed restriction, restrictive covenant, resale restriction or other contractual agreement, that ensures affordability.

**Sec. 101.** RCW 39.102.020 and 2018 c 178 s 1 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Annual state contribution limit" means seven million five hundred thousand dollars statewide per fiscal year.

(2) "Assessed value" means the valuation of taxable real property as placed on the last completed assessment roll.

(3) "Board" means the community economic revitalization board under chapter 43.160 RCW.

(4) "Dedicated" means pledged, set aside, allocated, received, budgeted, or otherwise identified.

(5) "Demonstration project" means one of the following projects:

- (a) Bellingham waterfront redevelopment project;
  - (b) Spokane river district project at Liberty Lake; and
  - (c) Vancouver riverwest project.
- (6) "Department" means the department of revenue.

(7) "Fiscal year" means the twelve-month period beginning July 1st and ending the following June 30th.

(8) "Local excise tax allocation revenue" means an amount of local excise taxes equal to some or all of the sponsoring local government's local excise tax increment, amounts of local excise taxes equal to some or all of any participating local government's excise tax increment as agreed upon in the written agreement under RCW 39.102.080(1), or both, and dedicated to local infrastructure financing.

(9) "Local excise tax increment" means an amount equal to the estimated annual increase in local excise taxes in each calendar year following the approval of the revenue development area by the board from taxable activity within the revenue development area, as set forth in the application provided to the board under RCW 39.102.040, and updated in accordance with RCW 39.102.140(1)(f).

(10) "Local excise taxes" means local revenues derived from the imposition of sales and use taxes authorized in RCW 82.14.030.

(11) "Local government" means any city, town, county, port district, and any federally recognized Indian tribe.

(12) "Local infrastructure financing" means the use of revenues received from local excise tax allocation revenues, local property tax allocation revenues, other revenues from local public sources, and revenues received from the local option sales and use tax authorized in RCW 82.14.475, dedicated to pay either the principal and interest on bonds authorized under RCW 39.102.150 or to pay public improvement costs on a pay-as-you-go basis subject to RCW 39.102.195, or both.

(13) "Local property tax allocation revenue" means those tax revenues derived from the receipt of regular property taxes levied on the property tax allocation revenue value and used for local infrastructure financing.

(14) "Low-income housing" means residential housing for low-income persons or families who lack the means which is necessary to enable them, without financial assistance, to live in decent, safe, and sanitary dwellings, without overcrowding. For the purposes of this subsection, "low income" means income that does not exceed eighty percent of the median family income for the standard metropolitan statistical area in which the revenue development area is located.

(15) "Ordinance" means any appropriate method of taking legislative action by a local government.

(16) "Participating local government" means a local government having a revenue development area within its geographic boundaries that has entered into a written agreement with a sponsoring local government as provided in RCW 39.102.080 to allow the use of all or some of its local excise tax allocation revenues or other revenues from local public sources dedicated for local infrastructure financing.

(17) "Participating taxing district" means a local government having a revenue development area within its geographic boundaries that has entered into a written agreement with a sponsoring local government as provided

in RCW 39.102.080 to allow the use of some or all of its local property tax allocation revenues or other revenues from local public sources dedicated for local infrastructure financing.

(18) "Property tax allocation revenue base value" means the assessed value of real property located within a revenue development area less the property tax allocation revenue value.

(19)(a)(i) "Property tax allocation revenue value" means seventy-five percent of any increase in the assessed value of real property in a revenue development area resulting from:

(A) The placement of new construction, improvements to property, or both, on the assessment roll, where the new construction and improvements are initiated after the revenue development area is approved by the board;

(B) The cost of new housing construction, conversion, and rehabilitation improvements, when such cost is treated as new construction for purposes of chapter 84.55 RCW as provided in RCW 84.14.020, and the new housing construction, conversion, and rehabilitation improvements are initiated after the revenue development area is approved by the board;

(C) The cost of rehabilitation of historic property, when such cost is treated as new construction for purposes of chapter 84.55 RCW as provided in RCW 84.26.070, and the rehabilitation is initiated after the revenue development area is approved by the board.

(ii) Increases in the assessed value of real property in a revenue development area resulting from (a)(i)(A) through (C) of this subsection are included in the property tax allocation revenue value in the initial year. These same amounts are also included in the property tax allocation revenue value in subsequent years unless the property becomes exempt from property taxation.

(b) "Property tax allocation revenue value" includes seventy-five percent of any increase in the assessed value of new construction consisting of an entire building in the years following the initial year, unless the building becomes exempt from property taxation.

(c) Except as provided in (b) of this subsection, "property tax allocation revenue value" does not include any increase in the assessed value of real property after the initial year.

(d) There is no property tax allocation revenue value if the assessed value of real property in a revenue development area has not increased as a result of any of the reasons specified in (a)(i)(A) through (C) of this subsection.

(e) For purposes of this subsection, "initial year" means:

(i) For new construction and improvements to property added to the assessment roll, the year during which the new construction and improvements are initially placed on the assessment roll;

(ii) For the cost of new housing construction, conversion, and rehabilitation improvements, when such cost is treated as new construction for purposes of chapter 84.55 RCW, the year when such cost is treated as new construction for purposes of levying taxes for collection in the following year; and

(iii) For the cost of rehabilitation of historic property, when such cost is treated as new construction for purposes of chapter 84.55 RCW, the year when such cost is treated as new construction for purposes of levying taxes for collection in the following year.

(20) "Public improvement costs" means the cost of: (a) Design, planning, acquisition including land acquisition, site preparation including land clearing, construction, reconstruction, rehabilitation, improvement, and installation of public improvements; (b) demolishing, relocating, maintaining, and operating property pending construction of public improvements; (c) the local government's portion of relocating utilities as a result of public improvements; (d) financing public improvements, including interest during construction, legal and other professional services, taxes, insurance, principal and interest costs on general indebtedness issued to finance public improvements, and any necessary reserves for general indebtedness; (e) assessments incurred in revaluing real property for the purpose of determining the property tax allocation revenue base value that are in excess of costs incurred by the assessor in accordance with the revaluation plan under chapter 84.41 RCW, and the costs of apportioning the taxes and complying with this chapter and other applicable law; (f) administrative expenses and feasibility studies reasonably necessary and related to these costs; and (g) any of the above-described costs that may have been incurred before adoption of the ordinance authorizing the public improvements and the use of local infrastructure financing to fund the costs of the public improvements.

(21) "Public improvements" means:

(a) Infrastructure improvements within the revenue development area that include:

(i) Street, bridge, and road construction and maintenance, including highway interchange construction;

(ii) Water and sewer system construction and improvements, including wastewater reuse facilities;

(iii) Sidewalks, traffic controls, and streetlights;

(iv) Parking, terminal, and dock facilities;

(v) Park and ride facilities of a transit authority;

(vi) Park facilities and recreational areas, including trails; and

(vii) Stormwater and drainage management systems;

(b) Expenditures for facilities and improvements that support affordable housing as defined in RCW 43.63A.510; and

(c) Expenditures to purchase, rehabilitate, retrofit for energy efficiency, and construct housing for the purpose of creating or preserving permanently affordable housing.



(22) "Real property" has the same meaning as in RCW 84.04.090 and also includes any privately owned improvements located on publicly owned land that are subject to property taxation.

(23) "Regular property taxes" means regular property taxes as defined in RCW 84.04.140, except: (a) Regular property taxes levied by public utility districts specifically for the purpose of making required payments of principal and interest on general indebtedness; (b) regular property taxes levied by the state for the support of the common schools under RCW 84.52.065; and (c) regular property taxes authorized by RCW 84.55.050 that are limited to a specific purpose. "Regular property taxes" do not include excess property tax levies that are exempt from the aggregate limits for junior and senior taxing districts as provided in RCW 84.52.043.

(24) "Relocating a business" means the closing of a business and the reopening of that business, or the opening of a new business that engages in the same activities as the previous business, in a different location within a one-year period, when an individual or entity has an ownership interest in the business at the time of closure and at the time of opening or reopening. "Relocating a business" does not include the closing and reopening of a business in a new location where the business has been acquired and is under entirely new ownership at the new location, or the closing and reopening of a business in a new location as a result of the exercise of the power of eminent domain.

(25) "Revenue development area" means the geographic area adopted by a sponsoring local government and approved by the board, from which local excise and property tax allocation revenues are derived for local infrastructure financing.

(26)(a) "Revenues from local public sources" means:

(i) Amounts of local excise tax allocation revenues and local property tax allocation revenues, dedicated by sponsoring local governments, participating local governments, and participating taxing districts, for local infrastructure financing; and

(ii) Any other local revenues, except as provided in (b) of this subsection, including revenues derived from federal and private sources.

(b) Revenues from local public sources do not include any local funds derived from state grants, state loans, or any other state moneys including any local sales and use taxes credited against the state sales and use taxes imposed under chapter 82.08 or 82.12 RCW.

(27) "Small business" has the same meaning as provided in RCW 19.85.020.

(28) "Sponsoring local government" means a city, town, or county, and for the purpose of this chapter a federally recognized Indian tribe or any combination thereof, that adopts a revenue development area and applies to the board to use local infrastructure financing.

(29) "State contribution" means the lesser of:

(a) One million dollars;

(b) The total amount of local excise tax allocation revenues, local property tax allocation revenues, and other revenues from local public sources, that are dedicated by a sponsoring local government, any participating local governments, and participating taxing districts, in the preceding calendar year to the payment of principal and interest on bonds issued under RCW 39.102.150 or to pay public improvement costs on a pay-as-you-go basis subject to RCW 39.102.195, or both. Revenues from local public sources dedicated in the preceding calendar year that are in excess of the project award may be carried forward and used in later years for the purpose of this subsection (29)(b);

(c) The amount of project award granted by the board in the notice of approval to use local infrastructure financing under RCW 39.102.040; or

(d) The highest amount of state excise tax allocation revenues and state property tax allocation revenues for any one calendar year as determined by the sponsoring local government and reported to the board and the department as required by RCW 39.102.140.

(30) "State excise tax allocation revenue" means an amount equal to the annual increase in state excise taxes estimated to be received by the state in each calendar year following the approval of the revenue development area by the board, from taxable activity within the revenue development area as set forth in the application provided to the board under RCW 39.102.040 and periodically updated and reported as required in RCW 39.102.140(1)(f).

(31) "State excise taxes" means revenues derived from state retail sales and use taxes under RCW 82.08.020(1) and 82.12.020 at the rate provided in RCW 82.08.020(1), less the amount of tax distributions from all local retail sales and use taxes, other than the local sales and use taxes authorized by RCW 82.14.475 for the applicable revenue development area, imposed on the same taxable events that are credited against the state retail sales and use taxes under chapters 82.08 and 82.12 RCW.

(32) "State property tax allocation revenue" means an amount equal to the estimated tax revenues derived from the imposition of property taxes levied by the state for the support of common schools under RCW 84.52.065 on the property tax allocation revenue value, as set forth in the application submitted to the board under RCW 39.102.040 and updated annually in the report required under RCW 39.102.140(1)(f).

(33) "Taxing district" means a government entity that levies or has levied for it regular property taxes upon real property located within a proposed or approved revenue development area.

(34) "Permanently affordable housing" means housing, regardless of ownership, for which there is a legally binding, recorded document in effect that limits the price at which the owner may sell or restricts the occupancy of the unit to a qualified, low-income household, for a period of at least forty years for a property used for shelter or rental housing, or for a period of at least twenty-five years for a property to be owned by a low-income household. These documents include, but are not limited to, affordability

covenants, deed restrictions, and community land trust leases. Resale restrictions exercised by providers of permanently affordable housing can include, but are not limited to:

(a) Continuous ownership of land by a public entity or nonprofit housing provider with a lease allowing ownership of the structure by an income-eligible household;

(b) A nonpossessory interest or right in real property, such as a deed restriction, restrictive covenant, resale restriction or other contractual agreement, that ensures affordability.

**Sec. 102.** RCW 39.104.020 and 2016 c 207 s 1 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Annual state contribution limit" means two million five hundred thousand dollars statewide per fiscal year, plus the additional amounts approved for demonstration projects in RCW 82.14.505.

(2) "Approving agency" means the department of revenue for project awards approved before June 9, 2016, and the department of commerce for project awards approved after June 9, 2016.

(3) "Assessed value" means the valuation of taxable real property as placed on the last completed assessment roll.

(4) "Bond" means a bond, a note or other evidence of indebtedness, including but not limited to a lease-purchase agreement or an executory conditional sales contract.

(5) "Department" means the department of revenue.

(6) "Fiscal year" means the twelve-month period beginning July 1st and ending the following June 30th.

(7) "Local government" means any city, town, county, and port district.

(8) "Local property tax allocation revenue" means those tax revenues derived from the receipt of regular property taxes levied on the property tax allocation revenue value and used for local revitalization financing.

(9) "Local revitalization financing" means the use of revenues from local public sources, dedicated to pay the principal and interest on bonds authorized under RCW 39.104.110 and public improvement costs within the revitalization area on a pay-as-you-go basis, and revenues received from the local option sales and use tax authorized in RCW 82.14.510, dedicated to pay the principal and interest on bonds authorized under RCW 39.104.110.

(10) "Local sales and use tax increment" means the estimated annual increase in local sales and use taxes as determined by the local government in the calendar years following the approval of the revitalization area by the department from taxable activity within the revitalization area.

(11) "Local sales and use taxes" means local revenues derived from the imposition of sales and use taxes authorized in RCW 82.14.030.

(12) "Ordinance" means any appropriate method of taking legislative action by a local government.

(13) "Participating local government" means a local government having a revitalization area within its geographic boundaries that has taken action as provided in RCW 39.104.070(1) to allow the use of all or some of its local sales and use tax increment or other revenues from local public sources dedicated for local revitalization financing.

(14) "Participating taxing district" means a taxing district that:

(a) Has a revitalization area wholly or partially within its geographic boundaries;

(b) Levies or has levied for it regular property taxes as defined in this section; and

(c) Has not taken action as provided in RCW 39.104.060(2).

(15) "Property tax allocation revenue base value" means the assessed value of real property located within a revitalization area, less the property tax allocation revenue value.

(16)(a)(i) "Property tax allocation revenue value" means seventy-five percent of any increase in the assessed value of real property in a revitalization area resulting from:

(A) The placement of new construction, improvements to property, or both, on the assessment roll, where the new construction and improvements are initiated after the revitalization area is approved;

(B) The cost of new housing construction, conversion, and rehabilitation improvements, when the cost is treated as new construction for purposes of chapter 84.55 RCW as provided in RCW 84.14.020, and the new housing construction, conversion, and rehabilitation improvements are initiated after the revitalization area is approved;

(C) The cost of rehabilitation of historic property, when the cost is treated as new construction for purposes of chapter 84.55 RCW as provided in RCW 84.26.070, and the rehabilitation is initiated after the revitalization area is approved.

(ii) Increases in the assessed value of real property in a revitalization area resulting from (a)(i)(A) through (C) of this subsection are included in the property tax allocation revenue value in the initial year. These same amounts are also included in the property tax allocation revenue value in subsequent years unless the property becomes exempt from property taxation.

(b) "Property tax allocation revenue value" includes seventy-five percent of any increase in the assessed value of new construction consisting of an entire building in the years following the initial year, unless the building becomes exempt from property taxation.

(c) Except as provided in (b) of this subsection, "property tax allocation revenue value" does not include any increase in the assessed value of real property after the initial year.

(d) There is no property tax allocation revenue value if the assessed value of real property in a revitalization area has not increased as a result of any of the reasons specified in (a)(i)(A) through (C) of this subsection.

(e) For purposes of this subsection, "initial year" means:

(i) For new construction and improvements to property added to the assessment roll, the year during which the new construction and improvements are initially placed on the assessment roll;

(ii) For the cost of new housing construction, conversion, and rehabilitation improvements, when the cost is treated as new construction for purposes of chapter 84.55 RCW, the year when the cost is treated as new construction for purposes of levying taxes for collection in the following year; and

(iii) For the cost of rehabilitation of historic property, when the cost is treated as new construction for purposes of chapter 84.55 RCW, the year when such cost is treated as new construction for purposes of levying taxes for collection in the following year.

(17) "Public improvement costs" means the costs of:

(a) Design, planning, acquisition, including land acquisition, site preparation including land clearing, construction, reconstruction, rehabilitation, improvement, and installation of public improvements;

(b) Demolishing, relocating, maintaining, and operating property pending construction of public improvements;

(c) Relocating utilities as a result of public improvements;

(d) Financing public improvements, including interest during construction, legal and other professional services, taxes, insurance, principal and interest costs on general indebtedness issued to finance public improvements, and any necessary reserves for general indebtedness; and

(e) Administrative expenses and feasibility studies reasonably necessary and related to these costs, including related costs that may have been incurred before adoption of the ordinance authorizing the public improvements and the use of local revitalization financing to fund the costs of the public improvements.

(18) "Public improvements" means:

(a) Infrastructure improvements within the revitalization area that include:

(i) Street, road, bridge, and rail construction and maintenance;

(ii) Water and sewer system construction and improvements;

(iii) Sidewalks, streetlights, landscaping, and streetscaping;

(iv) Parking, terminal, and dock facilities;

(v) Park and ride facilities of a transit authority;

(vi) Park facilities, recreational areas, and environmental remediation;

(vii) Stormwater and drainage management systems;

(viii) Electric, gas, fiber, and other utility infrastructures; ~~((and))~~

(b) Expenditures for any of the following purposes:

(i) Providing environmental analysis, professional management, planning, and promotion within the revitalization area, including the management and promotion of retail trade activities in the revitalization area;

(ii) Providing maintenance and security for common or public areas in the revitalization area; or

(iii) Historic preservation activities authorized under RCW 35.21.395; and

(c) Expenditures to purchase, rehabilitate, retrofit for energy efficiency, and construct housing for the purpose of creating or preserving permanently affordable housing.

(19) "Real property" has the same meaning as in RCW 84.04.090 and also includes any privately owned improvements located on publicly owned land that are subject to property taxation.

(20)(a) "Regular property taxes" means regular property taxes as defined in RCW 84.04.140, except: (i) Regular property taxes levied by public utility districts specifically for the purpose of making required payments of principal and interest on general indebtedness; (ii) regular property taxes levied by the state for the support of common schools under RCW 84.52.065; and (iii) regular property taxes authorized by RCW 84.55.050 that are limited to a specific purpose.

(b) "Regular property taxes" do not include:

(i) Excess property tax levies that are exempt from the aggregate limits for junior and senior taxing districts as provided in RCW 84.52.043; and

(ii) Property taxes that are specifically excluded through an interlocal agreement between the sponsoring local government and a participating taxing district as set forth in RCW 39.104.060(3).

(21)(a) "Revenues from local public sources" means:

(i) The local sales and use tax amounts received as a result of interlocal agreement, local sales and use tax amounts from sponsoring local governments based on its local sales and use tax increment, and local property tax allocation revenues, which are dedicated by a sponsoring local government, participating local governments, and participating taxing districts, for payment of bonds under RCW 39.104.110 or public improvement costs within the revitalization area on a pay-as-you-go basis; and

(ii) Any other local revenues, except as provided in (b) of this subsection, including revenues derived from federal and private sources and amounts received by taxing districts as set forth by an interlocal agreement as described in RCW 39.104.060(4), which are dedicated for the payment of bonds under RCW 39.104.110 or public improvement costs within the revitalization area on a pay-as-you-go basis.

(b) Revenues from local public sources do not include any local funds derived from state grants, state loans, or any other state moneys including any local sales and use taxes credited against the state sales and use taxes imposed under chapter 82.08 or 82.12 RCW.

(22) "Revitalization area" means the geographic area adopted by a sponsoring local government and approved by the approving agency, from which local sales and use tax increments are estimated and property tax allocation revenues are derived for local revitalization financing.

(23) "Sponsoring local government" means a city, town, county, or any combination thereof, that adopts a revitalization area.

(24) "State contribution" means the lesser of:

(a) Five hundred thousand dollars;

(b) The project award amount approved by the approving agency as provided in RCW 39.104.100 or 82.14.505; or

(c) The total amount of revenues from local public sources dedicated in the preceding calendar year to the payment of principal and interest on bonds issued under RCW 39.104.110 and public improvement costs within the revitalization area on a pay-as-you-go basis. Revenues from local public sources dedicated in the preceding calendar year that are in excess of the project award may be carried forward and used in later years for the purpose of this subsection (24)(c).

(25) "State property tax increment" means the estimated amount of annual tax revenues estimated to be received by the state from the imposition of property taxes levied by the state for the support of common schools under RCW 84.52.065 on the property tax allocation revenue value, as determined by the sponsoring local government in an application under RCW 39.104.100 and updated periodically as required in RCW 82.32.765.

(26) "State sales and use tax increment" means the estimated amount of annual increase in state sales and use taxes to be received by the state from taxable activity within the revitalization area in the years following the approval of the revitalization area as determined by the sponsoring local government in an application under RCW 39.104.100 and updated periodically as required in RCW 82.32.765.

(27) "State sales and use taxes" means state retail sales and use taxes under RCW 82.08.020(1) and 82.12.020 at the rate provided in RCW 82.08.020(1), less the amount of tax distributions from all local retail sales and use taxes, other than the local sales and use taxes authorized by RCW 82.14.510 for the applicable revitalization area, imposed on the same taxable events that are credited against the state

retail sales and use taxes under RCW 82.08.020(1) and 82.12.020.

(28) "Taxing district" means a government entity that levies or has levied for it regular property taxes upon real property located within a proposed or approved revitalization area.

(29) "Permanently affordable housing" means housing, regardless of ownership, for which there is a legally binding, recorded document in effect that limits the price at which the owner may sell or restricts the occupancy of the unit to a qualified, low-income household, for a period of at least forty years for a property used for shelter or rental housing, or for a period of at least twenty-five years for a property to be owned by a low-income household. These documents include, but are not limited to, affordability covenants, deed restrictions, and community land trust leases. Resale restrictions exercised by providers of permanently affordable housing can include, but are not limited to:

(a) Continuous ownership of land by a public entity or nonprofit housing provider with a lease allowing ownership of the structure by an income-eligible household;

(b) A nonpossessory interest or right in real property, such as a deed restriction, restrictive covenant, resale restriction or other contractual agreement, that ensures affordability."

On page 1, line 4 of the title, after "financing;" strike the remainder of the title and insert "and amending RCW 39.89.020, 39.102.020, and 39.104.020."

and the same is herewith transmitted.

Sarah Bannister, Deputy, Secretary

#### **SENATE AMENDMENT TO HOUSE BILL**

There being no objection, the House concurred in the Senate amendment to HOUSE BILL NO. 2497 and advanced the bill as amended by the Senate to final passage.

#### **FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED**

Representative Tarleton spoke in favor of the passage of the bill.

Representative Orcutt spoke against the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of House Bill No. 2497, as amended by the Senate.

#### **ROLL CALL**

The Clerk called the roll on the final passage of House Bill No. 2497, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 55; Nays, 42; Absent, 0; Excused, 1.

Voting yea: Representatives Bergquist, Callan, Chapman, Chopp, Cody, Davis, Doglio, Dolan, Duerr, Entenman, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hansen, Hudgins, J. Johnson, Kilduff, Kirby, Kloba, Leavitt, Lekanoff, Lovick, Macri, Mead, Morgan, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Ryu, Santos, Sells, Senn, Shewmake, Slatter, Springer, Stonier, Sullivan, Tarleton, Thai, Tharinger, Valdez, Walen, Wylie and Mme. Speaker.

Voting nay: Representatives Barkis, Blake, Boehnke, Caldier, Chambers, Chandler, Corry, DeBolt, Dent, Dufault, Dye, Eslick, Gildon, Goehner, Graham, Griffey, Harris, Hoff, Irwin, Jenkin, Klippert, Kraft, Kretz, MacEwen, Maycumber, McCaslin, Mosbrucker, Orcutt, Rude, Schmick, Shea, Smith, Steele, Stokesbary, Sutherland, Van Werven, Vick, Volz, Walsh, Wilcox, Ybarra and Young.

Excused: Representative Appleton.

HOUSE BILL NO. 2497, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

### MESSAGE FROM THE SENATE

March 4, 2020

Madame Speaker:

The Senate has passed HOUSE BILL NO. 2524 with the following amendment:

Strike everything after the enacting clause and insert the following:

**"Sec. 1.** RCW 15.83.010 and 1989 c 355 s 2 are each amended to read as follows:

~~((Unless the context clearly requires otherwise, the))~~  
The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Accredited association of producers" means an association of producers which is accredited by the director to be the exclusive negotiation agent for all producer members of the association within a negotiating unit.

(2) "Advance contract" means a contract for purchase and sale of a crop entered into before the crop becomes a growing crop and providing for delivery at or after the harvest of that crop.

(3) "Agricultural products" as used in this chapter means pears, sweet corn, and potatoes produced for sale from farms in this state.

(4) "Association of producers" means any association of producers of agricultural products engaged in marketing, negotiating for its members, shipping, or processing as defined in section 15(a) of the federal agriculture marketing act of 1929 or in section 1 of 42 Stat. 388.

(5) "Director" means the director of the department of agriculture.

(6) "Handler" means a processor or a person engaged in the business or practice of:

(a) Acquiring agricultural products from producers or associations of producers for use by a processor;

(b) Processing agricultural products received from producers or associations of producers, provided that a cooperative association owned by producers shall not be a handler except when contracting for crops from producers who are not members of the cooperative association;

(c) Contracting or negotiating contracts or other arrangements, written or oral, with or on behalf of producers or associations of producers with respect to the production or marketing of any agricultural product for use by a processor; or

(d) Acting as an agent or broker for a handler in the performance of any function or act specified in (a), (b), or (c) of this subsection.

(7) "Negotiate" means meeting at reasonable times and for reasonable periods of time commencing at least sixty days before the normal planting date for sweet corn and potatoes, or at least sixty days before the normal harvest date for pears, and concluding within thirty days of the normal planting date for sweet corn and potatoes, or within thirty days of the normal harvest date for pears, to make a serious, fair, and reasonable attempt to reach agreement by acknowledging or refuting with reason points brought up by either party with respect to the price, terms of sale, compensation for products produced under contract, or other terms relating to the production or sale of these products: PROVIDED, That neither party shall be required to disclose proprietary business or financial records or information.

(8) "Negotiating unit" means a negotiating unit approved by the director under RCW 15.83.020.

(9) "Person" means an individual, partnership, corporation, association, or any other entity.

(10) "Processor" means any person that purchases agricultural crops from a producer and cans, freezes, dries, dehydrates, cooks, presses, powders, or otherwise processes those crops in any manner for eventual resale. A person who solely cleans, sorts, grades, and packages a farm product for sale without altering the natural condition of the product is not a processor. A person processing any portion of a crop is a processor.

(11) "Producer" means a person engaged in the production of agricultural products as a farmer or planter, including a grower or farmer furnishing inputs, production management, or facilities for growing or raising agricultural products. A producer who is also a handler shall be considered a handler under this chapter.

(12) "Qualified commodity" means agricultural products as defined in subsection (3) of this section.

**Sec. 2.** RCW 15.83.020 and 1989 c 355 s 3 are each amended to read as follows:

(1) An association of producers may file an application with the director:

(a) Requesting accreditation to serve as the exclusive negotiating agent on behalf of its producer members who are

within a proposed negotiating unit with respect to any qualified commodity;

(b) Describing geographical boundaries of the proposed negotiating unit;

(c) Specifying the number of producers and the quantity of products included within the proposed negotiating unit;

(d) Specifying the number and location of the producers and the quantity of products represented by the association; ~~((and))~~

(e) Agreeing to reimburse the department for all anticipated and uncovered costs incurred by the department for actions necessary to carry out the provisions of this chapter; and

(f) Supplying any other information required by the director.

(2) Within a reasonable time after receiving an application under subsection (1) of this section, the director shall approve or disapprove the application in accordance with this section.

(a) The director shall approve the initial application or renewal if the director determines that:

(i) The association is owned and controlled by producers under the charter documents or bylaws of the association;

(ii) The association has valid and binding contracts with its members empowering the association to sell or negotiate terms of sale of its members' products or to negotiate for compensation for products produced under contract by its members;

(iii) The association represents a sufficient percentage of producers or that its members produce a sufficient percentage of agricultural products to enable it to function as an effective agent for producers in negotiating with a given handler as defined in rules promulgated by the department. In making this finding, the director shall exclude any quantity of the agricultural products contracted by producers with producer-owned and controlled processing cooperatives with its members and any quantity of these products produced by handlers;

(iv) One of the association's functions is to act as principal or agent for its members in negotiations with handlers for prices and other terms of trade with respect to the production, sale, and marketing of the products of its members, or for compensation for products produced by its members under contract; ~~((and))~~

(v) Sufficient resources, including public funds and any funds to be provided by the applicant under reimbursement agreements, will be available to cover department costs for services provided by the department in carrying out the provisions of this chapter, including department costs to defend a decision made by the department under this chapter if such a decision is appealed; and

(vi) Accreditation would not be contrary to the policies established in RCW 15.83.005.

(b) If the director does not approve the application under (a) of this subsection, then the association of producers may file an amended application with the director. The director, within a reasonable time, shall approve the amended application if it meets the requirements set out in (a) of this subsection.

(3) The department shall provide the association an estimate of expenses that may be incurred prior to the department's provision of services.

(4) At the discretion of the director, or upon submission of a timely filed petition by an affected handler or an affected association of producers, the association of producers accredited under this section may be required by the director to renew the application for accreditation by providing the information required under subsection (1) of this section.

**Sec. 3.** RCW 15.83.030 and 1989 c 355 s 4 are each amended to read as follows:

It shall be unlawful for any handler to engage, or permit any employee or agent to engage, in the following practices:

(1) To refuse to negotiate with an association of producers accredited under RCW 15.83.020 with respect to any qualified commodity: PROVIDED, That the obligation to negotiate does not require either party to agree to a proposal, to make a concession, or to enter into a contract;

(2) To coerce any producer in the exercise of his or her right to contract with, join, refrain from contracting with or joining, belong to an association of producers, or refuse to deal with any producer because of the exercise of that producer's right to contract with, join, or belong to an association or because of that producer's promotion of legislation on behalf of an association of producers;

(3) To discriminate against any producer with respect to price, quantity, quality, or other terms of purchase, acquisition, or other handling of agricultural products because of that producer's membership in or contract with an association of producers or because of that producer's promotion of legislation on behalf of an association of producers;

(4) To coerce or intimidate any producer to enter into, maintain, breach, cancel, or terminate a membership agreement or marketing contract with an association of producers or a contract with a handler;

(5) To pay or loan money, give anything of value, or offer any other inducement or reward to a producer for refusing or ceasing to belong to an association of producers;

(6) To make knowingly false reports about the finances, management, or activities of associations of producers or handlers; ~~((or))~~

(7) To conspire, agree, or arrange with any other person to do, aid, or abet any act made unlawful by this chapter; or

(8) To refuse, in the event that an acceptable price cannot be agreed to between a producer and a processor, to meet with a mutually agreed upon third-party mediator to resolve the price dispute. Any fees associated with the third-party mediation must be borne by the producer."

and the same is herewith transmitted.

Sarah Bannister, Deputy, Secretary

#### SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to HOUSE BILL NO. 2524 and advanced the bill as amended by the Senate to final passage.

#### FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representatives Chandler and Shewmake spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of House Bill No. 2524, as amended by the Senate.

#### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2524, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Mead, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shea, Shewmake, Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Excused: Representative Appleton.

HOUSE BILL NO. 2524, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

#### MESSAGE FROM THE SENATE

March 3, 2020

Madame Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 2527 with the following amendment:  
3.0.

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 4.** A new section is added to chapter 43.62 RCW to read as follows:

(1) It is the intent of the legislature to affirm that every Washingtonian has the right and obligation to participate in the federal decennial census freely and without fear of fraud, intimidation, or harm, and to inform the public of these rights.

(2) The legislature affirms the rights of Washingtonians to all of the following, to be known as the Washington census bill of rights and responsibilities:

(a) To participate in the federal decennial census free of threat or intimidation;

(b) To the confidentiality of the information provided in the census form, as provided by federal law;

(c) To respond to the census by means made available to the respondent, either by phone, by mail, online, or in person;

(d) To request language assistance in accordance with federal law; and

(e) To verify the identity of a census worker.

(3) The secretary of state shall translate the Washington census bill of rights and responsibilities into languages other than English, consistent with the federal voting rights act of 1965, 52 U.S.C. Sec. 10503.

(4) The office of financial management shall make the Washington census bill of rights and responsibilities available on its internet web site and available for inclusion on city and county census internet web sites and census questionnaire assistance center internet web sites.

**NEW SECTION. Sec. 5.** A new section is added to chapter 9A.60 RCW to read as follows:

(1) A person is guilty of impersonating a census taker if the person falsely represents that he or she is a census taker with the intent to:

(a) Interfere with the operation of the census;

(b) Obtain information; or

(c) Obtain consent to enter a private dwelling.

(2) Impersonating a census taker is a gross misdemeanor.

**NEW SECTION. Sec. 6.** A new section is added to chapter 19.86 RCW to read as follows:

Mailing materials with the intent to deceive a person into believing that the material is an official census communication, interfere with the operation of the census, or discourage a person from participating in the census constitutes an unfair or deceptive practice under this chapter.

**NEW SECTION. Sec. 7.** This act is necessary for the immediate preservation of the public peace, health, or safety,

or support of the state government and its existing public institutions, and takes effect immediately."

On page 1, line 2 of the title, after "census;" strike the remainder of the title and insert "adding a new section to chapter 43.62 RCW; adding a new section to chapter 9A.60 RCW; adding a new section to chapter 19.86 RCW; prescribing penalties; and declaring an emergency."

and the same is herewith transmitted.

Brad Hendrickson, Secretary

#### SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to SUBSTITUTE HOUSE BILL NO. 2527 and advanced the bill as amended by the Senate to final passage.

#### FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representative Ramos spoke in favor of the passage of the bill.

Representative Walsh spoke against the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2527, as amended by the Senate.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2527, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 68; Nays, 29; Absent, 0; Excused, 1.

Voting yea: Representatives Barkis, Bergquist, Blake, Callan, Chapman, Chopp, Cody, Corry, Davis, Dent, Doglio, Dolan, Duerr, Dufault, Entenman, Fey, Fitzgibbon, Frame, Gildon, Goodman, Gregerson, Griffey, Hansen, Hudgins, J. Johnson, Kilduff, Kirby, Kloba, Leavitt, Lekanoff, Lovick, Macri, Mead, Morgan, Mosbrucker, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Sells, Senn, Shewmake, Slatter, Smith, Springer, Steele, Stonier, Sullivan, Tarleton, Thai, Tharinger, Valdez, Van Werven, Walen, Wylie, Ybarra and Mme. Speaker.

Voting nay: Representatives Boehnke, Caldier, Chambers, Chandler, DeBolt, Dye, Eslick, Goehner, Graham, Harris, Hoff, Irwin, Jenkin, Klippert, Kraft, Kretz, MacEwen, Maycumber, McCaslin, Orcutt, Schmick, Shea, Stokesbary, Sutherland, Vick, Volz, Walsh, Wilcox and Young.

Excused: Representative Appleton.

SUBSTITUTE HOUSE BILL NO. 2527, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

#### MESSAGE FROM THE SENATE

March 3, 2020

Madame Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 2535 with the following amendment:

7.0.

Strike everything after the enacting clause and insert the following:

"**Sec. 8.** RCW 59.18.170 and 1973 1st ex.s. c 207 s 17 are each amended to read as follows:

(1) If at any time during the tenancy the tenant fails to carry out the duties required by RCW 59.18.130 or 59.18.140, the landlord may, in addition to pursuit of remedies otherwise provided by law, give written notice to the tenant of said failure, which notice shall specify the nature of the failure.

(2) The landlord may not charge a late fee for rent that is paid within five days following its due date. If rent is more than five days past due, the landlord may charge late fees commencing from the first day after the due date until paid. Nothing in this subsection prohibits a landlord from serving a notice to pay or vacate at any time after the rent becomes due.

(3) When late fees may be assessed after rent becomes due, the tenant may propose that the date rent is due in the rental agreement be altered to a different due date of the month. The landlord shall agree to such a proposal if it is submitted in writing and the tenant can demonstrate that his or her primary source of income is a regular, monthly source of governmental assistance that is not received until after the date rent is due in the rental agreement. The proposed rent due date may not be more than five days after the date the rent is due in the rental agreement. Nothing in this subsection shall be construed to prevent a tenant from making a request for reasonable accommodation under federal, state, or local law.

**Sec. 9.** RCW 59.18.230 and 2011 c 132 s 11 are each amended to read as follows:

(1) Any provision of a lease or other agreement, whether oral or written, whereby any section or subsection of this chapter is waived except as provided in RCW 59.18.360 and shall be deemed against public policy and shall be unenforceable. Such unenforceability shall not affect other provisions of the agreement which can be given effect without them.

(2) No rental agreement may provide that the tenant:

(a) Agrees to waive or to forgo rights or remedies under this chapter; or

(b) Authorizes any person to confess judgment on a claim arising out of the rental agreement; or

(c) Agrees to pay the landlord's attorneys' fees, except as authorized in this chapter; or

(d) Agrees to the exculpation or limitation of any liability of the landlord arising under law or to indemnify the landlord for that liability or the costs connected therewith; or



(e) And landlord have agreed to a particular arbitrator at the time the rental agreement is entered into; or

(f) Agrees to pay late fees for rent that is paid within five days following its due date. If rent is more than five days past due, the landlord may charge late fees commencing from the first day after the due date until paid. Nothing in this subsection prohibits a landlord from serving a notice to pay or vacate at any time after the rent becomes due.

(3) A provision prohibited by subsection (2) of this section included in a rental agreement is unenforceable. If a landlord deliberately uses a rental agreement containing provisions known by him or her to be prohibited, the tenant may recover actual damages sustained by him or her, statutory damages not to exceed five hundred dollars, costs of suit, and reasonable attorneys' fees.

(4) The common law right of the landlord of distress for rent is hereby abolished for property covered by this chapter. Any provision in a rental agreement creating a lien upon the personal property of the tenant or authorizing a distress for rent is null and void and of no force and effect. Any landlord who takes or detains the personal property of a tenant without the specific written consent of the tenant to such incident of taking or detention, and who, after written demand by the tenant for the return of his or her personal property, refuses to return the same promptly shall be liable to the tenant for the value of the property retained, actual damages, and if the refusal is intentional, may also be liable for damages of up to five hundred dollars per day but not to exceed five thousand dollars, for each day or part of a day that the tenant is deprived of his or her property. The prevailing party may recover his or her costs of suit and a reasonable attorneys' fee.

In any action, including actions pursuant to chapters 7.64 or 12.28 RCW, brought by a tenant or other person to recover possession of his or her personal property taken or detained by a landlord in violation of this section, the court, upon motion and after notice to the opposing parties, may waive or reduce any bond requirements where it appears to be to the satisfaction of the court that the moving party is proceeding in good faith and has, prima facie, a meritorious claim for immediate delivery or redelivery of said property."

On page 1, line 2 of the title, after "rent;" strike the remainder of the title and insert "and amending RCW 59.18.170 and 59.18.230."

and the same is herewith transmitted.

Sarah Bannister, Deputy, Secretary

#### SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to ENGROSSED SUBSTITUTE HOUSE BILL NO. 2535 and advanced the bill as amended by the Senate to final passage.

#### FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representative Kirby spoke in favor of the passage of the bill.

Representative Dufault spoke against the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 2535, as amended by the Senate.

#### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2535, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 73; Nays, 24; Absent, 0; Excused, 1.

Voting yea: Representatives Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chapman, Chopp, Cody, Davis, DeBolt, Dent, Doglio, Dolan, Duerr, Entenman, Fey, Fitzgibbon, Frame, Gildon, Goodman, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, J. Johnson, Kilduff, Kirby, Kloba, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Mead, Morgan, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Ryu, Santos, Sells, Senn, Shewmake, Slatter, Springer, Stonier, Sullivan, Tarleton, Thai, Tharinger, Valdez, Van Werven, Walen, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Voting nay: Representatives Chandler, Corry, Dufault, Dye, Eslick, Goehner, Graham, Jenkin, Klippert, Kraft, Kretz, Maycumber, McCaslin, Mosbrucker, Rude, Schmick, Shea, Smith, Steele, Stokesbary, Sutherland, Vick, Volz and Walsh.

Excused: Representative Appleton.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2535, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

#### MESSAGE FROM THE SENATE

March 5, 2020

Madame Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 2565 with the following amendment:

9.0.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 10. The legislature finds that creating labeling standards for disposable wipes products will protect public health, the environment, water quality, and public infrastructure used for the collection, transport, and treatment of wastewater. It is not the intent of the legislature to address standards for flushability with this chapter.

NEW SECTION. Sec. 11. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Covered entity" means a manufacturer of a covered product and a wholesaler, supplier, or retailer that has contractually undertaken responsibility to the manufacturer for the "do not flush" labeling of a covered product.

(2) "Covered product" means a nonflushable nonwoven disposable wipe that is a premoistened wipe constructed from nonwoven sheets and designed and marketed for diapering, personal hygiene, or household hard surface cleaning purposes. A nonflushable nonwoven disposable wipe excludes any wipe product designed or marketed for cleaning or medicating the anorectal or vaginal areas on the human body and labeled "flushable," "sewer safe," "septic safe," or otherwise indicating that the product is appropriate for disposal in a toilet including, but not limited to, premoistened toilet tissue.

(3) "Label" means to represent by statement, word, picture, design, or emblem on a covered product package.

(4) "Principal display panel" means the side of a product package that is most likely to be displayed, presented, or shown under customary conditions of display for retail sale. The term is further defined as follows:

(a) In the case of a cylindrical or nearly cylindrical package, the surface area of the principal display panel constitutes forty percent of the product package, as measured by multiplying the height of the container times the circumference.

(b) In the case of a flexible film package, in which a rectangular prism or nearly rectangular prism stack of wipes is housed within the film, the surface area of the principal display panel constitutes the length times the width of the side of the package when the flexible packaging film is pressed flat against the stack of wipes on all sides of the stack.

**NEW SECTION. Sec. 12.** A covered entity must clearly and conspicuously label a covered product as "do not flush" as follows:

(1) Use the "do not flush" symbol, or a gender equivalent thereof, described in the INDA/EDANA code of practice 2 (COP2, as published in "Guidelines for Assessing the Flushability of Disposable Nonwoven Products," Edition 4, May 2018, by INDA/EDANA);

(2) Place the symbol on the principal display panel in a prominent and reasonably visible location on the package which, in the case of packaging intended to dispense individual wipes, is permanently affixed in a location that is visible to a person each time a wipe is dispensed from the package;

(3) Size the symbol to cover at least two percent of the surface area of the principal display panel on which the symbol is presented;

(4) Ensure the symbol is not obscured by packaging seams, folds, or other package design elements;

(5) Ensure the symbol has sufficiently high contrast with the immediate background of the packaging to render it likely to be read by the ordinary individual under customary

conditions of purchase and use. In the case of a printed symbol, "high contrast" is defined as follows:

(a) Provided with either a light symbol on a dark background or a dark symbol on a light background; and

(b) A minimum level or percentage of contrast between the symbol artwork and the background of at least seventy percent. Contrast in percent is determined by:

(i)  $\text{Contrast} = (B1 - B2) \times 100 / B1$ ; and

(ii) Where B1 = light reflectance value of the lighter area and B2 = light reflectance value of the darker area; and

(6) Beginning January 1, 2023, no package or box containing a covered product manufactured on or before the effective date of this section may be offered for distribution or sale in the state.

**NEW SECTION. Sec. 13.** Upon a request by a city or a county, a covered entity must submit to the requesting entity, within ninety days of the request, nonconfidential business information and documentation demonstrating compliance with this chapter, in a format that is easy to understand.

**NEW SECTION. Sec. 14.** (1) Cities and counties have concurrent and exclusive authority to enforce this chapter and to collect civil penalties for a violation of this chapter, subject to the conditions in this section. An enforcing government entity may impose a civil penalty in the amount of up to two thousand dollars for the first violation of this chapter, up to five thousand dollars for the second violation of this chapter, and up to ten thousand dollars for the third and any subsequent violation of this chapter. If a covered entity has paid a prior penalty for the same violation to a different government entity with enforcement authority under this subsection, the penalty imposed by a government entity is reduced by the amount of the payment.

(2) Any civil penalties collected pursuant to this section must be paid to the enforcing governmental entity that brought the action.

(3) The remedies provided by this section are not exclusive and are in addition to the remedies that may be available pursuant to chapter 19.86 RCW or other consumer protection laws, if applicable.

(4) In addition to penalties recovered under this section, the enforcing government entity may recover reasonable enforcement costs and attorneys' fees from the liable covered entity.

**NEW SECTION. Sec. 15.** Covered entities that violate the requirements of this chapter are subject to civil penalties described in section 5 of this act. A specific violation is deemed to have occurred upon the sale of a noncompliant product package. The repeated sale of the same noncompliant product package is considered part of the same, single violation. A city or county must send a written notice of an alleged violation and a copy of the requirements of this chapter to a noncompliant covered entity, which will have ninety days to become compliant. A city or county may assess a first penalty if the covered entity has not met the

requirements of this chapter ninety days following the date the notification was sent. A city or county may impose a second, third, and subsequent penalties on a covered entity that remains noncompliant with the requirements of this chapter for every month of noncompliance.

**NEW SECTION. Sec. 16.** Sections 1 through 6, 8, and 10 of this act constitute a new chapter in Title 70 RCW.

**NEW SECTION. Sec. 17.** This act takes effect July 1, 2022.

**NEW SECTION. Sec. 18.** For a covered product required to be registered by the United States environmental protection agency under the federal insecticide, fungicide, and rodenticide act (7 U.S.C. Sec. 136 et seq. (1996)), this act applies beginning July 1, 2023.

**NEW SECTION. Sec. 19.** This chapter preempts all existing or future laws enacted by a county, city, town, or other political subdivision of the state regarding the labeling of a covered product. Nothing in this section is intended to preempt the enforcement authority of a city or county as provided under sections 5 and 6 of this act.

**NEW SECTION. Sec. 20.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

On page 1, line 1 of the title, after "products;" strike the remainder of the title and insert "adding a new chapter to Title 70 RCW; creating a new section; prescribing penalties; and providing an effective date."

and the same is herewith transmitted.

Sarah Bannister, Deputy, Secretary

#### SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to ENGROSSED SUBSTITUTE HOUSE BILL NO. 2565 and advanced the bill as amended by the Senate to final passage.

#### FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representatives Fitzgibbon and DeBolt spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 2565, as amended by the Senate.

#### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2565, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 93; Nays, 4; Absent, 0; Excused, 1.

Voting yea: Representatives Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chapman, Chopp,

Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, Mead, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Voting nay: Representatives Chandler, McCaslin, Shea and Sutherland.

Excused: Representative Appleton.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2565, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

#### MESSAGE FROM THE SENATE

March 5, 2020

Madame Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 2588 with the following amendment:

20.0.

Strike everything after the enacting clause and insert the following:

**"Sec. 1.** RCW 43.09.230 and 1995 c 301 s 12 are each amended to read as follows:

(1) As used in this section:

(a) "Special purpose district" means every municipal and quasi-municipal corporation other than counties, cities, and towns. Such special purpose districts include, but are not limited to, water-sewer districts, fire protection districts, port districts, public utility districts, special districts as defined in RCW 85.38.010, lake and beach management districts, conservation districts, and irrigation districts.

(b) "Unauditable" means a special purpose district that the state auditor has determined to be incapable of being audited because the special purpose district has improperly maintained, failed to maintain, or failed to submit adequate accounts, records, files, or reports for an audit to be completed.

(2) The state auditor shall require from every local government financial reports covering the full period of each fiscal year, in accordance with the forms and methods prescribed by the state auditor, which shall be uniform for all accounts of the same class.

Such reports shall be prepared, certified, and filed with the state auditor within one hundred fifty days after the close of each fiscal year.

The reports shall contain accurate statements, in summarized form, of all collections made, or receipts received, by the officers from all sources; all accounts due

the public treasury, but not collected; and all expenditures for every purpose, and by what authority authorized; and also: ~~((4))~~ (a) A statement of all costs of ownership and operation, and of all income, of each and every public service industry owned and operated by a local government; ~~((2))~~ (b) a statement of the entire public debt of every local government, to which power has been delegated by the state to create a public debt, showing the purpose for which each item of the debt was created, and the provisions made for the payment thereof; ~~((3))~~ (c) a classified statement of all receipts and expenditures by any public institution; and ~~((4))~~ (d) a statement of all expenditures for labor relations consultants, with the identification of each consultant, compensation, and the terms and conditions of each agreement or arrangement; together with such other information as may be required by the state auditor.

The reports shall be certified as to their correctness by the state auditor, the state auditor's deputies, or other person legally authorized to make such certification.

Their substance shall be published in an annual volume of comparative statistics at the expense of the state as a public document.

(3)(a)(i) On or before December 31, 2020, and on or before December 31st of each year thereafter, the state auditor must search available records and notify the legislative authority of a county if any special purpose districts, located wholly or partially within the county, have been determined to be unauditable. If the boundaries of the special purpose district are located within more than one county, the state auditor must notify all legislative authorities of the counties within which the boundaries of the special purpose district lie.

(ii) If a county has been notified as provided in (a)(i) of this subsection (3), the special purpose district and the county auditor, acting on behalf of the special purpose district, are prohibited from issuing any warrants against the funds of the special purpose district until the district has had its report certified by the state auditor.

(iii) Notwithstanding (a)(ii) of this subsection (3), a county may authorize the special purpose district and the county auditor to issue warrants against the funds of the special purpose district:

(A) In order to prevent the discontinuation or interruption of any district services;

(B) For emergency or public health purposes; or

(C) To allow the district to carry out any district duties or responsibilities.

(b)(i) On or before December 31, 2020, and on or before December 31st of each year thereafter, the state auditor must search available records and notify the state treasurer if any special purpose districts have been determined to be unauditable.

(ii) If the state treasurer has been notified as provided in (b)(i) of this subsection (3), the state treasurer may not distribute any local sales and use taxes imposed by a special

purpose district to the district until the district has had its report certified by the state auditor.

**Sec. 2.** RCW 36.96.010 and 1999 c 153 s 50 are each amended to read as follows:

~~((As used in this chapter,))~~ The definitions in this section apply throughout this chapter unless the context requires otherwise:

(1) "Special purpose district" means every municipal and quasi-municipal corporation other than counties, cities, and towns. Such special purpose districts shall include, but are not limited to, water-sewer districts, fire protection districts, port districts, public utility districts, county park and recreation service areas, flood control zone districts, diking districts, drainage improvement districts, and solid waste collection districts, but shall not include industrial development districts created by port districts, and shall not include local improvement districts, utility local improvement districts, and road improvement districts;

(2) "Governing authority" means the commission, council, or other body which directs the affairs of a special purpose district;

(3) "Inactive" means that a special purpose district ~~(, other than a public utility district,))~~ is characterized by ~~((either))~~ any of the following criteria:

(a) Has not carried out any of the special purposes or functions for which it was formed within the preceding consecutive five-year period; ~~((or))~~

(b) No election has been held for the purpose of electing a member of the governing body within the preceding consecutive seven-year period or, in those instances where members of the governing body are appointed and not elected, where no member of the governing body has been appointed within the preceding seven-year period; or

(c) The special purpose district has been determined to be unauditable by the state auditor;

(4) "Unauditable" means a special purpose district that the state auditor has determined to be incapable of being audited because the special purpose district has improperly maintained, failed to maintain, or failed to submit adequate accounts, records, files, or reports for an audit to be completed.

~~((A public utility district is inactive when it is characterized by both criteria (a) and (b) of this subsection.))~~

**Sec. 3.** RCW 36.96.030 and 1979 ex.s. c 5 s 3 are each amended to read as follows:

(1) Upon receipt of notice from the county auditor as provided in RCW 36.96.020, the county legislative authority within whose boundaries all or the greatest portion of such special purpose district lies shall hold one or more public hearings on or before September 1st of the same year to determine whether or not such special purpose district or districts meet ~~((either))~~ any of the criteria for being "inactive" as provided in RCW 36.96.010 ~~((: PROVIDED, That if such a special purpose district is a public utility~~

~~district, the county legislative authority shall determine whether or not the public utility district meets both criteria of being "inactive" as provided in RCW 36.96.010)).~~ In addition, at any time a county legislative authority may hold hearings on the dissolution of any special purpose district that appears to meet the criteria of being "inactive" and dissolve such a district pursuant to the proceedings provided for in RCW 36.96.030 through 36.96.080.

(2) Notice of such public hearings shall be given by publication at least once each week for not less than three successive weeks in a newspaper that is in general circulation within the boundaries of the special purpose district or districts. Notice of such hearings shall also be mailed to each member of the governing authority of such special purpose districts, if such members are known, and to all persons known to have claims against any of the special purpose districts. Notice of such public hearings shall be posted in at least three conspicuous places within the boundaries of each special purpose district that is a subject of such hearings. Whenever a county legislative authority that is conducting such a public hearing on the dissolution of one or more of a particular kind of special purpose district is aware of the existence of an association of such special purpose districts, it shall also mail notice of the hearing to the association. In addition, whenever a special purpose district that lies in more than one county is a subject of such a public hearing, notice shall also be mailed to the legislative authorities of all other counties within whose boundaries the special purpose district lies. All notices shall state the purpose, time, and place of such hearings, and that all interested persons may appear and be heard.

**Sec. 4.** RCW 36.96.070 and 2001 c 299 s 13 are each amended to read as follows:

Any moneys or funds of the dissolved special purpose district and any moneys or funds received by the board of trustees from the sale or other disposition of any property of the dissolved special purpose district shall be used, to the extent necessary, for the payment or settlement of any outstanding obligations of the dissolved special purpose district. Any remaining moneys or funds shall be used to pay the county legislative authority for all costs and expenses incurred in the dissolution and liquidation of the dissolved special purpose district. Thereafter, any remaining moneys, funds, or property shall become that of the county in which the dissolved special purpose district was located. However, if the territory of the dissolved special purpose district was located within more than one county, the remaining moneys, funds, and personal property shall be apportioned and distributed to each county in the proportion that the geographical area of the dissolved special purpose district within the county bears to the total geographical area of the dissolved special purpose district, and any remaining real property or improvements to real property shall be transferred to the county within whose boundaries it lies. A county to which real property or improvements to real property are transferred under this section may, but does not have an obligation to, use the property or improvements for the purposes for which the dissolved special purpose district used the property or improvements and the county does not assume the obligations or liabilities of the dissolved special

purpose district as a result of the transfer unless the county expressly assumes such obligations or liabilities through the adoption of a resolution.

**NEW SECTION. Sec. 5.** A new section is added to chapter 36.96 RCW to read as follows:

A county that dissolves a special purpose district under this chapter may impose a separate regular property tax levy or a special assessment as provided in section 6 of this act if that county assumes responsibility of the services previously provided by the special purpose district.

**NEW SECTION. Sec. 6.** A new section is added to chapter 84.55 RCW to read as follows:

(1) Except as provided in subsection (2) of this section, if a county dissolves a special purpose district under chapter 36.96 RCW, the county may impose a separate property tax levy or special assessment on the property lying within the former boundaries of the dissolved special purpose district beginning in the first calendar year following dissolution if:

(a) The county assumes responsibility of the services previously provided by the special purpose district; and

(b) The property tax levy or special assessment does not exceed any legally authorized property tax levy rate or special assessment for the dissolved special purpose district.

(2) If a county discontinues providing the services of a dissolved special purpose district for which the county imposed a separate property tax levy or special assessment as provided in subsection (1) of this section, the county must cease imposing that property tax levy or special assessment beginning in the first calendar year after the discontinuation of the provision of services by the county.

(3) For purposes of RCW 84.52.010 and 84.52.043, a property tax levy authorized by a county under this section is subject to the same provisions as the county's general property tax levy.

(4) The limitation in RCW 84.55.010 does not apply to the first property tax levy imposed under this section.

(5) For purposes of this section, "special assessment" means any special assessment, benefit assessment, or rates and charges imposed by a special purpose district."

On page 1, line 2 of the title, after "districts;" strike the remainder of the title and insert "amending RCW 43.09.230, 36.96.010, 36.96.030, and 36.96.070; adding a new section to chapter 36.96 RCW; and adding a new section to chapter 84.55 RCW."

and the same is herewith transmitted.

Sarah Bannister, Deputy, Secretary

#### SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to ENGROSSED SUBSTITUTE HOUSE BILL NO. 2588 and advanced the bill as amended by the Senate to final passage.

### FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representatives Pollet and Kraft spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 2588, as amended by the Senate.

### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2588, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 90; Nays, 7; Absent, 0; Excused, 1.

Voting yea: Representatives Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chapman, Chopp, Cody, Davis, DeBolt, Doglio, Dolan, Duerr, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Mead, Morgan, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shea, Shewmake, Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Wilcox, Wylie, Young and Mme. Speaker.

Voting nay: Representatives Chandler, Corry, Dent, Dufault, Mosbrucker, Walsh and Ybarra.

Excused: Representative Appleton.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2588, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

### MESSAGE FROM THE SENATE

March 5, 2020

Madame Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 2638 with the following amendment:  
6.0.

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 7.** It has long been the policy of this state to prohibit all forms and means of gambling except where carefully and specifically authorized and regulated. The legislature intends to further this policy by authorizing sports wagering on a very limited basis by restricting it to tribal casinos in the state of Washington. Tribes have more than twenty years' experience with, and a proven track record of, successfully operating and regulating gaming facilities in accordance with tribal gaming compacts. Tribal casinos can operate sports wagering pursuant to these

tribal gaming compacts, offering the benefits of the same highly regulated environment to sports wagering.

**NEW SECTION. Sec. 8.** A new section is added to chapter 9.46 RCW to read as follows:

(1) Upon the request of a federally recognized Indian tribe or tribes in the state of Washington, the tribe's class III gaming compact may be amended pursuant to the Indian gaming regulatory act, 25 U.S.C. Sec. 2701 et seq., and RCW 9.46.360 to authorize the tribe to conduct and operate sports wagering on its Indian lands, provided the amendment addresses: Licensing; fees associated with the gambling commission's regulation of sports wagering; how sports wagering will be conducted, operated, and regulated; issues related to criminal enforcement, including money laundering, sport integrity, and information sharing between the commission and the tribe related to such enforcement; and responsible and problem gambling. Sports wagering conducted pursuant to the gaming compact is a gambling activity authorized by this chapter.

(2) Sports wagering conducted pursuant to the provisions of a class III gaming compact entered into by a tribe and the state pursuant to RCW 9.46.360 is authorized bookmaking and is not subject to civil or criminal penalties pursuant to RCW 9.46.225.

**Sec. 9.** RCW 9.46.070 and 2012 c 116 s 1 are each amended to read as follows:

The commission shall have the following powers and duties:

(1) To authorize and issue licenses for a period not to exceed one year to bona fide charitable or nonprofit organizations approved by the commission meeting the requirements of this chapter and any rules and regulations adopted pursuant thereto permitting said organizations to conduct bingo games, raffles, amusement games, and social card games, to utilize punchboards and pull-tabs in accordance with the provisions of this chapter and any rules and regulations adopted pursuant thereto and to revoke or suspend said licenses for violation of any provisions of this chapter or any rules and regulations adopted pursuant thereto: **PROVIDED**, That the commission shall not deny a license to an otherwise qualified applicant in an effort to limit the number of licenses to be issued: **PROVIDED FURTHER**, That the commission or director shall not issue, deny, suspend, or revoke any license because of considerations of race, sex, creed, color, or national origin: **AND PROVIDED FURTHER**, That the commission may authorize the director to temporarily issue or suspend licenses subject to final action by the commission;

(2) To authorize and issue licenses for a period not to exceed one year to any person, association, or organization operating a business primarily engaged in the selling of items of food or drink for consumption on the premises, approved by the commission meeting the requirements of this chapter and any rules and regulations adopted pursuant thereto permitting said person, association, or organization to utilize punchboards and pull-tabs and to conduct social card games as a commercial stimulant in accordance with the provisions of this chapter and any rules and regulations

adopted pursuant thereto and to revoke or suspend said licenses for violation of any provisions of this chapter and any rules and regulations adopted pursuant thereto: PROVIDED, That the commission shall not deny a license to an otherwise qualified applicant in an effort to limit the number of licenses to be issued: PROVIDED FURTHER, That the commission may authorize the director to temporarily issue or suspend licenses subject to final action by the commission;

(3) To authorize and issue licenses for a period not to exceed one year to any person, association, or organization approved by the commission meeting the requirements of this chapter and meeting the requirements of any rules and regulations adopted by the commission pursuant to this chapter as now or hereafter amended, permitting said person, association, or organization to conduct or operate amusement games in such manner and at such locations as the commission may determine. The commission may authorize the director to temporarily issue or suspend licenses subject to final action by the commission;

(4) To authorize, require, and issue, for a period not to exceed one year, such licenses as the commission may by rule provide, to any person, association, or organization to engage in the manufacturing, selling, distributing, or otherwise supplying (~~(or in the manufacturing)~~) of devices, equipment, software, hardware, or any gambling-related services for use within this state for those activities authorized by this chapter. The commission may authorize the director to temporarily issue or suspend licenses subject to final action by the commission;

(5) To establish a schedule of annual license fees for carrying on specific gambling activities upon the premises, and for such other activities as may be licensed by the commission, which fees shall provide to the commission not less than an amount of money adequate to cover all costs incurred by the commission relative to licensing under this chapter and the enforcement by the commission of the provisions of this chapter and rules and regulations adopted pursuant thereto: PROVIDED, That all licensing fees shall be submitted with an application therefor and such portion of said fee as the commission may determine, based upon its cost of processing and investigation, shall be retained by the commission upon the withdrawal or denial of any such license application as its reasonable expense for processing the application and investigation into the granting thereof: PROVIDED FURTHER, That if in a particular case the basic license fee established by the commission for a particular class of license is less than the commission's actual expenses to investigate that particular application, the commission may at any time charge to that applicant such additional fees as are necessary to pay the commission for those costs. The commission may decline to proceed with its investigation and no license shall be issued until the commission has been fully paid therefor by the applicant: AND PROVIDED FURTHER, That the commission may establish fees for the furnishing by it to licensees of identification stamps to be affixed to such devices and equipment as required by the commission and for such other special services or programs required or offered by the commission, the amount of each of these fees to be not less

than is adequate to offset the cost to the commission of the stamps and of administering their dispersal to licensees or the cost of administering such other special services, requirements or programs;

(6) To prescribe the manner and method of payment of taxes, fees and penalties to be paid to or collected by the commission;

(7) To require that applications for all licenses contain such information as may be required by the commission: PROVIDED, That all persons (a) having a managerial or ownership interest in any gambling activity, or the building in which any gambling activity occurs, or the equipment to be used for any gambling activity, (~~(or)~~) (b) participating as an employee in the operation of any gambling activity, or (c) participating as an employee in the operation, management, or providing of gambling-related services for sports wagering, shall be listed on the application for the license and the applicant shall certify on the application, under oath, that the persons named on the application are all of the persons known to have an interest in any gambling activity, building, or equipment by the person making such application: PROVIDED FURTHER, That the commission shall require fingerprinting and national criminal history background checks on any persons seeking licenses, certifications, or permits under this chapter or of any person holding an interest in any gambling activity, building, or equipment to be used therefor, or of any person participating as an employee in the operation of any gambling activity. All national criminal history background checks shall be conducted using fingerprints submitted to the United States department of justice-federal bureau of investigation. The commission must establish rules to delineate which persons named on the application are subject to national criminal history background checks. In identifying these persons, the commission must take into consideration the nature, character, size, and scope of the gambling activities requested by the persons making such applications;

(8) To require that any license holder maintain records as directed by the commission and submit such reports as the commission may deem necessary;

(9) To require that all income from bingo games, raffles, and amusement games be recorded and reported as established by rule or regulation of the commission to the extent deemed necessary by considering the scope and character of the gambling activity in such a manner that will disclose gross income from any gambling activity, amounts received from each player, the nature and value of prizes, and the fact of distributions of such prizes to the winners thereof;

(10) To regulate and establish maximum limitations on income derived from bingo. In establishing limitations pursuant to this subsection the commission shall take into account (a) the nature, character, and scope of the activities of the licensee; (b) the source of all other income of the licensee; and (c) the percentage or extent to which income derived from bingo is used for charitable, as distinguished from nonprofit, purposes. However, the commission's powers and duties granted by this subsection are discretionary and not mandatory;

(11) To regulate and establish the type and scope of and manner of conducting the gambling activities authorized by this chapter, including but not limited to, the extent of wager, money, or other thing of value which may be wagered or contributed or won by a player in any such activities;

(12) To regulate the collection of and the accounting for the fee which may be imposed by an organization, corporation, or person licensed to conduct a social card game on a person desiring to become a player in a social card game in accordance with RCW 9.46.0282;

(13) To cooperate with and secure the cooperation of county, city, and other local or state agencies in investigating any matter within the scope of its duties and responsibilities;

(14) In accordance with RCW 9.46.080, to adopt such rules and regulations as are deemed necessary to carry out the purposes and provisions of this chapter. All rules and regulations shall be adopted pursuant to the administrative procedure act, chapter 34.05 RCW;

(15) To set forth for the perusal of counties, city-counties, cities and towns, model ordinances by which any legislative authority thereof may enter into the taxing of any gambling activity authorized by this chapter;

(16)(a) To establish and regulate a maximum limit on salaries or wages which may be paid to persons employed in connection with activities conducted by bona fide charitable or nonprofit organizations and authorized by this chapter, where payment of such persons is allowed, and to regulate and establish maximum limits for other expenses in connection with such authorized activities, including but not limited to rent or lease payments. However, the commissioner's powers and duties granted by this subsection are discretionary and not mandatory.

(b) In establishing these maximum limits the commission shall take into account the amount of income received, or expected to be received, from the class of activities to which the limits will apply and the amount of money the games could generate for authorized charitable or nonprofit purposes absent such expenses. The commission may also take into account, in its discretion, other factors, including but not limited to, the local prevailing wage scale and whether charitable purposes are benefited by the activities;

(17) To authorize, require, and issue for a period not to exceed one year such licenses or permits, for which the commission may by rule provide, to any person to work for any operator of any gambling activity authorized by this chapter in connection with that activity, or any manufacturer, supplier, or distributor of devices for those activities in connection with such business. The commission may authorize the director to temporarily issue or suspend licenses subject to final action by the commission. The commission shall not require that persons working solely as volunteers in an authorized activity conducted by a bona fide charitable or bona fide nonprofit organization, who receive no compensation of any kind for any purpose from that organization, and who have no managerial or supervisory responsibility in connection with that activity, be licensed to do such work. The commission may require that licensees

employing such unlicensed volunteers submit to the commission periodically a list of the names, addresses, and dates of birth of the volunteers. If any volunteer is not approved by the commission, the commission may require that the licensee not allow that person to work in connection with the licensed activity;

(18) To publish and make available at the office of the commission or elsewhere to anyone requesting it a list of the commission licensees, including the name, address, type of license, and license number of each licensee;

(19) To establish guidelines for determining what constitutes active membership in bona fide nonprofit or charitable organizations for the purposes of this chapter;

(20) To renew the license of every person who applies for renewal within six months after being honorably discharged, removed, or released from active military service in the armed forces of the United States upon payment of the renewal fee applicable to the license period, if there is no cause for denial, suspension, or revocation of the license;

(21) To authorize, require, and issue, for a period not to exceed one year, such licenses as the commission may by rule provide, to any person, association, or organization that engages in any sports wagering-related services for use within this state for sports wagering activities authorized by this chapter. The commission may authorize the director to temporarily issue or suspend licenses subject to final action by the commission;

(22) To issue licenses under subsections (1) through (4) of this section that are valid for a period of up to eighteen months, if it chooses to do so, in order to transition to the use of the business licensing services program through the department of revenue; and

~~((22)))~~ (23) To perform all other matters and things necessary to carry out the purposes and provisions of this chapter.

**Sec. 10.** RCW 9.46.130 and 2011 c 336 s 303 are each amended to read as follows:

(1) The premises and paraphernalia, and all the books and records, databases, hardware, software, or any other electronic data storage device of any person, association, or organization conducting gambling activities authorized under this chapter and any person, association, or organization receiving profits therefrom or having any interest therein shall be subject to inspection and audit at any reasonable time, with or without notice, upon demand, by the commission or its designee, the attorney general or his or her designee, the chief of the Washington state patrol or his or her designee or the prosecuting attorney, sheriff, or director of public safety or their designees of the county wherein located, or the chief of police or his or her designee of any city or town in which said organization is located, for the purpose of determining compliance or noncompliance with the provisions of this chapter and any rules or regulations or local ordinances adopted pursuant thereto or any federal or state law. A reasonable time for the purpose of this section shall be: ~~((4))~~ (a) If the items or records to



be inspected or audited are located anywhere upon a premises any portion of which is regularly open to the public or members and guests, then at any time when the premises are so open, or at which they are usually open; or ~~((2))~~ (b) if the items or records to be inspected or audited are not located upon a premises set out in ~~((subsection (1)))~~ (a) of this ~~((section))~~ subsection, then any time between the hours of 8:00 a.m. and 9:00 p.m., Monday through Friday.

(2) The commission shall be provided at such reasonable intervals as the commission shall determine with a report, under oath, detailing all receipts and disbursements in connection with such gambling activities together with such other reasonable information as required in order to determine whether such activities comply with the purposes of this chapter or any local ordinances relating thereto.

(3) The commission may require the submission of reports on suspicious activities or irregular betting activities to effectively identify players, wagering information, and suspicious and illegal transactions, including the laundering of illicit funds.

**NEW SECTION. Sec. 11.** A new section is added to chapter 9A.46 RCW to read as follows:

(1) No person shall offer, promise, give, or attempt to give any thing of value to any person for the purpose of influencing the outcome of a sporting event, athletic event, or competition upon which a wager may be made.

(2) No person shall place, increase, or decrease a wager after acquiring knowledge, not available to the general public, that anyone has been offered, promised, or given any thing of value for the purpose of influencing the outcome of a sporting event, athletic event, or competition upon which the wager is placed, increased, or decreased.

(3) No person shall offer, promise, give, or attempt to give any thing of value to obtain confidential or insider information not available to the public with intent to use the information to gain a wagering advantage on a sporting event, athletic event, or competition.

(4) No person shall accept or agree to accept, any thing of value for the purpose of wrongfully influencing his or her play, action, decision making, or conduct in any sporting event, athletic event, or competition upon which a wager may be made.

(5) Any person who violates this section shall be guilty of a class C felony subject to the penalty set forth in RCW 9A.20.021.

**Sec. 12.** RCW 9A.46.190 and 1991 c 261 s 7 are each amended to read as follows:

Any person ~~((or))~~ association, or organization operating any gambling activity ~~((who or which))~~ may not, directly or indirectly, ((shall)) in the course of such operation:

(1) Employ any device, scheme, or artifice to defraud; ~~((or))~~

(2) Make any untrue statement of a material fact, or omit to state a material fact necessary in order to make the

statement made not misleading, in the light of the circumstances under which said statement is made; ~~((or))~~

(3) Engage in any act, practice, or course of operation as would operate as a fraud or deceit upon any person;

~~((Shall))~~ (4) Alter or misrepresent the outcome of a game or other event on which wagers have been made after the outcome is made sure but before it is revealed to the players;

(5) Place, increase, or decrease a bet or to determine the course of play after acquiring knowledge, not available to all players, of the outcome of the game or any event that affects the outcome of the game or which is the subject of the bet or to aid anyone in acquiring such knowledge for the purpose of placing, increasing, or decreasing a bet or determining the course of play contingent upon that event or outcome;

(6) Knowingly entice or induce another person to go to any place where a gambling activity is being conducted or operated in violation of the provisions of this chapter, with the intent that the other person play or participate in that gambling activity;

(7) Place or increase a bet after acquiring knowledge of the outcome of the game or other event that is the subject of the bet, including past posting and pressing bets; or

(8) Reduce the amount wagered or cancel the bet after acquiring knowledge of the outcome of the game or other event that is the subject of the bet, including pinching bets. Any person, association, or organization that violates this section shall be guilty of a ~~((gross misdemeanor))~~ class C felony subject to the penalty set forth in RCW 9A.20.021.

**Sec. 13.** RCW 9A.46.210 and 2000 c 46 s 1 are each amended to read as follows:

(1) It shall be the duty of all peace officers, law enforcement officers, and law enforcement agencies within this state to investigate, enforce, and prosecute all violations of this chapter.

(2) In addition to the authority granted by subsection (1) of this section law enforcement agencies of cities and counties shall investigate and report to the commission all violations of the provisions of this chapter and of the rules of the commission found by them and shall assist the commission in any of its investigations and proceedings respecting any such violations. Such law enforcement agencies shall not be deemed agents of the commission.

(3) In addition to its other powers and duties, the commission shall have the power to enforce the penal provisions of this chapter ~~((218, Laws of 1973 1st ex. sess.))~~ and as it may be amended, and the penal laws of this state relating to the conduct of or participation in gambling activities, including chapter 9A.83 RCW, and the manufacturing, importation, transportation, distribution, possession, and sale of equipment or paraphernalia used or for use in connection therewith. The director, the deputy director, both assistant directors, and each of the commission's investigators, enforcement officers, and inspectors shall have the power, under the supervision of the

commission, to enforce the penal provisions of this chapter ((218, Laws of 1973 1st ex. sess.)) and as it may be amended, and the penal laws of this state relating to the conduct of or participation in gambling activities, including chapter 9A.83 RCW, and the manufacturing, importation, transportation, distribution, possession, and sale of equipment or paraphernalia used or for use in connection therewith. They shall have the power and authority to apply for and execute all warrants and serve process of law issued by the courts in enforcing the penal provisions of this chapter ((218, Laws of 1973 1st ex. sess.)) and as it may be amended, and the penal laws of this state relating to the conduct of or participation in gambling activities and the manufacturing, importation, transportation, distribution, possession, and sale of equipment or paraphernalia used or for use in connection therewith. They shall have the power to arrest without a warrant, any person or persons found in the act of violating any of the penal provisions of this chapter ((218, Laws of 1973 1st ex. sess.)) and as it may be amended, and the penal laws of this state relating to the conduct of or participation in gambling activities and the manufacturing, importation, transportation, distribution, possession, and sale of equipment or paraphernalia used or for use in connection therewith. To the extent set forth above, the commission shall be a law enforcement agency of this state with the power to investigate for violations of and to enforce the provisions of this chapter, as now law or hereafter amended, and to obtain information from and provide information to all other law enforcement agencies.

(4) Criminal history record information that includes nonconviction data, as defined in RCW 10.97.030, may be disseminated by a criminal justice agency to the Washington state gambling commission for any purpose associated with the investigation for suitability for involvement in gambling activities authorized under this chapter. The Washington state gambling commission shall only disseminate nonconviction data obtained under this section to criminal justice agencies.

(5) In addition to its other powers and duties, the commission may ensure sport integrity and prevent and detect competition manipulation through education and enforcement of the penal provisions of this chapter or chapter 67.04 or 67.24 RCW, or any other state penal laws related to the integrity of sporting events, athletic events, or competitions within the state.

(6) In addition to its other powers and duties, the commission may track and monitor gambling-related transactions occurring within the state to aid in its enforcement of the penal provisions of this chapter or chapter 9A.83 RCW, or any other state penal laws related to suspicious or illegal wagering activities, including the use of funds derived from illegal activity, wagers to conceal or launder funds derived from illegal activity, use of agents to place wagers, or use of false identification by a player.

**Sec. 14.** RCW 9.46.220 and 1997 c 78 s 2 are each amended to read as follows:

(1) A person is guilty of professional gambling in the first degree if he or she engages in, or knowingly causes,

aids, abets, or conspires with another to engage in professional gambling as defined in this chapter, and:

(a) Acts in concert with or conspires with five or more people; ~~((or))~~

(b) Personally accepts wagers exceeding five thousand dollars during any thirty-day period on future contingent events; ~~((or))~~

(c) The operation for whom the person works, or with which the person is involved, accepts wagers exceeding five thousand dollars during any thirty-day period on future contingent events; ~~((or))~~

(d) Operates, manages, or profits from the operation of a premises or location where persons are charged a fee to participate in card games, lotteries, or other gambling activities that are not authorized by this chapter or licensed by the commission; or

(e) Engages in bookmaking as defined in RCW 9.46.0213.

(2) However, this section shall not apply to those activities enumerated in RCW 9.46.0305 through 9.46.0361 or to any act or acts in furtherance of such activities when conducted in compliance with the provisions of this chapter and in accordance with the rules adopted pursuant to this chapter.

(3) Professional gambling in the first degree is a class B felony subject to the penalty set forth in RCW 9A.20.021.

**NEW SECTION. Sec. 15.** A new section is added to chapter 9.46 RCW to read as follows:

The transmission of gambling information over the internet for any sports wagering conducted and operated under this section and section 2 of this act is authorized, provided that the wager may be placed and accepted at a tribe's gaming facility only while the customer placing the wager is physically present on the premises of that tribe's gaming facility.

**Sec. 16.** RCW 9.46.240 and 2006 c 290 s 2 are each amended to read as follows:

(1) Whoever knowingly transmits or receives gambling information by telephone, telegraph, radio, semaphore, the internet, a telecommunications transmission system, or similar means, or knowingly installs or maintains equipment for the transmission or receipt of gambling information shall be guilty of a class C felony subject to the penalty set forth in RCW 9A.20.021. ~~((However, this))~~

(2) This section shall not apply to such information transmitted or received or equipment or devices installed or maintained relating to activities authorized by this chapter including, but not limited to, sports wagering authorized under sections 2 and 9 of this act, or to any act or acts in furtherance thereof when conducted in compliance with the provisions of this chapter and in accordance with the rules adopted under this chapter and conducted in accordance with tribal-state compacts.

**NEW SECTION. Sec. 17.** A new section is added to chapter 9.46 RCW to read as follows:

(1)(a) For purposes of this chapter, "sports wagering" means the business of accepting wagers on any of the following sporting events, athletic events, or competitions by any system or method of wagering:

- (i) A professional sport or athletic event;
- (ii) A collegiate sport or athletic event;
- (iii) An Olympic or international sports competition or event;
- (iv) An electronic sports or esports competition or event;
- (v) A combination of sporting events, athletic events, or competitions listed in (a)(i) through (iv) of this subsection (1); or
- (vi) A portion of any sporting event, athletic event, or competition listed in (a)(i) through (iv) of this subsection (1).

(b) Sports wagering does not include the business of accepting wagers on horse racing authorized pursuant to chapter 67.16 RCW.

(2) For purposes of this section:

(a) "Collegiate sport or athletic event" means a sport or athletic event offered or sponsored by, or played in connection with, a public or private institution that offers education services beyond the secondary level, other than such an institution that is located within the state of Washington.

(b) "Electronic or esports event" means a live event or tournament attended or watched by members of the public where games or matches are contested in real time by players and teams and players or teams can win a prize based on their performance in the live event or tournament.

(c) "Professional sport or athletic event" means an event that is not a collegiate sport or athletic event at which two or more persons participate in sports or athletic events and receive compensation in excess of actual expenses for their participation in the event. "Professional sport or athletic event" does not include any minor league sport. Sports wagering may not be conducted on any minor league sport.

**Sec. 18.** RCW 9.46.090 and 1987 c 505 s 3 are each amended to read as follows:

Subject to RCW 40.07.040, the commission shall, from time to time, make reports to the governor and the legislature covering such matters in connection with this chapter as the governor and the legislature may require. These reports shall be public documents and contain such general information and remarks as the commission deems pertinent thereto and any information requested by either the governor or members of the legislature: PROVIDED, That the commission appointed pursuant to RCW 9.46.040 may conduct a thorough study of the types of gambling activity permitted and the types of gambling activity prohibited by this chapter and may make recommendations to the legislature as to: (1) Gambling activity that ought to be permitted; (2) gambling activity that ought to be prohibited; (3) the types of licenses and permits that ought to be required; (4) the type and amount of tax that ought to be

applied to each type of permitted gambling activity; (5) any changes which may be made to the law of this state which further the purposes and policies set forth in RCW 9.46.010 as now law or hereafter amended; and (6) any other matter that the commission may deem appropriate. However, no later than December 1st of the year following any authorization by the legislature of a new gambling activity, any report by the commission to the governor and the appropriate committees of the legislature must include information on the state of the gambling industry both within the state and nationwide. Members of the commission and its staff may contact the legislature, or any of its members, at any time, to advise it of recommendations of the commission.

**NEW SECTION. Sec. 19.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

**NEW SECTION. Sec. 20.** The sum of six million dollars is appropriated from the general fund—state for the fiscal year ending June 30, 2020, and is provided solely for expenditure into the gambling revolving account. The gambling commission may expend from the gambling revolving account from moneys attributable to the appropriation in this section solely for enforcement actions in the illicit market for sports wagering and for implementation of this act. The appropriation in this section constitutes a loan from the general fund to the gambling revolving account that must be repaid with net interest by June 30, 2021.

**NEW SECTION. Sec. 21.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

On page 1, line 2 of the title, after "compacts;" strike the remainder of the title and insert "amending RCW 9.46.070, 9.46.130, 9.46.190, 9.46.210, 9.46.220, 9.46.240, and 9.46.090; adding new sections to chapter 9.46 RCW; creating a new section; prescribing penalties; making an appropriation; and declaring an emergency."

and the same is herewith transmitted.

Sarah Bannister, Deputy, Secretary

#### SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to ENGROSSED SUBSTITUTE HOUSE BILL NO. 2638 and advanced the bill as amended by the Senate to final passage.

#### FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representatives Peterson and MacEwen spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of

Engrossed Substitute House Bill No. 2638, as amended by the Senate.

### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2638, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 83; Nays, 14; Absent, 0; Excused, 1.

Voting yea: Representatives Barkis, Bergquist, Blake, Caldier, Callan, Chambers, Chandler, Chapman, Davis, DeBolt, Dent, Doglio, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hudgins, Irwin, J. Johnson, Kilduff, Kirby, Kloba, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, Mead, Morgan, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Voting nay: Representatives Boehnke, Chopp, Cody, Corry, Goehner, Hoff, Jenkin, Klippert, Kraft, McCaslin, Mosbrucker, Orcutt, Shea and Vick.

Excused: Representative Appleton.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2638, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

### MESSAGE FROM THE SENATE

March 5, 2020

Madame Speaker:

The Senate has passed HOUSE BILL NO. 2701 with the following amendment:

21.0.

Strike everything after the enacting clause and insert the following:

"**NEW SECTION. Sec. 22.** The definitions in this section apply throughout sections 2 through 5 of this act.

(1) "Combination fire and smoke damper" has the same meaning as provided in the International Fire Code as of January 1, 2020.

(2) "Fire damper" means a device installed in ducts and air transfer openings designed to close automatically upon detection of heat and resist the passage of flame.

(3) "Hospital" has the same meaning as provided in RCW 70.41.020.

(4) "Local authority" means a fire department or code official with the authority to conduct inspections and issue infractions in a jurisdiction.

(5) "Smoke control system" means an engineered system that includes all methods that can be used singly or in combination to modify smoke movement, including engineered systems that use mechanical fans to produce

pressure differences across smoke barriers to inhibit smoke movement.

(6) "Smoke damper" means a device installed in ducts and air transfer openings designed to resist the passage of smoke.

**NEW SECTION. Sec. 23.** (1) At a minimum, owners of buildings equipped with fire dampers, smoke dampers, combination fire and smoke dampers, or smoke control systems must:

(a) Have all newly installed fire dampers, smoke dampers, combination fire and smoke dampers, and smoke control systems tested and inspected within twelve months of installation;

(b) Have all fire dampers, smoke dampers, and combination fire and smoke dampers tested and inspected at least once every four years, or every six years for hospitals, regardless of the date of initial installation; and

(c) Have all smoke control systems tested and inspected at least once every six to twelve months, as required by the applicable national fire protection association standard.

(2) All owners of buildings subject to this act must maintain full inspection and testing reports on the property and make such reports available for inspection upon request by the local authority.

(3) Fire dampers, smoke dampers, combination fire and smoke dampers, and smoke control systems must be installed, inspected, tested, and maintained in accordance with this act, manufacturers' guidelines, and the applicable industry standards.

(4) A building owner who fails to comply with the requirements of this section may be issued a civil infraction by the local authority in accordance with section 5 of this act.

**NEW SECTION. Sec. 24.** (1) Inspections and tests under this section must be performed by a contractor or engineer with the following qualifications:

(a) For inspection and testing of fire dampers, smoke dampers, and combination fire and smoke dampers, such inspector must have a current and valid certification to inspect and test fire dampers, smoke dampers, and combination fire and smoke dampers and hold certification from the international certification board as a fire life safety 1 or fire and smoke damper technician through a program accredited by the American national standards institute under the ISO/IEC 17024 standard.

(b) For inspection and testing of smoke control systems, such inspector must have a current and valid certification from the international certification board as a fire life safety 2 or smoke control system technician through a program accredited by the American national standards institute under the ISO/IEC 17024 standard.

(2) A building engineer or other person knowledgeable with the building system must be available in person or by phone to the inspector during the inspection and testing in

order to provide building and systems access and information.

(3) If an inspection reveals compliance with the requirements of this section, the inspector shall issue a certificate of compliance, which includes the name of the inspector and the inspector's employer; the name of the building owner and address of the property; the location of all smoke dampers, fire dampers, combination fire and smoke dampers, and smoke control systems inspected or tested; and the date of the inspection or test.

(4) In the event an inspection or test reveals deficiencies in smoke dampers, fire dampers, combination fire and smoke dampers, or smoke control systems, the inspector shall prepare a deficiency report for the building owner identifying the nature of the deficiency and the reasons for noncompliance. The building owner shall, within one hundred twenty days of the date of the inspection, take necessary steps to ensure the defective equipment is replaced or repaired and reinspected to ensure that the deficiency is corrected and is in compliance with the requirements of all applicable standards pursuant to this act. The authority having jurisdiction shall have the authorization to extend the compliance period. The building owner shall provide documentation of when and how the deficiencies were corrected. If the building owner does not correct the deficiency within one hundred twenty days of the date of the inspection, the local authority may issue a citation as described in section 5 of this act.

(5) In addition to identifying the location and nature of a deficiency, the report shall contain the name of the inspector and the inspector's employer; the name of the building owner; address of the property; the location of all fire dampers, smoke dampers, combination fire and smoke dampers, and smoke control systems inspected or tested; and the date of the inspection or test.

(6) Tests and inspections of fire dampers, smoke dampers, combination fire and smoke dampers, and smoke control systems shall be conducted in accordance with the technical specifications and required time periods specified by national fire protection association standards 80, 90a, 90b, 92, and 105, as applicable.

**NEW SECTION. Sec. 25.** The state building code council shall work in conjunction with the director of fire protection to coordinate the implementation and enforcement of sections 2 and 3 of this act.

**NEW SECTION. Sec. 26.** (1) If a building owner has not complied with the testing schedule under section 2 of this act, or has not received a certificate of compliance within one hundred twenty days of an inspection under section 4 of this act that revealed a deficiency, then the building owner has committed a violation and may be issued a citation by the local authority. A violation of this section is a civil infraction, subject to all applicable local fees and other remedies for noncompliance. The monetary penalties in subsection (3) of this section apply when other penalties are not required by the local authority having jurisdiction.

(2) The authority having jurisdiction may require the building owner to conspicuously post the citation at all

pedestrian entrances and exits until a certificate of compliance has been issued pursuant to section 3 of this act or the citation has been dismissed.

(3) After the issuance of an initial citation, additional citations may be issued if the violations are not corrected:

(a) If the violations are not corrected within one hundred twenty days of the initial citation, a second citation may be issued with a monetary penalty of five cents per square foot of occupied space;

(b) If the violations are not corrected within two hundred forty days of the initial citation, a third citation may be issued with an additional monetary penalty of ten cents per square foot of occupied space and shall require mandatory in-person attendance by the building's head facilities manager at a four-hour fire life safety course given by the international certification board or equivalent provider of fire life safety programs accredited by the American national standards institute; and

(c) After the issuance of a citation pursuant to (b) of this subsection, additional citations may be issued every sixty days until any and all prior violations are resolved and all penalties imposed are satisfied. Each citation issued under this subsection (3)(c) shall assess a penalty of ten cents per square foot of occupied space.

(4) Revenue from the penalties in subsection (2) of this section shall be forwarded to the state treasurer for deposit in the fire service training account under RCW 43.43.944.

**Sec. 27.** RCW 43.43.944 and 2012 c 173 s 1 are each amended to read as follows:

(1) The fire service training account is hereby established in the state treasury. The primary purpose of the account is firefighter training for both volunteer and career firefighters. The fund shall consist of:

(a) All fees received by the Washington state patrol for fire service training;

(b) All grants and bequests accepted by the Washington state patrol under RCW 43.43.940;

(c) Twenty percent of all moneys received by the state on fire insurance premiums; ~~((and))~~

(d) Revenue from penalties established under section 5 of this act; and

(e) General fund—state moneys appropriated into the account by the legislature.

(2) Moneys in the account may be appropriated for: (a) Fire service training; (b) school fire prevention activities within the Washington state patrol; and (c) the maintenance, operations, and capital projects of the state fire training academy. However, expenditures for purposes of (b) and (c) of this subsection may only be made to the extent that these expenditures do not adversely affect expenditures for the purpose of (a) of this subsection. The state patrol may use amounts appropriated from the fire service training account under this section to contract with the Washington state firefighters apprenticeship trust for the operation of the

firefighter joint apprenticeship training program. The contract may call for payments on a monthly basis.

(3) Any general fund—state moneys appropriated into the account shall be allocated solely to the firefighter joint apprenticeship training program. The Washington state patrol may contract with outside entities for the administration and delivery of the firefighter joint apprenticeship training program.

**NEW SECTION. Sec. 28.** Sections 1 through 5 of this act are each added to chapter 19.27 RCW and codified with the subchapter heading of "fire and smoke control systems testing."

**NEW SECTION. Sec. 29.** This act takes effect July 1, 2021."

On page 1, line 2 of the title, after "dampers;" strike the remainder of the title and insert "amending RCW 43.43.944; adding new sections to chapter 19.27 RCW; prescribing penalties; and providing an effective date."

**EFFECT:** Amends reference to "fire control systems" to "smoke control systems" as applied to minimum testing and inspection requirements.

Requires that a building engineer or other person knowledgeable with the building system be available in person or by phone to the inspector during the inspection and testing in order to provide building and systems access and information.

Authorizes the authority having jurisdiction to extend the one hundred twenty day compliance period for smoke damper, fire damper, combination fire and smoke damper, or smoke control system deficiencies revealed through inspections.

Specifies that the monetary penalties for noncompliance apply when other penalties are not required by the local authority having jurisdiction.

Provides that the authority having jurisdiction may require the building owner to conspicuously post the citation at all pedestrian entrances and exits until a certificate of compliance has been issued or the citation has been dismissed.

and the same is herewith transmitted.

Sarah Bannister, Deputy, Secretary

#### SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to HOUSE BILL NO. 2701 and advanced the bill as amended by the Senate to final passage.

#### FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representatives Pollet and Kraft spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of House Bill No. 2701, as amended by the Senate.

#### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2701, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Mead, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shea, Shewmake, Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Excused: Representative Appleton.

HOUSE BILL NO. 2701, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

#### MESSAGE FROM THE SENATE

March 6, 2020

Mme. SPEAKER:

The Senate has passed ENGROSSED HOUSE BILL NO. 1390, with the following amendment:

Strike everything after the enacting clause and insert the following:

**"Sec. 1.** RCW 41.40.1987 and 2018 c 151 s 2 are each amended to read as follows:

(1) Beneficiaries who are receiving a monthly benefit from the public employees' retirement system plan 1 on July 1, 2017, shall receive, effective July 1, 2018, an increase to their monthly benefit of one and one-half percent multiplied by the beneficiaries' monthly benefit, not to exceed sixty-two dollars and fifty cents.

(2) Beneficiaries who are receiving a monthly benefit from the public employees' retirement system plan 1 on July 1, 2019, shall receive, effective July 1, 2020, an increase to their monthly benefit of three percent multiplied by the beneficiaries' monthly benefit, not to exceed sixty-two dollars and fifty cents.

(3) This section does not apply to those receiving benefits pursuant to RCW 41.40.1984.

**Sec. 2.** RCW 41.32.4992 and 2018 c 151 s 1 are each amended to read as follows:

(1) Beneficiaries who are receiving a monthly benefit from the teachers' retirement system plan 1 on July 1, 2017, shall receive, effective July 1, 2018, an increase to their monthly benefit of one and one-half percent multiplied by the beneficiaries' monthly benefit, not to exceed sixty-two dollars and fifty cents.

(2) Beneficiaries who are receiving a monthly benefit from the teachers' retirement system plan 1 on July 1, 2019, shall receive, effective July 1, 2020, an increase to their monthly benefit of three percent multiplied by the beneficiaries' monthly benefit, not to exceed sixty-two dollars and fifty cents.

(3) This section does not apply to those receiving benefits pursuant to RCW 41.32.489 or 41.32.540.

NEW SECTION. **Sec. 3.** This act takes effect July 1, 2020."

On page 1, line 3 of the title, after "plan 1;" strike the remainder of the title and insert "amending RCW 41.40.1987 and 41.32.4992; and providing an effective date."

and the same is herewith transmitted.

Sarah Bannister, Deputy Secretary

#### **SENATE AMENDMENT TO HOUSE BILL**

There being no objection, the House refused to concur in the Senate amendment to and asked the Senate to recede therefrom.

There being no objection, the House adjourned until 10:00 a.m., March 9, 2020, the 57th Day of the Regular Session.

LAURIE JINKINS, Speaker

BERNARD DEAN, Chief Clerk

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**SIXTY SIXTH LEGISLATURE - REGULAR SESSION**


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**FIFTY SEVENTH DAY**


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House Chamber, Olympia, Monday, March 9, 2020

The House was called to order at 10:00 a.m. by the Speaker (Representative Orwall presiding). The Clerk called the roll and a quorum was present.

The flags were escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Aedan Claflin and Jonathan Cooper. The Speaker (Representative Orwall presiding) led the Chamber in the Pledge of Allegiance. The prayer was offered by Rabbi Seth Goldstein, Temple Beth Hatfiloh, Olympia, Washington.

Reading of the Journal of the previous day was dispensed with and it was ordered to stand approved.

There being no objection, the House advanced to the third order of business.

**MESSAGES FROM THE SENATE**

March 7, 2020

Mme. SPEAKER:

The Senate has passed:

ENGROSSED SUBSTITUTE SENATE BILL NO.  
5147,  
SENATE BILL NO. 6312,  
ENGROSSED SECOND SUBSTITUTE SENATE  
BILL NO. 6331,

and the same are herewith transmitted.

Brad Hendrickson, Secretary

March 7, 2020

Mme. SPEAKER:

The Senate has passed:

SUBSTITUTE HOUSE BILL NO. 1293,  
SUBSTITUTE HOUSE BILL NO. 2787,

and the same are herewith transmitted.

Brad Hendrickson, Secretary

March 7, 2020

Mme. SPEAKER:

The Senate concurred in the House amendment(s) to the following bills and passed the bills as amended by the House:

ENGROSSED SUBSTITUTE SENATE BILL NO.  
5395,  
ENGROSSED SUBSTITUTE SENATE BILL NO.  
6141,  
SUBSTITUTE SENATE BILL NO. 6191,  
ENGROSSED SENATE BILL NO. 6313,  
ENGROSSED SUBSTITUTE SENATE BILL NO.  
6440,  
ENGROSSED SUBSTITUTE SENATE BILL NO.  
6473,

and the same are herewith transmitted.

Brad Hendrickson, Secretary

March 7, 2020

Mme. SPEAKER:

The President has signed:

ENGROSSED SUBSTITUTE HOUSE BILL NO.  
1261,  
HOUSE BILL NO. 1347,  
ENGROSSED SUBSTITUTE HOUSE BILL NO.  
1608,  
SECOND SUBSTITUTE HOUSE BILL NO. 1651,  
THIRD SUBSTITUTE HOUSE BILL NO. 1660,  
HOUSE BILL NO. 1755,  
SUBSTITUTE HOUSE BILL NO. 2017,  
SECOND SUBSTITUTE HOUSE BILL NO. 2066,  
ENGROSSED SUBSTITUTE HOUSE BILL NO.  
2265,  
SUBSTITUTE HOUSE BILL NO. 2295,  
SUBSTITUTE HOUSE BILL NO. 2417,  
SUBSTITUTE HOUSE BILL NO. 2448,  
SUBSTITUTE HOUSE BILL NO. 2483,  
SUBSTITUTE HOUSE BILL NO. 2525,  
ENGROSSED SUBSTITUTE HOUSE BILL NO.  
2551,  
SUBSTITUTE HOUSE BILL NO. 2567,  
ENGROSSED SUBSTITUTE HOUSE BILL NO.  
2576,  
HOUSE BILL NO. 2602,  
SUBSTITUTE HOUSE BILL NO. 2613,  
SUBSTITUTE HOUSE BILL NO. 2614,  
HOUSE BILL NO. 2617,  
HOUSE BILL NO. 2619,  
SUBSTITUTE HOUSE BILL NO. 2673,



ENGROSSED HOUSE BILL NO. 2755,  
ENGROSSED SUBSTITUTE HOUSE BILL NO.  
2783,  
HOUSE BILL NO. 2837,

and the same are herewith transmitted.

Brad Hendrickson, Secretary

There being no objection, the House advanced to the seventh order of business.

**THIRD READING  
MESSAGE FROM THE SENATE**

March 3, 2020

Madame Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 2322 with the following amendment:

3.0.

Strike everything after the enacting clause and insert the following:

**"2019-2021 FISCAL BIENNIUM**

**GENERAL GOVERNMENT AGENCIES—  
OPERATING**

**Sec. 101.** 2019 c 416 s 103 (uncodified) is amended to read as follows:

**FOR THE OFFICE OF FINANCIAL  
MANAGEMENT**

Motor Vehicle Account—State Appropriation .....	<del>(\$1,403,000))</del>
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\$1,419,000

Multimodal Transportation Account—State Appropriation.....	\$300,000
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Puget Sound Ferry Operations Account—State Appropriation .....	<del>(\$116,000))</del>
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\$121,000

TOTAL APPROPRIATION .....	<u>\$1,819,000</u>
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\$1,840,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$300,000 of the multimodal transportation account—state appropriation is provided solely for the office of financial management, in direct coordination with the office of state treasurer, to evaluate, coordinate, and assist in efforts by state agencies in developing cost recovery mechanisms for credit card and other financial transaction fees currently paid from state funds. This may include disbursing interagency reimbursements for the implementation costs incurred by the affected agencies. As part of the first phase of this effort, the office of financial management, with the assistance of relevant agencies, must develop implementation plans and take all necessary steps to ensure that the actual cost-recovery mechanisms will be in

place by January 1, 2020, for the vehicles and drivers programs of the department of licensing. By November 1, 2019, the office of financial management must provide a report to the joint transportation committee on the phase 1 implementation plan and options to expand similar cost recovery mechanisms to other state agencies and programs, including the ferries division.

(2) Within existing resources, the office of financial management shall issue a request for information for an account-based system capable of processing state tolling, state ferry ticketing and reservations, and state parks discover pass transactions.

**Sec. 102.** 2019 c 416 s 105 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF AGRICULTURE**

Motor Vehicle Account—State Appropriation .....	<del>(\$1,357,000))</del>
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\$1,358,000

**Sec. 103.** 2019 c 416 s 108 (uncodified) is amended to read as follows:

**FOR THE BOARD OF PILOTAGE  
COMMISSIONERS**

Pilotage Account—State Appropriation .....	<del>(\$5,228,000))</del>
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\$6,037,000

The appropriation in this section is subject to the following conditions and limitations:

(1) \$3,125,000 of the pilotage account—state appropriation is provided solely for self-insurance liability premium expenditures; however, this appropriation is contingent upon the board:

(a) Annually depositing the first one hundred fifty thousand dollars collected through Puget Sound pilotage district pilotage tariffs into the pilotage account; and

(b) Assessing a self-insurance premium surcharge of sixteen dollars per pilotage assignment on vessels requiring pilotage in the Puget Sound pilotage district.

(2) The board of pilotage commissioners shall file the annual report to the governor and chairs of the transportation committees required under RCW 88.16.035(1)(f) by September 1, 2019, and annually thereafter. The report must include the continuation of policies and procedures necessary to increase the diversity of pilots, trainees, and applicants, including a diversity action plan. The diversity action plan must articulate a comprehensive vision of the board's diversity goals and the steps it will take to reach those goals.

**Sec. 104.** 2019 c 416 s 109 (uncodified) is amended to read as follows:

**FOR THE HOUSE OF REPRESENTATIVES**

Motor Vehicle Account—State Appropriation .....	<del>(\$2,861,000))</del>
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\$3,081,000

**TRANSPORTATION AGENCIES—  
OPERATING**

**Sec. 201.** 2019 c 416 s 201 (uncodified) is amended to read as follows:

**FOR THE WASHINGTON TRAFFIC SAFETY COMMISSION**

Highway Safety Account—State Appropriation .....	<del>(\$4,588,000)</del>
	<u>\$4,672,000</u>
Highway Safety Account—Federal Appropriation .....	<del>(\$27,035,000)</del>
	<u>\$27,047,000</u>
Highway Safety Account—Private/Local Appropriation .....	\$118,000
School Zone Safety Account—State Appropriation .....	\$850,000
<b>TOTAL APPROPRIATION .....</b>	<del>\$32,591,000</del>
	<u>\$32,687,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$150,000 of the highway safety account—state appropriation is provided solely for the implementation of chapter 54 (~~((Substitute Senate Bill No. 5710))~~), Laws of 2019 (Cooper Jones Active Transportation Safety Council). If chapter 54 (~~((Substitute Senate Bill No. 5710))~~), Laws of 2019 is not enacted by June 30, 2019, the amount provided in this subsection lapses.

(2) The Washington traffic safety commission may oversee a pilot program in up to three cities implementing the use of automated vehicle noise enforcement cameras in zones that have been designated by ordinance as "Stay Out of Areas of Racing."

(a) Any programs authorized by the commission must be authorized by December 31, (~~(2019))~~ 2020.

(b) If a city has established an authorized automated vehicle noise enforcement camera pilot program under this section, the compensation paid to the manufacturer or vendor of the equipment used must be based upon the value of the equipment and services provided or rendered in support of the system.

(c) Any city administering a pilot program overseen by the traffic safety commission shall use the following guidelines to administer the program:

(i) Automated vehicle noise enforcement camera may record photographs or audio of the vehicle and vehicle license plate only while a violation is occurring. The picture must not reveal the face of the driver or of passengers in the vehicle;

(ii) The law enforcement agency of the city or county government shall (~~((plainly mark the locations))~~) install two

signs facing opposite directions within two hundred feet, or otherwise consistent with the uniform manual on traffic control devices, where the automated vehicle noise enforcement camera is used ((by placing signs on street locations that clearly indicate to a driver that he or she is entering a zone where traffic laws violations are being detected by automated vehicle noise enforcement cameras that record both audio and video)) that state "Street Racing Noise Pilot Program in Progress";

(iii) Cities testing the use of automated vehicle noise enforcement cameras must (~~((provide periodic notice by mail to its residents))~~) post information on the city web site and notify local media outlets indicating the zones in which the automated vehicle noise enforcement cameras will be used;

(iv) A city may only issue a warning notice with no penalty for a violation detected by automated vehicle noise enforcement cameras in a Stay Out of Areas of Racing zone. Warning notices must be mailed to the registered owner of a vehicle within fourteen days of the detected violation;

(v) A violation detected through the use of automated vehicle noise enforcement cameras is not part of the registered owner's driving record under RCW 46.52.101 and 46.52.120;

(vi) Notwithstanding any other provision of law, all photographs, videos, microphotographs, audio recordings, or electronic images prepared under this section are for the exclusive use of law enforcement in the discharge of duties under this section and are not open to the public and may not be used in a court in a pending action or proceeding. No photograph, microphotograph, audio recording, or electronic image may be used for any purpose other than the issuance of warnings for violations under this section or retained longer than necessary to issue a warning notice as required under this subsection (2); and

(vii) By June 30, 2021, the participating cities shall provide a report to the commission and appropriate committees of the legislature regarding the use, public acceptance, outcomes, warnings issued, data retention and use, and other relevant issues regarding automated vehicle noise enforcement cameras demonstrated by the pilot projects.

(3) The Washington traffic safety commission may oversee a demonstration project in one county, coordinating with a public transportation benefit area (PTBA) and the department of transportation, to test the feasibility and accuracy of the use of automated enforcement technology for high occupancy vehicle (HOV) lane passenger compliance. All costs associated with the demonstration project must be borne by the participating public transportation benefit area. Any photograph, microphotograph, or electronic images of a driver or passengers are for the exclusive use of the PTBA in the determination of whether a HOV passenger violation has occurred to test the feasibility accuracy of automated enforcement under this subsection and are not open to the public and may not be used in a court in a pending action or proceeding. All photographs, microphotographs, and electronic images must be destroyed after determining a passenger count and no later than the completion of the

demonstration project. No warnings or notices of infraction may be issued under the demonstration project.

For purposes of the demonstration project, an automated enforcement technology device may record an image of a driver and passenger of a motor vehicle. The county and PTBA must erect signs marking the locations where the automated enforcement for HOV passenger requirements is occurring.

The PTBA, in consultation with the Washington traffic safety commission, must provide a report to the transportation committees of the legislature with the number of violations detected during the demonstration project, whether the technology used was accurate and any recommendations for future use of automated enforcement technology for HOV lane enforcement by June 30, 2021.

**Sec. 202.** 2019 c 416 s 202 (uncodified) is amended to read as follows:

**FOR THE COUNTY ROAD ADMINISTRATION BOARD**

Rural Arterial Trust Account—State Appropriation .....	<del>(\$1,137,000))</del>
	<u>\$1,127,000</u>
Motor Vehicle Account—State Appropriation .....	<del>(\$2,803,000))</del>
	<u>\$2,780,000</u>
County Arterial Preservation Account—State Appropriation .....	<del>(\$1,677,000))</del>
	<u>\$1,662,000</u>
TOTAL APPROPRIATION .....	<u>\$5,617,000</u>
	<u>\$5,569,000</u>

**Sec. 203.** 2019 c 416 s 203 (uncodified) is amended to read as follows:

**FOR THE TRANSPORTATION IMPROVEMENT BOARD**

Transportation Improvement Account—State Appropriation .....	<del>(\$4,526,000))</del>
	<u>\$3,825,000</u>

**Sec. 204.** 2019 c 416 s 204 (uncodified) is amended to read as follows:

**FOR THE JOINT TRANSPORTATION COMMITTEE**

Motor Vehicle Account—State Appropriation .....	<del>(\$1,938,000))</del>
	<u>\$1,936,000</u>
Multimodal Transportation Account—State Appropriation.....	<del>(\$750,000))</del>
	<u>\$682,000</u>

Highway Safety Account—State Appropriation .....

TOTAL APPROPRIATION.....\$2,963,000  
\$2,893,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$400,000 of the motor vehicle account—state appropriation and \$50,000 of the multimodal transportation account—state appropriation is for the joint transportation committee to conduct a comprehensive assessment of statewide transportation needs and priorities, and existing and potential transportation funding mechanisms to address those needs and priorities. The assessment must include: (a) Recommendations on the critical state and local transportation projects, programs, and services needed to achieve an efficient, effective, statewide transportation system over the next ten years; (b) a comprehensive menu of funding options for the legislature to consider to address the identified transportation system investments; ~~((and))~~ (c) recommendations on whether a revision to the statewide transportation policy goals in RCW 47.04.280 is warranted in light of the recommendations and options identified in (a) and (b) of this subsection; and (d) an analysis of the economic impacts of a range of future transportation investments. The assessment must be submitted to the transportation committees of the legislature by June 30, 2020. Starting July 1, 2020, and concluding by December 31, 2020, a committee-appointed commission or panel shall review the assessment and make final recommendations to the legislature for consideration during the 2021 legislative session on a realistic, achievable plan for funding transportation programs, projects, and services over the next ten years including a timeline for legislative action on funding the identified transportation system needs shortfall.

(2)(a) ~~(\$450,000))~~ \$382,000 of the multimodal transportation account—state appropriation is for the joint transportation committee to conduct an analysis of the electrification of public fleets in Washington state. The study must include the following:

(i) An inventory of existing public fleets for the state of Washington, counties, a sampling of cities, and public transit agencies. The inventory must differentiate among battery and fuel cell electric vehicles, hybrid vehicles, gasoline powered vehicles, and any other functional categories. Three cities from each of the following population ranges must be selected for the analysis:

(A) Population up to and including twenty-five thousand;

(B) Population greater than twenty-five thousand and up to and including fifty thousand;

(C) Population greater than fifty thousand and up to and including one hundred thousand;

(D) Population greater than one hundred thousand;

(ii) A review of currently available battery and fuel cell electric vehicle alternatives to the vehicle types most

commonly used by the state, counties, cities, and public transit agencies. The review must include:

(A) The average vehicle cost differential among the commercially available fuel options;

(B) A cost benefit analysis of the conversion of different vehicle classes; and

(C) Recommendations for the types of vehicles that should be excluded from consideration due to insufficient alternatives, unreliable technology, or excessive cost;

(iii) The projected costs of achieving substantial conversion to battery and/or fuel cell electric fleets by 2025, 2030, and 2035 for the state, counties, cities, and public transit agencies. This cost estimate must include:

(A) Vehicle acquisition costs, charging and refueling infrastructure costs, and other associated costs;

(B) Financial constraints of each type of entity to transition to an electric vehicle fleet; and

(C) Any other identified barriers to transitioning to a battery and/or fuel cell electric vehicle fleet;

(iv) Identification and analysis of financing mechanisms that could be used to finance the transition of publicly owned vehicles to battery and fuel cell electric vehicles. These mechanisms include, but are not limited to: Energy or carbon savings performance contracting, utility grants and rebates, revolving loan funds, state grant programs, private third-party financing, fleet management services, leasing, vehicle use optimization, and vehicle to grid technology; and

(v) The predicted number and location profile of electric vehicle fueling stations needed statewide to provide fueling for the fleets of the state, counties, cities, and public transit agencies.

(b) In developing and implementing the study, the joint transportation committee must solicit input from representatives of the department of enterprise services, the department of transportation, the department of licensing, the department of commerce, the Washington state association of counties, the association of Washington cities, the Washington state transit association, transit agencies, and others as deemed appropriate.

(c) The joint transportation committee must issue a report of its findings and recommendations to the transportation committees of the legislature by September 30, 2020.

(3)(a) \$250,000 of the multimodal transportation account—state appropriation is for the joint transportation committee to conduct a study of the feasibility of an east-west intercity passenger rail system. The study must include the following elements:

(i) Projections of potential ridership;

(ii) Review of relevant planning studies;

(iii) Establishment of an advisory group and associated meetings;

(iv) Development of a Stampede Pass corridor alignment to maximize ridership, revenue, and rationale, considering service to population centers: Auburn, Cle Elum, Yakima, Tri-Cities, Ellensburg, Toppenish, and Spokane;

(v) Assessment of current infrastructure conditions, including station stop locations;

(vi) Identification of equipment needs; and

(vii) Identification of operator options.

(b) A report of the study findings and recommendations is due to the transportation committees of the legislature by June 30, 2020.

(4)(a) \$275,000 of the highway safety fund—state appropriation is for a study of vehicle subagents in Washington state. The study must consider and include recommendations, as necessary, on the following:

(i) The relevant statutes, rules, and/or regulations authorizing vehicle subagents and any changes made to the relevant statutes, rules, and/or regulations;

(ii) The current process of selecting and authorizing a vehicle subagent, including the change of ownership process and the identification of any barriers to entry into the vehicle subagent market;

(iii) The annual business expenditures borne by each of the vehicle subagent businesses since fiscal year 2010 and identification of any materials, including office equipment and supplies, provided by the department of licensing to each vehicle subagent since fiscal year 2010. To accomplish this task, each vehicle subagent must provide expenditure data to the joint transportation committee for the purposes of this study;

(iv) The oversight provided by the county auditors and/or the department of licensing over the vehicle subagent businesses;

(v) The history of service fees, how increases to the service fee rate are made, and how the requested fee increase is determined;

(vi) The online vehicle registration renewal process and any potential improvements to the online process;

(vii) The department of licensing's ability to provide more vehicle licensing services directly, particularly taking into account the increase in online vehicle renewal transactions;

(viii) The potential expansion of services that can be performed by vehicle subagents; and

(ix) The process by which the geographic locations of vehicle subagents are determined.

(b) In conducting the study, the joint transportation committee must consult with the department of licensing, a representative of county auditors, and a representative of vehicle subagents.

(c) The joint transportation committee may collect any data from the department of licensing, county auditors, and vehicle subagents that is necessary to conduct the study.

(d) The joint transportation committee must issue a report of its findings and recommendations to the transportation committees of the legislature by September 30, 2020.

**Sec. 205.** 2019 c 416 s 205 (uncodified) is amended to read as follows:

**FOR THE TRANSPORTATION COMMISSION**

Motor Vehicle Account—State Appropriation .....	<del>(\$2,893,000)</del>
	<u>\$2,171,000</u>
<del>((Multimodal Transportation Account State Appropriation .....</del>	<del>\$112,000))</del>
Interstate 405 and state Route Number 167 Express Toll Lanes ( <del>Operations</del> )	
Account—State Appropriation .....	<del>(\$250,000)</del>
	<u>\$410,000</u>
State Route Number 520 Corridor Account—State Appropriation .....	<u>\$271,000</u>
Tacoma Narrows Toll Bridge Account—State Appropriation .....	<u>\$158,000</u>
Alaskan Way Viaduct Replacement Project Account—State Appropriation .....	<u>\$136,000</u>
TOTAL APPROPRIATION .....	<u>\$3,255,000</u>
	<u>\$3,146,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1)(a) The commission shall reconvene the road usage charge steering committee, with the same membership described in chapter 297, Laws of 2018, and shall report at least once every three months to the steering committee with updates on report development for the completed road usage charge pilot project until the final report is submitted. The final report on the road usage charge pilot project is due to the transportation committees of the legislature by January 1, 2020, and should include recommendations for necessary next steps to consider impacts to communities of color, low-income households, vulnerable populations, and displaced communities. Any legislative vacancies on the steering committee must be appointed by the speaker of the house of representatives for a house of representatives member vacancy, and by the president of the senate for a senate member vacancy.

(b) The commission shall coordinate with the department of transportation to jointly seek federal funds available through the federal surface transportation system funding alternatives grant program, applying toll credits for meeting match requirements. One or more grant applications may be developed that, at a minimum, propose to:

(i)(A) Update the recommended road usage charge operational concepts and business case presented to the road usage charge steering committee to reflect a range of scenarios regarding fleet electrification and use of shared vehicles. The operational concepts must include technological or system features necessary to ensure collection of the road usage charge from electric vehicles and fleets of shared and/or autonomous vehicles, if applicable. The business case must assess a range of gross revenue impacts to a road usage charge and fuel taxes resulting from changes to total vehicle miles traveled under scenarios with varying degrees of shared, autonomous, and/or electric vehicle adoption rates;

(B) Develop a detailed plan for phasing in the implementation of road usage charges for vehicles operated in Washington, incorporating any updates to road usage charge policy recommendations made in (a) and (b)(i)(A) of this subsection and including consideration of methods for reducing the cost of collections for a road usage charge system in Washington state; and

(C) Examine the allocation of current gas tax revenues and possible frameworks for the allocation of road usage charge revenues that could be used to evaluate policy choices once road usage charge revenues comprise a significant share of state revenues for transportation purposes.

(ii) A year-end report on the status of any federally-funded project for which federal funding is secured must be provided to the governor's office and the transportation committees of the legislature by January 1, 2020.

(c) If additional federal funding becomes available after January 1, 2020, the transportation commission, jointly with the department of licensing, must develop an implementation plan for imposing a per mile fee on electric, hybrid, and state fleet vehicles that builds off the ongoing work of the transportation commission in evaluating a road usage charge. The plan must include, but is not limited to:

(i) Different mileage reporting options;

(ii) Recommended fee methods and rates for achieving cost efficiency, fairness, minimal administrative cost, payment compliance, consumer choice, and preserving individual privacy;

(iii) Options for variable rates based on the factors listed in (c)(ii) of this subsection and vehicle classifications of vehicles, ensuring vehicles are paying for their proportional impact on road preservation and maintenance costs, climate emission impacts, fuel efficiency, or other policy levers that the legislature may want to consider;

(iv) Alternatives in the payment method to allow for monthly or quarterly payment rather than payment on an annual basis;

(v) Any recommended statutory changes, including suggested offsets or rebates to the per mile fee to recognize other taxes and fees paid by electric and hybrid vehicle owners;

(vi) Specific recommendations to better align the system with other vehicle-related charges and potentially establish the framework for broader implementation of a per mile funding system, including analysis of the preferred method for addressing eighteenth amendment restriction considerations and options to incorporate existing gas tax distributions and allocations into a per mile funding system at the time these revenues comprise a significant share of state revenues for transportation purposes; and

(vii) A recommended implementation and governance structure, and transition plan with the department as the designated lead agency to operate and administer the per mile funding system.

(2)(a) \$250,000 of the Interstate 405 and state route number 167 express toll lanes (~~((operations))~~) account—state appropriation is provided solely for the transportation commission to conduct a study, applicable to the Interstate 405 express toll lanes, of discounted tolls and other similar programs for low-income drivers that are provided by other states, countries, or other entities and how such a program could be implemented in the state of Washington. The transportation commission may contract with a consultant to conduct all or a portion of this study.

(b) In conducting this study, the transportation commission shall consult with both the department of transportation and the department of social and health services.

(c) The transportation commission shall, at a minimum, consider the following issues when conducting the study of discounted tolls and other similar programs for low-income drivers:

(i) The benefits, requirements, and any potential detriments to the users of a program;

(ii) The most cost-effective way to implement a program given existing financial commitments, shared cost requirements across facilities, and technical requirements to execute and maintain a program;

(iii) The implications of a program for tolling policies, revenues, costs, operations, and enforcement; and

(iv) Any implications to tolled facilities based on the type of tolling implemented on a particular facility.

(d) The transportation commission shall provide a report detailing the findings of this study and recommendations for implementing a discounted toll or other appropriate program in the state of Washington to the transportation committees of the legislature by June 30, 2021.

(3) \$160,000 of the Interstate 405 and state route number 167 express toll lanes account—state appropriation, \$271,000 of the state route number 520 corridor account—state appropriation, \$158,000 of the Tacoma Narrows toll bridge account—state appropriation, and \$136,000 of the Alaskan Way viaduct replacement project account—state appropriation are provided solely for the transportation commission's proportional share of time spent supporting tolling operations for the respective tolling facilities.

(4) Beginning July 1, 2020, the commission shall convene a ferry capital construction oversight committee. The committee shall meet at least two times every year to review the Washington state ferries capital construction plan and make recommendations to control costs and ensure that ferry capital investments meet projected future needs. The commission shall support the committee within existing resources. Members of the committee must include at least four citizen representatives from communities served by Washington state ferries.

(5) The legislature requests that the commission commence proceedings to name state route number 165 as The Glacier Highway to commemorate the significance of glaciers to the state of Washington.

**Sec. 206.** 2019 c 416 s 206 (uncodified) is amended to read as follows:

#### **FOR THE FREIGHT MOBILITY STRATEGIC INVESTMENT BOARD**

Freight Mobility Investment Account—State

Appropriation ..... ~~(((\$13,000))~~  
\$772,000

**Sec. 207.** 2019 c 416 s 207 (uncodified) is amended to read as follows:

#### **FOR THE WASHINGTON STATE PATROL**

State Patrol Highway Account—State Appropriation  
 ..... ~~(((\$508,503,000))~~  
\$498,832,000

State Patrol Highway Account—Federal  
 Appropriation ..... ~~(((\$16,069,000))~~  
\$16,078,000

State Patrol Highway Account—Private/Local

Appropriation ..... \$4,257,000

Highway Safety Account—State Appropriation  
 ..... \$1,188,000

Ignition Interlock Device Revolving Account—State

Appropriation ..... \$7,010,000

Multimodal Transportation Account—State

Appropriation ..... ~~(((\$286,000))~~  
\$4,286,000

Interstate 405 and State Route Number 167 Express

Toll Lanes Account—State Appropriation \$1,182,000

State Route Number 520 Corridor Account—State

Appropriation.....\$1,988,000

Tacoma Narrows Toll Bridge Account—State  
Appropriation.....\$1,158,000

Alaskan Way Viaduct Replacement Project

<u>Account—State Appropriation</u> .....	<u>\$996,000</u>
TOTAL APPROPRIATION .....	<u>\$537,313,000</u>
	<u>\$536,975,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) Washington state patrol officers engaged in off-duty uniformed employment providing traffic control services to the department of transportation or other state agencies may use state patrol vehicles for the purpose of that employment, subject to guidelines adopted by the chief of the Washington state patrol. The Washington state patrol must be reimbursed for the use of the vehicle at the prevailing state employee rate for mileage and hours of usage, subject to guidelines developed by the chief of the Washington state patrol.

(2) \$510,000 of the ignition interlock device revolving account—state appropriation is provided solely for the ignition interlock program at the Washington state patrol to provide funding for two staff to work and provide support for the program in working with manufacturers, service centers, technicians, and participants in the program.

(3) \$1,424,000 of the state patrol highway account—state appropriation is provided solely to enter into an agreement for upgraded land mobile software, hardware, and equipment.

(4) \$2,582,000 of the state patrol highway account—state appropriation is provided solely for the replacement of radios and other related equipment.

(5) \$343,000 of the state patrol highway account—state appropriation is provided solely for aerial criminal investigation tools, including software licensing and maintenance, and annual certification.

(6) \$514,000 of the state patrol highway account—state appropriation is provided solely for additional staff to address the increase in the number of toxicology cases from impaired driving and death investigations.

(7) \$580,000 of the state patrol highway account—state appropriation is provided solely for the operation of and administrative support to the license investigation unit to enforce vehicle registration laws in southwestern Washington. The Washington state patrol, in consultation with the department of revenue, shall maintain a running estimate of the additional vehicle registration fees, sales and use taxes, and local vehicle fees remitted to the state pursuant to activity conducted by the license investigation unit. Beginning October 1, 2019, and quarterly thereafter, the Washington state patrol shall submit a report detailing the additional revenue amounts generated since July 1, 2017, to the director of the office of financial management and the transportation committees of the legislature. At the end of the calendar quarter in which it is estimated that more than \$625,000 in state sales and use taxes have been remitted to the state since July 1, 2017, the Washington state patrol shall notify the state treasurer and the state treasurer shall transfer funds pursuant to section 406 ~~((of this act))~~, chapter 416, Laws of 2019.

(8) \$18,000 of the state patrol highway account—state appropriation is provided solely for the license investigation unit to procure an additional license plate reader and related costs.

(9) The Washington state patrol and the office of financial management must be consulted by the department of transportation during the design phase of any improvement or preservation project that could impact Washington state patrol weigh station operations. During the design phase of any such project, the department of transportation must estimate the cost of designing around the affected weigh station's current operations, as well as the cost of moving the affected weigh station.

(10) \$4,210,000 of the state patrol highway account—state appropriation is provided solely for a third arming and a third trooper basic training class. The cadet class is expected to graduate in June 2021.

(11) \$65,000 of the state patrol highway account—state appropriation is provided solely for the implementation of chapter 440 ~~((Engrossed Second Substitute Senate Bill No. 5497))~~, Laws of 2019 (immigrants in the workplace). If chapter 440 ~~((Engrossed Second Substitute Senate Bill No. 5497))~~, Laws of 2019 is not enacted by June 30, 2019, the amount provided in this subsection lapses.

(12)(a) The Washington state patrol must report quarterly to the house and senate transportation committees on the status of recruitment and retention activities as follows:

- (i) A summary of recruitment and retention strategies;
- (ii) The number of transportation funded staff vacancies by major category;
- (iii) The number of applicants for each of the positions by these categories;
- (iv) The composition of workforce; and
- (v) Other relevant outcome measures with comparative information with recent comparable months in prior years.

(b) By January 1, 2020, the Washington state patrol must submit to the transportation committees of the legislature and the governor a workforce diversity plan. The plan must identify ongoing, and both short-term and long-term, specific comprehensive outreach and recruitment strategies to increase populations underrepresented within both commissioned and noncommissioned employee groups.

(13) \$1,182,000 of the Interstate 405 and state route number 167 express toll lanes account—state appropriation, \$1,988,000 of the state route number 520 corridor account—state appropriation, \$1,158,000 of the Tacoma Narrows toll bridge account—state appropriation, and \$996,000 of the Alaskan Way viaduct replacement project account—state appropriation are provided solely for the Washington state patrol's proportional share of time spent supporting tolling operations and enforcement for the respective tolling facilities.

(14) \$100,000 of the state patrol highway account—state appropriation is provided solely for the implementation of Senate Bill No. 6218, Laws of 2020 (Washington state patrol retirement definition of salary), which reflects an increase in the Washington state patrol retirement system pension contribution rate of 0.15 percent for changes to the definition of salary. If Senate Bill No. 6218, Laws of 2020 is not enacted by June 30, 2020, the amount provided in this subsection lapses.

(15) \$4,000,000 of the multimodal transportation account—state appropriation is provided solely as restitutive expenditure authority for the state patrol and may be spent only if a court of final jurisdiction holds that chapter 1 (Initiative Measure No. 976), Laws of 2020 is unconstitutional in its entirety.

(16) The Washington state patrol is directed to terminate its "Agreement for Utility Connection and Reimbursement of Water Extension Expenses" with the city of Shelton, belatedly recorded on June 12, 2017, subject to the city of Shelton's consent to terminate the agreement. The legislature finds that the water connection extension constructed by the Washington state patrol from the city of Shelton's water facilities to the Washington state patrol academy was necessary to meet the water supply needs of the academy. The legislature also finds that the water connection provides an ongoing water supply that is necessary to the operation of the training facility, that the state is making use of the water connection for these public activities, and that any future incidental use of the municipal infrastructure put in place to support these activities will not impede the Washington state patrol's ongoing use of the water connection extension. Therefore, the legislature determines that under the public policy of this state, reimbursement by any other entity is not required, notwithstanding any prior condition regarding contributions of other entities that Washington state patrol was required to satisfy prior to expenditure of the funds for construction of the extension, and that the Washington state patrol shall terminate the agreement.

**Sec. 208.** 2019 c 416 s 208 (uncodified) is amended to read as follows:

#### **FOR THE DEPARTMENT OF LICENSING**

Marine Fuel Tax Refund Account—State  
Appropriation ..... \$34,000

Motorcycle Safety Education Account—State  
Appropriation ..... ~~(\$5,044,000)~~  
\$5,048,000

State Wildlife Account—State Appropriation  
..... ~~(\$536,000)~~  
\$561,000

Highway Safety Account—State Appropriation  
..... ~~(\$243,189,000)~~  
\$241,859,000

Highway Safety Account—Federal Appropriation  
..... \$1,294,000

Motor Vehicle Account—State Appropriation  
..... ~~(\$77,219,000)~~  
\$72,812,000

Motor Vehicle Account—Federal Appropriation  
..... \$186,000

Motor Vehicle Account—Private/Local  
Appropriation ..... ~~(\$2,858,000)~~  
\$10,008,000

Ignition Interlock Device Revolving Account—State  
Appropriation ..... ~~(\$6,143,000)~~  
\$5,777,000

Department of Licensing Services Account—State  
Appropriation ..... ~~(\$8,012,000)~~  
\$7,654,000

License Plate Technology Account—State  
Appropriation ..... \$4,250,000

Abandoned Recreational Vehicle Account—State  
Appropriation..... \$2,925,000

Limousine Carriers Account—State Appropriation  
..... \$113,000

Electric Vehicle Account—State Appropriation  
..... \$264,000

DOL Technology Improvement & Data Management  
Account—State Appropriation ..... \$2,250,000

Agency Financial Transaction Account—State  
Appropriation..... \$11,903,000

TOTAL APPROPRIATION..... \$365,770,000  
\$366,939,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$139,000 of the motorcycle safety education account—state appropriation is provided solely for the implementation of chapter 65 (~~Substitute House Bill No. 4116~~), Laws of 2019 (motorcycle safety). If chapter 65 (~~Substitute House Bill No. 4116~~), Laws of 2019 is not enacted by June 30, 2019, the amount provided in this subsection lapses.

(2) \$404,000 of the highway safety account—state appropriation is provided solely for a new driver testing system at the department. Pursuant to RCW 43.135.055 and 46.82.310, the department is authorized to increase driver training school license application and renewal fees in fiscal years 2020 and 2021, as necessary to fully support the cost of activities related to administration of the driver training school program, including the cost of the new driver testing system described in this subsection.



(3) \$25,000 of the motorcycle safety education account—state appropriation, \$4,000 of the state wildlife account—state appropriation, \$1,708,000 of the highway safety account—state appropriation, \$576,000 of the motor vehicle account—state appropriation, \$22,000 of the ignition interlock device revolving account—state appropriation, and \$28,000 of the department of licensing services account—state appropriation are provided solely for the department to fund the appropriate staff ~~((, other than data stewards,))~~ and necessary equipment and software for data management, data analytics, and data compliance activities. The department must, in consultation with the office of the chief information officer, construct a framework with goals for providing better data stewardship and a plan to achieve those goals. The department must provide the framework and plan to the transportation committees of the legislature by December 31, 2019, and an update by May 1, 2020. Appropriations provided for the data stewardship and privacy project described in this subsection are subject to the conditions, limitations, and review provided in section 701 of this act.

(4) Appropriations provided for the cloud continuity of operations project in this section are subject to the conditions, limitations, and review provided in section 701 of this act.

~~((6))~~ (5) \$24,028,000 of the highway safety account—state appropriation is provided solely for costs necessary to accommodate increased demand for enhanced drivers' licenses and enhanced identicards. The department shall report on a quarterly basis on the use of these funds, associated workload, and information with comparative information with recent comparable months in prior years. The report must include detailed statewide and by licensing service office information on staffing levels, average monthly wait times, the number of enhanced drivers' licenses and enhanced identicards issued/renewed, and the number of primary drivers' licenses and identicards issued/renewed. Within the amounts provided in this subsection, the department shall implement efficiency measures to reduce the time for licensing transactions and wait times including, but not limited to, the installation of additional cameras at licensing service offices that reduce bottlenecks and align with the "keep your customer" initiative.

~~((8))~~ (6) \$507,000 of the motor vehicle account—state appropriation is provided solely for the implementation of chapter . . . (Substitute Senate Bill No. 5419), Laws of 2019 (vehicle service fees) or chapter 417 ~~((Engrossed House Bill No. 1789))~~, Laws of 2019 (vehicle service fees). If neither chapter . . . (Substitute Senate Bill No. 5419), Laws of 2019 or chapter 417 ~~((Engrossed House Bill No. 1789))~~, Laws of 2019 are enacted by June 30, 2019, the amount provided in this subsection lapses.

~~((10))~~ (7) \$25,000 of the motor vehicle account—state appropriation is provided solely for the implementation of chapter 177 ~~((Engrossed House Bill No. 1996))~~, Laws of 2019 (San Juan Islands license plate). If chapter 177 ~~((Engrossed House Bill No. 1996))~~, Laws of 2019 is not enacted by June 30, 2019, the amount provided in this subsection lapses.

~~((14))~~ (8) \$24,000 of the motor vehicle account—state appropriation is provided solely for the implementation of chapter 384 ~~((House Bill No. 2062))~~, Laws of 2019 (Seattle Storm license plate). If chapter 384 ~~((House Bill No. 2062))~~, Laws of 2019 is not enacted by June 30, 2019, the amount provided in this subsection lapses.

~~((13))~~ (9) \$65,000 of the highway safety account—state appropriation is provided solely for the implementation of chapter 440 ~~((Engrossed Second Substitute Senate Bill No. 5497))~~, Laws of 2019 (immigrants in the workplace). If chapter 440 ~~((Engrossed Second Substitute Senate Bill No. 5497))~~, Laws of 2019 is not enacted by June 30, 2019, the amount provided in this subsection lapses.

~~((14))~~ (10) The appropriations in this section assume implementation of additional cost recovery mechanisms to recoup at least \$11,903,000 in credit card and other financial transaction costs as part of charges imposed for driver and vehicle fee transactions beginning January 1, 2020. At the direction of the office of financial management, the department must develop a method of tracking the additional amount of credit card and other financial cost-recovery revenues. In consultation with the office of financial management, the department must notify the state treasurer of these amounts and the state treasurer must deposit these revenues in the agency financial transaction account created in section 717 ~~((of this act))~~, chapter 416, Laws of 2019 on a quarterly basis.

~~((18))~~ (11) \$1,281,000 of the department of licensing service account—state appropriation is provided solely for savings from the implementation of chapter 417 ~~((Engrossed House Bill No. 1789))~~, Laws of 2019 (vehicle service fees). If chapter 417 ~~((Engrossed House Bill No. 1789))~~, Laws of 2019 is enacted by June 30, 2019, the amount provided in this subsection lapses.

~~((19))~~ (12) \$2,650,000 of the abandoned recreational vehicle disposal account—state appropriation is provided solely for providing reimbursements in accordance with the department's abandoned recreational vehicle disposal reimbursement program. It is the intent of the legislature that the department prioritize this funding for allowable and approved reimbursements and not to build a reserve of funds within the account.

~~((20))~~ (13) \$20,000 of the motor vehicle account—state appropriation is provided solely for the implementation of chapter 210 ~~((Substitute House Bill No. 1197))~~, Laws of 2019 (Gold Star license plate). If chapter 210 ~~((Substitute House Bill No. 1197))~~, Laws of 2019 is not enacted by June 30, 2019, the amount provided in this subsection lapses.

~~((21))~~ (14) \$31,000 of the motor vehicle account—state appropriation is provided solely for the implementation of chapter 262 ~~((Substitute House Bill No. 1436))~~, Laws of 2019 (snow bikes). If chapter 262 ~~((Substitute House Bill No. 1436))~~, Laws of 2019 is not enacted by June 30, 2019, the amount provided in this subsection lapses.

~~((22))~~ (15) \$24,000 of the motor vehicle account—state appropriation is provided solely for the implementation of chapter 139 ~~((House Bill No. 2058))~~, Laws of 2019 (Purple Heart license plate). If chapter 139 ~~((House Bill No. 2058))~~, Laws of 2019 is not enacted by June 30, 2019, the amount provided in this subsection lapses.

2058))), Laws of 2019 is not enacted by June 30, 2019, the amount provided in this subsection lapses.

((23)) (16) \$24,000 of the motor vehicle account—state appropriation is provided solely for the implementation of chapter 278 (~~Engrossed House Bill No. 2067~~), Laws of 2019 (vehicle and vessel owner information). If chapter 278 (~~Engrossed House Bill No. 2067~~), Laws of 2019 is not enacted by June 30, 2019, the amount provided in this subsection lapses.

((25)) (17) \$600,000 of the highway safety account—state appropriation is provided solely for the department to provide an interagency transfer to the department of social and health services, children's administration division for the purpose of providing driver's license support to a larger population of foster youth than is already served within existing resources. Support services include reimbursement of driver's license issuance costs, fees for driver training education, and motor vehicle liability insurance costs.

((26)) (18) The department must place personal and company data elements in separate data fields to allow the department to select discrete data elements when providing information or data to persons or entities outside the department. Pursuant to the restrictions in federal and state law, a person's photo, social security number, or medical information must not be made available through public disclosure or data being provided under RCW 46.12.630 or 46.12.635.

((30)) (19) \$91,000 of the highway safety account—state appropriation is provided solely for the department's costs related to the one Washington project.

((34)) (20) \$974,000 of the highway safety account—state appropriation is provided solely for communication and outreach activities necessary to inform the public of federally acceptable identification options including, but not limited to, enhanced drivers' licenses and enhanced identicards. The department shall continue the outreach plan that includes informational material that can be effectively communicated to all communities and populations in Washington. To accomplish this work, the department shall contract with an external vendor with demonstrated experience and expertise in outreach and marketing to underrepresented communities in a culturally-responsive fashion.

(21) Due to the passage of chapter 1 (Initiative Measure No. 976), Laws of 2020, the department, working with the office of financial management, shall provide a monthly report on the number of registrations involved and differences between actual collections and collections if the initiative was not subject to a temporary injunction as of December 5, 2019.

(22) \$35,000 of the motor vehicle account—state appropriation and \$50,000 of the state wildlife account—state appropriation are provided solely for the implementation of Engrossed Substitute Senate Bill No. 6156, Laws of 2020 (collector vehicle license plates). If Engrossed Substitute Senate Bill No. 6156, Laws of 2020 is

not enacted by June 30, 2020, the amounts provided in this subsection lapse.

(23) \$19,000 of the motor vehicle account—state appropriation is provided solely for the implementation of Engrossed Senate Bill No. 6032, Laws of 2020 (apples special license plate). If Engrossed Senate Bill No. 6032, Laws of 2020 is not enacted by June 30, 2020, the amount provided in this subsection lapses.

(24) \$14,000 of the motor vehicle account—state appropriation is provided solely for the implementation of Senate Bill No. 6115, Laws of 2020 (off road vehicle registrations). If Senate Bill No. 6115, Laws of 2020 is not enacted by June 30, 2020, the amount provided in this subsection lapses.

(25) \$105,000 of the motor vehicle account—state appropriation is provided solely for the implementation of Senate Bill No. 6251, Laws of 2020 (tribal vehicles compact). If Senate Bill No. 6251, Laws of 2020 is not enacted by June 30, 2020, the amount provided in this subsection lapses.

(26) \$107,000 of the highway safety account—state appropriation is provided solely for the implementation of Second Substitute Senate Bill No. 5544, Laws of 2020 (veteran commercial driver's license waivers). If Second Substitute Senate Bill No. 5544, Laws of 2020 is not enacted by June 30, 2020, the amount provided in this subsection lapses.

(27) \$57,000 of the state wildlife account—state appropriation is provided solely for the implementation of Substitute Senate Bill No. 6072, Laws of 2020 (state wildlife account). If Substitute Senate Bill No. 6072, Laws of 2020 is not enacted by June 30, 2020, the amount provided in this subsection lapses.

(28) The appropriations in this section assume full cost recovery for the administration and collection of a motor vehicle excise tax on behalf of any regional transit authority pursuant to section 706 of this act.

(29) \$1,624,000 of the motor vehicle account—state appropriation is provided solely for the department to implement a pilot program allowing the registered owner, or the registered owner's authorized representative, of a vehicle that is subject to a motor vehicle excise tax to enter into either a quarterly or monthly payment plan with the department for the amount of motor vehicle excise tax due. To defray the cost of administering the pilot, the department may charge a fee of not more than one percent of each vehicle registration transaction when paid with a quarterly or monthly payment plan and this fee must be deposited in the motor vehicle fund created in RCW 46.68.070. It is the intent of the legislature that under the pilot, payments made after the application for a renewal vehicle registration are not subject to additional fees under RCW 46.17.040(1)(b), 46.17.005, 46.17.025, or 46.17.015.

**Sec. 209.** 2019 c 416 s 209 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF  
TRANSPORTATION—TOLL OPERATIONS AND  
MAINTENANCE—PROGRAM B**

<del>((High Occupancy Toll Lanes Operations Account— State</del>	
Appropriation .....	<del>\$3,774,000</del>
<del>Motor Vehicle Account—State Appropriation</del>	
.....	<del>\$513,000))</del>
State Route Number 520 Corridor Account—State	
Appropriation .....	<del>(((\$43,773,000))</del>
	<u>\$59,056,000</u>
State Route Number 520 Civil Penalties Account— State	
Appropriation .....	\$4,145,000
Tacoma Narrows Toll Bridge Account—State	
Appropriation .....	<del>(((\$27,807,000))</del>
	<u>\$33,805,000</u>
Alaskan Way Viaduct Replacement Project Account—State	
Appropriation .....	<del>(((\$20,061,000))</del>
	<u>\$21,616,000</u>
Interstate 405 <u>and State Route Number 167</u> Express Toll Lanes <del>((Operations))</del> Account—State	
Appropriation .....	<del>(((\$18,329,000))</del>
	<u>\$27,456,000</u>
TOTAL APPROPRIATION .....	<del>\$118,402,000</del>
	<u>\$146,078,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$1,300,000 of the Tacoma Narrows toll bridge account—state appropriation and ~~(((\$11,034,000))~~ \$11,925,000 of the state route number 520 corridor account—state appropriation are provided solely for the purposes of addressing unforeseen operations and maintenance costs on the Tacoma Narrows bridge and the state route number 520 bridge, respectively. The office of financial management shall place the amounts provided in this subsection, which represent a portion of the required minimum fund balance under the policy of the state treasurer, in unallotted status. The office may release the funds only when it determines that all other funds designated for operations and maintenance purposes have been exhausted.

(2) As long as the facility is tolled, the department must provide quarterly reports to the transportation committees of the legislature on the Interstate 405 express toll lane project performance measures listed in RCW 47.56.880(4). These reports must include:

(a) Information on the travel times and travel time reliability (at a minimum, average and 90th percentile travel times) maintained during peak and nonpeak periods in the express toll lanes and general purpose lanes for both the entire corridor and commonly made trips in the corridor including, but not limited to, northbound from Bellevue to Rose Hill, state route number 520 at NE 148th to Interstate 405 at state route number 522, Bellevue to Bothell (both NE 8th to state route number 522 and NE 8th to state route number 527), and a trip internal to the corridor (such as NE 85th to NE 160th) and similar southbound trips;

(b) A month-to-month comparison of travel times and travel time reliability for the entire corridor and commonly made trips in the corridor as specified in (a) of this subsection since implementation of the express toll lanes and, to the extent available, a comparison to the travel times and travel time reliability prior to implementation of the express toll lanes;

(c) Total express toll lane and total general purpose lane traffic volumes, as well as per lane traffic volumes for each type of lane (i) compared to total express toll lane and total general purpose lane traffic volumes, as well as per lane traffic volumes for each type of lane, on this segment of Interstate 405 prior to implementation of the express toll lanes and (ii) compared to total express toll lane and total general purpose lane traffic volumes, as well as per lane traffic volumes for each type of lane, from month to month since implementation of the express toll lanes; and

(d) Underlying congestion measurements, that is, speeds, that are being used to generate the summary graphs provided, to be made available in a digital file format.

(3)(a) ~~(((\$71,000))~~ \$2,114,000 of the ~~((high occupancy))~~ Interstate 405 and state route number 167 express toll lanes ((operations)) account—state appropriation, ~~(((\$1,238,000))~~ \$4,920,000 of the state route number 520 corridor account—state appropriation, ~~(((\$532,000))~~ \$2,116,000 of the Tacoma Narrows toll bridge account—state appropriation, ~~(((\$460,000 of the Interstate 405 express toll lanes operations account state appropriation,))~~ and ~~(((\$699,000))~~ \$2,776,000 of the Alaskan Way viaduct replacement project account—state appropriation are provided solely for the department to finish implementing a new tolling customer service toll collection system, and are subject to the conditions, limitations, and review provided in section 701 of this act.

(b) The department shall continue to work with the office of financial management, office of the chief information officer, and the transportation committees of the legislature on the project management plan that includes a provision for independent verification and validation of contract deliverables from the successful bidder and a provision for quality assurance that includes reporting independently to the office of the chief information officer on an ongoing basis during system implementation.

(4) The department shall make detailed quarterly reports to the transportation committees of the legislature and the public on the department's web site on the following:

(a) The use of consultants in the tolling program, including the name of the contractor, the scope of work, the type of contract, timelines, deliverables, any new task orders, and any extensions to existing consultant contracts;

(b) The nonvendor costs of administering toll operations, including the costs of staffing the division, consultants, and other personal service contracts required for technical oversight and management assistance, insurance, payments related to credit card processing, transponder purchases and inventory management, facility operations and maintenance, and other miscellaneous nonvendor costs;

(c) The vendor-related costs of operating tolled facilities, including the costs of the customer service center, cash collections on the Tacoma Narrows bridge, electronic payment processing, and toll collection equipment maintenance, renewal, and replacement;

(d) The toll adjudication process, including a summary table for each toll facility that includes:

(i) The number of notices of civil penalty issued;

(ii) The number of recipients who pay before the notice becomes a penalty;

(iii) The number of recipients who request a hearing and the number who do not respond;

(iv) Workload costs related to hearings;

(v) The cost and effectiveness of debt collection activities; and

(vi) Revenues generated from notices of civil penalty; and

(e) A summary of toll revenue by facility on all operating toll facilities and ~~((high-occupancy))~~ express toll lane systems, and an itemized depiction of the use of that revenue.

(5) ~~(((\$17,517,000))~~ \$24,734,000 of the Interstate 405 and state route number 167 express toll lanes ~~((operations))~~ account—state appropriation is provided solely for operational costs related to the express toll lane facility.

(6) In calendar year 2021, toll equipment on the Tacoma Narrows Bridge will have reached the end of its operational life. During the 2019-2021 fiscal biennium, the department plans to issue a request for proposals as the first stage of a competitive procurement process that will replace the toll equipment and select a new tolling operator for the Tacoma Narrows Bridge. The request for proposals and subsequent competitive procurement must incorporate elements that prioritize the overall goal of lowering costs per transaction for the facility, such as incentives for innovative approaches which result in lower transactional costs, requests for efficiencies on the part of the bidder that lower operational costs, and incorporation of technologies such as self-serve credit card machines or other point-of-payment technologies that lower costs or improve operational efficiencies.

(7) ~~(((\$19,362,000))~~ \$18,840,000 of the Alaskan Way viaduct replacement project account—state appropriation is provided solely for the new state route number 99 tunnel toll

facility's expected share of collecting toll revenues, operating customer services, and maintaining toll collection systems. The legislature expects to see appropriate reductions to the other toll facility accounts once tolling on the new state route number 99 tunnel toll facility commences and any previously incurred costs for start-up of the new facility are charged back to the Alaskan Way viaduct replacement project account. The office of financial management shall closely monitor the application of the cost allocation model and ensure that the new state route number 99 tunnel toll facility is adequately sharing costs and the other toll facility accounts are not being overspent or subsidizing the new state route number 99 tunnel toll facility.

(8) ~~(((\$256,000))~~ \$608,000 of the ~~((high-occupancy toll lanes operations account—state appropriation and \$352,000 of the))~~ Interstate 405 and state route number 167 express toll lanes ~~((operations))~~ account—state appropriation are provided solely for increased levels of service from the Washington state patrol for enforcement of toll lane violations on the state route number 167 high occupancy toll lanes and the Interstate 405 express toll lanes. The department shall compile monthly data on the number of Washington state patrol enforcement hours on each facility and the percentage of time during peak hours that speeds are at or above forty-five miles per hour on each facility. The department shall provide this data in a report to the transportation committees of the legislature on at least a calendar quarterly basis.

(9) The department shall develop an ongoing cost allocation method to assign appropriate costs to each of the toll funds for services provided by each Washington state department of transportation program and all relevant transportation agencies, including the Washington state patrol and the transportation commission. This method should update the toll cost allocation method used in the 2020 supplemental transportation appropriations act. By December 1, 2020, a report with the recommended method and any changes shall be submitted to the transportation committees of the legislature and the office of financial management.

(10) The legislature intends to allow owners of vehicles subject to a motor vehicle excise tax to pay renewal vehicle registration fees with a "Good to Go!" account beginning no later than 2024. Within existing resources, the department and the department of licensing must jointly report to the governor and chairs of the transportation committees of the legislature by June 30, 2021, with a detailed recommended approach to allow payment of renewal vehicle registration fees with a "Good to Go!" account for owners of vehicles subject to a motor vehicle excise tax.

**Sec. 210.** 2019 c 416 s 210 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF  
TRANSPORTATION—INFORMATION  
TECHNOLOGY—PROGRAM C**

Transportation Partnership Account—State Appropriation .....	\$1,460,000
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Motor Vehicle Account—State	Appropriation
.....	<del>(\$94,993,000))</del>
	<u>\$95,810,000</u>
Puget Sound Ferry Operations Account—State	
Appropriation .....	\$263,000
Multimodal Transportation Account—State	
Appropriation .....	\$2,878,000
Transportation 2003 Account (Nickel Account)—State	
Appropriation .....	\$1,460,000
TOTAL APPROPRIATION .....	<del>\$101,054,000</del>
	<u>\$101,871,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$8,114,000 of the motor vehicle account—state appropriation is provided solely for the development of the labor system replacement project and is subject to the conditions, limitations, and review provided in section 701 of this act. It is the intent of the legislature that if any portion of the labor system replacement project is leveraged in the future for the time, leave, and labor distribution of any other agencies, the motor vehicle account will be reimbursed proportionally for the development of the system since amounts expended from the motor vehicle account must be used exclusively for highway purposes in conformance with Article II, section 40 of the state Constitution. This must be accomplished through a loan arrangement with the current interest rate under the terms set by the office of the state treasurer at the time the system is deployed to additional agencies. If the motor vehicle account is not reimbursed for future use of the system, it is further the intent of the legislature that reductions will be made to central service agency charges accordingly. The department shall provide a report to the transportation committees of the legislature by December 31, 2019, detailing the project timeline as of July 1, 2019, an updated project timeline if necessary, expenditures made to date for the purposes of this project, and expenditures projected through the remainder of the project timeline.

(2) ~~(\$198,000))~~ \$1,375,000 of the motor vehicle account—state appropriation is provided solely for the department's cost related to the one Washington project.

(3) \$21,500,000 of the motor vehicle account—state appropriation is provided solely for the activities of the information technology program in developing and maintaining information systems that support the operations and program delivery of the department, ensuring compliance with section 701 of this act, and the requirements of the office of the chief information officer under RCW 43.88.092 to evaluate and prioritize any new financial and capital systems replacement or modernization project and any other information technology project. During the 2019-2021 biennium, the department ~~((is prohibited from using))~~ may use the distributed direct program support or ~~((any))~~ other cost allocation method to fund ~~((any))~~ a new ~~((financial~~

~~and))~~ capital systems replacement or modernization project ~~((without having the project evaluated and prioritized by the office of the chief information officer and submitting)).~~ The department shall submit a decision package for implementation of a new capital systems replacement project to the governor and the transportation committees of the legislature as part of the normal budget process for the 2021-2023 biennium.

**Sec. 211.** 2019 c 416 s 211 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF  
TRANSPORTATION—FACILITY MAINTENANCE,  
OPERATIONS, AND CONSTRUCTION—PROGRAM  
D—OPERATING**

Motor Vehicle Account—State	Appropriation
.....	<del>(\$33,149,000))</del>
	<u>\$34,512,000</u>
State Route Number 520 Corridor Account—State	
Appropriation .....	\$34,000
TOTAL APPROPRIATION.....	<del>\$33,183,000</del>
	<u>\$34,546,000</u>

**Sec. 212.** 2019 c 416 s 212 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF  
TRANSPORTATION—AVIATION—PROGRAM F**

Aeronautics Account—State	Appropriation
.....	<del>(\$7,635,000))</del>
	<u>\$7,542,000</u>
Aeronautics Account—Federal	Appropriation
.....	<del>(\$2,542,000))</del>
	<u>\$3,043,000</u>
Aeronautics Account—Private/Local	Appropriation
.....	\$60,000
TOTAL APPROPRIATION.....	<del>\$10,237,000</del>
	<u>\$10,645,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) ~~(\$2,751,000))~~ \$2,862,000 of the aeronautics account—state appropriation is provided solely for the airport aid grant program, which provides competitive grants to public use airports for pavement, safety, maintenance, planning, and security.

(2) ~~(\$468,000))~~ \$268,000 of the aeronautics account—state appropriation is provided solely for one FTE dedicated to planning aviation emergency services and addressing emerging aeronautics requirements ~~((and for the implementation of chapter ... (House Bill No. 1397), Laws of 2019 (electric aircraft work group), which extends the electric aircraft work group past its current expiration and allows WSDOT to employ a consultant to assist with the work group. If chapter ... (House Bill No. 1397), Laws of~~

~~2019 is not enacted by June 30, 2019, \$200,000 of the amount in this subsection lapses)).~~

(3) \$200,000 of the aeronautics account—state appropriation is provided solely for the department to convene an electric aircraft work group to study the state of the electrically powered aircraft industry and assess infrastructure needs related to the deployment of electric or hybrid-electric aircraft for commercial air travel in Washington state.

(a) The chair of the work group may be a consultant specializing in aeronautics. The work group must include, but is not limited to, representation from the electric aircraft industry, the aircraft manufacturing industry, electric utility districts, the battery industry, the department of commerce, the department of transportation aviation division, the airline pilots association, a primary airport representing an airport association, and the airline industry.

(b) The study must include, but is not limited to:

(i) Infrastructure requirements necessary to facilitate electric aircraft operations at airports;

(ii) Potential economic and public benefits including, but not limited to, the direct and indirect impact on the number of manufacturing and service jobs and the wages from those jobs in Washington state;

(iii) Potential incentives for industry in the manufacturing and operation of electric aircraft for regional air travel;

(iv) Educational and workforce requirements for manufacturing and maintaining electric aircraft;

(v) Demand and forecast for electric aircraft use to include expected timeline of the aircraft entering the market given federal aviation administration certification requirements;

(vi) Identification of up to six airports in Washington state that may benefit from a pilot program once an electrically propelled aircraft for commercial use becomes available; and

(vii) Recommendations to further the advancement of the electrification of aircraft for regional commercial use within Washington state, including specific, measureable goals for the years 2030, 2040, and 2050 that reflect progressive and substantial increases in the utilization of electric and hybrid-electric commercial aircraft.

(c) The work group must submit a report and accompanying recommendations to the transportation committees of the legislature by November 15, 2020.

~~((d) If chapter . . . (House Bill No. 1397), Laws of 2019 is enacted by June 30, 2019, the amount provided in this subsection (3) lapses.))~~

(4) \$150,000 of the aeronautics account—state appropriation is provided solely for the implementation of chapter 396 ~~((Substitute Senate Bill No. 5370))~~, Laws of 2019 (aviation coordinating commission). ~~((If chapter 396 (Substitute Senate Bill No. 5370), Laws of 2019 is not~~

~~enacted by June 30, 2019, the amount provided in this subsection lapses.))~~

**Sec. 213.** 2019 c 416 s 213 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF  
TRANSPORTATION—PROGRAM DELIVERY  
MANAGEMENT AND SUPPORT—PROGRAM H**

Motor Vehicle Account—State Appropriation	
.....	<del>(((\$59,801,000))</del>
	<u>\$59,093,000</u>

Motor Vehicle Account—Federal Appropriation	
.....	\$500,000

Multimodal Transportation Account—State Appropriation	
.....	\$258,000

TOTAL APPROPRIATION	.....	<del>\$60,559,000</del>
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\$59,851,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The legislature recognizes that the trail known as the Rocky Reach Trail, and its extensions, serve to separate motor vehicle traffic from pedestrians and bicyclists, increasing motor vehicle safety on state route number 2 and the coincident section of state route number 97. Consistent with chapter 47.30 RCW and pursuant to RCW 47.12.080, the legislature declares that transferring portions of WSDOT Inventory Control (IC) No. 2-09-04686 containing the trail and associated buffer areas to the Washington state parks and recreation commission is consistent with the public interest. The legislature directs the department to transfer the property to the Washington state parks and recreation commission.

(a) The department must be paid fair market value for any portions of the transferred real property that is later abandoned, vacated, or ceases to be publicly maintained for trail purposes.

(b) Prior to completing the transfer in this subsection (1), the department must ensure that provisions are made to accommodate private and public utilities and any facilities that predate the department's acquisition of the property, at no cost to those entities. Prior to completing the transfer, the department shall also ensure that provisions, by fair market assessment, are made to accommodate other private and public utilities and any facilities that have been legally allowed by permit or other instrument.

(c) The department may sell any adjoining property that is not necessary to support the Rocky Reach Trail and adjacent buffer areas only after the transfer of trail-related property to the Washington state parks and recreation commission is complete. Adjoining property owners must be given the first opportunity to acquire such property that abuts their property, and applicable boundary line or other adjustments must be made to the legal descriptions for recording purposes.

(2) With respect to Parcel 12 of the real property conveyed by the state of Washington to the city of Mercer Island under that certain quitclaim deed, dated April 19, 2000, recorded in King county under recording no. 20000425001234, the requirement in the deed that the property be used for road/street purposes only will be deemed satisfied by the department of transportation so long as commuter parking, as part of the vertical development of the property, is one of the significant uses of the property.

(3) \$1,600,000 of the motor vehicle account—state appropriation is provided solely for real estate services activities. Consistent with RCW 47.12.120 and during the 2019-2021 fiscal biennium, when initiating, extending, or renewing any rent or lease agreements with a regional transit authority, consideration of value must be equivalent to one hundred percent of economic or market rent.

(4)(a) \$100,000 of the motor vehicle account—state appropriation is provided solely for the department to:

(i) Determine the real property owned by the state of Washington and under the jurisdiction of the department in King county that is surplus property located in an area encompassing south of Dearborn Street in Seattle, south of Newcastle, west of SR 515, and north of South 216th to SR 515; and

(ii) Use any remaining funds after (a)(i) of this subsection is completed to identify additional real property across the state owned by the state of Washington and under the jurisdiction of the department that is surplus property.

(b) The department shall provide a report to the transportation committees of the legislature describing the properties it has identified as surplus property under (a) of this subsection by October 1, 2020.

**Sec. 214.** 2019 c 416 s 214 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF  
TRANSPORTATION—PUBLIC-PRIVATE  
PARTNERSHIPS—PROGRAM K**

Motor Vehicle Account—State Appropriation .....	\$670,000
<del>((Electric Vehicle Account—State Appropriation .....</del>	<del>\$2,000,000))</del>
Multimodal Transportation Account—State Appropriation.....	<del>(((\$1,634,000))</del>
	\$434,000
TOTAL APPROPRIATION .....	\$4,304,000
	\$1,104,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The economic partnerships program must continue to explore retail partnerships at state-owned park and ride facilities, as authorized in RCW 47.04.295.

(2) \$350,000 of the multimodal transportation account—state appropriation is provided solely for the

department to execute a transit oriented development pilot project at Kingsgate park and ride in Kirkland intended to be completed by December 31, 2023. The purpose of the pilot project is to demonstrate how appropriate department properties may be used to provide multiple public benefits such as affordable and market rate housing, commercial development, and institutional facilities in addition to transportation purposes. To accomplish the pilot project, the department is authorized to exercise all legal and administrative powers authorized in statute that may include, but is not limited to, the transfer, lease, or sale of some or all of the property to another governmental agency, public development authority, or nonprofit developer approved by the department and partner agencies. The department may also partner with sound transit, King county, the city of Kirkland, and any other federal, regional, or local jurisdiction on any policy changes necessary from those jurisdictions to facilitate the pilot project. By December 1, 2019, the department must report to the legislature on any legislative actions necessary to facilitate the pilot project and future transit oriented development projects.

~~(3) (((\$2,000,000 of the electric vehicle account—state appropriation is provided solely)) It is the intent of the legislature that funding for the clean alternative fuel vehicle charging and refueling infrastructure program in chapter 287 ((Engrossed Second Substitute House Bill No. 2042))), Laws of 2019 (advancing green transportation adoption) will be provided in the 2021-2023 fiscal biennium and the department must be ready to issue a call for projects at the beginning of the 2021-2023 fiscal biennium. ((If chapter 287 (Engrossed Second Substitute House Bill No. 2042), Laws of 2019 is not enacted by June 30, 2019, the amount provided in this subsection lapses.))~~

~~(4) (((\$1,200,000 of the multimodal transportation account—state appropriation is provided solely)) It is the intent of the legislature that funding will be provided in the 2021-2023 fiscal biennium for the pilot program established under chapter 287 ((Engrossed Second Substitute House Bill No. 2042))), Laws of 2019 (advancing green transportation adoption) to provide clean alternative fuel vehicle use opportunities to underserved communities and low to moderate income members of the workforce not readily served by transit or located in transportation corridors with emissions that exceed federal or state emissions standards. ((If chapter 287 (Engrossed Second Substitute House Bill No. 2042), Laws of 2019 is not enacted by June 30, 2019, the amount provided in this subsection lapses)) The department must be ready to issue a call for projects at the beginning of the 2021-2023 fiscal biennium.~~

(5) \$84,000 of the multimodal transportation account—state appropriation is provided solely for an interagency transfer to the department of commerce for the purpose of conducting a study as described in chapter 287 ((Engrossed Second Substitute House Bill No. 2042))), Laws of 2019 (advancing green transportation adoption) to identify opportunities to reduce barriers to electric vehicle adoption by lower income residents of the state through the use of vehicle and infrastructure financing assistance. If chapter 287 ((Engrossed Second Substitute House Bill No.

2042))), Laws of 2019 is not enacted by June 30, 2019, the amount provided in this subsection lapses.

(6) Building on the information and experience gained from the transit oriented development project at the Kingsgate park and ride, the department must identify a pilot park and ride with future public-private partnership development potential in Pierce county and report back to the transportation committees of the legislature by June 30, 2021, with a proposal for moving forward in the 2021-2023 biennium with a pilot project.

**Sec. 215.** 2019 c 416 s 215 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF  
TRANSPORTATION—HIGHWAY  
MAINTENANCE—PROGRAM M**

Motor Vehicle Account—State Appropriation .....	<del>(\$495,228,000))</del>
	<u>\$486,417,000</u>
Motor Vehicle Account—Federal Appropriation .....	\$7,000,000
State Route Number 520 Corridor Account—State Appropriation .....	\$4,447,000
Tacoma Narrows Toll Bridge Account—State Appropriation .....	\$1,549,000
Alaskan Way Viaduct Replacement Project Account—State Appropriation .....	<del>(\$9,533,000))</del>
	<u>\$9,535,000</u>
Interstate 405 and State Route Number 167 Express Toll Lanes ( <del>(Operations)</del> ) Account—State Appropriation .....	<del>(\$1,370,000))</del>
	<u>\$4,528,000</u>
TOTAL APPROPRIATION .....	<u>\$519,127,000</u>
	<u>\$513,476,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1)(a) \$6,170,000 of the motor vehicle account—state appropriation is provided solely for utility fees assessed by local governments as authorized under RCW 90.03.525 for the mitigation of stormwater runoff from state highways. Plan and reporting requirements as required in chapter 435 (~~((Senate Bill No. 5505)))~~), Laws of 2019 (Local Stormwater Charges) shall be consistent with the January 2012 findings of the Joint Transportation Committee Report for Effective Cost Recovery Structure for WSDOT, Jurisdictions, and Efficiencies in Stormwater Management.

(b) Pursuant to RCW 90.03.525(3), the department and the utilities imposing charges to the department shall negotiate with the goal of agreeing to rates such that the total charges to the department for the 2019-2021 fiscal biennium

do not exceed the amount provided in this subsection. The department shall report to the transportation committees of the legislature on the amount of funds requested, the funds granted, and the strategies used to keep costs down, by January 17, 2021. If chapter 435 (~~((Senate Bill No. 5505)))~~), Laws of 2019 (local stormwater charges) is enacted by June 30, 2019, this subsection (1)(b) does not take effect.

(2) \$4,447,000 of the state route number 520 corridor account—state appropriation is provided solely to maintain the state route number 520 floating bridge. These funds must be used in accordance with RCW 47.56.830(3).

(3) \$1,549,000 of the Tacoma Narrows toll bridge account—state appropriation is provided solely to maintain the new Tacoma Narrows bridge. These funds must be used in accordance with RCW 47.56.830(3).

(4) (~~(\$1,370,000))~~ \$2,050,000 of the Interstate 405 and state route number 167 express toll lanes (~~(operations)~~) account—state appropriation is provided solely to maintain the Interstate 405 and state route number 167 express toll lanes between Lynnwood and Bellevue, and Renton and the southernmost point of the express toll lanes. These funds must be used in accordance with RCW 47.56.830(3).

(5) \$2,478,000 of the Interstate 405 and state route number 167 express toll lanes account—state appropriation is provided solely for maintenance for the 2019-2021 biennium only on the Interstate 405 roadway between Renton and Bellevue.

(6) (~~(\$5,000,000))~~ (a) \$3,000,000 of the motor vehicle account—state appropriation is provided solely for a contingency pool for snow and ice removal. The department must notify the office of financial management and the transportation committees of the legislature when they have spent the base budget for snow and ice removal and will begin using the contingency pool funding.

(b) \$2,000,000 of the motor vehicle account—state appropriation is provided solely as restitutive expenditure authority for the contingency pool for snow and ice removal, and may be spent only if a court of final jurisdiction holds that chapter 1 (Initiative Measure No. 976), Laws of 2020 is unconstitutional in its entirety.

(~~((6))~~) (7) \$1,025,000 of the motor vehicle account—state appropriation is provided solely for the department to implement safety improvements and debris clean up on department-owned rights-of-way in the city of Seattle at levels above that being implemented as of January 1, 2019. The department must contract out or hire a crew dedicated solely to collecting and disposing of garbage, clearing debris or hazardous material, and implementing safety improvements where hazards exist to the traveling public, department employees, or people encamped upon department-owned rights-of-way. The department may request assistance from the Washington state patrol as necessary in order for both agencies to provide enhanced safety-related activities regarding the emergency hazards along state highway rights-of-way in the Seattle area.

(~~((7))~~) (8) \$1,015,000 of the motor vehicle account—state appropriation is provided solely for a partnership



program between the department and the city of Tacoma. The program shall address the safety and public health problems created by homeless encampments on the department's property along state highways within the city limits. \$570,000 is for dedicated department maintenance staff and associated clean-up costs. The department and the city of Tacoma shall enter into a reimbursable agreement to cover up to \$445,000 of the city's expenses for clean-up crews and landfill costs.

~~((8))~~ (9) The department must commence a pilot program for the 2019-2021 fiscal biennium at the four highest demand safety rest areas to create and maintain an online calendar for volunteer groups to check availability of weekends for the free coffee program. The calendar must be updated at least weekly and show dates and times that are, or are not, available to participate in the free coffee program. The department must submit a report to the legislature on the ongoing pilot by December 1, 2020, outlining the costs and benefits of the online calendar pilot, and including surveys from the volunteer groups and agency staff to determine its effectiveness.

**Sec. 216.** 2019 c 416 s 216 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF  
TRANSPORTATION—TRAFFIC OPERATIONS—  
PROGRAM Q—OPERATING**

Motor Vehicle Account—State Appropriation .....	<del>(((\$70,681,000)))</del>
	<u>\$76,112,000</u>
Motor Vehicle Account—Federal Appropriation .....	\$2,050,000
Motor Vehicle Account—Private/Local Appropriation .....	\$250,000
State Route Number 520 Corridor Account—State Appropriation .....	<u>\$53,000</u>
Tacoma Narrows Toll Bridge Account—State Appropriation .....	<u>\$31,000</u>
Alaskan Way Viaduct Replacement Project Account—	
State Appropriation .....	<u>\$26,000</u>
Interstate 405 and State Route Number 167 Express Toll Lanes Account—State Appropriation .....	<u>\$32,000</u>
TOTAL APPROPRIATION .....	<u>\$72,981,000</u>
	<u>\$78,554,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$6,000,000 of the motor vehicle account—state appropriation is provided solely for low-cost enhancements. The department shall give priority to low-cost enhancement projects that improve safety or provide congestion relief. By December 15th of each odd-numbered year, the department shall provide a report to the legislature listing all low-cost

enhancement projects completed in the prior fiscal biennium.

(2)(a) During the 2019-2021 fiscal biennium, the department shall continue a pilot program that expands private transportation providers' access to high occupancy vehicle lanes. Under the pilot program, when the department reserves a portion of a highway based on the number of passengers in a vehicle, the following vehicles must be authorized to use the reserved portion of the highway if the vehicle has the capacity to carry eight or more passengers, regardless of the number of passengers in the vehicle: (i) Auto transportation company vehicles regulated under chapter 81.68 RCW; (ii) passenger charter carrier vehicles regulated under chapter 81.70 RCW, except marked or unmarked stretch limousines and stretch sport utility vehicles as defined under department of licensing rules; (iii) private nonprofit transportation provider vehicles regulated under chapter 81.66 RCW; and (iv) private employer transportation service vehicles. For purposes of this subsection, "private employer transportation service" means regularly scheduled, fixed-route transportation service that is offered by an employer for the benefit of its employees. Nothing in this subsection is intended to authorize the conversion of public infrastructure to private, for-profit purposes or to otherwise create an entitlement or other claim by private users to public infrastructure.

(b) The department shall expand the high occupancy vehicle lane access pilot program to vehicles that deliver or collect blood, tissue, or blood components for a blood-collecting or distributing establishment regulated under chapter 70.335 RCW. Under the pilot program, when the department reserves a portion of a highway based on the number of passengers in a vehicle, blood-collecting or distributing establishment vehicles that are clearly and identifiably marked as such on all sides of the vehicle are considered emergency vehicles and must be authorized to use the reserved portion of the highway.

(c) The department shall expand the high occupancy vehicle lane access pilot program to organ transport vehicles transporting a time urgent organ for an organ procurement organization as defined in RCW 68.64.010. Under the pilot program, when the department reserves a portion of a highway based on the number of passengers in a vehicle, organ transport vehicles that are clearly and identifiably marked as such on all sides of the vehicle are considered emergency vehicles and must be authorized to use the reserved portion of the highway.

(d) The department shall expand the high occupancy vehicle lane access pilot program to private, for hire vehicles regulated under chapter 81.72 RCW that have been specially manufactured, designed, or modified for the transportation of a person who has a mobility disability and uses a wheelchair or other assistive device. Under the pilot program, when the department reserves a portion of a highway based on the number of passengers in a vehicle, wheelchair-accessible taxicabs that are clearly and identifiably marked as such on all sides of the vehicle are considered public transportation vehicles and must be authorized to use the reserved portion of the highway.

~~((d))~~ (e) Nothing in this subsection (2) is intended to exempt these vehicles from paying tolls when they do not meet the occupancy requirements established by the department for ~~((high occupancy))~~ express toll lanes.

(3) When regional transit authority construction activities are visible from a state highway, the department shall allow the regional transit authority to place safe and appropriate signage informing the public of the purpose of the construction activity.

(4) The department must make signage for low-height bridges a high priority.

(5) \$32,000 of the Interstate 405 and state route number 167 express toll lanes account—state appropriation, \$53,000 of the state route number 520 corridor account—state appropriation, \$31,000 of the Tacoma Narrows toll bridge account—state appropriation, and \$26,000 of the Alaskan Way viaduct replacement project account—state appropriation are provided solely for the traffic operations program's proportional share of time spent supporting tolling operations for the respective tolling facilities.

**Sec. 217.** 2019 c 416 s 217 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF  
TRANSPORTATION—TRANSPORTATION  
MANAGEMENT AND SUPPORT—PROGRAM S**

Motor Vehicle Account—State Appropriation .....	<del>(((\$38,782,000))</del>
	<u>\$37,487,000</u>
Motor Vehicle Account—Federal Appropriation .....	\$1,380,000
Motor Vehicle Account—Private/Local Appropriation .....	\$500,000
Multimodal Transportation Account—State Appropriation .....	\$1,129,000
State Route Number 520 Corridor Account—State Appropriation .....	<u>\$199,000</u>
Tacoma Narrows Toll Bridge Account—State Appropriation .....	<u>\$116,000</u>
Alaskan Way Viaduct Replacement Project Account—	
State Appropriation .....	<u>\$100,000</u>
Interstate 405 and State Route Number 167 Express Toll Lanes Account—State Appropriation ...	<u>\$119,000</u>
TOTAL APPROPRIATION .....	<u>\$41,791,000</u>
	<u>\$41,030,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$2,000,000 of the motor vehicle account—state appropriation is provided solely for a grant program that

makes awards for the following: (a) Support for nonprofit agencies, churches, and other entities to help provide outreach to populations underrepresented in the current apprenticeship programs; (b) preapprenticeship training; and (c) child care, transportation, and other supports that are needed to help women, veterans, and minorities enter and succeed in apprenticeship. The department must report on grants that have been awarded and the amount of funds disbursed by December 1st each year. If moneys are provided in the omnibus operating appropriations act for a career connected learning grant program, defined in chapter . . . (Substitute House Bill No. 1336), Laws of 2019, or otherwise, the amount provided in this subsection lapses.

(2) \$150,000 of the motor vehicle account—state appropriation is provided solely for a user-centered and mobile-compatible web site redesign using estimated web site ad revenues.

(3) From the revenues generated by the five dollar per studded tire fee under RCW 46.37.427, \$250,000 of the motor vehicle account—state appropriation is provided solely for the department, in consultation with the appropriate local jurisdictions and relevant stakeholder groups, to establish a pilot media-based public information campaign regarding the damage of studded tire use on state and local roadways in Whatcom county, and to continue the existing pilot information campaign in Spokane county. The reason for the geographic selection of Spokane and Whatcom counties is based on the high utilization of studded tires in these jurisdictions. The public information campaigns must primarily focus on making the consumer aware of the safety implications for other drivers, road deterioration, financial impact for taxpayers, and, secondarily, the alternatives to studded tires. The Whatcom county pilot media-based public information campaign must begin by September 1, 2020. By January 14, 2021, the department must provide the transportation committees of the legislature an update on the Spokane and Whatcom county pilot media-based public information campaigns.

~~(4) ((\$138,000 of the motor vehicle account—state appropriation is provided solely for the implementation of chapter . . . (Second Substitute Senate Bill No. 5489), Laws of 2019 (concerning environmental health disparities). If chapter . . . (Second Substitute Senate Bill No. 5489), Laws of 2019 is not enacted by June 30, 2019, the amount provided in this subsection lapses))~~ \$119,000 of the Interstate 405 and state route number 167 express toll lanes account—state appropriation, \$199,000 of the state route number 520 corridor account—state appropriation, \$116,000 of the Tacoma Narrows toll bridge account—state appropriation, and \$100,000 of the Alaskan Way viaduct replacement project account—state appropriation are provided solely for the transportation management and support program's proportional share of time spent supporting tolling operations for the respective tolling facilities.

**Sec. 218.** 2019 c 416 s 218 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF  
TRANSPORTATION—TRANSPORTATION**

**PLANNING, DATA, AND RESEARCH—PROGRAM  
T**

<del>((High Occupancy)) Interstate 405 and State Route</del>	
<del>Number 167 Express Toll Lanes ((Operations))</del>	
Account—State Appropriation .....	<del>((3,000,000))</del>
	<u>\$3,123,000</u>
Motor Vehicle Account—State Appropriation .....	<del>((29,403,000))</del>
	<u>\$25,638,000</u>
Motor Vehicle Account—Federal Appropriation .....	<del>((29,485,000))</del>
	<u>\$35,385,000</u>
Motor Vehicle Account—Private/Local Appropriation .....	<del>((800,000))</del>
	<u>\$1,200,000</u>
Multimodal Transportation Account—State Appropriation .....	\$710,000
Multimodal Transportation Account—Federal Appropriation .....	\$2,809,000
Multimodal Transportation Account—Private/Local Appropriation .....	\$100,000
<u>State Route Number 520 Corridor Account—State</u>	
<u>Appropriation</u> .....	<u>\$207,000</u>
<u>Tacoma Narrows Toll Bridge Account—State</u>	
<u>Appropriation</u> .....	<u>\$121,000</u>
<u>Alaskan Way Viaduct Replacement Project</u>	
<u>Account—</u>	
<u>State Appropriation</u> .....	<u>\$104,000</u>
TOTAL APPROPRIATION .....	<u>\$66,307,000</u>
	<u>\$69,397,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$130,000 of the motor vehicle account—state appropriation is provided solely for completion of a corridor study to identify potential improvements between exit 116 and exit 99 of Interstate 5. The study should further develop mid- and long-term strategies from the corridor sketch, and identify potential US 101/I-5 interchange improvements, a strategic plan for the Nisqually River bridges, regional congestion relief options, and ecosystem benefits to the Nisqually River estuary for salmon productivity and flood control.

(2) The study on state route number 518 referenced in section 218(5), chapter 297, Laws of 2018 must be submitted to the transportation committees of the legislature by November 30, 2019.

(3) \$100,000 of the motor vehicle account—state appropriation is provided solely to complete the Tacoma mall direct access feasibility study.

(4) \$4,600,000 of the motor vehicle account—federal appropriation is provided solely to complete the road usage charge pilot project overseen by the transportation commission using the remaining unspent amount of the federal grant award. The purpose of the road usage charge pilot project is to explore the viability of a road usage charge as a possible replacement for the gas tax.

(5) \$3,000,000 of the ~~((high occupancy)) Interstate 405 and state route number 167 express toll lanes ((operations))~~ account—state appropriation is provided solely for updating the state route number 167 master plan. If neither chapter 421 ~~((Engrossed Substitute Senate Bill No. 5825))~~, Laws of 2019 (addressing tolling) nor chapter . . . (House Bill No. 2132), Laws of 2019 (addressing tolling) is enacted by June 30, 2019, the amount provided in this subsection lapses.

(6) \$123,000 of the Interstate 405 and state route number 167 express toll lanes account—state appropriation, \$207,000 of the state route number 520 corridor account—state appropriation, \$121,000 of the Tacoma Narrows toll bridge account—state appropriation, and \$104,000 of the Alaskan Way viaduct replacement project account—state appropriation are provided solely for the transportation planning, data, and research program's proportional share of time spent supporting tolling operations for the respective tolling facilities.

(7)(a) By December 31, 2020, the department shall provide to the governor and the transportation committees of the legislature a report with a sample performance-based evaluation applied to an existing highway capacity project and an existing multimodal transportation project funded in the 2015 Connecting Washington package. The sample performance-based evaluation must consider: (i) The transportation policy goals listed in RCW 47.04.280; and (ii) the themes of health, accessibility, environmental justice, equity, and climate change, and how those themes should be defined in a transportation context.

(b) The department must incorporate feedback from interested stakeholders, including traditionally underserved and historically disadvantaged populations, and the report shall include the project evaluation procedures used for the performance-based evaluation. This report will help provide a better path to determining that the most beneficial projects are selected and funded in future transportation budgets.

(8) Within existing resources, the department shall conduct a study of options to establish road connections between state route number 704 in Spanaway and Interstate 5. The department shall examine potential benefits to traffic congestion, emergency management, and other benefits or issues of a new road connection. A report of the study must be provided to the transportation committees of the legislature by June 30, 2021.

**Sec. 219.** 2019 c 416 s 219 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF  
TRANSPORTATION—CHARGES FROM OTHER  
AGENCIES—PROGRAM U**

Motor Vehicle Account—State Appropriation .....	(\$71,996,000))
	<u>\$78,427,000</u>
Multimodal Transportation Account—State	
Appropriation .....	(\$2,491,000))
	<u>\$2,690,000</u>
Interstate 405 and State Route Number 167 Express	
Toll Lanes Account—State Appropriation ...	<u>\$122,000</u>
State Route Number 520 Corridor Account—State	
Appropriation .....	<u>\$205,000</u>
Tacoma Narrows Toll Bridge Account—State	
Appropriation .....	<u>\$120,000</u>
Alaskan Way Viaduct Replacement Project	
Account—State	
Appropriation .....	<u>\$102,000</u>
TOTAL APPROPRIATION .....	<u>\$74,487,000</u>
	<u>\$81,666,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) ~~((Prior to))~~ After entering into any negotiated settlement of a claim against the state for the department that exceeds five million dollars, the department, in conjunction with the attorney general and the department of enterprise services, shall notify the director of the office of financial management and the transportation committees of the legislature.

(2) Beginning October 1, 2019, and quarterly thereafter, the department, in conjunction with the attorney general and the department of enterprise services, shall provide a report with judgments and settlements dealing with the Washington state ferry system to the director of the office of financial management and the transportation committees of the legislature. The report must include information on:

(a) The number of claims and settlements by type; (b) the average claim and settlement by type; (c) defense costs associated with those claims and settlements; and (d) information on the impacts of moving legal costs associated with the Washington state ferry system into the statewide self-insurance pool.

(3) Beginning October 1, 2019, and quarterly thereafter, the department, in conjunction with the attorney general and the department of enterprise services, shall provide a report with judgments and settlements dealing with the nonferry operations of the department to the director of the office of financial management and the transportation committees of the legislature. The report must include information on: (a) The number of claims and settlements by

type; (b) the average claim and settlement by type; and (c) defense costs associated with those claims and settlements.

(4) \$122,000 of the Interstate 405 and state route number 167 express toll lanes account—state appropriation, \$205,000 of the state route number 520 corridor account—state appropriation, \$120,000 of the Tacoma Narrows toll bridge account—state appropriation, and \$102,000 of the Alaskan Way viaduct replacement project account—state appropriation are provided solely for the charges from other agencies' program's proportional share of supporting tolling operations for the respective tolling facilities.

**Sec. 220.** 2019 c 416 s 220 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF  
TRANSPORTATION—PUBLIC  
TRANSPORTATION—PROGRAM V**

State Vehicle Parking Account—State Appropriation .....	\$784,000
Regional Mobility Grant Program Account—State	
Appropriation .....	(\$96,630,000))
	<u>\$90,798,000</u>
Rural Mobility Grant Program Account—State	
Appropriation .....	\$32,223,000
Multimodal Transportation Account—State	
Appropriation .....	(\$128,554,000))
	<u>\$146,151,000</u>
Multimodal Transportation Account—Federal	
Appropriation .....	\$3,574,000
Multimodal Transportation Account—Local	
Appropriation .....	\$100,000
TOTAL APPROPRIATION .....	<u>\$261,865,000</u>
	<u>\$273,630,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) ~~(((\$62,679,000))~~ \$62,698,000 of the multimodal transportation account—state appropriation is provided solely for a grant program for special needs transportation provided by transit agencies and nonprofit providers of transportation. ~~((If chapter 287 (Engrossed Second Substitute House Bill No. 2042), Laws of 2019 (advancing green transportation adoption) is not enacted by June 30, 2019, \$10,000,000 of the amount in this subsection lapses.))~~ Of this amount:

(a) ~~(((\$14,278,000))~~ \$14,297,000 of the multimodal transportation account—state appropriation is provided solely for grants to nonprofit providers of special needs transportation. Grants for nonprofit providers must be based on need, including the availability of other providers of service in the area, efforts to coordinate trips among providers and riders, and the cost effectiveness of trips

provided. ~~((If chapter 287 (Engrossed Second Substitute House Bill No. 2042), Laws of 2019 (advancing green transportation adoption) is not enacted by June 30, 2019, \$2,278,000 of the amount in this subsection lapses.))~~

(b) \$48,401,000 of the multimodal transportation account—state appropriation is provided solely for grants to transit agencies to transport persons with special transportation needs. To receive a grant, the transit agency must, to the greatest extent practicable, have a maintenance of effort for special needs transportation that is no less than the previous year's maintenance of effort for special needs transportation. Grants for transit agencies must be prorated based on the amount expended for demand response service and route deviated service in calendar year 2017 as reported in the "Summary of Public Transportation - 2017" published by the department of transportation. No transit agency may receive more than thirty percent of these distributions. ~~((If chapter 287 (Engrossed Second Substitute House Bill No. 2042), Laws of 2019 (advancing green transportation adoption) is not enacted by June 30, 2019, \$7,722,000 of the amount in this subsection lapses.))~~

(2) \$32,223,000 of the rural mobility grant program account—state appropriation is provided solely for grants to aid small cities in rural areas as prescribed in RCW 47.66.100.

(3)(a) ~~(((\$10,290,000))~~ \$10,539,000 of the multimodal transportation account—state appropriation is provided solely for a vanpool grant program for: (i) Public transit agencies to add vanpools or replace vans; and (ii) incentives for employers to increase employee vanpool use. The grant program for public transit agencies will cover capital costs only; operating costs for public transit agencies are not eligible for funding under this grant program. Additional employees may not be hired from the funds provided in this section for the vanpool grant program, and supplanting of transit funds currently funding vanpools is not allowed. The department shall encourage grant applicants and recipients to leverage funds other than state funds.

(b) At least \$1,600,000 of the amount provided in this subsection must be used for vanpool grants in congested corridors.

(4) ~~(((\$18,951,000))~~ \$27,483,000 of the regional mobility grant program account—state appropriation is reappropriated and provided solely for the regional mobility grant projects identified in LEAP Transportation Document ~~((2019-2))~~ 2020-2 ALL PROJECTS as developed ~~((April 27, 2019))~~ February 25, 2020, Program - Public Transportation Program (V).

(5)(a) ~~(((\$77,679,000))~~ \$63,315,000 of the regional mobility grant program account—state appropriation is provided solely for the regional mobility grant projects identified in LEAP Transportation Document ~~((2019-2))~~ 2020-2 ALL PROJECTS as developed ~~((April 27, 2019))~~ February 25, 2020, Program - Public Transportation Program (V). The department shall review all projects receiving grant awards under this program at least semiannually to determine whether the projects are making satisfactory progress. Any project that has been awarded funds, but does not report activity on the project within one

year of the grant award, must be reviewed by the department to determine whether the grant should be terminated. The department shall promptly close out grants when projects have been completed, and any remaining funds must be used only to fund projects identified in the LEAP transportation document referenced in this subsection. The department shall provide annual status reports on December 15, 2019, and December 15, 2020, to the office of financial management and the transportation committees of the legislature regarding the projects receiving the grants. It is the intent of the legislature to appropriate funds through the regional mobility grant program only for projects that will be completed on schedule. A grantee may not receive more than twenty-five percent of the amount appropriated in this subsection. Additionally, when allocating funding for the 2021-2023 biennium, no more than thirty percent of the total grant program may directly benefit or support one grantee. The department shall not approve any increases or changes to the scope of a project for the purpose of a grantee expending remaining funds on an awarded grant.

(b) In order to be eligible to receive a grant under (a) of this subsection during the 2019-2021 fiscal biennium, a transit agency must establish a process for private transportation providers to apply for the use of park and ride facilities. For purposes of this subsection, (i) "private transportation provider" means: An auto transportation company regulated under chapter 81.68 RCW; a passenger charter carrier regulated under chapter 81.70 RCW, except marked or unmarked stretch limousines and stretch sport utility vehicles as defined under department of licensing rules; a private nonprofit transportation provider regulated under chapter 81.66 RCW; or a private employer transportation service provider; and (ii) "private employer transportation service" means regularly scheduled, fixed-route transportation service that is offered by an employer for the benefit of its employees.

(6) Funds provided for the commute trip reduction (CTR) program may also be used for the growth and transportation efficiency center program.

(7) \$7,670,000 of the multimodal transportation account—state appropriation and \$784,000 of the state vehicle parking account—state appropriation are provided solely for CTR grants and activities. Of this amount:

(a) \$1,000,000 of the multimodal transportation account—state appropriation is provided solely for the department to continue a pilot transit pass incentive program. Businesses and nonprofit organizations located in a county adjacent to Puget Sound with a population of more than seven hundred thousand that have never offered transit subsidies to employees are eligible to apply to the program for a fifty percent rebate on the cost of employee transit subsidies provided through the regional ORCA fare collection system. No single business or nonprofit organization may receive more than ten thousand dollars from the program.

(i) Businesses and nonprofit organizations may apply and be awarded funds prior to purchasing a transit subsidy, but the department may not provide reimbursement until

proof of purchase or a contract has been provided to the department.

(ii) The department shall update the transportation committees of the legislature on the impact of the program by January 31, 2020, and may adopt rules to administer the program.

(b) \$30,000 of the state vehicle parking account—state appropriation is provided solely for the STAR pass program for state employees residing in Mason and Grays Harbor Counties. Use of the pass is for public transportation between Mason County and Thurston County, and Grays Harbor and Thurston County. The pass may also be used within Grays Harbor County. The STAR pass commute trip reduction program is open to any state employee who expresses intent to commute to his or her assigned state worksite using a public transit system currently participating in the STAR pass program.

(c) \$1,000,000 of the multimodal transportation account—state appropriation is provided solely for a first mile/last mile connections grant program. Eligible grant recipients include cities, businesses, nonprofits, and transportation network companies with first mile/last mile solution proposals. Transit agencies are not eligible. The commute trip reduction board shall develop grant parameters, evaluation criteria, and evaluate grant proposals. The commute trip reduction board shall provide the transportation committees of the legislature a report on the effectiveness of this grant program and best practices for continuing the program.

(8) Except as provided otherwise in this subsection, ~~((28,048,000))~~ \$32,377,000 of the multimodal transportation account—state appropriation is provided solely for connecting Washington transit projects identified in LEAP Transportation Document ~~((2019-2))~~ 2020-2 ALL PROJECTS as developed ((April 27, 2019)) February 25, 2020. It is the intent of the legislature that entities identified to receive funding in the LEAP document referenced in this subsection receive the amounts specified in the time frame specified in that LEAP document. If an entity has already completed a project in the LEAP document referenced in this subsection before the time frame identified, the entity may substitute another transit project or projects that cost a similar or lesser amount.

(9) \$2,000,000 of the multimodal transportation account—state appropriation is provided solely for transit coordination grants.

(10) The department shall not require more than a ten percent match from nonprofit transportation providers for state grants.

(11)(a) For projects funded as part of the 2015 connecting Washington transportation package listed on the LEAP transportation document identified in subsection (4) of this section, if the department expects to have substantial reappropriations for the 2021-2023 fiscal biennium, the department may, on a pilot basis, apply funding from a project with an appropriation that cannot be used for the current fiscal biennium to advance one or more of the following projects:

(i) King County Metro - RapidRide Expansion, Burien-Delridge (G2000031);

(ii) King County Metro - Route 40 Northgate to Downtown (G2000032);

(iii) Mason Transit Park & Ride Development (G2000042); or

(iv) Pierce Transit - SR 7 Express Service ~~((G2000046))~~ (G2000045).

(b) At least ten business days before advancing a project pursuant to this subsection, the department must notify the office of financial management and the transportation committees of the legislature. The advancement of a project may not hinder the delivery of the projects for which the reappropriations are necessary for the 2021-2023 fiscal biennium.

(c) To the extent practicable, the department shall use the flexibility and authority granted in this section to minimize the amount of reappropriations needed each biennium.

(12) \$750,000 of the multimodal transportation account—state appropriation is provided solely for Intercity Transit for the Dash shuttle program.

(13)(a) \$485,000 of the multimodal transportation account—state appropriation is provided solely for King county for:

(i) An expanded pilot program to provide certain students in the Highline, Tukwila, and Lake Washington school districts with an ORCA card during these school districts' summer vacations. In order to be eligible for an ORCA card under this program, a student must also be in high school, be eligible for free and reduced-price lunches, and have a job or other responsibility during the summer; and

(ii) Providing administrative support to other interested school districts in King county to prepare for implementing similar programs for their students.

(b) King county must provide a report to the department and the transportation committees of the legislature by December 15, 2021, regarding:

(i) The annual student usage of the pilot program;

(ii) Available ridership data;

(iii) A cost estimate, including a detailed description of the various expenses leading to the cost estimate, and any other factors relevant to expanding the program to other King county school districts;

(iv) A cost estimate, including a detailed description of the various expenses leading to the cost estimate, and any other factors relevant to expanding the program to student populations other than high school or eligible for free and reduced-price lunches;

(v) Opportunities for subsidized ORCA cards or local grant or matching funds; and

(vi) Any additional information that would help determine if the pilot program should be extended or expanded.

(14) ~~(\$12,000,000 of the multimodal transportation account—state appropriation is provided solely)) It is the intent of the legislature that funding for the green transportation capital grant program established in chapter 287 ((Engrossed Second Substitute House Bill No. 2042))), Laws of 2019 (advancing green transportation adoption) will be provided in the 2021-2023 biennium and that projects submitted by the department for the 2020 legislative session will retain their place on the prioritized list, ahead of any newly submitted projects. ((If chapter 287 (Engrossed Second Substitute House Bill No. 2042), Laws of 2019 is not enacted by June 30, 2019, the amount provided in this subsection lapses.))~~

(15) \$555,000 of the multimodal transportation account—state appropriation is provided solely for an interagency transfer to the Washington State University extension energy program to establish and administer a technical assistance and education program for public agencies on the use of alternative fuel vehicles. If chapter 287 ((Engrossed Second Substitute House Bill No. 2042))), Laws of 2019 (advancing green transportation adoption) is not enacted by June 30, 2019, \$375,000 of the amount provided in this subsection lapses.

(16) As a short-term solution, appropriation authority for the public transportation program in this section is reduced to reflect anticipated underruns in this program, based on historical reappropriation levels. It is the intent of the legislature that no public transportation grants or projects be delayed as a result of revenue reductions, except that funding for the green transportation capital program created by chapter 287, Laws of 2019 be delayed until 2021-2023.

(17) \$25,000,000 of the multimodal transportation account—state appropriation is provided solely as restitutive expenditure authority for the public transportation program's capital project grants as listed by amount on the LEAP list referenced in subsections (4), (5), and (8) of this section, and may be spent only if a court of final jurisdiction holds that chapter 1 (Initiative Measure No. 976), Laws of 2020 is unconstitutional in its entirety.

**Sec. 221.** 2019 c 416 s 221 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF  
TRANSPORTATION—MARINE—PROGRAM X**

Motor Vehicle Account—State Appropriation  
..... \$250,000

Puget Sound Ferry Operations Account—State

Appropriation ..... ~~(\$540,746,000))~~

\$547,056,000

Puget Sound Ferry Operations Account—Federal

Appropriation ..... \$7,932,000

Puget Sound Ferry Operations Account—  
Private/Local

Appropriation ..... \$121,000

TOTAL APPROPRIATION..... ~~\$549,049,000~~

\$555,359,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The office of financial management budget instructions require agencies to recast enacted budgets into activities. The Washington state ferries shall include a greater level of detail in its 2019-2021 supplemental and 2021-2023 omnibus transportation appropriations act requests, as determined jointly by the office of financial management, the Washington state ferries, and the transportation committees of the legislature. This level of detail must include the administrative functions in the operating as well as capital programs.

(2) For the 2019-2021 fiscal biennium, the department may enter into a distributor controlled fuel hedging program and other methods of hedging approved by the fuel hedging committee, which must include a representative of the department of enterprise services.

(3) ~~(\$76,261,000)~~ \$73,161,000 of the Puget Sound ferry operations account—state appropriation is provided solely for auto ferry vessel operating fuel in the 2019-2021 fiscal biennium, which reflect cost savings from a reduced biodiesel fuel requirement and, therefore, is contingent upon the enactment of section 703 ~~((of this act)), chapter 416, Laws of 2019.~~ The amount provided in this subsection represents the fuel budget for the purposes of calculating any ferry fare fuel surcharge. The department shall review future use of alternative fuels and dual fuel configurations, including hydrogen.

(4) \$650,000 of the Puget sound ferry operations account—state appropriation is provided solely for increased staffing at Washington ferry terminals to meet increased workload and customer expectations. Within the amount provided in this subsection, the department shall contract with uniformed officers for additional traffic control assistance at the Kingston ferry terminal during peak ferry travel times, with a particular focus on Sundays and holiday weekends. Traffic control methods should include, but not be limited to, holding traffic on the shoulder at Lindvog Road until space opens for cars at the tollbooths and dock, and management of traffic on Highway 104 in order to ensure Kingston residents and business owners have access to businesses, roads, and driveways.

(5) \$254,000 of the Puget Sound ferry operations account—state appropriation is provided solely for a dedicated inventory logistics manager on a one-time basis.

(6) \$500,000 of the Puget Sound ferry operations account—state appropriation is provided solely for operating costs related to moving vessels for emergency capital repairs. Funds may only be spent after approval by the office of financial management.

(7) By January 1, 2020, the ferries division must submit a workforce plan for reducing overtime due to shortages of staff available to fill vacant crew positions. The

plan must include numbers of crew positions being filled by staff working overtime, strategies for filling these positions with straight time employees, progress toward implementing those strategies, and a forecast for when overtime expenditures will return to historical averages.

(8) \$160,000 of the Puget Sound ferry operations account—state appropriation is provided solely for a ferry fleet baseline noise study, conducted by a consultant, for the purpose of establishing plans and data-driven goals to reduce ferry noise when Southern resident orca whales are present. In addition, the study must establish prioritized strategies to address vessels serving routes with the greatest exposure to orca whale movements.

(9)((a)) \$250,000 of the motor vehicle account—state appropriation is provided solely for the department(~~in consultation with the Washington state transportation center, to develop a plan for service on the triangle route with a goal of providing maximum sailings moving the most passengers to all stops in the least travel time, including waits between sailings, within budget and resource constraints~~) to contract with uniformed officers for additional traffic control assistance at the Fauntleroy ferry terminal.

~~((b) The Washington state transportation center must use new traffic management models and scheduling tools to examine proposed improvements for the triangle route. The department shall report to the standing transportation committees of the legislature by January 15, 2021. The report must include:~~

~~(i) Implementation and status of data collection, modeling, scheduling, capital investments, and procedural improvements to allow Washington state ferries to schedule more sailings to and from all stops on the triangle route with minimum time between sailings;~~

~~(ii) Recommendations for emergency boat allocations, regular schedule policies, and emergency schedule policies based on all customers alternative travel options to ensure that any dock with no road access is prioritized in scheduling and scheduled service is provided based on population size, demographics, and local medical services;~~

~~(iii) Triangle route pilot economic analysis of Washington state ferries fare revenue and fuel cost impact of offering additional, better spaced sailings;~~

~~(iv) Results of an economic analysis of the return on investment of potentially acquiring and using traffic control infrastructure, technology, walk on loading bridges, and Good to Go and ORCA replacement of current fare sales, validation, collections, accounting, and all associated labor and benefits costs that can be saved via those capital investments; and~~

~~(v) Recommendation on policies, procedures, or agency interpretations of statute that may be adopted to mitigate any delays or disruptions to scheduled sailings.~~

(c) If at least \$50,000,000 is not made available, by means of transfer, deposit, appropriation, or other similar conveyance, to the motor vehicle account for stormwater-related activities through the enactment of chapter 422

~~(Engrossed Substitute Senate Bill No. 5993), Laws of 2019 (model toxics control program reform) by June 30, 2019, the amount provided in this subsection (9) lapses.)~~

(10) \$15,139,000 of the Puget Sound ferry operations account—state appropriation is provided solely for training. Of the amount provided in this subsection:

(a) \$2,500,000 is for training for new employees.

(b) \$160,000 is for electronic chart display and information system training.

(c) \$379,000 is for marine evacuation slide training.

**Sec. 222.** 2019 c 416 s 222 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF  
TRANSPORTATION—RAIL—PROGRAM Y—  
OPERATING**

Multimodal Transportation Account—State

Appropriation ..... ~~(\$75,576,000))~~  
\$70,243,000

Multimodal Transportation Account—Private/Local

Appropriation ..... \$717,000

Multimodal Transportation Account—Federal

Appropriation ..... \$500,000

TOTAL APPROPRIATION..... \$76,793,000  
\$71,460,000

The appropriations in this section are subject to the following conditions and limitations:

(1)(a)(i) \$224,000 of the multimodal transportation account—state appropriation and \$671,000 of the multimodal transportation account—private/local appropriation are provided solely for continued analysis of the ultra high-speed ground transportation corridor in a new study, with participation from Washington, Oregon, and British Columbia. No funds may be expended until the department is in receipt of \$671,000 in private/local funding provided solely for this purpose.

(ii) The ultra high-speed ground transportation corridor advisory group must include legislative membership.

(iii) "Ultra high-speed" means a maximum testing speed of at least two hundred fifty miles per hour.

(b) The study must consist of the following:

(i) Development of proposed corridor governance, general powers, operating structure, legal instruments, and contracting requirements, in the context of the roles of relevant jurisdictions, including federal, state, provincial, and local governments;

(ii) ~~((An assessment of current laws in state and provincial jurisdictions and identification of any proposed changes to laws, regulations, and/or agreements that are~~



~~needed to proceed with development))~~ Development of a long-term funding and financing strategy for project initiation, development, construction, and program administration of the high-speed corridor, building on the funding and financing chapter of the 2019 business case analysis and aligned with the recommendations of (b)(i) of this subsection; and

(iii) Development of ~~((general recommendations for the authorization needed to advance the development of the corridor))~~ recommendations for a department-led ultra-high speed corridor engagement plan for policy leadership from elected officials.

(c) This study must build on the results of the 2018 Washington state ultra high-speed ground transportation business case analysis and the 2019 Washington state ultra high-speed ground transportation study findings report. The department shall consult with the transportation committees of the legislature regarding all issues related to proposed corridor governance.

~~((e))~~ (d) The development work referenced in (b) of this subsection is intended to identify and make recommendations related to specific entities, including interjurisdictional entities, policies, and processes required for the purposes of furthering preliminary analysis efforts for the ultra high-speed ground transportation corridor. This development work is not intended to authorize one or more entities to assume decision making authority for the design, construction, or operation of an ultra high-speed rail corridor.

~~((d))~~ (e) By January 1, 2021, the department shall provide to the governor and the transportation committees of the legislature an interim update on the study required under this subsection (1). By ~~((December))~~ June 1, ~~((2020))~~ 2021, the department shall provide to the governor and the transportation committees of the legislature a report of the study's findings regarding the three elements noted in this subsection. As applicable, the report should also be sent to the executive and legislative branches of government in the state of Oregon and appropriate government bodies in the province of British Columbia.

(2) The department is directed to continue to pursue efforts to reduce costs, increase ridership, and review Amtrak Cascades fares and fare schedules. Within thirty days of each annual cost/revenue reconciliation under the Amtrak service contract, the department shall report annual credits to the office of financial management and the legislative transportation committees. Annual credits from Amtrak to the department including, but not limited to, credits due to higher ridership, reduced level of service, and fare or fare schedule adjustments, must be used to offset corresponding amounts of the multimodal transportation account—state appropriation, which must be placed in reserve.

**Sec. 223.** 2019 c 416 s 223 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF  
TRANSPORTATION—LOCAL PROGRAMS—  
PROGRAM Z—OPERATING**

Motor Vehicle Account—State Appropriation .....	<del>(((\$12,190,000))</del>
	<u>\$12,183,000</u>
Motor Vehicle Account—Federal Appropriation .....	\$2,567,000
Multituse Roadway Safety Account—State Appropriation .....	\$132,000
Multimodal Transportation Account—State Appropriation .....	\$350,000
TOTAL APPROPRIATION .....	<u>\$15,239,000</u>
	<u>\$15,232,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$350,000 of the multimodal transportation account—state appropriation is provided solely for a study by the Puget Sound regional council of new passenger ferry service to better connect communities throughout the twelve county Puget Sound region. The study must assess potential new routes, identify future terminal locations, and provide recommendations to accelerate the electrification of the ferry fleet. The study must identify future passenger only demand throughout Western Washington, analyze potential routes and terminal locations on Puget Sound, Lake Washington, and Lake Union with an emphasis on preserving waterfront opportunities in public ownership and opportunities for partnership. The study must determine whether and when the passenger ferry service achieves a net reduction in carbon emissions including an analysis of the emissions of modes that passengers would otherwise have used. The study must estimate capital and operating costs for routes and terminals. The study must include early and continuous outreach with all interested stakeholders and a report to the legislature and all interested parties by January 31, 2021.

(2) \$1,142,000 of the motor vehicle account—state appropriation is provided solely for the department, from amounts set aside out of statewide fuel taxes distributed to counties according to RCW 46.68.120(3), to contract with the Washington state association of counties to:

(a) In coordination with stakeholders, identify county-owned fish passage barriers, with priority given to barriers that share the same stream system as state-owned fish passage barriers. The study must identify, map, and provide a preliminary assessment of county-owned barriers that need correction, and provide, where possible, preliminary costs estimates for each barrier correction. The study must provide recommendations on:

(i) How to prioritize county-owned barriers within the same stream system of state-owned barriers in the current six-year construction plan to maximize state investment; and

(ii) How future state six-year construction plans should incorporate county-owned barriers;

(b) Update the local agency guidelines manual, including exploring alternatives within the local agency guidelines manual on county priorities;

(c) Study the current state of county transportation funding, identify emerging issues, and identify potential future alternative transportation fuel funding sources to meet current and future needs.

#### TRANSPORTATION AGENCIES—CAPITAL

**Sec. 301.** 2019 c 416 s 301 (uncodified) is amended to read as follows:

#### FOR THE FREIGHT MOBILITY STRATEGIC INVESTMENT BOARD

Freight Mobility Investment Account—State	
Appropriation .....	(\$18,094,000))
	<u>\$16,215,000</u>
Highway Safety Account—State Appropriation	
.....	<u>\$81,000</u>
Motor Vehicle Account—State Appropriation	
.....	<u>\$5,000,000</u>
Freight Mobility Multimodal Account—State	
Appropriation .....	(\$21,220,000))
	<u>\$16,599,000</u>
Motor Vehicle Account—Federal Appropriation	
.....	(\$2,250,000))
	<u>\$1,899,000</u>
Freight Mobility Multimodal Account—Private/Local	
Appropriation .....	(\$1,320,000))
	<u>\$1,250,000</u>
Multimodal Transportation Account—State	
Appropriation.....	<u>\$5,000,000</u>
TOTAL APPROPRIATION .....	<u>\$42,884,000</u>
	<u>\$46,044,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) Except as otherwise provided in this section, the entire appropriations in this section are provided solely for the projects by amount, as listed in the LEAP Transportation Document ((2019-3 as developed April 27, 2019;)) 2020-3 as developed February 25, 2020, Senate Chair FMSIB Project List.

(2) ~~((Until directed by the legislature, the board may not initiate a new call for projects. By January 1, 2020, the board must report to the legislature on alternative proposals to revise its project award and obligation process, which result in lower reappropriations.))~~ It is the intent of the legislature that no capital projects be delayed as a result of revenue reductions, but that as a short-term solution appropriation authority for the freight mobility strategic investment board's capital grant programs is reduced to reflect anticipated underruns in this program, based on historical reappropriation levels.

(3) \$5,000,000 of the motor vehicle account—state appropriation and \$5,000,000 of the multimodal transportation account—state appropriation are provided solely as restitutive expenditure authority for the freight mobility strategic investment board's capital grant programs, and may be spent only if a court of final jurisdiction holds that chapter 1 (Initiative Measure No. 976), Laws of 2020 is unconstitutional in its entirety.

**Sec. 302.** 2019 c 416 s 303 (uncodified) is amended to read as follows:

#### FOR THE COUNTY ROAD ADMINISTRATION BOARD

Rural Arterial Trust Account—State Appropriation	
.....	(\$65,996,000))
	<u>\$59,773,000</u>
Motor Vehicle Account—State Appropriation	
.....	(\$1,456,000))
	<u>\$4,456,000</u>
County Arterial Preservation Account—State	
Appropriation .....	\$39,590,000
TOTAL APPROPRIATION.....	<u>\$107,042,000</u>
	<u>\$103,819,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) It is the intent of the legislature that no capital projects be delayed as a result of revenue reductions, but that as a short-term solution appropriation authority for the county road administration board's capital grant programs is reduced to reflect anticipated underruns in this program, based on historical reappropriation levels.

(2) \$3,000,000 of the motor vehicle account—state appropriation is provided solely as restitutive expenditure authority for the county road administration board's capital grant programs, and may be spent only if a court of final jurisdiction holds that chapter 1 (Initiative Measure No. 976), Laws of 2020 is unconstitutional in its entirety.

**Sec. 303.** 2019 c 416 s 304 (uncodified) is amended to read as follows:

#### FOR THE TRANSPORTATION IMPROVEMENT BOARD

Small City Pavement and Sidewalk Account—State	
Appropriation .....	\$5,890,000
Motor Vehicle Account—State Appropriation	
.....	<u>\$5,000,000</u>
Transportation Improvement Account—State	
Appropriation .....	(\$228,510,000))
	<u>\$220,627,000</u>
Complete Streets Grant Program Account—State	
Appropriation .....	(\$14,670,000))

\$10,200,000

TOTAL APPROPRIATION ..... \$249,070,000

\$241,717,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$9,315,000 of the transportation improvement account—state appropriation is provided solely for the Relight Washington Program.

(2) It is the intent of the legislature that no capital projects be delayed as a result of revenue reductions, but that as a short-term solution appropriation authority for the transportation improvement board's capital grant programs is reduced to reflect anticipated underruns in this program, based on historical reappropriation levels.

(3) \$5,000,000 of the motor vehicle account—state appropriation is provided solely as restitutive expenditure authority for the transportation improvement board's capital grant programs, and may be spent only if a court of final jurisdiction holds that chapter 1 (Initiative Measure No. 976), Laws of 2020 is unconstitutional in its entirety.

**Sec. 304.** 2019 c 416 s 305 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF  
TRANSPORTATION—FACILITIES—PROGRAM  
D—(DEPARTMENT OF TRANSPORTATION-ONLY  
PROJECTS)—CAPITAL**

Motor Vehicle Account—State Appropriation  
.....((\$50,990,000))

\$51,187,000

Connecting Washington Account—State  
Appropriation .....((\$42,497,000))

\$51,523,000

TOTAL APPROPRIATION ..... \$93,487,000

\$102,710,000

The appropriations in this section are subject to the following conditions and limitations:

(1) ((\$42,497,000)) \$51,523,000 of the connecting Washington account—state appropriation is provided solely for a new Olympic region maintenance and administration facility to be located on the department-owned site at the intersection of Marvin Road and 32nd Avenue in Lacey, Washington.

(2)(a) ((\$43,100,000)) \$43,297,000 of the motor vehicle account—state appropriation is provided solely for the department facility located at 15700 Dayton Ave N in Shoreline. This appropriation is contingent upon the department of ecology signing a not less than twenty-year agreement to pay a share of any financing contract issued pursuant to chapter 39.94 RCW.

(b) Payments from the department of ecology as described in this subsection shall be deposited into the motor vehicle account.

(c) Total project costs are not to exceed \$46,500,000.

(3) \$1,565,000 from the motor vehicle account—state appropriation is provided solely for furniture for the renovated Northwest Region Headquarters at Dayton Avenue. The department must efficiently furnish the renovated building. ((~~The amount provided in this subsection is the maximum the department may spend on furniture for this facility.~~))

**Sec. 305.** 2019 c 416 s 306 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF  
TRANSPORTATION—IMPROVEMENTS—  
PROGRAM I**

((~~High Occupancy Toll Lanes Operations~~

~~Account—State Appropriation ..... \$7,000,000~~))

Transportation Partnership Account—State

Appropriation ..... ((~~\$325,275,000~~))

\$408,660,000

Motor Vehicle Account—State Appropriation  
..... ((~~\$92,504,000~~))

\$141,611,000

Motor Vehicle Account—Federal Appropriation  
..... ((~~\$154,337,000~~))

\$167,313,000

Motor Vehicle Account—Private/Local  
Appropriation ..... ((~~\$26,839,000~~))

\$70,404,000

Connecting Washington Account—State

Appropriation ..... ((~~\$2,137,381,000~~))

\$2,413,452,000

Special Category C Account—State Appropriation  
..... ((~~\$81,000,000~~))

\$72,134,000

Multimodal Transportation Account—State

Appropriation ..... ((~~\$5,408,000~~))

\$4,853,000

Alaskan Way Viaduct Replacement Project  
Account—State

Appropriation ..... \$77,956,000

Transportation 2003 Account (Nickel Account)—  
State

Appropriation ..... ((~~\$21,819,000~~))

\$10,429,000

Interstate 405 and State Route Number 167 Express

Toll Lanes ((~~Operations~~)) Account—State

Appropriation .....~~(\$48,036,000))~~  
\$90,027,000  
 TOTAL APPROPRIATION .....~~\$2,977,555,000~~  
\$3,456,839,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Except as provided otherwise in this section, the entire connecting Washington account—state appropriation and the entire transportation partnership account—state appropriation are provided solely for the projects and activities as listed by fund, project, and amount in LEAP Transportation Document ~~((2019-4))~~ 2020-1 as developed ~~((April 27, 2019))~~ February 25, 2020, Program - Highway Improvements Program (I). However, limited transfers of specific line-item project appropriations may occur between projects for those amounts listed subject to the conditions and limitations in section 601 of this act.

(2) Except as provided otherwise in this section, the entire motor vehicle account—state appropriation and motor vehicle account—federal appropriation are provided solely for the projects and activities listed in LEAP Transportation Document ~~((2019-2))~~ 2020-2 ALL PROJECTS as developed ~~((April 27, 2019))~~ February 25, 2020, Program - Highway Improvements Program (I). Any federal funds gained through efficiencies, adjustments to the federal funds forecast, additional congressional action not related to a specific project or purpose, or the federal funds redistribution process must then be applied to highway and bridge preservation activities or fish passage barrier corrections (OBI4001).

(3) Within the motor vehicle account—state appropriation and motor vehicle account—federal appropriation, the department may transfer funds between programs I and P, except for funds that are otherwise restricted in this act. Ten days prior to any transfer, the department must submit its request to the office of financial management and the transportation committees of the legislature and consider any concerns raised. The department shall submit a report on fiscal year funds transferred in the prior fiscal year using this subsection as part of the department's annual budget submittal.

(4) The connecting Washington account—state appropriation includes up to ~~(((\$1,519,899,000))~~ \$1,809,342,000 in proceeds from the sale of bonds authorized in RCW 47.10.889.

(5) The special category C account—state appropriation includes up to ~~(((\$75,274,000))~~ \$60,534,000 in proceeds from the sale of bonds authorized in RCW ~~((47.10.861))~~ 47.10.812.

(6) The transportation partnership account—state appropriation includes up to ~~(((\$450,232,000))~~ \$178,407,000 in proceeds from the sale of bonds authorized in RCW ~~((47.10.812))~~ 47.10.873.

(7) The Alaskan Way viaduct replacement project account—state appropriation includes up to \$77,956,000 in

proceeds from the sale of bonds authorized in RCW 47.10.873.

~~((8) ((The multimodal transportation account—state appropriation includes up to \$5,408,000 in proceeds from the sale of bonds authorized in RCW 47.10.867.~~

~~((9) \$90,464,000))~~ \$165,798,000 of the transportation partnership account—state appropriation, ~~(((\$7,006,000))~~ \$19,790,000 of the motor vehicle account—private/local appropriation, ~~(((\$3,383,000))~~ \$3,384,000 of the transportation 2003 account (nickel account)—state appropriation, \$77,956,000 of the Alaskan Way viaduct replacement project account—state appropriation, and \$1,838,000 of the multimodal transportation account—state appropriation are provided solely for the SR 99/Alaskan Way Viaduct Replacement project (809936Z). It is the intent of the legislature that the \$25,000,000 increase in funding provided in the 2021-2023 fiscal biennium be covered by any legal damages paid to the state as a result of a lawsuit related to contractual provisions for construction and delivery of the Alaskan Way viaduct replacement project. The legislature intends that the \$25,000,000 of the transportation partnership account—state funds be repaid when those damages are recovered.

~~((40))~~ (9) \$3,000,000 of the multimodal transportation account—state appropriation is provided solely for transit mitigation for the SR 99/Viaduct Project - Construction Mitigation project (809940B).

~~((41) \$164,000,000))~~ (10) \$168,655,000 of the connecting Washington account—state appropriation ~~(((\$1,052,000 of the special category C account—state appropriation, and \$738,000 of the motor vehicle account—private/local appropriation are provided solely for the US 395 North Spokane Corridor project (M00800R).~~

~~((12)a) \$22,195,000 of the transportation partnership account—state appropriation, \$12,805,000 of the transportation 2003 account (nickel account)—state appropriation, and \$48,000,000))~~ (11) \$82,991,000 of the Interstate 405 and state route number 167 express toll lanes ~~((operations))~~ account—state appropriation ~~((are))~~ is provided solely for the I-405/SR 522 to I-5 Capacity Improvements project (L2000234) for activities related to adding capacity on Interstate 405 between state route number 522 and Interstate 5, with the goals of increasing vehicle throughput and aligning project completion with the implementation of bus rapid transit in the vicinity of the project. ~~((The transportation partnership account—state appropriation and transportation 2003 account (nickel account)—state appropriation are a transfer or a reappropriation of a transfer from the I 405/Kirkland Vicinity Stage 2 Widening project (8B11002) due to savings and will fund right of way and construction for an additional phase of this I 405 project.~~

~~((b) If sufficient bonding authority to complete this project is not provided within chapter 421 (Engrossed Substitute Senate Bill No. 5825), Laws of 2019 (addressing tolling) or chapter 421 (House Bill No. 2132), Laws of 2019 (addressing tolling), or within a bond authorization act referencing chapter . . . (Engrossed Substitute Senate Bill No. 5825), Laws of 2019 or chapter . . . (House Bill No.~~

2132), Laws of 2019, by June 30, 2019, \$21,000,000 of the Interstate 405 express toll lanes operations account—state appropriation provided in this subsection lapses, and it is the intent of the legislature to reduce the Interstate 405 express toll lanes operations account—state appropriation in the 2021-2023 biennium to \$5,000,000, and in the 2023-2025 biennium to \$0 on the list referenced in subsection (2) of this section.)

((13)) (12)(a) (((\$395,822,000)) \$422,099,000 of the connecting Washington account—state appropriation(;\$60,000 of the motor vehicle account—state appropriation,)) and (((\$342,000)) \$456,000 of the motor vehicle account—private/local appropriation are provided solely for the SR 520 Seattle Corridor Improvements - West End project (M00400R).

(b) Recognizing that the department of transportation requires full possession of parcel number 1-23190 to complete the Montlake Phase of the West End project, the department is directed to:

(i) Work with the operator of the Montlake boulevard market located on parcel number 1-23190 to negotiate a lease allowing continued operations up to January 1, 2020. After that time, the department shall identify an area in the vicinity of the Montlake property for a temporary market or other food service to be provided during the period of project construction. Should the current operator elect not to participate in providing that temporary service, the department shall then develop an outreach plan with the city to solicit community input on the food services provided, and then advertise the opportunity to other potential vendors. Further, the department shall work with the city of Seattle and existing permit processes to facilitate vendor access to and use of the area in the vicinity of the Montlake property.

(ii) Upon completion of the Montlake Phase of the West End project (current anticipated contract completion of 2023), WSDOT shall sell that portion of the property not used for permanent transportation improvements and initiate a process to convey that surplus property to a subsequent owner.

(c) \$60,000 of the motor vehicle account—state appropriation is provided solely for grants to nonprofit organizations located in a city with a population exceeding six hundred thousand persons and that empower artists through equitable access to vital expertise, opportunities, and business services. Funds may be used only for the purpose of preserving, commemorating, and sharing the history of the city of Seattle's freeway protests and making the history of activism around the promotion of more integrated transportation and land use planning accessible to current and future generations through the preservation of Bent 2 of the R. H. Thompson freeway ramp.

((14)) (13) It is the intent of the legislature that for the I-5 JBLM Corridor Improvements project (M00100R), the department shall actively pursue \$50,000,000 in federal funds to pay for this project to supplant state funds in the future. \$50,000,000 in connecting Washington account funding must be held in unallotted status during the 2021-2023 fiscal biennium. These funds may only be used after the department has provided notice to the office of financial

management that it has exhausted all efforts to secure federal funds from the federal highway administration and the department of defense.

((15) \$265,100,000)) (14) \$310,469,000 of the connecting Washington account—state appropriation is provided solely for the SR 167/SR 509 Puget Sound Gateway project (M00600R).

(a) Any savings on the project must stay on the Puget Sound Gateway corridor until the project is complete.

(b) Proceeds from the sale of any surplus real property acquired for the purpose of building the SR 167/SR 509 Puget Sound Gateway (M00600R) project must be deposited into the motor vehicle account for the purpose of constructing the project.

(c) In making budget allocations to the Puget Sound Gateway project, the department shall implement the project's construction as a single corridor investment. The department shall develop a coordinated corridor construction and implementation plan for state route number 167 and state route number 509 in collaboration with affected stakeholders. Specific funding allocations must be based on where and when specific project segments are ready for construction to move forward and investments can be best optimized for timely project completion. Emphasis must be placed on avoiding gaps in fund expenditures for either project.

(d) It is the legislature's intent that the department shall construct a full single-point urban interchange at the junction of state route number 161 (Meridian avenue) and state route number 167 and a full single-point urban interchange at the junction of state route number 509 and 188th Street. If the department receives additional funds from an outside source for this project after the base project is fully funded, the funds must first be applied toward the completion of these two full single-point urban interchanges.

(e) In designing the state route number 509/state route number 516 interchange component of the SR 167/SR 509 Puget Sound Gateway project (M00600R), the department shall make every effort to utilize the preferred "4B" design.

(f) The department shall explore the development of a multiuse trail for bicyclists, pedestrians, skateboarders, and similar users along the SR 167 right-of-way acquired for the project to connect a network of new and existing trails from Mount Rainier to Point Defiance Park.

(g) If sufficient bonding authority to complete this project is not provided within chapter 421 ((Engrossed Substitute Senate Bill No. 5825))), Laws of 2019 (addressing tolling) or chapter . . . (House Bill No. 2132), Laws of 2019 (addressing tolling), or within a bond authorization act referencing chapter 421 ((Engrossed Substitute Senate Bill No. 5825))), Laws of 2019 or chapter . . . (House Bill No. 2132), Laws of 2019, by June 30, 2019, it is the intent of the legislature to return the Puget Sound Gateway project (M00600R) to its previously identified construction schedule by moving \$128,900,000 in connecting Washington account—state appropriation back to the 2027-2029 biennium from the 2023-2025 biennium on the list

referenced in subsection (2) of this section. If sufficient bonding authority is provided, it is the intent of the legislature to advance the project to allow for earlier completion and inflationary savings.

~~((46))~~ (15) It is the intent of the legislature that, for the I-5/North Lewis County Interchange project (L2000204), the department develop and design the project with the objective of significantly improving access to the industrially zoned properties in north Lewis county. The design must consider the county's process of investigating alternatives to improve such access from Interstate 5 that began in March 2015.

~~((48))~~ ~~\$950,000~~ (16) \$1,029,000 of the transportation partnership account—state appropriation is provided solely for the U.S. 2 Trestle IJR project (L1000158).

~~((49))~~ (17) The department shall itemize all future requests for the construction of buildings on a project list and submit them through the transportation executive information system as part of the department's annual budget submittal. It is the intent of the legislature that new facility construction must be transparent and not appropriated within larger highway construction projects.

~~((20))~~ (18) Any advisory group that the department convenes during the 2019-2021 fiscal biennium must consider the interests of the entire state of Washington.

~~((24))~~ (19) The legislature finds that there are sixteen companies involved in wood preserving in the state that employ four hundred workers and have an annual payroll of fifteen million dollars. Before the department's switch to steel guardrails, ninety percent of the twenty-five hundred mile guardrail system was constructed of preserved wood and one hundred ten thousand wood guardrail posts were produced annually for state use. Moreover, the policy of using steel posts requires the state to use imported steel. Given these findings, where practicable, and until June 30, 2021, the department shall include the design option to use wood guardrail posts, in addition to steel posts, in new guardrail installations. The selection of posts must be consistent with the agency design manual policy that existed before December 2009.

~~((22))~~ (20)(a) For projects funded as part of the 2015 connecting Washington transportation package listed on the LEAP transportation document identified in subsection (1) of this section, if the department expects to have substantial reappropriations for the 2021-2023 fiscal biennium, the department may, on a pilot basis, apply funding from a project in this section with an appropriation that cannot be used for the current fiscal biennium to advance one or more of the following projects:

(i) I-82 Yakima - Union Gap Economic Development Improvements (T21100R);

(ii) I-5 Federal Way - Triangle Vicinity Improvements (T20400R); or

(iii) SR 522/Paradise Lk Rd Interchange & Widening on SR 522 (Design/Engineering) (NPARADI).

(b) At least ten business days before advancing a project pursuant to this subsection, the department must notify the office of financial management and the transportation committees of the legislature. The advancement of a project may not hinder the delivery of the projects for which the reappropriations are necessary for the 2021-2023 fiscal biennium.

(c) For connecting Washington projects that have already begun and are eligible for the authority granted in section 601 of this act, the department shall prioritize advancing the following projects if expected reappropriations become available:

(i) SR 14/I-205 to SE 164th Ave - Auxiliary Lanes (L2000102);

(ii) SR 305 Construction - Safety Improvements (N30500R);

(iii) SR 14/Bingen Underpass (L2220062);

(iv) I-405/NE 132nd Interchange - Totem Lake (L1000110);

(v) US Hwy 2 Safety (N00200R);

(vi) US-12/Walla Walla Corridor Improvements (T20900R);

(vii) I-5 JBLM Corridor Improvements (M00100R);

(viii) I-5/Slater Road Interchange - Improvements (L1000099);

(ix) SR 510/Yelm Loop Phase 2 (T32700R); or

(x) SR 520/124th St Interchange (Design and Right of Way) (L1000098).

(d) To the extent practicable, the department shall use the flexibility and authority granted in this section and in section 601 of this act to minimize the amount of reappropriations needed each biennium.

~~((23))~~ (21) The legislature continues to prioritize the replacement of the state's aging infrastructure and recognizes the importance of reusing and recycling construction aggregate and recycled concrete materials in our transportation system. To accomplish Washington state's sustainability goals in transportation and in accordance with RCW 70.95.805, the legislature reaffirms its determination that recycled concrete aggregate and other transportation building materials are natural resource construction materials that are too valuable to be wasted and landfilled, and are a commodity as defined in WAC 173-350-100.

Further, the legislature determines construction aggregate and recycled concrete materials substantially meet widely recognized international, national, and local standards and specifications referenced in American society for testing and materials, American concrete institute, Washington state department of transportation, Seattle department of transportation, American public works association, federal aviation administration, and federal highway administration specifications, and are described as necessary and desirable products for recycling and reuse by state and federal agencies.

As these recyclable materials have well established markets, are substantially a primary or secondary product of necessary construction processes and production, and are managed as an item of commercial value, construction aggregate and recycled concrete materials are exempt from chapter 173-350 WAC.

~~((24))~~ (22)(a) \$17,500,000 of the motor vehicle account—state appropriation is provided solely for staffing of a project office to replace the Interstate 5 bridge across the Columbia river (G2000088). If at least a \$9,000,000 transfer is not authorized in section 406(29) ~~((of this act))~~, chapter 416, Laws of 2019, then \$9,000,000 of the motor vehicle account—state appropriation lapses.

(b) Of the amount provided in this subsection, \$7,780,000 of the motor vehicle account—state appropriation must be placed in unallotted status by the office of financial management until the department develops a detailed plan for the work of this project office in consultation with the chairs and ranking members of the transportation committees of the legislature. The director of the office of financial management shall consult with the chairs and ranking members of the transportation committees of the legislature prior to making a decision to allot these funds.

(c) The work of this project office includes, but is not limited to, the reevaluation of the purpose and need identified for the project previously known as the Columbia river crossing, the reevaluation of permits and development of a finance plan, the reengagement of key stakeholders and the public, and the reevaluation of scope, schedule, and budget for a reinvigorated bistate effort for replacement of the Interstate 5 Columbia river bridge. When reevaluating the finance plan for the project, the department shall assume that some costs of the new facility may be covered by tolls. The project office must also study the possible different governance structures for a bridge authority that would provide for the joint administration of the bridges over the Columbia river between Oregon and Washington. As part of this study, the project office must examine the feasibility and necessity of an interstate compact in conjunction with the national center for interstate compacts.

(d) Within the amount provided in this subsection, the department must implement chapter 137 ~~((Engrossed Substitute House Bill No. 1994))~~, Laws of 2019 (projects of statewide significance).

(e) The department shall have as a goal to:

(i) Reengage project stakeholders and reevaluate the purpose and need and environmental permits by July 1, 2020;

(ii) Develop a finance plan by December 1, 2020; and

(iii) Have made significant progress toward beginning the supplemental environmental impact statement process by June 30, 2021. The department shall aim to provide a progress report on these activities to the governor and the transportation committees of the legislature by December 1, 2019, and a final report to the governor and the

transportation committees of the legislature by December 1, 2020.

~~((25))~~ (23) \$17,500,000 of the motor vehicle account—state appropriation is provided solely to begin the pre-design phase on the I-5/Columbia River Bridge project (G2000088); however, if at least \$50,000,000 is not made available, by means of transfer, deposit, appropriation, or other similar conveyance, to the motor vehicle account for stormwater-related activities through the enactment of chapter 422 ~~((Engrossed Substitute Senate Bill No. 5993))~~, Laws of 2019 (model toxics control program reform) by June 30, 2019, the amount provided in this subsection lapses.

~~((26))~~ (24)(a) ~~((36,500,000))~~ \$191,360,000 of the connecting Washington account—state appropriation, ~~((44,961,000))~~ \$47,655,000 of the motor vehicle account—federal appropriation, \$11,179,000 of the motor vehicle account—private/local appropriation, \$6,100,000 of the motor vehicle account—state appropriation, and ~~((18,539,000))~~ \$18,706,000 of the transportation partnership account—state appropriation are provided solely for the Fish Passage Barrier project (0B14001) with the intent of fully complying with the court injunction by 2030.

(b) Of the amounts provided in this subsection, \$320,000 of the connecting Washington account—state appropriation is provided solely to remove the fish passage barrier on state route number 6 that interfaces with Boistfort Valley water utilities near milepost 46.6.

(c) The department shall coordinate with the Brian Abbott fish passage barrier removal board to use a watershed approach to maximize habitat gain by replacing both state and local culverts. The department shall deliver high habitat value fish passage barrier corrections that it has identified, guided by the following factors: Opportunity to bundle projects, ability to leverage investments by others, presence of other barriers, project readiness, other transportation projects in the area, and transportation impacts.

(d) The department must keep track of, for each barrier removed: (i) The location; (ii) the amount of fish habitat gain; and (iii) the amount spent to comply with the injunction.

(e) It is the intent of the legislature that for the amount listed for the 2021-2023 biennium for the Fish Barriers project (G2000091) on the LEAP list referenced in subsection (1) of this section, that accrued practical design savings deposited in the transportation future funding program account be used to help fund the cost of fully complying with the court injunction by 2030.

~~((27))~~ ~~\$14,750,000~~ (25) \$16,649,000 of the connecting Washington account—state appropriation, \$373,000 of the motor vehicle account—state appropriation, and \$6,000,000 of the motor vehicle account—private/local appropriation are provided solely for the I-90/Barker to Harvard – Improve Interchanges & Local Roads project (L2000122). The connecting Washington account appropriation for the improvements that fall within the city of Liberty Lake may only be expended if the city of Liberty Lake agrees to cover any project costs within the city of Liberty Lake above the \$20,900,000 of state appropriation

provided for the total project in LEAP Transportation Document ~~((2019-4))~~ 2020-1 as developed ~~((April 27, 2019))~~ February 25, 2020, Program – Highway Improvements (I).

~~((28))~~ (26)(a) ~~(((\$7,060,000))~~ \$6,799,000 of the motor vehicle account—federal appropriation, ~~(((\$72,000))~~ \$31,000 of the motor vehicle account—state appropriation, ~~(((\$3,580,000))~~ \$3,812,000 of the transportation partnership account—state appropriation, and \$7,000,000 of the ~~((high occupancy))~~ Interstate 405 and state route number 167 express toll lanes ((operations)) account—state appropriation are provided solely for the SR 167/SR 410 to SR 18 - Congestion Management project (316706C).

(b) If sufficient bonding authority to complete this project is not provided within chapter 421 ~~((Engrossed Substitute Senate Bill No. 5825))~~, Laws of 2019 (addressing tolling) or chapter . . . (House Bill No. 2132), Laws of 2019 (addressing tolling), or within a bond authorization act referencing chapter 421 ~~((Engrossed Substitute Senate Bill No. 5825))~~, Laws of 2019 or chapter . . . (House Bill No. 2132), Laws of 2019, by June 30, 2019, it is the intent of the legislature to remove the \$100,000,000 in toll funding from this project on the list referenced in subsection (2) of this section.

~~((29))~~ (27) For the I-405/North 8th Street Direct Access Ramp in Renton project (L1000280), if sufficient bonding authority to begin this project is not provided within chapter 421 ~~((Engrossed Substitute Senate Bill No. 5825))~~, Laws of 2019 (addressing tolling) or chapter . . . (House Bill No. 2132), Laws of 2019 (addressing tolling), or within a bond authorization act referencing chapter 421 ~~((Engrossed Substitute Senate Bill No. 5825))~~, Laws of 2019 or chapter . . . (House Bill No. 2132), Laws of 2019, by June 30, 2019, it is the intent of the legislature to remove the project from the list referenced in subsection (2) of this section.

~~((30))~~ (28) ~~(((\$7,900,000))~~ \$7,985,000 of the Special Category C account—state appropriation and \$1,000,000 of the motor vehicle account—private/local appropriation are provided solely for the SR 18 Widening - Issaquah/Hobart Rd to Raging River project (L1000199) for improving and widening state route number 18 to four lanes from Issaquah-Hobart Road to Raging River.

~~((34))~~ (29) \$2,250,000 of the motor vehicle account—state appropriation is provided solely for the I-5 Corridor from Mounts Road to Tumwater project (L1000231) for completing a National and State Environmental Policy Act (NEPA/SEPA) analysis to identify mid- and long-term environmental impacts associated with future improvements along the I-5 corridor from Tumwater to DuPont.

~~((32))~~ (30) ~~(((\$1,290,000))~~ \$622,000 of the motor vehicle account—state appropriation is provided solely for the US 101/East Sequim Corridor Improvements project (L2000343); however, if at least \$50,000,000 is not made available, by means of transfer, deposit, appropriation, or other similar conveyance, to the motor vehicle account for stormwater-related activities through the enactment of chapter 422 ~~((Engrossed Substitute Senate Bill No. 5993))~~,

Laws of 2019 (model toxics control program reform) by June 30, 2019, the amount provided in this subsection lapses.

~~((33))~~ (31) ~~(((\$12,800,000))~~ \$12,916,000 of the motor vehicle account—state appropriation is provided solely for the SR 522/Paradise Lk Rd Interchange & Widening on SR 522 (Design/Engineering) project (NPARADI); however, if at least \$50,000,000 is not made available, by means of transfer, deposit, appropriation, or other similar conveyance, to the motor vehicle account for stormwater-related activities through the enactment of chapter 422 ~~((Engrossed Substitute Senate Bill No. 5993))~~, Laws of 2019 (model toxics control program reform) by June 30, 2019, the amount provided in this subsection lapses.

~~((34))~~ (32) \$1,000,000 of the motor vehicle account—state appropriation is provided solely for the US 101/Morse Creek Safety Barrier project (L1000247); however, if at least \$50,000,000 is not made available, by means of transfer, deposit, appropriation, or other similar conveyance, to the motor vehicle account for stormwater-related activities through the enactment of chapter 422 ~~((Engrossed Substitute Senate Bill No. 5993))~~, Laws of 2019 (model toxics control program reform) by June 30, 2019, the amount provided in this subsection lapses.

~~((35))~~ (33) \$1,000,000 of the motor vehicle account—state appropriation is provided solely for the SR 162/410 Interchange Design and Right of Way project (L1000276); however, if at least \$50,000,000 is not made available, by means of transfer, deposit, appropriation, or other similar conveyance, to the motor vehicle account for stormwater-related activities through the enactment of chapter 422 ~~((Engrossed Substitute Senate Bill No. 5993))~~, Laws of 2019 (model toxics control program reform) by June 30, 2019, the amount provided in this subsection lapses.

~~((36))~~ (34) ~~(((\$1,000,000))~~ \$679,000 of the motor vehicle account—state appropriation is provided solely for the I-5/Rush Road Interchange Improvements project (L1000223); however, if at least \$50,000,000 is not made available, by means of transfer, deposit, appropriation, or other similar conveyance, to the motor vehicle account for stormwater-related activities through the enactment of chapter 422 ~~((Engrossed Substitute Senate Bill No. 5993))~~, Laws of 2019 (model toxics control program reform) by June 30, 2019, the amount provided in this subsection lapses.

(35) It is the intent of the legislature that no capital projects be delayed as a result of revenue reductions, but that as a short-term solution appropriation authority for this program is reduced to reflect anticipated underruns in this program, based on historical reappropriation levels.

(36) \$45,000,000 of the motor vehicle account—state appropriation is provided solely as restitutive expenditure authority for projects as listed by amount on the LEAP list referenced in subsection (2) of this section, and may be spent only if a court of final jurisdiction holds that chapter 1 (Initiative Measure No. 976), Laws of 2020 is unconstitutional in its entirety.

**Sec. 306.** 2019 c 416 s 307 (uncodified) is amended to read as follows:



**FOR THE DEPARTMENT OF  
TRANSPORTATION—PRESERVATION—  
PROGRAM P**

Recreational Vehicle Account—State Appropriation .....	<del>(\$1,744,000)</del>
	<u>\$2,971,000</u>
Transportation Partnership Account—State Appropriation .....	<del>(\$23,706,000)</del>
	<u>\$20,248,000</u>
Motor Vehicle Account—State Appropriation .....	<del>(\$74,885,000)</del>
	<u>\$82,447,000</u>
Motor Vehicle Account—Federal Appropriation .....	<del>(\$454,758,000)</del>
	<u>\$490,744,000</u>
Motor Vehicle Account—Private/Local Appropriation .....	<del>(\$5,159,000)</del>
	<u>\$7,408,000</u>
State Route Number 520 Corridor Account—State Appropriation .....	<del>(\$544,000)</del>
	<u>\$326,000</u>
Connecting Washington Account—State Appropriation .....	<del>(\$189,771,000)</del>
	<u>\$204,630,000</u>
Tacoma Narrows Toll Bridge Account—State Appropriation .....	<del>(\$7,906,000)</del>
	<u>\$8,350,000</u>
Alaskan Way Viaduct Replacement Project Account—State Appropriation .....	\$10,000
Interstate 405 and State Route Number 167 Express Toll Lanes Account—State Appropriation	<u>\$3,018,000</u>
Transportation 2003 Account (Nickel Account)—State Appropriation .....	<del>(\$9,617,000)</del>
	<u>\$17,892,000</u>
TOTAL APPROPRIATION .....	<u>\$768,100,000</u>
	<u>\$838,044,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) Except as provided otherwise in this section, the entire connecting Washington account—state appropriation and the entire transportation partnership account—state appropriation are provided solely for the projects and

activities as listed by fund, project, and amount in LEAP Transportation Document ((2019-4)) 2020-1 as developed ((April 27, 2019)) February 25, 2020, Program - Highway Preservation Program (P). However, limited transfers of specific line-item project appropriations may occur between projects for those amounts listed subject to the conditions and limitations in section 601 of this act.

(2) Except as provided otherwise in this section, the entire motor vehicle account—state appropriation and motor vehicle account—federal appropriation are provided solely for the projects and activities listed in LEAP Transportation Document ((2019-2)) 2020-2 ALL PROJECTS as developed ((April 27, 2019)) February 25, 2020, Program - Highway Preservation Program (P). Any federal funds gained through efficiencies, adjustments to the federal funds forecast, additional congressional action not related to a specific project or purpose, or the federal funds redistribution process must then be applied to highway and bridge preservation activities or fish passage barrier corrections (OBI4001).

(3) Within the motor vehicle account—state appropriation and motor vehicle account—federal appropriation, the department may transfer funds between programs I and P, except for funds that are otherwise restricted in this act. Ten days prior to any transfer, the department must submit its request to the office of financial management and the transportation committees of the legislature and consider any concerns raised. The department shall submit a report on fiscal year funds transferred in the prior fiscal year using this subsection as part of the department's annual budget submittal.

(4) ((~~\$25,036,000~~)) \$26,683,000 of the connecting Washington account—state appropriation is provided solely for the land mobile radio upgrade (G2000055) and is subject to the conditions, limitations, and review provided in section 701 of this act. The land mobile radio project is subject to technical oversight by the office of the chief information officer. The department, in collaboration with the office of the chief information officer, shall identify where existing or proposed mobile radio technology investments should be consolidated, identify when existing or proposed mobile radio technology investments can be reused or leveraged to meet multiagency needs, increase mobile radio interoperability between agencies, and identify how redundant investments can be reduced over time. The department shall also provide quarterly reports to the technology services board on project progress.

(5) ((~~\$2,500,000~~)) \$4,000,000 of the motor vehicle account—state appropriation is provided solely for extraordinary costs incurred from litigation awards, settlements, or dispute mitigation activities not eligible for funding from the self-insurance fund. The amount provided in this subsection must be held in unallotted status until the department submits a request to the office of financial management that includes documentation detailing litigation-related expenses. The office of financial management may release the funds only when it determines that all other funds designated for litigation awards, settlements, and dispute mitigation activities have been exhausted. No funds provided in this subsection may be

expended on any legal fees related to the SR 99/Alaskan Way viaduct replacement project (809936Z).

(6) The appropriation in this section includes funding for starting planning, engineering, and construction of the Elwha River bridge replacement. To the greatest extent practicable, the department shall maintain public access on the existing route.

(7) (~~(\$22,729,000))~~ \$21,289,000 of the motor vehicle account—federal appropriation and (~~(\$553,000))~~ \$840,000 of the motor vehicle account—state appropriation are provided solely for the preservation of structurally deficient bridges or bridges that are at risk of becoming structurally deficient (L1000068). These funds must be used widely around the state of Washington. When practicable, the department shall pursue design-build contracts for these bridge projects to expedite delivery. The department shall provide a report that identifies the progress of each project funded in this subsection as part of its annual agency budget request.

(8) The department must consult with the Washington state patrol and the office of financial management during the design phase of any improvement or preservation project that could impact Washington state patrol weigh station operations. During the design phase of any such project, the department must estimate the cost of designing around the affected weigh station's current operations, as well as the cost of moving the affected weigh station.

(9) During the course of any planned resurfacing or other preservation activity on state route number 26 between Colfax and Othello in the 2019-2021 fiscal biennium, the department must add dug-in reflectors.

(10)(a) For projects funded as part of the 2015 connecting Washington transportation package listed on the LEAP transportation document identified in subsection (1) of this section, if the department expects to have substantial reappropriations for the 2021-2023 fiscal biennium, the department may, on a pilot basis, apply funding from a project in this section with an appropriation that cannot be used for the current fiscal biennium to advance the SR 4/Abernathy Creek Br - Replace Bridge project (400411A).

(b) At least ten business days before advancing the project pursuant to this subsection, the department must notify the office of financial management and the transportation committees of the legislature. The advancement of the project may not hinder the delivery of the projects for which the reappropriations are necessary for the 2021-2023 fiscal biennium.

(c) To the extent practicable, the department shall use the flexibility and authority granted in this section and in section 601 of this act to minimize the amount of reappropriations needed each biennium.

(11) Within the connecting Washington account—state appropriation, the department may transfer funds from Highway System Preservation (L1100071) to other preservation projects listed in the LEAP transportation document identified in subsection (1) of this section, if it is determined necessary for completion of these high priority

preservation projects. The department's next budget submittal after using this subsection must appropriately reflect the transfer.

**Sec. 307.** 2019 c 416 s 308 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF  
TRANSPORTATION—TRAFFIC OPERATIONS—  
PROGRAM Q—CAPITAL**

Motor Vehicle Account—State Appropriation .....	<del>(\$7,311,000))</del>
	<u>\$8,433,000</u>
Motor Vehicle Account—Federal Appropriation .....	<del>(\$5,331,000))</del>
	<u>\$6,137,000</u>
Motor Vehicle Account—Private/Local Appropriation .....	<del>(\$500,000))</del>
	<u>\$579,000</u>

Interstate 405 and State Route Number 167 Express

Toll Lanes Account—State Appropriation ...\$100,000

TOTAL APPROPRIATION.....\$13,142,000

\$15,249,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$700,000 of the motor vehicle account—state appropriation is provided solely for the SR 99 Aurora Bridge ITS project (L2000338); however, if at least \$50,000,000 is not made available, by means of transfer, deposit, appropriation, or other similar conveyance, to the motor vehicle account for stormwater-related activities through the enactment of chapter 422 (~~Engrossed Substitute Senate Bill No. 5993~~), Laws of 2019 (model toxics control program reform) by June 30, 2019, the amount provided in this subsection lapses.

(2) It is the intent of the legislature that no capital projects be delayed as a result of revenue reductions, but that as a short-term solution appropriation authority for this program is reduced to reflect anticipated underruns in this program, based on historical reappropriation levels.

(3) \$700,000 of the motor vehicle account—state appropriation is provided solely as restitutive expenditure authority for projects as listed by amount in LEAP Transportation Document 2020-2 ALL PROJECTS as developed February 25, 2020, Program – Traffic Operations (Q), and may be spent only if a court of final jurisdiction holds that chapter 1 (Initiative Measure No. 976), Laws of 2020 is unconstitutional in its entirety.

**Sec. 308.** 2019 c 416 s 309 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF  
TRANSPORTATION—WASHINGTON STATE  
FERRIES CONSTRUCTION—PROGRAM W**

Puget Sound Capital Construction Account—State	
Appropriation .....	<del>((111,076,000))</del>
	<u>\$114,953,000</u>
Puget Sound Capital Construction Account—Federal	
Appropriation .....	<del>((141,750,000))</del>
	<u>\$198,688,000</u>
Puget Sound Capital Construction Account—Private/Local	
Appropriation .....	<del>((350,000))</del>
	<u>\$4,779,000</u>
Transportation Partnership Account—State	
Appropriation .....	<del>((4,936,000))</del>
	<u>\$6,582,000</u>
Connecting Washington Account—State	
Appropriation .....	<del>((92,766,000))</del>
	<u>\$96,617,000</u>
Capital Vessel Replacement Account—State	
Appropriation .....	<del>((99,000,000))</del>
	<u>\$96,030,000</u>
Motor Vehicle Account—State	
Appropriation .....	<u>\$5,000,000</u>
Transportation 2003 Account (Nickel Account)—State	
Appropriation .....	<u>\$986,000</u>
TOTAL APPROPRIATION .....	<u>\$449,878,000</u>
	<u>\$523,635,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) Except as provided otherwise in this section, the entire appropriations in this section are provided solely for the projects and activities as listed in LEAP Transportation Document ((2019-2)) 2020-2 ALL PROJECTS as developed ((April 27, 2019)) February 25, 2020, Program - Washington State Ferries Capital Program (W).

(2) ((1,461,000)) \$2,857,000 of the Puget Sound capital construction account—state appropriation, ((59,650,000)) \$17,832,000 of the Puget Sound capital construction account—federal appropriation, and \$63,789,000 of the connecting Washington account—state appropriation, are provided solely for the Mukilteo ferry terminal (952515P). To the extent practicable, the department shall avoid the closure of, or disruption to, any existing public access walkways in the vicinity of the terminal project during construction.

(3) ((73,089,000)) \$102,641,000 of the Puget Sound capital construction account—federal appropriation((; \$33,089,000)) and \$34,998,000 of the connecting Washington account—state appropriation((; and \$8,778,000

~~of the Puget Sound capital construction account—state appropriation))~~ are provided solely for the Seattle Terminal Replacement project (900010L).

(4) ((5,000,000)) \$5,357,000 of the Puget Sound capital construction account—state appropriation is provided solely for emergency capital repair costs (999910K). Funds may only be spent after approval by the office of financial management.

(5) \$2,300,000 of the Puget Sound capital construction account—state appropriation is provided solely for the ORCA acceptance project (L2000300). The ferry system shall work with Washington technology solutions and the tolling division on the development of a new, interoperable ticketing system.

(6) \$495,000 of the Puget Sound capital construction account—state appropriation is provided solely for an electric ferry planning team (G2000087) to develop ten-year and twenty-year implementation plans to efficiently deploy hybrid-electric vessels, including a cost-benefit analysis of construction and operation of hybrid-electric vessels with and without charging infrastructure. The plan includes, but is not limited to, vessel technology and feasibility, vessel and terminal deployment schedules, project financing, and workforce requirements. The plan shall be submitted to the office of financial management and the transportation committees of the legislature by June 30, 2020.

(7) \$35,000,000 of the Puget Sound capital construction account—state appropriation and ((6,500,000)) \$8,000,000 of the Puget Sound capital construction account—federal appropriation are provided solely for the conversion of up to two Jumbo Mark II vessels to electric hybrid propulsion (G2000084). The department shall seek additional funds for the purposes of this subsection. The department may spend from the Puget Sound capital construction account—state appropriation in this section only as much as the department receives in Volkswagen settlement funds for the purposes of this subsection.

(8) \$400,000 of the Puget Sound capital construction account—state appropriation is provided solely for a request for proposals for a new maintenance management system (project L2000301) and is subject to the conditions, limitations, and review provided in section 701 of this act.

(9) ((99,000,000)) \$96,030,000 of the capital vessel replacement account—state appropriation is provided solely for the acquisition of a 144-car hybrid-electric vessel. The vendor must present to the joint transportation committee and the office of financial management, by September 15, 2019, a list of options that will result in significant cost savings changes in terms of construction or the long-term maintenance and operations of the vessel. The vendor must allow for exercising the options without a penalty. It is the intent of the legislature to provide an additional \$88,000,000 in funding in the 2021-23 biennium. ((Unless (a) chapter 431 (Engrossed Substitute House Bill No. 2161), Laws of 2019 (capital surcharge) or chapter ... (Substitute Senate Bill No. 5992), Laws of 2019 (capital surcharge) is enacted by June 30, 2019, and (b) chapter 417 (Engrossed House Bill No. 1789), Laws of 2019 (service fees) or chapter ... (Substitute

Senate Bill No. 5419), Laws of 2019 (service fees) is enacted by June 30, 2019, the amount provided in this subsection lapses.)) The reduction provided in this subsection is an assumed underrun pursuant to subsection (11) of this section. The commencement of construction of new vessels for the ferry system is important not only for safety reasons, but also to keep skilled marine construction jobs in the Puget Sound region and to sustain the capacity of the region to meet the ongoing construction and preservation needs of the ferry system fleet of vessels. The legislature has determined that the current vessel procurement process must move forward with all due speed, balancing the interests of both the taxpayers and shipyards. To accomplish construction of vessels in accordance with RCW 47.60.810, the prevailing shipbuilder, for vessels initially funded after July 1, 2020, is encouraged to follow the historical practice of subcontracting the construction of ferry superstructures to a separate nonaffiliated contractor located within the Puget Sound region, that is qualified in accordance with RCW 47.60.690. When subcontracting, the prevailing shipbuilder shall negotiate a fair value contract with the superstructure subcontractor or subcontractors. The negotiation of the scope of work for the superstructure subcontract shall include, at a minimum, the scope of work of superstructure construction historically performed by subcontractors on ferry superstructures. All negotiations must be completed within forty-five days of the department's approval of the final technical proposal. The prevailing shipbuilder must submit to the department evidence of good faith efforts, as judged by the department, to meet the superstructure subcontracting requirement set forth herein before proceeding with construction of the vessel.

(10) The capital vessel replacement account—state appropriation includes up to ~~(((\$99,000,000))~~ \$96,030,000 in proceeds from the sale of bonds authorized in RCW 47.10.873.

(11) It is the intent of the legislature that no capital projects be delayed as a result of revenue reductions, but that as a short-term solution appropriation authority for this program is reduced to reflect anticipated underruns in this program, based on historical reappropriation levels.

(12) \$5,000,000 of the motor vehicle account—state appropriation is provided solely as restitutive expenditure authority for projects as listed by amount in LEAP Transportation Document 2020-2 ALL PROJECTS as developed February 25, 2020, Program – Washington State Ferries Capital Program (W), and may be spent only if a court of final jurisdiction holds that chapter 1 (Initiative Measure No. 976), Laws of 2020 is unconstitutional in its entirety.

**Sec. 309.** 2019 c 416 s 310 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF  
TRANSPORTATION—RAIL—PROGRAM Y—  
CAPITAL**

Motor Vehicle Account—State Appropriation  
..... \$1,750,000

Essential Rail Assistance Account—State Appropriation .....	(((\$500,000))  \$716,000
Transportation Infrastructure Account—State Appropriation .....	(((\$7,554,000)) \$7,503,000
Multimodal Transportation Account—State Appropriation .....	(((\$85,441,000)) \$95,125,000
Multimodal Transportation Account—Federal Appropriation .....	(((\$8,302,000)) \$8,601,000
Multimodal Transportation Account—Local Appropriation .....	\$336,000
TOTAL APPROPRIATION .....	\$103,883,000 \$114,031,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Except as provided otherwise in this section, the entire appropriations in this section are provided solely for the projects and activities as listed by project and amount in LEAP Transportation Document ~~((2019-2))~~ 2020-2 ALL PROJECTS as developed ~~((April 27, 2019))~~ February 25, 2020, Program - Rail Program (Y).

(2) \$7,136,000 of the transportation infrastructure account—state appropriation is provided solely for new low-interest loans approved by the department through the freight rail investment bank (FRIB) program. The department shall issue FRIB program loans with a repayment period of no more than ten years, and charge only so much interest as is necessary to recoup the department's costs to administer the loans. The department shall report annually to the transportation committees of the legislature and the office of financial management on all FRIB loans issued.

(3) ~~(((\$8,112,000))~~ \$7,968,000 of the multimodal transportation account—state appropriation ~~((, \$51,000 of the transportation infrastructure account state appropriation, and \$135,000 of the essential rail assistance account—state appropriation are))~~ is provided solely for new statewide emergent freight rail assistance projects identified in the LEAP transportation document referenced in subsection (1) of this section.

(4) \$367,000 of the transportation infrastructure account—state appropriation and \$1,100,000 of the multimodal transportation account—state appropriation are provided solely to reimburse Highline Grain, LLC for approved work completed on Palouse River and Coulee City (PCC) railroad track in Spokane county between the BNSF Railway Interchange at Cheney and Geiger Junction and must be administered in a manner consistent with freight rail assistance program projects. The value of the public benefit

of this project is expected to meet or exceed the cost of this project in: Shipper savings on transportation costs; jobs saved in rail-dependent industries; and/or reduced future costs to repair wear and tear on state and local highways due to fewer annual truck trips (reduced vehicle miles traveled). The amounts provided in this subsection are not a commitment for future legislatures, but it is the legislature's intent that future legislatures will work to approve biennial appropriations until the full \$7,337,000 cost of this project is reimbursed.

(5)(a) ~~(((\$365,000))~~ \$716,000 of the essential rail assistance account—state appropriation ~~((is))~~ and \$82,000 of the multimodal transportation account—state appropriation are provided solely for the purpose of the rehabilitation and maintenance of the Palouse river and Coulee City railroad line (F01111B).

(b) Expenditures from the essential rail assistance account—state in this subsection may not exceed the combined total of:

(i) Revenues and transfers deposited into the essential rail assistance account from leases and sale of property relating to the Palouse river and Coulee City railroad;

(ii) Revenues from trackage rights agreement fees paid by shippers; and

(iii) Revenues and transfers transferred from the miscellaneous program account to the essential rail assistance account, pursuant to RCW 47.76.360, for the purpose of sustaining the grain train program by maintaining the Palouse river and Coulee City railroad.

(6) The department shall issue a call for projects for the freight rail assistance program, and shall evaluate the applications in a manner consistent with past practices as specified in section 309, chapter 367, Laws of 2011. By November 15, 2020, the department shall submit a prioritized list of recommended projects to the office of financial management and the transportation committees of the legislature.

(7) \$10,000,000 of the multimodal transportation account—state appropriation is provided solely as expenditure authority for any insurance proceeds received by the state for Passenger Rail Equipment Replacement (project 700010C.) The department must use this expenditure authority only to purchase ~~((new train sets))~~ replacement equipment that ~~((have))~~ has been competitively procured and for service recovery needs and corrective actions related to the December 2017 derailment.

(8) ~~(((\$600,000))~~ \$898,000 of the multimodal transportation account—federal appropriation and ~~(((\$6,000))~~ \$8,000 of the multimodal transportation account—state appropriation are provided solely for the Ridgefield Rail Overpass (project 725910A). Total costs for this project may not exceed \$909,000 across fiscal biennia.

(9)(a) For projects funded as part of the 2015 connecting Washington transportation package listed on the LEAP transportation document identified in subsection (1) of this section, if the department expects to have substantial reappropriations for the 2021-2023 fiscal biennium, the

department may, on a pilot basis, apply funding from a project in this section with an appropriation that cannot be used for the current fiscal biennium to advance the South Kelso Railroad Crossing project (L1000147).

(b) At least ten business days before advancing the project pursuant to this subsection, the department must notify the office of financial management and the transportation committees of the legislature. The advancement of the project may not hinder the delivery of the projects for which the reappropriations are necessary for the 2021-2023 fiscal biennium.

(c) To the extent practicable, the department shall use the flexibility and authority granted in this section to minimize the amount of reappropriations needed each biennium.

(10) The multimodal transportation account—state appropriation includes up to ~~(((\$19,592,000))~~ \$25,000,000 in proceeds from the sale of bonds authorized in RCW 47.10.867.

(11) The department must report to the joint transportation committee on the progress made on freight rail investment bank projects and freight rail assistance projects funded during this biennium by January 1, 2020.

(12) \$1,500,000 of the multimodal transportation account—state appropriation is provided solely for the Chelatchie Prairie railroad roadbed rehabilitation project (L1000233).

(13) \$250,000 of the multimodal transportation account—state appropriation is provided solely for the Port of Moses Lake Northern Columbia Basin railroad feasibility study (L1000235).

(14) \$500,000 of the multimodal transportation account—state appropriation is provided solely for the Spokane airport transload facility project (L1000242).

(15) \$1,000,000 of the motor vehicle account—state appropriation is provided solely for the grade separation at Bell road project (L1000239)~~((; however, if at least \$50,000,000 is not made available, by means of transfer, deposit, appropriation, or other similar conveyance, to the motor vehicle account for stormwater-related activities through the enactment of chapter 422 (Engrossed Substitute Senate Bill No. 5993), Laws of 2019 (model toxics control program reform) by June 30, 2019, the amount provided in this subsection lapses)).~~

(16) \$750,000 of the motor vehicle account—state appropriation ~~((is))~~ and \$399,000 of the multimodal transportation account—state appropriation are provided solely for the rail crossing improvements at 6th Ave. and South 19th St. project (L2000289)~~((; however, if at least \$50,000,000 is not made available, by means of transfer, deposit, appropriation, or other similar conveyance, to the motor vehicle account for stormwater-related activities through the enactment of chapter 422 (Engrossed Substitute Senate Bill No. 5993), Laws of 2019 (model toxics control program reform) by June 30, 2019, the amount provided in this subsection lapses)).~~

(17) It is the intent of the legislature that no capital projects be delayed as a result of revenue reductions, but that as a short-term solution appropriation authority for this program is reduced to reflect anticipated underruns in this program, based on historical reappropriation levels.

(18) \$5,000,000 of the multimodal transportation account—state appropriation is provided solely as restitutive expenditure authority for projects as listed by amount in LEAP Transportation Document 2020-2 ALL PROJECTS as developed February 25, 2020, Program – Rail Program (Y), and may be spent only if a court of final jurisdiction holds that chapter 1 (Initiative Measure No. 976), Laws of 2020 is unconstitutional in its entirety.

**Sec. 310.** 2019 c 416 s 311 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF  
TRANSPORTATION—LOCAL PROGRAMS—  
PROGRAM Z—CAPITAL**

Highway	Infrastructure	Account—State	Appropriation .....	<del>(( \$793,000 ))</del>
				<u>\$1,276,000</u>
Highway	Infrastructure	Account—Federal	Appropriation .....	<del>(( \$981,000 ))</del>
				<u>\$1,337,000</u>
Transportation Partnership Account—State				
Appropriation .....				<del>(( \$750,000 ))</del>
				<u>\$1,380,000</u>
Highway	Safety	Account—State	Appropriation .....	<del>(( \$800,000 ))</del>
				<u>\$1,314,000</u>
Motor	Vehicle	Account—State	Appropriation .....	<del>(( \$30,878,000 ))</del>
				<u>\$38,707,000</u>
Motor	Vehicle	Account—Federal	Appropriation .....	<del>(( \$33,813,000 ))</del>
				<u>\$67,690,000</u>
Motor	Vehicle	Account—Private/Local	Appropriation .....	<del>(( \$21,500,000 ))</del>
				<u>\$29,000,000</u>
Connecting	Washington	Account—State	Appropriation .....	<del>(( \$172,454,000 ))</del>
				<u>\$155,550,000</u>
Multimodal Transportation Account—State				
Appropriation .....				<del>(( \$72,269,000 ))</del>
				<u>\$87,469,000</u>
TOTAL APPROPRIATION .....				<u>\$334,238,000</u>
				<u>\$383,723,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) Except as provided otherwise in this section, the entire appropriations in this section are provided solely for the projects and activities as listed by project and amount in LEAP Transportation Document (~~((2019-2))~~ 2020-2 ALL PROJECTS as developed (~~((April 27, 2019))~~ February 25, 2020, Program - Local Programs Program (Z).

(2) The amounts identified in the LEAP transportation document referenced under subsection (1) of this section for pedestrian safety/safe routes to school are as follows:

(a) \$18,380,000 of the multimodal transportation account—state appropriation is provided solely for newly selected pedestrian and bicycle safety program projects. ~~(( \$5,940,000 ))~~ \$18,577,000 of the multimodal transportation account—state appropriation and ~~(( \$750,000 ))~~ \$1,380,000 of the transportation partnership account—state appropriation are reappropriated for pedestrian and bicycle safety program projects selected in the previous biennia (L2000188).

(b) \$11,400,000 of the motor vehicle account—federal appropriation and \$7,750,000 of the multimodal transportation account—state appropriation are provided solely for newly selected safe routes to school projects. ~~(( \$6,690,000 ))~~ \$11,354,000 of the motor vehicle account—federal appropriation, ~~(( \$2,320,000 ))~~ \$4,640,000 of the multimodal transportation account—state appropriation, and ~~(( \$800,000 ))~~ \$1,314,000 of the highway safety account—state appropriation are reappropriated for safe routes to school projects selected in the previous biennia (L2000189). The department may consider the special situations facing high-need areas, as defined by schools or project areas in which the percentage of the children eligible to receive free and reduced-price meals under the national school lunch program is equal to, or greater than, the state average as determined by the department, when evaluating project proposals against established funding criteria while ensuring continued compliance with federal eligibility requirements.

(3) The department shall submit a report to the transportation committees of the legislature by December 1, 2019, and December 1, 2020, on the status of projects funded as part of the pedestrian safety/safe routes to school grant program. The report must include, but is not limited to, a list of projects selected and a brief description of each project's status.

(4) ~~(( \$28,319,000 ))~~ \$37,537,000 of the multimodal transportation account—state appropriation is provided solely for bicycle and pedestrian projects listed in the LEAP transportation document referenced in subsection (1) of this section.

(5) ~~(( \$19,160,000 ))~~ \$23,926,000 of the connecting Washington account—state appropriation is provided solely for the Covington Connector (L2000104). The amounts described in the LEAP transportation document referenced in subsection (1) of this section are not a commitment by future legislatures, but it is the legislature's intent that future legislatures will work to approve appropriations in the 2019-2021 fiscal biennium to reimburse the city of Covington for

approved work completed on the project up to the full \$24,000,000 cost of this project.

(6)(a) For projects funded as part of the 2015 connecting Washington transportation package listed on the LEAP transportation document identified in subsection (1) of this section, if the department expects to have substantial reappropriations for the 2021-2023 fiscal biennium, the department may, on a pilot basis, apply funding from a project in this section with an appropriation that cannot be used for the current fiscal biennium to advance one or more of the following projects:

(i) East-West Corridor Overpass and Bridge (L2000067);

(ii) 41st Street Rucker Avenue Freight Corridor Phase 2 (L2000134);

(iii) Mottman Rd Pedestrian & Street Improvements (L1000089);

(iv) I-5/Port of Tacoma Road Interchange (L1000087);

(v) Complete SR 522 Improvements-Kenmore (T10600R);

(vi) SR 99 Revitalization in Edmonds (NEDMOND); or

(vii) SR 523 145th Street (L1000148);

(b) At least ten business days before advancing a project pursuant to this subsection, the department must notify the office of financial management and the transportation committees of the legislature. The advancement of a project may not hinder the delivery of the projects for which the reappropriations are necessary for the 2021-2023 fiscal biennium.

(c) To the extent practicable, the department shall use the flexibility and authority granted in this section to minimize the amount of reappropriations needed each biennium.

(7) It is the expectation of the legislature that the department will be administering a local railroad crossing safety grant program for \$7,000,000 in federal funds during the 2019-2021 fiscal biennium.

(8)(a) (~~(\$15,213,000)~~) \$41,483,000 of the motor vehicle account—federal appropriation is provided solely for national highway freight network projects identified on the project list submitted in accordance with section 218(4)(b), chapter 14, Laws of 2016 on October 31, 2016.

(b) In advance of the expiration of the fixing America's surface transportation (FAST) act in 2020, the department must work with the Washington state freight advisory committee to agree on a framework for allocation of any new national highway freight funding that may be approved in a new federal surface transportation reauthorization act. The department and representatives of the advisory committee must report to the joint transportation committee by October 1, 2020, on the status of planning for allocating new funds for this program.

(9) \$1,000,000 of the motor vehicle account—state appropriation is provided solely for the Beech Street Extension project (L1000222)(~~(; however, if at least \$50,000,000 is not made available, by means of transfer, deposit, appropriation, or other similar conveyance, to the motor vehicle account for stormwater related activities through the enactment of chapter 422 (Engrossed Substitute Senate Bill No. 5993), Laws of 2019 (model toxics control program reform) by June 30, 2019, the amount provided in this subsection lapses))~~).

(10) \$3,900,000 of the motor vehicle account—state appropriation is provided solely for the Dupont-Steilacoom road improvements project (L1000224)(~~(; however, if at least \$50,000,000 is not made available, by means of transfer, deposit, appropriation, or other similar conveyance, to the motor vehicle account for stormwater related activities through the enactment of chapter 422 (Engrossed Substitute Senate Bill No. 5993), Laws of 2019 (model toxics control program reform) by June 30, 2019, the amount provided in this subsection lapses))~~).

(11) \$650,000 of the motor vehicle account—state appropriation is provided solely for the SR 104/40th place northeast roundabout project (L1000244)(~~(; however, if at least \$50,000,000 is not made available, by means of transfer, deposit, appropriation, or other similar conveyance, to the motor vehicle account for stormwater related activities through the enactment of chapter 422 (Engrossed Substitute Senate Bill No. 5993), Laws of 2019 (model toxics control program reform) by June 30, 2019, the amount provided in this subsection lapses))~~).

(12) \$860,000 of the multimodal transportation account—state appropriation is provided solely for the Clinton to Ken's corner trail project (L1000249).

(13) \$210,000 of the motor vehicle account—state appropriation is provided solely for the I-405/44th gateway signage and green-scaping improvements project (L1000250)(~~(; however, if at least \$50,000,000 is not made available, by means of transfer, deposit, appropriation, or other similar conveyance, to the motor vehicle account for stormwater related activities through the enactment of chapter 422 (Engrossed Substitute Senate Bill No. 5993), Laws of 2019 (model toxics control program reform) by June 30, 2019, the amount provided in this subsection lapses))~~).

(14) (~~(\$750,000 of the multimodal transportation account—state appropriation is provided solely for the Edmonds waterfront connector project (L1000252).~~

~~(45)))~~ \$650,000 of the motor vehicle account—state appropriation is provided solely for the Wallace Kneeland and Shelton springs road intersection improvements project (L1000260)(~~(; however, if at least \$50,000,000 is not made available, by means of transfer, deposit, appropriation, or other similar conveyance, to the motor vehicle account for stormwater related activities through the enactment of chapter 422 (Engrossed Substitute Senate Bill No. 5993), Laws of 2019 (model toxics control program reform) by June 30, 2019, the amount provided in this subsection lapses))~~).

~~((46))~~ (15) \$1,000,000 of the motor vehicle account—state appropriation and \$500,000 of the multimodal transportation account—state appropriation are provided solely for the complete 224th Phase two project (L1000270)(~~(; however, if at least \$50,000,000 is not made available, by means of transfer, deposit, appropriation, or other similar conveyance, to the motor vehicle account for stormwater-related activities through the enactment of chapter 422 (Engrossed Substitute Senate Bill No. 5993), Laws of 2019 (model toxics control program reform) by June 30, 2019, the amount in this subsection provided from the motor vehicle account—state appropriation lapses)~~)).

~~((47))~~ (16) \$60,000 of the multimodal transportation account—state appropriation is provided solely for the installation of an updated meteorological station at the Colville airport (L1000279).

~~((48))~~ (17)(a) \$700,000 of the motor vehicle account—state appropriation is provided solely for the Ballard-Interbay Regional Transportation system plan project (L1000281)(~~(; however, if at least \$50,000,000 is not made available, by means of transfer, deposit, appropriation, or other similar conveyance, to the motor vehicle account for stormwater-related activities through the enactment of chapter 422 (Engrossed Substitute Senate Bill No. 5993), Laws of 2019 (model toxics control program reform) by June 30, 2019, the amount provided in this subsection lapses)~~)).

(b) Funding in this subsection is provided solely for the city of Seattle to develop a plan and report for the Ballard-Interbay Regional Transportation System project to improve mobility for people and freight. The plan must be developed in coordination and partnership with entities including but not limited to the city of Seattle, King county, the Port of Seattle, Sound Transit, the Washington state military department for the Seattle armory, and the Washington state department of transportation. The plan must examine replacement of the Ballard bridge and the Magnolia bridge, which was damaged in the 2001 Nisqually earthquake. The city must provide a report on the plan that includes recommendations to the Seattle city council, King county council, and the transportation committees of the legislature by November 1, 2020. The report must include recommendations on how to maintain the current and future capacities of the Magnolia and Ballard bridges, an overview and analysis of all plans between 2010 and 2020 that examine how to replace the Magnolia bridge, and recommendations on a timeline for constructing new Magnolia and Ballard bridges.

~~((49))~~ (18) \$750,000 of the motor vehicle account—state appropriation is provided solely for the Mickelson Parkway project (L1000282)(~~(; however, if at least \$50,000,000 is not made available, by means of transfer, deposit, appropriation, or other similar conveyance, to the motor vehicle account for stormwater-related activities through the enactment of chapter 422 (Engrossed Substitute Senate Bill No. 5993), Laws of 2019 (model toxics control program reform) by June 30, 2019, the amount provided in this subsection lapses)~~)).

~~((20))~~ (19) \$300,000 of the motor vehicle account—state appropriation is provided solely for the South 314th Street Improvements project (L1000283)(~~(; however, if at least \$50,000,000 is not made available, by means of transfer, deposit, appropriation, or other similar conveyance, to the motor vehicle account for stormwater-related activities through the enactment of chapter 422 (Engrossed Substitute Senate Bill No. 5993), Laws of 2019 (model toxics control program reform) by June 30, 2019, the amount provided in this subsection lapses)~~)).

~~((24))~~ (20) \$250,000 of the motor vehicle account—state appropriation is provided solely for the Ridgefield South I-5 Access Planning project (L1000284)(~~(; however, if at least \$50,000,000 is not made available, by means of transfer, deposit, appropriation, or other similar conveyance, to the motor vehicle account for stormwater-related activities through the enactment of chapter 422 (Engrossed Substitute Senate Bill No. 5993), Laws of 2019 (model toxics control program reform) by June 30, 2019, the amount provided in this subsection lapses)~~)).

~~((22))~~ (21) \$300,000 of the motor vehicle account—state appropriation is provided solely for the Washougal 32nd Street Underpass Design and Permitting project (L1000285)(~~(; however, if at least \$50,000,000 is not made available, by means of transfer, deposit, appropriation, or other similar conveyance, to the motor vehicle account for stormwater-related activities through the enactment of chapter 422 (Engrossed Substitute Senate Bill No. 5993), Laws of 2019 (model toxics control program reform) by June 30, 2019, the amount provided in this subsection lapses)~~)).

~~((23))~~ (22) \$600,000 of the Connecting Washington account—state appropriation, \$150,000 of the motor vehicle account—state appropriation, and ~~((50,000))~~ \$267,000 of the multimodal transportation account—state appropriation are provided solely for the Bingen Walnut Creek and Maple Railroad Crossing (L2000328)(~~(; however, if at least \$50,000,000 is not made available, by means of transfer, deposit, appropriation, or other similar conveyance, to the motor vehicle account for stormwater-related activities through the enactment of chapter 422 (Engrossed Substitute Senate Bill No. 5993), Laws of 2019 (model toxics control program reform) by June 30, 2019, the amount in this subsection provided from the motor vehicle account—state appropriation lapses)~~)).

~~((24))~~ (23) \$1,500,000 of the motor vehicle account—state appropriation is provided solely for the SR 303 Warren Avenue Bridge Pedestrian Improvements project (L2000339)(~~(; however, if at least \$50,000,000 is not made available, by means of transfer, deposit, appropriation, or other similar conveyance, to the motor vehicle account for stormwater-related activities through the enactment of chapter 422 (Engrossed Substitute Senate Bill No. 5993), Laws of 2019 (model toxics control program reform) by June 30, 2019, the amount provided in this subsection lapses)~~)).

~~((25))~~ (24) \$1,000,000 of the motor vehicle account—state appropriation is provided solely for the 72nd/Washington Improvements in Yakima project



~~(L2000341)((; however, if at least \$50,000,000 is not made available, by means of transfer, deposit, appropriation, or other similar conveyance, to the motor vehicle account for stormwater related activities through the enactment of chapter 422 (Engrossed Substitute Senate Bill No. 5993), Laws of 2019 (model toxics control program reform) by June 30, 2019, the amount provided in this subsection lapses)).~~

~~((26)) (25) \$650,000 of the motor vehicle account—state appropriation is provided solely for the 48th/Washington Improvements in Yakima project (L2000342)((; however, if at least \$50,000,000 is not made available, by means of transfer, deposit, appropriation, or other similar conveyance, to the motor vehicle account for stormwater related activities through the enactment of chapter 422 (Engrossed Substitute Senate Bill No. 5993), Laws of 2019 (model toxics control program reform) by June 30, 2019, the amount provided in this subsection lapses)).~~

(26) It is the intent of the legislature that no capital projects be delayed as a result of revenue reductions, but that as a short-term solution appropriation authority for this program is reduced to reflect anticipated underruns in this program, based on historical reappropriation levels.

(27) \$7,000,000 of the motor vehicle account—state appropriation and \$10,000,000 of the multimodal transportation account—state appropriation are provided solely as restitutive expenditure authority for projects as listed by amount in LEAP Transportation Document 2020-2 ALL PROJECTS as developed February 25, 2020, Program – Local Programs Program (Z), and may be spent only if a court of final jurisdiction holds that chapter 1 (Initiative Measure No. 976), Laws of 2020 is unconstitutional in its entirety.

**Sec. 311.** 2019 c 416 s 313 (uncodified) is amended to read as follows:

#### **QUARTERLY REPORTING REQUIREMENTS FOR CAPITAL PROGRAM**

On a quarterly basis, the department of transportation shall provide to the office of financial management and the legislative transportation committees the following reports for all capital programs:

(1) For active projects, the report must include:

(a) A TEIS version containing actual capital expenditures for all projects consistent with the structure of the most recently enacted budget;

(b) Anticipated cost savings, cost increases, reappropriations, and schedule adjustments for all projects consistent with the structure of the most recently enacted budget;

(c) The award amount, the engineer's estimate, and the number of bidders for all active projects consistent with the structure of the most recently enacted budget;

(d) Projected costs and schedule for individual projects that are funded at a programmatic level for projects relating to bridge rail, guard rail, fish passage barrier removal,

roadside safety projects, and seismic bridges. Projects within this programmatic level funding must be completed on a priority basis and scoped to be completed within the current programmatic budget;

(e) Highway projects that may be reduced in scope and still achieve a functional benefit;

(f) Highway projects that have experienced scope increases and that can be reduced in scope;

(g) Highway projects that have lost significant local or regional contributions that were essential to completing the project; and

(h) Contingency amounts for all projects consistent with the structure of the most recently enacted budget.

(2) For completed projects, the report must:

(a) Compare the costs and operationally complete date for projects with budgets of twenty million dollars or more that are funded with preexisting funds to the original project cost estimates and schedule; and

(b) Provide a list of nickel ~~((and))~~, TPA, and connecting Washington projects charging to the nickel/TPA/CWA environmental mitigation reserve (OBI4ENV) and the amount each project is charging.

(3) For prospective projects, the report must:

(a) Identify the estimated advertisement date for all projects consistent with the structure of the most recently enacted transportation budget that are going to advertisement during the current fiscal biennium;

(b) Identify the anticipated operationally complete date for all projects consistent with the structure of the most recently enacted transportation budget that are going to advertisement during the current fiscal biennium; and

(c) Identify the estimated cost of completion for all projects consistent with the structure of the most recently enacted transportation budget that are going to advertisement during the current fiscal biennium.

#### **TRANSFERS AND DISTRIBUTIONS**

**Sec. 401.** 2019 c 416 s 401 (uncodified) is amended to read as follows:

#### **FOR THE STATE TREASURER—BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR BOND SALES DISCOUNTS AND DEBT TO BE PAID BY MOTOR VEHICLE ACCOUNT AND TRANSPORTATION FUND REVENUE**

Special Category C Account—State Appropriation		
..... <del>((376,000))</del>		
		<u>\$278,000</u>
Multimodal Transportation Account—State Appropriation .....		
		\$125,000
Transportation Partnership Account—State Appropriation .....		<del>((1,636,000))</del>

		<u>\$1,412,000</u>
Connecting Washington Account—State		
Appropriation.....		<del>(\$7,599,000)</del>
		<u>\$7,433,000</u>
Highway Bond Retirement Account—State		
Appropriation .....		<del>(\$1,327,766,000)</del>
		<u>\$1,268,249,000</u>
Ferry Bond Retirement Account—State Appropriation		
.....		\$25,077,000
Transportation Improvement Board Bond Retirement		
Account—State Appropriation .....		\$12,684,000
Nondebt-Limit Reimbursable Bond Retirement		
Account—State Appropriation .....		<del>(\$29,594,000)</del>
		<u>\$29,584,000</u>
Toll Facility Bond Retirement Account—State		
Appropriation .....		<del>(\$86,493,000)</del>
		<u>\$86,483,000</u>
TOTAL APPROPRIATION .....		<u>\$1,491,340,000</u>
		<u>\$1,431,325,000</u>

**Sec. 402.** 2019 c 416 s 402 (uncodified) is amended to read as follows:

**FOR THE STATE TREASURER—BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES; FOR BOND SALE EXPENSES AND FISCAL AGENT CHARGES**

Multimodal Transportation Account—State		
Appropriation.....		\$25,000
Transportation Partnership Account—State		
Appropriation .....		<del>(\$327,000)</del>
		<u>\$282,000</u>
Connecting Washington Account—State		
Appropriation.....		<del>(\$1,520,000)</del>
		<u>\$1,541,000</u>
Special Category C Account—State Appropriation		
.....		<del>(\$75,000)</del>
		<u>\$56,000</u>
TOTAL APPROPRIATION .....		<u>\$1,947,000</u>
		<u>\$1,904,000</u>

**Sec. 403.** 2019 c 416 s 403 (uncodified) is amended to read as follows:

**FOR THE STATE TREASURER—STATE REVENUES FOR DISTRIBUTION**

Motor Vehicle Account—State Appropriation:

For motor vehicle fuel tax distributions to cities and counties..... ~~(\$518,198,000)~~  
\$508,276,000

**Sec. 404.** 2019 c 416 s 404 (uncodified) is amended to read as follows:

**FOR THE STATE TREASURER—TRANSFERS**

Motor Vehicle Account—State Appropriation:

For motor vehicle fuel tax refunds and statutory transfers..... ~~(\$2,188,945,000)~~  
\$2,146,790,000

**Sec. 405.** 2019 c 416 s 405 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF LICENSING—TRANSFERS**

Motor Vehicle Account—State Appropriation:

For motor vehicle fuel tax refunds and transfers ..... ~~(\$220,426,000)~~  
\$235,788,000

**Sec. 406.** 2019 c 416 s 406 (uncodified) is amended to read as follows:

**FOR THE STATE TREASURER—ADMINISTRATIVE TRANSFERS**

(1) Highway Safety Account—State Appropriation:

For transfer to the Multimodal Transportation Account—State..... ~~(\$10,000,000)~~  
\$54,000,000

(2) Transportation Partnership Account—State

Appropriation: For transfer to the Motor Vehicle Account—State..... \$50,000,000

(3) Motor Vehicle Account—State Appropriation:

For transfer to the State Patrol Highway Account—State..... ~~(\$7,000,000)~~  
\$57,000,000

(4) Motor Vehicle Account—State Appropriation:

For transfer to the Freight Mobility Investment Account—State..... ~~(\$8,511,000)~~  
\$970,000

(5) ~~(Motor Vehicle Account—State Appropriation:~~

~~For transfer to the Rural Arterial Trust Account—State..... \$4,844,000~~

~~(6))~~ Motor Vehicle Account—State Appropriation:

For transfer to the Transportation Improvement  
Account—State ..... ~~(\$9,688,000)~~  
\$1,101,000

~~((7)) Highway Safety Account—State Appropriation:~~  
~~For transfer to the State Patrol Highway~~  
~~Account—State ..... \$44,000,000~~

~~((8)) (6) Motor Vehicle Account—State~~  
~~Appropriation: For transfer to the Puget Sound Capital~~  
~~Construction Account—State ..... \$52,000,000~~

~~(7) Motor Vehicle Account—State Appropriation: For~~  
~~transfer to the Puget Sound Ferry Operations Account—~~  
~~State ..... \$55,000,000~~

~~(8) Rural Mobility Grant Program Account—State~~  
~~Appropriation: For transfer to the Multimodal~~  
~~Transportation Account—State ..... \$3,000,000~~

~~(9) State Route Number 520 Civil Penalties~~  
~~Account—State Appropriation: For transfer to~~  
~~the State Route Number 520 Corridor~~  
~~Account—State ..... \$1,434,000~~

~~(10) Capital Vessel Replacement Account—State~~  
~~Appropriation: For transfer to the Connecting~~  
~~Washington Account—State ..... ~~(\$50,000,000)~~~~  
\$60,000,000

~~(11) Multimodal Transportation Account—State~~  
~~Appropriation: For transfer to the Freight~~  
~~Mobility Multimodal Account—State.. ~~(\$8,511,000)~~~~  
\$1,011,000

~~(12) ~~(Multimodal Transportation Account—State~~~~  
~~Appropriation: For transfer to the Puget Sound~~  
~~Capital Construction Account—State..... \$15,000,000~~

~~(13) Multimodal Transportation Account—State~~  
~~Appropriation: For transfer to the Puget Sound~~  
~~Ferry Operations Account—State ..... \$45,000,000~~

~~((14)) Multimodal Transportation Account—State~~  
~~Appropriation: For transfer to the Regional~~  
~~Mobility Grant Program Account—State~~  
~~..... ~~(\$27,679,000)~~~~  
\$11,215,000

~~((15)) (13) Multimodal Transportation Account—~~  
~~State~~  
~~Appropriation: For transfer to the Rural~~  
~~Mobility Grant Program Account—State \$15,223,000~~

~~((16)) (14) Transportation 2003 Account (Nickel~~  
~~Account)—~~  
~~State Appropriation: For transfer to the Puget~~  
~~Sound Capital Construction Account—State~~  
~~..... ~~(\$20,000,000)~~~~  
\$15,000,000

~~((17)) (15)(a) Alaskan Way Viaduct Replacement~~  
~~Project~~  
~~Account—State Appropriation: For transfer to the~~  
~~Motor Vehicle Account—State..... \$9,992,000~~

~~(b) The transfer identified in this subsection is~~  
~~provided solely to repay in full the motor vehicle account—~~  
~~state appropriation loan from section 1005(21) ~~(of this act)~~,  
chapter 416, Laws of 2019.~~

~~((18)) (16)(a) Transportation Partnership Account—~~  
~~State~~  
~~Appropriation: For transfer to the Alaskan Way~~  
~~Viaduct~~  
~~Replacement Project Account—State ~~((\$77,951,000))~~~~  
\$77,956,000

~~(b) The amount transferred in this subsection~~  
~~represents that portion of the up to \$200,000,000 in proceeds~~  
~~from the sale of bonds authorized in RCW 47.10.873,~~  
~~intended to be sold through the 2021-2023 fiscal biennium,~~  
~~used only for construction of the SR 99/Alaskan Way~~  
~~Viaduct Replacement project (809936Z), and that must be~~  
~~repaid from the Alaskan Way viaduct replacement project~~  
~~account consistent with RCW 47.56.864.~~

~~((19)) (17) Motor Vehicle Account—State~~  
~~Appropriation:~~  
~~For transfer to the County Arterial Preservation~~  
~~Account—State..... ~~(\$4,844,000)~~~~  
\$4,829,000

~~((20)) (18)(a) General Fund Account—State~~  
~~Appropriation:~~  
~~For transfer to the State Patrol Highway~~  
~~Account—State..... \$625,000~~

~~(b) The state treasurer shall transfer the funds only~~  
~~after receiving notification from the Washington state patrol~~  
~~under section 207(7) ~~(of this act)~~, chapter 416, Laws of~~  
~~2019.~~

~~((21)) (19) Capital Vessel Replacement Account—~~  
~~State~~  
~~Appropriation: For transfer to the Transportation~~  
~~Partnership Account—State..... ~~(\$3,293,000)~~~~  
\$2,312,000

~~((22)) (20)(a) Alaskan Way Viaduct Replacement~~  
~~Project~~

Account—State Appropriation: For transfer to the  
 Transportation Partnership Account—State  
 ..... ~~(\$19,262,000)~~  
\$15,858,000

(b) The amount transferred in this subsection represents repayment of debt service incurred for the construction of the SR 99/Alaskan Way Viaduct Replacement project (809936Z).

~~((23))~~ (21) Tacoma Narrows Toll Bridge Account—  
 State

Appropriation: For transfer to the Motor  
 Vehicle Account—State ..... \$950,000

~~((24))~~ (22)(a) Tacoma Narrows Toll Bridge  
 Account—State Appropriation:

For transfer to the Motor Vehicle  
 Account—State ..... \$5,000,000

(b) A transfer in the amount of \$5,000,000 was made from the Motor Vehicle Account to the Tacoma Narrows Toll Bridge Account in April 2019. It is the intent of the legislature that this transfer was to be temporary, for the purpose of minimizing the impact of toll increases, and this is an equivalent reimbursing transfer to occur in November 2019.

~~((25))~~ (23)(a) Transportation 2003 Account (Nickel  
 Account)

—State Appropriation: For transfer to the Tacoma  
 Narrows Toll Bridge Account—State ..... \$12,543,000

(b) It is the intent of the legislature that this transfer is temporary, for the purpose of minimizing the impact of toll increases, and an equivalent reimbursing transfer is to occur after the debt service and deferred sales tax on the Tacoma Narrows bridge construction costs are fully repaid in accordance with chapter 195, Laws of 2018.

~~((26))~~ (24) Transportation Infrastructure Account—  
 State

Appropriation: For transfer to the multimodal  
 Transportation Account—State ..... \$9,000,000

~~((27))~~ (25) Multimodal Transportation Account—  
 State

Appropriation: For transfer to the Pilotage  
 Account—State ..... \$2,500,000

~~((28))~~ (26)(a) Motor Vehicle Account—State  
 Appropriation: For transfer to the County Road

Administration Board Emergency Loan Account—  
 State ..... \$1,000,000

(b) If chapter 157 (~~Senate Bill No. 5923~~), Laws of 2019 is not enacted by June 30, 2019, the amount provided in this subsection lapses.

~~((29))~~ (27)(a) Advanced Environmental Mitigation  
 Revolving Account—State Appropriation: For  
 transfer

to the Motor Vehicle Account—State ..... \$9,000,000

(b) The amount transferred in this subsection is contingent on at least a \$9,000,000 transfer to the advanced environmental mitigation revolving account authorized by June 30, 2019, in the omnibus capital appropriations act.

~~((30) Motor Vehicle account—State Appropriation:~~  
~~For transfer to the Electric Vehicle Charging~~  
~~Infrastructure Account—State ..... \$12,255,000~~

~~(31) Multimodal Transportation Account—State~~  
~~Appropriation: For transfer to the Electric Vehicle~~  
~~Charging Infrastructure Account—State.... \$8,000,000~~

~~((32))~~ (28) Multimodal Transportation Account—  
 State

Appropriation: For transfer to the Complete Streets  
 Grant Program Account—State ..... ~~(\$14,670,000)~~  
\$10,200,000

~~((33))~~ (29)(a) Transportation Partnership

Account—State Appropriation: For transfer to the  
 Capital Vessel Replacement Account—State  
 ..... ~~(\$99,000,000)~~  
\$96,030,000

(b)The amount transferred in this subsection represents proceeds from the sale of bonds authorized in RCW 47.10.873.

(30) Electric Vehicle Account—State Appropriation:  
For transfer to the Multimodal Transportation Account—  
State.....\$1,000,000

(31) Rural Arterial Trust Account—State  
Appropriation: For transfer to the Motor Vehicle Account—  
State.....\$1,389,000

(32) Connecting Washington Account—State  
Appropriation: For transfer to the Motor Vehicle Account—  
State.....\$95,000,000

**Sec. 407.** 2019 c 416 s 407 (uncodified) is amended to read as follows:

**FOR THE STATE TREASURER—STATE  
 REVENUES FOR DISTRIBUTION**

Multimodal Transportation Account—State  
 Appropriation: For distribution to cities and  
 counties.....\$26,786,000

Motor Vehicle Account—State Appropriation: For  
 distribution to cities and counties.....\$23,438,000

TOTAL APPROPRIATION.....\$50,224,000

**Sec. 408.** 2019 c 416 s 408 (uncodified) is amended to read as follows:

**FOR THE STATE TREASURER—BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR DEBT TO BE PAID BY STATUTORILY PRESCRIBED REVENUE**

Toll Facility Bond Retirement Account—Federal	
Appropriation .....	\$199,522,000
Toll Facility Bond Retirement Account—State	
Appropriation .....	\$25,372,000
TOTAL APPROPRIATION .....	<u>\$225,273,000</u>
	<u>\$224,894,000</u>

**COMPENSATION**

**NEW SECTION. Sec. 501.** A new section is added to 2019 c 416 (uncodified) to read as follows:**COLLECTIVE BARGAINING AGREEMENTS**

Sections 502 and 503 of this act represent the results of the negotiations for fiscal year 2021 collective bargaining agreement changes, permitted under chapter 47.64 RCW. Provisions of the collective bargaining agreements contained in sections 502 and 503 of this act are described in general terms. Only major economic terms are included in the descriptions. These descriptions do not contain the complete contents of the agreements. The collective bargaining agreements contained in sections 502 and 503 of this act may also be funded by expenditures from nonappropriated accounts. If positions are funded with lidded grants or dedicated fund sources with insufficient revenue, additional funding from other sources is not provided.

**NEW SECTION. Sec. 502.** A new section is added to 2019 c 416 (uncodified) to read as follows:**DEPARTMENT OF TRANSPORTATION MARINE DIVISION COLLECTIVE BARGAINING AGREEMENTS—MEBA-UL**

An agreement has been reached between the governor and the marine engineers' beneficial association unlicensed engine room employees pursuant to chapter 47.64 RCW for the 2021 fiscal year. Funding is provided to ensure training opportunities are available to all bargaining unit employees.

**NEW SECTION. Sec. 503.** A new section is added to 2019 c 416 (uncodified) to read as follows:**DEPARTMENT OF TRANSPORTATION MARINE DIVISION COLLECTIVE BARGAINING AGREEMENTS—MEBA-L**

An agreement has been reached between the governor and the marine engineers' beneficial association licensed engineer officers pursuant to chapter 47.64 RCW for the 2021 fiscal year. Funding is provided to ensure training opportunities are available to all bargaining unit employees.

**NEW SECTION. Sec. 504.** A new section is added to 2019 c 416 (uncodified) to read as follows:**GENERAL STATE EMPLOYEE COMPENSATION ADJUSTMENTS**

Except as otherwise provided in sections 501 through 503 of this act, state employee compensation adjustments will be provided in accordance with funding adjustments provided in the 2020 supplemental omnibus appropriations act.

**IMPLEMENTING PROVISIONS**

**Sec. 601.** 2019 c 416 s 601 (uncodified) is amended to read as follows:

**FUND TRANSFERS**

(1) The 2005 transportation partnership projects or improvements and 2015 connecting Washington projects or improvements are listed in the LEAP Transportation Document ((2019-1)) 2020-1 as developed ((April 27, 2019)) February 25, 2020, which consists of a list of specific projects by fund source and amount over a sixteen-year period. Current fiscal biennium funding for each project is a line-item appropriation, while the outer year funding allocations represent a sixteen-year plan. The department of transportation is expected to use the flexibility provided in this section to assist in the delivery and completion of all transportation partnership account and connecting Washington account projects on the LEAP transportation document referenced in this subsection. For the 2019-2021 project appropriations, unless otherwise provided in this act, the director of the office of financial management may provide written authorization for a transfer of appropriation authority between projects funded with transportation partnership account appropriations or connecting Washington account appropriations to manage project spending and efficiently deliver all projects in the respective program under the following conditions and limitations:

(a) Transfers may only be made within each specific fund source referenced on the respective project list;

(b) Transfers from a project may not be made as a result of the reduction of the scope of a project or be made to support increases in the scope of a project;

(c) Transfers from a project may be made if the funds appropriated to the project are in excess of the amount needed in the current fiscal biennium;

(d) Transfers may not occur for projects not identified on the applicable project list;

(e) Transfers may not be made while the legislature is in session;

(f) Transfers to a project may not be made with funds designated as attributable to practical design savings as described in RCW 47.01.480;

(g) Each transfer between projects may only occur if the director of the office of financial management finds that any resulting change will not hinder the completion of the projects as approved by the legislature. Until the legislature reconvenes to consider the 2020 supplemental omnibus

transportation appropriations act, any unexpended 2017-2019 appropriation balance as approved by the office of financial management, in consultation with the chairs and ranking members of the house of representatives and senate transportation committees, may be considered when transferring funds between projects; and

(h) Transfers between projects may be made by the department of transportation without the formal written approval provided under this subsection (1), provided that the transfer amount does not exceed two hundred fifty thousand dollars or ten percent of the total project, whichever is less. These transfers must be reported quarterly to the director of the office of financial management and the chairs of the house of representatives and senate transportation committees.

(2) The department of transportation must submit quarterly all transfers authorized under this section in the transportation executive information system. The office of financial management must maintain a legislative baseline project list identified in the LEAP transportation documents referenced in this act, and update that project list with all authorized transfers under this section.

(3) At the time the department submits a request to transfer funds under this section, a copy of the request must be submitted to the chairs and ranking members of the transportation committees of the legislature.

(4) Before approval, the office of financial management shall work with legislative staff of the house of representatives and senate transportation committees to review the requested transfers in a timely manner and consider any concerns raised by the chairs and ranking members of the transportation committees.

(5) No fewer than ten days after the receipt of a project transfer request, the director of the office of financial management must provide written notification to the department of any decision regarding project transfers, with copies submitted to the transportation committees of the legislature.

(6) The department must submit annually as part of its budget submittal a report detailing all transfers made pursuant to this section.

**Sec. 602.** 2019 c 416 s 606 (uncodified) is amended to read as follows:

#### **TRANSIT, BICYCLE, AND PEDESTRIAN ELEMENTS REPORTING**

(1) By November 15th of each year, the department of transportation must report on amounts expended to benefit transit, bicycle, or pedestrian elements within all connecting Washington projects in programs I, P, and Z identified in LEAP Transportation Document ((2019-2)) 2020-2 ALL PROJECTS as developed ((April 27, 2019)) February 25, 2020. The report must address each modal category separately and identify if eighteenth amendment protected funds have been used and, if not, the source of funding.

(2) To facilitate the report in subsection (1) of this section, the department of transportation must require that

all bids on connecting Washington projects include an estimate on the cost to implement any transit, bicycle, or pedestrian project elements.

#### **MISCELLANEOUS 2019-2021 FISCAL BIENNIUM**

**Sec. 701.** 2019 c 416 s 701 (uncodified) is amended to read as follows:

#### **INFORMATION TECHNOLOGY OVERSIGHT**

(1) Agencies must apply to the office of financial management and the office of the state chief information officer for approval before beginning a project or proceeding with each discreet stage of a project subject to this section. At each stage, the office of the state chief information officer must certify that the project has an approved technology budget and investment plan, complies with state information technology and security requirements, and other policies defined by the office of the state chief information officer. The office of financial management must notify the fiscal committees of the legislature of the receipt of each application and may not approve a funding request for ten business days from the date of notification.

(2)(a) Each project must have a technology budget. The technology budget must use a method similar to the state capital budget, identifying project costs, each fund source, and anticipated deliverables through each stage of the entire project investment and across fiscal periods and biennia from project onset through implementation and close out.

(b) As part of the development of a technology budget and at each request for funding, the agency shall submit detailed financial information to the office of financial management and the office of the state chief information officer. The technology budget must describe the total cost of the project by fiscal month to include and identify:

(i) Fund sources;

(ii) Full-time equivalent staffing level to include job classification assumptions;

(iii) A discreet appropriation index and program index;

(iv) Object and subobject codes of expenditures; and

(v) Anticipated deliverables.

(c) If a project technology budget changes and a revised technology budget is completed, a comparison of the revised technology budget to the last approved technology budget must be posted to the dashboard, to include a narrative rationale on what changed, why, and how that impacts the project in scope, budget, and schedule.

(3)(a) Each project must have an investment plan that includes:

(i) An organizational chart of the project management team that identifies team members and their roles and responsibilities;

(ii) The office of the state chief information officer staff assigned to the project;

(iii) An implementation schedule covering activities, critical milestones, and deliverables at each stage of the project for the life of the project at each agency affected by the project;

(iv) Performance measures used to determine that the project is on time, within budget, and meeting expectations for quality of work product;

(v) Ongoing maintenance and operations cost of the project post implementation and close out delineated by agency staffing, contracted staffing, and service level agreements; and

(vi) Financial budget coding to include at least discrete program index and subobject codes.

(4) Projects with estimated costs greater than one hundred million dollars from initiation to completion and implementation may be divided into discrete subprojects as determined by the office of the state chief information officer. Each subproject must have a technology budget and investment plan as provided in this section.

(5)(a) The office of the state chief information officer shall maintain an information technology project dashboard that provides updated information each fiscal month on projects subject to this section. This includes, at least:

(i) Project changes each fiscal month;

(ii) Noting if the project has a completed market requirements document;

(iii) Financial status of information technology projects under oversight; ~~((and))~~

(iv) Coordination with agencies;

(v) Monthly quality assurance reports, if applicable;

(vi) Monthly office of the state chief information officer status reports;

(vii) Historical project budget and expenditures through fiscal year 2019;

(viii) Budget and expenditures each fiscal month; and

(ix) Estimated annual maintenance and operations costs by fiscal year.

(b) The dashboard must retain a roll up of the entire project cost, including all subprojects, that can be displayed the subproject detail.

(6) If the project affects more than one agency:

(a) A separate technology budget and investment plan must be prepared for each agency; and

(b) The dashboard must contain a statewide project technology budget roll up that includes each affected agency at the subproject level.

(7) For any project that exceeds two million dollars in total funds to complete, requires more than one biennium to complete, or is financed through financial contracts, bonds, or other indebtedness:

(a) Quality assurance for the project must report independently the office of the chief information officer;

(b) The office of the chief information officer must review, and, if necessary, revise the proposed project to ensure it is flexible and adaptable to advances in technology;

(c) The technology budget must specifically identify the uses of any financing proceeds. No more than thirty percent of the financing proceeds may be used for payroll-related costs for state employees assigned to project management, installation, testing, or training;

(d) The agency must consult with the office of the state treasurer during the competitive procurement process to evaluate early in the process whether products and services to be solicited and the responsive bids from a solicitation may be financed; and

(e) The agency must consult with the contracting division of the department of enterprise services for a review of all contracts and agreements related to the project's information technology procurements.

(8) The office of the state chief information officer must evaluate the project at each stage and certify whether the project is planned, managed, and meeting deliverable targets as defined in the project's approved technology budget and investment plan.

(9) The office of the state chief information officer may suspend or terminate a project at any time if it determines that the project is not meeting or not expected to meet anticipated performance and technology outcomes. Once suspension or termination occurs, the agency shall unallot any unused funding and shall not make any expenditure for the project without the approval of the office of financial management. The office of the state chief information officer must report on July 1st and December 1st each calendar year, beginning July 1, 2020, any suspension or termination of a project in the previous six month period to legislative fiscal committees.

(10) The office of the state chief information officer, in consultation with the office of financial management, may identify additional projects to be subject to this section, including projects that are not separately identified within an agency budget. The office of the state chief information officer must report on July 1st and December 1st each calendar year, beginning July 1, 2020, any additional projects to be subjected to this section that were identified in the previous six month period to legislative fiscal committees.

(11) The following department of transportation projects are subject to the conditions, limitations, and review provided in this section: Labor System Replacement, New Ferry Division Dispatch System, Maintenance Management System, Land Mobile Radio System Replacement, and New CSC System and Operator.

**Sec. 702.** RCW 36.79.020 and 1997 c 81 s 2 are each amended to read as follows:

There is created in the motor vehicle fund the rural arterial trust account. All moneys deposited in the motor

vehicle fund to be credited to the rural arterial trust account shall be expended for (1) the construction and improvement of county rural arterials and collectors, (2) the construction of replacement bridges funded by the federal bridge replacement program on access roads in rural areas, and (3) those expenses of the board associated with the administration of the rural arterial program. However, during the 2019-2021 fiscal biennium, the legislature may direct the state treasurer to make transfers of moneys in the rural arterial trust account to the motor vehicle fund.

**Sec. 703.** RCW 82.32.385 and 2015 3rd sp.s. c 44 s 420 are each amended to read as follows:

(1) Beginning September 2019 and ending ~~((June 2021))~~ December 2019, by the last day of September~~((7))~~ and December~~((, March, and June of each year))~~, the state treasurer must transfer from the general fund to the connecting Washington account created in RCW 46.68.395 thirteen million six hundred eighty thousand dollars.

(2) Beginning March 2020 and ending June 2021, by the last day of September, December, March, and June of each year, the state treasurer must transfer from the general fund to the multimodal transportation account created in RCW 47.66.070 thirteen million six hundred eighty thousand dollars.

(3) Beginning September 2021 and ending June 2023, by the last day of September, December, March, and June of each year, the state treasurer must transfer from the general fund to the connecting Washington account created in RCW 46.68.395 thirteen million eight hundred five thousand dollars.

~~((4))~~ (4) Beginning September 2023 and ending June 2025, by the last day of September, December, March, and June of each year, the state treasurer must transfer from the general fund to the connecting Washington account created in RCW 46.68.395 thirteen million nine hundred eighty-seven thousand dollars.

~~((4))~~ (5) Beginning September 2025 and ending June 2027, by the last day of September, December, March, and June of each year, the state treasurer must transfer from the general fund to the connecting Washington account created in RCW 46.68.395 eleven million six hundred fifty-eight thousand dollars.

~~((5))~~ (6) Beginning September 2027 and ending June 2029, by the last day of September, December, March, and June of each year, the state treasurer must transfer from the general fund to the connecting Washington account created in RCW 46.68.395 seven million five hundred sixty-four thousand dollars.

~~((6))~~ (7) Beginning September 2029 and ending June 2031, by the last day of September, December, March, and June of each year, the state treasurer must transfer from the general fund to the connecting Washington account created in RCW 46.68.395 four million fifty-six thousand dollars.

**Sec. 704.** RCW 47.66.110 and 2015 3rd sp.s. c 11 s 4 are each amended to read as follows:

(1) The transit coordination grant program is created in the department. The purpose of the transit coordination grant program is to encourage joint planning and coordination on the part of central Puget Sound transit systems in order to improve the user experience, increase ridership, and make the most effective use of tax dollars. The department shall oversee, manage, score, select, and evaluate transit coordination grant program project applications, and shall select transit coordination grant recipients annually. A transit agency located in a county or counties with a population of seven hundred thousand or more that border Puget Sound is eligible to apply to the department for transit coordination grants.

(2) Projects eligible for transit coordination grants include, but are not limited to, projects that:

(a) Integrate marketing efforts;

(b) Align fare structures;

(c) Integrate service planning;

(d) Coordinate long-range planning, including capital projects planning and implementation;

(e) Integrate other administrative functions and internal business processes as appropriate; and

(f) Integrate certain customer-focused tools and initiatives.

(3) Transit coordination grants must, at a minimum, be proposed jointly by two or more eligible transit agencies and must include a description of the:

(a) Issue or problem to be addressed;

(b) Specific solution and measurable outcomes;

(c) Benefits such as cost savings, travel time improvements, improved coordination, and improved customer experience; and

(d) Performance measurements and an evaluation plan that includes the identification of milestones towards successful completion of the project.

(4) Transit coordination grant applications must include measurable outcomes for the project including, but not limited to, the following:

(a) Impacts on service, such as increased service, improved service delivery, and improved transfers and coordination across transit service;

(b) Impacts on customer service, such as: Improved reliability; improved outreach and coordination with customers, employers, and communities; improvements in customer service functions, such as customer response time and web-based and other communications; and

(c) Impacts on administration, such as improved marketing and outreach efforts, integrated customer-focused tools, and improved cross-agency communications.

(5) Transit coordination grant applications must also include:

(a) Project budget and cost details; and



(b) A commitment and description of local matching funding of at least ten percent of the project cost.

(6) Upon completion of the project, transit coordination grant recipients must provide a report to the department that includes an overview of the project, how the grant funds were spent, and the extent to which the identified project outcomes were met. In addition, such reports must include a description of best practices that could be transferred to other transit agencies faced with similar issues to those addressed by the transit coordination grant recipient. The department must report annually to the transportation committees of the legislature on the transit coordination grants that were awarded, and the report must include data to determine if completed transit coordination grant projects produced the anticipated outcomes included in the grant applications.

(7) This section expires July 1, ((2020)) 2021.

**Sec. 705.** RCW 82.44.200 and 2019 c 287 s 15 are each amended to read as follows:

The electric vehicle account is created in the transportation infrastructure account. Proceeds from the principal and interest payments made on loans from the account must be deposited into the account. Expenditures from the account may be used only for the purposes specified in RCW 47.04.350, 82.08.9999, and 82.12.9999, and the support of other transportation electrification and alternative fuel related purposes. Moneys in the account may be spent only after appropriation. During the 2019-2021 fiscal biennium, the legislature may direct the state treasurer to make transfers of moneys in the electric vehicle account to the multimodal transportation account.

**Sec. 706.** RCW 82.44.135 and 2006 c 318 s 9 are each amended to read as follows:

(1) Before a local government subject to this chapter may impose a motor vehicle excise tax, the local government must contract with the department for the collection of the tax. The department may charge a reasonable amount, not to exceed one percent of tax collections, or two and one-half percent during the 2019-2021 biennium, for the administration and collection of the tax.

(2) For fiscal year 2021, the department shall charge a minimum of seven million eight hundred two thousand dollars, which is the reasonable amount aimed at achieving full cost recovery for the administration and collection of a motor vehicle excise tax. The amount of the full reimbursement for the administration and collection of the motor vehicle excise tax must be deducted before distributing any revenues to a regional transit authority. Any reimbursement to ensure full cost recovery beyond the amount specified in this subsection may be negotiated between the department and the regional transit authority if full cost recovery has not been achieved, or if based on emergent issues.

**Sec. 707.** RCW 46.68.395 and 2015 3rd sp.s. c 44 s 106 are each amended to read as follows:

(1) The connecting Washington account is created in the motor vehicle fund. Moneys in the account may be spent

only after appropriation. Expenditures from the account must be used only for projects or improvements identified as connecting Washington projects or improvements in a transportation appropriations act, including any principal and interest on bonds authorized for the projects or improvements.

(2) Moneys in the connecting Washington account may not be expended on the state route number 99 Alaskan Way viaduct replacement project.

(3) During the 2019-2021 fiscal biennium, the legislature may direct the state treasurer to make transfers of moneys in the connecting Washington account to the motor vehicle fund.

## MISCELLANEOUS

**NEW SECTION. Sec. 801.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

**NEW SECTION. Sec. 802.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

On page 1, line 1 of the title, after "appropriations;" strike the remainder of the title and insert "amending RCW 36.79.020, 82.32.385, 47.66.110, 82.44.200, 82.44.135, and 46.68.395; amending 2019 c 416 ss 103, 105, 108, 109, 201-223, 301, 303-311, 313, 401-408, 601, 606, and 701 (uncodified); adding new sections to 2019 c 416 (uncodified); making appropriations and authorizing expenditures for capital improvements; and declaring an emergency."

and the same is herewith transmitted.

Brad Hendrickson, Secretary

## SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House refused to concur in the Senate Amendment to ENGROSSED SUBSTITUTE HOUSE BILL NO. 2322 and asked the Senate for a conference thereon. The Speaker (Representative Orwall presiding) appointed Representatives Barkis, Fey and Wylie as conferees.

## THIRD READING MESSAGE FROM THE SENATE

March 4, 2020

Madame Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 1023 with the following amendment:

802.0.

On page 3, line 31, after "capacity" insert ", and allow the local jurisdiction to provide any recommendations to the department as to whether or not the department should

approve the applicant's request to increase its bed capacity to seven or eight beds"

and the same is herewith transmitted.

Brad Hendrickson, Secretary

### SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to ENGROSSED SUBSTITUTE HOUSE BILL NO. 1023 and advanced the bill as amended by the Senate to final passage.

### FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representatives Cody and Schmick spoke in favor of the passage of the bill.

### MOTION

On motion of Representative Jenkin, Representatives Griffey and Volz were excused.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1023, as amended by the Senate.

### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1023, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Mead, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shea, Shewmake, Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Excused: Representatives Griffey and Volz.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1023, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

### MESSAGE FROM THE SENATE

March 4, 2020

Madame Speaker:

The Senate has passed SECOND SUBSTITUTE HOUSE BILL NO. 1191 with the following amendment:

802.0.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 803. A new section is added to chapter 28A.320 RCW to read as follows:

(1) A school district superintendent, a designee of the superintendent, or a principal of a school who receives information pursuant to RCW 28A.225.330, 9A.44.138, 13.04.155, 13.40.215, or 72.09.730 shall comply with the notification provisions described in this section.

(2) Upon receipt of information described in subsection (1) of this section, a school district superintendent or a designee of the superintendent must provide the received information to the principal of the school where the student is enrolled or will enroll, or if not known, where the student was most recently enrolled.

(3)(a) Upon receipt of information about a sex offense as defined in RCW 9.94A.030, the principal must comply with the notification requirements in RCW 9A.44.138.

(b) Upon receipt of information about a violent offense as defined in RCW 9.94A.030, any crime under chapter 9.41 RCW, unlawful possession or delivery, or both, of a controlled substance in violation of chapter 69.50 RCW, or a school disciplinary action, the principal, subject to requirements of subsection (4) of this section, has discretion to share the information with a school district staff member if, in the principal's judgment, the information is necessary for:

(i) The staff member to supervise the student;

(ii) The staff member to provide or refer the student to therapeutic or behavioral health services; or

(iii) Security purposes.

(4)(a) Upon receipt of information about an adjudication in juvenile court for an unlawful possession of a controlled substance in violation of chapter 69.50 RCW, the principal must notify the student and the parent or legal guardian at least five days before sharing the information with a school district staff member.

(b) If either the student or the student's parent or legal guardian objects to the proposed sharing of the information, the student, the student's parent or legal guardian, or both, may, within five business days of receiving notice from the principal, appeal the decision to share the information with staff to the superintendent of the school district in accordance with procedures adopted by the district.

(c) The superintendent shall have five business days after receiving an appeal under (b) of this subsection to make a written determination on the matter. Determinations by superintendents under this subsection are final and not subject to further appeal.

(d) A principal may not share adjudication information under this subsection with a school district staff member while an appeal is pending.

(5) Any information received by school district staff under this section is exempt from disclosure under chapter 42.56 RCW and may not be further disseminated except as provided in RCW 28A.225.330, other statutes or case law, and the family and educational and privacy rights act of 1994 (20 U.S.C. Sec. 1232g et seq.).

**NEW SECTION. Sec. 804.** A new section is added to chapter 28A.195 RCW to read as follows:

The administrator of a private school approved under this chapter must comply with the notification provisions of section 1 of this act that apply to superintendents, designees of superintendents, and principals.

**NEW SECTION. Sec. 805.** A new section is added to chapter 28A.710 RCW to read as follows:

The administrator of a charter public school governed by this chapter must comply with the notification provisions of section 1 of this act that apply to superintendents, designees of superintendents, and principals.

**Sec. 806.** RCW 28A.320.128 and 2002 c 206 s 1 are each amended to read as follows:

(1) By September 1, ~~((2003))~~ 2020, each school district board of directors shall adopt a policy that addresses the following issues:

(a) Procedures for providing notice of threats of violence or harm to the student or school employee who is the subject of the threat. The policy shall define "threats of violence or harm"; and

(b) Procedures for ~~((disclosing information that is provided to the school administrators about a student's conduct, including but not limited to the student's prior disciplinary records, official juvenile court records, and history of violence, to classroom teachers, school staff, and school security who, in the judgment of the principal, should be notified; and~~

~~((c) Procedures for determining whether or not any threats or conduct established in the policy may be grounds for suspension or expulsion of the student))~~ complying with the notification provisions in section 1 of this act.

(2) The ~~((superintendent of public instruction))~~ Washington state school directors' association, in consultation with educators and representatives of law enforcement, classified staff, ~~((and))~~ organizations with expertise in violence prevention and intervention, and organizations that provide free legal services for youth, shall adopt, and revise as necessary, a model policy that includes the issues listed in subsection (1) of this section ~~((by January 1, 2003))~~. The model policy shall be ~~((posted on the superintendent of public instruction's))~~ disseminated by the Washington state school directors' association and made available to the public on its web site. ((The)) Each school district((s, in drafting their own policies,)) shall ((review)) adopt the model policy required by this subsection unless it has a compelling reason to develop and adopt a different policy that also addresses the issues identified in subsection (1) of this section.

(3) School districts, school district boards of directors, school officials, and school employees providing notice in good faith as required and consistent with the board's policies adopted under this section are immune from any liability arising out of such notification.

(4) A person who intentionally and in bad faith or maliciously, knowingly makes a false notification of a threat under this section is guilty of a misdemeanor punishable under RCW 9A.20.021.

**Sec. 807.** RCW 9A.44.138 and 2011 c 337 s 4 are each amended to read as follows:

(1) Upon receiving notice from a registered person pursuant to RCW 9A.44.130 that the person will be attending a school enrolling students in grades kindergarten through twelve or an institution of higher education, or will be employed with an institution of higher education, the sheriff must promptly notify the designated recipient of the school ((district and the school principal)) or institution((s department)) of ((public safety and shall provide that school or department with)) the person's: (a) Name and any aliases used; (b) complete residential address; (c) date and place of birth; (d) place of employment; (e) crime for which convicted; (f) date and place of conviction; (g) ~~((social security number; (h)))~~ photograph; and ((h)) (h) risk level classification.

(2) ~~((A principal or department))~~ Except as provided in subsection (3) of this section, a designated recipient receiving notice under this ((subsection)) section must disclose the information received from the sheriff as follows:

(a) If the student is classified as a risk level II or III, the ~~((principal))~~ designated recipient shall provide the information received to every teacher of the student and to any other personnel who, in the judgment of the ~~((principal))~~ designated recipient, supervises the student or for security purposes should be aware of the student's record;

(b) If the student is classified as a risk level I, the ~~((principal or department))~~ designated recipient shall provide the information received only to personnel who, in the judgment of the ~~((principal or department))~~ designated recipient, for security purposes should be aware of the student's record.

(3) When the designated recipient is the administrator of a school district, the designated recipient must disclose the information to the principal of the school that the registered person will be attending, whether the school is a common school as defined in RCW 28A.150.020 or a school that is the subject of a state-tribal education compact under chapter 28A.715 RCW. The principal must then disclose the information as provided in subsection (2) of this section.

(4) The sheriff shall notify the applicable ~~((school district and school principal or institution's department of public safety))~~ designated recipient whenever a student's risk level classification is changed or the sheriff is notified of a change in the student's address.

~~((4))~~ (5) Any information received by school or institution personnel under this ~~((subsection))~~ section is ((confidential)) exempt from disclosure under chapter 42.56

RCW and may not be further disseminated except as provided in RCW 28A.225.330, other statutes or case law, and the family and educational and privacy rights act of 1994, 20 U.S.C. Sec. 1232g et seq.

(6) For the purposes of this section, "designated recipient" means: (a) The superintendent of the school district, or his or her designee, of a common school as defined in RCW 28A.150.020 or a school that is the subject of a state-tribal education compact under chapter 28A.715 RCW; (b) the administrator of a charter public school governed by chapter 28A.710 RCW; (c) the administrator of a private school approved under chapter 28A.195 RCW; or (d) the director of the department of public safety at an institution of higher education.

**Sec. 808.** RCW 13.04.155 and 2000 c 27 s 1 are each amended to read as follows:

(1) ~~((Whenever a minor enrolled in any common school is))~~ The provisions of this section apply only to persons who:

(a) ~~Were adjudicated in juvenile court or convicted in adult criminal court((, or adjudicated or entered into a diversion agreement with the juvenile court on any)) of ((the following offenses, the court must notify the principal of the student's school of the disposition of the case, after first notifying the parent or legal guardian that such notification will be made)):~~

~~((a))~~ (i) A violent offense as defined in RCW 9.94A.030;

~~((b))~~ (ii) A sex offense as defined in RCW 9.94A.030;

~~((c) Inhaling toxic fumes under chapter 9.47A RCW;~~

~~(d) A controlled substances violation under chapter 69.50 RCW;~~

~~(e) A liquor violation under RCW 66.44.270; and~~

~~(f) Any crime under chapters 9.41, 9A.36, 9A.40, 9A.46, and 9A.48 RCW.~~

~~(2) The principal must provide the information received under subsection (1) of this section to every teacher of any student who qualifies under subsection (1) of this section and any other personnel who, in the judgment of the principal, supervises the student or for security purposes should be aware of the student's record. The principal must provide the information to teachers and other personnel based on any written records that the principal maintains or receives from a juvenile court administrator or a law enforcement agency regarding the student.)~~

(iii) Any crime under chapter 9.41 RCW; or

(iv) Unlawful possession or delivery, or both, of a controlled substance in violation of chapter 69.50 RCW;

(b) Are twenty-one years of age or younger; and

(c) Have not received a high school diploma or its equivalent.

(2)(a) The court must provide written notification of the juvenile court adjudication or adult criminal court conviction of a person described in subsection (1) of this section to the designated recipient of the school where the person:

(i) Was enrolled prior to adjudication or conviction; or

(ii) Has expressed an intention to enroll following adjudication or conviction.

(b) No notification is required if the person described in subsection (1) of this section is between eighteen and twenty-one years of age and:

(i) The person's prior or intended enrollment information cannot be obtained; or

(ii) The person asserts no intention of enrolling in an educational program.

(3) Any information received by a ~~((principal or school personnel))~~ designated recipient under this section is ~~((confidential))~~ exempt from disclosure under chapter 42.56 RCW and may not be further disseminated except as provided in RCW 28A.225.330, other statutes or case law, and the family and educational and privacy rights act of 1994, 20 U.S.C. Sec. 1232g et seq.

(4) For the purposes of this section, "designated recipient" means: (a) The superintendent of the school district, or his or her designee, of a common school as defined in RCW 28A.150.020 or a school that is the subject of a state-tribal education compact under chapter 28A.715 RCW; (b) the administrator of a charter public school governed by chapter 28A.710 RCW; or (c) the administrator of a private school approved under chapter 28A.195 RCW.

**Sec. 809.** RCW 13.40.215 and 1999 c 198 s 1 are each amended to read as follows:

(1)(a) Except as provided in subsection (2) of this section, at the earliest ~~((possible))~~ practicable date, and in no event later than thirty days before discharge, parole, or any other authorized leave or release, or before transfer to a community residential facility, the secretary shall send written notice of the discharge, parole, authorized leave or release, or transfer of a juvenile found to have committed a violent offense, a sex offense, or stalking, to the following:

(i) The chief of police of the city, if any, in which the juvenile will reside; and

(ii) The sheriff of the county in which the juvenile will reside((; and

(iii) The approved private schools and the common school district board of directors of the district in which the juvenile intends to reside or the approved private school or public school district in which the juvenile last attended school, whichever is appropriate, except when it has been determined by the department that the juvenile is twenty-one years old or will be in the community for less than seven consecutive days on approved leave and will not be attending school during that time)).

(b) ((After July 25, 1999, the department shall send a written notice to approved private and public schools under

~~the same conditions identified in subsection (1)(a)(iii) of this section when a juvenile adjudicated of any offense is transferred to a community residential facility, discharged, paroled, released, or granted a leave.)~~ (i) Except as provided in subsection (2) of this section, at the earliest practicable date, and in no event later than thirty days before discharge, parole, or any other authorized leave or release, or before transfer to a community residential facility, the secretary shall send written notice of the discharge, parole, authorized leave or release, or transfer of an individual who is found to have committed a violent offense or a sex offense, is twenty-one years of age or younger, and has not received a high school diploma or its equivalent, to the designated recipient of the school where the juvenile either: (A) Was enrolled prior to incarceration or detention; or (B) has expressed an intention to enroll following his or her release. This notice must also include the restrictions described in subsection (5) of this section.

(ii) The community residential facility shall provide written notice of the offender's criminal history to the designated recipient of any school that the offender attends while residing at the community residential facility and to any employer that employs the offender while residing at the community residential facility.

(iii) As used in this subsection, "designated recipient" means: (A) The superintendent of the school district, or his or her designee, of a common school as defined in RCW 28A.150.020 or a school that is the subject of a state-tribal education compact under chapter 28A.715 RCW; (B) the administrator of a charter public school governed by chapter 28A.710 RCW; or (C) the administrator of a private school approved under chapter 28A.195 RCW.

(c) The same notice as required by (a) of this subsection shall be sent to the following, if such notice has been requested in writing about a specific juvenile:

(i) The victim of the offense for which the juvenile was found to have committed or the victim's next of kin if the crime was a homicide;

(ii) Any witnesses who testified against the juvenile in any court proceedings involving the offense; and

(iii) Any person specified in writing by the prosecuting attorney.

Information regarding victims, next of kin, or witnesses requesting the notice, information regarding any other person specified in writing by the prosecuting attorney to receive the notice, and the notice are confidential and shall not be available to the juvenile. The notice to the chief of police or the sheriff shall include the identity of the juvenile, the residence where the juvenile will reside, the identity of the person, if any, responsible for supervising the juvenile, and the time period of any authorized leave.

(d) The thirty-day notice requirements contained in this subsection shall not apply to emergency medical furloughs.

(e) The existence of the notice requirements in this subsection will not require any extension of the release date in the event the release plan changes after notification.

(2)(a) If a juvenile found to have committed a violent offense, a sex offense, or stalking escapes from a facility of the department, the secretary shall immediately notify, by the most reasonable and expedient means available, the chief of police of the city and the sheriff of the county in which the juvenile resided immediately before the juvenile's arrest. If previously requested, the secretary shall also notify the witnesses and the victim of the offense which the juvenile was found to have committed or the victim's next of kin if the crime was a homicide. If the juvenile is recaptured, the secretary shall send notice to the persons designated in this subsection as soon as possible but in no event later than two working days after the department learns of such recapture.

(b) The secretary may authorize a leave, for a juvenile found to have committed a violent offense, a sex offense, or stalking, which shall not exceed forty-eight hours plus travel time, to meet an emergency situation such as a death or critical illness of a member of the juvenile's family. The secretary may authorize a leave, which shall not exceed the time medically necessary, to obtain medical care not available in a juvenile facility maintained by the department. Prior to the commencement of an emergency or medical leave, the secretary shall give notice of the leave to the appropriate law enforcement agency in the jurisdiction in which the juvenile will be during the leave period. The notice shall include the identity of the juvenile, the time period of the leave, the residence of the juvenile during the leave, and the identity of the person responsible for supervising the juvenile during the leave. If previously requested, the department shall also notify the witnesses and victim of the offense which the juvenile was found to have committed or the victim's next of kin if the offense was a homicide.

In case of an emergency or medical leave the secretary may waive all or any portion of the requirements for leaves pursuant to RCW 13.40.205 (2)(a), (3), (4), and (5).

(3) If the victim, the victim's next of kin, or any witness is under the age of sixteen, the notice required by this section shall be sent to the parents or legal guardian of the child.

(4) The secretary shall send the notices required by this chapter to the last address provided to the department by the requesting party. The requesting party shall furnish the department with a current address.

(5) Upon discharge, parole, transfer to a community residential facility, or other authorized leave or release, a convicted juvenile sex offender shall not attend a public or approved private elementary, middle, or high school that is attended by a victim or a sibling of a victim of the sex offender. The parents or legal guardians of the convicted juvenile sex offender shall be responsible for transportation or other costs associated with or required by the sex offender's change in school that otherwise would be paid by a school district. ~~((Upon discharge, parole, transfer to a community residential facility, or other authorized leave or release of a convicted juvenile sex offender, the secretary shall send written notice of the discharge, parole, or other authorized leave or release and the requirements of this subsection to the common school district board of directors~~

~~of the district in which the sex offender intends to reside or the district in which the sex offender last attended school, whichever is appropriate. The secretary shall send a similar notice to any approved private school the juvenile will attend, if known, or if unknown, to the approved private schools within the district the juvenile resides or intends to reside.))~~

(6) For purposes of this section the following terms have the following meanings:

(a) "Violent offense" means a violent offense under RCW 9.94A.030;

(b) "Sex offense" means a sex offense under RCW 9.94A.030;

(c) "Stalking" means the crime of stalking as defined in RCW 9A.46.110;

(d) "Next of kin" means a person's spouse, parents, siblings, and children.

**Sec. 810.** RCW 28A.225.330 and 2013 c 182 s 10 are each amended to read as follows:

(1) When enrolling a student who has attended school in another school district, the school enrolling the student may request the parent and the student to briefly indicate in writing whether or not the student has:

(a) Any history of placement in special educational programs;

(b) Any past, current, or pending disciplinary action;

(c) Any history of violent behavior, or behavior listed in RCW 13.04.155;

(d) Any unpaid fines or fees imposed by other schools; and

(e) Any health conditions affecting the student's educational needs.

(2) The school enrolling the student shall request ~~((the school the student previously attended to send))~~ the student's permanent record including records of disciplinary action, history of violent behavior or behavior listed in RCW 13.04.155, attendance, immunization records, and academic performance from the school the student previously attended. If the student has not paid a fine or fee under RCW 28A.635.060, or tuition, fees, or fines at approved private schools the school may withhold the student's official transcript, but shall transmit information about the student's academic performance, special placement, immunization records, records of disciplinary action, and history of violent behavior or behavior listed in RCW 13.04.155. If the official transcript is not sent due to unpaid tuition, fees, or fines, the enrolling school shall notify both the student and parent or guardian that the official transcript will not be sent until the obligation is met, and failure to have an official transcript may result in exclusion from extracurricular activities or failure to graduate.

(3) Upon request, school districts shall furnish a set of unofficial educational records to a parent or guardian of a student who is transferring out of state and who meets the

definition of a child of a military family in transition under Article II of RCW 28A.705.010. School districts may charge the parent or guardian the actual cost of providing the copies of the records.

(4) If information is requested under subsection (2) of this section, the information shall be transmitted within two school days after receiving the request and the records shall be sent as soon as possible. The records of a student who meets the definition of a child of a military family in transition under Article II of RCW 28A.705.010 shall be sent within ten days after receiving the request. Any school district or district employee who releases the information in compliance with this section is immune from civil liability for damages unless it is shown that the school district employee acted with gross negligence or in bad faith. The professional educator standards board shall provide by rule for the discipline under chapter 28A.410 RCW of a school principal or other chief administrator of a public school building who fails to make a good faith effort to assure compliance with this subsection.

(5) Any school district or district employee who releases the information in compliance with federal and state law is immune from civil liability for damages unless it is shown that the school district or district employee acted with gross negligence or in bad faith.

~~((6) ((When a school receives information under this section or RCW 13.40.215 that a student has a history of disciplinary actions, criminal or violent behavior, or other behavior that indicates the student could be a threat to the safety of educational staff or other students, the school shall provide this information to the student's teachers and security personnel.~~

~~((7))~~ A school may not prevent a student who is dependent pursuant to chapter 13.34 RCW from enrolling if there is incomplete information as enumerated in subsection (1) of this section during the ten business days that the department of social and health services has to obtain that information under RCW 74.13.631. In addition, upon enrollment of a student who is dependent pursuant to chapter 13.34 RCW, the school district must make reasonable efforts to obtain and assess that child's educational history in order to meet the child's unique needs within two business days.

**Sec. 811.** RCW 72.09.730 and 2011 c 107 s 1 are each amended to read as follows:

~~((1) ((At the earliest possible date and in no event later than thirty days before)) The provisions of this section apply only to an offender ((is)) released from confinement((the department shall provide notice to the school district board of directors of the district in which the offender last attended school if the offender)) who:~~

~~((a) Was convicted of a violent offense or sex offense as those terms are defined in RCW 9.94A.030;~~

~~((b) Is twenty-one years of age or younger at the time of release((;~~

~~((b) Has been convicted of a violent offense, a sex offense, or stalking)); and~~

(c) ~~((Last attended))~~ Has not received a high school diploma or its equivalent.

(2) At the earliest practicable date, and in no event later than thirty days before release from confinement, the department must provide written notification of the release of an offender described in subsection (1) of this section to the designated recipient of the school where the offender.

(a) Was enrolled prior to incarceration or detention; or

(b) Has expressed an intention to enroll following his or her release.

(3) If after providing notification as required under subsection (2) of this section, the release of an offender described in subsection (1) of this section is delayed, the department must inform the designated recipient of the modified release date.

(4) This section applies whenever an offender is being released from total confinement, regardless if the release is to parole, community custody, work release placement, or furlough.

(5) For the purposes of this section, "designated recipient" means: (a) The superintendent of the school district, or his or her designee, of a common school as defined in RCW 28A.150.020 or a school that is the subject of a state-tribal education compact under chapter 28A.715 RCW; (b) the administrator of a charter public school governed by chapter 28A.710 RCW; or (c) the administrator of a private school approved under chapter 28A.195 RCW.

**NEW SECTION. Sec. 812.** A new section is added to chapter 42.56 RCW to read as follows:

Information received by a school district superintendent, a designee of the superintendent, or a principal pursuant to RCW 28A.225.330, 9A.44.138, 13.04.155, 13.40.215, or 72.09.730 is exempt from disclosure under this chapter."

On page 1, line 1 of the title, after "notifications;" strike the remainder of the title and insert "amending RCW 28A.320.128, 9A.44.138, 13.04.155, 13.40.215, 28A.225.330, and 72.09.730; adding a new section to chapter 28A.320 RCW; adding a new section to chapter 28A.195 RCW; adding a new section to chapter 28A.710 RCW; and adding a new section to chapter 42.56 RCW."

and the same is herewith transmitted.

Brad Hendrickson, Secretary

#### SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to SECOND SUBSTITUTE HOUSE BILL NO. 1191 and advanced the bill as amended by the Senate to final passage.

#### FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representative Santos spoke in favor of the passage of the bill.

Representative Steele spoke against the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Second Substitute House Bill No. 1191, as amended by the Senate.

#### ROLL CALL

The Clerk called the roll on the final passage of Second Substitute House Bill No. 1191, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 58; Nays, 38; Absent, 0; Excused, 2.

Voting yea: Representatives Appleton, Bergquist, Blake, Callan, Chapman, Chopp, Cody, Davis, Doglio, Dolan, Duerr, Entenman, Fey, Fitzgibbon, Frame, Goodman, Graham, Gregerson, Hansen, Hudgins, J. Johnson, Kilduff, Kirby, Kloba, Leavitt, Lekanoff, Lovick, Macri, Mead, Morgan, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Ryu, Santos, Sells, Senn, Shewmake, Slatter, Springer, Stonier, Sullivan, Tarleton, Thai, Tharinger, Valdez, Walen, Wylie and Mme. Speaker.

Voting nay: Representatives Barkis, Boehnke, Caldier, Chambers, Chandler, Corry, DeBolt, Dent, Dufault, Dye, Eslick, Gildon, Goehner, Harris, Hoff, Irwin, Jenkin, Klippert, Kraft, Kretz, MacEwen, Maycumber, McCaslin, Mosbrucker, Orcutt, Rude, Schmick, Shea, Smith, Steele, Stokesbary, Sutherland, Van Werven, Vick, Walsh, Wilcox, Ybarra and Young.

Excused: Representatives Griffey and Volz.

SECOND SUBSTITUTE HOUSE BILL NO. 1191, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

#### MESSAGE FROM THE SENATE

March 5, 2020

Madame Speaker:

The Senate has passed ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1521 with the following amendment:

812.0.

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 813.** It is the intent of the legislature to increase transparency and accountability of public contracts by requiring better evaluation of contract performance. Such evaluation should include an assessment of whether decisions to "contract out" government services to the private sector are achieving their stated objectives. In addition, it is the intent of the legislature to ensure that public contractors given access to state resources are held to ethical standards consistent with public values.

The legislature finds that prior to July 1, 2005, state agencies and institutions of higher education were prohibited from contracting out for services regularly and historically provided by classified state employees. Effective July 1, 2005, the personnel system reform act of 2002 lifted the prohibition, authorizing state agencies and institutions of higher education to contract out for services customarily and historically provided by classified state employees. It is therefore the intent of the legislature that this act be applied only to government services that, on or after July 1, 2005, have been customarily and historically performed by state employees in the classified service under chapter 41.06 RCW.

**Sec. 814.** RCW 41.06.142 and 2011 1st sp.s. c 43 s 408 are each amended to read as follows:

(1) If any department, agency, or institution of higher education (~~((may purchase))~~) intends to contract for services(~~(; including services)~~) that, on or after July 1, 2005, have been customarily and historically provided by employees in the classified service under this chapter, a department, agency, or institution of higher education may do so by contracting with individuals, nonprofit organizations, businesses, employee business units, or other entities if the following criteria are met:

(a) A comprehensive impact assessment is completed by the agency, department, or institution of higher education to assist it in determining whether the decision to contract out is beneficial.

(i) The comprehensive impact assessment must include at a minimum the following analysis:

(A) An estimate of the cost of performance of the service by employees, including the fully allocated costs of the service, the cost of the employees' salaries and benefits, space, equipment, materials, and other costs necessary to perform the function. The estimate must not include the state's indirect overhead costs unless those costs can be attributed directly to the function in question and would not exist if that function were not performed in state service;

(B) An estimate of the cost of performance of the services if contracted out, including the cost of administration of the program and allocating sufficient employee staff time and resources to monitor the contract and ensure its proper performance by the contractor;

(C) The reason for proposing to contract out, including the objective the agency would like to achieve; and

(D) The reasons for the determination made under (e) of this subsection.

(ii) When the contract will result in termination of state employees or elimination of state positions, the comprehensive impact assessment may also include an assessment of the potential adverse impacts on the public from outsourcing the contract, such as loss of employment, effect on social services and public assistance programs, economic impacts on local businesses and local tax revenues, and environmental impacts;

(b) The invitation for bid or request for proposal contains measurable standards for the performance of the contract;

~~((b))~~ (c) Employees (~~((in the classified service))~~) whose positions or work would be displaced by the contract are provided an opportunity to offer alternatives to purchasing services by contract and, if these alternatives are not accepted, compete for the contract under competitive contracting procedures in subsection ~~((4))~~ (7) of this section;

~~((c)) The contract with an entity other than an employee business unit includes a provision requiring the entity to consider employment of state employees who may be displaced by the contract;~~

(d) The department, agency, or institution of higher education has established a contract monitoring process to measure contract performance, costs, service delivery quality, and other contract standards, and to cancel contracts that do not meet those standards; and

(e) The department, agency, or institution of higher education has determined that the contract results in savings or efficiency improvements. The contracting agency, department, or institution of higher education must consider the consequences and potential mitigation of improper or failed performance by the contractor.

(2)(a) The agency, department, or institution of higher education must post on its web site the request for proposal, the contract or a statement that the agency, department, or institution of higher education did not move forward with contracting out, and the comprehensive impact assessment pursuant to subsection (1) of this section.

(b) The agency, department, or institution of higher education must maintain the information in (a) of this subsection in its files in accordance with the record retention schedule under RCW 40.14.060.

(3) Every five years or upon completion of the contract, whichever comes first, the agency, department, or institution of higher education must prepare and maintain in the contract file a report, which must include at a minimum the following information:

(a) Documentation of the contractor's performance as measured by the itemized performance standards;

(b) Itemization of any contract extensions or change orders that resulted in a change in the dollar value or cost of the contract; and

(c) A report of any remedial actions that were taken to enforce compliance with the contract, together with an estimate of the cost incurred by the agency, department, or institution of higher education in enforcing such compliance.

(4) In addition to any other terms required by law, the terms of any agreement to contract out a service pursuant to this section must include terms that address the following:

(a) The contract's contract management provision must allow review of the contractor's performance;



(b) The contract's termination clauses must allow termination of the contract if the contractor fails to meet the terms of the contract, including failure to meet performance standards or failure to provide the services at the contracted price;

(c) The contract's damages provision must allow recovery of direct damages and, when applicable, indirect damages that the agency, department, or institution of higher education incurs due to the contractor's breach of the agreement;

(d) If the contractor will be using a subcontractor for performance of services under the contract, the contract must allow the agency, department, or institution of higher education to obtain information about the subcontractor, as applicable to the performance of services under the agreement; and

(e) A provision requiring the contractor to consider employment of employees who may be displaced by the contract, if the contract is with an entity other than an employee business unit.

(5) Any provision contrary to or in conflict with this section in any collective bargaining agreement in effect on July 1, 2005, is not effective beyond the expiration date of the agreement.

~~((3)) Contracting for services that is expressly mandated by the legislature or was authorized by law prior to July 1, 2005, including contracts and agreements between public entities, shall not be subject to the processes set forth in subsections (1), (4), and (5) of this section))~~ (6) When contracting out for services as authorized in this section the agency, department, or institution of higher education must ensure firms adhere to the values of the state of Washington under RCW 49.60.030, which provide its citizens freedom from discrimination. Any relationship with a potential or current industry partner that is found to have violated RCW 49.60.030 by the attorney general shall not be considered and must be immediately terminated unless:

(a) The industry partner has fulfilled the conditions or obligations associated with any court order or settlement resulting from that violation; or

(b) The industry partner has taken significant and meaningful steps to correct the violation, as determined by the Washington state human rights commission.

~~((4))~~ (7) Competitive contracting shall be implemented as follows:

(a) At least ninety days prior to the date the contracting agency, department, or institution of higher education requests bids from private entities for a contract for services provided by ~~((classified))~~ employees, the contracting agency, department, or institution of higher education shall notify the ~~((classified))~~ employees whose positions or work would be displaced by the contract. The employees shall have sixty days from the date of notification to offer alternatives to purchasing services by contract, and the agency, department, or institution of higher education shall consider the alternatives before requesting bids.

(b) If the employees decide to compete for the contract, they shall notify the contracting agency, department, or institution of higher education of their decision. Employees must form one or more employee business units for the purpose of submitting a bid or bids to perform the services.

(c) The department of enterprise services, with the advice and assistance of the office of financial management, shall develop and make available to employee business units training in the bidding process and general bid preparation.

(d) The director of enterprise services, with the advice and assistance of the office of financial management, shall, by rule, establish procedures to ensure that bids are submitted and evaluated in a fair and objective manner and that there exists a competitive market for the service. Such rules shall include, but not be limited to: (i) Prohibitions against participation in the bid evaluation process by employees who prepared the business unit's bid or who perform any of the services to be contracted; (ii) provisions to ensure no bidder receives an advantage over other bidders and that bid requirements are applied equitably to all parties; and (iii) procedures that require the contracting agency, department, or institution of higher education to receive complaints regarding the bidding process and to consider them before awarding the contract. Appeal of an agency's, department's, or institution of higher education's actions under this subsection is an adjudicative proceeding and subject to the applicable provisions of chapter 34.05 RCW, the administrative procedure act, with the final decision to be rendered by an administrative law judge assigned under chapter 34.12 RCW.

(e) An employee business unit's bid must include the fully allocated costs of the service, including the cost of the employees' salaries and benefits, space, equipment, materials, and other costs necessary to perform the function. An employee business unit's cost shall not include the state's indirect overhead costs unless those costs can be attributed directly to the function in question and would not exist if that function were not performed in state service.

(f) A department, agency, or institution of higher education may contract with the department of enterprise services to conduct the bidding process.

~~((5))~~ (8)(a) As used in this section:

~~((a))~~ (i) "Employee business unit" means a group of employees who perform services to be contracted under this section and who submit a bid for the performance of those services under subsection ~~((4))~~ (7) of this section.

~~((b))~~ (ii) "Indirect overhead costs" means the pro rata share of existing agency administrative salaries and benefits, and rent, equipment costs, utilities, and materials associated with those administrative functions.

~~((c))~~ (iii) "Competitive contracting" means the process by which ~~((classified))~~ employees of a department, agency, or institution of higher education compete with businesses, individuals, nonprofit organizations, or other entities for contracts authorized by subsection (1) of this section.

~~((6))~~ (b) Unless otherwise specified, for the purpose of this act, "employee" means state employees in the classified service under this chapter except employees in the Washington management service as defined under RCW 41.06.022 and 41.06.500.

(9) The processes set forth in subsections (1)(a), (2), (3), and (4)(a) through (d) of this section do not apply to contracts:

(a) Awarded for the purposes of or by the department of transportation;

(b) With an estimated cost of contract performance of twenty thousand dollars or less;

(c) With an estimated cost of contract performance that exceeds five hundred thousand dollars for public work as defined by RCW 39.04.010; or

(d) Relating to mechanical, plumbing as described in chapter 18.106 RCW, and electrical as described in chapter 19.28 RCW, procured to install systems for new construction or life-cycle replacement with an estimated cost of contract performance of seventy-five thousand dollars or more.

(10) The processes set forth in subsections (1)(~~5~~), ~~through (4), (7), and ((5))~~ (8) of this section do not apply to:

(a) RCW 74.13.031(~~(5))~~ (6);

(b) The acquisition of printing services by a state agency; and

(c) ~~((Contracting for services or activities by the department of enterprise services under RCW 43.19.008 and the department may continue to contract for such services and activities after June 30, 2018))~~ Contracts for services expressly mandated by the legislature, including contracts for fire suppression awarded by the department of natural resources under RCW 76.04.181, or authorized by law prior to July 1, 2005, including contracts and agreements between public entities.

~~((7))~~ (11) The processes set forth in subsections (1)(~~5~~), ~~through (4), (7), and ((5))~~ (8) of this section do not apply to the consolidated technology services agency when contracting for services or activities as follows:

(a) Contracting for services and activities that are necessary to establish, operate, or manage the state data center, including architecture, design, engineering, installation, and operation of the facility that are approved by the technology services board created in RCW ((43.41A.070)) 43.105.285.

(b) Contracting for services and activities recommended by the chief information officer through a business plan and approved by the technology services board created in RCW ((43.41A.070)) 43.105.285.

**Sec. 815.** RCW 39.26.200 and 2017 3rd sp.s. c 1 s 996 are each amended to read as follows:

(1)(a) The director shall provide notice to the contractor of the director's intent to either fine or debar with the specific reason for either the fine or debarment. The

department must establish the debarment and fining processes by rule.

(b) After reasonable notice to the contractor and reasonable opportunity for that contractor to be heard, the director has the authority to debar a contractor for cause from consideration for award of contracts. The debarment must be for a period of not more than three years.

(2) The director may either fine or debar a contractor based on a finding of one or more of the following causes:

(a) Conviction for commission of a criminal offense as an incident to obtaining or attempting to obtain a public or private contract or subcontract, or in the performance of such contract or subcontract;

(b) Conviction or a final determination in a civil action under state or federal statutes of fraud, embezzlement, theft, forgery, bribery, falsification or destruction of records, receiving stolen property, violation of the federal false claims act, 31 U.S.C. Sec. 3729 et seq., or the state medicaid fraud false claims act, chapter 74.66 RCW, or any other offense indicating a lack of business integrity or business honesty that currently, seriously, and directly affects responsibility as a state contractor;

(c) Conviction under state or federal antitrust statutes arising out of the submission of bids or proposals;

(d) Two or more violations within the previous five years of the ~~((federal))~~ national labor relations act as determined by the national labor relations board or court of competent jurisdiction;

(e) Violation of contract provisions, as set forth in this subsection, of a character that is regarded by the director to be so serious as to justify debarment action:

(i) Deliberate failure without good cause to perform in accordance with the specifications or within the time limit provided in the contract; or

(ii) A recent record of failure to perform or of unsatisfactory performance in accordance with the terms of one or more contracts, however the failure to perform or unsatisfactory performance caused by acts beyond the control of the contractor may not be considered to be a basis for debarment;

(f) Violation of ethical standards set forth in RCW 39.26.020;

(g) Any other cause the director determines to be so serious and compelling as to affect responsibility as a state contractor, including debarment by another governmental entity for any cause listed in regulations; and

(h) During the 2017-2019 fiscal biennium, the failure to comply with a provision in a state master contract or other agreement with a state agency that requires equality among its workers by ensuring similarly employed individuals are compensated as equals.

(3) The director must issue a written decision to debar. The decision must:

(a) State the reasons for the action taken; and

(b) Inform the debarred contractor of the contractor's rights to judicial or administrative review.

**Sec. 816.** RCW 39.26.180 and 2012 c 224 s 20 are each amended to read as follows:

(1) The department must adopt uniform policies and procedures for the effective and efficient management of contracts by all state agencies. The policies and procedures must, at a minimum, include:

(a) Precontract procedures for selecting potential contractors based on their qualifications and ability to perform, including procedures to ensure compliance with chapter 39.19 RCW, and providing for participation of minority and women-owned businesses;

(b) Model complaint and protest procedures;

(c) Alternative dispute resolution processes;

(d) Incorporation of performance measures and measurable benchmarks in contracts;

(e) Model contract terms to ensure contract performance and compliance with state and federal standards, including terms to facilitate recovery of the costs of employee staff time that must be expended to bring a contract into substantial compliance, and terms required under RCW 41.06.142;

(f) Executing contracts using electronic signatures;

(g) Criteria for contract amendments;

(h) Postcontract procedures;

(i) Procedures and criteria for terminating contracts for cause or otherwise, including procedures and criteria for terminating performance-based contracts that are not achieving performance standards; ((and))

(j) A requirement that agencies, departments, and institutions of higher education monitor performance-based contracts, including contracts awarded pursuant to RCW 41.06.142, to ensure that all aspects of the contract are being properly performed and that performance standards are being achieved; and

(k) Any other subject related to effective and efficient contract management.

(2) An agency may not enter into a contract under which the contractor could charge additional costs to the agency, the department, the joint legislative audit and review committee, or the state auditor for access to data generated under the contract. A contractor under such a contract must provide access to data generated under the contract to the contracting agency, the joint legislative audit and review committee, and the state auditor.

(3) To the extent practicable, agencies should enter into performance-based contracts. Performance-based contracts identify expected deliverables and performance measures or outcomes. Performance-based contracts also use appropriate techniques, which may include but are not limited to, either consequences or incentives or both to ensure that agreed upon value to the state is received.

Payment for goods and services under performance-based contracts should be contingent on the contractor achieving performance outcomes.

(4) An agency and contractor may execute a contract using electronic signatures.

(5) As used in subsection (2) of this section, "data" includes all information that supports the findings, conclusions, and recommendations of the contractor's reports, including computer models and the methodology for those models.

**NEW SECTION. Sec. 817.** A new section is added to chapter 39.26 RCW to read as follows:

An agency, department, or institution of higher education that intends to contract out, or does contract out, for services that, on or after July 1, 2005, have been customarily and historically performed by employees in the classified service defined in RCW 41.06.020 must follow procedures and meet criteria established under RCW 41.06.142.

**NEW SECTION. Sec. 818.** This act is prospective and applies only to contracts commenced on or after the effective date of this section. Contracts in effect prior to the effective date of this section remain unaffected by this act through their expiration date."

On page 1, line 2 of the title, after "contracting;" strike the remainder of the title and insert "amending RCW 41.06.142, 39.26.200, and 39.26.180; adding a new section to chapter 39.26 RCW; and creating new sections."

and the same is herewith transmitted.

Brad Hendrickson, Secretary

#### SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1521 and advanced the bill as amended by the Senate to final passage.

#### FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representatives Dolan and Walsh spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Engrossed Second Substitute House Bill No. 1521, as amended by the Senate.

#### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 1521, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 67; Nays, 29; Absent, 0; Excused, 2.

Voting yea: Representatives Appleton, Bergquist, Blake, Caldier, Callan, Chambers, Chapman, Chopp, Cody,

Davis, Doglio, Dolan, Duerr, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Hansen, Harris, Hudgins, J. Johnson, Kilduff, Kirby, Kloba, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Mead, Morgan, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Sells, Senn, Shewmake, Slatter, Springer, Stonier, Sullivan, Tarleton, Thai, Tharinger, Valdez, Walen, Walsh, Wylie and Mme. Speaker.

Voting nay: Representatives Barkis, Boehnke, Chandler, Corry, DeBolt, Dent, Dufault, Dye, Hoff, Irwin, Jenkin, Klippert, Kraft, Kretz, Maycumber, McCaslin, Mosbrucker, Orcutt, Schmick, Shea, Smith, Steele, Stokesbary, Sutherland, Van Werven, Vick, Wilcox, Ybarra and Young.

Excused: Representatives Griffey and Volz.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1521, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

### MESSAGE FROM THE SENATE

March 5, 2020

Madame Speaker:

The Senate has passed ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1783 with the following amendment:

818.0.

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** The legislature finds that the population of Washington state has become increasingly diverse over the last several decades. The legislature also finds that as the demographics of our state change, historically and currently marginalized communities still do not have the same opportunities to meet parity as their nonmarginalized counterparts across nearly every measure including education, poverty, employment, health, and more. Inequities based on race, ethnicity, gender, and other characteristics continue to be deep, pervasive, and persistent, and they come at a great economic and social cost. When individuals face barriers to achieving their full potential, the impact is felt by the individual, their communities, businesses, governments, and the economy as a whole in the form of lost wages, avoidable public expenditures, and more. This includes social ramifications that emerging technology, such as artificial intelligence and facial recognition technology, may have on historically and currently marginalized communities. It is the intent of the legislature to review these emerging technologies either already in use by agencies or before their launch by agencies if not already in use and make recommendations regarding agency use to ensure that the technology is used in a manner that benefits society and does not have disparate negative impacts on historically and currently marginalized communities or violate their civil rights. It is further intended that the office should collaborate with other state efforts in this regard.

The legislature finds that a more inclusive Washington is possible if agencies identify and implement effective

strategies to eliminate systemic inequities. The legislature recognizes that different forms of discrimination and oppression are related to each other, and these relationships need to be taken into account.

The legislature finds that over the years, significant strides have been made within agencies to address the disparate outcomes faced by historically and currently marginalized communities. While these efforts have yielded positive work, the legislature finds that the work happening in agencies is fragmented across state government. Additionally, smaller agencies may not have the resources necessary to identify and implement policies to address systemic inequities. Furthermore, the legislature finds that the commission on African American affairs, the commission on Asian Pacific American affairs, the commission on Hispanic affairs, the governor's office of Indian affairs, the LGBTQ commission, the women's commission, and the human rights commission each play an important and integral role by serving as a voice for their respective communities and linking state government to these communities. The office is distinct from the commissions because it will serve as the state's subject matter expert on diversity, equity, and inclusion to state agencies and will provide technical assistance and support to agencies while each agency implements its individual equity plan. The office is not duplicative of the commissions, rather it is the intent of the legislature that the office will work in collaboration with the commissions. It is not the legislature's intent to eliminate the commissions or to reduce funding to the commissions by creating the office. Instead, it is the intent of the legislature that the office and the commissions shall work in a complementary manner with each other, support each other's work, jurisdictions, and missions, and adequately fund the commissions and the office as they take on their new complementary roles.

The legislature finds that state government must identify and coordinate effective strategies that focus on eliminating systemic barriers for historically and currently marginalized groups. To support this objective, an office of equity will provide a unified vision around equity for all state agencies. The office will assist government agencies to promote diversity, equity, and inclusion in all aspects of their decision making, including but not limited to services, programming, policy development, budgeting, and staffing. Doing so will foster a culture of accountability within state government that promotes opportunity for marginalized communities and will help normalize language and concepts around diversity, equity, and inclusion.

**NEW SECTION. Sec. 2.** The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Agency" means every state executive office, agency, department, or commission.

(2) "Director" means the director of the Washington state office of equity.

(3) "Disaggregated data" means data that has been broken down by appropriate subcategories.

(4) "Equity lens" means providing consideration to the characteristics listed in RCW 49.60.030, as well as immigration status and language access, to evaluate the equitable impacts of an agency's policy or program.

(5) "Office" means the Washington state office of equity.

**NEW SECTION. Sec. 3.** (1) The Washington state office of equity is established within the office of the governor for the purpose of promoting access to equitable opportunities and resources that reduce disparities, and improve outcomes statewide across state government.

(2) The office envisions everyone in Washington having full access to the opportunities and resources they need to flourish and achieve their full potential.

(3) The work of the office must:

(a) Be guided by the following principles of equity:

(i) Equity requires developing, strengthening, and supporting policies and procedures that distribute and prioritize resources to those who have been historically and currently marginalized, including tribes;

(ii) Equity requires the elimination of systemic barriers that have been deeply entrenched in systems of inequality and oppression; and

(iii) Equity achieves procedural and outcome fairness, promoting dignity, honor, and respect for all people;

(b) Complement and not supplant the work of the statutory commissions.

**NEW SECTION. Sec. 4.** (1) The office is administered by a director, who is appointed by the governor with advice and consent of the senate. The director shall report to the governor. The director must receive a salary as fixed by the governor in accordance with RCW 43.03.040.

(2) The director shall:

(a) Employ and supervise staff as necessary to carry out the purpose of this chapter and the duties of the office; and

(b) Oversee the administration, programs, and policies of the office in accordance with the principles in section 3 of this act.

**NEW SECTION. Sec. 5.** (1) The office shall work to facilitate policy and systems change to promote equitable policies, practices, and outcomes through:

(a) **Agency decision making.** The office shall assist agencies in applying an equity lens in all aspects of agency decision making, including service delivery, program development, policy development, and budgeting. The office shall provide assistance by:

(i) Facilitating information sharing between agencies around diversity, equity, and inclusion issues;

(ii) Convening work groups as needed;

(iii) Developing and providing assessment tools for agencies to use in the development and evaluation of agency programs, services, policies, and budgets;

(iv) Training agency staff on how to effectively use the assessment tools developed under (a)(iii) of this subsection, including developing guidance for agencies on how to apply an equity lens to the agency's work when carrying out the agency's duties under this chapter;

(v) Developing a form that will serve as each agency's diversity, equity, and inclusion plan, required to be submitted by all agencies under section 7 of this act, for each agency to report on its work in the area of diversity, equity, and inclusion. The office must develop the format and content of the plan and determine the frequency of reporting. The office must post each agency plan on the dashboard referenced in (d) of this subsection;

(vi) Maintaining an inventory of agency work in the area of diversity, equity, and inclusion; and

(vii) Compiling and creating resources for agencies to use as guidance when carrying out the requirements under section 7 of this act.

(b) **Community outreach and engagement.** The office shall staff the community advisory board created under section 6 of this act and may contract with commissions or other entities with expertise in order to identify policy and system barriers, including language access, to meaningful engagement with communities in all aspects of agency decision making.

(c) **Training on maintaining a diverse, inclusive, and culturally sensitive workforce.** The office shall collaborate with the office of financial management and the department of enterprise services to develop policies and provide technical assistance and training to agencies on maintaining a diverse, inclusive, and culturally sensitive workforce that delivers culturally sensitive services.

(d) **Data maintenance and establishing performance metrics.** The office shall:

(i) Collaborate with the office of financial management and agencies to:

(A) Establish standards for the collection, analysis, and reporting of disaggregated data as it pertains to tracking population level outcomes of communities, except as provided under (d)(i)(D) of this subsection;

(B) Create statewide and agency-specific process and outcome measures to show performance:

(I) Using outcome-based methodology to determine the effectiveness of agency programs and services on reducing disparities; and

(II) Taking into consideration community feedback from the community advisory board on whether the performance measures established accurately measure the effectiveness of agency programs and services in the communities served;

(C) Create an online performance dashboard to publish state and agency performance measures and outcomes; and

(D) Identify additional subcategories in workforce data for disaggregation in order to track disparities in public employment; and

(ii) Coordinate with the office of privacy and data protection to address cybersecurity and data protection for all data collected by the office.

(e) **Accountability.** The office shall:

(i) Publish a report for each agency detailing whether the agency has met the performance measures established pursuant to (d)(i) of this subsection and the effectiveness of agency programs and services on reducing disparities. The report must include the agency's strengths and accomplishments, areas for continued improvement, and areas for corrective action. The office must post each report on the dashboard referenced in (d) of this subsection;

(ii) Establish a process for the office to report on agency performance in accordance with (e)(i) of this subsection and a process for agencies to respond to the report. The agency's response must include the agency's progress on performance, the agency's action plan to address areas for improvement and corrective action, and a timeline for the action plan; and

(iii) Establish procedures to hold agencies accountable, which may include conducting performance reviews related to agency compliance with office performance measures.

(2) By October 31, 2022, and every year thereafter, the office shall report to the governor and the legislature. The report must include a summary of the office's work, including strengths and accomplishments, an overview of agency compliance with office standards and performance measures, and an equity analysis of the makeup of the community advisory board established in section 6 of this act to ensure that it accurately reflects historically and currently marginalized groups.

(3) The director and the office shall review the final recommendations submitted pursuant to section 221, chapter 415, Laws of 2019, by the task force established under section 221, chapter 415, Laws of 2019, and report back to the governor and the legislature with any additional recommendations necessary for the office to carry out the duties prescribed under this chapter.

**NEW SECTION. Sec. 6.** (1) A community advisory board is created within the office to advise the office on its priorities and timelines.

(2) The director must appoint members to the community advisory board to support diverse representation by geography and identity. The director may collaborate with the commission on African American affairs, the commission on Asian Pacific American affairs, the commission on Hispanic affairs, the governor's office of Indian affairs, the human rights commission, the LGBTQ commission, the women's commission, and any other agency the office deems necessary, to find individuals with diverse representation by geography and identity for the community advisory board.

(3) The community advisory board shall, among other duties determined by the director, provide guidance to the office on standards and performance measures.

(4) The community advisory board is staffed by the office.

(5) Board members shall be entitled to compensation of fifty dollars per day for each day spent conducting official business and to reimbursement for travel expenses as provided by RCW 43.03.050 and 43.03.060.

(6) The community advisory board may adopt bylaws for the operation of its business for the purposes of this chapter.

**NEW SECTION. Sec. 7.** Each agency shall:

(1) Designate an agency diversity, equity, and inclusion liaison within existing resources to serve as the liaison between the agency and the office;

(2) Apply an equity lens, as developed by the office in accordance with section 5 of this act, to assess existing and proposed agency policies, services and service delivery, practices, programs, and budget decisions using the assessment tools developed by the office pursuant to section 5 of this act;

(3) Develop and submit a diversity, equity, and inclusion plan to the office, in accordance with section 5 of this act;

(4) Develop and maintain written language access policies and plans;

(5) Collaborate with the office to establish performance measures in accordance with section 5 of this act;

(6) Provide data and information requested by the office in accordance with standards established under section 5 of this act; and

(7) Submit a response to the office's report on agency performance under section 5 of this act.

**NEW SECTION. Sec. 8.** The office may:

(1) Provide technical assistance to agencies;

(2) Conduct research projects, as needed, provided that no research project is proposed or authorizes funding without consideration of the business case for the project including a review of the total cost of the project, similar projects conducted in the state, and alternatives analyzed;

(3) Conduct policy analyses and provide a forum where ideas and issues related to diversity, equity, and inclusion plans, policies, and standards can be reviewed;

(4) Develop policy positions and legislative proposals;

(5) Consider, on an ongoing basis, ways to promote investments in enterprise-level diversity, equity, and inclusion projects that will result in service improvements and cost efficiency;

(6) Fulfill external data requests, as resources allow; and

(7) Receive and solicit gifts, grants, and endowments from public or private sources that are made for the use or benefit of the office and to expend the same or any income therefrom according to their terms and this chapter. The director must report funds received from private sources to the office of financial management on a regular basis. Funds received from private sources may not be applied to reduce or substitute the office's budget as appropriated by the legislature, but must be applied and expended toward projects and functions authorized by this chapter that were not funded by the legislature.

**NEW SECTION. Sec. 9.** Nothing in this act creates any right or cause of action, nor may it be relied upon to compel the establishment of any program or special entitlement.

**NEW SECTION. Sec. 10.** Sections 1 through 9 of this act constitute a new chapter in Title 43 RCW.

**NEW SECTION. Sec. 11.** Section 3 of this act takes effect July 1, 2020."

On page 1, line 2 of the title, after "equity;" strike the remainder of the title and insert "adding a new chapter to Title 43 RCW; and providing an effective date."

and the same is herewith transmitted.

Brad Hendrickson, Secretary

#### **SENATE AMENDMENT TO HOUSE BILL**

There being no objection, the House concurred in the Senate amendment to ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1783 and advanced the bill as amended by the Senate to final passage.

#### **FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED**

Representative Gregerson spoke in favor of the passage of the bill.

Representatives Walsh and Dufault spoke against the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Engrossed Second Substitute House Bill No. 1783, as amended by the Senate.

#### **ROLL CALL**

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 1783, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 57; Nays, 39; Absent, 0; Excused, 2.

Voting yea: Representatives Appleton, Bergquist, Blake, Callan, Chapman, Chopp, Cody, Davis, Doglio, Dolan, Duerr, Entenman, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hansen, Hudgins, J. Johnson, Kilduff, Kirby, Kloba, Leavitt, Lekanoff, Lovick, Macri, Mead, Morgan, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti,

Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Ryu, Santos, Sells, Senn, Shewmake, Slatter, Springer, Stonier, Sullivan, Tarleton, Thai, Tharinger, Valdez, Walen, Wylie and Mme. Speaker.

Voting nay: Representatives Barkis, Boehnke, Caldier, Chambers, Chandler, Corry, DeBolt, Dent, Dufault, Dye, Eslick, Gildon, Goehner, Graham, Harris, Hoff, Irwin, Jenkin, Klippert, Kraft, Kretz, MacEwen, Maycumber, McCaslin, Mosbrucker, Orcutt, Rude, Schmick, Shea, Smith, Steele, Stokesbary, Sutherland, Van Werven, Vick, Walsh, Wilcox, Ybarra and Young.

Excused: Representatives Griffey and Volz.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1783, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

#### **MESSAGE FROM THE SENATE**

March 4, 2020

Madame Speaker:

The Senate has passed SECOND SUBSTITUTE HOUSE BILL NO. 1888 with the following amendment:

11.0.

Strike everything after the enacting clause and insert the following:

"**Sec. 12.** RCW 42.56.250 and 2019 c 349 s 2 and 2019 c 229 s 1 are each reenacted and amended to read as follows:

The following employment and licensing information is exempt from public inspection and copying under this chapter:

(1) Test questions, scoring keys, and other examination data used to administer a license, employment, or academic examination;

(2) All applications for public employment other than for vacancies in elective office, including the names of applicants, resumes, and other related materials submitted with respect to an applicant;

(3) Professional growth plans (PGPs) in educator license renewals submitted through the eCert system in the office of the superintendent of public instruction;

(4) The following information held by any public agency in personnel records, public employment related records, volunteer rosters, or included in any mailing list of employees or volunteers of any public agency: Residential addresses, residential telephone numbers, personal wireless telephone numbers, personal email addresses, social security numbers, driver's license numbers, identicaid numbers, payroll deductions including the amount and identification of the deduction, and emergency contact information of employees or volunteers of a public agency, and the names, dates of birth, residential addresses, residential telephone numbers, personal wireless telephone numbers, personal email addresses, social security numbers, and emergency contact information of dependents of employees or volunteers of a public agency. For purposes of this

subsection, "employees" includes independent provider home care workers as defined in RCW 74.39A.240;

(5) Information that identifies a person who, while an agency employee: (a) Seeks advice, under an informal process established by the employing agency, in order to ascertain his or her rights in connection with a possible unfair practice under chapter 49.60 RCW against the person; and (b) requests his or her identity or any identifying information not be disclosed;

(6) Investigative records compiled by an employing agency in connection with an investigation of a possible unfair practice under chapter 49.60 RCW or of a possible violation of other federal, state, or local laws or an employing agency's internal policies prohibiting discrimination or harassment in employment. Records are exempt in their entirety while the investigation is active and ongoing. After the agency has notified the complaining employee of the outcome of the investigation, the records may be disclosed only if the names of complainants, other accusers, and witnesses are redacted, unless a complainant, other accuser, or witness has consented to the disclosure of his or her name. The employing agency must inform a complainant, other accuser, or witness that his or her name will be redacted from the investigation records unless he or she consents to disclosure;

(7) Criminal history records checks for board staff finalist candidates conducted pursuant to RCW 43.33A.025;

(8) Photographs and month and year of birth in the personnel files of employees or volunteers of a public agency, including employees and workers of criminal justice agencies as defined in RCW 10.97.030. The news media, as defined in RCW 5.68.010(5), shall have access to the photographs and full date of birth. For the purposes of this subsection, news media does not include any person or organization of persons in the custody of a criminal justice agency as defined in RCW 10.97.030;

(9) The global positioning system data that would indicate the location of the residence of a public employee or volunteer using the global positioning system recording device; ~~((and))~~

(10) Until the person reaches eighteen years of age, information, otherwise disclosable under chapter 29A.08 RCW, that relates to a future voter, except for the purpose of processing and delivering ballots; and

(11) Voluntarily submitted information collected and maintained by a state agency or higher education institution that identifies an individual state employee's personal demographic details. "Personal demographic details" means race or ethnicity, sexual orientation as defined by RCW 49.60.040(26), immigration status, national origin, or status as a person with a disability. This exemption does not prevent the release of state employee demographic information in a deidentified or aggregate format.

(12) Upon receipt of a request for information located exclusively in an employee's personnel, payroll, supervisor, or training file, the agency must provide notice to the

employee, to any union representing the employee, and to the requestor. The notice must state:

(a) The date of the request;

(b) The nature of the requested record relating to the employee;

(c) That the agency will release any information in the record which is not exempt from the disclosure requirements of this chapter at least ten days from the date the notice is made; and

(d) That the employee may seek to enjoin release of the records under RCW 42.56.540."

On page 1, line 2 of the title, after "disclosure;" strike the remainder of the title and insert "and reenacting and amending RCW 42.56.250."

and the same is herewith transmitted.

Brad Hendrickson, Secretary

### SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to SECOND SUBSTITUTE HOUSE BILL NO. 1888 and advanced the bill as amended by the Senate to final passage.

### FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representatives Hudgins and Walsh spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Second Substitute House Bill No. 1888, as amended by the Senate.

### ROLL CALL

The Clerk called the roll on the final passage of Second Substitute House Bill No. 1888, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 91; Nays, 5; Absent, 0; Excused, 2.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chapman, Chopp, Cody, Davis, DeBolt, Doglio, Dolan, Duerr, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Mead, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shea, Shewmake, Slatter, Smith, Springer, Steele, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Voting nay: Representatives Chandler, Corry, Dent, Dufault and Stokesbary.



Excused: Representatives Griffey and Volz.

SECOND SUBSTITUTE HOUSE BILL NO. 1888, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

#### MESSAGE FROM THE SENATE

March 5, 2020

Madame Speaker:

The Senate has passed HOUSE BILL NO. 2230 with the following amendment:

12.0.

On page 2, after line 26, insert the following:

"Sec. 2. RCW 82.29A.055 and 2014 c 207 s 8 are each amended to read as follows:

(1) Property owned exclusively by a federally recognized Indian tribe that is exempt from property tax under RCW 84.36.010 is subject to payment in lieu of leasehold excise taxes, if:

(a) The tax exempt property is used exclusively for economic development, as defined in RCW 84.36.010;

(b) There is no taxable leasehold interest in the tax exempt property;

(c) The property is located outside of the tribe's reservation; and

(d) The property is not otherwise exempt from taxation by federal law.

(2) The amount of the payment in lieu of leasehold excise taxes must be determined jointly and in good faith negotiation between the tribe that owns the property and the county and any city in which the property is located. However, the amount may not exceed the leasehold excise tax amount that would otherwise be owed by a taxable leasehold interest in the property. If the tribe and the county and any city cannot agree to terms on the amount of payment in lieu of taxes, the department may determine the rate, provided that the amount may not exceed the leasehold excise tax amount that would otherwise be owed by a taxable leasehold interest in the property.

(3) Payment must be made by the tribe to the county. The county treasurer must distribute all such money collected solely to the local taxing districts, including cities, in the same proportion that each local taxing district would have shared if a leasehold excise tax had been levied."

Renumber the remaining sections consecutively and correct any internal references accordingly.

On page 1, line 3 of the title, after "84.36.010" insert "and 82.29A.055"

and the same is herewith transmitted.

Brad Hendrickson, Secretary

#### SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to HOUSE BILL NO. 2230 and advanced the bill as amended by the Senate to final passage.

#### FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representatives Gregerson and Stokesbary spoke in favor of the passage of the bill.

Representative Orcutt spoke against the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of House Bill No. 2230, as amended by the Senate.

#### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2230, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 84; Nays, 12; Absent, 0; Excused, 2.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Caldier, Callan, Chambers, Chapman, Chopp, Cody, Corry, Davis, DeBolt, Doglio, Dolan, Duerr, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, J. Johnson, Kilduff, Kirby, Kloba, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, Mead, Morgan, Mosbrucker, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Tarleton, Thai, Tharinger, Valdez, Van Werven, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Voting nay: Representatives Boehnke, Chandler, Dent, Dufault, Klippert, Kraft, McCaslin, Orcutt, Shea, Smith, Sutherland and Vick.

Excused: Representatives Griffey and Volz.

HOUSE BILL NO. 2230, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

#### MESSAGE FROM THE SENATE

March 6, 2020

Madame Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 2302 with the following amendment:

2.0.

Strike everything after the enacting clause and insert the following:

"Sec. 3. RCW 26.19.011 and 2005 c 282 s 35 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Basic child support obligation" means the monthly child support obligation determined from the economic table based on the parties' combined monthly net income and the number of children for whom support is owed.

(2) "Child support schedule" means the standards, economic table, worksheets, and instructions, as defined in this chapter.

(3) "Court" means a superior court judge, court commissioner, and presiding and reviewing officers who administratively determine or enforce child support orders.

(4) "Deviation" means a child support amount that differs from the standard calculation.

(5) "Economic table" means the child support table for the basic support obligation provided in RCW 26.19.020.

(6) "Full-time" means the customary number of maximum, nonovertime hours worked in an individual's historical occupation, industry, and labor market. "Full-time" does not necessarily mean forty hours per week.

(7) "Instructions" means the instructions developed by the administrative office of the courts pursuant to RCW 26.19.050 for use in completing the worksheets.

~~((7))~~ (8) "Standards" means the standards for determination of child support as provided in this chapter.

~~((8))~~ (9) "Standard calculation" means the presumptive amount of child support owed as determined from the child support schedule before the court considers any reasons for deviation.

~~((9))~~ (10) "Support transfer payment" means the amount of money the court orders one parent to pay to another parent or custodian for child support after determination of the standard calculation and deviations. If certain expenses or credits are expected to fluctuate and the order states a formula or percentage to determine the additional amount or credit on an ongoing basis, the term "support transfer payment" does not mean the additional amount or credit.

~~((10))~~ (11) "Worksheets" means the forms developed by the administrative office of the courts pursuant to RCW 26.19.050 for use in determining the amount of child support.

**Sec. 4.** RCW 26.19.071 and 2011 1st sp.s. c 36 s 14 are each amended to read as follows:

(1) **Consideration of all income.** All income and resources of each parent's household shall be disclosed and considered by the court when the court determines the child support obligation of each parent. Only the income of the parents of the children whose support is at issue shall be calculated for purposes of calculating the basic support obligation. Income and resources of any other person shall not be included in calculating the basic support obligation.

(2) **Verification of income.** Tax returns for the preceding two years and current paystubs shall be provided to verify income and deductions. Other sufficient verification shall be required for income and deductions which do not appear on tax returns or paystubs.

(3) **Income sources included in gross monthly income.** Except as specifically excluded in subsection (4) of this section, monthly gross income shall include income from any source, including:

- (a) Salaries;
- (b) Wages;
- (c) Commissions;
- (d) Deferred compensation;
- (e) Overtime, except as excluded for income in subsection (4)(i) of this section;
- (f) Contract-related benefits;
- (g) Income from second jobs, except as excluded for income in subsection (4)(i) of this section;
- (h) Dividends;
- (i) Interest;
- (j) Trust income;
- (k) Severance pay;
- (l) Annuities;
- (m) Capital gains;
- (n) Pension retirement benefits;
- (o) Workers' compensation;
- (p) Unemployment benefits;
- (q) Maintenance actually received;
- (r) Bonuses;
- (s) Social security benefits;
- (t) Disability insurance benefits; and

(u) Income from self-employment, rent, royalties, contracts, proprietorship of a business, or joint ownership of a partnership or closely held corporation.

(4) **Income sources excluded from gross monthly income.** The following income and resources shall be disclosed but shall not be included in gross income:

- (a) Income of a new spouse or new domestic partner or income of other adults in the household;
- (b) Child support received from other relationships;
- (c) Gifts and prizes;
- (d) Temporary assistance for needy families;
- (e) Supplemental security income;
- (f) Aged, blind, or disabled assistance benefits;
- (g) Pregnant women assistance benefits;

(h) Food stamps; and

(i) Overtime or income from second jobs beyond forty hours per week averaged over a twelve-month period worked to provide for a current family's needs, to retire past relationship debts, or to retire child support debt, when the court finds the income will cease when the party has paid off his or her debts.

Receipt of income and resources from temporary assistance for needy families, supplemental security income, aged, blind, or disabled assistance benefits, and food stamps shall not be a reason to deviate from the standard calculation.

(5) **Determination of net income.** The following expenses shall be disclosed and deducted from gross monthly income to calculate net monthly income:

- (a) Federal and state income taxes;
- (b) Federal insurance contributions act deductions;
- (c) Mandatory pension plan payments;
- (d) Mandatory union or professional dues;
- (e) State industrial insurance premiums;
- (f) Court-ordered maintenance to the extent actually paid;

(g) Up to five thousand dollars per year in voluntary retirement contributions actually made if the contributions show a pattern of contributions during the one-year period preceding the action establishing the child support order unless there is a determination that the contributions were made for the purpose of reducing child support; and

(h) Normal business expenses and self-employment taxes for self-employed persons. Justification shall be required for any business expense deduction about which there is disagreement.

Items deducted from gross income under this subsection shall not be a reason to deviate from the standard calculation.

(6) **Imputation of income.** The court shall impute income to a parent when the parent is voluntarily unemployed or voluntarily underemployed. The court shall determine whether the parent is voluntarily underemployed or voluntarily unemployed based upon that parent's (~~work history, education,~~) assets, residence, employment and earnings history, job skills, educational attainment, literacy, health, (~~and~~) age, criminal record, dependency court obligations, and other employment barriers, record of seeking work, the local job market, the availability of employers willing to hire the parent, the prevailing earnings level in the local community, or any other relevant factors. A court shall not impute income to a parent who is gainfully employed on a full-time basis, unless the court finds that the parent is voluntarily underemployed and finds that the parent is purposely underemployed to reduce the parent's child support obligation. Income shall not be imputed for an unemployable parent. Income shall not be imputed to a parent to the extent the parent is unemployed or significantly underemployed due to the parent's efforts to comply with court-ordered reunification efforts under chapter 13.34

RCW or under a voluntary placement agreement with an agency supervising the child. (~~(4)~~)

(a) Except as provided in (b) of this subsection, in the absence of records of a parent's actual earnings, the court shall impute a parent's income in the following order of priority:

(~~(a)~~) (i) Full-time earnings at the current rate of pay;

(~~(b)~~) (ii) Full-time earnings at the historical rate of pay based on reliable information, such as employment security department data;

(~~(c)~~) (iii) Full-time earnings at a past rate of pay where information is incomplete or sporadic;

(~~(d)~~) (iv) Earnings of thirty-two hours per week at minimum wage in the jurisdiction where the parent resides if the parent is on or recently coming off temporary assistance for needy families or recently coming off aged, blind, or disabled assistance benefits, pregnant women assistance benefits, essential needs and housing support, supplemental security income, or disability, has recently been released from incarceration, or is a recent high school graduate. Imputation of earnings at thirty-two hours per week under this subsection is a rebuttable presumption;

(v) Full-time earnings at minimum wage in the jurisdiction where the parent resides if the parent has a recent history of minimum wage earnings, (~~is recently coming off public assistance, aged, blind, or disabled assistance benefits, pregnant women assistance benefits, essential needs and housing support, supplemental security income, or disability, has recently been released from incarceration, or is a high school student~~) has never been employed and has no earnings history, or has no significant earnings history;

(~~(e)~~) (vi) Median net monthly income of year-round full-time workers as derived from the United States bureau of census, current population reports, or such replacement report as published by the bureau of census.

(b) When a parent is currently enrolled in high school full-time, the court shall consider the totality of the circumstances of both parents when determining whether each parent is voluntarily unemployed or voluntarily underemployed. If a parent who is currently enrolled in high school is determined to be voluntarily unemployed or voluntarily underemployed, the court shall impute income at earnings of twenty hours per week at minimum wage in the jurisdiction where that parent resides. Imputation of earnings at twenty hours per week under this subsection is a rebuttable presumption.

**NEW SECTION. Sec. 5.** (1) The legislature finds that a large number of justice-involved individuals owe significant child support debts when they are released from incarceration.

(2) The legislature finds that these child support debts are often uncollectible and unduly burdensome on a recently released justice-involved individual, and that such debts severely impact the ability of the person required to pay

support to have a successful reentry and reintegration into society.

(3) The legislature finds that there is case law in Washington, *In re Marriage of Blickenstaff*, 71 Wn. App. 489, 859 P.2d 646 (1993), providing that incarceration does not equate to voluntary unemployment or voluntary underemployment.

(4) The legislature finds that there is a statewide movement to assist justice-involved individuals reenter and reintegrate into society, and to reduce state-caused pressures which tend to lead to recidivism and a return to jail or prison.

(5) The legislature finds that, although there is currently a statutory process for modification of child support orders, it is in the best interests of the children of the state of Washington to create a process of abatement instead of making it the sole responsibility of the justice-involved person to take action to deal with his or her child support obligation while incarcerated.

(6) The legislature intends, therefore, to create a remedy whereby court or administrative orders for child support entered in Washington state may be abated when the person required to pay support is incarcerated for at least six months and has no income or assets available to pay support.

(7) The goal of this act is to ensure that the person required to pay support makes the maximum child support monthly payment amount appropriate to comply with an order for child support, notwithstanding other provisions related to abatement herein.

**NEW SECTION. Sec. 6.** A new section is added to chapter 26.09 RCW to read as follows:

(1) When a child support order contains language providing for abatement based on incarceration of the person required to pay child support, there is a rebuttable presumption that an incarcerated person is unable to pay the child support obligation. Unless the presumption is rebutted, the provisions of subsection (3) of this section apply.

(2)(a) If the child support order does not contain language providing for abatement based on incarceration of the person required to pay support, the department, the person required to pay support, the payee under the order, or the person entitled to receive support may commence an action in the appropriate forum to:

(i) Modify the support order to contain abatement language; and

(ii) Abate the person's child support obligation due to current incarceration for at least six months.

(b) In a proceeding brought under this subsection, there is a rebuttable presumption that an incarcerated person is unable to pay the child support obligation. The department, the payee under the order, or the person entitled to receive support, may rebut the presumption by demonstrating that the person required to pay support has possession of, or access to, income or assets available to provide support while incarcerated.

(c) Unless the presumption is rebutted, the provisions of subsection (3) of this section apply.

(3) If the court or administrative forum determines that abatement of support is appropriate:

(a) The child support obligation under that order will be abated to ten dollars per month, without regard to the number of children covered by that order, while the person required to pay support is confined in a jail, prison, or correctional facility for at least six months or is serving a sentence greater than six months in a jail, prison, or correctional facility. Either the department, the payee under the order, or the person entitled to receive support may rebut the presumption by demonstrating the person required to pay support has possession of, or access to, income or assets available to provide support while incarcerated.

(b) If the incarcerated person's support obligation under the order is abated as provided in (a) of this subsection, the obligation will remain abated to ten dollars per month through the last day of the third month after the person is released from confinement.

(c) After abatement, the support obligation of the person required to pay support under the order is automatically reinstated at fifty percent of the support amount provided in the underlying order, but may not be less than the presumptive minimum obligation of fifty dollars per month per child, effective the first day of the fourth month after the person's release from confinement. Effective one year after release from confinement, the reinstatement at fifty percent of the support amount is automatically terminated, and the support obligation of the person required to pay support under the order is automatically reinstated at one hundred percent of the support amount provided in the underlying order.

(i) Upon a showing of good cause by a party that the circumstances of the case allow it, the court or administrative forum may add specific provisions to the order abating the child support obligation regarding when and how the abatement may terminate.

(ii) During the period of abatement, the department, the person required to pay support, the payee under the order, or the person entitled to receive support may commence an action to modify the child support order under RCW 26.09.170 or 74.20A.059, in which case the provision regarding reinstatement of the support amount at fifty percent does not apply.

(d) If the incarcerated person's support obligation under the order has been abated as provided in (a) of this subsection and then has been reinstated under (c) of this subsection:

(i) Either the department, the person required to pay support, the payee under the order, or the person entitled to receive support may file an action to modify or adjust the order in the appropriate forum, if:

(A) The provisions of (c)(i) and (ii) of this subsection do not apply; and

(B) The person required to pay support has been released from incarceration.

(ii) An action to modify or adjust the order based on the release from incarceration of the person required to pay support may be filed even if there is no other change of circumstances.

(4) The effective date of abatement of a child support obligation based on incarceration to ten dollars per month per order is the date on which the person required to pay support is confined in a jail, prison, or correctional facility for at least six months or begins serving a sentence greater than six months in a jail, prison, or correctional facility, regardless of when the department is notified of the incarceration. However:

(a) The person required to pay support is not entitled to a refund of any support collections or payments that were received by the department prior to the date on which the department is notified of the incarceration; and

(b) The department, the payee under the order, or the person entitled to receive support is not required to refund any support collections or payments that were received by the department prior to the date on which the department is notified of the incarceration.

(5) Abatement of a child support obligation based on incarceration of the person required to pay support does not constitute modification or adjustment of the order.

**NEW SECTION. Sec. 7.** A new section is added to chapter 26.09 RCW to read as follows:

Either the department, the person required to pay support, the payee under the order, or the person entitled to receive support may make a request for abatement of child support to ten dollars per month under an order for child support when the person required to pay support is currently confined in a jail, prison, or correctional facility for at least six months, or is serving a sentence greater than six months in a jail, prison, or correctional facility.

(1) A request for the abatement of child support owed under one child support order does not automatically qualify as a request for abatement of support owed under every order that may exist requiring that person to pay support. However, the request applies to any support order which is being enforced by the department at the time of the request.

(2) If there are multiple orders requiring the incarcerated person to pay child support, the issue of whether abatement of support due to incarceration is appropriate must be considered for each order.

(a) The payee or person entitled to receive support under each support order is entitled to notice and an opportunity to be heard regarding the potential abatement of support under that order.

(b) If the child or children covered by a support order are not residing with the payee under the order, any other person entitled to receive support for the child or children must be provided notice and an opportunity to be heard regarding the potential abatement of support under that order.

**NEW SECTION. Sec. 8.** A new section is added to chapter 26.09 RCW to read as follows:

(1) When a child support order contains language regarding abatement to ten dollars per month per order based on incarceration of the person required to pay support, and that person is currently confined in a jail, prison, or correctional facility for at least six months, or is serving a sentence greater than six months in a jail, prison, or correctional facility, the department must:

(a) Review the support order for abatement once the department receives notice from the person required to pay support or someone acting on his or her behalf that the person may qualify for abatement of support;

(b) Review its records and other available information to determine if the person required to pay support has possession of, or access to, income or assets available to provide support while incarcerated; and

(c) Decide whether abatement of the person's support obligation is appropriate.

(2) If the department decides that abatement of the person's support obligation is appropriate, the department must notify the person required to pay support, and the payee under the order or the person entitled to receive support, that the incarcerated person's support obligation has been abated and that the abatement will continue until the first day of the fourth month after the person is released from confinement. The notification must include the following information:

(a) The payee under the order or the person entitled to receive support may object to the abatement of support due to incarceration;

(i) An objection must be received within twenty days of the notification of abatement;

(ii) Any objection will be forwarded to the office of administrative hearings for an adjudicative proceeding under chapter 34.05 RCW;

(iii) The department, the person required to pay support, and the payee under the order or the person entitled to receive support, all have the right to participate in the administrative hearing as parties; and

(iv) The burden of proof is on the party objecting to the abatement of support to show that the person required to pay support has possession of, or access to, income or assets available to provide support while incarcerated;

(b) The effective date of the abatement of support;

(c) The estimated date of release;

(d) The estimated date that the abatement will end;

(e) That the person required to pay support, the payee under the order, the person entitled to receive support, or the department may file an action to modify the underlying support order once the person required to pay support is released from incarceration, as provided under section 4(3)(d) of this act; and

(f) That, if the abated obligation was established by a court order, the department will file a copy of the notification in the court file.

(3) If the department decides that abatement of the incarcerated person's support obligation is not appropriate, the department must notify the person required to pay support and the payee under the order or the person entitled to receive support, that the department does not believe that abatement of the support obligation should occur. The notification must include the following information:

(a) The reasons why the department decided that abatement of the support obligation is not appropriate;

(b) The person required to pay support and the payee under the order or the person entitled to receive support may object to the department's decision not to abate the support obligation;

(i) An objection must be received within twenty days of the notification of abatement;

(ii) Any objection will be forwarded to the office of administrative hearings for an adjudicative proceeding under chapter 34.05 RCW; and

(iii) The department, the incarcerated person, and the payee under the order or the person entitled to receive support all have the right to participate in the administrative hearing as parties;

(c) That, if the administrative law judge enters an order providing that abatement is appropriate, the department will take appropriate steps to document the abatement and will provide notification to the parties as required in subsection (2) of this section.

**NEW SECTION. Sec. 9.** A new section is added to chapter 26.09 RCW to read as follows:

(1) When a court or administrative order does not contain language regarding abatement based on incarceration of the person required to pay support and the department receives notice that the person is currently confined in a jail, prison, or correctional facility for at least six months or is serving a sentence greater than six months in a jail, prison, or correctional facility, the department must refer the case to the appropriate forum for a determination of whether the order should be modified to:

(a) Contain abatement language as provided in section 4 of this act; and

(b) Abate the person's child support obligation due to current incarceration.

(2) In a proceeding brought under this section, there is a rebuttable presumption that an incarcerated person is unable to pay the child support obligation. The department, the payee under the order, or the person entitled to receive support may rebut the presumption by demonstrating that the incarcerated person has possession of, or access to, income or assets available to provide support while incarcerated.

(3) Unless the presumption is rebutted, the court or administrative forum must enter an order providing that the child support obligation under the order is abated to ten

dollars per month, without regard to the number of children covered by the order, if the person required to pay support is confined in a jail, prison, or correctional facility for at least six months, or is serving a sentence greater than six months in a jail, prison, or correctional facility.

(4) The order must:

(a) Include the appropriate language required by section 4 of this act in order to provide for a rebuttable presumption of abatement to ten dollars per month per order;

(b) Provide that the order must be reinstated at fifty percent of the previously ordered support amount but not less than the presumptive minimum obligation of fifty dollars per month per child, effective on the first day of the fourth month after the person's release from confinement, and also provide that the order must be automatically reinstated at one hundred percent of the previously ordered support amount effective one year after release from confinement; and

(c) Include language regarding an action to modify or adjust the underlying order as provided under section 4(3) of this act.

**NEW SECTION. Sec. 10.** A new section is added to chapter 26.09 RCW to read as follows:

(1) At any time during the period of incarceration, the department, the payee under the order, or the person entitled to receive support may file a request to reverse or terminate the abatement of support by demonstrating that the incarcerated person has possession of, or access to, income or assets available to provide support while incarcerated.

(a) A request for reversal or termination of the abatement may be filed with the department or with the office of administrative hearings.

(b) The request must include documents or other evidence showing that the incarcerated person has possession of, or access to, income or assets available to provide support while incarcerated.

(c) If the request for a hearing does not include documents or evidence showing that the incarcerated person has possession of, or access to, income or assets, the department may file a motion asking that the request for a hearing be dismissed before a hearing is scheduled or held.

(d) The party seeking to reverse or terminate the abatement may seek to vacate the dismissal order by filing a motion which includes the required proof.

(e) Depending on the type of evidence provided at the hearing, the administrative law judge may order that the abatement of the support obligation be:

(i) Reversed, meaning that the determination that support should be abated is vacated and all amounts owed under the support order are reinstated; or

(ii) Terminated, meaning that the abatement of support ends as of the date specified in the order.

(2) At any time during the period of incarceration, the person required to pay support may file a request to reverse or terminate the abatement of support.

(a) The request for reversal or termination of the abatement may be filed with the department or with the office of administrative hearings.

(b) The person required to pay support is not required to provide any documents or other evidence to support the request.

(3) Abatement of a support obligation does not constitute modification or adjustment of the order.

**Sec. 11.** RCW 26.23.050 and 2019 c 46 s 5026 are each amended to read as follows:

(1) If the division of child support is providing support enforcement services under RCW 26.23.045, or if a party is applying for support enforcement services by signing the application form on the bottom of the support order, the superior court shall include in all court orders that establish or modify a support obligation:

(a) A provision that orders and directs the ~~((responsible parent))~~ person required to pay support to make all support payments to the Washington state support registry;

(b) A statement that withholding action may be taken against wages, earnings, assets, or benefits, and liens enforced against real and personal property under the child support statutes of this or any other state, without further notice to the ~~((responsible parent))~~ person required to pay support at any time after entry of the court order, unless:

(i) One of the parties demonstrates, and the court finds, that there is good cause not to require immediate income withholding and that withholding should be delayed until a payment is past due; or

(ii) The parties reach a written agreement that is approved by the court that provides for an alternate arrangement;

(c) A statement that the ~~((receiving parent))~~ payee under the order or the person entitled to receive support might be required to submit an accounting of how the support, including any cash medical support, is being spent to benefit the child;

(d) A statement that ~~((any parent))~~ a party to the support order who is required to provide health care coverage for the child or children covered by the order must notify the division of child support and the other ((parent)) party to the support order when the coverage terminates; ((and))

(e) A statement that ~~((the responsible parent's privileges))~~ any privilege of the person required to pay support to obtain and maintain a license, as defined in RCW 74.20A.320, may not be renewed, or may be suspended if the ((parent)) person is not in compliance with a support order as provided in RCW 74.20A.320; and

(f) A statement that the support obligation under the order may be abated as provided in section 4 of this act if the

person required to pay support is confined in a jail, prison, or correctional facility for at least six months, or is serving a sentence greater than six months in a jail, prison, or correctional facility.

As used in this subsection and subsection (3) of this section, "good cause not to require immediate income withholding" means a written determination of why implementing immediate wage withholding would not be in the child's best interests and, in modification cases, proof of timely payment of previously ordered support.

(2) In all other cases not under subsection (1) of this section, the court may order the ~~((responsible parent))~~ person required to pay support to make payments directly to the person entitled to receive the payments, to the Washington state support registry, or may order that payments be made in accordance with an alternate arrangement agreed upon by the parties.

(a) The superior court shall include in all orders under this subsection that establish or modify a support obligation:

(i) A statement that withholding action may be taken against wages, earnings, assets, or benefits, and liens enforced against real and personal property under the child support statutes of this or any other state, without further notice to the ~~((responsible parent))~~ person required to pay support at any time after entry of the court order, unless:

(A) One of the parties demonstrates, and the court finds, that there is good cause not to require immediate income withholding and that withholding should be delayed until a payment is past due; or

(B) The parties reach a written agreement that is approved by the court that provides for an alternate arrangement;

(ii) A statement that the ~~((receiving parent))~~ payee under the order or the person entitled to receive support may be required to submit an accounting of how the support is being spent to benefit the child;

(iii) A statement that any ~~((parent))~~ party to the order required to provide health care coverage for the child or children covered by the order must notify the division of child support and the other ~~((parent))~~ party to the order when the coverage terminates; and

(iv) A statement that a ~~((parent))~~ party to the order seeking to enforce the other party's obligation to provide health care coverage may:

(A) File a motion in the underlying superior court action; or

(B) If there is not already an underlying superior court action, initiate an action in the superior court.

As used in this subsection, "good cause not to require immediate income withholding" is any reason that the court finds appropriate.

(b) The superior court may order immediate or delayed income withholding as follows:

(i) Immediate income withholding may be ordered if the ~~((responsible parent))~~ person required to pay support has earnings. If immediate income withholding is ordered under this subsection, all support payments shall be paid to the Washington state support registry. The superior court shall issue a mandatory wage assignment order as set forth in chapter 26.18 RCW when the support order is signed by the court. The ~~((parent))~~ payee under the order or the person entitled to receive the transfer payment is responsible for serving the employer with the order and for its enforcement as set forth in chapter 26.18 RCW.

(ii) If immediate income withholding is not ordered, the court shall require that income withholding be delayed until a payment is past due. The support order shall contain a statement that withholding action may be taken against wages, earnings, assets, or benefits, and liens enforced against real and personal property under the child support statutes of this or any other state, without further notice to the ~~((responsible parent))~~ person required to pay support, after a payment is past due.

(c) If a mandatory wage withholding order under chapter 26.18 RCW is issued under this subsection and the division of child support provides support enforcement services under RCW 26.23.045, the existing wage withholding assignment is prospectively superseded upon the division of child support's subsequent service of an income withholding notice.

(3) The office of administrative hearings and the department of social and health services shall require that all support obligations established as administrative orders include a provision which orders and directs that the ~~((responsible parent))~~ person required to pay support shall make all support payments to the Washington state support registry. All administrative orders shall also state that ~~((the responsible parent's privileges))~~ any privilege of the person required to pay support to obtain and maintain a license, as defined in RCW 74.20A.320, may not be renewed, or may be suspended if the ~~((parent))~~ person is not in compliance with a support order as provided in RCW 74.20A.320. All administrative orders shall also state that withholding action may be taken against wages, earnings, assets, or benefits, and liens enforced against real and personal property under the child support statutes of this or any other state without further notice to the ~~((responsible parent))~~ person required to pay support at any time after entry of the order, unless:

(a) One of the parties demonstrates, and the presiding officer finds, that there is good cause not to require immediate income withholding; or

(b) The parties reach a written agreement that is approved by the presiding officer that provides for an alternate agreement.

(4) If the support order does not include the provision ordering and directing that all payments be made to the Washington state support registry and a statement that withholding action may be taken against wages, earnings, assets, or benefits if a support payment is past due or at any time after the entry of the order, or that ~~((a parent's))~~ licensing privileges of the person required to pay support may not be renewed, or may be suspended, the division of

child support may serve a notice on the ~~((responsible parent))~~ person stating such requirements and authorizations. Service may be by personal service or any form of mail requiring a return receipt.

(5) Every support order shall state:

(a) The address where the support payment is to be sent;

(b) That withholding action may be taken against wages, earnings, assets, or benefits, and liens enforced against real and personal property under the child support statutes of this or any other state, without further notice to the ~~((responsible parent))~~ person required to pay support at any time after entry of a support order, unless:

(i) One of the parties demonstrates, and the court finds, that there is good cause not to require immediate income withholding; or

(ii) The parties reach a written agreement that is approved by the court that provides for an alternate arrangement;

(c) The income of the parties, if known, or that their income is unknown and the income upon which the support award is based;

(d) The support award as a sum certain amount;

(e) The specific day or date on which the support payment is due;

(f) The names and ages of the dependent children;

(g) A provision requiring both the ~~((responsible parent))~~ person required to pay support, and the ~~((custodial parent))~~ payee under the order or the person entitled to receive support who is a parent of the child or children covered by the order, to keep the Washington state support registry informed of whether he or she has access to health care coverage at reasonable cost and, if so, the health care coverage information;

(h) That either or both the ~~((responsible parent))~~ person required to pay support, and the ~~((custodial parent))~~ payee under the order or the person entitled to receive support who is a parent of the child or children covered by the order, shall be obligated to provide medical support for ~~((his or her))~~ a child or children covered by the order through health care coverage if:

(i) The ~~((obligated parent))~~ person obligated to provide medical support provides accessible coverage for the child or children through private or public health care coverage; or

(ii) Coverage that can be extended to cover the child or children is or becomes available to the ~~((parent))~~ person obligated to provide medical support through employment or is union-related; or

(iii) In the absence of such coverage, through an additional sum certain amount, as that ~~((parent's))~~ obligated person's monthly payment toward the premium as provided under RCW 26.09.105;



(i) That a ~~((parent))~~ person obligated to provide medical support who is providing health care coverage must notify both the division of child support and the other ~~((parent))~~ party to the order when coverage terminates;

(j) That if proof of health care coverage or proof that the coverage is unavailable is not provided within twenty days, the ~~((parent))~~ person seeking enforcement or the department may seek direct enforcement of the coverage through the employer or union of the ~~((parent))~~ person required to provide medical support without further notice to the ~~((parent))~~ person as provided under chapter 26.18 RCW;

(k) The reasons for not ordering health care coverage if the order fails to require such coverage;

(l) That ~~((the responsible parent's privileges))~~ any privilege of the person required to pay support to obtain and maintain a license, as defined in RCW 74.20A.320, may not be renewed, or may be suspended if the ~~((parent))~~ person is not in compliance with a support order as provided in RCW 74.20A.320;

(m) That each ~~((parent))~~ party to the support order must:

(i) Promptly file with the court and update as necessary the confidential information form required by subsection (7) of this section; and

(ii) Provide the state case registry and update as necessary the information required by subsection (7) of this section; and

(n) That parties to administrative support orders shall provide to the state case registry and update as necessary their residential addresses and the address of the ~~((responsible parent's))~~ employer of the person required to pay support. The division of child support may adopt rules that govern the collection of parties' current residence and mailing addresses, telephone numbers, dates of birth, social security numbers, the names of the children, social security numbers of the children, dates of birth of the children, driver's license numbers, and the names, addresses, and telephone numbers of the parties' employers to enforce an administrative support order. The division of child support shall not release this information if the division of child support determines that there is reason to believe that release of the information may result in physical or emotional harm to the party or to the child, or a restraining order or protective order is in effect to protect one party from the other party.

(6) After the ~~((responsible parent))~~ person required to pay support has been ordered or notified to make payments to the Washington state support registry under this section, ~~((the responsible parent))~~ that person shall be fully responsible for making all payments to the Washington state support registry and shall be subject to payroll deduction or other income-withholding action. The ~~((responsible parent))~~ person required to pay support shall not be entitled to credit against a support obligation for any payments made to a person or agency other than to the Washington state support registry except as provided under RCW 74.20.101. A civil action may be brought by the ~~((payor))~~ person required to pay support to recover payments made to persons or

agencies who have received and retained support moneys paid contrary to the provisions of this section.

(7) All petitioners and parties to all court actions under chapters 26.09, 26.10, 26.12, 26.18, 26.21A, 26.23, 26.26A, 26.26B, and 26.27 RCW shall complete to the best of their knowledge a verified and signed confidential information form or equivalent that provides the parties' current residence and mailing addresses, telephone numbers, dates of birth, social security numbers, driver's license numbers, and the names, addresses, and telephone numbers of the parties' employers. The clerk of the court shall not accept petitions, except in parentage actions initiated by the state, orders of child support, decrees of dissolution, or parentage orders for filing in such actions unless accompanied by the confidential information form or equivalent, or unless the confidential information form or equivalent is already on file with the court clerk. In lieu of or in addition to requiring the parties to complete a separate confidential information form, the clerk may collect the information in electronic form. The clerk of the court shall transmit the confidential information form or its data to the division of child support with a copy of the order of child support or parentage order, and may provide copies of the confidential information form or its data and any related findings, decrees, parenting plans, orders, or other documents to the state administrative agency that administers Title IV-A, IV-D, IV-E, or XIX of the federal social security act. In state initiated parentage actions, the parties adjudicated the parents of the child or children shall complete the confidential information form or equivalent or the state's attorney of record may complete that form to the best of the attorney's knowledge.

(8) The department has rule-making authority to enact rules consistent with 42 U.S.C. Sec. 652(f) and 42 U.S.C. Sec. 666(a)(19) as amended by section 7307 of the deficit reduction act of 2005. Additionally, the department has rule-making authority to implement regulations required under 45 C.F.R. Parts 302, 303, 304, 305, and 308.

**Sec. 12.** RCW 74.20A.055 and 2019 c 46 s 5052 are each amended to read as follows:

(1) The secretary may, if there is no order that establishes ~~((the responsible parent's))~~ a person's support obligation or specifically relieves the ~~((responsible parent))~~ person required to pay support of a support obligation or pursuant to an establishment of parentage under chapter 26.26A or 26.26B RCW, serve on the ~~((responsible parent or parents))~~ person or persons required to pay support and ~~((custodial parent))~~ the person entitled to receive support a notice and finding of financial responsibility requiring ~~((the parents))~~ those persons to appear and show cause in an adjudicative proceeding why the finding of responsibility and/or the amount thereof is incorrect, should not be finally ordered, but should be rescinded or modified. This notice and finding shall relate to the support debt accrued and/or accruing under this chapter and/or RCW 26.16.205, including periodic payments to be made in the future. The hearing shall be held pursuant to this section, chapter 34.05 RCW, the Administrative Procedure Act, and the rules of the department. A ~~((custodian))~~ person who has physical custody of a child has the same rights ~~((that a custodial~~

~~parent has~~) under this section as a parent with whom the child resides.

(2) The notice and finding of financial responsibility shall be served in the same manner prescribed for the service of a summons in a civil action or may be served on the ~~((responsible parent))~~ person required to pay support by certified mail, return receipt requested. The receipt shall be prima facie evidence of service. The notice shall be served upon the ~~((debtor))~~ person required to pay support within sixty days from the date the state assumes responsibility for the support of the dependent child or children on whose behalf support is sought. If the notice is not served within sixty days from such date, the department shall lose the right to reimbursement of payments made after the sixty-day period and before the date of notification: PROVIDED, That if the department exercises reasonable efforts to locate the ~~((debtor))~~ person required to pay support and is unable to do so the entire sixty-day period is tolled until such time as the ~~((debtor))~~ person can be located. The notice may be served upon the ~~((custodial parent))~~ person entitled to receive support who is the nonassistance applicant or public assistance recipient by first-class mail to the last known address. If the ~~((custodial parent))~~ person entitled to receive support is not the nonassistance applicant or public assistance recipient, service shall be in the same manner as for the ~~((responsible parent))~~ person required to pay support.

(3) The notice and finding of financial responsibility shall set forth the amount the department has determined the ~~((responsible parent))~~ person required to pay support owes, the support debt accrued and/or accruing, and periodic payments to be made in the future. The notice and finding shall also include:

(a) A statement of the name of the ~~((custodial parent))~~ person entitled to receive support and the name of the child or children for whom support is sought;

(b) A statement of the amount of periodic future support payments as to which financial responsibility is alleged;

(c) A statement that the ~~((responsible parent))~~ person required to pay support or ~~((custodial parent))~~ the person entitled to receive support may object to all or any part of the notice and finding, and file an application for an adjudicative proceeding to show cause why the terms set forth in the notice should not be ordered;

(d) A statement that, if neither the ~~((responsible parent))~~ person required to pay support nor the ~~((custodial parent))~~ person entitled to receive support files in a timely fashion an application for an adjudicative proceeding, the support debt and payments stated in the notice and finding, including periodic support payments in the future, shall be assessed and determined and ordered by the department and that this debt and amounts due under the notice shall be subject to collection action;

(e) A statement that the property of the ~~((debtor))~~ person required to pay support, without further advance notice or hearing, will be subject to lien and foreclosure, distraint, seizure and sale, order to withhold and deliver, notice of payroll deduction or other collection action to

satisfy the debt and enforce the support obligation established under the notice;

(f) A statement that ~~((one or both parents))~~ the person required to pay support, and the payee under the order or the person entitled to receive support who is a parent of the child or children covered by the order, are responsible for either:

(i) Providing health care coverage for the child if accessible coverage that can cover the child:

(A) Is available through health insurance or public health care coverage; or

(B) Is or becomes available to the ~~((parent))~~ obligated person through that ~~((parent's))~~ person's employment or union; or

(ii) Paying a monthly payment toward the premium if no such coverage is available, as provided under RCW 26.09.105; and

(g) A statement that the support obligation under the order may be abated to ten dollars per month per order as provided in section 4 of this act if the person required to pay support is confined in a jail, prison, or correctional facility for at least six months, or is serving a sentence greater than six months in a jail, prison, or correctional facility.

(4) A ~~((responsible parent))~~ person required to pay support or ~~((custodial parent))~~ a person entitled to receive support who objects to the notice and finding of financial responsibility may file an application for an adjudicative proceeding within twenty days of the date of service of the notice or thereafter as provided under this subsection.

(a) If the ~~((responsible parent))~~ person required to pay support or ~~((custodial parent))~~ the person entitled to receive support files the application within twenty days, the office of administrative hearings shall schedule an adjudicative proceeding to hear the ~~((parent's))~~ party's or ~~((parents))~~ parties' objection and determine the support obligation for the entire period covered by the notice and finding of financial responsibility. The filing of the application stays collection action pending the entry of a final administrative order;

(b) If both the ~~((responsible parent))~~ person required to pay support and the ~~((custodial parent))~~ person entitled to receive support fail to file an application within twenty days, the notice and finding shall become a final administrative order. The amounts for current and future support and the support debt stated in the notice are final and subject to collection, except as provided under (c) and (d) of this subsection;

(c) If the ~~((responsible parent))~~ person required to pay support or ~~((custodial parent))~~ the person entitled to receive support files the application more than twenty days after, but within one year of the date of service, the office of administrative hearings shall schedule an adjudicative proceeding to hear the ~~((parent's))~~ party's or ~~((parents))~~ parties' objection and determine the support obligation for the entire period covered by the notice and finding of financial responsibility. The filing of the application does not stay further collection action, pending the entry of a final

administrative order, and does not affect any prior collection action;

(d) If the ~~((responsible parent))~~ person required to pay support or ~~((custodial parent))~~ the person entitled to receive support files the application more than one year after the date of service, the office of administrative hearings shall schedule an adjudicative proceeding at which the ~~((parent))~~ party who requested the late hearing must show good cause for failure to file a timely application. The filing of the application does not stay future collection action and does not affect prior collection action:

(i) If the presiding officer finds that good cause exists, the presiding officer shall proceed to hear the ~~((parent's))~~ party's objection to the notice and determine the support obligation;

(ii) If the presiding officer finds that good cause does not exist, the presiding officer shall treat the application as a petition for prospective modification of the amount for current and future support established under the notice and finding. In the modification proceeding, the presiding officer shall set current and future support under chapter 26.19 RCW. The petitioning ~~((parent))~~ party need show neither good cause nor a substantial change of circumstances to justify modification of current and future support;

(e) If the ~~((responsible parent's))~~ support obligation was based upon imputed median net income, the grant standard, or the family need standard, the division of child support may file an application for adjudicative proceeding more than twenty days after the date of service of the notice. The office of administrative hearings shall schedule an adjudicative proceeding and provide notice of the hearing to the ~~((responsible parent))~~ person required to pay support and the ~~((custodial parent))~~ person entitled to receive support. The presiding officer shall determine the support obligation for the entire period covered by the notice, based upon credible evidence presented by the division of child support, the ~~((responsible parent))~~ person required to pay support, or the ~~((custodial parent))~~ person entitled to receive support, or may determine that the support obligation set forth in the notice is correct. The division of child support demonstrates good cause by showing that the ~~((responsible parent's))~~ support obligation was based upon imputed median net income, the grant standard, or the family need standard. The filing of the application by the division of child support does not stay further collection action, pending the entry of a final administrative order, and does not affect any prior collection action.

(f) The department shall retain and/or shall not refund support money collected more than twenty days after the date of service of the notice. Money withheld as the result of collection action shall be delivered to the department. The department shall distribute such money, as provided in published rules.

(5) If an application for an adjudicative proceeding is filed, the presiding or reviewing officer shall determine the past liability and responsibility, if any, of the ~~((alleged responsible parent))~~ person required to pay support and shall also determine the amount of periodic payments to be made in the future, which amount is not limited by the amount of

any public assistance payment made to or for the benefit of the child. If deviating from the child support schedule in making these determinations, the presiding or reviewing officer shall apply the standards contained in the child support schedule and enter written findings of fact supporting the deviation.

(6) If either the ~~((responsible parent))~~ person required to pay support or the ~~((custodial parent))~~ person entitled to receive support fails to attend or participate in the hearing or other stage of an adjudicative proceeding, upon a showing of valid service, the presiding officer shall enter an order of default against each party who did not appear and may enter an administrative order declaring the support debt and payment provisions stated in the notice and finding of financial responsibility to be assessed and determined and subject to collection action. The parties who appear may enter an agreed settlement or consent order, which may be different than the terms of the department's notice. Any party who appears may choose to proceed to the hearing, after the conclusion of which the presiding officer or reviewing officer may enter an order that is different than the terms stated in the notice, if the obligation is supported by credible evidence presented by any party at the hearing.

(7) The final administrative order establishing liability and/or future periodic support payments shall be superseded upon entry of a superior court order for support to the extent the superior court order is inconsistent with the administrative order.

(8) Debts determined pursuant to this section, accrued and not paid, are subject to collection action under this chapter without further necessity of action by a presiding or reviewing officer.

(9) The department has rule-making authority to enact rules consistent with 42 U.S.C. Sec. 652(f) and 42 U.S.C. Sec. 666(a)(19) as amended by section 7307 of the deficit reduction act of 2005. Additionally, the department has rule-making authority to implement regulations required under 45 C.F.R. Parts 302, 303, 304, 305, and 308.

**Sec. 13.** RCW 74.20A.056 and 2019 c 148 s 38 and 2019 c 46 s 5053 are each reenacted and amended to read as follows:

(1)(a) If an acknowledged parent has signed an acknowledgment of parentage that has been filed with the state registrar of vital statistics:

(i) The division of child support may serve a notice and finding of financial responsibility under RCW 74.20A.055 based on the acknowledgment. The division of child support shall attach a copy of the acknowledgment or certification of the birth record information advising of the existence of a filed acknowledgment of parentage to the notice;

(ii) The notice shall include a statement that the acknowledged parent or any other signatory may commence a proceeding in court to rescind or challenge the acknowledgment or denial of parentage under RCW 26.26A.235 and 26.26A.240;

(iii) A statement that ~~((either or both parents))~~ the person required to pay support, and the payee under the order or the person entitled to receive support who is a parent of the child or children covered by the order, are responsible for providing health care coverage for the child if accessible coverage that can be extended to cover the child is or becomes available to the ~~((parent))~~ obligated person through employment or is union-related as provided under RCW 26.09.105; ~~((and))~~

(iv) The party commencing the action to rescind or challenge the acknowledgment or denial must serve notice on the division of child support and the office of the prosecuting attorney in the county in which the proceeding is commenced. Commencement of a proceeding to rescind or challenge the acknowledgment or denial stays the establishment of the notice and finding of financial responsibility, if the notice has not yet become a final order; and

(v) A statement that the support obligation under the order may be abated to ten dollars per month per order as provided in section 4 of this act if the person required to pay support is confined in a jail, prison, or correctional facility for at least six months, or is serving a sentence greater than six months in a jail, prison, or correctional facility.

(b) If neither ~~((the acknowledged parent nor the other))~~ party to the notice files an application for an adjudicative proceeding or the signatories to the acknowledgment or denial do not commence a proceeding to rescind or challenge the acknowledgment of parentage, the amount of support stated in the notice and finding of financial responsibility becomes final, subject only to a subsequent determination under RCW 26.26A.400 through 26.26A.515 that the parent-child relationship does not exist. The division of child support does not refund nor return any amounts collected under a notice that becomes final under this section or RCW 74.20A.055, even if a court later determines that the acknowledgment is void.

(c) An acknowledged parent or other party to the notice who objects to the amount of support requested in the notice may file an application for an adjudicative proceeding up to twenty days after the date the notice was served. An application for an adjudicative proceeding may be filed within one year of service of the notice and finding of parental responsibility without the necessity for a showing of good cause or upon a showing of good cause thereafter. An adjudicative proceeding under this section shall be pursuant to RCW 74.20A.055. The only issues shall be the amount of the accrued debt and the amount of the current and future support obligation.

(i) If the application for an adjudicative proceeding is filed within twenty days of service of the notice, collection action shall be stayed pending a final decision by the department.

(ii) If the application for an adjudicative proceeding is not filed within twenty days of the service of the notice, any amounts collected under the notice shall be neither refunded nor returned if the ~~((alleged genetic parent))~~ person required to pay support under the notice is later found not to be ~~((a responsible parent))~~ required to pay support.

(d) If neither the acknowledged parent nor the ~~((custodial parent))~~ person entitled to receive support requests an adjudicative proceeding, or if no timely action is brought to rescind or challenge the acknowledgment or denial after service of the notice, the notice of financial responsibility becomes final for all intents and purposes and may be overturned only by a subsequent superior court order entered under RCW 26.26A.400 through 26.26A.515.

(2) Acknowledgments of parentage are subject to requirements of chapters 26.26A, 26.26B, and 70.58A RCW.

(3) The department and the department of health may adopt rules to implement the requirements under this section.

(4) The department has rule-making authority to enact rules consistent with 42 U.S.C. Sec. 652(f) and 42 U.S.C. Sec. 666(a)(19) as amended by section 7307 of the deficit reduction act of 2005. Additionally, the department has rule-making authority to implement regulations required under 45 C.F.R. Parts 302, 303, 304, 305, and 308.

**Sec. 14.** RCW 74.20A.059 and 2019 c 275 s 3 are each amended to read as follows:

(1) The department, the ~~((physical custodian))~~ payee under the order or the person entitled to receive support, or the ~~((responsible parent))~~ person required to pay support may petition for a prospective modification of a final administrative order if:

(a) The administrative order has not been superseded by a superior court order; and

(b) There has been a substantial change of circumstances, except as provided under RCW 74.20A.055(4)(d) or subsection (2) of this section.

(2) The department, the person entitled to receive support, the payee under the order, or the person required to pay support may petition for a prospective modification of a final administrative order if the person required to pay support is currently confined in a jail, prison, or correctional facility for at least six months or is serving a sentence greater than six months in a jail, prison, or correctional facility, and the support order does not contain language regarding abatement due to incarceration.

(a) The petition may be filed at any time after the administrative support order became a final order, as long as the person required to pay support is currently incarcerated.

(b) As part of the petition for modification, the petitioner may also request that the support obligation be abated to ten dollars per month per order due to incarceration, as provided in section 4 of this act.

(3) An order of child support may be modified at any time without a showing of substantially changed circumstances if incarceration of the ~~((parent who is obligated))~~ person required to pay support is the basis for the inconsistency between the existing child support order amount and the amount of support determined as a result of a review.

~~((3))~~ (4) An order of child support may be modified one year or more after it has been entered without showing a substantial change of circumstances:

(a) If the order in practice works a severe economic hardship on either party or the child; or

(b) If a child is a full-time student and reasonably expected to complete secondary school or the equivalent level of vocational or technical training before the child becomes nineteen years of age upon a finding that there is a need to extend support beyond the eighteenth birthday.

~~((4))~~ (5) An order may be modified without showing a substantial change of circumstances if the requested modification is to:

(a) Require medical support under RCW 26.09.105 for a child covered by the order; ~~((or))~~

(b) Modify an existing order for health care coverage; or

(c) Modify an existing order when the person required to pay support has been released from incarceration, as provided in section 4(3)(d) of this act.

~~((5))~~ (6) Support orders may be adjusted once every twenty-four months based upon changes in the income of the ~~((parents))~~ parties to the order without a showing of substantially changed circumstances. This provision does not mean that the income of a person entitled to receive support who is not a parent of the child or children covered by the order must be disclosed or be included in the calculations under chapter 26.19 RCW when determining the support obligation.

~~((6))~~ (7)(a) All administrative orders entered on, before, or after September 1, 1991, may be modified based upon changes in the child support schedule established in chapter 26.19 RCW without a substantial change of circumstances. The petition may be filed based on changes in the child support schedule after twelve months has expired from the entry of the administrative order or the most recent modification order setting child support, whichever is later. However, if a party is granted relief under this provision, twenty-four months must pass before another petition for modification may be filed pursuant to subsection ~~((5))~~ (6) of this section.

(b) If, pursuant to subsection ~~((5))~~ (6) of this section or (a) of this subsection, the order modifies a child support obligation by more than thirty percent and the change would cause significant hardship, the change may be implemented in two equal increments, one at the time of the entry of the order and the second six months from the entry of the order. Twenty-four months must pass following the second change before a petition for modification under subsection ~~((5))~~ (6) of this section may be filed.

~~((7))~~ (8) An increase in the wage or salary of the ~~((parent or custodian who is receiving))~~ person entitled to receive the support transfer payments is not a substantial change in circumstances for purposes of modification under subsection (1)(b) of this section. ~~((An obligor's))~~ The voluntary unemployment or voluntary underemployment of

the person required to pay support, by itself, is not a substantial change of circumstances. The income of the person entitled to receive support is only disclosed or considered if that person is a parent of the child or children covered by the order.

~~((8))~~ (9) The department shall file the petition and a supporting affidavit with the ~~((secretary or the secretary's designee))~~ office of administrative hearings when the department petitions for modification.

~~((9))~~ (10) The ~~((responsible parent))~~ person required to pay support or the ~~((physical custodian))~~ payee under the order or the person entitled to receive support shall follow the procedures in this chapter for filing an application for an adjudicative proceeding to petition for modification.

~~((10))~~ (11) Upon the filing of a proper petition or application, the ~~((secretary or the secretary's designee))~~ office of administrative hearings shall issue an order directing each party to appear and show cause why the order should not be modified.

~~((11))~~ (12) If the presiding or reviewing officer finds a modification is appropriate, the officer shall modify the order and set current and future support under chapter 26.19 RCW.

**Sec. 15.** RCW 26.09.170 and 2019 c 275 s 2 are each amended to read as follows:

(1) Except as otherwise provided in RCW 26.09.070(7), the provisions of any decree respecting maintenance or support may be modified: (a) Only as to installments accruing subsequent to the petition for modification or motion for adjustment except motions to compel court-ordered adjustments, which shall be effective as of the first date specified in the decree for implementing the adjustment; and, (b) except as otherwise provided in this section, only upon a showing of a substantial change of circumstances. The provisions as to property disposition may not be revoked or modified, unless the court finds the existence of conditions that justify the reopening of a judgment under the laws of this state.

(2) Unless otherwise agreed in writing or expressly provided in the decree the obligation to pay future maintenance is terminated upon the death of either party or the remarriage of the party receiving maintenance or registration of a new domestic partnership of the party receiving maintenance.

(3) Unless otherwise agreed in writing or expressly provided in the decree, provisions for the support of a child are terminated by emancipation of the child or by the death of the ~~((parent obligated to))~~ person required to pay support for the child.

(4) Unless expressly provided by an order of the superior court or a court of comparable jurisdiction, provisions for the support of a child are terminated upon the marriage or registration of a domestic partnership to each other of parties to a paternity or parentage order, or upon the remarriage or registration of a domestic partnership to each other of parties to a decree of dissolution. The remaining

provisions of the order, including provisions establishing ~~((paternity))~~ parentage, remain in effect.

(5)(a) A party to an order of child support may petition for a modification based upon a showing of substantially changed circumstances at any time.

(b) ~~((An obligor's))~~ The voluntary unemployment or voluntary underemployment of the person required to pay support, by itself, is not a substantial change of circumstances.

(6) An order of child support may be modified at any time to add language regarding abatement to ten dollars per month per order due to the incarceration of the person required to pay support, as provided in section 4 of this act.

(a) The department of social and health services, the person entitled to receive support or the payee under the order, or the person required to pay support may petition for a prospective modification of a child support order if the person required to pay support is currently confined in a jail, prison, or correctional facility for at least six months or is serving a sentence greater than six months in a jail, prison, or correctional facility, and the support order does not contain language regarding abatement due to incarceration.

(b) The petition may only be filed if the person required to pay support is currently incarcerated.

(c) As part of the petition for modification, the petitioner may also request that the support obligation be abated to ten dollars per month per order due to incarceration, as provided in section 4 of this act.

(7) An order of child support may be modified without showing a substantial change of circumstances if the requested modification is to modify an existing order when the person required to pay support has been released from incarceration, as provided in section 4(3)(d) of this act.

(8) An order of child support may be modified one year or more after it has been entered without a showing of substantially changed circumstances:

(a) If the order in practice works a severe economic hardship on either party or the child;

(b) If a child is still in high school, upon a finding that there is a need to extend support beyond the eighteenth birthday to complete high school; or

(c) To add an automatic adjustment of support provision consistent with RCW 26.09.100.

~~((7))~~ (9)(a) If twenty-four months have passed from the date of the entry of the order or the last adjustment or modification, whichever is later, the order may be adjusted without a showing of substantially changed circumstances based upon:

(i) Changes in the income of the ~~((parents))~~ person required to pay support, or of the payee under the order or the person entitled to receive support who is a parent of the child or children covered by the order; or

(ii) Changes in the economic table or standards in chapter 26.19 RCW.

(b) Either party may initiate the adjustment by filing a motion and child support worksheets.

(c) If the court adjusts or modifies a child support obligation pursuant to this subsection by more than thirty percent and the change would cause significant hardship, the court may implement the change in two equal increments, one at the time of the entry of the order and the second six months from the entry of the order. Twenty-four months must pass following the second change before a motion for another adjustment under this subsection may be filed.

~~((8))~~ (10)(a) The department of social and health services may file an action to modify or adjust an order of child support if public assistance money is being paid to or for the benefit of the child and the department has determined that the child support order is at least fifteen percent above or below the appropriate child support amount set forth in the standard calculation as defined in RCW 26.19.011.

(b) The department of social and health services may file an action to modify or adjust an order of child support in a nonassistance case if:

(i) The department has determined that the child support order is at least fifteen percent above or below the appropriate child support amount set forth in the standard calculation as defined in RCW 26.19.011;

(ii) The department has determined the case meets the department's review criteria; and

(iii) A party to the order or another state or jurisdiction has requested a review.

(c) If incarceration of the ~~((parent who is obligated))~~ person required to pay support is the basis for the difference between the existing child support order amount and the proposed amount of support determined as a result of a review, the department may file an action to modify or adjust an order of child support even if:

(i) There is no other change of circumstances; and

(ii) The change in support does not meet the fifteen percent threshold.

(d) The determination of whether the child support order is at least fifteen percent above or below the appropriate child support amount must be based on the current income of the parties.

~~((9))~~ (11) The department of social and health services may file an action to modify or adjust an order of child support under subsections (5) through ~~((7))~~ (9) of this section if:

(a) Public assistance money is being paid to or for the benefit of the child;

(b) A party to the order in a nonassistance case has requested a review; or

(c) Another state or jurisdiction has requested a modification of the order.

~~((40))~~ (12) If testimony other than affidavit is required in any proceeding under this section, a court of this state shall permit a party or witness to be deposed or to testify under penalty of perjury by telephone, audiovisual means, or other electronic means, unless good cause is shown.

**NEW SECTION. Sec. 16.** A new section is added to chapter 26.09 RCW to read as follows:

The department is granted rule-making authority to adopt rules necessary for the implementation of this act.

**Sec. 17.** RCW 26.23.110 and 2009 c 476 s 5 are each amended to read as follows:

(1) The department may serve a notice of support owed ~~((on a responsible parent))~~ when a child support order:

(a) Does not state the current and future support obligation as a fixed dollar amount;

(b) Contains an escalation clause or adjustment provision for which additional information not contained in the support order is needed to determine the fixed dollar amount of the support debt or the fixed dollar amount of the current and future support obligation, or both; ~~((or))~~

(c) Provides that the person required by the order to make the transfer payment must pay a portion of child care or day care expenses for a child or children covered by the order; or

(d) Provides that ~~((the responsible parent is responsible for paying))~~ either the person required to pay support or the person entitled to receive support, or both, are obligated to pay for a portion of uninsured medical costs, copayments, and/or deductibles incurred on behalf of the child or children covered by the order, but does not reduce the costs to a fixed dollar amount.

(2) The department may serve a notice of support owed for day care or child care on the person required by the order to make the transfer payment when:

(a) The underlying support order requires that person to pay his or her proportionate share of day care or child care costs directly to the person entitled to receive support; or

(b) The person entitled to receive support is seeking reimbursement because he or she has paid the share of day care or child care costs owed by the person required by the order to make the transfer payment.

(3) The department may serve a notice of support owed for medical support on ~~((a parent who has been designated to pay per a))~~ any person obligated by a child support order to provide medical support for the child or children covered by the order. There are two different types of medical support obligations:

(a) Health care coverage: The department may serve a notice of support owed to determine an obligated person's monthly payment toward the premium as defined in RCW 26.09.105, if the support order does not set a fixed dollar amount for the monthly payment toward the premium.

(b) Uninsured medical expenses: The department may serve a notice of support owed on any person who is obligated to pay a portion of uninsured medical costs, copayments, or deductibles incurred on behalf of the child or children covered by the order, ~~((but only))~~ when the support order does not reduce the costs to a fixed dollar amount.

~~((3)) The department may serve a notice of support owed to determine a parent's monthly payment toward the premium as defined in RCW 26.09.105, if the support order does not set a fixed dollar amount for the monthly payment toward the premium.))~~ (i) The notice of support owed may be served for purposes of reimbursing a person who has paid the share of uninsured medical expenses owed by any person obligated to contribute to those costs;

(ii) The notice of support owed may be served to establish a monthly amount to be paid by a person obligated to contribute to uninsured medical expenses when the underlying support order requires that person to pay his or her proportionate share of uninsured medical expenses directly to another party to the order; or

(iii) The notice of support owed may be served for both purposes listed in this subsection.

(4) The notice of support owed ~~((shall))~~ is intended to facilitate enforcement of the support order and implement and effectuate the terms of the support order, rather than modify those terms. When the ~~((office of support enforcement))~~ department issues a notice of support owed, the ~~((office shall))~~ department must inform the payee under the support order.

(5) Service of the notice of support owed ~~((shall))~~ must be as follows:

(a) An initial notice of support owed must be served on ~~((a responsible parent))~~ the person required by the order to pay support or contribute to costs by personal service or any form of mailing requiring a return receipt. ~~((The notice shall be served on the applicant or recipient of services by first class mail to the last known address.))~~ The initial notice may be served on the person who is entitled to receive the support covered by the notice, as well as the payee under the order if appropriate, by regular mail.

(b) A notice of support owed created for purposes of reviewing an ongoing support obligation established by a prior notice of support owed may be served on the person required by the order to pay support or contribute to costs by regular mail to that person's last known address.

(c) An initial notice of support owed, as well as any notice created for purposes of reviewing an ongoing support obligation established by a prior notice of support owed may be served on the person entitled to receive the support by regular mail to that person's last known address.

(6) The notice of support owed ~~((shall))~~ must contain:

(a) An initial finding of the fixed dollar amount of current and future support obligation that should be paid or the fixed dollar amount of the support debt owed under the support order, or both; and

(b) A statement that any subsequent notice of support owed created for purposes of reviewing the amounts established by the current notice may be served on any party to the order by regular mail to that person's last known address.

~~((6))~~ (7) A ~~((parent))~~ person who objects to the fixed dollar amounts stated in the notice of support owed has twenty days from the date of the service of the notice of support owed to file an application for an adjudicative proceeding or initiate an action in superior court.

~~((7))~~ (8) The notice of support owed ~~((shall))~~ must state that the ~~((parent))~~ person may:

(a) File an application for an adjudicative proceeding governed by chapter 34.05 RCW, the administrative procedure act, in which the ~~((parent))~~ person will be required to appear and show cause why the fixed dollar amount of support debt or current and future support obligation, or both, stated in the notice of support owed is incorrect and should not be ordered; or

(b) Initiate an action in superior court.

~~((8))~~ (9) If ~~((either parent does not file))~~ no person included in the notice files an application for an adjudicative proceeding or ~~((initiate))~~ initiates an action in superior court, the fixed dollar amount of current and future support obligation or support debt, or both, stated in the notice of support owed ~~((shall become))~~ becomes final and subject to collection action.

~~((9))~~ (10) If an adjudicative proceeding is requested, the ~~((department shall mail a copy of the notice of adjudicative proceeding to the parties))~~ office of administrative hearings must schedule a hearing. All persons included in the notice are entitled to participate in the hearing with full party rights.

~~((10))~~ (11) If ~~((either parent does not initiate))~~ no person included in the notice initiates an action in superior court, and ~~((serve))~~ serves notice of the action on the department and the other party to the support order within the twenty-day period, ~~((the parent shall))~~ all persons included in the notice must be deemed to have made an election of remedies and ~~((shall be required to))~~ must exhaust administrative remedies under this chapter with judicial review available as provided for in RCW 34.05.510 through 34.05.598.

~~((11))~~ (12) An ~~((adjudicative))~~ administrative order entered in accordance with this section ~~((shall))~~ must state:

(a) The basis, rationale, or formula upon which the fixed dollar amounts established in the ~~((adjudicative))~~ order were based((-));

(b) The fixed dollar amount of current and future support obligation or the amount of the support debt, or both, determined under this section ~~((shall be))~~ is subject to collection under this chapter and other applicable state statutes; and

(c) That any subsequent notice of support owed created for purposes of reviewing the amounts established

by the current notice may be served on any party to the order by regular mail to that person's last known address.

~~((12))~~ (13) The department ~~((shall))~~ must also provide for:

(a) An annual review of the support order if ~~((either))~~ the ~~((office of support enforcement))~~ department, the person required to pay support, the payee under the order, or the ~~((parent))~~ person entitled to receive support requests such a review; and

(b) A late ~~((adjudicative proceeding))~~ hearing if ~~((the parent))~~ a person included in the notice fails to file an application for an adjudicative proceeding in a timely manner under this section.

~~((13))~~ (14) If an annual review ~~((or late adjudicative proceeding))~~ is requested under subsection ~~((12))~~ (13) of this section, the department ~~((shall mail))~~ may serve the notice of annual review of the administrative order based on the prior notice of support owed by mailing a copy of the notice ~~((of adjudicative proceeding))~~ by regular mail to the ~~((parties'))~~ last known address of all parties to the order.

~~((14))~~ (15) If one of the parties requests a late hearing under subsection (13) of this section, the office of administrative hearings must schedule an adjudicative proceeding.

(16) An annual review under subsection (13) of this section is used to determine whether the expense remained the same, increased or decreased, and whether there is a discrepancy between the actual expense and the amount determined under the prior notice of support owed.

(a) If a change in the actual expense which was the basis for the most recent notice of support owed occurs before twelve months pass, any party to the order may request that the department accelerate the annual review described in subsection (13) of this section.

(b) The department may review any evidence presented by the person claiming that the expense has occurred and determine whether the change is likely to create a significant overpayment or underpayment if the department does not serve a new notice of support owed.

(c) Under appropriate circumstances, the department may accelerate the time for the review and serve a notice of support owed even if twelve months have not passed.

(17) The department has rule-making authority to:

(a) Enact rules consistent with 42 U.S.C. Sec. 652(f) and 42 U.S.C. Sec. 666(a)(19) as amended by section 7307 of the deficit reduction act of 2005~~((-- Additionally, the department has rule making authority to))~~;

(b) Implement regulations required under 45 C.F.R. Parts 302, 303, 304, 305, and 308; and

(c) Implement the provisions of this section.

NEW SECTION. Sec. 18. Sections 3 through 13 of this act take effect February 1, 2021."



On page 1, line 4 of the title, after "owed;" strike the remainder of the title and insert "amending RCW 26.19.011, 26.19.071, 26.23.050, 74.20A.055, 74.20A.059, 26.09.170, and 26.23.110; reenacting and amending RCW 74.20A.056; adding new sections to chapter 26.09 RCW; creating a new section; and providing an effective date."

and the same is herewith transmitted.

Sarah Bannister, Deputy, Secretary

### SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to SUBSTITUTE HOUSE BILL NO. 2302 and advanced the bill as amended by the Senate to final passage.

### FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representative Kilduff spoke in favor of the passage of the bill.

Representative Irwin spoke against the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2302, as amended by the Senate.

### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2302, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 57; Nays, 39; Absent, 0; Excused, 2.

Voting yea: Representatives Appleton, Bergquist, Blake, Callan, Chapman, Chopp, Cody, Davis, Doglio, Dolan, Duerr, Entenman, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hansen, Hudgins, J. Johnson, Kilduff, Kirby, Kloba, Leavitt, Lekanoff, Lovick, Macri, Mead, Morgan, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Ryu, Santos, Sells, Senn, Shewmake, Slatter, Springer, Stonier, Sullivan, Tarleton, Thai, Tharinger, Valdez, Walen, Wylie and Mme. Speaker.

Voting nay: Representatives Barkis, Boehnke, Caldier, Chambers, Chandler, Corry, DeBolt, Dent, Dufault, Dye, Eslick, Gildon, Goehner, Graham, Harris, Hoff, Irwin, Jenkin, Klippert, Kraft, Kretz, MacEwen, Maycumber, McCaslin, Mosbrucker, Orcutt, Rude, Schmick, Shea, Smith, Steele, Stokesbary, Sutherland, Van Werven, Vick, Walsh, Wilcox, Ybarra and Young.

Excused: Representatives Griffey and Volz.

SUBSTITUTE HOUSE BILL NO. 2302, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

### MESSAGE FROM THE SENATE

March 6, 2020

Madame Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 2342 with the following amendment:  
18.0.

On page 2, line 27, after "subsection" strike "~~((6))~~" and insert "(6)"

On page 4, beginning on line 16, after "subsections" strike "~~((6) and (8))~~ (7) and (9)" and insert "(6) and (8)"

On page 4, line 39, after "(5)" strike "(a)"

On page 4, line 39, after "subsections" strike "(7) and (9)" and insert "(6) and (8)"

On page 5, at the beginning of line 6, strike "(i)" and insert "(a)"

On page 5, line 6, after "every" strike "ten" and insert "eight"

On page 5, at the beginning of line 9, strike "(ii)" and insert "(b)"

On page 5, line 9, after "every" strike "ten" and insert "eight"

On page 5, at the beginning of line 13, strike "(iii)" and insert "(c)"

On page 5, line 13, after "every" strike "ten" and insert "eight"

On page 5, at the beginning of line 17, strike "(iv)" and insert "(d)"

On page 5, line 17, after "every" strike "ten" and insert "eight"

Beginning on page 5, at the beginning of line 21, strike all material through "(7)(a)" on page 7, line 11 and insert "(6)(a)"

On page 8, line 2, after "(iv)" strike "or (6)"

On page 8, line 5, after "(5)" strike "or (6)"

On page 8, line 11, after "(iv)" strike "or (6)"

On page 8, line 14, after "(5)" strike "or (6)"

On page 8, at the beginning of line 23, strike "~~((7))~~ (8)" and insert "(7)"

On page 9, at the beginning of line 1, strike "~~((8))~~ (9)" and insert "(8)"

On page 9, line 29, after "subsection" strike "~~((8))~~ (9)" and insert "(8)"

On page 9, beginning on line 32, strike all of subsection (10)

On page 11, line 16, after "every" strike "~~((eight))~~ ten" and insert "eight"

On page 11, line 29, after "~~((2019))~~" strike "2029, and every ~~((eight))~~ ten" and insert "2028, and every eight"

On page 11, line 32, after "~~((2020))~~" strike "2030, and every ~~((eight))~~ ten" and insert "2029, and every eight"

On page 11, beginning on line 36, after "~~((2021))~~" strike "2031, and every ~~((eight))~~ ten" and insert "2030, and every eight"

On page 12, line 1, after "~~((2022))~~" strike "2032, and every ~~((eight))~~ ten" and insert "2031, and every eight"

and the same is herewith transmitted.

Sarah Bannister, Deputy, Secretary

#### SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to ENGROSSED SUBSTITUTE HOUSE BILL NO. 2342 and advanced the bill as amended by the Senate to final passage.

#### FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representatives Fitzgibbon and DeBolt spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 2342, as amended by the Senate.

#### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2342, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 78; Nays, 18; Absent, 0; Excused, 2.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Callan, Chambers, Chapman, Chopp, Cody, Davis, DeBolt, Doglio, Dolan, Duerr, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Hansen, Harris, Hudgins, Irwin, J. Johnson, Kilduff, Kirby, Kloba, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, Mead, Morgan, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Tarleton, Thai, Tharinger, Valdez, Vick, Walen, Wilcox, Wylie and Mme. Speaker.

Voting nay: Representatives Caldier, Chandler, Corry, Dent, Dufault, Hoff, Jenkin, Klippert, Kraft, McCaslin, Mosbrucker, Orcutt, Shea, Sutherland, Van Werven, Walsh, Ybarra and Young.

Excused: Representatives Griffey and Volz.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2342, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

#### MESSAGE FROM THE SENATE

March 6, 2020

Madame Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 2374 with the following amendment:

18.0.

Strike everything after the enacting clause and insert the following:

"**NEW SECTION. Sec. 19.** A new section is added to chapter 46.96 RCW to read as follows:

(1) Notwithstanding the terms of a franchise agreement, a brand owner shall not directly or indirectly:

(a) Require a new motor vehicle dealer to offer a secondary product;

(b) Require a new motor vehicle dealer to provide a customer with a disclosure not otherwise required by law; or

(c) Prohibit a new motor vehicle dealer from offering a secondary product including, but not limited to:

(i) Service contracts;

(ii) Maintenance agreements;

(iii) Extended warranties;

(iv) Protection product guarantees;

(v) Guaranteed asset protection waivers;

(vi) Insurance;

(vii) Replacement parts;

(viii) Vehicle accessories;

(ix) Oil; or

(x) Supplies.

(2) It is not a violation of this section for a brand owner to offer an incentive program to new motor vehicle dealers to encourage them to sell or offer to sell a secondary product approved, endorsed, sponsored, or offered by the brand owner, provided the program does not provide vehicle sales or service incentives.

(3) It is not a violation of this section for a brand owner to prohibit a new motor vehicle dealer from using secondary products for any repair work paid for by the brand owner under the terms of a warranty, recall, service contract, extended warranty, maintenance plan, or certified preowned vehicle program established or offered by the brand owner.

(4) For the purposes of this section:

(a) "Brand owner" means a manufacturer, distributor, factory branch, factory representative, agent, officer, parent company, wholly or partially owned subsidiary, affiliate entity, or other person under common control with a factory, importer, or distributor.

(b) "Common control" has the same meaning as in RCW 48.31B.005.

(c) "Customer" means the retail purchaser of a vehicle or secondary product from a new motor vehicle dealer.

(d) "Original equipment manufacturer parts" means parts manufactured by or for a vehicle's original manufacturer or its designee.

(e) "Secondary product" means all products that are not new motor vehicles or original equipment manufacturer parts.

**Sec. 20.** RCW 63.14.043 and 2006 c 288 s 1 are each amended to read as follows:

(1) If a retail installment contract for the purchase of a motor vehicle meets the requirements of this chapter and meets the requirements of any federal law applicable to a retail installment contract for the purchase of a motor vehicle, the retail installment contract shall be accepted for consideration by any lender, except for lenders licensed and regulated under the provisions of chapter 31.04 RCW, to whom application for credit relating to the retail installment contract is made.

(2) If a retail installment contract for the purchase of a motor vehicle includes the purchase of a secondary product, a lender who shares common control with a brand owner may not directly or indirectly require, as a condition of acceptance of assignment of the retail installment contract, that the buyer purchase a secondary product from a particular provider, administrator, or insurer. A violation of this subsection is deemed to affect the public interest and constitutes an unlawful and unfair practice under chapter 19.86 RCW.

(3) For the purposes of this section, "secondary product," "common control," and "brand owner" have the same meanings as provided in section 1 of this act."

On page 1, line 2 of the title, after "manufacturer;" strike the remainder of the title and insert "amending RCW 63.14.043; and adding a new section to chapter 46.96 RCW."

and the same is herewith transmitted.

Sarah Bannister, Deputy, Secretary

#### SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to SUBSTITUTE HOUSE BILL NO. 2374 and advanced the bill as amended by the Senate to final passage.

#### FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representatives Kirby and Vick spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2374, as amended by the Senate.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2374, as amended by the Senate,

and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Mead, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shea, Shewmake, Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Excused: Representatives Griffey and Volz.

SUBSTITUTE HOUSE BILL NO. 2374, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

#### MESSAGE FROM THE SENATE

March 4, 2020

Madame Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 2393 with the following amendment:

20.0.

Strike everything after the enacting clause and insert the following:

"**Sec. 21.** RCW 9.94A.501 and 2019 c 191 s 2 are each amended to read as follows:

(1) The department shall supervise the following offenders who are sentenced to probation in superior court, pursuant to RCW 9.92.060, 9.95.204, or 9.95.210:

(a) Offenders convicted of:

(i) Sexual misconduct with a minor second degree;

(ii) Custodial sexual misconduct second degree;

(iii) Communication with a minor for immoral purposes; and

(iv) Violation of RCW 9A.44.132(2) (failure to register); and

(b) Offenders who have:

(i) A current conviction for a repetitive domestic violence offense where domestic violence has been pleaded and proven after August 1, 2011; and

(ii) A prior conviction for a repetitive domestic violence offense or domestic violence felony offense where domestic violence has been pleaded and proven after August 1, 2011.

(2) Misdemeanor and gross misdemeanor offenders supervised by the department pursuant to this section shall be placed on community custody.

(3) The department shall supervise every felony offender sentenced to community custody pursuant to RCW 9.94A.701 or 9.94A.702 whose risk assessment classifies the offender as one who is at a high risk to reoffend.

(4) Notwithstanding any other provision of this section, the department shall supervise an offender sentenced to community custody regardless of risk classification if the offender:

(a) Has a current conviction for a sex offense or a serious violent offense and was sentenced to a term of community custody pursuant to RCW 9.94A.701, 9.94A.702, or 9.94A.507;

(b) Has been identified by the department as a dangerous mentally ill offender pursuant to RCW 72.09.370;

(c) Has an indeterminate sentence and is subject to parole pursuant to RCW 9.95.017;

(d) Has a current conviction for violating RCW 9A.44.132(1) (failure to register) and was sentenced to a term of community custody pursuant to RCW 9.94A.701;

(e)(i) Has a current conviction for a domestic violence felony offense where domestic violence has been pleaded and proven after August 1, 2011, and a prior conviction for a repetitive domestic violence offense or domestic violence felony offense where domestic violence was pleaded and proven after August 1, 2011. This subsection (4)(e)(i) applies only to offenses committed prior to July 24, 2015;

(ii) Has a current conviction for a domestic violence felony offense where domestic violence was pleaded and proven. The state and its officers, agents, and employees shall not be held criminally or civilly liable for its supervision of an offender under this subsection (4)(e)(ii) unless the state and its officers, agents, and employees acted with gross negligence;

(f) Was sentenced under RCW 9.94A.650, 9.94A.655, 9.94A.660, 9.94A.670, or 9.94A.711;

(g) Is subject to supervision pursuant to RCW 9.94A.745; or

(h) Was convicted and sentenced under RCW 46.61.520 (vehicular homicide), RCW 46.61.522 (vehicular assault), RCW 46.61.502(6) (felony DUI), or RCW 46.61.504(6) (felony physical control).

(5) The department shall supervise any offender who is released by the indeterminate sentence review board and who was sentenced to community custody or subject to community custody under the terms of release.

(6) The department is not authorized to, and may not, supervise any offender sentenced to a term of community custody or any probationer unless the offender or probationer is one for whom supervision is required under this section or RCW 9.94A.5011.

(7) The department shall conduct a risk assessment for every felony offender sentenced to a term of community custody who may be subject to supervision under this section or RCW 9.94A.5011.

(8) The period of time the department is authorized to supervise an offender under this section may not exceed the duration of community custody specified under RCW 9.94B.050, 9.94A.701 (1) through (8), or 9.94A.702, except in cases where the court has imposed an exceptional term of community custody under RCW 9.94A.535.

(9) The period of time the department is authorized to supervise an offender under this section may be reduced by the earned award of supervision compliance credit pursuant to section 2 of this act.

**NEW SECTION. Sec. 22.** A new section is added to chapter 9.94A RCW to read as follows:

(1) If an offender sentenced under this chapter or chapter 9.94B RCW is supervised by the department, the offender may earn supervision compliance credit in accordance with procedures that are developed and adopted by the department.

(a) The supervision compliance credit shall be awarded to offenders who are in compliance with supervision terms and are making progress towards the goals of their individualized supervision case plan, including: Participation in specific targeted interventions, risk-related programming, or treatment; or completing steps towards specific targeted goals that enhance protective factors and stability, as determined by the department.

(b) For each month in compliance with community custody conditions in accordance with (a) of this subsection, an offender may earn supervision compliance credit of ten days.

(c) Supervision compliance credit is accrued monthly and time shall not be applied to an offender's term of supervision prior to the earning of the time.

(2) An offender is not eligible to earn supervision compliance credit if he or she:

(a) Was sentenced under RCW 9.94A.507 or 10.95.030;

(b) Was sentenced under RCW 9.94A.650, 9.94A.655, 9.94A.660, or 9.94A.670;

(c) Is subject to supervision pursuant to RCW 9.94A.745;

(d) Has an indeterminate sentence and is subject to parole pursuant to RCW 9.95.017; or

(e) Is serving community custody pursuant to early release under RCW 9.94A.730.

**NEW SECTION. Sec. 23.** The department of corrections has discretion to implement sections 1 and 2 of this act over a period of time not to exceed twelve months. For any offender under active supervision by the department as of the effective date of this section, he or she is not eligible to earn supervision compliance credit pursuant to section 2

of this act until he or she has received an orientation by the department regarding supervision compliance credit."

On page 1, line 2 of the title, after "conditions;" strike the remainder of the title and insert "amending RCW 9.94A.501; adding a new section to chapter 9.94A RCW; and creating a new section."

and the same is herewith transmitted.

Sarah Bannister, Deputy, Secretary

#### SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to SUBSTITUTE HOUSE BILL NO. 2393 and advanced the bill as amended by the Senate to final passage.

#### FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representatives Goodman and Klippert spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2393, as amended by the Senate.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2393, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 95; Nays, 1; Absent, 0; Excused, 2.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Hansen, Harris, Hoff, Hudgins, Irwin, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Mead, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shea, Shewmake, Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Voting nay: Representative Jenkin.

Excused: Representatives Griffey and Volz.

SUBSTITUTE HOUSE BILL NO. 2393, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

#### MESSAGE FROM THE SENATE

March 5, 2020

Madame Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 2409 with the following amendment:

23.0.

Strike everything after the enacting clause and insert the following:

"Sec. 24. RCW 51.48.010 and 1985 c 347 s 2 are each amended to read as follows:

Every employer shall be liable for the penalties described in this title and may also be liable if an injury or occupational disease has been sustained by a worker prior to the time he or she has secured the payment of such compensation to a penalty in a sum not less than fifty percent nor more than one hundred percent of the cost for such injury or occupational disease. Any employer who has failed to secure payment of compensation for his or her workers covered under this title may also be liable to a maximum penalty in a sum of ~~((five hundred))~~ one thousand dollars or in a sum double the amount of premiums incurred prior to securing payment of compensation under this title, whichever is greater, for the benefit of the medical aid fund.

Sec. 25. RCW 51.48.017 and 2010 c 8 s 14011 are each amended to read as follows:

~~((H)) (1) Every time~~ a self-insurer unreasonably delays or refuses to pay benefits as they become due ~~((there shall be paid by))~~, the self-insurer ~~((upon order of the director an additional amount equal to five hundred dollars or twenty-five percent of the amount then due, whichever is greater, which shall accrue for the benefit of the claimant and shall be paid to him or her with the benefits which may be assessed under this title.))~~ shall pay a penalty not to exceed the greater of one thousand dollars or twenty-five percent of:  
(a) The amount due or (b) each underpayment made to the claimant. For purposes of this section, "the amount due" means the total amount of payments due at the time of the calculation of the penalty.

(2) In making the determination of the penalty amount, the department shall weigh at least the following factors: The amount of any payment delayed, employer communication of the basis for or calculation of the payment, history or past practice of underpayments by the employer, department orders directing the payment, and any required adjustments to the amount of the payment.

(3) The director shall issue an order determining whether there was an unreasonable delay or refusal to pay benefits and the penalty amount owed within thirty days upon the request of the claimant. Such an order shall conform to the requirements of RCW 51.52.050.

(4) The penalty shall accrue for the benefit of the claimant and shall be paid to the claimant with the benefits which may be assessed under this title.

(5) This section applies to all requests for penalties made after September 1, 2020.

Sec. 26. RCW 51.48.030 and 1986 c 9 s 8 are each amended to read as follows:

(1) Every employer who fails to keep and preserve the records required by this title or fails to make the reports

provided in this title shall be subject to a penalty determined by the director but not to exceed ~~((two))~~ five hundred ~~((fifty))~~ dollars or two hundred percent of the quarterly tax for each such offense, whichever is greater. Any employer who fails to keep and preserve the records adequate to determine taxes due shall be forever barred from questioning, in an appeal before the board of industrial insurance appeals or the courts, the correctness of any assessment by the department based on any period for which such records have not been kept and preserved.

(2) The department may waive penalties for first-time or de minimis violations of this section. Any penalty that is waived under this section may be reinstated and imposed in addition to any additional penalties associated with a subsequent violation or failure within a year to correct the previous violation as required by the department.

**Sec. 27.** RCW 51.48.040 and 2003 c 53 s 282 are each amended to read as follows:

(1) The books, records and payrolls of the employer pertinent to the administration of this title shall always be open to inspection by the department or its traveling auditor, agent or assistant, for the purpose of ascertaining the correctness of the payroll, the persons employed, and such other information as may be necessary for the department and its management under this title.

(2) Refusal on the part of the employer to submit his or her books, records and payrolls for such inspection to the department, or any assistant presenting written authority from the director, shall subject the offending employer to a penalty determined by the director but not to exceed ~~((two))~~ five hundred ~~((fifty))~~ dollars for each offense and the individual who personally gives such refusal is guilty of a misdemeanor.

(3) Any employer who fails to allow adequate inspection in accordance with the requirements of this section is subject to having its certificate of coverage revoked by order of the department and is forever barred from questioning in any proceeding in front of the board of industrial insurance appeals or any court, the correctness of any assessment by the department based on any period for which such records have not been produced for inspection.

**Sec. 28.** RCW 51.48.060 and 2004 c 65 s 14 are each amended to read as follows:

Any physician or licensed advanced registered nurse practitioner who fails, neglects or refuses to file a report with the director, as required by this title, within five days of the date of treatment, showing the condition of the injured worker at the time of treatment, a description of the treatment given, and an estimate of the probable duration of the injury, or who fails or refuses to render all necessary assistance to the injured worker, as required by this title, shall be subject to a civil penalty determined by the director but not to exceed ~~((two))~~ five hundred ~~((fifty))~~ dollars.

**Sec. 29.** RCW 51.48.080 and 1985 c 347 s 7 are each amended to read as follows:

Every person, firm or corporation who violates or fails to obey, observe or comply with any statutory provision of

this act or rule of the department promulgated under authority of this title, shall be subject to a penalty of not to exceed ~~((five hundred))~~ one thousand dollars.

**NEW SECTION. Sec. 30.** A new section is added to chapter 51.48 RCW to read as follows:

(1) The penalties payable pursuant to this chapter shall be adjusted for inflation every three years, beginning July 1, 2023, based upon changes in the consumer price index during that time period.

(2) For purposes of this section, "consumer price index" means, for any calendar year, that year's average consumer price index for the Seattle, Washington area for urban wage earners and clerical workers, all items, compiled by the bureau of labor statistics, United States department of labor.

(3) During the last quarter of the year preceding the scheduled inflationary adjustment, the department will gather stakeholder comment on the anticipated adjustment.

**NEW SECTION. Sec. 31.** A new section is added to chapter 51.14 RCW to read as follows:

(1) Self-insured employers may elect to have their claims administered by a third party or they may elect to self-administer their claims. Third-party administrators given the responsibility of administering the claims of workers by an employer shall be licensed by the department. All employer claims administrators given the responsibility of administering the claims of workers shall maintain certification established by the department.

(2) The department shall adopt rules to administer this section. The rules for licensing third-party administrators must:

(a) Incorporate the department's rules for self-insurers in effect as of March 2020;

(b) Include criteria for determining appropriate penalties for violation of their responsibilities and duties, including managing claims, engaging in the department's management of claims, coordinating proper employment of injured workers during the pendency of the worker's claim, making requests of the department in individual cases, or participating in appeals involving a worker's benefits in a way that furthers the purpose of this title;

(c) Consider recognized and approved claim processing practices within the industrial insurance industry, and the industrial insurance laws and rules of this state;

(d) Consider similar licensure rules under the insurance laws and rules of this state; and

(e) Include requirements for maintaining a license, and any penalties for violation of those licensing requirements.

**NEW SECTION. Sec. 32.** Sections 1 through 7 of this act take effect September 1, 2020.

**NEW SECTION. Sec. 33.** Section 8 of this act takes effect July 1, 2021."

On page 1, line 2 of the title, after "administrators;" strike the remainder of the title and insert "amending RCW 51.48.010, 51.48.017, 51.48.030, 51.48.040, 51.48.060, and 51.48.080; adding a new section to chapter 51.48 RCW; adding a new section to chapter 51.14 RCW; prescribing penalties; and providing effective dates."

and the same is herewith transmitted.

Sarah Bannister, Deputy, Secretary

#### SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to SUBSTITUTE HOUSE BILL NO. 2409 and advanced the bill as amended by the Senate to final passage.

#### FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representative Kilduff spoke in favor of the passage of the bill.

Representative Mosbrucker spoke against the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2409, as amended by the Senate.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2409, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 57; Nays, 39; Absent, 0; Excused, 2.

Voting yea: Representatives Appleton, Bergquist, Blake, Callan, Chopp, Cody, Davis, Doglio, Dolan, Duerr, Entenman, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hansen, Hudgins, J. Johnson, Kilduff, Kirby, Kloba, Leavitt, Lekanoff, Lovick, Macri, Mead, Morgan, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Ryu, Santos, Schmick, Sells, Senn, Slatter, Springer, Stonier, Sullivan, Tarleton, Thai, Tharinger, Valdez, Walen, Wylie, Young and Mme. Speaker.

Voting nay: Representatives Barkis, Boehnke, Caldier, Chambers, Chandler, Chapman, Corry, DeBolt, Dent, Dufault, Dye, Eslick, Gildon, Goehner, Graham, Harris, Hoff, Irwin, Jenkin, Klippert, Kraft, Kretz, MacEwen, Maycumber, McCaslin, Mosbrucker, Orcutt, Rude, Shea, Shewmake, Smith, Steele, Stokesbary, Sutherland, Van Werven, Vick, Walsh, Wilcox and Ybarra.

Excused: Representatives Griffey and Volz.

SUBSTITUTE HOUSE BILL NO. 2409, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

#### MESSAGE FROM THE SENATE

March 6, 2020

Madame Speaker:

The Senate has passed HOUSE BILL NO. 2412 with the following amendment:

33.0.

Strike everything after the enacting clause and insert the following:

"**Sec. 34.** RCW 66.24.240 and 2011 c 195 s 6 and 2011 c 119 s 212 are each reenacted and amended to read as follows:

(1) There shall be a license for domestic breweries; fee to be two thousand dollars for production of sixty thousand barrels or more of malt liquor per year.

(2) Any domestic brewery, except for a brand owner of malt beverages under RCW 66.04.010(7), licensed under this section may also act as a distributor and/or retailer for beer of its own production. Any domestic brewery operating as a distributor and/or retailer under this subsection shall comply with the applicable laws and rules relating to distributors and/or retailers. A domestic brewery holding a spirits, beer, and wine restaurant license may sell beer of its own production for off-premises consumption from its restaurant premises in kegs or in a sanitary container brought to the premises by the purchaser or furnished by the licensee and filled at the tap by the licensee at the time of sale.

(3) Any domestic brewery licensed under this section may also sell beer produced by another domestic brewery or a microbrewery for on and off-premises consumption from its premises as long as the other breweries' brands do not exceed twenty-five percent of the domestic brewery's on-tap offering of its own brands.

(4) A domestic brewery may hold up to ~~((two))~~ four retail licenses to operate an on or ~~((off-premise~~ H:\DATA\2020 - JOURNAL\Journal2020\LegDay057\off- ~~premises.doc))~~ off-premises tavern, beer and/or wine restaurant, ~~((or))~~ spirits, beer, and wine restaurant, or any combination thereof. This retail license is separate from the brewery license. A brewery that holds a tavern license, a spirits, beer, and wine restaurant license, or a beer and/or wine restaurant license shall hold the same privileges and endorsements as permitted under RCW 66.24.320, 66.24.330, and 66.24.420.

(5) Any domestic brewery licensed under this section may contract-produce beer for a brand owner of malt beverages defined under RCW 66.04.010(7), and this contract-production is not a sale for the purposes of RCW 66.28.170 and 66.28.180.

(6)(a) A domestic brewery licensed under this section and qualified for a reduced rate of taxation pursuant to RCW 66.24.290(3)(b) may apply to the board for an endorsement to sell bottled beer of its own production at retail for off-premises consumption at a qualifying farmers market. The annual fee for this endorsement is seventy-five dollars.

(b) For each month during which a domestic brewery will sell beer at a qualifying farmers market, the domestic brewery must provide the board or its designee a list of the dates, times, and locations at which bottled beer may be

offered for sale. This list must be received by the board before the domestic brewery may offer beer for sale at a qualifying farmers market.

(c) The beer sold at qualifying farmers markets must be produced in Washington.

(d) Each approved location in a qualifying farmers market is deemed to be part of the domestic brewery license for the purpose of this title. The approved locations under an endorsement granted under this subsection do not include the tasting or sampling privilege of a domestic brewery. The domestic brewery may not store beer at a farmers market beyond the hours that the domestic brewery offers bottled beer for sale. The domestic brewery may not act as a distributor from a farmers market location.

(e) Before a domestic brewery may sell bottled beer at a qualifying farmers market, the farmers market must apply to the board for authorization for any domestic brewery with an endorsement approved under this subsection to sell bottled beer at retail at the farmers market. This application shall include, at a minimum: (i) A map of the farmers market showing all booths, stalls, or other designated locations at which an approved domestic brewery may sell bottled beer; and (ii) the name and contact information for the on-site market managers who may be contacted by the board or its designee to verify the locations at which bottled beer may be sold. Before authorizing a qualifying farmers market to allow an approved domestic brewery to sell bottled beer at retail at its farmers market location, the board shall notify the persons or entities of such application for authorization pursuant to RCW 66.24.010 (8) and (9). An authorization granted under this subsection (6)(e) may be withdrawn by the board for any violation of this title or any rules adopted under this title.

(f) The board may adopt rules establishing the application and approval process under this section and such additional rules as may be necessary to implement this section.

(g) For the purposes of this subsection:

(i) "Qualifying farmers market" means an entity that sponsors a regular assembly of vendors at a defined location for the purpose of promoting the sale of agricultural products grown or produced in this state directly to the consumer under conditions that meet the following minimum requirements:

(A) There are at least five participating vendors who are farmers selling their own agricultural products;

(B) The total combined gross annual sales of vendors who are farmers exceeds the total combined gross annual sales of vendors who are processors or resellers;

(C) The total combined gross annual sales of vendors who are farmers, processors, or resellers exceeds the total combined gross annual sales of vendors who are not farmers, processors, or resellers;

(D) The sale of imported items and secondhand items by any vendor is prohibited; and

(E) No vendor is a franchisee.

(ii) "Farmer" means a natural person who sells, with or without processing, agricultural products that he or she raises on land he or she owns or leases in this state or in another state's county that borders this state.

(iii) "Processor" means a natural person who sells processed food that he or she has personally prepared on land he or she owns or leases in this state or in another state's county that borders this state.

(iv) "Reseller" means a natural person who buys agricultural products from a farmer and resells the products directly to the consumer.

(7) The state board of health shall adopt rules to allow dogs on the premises of licensed domestic breweries that do not provide food service subject to a food service permit requirement.

**Sec. 35.** RCW 66.24.244 and 2015 c 42 s 1 are each amended to read as follows:

(1) There shall be a license for microbreweries; fee to be one hundred dollars for production of less than sixty thousand barrels of malt liquor, including strong beer, per year.

(2)(a) Any microbrewery licensed under this section may also act as a distributor and/or retailer for beer and strong beer of its own production.

(b) Any microbrewery operating as a distributor and/or retailer under this subsection must comply with the applicable laws and rules relating to distributors and/or retailers, except that a microbrewery operating as a distributor may maintain a warehouse off the premises of the microbrewery for the distribution of beer provided that:

(i) The warehouse has been approved by the board under RCW 66.24.010; and

(ii) The number of warehouses off the premises of the microbrewery does not exceed one.

(c) A microbrewery holding a spirits, beer, and wine restaurant license may sell beer of its own production for off-premises consumption from its restaurant premises in kegs or in a sanitary container brought to the premises by the purchaser or furnished by the licensee and filled at the tap by the licensee at the time of sale.

(3) Any microbrewery licensed under this section may also sell from its premises for on-premises and off-premises consumption:

(a) Beer produced by another microbrewery or a domestic brewery as long as the other breweries' brands do not exceed twenty-five percent of the microbrewery's on-tap offerings; or

(b) Cider produced by a domestic winery.

(4) The board may issue up to ~~((two))~~ four retail licenses allowing a microbrewery to operate an on or off-premises tavern, beer and/or wine restaurant, ~~((or))~~ spirits, beer, and wine restaurant, or any combination thereof.



(5) A microbrewery that holds a tavern license, spirits, beer, and wine restaurant license, or a beer and/or wine restaurant license holds the same privileges and endorsements as permitted under RCW 66.24.320, 66.24.330, and 66.24.420.

(6)(a) A microbrewery licensed under this section may apply to the board for an endorsement to sell bottled beer of its own production at retail for off-premises consumption at a qualifying farmers market. The annual fee for this endorsement is seventy-five dollars. However, strong beer may not be sold at a farmers market or under any endorsement which may authorize microbreweries to sell beer at farmers markets.

(b) For each month during which a microbrewery will sell beer at a qualifying farmers market, the microbrewery must provide the board or its designee a list of the dates, times, and locations at which bottled beer may be offered for sale. This list must be received by the board before the microbrewery may offer beer for sale at a qualifying farmers market.

(c) Any person selling or serving beer must obtain a class 12 or class 13 alcohol server permit.

(d) The beer sold at qualifying farmers markets must be produced in Washington.

(e) Each approved location in a qualifying farmers market is deemed to be part of the microbrewery license for the purpose of this title. The approved locations under an endorsement granted under this subsection (6) include tasting or sampling privileges subject to the conditions pursuant to RCW 66.24.175. The microbrewery may not store beer at a farmers market beyond the hours that the microbrewery offers bottled beer for sale. The microbrewery may not act as a distributor from a farmers market location.

(f) Before a microbrewery may sell bottled beer at a qualifying farmers market, the farmers market must apply to the board for authorization for any microbrewery with an endorsement approved under this subsection (6) to sell bottled beer at retail at the farmers market. This application must include, at a minimum: (i) A map of the farmers market showing all booths, stalls, or other designated locations at which an approved microbrewery may sell bottled beer; and (ii) the name and contact information for the on-site market managers who may be contacted by the board or its designee to verify the locations at which bottled beer may be sold. Before authorizing a qualifying farmers market to allow an approved microbrewery to sell bottled beer at retail at its farmers market location, the board must notify the persons or entities of the application for authorization pursuant to RCW 66.24.010 (8) and (9). An authorization granted under this subsection (6)(f) may be withdrawn by the board for any violation of this title or any rules adopted under this title.

(g) The board may adopt rules establishing the application and approval process under this section and any additional rules necessary to implement this section.

(h) For the purposes of this subsection (6):

(i) "Qualifying farmers market" has the same meaning as defined in RCW 66.24.170.

(ii) "Farmer" means a natural person who sells, with or without processing, agricultural products that he or she raises on land he or she owns or leases in this state or in another state's county that borders this state.

(iii) "Processor" means a natural person who sells processed food that he or she has personally prepared on land he or she owns or leases in this state or in another state's county that borders this state.

(iv) "Reseller" means a natural person who buys agricultural products from a farmer and resells the products directly to the consumer.

(7) Any microbrewery licensed under this section may contract-produce beer for another microbrewer. This contract-production is not a sale for the purposes of RCW 66.28.170 and 66.28.180.

(8) The state board of health shall adopt rules to allow dogs on the premises of licensed microbreweries that do not provide food service subject to a food service permit requirement.

**Sec. 36.** RCW 66.28.200 and 2009 c 373 s 7 are each amended to read as follows:

(1) Licensees holding a beer and/or wine restaurant or a tavern license in combination with an off-premises beer and wine retailer's license, licensees holding a spirits, beer, and wine restaurant license with an endorsement issued under RCW 66.24.400(4), and licensees holding a beer and/or wine specialty shop license with an endorsement issued under RCW 66.24.371(1) may sell malt liquor in kegs or other containers capable of holding four gallons or more of liquid. Under a special endorsement from the board, a grocery store licensee may sell malt liquor in containers no larger than five and one-half gallons. The sale of any container holding four gallons or more must comply with the provisions of this section and RCW 66.28.210 through 66.28.240.

(2) ~~((Any))~~ Except as provided in subsection (3) of this section, any person who sells or offers for sale the contents of kegs or other containers containing four gallons or more of malt liquor, or leases kegs or other containers that will hold four gallons of malt liquor, to consumers who are not licensed under chapter 66.24 RCW shall do the following for any transaction involving the container:

(a) Require the purchaser of the malt liquor to sign a declaration and receipt for the keg or other container or beverage in substantially the form provided in RCW 66.28.220;

(b) Require the purchaser to provide one piece of identification pursuant to RCW 66.16.040;

(c) Require the purchaser to sign a sworn statement, under penalty of perjury, that:

(i) The purchaser is of legal age to purchase, possess, or use malt liquor;

(ii) The purchaser will not allow any person under the age of twenty-one years to consume the beverage except as provided by RCW 66.44.270;

(iii) The purchaser will not remove, obliterate, or allow to be removed or obliterated, the identification required under RCW 66.28.220 to be affixed to the container;

(d) Require the purchaser to state the particular address where the malt liquor will be consumed, or the particular address where the keg or other container will be physically located; and

(e) Require the purchaser to maintain a copy of the declaration and receipt next to or adjacent to the keg or other container, in no event a distance greater than five feet, and visible without a physical barrier from the keg, during the time that the keg or other container is in the purchaser's possession or control.

(3) Domestic breweries licensed under RCW 66.24.240 and microbreweries licensed under RCW 66.24.244 are not subject to this section when selling or offering for sale kegs or other containers containing four gallons or more of malt liquor of the licensee's own production, or when selling, offering for sale, or leasing kegs or other containers that will hold four gallons or more of liquid.

(4) A violation of this section is a gross misdemeanor.

**Sec. 37.** RCW 66.28.210 and 2003 c 53 s 297 are each amended to read as follows:

(1) ~~((Any))~~ Except as provided in subsection (2) of this section, any person who purchases the contents of kegs or other containers containing four gallons or more of malt liquor, or purchases or leases the container shall:

(a) Sign a declaration and receipt for the keg or other container or beverage in substantially the form provided in RCW 66.28.220;

(b) Provide one piece of identification pursuant to RCW 66.16.040;

(c) Be of legal age to purchase, possess, or use malt liquor;

(d) Not allow any person under the age of twenty-one to consume the beverage except as provided by RCW 66.44.270;

(e) Not remove, obliterate, or allow to be removed or obliterated, the identification required under rules adopted by the board;

(f) Not move, keep, or store the keg or its contents, except for transporting to and from the distributor, at any place other than that particular address declared on the receipt and declaration; and

(g) Maintain a copy of the declaration and receipt next to or adjacent to the keg or other container, in no event a distance greater than five feet, and visible without a physical barrier from the keg, during the time that the keg or other container is in the purchaser's possession or control.

(2) A person who purchases the contents of a keg or other container containing four gallons or more of malt liquor from a domestic brewery licensed under RCW

66.24.240 or a microbrewery licensed under RCW 66.24.244, or who purchases or leases a keg or other container that will hold four gallons or more of liquid from such a domestic brewery or microbrewery, is not subject to this section except for the requirements in subsection (1)(c) and (d) of this section.

(3) A violation of this section is a gross misdemeanor.

**Sec. 38.** RCW 66.28.220 and 2007 c 53 s 3 are each amended to read as follows:

(1) The board shall adopt rules requiring retail licensees to affix appropriate identification on all containers of four gallons or more of malt liquor for the purpose of tracing the purchasers of such containers. The rules may provide for identification to be done on a statewide basis or on the basis of smaller geographical areas. The rules do not apply to sales by domestic breweries and microbreweries of malt liquor of the licensee's own production in kegs or other containers containing four gallons or more of malt liquor, or to sales or leases by domestic breweries and microbreweries of kegs or containers that will hold four or more gallons of liquid.

(2) The board shall develop and make available forms for the declaration and receipt required by RCW 66.28.200. The board may charge spirits, beer, and wine restaurant licensees with an endorsement issued under RCW 66.24.400(4) and grocery store licensees for the costs of providing the forms and that money collected for the forms shall be deposited into the liquor revolving fund for use by the board, without further appropriation, to continue to administer the cost of the keg registration program.

(3) ~~((It))~~ Except as provided in subsection (4) of this section, it is unlawful for any person to sell or offer for sale kegs or other containers containing four gallons or more of malt liquor to consumers who are not licensed under chapter 66.24 RCW if the kegs or containers are not identified in compliance with rules adopted by the board.

(4) In accordance with RCW 66.24.200, sales by domestic breweries and microbreweries of malt liquor of the licensee's own production in kegs or other containers containing four gallons or more of malt liquor are not subject to the keg and container identification requirements in this section or the board's rules.

(5) A violation of this section is a gross misdemeanor."

On page 1, line 2 of the title, after "licenses;" strike the remainder of the title and insert "amending RCW 66.24.244, 66.28.200, 66.28.210, and 66.28.220; and reenacting and amending RCW 66.24.240."

and the same is herewith transmitted.

Brad Hendrickson, Secretary

#### SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to HOUSE BILL NO. 2412 and advanced the bill as amended by the Senate to final passage.

## FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representatives Stonier and MacEwen spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of House Bill No. 2412, as amended by the Senate.

### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2412, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 83; Nays, 13; Absent, 0; Excused, 2.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Chambers, Chandler, Chapman, Chopp, Cody, Corry, DeBolt, Doglio, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Hansen, Hoff, Hudgins, Irwin, Jenkin, J. Johnson, Kirby, Klippert, Kloba, Kraft, Kretz, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Mead, Morgan, Mosbrucker, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Ramel, Riccelli, Robinson, Rude, Santos, Schmick, Sells, Shea, Shewmake, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Walen, Walsh, Wilcox, Wylie, Ybarra and Young.

Voting nay: Representatives Callan, Davis, Dent, Harris, Kilduff, Leavitt, Orcutt, Pollet, Ramos, Ryu, Senn, Smith and Mme. Speaker.

Excused: Representatives Griffey and Volz.

HOUSE BILL NO. 2412, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

### MESSAGE FROM THE SENATE

March 5, 2020

Madame Speaker:

The Senate has passed ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2528 with the following amendment:

38.0.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** (1) The legislature finds that the intergovernmental panel on climate change (IPCC) released a report in 2019 entitled "IPCC special report on climate change, desertification, land degradation, sustainable land management, food security, and greenhouse gas fluxes in terrestrial ecosystems" that provides guidance relating to how natural and working lands can be utilized to assist with a global climate response strategy. In addition, the food and agricultural organization of the United Nations issued a report in 2016 entitled "forestry for a low-carbon future" with specific recommendations for integrating forest and wood products in climate change strategies.

Recommendations from these reports are critical as Washington develops its own climate response and charts how the state can use its forestland base and vibrant forest products sector as part of its contribution to the global climate response.

(2) The legislature further finds that the 2019 intergovernmental panel on climate change report identifies several measures where sustainable forest management and forest products may be utilized to maintain and enhance carbon sequestration. These include increasing the carbon sequestration potential of forests and forest products by maintaining and expanding the forestland base, reducing emissions from land conversion to nonforest uses, increasing forest resiliency to reduce the risk of carbon releases from disturbances such as wildfire, pest infestation, and disease, and applying sustainable forest management techniques to maintain or enhance forest carbon stocks and forest carbon sinks, including through the transference of carbon to wood products.

(3) The legislature further finds that the food and agricultural organization of the United Nations reports similar recommendations, with a focus on forest management tools that increases the carbon density in forests, increases carbon storage out of the forest in harvested wood products, utilizes wood energy, and suppresses forest disturbances from fire, pests, and disease.

**Sec. 2.** RCW 70.235.005 and 2008 c 14 s 1 are each amended to read as follows:

(1) The legislature finds that Washington has long been a national and international leader on energy conservation and environmental stewardship, including air quality protection, renewable energy development and generation, emission standards for fossil-fuel based energy generation, energy efficiency programs, natural resource conservation, sustainable forestry and the production of forest products, vehicle emission standards, and the use of biofuels. Washington is also unique among most states in that in addition to its commitment to reduce emissions of greenhouse gases, it has established goals to grow the clean energy sector and reduce the state's expenditures on imported fuels.

(2) The legislature further finds that Washington should continue its leadership on climate change policy by creating accountability for achieving the emission reductions established in RCW 70.235.020, participating in the design of a regional multisector market-based system to help achieve those emission reductions, assessing other market strategies to reduce emissions of greenhouse gases, maintaining and enhancing the state's ability to continue to sequester carbon through natural and working lands and forest products, and ensuring the state has a well trained workforce for our clean energy future.

(3) It is the intent of the legislature that the state will: (a) Limit and reduce emissions of greenhouse gas consistent with the emission reductions established in RCW 70.235.020; (b) minimize the potential to export pollution, jobs, and economic opportunities; ~~((and))~~ (c) support industry sectors that can act as sequesterers of carbon; and

(d) reduce emissions at the lowest cost to Washington's economy, consumers, and businesses.

(4) In the event the state elects to participate in a regional multisector market-based system, it is the intent of the legislature that the system will become effective by January 1, 2012, after authority is provided to the department for its implementation. By acting now, Washington businesses and citizens will have adequate time and opportunities to be well positioned to take advantage of the low-carbon economy and to make necessary investments in low-carbon technology.

(5) It is also the intent of the legislature that the regional multisector market-based system recognize Washington's unique emissions and sequestration portfolio, including the ~~((state's))~~:

(a) State's hydroelectric system~~((the))~~;

(b) Opportunities presented by Washington's abundant forest resources and the associated forest products industry, along with aquatic and agriculture land~~((s))~~ and the associated industries; and ~~((the))~~

(c) State's leadership in energy efficiency and the actions it has already taken that have reduced its generation of greenhouse gas emissions and that entities receive appropriate credit for early actions to reduce greenhouse gases.

(6) If any revenues, excluding those from state trust lands, that accrue to the state are created by a market system, they must be used to further the state's efforts to achieve the goals established in RCW 70.235.020, address the impacts of global warming on affected habitats, species, and communities, promote and invest in industry sectors that act as sequesterers of carbon, and increase investment in the clean energy economy particularly for communities and workers that have suffered from heavy job losses and chronic unemployment and underemployment.

**NEW SECTION. Sec. 3.** A new section is added to chapter 70.235 RCW to read as follows:

(1)(a) Washington's existing forest products sector, including public and private working forests and the harvesting, transportation, and manufacturing sectors that enable working forests to remain on the land and the state to be a global supplier of forest products, is, according to a University of Washington study analyzing the global warming mitigating role of wood products from Washington's private forests, an industrial sector that currently operates as a significant net sequesterer of carbon. This value, which is only provided through the maintenance of an intact and synergistic industrial sector, is an integral component of the state's contribution to the global climate response and efforts to mitigate carbon emissions.

(b) Satisfying the goals set forth in RCW 70.235.020 requires supporting, throughout all of state government, consistent with other laws and mandates of the state, the economic vitality of the sustainable forest products sector and other business sectors capable of sequestering and storing carbon. This includes support for working forests of all sizes, ownerships, and management objectives, and the

necessary manufacturing sectors that support the transformation of stored carbon into long-lived forest products while maintaining and enhancing the carbon mitigation benefits of the forest sector, sustaining rural communities, and providing for fish, wildlife, and clean water, as provided in chapter 76.09 RCW. Support for the forest sector also ensures the state's public and private working forests avoid catastrophic wildfire and other similar disturbances and avoid conversion in the face of unprecedented conversion pressures.

(c) It is the policy of the state to support the contributions of all working forests and the synergistic forest products sector to the state's climate response. This includes landowners, mills, bioenergy, pulp and paper, and the related harvesting and transportation infrastructure that is necessary for forestland owners to continue the rotational cycle of carbon capture and sequestration in growing trees and allows forest products manufacturers to store the captured carbon in wood products and maintain and enhance the forest sector's role in mitigating a significant percentage of the state's carbon emissions while providing other environmental and social benefits and supporting a strong rural economic base. It is further the policy of the state to support the participation of working forests in current and future carbon markets, strengthening the state's role as a valuable contributor to the global carbon response while supporting one of its largest manufacturing sectors.

(d) It is further the policy of the state to utilize carbon accounting land use, land use change, and forestry reporting principles consistent with established reporting guidelines, such as those used by the intergovernmental panel on climate change and the United States national greenhouse gas reporting inventories.

(2) Any state carbon programs must support the policies stated in this section and recognize the forest products industry's contribution to the state's climate response."

On page 1, line 3 of the title, after "response;" strike the remainder of the title and insert "amending RCW 70.235.005; adding a new section to chapter 70.235 RCW; and creating a new section."

and the same is herewith transmitted.

Brad Hendrickson, Secretary

#### SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2528 and advanced the bill as amended by the Senate to final passage.

#### FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representatives Ramos and Dye spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Engrossed Second Substitute House Bill No. 2528, as amended by the Senate.

### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 2528, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Mead, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shea, Shewmake, Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Excused: Representatives Griffey and Volz.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2528, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

### MESSAGE FROM THE SENATE

March 5, 2020

Madame Speaker:

The Senate has passed ENGROSSED HOUSE BILL NO. 2584 with the following amendment:

3.0.

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 4.** A new section is added to chapter 71.24 RCW to read as follows:

(1) It is the intent of the legislature that behavioral health medicaid rate increases be grounded with the rate-setting process for the provider type or practice setting.

(2) In implementing a rate increase funded by the legislature, including rate increases provided through managed care organizations, the authority must work with the actuaries responsible for establishing medicaid rates for behavioral health services and managed care organizations responsible for distributing funds to behavioral health services to assure that appropriate adjustments are made to the wraparound with intensive services case rate, as well as any other behavioral health services in which a case rate is used.

(3)(a) The authority shall establish a process for verifying that funds appropriated in the omnibus operating

appropriations act for targeted behavioral health provider rate increases, including rate increases provided through managed care organizations, are used for the objectives stated in the appropriation.

(b) The process must: (i) Establish which behavioral health provider types the funds are intended for; (ii) include transparency and accountability mechanisms to demonstrate that appropriated funds for targeted behavioral health provider rate increases are passed through, in the manner intended, to the behavioral health providers who are the subject of the funds appropriated for targeted behavioral health provider rate increases; (iii) include actuarial information provided to managed care organizations to ensure the funds directed to behavioral health providers have been appropriately allocated and accounted for; and (iv) include the participation of managed care organizations, behavioral health administrative services organizations, providers, and provider networks that are the subject of the targeted behavioral health provider rate increases. The process must include a method for determining if the funds have increased access to the behavioral health services offered by the behavioral health providers who are the subject of the targeted provider rate increases.

(c) The process may:

(i) Include a quantitative method for determining if the funds have increased access to behavioral health services offered by the behavioral health providers who received the targeted provider rate increases;

(ii) Ensure the viability of pass-through payments in a capitated rate methodology; and

(iii) Ensure that medicaid rate increases account for the impact of value-based contracting on provider reimbursements and implementations of pass-through payments.

(4) By November 1st of each year, the authority shall report to the committees of the legislature with jurisdiction over behavioral health issues and fiscal matters regarding the established process for each appropriation for a targeted behavioral health provider rate increase, whether the funds were passed through in accordance with the appropriation language, and any information about increased access to behavioral health services associated with the appropriation. The reporting requirement for each appropriation for a targeted behavioral health provider rate increase shall continue for two years following the specific appropriation."

On page 1, line 2 of the title, after "services;" strike the remainder of the title and insert "and adding a new section to chapter 71.24 RCW."

and the same is herewith transmitted.

Sarah Bannister, Deputy, Secretary

### SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to ENGROSSED HOUSE BILL NO.

2584 and advanced the bill as amended by the Senate to final passage.

### FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representatives Caldier and Cody spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Engrossed House Bill No. 2584, as amended by the Senate.

### ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 2584, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Mead, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shea, Shewmake, Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Excused: Representatives Griffey and Volz.

ENGROSSED HOUSE BILL NO. 2584, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

### MESSAGE FROM THE SENATE

March 5, 2020

Madame Speaker:

The Senate has passed HOUSE BILL NO. 2601 with the following amendment:

4.0.

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 79A.05.025 and 2016 c 103 s 1 are each amended to read as follows:

(1) The commission shall elect one of its members as chair. The commission may be convened at such times as the chair deems necessary, and a majority shall constitute a quorum for the transaction of business.

(2)(a) Except as provided in (b) of this subsection, the lease of parkland or property for a period exceeding twenty

years requires the ~~((unanimous consent))~~ affirmative vote of at least five members of the commission.

(b) With the affirmative vote of at least five members of the commission, the commission may enter into a lease for up to sixty-two years for property at Saint Edward state park. The commission may only enter into a lease under the provisions of this subsection (2)(b) if the commission finds that the department of commerce study required by section 3, chapter 103, Laws of 2016 fails to identify an economically viable public or nonprofit use for the property that is consistent with the state parks and recreation commission's mission and could proceed on a reasonable timeline. The lease at Saint Edward state park may only include the following:

(i) The main seminary building;

(ii) The pool building;

(iii) The gymnasium;

(iv) The parking lot located in between locations identified in (b)(i), (ii), and (iii) of this subsection;

(v) The parking lot immediately north of the gymnasium; and

(vi) Associated property immediately adjacent to the areas listed in (b)(i) through (v) of this subsection.

**Sec. 2.** RCW 79A.05.030 and 2016 c 103 s 2 are each amended to read as follows:

The commission shall:

(1) Have the care, charge, control, and supervision of all parks and parkways acquired or set aside by the state for park or parkway purposes.

(2) Adopt policies, and adopt, issue, and enforce rules pertaining to the use, care, and administration of state parks and parkways. The commission shall cause a copy of the rules to be kept posted in a conspicuous place in every state park to which they are applicable, but failure to post or keep any rule posted shall be no defense to any prosecution for the violation thereof.

(3) Permit the use of state parks and parkways by the public under such rules as shall be adopted.

(4) Clear, drain, grade, seed, and otherwise improve or beautify parks and parkways, and erect structures, buildings, fireplaces, and comfort stations and build and maintain paths, trails, and roadways through or on parks and parkways.

(5) Grant concessions or leases in state parks and parkways upon such rentals, fees, or percentage of income or profits and for such terms, in no event longer than ~~((fifty))~~ eighty years, except for a lease associated with land or property described in RCW 79A.05.025(2)(b) which may not exceed sixty-two years, and upon such conditions as shall be approved by the commission.

(a) Leases exceeding a twenty-year term, or the amendment or modification of these leases, shall require a vote consistent with RCW 79A.05.025(2).

(b) If, during the term of any concession or lease, it is the opinion of the commission that it would be in the best interest of the state, the commission may, with the consent of the concessionaire or lessee, alter and amend the terms and conditions of such concession or lease.

(c) Television station leases shall be subject to the provisions of RCW 79A.05.085.

(d) The rates of concessions or leases shall be renegotiated at five-year intervals. No concession shall be granted which will prevent the public from having free access to the scenic attractions of any park or parkway.

(6) Employ such assistance as it deems necessary. Commission expenses relating to its use of volunteer assistance shall be limited to premiums or assessments for the insurance of volunteers by the department of labor and industries, compensation of staff who assist volunteers, materials and equipment used in authorized volunteer projects, training, reimbursement of volunteer travel as provided in RCW 43.03.050 and 43.03.060, and other reasonable expenses relating to volunteer recognition. The commission, at its discretion, may waive commission fees otherwise applicable to volunteers. The commission shall not use volunteers to replace or supplant classified positions. The use of volunteers may not lead to the elimination of any employees or permanent positions in the bargaining unit.

(7) By majority vote of its authorized membership, select and purchase or obtain options upon, lease, or otherwise acquire for and in the name of the state such tracts of land, including shore and tide lands, for park and parkway purposes as it deems proper. If the commission cannot acquire any tract at a price it deems reasonable, it may, by majority vote of its authorized membership, obtain title thereto, or any part thereof, by condemnation proceedings conducted by the attorney general as provided for the condemnation of rights-of-way for state highways. Option agreements executed under authority of this subsection shall be valid only if:

(a) The cost of the option agreement does not exceed one dollar; and

(b) Moneys used for the purchase of the option agreement are from (i) funds appropriated therefor, or (ii) funds appropriated for undesignated land acquisitions, or (iii) funds deemed by the commission to be in excess of the amount necessary for the purposes for which they were appropriated; and

(c) The maximum amount payable for the property upon exercise of the option does not exceed the appraised value of the property.

(8) Cooperate with the United States, or any county or city of this state, in any matter pertaining to the acquisition, development, redevelopment, renovation, care, control, or supervision of any park or parkway, and enter into contracts in writing to that end. All parks or parkways, to which the state contributed or in whose care, control, or supervision the state participated pursuant to the provisions of this section, shall be governed by the provisions hereof.

(9) Within allowable resources, maintain policies that increase the number of people who have access to free or low-cost recreational opportunities for physical activity, including noncompetitive physical activity.

(10) Adopt rules establishing the requirements for a criminal history record information search for the following: Job applicants, volunteers, and independent contractors who have unsupervised access to children or vulnerable adults, or who will be responsible for collecting or disbursing cash or processing credit/debit card transactions. These background checks will be done through the Washington state patrol criminal identification section and may include a national check from the federal bureau of investigation, which shall be through the submission of fingerprints. A permanent employee of the commission, employed as of July 24, 2005, is exempt from the provisions of this subsection."

On page 1, line 2 of the title, after "leases;" strike the remainder of the title and insert "and amending RCW 79A.05.025 and 79A.05.030."

and the same is herewith transmitted.

Sarah Bannister, Deputy, Secretary

#### **SENATE AMENDMENT TO HOUSE BILL**

There being no objection, the House concurred in the Senate amendment to HOUSE BILL NO. 2601 and advanced the bill as amended by the Senate to final passage.

#### **FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED**

Representatives Ryu and Jenkin spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of House Bill No. 2601, as amended by the Senate.

#### **ROLL CALL**

The Clerk called the roll on the final passage of House Bill No. 2601, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 93; Nays, 3; Absent, 0; Excused, 2.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Hansen, Harris, Hoff, Irwin, Jenkin, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Mead, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shea, Shewmake, Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Walen, Walsh, Wilcox, Wylie, Ybarra and Mme. Speaker.

Voting nay: Representatives Hudgins, Pollet and Young.  
Excused: Representatives Griffey and Volz.

HOUSE BILL NO. 2601, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

#### MESSAGE FROM THE SENATE

March 6, 2020

Madame Speaker:

The Senate has passed HOUSE BILL NO. 2641 with the following amendment:

2.0.

Strike everything after the enacting clause and insert the following:

"**NEW SECTION. Sec. 3.** (1) Any city having a boundary located on Puget Sound or Lake Washington may establish, finance, and provide passenger-only ferry service, including associated services to support and augment passenger-only ferry service operation, within its boundaries. For the purposes of this chapter, Puget Sound has the same meaning as described in RCW 36.57A.200.

(2) Before a city may provide passenger-only ferry service, it must develop a passenger-only ferry investment plan, which must include elements regarding operating or contracting for the operation of passenger-only ferry services; the purchase, lease, or rental of ferry vessels and dock facilities for the provision of transit service; consultation with potentially affected federally recognized Indian treaty fishing tribes and other federally recognized treaty tribes with potentially affected interests to ensure impacts to tribal fishing are minimized; and identifying other activities necessary to implement the plan. The passenger-only ferry investment plan must also set forth terminal locations to be served, consistency with any study developed through the Puget Sound regional council for regional service, projected costs of providing services, and revenues to be generated from tolls, locally collected tax revenues, and other revenue sources. The passenger-only ferry investment plan may recommend additional revenue authority that has not yet been authorized under state law.

(3) The passenger-only ferry investment plan must ensure that services provided under the plan are for the benefit of the residents of the city. The city may use any of its powers to carry out this purpose, unless otherwise prohibited by law. In addition, the city may enter into contracts and agreements to operate passenger-only ferry service, as well as appropriate public-private partnerships including, but not limited to, design-build, general contractor/construction management, or other alternative procurement processes substantially consistent with chapter 39.10 RCW.

(4) The passenger-only ferry investment plan must show design and funding considerations for propulsion types and technologies that meet low, ultra-low, and zero emission targets in relation to any operations and business plan to ensure a viable route. Considerations should include vessel design, electrification, as well as shoreside infrastructure.

The investment plan must also show best management practices and technologies available and considered to reduce impacts to water quality, prevention of strikes, and underwater noise that impact the southern resident killer whale population, other marine mammals, and aquatic life.

**NEW SECTION. Sec. 4.** Section 1 of this act constitutes a new chapter in Title 35 RCW."

On page 1, line 2 of the title, after "service;" strike the remainder of the title and insert "and adding a new chapter to Title 35 RCW."

and the same is herewith transmitted.

Sarah Bannister, Deputy, Secretary

#### SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to HOUSE BILL NO. 2641 and advanced the bill as amended by the Senate to final passage.

#### FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representatives Fey and Barkis spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of House Bill No. 2641, as amended by the Senate.

#### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2641, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 81; Nays, 15; Absent, 0; Excused, 2.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Duerr, Dufault, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Gregerson, Hansen, Harris, Hudgins, Irwin, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, Mead, Morgan, Mosbrucker, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Sells, Senn, Shewmake, Slatter, Smith, Springer, Stokesbary, Stonier, Sullivan, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Walen, Wilcox, Wylie, Ybarra and Mme. Speaker.

Voting nay: Representatives Boehnke, Caldier, Dye, Graham, Hoff, Jenkin, Kraft, McCaslin, Orcutt, Schmick, Shea, Steele, Sutherland, Walsh and Young.

Excused: Representatives Griffey and Volz.

HOUSE BILL NO. 2641, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

#### MESSAGE FROM THE SENATE



March 4, 2020

Madame Speaker:

The Senate has passed HOUSE BILL NO. 2691 with the following amendment:

4.0.

Strike everything after the enacting clause and insert the following:

"Sec. 5. RCW 41.56.030 and 2019 c 280 s 1 are each amended to read as follows:

As used in this chapter:

(1) "Adult family home provider" means a provider as defined in RCW 70.128.010 who receives payments from the medicaid and state-funded long-term care programs.

(2) "Bargaining representative" means any lawful organization which has as one of its primary purposes the representation of employees in their employment relations with employers.

(3) "Child care subsidy" means a payment from the state through a child care subsidy program established pursuant to RCW 74.12.340, 45 C.F.R. Sec. 98.1 through 98.17, or any successor program.

(4) "Collective bargaining" means the performance of the mutual obligations of the public employer and the exclusive bargaining representative to meet at reasonable times, to confer and negotiate in good faith, and to execute a written agreement with respect to grievance procedures and collective negotiations on personnel matters, including wages, hours and working conditions, which may be peculiar to an appropriate bargaining unit of such public employer, except that by such obligation neither party shall be compelled to agree to a proposal or be required to make a concession unless otherwise provided in this chapter.

(5) "Commission" means the public employment relations commission.

(6) "Executive director" means the executive director of the commission.

(7) "Family child care provider" means a person who: (a) Provides regularly scheduled care for a child or children in the home of the provider or in the home of the child or children for periods of less than twenty-four hours or, if necessary due to the nature of the parent's work, for periods equal to or greater than twenty-four hours; (b) receives child care subsidies; and (c) under chapter 43.216 RCW, is either licensed by the state or is exempt from licensing.

(8) "Individual provider" means an individual provider as defined in RCW 74.39A.240(3) who, solely for the purposes of collective bargaining, is a public employee as provided in RCW 74.39A.270.

(9) "Institution of higher education" means the University of Washington, Washington State University, Central Washington University, Eastern Washington University, Western Washington University, The Evergreen State College, and the various state community colleges.

(10)(a) "Language access provider" means any independent contractor who provides spoken language interpreter services, whether paid by a broker, language access agency, or the respective department:

(i) For department of social and health services appointments, department of children, youth, and families appointments, medicaid enrollee appointments, or who provided these services on or after January 1, 2011, and before June 10, 2012;

(ii) For department of labor and industries authorized medical and vocational providers(~~(-or-)~~) who provided these services on or after January 1, (~~(2016, and before July 1, 2018)~~) 2019; or

(iii) For state agencies(~~(-or-)~~) who provided these services on or after January 1, (~~(2016, and before July 1, 2018)~~) 2019.

(b) "Language access provider" does not mean a manager or employee of a broker or a language access agency.

(11) "Public employee" means any employee of a public employer except any person (a) elected by popular vote, or (b) appointed to office pursuant to statute, ordinance or resolution for a specified term of office as a member of a multimember board, commission, or committee, whether appointed by the executive head or body of the public employer, or (c) whose duties as deputy, administrative assistant or secretary necessarily imply a confidential relationship to (i) the executive head or body of the applicable bargaining unit, or (ii) any person elected by popular vote, or (iii) any person appointed to office pursuant to statute, ordinance or resolution for a specified term of office as a member of a multimember board, commission, or committee, whether appointed by the executive head or body of the public employer, or (d) who is a court commissioner or a court magistrate of superior court, district court, or a department of a district court organized under chapter 3.46 RCW, or (e) who is a personal assistant to a district court judge, superior court judge, or court commissioner. For the purpose of (e) of this subsection, no more than one assistant for each judge or commissioner may be excluded from a bargaining unit.

(12) "Public employer" means any officer, board, commission, council, or other person or body acting on behalf of any public body governed by this chapter, or any subdivision of such public body. For the purposes of this section, the public employer of district court or superior court employees for wage-related matters is the respective county legislative authority, or person or body acting on behalf of the legislative authority, and the public employer for nonwage-related matters is the judge or judge's designee of the respective district court or superior court.

(13) "Uniformed personnel" means: (a) Law enforcement officers as defined in RCW 41.26.030 employed by the governing body of any city or town with a population of two thousand five hundred or more and law enforcement officers employed by the governing body of any county with a population of ten thousand or more; (b) correctional employees who are uniformed and

nonuniformed, commissioned and noncommissioned security personnel employed in a jail as defined in RCW 70.48.020(9), by a county with a population of seventy thousand or more, in a correctional facility created under RCW 70.48.095, or in a detention facility created under chapter 13.40 RCW that is located in a county with a population over one million five hundred thousand, and who are trained for and charged with the responsibility of controlling and maintaining custody of inmates in the jail and safeguarding inmates from other inmates; (c) general authority Washington peace officers as defined in RCW 10.93.020 employed by a port district in a county with a population of one million or more; (d) security forces established under RCW 43.52.520; (e) firefighters as that term is defined in RCW 41.26.030; (f) employees of a port district in a county with a population of one million or more whose duties include crash fire rescue or other firefighting duties; (g) employees of fire departments of public employers who dispatch exclusively either fire or emergency medical services, or both; (h) employees in the several classes of advanced life support technicians, as defined in RCW 18.71.200, who are employed by a public employer; or (i) court marshals of any county who are employed by, trained for, and commissioned by the county sheriff and charged with the responsibility of enforcing laws, protecting and maintaining security in all county-owned or contracted property, and performing any other duties assigned to them by the county sheriff or mandated by judicial order.

**Sec. 6.** RCW 41.56.510 and 2018 c 253 s 8 are each amended to read as follows:

(1) In addition to the entities listed in RCW 41.56.020, this chapter applies to the governor with respect to language access providers. Solely for the purposes of collective bargaining and as expressly limited under subsections (2) and (3) of this section, the governor is the public employer of language access providers who, solely for the purposes of collective bargaining, are public employees. The governor or the governor's designee shall represent the public employer for bargaining purposes.

(2) There shall be collective bargaining, as defined in RCW 41.56.030, between the governor and language access providers, except as follows:

(a) The only units appropriate for purposes of collective bargaining under RCW 41.56.060 are:

(i) A statewide unit for language access providers who provide spoken language interpreter services for department of social and health services appointments, department of children, youth, and families appointments, or medicaid enrollee appointments;

(ii) A statewide unit for language access providers who provide spoken language interpreter services for injured workers or crime victims receiving benefits from the department of labor and industries; and

(iii) A statewide unit for language access providers who provide spoken language interpreter services for any state agency through the department of enterprise services, excluding language access providers included in (a)(i) and (ii) of this subsection;

(b) The exclusive bargaining representative of language access providers in the unit specified in (a) of this subsection shall be the representative chosen in an election conducted pursuant to RCW 41.56.070.

Bargaining authorization cards furnished as the showing of interest in support of any representation petition or motion for intervention filed under this section are exempt from disclosure under chapter 42.56 RCW;

(c) Notwithstanding the definition of "collective bargaining" in RCW 41.56.030(4), the scope of collective bargaining for language access providers under this section is limited solely to: (i) Economic compensation, such as the manner and rate of payments including tiered payments; (ii) professional development and training; (iii) labor-management committees; ~~((and))~~ (iv) grievance procedures; (v) health and welfare benefits; and (vi) other economic matters. Retirement benefits are not subject to collective bargaining. By such obligation neither party may be compelled to agree to a proposal or be required to make a concession unless otherwise provided in this chapter;

(d) In addition to the entities listed in the mediation and interest arbitration provisions of RCW 41.56.430 through 41.56.470 and 41.56.480, the provisions apply to the governor or the governor's designee and the exclusive bargaining representative of language access providers, except that:

(i) In addition to the factors to be taken into consideration by an interest arbitration panel under RCW 41.56.465, the panel shall consider the financial ability of the state to pay for the compensation and benefit provisions of a collective bargaining agreement;

(ii) The decision of the arbitration panel is not binding on the legislature and, if the legislature does not approve the request for funds necessary to implement the compensation and benefit provisions of the arbitrated collective bargaining agreement, the decision is not binding on the state;

(e) Language access providers do not have the right to strike;

(f) If a single employee organization is the exclusive bargaining representative for two or more units, upon petition by the employee organization, the units may be consolidated into a single larger unit if the commission considers the larger unit to be appropriate. If consolidation is appropriate, the commission shall certify the employee organization as the exclusive bargaining representative of the new unit;

(g) If a single employee organization is the exclusive bargaining representative for two or more bargaining units, the governor and the employee organization may agree to negotiate a single collective bargaining agreement for all of the bargaining units that the employee organization represents.

(3) Language access providers who are public employees solely for the purposes of collective bargaining under subsection (1) of this section are not, for that reason, employees of the state for any other purpose. This section applies only to the governance of the collective bargaining

relationship between the employer and language access providers as provided in subsections (1) and (2) of this section.

(4) Each party with whom the department of social and health services, the department of children, youth, and families, the department of labor and industries, and the department of enterprise services contracts for language access services and each of their subcontractors shall provide to the respective department an accurate list of language access providers, as defined in RCW 41.56.030, including their names, addresses, and other contact information, annually by January 30th, except that initially the lists must be provided within thirty days of July 1, 2018. The department shall, upon request, provide a list of all language access providers, including their names, addresses, and other contact information, to a labor union seeking to represent language access providers.

(5) This section does not create or modify:

(a) The obligation of any state agency to comply with federal statute and regulations; and

(b) The legislature's right to make programmatic modifications to the delivery of state services under chapter 74.04 or 39.26 RCW or Title 51 RCW. The governor may not enter into, extend, or renew any agreement under this chapter that does not expressly reserve the legislative rights described in this subsection.

(6) Upon meeting the requirements of subsection (7) of this section, the governor must submit, as a part of the proposed biennial or supplemental operating budget submitted to the legislature under RCW 43.88.030, a request for funds necessary to implement the compensation and benefit provisions of a collective bargaining agreement entered into under this section or for legislation necessary to implement the agreement.

(7) A request for funds necessary to implement the compensation and benefit provisions of a collective bargaining agreement entered into under this section may not be submitted by the governor to the legislature unless the request has been:

(a) Submitted to the director of financial management by October 1st prior to the legislative session at which the requests are to be considered, except that, for initial negotiations under this section, the request may not be submitted before July 1, 2011; and

(b) Certified by the director of financial management as financially feasible for the state or reflective of a binding decision of an arbitration panel reached under subsection (2)(d) of this section.

(8) The legislature must approve or reject the submission of the request for funds as a whole. If the legislature rejects or fails to act on the submission, any collective bargaining agreement must be reopened for the sole purpose of renegotiating the funds necessary to implement the agreement.

(9) If, after the compensation and benefit provisions of an agreement are approved by the legislature, a significant

revenue shortfall occurs resulting in reduced appropriations, as declared by proclamation of the governor or by resolution of the legislature, both parties shall immediately enter into collective bargaining for a mutually agreed upon modification of the agreement.

(10) After the expiration date of any collective bargaining agreement entered into under this section, all of the terms and conditions specified in the agreement remain in effect until the effective date of a subsequent agreement, not to exceed one year from the expiration date stated in the agreement.

(11) In enacting this section, the legislature intends to provide state action immunity under federal and state antitrust laws for the joint activities of language access providers and their exclusive bargaining representative to the extent the activities are authorized by this chapter.

(12) By December 1, 2020, the department of social and health services, the department of children, youth, and families, the department of labor and industries, the health care authority, and the department of enterprise services must report to the legislature on the following:

(a) Each agency's current process for procuring spoken language interpreters and whether the changes in chapter 253, Laws of 2018 have been implemented;

(b) If chapter 253, Laws of 2018 has not been fully implemented by an agency, the barriers to implementation the agency has encountered and recommendations for removing the barriers to implementation;

(c) The impacts of the changes to the bargaining units for language access providers in chapter 253, Laws of 2018; and

(d) Recommendations on how to improve the procurement and accessibility of language access providers."

On page 1, line 2 of the title, after "providers;" strike the remainder of the title and insert "and amending RCW 41.56.030 and 41.56.510."

and the same is herewith transmitted.

Sarah Bannister, Deputy, Secretary

#### **SENATE AMENDMENT TO HOUSE BILL**

There being no objection, the House concurred in the Senate amendment to HOUSE BILL NO. 2691 and advanced the bill as amended by the Senate to final passage.

#### **FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED**

Representative Valdez spoke in favor of the passage of the bill.

Representative Mosbrucker spoke against the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of House Bill No. 2691, as amended by the Senate.

### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2691, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 61; Nays, 35; Absent, 0; Excused, 2.

Voting yea: Representatives Appleton, Bergquist, Blake, Callan, Chandler, Chapman, Chopp, Cody, Davis, Doglio, Dolan, Duerr, Entenman, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hansen, Hudgins, J. Johnson, Kilduff, Kirby, Kloba, Leavitt, Lekanoff, Lovick, Macri, Mead, Morgan, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Slatter, Smith, Springer, Stokesbary, Stonier, Sullivan, Tarleton, Thai, Tharinger, Valdez, Walen, Wylie and Mme. Speaker.

Voting nay: Representatives Barkis, Boehnke, Calder, Chambers, Corry, DeBolt, Dent, Dufault, Dye, Eslick, Gildon, Goehner, Graham, Harris, Hoff, Irwin, Jenkin, Klippert, Kraft, Kretz, MacEwen, Maycumber, McCaslin, Mosbrucker, Orcutt, Rude, Shea, Steele, Sutherland, Van Werven, Vick, Walsh, Wilcox, Ybarra and Young.

Excused: Representatives Griffey and Volz.

HOUSE BILL NO. 2691, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

### MESSAGE FROM THE SENATE

March 5, 2020

Madame Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 2713 with the following amendment:

6.0.

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 7.** The legislature finds and declares that local compost manufacturing plays a critical role in our state's solid waste infrastructure. Composting benefits Washington agencies, counties, cities, businesses, and residents by diverting hundreds of thousands of tons of organic waste from landfills, reducing solid waste costs, and lowering carbon emissions. The legislature finds that a growing number of local governments are recognizing the benefits of composting programs and offering compost collection to their residents and businesses. The diversion of food waste from landfills to compost processors remains critical for state and local governments to meet their ambitious diversion goals.

The legislature also finds that composting is a strong carbon reduction industry for Washington, as the application of compost to soil systems permits increased carbon sequestration. Compost can also replace synthetic chemical fertilizer, prevent topsoil erosion, and filter stormwater on

green infrastructure projects such as rain gardens and retention ponds.

The legislature declares that state and local governments should lead by example by purchasing and using local compost that meets state standards and by encouraging farming operations to do so as well.

**NEW SECTION. Sec. 8.** A new section is added to chapter 43.19A RCW to read as follows:

(1) When planning government-funded projects or soliciting and reviewing bids for such projects, all state agencies and local governments shall consider whether compost products can be utilized in the project.

(2) If compost products can be utilized in the project, the state agency or local government must use compost products, except as follows:

(a) A state agency or local government is not required to use compost products if:

(i) Compost products are not available within a reasonable period of time;

(ii) Compost products that are available do not comply with existing purchasing standards;

(iii) Compost products that are available do not comply with federal or state health, quality, and safety standards; and

(iv) Compost purchase prices are not reasonable or competitive; and

(b) A state agency is also not required to use compost products in a project if:

(i) The total cost of using compost is financially prohibitive;

(ii) Application of compost will have detrimental impacts on the physical characteristics and nutrient condition of the soil as it is used for a specific crop;

(iii) The project consists of growing trees in a greenhouse setting, including seed orchard greenhouses; or

(iv) The compost products that are available have not been certified as being free of crop-specific pests and pathogens, including pests and pathogens that could result in the denial of phytosanitary permits for shipping seedlings.

(3) Before the transportation or application of compost products under this section, composting facilities, state agencies, and local governments must ensure compliance with department of agriculture pest control regulations provided in chapter 16-470 WAC.

(4) State agencies and local governments are encouraged to give priority to purchasing compost products from companies that produce compost products locally, are certified by a nationally recognized organization, and produce compost products that are derived from municipal solid waste compost programs and meet quality standards adopted by rule by the department of ecology.

**NEW SECTION. Sec. 9.** A new section is added to chapter 43.19A RCW to read as follows:

(1) Each local government that provides a residential composting service is encouraged to enter into a purchasing agreement with its compost processor to buy back finished compost products for use in government projects or on government land. The local government is encouraged to purchase an amount of finished compost product that is equal to or greater than fifty percent of the amount of organic residuals it delivered to the compost processor. Local governments may enter into collective purchasing agreements if doing so is more cost-effective or efficient. The compost processor should offer a purchase price that is reasonable and competitive for the specific market.

(2) When purchasing compost products for use in government projects or on government-owned land, local governments are encouraged to purchase compost with at least eight percent food waste, or an amount of food waste that is commensurate with that in the local jurisdiction's curbside collection program.

**NEW SECTION. Sec. 10.** (1) Subject to amounts appropriated for this specific purpose, the department of agriculture must establish and implement a three-year compost reimbursement pilot program to reimburse farming operations in the state for purchasing and using compost products from facilities with solid waste handling permits, including transportation, equipment, spreading, and labor costs. The grant reimbursements under the pilot program will begin January 1, 2021, and conclude December 31, 2023. For purposes of this program, "farming operation" means: A commercial agricultural, silvicultural, or aquacultural facility or pursuit, including the care and production of livestock and livestock products, poultry and poultry products, apiary products, and plant and animal production for nonfood uses; the planting, cultivating, harvesting, and processing of crops; and the farming or ranching of any plant or animal species in a controlled salt, brackish, or freshwater environment.

(2) To be eligible to participate in the reimbursement pilot program, a farming operation must complete an eligibility review with the department of agriculture prior to transporting or applying any compost products for which reimbursement will be sought under this section. The purpose of the review is for the department of agriculture to ensure that the proposed transport and application of compost products is consistent with the department's agricultural pest control rules in chapter 16-470 WAC. A farming operation must also verify that soil sampling will be allowed as necessary to establish a baseline of soil quality and carbon storage and for subsequent department of agriculture evaluations to assist the department's reporting requirements under subsection (9) of this section.

(3) The department of agriculture must create a form for eligible farming operations to apply for cost reimbursement. All applications for cost reimbursement must be submitted on the form along with documentation of the costs of purchasing and using compost products for which the applicant is requesting reimbursement. The department of agriculture may request that an applicant

provide information to verify the source, size, sale weight, or amount of compost products purchased and the cost of transportation, equipment, spreading, and labor. The applicant must also declare that it is not seeking reimbursement for:

(a) Its own compost products;

(b) Compost products that it has transferred, or intends to transfer, to another individual or entity, whether or not for compensation; or

(c) Compost products that were not purchased from a facility with a solid waste handling permit.

(4) A farming operation may submit only one application per year for purchases made and usage costs incurred during the fiscal year that begins on July 1st and ends on June 30th of each year in which the pilot program is in effect. Applications for reimbursement must be filed before the end of the fiscal year in which purchases were made and usage costs incurred.

(5) The department of agriculture must distribute reimbursement funds, subject to the following limitations:

(a) The department of agriculture must distribute reimbursements in a manner that prioritizes small farming operations as measured by acreage;

(b) No farming operation may receive reimbursement if it was not found eligible for reimbursement by the department of agriculture prior to transport or use under subsection (2) of this section;

(c) No farming operation may receive reimbursement for more than fifty percent of the costs it incurs for the purchase and use of compost products, including transportation, equipment, spreading, and labor costs;

(d) No farming operation may receive more than ten thousand dollars per year;

(e) No farming operation may receive reimbursement for its own compost products or compost products that it has transferred, or intends to transfer, to another individual or entity, whether or not for compensation; and

(f) No farming operation may receive reimbursement for compost products that were not purchased from a facility with a solid waste handling permit.

(6) The applicant shall indemnify and hold harmless the state and its officers, agents, and employees from all claims arising out of or resulting from the compost products purchased that are subject to the compost reimbursement pilot program under this section.

(7) There is established within the department of agriculture a compost reimbursement pilot program manager position. The compost reimbursement pilot program manager must possess knowledge and expertise in the area of program management necessary to carry out the duties of the position, which are to:

(a) Facilitate the division and distribution of available costs for reimbursement; and

(b) Manage the day-to-day coordination of the compost reimbursement pilot program.

(8) Any action taken by the department of agriculture pursuant to this section is exempt from the rule-making requirements of chapter 34.05 RCW.

(9) The department of agriculture must submit an annual report to the appropriate committees of the legislature by January 15th of each year of the program, with a final report due January 15, 2024. The report must include:

(a) The amount of compost for which reimbursement was sought under the program;

(b) The qualitative or quantitative effects of the program on soil quality and carbon storage; and

(c) An evaluation of the benefits and costs to the state of continuing, expanding, or furthering the strategies explored in the pilot program.

(10) This section expires June 30, 2024."

On page 1, line 1 of the title, after "use;" strike the remainder of the title and insert "adding new sections to chapter 43.19A RCW; creating new sections; and providing an expiration date."

and the same is herewith transmitted.

Sarah Bannister, Deputy, Secretary

#### SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to ENGROSSED SUBSTITUTE HOUSE BILL NO. 2713 and advanced the bill as amended by the Senate to final passage.

#### FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representatives Walen and Walsh spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 2713, as amended by the Senate.

#### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2713, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 95; Nays, 1; Absent, 0; Excused, 2.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, Dent, Doglio, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber,

McCaslin, Mead, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shea, Shewmake, Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Voting nay: Representative DeBolt.

Excused: Representatives Griffey and Volz.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2713, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

#### MESSAGE FROM THE SENATE

March 4, 2020

Madame Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 2794 with the following amendment:

10.0.

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 13.50.260 and 2015 c 265 s 3 are each amended to read as follows:

(1)(a) The court shall hold regular sealing hearings. During these regular sealing hearings, the court shall administratively seal an individual's juvenile record pursuant to the requirements of this subsection (~~unless the court receives an objection to sealing or the court notes a compelling reason not to seal, in which case, the court shall set a contested hearing to be conducted on the record to address sealing~~). Although the juvenile record shall be sealed, the social file may be available to any juvenile justice or care agency when an investigation or case involving the juvenile subject of the records is being prosecuted by the juvenile justice or care agency or when the juvenile justice or care agency is assigned the responsibility of supervising the juvenile. (~~The contested hearing shall be set no sooner than eighteen days after notice of the hearing and the opportunity to object has been sent to the juvenile, the victim, and juvenile's attorney.~~) The juvenile respondent's presence is not required at ((a)) any administrative sealing hearing (~~pursuant to this subsection~~)).

(b) At the disposition hearing of a juvenile offender, the court shall schedule an administrative sealing hearing to take place during the first regularly scheduled sealing hearing after the latest of the following events that apply:

(i) The respondent's eighteenth birthday;

(ii) Anticipated (~~completion~~) end date of a respondent's probation, if ordered;

(iii) Anticipated release from confinement at the juvenile rehabilitation administration, or the completion of parole, if the respondent is transferred to the juvenile rehabilitation administration.

~~(c) ((A court shall enter a written order sealing an individual's juvenile court record pursuant to this subsection if:~~

~~((i)) The court shall not schedule an administrative sealing hearing at the disposition and no administrative sealing hearing shall occur if one of the offenses for which the court has entered a disposition is ((not)) at the time of commission of the offense:~~

~~((A)) (i) A most serious offense, as defined in RCW 9.94A.030;~~

~~((B)) (ii) A sex offense under chapter 9A.44 RCW; or~~

~~((C)) (iii) A drug offense, as defined in RCW 9.94A.030((and)).~~

~~((d)) (d) At the time of the scheduled administrative sealing hearing, the court shall enter a written order sealing the respondent's juvenile court record pursuant to this subsection if the court finds by a preponderance of the evidence that the respondent ((has completed the terms and conditions of disposition, including affirmative conditions)) is no longer on supervision for the case being considered for sealing and has paid the full amount of restitution owing to the individual victim named in the restitution order, excluding restitution owed to any ((insurance provider authorized under Title 48 RCW)) public or private entity providing insurance coverage or health care coverage. In determining whether the respondent is on supervision or owes restitution, the court shall take judicial notice of court records, including records of the county clerk, and, if necessary, sworn testimony from a representative of the juvenile department.~~

~~((d) Following a contested sealing hearing on the record after an objection is made pursuant to (a) of this subsection, the court shall enter a written order sealing the juvenile court record unless the court determines that sealing is not appropriate.) (e) At the time of the administrative sealing hearing, if the court finds the respondent remains on supervision for the case being considered for sealing, then the court shall continue the administrative sealing hearing to a date within thirty days following the anticipated end date of the respondent's supervision. At the next administrative sealing hearing, the court shall again determine the respondent's eligibility for sealing his or her juvenile court record pursuant to (d) of this subsection, and, if necessary, continue the hearing again as provided in this subsection.~~

~~(f)(i) During the administrative sealing hearing, if the court finds the respondent is no longer on supervision for the case being considered for sealing, but the respondent has not paid the full amount of restitution owing to the individual victim named in the restitution order, excluding any public or private entity providing insurance coverage or health care coverage, the court shall deny sealing the juvenile court record in a written order that: (A) Specifies the amount of restitution that remains unpaid to the original victim, excluding any public or private entity providing insurance coverage or health care coverage; and (B) provides direction to the respondent on how to pursue the sealing of records associated with this cause of action.~~

(ii) Within five business days of the entry of the written order denying the request to seal a juvenile court record, the juvenile court department staff shall notify the respondent of the denial by providing a copy of the order of denial to the respondent in person or in writing mailed to the respondent's last known address in the department of licensing database or the respondent's address provided to the court, whichever is more recent.

(iii) At any time following entry of the written order denying the request to seal a juvenile court record, the respondent may contact the juvenile court department, provide proof of payment of the remaining unpaid restitution to the original victim, excluding any public or private entity providing insurance coverage or health care coverage, and request an administrative sealing hearing. Upon verification of the satisfaction of the restitution payment, the juvenile court department staff shall circulate for signature an order sealing the file, and file the signed order with the clerk's office, who shall seal the record.

(iv) The administrative office of the courts must ensure that sealed juvenile records remain private in case of an appeal and are either not posted or redacted from any clerks papers that are posted online with the appellate record, as well as taking any other prudent steps necessary to avoid exposing sealed juvenile records to the public.

(2) Except for dismissal of a deferred disposition under RCW 13.40.127, the court shall enter a written order immediately sealing the official juvenile court record upon the acquittal after a fact finding or upon the dismissal of charges with prejudice, subject to the state's right, if any, to appeal the dismissal.

(3) If a juvenile court record has not already been sealed pursuant to this section, in any case in which information has been filed pursuant to RCW 13.40.100 or a complaint has been filed with the prosecutor and referred for diversion pursuant to RCW 13.40.070, the person who is the subject of the information or complaint may file a motion with the court to have the court vacate its order and findings, if any((?)); resolve the status of any debts owing; and, subject to RCW 13.50.050(13), order the sealing of the official juvenile court record, the social file, and records of the court and of any other agency in the case, with the exception of identifying information under RCW 13.50.050(13).

(4)(a) The court shall grant any motion to seal records for class A offenses made pursuant to subsection (3) of this section if:

(i) Since the last date of release from confinement, including full-time residential treatment, if any, or entry of disposition, the person has spent five consecutive years in the community without committing any offense or crime that subsequently results in an adjudication or conviction;

(ii) No proceeding is pending against the moving party seeking the conviction of a juvenile offense or a criminal offense;

(iii) No proceeding is pending seeking the formation of a diversion agreement with that person;

(iv) The person is no longer required to register as a sex offender under RCW 9A.44.130 or has been relieved of the duty to register under RCW 9A.44.143 if the person was convicted of a sex offense;

(v) The person has not been convicted of rape in the first degree, rape in the second degree, or indecent liberties that was actually committed with forcible compulsion; and

(vi) The person has paid the full amount of restitution owing to the individual victim named in the restitution order, excluding restitution owed to any ~~((insurance provider authorized under Title 48 RCW))~~ public or private entity providing insurance coverage or health care coverage.

(b) The court shall grant any motion to seal records for class B, class C, gross misdemeanor, and misdemeanor offenses and diversions made under subsection (3) of this section if:

(i) Since the date of last release from confinement, including full-time residential treatment, if any, entry of disposition, or completion of the diversion agreement, the person has spent two consecutive years in the community without being convicted of any offense or crime;

(ii) No proceeding is pending against the moving party seeking the conviction of a juvenile offense or a criminal offense;

(iii) No proceeding is pending seeking the formation of a diversion agreement with that person;

(iv) The person is no longer required to register as a sex offender under RCW 9A.44.130 or has been relieved of the duty to register under RCW 9A.44.143 if the person was convicted of a sex offense; and

(v) The person has paid the full amount of restitution owing to the individual victim named in the restitution order, excluding restitution owed to any insurance provider authorized under Title 48 RCW.

(c) Notwithstanding the requirements in (a) or (b) of this subsection, the court shall grant any motion to seal records of any deferred disposition vacated under RCW 13.40.127(9) prior to June 7, 2012, if restitution has been paid and the person is eighteen years of age or older at the time of the motion.

(5) The person making a motion pursuant to subsection (3) of this section shall give reasonable notice of the motion to the prosecution and to any person or agency whose records are sought to be sealed.

(6)(a) If the court enters a written order sealing the juvenile court record pursuant to this section, it shall, subject to RCW 13.50.050(13), order sealed the official juvenile court record, the social file, and other records relating to the case as are named in the order. Thereafter, the proceedings in the case shall be treated as if they never occurred, and the subject of the records may reply accordingly to any inquiry about the events, records of which are sealed. Any agency shall reply to any inquiry concerning confidential or sealed records that records are confidential, and no information can be given about the existence or nonexistence of records concerning an individual.

(b) In the event the subject of the juvenile records receives a full and unconditional pardon, the proceedings in the matter upon which the pardon has been granted shall be treated as if they never occurred, and the subject of the records may reply accordingly to any inquiry about the events upon which the pardon was received. Any agency shall reply to any inquiry concerning the records pertaining to the events for which the subject received a pardon that records are confidential, and no information can be given about the existence or nonexistence of records concerning an individual.

(c) Effective July 1, 2019, the department of licensing may release information related to records the court has ordered sealed only to the extent necessary to comply with federal law and regulation.

(7) Inspection of the files and records included in the order to seal may thereafter be permitted only by order of the court upon motion made by the person who is the subject of the information or complaint, except as otherwise provided in RCW 13.50.010(8) and 13.50.050(13).

(8)(a) Any adjudication of a juvenile offense or a crime subsequent to sealing has the effect of nullifying a sealing order; however, the court may order the juvenile court record resealed upon disposition of the subsequent matter if the case meets the sealing criteria under this section and the court record has not previously been resealed.

(b) Any charging of an adult felony subsequent to the sealing has the effect of nullifying the sealing order.

(c) The administrative office of the courts shall ensure that the superior court judicial information system provides prosecutors access to information on the existence of sealed juvenile records.

(d) The Washington state patrol shall ensure that the Washington state identification system provides Washington state criminal justice agencies access to sealed juvenile records information.

(9) If the juvenile court record has been sealed pursuant to this section, the record of an employee is not admissible in an action for liability against the employer based on the former juvenile offender's conduct to show that the employer knew or should have known of the juvenile record of the employee. The record may be admissible, however, if a background check conducted or authorized by the employer contained the information in the sealed record.

(10) County clerks may interact or correspond with the respondent, his or her parents, restitution recipients, and any holders of potential assets or wages of the respondent for the purposes of collecting an outstanding legal financial obligation after juvenile court records have been sealed pursuant to this section.

(11) Persons and agencies that obtain sealed juvenile records information pursuant to this section may communicate about this information with the respondent, but may not disseminate or be compelled to release the information to any person or agency not specifically granted access to sealed juvenile records in this section.



(12) All criminal justice agencies must not disclose confidential information or sealed records accessed through the Washington state identification system or other means, and no information can be given to third parties other than Washington state criminal justice agencies about the existence or nonexistence of confidential or sealed records concerning an individual.

**Sec. 2.** RCW 10.97.050 and 2012 c 125 s 2 are each amended to read as follows:

(1) Conviction records may be disseminated without restriction.

(2) Any criminal history record information which pertains to an incident that occurred within the last twelve months for which a person is currently being processed by the criminal justice system, including the entire period of correctional supervision extending through final discharge from parole, when applicable, may be disseminated without restriction.

(3) Criminal history record information which includes nonconviction data may be disseminated by a criminal justice agency to another criminal justice agency for any purpose associated with the administration of criminal justice, or in connection with the employment of the subject of the record by a criminal justice or juvenile justice agency, except as provided under RCW 13.50.260. A criminal justice agency may respond to any inquiry from another criminal justice agency without any obligation to ascertain the purpose for which the information is to be used by the agency making the inquiry.

(4) Criminal history record information which includes nonconviction data may be disseminated by a criminal justice agency to implement a statute, ordinance, executive order, or a court rule, decision, or order which expressly refers to records of arrest, charges, or allegations of criminal conduct or other nonconviction data and authorizes or directs that it be available or accessible for a specific purpose.

(5) Criminal history record information which includes nonconviction data may be disseminated to individuals and agencies pursuant to a contract with a criminal justice agency to provide services related to the administration of criminal justice. Such contract must specifically authorize access to criminal history record information, but need not specifically state that access to nonconviction data is included. The agreement must limit the use of the criminal history record information to stated purposes and insure the confidentiality and security of the information consistent with state law and any applicable federal statutes and regulations.

(6) Criminal history record information which includes nonconviction data may be disseminated to individuals and agencies for the express purpose of research, evaluative, or statistical activities pursuant to an agreement with a criminal justice agency. Such agreement must authorize the access to nonconviction data, limit the use of that information which identifies specific individuals to research, evaluative, or statistical purposes, and contain provisions giving notice to the person or organization to

which the records are disseminated that the use of information obtained therefrom and further dissemination of such information are subject to the provisions of this chapter and applicable federal statutes and regulations, which shall be cited with express reference to the penalties provided for a violation thereof.

(7) Every criminal justice agency that maintains and disseminates criminal history record information must maintain information pertaining to every dissemination of criminal history record information except a dissemination to the effect that the agency has no record concerning an individual. Information pertaining to disseminations shall include:

(a) An indication of to whom (agency or person) criminal history record information was disseminated;

(b) The date on which the information was disseminated;

(c) The individual to whom the information relates; and

(d) A brief description of the information disseminated.

The information pertaining to dissemination required to be maintained shall be retained for a period of not less than one year.

(8) In addition to the other provisions in this section allowing dissemination of criminal history record information, RCW 4.24.550 governs dissemination of information concerning offenders who commit sex offenses as defined by RCW 9.94A.030. Criminal justice agencies, their employees, and officials shall be immune from civil liability for dissemination on criminal history record information concerning sex offenders as provided in RCW 4.24.550.

**NEW SECTION. Sec. 3.** (1) The department of children, youth, and families and the office of the superintendent of public instruction shall develop policies and procedures that prevent any information from being included on a student transcript indicating that a student received credit while confined in a detention facility as defined under RCW 13.40.020, institution as defined under RCW 13.40.020, juvenile correctional facility under alternative administration operated by a consortium of counties under RCW 13.04.035, community facility as defined under RCW 72.05.020, or correctional facility as defined under RCW 70.48.020.

(2) By November 1, 2020, and in compliance with RCW 43.01.036, the department of children, youth, and families and the office of the superintendent of public instruction shall provide a report to the appropriate committees of the legislature and the governor describing the actions, policies, and procedures in place to prevent information from being included on a student transcript indicating that a student received credit while confined in a detention facility as defined under RCW 13.40.020, institution as defined under RCW 13.40.020, juvenile correctional facility under alternative administration operated by a consortium of counties under RCW 13.04.035,

community facility as defined under RCW 72.05.020, or correctional facility as defined under RCW 70.48.020.

(3) This section expires June 30, 2021.

**NEW SECTION. Sec. 4.** This act applies to all juvenile record sealing hearings commenced on or after the effective date of this section, regardless of when the underlying hearing was scheduled or the underlying record was created. To this extent, this act applies retroactively, but in all other respects it applies prospectively.

**NEW SECTION. Sec. 5.** Sections 1, 2, and 4 of this act take effect January 1, 2021."

On page 1, line 1 of the title, after "sealing;" strike the remainder of the title and insert "amending RCW 13.50.260 and 10.97.050; creating new sections; providing an effective date; and providing an expiration date."

and the same is herewith transmitted.

Sarah Bannister, Deputy, Secretary

#### SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to SUBSTITUTE HOUSE BILL NO. 2794 and advanced the bill as amended by the Senate to final passage.

#### FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representative Frame spoke in favor of the passage of the bill.

Representative Dent spoke against the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2794, as amended by the Senate.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2794, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 62; Nays, 34; Absent, 0; Excused, 2.

Voting yea: Representatives Appleton, Barkis, Bergquist, Caldier, Callan, Chapman, Chopp, Cody, Davis, Doglio, Dolan, Duerr, Entenman, Eslick, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hansen, Harris, Hudgins, J. Johnson, Kilduff, Kirby, Kloba, Leavitt, Lekanoff, Lovick, Macri, Mead, Morgan, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Ryu, Santos, Sells, Senn, Slatner, Springer, Stonier, Sullivan, Tarleton, Thai, Tharinger, Valdez, Walen, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Voting nay: Representatives Blake, Boehnke, Chambers, Chandler, Corry, DeBolt, Dent, Dufault, Dye, Gildon, Goehner, Graham, Hoff, Irwin, Jenkin, Klippert,

Kraft, Kretz, MacEwen, Maycumber, McCaslin, Mosbrucker, Orcutt, Rude, Schmick, Shea, Shewmake, Smith, Steele, Stokesbary, Sutherland, Van Werven, Vick and Walsh.

Excused: Representatives Griffey and Volz.

SUBSTITUTE HOUSE BILL NO. 2794, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

#### MESSAGE FROM THE SENATE

March 6, 2020

Madame Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 2889 with the following amendment:

5.0.

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 6.** A new section is added to chapter 35.92 RCW to read as follows:

(1) Any city or town that operates its own water, sewer or wastewater, or stormwater utility and imposes a fee or tax on the gross revenue of such a utility shall disclose the fee or tax rate to its utility customers. Such disclosure shall include statements, as applicable, that "the amount billed includes a fee or tax up to . . . . (dollar amount or percentage) calculated on the gross revenue of the water utility; a fee or tax up to . . . . (dollar amount or percentage) calculated on gross revenue of the sewer or wastewater utility; a fee or tax up to . . . . (dollar amount or percentage) calculated on the gross revenue of the stormwater utility."

(2) The disclosures required by this section must occur through at least one of the following methods:

(a) On regular billing statements provided electronically or in written form;

(b) On the city or town's web site, if the city or town provides written notice to customers or taxpayers that such information is available on its web site; or

(c) Through a billing insert, mailer, or other written or electronic communication provided to customers or taxpayers on either an annual basis or within thirty days of the effective date of any subsequent tax rate change."

On page 1, line 1 of the title, after "disclosures;" strike the remainder of the title and insert "and adding a new section to chapter 35.92 RCW."

and the same is herewith transmitted.

Sarah Bannister, Deputy, Secretary

#### SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to SUBSTITUTE HOUSE BILL NO. 2889 and advanced the bill as amended by the Senate to final passage.

**FINAL PASSAGE OF HOUSE BILL  
AS SENATE AMENDED**

Representatives Kraft and Pollet spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2889, as amended by the Senate.

**ROLL CALL**

The Clerk called the roll on the final passage of Substitute House Bill No. 2889, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 94; Nays, 2; Absent, 0; Excused, 2.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Mead, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shea, Shewmake, Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Voting nay: Representatives Gregerson and Morgan.

Excused: Representatives Griffey and Volz.

SUBSTITUTE HOUSE BILL NO. 2889, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

**MESSAGE FROM THE SENATE**

March 4, 2020

Madame Speaker:

The Senate has passed HOUSE BILL NO. 2640 with the following amendment:

6.0.

Strike everything after the enacting clause and insert the following:

"**Sec. 7.** RCW 36.70A.200 and 2013 c 275 s 5 are each amended to read as follows:

(1)(a) The comprehensive plan of each county and city that is planning under RCW 36.70A.040 shall include a process for identifying and siting essential public facilities. Essential public facilities include those facilities that are typically difficult to site, such as airports, state education facilities and state or regional transportation facilities as defined in RCW 47.06.140, regional transit authority facilities as defined in RCW 81.112.020, state and local correctional facilities, solid waste handling facilities, and inpatient facilities including substance abuse facilities,

mental health facilities, group homes, and secure community transition facilities as defined in RCW 71.09.020.

(b) Unless a facility is expressly listed in (a) of this subsection, essential public facilities do not include facilities that are operated by a private entity in which persons are detained in custody under process of law pending the outcome of legal proceedings but are not used for punishment, correction, counseling, or rehabilitation following the conviction of a criminal offense. Facilities included under this subsection (1)(b) shall not include facilities detaining persons under RCW 71.09.020 (6) or (15) or chapter 10.77 or 71.05 RCW.

(2) Each county and city planning under RCW 36.70A.040 shall, not later than September 1, 2002, establish a process, or amend its existing process, for identifying and siting essential public facilities and adopt or amend its development regulations as necessary to provide for the siting of secure community transition facilities consistent with statutory requirements applicable to these facilities.

(3) Any city or county not planning under RCW 36.70A.040 shall, not later than September 1, 2002, establish a process for siting secure community transition facilities and adopt or amend its development regulations as necessary to provide for the siting of such facilities consistent with statutory requirements applicable to these facilities.

(4) The office of financial management shall maintain a list of those essential state public facilities that are required or likely to be built within the next six years. The office of financial management may at any time add facilities to the list.

(5) No local comprehensive plan or development regulation may preclude the siting of essential public facilities.

(6) No person may bring a cause of action for civil damages based on the good faith actions of any county or city to provide for the siting of secure community transition facilities in accordance with this section and with the requirements of chapter 12, Laws of 2001 2nd sp. sess. For purposes of this subsection, "person" includes, but is not limited to, any individual, agency as defined in RCW 42.17A.005, corporation, partnership, association, and limited liability entity.

(7) Counties or cities siting facilities pursuant to subsection (2) or (3) of this section shall comply with RCW 71.09.341.

(8) The failure of a county or city to act by the deadlines established in subsections (2) and (3) of this section is not:

(a) A condition that would disqualify the county or city for grants, loans, or pledges under RCW 43.155.070 or 70.146.070;

(b) A consideration for grants or loans provided under RCW 43.17.250(3); or

(c) A basis for any petition under RCW 36.70A.280 or for any private cause of action.

**NEW SECTION. Sec. 8.** This act applies retroactively to land use actions imposed prior to January 1, 2018, as well as prospectively.

**NEW SECTION. Sec. 9.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

On page 1, line 4 of the title, after "act;" strike the remainder of the title and insert "amending RCW 36.70A.200; creating a new section; and declaring an emergency."

and the same is herewith transmitted.

Sarah Bannister, Deputy, Secretary

#### **SENATE AMENDMENT TO HOUSE BILL**

There being no objection, the House concurred in the Senate amendment to HOUSE BILL NO. 2640 and advanced the bill as amended by the Senate to final passage.

#### **FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED**

Representatives Fitzgibbon and DeBolt spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of House Bill No. 2640, as amended by the Senate.

#### **ROLL CALL**

The Clerk called the roll on the final passage of House Bill No. 2640, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 88; Nays, 8; Absent, 0; Excused, 2.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Calder, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Davis, DeBolt, Doglio, Dolan, Duerr, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, J. Johnson, Kilduff, Kirby, Kloba, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Mead, Morgan, Mosbrucker, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shea, Shewmake, Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Walen, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Voting nay: Representatives Corry, Dent, Dufault, Klippert, Kraft, Kretz, Orcutt and Walsh.

Excused: Representatives Griffey and Volz.

HOUSE BILL NO. 2640, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

With the consent of the House, the bills previously acted upon were immediately transmitted to the Senate.

The Speaker (Representative Orwall presiding) called upon Representative Tarleton to preside.

The Speaker assumed the chair.

#### **SIGNED BY THE SPEAKER**

The Speaker signed the following bills:

SUBSTITUTE HOUSE BILL NO. 1251  
SUBSTITUTE HOUSE BILL NO. 1293  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1622  
SECOND SUBSTITUTE HOUSE BILL NO. 1645  
ENGROSSED HOUSE BILL NO. 1694  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1754  
SUBSTITUTE HOUSE BILL NO. 1847  
ENGROSSED HOUSE BILL NO. 2040  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2099  
ENGROSSED HOUSE BILL NO. 2188  
HOUSE BILL NO. 2229  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2231  
SUBSTITUTE HOUSE BILL NO. 2246  
SUBSTITUTE HOUSE BILL NO. 2250  
HOUSE BILL NO. 2271  
HOUSE BILL NO. 2315  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2318  
SUBSTITUTE HOUSE BILL NO. 2338  
SUBSTITUTE HOUSE BILL NO. 2343  
HOUSE BILL NO. 2380  
SUBSTITUTE HOUSE BILL NO. 2384  
HOUSE BILL NO. 2402  
ENGROSSED SECOND SUBSTITUTE HOUSE  
BILL NO. 2405  
HOUSE BILL NO. 2449  
HOUSE BILL NO. 2491  
HOUSE BILL NO. 2497  
HOUSE BILL NO. 2524  
SUBSTITUTE HOUSE BILL NO. 2527  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2535  
SUBSTITUTE HOUSE BILL NO. 2544  
SUBSTITUTE HOUSE BILL NO. 2555  
SUBSTITUTE HOUSE BILL NO. 2556  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2565  
HOUSE BILL NO. 2579  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2588  
HOUSE BILL NO. 2624  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2638  
HOUSE BILL NO. 2701  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2731  
SUBSTITUTE HOUSE BILL NO. 2758  
HOUSE BILL NO. 2763  
SUBSTITUTE HOUSE BILL NO. 2787  
ENGROSSED HOUSE BILL NO. 2819  
HOUSE BILL NO. 2826  
HOUSE BILL NO. 2833  
HOUSE BILL NO. 2858  
HOUSE BILL NO. 2860

The Speaker called upon Representative Orwall to preside.

There being no objection, the House reverted to the third order of business.

#### MESSAGE FROM THE SENATE

March 9, 2020

Mme. SPEAKER:

The Senate has granted the request of the House for a Conference on ENGROSSED SUBSTITUTE HOUSE BILL NO. 2322. The President has appointed the following members as Conferees: Hobbs, King, Saldaña

Brad Hendrickson, Secretary

There being no objection, the House advanced to the seventh order of business.

#### THIRD READING MESSAGE FROM THE SENATE

March 6, 2020

Madame Speaker:

The Senate has passed ENGROSSED HOUSE BILL NO. 1552 with the following amendment:

9.0. On page 3, after line 10, insert the following:

**"NEW SECTION. Sec. 3.** A new section is added to chapter 74.09 RCW to read as follows:

(1) In order to protect patients and ensure that they benefit from seamless quality care when contracted providers are absent from their practices or when there is a temporary vacancy in a position while a hospital, rural health clinic, or rural provider is recruiting to meet patient demand, hospitals, rural health clinics, and rural providers may use substitute providers to provide services. Medicaid managed care organizations must allow for the use of substitute providers and provide payment consistent with the provisions in this section.

(2) Hospitals, rural health clinics, and rural providers that are contracted with a Medicaid managed care organization may use substitute providers that are not contracted with a managed care organization when:

(a) A contracted provider is absent for a limited period of time due to vacation, illness, disability, continuing medical education, or other short-term absence; or

(b) A contracted hospital, rural health clinic, or rural provider is recruiting to fill an open position.

(3) For a substitute provider providing services under subsection (2)(a) of this section, a contracted hospital, rural health clinic, or rural provider may bill and receive payment for services at the contracted rate under its contract with the managed care organization for up to sixty days.

(4) To be eligible for reimbursement under this section for services provided on behalf of a contracted provider for greater than sixty days, a substitute provider must enroll in a Medicaid managed care organization. Enrollment of a substitute provider in a Medicaid managed care organization is effective on the later of:

(a) The date the substitute provider filed an enrollment application that was subsequently approved; or

(b) The date the substitute provider first began providing services at the hospital, rural health clinic, or rural provider.

(5) A substitute provider who enrolls with a Medicaid managed care organization may not bill under subsection (4) of this section for any services billed to the Medicaid managed care organization pursuant to subsection (3) of this section.

(6) Nothing in this section obligates a managed care organization to enroll any substitute provider who requests enrollment if they do not meet the organizations enrollment criteria.

(7) For purposes of this section:

(a) "Circumstances precluded enrollment" means that the provider has met all program requirements including state licensure during the thirty-day period before an application was submitted and no final adverse determination precluded enrollment. If a final adverse determination precluded enrollment during this thirty-day period, the contractor shall only establish an effective billing date the day after the date that the final adverse action was resolved, as long as it is not more than thirty days prior to the date on which the application was submitted.

(b) "Contracted provider" means a provider who is contracted with a Medicaid managed care organization.

(c) "Hospital" means a facility licensed under chapter 70.41 or 71.12 RCW.

(d) "Rural health clinic" means a federally designated rural health clinic.

(e) "Rural provider" means physicians licensed under chapter 18.71 RCW, osteopathic physicians and surgeons licensed under chapter 18.57 RCW, podiatric physicians and surgeons licensed under chapter 18.22 RCW, physician assistants licensed under chapter 18.71A RCW, osteopathic physician assistants licensed under chapter 18.57A RCW, and advanced registered nurse practitioners licensed under chapter 18.79 RCW, who are located in a rural county as defined in RCW 82.14.370.

(f) "Substitute provider" includes physicians licensed under chapter 18.71 RCW, osteopathic physicians and surgeons licensed under chapter 18.57 RCW, podiatric physicians and surgeons licensed under chapter 18.22 RCW, physician assistants licensed under chapter 18.71A RCW, osteopathic physician assistants licensed under chapter 18.57A RCW, and advanced registered nurse practitioners licensed under chapter 18.79 RCW.

NEW SECTION. Sec. 4. Section 3 of this act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

and the same is herewith transmitted.

Sarah Bannister, Deputy, Secretary

#### SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to ENGROSSED HOUSE BILL NO. 1552 and advanced the bill as amended by the Senate to final passage.

#### FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representatives Dolan and Schmick spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Engrossed House Bill No. 1552, as amended by the Senate.

#### ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 1552, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Mead, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shea, Shewmake, Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Excused: Representatives Griffey and Volz.

ENGROSSED HOUSE BILL NO. 1552, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

#### MESSAGE FROM THE SENATE

March 6, 2020

Madame Speaker:

The Senate has passed HOUSE BILL NO. 1590 with the following amendment:

9.0.

Strike everything after the enacting clause and insert the following:

"**Sec. 10.** RCW 82.14.530 and 2015 3rd sp.s. c 24 s 701 are each amended to read as follows:

(1)(a)(i) A county legislative authority may submit an authorizing proposition to the county voters at a special or general election and, if the proposition is approved by a majority of persons voting, impose a sales and use tax in accordance with the terms of this chapter. The title of each ballot measure must clearly state the purposes for which the proposed sales and use tax will be used. The rate of tax under this section may not exceed one-tenth of one percent of the selling price in the case of a sales tax, or value of the article used, in the case of a use tax.

(ii) As an alternative to the authority provided in (a)(i) of this subsection, a county legislative authority may impose, without a proposition approved by a majority of persons voting, a sales and use tax in accordance with the terms of this chapter. The rate of tax under this section may not exceed one-tenth of one percent of the selling price in the case of a sales tax, or value of the article used, in the case of a use tax.

(b)(i) If a county ((with a population of one million five hundred thousand or less has not imposed)) does not impose the full tax rate authorized under (a) of this subsection ((within two years of October 9, 2015)) by September 30, 2020, any city legislative authority located in that county may ((submit)):

(A) Submit an authorizing proposition to the city voters at a special or general election and, if the proposition is approved by a majority of persons voting, impose the whole or remainder of the sales and use tax rate in accordance with the terms of this chapter. The title of each ballot measure must clearly state the purposes for which the proposed sales and use tax will be used;

(B) Impose, without a proposition approved by a majority of persons voting, the whole or remainder of the sales and use tax rate in accordance with the terms of this chapter.

(ii) The rate of tax under this section may not exceed one-tenth of one percent of the selling price in the case of a sales tax, or value of the article used, in the case of a use tax.

((ii) If a) (iii) A county with a population of greater than one million five hundred thousand ((has not imposed the full)) may impose the tax authorized under (a)(ii) of this subsection ((within three years of October 9, 2015, any city legislative authority)) only if the county plans to spend at least thirty percent of the moneys collected under this section that are attributable to taxable activities or events within any city with a population greater than sixty thousand located in that county ((may submit an authorizing proposition to the city voters at a special or general election and, if the proposition is approved by a majority of persons voting, impose the whole or remainder of the sales and use tax rate in accordance with the terms of this chapter. The title of each ballot measure must clearly state the purposes for which the

~~proposed sales and use tax will be used. The rate of tax under this section may not exceed one tenth of one percent of the selling price in the case of a sales tax, or value of the article used, in the case of a use tax)) within that city's boundaries.~~

(c) If a county imposes a tax authorized under (a) of this subsection after a city located in that county has imposed the tax authorized under (b) of this subsection, the county must provide a credit against its tax for the full amount of tax imposed by a city.

(d) The taxes authorized in this subsection are in addition to any other taxes authorized by law and must be collected from persons who are taxable by the state under chapters 82.08 and 82.12 RCW upon the occurrence of any taxable event within the county for a county's tax and within a city for a city's tax.

(2)(a) Notwithstanding subsection (4) of this section, a minimum of sixty percent of the moneys collected under this section must be used for the following purposes:

(i) Constructing affordable housing, which may include new units of affordable housing within an existing structure, and facilities providing housing-related services; or

(ii) Constructing mental and behavioral health-related facilities; or

(iii) Funding the operations and maintenance costs of new units of affordable housing and facilities where housing-related programs are provided, or newly constructed evaluation and treatment centers.

(b) The affordable housing and facilities providing housing-related programs in (a)(i) of this subsection may only be provided to persons within any of the following population groups whose income is at or below sixty percent of the median income of the county imposing the tax:

(i) Persons with ~~((mental illness))~~ behavioral health disabilities;

(ii) Veterans;

(iii) Senior citizens;

(iv) Homeless, or at-risk of being homeless, families with children;

(v) Unaccompanied homeless youth or young adults;

(vi) Persons with disabilities; or

(vii) Domestic violence survivors.

(c) The remainder of the moneys collected under this section must be used for the operation, delivery, or evaluation of mental and behavioral health treatment programs and services or housing-related services.

(3) A county that imposes the tax under this section must consult with a city before the county may construct any of the facilities authorized under subsection (2)(a) of this section within the city limits.

(4) A county that has not imposed the tax authorized under RCW 82.14.460 prior to October 9, 2015, but imposes

the tax authorized under this section after a city in that county has imposed the tax authorized under RCW 82.14.460 prior to October 9, 2015, must enter into an interlocal agreement with that city to determine how the services and provisions described in subsection (2) of this section will be allocated and funded in the city.

(5) To carry out the purposes of subsection (2)(a) and (b) of this section, the legislative authority of the county or city imposing the tax has the authority to issue general obligation or revenue bonds within the limitations now or hereafter prescribed by the laws of this state, and may use, and is authorized to pledge, up to fifty percent of the moneys collected under this section for repayment of such bonds, in order to finance the provision or construction of affordable housing, facilities where housing-related programs are provided, or evaluation and treatment centers described in subsection (2)(a)(iii) of this section.

(6)(a) Moneys collected under this section may be used to offset reductions in state or federal funds for the purposes described in subsection (2) of this section.

(b) No more than ten percent of the moneys collected under this section may be used to supplant existing local funds."

On page 1, line 2 of the title, after "authority;" strike the remainder of the title and insert "and amending RCW 82.14.530."

and the same is herewith transmitted.

Sarah Bannister, Deputy, Secretary

## SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to HOUSE BILL NO. 1590 and advanced the bill as amended by the Senate to final passage.

## FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representative Doglio spoke in favor of the passage of the bill.

Representative Orcutt spoke against the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of House Bill No. 1590, as amended by the Senate.

## ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1590, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 52; Nays, 44; Absent, 0; Excused, 2.

Voting yea: Representatives Appleton, Bergquist, Callan, Chapman, Chopp, Cody, Davis, Doglio, Dolan, Duerr, Entenman, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hansen, Hudgins, Kilduff, Kirby, Kloba,

Lekanoff, Lovick, Macri, Morgan, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Ryu, Santos, Sells, Senn, Shewmake, Slatter, Springer, Stonier, Sullivan, Tarleton, Thai, Tharinger, Valdez, Walen, Wylie and Mme. Speaker.

Voting nay: Representatives Barkis, Blake, Boehnke, Caldier, Chambers, Chandler, Corry, DeBolt, Dent, Dufault, Dye, Eslick, Gildon, Goehner, Graham, Harris, Hoff, Irwin, Jenkin, J. Johnson, Klippert, Kraft, Kretz, Leavitt, MacEwen, Maycumber, McCaslin, Mead, Mosbrucker, Orcutt, Paul, Rude, Schmick, Shea, Smith, Steele, Stokesbary, Sutherland, Van Werven, Vick, Walsh, Wilcox, Ybarra and Young.

Excused: Representatives Griffey and Volz.

HOUSE BILL NO. 1590, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

### MESSAGE FROM THE SENATE

March 7, 2020

Madame Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 1793 with the following amendment:  
10.0.

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 46.63.170 and 2015 3rd sp.s. c 44 s 406 are each amended to read as follows:

(1) The use of automated traffic safety cameras for issuance of notices of infraction is subject to the following requirements:

(a) ~~((The))~~ Except for proposed locations used solely for the pilot program purposes permitted under subsection (6) of this section, the appropriate local legislative authority must prepare an analysis of the locations within the jurisdiction where automated traffic safety cameras are proposed to be located: (i) Before enacting an ordinance allowing for the initial use of automated traffic safety cameras; and (ii) before adding additional cameras or relocating any existing camera to a new location within the jurisdiction. Automated traffic safety cameras may be used to detect one or more of the following: Stoplight, railroad crossing, or school speed zone violations; ~~((or))~~ speed violations subject to (c) of this subsection; or violations included in subsection (6) of this section for the duration of the pilot program authorized under subsection (6) of this section. At a minimum, the local ordinance must contain the restrictions described in this section and provisions for public notice and signage. Cities and counties using automated traffic safety cameras before July 24, 2005, are subject to the restrictions described in this section, but are not required to enact an authorizing ordinance. Beginning one year after June 7, 2012, cities and counties using automated traffic safety cameras must post an annual report of the number of traffic accidents that occurred at each location where an automated traffic safety camera is located as well as the number of notices of infraction issued for each

camera and any other relevant information about the automated traffic safety cameras that the city or county deems appropriate on the city's or county's web site.

(b) Except as provided in (c) of this subsection and subsection (6) of this section, use of automated traffic safety cameras is restricted to the following locations only: (i) Intersections of two or more arterials with traffic control signals that have yellow change interval durations in accordance with RCW 47.36.022, which interval durations may not be reduced after placement of the camera; (ii) railroad crossings; and (iii) school speed zones.

(c) Any city west of the Cascade mountains with a population of more than one hundred ninety-five thousand located in a county with a population of fewer than one million five hundred thousand may operate an automated traffic safety camera to detect speed violations subject to the following limitations:

(i) A city may only operate one such automated traffic safety camera within its respective jurisdiction; and

(ii) The use and location of the automated traffic safety camera must have first been authorized by the Washington state legislature as a pilot project for at least one full year.

(d) Automated traffic safety cameras may only take pictures of the vehicle and vehicle license plate and only while an infraction is occurring. The picture must not reveal the face of the driver or of passengers in the vehicle. The primary purpose of camera placement is to take pictures of the vehicle and vehicle license plate when an infraction is occurring. Cities and counties shall consider installing cameras in a manner that minimizes the impact of camera flash on drivers.

(e) A notice of infraction must be mailed to the registered owner of the vehicle within fourteen days of the violation, or to the renter of a vehicle within fourteen days of establishing the renter's name and address under subsection (3)(a) of this section. The law enforcement officer issuing the notice of infraction shall include with it a certificate or facsimile thereof, based upon inspection of photographs, microphotographs, or electronic images produced by an automated traffic safety camera, stating the facts supporting the notice of infraction. This certificate or facsimile is prima facie evidence of the facts contained in it and is admissible in a proceeding charging a violation under this chapter. The photographs, microphotographs, or electronic images evidencing the violation must be available for inspection and admission into evidence in a proceeding to adjudicate the liability for the infraction. A person receiving a notice of infraction based on evidence detected by an automated traffic safety camera may respond to the notice by mail.

(f) The registered owner of a vehicle is responsible for an infraction under RCW 46.63.030(1)(d) unless the registered owner overcomes the presumption in RCW 46.63.075, or, in the case of a rental car business, satisfies the conditions under subsection (3) of this section. If appropriate under the circumstances, a renter identified under subsection (3)(a) of this section is responsible for an infraction.



(g) Notwithstanding any other provision of law, all photographs, microphotographs, or electronic images, or any other personally identifying data prepared under this section are for the exclusive use of law enforcement in the discharge of duties under this section and are not open to the public and may not be used in a court in a pending action or proceeding unless the action or proceeding relates to a violation under this section. No photograph, microphotograph, or electronic image, or any other personally identifying data may be used for any purpose other than enforcement of violations under this section nor retained longer than necessary to enforce this section.

(h) All locations where an automated traffic safety camera is used must be clearly marked at least thirty days prior to activation of the camera by placing signs in locations that clearly indicate to a driver that he or she is entering a zone where traffic laws are enforced by an automated traffic safety camera. Signs placed in automated traffic safety camera locations after June 7, 2012, must follow the specifications and guidelines under the manual of uniform traffic control devices for streets and highways as adopted by the department of transportation under chapter 47.36 RCW.

(i) If a county or city has established an authorized automated traffic safety camera program under this section, the compensation paid to the manufacturer or vendor of the equipment used must be based only upon the value of the equipment and services provided or rendered in support of the system, and may not be based upon a portion of the fine or civil penalty imposed or the revenue generated by the equipment.

(2) Infractions detected through the use of automated traffic safety cameras are not part of the registered owner's driving record under RCW 46.52.101 and 46.52.120. Additionally, infractions generated by the use of automated traffic safety cameras under this section shall be processed in the same manner as parking infractions, including for the purposes of RCW 3.50.100, 35.20.220, 46.16A.120, and 46.20.270(2). ~~((The))~~ Except as provided otherwise in subsection (6) of this section, the amount of the fine issued for an infraction generated through the use of an automated traffic safety camera shall not exceed the amount of a fine issued for other parking infractions within the jurisdiction. However, the amount of the fine issued for a traffic control signal violation detected through the use of an automated traffic safety camera shall not exceed the monetary penalty for a violation of RCW 46.61.050 as provided under RCW 46.63.110, including all applicable statutory assessments.

(3) If the registered owner of the vehicle is a rental car business, the law enforcement agency shall, before a notice of infraction being issued under this section, provide a written notice to the rental car business that a notice of infraction may be issued to the rental car business if the rental car business does not, within eighteen days of receiving the written notice, provide to the issuing agency by return mail:

(a) A statement under oath stating the name and known mailing address of the individual driving or renting the vehicle when the infraction occurred; or

(b) A statement under oath that the business is unable to determine who was driving or renting the vehicle at the time the infraction occurred because the vehicle was stolen at the time of the infraction. A statement provided under this subsection must be accompanied by a copy of a filed police report regarding the vehicle theft; or

(c) In lieu of identifying the vehicle operator, the rental car business may pay the applicable penalty.

Timely mailing of this statement to the issuing law enforcement agency relieves a rental car business of any liability under this chapter for the notice of infraction.

(4) Nothing in this section prohibits a law enforcement officer from issuing a notice of traffic infraction to a person in control of a vehicle at the time a violation occurs under RCW 46.63.030(1) (a), (b), or (c).

(5)(a) For the purposes of this section, "automated traffic safety camera" means a device that uses a vehicle sensor installed to work in conjunction with an intersection traffic control system, a railroad grade crossing control system, or a speed measuring device, and a camera synchronized to automatically record one or more sequenced photographs, microphotographs, or electronic images of the rear of a motor vehicle at the time the vehicle fails to stop when facing a steady red traffic control signal or an activated railroad grade crossing control signal, or exceeds a speed limit as detected by a speed measuring device.

(b) For the purposes of the pilot program authorized under subsection (6) of this section, "automated traffic safety camera" also includes a device used to detect stopping at intersection or crosswalk violations; stopping when traffic obstructed violations; public transportation only lane violations; and stopping or traveling in restricted lane violations. The device, including all technology defined under "automated traffic safety camera," must not reveal the face of the driver or the passengers in vehicles, and must not use any facial recognition technology in real time or after capturing any information. If the face of any individual in a crosswalk or otherwise within the frame is incidentally captured, it may not be made available to the public nor used for any purpose including, but not limited to, any law enforcement action, except in a pending action or proceeding related to a violation under this section.

~~(6) ((During the 2011-2013 and 2013-2015 fiscal biennia, this section does not apply to automated traffic safety cameras for the purposes of section 216(5), chapter 367, Laws of 2011 and section 216(6), chapter 306, Laws of 2013.))~~ (a)(i) A city with a population greater than five hundred thousand may adopt an ordinance creating a pilot program authorizing automated traffic safety cameras to be used to detect one or more of the following violations: Stopping when traffic obstructed violations; stopping at intersection or crosswalk violations; public transportation only lane violations; and stopping or traveling in restricted lane violations. Under the pilot program, stopping at intersection or crosswalk violations may only be enforced at the twenty intersections where the city would most like to address safety concerns related to stopping at intersection or crosswalk violations. At a minimum, the local ordinance

must contain the restrictions described in this section and provisions for public notice and signage.

(ii) Except where specifically exempted, all of the rules and restrictions applicable to the use of automated traffic safety cameras in this section apply to the use of automated traffic safety cameras in the pilot program established in this subsection (6).

(iii) As used in this subsection (6), "public transportation vehicle" means any motor vehicle, streetcar, train, trolley vehicle, ferry boat, or any other device, vessel, or vehicle that is owned or operated by a transit authority or an entity providing service on behalf of a transit authority that is used for the purpose of carrying passengers and that operates on established routes. "Transit authority" has the meaning provided in RCW 9.91.025.

(b) Use of automated traffic safety cameras as authorized in this subsection (6) is restricted to the following locations only: Locations authorized in subsection (1)(b) of this section; and midblock on arterials. Additionally, the use of automated traffic safety cameras as authorized in this subsection (6) is further limited to the following:

(i) The portion of state and local roadways in downtown areas of the city used for office and commercial activities, as well as retail shopping and support services, and that may include mixed residential uses;

(ii) The portion of state and local roadways in areas in the city within one-half mile north of the boundary of the area described in (b)(i) of this subsection;

(iii) Portions of roadway systems in the city that travel into and out of (b)(ii) of this subsection that are designated by the Washington state department of transportation as noninterstate freeways for up to four miles; and

(iv) Portions of roadway systems in the city connected to the portions of the noninterstate freeways identified in (b)(iii) of this subsection that are designated by the Washington state department of transportation as arterial roadways for up to one mile from the intersection of the arterial roadway and the noninterstate freeway.

(c) However, automated traffic safety cameras may not be used on an on-ramp to an interstate.

(d) From the effective date of this section through December 31, 2020, a warning notice with no penalty must be issued to the registered owner of the vehicle for a violation generated through the use of an automated traffic safety camera authorized in this subsection (6). Beginning January 1, 2021, a notice of infraction must be issued, in a manner consistent with subsections (1)(e) and (3) of this section, for a violation generated through the use of an automated traffic safety camera authorized in this subsection (6). However, the penalty for the violation may not exceed seventy-five dollars.

(e) For infractions issued as authorized in this subsection (6), a city with a pilot program shall remit monthly to the state fifty percent of the noninterest money received under this subsection (6) in excess of the cost to install, operate, and maintain the automated traffic safety

cameras for use in the pilot program. Money remitted under this subsection to the state treasurer shall be deposited in the Cooper Jones active transportation safety account created in section 2 of this act. The remaining fifty percent retained by the city must be used only for improvements to transportation that support equitable access and mobility for persons with disabilities.

(f) A transit authority may not take disciplinary action, regarding a warning or infraction issued pursuant to this subsection (6), against an employee who was operating a public transportation vehicle at the time the violation that was the basis of the warning or infraction was detected.

(g) A city that implements a pilot program under this subsection (6) must provide a preliminary report to the transportation committees of the legislature by June 30, 2022, and a final report by January 1, 2023, on the pilot program that includes the locations chosen for the automated traffic safety cameras used in the pilot program, the number of warnings and traffic infractions issued under the pilot program, the number of traffic infractions issued with respect to vehicles registered outside of the county in which the city is located, the infrastructure improvements made using the penalty moneys as required under (e) of this subsection, an equity analysis that includes any disproportionate impacts, safety, and on-time performance statistics related to the impact on driver behavior of the use of automated traffic safety cameras in the pilot program, and any recommendations on the use of automated traffic safety cameras to enforce the violations that these cameras were authorized to detect under the pilot program.

NEW SECTION. Sec. 2. A new section is added to chapter 46.68 RCW to read as follows:

The Cooper Jones active transportation safety account is created in the state treasury. All receipts from penalties collected under RCW 46.63.170(6)(e) shall be deposited into the account. Expenditures from the account may be used only to fund grant projects or programs for bicycle, pedestrian, and nonmotorist safety improvement administered by the Washington traffic safety commission. The account is subject to allotment procedures under chapter 43.88 RCW. Moneys in the account may be spent only after appropriation.

NEW SECTION. Sec. 3. Section 1 of this act expires June 30, 2023."

On page 1, line 3 of the title, after "safety;" strike the remainder of the title and insert "amending RCW 46.63.170; adding a new section to chapter 46.68 RCW; and providing an expiration date."

and the same is herewith transmitted.

Sarah Bannister, Deputy, Secretary

#### SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to ENGROSSED SUBSTITUTE HOUSE BILL NO. 1793 and advanced the bill as amended by the Senate to final passage.

### FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representative Fitzgibbon spoke in favor of the passage of the bill.

Representative Walsh spoke against the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1793, as amended by the Senate.

### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1793, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 56; Nays, 40; Absent, 0; Excused, 2.

Voting yea: Representatives Appleton, Barkis, Bergquist, Callan, Chopp, Cody, Davis, Doglio, Dolan, Duerr, Dye, Entenman, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hansen, Hudgins, Irwin, J. Johnson, Kilduff, Kloba, Leavitt, Lekanoff, Lovick, Macri, Mead, Morgan, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Ryu, Santos, Sells, Senn, Shewmake, Slatter, Stonier, Sullivan, Tarleton, Thai, Tharinger, Valdez, Walen, Wylie and Mme. Speaker.

Voting nay: Representatives Blake, Boehnke, Caldier, Chambers, Chandler, Chapman, Corry, DeBolt, Dent, Dufault, Eslick, Gildon, Goehner, Graham, Harris, Hoff, Jenkin, Kirby, Klippert, Kraft, Kretz, MacEwen, Maycumber, McCaslin, Mosbrucker, Orcutt, Rude, Schmick, Shea, Smith, Springer, Steele, Stokesbary, Sutherland, Van Werven, Vick, Walsh, Wilcox, Ybarra and Young.

Excused: Representatives Griffey and Volz.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1793, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

### MESSAGE FROM THE SENATE

March 6, 2020

Madame Speaker:

The Senate has passed HOUSE BILL NO. 2051 with the following amendment:

3.0.

Strike everything after the enacting clause and insert the following:

"**Sec. 4.** RCW 41.16.010 and 2009 c 521 s 88 are each amended to read as follows:

For the purpose of this chapter, unless clearly indicated by the context, words and phrases shall have the following meaning:

(1) "Beneficiary" shall mean any person or persons designated by a firefighter in a writing filed with the board, and who shall be entitled to receive any benefits of a deceased firefighter under this chapter.

(2) "Board" shall mean the municipal firefighters' pension board.

(3) "Child or children" shall mean a child or children unmarried and under eighteen years of age.

(4) "Contributions" shall mean and include all sums deducted from the salary of firefighters and paid into the fund as hereinafter provided.

(5) "Disability" shall mean and include injuries or sickness sustained as a result of the performance of duty.

(6) "Firefighter" shall mean any person regularly or temporarily, or as a substitute, employed and paid as a member of a fire department, who has passed a civil service examination for firefighter and who is actively employed as a firefighter; and shall include any "prior firefighter."

(7) "Fire department" shall mean the regularly organized, full time, paid, and employed force of firefighters of the municipality.

(8) "Fund" shall mean the firefighters' pension fund created herein.

(9) "Municipality" shall mean every city (~~and~~)<sup>1</sup> town, and regional fire protection service authority, having a regularly organized full time, paid, fire department employing firefighters.

(10) "Performance of duty" shall mean the performance of work and labor regularly required of firefighters and shall include services of an emergency nature rendered while off regular duty, but shall not include time spent in traveling to work before answering roll call or traveling from work after dismissal at roll call.

(11) "Prior firefighter" shall mean a firefighter who was actively employed as a firefighter of a fire department prior to the first day of January, 1947, and who continues such employment thereafter.

(12) "Retired firefighter" shall mean and include a person employed as a firefighter and retired under the provisions of chapter 50, Laws of 1909, as amended.

(13) "Widow or widower" means the surviving wife, husband, or state registered domestic partner of a retired firefighter who was retired on account of length of service and who was lawfully married to, or in a state registered domestic partnership with, such firefighter; and whenever that term is used with reference to the wife or former wife, husband or former husband, or current or former state registered domestic partner of a retired firefighter who was retired because of disability, it shall mean his or her lawfully married wife, husband, or state registered domestic partner on the date he or she sustained the injury or contracted the illness that resulted in his or her disability. Said term shall not mean or include a surviving wife, husband, or state registered domestic partner who by process of law within one year prior to the retired firefighter's death, collected or

attempted to collect from him or her funds for the support of herself or himself or for his or her children.

**Sec. 5.** RCW 41.16.020 and 2007 c 218 s 19 are each amended to read as follows:

(1) There is hereby created in each city and town a municipal firefighters' pension board to consist of the following five members, ex officio, the mayor, or in a city of the first class, the mayor or a designated representative who shall be an elected official of the city, who shall be chairperson of the board, the city comptroller or clerk, the chairperson of finance of the city council, or if there is no chairperson of finance, the city treasurer, and in addition, two regularly employed or retired firefighters elected by secret ballot of those employed and retired firefighters who are subject to the jurisdiction of the board. The members to be elected by the firefighters shall be elected annually for a two year term. The two firefighters elected as members shall, in turn, select a third eligible member who shall serve as an alternate in the event of an absence of one of the regularly elected members. In case a vacancy occurs in the membership of the firefighters or retired members, the members shall in the same manner elect a successor to serve the unexpired term. The board may select and appoint a secretary who may, but need not be, a member of the board. In case of absence or inability of the chairperson to act, the board may select a chairperson pro tempore who shall during such absence or inability perform the duties and exercise the powers of the chairperson. A majority of the members of the board shall constitute a quorum and have power to transact business.

(2) If no eligible regularly employed or retired firefighters are willing or able to be elected to the board under subsection (1) of this section, then the following individuals may be elected to the board under subsection (1) of this section:

(a) Any active or retired firefighters who reside within the jurisdiction served by the board. This includes active and retired firefighters under this chapter and chapters 41.18, 41.26, and 52.26 RCW;

(b) The widow or widower of a firefighter subject to the jurisdiction of the board.

**Sec. 6.** RCW 41.18.010 and 2009 c 521 s 90 are each reenacted and amended to read as follows:

For the purpose of this chapter, unless clearly indicated otherwise by the context, words and phrases shall have the meaning hereinafter ascribed.

(1) "Basic salary" means the basic monthly salary, including longevity pay, attached to the rank held by the retired firefighter at the date of his or her retirement, without regard to extra compensation which such firefighter may have received for special duties assignments not acquired through civil service examination: PROVIDED, That such basic salary shall not be deemed to exceed the salary of a battalion chief.

(2) "Beneficiary" shall mean any person or persons designated by a firefighter in a writing filed with the board,

and who shall be entitled to receive any benefits of a deceased firefighter under this chapter.

(3) "Board" shall mean the municipal firefighters' pension board.

(4) "Child" or "children" means a firefighter's child or children under the age of eighteen years, unmarried, and in the legal custody of such firefighter at the time of his death or her death.

(5) "Contributions" shall mean and include all sums deducted from the salary of firefighters and paid into the fund as hereinafter provided.

(6) "Disability" shall mean and include injuries or sickness sustained by a firefighter.

(7) "Earned interest" means and includes all annual increments to the firefighters' pension fund from income earned by investment of the fund. The earned interest payable to any firefighter when he or she leaves the service and accepts his or her contributions, shall be that portion of the total earned income of the fund which is directly attributable to each individual firefighter's contributions. Earnings of the fund for the preceding year attributable to individual contributions shall be allocated to individual firefighters' accounts as of January 1st of each year.

(8) "Fire department" shall mean the regularly organized, full time, paid, and employed force of firefighters of the municipality.

(9) "Firefighter" means any person hereafter regularly or temporarily, or as a substitute newly employed and paid as a member of a fire department, who has passed a civil service examination for firefighters and who is actively employed as a firefighter or, if provided by the municipality by appropriate local legislation, as a fire dispatcher: PROVIDED, Nothing in chapter 209, Laws of 1969 ex. sess. shall impair or permit the impairment of any vested pension rights of persons who are employed as fire dispatchers at the time chapter 209, Laws of 1969 ex. sess. takes effect; and any person heretofore regularly or temporarily, or as a substitute, employed and paid as a member of a fire department, and who has contributed under and been covered by the provisions of chapter 41.16 RCW as now or hereafter amended and who has come under the provisions of this chapter in accordance with RCW 41.18.170 and who is actively engaged as a firefighter or as a member of the fire department as a firefighter or fire dispatcher.

(10) "Fund" shall have the same meaning as in RCW 41.16.010 as now or hereafter amended. Such fund shall be created in the manner and be subject to the provisions specified in chapter 41.16 RCW as now or hereafter amended.

(11) "Municipality" shall mean every city, town ~~((and)),~~ fire protection district, or regional fire protection service authority having a regularly organized full time, paid, fire department employing firefighters.

(12) "Performance of duty" shall mean the performance of work or labor regularly required of

firefighters and shall include services of an emergency nature normally rendered while off regular duty.

(13) "Retired firefighter" means and includes a person employed as a firefighter and retired under the provisions of this chapter.

(14) "Widow or widower" means the surviving spouse of a firefighter and shall include the surviving wife, husband, or state registered domestic partner of a firefighter, retired on account of length of service, who was lawfully married to, or in a state registered domestic partnership with, him or to her for a period of five years prior to the time of his or her retirement; and the surviving wife, husband, or state registered domestic partner of a firefighter, retired on account of disability, who was lawfully married to, or in a state registered domestic partnership with, him or her at and prior to the time he or she sustained the injury or contracted the illness resulting in his or her disability. The word shall not mean the divorced wife or husband or former state registered domestic partner of an active or retired firefighter.

**Sec. 7.** RCW 41.18.015 and 2007 c 218 s 42 are each amended to read as follows:

(1) There is hereby created in each fire protection district which qualifies under this chapter, a firefighters' pension board to consist of the following five members, the chairperson of the fire commissioners for said district who shall be chairperson of the board, the county auditor, county treasurer, and in addition, two regularly employed or retired firefighters elected by secret ballot of the employed and retired firefighters. Retired members who are subject to the jurisdiction of the pension board have both the right to elect and the right to be elected under this section. The first members to be elected by the firefighters shall be elected annually for a two-year term. The two firefighter elected members shall, in turn, select a third eligible member who shall serve in the event of an absence of one of the regularly elected members. In case a vacancy occurs in the membership of the firefighter or retired members, the members shall in the same manner elect a successor to serve the unexpired term. The board may select and appoint a secretary who may, but need not be a member of the board. In case of absence or inability of the chairperson to act, the board may select a chairperson pro tempore who shall during such absence or inability perform the duties and exercise the powers of the chairperson. A majority of the members of said board shall constitute a quorum and have power to transact business.

(2) If no eligible regularly employed or retired firefighters are willing or able to be elected to the board under subsection (1) of this section, then the following individuals may be elected to the board under subsection (1) of this section:

(a) Any active or retired firefighters who reside within the jurisdiction served by the board. This includes active and retired firefighters under this chapter and chapters 41.16, 41.26, and 52.26 RCW;

(b) The widow or widower of a firefighter subject to the jurisdiction of the board.

**Sec. 8.** RCW 41.20.010 and 2012 c 117 s 20 are each amended to read as follows:

(1) The mayor or his or her designated representative who shall be an elected official of the city, and the clerk, treasurer, president of the city council or mayor pro tem of each city of the first class, or in case any such city has no city council, the commissioner who has supervision of the police department, together with three active or retired members of the police department, to be elected as herein provided, in addition to the duties now required of them, are constituted a board of trustees of the relief and pension fund of the police department of each such city, and shall provide for the disbursement of the fund, and designate the beneficiaries thereof.

(2) The police department and the retired law enforcement officers of each city of the first class shall elect three members to act as members of the board. Members shall be elected for three year terms. Existing members shall continue in office until replaced as provided for in this section.

(3) Such election shall be held in the following manner. Not more than thirty nor less than fifteen days preceding the first day of June in each year, written notice of the nomination of any member or retired member of the department for membership on the board may be filed with the secretary of the board. Each notice of nomination shall be signed by not less than five members or retired members of the department, and nothing herein contained shall prevent any member or retired member of the department from signing more than one notice of nomination. The election shall be held on a date to be fixed by the secretary during the month of June. Notice of the dates upon which notice of nomination may be filed and of the date fixed for the election of such members of the board shall be given by the secretary of the board by posting written notices thereof in a prominent place in the police headquarters. For the purpose of such election, the secretary of the board shall prepare and furnish printed or typewritten ballots in the usual form, containing the names of all persons regularly nominated for membership and shall furnish a ballot box for the election. Each member and each retired member of the police department shall be entitled to vote at the election for one nominee as a member of the board. The chief of the department shall appoint two members to act as officials of the election, who shall be allowed their regular wages for the day, but shall receive no additional compensation therefor. The election shall be held in the police headquarters of the department and the polls shall open at 7:30 a.m. and close at 8:30 p.m. The one nominee receiving the highest number of votes shall be declared elected to the board and his or her term shall commence on the first day of July succeeding the election. In the first election the nominee receiving the greatest number of votes shall be elected to the three year term, the second greatest to the two year term and the third greatest to the one year term. Retired members who are subject to the jurisdiction of the board have both the right to elect and the right to be elected under this section. Ballots shall contain all names of those nominated, both active and retired. Notice of nomination and voting by retired members shall be conducted by the board.

(4) If no eligible active or retired members of the police department are willing or able to be elected to the board under subsection (3) of this section, then the following individuals may be elected to the board under subsection (3) of this section:

(a) Any active or retired law enforcement officers who reside within the jurisdiction served by the board. This includes active and retired law enforcement officers under this chapter and chapter 41.26 RCW;

(b) The widow or widower of a law enforcement officer subject to the jurisdiction of the board.

**Sec. 9.** RCW 41.26.030 and 2018 c 230 s 1 are each amended to read as follows:

As used in this chapter, unless a different meaning is plainly required by the context:

(1) "Accumulated contributions" means the employee's contributions made by a member, including any amount paid under RCW 41.50.165(2), plus accrued interest credited thereon.

(2) "Actuarial reserve" means a method of financing a pension or retirement plan wherein reserves are accumulated as the liabilities for benefit payments are incurred in order that sufficient funds will be available on the date of retirement of each member to pay the member's future benefits during the period of retirement.

(3) "Actuarial valuation" means a mathematical determination of the financial condition of a retirement plan. It includes the computation of the present monetary value of benefits payable to present members, and the present monetary value of future employer and employee contributions, giving effect to mortality among active and retired members and also to the rates of disability, retirement, withdrawal from service, salary and interest earned on investments.

(4)(a) "Basic salary" for plan 1 members, means the basic monthly rate of salary or wages, including longevity pay but not including overtime earnings or special salary or wages, upon which pension or retirement benefits will be computed and upon which employer contributions and salary deductions will be based.

(b) "Basic salary" for plan 2 members, means salaries or wages earned by a member during a payroll period for personal services, including overtime payments, and shall include wages and salaries deferred under provisions established pursuant to sections 403(b), 414(h), and 457 of the United States Internal Revenue Code, but shall exclude lump sum payments for deferred annual sick leave, unused accumulated vacation, unused accumulated annual leave, or any form of severance pay. In any year in which a member serves in the legislature the member shall have the option of having such member's basic salary be the greater of:

(i) The basic salary the member would have received had such member not served in the legislature; or

(ii) Such member's actual basic salary received for nonlegislative public employment and legislative service combined. Any additional contributions to the retirement

system required because basic salary under (b)(i) of this subsection is greater than basic salary under (b)(ii) of this subsection shall be paid by the member for both member and employer contributions.

(5)(a) "Beneficiary" for plan 1 members, means any person in receipt of a retirement allowance, disability allowance, death benefit, or any other benefit described herein.

(b) "Beneficiary" for plan 2 members, means any person in receipt of a retirement allowance or other benefit provided by this chapter resulting from service rendered to an employer by another person.

(6)(a) "Child" or "children" means an unmarried person who is under the age of eighteen or mentally or physically disabled as determined by the department, except a person who is disabled and in the full time care of a state institution, who is:

(i) A natural born child;

(ii) A stepchild where that relationship was in existence prior to the date benefits are payable under this chapter;

(iii) A posthumous child;

(iv) A child legally adopted or made a legal ward of a member prior to the date benefits are payable under this chapter; or

(v) An illegitimate child legitimized prior to the date any benefits are payable under this chapter.

(b) A person shall also be deemed to be a child up to and including the age of twenty years and eleven months while attending any high school, college, or vocational or other educational institution accredited, licensed, or approved by the state, in which it is located, including the summer vacation months and all other normal and regular vacation periods at the particular educational institution after which the child returns to school.

(7) "Department" means the department of retirement systems created in chapter 41.50 RCW.

(8) "Director" means the director of the department.

(9) "Disability board" for plan 1 members means either the county disability board or the city disability board established in RCW 41.26.110.

(10) "Disability leave" means the period of six months or any portion thereof during which a member is on leave at an allowance equal to the member's full salary prior to the commencement of disability retirement. The definition contained in this subsection shall apply only to plan 1 members.

(11) "Disability retirement" for plan 1 members, means the period following termination of a member's disability leave, during which the member is in receipt of a disability retirement allowance.

(12) "Domestic partners" means two adults who have registered as domestic partners under RCW 26.60.020.

(13) "Employee" means any law enforcement officer or firefighter as defined in subsections (17) and (19) of this section.

(14)(a) "Employer" for plan 1 members, means the legislative authority of any city, town, county, ~~((or))~~ district, or regional fire protection service authority or the elected officials of any municipal corporation that employs any law enforcement officer and/or firefighter, any authorized association of such municipalities, and, except for the purposes of RCW 41.26.150, any labor guild, association, or organization, which represents the firefighters or law enforcement officers of at least seven cities of over 20,000 population and the membership of each local lodge or division of which is composed of at least sixty percent law enforcement officers or firefighters as defined in this chapter.

(b) "Employer" for plan 2 members, means the following entities to the extent that the entity employs any law enforcement officer and/or firefighter:

(i) The legislative authority of any city, town, county, district, ~~((or))~~ public corporation, or regional fire protection service authority established under RCW 35.21.730 to provide emergency medical services as defined in RCW 18.73.030;

(ii) The elected officials of any municipal corporation;

(iii) The governing body of any other general authority law enforcement agency;

(iv) A four-year institution of higher education having a fully operational fire department as of January 1, 1996; or

(v) The department of social and health services or the department of corrections when employing firefighters serving at a prison or civil commitment center on an island.

(c) Except as otherwise specifically provided in this chapter, "employer" does not include a government contractor. For purposes of this subsection, a "government contractor" is any entity, including a partnership, limited liability company, for-profit or nonprofit corporation, or person, that provides services pursuant to a contract with an "employer." The determination whether an employer-employee relationship has been established is not based on the relationship between a government contractor and an "employer," but is based solely on the relationship between a government contractor's employee and an "employer" under this chapter.

(15)(a) "Final average salary" for plan 1 members, means (i) for a member holding the same position or rank for a minimum of twelve months preceding the date of retirement, the basic salary attached to such same position or rank at time of retirement; (ii) for any other member, including a civil service member who has not served a minimum of twelve months in the same position or rank preceding the date of retirement, the average of the greatest basic salaries payable to such member during any consecutive twenty-four month period within such member's last ten years of service for which service credit is allowed, computed by dividing the total basic salaries payable to such member during the selected twenty-four month period by

twenty-four; (iii) in the case of disability of any member, the basic salary payable to such member at the time of disability retirement; (iv) in the case of a member who hereafter vests pursuant to RCW 41.26.090, the basic salary payable to such member at the time of vesting.

(b) "Final average salary" for plan 2 members, means the monthly average of the member's basic salary for the highest consecutive sixty service credit months of service prior to such member's retirement, termination, or death. Periods constituting authorized unpaid leaves of absence may not be used in the calculation of final average salary.

(c) In calculating final average salary under (a) or (b) of this subsection, the department of retirement systems shall include:

(i) Any compensation forgone by a member employed by a state agency or institution during the 2009-2011 fiscal biennium as a result of reduced work hours, mandatory or voluntary leave without pay, temporary reduction in pay implemented prior to December 11, 2010, or temporary layoffs if the reduced compensation is an integral part of the employer's expenditure reduction efforts, as certified by the employer; and

(ii) Any compensation forgone by a member employed by the state or a local government employer during the 2011-2013 fiscal biennium as a result of reduced work hours, mandatory leave without pay, temporary layoffs, or reductions to current pay if the reduced compensation is an integral part of the employer's expenditure reduction efforts, as certified by the employer. Reductions to current pay shall not include elimination of previously agreed upon future salary increases.

(16) "Fire department" includes a fire station operated by the department of social and health services or the department of corrections when employing firefighters serving a prison or civil commitment center on an island.

(17) "Firefighter" means:

(a) Any person who is serving on a full time, fully compensated basis as a member of a fire department of an employer and who is serving in a position which requires passing a civil service examination for firefighter, and who is actively employed as such;

(b) Anyone who is actively employed as a full time firefighter where the fire department does not have a civil service examination;

(c) Supervisory firefighter personnel;

(d) Any full time executive secretary of an association of fire protection districts authorized under RCW 52.12.031. The provisions of this subsection (17)(d) shall not apply to plan 2 members;

(e) The executive secretary of a labor guild, association or organization (which is an employer under subsection (14) of this section), if such individual has five years previous membership in a retirement system established in chapter 41.16 or 41.18 RCW. The provisions of this subsection (17)(e) shall not apply to plan 2 members;

(f) Any person who is serving on a full time, fully compensated basis for an employer, as a fire dispatcher, in a department in which, on March 1, 1970, a dispatcher was required to have passed a civil service examination for firefighter;

(g) Any person who on March 1, 1970, was employed on a full time, fully compensated basis by an employer, and who on May 21, 1971, was making retirement contributions under the provisions of chapter 41.16 or 41.18 RCW; and

(h) Any person who is employed on a full-time, fully compensated basis by an employer as an emergency medical technician that meets the requirements of RCW 18.71.200 or 18.73.030(12), and whose duties include providing emergency medical services as defined in RCW 18.73.030.

(18) "General authority law enforcement agency" means any agency, department, or division of a municipal corporation, political subdivision, or other unit of local government of this state, and any agency, department, or division of state government, having as its primary function the detection and apprehension of persons committing infractions or violating the traffic or criminal laws in general, but not including the Washington state patrol. Such an agency, department, or division is distinguished from a limited authority law enforcement agency having as one of its functions the apprehension or detection of persons committing infractions or violating the traffic or criminal laws relating to limited subject areas, including but not limited to, the state departments of natural resources and social and health services, the state gambling commission, the state lottery commission, the state parks and recreation commission, the state utilities and transportation commission, the state liquor and cannabis board, and the state department of corrections. A general authority law enforcement agency under this chapter does not include a government contractor.

(19) "Law enforcement officer" beginning January 1, 1994, means any person who is commissioned and employed by an employer on a full time, fully compensated basis to enforce the criminal laws of the state of Washington generally, with the following qualifications:

(a) No person who is serving in a position that is basically clerical or secretarial in nature, and who is not commissioned shall be considered a law enforcement officer;

(b) Only those deputy sheriffs, including those serving under a different title pursuant to county charter, who have successfully completed a civil service examination for deputy sheriff or the equivalent position, where a different title is used, and those persons serving in unclassified positions authorized by RCW 41.14.070 except a private secretary will be considered law enforcement officers;

(c) Only such full time commissioned law enforcement personnel as have been appointed to offices, positions, or ranks in the police department which have been specifically created or otherwise expressly provided for and designated by city charter provision or by ordinance enacted by the legislative body of the city shall be considered city police officers;

(d) The term "law enforcement officer" also includes the executive secretary of a labor guild, association or organization (which is an employer under subsection (14) of this section) if that individual has five years previous membership in the retirement system established in chapter 41.20 RCW. The provisions of this subsection (19)(d) shall not apply to plan 2 members; and

(e) The term "law enforcement officer" also includes a person employed on or after January 1, 1993, as a public safety officer or director of public safety, so long as the job duties substantially involve only either police or fire duties, or both, and no other duties in a city or town with a population of less than ten thousand. The provisions of this subsection (19)(e) shall not apply to any public safety officer or director of public safety who is receiving a retirement allowance under this chapter as of May 12, 1993.

(20) "Medical services" for plan 1 members, shall include the following as minimum services to be provided. Reasonable charges for these services shall be paid in accordance with RCW 41.26.150.

(a) Hospital expenses: These are the charges made by a hospital, in its own behalf, for

(i) Board and room not to exceed semiprivate room rate unless private room is required by the attending physician due to the condition of the patient.

(ii) Necessary hospital services, other than board and room, furnished by the hospital.

(b) Other medical expenses: The following charges are considered "other medical expenses," provided that they have not been considered as "hospital expenses".

(i) The fees of the following:

(A) A physician or surgeon licensed under the provisions of chapter 18.71 RCW;

(B) An osteopathic physician and surgeon licensed under the provisions of chapter 18.57 RCW;

(C) A chiropractor licensed under the provisions of chapter 18.25 RCW.

(ii) The charges of a registered graduate nurse other than a nurse who ordinarily resides in the member's home, or is a member of the family of either the member or the member's spouse.

(iii) The charges for the following medical services and supplies:

(A) Drugs and medicines upon a physician's prescription;

(B) Diagnostic X-ray and laboratory examinations;

(C) X-ray, radium, and radioactive isotopes therapy;

(D) Anesthesia and oxygen;

(E) Rental of iron lung and other durable medical and surgical equipment;

(F) Artificial limbs and eyes, and casts, splints, and trusses;



(G) Professional ambulance service when used to transport the member to or from a hospital when injured by an accident or stricken by a disease;

(H) Dental charges incurred by a member who sustains an accidental injury to his or her teeth and who commences treatment by a legally licensed dentist within ninety days after the accident;

(I) Nursing home confinement or hospital extended care facility;

(J) Physical therapy by a registered physical therapist;

(K) Blood transfusions, including the cost of blood and blood plasma not replaced by voluntary donors;

(L) An optometrist licensed under the provisions of chapter 18.53 RCW.

(21) "Member" means any firefighter, law enforcement officer, or other person as would apply under subsection((s)) (17) or (19) of this section whose membership is transferred to the Washington law enforcement officers' and firefighters' retirement system on or after March 1, 1970, and every law enforcement officer and firefighter who is employed in that capacity on or after such date.

(22) "Plan 1" means the law enforcement officers' and firefighters' retirement system, plan 1 providing the benefits and funding provisions covering persons who first became members of the system prior to October 1, 1977.

(23) "Plan 2" means the law enforcement officers' and firefighters' retirement system, plan 2 providing the benefits and funding provisions covering persons who first became members of the system on and after October 1, 1977.

(24) "Position" means the employment held at any particular time, which may or may not be the same as civil service rank.

(25) "Regular interest" means such rate as the director may determine.

(26) "Retiree" for persons who establish membership in the retirement system on or after October 1, 1977, means any member in receipt of a retirement allowance or other benefit provided by this chapter resulting from service rendered to an employer by such member.

(27) "Retirement fund" means the "Washington law enforcement officers' and firefighters' retirement system fund" as provided for herein.

(28) "Retirement system" means the "Washington law enforcement officers' and firefighters' retirement system" provided herein.

(29)(a) "Service" for plan 1 members, means all periods of employment for an employer as a firefighter or law enforcement officer, for which compensation is paid, together with periods of suspension not exceeding thirty days in duration. For the purposes of this chapter service shall also include service in the armed forces of the United States as provided in RCW 41.26.190. Credit shall be allowed for all service credit months of service rendered by

a member from and after the member's initial commencement of employment as a firefighter or law enforcement officer, during which the member worked for seventy or more hours, or was on disability leave or disability retirement. Only service credit months of service shall be counted in the computation of any retirement allowance or other benefit provided for in this chapter.

(i) For members retiring after May 21, 1971 who were employed under the coverage of a prior pension act before March 1, 1970, "service" shall also include (A) such military service not exceeding five years as was creditable to the member as of March 1, 1970, under the member's particular prior pension act, and (B) such other periods of service as were then creditable to a particular member under the provisions of RCW 41.18.165, 41.20.160, or 41.20.170. However, in no event shall credit be allowed for any service rendered prior to March 1, 1970, where the member at the time of rendition of such service was employed in a position covered by a prior pension act, unless such service, at the time credit is claimed therefor, is also creditable under the provisions of such prior act.

(ii) A member who is employed by two employers at the same time shall only be credited with service to one such employer for any month during which the member rendered such dual service.

(b) "Service" for plan 2 members, means periods of employment by a member for one or more employers for which basic salary is earned for ninety or more hours per calendar month which shall constitute a service credit month. Periods of employment by a member for one or more employers for which basic salary is earned for at least seventy hours but less than ninety hours per calendar month shall constitute one-half service credit month. Periods of employment by a member for one or more employers for which basic salary is earned for less than seventy hours shall constitute a one-quarter service credit month.

Members of the retirement system who are elected or appointed to a state elective position may elect to continue to be members of this retirement system.

Service credit years of service shall be determined by dividing the total number of service credit months of service by twelve. Any fraction of a service credit year of service as so determined shall be taken into account in the computation of such retirement allowance or benefits.

If a member receives basic salary from two or more employers during any calendar month, the individual shall receive one service credit month's service credit during any calendar month in which multiple service for ninety or more hours is rendered; or one-half service credit month's service credit during any calendar month in which multiple service for at least seventy hours but less than ninety hours is rendered; or one-quarter service credit month during any calendar month in which multiple service for less than seventy hours is rendered.

(30) "Service credit month" means a full service credit month or an accumulation of partial service credit months that are equal to one.

(31) "Service credit year" means an accumulation of months of service credit which is equal to one when divided by twelve.

(32) "State actuary" or "actuary" means the person appointed pursuant to RCW 44.44.010(2).

(33) "State elective position" means any position held by any person elected or appointed to statewide office or elected or appointed as a member of the legislature.

(34) "Surviving spouse" means the surviving widow or widower of a member. "Surviving spouse" shall not include the divorced spouse of a member except as provided in RCW 41.26.162.

**Sec. 10.** RCW 41.26.110 and 2013 c 213 s 1 and 2013 c 23 s 69 are each reenacted and amended to read as follows:

(1) All claims for disability shall be acted upon and either approved or disapproved by either type of disability board authorized to be created in this section.

(a) Each city having a population of twenty thousand or more shall establish a disability board having jurisdiction over all members employed by those cities and composed of the following five members: Two members of the city legislative body to be appointed by the mayor; one active or retired firefighter employed by or retired from the city to be elected by the firefighters employed by or retired from the city who are subject to the jurisdiction of the board; one active or retired law enforcement officer employed by or retired from the city to be elected by the law enforcement officers employed by or retired from the city who are subject to the jurisdiction of the board; and one member from the public at large who resides within the city to be appointed by the other four members designated in this subsection. Only those active or retired firefighters and law enforcement officers who are subject to the jurisdiction of the board have the right to elect under this section. All firefighters and law enforcement officers employed by or retired from the city are eligible for election. Each of the elected members shall serve a two year term. If there are either no firefighters or law enforcement officers under the jurisdiction of the board eligible to vote, a second eligible employee representative shall be elected by the law enforcement officers or firefighters eligible to vote. The members appointed pursuant to this subsection shall serve for two year terms: PROVIDED, That cities of the first class only, shall retain existing firefighters' pension boards established pursuant to RCW 41.16.020 and existing boards of trustees of the relief and pension fund of the police department as established pursuant to RCW 41.20.010 which such boards shall have authority to act upon and approve or disapprove claims for disability by firefighters or law enforcement officers as provided under the Washington law enforcement officers' and firefighters' retirement system act.

(b) If no eligible active or retired firefighter or law enforcement officer is willing or able to be elected to the board under (a) of this subsection, then the following individuals may be elected to the board under (a) of this subsection:

(i) Any active or retired firefighter under this chapter or chapters 41.16, 41.18, and 52.26 RCW or law enforcement officers under this chapter or chapter 41.20 RCW who resides within the jurisdiction served by the board;

(ii) The surviving spouse or domestic partner of a firefighter or law enforcement officer subject to the jurisdiction of the board.

(c) Each county shall establish a disability board having jurisdiction over all members employed by or retired from an employer within the county and not employed by a city in which a disability board is established. The county disability board so created shall be composed of five members to be chosen as follows: One member of the legislative body of the county to be appointed by the county legislative body; one member of a city or town legislative body located within the county which does not contain a city disability board established pursuant to (a) of this subsection to be chosen by a majority of the mayors of such cities and towns within the county which does not contain a city disability board; one active firefighter or retired firefighter employed by or retired from an employer within the county to be elected by the firefighters employed or retired from an employer within the county (~~who are not employed by or retired from a city in which a disability board is established and~~) who are subject to the jurisdiction of that board; one law enforcement officer or retired law enforcement officer employed by or retired from an employer within the county to be elected by the law enforcement officers employed in or retired from an employer within the county (~~who are not employed by or retired from a city in which a disability board is established and~~) who are subject to the jurisdiction of that board; and one member from the public at large who resides within the county but does not reside within a city in which a city disability board is established, to be appointed by the other four members designated in this subsection. However, in counties with a population less than sixty thousand, the member of the disability board appointed by a majority of the mayors of the cities and towns within the county that do not contain a city disability board must be a resident of one of the cities and towns but need not be a member of a city or town legislative body. Only those active or retired firefighters and law enforcement officers who are subject to the jurisdiction of the board have the right to elect under this section. All firefighters and law enforcement officers employed by or retired from an employer within the county (~~who are not employed by or retired from a city in which a disability board is established~~) are eligible for election. All members appointed or elected pursuant to this subsection shall serve for two year terms. If there are no firefighters under the jurisdiction of the board eligible to vote, a second eligible employee representative shall be elected by the law enforcement officers eligible to vote. If there are no law enforcement officers under the jurisdiction of the board eligible to vote, a second eligible representative shall be elected by the firefighters eligible to vote.

(d) If no eligible active or retired firefighter or law enforcement officer is willing or able to be elected to the board under (c) of this subsection, then the following

individuals may be elected to the board under (c) of this subsection:

(i) Any active or retired firefighter under this chapter or chapters 41.16, 41.18, and 52.26 RCW or law enforcement officers under this chapter or chapter 41.20 RCW who resides within the jurisdiction served by the board;

(ii) The surviving spouse or domestic partner of a firefighter or law enforcement officer subject to the jurisdiction of the board.

(2) The members of both the county and city disability boards shall not receive compensation for their service upon the boards but the members shall be reimbursed by their respective county or city for all expenses incidental to such service as to the amount authorized by law.

(3) The disability boards authorized for establishment by this section shall perform all functions, exercise all powers, and make all such determinations as specified in this chapter."

On page 1, line 2 of the title, after "boards;" strike the remainder of the title and insert "amending RCW 41.16.010, 41.16.020, 41.18.015, 41.20.010, and 41.26.030; and reenacting and amending RCW 41.18.010 and 41.26.110."

and the same is herewith transmitted.

Sarah Bannister, Deputy, Secretary

#### SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to HOUSE BILL NO. 2051 and advanced the bill as amended by the Senate to final passage.

#### FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representatives Lovick and Stokesbary spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of House Bill No. 2051, as amended by the Senate.

#### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2051, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Mead, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson,

Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shea, Shewmake, Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Excused: Representatives Griffey and Volz.

HOUSE BILL NO. 2051, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

#### MESSAGE FROM THE SENATE

March 6, 2020

Madame Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 2327 with the following amendment:  
10.0.

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 11.** The legislature recognizes that Washington's postsecondary educational institutions are some of the best schools in the nation, offering high quality education and life experiences for thousands of students. Washington institutions strive to create learning environments where all students can reach their full potential. The legislature also recognizes that in instances in which an employee of an institution engages in sexual misconduct against a student, institutions do not consistently disclose that information. The legislature declares that disclosure of such information is a matter of public safety for all Washington students as well as for students on campuses across the nation. The legislature finds that sexual misconduct, which may include harassment or assault, has serious public health and safety effects on students in Washington. These effects may deprive students of their opportunities to obtain an education which would otherwise improve their lives and health, and that of their own children. Other effects include an employee in a position of power and authority over students causing irreversible harm to the physical and mental health of students from sexual misconduct. The legislature finds that students of any postsecondary educational institution in Washington should be protected from their institution hiring an employee who has been found to have committed sexual misconduct at another postsecondary educational institution. The legislature, therefore, also finds that postsecondary educational institutions in Washington need to know if a prospective employee has been found to have committed sexual misconduct while employed at another institution. Therefore, the legislature intends to require postsecondary educational institutions to inquire about and conduct reference checks on any applicant the institution intends to extend an offer of employment to, regarding whether the applicant has ever been found to have committed, or is being investigated for, sexual misconduct. The legislature finds that nondisclosure agreements which prevent an institution from disclosing that an employee has committed sexual misconduct create a high potential for students in jeopardy of being victimized. Therefore, the legislature finds such

nondisclosure agreements between an employee and institution, pursuant to which the institution agrees not to disclose findings of sexual misconduct supported by a preponderance of evidence or not to complete an investigation, are against public policy and should not be entered into by any Washington postsecondary educational institution and should not be enforced by Washington courts. Therefore, the legislature intends to provide clarity and direction to postsecondary educational institutions for disclosing substantiated findings of sexual misconduct committed by its employees against students.

**NEW SECTION. Sec. 12.** A new section is added to chapter 28B.112 RCW to read as follows:

The definitions in this section apply throughout this section and sections 3 through 6 of this act unless the context clearly requires otherwise.

(1) "Applicant" means a person applying for employment as faculty, instructor, staff, advisor, counselor, coach, athletic department staff, and any position in which the applicant will likely have direct ongoing contact with students in a supervisory role or position of authority. "Applicant" does not include enrolled students who are applying for temporary student employment with the postsecondary educational institutions, unless the student is a graduate student applying for a position in which the graduate student will have a supervisory role or position of authority over other students. "Applicant" does not include a person applying for employment as medical staff or for employment with an affiliated organization, entity, or extension of a postsecondary educational institution, unless the applicant will have a supervisory role or position of authority over students.

(2) "Employee" means a person who is receiving or has received wages as an employee from the postsecondary educational institutions and includes current and former workers, whether the person is classified as an employee, independent contractor, or consultant, and is in, or had, a position with direct ongoing contact with students in a supervisory role or position of authority. "Employee" does not include a person who was employed by the institution in temporary student employment while the person was an enrolled student unless the student, at the time of employment, is or was a graduate student in a position in which the graduate student has or had a supervisory role or authority over other students. "Employee" does not include a person employed as medical staff or with an affiliated organization, entity, or extension of a postsecondary educational institution, unless the employee has or had a supervisory role or position of authority over students. A person who would be considered an "employee" under this subsection, remains an "employee" even if the person enrolls in classes under an institution's employee tuition waiver program or similar program that allows faculty, staff, or other employees to take classes.

(3) "Employer" includes postsecondary educational institutions in this or any other state.

(4) "Postsecondary educational institution" means an institution of higher education as defined in RCW 28B.10.016, a degree-granting institution as defined in RCW

28B.85.010, a private vocational school as defined in RCW 28C.10.020, or school as defined in RCW 18.16.020, that participates in the state student financial aid program.

(5) "Sexual misconduct" includes, but is not limited to, unwelcome sexual contact, unwelcome sexual advances, requests for sexual favors, other unwelcome verbal, nonverbal, electronic, or physical conduct of a sexual nature, sexual harassment, and any misconduct of a sexual nature that is in violation of the postsecondary educational institution's policies or has been determined to constitute sex discrimination pursuant to state or federal law.

(6) "Student" means a person enrolled at a postsecondary educational institution and for whom educational records are maintained.

**NEW SECTION. Sec. 13.** (1) By December 1, 2023, the public four-year institutions of higher education shall report the following to the governor and the appropriate committees of the legislature:

(a) Summaries of any campus climate assessments conducted since the effective date of this section that are designed to gauge the prevalence of sexual misconduct on college and university campuses;

(b) Efforts to reach out to and capture information from students who have traditionally been marginalized or experience disproportionate impacts of systemic oppression based on, for example, race, ethnicity, nationality, sexual orientation, gender identity, gender expression, and disability;

(c) How information obtained in the assessments was used to design and improve policies, programs, and resources for the campus community; and

(d) The impacts of this act on institutional hiring practices, campus safety, and other relevant considerations.

(2) This section expires June 1, 2024.

**NEW SECTION. Sec. 14.** A new section is added to chapter 28B.112 RCW to read as follows:

(1) Except as provided in subsection (2) of this section, any provision of a settlement agreement executed subsequent to the effective date of this section between a postsecondary educational institution and an employee is against public policy and void and unenforceable if the provision prohibits the employee, the institution, a survivor, or any other person from disclosing that the employee has either:

(a) Been the subject of substantiated findings of sexual misconduct; or

(b) Is the subject of an investigation into sexual misconduct that is not yet complete.

(2) A settlement agreement may contain provisions requiring nondisclosure of personal identifying information of persons filing complaints or making allegations and of any witnesses asked to participate in an investigation of the allegations.

(3) Personal identifying information in a settlement agreement that reveals the identity of persons filing complaints or making allegations and of any witnesses asked to participate in an investigation of the allegations is exempt from public disclosure pursuant to section 7 of this act.

**NEW SECTION. Sec. 15.** A new section is added to chapter 28B.112 RCW to read as follows:

(1) Unless the victim of the alleged sexual misconduct requests otherwise, when a postsecondary educational institution investigates a complaint or allegation of sexual misconduct committed by an employee against a student of the institution, the institution shall complete the investigation whether or not the employee voluntarily or involuntarily leaves employment with the institution. When the institution completes its investigation, the institution shall make written findings of whether the complaint or allegation is substantiated.

(2)(a) A postsecondary educational institution shall include in the employee's personnel file or employment records any substantiated findings of sexual misconduct committed by the employee while the employee was employed with the postsecondary educational institution.

(b) When disclosing records included in an employee's personnel file or employment records under this section, the institution shall keep personal identifying information of the complainant and any witnesses confidential, unless disclosure of identifying information is agreed to by the complainant or witnesses or required under law.

(c) Personal identifying information in an employee's file or employment records that reveals the identity of the complainant and any witnesses is exempt from public disclosure pursuant to section 7 of this act.

(3) For purposes of this section, postsecondary educational institutions shall use a preponderance of the evidence standard when determining whether findings are substantiated.

(4) For purposes of this section and section 6 of this act, "substantiated" means the employee has committed sexual misconduct.

**NEW SECTION. Sec. 16.** A new section is added to chapter 28B.112 RCW to read as follows:

(1) Beginning October 1, 2020, prior to an official offer of employment to an applicant, a postsecondary educational institution shall request the applicant to sign a statement:

(a) Declaring whether the applicant is the subject of any substantiated findings of sexual misconduct in any current or former employment or is currently being investigated for, or has left a position during an investigation into, a violation of any sexual misconduct policy at the applicant's current and past employers, and, if so, an explanation of the situation;

(b) Authorizing the applicant's current and past employers to disclose to the hiring institution any sexual misconduct committed by the applicant and making available to the hiring institution copies of all documents in

the previous employer's personnel, investigative, or other files relating to sexual misconduct, including sexual harassment, by the applicant; and

(c) Releasing the applicant's current and past employers, and employees acting on behalf of that employer, from any liability for providing information described in (b) of this subsection.

(2) Beginning July 1, 2021, prior to an official offer of employment to an applicant, a postsecondary educational institution shall:

(a) Request in writing, electronic or otherwise, that the applicant's current and past postsecondary educational institution employers provide the information, if any, described in subsection (1)(b) of this section. The request must include a copy of the declaration and statement signed by the applicant under subsection (1) of this section; and

(b) Ask the applicant if the applicant is the subject of any substantiated findings of sexual misconduct, or is currently being investigated for, or has left a position during an investigation into, a violation of any sexual misconduct policy at the applicant's current and past employers, and, if so, an explanation of the situation.

(3)(a) Pursuant to (c) of this subsection, after receiving a request under subsection (2)(a) of this section, a postsecondary educational institution shall provide the information requested and make available to the requesting institution copies of documents in the applicant's personnel record relating to substantiated findings of sexual misconduct.

(b) Pursuant to (c) of this subsection, if a postsecondary educational institution has information about substantiated findings of a current or former employee's sexual misconduct in the employee's personnel file or employment records, unless otherwise prohibited by law, the institution shall disclose that information to any employer conducting reference or background checks on the current or former employee for the purposes of potential employment, even if the employer conducting the reference or background check does not specifically ask for such information.

(c) If, by the effective date of this section, a postsecondary educational institution does not have existing procedures for disclosing information requested under this subsection, the institution must establish procedures to begin implementing the disclosure requirements of this subsection no later than July 1, 2021.

(4)(a) The postsecondary educational institution or an employee acting on behalf of the institution, who discloses information under this section is presumed to be acting in good faith and is immune from civil and criminal liability for the disclosure.

(b) A postsecondary educational institution is not liable for any cause of action arising from nondisclosure of information by an employee without access to official personnel records who is asked to respond to a reference check.

(c) The duty to disclose information under this section is the responsibility of the postsecondary educational institution to respond to a formal request for personnel records relating to a current or prior employee when requested by another employer.

(5)(a) When disclosing information under this section, the postsecondary educational institution shall keep personal identifying information of the complainant and any witnesses confidential, unless the complainant or witnesses agree to disclosure of their identifying information.

(b) Personal identifying information that reveals the identity of the complainant and any witnesses is exempt from public disclosure pursuant to section 7 of this act.

(6) Beginning October 1, 2020, a postsecondary educational institution may not hire an applicant who does not sign the statement described in subsection (1) of this section.

(7) Information received under this section may be used by a postsecondary educational institution only for the purpose of evaluating an applicant's qualifications for employment in the position for which the person has applied.

(8) This section does not restrict expungement from a personnel file or employment records of information about alleged sexual misconduct that has not been substantiated.

(9) Public institutions of higher education shall share best practices with all faculty and staff who are likely to receive reference check requests about how to inform and advise requesters to contact the institution's appropriate official office for personnel records.

**NEW SECTION. Sec. 17.** A new section is added to chapter 42.56 RCW to read as follows:

(1) For the purposes of sections 2 through 6 of this act regarding postsecondary educational institutions, personal identifying information in an employee personnel file, student file, investigation file, settlement agreement, or other files held by a postsecondary educational institution that reveals the identity of witnesses to or victims of sexual misconduct committed at the postsecondary educational institution by an employee of the institution are exempt from public disclosure and copying. If the victim or witness indicates a desire for disclosure of the victim's or witness' personal identifying information, such desire shall govern.

(2) For purposes of this section, "witness" does not mean an employee under investigation for allegations of sexual misconduct."

On page 1, line 2 of the title, after "institutions;" strike the remainder of the title and insert "adding new sections to chapter 28B.112 RCW; adding a new section to chapter 42.56 RCW; creating new sections; and providing an expiration date."

and the same is herewith transmitted.

Sarah Bannister, Deputy, Secretary

#### SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to ENGROSSED SUBSTITUTE HOUSE BILL NO. 2327 and advanced the bill as amended by the Senate to final passage.

#### FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representatives Pollet and Van Werven spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 2327, as amended by the Senate.

#### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2327, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 95; Nays, 1; Absent, 0; Excused, 2.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Duerr, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Mead, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shea, Shewmake, Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Voting nay: Representative Dufault.

Excused: Representatives Griffey and Volz.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2327, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

#### MESSAGE FROM THE SENATE

March 4, 2020

Madame Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 2394 with the following amendment:

17.0.

Strike everything after the enacting clause and insert the following:

"**Sec. 18.** RCW 9.94A.589 and 2015 2nd sp.s. c 3 s 13 are each amended to read as follows:

(1)(a) Except as provided in (b), (c), or (d) of this subsection, whenever a person is to be sentenced for two or more current offenses, the sentence range for each current

offense shall be determined by using all other current and prior convictions as if they were prior convictions for the purpose of the offender score: PROVIDED, That if the court enters a finding that some or all of the current offenses encompass the same criminal conduct then those current offenses shall be counted as one crime. Sentences imposed under this subsection shall be served concurrently. Consecutive sentences may only be imposed under the exceptional sentence provisions of RCW 9.94A.535. "Same criminal conduct," as used in this subsection, means two or more crimes that require the same criminal intent, are committed at the same time and place, and involve the same victim. This definition applies in cases involving vehicular assault or vehicular homicide even if the victims occupied the same vehicle.

(b) Whenever a person is convicted of two or more serious violent offenses arising from separate and distinct criminal conduct, the standard sentence range for the offense with the highest seriousness level under RCW 9.94A.515 shall be determined using the offender's prior convictions and other current convictions that are not serious violent offenses in the offender score and the standard sentence range for other serious violent offenses shall be determined by using an offender score of zero. The standard sentence range for any offenses that are not serious violent offenses shall be determined according to (a) of this subsection. All sentences imposed under this subsection (1)(b) shall be served consecutively to each other and concurrently with sentences imposed under (a) of this subsection. Even if the court orders the confinement terms to run consecutively to each other, the terms of community custody shall run concurrently to each other, unless the court expressly orders the community custody terms to run consecutively to each other.

(c) If an offender is convicted under RCW 9.41.040 for unlawful possession of a firearm in the first or second degree and for the felony crimes of theft of a firearm or possession of a stolen firearm, or both, the standard sentence range for each of these current offenses shall be determined by using all other current and prior convictions, except other current convictions for the felony crimes listed in this subsection (1)(c), as if they were prior convictions. The offender shall serve consecutive sentences for each conviction of the felony crimes listed in this subsection (1)(c), and for each firearm unlawfully possessed.

(d) All sentences imposed under RCW 46.61.502(6), 46.61.504(6), or 46.61.5055(4) shall be served consecutively to any sentences imposed under RCW 46.20.740 and 46.20.750.

(2)(a) ~~((Except as provided in (b) of this subsection, whenever))~~ Whenever a person while under sentence for conviction of a felony commits another felony and is sentenced to another term of confinement, the latter term of confinement shall not begin until expiration of all prior terms of confinement. However, any terms of community custody shall run concurrently to each other, unless the court pronouncing the current sentence expressly orders that they be served consecutively.

(b) Whenever a second or later felony conviction results in consecutive community ~~((supervision))~~ custody with conditions not currently in effect, under the prior sentence or sentences of community ~~((supervision))~~ custody, the court may require that the conditions of community ~~((supervision))~~ custody contained in the second or later sentence begin during the immediate term of community ~~((supervision))~~ custody and continue throughout the duration of the consecutive term of community ~~((supervision))~~ custody.

(3) Subject to subsections (1) and (2) of this section, whenever a person is sentenced for a felony that was committed while the person was not under sentence for conviction of a felony, the sentence shall run concurrently with any felony sentence which has been imposed by any court in this or another state or by a federal court subsequent to the commission of the crime being sentenced unless the court pronouncing the current sentence expressly orders that ~~((they))~~ the confinement terms be served consecutively to each other. Even if the court orders the confinement terms to run consecutively to each other, the terms of community custody shall run concurrently to each other, unless the court expressly orders the community custody terms to run consecutively to each other.

(4) Whenever any person granted probation under RCW 9.95.210 or 9.92.060, or both, has the probationary sentence revoked and a prison sentence imposed, that sentence shall run consecutively to any sentence imposed pursuant to this chapter, unless the court pronouncing the subsequent sentence expressly orders that they be served concurrently.

(5) In the case of consecutive sentences, all periods of total confinement shall be served before any partial confinement, community restitution, community supervision, or any other requirement or conditions of any of the sentences. Except for exceptional sentences as authorized under RCW 9.94A.535, if two or more sentences that run consecutively include periods of community supervision, the aggregate of the community supervision period shall not exceed twenty-four months.

**Sec. 19.** RCW 9.94B.050 and 2003 c 379 s 4 are each amended to read as follows:

When a court sentences an offender to a term of total confinement in the custody of the department for any of the offenses specified in this section, the court shall also sentence the offender to a term of community placement as provided in this section. Except as provided in RCW 9.94A.501, the department shall supervise any sentence of community placement imposed under this section.

(1) The court shall order a one-year term of community placement for the following:

(a) A sex offense or a serious violent offense committed after July 1, 1988, but before July 1, 1990; or

(b) An offense committed on or after July 1, 1988, but before July 25, 1999, that is:

(i) Assault in the second degree;

(ii) Assault of a child in the second degree;

(iii) A crime against persons where it is determined in accordance with RCW ((9.94A.602)) 9.94A.825 that the offender or an accomplice was armed with a deadly weapon at the time of commission; or

(iv) A felony offense under chapter 69.50 or 69.52 RCW not sentenced under RCW 9.94A.660.

(2) The court shall sentence the offender to a term of community placement of two years or up to the period of earned release awarded pursuant to RCW 9.94A.728, whichever is longer, for:

(a) An offense categorized as a sex offense committed on or after July 1, 1990, but before June 6, 1996, including those sex offenses also included in other offense categories;

(b) A serious violent offense other than a sex offense committed on or after July 1, 1990, but before July 1, 2000; or

(c) A vehicular homicide or vehicular assault committed on or after July 1, 1990, but before July 1, 2000.

(3) The community placement ordered under this section shall begin either upon completion of the term of confinement or at such time as the offender is transferred to community custody in lieu of earned release. When the court sentences an offender to the statutory maximum sentence then the community placement portion of the sentence shall consist entirely of the community custody to which the offender may become eligible. Any period of community custody actually served shall be credited against the community placement portion of the sentence. The community placement shall run concurrently to any period of probation, parole, community supervision, community placement, or community custody previously imposed by any court in any jurisdiction, unless the court pronouncing the current sentence expressly orders that they be served consecutively to each other.

(4) Unless a condition is waived by the court, the terms of any community placement imposed under this section shall include the following conditions:

(a) The offender shall report to and be available for contact with the assigned community corrections officer as directed;

(b) The offender shall work at department-approved education, employment, or community restitution, or any combination thereof;

(c) The offender shall not possess or consume controlled substances except pursuant to lawfully issued prescriptions;

(d) The offender shall pay supervision fees as determined by the department; and

(e) The residence location and living arrangements shall be subject to the prior approval of the department during the period of community placement.

(5) As a part of any terms of community placement imposed under this section, the court may also order one or more of the following special conditions:

(a) The offender shall remain within, or outside of, a specified geographical boundary;

(b) The offender shall not have direct or indirect contact with the victim of the crime or a specified class of individuals;

(c) The offender shall participate in crime-related treatment or counseling services;

(d) The offender shall not consume alcohol; or

(e) The offender shall comply with any crime-related prohibitions.

(6) An offender convicted of a felony sex offense against a minor victim after June 6, 1996, shall comply with any terms and conditions of community placement imposed by the department relating to contact between the sex offender and a minor victim or a child of similar age or circumstance as a previous victim.

(7) Prior to or during community placement, upon recommendation of the department, the sentencing court may remove or modify any conditions of community placement so as not to be more restrictive.

**NEW SECTION. Sec. 20.** The department of corrections must recalculate the scheduled end dates for terms of community custody, community supervision, and community placement so that they run concurrently to previously imposed sentences of community custody, community supervision, community placement, probation, and parole, unless the court pronouncing the current sentence has expressly required such terms to run consecutively. This section applies to each offender currently in confinement or under active supervision, regardless of whether the offender is sentenced after the effective date of this section and regardless of whether the offender's date of offense occurred prior to the effective date of this section or after.

**NEW SECTION. Sec. 21.** The legislature declares that the department of corrections' recalculations of community custody terms pursuant to this act do not create any expectations that a particular community custody term will end before July 1, 2020, and offenders have no reason to conclude that the recalculation of their community custody terms before July 1, 2020, is an entitlement or creates any liberty interest in their community custody term ending before July 1, 2020.

**NEW SECTION. Sec. 22.** The department of corrections has the authority to begin implementing this act upon the effective date of this section.

**NEW SECTION. Sec. 23.** This act applies retroactively and prospectively, regardless of the date of an offender's underlying offense."

On page 1, line 1 of the title, after "custody;" strike the remainder of the title and insert "amending RCW 9.94A.589



and 9.94B.050; creating new sections; and prescribing penalties."

and the same is herewith transmitted.

Sarah Bannister, Deputy, Secretary

### SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to SUBSTITUTE HOUSE BILL NO. 2394 and advanced the bill as amended by the Senate to final passage.

### FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representatives Klippert and Goodman spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2394, as amended by the Senate.

### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2394, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 93; Nays, 3; Absent, 0; Excused, 2.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chopp, Cody, Corry, Davis, Dent, Doglio, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Mead, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shea, Shewmake, Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Voting nay: Representatives Chapman, DeBolt and Kraft.

Excused: Representatives Griffey and Volz.

SUBSTITUTE HOUSE BILL NO. 2394, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

### MESSAGE FROM THE SENATE

March 6, 2020

Madame Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 2426 with the following amendment:  
23.0.

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 24.** The legislature finds that patients seeking behavioral health care in Washington would benefit from consistent regulatory oversight and transparency about patient outcomes. Current regulatory oversight of psychiatric hospitals licensed under chapter 71.12 RCW needs to be enhanced to protect the health, safety, and well-being of patients seeking behavioral health care in these facilities. Some hospitals have not complied with state licensing requirements. Additional enforcement tools are needed to address noncompliance and protect patients from risk of harm.

The legislature also finds that licensing and enforcement requirements for all health care facility types regulated by the department of health are inconsistent and that patients are not well-served by this inconsistency. Review of the regulatory requirements for all health care facility types, including acute care hospitals, is needed to identify gaps and opportunities to consolidate and standardize requirements. Legislation will be necessary to implement uniform requirements that assure provision of safe, quality care and create consistency and predictability for facilities.

**NEW SECTION. Sec. 25.** A new section is added to chapter 71.12 RCW to read as follows:

(1) Any psychiatric hospital may request from the department or the department may offer to any psychiatric hospital technical assistance. The department may not provide technical assistance during an inspection or during the time between when an investigation of a psychiatric hospital has been initiated and when such investigation is resolved.

(2) The department may offer group training to psychiatric hospitals licensed under this chapter.

**NEW SECTION. Sec. 26.** A new section is added to chapter 71.12 RCW to read as follows:

(1) In any case in which the department finds that a licensed psychiatric hospital has failed or refused to comply with applicable state statutes or regulations, the department may take one or more of the actions identified in this section, except as otherwise limited in this section.

(a) When the department determines the psychiatric hospital has previously been subject to an enforcement action for the same or similar type of violation of the same statute or rule, or has been given any previous statement of deficiency that included the same or similar type of violation of the same or similar statute or rule, or when the psychiatric hospital failed to correct noncompliance with a statute or rule by a date established or agreed to by the department, the department may impose reasonable conditions on a license. Conditions may include correction within a specified amount of time, training, or hiring a department-approved consultant if the hospital cannot demonstrate to the department that it has access to sufficient internal expertise.

(b)(i) In accordance with the authority the department has under RCW 43.70.095, the department may assess a civil fine of up to ten thousand dollars per violation, not to exceed a total fine of one million dollars, on a hospital licensed

under this chapter when the department determines the psychiatric hospital has previously been subject to an enforcement action for the same or similar type of violation of the same statute or rule, or has been given any previous statement of deficiency that included the same or similar type of violation of the same or similar statute or rule, or when the psychiatric hospital failed to correct noncompliance with a statute or rule by a date established or agreed to by the department.

(ii) Proceeds from these fines may only be used by the department to provide training or technical assistance to psychiatric hospitals and to offset costs associated with licensing psychiatric hospitals.

(iii) The department shall adopt in rules under this chapter specific fine amounts in relation to the severity of the noncompliance.

(iv) If a licensee is aggrieved by the department's action of assessing civil fines, the licensee has the right to appeal under RCW 43.70.095.

(c) In accordance with RCW 43.70.095, the department may impose civil fines of up to ten thousand dollars for each day a person operates a psychiatric hospital without a valid license. Proceeds from these fines may only be used by the department to provide training or technical assistance to psychiatric hospitals and to offset costs associated with licensing psychiatric hospitals.

(d) The department may suspend admissions of a specific category or categories of patients as related to the violation by imposing a limited stop placement. This may only be done if the department finds that noncompliance results in immediate jeopardy.

(i) Prior to imposing a limited stop placement, the department shall provide a psychiatric hospital written notification upon identifying deficient practices or conditions that constitute an immediate jeopardy, and the psychiatric hospital shall have twenty-four hours from notification to develop and implement a department-approved plan to correct the deficient practices or conditions that constitute an immediate jeopardy. If the deficient practice or conditions that constitute immediate jeopardy are not verified by the department as having been corrected within the same twenty-four hour period, the department may issue the limited stop placement.

(ii) When the department imposes a limited stop placement, the psychiatric hospital may not admit any new patients in the category or categories subject to the limited stop placement until the limited stop placement order is terminated.

(iii) The department shall conduct a follow-up inspection within five business days or within the time period requested by the psychiatric hospital if more than five business days is needed to verify the violation necessitating the limited stop placement has been corrected.

(iv) The limited stop placement shall be terminated when:

(A) The department verifies the violation necessitating the limited stop placement has been corrected or the department determines that the psychiatric hospital has taken intermediate action to address the immediate jeopardy; and

(B) The psychiatric hospital establishes the ability to maintain correction of the violation previously found deficient.

(e) The department may suspend new admissions to the psychiatric hospital by imposing a stop placement. This may only be done if the department finds that noncompliance results in immediate jeopardy and is not confined to a specific category or categories of patients or a specific area of the psychiatric hospital.

(i) Prior to imposing a stop placement, the department shall provide a psychiatric hospital written notification upon identifying deficient practices or conditions that constitute an immediate jeopardy, and the psychiatric hospital shall have twenty-four hours from notification to develop and implement a department-approved plan to correct the deficient practices or conditions that constitute an immediate jeopardy. If the deficient practice or conditions that constitute immediate jeopardy are not verified by the department as having been corrected within the same twenty-four hour period, the department may issue the stop placement.

(ii) When the department imposes a stop placement, the psychiatric hospital may not admit any new patients until the stop placement order is terminated.

(iii) The department shall conduct a follow-up inspection within five business days or within the time period requested by the psychiatric hospital if more than five business days is needed to verify the violation necessitating the stop placement has been corrected.

(iv) The stop placement order shall be terminated when:

(A) The department verifies the violation necessitating the stop placement has been corrected or the department determines that the psychiatric hospital has taken intermediate action to address the immediate jeopardy; and

(B) The psychiatric hospital establishes the ability to maintain correction of the violation previously found deficient.

(f) The department may suspend, revoke, or refuse to renew a license.

(2)(a) Except as otherwise provided, RCW 43.70.115 governs notice of the imposition of conditions on a license, a limited stop placement, stop placement, or the suspension, revocation, or refusal to renew a license and provides the right to an adjudicative proceeding. Adjudicative proceedings and hearings under this section are governed by the administrative procedure act, chapter 34.05 RCW. The application for an adjudicative proceeding must be in writing, state the basis for contesting the adverse action, including a copy of the department's notice, be served on and received by the department within twenty-eight days of the

licensee's receipt of the adverse notice, and be served in a manner that shows proof of receipt.

(b) When the department determines a licensee's noncompliance results in immediate jeopardy, the department may make the imposition of conditions on a licensee, a limited stop placement, stop placement, or the suspension of a license effective immediately upon receipt of the notice by the licensee, pending any adjudicative proceeding.

(i) When the department makes the suspension of a license or imposition of conditions on a license effective immediately, a licensee is entitled to a show cause hearing before a presiding officer within fourteen days of making the request. The licensee must request the show cause hearing within twenty-eight days of receipt of the notice of immediate suspension or immediate imposition of conditions. At the show cause hearing the department has the burden of demonstrating that more probably than not there is an immediate jeopardy.

(ii) At the show cause hearing, the presiding officer may consider the notice and documents supporting the immediate suspension or immediate imposition of conditions and the licensee's response and must provide the parties with an opportunity to provide documentary evidence and written testimony, and to be represented by counsel. Prior to the show cause hearing, the department must provide the licensee with all documentation that supports the department's immediate suspension.

(iii) If the presiding officer determines there is no immediate jeopardy, the presiding officer may overturn the immediate suspension or immediate imposition of conditions.

(iv) If the presiding officer determines there is immediate jeopardy, the immediate suspension or immediate imposition of conditions shall remain in effect pending a full hearing.

(v) If the secretary sustains the immediate suspension or immediate imposition of conditions, the licensee may request an expedited full hearing on the merits of the department's action. A full hearing must be provided within ninety days of the licensee's request.

**NEW SECTION. Sec. 27.** A new section is added to chapter 43.70 RCW to read as follows:

As resources allow, the department shall make health care facility inspection and investigation statements of deficiencies, plans of correction, notice of acceptance of plans of correction, enforcement actions, and notices of resolution available to the public on the internet, starting with psychiatric hospitals and residential treatment facilities.

**NEW SECTION. Sec. 28.** A new section is added to chapter 43.70 RCW to read as follows:

The department must conduct a review of statutes for all health care facility types licensed by the department under chapters 18.46, 18.64, 70.41, 70.42, 70.127, 70.230, 71.12, and 71.24 RCW to evaluate appropriate levels of oversight and identify opportunities to consolidate and

standardize licensing and enforcement requirements across facility types. The department must work with stakeholders including, but not limited to, the statewide associations of the facilities under review to create recommendations that will be shared with stakeholders and the legislature for a uniform health care facility enforcement act for consideration in the 2021 legislative session.

**Sec. 29.** RCW 71.12.455 and 2017 c 263 s 2 are each reenacted and amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Department" means the department of health.

(2) "Establishment" and "institution" mean:

(a) Every private or county or municipal hospital, including public hospital districts, sanitariums, homes, psychiatric hospitals, residential treatment facilities, or other places receiving or caring for any person with mental illness, mentally incompetent person, or chemically dependent person; and

(b) Beginning January 1, 2019, facilities providing pediatric transitional care services.

(3) "Pediatric transitional care services" means short-term, temporary, health and comfort services for drug exposed infants according to the requirements of this chapter and provided in an establishment licensed by the department of health.

(4) "Secretary" means the secretary of the department of health.

(5) "Trained caregiver" means a noncredentialed, unlicensed person trained by the establishment providing pediatric transitional care services to provide hands-on care to drug exposed infants. Caregivers may not provide medical care to infants and may only work under the supervision of an appropriate health care professional.

(6) "Elopement" means any situation in which an admitted patient of a psychiatric hospital who is cognitively, physically, mentally, emotionally, and/or chemically impaired wanders, walks, runs away, escapes, or otherwise leaves a psychiatric hospital or the grounds of a psychiatric hospital prior to the patient's scheduled discharge unsupervised, unnoticed, and without the staff's knowledge.

(7) "Immediate jeopardy" means a situation in which the psychiatric hospital's noncompliance with one or more statutory or regulatory requirements has placed the health and safety of patients in its care at risk for serious injury, serious harm, serious impairment, or death.

(8) "Psychiatric hospital" means an establishment caring for any person with mental illness or substance use disorder excluding acute care hospitals licensed under chapter 70.41 RCW, state psychiatric hospitals established under chapter 72.23 RCW, and residential treatment facilities as defined in this section.

(9) "Residential treatment facility" means an establishment in which twenty-four hour on-site care is provided for the evaluation, stabilization, or treatment of

residents for substance use, mental health, co-occurring disorders, or for drug exposed infants.

(10) "Technical assistance" means the provision of information on the state laws and rules applicable to the regulation of psychiatric hospitals, the process to apply for a license, and methods and resources to avoid or address compliance problems. Technical assistance does not include assistance provided under chapter 43.05 RCW.

**Sec. 30.** RCW 71.12.480 and 2000 c 93 s 24 are each amended to read as follows:

(1) The department of health shall not grant any such license until it has made an examination of all phases of the operation of the establishment necessary to determine compliance with rules adopted under this chapter including the premises proposed to be licensed and is satisfied that the premises are substantially as described, and are otherwise fit and suitable for the purposes for which they are designed to be used, and that such license should be granted.

(2) During the first two years of licensure for a new psychiatric hospital or any existing psychiatric hospital that changes ownership after July 1, 2020, the department shall provide technical assistance, perform at least three unannounced inspections, and conduct additional inspections of the hospital as necessary to verify the hospital is complying with the requirements of this chapter.

**NEW SECTION. Sec. 31.** A new section is added to chapter 71.12 RCW to read as follows:

(1) Every psychiatric hospital licensed under this chapter shall report to the department every patient elopement and every death that meets the circumstances specified in subsection (2) of this section that occurs on the hospital grounds within three days of the elopement or death to the department's complaint intake system or another reporting mechanism specified by the department in rule.

(2) The patient or staff deaths that must be reported to the department under subsection (1) of this section include the following:

- (a) Patient death associated with patient elopement;
- (b) Patient suicide;
- (c) Patient death associated with medication error;
- (d) Patient death associated with a fall;
- (e) Patient death associated with the use of physical restraints or bedrails; and
- (f) Patient or staff member death resulting from a physical assault.

**NEW SECTION. Sec. 32.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

On page 1, line 4 of the title, after "enforcement;" strike the remainder of the title and insert "amending RCW 71.12.480; reenacting and amending RCW 71.12.455; adding new sections to chapter 71.12 RCW; adding new

sections to chapter 43.70 RCW; creating a new section; and declaring an emergency."

and the same is herewith transmitted.

Brad Hendrickson, Secretary

## SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to SUBSTITUTE HOUSE BILL NO. 2426 and advanced the bill as amended by the Senate to final passage.

## FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representatives Cody and Schmick spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2426, as amended by the Senate.

## ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2426, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Mead, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shea, Shewmake, Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Excused: Representatives Griffey and Volz.

SUBSTITUTE HOUSE BILL NO. 2426, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

## MESSAGE FROM THE SENATE

March 6, 2020

Madame Speaker:

The Senate has passed SECOND SUBSTITUTE HOUSE BILL NO. 2457 with the following amendment:

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 33.** The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

- (1) "Authority" means the health care authority.
- (2) "Board" means the health care cost transparency board.
- (3) "Health care" means items, services, and supplies intended to improve or maintain human function or treat or ameliorate pain, disease, condition, or injury including, but not limited to, the following types of services:
  - (a) Medical;
  - (b) Behavioral;
  - (c) Substance use disorder;
  - (d) Mental health;
  - (e) Surgical;
  - (f) Optometric;
  - (g) Dental;
  - (h) Podiatric;
  - (i) Chiropractic;
  - (j) Psychiatric;
  - (k) Pharmaceutical;
  - (l) Therapeutic;
  - (m) Preventive;
  - (n) Rehabilitative;
  - (o) Supportive;
  - (p) Geriatric; or
  - (q) Long-term care.
- (4) "Health care cost growth" means the annual percentage change in total health care expenditures in the state.
- (5) "Health care cost growth benchmark" means the target percentage for health care cost growth.
- (6) "Health care coverage" means policies, contracts, certificates, and agreements issued or offered by a payer.
- (7) "Health care provider" means a person or entity that is licensed, certified, registered, or otherwise authorized by the law of this state to provide health care in the ordinary course of business or practice of a profession.
- (8) "Net cost of private health care coverage" means the difference in premiums received by a payer and the claims for the cost of health care paid by the payer under a policy or certificate of health care coverage.
- (9) "Payer" means:
  - (a) A health carrier as defined in RCW 48.43.005;
  - (b) A publicly funded health care program, including medicaid, medicare, the state children's health insurance

program, and public and school employee benefit programs administered under chapter 41.05 RCW;

- (c) A third-party administrator; and
- (d) Any other public or private entity, other than an individual, that pays or reimburses the cost for the provision of health care.
- (10) "Total health care expenditures" means all health care expenditures in this state by public and private sources, including:
  - (a) All payments on health care providers' claims for reimbursement for the cost of health care provided;
  - (b) All payments to health care providers other than payments described in (a) of this subsection;
  - (c) All cost-sharing paid by residents of this state, including copayments, deductibles, and coinsurance; and
  - (d) The net cost of private health care coverage.

**NEW SECTION. Sec. 34.** The authority shall establish a board to be known as the health care cost transparency board. The board is responsible for the analysis of total health care expenditures in Washington, identifying trends in health care cost growth, and establishing a health care cost growth benchmark. The board shall provide analysis of the factors impacting these trends in health care cost growth and, after review and consultation with identified entities, shall identify those health care providers and payers that are exceeding the health care cost growth benchmark.

**NEW SECTION. Sec. 35.** (1) The board shall consist of fourteen members who shall be appointed as follows:

- (a) The insurance commissioner, or the commissioner's designee;
- (b) The administrator of the health care authority, or the administrator's designee;
- (c) The director of labor and industries, or the director's designee;
- (d) The chief executive officer of the health benefit exchange, or the chief executive officer's designee;
- (e) One member representing local governments that purchase health care for their employees;
- (f) Two members representing consumers;
- (g) One member representing Taft-Hartley health benefit plans;
- (h) Two members representing large employers, at least one of which is a self-funded group health plan;
- (i) One member representing small businesses;
- (j) One member who is an actuary or an expert in health care economics;
- (k) One member who is an expert in health care financing; and

(1) One nonvoting member who is a member of the advisory committee of health care providers and carriers and has operational experience in health care delivery.

(2) The governor:

(a) Shall appoint the members of the board. Each of the two largest caucuses in both the house of representatives and the senate shall submit to the governor a list of five nominees. The nominees must be for members of the board identified in subsection (1)(f) through (k) of this section, may not be legislators, and, except for the members of the board identified in subsection (1)(j) and (k) of this section, the nominees may not be employees of the state or its political subdivisions. No caucus may submit the same nominee. The caucus nominations must reflect diversity in geography, gender, and ethnicity;

(b) May reject a nominee and request a new submission from a caucus if a nominee does not meet the requirements of this section; and

(c) Must choose at least one nominee from each caucus.

(3) The governor shall appoint the chair of the board.

(4)(a) Initial members of the board shall serve staggered terms not to exceed four years. Members appointed thereafter shall serve two-year terms.

(b) A member of the board whose term has expired or who otherwise leaves the board shall be replaced by gubernatorial appointment. Upon the expiration of a member's term, the member shall continue to serve until a successor has been appointed and has assumed office. When the person leaving was nominated by one of the caucuses of the house of representatives or the senate, his or her replacement shall be appointed from a list of five nominees submitted by that caucus within thirty days after the person leaves. If the member to be replaced is the chair, the governor shall appoint a new chair within thirty days after the vacancy occurs. A person appointed to replace a member who leaves the board prior to the expiration of his or her term shall serve only the duration of the unexpired term. Members of the board may be reappointed to multiple terms.

(5) No member of the board may be appointed if the member's participation in the decisions of the board could benefit the member's own financial interests or the financial interests of an entity the member represents. A board member who develops such a conflict of interest shall resign or be removed from the board.

(6) Members of the board must be reimbursed for their travel expenses while on official business in accordance with RCW 43.03.050 and 43.03.060. The board shall prescribe rules for the conduct of its business. Meetings of the board are subject to the call of the chair.

(7) The board and its subcommittees are subject to the provisions of chapter 42.30 RCW, the open public meetings act, and chapter 42.56 RCW, the public records act. The board and its subcommittees may not disclose any health care information that identifies or could reasonably identify

the patient or consumer who is the subject of the health care information.

(8) Members of the board are not civilly or criminally liable and may not have any penalty or cause of action of any nature arise against them for any action taken or not taken, including any discretionary decision or failure to make a discretionary decision, when the action or inaction is done in good faith and in the performance of the powers and duties under this chapter.

**NEW SECTION. Sec. 36.** (1) The board shall establish an advisory committee on data issues and an advisory committee of health care providers and carriers. The board may establish other advisory committees as it finds necessary.

(2) Appointments to the advisory committee on data issues shall be made by the board. Members of the committee must have expertise in health data collection and reporting, health care claims data analysis, health care economic analysis, and actuarial analysis.

(3) Appointments to the advisory committee of health care providers and carriers shall be made by the board and must include the following membership:

(a) One member representing hospitals and hospital systems, selected from a list of three nominees submitted by the Washington state hospital association;

(b) One member representing federally qualified health centers, selected from a list of three nominees submitted by the Washington association for community health;

(c) One physician, selected from a list of three nominees submitted by the Washington state medical association;

(d) One primary care physician, selected from a list of three nominees submitted by the Washington academy of family physicians;

(e) One member representing behavioral health providers, selected from a list of three nominees submitted by the Washington council for behavioral health;

(f) One member representing pharmacists and pharmacies, selected from a list of three nominees submitted by the Washington state pharmacy association;

(g) One member representing advanced registered nurse practitioners, selected from a list of three nominees submitted by ARNPs united of Washington state;

(h) One member representing tribal health providers, selected from a list of three nominees submitted by the American Indian health commission;

(i) One member representing a health maintenance organization, selected from a list of three nominees submitted by the association of Washington health care plans;

(j) One member representing a managed care organization that contracts with the authority to serve medical assistance enrollees, selected from a list of three

nominees submitted by the association of Washington health care plans;

(k) One member representing a health care service contractor, selected from a list of three nominees submitted by the association of Washington health care plans;

(l) One member representing an ambulatory surgery center selected from a list of three nominees submitted by the ambulatory surgery center association; and

(m) Three members, at least one of whom represents a disability insurer, selected from a list of six nominees submitted by America's health insurance plans.

**NEW SECTION. Sec. 37.** (1) The board has the authority to establish and appoint advisory committees, in accordance with the requirements of section 4 of this act, and seek input and recommendations from the advisory committees on topics relevant to the work of the board;

(2) The board shall:

(a) Determine the types and sources of data necessary to annually calculate total health care expenditures and health care cost growth, and to establish the health care cost growth benchmark, including execution of any necessary access and data security agreements with the custodians of the data. The board shall first identify existing data sources, such as the statewide health care claims database established in chapter 43.371 RCW and prescription drug data collected under chapter 43.71C RCW, and primarily rely on these sources when possible in order to minimize the creation of new reporting requirements;

(b) Determine the means and methods for gathering data to annually calculate total health care expenditures and health care cost growth, and to establish the health care cost growth benchmark. The board must select an appropriate economic indicator to use when establishing the health care cost growth benchmark. The activities may include selecting methodologies and determining sources of data. The board shall accept recommendations from the advisory committee on data issues and the advisory committee of health care providers and carriers regarding the value and feasibility of reporting various categories of information under (c) of this subsection, such as urban and rural, public sector and private sector, and major categories of health services, including prescription drugs, inpatient treatment, and outpatient treatment;

(c) Annually calculate total health care expenditures and health care cost growth:

(i) Statewide and by geographic rating area;

(ii) For each health care provider or provider system and each payer, taking into account the health status of the patients of the health care provider or the enrollees of the payer, utilization by the patients of the health care provider or the enrollees of the payer, intensity of services provided to the patients of the health care provider or the enrollees of the payer, and regional differences in input prices. The board must develop an implementation plan for reporting information about health care providers, provider systems, and payers;

(iii) By market segment;

(iv) Per capita; and

(v) For other categories, as recommended by the advisory committees in (b) of this subsection, and approved by the board;

(d) Annually establish the health care cost growth benchmark for increases in total health expenditures. The board, in determining the health care cost growth benchmark, shall begin with an initial implementation that applies to the highest cost drivers in the health care system and develop a phased plan to include other components of the health system for subsequent years;

(e) Beginning in 2023, analyze the impacts of cost drivers to health care and incorporate this analysis into determining the annual total health care expenditures and establishing the annual health care cost growth benchmark. The cost drivers may include, to the extent such data is available:

(i) Labor, including but not limited to, wages, benefits, and salaries;

(ii) Capital costs, including but not limited to new technology;

(iii) Supply costs, including but not limited to prescription drug costs;

(iv) Uncompensated care;

(v) Administrative and compliance costs;

(vi) Federal, state, and local taxes;

(vii) Capacity, funding, and access to postacute care, long-term services and supports, and housing; and

(viii) Regional differences in input prices; and

(f) Release reports in accordance with section 7 of this act.

**NEW SECTION. Sec. 38.** (1) The authority may contract with a private nonprofit entity to administer the board and provide support to the board to carry out its responsibilities under this chapter. The authority may not contract with a private nonprofit entity that has a financial interest that may create a potential conflict of interest or introduce bias into the board's deliberations.

(2) The authority or the contracted entity shall actively solicit federal and private funding and in-kind contributions necessary to complete its work in a timely fashion. The contracted entity shall not accept private funds if receipt of such funding could present a potential conflict of interest or introduce bias into the board's deliberations.

**NEW SECTION. Sec. 39.** (1) By August 1, 2021, the board shall submit a preliminary report to the governor and each chamber of the legislature. The preliminary report shall address the progress toward establishment of the board and advisory committees and the establishment of total health care expenditures, health care cost growth, and the health care cost growth benchmark for the state, including proposed methodologies for determining each of these calculations.

The preliminary report shall include a discussion of any obstacles related to conducting the board's work including any deficiencies in data necessary to perform its responsibilities under section 5 of this act and any supplemental data needs.

(2) Beginning August 1, 2022, the board shall submit annual reports to the governor and each chamber of the legislature. The first annual report shall determine the total health care expenditures for the most recent year for which data is available and shall establish the health care cost growth benchmark for the following year. The annual reports may include policy recommendations applicable to the board's activities and analysis of its work, including any recommendations related to lowering health care costs, focusing on private sector purchasers, and the establishment of a rating system of health care providers and payers.

**NEW SECTION. Sec. 40.** Sections 1 through 7 of this act constitute a new chapter in Title 70 RCW."

and the same is herewith transmitted.

Brad Hendrickson, Secretary

#### **SENATE AMENDMENT TO HOUSE BILL**

There being no objection, the House concurred in the Senate amendment to SECOND SUBSTITUTE HOUSE BILL NO. 2457 and advanced the bill as amended by the Senate to final passage.

#### **FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED**

Representatives Cody and Schmick spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Second Substitute House Bill No. 2457, as amended by the Senate.

#### **ROLL CALL**

The Clerk called the roll on the final passage of Second Substitute House Bill No. 2457, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 67; Nays, 29; Absent, 0; Excused, 2.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Caldier, Callan, Chapman, Chopp, Cody, Corry, Davis, Doglio, Dolan, Duerr, Entenman, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Gregerson, Hansen, Hudgins, J. Johnson, Kilduff, Kirby, Kloba, Leavitt, Lekanoff, Lovick, Macri, Mead, Morgan, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Slatter, Springer, Steele, Stonier, Sullivan, Tarleton, Thai, Tharinger, Valdez, Walen, Wilcox, Wylie, Young and Mme. Speaker.

Voting nay: Representatives Boehnke, Chambers, Chandler, DeBolt, Dent, Dufault, Dye, Eslick, Graham, Harris, Hoff, Irwin, Jenkin, Klippert, Kraft, Kretz,

MacEwen, Maycumber, McCaslin, Mosbrucker, Orcutt, Shea, Smith, Stokesbary, Sutherland, Van Werven, Vick, Walsh and Ybarra.

Excused: Representatives Griffey and Volz.

SECOND SUBSTITUTE HOUSE BILL NO. 2457, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

#### **MESSAGE FROM THE SENATE**

March 6, 2020

Madame Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 2464 with the following amendment:  
40.0.

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 41.** A new section is added to chapter 48.43 RCW to read as follows:

(1) Beginning January 1, 2021, the maximum amount a health carrier or pharmacy benefit manager may require a person to pay at the point of sale for a covered prescription medication is the lesser of:

(a) The applicable cost sharing for the prescription medication; or

(b) The amount the person would pay for the prescription medication if the person purchased the prescription medication without using a health plan.

(2) A health carrier or pharmacy benefit manager may not require a pharmacist to dispense a brand name prescription medication when a less expensive therapeutically equivalent generic prescription medication is available.

(3) For purposes of this section, "pharmacy benefit manager" has the same meaning as in RCW 19.340.010."

On page 1, line 2 of the title, after "medications;" strike the remainder of the title and insert "and adding a new section to chapter 48.43 RCW."

and the same is herewith transmitted.

Brad Hendrickson, Secretary

#### **SENATE AMENDMENT TO HOUSE BILL**

There being no objection, the House concurred in the Senate amendment to SUBSTITUTE HOUSE BILL NO. 2464 and advanced the bill as amended by the Senate to final passage.

#### **FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED**

Representatives Gildon and Cody spoke in favor of the passage of the bill.



The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2464, as amended by the Senate.

### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2464, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Mead, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shea, Shewmake, Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Excused: Representatives Griffey and Volz.

SUBSTITUTE HOUSE BILL NO. 2464, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

### MESSAGE FROM THE SENATE

March 6, 2020

Madame Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 2543 with the following amendment:

41.0.

Strike everything after the enacting clause and insert the following:

"**Sec. 42.** RCW 28B.15.012 and 2019 c 126 s 1 are each amended to read as follows:

Whenever used in this chapter:

(1) The term "institution" shall mean a public university, college, or community or technical college within the state of Washington.

(2) The term "resident student" shall mean:

(a) A financially independent student who has had a domicile in the state of Washington for the period of one year immediately prior to the time of commencement of the first day of the semester or quarter for which the student has registered at any institution and has in fact established a bona fide domicile in this state primarily for purposes other than educational;

(b) A dependent student, if one or both of the student's parents or legal guardians have maintained a bona fide

domicile in the state of Washington for at least one year immediately prior to commencement of the semester or quarter for which the student has registered at any institution;

(c) A student classified as a resident based upon domicile by an institution on or before May 31, 1982, who was enrolled at a state institution during any term of the 1982-1983 academic year, so long as such student's enrollment (excepting summer sessions) at an institution in this state is continuous;

(d) Any student who has spent at least seventy-five percent of both his or her junior and senior years in high schools in this state, whose parents or legal guardians have been domiciled in the state for a period of at least one year within the five-year period before the student graduates from high school, and who enrolls in a public institution of higher education within six months of leaving high school, for as long as the student remains continuously enrolled for three quarters or two semesters in any calendar year;

(e) Any person who has completed the full senior year of high school and obtained a high school diploma, both at a Washington public high school or private high school approved under chapter 28A.195 RCW, or a person who has received the equivalent of a diploma; who has lived in Washington for at least three years immediately prior to receiving the diploma or its equivalent; who has continuously lived in the state of Washington after receiving the diploma or its equivalent and until such time as the individual is admitted to an institution of higher education under subsection (1) of this section; and who provides to the institution an affidavit indicating that the individual will file an application to become a permanent resident at the earliest opportunity the individual is eligible to do so and a willingness to engage in any other activities necessary to acquire citizenship, including but not limited to citizenship or civics review courses;

(f) Any person who has lived in Washington, primarily for purposes other than educational, for at least one year immediately before the date on which the person has enrolled in an institution, and who holds lawful nonimmigrant status pursuant to 8 U.S.C. Sec. (a)(15) (E)(iii), (H)(i), or (L), or who holds lawful nonimmigrant status as the spouse or child of a person having nonimmigrant status under one of those subsections, or who, holding or having previously held such lawful nonimmigrant status as a principal or derivative, has filed an application for adjustment of status pursuant to 8 U.S.C. Sec. 1255(a);

(g) A student who is on active military duty stationed in the state or who is a member of the Washington national guard;

(h) A student who is on active military duty or a member of the Washington national guard who ~~((entered service as a Washington resident and who has maintained Washington as his or her domicile but is not stationed in the state))~~ meets the following conditions:

(i) Entered service as a Washington resident;

(ii) Has maintained a Washington domicile; and

(iii) Is stationed out-of-state;

(i) A student who is the spouse or a dependent of a person ~~((who is on active military duty or a member of the national guard who entered service as a Washington resident and who has maintained Washington as his or her domicile but is not stationed in the state))~~ defined in (g) of this subsection. If the person ~~((on active military duty))~~ defined in (g) of this subsection is reassigned out-of-state, the student maintains the status as a resident student so long as the student is ~~((continuously enrolled in a degree program))~~ either:

(i) Admitted to an institution before the reassignment and enrolls in that institution for the term the student was admitted; or

(ii) Enrolled in an institution and remains continuously enrolled at the institution;

(j) A student who is the spouse or a dependent of a person defined in (h) of this subsection;

(k) A student who is eligible or entitled to transferred federal post-9/11 veterans educational assistance act of 2008 (38 U.S.C. Sec. 3301 et seq.) benefits based on the student's relationship as a spouse, former spouse, or child to an individual who is on active duty in the uniformed services;

~~((k))~~ (l) A student who resides in the state of Washington and is the spouse or a dependent of a person who is a member of the Washington national guard;

~~((h))~~ (m) A student who has separated from the uniformed services with any period of honorable service after at least ninety days of active duty service; is eligible for educational assistance benefits under Title 38 U.S.C.; and enters an institution of higher education in Washington within three years of the date of separation;

~~((m))~~ (n) A student who is on terminal, transition, or separation leave pending separation, or release from active duty, from the uniformed services with any period of honorable service after at least ninety days of active duty service and is eligible for educational assistance benefits under Title 38 U.S.C.;

(o) A student who is entitled to veterans administration educational assistance benefits based on the student's relationship as a spouse, former spouse, or child to an individual who has separated from the uniformed services with any period of honorable service after at least ninety days of active duty service, and who enters an institution of higher education in Washington within three years of the service member's date of separation;

~~((n))~~ (p) A student who is the spouse or child to an individual who has separated from the uniformed services with at least ten years of honorable service and at least ninety days of active duty service, and who enters an institution of higher education in Washington within three years of the service member's date of separation;

(q) A student who has separated from the uniformed services who was discharged due to the student's sexual orientation or gender identity or expression;

(r) A student who is entitled to veterans administration educational assistance benefits based on the student's relationship with a deceased member of the uniformed services who died in the line of duty;

~~((e))~~ (s) A student who is entitled to federal vocational rehabilitation and employment services for veterans with service-connected disabilities under 38 U.S.C. Sec. 3102(a);

~~((p))~~ (t) A student who is defined as a covered individual in 38 U.S.C. Sec. 3679(c)(2) as it existed on July 28, 2019, or such subsequent date as the student achievement council may determine by rule;

~~((q))~~ (u) A student of an out-of-state institution of higher education who is attending a Washington state institution of higher education pursuant to a home tuition agreement as described in RCW 28B.15.725;

~~((r))~~ (v) A student who meets the requirements of RCW 28B.15.0131 or 28B.15.0139: PROVIDED, That a nonresident student enrolled for more than six hours per semester or quarter shall be considered as attending for primarily educational purposes, and for tuition and fee paying purposes only such period of enrollment shall not be counted toward the establishment of a bona fide domicile of one year in this state unless such student proves that the student has in fact established a bona fide domicile in this state primarily for purposes other than educational;

~~((s))~~ (w) A student who resides in Washington and is on active military duty stationed in the Oregon counties of Columbia, Gilliam, Hood River, Multnomah, Clatsop, Clackamas, Morrow, Sherman, Umatilla, Union, Wallowa, Wasco, or Washington; or

~~((t))~~ (x) A student who resides in Washington and is the spouse or a dependent of a person ~~((who resides in Washington and is on active military duty stationed in the Oregon counties of Columbia, Gilliam, Hood River, Multnomah, Clatsop, Clackamas, Morrow, Sherman, Umatilla, Union, Wallowa, Wasco, or Washington))~~ defined in (w) of this subsection. If the person ~~((on active military duty))~~ defined in (w) of this subsection moves from Washington or is reassigned out of the Oregon counties of Columbia, Gilliam, Hood River, Multnomah, Clatsop, Clackamas, Morrow, Sherman, Umatilla, Union, Wallowa, Wasco, or Washington, the student maintains the status as a resident student so long as the student resides in Washington and is either:

(i) Admitted to an institution before the reassignment and enrolls in that institution for the term the student was admitted; or

(ii) Enrolled in an institution and ~~((is))~~ remains continuously enrolled ~~((in a degree program))~~ at the institution.

(3)(a) A student who qualifies under subsection (2)~~((j), (l), (m), (n), (o), or (p)))~~ (k), (m), (n), (o), (p), (q), (r), (s), or (t) of this section and who remains continuously enrolled at an institution of higher education shall retain resident student status.

(b) Nothing in subsection (2)(~~((j), (l), (m), (n), (o), or (p))~~) (k), (m), (n), (o), (p), (q), (r), (s), or (t) of this section applies to students who have a dishonorable discharge from the uniformed services, or to students who are the spouse or child of an individual who has had a dishonorable discharge from the uniformed services, unless the student is receiving veterans administration educational assistance benefits.

(4) The term "nonresident student" shall mean any student who does not qualify as a "resident student" under the provisions of this section and RCW 28B.15.013. Except for students qualifying under subsection (2)(e) or ~~((q))~~ (u) of this section, a nonresident student shall include:

(a) A student attending an institution with the aid of financial assistance provided by another state or governmental unit or agency thereof, such nonresidency continuing for one year after the completion of such semester or quarter. This condition shall not apply to students from Columbia, Multnomah, Clatsop, Clackamas, or Washington county, Oregon participating in the border county pilot project under RCW 28B.76.685, 28B.76.690, and 28B.15.0139.

(b) A person who is not a citizen of the United States of America, unless the person meets and complies with all applicable requirements in this section and RCW 28B.15.013 and is one of the following:

(i) A lawful permanent resident;

(ii) A temporary resident;

(iii) A person who holds "refugee-parolee," "conditional entrant," or U or T nonimmigrant status with the United States citizenship and immigration services;

(iv) A person who has been issued an employment authorization document by the United States citizenship and immigration services that is valid as of the date the person's residency status is determined;

(v) A person who has been granted deferred action for childhood arrival status before, on, or after June 7, 2018, regardless of whether the person is no longer or will no longer be granted deferred action for childhood arrival status due to the termination, suspension, or modification of the deferred action for childhood arrival program; or

(vi) A person who is otherwise permanently residing in the United States under color of law, including deferred action status.

(5) The term "domicile" shall denote a person's true, fixed and permanent home and place of habitation. It is the place where the student intends to remain, and to which the student expects to return when the student leaves without intending to establish a new domicile elsewhere. The burden of proof that a student, parent or guardian has established a domicile in the state of Washington primarily for purposes other than educational lies with the student.

(6) The term "dependent" shall mean a person who is not financially independent. Factors to be considered in determining whether a person is financially independent shall be set forth in rules adopted by the student achievement council and shall include, but not be limited to, the state and

federal income tax returns of the person and/or the student's parents or legal guardian filed for the calendar year prior to the year in which application is made and such other evidence as the council may require.

(7) The term "active military duty" means the person is serving on active duty in:

(a) The armed forces of the United States government; or

(b) The Washington national guard; or

(c) The coast guard, merchant mariners, or other nonmilitary organization when such service is recognized by the United States government as equivalent to service in the armed forces.

(8) The term "active duty service" means full-time duty, other than active duty for training, as a member of the uniformed services of the United States. Active duty service as a national guard member under Title 32 U.S.C. for the purpose of organizing, administering, recruiting, instructing, or training and active service under 32 U.S.C. Sec. 502(f) for the purpose of responding to a national emergency is recognized as active duty service.

(9) The term "uniformed services" is defined by Title 10 U.S.C.; subsequently structured and organized by Titles 14, 33, and 42 U.S.C.; consisting of the United States army, United States marine corps, United States navy, United States air force, United States coast guard, United States public health service commissioned corps, and the national oceanic and atmospheric administration commissioned officer corps."

On page 1, line 2 of the title, after "residency," strike the remainder of the title and insert "and amending RCW 28B.15.012."

and the same is herewith transmitted.

Sarah Bannister, Deputy, Secretary

#### SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to SUBSTITUTE HOUSE BILL NO. 2543 and advanced the bill as amended by the Senate to final passage.

#### FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representatives Paul and Van Werven spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2543, as amended by the Senate.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2543, as amended by the Senate,

and the bill passed the House by the following vote: Yeas, 94; Nays, 2; Absent, 0; Excused, 2.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chapman, Chopp, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, J. Johnson, Kilduff, Kirby, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Mead, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shea, Shewmake, Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Voting nay: Representatives Chandler and Klippert.

Excused: Representatives Griffey and Volz.

SUBSTITUTE HOUSE BILL NO. 2543, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

#### MESSAGE FROM THE SENATE

March 6, 2020

Madame Speaker:

The Senate has passed HOUSE BILL NO. 2545 with the following amendment:

42.0.

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 70.48.100 and 2016 c 154 s 6 are each amended to read as follows:

(1) A department of corrections or chief law enforcement officer responsible for the operation of a jail shall maintain a jail register, open to the public, into which shall be entered in a timely basis:

(a) The name of each person confined in the jail with the hour, date and cause of the confinement; and

(b) The hour, date and manner of each person's discharge.

(2) Except as provided in subsections (3) and (4) of this section, the records of a person confined in jail shall be held in confidence and shall be made available only to criminal justice agencies as defined in RCW 43.43.705; or

(a) For use in inspections made pursuant to RCW 70.48.070;

(b) In jail certification proceedings;

(c) For use in court proceedings upon the written order of the court in which the proceedings are conducted;

(d) To the Washington association of sheriffs and police chiefs;

(e) To the Washington institute for public policy, research and data analysis division of the department of social and health services, higher education institutions of Washington state, Washington state health care authority, state auditor's office, caseload forecast council, office of financial management, or the successor entities of these organizations, for the purpose of research in the public interest. Data disclosed for research purposes must comply with relevant state and federal statutes;

(f) To federal, state, or local agencies to determine eligibility for services such as medical, mental health, chemical dependency treatment, or veterans' services, and to allow for the provision of treatment to inmates during their stay or after release. Records disclosed for eligibility determination or treatment services must be held in confidence by the receiving agency, and the receiving agency must comply with all relevant state and federal statutes regarding the privacy of the disclosed records; or

(g) Upon the written permission of the person.

(3) The records of a person confined in jail may be made available to a managed health care system, including managed care organizations and behavioral health administrative services organizations as defined in RCW 71.24.025, for the purpose of care coordination activities. The receiving system or organization must hold records in confidence and comply with all relevant state and federal statutes regarding privacy of disclosed records.

(4)(a) Law enforcement may use booking photographs of a person arrested or confined in a local or state penal institution to assist them in conducting investigations of crimes.

(b) Photographs and information concerning a person convicted of a sex offense as defined in RCW 9A.030 may be disseminated as provided in RCW 4.24.550, 9A.44.130, 9A.44.140, 10.01.200, 43.43.540, 43.43.745, 46.20.187, 70.48.470, 72.09.330, and section 401, chapter 3, Laws of 1990.

((4)) (5) Any jail that provides inmate records in accordance with subsection (2) or (3) of this section is not responsible for any unlawful secondary dissemination of the provided inmate records.

(6) For purposes of this section:

(a) "Managed care organization" and "behavioral health administrative services organization" have the same meaning as in RCW 71.24.025.

(b) "Managed health care system" has the same meaning as in RCW 74.09.522."

On page 1, line 2 of the title, after "systems;" strike the remainder of the title and insert "and amending RCW 70.48.100."

and the same is herewith transmitted.

Sarah Bannister, Deputy, Secretary

**SENATE AMENDMENT TO HOUSE BILL**

There being no objection, the House concurred in the Senate amendment to HOUSE BILL NO. 2545 and advanced the bill as amended by the Senate to final passage.

### **FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED**

Representatives Davis and Klippert spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of House Bill No. 2545, as amended by the Senate.

### **ROLL CALL**

The Clerk called the roll on the final passage of House Bill No. 2545, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Mead, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shea, Shewmake, Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Excused: Representatives Griffey and Volz.

HOUSE BILL NO. 2545, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

### **MESSAGE FROM THE SENATE**

March 6, 2020

Madame Speaker:

The Senate has passed HOUSE BILL NO. 2587 with the following amendment:

1.0.

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 2.** A new section is added to chapter 79A.05 RCW to read as follows:

(1) In addition to its other powers, duties, and functions, the commission must establish a scenic bikeways program for the designation and promotion of bicycle routes of notable scenic, recreational, cultural, or historic value.

(2)(a) Any person may propose the designation of a scenic bikeway route by the commission. Prior to the

designation of a scenic bike route by the commission, the commission must provide an opportunity for public comment.

(b) When proposing routes for commission approval, proponents are encouraged to:

(i) Consider the criteria under this section by which the commission will review and approve scenic bikeway designations, including the criteria specified in subsections (4) and (6) of this section; and

(ii) Locate routes in such a way as to encourage local economic development in proximity to designated scenic bikeways, including opportunities for bicycle repairs, food, lodging, camping, recreation, and other tourist activities.

(3)(a) Scenic bikeways may be comprised of bicycle paths, multiple-use trails, highways, or trail facilities managed by the commission.

(b)(i) Scenic bikeways may be located over public lands with the consent of each federal, state, or local governmental entity that has jurisdiction over the public lands or through which a proposed route passes.

(ii) Scenic bikeways may be located over privately owned lands with the consent of the private landowner.

(4) Prior to designating a scenic bikeway, the commission must review the proposed designation in consultation with the department of transportation and confirm the designated bicycle route:

(a) Is of notable scenic, recreational, cultural, or historic value, or some combination thereof;

(b) Is consented to as required under subsection (3) of this section; and

(c) To the extent feasible and consistent with the goals of this section:

(i) Is not located on heavily trafficked roads when less-trafficked roads are available as a suitable alternative;

(ii) Is not located on highways without shoulders or bike lanes when highways with shoulders or bike lanes are available as a suitable alternative;

(iii) Avoids complex intersections or other locations that would reduce the ease of use of the scenic bikeway by users;

(iv) Is colocated with locally developed bicycle-supportive infrastructure, including bike lanes, multiuse trails, greenways, or other designated bicycle routes; and

(v) Is designed to minimize adverse effects on adjacent landowners.

(5) Prior to designating a scenic bikeway, the commission must consult with a local government legislative authority if the scenic bikeway will be located within the local government's jurisdiction.

(6) To the extent that funds available for the development of scenic bikeways limit the number of designated scenic bikeways that the commission is able to

approve and implement each biennium, the commission must give priority to the designation and implementation of scenic bikeways that will add variety to the geographic location, topography, route length and difficulty, and cultural, historic, scenic, and recreational value of the statewide scenic bikeway system or that will complete existing bicycling networks.

(7) The commission must periodically review designated scenic bikeways to ensure that routes continue to meet the criteria of subsection (4) of this section. Upon review, the commission may alter the route or revoke the designation of a scenic bikeway.

(8)(a) In consultation with the department of transportation, the commission must develop signage to be placed along the routes of each designated scenic bikeway.

(b) On the commission's web site, the commission must promote the use of designated scenic bikeways.

(c) The commission may develop promotional materials, including maps or telecommunications applications for purposes of facilitating public use of designated scenic bikeways. Promotional materials created by the commission must indicate whether the bikeway is paved or gravel and any other conditions of the bikeway that affect the safety of users. Consistent with the standards of RCW 79A.05.087, the commission may encourage local economic development in proximity to designated scenic bikeways in the promotional materials by noting opportunities for bicycle repair, food, lodging, camping, recreation, and other tourist activities.

(d) The commission must evaluate each designated scenic bikeway to determine whether the bikeway, or a portion thereof, is suitable for the use of electric bicycles and tricycles. If the commission determines that a designated scenic bikeway, or a portion thereof, is suitable for the use of electric bicycles and tricycles, the commission must allow their use on those bikeways or portions of bikeways.

(9) A recreational access pass issued under chapter 79A.80 RCW is not required in order to use a designated scenic bikeway, except that the access pass requirements of chapter 79A.80 RCW apply to motor vehicles used to park or operate on any portion of a scenic bikeway located on a recreational site or lands, as that term is defined in RCW 79A.80.010.

(10) The designation of a facility or roadway as a scenic bikeway by the commission does not change the liability of the commission or any other state or local government entity with respect to unintentional injury sustained by a user of a scenic bikeway. Nothing in this subsection applies or limits the applicability of the provisions of RCW 4.24.210 to roads or facilities designated as scenic bikeways.

(11) Nothing in this section authorizes the commission to acquire property or property rights solely for purposes of development of a scenic bikeway.

(12) The commission may enter into sponsorship agreements with nonprofit entities or private businesses or entities for sponsorship signs to be displayed on designated

scenic bikeways or portions of designated scenic bikeways. The commission may establish the cost for entering into a sponsorship agreement. Sponsorship agreements must comply with (a) through (d) of this subsection.

(a) Space for a sponsorship sign may be provided by the commission on a designated scenic bikeway.

(b) Signage erected pursuant to a sponsorship agreement must be consistent with criteria established by the commission relating to size, materials, colors, wording, and location.

(c) The nonprofit entity or private business or entity must pay all costs of a display, including development, construction, installation, operation, maintenance, and removal costs.

(d) Proceeds from the sponsorship agreements must be used to fund commission activities related to the scenic bikeways program. Any surplus funds resulting from sponsorship agreements must be deposited into the state parks renewal and stewardship account under RCW 79A.05.215.

(13) The commission may adopt rules to administer the scenic bikeways program."

On page 1, line 2 of the title, after "bikeways;" strike the remainder of the title and insert "and adding a new section to chapter 79A.05 RCW."

and the same is herewith transmitted.

Brad Hendrickson, Secretary

#### **SENATE AMENDMENT TO HOUSE BILL**

There being no objection, the House concurred in the Senate amendment to HOUSE BILL NO. 2587 and advanced the bill as amended by the Senate to final passage.

#### **FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED**

Representatives Ramel and Jenkin spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of House Bill No. 2587, as amended by the Senate.

#### **ROLL CALL**

The Clerk called the roll on the final passage of House Bill No. 2587, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Kraft,

Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Mead, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shea, Shewmake, Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Excused: Representatives Griffey and Volz.

HOUSE BILL NO. 2587, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

### MESSAGE FROM THE SENATE

March 6, 2020

Madame Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 2622 with the following amendment:

2.0.

Strike everything after the enacting clause and insert the following:

"**Sec. 3.** RCW 9.41.801 and 2019 c 245 s 2 are each amended to read as follows:

(1) Because of the heightened risk of lethality to petitioners when respondents to protection orders become aware of court involvement and continue to have access to firearms, and the frequency of noncompliance with court orders prohibiting possession of firearms, law enforcement and judicial processes must emphasize swift and certain compliance with court orders prohibiting access, possession, and ownership of firearms.

(2) A law enforcement officer serving a protection order, no-contact order, or restraining order that includes an order to surrender all firearms, dangerous weapons, and a concealed pistol license under RCW 9.41.800 shall inform the respondent that the order is effective upon service and the respondent must immediately surrender all firearms and dangerous weapons in his or her custody, control, or possession and any concealed pistol license issued under RCW 9.41.070, and conduct any search permitted by law for such firearms, dangerous weapons, and concealed pistol license. The law enforcement officer shall take possession of all firearms, dangerous weapons, and any concealed pistol license belonging to the respondent that are surrendered, in plain sight, or discovered pursuant to a lawful search. ~~((Alternatively, if personal service is not required because the respondent was present at the hearing at which the order was entered, the))~~ The order must be personally served upon the respondent or defendant if the order is entered in open court in the presence of the respondent or defendant. The respondent or defendant shall acknowledge receipt and service. If the respondent or defendant refuses service, an agent of the court may indicate on the record that the respondent or defendant refused service. The court shall enter the service and receipt into the record. A copy of the order and service shall be transmitted immediately to law

enforcement. The respondent must immediately surrender all firearms, dangerous weapons, and any concealed pistol license in a safe manner to the control of the local law enforcement agency on the day of the hearing at which the respondent was present.

(3) At the time of surrender, a law enforcement officer taking possession of firearms, dangerous weapons, and any concealed pistol license shall issue a receipt identifying all firearms, dangerous weapons, and any concealed pistol license that have been surrendered and provide a copy of the receipt to the respondent. The law enforcement agency shall file the original receipt with the court within twenty-four hours after service of the order and retain a copy of the receipt, electronically whenever electronic filing is available.

(4) Upon the sworn statement or testimony of the petitioner or of any law enforcement officer alleging that the respondent has failed to comply with the surrender of firearms or dangerous weapons as required by an order issued under RCW 9.41.800, the court shall determine whether probable cause exists to believe that the respondent has failed to surrender all firearms and dangerous weapons in their possession, custody, or control. If probable cause exists, the court shall issue a warrant describing the firearms or dangerous weapons and authorizing a search of the locations where the firearms and dangerous weapons are reasonably believed to be and the seizure of all firearms and dangerous weapons discovered pursuant to such search.

(5) If a person other than the respondent claims title to any firearms or dangerous weapons surrendered pursuant to this section, and the person is determined by the law enforcement agency to be the lawful owner of the firearm or dangerous weapon, the firearm or dangerous weapon shall be returned to the lawful owner, provided that:

(a) The firearm or dangerous weapon is removed from the respondent's access, custody, control, or possession and the lawful owner agrees by written document signed under penalty of perjury to store the firearm or dangerous weapon in a manner such that the respondent does not have access to or control of the firearm or dangerous weapon;

(b) The firearm or dangerous weapon is not otherwise unlawfully possessed by the owner; and

(c) The requirements of RCW 9.41.345 are met.

(6) Courts shall develop procedures to verify timely and complete compliance with orders to surrender weapons under RCW 9.41.800, including compliance review hearings to be held as soon as possible upon receipt from law enforcement of proof of service. A compliance review hearing is not required if the court can otherwise enter findings on the record or enter written findings that the proof of surrender or declaration of nonsurrender attested to by the person subject to the order, along with verification from law enforcement and any other relevant evidence, makes a sufficient showing that the person has timely and completely surrendered all firearms and dangerous weapons in their custody, control, or possession, and any concealed pistol license issued under RCW 9.41.070, to a law enforcement agency. If the court does not have a sufficient record before

it on which to make such a finding, the court must set a review hearing to occur as soon as possible at which the respondent must be present and provide ~~((testimony to the court under oath verifying))~~ proof of compliance with the court's order.

(7)(a) If a court finds at the compliance review hearing, or any other hearing where compliance with the order to surrender weapons is addressed, that there is probable cause to believe the respondent was aware of and failed to fully comply with the order, failed to appear at the compliance review hearing, or violated the order after the court entered findings of compliance, pursuant to its authority under chapter 7.21 RCW, the court may initiate a contempt proceeding to impose remedial sanctions on its own motion, or upon the motion of the prosecutor, city attorney, or the petitioner's counsel, and issue an order requiring the respondent to appear, provide proof of compliance with the order, and show cause why the respondent should not be held in contempt of court.

(b) If the respondent is not present in court at the compliance review hearing or if the court issues an order to appear and show cause after a compliance review hearing, the clerk of the court shall electronically transmit a copy of the order to show cause to the law enforcement agency where the respondent resides for personal service or service in the manner provided in the civil rules of superior court or applicable statute.

(c) The order to show cause served upon the respondent shall state the date, time, and location of the hearing and shall include a warning that the respondent may be held in contempt of court if the respondent fails to promptly comply with the terms of the order to surrender weapons and a warning that an arrest warrant could be issued if the respondent fails to appear on the date and time provided in the order.

(d)(i) At the show cause hearing, the respondent must be present and provide proof of compliance with the underlying court order to surrender weapons and demonstrate why the relief requested should not be granted.

(ii) The court shall take judicial notice of the receipt filed with the court by the law enforcement agency pursuant to subsection (3) of this section. The court shall also provide sufficient notice to the law enforcement agency of the hearing. Upon receiving notice pursuant to this subsection, a law enforcement agency must:

(A) Provide the court with a complete list of firearms and other dangerous weapons surrendered by the respondent or otherwise belonging to the respondent that are in the possession of the law enforcement agency; and

(B) Provide the court with verification that any concealed pistol license issued to the respondent has been surrendered and the agency with authority to revoke the license has been notified.

(iii) If the law enforcement agency has a reasonable suspicion that the respondent is not in full compliance with the terms of the order, the law enforcement agency must

submit the basis for its belief to the court, and may do so through the filing of an affidavit.

(e) If the court finds the respondent in contempt, the court may impose remedial sanctions designed to ensure swift compliance with the order to surrender weapons.

(f) The court may order a respondent found in contempt of the order to surrender weapons to pay for any losses incurred by a party in connection with the contempt proceeding, including reasonable attorneys' fees, service fees, and other costs. The costs of the proceeding shall not be borne by the petitioner.

(8) All law enforcement agencies must have policies and procedures to provide for the acceptance, storage, and return of firearms, dangerous weapons, and concealed pistol licenses that a court requires must be surrendered under RCW 9.41.800. A law enforcement agency holding any firearm or concealed pistol license that has been surrendered under RCW 9.41.800 shall comply with the provisions of RCW 9.41.340 and 9.41.345 before the return of the firearm or concealed pistol license to the owner or individual from whom it was obtained.

~~((8))~~ (9) The administrative office of the courts shall create a statewide pattern form to assist the courts in ensuring timely and complete compliance in a consistent manner with orders issued under this chapter. The administrative office of the courts shall report annually on the number of orders issued under this chapter by each court, the degree of compliance, and the number of firearms obtained, and may make recommendations regarding additional procedures to enhance compliance and victim safety.

**Sec. 4.** RCW 7.94.090 and 2017 c 3 s 10 (Initiative Measure No. 1491) are each amended to read as follows:

(1) Upon issuance of any extreme risk protection order under this chapter, including an ex parte extreme risk protection order, the court shall order the respondent to surrender to the local law enforcement agency all firearms in the respondent's custody, control, or possession and any concealed pistol license issued under RCW 9.41.070.

(2) The law enforcement officer serving any extreme risk protection order under this chapter, including an ex parte extreme risk protection order, shall request that the respondent immediately surrender all firearms in his or her custody, control, or possession and any concealed pistol license issued under RCW 9.41.070, and conduct any search permitted by law for such firearms. The law enforcement officer shall take possession of all firearms belonging to the respondent that are surrendered, in plain sight, or discovered pursuant to a lawful search. The order must be personally served upon the respondent or defendant if the order is entered in open court in the presence of the respondent or defendant. The respondent or defendant shall acknowledge receipt and service. If the respondent or defendant refuses service, an agent of the court may indicate on the record that the respondent or defendant refused service. The court shall enter the service and receipt into the record. A copy of the order and service shall be transmitted immediately to law enforcement. Alternatively, if personal service by a law



enforcement officer is not possible, ~~((or not required because the respondent was present at the extreme risk protection order hearing,))~~ the respondent shall surrender the firearms in a safe manner to the control of the local law enforcement agency within forty-eight hours of being served with the order by alternate service ~~((or within forty-eight hours of the hearing at which the respondent was present))~~.

(3) At the time of surrender, a law enforcement officer taking possession of a firearm or concealed pistol license shall issue a receipt identifying all firearms that have been surrendered and provide a copy of the receipt to the respondent. Within seventy-two hours after service of the order, the officer serving the order shall file the original receipt with the court and shall ensure that his or her law enforcement agency retains a copy of the receipt.

(4) Upon the sworn statement or testimony of the petitioner or of any law enforcement officer alleging that the respondent has failed to comply with the surrender of firearms as required by an order issued under this chapter, the court shall determine whether probable cause exists to believe that the respondent has failed to surrender all firearms in his or her possession, custody, or control. If probable cause exists, the court shall issue a warrant describing the firearms and authorizing a search of the locations where the firearms are reasonably believed to be and the seizure of any firearms discovered pursuant to such search.

(5) If a person other than the respondent claims title to any firearms surrendered pursuant to this section, and he or she is determined by the law enforcement agency to be the lawful owner of the firearm, the firearm shall be returned to him or her, provided that:

(a) The firearm is removed from the respondent's custody, control, or possession and the lawful owner agrees to store the firearm in a manner such that the respondent does not have access to or control of the firearm; and

(b) The firearm is not otherwise unlawfully possessed by the owner.

(6) Upon the issuance of a one-year extreme risk protection order, the court shall order a new compliance review hearing date and require the respondent to appear not later than three judicial days from the issuance of the order. The court shall require a showing that the ~~((person subject to the order))~~ respondent has surrendered any firearms in ~~((his or her))~~ the respondent's custody, control, or possession, and any concealed pistol license issued under RCW 9.41.070 to a law enforcement agency. The court may dismiss the hearing upon a satisfactory showing that the respondent has timely and completely surrendered all firearms in the respondent's custody, control, or possession and any concealed pistol license issued under RCW 9.41.070 to a law enforcement agency, and is in compliance with the order. If the court does not have a sufficient record before it on which to make such a finding, the court must set a review hearing to occur as soon as possible, at which the respondent must be present and provide proof of compliance with the court's order.

(7)(a) If a court finds at the compliance review hearing, or any other hearing where compliance with the order is addressed, that there is probable cause to believe the respondent was aware of and failed to fully comply with the order, failed to appear at the compliance review hearing, or violated the order after the court entered findings of compliance, pursuant to its authority under chapter 7.21 RCW, the court may initiate a contempt proceeding on its own motion, or upon the motion of the prosecutor, city attorney, or the petitioner's counsel, to impose remedial sanctions, and issue an order requiring the respondent to appear, provide proof of compliance with the order, and show cause why the respondent should not be held in contempt of court.

(b) If the respondent is not present in court at the compliance review hearing or if the court issues an order to appear and show cause after a compliance review hearing, the clerk of the court shall electronically transmit a copy of the order to show cause to the law enforcement agency where the respondent resides for personal service or service in the manner provided in the civil rules of superior court or applicable statute.

(c) The order to show cause served upon the respondent shall state the date, time, and location of the hearing and shall include a warning that the respondent may be held in contempt of court if the respondent fails to promptly comply with the terms of the extreme risk protection order and a warning that an arrest warrant could be issued if the respondent fails to appear on the date and time provided in the order to show cause.

(d)(i) At the show cause hearing, the respondent must be present and provide proof of compliance with the extreme risk protection order and demonstrate why the relief requested should not be granted.

(ii) The court shall take judicial notice of the receipt filed with the court by the law enforcement agency pursuant to subsection (3) of this section. The court shall also provide sufficient notice to the law enforcement agency of the hearing. Upon receiving notice pursuant to this subsection, a law enforcement agency must:

(A) Provide the court with a complete list of firearms surrendered by the respondent or otherwise belonging to the respondent that are in the possession of the law enforcement agency; and

(B) Provide the court with verification that any concealed pistol license issued to the respondent has been surrendered and the agency with authority to revoke the license has been notified.

(iii) If the law enforcement agency has a reasonable suspicion that the respondent is not in full compliance with the terms of the order, the law enforcement agency must submit the basis for its belief to the court, and may do so through the filing of an affidavit.

(e) If the court finds the respondent in contempt, the court may impose remedial sanctions designed to ensure swift compliance with the order to surrender weapons.

(f) The court may order a respondent found in contempt of the order to pay for any losses incurred by a party in connection with the contempt proceeding, including reasonable attorneys' fees, service fees, and other costs. The costs of the proceeding shall not be borne by the petitioner.

(8) All law enforcement agencies must develop policies and procedures by June 1, 2017, regarding the acceptance, storage, and return of firearms required to be surrendered under this chapter. A law enforcement agency holding any surrendered firearm or concealed pistol license shall comply with the provisions of RCW 9.41.340 and 9.41.345 before the return of the firearm or concealed pistol license to the owner or individual from whom it was obtained."

On page 1, line 3 of the title, after "licenses;" strike the remainder of the title and insert "and amending RCW 9.41.801 and 7.94.090."

and the same is herewith transmitted.

Sarah Bannister, Deputy, Secretary

#### SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to SUBSTITUTE HOUSE BILL NO. 2622 and advanced the bill as amended by the Senate to final passage.

#### FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representative Kilduff spoke in favor of the passage of the bill.

Representative Irwin spoke against the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2622, as amended by the Senate.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2622, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 56; Nays, 40; Absent, 0; Excused, 2.

Voting yea: Representatives Appleton, Bergquist, Callan, Chapman, Chopp, Cody, Davis, Doglio, Dolan, Duerr, Entenman, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hansen, Hudgins, J. Johnson, Kilduff, Kirby, Kloba, Leavitt, Lekanoff, Lovick, Macri, Mead, Morgan, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Ryu, Santos, Sells, Senn, Shewmake, Slatter, Springer, Stonier, Sullivan, Tarleton, Thai, Tharinger, Valdez, Walen, Wylie and Mme. Speaker.

Voting nay: Representatives Barkis, Blake, Boehnke, Caldier, Chambers, Chandler, Corry, DeBolt, Dent, Dufault, Dye, Eslick, Gildon, Goehner, Graham, Harris, Hoff, Irwin,

Jenkin, Klippert, Kraft, Kretz, MacEwen, Maycumber, McCaslin, Mosbrucker, Orcutt, Rude, Schmick, Shea, Smith, Steele, Stokesbary, Sutherland, Van Werven, Vick, Walsh, Wilcox, Ybarra and Young.

Excused: Representatives Griffey and Volz.

SUBSTITUTE HOUSE BILL NO. 2622, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

#### MESSAGE FROM THE SENATE

March 6, 2020

Madame Speaker:

The Senate has passed ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2662 with the following amendment:

4.0.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 5. (1) The legislature recognizes that:

(a) Insulin is a life-saving drug and is critical to the management of diabetes as it helps patients control their blood sugar levels;

(b) According to Yale researchers, one-quarter of patients with Type 1 or 2 diabetes have reported using less insulin than prescribed due to the high cost of insulin;

(c) The first insulin patent in the United States was awarded in 1923 and the first synthetic insulin arrived on the market in 1978; and

(d) The price and utilization of insulin has steadily increased, making it one of the costliest prescription drugs in the state. According to the Washington all-payer claims database, the allowable costs before rebates for health carriers in the state have increased eighty-seven percent since 2014, and per member out-of-pocket costs have increased an average of eighteen percent over the same time period.

(2) Therefore, the legislature intends to review, consider, and pursue several strategies with the goal of reducing the cost of insulin in Washington.

NEW SECTION. Sec. 6. A new section is added to chapter 70.14 RCW to read as follows:

(1) The total cost of insulin work group is established. The work group membership must consist of the insurance commissioner or designee and the following members appointed by the governor:

(a) A representative from the prescription drug purchasing consortium described in RCW 70.14.060;

(b) A representative from the pharmacy quality assurance commission;

(c) A representative from an association representing independent pharmacies;

(d) A representative from an association representing chain pharmacies;

(e) A representative from each health carrier offering at least one health plan in a commercial market in the state;

(f) A representative from each health carrier offering at least one health plan to state or public school employees in the state;

(g) A representative from an association representing health carriers;

(h) A representative from the public employees' benefits board or the school employees' benefits board;

(i) A representative from the health care authority;

(j) A representative from a pharmacy benefit manager that contracts with state purchasers;

(k) A representative from a drug distributor or wholesaler that distributes or sells insulin in the state;

(l) A representative from a state agency that purchases health care services and drugs for a selected population;

(m) A representative from the attorney general's office with expertise in prescription drug purchasing; and

(n) A representative from an organization representing diabetes patients who is living with diabetes.

(2) The work group must review and design strategies to reduce the cost of and total expenditures on insulin in this state. Strategies the work group must consider include, but are not limited to, a state agency becoming a licensed drug wholesaler, a state agency becoming a registered pharmacy benefit manager, and a state agency purchasing prescription drugs on behalf of the state directly from other states or in coordination with other states.

(3) Staff support for the work group shall be provided by the health care authority.

(4) By December 1, 2020, the work group must submit a preliminary report detailing strategies to reduce the cost of and total expenditures on insulin for patients, health carriers, payers, and the state. The work group must submit a final report by July 1, 2021, to the governor and the legislature. The final report must include any statutory changes necessary to implement the strategies.

(5) This section expires December 1, 2022.

**NEW SECTION. Sec. 7.** A new section is added to chapter 70.14 RCW to read as follows:

(1) In order to implement strategies recommended by the total cost of insulin work group established in section 2 of this act, the health care authority may:

(a) Become or designate a state agency that shall become a drug wholesaler licensed under RCW 18.64.046;

(b) Become or designate a state agency that shall become a pharmacy benefit manager registered under RCW 19.340.030; or

(c) Purchase prescription drugs on behalf of the state directly from other states or in coordination with other states.

(2) In addition to the authorities granted in subsection (1) of this section, if the total cost of insulin work group established in section 2 of this act determines that all or a portion of the strategies may be implemented without statutory changes, the health care authority and the prescription drug purchasing consortium described in RCW 70.14.060 shall begin implementation without further legislative direction.

**Sec. 8.** RCW 70.14.060 and 2009 c 560 s 13 are each amended to read as follows:

(1)(a) The administrator of the state health care authority shall, directly or by contract, adopt policies necessary for establishment of a prescription drug purchasing consortium. The consortium's purchasing activities shall be based upon the evidence-based prescription drug program established under RCW 70.14.050. State purchased health care programs as defined in RCW 41.05.011 shall purchase prescription drugs through the consortium for those prescription drugs that are purchased directly by the state and those that are purchased through reimbursement of pharmacies, unless exempted under ~~((this section))~~ (b) of this subsection. The administrator shall not require any supplemental rebate offered to the ~~((department of social and health services))~~ health care authority by a pharmaceutical manufacturer for prescription drugs purchased for medical assistance program clients under chapter 74.09 RCW be extended to any other state purchased health care program, or to any other individuals or entities participating in the consortium. The administrator shall explore joint purchasing opportunities with other states.

(b) State purchased health care programs are exempt from the requirements of this section if they can demonstrate to the administrator of the state health care authority that, as a result of the availability of federal programs or other purchasing arrangements, their other purchasing mechanisms will result in greater discounts and aggregate cost savings than would be realized through participation in the consortium.

(2) Participation in the purchasing consortium shall be offered as an option beginning January 1, 2006. Participation in the consortium is purely voluntary for units of local government, private entities, labor organizations, health carriers as provided in RCW 48.43.005, state purchased health care services from or through health carriers as provided in RCW 48.43.005, and for individuals who lack or are underinsured for prescription drug coverage. The administrator may set reasonable fees, including enrollment fees, to cover administrative costs attributable to participation in the prescription drug consortium.

~~(3) ((This section does not apply to state purchased health care services that are purchased from or through health carriers as defined in RCW 48.43.005, or group model health maintenance organizations that are accredited by the national committee for quality assurance.~~

(4)) The state health care authority is authorized to adopt rules implementing chapter 129, Laws of 2005.

~~((5) State purchased health care programs are exempt from the requirements of this section if they can demonstrate to the administrator that, as a result of the availability of federal programs or other purchasing arrangements, their other purchasing mechanisms will result in greater discounts and aggregate cost savings than would be realized through participation in the consortium.))~~

**NEW SECTION. Sec. 9.** A new section is added to chapter 48.43 RCW to read as follows:

(1) Except as required in subsection (2) of this section, a health plan issued or renewed on or after January 1, 2021, that provides coverage for prescription insulin drugs for the treatment of diabetes must cap the total amount that an enrollee is required to pay for a covered insulin drug at an amount not to exceed one hundred dollars per thirty-day supply of the drug. Prescription insulin drugs must be covered without being subject to a deductible, and any cost sharing paid by an enrollee must be applied toward the enrollee's deductible obligation.

(2) If the federal internal revenue service removes insulin from the list of preventive care services which can be covered by a qualifying health plan for a health savings account before the deductible is satisfied, for a health plan that provides coverage for prescription insulin drugs for the treatment of diabetes and is offered as a qualifying health plan for a health savings account, the carrier must establish the plan's cost sharing for the coverage of prescription insulin for diabetes at the minimum level necessary to preserve the enrollee's ability to claim tax exempt contributions from his or her health savings account under internal revenue service laws and regulations. The office of the insurance commissioner must provide written notice of the change in internal revenue service guidance to affected parties, the chief clerk of the house of representatives, the secretary of the senate, the office of the code reviser, and others as deemed appropriate by the office.

(3) This section expires January 1, 2023.

**NEW SECTION. Sec. 10.** A new section is added to chapter 41.05 RCW to read as follows:

(1) Except as required in subsection (2) of this section, a health plan offered to public employees and their covered dependents under this chapter that is issued or renewed by the board on or after January 1, 2021, that provides coverage for prescription insulin drugs for the treatment of diabetes must cap the total amount that an enrollee is required to pay for a covered insulin drug at an amount not to exceed one hundred dollars per thirty-day supply of the drug. Prescription insulin drugs must be covered without being subject to a deductible, and any cost sharing paid by an enrollee must be applied toward the enrollee's deductible obligation.

(2) If the federal internal revenue service removes insulin from the list of preventive care services which can be covered by a qualifying health plan for a health savings account before the deductible is satisfied, for a health plan

that provides coverage for prescription insulin drugs for the treatment of diabetes and is offered as a qualifying health plan for a health savings account, the carrier must establish the plan's cost sharing for the coverage of prescription insulin for diabetes at the minimum level necessary to preserve the enrollee's ability to claim tax exempt contributions from his or her health savings account under internal revenue service laws and regulations. The office of the insurance commissioner must provide written notice of the change in internal revenue service guidance to affected parties, the chief clerk of the house of representatives, the secretary of the senate, the office of the code reviser, and others as deemed appropriate by the office.

(3) The authority must monitor the wholesale acquisition cost of all insulin products sold in the state.

(4) This section expires January 1, 2023.

**Sec. 11.** RCW 48.20.391 and 1997 c 276 s 2 are each amended to read as follows:

The legislature finds that diabetes imposes a significant health risk and tremendous financial burden on the citizens and government of the state of Washington, and that access to the medically accepted standards of care for diabetes, its treatment and supplies, and self-management training and education is crucial to prevent or delay the short and long-term complications of diabetes and its attendant costs.

(1) The definitions in this subsection apply throughout this section unless the context clearly requires otherwise.

(a) "Person with diabetes" means a person diagnosed by a health care provider as having insulin using diabetes, noninsulin using diabetes, or elevated blood glucose levels induced by pregnancy; and

(b) "Health care provider" means a health care provider as defined in RCW 48.43.005.

(2) All disability insurance contracts providing health care services, delivered or issued for delivery in this state and issued or renewed after January 1, 1998, shall provide benefits for at least the following services and supplies for persons with diabetes:

(a) For disability insurance contracts that include pharmacy services, appropriate and medically necessary equipment and supplies, as prescribed by a health care provider, that includes but is not limited to insulin, syringes, injection aids, blood glucose monitors, test strips for blood glucose monitors, visual reading and urine test strips, insulin pumps and accessories to the pumps, insulin infusion devices, prescriptive oral agents for controlling blood sugar levels, foot care appliances for prevention of complications associated with diabetes, and glucagon emergency kits; and

(b) For all disability insurance contracts providing health care services, outpatient self-management training and education, including medical nutrition therapy, as ordered by the health care provider. Diabetes outpatient self-management training and education may be provided only by health care providers with expertise in diabetes. Nothing in this section prevents the insurer from restricting patients

to seeing only health care providers who have signed participating provider agreements with the insurer or an insuring entity under contract with the insurer.

(3) ~~((Coverage))~~ Except as provided in section 5 of this act, coverage required under this section may be subject to customary cost-sharing provisions established for all other similar services or supplies within a policy.

(4) Health care coverage may not be reduced or eliminated due to this section.

(5) Services required under this section shall be covered when deemed medically necessary by the medical director, or his or her designee, subject to any referral and formulary requirements.

(6) The insurer need not include the coverage required in this section in a group contract offered to an employer or other group that offers to its eligible enrollees a self-insured health plan not subject to mandated benefits status under this title that does not offer coverage similar to that mandated under this section.

(7) This section does not apply to the health benefit plan that provides benefits identical to the schedule of services covered by the basic health plan, as required by RCW 48.20.028.

**Sec. 12.** RCW 48.21.143 and 2004 c 244 s 10 are each amended to read as follows:

The legislature finds that diabetes imposes a significant health risk and tremendous financial burden on the citizens and government of the state of Washington, and that access to the medically accepted standards of care for diabetes, its treatment and supplies, and self-management training and education is crucial to prevent or delay the short and long-term complications of diabetes and its attendant costs.

(1) The definitions in this subsection apply throughout this section unless the context clearly requires otherwise.

(a) "Person with diabetes" means a person diagnosed by a health care provider as having insulin using diabetes, noninsulin using diabetes, or elevated blood glucose levels induced by pregnancy; and

(b) "Health care provider" means a health care provider as defined in RCW 48.43.005.

(2) All group disability insurance contracts and blanket disability insurance contracts providing health care services, issued or renewed after January 1, 1998, shall provide benefits for at least the following services and supplies for persons with diabetes:

(a) For group disability insurance contracts and blanket disability insurance contracts that include coverage for pharmacy services, appropriate and medically necessary equipment and supplies, as prescribed by a health care provider, that includes but is not limited to insulin, syringes, injection aids, blood glucose monitors, test strips for blood glucose monitors, visual reading and urine test strips, insulin pumps and accessories to the pumps, insulin infusion devices, prescriptive oral agents for controlling blood sugar

levels, foot care appliances for prevention of complications associated with diabetes, and glucagon emergency kits; and

(b) For all group disability insurance contracts and blanket disability insurance contracts providing health care services, outpatient self-management training and education, including medical nutrition therapy, as ordered by the health care provider. Diabetes outpatient self-management training and education may be provided only by health care providers with expertise in diabetes. Nothing in this section prevents the insurer from restricting patients to seeing only health care providers who have signed participating provider agreements with the insurer or an insuring entity under contract with the insurer.

(3) ~~((Coverage))~~ Except as provided in section 5 of this act, coverage required under this section may be subject to customary cost-sharing provisions established for all other similar services or supplies within a policy.

(4) Health care coverage may not be reduced or eliminated due to this section.

(5) Services required under this section shall be covered when deemed medically necessary by the medical director, or his or her designee, subject to any referral and formulary requirements.

(6) The insurer need not include the coverage required in this section in a group contract offered to an employer or other group that offers to its eligible enrollees a self-insured health plan not subject to mandated benefits status under this title that does not offer coverage similar to that mandated under this section.

(7) This section does not apply to the health benefit plan that provides benefits identical to the schedule of services covered by the basic health plan.

**Sec. 13.** RCW 48.44.315 and 2004 c 244 s 12 are each amended to read as follows:

The legislature finds that diabetes imposes a significant health risk and tremendous financial burden on the citizens and government of the state of Washington, and that access to the medically accepted standards of care for diabetes, its treatment and supplies, and self-management training and education is crucial to prevent or delay the short and long-term complications of diabetes and its attendant costs.

(1) The definitions in this subsection apply throughout this section unless the context clearly requires otherwise.

(a) "Person with diabetes" means a person diagnosed by a health care provider as having insulin using diabetes, noninsulin using diabetes, or elevated blood glucose levels induced by pregnancy; and

(b) "Health care provider" means a health care provider as defined in RCW 48.43.005.

(2) All health benefit plans offered by health care service contractors, issued or renewed after January 1, 1998, shall provide benefits for at least the following services and supplies for persons with diabetes:

(a) For health benefit plans that include coverage for pharmacy services, appropriate and medically necessary equipment and supplies, as prescribed by a health care provider, that includes but is not limited to insulin, syringes, injection aids, blood glucose monitors, test strips for blood glucose monitors, visual reading and urine test strips, insulin pumps and accessories to the pumps, insulin infusion devices, prescriptive oral agents for controlling blood sugar levels, foot care appliances for prevention of complications associated with diabetes, and glucagon emergency kits; and

(b) For all health benefit plans, outpatient self-management training and education, including medical nutrition therapy, as ordered by the health care provider. Diabetes outpatient self-management training and education may be provided only by health care providers with expertise in diabetes. Nothing in this section prevents the health care services contractor from restricting patients to seeing only health care providers who have signed participating provider agreements with the health care services contractor or an insuring entity under contract with the health care services contractor.

(3) ~~((Coverage))~~ Except as provided in section 5 of this act, coverage required under this section may be subject to customary cost-sharing provisions established for all other similar services or supplies within a policy.

(4) Health care coverage may not be reduced or eliminated due to this section.

(5) Services required under this section shall be covered when deemed medically necessary by the medical director, or his or her designee, subject to any referral and formulary requirements.

(6) The health care service contractor need not include the coverage required in this section in a group contract offered to an employer or other group that offers to its eligible enrollees a self-insured health plan not subject to mandated benefits status under this title that does not offer coverage similar to that mandated under this section.

(7) This section does not apply to the health benefit plans that provide benefits identical to the schedule of services covered by the basic health plan.

**Sec. 14.** RCW 48.46.272 and 2004 c 244 s 14 are each amended to read as follows:

The legislature finds that diabetes imposes a significant health risk and tremendous financial burden on the citizens and government of the state of Washington, and that access to the medically accepted standards of care for diabetes, its treatment and supplies, and self-management training and education is crucial to prevent or delay the short and long-term complications of diabetes and its attendant costs.

(1) The definitions in this subsection apply throughout this section unless the context clearly requires otherwise.

(a) "Person with diabetes" means a person diagnosed by a health care provider as having insulin using diabetes, noninsulin using diabetes, or elevated blood glucose levels induced by pregnancy; and

(b) "Health care provider" means a health care provider as defined in RCW 48.43.005.

(2) All health benefit plans offered by health maintenance organizations, issued or renewed after January 1, 1998, shall provide benefits for at least the following services and supplies for persons with diabetes:

(a) For health benefit plans that include coverage for pharmacy services, appropriate and medically necessary equipment and supplies, as prescribed by a health care provider, that includes but is not limited to insulin, syringes, injection aids, blood glucose monitors, test strips for blood glucose monitors, visual reading and urine test strips, insulin pumps and accessories to the pumps, insulin infusion devices, prescriptive oral agents for controlling blood sugar levels, foot care appliances for prevention of complications associated with diabetes, and glucagon emergency kits; and

(b) For all health benefit plans, outpatient self-management training and education, including medical nutrition therapy, as ordered by the health care provider. Diabetes outpatient self-management training and education may be provided only by health care providers with expertise in diabetes. Nothing in this section prevents the health maintenance organization from restricting patients to seeing only health care providers who have signed participating provider agreements with the health maintenance organization or an insuring entity under contract with the health maintenance organization.

(3) ~~((Coverage))~~ Except as provided in section 5 of this act, coverage required under this section may be subject to customary cost-sharing provisions established for all other similar services or supplies within a policy.

(4) Health care coverage may not be reduced or eliminated due to this section.

(5) Services required under this section shall be covered when deemed medically necessary by the medical director, or his or her designee, subject to any referral and formulary requirements.

(6) The health maintenance organization need not include the coverage required in this section in a group contract offered to an employer or other group that offers to its eligible enrollees a self-insured health plan not subject to mandated benefits status under this title that does not offer coverage similar to that mandated under this section.

(7) This section does not apply to the health benefit plans that provide benefits identical to the schedule of services covered by the basic health plan."

On page 1, line 1 of the title, after "insulin;" strike the remainder of the title and insert "amending RCW 70.14.060, 48.20.391, 48.21.143, 48.44.315, and 48.46.272; adding new sections to chapter 70.14 RCW; adding a new section to chapter 48.43 RCW; adding a new section to chapter 41.05 RCW; creating a new section; and providing expiration dates."

and the same is herewith transmitted.

Brad Hendrickson, Secretary

**SENATE AMENDMENT TO HOUSE BILL**

There being no objection, the House concurred in the Senate amendment to ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2662 and advanced the bill as amended by the Senate to final passage.

**FINAL PASSAGE OF HOUSE BILL  
AS SENATE AMENDED**

Representatives Maycumber and Cody spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Engrossed Second Substitute House Bill No. 2662, as amended by the Senate.

**ROLL CALL**

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 2662, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 95; Nays, 1; Absent, 0; Excused, 2.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Mead, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shea, Shewmake, Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Voting nay: Representative Kraft.

Excused: Representatives Griffey and Volz.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2662, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

There being no objection, the House reverted to the sixth order of business.

**SECOND READING****HOUSE BILL NO. 2936, by Representative Steele**

**Adjusting predesign requirements and thresholds.  
Revised for 1st Substitute: Concerning predesign  
requirements and thresholds.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 2936 was substituted for House Bill No. 2936 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2936 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Steele and Tharinger spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2936.

**ROLL CALL**

The Clerk called the roll on the final passage of Substitute House Bill No. 2936, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Mead, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shea, Shewmake, Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Excused: Representatives Griffey and Volz.

SUBSTITUTE HOUSE BILL NO. 2936, having received the necessary constitutional majority, was declared passed.

There being no objection, the House reverted to the fourth order of business.

**INTRODUCTION & FIRST READING**

There being no objection, the following bills were read the first time and under suspension of the rules were placed on the second reading calendar:

ENGROSSED SUBSTITUTE SENATE BILL NO.

5147

SENATE BILL NO. 6312

ENGROSSED SUBSTITUTE SENATE BILL 6331

There being no objection, the House advanced to the eighth order of business.

**MOTION**

There being no objection, the Committee on Rules was relieved of the following bill and the bill was placed on the second reading calendar:

ENGROSSED SUBSTITUTE SENATE BILL NO.  
6534

There being no objection, the House adjourned until 10:00 a.m., March 10, 2020, the 58th Day of the Regular Session.

LAURIE JINKINS, Speaker

BERNARD DEAN, Chief Clerk



**SIXTY SIXTH LEGISLATURE - REGULAR SESSION****FIFTY EIGHTH DAY**

House Chamber, Olympia, Tuesday, March 10, 2020

The House was called to order at 10:00 a.m. by the Speaker (Representative Lovick presiding). The Clerk called the roll and a quorum was present.

The flags were escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Kathryn Hanson and Rhett Nelson. The Speaker (Representative Lovick presiding) led the Chamber in the Pledge of Allegiance. The prayer was offered by Pastor Rhyen Smith, Grace Community Covenant Church, Olympia, Washington.

Reading of the Journal of the previous day was dispensed with and it was ordered to stand approved.

There being no objection, the House advanced to the eighth order of business.

**MOTIONS**

There being no objection, the Committee on Appropriations was relieved of HOUSE BILL NO. 2486 and the bill was placed on the second reading calendar.

There being no objection, the Committee on Rules was relieved of SUBSTITUTE SENATE BILL NO. 6613 and the bill was placed on the second reading calendar.

There being no objection, the House reverted to the sixth order of business.

**SECOND READING**

**HOUSE BILL NO. 2486, by Representatives Lekanoff, Fitzgibbon, Leavitt, Doglio, Ramel and Hudgins**

**Extending the electric marine battery incentive.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 2486 was substituted for House Bill No. 2486 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2486 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Lekanoff and Orcutt spoke in favor of the passage of the bill.

Representative Senn spoke against the passage of the bill.

**MOTION**

On motion of Representative Riccelli, Representative Paul was excused.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2486.

**ROLL CALL**

The Clerk called the roll on the final passage of Substitute House Bill No. 2486, and the bill passed the House by the following vote: Yeas, 93; Nays, 4; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Mead, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Schmick, Sells, Shea, Shewmake, Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Voting nay: Representatives Frame, Leavitt, Santos and Senn.

Excused: Representative Paul.

SUBSTITUTE HOUSE BILL NO. 2486, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 2825, by Representatives Goehner, Chapman, Steele, Dent, DeBolt, Mosbrucker, Mead, Boehnke, Tarleton, Orcutt, Dufault, McCaslin, Ybarra, Blake, Fitzgibbon and Shea**

**Promoting oil-free hydroelectric turbine technology.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 2825 was substituted for House Bill No. 2825 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2825 was read the second time.

Representative Fitzgibbon moved the adoption of the striking amendment (2175):

14.0.

Strike everything after the enacting clause and insert the following:

"**NEW SECTION. Sec. 15.** A new section is added to chapter 82.08 RCW to read as follows:

(1) A taxpayer is eligible for an exemption, in the form of a remittance, from the tax levied by RCW 82.08.020 on:

(a) The sale of oil-free adjustable blade hubs for hydroelectric turbines;

(b) The sale of or charge made for labor and services rendered in respect to constructing, installing, repairing, altering, cleaning, or improving oil-free adjustable blade hubs for hydroelectric turbines; and

(c) The sale of tangible personal property that will become a component of oil-free adjustable blade hubs for hydroelectric turbines during the course of constructing, installing, repairing, altering, cleaning, or improving oil-free adjustable blade hubs for hydroelectric turbines.

(2)(a) Any taxpayer claiming exemption from retail sales tax under the provisions of this section must pay the state and local sales tax to the seller at the time of purchase and then request a remittance from the department in accordance with this subsection. The request for remittance must include any information and documentation as required by the department, which may include the sales price of any goods or services purchased, the amount of sales tax paid on the item, the date of the purchase, the name of the seller and the physical address where the sale took place, and copies of sales receipts showing the qualified purchases.

(b) Requests for remittance must be made on an annual basis. A taxpayer may not submit more than one request for remittance for a given calendar year, except to amend a request.

(c) As part of the application for a remittance under this section, in cases where the labor and services as described in subsection (1)(b) of this section are provided under contract, the taxpayer must attest:

(i)(A) That the contractors on the project, for which the labor and services described in subsection (1)(b) of this section are rendered, have a history of complying with federal and state wage and hour laws and regulations; or

(B) That the project, for which the labor and services described in subsection (1)(b) of this section are rendered, is developed under a community workforce agreement or project labor agreement; or

(ii) That, if the contract for labor and services described under subsection (1)(b) of this section was

executed prior to July 1, 2020, and the remaining labor and services will be rendered on or after July 1, 2020, either of the conditions in (c)(i) of this subsection (2) is met and wages consistent with chapter 39.12 RCW are paid on the project.

(d) If the department determines that any of the facts attested to as required under (c) of this subsection are not true, the department must deny the application for remittance. However, nothing in this section requires the department to endeavor to determine the veracity of the facts attested to as required under (c) of this subsection. Upon the department's request, state agencies must provide assistance to the department in reviewing the information submitted by a generating utility as required by (c) of this subsection.

(e) Any taxpayer claiming exemption from retail sales tax under the provisions of this section must also report to the department the amount of energy expected to be generated by the hydroelectric turbines associated with the exemption in the twelve months following the date of the request. The department must make this information available to the joint legislative audit and review committee.

(3) The exemption provided by this section is only for the state portion of the sales tax. For purposes of this section, the state portion of the sales tax is not reduced by any local sales tax that is deducted or credited against the state sales tax as provided by law.

(4) The definitions in this subsection apply throughout this section and section 2 of this act unless the context clearly requires otherwise:

(a) "Electric utility" has the same meaning as defined in RCW 19.29A.010.

(b) "Hydroelectric turbine" means a mechanical wheel that is moved by water and connected to a generator to produce electricity in a hydroelectric project owned by an electric utility.

(c) "Oil-free adjustable blade hub for hydroelectric turbines" means a type of horizontal or vertical hydroelectric turbine with adjustable blades that does not use oil on the runner hub to lubricate the internal components.

(5) This section expires July 1, 2030.

**NEW SECTION. Sec. 16.** A new section is added to chapter 82.12 RCW to read as follows:

(1) A taxpayer is eligible for an exemption, in the form of a remittance, from the tax levied by RCW 82.12.020 on:

(a) Oil-free adjustable blade hubs for hydroelectric turbines;

(b) Labor and services rendered in respect to constructing, installing, repairing, altering, cleaning, or improving oil-free adjustable blade hubs for hydroelectric turbines; and

(c) Tangible personal property that will become a component of oil-free adjustable blade hubs for hydroelectric turbines during the course of constructing, installing, repairing, altering, cleaning, or improving oil-free adjustable blade hubs for hydroelectric turbines.

(2) All of the eligibility requirements, conditions, limitations, and definitions in section 1 of this act apply to this section.

(3) This section expires July 1, 2030.

**NEW SECTION. Sec. 17.** (1) This section is the tax preference performance statement for the tax preference contained in sections 1 and 2, chapter . . . , Laws of 2020 (sections 1 and 2 of this act). This performance statement is only intended to be used for subsequent evaluation of the tax preference. It is not intended to create a private right of action by any party or to be used to determine eligibility for preferential tax treatment.

(2) The legislature categorizes this tax preference as one intended to improve industry competitiveness as indicated in RCW 82.32.808(2)(b).

(3) It is the legislature's specific public policy objective to promote the use of oil-free hydroelectric turbine technology.

(4) If a review finds that there is an increase in the number of taxpayers claiming the exemption provided in this act and in the amount of energy generated by the hydroelectric turbines associated with this exemption, then the legislature intends to extend the expiration date of this tax preference.

(5) In order to obtain the data necessary to perform the review in subsection (4) of this section, the joint legislative audit and review committee may refer to any data collected by the state.

**NEW SECTION. Sec. 18.** This act takes effect July 1, 2020."

Correct the title.

Representatives Fitzgibbon and Goehner spoke in favor of the adoption of the striking amendment.

The striking amendment (2175) was adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Goehner, Fitzgibbon and Orcutt spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 2825.

#### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2825, and the bill passed the House by the following vote: Yeas, 93; Nays, 4; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers,

Chandler, Chapman, Chopp, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, J. Johnson, Kilduff, Klippert, Kloba, Kraft, Kretz, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Mead, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Shea, Shewmake, Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Voting nay: Representatives Frame, Kirby, Leavitt and Senn.

Excused: Representative Paul.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2825, having received the necessary constitutional majority, was declared passed.

**ENGROSSED SUBSTITUTE SENATE BILL NO. 5147, by Senate Committee on Ways & Means (originally sponsored by Wilson, L., Brown, Carlyle, Conway, Darneille, Palumbo, Keiser, Mullet, O'Ban, Short, Wagoner and Warnick)**

**Providing tax relief to females by exempting feminine hygiene products from retail sales and use tax. Revised for 1st Substitute: Providing tax relief to females by exempting feminine hygiene products from retail sales and use tax. (REVISED FOR ENGROSSED: Providing tax relief by exempting menstrual products from retail sales and use tax.)**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Kraft spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Substitute Senate Bill No. 5147.

#### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 5147, and the bill passed the House by the following vote: Yeas, 95; Nays, 2; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri,

Maycumber, McCaslin, Mead, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Santos, Schmick, Sells, Senn, Shea, Shewmake, Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Voting nay: Representatives Frame and Ryu.

Excused: Representative Paul.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5147, having received the necessary constitutional majority, was declared passed.

**SENATE BILL NO. 6312, by Senators Zeiger, O'Ban and Rolfes**

**Making the nonprofit and library fund-raising exemption permanent.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Orcutt and Tarleton spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Senate Bill No. 6312.

**ROLL CALL**

The Clerk called the roll on the final passage of Senate Bill No. 6312, and the bill passed the House by the following vote: Yeas, 96; Nays, 1; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Mead, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shea, Shewmake, Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Voting nay: Representative Frame.

Excused: Representative Paul.

SENATE BILL NO. 6312, having received the necessary constitutional majority, was declared passed.

**SUBSTITUTE SENATE BILL NO. 6613, by Senate Committee on Agriculture, Water, Natural Resources & Parks (originally sponsored by Rolfes, Lovelett and Saldaña)**

**Concerning the inspection of marine aquatic farming locations.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Appleton, Chandler and Dent spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 6613.

**ROLL CALL**

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6613, and the bill passed the House by the following vote: Yeas, 73; Nays, 24; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Davis, DeBolt, Dent, Doglio, Dolan, Duerr, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goodman, Gregerson, Griffey, Hansen, Hudgins, Irwin, J. Johnson, Kilduff, Kirby, Kloba, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, Mead, Morgan, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Sells, Senn, Shewmake, Slatter, Springer, Stokesbary, Stonier, Sullivan, Tarleton, Thai, Tharinger, Valdez, Van Werven, Walen, Wilcox, Wylie, Ybarra and Mme. Speaker.

Voting nay: Representatives Boehnke, Corry, Dufault, Dye, Goehner, Graham, Harris, Hoff, Jenkin, Klippert, Kraft, Kretz, McCaslin, Mosbrucker, Orcutt, Schmick, Shea, Smith, Steele, Sutherland, Vick, Volz, Walsh and Young.

Excused: Representative Paul.

SUBSTITUTE SENATE BILL NO. 6613, having received the necessary constitutional majority, was declared passed.

There being no objection, the House advanced to the seventh order of business.

**THIRD READING**

**MESSAGE FROM THE SENATE**

March 6, 2020

Mme. SPEAKER:

The Senate has passed SECOND SUBSTITUTE HOUSE BILL NO. 1661, with the following amendment:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 19. (1) The legislature finds that:

(a) Chapter 47, Laws of 2011 1st sp. sess. (Engrossed Substitute House Bill No. 1981) established a framework to allow the state's institutions of higher education to begin funding the unfunded portion of the defined benefit component of the higher education retirement plans.

(b) Moneys in the fund are being invested in short-term assets with low rates of return because there is no stated or clear pathway for when these funds will be used to pay benefits and that a stated strategy would allow these funds to be invested at a higher rate of return.

(c) The first actuarial analysis of the plans was completed in 2016, which provided information about projected future costs and potential institution specific rates that would allow benefits to be paid from the fund beginning in 2035.

(2) Therefore, the legislature intends the following:

(a) To establish institution specific contribution rates for each institutions of higher education supplemental benefit plan.

(b) The pension funding council will adjust the institution specific rates periodically based on updated experience and actuarial analyses to maintain progress towards funding the actuarial liabilities of each institution and to allow payment from the funds by 2035.

(c) Future contribution rates represent the cost of paying on a combined prefunded and pay-as-you-go basis in a way that reduces the year-to-year changes in cost that the higher education retirement plan supplemental benefit has under current law.

(d) The department of retirement systems assumes responsibility for administering the higher education retirement plan supplemental benefit fund when sufficient assets have been accumulated, as determined by the pension funding council.

(e) When sufficient funding has been accumulated to begin making benefit payments that the payments be made solely from that institution's portion of the higher education retirement plan supplemental benefit fund.

(f) That moneys in the fund be invested in a way to maximize returns.

**Sec. 20.** RCW 28B.10.423 and 2012 c 229 s 516 are each amended to read as follows:

(1) For employees who are first employed by an institution of higher education in a position eligible for participation in an old age annuities or retirement income plan under this chapter prior to July 1, 2011, it is the intent of RCW 28B.10.400, 28B.10.405, 28B.10.410, 28B.10.415, and 28B.10.420(=) and ~~((28B.10.423))~~ this section that the

retirement income resulting from the contributions described herein from the state of Washington and the employee shall be projected actuarially so that it shall not exceed sixty percent of the average of the highest two consecutive years salary. Periodic review of the retirement systems established pursuant to RCW 28B.10.400, 28B.10.405, 28B.10.410, 28B.10.415, and 28B.10.420(=) and ~~((28B.10.423))~~ this section will be undertaken at such time and in such manner as determined by the committees on ways and means of the senate and of the house of representatives, the select committee on pension policy, and the pension funding council, and joint contribution rates will be adjusted if necessary to accomplish this intent.

(2) Beginning July 1, 2011, state funding for annuity or retirement income plans under RCW 28B.10.400 shall not exceed six percent of salary. The state board for community and technical colleges and the student achievement council are exempt from the provisions of this subsection (2).

(3) By June 30, 2013, and every two years thereafter, each institution of higher education that is responsible for payment of supplemental amounts under RCW 28B.10.400(1)(c) shall contract with the state actuary under chapter 41.44 RCW for an actuarial valuation of their supplemental benefit plan. By June 30, 2013, and at least once every six years thereafter, each institution shall also contract with the state actuary under chapter 41.44 RCW for an actuarial experience study of the mortality, service, compensation, and other experience of the annuity or retirement income plans created in this chapter, and into the financial condition of each system. At the discretion of the state actuary, the valuation or experience study may be performed by the state actuary or by an outside actuarial firm under contract to the office of the state actuary. Each institution of higher education is required to provide the data and information required for the performance of the valuation or experience study to the office of the state actuary or to the actuary performing the study on behalf of the state actuary. The state actuary may charge each institution for the actual cost of the valuation or experience study through an interagency agreement. Upon completion of the valuation or experience study, the state actuary shall provide copies of the study to the institution of higher education and to the select committee on pension policy and the pension funding council.

~~(4)(a) ((A higher education retirement plan supplemental benefit fund is created in the custody of the state treasurer for the purpose of funding future benefit obligations of higher education retirement plan supplemental benefits. The state investment board has the full power to invest, reinvest, manage, contract, sell, or exchange investment money in the fund.~~

~~((b)))~~ From January 1, 2012, through June 30, 2013, an employer contribution rate of one-quarter of one percent of salary is established to begin prefunding the unfunded future obligations of the supplemental benefit established in RCW 28B.10.400.

~~((c)))~~ (b) Beginning July 1, 2013, an employer contribution rate of one-half of one percent of salary is

established to prefund the unfunded future obligations of the supplemental benefit established in RCW 28B.10.400.

~~((d))~~ (c)(i) Beginning July 1, 2020, the employer contribution rates for each state institution of higher education are as follows:

University of Washington: 0.38 percent

Washington State University: 0.30 percent

Western Washington University: 0.21 percent

Eastern Washington University: 0.28 percent

Central Washington University: 0.00 percent

The Evergreen State College: 0.23 percent

State board for community and technical colleges: 0.13 percent

(ii) The contribution rates established in this section may be changed by rates adopted by the pension funding council beginning July 1, 2021, consistent with (e) of this subsection.

(iii) The rates in this subsection (4) are subject to the limit established in subsection (2) of this section.

(d) Consistent with chapter 41.50 RCW, the department of retirement systems shall collect the employer contribution rates established in this section from each state institution of higher education, and deposit those contributions into the higher education retirement plan supplemental benefit fund under RCW 41.50.075(6). The contributions made by each employer into the higher education retirement plan supplemental benefit fund and the earnings on those contributions shall be accounted for separately within the fund.

(e) Following the completion and review of the ~~((initial))~~ actuarial valuations and experience study conducted pursuant to subsection (3) of this section, the pension funding council may~~((~~

~~((i) Adopt))~~, by July 31, 2020, and every two years thereafter, adopt and make changes to the employer contribution rates established in this subsection consistent with the procedures established in chapter 41.45 RCW. If the actuarial valuations of the higher education retirement plans of each institution contributing to the higher education retirement plan supplemental benefit fund suggest that different contribution rates are appropriate for each institution, different rates may be adopted. Rates adopted by the pension funding council are subject to revision by the legislature((

~~((ii) Recommend legislation that will, upon accumulation of sufficient funding in the higher education retirement plan supplemental benefit fund, transfer the responsibility for making supplemental benefit payments to the department of retirement systems, and adjust employer contribution rates to reflect the transfer of responsibility)).~~

(f)(i) The rates adopted by the pension funding council must be designed to keep the cost of the higher education retirement plan supplemental benefits at a more level

percentage of pay than a pay-as-you-go method. This more level percentage of pay of costs means a combination of the cost of supplemental benefits paid by the institution directly, plus the cost of contributions to the higher education retirement plan supplemental benefit fund. Contributions shall continue until the projected value of the funds equals the projected cost of future benefits for the institution.

(ii) Funds are anticipated to be accumulated in the higher education retirement plan supplemental benefit fund, and not expended on benefits until approximately the year 2035.

(iii) The pension funding council, in consultation with the state actuary, may choose and occasionally revise, a funding method designed to achieve these objectives.

**Sec. 21.** RCW 41.45.050 and 2004 c 242 s 38 are each amended to read as follows:

(1) Employers of members of the public employees' retirement system, the teachers' retirement system, the school employees' retirement system, the public safety employees' retirement system, ~~((and))~~ the Washington state patrol retirement system, and the higher education retirement plans shall make contributions to those systems and plans based on the rates established in RCW 41.45.060 and 41.45.070.

(2) The state shall make contributions to the law enforcement officers' and firefighters' retirement system plan 2 based on the rates established in RCW 41.45.060 and 41.45.070. The state treasurer shall transfer the required contributions each month on the basis of salary data provided by the department.

(3) The department shall bill employers, and the state shall make contributions to the law enforcement officers' and firefighters' retirement system plan 2, using the combined rates established in RCW 41.45.060 and 41.45.070 regardless of the level of appropriation provided in the biennial budget. Any member of an affected retirement system may, by mandamus or other appropriate proceeding, require the transfer and payment of funds as directed in this section.

(4) The contributions received for the public employees' retirement system shall be allocated between the public employees' retirement system plan 1 fund and the public employees' retirement system combined plan 2 and plan 3 fund as follows: The contributions necessary to fully fund the public employees' retirement system combined plan 2 and plan 3 employer contribution shall first be deposited in the public employees' retirement system combined plan 2 and plan 3 fund. All remaining public employees' retirement system employer contributions shall be deposited in the public employees' retirement system plan 1 fund.

(5) The contributions received for the teachers' retirement system shall be allocated between the plan 1 fund and the combined plan 2 and plan 3 fund as follows: The contributions necessary to fully fund the combined plan 2 and plan 3 employer contribution shall first be deposited in the combined plan 2 and plan 3 fund. All remaining teachers'

retirement system employer contributions shall be deposited in the plan 1 fund.

(6) The contributions received for the school employees' retirement system shall be allocated between the public employees' retirement system plan 1 fund and the school employees' retirement system combined plan 2 and plan 3 fund as follows: The contributions necessary to fully fund the combined plan 2 and plan 3 employer contribution shall first be deposited in the combined plan 2 and plan 3 fund. All remaining school employees' retirement system employer contributions shall be deposited in the public employees' retirement system plan 1 fund.

(7) The contributions received for the law enforcement officers' and firefighters' retirement system plan 2 shall be deposited in the law enforcement officers' and firefighters' retirement system plan 2 fund.

(8) The contributions received for the public safety employees' retirement system shall be allocated between the public employees' retirement system plan 1 fund and the public safety employees' retirement system plan 2 fund as follows: The contributions necessary to fully fund the plan 2 employer contribution shall first be deposited in the plan 2 fund. All remaining public safety employees' retirement system employer contributions shall be deposited in the public employees' retirement system plan 1 fund.

(9) The contributions received for the higher education retirement plan supplemental benefit fund shall be deposited in the higher education retirement plan supplemental benefit fund and amounts received from each institution accounted for separately and shall only be used to make benefit payments to the beneficiaries of that institution's plan.

**Sec. 22.** RCW 41.45.060 and 2009 c 561 s 3 are each amended to read as follows:

(1) The state actuary shall provide preliminary actuarial valuation results based on the economic assumptions and asset value smoothing technique included in RCW 41.45.035 or adopted under RCW 41.45.030 or 41.45.035.

(2) Not later than July 31, 2008, and every two years thereafter, consistent with the economic assumptions and asset value smoothing technique included in RCW 41.45.035 or adopted under RCW 41.45.030 or 41.45.035, the council shall adopt and may make changes to:

(a) A basic state contribution rate for the law enforcement officers' and firefighters' retirement system plan 1;

(b) Basic employer contribution rates for the public employees' retirement system, the teachers' retirement system, and the Washington state patrol retirement system; and

(c) Basic employer contribution rates for the school employees' retirement system and the public safety employees' retirement system for funding both those systems and the public employees' retirement system plan 1.

The council may adopt annual rate changes for any plan for any rate-setting period. The contribution rates

adopted by the council shall be subject to revision by the legislature.

(3) The employer and state contribution rates adopted by the council shall be the level percentages of pay that are needed:

(a) To fully amortize the total costs of the law enforcement officers' and firefighters' retirement system plan 1 not later than June 30, 2024;

(b) To fully fund the public employees' retirement system plans 2 and 3, the teachers' retirement system plans 2 and 3, the public safety employees' retirement system plan 2, and the school employees' retirement system plans 2 and 3 in accordance with RCW 41.45.061, 41.45.067, and this section; and

(c) To fully fund the public employees' retirement system plan 1 and the teachers' retirement system plan 1 in accordance with RCW 41.45.070, 41.45.150, and this section.

(4) The aggregate actuarial cost method shall be used to calculate a combined plan 2 and 3 normal cost, a Washington state patrol retirement system normal cost, and a public safety employees' retirement system normal cost.

(5) A modified entry age normal cost method, as set forth in this chapter, shall be used to calculate employer contributions to the public employees' retirement system plan 1 and the teachers' retirement system plan 1.

(6) The employer contribution rate for the public employees' retirement system and the school employees' retirement system shall equal the sum of:

(a) The amount required to pay the combined plan 2 and plan 3 normal cost for the system, subject to any minimum rates applied pursuant to RCW 41.45.155; plus

(b) The amount required to amortize the unfunded actuarial accrued liability in plan 1 of the public employees' retirement system over a rolling ten-year period using projected future salary growth and growth in system membership, and subject to any minimum or maximum rates applied pursuant to RCW 41.45.150; plus

(c) The amounts required to amortize the costs of any benefit improvements in plan 1 of the public employees' retirement system that become effective after June 30, 2009. The cost of each benefit improvement shall be amortized over a fixed ten-year period using projected future salary growth and growth in system membership. The amounts required under this subsection are not subject to, and are collected in addition to, any minimum or maximum rates applied pursuant to RCW 41.45.150.

(7) The employer contribution rate for the public safety employees' retirement system shall equal the sum of:

(a) The amount required to pay the normal cost for the system, subject to any minimum rates applied pursuant to RCW 41.45.155; plus

(b) The amount required to amortize the unfunded actuarial accrued liability in plan 1 of the public employees' retirement system over a rolling ten-year period using

projected future salary growth and growth in system membership, and subject to any minimum or maximum rates applied pursuant to RCW 41.45.150; plus

(c) The amounts required to amortize the costs of any benefit improvements in plan 1 of the public employees' retirement system that become effective after June 30, 2009. The cost of each benefit improvement shall be amortized over a fixed ten-year period using projected future salary growth and growth in system membership. The amounts required under this subsection are not subject to, and are collected in addition to, any minimum or maximum rates applied pursuant to RCW 41.45.150.

(8) The employer contribution rate for the teachers' retirement system shall equal the sum of:

(a) The amount required to pay the combined plan 2 and plan 3 normal cost for the system, subject to any minimum rates applied pursuant to RCW 41.45.155; plus

(b) The amount required to amortize the unfunded actuarial accrued liability in plan 1 of the teachers' retirement system over a rolling ten-year period using projected future salary growth and growth in system membership, and subject to any minimum or maximum rates applied pursuant to RCW 41.45.150; plus

(c) The amounts required to amortize the costs of any benefit improvements in plan 1 of the teachers' retirement system that become effective after June 30, 2009. The cost of each benefit improvement shall be amortized over a fixed ten-year period using projected future salary growth and growth in system membership. The amounts required under this subsection are not subject to, and are collected in addition to, any minimum or maximum rates applied pursuant to RCW 41.45.150.

(9) The employer contribution rate for each of the institutions of higher education for the higher education supplemental retirement benefits must be sufficient to fund, as a level percentage of pay, a portion of the projected cost of the supplemental retirement benefits for the institution beginning in 2035, with the other portion supported on a pay-as-you-go basis, either as direct payments by each institution to retirees, or as contributions to the higher education retirement plan supplemental benefit fund. Contributions must continue until the council determines that the institution for higher education supplemental retirement benefit liabilities are satisfied.

(10) The council shall immediately notify the directors of the office of financial management and department of retirement systems of the state and employer contribution rates adopted. The rates shall be effective for the ensuing biennial period, subject to any legislative modifications.

~~((44))~~ (11) The director shall collect those rates adopted by the council. The rates established in RCW 41.45.062, or by the council, shall be subject to revision by the legislature.

~~((44))~~ (12) The state actuary shall prepare final actuarial valuation results based on the economic assumptions, asset value smoothing technique, and

contribution rates included in or adopted under RCW 41.45.030, 41.45.035, and this section.

**Sec. 23.** RCW 41.50.075 and 2004 c 242 s 44 are each amended to read as follows:

(1) Two funds are hereby created and established in the state treasury to be known as the Washington law enforcement officers' and firefighters' system plan 1 retirement fund, and the Washington law enforcement officers' and firefighters' system plan 2 retirement fund which shall consist of all moneys paid into them in accordance with the provisions of this chapter and chapter 41.26 RCW, whether such moneys take the form of cash, securities, or other assets. The plan 1 fund shall consist of all moneys paid to finance the benefits provided to members of the law enforcement officers' and firefighters' retirement system plan 1, and the plan 2 fund shall consist of all moneys paid to finance the benefits provided to members of the law enforcement officers' and firefighters' retirement system plan 2.

(2) All of the assets of the Washington state teachers' retirement system shall be credited according to the purposes for which they are held, to two funds to be maintained in the state treasury, namely, the teachers' retirement system plan 1 fund and the teachers' retirement system combined plan 2 and 3 fund. The plan 1 fund shall consist of all moneys paid to finance the benefits provided to members of the Washington state teachers' retirement system plan 1, and the combined plan 2 and 3 fund shall consist of all moneys paid to finance the benefits provided to members of the Washington state teachers' retirement system plan 2 and 3.

(3) There is hereby established in the state treasury two separate funds, namely the public employees' retirement system plan 1 fund and the public employees' retirement system combined plan 2 and plan 3 fund. The plan 1 fund shall consist of all moneys paid to finance the benefits provided to members of the public employees' retirement system plan 1, and the combined plan 2 and plan 3 fund shall consist of all moneys paid to finance the benefits provided to members of the public employees' retirement system plans 2 and 3.

(4) There is hereby established in the state treasury the school employees' retirement system combined plan 2 and 3 fund. The combined plan 2 and 3 fund shall consist of all moneys paid to finance the benefits provided to members of the school employees' retirement system plan 2 and plan 3.

(5) There is hereby established in the state treasury the public safety employees' retirement system plan 2 fund. The plan 2 fund shall consist of all moneys paid to finance the benefits provided to members of the public safety employees' retirement system plan 2.

(6)(a)(i) There is hereby established in the state treasury the higher education retirement plan supplemental benefit fund. The higher education retirement plan supplemental benefit fund shall consist of all moneys paid to finance the benefits provided to members of each of the higher education retirement plans.



(ii) The fund in this subsection (6) was originally created under chapter 47, Laws of 2011 1st sp. sess. (Engrossed Substitute House Bill No. 1981).

(b) The office of financial management must create individual accounts for each institution of higher education within the higher education retirement plan supplemental benefit fund. For fiscal year 2021, the office of financial management must transfer all the assets of the higher education retirement plan supplemental benefit fund into the individual accounts for each institution that will be used to manage the accounting for each benefit plan. The higher education retirement plan supplemental benefit fund will include all the amounts in the individual accounts created in this subsection.

**NEW SECTION. Sec. 24.** A new section is added to chapter 41.50 RCW to read as follows:

(1) On July 1st of the fiscal year following a determination by the pension funding council that a higher education institution has sufficiently funded the liabilities of that institution through contributions to the higher education retirement plan supplemental benefit fund, the department shall assume responsibility for making benefit payments to higher education retirement plan supplemental beneficiaries for that institution from the portion of the higher education retirement plan supplemental benefit fund attributed to the individual institution.

(2) Immediately following the determination by the pension funding council under RCW 41.45.060(9) that an institution participating in the higher education retirement plan supplemental benefits has sufficiently funded the benefits of the plan that higher education institution:

(a) Must provide any data and assistance requested by the department to facilitate the transition of responsibility for making benefit payments to higher education retirement plan members eligible for supplemental benefit payments; and

(b) Is governed by the provisions of RCW 41.50.110.

(3) On the date that the department assumes responsibility for benefit payments under subsection (1) of this section, the department shall assess contributions to the department of retirement systems' expense fund under RCW 41.50.110(3) for active participants in the higher education retirement plan. Contributions to the expense fund for higher education retirement plan members must end when there are no longer retirees or beneficiaries from an institution receiving payments administered by the department.

(4)(a) Upon the department's assumption of responsibility for making benefit payments from an institution's higher education retirement plan, the institution shall submit to the department the benefit level for current higher education retirement plan supplemental beneficiaries, and each month following the department's assumption of responsibility for making benefit payments to an institution's higher education retirement plan supplemental beneficiaries, the institution shall submit to the department information on any new retirees covered by the higher education retirement plan supplemental benefit. The submission shall include all data relevant to the calculation of a supplemental benefit for

each retiree, and the benefit that the institution determines the individual qualifies to receive. No later than January 1st, following the funding determination in RCW 41.45.060(9) that begins the transition of responsibility for benefit payments to the department, the department shall provide the institution with a notice of what data will be required to determine higher education retirement plan supplemental benefit determinations for future retirees.

(b) The department shall review the information provided by the institution for each retiring higher education retirement plan member eligible for the supplemental benefit and determine the supplemental benefit amount the member is eligible to receive, if any.

(c) In the event that the department is not provided with all data required by the notice in (a) of this subsection, the institution of higher education will remain responsible for payment of higher education retirement plan supplemental benefits to that member. In addition, the collection of overpayments and error correction provisions of this chapter apply in the event that the department makes supplemental benefit payments based on incomplete or inaccurate data provided by an institution.

**Sec. 25.** RCW 43.84.092 and 2019 c 421 s 15, 2019 c 403 s 14, 2019 c 365 s 19, 2019 c 287 s 19, and 2019 c 95 s 6 are each reenacted and amended to read as follows:

(1) All earnings of investments of surplus balances in the state treasury shall be deposited to the treasury income account, which account is hereby established in the state treasury.

(2) The treasury income account shall be utilized to pay or receive funds associated with federal programs as required by the federal cash management improvement act of 1990. The treasury income account is subject in all respects to chapter 43.88 RCW, but no appropriation is required for refunds or allocations of interest earnings required by the cash management improvement act. Refunds of interest to the federal treasury required under the cash management improvement act fall under RCW 43.88.180 and shall not require appropriation. The office of financial management shall determine the amounts due to or from the federal government pursuant to the cash management improvement act. The office of financial management may direct transfers of funds between accounts as deemed necessary to implement the provisions of the cash management improvement act, and this subsection. Refunds or allocations shall occur prior to the distributions of earnings set forth in subsection (4) of this section.

(3) Except for the provisions of RCW 43.84.160, the treasury income account may be utilized for the payment of purchased banking services on behalf of treasury funds including, but not limited to, depository, safekeeping, and disbursement functions for the state treasury and affected state agencies. The treasury income account is subject in all respects to chapter 43.88 RCW, but no appropriation is required for payments to financial institutions. Payments shall occur prior to distribution of earnings set forth in subsection (4) of this section.

(4) Monthly, the state treasurer shall distribute the earnings credited to the treasury income account. The state treasurer shall credit the general fund with all the earnings credited to the treasury income account except:

(a) The following accounts and funds shall receive their proportionate share of earnings based upon each account's and fund's average daily balance for the period: The abandoned recreational vehicle disposal account, the aeronautics account, the aircraft search and rescue account, the Alaskan Way viaduct replacement project account, the brownfield redevelopment trust fund account, the budget stabilization account, the capital vessel replacement account, the capitol building construction account, the Cedar River channel construction and operation account, the Central Washington University capital projects account, the charitable, educational, penal and reformatory institutions account, the Chehalis basin account, the cleanup settlement account, the Columbia river basin water supply development account, the Columbia river basin taxable bond water supply development account, the Columbia river basin water supply revenue recovery account, the common school construction fund, the community forest trust account, the connecting Washington account, the county arterial preservation account, the county criminal justice assistance account, the deferred compensation administrative account, the deferred compensation principal account, the department of licensing services account, the department of licensing tuition recovery trust fund, the department of retirement systems expense account, the developmental disabilities community trust account, the diesel idle reduction account, the drinking water assistance account, the drinking water assistance administrative account, the early learning facilities development account, the early learning facilities revolving account, the Eastern Washington University capital projects account, the education construction fund, the education legacy trust account, the election account, the electric vehicle account, the energy freedom account, the energy recovery act account, the essential rail assistance account, The Evergreen State College capital projects account, the federal forest revolving account, the ferry bond retirement fund, the freight mobility investment account, the freight mobility multimodal account, the grade crossing protective fund, the public health services account, the state higher education construction account, the higher education retirement plan supplemental benefit fund, the highway bond retirement fund, the highway infrastructure account, the highway safety fund, the hospital safety net assessment fund, the industrial insurance premium refund account, the Interstate 405 and state route number 167 express toll lanes account, the judges' retirement account, the judicial retirement administrative account, the judicial retirement principal account, the local leasehold excise tax account, the local real estate excise tax account, the local sales and use tax account, the marine resources stewardship trust account, the medical aid account, the mobile home park relocation fund, the money-purchase retirement savings administrative account, the money-purchase retirement savings principal account, the motor vehicle fund, the motorcycle safety education account, the multimodal transportation account, the multiuse roadway safety account, the municipal criminal justice assistance account, the natural resources deposit account, the oyster

reserve land account, the pension funding stabilization account, the perpetual surveillance and maintenance account, the pollution liability insurance agency underground storage tank revolving account, the public employees' retirement system plan 1 account, the public employees' retirement system combined plan 2 and plan 3 account, the public facilities construction loan revolving account beginning July 1, 2004, the public health supplemental account, the public works assistance account, the Puget Sound capital construction account, the Puget Sound ferry operations account, the Puget Sound Gateway facility account, the Puget Sound taxpayer accountability account, the real estate appraiser commission account, the recreational vehicle account, the regional mobility grant program account, the resource management cost account, the rural arterial trust account, the rural mobility grant program account, the rural Washington loan fund, the sexual assault prevention and response account, the site closure account, the skilled nursing facility safety net trust fund, the small city pavement and sidewalk account, the special category C account, the special wildlife account, the state employees' insurance account, the state employees' insurance reserve account, the state investment board expense account, the state investment board commingled trust fund accounts, the state patrol highway account, the state route number 520 civil penalties account, the state route number 520 corridor account, the state wildlife account, the statewide broadband account, the statewide tourism marketing account, the student achievement council tuition recovery trust fund, the supplemental pension account, the Tacoma Narrows toll bridge account, the teachers' retirement system plan 1 account, the teachers' retirement system combined plan 2 and plan 3 account, the tobacco prevention and control account, the tobacco settlement account, the toll facility bond retirement account, the transportation 2003 account (nickel account), the transportation equipment fund, the transportation future funding program account, the transportation improvement account, the transportation improvement board bond retirement account, the transportation infrastructure account, the transportation partnership account, the traumatic brain injury account, the tuition recovery trust fund, the University of Washington bond retirement fund, the University of Washington building account, the voluntary cleanup account, the volunteer firefighters' and reserve officers' relief and pension principal fund, the volunteer firefighters' and reserve officers' administrative fund, the vulnerable roadway user education account, the Washington judicial retirement system account, the Washington law enforcement officers' and firefighters' system plan 1 retirement account, the Washington law enforcement officers' and firefighters' system plan 2 retirement account, the Washington public safety employees' plan 2 retirement account, the Washington school employees' retirement system combined plan 2 and 3 account, the Washington state health insurance pool account, the Washington state patrol retirement account, the Washington State University building account, the Washington State University bond retirement fund, the water pollution control revolving administration account, the water pollution control revolving fund, the Western Washington University capital projects account, the Yakima integrated plan implementation account, the Yakima

integrated plan implementation revenue recovery account, and the Yakima integrated plan implementation taxable bond account. Earnings derived from investing balances of the agricultural permanent fund, the normal school permanent fund, the permanent common school fund, the scientific permanent fund, the state university permanent fund, and the state reclamation revolving account shall be allocated to their respective beneficiary accounts.

(b) Any state agency that has independent authority over accounts or funds not statutorily required to be held in the state treasury that deposits funds into a fund or account in the state treasury pursuant to an agreement with the office of the state treasurer shall receive its proportionate share of earnings based upon each account's or fund's average daily balance for the period.

(5) In conformance with Article II, section 37 of the state Constitution, no treasury accounts or funds shall be allocated earnings without the specific affirmative directive of this section.

**NEW SECTION. Sec. 26.** This act takes effect July 1, 2020."

**SHB 1661 - S COMM AMD**

By Committee on Ways & Means

**ADOPTED 03/06/2020**

On page 1, line 1 of the title, after "plans;" strike the remainder of the title and insert "amending RCW 28B.10.423, 41.45.050, 41.45.060, and 41.50.075; reenacting and amending RCW 43.84.092; adding a new section to chapter 41.50 RCW; creating a new section; and providing an effective date."

and the same is herewith transmitted.

Sarah Bannister, Deputy Secretary

**SENATE AMENDMENT TO HOUSE BILL**

There being no objection, the House refused to concur in the Senate amendment to SECOND SUBSTITUTE HOUSE BILL NO. 1661 and asked the Senate to recede therefrom.

**MESSAGE FROM THE SENATE**

March 5, 2020

Mme. SPEAKER:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 2116, with the following amendment:

Strike everything after the enacting clause and insert the following:

"**NEW SECTION. Sec. 27.** The legislature recognizes that the federal every student succeeds act of 2015, P.L. 114-95, reauthorized and amended the elementary and secondary education act of 1965, the federal policy and funding

assistance framework for the nation's public education system.

Two of the stated purposes of the every student succeeds act are to provide all children with a significant opportunity to receive a fair, equitable, and high quality education, and to close educational achievement gaps.

The legislature further recognizes that Article IX of the state Constitution provides that it is the paramount duty of the state to make ample provision for the education of all children residing within its borders, without distinction or preference on account of race, color, caste, or sex.

While the partnership of federal and state law is critical in ensuring that the civil and education rights of students are upheld, efforts in Washington to fully realize state and federal objectives, especially with respect to the delivery of education services in institutional facilities, remain unfinished.

The legislature, therefore, intends to establish a task force on improving institutional education programs and outcomes, with tasks and duties generally focused on educational programs in the juvenile justice system. In so doing, the legislature intends to examine issues that have not been significantly explored in recent years, build a shared understanding of past and present circumstances, and develop recommendations for improving the delivery of education services, and associated outcomes, for youth in institutional facilities.

**NEW SECTION. Sec. 28.** (1)(a) The task force on improving institutional education programs and outcomes is established, with members as provided in this subsection.

(i) The president of the senate shall appoint one member from each of the two largest caucuses of the senate, with each member serving on the committee with jurisdiction over education issues, and one member serving on the committee with jurisdiction over basic education funding.

(ii) The speaker of the house of representatives shall appoint one member from each of the two largest caucuses of the house of representatives, with one member serving on the committee with jurisdiction over education issues, and one member serving on the committee with jurisdiction over basic education funding.

(iii) The governor shall appoint one member each from the state board of education and the department of children, youth, and families, and one member representing an organization that provides free legal advice to youth who are involved in, or at risk of being involved in, the juvenile justice system.

(iv) The superintendent of public instruction shall appoint three members: One member representing the superintendent of public instruction; one member who is a principal from a school district with at least twenty thousand enrolled students that provides education services to a juvenile rehabilitation facility; and one member who is a teacher with expertise in providing education services to residents of a juvenile rehabilitation facility.

(v) The task force must also include one member representing the educational opportunity gap oversight and accountability committee, selected by the educational opportunity gap oversight and accountability committee.

(b) The task force shall choose its cochair from among its legislative membership. One cochair must be from a minority caucus in one of the two chambers of the legislature. A member from the majority caucus of the house of representatives shall convene the initial meeting of the task force by May 1, 2020.

(2) The task force shall examine the following issues:

(a) Goals and strategies for improving the coordination and delivery of education services to youth involved with the juvenile justice system, especially youth in juvenile rehabilitation facilities, and children receiving education services, including home or hospital instruction, under RCW 28A.155.090;

(b) The transmission of student records, including individualized education programs and plans developed under section 504 of the rehabilitation act of 1973, for students in institutional facilities, and recommendations for ensuring that those records are available to the applicable instructional staff within two business days of a student's admission to the institution;

(c) Goals and strategies for increasing the graduation rate of youth in institutional facilities, and in recognition of the transitory nature of youth moving through the juvenile justice system, issues related to grade level progression and academic credit reciprocity and consistency to ensure that:

(i) Core credits earned in an institutional facility are considered core credits by public schools that the students subsequently attend; and

(ii) Public school graduation requirements, as they applied to a student prior to entering an institutional facility, remain applicable for the student upon returning to a public school;

(d) Goals and strategies for assessing adverse childhood experiences of students in institutional education and providing trauma-informed care;

(e) An assessment of the level and adequacy of basic and special education funding for institutional facilities. The examination required by this subsection (2)(e) must include information about the number of students receiving special education services in institutional facilities, and a comparison of basic and special education funding in institutional facilities and public schools during the previous ten school years;

(f) An assessment of the delivery methods, and their adequacy, that are employed in the delivery of special education services in institutional facilities, including associated findings;

(g) School safety, with a focus on school safety issues that are applicable in institutional facilities; and

(h) Special skills and services of faculty and staff, including associated professional development and

nonacademic supports necessary for addressing social emotional and behavioral health needs presenting as barriers to learning for youth in institutional facilities.

(3) The task force, in completing the duties prescribed by this section, shall solicit and consider information and perspectives provided by the department of corrections and persons and entities with relevant interest and expertise, including from persons with experience reintegrating youth from institutional facilities into school and the community at large, and from persons who provide education services in secure facilities housing persons under the age of twenty-five, examples of which include county jails, juvenile justice facilities, and community facilities as defined in RCW 72.05.020.

(4) Staff support for the task force must be provided by the senate committee services and the house of representatives office of program research. The office of financial management, the office of the superintendent of public instruction, the department of children, youth, and families, and the department of corrections shall cooperate with the task force and provide information as the cochair may reasonably request.

(5) Legislative members of the task force are to be reimbursed for travel expenses in accordance with RCW 44.04.120. Nonlegislative members are not entitled to be reimbursed for travel expenses if they are elected officials or are participating on behalf of an employer, government entity, or other organization. Any reimbursement for other nonlegislative members is subject to chapter 43.03 RCW.

(6) In accordance with RCW 43.01.036, the task force shall report its findings and recommendations to the governor and the appropriate committees of the house of representatives and the senate by December 15, 2020, in time for the legislature to take action on legislation that is consistent with the findings and recommendations during the 2021 legislative session.

(7) This section expires June 30, 2021.

**NEW SECTION. Sec. 29.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

On page 1, line 2 of the title, after "outcomes;" strike the remainder of the title and insert "creating new sections; providing an expiration date; and declaring an emergency."

and the same is herewith transmitted.

Sarah Bannister, Deputy Secretary

#### SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House refused to concur in the Senate amendment to ENGROSSED SUBSTITUTE HOUSE BILL NO. 2116 and asked the Senate to recede therefrom.

#### MESSAGE FROM THE SENATE

March 5, 2020

Mme. SPEAKER:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 2511, with the following amendment:

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 30.** Whereas there is increasing demand for domestic service professions and domestic workers are often isolated and vulnerable to exploitation, it is a priority for the legislature to provide workers with clear rights and freedom from harassment and protection from retaliation; and to make clear for hiring entities which actions are prohibited in a domestic service employment relationship.

**NEW SECTION. Sec. 31.** The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Casual labor" refers to work that is irregular, uncertain, and incidental in nature and duration and is different in nature from the type of paid work in which the worker is customarily engaged in.

(2) "Challenging behavior" means behavior by a person receiving services or a hiring entity who is the recipient of services from a domestic worker that is specifically caused by or related to a disability that manifests in a way that might be experienced by a domestic worker as offensive or presenting a safety risk.

(3) "Discrimination" means employment discrimination prohibited by chapter 49.60 RCW.

(4) "Domestic service" means household services for members of households or their guests in private homes. This includes the maintenance of private homes or their premises.

(5)(a) "Domestic worker" includes hourly and salaried employees who are paid wages for their services and includes any worker who:

(i) Works for one or more hiring entity; and

(ii) Is an individual who works in residences as a nanny, house cleaner, home care worker, cook, gardener, or household manager, or for any domestic service purpose including but not limited to: Caring for a child; providing support services for a person who is sick, convalescing, elderly, or a person with a disability; providing housekeeping or house cleaning services; cooking; providing food or butler services; parking cars; cleaning laundry; gardening; or working as a household manager.

(b) "Domestic worker" does not include:

(i) Persons who provide babysitting on a casual labor basis;

(ii) Any individual employed in casual labor in or about a private home, unless performed in the course of the hiring entity's trade, business, or profession;

(iii) Individual providers, as defined in RCW 74.39A.240;

(iv) Persons who perform house sitting, pet sitting, food delivery services, and dog walking duties that do not involve domestic service;

(v) An au pair participant who has been granted a J-1 visa for participation in the federal department of state designated exchange visitor program governed by 22 C.F.R. Sec. 62.31;

(vi) Persons who provide services to members of their own family when:

(A) The family members have mutually agreed that care is provided gratuitously;

(B) The person who provides services or supports does not provide domestic services in the person's ordinary course of business;

(C) The family member providing services or supports has no agreement or expectation of consistent and regular payment for any services provided;

(D) The family member providing services or supports is doing so less than fifteen hours a week; or

(E) The family member is providing services or supports that are irregular, uncertain, and incidental in nature and duration or are different in nature from the type of paid work in which the worker is customarily engaged in.

(6) "Employ" includes to permit to work.

(7) "Family member" shall be liberally construed to include, but not be limited to, a parent, child, sibling, aunt, uncle, cousin, grandparent, grandchild, grandniece, or grandnephew, or such relatives when related by marriage or any individual related by blood or affinity whose close association with the individual is the equivalent of a family relationship.

(8) "Hiring entity" means any employer, as defined in RCW 49.46.010(4), and in RCW 49.60.040(11), who employs a domestic worker, as well as any individual, partnership, association, corporation, business trust, or any combination thereof, which pays a wage or pays wages for the services of a domestic worker. It includes any such entity, person, or group of persons that provides compensation directly or indirectly to a domestic worker for the performance of domestic services and any such entity, person, or persons acting directly or indirectly in the interest of the hiring entity in relation to the domestic worker. "Hiring entity" does not include a state agency or home care agency as defined in RCW 70.127.010 and licensed under chapter 70.127 RCW if the home care agency receives funding through RCW 74.39A.310, any adult family home licensed under chapter 70.128 RCW, an assisted living facility licensed under chapter 18.20 RCW, an enhanced services facility licensed under chapter 70.97 RCW, any other long-term care facility licensed by the department of

social and health services, or any other person or entity providing services pursuant to chapter 71A.12 RCW.

(9) "Personal care services" are care services as defined in RCW 74.39A.009.

**NEW SECTION. Sec. 32.** (1) A hiring entity that employs a domestic worker may not:

(a) Request that the domestic worker allow the hiring entity, on either a mandatory or voluntary basis, to have possession of any personal effects, including any legal documents, including forms of identification, passports, or other immigration documents;

(b) Engage in any form of discrimination as defined in section 2(3) of this act or subject a domestic worker to a hostile work environment within the meaning of chapter 49.60 RCW; a domestic worker shall be entitled to all rights available under chapter 49.60 RCW. It shall not constitute discrimination or harassment only when:

(i) The alleged discrimination is a challenging behavior; or

(ii) A hiring entity who is receiving personal care services, or who has lawful authority or guardianship over a child receiving personal care services, exercises a gender preference in hiring;

(c) Take any adverse action against a domestic worker for their exercise of rights under this chapter, which may include, but is not limited to:

(i) Denying the use of any rights provided under this chapter;

(ii) Denying or delaying payment due under this chapter;

(iii) Terminating, suspending, demoting, or denying a promotion;

(iv) Reducing the number of work hours for which the domestic worker is scheduled;

(v) Altering the domestic worker's preexisting work schedule;

(vi) Reducing the domestic worker's rate of pay; and

(vii) Threatening to take, or taking action, based upon the immigration status of a domestic worker or a domestic worker's family member;

(d) Monitor or record, through any means, the activities of the domestic worker using a bathroom or similar facility, in the domestic worker's private living quarters, or while the domestic worker is engaged in personal activities associated with dressing or changing clothes;

(e) Monitor, record, or interfere with the private communications of a domestic worker;

(f) Communicate to a person exercising rights protected under this chapter, directly or indirectly, the willingness or intent to inform a government employee or contracted organization suspected citizenship or immigration status of a domestic worker or a family member

to a federal, state, or local agency because the domestic worker has exercised any right under this chapter;

(g) Require or request any written agreements that:

(i) Waive a domestic worker's rights under federal, state, or local law; or

(ii) Contain noncompete agreements, nondisclosure agreements, nondisparagement agreements that inhibit a domestic worker's claims of their legal rights under this chapter, or noncompete agreements that limit the ability of domestic workers to seek any other form of domestic work postemployment.

(2) It shall be considered a rebuttable presumption of retaliation if the employer or any other person takes an adverse action against a domestic worker within ninety calendar days of the domestic worker's exercise of rights protected under this chapter. However, in the case of seasonal employment that ended before the close of the ninety calendar day period, the presumption also applies if the employer fails to rehire a former domestic worker at the next opportunity for work in the same position. The employer may rebut the presumption with clear and convincing evidence that the adverse action was taken for a permissible purpose.

(3) Where subsection (1)(b)(i) of this section applies, prior to offering the employment to a domestic worker or as soon as the hiring entity learns of the information if the domestic worker is already employed, the hiring entity should, when possible, disclose information about any challenging behaviors and relevant behavioral health needs of the individual being cared for as well as tools and supports that may be available to the domestic worker. If there is an authorized representative for the hiring entity receiving care, or an overlapping employment relationship with the hiring entity receiving care, this information must be disclosed in writing by the authorized representative or the hiring entity not receiving care services. The disclosure should be reviewed regularly and must be updated, as necessary, by the hiring entity when any changes in behavior occur that impact safety or provision of personal care services.

(4) All communication of the information in subsection (3) of this section must be tailored to respect the privacy of the person receiving services from the domestic worker in accordance with the federal health insurance portability and accountability act of 1996.

(5) The exemptions under this section shall not be construed to relieve a hiring entity of liability under this chapter nor shall a domestic worker's agreement to initiate or continue the employment relationship be construed as consent to workplace violence.

**NEW SECTION. Sec. 33.** Where more than one hiring entity has an employment relationship with a domestic worker in connection with the same work or where more than one hiring entity has an overlapping employment relationship with a domestic worker, the hiring entities are subject to liability as well as fines and penalties for violations.

**NEW SECTION. Sec. 34.** Any standards or rights established by any applicable federal, state, or local law or ordinance, or any rule or regulation issued thereunder, which are more favorable to domestic workers than the minimum standards and rights established by this chapter, or any rule or regulation issued hereunder, shall not be affected by this chapter and such other laws, or rules or regulations, shall be in full force and effect and may be enforced as provided by law. The remedies provided by this chapter are not exclusive and are concurrent with any other remedy provided by law.

**NEW SECTION. Sec. 35.** The attorney general's office shall develop and make available a model disclosure statement which describes a hiring entity's obligations related to a domestic worker's rights under this chapter, in at least eight of the most commonly spoken languages in Washington state. The disclosure statement must include notice about any state law, rule, or regulation applicable to domestic workers and indicate that federal or local ordinances, laws, rules, or regulations may also apply. The model disclosure must also include a telephone number and an address of the department of labor and industries to enable domestic workers to obtain more information about their rights, obligations, and enforcement.

**NEW SECTION. Sec. 36.** The attorney general's office shall develop and make available a model written employment agreement, which describes actions that are prohibited by a hiring entity and domestic workers' rights under this act in at least eight of the most commonly spoken languages.

**NEW SECTION. Sec. 37.** (1) A work group, and accompanying subcommittees as appropriate, on domestic workers administered by the attorney general's office is formed to make recommendations on:

(a) A structure for an ongoing domestic worker standards board, including determining the authority and scope of the board. Such authority and scope shall include, but are not limited to, training on relevant labor laws, benefits, and protections; discrimination and sexual harassment; workplace safety standards; requirements on tax obligations; job skills and accreditation; fair scheduling practices; scope of rights and benefits that may apply to independent contractors; outreach, education, and enforcement practices to ensure compliance with applicable labor standards and to provide effective and updated information to both hiring entities and domestic workers;

(b) Methods to make state industrial insurance available to domestic workers, including recommendations on legislative, regulatory, or other changes that should be made to the way hiring entities or domestic workers engage with the state industrial insurance system;

(c) Methods to increase access for domestic workers to paid sick leave under RCW 49.46.210 and paid family and medical leave under Title 50A RCW;

(d) The role of intermediary nonprofit organizations that assist or refer directly impacted domestic workers in increasing access of domestic workers to industrial insurance and to paid sick leave and paid family and medical leave;

(e) Wage and hour models for domestic work, including but not limited to live-in care providers such as nannies and au pairs, and independent contractors.

(2) The work group shall include at least one representative from each of the following groups that reflects a balance in membership and interests:

(a) Directly impacted domestic workers employed in private homes including one domestic worker providing child care services as a nanny, and one domestic worker providing another form of domestic service outside of child care;

(b) One current or former au pair;

(c) Unions, work centers, or intermediary nonprofit organizations that assist or refer such directly impacted workers;

(d) Hiring entities who directly employ single domestic workers in private homes;

(e) An organization that educates and organizes household hiring entities;

(f) At least two members of the department of labor and industries with expertise in industrial insurance and wage and hour laws and rules;

(g) One representative from the department of social and health services;

(h) An organization representing the area agencies on aging;

(i) An organization representing retired persons;

(j) An organization representing persons with disabilities;

(k) An organization or agency representing au pairs;

(l) One representative from the governor's office; and

(m) One representative from the attorney general's office.

(3) Representatives shall be appointed by the governor by July 1, 2020.

(4) The work group shall report its findings and recommendations to the governor's office, attorney general's office, and appropriate committees of the legislature by April 1, 2021.

**Sec. 38.** RCW 49.60.040 and 2018 c 176 s 2 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Aggrieved person" means any person who: (a) Claims to have been injured by an unfair practice in a real estate transaction; or (b) believes that he or she will be injured by an unfair practice in a real estate transaction that is about to occur.

(2) "Any place of public resort, accommodation, assemblage, or amusement" includes, but is not limited to, any place, licensed or unlicensed, kept for gain, hire, or

reward, or where charges are made for admission, service, occupancy, or use of any property or facilities, whether conducted for the entertainment, housing, or lodging of transient guests, or for the benefit, use, or accommodation of those seeking health, recreation, or rest, or for the burial or other disposition of human remains, or for the sale of goods, merchandise, services, or personal property, or for the rendering of personal services, or for public conveyance or transportation on land, water, or in the air, including the stations and terminals thereof and the garaging of vehicles, or where food or beverages of any kind are sold for consumption on the premises, or where public amusement, entertainment, sports, or recreation of any kind is offered with or without charge, or where medical service or care is made available, or where the public gathers, congregates, or assembles for amusement, recreation, or public purposes, or public halls, public elevators, and public washrooms of buildings and structures occupied by two or more tenants, or by the owner and one or more tenants, or any public library or educational institution, or schools of special instruction, or nursery schools, or day care centers or children's camps: PROVIDED, That nothing contained in this definition shall be construed to include or apply to any institute, bona fide club, or place of accommodation, which is by its nature distinctly private, including fraternal organizations, though where public use is permitted that use shall be covered by this chapter; nor shall anything contained in this definition apply to any educational facility, columbarium, crematory, mausoleum, or cemetery operated or maintained by a bona fide religious or sectarian institution.

(3) "Commission" means the Washington state human rights commission.

(4) "Complainant" means the person who files a complaint in a real estate transaction.

(5) "Covered multifamily dwelling" means: (a) Buildings consisting of four or more dwelling units if such buildings have one or more elevators; and (b) ground floor dwelling units in other buildings consisting of four or more dwelling units.

(6) "Credit transaction" includes any open or closed end credit transaction, whether in the nature of a loan, retail installment transaction, credit card issue or charge, or otherwise, and whether for personal or for business purposes, in which a service, finance, or interest charge is imposed, or which provides for repayment in scheduled payments, when such credit is extended in the regular course of any trade or commerce, including but not limited to transactions by banks, savings and loan associations or other financial lending institutions of whatever nature, stock brokers, or by a merchant or mercantile establishment which as part of its ordinary business permits or provides that payment for purchases of property or service therefrom may be deferred.

(7)(a) "Disability" means the presence of a sensory, mental, or physical impairment that:

- (i) Is medically cognizable or diagnosable; or
- (ii) Exists as a record or history; or

(iii) Is perceived to exist whether or not it exists in fact.

(b) A disability exists whether it is temporary or permanent, common or uncommon, mitigated or unmitigated, or whether or not it limits the ability to work generally or work at a particular job or whether or not it limits any other activity within the scope of this chapter.

(c) For purposes of this definition, "impairment" includes, but is not limited to:

(i) Any physiological disorder, or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the following body systems: Neurological, musculoskeletal, special sense organs, respiratory, including speech organs, cardiovascular, reproductive, digestive, ~~((genitor-urinary))~~ genitourinary, hemic and lymphatic, skin, and endocrine; or

(ii) Any mental, developmental, traumatic, or psychological disorder, including but not limited to cognitive limitation, organic brain syndrome, emotional or mental illness, and specific learning disabilities.

(d) Only for the purposes of qualifying for reasonable accommodation in employment, an impairment must be known or shown through an interactive process to exist in fact and:

(i) The impairment must have a substantially limiting effect upon the individual's ability to perform his or her job, the individual's ability to apply or be considered for a job, or the individual's access to equal benefits, privileges, or terms or conditions of employment; or

(ii) The employee must have put the employer on notice of the existence of an impairment, and medical documentation must establish a reasonable likelihood that engaging in job functions without an accommodation would aggravate the impairment to the extent that it would create a substantially limiting effect.

(e) For purposes of (d) of this subsection, a limitation is not substantial if it has only a trivial effect.

(8) "Dog guide" means a dog that is trained for the purpose of guiding blind persons or a dog that is trained for the purpose of assisting hearing impaired persons.

(9) "Dwelling" means any building, structure, or portion thereof that is occupied as, or designed or intended for occupancy as, a residence by one or more families, and any vacant land that is offered for sale or lease for the construction or location thereon of any such building, structure, or portion thereof.

(10) "Employee" does not include any individual employed by his or her parents, spouse, or child ~~((or in the domestic service of any person))~~.

(11) "Employer" includes any person acting in the interest of an employer, directly or indirectly, who employs eight or more persons ~~((s))~~ and does not include any religious or sectarian organization not organized for private profit. "Employer" also includes a hiring entity who employs a domestic worker, as defined in section 2 of this act, regardless of the number of employees the hiring entity employs.



(12) "Employment agency" includes any person undertaking with or without compensation to recruit, procure, refer, or place employees ~~((for an employer))~~.

(13) "Families with children status" means one or more individuals who have not attained the age of eighteen years being domiciled with a parent or another person having legal custody of such individual or individuals, or with the designee of such parent or other person having such legal custody, with the written permission of such parent or other person. Families with children status also applies to any person who is pregnant or is in the process of securing legal custody of any individual who has not attained the age of eighteen years.

(14) "Full enjoyment of" includes the right to purchase any service, commodity, or article of personal property offered or sold on, or by, any establishment to the public, and the admission of any person to accommodations, advantages, facilities, or privileges of any place of public resort, accommodation, assemblage, or amusement, without acts directly or indirectly causing persons of any particular race, creed, color, sex, sexual orientation, national origin, or with any sensory, mental, or physical disability, or the use of a trained dog guide or service animal by a person with a disability, to be treated as not welcome, accepted, desired, or solicited.

(15) "Honorably discharged veteran or military status" means a person who is:

(a) A veteran, as defined in RCW 41.04.007; or

(b) An active or reserve member in any branch of the armed forces of the United States, including the national guard, coast guard, and armed forces reserves.

(16) "Labor organization" includes any organization which exists for the purpose, in whole or in part, of dealing with employers concerning grievances or terms or conditions of employment, or for other mutual aid or protection in connection with employment.

(17) "Marital status" means the legal status of being married, single, separated, divorced, or widowed.

(18) "National origin" includes "ancestry."

(19) "Person" includes one or more individuals, partnerships, associations, organizations, corporations, cooperatives, legal representatives, trustees and receivers, or any group of persons; it includes any owner, lessee, proprietor, manager, agent, or employee, whether one or more natural persons; and further includes any political or civil subdivisions of the state and any agency or instrumentality of the state or of any political or civil subdivision thereof.

(20) "Premises" means the interior or exterior spaces, parts, components, or elements of a building, including individual dwelling units and the public and common use areas of a building.

(21) "Real estate transaction" includes the sale, appraisal, brokering, exchange, purchase, rental, or lease of real property, transacting or applying for a real estate loan, or the provision of brokerage services.

(22) "Real property" includes buildings, structures, dwellings, real estate, lands, tenements, leaseholds, interests in real estate cooperatives, condominiums, and hereditaments, corporeal and incorporeal, or any interest therein.

(23) "Respondent" means any person accused in a complaint or amended complaint of an unfair practice in a real estate transaction.

(24) "Service animal" means any dog or miniature horse, as discussed in RCW 49.60.214, that is individually trained to do work or perform tasks for the benefit of an individual with a disability, including a physical, sensory, psychiatric, intellectual, or other mental disability. The work or tasks performed by the service animal must be directly related to the individual's disability. Examples of work or tasks include, but are not limited to, assisting individuals who are blind or have low vision with navigation and other tasks, alerting individuals who are deaf or hard of hearing to the presence of people or sounds, providing nonviolent protection or rescue work, pulling a wheelchair, assisting an individual during a seizure, alerting individuals to the presence of allergens, retrieving items such as medicine or the telephone, providing physical support and assistance with balance and stability to individuals with mobility disabilities, and helping persons with psychiatric and neurological disabilities by preventing or interrupting impulsive or destructive behaviors. The crime deterrent effects of an animal's presence and the provision of emotional support, well-being, comfort, or companionship do not constitute work or tasks. This subsection does not apply to RCW 49.60.222 through 49.60.227 with respect to housing accommodations or real estate transactions.

(25) "Sex" means gender.

(26) "Sexual orientation" means heterosexuality, homosexuality, bisexuality, and gender expression or identity. As used in this definition, "gender expression or identity" means having or being perceived as having a gender identity, self-image, appearance, behavior, or expression, whether or not that gender identity, self-image, appearance, behavior, or expression is different from that traditionally associated with the sex assigned to that person at birth.

**NEW SECTION. Sec. 39.** This act may be known and cited as the domestic worker protection act.

**NEW SECTION. Sec. 40.** Sections 1 through 8, 10, and 12 of this act constitute a new chapter in Title 49 RCW.

**NEW SECTION. Sec. 41.** Sections 1 through 7, 9, and 10 of this act take effect July 1, 2021."

On page 1, line 2 of the title, after "workers;" strike the remainder of the title and insert "amending RCW 49.60.040; adding a new chapter to Title 49 RCW; prescribing penalties; and providing an effective date."

and the same is herewith transmitted.

Sarah Bannister, Deputy Secretary

**SENATE AMENDMENT TO HOUSE BILL**

There being no objection, the House refused to concur in the Senate amendment to SUBSTITUTE HOUSE BILL NO. 2511 and asked the Senate to recede therefrom.

### MESSAGE FROM THE SENATE

March 5, 2020

Mme. SPEAKER:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 2711, with the following amendment:

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** (1) The legislature finds that students in foster care, experiencing homelessness, or both, have the lowest high school graduation and postsecondary completion outcomes compared to other student populations. The legislature also finds that these students change schools at significantly higher rates than their general student population peers, and that these changes can disrupt academic progress. The legislature further finds that these students have disproportionate suspension and expulsion rates, and require special education services at much higher rates than other students.

(2) The legislature acknowledges that, as a result, only forty-six percent of Washington students who experienced foster care during high school, and fifty-five percent of students experiencing homelessness, graduated from high school on time in 2018. By comparison, the statewide four-year graduation rate for the class of 2019 was nearly eighty-one percent. Furthermore, students of color are disproportionately represented in the foster care system and in homeless student populations, and their academic outcomes are significantly lower than their white peers. Additionally, students who do not achieve positive education outcomes experience high rates of unemployment, poverty, adult homelessness, and incarceration.

(3) The legislature, therefore, intends to provide the opportunity for an equitable education for students in foster care, experiencing homelessness, or both. In accomplishing this goal, the legislature intends to achieve parity in education outcomes for these students, both in comparison to their general student population peers and throughout the education continuum of prekindergarten to postsecondary education.

(4) In 2018 the legislature directed the department of children, youth, and families and other entities in chapter 299, Laws of 2018, to convene a work group focused on students in foster care and students experiencing homelessness. The legislature resolves to continue this work group to improve education outcomes for these students.

**NEW SECTION. Sec. 2.** A new section is added to chapter 28A.300 RCW to read as follows:

(1) The office of the superintendent of public instruction, in collaboration with the department of children, youth, and families, the office of homeless youth prevention

and protection programs of the department of commerce, and the student achievement council, shall convene the project education impact work group to address the needs of students in foster care, experiencing homelessness, or both. The work group must include representatives of nongovernmental agencies and representation from the educational opportunity gap oversight and accountability committee. The work group must also include four legislative members appointed as follows:

(a) The president of the senate shall appoint one member from each of the two largest caucuses of the senate.

(b) The speaker of the house of representatives shall appoint one member from each of the two largest caucuses of the house of representatives.

(2) The work group must focus its efforts on students in foster care, experiencing homelessness, or both, and must develop and implement a plan that will accomplish the following by 2027:

(a) Enable the students to achieve parity in education outcomes with their general student population peers; and

(b) Eliminate racial and ethnic disparities for the education outcomes of the students in comparison to their general student population peers.

(3)(a) The work group shall review the education outcomes of students in foster care, experiencing homelessness, or both, by examining data, disaggregated by race and ethnicity, on:

(i) Kindergarten readiness, early grade reading and math, eighth and ninth grade students on track to graduate, high school completion, postsecondary enrollment, and postsecondary completion; and

(ii) School attendance, school mobility, special education status, and school discipline.

(b) To enable the review required by this subsection (3), the office of the superintendent of public instruction, the department of children, youth, and families, the student achievement council, and the office of homeless youth prevention and protection programs of the department of commerce shall provide updated education data and other necessary data to the education data center established under RCW 43.41.400.

(c) The education data center must provide an updated report to the work group on these education outcomes by March 31, 2021, and annually thereafter. If state funds are not made available to complete the reports required by this subsection (3)(c), the work group may pursue supplemental private funding to ensure the completion of the reports.

(4) The work group shall also:

(a) Evaluate the outcomes, needs, and service array for students in foster care, experiencing homelessness, or both, and the specific needs of students of color and those with special education needs;

(b) Engage stakeholders, including students in foster care, experiencing homelessness, or both, foster parents and relative caregivers, birth parents, caseworkers, school

districts and educators, early learning providers, postsecondary institutions, and federally recognized tribes, to provide input on the development of recommendations; and

(c)(i) Submit annual reports to the governor, the appropriate committees of the legislature, and the educational opportunity gap oversight and accountability committee by October 31st of each year regarding the progress the state has made toward achieving education parity for students in foster care, experiencing homelessness, or both.

(ii) The reports required by this subsection (4)(c) must:

(A) Describe the progress made toward achieving the following goals for students in foster care, experiencing homelessness, or both:

(I) Parity in kindergarten readiness rates;

(II) Parity in high school graduation rates;

(III) Parity in postsecondary education and state-approved apprenticeship enrollment; and

(IV) Parity in postsecondary education and state-approved apprenticeship completion;

(B) Include updates on agency and nongovernmental agency actions toward achieving the goals specified in this section, and the effectiveness of support services for students in foster care, experiencing homelessness, or both;

(C) Include recommendations to further align and improve policy, programs, agency practice, and supports for students, and provide for shared and sustainable accountability to reach the goal of educational parity, including recommendations to:

(I) Address systems barriers and improve educational stability;

(II) Enforce existing state law requiring that education records, documentation of educational needs, individualized education programs, credits, and other records follow students when they transition between districts or to another education program or facility;

(III) Improve racial equity in education outcomes; and

(IV) Ensure appropriate work group access to consistent and accurate annual education outcomes data;

(D) Identify recommendations that can be implemented using existing resources, rules, and regulations and those that require policy, administrative, and resource allocation changes; and

(E) Identify the progress made toward meaningful engagement of stakeholders in informing recommendations.

(5) Nothing in this section permits disclosure of confidential information protected from disclosure under federal or state law, including but not limited to information protected under chapter 13.50 RCW. Confidential information received by the work group retains its confidentiality and may not be further disseminated except as permitted by federal and state law.

(6) For the purposes of this section, "students in foster care, experiencing homelessness, or both" includes students who are in foster care or experiencing homelessness, and students who have been homeless or in foster care, or both, within five years of when the plan described in this section is applied.

(7) This section expires July 1, 2028.

**Sec. 3.** RCW 74.13.1051 and 2017 3rd sp.s. c 6 s 405 are each amended to read as follows:

(1) In order to proactively support foster youth to complete high school, enroll and complete postsecondary education, and successfully implement their own plans for their futures, the department, the student achievement council, and the office of the superintendent of public instruction shall enter into, or revise existing, memoranda of understanding that:

(a) Facilitate student referral, data and information exchange, agency roles and responsibilities, and cooperation and collaboration among state agencies and nongovernmental entities; and

(b) Effectuate the transfer of responsibilities from the department to the office of the superintendent of public instruction with respect to the programs in RCW 28A.300.592, and from the department to the student achievement council with respect to the program in RCW 28B.77.250 in a smooth, expedient, and coordinated fashion.

(2) The student achievement council and the office of the superintendent of public instruction shall establish a set of indicators relating to the outcomes provided in RCW 28A.300.590 and 28A.300.592 to provide consistent services for youth, facilitate transitions among contractors, and support outcome-driven contracts. The student achievement council and the superintendent of public instruction shall collaborate with nongovernmental contractors and the department to develop a list of the most critical indicators, establishing a common set of indicators to be used in the outcome-driven contracts in RCW 28A.300.590 and 28A.300.592. ~~((A list of these indicators must be included in the report provided in subsection (3) of this section.~~

~~(3) By November 1, 2017, and biannually thereafter, the department, the student achievement council, and the office of the superintendent of public instruction, in consultation with the nongovernmental entities engaged in public-private partnerships shall submit a joint report to the governor and the appropriate education and human services committees of the legislature regarding each of these programs, individually, as well as the collective progress the state has made toward the following goals:~~

~~(a) To make Washington number one in the nation for foster care graduation rates;~~

~~(b) To make Washington number one in the nation for foster care enrollment in postsecondary education; and~~

~~(c) To make Washington number one in the nation for foster care postsecondary completion.~~

~~(4) The department, the student achievement council, and the office of the superintendent of public instruction, in consultation with the nongovernmental entities engaged in public-private partnerships, shall also submit one report by November 1, 2018, to the governor and the appropriate education and human service committees of the legislature regarding the transfer of responsibilities from the department to the office of the superintendent of public instruction with respect to the programs in RCW 28A.300.592, and from the department to the student achievement council with respect to the program in RCW 28B.77.250 and whether these transfers have resulted in better coordinated services for youth.))~~

**NEW SECTION. Sec. 4.** RCW 28A.300.8001 (Plan for cross-system collaboration to promote educational stability and improve educational outcomes for foster children—Reports) and 2012 c 163 s 10 are each repealed."

On page 1, line 3 of the title, after "education;" strike the remainder of the title and insert "amending RCW 74.13.1051; adding a new section to chapter 28A.300 RCW; creating a new section; repealing RCW 28A.300.8001; and providing an expiration date."

and the same is herewith transmitted.

Sarah Bannister, Deputy Secretary

#### **SENATE AMENDMENT TO HOUSE BILL**

There being no objection, the House refused to concur in the Senate amendment to SUBSTITUTE HOUSE BILL NO. 2711 and asked the Senate to recede therefrom.

#### **MESSAGE FROM THE SENATE**

March 9, 2020

Madame Speaker:

The Senate refuses to concur in the House amendment to SECOND SUBSTITUTE SENATE BILL NO. 6281 and asks the House to recede therefrom, and the same is herewith transmitted.

Sarah Bannister, Deputy Secretary

#### **HOUSE AMENDMENT TO SENATE BILL**

There being no objection, the House insisted on its position in its amendment to SECOND SUBSTITUTE SENATE BILL NO. 6281 and asked the Senate for a conference thereon. The Speaker (Representative Lovick presiding) appointed Representatives Dufault, Hansen and Hudgins as conferees.

#### **MESSAGE FROM THE SENATE**

March 3, 2020

Madame Speaker:

The Senate insists on its position in the House amendment to SENATE BILL NO. 6168 and asks the House

for a Conference thereon. The President has appointed the following members as Conferees: Senators Rolfes, Frockt, and Braun.

Sarah Bannister, Deputy Secretary

#### **HOUSE AMENDMENT TO SENATE BILL**

There being no objection, the House granted the Senate's request for a Conference on SENATE BILL NO. 6168. The Speaker appointed the following members as Conferees: Representatives Ormsby, Robinson and Stokesbary.

The Speaker (Representative Lovick presiding) called upon Representative Pettegrew to preside.

The Speaker assumed the chair.

#### **SIGNED BY THE SPEAKER**

The Speaker signed the following bills:

ENGROSSED SUBSTITUTE SENATE BILL NO.  
5006  
SENATE BILL NO. 5197  
ENGROSSED SENATE BILL NO. 5450  
ENGROSSED SENATE BILL NO. 5457  
ENGROSSED SECOND SUBSTITUTE SENATE  
BILL NO. 5481  
SENATE BILL NO. 5519  
SECOND SUBSTITUTE SENATE BILL NO. 5572  
SUBSTITUTE SENATE BILL NO. 5900  
SUBSTITUTE SENATE BILL NO. 5976  
ENGROSSED SENATE BILL NO. 6032  
SENATE BILL NO. 6045  
SUBSTITUTE SENATE BILL NO. 6058  
SENATE BILL NO. 6066  
SUBSTITUTE SENATE BILL NO. 6072  
SUBSTITUTE SENATE BILL NO. 6074  
SENATE BILL NO. 6078  
SUBSTITUTE SENATE BILL NO. 6084  
SUBSTITUTE SENATE BILL NO. 6086  
SUBSTITUTE SENATE BILL NO. 6091  
ENGROSSED SUBSTITUTE SENATE BILL NO.  
6095  
SENATE BILL NO. 6102  
SENATE BILL NO. 6103  
SENATE BILL NO. 6119  
SENATE BILL NO. 6120  
SENATE BILL NO. 6123  
SUBSTITUTE SENATE BILL NO. 6135  
SUBSTITUTE SENATE BILL NO. 6142  
SENATE BILL NO. 6143  
SECOND SUBSTITUTE SENATE BILL NO. 6181  
SENATE BILL NO. 6187  
SUBSTITUTE SENATE BILL NO. 6206  
SENATE BILL NO. 6212  
SENATE BILL NO. 6236  
SUBSTITUTE SENATE BILL NO. 6256  
SUBSTITUTE SENATE BILL NO. 6257  
SUBSTITUTE SENATE BILL NO. 6306

SUBSTITUTE SENATE BILL NO. 6319  
 SENATE BILL NO. 6357  
 SENATE BILL NO. 6383  
 SUBSTITUTE SENATE BILL NO. 6392  
 SUBSTITUTE SENATE BILL NO. 6415  
 ENGROSSED SUBSTITUTE SENATE BILL NO.  
 6419  
 SENATE BILL NO. 6423  
 SENATE BILL NO. 6430  
 SUBSTITUTE SENATE BILL NO. 6476  
 SUBSTITUTE SENATE BILL NO. 6499  
 SUBSTITUTE SENATE BILL NO. 6521  
 SECOND SUBSTITUTE SENATE BILL NO. 6528  
 ENGROSSED SUBSTITUTE SENATE BILL NO.  
 6540  
 SENATE BILL NO. 6567  
 SUBSTITUTE SENATE JOINT MEMORIAL NO.  
 8017  
 ENGROSSED SENATE JOINT RESOLUTION NO.  
 8212

#### MESSAGE FROM THE SENATE

March 9, 2020

Madame Speaker:

The Senate insists on its position on ENGROSSED HOUSE BILL NO. 1390 and asks the House to concur.  
 4.0.

Sarah Bannister, Deputy Secretary

#### SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to ENGROSSED HOUSE BILL NO. 1390 and advanced the bill as amended by the Senate to final passage.

#### FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representatives Leavitt and MacEwen spoke in favor of the passage of the bill.

The Speaker stated the question before the House to be the final passage of Engrossed House Bill No. 1390, as amended by the Senate.

#### ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 1390, as amended by the Senate, and the bill passed the House by the following vote: Yeas: 94 Nays: 3 Absent: 0 Excused: 1

Voting Yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Jenkin, Jenkins, Johnson, J., Kilduff, Kirby, Klippert, Kloba, Kraft, Leavitt, Lekanoff, Lovick, MacEwen, Macri,

McCaslin, Mead, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shea, Shewmake, Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra, and Young

Voting Nay: Representatives Irwin, Kretz, and Maycumber

Excused: Representative Paul.

ENGROSSED HOUSE BILL NO. 1390, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

#### MESSAGE FROM THE SENATE

March 6, 2020

Madame Speaker:

The Senate has passed ENGROSSED THIRD SUBSTITUTE HOUSE BILL NO. 1775 with the following amendment:

4.0.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 5. The legislature finds that commercial sexual exploitation of children is a severe form of human trafficking and a severe human rights and public health issue, leaving children at substantial risk of physical harm, substantial physical and emotional pain, and trauma. This trauma has a long-term impact on the social, emotional, and economic future of these children. The state shall provide a victim-centered, trauma-informed response to children who are exploited in this manner rather than treating them as criminals. The state shall also hold accountable the buyers and traffickers who exploit children.

NEW SECTION. Sec. 6. A new section is added to chapter 7.68 RCW to read as follows:

(1) Subject to the availability of amounts appropriated for this specific purpose, the department of children, youth, and families shall administer funding for two receiving center programs for commercially sexually exploited children. One of these programs must be located west of the crest of the Cascade mountains and one of these programs must be located east of the crest of the Cascade mountains. Law enforcement and service providers may refer children to these programs or children may self-refer into these programs.

(2) The receiving center programs established under this section shall:

(a) Begin providing services by January 1, 2021;

(b) Utilize existing facilities and not require the construction of new facilities; and

(c) Provide ongoing case management for all children who are being served or were served by the programs.

(3) The receiving centers established under this section shall:

(a) Include a short-term evaluation function that is accessible twenty-four hours per day seven days per week that has the capacity to evaluate the immediate needs of commercially sexually exploited children ages twelve through seventeen and either meet those immediate needs or refer those children to the appropriate services;

(b) Assess children for mental health and substance use disorder needs and provide appropriate referrals as needed; and

(c) Provide individual and group counseling focused on developing and strengthening coping skills, and improving self-esteem and dignity.

(4) The department of children, youth, and families shall:

(a) Collect nonidentifiable demographic data of the children served by the programs established under this section;

(b) Collect data regarding the locations that children exit to after being served by the programs; and

(c) Report the data described in this subsection along with recommendations for modification or expansion of these programs to the relevant committees of the legislature by December 1, 2022.

(5) For the purposes of this section, the following definitions apply:

(a) "Receiving center" means a trauma-informed, secure location that meets the multidisciplinary needs of commercially sexually exploited children ages twelve through seventeen located in a behavioral health agency licensed or certified under RCW 71.24.037 to provide inpatient or residential treatment services; and

(b) "Short-term evaluation function" means a short-term emergency shelter that is accessible twenty-four hours per day seven days per week that has the capacity to evaluate the immediate needs of commercially sexually exploited children under age eighteen and either meet those immediate needs or refer those children to the appropriate services.

(6)(a) The department of children, youth, and families, the department of health, and the division of behavioral health and recovery, shall meet to coordinate the implementation of receiving centers as provided for in this section, including developing eligibility criteria for serving commercially sexually exploited children that allows referral from service providers and prioritizes referral from law enforcement.

(b) By December 1, 2020, and in compliance with RCW 43.01.036, the department of children, youth, and families shall submit a report to the governor and legislature summarizing the implementation plan and eligibility criteria as described in (a) of this subsection, and provide any additional policy recommendations regarding receiving centers as it deems necessary.

**NEW SECTION. Sec. 7.** A new section is added to chapter 7.68 RCW to read as follows:

(1) The following individuals or entities may refer a child to receiving centers as defined in section 2 of this act:

(a) Law enforcement, who shall:

(i) Transport a child eligible for receiving center services to a receiving center; or

(ii) Coordinate transportation with a liaison dedicated to serving commercially sexually exploited children established under RCW 74.14B.070 or a community service provider;

(b) The department of children, youth, and families;

(c) Juvenile courts;

(d) Community service providers;

(e) A parent or guardian; and

(f) A child may self-refer.

(2) Eligibility for placement in a receiving center is children ages twelve through seventeen, of all genders, who have been, or are at risk for being commercially sexually exploited.

**Sec. 8.** RCW 9A.88.030 and 1988 c 145 s 16 are each amended to read as follows:

(1) A person age eighteen or older is guilty of prostitution if such person engages or agrees or offers to engage in sexual conduct with another person in return for a fee.

(2) For purposes of this section, "sexual conduct" means "sexual intercourse" or "sexual contact," both as defined in chapter 9A.44 RCW.

(3) Prostitution is a misdemeanor.

**Sec. 9.** RCW 13.40.070 and 2019 c 128 s 8 are each amended to read as follows:

(1) Complaints referred to the juvenile court alleging the commission of an offense shall be referred directly to the prosecutor. The prosecutor, upon receipt of a complaint, shall screen the complaint to determine whether:

(a) The alleged facts bring the case within the jurisdiction of the court; and

(b) On a basis of available evidence there is probable cause to believe that the juvenile did commit the offense.

(2) If the identical alleged acts constitute an offense under both the law of this state and an ordinance of any city or county of this state, state law shall govern the prosecutor's screening and charging decision for both filed and diverted cases.

(3) If the requirements of subsection (1)(a) and (b) of this section are met, the prosecutor shall either file an information in juvenile court or divert the case, as set forth in subsections (5), (6), and (8) of this section. If the prosecutor finds that the requirements of subsection (1)(a) and (b) of this section are not met, the prosecutor shall

maintain a record, for one year, of such decision and the reasons therefor. In lieu of filing an information or diverting an offense a prosecutor may file a motion to modify community supervision where such offense constitutes a violation of community supervision.

(4) An information shall be a plain, concise, and definite written statement of the essential facts constituting the offense charged. It shall be signed by the prosecuting attorney and conform to chapter 10.37 RCW.

(5) The prosecutor shall file an information with the juvenile court if (a) an alleged offender is accused of an offense that is defined as a sex offense or violent offense under RCW 9.94A.030, other than assault in the second degree or robbery in the second degree; or (b) an alleged offender has been referred by a diversion unit for prosecution or desires prosecution instead of diversion.

(6) Where a case is legally sufficient the prosecutor shall divert the case if the alleged offense is a misdemeanor or gross misdemeanor or violation and the alleged offense is the offender's first offense or violation. If the alleged offender is charged with a related offense that may be filed under subsections (5) and (8) of this section, a case under this subsection may also be filed.

(7) Where a case is legally sufficient to charge an alleged offender with:

(a) ~~((Either prostitution or prostitution))~~ Prostitution loitering and the alleged offense is the offender's first ~~((prostitution or))~~ prostitution loitering offense, the prosecutor shall divert the case;

(b) Voyeurism in the second degree, the offender is under seventeen years of age, and the alleged offense is the offender's first voyeurism in the second degree offense, the prosecutor shall divert the case, unless the offender has received two diversions for any offense in the previous two years;

(c) Minor selling depictions of himself or herself engaged in sexually explicit conduct under RCW 9.68A.053(5) and the alleged offense is the offender's first violation of RCW 9.68A.053(5), the prosecutor shall divert the case; or

(d) A distribution, transfer, dissemination, or exchange of sexually explicit images of other minors thirteen years of age or older offense as provided in RCW 9.68A.053(1) and the alleged offense is the offender's first violation of RCW 9.68A.053(1), the prosecutor shall divert the case.

(8) Where a case is legally sufficient and falls into neither subsection (5) nor (6) of this section, it may be filed or diverted. In deciding whether to file or divert an offense under this section the prosecutor may be guided by the length, seriousness, and recency of the alleged offender's criminal history and the circumstances surrounding the commission of the alleged offense.

(9) Whenever a juvenile is placed in custody or, where not placed in custody, referred to a diversion interview, the parent or legal guardian of the juvenile shall be notified as soon as possible concerning the allegation made against the

juvenile and the current status of the juvenile. Where a case involves victims of crimes against persons or victims whose property has not been recovered at the time a juvenile is referred to a diversion unit, the victim shall be notified of the referral and informed how to contact the unit.

(10) The responsibilities of the prosecutor under subsections (1) through (9) of this section may be performed by a juvenile court probation counselor for any complaint referred to the court alleging the commission of an offense which would not be a felony if committed by an adult, if the prosecutor has given sufficient written notice to the juvenile court that the prosecutor will not review such complaints.

(11) The prosecutor, juvenile court probation counselor, or diversion unit may, in exercising their authority under this section or RCW 13.40.080, refer juveniles to community-based programs, restorative justice programs, mediation, or victim offender reconciliation programs. Such mediation or victim offender reconciliation programs shall be voluntary for victims.

(12) Prosecutors and juvenile courts are encouraged to engage with and partner with community-based programs to expand, improve, and increase options to divert youth from formal processing in juvenile court. Nothing in this chapter should be read to limit partnership with community-based programs to create diversion opportunities for juveniles.

**Sec. 10.** RCW 13.40.213 and 2010 c 289 s 8 are each amended to read as follows:

(1) When a juvenile is alleged to have committed ~~((the offenses of prostitution or))~~ a prostitution loitering offense, and the allegation, if proved, would not be the juvenile's first offense, a prosecutor may divert the offense if the county in which the offense is alleged to have been committed has a comprehensive program that provides:

(a) Safe and stable housing;

(b) Comprehensive on-site case management;

(c) Integrated mental health and chemical dependency services, including specialized trauma recovery services;

(d) Education and employment training delivered on-site; and

(e) Referrals to off-site specialized services, as appropriate.

(2) A prosecutor may divert a case for ~~((prostitution or))~~ prostitution loitering into the comprehensive program described in this section, notwithstanding the filing criteria set forth in RCW 13.40.070(5).

(3) A diversion agreement under this section may extend to twelve months.

(4)(a) The administrative office of the courts shall compile data regarding:

(i) The number of juveniles whose cases are diverted into the comprehensive program described in this section;

(ii) Whether the juveniles complete their diversion agreements under this section; and

(iii) Whether juveniles whose cases have been diverted under this section have been subsequently arrested or committed subsequent offenses.

(b) An annual report of the data compiled shall be provided to the governor and the appropriate committee of the legislature. ~~((The first report is due by November 1, 2010.))~~

**Sec. 11.** RCW 7.68.801 and 2018 c 58 s 65 are each amended to read as follows:

(1) The commercially sexually exploited children statewide coordinating committee is established to address the issue of children who are commercially sexually exploited, to examine the practices of local and regional entities involved in addressing sexually exploited children, and to make recommendations on statewide laws and practices.

(2) The committee is convened by the office of the attorney general with the department of commerce assisting with agenda planning and administrative and clerical support. The committee consists of the following members:

(a) One member from each of the two largest caucuses of the house of representatives appointed by the speaker of the house;

(b) One member from each of the two largest caucuses of the senate appointed by the ~~((speaker))~~ president of the senate;

(c) A representative of the governor's office appointed by the governor;

(d) The secretary of the department of children, youth, and families or his or her designee;

(e) The secretary of the juvenile rehabilitation administration or his or her designee;

(f) The attorney general or his or her designee;

(g) The superintendent of public instruction or his or her designee;

(h) A representative of the administrative office of the courts appointed by the administrative office of the courts;

(i) The executive director of the Washington association of sheriffs and police chiefs or his or her designee;

(j) The executive director of the Washington state criminal justice training commission or his or her designee;

(k) A representative of the Washington association of prosecuting attorneys appointed by the association;

(l) The executive director of the office of public defense or his or her designee;

(m) Three representatives of community service providers that provide direct services to commercially sexually exploited children appointed by the attorney general;

(n) Two representatives of nongovernmental organizations familiar with the issues affecting

commercially sexually exploited children appointed by the attorney general;

(o) The president of the superior court judges' association or his or her designee;

(p) The president of the juvenile court administrators or his or her designee;

(q) Any existing chairs of regional task forces on commercially sexually exploited children;

(r) A representative from the criminal defense bar;

(s) A representative of the center for children and youth justice;

(t) A representative from the office of crime victims advocacy;

(u) The executive director of the Washington coalition of sexual assault programs;

(v) The executive director of the statewide organization representing children's advocacy centers or his or her designee;

~~((w))~~ (x) A representative of an organization that provides inpatient chemical dependency treatment to youth, appointed by the attorney general;

~~((w))~~ (x) A representative of an organization that provides mental health treatment to youth, appointed by the attorney general; and

~~((x))~~ (y) A survivor of human trafficking, appointed by the attorney general.

(3) The duties of the committee include, but are not limited to:

(a) Overseeing and reviewing the implementation of the Washington state model protocol for commercially sexually exploited children at task force sites;

(b) Receiving reports and data from local and regional entities regarding the incidence of commercially sexually exploited children in their areas as well as data information regarding perpetrators, geographic data and location trends, and any other data deemed relevant;

(c) Receiving reports on local coordinated community response practices and results of the community responses;

(d) Reviewing recommendations from local and regional entities regarding policy and legislative changes that would improve the efficiency and effectiveness of local response practices;

(e) Making recommendations regarding policy and legislative changes that would improve the effectiveness of the state's response to and promote best practices for suppression of the commercial sexual exploitation of children;

(f) Making recommendations regarding data collection useful to understanding or addressing the problem of commercially sexually exploited children;



(g) Reviewing and making recommendations regarding strategic local investments or opportunities for federal and state funding to address the commercial sexual exploitation of children;

(h) Reviewing the extent to which chapter 289, Laws of 2010 (Engrossed Substitute Senate Bill No. 6476) is understood and applied by enforcement authorities; ~~((and))~~

(i) Researching any barriers that exist to full implementation of chapter 289, Laws of 2010 (Engrossed Substitute Senate Bill No. 6476) throughout the state;

(j) Convening a meeting and providing recommendations required under section 11 of this act; and

(k) Compiling data on the number of juveniles believed to be victims of sexual exploitation taken into custody under RCW 43.185C.260.

(4) The committee must meet no less than annually.

(5) The committee shall annually report its findings and recommendations to the appropriate committees of the legislature and to any other known statewide committees addressing trafficking or the commercial sex trade.

(6) This section expires June 30, 2023.

**Sec. 12.** RCW 43.185C.260 and 2019 c 312 s 15 are each amended to read as follows:

(1) A law enforcement officer shall take a child into custody:

(a) If a law enforcement agency has been contacted by the parent of the child that the child is absent from parental custody without consent; or

(b) If a law enforcement officer reasonably believes, considering the child's age, the location, and the time of day, that a child is in circumstances which constitute a danger to the child's safety or that a child is violating a local curfew ordinance; or

(c) If an agency legally charged with the supervision of a child has notified a law enforcement agency that the child has run away from placement.

(2) Law enforcement custody shall not extend beyond the amount of time reasonably necessary to transport the child to a destination authorized by law and to place the child at that destination. Law enforcement custody continues until the law enforcement officer transfers custody to a person, agency, or other authorized entity under this chapter, or releases the child because no placement is available. Transfer of custody is not complete unless the person, agency, or entity to whom the child is released agrees to accept custody.

(3) If a law enforcement officer takes a child into custody pursuant to either subsection (1)(a) or (b) of this section and transports the child to a crisis residential center, the officer shall, within twenty-four hours of delivering the child to the center, provide to the center a written report detailing the reasons the officer took the child into custody. The center shall provide the department of children, youth, and families with a copy of the officer's report if the youth is

in the care of or receiving services from the department of children, youth, and families.

(4) If the law enforcement officer who initially takes the juvenile into custody or the staff of the crisis residential center have reasonable cause to believe that the child is absent from home because he or she is abused or neglected, a report shall be made immediately to the department of children, youth, and families.

(5) Nothing in this section affects the authority of any political subdivision to make regulations concerning the conduct of minors in public places by ordinance or other local law.

(6) If a law enforcement officer has a reasonable suspicion that a child is being unlawfully harbored in violation of RCW 13.32A.080, the officer shall remove the child from the custody of the person harboring the child and shall transport the child to one of the locations specified in RCW 43.185C.265.

(7) If a law enforcement officer takes a juvenile into custody pursuant to subsection (1)(b) of this section and reasonably believes that the juvenile may be the victim of sexual exploitation, the officer shall:

(a) Transport the child to:

(i) An evaluation and treatment facility as defined in RCW 71.34.020, including the receiving centers established in section 2 of this act, for purposes of evaluation for behavioral health treatment authorized under chapter 71.34 RCW, including adolescent-initiated treatment, family-initiated treatment, or involuntary treatment; or

(ii) Another appropriate youth-serving entity or organization including, but not limited to:

(A) A HOPE Center as defined under RCW 43.185C.010;

(B) A foster-family home as defined under RCW 74.15.020;

(C) A crisis residential center as defined under RCW 43.185C.010; or

(D) A community-based program that has expertise working with adolescents in crisis; or

(b) Coordinate transportation to one of the locations identified in (a) of this subsection, with a liaison dedicated to serving commercially sexually exploited children established under RCW 74.14B.070 or a community service provider.

(8) Law enforcement shall have the authority to take into protective custody a child who is or is attempting to engage in sexual conduct with another person for money or anything of value for purposes of investigating the individual or individuals who may be exploiting the child and deliver the child to an evaluation and treatment facility as defined in RCW 71.34.020, including the receiving centers established in section 2 of this act, for purposes of evaluation for behavioral health treatment authorized under chapter 71.34 RCW, including adolescent-initiated treatment, family-initiated treatment, or involuntary treatment.

(9) No child may be placed in a secure facility except as provided in this chapter.

**Sec. 13.** RCW 74.14B.070 and 2017 3rd sp.s. c 6 s 508 are each amended to read as follows:

(1) The department shall, subject to available funds, establish a system of early identification and referral to treatment of child victims of sexual assault or sexual abuse. The system shall include schools, physicians, sexual assault centers, domestic violence centers, child protective services, and foster parents. A mechanism shall be developed to identify communities that have experienced success in this area and share their expertise and methodology with other communities statewide.

(2) The department shall provide services to support children it suspects have been commercially sexually exploited. The child may decide whether to voluntarily engage in the services offered by the department.

(a) To provide services supporting children it suspects have been commercially sexually exploited, the department may provide:

(i) At least one liaison position in each region of the department where receiving center programs are established under section 2 of this act who are dedicated to serving commercially sexually exploited children and who report directly to the statewide program manager under (a)(ii) of this subsection;

(ii) One statewide program manager;

(iii) A designated person responsible for supporting commercially sexually exploited children, who may be assigned other duties in addition to this responsibility, in regions of the department where there is not a dedicated liaison position as identified under (a)(i) of this subsection; and

(iv) Coordinate appropriate, available, community-based services for children following discharge from an evaluation and treatment facility as defined in RCW 71.34.020, including the receiving centers established in section 2 of this act.

(b) The department shall collect nonidentifiable data regarding the number of commercially sexually exploited children, including reports of commercially sexually exploited children received from law enforcement under chapter 26.44 RCW.

(3) The department shall provide an annual report to the commercially sexually exploited children statewide coordinating committee established under RCW 7.68.801 by December 1st that includes:

(a) A description of services provided by the department to commercially sexually exploited children; and

(b) Nonidentifiable data regarding the number of commercially sexually exploited children.

(4) The department may solicit and accept gifts, grants, conveyances, bequests, and devices for supporting the purposes of this section.

(5) Nothing in this section shall be construed to create a private right of action against the department for failure to identify, offer, or provide services.

(6) The department shall convene a work group to study, analyze, and issue recommendations regarding how decriminalizing prostitution and prostitution loitering for persons under eighteen will impact law enforcement and prosecutor efforts and ability to discover and access the victim's cell phone records to aid in prosecution of the perpetrator or abuser. The work group must issue recommendations to appropriate committees of the legislature by October 31, 2021.

**Sec. 14.** RCW 74.15.020 and 2019 c 172 s 10 are each amended to read as follows:

The definitions in this section apply throughout this chapter and RCW 74.13.031 unless the context clearly requires otherwise.

(1) "Agency" means any person, firm, partnership, association, corporation, or facility which receives children, expectant mothers, or persons with developmental disabilities for control, care, or maintenance outside their own homes, or which places, arranges the placement of, or assists in the placement of children, expectant mothers, or persons with developmental disabilities for foster care or placement of children for adoption, and shall include the following irrespective of whether there is compensation to the agency or to the children, expectant mothers, or persons with developmental disabilities for services rendered:

(a) "Child-placing agency" means an agency which places a child or children for temporary care, continued care, or for adoption;

(b) "Community facility" means a group care facility operated for the care of juveniles committed to the department under RCW 13.40.185. A county detention facility that houses juveniles committed to the department under RCW 13.40.185 pursuant to a contract with the department is not a community facility;

(c) "Crisis residential center" means an agency which is a temporary protective residential facility operated to perform the duties specified in chapter 13.32A RCW, in the manner provided in RCW 43.185C.295 through 43.185C.310;

(d) "Emergency respite center" is an agency that may be commonly known as a crisis nursery, that provides emergency and crisis care for up to seventy-two hours to children who have been admitted by their parents or guardians to prevent abuse or neglect. Emergency respite centers may operate for up to twenty-four hours a day, and for up to seven days a week. Emergency respite centers may provide care for children ages birth through seventeen, and for persons eighteen through twenty with developmental disabilities who are admitted with a sibling or siblings through age seventeen. Emergency respite centers may not substitute for crisis residential centers or HOPE centers, or any other services defined under this section, and may not substitute for services which are required under chapter 13.32A or 13.34 RCW;

(e) "Foster-family home" means an agency which regularly provides care on a twenty-four hour basis to one or more children, expectant mothers, or persons with developmental disabilities in the family abode of the person or persons under whose direct care and supervision the child, expectant mother, or person with a developmental disability is placed;

(f) "Group-care facility" means an agency, other than a foster-family home, which is maintained and operated for the care of a group of children on a twenty-four hour basis. "Group care facility" includes but is not limited to:

(i) Qualified residential treatment programs as defined in RCW 13.34.030;

(ii) Facilities specializing in providing prenatal, postpartum, or parenting supports for youth; and

(iii) Facilities providing high-quality residential care and supportive services to children who are, or who are at risk of becoming, victims of sex trafficking;

(g) "HOPE center" means an agency licensed by the secretary to provide temporary residential placement and other services to street youth. A street youth may remain in a HOPE center for thirty days while services are arranged and permanent placement is coordinated. No street youth may stay longer than thirty days unless approved by the department and any additional days approved by the department must be based on the unavailability of a long-term placement option. A street youth whose parent wants him or her returned to home may remain in a HOPE center until his or her parent arranges return of the youth, not longer. All other street youth must have court approval under chapter 13.34 or 13.32A RCW to remain in a HOPE center up to thirty days;

(h) "Maternity service" means an agency which provides or arranges for care or services to expectant mothers, before or during confinement, or which provides care as needed to mothers and their infants after confinement;

(i) "Resource and assessment center" means an agency that provides short-term emergency and crisis care for a period up to seventy-two hours, excluding Saturdays, Sundays, and holidays to children who have been removed from their parent's or guardian's care by child protective services or law enforcement;

(j) "Responsible living skills program" means an agency licensed by the secretary that provides residential and transitional living services to persons ages sixteen to eighteen who are dependent under chapter 13.34 RCW and who have been unable to live in his or her legally authorized residence and, as a result, the minor lived outdoors or in another unsafe location not intended for occupancy by the minor. Dependent minors ages fourteen and fifteen may be eligible if no other placement alternative is available and the department approves the placement;

(k) "Service provider" means the entity that operates a community facility.

(2) "Agency" shall not include the following:

(a) Persons related to the child, expectant mother, or person with developmental disability in the following ways:

(i) Any blood relative, including those of half-blood, and including first cousins, second cousins, nephews or nieces, and persons of preceding generations as denoted by prefixes of grand, great, or great-great;

(ii) Stepfather, stepmother, stepbrother, and stepsister;

(iii) A person who legally adopts a child or the child's parent as well as the natural and other legally adopted children of such persons, and other relatives of the adoptive parents in accordance with state law;

(iv) Spouses of any persons named in (a)(i), (ii), or (iii) of this subsection (2), even after the marriage is terminated;

(v) Relatives, as named in (a)(i), (ii), (iii), or (iv) of this subsection (2), of any half sibling of the child; or

(vi) Extended family members, as defined by the law or custom of the Indian child's tribe or, in the absence of such law or custom, a person who has reached the age of eighteen and who is the Indian child's grandparent, aunt or uncle, brother or sister, brother-in-law or sister-in-law, niece or nephew, first or second cousin, or stepparent who provides care in the family abode on a twenty-four-hour basis to an Indian child as defined in 25 U.S.C. Sec. 1903(4);

(b) Persons who are legal guardians of the child, expectant mother, or persons with developmental disabilities;

(c) Persons who care for a neighbor's or friend's child or children, with or without compensation, where the parent and person providing care on a twenty-four-hour basis have agreed to the placement in writing and the state is not providing any payment for the care;

(d) A person, partnership, corporation, or other entity that provides placement or similar services to exchange students or international student exchange visitors or persons who have the care of an exchange student in their home;

(e) A person, partnership, corporation, or other entity that provides placement or similar services to international children who have entered the country by obtaining visas that meet the criteria for medical care as established by the United States citizenship and immigration services, or persons who have the care of such an international child in their home;

(f) Schools, including boarding schools, which are engaged primarily in education, operate on a definite school year schedule, follow a stated academic curriculum, accept only school-age children and do not accept custody of children;

(g) Hospitals licensed pursuant to chapter 70.41 RCW when performing functions defined in chapter 70.41 RCW, nursing homes licensed under chapter 18.51 RCW and assisted living facilities licensed under chapter 18.20 RCW;

(h) Licensed physicians or lawyers;

(i) Facilities approved and certified under chapter 71A.22 RCW;

(j) Any agency having been in operation in this state ten years prior to June 8, 1967, and not seeking or accepting moneys or assistance from any state or federal agency, and is supported in part by an endowment or trust fund;

(k) Persons who have a child in their home for purposes of adoption, if the child was placed in such home by a licensed child-placing agency, an authorized public or tribal agency or court or if a replacement report has been filed under chapter 26.33 RCW and the placement has been approved by the court;

(l) An agency operated by any unit of local, state, or federal government or an agency licensed by an Indian tribe pursuant to RCW 74.15.190;

(m) A maximum or medium security program for juvenile offenders operated by or under contract with the department;

(n) An agency located on a federal military reservation, except where the military authorities request that such agency be subject to the licensing requirements of this chapter;

(o) A host home program, and host home, operated by a tax exempt organization for youth not in the care of or receiving services from the department, if that program: (i) Recruits and screens potential homes in the program, including performing background checks on individuals over the age of eighteen residing in the home through the Washington state patrol or equivalent law enforcement agency and performing physical inspections of the home; (ii) screens and provides case management services to youth in the program; (iii) obtains a notarized permission slip or limited power of attorney from the parent or legal guardian of the youth authorizing the youth to participate in the program and the authorization is updated every six months when a youth remains in a host home longer than six months; (iv) obtains insurance for the program through an insurance provider authorized under Title 48 RCW; (v) provides mandatory reporter and confidentiality training; and (vi) registers with the secretary of state as provided in RCW 24.03.550. A host home is a private home that volunteers to host youth in need of temporary placement that is associated with a host home program. Any host home program that receives local, state, or government funding shall report the following information to the office of homeless youth prevention and protection programs annually by December 1st of each year: The number of children the program served, why the child was placed with a host home, and where the child went after leaving the host home, including but not limited to returning to the parents, running away, reaching the age of majority, or becoming a dependent of the state. A host home program shall not receive more than one hundred thousand dollars per year of public funding, including local, state, and federal funding. A host home shall not receive any local, state, or government funding;

(p) Receiving centers as defined in section 2 of this act.

(3) "Department" means the department of children, youth, and families.

(4) "Juvenile" means a person under the age of twenty-one who has been sentenced to a term of confinement under the supervision of the department under RCW 13.40.185.

(5) "Performance-based contracts" or "contracting" means the structuring of all aspects of the procurement of services around the purpose of the work to be performed and the desired results with the contract requirements set forth in clear, specific, and objective terms with measurable outcomes. Contracts may also include provisions that link the performance of the contractor to the level and timing of the reimbursement.

(6) "Probationary license" means a license issued as a disciplinary measure to an agency that has previously been issued a full license but is out of compliance with licensing standards.

(7) "Requirement" means any rule, regulation, or standard of care to be maintained by an agency.

(8) "Secretary" means the secretary of the department.

(9) "Street youth" means a person under the age of eighteen who lives outdoors or in another unsafe location not intended for occupancy by the minor and who is not residing with his or her parent or at his or her legally authorized residence.

(10) "Transitional living services" means at a minimum, to the extent funds are available, the following:

(a) Educational services, including basic literacy and computational skills training, either in local alternative or public high schools or in a high school equivalency program that leads to obtaining a high school equivalency degree;

(b) Assistance and counseling related to obtaining vocational training or higher education, job readiness, job search assistance, and placement programs;

(c) Counseling and instruction in life skills such as money management, home management, consumer skills, parenting, health care, access to community resources, and transportation and housing options;

(d) Individual and group counseling; and

(e) Establishing networks with federal agencies and state and local organizations such as the United States department of labor, employment and training administration programs including the workforce innovation and opportunity act which administers private industry councils and the job corps; vocational rehabilitation; and volunteer programs.

**NEW SECTION. Sec. 15.** A new section is added to chapter 7.68 RCW to read as follows:

(1) By September 1, 2020, the statewide coordinating committee shall convene a meeting related to the role that child advocacy centers have in responding to and supporting commercially sexually exploited children.

(a) The meeting required under this subsection must include representatives from child advocacy centers.

(b) By October 1, 2020, the department must provide a report to the statewide coordinating committee that includes:

(i) An inventory of the number and location of child advocacy centers in the state; and

(ii) A description of the services provided by each of the child advocacy centers in the state.

(2) By December 1, 2020, and in compliance with RCW 43.01.036, the statewide coordinating committee must provide a report to the relevant committees of the legislature that includes:

(a) An inventory of the number and location of child advocacy centers in the state;

(b) A description of the services provided by each of the child advocacy centers in the state;

(c) Recommendations for expanded use of child advocacy centers in providing additional services for commercially sexually exploited children; and

(d) Recommendations for ensuring that child advocacy centers connect commercially sexually exploited children with available services in the community.

(3) For purposes of this section:

(a) "Child advocacy center" has the same meaning as the definition provided under RCW 26.44.020.

(b) "Department" means the department of commerce.

(c) "Statewide coordinating committee" means the commercially sexually exploited children statewide coordinating committee established under RCW 7.68.801.

(4) This section expires June 30, 2021.

**NEW SECTION. Sec. 16.** Sections 4, 5, and 6 of this act take effect January 1, 2024."

On page 1, line 1 of the title, after "children;" strike the remainder of the title and insert "amending RCW 9A.88.030, 13.40.070, 13.40.213, 7.68.801, 43.185C.260, 74.14B.070, and 74.15.020; adding new sections to chapter 7.68 RCW; creating a new section; providing an effective date; and providing an expiration date."

and the same is herewith transmitted.

Sarah Bannister, Deputy, Secretary

#### SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to ENGROSSED THIRD SUBSTITUTE HOUSE BILL NO. 1775 and advanced the bill as amended by the Senate to final passage.

#### FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representatives Orwall and Dent spoke in favor of the passage of the bill.

The Speaker stated the question before the House to be the final passage of Engrossed Third Substitute House Bill No. 1775, as amended by the Senate.

#### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Third Substitute House Bill No. 1775, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Mead, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shea, Shewmake, Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Excused: Representative Paul.

ENGROSSED THIRD SUBSTITUTE HOUSE BILL NO. 1775, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

#### MESSAGE FROM THE SENATE

March 6, 2020

Madame Speaker:

The Senate has passed HOUSE BILL NO. 1841 with the following amendment:

16.0.

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** The legislature finds that adequate personnel are critical to ensuring railroad operational safety, security, and in the event of a hazardous material incident, support of first responder activities, as well as in the interest of the safety of passengers and the general public. Therefore, the legislature declares that this act regulating minimum railroad employee staffing to reduce risk to localities constitutes an exercise of the state's police power to protect and promote the health, safety, security, and welfare of the residents of the state by reducing the risk exposure to local communities and protecting environmentally sensitive and/or pristine lands and waterways.

**NEW SECTION. Sec. 2.** A new section is added to chapter 81.40 RCW to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Class I" means a railroad carrier designated as a class I railroad by the United States surface transportation board and its subsidiaries or is owned and operated by entities whose combined total railroad operational ownership and controlling interest meets the United States surface transportation board designation as a class I railroad carrier.

(2) "Class III" means a railroad carrier designated as a class III railroad by the United States surface transportation board.

(3) "Commission" means the utilities and transportation commission created in chapter 80.01 RCW.

(4) "Crewmember" means a railroad operating craft employee who has been trained and meets the requirements and qualifications as determined by the federal railroad administration for a railroad operating service employee.

(5) "Other railroad carrier" means a railroad carrier that is not a class I carrier.

(6) "Railroad carrier" means a carrier of persons or property upon vehicles, other than streetcars, operated upon stationary rails, the route of which is principally outside incorporated cities and towns. "Railroad carrier" includes any officers and agents of the railroad carrier.

**NEW SECTION. Sec. 3.** A new section is added to chapter 81.40 RCW to read as follows:

(1) Except as provided in section 4 of this act, any person, corporation, company, or officer of the court operating any railroad, railway, or any part of any railroad or railway, in the state of Washington, and engaged, as a common carrier, in the transportation of freight or passengers, shall operate and manage all trains and switching assignments over its road with crews consisting of no less than two crewmembers.

(2) Class III railroad carriers operating on their roads while at a speed of twenty-five miles per hour or less are exempt from subsection (1) of this section.

**NEW SECTION. Sec. 4.** A new section is added to chapter 81.40 RCW to read as follows:

(1) On the effective date of this section, automatic waivers to the train crew size requirement in section 3 of this act shall be granted to other railroad carriers.

(2) Such automatic waivers will remain in effect until ordered by the commission.

(3) The commission must act to ensure that railroad carriers supplement trains entering Washington state with the requisite number of train crewmembers pursuant to this act, at the closest regular station stop or crew change point located in proximity to and adjacent with either side of the state border, having been established and in use by the carrier on January 1, 2020.

(4)(a) The commission may order railroad carriers to increase the number of railroad employees in areas of increased risk to the public, passengers, railroad employees, or the environment, or on specific trains, routes, or to switch assignments on their road with additional numbers of

crewmembers, and may direct the placement of additional crewmembers, if it is determined that such an increase in staffing or the placement of additional crewmembers is necessary to protect the safety, health, and welfare of the public, passengers, or railroad employees, to prevent harm to the environment or to address site specific safety or security hazards.

(b) In issuing such an order, the commission may consider relevant factors including, but not limited to, the volatility of the commodities being transported, train volume, risk mitigation measures, environmental and operating factors that impact vulnerabilities, risk exposure to passengers, the general public, railroad employees, communities, or the environment along the train route, security risks including sabotage or terrorism threat levels, a railroad carrier's prior history of accidents, compliance violations, operating practices, infrastructure investments including track and equipment maintenance issues or lack thereof, employee training and support programs, first responder access, and any other relevant factors in the interest of safety.

**NEW SECTION. Sec. 5.** A new section is added to chapter 81.40 RCW to read as follows:

(1) Pursuant to the enforcement of the provisions of this act, the highest priority and paramount obligation of the commission must be its duty to ensure the safety and protection of the public, passengers, railroad employees, communities, environment, and areas of cultural significance in the furtherance of the highest degree of safety in railroad transportation.

(2) Each train or engine run in violation of section 3 of this act constitutes a separate offense. However, section 3 of this act does not apply in the case of disability of one or more members of any train crew while out on the road between division terminals, or assigned to wrecking trains.

(3) Any person, corporation, company, or officer of the court operating any railroad, or part of any railroad or railway within the state of Washington, and engaged as a common carrier, in the transportation of freight or passengers, who violates any of the provisions of section 3 of this act may be subject to fines of not less than one thousand dollars and not more than one hundred thousand dollars for each offense, as determined by the commission through order.

(4) The commission may impose fines exceeding the provisions in subsection (3) of this section when a serious injury or fatality occurs involving a carrier's violation of this act. All relevant factors may be considered including, but not limited to, the class, assets, profitability, and operational safety record of the carrier, as well as deterrence in ascertaining an appropriate punitive penalty, as determined by the commission through order.

(5) It is the duty of the commission to enforce this section.

**NEW SECTION. Sec. 6.** The following acts or parts of acts are each repealed:

(1)RCW 81.40.010 (Full train crews—Passenger—Safety review—Penalty—Enforcement) and 2003 c 53 s 386, 1992 c 102 s 1, & 1961 c 14 s 81.40.010; and

(2)RCW 81.40.035 (Freight train crews) and 1967 c 2 s 2.

**NEW SECTION. Sec. 7.** If any provision of this act or its application to any person, entity, or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

**NEW SECTION. Sec. 8.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

On page 1, line 2 of the title, after "trains;" strike the remainder of the title and insert "adding new sections to chapter 81.40 RCW; creating a new section; repealing RCW 81.40.010 and 81.40.035; prescribing penalties; and declaring an emergency."

and the same is herewith transmitted.

Sarah Bannister, Deputy, Secretary

#### **SENATE AMENDMENT TO HOUSE BILL**

There being no objection, the House concurred in the Senate amendment to HOUSE BILL NO. 1841 and advanced the bill as amended by the Senate to final passage.

#### **FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED**

Representatives Riccelli and Mosbrucker spoke in favor of the passage of the bill.

The Speaker stated the question before the House to be the final passage of House Bill No. 1841, as amended by the Senate.

#### **ROLL CALL**

The Clerk called the roll on the final passage of House Bill No. 1841, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 64; Nays, 33; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Bergquist, Blake, Boehnke, Callan, Chandler, Chopp, Cody, Corry, Davis, Doglio, Dolan, Duerr, Entenman, Eslick, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Griffey, Hansen, Hudgins, J. Johnson, Kilduff, Kirby, Kloba, Leavitt, Lekanoff, Lovick, Macri, Mead, Morgan, Mosbrucker, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Sells, Senn, Shewmake, Slatter, Smith, Stonier, Sullivan, Tarleton, Thai, Tharinger, Valdez, Volz, Walen, Walsh, Wylie and Mme. Speaker.

Voting nay: Representatives Barkis, Caldier, Chambers, Chapman, DeBolt, Dent, Dufault, Dye, Gildon, Goehner, Graham, Harris, Hoff, Irwin, Jenkin, Klippert, Kraft, Kretz,

MacEwen, Maycumber, McCaslin, Orcutt, Schmick, Shea, Springer, Steele, Stokesbary, Sutherland, Van Werven, Vick, Wilcox, Ybarra and Young.

Excused: Representative Paul.

HOUSE BILL NO. 1841, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

The Speaker called upon Representative Lovick to preside.

#### **MESSAGE FROM THE SENATE**

March 7, 2020

Madame Speaker:

The Senate has passed ENGROSSED HOUSE BILL NO. 1948 with the following amendment:

8.0.

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 9.** The legislature recognizes that changes in sales tax sourcing laws created a significant negative fiscal impact on communities with a concentration of warehousing, manufacturing, and shipping. These communities are vital job centers to our state economy. Furthermore, the infrastructure demands to support these industries are significant. The legislature hereby creates the warehousing and manufacturing job center assistance program to provide these communities with revenue to mitigate for the negative fiscal impact of changes in sales tax sourcing laws, and fund important infrastructure to maintain these key job centers.

**NEW SECTION. Sec. 10.** A new section is added to chapter 82.14 RCW to read as follows:

(1) In order to mitigate local sales tax revenue net losses as a result of the sourcing provisions of the streamlined sales and use tax agreement under this title, the state treasurer, on July 1, 2020, and each July 1st thereafter through July 1, 2026, must transfer into the manufacturing and warehousing job centers account from the general fund the sum required to mitigate actual net losses as determined under this section.

(2) The department must determine each qualified local taxing jurisdiction's annual loss. The department must determine annual losses by comparing at least twelve months of data from tax return information and tax collections for each qualified local taxing jurisdiction before and after July 1, 2008. The department is not required to determine annual losses on a recurring basis, but may make any adjustments to annual losses as it deems proper as a result of the annual reviews. Each calendar quarter, distributions must be made from the manufacturing and warehousing job centers account by the state treasurer on the last working day of the calendar quarter, as directed by the department, to each qualified local taxing jurisdiction, for losses in respect to taxes imposed under the authority of RCW 82.14.390, in an amount representing one-fourth of the jurisdiction's annual loss reduced by voluntary compliance revenue reported

during the previous calendar quarter and marketplace facilitator/remote seller revenue reported during the previous calendar quarter.

(3) The definitions in this subsection apply throughout this section unless the context clearly requires otherwise.

(a) "Loss" or "losses" means the local sales and use tax revenue reduction to a local taxing jurisdiction resulting from the sourcing provisions in RCW 82.14.490 and section 502, chapter 6, Laws of 2007.

(b) "Marketplace facilitator/remote seller revenue" means the local sales and use tax revenue gain, including taxes voluntarily remitted and taxes collected from consumers, to each local taxing jurisdiction from part II of chapter 28, Laws of 2017 3rd sp. sess. as estimated by the department in RCW 82.14.500(6).

(c) "Net loss" or "net losses" means a loss offset by any voluntary compliance revenue and marketplace facilitator/remote seller revenue.

(d) "Qualified local taxing district" means a city:

(i) That was eligible for streamlined sales tax mitigation payments of at least one hundred fifty thousand dollars under RCW 82.14.500 in calendar year 2018, based on the calculation and analysis required under RCW 82.14.500(3)(a); and

(ii) That has a continued local sales tax revenue loss as a result of the sourcing provision of the streamlined sales and use tax agreement under this title, as determined by the department.

(e) "Voluntary compliance revenue" means the local sales tax revenue gain to each local taxing jurisdiction reported to the department from persons registering through the central registration system authorized under the agreement.

(4) This section expires January 1, 2026.

**NEW SECTION. Sec. 11.** A new section is added to chapter 82.14 RCW to read as follows:

The manufacturing and warehousing job centers account is created in the state treasury. All receipts from section 2 of this act must be deposited into the account. Moneys in the account may be spent only after appropriation. Expenditures from the account may be used only for the purpose of mitigating the negative fiscal impacts to local taxing jurisdictions as a result of RCW 82.14.490 and section 502, chapter 6, Laws of 2007."

On page 1, line 2 of the title, after "centers;" strike the remainder of the title and insert "adding new sections to chapter 82.14 RCW; creating a new section; and providing an expiration date."

and the same is herewith transmitted.

Sarah Bannister, Deputy, Secretary

#### SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to ENGROSSED HOUSE BILL NO. 1948 and advanced the bill as amended by the Senate to final passage.

#### FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representative Sullivan spoke in favor of the passage of the bill.

Representative Orcutt spoke against the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed House Bill No. 1948, as amended by the Senate.

#### ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 1948, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 83; Nays, 14; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Davis, Doglio, Dolan, Duerr, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hudgins, Irwin, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, Mead, Morgan, Mosbrucker, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Wilcox, Wylie, Young and Mme. Speaker.

Voting nay: Representatives Boehnke, Corry, DeBolt, Dent, Dufault, Goehner, Hoff, Jenkin, Kraft, McCaslin, Orcutt, Shea, Walsh and Ybarra.

Excused: Representative Paul.

ENGROSSED HOUSE BILL NO. 1948, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

#### MESSAGE FROM THE SENATE

March 6, 2020

Madame Speaker:

The Senate has passed HOUSE BILL NO. 2458 with the following amendment:

11.0.

Strike everything after the enacting clause and insert the following:

"**Sec. 12.** RCW 28A.400.280 and 2018 c 260 s 29 are each amended to read as follows:

(1) Except as provided in subsection (2) of this section, school districts may provide employer fringe benefit



contributions after October 1, 1990, only for basic benefits. However, school districts may continue payments under contracts with employees or benefit providers in effect on April 13, 1990, until the contract expires.

(2)(a) School districts may provide employer contributions after October 1, 1990, for optional benefit plans, in addition to basic benefits. Beginning January 1, 2020, school district optional benefits must ~~((be outside)) not compete with any form of the basic or optional benefits offered in the school employees' benefits board program either under the school employees' benefits board's authority in RCW 41.05.740(((6))) or offered under the authority of the health care authority in the salary reduction plan authorized in RCW 41.05.300 and 41.05.310.~~

(b) Beginning December 1, 2019, and each December 1st thereafter, school district optional benefits must be reported to the school employees' benefits board and health care authority. ~~((The school employees' benefits board shall review the optional benefits offered by districts and: (a) Determine if the optional benefits conflict with school employees' benefits board's plans offering authority and, if not, (b) evaluate whether to seek additional benefit offerings authority from the legislature. Optional benefits may include direct agreements as defined in chapter 48.150 RCW, and may include employee))~~

(c) School districts, and the applicable carrier, must work with the health care authority to either modify and remove competing components of the district-based benefit or end any district-based benefit offering in competition with either the health care authority's or the school employees' benefits board offered benefits.

(d) Unless the school employees' benefits board offers such benefits, school districts may offer only the following optional benefits to school employees:

(i) Benefits listed in section 3(1) (a) through (i) of this act, offered as employee-paid, voluntary benefits that may be administered by using payroll deductions; and

(ii) Voluntary employees' beneficiary association accounts ~~((that can be liquidated by the employee on termination of employment)), including benefit plans authorized in RCW 28A.400.210(3).~~

~~((Optional benefit plans may be offered only if:~~

~~((a) Each full time employee, regardless of the number of dependents receiving basic coverage, receives the same additional employer contribution for other coverage or optional benefits; and~~

~~((b) For part time employees, participation in optional benefit plans shall be governed by the same eligibility criteria and/or proration of employer contributions used for allocations for basic benefits.))~~

(3) School districts are not intended to divert state basic benefit allocations for other purposes. Beginning January 1, 2020, school districts must offer all benefits offered by the school employees' benefits board administered by the health care authority, and consistent with RCW 41.56.500(2).

(4) Any optional benefits offered by a school district under subsection (2) of this section are considered an enhancement to the state's definition of basic education.

**Sec. 13.** RCW 28A.400.350 and 2019 c 411 s 6 are each amended to read as follows:

(1) The board of directors of any of the state's school districts or educational service districts may make available medical, dental, vision, liability, life, accident, disability, and salary protection or insurance, direct agreements as defined in chapter 48.150 RCW, or any one of, or a combination of the types of employee benefits enumerated in this subsection, or any other type of insurance or protection, for the members of the boards of directors, the students, and employees of the school district or educational service district, and their dependents. Except as provided in subsection (6) of this section, such coverage may be provided by contracts or agreements with private carriers, with the state health care authority, or through self-insurance or self-funding pursuant to chapter 48.62 RCW, or in any other manner authorized by law. Any direct agreement must comply with RCW 48.150.050.

(2)(a) Whenever funds are available for these purposes the board of directors of the school district or educational service district may contribute all or a part of the cost of such protection or insurance for the employees of their respective school districts or educational service districts and their dependents. The premiums on such liability insurance shall be borne by the school district or educational service district.

(b) After October 1, 1990, school districts may not contribute to any employee protection or insurance other than liability insurance unless the district's employee benefit plan conforms to RCW 28A.400.275 and 28A.400.280.

(c) After December 31, 2019, school district contributions to any employee insurance that is purchased through the health care authority must conform to the requirements established by chapter 41.05 RCW and the school employees' benefits board.

(3) For school board members, educational service district board members, and students, the premiums due on such protection or insurance shall be borne by the assenting school board member, educational service district board member, or student. The school district or educational service district may contribute all or part of the costs, including the premiums, of life, health, health care, accident or disability insurance which shall be offered to all students participating in interschool activities on the behalf of or as representative of their school, school district, or educational service district. The school district board of directors and the educational service district board may require any student participating in extracurricular interschool activities to, as a condition of participation, document evidence of insurance or purchase insurance that will provide adequate coverage, as determined by the school district board of directors or the educational service district board, for medical expenses incurred as a result of injury sustained while participating in the extracurricular activity. In establishing such a requirement, the district shall adopt regulations for waiving or reducing the premiums of such coverage as may be offered through the school district or educational service

district to students participating in extracurricular activities, for those students whose families, by reason of their low income, would have difficulty paying the entire amount of such insurance premiums. The district board shall adopt regulations for waiving or reducing the insurance coverage requirements for low-income students in order to assure such students are not prohibited from participating in extracurricular interschool activities.

(4) All contracts or agreements for insurance or protection written to take advantage of the provisions of this section shall provide that the beneficiaries of such contracts may utilize on an equal participation basis the services of those practitioners licensed pursuant to chapters 18.22, 18.25, 18.53, 18.57, and 18.71 RCW.

(5)(a) Until the creation of the school employees' benefits board under RCW 41.05.740, school districts offering medical, vision, and dental benefits shall:

(i) Offer a high deductible health plan option with a health savings account that conforms to section 223, part VII of subchapter 1 of the internal revenue code of 1986. School districts shall comply with all applicable federal standards related to the establishment of health savings accounts;

(ii) Make progress toward employee premiums that are established to ensure that full family coverage premiums are not more than three times the premiums for employees purchasing single coverage for the same coverage plan, unless a subsequent premium differential target is defined as a result of the review and subsequent actions described in RCW 41.05.655;

(iii) Offer employees at least one health benefit plan that is not a high deductible health plan offered in conjunction with a health savings account in which the employee share of the premium cost for a full-time employee, regardless of whether the employee chooses employee-only coverage or coverage that includes dependents, does not exceed the share of premium cost paid by state employees during the state employee benefits year that started immediately prior to the school year.

(b) All contracts or agreements for employee benefits must be held to responsible contracting standards, meaning a fair, prudent, and accountable competitive procedure for procuring services that includes an open competitive process, except where an open process would compromise cost-effective purchasing, with documentation justifying the approach.

(c) School districts offering medical, vision, and dental benefits shall also make progress on promoting health care innovations and cost savings and significantly reduce administrative costs.

(d) All contracts or agreements for insurance or protection described in this section shall be in compliance with chapter 3, Laws of 2012 2nd sp. sess.

(6) The authority to make available basic and optional benefits to school employees under this section expires December 31, 2019, except (a) for nonrepresented employees of educational service districts for which the authority expires December 31, 2023, and (b) as authorized

under RCW 28A.400.280. Beginning January 1, 2020, school districts, for all school employees, and educational service districts, for represented employees, shall make available basic and optional benefits through plans offered by the health care authority and the school employees' benefits board. Beginning January 1, 2024, educational service districts, for nonrepresented employees, shall make available basic and optional benefits through plans offered by the health care authority and the school employees' benefits board.

**NEW SECTION. Sec. 14.** A new section is added to chapter 41.05 RCW to read as follows:

(1) In addition to the benefits offering authority under this chapter, the school employees' benefits board may study and, subject to the availability of funding, offer the following employee-paid, voluntary benefits:

(a) Emergency transportation;

(b) Identity protection;

(c) Legal aid;

(d) Long-term care insurance;

(e) Noncommercial personal automobile insurance;

(f) Personal homeowner's or renter's insurance;

(g) Pet insurance;

(h) Specified disease or illness-triggered fixed payment insurance, hospital confinement fixed payment insurance, or other fixed payment insurance offered as an independent, noncoordinated benefit regulated by the office of the insurance commissioner;

(i) Travel insurance; and

(j) Voluntary employees' beneficiary association accounts.

(2) The health care authority, in consultation with the school employees' benefits board, shall review the optional benefits reported by school districts as required in RCW 28A.400.280 and determine if the optional benefits are in competition with benefits currently offered under either the authority's or the board's authorities. If a school district benefit offering is determined to be in competition with the benefits offered under either the authority's or the board's authorities, the health care authority must inform the school district of the benefits conflict and work with the school district, and the applicable carrier, to either modify and remove competing components of the district-based benefit or end the district-based offering. If a carrier is in the process of modifying benefits, including seeking any required regulatory approval, a school district may continue to offer the original benefit.

(3) Specified disease or illness-triggered fixed payment insurance, hospital confinement fixed payment insurance, or other fixed payment insurance offered pursuant to this section as an independent, noncoordinated benefit is not a health plan as defined in RCW 48.43.005."

On page 1, line 1 of the title, after "districts;" strike the remainder of the title and insert "amending RCW 28A.400.280 and 28A.400.350; and adding a new section to chapter 41.05 RCW."

and the same is herewith transmitted.

Sarah Bannister, Deputy, Secretary

### SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to HOUSE BILL NO. 2458 and advanced the bill as amended by the Senate to final passage.

### FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representative Stonier spoke in favor of the passage of the bill.

Representative Steele spoke against the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of House Bill No. 2458, as amended by the Senate.

### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2458, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 91; Nays, 6; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, Mead, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Slatter, Smith, Springer, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Wilcox, Wylie, Ybarra and Mme. Speaker.

Voting nay: Representatives Kraft, McCaslin, Shea, Steele, Walsh and Young.

Excused: Representative Paul.

HOUSE BILL NO. 2458, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

### MESSAGE FROM THE SENATE

March 6, 2020

Madame Speaker:

The Senate has passed SECOND SUBSTITUTE HOUSE BILL NO. 2499 with the following amendment:

14.0.

Strike everything after the enacting clause and insert the following:

"Sec. 15. RCW 43.101.085 and 2006 c 22 s 1 are each amended to read as follows:

In addition to its other powers granted under this chapter, the commission has authority and power to:

(1) Adopt, amend, or repeal rules as necessary to carry out this chapter;

(2) Issue subpoenas and administer oaths in connection with investigations, hearings, or other proceedings held under this chapter;

(3) Take or cause to be taken depositions and other discovery procedures as needed in investigations, hearings, and other proceedings held under this chapter;

(4) Appoint members of a hearings board as provided under RCW 43.101.380;

(5) Enter into contracts for professional services determined by the commission to be necessary for adequate enforcement of this chapter;

(6) Grant, deny, or revoke certification of peace officers and corrections officers under the provisions of this chapter;

(7) Designate individuals authorized to sign subpoenas and statements of charges under the provisions of this chapter;

(8) Employ such investigative, administrative, and clerical staff as necessary for the enforcement of this chapter; and

(9) ~~((To))~~ Grant, deny, or revoke certification of tribal police officers whose tribal governments have agreed to participate in the tribal police officer certification process.

Sec. 16. RCW 43.101.010 and 2008 c 69 s 2 are each amended to read as follows:

When used in this chapter:

(1) The term "commission" means the Washington state criminal justice training commission.

(2) The term "boards" means the education and training standards boards, the establishment of which are authorized by this chapter.

(3) The term "criminal justice personnel" means any person who serves in a county, city, state, or port commission agency engaged in crime prevention, crime reduction, or enforcement of the criminal law.

(4) The term "law enforcement personnel" means any public employee or volunteer having as a primary function the enforcement of criminal laws in general or any employee or volunteer of, or any individual commissioned by, any municipal, county, state, or combination thereof, agency having as its primary function the enforcement of criminal

laws in general as distinguished from an agency possessing peace officer powers, the primary function of which is the implementation of specialized subject matter areas. For the purposes of this subsection "primary function" means that function to which the greater allocation of resources is made.

(5) The term "correctional personnel" means any employee or volunteer who by state, county, municipal, or combination thereof, statute has the responsibility for the confinement, care, management, training, treatment, education, supervision, or counseling of those individuals whose civil rights have been limited in some way by legal sanction.

(6) "Chief for a day program" means a program in which commissioners and staff partner with local, state, and federal law enforcement agencies, hospitals, and the community to provide a day of special attention to chronically ill children. Each child is selected and sponsored by a law enforcement agency. The event, "chief for a day," occurs on one day, annually or every other year and may occur on the grounds and in the facilities of the commission. The program may include any appropriate honoring of the child as a "chief," such as a certificate swearing them in as a chief, a badge, a uniform, and donated gifts such as games, puzzles, and art supplies.

(7) A peace officer or corrections officer is "convicted" at the time a plea of guilty has been accepted, or a verdict of guilty or finding of guilt has been filed, notwithstanding the pendency of any future proceedings, including but not limited to sentencing, posttrial or postfact-finding motions and appeals. "Conviction" includes a deferral of sentence and also includes the equivalent disposition by a court in a jurisdiction other than the state of Washington.

(8)(a) "Discharged for disqualifying misconduct" ~~((means))~~ has the following meanings:

(i) A peace officer terminated from employment for: ~~((a))~~ (A) Conviction of ~~((i))~~ (I) any crime committed under color of authority as a peace officer, ~~((ii))~~ (II) any crime involving dishonesty or false statement within the meaning of Evidence Rule 609(a), ~~((iii))~~ (III) the unlawful use or possession of a controlled substance, or ~~((iv))~~ (IV) any other crime the conviction of which disqualifies a Washington citizen from the legal right to possess a firearm under state or federal law; ~~((b))~~ (B) conduct that would constitute any of the crimes addressed in (a)(i)(A) of this subsection; or ~~((c))~~ (C) knowingly making materially false statements during disciplinary investigations, where the false statements are the sole basis for the termination; or

(ii) A corrections officer terminated from employment for: (A) Conviction of (I) any crime committed under color of authority as a corrections officer, (II) any crime involving dishonesty or false statement within the meaning of Evidence Rule 609(a), or (III) the unlawful use or possession of a controlled substance; (B) conduct that would constitute any of the crimes addressed in (a)(i)(A) of this subsection; or (C) knowingly making materially false statements during disciplinary investigations, where the false statements are the sole basis for the termination.

~~((9))~~ (b) A peace officer or corrections officer is "discharged for disqualifying misconduct" within the meaning of this subsection (8) ~~((of this section))~~ under the ordinary meaning of the term and when the totality of the circumstances support a finding that the officer resigned in anticipation of discipline, whether or not the misconduct was discovered at the time of resignation, and when such discipline, if carried forward, would more likely than not have led to discharge for disqualifying misconduct within the meaning of this subsection (8) ~~((of this section))~~.

~~((10))~~ (9) When used in context of proceedings referred to in this chapter, "final" means that the peace officer or corrections officer has exhausted all available civil service appeals, collective bargaining remedies, and all other such direct administrative appeals, and the officer has not been reinstated as the result of the action. Finality is not affected by the pendency or availability of state or federal administrative or court actions for discrimination, or by the pendency or availability of any remedies other than direct civil service and collective bargaining remedies.

~~((11))~~ (10) "Peace officer" means any law enforcement personnel subject to the basic law enforcement training requirement of RCW 43.101.200 and any other requirements of that section, notwithstanding any waiver or exemption granted by the commission, and notwithstanding the statutory exemption based on date of initial hire under RCW 43.101.200. Commissioned officers of the Washington state patrol, whether they have been or may be exempted by rule of the commission from the basic training requirement of RCW 43.101.200, are included as peace officers for purposes of this chapter. Fish and wildlife officers with enforcement powers for all criminal laws under RCW 77.15.075 are peace officers for purposes of this chapter.

(11) "Corrections officer" means any corrections agency employee whose primary job function is to provide for the custody, safety, and security of adult prisoners in jails and detention facilities and who is subject to the basic corrections training requirement of RCW 43.101.220 and any other requirements of that section, notwithstanding any waiver or exemption granted by the commission, and notwithstanding the statutory exemption based on date of initial hire under RCW 43.101.220. For the purpose of sections 3 through 13 of this act, "corrections officer" does not include individuals employed by state agencies.

NEW SECTION. Sec. 17. (1) As a condition of continuing employment as corrections officers, all Washington state corrections officers shall: (a) Timely obtain certification as corrections officers, or timely obtain exemption therefrom, by meeting all requirements of RCW 43.101.220, as that section is administered under the rules of the commission, as well as by meeting any additional requirements under this chapter; and (b) maintain the basic certification as corrections officers under this chapter. The commission shall certify corrections officers who have satisfied, or have been exempted by statute or by rule from, the basic training requirements of RCW 43.101.220 on or before the effective date of this section. Thereafter, the commission may revoke certification pursuant to this chapter.

(2) As a condition of continuing employment for any applicant who has been offered a conditional offer of employment as a corrections officer after July 1, 2021, including any person whose certification has lapsed as a result of a break of more than twenty-four consecutive months in the officer's service as a corrections officer, the applicant shall submit to a background investigation including a check of criminal history, verification of immigrant or citizenship status as either a citizen of the United States or a lawful permanent resident, a psychological examination, and a polygraph or similar assessment as administered by the corrections agency, the results of which shall be used to determine the applicant's suitability for employment as a corrections officer.

(3) The commission shall allow a corrections officer to retain status as a certified corrections officer as long as the officer: (a) Timely meets the basic corrections officer training requirements, or is exempted therefrom, in whole or in part, under RCW 43.101.220 or under rule of the commission; (b) meets or is exempted from any other requirements under this chapter as administered under the rules adopted by the commission; (c) is not denied certification by the commission under this chapter; and (d) has not had certification revoked by the commission.

(4) As a prerequisite to certification, as well as a prerequisite to pursuit of a hearing under section 9 of this act, a corrections officer must, on a form devised or adopted by the commission, authorize the release to the commission of his or her personnel files, termination papers, criminal investigation files, or other files, papers, or information that are directly related to a certification matter or decertification matter before the commission.

**NEW SECTION. Sec. 18.** Upon request by a corrections officer's employer or on its own initiative, the commission may deny or revoke certification of any corrections officer after written notice and hearing, if a hearing is timely requested by the corrections officer under section 9 of this act, based upon a finding of one or more of the following conditions:

(1) The corrections officer has failed to timely meet all requirements for obtaining a certificate of basic corrections training, or a certificate of exemption from the training;

(2) The corrections officer has knowingly falsified or omitted material information on an application for training or certification to the commission;

(3) The corrections officer has been convicted at any time of a felony offense under the laws of this state or has been convicted of a federal or out-of-state offense comparable to a felony under the laws of this state; except that if a certified corrections officer was convicted of a felony before being employed as a corrections officer, and the circumstances of the prior felony conviction were fully disclosed to his or her employer before being hired, the commission may revoke certification only with the agreement of the employing corrections agency;

(4) The corrections officer has been discharged for disqualifying misconduct, the discharge is final, and some or all of the acts or omissions forming the basis for the

discharge proceedings occurred on or after the effective date of this section;

(5) The corrections officer's certificate was previously issued by administrative error on the part of the commission; or

(6) The corrections officer has interfered with an investigation or action for denial or revocation of certificate by: (a) Knowingly making a materially false statement to the commission; or (b) in any matter under investigation by or otherwise before the commission, tampering with evidence or tampering with or intimidating any witness.

**NEW SECTION. Sec. 19.** (1) A person denied a certification based upon dismissal or withdrawal from a basic corrections academy for any reason not also involving discharge for disqualifying misconduct is eligible for readmission and certification upon meeting standards established in rules of the commission, which rules may provide for probationary terms on readmission.

(2) A person whose certification is denied or revoked based upon prior administrative error of issuance, failure to cooperate, or interference with an investigation is eligible for certification upon meeting standards established in rules of the commission, rules which may provide for a probationary period of certification in the event of reinstatement of eligibility.

(3) A person whose certification is denied or revoked based upon a felony criminal conviction is not eligible for certification at any time.

(4) A corrections officer whose certification is denied or revoked based upon discharge for disqualifying misconduct, but not also based upon a felony criminal conviction, may, five years after the revocation or denial, petition the commission for reinstatement of the certificate or for eligibility for reinstatement. The commission shall hold a hearing on the petition to consider reinstatement, and the commission may allow reinstatement based upon standards established in rules of the commission. If the certificate is reinstated or eligibility for certification is determined, the commission may establish a probationary period of certification.

(5) A corrections officer whose certification is revoked based solely upon a criminal conviction may petition the commission for reinstatement immediately upon a final judicial reversal of the conviction. The commission shall hold a hearing on request to consider reinstatement, and the commission may allow reinstatement based on standards established in rules of the commission. If the certificate is reinstated or if eligibility for certification is determined, the commission may establish a probationary period of certification.

**NEW SECTION. Sec. 20.** A corrections officer's certification lapses automatically when there is a break of more than twenty-four consecutive months in the officer's service as a full-time corrections officer. A break in full-time corrections service which is due solely to the pendency of direct review or appeal from a disciplinary discharge, or to the pendency of a work-related injury, does not cause a lapse

in certification. The officer may petition the commission for reinstatement of certification. Upon receipt of a petition for reinstatement of a lapsed certificate, the commission shall determine under this chapter and any applicable rules of the commission if the corrections officer's certification status is to be reinstated, and the commission shall also determine any requirements which the officer must meet for reinstatement. The commission may adopt rules establishing requirements for reinstatement.

**NEW SECTION. Sec. 21.** Upon termination of a corrections officer for any reason, including resignation, the agency of termination shall, within fifteen days of the termination, notify the commission on a personnel action report form provided by the commission. The agency of termination shall, upon request of the commission, provide such additional documentation or information as the commission deems necessary to determine whether the termination provides grounds for revocation under section 4 of this act. The commission shall maintain these notices in a permanent file, subject to RCW 43.101.400.

**NEW SECTION. Sec. 22.** A corrections officer or duly authorized representative of a corrections agency may submit a written complaint to the commission charging that a corrections officer's certificate should be denied or revoked, and specifying the grounds for the charge. Filing a complaint does not make a complainant a party to the commission's action. The commission has sole discretion whether to investigate a complaint, and the commission has sole discretion whether to investigate matters relating to certification, denial of certification, or revocation of certification on any other basis, without restriction as to the source or the existence of a complaint. A person who files a complaint in good faith under this section is immune from suit or any civil action related to the filing or the contents of the complaint.

**NEW SECTION. Sec. 23.** (1) If the commission determines, upon investigation, that there is probable cause to believe that a corrections officer's certification should be denied or revoked under section 4 of this act, the commission must prepare and serve upon the officer a statement of charges. Service on the officer must be by mail or by personal service on the officer. Notice of the charges must also be mailed to or otherwise served upon the officer's agency of termination and any current corrections employer. The statement of charges must be accompanied by a notice that to receive a hearing on the denial or revocation, the officer must, within sixty days of communication of the statement of charges, request a hearing before the hearings panel appointed under RCW 43.101.380. Failure of the officer to request a hearing within the sixty-day period constitutes a default, whereupon the commission may enter an order under RCW 34.05.440.

(2) If a hearing is requested, the date of the hearing must be scheduled not earlier than ninety days nor later than one hundred eighty days after the officer requests a hearing; the one hundred eighty-day period may be extended on mutual agreement of the parties or for good cause. The commission shall give written notice of hearing at least twenty days prior to the hearing, specifying the time, date, and place of hearing.

**Sec. 24.** RCW 43.101.380 and 2010 1st sp.s. c 7 s 14 are each amended to read as follows:

(1) The procedures governing adjudicative proceedings before agencies under chapter 34.05 RCW, the administrative procedure act, govern hearings before the commission and govern all other actions before the commission unless otherwise provided in this chapter. The standard of proof in actions before the commission is clear, cogent, and convincing evidence.

(2) In all hearings requested under RCW 43.101.155 or section 9 of this act, a five-member hearings panel shall both hear the case and make the commission's final administrative decision. Members of the commission may, but need not, be appointed to the hearings panels. The commission shall appoint as follows two or more panels to hear ~~((appeals from))~~ certification actions:

(a) When a hearing is requested in relation to a certification action of a Washington peace officer who is not a peace officer of the Washington state patrol, the commission shall appoint to the panel: (i) One police chief; (ii) one sheriff; (iii) two certified Washington peace officers who are at or below the level of first line supervisor, one of whom is from a city or county law enforcement agency, and who have at least ten years' experience as peace officers; and (iv) one person who is not currently a peace officer and who represents a community college or four-year college or university.

(b) When a hearing is requested in relation to a certification action of a peace officer of the Washington state patrol, the commission shall appoint to the panel: (i) Either one police chief or one sheriff; (ii) one administrator of the state patrol; (iii) one certified Washington peace officer who is at or below the level of first line supervisor, who is not a state patrol officer, and who has at least ten years' experience as a peace officer; (iv) one state patrol officer who is at or below the level of first line supervisor, and who has at least ten years' experience as a peace officer; and (v) one person who is not currently a peace officer and who represents a community college or four-year college or university.

(c) When a hearing is requested in relation to a certification action of a Washington corrections officer, the commission shall appoint to the panel: (i) Two heads of either a city or county corrections agency or facility or of a Washington state department of corrections facility; (ii) two corrections officers who are at or below the level of first line supervisor, who are from city, county, or state corrections agencies, and who have at least ten years' experience as corrections officers; and (iii) one person who is not currently a corrections officer and who represents a community college or four-year college or university.

(d) When a hearing is requested in relation to a certification action of a tribal police officer, the commission shall appoint to the panel (i) either one police chief or one sheriff; (ii) one tribal police chief; (iii) one certified Washington peace officer who is at or below the level of first line supervisor, and who has at least ten years' experience as a peace officer; (iv) one tribal police officer who is at or below the level of first line supervisor, and who has at least ten years' experience as a peace officer; and (v) one person

who is not currently a peace officer and who represents a community college or four-year college or university.

~~((4))~~ (e) Persons appointed to hearings panels by the commission shall, in relation to any certification action on which they sit, have the powers, duties, and immunities, and are entitled to the emoluments, including travel expenses in accordance with RCW 43.03.050 and 43.03.060, of regular commission members.

(3) Where the charge upon which revocation or denial is based is that a peace officer or corrections officer was "discharged for disqualifying misconduct," and the discharge is "final," within the meaning of RCW 43.101.105(1)(d) or section 4(4) of this act, and the officer received a civil service hearing or arbitration hearing culminating in an affirming decision following separation from service by the employer, the hearings panel may revoke or deny certification if the hearings panel determines that the discharge occurred and was based on disqualifying misconduct; the hearings panel need not redetermine the underlying facts but may make this determination based solely on review of the records and decision relating to the employment separation proceeding. However, the hearings panel may, in its discretion, consider additional evidence to determine whether such a discharge occurred and was based on such disqualifying misconduct. The hearings panel shall, upon written request by the subject peace officer or corrections officer, allow the peace officer or corrections officer to present additional evidence of extenuating circumstances.

Where the charge upon which revocation or denial of certification is based is that a peace officer or corrections officer "has been convicted at any time of a felony offense" within the meaning of RCW 43.101.105(1)(c) or section 4(3) of this act, the hearings panel shall revoke or deny certification if it determines that the peace officer or corrections officer was convicted of a felony. The hearings panel need not redetermine the underlying facts but may make this determination based solely on review of the records and decision relating to the criminal proceeding. However, the hearings panel shall, upon the panel's determination of relevancy, consider additional evidence to determine whether the peace officer or corrections officer was convicted of a felony.

Where the charge upon which revocation or denial is based is under RCW 43.101.105(1) (a), (b), (e), or (f) or section 4 (1), (2), (5), or (6) of this act, the hearings panel shall determine the underlying facts relating to the charge upon which revocation or denial of certification is based.

(4) The commission's final administrative decision is subject to judicial review under RCW 34.05.510 through 34.05.598.

**NEW SECTION. Sec. 25.** An individual whose peace officer certification is denied or revoked pursuant to this chapter may not thereafter be certified as a corrections officer without first satisfying the requirements of eligibility for certification or reinstatement of certification. A corrections officer whose corrections officer certification is denied or revoked pursuant to this chapter may not thereafter be certified as a peace officer without first satisfying the

requirements of eligibility for certification or reinstatement of certification.

**Sec. 26.** RCW 43.101.400 and 2001 c 167 s 12 are each amended to read as follows:

(1) Except as provided under subsection (2) of this section, the following records of the commission are confidential and exempt from public disclosure: (a) The contents of personnel action reports filed under RCW 43.101.135 or section 7 of this act; (b) all files, papers, and other information obtained by the commission pursuant to RCW 43.101.095~~((3))~~ (5) or section 3 of this act; and (c) all investigative files of the commission compiled in carrying out the responsibilities of the commission under this chapter. Such records are not subject to public disclosure, subpoena, or discovery proceedings in any civil action, except as provided in subsection (5) of this section.

(2) Records which are otherwise confidential and exempt under subsection (1) of this section may be reviewed and copied: (a) By the officer involved or the officer's counsel or authorized representative, who may review the officer's file and may submit any additional exculpatory or explanatory evidence, statements, or other information, any of which must be included in the file; (b) by a duly authorized representative of (i) the agency of termination, or (ii) a current employing law enforcement or corrections agency, which may review and copy its employee-officer's file; or (c) by a representative of or investigator for the commission.

(3) Records which are otherwise confidential and exempt under subsection (1) of this section may also be inspected at the offices of the commission by a duly authorized representative of a law enforcement or corrections agency considering an application for employment by a person who is the subject of a record. A copy of records which are otherwise confidential and exempt under subsection (1) of this section may later be obtained by an agency after it hires the applicant. In all other cases under this subsection, the agency may not obtain a copy of the record.

(4) Upon a determination that a complaint is without merit, that a personnel action report filed under RCW 43.101.135 does not merit action by the commission, or that a matter otherwise investigated by the commission does not merit action, the commission shall purge records addressed in subsection (1) of this section.

(5) The hearings, but not the deliberations, of the hearings board are open to the public. The transcripts, admitted evidence, and written decisions of the hearings board on behalf of the commission are not confidential or exempt from public disclosure, and are subject to subpoena and discovery proceedings in civil actions.

(6) Every individual, legal entity, and agency of federal, state, or local government is immune from civil liability, whether direct or derivative, for providing information to the commission in good faith.

**Sec. 27.** RCW 43.101.080 and 2018 c 32 s 4 are each amended to read as follows:

The commission shall have all of the following powers:

- (1) To meet at such times and places as it may deem proper;
- (2) To adopt any rules and regulations as it may deem necessary;
- (3) To contract for services as it deems necessary in order to carry out its duties and responsibilities;
- (4) To cooperate with and secure the cooperation of any department, agency, or instrumentality in state, county, and city government, and other commissions affected by or concerned with the business of the commission;
- (5) To do any and all things necessary or convenient to enable it fully and adequately to perform its duties and to exercise the power granted to it;
- (6) To select and employ an executive director, and to empower him or her to perform such duties and responsibilities as it may deem necessary;
- (7) To assume legal, fiscal, and program responsibility for all training conducted by the commission;
- (8) To establish, by rule and regulation, standards for the training of criminal justice personnel where such standards are not prescribed by statute;
- (9) To own, establish, and operate, or to contract with other qualified institutions or organizations for the operation of, training and education programs for criminal justice personnel and to purchase, lease, or otherwise acquire, subject to the approval of the department of enterprise services, a training facility or facilities necessary to the conducting of such programs;
- (10) To establish, by rule and regulation, minimum curriculum standards for all training programs conducted for employed criminal justice personnel;
- (11) To review and approve or reject standards for instructors of training programs for criminal justice personnel, and to employ personnel on a temporary basis as instructors without any loss of employee benefits to those instructors;
- (12) To direct the development of alternative, innovative, and interdisciplinary training techniques;
- (13) To review and approve or reject training programs conducted for criminal justice personnel and rules establishing and prescribing minimum training and education standards recommended by the training standards and education boards;
- (14) To allocate financial resources among training and education programs conducted by the commission;
- (15) To allocate training facility space among training and education programs conducted by the commission;
- (16) To issue diplomas certifying satisfactory completion of any training or education program conducted or approved by the commission to any person so completing such a program;

(17) To provide for the employment of such personnel as may be practical to serve as temporary replacements for any person engaged in a basic training program as defined by the commission;

(18) To establish rules and regulations recommended by the training standards and education boards prescribing minimum standards relating to physical, mental and moral fitness which shall govern the recruitment of criminal justice personnel where such standards are not prescribed by statute or constitutional provision;

(19) To require county, city, or state law enforcement and corrections agencies that make a conditional offer of employment to an applicant as a fully commissioned peace officer ~~((or))~~, a reserve officer, or a corrections officer to administer a background investigation including a check of criminal history, verification of immigrant or citizenship status as either a citizen of the United States of America or a lawful permanent resident, a psychological examination, and a polygraph test or similar assessment to each applicant, the results of which shall be used by the employer to determine the applicant's suitability for employment as a fully commissioned peace officer ~~((or))~~, a reserve officer, or a corrections officer. The background investigation, psychological examination, and the polygraph examination shall be administered in accordance with the requirements of RCW 43.101.095(2) for peace officers, and section 3 of this act for corrections officers. The employing county, city, or state law enforcement agency may require that each peace officer ~~((or))~~, reserve officer, or corrections officer who is required to take a psychological examination and a polygraph or similar test pay a portion of the testing fee based on the actual cost of the test or four hundred dollars, whichever is less. County, city, and state law enforcement agencies may establish a payment plan if they determine that the peace officer ~~((or))~~, reserve officer, or corrections officer does not readily have the means to pay for his or her portion of the testing fee. This subsection does not apply to corrections officers employed by state agencies;

(20) To promote positive relationships between law enforcement and the citizens of the state of Washington by allowing commissioners and staff to participate in the "chief for a day program." The executive director shall designate staff who may participate. In furtherance of this purpose, the commission may accept grants of funds and gifts and may use its public facilities for such purpose. At all times, the participation of commissioners and staff shall comply with chapter 42.52 RCW and chapter 292-110 WAC.

All rules and regulations adopted by the commission shall be adopted and administered pursuant to the administrative procedure act, chapter 34.05 RCW, and the open public meetings act, chapter 42.30 RCW.

**Sec. 28.** RCW 43.101.220 and 2019 c 415 s 970 are each amended to read as follows:

(1) The corrections personnel of the state and all counties and municipal corporations initially employed on or after January 1, 1982, shall engage in basic corrections training which complies with standards adopted by the commission. The standards adopted must provide for basic corrections training of at least ten weeks in length for any



corrections officers subject to the certification requirement under section 3 of this act who are hired on or after July 1, 2021, or on an earlier date set by the commission. The training shall be successfully completed during the first six months of employment of the personnel, unless otherwise extended or waived by the commission, and shall be requisite to the continuation of employment.

(2) The commission shall provide the training required in this section, together with facilities, supplies, materials, and the room and board for noncommuting attendees, except during the 2017-2019 and 2019-2021 fiscal biennia, when the employing county, municipal corporation, or state agency shall reimburse the commission for twenty-five percent of the cost of training its personnel.

(3)(a) Subsections (1) and (2) of this section do not apply to the Washington state department of corrections prisons division. The Washington state department of corrections is responsible for identifying training standards, designing curricula and programs, and providing the training for those corrections personnel employed by it. In doing so, the secretary of the department of corrections shall consult with staff development experts and correctional professionals both inside and outside of the agency, to include soliciting input from labor organizations.

(b) The commission and the department of corrections share the responsibility of developing and defining training standards and providing training for community corrections officers employed within the community corrections division of the department of corrections.

**NEW SECTION. Sec. 29.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

**NEW SECTION. Sec. 30.** Sections 3 through 9 and 11 of this act are each added to chapter 43.101 RCW."

On page 1, line 1 of the title, after "officers;" strike the remainder of the title and insert "amending RCW 43.101.085, 43.101.010, 43.101.380, 43.101.400, 43.101.080, and 43.101.220; and adding new sections to chapter 43.101 RCW."

and the same is herewith transmitted.

Sarah Bannister, Deputy, Secretary

#### SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to SECOND SUBSTITUTE HOUSE BILL NO. 2499 and advanced the bill as amended by the Senate to final passage.

#### FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representatives Appleton and Klippert spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Second Substitute House Bill No. 2499, as amended by the Senate.

#### ROLL CALL

The Clerk called the roll on the final passage of Second Substitute House Bill No. 2499, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 96; Nays, 1; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Duerr, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Mead, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shea, Shewmake, Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Voting nay: Representative Dufault.

Excused: Representative Paul.

SECOND SUBSTITUTE HOUSE BILL NO. 2499, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

#### MESSAGE FROM THE SENATE

March 6, 2020

Madame Speaker:

The Senate has passed SECOND SUBSTITUTE HOUSE BILL NO. 2513 with the following amendment: 30.0.

Strike everything after the enacting clause and insert the following:

"**Sec. 31.** RCW 28B.10.293 and 1977 ex.s. c 18 s 1 are each amended to read as follows:

~~((Each state public or private))~~ (1) Institutions of higher education may, in the control and collection of any debt or claim due owing to it, impose reasonable financing and late charges, as well as reasonable costs and expenses incurred in the collection of such debts, if provided for in the note or agreement signed by the debtor.

(2) Institutions of higher education may not do any of the following for the purposes of debt collection, unless the debts are related to nonpayment of tuition fees, room and board fees, or financial aid funds owed:

(a) Refuse to provide an official transcript for a current or former student on the grounds that the student owes a debt;

(b) Condition the provision of an official transcript on the payment of the debt, other than a fee charged to provide the official transcript;

(c) Charge a higher fee for obtaining the official transcript, or provide less than favorable treatment of an official transcript request because a student owes a debt; or

(d) Use transcript issuance as a tool for debt collection.

(3) Institutions of higher education may not withhold a student's official transcript, regardless of debt, except the fee charged to provide an official transcript, if the official transcript is requested by a student or entity for any of the following purposes:

(a) Job applications;

(b) Transferring to another institution;

(c) Applying for financial aid;

(d) Pursuit of opportunities in the military or national guard; or

(e) Pursuit of other postsecondary opportunities.

(4) Institutions of higher education may not withhold registration privileges as a debt collection tool, excluding the case of any debts related to nonpayment of tuition fees, room and board fees, or financial aid funds owed.

(5) If an institution of higher education chooses to withhold official transcripts or registration privileges as a tool for debt collection, the institution shall disclose to students through a secure portal or email and the class registration process the following at the start of each academic term:

(a) The amount of debt, if any, owed by the student to the institution;

(b) Information on payment of the debt, including who to contact to set up a payment plan; and

(c) Any consequences that will result from the nonpayment of the debt.

(6) For the purposes of this section:

(a) "Debt" means any money, obligation, claim, or sum, due or owing, or alleged to be due or owing, from a student.

(b) "Financial aid funds owed" means any financial aid funds owed to the institution under Title IV, or to the state, due to miscalculation, withdrawal, misinformation, or other reason, not including standard repayment of student loans.

(c) "Institutions of higher education" means the same as in RCW 28B.92.030.

(d) "Room and board fees" means any money, obligation, claim, or sum, due or owing, or alleged to be due or owing, from a student for the provision of contractually agreed to on-campus housing or meal services plans.

(e) "Tuition fees" means tuition fees as defined in RCW 28B.15.020, services and activities fees as defined in RCW 28B.15.041, technology fees as defined in RCW

28B.15.051, and fees charged for nonstate funded, fee-based, self-supporting degree, certificate, or continuing education courses, or similar charges for nonpublic institutions.

**NEW SECTION. Sec. 32.** A new section is added to chapter 28B.10 RCW to read as follows:

Institutions of higher education shall report to the governor and the higher education committees of the legislature in accordance with RCW 43.01.036 annually beginning on December 1, 2020, on transcript and registration holds used as debt collection tools, including:

(1) Each institution's policy on when transcript and registration holds are used, including the time frames and amounts for which holds are to be used and the lowest amount for which an institution assigns a debt to a third-party collection agency;

(2) The number of official transcripts and registration privileges being withheld by each institution; and

(3) The number of past-due accounts assigned to third-party collection agencies."

On page 1, line 3 of the title, after "practices;" strike the remainder of the title and insert "amending RCW 28B.10.293; and adding a new section to chapter 28B.10 RCW."

and the same is herewith transmitted.

Sarah Bannister, Deputy, Secretary

#### **SENATE AMENDMENT TO HOUSE BILL**

There being no objection, the House concurred in the Senate amendment to SECOND SUBSTITUTE HOUSE BILL NO. 2513 and advanced the bill as amended by the Senate to final passage.

#### **FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED**

Representative Slatter spoke in favor of the passage of the bill.

Representative Van Werven spoke against the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Second Substitute House Bill No. 2513, as amended by the Senate.

#### **ROLL CALL**

The Clerk called the roll on the final passage of Second Substitute House Bill No. 2513, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 59; Nays, 38; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Bergquist, Blake, Callan, Chandler, Chopp, Cody, Davis, Doglio, Dolan, Duerr, Entenman, Fey, Fitzgibbon, Frame,

Goodman, Gregerson, Hansen, Hudgins, Irwin, J. Johnson, Kilduff, Kirby, Kloba, Leavitt, Lekanoff, Lovick, Macri, Mead, Morgan, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Sells, Senn, Shewmake, Slatter, Springer, Stokesbary, Stonier, Sullivan, Tarleton, Thai, Tharinger, Valdez, Walen, Wylie and Mme. Speaker.

Voting nay: Representatives Barkis, Boehnke, Calder, Chambers, Chapman, Corry, DeBolt, Dent, Dufault, Dye, Eslick, Gildon, Goehner, Graham, Griffey, Harris, Hoff, Jenkin, Klippert, Kraft, Kretz, MacEwen, Maycumber, McCaslin, Mosbrucker, Orcutt, Schmick, Shea, Smith, Steele, Sutherland, Van Werven, Vick, Volz, Walsh, Wilcox, Ybarra and Young.

Excused: Representative Paul.

SECOND SUBSTITUTE HOUSE BILL NO. 2513, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

### MESSAGE FROM THE SENATE

March 5, 2020

Madame Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 2554 with the following amendment:

32.0.

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 33.** A new section is added to chapter 48.43 RCW to read as follows:

(1) A health carrier that excludes, under state or federal law, any benefit required or mandated by this title or rules adopted by the commissioner from any health plan or student health plan shall:

(a) Notify each enrollee in writing of the following:

(i) Which benefits the health plan or student health plan does not cover; and

(ii) Alternate ways in which the enrollees may access excluded benefits in a timely manner;

(b) Ensure that enrollees have prompt access to the information required under this subsection; and

(c) Clearly and legibly include the information specified in (a)(i) and (ii) of this subsection in any of its marketing materials that include a list of benefits covered under the plan. The information must also be listed in the benefit booklet and posted on the carrier's health plan or student health plan web site.

(2) For the purpose of mitigating inequity in the health insurance market, unless waived by the commissioner pursuant to (c) of this subsection, the commissioner must assess a fee on any health carrier offering a health plan or student health plan if the health plan or student health plan excludes, under state or federal law, any essential health benefit or coverage that is otherwise required or mandated by this title or rules adopted by the commissioner.

(a) The commissioner shall set the fee in an amount that is the actuarial equivalent of costs attributed to the provision and administration of the excluded benefit. As part of its rate filing, a health carrier subject to this subsection (2) must submit to the commissioner an estimate of the amount of the fee, including supporting documentation of its methods for estimating the fee. The carrier must include in its supporting documentation a certification by a member of the American academy of actuaries that the estimated fee is the actuarial equivalent of costs attributed to the provision and administration of the excluded benefit.

(b) Fees paid under this section must be deposited into the general fund.

(c) The commissioner may waive the fee assessed under this subsection (2) if he or she finds that the carrier excluding a mandated benefit for a health plan or student health plan provides health plan enrollees or student health plan enrollees alternative access to all excluded mandated benefits.

(3) Beginning July 1, 2021, the commissioner shall provide on its web site written notice of the carrier requirements in this section and information on alternate ways in which enrollees may access excluded benefits in a timely manner.

(4) Nothing in this section limits the authority of the commissioner to take enforcement action if a health carrier unlawfully fails to comply with the provisions of this title.

(5) The commissioner shall adopt any rules necessary to implement this section.

**NEW SECTION. Sec. 34.** A new section is added to chapter 43.71 RCW to read as follows:

(1) Beginning November 1, 2021, the exchange shall provide individuals seeking to enroll in coverage on its web site with access to the information a health carrier must provide under section 1 of this act for any qualified health plan the health carrier offers that excludes, under state or federal law, any benefit required or mandated by Title 48 RCW or rules adopted by the commissioner.

(2) The exchange may provide the access required under this section directly on its web site, through a link to an external web site, or in any other manner that allows consumers to easily access the information.

**NEW SECTION. Sec. 35.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

On page 1, line 2 of the title, after "benefits;" strike the remainder of the title and insert "adding a new section to chapter 48.43 RCW; and adding a new section to chapter 43.71 RCW."

and the same is herewith transmitted.

Sarah Bannister, Deputy, Secretary

**SENATE AMENDMENT TO HOUSE BILL**

There being no objection, the House concurred in the Senate amendment to SUBSTITUTE HOUSE BILL NO. 2554 and advanced the bill as amended by the Senate to final passage.

**FINAL PASSAGE OF HOUSE BILL  
AS SENATE AMENDED**

Representative Stonier spoke in favor of the passage of the bill.

Representative Schmick spoke against the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2554, as amended by the Senate.

**ROLL CALL**

The Clerk called the roll on the final passage of Substitute House Bill No. 2554, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 58; Nays, 39; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Bergquist, Blake, Callan, Chambers, Chapman, Chopp, Cody, Davis, Doglio, Dolan, Duerr, Entenman, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hansen, Hudgins, J. Johnson, Kilduff, Kirby, Kloba, Leavitt, Lekanoff, Lovick, Macri, Mead, Morgan, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Ryu, Santos, Sells, Senn, Shewmake, Slatter, Springer, Stonier, Sullivan, Tarleton, Thai, Tharinger, Valdez, Van Werven, Walen, Wylie and Mme. Speaker.

Voting nay: Representatives Barkis, Boehnke, Caldier, Chandler, Corry, DeBolt, Dent, Dufault, Dye, Eslick, Gildon, Goehner, Graham, Griffey, Harris, Hoff, Irwin, Jenkin, Klippert, Kraft, Kretz, MacEwen, Maycumber, McCaslin, Mosbrucker, Orcutt, Rude, Schmick, Shea, Smith, Steele, Stokesbary, Sutherland, Vick, Volz, Walsh, Wilcox, Ybarra and Young.

Excused: Representative Paul.

SUBSTITUTE HOUSE BILL NO. 2554, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

**MESSAGE FROM THE SENATE**

March 6, 2020

Madame Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 2642 with the following amendment:

35.0.

Strike everything after the enacting clause and insert the following:

"**NEW SECTION. Sec. 36.** (1) The legislature finds that:

(a) Substance use disorder is a treatable brain disease from which people recover;

(b) Electing to go to addiction treatment is an act of great courage; and

(c) When people with substance use disorder are provided rapid access to quality treatment within their window of willingness, recovery happens.

(2) The legislature therefore intends to ensure that there is no wrong door for individuals accessing substance use disorder treatment services by requiring coverage, and prohibiting barriers created by prior authorization and premature utilization management review when persons with substance use disorders are ready or urgently in need of treatment services.

**NEW SECTION. Sec. 37.** A new section is added to chapter 41.05 RCW to read as follows:

(1) Except as provided in subsection (2) of this section, a health plan offered to employees and their covered dependents under this chapter issued or renewed on or after January 1, 2021, may not require an enrollee to obtain prior authorization for withdrawal management services or inpatient or residential substance use disorder treatment services in a behavioral health agency licensed or certified under RCW 71.24.037.

(2)(a) A health plan offered to employees and their covered dependents under this chapter issued or renewed on or after January 1, 2021, must:

(i) Provide coverage for no less than two business days, excluding weekends and holidays, in a behavioral health agency that provides inpatient or residential substance use disorder treatment prior to conducting a utilization review; and

(ii) Provide coverage for no less than three days in a behavioral health agency that provides withdrawal management services prior to conducting a utilization review.

(b) The health plan may not require an enrollee to obtain prior authorization for the services specified in (a) of this subsection as a condition for payment of services prior to the times specified in (a) of this subsection. Once the times specified in (a) of this subsection have passed, the health plan may initiate utilization management review procedures if the behavioral health agency continues to provide services or is in the process of arranging for a seamless transfer to an appropriate facility or lower level of care under subsection (6) of this section.

(c)(i) The behavioral health agency under (a) of this subsection must notify an enrollee's health plan as soon as practicable after admitting the enrollee, but not later than twenty-four hours after admitting the enrollee. The time of notification does not reduce the requirements established in (a) of this subsection.

(ii) The behavioral health agency under (a) of this subsection must provide the health plan with its initial assessment and initial treatment plan for the enrollee within two business days of admission, excluding weekends and holidays, or within three days in the case of a behavioral

health agency that provides withdrawal management services.

(iii) After the time period in (a) of this subsection and receipt of the material provided under (c)(ii) of this subsection, the plan may initiate a medical necessity review process. Medical necessity review must be based on the standard set of criteria established under section 6 of this act. If the health plan determines within one business day from the start of the medical necessity review period and receipt of the material provided under (c)(ii) of this subsection that the admission to the facility was not medically necessary and advises the agency of the decision in writing, the health plan is not required to pay the facility for services delivered after the start of the medical necessity review period, subject to the conclusion of a filed appeal of the adverse benefit determination. If the health plan's medical necessity review is completed more than one business day after start of the medical necessity review period and receipt of the material provided under (c)(ii) of this subsection, the health plan must pay for the services delivered from the time of admission until the time at which the medical necessity review is completed and the agency is advised of the decision in writing.

(3) The behavioral health agency shall document to the health plan the patient's need for continuing care and justification for level of care placement following the current treatment period, based on the standard set of criteria established under section 6 of this act, with documentation recorded in the patient's medical record.

(4) Nothing in this section prevents a health carrier from denying coverage based on insurance fraud.

(5) If the behavioral health agency under subsection (2)(a) of this section is not in the enrollee's network:

(a) The health plan is not responsible for reimbursing the behavioral health agency at a greater rate than would be paid had the agency been in the enrollee's network; and

(b) The behavioral health agency may not balance bill, as defined in RCW 48.43.005.

(6) When the treatment plan approved by the health plan involves transfer of the enrollee to a different facility or to a lower level of care, the care coordination unit of the health plan shall work with the current agency to make arrangements for a seamless transfer as soon as possible to an appropriate and available facility or level of care. The health plan shall pay the agency for the cost of care at the current facility until the seamless transfer to the different facility or lower level of care is complete. A seamless transfer to a lower level of care may include same day or next day appointments for outpatient care, and does not include payment for nontreatment services, such as housing services. If placement with an agency in the health plan's network is not available, the health plan shall pay the current agency until a seamless transfer arrangement is made.

(7) The requirements of this section do not apply to treatment provided in out-of-state facilities.

(8) For the purposes of this section "withdrawal management services" means twenty-four hour medically

managed or medically monitored detoxification and assessment and treatment referral for adults or adolescents withdrawing from alcohol or drugs, which may include induction on medications for addiction recovery.

**NEW SECTION. Sec. 38.** A new section is added to chapter 48.43 RCW to read as follows:

(1) Except as provided in subsection (2) of this section, a health plan issued or renewed on or after January 1, 2021, may not require an enrollee to obtain prior authorization for withdrawal management services or inpatient or residential substance use disorder treatment services in a behavioral health agency licensed or certified under RCW 71.24.037.

(2)(a) A health plan issued or renewed on or after January 1, 2021, must:

(i) Provide coverage for no less than two business days, excluding weekends and holidays, in a behavioral health agency that provides inpatient or residential substance use disorder treatment prior to conducting a utilization review; and

(ii) Provide coverage for no less than three days in a behavioral health agency that provides withdrawal management services prior to conducting a utilization review.

(b) The health plan may not require an enrollee to obtain prior authorization for the services specified in (a) of this subsection as a condition for payment of services prior to the times specified in (a) of this subsection. Once the times specified in (a) of this subsection have passed, the health plan may initiate utilization management review procedures if the behavioral health agency continues to provide services or is in the process of arranging for a seamless transfer to an appropriate facility or lower level of care under subsection (6) of this section.

(c)(i) The behavioral health agency under (a) of this subsection must notify an enrollee's health plan as soon as practicable after admitting the enrollee, but not later than twenty-four hours after admitting the enrollee. The time of notification does not reduce the requirements established in (a) of this subsection.

(ii) The behavioral health agency under (a) of this subsection must provide the health plan with its initial assessment and initial treatment plan for the enrollee within two business days of admission, excluding weekends and holidays, or within three days in the case of a behavioral health agency that provides withdrawal management services.

(iii) After the time period in (a) of this subsection and receipt of the material provided under (c)(ii) of this subsection, the plan may initiate a medical necessity review process. Medical necessity review must be based on the standard set of criteria established under section 6 of this act. If the health plan determines within one business day from the start of the medical necessity review period and receipt of the material provided under (c)(ii) of this subsection that the admission to the facility was not medically necessary and advises the agency of the decision in writing, the health plan is not required to pay the facility for services delivered after

the start of the medical necessity review period, subject to the conclusion of a filed appeal of the adverse benefit determination. If the health plan's medical necessity review is completed more than one business day after start of the medical necessity review period and receipt of the material provided under (c)(ii) of this subsection, the health plan must pay for the services delivered from the time of admission until the time at which the medical necessity review is completed and the agency is advised of the decision in writing.

(3) The behavioral health agency shall document to the health plan the patient's need for continuing care and justification for level of care placement following the current treatment period, based on the standard set of criteria established under section 6 of this act, with documentation recorded in the patient's medical record.

(4) Nothing in this section prevents a health carrier from denying coverage based on insurance fraud.

(5) If the behavioral health agency under subsection (2)(a) of this section is not in the enrollee's network:

(a) The health plan is not responsible for reimbursing the behavioral health agency at a greater rate than would be paid had the agency been in the enrollee's network; and

(b) The behavioral health agency may not balance bill, as defined in RCW 48.43.005.

(6) When the treatment plan approved by the health plan involves transfer of the enrollee to a different facility or to a lower level of care, the care coordination unit of the health plan shall work with the current agency to make arrangements for a seamless transfer as soon as possible to an appropriate and available facility or level of care. The health plan shall pay the agency for the cost of care at the current facility until the seamless transfer to the different facility or lower level of care is complete. A seamless transfer to a lower level of care may include same day or next day appointments for outpatient care, and does not include payment for nontreatment services, such as housing services. If placement with an agency in the health plan's network is not available, the health plan shall pay the current agency until a seamless transfer arrangement is made.

(7) The requirements of this section do not apply to treatment provided in out-of-state facilities.

(8) For the purposes of this section "withdrawal management services" means twenty-four hour medically managed or medically monitored detoxification and assessment and treatment referral for adults or adolescents withdrawing from alcohol or drugs, which may include induction on medications for addiction recovery.

**NEW SECTION. Sec. 39.** A new section is added to chapter 71.24 RCW to read as follows:

(1) Beginning January 1, 2021, a managed care organization may not require an enrollee to obtain prior authorization for withdrawal management services or inpatient or residential substance use disorder treatment services in a behavioral health agency licensed or certified under RCW 71.24.037.

(2)(a) Beginning January 1, 2021, a managed care organization must:

(i) Provide coverage for no less than two business days, excluding weekends and holidays, in a behavioral health agency that provides inpatient or residential substance use disorder treatment prior to conducting a utilization review; and

(ii) Provide coverage for no less than three days in a behavioral health agency that provides withdrawal management services prior to conducting a utilization review.

(b) The managed care organization may not require an enrollee to obtain prior authorization for the services specified in (a) of this subsection as a condition for payment of services prior to the times specified in (a) of this subsection. Once the times specified in (a) of this subsection have passed, the managed care organization may initiate utilization management review procedures if the behavioral health agency continues to provide services or is in the process of arranging for a seamless transfer to an appropriate facility or lower level of care under subsection (6) of this section.

(c)(i) The behavioral health agency under (a) of this subsection must notify an enrollee's managed care organization as soon as practicable after admitting the enrollee, but not later than twenty-four hours after admitting the enrollee. The time of notification does not reduce the requirements established in (a) of this subsection.

(ii) The behavioral health agency under (a) of this subsection must provide the managed care organization with its initial assessment and initial treatment plan for the enrollee within two business days of admission, excluding weekends and holidays, or within three days in the case of a behavioral health agency that provides withdrawal management services.

(iii) After the time period in (a) of this subsection and receipt of the material provided under (c)(ii) of this subsection, the managed care organization may initiate a medical necessity review process. Medical necessity review must be based on the standard set of criteria established under section 6 of this act. If the health plan determines within one business day from the start of the medical necessity review period and receipt of the material provided under (c)(ii) of this subsection that the admission to the facility was not medically necessary and advises the agency of the decision in writing, the health plan is not required to pay the facility for services delivered after the start of the medical necessity review period, subject to the conclusion of a filed appeal of the adverse benefit determination. If the managed care organization's medical necessity review is completed more than one business day after start of the medical necessity review period and receipt of the material provided under (c)(ii) of this subsection, the managed care organization must pay for the services delivered from the time of admission until the time at which the medical necessity review is completed and the agency is advised of the decision in writing.

(3) The behavioral health agency shall document to the managed care organization the patient's need for continuing care and justification for level of care placement following the current treatment period, based on the standard set of criteria established under section 6 of this act, with documentation recorded in the patient's medical record.

(4) Nothing in this section prevents a health carrier from denying coverage based on insurance fraud.

(5) If the behavioral health agency under subsection (2)(a) of this section is not in the enrollee's network:

(a) The managed care organization is not responsible for reimbursing the behavioral health agency at a greater rate than would be paid had the agency been in the enrollee's network; and

(b) The behavioral health agency may not balance bill, as defined in RCW 48.43.005.

(6) When the treatment plan approved by the managed care organization involves transfer of the enrollee to a different facility or to a lower level of care, the care coordination unit of the managed care organization shall work with the current agency to make arrangements for a seamless transfer as soon as possible to an appropriate and available facility or level of care. The managed care organization shall pay the agency for the cost of care at the current facility until the seamless transfer to the different facility or lower level of care is complete. A seamless transfer to a lower level of care may include same day or next day appointments for outpatient care, and does not include payment for nontreatment services, such as housing services. If placement with an agency in the managed care organization's network is not available, the managed care organization shall pay the current agency at the service level until a seamless transfer arrangement is made.

(7) The requirements of this section do not apply to treatment provided in out-of-state facilities.

(8) For the purposes of this section "withdrawal management services" means twenty-four hour medically managed or medically monitored detoxification and assessment and treatment referral for adults or adolescents withdrawing from alcohol or drugs, which may include induction on medications for addiction recovery.

**NEW SECTION. Sec. 40.** (1) The health care authority shall develop an action plan to support admission to and improved transitions between levels of care for both adults and adolescents.

(2) The health care authority shall develop the action plan in partnership with the office of the insurance commissioner, medicaid managed care organizations, commercial health plans, providers of substance use disorder services, and Indian health care agencies.

(3) The health care authority must include the following in the action plan:

(a) Identification of barriers in order to facilitate transfers to the appropriate level of care, and specific actions to remove those barriers; and

(b) Specific actions that may lead to the increase in the number of persons successfully transitioning from one level of care to the next appropriate level of care.

(4) The barriers and action items to be identified and addressed in the action plan under subsection (3) of this section include, but are not limited to:

(a) Having the health care authority and department of health explore systems to allow higher acuity withdrawal management facilities to bill for appropriate lower levels of care while maintaining financial stability;

(b) Developing protocols for the initial notification by a substance use disorder treatment agency to fully insured health plans and managed care organizations in regards to an enrollee's admission to a facility and uniformity in the plan's response to the agency in regards to the receipt of this information;

(c) Facilitating direct transfers to withdrawal management and residential substance use disorder treatment from hospitals and jails;

(d) Addressing concerns related to individuals being denied withdrawal management services based on their drug of choice;

(e) Exploring options for allowing medicaid managed care organizations to pay an administrative rate and establishing the equivalent reimbursement mechanism for commercial health plans for a plan enrollee who needs to remain in withdrawal management or residential care until a seamless transfer can occur, but no longer requires the higher acuity level that was the reason for the initial admission; and

(f) Establishing the minimum amount of medical information necessary to gather from the patient for utilization reviews in a withdrawal management setting.

(5) For medicaid services, specific actions must align with federal and state medicaid requirements regarding medical necessity, minimize duplicative or unnecessary burdens for agencies, and be patient-centered for medicaid managed care organizations.

(6) The health care authority shall develop options for best communicating the action plan to substance use disorder agencies by December 1, 2020.

**NEW SECTION. Sec. 41.** For the purposes of promoting standardized training for behavioral health professionals and facilitating communications between behavioral health agencies, executive agencies, managed care organizations, private health plans, and plans offered through the public employees' benefits board, it is the policy of the state to adopt a single standard set of criteria to define medical necessity for substance use disorder treatment and to define substance use disorder levels of care in Washington. The criteria selected must be comprehensive, widely understood and accepted in the field, and based on continuously updated research and evidence. The health care authority and the office of the insurance commissioner must independently review their regulations and practices by January 1, 2021. The health care authority may make rules

if necessary to promulgate the selected standard set of criteria."

On page 1, line 2 of the title, after "services;" strike the remainder of the title and insert "adding a new section to chapter 41.05 RCW; adding a new section to chapter 48.43 RCW; adding a new section to chapter 71.24 RCW; and creating new sections."

and the same is herewith transmitted.

Sarah Bannister, Deputy, Secretary

#### SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to ENGROSSED SUBSTITUTE HOUSE BILL NO. 2642 and advanced the bill as amended by the Senate to final passage.

#### FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representatives Davis and Schmick spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 2642, as amended by the Senate.

#### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2642, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Mead, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shea, Shewmake, Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Excused: Representative Paul.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2642, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

#### MESSAGE FROM THE SENATE

March 5, 2020

Madame Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 2660 with the following amendment:  
41.0.

Strike everything after the enacting clause and insert the following:

"**NEW SECTION. Sec. 42.** This act may be known and cited as the hunger-free schools act.

**Sec. 43.** RCW 28A.235.290 and 2019 c 208 s 2 are each amended to read as follows:

(1) The office of the superintendent of public instruction shall develop and implement a plan to increase the number of schools participating in the United States department of agriculture community eligibility provision for the 2018-19 school year and subsequent years. The office shall work jointly with community-based organizations and national experts focused on hunger and nutrition and familiar with the community eligibility provision, at least two school representatives who have successfully implemented community eligibility, and the state agency responsible for medicaid direct certification. The plan must describe how the office of the superintendent of public instruction will:

(a) Identify and recruit eligible schools to implement the community eligibility provision, with the goal of increasing the participation rate of eligible schools to at least the national average;

(b) Provide comprehensive outreach and technical assistance to school districts and schools to implement the community eligibility provision;

(c) Support breakfast after the bell programs authorized by the legislature to adopt the community eligibility provision;

(d) Work with school districts to group schools in order to maximize the number of schools implementing the community eligibility provision; and

(e) Determine the maximum percentage of students eligible for free meals where participation in the community eligibility provision provides the most support for a school, school district, or group of schools.

(2) Until June 30, (~~2019~~) 2021, the office of the superintendent of public instruction shall convene the organizations working jointly on the plan monthly to report on the status of the plan and coordinate outreach and technical assistance efforts to schools and school districts. In completing the duties required by this subsection (2), the office of the superintendent of public instruction and the organizations working jointly on the plan shall also, by December 1, 2020, examine the impacts to schools and districts that can result from participation in the community eligibility provision and identify approaches to addressing those impacts.

(3) Beginning in 2018, the office of the superintendent of public instruction shall report annually the number of schools that have implemented the community eligibility provision to the legislature by December 1st of each year. The report shall identify:



- (a) Any barriers to implementation;
- (b) Recommendations on policy and legislative solutions to overcome barriers to implementation;
- (c) Reasons potentially eligible schools and school districts decide not to adopt the community eligibility provision; and
- (d) Approaches in other states to adopting the community eligibility provision.

**NEW SECTION. Sec. 44.** A new section is added to chapter 28A.235 RCW to read as follows:

(1) Except as provided otherwise by this section, each school with students in or below grade eight that has an identified student percentage of at least sixty-two and one-half percent, as determined annually by April 1st, must participate in the United States department of agriculture's community eligibility provision in the subsequent school year and throughout the duration of the community eligibility provision's four-year cycle.

(2) Schools that, through an arrangement with a local entity, provide meals to all students and at no costs to the students are exempt from the requirements of this section.

(3) For the purposes of this section, "identified student" means a student who is directly certified for free school meals based on the student's participation in other means-tested assistance programs, and students who are categorically eligible for free school meals without an application and not subject to income verification.

**Sec. 45.** RCW 28A.150.260 and 2018 c 266 s 101 are each amended to read as follows:

The purpose of this section is to provide for the allocation of state funding that the legislature deems necessary to support school districts in offering the minimum instructional program of basic education under RCW 28A.150.220. The allocation shall be determined as follows:

(1) The governor shall and the superintendent of public instruction may recommend to the legislature a formula for the distribution of a basic education instructional allocation for each common school district.

(2)(a) The distribution formula under this section shall be for allocation purposes only. Except as may be required under subsections (4)(b) and (c) and (9) of this section, chapter 28A.155, 28A.165, 28A.180, or 28A.185 RCW, or federal laws and regulations, nothing in this section requires school districts to use basic education instructional funds to implement a particular instructional approach or service. Nothing in this section requires school districts to maintain a particular classroom teacher-to-student ratio or other staff-to-student ratio or to use allocated funds to pay for particular types or classifications of staff. Nothing in this section entitles an individual teacher to a particular teacher planning period.

(b) To promote transparency in state funding allocations, the superintendent of public instruction must report state per-pupil allocations for each school district for

the general apportionment, special education, learning assistance, transitional bilingual, highly capable, and career and technical education programs. The superintendent must also report state general apportionment per-pupil allocations by grade for each school district. The superintendent must report this information in a user-friendly format on the main page of the office's web site and on school district apportionment reports. School districts must include a link to the superintendent's per-pupil allocations report on the main page of the school district's web site. In addition, the budget documents published by the legislature for the enacted omnibus operating appropriations act must report statewide average per-pupil allocations for general apportionment and the categorical programs listed in this subsection.

(3)(a) To the extent the technical details of the formula have been adopted by the legislature and except when specifically provided as a school district allocation, the distribution formula for the basic education instructional allocation shall be based on minimum staffing and nonstaff costs the legislature deems necessary to support instruction and operations in prototypical schools serving high, middle, and elementary school students as provided in this section. The use of prototypical schools for the distribution formula does not constitute legislative intent that schools should be operated or structured in a similar fashion as the prototypes. Prototypical schools illustrate the level of resources needed to operate a school of a particular size with particular types and grade levels of students using commonly understood terms and inputs, such as class size, hours of instruction, and various categories of school staff. It is the intent that the funding allocations to school districts be adjusted from the school prototypes based on the actual number of annual average full-time equivalent students in each grade level at each school in the district and not based on the grade-level configuration of the school to the extent that data is available. The allocations shall be further adjusted from the school prototypes with minimum allocations for small schools and to reflect other factors identified in the omnibus appropriations act.

(b) For the purposes of this section, prototypical schools are defined as follows:

(i) A prototypical high school has six hundred average annual full-time equivalent students in grades nine through twelve;

(ii) A prototypical middle school has four hundred thirty-two average annual full-time equivalent students in grades seven and eight; and

(iii) A prototypical elementary school has four hundred average annual full-time equivalent students in grades kindergarten through six.

(4)(a)(i) The minimum allocation for each level of prototypical school shall be based on the number of full-time equivalent classroom teachers needed to provide instruction over the minimum required annual instructional hours under RCW 28A.150.220 and provide at least one teacher planning period per school day, and based on the following general education average class size of full-time equivalent students per teacher:

## General education

## average class size

Grades K-3 .....	17.00
Grade 4 .....	27.00
Grades 5-6 .....	27.00
Grades 7-8 .....	28.53
Grades 9-12 .....	28.74

(ii) The minimum class size allocation for each prototypical high school shall also provide for enhanced funding for class size reduction for two laboratory science classes within grades nine through twelve per full-time equivalent high school student multiplied by a laboratory science course factor of 0.0833, based on the number of full-time equivalent classroom teachers needed to provide instruction over the minimum required annual instructional hours in RCW 28A.150.220, and providing at least one teacher planning period per school day:

## Laboratory science

## average class size

Grades 9-12 .....	19.98
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(b)(i) Beginning September 1, 2019, funding for average K-3 class sizes in this subsection (4) may be provided only to the extent of, and proportionate to, the school district's demonstrated actual class size in grades K-3, up to the funded class sizes.

(ii) The office of the superintendent of public instruction shall develop rules to implement this subsection (4)(b).

(c)(i) The minimum allocation for each prototypical middle and high school shall also provide for full-time equivalent classroom teachers based on the following number of full-time equivalent students per teacher in career and technical education:

## Career and technical

## education average

## class size

Approved career and technical education offered at the middle school and high school level.....	23.00
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Skill center programs meeting the standards established

by the office of the superintendent of public

instruction.....	20.00
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(ii) Funding allocated under this subsection (4)(c) is subject to RCW 28A.150.265.

(d) In addition, the omnibus appropriations act shall at a minimum specify:

(i) A high-poverty average class size in schools where more than fifty percent of the students are eligible for free and reduced-price meals; and

(ii) A specialty average class size for advanced placement and international baccalaureate courses.

(5) The minimum allocation for each level of prototypical school shall include allocations for the following types of staff in addition to classroom teachers:

	Elementary School	Middle School	High School
Principals, assistant principals, and other certificated building-level administrators .....	1.253	1.353	1.880
Teacher-librarians, a function that includes information literacy, technology, and media to support school library media programs .....	0.663	0.519	0.523
Health and social services:			
School nurses.....	0.076	0.060	0.096
Social workers .....	0.042	0.006	0.015
Psychologists .....	0.017	0.002	0.007
Guidance counselors, a function that includes parent outreach and graduation advising.....	0.493	1.216	2.539
Teaching assistance, including any aspect of educational instructional services provided by classified employees.....	0.936	0.700	0.652
Office support and other noninstructional aides .....	2.012	2.325	3.269
Custodians .....	1.657	1.942	2.965

Classified staff providing student and staff safety .....	0.07	0.0	0.
	9	92	14
			1

Parent involvement coordinators...	0.08	0.0	0.
	25	0	00

(6)(a) The minimum staffing allocation for each school district to provide district-wide support services shall be allocated per one thousand annual average full-time equivalent students in grades K-12 as follows:

Staff per 1,000

K-12 students

Technology.....0.628

Facilities, maintenance, and grounds.....1.813

Warehouse, laborers, and mechanics.....0.332

(b) The minimum allocation of staff units for each school district to support certificated and classified staffing of central administration shall be 5.30 percent of the staff units generated under subsections (4)(a) and (5) of this section and (a) of this subsection.

(7) The distribution formula shall include staffing allocations to school districts for career and technical education and skill center administrative and other school-level certificated staff, as specified in the omnibus appropriations act.

(8)(a) Except as provided in (b) of this subsection, the minimum allocation for each school district shall include allocations per annual average full-time equivalent student for the following materials, supplies, and operating costs as provided in the 2017-18 school year, after which the allocations shall be adjusted annually for inflation as specified in the omnibus appropriations act:

Per annual average

full-time equivalent student

in grades K-12

Technology..... \$130.76

Utilities and insurance ..... \$355.30

Curriculum and textbooks ..... \$140.39

Other supplies ..... \$278.05

Library materials ..... \$20.00

Instructional professional development for certificated and

classified staff..... \$21.71

Facilities maintenance ..... \$176.01

Security and central office administration..... \$121.94

(b) In addition to the amounts provided in (a) of this subsection, beginning in the 2014-15 school year, the omnibus appropriations act shall provide the following minimum allocation for each annual average full-time

equivalent student in grades nine through twelve for the following materials, supplies, and operating costs, to be adjusted annually for inflation:

Per annual average

full-time equivalent student

in grades 9-12

Technology .....\$36.35

Curriculum and textbooks.....\$39.02

Other supplies ..... \$77.28

Library materials..... \$5.56

Instructional professional development for certificated and

classified staff ..... \$6.04

(9) In addition to the amounts provided in subsection (8) of this section and subject to RCW 28A.150.265, the omnibus appropriations act shall provide an amount based on full-time equivalent student enrollment in each of the following:

(a) Exploratory career and technical education courses for students in grades seven through twelve;

(b) Preparatory career and technical education courses for students in grades nine through twelve offered in a high school; and

(c) Preparatory career and technical education courses for students in grades eleven and twelve offered through a skill center.

(10) In addition to the allocations otherwise provided under this section, amounts shall be provided to support the following programs and services:

(a)(i) To provide supplemental instruction and services for students who are not meeting academic standards through the learning assistance program under RCW 28A.165.005 through 28A.165.065, allocations shall be based on the greater of either: The district percentage of students in kindergarten through grade twelve who were eligible for free or reduced-price meals for the school year immediately preceding the district's participation, in whole or part, in the United States department of agriculture's community eligibility provision, or the district percentage of students in grades K-12 who were eligible for free or reduced-price meals in the prior school year. The minimum allocation for the program shall provide for each level of prototypical school resources to provide, on a statewide average, 2.3975 hours per week in extra instruction with a class size of fifteen learning assistance program students per teacher.

(ii) In addition to funding allocated under (a)(i) of this subsection, to provide supplemental instruction and services for students who are not meeting academic standards in qualifying schools. A qualifying school means a school in which the three-year rolling average of the prior year total annual average enrollment that qualifies for free or reduced-price meals equals or exceeds fifty percent or more of its

total annual average enrollment. A school continues to meet the definition of a qualifying school if the school: Participates in the United States department of agriculture's community eligibility provision; and met the definition of a qualifying school in the year immediately preceding their participation. The minimum allocation for this additional high poverty-based allocation must provide for each level of prototypical school resources to provide, on a statewide average, 1.1 hours per week in extra instruction with a class size of fifteen learning assistance program students per teacher, under RCW 28A.165.055, school districts must distribute the high poverty-based allocation to the schools that generated the funding allocation.

(b)(i) To provide supplemental instruction and services for students whose primary language is other than English, allocations shall be based on the head count number of students in each school who are eligible for and enrolled in the transitional bilingual instruction program under RCW 28A.180.010 through 28A.180.080. The minimum allocation for each level of prototypical school shall provide resources to provide, on a statewide average, 4.7780 hours per week in extra instruction for students in grades kindergarten through six and 6.7780 hours per week in extra instruction for students in grades seven through twelve, with fifteen transitional bilingual instruction program students per teacher. Notwithstanding other provisions of this subsection (10), the actual per-student allocation may be scaled to provide a larger allocation for students needing more intensive intervention and a commensurate reduced allocation for students needing less intensive intervention, as detailed in the omnibus appropriations act.

(ii) To provide supplemental instruction and services for students who have exited the transitional bilingual program, allocations shall be based on the head count number of students in each school who have exited the transitional bilingual program within the previous two years based on their performance on the English proficiency assessment and are eligible for and enrolled in the transitional bilingual instruction program under RCW 28A.180.040(1)(g). The minimum allocation for each prototypical school shall provide resources to provide, on a statewide average, 3.0 hours per week in extra instruction with fifteen exited students per teacher.

(c) To provide additional allocations to support programs for highly capable students under RCW 28A.185.010 through 28A.185.030, allocations shall be based on 5.0 percent of each school district's full-time equivalent basic education enrollment. The minimum allocation for the programs shall provide resources to provide, on a statewide average, 2.1590 hours per week in extra instruction with fifteen highly capable program students per teacher.

(11) The allocations under subsections (4)(a), (5), (6), and (8) of this section shall be enhanced as provided under RCW 28A.150.390 on an excess cost basis to provide supplemental instructional resources for students with disabilities.

(12)(a) For the purposes of allocations for prototypical high schools and middle schools under subsections (4) and

(10) of this section that are based on the percent of students in the school who are eligible for free and reduced-price meals, the actual percent of such students in a school shall be adjusted by a factor identified in the omnibus appropriations act to reflect underreporting of free and reduced-price meal eligibility among middle and high school students.

(b) Allocations or enhancements provided under subsections (4), (7), and (9) of this section for exploratory and preparatory career and technical education courses shall be provided only for courses approved by the office of the superintendent of public instruction under chapter 28A.700 RCW.

(13)(a) This formula for distribution of basic education funds shall be reviewed biennially by the superintendent and governor. The recommended formula shall be subject to approval, amendment or rejection by the legislature.

(b) In the event the legislature rejects the distribution formula recommended by the governor, without adopting a new distribution formula, the distribution formula for the previous school year shall remain in effect.

(c) The enrollment of any district shall be the annual average number of full-time equivalent students and part-time students as provided in RCW 28A.150.350, enrolled on the first school day of each month, including students who are in attendance pursuant to RCW 28A.335.160 and 28A.225.250 who do not reside within the servicing school district. The definition of full-time equivalent student shall be determined by rules of the superintendent of public instruction and shall be included as part of the superintendent's biennial budget request. The definition shall be based on the minimum instructional hour offerings required under RCW 28A.150.220. Any revision of the present definition shall not take effect until approved by the house ways and means committee and the senate ways and means committee.

(d) The office of financial management shall make a monthly review of the superintendent's reported full-time equivalent students in the common schools in conjunction with RCW 43.62.050.

**Sec. 46.** RCW 28A.405.415 and 2013 2nd sp.s. c 5 s 4 are each amended to read as follows:

(1) Certificated instructional staff who have attained certification from the national board for professional teaching standards shall receive a bonus each year in which they maintain the certification. The bonus shall be calculated as follows: The annual bonus shall be five thousand dollars in the 2007-08 school year. Thereafter, the annual bonus shall increase by inflation, except that the bonus shall not be increased during the 2013-14 and 2014-15 school years.

(2)(a) Certificated instructional staff who have attained certification from the national board for professional teaching standards shall be eligible for bonuses in addition to that provided by subsection (1) of this section if the individual is in an instructional assignment in a school in which at least seventy percent of the students qualify for the free and reduced-price lunch program.

(b) An individual is eligible for bonuses authorized under this subsection (2) if he or she is in an instructional assignment in a school that meets the definition of high poverty school as defined in rule by the office of the superintendent of public instruction in the school year immediately preceding the school's participation in the United States department of agriculture's community eligibility provision.

(3) The amount of the additional bonus under subsection (2) of this section for those meeting the qualifications of subsection (2) of this section is five thousand dollars.

(4) The bonuses provided under this section are in addition to compensation received under a district's salary schedule adopted in accordance with RCW 28A.405.200 and shall not be included in calculations of a district's average salary and associated salary limitations under RCW 28A.400.200.

(5) The bonuses provided under this section shall be paid in a lump sum amount."

On page 1, line 2 of the title, after "cost;" strike the remainder of the title and insert "amending RCW 28A.235.290, 28A.150.260, and 28A.405.415; adding a new section to chapter 28A.235 RCW; and creating a new section."

and the same is herewith transmitted.

Sarah Bannister, Deputy, Secretary

#### **SENATE AMENDMENT TO HOUSE BILL**

There being no objection, the House concurred in the Senate amendment to ENGROSSED SUBSTITUTE HOUSE BILL NO. 2660 and advanced the bill as amended by the Senate to final passage.

#### **FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED**

Representatives Riccelli and Steele spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 2660, as amended by the Senate.

#### **ROLL CALL**

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2660, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 95; Nays, 2; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chapman, Chopp, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin,

Jenkin, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Mead, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shea, Shewmake, Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Voting nay: Representatives Chandler and Kraft.

Excused: Representative Paul.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2660, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

#### **MESSAGE FROM THE SENATE**

March 6, 2020

Madame Speaker:

The Senate has passed SECOND SUBSTITUTE HOUSE BILL NO. 2793 with the following amendment:

46.0.

Strike everything after the enacting clause and insert the following:

"**NEW SECTION. Sec. 47.** (1) The administrative office of the courts shall conduct a study and a pilot project on streamlining the vacation of criminal convictions under RCW 9.96.060 (2)(b) and (5)(a) and 9.94A.640(2) through an administrative, court-driven process established under section 2 of this act.

(2) The administrative office of the courts shall:

(a) Determine the types of data currently available to the administrative office of the courts to assess eligibility under RCW 9.96.060 (2)(b) and (5)(a) and 9.94A.640(2);

(b) Evaluate additional types of information that should be reported to judicial information systems or directly to sentencing courts or the administrative office of the courts to improve the reliability of the screening process;

(c) Propose procedures for conducting queries of available records to assess eligibility, which may include, for example: (i) If applicable, whether a person is currently incarcerated for a criminal offense may be determined by reviewing the term of confinement reflected in the judgment and sentence document for his or her most recent criminal conviction; (ii) if applicable, whether a person completed his or her sentencing conditions, excluding legal financial obligations, and satisfied the waiting period under RCW 9.96.060(2)(b) (vi)(D) or (vii) or 9.94A.640(2) (e) or (f) may be determined by adding the waiting period to the terms of confinement and community custody reflected in the applicable judgment and sentence document; (iii) if applicable, the period for which a person must not have been convicted of any new criminal offense under RCW 9.96.060(2)(b)(viii) or 9.94A.640(2) (c) or (d) may be determined based on the date of the query conducted by the administrative office of the courts, rather than the date of

application; and (iv) any other procedures deemed necessary by the administrative office of the courts;

(d) Assess whether any changes to laws, policies, or practices or additional resources are necessary to improve the reliability of the process for the pilot program and for launching a similar program statewide;

(e) Develop an implementation plan for the pilot program under section 2 of this act; and

(f) Make additional recommendations deemed appropriate and necessary by the administrative office of the courts.

(3) The administrative office of the courts shall report to the governor and the appropriate committees of the legislature, as follows:

(a) A report with findings, recommendations, and an implementation plan must be submitted by December 1, 2020;

(b) A status update on the pilot program must be submitted by December 1, 2021; and

(c) A final report on the pilot program, including a summary of data collected under section 2 of this act and other findings and recommendations, must be submitted by December 1, 2022.

(4) When conducting the evaluation and pilot program required under this section and section 2 of this act, the administrative office of the courts shall consult with county clerks and court administrators, judges, prosecuting attorneys, defense attorneys, the department of corrections, county and city departments, national and local organizations with interest or experience in vacating or sealing criminal convictions, national and local organizations with experience in developing automated vacating or sealing procedures in other states, organizations and persons with relevant technical expertise in computer and records systems, and any other entities with relevant records.

(5) This section expires June 30, 2025.

**NEW SECTION. Sec. 48.** (1) Beginning July 1, 2021, through June 30, 2022, the administrative office of the courts shall conduct a pilot program for streamlining the vacation of criminal convictions under RCW 9.96.060 (2)(b) and (5)(a) and 9.94A.640(2) through an administrative, court-driven process. After consulting with courts of general and limited jurisdiction, the administrative office of the courts shall select a county in which to conduct the pilot program. The sentencing courts within the county selected for the pilot program shall comply with the requirements of this section, and further provide information to the administrative office of the courts necessary for the reporting requirement under subsection (4) of this section.

(2) When conducting the pilot program, the administrative office of the courts shall review convictions from the participating county for the purpose of determining whether those convictions should be scheduled for administrative vacation hearings. If appropriate and necessary for producing reliable notifications to sentencing

courts participating in the pilot program, the administrative office of the courts may limit the screening process to certain types or classes of convictions or defendants. The process must:

(a) Review convictions beginning at the earliest period for which electronic court records are reliable, provided that the review applies to convictions beginning no later than January 1, 2000;

(b) Rely upon records available to the administrative office of the courts through judicial information systems and other agencies including, but not limited to, the Washington state patrol and the department of corrections;

(c) Determine whether a defendant is currently incarcerated for a criminal offense, and whether available records indicate that he or she is precluded from qualifying to vacate his or her misdemeanor conviction under RCW 9.96.060 (2)(b) or (5)(a) or his or her felony conviction under RCW 9.94A.640(2), which may be based on queries and other procedures developed by the administrative office of the courts including, but not limited to, those referenced in section 1(2)(c) of this act;

(d) Notify sentencing courts to schedule an administrative vacation hearing for any defendant where a review of available records does not indicate that the defendant is precluded from qualifying to vacate his or her conviction;

(e) Prioritize potentially qualifying defendants according to criteria established by the administrative office of the courts so as not to hinder sentencing courts with excessing notifications; and

(f) Review records and provide notifications on a monthly or quarterly basis, as determined by the administrative office of the courts.

(3)(a) Beginning July 1, 2021, through June 30, 2022, sentencing courts within the county selected for the pilot program under this section shall conduct regularly scheduled administrative vacation hearings.

(b) When a participating sentencing court receives notice from the administrative office of the courts under subsection (2) of this section regarding a defendant potentially qualifying to vacate his or her conviction, the court shall set an administrative vacation hearing. At an administrative vacation hearing, the court shall determine whether to vacate the conviction based on the requirements for the particular offense under RCW 9.96.060 (2)(b) or (5)(a) or 9.94A.640(2). The defendant is presumed to meet the requirements and the court shall vacate the conviction, unless: Court records indicate that the defendant does not meet the requirements; or the prosecutor objects on the basis that the defendant does not meet the requirements or that the defendant is currently incarcerated for a criminal offense, provided that such objection is made with sufficient particularity and supporting information. If the court determines the defendant is not currently eligible, but is likely to become eligible in the future, the court may set a subsequent administrative vacation hearing at an appropriate date determined by the court. Otherwise, the court may

decline to vacate the conviction without setting a subsequent hearing.

(c) For the purposes of conducting proceedings under this section, the requirements under RCW 9.96.060 (2)(b) and (5)(a) apply to misdemeanors and the requirements under RCW 9.94A.640(2) apply to felonies, except a defendant is not required to: File a petition or application; provide notice to relevant parties; or appear at an administrative hearing. If the court vacates a conviction under this section, it shall achieve the vacation through the procedure provided in RCW 9.96.060(1). A vacation under this section is processed in the same manner and has the same effect as provided under RCW 9.96.060 (6) and (7) for a misdemeanor or RCW 9.94A.640(3) for a felony. Regardless of whether a hearing under this section has previously occurred or is scheduled at a future date, nothing in this section prohibits a defendant from applying to the court to: Vacate a conviction under RCW 9.96.060 or 9.94A.640; or seal his or her conviction or vacation records under court rules.

(4) The administrative office of the courts shall collect the following information with respect to convictions where notifications were sent to sentencing courts through the pilot program, including: The number of notifications sent to sentencing courts; the number of administrative hearings held; the number of vacations granted at administrative hearings; the number of convictions where the court set a future administrative hearing based on predicted eligibility; the number of convictions where the court declined to vacate the convictions without setting a future administrative hearing; and other data deemed relevant by the administrative office of the courts. The administrative office of the courts shall include a summary of the data, including by type of court and for the entire pilot program, in its reports required under section 1(3) (b) and (c) of this act.

(5) This section expires June 30, 2025.

**Sec. 49.** RCW 9.96.060 and 2019 c 400 s 1, 2019 c 331 s 4, and 2019 c 46 s 5010 are each reenacted and amended to read as follows:

(1) When vacating a conviction under this section, the court effectuates the vacation by: (a)(i) Permitting the applicant to withdraw the applicant's plea of guilty and to enter a plea of not guilty; or (ii) if the applicant has been convicted after a plea of not guilty, the court setting aside the verdict of guilty; and (b) the court dismissing the information, indictment, complaint, or citation against the applicant and vacating the judgment and sentence.

(2)(a) Every person convicted of a misdemeanor or gross misdemeanor offense may apply to the sentencing court for a vacation of the applicant's record of conviction for the offense. If the court finds the applicant meets the requirements of (b) of this subsection, the court may in its discretion vacate the record of conviction.

(b) Except as provided in subsections (3), (4), and (5) of this section, ~~((an applicant))~~ a defendant may not have the record of conviction for a misdemeanor or gross misdemeanor offense vacated if any one of the following is present:

~~((a))~~ (i) The ~~((applicant))~~ defendant has not completed all of the terms of the sentence for the offense;

~~((b))~~ (ii) There are any criminal charges against the ~~((applicant))~~ defendant pending in any court of this state or another state, or in any federal or tribal court, at the time of application;

~~((c))~~ (iii) The offense was a violent offense as defined in RCW 9.94A.030 or an attempt to commit a violent offense;

~~((d))~~ (iv) The offense was a violation of RCW 46.61.502 (driving while under the influence), 46.61.504 (actual physical control while under the influence), 9.91.020 (operating a railroad, etc. while intoxicated), or the offense is considered a "prior offense" under RCW 46.61.5055 and the ~~((applicant))~~ defendant has had a subsequent alcohol or drug violation within ten years of the date of arrest for the prior offense or less than ten years has elapsed since the date of the arrest for the prior offense;

~~((e))~~ (v) The offense was any misdemeanor or gross misdemeanor violation, including attempt, of chapter 9.68 RCW (obscenity and pornography), chapter 9.68A RCW (sexual exploitation of children), or chapter 9A.44 RCW (sex offenses), except for failure to register as a sex offender under RCW 9A.44.132;

~~((f))~~ (vi) The ~~((applicant))~~ defendant was convicted of a misdemeanor or gross misdemeanor offense as defined in RCW 10.99.020, or the court determines after a review of the court file that the offense was committed by one family member or household member against another, or the court, after considering the damage to person or property that resulted in the conviction, any prior convictions for crimes defined in RCW 10.99.020, or for comparable offenses in another state or in federal court, and the totality of the records under review by the court regarding the conviction being considered for vacation, determines that the offense involved domestic violence, and any one of the following factors exist:

~~((i))~~ ~~The applicant~~ (A) If the defendant is requesting a vacation through an application, the defendant has not provided written notification of the vacation petition to the prosecuting attorney's office that prosecuted the offense for which vacation is sought, or has not provided that notification to the court;

~~((ii))~~ (B) The ~~((applicant))~~ defendant has two or more domestic violence convictions stemming from different incidents. For purposes of this subsection, however, if the current application is for more than one conviction that arose out of a single incident, none of those convictions counts as a previous conviction;

~~((iii))~~ (C) The ~~((applicant))~~ defendant has signed an affidavit under penalty of perjury affirming that the applicant has not previously had a conviction for a domestic violence offense, and a criminal history check reveals that the applicant has had such a conviction; or

~~((iv))~~ (D) Less than five years have elapsed since the person completed the terms of the original conditions of the sentence, including any financial obligations and successful

completion of any treatment ordered as a condition of sentencing;

~~((g))~~ (vii) For any offense other than those described in ~~((f))~~ (vi) of this subsection, less than three years have passed since the person completed the terms of the sentence, including any financial obligations;

~~((h))~~ (viii) The offender has been convicted of a new crime in this state, another state, or federal or tribal court in the three years prior to the vacation application; or

~~((i))~~ (ix) The ~~((applicant))~~ defendant is currently restrained by a domestic violence protection order, a no-contact order, an antiharassment order, or a civil restraining order which restrains one party from contacting the other party or was previously restrained by such an order and was found to have committed one or more violations of the order in the five years prior to the vacation application.

(3) Subject to RCW 9.96.070, every person convicted of prostitution under RCW 9A.88.030 who committed the offense as a result of being a victim of trafficking, RCW 9A.40.100, promoting prostitution in the first degree, RCW 9A.88.070, promoting commercial sexual abuse of a minor, RCW 9.68A.101, or trafficking in persons under the trafficking victims protection act of 2000, 22 U.S.C. Sec. 7101 et seq. may apply to the sentencing court for vacation of the applicant's record of conviction for the prostitution offense. An applicant may not have the record of conviction for prostitution vacated if any one of the following is present:

(a) There are any criminal charges against the applicant pending in any court of this state or another state, or in any federal court, for any crime other than prostitution; or

(b) The offender has been convicted of another crime, except prostitution, in this state, another state, or federal court since the date of conviction. The limitation in this subsection (3)(b) does not apply to convictions where the offender proves by a preponderance of the evidence that he or she committed the crime as a result of being a victim of trafficking, RCW 9A.40.100, promoting prostitution in the first degree, RCW 9A.88.070, promoting commercial sexual abuse of a minor, RCW 9.68A.101, or trafficking in persons under the trafficking victims protection act of 2000, 22 U.S.C. Sec. 7101 et seq., according to the requirements provided in RCW 9.96.070 for each respective conviction.

(4) Every person convicted prior to January 1, 1975, of violating any statute or rule regarding the regulation of fishing activities, including, but not limited to, RCW 75.08.260, 75.12.060, 75.12.070, 75.12.160, 77.16.020, 77.16.030, 77.16.040, 77.16.060, and 77.16.240 who claimed to be exercising a treaty Indian fishing right, may apply to the sentencing court for vacation of the applicant's record of the misdemeanor, gross misdemeanor, or felony conviction for the offense. If the person is deceased, a member of the person's family or an official representative of the tribe of which the person was a member may apply to the court on behalf of the deceased person. Notwithstanding the requirements of RCW 9.94A.640, the court shall vacate the record of conviction if:

(a) The applicant is a member of a tribe that may exercise treaty Indian fishing rights at the location where the offense occurred; and

(b) The state has been enjoined from taking enforcement action of the statute or rule to the extent that it interferes with a treaty Indian fishing right as determined under *United States v. Washington*, 384 F. Supp. 312 (W.D. Wash. 1974), or *Sohappy v. Smith*, 302 F. Supp. 899 (D. Oregon 1969), and any posttrial orders of those courts, or any other state supreme court or federal court decision.

(5)(a) Every person convicted of a misdemeanor marijuana offense, who was twenty-one years of age or older at the time of the offense, ~~((may apply to the sentencing court for a vacation of the applicant's))~~ qualifies to have his or her record of conviction for the offense vacated by the sentencing court. A misdemeanor marijuana offense includes, but is not limited to: Any offense under RCW 69.50.4014, from July 1, 2004, onward, and its predecessor statutes, including RCW 69.50.401(e), from March 21, 1979, to July 1, 2004, and RCW 69.50.401(d), from May 21, 1971, to March 21, 1979, and any offense under an equivalent municipal ordinance.

~~((b) If ((an applicant qualifies)) a qualifying defendant applies to the sentencing court under this subsection, the court shall vacate the record of conviction.~~

(6)(a) Except as provided in (c) of this subsection, once the court vacates a record of conviction under this section, the person shall be released from all penalties and disabilities resulting from the offense and the fact that the person has been convicted of the offense shall not be included in the person's criminal history for purposes of determining a sentence in any subsequent conviction. For all purposes, including responding to questions on employment or housing applications, a person whose conviction has been vacated under this section may state that he or she has never been convicted of that crime. However, nothing in this section affects the requirements for restoring a right to possess a firearm under RCW 9.41.040. Except as provided in (b) of this subsection, nothing in this section affects or prevents the use of an offender's prior conviction in a later criminal prosecution.

(b) When a court vacates a record of domestic violence as defined in RCW 10.99.020 under this section, the state may not use the vacated conviction in a later criminal prosecution unless the conviction was for: (i) Violating the provisions of a restraining order, no-contact order, or protection order restraining or enjoining the person or restraining the person from going on to the grounds of or entering a residence, workplace, school, or day care, or prohibiting the person from knowingly coming within, or knowingly remaining within, a specified distance of a location (RCW 10.99.040, 10.99.050, 26.09.300, 26.10.220, 26.26B.050, 26.44.063, 26.44.150, 26.50.060, 26.50.070, 26.50.130, 26.52.070, or 74.34.145); or (ii) stalking (RCW 9A.46.110). A vacated conviction under this section is not considered a conviction of such an offense for the purposes of 27 C.F.R. 478.11.

(c) A conviction vacated on or after July 28, 2019, qualifies as a prior conviction for the purpose of charging a



present recidivist offense as defined in RCW 9.94A.030 occurring on or after July 28, 2019.

(7) The clerk of the court in which the vacation order is entered shall immediately transmit the order vacating the conviction to the Washington state patrol identification section and to the local police agency, if any, which holds criminal history information for the person who is the subject of the conviction. The Washington state patrol and any such local police agency shall immediately update their records to reflect the vacation of the conviction, and shall transmit the order vacating the conviction to the federal bureau of investigation. A conviction that has been vacated under this section may not be disseminated or disclosed by the state patrol or local law enforcement agency to any person, except other criminal justice enforcement agencies.

**NEW SECTION. Sec. 50.** Sections 1 and 2 of this act constitute a new chapter in Title 10 RCW."

On page 1, line 1 of the title, after "records;" strike the remainder of the title and insert "reenacting and amending RCW 9.96.060; adding a new chapter to Title 10 RCW; and providing expiration dates."

and the same is herewith transmitted.

Sarah Bannister, Deputy, Secretary

#### SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to SECOND SUBSTITUTE HOUSE BILL NO. 2793 and advanced the bill as amended by the Senate to final passage.

#### FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representatives Hansen and Klippert spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Second Substitute House Bill No. 2793, as amended by the Senate.

#### ROLL CALL

The Clerk called the roll on the final passage of Second Substitute House Bill No. 2793, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 90; Nays, 7; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Duerr, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Mead, Morgan, Mosbrucker, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Sells, Senn,

Shea, Shewmake, Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Voting nay: Representatives Dufault, Dye, Jenkin, Kraft, Orcutt, Schmick and Vick.

Excused: Representative Paul.

SECOND SUBSTITUTE HOUSE BILL NO. 2793, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

#### MESSAGE FROM THE SENATE

March 6, 2020

Madame Speaker:

The Senate has passed ENGROSSED HOUSE BILL NO. 2811 with the following amendment:  
50.0.

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** The legislature finds that environmental and sustainability education offers a rich and meaningful context for integrated learning and teaching. The legislature also finds that nonprofit community-based organizations are uniquely positioned to strengthen classroom learning by partnering and collaborating with schools and local employers to offer K-12 educators work-integrated learning experiences that address the Washington state science learning standards including next generation science standards. Close collaboration with educational service district's regional science coordinators can optimize learning by helping align next generation science standards implementation with community-based organization initiatives to ensure all students have access to engaging field experiences allowing them to understand the scientific, social, and economic impacts of healthy community resources such as gardens, watersheds and water systems, energy systems, or forests so they can participate in solutions to problems such as ocean acidification, rural economic development, or ecosystems impacted by megafires.

**NEW SECTION. Sec. 2.** A new section is added to chapter 28A.300 RCW to read as follows:

(1) The office of the superintendent of public instruction shall provide state leadership for the integration of environmental and sustainability content with curriculum, instruction, and assessment.

(2)(a) Subject to funds appropriated for this specific purpose, the office of the superintendent of public instruction shall contract on a competitive basis with a Washington state-based qualified 501(c)(3) nonprofit community-based organization to integrate the state learning standards in English language arts, mathematics, and science with outdoor field studies and project-based and work-based learning opportunities aligned with the environmental, natural resources, and agricultural sectors.

(b) The selected Washington state nonprofit organization must work collaboratively with the office of the

superintendent of public instruction and educational service districts to:

(i) Build systemic programming that connects administrators, school boards, and communities to support teacher practice and student opportunities for the strengthened delivery of environmental and sustainability education;

(ii) Support K-12 educators to teach students integrated, equitable, locally relevant, real-world environmental science and engineering outdoors, aligned to Washington science and environmental and sustainability education standards, and provide opportunities to engage students in renewable natural resource career awareness; and

(iii) Deliver learning materials, opportunities, and resources including, but not limited to:

(A) Providing opportunities outside the classroom to connect transdisciplinary content, concepts, and skills in the context of the local community;

(B) Encouraging application of critical and creative thinking skills to identify and analyze issues, seek answers, and engineer solutions;

(C) Creating community-connected, local opportunities to engage students in stewardship projects that enhance their interest in sustaining the ecosystem and respecting natural resources;

(D) Providing work-based learning opportunities for careers in the environmental science and engineering, natural resources, sustainability, renewable energy, agriculture, and outdoor recreation sectors and build skills for completion of industry recognized certifications; and

(E) Providing models for integrating since time immemorial in teaching materials so that students learn the unique heritage, history, culture, and government of the nearest federally recognized Indian tribe or tribes.

(c) Priority focus must be given to schools that have been identified for improvement through the Washington school improvement framework and communities historically underserved by science education. These communities can include, but are not limited to, tribal nations including tribal compact schools, migrant students, schools with high free and reduced-price lunch populations, rural and remote schools, students in alternative learning environments, students of color, English language learner students, and students receiving special education services.

(3) For the purposes of this section, a "qualified 501(c)(3) nonprofit community-based organization" means a nonprofit organization physically located in Washington state that:

(a) Has multiple years of experience collaborating with school districts across the state to provide high quality professional development to kindergarten through twelfth grade educators to teach students real-world environmental science and engineering outside the classroom;

(b) Whose materials and instructional practices align with Washington's environmental and sustainability learning

standards and the Washington state learning standards, including the common core standards for mathematics and English language arts;

(c) Whose materials and instructional practices emphasize the next generation science standards to support local, relevant, and field-based learning experiences; and

(d) Delivers project-based learning materials and resources that incorporate career connections to local businesses and community-based organizations, contain professional development support for classroom teachers, have measurable assessment objectives, and have demonstrated community support."

On page 1, line 2 of the title, after "program;" strike the remainder of the title and insert "adding a new section to chapter 28A.300 RCW; and creating a new section."

and the same is herewith transmitted.

Sarah Bannister, Deputy, Secretary

### SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to ENGROSSED HOUSE BILL NO. 2811 and advanced the bill as amended by the Senate to final passage.

### FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representative Johnson spoke in favor of the passage of the bill.

Representative Steele spoke against the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed House Bill No. 2811, as amended by the Senate.

### ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 2811, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 57; Nays, 40; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Bergquist, Blake, Callan, Chapman, Chopp, Cody, Davis, Doglio, Dolan, Duerr, Entenman, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hansen, Hudgins, J. Johnson, Kilduff, Kirby, Kloba, Leavitt, Lekanoff, Lovick, Macri, Mead, Morgan, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Ryu, Santos, Sells, Senn, Shewmake, Slatter, Springer, Stonier, Sullivan, Tarleton, Thai, Tharinger, Valdez, Walen, Wylie, Ybarra and Mme. Speaker.

Voting nay: Representatives Barkis, Boehnke, Caldier, Chambers, Chandler, Corry, DeBolt, Dent, Dufault, Dye, Eslick, Gildon, Goehner, Graham, Griffey, Harris, Hoff, Irwin, Jenkin, Klippert, Kraft, Kretz, MacEwen, Maycumber, McCaslin, Mosbrucker, Orcutt, Rude,

Schmick, Shea, Smith, Steele, Stokesbary, Sutherland, Van Werven, Vick, Volz, Walsh, Wilcox and Young.

Excused: Representative Paul.

ENGROSSED HOUSE BILL NO. 2811, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

### MESSAGE FROM THE SENATE

March 6, 2020

Madame Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 2905 with the following amendment:

2.0.

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 3.** The legislature recognizes that oral disease is the most common childhood chronic disease, yet is almost entirely preventable, impacting school readiness, future employability, and overall well-being and quality of life. The access to baby and child dentistry program has made Washington a leader in oral health care access across the nation, providing greater levels of access and utilization for medicaid eligible children under six years old. The legislature further recognizes that the access to baby and child dentistry program connects children to a dental home in their communities, enabling children to get off to a healthy start. While the state has made great strides, children of color continue to experience higher rates of tooth decay than their peers and children under the age of two are not accessing care at the same rate as older children. Therefore, it is the legislature's intent to expand on the program investments the state has already made to provide additional outreach and support to eligible families and providers, increase very young children's access to care, and further reduce racial and ethnic disparities in access to care and oral health outcomes.

**NEW SECTION. Sec. 4.** A new section is added to chapter 74.09 RCW to read as follows:

(1) The authority, in consultation with the office of equity, created in chapter . . . (Engrossed Second Substitute House Bill No. 1783), Laws of 2020, shall work with the statewide managing partner of the access to baby and child dentistry program to develop a local access to baby and child dentistry program fund allocation formula, key deliverables, and target metrics for increased outreach and provider engagement and support with the goal of reducing racial and ethnic disparities.

(2) The authority, in consultation with the office of equity, created in chapter . . . (Engrossed Second Substitute House Bill No. 1783), Laws of 2020, shall collaborate with stakeholders to monitor progress toward the goals articulated in subsection (1) of this section and provide support to local access to baby and child dentistry programs and providers."

On page 1, line 2 of the title, after "programs;" strike the remainder of the title and insert "adding a new section to chapter 74.09 RCW; and creating a new section."

and the same is herewith transmitted.

Sarah Bannister, Deputy, Secretary

### SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to SUBSTITUTE HOUSE BILL NO. 2905 and advanced the bill as amended by the Senate to final passage.

### FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representatives Johnson and Caldier spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2905, as amended by the Senate.

### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2905, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Mead, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shea, Shewmake, Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wyllie, Ybarra, Young and Mme. Speaker.

Excused: Representative Paul.

SUBSTITUTE HOUSE BILL NO. 2905, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

### MESSAGE FROM THE SENATE

March 6, 2020

Madame Speaker:

The Senate has passed HOUSE BILL NO. 2926 with the following amendment:

4.0.

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 5.** A new section is added to chapter 43.101 RCW to read as follows:

(1) Subject to the availability of amounts appropriated for this specific purpose, the commission shall conduct outreach and coordinate with local law enforcement agencies, fire departments, and other first responder service providers for the purpose of expanding critical incident stress management programs to law enforcement personnel, firefighters, and other first responders statewide. The commission shall conduct an inventory of the current critical incident stress management programs in the state, including an assessment of underserved agencies and regions. The commission shall coordinate with law enforcement agencies, law enforcement organizations, community partners, fire departments, and other first response service organizations to provide greater access to critical incident stress management programs, including peer support group counselors under RCW 5.60.060, and may further assist agencies with establishing interagency and regional service agreements to facilitate expansion of these programs.

(2) The commission shall submit a preliminary report by July 1, 2021, and submit a final report, including a summary of the inventory and efforts to expand programs, by July 1, 2022, to the governor and the appropriate committees of the legislature.

(3) This section expires January 1, 2023."

On page 1, line 2 of the title, after "programs;" strike the remainder of the title and insert "adding a new section to chapter 43.101 RCW; and providing an expiration date."

and the same is herewith transmitted.

Sarah Bannister, Deputy, Secretary

#### **SENATE AMENDMENT TO HOUSE BILL**

There being no objection, the House concurred in the Senate amendment to HOUSE BILL NO. 2926 and advanced the bill as amended by the Senate to final passage.

#### **FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED**

Representatives Maycumber and Bergquist spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of House Bill No. 2926, as amended by the Senate.

#### **ROLL CALL**

The Clerk called the roll on the final passage of House Bill No. 2926, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, J. Johnson, Kilduff, Kirby, Klippert, Kloba,

Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Mead, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shea, Shewmake, Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Excused: Representative Paul.

HOUSE BILL NO. 2926, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

#### **RECONSIDERATION**

There being no objection, the House immediately reconsidered the vote by which ENGROSSED HOUSE BILL NO. 1390 as amended by the Senate passed the House.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed House Bill No. 1390, as amended by the Senate, on reconsideration.

#### **ROLL CALL**

The Clerk called the roll on the final passage of Engrossed House Bill No. 1390, as amended by the Senate, on reconsideration, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Mead, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shea, Shewmake, Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Excused: Representative Paul.

ENGROSSED HOUSE BILL NO. 1390, as amended by the Senate, on reconsideration, having received the necessary constitutional majority, was declared passed.

#### **MESSAGE FROM THE SENATE**

March 6, 2020

Mme. SPEAKER:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 2816, with the following amendment:

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 6.** The legislature finds that each school community member should be treated with dignity, should have the opportunity to learn, work, interact, and socialize in physically, emotionally, and intellectually safe, respectful, and positive school environments, and should have the opportunity to experience high quality relationships. The legislature recognizes that schools have the responsibility to promote conditions designed to create, maintain, and nurture a positive social and emotional school and classroom climate. Therefore, the legislature intends to require the Washington state school directors' association to develop a model policy and procedure for nurturing a positive social and emotional school and classroom climate for all students. The legislature intends to require school districts to adopt elements of the model policy and procedure that protect the integrity of learning environments and allow school districts to adopt other elements of the model.

**NEW SECTION. Sec. 7.** A new section is added to chapter 28A.345 RCW to read as follows:

(1) The Washington state school directors' association shall develop a model policy and procedure for nurturing a positive social and emotional school and classroom climate. The goal of the policy and procedure is to support and promote school and school district action plans that create, maintain, and nurture physically, emotionally, and intellectually safe, respectful, and positive school and classroom environments that foster equitable, ethical, social, emotional, and academic education for all students. The association shall update the model policy and procedure periodically to align with the work of the social-emotional learning committee created under RCW 28A.300.477.

(2) The model policy and procedure must include the following elements:

(a) Recognize that there is not one best way to create, maintain, and nurture a positive social and emotional school and classroom climate and consider each school's history, strengths, needs, and goals;

(b) Define and describe the essential elements of a positive social and emotional school and classroom climate, which must align with the social-emotional learning standards and benchmarks adopted by the office of the superintendent of public instruction under RCW 28A.300.478;

(c) Recognize the important role that students' families play in collaborating with the school and school district in creating, maintaining, and nurturing a positive social and emotional school and classroom climate; and

(d) Describe a framework for an effective and informed positive social and emotional school and classroom climate improvement process that includes a continuous cycle of planning and preparation, evaluation, action planning, and implementation.

(3)(a) The model policy and procedure must also protect the integrity of learning environments with the following elements:

(i) School districts must provide information to the parents and guardians of enrolled students regarding students' rights to a free public education, regardless of immigration status or religious beliefs.

(ii) School districts must provide meaningful access to this information for families with limited English proficiency.

(b) The elements described in this subsection (3) may be included in a separate model policy and procedure.

(4) In developing the model policy and procedure described in this section, the Washington state school directors' association must:

(a) Consult with staff at the office of the superintendent of public instruction and organizations with expertise in social and emotional health and in equity, race, and inclusive learning environments;

(b) Work with the social-emotional learning committee created under RCW 28A.300.477 to align the climate improvement framework with the statewide framework for social-emotional learning;

(c) Consider the relationship between the model policy and procedure and policies related to student behaviors and student discipline; and

(d) Review research on, and examples of effective implementation of, restorative practices, collaborative and proactive practices, trauma-sensitive and trauma-informed practices, classroom management, and other topics related to the goal of the policy as identified in subsection (1) of this section.

(5) The model policy and procedure developed under this section must be posted publicly on the Washington state school directors' association's web site by March 1, 2021. Updates to the model policy and procedure must be posted publicly within a reasonable time of development.

(6)(a) By the beginning of the 2021-22 school year, each school district must adopt or amend if necessary policies and procedures that, at a minimum, incorporate all the elements described in subsection (3) of this section. School districts must periodically review their policies and procedures for consistency with updated versions of the model policy.

(b) By the beginning of the 2021-22 school year, each school district may adopt or amend if necessary policies and procedures that incorporate the elements described in subsection (2) of this section. School districts may periodically review their policies and procedures for consistency with updated versions of the model policy."

On page 1, line 2 of the title, after "climates;" strike the remainder of the title and insert "adding a new section to chapter 28A.345 RCW; and creating a new section."

and the same are herewith transmitted.

Sarah Bannister, Deputy Secretary

# SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House refused to concur in the Senate amendment to ENGROSSED SUBSTITUTE HOUSE BILL NO. 2816 and asked the Senate to recede therefrom.

## MESSAGE FROM THE SENATE

March 6, 2020

Mme. SPEAKER:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 2320, with the following amendment:

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** (1) The legislature finds that human trafficking is a serious problem in the United States and in the state of Washington. Polaris project, the largest anti-human trafficking organization in the United States, hosts the national human trafficking hotline. Since the hotline's inception in 2007, over fifty thousand human trafficking cases have been discovered. In 2018, the hotline identified over twenty-three thousand survivors of human trafficking nationally. Human trafficking is an international problem that will continue to exploit the most vulnerable individuals in a community if proper training and identification support is not provided to the community at large.

(2) The legislature also recognizes that human trafficking is prevalent within hotels and motels across the country and in Washington. In 2018, eighty-one percent of the active sex trafficking cases in the United States involved a victim who was compelled to provide a commercial sexual act at a hotel. In 2017, forty-five percent of youth victims surveyed reported having been exploited in hotels. There is evidence to suggest that training can be an effective way of raising awareness about human trafficking. According to the Washington-based anti-trafficking group businesses ending slavery and trafficking, hoteliers who received human trafficking awareness training reported a significant increase in the likelihood that they would call law enforcement if they suspected trafficking.

(3) It is the intent of the legislature to work toward the goal of ridding hotels and other places of accommodation in Washington of human trafficking.

**NEW SECTION. Sec. 2.** A new section is added to chapter 70.62 RCW to read as follows:

(1) A transient accommodation shall provide annual training regarding human trafficking to each of its employees.

(2) Training must be provided to all employees no later than January 1, 2021, and to new employees no later than ninety days after they begin their employment.

(3) The training required under this section must include, at a minimum, the following:

(a) The definition of human trafficking and commercial exploitation of children, and the difference between sex trafficking and labor trafficking;

(b) Content that is culturally responsive;

(c) Guidance specific to the public lodging sector concerning how to identify individuals who may be victims of human trafficking based on behaviors and traits of trafficking regardless of race, creed, color, national origin, sex, sexual orientation, or class;

(d) Guidance concerning the role of the employees in appropriately responding to suspected human trafficking; and

(e) The contact information of appropriate agencies, including a national human trafficking hotline telephone number and the telephone numbers of appropriate local law enforcement agencies.

(4) By January 1, 2021, every operator of a transient accommodation shall post in a location conspicuous to employees signage regarding human trafficking awareness, printed in an easily legible font in English and any other language spoken by at least ten percent of the employees.

(5) By January 1, 2021, every operator of a transient accommodation shall implement procedures for the voluntary reporting of suspected human trafficking to the national human trafficking hotline or to a local law enforcement agency, and a policy to act as a guide for all employees on human trafficking prevention.

(6) Contents of the training and copies of the signage must be made available for inspection, upon request by the department.

**Sec. 3.** RCW 70.62.260 and 2004 c 162 s 1 are each amended to read as follows:

(1)(a) No person shall operate a transient accommodation as defined in this chapter without having a valid license issued by the department. Applications for a transient accommodation license shall be filed with the department sixty days or more before initiating business as a transient accommodation. All licenses issued under the provisions of this chapter shall expire one year from the effective date.

(b) The department may not renew or issue a license to an applicant without first receiving written certification from the applicant that the human trafficking training requirements under section 2 of this act regarding training, signage, and procedures for reporting have been met.

(2) All applications for renewal of licenses shall be either: (a) Postmarked no later than midnight on the date the license expires; or (b) if personally presented to the department or sent by electronic means, received by the department by 5:00 p.m. on the date the license expires.

(3) A licensee that submits a license renewal application in accordance with this section and the rules and fee schedule adopted under this chapter shall be deemed to

possess a valid license for the year following the expiration date of the expiring license, or until the department suspends or revokes the license pursuant to RCW 70.62.270.

(4) The license of a licensee that fails to submit a license renewal application in accordance with this section, and the rules and fee schedule adopted under this chapter, shall become invalid on the thirty-fifth day after the expiration date, unless the licensee shall have corrected any and all deficiencies in the renewal application and paid a penalty fee as established by rule by the department before the thirty-fifth day following the expiration date. An invalid license may be reinstated upon reapplication as an applicant for a new license under subsection (1) of this section.

(5) Each license shall be issued only for the premises and persons named in the application."

On page 1, line 1 of the title, after "trafficking;" strike the remainder of the title and insert "amending RCW 70.62.260; adding a new section to chapter 70.62 RCW; and creating a new section."

and the same are herewith transmitted.

Sarah Bannister, Deputy Secretary

#### SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House refused to concur in the Senate amendment to SUBSTITUTE HOUSE BILL NO. 2320 and asked the Senate to recede therefrom.

#### MESSAGE FROM THE SENATE

March 7, 2020

Madame Speaker:

The Senate refuses to concur in the House amendment to ENGROSSED SUBSTITUTE SENATE BILL NO. 6189 and asks the House to recede therefrom,

and the same is herewith transmitted.

Sarah Bannister, Deputy Secretary

#### HOUSE AMENDMENT TO SENATE BILL

There being no objection, the House receded from its amendment. The rules were suspended and ENGROSSED SUBSTITUTE SENATE BILL NO. 6189 was returned to second reading for the purpose of amendment.

There being no objection, the House reverted to the sixth order of business.

#### SECOND READING

**ENGROSSED SUBSTITUTE SENATE BILL NO. 6189, by Senators Wellman, Mullet, Pedersen, Zeiger, Kuderer, Das, Short, Wilson and C.**

**Clarifying eligibility for school employees' benefits board coverage. Revised for 1st Substitute: Concerning**

#### **eligibility for school employees' benefits board coverage.**

Representative Bergquist moved the adoption of the amendment (2177):

3.0. On page 3, after line 18, insert the following:

**"NEW SECTION. Sec. 5.** A new section is added to chapter 41.05 RCW to read as follows:

(1) A school employee eligible as of February 29, 2020, for the employer contribution towards benefits offered by the school employees' benefits board shall maintain their eligibility for the employer contribution under the following circumstances directly related or in response to the governor's February 29, 2020, proclamation of a state of emergency existing in all counties in the state of Washington related to the novel coronavirus (COVID-19):

(a) During any school closures or changes in school operations for the school employee;

(b) While the school employee is quarantined or required to care for a family member, as defined by RCW 49.46.210(2), who is quarantined; and

(c) In order to take care of a child as defined by RCW 49.46.210(2), when the child's:

(i) School is closed;

(ii) Regular day care facility is closed; or

(iii) Regular child care provider is unable to provide services.

(2) Requirements in subsection (1) of this section expires when the governor's state of emergency related to the novel coronavirus (COVID-19) ends.

(3) When regular school operations resume, school employees shall continue to maintain their eligibility for the employer contribution for the remainder of the school year so long as their work schedule returns to the schedule in place before February 29, 2020, or, if there is a change in schedule, so long as the new schedule, had it been in effect at the start of the school year, would have resulted in the employee being anticipated to work the minimum hours to meet benefits eligibility.

(4) Quarantine, as used in subsection (1)(b) includes only periods of isolation required by the federal government, a foreign national government, a state or local public health official, a health care provider, or an employer.

**NEW SECTION. Sec. 6.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

Correct the title.

Representatives Bergquist and Caldier spoke in favor of the adoption of the amendment.

Amendment (2177) was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage, as amended by the House.

Representatives Bergquist and Caldier spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Substitute Senate Bill No. 6189, as amended by the House.

### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 6189, as amended by the House, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Mead, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shea, Shewmake, Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Excused: Representative Paul.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6189, as amended by the House, having received the necessary constitutional majority, was declared passed.

There being no objection, the House advanced to the seventh order of business.

### MESSAGE FROM THE SENATE

March 9, 2020

Madame Speaker:

The Senate refuses to concur in the House amendment to ENGROSSED SUBSTITUTE SENATE BILL NO. 6404 and asks the House to recede therefrom,

and the same is herewith transmitted.

Sarah Bannister, Deputy Secretary

### HOUSE AMENDMENT TO SENATE BILL

There being no objection, the House receded from its amendment. The rules were suspended and ENGROSSED SUBSTITUTE SENATE BILL NO. 6404 was returned to second reading for the purpose of amendment.

There being no objection, the House reverted to the sixth order of business.

### SECOND READING

**ENGROSSED SUBSTITUTE SENATE BILL NO. 6404, by Senators Frockt, O'Ban, Dhingra, Becker, Kuderer, Rivers, Lovelett, Wellman, Pedersen, Nguyen, Darneille, Hasegawa, McCoy, Wilson, C., Das, Conway and Saldaña**

**Adopting prior authorization and appropriate use criteria in patient care.**

Representative Cody moved the adoption of the striking amendment (2179):

3.0.

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 4.** A new section is added to chapter 48.43 RCW to read as follows:

(1) Except as provided in subsection (2) of this section, by October 1, 2020, and annually thereafter, for individual and group health plans issued by a carrier that has written at least one percent of the total accident and health insurance premiums written by all companies authorized to offer accident and health insurance in Washington in the most recently available year, the carrier shall report to the commissioner the following aggregated and deidentified data related to the carrier's prior authorization practices and experience for the prior plan year:

(a) Lists of the ten inpatient medical or surgical codes:

(i) With the highest total number of prior authorization requests during the previous plan year, including the total number of prior authorization requests for each code and the percent of approved requests for each code;

(ii) With the highest percentage of approved prior authorization requests during the previous plan year, including the total number of prior authorization requests for each code and the percent of approved requests for each code; and

(iii) With the highest percentage of prior authorization requests that were initially denied and then subsequently approved on appeal, including the total number of prior authorization requests for each code and the percent of requests that were initially denied and then subsequently approved for each code;

(b) Lists of the ten outpatient medical or surgical codes:

(i) With the highest total number of prior authorization requests during the previous plan year, including the total number of prior authorization requests for each code and the percent of approved requests for each code;



(ii) With the highest percentage of approved prior authorization requests during the previous plan year, including the total number of prior authorization requests for each code and the percent of approved requests for each code; and

(iii) With the highest percentage of prior authorization requests that were initially denied and then subsequently approved on appeal, including the total number of prior authorization requests for each code and the percent of requests that were initially denied and then subsequently approved for each code;

(c) Lists of the ten inpatient mental health and substance use disorder service codes:

(i) With the highest total number of prior authorization requests during the previous plan year, including the total number of prior authorization requests for each code and the percent of approved requests for each code;

(ii) With the highest percentage of approved prior authorization requests during the previous plan year, including the total number of prior authorization requests for each code and the percent of approved requests for each code;

(iii) With the highest percentage of prior authorization requests that were initially denied and then subsequently approved on appeal, including the total number of prior authorization requests for each code and the percent of requests that were initially denied and then subsequently approved for each code;

(d) Lists of the ten outpatient mental health and substance use disorder service codes:

(i) With the highest total number of prior authorization requests during the previous plan year, including the total number of prior authorization requests for each code and the percent of approved requests for each code;

(ii) With the highest percentage of approved prior authorization requests during the previous plan year, including the total number of prior authorization requests for each code and the percent of approved requests for each code;

(iii) With the highest percentage of prior authorization requests that were initially denied and then subsequently approved on appeal, including the total number of prior authorization requests for each code and the percent of requests that were initially denied and then subsequently approved;

(e) Lists of the ten durable medical equipment codes:

(i) With the highest total number of prior authorization requests during the previous plan year, including the total number of prior authorization requests for each code and the percent of approved requests for each code;

(ii) With the highest percentage of approved prior authorization requests during the previous plan year, including the total number of prior authorization requests for each code and the percent of approved requests for each code;

(iii) With the highest percentage of prior authorization requests that were initially denied and then subsequently approved on appeal, including the total number of prior authorization requests for each code and the percent of requests that were initially denied and then subsequently approved for each code;

(f) Lists of the ten diabetes supplies and equipment codes:

(i) With the highest total number of prior authorization requests during the previous plan year, including the total number of prior authorization requests for each code and the percent of approved requests for each code;

(ii) With the highest percentage of approved prior authorization requests during the previous plan year, including the total number of prior authorization requests for each code and the percent of approved requests for each code;

(iii) With the highest percentage of prior authorization requests that were initially denied and then subsequently approved on appeal, including the total number of prior authorization requests for each code and the percent of requests that were initially denied and then subsequently approved for each code;

(g) The average determination response time in hours for prior authorization requests to the carrier with respect to each code reported under (a) through (f) of this subsection for each of the following categories of prior authorization:

(i) Expedited decisions;

(ii) Standard decisions; and

(iii) Extenuating circumstances decisions.

(2) For the October 1, 2020, reporting deadline, a carrier is not required to report data pursuant to subsection (1)(a)(iii), (b)(iii), (c)(iii), (d)(iii), (e)(iii), or (f)(iii) of this section until April 1, 2021, if the commissioner determines that doing so constitutes a hardship.

(3) By January 1, 2021, and annually thereafter, the commissioner shall aggregate and deidentify the data collected under subsection (1) of this section into a standard report and may not identify the name of the carrier that submitted the data. The initial report due on January 1, 2021, may omit data for which a hardship determination is made by the commissioner under subsection (2) of this section. Such data must be included in the report due on January 1, 2022. The commissioner must make the report available to interested parties.

(4) The commissioner may request additional information from carriers reporting data under this section.

(5) The commissioner may adopt rules to implement this section. In adopting rules, the commissioner must consult stakeholders including carriers, health care practitioners, health care facilities, and patients.

(6) For the purpose of this section, "prior authorization" means a mandatory process that a carrier or its designated or contracted representative requires a provider or facility to follow before a service is delivered, to

determine if a service is a benefit and meets the requirements for medical necessity, clinical appropriateness, level of care, or effectiveness in relation to the applicable plan, including any term used by a carrier or its designated or contracted representative to describe this process."

Correct the title.

Representatives Cody and Schmick spoke in favor of the adoption of the striking amendment.

The striking amendment (2179) was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage, as amended by the House.

Representatives Cody and Schmick spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Substitute Senate Bill No. 6404 as amended by the House.

### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 6404, amended by the House, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Mead, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shea, Shewmake, Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Excused: Representative Paul.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6404, as amended by the House, having received the necessary constitutional majority, was declared passed.

There being no objection, the House advanced to the seventh order of business.

### MESSAGE FROM THE SENATE

March 3, 2020

Madame Speaker:

The Senate has passed THIRD SUBSTITUTE HOUSE BILL NO. 1504 with the following amendment:

4.0.

Strike everything after the enacting clause and insert the following:

"Sec. 5. RCW 9.94A.533 and 2018 c 7 s 8 are each amended to read as follows:

(1) The provisions of this section apply to the standard sentence ranges determined by RCW 9.94A.510 or 9.94A.517.

(2) For persons convicted of the anticipatory offenses of criminal attempt, solicitation, or conspiracy under chapter 9A.28 RCW, the standard sentence range is determined by locating the sentencing grid sentence range defined by the appropriate offender score and the seriousness level of the completed crime, and multiplying the range by seventy-five percent.

(3) The following additional times shall be added to the standard sentence range for felony crimes committed after July 23, 1995, if the offender or an accomplice was armed with a firearm as defined in RCW 9.41.010 and the offender is being sentenced for one of the crimes listed in this subsection as eligible for any firearm enhancements based on the classification of the completed felony crime. If the offender is being sentenced for more than one offense, the firearm enhancement or enhancements must be added to the total period of confinement for all offenses, regardless of which underlying offense is subject to a firearm enhancement. If the offender or an accomplice was armed with a firearm as defined in RCW 9.41.010 and the offender is being sentenced for an anticipatory offense under chapter 9A.28 RCW to commit one of the crimes listed in this subsection as eligible for any firearm enhancements, the following additional times shall be added to the standard sentence range determined under subsection (2) of this section based on the felony crime of conviction as classified under RCW 9A.28.020:

(a) Five years for any felony defined under any law as a class A felony or with a statutory maximum sentence of at least twenty years, or both, and not covered under (f) of this subsection;

(b) Three years for any felony defined under any law as a class B felony or with a statutory maximum sentence of ten years, or both, and not covered under (f) of this subsection;

(c) Eighteen months for any felony defined under any law as a class C felony or with a statutory maximum sentence of five years, or both, and not covered under (f) of this subsection;

(d) If the offender is being sentenced for any firearm enhancements under (a), (b), and/or (c) of this subsection and the offender has previously been sentenced for any deadly weapon enhancements after July 23, 1995, under (a), (b), and/or (c) of this subsection or subsection (4)(a), (b), and/or (c) of this section, or both, all firearm enhancements under this subsection shall be twice the amount of the enhancement listed;

(e) Notwithstanding any other provision of law, all firearm enhancements under this section are mandatory,

shall be served in total confinement, and shall run consecutively to all other sentencing provisions, including other firearm or deadly weapon enhancements, for all offenses sentenced under this chapter. However, whether or not a mandatory minimum term has expired, an offender serving a sentence under this subsection may be:

(i) Granted an extraordinary medical placement when authorized under RCW 9.94A.728(1)(c); or

(ii) Released under the provisions of RCW 9.94A.730;

(f) The firearm enhancements in this section shall apply to all felony crimes except the following: Possession of a machine gun or bump-fire stock, possessing a stolen firearm, drive-by shooting, theft of a firearm, unlawful possession of a firearm in the first and second degree, and use of a machine gun or bump-fire stock in a felony;

(g) If the standard sentence range under this section exceeds the statutory maximum sentence for the offense, the statutory maximum sentence shall be the presumptive sentence unless the offender is a persistent offender. If the addition of a firearm enhancement increases the sentence so that it would exceed the statutory maximum for the offense, the portion of the sentence representing the enhancement may not be reduced.

(4) The following additional times shall be added to the standard sentence range for felony crimes committed after July 23, 1995, if the offender or an accomplice was armed with a deadly weapon other than a firearm as defined in RCW 9.41.010 and the offender is being sentenced for one of the crimes listed in this subsection as eligible for any deadly weapon enhancements based on the classification of the completed felony crime. If the offender is being sentenced for more than one offense, the deadly weapon enhancement or enhancements must be added to the total period of confinement for all offenses, regardless of which underlying offense is subject to a deadly weapon enhancement. If the offender or an accomplice was armed with a deadly weapon other than a firearm as defined in RCW 9.41.010 and the offender is being sentenced for an anticipatory offense under chapter 9A.28 RCW to commit one of the crimes listed in this subsection as eligible for any deadly weapon enhancements, the following additional times shall be added to the standard sentence range determined under subsection (2) of this section based on the felony crime of conviction as classified under RCW 9A.28.020:

(a) Two years for any felony defined under any law as a class A felony or with a statutory maximum sentence of at least twenty years, or both, and not covered under (f) of this subsection;

(b) One year for any felony defined under any law as a class B felony or with a statutory maximum sentence of ten years, or both, and not covered under (f) of this subsection;

(c) Six months for any felony defined under any law as a class C felony or with a statutory maximum sentence of five years, or both, and not covered under (f) of this subsection;

(d) If the offender is being sentenced under (a), (b), and/or (c) of this subsection for any deadly weapon enhancements and the offender has previously been sentenced for any deadly weapon enhancements after July 23, 1995, under (a), (b), and/or (c) of this subsection or subsection (3)(a), (b), and/or (c) of this section, or both, all deadly weapon enhancements under this subsection shall be twice the amount of the enhancement listed;

(e) Notwithstanding any other provision of law, all deadly weapon enhancements under this section are mandatory, shall be served in total confinement, and shall run consecutively to all other sentencing provisions, including other firearm or deadly weapon enhancements, for all offenses sentenced under this chapter. However, whether or not a mandatory minimum term has expired, an offender serving a sentence under this subsection may be:

(i) Granted an extraordinary medical placement when authorized under RCW 9.94A.728(1)(c); or

(ii) Released under the provisions of RCW 9.94A.730;

(f) The deadly weapon enhancements in this section shall apply to all felony crimes except the following: Possession of a machine gun or bump-fire stock, possessing a stolen firearm, drive-by shooting, theft of a firearm, unlawful possession of a firearm in the first and second degree, and use of a machine gun or bump-fire stock in a felony;

(g) If the standard sentence range under this section exceeds the statutory maximum sentence for the offense, the statutory maximum sentence shall be the presumptive sentence unless the offender is a persistent offender. If the addition of a deadly weapon enhancement increases the sentence so that it would exceed the statutory maximum for the offense, the portion of the sentence representing the enhancement may not be reduced.

(5) The following additional times shall be added to the standard sentence range if the offender or an accomplice committed the offense while in a county jail or state correctional facility and the offender is being sentenced for one of the crimes listed in this subsection. If the offender or an accomplice committed one of the crimes listed in this subsection while in a county jail or state correctional facility, and the offender is being sentenced for an anticipatory offense under chapter 9A.28 RCW to commit one of the crimes listed in this subsection, the following additional times shall be added to the standard sentence range determined under subsection (2) of this section:

(a) Eighteen months for offenses committed under RCW 69.50.401(2) (a) or (b) or 69.50.410;

(b) Fifteen months for offenses committed under RCW 69.50.401(2) (c), (d), or (e);

(c) Twelve months for offenses committed under RCW 69.50.4013.

For the purposes of this subsection, all of the real property of a state correctional facility or county jail shall be deemed to be part of that facility or county jail.

(6) An additional twenty-four months shall be added to the standard sentence range for any ranked offense involving a violation of chapter 69.50 RCW if the offense was also a violation of RCW 69.50.435 or 9.94A.827. All enhancements under this subsection shall run consecutively to all other sentencing provisions, for all offenses sentenced under this chapter.

(7) An additional two years shall be added to the standard sentence range for vehicular homicide committed while under the influence of intoxicating liquor or any drug as defined by RCW 46.61.502 for each prior offense as defined in RCW 46.61.5055.

Notwithstanding any other provision of law, all impaired driving enhancements under this subsection are mandatory, shall be served in total confinement, and shall run consecutively to all other sentencing provisions, including other impaired driving enhancements, for all offenses sentenced under this chapter.

An offender serving a sentence under this subsection may be granted an extraordinary medical placement when authorized under RCW 9.94A.728(1)(c).

(8)(a) The following additional times shall be added to the standard sentence range for felony crimes committed on or after July 1, 2006, if the offense was committed with sexual motivation, as that term is defined in RCW 9.94A.030. If the offender is being sentenced for more than one offense, the sexual motivation enhancement must be added to the total period of total confinement for all offenses, regardless of which underlying offense is subject to a sexual motivation enhancement. If the offender committed the offense with sexual motivation and the offender is being sentenced for an anticipatory offense under chapter 9A.28 RCW, the following additional times shall be added to the standard sentence range determined under subsection (2) of this section based on the felony crime of conviction as classified under RCW 9A.28.020:

(i) Two years for any felony defined under the law as a class A felony or with a statutory maximum sentence of at least twenty years, or both;

(ii) Eighteen months for any felony defined under any law as a class B felony or with a statutory maximum sentence of ten years, or both;

(iii) One year for any felony defined under any law as a class C felony or with a statutory maximum sentence of five years, or both;

(iv) If the offender is being sentenced for any sexual motivation enhancements under (a)(i), (ii), and/or (iii) of this subsection and the offender has previously been sentenced for any sexual motivation enhancements on or after July 1, 2006, under (a)(i), (ii), and/or (iii) of this subsection, all sexual motivation enhancements under this subsection shall be twice the amount of the enhancement listed;

(b) Notwithstanding any other provision of law, all sexual motivation enhancements under this subsection are mandatory, shall be served in total confinement, and shall run consecutively to all other sentencing provisions, including other sexual motivation enhancements, for all

offenses sentenced under this chapter. However, whether or not a mandatory minimum term has expired, an offender serving a sentence under this subsection may be:

(i) Granted an extraordinary medical placement when authorized under RCW 9.94A.728(1)(c); or

(ii) Released under the provisions of RCW 9.94A.730;

(c) The sexual motivation enhancements in this subsection apply to all felony crimes;

(d) If the standard sentence range under this subsection exceeds the statutory maximum sentence for the offense, the statutory maximum sentence shall be the presumptive sentence unless the offender is a persistent offender. If the addition of a sexual motivation enhancement increases the sentence so that it would exceed the statutory maximum for the offense, the portion of the sentence representing the enhancement may not be reduced;

(e) The portion of the total confinement sentence which the offender must serve under this subsection shall be calculated before any earned early release time is credited to the offender;

(f) Nothing in this subsection prevents a sentencing court from imposing a sentence outside the standard sentence range pursuant to RCW 9.94A.535.

(9) An additional one-year enhancement shall be added to the standard sentence range for the felony crimes of RCW 9A.44.073, 9A.44.076, 9A.44.079, 9A.44.083, 9A.44.086, or 9A.44.089 committed on or after July 22, 2007, if the offender engaged, agreed, or offered to engage the victim in the sexual conduct in return for a fee. If the offender is being sentenced for more than one offense, the one-year enhancement must be added to the total period of total confinement for all offenses, regardless of which underlying offense is subject to the enhancement. If the offender is being sentenced for an anticipatory offense for the felony crimes of RCW 9A.44.073, 9A.44.076, 9A.44.079, 9A.44.083, 9A.44.086, or 9A.44.089, and the offender attempted, solicited another, or conspired to engage, agree, or offer to engage the victim in the sexual conduct in return for a fee, an additional one-year enhancement shall be added to the standard sentence range determined under subsection (2) of this section. For purposes of this subsection, "sexual conduct" means sexual intercourse or sexual contact, both as defined in chapter 9A.44 RCW.

(10)(a) For a person age eighteen or older convicted of any criminal street gang-related felony offense for which the person compensated, threatened, or solicited a minor in order to involve the minor in the commission of the felony offense, the standard sentence range is determined by locating the sentencing grid sentence range defined by the appropriate offender score and the seriousness level of the completed crime, and multiplying the range by one hundred twenty-five percent. If the standard sentence range under this subsection exceeds the statutory maximum sentence for the offense, the statutory maximum sentence is the presumptive sentence unless the offender is a persistent offender.

(b) This subsection does not apply to any criminal street gang-related felony offense for which involving a minor in the commission of the felony offense is an element of the offense.

(c) The increased penalty specified in (a) of this subsection is unavailable in the event that the prosecution gives notice that it will seek an exceptional sentence based on an aggravating factor under RCW 9.94A.535.

(11) An additional twelve months and one day shall be added to the standard sentence range for a conviction of attempting to elude a police vehicle as defined by RCW 46.61.024, if the conviction included a finding by special allegation of endangering one or more persons under RCW 9.94A.834.

(12) An additional twelve months shall be added to the standard sentence range for an offense that is also a violation of RCW 9.94A.831.

(13) An additional twelve months shall be added to the standard sentence range for vehicular homicide committed while under the influence of intoxicating liquor or any drug as defined by RCW 46.61.520 or for vehicular assault committed while under the influence of intoxicating liquor or any drug as defined by RCW 46.61.522, or for any felony driving under the influence (RCW 46.61.502(6)) or felony physical control under the influence (RCW 46.61.504(6)) for each child passenger under the age of sixteen who is an occupant in the defendant's vehicle. These enhancements shall be mandatory, shall be served in total confinement, and shall run consecutively to all other sentencing provisions, including other minor child enhancements, for all offenses sentenced under this chapter. If the addition of a minor child enhancement increases the sentence so that it would exceed the statutory maximum for the offense, the portion of the sentence representing the enhancement ~~((may not be reduced))~~ shall be mandatory, shall be served in total confinement, and shall run consecutively to all other sentencing provisions.

(14) An additional twelve months shall be added to the standard sentence range for an offense that is also a violation of RCW 9.94A.832.

**Sec. 6.** RCW 9.94A.729 and 2015 c 134 s 4 are each amended to read as follows:

(1)(a) The term of the sentence of an offender committed to a correctional facility operated by the department may be reduced by earned release time in accordance with procedures that shall be developed and adopted by the correctional agency having jurisdiction in which the offender is confined. The earned release time shall be for good behavior and good performance, as determined by the correctional agency having jurisdiction. The correctional agency shall not credit the offender with earned release credits in advance of the offender actually earning the credits.

(b) Any program established pursuant to this section shall allow an offender to earn early release credits for presentence incarceration. If an offender is transferred from a county jail to the department, the administrator of a county

jail facility shall certify to the department the amount of time spent in custody at the facility and the number of days of early release credits lost or not earned. The department may approve a jail certification from a correctional agency that calculates early release time based on the actual amount of confinement time served by the offender before sentencing when an erroneous calculation of confinement time served by the offender before sentencing appears on the judgment and sentence. The department must adjust an offender's rate of early release listed on the jail certification to be consistent with the rate applicable to offenders in the department's facilities. However, the department is not authorized to adjust the number of presentence early release days that the jail has certified as lost or not earned.

(2)(a) An offender who has been convicted of a felony committed after July 23, 1995, that involves any applicable deadly weapon enhancements under RCW 9.94A.533 (3) or (4), or both, shall not receive any good time credits or earned release time for that portion of his or her sentence that results from any deadly weapon enhancements.

(b) An offender whose sentence includes any impaired driving enhancements under RCW 9.94A.533(7), minor child enhancements under RCW 9.94A.533(13), or both, shall not receive any good time credits or earned release time for any portion of his or her sentence that results from those enhancements.

(3) An offender may earn early release time as follows:

(a) In the case of an offender sentenced pursuant to RCW 10.95.030(3) or 10.95.035, the offender may not receive any earned early release time during the minimum term of confinement imposed by the court; for any remaining portion of the sentence served by the offender, the aggregate earned release time may not exceed ten percent of the sentence.

(b) In the case of an offender convicted of a serious violent offense, or a sex offense that is a class A felony, committed on or after July 1, 1990, and before July 1, 2003, the aggregate earned release time may not exceed fifteen percent of the sentence.

(c) In the case of an offender convicted of a serious violent offense, or a sex offense that is a class A felony, committed on or after July 1, 2003, the aggregate earned release time may not exceed ten percent of the sentence.

(d) An offender is qualified to earn up to fifty percent of aggregate earned release time if he or she:

(i) Is not classified as an offender who is at a high risk to reoffend as provided in subsection (4) of this section;

(ii) Is not confined pursuant to a sentence for:

(A) A sex offense;

(B) A violent offense;

(C) A crime against persons as defined in RCW 9.94A.411;

(D) A felony that is domestic violence as defined in RCW 10.99.020;

(E) A violation of RCW 9A.52.025 (residential burglary);

(F) A violation of, or an attempt, solicitation, or conspiracy to violate, RCW 69.50.401 by manufacture or delivery or possession with intent to deliver methamphetamine; or

(G) A violation of, or an attempt, solicitation, or conspiracy to violate, RCW 69.50.406 (delivery of a controlled substance to a minor);

(iii) Has no prior conviction for the offenses listed in (d)(ii) of this subsection;

(iv) Participates in programming or activities as directed by the offender's individual reentry plan as provided under RCW 72.09.270 to the extent that such programming or activities are made available by the department; and

(v) Has not committed a new felony after July 22, 2007, while under community custody.

(e) In no other case shall the aggregate earned release time exceed one-third of the total sentence.

(4) The department shall perform a risk assessment of each offender who may qualify for earned early release under subsection (3)(d) of this section utilizing the risk assessment tool recommended by the Washington state institute for public policy. Subsection (3)(d) of this section does not apply to offenders convicted after July 1, 2010.

(5)(a) A person who is eligible for earned early release as provided in this section and who will be supervised by the department pursuant to RCW 9.94A.501 or 9.94A.5011, shall be transferred to community custody in lieu of earned release time;

(b) The department shall, as a part of its program for release to the community in lieu of earned release, require the offender to propose a release plan that includes an approved residence and living arrangement. All offenders with community custody terms eligible for release to community custody in lieu of earned release shall provide an approved residence and living arrangement prior to release to the community;

(c) The department may deny transfer to community custody in lieu of earned release time if the department determines an offender's release plan, including proposed residence location and living arrangements, may violate the conditions of the sentence or conditions of supervision, place the offender at risk to violate the conditions of the sentence, place the offender at risk to reoffend, or present a risk to victim safety or community safety. The department's authority under this section is independent of any court-ordered condition of sentence or statutory provision regarding conditions for community custody;

(d) If the department is unable to approve the offender's release plan, the department may do one or more of the following:

(i) Transfer an offender to partial confinement in lieu of earned early release for a period not to exceed three months. The three months in partial confinement is in

addition to that portion of the offender's term of confinement that may be served in partial confinement as provided in RCW 9.94A.728(~~(5))~~ (1)(e);

(ii) Provide rental vouchers to the offender for a period not to exceed three months if rental assistance will result in an approved release plan.

A voucher must be provided in conjunction with additional transition support programming or services that enable an offender to participate in services including, but not limited to, substance abuse treatment, mental health treatment, sex offender treatment, educational programming, or employment programming;

(e) The department shall maintain a list of housing providers that meets the requirements of RCW 72.09.285. If more than two voucher recipients will be residing per dwelling unit, as defined in RCW 59.18.030, rental vouchers for those recipients may only be paid to a housing provider on the department's list;

(f) For each offender who is the recipient of a rental voucher, the department shall gather data as recommended by the Washington state institute for public policy in order to best demonstrate whether rental vouchers are effective in reducing recidivism.

(6) An offender serving a term of confinement imposed under RCW 9.94A.670(5)(a) is not eligible for earned release credits under this section.

**Sec. 7.** RCW 10.21.055 and 2016 c 203 s 16 are each amended to read as follows:

(1)(a) When any person charged with a violation of RCW 46.61.502, 46.61.504, 46.61.520, or 46.61.522, in which the person has a prior offense as defined in RCW 46.61.5055 and the current offense involves alcohol, is released from custody at arraignment or trial on bail or personal recognizance, the court authorizing the release shall require, as a condition of release that person comply with one of the following four requirements:

(i) Have a functioning ignition interlock device installed on all motor vehicles operated by the person, with proof of installation filed with the court by the person or the certified interlock provider within five business days of the date of release from custody or as soon thereafter as determined by the court based on availability within the jurisdiction; or

(ii) Comply with 24/7 sobriety program monitoring, as defined in RCW 36.28A.330; or

(iii) Have an ignition interlock device on all motor vehicles operated by the person pursuant to (a)(i) of this subsection and submit to 24/7 sobriety program monitoring pursuant to (a)(ii) of this subsection, if available, or alcohol monitoring, at the expense of the person, as provided in RCW 46.61.5055(5) (b) and (c); or

(iv) Have an ignition interlock device on all motor vehicles operated by the person and that such person agrees not to operate any motor vehicle without an ignition interlock device as required by the court. Under this subsection (1)(a)(iv), the person must file a sworn statement

with the court upon release at arraignment that states the person will not operate any motor vehicle without an ignition interlock device while the ignition interlock restriction is imposed by the court. Such person must also submit to 24/7 sobriety program monitoring pursuant to (a)(ii) of this subsection, if available, or alcohol monitoring, at the expense of the person, as provided in RCW 46.61.5055(5) (b) and (c).

(b) The court shall immediately notify the department of licensing when an ignition interlock restriction is imposed ~~((: (i) As))~~ as a condition of release ~~((pursuant to (a) of this subsection:))~~ or ~~((: (ii)))~~ after conviction in instances where a person is charged with, or convicted of, a violation of RCW 46.61.502, 46.61.504, 46.61.520, or 46.61.522 ~~((, and the offense involves alcohol))~~. If the court imposes an ignition interlock restriction, the department of licensing shall attach or imprint a notation on the driving record of any person restricted under this section stating that the person may operate only a motor vehicle equipped with a functioning ignition interlock device.

(2)(a) Upon acquittal or dismissal of all pending or current charges relating to a violation of RCW 46.61.502, 46.61.504, 46.61.520, or 46.61.522, or equivalent local ordinance, the court shall authorize removal of the ignition interlock device and lift any requirement to comply with electronic alcohol/drug monitoring imposed under subsection (1) of this section. Nothing in this section limits the authority of the court or department under RCW 46.20.720.

(b) If the court authorizes removal of an ignition interlock device imposed under this section, the court shall immediately notify the department of licensing regarding the lifting of the ignition interlock restriction and the department of licensing shall release any attachment, imprint, or notation on such person's driving record relating to the ignition interlock requirement imposed under this section.

(3) When an ignition interlock restriction imposed as a condition of release is canceled, the court shall provide a defendant with a written order confirming release of the restriction. The written order shall serve as proof of release of the restriction until which time the department of licensing updates the driving record.

**Sec. 8.** RCW 38.52.430 and 2012 c 183 s 6 are each amended to read as follows:

A person whose intoxication causes an incident resulting in an appropriate emergency response, and who, in connection with the incident, has been found guilty of or has had their prosecution deferred for (1) driving while under the influence of intoxicating liquor or any drug, RCW 46.61.502; (2) physical control of a motor vehicle while under the influence of intoxicating liquor or any drug, RCW 46.61.504; (3) operating an aircraft under the influence of intoxicants or drugs, RCW 47.68.220; ~~((: (3)))~~ (4) use of a vessel while under the influence of alcohol or drugs, RCW 79A.60.040; ~~((: (4)))~~ (5) vehicular homicide while under the influence of intoxicating liquor or any drug, RCW 46.61.520(1)(a); or ~~((: (5)))~~ (6) vehicular assault while under the influence of intoxicating liquor or any drug, RCW

46.61.522(1)(b), is liable for the expense of an emergency response by a public agency to the incident.

The expense of an emergency response is a charge against the person liable for expenses under this section. The charge constitutes a debt of that person and is collectible by the public agency incurring those costs in the same manner as in the case of an obligation under a contract, expressed or implied. Following a conviction of an offense listed in this section, and prior to sentencing, the prosecution may present to the court information setting forth the expenses incurred by the public agency for its emergency response to the incident. Upon a finding by the court that the expenses are reasonable, the court shall order the defendant to reimburse the public agency. The cost reimbursement shall be included in the sentencing order as an additional monetary obligation of the defendant and may not be substituted for any other fine or cost required or allowed by statute. The court may establish a payment schedule for the payment of the cost reimbursement, separate from any payment schedule imposed for other fines and costs. All payments for the cost reimbursement must be remitted directly to the public agency or agencies that incurred the cost associated with the emergency response.

In no event shall a person's liability under this section for the expense of an emergency response exceed two thousand five hundred dollars for a particular incident.

If more than one public agency makes a claim for payment from an individual for an emergency response to a single incident under the provisions of this section, and the sum of the claims exceeds the amount recovered, the division of the amount recovered shall be determined by an interlocal agreement consistent with the requirements of chapter 39.34 RCW.

**Sec. 9.** RCW 46.20.245 and 2005 c 288 s 1 are each amended to read as follows:

(1) Whenever the department proposes to withhold the driving privilege of a person or disqualify a person from operating a commercial motor vehicle and this action is made mandatory by the provisions of this chapter or other law, the department must give notice to the person in writing by posting in the United States mail, appropriately addressed, postage prepaid, or by personal service. Notice by mail is given upon deposit in the United States mail. Notice given under this subsection must specify the date upon which the driving privilege is to be withheld which shall not be less than forty-five days after the original notice is given.

(2) For persons subject to suspension, revocation, or denial of a driver's license who are eligible for full credit under RCW 46.61.5055(9)(b)(ii), the notice in subsection (1) of this section must also notify the person of the obligation to complete the requirements under RCW 46.20.311 and pay the probationary license fee under RCW 46.20.355 by the date specified in the notice in order to avoid license suspension.

(3) Within fifteen days after notice has been given to a person under subsection (1) of this section, the person may request in writing an administrative review before the

department. If the request is mailed, it must be postmarked within fifteen days after the date the department has given notice. If a person fails to request an administrative review within fifteen days after the date the department gives notice, the person is considered to have defaulted and loses his or her right to an administrative review unless the department finds good cause for a request after the fifteen-day period.

(a) An administrative review under this subsection shall consist solely of an internal review of documents and records submitted or available to the department, unless the person requests an interview before the department, in which case all or any part of the administrative review may, at the discretion of the department, be conducted by telephone or other electronic means.

(b) The only issues to be addressed in the administrative review are:

(i) Whether the records relied on by the department identify the correct person; and

(ii) Whether the information transmitted from the court or other reporting agency or entity regarding the person accurately describes the action taken by the court or other reporting agency or entity.

(c) For the purposes of this section, the notice received from a court or other reporting agency or entity, regardless of form or format, is prima facie evidence that the information from the court or other reporting agency or entity regarding the person is accurate. A person requesting administrative review has the burden of showing by a preponderance of the evidence that the person is not subject to the withholding of the driving privilege.

(d) The action subject to the notification requirements of subsection (1) of this section shall be stayed during the administrative review process.

(e) Judicial review of a department order affirming the action subject to the notification requirements of subsection (1) of this section after an administrative review shall be available in the same manner as provided in RCW 46.20.308~~((4))~~ (8). The department shall certify its record to the court within thirty days after service upon the department of the petition for judicial review. The action subject to the notification requirements of subsection (1) of this section shall not automatically be stayed during the judicial review. If judicial relief is sought for a stay or other temporary remedy from the department's action, the court shall not grant relief unless the court finds that the appellant is likely to prevail in the appeal and that without a stay the appellant will suffer irreparable injury.

~~((3))~~ (4) The department may adopt rules that are considered necessary or convenient by the department for purposes of administering this section, including, but not limited to, rules regarding expedited procedures for issuing orders and expedited notice procedures.

~~((4))~~ (5) This section does not apply where an opportunity for an informal settlement, driver improvement interview, or formal hearing is otherwise provided by law or rule of the department.

**Sec. 10.** RCW 46.20.3101 and 2016 c 203 s 18 are each amended to read as follows:

Pursuant to RCW 46.20.308, the department shall suspend, revoke, or deny the arrested person's license, permit, or privilege to drive as follows:

(1) In the case of a person who has refused a test or tests:

(a) For a first refusal within seven years, where there has not been a previous incident within seven years that resulted in administrative action under this section, revocation or denial for one year;

(b) For a second or subsequent refusal within seven years, or for a first refusal where there has been one or more previous incidents within seven years that have resulted in administrative action under this section, revocation or denial for two years or until the person reaches age twenty-one, whichever is longer.

(2) In the case of an incident where a person has submitted to or been administered a test or tests indicating that the alcohol concentration of the person's breath or blood was 0.08 or more, or that the THC concentration of the person's blood was 5.00 or more:

(a) For a first incident within seven years, where there has not been a previous incident within seven years that resulted in administrative action under this section, suspension for ninety days, unless the person successfully completes or is enrolled in a pretrial 24/7 sobriety program;

(b) For a second or subsequent incident within seven years, revocation or denial for two years.

(3) In the case of an incident where a person under age twenty-one has submitted to or been administered a test or tests indicating that the alcohol concentration of the person's breath or blood was 0.02 or more, or that the THC concentration of the person's blood was above 0.00:

(a) For a first incident within seven years, suspension or denial for ninety days;

(b) For a second or subsequent incident within seven years, revocation or denial for one year or until the person reaches age twenty-one, whichever is longer.

(4) The department shall grant credit on a day-for-day basis for ~~((any portion of))~~ a suspension, revocation, or denial ~~((already served))~~ imposed under this section for any portion of a suspension, revocation, or denial ~~((imposed))~~ already served under RCW 46.61.5055 arising out of the same incident. If a person has already served a suspension, revocation, or denial under RCW 46.61.5055 for a period equal to or greater than the period imposed under this section, the department shall provide notice of full credit, shall provide for no further suspension or revocation under this section, and shall impose no additional reissue fees for this credit.

**Sec. 11.** RCW 46.20.311 and 2016 c 203 s 12 are each amended to read as follows:

(1)(a) The department shall not suspend a driver's license or privilege to drive a motor vehicle on the public



highways for a fixed period of more than one year, except as specifically permitted under RCW 46.20.267, 46.20.342, or other provision of law.

(b) Except for a suspension under RCW 46.20.267, 46.20.289, 46.20.291(5), 46.61.740, or 74.20A.320, whenever the license or driving privilege of any person is suspended by reason of a conviction, a finding that a traffic infraction has been committed, pursuant to chapter 46.29 RCW, or pursuant to RCW 46.20.291 or 46.20.308, the suspension shall remain in effect until the person gives and thereafter maintains proof of financial responsibility for the future as provided in chapter 46.29 RCW.

(c) If the suspension is the result of a nonfelony violation of RCW 46.61.502 or 46.61.504, the department shall determine the person's eligibility for licensing based upon the reports provided by the ~~((alcoholism))~~ substance use disorder agency or probation department designated under RCW 46.61.5056 and shall deny reinstatement until enrollment and participation in an approved program has been established and the person is otherwise qualified. If the suspension is the result of a violation of RCW 46.61.502(6) or 46.61.504(6), the department shall determine the person's eligibility for licensing based upon the reports provided by the ~~((alcohol or drug dependency))~~ substance use disorder agency required under RCW 46.61.524 and shall deny reinstatement until satisfactory progress in an approved program has been established and the person is otherwise qualified. If the suspension is the result of a violation of RCW 46.61.502 or 46.61.504, and the person is required pursuant to RCW 46.20.720 to drive only a motor vehicle equipped with a functioning ignition interlock, the department shall determine the person's eligibility for licensing based upon written verification by a company doing business in the state that it has installed the required device on a vehicle owned or operated by the person seeking reinstatement. The department may waive the requirement for written verification under this subsection if it determines to its satisfaction that a device previously verified as having been installed on a vehicle owned or operated by the person is still installed and functioning or as permitted by RCW 46.20.720(8). If, based upon notification from the interlock provider or otherwise, the department determines that an interlock required under RCW 46.20.720 is no longer installed or functioning as required, the department shall suspend the person's license or privilege to drive. Whenever the license or driving privilege of any person is suspended or revoked as a result of noncompliance with an ignition interlock requirement, the suspension shall remain in effect until the person provides notice issued by a company doing business in the state that a vehicle owned or operated by the person is equipped with a functioning ignition interlock device.

(d) Whenever the license or driving privilege of any person is suspended as a result of certification of noncompliance with a child support order under chapter 74.20A RCW, the suspension shall remain in effect until the person provides a release issued by the department of social and health services stating that the person is in compliance with the order.

(e)(i) The department shall not issue to the person a new, duplicate, or renewal license until the person pays a reissue fee of seventy-five dollars.

(ii) ~~((H))~~ Except as provided in subsection (4) of this section, if the suspension is the result of a violation of RCW 46.61.502 or 46.61.504, or is the result of administrative action under RCW 46.20.308, the reissue fee shall be one hundred ~~((fifty))~~ seventy dollars.

(2)(a) Any person whose license or privilege to drive a motor vehicle on the public highways has been revoked, unless the revocation was for a cause which has been removed, is not entitled to have the license or privilege renewed or restored until: (i) After the expiration of one year from the date the license or privilege to drive was revoked; (ii) after the expiration of the applicable revocation period provided by RCW 46.20.3101 or 46.61.5055; (iii) after the expiration of two years for persons convicted of vehicular homicide; or (iv) after the expiration of the applicable revocation period provided by RCW 46.20.265.

(b)(i) After the expiration of the appropriate period, the person may make application for a new license as provided by law together with a reissue fee in the amount of seventy-five dollars.

(ii) ~~((H))~~ Except as provided in subsection (4) of this section, if the revocation is the result of a violation of RCW 46.20.308, 46.61.502, or 46.61.504, the reissue fee shall be one hundred ~~((fifty))~~ seventy dollars. If the revocation is the result of a nonfelony violation of RCW 46.61.502 or 46.61.504, the department shall determine the person's eligibility for licensing based upon the reports provided by the ~~((alcoholism))~~ substance use disorder agency or probation department designated under RCW 46.61.5056 and shall deny reissuance of a license, permit, or privilege to drive until enrollment and participation in an approved program has been established and the person is otherwise qualified. If the suspension is the result of a violation of RCW 46.61.502(6) or 46.61.504(6), the department shall determine the person's eligibility for licensing based upon the reports provided by the ~~((alcohol or drug dependency))~~ substance use disorder agency required under RCW 46.61.524 and shall deny reinstatement until satisfactory progress in an approved program has been established and the person is otherwise qualified. If the revocation is the result of a violation of RCW 46.61.502 or 46.61.504, and the person is required pursuant to RCW 46.20.720 to drive only a motor vehicle equipped with a functioning ignition interlock or other biological or technical device, the department shall determine the person's eligibility for licensing based upon written verification by a company doing business in the state that it has installed the required device on a vehicle owned or operated by the person applying for a new license. The department may waive the requirement for written verification under this subsection if it determines to its satisfaction that a device previously verified as having been installed on a vehicle owned or operated by the person is still installed and functioning or as permitted by RCW 46.20.720(8). If, following issuance of a new license, the department determines, based upon notification from the interlock provider or otherwise, that an interlock required under RCW 46.20.720 is no longer

functioning, the department shall suspend the person's license or privilege to drive until the department has received written verification from an interlock provider that a functioning interlock is installed.

(c) Except for a revocation under RCW 46.20.265, the department shall not then issue a new license unless it is satisfied after investigation of the driving ability of the person that it will be safe to grant the privilege of driving a motor vehicle on the public highways, and until the person gives and thereafter maintains proof of financial responsibility for the future as provided in chapter 46.29 RCW. For a revocation under RCW 46.20.265, the department shall not issue a new license unless it is satisfied after investigation of the driving ability of the person that it will be safe to grant that person the privilege of driving a motor vehicle on the public highways.

(3)(a) Whenever the driver's license of any person is suspended pursuant to Article IV of the nonresident violators compact or RCW 46.23.020 or 46.20.289 or 46.20.291(5), the department shall not issue to the person any new or renewal license until the person pays a reissue fee of seventy-five dollars.

(b) ~~((f))~~ Except as provided in subsection (4) of this section, if the suspension is the result of a violation of the laws of this or any other state, province, or other jurisdiction involving (i) the operation or physical control of a motor vehicle upon the public highways while under the influence of intoxicating liquor or drugs, or (ii) the refusal to submit to a chemical test of the driver's blood alcohol content, the reissue fee shall be one hundred ~~((fifty))~~ seventy dollars.

(4) When the department reinstates a person's driver's license following a suspension, revocation, or denial under RCW 46.20.3101 or 46.61.5055, and the person is entitled to full day-for-day credit under RCW 46.20.3101(4) or 46.61.5055(9)(b)(ii) for an additional restriction arising from the same incident, the department shall impose no additional reissue fees under subsection (1)(e)(ii), (2)(b)(ii), or (3)(b) of this section associated with the additional restriction.

**Sec. 12.** RCW 46.20.355 and 1998 c 209 s 3 and 1998 c 41 s 5 are each reenacted and amended to read as follows:

(1) Upon receipt of an abstract indicating a deferred prosecution has been granted under RCW 10.05.060, or upon receipt of a notice of conviction of RCW 46.61.502 or 46.61.504, the department of licensing shall order the person to surrender any nonprobationary Washington state driver's license that may be in his or her possession. The department shall revoke the license, permit, or privilege to drive of any person who fails to surrender it as required by this section for one year, unless the license has been previously surrendered to the department, a law enforcement officer, or a court, or the person has completed an affidavit of lost, stolen, destroyed, or previously surrendered license, such revocation to take effect thirty days after notice is given of the requirement for license surrender.

(2) The department shall place a person's driving privilege in probationary status as required by RCW

10.05.060 or 46.61.5055 for a period of five years from the date the probationary status is required to go into effect.

(3) Following receipt of an abstract indicating a deferred prosecution has been granted under RCW 10.05.060, or upon reinstatement or reissuance of a driver's license suspended or revoked as the result of a conviction of RCW 46.61.502 or 46.61.504, the department shall require the person to obtain a probationary license in order to operate a motor vehicle in the state of Washington, except as otherwise exempt under RCW 46.20.025. The department shall not issue the probationary license unless the person is otherwise qualified for licensing, and the person must renew the probationary license on the same cycle as the person's regular license would have been renewed until the expiration of the five-year probationary status period imposed under subsection (2) of this section.

(4) If a person is eligible for full credit under RCW 46.61.5055(9)(b)(ii) and, by the date specified in the notice issued under RCW 46.20.245, has completed the requirements under RCW 46.20.311 and paid the fee under subsection (5) of this section, the department shall issue a probationary license on the date specified in the notice with no further action required of the person.

(5) For each original issue or renewal of a probationary license under this section, the department shall charge a fee of fifty dollars in addition to any other licensing fees required. Except for when renewing a probationary license, the department shall waive the requirement to obtain an additional probationary license and the fifty dollar fee if the person has a probationary license in his or her possession at the time a new probationary license is required.

~~((5))~~ (6) A probationary license shall enable the department and law enforcement personnel to determine that the person is on probationary status. The fact that a person's driving privilege is in probationary status or that the person has been issued a probationary license shall not be a part of the person's record that is available to insurance companies.

**Sec. 13.** RCW 46.20.385 and 2017 c 336 s 4 are each amended to read as follows:

(1)(a) Any person licensed under this chapter or who has a valid driver's license from another state, who is convicted of: (i) A violation of RCW 46.61.502 or 46.61.504 or an equivalent local or out-of-state statute or ordinance, or (ii) a violation of RCW 46.61.520(1)(a) or an equivalent local or out-of-state statute or ordinance, or (iii) a conviction for a violation of RCW 46.61.520(1) (b) or (c) if the conviction is the result of a charge that was originally filed as a violation of RCW 46.61.520(1)(a), or (iv) RCW 46.61.522(1)(b) or an equivalent local or out-of-state statute or ordinance, or (v) RCW 46.61.522(1) (a) or (c) if the conviction is the result of a charge that was originally filed as a violation of RCW 46.61.522(1)(b) committed while under the influence of intoxicating liquor or any drug, or (vi) who has had or will have his or her license suspended, revoked, or denied under RCW 46.20.3101, or who is otherwise permitted under subsection (8) of this section, may submit to the department an application for an ignition interlock driver's license. The department, upon receipt of the prescribed fee and upon determining that the petitioner

is eligible to receive the license, may issue an ignition interlock driver's license.

(b) A person may apply for an ignition interlock driver's license anytime, including immediately after receiving the notices under RCW 46.20.308 or after his or her license is suspended, revoked, or denied.

(c) An applicant under this subsection shall provide proof to the satisfaction of the department that a functioning ignition interlock device has been installed on all vehicles operated by the person.

(i) The department shall require the person to maintain the device on all vehicles operated by the person and shall restrict the person to operating only vehicles equipped with the device, for the remainder of the period of suspension, revocation, or denial, unless otherwise permitted under RCW 46.20.720(6).

(ii) Subject to any periodic renewal requirements established by the department under this section and subject to any applicable compliance requirements under this chapter or other law, an ignition interlock driver's license granted upon a suspension or revocation under RCW 46.61.5055 or 46.20.3101 extends through the remaining portion of any concurrent or consecutive suspension or revocation that may be imposed as the result of administrative action and criminal conviction arising out of the same incident.

(2) An applicant for an ignition interlock driver's license who qualifies under subsection (1) of this section is eligible to receive a license only if the applicant files satisfactory proof of financial responsibility under chapter 46.29 RCW.

(3) Upon receipt of evidence that a holder of an ignition interlock driver's license granted under this subsection no longer has a functioning ignition interlock device installed on all vehicles operated by the driver, the director shall give written notice by first-class mail to the driver that the ignition interlock driver's license shall be canceled. If at any time before the cancellation goes into effect the driver submits evidence that a functioning ignition interlock device has been installed on all vehicles operated by the driver, the cancellation shall be stayed. If the cancellation becomes effective, the driver may obtain, at no additional charge, a new ignition interlock driver's license upon submittal of evidence that a functioning ignition interlock device has been installed on all vehicles operated by the driver.

(4) A person aggrieved by the decision of the department on the application for an ignition interlock driver's license may request a hearing as provided by rule of the department.

(5) The director shall cancel an ignition interlock driver's license after receiving notice that the holder thereof has been convicted of operating a motor vehicle in violation of its restrictions, no longer meets the eligibility requirements, or has been convicted of or found to have committed a separate offense or any other act or omission that under this chapter would warrant suspension or

revocation of a regular driver's license. The department must give notice of the cancellation as provided under RCW 46.20.245. A person whose ignition interlock driver's license has been canceled under this section may reapply for a new ignition interlock driver's license if he or she is otherwise qualified under this section and pays the fee required under RCW 46.20.380.

(6)(a) Unless costs are waived by the ignition interlock company or the person is indigent under RCW 10.101.010, the applicant shall pay the cost of installing, removing, and leasing the ignition interlock device and shall pay an additional fee of ~~((twenty))~~ twenty-one dollars per month. Payments shall be made directly to the ignition interlock company. The company shall remit the additional fee to the department, except that the company may retain twenty-five cents per month of the additional fee to cover the expenses associated with administering the fee.

(b) The department shall deposit the proceeds of the ~~((twenty))~~ twenty-one dollar fee into the ignition interlock device revolving account. Expenditures from the account may be used only to administer and operate the ignition interlock device revolving account program. The department shall adopt rules to provide monetary assistance according to greatest need and when funds are available.

(7) The department shall adopt rules to implement ignition interlock licensing. The department shall consult with the administrative office of the courts, the state patrol, the Washington association of sheriffs and police chiefs, ignition interlock companies, and any other organization or entity the department deems appropriate.

(8)(a) Any person licensed under this chapter who is convicted of a violation of RCW 46.61.500 when the charge was originally filed as a violation of RCW 46.61.502 or 46.61.504, or an equivalent local ordinance, may submit to the department an application for an ignition interlock driver's license under this section.

(b) A person who does not have any driver's license under this chapter, but who would otherwise be eligible under this section to apply for an ignition interlock license, may submit to the department an application for an ignition interlock license. The department may require the person to take any driver's licensing examination under this chapter and may require the person to also apply and qualify for a temporary restricted driver's license under RCW 46.20.391.

**Sec. 14.** RCW 46.20.720 and 2019 c 232 s 22 are each amended to read as follows:

(1) **Ignition interlock restriction.** The department shall require that a person may drive only a motor vehicle equipped with a functioning ignition interlock device:

(a) **Pretrial release.** Upon receipt of notice from a court that an ignition interlock device restriction has been imposed under RCW 10.21.055;

(b) **Ignition interlock driver's license.** As required for issuance of an ignition interlock driver's license under RCW 46.20.385;

(c) **Deferred prosecution.** Upon receipt of notice from a court that the person is participating in a deferred prosecution program under RCW 10.05.020 for a violation of:

(i) RCW 46.61.502 or 46.61.504 or an equivalent local ordinance; or

(ii) RCW 46.61.5249 or 46.61.500 or an equivalent local ordinance if the person would be required under RCW 46.61.5249(4) or 46.61.500(3) (a) or (b) to install an ignition interlock device on all vehicles operated by the person in the event of a conviction;

(d) **Post conviction.** After any applicable period of mandatory suspension, revocation, or denial of driving privileges, or upon fulfillment of day-for-day credit under RCW 46.61.5055(9)(b)(ii) for a suspension, revocation, or denial of driving privileges:

(i) Due to a conviction of a violation of RCW 46.61.502 or 46.61.504 or an equivalent local or out-of-state statute or ordinance; or

(ii) Due to a conviction of a violation of RCW 46.61.5249 or 46.61.500 or an equivalent local ordinance if the person is required under RCW 46.61.5249(4) or 46.61.500(3) (a) or (b) to install an ignition interlock device on all vehicles operated by the person; or

(e) **Court order.** Upon receipt of an order by a court having jurisdiction that a person charged or convicted of any offense involving the use, consumption, or possession of alcohol while operating a motor vehicle may drive only a motor vehicle equipped with a functioning ignition interlock. The court shall establish a specific ~~((calibration setting))~~ alcohol set point at which the ignition interlock will prevent the vehicle from being started. The court shall also establish the period of time for which ignition interlock use will be required.

(2) ~~((Calibration))~~ **Alcohol set point.** Unless otherwise specified by the court for a restriction imposed under subsection (1)(e) of this section, the ignition interlock device shall ~~((be calibrated to prevent))~~ have an alcohol set point that prevents the motor vehicle from being started when the breath sample provided has an alcohol concentration of ~~((0.025))~~ 0.020 or more.

(3) **Duration of restriction.** A restriction imposed under:

(a) Subsection (1)(a) of this section shall remain in effect until:

(i) The court has authorized the removal of the device under RCW 10.21.055; or

(ii) The department has imposed a restriction under subsection (1)(b), (c), or (d) of this section arising out of the same incident.

(b) Subsection (1)(b) of this section remains in effect during the validity of any ignition interlock driver's license that has been issued to the person.

(c) Subsection (1)(c)(i) or (d)(i) of this section shall be for no less than:

(i) For a person who has not previously been restricted under this subsection, a period of one year;

(ii) For a person who has previously been restricted under (c)(i) of this subsection, a period of five years;

(iii) For a person who has previously been restricted under (c)(ii) of this subsection, a period of ten years.

The restriction of a person who is convicted of a violation of RCW 46.61.502 or 46.61.504 or an equivalent local ordinance and who committed the offense while ~~((a passenger))~~ one or more passengers under the age of sixteen ~~((was))~~ were in the vehicle shall be extended for an additional ~~((six-month))~~ period as required by RCW 46.61.5055(6)(a).

(d) Subsection (1)(c)(ii) or (d)(ii) of this section shall be for a period of no less than six months.

(e) The period of restriction under (c) or (d) of this subsection shall be extended by one hundred eighty days whenever the department receives notice that the restricted person has been convicted under RCW 46.20.740 or 46.20.750. If the period of restriction under (c) or (d) of this subsection has been fulfilled and cannot be extended, the department must add a new one hundred eighty-day restriction that is imposed from the date of conviction and is subject to the requirements for removal under subsection (4) of this section.

(f) Subsection (1)(e) of this section shall remain in effect for the period of time specified by the court.

(g) The period of restriction under (c) and (d) of this subsection based on incidents occurring on or after June 9, 2016, must be tolled for any period in which the person does not have an ignition interlock device installed on a vehicle owned or operated by the person unless the person receives a determination from the department that the person is unable to operate an ignition interlock device due to a physical disability. The department's determination that a person is unable to operate an ignition interlock device must be reasonable and be based upon good and substantial evidence. This determination is subject to review by a court of competent jurisdiction. The department may charge a person seeking a medical exemption under this subsection a reasonable fee for the assessment.

(4) **Requirements for removal.** A restriction imposed under subsection (1)(c) or (d) of this section shall remain in effect until the department receives a declaration from the person's ignition interlock device vendor, in a form provided or approved by the department, certifying ~~((that))~~ the following:

(a) That there have been none of the following incidents in the one hundred eighty consecutive days prior to the date of release:

~~((a))~~ (i) Any attempt to start the vehicle with a breath alcohol concentration of 0.04 or more unless a subsequent test performed within ten minutes registers a breath alcohol concentration lower than 0.04 and the digital image confirms the same person provided both samples;

~~((b))~~ (ii) Failure to take any random test unless a review of the digital image confirms that the vehicle was not occupied by the driver at the time of the missed test;

~~((c))~~ (iii) Failure to pass any random retest with a breath alcohol concentration of ~~((0.025 or))~~ lower than 0.020 unless a subsequent test performed within ten minutes registers a breath alcohol concentration lower than ~~((0.025))~~ 0.020, and the digital image confirms the same person provided both samples; ~~((e))~~

~~((d))~~ (iv) Failure of the person to appear at the ignition interlock device vendor when required for maintenance, repair, calibration, monitoring, inspection, or replacement of the device; or

(v) Removal of the ignition interlock device by a person other than an ignition interlock technician certified by the Washington state patrol; and

(b) That the ignition interlock device was inspected at the conclusion of the one hundred eighty-day period by an ignition interlock technician certified by the Washington state patrol and no evidence was found that the device was tampered with in the manner described in RCW 46.20.750.

(5) **Day-for-day credit.** (a) The time period during which a person has an ignition interlock device installed in order to meet the requirements of subsection (1)(b) of this section shall apply on a day-for-day basis toward satisfying the period of time the ignition interlock device restriction is imposed under subsection (1)(c) or (d) of this section arising out of the same incident.

(b) The department must also give the person a day-for-day credit for any time period, beginning from the date of the incident, during which the person kept an ignition interlock device installed on all vehicles the person operates, other than those subject to the employer exemption under subsection (6) of this section.

(c) If the day-for-day credit granted under this subsection equals or exceeds the period of time the ignition interlock device restriction is imposed under subsection (1)(c) or (d) of this section arising out of the same incident, and the person has already met the requirements for removal of the device under subsection (4) of this section, the department may waive the requirement that a device be installed or that the person again meet the requirements for removal.

(6) **Employer exemption.** (a) Except as provided in (b) of this subsection, the installation of an ignition interlock device is not necessary on vehicles owned, leased, or rented by a person's employer and on those vehicles whose care and/or maintenance is the temporary responsibility of the employer, and driven at the direction of a person's employer as a requirement of employment during working hours. The person must provide the department with a declaration pursuant to chapter 5.50 RCW from his or her employer stating that the person's employment requires the person to operate a vehicle owned by the employer or other persons during working hours. When the department receives a declaration under this subsection, it shall attach or imprint a

notation on the person's driving record stating that the employer exemption applies.

(b) The employer exemption does not apply when the employer's vehicle is assigned exclusively to the restricted driver and used solely for commuting to and from employment.

(7) **Ignition interlock device revolving account.** In addition to any other costs associated with the use of an ignition interlock device imposed on the person restricted under this section, the person shall pay an additional fee of ~~((twenty))~~ twenty-one dollars per month. Payments must be made directly to the ignition interlock company. The company shall remit the additional fee to the department to be deposited into the ignition interlock device revolving account, except that the company may retain twenty-five cents per month of the additional fee to cover the expenses associated with administering the fee. The department may waive the monthly fee if the person is indigent under RCW 10.101.010.

(8) **Foreign jurisdiction.** For a person restricted under this section who is residing outside of the state of Washington, the department may accept verification of installation of an ignition interlock device by an ignition interlock company authorized to do business in the jurisdiction in which the person resides, provided the device meets any applicable requirements of that jurisdiction. The department may waive one or more requirements for removal under subsection (4) of this section if compliance with the requirement or requirements would be impractical in the case of a person residing in another jurisdiction, provided the person is in compliance with any equivalent requirement of that jurisdiction. The department may waive the monthly fee required by subsection (7) of this section if collection of the fee would be impractical in the case of a person residing in another jurisdiction.

**Sec. 15.** RCW 46.20.740 and 2015 2nd sp.s. c 3 s 4 are each amended to read as follows:

(1) The department shall attach or imprint a notation on the driving record of any person restricted under RCW 46.20.720, 46.61.5055, or 10.05.140 stating that the person may operate only a motor vehicle equipped with a functioning ignition interlock device. The department shall determine the person's eligibility for licensing based upon written verification by a company doing business in the state that it has installed the required device on a vehicle owned or operated by the person seeking reinstatement. If, based upon notification from the interlock provider or otherwise, the department determines that an ignition interlock required under this section is no longer installed or functioning as required, the department shall suspend the person's license or privilege to drive. Whenever the license or driving privilege of any person is suspended or revoked as a result of noncompliance with an ignition interlock requirement, the suspension shall remain in effect until the person provides notice issued by a company doing business in the state that a vehicle owned or operated by the person is equipped with a functioning ignition interlock device.

(2) It is a gross misdemeanor for a person with such a notation on his or her driving record to operate a motor

vehicle that is not so equipped, unless the notation resulted from a restriction imposed as a condition of release and the restriction has been released by the court prior to driving. Any time a person is convicted under this section, the court shall immediately notify the department for purposes of RCW 46.20.720(3)(e).

(3) Any sentence imposed for a violation of subsection (2) of this section shall be served consecutively with any sentence imposed under RCW 46.20.750, 46.61.502, 46.61.504, or 46.61.5055.

**Sec. 16.** RCW 46.20.750 and 2015 2nd sp.s. c 3 s 6 are each amended to read as follows:

(1) A person who is restricted to the use of a vehicle equipped with an ignition interlock device is guilty of a gross misdemeanor if the restricted driver:

(a) Tampers with the device or any components of the device, or otherwise interferes with the proper functionality of the device, by modifying, detaching, disconnecting, or otherwise disabling it to allow the restricted driver to operate the vehicle;

(b) Uses or requests another person to use a filter or other device to circumvent the ignition interlock or to start or operate the vehicle to allow the restricted driver to operate the vehicle;

(c) Has, directs, authorizes, or requests another person to tamper with the device or any components of the device, or otherwise interfere with the proper functionality of the device, by modifying, detaching, disconnecting, or otherwise disabling it to allow the restricted driver to operate the vehicle; or

(d) Has, allows, directs, authorizes, or requests another person to blow or otherwise exhale into the device in order to circumvent the device to allow the restricted driver to operate the vehicle.

(2) A person who knowingly assists another person who is restricted to the use of a vehicle equipped with an ignition interlock device to circumvent the device or any components of the device, or otherwise interfere with the proper functionality of the device, or to start and operate that vehicle is guilty of a gross misdemeanor. The provisions of this subsection do not apply if the starting of a motor vehicle, or the request to start a motor vehicle, equipped with an ignition interlock device is done for the purpose of safety or mechanical repair of the device or the vehicle and the person subject to the court order does not operate the vehicle.

(3) Any sentence imposed for a violation of subsection (1) of this section shall be served consecutively with any sentence imposed under RCW 46.20.740, 46.61.502, 46.61.504, 46.61.5055, 46.61.520(1)(a), or 46.61.522(1)(b).

(4) Any time a person is convicted under subsection (1) of this section, the court shall immediately notify the department for purposes of RCW 46.20.720(3)(e).

**Sec. 17.** RCW 46.55.113 and 2011 c 167 s 6 are each amended to read as follows:

(1) Whenever the driver of a vehicle is arrested for a violation of RCW 46.20.342 or 46.20.345, the vehicle is subject to summary impoundment, pursuant to the terms and conditions of an applicable local ordinance or state agency rule at the direction of a law enforcement officer.

(2) In addition, a police officer may take custody of a vehicle, at his or her discretion, and provide for its prompt removal to a place of safety under any of the following circumstances:

(a) Whenever a police officer finds a vehicle standing upon the roadway in violation of any of the provisions of RCW 46.61.560, the officer may provide for the removal of the vehicle or require the driver or other person in charge of the vehicle to move the vehicle to a position off the roadway;

(b) Whenever a police officer finds a vehicle unattended upon a highway where the vehicle constitutes an obstruction to traffic or jeopardizes public safety;

(c) Whenever a police officer finds an unattended vehicle at the scene of an accident or when the driver of a vehicle involved in an accident is physically or mentally incapable of deciding upon steps to be taken to protect his or her property;

(d) Whenever the driver of a vehicle is arrested and taken into custody by a police officer;

(e) Whenever a police officer discovers a vehicle that the officer determines to be a stolen vehicle;

(f) Whenever a vehicle without a special license plate, placard, or decal indicating that the vehicle is being used to transport a person with disabilities under RCW 46.19.010 is parked in a stall or space clearly and conspicuously marked under RCW 46.61.581 which space is provided on private property without charge or on public property;

(g) Upon determining that a person is operating a motor vehicle without a valid and, if required, a specially endorsed driver's license or with a license that has been expired for ninety days or more;

(h) When a vehicle is illegally occupying a truck, commercial loading zone, restricted parking zone, bus, loading, hooded-meter, taxi, street construction or maintenance, or other similar zone where, by order of the director of transportation or chiefs of police or fire or their designees, parking is limited to designated classes of vehicles or is prohibited during certain hours, on designated days or at all times, if the zone has been established with signage for at least twenty-four hours and where the vehicle is interfering with the proper and intended use of the zone. Signage must give notice to the public that a vehicle will be removed if illegally parked in the zone;

(i) When a vehicle with an expired registration of more than forty-five days is parked on a public street;

(j) Upon determining that a person restricted to use of only a motor vehicle equipped with a functioning ignition interlock device is operating a motor vehicle that is not equipped with such a device in violation of RCW 46.20.740(2).

(3) When an arrest is made for a violation of RCW 46.20.342, if the vehicle is a commercial vehicle or farm transport vehicle and the driver of the vehicle is not the owner of the vehicle, before the summary impoundment directed under subsection (1) of this section, the police officer shall attempt in a reasonable and timely manner to contact the owner of the vehicle and may release the vehicle to the owner if the owner is reasonably available, as long as the owner was not in the vehicle at the time of the stop and arrest and the owner has not received a prior release under this subsection or RCW 46.55.120(1)((~~a~~)) (b)(ii).

(4) Nothing in this section may derogate from the powers of police officers under the common law. For the purposes of this section, a place of safety may include the business location of a registered tow truck operator.

(5) For purposes of this section "farm transport vehicle" means a motor vehicle owned by a farmer and that is being actively used in the transportation of the farmer's or another farmer's farm, orchard, aquatic farm, or dairy products, including livestock and plant or animal wastes, from point of production to market or disposal, or supplies or commodities to be used on the farm, orchard, aquatic farm, or dairy, and that has a gross vehicle weight rating of 7,258 kilograms (16,001 pounds) or more.

**Sec. 18.** RCW 46.61.500 and 2012 c 183 s 11 are each amended to read as follows:

(1) Any person who drives any vehicle in willful or wanton disregard for the safety of persons or property is guilty of reckless driving. Violation of the provisions of this section is a gross misdemeanor punishable by imprisonment for up to three hundred sixty-four days and by a fine of not more than five thousand dollars.

(2)(a) Subject to (b) of this subsection, the license or permit to drive or any nonresident privilege of any person convicted of reckless driving shall be suspended by the department for not less than thirty days.

(b) When a reckless driving conviction is a result of a charge that was originally filed as a violation of RCW 46.61.502 or 46.61.504, or an equivalent local ordinance, the department shall grant credit on a day-for-day basis for any portion of a suspension, revocation, or denial already served under an administrative action arising out of the same incident. In the case of a person whose day-for-day credit is for a period equal to or greater than the period of suspension required under this section, the department shall provide notice of full credit, shall provide for no further suspension under this section, and shall impose no additional reissue fees for this credit. During any period of suspension, revocation, or denial due to a conviction for reckless driving as the result of a charge originally filed as a violation of RCW 46.61.502 or 46.61.504, any person who has obtained an ignition interlock driver's license under RCW 46.20.385 may continue to drive a motor vehicle pursuant to the provision of the ignition interlock driver's license without obtaining a separate temporary restricted driver's license under RCW 46.20.391.

(3)(a) Except as provided under (b) of this subsection, a person convicted of reckless driving who has one or more

prior offenses as defined in RCW 46.61.5055(14) within seven years shall be required, under RCW 46.20.720, to install an ignition interlock device on all vehicles operated by the person if the conviction is the result of a charge that was originally filed as a violation of RCW 46.61.502, 46.61.504, or an equivalent local ordinance.

(b) A person convicted of reckless driving shall be required, under RCW 46.20.720, to install an ignition interlock device on all vehicles operated by the person if the conviction is the result of a charge that was originally filed as a violation of RCW 46.61.520 committed while under the influence of intoxicating liquor or any drug or RCW 46.61.522 committed while under the influence of intoxicating liquor or any drug.

**Sec. 19.** RCW 46.61.5055 and 2018 c 201 s 9009 are each amended to read as follows:

(1) **No prior offenses in seven years.** Except as provided in RCW 46.61.502(6) or 46.61.504(6), a person who is convicted of a violation of RCW 46.61.502 or 46.61.504 and who has no prior offense within seven years shall be punished as follows:

(a) **Penalty for alcohol concentration less than 0.15.** In the case of a person whose alcohol concentration was less than 0.15, or for whom for reasons other than the person's refusal to take a test offered pursuant to RCW 46.20.308 there is no test result indicating the person's alcohol concentration:

(i) By imprisonment for not less than ~~((one day))~~ twenty-four consecutive hours nor more than three hundred sixty-four days. ~~((Twenty-four consecutive hours of the imprisonment may not be suspended unless the court finds that the imposition of this mandatory minimum sentence would impose a substantial risk to the offender's physical or mental well being. Whenever the mandatory minimum sentence is suspended, the court shall state in writing the reason for granting the suspension and the facts upon which the suspension is based.))~~ In lieu of the mandatory minimum term of imprisonment required under this subsection (1)(a)(i), the court, in its discretion, may order not less than fifteen days of electronic home monitoring or a ninety-day period of 24/7 sobriety program monitoring. The court may consider the offender's pretrial 24/7 sobriety program monitoring as fulfilling a portion of posttrial sentencing. The offender shall pay the cost of electronic home monitoring. The county or municipality in which the penalty is being imposed shall determine the cost. The court may also require the offender's electronic home monitoring device or other separate alcohol monitoring device to include an alcohol detection breathalyzer, and the court may restrict the amount of alcohol the offender may consume during the time the offender is on electronic home monitoring; and

(ii) By a fine of not less than three hundred fifty dollars nor more than five thousand dollars. Three hundred fifty dollars of the fine may not be suspended unless the court finds the offender to be indigent; or

(b) **Penalty for alcohol concentration at least 0.15.** In the case of a person whose alcohol concentration was at least 0.15, or for whom by reason of the person's refusal to

take a test offered pursuant to RCW 46.20.308 there is no test result indicating the person's alcohol concentration:

(i) By imprisonment for not less than ~~((two days))~~ forty-eight consecutive hours nor more than three hundred sixty-four days. ~~((Forty-eight consecutive hours of the imprisonment may not be suspended unless the court finds that the imposition of this mandatory minimum sentence would impose a substantial risk to the offender's physical or mental well-being. Whenever the mandatory minimum sentence is suspended, the court shall state in writing the reason for granting the suspension and the facts upon which the suspension is based.))~~ In lieu of the mandatory minimum term of imprisonment required under this subsection (1)(b)(i), the court, in its discretion, may order not less than thirty days of electronic home monitoring or a one hundred twenty day period of 24/7 sobriety program monitoring. The court may consider the offender's pretrial 24/7 sobriety program testing as fulfilling a portion of posttrial sentencing. The offender shall pay the cost of electronic home monitoring. The county or municipality in which the penalty is being imposed shall determine the cost. The court may also require the offender's electronic home monitoring device to include an alcohol detection breathalyzer or other separate alcohol monitoring device, and the court may restrict the amount of alcohol the offender may consume during the time the offender is on electronic home monitoring; and

(ii) By a fine of not less than five hundred dollars nor more than five thousand dollars. Five hundred dollars of the fine may not be suspended unless the court finds the offender to be indigent.

(2) **One prior offense in seven years.** Except as provided in RCW 46.61.502(6) or 46.61.504(6), a person who is convicted of a violation of RCW 46.61.502 or 46.61.504 and who has one prior offense within seven years shall be punished as follows:

(a) **Penalty for alcohol concentration less than 0.15.** In the case of a person whose alcohol concentration was less than 0.15, or for whom for reasons other than the person's refusal to take a test offered pursuant to RCW 46.20.308 there is no test result indicating the person's alcohol concentration:

(i) By imprisonment for not less than thirty days nor more than three hundred sixty-four days and sixty days of electronic home monitoring. Thirty days of imprisonment and sixty days of electronic home monitoring may not be suspended or converted unless the court finds that the imposition of this mandatory minimum sentence would impose a substantial risk to the offender's physical or mental well-being. If the offender shows that the imposition of this mandatory minimum sentence would impose a substantial risk to the offender's physical or mental well-being, in lieu of the mandatory term of imprisonment and electronic home monitoring under this subsection (2)(a)(i), the court may order a minimum of ((four days in jail and)) either one hundred eighty days of electronic home monitoring or a one hundred twenty-day period of 24/7 sobriety program monitoring pursuant to RCW 36.28A.300 through 36.28A.390. Whenever the mandatory minimum sentence is

suspended or converted, the court shall state in writing the reason for granting the suspension or conversion and the facts upon which the suspension or conversion is based. The court may consider the offender's pretrial 24/7 sobriety program monitoring as fulfilling a portion of posttrial sentencing. The court shall order an expanded ~~((alcohol))~~ substance use disorder assessment and treatment, if deemed appropriate by the assessment. The offender shall pay for the cost of the electronic monitoring. The county or municipality where the penalty is being imposed shall determine the cost. The court may also require the offender's electronic home monitoring device include an alcohol detection breathalyzer or other separate alcohol monitoring device, and may restrict the amount of alcohol the offender may consume during the time the offender is on electronic home monitoring~~((Thirty days of imprisonment and sixty days of electronic home monitoring may not be suspended unless the court finds that the imposition of this mandatory minimum sentence would impose a substantial risk to the offender's physical or mental well-being. Whenever the mandatory minimum sentence is suspended, the court shall state in writing the reason for granting the suspension and the facts upon which the suspension is based.))~~; and

(ii) By a fine of not less than five hundred dollars nor more than five thousand dollars. Five hundred dollars of the fine may not be suspended unless the court finds the offender to be indigent; or

(b) **Penalty for alcohol concentration at least 0.15.** In the case of a person whose alcohol concentration was at least 0.15, or for whom by reason of the person's refusal to take a test offered pursuant to RCW 46.20.308 there is no test result indicating the person's alcohol concentration:

(i) By imprisonment for not less than forty-five days nor more than three hundred sixty-four days and ninety days of electronic home monitoring. ~~((H))~~ Forty-five days of imprisonment and ninety days of electronic home monitoring may not be suspended or converted unless the court finds that the imposition of this mandatory minimum sentence would impose a substantial risk to the offender's physical or mental well-being. If the offender shows that the imposition of this mandatory minimum sentence would impose a substantial risk to the offender's physical or mental well-being, in lieu of the mandatory minimum term of imprisonment and electronic home monitoring under this subsection (2)(b)(i), the court may order a minimum of ((six days in jail and)) either six months of electronic home monitoring or a one hundred twenty-day period of 24/7 sobriety program monitoring pursuant to RCW 36.28A.300 through 36.28A.390. Whenever the mandatory minimum sentence is suspended or converted, the court shall state in writing the reason for granting the suspension or conversion and the facts upon which the suspension or conversion is based. The court may consider the offender's pretrial 24/7 sobriety program monitoring as fulfilling a portion of posttrial sentencing. The court shall order an expanded ~~((alcohol))~~ substance use disorder assessment and treatment, if deemed appropriate by the assessment. The offender shall pay for the cost of the electronic monitoring. The county or municipality where the penalty is being imposed shall determine the cost. The court may also require the offender's



electronic home monitoring device include an alcohol detection breathalyzer or other separate alcohol monitoring device, and may restrict the amount of alcohol the offender may consume during the time the offender is on electronic home monitoring(~~((Forty five days of imprisonment and ninety days of electronic home monitoring may not be suspended unless the court finds that the imposition of this mandatory minimum sentence would impose a substantial risk to the offender's physical or mental well-being. Whenever the mandatory minimum sentence is suspended, the court shall state in writing the reason for granting the suspension and the facts upon which the suspension is based))); and~~

(ii) By a fine of not less than seven hundred fifty dollars nor more than five thousand dollars. Seven hundred fifty dollars of the fine may not be suspended unless the court finds the offender to be indigent.

(3) **Two prior offenses in seven years.** Except as provided in RCW 46.61.502(6) or 46.61.504(6), a person who is convicted of a violation of RCW 46.61.502 or 46.61.504 and who has two prior offenses within seven years shall be punished as follows:

**(a) Penalty for alcohol concentration less than 0.15.**

In the case of a person whose alcohol concentration was less than 0.15, or for whom for reasons other than the person's refusal to take a test offered pursuant to RCW 46.20.308 there is no test result indicating the person's alcohol concentration:

(i) By imprisonment for not less than ninety days nor more than three hundred sixty-four days, if available in that county or city, a six-month period of 24/7 sobriety program monitoring pursuant to RCW 36.28A.300 through 36.28A.390, and one hundred twenty days of electronic home monitoring. Ninety days of imprisonment and one hundred twenty days of electronic home monitoring may not be suspended or converted unless the court finds that the imposition of this mandatory minimum sentence would impose a substantial risk to the offender's physical or mental well-being. If the offender shows that the imposition of this mandatory minimum sentence would impose a substantial risk to the offender's physical or mental well-being, in lieu of the mandatory minimum term of ninety days of imprisonment and one hundred twenty days of electronic home monitoring, the court may order ((at least an additional eight days in jail)) three hundred sixty days of electronic home monitoring or a three hundred sixty-day period of 24/7 sobriety monitoring pursuant to RCW 36.28A.300 through 36.28A.390. Whenever the mandatory minimum sentence is suspended or converted, the court shall state in writing the reason for granting the suspension or conversion and the facts upon which the suspension or conversion is based. The court shall order an expanded ((alcohol)) substance use disorder assessment and treatment, if deemed appropriate by the assessment. The offender shall pay for the cost of the electronic monitoring. The county or municipality where the penalty is being imposed shall determine the cost. The court may also require the offender's electronic home monitoring device include an alcohol detection breathalyzer or other separate alcohol monitoring device, and may restrict the amount of alcohol the offender may consume during the time

the offender is on electronic home monitoring(~~((Ninety days of imprisonment and one hundred twenty days of electronic home monitoring may not be suspended unless the court finds that the imposition of this mandatory minimum sentence would impose a substantial risk to the offender's physical or mental well-being. Whenever the mandatory minimum sentence is suspended, the court shall state in writing the reason for granting the suspension and the facts upon which the suspension is based))); and~~

(ii) By a fine of not less than one thousand dollars nor more than five thousand dollars. One thousand dollars of the fine may not be suspended unless the court finds the offender to be indigent; or

**(b) Penalty for alcohol concentration at least 0.15.**

In the case of a person whose alcohol concentration was at least 0.15, or for whom by reason of the person's refusal to take a test offered pursuant to RCW 46.20.308 there is no test result indicating the person's alcohol concentration:

(i) By imprisonment for not less than one hundred twenty days nor more than three hundred sixty-four days, if available in that county or city, a six-month period of 24/7 sobriety program monitoring pursuant to RCW 36.28A.300 through 36.28A.390, and one hundred fifty days of electronic home monitoring. One hundred twenty days of imprisonment and one hundred fifty days of electronic home monitoring may not be suspended or converted unless the court finds that the imposition of this mandatory minimum sentence would impose a substantial risk to the offender's physical or mental well-being. If the offender shows that the imposition of this mandatory minimum sentence would impose a substantial risk to the offender's physical or mental well-being, in lieu of the mandatory minimum term of one hundred twenty days of imprisonment and one hundred fifty days of electronic home monitoring, the court may order ((at least an additional ten days in jail)) three hundred sixty days of electronic home monitoring or a three hundred sixty-day period of 24/7 sobriety monitoring pursuant to RCW 36.28A.300 through 36.28A.390. Whenever the mandatory minimum sentence is suspended or converted, the court shall state in writing the reason for granting the suspension or conversion and the facts upon which the suspension or conversion is based. The offender shall pay for the cost of the electronic monitoring. The court shall order an expanded ((alcohol)) substance use disorder assessment and treatment, if deemed appropriate by the assessment. The county or municipality where the penalty is being imposed shall determine the cost. The court may also require the offender's electronic home monitoring device include an alcohol detection breathalyzer or other separate alcohol monitoring device, and may restrict the amount of alcohol the offender may consume during the time the offender is on electronic home monitoring(~~((One hundred twenty days of imprisonment and one hundred fifty days of electronic home monitoring may not be suspended unless the court finds that the imposition of this mandatory minimum sentence would impose a substantial risk to the offender's physical or mental well-being. Whenever the mandatory minimum sentence is suspended, the court shall state in writing the reason for granting the suspension and the facts upon which the suspension is based))); and~~

(ii) By a fine of not less than one thousand five hundred dollars nor more than five thousand dollars. One thousand five hundred dollars of the fine may not be suspended unless the court finds the offender to be indigent.

(4) **Three or more prior offenses in ten years.** A person who is convicted of a violation of RCW 46.61.502 or 46.61.504 shall be punished under chapter 9.94A RCW if:

(a) The person has three or more prior offenses within ten years; or

(b) The person has ever previously been convicted of:

(i) A violation of RCW 46.61.520 committed while under the influence of intoxicating liquor or any drug;

(ii) A violation of RCW 46.61.522 committed while under the influence of intoxicating liquor or any drug;

(iii) An out-of-state offense comparable to the offense specified in (b)(i) or (ii) of this subsection; or

(iv) A violation of RCW 46.61.502(6) or 46.61.504(6).

(5) **Monitoring.** (a) **Ignition interlock device.** The court shall require any person convicted of a violation of RCW 46.61.502 or 46.61.504 or an equivalent local ordinance to comply with the rules and requirements of the department regarding the installation and use of a functioning ignition interlock device installed on all motor vehicles operated by the person.

(b) **Monitoring devices.** If the court orders that a person refrain from consuming any alcohol, the court may order the person to submit to alcohol monitoring through an alcohol detection breathalyzer device, transdermal sensor device, or other technology designed to detect alcohol in a person's system. The person shall pay for the cost of the monitoring, unless the court specifies that the cost of monitoring will be paid with funds that are available from an alternative source identified by the court. The county or municipality where the penalty is being imposed shall determine the cost.

(c) **24/7 sobriety program monitoring.** In any county or city where a 24/7 sobriety program is available and verified by the Washington association of sheriffs and police chiefs, the court shall:

(i) Order the person to install and use a functioning ignition interlock or other device in lieu of such period of 24/7 sobriety program monitoring;

(ii) Order the person to a period of 24/7 sobriety program monitoring pursuant to subsections (1) through (3) of this section; or

(iii) Order the person to install and use a functioning ignition interlock or other device in addition to a period of 24/7 sobriety program monitoring pursuant to subsections (1) through (3) of this section.

(6) **Penalty for having a minor passenger in vehicle.** If a person who is convicted of a violation of RCW 46.61.502 or 46.61.504 committed the offense while ((a)) one or more passengers under the age of sixteen ((was)) were in the vehicle, the court shall:

(a) Order the use of an ignition interlock or other device for an additional ((six)) twelve months for each passenger under the age of sixteen when the person is subject to the penalties under subsection (1)(a), (2)(a), or (3)(a) of this section; and order the use of an ignition interlock device for an additional eighteen months for each passenger under the age of sixteen when the person is subject to the penalties under subsection (1)(b), (2)(b), (3)(b), or (4) of this section;

(b) In any case in which the person has no prior offenses within seven years, and except as provided in RCW 46.61.502(6) or 46.61.504(6), order an additional twenty-four hours of imprisonment to be served consecutively for each passenger under the age of sixteen, and a fine of not less than one thousand dollars and not more than five thousand dollars for each passenger under the age of sixteen. One thousand dollars of the fine for each passenger under the age of sixteen may not be suspended unless the court finds the offender to be indigent;

(c) In any case in which the person has one prior offense within seven years, and except as provided in RCW 46.61.502(6) or 46.61.504(6), order an additional five days of imprisonment to be served consecutively for each passenger under the age of sixteen, and a fine of not less than two thousand dollars and not more than five thousand dollars for each passenger under the age of sixteen. One thousand dollars of the fine for each passenger under the age of sixteen may not be suspended unless the court finds the offender to be indigent;

(d) In any case in which the person has two prior offenses within seven years, and except as provided in RCW 46.61.502(6) or 46.61.504(6), order an additional ten days of imprisonment to be served consecutively for each passenger under the age of sixteen, and a fine of not less than three thousand dollars and not more than ten thousand dollars for each passenger under the age of sixteen. One thousand dollars of the fine for each passenger under the age of sixteen may not be suspended unless the court finds the offender to be indigent.

(7) **Other items courts must consider while setting penalties.** In exercising its discretion in setting penalties within the limits allowed by this section, the court shall particularly consider the following:

(a) Whether the person's driving at the time of the offense was responsible for injury or damage to another or another's property;

(b) Whether at the time of the offense the person was driving or in physical control of a vehicle with one or more passengers;

(c) Whether the driver was driving in the opposite direction of the normal flow of traffic on a multiple lane highway, as defined by RCW 46.04.350, with a posted speed limit of forty-five miles per hour or greater; and

(d) Whether a child passenger under the age of sixteen was an occupant in the driver's vehicle.

(8) **Treatment and information school.** An offender punishable under this section is subject to the ((alcohol))

substance use disorder assessment and treatment provisions of RCW 46.61.5056.

**(9) Driver's license privileges of the defendant. (a)**

The license, permit, or nonresident privilege of a person convicted of driving or being in physical control of a motor vehicle while under the influence of intoxicating liquor or drugs must:

**((~~(a)~~)) (i) Penalty for alcohol concentration less than 0.15.** If the person's alcohol concentration was less than 0.15, or if for reasons other than the person's refusal to take a test offered under RCW 46.20.308 there is no test result indicating the person's alcohol concentration:

**((~~(i)~~)) (A)** Where there has been no prior offense within seven years, be suspended or denied by the department for ninety days or until the person is evaluated by ~~((an alcoholism))~~ a substance use disorder agency or probation department pursuant to RCW 46.20.311 and the person completes or is enrolled in a ninety-day period of 24/7 sobriety program monitoring. In no circumstances shall the license suspension be for fewer than two days;

**((~~(ii)~~)) (B)** Where there has been one prior offense within seven years, be revoked or denied by the department for two years or until the person is evaluated by ~~((an alcoholism))~~ a substance use disorder agency or probation department pursuant to RCW 46.20.311 and the person completes or is enrolled in a six-month period of 24/7 sobriety program monitoring. In no circumstances shall the license suspension be for less than one year; or

**((~~(iii)~~)) (C)** Where there have been two or more prior offenses within seven years, be revoked or denied by the department for three years;

**((~~(b)~~)) (ii) Penalty for alcohol concentration at least 0.15.** If the person's alcohol concentration was at least 0.15:

**((~~(i)~~)) (A)** Where there has been no prior offense within seven years, be revoked or denied by the department for one year or until the person is evaluated by ~~((an alcoholism))~~ a substance use disorder agency or probation department pursuant to RCW 46.20.311 and the person completes or is enrolled in a one hundred twenty day period of 24/7 sobriety program monitoring. In no circumstances shall the license revocation be for fewer than four days;

**((~~(ii)~~)) (B)** Where there has been one prior offense within seven years, be revoked or denied by the department for nine hundred days; or

**((~~(iii)~~)) (C)** Where there have been two or more prior offenses within seven years, be revoked or denied by the department for four years; or

**((~~(c)~~)) (iii) Penalty for refusing to take test.** If by reason of the person's refusal to take a test offered under RCW 46.20.308, there is no test result indicating the person's alcohol concentration:

**((~~(i)~~)) (A)** Where there have been no prior offenses within seven years, be revoked or denied by the department for two years;

**((~~(ii)~~)) (B)** Where there has been one prior offense within seven years, be revoked or denied by the department for three years; or

**((~~(iii)~~)) (C)** Where there have been two or more previous offenses within seven years, be revoked or denied by the department for four years.

**(b)(i)** The department shall grant credit on a day-for-day basis for ~~((any portion of))~~ a suspension, revocation, or denial ~~((already served))~~ imposed under this subsection (9) for any portion of a suspension, revocation, or denial ~~((imposed))~~ already served under RCW 46.20.3101 arising out of the same incident.

**(ii)** If a person has already served a suspension, revocation, or denial under RCW 46.20.3101 for a period equal to or greater than the period imposed under this subsection (9), the department shall provide notice of full credit, shall provide for no further suspension or revocation under this subsection provided the person has completed the requirements under RCW 46.20.311 and paid the probationary license fee under RCW 46.20.355 by the date specified in the notice under RCW 46.20.245, and shall impose no additional reissue fees for this credit.

**(c)** Upon receipt of a notice from the court under RCW 36.28A.390 that a participant has been removed from a 24/7 sobriety program, the department must resume any suspension, revocation, or denial that had been terminated early under this subsection due to participation in the program, granting credit on a day-for-day basis for any portion of a suspension, revocation, or denial already served under RCW 46.20.3101 or this section arising out of the same incident.

**(d)** Upon its own motion or upon motion by a person, a court may find, on the record, that notice to the department under RCW 46.20.270 has been delayed for three years or more as a result of a clerical or court error. If so, the court may order that the person's license, permit, or nonresident privilege shall not be revoked, suspended, or denied for that offense. The court shall send notice of the finding and order to the department and to the person. Upon receipt of the notice from the court, the department shall not revoke, suspend, or deny the license, permit, or nonresident privilege of the person for that offense.

**(e)** For purposes of this subsection (9), the department shall refer to the driver's record maintained under RCW 46.52.120 when determining the existence of prior offenses.

**(10) Probation of driving privilege.** After expiration of any period of suspension, revocation, or denial of the offender's license, permit, or privilege to drive required by this section, the department shall place the offender's driving privilege in probationary status pursuant to RCW 46.20.355.

**(11) Conditions of probation.** (a) In addition to any nonsuspendable and nondeferrable jail sentence required by this section, whenever the court imposes up to three hundred sixty-four days in jail, the court shall also suspend but shall not defer a period of confinement for a period not exceeding five years. The court shall impose conditions of probation that include: (i) Not driving a motor vehicle within this state

without a valid license to drive; (ii) not driving a motor vehicle within this state without proof of liability insurance or other financial responsibility for the future pursuant to RCW 46.30.020; (iii) not driving or being in physical control of a motor vehicle within this state while having an alcohol concentration of 0.08 or more or a THC concentration of 5.00 nanograms per milliliter of whole blood or higher, within two hours after driving; (iv) not refusing to submit to a test of his or her breath or blood to determine alcohol or drug concentration upon request of a law enforcement officer who has reasonable grounds to believe the person was driving or was in actual physical control of a motor vehicle within this state while under the influence of intoxicating liquor or drug; and (v) not driving a motor vehicle in this state without a functioning ignition interlock device as required by the department under RCW 46.20.720. The court may impose conditions of probation that include nonrepetition, installation of an ignition interlock device on the probationer's motor vehicle, ~~((alcohol or drug))~~ substance use disorder treatment, supervised probation, or other conditions that may be appropriate. The sentence may be imposed in whole or in part upon violation of a condition of probation during the suspension period.

(b) For each violation of mandatory conditions of probation under (a)(i), (ii), (iii), (iv), or (v) of this subsection, the court shall order the convicted person to be confined for thirty days, which shall not be suspended or deferred.

(c) For each incident involving a violation of a mandatory condition of probation imposed under this subsection, the license, permit, or privilege to drive of the person shall be suspended by the court for thirty days or, if such license, permit, or privilege to drive already is suspended, revoked, or denied at the time the finding of probation violation is made, the suspension, revocation, or denial then in effect shall be extended by thirty days. The court shall notify the department of any suspension, revocation, or denial or any extension of a suspension, revocation, or denial imposed under this subsection.

**(12) Waiver of electronic home monitoring.** A court may waive the electronic home monitoring requirements of this chapter when:

(a) The offender does not have a dwelling, telephone service, or any other necessity to operate an electronic home monitoring system. However, if a court determines that an alcohol monitoring device utilizing wireless reporting technology is reasonably available, the court may require the person to obtain such a device during the period of required electronic home monitoring;

(b) The offender does not reside in the state of Washington; or

(c) The court determines that there is reason to believe that the offender would violate the conditions of the electronic home monitoring penalty.

Whenever the mandatory minimum term of electronic home monitoring is waived, the court shall state in writing the reason for granting the waiver and the facts upon which the waiver is based, and shall impose an alternative sentence with similar punitive consequences. The alternative sentence

may include, but is not limited to, use of an ignition interlock device, the 24/7 sobriety program monitoring, additional jail time, work crew, or work camp.

Whenever the combination of jail time and electronic home monitoring or alternative sentence would exceed three hundred sixty-four days, the offender shall serve the jail portion of the sentence first, and the electronic home monitoring or alternative portion of the sentence shall be reduced so that the combination does not exceed three hundred sixty-four days.

**(13) Extraordinary medical placement.** An offender serving a sentence under this section, whether or not a mandatory minimum term has expired, may be granted an extraordinary medical placement by the jail administrator subject to the standards and limitations set forth in RCW 9.94A.728(1)(c).

**(14) Definitions.** For purposes of this section and RCW 46.61.502 and 46.61.504:

(a) A "prior offense" means any of the following:

(i) A conviction for a violation of RCW 46.61.502 or an equivalent local ordinance;

(ii) A conviction for a violation of RCW 46.61.504 or an equivalent local ordinance;

(iii) A conviction for a violation of RCW 46.25.110 or an equivalent local ordinance;

(iv) A conviction for a violation of RCW 79A.60.040(2) or an equivalent local ordinance;

(v) A conviction for a violation of RCW 79A.60.040(1) or an equivalent local ordinance committed in a reckless manner if the conviction is the result of a charge that was originally filed as a violation of RCW 79A.60.040(2) or an equivalent local ordinance;

(vi) A conviction for a violation of RCW 47.68.220 or an equivalent local ordinance committed while under the influence of intoxicating liquor or any drug;

(vii) A conviction for a violation of RCW 47.68.220 or an equivalent local ordinance committed in a careless or reckless manner if the conviction is the result of a charge that was originally filed as a violation of RCW 47.68.220 or an equivalent local ordinance while under the influence of intoxicating liquor or any drug;

(viii) A conviction for a violation of RCW 46.09.470(2) or an equivalent local ordinance;

(ix) A conviction for a violation of RCW 46.10.490(2) or an equivalent local ordinance;

(x) A conviction for a violation of RCW 46.61.520 committed while under the influence of intoxicating liquor or any drug, or a conviction for a violation of RCW 46.61.520 committed in a reckless manner or with the disregard for the safety of others if the conviction is the result of a charge that was originally filed as a violation of RCW 46.61.520 committed while under the influence of intoxicating liquor or any drug;

(xi) A conviction for a violation of RCW 46.61.522 committed while under the influence of intoxicating liquor or any drug, or a conviction for a violation of RCW 46.61.522 committed in a reckless manner or with the disregard for the safety of others if the conviction is the result of a charge that was originally filed as a violation of RCW 46.61.522 committed while under the influence of intoxicating liquor or any drug;

(xii) A conviction for a violation of RCW 46.61.5249, 46.61.500, or 9A.36.050 or an equivalent local ordinance, if the conviction is the result of a charge that was originally filed as a violation of RCW 46.61.502 or 46.61.504, or an equivalent local ordinance, or of RCW 46.61.520 or 46.61.522;

(xiii) An out-of-state conviction for a violation that would have been a violation of (a)(i), (ii), (x), (xi), or (xii) of this subsection if committed in this state;

(xiv) A deferred prosecution under chapter 10.05 RCW granted in a prosecution for a violation of RCW 46.61.502, 46.61.504, or an equivalent local ordinance;

(xv) A deferred prosecution under chapter 10.05 RCW granted in a prosecution for a violation of RCW 46.61.5249, or an equivalent local ordinance, if the charge under which the deferred prosecution was granted was originally filed as a violation of RCW 46.61.502 or 46.61.504, or an equivalent local ordinance, or of RCW 46.61.520 or 46.61.522;

(xvi) A deferred prosecution granted in another state for a violation of driving or having physical control of a vehicle while under the influence of intoxicating liquor or any drug if the out-of-state deferred prosecution is equivalent to the deferred prosecution under chapter 10.05 RCW, including a requirement that the defendant participate in a chemical dependency treatment program; or

(xvii) A deferred sentence imposed in a prosecution for a violation of RCW 46.61.5249, 46.61.500, or 9A.36.050, or an equivalent local ordinance, if the charge under which the deferred sentence was imposed was originally filed as a violation of RCW 46.61.502 or 46.61.504, or an equivalent local ordinance, or a violation of RCW 46.61.520 or 46.61.522;

If a deferred prosecution is revoked based on a subsequent conviction for an offense listed in this subsection (14)(a), the subsequent conviction shall not be treated as a prior offense of the revoked deferred prosecution for the purposes of sentencing;

(b) "Treatment" means substance use disorder treatment licensed or certified by the department of health;

(c) "Within seven years" means that the arrest for a prior offense occurred within seven years before or after the arrest for the current offense; and

(d) "Within ten years" means that the arrest for a prior offense occurred within ten years before or after the arrest for the current offense.

(15) All fines imposed by this section apply to adult offenders only.

**Sec. 20.** RCW 46.61.5056 and 2018 c 201 s 9010 are each amended to read as follows:

(1) A person subject to ~~((alcohol))~~ substance use disorder assessment and treatment under RCW 46.61.5055 shall be required by the court to complete a course in an alcohol and drug information school licensed or certified by the department of health or to complete more intensive treatment in a substance use disorder treatment program licensed or certified by the department of health, as determined by the court. The court shall notify the department of licensing whenever it orders a person to complete a course or treatment program under this section.

(2) A diagnostic evaluation and treatment recommendation shall be prepared under the direction of the court by a substance use disorder treatment program licensed or certified by the department of health or a qualified probation department approved by the department of social and health services. A copy of the report shall be forwarded to the court and the department of licensing. Based on the diagnostic evaluation, the court shall determine whether the person shall be required to complete a course in an alcohol and drug information school licensed or certified by the department of health or more intensive treatment in an approved substance use disorder treatment program licensed or certified by the department of health.

(3) Standards for approval for ~~((alcohol))~~ substance use disorder treatment programs shall be prescribed by the department of health. The department of health shall periodically review the costs of alcohol and drug information schools and treatment programs.

(4) Any agency that provides treatment ordered under RCW 46.61.5055, shall immediately report to the appropriate probation department where applicable, otherwise to the court, and to the department of licensing any noncompliance by a person with the conditions of his or her ordered treatment. The court shall notify the department of licensing and the department of health of any failure by an agency to so report noncompliance. Any agency with knowledge of noncompliance that fails to so report shall be fined two hundred fifty dollars by the department of health. Upon three such failures by an agency within one year, the department of health shall revoke the agency's license or certification under this section.

(5) The department of licensing and the department of health may adopt such rules as are necessary to carry out this section.

**Sec. 21.** RCW 46.61.524 and 2008 c 231 s 46 are each amended to read as follows:

As provided for under RCW 46.20.285, the department shall revoke the license, permit to drive, or a nonresident privilege of a person convicted of vehicular homicide under RCW 46.61.520 or vehicular assault under RCW 46.61.522. The department shall determine the eligibility of a person convicted of vehicular homicide under RCW 46.61.520(1)(a) or vehicular assault under RCW 46.61.522(1)(b) to receive a license based upon the report provided by the designated ~~((alcoholism))~~ substance use disorder treatment facility or probation department

designated pursuant to RCW 9.94A.703(4)(b), and shall deny reinstatement until satisfactory progress in an approved program has been established and the person is otherwise qualified.

**Sec. 18.** RCW 46.68.041 and 2004 c 95 s 15 are each amended to read as follows:

(1) Except as provided in subsection (2) of this section, the department shall forward all funds accruing under the provisions of chapter 46.20 RCW together with a proper identifying, detailed report to the state treasurer who shall deposit such moneys to the credit of the highway safety fund.

(2) (~~(Sixty-three)~~) Fifty-six percent of each fee collected by the department under RCW 46.20.311 (1)(e)(ii), (2)(b)(ii), and (3)(b) shall be deposited in the impaired driving safety account.

**NEW SECTION. Sec. 19.** RCW 43.43.3951 (Ignition interlock devices—Limited exemption for companies not using devices employing fuel cell technology) and 2010 c 268 s 3 are each repealed.

**NEW SECTION. Sec. 20.** Sections 2, 3, 5 through 12, and 14 through 18 of this act take effect January 1, 2022."

On page 1, line 1 of the title, after "driving;" strike the remainder of the title and insert "amending RCW 9.94A.533, 9.94A.729, 10.21.055, 38.52.430, 46.20.245, 46.20.3101, 46.20.311, 46.20.385, 46.20.720, 46.20.740, 46.20.750, 46.55.113, 46.61.500, 46.61.5055, 46.61.5056, 46.61.524, and 46.68.041; reenacting and amending RCW 46.20.355; repealing RCW 43.43.3951; prescribing penalties; and providing an effective date."

and the same is herewith transmitted.

Sarah Bannister, Deputy, Secretary

#### SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to THIRD SUBSTITUTE HOUSE BILL NO. 1504 and advanced the bill as amended by the Senate to final passage.

#### FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representatives Klippert and Goodman spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Third Substitute House Bill No. 1504, as amended by the Senate.

#### ROLL CALL

The Clerk called the roll on the final passage of Third Substitute House Bill No. 1504, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 96; Nays, 1; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers,

Chandler, Chopp, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Mead, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shea, Shewmake, Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wyllie, Ybarra, Young and Mme. Speaker.

Voting nay: Representative Chapman.

Excused: Representative Paul.

THIRD SUBSTITUTE HOUSE BILL NO. 1504, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

#### MESSAGE FROM THE SENATE

March 9, 2020

Madame Speaker:

The Senate insists on its position on ENGROSSED SUBSTITUTE HOUSE BILL NO. 2421 and asks the House to concur.

20.0. and the same is herewith transmitted.

Sarah Bannister, Deputy, Secretary

#### SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to ENGROSSED SUBSTITUTE HOUSE BILL NO. 2421 and advanced the bill as amended by the Senate to final passage.

#### FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representatives Tarleton and Caldier spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 2421, as amended by the Senate.

#### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2421, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 96; Nays, 1; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Duerr, Dufault, Dye, Entenman,

Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Mead, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shea, Shewmake, Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Voting nay: Representative Walsh.

Excused: Representative Paul.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2421, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

### MESSAGE FROM THE SENATE

March 7, 2020

Madame Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 2645 with the following amendment:  
20.0.

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 70.355.010 and 2017 3rd sp.s. c 36 s 12 are each amended to read as follows:

(1) ~~((Findings.))~~ The legislature finds that a convenient, safe, and environmentally sound system for the recycling of photovoltaic modules, minimization of hazardous waste, and recovery of commercially valuable materials must be established. The legislature further finds that the responsibility for this system must be shared among all stakeholders, with manufacturers financing the takeback and recycling system.

(2) ~~((Definitions. For purposes of this section the following definitions apply.))~~ The definitions in this subsection apply throughout this section unless the context clearly requires otherwise.

(a) "Consumer electronic device" means any device containing an electronic circuit board that is intended for everyday use by individuals, such as a watch or calculator.

(b) "Department" means the department of ecology.

(c) "Distributor" means a person who markets and sells photovoltaic modules to retailers in Washington.

(d) "Installer" means a person who assembles, installs, and maintains photovoltaic module systems.

(e) "Manufacturer" means any person in business or no longer in business but having a successor in interest who, irrespective of the selling technique used, including by means of distance or remote sale:

(i) Manufactures or has manufactured a photovoltaic module under its own brand names for use or sale in or into this state;

(ii) Assembles or has assembled a photovoltaic module that uses parts manufactured by others for use or sale in or into this state under the assembler's brand names;

(iii) Resells or has resold in or into this state under its own brand names a photovoltaic module produced by other suppliers, including retail establishments that sell photovoltaic modules under their own brand names;

(iv) Manufactures or has manufactured a cobranded photovoltaic module product for use or sale in or into this state that carries the name of both the manufacturer and a retailer;

(v) Imports or has imported a photovoltaic module into the United States that is used or sold in or into this state. However, if the imported photovoltaic module is manufactured by any person with a presence in the United States meeting the criteria of manufacturer under ~~((e))~~ (e)(i) through ~~((f))~~ (vi) of this subsection, that person is the manufacturer;

(vi) Sells at retail a photovoltaic module acquired from an importer that is the manufacturer and elects to register as the manufacturer for those products; or

(vii) Elects to assume the responsibility and register in lieu of a manufacturer as defined under ~~((f))~~ (e)(i) through (vi) of this subsection.

~~((f))~~ (f) "Photovoltaic module" means the smallest nondivisible, environmentally protected assembly of photovoltaic cells or other photovoltaic collector technology and ancillary parts intended to generate electrical power under sunlight, except that "photovoltaic module" does not include a photovoltaic cell that is part of a consumer electronic device for which it provides electricity needed to make the consumer electronic device function. "Photovoltaic module" includes but is not limited to interconnections, terminals, and protective devices such as diodes that:

(i) Are installed on, connected to, or integral with buildings; ~~((g))~~

(ii) Are used as components of freestanding, off-grid, power generation systems, such as for powering water pumping stations, electric vehicle charging stations, fencing, street and signage lights, and other commercial or agricultural purposes; or

(iii) Are part of a system connected to the grid or utility service.

~~((g))~~ (g) "Predecessor" means an entity from which a manufacturer purchased a photovoltaic module brand, its warranty obligations, and its liabilities. "Predecessor" does not include entities from which a manufacturer purchased only manufacturing equipment.

(h) "Rare earth element" means lanthanum, cerium, praseodymium, neodymium, promethium, samarium, europium, gadolinium, terbium, dysprosium, holmium, erbium, thulium, ytterbium, lutetium, yttrium, or scandium.

~~((f))~~ (i) "Reuse" means any operation by which a photovoltaic module or a component of a photovoltaic module changes ownership and is used for the same purpose for which it was originally purchased.

~~((g))~~ (j) "Retailer" means a person who offers photovoltaic modules for retail sale in the state through any means including, but not limited to, remote offerings such as sales outlets, catalogs, or internet sales.

(k) "Stewardship plan" means the plan developed by a manufacturer or its designated stewardship organization for a self-directed stewardship program.

~~((h))~~ (l) "Stewardship program" means the activities conducted by a manufacturer or a stewardship organization to fulfill the requirements of this chapter and implement the activities described in its stewardship plan.

~~(3) ((Program guidance, review, and approval.))~~  
The department must develop guidance for a photovoltaic module stewardship and takeback program to guide manufacturers in preparing and implementing a self-directed program to ensure the convenient, safe, and environmentally sound takeback and recycling of photovoltaic modules and their components and materials. By January 1, 2018, the department must establish a process to develop guidance for photovoltaic module stewardship plans by working with manufacturers, stewardship organizations, and other stakeholders on the content, review, and approval of stewardship plans. The department's process must be fully implemented and stewardship plan guidance completed by July 1, 2019.

~~(4) ((Stewardship organization as agent of manufacturer.))~~ A stewardship organization may be designated to act as an agent on behalf of a manufacturer or manufacturers in operating and implementing the stewardship program required under this chapter. Any stewardship organization that has obtained such designation must provide to the department a list of the manufacturers and brand names that the stewardship organization represents within sixty days of its designation by a manufacturer as its agent, or within sixty days of removal of such designation.

~~(5) ((Stewardship plans.))~~ Each manufacturer must prepare and submit a stewardship plan to the department by the later of ~~((January 1, 2020))~~ July 1, 2022, or within thirty days of its first sale of a photovoltaic module in or into the state.

(a) A stewardship plan must, at a minimum:

(i) Describe how manufacturers will finance the takeback and recycling system, and include an adequate funding mechanism to finance the costs of collection, management, and recycling of photovoltaic modules and residuals sold in or into the state by the manufacturer with a mechanism that ensures that photovoltaic modules can be delivered to takeback locations without cost to the last owner or holder;

(ii) Accept all of their photovoltaic modules sold in or into the state after July 1, 2017;

(iii) Describe how the program will minimize the release of hazardous substances into the environment and maximize the recovery of other components, including rare earth elements and commercially valuable materials;

(iv) Provide for takeback of photovoltaic modules at locations that are within the region of the state in which ~~((the))~~ their photovoltaic modules were used and are as convenient as reasonably practicable, and if no such location within the region of the state exists, include an explanation for the lack of such location;

(v) Identify how relevant stakeholders, including consumers, installers, building demolition firms, and recycling and treatment facilities, will receive information required in order for them to properly dismantle, transport, and treat the end-of-life photovoltaic modules in a manner consistent with the objectives described in (a)(iii) of this subsection;

(vi) Establish performance goals, including a goal for the rate of combined reuse and recycling of collected photovoltaic modules as a percentage of the total weight of photovoltaic modules collected, which rate must be no less than eighty-five percent.

(b) A manufacturer must implement the stewardship plan.

(c) A manufacturer may periodically amend its stewardship plan. The department must approve the amendment if it meets the requirements for plan approval outlined in the department's guidance. When submitting proposed amendments, the manufacturer must include an explanation of why such amendments are necessary.

~~(6) ((Plan approval.))~~ The department must approve a stewardship plan if it determines the plan addresses each element outlined in the department's guidance.

~~(7) ((Annual report.))~~ (a) Beginning April 1, ~~((2022))~~ 2024, and by April 1st in each subsequent year, a manufacturer, or its designated stewardship organization, must provide to the department a report for the previous calendar year that documents implementation of the plan and assesses achievement of the performance goals established in subsection (5)(a)(vi) of this section.

(b) The report may include any recommendations to the department or the legislature on modifications to the program that would enhance the effectiveness of the program, including management of program costs and mitigation of environmental impacts of photovoltaic modules.

(c) The manufacturer or stewardship organization must post this report on a publicly accessible web site.

~~(8) ((Enforcement.))~~ Beginning ~~((January 1, 2021))~~ July 1, 2023, no manufacturer, distributor, retailer, or installer may sell or offer for sale a photovoltaic module in or into the state unless the manufacturer of the photovoltaic module has submitted to the department a stewardship plan and received plan approval.

(a) The department must send a written warning to a manufacturer that is not participating in a plan. The written



warning must inform the manufacturer that it must submit a plan or participate in a plan within thirty days of the notice. The department may assess a penalty of up to ten thousand dollars upon a manufacturer for each sale that occurs in or into the state of a photovoltaic module ((in or into the state that occurs)) for which a stewardship plan has not been submitted by the manufacturer and approved by the department after the initial written warning. A manufacturer may appeal a penalty issued under this section to the superior court of Thurston county within one hundred eighty days of receipt of the notice.

(b) The department must send a written warning to a distributor, retailer, or installer that sells or installs a photovoltaic module made by a manufacturer that is not participating in a plan. The written warning must inform the distributor, retailer, or installer that they may no longer sell or install a photovoltaic module if a stewardship plan for that brand has not been submitted by the manufacturer and approved by the department within thirty days of the notice.

(9) ~~((Fee.))~~ The department may collect a flat fee from participating manufacturers to recover costs associated with the plan guidance, review, and approval process described in subsection (3) of this section. Other administrative costs incurred by the department for program implementation activities, including stewardship plan review and approval, enforcement, and any rule making, may be recovered by charging every manufacturer an annual fee calculated by dividing department administrative costs by the manufacturer's pro rata share of the Washington state photovoltaic module sales in the most recent preceding calendar year, based on best available information. The sole purpose of assessing the fees authorized in this subsection is to predictably and adequately fund the department's costs of administering the photovoltaic module recycling program.

(10) ~~((Account.))~~ The photovoltaic module recycling account is created in the custody of the state treasurer. All fees collected from manufacturers under this chapter must be deposited in the account. Expenditures from the account may be used only for administering this chapter. Only the director of the department or the director's designee may authorize expenditures from the account. The account is subject to the allotment procedures under chapter 43.88 RCW, but an appropriation is not required for expenditures. Funds in the account may not be diverted for any purpose or activity other than those specified in this section.

(11) ~~((Rule-making.))~~ The department may adopt rules as necessary for the purpose of implementing, administering, and enforcing this chapter.

(12) ~~((National program.))~~ In lieu of preparing a stewardship plan and as provided by subsection (5) of this section, a manufacturer may participate in a national program for the convenient, safe, and environmentally sound takeback and recycling of photovoltaic modules and their components and materials, if substantially equivalent to the intent of the state program. The department may determine substantial equivalence if it determines that the national program adequately addresses and fulfills each of the elements of a stewardship plan outlined in subsection (5)(a) of this section and includes an enforcement mechanism

reasonably calculated to ensure a manufacturer's compliance with the national program. Upon issuing a determination of substantial equivalence, the department must notify affected stakeholders including the manufacturer. If the national program is discontinued or the department determines the national program is no longer substantially equivalent to the state program in Washington, the department must notify the manufacturer and the manufacturer must provide a stewardship plan as described in subsection (5)(a) of this section to the department for approval within thirty days of notification.

NEW SECTION. Sec. 2. (1) Subject to the availability of amounts appropriated for this specific purpose, the Washington State University extension energy program must convene a photovoltaic module recovery, reuse, and recycling work group to review and provide recommendations on potential methodologies for the management of end-of-life photovoltaic modules, including modules from utility scale solar projects.

(2) The membership of the work group convened under this section must include, but is not limited to, members representing:

(a) A manufacturer of photovoltaic modules located in the state;

(b) A manufacturer of photovoltaic modules located outside the state;

(c) A national solar industry group;

(d) Solar installers in the state;

(e) A utility scale solar project;

(f) A nonprofit environmental organization with expertise in waste minimization;

(g) A city solid waste program;

(h) A county solid waste program;

(i) An organization with expertise in photovoltaic module recycling;

(j) A community-based environmental justice group; and

(k) The department of ecology.

(3) Participation in the work group convened under this section is strictly voluntary and without compensation or reimbursement.

(4) The Washington State University extension energy program must submit its findings and recommendations in a final report to the legislature and the governor, consistent with RCW 43.01.036, by December 1, 2021.

(5) This section expires January 31, 2022."

On page 1, line 2 of the title, after "program;" strike the remainder of the title and insert "amending RCW 70.355.010; creating a new section; and providing an expiration date."

and the same is herewith transmitted.

Brad Hendrickson, Secretary

### SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to ENGROSSED SUBSTITUTE HOUSE BILL NO. 2645 and advanced the bill as amended by the Senate to final passage.

### FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representatives Smith, Shewmake and DeBolt spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 2645, as amended by the Senate.

### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2645, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 94; Nays, 3; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, Mead, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Voting nay: Representatives McCaslin, Shea and Sutherland.

Excused: Representative Paul.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2645, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

### MESSAGE FROM THE SENATE

March 6, 2020

Madame Speaker:

The Senate has passed HOUSE BILL NO. 2669 with the following amendment:

2.0.

Strike everything after the enacting clause and insert the following:

"Sec. 3. RCW 46.17.220 and 2019 c 384 s 2 and 2019 c 177 s 2 are each reenacted and amended to read as follows:

In addition to all fees and taxes required to be paid upon application for a vehicle registration in chapter 46.16A RCW, the holder of a special license plate shall pay the appropriate special license plate fee as listed in this section.

PLATE TYPE	INITIAL FEE	RENEWAL FEE	DISTRIBUTED UNDER
(1) 4-H	\$ 40.00	\$ 30.00	RCW 46.68.420
(2) Amateur radio license	\$ 5.00	N/A	RCW 46.68.070
(3) Armed forces	\$ 40.00	\$ 30.00	RCW 46.68.425
(4) Breast cancer awareness	\$ 40.00	\$ 30.00	RCW 46.68.425
(5) Collector vehicle	\$ 35.00	N/A	RCW 46.68.030
(6) Collegiate	\$ 40.00	\$ 30.00	RCW 46.68.430
(7) Endangered wildlife	\$ 40.00	\$ 30.00	RCW 46.68.425
(8) Fred Hutch	\$ 40.00	\$ 30.00	RCW 46.68.420
(9) Gonzaga University alumni association	\$ 40.00	\$ 30.00	RCW 46.68.420
(10) Helping kids speak	\$ 40.00	\$ 30.00	RCW 46.68.420
(11) Horseless carriage	\$ 35.00	N/A	RCW 46.68.030
(12) Keep kids safe	\$ 45.00	\$ 30.00	RCW 46.68.425
(13) Law enforcement memorial	\$ 40.00	\$ 30.00	RCW 46.68.420
(14) Military affiliate radio system	\$ 5.00	N/A	RCW 46.68.070
(15) Music matters	\$ 40.00	\$ 30.00	RCW 46.68.420
(16) Professional firefighters and paramedics	\$ 40.00	\$ 30.00	RCW 46.68.420
(17) Purple Heart	\$ 40.00	\$ 30.00	RCW 46.68.425
(18) Ride share	\$ 25.00	N/A	RCW 46.68.030
(19) San Juan Islands	\$ 40.00	\$ 30.00	RCW 46.68.420

(20)	Seattle	\$ 40.00	\$ 30.00	RCW 46.68.420
Mariners				
(21)	Seattle NHL hockey	\$ 40.00	\$ 30.00	RCW 46.68.420
(22)	Seattle	\$ 40.00	\$ 30.00	RCW 46.68.420
Seahawks				
((22)) (23)	Seattle	\$ 40.00	\$ 30.00	RCW 46.68.420
Sounders FC				
((23)) (24)	Seattle	\$ 40.00	\$ 30.00	RCW 46.68.420
Storm				
((24)) (25)	Seattle	\$ 40.00	\$ 30.00	RCW 46.68.420
University				
((25)) (26)	Share	\$ 40.00	\$ 30.00	RCW 46.68.420
the road				
((26)) (27)	Ski & ride	\$ 40.00	\$ 30.00	RCW 46.68.420
Washington				
((27)) (28)	Square	\$ 40.00	N/A	RCW 46.68.070
dancer				
((28)) (29)	State	\$ 40.00	\$ 30.00	RCW 46.68.420
flower				
((29)) (30)		\$ 40.00	\$ 30.00	RCW 46.68.420
Volunteer firefighters				
((30)) (31)	Washington farmers and ranchers	\$ 40.00	\$ 30.00	RCW 46.68.420
((31)) (32)	Washington lighthouses	\$ 40.00	\$ 30.00	RCW 46.68.420
((32)) (33)	Washington state aviation	\$ 40.00	\$ 30.00	RCW 46.68.420
((33)) (34)	Washington state parks	\$ 40.00	\$ 30.00	RCW 46.68.425
((34)) (35)	Washington state wrestling	\$ 40.00	\$ 30.00	RCW 46.68.420
((35)) (36)	Washington tennis	\$ 40.00	\$ 30.00	RCW 46.68.420
((36)) (37)	Washington's fish collection	\$ 40.00	\$ 30.00	RCW 46.68.425

((37)) (38) \$ 40.00 \$ 30.00 RCW 46.68.420  
Washington's national parks

((38)) (39) \$ 40.00 \$ 30.00 RCW 46.68.425  
Washington's wildlife collection

((39)) (40) We \$ 40.00 \$ 30.00 RCW 46.68.420  
love our pets

((40)) (41) Wild \$ 40.00 \$ 30.00 RCW 46.68.425  
on Washington

**Sec. 4.** RCW 46.18.200 and 2019 c 384 s 1 and 2019 c 177 s 1 are each reenacted and amended to read as follows:

(1) Special license plate series reviewed and approved by the department:

(a) May be issued in lieu of standard issue or personalized license plates for vehicles required to display one and two license plates unless otherwise specified;

(b) Must be issued under terms and conditions established by the department;

(c) Must not be issued for vehicles registered under chapter 46.87 RCW; and

(d) Must display a symbol or artwork approved by the department.

(2) The department approves and shall issue the following special license plates, subject to subsection (5) of this section:

LICENSE PLATE	DESCRIPTION, SYMBOL, OR ARTWORK
4-H	Displays the "4-H" logo.
Armed forces collection	Recognizes the contribution of veterans, active duty military personnel, reservists, and members of the national guard, and includes six separate designs, each containing a symbol representing a different branch of the armed forces to include army, navy, air force, marine corps, coast guard, and national guard.
Breast cancer awareness	Displays a pink ribbon symbolizing breast cancer awareness.
Endangered wildlife	Displays a symbol or artwork symbolizing

	endangered wildlife in Washington state.	Ski & ride Washington	Recognizes the Washington snowsports industry.
Fred Hutch	Displays the Fred Hutch logo.	State flower	Recognizes the Washington state flower.
Gonzaga University alumni association	Recognizes the Gonzaga University alumni association.	Volunteer firefighters	Recognizes volunteer firefighters.
Helping kids speak	Recognizes an organization that supports programs that provide no-cost speech pathology programs to children.	Washington farmers and ranchers	Recognizes farmers and ranchers in Washington state.
Keep kids safe	Recognizes efforts to prevent child abuse and neglect.	Washington lighthouses	Recognizes an organization that supports selected Washington state lighthouses and provides environmental education programs.
Law enforcement memorial	Honors law enforcement officers in Washington killed in the line of duty.	Washington state aviation	Displays a Stearman biplane in the foreground with an image of Mount Rainier in the background.
Music matters	Displays the "Music Matters" logo.	Washington state parks	Recognizes Washington state parks as premier destinations of uncommon quality that preserve significant natural, cultural, historical, and recreational resources.
Professional firefighters and paramedics	Recognizes professional firefighters and paramedics who are members of the Washington state council of firefighters.	Washington state wrestling	Promotes and supports college wrestling in the state of Washington.
San Juan Islands	Displays a symbol or artwork recognizing the San Juan Islands.	Washington tennis	Builds awareness and year-round opportunities for tennis in Washington state. Displays a symbol or artwork recognizing tennis in Washington state.
Seattle Mariners	Displays the "Seattle Mariners" logo.		
<u>Seattle NHL hockey</u>	<u>Displays the logo of the Seattle NHL hockey team.</u>		
Seattle Seahawks	Displays the "Seattle Seahawks" logo.	Washington's fish collection	Recognizes Washington's fish.
Seattle Sounders FC	Displays the "Seattle Sounders FC" logo.	Washington's national park fund	Builds awareness of Washington's national parks and supports priority park programs and projects in Washington's national parks, such as enhancing visitor experience, promoting volunteerism, engaging communities, and providing educational opportunities related to Washington's national parks.
Seattle Storm	Displays the "Seattle Storm" logo.		
Seattle University	Recognizes Seattle University.		
Share the road	Recognizes an organization that promotes bicycle safety and awareness education.		

Washington's wildlife Recognizes Washington's collection wildlife.

We love our pets Recognizes an organization that assists local member agencies of the federation of animal welfare and control agencies to promote and perform spay/neuter surgery on Washington state pets to reduce pet overpopulation.

Wild on Washington Symbolizes wildlife viewing in Washington state.

(3) Applicants for initial and renewal professional firefighters and paramedics special license plates must show proof of eligibility by providing a certificate of current membership from the Washington state council of firefighters.

(4) Applicants for initial volunteer firefighters special license plates must (a) have been a volunteer firefighter for at least ten years or be a volunteer firefighter for one or more years and (b) have documentation of service from the district of the appropriate fire service. If the volunteer firefighter leaves firefighting service before ten years of service have been completed, the volunteer firefighter shall surrender the license plates to the department on the registration renewal date. If the volunteer firefighter stays in service for at least ten years and then leaves, the license plate may be retained by the former volunteer firefighter and as long as the license plate is retained for use the person will continue to pay the future registration renewals. A qualifying volunteer firefighter may have no more than one set of license plates per vehicle, and a maximum of two sets per applicant, for their personal vehicles. If the volunteer firefighter is convicted of a violation of RCW 46.61.502 or a felony, the license plates must be surrendered upon conviction.

(5) The department shall not issue the Seattle NHL hockey special license plate until the department receives signature sheets satisfying the requirements identified in RCW 46.18.110(2)(f).

**Sec. 5.** RCW 46.68.420 and 2019 c 384 s 3 and 2019 c 177 s 3 are each reenacted and amended to read as follows:

(1) The department shall:

(a) Collect special license plate fees established under RCW 46.17.220;

(b) Deduct an amount not to exceed twelve dollars for initial issue and two dollars for renewal issue for administration and collection expenses incurred by it; and

(c) Remit the remaining proceeds to the custody of the state treasurer with a proper identifying detailed report.

(2) The state treasurer shall credit the proceeds to the motor vehicle ((account — H:\DATA\2020 JOURNAL\Journal2020\LegDay058\fund.doc)) fund until the department determines that the state has been reimbursed

for the cost of implementing the special license plate. Upon determination by the department that the state has been reimbursed, the state treasurer shall credit the remaining special license plate fee amounts for each special license plate to the following appropriate account as created in this section in the custody of the state treasurer:

ACCOUNT	CONDITIONS FOR USE OF FUNDS
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4-H programs	Support Washington 4-H programs
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Fred Hutch	Support cancer research at the Fred Hutchinson cancer research center
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Gonzaga University alumni association	Scholarship funds to needy and qualified students attending or planning to attend Gonzaga University
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Helping kids speak	Provide free diagnostic and therapeutic services to families of children who suffer from a delay in language or speech development
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Law enforcement memorial	Provide support and assistance to survivors and families of law enforcement officers in Washington killed in the line of duty and to organize, finance, fund, construct, utilize, and maintain a memorial on the state capitol grounds to honor those fallen officers
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Lighthouse environmental programs	Support selected Washington state lighthouses that are accessible to the public and staffed by volunteers; provide environmental education programs; provide grants for other Washington lighthouses to assist in funding infrastructure preservation and restoration; encourage and support interpretive programs by lighthouse docents
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Music matters awareness	Promote music education in schools throughout Washington
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San Juan Islands	Provide funds to the Madrona institute		
Seattle Mariners	Provide funds to the sports mentoring program and to support the Washington world fellows program in the following manner: (a) Seventy-five percent to the office of the lieutenant governor solely to administer the sports mentoring program established under RCW 43.15.100, to encourage youth who have economic needs or face adversities to experience spectator sports or get involved in youth sports, and (b) up to twenty-five percent to the office of the lieutenant governor solely to administer the Washington world fellows program, an equity focused program		encourage secondary students who have economic needs to stay in school, return to school, or get involved within their learning community; and (b) twenty-five percent to the office of the lieutenant governor solely to administer the Washington world fellows program, including the provision of fellowships
		Seattle Sounders FC	Provide funds to Washington state mentors and the association of Washington generals created in RCW 43.15.030 in the following manner: (a) Seventy percent and the remaining proceeds, if any, to Washington state mentors, to increase the number of mentors in the state by offering mentoring grants throughout Washington state that foster positive youth development and academic success, with up to twenty percent of these proceeds authorized for program administration costs; and (b) up to thirty percent, not to exceed forty-thousand dollars annually as adjusted for inflation by the office of financial management, to the association of Washington generals, to develop Washington state educational, veterans, international relations, and civics projects and to recognize the outstanding public service of individuals or groups in the state of Washington
<u>Seattle NHL hockey</u>	<u>Provide funds to the NHL Seattle foundation and to support the boundless Washington program in the following manner: (a) Fifty percent to the NHL Seattle foundation, or its successor organization, to help marginalized youth succeed in life through increased access to sports and other opportunities; (b) twenty-five percent to the office of the lieutenant governor solely to administer the boundless Washington program to facilitate opportunities for young people with physical and sensory disabilities to enjoy and experience the outdoors; and (c) twenty-five percent to the NHL Seattle foundation, or its successor organization, for providing financial support to allow youth to participate in hockey</u>		
		Seattle Storm	Provide funds to the Washington state legislative youth advisory council and the association of Washington generals created in RCW 43.15.030 in the following manner: Twenty-five thousand dollars per year of the net proceeds to the legislative youth advisory council, or
Seattle Seahawks	Provide funds to InvestED and to support the Washington world fellows program in the following manner: (a) Seventy-five percent, to InvestED, to		

	its successor organization; and the remaining net proceeds on an annual basis, to the association of Washington generals for the purpose of providing grants to support and enhance athletic, recreational, and other opportunities for women and girls, and especially those with disabilities	Washington state council of firefighters benevolent fund	Receive and disseminate funds for charitable purposes on behalf of members of the Washington state council of firefighters, their families, and others deemed in need
Seattle University	Fund scholarships for students attending or planning to attend Seattle University	Washington state wrestling	Provide funds to the Washington state wrestling foundation to fund new and existing college wrestling programs
Share the road	Promote bicycle safety and awareness education in communities throughout Washington	Washington tennis	Provide funds to cities to assist in the construction and maintenance of a public tennis facility with at least four indoor tennis courts. A city is eligible for construction funds if the city does not already have a public or private facility with at least four indoor tennis courts. Funds for construction must first be made available to the most populous eligible city, according to the most recent census, for a time period not to exceed five years after January 1, 2017. After the five-year time period, the funds for construction must be made available to the next most populous eligible city. Funds for the maintenance of a public tennis facility with at least four indoor tennis courts must first be made available to the first eligible city that utilizes funds for construction provided by chapter 16, Laws of 2016
Ski & ride Washington	Promote winter snowsports, such as skiing and snowboarding, and related programs, such as ski and ride safety programs, underprivileged youth ski and ride programs, and active, healthy lifestyle programs		
State flower	Support Meeker Rhododendron Gardens and provide for grants to other qualified nonprofit organizations' efforts to preserve rhododendrons		
Volunteer firefighters	Receive and disseminate funds for purposes on behalf of volunteer firefighters, their families, and others deemed in need		
Washington farmers and ranchers	Provide funds to the Washington FFA Foundation for educational programs in Washington state	Washington's national park fund	Build awareness of Washington's national parks and support priority park programs and projects in Washington's national parks, such as enhancing visitor experience, promoting volunteerism, engaging communities, and providing educational opportunities related to Washington's national parks
Washington state aviation	Provide funds to the department of transportation to support infrastructure improvements at public use airports in Washington state		

We love our pets

Support and enable the Washington federation of animal welfare and control agencies to promote and perform spay/neuter surgery of Washington state pets in order to reduce pet population

(3) Except as otherwise provided in this section, only the director or the director's designee may authorize expenditures from the accounts described in subsection (2) of this section. The accounts are subject to allotment procedures under chapter 43.88 RCW, but an appropriation is not required for expenditures.

(4) Except as otherwise provided in this section, funds in the special license plate accounts described in subsection (2) of this section must be disbursed subject to the conditions described in subsection (2) of this section and under contract between the department and qualified nonprofit organizations that provide the services described in subsection (2) of this section.

(5) Funds from the Seattle Seahawks account may be provided to the lieutenant governor solely for the purpose of administering the Washington world fellows program. Of the amounts received by the lieutenant governor's office under this subsection, at least ninety percent must be provided as fellowships under the program.

(6) Beginning January 1, 2019, funds from the Seattle Mariners account may be provided to the office of lieutenant governor solely for the purpose of administering the sports mentoring program. Of the amounts received by the office of lieutenant governor, at least ninety percent must be applied towards services directly provided to youth participants.

(7) For the purposes of this section, a "qualified nonprofit organization" means a not-for-profit corporation operating in Washington that has received a determination of tax exempt status under 26 U.S.C. Sec. 501(c)(3). The qualified nonprofit organization must meet all the requirements under RCW 46.18.100(1).

**NEW SECTION. Sec. 6.** A new section is added to chapter 46.04 RCW to read as follows:

"Seattle NHL hockey special license plates" means special license plates issued under RCW 46.18.200 that display the logo of the national hockey league team based in Seattle.

**NEW SECTION. Sec. 7.** This act takes effect October 1, 2020."

On page 1, line 1 of the title, after "Relating to" strike the remainder of the title and insert "certain sports-related special license plates; reenacting and amending RCW 46.17.220, 46.18.200, and 46.68.420; adding a new section to chapter 46.04 RCW; and providing an effective date."

and the same is herewith transmitted.

Sarah Bannister, Deputy, Secretary

## SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to HOUSE BILL NO. 2669 and advanced the bill as amended by the Senate to final passage.

## FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representatives Sullivan, Irwin and MacEwen spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of House Bill No. 2669, as amended by the Senate.

## ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2669, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 94; Nays, 3; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Mead, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Ryu, Santos, Schmick, Sells, Shea, Shewmake, Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Voting nay: Representatives Leavitt, Rude and Senn.

Excused: Representative Paul.

HOUSE BILL NO. 2669, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

## MESSAGE FROM THE SENATE

March 6, 2020

Madame Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 2676 with the following amendment:

7.0.

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 8.** A new section is added to chapter 46.30 RCW to read as follows:

(1) No entity may test an autonomous motor vehicle on any public roadway under the department's autonomous vehicle self-certification testing pilot program unless:



(a) The entity holds an umbrella liability insurance policy that covers the entity in an amount not less than five million dollars per occurrence for damages by reason of bodily injury or death or property damage, caused by the operation of an autonomous motor vehicle for which information is provided under the autonomous vehicle self-certification testing pilot program; and

(b) The entity maintains proof of this policy with the department in a form and manner specified by the department.

(2) Requirements related to proof of motor vehicle insurance under RCW 46.30.020 and penalties for providing false evidence of motor vehicle insurance under RCW 46.30.040 are applicable to this section.

**NEW SECTION. Sec. 9.** (1) In order to test an autonomous motor vehicle on any public roadway under the department's autonomous vehicle self-certification testing pilot program, the following information must be provided by the self-certifying entity testing the autonomous motor vehicle:

(a) Contact information specified by the department;

(b) Local jurisdictions where testing is planned;

(c) The vehicle identification numbers of the autonomous vehicles being tested, provided that one is required by state or federal law; and

(d) Proof of an insurance policy that meets the requirements of section 1 of this act.

(2) Any autonomous motor vehicle to which subsection (1) of this section is applicable and that does not have a vehicle identification number and is not otherwise required under state or federal law to have a vehicle identification number assigned to it must be assigned a unique identification number that is provided to the department and that is displayed in the vehicle in a manner similar to the display of vehicle identification numbers in motor vehicles.

(3)(a) The self-certifying entity testing the autonomous motor vehicle on any public roadway must notify the department of:

(i) Any collisions that are required to be reported to law enforcement under RCW 46.52.030, involving an autonomous motor vehicle during testing on any public roadway; and

(ii) Any moving violations, as defined in administrative rule as authorized under RCW 46.20.2891, for which a citation or infraction was issued, involving an autonomous motor vehicle during testing on any public roadway.

(b) By February 1st of each year, the self-certifying entity must submit a report to the department covering reportable events from the prior calendar year.

(c) The self-certifying entity shall provide the information required by the department under (a) of this subsection. The information provided must include whether the autonomous driving system was operating the vehicle at

the time of or immediately prior to the collision or moving violation, and in the case of a collision, details regarding the collision, including any loss of life, injury, or property damage that resulted from the collision.

(d) The provisions of this section are supplemental to all other rights and duties under law applicable in the event of a motor vehicle collision.

(4) The self-certifying entity testing the autonomous motor vehicle on public roadways under the department's autonomous vehicle self-certification testing pilot program must provide written notice in advance of testing to local and state law enforcement agencies with jurisdiction over any of the public roadways on which testing will occur that includes the expected period of time during which testing will occur in the applicable jurisdictions, including city police departments within city limits where testing will occur, county sheriff departments outside of city limits in counties where testing will occur, and the Washington state patrol when testing will occur on limited access highways, as defined in RCW 47.52.010. However, for testing primarily on limited access highways that travels through multiple local jurisdictions, which may include the limited incidental use of other roadways, the self-certifying entity must only provide written notice as specified in this subsection to the Washington state patrol. Written notice provided under this subsection must: (a) Be provided not less than fourteen and not more than sixty days in advance of testing; (b) include contact information where the law enforcement agency can communicate with the self-certifying entity testing the autonomous vehicle regarding the testing planned in that jurisdiction; and (c) provide the physical description of the motor vehicle or vehicles being tested, including make, model, color, and license plate number.

(5) The department may adopt a fee to be charged by the department for self-certification in an amount sufficient to offset administration by the department of the self-certification testing pilot program.

(6) The department shall provide public access to the information self-certifying entities provide to it, and shall provide an annual report to the house and senate transportation committees of the legislature summarizing the information reported by self-certifying entities under this section.

(7) An autonomous motor vehicle may not be operated on any public roadway for the purposes of testing in Washington state until the department is provided with the information required under subsection (1) of this section.

**NEW SECTION. Sec. 10.** Section 2 of this act constitutes a new chapter in Title 46 RCW.

**NEW SECTION. Sec. 11.** Section 2 of this act takes effect October 1, 2021."

On page 1, line 2 of the title, after "vehicles;" strike the remainder of the title and insert "adding a new section to chapter 46.30 RCW; adding a new chapter to Title 46 RCW; and providing an effective date."

and the same is herewith transmitted.

Brad Hendrickson, Secretary

### SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to ENGROSSED SUBSTITUTE HOUSE BILL NO. 2676 and advanced the bill as amended by the Senate to final passage.

### FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representatives Kloba and Barkis spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 2676, as amended by the Senate.

### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2676, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 84; Nays, 13; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Barkis, Bergquist, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Davis, DeBolt, Doglio, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hudgins, Irwin, J. Johnson, Kilduff, Kirby, Kloba, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, Mead, Morgan, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Voting nay: Representatives Blake, Corry, Dent, Hoff, Jenkin, Klippert, Kraft, McCaslin, Mosbrucker, Shea, Smith, Sutherland and Walsh.

Excused: Representative Paul.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2676, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

### MESSAGE FROM THE SENATE

March 6, 2020

Madame Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 2728 with the following amendment:

11.0.

Strike everything after the enacting clause and insert the following:

"Sec. 12. RCW 71.24.061 and 2019 c 325 s 1009 are each amended to read as follows:

(1) The authority shall provide flexibility to encourage licensed or certified community behavioral health agencies to subcontract with an adequate, culturally competent, and qualified children's mental health provider network.

(2) To the extent that funds are specifically appropriated for this purpose or that nonstate funds are available, a children's mental health evidence-based practice institute shall be established at the University of Washington (~~division of public behavioral health and justice policy~~) department of psychiatry and behavioral sciences. The institute shall closely collaborate with entities currently engaged in evaluating and promoting the use of evidence-based, research-based, promising, or consensus-based practices in children's mental health treatment, including but not limited to the University of Washington department of psychiatry and behavioral sciences, Seattle children's hospital, the University of Washington school of nursing, the University of Washington school of social work, and the Washington state institute for public policy. To ensure that funds appropriated are used to the greatest extent possible for their intended purpose, the University of Washington's indirect costs of administration shall not exceed ten percent of appropriated funding. The institute shall:

(a) Improve the implementation of evidence-based and research-based practices by providing sustained and effective training and consultation to licensed children's mental health providers and child-serving agencies who are implementing evidence-based or researched-based practices for treatment of children's emotional or behavioral disorders, or who are interested in adapting these practices to better serve ethnically or culturally diverse children. Efforts under this subsection should include a focus on appropriate oversight of implementation of evidence-based practices to ensure fidelity to these practices and thereby achieve positive outcomes;

(b) Continue the successful implementation of the "partnerships for success" model by consulting with communities so they may select, implement, and continually evaluate the success of evidence-based practices that are relevant to the needs of children, youth, and families in their community;

(c) Partner with youth, family members, family advocacy, and culturally competent provider organizations to develop a series of information sessions, literature, and online resources for families to become informed and engaged in evidence-based and research-based practices;

(d) Participate in the identification of outcome-based performance measures under RCW 71.36.025(2) and partner in a statewide effort to implement statewide outcomes monitoring and quality improvement processes; and

(e) Serve as a statewide resource to the authority and other entities on child and adolescent evidence-based, research-based, promising, or consensus-based practices for children's mental health treatment, maintaining a working knowledge through ongoing review of academic and professional literature, and knowledge of other evidence-based practice implementation efforts in Washington and other states.

(3)(a) To the extent that funds are specifically appropriated for this purpose, the authority in collaboration with the University of Washington department of psychiatry and behavioral sciences and Seattle children's hospital shall:

(i) Implement a ~~((program))~~ partnership access line to support primary care providers in the assessment and provision of appropriate diagnosis and treatment of children with mental and behavioral health disorders and track outcomes of this program;

(ii) Beginning January 1, 2019, implement a two-year pilot program ~~((called the partnership access line for moms and kids))~~ to:

(A) ~~((Support))~~ Create the partnership access line for moms to support obstetricians, pediatricians, primary care providers, mental health professionals, and other health care professionals providing care to pregnant women and new mothers through same-day telephone consultations in the assessment and provision of appropriate diagnosis and treatment of depression in pregnant women and new mothers; and

(B) ~~((Facilitate))~~ Create the partnership access line for kids referral and assistance service to facilitate referrals to children's mental health services and other resources for parents and guardians with concerns related to the mental health of the parent or guardian's child. Facilitation activities include assessing the level of services needed by the child; within seven days of receiving a call from a parent or guardian, identifying mental health professionals who are in-network with the child's health care coverage who are accepting new patients and taking appointments; coordinating contact between the parent or guardian and the mental health professional; and providing postreferral reviews to determine if the child has outstanding needs. In conducting its referral activities, the program shall collaborate with existing databases and resources to identify in-network mental health professionals.

(b) The program activities described in (a)(i) and (a)(ii)(A) of this subsection shall be designed to promote more accurate diagnoses and treatment through timely case consultation between primary care providers and child psychiatric specialists, and focused educational learning collaboratives with primary care providers.

(4) The authority, in collaboration with the University of Washington department of psychiatry and behavioral sciences and Seattle children's hospital, shall report on the following:

(a) The number of individuals who have accessed the resources described in subsection (3) of this section;

(b) The number of providers, by type, who have accessed the resources described in subsection (3) of this section;

(c) Demographic information, as available, for the individuals described in (a) of this subsection. Demographic information may not include any personally identifiable information and must be limited to the individual's age, gender, and city and county of residence;

(d) A description of resources provided;

(e) Average time frames from receipt of call to referral for services or resources provided; and

(f) Systemic barriers to services, as determined and defined by the health care authority, the University of Washington department of psychiatry and behavioral sciences, and Seattle children's hospital.

(5) Beginning December 30, 2019, and annually thereafter, the authority must submit, in compliance with RCW 43.01.036, a report to the governor and appropriate committees of the legislature with findings and recommendations for improving services and service delivery from subsection (4) of this section.

(6) The authority shall enforce requirements in managed care contracts to ensure care coordination and network adequacy issues are addressed in order to remove barriers to access to mental health services identified in the report described in subsection (4) of this section.

(7) Subsections (4) through (6) of this section expire January 1, 2021.

**NEW SECTION. Sec. 13.** A new section is added to chapter 71.24 RCW to read as follows:

(1) To the extent that funds are specifically appropriated for this purpose or nonstate funds are available, the authority in collaboration with the University of Washington department of psychiatry and behavioral sciences shall implement a psychiatric consultation call center to provide emergency department providers, primary care providers, and county and municipal correctional facility providers with on-demand access to psychiatric and substance use disorder clinical consultation for adult patients.

(2) When clinically appropriate and technically feasible, the clinical consultation may occur via telemedicine.

(3) Beginning in fiscal year 2021, to the extent that adequate funds are appropriated, the service shall be available seven days a week, twenty-four hours a day.

**NEW SECTION. Sec. 14.** A new section is added to chapter 71.24 RCW to read as follows:

(1) The University of Washington department of psychiatry and behavioral health sciences shall collect the following information for the partnership access line described in RCW 71.24.061(3)(a)(i), partnership access line for moms described in RCW 71.24.061(3)(a)(ii)(A), and the psychiatric consultation line described in section 2 of this act, in coordination with any hospital that it collaborates with to administer the programs:

(a) The number of individuals served;

(b) Demographic information regarding the individuals served, as available, including the individual's age, gender, and city and county of residence. Demographic information may not include any personally identifiable information;

(c) Demographic information regarding the providers placing the calls, including type of practice, and city and county of practice;

(d) Insurance information, including health plan and carrier, as available;

(e) A description of the resources provided; and

(f) Provider satisfaction.

(2) The University of Washington department of psychiatry and behavioral health sciences shall collect the following information for the program called the partnership access line for kids referral and assistance service described in RCW 71.24.061(3)(a)(ii)(B), in coordination with any hospital that it collaborates with to administer the program:

(a) The number of individuals served;

(b) Demographic information regarding the individuals served, as available, including the individual's age, gender, and city and county of residence. Demographic information may not include any personally identifiable information;

(c) Demographic information regarding the parents or guardians placing the calls, including family location;

(d) Insurance information, including health plan and carrier, as available;

(e) A description of the resources provided;

(f) Average time frames from receipt of the call to referral for services or resources provided;

(g) The most frequently requested issues that parents and guardians are asking for assistance with;

(h) The most frequently requested issues that families are asking for referral assistance with;

(i) The number of individuals that receive an appointment based on referral assistance; and

(j) Parent or guardian satisfaction.

**NEW SECTION. Sec. 15.** A new section is added to chapter 71.24 RCW to read as follows:

(1) Beginning July 1, 2021, the partnership access lines described in RCW 71.24.061(3)(a), and the psychiatric consultation line described in section 2 of this act, shall be funded as follows:

(a) The authority, in consultation with the University of Washington department of psychiatry and behavioral sciences and Seattle children's hospital shall determine the annual costs of operating each program, as well as the authority's costs for administering the programs.

(b) For each program, the authority shall calculate the proportion of clients that are covered by programs administered pursuant to chapter 74.09 RCW. The state must cover the cost for programs administered pursuant to chapter 74.09 RCW through state and federal funds, as appropriated.

(c)(i) The authority shall collect a proportional share of program costs from each of the following entities that are

not for covered lives under contract with the authority as medicaid managed care organizations:

(A) Health carriers, as defined in RCW 48.43.005;

(B) Self-funded multiple employer welfare arrangements, as defined in RCW 48.125.010;

(C) Employers or other entities that provide health care in this state, including self-funding entities or employee welfare benefit plans.

(ii) For entities listed in (c)(i) of this subsection, a proportional share of the entity's annual program costs for each program must be calculated by determining the annual cost of operating the program not covered under (b) of this subsection and multiplying it by a fraction that in which the numerator is the entity's total number of resident insured persons among the population served by the program and the denominator is the total number of residents in the state who are served by the program and not covered by programs administered pursuant to chapter 74.09 RCW. The total number of resident insured persons among the population served by the program shall be determined according to the covered lives per calendar year determined by covered person months.

(iii) The entities listed in (c)(i) of this subsection shall provide information needed to calculate the proportional share of program costs under this section to the authority.

(d) The authority's administrative costs for these programs may not be included in the assessments.

(2) The authority may contract with a third-party administrator to calculate and administer the assessments of the entities identified in subsection (1)(c)(i) of this section.

(3) The authority shall develop separate performance measures for the partnership access lines described in RCW 71.24.061(3)(a), and the psychiatric consultation line described in section 2 of this act.

(4) The University of Washington department of psychiatry and behavioral sciences, in coordination with any hospital that it collaborates with to administer the programs, shall provide quarterly reports to the authority on the demographic data collected by each program, as described in section 3 (1) and (2) of this act, any performance measures specified by the authority, and systemic barriers to services, as determined and defined by the authority, the University of Washington, and Seattle children's hospital.

**NEW SECTION. Sec. 16.** A new section is added to chapter 71.24 RCW to read as follows:

Using data from the reports required in RCW 71.24.061(5), the legislature shall decide whether to make the partnership access line for moms and the partnership access line for kids referral and assistance programs, as described in RCW 71.24.061(3)(a)(ii), permanent programs. If the legislature decides to make the programs permanent, the programs shall be funded in the same manner as in section 2 of this act beginning July 1, 2021.

**NEW SECTION. Sec. 17.** A new section is added to chapter 71.24 RCW to read as follows:

(1) The joint legislative audit and review committee shall conduct a review, in consultation with the authority, the University of Washington department of psychiatry and behavioral science and Seattle children's hospital, of the programs as described in RCW 71.24.061(3)(a) and section 2 of this act, covering the period from January 1, 2019, through December 30, 2021. The review shall evaluate the programs' success at addressing patients' issues related to access to mental health and substance use disorder services.

(2) The joint legislative audit and review committee shall submit the review, including its findings and recommendations, to the legislature by December 1, 2022.

**NEW SECTION. Sec. 18.** A new section is added to chapter 71.24 RCW to read as follows:

The telebehavioral health access account is created in the state treasury. All receipts from collections under section 4 of this act must be deposited into the account. Moneys in the account may be spent only after appropriation. Expenditures from the account may be used only for supporting telebehavioral health programs identified in RCW 71.24.061(3)(a) and section 2 of this act.

**Sec. 19.** RCW 70.290.060 and 2010 c 174 s 6 are each amended to read as follows:

In addition to the duties and powers enumerated elsewhere in this chapter:

(1) The association may, pursuant to either vote of its board of directors or request of the secretary, audit compliance with reporting obligations established under the association's plan of operation. Upon failure of any entity that has been audited to reimburse the costs of such audit as certified by vote of the association's board of directors within forty-five days of notice of such vote, the secretary shall assess a civil penalty of one hundred fifty percent of the amount of such costs.

(2) The association may establish an interest charge for late payment of any assessment under this chapter. The secretary shall assess a civil penalty against any health carrier or third-party administrator that fails to pay an assessment within three months of notification under RCW 70.290.030. The civil penalty under this subsection is one hundred fifty percent of such assessment.

(3) The secretary and the association are authorized to file liens and seek judgment to recover amounts in arrears and civil penalties, and recover reasonable collection costs, including reasonable attorneys' fees and costs. Civil penalties so levied must be deposited in the universal vaccine purchase account created in RCW 43.70.720.

(4) The secretary may adopt rules under chapter 34.05 RCW as necessary to carry out the purposes of this section.

(5) Upon request of the health care authority, the secretary and the association must provide the health care authority with any available information maintained by the association needed to calculate the proportional share of program costs under section 4 of this act."

On page 1, line 4 of the title, after "center;" strike the remainder of the title and insert "amending RCW 71.24.061

and 70.290.060; adding new sections to chapter 71.24 RCW; and providing an expiration date."

and the same is herewith transmitted.

Sarah Bannister, Deputy, Secretary

## SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to SUBSTITUTE HOUSE BILL NO. 2728 and advanced the bill as amended by the Senate to final passage.

## FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representatives Slatter and Harris spoke in favor of the passage of the bill.

Representative Caldier spoke against the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2728, as amended by the Senate.

## ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2728, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 90; Nays, 7; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Callan, Chandler, Chapman, Chopp, Cody, Davis, DeBolt, Dent, Doglio, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, Mead, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra and Mme. Speaker.

Voting nay: Representatives Caldier, Chambers, Corry, Kraft, McCaslin, Shea and Young.

Excused: Representative Paul.

SUBSTITUTE HOUSE BILL NO. 2728, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

## MESSAGE FROM THE SENATE

March 10, 2020

Mme. SPEAKER:

The Senate receded from its amendment(s) to HOUSE BILL NO. 2739, and under suspension of the rules returned HOUSE BILL NO. 2739 to second reading for purpose of amendment(s). The Senate further adopted amendment 2739 AMS HUNT S7626.2 and passed the measure as amended:

Strike everything after the enacting clause and insert the following:

**"Sec. 20.** RCW 41.04.655 and 2018 c 39 s 2 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout RCW 41.04.650 through 41.04.670, 28A.400.380, and section 7, chapter 93, Laws of 1989.

(1) "Domestic violence" means: (a) Physical harm, bodily injury, assault, or the infliction of fear of imminent physical harm, bodily injury, or assault, between family or household members as defined in RCW 26.50.010; (b) sexual assault of one family or household member by another family or household member; or (c) stalking as defined in RCW 9A.46.110 of one family or household member by another family or household member.

(2) "Employee" means any employee of the state, including employees of school districts and educational service districts, who are entitled to accrue sick leave or annual leave and for whom accurate leave records are maintained.

(3) "Parental leave" means leave to bond and care for a newborn child after birth or to bond and care for a child after placement for adoption or foster care(~~(, for a period of up to sixteen weeks after the birth or placement)~~).

(4) "Pregnancy disability" means a pregnancy-related medical condition or miscarriage.

(5) "Program" means the leave sharing program established in RCW 41.04.660.

(6) "Service in the uniformed services" means the performance of duty on a voluntary or involuntary basis in a uniformed service under competent authority and includes active duty, active duty for training, initial active duty for training, inactive duty training, full-time national guard duty including state-ordered active duty, and a period for which a person is absent from a position of employment for the purpose of an examination to determine the fitness of the person to perform any such duty.

(7) "Sexual assault" has the same meaning as set forth in RCW 70.125.030.

(8) "Stalking" has the same meaning as set forth in RCW 9A.46.110.

(9) "State agency" or "agency" means departments, offices, agencies, or institutions of state government, the legislature, institutions of higher education, school districts, and educational service districts.

(10) "Uniformed services" means the armed forces, the army national guard, and the air national guard of any state,

territory, commonwealth, possession, or district when engaged in active duty for training, inactive duty training, full-time national guard duty, or state active duty, the commissioned corps of the public health service, the coast guard, and any other category of persons designated by the president of the United States in time of war or national emergency.

(11) "Victim" means a person against whom domestic violence, sexual assault, or stalking has been committed as defined in this section.

**Sec. 21.** RCW 41.04.665 and 2019 c 64 s 17 are each amended to read as follows:

(1) An agency head may permit an employee to receive leave under this section if:

(a)(i) The employee suffers from, or has a relative or household member suffering from, an illness, injury, impairment, or physical or mental condition which is of an extraordinary or severe nature;

(ii) The employee has been called to service in the uniformed services;

(iii) The employee is a current member of the uniformed services or is a veteran as defined under RCW 41.04.005, and is attending medical appointments or treatments for a service connected injury or disability;

(iv) The employee is a spouse of a current member of the uniformed services or a veteran as defined under RCW 41.04.005, who is attending medical appointments or treatments for a service connected injury or disability and requires assistance while attending appointment or treatment;

(v) A state of emergency has been declared anywhere within the United States by the federal or any state government and the employee has needed skills to assist in responding to the emergency or its aftermath and volunteers his or her services to either a governmental agency or to a nonprofit organization engaged in humanitarian relief in the devastated area, and the governmental agency or nonprofit organization accepts the employee's offer of volunteer services;

(vi) The employee is a victim of domestic violence, sexual assault, or stalking;

(vii) The employee needs the time for parental leave; or

(viii) The employee is sick or temporarily disabled because of pregnancy disability;

(b) The illness, injury, impairment, condition, call to service, emergency volunteer service, or consequence of domestic violence, sexual assault, temporary layoff under section 3(5), chapter 32, Laws of 2010 1st sp. sess., or stalking has caused, or is likely to cause, the employee to:

(i) Go on leave without pay status; or

(ii) Terminate state employment;

(c) The employee's absence and the use of shared leave are justified;

(d) The employee has depleted or will shortly deplete his or her:

(i) Annual leave and sick leave reserves if he or she qualifies under (a)(i) of this subsection;

(ii) Annual leave and paid military leave allowed under RCW 38.40.060 if he or she qualifies under (a)(ii) of this subsection;

(iii) Annual leave if he or she qualifies under (a) (v) or (vi) of this subsection; or

(iv) Annual leave and sick leave reserves if the employee qualifies under (a)(vii) or (viii) of this subsection~~((-- However, the employee is not required to deplete all of his or her annual leave and sick leave and can maintain up to forty hours of annual leave and forty hours of sick leave in reserve))~~);

(e) The employee has abided by agency rules regarding:

(i) Sick leave use if he or she qualifies under (a)(i), (vi), (vii), or (viii) of this subsection; or

(ii) Military leave if he or she qualifies under (a)(ii) of this subsection; and

(f) ~~((The employee has diligently pursued and been found to be ineligible for benefits under chapter 51.32 RCW if he or she qualifies under (a)(i) of this subsection))~~ (i) Until the expiration of proclamation 20-05, issued February 29, 2020, by the governor and declaring a state of emergency in the state of Washington, or any amendment thereto, whichever is later, an agency head may permit an employee to receive shared leave under this section if the employee, or a relative or household member, is isolated or quarantined as recommended, requested, or ordered by a public health official or health care provider as a result of suspected or confirmed infection with or exposure to the 2019 novel coronavirus (COVID-19). An agency head may permit use of shared leave under this subsection (1)(f) without considering the requirements of (a) through (e) of this subsection.

(ii) The office of the governor must provide notice of the expiration of proclamation 20-05, or any amendment thereto, whichever is later, to the chief clerk of the house of representatives, the secretary of the senate, the office of the code reviser, and others as deemed appropriate by the office of the governor.

(2)(a) The agency head shall determine the amount of leave, if any, which an employee may receive under this section. However, the agency head may not prevent an employee from using shared leave intermittently or on nonconsecutive days so long as the leave has not been returned under subsection (10) of this section. In addition, an employee shall not receive a total of more than five hundred twenty-two days of leave, except that, a supervisor may authorize leave in excess of five hundred twenty-two days in extraordinary circumstances for an employee qualifying for the shared leave program because he or she is suffering from

an illness, injury, impairment, or physical or mental condition which is of an extraordinary or severe nature. Shared leave received under the uniformed service shared leave pool in RCW 41.04.685 is not included in this total.

(b) An employee receiving industrial insurance wage replacement benefits may not receive greater than twenty-five percent of his or her base salary from the receipt of shared leave under this section.

(3) The agency head must allow employees who are veterans, as defined under RCW 41.04.005, and their spouses, to access shared leave from the veterans' in-state service shared leave pool upon employment.

(4) An employee may transfer annual leave, sick leave, and his or her personal holiday, as follows:

(a) An employee who has an accrued annual leave balance of more than ten days may request that the head of the agency for which the employee works transfer a specified amount of annual leave to another employee authorized to receive leave under subsection (1) of this section. In no event may the employee request a transfer of an amount of leave that would result in his or her annual leave account going below ten days. For purposes of this subsection (4)(a), annual leave does not accrue if the employee receives compensation in lieu of accumulating a balance of annual leave.

(b) An employee may transfer a specified amount of sick leave to an employee requesting shared leave only when the donating employee retains a minimum of one hundred seventy-six hours of sick leave after the transfer.

(c) An employee may transfer, under the provisions of this section relating to the transfer of leave, all or part of his or her personal holiday, as that term is defined under RCW 1.16.050, or as such holidays are provided to employees by agreement with a school district's board of directors if the leave transferred under this subsection does not exceed the amount of time provided for personal holidays under RCW 1.16.050.

(5) An employee of an institution of higher education under RCW 28B.10.016, school district, or educational service district who does not accrue annual leave but does accrue sick leave and who has an accrued sick leave balance of more than twenty-two days may request that the head of the agency for which the employee works transfer a specified amount of sick leave to another employee authorized to receive leave under subsection (1) of this section. In no event may such an employee request a transfer that would result in his or her sick leave account going below twenty-two days. Transfers of sick leave under this subsection are limited to transfers from employees who do not accrue annual leave. Under this subsection, "sick leave" also includes leave accrued pursuant to RCW 28A.400.300(1)(b) or 28A.310.240(1) with compensation for illness, injury, and emergencies.

(6) Transfers of leave made by an agency head under subsections (4) and (5) of this section shall not exceed the requested amount.

(7) Leave transferred under this section may be transferred from employees of one agency to an employee of the same agency or, with the approval of the heads of both agencies, to an employee of another state agency.

(8) While an employee is on leave transferred under this section, he or she shall continue to be classified as a state employee and shall receive the same treatment in respect to salary, wages, and employee benefits as the employee would normally receive if using accrued annual leave or sick leave.

(a) All salary and wage payments made to employees while on leave transferred under this section shall be made by the agency employing the person receiving the leave. The value of leave transferred shall be based upon the leave value of the person receiving the leave.

(b) In the case of leave transferred by an employee of one agency to an employee of another agency, the agencies involved shall arrange for the transfer of funds and credit for the appropriate value of leave.

(i) Pursuant to rules adopted by the office of financial management, funds shall not be transferred under this section if the transfer would violate any constitutional or statutory restrictions on the funds being transferred.

(ii) The office of financial management may adjust the appropriation authority of an agency receiving funds under this section only if and to the extent that the agency's existing appropriation authority would prevent it from expending the funds received.

(iii) Where any questions arise in the transfer of funds or the adjustment of appropriation authority, the director of financial management shall determine the appropriate transfer or adjustment.

(9) Leave transferred under this section shall not be used in any calculation to determine an agency's allocation of full time equivalent staff positions.

(10)(a) The value of any leave transferred under this section which remains unused shall be returned at its original value to the employee or employees who transferred the leave when the agency head finds that the leave is no longer needed or will not be needed at a future time in connection with the illness or injury for which the leave was transferred or for any other qualifying condition. Unused shared leave may not be returned until one of the following occurs:

(i) The agency head receives from the affected employee a statement from the employee's doctor verifying that the illness or injury is resolved; or

(ii) The employee is released to full-time employment; has not received additional medical treatment for his or her current condition or any other qualifying condition for at least six months; and the employee's doctor has declined, in writing, the employee's request for a statement indicating the employee's condition has been resolved.

(b) If a shared leave account is closed and an employee later has a need to use shared leave due to the same condition listed in the closed account, the agency head must approve a new shared leave request for the employee.

(c) To the extent administratively feasible, the value of unused leave which was transferred by more than one employee shall be returned on a pro rata basis.

(11) An employee who uses leave that is transferred to him or her under this section may not be required to repay the value of the leave that he or she used.

(12) The director of financial management may adopt rules as necessary to implement subsection (2) of this section.

(13) For the purposes of this section, "shortly deplete" means that the employee will have forty hours or less of the applicable leave types under subsection (1)(d) of this section. However, the employee is not required to deplete all of the employee's leave and can maintain up to forty hours of the applicable leave types in reserve.

**NEW SECTION. Sec. 22.** A new section is added to chapter 41.04 RCW to read as follows:

(1) Parental leave received under RCW 41.04.665 must be used within the sixteen weeks immediately after birth or placement, except as provided in subsection (2) of this section.

(2) If a person receiving parental leave also receives leave due to a pregnancy disability, the parental leave may be taken in the sixteen weeks immediately after the pregnancy disability leave. However, parental leave may not be used more than one year after birth.

**NEW SECTION. Sec. 23.** Section 2 of this act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

On page 1, line 2 of the title, after "program;" strike the remainder of the title and insert "amending RCW 41.04.655 and 41.04.665; adding a new section to chapter 41.04 RCW; and declaring an emergency."

And the same is herewith transmitted,

Sarah Bannister, Deputy Secretary

#### **SENATE AMENDMENT TO HOUSE BILL**

There being no objection, the House concurred in the Senate amendment to HOUSE BILL NO. 2739 and advanced the bill as amended by the Senate to final passage.

#### **FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED**

Representatives Kloba and Walsh spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of House Bill No. 2739, as amended by the Senate.

#### **ROLL CALL**



The Clerk called the roll on the final passage of House Bill No. 2739, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Mead, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shea, Shewmake, Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Excused: Representative Paul.

HOUSE BILL NO. 2739, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

#### MESSAGE FROM THE SENATE

March 9, 2020

Madame Speaker:

The Senate has passed ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2870 with the following amendment:

23.0.

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 24.** (1) The legislature finds that additional efforts are necessary to reduce barriers to entry to the cannabis industry for individuals and communities most adversely impacted by the enforcement of cannabis-related laws. In the interest of establishing a cannabis industry that is equitable and accessible to those most adversely impacted by the enforcement of drug-related laws, including cannabis-related laws, the legislature finds a social equity program should be created.

(2) The legislature finds that individuals who have been arrested or incarcerated due to drug laws, and those who have resided in areas of high poverty, suffer long-lasting adverse consequences, including impacts to employment, business ownership, housing, health, and long-term financial well-being. The legislature also finds that family members, especially children, and communities of those who have been arrested or incarcerated due to drug laws, suffer from emotional, psychological, and financial harms as a result of such arrests and incarceration. The legislature further finds that individuals in disproportionately impacted areas suffered the harms of enforcement of cannabis-related laws. Those communities

face greater difficulties accessing traditional banking systems and capital for establishing businesses.

(3) The legislature therefore finds that in the interest of remedying harms resulting from the enforcement of cannabis-related laws in disproportionately impacted areas, creating a social equity program will further an equitable cannabis industry by promoting business ownership among individuals who have resided in areas of high poverty and high enforcement of cannabis-related laws. The social equity program should offer, among other things, financial and technical assistance and license application benefits to individuals most directly and adversely impacted by the enforcement of cannabis-related laws who are interested in starting cannabis business enterprises. It is the intent of the legislature that implementation of the social equity program authorized by this act not result in an increase in the number of marijuana retailer licenses above the limit on the number of marijuana retailer licenses in the state established by the board before January 1, 2020.

**NEW SECTION. Sec. 25.** A new section is added to chapter 69.50 RCW to read as follows:

(1) Beginning December 1, 2020, and until July 1, 2028, marijuana retailer licenses that have been subject to forfeiture, revocation, or cancellation by the board, or marijuana retailer licenses that were not previously issued by the board but could have been issued without exceeding the limit on the statewide number of marijuana retailer licenses established before January 1, 2020, by the board, may be issued or reissued to an applicant who meets the marijuana retailer license requirements of this chapter.

(2)(a) In order to be considered for a retail license under subsection (1) of this section, an applicant must be a social equity applicant and submit a social equity plan along with other marijuana retailer license application requirements to the board. If the application proposes ownership by more than one person, then at least fifty-one percent of the proposed ownership structure must reflect the qualifications of a social equity applicant.

(b) Persons holding an existing marijuana retailer license or title certificate for a marijuana retailer business in a local jurisdiction subject to a ban or moratorium on marijuana retail businesses may apply for a license under this section.

(3)(a) In determining the issuance of a license among applicants, the board may prioritize applicants based on the extent to which the application addresses the components of the social equity plan.

(b) The board may deny any application submitted under this subsection if the board determines that:

(i) The application does not meet social equity goals or does not meet social equity plan requirements; or

(ii) The application does not otherwise meet the licensing requirements of this chapter.

(4) The board may adopt rules to implement this section. Rules may include strategies for receiving advice on the social equity program from individuals the program is

intended to benefit. Rules may also require that licenses awarded under this section be transferred or sold only to individuals or groups of individuals who comply with the requirements for initial licensure as a social equity applicant with a social equity plan under this section.

(5) The annual fee for issuance, reissuance, or renewal for any license under this section must be equal to the fee established in RCW 69.50.325.

(6) For the purposes of this section:

(a) "Disproportionately impacted area" means a census tract or comparable geographic area that satisfies the following criteria, which may be further defined in rule by the board after consultation with the commission on African American affairs and other agencies and stakeholders as determined by the board:

- (i) The area has a high poverty rate;
- (ii) The area has a high rate of participation in income-based federal or state programs;
- (iii) The area has a high rate of unemployment; and
- (iv) The area has a high rate of arrest, conviction, or incarceration related to the sale, possession, use, cultivation, manufacture, or transport of marijuana.

(b) "Social equity applicant" means:

- (i) An applicant who has at least fifty-one percent ownership and control by one or more individuals who have resided for at least five of the preceding ten years in a disproportionately impacted area; or
- (ii) An applicant who has at least fifty-one percent ownership and control by at least one individual who has been convicted of a marijuana offense or is a family member of such an individual.

(c) "Social equity goals" means:

- (i) Increasing the number of marijuana retailer licenses held by social equity applicants from disproportionately impacted areas; and
- (ii) Reducing accumulated harm suffered by individuals, families, and local areas subject to severe impacts from the historical application and enforcement of marijuana prohibition laws.

(d) "Social equity plan" means a plan that addresses at least some of the elements outlined in this subsection (6)(d), along with any additional plan components or requirements approved by the board following consultation with the task force created in section 5 of this act. The plan may include:

- (i) A statement that the social equity applicant qualifies as a social equity applicant and intends to own at least fifty-one percent of the proposed marijuana retail business or applicants representing at least fifty-one percent of the ownership of the proposed business qualify as social equity applicants;
- (ii) A description of how issuing a marijuana retail license to the social equity applicant will meet social equity goals;

(iii) The social equity applicant's personal or family history with the criminal justice system including any offenses involving marijuana;

(iv) The composition of the workforce the social equity applicant intends to hire;

(v) Neighborhood characteristics of the location where the social equity applicant intends to operate, focusing especially on disproportionately impacted areas; and

(vi) Business plans involving partnerships or assistance to organizations or residents with connection to populations with a history of high rates of enforcement of marijuana prohibition.

**NEW SECTION. Sec. 26.** A new section is added to chapter 43.330 RCW to read as follows:

(1) The marijuana social equity technical assistance competitive grant program is established and is to be administered by the department.

(2) The marijuana social equity technical assistance competitive grant program must award grants on a competitive basis to marijuana retailer license applicants who are social equity applicants submitting social equity plans under section 2 of this act. The department must award grants primarily based on the strength of the social equity plans submitted by applicants but may also consider additional criteria if deemed necessary or appropriate by the department. Technical assistance activities eligible for funding under the marijuana social equity technical assistance competitive grant program include, but are not limited to:

- (a) Assistance navigating the marijuana retailer licensure process;
- (b) Marijuana-business specific education and business plan development;
- (c) Regulatory compliance training;
- (d) Financial management training and assistance in seeking financing; and
- (e) Connecting social equity applicants with established industry members and tribal marijuana enterprises and programs for mentoring and other forms of support approved by the board.

(3) Funding for the marijuana social equity technical assistance competitive grant program must be provided through the dedicated marijuana account under RCW 69.50.540. Additionally, the department may solicit, receive, and expend private contributions to support the grant program.

(4) The department may adopt rules to implement this section.

**Sec. 27.** RCW 69.50.540 and 2019 c 415 s 978 are each amended to read as follows:

The legislature must annually appropriate moneys in the dedicated marijuana account created in RCW 69.50.530 as follows:

(1) For the purposes listed in this subsection (1), the legislature must appropriate to the respective agencies amounts sufficient to make the following expenditures on a quarterly basis or as provided in this subsection:

(a) One hundred twenty-five thousand dollars to the health care authority to design and administer the Washington state healthy youth survey, analyze the collected data, and produce reports, in collaboration with the office of the superintendent of public instruction, department of health, department of commerce, family policy council, and ~~((state liquor and cannabis))~~ board. The survey must be conducted at least every two years and include questions regarding, but not necessarily limited to, academic achievement, age at time of substance use initiation, antisocial behavior of friends, attitudes toward antisocial behavior, attitudes toward substance use, laws and community norms regarding antisocial behavior, family conflict, family management, parental attitudes toward substance use, peer rewarding of antisocial behavior, perceived risk of substance use, and rebelliousness. Funds disbursed under this subsection may be used to expand administration of the healthy youth survey to student populations attending institutions of higher education in Washington;

(b) Fifty thousand dollars to the health care authority for the purpose of contracting with the Washington state institute for public policy to conduct the cost-benefit evaluation and produce the reports described in RCW 69.50.550. This appropriation ends after production of the final report required by RCW 69.50.550;

(c) Five thousand dollars to the University of Washington alcohol and drug abuse institute for the creation, maintenance, and timely updating of web-based public education materials providing medically and scientifically accurate information about the health and safety risks posed by marijuana use;

(d)(i) An amount not less than one million two hundred fifty thousand dollars to the ~~((state liquor and cannabis))~~ board for administration of this chapter as appropriated in the omnibus appropriations act;

(ii) Two million six hundred fifty-one thousand seven hundred fifty dollars for fiscal year 2018 and three hundred fifty-one thousand seven hundred fifty dollars for fiscal year 2019 to the health professions account established under RCW 43.70.320 for the development and administration of the marijuana authorization database by the department of health;

(iii) Two million seven hundred twenty-three thousand dollars for fiscal year 2020 and two million five hundred twenty-three thousand dollars for fiscal year 2021 to the Washington state patrol for a drug enforcement task force. It is the intent of the legislature that this policy will be continued in the 2021-2023 fiscal biennium; and

(iv) Ninety-eight thousand dollars for fiscal year 2019 to the department of ecology for research on accreditation of marijuana product testing laboratories;

(e) Four hundred sixty-five thousand dollars for fiscal year 2020 and four hundred sixty-four thousand dollars for fiscal year 2021 to the department of ecology for implementation of accreditation of marijuana product testing laboratories;

(f) One hundred eighty-nine thousand dollars for fiscal year 2020 to the department of health for rule making regarding compassionate care renewals;

(g) Eight hundred eight thousand dollars for fiscal year 2020 and eight hundred eight thousand dollars for fiscal year 2021 to the department of health for the administration of the marijuana authorization database; ~~((and))~~

(h) ~~(((\$635,000 H:\DATA\2020 JOURNAL\Journal2020\LegDay058\six hundred thirty five thousand dollars.doc)) Six hundred thirty-five thousand dollars for fiscal year 2020 and (((\$635,000 H:\DATA\2020 JOURNAL\Journal2020\LegDay058\six hundred thirty five thousand dollars.doc)) six hundred thirty-five thousand dollars for fiscal year 2021 to the department of agriculture for compliance-based laboratory analysis of pesticides in marijuana((?)); and~~

(i) One million one hundred thousand dollars annually to the department of commerce to fund the marijuana social equity technical assistance competitive grant program under section 3 of this act; and

(2) From the amounts in the dedicated marijuana account after appropriation of the amounts identified in subsection (1) of this section, the legislature must appropriate for the purposes listed in this subsection (2) as follows:

(a)(i) Up to fifteen percent to the health care authority for the development, implementation, maintenance, and evaluation of programs and practices aimed at the prevention or reduction of maladaptive substance use, substance use disorder, substance abuse or substance dependence, as these terms are defined in the Diagnostic and Statistical Manual of Mental Disorders, among middle school and high school-age students, whether as an explicit goal of a given program or practice or as a consistently corresponding effect of its implementation, mental health services for children and youth, and services for pregnant and parenting women; PROVIDED, That:

(A) Of the funds appropriated under (a)(i) of this subsection for new programs and new services, at least eighty-five percent must be directed to evidence-based or research-based programs and practices that produce objectively measurable results and, by September 1, 2020, are cost-beneficial; and

(B) Up to fifteen percent of the funds appropriated under (a)(i) of this subsection for new programs and new services may be directed to proven and tested practices, emerging best practices, or promising practices.

(ii) In deciding which programs and practices to fund, the director of the health care authority must consult, at least annually, with the University of Washington's social development research group and the University of Washington's alcohol and drug abuse institute.

(iii) For each fiscal year, the legislature must appropriate a minimum of twenty-five million five hundred thirty-six thousand dollars under this subsection (2)(a);

(b)(i) Up to ten percent to the department of health for the following, subject to (b)(ii) of this subsection (2):

(A) Creation, implementation, operation, and management of a marijuana education and public health program that contains the following:

(I) A marijuana use public health hotline that provides referrals to substance abuse treatment providers, utilizes evidence-based or research-based public health approaches to minimizing the harms associated with marijuana use, and does not solely advocate an abstinence-only approach;

(II) A grants program for local health departments or other local community agencies that supports development and implementation of coordinated intervention strategies for the prevention and reduction of marijuana use by youth; and

(III) Media-based education campaigns across television, internet, radio, print, and out-of-home advertising, separately targeting youth and adults, that provide medically and scientifically accurate information about the health and safety risks posed by marijuana use; and

(B) The Washington poison control center.

(ii) For each fiscal year, the legislature must appropriate a minimum of nine million seven hundred fifty thousand dollars under this subsection (2)(b);

(c)(i) Up to six-tenths of one percent to the University of Washington and four-tenths of one percent to Washington State University for research on the short and long-term effects of marijuana use, to include but not be limited to formal and informal methods for estimating and measuring intoxication and impairment, and for the dissemination of such research.

(ii) For each fiscal year, except for the 2017-2019 and 2019-2021 fiscal biennia, the legislature must appropriate a minimum of one million twenty-one thousand dollars to the University of Washington. For each fiscal year, except for the 2017-2019 and 2019-2021 fiscal biennia, the legislature must appropriate a minimum of six hundred eighty-one thousand dollars to Washington State University under this subsection (2)(c). It is the intent of the legislature that this policy will be continued in the 2019-2021 fiscal biennium;

(d) Fifty percent to the state basic health plan trust account to be administered by the Washington basic health plan administrator and used as provided under chapter 70.47 RCW;

(e) Five percent to the Washington state health care authority to be expended exclusively through contracts with community health centers to provide primary health and dental care services, migrant health services, and maternity health care services as provided under RCW 41.05.220;

(f)(i) Up to three-tenths of one percent to the office of the superintendent of public instruction to fund grants to building bridges programs under chapter 28A.175 RCW.

(ii) For each fiscal year, the legislature must appropriate a minimum of five hundred eleven thousand dollars to the office of the superintendent of public instruction under this subsection (2)(f); and

(g) At the end of each fiscal year, the treasurer must transfer any amounts in the dedicated marijuana account that are not appropriated pursuant to subsection (1) of this section and this subsection (2) into the general fund, except as provided in (g)(i) of this subsection (2).

(i) Beginning in fiscal year 2018, if marijuana excise tax collections deposited into the general fund in the prior fiscal year exceed twenty-five million dollars, then each fiscal year the legislature must appropriate an amount equal to thirty percent of all marijuana excise taxes deposited into the general fund the prior fiscal year to the treasurer for distribution to counties, cities, and towns as follows:

(A) Thirty percent must be distributed to counties, cities, and towns where licensed marijuana retailers are physically located. Each jurisdiction must receive a share of the revenue distribution under this subsection (2)(g)(i)(A) based on the proportional share of the total revenues generated in the individual jurisdiction from the taxes collected under RCW 69.50.535, from licensed marijuana retailers physically located in each jurisdiction. For purposes of this subsection (2)(g)(i)(A), one hundred percent of the proportional amount attributed to a retailer physically located in a city or town must be distributed to the city or town.

(B) Seventy percent must be distributed to counties, cities, and towns ratably on a per capita basis. Counties must receive sixty percent of the distribution, which must be disbursed based on each county's total proportional population. Funds may only be distributed to jurisdictions that do not prohibit the siting of any state licensed marijuana producer, processor, or retailer.

(ii) Distribution amounts allocated to each county, city, and town must be distributed in four installments by the last day of each fiscal quarter.

(iii) By September 15th of each year, the ~~((state liquor and cannabis))~~ board must provide the state treasurer the annual distribution amount, if any, for each county and city as determined in (g)(i) of this subsection (2).

(iv) The total share of marijuana excise tax revenues distributed to counties and cities in (g)(i) of this subsection (2) may not exceed fifteen million dollars in fiscal years 2018, 2019, 2020, and 2021, and twenty million dollars per fiscal year thereafter. It is the intent of the legislature that the policy for the maximum distributions in the subsequent fiscal biennia will be no more than fifteen million dollars per fiscal year.

~~((For the purposes of this section, "marijuana products" means "useable marijuana," "marijuana concentrates," and "marijuana infused products" as those terms are defined in RCW 69.50.101.))~~

**NEW SECTION. Sec. 28.** A new section is added to chapter 69.50 RCW to read as follows:

(1) A legislative task force on social equity in marijuana is established. The purpose of the task force is to make recommendations to the board including but not limited to establishing a social equity program for the issuance and reissuance of existing retail marijuana licenses, and to advise the governor and the legislature on policies that will facilitate development of a marijuana social equity program.

(2) The members of the task force are as provided in this subsection.

(a) The president of the senate shall appoint one member from each of the two largest caucuses of the senate.

(b) The speaker of the house of representatives shall appoint one member from each of the two largest caucuses of the house of representatives.

(c) The president of the senate and the speaker of the house of representatives shall jointly appoint:

(i) One member from each of the following:

(A) The commission on African American affairs;

(B) The commission on Hispanic affairs;

(C) The governor's office of Indian affairs;

(D) An organization representing the African American community;

(E) An organization representing the Latinx community;

(F) A labor organization involved in the marijuana industry;

(G) The liquor and cannabis board;

(H) The department of commerce;

(I) The office of the attorney general; and

(J) The association of Washington cities;

(ii) Two members that currently hold a marijuana retail license; and

(iii) Two members that currently hold a producer or processor license or both.

(3) In addition to the members appointed to the task force under subsection (2) of this section, individuals representing other sectors may be invited by the chair of the task force, in consultation with the other appointed members of the task force, to participate in an advisory capacity in meetings of the task force.

(a) Individuals participating in an advisory capacity under this subsection are not members of the task force, may not vote, and are not subject to the appointment process established in this section.

(b) There is no limit to the number of individuals who may participate in task force meetings in an advisory capacity under this subsection.

(c) A majority of the task force members constitutes a quorum. If a member has not been designated for a position

set forth in this section, that position may not be counted for the purpose of determining a quorum.

(4) The task force shall hold its first meeting by July 1, 2020. The task force shall elect a chair from among its legislative members at the first meeting. The election of the chair must be by a majority vote of the task force members who are present at the meeting. The chair of the task force is responsible for arranging subsequent meetings and developing meeting agendas.

(5) Staff support for the task force, including arranging the first meeting of the task force and assisting the chair of the task force in arranging subsequent meetings, must be provided by the health equity council of the governor's interagency council on health disparities. If Engrossed Second Substitute House Bill No. 1783 is enacted by June 30, 2020, then responsibility for providing staff support for the task force must be transferred to the office of equity created by Engrossed Second Substitute House Bill No. 1783 when requested by the office of equity.

(6) The expenses of the task force must be paid jointly by the senate and the house of representatives. Task force expenditures are subject to approval by the senate facilities and operations committee and the house of representatives executive rules committee, or their successor committees.

(7) Legislative members of the task force may be reimbursed for travel expenses in accordance with RCW 44.04.120. Nonlegislative members are not entitled to be reimbursed for travel expenses if they are elected officials or are participating on behalf of an employer, governmental entity, or other organization. Any reimbursement for other nonlegislative members is subject to chapter 43.03 RCW.

(8) The task force is a class one group under chapter 43.03 RCW.

(9) A public comment period must be provided at every meeting of the task force.

(10) The task force shall submit one or more reports on recommended policies that will facilitate the development of a marijuana social equity program in Washington to the governor, the board, and the appropriate committees of the legislature. The task force is encouraged to submit individual recommendations, as soon as possible, to facilitate the board's early work to implement the recommendations. The final recommendations must be submitted by December 1, 2020. The recommendations must include:

(a) Factors the board must consider in distributing the licenses currently available from marijuana retailer licenses that have been subject to forfeiture, revocation, or cancellation by the board, or marijuana retailer licenses that were not previously issued by the board but could have been issued without exceeding the limit on the statewide number of marijuana retailer licenses established by the board before January 1, 2020; and

(b) Whether any additional marijuana licenses should be issued beyond the total number of marijuana licenses that have been issued as of the effective date of this section. For purposes of determining the total number of licenses issued

as of the effective date of this section, the total number includes licenses that have been forfeited, revoked, or canceled.

(11) The board may adopt rules to implement the recommendations of the task force. However, any recommendation to increase the number of retail outlets above the current statewide limit of retail outlets, established by the board before January 1, 2020, must be approved by the legislature.

(12) This section expires June 30, 2022.

**Sec. 29.** RCW 69.50.325 and 2018 c 132 s 3 are each amended to read as follows:

(1) There shall be a marijuana producer's license regulated by the ~~((state liquor and cannabis))~~ board and subject to annual renewal. The licensee is authorized to produce: (a) Marijuana for sale at wholesale to marijuana processors and other marijuana producers; (b) immature plants or clones and seeds for sale to cooperatives as described under RCW 69.51A.250; and (c) immature plants or clones and seeds for sale to qualifying patients and designated providers as provided under RCW 69.51A.310. The production, possession, delivery, distribution, and sale of marijuana in accordance with the provisions of this chapter and the rules adopted to implement and enforce it, by a validly licensed marijuana producer, shall not be a criminal or civil offense under Washington state law. Every marijuana producer's license shall be issued in the name of the applicant, shall specify the location at which the marijuana producer intends to operate, which must be within the state of Washington, and the holder thereof shall not allow any other person to use the license. The application fee for a marijuana producer's license shall be two hundred fifty dollars. The annual fee for issuance and renewal of a marijuana producer's license shall be one thousand three hundred eighty-one dollars. A separate license shall be required for each location at which a marijuana producer intends to produce marijuana.

(2) There shall be a marijuana processor's license to process, package, and label marijuana concentrates, useable marijuana, and marijuana-infused products for sale at wholesale to marijuana processors and marijuana retailers, regulated by the ~~((state liquor and cannabis))~~ board and subject to annual renewal. The processing, packaging, possession, delivery, distribution, and sale of marijuana, useable marijuana, marijuana-infused products, and marijuana concentrates in accordance with the provisions of this chapter and chapter 69.51A RCW and the rules adopted to implement and enforce these chapters, by a validly licensed marijuana processor, shall not be a criminal or civil offense under Washington state law. Every marijuana processor's license shall be issued in the name of the applicant, shall specify the location at which the licensee intends to operate, which must be within the state of Washington, and the holder thereof shall not allow any other person to use the license. The application fee for a marijuana processor's license shall be two hundred fifty dollars. The annual fee for issuance and renewal of a marijuana processor's license shall be one thousand three hundred eighty-one dollars. A separate license shall be required for

each location at which a marijuana processor intends to process marijuana.

(3)(a) There shall be a marijuana retailer's license to sell marijuana concentrates, useable marijuana, and marijuana-infused products at retail in retail outlets, regulated by the ~~((state liquor and cannabis))~~ board and subject to annual renewal. The possession, delivery, distribution, and sale of marijuana concentrates, useable marijuana, and marijuana-infused products in accordance with the provisions of this chapter and the rules adopted to implement and enforce it, by a validly licensed marijuana retailer, shall not be a criminal or civil offense under Washington state law. Every marijuana retailer's license shall be issued in the name of the applicant, shall specify the location of the retail outlet the licensee intends to operate, which must be within the state of Washington, and the holder thereof shall not allow any other person to use the license. The application fee for a marijuana retailer's license shall be two hundred fifty dollars. The annual fee for issuance and renewal of a marijuana retailer's license shall be one thousand three hundred eighty-one dollars. A separate license shall be required for each location at which a marijuana retailer intends to sell marijuana concentrates, useable marijuana, and marijuana-infused products.

(b) An individual retail licensee and all other persons or entities with a financial or other ownership interest in the business operating under the license are limited, in the aggregate, to holding a collective total of not more than five retail marijuana licenses.

(c)(i) A marijuana retailer's license is subject to forfeiture in accordance with rules adopted by the ~~((state liquor and cannabis))~~ board pursuant to this section.

(ii) The ~~((state liquor and cannabis))~~ board shall adopt rules to establish a license forfeiture process for a licensed marijuana retailer that is not fully operational and open to the public within a specified period from the date of license issuance, as established by the ~~((state liquor and cannabis))~~ board, subject to the following restrictions:

(A) No marijuana retailer's license may be subject to forfeiture within the first nine months of license issuance; and

(B) The ~~((state liquor and cannabis))~~ board must require license forfeiture on or before twenty-four calendar months of license issuance if a marijuana retailer is not fully operational and open to the public, unless the board determines that circumstances out of the licensee's control are preventing the licensee from becoming fully operational and that, in the board's discretion, the circumstances warrant extending the forfeiture period beyond twenty-four calendar months.

(iii) The ~~((state liquor and cannabis))~~ board has discretion in adopting rules under this subsection (3)(c).

(iv) This subsection (3)(c) applies to marijuana retailer's licenses issued before and after July 23, 2017. However, no license of a marijuana retailer that otherwise meets the conditions for license forfeiture established

pursuant to this subsection (3)(c) may be subject to forfeiture within the first nine calendar months of July 23, 2017.

(v) The ~~((state liquor and cannabis))~~ board may not require license forfeiture if the licensee has been incapable of opening a fully operational retail marijuana business due to actions by the city, town, or county with jurisdiction over the licensee that include any of the following:

(A) The adoption of a ban or moratorium that prohibits the opening of a retail marijuana business; or

(B) The adoption of an ordinance or regulation related to zoning, business licensing, land use, or other regulatory measure that has the effect of preventing a licensee from receiving an occupancy permit from the jurisdiction or which otherwise prevents a licensed marijuana retailer from becoming operational.

(d) The board may issue marijuana retailer licenses pursuant to this chapter and section 2 of this act.

**NEW SECTION. Sec. 30.** If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2020, in the omnibus appropriations act, this act is null and void."

On page 1, line 2 of the title, after "purposes;" strike the remainder of the title and insert "amending RCW 69.50.540 and 69.50.325; adding new sections to chapter 69.50 RCW; adding a new section to chapter 43.330 RCW; creating new sections; and providing an expiration date."

and the same is herewith transmitted.

Brad Hendrickson, Secretary

#### SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2870 and advanced the bill as amended by the Senate to final passage.

#### FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representative Pettigrew spoke in favor of the passage of the bill.

Representative MacEwen spoke against the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Second Substitute House Bill No. 2870, as amended by the Senate.

#### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 2870, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 57; Nays, 40; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Bergquist, Blake, Callan, Chandler, Chapman, Chopp, Cody, Davis, Doglio, Dolan, Duerr, Entenman, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hansen, Hudgins, J. Johnson, Kilduff, Kirby, Kloba, Leavitt, Lekanoff, Lovick, Macri, Mead, Morgan, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Ryu, Santos, Sells, Senn, Slatter, Springer, Stonier, Sullivan, Tarleton, Thai, Tharinger, Valdez, Walen, Wylie, Ybarra and Mme. Speaker.

Voting nay: Representatives Barkis, Boehnke, Caldier, Chambers, Corry, DeBolt, Dent, Dufault, Dye, Eslick, Gildon, Goehner, Graham, Griffey, Harris, Hoff, Irwin, Jenkin, Klippert, Kraft, Kretz, MacEwen, Maycumber, McCaslin, Mosbrucker, Orcutt, Rude, Schmick, Shea, Shewmake, Smith, Steele, Stokesbary, Sutherland, Van Werven, Vick, Volz, Walsh, Wilcox and Young.

Excused: Representative Paul.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2870, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

With the consent of the House, the bills previously acted upon were immediately transmitted to the Senate.

The Speaker (Representative Lovick presiding) called upon Representative Orwall to preside.

There being no objection, the House reverted to the third order of business.

#### MESSAGES FROM THE SENATE

March 10, 2020

Mme. SPEAKER:

The Senate concurred in the House amendment(s) to the following bills and passed the bills as amended by the House:

ENGROSSED SUBSTITUTE SENATE BILL NO.  
6574,

ENGROSSED SUBSTITUTE SENATE BILL NO.  
6617,

and the same are herewith transmitted.

Brad Hendrickson, Secretary

March 10, 2020

Mme. SPEAKER:

The President has signed:

ENGROSSED SUBSTITUTE SENATE BILL NO.  
5395,

SENATE BILL NO. 6049,  
ENGROSSED SUBSTITUTE SENATE BILL NO.

6141





The Senate concurred in the House amendment(s) to the following bills and passed the bills as amended by the House:

ENGROSSED SENATE BILL NO. 5402,  
ENGROSSED SUBSTITUTE SENATE BILL NO.  
5473,  
SECOND SUBSTITUTE SENATE BILL NO. 5488,  
ENGROSSED SUBSTITUTE SENATE BILL NO.  
6288,  
SENATE BILL NO. 6359,  
SUBSTITUTE SENATE BILL NO. 6397,  
ENGROSSED SUBSTITUTE SENATE BILL NO.  
6442,

and the same are herewith transmitted.

Brad Hendrickson, Secretary

March 10, 2020

Mme. SPEAKER:

The Senate has granted the request of the House for a Conference on SECOND SUBSTITUTE SENATE BILL NO. 6281. The President has appointed the following members as Conferees: Carlyle, Rivers, Dhingra

Brad Hendrickson, Secretary

March 10, 2020

Mme. SPEAKER:

The Senate receded from its amendment(s) to SUBSTITUTE HOUSE BILL NO. 2456, and passed the bill without said amendments.

Brad Hendrickson, Secretary

March 10, 2020

Mme. SPEAKER:

The Senate concurred in the House amendment(s) to the following bills and passed the bills as amended by the House:

THIRD SUBSTITUTE SENATE BILL NO. 5164,  
ENGROSSED SENATE BILL NO. 5282,  
ENGROSSED SECOND SUBSTITUTE SENATE  
BILL NO. 5291,  
SUBSTITUTE SENATE BILL NO. 6065,  
SUBSTITUTE SENATE BILL NO. 6158,  
ENGROSSED SENATE BILL NO. 6180,  
ENGROSSED SECOND SUBSTITUTE SENATE  
BILL NO. 6205,

and the same are herewith transmitted.

Brad Hendrickson, Secretary

March 9, 2020

Mme. SPEAKER:

The President has signed:

SENATE BILL NO. 5197,  
SECOND SUBSTITUTE SENATE BILL NO. 5572,  
SUBSTITUTE SENATE BILL NO. 5976,  
ENGROSSED SENATE BILL NO. 6032,  
SENATE BILL NO. 6045,  
SUBSTITUTE SENATE BILL NO. 6058,  
SENATE BILL NO. 6066,  
SUBSTITUTE SENATE BILL NO. 6074,  
SUBSTITUTE SENATE BILL NO. 6084,  
SUBSTITUTE SENATE BILL NO. 6086,  
SUBSTITUTE SENATE BILL NO. 6091,  
ENGROSSED SUBSTITUTE SENATE BILL NO.  
6095,  
SENATE BILL NO. 6123,  
SUBSTITUTE SENATE BILL NO. 6135,  
SENATE BILL NO. 6212,  
SENATE BILL NO. 6236,  
SUBSTITUTE SENATE BILL NO. 6319,  
SENATE BILL NO. 6357,  
SUBSTITUTE SENATE BILL NO. 6415,  
ENGROSSED SUBSTITUTE SENATE BILL NO.  
6419,  
SENATE BILL NO. 6430,  
SUBSTITUTE SENATE BILL NO. 6499,  
SENATE BILL NO. 6567,  
SUBSTITUTE SENATE JOINT MEMORIAL NO.  
8017,

and the same are herewith transmitted.

Brad Hendrickson, Secretary

March 9, 2020

Mme. SPEAKER:

The President has signed:

ENGROSSED SUBSTITUTE SENATE BILL NO.  
5006,  
ENGROSSED SENATE BILL NO. 5450,  
ENGROSSED SENATE BILL NO. 5457,  
ENGROSSED SECOND SUBSTITUTE SENATE  
BILL NO. 5481,  
SENATE BILL NO. 5519,  
SUBSTITUTE SENATE BILL NO. 5900,  
SUBSTITUTE SENATE BILL NO. 6072,  
SENATE BILL NO. 6078,  
SENATE BILL NO. 6102,  
SENATE BILL NO. 6103,  
SENATE BILL NO. 6119,  
SENATE BILL NO. 6120,  
SUBSTITUTE SENATE BILL NO. 6142,  
SENATE BILL NO. 6143,  
SECOND SUBSTITUTE SENATE BILL NO. 6181,  
SENATE BILL NO. 6187,

SUBSTITUTE SENATE BILL NO. 6206,  
SUBSTITUTE SENATE BILL NO. 6256,  
SUBSTITUTE SENATE BILL NO. 6257,  
SUBSTITUTE SENATE BILL NO. 6306,  
SENATE BILL NO. 6383,  
SUBSTITUTE SENATE BILL NO. 6392,  
SENATE BILL NO. 6423,  
SUBSTITUTE SENATE BILL NO. 6476,  
SUBSTITUTE SENATE BILL NO. 6521,  
SECOND SUBSTITUTE SENATE BILL NO. 6528,  
ENGROSSED SUBSTITUTE SENATE BILL NO.  
6540,  
ENGROSSED SENATE JOINT RESOLUTION NO.  
8212,

and the same are herewith transmitted.

Brad Hendrickson, Secretary

There being no objection, the House adjourned until  
10:00 a.m., March 11, 2020, the 59th Day of the Regular  
Session.

LAURIE JINKINS, Speaker

BERNARD DEAN, Chief Clerk

**SIXTY SIXTH LEGISLATURE - REGULAR SESSION****FIFTY NINTH DAY**

House Chamber, Olympia, Wednesday, March 11, 2020

The House was called to order at 10:00 a.m. by the Speaker (Representative Orwall presiding). The Clerk called the roll and a quorum was present.

The flags were escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Wyatt Johnson and Amy Kaur. The Speaker (Representative Orwall presiding) led the Chamber in the Pledge of Allegiance. The prayer was offered by Pastor David Wright, University Chaplain, University of Puget Sound, Washington.

Reading of the Journal of the previous day was dispensed with and it was ordered to stand approved.

**RESOLUTION****HOUSE RESOLUTION NO. 2020-4681, by Representative Dufault**

WHEREAS, It is the policy of the Washington State Legislature to recognize excellence in all fields of endeavor; and

WHEREAS, Mike Leita emigrated to the United States from Italy with his father when he was only six years old and settled in the Yakima area where he was raised; and

WHEREAS, Mike Leita was educated through the local public school system, graduating from Eisenhower High School in Yakima; and

WHEREAS, Mike Leita attended Washington State University, graduating in 1969 with a degree in marketing; and

WHEREAS, Mike Leita returned to Yakima and followed in his father's footsteps, taking over his family's road construction business; and

WHEREAS, With the slogan "New Leadership," Mike Leita was elected in November 2004 to serve as Yakima County Commissioner and served four four-year terms; and

WHEREAS, Mike Leita became known as a "fearless leader" who helped get the county's finances in order, guiding the county out of challenges from a jail contract with King County that had been negotiated before he took office; and

WHEREAS, Mike Leita led the county through difficult financial times, implementing "zero-based budgeting" in his first year of office, which required every department and every program to prove itself every year and set in place a "priorities of government" system with county officials identifying the most important programs to fully fund; and

reducing, consolidating, or eliminating programs that were not working for the good of the taxpayers; and

WHEREAS, Mike Leita modeled his proven leadership style from the James Freeman Clarke quote: "A politician thinks of the next election. A statesman, of the next generation"; and

WHEREAS, Mike Leita and his wife, DeAnn, have been married for forty-seven years and are blessed with a son, Todd, and a daughter, Traci, and four grandchildren; and

WHEREAS, Mike Leita is the embodiment of the American Dream, coming to Yakima from humble beginnings, working hard to become successful, and giving back to his community through public service; and

WHEREAS, After fifteen years as a dedicated Yakima County Commissioner, Mike Leita retired from office in January to spend more time with his beloved family;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives recognize Mike Leita for his outstanding achievements and contributions to the citizens of Yakima County and Washington state; and

BE IT FURTHER RESOLVED, That a copy of this Resolution be immediately transmitted by the Chief Clerk of the House of Representatives to Mike Leita and his family.

There being no objection, HOUSE RESOLUTION NO. 4681 was adopted.

**RESOLUTION****HOUSE RESOLUTION NO. 2020-4683, by Representative Rude**

WHEREAS, The Walla Walla Noon Rotary Club has served the Walla Walla community for 100 years; and

WHEREAS, The club has an outstanding history of service in the Walla Walla Valley and globally from its chartering on November 1, 1919; and

WHEREAS, Rotary's motto "Service Above Self" continues to inspire members to be generous and active participants in communities across the world; and

WHEREAS, Rotary supports people all over the world by promoting peace, fighting disease, and providing clean water to those in need; and

WHEREAS, Rotary has worked to eradicate polio for more than 30 years as a founding partner of the Global Polio Eradication Initiative; and

WHEREAS, Rotary is committed to growing local communities and their economies across the globe through the Rotary foundation; and

WHEREAS, Rotary's numerous youth programs have helped to shape the next generation of global leaders; and

WHEREAS, Rotary's community local involvement ranges from growing the Tour of Walla Walla bike race to tree planting, creating and funding local scholarships, and supporting local food banks;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives express appreciation for the hard work and charity of the Walla Walla Noon Rotary Club and its dedicated members.

There being no objection, HOUSE RESOLUTION NO. 4683 was adopted.

There being no objection, the House advanced to the third order of business.

#### MESSAGES FROM THE SENATE

March 10, 2020

Mme. SPEAKER:

The Senate has passed:

SUBSTITUTE SENATE BILL NO. 5628,

and the same are herewith transmitted.

Brad Hendrickson, Secretary

March 10, 2020

Mme. SPEAKER:

The Senate has passed:

HOUSE BILL NO. 2189,

HOUSE BILL NO. 2505,

SUBSTITUTE HOUSE BILL NO. 2634,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2723,

and the same are herewith transmitted.

Brad Hendrickson, Secretary

March 10, 2020

Mme. SPEAKER:

The Senate has granted the request of the House for a Conference on ENGROSSED SUBSTITUTE SENATE BILL NO. 6280. The President has appointed the following members as Conferees: Nguyen, Brown, Wellman

Brad Hendrickson, Secretary

There being no objection, the House advanced to the fourth order of business.

#### INTRODUCTION & FIRST READING

There being no objection, SUBSTITUTE SENATE BILL NO. 5628 was read the first time, and under suspension of the rules was placed on the second reading calendar.

There being no objection, ENGROSSED SENATE BILL NO. 6690 was read the first time, and under suspension of the rules was placed on the second reading calendar.

The Speaker assumed the chair.

#### SIGNED BY THE SPEAKER

The Speaker signed the following bills:

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1023

SECOND SUBSTITUTE HOUSE BILL NO. 1191

ENGROSSED SECOND SUBSTITUTE HOUSE

BILL NO. 1521

ENGROSSED HOUSE BILL NO. 1552

HOUSE BILL NO. 1590

ENGROSSED SECOND SUBSTITUTE HOUSE

BILL NO. 1783

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1793

SECOND SUBSTITUTE HOUSE BILL NO. 1888

HOUSE BILL NO. 2051

HOUSE BILL NO. 2230

SUBSTITUTE HOUSE BILL NO. 2302

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2327

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2342

SUBSTITUTE HOUSE BILL NO. 2374

SUBSTITUTE HOUSE BILL NO. 2393

SUBSTITUTE HOUSE BILL NO. 2394

SUBSTITUTE HOUSE BILL NO. 2409

HOUSE BILL NO. 2412

SUBSTITUTE HOUSE BILL NO. 2426

SUBSTITUTE HOUSE BILL NO. 2456

SECOND SUBSTITUTE HOUSE BILL NO. 2457

SUBSTITUTE HOUSE BILL NO. 2464

ENGROSSED SECOND SUBSTITUTE HOUSE

BILL NO. 2528

SUBSTITUTE HOUSE BILL NO. 2543

HOUSE BILL NO. 2545

ENGROSSED HOUSE BILL NO. 2584

HOUSE BILL NO. 2587

HOUSE BILL NO. 2601

SUBSTITUTE HOUSE BILL NO. 2622

HOUSE BILL NO. 2640

HOUSE BILL NO. 2641

ENGROSSED SECOND SUBSTITUTE HOUSE

BILL NO. 2662

HOUSE BILL NO. 2691

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2713

SUBSTITUTE HOUSE BILL NO. 2794

SUBSTITUTE HOUSE BILL NO. 2889

ENGROSSED SUBSTITUTE SENATE BILL NO.  
5395  
SENATE BILL NO. 6049  
ENGROSSED SUBSTITUTE SENATE BILL NO.  
6141  
SUBSTITUTE SENATE BILL NO. 6191  
ENGROSSED SENATE BILL NO. 6313  
ENGROSSED SUBSTITUTE SENATE BILL NO.  
6440  
ENGROSSED SUBSTITUTE SENATE BILL NO.  
6473  
SUBSTITUTE SENATE BILL NO. 6632

The Speaker called upon Representative Orwall to  
preside.

There being no objection, the House reverted to the third  
order of business.

### MESSAGES FROM THE SENATE

March 10, 2020

Mme. SPEAKER:

The Senate has passed:

ENGROSSED SENATE BILL NO. 6690,

and the same is herewith transmitted.

Brad Hendrickson, Secretary

There being no objection, the House advanced to the  
seventh order of business.

### THIRD READING

#### MESSAGE FROM THE SENATE

March 4, 2020

Mme. SPEAKER:

The Senate has passed ENGROSSED HOUSE BILL  
NO. 2965, with the following amendments:

#### 2965.E AMS BIL MURR 493:

On page 1, line 15, after "account" insert "and the sum  
of twenty five million dollars is appropriated from the  
general fund-federal"

On page 1, line 17, strike "is" and insert "are"

On page 2, line 1, strike "appropriation" and insert  
"appropriations"

On page 2, line 2, strike "is" and insert "are"

On page 2, line 7, after "state," insert "tribal,"

On page 2, line 9, after "Agencies" insert ",  
federally recognized tribes,"

On page 2, line 12, after "agency" insert ", federally  
recognized tribe,"

On page 2, line 14, after "agency" insert ", federally  
recognized tribe,"

#### 2965.E AMS BRAU S7516.2:

On page 3, beginning on line 5, strike all of section 4  
and insert the following:

**"NEW SECTION. Sec. 4.** (1) The department of  
social and health services is authorized to determine nursing  
facility payments to adequately resource facilities  
responding to the novel coronavirus outbreak pursuant to the  
gubernatorial declaration of emergency of February 29,  
2020. The medicaid payments provided to nursing facilities  
in response to this state of emergency shall be determined by  
the department as appropriate to address the immediate  
safety needs of Washington state citizens and shall not be  
subject to this chapter's medicaid methodology. Any nursing  
facility payment made under this section shall not be  
included in the calculation of the annual statewide weighted  
average nursing facility payment rate.

(2) This section expires June 30, 2021.

**Sec. 5.** RCW 50.20.010 and 2019 c 50 s 1 are each  
amended to read as follows:

(1) An unemployed individual shall be eligible to  
receive waiting period credits or benefits with respect to any  
week in his or her eligibility period only if the commissioner  
finds that:

(a) He or she has registered for work at, and thereafter  
has continued to report at, an employment office in  
accordance with such regulation as the commissioner may  
prescribe, except that the commissioner may by regulation  
waive or alter either or both of the requirements of this  
subdivision as to individuals attached to regular jobs and as  
to such other types of cases or situations with respect to  
which the commissioner finds that the compliance with such  
requirements would be oppressive, or would be inconsistent  
with the purposes of this title;

(b) He or she has filed an application for an initial  
determination and made a claim for waiting period credit or  
for benefits in accordance with the provisions of this title;

(c) He or she is able to work, and is available for work  
in any trade, occupation, profession, or business for which  
he or she is reasonably fitted.

(i) To be available for work, an individual must be  
ready, able, and willing, immediately to accept any suitable  
work which may be offered to him or her and must be  
actively seeking work pursuant to customary trade practices  
and through other methods when so directed by the  
commissioner or the commissioner's agents. If a labor  
agreement or dispatch rules apply, customary trade practices  
must be in accordance with the applicable agreement or  
rules.

(ii) Until June 30, 2021, an individual under quarantine or isolation, as defined by the department of health, as directed by a public health official during the novel coronavirus outbreak pursuant to the gubernatorial declaration of emergency of February 29, 2020, does not need to meet the requirements of this subsection (1)(c).

(iii) For the purposes of this subsection, "customary trade practices" includes compliance with an electrical apprenticeship training program that includes a recognized referral system under apprenticeship program standards approved by the Washington state apprenticeship and training council;

(d) He or she has been unemployed for a waiting period of one week;

(e) He or she participates in reemployment services if the individual has been referred to reemployment services pursuant to the profiling system established by the commissioner under RCW 50.20.011, unless the commissioner determines that:

(i) The individual has completed such services; or

(ii) There is justifiable cause for the claimant's failure to participate in such services; and

(f) As to weeks beginning after March 31, 1981, which fall within an extended benefit period as defined in RCW 50.22.010, the individual meets the terms and conditions of RCW 50.22.020 with respect to benefits claimed in excess of twenty-six times the individual's weekly benefit amount.

(2) An individual's eligibility period for regular benefits shall be coincident to his or her established benefit year. An individual's eligibility period for additional or extended benefits shall be the periods prescribed elsewhere in this title for such benefits.

**NEW SECTION. Sec. 6.** If any part of this act is found to be in conflict with federal requirements that are a prescribed condition to the allocation of federal funds to the state or the eligibility of employers in this state for federal unemployment tax credits, the conflicting part of this act is inoperative solely to the extent of the conflict, and the finding or determination does not affect the operation of the remainder of this act. Rules adopted under this act must meet federal requirements that are a necessary condition to the receipt of federal funds by the state or the granting of federal unemployment tax credits to employers in this state."

Renumber the remaining section consecutively and correct any internal references accordingly.

**EHB 2965 - S AMD 1258**

By Senator Braun

**ADOPTED 03/04/2020**

On page 1, line 2 of the title, after "38.52.105" strike "; adding a new section to chapter 74.46 RCW;" and insert "and 50.20.010; creating new sections;" and on line 3, after "appropriations;" insert "providing an expiration date;"

and the same are herewith transmitted.

Sarah Bannister, Deputy Secretary

### SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House refused to concur in the Senate amendment to ENGROSSED HOUSE BILL NO. 2965 and asked the Senate to recede therefrom.

### MOTION

On motion of Representative Mead, Representative Paul was excused.

### THIRD READING

### MESSAGE FROM THE SENATE

March 10, 2020

Mme. SPEAKER:

The Senate refuses to concur in the House amendment(s) to SECOND SUBSTITUTE SENATE BILL NO. 6478 and asks the House to recede therefrom.

Brad Hendrickson, Secretary

### HOUSE AMENDMENT TO SENATE BILL

There being no objection, the House receded from its amendment. The rules were suspended and SECOND SUBSTITUTE SENATE BILL NO. 6478 was returned to second reading for the purpose of amendment.

There being no objection, the House reverted to the sixth order of business.

### SECOND READING

**SECOND SUBSTITUTE SENATE BILL NO. 6478, by Senate Committee on Ways & Means (originally sponsored by Nguyen, Darneille, Stanford, Saldaña, Dhingra, Das and Hasegawa)**

#### Revising economic assistance programs.

Representative Entenman moved the adoption of the striking amendment (2181):

6.0.

Strike everything after the enacting clause and insert the following:

"**Sec. 7.** RCW 74.08A.010 and 2019 c 343 s 2 are each amended to read as follows:

(1) A family that includes an adult who has received temporary assistance for needy families for sixty months after July 27, 1997, shall be ineligible for further temporary assistance for needy families assistance.

(2) For the purposes of applying the rules of this section, the department shall count any month in which an adult family member received a temporary assistance for needy families cash assistance grant unless the assistance was provided when the adult family member was a minor child and not the head of the household or married to the head of the household.

(3) The department shall adopt regulations to apply the sixty-month time limit to households in which a parent is in the home and ineligible for temporary assistance for needy families. Any regulations shall be consistent with federal funding requirements.

(4) The department shall refer recipients who require specialized assistance to appropriate department programs, crime victims' programs through the department of commerce, or the crime victims' compensation program of the department of labor and industries.

(5)(a) The department shall add to adopted rules related to temporary assistance for needy families time limit extensions, the following criteria by which the department shall exempt a recipient and the recipient's family from the application of subsection (1) of this section:

(i) By reason of hardship, including ~~((if the recipient is a homeless person as described in RCW 43.185C.010))~~ when the recipient's family includes a child or youth who is without a fixed, regular, and adequate nighttime residence as described in the federal McKinney-Vento homeless assistance act (Title 42 U.S.C., chapter 119, subchapter VI, part B) as it existed on January 1, 2020; or

(ii) If the family includes an individual who meets the family violence options of section 402(A)(7) of Title IVA of the federal social security act as amended by P.L. 104-193.

(b) Policies related to circumstances under which a recipient will be exempted from the application of subsection (1) or (3) of this section shall treat adults receiving benefits on their own behalf, and parents receiving benefits on behalf of their child similarly, unless required otherwise under federal law.

(6) The department shall not exempt a recipient and his or her family from the application of subsection (1) or (3) of this section until after the recipient has received fifty-two months of assistance under this chapter.

(7) The department shall provide transitional food assistance for a period of five months to a household that ceases to receive temporary assistance for needy families assistance and is not in sanction status. If necessary, the department shall extend the household's basic food certification until the end of the transition period.

**NEW SECTION. Sec. 8.** A new section is added to chapter 74.08A RCW to read as follows:

(1) Annually by December 31st, the department must report to the governor and the appropriate policy and fiscal committees of the legislature disaggregated data identifying the race of individuals whose temporary assistance for needy families benefits were reduced or terminated during the preceding year due to:

(a) Sanction as described in RCW 74.08A.260; or

(b) Reaching the sixty-month time limit under RCW 74.08A.010.

(2) If the disaggregated data for terminated or sanctioned individuals shows a disproportionate representation of any racial group that has experienced historic disparities or discrimination, the department must describe steps it is taking to address and remedy the racial disproportionality.

**NEW SECTION. Sec. 9.** Section 1 of this act takes effect July 1, 2021."

Correct the title.

Representatives Entenman and Dent spoke in favor of the adoption of the striking amendment.

The striking amendment (2181) was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage, as amended by the House.

Representative Entenman spoke in favor of the passage of the bill.

Representative Dent spoke against the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Second Substitute Senate Bill No. 6478 as amended by the House.

## ROLL CALL

The Clerk called the roll on the final passage of Second Substitute Senate Bill No. 6478, as amended by the House, and the bill passed the House by the following vote: Yeas, 56; Nays, 41; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Bergquist, Blake, Callan, Chapman, Chopp, Cody, Davis, Doglio, Dolan, Duerr, Entenman, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hansen, Hudgins, J. Johnson, Kilduff, Kirby, Kloba, Leavitt, Lekanoff, Lovick, Macri, Mead, Morgan, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Ryu, Santos, Sells, Senn, Shewmake, Slatter, Springer, Stonier, Sullivan, Tarleton, Thai, Tharinger, Valdez, Walen, Wylie and Mme. Speaker.

Voting nay: Representatives Barkis, Boehnke, Caldier, Chambers, Chandler, Corry, DeBolt, Dent, Dufault, Dye, Eslick, Gildon, Goehner, Graham, Griffey, Harris, Hoff, Irwin, Jenkin, Klippert, Kraft, Kretz, MacEwen, Maycumber, McCaslin, Mosbrucker, Orcutt, Rude, Schmick, Shea, Smith, Steele, Stokesbary, Sutherland, Van Werven, Vick, Volz, Walsh, Wilcox, Ybarra and Young.

Excused: Representative Paul.

SECOND SUBSTITUTE SENATE BILL NO. 6478, as amended by the House, having received the necessary constitutional majority, was declared passed.

### THIRD READING

#### MESSAGE FROM THE SENATE

March 10, 2020

Mme. SPEAKER:

The Senate refuses to concur in the House amendment(s) to ENGROSSED SUBSTITUTE SENATE BILL NO. 6641 and asks the House to recede therefrom.

Brad Hendrickson, Secretary

#### HOUSE AMENDMENT TO SENATE BILL

There being no objection, the House receded from its amendment. The rules were suspended and ENGROSSED SUBSTITUTE SENATE BILL NO. 6641 was returned to second reading for the purpose of amendment.

There being no objection, the House reverted to the sixth order of business.

### SECOND READING

**ENGROSSED SUBSTITUTE SENATE BILL NO. 6641, by Senate Committee on Human Services, Reentry & Rehabilitation (originally sponsored by O'Ban, Conway, Wilson and C.)**

**Increasing the availability of certified sex offender treatment providers.**

Representative Cody moved the adoption of the striking amendment (2182):

9.0.

Strike everything after the enacting clause and insert the following:

**"Sec. 10.** RCW 18.155.020 and 2004 c 38 s 3 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter:

(1) "Advisory committee" means the sex offender treatment providers advisory committee established under section 5 of this act.

(2) "Certified sex offender treatment provider" means ((a licensed, certified, or registered health professional)) an individual who is a licensed psychologist, licensed marriage and family therapist, licensed social worker, licensed mental health counselor, or psychiatrist as defined in RCW 71.05.020, who is certified to examine and treat sex offenders pursuant to chapters 9.94A and 13.40 RCW and sexually violent predators under chapter 71.09 RCW.

~~((2))~~ (3) "Certified affiliate sex offender treatment provider" means ((a licensed, certified, or registered health professional)) an individual who is a licensed psychologist, licensed marriage and family therapist, licensed social worker, licensed mental health counselor, or psychiatrist as defined in RCW 71.05.020, who is certified as an affiliate to examine and treat sex offenders pursuant to chapters 9.94A and 13.40 RCW and sexually violent predators under chapter 71.09 RCW under the supervision of a ((certified sex offender treatment provider)) qualified supervisor.

~~((3))~~ (4) "Department" means the department of health.

~~((4))~~ (5)(a) "Qualified supervisor" means:

(i) A person who meets the requirements for certification as a sex offender treatment provider;

(ii) A person who meets a lifetime experience threshold of having provided at least two thousand hours of direct sex offender specific treatment and assessment services and who continues to maintain professional involvement in the field; or

(iii) A person who meets a lifetime experience threshold of at least two years of full-time work in a state-run facility or state-run treatment program providing direct sex offender specific treatment and assessment services and who continues to maintain professional involvement in the field.

(b) A qualified supervisor not credentialed by the department as a sex offender treatment provider must sign and submit to the department an attestation form provided by the department stating under penalty of perjury that the qualified supervisor has met the requisite education, training, or experience requirements and that the qualified supervisor is able to substantiate the qualified supervisor's claim to have met the requirements for education, training, or experience.

(6) "Secretary" means the secretary of health.

~~((5))~~ (7) "Sex offender treatment provider" or "affiliate sex offender treatment provider" means a person who counsels or treats sex offenders accused of or convicted of a sex offense as defined by RCW 9.94A.030.

**Sec. 11.** RCW 18.155.030 and 2004 c 38 s 4 are each amended to read as follows:

(1) No person shall represent himself or herself as a certified sex offender treatment provider or certified affiliate sex offender treatment provider without first applying for and receiving a certificate pursuant to this chapter.

(2) Only a certified sex offender treatment provider, or certified affiliate sex offender treatment provider who has completed at least fifty percent of the required hours under the supervision of a ~~((certified sex offender treatment provider))~~ qualified supervisor, may perform or provide the following services:

(a) ~~((Evaluations conducted for the purposes of and pursuant to RCW 9.94A.670 and 13.40.160;~~



~~((b))~~) Treatment or evaluation of convicted level III sex offenders who are sentenced and ordered into treatment pursuant to chapter 9.94A RCW and adjudicated level III juvenile sex offenders who are ordered into treatment pursuant to chapter 13.40 RCW; or

~~((c))~~) ~~(b)~~ Except as provided under subsection (3) of this section, treatment of sexually violent predators who are conditionally released to a less restrictive alternative pursuant to chapter 71.09 RCW.

(3) A certified sex offender treatment provider, or certified affiliate sex offender treatment provider who has completed at least fifty percent of the required hours under the supervision of a ~~((certified sex offender treatment provider))~~ qualified supervisor, may not perform or provide treatment of sexually violent predators under subsection (2)~~((c))~~) ~~(b)~~ of this section if the treatment provider has been:

(a) Convicted of a sex offense, as defined in RCW 9.94A.030;

(b) Convicted in any other jurisdiction of an offense that under the laws of this state would be classified as a sex offense as defined in RCW 9.94A.030; or

(c) Suspended or otherwise restricted from practicing any health care profession by competent authority in any state, federal, or foreign jurisdiction.

(4) Certified sex offender treatment providers and certified affiliate sex offender treatment providers may perform or provide the following service: Treatment or evaluation of convicted level I and level II sex offenders who are sentenced and ordered into treatment pursuant to chapter 9.94A RCW and adjudicated juvenile level I and level II sex offenders who are sentenced and ordered into treatment pursuant to chapter 13.40 RCW.

(5) Employees of state-run facilities or state-run treatment programs are not required to be a certified sex offender treatment provider or a certified affiliate sex offender treatment provider to do the work described in this section as part of their job duties if not pursuing certification under this chapter.

(6) Individuals credentialed by the department of health as a certified sex offender treatment provider or a certified affiliate sex offender treatment provider prior to the effective date of this section are considered to have met the requirement of holding an underlying health license or credential described in RCW 18.155.020 (2) and (3), provided the underlying license or credential remains active and in good standing.

**Sec. 12.** RCW 18.155.075 and 2006 c 134 s 2 are each amended to read as follows:

(1) The department shall issue an affiliate certificate to any applicant who meets the following requirements:

~~((4))~~) ~~(a)~~ Successful completion of an educational program approved by the secretary or successful completion of alternate training which meets the criteria of the secretary;

~~((2))~~) ~~(b)~~ Successful completion of an examination administered or approved by the secretary;

~~((3))~~) ~~(c)~~ Proof of supervision by a ~~((certified sex offender treatment provider))~~ qualified supervisor;

~~((4))~~) ~~(d)~~ Not having engaged in unprofessional conduct or being unable to practice with reasonable skill and safety as a result of a physical or mental impairment;

~~((5))~~) ~~(e)~~ Not convicted of a sex offense, as defined in RCW 9.94A.030 or convicted in any other jurisdiction of an offense that under the laws of this state would be classified as a sex offense as defined in RCW 9.94A.030; and

~~((6))~~) ~~(f)~~ Other requirements as may be established by the secretary that impact the competence of the sex offender treatment provider.

(2) Individuals credentialed by the department of health as a certified affiliate sex offender treatment provider prior to the effective date of this section are considered to have met the requirement of holding an underlying health license or credential described in RCW 18.155.020(3), provided the underlying license or credential remains active and in good standing.

**Sec. 13.** RCW 18.155.080 and 2004 c 38 s 7 are each amended to read as follows:

The secretary shall establish standards and procedures for approval of the following:

(1) Educational programs and alternate training, which must consider credit for experience obtained through work in a state-run facility or state-run treatment program in Washington or in another state or territory of the United States where the applicant demonstrates having provided at least two thousand hours of direct sex offender specific treatment and assessment services, or two years full-time experience working in a state-run facility or state-run treatment program providing direct sex offender specific treatment and assessment services, and continue to maintain professional involvement in the field;

(2) Examination procedures;

(3)~~(a)~~) Certifying applicants who have a comparable certification in another jurisdiction, who must be allowed to receive consideration of certification if:

(i) They hold or have held within the past thirty-six months a credential in good standing from another state or territory of the United States that the secretary, with advice from the advisory committee, deems to be substantially equivalent to sex offender treatment provider certification in Washington; or

(ii) They meet a lifetime experience threshold of having provided at least two thousand hours of direct sex offender specific treatment and assessment services, or two years full-time experience working in a state-run facility or state-run treatment program providing direct sex offender specific treatment and assessment services, and continue to maintain professional involvement in the field;

(b) Nothing in (a) of this subsection prohibits the secretary from requiring background checks as a condition of receiving a credential;

(4) Application method and forms;

(5) Requirements for renewals of certificates;

(6) Requirements of certified sex offender treatment providers and certified affiliate sex offender treatment providers who seek inactive status;

(7) Other rules, policies, administrative procedures, and administrative requirements as appropriate to carry out the purposes of this chapter.

(8) In construing the requirements of this section, the applicant may sign attestation forms under penalty of perjury indicating that the applicant has participated in the required training and that the applicant is able to substantiate the applicant's claim to have met the requirements for hours of training if such substantiation is requested. Substantiation may include letters of recommendation from experts in the field with personal knowledge of the applicant's qualifications and experience to treat sex offenders in the community.

(9) Employees of a state-run facility or state-run treatment program may obtain the necessary experience to qualify for this certification through their work and do not need to be certified as an affiliate sex offender treatment provider to obtain the necessary experience requirements upon demonstrating proof of supervision by a qualified supervisor.

**NEW SECTION. Sec. 14.** A new section is added to chapter 18.155 RCW to read as follows:

(1) The sex offender treatment providers advisory committee is established to advise the secretary concerning the administration of this chapter.

(2) The secretary shall appoint the members of the advisory committee, which shall consist of the following persons:

(a) One superior court judge;

(b) Three sex offender treatment providers;

(c) One mental health practitioner who specializes in treating victims of sexual assault;

(d) One defense attorney with experience in representing persons charged with sexual offenses;

(e) One representative from a statewide association representing prosecuting attorneys;

(f) The secretary of the department of social and health services or the secretary's designee;

(g) The secretary of the department of corrections or the secretary's designee; and

(h) The secretary of the department of children, youth, and families or the secretary's designee.

(3) The advisory committee shall be a permanent body. The members shall serve staggered six-year terms, to

be set by the secretary. No person other than the members representing the departments of social and health services, children, youth, and families, and corrections may serve more than two consecutive terms.

(4) The secretary may remove any member of the advisory committee for cause as specified by rule. In the case of a vacancy, the secretary shall appoint a person to serve for the remainder of the unexpired term.

(5) The advisory committee shall provide advice to the secretary concerning:

(a) Certification procedures under this chapter and their implementation;

(b) Standards maintained under RCW 18.155.080, and advice on individual applications for certification;

(c) Issues pertaining to maintaining a healthy workforce of certified sex offender treatment providers to meet the needs of the state of Washington. In considering workforce issues, the advisory committee must evaluate options for reducing or eliminating some or all of the certification-related fees, including the feasibility of requiring that the cost of regulation of persons certified under this chapter be borne by the professions that are identified as eligible to be an underlying credential for certification; and

(d) Recommendations for reform of regulatory or administrative practices of the department, the department of social and health services, or the department of corrections that are within the purview and expertise of the advisory committee. The advisory committee may submit recommendations requiring statutory reform to the office of the governor, the secretary of the senate, and the chief clerk of the house of representatives.

(6) Committee members shall be reimbursed for travel expenses in accordance with RCW 43.03.050 and 43.03.060.

(7) The advisory committee shall elect officers as deemed necessary to administer its duties. A simple majority of the advisory committee members currently serving shall constitute a quorum of the advisory committee.

(8) Members of the advisory committee shall be residents of the state of Washington.

(9) Members of the advisory committee who are sex offender treatment providers must have a minimum of five years of extensive work experience in treating sex offenders to qualify for appointment to the advisory committee. The sex offender treatment providers on the advisory committee must be certified under this chapter.

(10) The advisory committee shall meet at times as necessary to conduct advisory committee business.

**NEW SECTION. Sec. 15.** A new section is added to chapter 71.09 RCW to read as follows:

To facilitate the equitable geographic distribution of conditional releases under this chapter, the department shall notify the secretary of health, or the secretary's designee, whenever a sex offender treatment provider in an underserved county has been contracted to provide treatment

services to persons on conditional release under this chapter, in which case the secretary of health shall waive any fees for the initial issue, renewal, and reissuance of a credential for the provider under chapter 18.155 RCW. An underserved county is any county identified by the department as having an inadequate supply of qualified sex offender treatment providers to achieve equitable geographic distribution of conditional releases under this chapter.

**Sec. 16.** RCW 18.155.040 and 2004 c 38 s 5 are each amended to read as follows:

In addition to any other authority provided by law, the secretary shall have the following authority:

(1) To set administrative procedures, administrative requirements, and fees in accordance with RCW 43.70.250 ~~((and))~~, 43.70.280, and section 6 of this act;

(2) To establish forms necessary to administer this chapter;

(3) To issue a certificate or an affiliate certificate to any applicant who has met the education, training, and examination requirements for certification or an affiliate certification and deny a certificate to applicants who do not meet the minimum qualifications for certification or affiliate certification. Proceedings concerning the denial of certificates based on unprofessional conduct or impaired practice shall be governed by the uniform disciplinary act, chapter 18.130 RCW;

(4) To hire clerical, administrative, and investigative staff as needed to implement and administer this chapter and to hire individuals including those certified under this chapter to serve as examiners or consultants as necessary to implement and administer this chapter;

(5) To maintain the official department record of all applicants and certifications;

(6) To conduct a hearing on an appeal of a denial of a certificate on the applicant's failure to meet the minimum qualifications for certification. The hearing shall be conducted pursuant to chapter 34.05 RCW;

(7) To issue subpoenas, statements of charges, statements of intent to deny certificates, and orders and to delegate in writing to a designee the authority to issue subpoenas, statements of charges, and statements of intent to deny certificates;

(8) To determine the minimum education, work experience, and training requirements for certification or affiliate certification, including but not limited to approval of educational programs;

(9) To prepare and administer or approve the preparation and administration of examinations for certification;

(10) To establish by rule the procedure for appeal of an examination failure;

(11) To adopt rules implementing a continuing competency program;

(12) To adopt rules in accordance with chapter 34.05 RCW as necessary to implement this chapter.

**NEW SECTION. Sec. 17.** The following sections are decodified:

(1) RCW 18.155.900 (Index, part headings not law—1990 c 3);

(2) RCW 18.155.901 (Severability—1990 c 3); and

(3) RCW 18.155.902 (Effective dates—Application—1990 c 3)."

Correct the title.

Representatives Cody and Schmick spoke in favor of the adoption of the striking amendment.

The striking amendment (2182) was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage, as amended by the House.

Representatives Cody and Schmick spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Engrossed Substitute Senate Bill No. 6641 as amended by the House.

## ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 6641, as amended by the House, and the bill passed the House by the following vote: Yeas, 96; Nays, 1; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Mead, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shea, Shewmake, Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Voting nay: Representative Thai.

Excused: Representative Paul.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6641, as amended by the House, having received the necessary constitutional majority, was declared passed.

## MESSAGE FROM THE SENATE

March 9, 2020

Madame Speaker:

The Senate has passed HOUSE BILL NO. 1368 with the following amendment:

17.0.

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 18.** (1) This section is the tax preference performance statement for the tax preference contained in section 2, chapter . . . , Laws of 2020 (section 2 of this act). This performance statement is only intended to be used for subsequent evaluation of the tax preference. It is not intended to create a private right of action by any party or to be used to determine eligibility for preferential tax treatment.

(2) The legislature categorizes this tax preference as one intended to provide tax relief for certain businesses or individuals, as indicated in RCW 82.32.808(2)(e).

(3) It is the legislature's specific public policy objective to reduce the tax burden on individuals and businesses imposed by the existing business and occupation tax rates.

(4) If the review finds that at least one cooperative finance organization in this state used the deduction, then the legislature intends to extend the expiration date of this tax deduction.

(5) In order to obtain the data necessary to perform the review in subsection (4) of this section, the joint legislative audit and review committee may refer to any data collected by the state.

**NEW SECTION. Sec. 19.** A new section is added to chapter 82.04 RCW to read as follows:

(1) In computing tax there may be deducted from the measure of tax, amounts received by a cooperative finance organization where the amounts are derived from loans to rural electric cooperatives or other nonprofit or governmental providers of utility services organized under the laws of this state.

(2) For the purposes of this section, the following definitions apply:

(a) "Cooperative finance organization" means a nonprofit organization with the primary purpose of providing, securing, or otherwise arranging financing for rural electric cooperatives.

(b) "Rural electric cooperative" means a nonprofit, customer-owned organization that provides utility services to rural areas.

(3) This section expires January 1, 2030.

**NEW SECTION. Sec. 20.** This act takes effect July 1, 2020."

On page 1, line 2 of the title, after "organizations;" strike the remainder of the title and insert "adding a new section to chapter 82.04 RCW; creating a new section; providing an effective date; and providing an expiration date."

and the same is herewith transmitted.

Brad Hendrickson, Secretary

#### SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to HOUSE BILL NO. 1368 and advanced the bill as amended by the Senate to final passage.

#### FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representatives Springer and Orcutt spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of House Bill No. 1368, as amended by the Senate.

#### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1368, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Mead, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shea, Shewmake, Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Excused: Representative Paul.

HOUSE BILL NO. 1368, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

#### MESSAGE FROM THE SENATE

March 10, 2020

Madame Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 2632 with the following amendment:

20.0.

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 21.** The legislature recognizes that false reporting laws criminalize the knowingly false reporting of certain occurrences that are likely to cause unwarranted evacuations, public inconvenience, or alarm.

Recently, however, false reporting and the 911 system have been weaponized, resulting in serious dangers and even lost lives. The term "swatting" describes the false reporting of an emergency with the goal of having a police unit or special weapons and tactics team deployed. The reckless act of swatting, often motivated by the perpetrator's bias towards protected classes, has caused death and trauma in some cases. As such, the legislature finds that a gross misdemeanor is insufficient as a legal response and hereby create felony false reporting punishments when the false reporting leads to injury or death.

**Sec. 22.** RCW 9A.84.040 and 2011 c 336 s 411 are each amended to read as follows:

(1) A person ~~((is guilty of))~~ commits false reporting if, with knowledge that the information reported, conveyed, or circulated is false, he or she initiates or circulates a false report or warning of an alleged occurrence or impending occurrence ~~((of a fire, explosion, crime, catastrophe, or emergency))~~ knowing that such false report is likely to cause ~~((evacuation))~~; Evacuation of a building, place of assembly, or transportation facility((, or to cause)); public inconvenience or alarm; or an emergency response.

(2)(a) A person is guilty of false reporting in the first degree if the report was made with reckless disregard for the safety of others, the false reporting caused an emergency response, and death is sustained by any person as a proximate result of an emergency response. False reporting in the first degree is a class B felony.

(b) A person is guilty of false reporting in the second degree if the report was made with reckless disregard for the safety of others, the false reporting caused an emergency response, and substantial bodily harm is sustained by any person as a proximate result of an emergency response. False reporting in the second degree is a class C felony.

(c) A person is guilty of false reporting in the third degree if he or she commits false reporting under circumstances not constituting false reporting in the first or second degree. False reporting in the third degree is a gross misdemeanor.

(3) Any criminal offense committed under this section may be deemed to have been committed either at the place from which the false report was made, at the place where the false report was received by law enforcement, or at the place where an evacuation, public inconvenience or alarm, or emergency response occurred.

(4) Where a case is legally sufficient to charge a person under the age of eighteen with the crime of false reporting and the alleged offense is the offender's first violation of this section, the prosecutor may divert the case.

(5) For the purposes of this section, "emergency response" means any action to protect life, health, or property by:

(a) A peace officer or law enforcement agency of the United States, the state, or a political subdivision of the state; or

(b) An agency of the United States, the state, or a political subdivision of the state, or a private not-for-profit organization that provides fire, rescue, or emergency medical services.

(6) Nothing in this section will be construed to: (a) Impose liability on a person who contacts law enforcement for the purpose of, or in connection with, the reporting of unlawful conduct; (b) conflict with Title 47 U.S.C. Sec. 230 of the communication decency act; or (c) conflict with Title 42 U.S.C. Sec. 1983 of the civil rights act.

**NEW SECTION. Sec. 23.** A new section is added to chapter 4.24 RCW to read as follows:

(1)(a) An individual who is a victim of an offense under RCW 9A.84.040 may bring a civil action against the person who committed the offense or against any person who knowingly benefits, financially or by receiving anything of value, from participation in a venture that the person knew or should have known has engaged in an act in violation of RCW 9A.84.040, and may recover damages and any other appropriate relief, including reasonable attorneys' fees.

(b) A person who is found liable under RCW 9A.84.040 shall be jointly and severally liable with each other person, if any, who is found liable under RCW 9A.84.040 for damages arising from the same violation of RCW 9A.84.040.

(2) Any person convicted of violating RCW 9A.84.040 and that resulted in an emergency response may be liable to a public agency for the reasonable costs of the emergency response by, and at the discretion of, the public agency that incurred the costs.

**Sec. 24.** RCW 9.94A.515 and 2019 c 271 s 7, 2019 c 243 s 5, 2019 c 64 s 3, and 2019 c 46 s 5009 are each reenacted and amended to read as follows:

TABLE 2

CRIMES INCLUDED WITHIN EACH  
SERIOUSNESS LEVEL

XVI	Aggravated Murder	1	(RCW 10.95.020)
XV	Homicide by abuse		(RCW 9A.32.055)
	Malicious explosion	1	(RCW 70.74.280(1))
	Murder 1		(RCW 9A.32.030)
XIV	Murder 2		(RCW 9A.32.050)
	Trafficking 1		(RCW 9A.40.100(1))
XIII	Malicious explosion	2	(RCW 70.74.280(2))

	Malicious placement of an explosive 1 (RCW 70.74.270(1))	Homicide by Watercraft, by being under the influence of intoxicating liquor or any drug (RCW 79A.60.050)
XII	Assault 1 (RCW 9A.36.011)	Inciting Criminal Profiteering (RCW 9A.82.060(1)(b))
	Assault of a Child 1 (RCW 9A.36.120)	Malicious placement of an explosive 2 (RCW 70.74.270(2))
	Malicious placement of an imitation device 1 (RCW 70.74.272(1)(a))	Robbery 1 (RCW 9A.56.200)
	Promoting Commercial Sexual Abuse of a Minor (RCW 9.68A.101)	Sexual Exploitation (RCW 9.68A.040)
	Rape 1 (RCW 9A.44.040)	VIII Arson 1 (RCW 9A.48.020)
	Rape of a Child 1 (RCW 9A.44.073)	Commercial Sexual Abuse of a Minor (RCW 9.68A.100)
	Trafficking 2 (RCW 9A.40.100(3))	Homicide by Watercraft, by the operation of any vessel in a reckless manner (RCW 79A.60.050)
XI	Manslaughter 1 (RCW 9A.32.060)	Manslaughter 2 (RCW 9A.32.070)
	Rape 2 (RCW 9A.44.050)	Promoting Prostitution 1 (RCW 9A.88.070)
	Rape of a Child 2 (RCW 9A.44.076)	Theft of Ammonia (RCW 69.55.010)
	Vehicular Homicide, by being under the influence of intoxicating liquor or any drug (RCW 46.61.520)	VII Air bag diagnostic systems (causing bodily injury or death) (RCW 46.37.660(2)(b))
	Vehicular Homicide, by the operation of any vehicle in a reckless manner (RCW 46.61.520)	Air bag replacement requirements (causing bodily injury or death) (RCW 46.37.660(1)(b))
X	Child Molestation 1 (RCW 9A.44.083)	Burglary 1 (RCW 9A.52.020)
	Criminal Mistreatment 1 (RCW 9A.42.020)	Child Molestation 2 (RCW 9A.44.086)
	Indecent Liberties (with forcible compulsion) (RCW 9A.44.100(1)(a))	Civil Disorder Training (RCW 9A.48.120)
	Kidnapping 1 (RCW 9A.40.020)	Dealing in depictions of minor engaged in sexually explicit conduct 1 (RCW 9.68A.050(1))
	Leading Organized Crime (RCW 9A.82.060(1)(a))	Drive-by Shooting (RCW 9A.36.045)
	Malicious explosion 3 (RCW 70.74.280(3))	<u>False Reporting 1 (RCW 9A.84.040(2)(a))</u>
	Sexually Violent Predator Escape (RCW 9A.76.115)	Homicide by Watercraft, by disregard for the safety of others (RCW 79A.60.050)
IX	Abandonment of Dependent Person 1 (RCW 9A.42.060)	Indecent Liberties (without forcible compulsion) (RCW 9A.44.100(1) (b) and (c))
	Assault of a Child 2 (RCW 9A.36.130)	
	Explosive devices prohibited (RCW 70.74.180)	
	Hit and Run—Death (RCW 46.52.020(4)(a))	

	Introducing Contraband 1 (RCW 9A.76.140)	V	Abandonment of Dependent Person 2 (RCW 9A.42.070)
	Malicious placement of an explosive 3 (RCW 70.74.270(3))		Advancing money or property for extortionate extension of credit (RCW 9A.82.030)
	Manufacture or import counterfeit, nonfunctional, damaged, or previously deployed air bag (causing bodily injury or death) (RCW 46.37.650(1)(b))		Air bag diagnostic systems (RCW 46.37.660(2)(c))
	Negligently Causing Death By Use of a Signal Preemption Device (RCW 46.37.675)		Air bag replacement requirements (RCW 46.37.660(1)(c))
	Sell, install, or reinstall counterfeit, nonfunctional, damaged, or previously deployed airbag (RCW 46.37.650(2)(b))		Bail Jumping with class A Felony (RCW 9A.76.170(3)(b))
	Sending, bringing into state depictions of minor engaged in sexually explicit conduct 1 (RCW 9.68A.060(1))		Child Molestation 3 (RCW 9A.44.089)
	Unlawful Possession of a Firearm in the first degree (RCW 9.41.040(1))		Criminal Mistreatment 2 (RCW 9A.42.030)
	Use of a Machine Gun or Bump-fire Stock in Commission of a Felony (RCW 9.41.225)		Custodial Sexual Misconduct 1 (RCW 9A.44.160)
	Vehicular Homicide, by disregard for the safety of others (RCW 46.61.520)		Dealing in Depictions of Minor Engaged in Sexually Explicit Conduct 2 (RCW 9.68A.050(2))
VI	Bail Jumping with Murder 1 (RCW 9A.76.170(3)(a))		Domestic Violence Court Order Violation (RCW 10.99.040, 10.99.050, 26.09.300, 26.10.220, 26.26B.050, 26.50.110, 26.52.070, or 74.34.145)
	Bribery (RCW 9A.68.010)		Extortion 1 (RCW 9A.56.120)
	Incest 1 (RCW 9A.64.020(1))		Extortionate Extension of Credit (RCW 9A.82.020)
	Intimidating a Judge (RCW 9A.72.160)		Extortionate Means to Collect Extensions of Credit (RCW 9A.82.040)
	Intimidating a Juror/Witness (RCW 9A.72.110, 9A.72.130)		Incest 2 (RCW 9A.64.020(2))
	Malicious placement of an imitation device 2 (RCW 70.74.272(1)(b))		Kidnapping 2 (RCW 9A.40.030)
	Possession of Depictions of a Minor Engaged in Sexually Explicit Conduct 1 (RCW 9.68A.070(1))		Manufacture or import counterfeit, nonfunctional, damaged, or previously deployed air bag (RCW 46.37.650(1)(c))
	Rape of a Child 3 (RCW 9A.44.079)		Perjury 1 (RCW 9A.72.020)
	Theft of a Firearm (RCW 9A.56.300)		Persistent prison misbehavior (RCW 9.94.070)
	Theft from a Vulnerable Adult 1 (RCW 9A.56.400(1))		Possession of a Stolen Firearm (RCW 9A.56.310)
	Unlawful Storage of Ammonia (RCW 69.55.020)		Rape 3 (RCW 9A.44.060)
			Rendering Criminal Assistance 1 (RCW 9A.76.070)

	Sell, install, or reinstall counterfeit, nonfunctional, damaged, or previously deployed airbag (RCW 46.37.650(2)(c))	Indecent Exposure to Person Under Age Fourteen (subsequent sex offense) (RCW 9A.88.010)
	Sending, Bringing into State Depictions of Minor Engaged in Sexually Explicit Conduct 2 (RCW 9.68A.060(2))	Influencing Outcome of Sporting Event (RCW 9A.82.070)
	Sexual Misconduct with a Minor 1 (RCW 9A.44.093)	Physical Control of a Vehicle While Under the Influence (RCW 46.61.504(6))
	Sexually Violating Human Remains (RCW 9A.44.105)	Possession of Depictions of a Minor Engaged in Sexually Explicit Conduct 2 (RCW 9.68A.070(2))
	Stalking (RCW 9A.46.110)	Residential Burglary (RCW 9A.52.025)
	Taking Motor Vehicle Without Permission 1 (RCW 9A.56.070)	Robbery 2 (RCW 9A.56.210)
IV	Arson 2 (RCW 9A.48.030)	Theft of Livestock 1 (RCW 9A.56.080)
	Assault 2 (RCW 9A.36.021)	Threats to Bomb (RCW 9.61.160)
	Assault 3 (of a Peace Officer with a Projectile Stun Gun) (RCW 9A.36.031(1)(h))	Trafficking in Stolen Property 1 (RCW 9A.82.050)
	Assault 4 (third domestic violence offense) (RCW 9A.36.041(3))	Unlawful factoring of a credit card or payment card transaction (RCW 9A.56.290(4)(b))
	Assault by Watercraft (RCW 79A.60.060)	Unlawful transaction of health coverage as a health care service contractor (RCW 48.44.016(3))
	Bribing a Witness/Bribe Received by Witness (RCW 9A.72.090, 9A.72.100)	Unlawful transaction of health coverage as a health maintenance organization (RCW 48.46.033(3))
	Cheating 1 (RCW 9.46.1961)	Unlawful transaction of insurance business (RCW 48.15.023(3))
	Commercial Bribery (RCW 9A.68.060)	Unlicensed practice as an insurance professional (RCW 48.17.063(2))
	Counterfeiting (RCW 9.16.035(4))	Use of Proceeds of Criminal Profiteering (RCW 9A.82.080 (1) and (2))
	Driving While Under the Influence (RCW 46.61.502(6))	Vehicle Prowling 2 (third or subsequent offense) (RCW 9A.52.100(3))
	Endangerment with a Controlled Substance (RCW 9A.42.100)	Vehicular Assault, by being under the influence of intoxicating liquor or any drug, or by the operation or driving of a vehicle in a reckless manner (RCW 46.61.522)
	Escape 1 (RCW 9A.76.110)	Viewing of Depictions of a Minor Engaged in Sexually Explicit Conduct 1 (RCW 9.68A.075(1))
	Hate Crime (RCW 9A.36.080)	
	Hit and Run—Injury (RCW 46.52.020(4)(b))	
	Hit and Run with Vessel—Injury Accident (RCW 79A.60.200(3))	
	Identity Theft 1 (RCW 9.35.020(2))	



	Willful Failure to Return from Furlough (RCW 72.66.060)	Perjury 2 (RCW 9A.72.030)
III	Animal Cruelty 1 (Sexual Conduct or Contact) (RCW 16.52.205(3))	Possession of Incendiary Device (RCW 9.40.120)
	Assault 3 (Except Assault 3 of a Peace Officer With a Projectile Stun Gun) (RCW 9A.36.031 except subsection (1)(h))	Possession of Machine Gun, Bump-Fire Stock, Undetectable Firearm, or Short-Barreled Shotgun or Rifle (RCW 9.41.190)
	Assault of a Child 3 (RCW 9A.36.140)	Promoting Prostitution 2 (RCW 9A.88.080)
	Bail Jumping with class B or C Felony (RCW 9A.76.170(3)(c))	Retail Theft with Special Circumstances 1 (RCW 9A.56.360(2))
	Burglary 2 (RCW 9A.52.030)	Securities Act violation (RCW 21.20.400)
	Communication with a Minor for Immoral Purposes (RCW 9.68A.090)	Tampering with a Witness (RCW 9A.72.120)
	Criminal Gang Intimidation (RCW 9A.46.120)	Telephone Harassment (subsequent conviction or threat of death) (RCW 9.61.230(2))
	Custodial Assault (RCW 9A.36.100)	Theft of Livestock 2 (RCW 9A.56.083)
	Cyberstalking (subsequent conviction or threat of death) (RCW 9.61.260(3))	Theft with the Intent to Resell 1 (RCW 9A.56.340(2))
	Escape 2 (RCW 9A.76.120)	Trafficking in Stolen Property 2 (RCW 9A.82.055)
	Extortion 2 (RCW 9A.56.130)	Unlawful Hunting of Big Game 1 (RCW 77.15.410(3)(b))
	<u>False Reporting 2 (RCW 9A.84.040(2)(b))</u>	Unlawful Imprisonment (RCW 9A.40.040)
	Harassment (RCW 9A.46.020)	Unlawful Misbranding of Fish or Shellfish 1 (RCW 77.140.060(3))
	Intimidating a Public Servant (RCW 9A.76.180)	Unlawful possession of firearm in the second degree (RCW 9.41.040(2))
	Introducing Contraband 2 (RCW 9A.76.150)	Unlawful Taking of Endangered Fish or Wildlife 1 (RCW 77.15.120(3)(b))
	Malicious Injury to Railroad Property (RCW 81.60.070)	Unlawful Trafficking in Fish, Shellfish, or Wildlife 1 (RCW 77.15.260(3)(b))
	Manufacture of Untraceable Firearm with Intent to Sell (RCW 9.41.190)	Unlawful Use of a Nondesignated Vessel (RCW 77.15.530(4))
	Manufacture or Assembly of an Undetectable Firearm or Untraceable Firearm (RCW 9.41.325)	Vehicular Assault, by the operation or driving of a vehicle with disregard for the safety of others (RCW 46.61.522)
	Mortgage Fraud (RCW 19.144.080)	Willful Failure to Return from Work Release (RCW 72.65.070)
	Negligently Causing Substantial Bodily Harm By Use of a Signal Preemption Device (RCW 46.37.674)	
	Organized Retail Theft 1 (RCW 9A.56.350(2))	

II	Commercial Fishing Without a License 1 (RCW 77.15.500(3)(b))	Theft of Rental, Leased, Lease-purchased, or Loaned Property (valued at five thousand dollars or more) (RCW 9A.56.096(5)(a))
	Computer Trespass 1 (RCW 9A.90.040)	Theft with the Intent to Resell 2 (RCW 9A.56.340(3))
	Counterfeiting (RCW 9.16.035(3))	Trafficking in Insurance Claims (RCW 48.30A.015)
	Electronic Data Service Interference (RCW 9A.90.060)	Unlawful factoring of a credit card or payment card transaction (RCW 9A.56.290(4)(a))
	Electronic Data Tampering 1 (RCW 9A.90.080)	Unlawful Participation of Non-Indians in Indian Fishery (RCW 77.15.570(2))
	Electronic Data Theft (RCW 9A.90.100)	Unlawful Practice of Law (RCW 2.48.180)
	Engaging in Fish Dealing Activity Unlicensed 1 (RCW 77.15.620(3))	Unlawful Purchase or Use of a License (RCW 77.15.650(3)(b))
	Escape from Community Custody (RCW 72.09.310)	Unlawful Trafficking in Fish, Shellfish, or Wildlife 2 (RCW 77.15.260(3)(a))
	Failure to Register as a Sex Offender (second or subsequent offense) (RCW 9A.44.130 prior to June 10, 2010, and RCW 9A.44.132)	Unlicensed Practice of a Profession or Business (RCW 18.130.190(7))
	Health Care False Claims (RCW 48.80.030)	Voyeurism 1 (RCW 9A.44.115)
	Identity Theft 2 (RCW 9.35.020(3))	I Attempting to Elude a Pursuing Police Vehicle (RCW 46.61.024)
	Improperly Obtaining Financial Information (RCW 9.35.010)	False Verification for Welfare (RCW 74.08.055)
	Malicious Mischief 1 (RCW 9A.48.070)	Forgery (RCW 9A.60.020)
	Organized Retail Theft 2 (RCW 9A.56.350(3))	Fraudulent Creation or Revocation of a Mental Health Advance Directive (RCW 9A.60.060)
	Possession of Stolen Property 1 (RCW 9A.56.150)	Malicious Mischief 2 (RCW 9A.48.080)
	Possession of a Stolen Vehicle (RCW 9A.56.068)	Mineral Trespass (RCW 78.44.330)
	Retail Theft with Special Circumstances 2 (RCW 9A.56.360(3))	Possession of Stolen Property 2 (RCW 9A.56.160)
	Scrap Processing, Recycling, or Supplying Without a License (second or subsequent offense) (RCW 19.290.100)	Reckless Burning 1 (RCW 9A.48.040)
	Theft 1 (RCW 9A.56.030)	Spotlighting Big Game 1 (RCW 77.15.450(3)(b))
	Theft of a Motor Vehicle (RCW 9A.56.065)	Suspension of Department Privileges 1 (RCW 77.15.670(3)(b))
		Taking Motor Vehicle Without Permission 2 (RCW 9A.56.075)

Theft 2 (RCW 9A.56.040)

Theft from a Vulnerable Adult 2 (RCW 9A.56.400(2))

Theft of Rental, Leased, Lease-purchased, or Loaned Property (valued at seven hundred fifty dollars or more but less than five thousand dollars) (RCW 9A.56.096(5)(b))

Transaction of insurance business beyond the scope of licensure (RCW 48.17.063)

Unlawful Fish and Shellfish Catch Accounting (RCW 77.15.630(3)(b))

Unlawful Issuance of Checks or Drafts (RCW 9A.56.060)

Unlawful Possession of Fictitious Identification (RCW 9A.56.320)

Unlawful Possession of Instruments of Financial Fraud (RCW 9A.56.320)

Unlawful Possession of Payment Instruments (RCW 9A.56.320)

Unlawful Possession of a Personal Identification Device (RCW 9A.56.320)

Unlawful Production of Payment Instruments (RCW 9A.56.320)

Unlawful Releasing, Planting, Possessing, or Placing Deleterious Exotic Wildlife (RCW 77.15.250(2)(b))

Unlawful Trafficking in Food Stamps (RCW 9.91.142)

Unlawful Use of Food Stamps (RCW 9.91.144)

Unlawful Use of Net to Take Fish 1 (RCW 77.15.580(3)(b))

Unlawful Use of Prohibited Aquatic Animal Species (RCW 77.15.253(3))

Vehicle Prowl 1 (RCW 9A.52.095)

Violating Commercial Fishing Area or Time 1 (RCW 77.15.550(3)(b))"

On page 1, line 1 of the title, after "emergency;" strike the remainder of the title and insert "amending RCW 9A.84.040; reenacting and amending RCW 9.94A.515; adding a new section to chapter 4.24 RCW; creating a new section; and prescribing penalties."

and the same is herewith transmitted.

Sarah Bannister, Deputy, Secretary

#### SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to SUBSTITUTE HOUSE BILL NO. 2632 and advanced the bill as amended by the Senate to final passage.

#### FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representative Valdez spoke in favor of the passage of the bill.

Representative Klippert spoke against the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2632, as amended by the Senate.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2632, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 90; Nays, 7; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, DeBolt, Doglio, Dolan, Duerr, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, J. Johnson, Kilduff, Kirby, Kloba, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Mead, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shea, Shewmake, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Voting nay: Representatives Dent, Dufault, Jenkin, Klippert, Kraft, Smith and Walsh.

Excused: Representative Paul.

SUBSTITUTE HOUSE BILL NO. 2632, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

#### MESSAGE FROM THE SENATE

March 10, 2020

Madame Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 2722 with the following amendment: 24.0.

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 25.** (1) Sustainable and resilient markets for recycled materials are essential to any successful recycling system. For many years, Washington has depended on foreign markets to accept the recyclable materials that are collected for recycling in the state. Developing domestic markets for recycled materials benefits the environment and the state's economy and is critical due to the loss of foreign markets.

(2) China's 2018 national sword policy bans the importation of recycled mixed paper and certain types of recycled plastic and imposes a stringent one-half of one percent contamination limit on all other recycled material imports. Washington's recycling facilities are struggling to find markets for recycled materials, resulting in the stockpiling of these materials. Washington must reduce its reliance on unpredictable foreign markets for its recycled materials.

(3) Plastic bottles can be recycled and can contain recycled content in order to close the loop in the recycling stream. Many companies have already taken the initiative at closing the loop by using plastic bottles that contain one hundred percent recycled content. Since November 2010, one national juice company has been using bottles made with one hundred percent postconsumer recycled content for all of its juices and juice smoothies. In January 2018, an international beverage producer announced that it will make all its bottles from one hundred percent recycled plastic by 2025.

(4) The requirements imposed by this act are reasonable and are achievable at minimal cost relative to the burden imposed by the continued excessive use of virgin materials in beverage containers in Washington.

(5) The legislature encourages beverage manufacturers to use plastic beverage containers that exceed the standards set forth in this act.

**NEW SECTION. Sec. 26.** The definitions in this section apply throughout sections 3 through 8 of this act unless the context clearly requires otherwise.

(1) "Beverage manufacturer" means a manufacturer of one or more beverages described in section 3(1) of this act, that are sold, offered for sale, or distributed in Washington.

(2) "Beverage manufacturing industry" means an association that represents companies that manufacture beverages.

(3) "Department" means the department of ecology.

**NEW SECTION. Sec. 27.** (1) Beginning January 1, 2022, beverage manufacturers that offer for sale, sell, or distribute in Washington beverages, intended for human or animal consumption and in a quantity more than or equal to two fluid ounces and less than or equal to one gallon, must meet minimum postconsumer recycled content as required under section 4 of this act, on average for the total number of plastic beverage containers for the following beverages:

(a) Water and flavored water;

(b) Beer or other malt beverages;

(c) Wine;

(d) Mineral waters, soda water, and similar carbonated soft drinks; and

(e) Any beverage other than those specified in this subsection, except infant formula.

(2) The following containers are exempt from sections 3 through 6 of this act:

(a) Refillable plastic beverage containers;

(b) Rigid plastic containers or rigid plastic bottles that are medical devices, medical products that are required to be sterile, prescription medicine, and packaging used for those products; and

(c) Bladders or pouches that contain wine.

(3) The department may adopt rules to exempt beverages.

**NEW SECTION. Sec. 28.** (1) Every year, a beverage manufacturer must meet the following minimum postconsumer recycled plastic content on average for the total number of plastic beverage containers for beverages as established in section 3 of this act that are sold, offered for sale, or distributed in Washington effective:

(a) January 1, 2022, through December 31, 2024: No less than ten percent postconsumer recycled plastic;

(b) January 1, 2025, through December 31, 2029: No less than twenty-five percent postconsumer recycled plastic;

(c) On and after January 1, 2030: No less than fifty percent postconsumer recycled plastic.

(2)(a) Beginning in 2021, and every other year thereafter, or at the petition of the beverage manufacturing industry but not more than annually, the department shall consider whether the minimum postconsumer recycled content requirements established under subsection (1) of this section should be waived or reduced. The department must consider a petition from the beverage manufacturing industry within sixty days of receipt.

(b) If the department determines that a minimum postconsumer recycled content requirement should be adjusted, the adjusted rate must be in effect until a new determination is made or upon the expiration of the minimum postconsumer recycled content requirement's effective period, whichever occurs first. The department may not adjust the minimum postconsumer recycled content requirements above the minimum postconsumer recycled plastic content percentages, as established under subsection (1) of this section. In making a determination to adjust the minimum postconsumer recycled content requirements the department must at least consider the following:

(i) Changes in market conditions, including supply and demand for postconsumer recycled plastics, collection rates, and bale availability;

(ii) Recycling rates;

(iii) The availability of recycled plastic suitable to meet the minimum postconsumer recycled content requirements, including the availability of high quality recycled plastic, and food grade recycled plastic from beverage container recycling programs;

(iv) The capacity of recycling or processing infrastructure;

(v) The progress made by beverage manufacturers in meeting the requirements of this section; and

(vi) The carbon footprint of the transportation of the recycled resin.

(3) The beverage manufacturing industry or a beverage manufacturer may appeal adjustments to the requirement for minimum postconsumer recycled content as determined under subsection (1) of this section to the pollution control hearings board within thirty days of the department's determination.

(4) The department may grant extensions of time for beverage manufacturers to meet the minimum postconsumer recycled plastic content requirements established under subsection (1) of this section if the department determines that a beverage manufacturer has made a substantial effort but has failed to meet the minimum recycled plastic content requirements due to extenuating circumstances beyond the beverage manufacturer's control.

(5) A beverage manufacturer that does not meet the minimum postconsumer recycled plastic content requirements established in subsection (1) of this section is subject to a fee established in section 6 of this act.

**NEW SECTION. Sec. 29.** (1)(a) On or before March 1, 2022, and annually thereafter, a beverage manufacturer, under penalty of perjury, must report to the department, in pounds and by resin type, the amount of virgin plastic and postconsumer recycled plastic used for plastic beverage containers containing a beverage as established under section 3 of this act sold, offered for sale, or distributed in Washington in the previous calendar year.

(b) The department must post the information reported under this subsection on its web site.

(2) The department may: (a) Conduct audits and investigations for the purpose of ensuring compliance with this section based on the information reported under subsection (1) of this section; and (b) adopt rules to implement, administer, and enforce the requirements of this act.

(3) The department shall keep confidential all business trade secrets and proprietary information about manufacturing processes and equipment that the department gathers or becomes aware of through the course of conducting audits or investigations pursuant to this chapter.

**NEW SECTION. Sec. 30.** (1) Beginning January 1, 2022, a beverage manufacturer that does not meet the minimum postconsumer recycled plastic content requirements as established under section 4 of this act, based upon the amount in pounds and in the aggregate, is subject to an annual fee.

(2) The following violation levels are based on a beverage manufacturer's overall compliance rate of the minimum postconsumer recycled plastic content requirements.

(a) Level one violation: At least seventy-five percent but less than one hundred percent of the minimum recycled plastic content requirements;

(b) Level two violation: At least fifty percent but less than seventy-five percent of the minimum recycled plastic content requirements;

(c) Level three violation: At least twenty-five percent but less than fifty percent of the minimum recycled plastic content requirements;

(d) Level four violation: At least fifteen percent but less than twenty-five percent of the minimum recycled plastic content requirements; and

(e) Level five violation: Less than fifteen percent of the minimum recycled plastic content requirements.

(3) Beginning March 1, 2023, the department may assess fees for violations as follows:

(a) Level one violation, the fee range is five cents to fifteen cents per pound;

(b) Level two violation, the fee range is ten cents to twenty cents per pound;

(c) Level three violation, the fee range is fifteen cents to twenty-five cents per pound;

(d) Level four violation, the fee range is twenty cents to thirty cents per pound;

(e) Level five violation, the fee range is twenty-five cents to thirty cents per pound.

(4) In lieu of or in addition to assessing a fee under subsection (3) of this section, the department may require a beverage manufacturer to submit a corrective action plan detailing how the beverage manufacturer plans to come into compliance with section 4 of this act.

(5) The department shall consider equitable factors in determining whether to assess a fee under subsection (3) of this section and the amount of the fee including, but not limited to: The nature and circumstances of the violation; actions taken by the beverage manufacturer to correct the violation; the beverage manufacturer's history of compliance; the size and economic condition of the beverage manufacturer; and whether the violation or conditions giving rise to the violation were due to circumstances beyond the reasonable control of the beverage manufacturer or were otherwise unavoidable under the circumstances including, but not limited to, unforeseen changes in market conditions.

(6) A beverage manufacturer must:

(a) Pay to the department assessed fees in quarterly installments; or

(b) Arrange an alternative payment schedule subject to the approval of the department.

(7) A beverage manufacturer may appeal fees assessed under this section to the pollution control hearings board within thirty days of assessment.

(8)(a) The department shall consider waiving or reducing the fees or extending the time frame for assessing fees established under subsection (3) of this section for a beverage manufacturer that has demonstrated progress toward meeting the minimum postconsumer recycled content requirements, as established under section 4 of this act, if the beverage manufacturer:

(i) Has failed to meet the minimum postconsumer recycled content requirements; or

(ii) Anticipates it will not be able to meet the minimum postconsumer recycled content requirements.

(b) In determining whether to grant a waiver of, or reduce a fee, or extend the time frame for assessing a fee, the department shall consider, at a minimum, all of the following:

(i) Anomalous market conditions;

(ii) Disruption in, or lack of supply of, recycled plastics; and

(iii) Other factors that have prevented a beverage manufacturer from meeting the requirements.

(9) A beverage manufacturer shall pay the fees assessed pursuant to this section, as applicable, based on the information reported to the department as required under section 5(1) of this act in the form and manner prescribed by the department.

**NEW SECTION. Sec. 31.** The recycling enhancement fee account is created in the state treasury. All fees collected by the department pursuant to section 6 of this act must be deposited in the account. Moneys in the account may be spent only after appropriation. Expenditures from the account may be used by the department only for providing funding to the recycling development center created in RCW 70.370.030 for the purpose of furthering the development of recycling infrastructure in this state.

**NEW SECTION. Sec. 32.** (1) A city, town, county, or municipal corporation may not implement local recycled content requirements for plastic beverage containers that must meet minimum postconsumer recycled content as required under sections 3 and 4 of this act.

(2) Local laws and ordinances that are inconsistent with, more restrictive than, or exceed the requirements of this act, may not be enacted and are preempted.

**NEW SECTION. Sec. 33.** A new section is added to chapter 42.56 RCW to read as follows:

Information submitted to the department of ecology under chapter 70.--- RCW (the new chapter created in section 14 of this act), that contains business trade secrets or proprietary information about manufacturing processes and equipment, is exempt from disclosure under this chapter.

**Sec. 34.** RCW 43.21B.110 and 2019 c 344 s 16, 2019 c 292 s 10, and 2019 c 290 s 12 are each reenacted and amended to read as follows:

(1) The hearings board shall only have jurisdiction to hear and decide appeals from the following decisions of the department, the director, local conservation districts, the air pollution control boards or authorities as established pursuant to chapter 70.94 RCW, local health departments, the department of natural resources, the department of fish and wildlife, the parks and recreation commission, and authorized public entities described in chapter 79.100 RCW:

(a) Civil penalties imposed pursuant to RCW 18.104.155, 70.94.431, 70.105.080, 70.107.050, 70.365.070, 70.375.060, 76.09.170, 77.55.440, 78.44.250, 88.46.090, 90.03.600, 90.46.270, 90.48.144, 90.56.310, 90.56.330, and 90.64.102.

(b) Orders issued pursuant to RCW 18.104.043, 18.104.060, 43.27A.190, 70.94.211, 70.94.332, 70.105.095, 70.365.070, 86.16.020, 88.46.070, 90.14.130, 90.46.250, 90.48.120, and 90.56.330.

(c) A final decision by the department or director made under chapter 183, Laws of 2009.

(d) Except as provided in RCW 90.03.210(2), the issuance, modification, or termination of any permit, certificate, or license by the department or any air authority in the exercise of its jurisdiction, including the issuance or termination of a waste disposal permit, the denial of an application for a waste disposal permit, the modification of the conditions or the terms of a waste disposal permit, or a decision to approve or deny an application for a solid waste permit exemption under RCW 70.95.300.

(e) Decisions of local health departments regarding the grant or denial of solid waste permits pursuant to chapter 70.95 RCW.

(f) Decisions of local health departments regarding the issuance and enforcement of permits to use or dispose of biosolids under RCW 70.95J.080.

(g) Decisions of the department regarding waste-derived fertilizer or micronutrient fertilizer under RCW 15.54.820, and decisions of the department regarding waste-derived soil amendments under RCW 70.95.205.

(h) Decisions of local conservation districts related to the denial of approval or denial of certification of a dairy nutrient management plan; conditions contained in a plan; application of any dairy nutrient management practices, standards, methods, and technologies to a particular dairy farm; and failure to adhere to the plan review and approval timelines in RCW 90.64.026.

(i) Any other decision by the department or an air authority which pursuant to law must be decided as an adjudicative proceeding under chapter 34.05 RCW.

(j) Decisions of the department of natural resources, the department of fish and wildlife, and the department that are reviewable under chapter 76.09 RCW, and the department of natural resources' appeals of county, city, or town objections under RCW 76.09.050(7).

(k) Forest health hazard orders issued by the commissioner of public lands under RCW 76.06.180.

(l) Decisions of the department of fish and wildlife to issue, deny, condition, or modify a hydraulic project approval permit under chapter 77.55 RCW, to issue a stop work order, to issue a notice to comply, to issue a civil penalty, or to issue a notice of intent to disapprove applications.

(m) Decisions of the department of natural resources that are reviewable under RCW 78.44.270.

(n) Decisions of an authorized public entity under RCW 79.100.010 to take temporary possession or custody of a vessel or to contest the amount of reimbursement owed that are reviewable by the hearings board under RCW 79.100.120.

(o) Decisions of the department that are appealable under sections 4 and 6 of this act, to set recycled minimum postconsumer content for plastic beverage containers and to assess fees.

(2) The following hearings shall not be conducted by the hearings board:

(a) Hearings required by law to be conducted by the shorelines hearings board pursuant to chapter 90.58 RCW.

(b) Hearings conducted by the department pursuant to RCW 70.94.332, 70.94.390, 70.94.395, 70.94.400, 70.94.405, 70.94.410, and 90.44.180.

(c) Appeals of decisions by the department under RCW 90.03.110 and 90.44.220.

(d) Hearings conducted by the department to adopt, modify, or repeal rules.

(3) Review of rules and regulations adopted by the hearings board shall be subject to review in accordance with the provisions of the administrative procedure act, chapter 34.05 RCW.

**Sec. 35.** RCW 43.21B.110 and 2019 c 344 s 16, 2019 c 292 s 10, and 2019 c 290 s 12 are each reenacted and amended to read as follows:

(1) The hearings board shall only have jurisdiction to hear and decide appeals from the following decisions of the department, the director, local conservation districts, the air pollution control boards or authorities as established pursuant to chapter 70.94 RCW, local health departments, the department of natural resources, the department of fish and wildlife, the parks and recreation commission, and authorized public entities described in chapter 79.100 RCW:

(a) Civil penalties imposed pursuant to RCW 18.104.155, 70.94.431, 70.105.080, 70.107.050, 70.365.070, 70.375.060, 76.09.170, 77.55.440, 78.44.250, 88.46.090, 90.03.600, 90.46.270, 90.48.144, 90.56.310, 90.56.330, and 90.64.102.

(b) Orders issued pursuant to RCW 18.104.043, 18.104.060, 43.27A.190, 70.94.211, 70.94.332, 70.105.095, 70.365.070, 86.16.020, 88.46.070, 90.14.130, 90.46.250, 90.48.120, and 90.56.330.

(c) Except as provided in RCW 90.03.210(2), the issuance, modification, or termination of any permit, certificate, or license by the department or any air authority in the exercise of its jurisdiction, including the issuance or termination of a waste disposal permit, the denial of an application for a waste disposal permit, the modification of the conditions or the terms of a waste disposal permit, or a decision to approve or deny an application for a solid waste permit exemption under RCW 70.95.300.

(d) Decisions of local health departments regarding the grant or denial of solid waste permits pursuant to chapter 70.95 RCW.

(e) Decisions of local health departments regarding the issuance and enforcement of permits to use or dispose of biosolids under RCW 70.95J.080.

(f) Decisions of the department regarding waste-derived fertilizer or micronutrient fertilizer under RCW 15.54.820, and decisions of the department regarding waste-derived soil amendments under RCW 70.95.205.

(g) Decisions of local conservation districts related to the denial of approval or denial of certification of a dairy nutrient management plan; conditions contained in a plan; application of any dairy nutrient management practices, standards, methods, and technologies to a particular dairy farm; and failure to adhere to the plan review and approval timelines in RCW 90.64.026.

(h) Any other decision by the department or an air authority which pursuant to law must be decided as an adjudicative proceeding under chapter 34.05 RCW.

(i) Decisions of the department of natural resources, the department of fish and wildlife, and the department that are reviewable under chapter 76.09 RCW, and the department of natural resources' appeals of county, city, or town objections under RCW 76.09.050(7).

(j) Forest health hazard orders issued by the commissioner of public lands under RCW 76.06.180.

(k) Decisions of the department of fish and wildlife to issue, deny, condition, or modify a hydraulic project approval permit under chapter 77.55 RCW, to issue a stop work order, to issue a notice to comply, to issue a civil penalty, or to issue a notice of intent to disapprove applications.

(l) Decisions of the department of natural resources that are reviewable under RCW 78.44.270.

(m) Decisions of an authorized public entity under RCW 79.100.010 to take temporary possession or custody of a vessel or to contest the amount of reimbursement owed that are reviewable by the hearings board under RCW 79.100.120.

(n) Decisions of the department that are appealable under sections 4 and 6 of this act, to set recycled minimum postconsumer content for plastic beverage containers and to assess fees.

(2) The following hearings shall not be conducted by the hearings board:

(a) Hearings required by law to be conducted by the shorelines hearings board pursuant to chapter 90.58 RCW.

(b) Hearings conducted by the department pursuant to RCW 70.94.332, 70.94.390, 70.94.395, 70.94.400, 70.94.405, 70.94.410, and 90.44.180.

(c) Appeals of decisions by the department under RCW 90.03.110 and 90.44.220.

(d) Hearings conducted by the department to adopt, modify, or repeal rules.

(3) Review of rules and regulations adopted by the hearings board shall be subject to review in accordance with the provisions of the administrative procedure act, chapter 34.05 RCW.

**NEW SECTION. Sec. 36.** Section 10 of this act expires June 30, 2021.

**NEW SECTION. Sec. 37.** Section 11 of this act takes effect June 30, 2021.

**NEW SECTION. Sec. 38.** Sections 2 through 8 of this act constitute a new chapter in Title 70 RCW."

On page 1, line 1 of the title, after "requirements;" strike the remainder of the title and insert "reenacting and amending RCW 43.21B.110 and 43.21B.110; adding a new section to chapter 42.56 RCW; adding a new chapter to Title 70 RCW; creating a new section; prescribing penalties; providing an effective date; and providing an expiration date."

and the same is herewith transmitted.

Sarah Bannister, Deputy, Secretary

#### SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to ENGROSSED SUBSTITUTE HOUSE BILL NO. 2722 and advanced the bill as amended by the Senate to final passage.

#### FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representative Mead spoke in favor of the passage of the bill.

Representative DeBolt spoke against the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 2722, as amended by the Senate.

#### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2722, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 57; Nays, 40; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Bergquist, Blake, Callan, Chapman, Chopp, Cody, Davis, Doglio, Dolan, Duerr, Entenman, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hansen, Hudgins, J. Johnson, Kilduff, Kirby, Kloba, Leavitt, Lekanoff, Lovick, Macri, Mead, Morgan, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Ryu, Santos, Sells, Senn, Shewmake, Slatter, Smith, Springer, Stonier, Sullivan, Tarleton, Thai, Tharinger, Valdez, Walen, Wylie and Mme. Speaker.

Voting nay: Representatives Barkis, Boehnke, Caldier, Chambers, Chandler, Corry, DeBolt, Dent, Dufault, Dye, Eslick, Gildon, Goehner, Graham, Griffey, Harris, Hoff, Irwin, Jenkin, Klippert, Kraft, Kretz, MacEwen, Maycumber, McCaslin, Mosbrucker, Orcutt, Rude, Schmick, Shea, Steele, Stokesbary, Sutherland, Van Werven, Vick, Volz, Walsh, Wilcox, Ybarra and Young.

Excused: Representative Paul.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2722, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

#### MESSAGE FROM THE SENATE

March 5, 2020

Madame Speaker:

The Senate has passed SECOND SUBSTITUTE HOUSE BILL NO. 2737 with the following amendment: 38.0.

Strike everything after the enacting clause and insert the following:

"**Sec. 39.** RCW 74.09.4951 and 2019 c 360 s 2 are each amended to read as follows:

(1) ~~((A children's mental))~~ The children and youth behavioral health work group is established to identify barriers to and opportunities for accessing ~~((mental))~~ behavioral health services for children and their families, and to advise the legislature on statewide ~~((mental))~~ behavioral health services for this population.

(2) The work group shall consist of members and alternates as provided in this subsection. Members must represent the regional, racial, and cultural diversity of all children and families in the state. ~~((Members of the children's mental health work group created in chapter 96, Laws of 2016, and serving on the work group as of December 1, 2017, may continue to serve as members of the work group without reappointment.))~~

(a) The president of the senate shall appoint one member and one alternate from each of the two largest caucuses in the senate.

(b) The speaker of the house of representatives shall appoint one member and one alternate from each of the two largest caucuses in the house of representatives.

(c) The governor shall appoint six members representing the following state agencies and offices: The department of children, youth, and families; the department of social and health services; the health care authority; the



department of health; the office of homeless youth prevention and protection programs; and the office of the governor.

(d) The governor shall appoint ~~((one member representing each of))~~ the following members:

(i) ~~((Behavioral))~~ One representative of behavioral health administrative services organizations;

(ii) ~~((Community))~~ One representative of community mental health agencies;

(iii) ~~((Medicaid))~~ One representative of medicaid managed care organizations;

(iv) ~~((A))~~ One regional provider of co-occurring disorder services;

(v) ~~((Pediatricians))~~ One pediatrician or primary care provider((s));

(vi) ~~((Providers))~~ One provider specializing in infant or early childhood mental health;

(vii) ~~((Child health advocacy groups))~~ One representative who advocates for behavioral health issues on behalf of children and youth;

(viii) ~~((Early))~~ One representative of early learning and child care providers;

(ix) ~~((The))~~ One representative of the evidence-based practice institute;

(x) ~~((Parents))~~ Two parents or caregivers of children who have ~~((been the recipient of early childhood mental))~~ received behavioral health services, one of which must have a child under the age of six;

(xi) ~~((An))~~ One representative of an education or teaching institution that provides training for mental health professionals;

(xii) ~~((Foster))~~ One foster parent((s));

(xiii) ~~((Providers))~~ One representative of providers of culturally and linguistically appropriate health services to traditionally underserved communities;

(xiv) ~~((Pediatricians))~~ One pediatrician located east of the crest of the Cascade mountains; ~~((and))~~

(xv) ~~((Child))~~ One child psychiatrist((s));

(xvi) One representative of an organization representing the interests of individuals with developmental disabilities;

(xvii) Two youth representatives who have received behavioral health services;

(xviii) One representative of a private insurance organization;

(xix) One representative from the statewide family youth system partner roundtable established in the T.R. v. Strange and McDermott, formerly the T.R. v. Dreyfus and Porter, settlement agreement; and

(xx) One substance use disorder professional.

(e) The governor shall request participation by a representative of tribal governments.

(f) The superintendent of public instruction shall appoint one representative from the office of the superintendent of public instruction.

(g) The insurance commissioner shall appoint one representative from the office of the insurance commissioner.

(h) The work group shall choose its cochairs, one from among its legislative members and one from among the executive branch members. The representative from the health care authority shall convene at least two, but not more than four, meetings of the work group each year.

(i) The cochairs may invite additional members of the house of representatives and the senate to participate in work group activities, including as leaders of advisory groups to the work group. These legislators are not required to be formally appointed members of the work group in order to participate in or lead advisory groups.

(3) The work group shall:

(a) Monitor the implementation of enacted legislation, programs, and policies related to ~~((children's mental))~~ children and youth behavioral health, including provider payment for ~~((depression screenings for youth and new mothers;))~~ mood, anxiety, and substance use disorder prevention, screening, diagnosis, and treatment for children and young mothers; consultation services for child care providers caring for children with symptoms of trauma~~((;))~~; home visiting services~~((;))~~; and streamlining agency rules for providers of behavioral health services;

(b) Consider system strategies to improve coordination and remove barriers between the early learning, K-12 education, and health care systems; ~~((and))~~

(c) Identify opportunities to remove barriers to treatment and strengthen ~~((mental))~~ behavioral health service delivery for children and youth;

(d) Determine the strategies and resources needed to:

(i) Improve inpatient and outpatient access to behavioral health services;

(ii) Support the unique needs of young children prenatally through age five, including promoting health and social and emotional development in the context of children's family, community, and culture; and

(iii) Develop and sustain system improvements to support the behavioral health needs of children and youth; and

(e) Consider issues and recommendations put forward by the statewide family youth system partner roundtable established in the T.R. v. Strange and McDermott, formerly the T.R. v. Dreyfus and Porter, settlement agreement.

(4) At the direction of the cochairs, the work group may convene advisory groups to evaluate specific issues and report related findings and recommendations to the full work group.

(5)((a)) The work group shall convene an advisory group ~~((to develop a funding model for:~~

(i) ~~The partnership access line activities described in RCW 71.24.061, including the partnership access line for moms and kids and community referral facilitation;~~

(ii) ~~Delivering partnership access line services to educational service districts for the training and support of school staff managing children with challenging behaviors; and~~

(iii) ~~Expanding partnership access line consultation services to include consultation for health care professionals serving adults.~~

(b) ~~The work group cochairs shall invite representatives from the following organizations and interests to participate as advisory group members under this subsection:~~

(i) ~~Private insurance carriers;~~

(ii) ~~Medicaid managed care plans;~~

(iii) ~~Self-insured organizations;~~

(iv) ~~Seattle children's hospital;~~

(v) ~~The partnership access line;~~

(vi) ~~The office of the insurance commissioner;~~

(vii) ~~The University of Washington school of medicine; and~~

(viii) ~~Other organizations and individuals, as determined by the cochairs.~~

(c) ~~The funding model must build upon previous funding model efforts by the health care authority, including work completed pursuant to chapter 288, Laws of 2018. The funding model must:~~

(i) ~~Determine the annual cost of operating the partnership access line and its various components and collect a proportional share of program cost from each health insurance carrier; and~~

(ii) ~~Differentiate between partnership access line activities eligible for medicaid funding and activities that are nonmedicaid eligible.~~

(d) ~~By December 1, 2019, the advisory group formed under this subsection must deliver the funding model and any associated recommendations to the work group.)~~ focused on school-based behavioral health and suicide prevention. The advisory group shall advise the full work group on creating and maintaining an integrated system of care through a tiered support framework for kindergarten through twelfth grade school systems defined by the office of the superintendent of public instruction and behavioral health care systems that can rapidly identify students in need of care and effectively link these students to appropriate services, provide age-appropriate education on behavioral health and other universal supports for social-emotional wellness for all students, and improve both education and behavioral health outcomes for students. The work group

cochairs may invite nonwork group members to participate as advisory group members.

(6)(a) Staff support for the work group, including administration of work group meetings and preparation of ~~((the updated))~~ full work group recommendations and reports required under ((subsection (8) of)) this section, must be provided by the health care authority.

(b) Additional staff support for legislative members of the work group may be provided by senate committee services and the house of representatives office of program research.

(c) Subject to the availability of amounts appropriated for this specific purpose, the office of the superintendent of public instruction must provide staff support to the school-based behavioral health and suicide prevention advisory group, including administration of advisory group meetings and the preparation and delivery of advisory group recommendations to the full work group.

(7) Legislative members of the work group are reimbursed for travel expenses in accordance with RCW 44.04.120. Nonlegislative members are not entitled to be reimbursed for travel expenses if they are elected officials or are participating on behalf of an employer, governmental entity, or other organization. Any reimbursement for other nonlegislative members is subject to chapter 43.03 RCW. Advisory group members who are not members of the work group are not entitled to reimbursement.

(8) The work group shall update the findings and recommendations reported to the legislature by the children's mental health work group in December 2016 pursuant to chapter 96, Laws of 2016. The work group must submit the updated report to the governor and the appropriate committees of the legislature by December 1, 2020, Beginning November 1, 2020, and annually thereafter, the work group shall provide recommendations in alignment with subsection (3) of this section to the governor and the legislature.

(9) This section expires December 30, ~~((2020))~~ 2026."

On page 1, line 2 of the title, after "group;" strike the remainder of the title and insert "amending RCW 74.09.4951; and providing an expiration date."

and the same is herewith transmitted.

Sarah Bannister, Deputy, Secretary

#### SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to SECOND SUBSTITUTE HOUSE BILL NO. 2737 and advanced the bill as amended by the Senate to final passage.

#### FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representatives Callan and Dent spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Second Substitute House Bill No. 2737, as amended by the Senate.

### ROLL CALL

The Clerk called the roll on the final passage of Second Substitute House Bill No. 2737, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Mead, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shea, Shewmake, Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Excused: Representative Paul.

SECOND SUBSTITUTE HOUSE BILL NO. 2737, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

With the consent of the House, the bills previously acted upon were immediately transmitted to the Senate.

Speaker Jenkins assumed the chair.

### RESOLUTION

**HOUSE RESOLUTION NO. 2020-4685**, by Representatives Jenkins, Wilcox, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Mead, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wylie, Ybarra, and Young

WHEREAS, Representative Sherry Appleton has ably and proudly served the people of Washington's 23rd

legislative district since taking the oath of office as a state representative on January 10, 2005; and

WHEREAS, During her sixteen years in the Legislature, she has been an unswervingly progressive voice, with a fierce commitment to her constituents in Kitsap County and a deep compassion for society's underdogs; and

WHEREAS, As a proud Navy widow with thousands of active-duty sailors and retired Naval personnel in her district, Sherry has been a staunch and effective advocate for the military, serving on related boards, commissions, and legislative committees, and was named "Outstanding Legislator of the Year" by the Department of Veterans Affairs and the governor's Veterans Affairs Advisory Committee for her years of often behind-the-scenes work on behalf of the state's approximately seven hundred thousand military veterans; and

WHEREAS, During her tenure in the Legislature, Sherry has chaired two standing House panels, the Committee on Local Government and the Committee on Community Development, Housing & Tribal Affairs, facilitating the passage of scores of bills designed to make Washington a better place to live, work, do business, and raise a family; and

WHEREAS, Sherry's commitment to seniors, especially those living with dementia, earned her the title of Mother of the Silver Alert for her multiyear effort to create a public safety law that has saved countless lives since its passage in 2015; and

WHEREAS, Living amid the natural beauty and bounty of the Kitsap Peninsula helped Sherry become a conservationist before conservation was cool, and her consistency in advancing this cause led the nonpartisan Washington Conservation Voters to induct her into its "Lifetime 100 Club," an honor based on how consistently an elected official votes to "protect our clean air, water and forests, while accelerating the transition to a good-job, clean-energy economy"; and

WHEREAS, Our four-footed or feathered friends have no greater legislative ally than Sherry, who includes them in the category of the voiceless for whom she is privileged to speak, a fact obvious in the wide range of animal-welfare bills that she has sponsored over the years, including the breed-ban bill that she pursued for years, and her successful efforts to secure funding in the capital budget for much-needed improvements to the puppy room at Kitsap Humane Society; and

WHEREAS, This continuing dedication to animals and animal rights led the Washington state chapter of the Humane Society of the United States to name Sherry "Humane Legislator of the Year" in 2018, prompting her to say at the award ceremony, "A society, a culture, can be judged by how it treats those with the least power: Children, seniors, persons living with disabilities, and yes, our animals. I'm grateful to have colleagues in the Legislature on both sides of the party aisle who recognize this and work with me to make this a better place for all of us"; and

WHEREAS, Sherry has fought hard for her beloved 23rd legislative district, bringing home victories for the people of Kitsap County, its cities and towns, and its valuable institutions, including Martha & Mary, Olympic College, the Marine Science Center (SEA Discovery Center), Village Green Community Center, and Fishline Food Bank, among many, many others during her legislative tenure; and

WHEREAS, Sherry's commitment to public service is evident in her work outside of and prior to her election to the Legislature, including her appointments by Presidents George H.W. Bush and Bill Clinton to serve on the Washington State Advisory Committee to the U.S. Commission on Civil Rights, and her service on the board of directors of the Association of Washington Cities, on the Northwest Women's Law Center Legislative Committee, on the board of NARAL, and as vice-chair of the Washington State Women's Political Caucus; and

WHEREAS, Last, but certainly not least, Sherry has continually called the Legislature's attention to the fact that the people she represents live on a peninsula and an island, and that the Washington state ferry system is their economic and recreational lifeline, and she has been a fierce and tireless advocate for safer, more affordable, and more dependable ferry service for Kitsap County;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State House of Representatives honor Representative Sherry Appleton upon her retirement from the Legislature for her sixteen years of service to her constituents in the 23rd legislative district, to the House of Representatives, and to the entire State of Washington.

Representative Pettigrew moved adoption of HOUSE RESOLUTION NO. 4685.

Representative Pettigrew: "Thank you Madam Speaker, I am incredibly honored to be allowed to speak on behalf of this resolution and urge the body to support it. You know when I think of the good member from the 23<sup>rd</sup>, I think of two words – feisty and fun. Feisty, one of the first arguments I ever had in the Legislature was with Sherry Appleton. In the wings, not in the wings, actually in the hallway there, we were talking about some education stuff and I was like "Who in the world is this person yelling and screaming at me about this particular issue. But it was at that moment that I realized that I was completely and totally just head over heels in love with Sherry Appleton. She is the one person that I know, and you probably are aware of, who has coined the phrase "I will not vote for that" which I appreciate that, and has been an incredible friend and leader. You know, Sherry and I, when I first got here, we sat on the floor together and she sat next to me and believe it or not, when I first got to the Legislature, I was a little playful, and maybe a little immature as far as being a prankster; I did things like snakes in a can and throwing the football across the floor with the good member from the 26<sup>th</sup> but Sherry was my partner that sat next to me and one particular time, I just remember, I was going to play a joke on Sherry; I was going to play this prank on her and so I got a message from the security that had on it to Sherry to call this number right away, this is from this constituent that wants to talk to you Right Now! You've got

to call them Right Now, and I kept going "Sherry, your LA called again; you've got to call them right now!" and it was from, the constituent's name was Alley, her last name was Gator, and she actually resided at the Woodland Park Zoo. And so of course, Sherry picked up the phone in her urgency and called to speak to Miss Alley Gator and of course the Woodland Park Zoo. She eventually figured it out but she was, it was just an absolute blast to have her sit next to me and she's always been just the one person, one of the people, that I have absolutely loved when I come to the Legislature, whenever we have our advances or anything else that I will love to see. It just does my heart so good to be in the caucus and seeing her sit to my left and being able to, we make eyes at each other and make fun of each other while we're sitting up there and even though I'm not going to be here and you're not going to be here, I'm just going to so, just so, so so sincerely just truly miss you. I so appreciate your honesty, and I always knew exactly where you were on everything, including how you felt about me and I so appreciate it, thank you."

Representative Klippert: "Thank you Madam Speaker. *Hums the Odd Couple theme.* Ladies and gentlemen, how the, as stated in the resolution, the most unswervingly progressive and the most to the right conservative, ever passed bills off this House floor I don't know but I want to let you know that Appleton-Klippert bills passed off this floor almost unanimously at least twice, so Madam Appleton, thank you very much for the honor and pleasure of being number two on bills that you prime-sponsored. One of my favorite things, memories, of Sherry Appleton – the gentlelady from the 23<sup>rd</sup> is her floor speeches in committee that were questions "wouldn't you agree" As someone who has served in the military for over 30 years now and the commander of the State Guards, Sherry Appleton, thank you for your love of our military, thank you for honoring our veterans and especially those who serve in the Navy even though they are squids and we thank you for that. How a pitbull like Sherry Appleton ever got a breed ban bill passed through this Legislature I don't know because everyone knows as was previously stated what a pitbull; you don't want to get in her way, she will take you out on her way to success. So ladies and gentlemen, without any further ado, the mother of Silver Alert, my honored associate, I want to give praise to Sherry Veterlene Appleton. Thank you Sherry, for your service to our state; you are loved by myself and the members of this body. Thank you very much.

Representative Gregerson: I stand here really spending a lot of time thinking about all the years that we spent together, Sherry, and a few things that come to mind as I stand here to give you so much thanks on behalf of so many of us is that you've been travelling this campus for over almost three decades. You know every place in this place and you are an unshakable moral compass for us; you are going to be missed. You also are loved by your district and I don't know if any of us are as loved by our district as much as you are and I think that speaks to who you are, the depth of your kindness and your thoughtfulness and the things that you stand for and that people trust you. On a personal note, when I first got here, I was scared to death of you actually. I would come in a little bit late and you would yell at me as

a chair; or if I were typing on my computer too loud, you'd look at me and yell at me but hopefully you think better thoughts of me now. But on a more serious note, I'm going to miss you, especially in the member's cafeteria; I love coming downstairs and seeking you out and trying to figure out what part of the menu you grabbed and how much you like it and how kind you are to the staff and you're always so complimentary to them about how great of a job they are doing and how the food that they're cooking and they're making is just made with love and this is the best part of your day. I also want to remind you how thankful we all are of all the years of service you've given us and the time away from your pup Bear and reading all those mystery novels and the times that you weren't feeling well but we needed you for that vote and you stayed up late. So I hope that now that you go on to the next parts of your life that you don't miss us too much and that you spend more time having a good time and come back."

Representative Griffey: "Thank you Madam Speaker. It is an honor for me to stand in support of this resolution. Madam Chair, I know you always laugh at me when I do that but my background from the fire services we respect an earned title and Madam Chair, you've earned that. We had a good time sitting next to each other. We did a lot of fun things, and yes I was chastised for how loud I was in committee many times but we got through it, didn't we Madam Chair, we made a good team. The one thing about Sherry I think is unique, at least from the minority side is you never really knew in committee which way she was going to vote. We sometimes would get a bump out of Sherry and that was great, thank you for that. You know, there's a lot of sad times when you're in the minority, you lose most of those but a lot of times you went our way because you thought we were being picked on, thank you Sherry for that. I'm always going to fondly remember her floor speeches because you never knew how those were going to go either and quite often in committee how she could just in the end have to wrap it up by "don't you agree" because she had to get her point out and by goodness, nobody was going to stop Sherry from getting her point out. It is an honor to have worked with you Sherry, you have a good retirement, you will always have friends in this Legislature. Thank you so much Madam Speaker."

Representative Goodman: "Thank you very much Madam Speaker. I rise in honor of Representative Larry Haler. So Sherry, you, many people don't know that you and I were born in the same hospital in Providence Rhode Island, 19 years apart, of course. I've always felt like you're my big sister and we've eaten in the cafeteria together and the gentlelady from the 33<sup>rd</sup> is so right, you really cared about everyone, including those who prepared our food and I just, really, we are the two longest serving members of the Jewish caucus in the Legislature and we believe in furthering policy that reflects, that our society should be based on compassion and justice and you have articulated that probably better than anyone. I have highly valued you sitting on my committee, protecting public safety, but also protecting individual rights and you have never hesitated to speak up for those who don't have a voice, including animals and the most vulnerable and our veterans, and we could go

on and on. But I think there's no one more principled who was undaunted in standing up and speaking up, even though we didn't really feel comfortable listening to it, we needed to hear it and on the floor as well. And so on behalf of the body, I just want to thank you for your service and for, we hope we can name swimming pools and elementary schools after you, but we really value your service here and thank you so much."

Representative Caldier: "Thank you Madam Speaker. So Representative Appleton, when I first got elected, I wasn't quite sure what to think of you. I remember I had a whole bunch of great ideas and I had all these blue sheets and I brought them to former Representative Norm Johnson and he looked at them and he said "Oh my goodness, just because you're from Kitsap County doesn't mean you need to run a bunch of bills like Sherry Appleton." And so I thought ok, alrighty and I'd listen to the long marijuana floor speeches and I'd sit there and hear you lobby, you know, some of the members, about the horse meat bill and I was thinking I don't know if we have a whole lot in common. And then I lost my vision and it was a really low point in my life and I couldn't drive anymore and you came to me across the floor and you said "I heard that you were having some problems and I want to give you a ride." And we hadn't had much to say to each other for the first couple of years and I thought, wow, Wow, that's pretty amazing, and throughout those rides, we developed a friendship that only the odd couple could ever understand. And I got to know you really well. I learned a couple things about you. First of all I learned how calm you are in crisis and when the car would veer off the road and I would say "Oh my God we're driving by braille!" and you're like "Calm down Michelle, calm down." I learned how much you care about animals and you know you didn't care just about any animals I mean even about the ones that were most vulnerable and I remember the day that you got Bear and we had a forum and everyone was waiting for Sherry and so I called you and you said "Oh I can't go to a forum, I have a dog, his name is Bear and I'm going to love him and I'm going to take care of him so tell them I'm not coming." And I was like "Ok" and most of all I learned about how kind you are and what a big heart you have. I mean it takes an awful big heart to voluntarily sit in the car with me for a couple hundred hours – not many people would do that and I really appreciate you personally. I know that you are going to be missed, not only by myself, but the entire body here, but also by your feathered friends, by your furry friends, by your silver friends and all of our friends at Kitsap County, so thank you very much for your service."

HOUSE RESOLUTION NO. 4685 was adopted.

## RESOLUTION

**HOUSE RESOLUTION NO. 2020-4684**, by Representatives Jinkins, Wilcox, Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey,

**Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Mead, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shea, Shewmake, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wylie, Ybarra, and Young**

WHEREAS, Representative Norma Smith was born in Pensacola, Florida, to Chapman and Alice Creighton, who influenced the lives of so many simply by loving God and loving others; and

WHEREAS, Representative Norma Smith graduated from: Woodham High School in Pensacola, Florida; Pensacola Junior College; and later Puget Sound Christian College; and

WHEREAS, Representative Norma Smith married Stephen Smith, the love of her life, and was married for 34 years and had four beautiful children; and

WHEREAS, Stephen Smith, an incredible husband, father, and Marine, lost his life in the service of his community and since his passing she has credited him with such an abundant love that it would last enough for two lifetimes; and

WHEREAS, Representative Norma Smith has four loving in-law children and 11 wonderful grandchildren who lovingly refer to her as "Nana"; and

WHEREAS, Representative Norma Smith's children and in-law children have served in the Air Force, Army, and Navy, respectively; and

WHEREAS, Representative Norma Smith loved and cared for her mother-in-law, Margaret, until her passing; and

WHEREAS, Representative Norma Smith was a Special Assistant to United States Representative Jack Metcalf and led a successful effort to recognize – and provide benefits to – veterans who suffered illnesses as a result of the first Gulf War; and

WHEREAS, Representative Norma Smith served on the South Whidbey School Board; and

WHEREAS, Representative Norma Smith was appointed State Representative in the 10th Legislative District in January 2008 and went on to win the election in November 2008, and has served for 13 years; and

WHEREAS, Representative Norma Smith has hired, mentored, and encouraged personal growth in three House legislative assistants who were all promoted to House Republican Caucus staff; and

WHEREAS, Representative Norma Smith has been a leader for her constituents, communities, and state for years; and

WHEREAS, Representative Norma Smith has had numerous pieces of legislation signed into law and has been recognized for her leadership in: Enhancing the state's behavioral and mental health systems; protecting consumer privacy; establishing environmental programs – including the creation of the Joint Center for Deployment and Research in Earth Abundant Materials (JCDREAM); and improving the regulatory environment for job creators; and

WHEREAS, Representative Norma Smith is a devoted Christian and active in her church, and her fellow legislative members know her to be true to her word, an outstanding listener, confidant, woman of grace and inspiring faithfulness; and

WHEREAS, On March 3, 2020, Representative Norma Smith announced she would not seek reelection and would begin a new, important chapter of her life in service to God by teaching and mentoring the next generation at home and abroad;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives recognize Representative Norma Smith for her devoted service to Washington state and for representing the people of the 10th Legislative District with integrity, honor, and passion; and

BE IT FURTHER RESOLVED, That a copy of this Resolution be transmitted by the Chief Clerk of the House of Representatives to the Honorable Norma Smith.

Representative DeBolt moved adoption of HOUSE RESOLUTION NO. 4684.

Speaker Jenkins: “Before I call on you, Representative DeBolt, I would just like to acknowledge that Representative Smith's children and grandchildren are joining us from across the globe remotely and we would like to welcome them.”

Representative DeBolt: “Thank you Madam Speaker, and it's funny because I feel like she's part of my family too so hello to all of my relatives out there. It was interesting, Norma and I have had a wonderful career together; she's one of my best friends in the building; she's one of my best advisors; she's made me a better person. You know, when I stepped away from leadership, I had the opportunity to go and work on policy and Norma would always get upset when I was leader because I would always do politics first and they sent me to Norma's committees – I think it was for her to keep an eye on me and she taught me a lot about how to be gracious, how to be a good listener, about how to put the people of Washington first and the other thing that Norma did was that she led with kindness in her heart. So often we get so upset here about such trivial things and Norma's kindness would always shine through. Even when she was really mad at you. So, she was the Ranking, I was the Assistant Ranking on ITED and I was the Ranking and she was the Assistant Ranking on Capital and we spent, for the last three years, an exorbitant amount of time together, which is a curse and a blessing. She is one of those people, though, that you can't help but be in a good mood when you're with Norma Smith and I will tell you, Norma, this institution is better because you've been here and if it's not

just your kindness and your spirituality, because you're one of the most spiritual women I've ever met, well nix that, spiritual person I've ever met because you're up there with my pastor and I look to you for spiritual guidance all the time. You prayed for me when I was sick, you've taught me to pray for myself, you've done so much to make me a better person but this institution is better because you're here and your citizens were better because you're here and you actually taught us about consumption which is a really hard thing to take a group of people and have them stop and think about what they consume and how they consume and where it comes from. So often it's so easy for us to think that we're driving an electric car and we're ok, but you remembered the children in the Congo and the batteries, and the rare-earth minerals and we always used to, during the legislature, go "Ok, here comes Norma. It's going to be a speech on rare-earth minerals." But you know, by the time we were done, we would just be like "Oh, we need to think about that." And the last thing, though, is I love how much you love your kids and your grandkids and, you know, my wife and I would come up and visit you over the summer and I appreciate all your hospitality and if you haven't gone on a tour of Norma's island, you need to because it's her island and meet her donkey and spend time with her and see the places that she values and holds dear and you are such an inspirational woman and I know why you're leaving, to go make the world a better place and to teach spirituality and to give people hope and inspiration in other parts of the world and I know how much you're going to change the world – even more than you ever changed it here but from one heart that's a better heart and a better Christian for knowing you, I just wanted to thank you and I am so sorry you're leaving but thank you."

Representative Mosbrucker: "Thank you Madam Speaker. I stand in full support and it's an honor to be here today for this resolution. So, not all angels live in heaven and some of our angels here are on earth and I would say that Norma's one of them. Permission to read? This is by Janet McCauley and this fits my love and affection for Norma. So, *Angels sent by God. Some angels live among us in an ordinary way. To carry out their mission, and with all of that they're ok. They do the work that glorifies the Father from above and every step they take on earth is filled with God's own love. They redirect the wayward and they comfort others still, they rescue and they enlighten, they share with us all, goodwill. So be careful who you talk to for you never really know that if you're talking with an angel sent by God to help you grow.* And Norma's helped me to grow. She's helped me to grow from the day I met her, from pizza at Vic's Pizzeria to pictures of her perfect grandchildren to just sitting next to her in the prayer group every Tuesday morning. It's a blessing to have her – she is the heartbeat of our caucus. I have no idea what it's going to be like without her in there, and she continued to bring faith to the Capitol, and for that I am grateful."

Representative Tharinger: Thank you, Madam Speaker. I'm honored to be able to speak to this resolution honoring Norma Smith. I think in the resolution I heard the words "loving" and "caring" many times, and that's very fitting. Norma brought loving and caring to our work and I work

with her probably most closely on the Capital Budget and her viewpoint on children's issues, mental health issues, behavioral health issues was loving and caring and I think our budgets were better for that. I will say, as Chair of the Capital Budget I had to negotiate the number of questions Representative Smith could ask at certain times because as people know, she has a lot of questions. They're good questions but they tend to be numerous and so we sometimes would negotiate how many questions she would get at any particular time. It was a gentle, friendly negotiation but I think it did move our committee along faster to not let Norma dominate the question periods with her questions because she's very involved, very engaged and has a lot of questions. But, we have, as you know, we've worked hard at having a Capital Budget team that is very bipartisan and Norma really brought that loving caring voice to our capital budget decisions and our capital budgets are more humane and more caring because of her Norma, so thank you."

Representative Wilcox: "Thank you Madam Speaker. Madam Speaker, some people come and go from the chamber and they're remembered for a while. We've got an analogy that gets used in our caucus quite a bit that talks about how easy it is to just slide that nameplate out and it is true. We've all seen members leave and, you know, I know we all want to be remembered but this is a place that's built around change and there's a new person that comes in, sits at their desk and pretty soon, you know, it's a whole new Legislature and the past is just forgotten. I'm pretty sure that that's not going to be the case with Norma. Norma has had, it turns out, maybe you've noticed this Madam Speaker, that we have a little bit of idle time on our hands here so we get to visit with people, sometimes late at night and so you learn an awful lot about people and I know that Norma is one of those people who've had several different lives. I know that one of those periods came to an end in a hard way and Norma has shared that with us. Norma's the kind of person that all of us share with too. I can think of many things that have troubled me that I probably haven't shared with anybody but Norma because you know that you can trust Norma. Boy, what a rare thing to say in the House of Representatives that here's a person that you can trust every second of the day. We know that that's a lot more common among politicians than people think but those watching on TVW may be surprised to hear that. There's a lot of words that you can associate with Norma: Obviously, sincerity – nobody here would ever question Norma's sincerity. Honesty, is always there, sometimes when it's painful and I'll tell you a little bit more about how my different roles in the Legislature has changed, given me different perspectives on Norma, and every one of them has been valuable. Nobody, that I've ever known in my life is both so sweet, nice and determined. People talk about Norma as if she's sort of this caricature of the person that you would always go to but they forget that the best way to describe her determination is that it is steely. You cannot divert Norma from her path when she knows that she's right. And that steely determination is driven by compassion. Nobody here is as undeviating when it comes to pursuing compassion in politics and in policy and I'm sure it's because these important human characteristics are behind all of her decisions that she is so determined. When I was the floor leader, the best arrow in the quiver of the

House Republican Caucus, I think, was Norma as a closer. I have never known anybody that just packs up the moral high-ground, puts it in her purse and carries it around and unpack it in a speech, because, Norma, when you're done with a speech that you believe in to and by the way, you can't ask Norma to give every speech. You can't ask Norma to close every debate. It's got to be a debate that she believes in but as the last speaker, in something we thought was important, when she was a believer, even though the votes go against us, the House Republicans go off feeling like winners. I don't mean this to diminish anybody else, but that's the power of Norma Smith to all of us. I think the last thing that I want to talk about when it comes to, maybe the second to last thing I want to talk about when it comes to Norma is all of those qualities put together. Some of you know that she has recently been on a different side on an important issue from most of our caucus; it's not easy to accommodate that in a caucus, especially as leader where you feel like you have to balance a lot of different issues. What made this such a great life lesson for me is that we were able to approach this from a position of perfect honesty and perfect openness and I learned more about how to do politics, you know in the inside the building way, and in the best possible way in the last two years from engaging with Norma in this and figuring out how can we do this with the greatest possible integrity and engaging with a person you know is unflinchingly honest and has unflinching integrity. What a great experience for me and I hope that it was plain to other people that that's the way Norma approaches this and what a great thing if we can all be more like Norma when it comes to politics inside this building. The last thing that I think is so critical, I think I mentioned that Norma has had a series of different segments in her life. Some people say I've lived a lot of different lives, or, that person's lived a million lives to my one. Norma's got at least one more, I know, and when you talk to Norma about this day, it's painful to lose her but she's excited. She's not someone that's looking back with regret, she's looking forward because one more time, Norma Smith is on a mission and I am so happy for you Norma. I am sad for us, like Richard said, but I am so happy because there are a bunch of people whose lives are going to be way better because you're leaving here and moving on to that life. So thanks for your life here, we won't forget you."

Representative Peterson: "Thank you Speaker Jenkins. Start off by saying I think it's ok that if you're speaking about Norma Smith and you get a little choked up, I think that's acceptable. I was honored to be asked to speak today and I've heard some great words about her compassion and her caring, all true. She's also a bit of a troublemaker. To the gentlemen from the 20<sup>th</sup> and 24<sup>th</sup> who spoke before me, yeah, she would really pull one over on you guys. As you might be arguing about oh, what's the other body doing with their Capital Budget, Norma would lean over to me and say "What kind of trouble can we cause" and it was really that attitude of causing trouble that probably 90% of us put in our newsletter that the Washington State Legislature has spent record amounts of money on mental health. That's the kind of trouble she would cause. She was still causing trouble but it was trouble for the people of Washington and really the people of the world. We love to bring things back to our

districts, here especially in the Capital Budget, that's some of the fun, but Norma never worried about what was going back to the 10<sup>th</sup> Legislative district, she was worried about what was going back to the people of Washington and it was great to watch and an honor to be a part of, an honor to be her partner in crime, at times, and cause trouble, and as has been said before, this is a better place because of you, Norma. This is a better state because of you. I am a better person because of you, and while I very much look forward to the ribbon cutting of the firelight toilet and coming up and meeting your miniature donkey, I will miss you every day that I am here. Thank you so much."

Representative Hansen: "Thank you Madam Speaker. Fortunately I got a heads-up about Representative Smith's announcement last week from the former Representative from the 10<sup>th</sup> district, Representative Hayes, before it happened, otherwise you would have to carry me out of here. So, this is very bad news. I know everyone says this is good news and good this will happen; for me this is very bad news. It is horrible to lose Representative Smith as a colleague and to that end, you may think we are done with introducing bills, I'd like you all to know that that is not correct, House Bill 2997 by Representative Hansen says that there will be mandatory run for reelection for anyone from the 10<sup>th</sup> district, position 1 who's name rhymes with Smorma Smith. We already have 97 co-sponsors, so I'm sorry, you will be staying with us for a little while. I've worked very closely with Representative Smith. We have this bad habit in politics of saying on the floor "my friend" or "my good friend" when really this just means someone else who serves in this body with me. Representative Smith actually is my good friend. We worked together for two years on derelict vessels; we both represent island communities and it's no small thing if a boat goes down and pollutes the sea floor and you have to shut down shellfish harvesting. We spent two years putting together a series of bipartisan proposals to totally re-write that area of environmental law and we passed them with overwhelming bipartisan support. We spent a year on net neutrality; the Representative and I co-wrote the first state level net-neutrality bill in the country that passed, as newspapers later said, with "rare bipartisanship." Maybe more importantly than all, we co-chaired the Governor's prayer breakfast for two years and that's really where we got to know each other first. When I walked in here for the first time, that was one of the first things I did was join the prayer fellowship where Norma was every Tuesday, reliably, and you know, look, people have been talking about her deep faith, that's really where Representative Smith and I kind of align most closely. Our politics, there's a little bit of a Ven diagram where we cross but our faith in the risen Lord is the complete overlap. I know in our faith, at least, everyone is equal in the eyes of the Lord and the Lord hears everyone's prayers and the Lord loves everyone; I am totally convinced that the Lord really really particularly loves Norma because there is, as I've said about her publicly before, there's a line in the psalms about blessed are the pure in heart for they shall see God in Jesus' teachings in the Beatitudes and that is Representative Smith. When I have needed prayer, I have pulled her out of her caucus to ask for prayer and when the Lord has put her on my heart, I have texted her and let her know and we end up speaking and praying together not



infrequently, more frequently than you would think for a Republican and a Democrat. But I think Norma's faith is not just something about her personal relationship with Jesus Christ, it deeply affects her policy positions; repeatedly and, as been mentioned before, she will be on the side of people who doesn't seem like has anyone to speak up for them as loudly as maybe they should and she is always the reminder that we do not serve in this body to represent a particular powerful interest whoever that may be. We serve in this body to represent people who may not feel like they have anyone to be their voice; that's fundamental to our shared faith and fundamental to Representative Smith's policies. So, it is horrible, obviously, to lose you as a colleague and I feel like I'm still learning new things about you, even today; I didn't know you had a donkey - this confirms for me what I always suspected, that you are truly a secret Democrat. But I've now had enough time to grieve and realize that ok, for now, we will have to say good bye but it is not forever and it is very hard, even for now, to say good bye to my good friend and my colleague and my sister in the Lord, but that we will be together again when we sing the song that never ends in the presence of the Savior. Thank you."

Representative Tarleton: "Well, thank you, Madam Speaker. A lot of you on this floor may or may not know I have been a roommate of Norma Smith for seven years. It is an astonishing experience to share stories that have nothing to do with this place when you know that what you're trying to figure out every morning is who takes a shower first, but we have sorted that out. Norma and I share, and we didn't know this until we started talking, we both have this really odd interest in national security policy going back to the very first parts of our careers. She was ahead of me but we overlapped in Washington DC and found that regardless of our different views, perhaps on politics, we shared very similar views on U.S. Congress. Norma and I also share an intense desire to tell stories about our dogs and we've shared many photos about dogs and our families and we've shared many fears about our colleagues here and family members who are suffering from all kinds of illness and concerns and we've also managed to cheer together even when we have just finished 14 hours on this floor when there was a well fought floor debate - whether or not we were on the same side of the debate. Norma, I just want to honor your love of music and family and community with quoting a song that has surrounded me my whole life from my family and my friends and, Madam Speaker, if you will allow me to recite this song, I'm not going to sing it but I can recite it from memory but I don't want to take credit for it. It is a Crosby, Stills, Nash & Young song, may I recite? Thank you Madam Speaker. This is for you Norma: *You who are on the road must have a code that you can live by and so become yourself because the past is just a good-bye. Teach your children well, their father's hell did slowly go by, and feed them on your dreams the one they picks, the one you'll know by. Don't you ever ask them why, if they told you, you would cry, so just look at them and sigh and know they love you. And you, of tender years, can't know the fears that your elders grew by, and so please feed them on your dreams the one you picks, the one they'll know by. And don't you ever ask them why, if they told you, you would cry, So just look at*

*them and sigh and know they love you.* Thank you Norma for all of your service to our state."

Representative Appleton: "Thank you Madam Speaker. Oh they changed it. They had Appleton up there this whole time and I thought oh geeze, we're inexplicably tied together and when I say that, I got on a plane for Florida, who do I see but Norma and I went "Huh" and she was visiting her son and grandchildren, right? Anyway, it was wonderful having someone I know on the plane. The other thing is, is that we did a widow's dinner at Marcia Fromhold's and there were six of us who went and it was a joyous time. It wasn't a sad time but it was really something to know that your fellow ladies, six of them, were widows at the same time. It seemed like our husbands all died around the same year. So, we won't go back to 2006, please. The last thing I have to say is Norma, you are terrific. I can't say the same things that everybody else said but I can tell you that I have respected and loved you since the beginning and I wish you Godspeed."

HOUSE RESOLUTION NO. 4684 was adopted.

The Speaker called upon Representative Orwall to preside.

### THIRD READING

#### MESSAGE FROM THE SENATE

March 6, 2020

Mme. SPEAKER:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1154, with the following amendment:

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 40.** (1) The legislature finds that the office of the Chehalis basin, established in RCW 43.21A.730, is faithfully carrying out one of the prime directives of legislative intent from chapter 194, Laws of 2016, by drafting a strategic plan and accompanying environmental assessments, as the legislation called for a Chehalis basin strategy that "must include an implementation schedule and quantified measures for evaluating the success of implementation."

(2) The legislature also finds that the office of Chehalis basin has been successful in its initial work to secure both state and federal funds for projects in the near term. However, specificity is needed for consideration of the long-term funding needs.

**NEW SECTION. Sec. 41.** A new section is added to chapter 43.21A RCW to read as follows:

The office of Chehalis basin shall, based on the anticipation of completing the strategic plan with an implementation schedule, submit agency decision packages in preparation for the 2021-2023 fiscal biennium omnibus

capital appropriations act, with a report of out-biennia detail, containing:

- (1) A specific list of projects;
- (2) Project costs and suggested fund sources;
- (3) Location information; and
- (4) A time frame, including initiation and completion.

**NEW SECTION. Sec. 42.** A new section is added to chapter 43.21A RCW to read as follows:

The office of Chehalis basin shall submit a report by January 1, 2021, to the legislature that meets the requirement of a finalized strategic plan containing an implementation schedule and quantified measures for evaluating the success of implementation, and the appropriate policy and fiscal committees of the legislature shall, within one hundred twenty days of the receipt, conduct a joint hearing for the purposes of: (1) Receiving a report from the office of Chehalis basin; and (2) considering potential funding strategies to achieve the implementation schedule."

On page 1, line 2 of the title, after "projects;" strike the remainder of the title and insert "adding new sections to chapter 43.21A RCW; and creating a new section."

and the same are herewith transmitted.

Sarah Bannister, Deputy Secretary

#### SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House refused to concur in the Senate amendment to SUBSTITUTE HOUSE BILL NO. 1154 and asked the Senate to recede therefrom.

#### MESSAGE FROM THE SENATE

March 10, 2020

Madame Speaker:

The Senate has passed HOUSE BILL NO. 2848 with the following amendment:

42.0.

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** It is the intent of the legislature to retain and grow family wage jobs in rural, economically distressed areas; to promote healthy forests; and to utilize Washington's abundant natural resources to promote diversified renewable energy use in the state.

**Sec. 2.** RCW 82.08.956 and 2013 2nd sp.s. c 13 s 1002 are each amended to read as follows:

(1) The tax levied by RCW 82.08.020 does not apply to sales of hog fuel used to produce electricity, steam, heat, or biofuel. This exemption is available only if the buyer provides the seller with an exemption certificate in a form and manner prescribed by the department. The seller must retain a copy of the certificate for the seller's files.

(2) For the purposes of this section the following definitions apply:

(a) "Hog fuel" means wood waste and other wood residuals including forest derived biomass. "Hog fuel" does not include firewood or wood pellets; and

(b) "Biofuel" ~~((has the same meaning as provided in RCW 43.325.010))~~ means a liquid or gaseous fuel derived from organic matter intended for use as a transportation fuel, including, but not limited to, biodiesel, renewable diesel, ethanol, renewable natural gas, and renewable propane.

(3) If a taxpayer who claimed an exemption under this section closes a facility in Washington for which employment positions were reported under RCW 82.32.605, resulting in a loss of jobs located within the state, the department must declare the amount of the tax exemption claimed under this section for the previous two calendar years to be immediately due.

(4) This section expires June 30, ~~((2024))~~ 2034.

**Sec. 3.** RCW 82.12.956 and 2013 2nd sp.s. c 13 s 1003 are each amended to read as follows:

(1) The provisions of this chapter do not apply with respect to the use of hog fuel for production of electricity, steam, heat, or biofuel.

(2) For the purposes of this section:

(a) "Hog fuel" has the same meaning as provided in RCW 82.08.956; and

(b) "Biofuel" has the same meaning as provided in RCW ~~((43.325.010))~~ 82.08.956.

(3) This section expires June 30, ~~((2024))~~ 2034.

**Sec. 4.** RCW 82.32.605 and 2017 c 135 s 5 are each amended to read as follows:

(1) Every taxpayer claiming an exemption under RCW 82.08.956 or 82.12.956 must file with the department a complete annual tax performance report under RCW 82.32.534, except that the taxpayer must file a separate tax performance report for each facility owned or operated in the state of Washington.

(2) This section expires June 30, ~~((2024))~~ 2034.

**NEW SECTION. Sec. 5.** (1) This section is the tax preference performance statement for the tax preferences contained in sections 2 and 3, chapter . . . , Laws of 2020 (sections 2 and 3 of this act). This performance statement is only intended to be used for subsequent evaluation of the tax preference. It is not intended to create a private right of action by any party or be used to determine eligibility for preferential tax treatment.

(2) The legislature categorizes these tax preferences as ones intended to induce certain designated behavior by taxpayers, as indicated in RCW 82.32.808(2)(a).

(3) It is the legislature's specific public policy objective to extend the expiration date of these tax preferences in order to increase the ability of beneficiary facilities to provide at least seventy-five percent of their

employees with medical and dental insurance and a retirement plan. For the purposes of this tax preference performance statement, retirement plans may include defined benefit plans, defined contribution plans, or an employee investment plan whereby the employer offers a contribution to the employee plan.

(4) In order to obtain the data necessary to measure the effectiveness of these tax preferences in achieving the public policy objective described in subsection (3) of this section, the joint legislative audit and review committee may refer to:

(a) The annual tax performance report that a taxpayer is required to file with the department of revenue per RCW 82.32.605; and

(b) Employment data available from the employment security department."

On page 1, line 5 of the title, after "communities;" strike the remainder of the title and insert "amending RCW 82.08.956, 82.12.956, and 82.32.605; creating new sections; and providing expiration dates."

and the same is herewith transmitted.

Sarah Bannister, Deputy, Secretary

#### SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to HOUSE BILL NO. 2848 and advanced the bill as amended by the Senate to final passage.

#### FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representatives Chapman and Orcutt spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of House Bill No. 2848, as amended by the Senate.

#### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2848, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Mead, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shea, Shewmake, Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van

Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Excused: Representative Paul.

HOUSE BILL NO. 2848, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

#### MESSAGE FROM THE SENATE

March 10, 2020

Madame Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 2919 with the following amendment:

5.0.

Strike everything after the enacting clause and insert the following:

"**Sec. 6.** RCW 82.45.180 and 2013 c 251 s 11 are each amended to read as follows:

(1)(a) For taxes collected by the county under this chapter, the county treasurer shall collect a five dollar fee on all transactions required by this chapter where the transaction does not require the payment of tax. A total of five dollars shall be collected in the form of a tax and fee, where the calculated tax payment is less than five dollars. ~~((Through June 30, 2006, the county treasurer shall place one percent of the taxes collected by the county under this chapter and the treasurer's fee in the county current expense fund to defray costs of collection. After June 30, 2006))~~

(b)(i) Except as otherwise provided in (b)(ii) and (c) of this subsection, the county treasurer shall place one and three-tenths percent of the taxes collected by the county under this chapter and the treasurer's fee in the county current expense fund to defray costs of collection. ~~((For taxes collected by the county under this chapter before July 1, 2006, the county treasurer shall pay over to the state treasurer and account to the department of revenue for the proceeds at the same time the county treasurer remits funds to the state under RCW 84.56.280.))~~

(ii) In a county with a population greater than two million, the county treasurer shall retain one and three-tenths percent of the taxes collected by the county under this chapter. Seventy-five percent of the one and three-tenths percent of the taxes collected and retained and the treasurer's fee must be deposited in the county current expense fund to defray costs of collection. The remaining twenty-five percent of the one and three-tenths percent of the taxes collected and retained may be used for operations and maintenance of permanent supportive housing programs in the county.

(c) For counties with a population of less than four hundred thousand, the county treasurer shall retain one and forty-eight hundredths percent of the taxes collected by the county under this chapter and the treasurer's fee in the county current expense fund to defray costs of collection.

(d) For taxes collected by the county under this chapter ((after June 30, 2006)), on a monthly basis the county treasurer shall pay over to the state treasurer the month's

transmittal. The month's transmittal must be received by the state treasurer by 12:00 p.m. on the last working day of each month. The county treasurer shall account to the department for the month's transmittal by the twentieth day of the month following the month in which the month's transmittal was paid over to the state treasurer. The state treasurer shall deposit the proceeds in the general fund.

~~((b))~~ (c) For purposes of this subsection, the definitions in this subsection apply.

(i) "Close of business" means the time when the county treasurer makes his or her daily deposit of proceeds.

(ii) "Month's transmittal" means all proceeds deposited by the county through the close of business of the day that is two working days before the last working day of the month. This definition of "month's transmittal" shall not be construed as requiring any change in a county's practices regarding the timing of its daily deposits of proceeds.

(iii) "Proceeds" means moneys collected and receipted by the county from the taxes imposed by this chapter, less the county's share of the proceeds used to defray the county's costs of collection allowable in ~~((a))~~ (b) and (c) of this subsection.

(iv) "Working day" means a calendar day, except Saturdays, Sundays, and all legal holidays as provided in RCW 1.16.050.

(2) For taxes collected by the department of revenue under this chapter, the department shall remit the tax to the state treasurer who shall deposit the proceeds of any state tax in the general fund. The state treasurer shall deposit the proceeds of any local taxes imposed under chapter 82.46 RCW in the local real estate excise tax account hereby created in the state treasury. Moneys in the local real estate excise tax account may be spent only for distribution to counties, cities, and towns imposing a tax under chapter 82.46 RCW. Except as provided in RCW 43.08.190, all earnings of investments of balances in the local real estate excise tax account shall be credited to the local real estate excise tax account and distributed to the counties, cities, and towns monthly. Monthly the state treasurer shall make distribution from the local real estate excise tax account to the counties, cities, and towns the amount of tax collected on behalf of each taxing authority. The state treasurer shall make the distribution under this subsection without appropriation.

(3)(a) ~~((Through June 30, 2010, the))~~ The county treasurer shall collect an additional five dollar fee on all transactions required by this chapter, regardless of whether the transaction requires the payment of tax. The county treasurer shall remit this fee to the state treasurer at the same time the county treasurer remits funds to the state under subsection (1) of this section. The state treasurer shall place money from this fee in the general fund. By the twentieth day of the subsequent month, the state treasurer shall distribute to each county treasurer according to the following formula: Three-quarters of the funds available shall be equally distributed among the thirty-nine counties; and the balance shall be ratably distributed among the counties in direct proportion to their population as it relates to the total

state's population based on most recent statistics by the office of financial management.

(b) When received by the county treasurer, the funds shall be placed in a special real estate excise tax electronic technology fund held by the county treasurer to be used exclusively for the development, implementation, and maintenance of an electronic processing and reporting system for real estate excise tax affidavits. Funds may be expended to make the system compatible with the automated real estate excise tax system developed by the department and compatible with the processes used in the offices of the county assessor and county auditor. Any funds held in the account that are not expended by the earlier of: July 1, 2015, or at such time that the county treasurer is utilizing an electronic processing and reporting system for real estate excise tax affidavits compatible with the department and compatible with the processes used in the offices of the county assessor and county auditor, revert to the special real estate and property tax administration assistance account in accordance with subsection ~~((5))~~ (4)(c) of this section.

(4) ~~((Beginning July 1, 2010, through December 31, 2013, the county treasurer shall continue to collect the additional five dollar fee in subsection (3) of this section on all transactions required by this chapter, regardless of whether the transaction requires the payment of tax. During this period, the county treasurer shall remit this fee to the state treasurer at the same time the county treasurer remits funds to the state under subsection (1) of this section. The state treasurer shall place money from this fee in the annual property revaluation grant account created in RCW 84.41.170.~~

~~(5))~~(a) The real estate and property tax administration assistance account is created in the custody of the state treasurer. An appropriation is not required for expenditures and the account is not subject to allotment procedures under chapter 43.88 RCW.

(b) Beginning January 1, 2014, the county treasurer must continue to collect the additional five dollar fee in subsection (3) of this section on all transactions required by this chapter, regardless of whether the transaction requires the payment of tax. The county treasurer shall deposit one-half of this fee in the special real estate and property tax administration assistance account in accordance with (c) of this subsection and remit the balance to the state treasurer at the same time the county treasurer remits funds to the state under subsection (1) of this section. The state treasurer must place money from this fee in the real estate and property tax administration assistance account. By the twentieth day of the subsequent month, the state treasurer must distribute the funds to each county treasurer according to the following formula: One-half of the funds available must be equally distributed among the thirty-nine counties; and the balance must be ratably distributed among the counties in direct proportion to their population as it relates to the total state's population based on most recent statistics by the office of financial management.

(c) When received by the county treasurer, the funds must be placed in a special real estate and property tax

administration assistance account held by the county treasurer to be used for:

(i) Maintenance and operation of an annual revaluation system for property tax valuation; and

(ii) Maintenance and operation of an electronic processing and reporting system for real estate excise tax affidavits."

On page 1, line 2 of the title, after "tax;" strike the remainder of the title and insert "and amending RCW 82.45.180."

and the same is herewith transmitted.

Sarah Bannister, Deputy, Secretary

#### SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to ENGROSSED SUBSTITUTE HOUSE BILL NO. 2919 and advanced the bill as amended by the Senate to final passage.

#### FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representatives Chopp and Orcutt spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 2919, as amended by the Senate.

#### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2919, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Mead, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shea, Shewmake, Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Excused: Representative Paul.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2919, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

There being no objection, the House reverted to the sixth order of business.

#### SECOND READING

**ENGROSSED SUBSTITUTE SENATE BILL NO. 6248, by Senate Committee on Ways & Means (originally sponsored by Frockt and Honeyford)**

#### Concerning the capital budget.

The bill was read the second time.

Representative Tharinger moved the adoption of striking amendment (2183):

6.0.

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 7.** A supplemental capital budget is hereby adopted and, subject to the provisions set forth in this act, the several dollar amounts hereinafter specified, or so much thereof as shall be sufficient to accomplish the purposes designated, are hereby appropriated and authorized to be incurred for capital projects during the period beginning with the effective date of this act and ending June 30, 2021, out of the several funds specified in this act.

#### PART 1

#### GENERAL GOVERNMENT

**Sec. 1001.** 2019 c 413 s 1009 (uncodified) is amended to read as follows:

#### FOR THE DEPARTMENT OF COMMERCE

Building Communities Fund Program (30000803)

The reappropriation in this section is subject to the following conditions and limitations:

(1) \$1,455,000 of the amount reappropriated in this section is provided solely for the Byrd Barr place, formerly known as Centerstone, building renovation project.

(2) \$220,000 of the amount reappropriated in this section is provided solely for El Centro de la Raza boiler fan and master plan for rehabilitation. This amount is not subject to the match requirements, pursuant to RCW 43.63A.125.

Reappropriation:

State Building Construction Account—State	\$1,675,000
Prior Biennia (Expenditures) .....	(( <del>\$19,184,000</del> ))
	<u>\$17,990,000</u>
Future Biennia (Projected Costs) .....	\$0
TOTAL .....	<u>\$20,859,000</u>
	<u>\$19,665,000</u>

**Sec. 1002.** 2019 c 413 s 1026 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF COMMERCE**

## Dental Clinic Capacity Grants (40000007)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 1006, chapter 298, Laws of 2018, except that funding may not be directed to the Valley View Health Center.

## Reappropriation:

State Building Construction Account—State	Account—State
.....	.....( <del>(\$10,000,000)</del> )
	<u>\$9,000,000</u>
Prior Biennia (Expenditures).....	\$6,534,000
Future Biennia (Projected Costs).....	\$0
TOTAL.....	<u>\$16,534,000</u>
	<u>\$15,534,000</u>

**Sec. 1003.** 2019 c 413 s 1029 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF COMMERCE**

## 2019-21 Housing Trust Fund Program (40000036)

The appropriations in this section are subject to the following conditions and limitations:

(1) (~~(\$129,050,000)~~) \$132,666,000 of the state taxable building construction account—state appropriation (~~(and \$45,950,000)~~), \$44,084,000 of the state building construction account—state appropriation are provided solely for production and preservation of affordable housing. Of the amounts in this subsection:

(a) \$35,000,000 of the appropriation is provided solely for housing projects that provide supportive housing and case-management services to persons with (~~behavioral or~~) chronic mental illness. When evaluating applications for this population, the department must prioritize low-income supportive housing unit proposals that show:

(i) Evidence that the application was developed in collaboration with one or more health care entities that provide behavioral health care services to individuals eligible for the housing provided under this subsection;

(ii) A commitment by the applicant to provide, directly or through a formal partnership, necessary treatment and supportive services to the tenants and maintain the beds or housing units for at least a forty-year period;

(iii) Readiness to begin structural modifications or construction resulting in a fast project completion;

(iv) Program requirements that adhere to the key elements of permanent supportive housing programs including choice in housing and living arrangements, functional separation of housing and services, community integration, rights of tenancy, and voluntary recovery-focused services; and

(v) To achieve geographic distribution, the department must prioritize projects in rural areas as defined by the

department per RCW 43.185.050 and unserved communities with the goal of maximizing the investment and increasing the number of supportive housing units in rural, unserved communities.

(b) \$10,000,000 of the appropriation in this section is provided solely for competitive grant awards for modular housing which includes high quality affordable housing projects that will quickly move people from homelessness into secure housing and are significantly less expensive to construct than traditional housing. These funds must be awarded to projects with a total project development cost per housing unit of less than (~~(\$125,000)~~) \$200,000, excluding the value of land, off-site infrastructure costs, and any capitalized reserves, compliant with the Americans with disabilities act, and with a commitment by the applicant to maintain the housing units for at least a fifty year period.

(c) \$10,000,000 of the appropriation in this section is provided solely for a state match or state matches on private contributions that fund the production and preservation of affordable housing. Awards must be made using a competitive process. If any funding remains unallocated after the first fiscal year during the 2019-2021 fiscal biennium, the department may allocate the remaining funding through its annual competitive process for affordable housing projects that serve and benefit low-income and special needs populations in need of housing.

(d)(i) \$10,000,000 of the appropriation in this section is provided solely for housing preservation grants or loans to be awarded competitively.

(ii) The funds may be provided for major building improvements, preservation, and system replacements, necessary for the existing housing trust fund portfolio to maintain long-term viability. The department must require a capital needs assessment to be provided prior to contract execution. Funds may not be used to add or expand the capacity of the property.

(iii) To allocate preservation funds, the department must review applications and evaluate projects based on the following criteria:

(A) The age of the property, with priority given to buildings that are more than fifteen years old;

(B) The population served, with priority given to projects with at least 50 percent of the housing units being occupied by families and individuals at or below 50 percent area median income;

(C) The degree to which the applicant demonstrates that the improvements will result in a reduction of operating or utilities costs, or both;

(D) The potential for additional years added to the affordability period of the property; and

(E) Other criteria that the department considers necessary to achieve the purpose of this program.

(e)(i) \$7,000,000 of the appropriation in this section is provided solely for loans or grants to design and construct ultra-high energy efficient affordable housing projects.

(ii) To receive funding, a project must provide a life-cycle cost analysis report to the department and must demonstrate energy-saving and renewable energy systems either designed to reach net-zero energy use after housing is fully occupied or designed to achieve the most recent building standard of the passive house institute US as of the effective date of this section.

(iii) The department must consider, at a minimum and in any order, the following factors in assigning a numerical ranking to a project:

(A) Whether the proposed design has demonstrated that the project will achieve either net-zero energy use when fully occupied or will achieve the most recent building standard of the passive house institute US as of the effective date of this section;

(B) The life-cycle cost of the project;

(C) That the project demonstrates a design, use of materials, and construction process that can be replicated by the Washington building industry;

(D) The extent to which the project leverages nonstate funds;

(E) The extent to which the project is ready to proceed to construction;

(F) Whether the project promotes sustainable use of resources and environmental quality;

(G) Whether the project is being well managed to fund maintenance and capital depreciation;

(H) Reduction of housing and utilities carbon footprint; and

(I) Other criteria that the department considers necessary to achieve the purpose of this program.

(iv) The department must monitor and track the results of the housing projects that receive ultra-high energy efficiency funding under this section.

(f) (~~(\$45,950,000)~~) \$44,084,000 of the appropriation in this section is provided solely for the following list of housing projects:

Bellwether Housing (Seattle) .....	\$6,000,000
Capitol Hill Housing Broadway (Seattle) ..	\$6,000,000
Crosswalk Teen Shelter and Transitional Housing Project (Spokane) .....	\$1,000,000
Ethiopian Community Affordable Housing (Seattle) .....	\$3,000,000
<u>FFC New Construction (Statewide) .....</u>	<u>\$1,384,000</u>
FUSION Emergency Housing for Homeless Families (Federal Way) .....	\$3,000,000
Highland Village (Airway Heights) .....	\$5,500,000
Home At Last (Tacoma) .....	( <del>(\$1,500,000)</del> )
	<u>\$2,250,000</u>

Interfaith Works Shelter (Olympia) .....\$3,000,000

~~((NorthHaven Affordable Senior Housing Campus (Seattle).....\$1,000,000))~~

Pateros Gardens (Pateros) .....\$1,400,000

~~((Roslyn Housing Project (Roslyn).....\$2,000,000))~~

SCIDpda North Lot (Seattle) .....\$9,000,000

~~((Seattle Indian Health Board—Low Income Housing (Seattle).....\$1,000,000))~~

Tenny Creek Assisted Living (Vancouver)\$1,750,000

THA Arlington Drive (Tacoma) .....\$800,000

(g) \$6,000,000 of the appropriation for Capitol Hill Housing Broadway (Seattle) in (f) of this subsection is provided solely for the purchase of the three south annex properties. The state board for community and technical colleges must transfer the three south annex properties located at 1500 Broadway, 1534 Broadway, and 909 East Pine street in Seattle to Capitol Hill Housing to provide services and housing for homeless youth or young adults at the 1500 Broadway and 909 East Pine street properties for a minimum of fifty years. The transfer agreement between the state board for community and technical colleges and Capitol Hill Housing must specify a mutually agreed transfer date and require Capitol Hill Housing to cover any closing costs with a total purchase price of nine million dollars for the three properties. The contract between the department and Capitol Hill Housing must:

(i) Provide that Capitol Hill Housing is responsible for maintaining and securing the 1500 Broadway and 909 East Pine properties until the site is redeveloped;

(ii) Specify that, if Capitol Hill Housing does not construct at least seventy affordable housing units on the site by 2028, this funding must be fully repaid to the state or the land must revert back to the state; and

(iii) Require that Capitol Hill Housing transfer the 1534 Broadway property to YouthCare Service Center for the purpose of developing a youth community center.

(h) \$5,000,000 of the state taxable building construction account—state appropriation is provided solely for competitive grant awards for the development of community housing and cottage communities to shelter individuals or households experiencing homelessness. This funding must be awarded to projects that develop a minimum of four individual structures in the same location. Individual structures must contain insulation, electricity, overhead lights, and heating. Kitchens and bathrooms may be contained within the individual structures or offered as a separate facility that is shared with the community. When evaluating applications for this grant program, the department must prioritize projects that demonstrate:

(i) The availability of land to locate the community;

(ii) A strong readiness to proceed to construction;

(iii) A longer term of commitment to maintain the community;

(iv) A commitment by the applicant to provide, directly or through a formal partnership, case management and employment support services to the tenants;

(v) Access to employment centers, health care providers and other services; and

(vi) A community engagement strategy.

(i) ~~(((\$57,050,000))~~ \$55,666,000 of the appropriation in this section is provided solely for affordable housing projects that serve and benefit low-income and special needs populations in need of housing. Of the amounts appropriated in this subsection, the department must allocate the funds as follows:

(i) \$5,000,000 of the appropriation in this section is provided solely for housing for veterans;

(ii) ~~(((\$5,000,000))~~ \$3,616,000 of the appropriation in this section is provided solely for housing that serves people with developmental disabilities;

(iii) \$5,000,000 of the appropriation in this section is provided solely for housing that serves people who are employed as farmworkers; and

(iv)(A) \$5,000,000 of the appropriation in this section is provided solely for housing projects that benefit homeownership.

(B) During the 2019-2021 fiscal biennium, the department must use a separate application form for applications to provide homeownership opportunities and evaluate homeownership project applications as allowed under chapter 43.185A RCW.

(C) In addition to the definition of "first-time home buyer" in RCW 43.185A.010, for the purposes of awarding homeownership projects during the 2019-2021 fiscal biennium "first time home buyer" also includes:

(I) A single parent who has only owned a home with a former spouse while married;

(II) An individual who is a displaced homemaker as defined in 24 C.F.R. Sec. 93.2 as it existed on the effective date of this section, or such subsequent date as may be provided by the department by rule, consistent with the purposes of this section, and has only owned a home with a spouse;

(III) An individual who has only owned a principal residence not permanently affixed to a permanent foundation in accordance with applicable regulations; or

(IV) An individual who has only owned a property that is discerned by a licensed building inspector as being uninhabitable.

(2) In evaluating projects in this section, the department must give preference for applications based on some or all of the criteria in RCW 43.185.070(5).

(3)(a) The department must strive to allocate all of the amounts appropriated in this section within the 2019-2021

fiscal biennium in the manner prescribed in subsection (1) of this section. However, if upon review of applications the department determines there are not adequate suitable projects in a category, the department may allocate funds to projects serving other low-income and special needs populations, provided those projects are located in an area with an identified need for the type of housing proposed.

(b) By June 30, 2021, the department must report on its web site the following for every previous funding cycle: The number of homeownership and multifamily rental projects funded by housing trust fund moneys; the percentage of housing trust fund investments made to homeownership and multifamily rental projects; and the total number of households being served at up to eighty percent of the area median income, up to fifty percent of the area median income, and up to thirty percent of the area median income, for both homeownership and multifamily rental projects.

(4)(a) The department, in cooperation with the housing finance commission, must develop and implement a process for the collection of certified final development cost data from each grant or loan recipient under this section. The department must use this data as part of its cost containment policy.

(b) Beginning December 1, 2019, and continuing annually, the department must provide the legislature with a report of its final cost data for each project under this section. Such cost data must, at a minimum, include total development cost per unit for each project completed within the past year, descriptive statistics such as average and median per unit costs, regional cost variation, and other costs that the department deems necessary to improve cost controls and enhance understanding of development costs. The department must coordinate with the housing finance commission to identify relevant development costs data and ensure that the measures are consistent across relevant agencies.

#### Appropriation:

State Building Construction Account—State .....	(\$45,950,000))
	<u>\$44,084,000</u>
State Taxable Building Construction Account—State.....	(((\$129,050,000))
	<u>\$132,666,000</u>
Subtotal Appropriation .....	(((\$175,000,000))
	<u>\$176,750,000</u>
Prior Biennia (Expenditures) .....	\$0
Future Biennia (Projected Costs) .....	\$480,000,000
TOTAL .....	<u>\$655,000,000</u>
	<u>\$656,750,000</u>

**Sec. 1004.** 2019 c 413 s 1030 (uncodified) is amended to read as follows:



**FOR THE DEPARTMENT OF COMMERCE**

Pacific Tower Capital Improvements (40000037)

Appropriation:

State Taxable Building Construction Account—State

.....((~~\$1,020,000~~))\$1,376,000

Prior Biennia (Expenditures).....\$0

Future Biennia (Projected Costs).....\$5,311,000

TOTAL.....\$6,331,000\$6,687,000

**Sec. 1005.** 2019 c 413 s 1035 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF COMMERCE**

Clean Energy Transition 4 (40000042)

The appropriations in this section are subject to the following conditions and limitations:

(1) The appropriations are provided solely for projects that provide a benefit to the public through development, demonstration, and deployment of clean energy technologies that save energy and reduce energy costs, reduce harmful air emissions, or increase energy independence for the state. Priority must be given to projects that benefit vulnerable populations, including tribes and communities with high environmental or energy burden.

(2) In soliciting and evaluating proposals, awarding contracts, and monitoring projects under this section, the department must:

(a) Ensure that competitive processes, rather than sole source contracting processes, are used to select all projects, except as otherwise noted in this section; and

(b) Conduct due diligence activities associated with the use of public funds including, but not limited to, oversight of the project selection process, project monitoring, and ensuring that all applications and contracts fully comply with all applicable laws including disclosure and conflict of interest statutes.

(3)(a) Pursuant to chapter 42.52 RCW, the ethics in public service act, the department must require a project applicant to identify in application materials any state of Washington employees or former state employees employed by the firm or on the firm's governing board during the past twenty-four months. Application materials must identify the individual by name, the agency previously or currently employing the individual, job title or position held, and separation date. If it is determined by the department that a conflict of interest exists, the applicant may be disqualified from further consideration for award of funding.

(b) If the department finds, after due notice and examination, that there is a violation of chapter 42.52 RCW, or any similar statute involving a grantee who received funding under this section, either in procuring or performing under the grant, the department in its sole discretion may

terminate the funding grant by written notice. If the grant is terminated, the department must reserve its right to pursue all available remedies under law to address the violation.

(4) The requirements in subsections (2) and (3) of this section must be specified in funding agreements issued by the department.

(5) \$6,107,000 of the state building construction account—state appropriation is provided solely for grid modernization grants for projects that: Advance clean and renewable energy technologies and transmission and distribution control systems; support integration of renewable energy sources, deployment of distributed energy resources, and sustainable microgrids; and increase utility customer options for energy sources, energy efficiency, energy equipment, and utility services.

(a) Projects must be implemented by public and private electrical utilities that serve retail customers in the state. Priority must be given to: (i) Projects that benefit vulnerable populations, including tribes and communities with high environmental or energy burden; and (ii) projects that have a partner that is a tribe or nonprofit organization that serves community eligible entities. Utilities may partner with other public and private sector research organizations, businesses, tribes, and nonprofit organizations in applying for funding.

(b) The department shall develop a grant application process to competitively select projects for grant awards, to include scoring conducted by a group of qualified experts with application of criteria specified by the department. In development of the application criteria, the department shall, to the extent possible, allow smaller utilities or consortia of small utilities to apply for funding.

(c) Applications for grants must disclose all sources of public funds invested in a project.

(d) \$4,400,000 of the state building construction account—state appropriation is provided solely for providing shore power electrification at terminal five for the northwest seaport alliance. In order to receive this grant, the northwest seaport alliance must demonstrate that they applied to the VW settlement for this project and were denied.

(6)(a) \$8,100,000 of the state building construction account—state appropriation is provided solely for competitive grants for strategic research and development for new and emerging clean energy technologies. These grants will be used to match federal or other nonstate funds to research, develop, and demonstrate clean energy technologies.

(b) The department shall consult and coordinate with the University of Washington, Washington State University, the Pacific Northwest national laboratory and other clean energy organizations to design the grant program. Clean energy organizations who compete for grants from the program may not participate in the design of the grant program. Criteria for the grant program must include life cycle cost analysis for projects that are part of the competitive process.

(c) The program may include, but is not limited to: Solar technologies, advanced bioenergy and biofuels, development of new earth abundant materials or lightweight materials, advanced energy storage, battery components recycling, and new renewable energy and energy efficiency technologies.

(d) \$1,000,000 of the state building construction account—state appropriation is provided solely for grants that enhance the viability of dairy digester bioenergy projects, energy efficiency, and resource recovery to demonstrate advanced nutrient recovery systems that produce value added biofertilizers, reduce trucking of lagoon water, and improve soil health and air and water quality. Grants shall include at least one project east of the Cascades and one project west of the Cascades. State agencies must promote and demonstrate the use of such recovered biofertilizers through state procurement and contracts.

(7)(a) \$3,000,000 of the state taxable building construction account—state appropriation is provided solely as grants to nonprofit lenders to create a revolving loan fund to support the widespread use of proven energy efficiency and renewable energy technologies by or for the benefit of households with high energy burden or environmental health risk now inhibited by lack of access to capital.

(b) The department shall provide grant funds to one or more competitively selected nonprofit lenders that will provide at least fifteen percent matching private capital and will administer the loan fund. The department must select the loan fund administrator or administrators through a competitive process, with scoring conducted by a group of qualified experts, applying criteria specified by the department.

(c) The department must establish guidelines that specify applicant eligibility, the screening process, and evaluation and selection criteria. The guidelines must be used by the nonprofit lenders.

(8) \$5,000,000 of the state building construction account—state appropriation is provided solely for the Washington Maritime Innovation Center. The center must be used to support technology acceleration and incubation, and act as a focal point for maritime sustainability, including, but not limited to, supporting technology development for maritime decarbonization and electrification.

(9) \$8,300,000 of the state taxable construction account—state appropriation is provided solely for scientific instruments to help accelerate research in grid-scale energy storage at the proposed grid-scale energy storage research, development, and testing facility at the Pacific Northwest national laboratory. The state funds are contingent on securing federal funds for the new facility, and are provided as a match to the federal funding. The instruments will support collaborations with the University of Washington and the Washington State University.

(10) \$593,000 of the state building construction account—state appropriation is provided solely to the port of Grays Harbor for an offshore ocean wave renewable energy demonstration project.

(11) \$1,500,000 of the state building construction account—state appropriation is provided solely to the ~~((Port of))~~ Skagit county public works department for the Guemes ferry dock shore power charging infrastructure.

#### Appropriation:

State Building Construction Account—State .....	\$21,300,000
State Taxable Building Construction Account—State .....	\$11,300,000
Subtotal Appropriation .....	\$32,600,000
Prior Biennia (Expenditures) .....	\$0
Future Biennia (Projected Costs) .....	\$160,000,000
TOTAL .....	\$192,600,000

**Sec. 1006.** 2019 c 413 s 1037 (uncodified) is amended to read as follows:

#### FOR THE DEPARTMENT OF COMMERCE

##### 2019-21 Early Learning Facilities (40000044)

The appropriations in this section are subject to the following conditions and limitations:

(1) ~~(((\$200,000))~~ \$300,000 of the state building construction account—state appropriation is provided solely for the department of children, youth, and families to provide technical assistance to the department for the early learning facilities grants in this section.

(2) ~~(((\$6,100,000))~~ \$9,062,000 of the state building construction account—state appropriation is provided solely for the following list of early learning facility projects in the following amounts:

Proclaim Liberty Early Learning Facility ..	\$1,000,000
Roosevelt Child Care Center .....	\$1,500,000
City of Monroe, Boys & Girls Club ECEAP Facility .....	\$1,000,000
Family Support Center Olympia .....	\$600,000
Centralia-Chehalis Early Learning Conversion Project .....	<del>(((\$2,000,000))</del> <u>\$3,000,000</u>
<u>Club Discovery Early Learning</u> .....	\$100,000
<u>Anacortes Family Center</u> .....	\$309,000
<u>Boys &amp; Girls Club Daycare</u> .....	\$773,000
<u>Issaquah School District Early Learning Center</u> .....	\$155,000
<u>Opportunity Council Early Learning Central Kitchen</u> .....	\$52,000
<u>Samish Longhouse Early Learning Center Expansion</u> .....	\$273,000
<u>Triumph Treatment Services Child Care</u> .....	\$300,000

(3) \$4,186,000 of the early learning facilities development account—state appropriation in this section is provided solely for the following list of early learning facility projects for school districts, subject to the provisions of RCW 43.31.573 through 43.31.583 and 43.84.092, in the following amounts:

Toppenish School District .....	\$111,000
Manson School District .....	\$400,000
Kettle Falls School District .....	\$395,000
North Thurston School District .....	\$324,000
Ellensburg School District .....	\$800,000
Everett School District .....	\$800,000
Tukwila School District.....	\$196,000
Richland School District .....	\$800,000
Lake Quinault School District.....	\$360,000

(4) The remaining portion of the appropriation in this section is provided solely for early learning facility grants and loans subject to the provisions of RCW 43.31.573 through 43.31.583 and 43.84.092 to provide state assistance for designing, constructing, purchasing, expanding, or modernizing public or private early learning education facilities for eligible organizations.

(5) The department of children, youth, and families must develop methodology to identify, at the school district boundary level, the geographic locations of where early childhood education and assistance program slots are needed to meet the entitlement specified in RCW 43.216.556. This methodology must be linked to the caseload forecast produced by the caseload forecast council and must include estimates of the number of slots needed at each school district. This methodology must inform any early learning facilities needs assessment conducted by the department of commerce and the department of children, youth, and families. This methodology must be included as part of the budget submittal documentation required by RCW 43.88.030.

(6) When prioritizing areas with the highest unmet need for early childhood education and assistance program slots, the committee of early learning experts convened by the department of commerce pursuant to RCW 43.31.581 must first consider those areas at risk of not meeting the entitlement in accordance with RCW 43.216.556.

(7) The department of commerce must track the number of slots being renovated separately from the number of slots being constructed and, within these categories, must track the number of slots separately by program for the working connections child care program and the early childhood education and assistance program.

(8) When prioritizing applications for projects, pursuant to subsection (4) of this section, within the boundaries of a regional transit authority in a county that has received distributions or appropriations under RCW 43.79.520, the department must give priority to applications

for which at least ten percent of the total project cost is supported by those distributions or appropriations.

(9) The department, in consultation with the office of the superintendent of public instruction and the department of children, youth, and families must identify buildings in the inventory and condition of schools database that are no longer included in the inventory of K-12 instructional space for purposes of calculating school construction assistance pursuant to chapter 28A.515 RCW, but that could be repurposed as early learning facilities and made available to eligible organizations. The department must report its findings and the list of buildings identified in this section to the office of financial management and the appropriate fiscal committees of the legislature by January 15, 2020.

#### Appropriation:

State	Building	Construction	Account—State
.....	.....	.....	(( <del>\$6,300,000</del> ))
			<u>\$9,362,000</u>

#### Early Learning Facilities Revolving

Account—State.....	(( <del>\$18,014,000</del> ))
	<u>\$22,248,000</u>

Early Learning Facilities Development Account—State.....	\$4,186,000
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Subtotal Appropriation .....	(( <del>\$28,500,000</del> ))
	<u>\$35,796,000</u>

Prior Biennia (Expenditures) .....	\$0
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Future Biennia (Projected Costs) .....	\$80,000,000
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TOTAL .....	<u>\$108,500,000</u>
	<u>\$115,796,000</u>

**Sec. 1007.** 2019 c 413 s 1028 (uncodified) is amended to read as follows:

#### FOR THE DEPARTMENT OF COMMERCE

##### Behavioral Health Community Capacity (40000018)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 6004 of this act.

#### Reappropriation:

State	Building	Construction	Account—State
.....	.....	.....	(( <del>\$84,500,000</del> ))
			<u>\$77,223,000</u>

Prior Biennia (Expenditures) .....	\$5,876,000
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Future Biennia (Projected Costs) .....	\$0
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TOTAL .....	<u>\$90,376,000</u>
	<u>\$83,099,000</u>

**Sec. 1008.** 2019 c 413 s 1033 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF COMMERCE**

2019-21 Community Economic Revitalization Board  
(40000040)

## Appropriation:

Public Facility Construction Loan Revolving

Account—State .....(~~\$8,600,000~~)  
\$18,600,000

Prior Biennia (Expenditures).....\$0

Future Biennia (Projected Costs).....\$34,400,000

TOTAL.....\$43,000,000  
\$53,000,000

**NEW SECTION. Sec. 1009.** A new section is added to 2019 c 413 (uncodified) to read as follows:**FOR THE DEPARTMENT OF COMMERCE**

Seattle Vocational Institute (40000136)

It is the intent of the legislature that this funding be provided for the Seattle Vocational Institute no later than June 30, 2021, once the community preservation and development authority has selected board members and the title of the Seattle Vocational Institute building has been transferred to the board.

## Appropriation:

State Building Construction Account—State  
 .....\$1,300,000

Prior Biennia (Expenditures).....\$0

Future Biennia (Projected Costs).....\$0

TOTAL.....\$1,300,000

**Sec. 1010.** 2019 c 413 s 1041 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF COMMERCE**

2019-21 Behavioral Health Capacity Grants  
(40000114)

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation in this section is provided solely for the department of commerce to issue grants to community hospitals or other community providers to expand and establish new capacity for behavioral health services in communities. The department of commerce must consult an advisory group consisting of representatives from the department of social and health services, the health care authority, one representative from a managed care organization, one representative from an accountable care organization, and one representative from the association of county human services. Amounts provided in this section may be used for construction and equipment costs associated with establishment of the facilities. The department of commerce may approve funding for the acquisition of a facility or land if the project results in increased capacity.

Amounts provided in this section may not be used for operating costs associated with the treatment of patients using these services.

(2) The department must establish criteria for the issuance of the grants, which must include:

(a) Evidence that the application was developed in collaboration with one or more regional behavioral health entities that administer the purchasing of services;

(b) Evidence that the applicant has assessed and would meet gaps in geographical behavioral health services needs in their region;

(c) Evidence that the applicant is able to meet applicable licensing and certification requirements in the facility that will be used to provide services;

(d) A commitment by applicants to serve persons who are publicly funded and persons detained under the involuntary treatment act under chapter 71.05 RCW;

(e) A commitment by the applicant to maintain and operate the beds or facility for a time period commensurate to the state investment, but for at least a fifteen-year period;

(f) The date upon which structural modifications or construction would begin and the anticipated date of completion of the project;

(g) A detailed estimate of the costs associated with opening the beds;

(h) A financial plan demonstrating the ability to maintain and operate the facility; and

(i) The applicant's commitment to work with local courts and prosecutors to ensure that prosecutors and courts in the area served by the hospital or facility will be available to conduct involuntary commitment hearings and proceedings under chapter 71.05 RCW.

(3) In awarding funding for projects in subsection (5) of this section, the department, in consultation with the advisory group established in subsection (1) of this section, must strive for geographic distribution and allocate funding based on population and service needs of an area. The department must consider current services available, anticipated services available based on projects underway, and the service delivery needs of an area.

(4) The department must prioritize projects that increase capacity in unserved and underserved areas of the state.

(5) (~~(\$47,000,000)~~) \$73,231,000 is provided solely for a competitive process for each category listed and is subject to the criteria in subsections (1), (2), (3), and (4) of this section:

(a) (~~(\$4,000,000)~~) \$11,277,000 is provided solely for at least (~~two~~) six enhanced service facilities for long-term placement of patients discharged or diverted from the state psychiatric hospitals and that are not subject to federal funding restrictions that apply to institutions of mental diseases. The department may award the amounts provided

in this subsection (5)(a) to eligible applicants that applied in the first round;

(b) \$10,000,000 is provided solely for enhanced adult residential care facilities for long-term placements of dementia discharged or diverted from the state psychiatric hospitals and are not subject to federal funding restrictions that apply to institutions of mental diseases;

(c) \$4,000,000 is provided solely for at least two facilities with secure withdrawal management and stabilization treatment beds that are not subject to federal funding restrictions that apply to institutions of mental diseases;

(d) \$2,000,000 is provided solely for one or more crisis diversion or stabilization facilities to add sixteen beds in the Spokane region that will address both urban and rural needs, consistent with the settlement agreement in *A.B. by and through Trueblood, et al., v. DSHS, et al.* and that are not subject to federal funding restrictions that apply to institutions of mental diseases;

(e) \$5,000,000 is provided solely for at least four mental health peer respite centers that are not subject to federal funding restrictions that apply to institutions of mental diseases. No more than one mental health peer respite center should be funded in each of the nine regions;

(f) \$8,000,000 is provided solely for the department to provide grants to community hospitals, freestanding evaluation and treatment providers, or freestanding psychiatric hospitals to develop capacity for beds to serve individuals on ninety-day or one hundred eighty-day civil commitments as an alternative to treatment in the state hospitals. In awarding this funding, the department must coordinate with the department of social and health services, the health care authority, and the department of health and must only select facilities that meet the following conditions:

(i) The funding must be used to increase capacity related to serving individuals who will be transitioned from or diverted from the state hospitals;

(ii) The facility is not subject to federal funding restrictions that apply to institutions of mental diseases;

(iii) The provider has submitted a proposal for operating the facility to the health care authority;

(iv) The provider has demonstrated to the department of health and the health care authority that it is able to meet the applicable licensing and certification requirements for the facility that will be used to provide services; and

(v) The health care authority has confirmed that it intends to contract with the facility for operating costs within funds provided in the omnibus operating appropriations act for these purposes.

(g) \$4,000,000 is provided solely for competitive community behavioral health grants to address regional needs;

(h) \$8,000,000 is provided solely for at least four intensive behavioral health treatment facilities for long-term placement of behavioral health patients with complex needs

and that are not subject to federal funding restrictions that apply to institutions of mental diseases; and

(i) ~~(((\$2,000,000))~~ \$20,954,000 is provided solely for grants to community providers to increase behavioral health services and capacity for children and minor youth including, but not limited to, services for substance use disorder treatment, sexual assault and traumatic stress, anxiety, or depression, and interventions for children exhibiting aggressive or depressive behaviors in facilities that are not subject to federal funding restrictions. Consideration must be given to programs that incorporate outreach and treatment for youth dealing with mental health or social isolation issues. The department may award the amounts provided in this subsection (5)(i) to eligible applicants that applied in the first round.

(6) \$1,000,000 of the state taxable building construction account—state is provided solely for deposit into the revolving fund established in Second Substitute House Bill No. 1528 (recovery support services) for capital improvements. ~~((If the bill is not enacted by June 30, 2019, the amount provided in this subsection shall lapse.))~~

(7) ~~(((\$49,543,000))~~ (a) \$47,935,000 is provided solely for the following list of projects and is subject to the criteria in subsection (1) of this section:

CHAS Spokane Behavioral Health .....	\$400,000
<del>((Chelan SUD Design .....</del>	<del>\$206,000</del>
<del>Columbia Valley Community Health Remodel .....</del>	<del>\$31,000))</del>
Colville SUD Facility .....	\$4,523,000
<del>((Community Health of Snohomish County Edmonds .....</del>	<del>\$1,000,000))</del>
DESC Health Clinic.....	\$6,000,000
Detox/Inpatient SUD Building (Centralia) ...	\$750,000
Evergreen RC Addiction Treatment Facility for	
Mothers (Everett).....	\$2,000,000
HealthPoint Behavioral Health Expansion (Auburn)	
.....	\$1,030,000
Issaquah Opportunity Center (Issaquah) ....	\$3,000,000
Jamestown S'Klallam Behavioral Health ...	\$7,200,000
Lynnwood Sea Mar Behavioral Health Expansion	
.....	\$1,000,000
Nexus Youth and Families.....	\$535,000
North Sound SUD Treatment Facility (Everett)	
.....	\$1,500,000
Oak Harbor Tri-County Behavioral Health	\$1,000,000
Peninsula Community Health Services Behavioral	
Health Expansion (Bremerton) .....	\$1,700,000
Providence Regional Medical Center .....	\$4,700,000
<del>((Sea Mar Community Health Centers Seattle BH</del>	

<del>(Seattle)</del> .....	<del>\$371,000))</del>
Sedro-Woolley North Sound E&T .....	\$6,600,000
Spokane Crisis Stabilization.....	\$2,000,000
Virginia Mason Acute Stabilization .....	\$2,200,000
Yakima Neighborhood Health Services .....	\$488,000
Yakima Valley Farm Workers Clinic .....	\$309,000
YVFWC Children's Village.....	\$1,000,000
<u>(b) \$3,577,000 is provided solely for the following list of projects and is subject to the criteria in subsection (1) of this section, except that the following projects are not required to establish new capacity:</u>	
<u>Chelan SUD Design .....</u>	<u>\$206,000</u>
<u>Community Health of Snohomish County Edmonds .....</u>	<u>\$1,000,000</u>
<u>The Parkside Place Project (Wenatchee) ...</u>	<u>\$2,000,000</u>
<u>Sea Mar Community Health Centers Seattle BH (Seattle).....</u>	<u>\$371,000</u>

~~(8)((a) \$20,000,000 of the appropriation in this section is provided solely for a contract with MultiCare to provide a mixed use psychiatric care facility in Auburn. The facility must include twelve to eighteen crisis stabilization beds, sixty commitment beds for short term stays, and sixty long term involuntary commitment beds for persons on a ninety day or one hundred eighty day civil commitment.~~

~~(b) The funding in this subsection is subject to the recipient maintaining and operating the beds for at least thirty years to serve (i) persons who are publicly funded and (ii) persons who are detained under the involuntary treatment act under chapter 71.05 RCW.~~

~~(9))~~ \$408,000 is provided solely for the department for the purpose of providing technical assistance for the community behavioral health grants.

~~((40))~~ (9) The department of commerce must notify all applicants that they may be required to have a construction review performed by the department of health.

~~((44))~~ (10) To accommodate the emergent need for behavioral health services, the department of health and the department of commerce, in collaboration with the health care authority and the department of social and health services, must establish a concurrent and expedited process to assist grant applicants in meeting any applicable regulatory requirements necessary to operate inpatient psychiatric beds, freestanding evaluation and treatment facilities, enhanced services facilities, triage facilities, crisis stabilization facilities, or secure detoxification/secure withdrawal management and stabilization facilities.

~~((42))~~ (11) The department must strive to allocate all of the amounts appropriated within subsection (5) of this section in the manner prescribed. However, if upon review of applications, the department determines, in consultation with the advisory group established in subsection (1) of this section, that there are not adequate suitable projects in a

category, the department may allocate funds to other behavioral health capacity project categories within subsection (5) of this section, prioritizing projects in unserved areas of the state.

~~((43))~~ (12) The department must provide a progress report by November 1, 2020. The report must include:

(a) The total number of applications and amount of funding requested;

(b) A list and description of the projects approved for funding including state funding, total project cost, services anticipated to be provided, bed capacity, and anticipated completion date; and

(c) A status report of projects that received funding in prior funding rounds, including details about the project completion and the date the facility began providing services.

#### Appropriation:

State Building Construction Account—State .....	<del>((117,951,000))</del>
	\$125,151,000
State Taxable Building Construction Account—State .....	\$1,000,000
Subtotal Appropriation .....	\$126,151,000
Prior Biennia (Expenditures) .....	\$0
Future Biennia (Projected Costs) .....	\$360,000,000
TOTAL .....	\$477,951,000
	\$486,151,000

**Sec. 1011.** 2019 c 413 s 1042 (uncodified) is amended to read as follows:

#### FOR THE DEPARTMENT OF COMMERCE

##### 2020 Local and Community Projects (40000116)

The appropriation in this section is subject to the following conditions and limitations:

(1) The department shall not expend the appropriation in this section unless and until the nonstate share of project costs have been either expended or firmly committed, or both, in an amount sufficient to complete the project or a distinct phase of the project that is useable to the public for the purpose intended by the legislature. This requirement does not apply to projects where a share of the appropriation is for design costs only.

(2) Prior to receiving funds, project recipients must demonstrate that the project site is under control for a minimum of ten years, either through ownership or a long-term lease. This requirement does not apply to appropriations for preconstruction activities or appropriations in which the sole purpose is to purchase real property that does not include a construction or renovation component.

(3) Projects funded in this section may be required to comply with Washington's high performance building standards as required by chapter 39.35D RCW.

(4) Project funds are available on a reimbursement basis only, and shall not be advanced under any circumstances.

(5) In contracts for grants authorized under this section the department shall include provisions which require that capital improvements be held by the grantee for a specified period of time appropriate to the amount of the grant and that facilities be used for the express purpose of the grant. If the grantee is found to be out of compliance with provisions of the contract, the grantee shall repay to the state general fund the principal amount of the grant plus interest calculated at the rate of interest on state of Washington general obligation bonds issued most closely to the date of authorization of the grant.

(6) Projects funded in this section, including those that are owned and operated by nonprofit organizations, are generally required to pay state prevailing wages.

(7) The appropriation is provided solely for the following list of projects:

al?al "Home" in Lushootseed (Seattle) .....	\$947,000
4th Ave. Street Enhancement (White Center) .....	\$670,000
Abigail Stuart House (Olympia).....	\$250,000
Aging in PACE Washington (AiPACE) (Seattle) .....	\$1,500,000
Airport Utility Extension (Pullman) .....	\$1,626,000
Aquatic and Recreation Center (King County) .....	\$1,050,000
Arivva Community Center (Tacoma).....	\$1,000,000
Arlington B&G Club Parking Safety (Arlington) .....	\$530,000
Asotin Masonic Lodge (Asotin) .....	\$62,000
Auburn Arts & Culture Center (Auburn).....	\$500,000
Audubon Center (Sequim).....	\$1,000,000
B&GC of Olympic Peninsula (Port Angeles) .....	\$500,000
B&GC of Thurston County (Lacey).....	\$98,000
Ballard Food Bank (Seattle) .....	\$750,000
((Battle Ground YMCA (Battle Ground) ..	\$500,000))
Beacon Center Renovation (Tacoma).....	\$1,000,000
Bellevue HERO House (Bellevue) .....	\$46,000
Benton Co. Museum Building Improvements (Prosser).....	\$103,000
Big Brothers Big Sisters Learning Lab (Olympia) .....	\$56,000

Blue Mountain Action Council Comm. Services Center	
(Walla Walla) .....	\$1,000,000
Bothell Downtown Revitalization (Bothell) .....	\$1,500,000
Bowers Field Airport (Ellensburg) .....	\$275,000
Boys & Girls Club of Thurston Co. Upgrades (Rochester) .....	\$31,000
Boys & Girls Club Roof and Flooring Repairs (Federal Way).....	\$319,000
Breeze Creek Culvert Replacement/East 4th St. Widening	
(La Center).....	\$1,500,000
Browns Park Project (Spokane Valley).....	\$536,000
Buffalo Soldiers' Museum (Seattle) .....	\$200,000
Camas Washougal Nature Play Area (Washougal) .....	\$103,000
Campus Towers (Longview).....	\$228,000
Carbonado Water Source Protection Acquisition (Carbonado) .....	\$1,500,000
Carl Maxey Center (Spokane) .....	\$350,000
Carlisle Lake Park Improvements (Onalaska) .....	\$213,000
Carlyle Housing Facility Upgrades (Spokane) .....	\$400,000
Cathlamet Pioneer Center Restoration (Cathlamet) .....	\$165,000
Centerville Fire Dept. (Centerville) .....	\$216,000
Centerville Grange (Centerville).....	\$90,000
Centralia Fox Theater (Centralia) .....	\$1,000,000
Chehalis River Bridge Ped Safety Lighting Ph2 (Aberdeen) .....	\$323,000
Cheney Reclaimed Water Project (Cheney) .....	\$2,000,000
Chief Kitsap Education and Community Resource Center	
(Poulsbo).....	\$1,000,000
Chief Leschi Schools Facilities & Safety Project (Puyallup) .....	\$250,000
Chief Leschi Schools Safety & Security (Puyallup) .....	\$250,000
((Children's Center Design & Feasibility Study (Vancouver) .....	\$400,000))
Clymer Museum Remodel Ph2 (Ellensburg)	\$258,000

Colfax Pantry Building (Colfax) ..... \$247,000

Community Services of Moses Lake Food Bank Facility  
(Moses Lake)..... \$2,000,000

Conconully Community Services Complex (Conconully)..... \$515,000

Cosmopolis Elem. Energy & Safety (Cosmopolis) ..... \$206,000

Coulee City Medical Clinic (Coulee City) ... \$150,000

Curran House Museum (University Place)..... \$43,000

Dakota Homestead (Seattle) ..... \$155,000

Dawson Park Improvements (Tacoma) ...((~~\$258,000~~))  
\$515,000

Dayton Pump Station (Edmonds)..... \$515,000

((~~Dock and Marine Terminal (Seattle)~~ ..... ~~\$750,000~~))

Downtown Park Gateway (Bellevue) ..... \$1,030,000

Dungeness River Audubon Center Expansion (Sequim) ..... \$500,000

East Blaine Infrastructure (Blaine) ..... \$500,000

Ejido Community Farm (Whatcom)..... \$250,000

El Centro de la Raza Federal Way Office (Federal Way) ..... \$1,000,000

Enumclaw Aquatic Center (Enumclaw) ..... \$258,000

Enumclaw Expo Center Roof (Enumclaw) .. \$250,000

Everett TOD Study (Everett)..... \$200,000

Everett YMCA (Everett) ..... \$1,000,000

Evergreen High School Health Center (Vancouver) ..... \$388,000

Evergreen Speedway Capital Improvement (Monroe) ..... \$150,000

Excelsior Integrated Care Ctr. Sports Court (Spokane) ..... \$266,000

Excelsior Roof & Gym Repair (Spokane) .... \$263,000

Excelsior Vocational Education Space (Spokane) ..... \$164,000

Expanding on Excellence Capital Campaign (White Salmon)..... \$500,000

Family Education and Support Services (Tumwater) ..... \$500,000

Felts Field Gateway Improvement Phase 1 (Spokane) ..... \$100,000

Fennel Creek Trailhead (Bonney Lake) ..... \$258,000

Filipino Hall Renovation (Wapato) ..... \$63,000

Fircrest Pool (Fircrest)..... \$1,000,000

FISH Food Bank (Ellensburg) .....\$772,000

Fishtrap Creek Habitat Improvement (Lynden) .....\$258,000

Flood Plain Stabilization, Habitat Enhancement (Kent) .....\$1,000,000

Food Lifeline (Seattle) .....\$1,004,000

Foothills Trail Extension (Wilkeson).....\$500,000

Fort Steilacoom Park Artificial Turf Infields (Lakewood).....\$1,015,000

Fourth Plain Community Commons (Vancouver) .....\$800,000

Garfield Co. Hospital HVAC (Pomeroy).....\$250,000

Gateway Center (Grays Harbor) .....\$500,000

Gene Coulon Memorial Beach Park Play Equipment Upgrade (Renton) .....\$618,000

George Community Hall Roof (George).....\$201,000

George Davis Creek Fish Passage Project (Sammamish) .....\$515,000

Gig Harbor Food Bank (Gig Harbor).....\$180,000

Goldendale Airport (Goldendale) .....\$550,000

((~~Grand Connection Downtown Park Gateway (Bellevue)~~ ..... ~~\$1,000,000~~))

Granger Historical Museum Construction (Granger) .....\$150,000

Granite Falls Police Dept. Renovation Project (Granite Falls).....\$412,000

Grays Harbor and Willapa Bay Sedimentation (Grays Harbor) .....\$464,000

Grays Harbor YMCA (Grays Harbor) .....\$293,000

Greater Maple Valley Veterans Memorial (Maple Valley).....\$102,000

Green Bridges, Healthy Communities; Aurora Bridge I-5 (Seattle).....\$1,500,000

Greenwood Cemetery Restoration (Centralia) .....\$402,000

Greenwood Cemetery Safety Upgrades (Centralia) .....\$91,000

HealthPoint (Tukwila) .....\$1,000,000

HealthPoint Dental Expansion (SeaTac)....\$1,545,000

Heritage Senior Housing (Chelan) .....\$52,000

High Dune Trail & Conservation Project (Ocean Shores) .....\$140,000



Historic Downtown Chelan Revitalization (Chelan)	KNKX Radio Studio (Tacoma).....	\$824,000
.....	Lacey Veterans Services Hub Facility Renovation	
Historic Olympic Stadium Preservation Project	(Lacey) .....	\$2,000,000
(Hoquiam).....	Lake Chelan Community Center (Lake Chelan)	
Historical Museum & Community Center Roof	.....	\$250,000
Replacement	Lake Chelan Water Supply (Wenatchee) .....	\$464,000
(Washtucna) .....	Lake City Community Center Replacement (Seattle)	
.....	.....	\$2,000,000
Historical Society Energy Upgrades (Anderson Island)	Lake Stevens Civic Center Phase II (Lake Stevens)	
.....	.....	\$1,000,000
Hoh Tribe Broadband (Grays Harbor).....	Lake Sylvia State Park Pavilion (Montesano)	
.....	.....	\$250,000
Horseshoe Lake ADA Upgrades (Woodland) .....	Lake Wilderness Park Improvements (Maple Valley)	
.....	.....	\$200,000
Housing Needs Study (Statewide) .....	Land Use & Infrastructure Subarea Plan (Mill Creek)	
.....	.....	\$300,000
Howard Bowen Event Complex (Sumas) ..	Larson Gallery Renovation (Yakima) .....	\$875,000
.....	Leffler Park (Manson) .....	\$265,000
Howe Farm Water Service (Port Orchard) .....	Legacy in Motion (Puyallup) .....	\$1,750,000
.....	Legacy Site Utility Infrastructure (Maple Valley)	
ICHS Bellevue Clinic Renovation Project (Bellevue)	.....	\$154,000
.....	Lewis Co. CHS Pediatric Clinic (Centralia) ..	\$84,000
Illahee Preserve's Lost Continent Acquisition	Little Badger Mountain Trailhead (Richland)	
(Bremerton) .....	.....	\$464,000
.....	Little Mountain Road Pipeline and Booster Station	
<del>(Iiwaco Boatyard Modernization (Iiwaco) .....</del>	(Mount Vernon).....	\$1,300,000
<del>\$458,000))</del>	Long Beach Police Department (Long Beach)	
Imagine Children's Museum Expansion and	.....	\$705,000
Renovation	Lopez Island Swim Center (Lopez Island) .....	\$1,000,000
(Everett) .....	Lummi Hatchery Project (San Juan) .....	\$1,000,000
.....	Mabton City Park (Mabton).....	\$54,000
Index Water System Design (Index) .....	Main Street Redevelopment Project - Phase 2	
.....	(University Place) .....	\$985,000
Infrastructure for Economic Development (Port	Mariner Community Campus (Everett) .....	\$2,250,000
Townsend) .....	Mary's Place (Burien) .....	\$2,050,000
.....	Marymount Museum/Spana-Park Senior Center	
Innovative Health Care Learning Center Phase 1	(Spanaway).....	\$1,000,000
(Yakima).....	McChord Airfield North Clear Zone (Lakewood)	
Interactive Educ. Enh./Friends Issaquah Hatchery	.....	\$500,000
(Issaquah) .....	McCormick Woods Sewer Lift #2 Improvements (Port	
.....	Orchard) .....	\$800,000
Intersection Improvements Juanita Dr. (Kirkland)	Melanie Dressel Park (Tacoma).....	\$500,000
.....	Mercer Is/Aubrey Davis Park Trail Upgrade (Mercer	
Japanese American Exclusion Memorial (Bainbridge	Island) .....	\$500,000
Island) .....		
.....		
Japanese Gulch Daylight Project (Mukilteo) .....		
.....		
Keller House and Carriage House Paint Restoration		
(Colville) .....		
.....		
\$45,000		
Key Kirkland Sidewalk Repairs (Kirkland) ..		
.....		
\$537,000		
Key Peninsula Elder Community (Gig Harbor)		
.....		
\$1,000,000		
Ki-Be School Parking Lot Improvements (Benton		
City).....		
.....		
\$268,000		
Kitsap Conservation Study (Kitsap) .....		
.....		
\$51,000		
Kittitas Valley Event Center (Ellensburg) .....		
.....		
\$206,000		
Klickitat Co. Sheriff Office Training Bldg.		
(Goldendale) .....		
.....		
\$335,000		

Missing & Murdered Indigenous Women Memorial (Toppenish)..... \$49,000

Monroe B&G Club ADA Improvements (Monroe) ..... \$464,000

Mountlake Terrace Main Street (Mountlake Terrace) ..... \$750,000

Mt. Adams Comm. Forest, Klickitat Canyon Rim Purchase (Glenwood) ..... \$400,000

Mt. Adams School District Athletic Fields (Harrah) ..... \$242,000

Mt. Peak Fire Lookout Tower (Enumclaw).. \$381,000

Mt. Spokane SP Ski Lift (Mead) ..... \$750,000

Mukilteo Promenade (Mukilteo) ..... \$500,000

Museum Storage Building (Steilacoom) ..... \$72,000

Naches Fire/Rescue, Yakima Co. #3 (Naches) ..... \$200,000

Naselle HS Music/Vocational Wing (Naselle) ..... \$258,000

Naselle Primary Care Clinic (Naselle) ..... \$216,000

Naselle SD Flooring (Naselle)..... \$237,000

NCRA Maint. Bldg., Parking Lot, Event Space (Castle Rock) ..... \$283,000

NEW Health Programs, Colville Dental Clinic (Colville)..... \$1,250,000

Newman Lake Flood Control Zone District (Newman Lake)..... \$415,000

North Elliott Bay Public Dock; Marine Transit Terminal (Seattle)..... ~~(\$1,000,000)~~

\$1,750,000

Northaven Affordable Senior Housing Campus (Seattle)..... \$1,000,000

Northshore Senior Center Rehabilitation Project (Bothell)..... \$500,000

Northwest African American Museum (Seattle) ..... \$500,000

Northwest Native Canoe Center (Seattle)..... \$986,000

NW School of Wooden Boatbuilding (Port Hadlock) ..... \$464,000

Oak Harbor Marina (Oak Harbor) ..... \$400,000

Oakville SD Kitchen Renovation (Oakville) \$517,000

Oddfellows Ellensburg Bldg. Restoration (Ellensburg) ..... \$267,000

Opening Doors - Permanent Supportive Housing Facility

(Bremerton) ..... \$750,000

Orting City Hall and Police Station (Orting) \$600,000

Orting Ped Evac Crossing (Orting)..... \$103,000

Othello Regional Water (Othello)..... \$425,000

Outdoors for All (Seattle) ..... \$1,000,000

Pacific Co. Fairgrounds Roof (Menlo)..... \$210,000

Packwood FEMA Floodplain Study (Packwood) ..... \$637,000

Pasco Farmers Market & Park (Pasco) ..... \$154,000

Pendergast Regional Park Phase II (Bremerton) ..... \$50,000

Peninsula Community Health Service Dental Mobile (Bremerton) ..... \$340,000

PenMet - Cushman Trail Enhancements (Gig Harbor) ..... \$52,000

PenMet Community Rec Center (Gig Harbor) ..... \$173,000

Pet Overpopulation Prevention Vet Clinic Building (West Richland)..... \$300,000

Pine Garden Apartment Roof (Shelton)..... \$46,000

Pioneer Park Fountain (Walla Walla) ..... \$9,000

Pomeroy Booster Pumping Station (Pomeroy) ..... ~~(\$96,000)~~

\$112,000

Port of Everett (Everett)..... \$300,000

Port of Ilwaco Boatyard Modernization (Ilwaco) ..... \$545,000

Port of Willapa Harbor Dredging Support Boat (Tokeland)..... \$180,000

Poulsbo Historical Society (Poulsbo)..... \$400,000

Prairie View Schoolhouse Community Center (Waverly) ..... \$57,000

Protect Sewer Plant from Erosion (Ocean Shores) ..... \$155,000

Puyallup Culvert Replacement (Puyallup).... \$515,000

Puyallup Street Frontage Improvement (Puyallup) ..... \$258,000

Puyallup VFW Kitchen Renovation (Puyallup) ..... \$52,000

Quincy Hospital (Quincy)..... \$300,000

Quincy Square on 4th (Bremerton)..... \$206,000

Recreation Park Renovation (Chehalis) ..... \$258,000

Redmond Pool (Redmond) ..... \$1,000,000

Renton Trail Connector (Renton) ..... \$500,000

Richmond Highland Recreation Center Repairs (Shoreline) .....	\$500,000
Rise Together White Center Project (King County) .....	\$1,000,000
Ritzville Business & Entrepreneurship Center (Ritzville).....	\$350,000
Rosalia Sewer Improvements (Rosalia).....	\$500,000
Roslyn Downtown Assoc. (Roslyn) .....	\$480,000
<u>Roslyn Housing Project (Roslyn).....</u>	<u>\$2,000,000</u>
Royal Park & Rec Ctr. (Royal City).....	\$250,000
Sargent Oyster House Maritime Museum (Allyn) .....	\$218,000
Schmid Ballfields Ph3 (Washougal).....	\$584,000
Scott Hill Park & Sports Complex (Woodland) .....	\$500,000
Sea Mar Community Health Centers Tumwater Dental (Olympia) .....	\$170,000
Seaport Landing (Aberdeen) ... <del>(((\$349,000))</del>	<u>\$404,000</u>
Seattle Aquarium (Seattle) .....	\$1,000,000
Seattle Goodwill (Seattle) .....	\$2,000,000
<u>Seattle Indian Health Board (Seattle) .....</u>	<u>\$1,000,000</u>
Sewage Lagoon Decommissioning (Concrete) .....	\$255,000
Shelton Civic Center Parking Lot (Shelton) .	\$283,000
Shoreline Maintenance Facility - Brightwater Site (Shoreline).....	\$500,000
Skabob House Cultural Center (Shelton) .....	\$350,000
Skagit County Sheriff Radios (Skagit) .....	\$1,000,000
Skamania Courthouse Plaza (Stevenson) .....	\$150,000
Snohomish Carnegie Project (Snohomish)...	\$500,000
Snohomish County Sheriff's Office South Precinct (Snohomish) .....	\$1,000,000
Snohomish Fire District #26 Communications Project (Gold Bar) .....	\$27,000
Snoqualmie Early Learning Center (Snoqualmie) .....	\$500,000
Snoqualmie Valley Youth Activities Center (North Bend) .....	\$412,000
South Fork Snoqualmie Levee Setback Project (North Bend) .....	\$250,000
SOZO Sports Indoor Arena (Yakima) .....	\$600,000
Spokane Sportsplex (Spokane).....	\$1,000,000

Springbrook Park Expansion & Clover Creek Restoration (Lakewood).....	\$773,000
SR 503 Ped/Bike Ph1&2 (Woodland).....	\$235,000
SR 530 "Oso" Slide Memorial (Arlington) ...	\$300,000
Stan and Joan Cross Park (Tacoma).....	\$500,000
Starfire Sports STEM (Tukwila).....	\$250,000
<del>((Step by Step (Puyallup).....</del>	<del>\$500,000))</del>
Stevens Co. Disaster Response Communications (Colville) .....	\$500,000
Sultan Water Treatment Plant Design (Sultan) .....	\$246,000
Sumas History Themed Playground and Water Park (Sumas) .....	\$288,000
Sunnyside Airport Hangar Maintenance Facility (Sunnyside).....	<del>(((\$500,000))</del>
	<u>\$750,000</u>
Sunnyside Yakima Valley-TEC Welding Program (Yakima) .....	\$26,000
Sunset Multi-Service & Career Development Center (Renton).....	\$1,000,000
SW WA Dance Center (Chehalis) .....	\$62,000
SW WA Fairgrounds (Chehalis).....	\$103,000
SW Washington Regional Agriculture & Innovation Park (Tenino) .....	\$1,500,000
Swede Hall Renovation (Rochester) .....	\$196,000
<del>((Tacoma Beacon Center Renovation (Tacoma) .....</del>	<del>\$1,000,000))</del>
Tacoma Community House (Tacoma).....	\$413,000
Tam O'Shanter Park Circulation & Parking Phase 2 (Kelso) .....	\$1,030,000
Tehaleh Slopes Bike Trail (Bonney Lake)....	\$309,000
<del>((Telford Helipad (Creston).....</del>	<del>\$52,000))</del>
Tenino City Hall Renovation (Tenino) .....	\$515,000
Terminal 1 Waterfront Development (Vancouver) .....	\$4,700,000
The AMP: Aids Memorial Pathway (Seattle) .....	\$600,000
The Morck Hotel (Aberdeen).....	\$500,000
Toledo Sewer & Water (Toledo) .....	\$469,000
Tonasket Senior Citizen Ctr. (Tonasket).....	\$33,000
Town Center to Burke Gilman Trail Connector	

(Lake Forest Park).....	\$500,000
Tukwila Village Food Hall (Tukwila) .....	\$400,000
Twin Springs Park (Kenmore).....	\$155,000
Twisp Civic Building & EOC (Twisp).....	\$1,288,000
United Way of Pierce County HVAC (Tacoma) .....	\$206,000
University Place Arts (University Place).....	\$34,000
Vertical Evacuation (Ocean Shores).....	\$500,000
Veterans Memorial Museum (Chehalis).....	\$123,000
Veterans Supportive Housing (Yakima)....	\$2,500,000
VOA Lynnwood Center (Lynnwood)....( <del>(\$1,000,000)</del> )	
<u>\$1,050,000</u>	
Volunteer Park Amphitheater (Seattle) .....	\$500,000
West Kelso Affordable Housing & Community Facility Study	
(Kelso).....	\$258,000
WA Poison Control IT (Seattle) .....	\$151,000
Waitsburg Taggart Road Waterline (Waitsburg) .....	\$456,000
Wallula Dodd Water System Improvement (Walla Walla) .....	\$1,000,000
Wapato Creek Restoration (Fife).....	\$258,000
Warren Ave. Playfield (Bremerton) .....	\$206,000
Washington Park Boat Launch Storm Damage (Anacortes) .....	\$200,000
Wesley Homes (Des Moines).....	\$2,000,000
Westport Dredge Material Use (Westport)...	\$250,000
Whidbey Is. B&G Coupeville (Coupeville) .	\$849,000
Whidbey Is. B&G Oak Harbor (Oak Harbor) .....	\$743,000
( <del>White Center Community HUB (Seattle)</del> \$500,000))	
Wilkeson Water Protection (Wilkeson).....	\$36,000
Willapa BH - Long Beach Safety Improvement Project (Long Beach).....	\$225,000
William Shore Memorial Pool (Port Angeles) .....	\$840,000
Wing Luke Museum Homestead Home (Seattle) .....	\$500,000
Wisdom Ridge Business Park (Ridgefield)	\$2,000,000
Yakima Co. Veterans Dental Facility (Yakima) .....	\$469,000
Yakima Valley Fair & Rodeo Multi-Use Facility (Grandview) .....	\$200,000

Yelm Business Incubator Serving Thurston/Pierce Counties (Yelm).....	\$200,000
Yelm Water Tower (Yelm) .....	\$303,000
YMCA Childcare Center Tenant Improvements (Woodinville).....	\$1,000,000

(8) \$400,000 of the appropriation in this section is provided solely to the city of Oak Harbor to enhance the fiscal sustainability and revenue generation of the city-owned marina through feasibility work, planning, development, and acquisition.

(9) \$200,000 of the appropriation in this section is provided solely for the department to contract for a study regarding both available and needed affordable housing for farmworkers and Native Americans in Washington state. The study must include data to inform policies related to affordable housing for farmworkers and Native Americans and supplement the housing assessment conducted by the affordable housing advisory board created in chapter 43.185B RCW.

(10) \$200,000 of the appropriation in this section is provided solely for a grant to the Tacoma buffalo soldiers' museum to conduct a feasibility study for the rehabilitation of building 734, the band barracks at Fort Lawton in Discovery park. The study will provide an assessment of general conditions of building 734 and cost estimates for a comprehensive rehabilitation of the building to meet current building codes including, but not limited to heating, ventilation, air conditioning, and mechanical systems, seismic retrofits, and compliance with the Americans with disabilities act.

(11) \$1,300,000 of the appropriation in this section is provided solely for a grant to the Skagit public utility district for the Little Mountain Road pipeline and booster station. \$1,000,000 of these funds are provided solely for the design phase of the project; \$150,000 of these funds are provided solely for land acquisition; and \$150,000 of these funds are provided solely to the district for a public outreach effort to solicit input on the project from residents and rate payers.

(12) \$1,500,000 of the appropriation in this section is provided solely for preconstruction activities by Aging in PACE (AiPACE) (Seattle).

(13) \$2,000,000 of the appropriation in this section for Roslyn Housing Project is provided solely for a grant to enable Forterra NW, or a wholly-owned subsidiary of Forterra NW, to begin work on a community development project in the city of Roslyn that includes housing, commercial, retail, or governmental uses. The work must include phased preacquisition due diligence, land acquisition or predevelopment engineering, design, testing, and permitting activities, including work done by both the appropriation recipient and third parties retained by the recipient.

#### Appropriation:

State Building Construction Account—State .....	( <del>(\$162,793,000)</del> )
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	<u>\$163,011,000</u>
Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs).....	\$0
TOTAL.....	<u>\$162,793,000</u>
	<u>\$163,011,000</u>

**Sec. 1012.** 2019 c 413 s 1043 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF COMMERCE**

Washington Broadband Program (40000117)

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation is provided solely for implementation of Second Substitute Senate Bill No. 5511 (broadband service). ~~((If the bill is not enacted by June 30, 2019, the amounts provided in this section shall lapse.))~~

(2) The funding in this section is provided solely for grants, loans, and administrative expenses related to implementation of the broadband program. Of the total funds:

(a) ~~(((\$14,440,000))~~ \$10,775,000 is provided solely for loans. Moneys attributable to appropriations of state bond proceeds may not be expended for loans to nongovernmental entities.

(b) ~~(((\$7,110,000))~~ \$10,775,000 is provided solely for grants.

~~((4))~~ (3) By January 1, 2021, in the first report to the legislature required under section 6 of Second Substitute Senate Bill No. 5511 (broadband service), the governor's statewide broadband office must include a list of potential regional projects that will accelerate broadband access by providing connections to local jurisdictions, with recommendations for how to fund such larger scale projects. This list must be developed within existing resources.

Appropriation:

Statewide Broadband Account—State ....	\$21,550,000
Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs).....	\$80,000,000
TOTAL.....	<u>\$101,550,000</u>

**NEW SECTION. Sec. 1013.** A new section is added to 2019 c 413 (uncodified) to read as follows:**FOR THE DEPARTMENT OF COMMERCE**

2021 Local and Community Projects (40000130)

The appropriation in this section is subject to the following conditions and limitations:

(1) The department may not expend the appropriation in this section unless and until the nonstate share of project costs have been either expended or firmly committed, or both, in an amount sufficient to complete the project or a distinct phase of the project that is useable to the public for

the purpose intended by the legislature. This requirement does not apply to projects where a share of the appropriation is for design costs only.

(2) Prior to receiving funds, project recipients must demonstrate that the project site is under control for a minimum of ten years, either through ownership or a long-term lease. This requirement does not apply to appropriations for preconstruction activities or appropriations in which the sole purpose is to purchase real property that does not include a construction or renovation component.

(3) Projects funded in this section may be required to comply with Washington's high performance building standards as required by chapter 39.35D RCW.

(4) Project funds are available on a reimbursement basis only, and may not be advanced under any circumstances.

(5) In contracts for grants authorized under this section, the department must include provisions that require that capital improvements be held by the grantee for a specified period of time appropriate to the amount of the grant and that facilities be used for the express purpose of the grant. If the grantee is found to be out of compliance with provisions of the contract, the grantee shall repay to the state general fund the principal amount of the grant plus interest calculated at the rate of interest on state of Washington general obligation bonds issued most closely to the date of authorization of the grant.

(6) Projects funded in this section, including those that are owned and operated by nonprofit organizations, are generally required to pay state prevailing wages.

(7) The appropriation is provided solely for the following list of projects:

Al Chief Seattle Club (Seattle) .....	\$200,000
92nd Ave. Sewer Ext. (Battle Ground) .....	\$258,000
Academy Smokestack Preservation (Vancouver) .....	\$103,000
African Refugee & Immigrant Housing (Tukwila) .....	\$200,000
AG Tour Train Ride (Reardan).....	\$125,000
Algona Wetland Preserve and Trail (Algona).....	\$50,000
Anderson Island Historical Society (Anderson Island) .....	\$10,000
Anderson Road Infrastructure (Chelan) .....	\$258,000
Ashley House (Shoreline).....	\$100,000
Asotin County Library Meeting Space (Clarkston) .....	\$13,000
ASUW Shell House (WWI Hanger/Canoe House) (Seattle) .....	\$100,000
Auburn Family YMCA (Auburn) .....	\$128,000
Ballard P-Patch (Seattle).....	\$258,000

Ballinger Park-Hall Creek Restoration (Mountlake Terrace).....	\$200,000	(Lind).....	\$25,000
Bellevue Parks Changing Tables (Bellevue)	\$100,000	Everett Recovery Cafe Renovation Project (Everett) .....	\$200,000
Bethel High School Pierce College Annex Campus (Graham).....	\$300,000	Federal Way Little League Fields (Federal Way) .....	\$50,000
Brewery Park Visitor Center (Tumwater) .....	\$50,000	Federal Way Safety Cameras (Federal Way)	\$103,000
Brewing Malting & Distilling System (Tumwater) .....	\$112,000	Field Arts and Events Hall (Port Angeles).	\$1,500,000
Bridgeport Irrigation (Brewster).....	\$70,000	Filipino Community Center (Seattle).....	\$1,000,000
Cathlamet Pioneer Center Restoration (Cathlamet) .....	\$55,000	Filipino-American Community Center (Bremerton) .....	\$165,000
Centralia Chehalis Steam Train Repair (Chehalis) .....	\$154,000	Five Mile Roundabout Art Project (Spokane).\$25,000	
Centro Cultural Mexicano (Redmond).....	\$80,000	Fort Worden PDA - Sage Arts & Ed Center (Port Townsend) .....	\$560,000
City of Fircrest Meter Replacement (Fircrest) .....	\$200,000	Franklin Pierce Farm ARC (Tacoma) .....	\$1,070,000
Columbia Dance Down Payment for Building Purchase		Fusion Housing (Federal Way).....	\$62,000
(Vancouver).....	\$100,000	George Schmid Ball Field #3 and Lighting Phase 3 (Washougal).....	\$200,000
Columbia Heritage Museum Repairs (Ilwaco) .....	\$150,000	Gig Harbor Community Campus (Gig Harbor) .....	\$52,000
Communities of Concern Commission (Statewide) .....	\$250,000	Gig Harbor Peninsula FISH (Gig Harbor) ....	\$250,000
Community House on Broadway Kitchen Upgrades (Longview).....	\$41,000	Grant Co. Fairgrounds Lighting (Moses Lake) .....	\$290,000
Community Hub Public Safety Initiative (Walla Walla) .....	\$200,000	Harlequin State Theater (Olympia).....	\$88,000
Community Pedestrian Safety (Tukwila) .....	\$100,000	Hilltop Housing (Tacoma) .....	\$500,000
Community Youth Services Renovation (Olympia) .....	\$155,000	Home At Last (Tacoma) .....	\$200,000
Conconully Fire & Rescue (Riverside).....	\$179,000	If You Could Save Just One (Spokane) .....	\$100,000
Creative Districts (Statewide).....	\$200,000	Index Water Line Replacement and Repair (Index) .....	\$105,000
Doris Morrison Environmental Learning Center (Greenacres) .....	\$500,000	Institute for Community Leadership (Kent)....	\$46,000
Downtown Pasco Revitalization (Pasco).....	\$350,000	Islands' Oil Spill Association (Friday Harbor) .....	\$232,000
Edmonds Carbon Recovery (Edmonds) .....	\$250,000	Jefferson County Food Preservation (Port Ludlow) .....	\$5,000
EL 79.2 Distribution System Design (Othello) .....	\$175,000	King County Emergency Training Facility (Fall City) .....	\$1,000,000
El Centro de la Raza (Seattle) .....	\$2,000,000	Kingston Coffee Oasis (Kingston).....	\$150,000
Emergency Lockdown Shelter for Outdoor Preschool (various) .....	\$24,000	Kitsap Humane Society (Silverdale).....	\$500,000
Emergency Shelter Project (Skykomish).....	\$20,000	Klickitat Co. Domestic Violence Shelter (Goldendale) .....	\$250,000
Emergency Structural Repairs 1902 Van Marter Building		Lacey Food Bank (Lacey).....	\$193,000
		Lake Stevens Early Learning Library (Lake Stevens) .....	\$150,000
		Lake WA Loop Trail Bicycle Safety Improvements (Kenmore).....	\$200,000

Lakebay Marina Acquisition & Preservation (Lakebay).....	\$100,000	Replacement Hospice House (Richland) .....	\$200,000
Levee Repair (Starbuck).....	\$50,000	Restroom Renovation (Ilwaco) .....	\$35,000
Levee Repair (Waitsburg) .....	\$100,000	Ridgefield Library Building Project (Ridgefield) .....	\$500,000
LGBTQ Senior Center (Seattle) .....	\$500,000	Roy Water Tower (Roy) .....	\$26,000
Lions Club Community Ctr. Generator (Lyle) .	\$5,000	S. Kitsap HS NJROTC Equipment (Port Orchard) .....	\$24,000
Longview Police Dept. New Office (Longview) .....	\$250,000	Safety Driven Replacement (Lake Stevens)..	\$125,000
Lower Yakima River Restoration (Richland) .....	\$258,000	Salvation Army Community Resource Center (Yakima) .....	\$200,000
Magnuson Park Center for Excellence Building 2 (Seattle) .....	\$78,000	Sargent Oyster House Restoration (Allyn) .....	\$10,000
Mason Co./Shelton YMCA (Shelton) .....	\$750,000	Satsop Business Park (Elma) .....	\$155,000
Mini Mart City Park (Seattle).....	\$200,000	School and Transit Connector Sidewalk (Kirkland) .....	\$120,000
Morrow Manor (Poulsbo).....	\$250,000	School District & Comm Emergency Preparedness Center	
Mount Zion Housing (Seattle).....	\$250,000	(Carbonado) .....	\$200,000
Mukilteo Solar Panels (Mukilteo) .....	\$40,000	Shelton-Mason County YMCA (Shelton).....	\$200,000
New Arcadia (Auburn).....	\$100,000	Shore Aquatic Center Expansion (Port Angeles) .....	\$200,000
New Beginnings House (Puyallup) .....	\$150,000	Sign Reinstallation at Maplewood Elementary (Puyallup).....	\$5,000
Non-motorized Bridge at Bothell Landing (Bothell) .....	\$155,000	Skagit Pump Station Modernization Design (Mount Vernon).....	\$52,000
Our Lady of Fatima Community Ctr. (Moses Lake) .....	\$128,000	Sky Valley Emergency Generators (Sultan) ...	\$75,000
Pataha Flour Mill Elevator (Pomeroy) .....	\$40,000	Sky Valley Teen Center (Sultan) .....	\$103,000
Pete's Pool Ball Field Renovation (Enumclaw) .....	\$77,000	Sno Valley Kiosk (North Bend).....	\$20,000
Pike Place Market Public Access (Seattle) .....	\$50,000	Snohomish Boys and Girls Club (Snohomish) .....	\$125,000
Point Wilson Lighthouse (Port Townsend) ....	\$60,000	Snoqualmie Valley Shelter Service Resource (Snoqualmie) .....	\$200,000
Port Angeles Boys and Girls Club (Port Angeles) .....	\$400,000	South Yakima Conservation District Groundwater Mgmt (Yakima).....	\$45,000
Port of Quincy Intermodal Terminal Infrastructure (Quincy) .....	\$100,000	Spokane Sportsplex (Spokane) .....	\$200,000
Port Susan Trail (Stanwood) .....	\$200,000	Spokane Valley Museum (Spokane Valley) ...	\$70,000
Puyallup Food Bank Facility Expansion (Puyallup) .....	\$217,000	Star Park Shelter (Ferndale).....	\$180,000
Puyallup VFW Orting Civil War Medal of Honor Monument		Stevens Elementary Solar Panels (Seattle)....	\$120,000
(Orting).....	\$7,000	Sullivan Park Waterline Installation (Spokane Valley) .....	\$130,000
Ramstead Regional Park (Everson).....	\$200,000	Thurston Boys and Girls Club (Lacey) .....	\$50,000
REACH Literacy Center (Lacey) .....	\$50,000	Trail Lighting - Cross Kirkland Corridor (Kirkland) .....	\$200,000
Redondo Fishing Pier (Des Moines) .....	\$350,000	Transitions TLC Transitional Housing Renovations	
Renewable Hydrogen Production Pilot (East Wenatchee) .....	\$250,000		

(Spokane) .....	\$100,000
Vashon Food Bank Site Relocation (Vashon) .....	\$36,000
Vashon Youth and Family Services (Vashon) .....	\$86,000
WA Poison Center Emergency Response to	
COVID-19 (Seattle) .....	\$124,000
Waikiki Springs Nature Preserve (Spokane)	
.....	\$1,548,000
Washington State Horse Park and Covered Arena	
(Ellensburg) .....	\$375,000
Wenatchee Valley Museum & Cultural Ctr.	
(Wenatchee) .....	\$283,000
West Biddle Lake Dam Restoration (Vancouver)	
.....	\$412,000
William Shore Pool (Port Angeles) .....	\$500,000
Yakima County Care Campus Conversion Project	
(Yakima) .....	\$275,000
Yelm Lions Club Cabin Renovation (Yelm) .....	\$207,000

(8) It is the intent of the legislature that future applications for state funding for the ASUW Shell House be made through competitive grant programs.

(9) The Creative Districts program funded in this section shall be administered by the Washington state arts commission. The commission is authorized to use up to three percent of the funds to administer the program.

Appropriation:

State Building Construction Account—State	
.....	\$29,970,000
Prior Biennia (Expenditures) .....	\$0
Future Biennia (Projected Costs) .....	\$0
TOTAL .....	\$29,970,000

**Sec. 1014.** 2019 c 413 s 1051 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF COMMERCE**

2017-19 Stormwater Pilot Project (91001099)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 1010, chapter 298, Laws of 2018.

Reappropriation:

State Building Construction Account—State .....	\$50,000
Prior Biennia (Expenditures) .....	<del>(\$200,000)</del>
	<u>\$171,000</u>
Future Biennia (Projected Costs) .....	\$0
TOTAL .....	<del>\$250,000</del>
	<u>\$221,000</u>

**Sec. 1015.** 2019 c 413 s 1059 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF COMMERCE**

Projects that Strengthen Youth & Families (92000227)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 1079, chapter 19, Laws of 2013 2nd sp. sess.

Reappropriation:

State Building Construction Account—State	
.....	<del>(\$300,000)</del>
	<u>\$0</u>
Prior Biennia (Expenditures) .....	<del>(\$19,377,000)</del>
	<u>\$18,465,000</u>
Future Biennia (Projected Costs) .....	\$0
TOTAL .....	<u>\$19,677,000</u>
	<u>\$18,465,000</u>

**Sec. 1016.** 2019 c 413 s 1065 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF COMMERCE**

Landlord Mitigation Account (92000722)

The appropriation in this section is subject to the following conditions and limitations:

~~((1) The appropriation in this section is provided solely for the implementation of Engrossed Substitute Senate Bill No. 5600 (residential tenants). If the bill is not enacted by June 30, 2019, the amounts provided in this section shall lapse.~~

~~((2) \$1,000,000))~~ \$1,700,000 of the appropriation in this section shall be deposited in the landlord mitigation program account.

Appropriation:

State Taxable Building Construction	
Account—State .....	<del>(\$1,000,000)</del>
	<u>\$1,700,000</u>
Prior Biennia (Expenditures) .....	\$0
Future Biennia (Projected Costs) .....	\$0
TOTAL .....	<u>\$1,000,000</u>
	<u>\$1,700,000</u>

**Sec. 1017.** 2019 c 413 s 1052 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF COMMERCE**

2019 Local and Community Projects (91001157)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is



subject to the provisions of section 1012, chapter 298, Laws of 2018, except that no funding may be directed to the Yelm historic building.

Reappropriation:

State Building Construction Account—State	
.....	<del>(\$28,000,000)</del>
	<u>\$27,961,000</u>
Prior Biennia (Expenditures).....	\$12,569,000
Future Biennia (Projected Costs).....	\$0
TOTAL.....	<u>\$40,569,000</u>
	<u>\$40,530,000</u>

**Sec. 1018.** 2019 c 413 s 1054 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF COMMERCE**

Rapid Response Community Preservation Pilot Program (91001278)

The appropriation in this section is subject to the following conditions and limitations: ~~(((\$1,000,000))~~ \$2,000,000 is provided solely for a rapid response manufactured housing community preservation pilot program for the purpose of preserving manufactured and mobile home communities. To implement the program, the department of commerce must contract directly with the northwest cooperative development center—resident owned communities through a rapid contracting process, allowing the contractor to work with residents of one or more mobile home parks to engage in one or more purchase and sale agreements, with the purpose of preserving the mobile home community as a nonprofit, or co-op run affordable housing project and benefitting people and households at or below eighty percent of the area median income. The department of commerce, in collaboration with the contractor, must submit a report to the legislature by June 30, 2021, reporting how the funds were distributed, how many mobile home parks were purchased, and the demographics of the residents.

Appropriation:

State Building Construction Account—State	
.....	<del>(\$1,000,000)</del>
	<u>\$2,000,000</u>
Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs).....	\$0
TOTAL.....	<u>\$1,000,000</u>
	<u>\$2,000,000</u>

**NEW SECTION. Sec. 1019.** A new section is added to 2019 c 413 (uncodified) to read as follows: **FOR THE DEPARTMENT OF COMMERCE**

Port Hadlock Wastewater Facility Project (91001545)

Appropriation:

Public Works Assistance Account—State	\$1,422,000
Prior Biennia (Expenditures) .....	\$0
Future Biennia (Projected Costs) .....	\$0
TOTAL .....	\$1,422,000

**Sec. 1020.** 2019 c 413 s 1031 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF COMMERCE**

Public Works Board (40000038)

The appropriation in this section is subject to the following conditions and limitations:

(1) During the 2019-2021 biennium, the public works board must prioritize water and sewer infrastructure projects.

~~(((\$1,422,000 of the amounts in this section is provided solely for a grant for the port Hadlock wastewater facility project.~~

~~((3)))~~ (3)) \$1,400,000 of the amounts in this section is provided solely for a grant for the Eatonville water treatment plant project.

~~((4)))~~ (3) \$1,000,000 of the amounts in this section is provided solely for a grant for the Ferndale wastewater treatment project. Additionally, the public works board must prioritize financing a loan of up to \$4,000,000 for project.

~~((5)))~~ (4) \$4,000,000 of the amounts in this section is provided solely for a grant for the Wenatchi landing sewer extension – phase 1.

~~((6)))~~ (5) \$2,000,000 of the amounts in this section is provided solely for a grant for the Belfair sewer extension project. Additionally, the public works board must prioritize financing a loan of up to \$9,000,000 for the project.

Appropriation:

Public Works Assistance Account—State	
.....	<del>(\$95,000,000)</del>
	<u>\$93,578,000</u>
Prior Biennia (Expenditures) .....	\$0
Future Biennia (Projected Costs) .....	\$0
TOTAL .....	<u>\$95,000,000</u>
	<u>\$93,578,000</u>

**NEW SECTION. Sec. 1021.** A new section is added to 2019 c 413 (uncodified) to read as follows: **FOR THE DEPARTMENT OF COMMERCE**

Pacific Hospital Preservation and Development Plan (91001544)

The appropriation in this section is subject to the following conditions and limitations: \$50,000 is provided to the department to contract with the Pacific hospital preservation and development authority to conduct a conceptual design and scoping for a master preservation and development plan of the Pacific hospital preservation and development authority property located at 1200 12th Avenue

South, Seattle, WA 98144. The master preservation and development plan must create a longer-range framework for future development of the campus, identify priorities for capital improvement, identify potential reuse of appropriate facilities for community needs, including behavioral health, and ensure the maximization of highest and best use of public resources while adhering to the Pacific hospital preservation and development authority's mission of addressing health equity disparities for disadvantaged populations.

**Appropriation:**

State Building Construction Account—State . \$50,000  
 Prior Biennia (Expenditures) ..... \$0  
 Future Biennia (Projected Costs) ..... \$0  
 TOTAL ..... \$50,000

**NEW SECTION. Sec. 1022.** A new section is added to 2019 c 413 (uncodified) to read as follows: **FOR THE DEPARTMENT OF COMMERCE**

Enhanced Shelter Capacity Grants (92000939)

The appropriation in this section is subject to the following conditions and limitations:

(1) \$7,818,000 of the appropriation in this section is provided solely for a homeless shelter grant program for the following list of shelter projects:

Auburn Resource Center (Auburn).....	\$1,500,000
Community House (Longview).....	\$206,000
Crosswalk Teen Shelter (Spokane).....	\$1,500,000
Harbor Hope Center Home for Girls (Gig Harbor)	
.....	\$294,000
Noah's Ark Homeless Shelter (Wapato) .....	\$100,000
Positive Adolescent Dev (PAD) Emergency Housing	
(Bellingham) .....	\$206,000
Rod's House Mixed Use Facility (Yakima)\$2,000,000	
ROOTS Young Adult Shelter (Seattle) .....	\$1,500,000
Snoqualmie Valley Resource Center (Snoqualmie)	
.....	\$206,000
St. Vincent de Paul Cold Weather Shelter (Renton)	
.....	\$206,000
YMCA Oasis Teen Shelter (Mount Vernon) \$100,000	

(2) In contracts for grants authorized under this section, the department of commerce must follow the guidelines and compliance requirements in the Housing Trust Fund program, including provisions that require that capital improvements be held by the grantee for a specified period of time appropriate to the amount of the grant and that facilities be used for the express purpose of the grant. If the grantee is found to be out of compliance with provisions of the contract, the grantee must repay to the state general fund the principal amount of the grant plus interest calculated at

the rate of interest on state of Washington general obligation bonds issued on the date most close in time to the date of authorization of the grant.

**Appropriation:**

State Building Construction Account—State	
.....	\$7,818,000
Prior Biennia (Expenditures) .....	\$0
Future Biennia (Projected Costs) .....	\$0
TOTAL .....	\$7,818,000

**Sec. 1023.** 2019 c 413 s 1039 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF COMMERCE**

2019-21 Energy Efficiency and Solar Grants Program (40000049)

The appropriation in this section is subject to the following conditions and limitations:

(1)(a) \$1,785,000 for fiscal year 2020 and \$1,785,000 for fiscal year 2021 is provided solely for grants to be awarded in competitive rounds to local agencies, public higher education institutions, school districts, federally recognized tribal governments, and state agencies for operational cost savings improvements to facilities and related projects that result in energy and operational cost savings.

(b) At least twenty percent of each competitive grant round must be awarded in small cities or towns with a population of five thousand or fewer residents.

(c) In each competitive round, the higher the leverage ratio of nonstate funding sources to state grant and the higher the energy savings, the higher the project ranking.

(d) For school district applicants, priority consideration must be given to school districts that demonstrate improved health and safety through reduced exposure to polychlorinated biphenyl. Priority consideration must be given to applicants that have not received grant awards for this purpose in prior biennia.

(2) \$3,573,000 is provided solely for grants to be awarded in competitive rounds to local agencies, public higher education institutions, school districts, federally recognized tribal governments, and state agencies for projects that involve the purchase and installation of solar energy systems, including solar modules and inverters, with a preference for products manufactured in Washington.

(3) \$5,357,000 is provided solely for the state efficiency and environmental performance improvements to minor works and stand-alone projects at state-owned facilities that repair or replace existing building systems including, but not limited to, HVAC, lighting, insulation, windows, and other mechanical systems. Eligibility for this funding is dependent on an analysis using the office of financial management's life-cycle cost tool that compares project design alternatives for initial and long-term cost-effectiveness. Assuming a reasonable return on investment,

the department shall provide grants in the amount required to improve the project's energy efficiency compared to the original project request. Prior to awarding funds, the department shall submit to the office of financial management a list of all proposed awards for review and approval.

(4) The department shall develop metrics that indicate the performance of energy efficiency efforts.

**Appropriation:**

State Building Construction Account—State	\$12,500,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$100,000,000
<b>TOTAL</b>	<b>\$112,500,000</b>

**Sec. 1024.** 2019 c 413 s 1071 (uncodified) is amended to read as follows:

**FOR THE OFFICE OF FINANCIAL MANAGEMENT**

**Emergency Repairs (90000041)**

The appropriation in this section is subject to the following conditions and limitations: Emergency repair funding is provided solely to address unexpected building or grounds failures that will impact public health and safety and the day-to-day operations of the facility. To be eligible for funds from the emergency repair pool, a request letter for emergency funding signed by the affected agency director must be submitted to the office of financial management and the appropriate legislative fiscal committees. The request must include a statement describing the health and safety hazard and impacts to facility operations, the possible cause, the proposed scope of emergency repair work and related cost estimate, and identification of other funding that may be applied to the project. For emergencies occurring during a legislative session, an agency must notify the legislative fiscal committees before requesting emergency funds from the office of financial management. The office of financial management must notify the legislative evaluation and accountability program committee, the house capital budget committee, and the senate ways and means committee as emergency projects are approved for funding.

**Appropriation:**

State Building Construction Account—State	<del>(\$5,000,000)</del>
	<u>\$8,000,000</u>
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$20,000,000
<b>TOTAL</b>	<b><u>\$25,000,000</u></b>
	<u>\$28,000,000</u>

**NEW SECTION. Sec. 1025.** A new section is added to 2019 c 413 (uncodified) to read as follows:**FOR THE OFFICE OF FINANCIAL MANAGEMENT**

**Fircrest School Land Use Assessment (92000035)**

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation is provided solely to contract with an independent consultant that is agreed to by both the department of social and health services and the department of natural resources to assess potential land development opportunities for the Fircrest residential habilitation center and submit recommendations to the governor, the house capital budget committee, and the senate ways and means committee by November 1, 2020. The contract is exempt from the competitive procurement requirements in chapter 39.26 RCW.

(2) The consultant must work with the department of health, department of natural resources, the department of social and health services, and the city of Shoreline.

(3) The consultant recommendations must accomplish the following goals:

(a) Identify a site for a single-story nursing facility with a minimum of one hundred twenty beds and a site for a two-story nursing facility with a minimum of one hundred twenty beds, with an analysis of any corresponding staffing needs and the needs of the residents to ensure a sense of community and mobility;

(b) Identify potential sites for up to a forty-eight bed behavioral health facility; and

(c) Maximize the long-term revenue generating opportunities of the campus property while taking into consideration the infrastructure needs to accomplish the proposed development outlined in this subsection (3).

(4) A secondary recommendation may be submitted by the consultant that includes maximizing the long-term revenue generating opportunities of the campus property while taking into consideration the infrastructure needs to accomplish the proposed development outlined in subsections (3)(a) through (b) of this section and compatibility with the needs of the department of social and health services and the department of health, including the needs of the individuals they serve.

(5) It is the intent of the legislature to prioritize up to \$125,000,000 in funding for the nursing facility replacement on the Fircrest residential habilitation center campus in the 2021-2023 fiscal biennium.

**Appropriation:**

State Building Construction Account—State	\$500,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
<b>TOTAL</b>	<b>\$500,000</b>

**Sec. 1026.** 2019 c 413 s 1073 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF ENTERPRISE SERVICES**

Capitol Lake Long-Term Management Planning  
(30000740)

The ~~((reappropriation))~~ appropriations in this section ~~((is))~~ are subject to the following conditions and limitations:

(1) The appropriations in this section are provided solely for an environmental impact statement that includes the following alternatives, at a minimum:

- (a) Managed lake;
- (b) Hybrid lake; and
- (c) Estuary.

(2) A draft environmental impact statement with at least the three options in subsection (1) of this section must be submitted to legislative fiscal committees by June 30, 2021. It is the intent of the legislature that a final environmental impact statement that includes identification of a preferred alternative for Capitol Lake management must be submitted to legislative fiscal committees by June 30, 2022.

(3) The ~~((reappropriation is))~~ appropriations are subject to the provisions of section 1034, chapter 298, Laws of 2018.

(4) It is the intent of the legislature to fully fund future capital requests necessary to complete the Capitol Lake long-term management planning in accordance with the provisions of section 1034, chapter 298, Laws of 2018.

Reappropriation:

State Building Construction Account—State	
.....	\$3,369,000

Appropriation:

State Building Construction Account—State	
.....	\$1,450,000

General Fund—Private/Local.....	\$284,000
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Subtotal Appropriation.....	\$1,734,000
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Prior Biennia (Expenditures).....	\$881,000
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Future Biennia (Projected Costs).....	<del>(( \$0 ))</del>
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	\$715,000
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TOTAL.....	\$4,250,000
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	\$6,699,000
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**Sec. 1027.** 2019 c 413 s 1090 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF ENTERPRISE SERVICES**

~~((Newhouse Replacement))~~ Legislative Campus Modernization (92000020)

(1) The reappropriation in this section is subject to the following conditions and limitations: The final predesign for legislative campus modernization must be submitted to the office of financial management and legislative fiscal committees by September 1, 2020. The department must

consult with the senate facilities and operations committee or their designee(s) and the house of representatives executive rules committee or their designee(s) during the development of and prior to finalizing and submitting the final predesign on September 1, 2020.

(a) With respect to the Irv Newhouse building replacement on opportunity site six, the final predesign must include demolition of buildings on opportunity site six, with the exception of the visitor center. The predesign must include details and costs for temporary office space on Capitol Campus, for which modular space is an option, to be used at least during the construction of the building for Irv Newhouse occupants. The predesign must also consider an additional floor for the Irv Newhouse building, and this component of predesign must not delay nor impact the final predesign deliverable date. The predesign must assume the following:

(i) Necessary program space required to support senate offices and support functions;

(ii) A building facade similar to the American neoclassical style of existing legislative buildings on Capitol Campus;

(iii) Member offices of similar size as member offices in the John A. Cherberg building;

(iv) Design and construction of a high performance building that meets net-zero-ready energy standards, with an energy use intensity of no greater than thirty-five;

(v) Building construction that must be procured using a performance-based contracting method, such as design-build, and must include an energy performance guarantee comparing actual performance data with the energy design target;

(vi) Temporary office space on Capitol Campus, for which modular space is an option, to be used during the construction of the building. Maximizing efficient use of modular space with Pritchard renovation or replacement must be considered;

(vii) Demolition of the buildings, not including the visitor center, located on opportunity site six. Demolition costs must not exceed six hundred thousand dollars; and

(viii) At least bimonthly consultation with the senate facilities and operations committee or their designee(s).

(b) With respect to the Pritchard building replacement or renovation, and renovation of the third and fourth floors of the John L. O'Brien building, the predesign must assume the following:

(i) The necessary program space required to support house of representatives offices and support functions;

(ii) Building construction that must be procured using a performance-based contracting method, such as design-build, and must include an energy performance guarantee comparing actual performance data with the energy design target;

(iii) Design and construction that meets net-zero-ready energy standards, with an energy use intensity of no greater than thirty-five;

(iv) The detail and cost of temporary office space on Capitol Campus, for which modular space is an option, to be used during the construction of the buildings for state employed occupants of any impacted building. Maximizing efficient use of modular space with the Newhouse replacement must be considered; and

(v) At least bimonthly consultation with the leadership of the house of representatives, the chief clerk of the house of representatives, or their designee(s), and tenants of any impacted buildings.

(c) The legislative campus modernization predesign must assume:

(i) Preference for the completion of construction of the Irv Newhouse building before the renovation or replacement of the Pritchard building and before the renovation of the third and fourth floors of the John L. O'Brien building;

(ii) The amount of parking on the capitol campus remains the same or increases as a result of the legislative campus modernization construction projects; and

(iii) Options for relocation of the occupants of impacted buildings that are not employed by the state to alternative locations, including, but not limited to, the visitor center.

(d) The legislative campus modernization predesign must include an analysis of comparative costs and benefits of locations for needed space, to include the following considerations:

(i) An additional floor added to the Irv Newhouse building replacement, and this component of design must not delay nor impact the final predesign deliverable date;

(ii) Additional space added to the Pritchard replacement or renovation;

(iii) The impact to options to maintain, or increase, the amount of parking on Capitol Campus; and

(iv) Space needed for legislative support agencies.

(e) The final predesign must include an analysis of the relative costs and benefits of designing and constructing the projects authorized under this section under a single contract or individual subproject contracts, based on an evaluation of, at least, the following criteria:

(i) The interdependency and interaction of the design and construction phases of the subprojects;

(ii) Subproject phasing and sequencing, including the timing and utilization of modular temporary office space on Capitol Campus during the construction phases;

(iii) Potential cost efficiencies under each subproject;

(iv) Provide an evaluation for the most efficient and effective contracting method for subproject delivery, including design-bid-build, general contractor/construction manager, and design-build for each subproject; and

(v) Other collateral impacts.

(f) The department must have a check-in meeting by October 1, 2020, with the administrative office of the senate, the administrative office of the house of representatives, and the legislative capital budget leads. This check-in meeting must be after the predesign is submitted to the office of financial management and legislative fiscal committees.

(2) The appropriations in this section are subject to the following conditions and limitations: The new appropriations must be coded and tracked as separate discreet subprojects in the agency financial reporting system.

(a) \$3,370,000 of the appropriation is provided solely for the Irv Newhouse building replacement, and the appropriation in this subsection (2)(a) is provided solely for design and construction of the Irv Newhouse building replacement for the senate, located on opportunity site six. The design must assume:

(i) Necessary program space required to support senate offices and support functions;

(ii) A building facade similar to the American neoclassical style of existing legislative buildings on Capitol Campus;

(iii) Member offices of similar size as member offices in the John A. Cherberg building;

(iv) Design and construction of a high performance building that meets net-zero-ready energy standards, with an energy use intensity of no greater than thirty-five;

(v) Building construction that must be procured using a performance-based contracting method, such as design-build, and must include an energy performance guarantee comparing actual performance data with the energy design target;

(vi) Temporary office space on Capitol Campus, for which modular space is an option, to be used during the construction of the building. Maximizing efficient use of modular space with Pritchard renovation must be considered;

(vii) Demolition of the buildings, not including the visitor center, located on opportunity site six. Demolition costs must not exceed six hundred thousand dollars;

(viii) At least bimonthly consultation with the leadership of the senate, or their designee(s), and Irv Newhouse tenants; and

(ix) Procurement of the design solution will be completed by February 1, 2021, for the Irv Newhouse building replacement.

(b) \$6,530,000 of the appropriation is provided solely for the Pritchard building replacement or renovation, and the renovation of the third and fourth floors of the John L. O'Brien building. The appropriation in this subsection is provided solely for the design and construction and assumes:

(i) The necessary program space required to support house of representatives offices and support functions;

(ii) Additional office space necessary to offset house of representatives members and staff office space that may be eliminated in the renovation of the third and fourth floors of the John L. O'Brien building;

(iii) Design and construction of a high performance building that meets net-zero-ready energy standards, with an energy use intensity of no greater than thirty-five;

(iv) Building construction that must be procured using a performance-based contracting method, such as design-build, and must include an energy performance guarantee comparing actual performance data with the energy design target;

(v) Temporary office space on Capitol Campus, for which modular space is an option, to be used during the construction of the building. Maximizing efficient use of modular space with Newhouse replacement must be considered; and

(vi) At least bimonthly consultation with the leadership of the house of representatives, the chief clerk of the house of representatives, or their designee(s), and tenants of any impacted building.

(c) \$100,000 of the appropriation is provided solely for the completion of predesign efforts as described in subsection (1) of this section.

#### Reappropriation:

State Building Construction Account—State \$256,000

#### Appropriation:

State Building Construction Account—State	\$10,000,000
Prior Biennia (Expenditures).....	\$194,000
Future Biennia (Projected Costs).....	(\$0)
	\$89,000,000
TOTAL.....	\$450,000
	\$99,450,000

**Sec. 1028.** 2019 c 413 s 1092 (uncodified) is amended to read as follows:

#### **FOR THE DEPARTMENT OF ENTERPRISE SERVICES**

Insurance Commissioner Office Building Predesign (92000029)

The appropriation in this section is subject to the following conditions and limitations: The appropriation in this section is provided solely for a predesign study to determine space needs and cost estimates to construct a building on the capitol campus to house the office of the insurance commissioner and the department of children, youth, and families.

(1) In determining the program space required, the predesign must consider:

(a) The necessary program space required to support the office of the insurance commissioner and the department

of children, youth, and families, to include detail on current space usage in Thurston county by facility compared to proposed space usage; and

(b) Parking impacts of new office space construction.

(2) The study must consider, at a minimum:

(a) The potential to fund design and construction of the building from sources other than state general obligation bonds;

(b) The financial cost analysis of current facility leases compared to the cost of a financial contract for the new building, to include operating budget cost impacts by fund source by fiscal year; and

(c) The following opportunity sites for the building, detailed in the 2017 state capitol development site study:

(i) Site 1, the general administration building;

(ii) Site 12, the professional arts building; and

(iii) ~~((Site 7, the old IBM building; and~~

~~(Site 6B, the visitor center;~~

(3) The building must be a:

(a) High performance building and meet net-zero-ready standards, with an energy use intensity of no greater than thirty-five;

(b) Building construction that must be procured using a performance-based method such as design-build and must include an energy performance guarantee comparing actual performance data with the energy design target; and

(c) Design that includes cross-laminated timber products.

(4) The predesign study must result in:

(a) A preliminary report being submitted to the fiscal committees of the legislature by February 28, 2020; and

(b) A final report being submitted to the fiscal committees of the legislature by June 30, 2020.

#### Appropriation:

Insurance Commissioners Regulatory Account—State	\$300,000
Prior Biennia (Expenditures) .....	\$0
Future Biennia (Projected Costs) .....	\$0
TOTAL .....	\$300,000

**Sec. 1029.** 2019 c 413 s 1093 (uncodified) is amended to read as follows:

#### **FOR THE MILITARY DEPARTMENT**

King County Area Readiness Center (30000592)

The appropriation in this section is subject to the following conditions and limitations: The appropriation in this section is provided solely to acquire land in King county for a readiness center and to complete a predesign. If the department has not signed a purchase and sale agreement by

June 30, 2021, the amounts provided in this section shall lapse. The department must work to secure federal funding to cover a portion of the costs for design and construction.

**Appropriation:**

State Building Construction Account—State	.....(( <del>\$6,600,000</del> ))
	<u>\$7,055,000</u>
Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs).....	(( <del>\$83,900,000</del> ))
	<u>\$0</u>
TOTAL.....	<u>\$90,500,000</u>
	<u>\$7,055,000</u>

**NEW SECTION. Sec. 1030.** The following acts or parts of acts are each repealed:

- (1) 2019 c 413 s 1005 (uncodified); and
- (2) 2019 c 413 s 1059 (uncodified).

**PART 2**

**HUMAN SERVICES**

**Sec. 2001.** 2019 c 413 s 2001 (uncodified) is amended to read as follows:

**FOR THE CRIMINAL JUSTICE TRAINING COMMISSION**

Omnibus Minor Works (40000003)

**Appropriation:**

State Building Construction Account—State	.....(( <del>\$470,000</del> ))
	<u>\$1,888,000</u>
Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs).....	\$0
TOTAL.....	<u>\$470,000</u>
	<u>\$1,888,000</u>

**NEW SECTION. Sec. 2002.** A new section is added to 2019 c 413 (uncodified) to read as follows:**FOR THE CRIMINAL JUSTICE TRAINING COMMISSION**

Training Facility Capital and Functional Needs Assessment (91000002)

The appropriation in this section is subject to the following conditions and limitations:

- (1) The appropriation in this section is provided solely for a capital and functional needs assessment of the criminal justice training center that includes an evaluation of:
  - (a) The current condition of the facilities;
  - (b) Capital needs to safely and effectively facilitate current and future law enforcement training; and

(c) Potential alternative funding sources to finance future capital needs, including, but not limited to:

(i) Reimbursement from law enforcement agencies; and

(ii) Public-private partnerships.

(2) Additionally, the assessment must compare the benefits and costs of alternative methods to address capital and function needs, including but not limited to:

(a) Fully modernizing the facilities located at the current location; and

(b) Relocating the training center to a new location.

**Appropriation:**

State Building Construction Account—State	\$200,000
Prior Biennia (Expenditures) .....	\$0
Future Biennia (Projected Costs) .....	\$0
TOTAL .....	<u>\$200,000</u>

**Sec. 2003.** 2019 c 413 s 2002 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF LABOR AND INDUSTRIES**

L&I HQ Elevators (30000018)

**Reappropriation:**

Accident Account—State .....	(( <del>\$342,000</del> ))
	<u>\$366,000</u>
Medical Aid Account—State .....	(( <del>\$342,000</del> ))
	<u>\$366,000</u>
Subtotal Reappropriation .....	(( <del>\$684,000</del> ))
	<u>\$732,000</u>

**Appropriation:**

Accident Account—State .....	\$1,450,000
Medical Aid Account—State .....	\$1,450,000
Subtotal Appropriation .....	<u>\$2,900,000</u>
Prior Biennia (Expenditures) .....	(( <del>\$350,000</del> ))
	<u>\$302,000</u>
Future Biennia (Projected Costs) .....	\$0
TOTAL .....	<u>\$3,934,000</u>

**Sec. 2004.** 2019 c 413 s 2010 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

Minor Works Program Projects: Statewide (30001859)

**Reappropriation:**

State Building Construction Account—State	.....(( <del>\$600,000</del> ))
	<u>\$612,000</u>
Prior Biennia (Expenditures).....	(( <del>\$855,000</del> ))
	<u>\$843,000</u>
Future Biennia (Projected Costs).....	\$0
TOTAL.....	\$1,455,000

**NEW SECTION. Sec. 2005.** A new section is added to 2019 c 413 (uncodified) to read as follows:**FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

Rainier School - Multiple Buildings: Roofing Replacement & Repairs (30002752)

The appropriation in this section is subject to the following conditions and limitations: The appropriation in this section is provided solely for the replacement of the entire roof on the 2010 building with asphalt shingles.

Appropriation:

State Building Construction Account—State	.....\$2,030,000
Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs).....	\$0
TOTAL.....	\$2,030,000

**NEW SECTION. Sec. 2006.** A new section is added to 2019 c 413 (uncodified) to read as follows:**FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

Fircrest School Adult Training Program (92000036)

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely for design of the renovation of building 66 on the Fircrest campus for the permanent relocation of the adult training program for residents of the Fircrest residential habilitation center. The design must include a plan for accommodating all activities of the adult training program currently housed in the existing adult training program building located in the northeast section of the campus and the activities currently housed in the activities building located northwest of building 66.

Appropriation:

State Building Construction Account—State	.....\$1,500,000
Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs).....	\$0
TOTAL.....	\$1,500,000

**Sec. 2007.** 2019 c 413 s 2037 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

Minor Works Preservation Projects: Statewide 2019-21 (40000381)

Appropriation:

Charitable, Educational, Penal, and Reformatory

Institutions Account—State.....\$1,665,000

State Building Construction Account—State	.....(( <del>\$11,015,000</del> ))
---	------------------------------------

\$13,385,000

Subtotal Appropriation ..... ((~~\$12,680,000~~))

\$15,050,000

Prior Biennia (Expenditures) ..... \$0

Future Biennia (Projected Costs) .....\$159,345,000

TOTAL.....\$172,025,000

\$174,395,000

**Sec. 2008.** 2019 c 413 s 2038 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

Minor Works Program Projects: Statewide 2019-21 (40000382)

Appropriation:

Charitable, Educational, Penal, and Reformatory

Institutions Account—State.....\$955,000

State Building Construction Account—State	.....(( <del>\$965,000</del> ))
---	---------------------------------

\$1,800,000

Subtotal Appropriation ..... ((~~\$1,920,000~~))

\$2,755,000

Prior Biennia (Expenditures) ..... \$0

Future Biennia (Projected Costs) .....\$24,000,000

TOTAL.....\$25,920,000

\$26,755,000

**Sec. 2009.** 2019 c 413 s 2039 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

DSHS & DCYF Fire Alarms (91000066)

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation in this section is provided solely for projects installing fire alarms at the following locations: (a) Fircrest School; (b) Lakeland Village; (c) Western State Hospital; (d) Rainier School; and (e) Echo Glen. The Echo Glen project may include duress alarms. ~~((The projects listed in this section must be designed under one contract, and~~



~~installed under one contract.))~~ The department must consult with the department of children, youth, and families to prioritize the projects.

(2) When the ~~((bid is))~~ bids are received, the department must report to the appropriate legislative committees the overall ~~((bid))~~ bids for the projects.

(3) The department must report to the appropriate legislative committees any best practices on the process by December 31, 2019.

Appropriation:

State Building Construction Account—State	\$11,819,000
Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs).....	\$0
TOTAL.....	\$11,819,000

**Sec. 2010.** 2019 c 413 s 2072 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF VETERANS AFFAIRS**

Minor Works Facilities Preservation (30000094)

The appropriations in this section are subject to the following conditions and limitations:

A total of \$200,000 of the model toxics control act account—state is provided solely for soil mitigation associated with removal of an underground storage tank and must be held in unallotted status until the following conditions are met:

(1) The department must pursue a grant for this project from the pollution liability insurance agency.

(2) If this project is deemed unqualified for the use of funds through the pollution liability insurance agency, the appropriation from the model toxics control act account—state shall be allotted to the department to complete this project.

Reappropriation:

State Building Construction Account—State	<del>(((\$570,000))</del>
	\$755,000

Appropriation:

State Building Construction Account—State	\$2,025,000
<u>Model Toxics Control Capital Account—State</u>	<u>\$200,000</u>
<u>Subtotal Appropriation</u> .....	<u>\$2,225,000</u>
Prior Biennia (Expenditures).....	<del>(((\$2,743,000))</del>
	\$2,558,000
Future Biennia (Projected Costs).....	\$11,445,000
TOTAL.....	\$16,783,000

\$16,983,000

**Sec. 2011.** 2019 c 413 s 2075 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF VETERANS AFFAIRS**

Retsil Building 10 (40000004)

Reappropriation:

State Building Construction Account—State	\$625,000
Prior Biennia (Expenditures) .....	<del>(((\$125,000))</del>
	\$0
Future Biennia (Projected Costs) .....	\$0
TOTAL .....	\$750,000
	\$625,000

**NEW SECTION. Sec. 2012.** A new section is added to 2019 c 413 (uncodified) to read as follows:**FOR THE DEPARTMENT OF VETERANS AFFAIRS**

WSH - Life Safety Grant (40000013)

Appropriation:

General Fund—Federal.....	\$325,000
State Building Construction Account—State	\$175,000
Subtotal Appropriation .....	\$500,000
Prior Biennia (Expenditures) .....	\$0
Future Biennia (Projected Costs) .....	\$0
TOTAL .....	\$500,000

**Sec. 2013.** 2019 c 413 s 2080 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF CHILDREN, YOUTH, AND FAMILIES**

Green Hill School-Recreation Building: Replacement (30003237)

The appropriation in this section is subject to the following conditions and limitations: This project was formerly administered by the department of social and health services. Due to the transfer of the juvenile rehabilitation program from the department of social and health services to the department of children, youth, and families on July 1, 2019, the administration of this project shall also transfer to the department of children, youth, and families on that date.

Appropriation:

State Building Construction Account—State	<del>(((\$800,000))</del>
	\$1,800,000
Prior Biennia (Expenditures) .....	\$0
Future Biennia (Projected Costs) .....	<del>(((\$0))</del>
	\$29,962,000

TOTAL.....	\$800,000
	<u>\$31,762,000</u>

NEW SECTION. **Sec. 2014.** A new section is added to 2019 c 413 (uncodified) to read as follows:**FOR THE DEPARTMENT OF CHILDREN, YOUTH, & FAMILIES**

Naselle Youth Camp - Moolock Lodge: Remodel & Renovation (40000430)

Appropriation:

State Building Construction Account—State	\$150,000
Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs).....	\$7,469,000
<b>TOTAL.....</b>	<b>\$7,619,000</b>

NEW SECTION. **Sec. 2015.** A new section is added to 2019 c 413 (uncodified) to read as follows:**FOR THE DEPARTMENT OF CHILDREN, YOUTH, & FAMILIES**

Echo Glen Cottage 4 Remodel & Renovation  
(40000526)

Appropriation:

State Building Construction Account—State	\$150,000
Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs).....	\$8,187,000
<b>TOTAL.....</b>	<b>\$8,337,000</b>

NEW SECTION. **Sec. 2016.** A new section is added to 2019 c 413 (uncodified) to read as follows:**FOR THE DEPARTMENT OF CHILDREN, YOUTH, & FAMILIES**

Green Hill School: Baker Living Unit Renovation &  
Remodel (40000529)

Appropriation:

State Building Construction Account—State	\$150,000
Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs).....	\$8,413,000
<b>TOTAL</b> .....	<b>\$8,563,000</b>

**Sec. 2017.** 2019 c 413 s 2084 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF CHILDREN,  
YOUTH, AND FAMILIES

## Implementation of JRA Capacity (91000062)

The appropriation in this section is subject to the following conditions and limitations: The appropriation in this section is provided solely for ~~((a pre-design for Echo Glen, a pre-design for Green Hill, and))~~ a comprehensive strategic capital master plan. ~~((If Engrossed Second Substitute House Bill No. 1646 is not enacted by June 30, 2019, the appropriation in this section shall lapse.))~~

Appropriation:

State	Building	Construction	Account—State
.....			(( <u>\$750,000</u> ))
			<u>\$600,000</u>

Prior Biennia (Expenditures) ..... \$0

Future Biennia (Projected Costs) ..... \$0

TOTAL .....	\$750,000
	<u>\$600,000</u>

NEW SECTION. **Sec. 2018.** A new section is added to 2019 c 413 (uncodified) to read as follows:**FOR THE DEPARTMENT OF CORRECTIONS**

MCC: WSR Perimeter Wall Renovation (30000117)

Appropriation:

State Building Construction Account—State\$200,000	
Prior Biennia (Expenditures) .....	\$0
Future Biennia (Projected Costs) .....	\$10,935,000
<b>TOTAL .....</b>	<b>\$11,135,000</b>

**Sec. 2019.** 2019 c 413 s 2086 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF CORRECTIONS**

CBBC: Boiler Replacement (30000130)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 2025, chapter 298, Laws of 2018.

Reappropriation:

State Building Construction Account—State\$830,000

Appropriation:

State	Building	Construction	Account—State
.....			(( <del>\$9,718,000</del> ))
			\$10,207,000

Prior Biennia (Expenditures) .....\$170,000

Future Biennia (Projected Costs) ..... \$0

TOTAL .....	\$10,718,000
	\$11,207,000

**Sec. 2020.** 2019 c 413 s 2091 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF CORRECTIONS**

WCCW: Bldg E Roof Replacement (30000810)

Reappropriation:

State Building Construction	Account—State
	\$1,674,000
.....	
Prior Biennia (Expenditures)	(((\$1,022,000))

	<u>\$586,000</u>
Future Biennia (Projected Costs).....	\$0
TOTAL.....	<u>\$2,696,000</u>
	<u>\$2,260,000</u>

**Sec. 2021.** 2019 c 413 s 2093 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF CORRECTIONS**

WSP: Program and Support Building (30001101)

Reappropriation:

State Building Construction Account—State	\$1,500,000
Prior Biennia (Expenditures).....	<u>(((\$10,085,000))</u>
	<u>\$9,997,000</u>
Future Biennia (Projected Costs).....	\$0
TOTAL.....	<u>\$11,585,000</u>
	<u>\$11,497,000</u>

**Sec. 2022.** 2019 c 413 s 2094 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF CORRECTIONS**

Prison Capacity Expansion (30001105)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 2059, chapter 3, Laws of 2015 3rd sp. sess.

Reappropriation:

State Building Construction Account—State	\$400,000
Prior Biennia (Expenditures).....	<u>(((\$4,400,000))</u>
	<u>\$1,957,000</u>
Future Biennia (Projected Costs).....	\$0
TOTAL.....	<u>\$4,800,000</u>
	<u>\$2,357,000</u>

**Sec. 2023.** 2019 c 413 s 2096 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF CORRECTIONS**

MCC ADA Compliance Retrofit (30001118)

Reappropriation:

State Building Construction Account—State	\$750,000
Prior Biennia (Expenditures).....	<u>(((\$250,000))</u>
	<u>\$171,000</u>
Future Biennia (Projected Costs).....	\$0
TOTAL.....	<u>\$1,000,000</u>
	<u>\$921,000</u>

**Sec. 2024.** 2019 c 413 s 2098 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF CORRECTIONS**

CRCC Security Electronics Network Renovation (30001124)

Reappropriation:

State Building Construction Account—State	\$5,900,000
Prior Biennia (Expenditures) .....	<u>(((\$100,000))</u>
	<u>\$36,000</u>
Future Biennia (Projected Costs) .....	\$0
TOTAL .....	<u>\$6,000,000</u>
	<u>\$5,936,000</u>

**NEW SECTION. Sec. 2025.** A new section is added to 2019 c 413 (uncodified) to read as follows:**FOR THE DEPARTMENT OF CORRECTIONS**

MCC: WSR Clinic Roof Replacement (40000180)

Appropriation:

State Building Construction Account—State	\$825,000
Prior Biennia (Expenditures) .....	\$0
Future Biennia (Projected Costs) .....	\$8,439,000
TOTAL .....	\$9,264,000

**NEW SECTION. Sec. 2026.** A new section is added to 2019 c 413 (uncodified) to read as follows:**FOR THE DEPARTMENT OF CORRECTIONS**

MCC: SOU and TRU - Domestic Water and HVAC Piping System (40000246)

The appropriation in this section is subject to the following conditions and limitations: The predesign must compare the benefits of addressing each system as part of a single project with the benefits of addressing each system as a separate project in design and construction phases.

Appropriation:

State Building Construction Account—State	\$400,000
Prior Biennia (Expenditures) .....	\$0
Future Biennia (Projected Costs) .....	\$19,731,000
TOTAL .....	\$20,131,000

**PART 3**

**NATURAL RESOURCES**

**Sec. 3001.** 2019 c 413 s 3008 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF ECOLOGY**

Remedial Action Grant Program (30000039)

The appropriation in this section is subject to the following conditions and limitations: The appropriation is

subject to the provisions of section 3006, chapter 36, Laws of 2010 1st sp. sess.

Appropriation:

Model Toxics Control Capital Account—State	.....(( <del>\$3,813,000</del> ))
	<u>\$3,531,000</u>
Prior Biennia (Expenditures).....	(( <del>\$71,296,000</del> ))
	<u>\$71,578,000</u>
Future Biennia (Projected Costs).....	\$0
TOTAL.....	\$75,109,000

**Sec. 3002.** 2019 c 413 s 3009 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF ECOLOGY**

Clean Up Toxics Sites - Puget Sound (30000144)

The appropriation in this section is subject to the following conditions and limitations: The appropriation is subject to the provisions of section 3021, chapter 48, Laws of 2011 1st sp. sess. and section 3002, chapter 35, Laws of 2016 sp. sess.

Appropriation:

Model Toxics Control Capital Account—State	.....(( <del>\$324,000</del> ))
	<u>\$318,000</u>
Prior Biennia (Expenditures).....	(( <del>\$38,710,000</del> ))
	<u>\$38,716,000</u>
Future Biennia (Projected Costs).....	\$0
TOTAL.....	\$39,034,000

**Sec. 3003.** 2019 c 413 s 3011 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF ECOLOGY**

Remedial Action Grant Program (30000216)

Appropriation:

Model Toxics Control Capital Account—State	.....(( <del>\$19,152,000</del> ))
	<u>\$18,603,000</u>
Prior Biennia (Expenditures).....	(( <del>\$43,712,000</del> ))
	<u>\$44,261,000</u>
Future Biennia (Projected Costs).....	\$0
TOTAL.....	\$62,864,000

**Sec. 3004.** 2019 c 413 s 3016 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF ECOLOGY**

Centennial Clean Water Program (30000326)

The appropriation in this section is subject to the following conditions and limitations: The appropriation is subject to the provisions of section 3066, chapter 19, Laws of 2013 2nd sp. sess.

Appropriation:

Model Toxics Control Capital Account—State	.....(( <del>\$3,526,000</del> ))
	<u>\$2,284,000</u>
Prior Biennia (Expenditures) .....	(( <del>\$46,474,000</del> ))
	<u>\$47,716,000</u>
Future Biennia (Projected Costs) .....	\$0
TOTAL .....	\$50,000,000

**Sec. 3005.** 2019 c 413 s 3022 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF ECOLOGY**

Clean Up Toxics Sites - Puget Sound (30000337)

The appropriation in this section is subject to the following conditions and limitations: The appropriation is subject to the provisions of section 3007, chapter 35, Laws of 2016 sp. sess.

Appropriation:

Model Toxics Control Capital Account—State	.....(( <del>\$1,940,000</del> ))
	<u>\$1,843,000</u>
Prior Biennia (Expenditures) .....	(( <del>\$23,115,000</del> ))
	<u>\$23,212,000</u>
Future Biennia (Projected Costs) .....	\$0
TOTAL .....	\$25,055,000

**Sec. 3006.** 2019 c 413 s 3023 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF ECOLOGY**

Eastern Washington Clean Sites Initiative (30000351)

The appropriation in this section is subject to the following conditions and limitations: The appropriation is subject to the provisions of section 3008, chapter 35, Laws of 2016 sp. sess.

Appropriation:

Model Toxics Control Capital Account—State	.....(( <del>\$169,000</del> ))
	<u>\$168,000</u>
Prior Biennia (Expenditures) .....	(( <del>\$7,431,000</del> ))
	<u>\$7,432,000</u>
Future Biennia (Projected Costs) .....	\$0
TOTAL .....	\$7,600,000

**Sec. 3007.** 2019 c 413 s 3026 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF ECOLOGY**

Remedial Action Grants (30000374)

Appropriation:

Model Toxics Control Capital Account—State	
.....	(\$10,710,000)
	<u>\$10,489,000</u>

Prior Biennia (Expenditures) .....	(\$51,827,000)
	<u>\$52,048,000</u>

Future Biennia (Projected Costs) .....	\$0
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TOTAL .....	\$62,537,000
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**Sec. 3008.** 2019 c 413 s 3028 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF ECOLOGY**

Centennial Clean Water Program (30000427)

The reappropriations and appropriations in this section are subject to the following conditions and limitations: The reappropriations and appropriations are subject to the provisions of section 3009, chapter 35, Laws of 2016 sp. sess.

Reappropriation:

State Building Construction Account—State	
.....	\$1,171,000

Appropriation:

Model Toxics Control Capital Account—State	
.....	(\$3,436,000)
	<u>\$2,647,000</u>

Prior Biennia (Expenditures) .....	(\$17,893,000)
	<u>\$18,682,000</u>

Future Biennia (Projected Costs) .....	\$0
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TOTAL .....	\$22,500,000
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**Sec. 3009.** 2019 c 413 s 3030 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF ECOLOGY**

Eastern Washington Clean Sites Initiative (30000432)

Appropriation:

Model Toxics Control Capital Account—State	
.....	(\$8,908,000)
	<u>\$8,650,000</u>

Prior Biennia (Expenditures) .....	(\$992,000)
	<u>\$1,250,000</u>

Future Biennia (Projected Costs) .....	\$0
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TOTAL .....	\$9,900,000
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**Sec. 3010.** 2019 c 413 s 3031 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF ECOLOGY**

Remedial Action Grants (30000458)

The reappropriations and appropriations in this section are subject to the following conditions and limitations: The reappropriations and appropriations are subject to the provisions of section 3011, chapter 35, Laws of 2016 sp. sess.

Reappropriation:

State Building Construction Account—State	
.....	\$16,967,000

Appropriation:

Model Toxics Control Capital Account—State	
.....	(\$15,786,000)
	<u>\$12,927,000</u>

Prior Biennia (Expenditures) .....	(\$19,994,000)
	<u>\$22,853,000</u>

Future Biennia (Projected Costs) .....	\$0
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TOTAL .....	\$52,747,000
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**Sec. 3011.** 2019 c 413 s 3032 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF ECOLOGY**

Leaking Tank Model Remedies (30000490)

Appropriation:

Model Toxics Control Capital Account—State	
.....	(\$672,000)
	<u>\$519,000</u>

Prior Biennia (Expenditures) .....	(\$1,328,000)
	<u>\$1,481,000</u>

Future Biennia (Projected Costs) .....	\$0
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TOTAL .....	\$2,000,000
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**Sec. 3012.** 2019 c 413 s 3034 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF ECOLOGY**

Stormwater Financial Assistance Program (30000535)

The appropriation in this section is subject to the following conditions and limitations: The appropriation is subject to the provisions of section 3012, chapter 35, Laws of 2016 sp. sess.

Appropriation:

Model Toxics Control Stormwater Account—State	
.....	(\$27,816,000)
	<u>\$26,950,000</u>

Prior Biennia (Expenditures) .....	(\$3,384,000)
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\$4,250,000

Future Biennia (Projected Costs).....\$0

TOTAL.....\$31,200,000

**Sec. 3013.** 2019 c 413 s 3036 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF ECOLOGY**

Floodplains by Design (30000537)

Reappropriation:

State Building Construction Account—State  
.....((~~\$19,149,000~~))

\$19,369,000

Prior Biennia (Expenditures).....((~~\$16,411,000~~))

\$16,191,000

Future Biennia (Projected Costs).....\$0

TOTAL.....\$35,560,000

**Sec. 3014.** 2019 c 413 s 3038 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF ECOLOGY**

Cleanup Toxics Sites - Puget Sound (30000542)

The appropriation in this section is subject to the following conditions and limitations: The appropriation is subject to the provisions of section 3013, chapter 35, Laws of 2016 sp. sess.

Appropriation:

Model Toxics Control Capital Account—State  
.....((~~\$7,917,000~~))

\$7,885,000

Prior Biennia (Expenditures).....((~~\$6,464,000~~))

\$6,496,000

Future Biennia (Projected Costs).....\$0

TOTAL.....\$14,381,000

**Sec. 3015.** 2019 c 413 s 3052 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF ECOLOGY**

2017-19 Remedial Action Grants (30000707)

Appropriation:

Model Toxics Control Capital Account—State  
.....((~~\$5,877,000~~))

\$5,872,000

Prior Biennia (Expenditures).....(~~\$0~~)

\$5,000

Future Biennia (Projected Costs).....\$0

TOTAL.....\$5,877,000

**Sec. 3016.** 2019 c 413 s 3056 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF ECOLOGY**

Columbia River Water Supply Development Program (30000712)

The reappropriations in this section are subject to the following conditions and limitations: The reappropriations are subject to the provisions of section 3006, chapter 298, Laws of 2018.

Reappropriation:

Columbia River Basin Water Supply Development

Account—State.....((~~\$12,203,000~~))

\$12,250,000

Columbia River Basin Water Supply Revenue

Recovery Account—State.....\$2,000,000

State Building Construction Account—State  
.....\$19,541,000

Subtotal Reappropriation .....((~~\$33,744,000~~))

\$33,791,000

Prior Biennia (Expenditures) .....((~~\$56,000~~))

\$9,000

Future Biennia (Projected Costs) .....\$0

TOTAL.....\$33,800,000

**Sec. 3017.** 2019 c 413 s 3062 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF ECOLOGY**

2017-19 Clean Up Toxic Sites – Puget Sound (30000749)

Appropriation:

Model Toxics Control Capital Account—State  
.....((~~\$2,099,000~~))

\$1,310,000

Prior Biennia (Expenditures) .....((~~\$83,000~~))

\$872,000

Future Biennia (Projected Costs) .....\$0

TOTAL.....\$2,182,000

**Sec. 3018.** 2019 c 413 s 3064 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF ECOLOGY**

2017-19 Stormwater Financial Assistance Program (30000796)

The reappropriations and appropriations in this section are subject to the following conditions and limitations: The reappropriation and appropriation are subject to the provisions of section 3005, chapter 298, Laws of 2018.

## Reappropriation:

State Building Construction Account—State  
..... \$25,000,000

## Appropriation:

Model Toxics Control Stormwater Account—State  
..... ((~~\$11,400,000~~))

\$11,334,000

Prior Biennia (Expenditures).....((~~\$0~~))

\$66,000

Future Biennia (Projected Costs).....\$0

TOTAL.....\$36,400,000

**Sec. 3019.** 2019 c 413 s 3069 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF ECOLOGY**

Reduce Air Pollution from Transit/Sch. Buses/State-Owned Vehicles (40000109)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 3010, chapter 298, Laws of 2018, except funds directed to the Northwest Seaport Alliance for a clean truck fund in section 3010(6), chapter 298, Laws of 2018, may also be used for the Northwest Seaport Alliance to provide shore power electrification to vessels in Tacoma.

## Reappropriation:

Air Pollution Control Account—State .... \$26,483,000

Prior Biennia (Expenditures).....\$1,917,000

Future Biennia (Projected Costs).....\$0

TOTAL.....\$28,400,000

**Sec. 3020.** 2019 c 413 s 3081 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF ECOLOGY**

2019-21 Stormwater Financial Assistance Program (40000144)

The appropriation in this section is subject to the following conditions and limitations:

(1) Appropriations in this section are provided solely for competitive grants to local governments implementing projects that reduce the impacts of stormwater on Washington state's waters.

(2) \$29,750,000 of the appropriation is provided solely for grants directed to areas of Puget Sound that will benefit southern resident killer whales.

## Appropriation:

Model Toxics Control Stormwater Account—State  
..... ((~~\$44,000,000~~))

\$49,006,000

Prior Biennia (Expenditures) ..... \$0

Future Biennia (Projected Costs) .....\$160,000,000

TOTAL.....\$204,000,000

\$209,006,000

**NEW SECTION. Sec. 3021.** A new section is added to 2019 c 413 (uncodified) to read as follows:**FOR THE DEPARTMENT OF ECOLOGY**

2020 Eastern Washington Clean Sites Initiative (40000286)

## Appropriation:

Model Toxics Control Capital Account—State  
.....\$1,000,000

Prior Biennia (Expenditures) ..... \$0

Future Biennia (Projected Costs) ..... \$0

TOTAL.....\$1,000,000

**NEW SECTION. Sec. 3022.** A new section is added to 2019 c 413 (uncodified) to read as follows:**FOR THE DEPARTMENT OF ECOLOGY**

2020 Remedial Action Grants (40000288)

## Appropriation:

Model Toxics Control Capital Account—State  
.....\$32,656,000

Prior Biennia (Expenditures) ..... \$0

Future Biennia (Projected Costs) ..... \$0

TOTAL.....\$32,656,000

**Sec. 3023.** 2019 c 413 s 3093 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF ECOLOGY**

2019-21 Chehalis Basin Strategy (40000209)

The appropriation in this section is subject to the following conditions and limitations:

(1)(a) Up to ((~~\$23,757,000~~)) \$24,007,000 of the appropriation is for advancing the long-term strategy for the Chehalis basin projects to reduce flood damage and restore aquatic species including project level environmental review, data collection, engineering design of future construction projects, feasibility analysis, and engagement of state agencies, tribes, the office of Chehalis basin, and other parties.

(b) Of the amount provided in this subsection, up to \$250,000 is for contracting with an independent third party to assess the financial impacts on landowners whose property could become the site of a flood retention structure and temporary reservoir project, including, but not limited to, timber valuation, construction of alternative transportation networks, and lost timber production associated with the project.

(2)(a) Up to ~~(((\$49,450,000))~~ \$49,900,000 of the appropriation is for construction of local priority flood protection and habitat restoration projects.

(b) Of the amount provided in this subsection, up to \$450,000 is for a state match for equal funding from the office of the Chehalis basin for the Lower Satsop Restoration and Protection Program Keys Road Protection Project.

(3) The office of Chehalis basin board has discretion to allocate the funding between subsections (1) and (2) of this section if needed to meet the objectives of this appropriation; however, \$10,000,000 of the amounts in this section are provided solely for the final design, permitting, property acquisition, and construction of the Aberdeen Hoquiam north shore levee and related stormwater conveyance and pump station upgrades.

(4) Up to one and a half percent of the appropriation provided in this section may be used by the recreation and conservation office to administer contracts associated with the subprojects funded through this section. Contract administration includes, but is not limited to: Drafting and amending contracts, reviewing and approving invoices, tracking expenditures, and performing field inspections to assess project status when conducting similar assessments related to other agency contracts in the same geographic area.

#### Appropriation:

State Building Construction Account—State	
.....	<del>(((\$73,207,000))</del>
	<u>\$73,907,000</u>
Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs).....	\$288,000,000
TOTAL.....	<u>\$361,207,000</u>
	<u>\$361,907,000</u>

**Sec. 3024.** 2019 c 413 s 3096 (uncodified) is amended to read as follows:

#### FOR THE DEPARTMENT OF ECOLOGY

Habitat Mitigation (91000007)

#### Reappropriation:

State Building Construction Account—State	\$47,000
Prior Biennia (Expenditures).....	<del>(((\$2,802,000))</del>
	<u>\$2,398,000</u>
Future Biennia (Projected Costs).....	\$0
TOTAL.....	<u>\$2,849,000</u>
	<u>\$2,445,000</u>

**Sec. 3025.** 2019 c 413 s 3097 (uncodified) is amended to read as follows:

#### FOR THE DEPARTMENT OF ECOLOGY

Clean Up Toxics Sites - Puget Sound (91000032)

#### Appropriation:

Model Toxics Control Capital Account—State	
.....	<del>(((\$304,000))</del>
	<u>\$179,000</u>
Prior Biennia (Expenditures) .....	<del>(((\$8,966,000))</del>
	<u>\$9,091,000</u>
Future Biennia (Projected Costs) .....	\$0
TOTAL .....	<u>\$9,270,000</u>

**NEW SECTION. Sec. 3026.** A new section is added to 2019 c 413 (uncodified) to read as follows:**FOR THE POLLUTION LIABILITY INSURANCE PROGRAM**

Heating Oil Capital Financing Assistance Program (30000704)

The appropriation in this section is subject to the following conditions and limitations: The appropriation in this section is provided solely for implementation of Substitute Senate Bill No. 6256 (heating oil insurance program). If the bill is not enacted by June 30, 2020, the amount provided in this section shall lapse.

#### Appropriation:

PLIA Underground Storage Tank Revolving Account—State .....	\$4,000,000
Prior Biennia (Expenditures) .....	\$0
Future Biennia (Projected Costs) .....	\$24,000,000
TOTAL .....	<u>\$28,000,000</u>

**Sec. 3027.** 2019 c 413 s 3115 (uncodified) is amended to read as follows:

#### FOR THE STATE PARKS AND RECREATION COMMISSION

Fort Flagler - WW1 Historic Facilities Preservation (30000100)

#### Reappropriation:

State Building Construction Account—State	
.....	\$1,091,000
Prior Biennia (Expenditures) .....	<del>(((\$2,295,000))</del>
	<u>\$1,582,000</u>
Future Biennia (Projected Costs) .....	\$1,963,000
TOTAL .....	<u>\$5,349,000</u>
	<u>\$4,636,000</u>

**Sec. 3028.** 2019 c 413 s 3119 (uncodified) is amended to read as follows:

#### FOR THE STATE PARKS AND RECREATION COMMISSION

Marine Facilities - Various Locations Moorage Float Replacement (30000496)

#### Reappropriation:



State Building Construction Account—State \$111,000  
 Prior Biennia (Expenditures) ..... ((~~\$458,000~~))  
\$349,000  
 Future Biennia (Projected Costs) ..... \$0  
 TOTAL ..... ~~\$569,000~~  
\$460,000

**Sec. 3029.** 2019 c 413 s 3120 (uncodified) is amended to read as follows:

**FOR THE STATE PARKS AND RECREATION COMMISSION**

Willapa Hills Trail Develop Safe Multi-Use Trail Crossing at SR 6 (30000519)

Reappropriation:

State Building Construction Account—State  
 ..... ((~~\$25,000~~))  
\$79,000

Appropriation:

State Building Construction Account—State  
 ..... \$4,961,000

Prior Biennia (Expenditures) ..... ((~~\$397,000~~))  
\$343,000

Future Biennia (Projected Costs) ..... \$0  
 TOTAL ..... \$5,383,000

**Sec. 3030.** 2019 c 413 s 3123 (uncodified) is amended to read as follows:

**FOR THE STATE PARKS AND RECREATION COMMISSION**

Goldendale Observatory - Expansion (30000709)

Reappropriation:

State Building Construction Account—State  
 ..... ((~~\$551,000~~))  
\$583,000

Prior Biennia (Expenditures) ..... ((~~\$4,793,000~~))  
\$4,761,000

Future Biennia (Projected Costs) ..... \$0  
 TOTAL ..... \$5,344,000

**Sec. 3031.** 2019 c 413 s 3129 (uncodified) is amended to read as follows:

**FOR THE STATE PARKS AND RECREATION COMMISSION**

Fort Worden - Replace Failing Sewer Lines (30000860)

Reappropriation:

State Building Construction Account—State  
 ..... ((~~\$1,493,000~~))  
\$1,668,000

Prior Biennia (Expenditures) ..... ((~~\$1,061,000~~))  
\$886,000

Future Biennia (Projected Costs) ..... \$0  
 TOTAL ..... \$2,554,000

**Sec. 3032.** 2019 c 413 s 3131 (uncodified) is amended to read as follows:

**FOR THE STATE PARKS AND RECREATION COMMISSION**

Lake Sammamish Dock Grant Match (30000872)

Reappropriation:

State Building Construction Account—State \$959,000  
 Prior Biennia (Expenditures) ..... ((~~\$141,000~~))  
\$121,000

Future Biennia (Projected Costs) ..... \$0  
 TOTAL ..... ~~\$1,100,000~~  
\$1,080,000

**Sec. 3033.** 2019 c 413 s 3132 (uncodified) is amended to read as follows:

**FOR THE STATE PARKS AND RECREATION COMMISSION**

Birch Bay - Replace Failing Bridge (30000876)

Reappropriation:

State Building Construction Account—State \$100,000  
 Prior Biennia (Expenditures) ..... ((~~\$237,000~~))  
\$148,000

Future Biennia (Projected Costs) ..... \$0  
 TOTAL ..... ~~\$337,000~~  
\$248,000

**Sec. 3034.** 2019 c 413 s 3135 (uncodified) is amended to read as follows:

**FOR THE STATE PARKS AND RECREATION COMMISSION**

Mount Spokane - Maintenance Facility Relocation from Harms Way (30000959)

Reappropriation:

State Building Construction Account—State  
 ..... \$1,921,000  
 Prior Biennia (Expenditures) ..... ((~~\$587,000~~))  
\$520,000

Future Biennia (Projected Costs) ..... \$0

TOTAL.....\$2,508,000  
\$2,441,000

**Sec. 3035.** 2019 c 413 s 3137 (uncodified) is amended to read as follows:

**FOR THE STATE PARKS AND RECREATION COMMISSION**

Statewide - Depression Era Structures Restoration Assessment (30000966)

Reappropriation:

State Building Construction Account—State\$186,000

Prior Biennia (Expenditures).....((\$1,086,000))

\$1,050,000

Future Biennia (Projected Costs).....\$0

TOTAL.....\$1,272,000

\$1,236,000

**Sec. 3036.** 2019 c 413 s 3141 (uncodified) is amended to read as follows:

**FOR THE STATE PARKS AND RECREATION COMMISSION**

Minor Works - Health and Safety (30000977)

Reappropriation:

State Building Construction Account—State  
 .....((\$402,000))

\$537,000

Prior Biennia (Expenditures).....((\$647,000))

\$512,000

Future Biennia (Projected Costs).....\$0

TOTAL.....\$1,049,000

**Sec. 3037.** 2019 c 413 s 3143 (uncodified) is amended to read as follows:

**FOR THE STATE PARKS AND RECREATION COMMISSION**

Minor Works—Program (30000979)

Reappropriation:

State Building Construction Account—State\$646,000

Prior Biennia (Expenditures).....((\$845,000))

\$620,000

Future Biennia (Projected Costs).....\$0

TOTAL.....\$1,491,000

\$1,266,000

**Sec. 3038.** 2019 c 413 s 3144 (uncodified) is amended to read as follows:

**FOR THE STATE PARKS AND RECREATION COMMISSION**

Moran Summit Learning Center - Interpretive Facility (30000980)

Reappropriation:

State Building Construction Account—State  
 .....((\$903,000))

\$955,000

Prior Biennia (Expenditures) .....((\$112,000))

\$60,000

Future Biennia (Projected Costs) .....\$0

TOTAL .....\$1,015,000

**Sec. 3039.** 2019 c 413 s 3145 (uncodified) is amended to read as follows:

**FOR THE STATE PARKS AND RECREATION COMMISSION**

Penrose Point Sewer Improvements (30000981)

Reappropriation:

State Building Construction Account—State  
 .....((\$320,000))

\$367,000

Appropriation:

State Building Construction Account—State\$289,000

Prior Biennia (Expenditures) .....((\$130,000))

\$83,000

Future Biennia (Projected Costs) .....\$0

TOTAL .....\$450,000

\$739,000

**Sec. 3040.** 2019 c 413 s 3149 (uncodified) is amended to read as follows:

**FOR THE STATE PARKS AND RECREATION COMMISSION**

Statewide Septic System Renovation (30001017)

Reappropriation:

State Building Construction Account—State..\$65,000

Prior Biennia (Expenditures) .....((\$185,000))

\$177,000

Future Biennia (Projected Costs) .....\$0

TOTAL .....\$250,000

\$242,000

**Sec. 3041.** 2019 c 413 s 3150 (uncodified) is amended to read as follows:

**FOR THE STATE PARKS AND RECREATION COMMISSION**

Statewide Electrical System Renovation (30001018) \$339,000

Reappropriation:

State Building Construction Account—State \$462,000

Prior Biennia (Expenditures).....((~~\$288,000~~))

\$267,000

Future Biennia (Projected Costs).....\$0

TOTAL.....\$750,000

\$729,000

**Sec. 3042.** 2019 c 413 s 3151 (uncodified) is amended to read as follows:

**FOR THE STATE PARKS AND RECREATION COMMISSION**

Statewide - ADA Compliance (30000985)

Reappropriation:

State Building Construction Account—State  
.....((~~\$467,000~~))

\$784,000

Prior Biennia (Expenditures).....((~~\$533,000~~))

\$216,000

Future Biennia (Projected Costs).....\$0

TOTAL.....\$1,000,000

**Sec. 3043.** 2019 c 413 s 3152 (uncodified) is amended to read as follows:

**FOR THE STATE PARKS AND RECREATION COMMISSION**

Statewide New Park (30001019)

Reappropriation:

State Building Construction Account—State  
.....((~~\$267,000~~))

\$313,000

Prior Biennia (Expenditures).....((~~\$46,000~~))

\$0

Future Biennia (Projected Costs).....\$20,006,000

TOTAL.....\$20,319,000

**Sec. 3044.** 2019 c 413 s 3153 (uncodified) is amended to read as follows:

**FOR THE STATE PARKS AND RECREATION COMMISSION**

Fort Worden Replace Failing Water Lines (30001022)

Reappropriation:

State Building Construction Account—State  
.....((~~\$214,000~~))

\$339,000

Prior Biennia (Expenditures) .....((~~\$163,000~~))

\$38,000

Future Biennia (Projected Costs) .....\$2,013,000

TOTAL .....\$2,390,000

**Sec. 3045.** 2019 c 413 s 3156 (uncodified) is amended to read as follows:

**FOR THE STATE PARKS AND RECREATION COMMISSION**

Statewide Fish Barrier Removal (40000010)

Reappropriation:

State Building Construction Account—State  
.....((~~\$53,000~~))

\$194,000

Appropriation:

State Building Construction Account—State  
.....\$1,605,000

Prior Biennia (Expenditures) .....((~~\$247,000~~))

\$106,000

Future Biennia (Projected Costs) .....\$0

TOTAL .....\$1,905,000

**Sec. 3046.** 2019 c 413 s 3160 (uncodified) is amended to read as follows:

**FOR THE STATE PARKS AND RECREATION COMMISSION**

Nisqually New Full Service Park (40000153)

Appropriation:

State Building Construction Account—State  
.....((~~\$2,994,000~~))

\$3,857,000

Prior Biennia (Expenditures) .....\$0

Future Biennia (Projected Costs) .....\$17,700,000

TOTAL .....\$20,694,000

\$21,557,000

**NEW SECTION. Sec. 3047.** A new section is added to 2019 c 413 (uncodified) to read as follows:**FOR THE STATE PARKS AND RECREATION COMMISSION**

Palouse to Cascades Trail: Crab Creek Trestle Replacement (40000162)

Appropriation:

State Building Construction Account—State \$250,000

Prior Biennia (Expenditures) .....\$0

Future Biennia (Projected Costs).....\$0  
 TOTAL.....\$250,000

**Sec. 3048.** 2019 c 413 s 3204 (uncodified) is amended to read as follows:

**FOR THE RECREATION AND CONSERVATION OFFICE**

2019-21 - Youth Athletic Facilities (40000007)

The appropriation in this section is subject to the following conditions and limitations: The amounts appropriated in this section may be awarded only to projects approved by the legislature, as identified in LEAP capital documents No. 2020-467-HSBA, developed on February 25, 2020, and No. 2020-467-HB, developed on February 14, 2020.

Appropriation:

State Building Construction Account—State  
 .....\$12,000,000  
 Prior Biennia (Expenditures).....\$0  
 Future Biennia (Projected Costs).....\$20,000,000  
 TOTAL.....\$32,000,000

**Sec. 3049.** 2019 c 413 s 3218 (uncodified) is amended to read as follows:

**FOR THE RECREATION AND CONSERVATION OFFICE**

Recreation & Conservation Office Recreation Grants (92000131)

The reappropriations in this section are subject to the following conditions and limitations:

(1) The reappropriations are subject to the provisions of section 3086, chapter 2, Laws of 2018.

(2) A maximum of \$615,000 of unused funds in this appropriation may be used for replacement and repair of dock facilities available for public use at Van Riper marina, without requiring matching resources, and provided that a grant and lease term of 30 years is offered to the recipient from the state.

(3) A maximum of \$302,000 of unused amounts in this appropriation may be used for the state route number 547 pedestrian and bicycle safety trail near Kendall, without requiring matching resources.

(4) A maximum of \$448,000 of unused amounts in this appropriation may be used for the Stanwood Port Susan trail project near Stanwood, without requiring matching resources.

(5) A maximum of \$300,000 of unused amounts in this appropriation may be used for the ebey waterfront trail near Marysville, without requiring matching resources.

(6) A maximum of \$400,000 of unused amounts in this appropriation may be used for trail lighting on the cross Kirkland corridor (CKC) at the I-405 underpass in Totem Lake near Kirkland, without requiring matching resources.

Reappropriation:

State Building Construction Account—State  
 .....\$14,559,000

Outdoor Recreation Account—State.....\$1,337,000

Subtotal Reappropriation .....\$15,896,000

Prior Biennia (Expenditures) .....\$18,885,000

Future Biennia (Projected Costs) .....\$0

TOTAL.....\$34,781,000

**NEW SECTION. Sec. 3050.** A new section is added to 2019 c 413 (uncodified) to read as follows:**FOR THE RECREATION AND CONSERVATION OFFICE**

Community Forest Project List Development (91001354)

The appropriation in this section is subject to the following conditions and limitations.

(1) The recreation and conservation office shall consult with the department of natural resources and stakeholders to develop funding criteria and a ranked project list to establish community forest projects for funding consideration in the 2021-2023 biennium.

(2) The recreation and conservation office shall develop options for establishing accounting assurances for future revenues that may be generated from community forests.

(3) The criteria established under subsection (1) of this section must allow for a review of project submissions by the recreation and conservation funding board in a manner that is complementary to existing conservation funding programs administered by the office.

(4) A project may be included in the ranked list created under subsection (1) of this section only if it meets the following conditions:

(a) The property under consideration must be forestland;

(b) Acquisition of the property under consideration must be fee simple;

(c) The entity acquiring the property under consideration must be a nonprofit conservation organization, local government, tribe, or a state agency working directly with one or more of the these entities; and

(d) The community forest project must promote, enhance, or develop community and economic benefits.

(5) The recreation and conservation office shall submit the funding criteria and the ranked project list required under subsection (1) of this section and the accounting options required under subsection (2) of this section to the legislature by December 31, 2020.

Appropriation:

State Building Construction Account—State..\$50,000

Prior Biennia (Expenditures) .....\$0



State	Building	Construction	Account—State
.....			\$5,555,000
Appropriation:			
State	Building	Construction	Account—State
.....			(((\$1,710,000))
			<u>\$4,646,000</u>
Prior Biennia (Expenditures).....			\$6,144,000
Future Biennia (Projected Costs).....			(((\$3,031,000))
			<u>\$0</u>
TOTAL.....			<u>\$16,440,000</u>
			<u>\$16,345,000</u>

**Sec. 3056.** 2019 c 413 s 3247 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF FISH AND WILDLIFE**

Eells Springs Production Shift (30000723)

Reappropriation:

State	Building	Construction	Account—State
.....			(((\$1,400,000))
			<u>\$1,546,000</u>
Prior Biennia (Expenditures).....			(((\$2,670,000))
			<u>\$2,524,000</u>
Future Biennia (Projected Costs).....			\$0
TOTAL.....			\$4,070,000

**Sec. 3057.** 2019 c 413 s 3252 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF FISH AND WILDLIFE**

Snow Creek Reconstruct Facility (30000826)

The appropriation in this section is subject to the following conditions and limitations: In constructing the project, the department must consider the firelight toilet technology.

Reappropriation:

State Building Construction Account—State .	\$25,000
Appropriation:	
State Building Construction Account—State	\$143,000
Prior Biennia (Expenditures).....	(((\$75,000))
	<u>\$68,000</u>
Future Biennia (Projected Costs).....	\$4,794,000
TOTAL.....	<u>\$5,037,000</u>
	<u>\$5,030,000</u>

**Sec. 3058.** 2019 c 413 s 3253 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF FISH AND WILDLIFE**

Forks Creek Hatchery - Renovate Intake and Diversion (30000827)

Reappropriation:

State	Building	Construction	Account—State
.....			(((\$2,423,000))
			<u>\$2,577,000</u>
Appropriation:			
State	Building	Construction	Account—State
.....			\$3,086,000
Prior Biennia (Expenditures) .....			(((\$2,000))
			<u>\$198,000</u>
Future Biennia (Projected Costs) .....			\$0
TOTAL .....			<u>\$5,511,000</u>
			<u>\$5,861,000</u>

**Sec. 3059.** 2019 c 413 s 3254 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF FISH AND WILDLIFE**

Hurd Creek - Relocate Facilities out of Floodplain (30000830)

Reappropriation:

State Building Construction Account—State	\$600,000
Prior Biennia (Expenditures) .....	(((\$200,000))
	<u>\$177,000</u>
Future Biennia (Projected Costs) .....	\$0
TOTAL .....	<u>\$800,000</u>
	<u>\$777,000</u>

**Sec. 3060.** 2019 c 413 s 3255 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF FISH AND WILDLIFE**

Dungeness Hatchery - Replace Main Intake (30000844)

Reappropriation:

State Building Construction Account—State				\$300,000
Appropriation:				
State	Building	Construction	Account—State	
.....				\$4,830,000
Prior Biennia (Expenditures) .....				(((\$315,000))
				<u>\$276,000</u>
Future Biennia (Projected Costs) .....				\$0
TOTAL .....				<u>\$5,445,000</u>

\$5,406,000

**NEW SECTION. Sec. 3061.** A new section is added to 2019 c 413 (uncodified) to read as follows:**FOR THE DEPARTMENT OF FISH AND WILDLIFE**

Wiley Slough Dike Raising (40000004)

Appropriation:

State Building Construction Account—State\$972,000

Prior Biennia (Expenditures).....\$0

Future Biennia (Projected Costs).....\$4,183,000

TOTAL.....\$5,155,000

**NEW SECTION. Sec. 3062.** A new section is added to 2019 c 413 (uncodified) to read as follows:**FOR THE DEPARTMENT OF FISH AND WILDLIFE**

(1) Nothing in this section alters the obligation set forth in the permanent injunction, including the compliance deadline, entered on March 29, 2013, in *United States v. Washington*, sub-proceeding 01-1 (Culverts), or the guidelines for compliance within the specified timeline with the permanent injunction as developed by the state agencies during the implementation process.

(2) Nothing in this section creates an obligation on the part of the state to provide funding for corrections for nonstate-owned culverts. Nothing in this section precludes the state from providing funding for corrections for nonstate-owned culverts.

(3) In order to provide recommendations, the Brian Abbott fish barrier removal board must develop a comprehensive statewide culvert remediation plan that works in conjunction with the state approach and that fully satisfies the requirements of the *United States v. Washington* permanent injunction and makes both local and state funding recommendations for additional nonstate barrier corrections across state culvert correction programs that maximize the fisheries habitat gain and other benefits to prey available for southern resident killer whale and salmon recovery.

(4) The comprehensive statewide culvert remediation plan must be consistent with the principles and requirements of the *United States v. Washington* permanent injunction and RCW 77.95.180 and must achieve coordinated investment strategy goals of permanent injunction compliance and the following additional resource benefits. The Brian Abbott fish barrier removal board chair, representing the board and the appropriate department of fish and wildlife executive management, shall consult with tribes to develop a watershed approach. Provided it is consistent with the *United States v. Washington* permanent injunction, prioritization of barrier corrections must be developed on a watershed basis and must maximize the following resource priorities:

(a) Stocks that are listed as threatened or endangered under the federal endangered species act;

(b) Stocks that contribute to protection and recovery of southern resident orca whales;

(c) Critical stocks of anadromous fish that limit or prevent harvest of anadromous fish, as identified in the Pacific salmon treaty; and

(d) Weak stocks of anadromous fish that limit or prevent harvest of anadromous fish, as determined in North of Cape Falcon process.

(5) The comprehensive statewide culvert remediation plan must include recommendations on methods and procedures for state agencies and local governments to complete and maintain accurate barrier inventories. This plan must also allow for efficient bundling of projects to minimize disruption to the public due to construction as well as adjustments in response to obstacles and opportunities encountered during delivery.

(6) The Brian Abbott fish barrier removal board must also:

(a) Provide to the office of financial management and the fiscal committees of the legislature its recommendation as to statutory or policy changes, or budget needs for the board or state capital budget programs, for better implementation and coordination among the state's culvert correction programs by January 15, 2021; and

(b) Develop a plan to seek and maximize the chances of success of significant federal investment in the comprehensive statewide culvert remediation plan.

(7) It is the intent of the legislature that, in developing future budgets, state agencies administering state culvert correction programs will recommend, to the maximum extent possible, funding in their culvert correction programs for correction of barriers that are part of the comprehensive statewide culvert remediation plan developed by the Brian Abbott fish barrier removal board under this section.

(8) By November 1, 2020, and March 1, 2021, the Brian Abbott fish barrier removal board and the department of transportation must provide updates on the development of the statewide culvert remediation plan to the office of financial management and the legislative fiscal committees. The first update must include a project timeline and plan to ensure that all agencies with culvert correction programs are involved in the creation of the comprehensive plan.

(9) Prior to presenting the comprehensive statewide culvert remediation plan, the Brian Abbott fish barrier removal board must present the status of the plan to the annual Washington state and Western Washington treaty tribes fish passage barrier repair progress and coordination meeting. The board must submit the comprehensive statewide culvert remediation plan and the process by which it will be adaptively managed over time to the governor and the legislative fiscal committees by January 15, 2021.

**Sec. 3063.** 2019 c 413 s 3234 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF FISH AND WILDLIFE**

Deschutes Watershed Center (20062008)

The reappropriation in this section is subject to the following conditions and limitations:

(1) The reappropriation is subject to the provisions of section 3205, chapter 19, Laws of 2013 2nd sp. sess.

(2) To avoid foregoing the investment in design and permitting that has already been expended on the Pioneer Park location for the Deschutes Watershed Center, the comanagers shall reconsider this site along with any other locations they agree on. The comanagers shall reevaluate feasible locations by September 30, 2020, and prepare a decision document to justify the best available location.

Reappropriation:

State	Building	Construction	Account—State
.....	.....	.....	.....
			\$9,697,000
Prior Biennia (Expenditures).....			\$5,798,000
Future Biennia (Projected Costs).....			\$0
TOTAL.....			\$15,495,000

**Sec. 3064.** 2019 c 413 s 3274 (uncodified) is amended to read as follows:

#### **FOR THE DEPARTMENT OF NATURAL RESOURCES**

Forestry Riparian Easement Program (FREP)  
(30000279)

Reappropriation:

State	Building	Construction	Account—State
.....	.....	.....	.....
			(\$400,000)
			<u>\$520,000</u>
Prior Biennia (Expenditures).....			(\$3,100,000)
			<u>\$2,980,000</u>
Future Biennia (Projected Costs).....			\$0
TOTAL.....			\$3,500,000

**Sec. 3065.** 2019 c 413 s 3275 (uncodified) is amended to read as follows:

#### **FOR THE DEPARTMENT OF NATURAL RESOURCES**

Teanaway Working Forest (30000289)

Reappropriation:

State	Building	Construction	Account—State
.....	.....	.....	.....
			(\$600,000)
			<u>\$675,000</u>
Prior Biennia (Expenditures).....			(\$881,000)
			<u>\$662,000</u>
Future Biennia (Projected Costs).....			\$0
TOTAL.....			\$1,481,000
			<u>\$1,337,000</u>

**Sec. 3066.** 2019 c 413 s 3294 (uncodified) is amended to read as follows:

#### **FOR THE DEPARTMENT OF NATURAL RESOURCES**

Forest Riparian Easement Program (FREP)  
(40000052)

Appropriation:

State	Building	Construction	Account—State
.....	.....	.....	.....
			(\$2,500,000)
			<u>\$3,500,000</u>
Prior Biennia (Expenditures) .....			\$0
Future Biennia (Projected Costs) .....			\$20,000,000
TOTAL .....			\$22,500,000
			<u>\$23,500,000</u>

**NEW SECTION. Sec. 3067.** A new section is added to 2019 c 413 (uncodified) to read as follows:**FOR THE DEPARTMENT OF NATURAL RESOURCES**

Grouse Ridge Fish Barriers & RMAP Compliance  
(40000056)

Appropriation:

State	Building	Construction	Account—State
.....	.....	.....	.....
			\$3,245,000
Prior Biennia (Expenditures) .....			\$0
Future Biennia (Projected Costs) .....			\$1,694,000
TOTAL .....			\$4,939,000

**NEW SECTION. Sec. 3068.** A new section is added to 2019 c 413 (uncodified) to read as follows:**FOR THE DEPARTMENT OF NATURAL RESOURCES**

Emergent Environmental Mitigation Projects  
(40000058)

Appropriation:

Forest Development Account—State.....	\$92,000
Resource Management Cost Account—State.....	\$93,000
Model Toxics Control Capital Account—State.....	\$135,000
Subtotal Appropriation .....	\$320,000
Prior Biennia (Expenditures) .....	\$0
Future Biennia (Projected Costs) .....	\$0
TOTAL .....	\$320,000

**NEW SECTION. Sec. 3069.** A new section is added to 2019 c 413 (uncodified) to read as follows:**FOR THE DEPARTMENT OF NATURAL RESOURCES**

Minor Works - Preservation: 2019-21 (40000061)

Appropriation:



State Building Construction Account—State  
..... \$1,550,000

Prior Biennia (Expenditures)..... \$0

Future Biennia (Projected Costs)..... \$0

TOTAL..... \$1,550,000

**NEW SECTION. Sec. 3070.** A new section is added to 2019 c 413 (uncodified) to read as follows:**FOR THE DEPARTMENT OF NATURAL RESOURCES**

Whitmarsh (March Point) Landfill Site Cleanup  
(40000069)

Appropriation:

Model Toxics Control Capital Account—State  
..... \$3,063,000

Prior Biennia (Expenditures)..... \$0

Future Biennia (Projected Costs)..... \$0

TOTAL..... \$3,063,000

**NEW SECTION. Sec. 3071.** The following acts or parts of acts are each repealed:

(1)2019 c 413 s 3099 (uncodified); and

(2)2019 c 413 s 3296 (uncodified).

#### **PART 4**

#### **TRANSPORTATION**

**Sec. 4001.** 2019 c 413 s 4001 (uncodified) is amended to read as follows:

#### **FOR THE WASHINGTON STATE PATROL**

Fire Training Academy Stormwater Remediation  
(30000030)

Reappropriation:

Fire Service Training Account—State..... \$2,832,000

Appropriation:

Fire Service Training Account—State..... \$414,000

Prior Biennia (Expenditures)..... \$300,000

Future Biennia (Projected Costs)..... \$0

TOTAL..... \$3,132,000

\$3,546,000

**NEW SECTION. Sec. 4002.** A new section is added to 2019 c 413 (uncodified) to read as follows:**FOR THE DEPARTMENT OF TRANSPORTATION**

Telford Helipad (40000001)

Appropriation:

State Building Construction Account—State . \$75,000

Prior Biennia (Expenditures)..... \$0

Future Biennia (Projected Costs)..... \$0

TOTAL.....\$75,000

#### **PART 5**

#### **EDUCATION**

**Sec. 5001.** 2019 c 413 s 5001 (uncodified) is amended to read as follows:

#### **FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION**

Pierce County Skills Center (20084856)

Reappropriation:

State Building Construction Account—State  
..... ((~~\$472,000~~))

\$32,000

Prior Biennia (Expenditures) .....\$35,072,000

Future Biennia (Projected Costs) ..... \$0

TOTAL.....\$35,544,000

\$35,104,000

**Sec. 5002.** 2019 c 413 s 5012 (uncodified) is amended to read as follows:

#### **FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION**

2019-21 School Construction Assistance Program -  
Maintenance Level (40000013)

The appropriations in this section are subject to the following conditions and limitations: \$1,005,000 of the common school construction account—state appropriation is provided solely for study and survey grants and for completing inventory and building condition assessments for public school districts every six years.

Appropriation:

State Building Construction Account—State  
..... ((~~\$879,021,000~~))

\$851,208,000

Common School Construction Account—State  
..... ((~~\$160,032,000~~))

\$185,908,000

Common School Construction Account—Federal  
..... ((~~\$3,000,000~~))

\$3,840,000

Subtotal Appropriation ..... ((~~\$1,042,053,000~~))

\$1,040,956,000

Prior Biennia (Expenditures) ..... \$0

Future Biennia (Projected Costs) .....\$4,870,192,000

TOTAL.....\$5,912,245,000

\$5,911,148,000

**Sec. 5003.** 2019 c 413 s 5028 (uncodified) is amended to read as follows:

**FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION**

2019-21 Small District Modernization Grants (92000139)

The appropriation in this section is subject to the following conditions and limitations:

(1) The legislature finds that small school districts with total enrollments of one thousand students or less may have school facilities with significant building systems deficiencies and low property values, and that raising enough funds to participate in the school construction assistance program to replace or modernize their school facilities would present an extraordinary tax burden on property owners or would exceed allowable debt.

(2) \$200,000 of the appropriation is provided solely for the office of the superintendent of public instruction to administer the grant program and provide technical assistance to small school districts seeking grants funded in this section.

(3) ~~(\$1,000,000))~~ \$957,000 of the appropriation is provided solely for planning grants for small school districts interested in seeking modernization grants in subsection (4) of this section. The superintendent may prioritize planning grants for school districts with the most serious building deficiencies and the most limited financial capacity. Planning grants may not exceed \$50,000 per district.

(4) The remaining portion of the appropriation is provided solely for modernization grants for small school districts with significant building system deficiencies and limited financial capacity with the following conditions:

(a) The superintendent of public instruction must appoint an advisory committee whose members have experience in financing and managing school facilities in small school districts to assist the office in designing the grant application process, developing the prioritization criteria, and evaluating the grant applications. Advisory committee members may not be involved in developing projects or applying for grants funded in this section.

(b) In addition to prioritization criteria developed by the office of the superintendent of public instruction and the advisory committee pursuant to (4)(a) of this section, the office and the advisory committee must also prioritize projects that: (i) Improve student health, safety, and academic performance for the largest number of students; (ii) provide the most available school district resources, including in-kind resources; and (iii) make use of mass-timber products, including cross-laminated timber, or aggregates and concretes materials.

(c) The superintendent must submit a list of small school district modernization projects, as prioritized by the advisory committee, to the legislature by January 15, 2020. The list must include: (i) A description of the project; (ii) the proposed state funding level, not to exceed \$5,000,000; (iii) estimated total project costs; and (iv) local funding

resources. The appropriated funds in this subsection may be awarded only ~~((after the legislature approves the list))~~ to projects approved by the legislature, as identified in LEAP capital document No. 2020-51, developed March 6, 2020.

(5) For projects in this section that are also eligible for funding through the school construction assistance program, the office of the superintendent of public instruction must expedite and streamline the administrative requirements, timelines, and matching requirements for the funds provided in this section to be used promptly. Funds provided in this section plus state funds provided in the school construction assistance program grant must not exceed total project costs minus available local resources.

**Appropriation:**

State	Building	Construction	Account—State
.....	.....	.....	<del>(\$20,000,000))</del>
			<u>\$23,383,000</u>
Prior Biennia (Expenditures) .....			\$0
Future Biennia (Projected Costs) .....			\$0
TOTAL .....			<u>\$20,000,000</u>
			<u>\$23,383,000</u>

**Sec. 5004.** 2019 c 413 s 5025 (uncodified) is amended to read as follows:

**FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION**

Distressed Schools (92000041)

The reappropriation in this section is subject to the following conditions and limitations: ~~((The))~~

(1) Except as provided for under subsection (2) of this section, the reappropriation is subject to the provisions of section 5007, chapter 298, Laws of 2018.

(2) School districts that receive reappropriations in this section may use the reappropriation to fund local share of project cost requirements for projects also eligible for funding through the school construction assistance program.

**Reappropriation:**

State	Building	Construction	Account—State
.....	.....	.....	\$41,585,000
Prior Biennia (Expenditures) .....			\$3,901,000
Future Biennia (Projected Costs) .....			\$0
TOTAL .....			<u>\$45,486,000</u>

**Sec. 5005.** 2019 c 413 s 5030 (uncodified) is amended to read as follows:

**FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION**

2019-21 Distressed Schools (92000142)

The appropriation in this section is subject to the following conditions and limitations:

(1) \$4,400,000 of the appropriation in this section is provided solely for classroom additions and other modernizations at Leschi elementary school in Seattle public schools.

(2) \$10,500,000 of the appropriation in this section is provided solely for classroom additions at Madison middle school in Seattle public schools.

(3) \$3,100,000 of the appropriation in this section is provided solely for heating and ventilation upgrades at North Beach elementary school in Seattle public schools.

(4) The remaining portion of the appropriation is provided solely for competitive grants for modular classrooms ~~((made with mass timber products, including cross laminated timber,))~~ for the purpose of replacing portables in school districts with space challenges due to unavailable land for new school facilities to accommodate enrollment growth or with an overdependent use of portables to provide classroom space. The grants are subject to the following conditions and limitations:

(a) School districts are responsible for the costs of site preparation; required permits; delivery and installation of the modular classrooms; furnishings, fixtures, and equipment; utility connections; and any other infrastructure costs related to the modular classrooms;

(b) The office of the superintendent of public instruction must prioritize projects based on the following criteria in the following order:

(i) School districts with high ratios of portable classrooms to permanent classrooms;

(ii) School districts with low acreage of land available for new construction;

(iii) Projects that achieve lowest cost per classroom ~~((with highest percentage of mass timber products in the overall construction of the project));~~ and

(iv) Projects that ~~((demonstrate))~~ are multistory ~~((application of mass timber products)).~~

(5) \$1,000,000 of the appropriation in this section is provided solely for a distressed schools project in the Mount Adams school district.

(6) \$700,000 of the appropriation in this section is provided solely for a two-classroom preschool addition at John Muir Elementary School in Seattle.

(7) \$300,000 of the appropriation in this section is provided solely for conversion of two classrooms to a new health clinic at Lowell Elementary School in Seattle.

(8) \$328,000 of the appropriation in this section is provided solely for an agricultural resource center in Tacoma.

(9) \$200,000 of the appropriation in this section is provided solely for a schoolyard park in Tacoma.

(10) \$309,000 of the appropriation in this section is provided solely for a school-based health center in Port Orchard.

(11) \$100,000 of the appropriation in this section is provided solely for the Republic school district for predesign and scoping work related to the replacement of a school facility. It is the intent of the legislature to appropriate \$9,000,000 for the Republic school district in the 2021-23 fiscal biennium for the demolition of an existing school facility and for the design and construction of a new school, subject to the Republic school district securing a local match equal to not less than \$4,500,000.

(12) School districts that receive funding in this section may use that funding for the local share of project cost requirements for projects also eligible for funding through the school construction assistance program.

#### Appropriation:

State	Building	Construction	Account—State
.....			(((\$23,000,000))
			<u>\$25,937,000</u>
		Prior Biennia (Expenditures) .....	\$0
		Future Biennia (Projected Costs) .....	\$0
		TOTAL .....	<u>\$23,000,000</u>
			<u>\$25,937,000</u>

**NEW SECTION. Sec. 5006.** A new section is added to 2019 c 413 (uncodified) to read as follows: **FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION**

2019-21 School Seismic Safety Retrofit Program (92000148)

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation is provided solely for school seismic safety retrofit grants to school districts for seismic retrofits and seismic safety related improvements of school buildings used for the instruction of students in kindergarten through twelfth grade. The superintendent of public instruction must prioritize school seismic safety retrofit grants for school districts with the most significant building deficiencies and the greatest seismic risks as determined by the most recent geological data and building engineering assessments, beginning with facilities classified as very high risk.

(2) In the development of school seismic safety retrofit project priorities for the 2021-2023 fiscal biennium, in addition to prioritizing projects based on their seismic risk classification, the superintendent of public instruction shall also give due consideration to the following: (a) Prioritizing improvements of school buildings used for the instruction of students in kindergarten through twelfth grade; (b) the financial capacity of low property value school districts in the sizing of grant awards; and (c) facilities' seismic needs in light of the useful life of the facilities.

#### Appropriation:

State	Building	Construction	Account—State
.....			\$13,240,000
		Prior Biennia (Expenditures) .....	\$0

Future Biennia (Projected Costs)..... \$120,000,000  
 TOTAL..... \$133,240,000

**Sec. 5007.** 2019 c 413 s 5032 (uncodified) is amended to read as follows:

**FOR THE STATE SCHOOL FOR THE BLIND**

Independent Living Skills Center (30000107)

Reappropriation:

State Building Construction Account—State \$143,000

Appropriation:

State	Building	Construction	Account—State
.....	.....	.....	<u>\$1,192,000</u>
Prior Biennia (Expenditures).....			\$27,000
Future Biennia (Projected Costs).....			<del>((0))</del>
			<u>\$8,076,000</u>
TOTAL.....			<u>\$170,000</u>
			<u>\$9,438,000</u>

**Sec. 5008.** 2019 c 413 s 5033 (uncodified) is amended to read as follows:

**FOR THE STATE SCHOOL FOR THE BLIND**

2019-21 Campus Preservation (40000004)

Appropriation:

State	Building	Construction	Account—State
.....	.....	.....	<del>((580,000))</del>
			<u>\$655,000</u>
Prior Biennia (Expenditures).....			\$0
Future Biennia (Projected Costs).....			\$2,320,000
TOTAL.....			<u>\$2,900,000</u>
			<u>\$2,975,000</u>

**Sec. 5009.** 2019 c 413 s 5034 (uncodified) is amended to read as follows:

**FOR THE WASHINGTON ((STATE)) CENTER FOR ((CHILDHOOD DEAFNESS AND HEARING LOSS)) DEAF AND HARD OF HEARING YOUTH**

Academic and Physical Education Building (30000036)

The ((reappropriation)) appropriations in this section ((is)) are subject to the following conditions and limitations: The ((reappropriation is)) appropriations are subject to the provisions of section 5009, chapter 298, Laws of 2018.

Reappropriation:

State	Building	Construction	Account—State
.....	.....	.....	<del>((786,000))</del>
			<u>\$787,000</u>

Appropriation:

State	Building	Construction	Account—State
.....	.....	.....	<u>\$4,637,000</u>

Prior Biennia (Expenditures) ..... ~~((214,000))~~  
\$213,000

Future Biennia (Projected Costs) ..... ~~((0))~~

\$50,511,000

TOTAL..... \$1,000,000

\$56,148,000

**Sec. 5010.** 2019 c 413 s 5035 (uncodified) is amended to read as follows:

**FOR THE WASHINGTON ((STATE)) CENTER FOR ((CHILDHOOD DEAFNESS AND HEARING LOSS)) DEAF AND HARD OF HEARING YOUTH**

Minor Works: Preservation 2019-21 (30000045)

Appropriation:

State Building Construction Account—State \$500,000

Prior Biennia (Expenditures) ..... \$0

Future Biennia (Projected Costs) ..... \$4,000,000

TOTAL..... \$4,500,000

**Sec. 5011.** 2019 c 413 s 5044 (uncodified) is amended to read as follows:

**FOR THE UNIVERSITY OF WASHINGTON**

Behavioral Health Teaching Facility (40000038)

The appropriation in this section is subject to the following conditions and limitations:

(1)(a) The appropriation is provided solely for implementation of Engrossed Second Substitute House Bill No. 1593 (behavioral health teaching facility). The appropriation provided may be used for predesign, siting, ~~((and))~~ design costs, enabling projects, and early work packages. If the bill is not enacted by June 30, 2019, the amount provided in this section shall lapse.

(b) The university must submit the predesign to the appropriate legislative committees by February 1, 2020.

(2) The behavioral health teaching facility must provide a minimum of fifty long-term civil commitment beds, fifty geriatric/voluntary psychiatric beds, and fifty licensed medical/surgery beds, with the capacity to treat patients with psychiatric diagnoses and/or substance use disorders. The project construction must also include construction of a 24/7 telehealth consultation program within the facility.

Appropriation:

State	Building	Construction	Account—State
.....	.....	.....	<u>\$33,250,000</u>

Prior Biennia (Expenditures) ..... \$0

Future Biennia (Projected Costs) ..... \$191,250,000

TOTAL..... \$224,500,000

**NEW SECTION. Sec. 5012.** A new section is added to 2019 c 413 (uncodified) to read as follows:**FOR THE UNIVERSITY OF WASHINGTON**

Magnuson Health Sciences Phase II -  
Renovation/Replacement (40000049)

Appropriation:

State Building Construction Account—State  
..... \$1,000,000

Prior Biennia (Expenditures)..... \$0

Future Biennia (Projected Costs)..... \$59,000,000

TOTAL..... \$60,000,000

**NEW SECTION. Sec. 5013.** A new section is added to 2019 c 413 (uncodified) to read as follows:**FOR THE WASHINGTON STATE UNIVERSITY**

Washington State University Vancouver - Life  
Sciences Building (30000840)

Appropriation:

State Building Construction Account—State  
..... \$4,000,000

Prior Biennia (Expenditures)..... \$500,000

Future Biennia (Projected Costs)..... \$52,600,000

TOTAL..... \$57,100,000

**Sec. 5014.** 2019 c 413 s 5060 (uncodified) is amended to read as follows:

**FOR THE EASTERN WASHINGTON UNIVERSITY**

Engineering Building (30000556)

Reappropriation:

Eastern Washington University Capital Projects

Account—State ..... ((~~\$245,000~~))  
\$345,000

Prior Biennia (Expenditures)..... ((~~\$100,000~~))  
\$0

Future Biennia (Projected Costs)..... \$56,695,000

TOTAL..... \$57,040,000

**Sec. 5015.** 2019 c 413 s 5072 (uncodified) is amended to read as follows:

**FOR THE CENTRAL WASHINGTON UNIVERSITY**

Minor Works Preservation: 2019-21 (40000041)

Appropriation:

State Building Construction Account—State  
..... \$2,463,000

Central Washington University Capital Projects

Account—State..... ((~~\$7,000,000~~))  
\$4,537,000

Subtotal Appropriation ..... \$7,000,000

Prior Biennia (Expenditures) ..... \$0

Future Biennia (Projected Costs) ..... \$28,000,000

TOTAL ..... \$35,000,000

**NEW SECTION. Sec. 5016.** A new section is added to 2019 c 413 (uncodified) to read as follows:**FOR THE CENTRAL WASHINGTON UNIVERSITY**

Campus Security Enhancements (40000074)

Appropriation:

Central Washington University Capital Projects

Account—State..... \$2,463,000

Prior Biennia (Expenditures) ..... \$0

Future Biennia (Projected Costs) ..... \$0

TOTAL ..... \$2,463,000

**Sec. 5017.** 2019 c 413 s 5079 (uncodified) is amended to read as follows:

**FOR THE EVERGREEN STATE COLLEGE**

Historic Lord Mansion (91000029)

The ((~~reappropriation~~)) appropriations in this section ((~~is~~)) are subject to the following conditions and limitations: The ((~~reappropriation is~~)) appropriations are subject to the provisions of section 5016, chapter 298, Laws of 2018.

Reappropriation:

State Building Construction Account—State \$100,000

Appropriation:

State Building Construction Account—State \$300,000

Prior Biennia (Expenditures) ..... ((~~\$404,000~~))  
\$337,000

Future Biennia (Projected Costs) ..... \$0

TOTAL ..... ~~\$504,000~~  
\$737,000

**NEW SECTION. Sec. 5018.** A new section is added to 2019 c 413 (uncodified) to read as follows: **FOR THE WASHINGTON STATE ARTS COMMISSION**

Yakima Sun Dome Reflectors (92000002)

The appropriation in this section is subject to the following conditions and limitations: The appropriation in this section, or as much thereof as may be necessary, is provided solely for evaluating the replacement of the reflectors on the Yakima Sun Dome.

Appropriation:



Northwest Schooner Society - Restoration 1906  
Keepers

Quarters.....\$82,000

Sammamish Heritage Society - Reard House Phase III:

Reconstruct.....\$123,000

Cheney Depot Society - Cheney Depot Relocation &  
Rehabilitation.....\$367,000

The 5th Ave Theatre Assoc - Theatre Upgrade:

Auditorium.....\$560,000

Highline Historical Society - Phase 3: Highline  
Heritage

Museum.....\$71,000

University Place Historical Society - Curran House

History Museum.....\$41,000

Coupeville Maritime Heritage Foundation - Preserv of  
vessel Suva.....\$71,000

~~((Fort Worden Public Development Authority - Sage  
Arts &~~

~~Ed Ctr.....\$560,000))~~

South Pierce County Historical Society - Eatonville

Tofu House.....\$15,000

City of Everett - Van Valley Home lead Abatement &  
Pres.....\$67,000

Appropriation:

State Building Construction Account—State  
.....(((\$9,737,000))

\$9,177,000

Prior Biennia (Expenditures).....\$0

Future Biennia (Projected Costs).....\$0

TOTAL.....\$9,737,000

\$9,177,000

**Sec. 5021.** 2019 c 413 s 5098 (uncodified) is amended  
to read as follows:

**FOR THE WASHINGTON STATE  
HISTORICAL SOCIETY**

Minor Works - Preservation: 2019-21 (40000086)

Appropriation:

State Building Construction Account—State  
.....(((\$1,545,000))

\$2,608,000

Prior Biennia (Expenditures).....\$0

Future Biennia (Projected Costs).....\$9,543,000

TOTAL.....\$11,088,000

\$12,151,000

**NEW SECTION. Sec. 5022.** A new section is added  
to 2019 c 413 (uncodified) to read as follows:**FOR THE  
WASHINGTON STATE HISTORICAL SOCIETY**

Black History Commemoration (91000008)

The appropriation in this section is subject to the  
following conditions and limitations: The appropriation in  
this section is provided solely for the Washington State  
Historical Society to lead a commemoration of Black  
History Month in 2021 at the State Capitol to include the  
planning and presentation of events and/or exhibitions on the  
Capitol campus, development of digital educational  
resources, and the creation or refurbishment of permanent  
fixtures and/or structures commemorating the history of  
African Americans in Washington state.

Appropriation:

State Building Construction Account—State\$100,000

Prior Biennia (Expenditures) .....\$0

Future Biennia (Projected Costs) .....\$0

TOTAL.....\$100,000

**Sec. 5023.** 2019 c 413 s 5101 (uncodified) is amended  
to read as follows:

**FOR THE EASTERN WASHINGTON STATE  
HISTORICAL SOCIETY**

Minor Works - Preservation: 2019-21 (40000026)

Appropriation:

State Building Construction Account—State  
.....(((\$800,000))

\$1,559,000

Prior Biennia (Expenditures) .....\$0

Future Biennia (Projected Costs) .....\$3,200,000

TOTAL.....\$4,000,000

\$4,759,000

**Sec. 5024.** 2019 c 413 s 5109 (uncodified) is amended  
to read as follows:

**FOR THE COMMUNITY AND TECHNICAL  
COLLEGE SYSTEM**

North Seattle Community College: Technology  
Building Renewal (30000129)

It is the intent of the legislature that all remaining work  
on this project be completed by June 30, 2023.

Reappropriation:

State Building Construction Account—State\$569,000

Prior Biennia (Expenditures) .....\$24,847,000

Future Biennia (Projected Costs) .....\$0

TOTAL.....\$25,416,000

**Sec. 5025.** 2019 c 413 s 5122 (uncodified) is amended to read as follows:

**FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**

Shoreline: Allied Health, Science & Manufacturing Replacement (30000990)

Reappropriation:

State	Building	Construction	Account—State
.....	.....	.....	.....\$2,902,000

~~((Appropriation:~~

<del>State</del>	<del>Building</del>	<del>Construction</del>	<del>Account—State</del>
<del>.....</del>	<del>.....</del>	<del>.....</del>	<del>.....\$36,642,000))</del>

Prior Biennia (Expenditures).....\$690,000

Future Biennia (Projected Costs).....(((\$0))

\$36,642,000

TOTAL.....\$40,234,000

**Sec. 5026.** 2019 c 413 s 5103 (uncodified) is amended to read as follows:

**FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**

Yakima Valley Community College: Palmer Martin Building (30000121)

Reappropriation:

State Building Construction Account—State\$953,000

Prior Biennia (Expenditures).....(((\$19,287,000))

\$19,196,000

Future Biennia (Projected Costs).....\$0

TOTAL.....\$20,240,000

\$20,149,000

**Sec. 5027.** 2019 c 413 s 5126 (uncodified) is amended to read as follows:

**FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**

Spokane Falls: Fine and Applied Arts Replacement (30001458)

The appropriation in this section is subject to the following conditions and limitations: The appropriation authorizes Spokane Falls to enter into a contract for the construction of this project. It is the intent of the legislature that \$17,140,000 will be appropriated for this project in the 2021-2023 fiscal biennium.

Reappropriation:

State	Building	Construction	Account—State
.....	.....	.....	.....\$2,616,000

Appropriation:

State	Building	Construction	Account—State
.....	.....	.....	.....\$20,000,000

Prior Biennia (Expenditures) .....\$211,000

Future Biennia (Projected Costs) .....(((\$0))

\$17,140,000

TOTAL.....\$2,827,000

\$39,967,000

**NEW SECTION. Sec. 5028.** A new section is added to 2019 c 413 (uncodified) to read as follows:**FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**

Everett: Baker Hall Replacement (40000190)

Appropriation:

State Building Construction Account—State\$275,000

Prior Biennia (Expenditures) .....\$0

Future Biennia (Projected Costs) .....\$32,279,000

TOTAL.....\$32,554,000

**PART 6**

**2017-2019 BIENNIUM PROVISIONS**

**Sec. 6001.** 2019 c 413 s 6005 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF COMMERCE**

2017-19 Housing Trust Fund Program (30000872)

The appropriations in this section are subject to the following conditions and limitations:

(1) \$83,500,000 of the state taxable building construction account—state appropriation, \$19,631,000 of the state building construction account—state appropriation, and \$8,658,000 of the Washington housing trust account—state appropriation are provided solely for affordable housing and preservation of affordable housing. Of the amounts in this subsection:

(a) \$24,370,000 is provided solely for housing projects that provide supportive housing and case-management services to persons with chronic mental illness. The department must prioritize low-income supportive housing unit proposals that provide services or include a partner community behavioral health treatment provider;

(b) \$10,000,000 is provided solely for housing preservation grants or loans to be awarded competitively. The grants may be provided for major building improvements, preservation, and system replacements, necessary for the existing housing trust fund portfolio to maintain long-term viability. The department must require that a capital needs assessment is performed to estimate the cost of the preservation project at contract execution. Funds may not be used to add or expand the capacity of the property. To receive grants, housing projects must meet the following requirements:



- (i) The property is more than fifteen years old;
  - (ii) At least 50 percent of the housing units are occupied by families and individuals at or below 30 percent area median income.
  - (iii) The improvements will result in reduction of operating or utilities costs, or both; and
  - (iv) Other criteria that the department considers necessary to achieve the purpose of this program.
- (c) \$5,000,000 is provided solely for housing projects that benefit people at or below 80 percent of the area median income who have been displaced by a natural disaster declared by the governor, including people who have been displaced within the last two biennia.

(d) \$1,000,000 of the Washington housing trust account—state appropriation is provided solely for the department to work with the communities of concern commission to focus on creating capital assets that will help reduce poverty and build stronger and more sustainable communities using the communities' cultural understanding and vision. The funding must be used for predevelopment costs for capital projects identified by the commission and for other activities to assist communities in developing capacity to create community-owned capital assets.

(e) \$1,000,000 of the Washington housing trust account—state appropriation and \$1,500,000 of the state taxable building construction account—state appropriation are provided solely for the ~~((purchase of the three south annex properties. The state board for community and technical colleges must transfer the three south annex properties located at 1530 Broadway, 1534 Broadway, and 909 East Pine street to one or more nonprofits or public development authorities selected by the department, if the selected entities agree to use the properties to provide services and housing for homeless youth or young adults for a minimum of twenty five years. The transfer agreement between the state board for community and technical colleges and the selected entities must specify a mutually agreed transfer date and require the selected entities to cover any closing costs with a total purchase price of nine million dollars for all three properties))~~ department to contract directly with YouthCare Service Center to purchase the 1534 Broadway site from Capitol Hill Housing in order for YouthCare Service Center to develop a youth community center.

(f) \$25,506,000 is provided solely for the following list of housing projects:

(i) Spokane Housing Predesign .....	\$500,000
(ii) El Centro de la Raza .....	\$737,000
(iii) Highland Village Preservation.....	\$1,500,000
(iv) King County Modular Housing Project .....	\$1,500,000
(v) Nisqually Tribal Housing.....	\$1,250,000
(vi) Othello Homesight Community Center .....	\$3,000,000

(vii) Parkview Apartments Affordable Housing .....	\$100,000
(viii) Supported Housing and Employment (Longview).....	\$129,000

(ix) \$2,000,000 is provided solely for homeownership assistance for low-income households displaced from their manufactured/mobile homes due the closure or conversion of a mobile home park or manufactured housing community in south King County. \$1,500,000 of this amount in this subsection is provided solely for low-income residents displaced from the Firs Mobile Home Park located in SeaTac.

(x) \$6,000,000 is provided solely for grants for high quality low-income housing projects that will quickly move people from homelessness into secure housing, and are significantly less expensive to construct than traditional housing. It is the intent of the legislature that these grants serve projects with a total project development cost per housing unit of less than ~~(((\$125,000))~~ \$135,000, excluding the value of land, and with a commitment by the applicant to maintain the housing units for at least a twenty-five year period. Amounts provided that are subject to this subsection must be used to plan, predesign, design, provide technical assistance and financial services, purchase land for, and build innovative low-income housing units. \$3,000,000 of the appropriation that is subject to this subsection is provided solely for innovative affordable housing in Shelton and \$3,000,000 of the appropriation that is subject to this subsection is provided solely for innovative affordable housing for veterans in Orting. Mental health and substance abuse counseling services must be offered to residents of housing projects supported by appropriations in this subsection. \$500,000 of the appropriation for housing units in Shelton can be released for purchase of land, planning, or predesign services before the project is fully funded. \$500,000 of the appropriation for housing units in Orting can be released for purchase of land, planning, or predesign services before the project is fully funded.

(xi) \$7,290,000 is provided solely for grants to the following organizations using innovative methods to address homelessness: \$4,290,000 for THA Arlington drive youth campus in Tacoma and \$3,000,000 for a King county housing project.

(xii) \$1,500,000 is provided solely for Valley Cities modular housing project in Auburn.

(g) Of the amounts appropriated remaining after (a) through (f) of this subsection, the department must allocate the funds as follows:

- (i) 10 percent is provided solely for housing projects that benefit veterans;
- (ii) 10 percent is provided solely for housing projects that benefit homeownership;
- (iii) 5 percent is provided solely for housing projects that benefit people with developmental disabilities;
- (iv) The remaining amount is provided solely for projects that serve low-income and special needs

populations in need of housing, including, but not limited to, homeless families with children, homeless youth, farmworkers, and seniors.

(2) In evaluating projects in this section, the department must give preference for applications based on some or all of the criteria in RCW 43.185.070(5).

(3) The department must strive to allocate all of the amounts appropriated in this section within the 2017-2019 fiscal biennium in the manner prescribed in subsection (1) of this section. However, if upon review of applications the department determines there are not adequate suitable projects in a category, the department may allocate funds to projects serving other low-income and special needs populations, provided those projects are located in an area with an identified need for the type of housing proposed.

Appropriation:

State Building Construction Account—State .....	\$19,631,000
State Taxable Building Construction Account—State .....	\$83,500,000
Washington Housing Trust Account—State .....	\$8,658,000
Subtotal Appropriation .....	\$111,789,000
Prior Biennia (Expenditures) .....	\$0
Future Biennia (Projected Costs) .....	\$400,000,000
TOTAL .....	\$511,789,000

**Sec. 6002.** 2019 c 413 s 1024 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF COMMERCE**

2018 Local and Community Projects (40000005)

The reappropriation in this section is subject to the following conditions and limitations:

(1) The reappropriation is subject to the provisions of section 6003 of this act, except that no funding may be directed to the Puyallup Meeker Mansion Public Plaza.

(2) The Interbay public development advisory committee shall provide a report to the legislature and office of the governor with recommendations by November 15, 2019. The Interbay advisory committee's recommendations must include recommendations regarding the structure, composition, and scope of authority of any subsequent state public development authority that may be established to implement the recommendations of the Interbay advisory committee.

(3) The Interbay public development advisory committee terminates June 30, 2020.

Reappropriation:

State Building Construction Account—State .....	(( <del>\$91,142,000</del> ))
	<u>\$90,642,000</u>

Prior Biennia (Expenditures) .....	\$39,799,000
Future Biennia (Projected Costs) .....	\$0
TOTAL .....	<u>\$130,941,000</u>
	<u>\$130,441,000</u>

**Sec. 6003.** 2019 c 413 s 6006 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF COMMERCE**

Clean Energy Funds 3 (30000881)

The appropriations in this section are subject to the following conditions and limitations:

(1) The appropriations are provided solely for projects that provide a benefit to the public through development, demonstration, and deployment of clean energy technologies that save energy and reduce energy costs, reduce harmful air emissions, or increase energy independence for the state.

(2) In soliciting and evaluating proposals, awarding contracts, and monitoring projects under this section, the department must:

(a) Ensure that competitive processes, rather than sole source contracting processes, are used to select all projects, except as otherwise noted in this section; and

(b) Conduct due diligence activities associated with the use of public funds including, but not limited to, oversight of the project selection process, project monitoring and ensuring that all applications and contracts fully comply with all applicable laws including disclosure and conflict of interest statutes.

(3)(a) Pursuant to chapter 42.52 RCW, the ethics in public service act, the department must require a project applicant to identify in application materials any state of Washington employees or former state employees employed by the firm or on the firm's governing board during the past twenty-four months. Application materials must identify the individual by name, the agency previously or currently employing the individual, job title or position held, and separation date. If it is determined by the department that a conflict of interest exists, the applicant may be disqualified from further consideration for award of funding.

(b) If the department finds, after due notice and examination, that there is a violation of chapter 42.52 RCW, or any similar statute involving a grantee who received funding under this section, either in procuring or performing under the grant, the department in its sole discretion may terminate the funding grant by written notice. If the grant is terminated, the department must reserve its right to pursue all available remedies under law to address the violation.

(4) The requirements in subsections (2) and (3) of this section must be specified in funding agreements issued by the department.

(5) \$11,000,000 of the state building construction account, is provided solely for grid modernization grants for projects that advance clean and renewable energy technologies, and transmission and distribution control

systems; that support integration of renewable energy sources, deployment of distributed energy resources, and sustainable microgrids; and that increase utility customer options for energy sources, energy efficiency, energy equipment, and utility services.

(a) Projects must be implemented by public and private electrical utilities that serve retail customers in the state. Eligible utilities may partner with other public and private sector research organizations and businesses in applying for funding.

(b) The department shall develop a grant application process to competitively select projects for grant awards, to include scoring conducted by a group of qualified experts with application of criteria specified by the department. In development of the application criteria, the department shall, to the extent possible, allow smaller utilities or consortia of small utilities to apply for funding.

(c) Applications for grants must disclose all sources of public funds invested in a project.

(6) \$7,900,000 of the state building construction account and \$3,100,000 of the energy efficiency account are provided solely for grants to demonstrate new approaches to electrification of transportation systems.

(a) Projects must be implemented by local governments, federally recognized tribal governments, or by public and private electrical utilities that serve retail customers in the state. Eligible parties may partner with other public and private sector research organizations and businesses in applying for funding. The department of commerce must coordinate with other electrification programs, including projects the department of transportation is developing and projects funded by the Volkswagen consent decree, to determine the most effective distribution of the systems.

(b) Priorities must be given to eligible technologies that reduce the top two hundred hours of demand and the demand side.

(c) Eligible technologies for these projects include, but are not limited to:

(i) Electric vehicle and transportation system charging and open source control infrastructure, including inductive charging systems;

(ii) Electric vehicle sharing in low-income, multi-unit housing communities in urban areas;

(iii) Grid-related vehicle electrification, connecting vehicle fleets to grid operations, including school and transit buses;

(iv) Electric vehicle fleet management tools with open source software;

(v) Maritime electrification, such as electric ferries, water taxis, and shore power infrastructure.

(7)(a) \$8,600,000 of the state building construction account is provided solely for strategic research and development for new and emerging clean energy technologies, as needed to match federal or other nonstate

funds to research, develop, and demonstrate clean energy technologies.

(b) The department shall consult and coordinate with the University of Washington, Washington State University, the Pacific Northwest national laboratory and other clean energy organizations to design the grant program unless the organization prefers to compete for the grants. If the organization prefers to receive grants from the program they may not participate in the consultant process determining how the grant process is structured. The program shall offer matching funds for competitively selected clean energy projects, including but not limited to: Solar technologies, advanced bioenergy and biofuels, development of new earth abundant materials or lightweight materials, advanced energy storage, battery components recycling, and new renewable energy and energy efficiency technologies. Criteria for the grant program must include life cycle cost analysis for projects that are part of the competitive process.

(c) \$750,000 of this subsection (7) is provided solely for the state efficiency and environmental program.

(8) \$8,000,000 of the state taxable construction account is provided solely for scientific instruments to help accelerate research in advanced materials at the proposed science laboratories infrastructure facility at the Pacific Northwest national laboratory. These state funds are contingent on securing federal funds for the new facility, and are provided as match to the federal funding. The instruments will support researchers at the bioproducts sciences and engineering laboratory, the joint center for deployment research in earth abundant materials, the center for advanced materials and clean energy technology, and other energy and materials collaborations with the University of Washington and Washington State University.

(9) \$1,600,000 of the state building construction account and \$2,400,000 of the energy efficiency account are provided solely for grants to be awarded in competitive rounds for the deployment of solar projects located in Washington state.

(a) Priority must be given to distribution side projects that reduce peak electricity demand.

(b) Projects must be capable of generating more than one hundred kilowatts of direct current generating capacity.

(c) Except as provided in (d) of this subsection, grants shall not exceed \$200,000 per megawatt of direct current generating capacity and total grant funds per project shall not exceed \$1,000,000 per applicant. Applicants may not use other state grants.

(d) At least 35 percent of the total allocation of a project must be for community solar projects that provide solar electricity to low-income households, low-income tribal housing programs, affordable housing providers, and nonprofit organizations providing services to low-income communities. The provisions of (c) of this subsection do not apply to projects funded under this subsection (9)(d).

(e) Priority must be given to major components made in Washington.

(f) The department must attempt to prioritize an equitable geographic distribution and a diversity of project sizes.

(10) \$2,400,000 of the state building construction account is provided solely for the first phase of a project which, when fully deployed, will reduce emissions of greenhouse gases by a minimum of seven hundred fifty thousand tons per year, increase energy efficiency, and protect or create aluminum manufacturing jobs located in Whatcom county.

(11) \$1,100,000 of the state building construction account—state appropriation is provided solely for a grant to the public utility district no. 1 of Klickitat county for the remediation, survey, and evaluation of a closed-loop pump storage hydropower project at the John Day pool.

Appropriation:

State Building Construction Account—State .....	\$32,600,000
State Taxable Building Construction Account—State .....	\$8,000,000
Energy Efficiency Account—State .....	\$5,500,000
Subtotal Appropriation.....	\$46,100,000
Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs).....	\$200,000,000
TOTAL.....	\$246,100,000

**PART 7**

**MISCELLANEOUS PROVISIONS**

**Sec. 7001.** 2019 c 413 s 7001 (uncodified) is amended to read as follows:

RCW 43.88.031 requires the disclosure of the estimated debt service costs associated with new capital bond appropriations. The estimated debt service costs for the appropriations contained in this act are (~~forty-eight million six hundred eighteen thousand two hundred eighteen dollars for the 2019-2021 biennium, three hundred six million nine hundred two thousand nine hundred ninety-six dollars for the 2021-2023 biennium, and four hundred thirty-three million two hundred fifty-nine thousand five hundred seventy-three dollars for the 2023-2025 biennium~~) forty-three million three hundred fourteen thousand six hundred forty-two dollars for the 2019-2021 biennium, three hundred million four hundred twenty-two thousand three hundred forty-three dollars for the 2021-2023 biennium, and four hundred seventeen million four hundred fifty-five thousand six hundred sixty dollars for the 2023-2025 biennium.

**Sec. 7002.** 2019 c 413 s 7002 (uncodified) is amended to read as follows:

**ACQUISITION OF PROPERTIES AND FACILITIES THROUGH FINANCIAL CONTRACTS.**

(1) The following agencies may enter into financial contracts, paid from any funds of an agency, appropriated or nonappropriated, for the purposes indicated and in not more

than the principal amounts indicated, plus financing expenses and required reserves pursuant to chapter 39.94 RCW. When securing properties under this section, agencies shall use the most economical financial contract option available, including long-term leases, lease-purchase agreements, lease-development with option to purchase agreements or financial contracts using certificates of participation. Expenditures made by an agency for one of the indicated purposes before the issue date of the authorized financial contract and any certificates of participation therein are intended to be reimbursed from proceeds of the financial contract and any certificates of participation therein to the extent provided in the agency's financing plan approved by the state finance committee.

(2) Those noninstructional facilities of higher education institutions authorized in this section to enter into financial contracts are not eligible for state funded maintenance and operations. Instructional space that is available for regularly scheduled classes for academic transfer, basic skills, and workforce training programs may be eligible for state funded maintenance and operations.

(3) Secretary of state: Enter into a financing contract for up to \$103,143,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to construct a new library-archives building.

(4) Washington state patrol: Enter into a financing contract for up to \$7,450,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to construct a burn building for live fire training.

(5) Department of social and health services: Enter into a financing contract for up to \$3,600,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to purchase the King county secure community transition center.

(6) Department of fish and wildlife: Enter into a financing contract for up to \$3,099,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to purchase automated salmon marking trailers.

(7) Department of natural resources: Enter into a financing contract for up to \$1,800,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to remodel spaces within agency-owned commercial buildings that will benefit the common school trust.

(8) Western Washington University: Enter into a financing contract for up to \$9,950,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to construct a consolidated academic support services facility. Debt service for this facility may not be paid from additional student fees.

(9) Community and technical colleges:

(a) Enter into a financing contract on behalf of Columbia Basin Community College for up to \$27,000,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to construct a student recreation center.

(b) Enter into a financing contract on behalf of Pierce College Puyallup for up to \$2,831,000 plus financing

expenses and required reserves pursuant to chapter 39.94 RCW to purchase land and construct parking.

(c) Enter into a financing contract on behalf of Walla Walla Community College for up to \$1,500,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to build a student activity center on the Clarkston campus.

(d) Enter into a financing contract on behalf of Walla Walla Community College for up to \$6,500,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to build a student recreation center.

(e) Enter into a financing contract on behalf of Wenatchee Valley College for up to \$4,500,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW for the Wells Hall replacement project.

(f) Enter into a financing contract on behalf of Yakima Valley Community College for up to \$22,700,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to build additional instructional and lab classroom space.

(g) Enter into a financing contract on behalf of Everett Community College for up to \$10,000,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to purchase one or more properties adjacent to the campus.

(h) Enter into a financing contract on behalf of South Seattle College for up to \$10,000,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to build a student wellness and fitness center.

(10) Eastern Washington University: Enter into a financing contract for up to \$3,000,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW for roof replacement projects.

**Sec. 7003.** 2019 c 413 s 7003 (uncodified) is amended to read as follows:

(1) To ensure that major construction projects are carried out in accordance with legislative and executive intent, agencies must complete a predesign for state construction projects with a total anticipated cost in excess of ~~(((\$5,000,000, or)) \$10,000,000 ((for higher education institutions))~~). "Total anticipated cost" means the sum of the anticipated cost of the predesign, design, and construction phases of the project.

(2) Appropriations for design may not be expended or encumbered until the office of financial management has reviewed and approved the agency's predesign.

(3) The predesign must explore at least three project alternatives. These alternatives must be both distinctly different and viable solutions to the issue being addressed. The chosen alternative should be the most reasonable and cost-effective solution. The predesign document must include, but not be limited to, program, site, and cost analysis, and an analysis of the life-cycle costs of the alternatives explored, in accordance with the predesign manual adopted by the office of financial management.

(4) The office of financial management may make an exception to some or all of the predesign requirements in this section ((after notifying the legislative fiscal committees and waiting ten days for comment by the legislature regarding the proposed exception)). The office of financial management shall report any exception to the fiscal committees of the legislature and include: (a) A description of the major capital project for which the predesign waiver is made; (b) an explanation of the reason for the waiver; and (c) a rough order of magnitude cost estimate for the project's design and construction.

(5) In deliberations related to submitting an exception under this section, the office of financial management shall consider the following factors:

(a) Whether there is any determination to be made regarding the site of the project;

(b) Whether there is any determination to be made regarding whether the project will involve renovation, new construction, or both;

(c) Whether, within six years of submitting the request for funding, the agency has completed, or initiated the construction of, a substantially similar project;

(d) Whether there is any anticipated change to the project's program or the services to be delivered at the facility;

(e) Whether the requesting agency indicates that the project may not require some or all of the predesign requirements in this section due to a lack of complexity; and

(f) Whether any other factors related to project complexity or risk, as determined by the office of financial management, could reduce the need for, or scope of, a predesign.

(6) If under this section some or all predesign requirements are waived, the office of financial management may instead propose a professional project cost estimate instead of a request for predesign funding.

**NEW SECTION. Sec. 7004.** If Substitute House Bill No. 2936 (predesign) is not enacted by June 30, 2020, section 7003 of this act is null and void.

**Sec. 7005.** RCW 43.19.501 and 2018 c 2 s 7027 are each amended to read as follows:

The Thurston county capital facilities account is created in the state treasury. The account is subject to the appropriation and allotment procedures under chapter 43.88 RCW. Moneys in the account may be expended for capital projects in facilities owned and managed by the department in Thurston county. ~~((For the 2015-2017 biennium, moneys in the account may be used for studies related to real estate.))~~

During the ~~((2017-2019))~~ 2019-2021 fiscal biennium, the Thurston county capital facilities account may be appropriated for costs associated with staffing to support capital budget and project activities and lease and facility oversight activities.

**Sec. 7006.** 2019 c 413 s 7021 (uncodified) is amended to read as follows:

(1) The department of enterprise services, in consultation with the office of financial management, is granted the authority to sell the real property known as the Tacoma Rhodes complex. The property consists of the Broadway building, Market building, and parking garage.

(2) The department may negotiate a sale with the city of Tacoma for less than fair market value, but the purchase price must cover appraisal costs, all debt service, all closing costs, all financing contracts, and the cost of outstanding liabilities necessary to keep the department whole.

(3) If the department and the city of Tacoma are unable to negotiate agreed upon terms and execute a purchase and sale agreement by December 31, 2019, the department may sell the property to any purchaser for no less than fair market value.

(4) The terms and conditions of the sale must meet the business needs of the state tenants.

(5) Any sale proceeds remaining after the department has satisfied all of the obligations, including appraisal costs, all debt service, all closing costs, all financing contracts, and the cost of outstanding liabilities, must be deposited into the Thurston county capital facilities account. It is the intent of the legislature to use the sale proceeds for projects on the Capitol Campus.

**NEW SECTION. Sec. 7007.** A new section is added to 2019 c 413 (uncodified) to read as follows:

In order to accelerate the reduction of embodied carbon and improve the environmental performance of construction materials, agencies shall, whenever possible, review and consider embodied carbon reported in environmental product declarations when evaluating proposed structural materials for construction projects.

**Sec. 7008.** RCW 43.63A.750 and 2006 c 371 s 235 are each amended to read as follows:

(1) A competitive grant program to assist nonprofit organizations in acquiring, constructing, or rehabilitating performing arts, art museums, and cultural facilities is created.

(2)(a) The department shall submit a list of recommended performing arts, art museum projects, and cultural organization projects eligible for funding to the governor and the legislature in the department's biennial capital budget request beginning with the 2001-2003 biennium and thereafter. The list, in priority order, shall include a description of each project, the amount of recommended state funding, and documentation of nonstate funds to be used for the project. The total amount of recommended state funding for projects on a biennial project list shall not exceed twelve million dollars, except that lists submitted during the 2019-2021 fiscal biennium may not exceed sixteen million dollars.

(b) The department shall establish a competitive process to prioritize applications for state assistance as follows:

(i) The department shall conduct a statewide solicitation of project applications from nonprofit

organizations, local governments, and other entities, as determined by the department. The department shall evaluate and rank applications in consultation with a citizen advisory committee, including a representative from the state arts commission, using objective criteria. The evaluation and ranking process shall also consider local community support for projects and an examination of existing assets that applicants may apply to projects.

(ii) The department may establish the amount of state grant assistance for individual project applications but the amount shall not exceed twenty percent, or thirty-three and one-third percent for lists submitted during the 2019-2021 fiscal biennium, of the estimated total capital cost or actual cost of a project, whichever is less. The remaining portions of the project capital cost shall be a match from nonstate sources. The nonstate match may include cash, the value of real property when acquired solely for the purpose of the project, and in-kind contributions. The department is authorized to set matching requirements for individual projects. State assistance may be used to fund separate definable phases of a project if the project demonstrates adequate progress and has secured the necessary match funding.

(iii) The department shall not sign contracts or otherwise financially obligate funds under this section until the legislature has approved a specific list of projects. In contracts for grants authorized under this section, the department shall include provisions requiring that capital improvements be held by the grantee for a specified period of time appropriate to the amount of the grant and that facilities be used for the express purpose of the grant. If the grantee is found to be out of compliance with provisions of the contract, the grantee shall repay to the state general fund the principal amount of the grant plus interest calculated at the rate of interest on state of Washington general obligation bonds issued most closely to the date of authorization of the grant.

**Sec. 7009.** 2019 c 413 s 7038 (uncodified) is amended to read as follows:

UNIVERSITY OF WASHINGTON TRANSFER TO SEATTLE.

By June 30, 2020, the University of Washington must transfer the deed of the property and general purpose facility, King County parcel numbers 308500-2100, 713830-0015, and 713880-0025, located ~~((at))~~ near 2901 27th Avenue South, Seattle, to the city of Seattle for the purposes of developing affordable housing, including supportive housing, for households at or below eighty percent of the area median income and ~~((providing health care services in partnership with a public hospital system))~~ for other potential educational, research, and clinical uses by the university, including an early learning facility. ~~((The University of Washington may reserve easements in the transferred property at no cost to the university.))~~ If the university constructs and occupies space for its potential uses on the transferred property, then such space must be occupied at no base rent paid by the university. The transfer shall count toward the ~~((obligation))~~ commitment to build affordable housing under the university's institutional

campus master plan agreement. The city shall seek to maximize the affordable housing development potential of the property consistent with transit-oriented development principles. Liabilities existing on the property at the time of transfer will transfer with the property. When the deed is transferred to the city, any existing leases of the property expire, except those leases that the university and city have agreed to extend beyond the transfer date. The transfer must be at no cost to the city. As a condition of the transfer, the city of Seattle may only transfer the property to a nonprofit corporation or a unit of state or local government. For purposes of this section, a nonprofit corporation includes a:

(1) Nonprofit as defined in RCW 84.36.800 that is exempt from income tax under section 501(c) of the federal internal revenue code, a public corporation established under RCW 35.21.660, 35.21.670, or 35.21.730, a housing authority created under RCW 35.82.030 or 35.82.300, or a housing authority meeting the definition in RCW 35.82.210(2)(a); or

(2) Limited partnership or limited liability limited partnership where a nonprofit as defined in subsection (1) of this section is a general partner or a member of a single purpose entity serving as a general partner, in which all of the members meet the definition of subsection (1) of this section; or

(3) Limited liability company where a nonprofit as defined in subsection (1) of this section is a managing member or a member of a single purpose entity serving as a managing member in which all of the members meet the definition of subsection (1) of this section.

**NEW SECTION. Sec. 7010.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

**NEW SECTION. Sec. 7011.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

Correct the title.

Representatives Tharinger and DeBolt spoke in favor of the adoption of the striking amendment.

The striking amendment (2183) was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage, as amended by the House.

Representatives Tharinger, DeBolt, Doglio, Smith, Steele and Callan spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Engrossed Substitute Senate Bill No. 6248 as amended by the House.

#### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 6248, as amended by the House, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Mead, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shea, Shewmake, Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Excused: Representative Paul.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6248, as amended by the House, having received the necessary constitutional majority, was declared passed.

#### POINT OF PERSONAL PRIVILEGE

Representative Tharinger thanked the staff of the committee on Capital Budget for their hard work and dedication.

There being no objection, the House advanced to the eighth order of business.

#### MOTION

There being no objection, the Committee on Appropriations was relieved of the following bill and the bill was placed on the second reading calendar:

ENGROSSED SECOND SUBSTITUTE SENATE  
BILL NO. 6515

The Speaker (Representative Orwall presiding) called upon Representative Callan to preside.

The Speaker assumed the chair.

#### SIGNED BY THE SPEAKER

The Speaker signed the following bills:

ENGROSSED HOUSE BILL NO. 1390  
THIRD SUBSTITUTE HOUSE BILL NO. 1504  
ENGROSSED THIRD SUBSTITUTE HOUSE BILL  
NO. 1775  
HOUSE BILL NO. 1841  
ENGROSSED HOUSE BILL NO. 1948  
HOUSE BILL NO. 2189  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2421  
HOUSE BILL NO. 2458

SECOND SUBSTITUTE HOUSE BILL NO. 2499  
     HOUSE BILL NO. 2505  
 SECOND SUBSTITUTE HOUSE BILL NO. 2513  
     SUBSTITUTE HOUSE BILL NO. 2554  
     SUBSTITUTE HOUSE BILL NO. 2634  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2642  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2645  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2660  
     HOUSE BILL NO. 2669  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2676  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2723  
     SUBSTITUTE HOUSE BILL NO. 2728  
     HOUSE BILL NO. 2739  
     ENGROSSED HOUSE BILL NO. 2811  
 ENGROSSED SECOND SUBSTITUTE HOUSE  
     BILL NO. 2870  
     HOUSE BILL NO. 2903  
     SUBSTITUTE HOUSE BILL NO. 2905  
     HOUSE BILL NO. 2926  
     HOUSE BILL NO. 2943  
 ENGROSSED SUBSTITUTE SENATE BILL NO.  
     5147  
 SECOND SUBSTITUTE SENATE BILL NO. 5149  
 ENGROSSED SUBSTITUTE SENATE BILL NO.  
     5323  
 ENGROSSED SUBSTITUTE SENATE BILL NO.  
     5385  
 ENGROSSED SUBSTITUTE SENATE BILL NO.  
     5434  
 SECOND SUBSTITUTE SENATE BILL NO. 5601  
     SENATE BILL NO. 5613  
     SUBSTITUTE SENATE BILL NO. 5640  
     SENATE BILL NO. 5792  
     SENATE BILL NO. 5811  
 SECOND ENGROSSED SENATE BILL NO. 5887  
 SECOND SUBSTITUTE SENATE BILL NO. 6027  
 ENGROSSED SECOND SUBSTITUTE SENATE  
     BILL NO. 6087  
     SUBSTITUTE SENATE BILL NO. 6088  
     SENATE BILL NO. 6090  
 ENGROSSED SECOND SUBSTITUTE SENATE  
     BILL NO. 6128  
 ENGROSSED SUBSTITUTE SENATE BILL NO.  
     6287  
 ENGROSSED SUBSTITUTE SENATE BILL NO.  
     6300  
     SENATE BILL NO. 6305  
     SENATE BILL NO. 6312  
     SUBSTITUTE SENATE BILL NO. 6429  
 SECOND SUBSTITUTE SENATE BILL NO. 6561  
     SENATE BILL NO. 6565  
     SUBSTITUTE SENATE BILL NO. 6570  
 ENGROSSED SUBSTITUTE SENATE BILL NO.  
     6592  
     SUBSTITUTE SENATE BILL NO. 6613  
     SUBSTITUTE SENATE BILL NO. 6660

The Speaker called upon Representative Orwall to preside.

There being no objection, the House reverted to the third order of business.

## MESSAGES FROM THE SENATE

March 11, 2020

Mme. SPEAKER:

The Senate has passed:

HOUSE BILL NO. 2903,  
HOUSE BILL NO. 2943,

and the same are herewith transmitted.

Brad Hendrickson, Secretary

March 11, 2020

Mme. SPEAKER:

The Senate has passed:

SECOND SUBSTITUTE SENATE BILL NO. 6231,

and the same is herewith transmitted.

Brad Hendrickson, Secretary

March 11, 2020

Mme. SPEAKER:

The Senate concurred in the House amendment(s) to the following bills and passed the bills as amended by the House:

SECOND SUBSTITUTE SENATE BILL NO. 6478,  
ENGROSSED SUBSTITUTE SENATE BILL NO.  
6641,

and the same are herewith transmitted.

Brad Hendrickson, Secretary

March 11, 2020

Mme. SPEAKER:

The President has signed:

ENGROSSED SUBSTITUTE HOUSE BILL NO.  
     1023,  
 SECOND SUBSTITUTE HOUSE BILL NO. 1191,  
 ENGROSSED SECOND SUBSTITUTE HOUSE  
     BILL NO. 1521,  
 ENGROSSED HOUSE BILL NO. 1552,  
     HOUSE BILL NO. 1590,  
 ENGROSSED SECOND SUBSTITUTE HOUSE  
     BILL NO. 1783,  
 ENGROSSED SUBSTITUTE HOUSE BILL NO.  
     1793,  
 SECOND SUBSTITUTE HOUSE BILL NO. 1888,



HOUSE BILL NO. 2051,  
HOUSE BILL NO. 2230,  
SUBSTITUTE HOUSE BILL NO. 2302,  
ENGROSSED SUBSTITUTE HOUSE BILL NO.  
2327,  
ENGROSSED SUBSTITUTE HOUSE BILL NO.  
2342,  
SUBSTITUTE HOUSE BILL NO. 2374,

and the same are herewith transmitted.

Brad Hendrickson, Secretary

There being no objection, the House advanced to the seventh order of business.

### THIRD READING

#### MESSAGE FROM THE SENATE

March 10, 2020

Madame Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 2116 with the following amendment:  
7011.0.

Strike everything after the enacting clause and insert the following:

"**NEW SECTION. Sec. 7012.** The legislature recognizes that the federal every student succeeds act of 2015, P.L. 114-95, reauthorized and amended the elementary and secondary education act of 1965, the federal policy and funding assistance framework for the nation's public education system.

Two of the stated purposes of the every student succeeds act are to provide all children with a significant opportunity to receive a fair, equitable, and high quality education, and to close educational achievement gaps.

The legislature further recognizes that Article IX of the state Constitution provides that it is the paramount duty of the state to make ample provision for the education of all children residing within its borders, without distinction or preference on account of race, color, caste, or sex.

While the partnership of federal and state law is critical in ensuring that the civil and education rights of students are upheld, efforts in Washington to fully realize state and federal objectives, especially with respect to the delivery of education services in institutional facilities, remain unfinished.

The legislature, therefore, intends to establish a task force on improving institutional education programs and outcomes, with tasks and duties generally focused on educational programs in the juvenile justice system. In so doing, the legislature intends to examine issues that have not been significantly explored in recent years, build a shared understanding of past and present circumstances, and develop recommendations for improving the delivery of education services, and associated outcomes, for youth in institutional facilities.

**NEW SECTION. Sec. 7013.** (1)(a) The task force on improving institutional education programs and outcomes is established, with members as provided in this subsection.

(i) The president of the senate shall appoint one member from each of the two largest caucuses of the senate, with each member serving on the committee with jurisdiction over education issues, and one member serving on the committee with jurisdiction over basic education funding.

(ii) The speaker of the house of representatives shall appoint one member from each of the two largest caucuses of the house of representatives, with one member serving on the committee with jurisdiction over education issues, and one member serving on the committee with jurisdiction over basic education funding.

(iii) The governor shall appoint one member each from the state board of education and the department of children, youth, and families, and one member representing an organization that provides free legal advice to youth who are involved in, or at risk of being involved in, the juvenile justice system.

(iv) The superintendent of public instruction shall appoint three members: One member representing the superintendent of public instruction; one member who is a principal from a school district with at least twenty thousand enrolled students that provides education services to a juvenile rehabilitation facility; and one member who is a teacher with expertise in providing education services to residents of a juvenile rehabilitation facility.

(v) The task force must also include one member representing the educational opportunity gap oversight and accountability committee, selected by the educational opportunity gap oversight and accountability committee.

(b) The task force shall choose its cochair from among its legislative membership. One cochair must be from a minority caucus in one of the two chambers of the legislature. A member from the majority caucus of the house of representatives shall convene the initial meeting of the task force by May 1, 2020.

(2) The task force shall examine the following issues:

(a) Goals and strategies for improving the coordination and delivery of education services to youth involved with the juvenile justice system, especially youth in juvenile rehabilitation facilities, and children receiving education services, including home or hospital instruction, under RCW 28A.155.090;

(b) The transmission of student records, including individualized education programs and plans developed under section 504 of the rehabilitation act of 1973, for students in institutional facilities, and recommendations for ensuring that those records are available to the applicable instructional staff within two business days of a student's admission to the institution;

(c) Goals and strategies for increasing the graduation rate of youth in institutional facilities, and in recognition of the transitory nature of youth moving through the juvenile

justice system, issues related to grade level progression and academic credit reciprocity and consistency to ensure that:

(i) Core credits earned in an institutional facility are considered core credits by public schools that the students subsequently attend; and

(ii) Public school graduation requirements, as they applied to a student prior to entering an institutional facility, remain applicable for the student upon returning to a public school;

(d) Goals and strategies for assessing adverse childhood experiences of students in institutional education and providing trauma-informed care;

(e) An assessment of the level and adequacy of basic and special education funding for institutional facilities. The examination required by this subsection (2)(e) must include information about the number of students receiving special education services in institutional facilities, and a comparison of basic and special education funding in institutional facilities and public schools during the previous ten school years;

(f) An assessment of the delivery methods, and their adequacy, that are employed in the delivery of special education services in institutional facilities, including associated findings;

(g) School safety, with a focus on school safety issues that are applicable in institutional facilities; and

(h) Special skills and services of faculty and staff, including associated professional development and nonacademic supports necessary for addressing social emotional and behavioral health needs presenting as barriers to learning for youth in institutional facilities.

(3) The task force, in completing the duties prescribed by this section, shall solicit and consider information and perspectives provided by the department of corrections and persons and entities with relevant interest and expertise, including from persons with experience reintegrating youth from institutional facilities into school and the community at large, and from persons who provide education services in secure facilities housing persons under the age of twenty-five, examples of which include county jails, juvenile justice facilities, and community facilities as defined in RCW 72.05.020.

(4) Staff support for the task force must be provided by the senate committee services and the house of representatives office of program research. The office of financial management, the office of the superintendent of public instruction, the department of children, youth, and families, and the department of corrections shall cooperate with the task force and provide information as the cochair requests.

(5) Legislative members of the task force are to be reimbursed for travel expenses in accordance with RCW 44.04.120. Nonlegislative members are not entitled to be reimbursed for travel expenses if they are elected officials or are participating on behalf of an employer, government

entity, or other organization. Any reimbursement for other nonlegislative members is subject to chapter 43.03 RCW.

(6) The expenses of the task force must be paid jointly by the senate and the house of representatives. Task force expenditures are subject to approval by the senate facilities and operations committee and the house of representatives executive rules committee, or their successor committees.

(7) In accordance with RCW 43.01.036, the task force shall report its findings and recommendations to the governor and the appropriate committees of the house of representatives and the senate by December 15, 2020, in time for the legislature to take action on legislation that is consistent with the findings and recommendations during the 2021 legislative session. The findings and recommendations may also include recommendations for extending the duration of the task force.

(8) This section expires June 30, 2021.

**NEW SECTION. Sec. 7014.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

On page 1, line 2 of the title, after "outcomes;" strike the remainder of the title and insert "creating new sections; providing an expiration date; and declaring an emergency."

and the same is herewith transmitted.

Sarah Bannister, Deputy, Secretary

#### **SENATE AMENDMENT TO HOUSE BILL**

There being no objection, the House concurred in the Senate amendment to ENGROSSED SUBSTITUTE HOUSE BILL NO. 2116 and advanced the bill as amended by the Senate to final passage.

#### **FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED**

Representatives Callan and Steele spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 2116, as amended by the Senate.

#### **ROLL CALL**

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2116, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, J. Johnson, Kilduff, Kirby, Klippert, Kloba,

Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Mead, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shea, Shewmake, Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Excused: Representative Paul.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2116, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

#### MESSAGE FROM THE SENATE

March 5, 2020

Madame Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 2441 with the following amendment:

7014.0.

Strike everything after the enacting clause and insert the following:

"**Sec. 7015.** RCW 74.08A.260 and 2018 c 126 s 5 and 2018 c 58 s 8 are each reenacted and amended to read as follows:

(1) Each recipient shall be assessed after determination of program eligibility and before referral to job search. Assessments shall be based upon factors that are critical to obtaining employment, including but not limited to education, availability of child care, history of family violence, history of substance abuse, and other factors that affect the ability to obtain employment. Assessments may be performed by the department or by a contracted entity. The assessment shall be based on a uniform, consistent, transferable format that will be accepted by all agencies and organizations serving the recipient.

(2) Based on the assessment, an individual responsibility plan shall be prepared that: (a) Sets forth an employment goal and a plan for maximizing the recipient's success at meeting the employment goal; (b) considers WorkFirst educational and training programs from which the recipient could benefit; (c) contains the obligation of the recipient to participate in the program by complying with the plan; (d) moves the recipient into full-time WorkFirst activities as quickly as possible; and (e) describes the services available to the recipient either during or after WorkFirst to enable the recipient to obtain and keep employment and to advance in the workplace and increase the recipient's wage earning potential over time.

(3) Recipients who are not engaged in work and work activities, and do not qualify for a good cause exemption under RCW 74.08A.270, shall engage in self-directed service as provided in RCW 74.08A.330.

(4) If a recipient refuses to engage in work and work activities required by the department, after two months of continuous noncompliance, the family's grant shall be

reduced by the recipient's share(~~(, and may, if the department determines it appropriate, be terminated))~~ or by forty percent, whichever is greater, and must be terminated after twelve months of continuous noncompliance.

(5) The department (~~(may)~~) shall waive the penalties required under subsection (4) of this section, subject to a finding that the recipient refused to engage in work for good cause provided in RCW 74.08A.270.

(6) In consultation with the recipient, the department or contractor shall place the recipient into a work activity that is available in the local area where the recipient resides.

(7) Assessments conducted under this section shall include a consideration of the potential benefit to the recipient of engaging in financial literacy activities. The department shall consider the options for financial literacy activities available in the community, including information and resources available through the financial education public-private partnership created under RCW 28A.300.450. The department may authorize up to ten hours of financial literacy activities as a core activity or an optional activity under WorkFirst.

(8) Subsections (2) through (6) of this section are suspended for a recipient who is a parent or other relative personally providing care for a child under the age of two years. This suspension applies to both one and two parent families. However, both parents in a two-parent family cannot use the suspension during the same month. Nothing in this subsection shall prevent a recipient from participating in the WorkFirst program on a voluntary basis.

NEW SECTION. Sec. 7016. This act takes effect July 1, 2021.

NEW SECTION. Sec. 7017. This act applies prospectively only and not retroactively.

NEW SECTION. Sec. 7018. If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2020, in the supplemental omnibus appropriations act, this act is null and void."

On page 1, line 2 of the title, after "families;" strike the remainder of the title and insert "reenacting and amending RCW 74.08A.260; creating new sections; and providing an effective date."

and the same is herewith transmitted.

Sarah Bannister, Deputy, Secretary

#### SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to SUBSTITUTE HOUSE BILL NO. 2441 and advanced the bill as amended by the Senate to final passage.

#### FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representative Entenman spoke in favor of the passage of the bill.

Representative Eslick spoke against the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2441, as amended by the Senate.

### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2441, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 56; Nays, 41; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Bergquist, Blake, Callan, Chapman, Chopp, Cody, Davis, Doglio, Dolan, Duerr, Entenman, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hansen, Hudgins, J. Johnson, Kilduff, Kirby, Kloba, Leavitt, Lekanoff, Lovick, Macri, Mead, Morgan, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Ryu, Santos, Sells, Senn, Shewmake, Slatter, Springer, Stonier, Sullivan, Tarleton, Thai, Tharinger, Valdez, Walen, Wylie and Mme. Speaker.

Voting nay: Representatives Barkis, Boehnke, Caldier, Chambers, Chandler, Corry, DeBolt, Dent, Dufault, Dye, Eslick, Gildon, Goehner, Graham, Griffey, Harris, Hoff, Irwin, Jenkin, Klippert, Kraft, Kretz, MacEwen, Maycumber, McCaslin, Mosbrucker, Orcutt, Rude, Schmick, Shea, Smith, Steele, Stokesbary, Sutherland, Van Werven, Vick, Volz, Walsh, Wilcox, Ybarra and Young.

Excused: Representative Paul.

SUBSTITUTE HOUSE BILL NO. 2441, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

### MESSAGE FROM THE SENATE

March 10, 2020

Madame Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 2711 with the following amendment:

7018.0.

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** (1) The legislature finds that students in foster care, experiencing homelessness, or both, have the lowest high school graduation and postsecondary completion outcomes compared to other student populations. The legislature also finds that these students change schools at significantly higher rates than their general student population peers, and that these changes can disrupt academic progress. The legislature further finds that these students have disproportionate suspension and expulsion rates, and require special education services at much higher rates than other students.

(2) The legislature acknowledges that, as a result, only forty-six percent of Washington students who experienced foster care during high school, and fifty-five percent of students experiencing homelessness, graduated from high school on time in 2018. By comparison, the statewide four-year graduation rate for the class of 2019 was nearly eighty-one percent. Furthermore, students of color are disproportionately represented in the foster care system and in homeless student populations, and their academic outcomes are significantly lower than their white peers. Additionally, students who do not achieve positive education outcomes experience high rates of unemployment, poverty, adult homelessness, and incarceration.

(3) The legislature, therefore, intends to provide the opportunity for an equitable education for students in foster care, experiencing homelessness, or both. In accomplishing this goal, the legislature intends to achieve parity in education outcomes for these students, both in comparison to their general student population peers and throughout the education continuum of prekindergarten to postsecondary education.

(4) In 2018 the legislature directed the department of children, youth, and families and other entities in chapter 299, Laws of 2018, to convene a work group focused on students in foster care and students experiencing homelessness. The legislature resolves to continue this work group to improve education outcomes for these students.

**NEW SECTION. Sec. 2.** A new section is added to chapter 28A.300 RCW to read as follows:

(1) The office of the superintendent of public instruction, in collaboration with the department of children, youth, and families, the office of homeless youth prevention and protection programs of the department of commerce, and the student achievement council, shall convene a work group to address the needs of students in foster care, experiencing homelessness, or both. Nothing in this section prevents the office of the superintendent of public instruction from using an existing work group created under the authority of section 223(1)(bb), chapter 299, Laws of 2018, with modifications to the membership and duties, to meet the requirements of this section. The work group, which shall seek to promote continuity with efforts resulting from section 223(1)(bb), chapter 299, Laws of 2018, must include representatives of nongovernmental agencies and representation from the educational opportunity gap oversight and accountability committee. The work group must also include four legislative members who possess experience in issues of education, the foster care system, and homeless youth, appointed as follows:

(a) The president of the senate shall appoint one member from each of the two largest caucuses of the senate.

(b) The speaker of the house of representatives shall appoint one member from each of the two largest caucuses of the house of representatives.

(2) The work group shall develop recommendations to promote the following for students who are in foster care, experiencing homelessness, or both:

(a) The achievement of parity in education outcomes with the general student population; and

(b) The elimination of racial and ethnic disparities for education outcomes in comparison to the general student population.

(3) In developing the recommendations required by subsection (2) of this section, the work group shall:

(a) Review the education outcomes of students in foster care, experiencing homelessness, or both, by examining data, disaggregated by race and ethnicity, on:

(i) Kindergarten readiness, early grade reading and math, eighth and ninth grade students on track to graduate, high school completion, postsecondary enrollment, and postsecondary completion; and

(ii) School attendance, school mobility, special education status, and school discipline;

(b) Evaluate the outcomes, needs, and service array for students in foster care, experiencing homelessness, or both, and the specific needs of students of color and students with special education needs;

(c) Engage stakeholders, including students in foster care, experiencing homelessness, or both, foster parents and relative caregivers, birth parents, caseworkers, school districts and educators, early learning providers, postsecondary institutions, and federally recognized tribes, to provide input on the development of recommendations; and

(d)(i) Submit annual reports to the governor, the appropriate committees of the legislature, and the educational opportunity gap oversight and accountability committee by October 31, 2021, 2022, and 2023 that identify:

(A) Progress the state has made toward achieving education parity for students in foster care, experiencing homelessness, or both; and

(B) Recommendations that can be implemented using existing resources, rules, and regulations, and those that would require policy, administrative, and resource allocation changes prior to implementation.

(ii) Reports required by (d) of this subsection may include findings and recommendations regarding the feasibility of developing a case study to examine or implement recommendations of the work group.

(4) The work group, in accordance with RCW 43.01.036, must submit a final report to the governor, the appropriate committees of the legislature, and the educational opportunity gap oversight and accountability committee by July 1, 2024. The final report must include the recommendations required by subsection (2) of this section and may include a plan for achieving the recommendations specified in subsection (2) of this section.

(5) To assist the work group in the completion of its duties, the following apply:

(a) The office of the superintendent of public instruction, department of children, youth, and families, the student achievement council, and the office of homeless youth prevention and protection programs of the department of commerce shall provide updated education data and other necessary data to the education data center established under RCW 43.41.400; and

(b) The education data center shall provide annual reports to the work group regarding education outcomes specified in subsection (3)(a)(i) and (ii) of this section by March 31, 2021, 2022, and 2023. If state funds are not available to produce the reports, the work group may pursue supplemental private funds to fulfill the requirements of this subsection (5)(b).

(6) Nothing in this section permits disclosure of confidential information protected from disclosure under federal or state law, including but not limited to information protected under chapter 13.50 RCW. Confidential information received by the work group retains its confidentiality and may not be further disseminated except as permitted by federal and state law.

(7) For the purposes of this section, "students in foster care, experiencing homelessness, or both" includes students who are in foster care or experiencing homelessness, and students who have been homeless or in foster care, or both.

(8) This section expires December 31, 2024.

**Sec. 3.** RCW 74.13.1051 and 2017 3rd sp.s. c 6 s 405 are each amended to read as follows:

(1) In order to proactively support foster youth to complete high school, enroll and complete postsecondary education, and successfully implement their own plans for their futures, the department, the student achievement council, and the office of the superintendent of public instruction shall enter into, or revise existing, memoranda of understanding that:

(a) Facilitate student referral, data and information exchange, agency roles and responsibilities, and cooperation and collaboration among state agencies and nongovernmental entities; and

(b) Effectuate the transfer of responsibilities from the department to the office of the superintendent of public instruction with respect to the programs in RCW 28A.300.592, and from the department to the student achievement council with respect to the program in RCW 28B.77.250 in a smooth, expedient, and coordinated fashion.

(2) The student achievement council and the office of the superintendent of public instruction shall establish a set of indicators relating to the outcomes provided in RCW 28A.300.590 and 28A.300.592 to provide consistent services for youth, facilitate transitions among contractors, and support outcome-driven contracts. The student achievement council and the superintendent of public instruction shall collaborate with nongovernmental contractors and the department to develop a list of the most critical indicators, establishing a common set of indicators to be used in the outcome-driven contracts in RCW 28A.300.590 and 28A.300.592. ~~((A list of these indicators~~

must be included in the report provided in subsection (3) of this section.

~~(3) By November 1, 2017, and biannually thereafter, the department, the student achievement council, and the office of the superintendent of public instruction, in consultation with the nongovernmental entities engaged in public-private partnerships shall submit a joint report to the governor and the appropriate education and human services committees of the legislature regarding each of these programs, individually, as well as the collective progress the state has made toward the following goals:~~

~~(a) To make Washington number one in the nation for foster care graduation rates;~~

~~(b) To make Washington number one in the nation for foster care enrollment in postsecondary education; and~~

~~(c) To make Washington number one in the nation for foster care postsecondary completion.~~

~~(4) The department, the student achievement council, and the office of the superintendent of public instruction, in consultation with the nongovernmental entities engaged in public-private partnerships, shall also submit one report by November 1, 2018, to the governor and the appropriate education and human service committees of the legislature regarding the transfer of responsibilities from the department to the office of the superintendent of public instruction with respect to the programs in RCW 28A.300.592, and from the department to the student achievement council with respect to the program in RCW 28B.77.250 and whether these transfers have resulted in better coordinated services for youth.))~~

NEW SECTION. Sec. 4. RCW 28A.300.8001 (Plan for cross-system collaboration to promote educational stability and improve educational outcomes for foster children—Reports) and 2012 c 163 s 10 are each repealed."

On page 1, line 3 of the title, after "education;" strike the remainder of the title and insert "amending RCW 74.13.1051; adding a new section to chapter 28A.300 RCW; creating a new section; repealing RCW 28A.300.8001; and providing an expiration date."

and the same is herewith transmitted.

Sarah Bannister, Deputy, Secretary

#### SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to SUBSTITUTE HOUSE BILL NO. 2711 and advanced the bill as amended by the Senate to final passage.

#### FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representatives Johnson and Corry spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2711, as amended by the Senate.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2711, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Mead, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shea, Shewmake, Slatte, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Excused: Representative Paul.

SUBSTITUTE HOUSE BILL NO. 2711, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

#### CONFERENCE COMMITTEE REPORT

March 11, 2020  
House Bill No. 2322

Includes "New Item": YES

Madame Speaker:

We of your Conference Committee, to whom was referred SUBSTITUTE HOUSE BILL NO. 2322, Making supplemental transportation appropriations for the 2019-2021 fiscal biennium, have had the same under consideration and we recommend that:

Do pass as amended by the Conference Committee

and that the bill do pass as recommended by the Conference Committee:

Strike everything after the enacting clause and insert the following:

#### "2019-2021 FISCAL BIENNIUM

#### GENERAL GOVERNMENT AGENCIES— OPERATING

**Sec. 101.** 2019 c 416 s 103 (uncodified) is amended to read as follows:

**FOR THE OFFICE OF FINANCIAL MANAGEMENT**

Motor Vehicle Account—State Appropriation .....	(( <del>\$1,403,000</del> ))
	<u>\$1,419,000</u>
Multimodal Transportation Account—State Appropriation .....	\$300,000
Puget Sound Ferry Operations Account—State Appropriation .....	(( <del>\$116,000</del> ))
	<u>\$121,000</u>
<b>TOTAL APPROPRIATION .....</b>	<b><u>\$1,840,000</u></b>

The appropriations in this section are subject to the following conditions and limitations: \$300,000 of the multimodal transportation account—state appropriation is provided solely for the office of financial management, in direct coordination with the office of state treasurer, to evaluate, coordinate, and assist in efforts by state agencies in developing cost recovery mechanisms for credit card and other financial transaction fees currently paid from state funds. This may include disbursing interagency reimbursements for the implementation costs incurred by the affected agencies. As part of the first phase of this effort, the office of financial management, with the assistance of relevant agencies, must develop implementation plans and take all necessary steps to ensure that the actual cost-recovery mechanisms will be in place by January 1, 2020, for the vehicles and drivers programs of the department of licensing. By November 1, 2019, the office of financial management must provide a report to the joint transportation committee on the phase 1 implementation plan and options to expand similar cost recovery mechanisms to other state agencies and programs, including the ferries division.

**Sec. 102.** 2019 c 416 s 105 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF AGRICULTURE**

Motor Vehicle Account—State Appropriation .....	(( <del>\$1,357,000</del> ))
	<u>\$1,359,000</u>

**Sec. 103.** 2019 c 416 s 108 (uncodified) is amended to read as follows:

**FOR THE BOARD OF PILOTAGE COMMISSIONERS**

Pilotage Account—State Appropriation .....	(( <del>\$5,228,000</del> ))
	<u>\$6,040,000</u>

The appropriation in this section is subject to the following conditions and limitations:

(1) \$3,125,000 of the pilotage account—state appropriation is provided solely for self-insurance liability premium expenditures; however, this appropriation is contingent upon the board:

(a) Annually depositing the first one hundred fifty thousand dollars collected through Puget Sound pilotage district pilotage tariffs into the pilotage account; and

(b) Assessing a self-insurance premium surcharge of sixteen dollars per pilotage assignment on vessels requiring pilotage in the Puget Sound pilotage district.

(2) The board of pilotage commissioners shall file the annual report to the governor and chairs of the transportation committees required under RCW 88.16.035(1)(f) by September 1, 2019, and annually thereafter. The report must include the continuation of policies and procedures necessary to increase the diversity of pilots, trainees, and applicants, including a diversity action plan. The diversity action plan must articulate a comprehensive vision of the board's diversity goals and the steps it will take to reach those goals.

**Sec. 104.** 2019 c 416 s 109 (uncodified) is amended to read as follows:

**FOR THE HOUSE OF REPRESENTATIVES**

Motor Vehicle Account—State Appropriation .....	(( <del>\$2,861,000</del> ))
	<u>\$3,082,000</u>

**Sec. 105.** 2019 c 416 s 110 (uncodified) is amended to read as follows:

**FOR THE SENATE**

Motor Vehicle Account—State Appropriation .....	(( <del>\$2,998,000</del> ))
	<u>\$2,999,000</u>

**NEW SECTION. Sec. 106.** A new section is added to 2019 c 416 (uncodified) to read as follows: **FOR THE UNIVERSITY OF WASHINGTON**

Motor Vehicle Account—State Appropriation .....	\$250,000
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The appropriation in this section is subject to the following conditions and limitations: \$250,000 of the motor vehicle account—state appropriation is provided solely for the University of Washington, Foster School of Business' Consulting and Business Development Center to conduct an analysis of workforce development needs of the Washington state ferries. Plan development should consider the findings from the 2019 Washington state ferries overtime report, including data trend analysis and insight gathered from discussions with Washington state ferries staff and unions. The report of the study findings and recommendations is due to the transportation committees of the legislature by January 11, 2021. The study must include, but is not limited to, the following:

(1) A description of the current workforce, including demographic composition, use of relief and temporary employees, and the numbers of management and supervisory staff compared to line workers;

(2) An analysis of vacancies by job class and collective bargaining unit, the causes of vacancies, and projections of how these dynamics may change going forward;

(3) An analysis of current strategies for filling vacancies, including the use of overtime, relief staff, on-call staff, hiring of additional or new employees, and a comparison of these strategies to determine which may be more cost-effective;

(4) An inventory of mandatory training and certification requirements as compared to training provided currently to state ferries employees;

(5) An analysis of the role of federal requirements and collective bargaining agreements in determining staffing levels, as well as current practices in workforce management and development;

(6) An analysis of barriers to implementing changes in workforce management or innovative approaches to workforce development; and

(7) Findings and recommendations regarding recruitment methods and needs, strategies on how to recruit and conduct outreach to underrepresented communities throughout the state, management of overtime and leave usage, ratio of management employees to line employees as compared to industry and public sector standards, and adequacy of training budgets to meet workforce development needs.

#### TRANSPORTATION AGENCIES— OPERATING

**Sec. 201.** 2019 c 416 s 201 (uncodified) is amended to read as follows:

#### FOR THE WASHINGTON TRAFFIC SAFETY COMMISSION

Highway Safety Account—State Appropriation .....	<del>(\$4,588,000)</del>
	<u>\$4,675,000</u>
Highway Safety Account—Federal Appropriation .....	<del>(\$27,035,000)</del>
	<u>\$27,051,000</u>
Highway Safety Account—Private/Local Appropriation .....	\$118,000
School Zone Safety Account—State Appropriation .....	\$850,000
<b>TOTAL APPROPRIATION .....</b>	<del><b>\$32,591,000</b></del>
	<u><b>\$32,694,000</b></u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$150,000 of the highway safety account—state appropriation is provided solely for the implementation of chapter 54 (~~Substitute Senate Bill No. 5710~~), Laws of 2019 (Cooper Jones Active Transportation Safety Council). If chapter 54 (~~Substitute Senate Bill No. 5710~~), Laws of

2019 is not enacted by June 30, 2019, the amount provided in this subsection lapses.

(2) The Washington traffic safety commission may oversee a pilot program in up to three cities implementing the use of automated vehicle noise enforcement cameras in zones that have been designated by ordinance as "Stay Out of Areas of Racing."

(a) Any programs authorized by the commission must be authorized by December 31, ~~((2019))~~ 2020.

(b) If a city has established an authorized automated vehicle noise enforcement camera pilot program under this section, the compensation paid to the manufacturer or vendor of the equipment used must be based upon the value of the equipment and services provided or rendered in support of the system.

(c) Any city administering a pilot program overseen by the traffic safety commission shall use the following guidelines to administer the program:

(i) Automated vehicle noise enforcement camera may record photographs or audio of the vehicle and vehicle license plate only while a violation is occurring. The picture must not reveal the face of the driver or of passengers in the vehicle;

(ii) The law enforcement agency of the city or county government shall ~~((plainly mark the locations))~~ install two signs facing opposite directions within two hundred feet, or otherwise consistent with the uniform manual on traffic control devices, where the automated vehicle noise enforcement camera is used ~~((by placing signs on street locations that clearly indicate to a driver that he or she is entering a zone where traffic laws violations are being detected by automated vehicle noise enforcement cameras that record both audio and video))~~ that state "Street Racing Noise Pilot Program in Progress";

(iii) Cities testing the use of automated vehicle noise enforcement cameras must ~~((provide periodic notice by mail to its residents))~~ post information on the city web site and notify local media outlets indicating the zones in which the automated vehicle noise enforcement cameras will be used;

(iv) A city may only issue a warning notice with no penalty for a violation detected by automated vehicle noise enforcement cameras in a Stay Out of Areas of Racing zone. Warning notices must be mailed to the registered owner of a vehicle within fourteen days of the detected violation;

(v) A violation detected through the use of automated vehicle noise enforcement cameras is not part of the registered owner's driving record under RCW 46.52.101 and 46.52.120;

(vi) Notwithstanding any other provision of law, all photographs, videos, microphotographs, audio recordings, or electronic images prepared under this section are for the exclusive use of law enforcement in the discharge of duties under this section and are not open to the public and may not be used in a court in a pending action or proceeding. No photograph, microphotograph, audio recording, or electronic image may be used for any purpose other than the issuance



of warnings for violations under this section or retained longer than necessary to issue a warning notice as required under this subsection (2); and

(vii) By June 30, 2021, the participating cities shall provide a report to the commission and appropriate committees of the legislature regarding the use, public acceptance, outcomes, warnings issued, data retention and use, and other relevant issues regarding automated vehicle noise enforcement cameras demonstrated by the pilot projects.

(3) The Washington traffic safety commission may oversee a demonstration project in one county, coordinating with a public transportation benefit area (PTBA) and the department of transportation, to test the feasibility and accuracy of the use of automated enforcement technology for high occupancy vehicle (HOV) lane passenger compliance. All costs associated with the demonstration project must be borne by the participating public transportation benefit area. Any photograph, microphotograph, or electronic images of a driver or passengers are for the exclusive use of the PTBA in the determination of whether an HOV passenger violation has occurred to test the feasibility and accuracy of automated enforcement under this subsection and are not open to the public and may not be used in a court in a pending action or proceeding. All photographs, microphotographs, and electronic images must be destroyed after determining a passenger count and no later than the completion of the demonstration project. No warnings or notices of infraction may be issued under the demonstration project.

For purposes of the demonstration project, an automated enforcement technology device may record an image of a driver and passenger of a motor vehicle. The county and PTBA must erect signs marking the locations where the automated enforcement for HOV passenger requirements is occurring.

The PTBA, in consultation with the Washington traffic safety commission, must provide a report to the transportation committees of the legislature with the number of violations detected during the demonstration project, whether the technology used was accurate and any recommendations for future use of automated enforcement technology for HOV lane enforcement by June 30, 2021.

(4)(a) The Washington traffic safety commission shall coordinate with each city that implements a pilot program as authorized in chapter . . . (Engrossed Substitute House Bill No. 1793), Laws of 2020 (automated traffic safety cameras) or chapter . . . (Substitute Senate Bill No. 5789), Laws of 2020 (automated traffic safety cameras) to provide the transportation committees of the legislature with the following information by June 30, 2021:

(i) The number of warnings and infractions issued to first-time violators under the pilot program;

(ii) The number of warnings and infractions issued to the registered owners of vehicles that are not registered with an address located in the city conducting the pilot program; and

(iii) The frequency with which warnings and infractions are issued on weekdays versus weekend days.

(b) If neither chapter . . . (Engrossed Substitute House Bill No. 1793), Laws of 2020 nor chapter . . . (Substitute Senate Bill No. 5789), Laws of 2020 is enacted by June 30, 2020, the conditions of this subsection (4) have no force and effect.

**Sec. 202.** 2019 c 416 s 202 (uncodified) is amended to read as follows:

**FOR THE COUNTY ROAD ADMINISTRATION BOARD**

Rural Arterial Trust Account—State Appropriation .....	\$1,137,000
Motor Vehicle Account—State Appropriation .....	<del>(\$2,803,000)</del>
	<u>\$2,920,000</u>
County Arterial Preservation Account—State Appropriation .....	\$1,677,000
TOTAL APPROPRIATION .....	<u>\$5,617,000</u>
	<u>\$5,734,000</u>

The appropriations in this section are subject to the following conditions and limitations: \$58,000 of the motor vehicle account—state appropriation is provided solely for succession planning and training.

**Sec. 203.** 2019 c 416 s 203 (uncodified) is amended to read as follows:

**FOR THE TRANSPORTATION IMPROVEMENT BOARD**

Transportation Improvement Account—State Appropriation .....	<del>(\$4,526,000)</del>
	<u>\$3,854,000</u>

**Sec. 204.** 2019 c 416 s 204 (uncodified) is amended to read as follows:

**FOR THE JOINT TRANSPORTATION COMMITTEE**

Motor Vehicle Account—State Appropriation .....	<del>(\$1,938,000)</del>
	<u>\$2,187,000</u>
Multimodal Transportation Account—State Appropriation .....	<del>(\$750,000)</del>
	<u>\$917,000</u>
Highway Safety Account—State Appropriation .....	\$275,000
TOTAL APPROPRIATION .....	<u>\$2,963,000</u>
	<u>\$3,379,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$400,000 of the motor vehicle account—state appropriation and \$50,000 of the multimodal transportation account—state appropriation is for the joint transportation committee to conduct a comprehensive assessment of statewide transportation needs and priorities, and existing and potential transportation funding mechanisms to address those needs and priorities. The assessment must include: (a) Recommendations on the critical state and local transportation projects, programs, and services needed to achieve an efficient, effective, statewide transportation system over the next ten years; (b) a comprehensive menu of funding options for the legislature to consider to address the identified transportation system investments; ~~((and))~~ (c) recommendations on whether a revision to the statewide transportation policy goals in RCW 47.04.280 is warranted in light of the recommendations and options identified in (a) and (b) of this subsection; and (d) an analysis of the economic impacts of a range of future transportation investments. The assessment must be submitted to the transportation committees of the legislature by June 30, 2020. Starting July 1, 2020, and concluding by December 31, 2020, a committee-appointed commission or panel shall review the assessment and make final recommendations to the legislature for consideration during the 2021 legislative session on a realistic, achievable plan for funding transportation programs, projects, and services over the next ten years including a timeline for legislative action on funding the identified transportation system needs shortfall.

(2)(a) ~~(((\$450,000))~~ \$382,000 of the multimodal transportation account—state appropriation is for the joint transportation committee to conduct an analysis of the electrification of public fleets in Washington state. The study must include the following:

(i) An inventory of existing public fleets for the state of Washington, counties, a sampling of cities, and public transit agencies. The inventory must differentiate among battery and fuel cell electric vehicles, hybrid vehicles, gasoline powered vehicles, and any other functional categories. Three cities from each of the following population ranges must be selected for the analysis:

(A) Population up to and including twenty-five thousand;

(B) Population greater than twenty-five thousand and up to and including fifty thousand;

(C) Population greater than fifty thousand and up to and including one hundred thousand;

(D) Population greater than one hundred thousand;

(ii) A review of currently available battery and fuel cell electric vehicle alternatives to the vehicle types most commonly used by the state, counties, cities, and public transit agencies. The review must include:

(A) The average vehicle cost differential among the commercially available fuel options;

(B) A cost benefit analysis of the conversion of different vehicle classes; and

(C) Recommendations for the types of vehicles that should be excluded from consideration due to insufficient alternatives, unreliable technology, or excessive cost;

(iii) The projected costs of achieving substantial conversion to battery and/or fuel cell electric fleets by 2025, 2030, and 2035 for the state, counties, cities, and public transit agencies. This cost estimate must include:

(A) Vehicle acquisition costs, charging and refueling infrastructure costs, and other associated costs;

(B) Financial constraints of each type of entity to transition to an electric vehicle fleet; and

(C) Any other identified barriers to transitioning to a battery and/or fuel cell electric vehicle fleet;

(iv) Identification and analysis of financing mechanisms that could be used to finance the transition of publicly owned vehicles to battery and fuel cell electric vehicles. These mechanisms include, but are not limited to: Energy or carbon savings performance contracting, utility grants and rebates, revolving loan funds, state grant programs, private third-party financing, fleet management services, leasing, vehicle use optimization, and vehicle to grid technology; and

(v) The predicted number and location profile of electric vehicle fueling stations needed statewide to provide fueling for the fleets of the state, counties, cities, and public transit agencies.

(b) In developing and implementing the study, the joint transportation committee must solicit input from representatives of the department of enterprise services, the department of transportation, the department of licensing, the department of commerce, the Washington state association of counties, the association of Washington cities, the Washington state transit association, transit agencies, and others as deemed appropriate.

(c) The joint transportation committee must issue a report of its findings and recommendations to the transportation committees of the legislature by September 30, 2020.

(3)(a) \$250,000 of the multimodal transportation account—state appropriation is for the joint transportation committee to conduct a study of the feasibility of an east-west intercity passenger rail system. The study must include the following elements:

(i) Projections of potential ridership;

(ii) Review of relevant planning studies;

(iii) Establishment of an advisory group and associated meetings;

(iv) Development of a Stampede Pass corridor alignment to maximize ridership, revenue, and rationale, considering service to population centers: Auburn, Cle Elum, Yakima, Tri-Cities, Ellensburg, Toppenish, and Spokane;

(v) Assessment of current infrastructure conditions, including station stop locations;

(vi) Identification of equipment needs; and

(vii) Identification of operator options.

(b) A report of the study findings and recommendations is due to the transportation committees of the legislature by June 30, 2020.

(4)(a) \$275,000 of the highway safety fund—state appropriation is for a study of vehicle subagents in Washington state. The study must consider and include recommendations, as necessary, on the following:

(i) The relevant statutes, rules, and/or regulations authorizing vehicle subagents and any changes made to the relevant statutes, rules, and/or regulations;

(ii) The current process of selecting and authorizing a vehicle subagent, including the change of ownership process and the identification of any barriers to entry into the vehicle subagent market;

(iii) The annual business expenditures borne by each of the vehicle subagent businesses since fiscal year 2010 and identification of any materials, including office equipment and supplies, provided by the department of licensing to each vehicle subagent since fiscal year 2010. To accomplish this task, each vehicle subagent must provide expenditure data to the joint transportation committee for the purposes of this study;

(iv) The oversight provided by the county auditors and/or the department of licensing over the vehicle subagent businesses;

(v) The history of service fees, how increases to the service fee rate are made, and how the requested fee increase is determined;

(vi) The online vehicle registration renewal process and any potential improvements to the online process;

(vii) The department of licensing's ability to provide more vehicle licensing services directly, particularly taking into account the increase in online vehicle renewal transactions;

(viii) The potential expansion of services that can be performed by vehicle subagents; and

(ix) The process by which the geographic locations of vehicle subagents are determined.

(b) In conducting the study, the joint transportation committee must consult with the department of licensing, a representative of county auditors, and a representative of vehicle subagents.

(c) The joint transportation committee may collect any data from the department of licensing, county auditors, and vehicle subagents that is necessary to conduct the study.

(d) The joint transportation committee must issue a report of its findings and recommendations to the transportation committees of the legislature by September 30, 2020.

(5)(a) \$235,000 of the multimodal transportation account—state appropriation is for the joint transportation

committee to oversee a consultant study on rail safety governance best practices, by class of rail where applicable, and recommendations for the implementation of these best practices in Washington state. The study must assess rail safety governance for passenger and freight rail, including rail transit services, and must consider recommendations made by the national transportation safety board in its 2017 Amtrak passenger train 501 derailment accident report that are relevant to rail safety governance.

(b) The study must include the following components:

(i)(A) An assessment of rail safety oversight in Washington state that includes: (I) The rail safety oversight roles of federal, state, regional, and local agencies, including the extent to which federal and state laws govern these roles and the extent to which these roles would be modified should the suspended federal rules in 49 C.F.R. Part 270 take effect; (II) federal, state, regional, and local agency organizational structures and processes utilized to conduct rail safety oversight; and (III) coordination activities by federal, state, regional, and local agencies in conducting rail safety oversight;

(B) An examination of rail safety governance best practices by other states for the items identified in (a) of this subsection; and

(C) Recommendations for the implementation of best practices for rail safety governance in Washington state.

(ii) The study must address the extent to which additional safety oversight of rail project design and construction is used in other states and would be a recommended best practice for Washington state.

(c) The joint transportation committee shall consult with the Washington state department of transportation, the Washington state utilities and transportation commission, sound transit, the national transportation safety board, Amtrak, the federal railroad administration, BNSF railway company, one or more representatives of short line railroads, one or more representatives of labor, and other entities with rail safety expertise as necessary.

(d) The joint transportation committee must issue a report of its findings and recommendations on rail safety governance to the transportation committees of the legislature by January 6, 2021.

(6)(a) \$250,000 of the motor vehicle account—state appropriation is for the joint transportation committee to conduct a study of the feasibility of a private auto ferry between the state of Washington and British Columbia, Canada. The study must include the following elements:

(i) Expected impacts to ridership, revenue, and expenditures for Washington state ferries;

(ii) Expected impacts to ferry service provided to the San Juan Islands;

(iii) Possible terminal locations on Fidalgo Island;

(iv) Economic impacts to the Anacortes area if ferry service between the area and Vancouver Island ceases;

(v) Economic impacts to the San Juan Islands if ferry service or ferry tourism is reduced;

(vi) Expected impacts to family wage jobs in the marine industry for Washingtonians;

(vii) Expected impacts to ferry fares between the state of Washington and British Columbia, Canada;

(viii) Legal analysis of all state, federal, or Canadian laws or rules, including the Jones act and rules of the board of pilotage commissioners, that may apply to initiation of private service or cessation of state service; and

(ix) Options for encouraging private auto ferry service between the state of Washington and Vancouver Island, Canada.

(b) In conducting the study, the joint transportation committee must consult with the department of transportation, a representative of San Juan county, a representative of the city of Anacortes, a representative of the inland boatman's union, a representative of Puget Sound pilots, a representative of the port of Anacortes, a representative of the economic development alliance of Skagit county, and interested private ferry operators in Washington state.

(c) A report of the study findings and options is due to the transportation committees of the legislature by February 15, 2021.

**Sec. 205.** 2019 c 416 s 205 (uncodified) is amended to read as follows:

#### **FOR THE TRANSPORTATION COMMISSION**

Motor Vehicle Account—State Appropriation .....	(\$2,893,000)
	<u>\$2,324,000</u>
<del>((Multimodal Transportation Account State Appropriation .....</del>	<del>\$112,000))</del>
Interstate 405 and state Route Number 167 Express Toll Lanes <del>((Operations))</del>	
Account—State Appropriation .....	<del>(((\$250,000))</del>
	<u>\$410,000</u>
State Route Number 520 Corridor Account—State Appropriation .....	<u>\$271,000</u>
Tacoma Narrows Toll Bridge Account—State Appropriation .....	<u>\$158,000</u>
Alaskan Way Viaduct Replacement Project Account—State Appropriation .....	<u>\$136,000</u>
TOTAL APPROPRIATION .....	<u>\$3,255,000</u>
	<u>\$3,299,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1)(a) The commission shall reconvene the road usage charge steering committee, with the same membership described in chapter 297, Laws of 2018, and shall report at least once every three months to the steering committee with updates on report development for the completed road usage charge pilot project until the final report is submitted. The commission shall also report to the steering committee on any other activities undertaken in accordance with this subsection (1) as necessary to keep it apprised of new developments and to obtain input on its efforts. The final report on the road usage charge pilot project is due to the transportation committees of the legislature by January 1, 2020, and should include recommendations for necessary next steps to consider impacts to communities of color, low-income households, vulnerable populations, and displaced communities. Any legislative vacancies on the steering committee must be appointed by the speaker of the house of representatives for a house of representatives member vacancy, and by the president of the senate for a senate member vacancy.

(b)(i) The commission shall coordinate with the department of transportation to jointly seek federal funds available through the federal surface transportation system funding alternatives grant program, applying toll credits for meeting match requirements. One or more grant applications ~~((may))~~ shall be developed that ~~((, at a minimum,))~~ propose to:

~~((i)) (A) ((Update the recommended road usage charge operational concepts and business case presented to the road usage charge steering committee to reflect a range of scenarios regarding fleet electrification and use of shared vehicles. The operational concepts must include technological or system features necessary to ensure collection of the road usage charge from electric vehicles and fleets of shared and/or autonomous vehicles, if applicable. The business case must assess a range of gross revenue impacts to a road usage charge and fuel taxes resulting from changes to total vehicle miles traveled under scenarios with varying degrees of shared, autonomous, and/or electric vehicle adoption rates;~~

~~((B) Develop a detailed plan for phasing in the implementation of road usage charges for vehicles operated in Washington, incorporating any updates to road usage charge policy recommendations made in (a) and (b)(i)(A) of this subsection and including consideration of methods for reducing the cost of collections for a road usage charge system in Washington state; and~~

~~((C) Examine the allocation of current gas tax revenues and possible frameworks for the allocation of road usage charge revenues that could be used to evaluate policy choices once road usage charge revenues comprise a significant share of state revenues for transportation purposes.)) Create a framework for modeling the effects of a road usage charge on passenger and light-duty vehicles including, but not limited to, plug-in electric vehicles, autonomous vehicles, state fleets, and transportation network companies on a road usage charge system;~~

~~((B) Identify and measure potential disparate impacts of a road usage charge on designated populations, including~~

communities of color, low-income households, vulnerable populations, and displaced communities;

(C) Incorporate emerging approaches to mileage reporting, such as in-vehicle telematics, improved smartphone apps, and use of private businesses to provide odometer verification and mileage reporting services, into a road usage charge system;

(D) Conduct a series of facilitated work sessions with other states and private sector firms to identify opportunities to reduce the cost of collections for a road usage charge;

(E) Develop a road usage charge phase-in plan that incorporates findings from (b)(i)(A) through (D) of this subsection;

(F) Carry out a limited scale demonstration to test new mileage reporting methods; equity policies; cost reduction techniques; and collecting a road usage charge from passenger and light-duty vehicles including, but not limited to, plug-in electric vehicles, autonomous vehicles, state fleets, transportation network companies, and other new mobility services; and

(G) Produce a final report with recommendations and a recommended roadmap that details how a road usage charge could be appropriately scaled to fit state circumstances and that includes a framework for evaluating policy choices related to the use of road usage charge revenue.

(ii) A year-end report on the status of any federally-funded project for which federal funding is secured must be provided to the governor's office and the transportation committees of the legislature by January 1, 2020, and by January 1, 2021.

(c) \$150,000 of the motor vehicle account—state appropriation is provided solely for analysis of potential impacts of a road usage charge on communities of color, low-income households, vulnerable populations, and displaced communities. The analysis must include an assessment of potential mitigation measures to address these potential impacts. These funds must be held in unallotted status during the 2019-2021 fiscal biennium, and may only be used after the commission has provided notice to the office of financial management that it has exhausted all efforts to secure federal funds from the federal surface transportation system funding alternatives grant program under (b) of this subsection without successfully securing federal funding for the further study of a road usage charge. A year-end update on the status of this effort, if undertaken prior to the end of calendar year 2020, must be provided to the governor's office and the transportation committees of the legislature by January 1, 2021.

(2)(a) \$250,000 of the Interstate 405 and state route number 167 express toll lanes ((operations)) account—state appropriation is provided solely for the transportation commission to conduct a study, applicable to the Interstate 405 express toll lanes, of discounted tolls and other similar programs for low-income drivers that are provided by other states, countries, or other entities and how such a program could be implemented in the state of Washington. The

transportation commission may contract with a consultant to conduct all or a portion of this study.

(b) In conducting this study, the transportation commission shall consult with both the department of transportation and the department of social and health services.

(c) The transportation commission shall, at a minimum, consider the following issues when conducting the study of discounted tolls and other similar programs for low-income drivers:

(i) The benefits, requirements, and any potential detriments to the users of a program;

(ii) The most cost-effective way to implement a program given existing financial commitments, shared cost requirements across facilities, and technical requirements to execute and maintain a program;

(iii) The implications of a program for tolling policies, revenues, costs, operations, and enforcement; and

(iv) Any implications to tolled facilities based on the type of tolling implemented on a particular facility.

(d) The transportation commission shall provide a report detailing the findings of this study and recommendations for implementing a discounted toll or other appropriate program in the state of Washington to the transportation committees of the legislature by June 30, 2021.

(3) \$160,000 of the Interstate 405 and state route number 167 express toll lanes account—state appropriation, \$271,000 of the state route number 520 corridor account—state appropriation, \$158,000 of the Tacoma Narrows toll bridge account—state appropriation, and \$136,000 of the Alaskan Way viaduct replacement project account—state appropriation are provided solely for the transportation commission's proportional share of time spent supporting tolling operations for the respective tolling facilities.

(4) The legislature requests that the commission commence proceedings to name state route number 165 as The Glacier Highway to commemorate the significance of glaciers to the state of Washington.

**Sec. 206.** 2019 c 416 s 206 (uncodified) is amended to read as follows:

#### **FOR THE FREIGHT MOBILITY STRATEGIC INVESTMENT BOARD**

Freight Mobility Investment Account—State

Appropriation ..... (((\$813,000))  
\$772,000

**Sec. 207.** 2019 c 416 s 207 (uncodified) is amended to read as follows:

#### **FOR THE WASHINGTON STATE PATROL**

State Patrol Highway Account—State Appropriation  
..... (((\$508,503,000))  
\$501,294,000

State Patrol Highway Account—Federal Appropriation .....	<del>(\$16,069,000)</del>
	<u>\$16,081,000</u>
State Patrol Highway Account—Private/Local Appropriation .....	<del>(\$4,257,000)</del>
	<u>\$4,258,000</u>
Highway Safety Account—State Appropriation .....	\$1,188,000
Ignition Interlock Device Revolving Account—State Appropriation .....	\$7,010,000
Multimodal Transportation Account—State Appropriation .....	\$286,000
<u>Interstate 405 and State Route Number 167 Express Toll Lanes Account—State Appropriation</u>	<u>\$1,182,000</u>
<u>State Route Number 520 Corridor Account—State Appropriation</u> .....	<u>\$1,988,000</u>
<u>Tacoma Narrows Toll Bridge Account—State Appropriation</u> .....	<u>\$1,158,000</u>
<u>Alaskan Way Viaduct Replacement Project Account—State Appropriation</u> .....	<u>\$996,000</u>
TOTAL APPROPRIATION .....	<del>\$537,313,000</del>
	<u>\$535,441,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) Washington state patrol officers engaged in off-duty uniformed employment providing traffic control services to the department of transportation or other state agencies may use state patrol vehicles for the purpose of that employment, subject to guidelines adopted by the chief of the Washington state patrol. The Washington state patrol must be reimbursed for the use of the vehicle at the prevailing state employee rate for mileage and hours of usage, subject to guidelines developed by the chief of the Washington state patrol.

(2) \$510,000 of the ignition interlock device revolving account—state appropriation is provided solely for the ignition interlock program at the Washington state patrol to provide funding for two staff to work and provide support for the program in working with manufacturers, service centers, technicians, and participants in the program.

(3) \$1,424,000 of the state patrol highway account—state appropriation is provided solely to enter into an agreement for upgraded land mobile software, hardware, and equipment.

(4) \$2,582,000 of the state patrol highway account—state appropriation is provided solely for the replacement of radios and other related equipment.

(5) \$343,000 of the state patrol highway account—state appropriation is provided solely for aerial criminal investigation tools, including software licensing and maintenance, and annual certification.

(6) (~~(\$514,000)~~) \$2,342,000 of the state patrol highway account—state appropriation is provided solely (~~for additional staff~~) to address the increase in the number of toxicology cases from impaired driving and death investigations.

(7) \$580,000 of the state patrol highway account—state appropriation is provided solely for the operation of and administrative support to the license investigation unit to enforce vehicle registration laws in southwestern Washington. The Washington state patrol, in consultation with the department of revenue, shall maintain a running estimate of the additional vehicle registration fees, sales and use taxes, and local vehicle fees remitted to the state pursuant to activity conducted by the license investigation unit. Beginning October 1, 2019, and quarterly thereafter, the Washington state patrol shall submit a report detailing the additional revenue amounts generated since July 1, 2017, to the director of the office of financial management and the transportation committees of the legislature. At the end of the calendar quarter in which it is estimated that more than \$625,000 in state sales and use taxes have been remitted to the state since July 1, 2017, the Washington state patrol shall notify the state treasurer and the state treasurer shall transfer funds pursuant to section 406 (~~of this act~~), chapter 416, Laws of 2019.

(8) \$18,000 of the state patrol highway account—state appropriation is provided solely for the license investigation unit to procure an additional license plate reader and related costs.

(9) The Washington state patrol and the office of financial management must be consulted by the department of transportation during the design phase of any improvement or preservation project that could impact Washington state patrol weigh station operations. During the design phase of any such project, the department of transportation must estimate the cost of designing around the affected weigh station's current operations, as well as the cost of moving the affected weigh station.

(10) \$4,210,000 of the state patrol highway account—state appropriation is provided solely for a third arming and a third trooper basic training class. The cadet class is expected to graduate in June 2021.

(11) \$65,000 of the state patrol highway account—state appropriation is provided solely for the implementation of chapter 440 (~~Engrossed Second Substitute Senate Bill No. 5497~~), Laws of 2019 (immigrants in the workplace). If chapter 440 (~~Engrossed Second Substitute Senate Bill No. 5497~~), Laws of 2019 is not enacted by June 30, 2019, the amount provided in this subsection lapses.

(12)(a) The Washington state patrol must report quarterly to the house and senate transportation committees on the status of recruitment and retention activities as follows:

- (i) A summary of recruitment and retention strategies;
- (ii) The number of transportation funded staff vacancies by major category;
- (iii) The number of applicants for each of the positions by these categories;
- (iv) The composition of workforce; and
- (v) Other relevant outcome measures with comparative information with recent comparable months in prior years.

(b) By January 1, 2020, the Washington state patrol must submit to the transportation committees of the legislature and the governor a workforce diversity plan. The plan must identify ongoing, and both short-term and long-term, specific comprehensive outreach and recruitment strategies to increase populations underrepresented within both commissioned and noncommissioned employee groups.

(13) \$1,182,000 of the Interstate 405 and state route number 167 express toll lanes account—state appropriation, \$1,988,000 of the state route number 520 corridor account—state appropriation, \$1,158,000 of the Tacoma Narrows toll bridge account—state appropriation, and \$996,000 of the Alaskan Way viaduct replacement project account—state appropriation are provided solely for the Washington state patrol's proportional share of time spent supporting tolling operations and enforcement for the respective tolling facilities.

(14) \$100,000 of the state patrol highway account—state appropriation is provided solely for the implementation of Senate Bill No. 6218, Laws of 2020 (Washington state patrol retirement definition of salary), which reflects an increase in the Washington state patrol retirement system pension contribution rate of 0.15 percent for changes to the definition of salary. If Senate Bill No. 6218, Laws of 2020 is not enacted by June 30, 2020, the amount provided in this subsection lapses.

(15) The Washington state patrol is directed to terminate its "Agreement for Utility Connection and Reimbursement of Water Extension Expenses" with the city of Shelton, executed on June 12, 2017, subject to the city of Shelton's consent to terminate the agreement. The legislature finds that the water connection extension constructed by the Washington state patrol from the city of Shelton's water facilities to the Washington state patrol academy was necessary to meet the water supply needs of the academy. The legislature also finds that the water connection provides an ongoing water supply that is necessary to the operation of the training facility, that the state is making use of the water connection for these public activities, and that any future incidental use of the municipal infrastructure put in place to support these activities will not impede the Washington state patrol's ongoing use of the water connection extension. Therefore, the legislature determines that under the public policy of this state, reimbursement by any other entity is not required, notwithstanding any prior condition regarding contributions of other entities that Washington state patrol was required to satisfy prior to expenditure of the funds for

construction of the extension, and that the Washington state patrol shall terminate the agreement.

(16) \$975,000 of the state patrol highway account—state appropriation is provided solely for communications officers at the King county public safety answering point.

(17) \$830,000 of the state patrol highway account—state appropriation is provided solely for information technology security enhancements.

(18) \$150,000 of the state patrol highway account is provided solely for the Washington state patrol to work with the department of enterprise services and office of minority and women's business enterprises to contract for a workforce diversity strategic action plan. The successful consultant must have demonstrated expertise in workforce diversity research and an established record of assisting organizations in implementing diversity initiatives. The plan must include:

(a) Current and past employment data on the composition of the state patrol workforce generally and of its protective service workers;

(b) Research into the reasons for underrepresentation of minorities and women in the state patrol workforce;

(c) Research on best practices for recruiting across the state and from communities historically underrepresented in the Washington state patrol workforce;

(d) Case studies of law enforcement and other agencies that have successfully diversified their workforce; and

(e) A strategic plan with recommendations that will address disparities in the Washington state patrol employment ranks in both commissioned and noncommissioned personnel, with a focus on executive, command, and supervisory employees.

**Sec. 208.** 2019 c 416 s 208 (uncodified) is amended to read as follows:

#### **FOR THE DEPARTMENT OF LICENSING**

Marine Fuel Tax Refund Account—State Appropriation .....	\$34,000
Motorcycle Safety Education Account—State Appropriation .....	<del>(\$5,044,000))</del>
	<u>\$5,052,000</u>
State Wildlife Account—State Appropriation .....	<del>(\$536,000))</del>
	<u>\$511,000</u>
Highway Safety Account—State Appropriation .....	<del>(\$243,189,000))</del>
	<u>\$242,965,000</u>
Highway Safety Account—Federal Appropriation .....	\$1,294,000
Motor Vehicle Account—State Appropriation .....	<del>(\$77,219,000))</del>

	<u>\$71,447,000</u>
<u>Motor Vehicle Account—Federal Appropriation</u>	<u>\$186,000</u>
Motor Vehicle Account—Private/Local Appropriation .....	(\$2,858,000)
	<u>\$10,008,000</u>
Ignition Interlock Device Revolving Account—State Appropriation .....	(\$6,143,000)
	<u>\$5,779,000</u>
Department of Licensing Services Account—State Appropriation .....	(\$8,012,000)
	<u>\$7,696,000</u>
License Plate Technology Account—State Appropriation .....	\$4,250,000
Abandoned Recreational Vehicle Account—State Appropriation .....	\$2,925,000
Limousine Carriers Account—State Appropriation .....	\$113,000
<u>Electric Vehicle Account—State Appropriation</u>	<u>\$264,000</u>
DOL Technology Improvement & Data Management Account—State Appropriation .....	\$2,250,000
Agency Financial Transaction Account—State Appropriation .....	\$11,903,000
TOTAL APPROPRIATION .....	<u>\$365,770,000</u>
	<u>\$366,677,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$139,000 of the motorcycle safety education account—state appropriation is provided solely for the implementation of chapter 65 (~~((Substitute House Bill No. 1116))~~), Laws of 2019 (motorcycle safety). If chapter 65 (~~((Substitute House Bill No. 1116))~~), Laws of 2019 is not enacted by June 30, 2019, the amount provided in this subsection lapses.

(2) ~~(\$404,000 of the highway safety account—state appropriation is provided solely for a new driver testing system at the department. Pursuant to RCW 43.135.055 and 46.82.310, the department is authorized to increase driver training school license application and renewal fees in fiscal years 2020 and 2021, as necessary to fully support the cost of activities related to administration of the driver training school program, including the cost of the new driver testing system described in this subsection.~~

~~(3))~~ \$25,000 of the motorcycle safety education account—state appropriation, \$4,000 of the state wildlife account—state appropriation, \$1,708,000 of the highway safety account—state appropriation, \$576,000 of the motor

vehicle account—state appropriation, \$22,000 of the ignition interlock device revolving account—state appropriation, and \$28,000 of the department of licensing services account—state appropriation are provided solely for the department to fund the appropriate staff (~~((other than data stewards,))~~) and necessary equipment and software for data management, data analytics, and data compliance activities. The department must, in consultation with the office of the chief information officer, construct a framework with goals for providing better data stewardship and a plan to achieve those goals. The department must provide the framework and plan to the transportation committees of the legislature by December 31, 2019, and an update by May 1, 2020. ~~((Appropriations provided for the data stewardship and privacy project described in this subsection are subject to the conditions, limitations, and review provided in section 701 of this act.~~

~~(4))~~ (3) Appropriations provided for the cloud continuity of operations project in this section are subject to the conditions, limitations, and review provided in section 701 of this act.

~~((6))~~ (4) \$24,028,000 of the highway safety account—state appropriation is provided solely for costs necessary to accommodate increased demand for enhanced drivers' licenses and enhanced identicards. The department shall report on a quarterly basis on the use of these funds, associated workload, and information with comparative information with recent comparable months in prior years. The report must include detailed statewide and by licensing service office information on staffing levels, average monthly wait times, the number of enhanced drivers' licenses and enhanced identicards issued/renewed, and the number of primary drivers' licenses and identicards issued/renewed. Within the amounts provided in this subsection, the department shall implement efficiency measures to reduce the time for licensing transactions and wait times including, but not limited to, the installation of additional cameras at licensing service offices that reduce bottlenecks and align with the "keep your customer" initiative.

~~((8))~~ (5) \$507,000 of the motor vehicle account—state appropriation is provided solely for the implementation of chapter . . . (Substitute Senate Bill No. 5419), Laws of 2019 (vehicle service fees) or chapter 417 (~~((Engrossed House Bill No. 1789))~~), Laws of 2019 (vehicle service fees). If neither chapter . . . (Substitute Senate Bill No. 5419), Laws of 2019 or chapter 417 (~~((Engrossed House Bill No. 1789))~~), Laws of 2019 are enacted by June 30, 2019, the amount provided in this subsection lapses.

~~((10))~~ (6) \$25,000 of the motor vehicle account—state appropriation is provided solely for the implementation of chapter 177 (~~((Engrossed House Bill No. 1996))~~), Laws of 2019 (San Juan Islands license plate). If chapter 177 (~~((Engrossed House Bill No. 1996))~~), Laws of 2019 is not enacted by June 30, 2019, the amount provided in this subsection lapses.

~~((11))~~ (7) \$24,000 of the motor vehicle account—state appropriation is provided solely for the implementation of chapter 384 (~~((House Bill No. 2062))~~), Laws of 2019 (Seattle Storm license plate). If chapter 384 (~~((House Bill~~



~~No. 2062~~)), Laws of 2019 is not enacted by June 30, 2019, the amount provided in this subsection lapses.

~~((13))~~ (8) \$65,000 of the highway safety account—state appropriation is provided solely for the implementation of chapter 440 (~~((Engrossed Second Substitute Senate Bill No. 5497))~~), Laws of 2019 (immigrants in the workplace). If chapter 440 (~~((Engrossed Second Substitute Senate Bill No. 5497))~~), Laws of 2019 is not enacted by June 30, 2019, the amount provided in this subsection lapses.

~~((14))~~ (9) The appropriations in this section assume implementation of additional cost recovery mechanisms to recoup at least \$11,903,000 in credit card and other financial transaction costs as part of charges imposed for driver and vehicle fee transactions beginning January 1, 2020. At the direction of the office of financial management, the department must develop a method of tracking the additional amount of credit card and other financial cost-recovery revenues. In consultation with the office of financial management, the department must notify the state treasurer of these amounts and the state treasurer must deposit these revenues in the agency financial transaction account created in section 717 (~~(of this act)~~), chapter 416, Laws of 2019 on a quarterly basis.

~~((18))~~ (10) \$1,281,000 of the department of licensing service account—state appropriation is provided solely for savings from the implementation of chapter 417 (~~((Engrossed House Bill No. 1789))~~), Laws of 2019 (vehicle service fees). If chapter 417 (~~((Engrossed House Bill No. 1789))~~), Laws of 2019 is enacted by June 30, 2019, the amount provided in this subsection lapses.

~~((19))~~ (11) \$2,650,000 of the abandoned recreational vehicle disposal account—state appropriation is provided solely for providing reimbursements in accordance with the department's abandoned recreational vehicle disposal reimbursement program. It is the intent of the legislature that the department prioritize this funding for allowable and approved reimbursements and not to build a reserve of funds within the account.

~~((20))~~ (12) \$20,000 of the motor vehicle account—state appropriation is provided solely for the implementation of chapter 210 (~~((Substitute House Bill No. 1197))~~), Laws of 2019 (Gold Star license plate). If chapter 210 (~~((Substitute House Bill No. 1197))~~), Laws of 2019 is not enacted by June 30, 2019, the amount provided in this subsection lapses.

~~((24))~~ (13) \$31,000 of the motor vehicle account—state appropriation is provided solely for the implementation of chapter 262 (~~((Substitute House Bill No. 1436))~~), Laws of 2019 (snow bikes). If chapter 262 (~~((Substitute House Bill No. 1436))~~), Laws of 2019 is not enacted by June 30, 2019, the amount provided in this subsection lapses.

~~((22))~~ (14) \$24,000 of the motor vehicle account—state appropriation is provided solely for the implementation of chapter 139 (~~((House Bill No. 2058))~~), Laws of 2019 (Purple Heart license plate). If chapter 139 (~~((House Bill No. 2058))~~), Laws of 2019 is not enacted by June 30, 2019, the amount provided in this subsection lapses.

~~((23))~~ (15) \$24,000 of the motor vehicle account—state appropriation is provided solely for the implementation of chapter 278 (~~((Engrossed House Bill No. 2067))~~), Laws of 2019 (vehicle and vessel owner information). If chapter 278 (~~((Engrossed House Bill No. 2067))~~), Laws of 2019 is not enacted by June 30, 2019, the amount provided in this subsection lapses.

~~((25))~~ (16) \$600,000 of the highway safety account—state appropriation is provided solely for the department to provide an interagency transfer to the department of social and health services, children's administration division for the purpose of providing driver's license support to a larger population of foster youth than is already served within existing resources. Support services include reimbursement of driver's license issuance costs, fees for driver training education, and motor vehicle liability insurance costs.

~~((26))~~ (17) The department must place personal and company data elements in separate data fields to allow the department to select discrete data elements when providing information or data to persons or entities outside the department. Pursuant to the restrictions in federal and state law, a person's photo, social security number, or medical information must not be made available through public disclosure or data being provided under RCW 46.12.630 or 46.12.635.

~~((30))~~ (18) \$91,000 of the highway safety account—state appropriation is provided solely for the department's costs related to the one Washington project.

~~((31—\$974,000))~~ (19) \$1,674,000 of the highway safety account—state appropriation is provided solely for communication and outreach activities necessary to inform the public of federally acceptable identification options including, but not limited to, enhanced drivers' licenses and enhanced identicards. The department shall continue the outreach plan that includes informational material that can be effectively communicated to all communities and populations in Washington. To accomplish this work, the department shall contract with an external vendor with demonstrated experience and expertise in outreach and marketing to underrepresented communities in a culturally-responsive fashion.

(20) Due to the passage of chapter 1 (Initiative Measure No. 976), Laws of 2020, the department, working with the office of financial management, shall provide a monthly report on the number of registrations involved and differences between actual collections and collections if the initiative was not subject to a temporary injunction as of December 5, 2019.

(21) The appropriations in this section assume full cost recovery for the administration and collection of a motor vehicle excise tax on behalf of any regional transit authority pursuant to section 706 of this act.

(22) \$24,000 of the motor vehicle account—state appropriation is provided solely for the implementation of chapter . . . (Substitute House Bill No. 1255), Laws of 2020 (Patches pal special license plate). If chapter . . . (Substitute

House Bill No. 1255), Laws of 2020 is not enacted by June 30, 2020, the amount provided in this subsection lapses.

(23) \$24,000 of the motor vehicle account—state appropriation is provided solely for the implementation of chapter . . . (Engrossed Second Substitute House Bill No. 2050), Laws of 2020 (Washington wine special license plate). If chapter . . . (Engrossed Second Substitute House Bill No. 2050), Laws of 2020 is not enacted by June 30, 2020, the amount provided in this subsection lapses.

(24) \$24,000 of the motor vehicle account—state appropriation is provided solely for the implementation of chapter . . . (Engrossed Substitute House Bill No. 2085), Laws of 2020 (Mt. St. Helens special license plate). If chapter . . . (Engrossed Substitute House Bill No. 2085), Laws of 2020 is not enacted by June 30, 2020, the amount provided in this subsection lapses.

(25) \$24,000 of the motor vehicle account—state appropriation is provided solely for the implementation of chapter . . . (Substitute House Bill No. 2187), Laws of 2020 (women veterans special license plate) or chapter . . . (Senate Bill No. 6433), Laws of 2020 (women veterans special license plate). If neither chapter . . . (Substitute House Bill No. 2187), Laws of 2020 nor chapter . . . (Senate Bill No. 6433), Laws of 2020 is enacted by June 30, 2020, the amount provided in this subsection lapses.

(26) \$107,000 of the highway safety account—state appropriation is provided solely for the implementation of chapter . . . (Engrossed House Bill No. 2188), Laws of 2020 (military veterans commercial driver's license waivers) or chapter . . . (Second Substitute Senate Bill No. 5544), Laws of 2020 (military veterans commercial driver's license waivers). If neither chapter . . . (Engrossed House Bill No. 2188), Laws of 2020 nor chapter . . . (Second Substitute Senate Bill No. 5544), Laws of 2020 is enacted by June 30, 2020, the amount provided in this subsection lapses.

(27) \$50,000 of the motor vehicle account—state appropriation is provided solely for the implementation of chapter . . . (Substitute House Bill No. 2353), Laws of 2020 (fire trailer registrations). If chapter . . . (Substitute House Bill No. 2353), Laws of 2020 is not enacted by June 30, 2020, the amount provided in this subsection lapses.

(28) \$114,000 of the highway safety account—state appropriation is provided solely for the implementation of chapter . . . (Substitute House Bill No. 2607), Laws of 2020 (homeless youth identicards) or chapter . . . (Senate Bill No. 6304), Laws of 2020 (homeless youth identicards). If neither chapter . . . (Substitute House Bill No. 2607), Laws of 2020 nor chapter . . . (Senate Bill No. 6304), Laws of 2020 is enacted by June 30, 2020, the amount provided in this subsection lapses.

(29) \$24,000 of the motor vehicle account—state appropriation is provided solely for the implementation of chapter . . . (House Bill No. 2669), Laws of 2020 (Seattle national hockey league special license plate) or chapter . . . (Senate Bill No. 6562), Laws of 2020 (Seattle national hockey league special license plate). If neither chapter . . . (House Bill No. 2669), Laws of 2020 nor chapter . . . (Senate

Bill No. 6562), Laws of 2020 is enacted by June 30, 2020, the amount provided in this subsection lapses.

(30) \$14,000 of the motor vehicle account—state appropriation is provided solely for the implementation of chapter . . . (Engrossed Substitute House Bill No. 2723), Laws of 2020 (off-road vehicle enforcement) or chapter . . . (Senate Bill No. 6115), Laws of 2020 (off-road vehicle enforcement). If neither chapter . . . (Engrossed Substitute House Bill No. 2723), Laws of 2020 nor chapter . . . (Senate Bill No. 6115), Laws of 2020 is enacted by June 30, 2020, the amount provided in this subsection lapses.

(31) \$105,000 of the motor vehicle account—state appropriation is provided solely for the implementation of chapter . . . (House Bill No. 2491), Laws of 2020 (tribal vehicles compact) or chapter . . . (Senate Bill No. 6251), Laws of 2020 (tribal vehicles compact). If neither chapter . . . (House Bill No. 2491), Laws of 2020 nor chapter . . . (Senate Bill No. 6251), Laws of 2020 (tribal vehicles compact) is enacted by June 30, 2020, the amount provided in this subsection lapses.

(32) \$57,000 of the state wildlife account—state appropriation is provided solely for the implementation of chapter . . . (Substitute Senate Bill No. 6072), Laws of 2020 (state wildlife account). If chapter . . . (Substitute Senate Bill No. 6072), Laws of 2020 is not enacted by June 30, 2020, the amount provided in this subsection lapses.

(33) \$19,000 of the motor vehicle account—state appropriation is provided solely for the implementation of chapter . . . (Engrossed Senate Bill No. 6032), Laws of 2020 (apples special license plate). If chapter . . . (Engrossed Senate Bill No. 6032), Laws of 2020 is not enacted by June 30, 2020, the amount provided in this subsection lapses.

(34) \$19,000 of the motor vehicle account—state appropriation is provided solely for the implementation of chapter . . . (Engrossed Substitute Senate Bill No. 5591), Laws of 2020 (stolen vehicle check). If chapter . . . (Engrossed Substitute Senate Bill No. 5591), Laws of 2020 is not enacted by June 30, 2020, the amount provided in this subsection lapses.

(35) Within the amounts appropriated in this section, the department shall relocate, or finish relocating, the licensing service offices in Lacey, Tacoma, and Bellevue-Redmond and make emergency repairs to the licensing service office in Vancouver.

(36) \$40,000 of the department of licensing services account—state appropriation is provided solely for the department to report to the governor and chairs of the transportation committees of the legislature by December 1, 2020, with a proposed plan to allow the registered owner of a vehicle, or the registered owner's authorized representative, to voluntarily enter into either a quarterly or monthly payment plan with the department to pay vehicle fees or taxes due at the time of application for renewal vehicle registration. The plan must include: (a) An analysis of the administrative costs associated with allowing the payment plans; (b) the estimated revenue impact by fund or account, including impacts to local governments; and (c) the

recommended method to achieve the greatest level of customer payment compliance.

(37)(a) Within available resources, and in collaboration with the department of revenue, the department of licensing shall evaluate the effectiveness of chapter 218, Laws of 2017, in improving compliance with state laws relating to the registration of off-road vehicles, including the payment of retail sales and use tax. The department of licensing shall recommend any statutory, administrative, or other changes needed to optimize and further strengthen the compliance, including an implementation timeline and corresponding resource requirements. Among its recommendations, the department of licensing must address potential changes to the process under RCW 46.93.210 by which the department notifies persons whose vehicles may not be properly registered in the state. The department shall submit a report to the governor and the transportation committees of the legislature by December 15, 2020.

(b) If chapter . . . (Engrossed Substitute House Bill No. 2723), Laws of 2020 is enacted by June 30, 2020, this subsection has no force and effect.

**Sec. 209.** 2019 c 416 s 209 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF  
TRANSPORTATION—TOLL OPERATIONS AND  
MAINTENANCE—PROGRAM B**

~~((High Occupancy Toll Lanes Operations Account—  
State~~

~~Appropriation . . . . . \$3,774,000~~

~~Motor Vehicle Account State Appropriation  
..... \$513,000))~~

State Route Number 520 Corridor Account—State

Appropriation .....((~~\$43,773,000~~))  
\$59,059,000

State Route Number 520 Civil Penalties Account—  
State

Appropriation ..... \$4,145,000

Tacoma Narrows Toll Bridge Account—State

Appropriation .....((~~\$27,807,000~~))  
\$33,806,000

Alaskan Way Viaduct Replacement Project  
Account—State

Appropriation .....((~~\$20,061,000~~))  
\$21,616,000

Interstate 405 and State Route Number 167 Express

Toll Lanes ((~~Operations~~)) Account—State

Appropriation .....((~~\$18,329,000~~))  
\$27,457,000

TOTAL APPROPRIATION.....~~\$118,402,000~~  
\$146,083,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$1,300,000 of the Tacoma Narrows toll bridge account—state appropriation and \$11,034,000 of the state route number 520 corridor account—state appropriation are provided solely for the purposes of addressing unforeseen operations and maintenance costs on the Tacoma Narrows bridge and the state route number 520 bridge, respectively. The office of financial management shall place the amounts provided in this subsection, which represent a portion of the required minimum fund balance under the policy of the state treasurer, in unallotted status. The office may release the funds only when it determines that all other funds designated for operations and maintenance purposes have been exhausted.

(2) As long as the facility is tolled, the department must provide quarterly reports to the transportation committees of the legislature on the Interstate 405 express toll lane project performance measures listed in RCW 47.56.880(4). These reports must include:

(a) Information on the travel times and travel time reliability (at a minimum, average and 90th percentile travel times) maintained during peak and nonpeak periods in the express toll lanes and general purpose lanes for both the entire corridor and commonly made trips in the corridor including, but not limited to, northbound from Bellevue to Rose Hill, state route number 520 at NE 148th to Interstate 405 at state route number 522, Bellevue to Bothell (both NE 8th to state route number 522 and NE 8th to state route number 527), and a trip internal to the corridor (such as NE 85th to NE 160th) and similar southbound trips;

(b) A month-to-month comparison of travel times and travel time reliability for the entire corridor and commonly made trips in the corridor as specified in (a) of this subsection since implementation of the express toll lanes and, to the extent available, a comparison to the travel times and travel time reliability prior to implementation of the express toll lanes;

(c) Total express toll lane and total general purpose lane traffic volumes, as well as per lane traffic volumes for each type of lane (i) compared to total express toll lane and total general purpose lane traffic volumes, as well as per lane traffic volumes for each type of lane, on this segment of Interstate 405 prior to implementation of the express toll lanes and (ii) compared to total express toll lane and total general purpose lane traffic volumes, as well as per lane traffic volumes for each type of lane, from month to month since implementation of the express toll lanes; and

(d) Underlying congestion measurements, that is, speeds, that are being used to generate the summary graphs provided, to be made available in a digital file format.

(3)(a) ~~((~~\$71,000~~))~~ \$2,114,000 of the ~~((high occupancy))~~ Interstate 405 and state route number 167 express toll lanes ((operations)) account—state appropriation, ~~((~~\$1,238,000~~))~~ \$4,920,000 of the state route

number 520 corridor account—state appropriation, (~~(\$532,000))~~ \$2,116,000 of the Tacoma Narrows toll bridge account—state appropriation, (~~(\$460,000 of the Interstate 405 express toll lanes operations account—state appropriation,))~~ and (~~(\$699,000))~~ \$2,776,000 of the Alaskan Way viaduct replacement project account—state appropriation are provided solely for the department to finish implementing a new tolling customer service toll collection system, and are subject to the conditions, limitations, and review provided in section 701 of this act.

(b) The department shall continue to work with the office of financial management, office of the chief information officer, and the transportation committees of the legislature on the project management plan that includes a provision for independent verification and validation of contract deliverables from the successful bidder and a provision for quality assurance that includes reporting independently to the office of the chief information officer on an ongoing basis during system implementation.

(4) The department shall make detailed quarterly reports to the transportation committees of the legislature and the public on the department's web site on the following:

(a) The use of consultants in the tolling program, including the name of the contractor, the scope of work, the type of contract, timelines, deliverables, any new task orders, and any extensions to existing consultant contracts;

(b) The nonvendor costs of administering toll operations, including the costs of staffing the division, consultants, and other personal service contracts required for technical oversight and management assistance, insurance, payments related to credit card processing, transponder purchases and inventory management, facility operations and maintenance, and other miscellaneous nonvendor costs;

(c) The vendor-related costs of operating tolled facilities, including the costs of the customer service center, cash collections on the Tacoma Narrows bridge, electronic payment processing, and toll collection equipment maintenance, renewal, and replacement;

(d) The toll adjudication process, including a summary table for each toll facility that includes:

- (i) The number of notices of civil penalty issued;
- (ii) The number of recipients who pay before the notice becomes a penalty;
- (iii) The number of recipients who request a hearing and the number who do not respond;
- (iv) Workload costs related to hearings;
- (v) The cost and effectiveness of debt collection activities; and
- (vi) Revenues generated from notices of civil penalty; and

(e) A summary of toll revenue by facility on all operating toll facilities and (~~(high-occupancy))~~ express toll lane systems, and an itemized depiction of the use of that revenue.

(5) (~~(\$17,517,000))~~ \$24,735,000 of the Interstate 405 and state route number 167 express toll lanes (~~(operations))~~ account—state appropriation is provided solely for operational costs related to the express toll lane facility.

(6) In calendar year 2021, toll equipment on the Tacoma Narrows Bridge will have reached the end of its operational life. During the 2019-2021 fiscal biennium, the department plans to issue a request for proposals as the first stage of a competitive procurement process that will replace the toll equipment and select a new tolling operator for the Tacoma Narrows Bridge. The request for proposals and subsequent competitive procurement must incorporate elements that prioritize the overall goal of lowering costs per transaction for the facility, such as incentives for innovative approaches which result in lower transactional costs, requests for efficiencies on the part of the bidder that lower operational costs, and incorporation of technologies such as self-serve credit card machines or other point-of-payment technologies that lower costs or improve operational efficiencies.

(7) (~~(\$19,362,000))~~ \$18,840,000 of the Alaskan Way viaduct replacement project account—state appropriation is provided solely for the new state route number 99 tunnel toll facility's expected share of collecting toll revenues, operating customer services, and maintaining toll collection systems. The legislature expects to see appropriate reductions to the other toll facility accounts once tolling on the new state route number 99 tunnel toll facility commences and any previously incurred costs for start-up of the new facility are charged back to the Alaskan Way viaduct replacement project account. The office of financial management shall closely monitor the application of the cost allocation model and ensure that the new state route number 99 tunnel toll facility is adequately sharing costs and the other toll facility accounts are not being overspent or subsidizing the new state route number 99 tunnel toll facility.

(8) (~~(\$256,000))~~ \$608,000 of the (~~(high-occupancy toll lanes operations account—state appropriation and \$352,000 of the))~~ Interstate 405 and state route number 167 express toll lanes (~~(operations))~~ account—state appropriation are provided solely for increased levels of service from the Washington state patrol for enforcement of toll lane violations on the (~~(state route number 167 high-occupancy toll lanes and the))~~ Interstate 405 and state route number 167 express toll lanes. The department shall compile monthly data on the number of Washington state patrol enforcement hours on each facility and the percentage of time during peak hours that speeds are at or above forty-five miles per hour on each facility. The department shall provide this data in a report to the transportation committees of the legislature on at least a calendar quarterly basis.

(9) The department shall develop an ongoing cost allocation method to assign appropriate costs to each of the toll funds for services provided by each Washington state department of transportation program and all relevant transportation agencies, including the Washington state patrol and the transportation commission. This method should update the toll cost allocation method used in the 2020 supplemental transportation appropriations act. By December 1, 2020, a report with the recommended method

and any changes or potential impacts to toll rates shall be submitted to the transportation committees of the legislature and the office of financial management.

**Sec. 210.** 2019 c 416 s 210 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF  
TRANSPORTATION—INFORMATION  
TECHNOLOGY—PROGRAM C**

Transportation Partnership Account—State Appropriation .....	\$1,460,000
Motor Vehicle Account—State Appropriation .....	<del>(\$94,993,000)</del>
	<u>\$96,331,000</u>
Puget Sound Ferry Operations Account—State Appropriation .....	\$263,000
Multimodal Transportation Account—State Appropriation .....	\$2,878,000
Transportation 2003 Account (Nickel Account)— State Appropriation .....	\$1,460,000
TOTAL APPROPRIATION .....	<del>\$101,054,000</del>
	<u>\$102,392,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$8,114,000 of the motor vehicle account—state appropriation is provided solely for the development of the labor system replacement project and is subject to the conditions, limitations, and review provided in section 701 of this act. It is the intent of the legislature that if any portion of the labor system replacement project is leveraged in the future for the time, leave, and labor distribution of any other agencies, the motor vehicle account will be reimbursed proportionally for the development of the system since amounts expended from the motor vehicle account must be used exclusively for highway purposes in conformance with Article II, section 40 of the state Constitution. This must be accomplished through a loan arrangement with the current interest rate under the terms set by the office of the state treasurer at the time the system is deployed to additional agencies. If the motor vehicle account is not reimbursed for future use of the system, it is further the intent of the legislature that reductions will be made to central service agency charges accordingly. The department shall provide a report to the transportation committees of the legislature by December 31, 2019, detailing the project timeline as of July 1, 2019, an updated project timeline if necessary, expenditures made to date for the purposes of this project, and expenditures projected through the remainder of the project timeline.

(2) ~~(\$198,000)~~ \$1,375,000 of the motor vehicle account—state appropriation is provided solely for the department's cost related to the one Washington project.

(3) \$21,500,000 of the motor vehicle account—state appropriation is provided solely for the activities of the information technology program in developing and maintaining information systems that support the operations and program delivery of the department, ensuring compliance with section 701 of this act, and the requirements of the office of the chief information officer under RCW 43.88.092 to evaluate and prioritize any new financial and capital systems replacement or modernization project and any other information technology project. During the 2019-2021 fiscal biennium, the department ~~((is prohibited from using))~~ may use the distributed direct program support or ~~((any))~~ other cost allocation method to fund ~~((any))~~ a new ~~((financial and))~~ capital systems replacement or modernization project ~~((without having the project evaluated and prioritized by the office of the chief information officer and submitting))~~. The department shall submit a decision package for implementation of a new capital systems replacement project to the governor and the transportation committees of the legislature as part of the normal budget process for the 2021-2023 biennium.

**Sec. 211.** 2019 c 416 s 211 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF  
TRANSPORTATION—FACILITY MAINTENANCE,  
OPERATIONS, AND CONSTRUCTION—PROGRAM  
D—OPERATING**

Motor Vehicle Account—State Appropriation .....	<del>(\$33,149,000)</del>
	<u>\$34,807,000</u>
State Route Number 520 Corridor Account—State Appropriation .....	\$34,000
TOTAL APPROPRIATION .....	<del>\$33,183,000</del>
	<u>\$34,841,000</u>

**Sec. 212.** 2019 c 416 s 212 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF  
TRANSPORTATION—AVIATION—PROGRAM F**

Aeronautics Account—State Appropriation .....	<del>(\$7,635,000)</del>
	<u>\$7,743,000</u>
Aeronautics Account—Federal Appropriation .....	<del>(\$2,542,000)</del>
	<u>\$3,043,000</u>
Aeronautics Account—Private/Local Appropriation .....	\$60,000
TOTAL APPROPRIATION .....	<del>\$10,237,000</del>
	<u>\$10,846,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) ~~(((\$2,751,000))~~ \$2,862,000 of the aeronautics account—state appropriation is provided solely for the airport aid grant program, which provides competitive grants to public use airports for pavement, safety, maintenance, planning, and security.

(2) ~~(((\$468,000))~~ \$268,000 of the aeronautics account—state appropriation is provided solely for one FTE dedicated to planning aviation emergency services and addressing emerging aeronautics requirements ~~((, and for the implementation of chapter . . . (House Bill No. 1397), Laws of 2019 (electric aircraft work group), which extends the electric aircraft work group past its current expiration and allows WSDOT to employ a consultant to assist with the work group. If chapter . . . (House Bill No. 1397), Laws of 2019 is not enacted by June 30, 2019, \$200,000 of the amount in this subsection lapses.))~~

(3) \$200,000 of the aeronautics account—state appropriation is provided solely for the department to convene an electric aircraft work group to study the state of the electrically powered aircraft industry and assess infrastructure needs related to the deployment of electric or hybrid-electric aircraft for commercial air travel in Washington state.

(a) The chair of the work group may be a consultant specializing in aeronautics. The work group must include, but is not limited to, representation from the electric aircraft industry, the aircraft manufacturing industry, electric utility districts, the battery industry, the department of commerce, the department of transportation aviation division, the airline pilots association, a primary airport representing an airport association, and the airline industry.

(b) The study must include, but is not limited to:

(i) Infrastructure requirements necessary to facilitate electric aircraft operations at airports;

(ii) Potential economic and public benefits including, but not limited to, the direct and indirect impact on the number of manufacturing and service jobs and the wages from those jobs in Washington state;

(iii) Potential incentives for industry in the manufacturing and operation of electric aircraft for regional air travel;

(iv) Educational and workforce requirements for manufacturing and maintaining electric aircraft;

(v) Demand and forecast for electric aircraft use to include expected timeline of the aircraft entering the market given federal aviation administration certification requirements;

(vi) Identification of up to six airports in Washington state that may benefit from a pilot program once an electrically propelled aircraft for commercial use becomes available; and

(vii) Recommendations to further the advancement of the electrification of aircraft for regional commercial use within Washington state, including specific, ~~((measureable))~~ measurable goals for the years 2030, 2040, and 2050 that

reflect progressive and substantial increases in the utilization of electric and hybrid-electric commercial aircraft.

(c) The work group must submit a report and accompanying recommendations to the transportation committees of the legislature by November 15, 2020.

~~((d) If chapter . . . (House Bill No. 1397), Laws of 2019 is enacted by June 30, 2019, the amount provided in this subsection (3) lapses.))~~

(4) ~~(((\$150,000))~~ \$350,000 of the aeronautics account—state appropriation is provided solely for the implementation of chapter 396 ~~((Substitute Senate Bill No. 5370))~~, Laws of 2019 (aviation coordinating commission). ~~((If chapter 396 (Substitute Senate Bill No. 5370), Laws of 2019 is not enacted by June 30, 2019, the amount provided in this subsection lapses.))~~

(5) Within amounts appropriated in this section, the aviation division of the department shall assist and consult with the department of revenue in their efforts to update the document titled "Washington Action Plan - FAA Policy Concerning Airport Revenue" to reflect changes to Washington tax code regarding hazardous substances. The department of revenue, in consultation with the aviation division of the Washington state department of transportation, is tasked with developing and recommending a methodology to segregate and track actual amounts collected from the hazardous substance tax under chapter 82.21 RCW and the petroleum products tax under chapter 82.23A RCW as imposed on aviation fuel. The department of revenue is directed to submit a report, including the recommended methodology, to the fiscal committees of the house of representatives and the senate by January 11, 2021.

**Sec. 213.** 2019 c 416 s 213 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF  
TRANSPORTATION—PROGRAM DELIVERY  
MANAGEMENT AND SUPPORT—PROGRAM H**

Motor Vehicle Account—State Appropriation .....	<del>(((\$59,801,000))</del>
	<u>\$59,788,000</u>
Motor Vehicle Account—Federal Appropriation .....	\$500,000
Multimodal Transportation Account—State Appropriation .....	\$258,000
TOTAL APPROPRIATION .....	<del>\$60,559,000</del>
	<u>\$60,546,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) The legislature recognizes that the trail known as the Rocky Reach Trail, and its extensions, serve to separate motor vehicle traffic from pedestrians and bicyclists, increasing motor vehicle safety on state route number 2 and the coincident section of state route number 97. Consistent with chapter 47.30 RCW and pursuant to RCW 47.12.080, the legislature declares that transferring portions of WSDOT

Inventory Control (IC) No. 2-09-04686 containing the trail and associated buffer areas to the Washington state parks and recreation commission is consistent with the public interest. The legislature directs the department to transfer the property to the Washington state parks and recreation commission.

(a) The department must be paid fair market value for any portions of the transferred real property that is later abandoned, vacated, or ceases to be publicly maintained for trail purposes.

(b) Prior to completing the transfer in this subsection (1), the department must ensure that provisions are made to accommodate private and public utilities and any facilities that predate the department's acquisition of the property, at no cost to those entities. Prior to completing the transfer, the department shall also ensure that provisions, by fair market assessment, are made to accommodate other private and public utilities and any facilities that have been legally allowed by permit or other instrument.

(c) The department may sell any adjoining property that is not necessary to support the Rocky Reach Trail and adjacent buffer areas only after the transfer of trail-related property to the Washington state parks and recreation commission is complete. Adjoining property owners must be given the first opportunity to acquire such property that abuts their property, and applicable boundary line or other adjustments must be made to the legal descriptions for recording purposes.

(2) With respect to Parcel 12 of the real property conveyed by the state of Washington to the city of Mercer Island under that certain quitclaim deed, dated April 19, 2000, recorded in King county under recording no. 20000425001234, the requirement in the deed that the property be used for road/street purposes only will be deemed satisfied by the department of transportation so long as commuter parking, as part of the vertical development of the property, is one of the significant uses of the property.

(3) \$1,600,000 of the motor vehicle account—state appropriation is provided solely for real estate services activities. Consistent with RCW 47.12.120 and during the 2019-2021 fiscal biennium, when initiating, extending, or renewing any rent or lease agreements with a regional transit authority, consideration of value must be equivalent to one hundred percent of economic or market rent.

(4)(a) \$100,000 of the motor vehicle account—state appropriation is provided solely for the department to:

(i) Determine the real property owned by the state of Washington and under the jurisdiction of the department in King county that is surplus property located in an area encompassing south of Dearborn Street in Seattle, south of Newcastle, west of SR 515, and north of South 216th to SR 515; and

(ii) Use any remaining funds after (a)(i) of this subsection is completed to identify additional real property across the state owned by the state of Washington and under the jurisdiction of the department that is surplus property.

(b) The department shall provide a report to the transportation committees of the legislature describing the properties it has identified as surplus property under (a) of this subsection by October 1, 2020.

**Sec. 214.** 2019 c 416 s 214 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF  
TRANSPORTATION—PUBLIC-PRIVATE  
PARTNERSHIPS—PROGRAM K**

Motor Vehicle Account—State Appropriation .....	\$670,000
Electric Vehicle Account—State Appropriation .....	\$2,000,000
Multimodal Transportation Account—State Appropriation .....	\$1,634,000
<b>TOTAL APPROPRIATION.....</b>	<b>\$4,304,000</b>

The appropriations in this section are subject to the following conditions and limitations:

(1) The economic partnerships program must continue to explore retail partnerships at state-owned park and ride facilities, as authorized in RCW 47.04.295.

(2) \$350,000 of the multimodal transportation account—state appropriation is provided solely for the department to execute a transit oriented development pilot project at Kingsgate park and ride in Kirkland intended to be completed by December 31, 2023. The purpose of the pilot project is to demonstrate how appropriate department properties may be used to provide multiple public benefits such as affordable and market rate housing, commercial development, and institutional facilities in addition to transportation purposes. To accomplish the pilot project, the department is authorized to exercise all legal and administrative powers authorized in statute that may include, but is not limited to, the transfer, lease, or sale of some or all of the property to another governmental agency, public development authority, or nonprofit developer approved by the department and partner agencies. The department may also partner with sound transit, King county, the city of Kirkland, and any other federal, regional, or local jurisdiction on any policy changes necessary from those jurisdictions to facilitate the pilot project. By December 1, 2019, the department must report to the legislature on any legislative actions necessary to facilitate the pilot project and future transit oriented development projects.

(3) \$2,000,000 of the electric vehicle account—state appropriation is provided solely for the clean alternative fuel vehicle charging and refueling infrastructure program in chapter 287 (~~((Engrossed Second Substitute House Bill No. 2042))), Laws of 2019 (advancing green transportation adoption). ((If chapter 287 (Engrossed Second Substitute House Bill No. 2042), Laws of 2019 is not enacted by June 30, 2019, the amount provided in this subsection lapses.))~~

(4) \$1,200,000 of the multimodal transportation account—state appropriation is provided solely for the pilot program established under chapter 287 (~~((Engrossed Second Substitute House Bill No. 2042))), Laws of 2019 (advancing~~

green transportation adoption) to provide clean alternative fuel vehicle use opportunities to underserved communities and low to moderate income members of the workforce not readily served by transit or located in transportation corridors with emissions that exceed federal or state emissions standards. ~~((If chapter 287 (Engrossed Second Substitute House Bill No. 2042), Laws of 2019 is not enacted by June 30, 2019, the amount provided in this subsection lapses.))~~

(5) \$84,000 of the multimodal transportation account—state appropriation is provided solely for an interagency transfer to the department of commerce for the purpose of conducting a study as described in chapter 287 ~~((Engrossed Second Substitute House Bill No. 2042))~~, Laws of 2019 (advancing green transportation adoption) to identify opportunities to reduce barriers to electric vehicle adoption by lower income residents of the state through the use of vehicle and infrastructure financing assistance. ~~((If chapter 287 (Engrossed Second Substitute House Bill No. 2042), Laws of 2019 is not enacted by June 30, 2019, the amount provided in this subsection lapses.))~~

(6) Building on the information and experience gained from the transit oriented development project at the Kingsgate park and ride, the department must identify a pilot park and ride with future public-private partnership development potential in Pierce county and report back to the transportation committees of the legislature by June 30, 2021, with a proposal for moving forward with a pilot project.

**Sec. 215.** 2019 c 416 s 215 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF  
TRANSPORTATION—HIGHWAY  
MAINTENANCE—PROGRAM M**

Motor Vehicle Account—State Appropriation .....	<del>(((\$495,228,000))</del>
	<u>\$486,514,000</u>
Motor Vehicle Account—Federal Appropriation .....	\$7,000,000
State Route Number 520 Corridor Account—State Appropriation .....	\$4,447,000
Tacoma Narrows Toll Bridge Account—State Appropriation .....	\$1,549,000
Alaskan Way Viaduct Replacement Project Account—State Appropriation .....	<del>(((\$9,533,000))</del>
	<u>\$9,537,000</u>
Interstate 405 <u>and State Route Number 167</u> Express Toll Lanes <del>((Operations))</del> Account—State Appropriation .....	<del>(((\$1,370,000))</del>
	<u>\$4,528,000</u>
TOTAL APPROPRIATION .....	<u>\$519,127,000</u>

\$513,575,000

The appropriations in this section are subject to the following conditions and limitations:

(1)(a) \$6,170,000 of the motor vehicle account—state appropriation is provided solely for utility fees assessed by local governments as authorized under RCW 90.03.525 for the mitigation of stormwater runoff from state highways. Plan and reporting requirements as required in chapter 435 ~~((Senate Bill No. 5505))~~, Laws of 2019 (Local Stormwater Charges) shall be consistent with the January 2012 findings of the Joint Transportation Committee Report for Effective Cost Recovery Structure for WSDOT, Jurisdictions, and Efficiencies in Stormwater Management.

(b) Pursuant to RCW 90.03.525(3), the department and the utilities imposing charges to the department shall negotiate with the goal of agreeing to rates such that the total charges to the department for the 2019-2021 fiscal biennium do not exceed the amount provided in this subsection. The department shall report to the transportation committees of the legislature on the amount of funds requested, the funds granted, and the strategies used to keep costs down, by January 17, 2021. If chapter 435 ~~((Senate Bill No. 5505))~~, Laws of 2019 (local stormwater charges) is enacted by June 30, 2019, this subsection (1)(b) does not take effect.

(2) \$4,447,000 of the state route number 520 corridor account—state appropriation is provided solely to maintain the state route number 520 floating bridge. These funds must be used in accordance with RCW 47.56.830(3).

(3) \$1,549,000 of the Tacoma Narrows toll bridge account—state appropriation is provided solely to maintain the new Tacoma Narrows bridge. These funds must be used in accordance with RCW 47.56.830(3).

(4) ~~(((\$1,370,000))~~ \$2,050,000 of the Interstate 405 and state route number 167 express toll lanes ~~((operations))~~ account—state appropriation is provided solely to maintain the Interstate 405 and state route number 167 express toll lanes between Lynnwood and Bellevue, and Renton and the southernmost point of the express toll lanes. These funds must be used in accordance with RCW 47.56.830(3).

(5) \$2,478,000 of the Interstate 405 and state route number 167 express toll lanes account—state appropriation is provided solely for maintenance for the 2019-2021 fiscal biennium only on the Interstate 405 roadway between Renton and Bellevue.

(6) \$5,000,000 of the motor vehicle account—state appropriation is provided solely for a contingency pool for snow and ice removal. The department must notify the office of financial management and the transportation committees of the legislature when they have spent the base budget for snow and ice removal and will begin using the contingency pool funding.

~~((6))~~ (7) \$1,025,000 of the motor vehicle account—state appropriation is provided solely for the department to implement safety improvements and debris clean up on department-owned rights-of-way in the city of Seattle at levels above that being implemented as of January 1, 2019. The department must contract out or hire a crew dedicated



solely to collecting and disposing of garbage, clearing debris or hazardous material, and implementing safety improvements where hazards exist to the traveling public, department employees, or people encamped upon department-owned rights-of-way. The department may request assistance from the Washington state patrol as necessary in order for both agencies to provide enhanced safety-related activities regarding the emergency hazards along state highway rights-of-way in the Seattle area.

~~((7))~~ (8) \$1,015,000 of the motor vehicle account—state appropriation is provided solely for a partnership program between the department and the city of Tacoma. The program shall address the safety and public health problems created by homeless encampments on the department's property along state highways within the city limits. \$570,000 is for dedicated department maintenance staff and associated clean-up costs. The department and the city of Tacoma shall enter into a reimbursable agreement to cover up to \$445,000 of the city's expenses for clean-up crews and landfill costs.

~~((8))~~ (9) The department must commence a pilot program for the 2019-2021 fiscal biennium at the four highest demand safety rest areas to create and maintain an online calendar for volunteer groups to check availability of weekends for the free coffee program. The calendar must be updated at least weekly and show dates and times that are, or are not, available to participate in the free coffee program. The department must submit a report to the legislature on the ongoing pilot by December 1, 2020, outlining the costs and benefits of the online calendar pilot, and including surveys from the volunteer groups and agency staff to determine its effectiveness.

**Sec. 216.** 2019 c 416 s 216 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF  
TRANSPORTATION—TRAFFIC OPERATIONS—  
PROGRAM Q—OPERATING**

Motor Vehicle Account—State Appropriation  
.....~~((70,681,000))~~  
\$76,211,000

Motor Vehicle Account—Federal Appropriation  
..... \$2,050,000

Motor Vehicle Account—Private/Local  
Appropriation ..... \$250,000

State Route Number 520 Corridor Account—State  
Appropriation ..... \$53,000

Tacoma Narrows Toll Bridge Account—State  
Appropriation ..... \$31,000

Alaskan Way Viaduct Replacement Project  
Account—

State Appropriation ..... \$26,000

Interstate 405 and State Route Number 167 Express

Toll Lanes Account—State Appropriation ..... \$32,000

TOTAL APPROPRIATION.....\$72,981,000  
\$78,653,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$6,000,000 of the motor vehicle account—state appropriation is provided solely for low-cost enhancements. The department shall give priority to low-cost enhancement projects that improve safety or provide congestion relief. By December 15th of each odd-numbered year, the department shall provide a report to the legislature listing all low-cost enhancement projects completed in the prior fiscal biennium.

(2)(a) During the 2019-2021 fiscal biennium, the department shall continue a pilot program that expands private transportation providers' access to high occupancy vehicle lanes. Under the pilot program, when the department reserves a portion of a highway based on the number of passengers in a vehicle, the following vehicles must be authorized to use the reserved portion of the highway if the vehicle has the capacity to carry eight or more passengers, regardless of the number of passengers in the vehicle: (i) Auto transportation company vehicles regulated under chapter 81.68 RCW; (ii) passenger charter carrier vehicles regulated under chapter 81.70 RCW, except marked or unmarked stretch limousines and stretch sport utility vehicles as defined under department of licensing rules; (iii) private nonprofit transportation provider vehicles regulated under chapter 81.66 RCW; and (iv) private employer transportation service vehicles. For purposes of this subsection, "private employer transportation service" means regularly scheduled, fixed-route transportation service that is offered by an employer for the benefit of its employees. Nothing in this subsection is intended to authorize the conversion of public infrastructure to private, for-profit purposes or to otherwise create an entitlement or other claim by private users to public infrastructure.

(b) The department shall expand the high occupancy vehicle lane access pilot program to vehicles that deliver or collect blood, tissue, or blood components for a blood-collecting or distributing establishment regulated under chapter 70.335 RCW. Under the pilot program, when the department reserves a portion of a highway based on the number of passengers in a vehicle, blood-collecting or distributing establishment vehicles that are clearly and identifiably marked as such on all sides of the vehicle are considered emergency vehicles and must be authorized to use the reserved portion of the highway.

(c) The department shall expand the high occupancy vehicle lane access pilot program to organ transport vehicles transporting a time urgent organ for an organ procurement organization as defined in RCW 68.64.010. Under the pilot program, when the department reserves a portion of a highway based on the number of passengers in a vehicle, organ transport vehicles that are clearly and identifiably marked as such on all sides of the vehicle are considered emergency vehicles and must be authorized to use the reserved portion of the highway.

(d) The department shall expand the high occupancy vehicle lane access pilot program to private, for hire vehicles regulated under chapter 81.72 RCW that have been specially manufactured, designed, or modified for the transportation of a person who has a mobility disability and uses a wheelchair or other assistive device. Under the pilot program, when the department reserves a portion of a highway based on the number of passengers in a vehicle, wheelchair-accessible taxicabs that are clearly and identifiably marked as such on all sides of the vehicle are considered public transportation vehicles and must be authorized to use the reserved portion of the highway.

~~((d))~~ (e) Nothing in this subsection (2) is intended to exempt these vehicles from paying tolls when they do not meet the occupancy requirements established by the department for ~~((high occupancy))~~ express toll lanes.

(3) When regional transit authority construction activities are visible from a state highway, the department shall allow the regional transit authority to place safe and appropriate signage informing the public of the purpose of the construction activity.

(4) The department must make signage for low-height bridges a high priority.

(5) \$32,000 of the Interstate 405 and state route number 167 express toll lanes account—state appropriation, \$53,000 of the state route number 520 corridor account—state appropriation, \$31,000 of the Tacoma Narrows toll bridge account—state appropriation, and \$26,000 of the Alaskan Way viaduct replacement project account—state appropriation are provided solely for the traffic operations program's proportional share of time spent supporting tolling operations for the respective tolling facilities.

**Sec. 217.** 2019 c 416 s 217 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF  
TRANSPORTATION—TRANSPORTATION  
MANAGEMENT AND SUPPORT—PROGRAM S**

Motor Vehicle Account—State Appropriation  
.....~~(((\$38,782,000))~~  
\$38,251,000

Motor Vehicle Account—Federal Appropriation  
..... \$1,380,000

Motor Vehicle Account—Private/Local  
Appropriation ..... \$500,000

Multimodal Transportation Account—State  
Appropriation ..... \$1,129,000

State Route Number 520 Corridor Account—State  
Appropriation ..... \$199,000

Tacoma Narrows Toll Bridge Account—State  
Appropriation ..... \$116,000

Alaskan Way Viaduct Replacement Project  
Account—

State Appropriation.....\$100,000

Interstate 405 and State Route Number 167 Express

Toll Lanes Account—State Appropriation ...\$119,000

TOTAL APPROPRIATION.....\$41,791,000

\$41,794,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$2,000,000 of the motor vehicle account—state appropriation is provided solely for a grant program that makes awards for the following: (a) Support for nonprofit agencies, churches, and other entities to help provide outreach to populations underrepresented in the current apprenticeship programs; (b) preapprenticeship training; and (c) child care, transportation, and other supports that are needed to help women, veterans, and minorities enter and succeed in apprenticeship. The department must report on grants that have been awarded and the amount of funds disbursed by December 1st each year. If moneys are provided in the omnibus operating appropriations act for a career connected learning grant program, defined in chapter . . . (Substitute House Bill No. 1336), Laws of 2019, or otherwise, the amount provided in this subsection lapses.

(2) \$150,000 of the motor vehicle account—state appropriation is provided solely for a user-centered and mobile-compatible web site redesign using estimated web site ad revenues.

(3) From the revenues generated by the five dollar per studded tire fee under RCW 46.37.427, \$250,000 of the motor vehicle account—state appropriation is provided solely for the department, in consultation with the appropriate local jurisdictions and relevant stakeholder groups, to establish a pilot media-based public information campaign regarding the damage of studded tire use on state and local roadways in Whatcom county, and to continue the existing pilot information campaign in Spokane county. The reason for the geographic selection of Spokane and Whatcom counties is based on the high utilization of studded tires in these jurisdictions. The public information campaigns must primarily focus on making the consumer aware of the safety implications for other drivers, road deterioration, financial impact for taxpayers, and, secondarily, the alternatives to studded tires. The Whatcom county pilot media-based public information campaign must begin by September 1, 2020. By January 14, 2021, the department must provide the transportation committees of the legislature an update on the Spokane and Whatcom county pilot media-based public information campaigns.

(4) ~~(((\$138,000 of the motor vehicle account—state appropriation is provided solely for the implementation of chapter . . . (Second Substitute Senate Bill No. 5489), Laws of 2019 (concerning environmental health disparities). If chapter . . . (Second Substitute Senate Bill No. 5489), Laws of 2019 is not enacted by June 30, 2019, the amount provided in this subsection lapses))~~ \$119,000 of the Interstate 405 and state route number 167 express toll lanes account—state appropriation, \$199,000 of the state route number 520 corridor account—state appropriation,

\$116,000 of the Tacoma Narrows toll bridge account—state appropriation, and \$100,000 of the Alaskan Way viaduct replacement project account—state appropriation are provided solely for the transportation management and support program's proportional share of time spent supporting tolling operations for the respective tolling facilities.

**Sec. 218.** 2019 c 416 s 218 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF  
TRANSPORTATION—TRANSPORTATION  
PLANNING, DATA, AND RESEARCH—PROGRAM  
T**

<del>((High Occupancy))</del> <u>Interstate 405 and State Route</u>	
<u>Number 167 Express Toll Lanes</u> <del>((Operations))</del>	
Account—State Appropriation .....	<del>(((\$3,000,000))</del>
	<u>\$3,123,000</u>
Motor Vehicle Account—State Appropriation .....	<del>(((\$29,403,000))</del>
	<u>\$26,587,000</u>
Motor Vehicle Account—Federal Appropriation .....	<del>(((\$29,485,000))</del>
	<u>\$35,385,000</u>
Motor Vehicle Account—Private/Local Appropriation .....	<del>(((\$800,000))</del>
	<u>\$1,200,000</u>
Multimodal Transportation Account—State Appropriation .....	\$710,000
Multimodal Transportation Account—Federal Appropriation .....	\$2,809,000
Multimodal Transportation Account—Private/Local Appropriation .....	\$100,000
<u>State Route Number 520 Corridor Account—State</u>	
<u>Appropriation</u> .....	<u>\$763,000</u>
<u>Tacoma Narrows Toll Bridge Account—State</u>	
<u>Appropriation</u> .....	<u>\$121,000</u>
<u>Alaskan Way Viaduct Replacement Project</u>	
<u>Account—</u>	
<u>State Appropriation</u> .....	<u>\$104,000</u>
TOTAL APPROPRIATION .....	<u>\$66,307,000</u>
	<u>\$70,902,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$130,000 of the motor vehicle account—state appropriation is provided solely for completion of a corridor study to identify potential improvements between exit 116 and exit 99 of Interstate 5. The study should further develop

mid- and long-term strategies from the corridor sketch, and identify potential US 101/I-5 interchange improvements, a strategic plan for the Nisqually River bridges, regional congestion relief options, and ecosystem benefits to the Nisqually River estuary for salmon productivity and flood control.

(2) The study on state route number 518 referenced in section 218(5), chapter 297, Laws of 2018 must be submitted to the transportation committees of the legislature by November 30, 2019.

(3) \$100,000 of the motor vehicle account—state appropriation is provided solely to complete the Tacoma mall direct access feasibility study.

(4) \$4,600,000 of the motor vehicle account—federal appropriation is provided solely to complete the road usage charge pilot project overseen by the transportation commission using the remaining unspent amount of the federal grant award. The purpose of the road usage charge pilot project is to explore the viability of a road usage charge as a possible replacement for the gas tax.

(5) \$3,000,000 of the ~~((high occupancy))~~ Interstate 405 and state route number 167 express toll lanes ~~((operations))~~ account—state appropriation is provided solely for updating the state route number 167 master plan. If ~~((neither))~~ chapter 421 ~~((Engrossed Substitute Senate Bill No. 5825))~~, Laws of 2019 (addressing tolling) ~~((nor chapter . . . (House Bill No. 2132), Laws of 2019 (addressing tolling))~~ is not enacted by June 30, 2019, the amount provided in this subsection lapses.

(6) \$123,000 of the Interstate 405 and state route number 167 express toll lanes account—state appropriation, \$207,000 of the state route number 520 corridor account—state appropriation, \$121,000 of the Tacoma Narrows toll bridge account—state appropriation, and \$104,000 of the Alaskan Way viaduct replacement project account—state appropriation are provided solely for the transportation planning, data, and research program's proportional share of time spent supporting tolling operations for the respective tolling facilities.

(7) By December 31, 2020, the department shall provide to the governor and the transportation committees of the legislature a report examining the feasibility of doing performance-based evaluations for projects. The department must incorporate feedback from stakeholder groups, including traditionally underserved and historically disadvantaged populations, and the report shall include the project evaluation procedures that would be used for the performance-based evaluation.

(8) \$556,000 of the state route number 520 corridor account—state appropriation is provided solely for the department to contract with the University of Washington department of mechanical engineering, to study measures to reduce noise impacts from the state route number 520 bridge expansion joints. The field testing shall be scheduled during existing construction, maintenance, or other scheduled closures to minimize impacts. The testing must also ensure safety of the traveling public. The study shall examine testing methodologies and project timelines and costs. A

final report must be submitted to the transportation committees of the legislature and the governor by December 1, 2021.

(9) \$5,900,000 of the motor vehicle account—federal appropriation and \$400,000 of the motor vehicle account—private/local appropriation are provided solely for delivery of the department's state planning and research work program and pooled fund research projects, provided that the department may not expend any amounts provided in this section on a long-range plan or corridor scenario analysis for I-5 from Tumwater to Marysville. This is not intended to reference or impact: The existing I-5 corridor from Mounts road to Tumwater design and operations alternatives analysis; design studies related to HOV lanes or operations; or where it is necessary to continue design and operations analysis related to projects already under development.

**Sec. 219.** 2019 c 416 s 219 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF  
TRANSPORTATION—CHARGES FROM OTHER  
AGENCIES—PROGRAM U**

Motor Vehicle Account—State Appropriation .....	<del>(\$71,996,000))</del>
	<u>\$79,474,000</u>
Multimodal Transportation Account—State Appropriation .....	<del>(\$2,491,000))</del>
	<u>\$2,833,000</u>
Interstate 405 and State Route Number 167 Express Toll Lanes Account—State Appropriation ...	<u>\$122,000</u>
State Route Number 520 Corridor Account—State Appropriation .....	<u>\$205,000</u>
Tacoma Narrows Toll Bridge Account—State Appropriation .....	<u>\$120,000</u>
Alaskan Way Viaduct Replacement Project Account—State Appropriation .....	<u>\$102,000</u>
TOTAL APPROPRIATION .....	<u>\$74,487,000</u>
	<u>\$82,856,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) ~~((Prior to entering into))~~ Consistent with existing protocol and practices, for any negotiated settlement of a claim against the state for the department that exceeds five million dollars, the department, in conjunction with the attorney general and the department of enterprise services, shall notify the director of the office of financial management and the transportation committees of the legislature.

(2) Beginning October 1, 2019, and quarterly thereafter, the department, in conjunction with the attorney

general and the department of enterprise services, shall provide a report with judgments and settlements dealing with the Washington state ferry system to the director of the office of financial management and the transportation committees of the legislature. The report must include information on: (a) The number of claims and settlements by type; (b) the average claim and settlement by type; (c) defense costs associated with those claims and settlements; and (d) information on the impacts of moving legal costs associated with the Washington state ferry system into the statewide self-insurance pool.

(3) Beginning October 1, 2019, and quarterly thereafter, the department, in conjunction with the attorney general and the department of enterprise services, shall provide a report with judgments and settlements dealing with the nonferry operations of the department to the director of the office of financial management and the transportation committees of the legislature. The report must include information on: (a) The number of claims and settlements by type; (b) the average claim and settlement by type; and (c) defense costs associated with those claims and settlements.

(4) \$122,000 of the Interstate 405 and state route number 167 express toll lanes account—state appropriation, \$205,000 of the state route number 520 corridor account—state appropriation, \$120,000 of the Tacoma Narrows toll bridge account—state appropriation, and \$102,000 of the Alaskan Way viaduct replacement project account—state appropriation are provided solely for the charges from other agencies' program's proportional share of supporting tolling operations for the respective tolling facilities.

(5) When the department identifies significant legal issues that have potential transportation budget implications, the department must initiate a briefing for appropriate legislative members or staff through the office of the attorney general and its legislative briefing protocol.

**Sec. 220.** 2019 c 416 s 220 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF  
TRANSPORTATION—PUBLIC  
TRANSPORTATION—PROGRAM V**

State Vehicle Parking Account—State Appropriation .....	\$784,000
Regional Mobility Grant Program Account—State Appropriation .....	<del>(\$96,630,000))</del>
	<u>\$88,698,000</u>
Rural Mobility Grant Program Account—State Appropriation .....	\$32,223,000
Multimodal Transportation Account—State Appropriation .....	<del>(\$128,554,000))</del>
	<u>\$122,355,000</u>
Multimodal Transportation Account—Federal Appropriation .....	\$3,574,000

Appropriation .....	\$100,000
TOTAL APPROPRIATION .....	\$261,865,000
	\$247,734,000

(1) ~~(((\$62,679,000)) \$62,698,000~~ of the multimodal transportation account—state appropriation is provided solely for a grant program for special needs transportation provided by transit agencies and nonprofit providers of transportation. ~~((If chapter 287 (Engrossed Second Substitute House Bill No. 2042), Laws of 2019 (advancing green transportation adoption) is not enacted by June 30, 2019, \$10,000,000 of the amount in this subsection lapses.))~~  
Of this amount:

(b) \$48,401,000 of the multimodal transportation account—state appropriation is provided solely for grants to transit agencies to transport persons with special transportation needs. To receive a grant, the transit agency must, to the greatest extent practicable, have a maintenance of effort for special needs transportation that is no less than the previous year's maintenance of effort for special needs transportation. Grants for transit agencies must be prorated based on the amount expended for demand response service and route deviated service in calendar year 2017 as reported in the "Summary of Public Transportation - 2017" published by the department of transportation. No transit agency may receive more than thirty percent of these distributions. ((If chapter 287 (Engrossed Second Substitute House Bill No. 2042), Laws of 2019 (advancing green transportation adoption) is not enacted by June 30, 2019, \$7,722,000 of the amount in this subsection lapses.))

(3)(a) (~~(\$10,290,000))~~ \$10,539,000 of the multimodal transportation account—state appropriation is provided solely for a vanpool grant program for: (i) Public transit agencies to add vanpools or replace vans; and (ii) incentives for employers to increase employee vanpool use. The grant program for public transit agencies will cover capital costs only; operating costs for public transit agencies are not eligible for funding under this grant program. Additional employees may not be hired from the funds provided in this section for the vanpool grant program, and supplanting of

(b) At least \$1,600,000 of the amount provided in this subsection must be used for vanpool grants in congested corridors.

(4) ~~(((\$18,951,000))~~ \$27,483,000 of the regional mobility grant program account—state appropriation is reappropriated and provided solely for the regional mobility grant projects identified in LEAP Transportation Document ~~((2019-2))~~ 2020-2 ALL PROJECTS as developed ~~((April 27, 2019))~~ March 11, 2020, Program - Public Transportation Program (V).

(b) In order to be eligible to receive a grant under (a) of this subsection during the 2019-2021 fiscal biennium, a transit agency must establish a process for private transportation providers to apply for the use of park and ride facilities. For purposes of this subsection, (i) "private transportation provider" means: An auto transportation company regulated under chapter 81.68 RCW; a passenger charter carrier regulated under chapter 81.70 RCW, except marked or unmarked stretch limousines and stretch sport utility vehicles as defined under department of licensing rules; a private nonprofit transportation provider regulated under chapter 81.66 RCW; or a private employer transportation service provider; and (ii) "private employer transportation service" means regularly scheduled, fixed-route transportation service that is offered by an employer for the benefit of its employees.

(6) Funds provided for the commute trip reduction (CTR) program may also be used for the growth and transportation efficiency center program.

(7) \$7,670,000 of the multimodal transportation account—state appropriation and \$784,000 of the state vehicle parking account—state appropriation are provided solely for CTR grants and activities. Of this amount:

(a) \$1,000,000 of the multimodal transportation account—state appropriation is provided solely for the department to continue a pilot transit pass incentive program. Businesses and nonprofit organizations located in a county adjacent to Puget Sound with a population of more than seven hundred thousand that have never offered transit subsidies to employees are eligible to apply to the program for a fifty percent rebate on the cost of employee transit subsidies provided through the regional ORCA fare collection system. No single business or nonprofit organization may receive more than ten thousand dollars from the program.

(i) Businesses and nonprofit organizations may apply and be awarded funds prior to purchasing a transit subsidy, but the department may not provide reimbursement until proof of purchase or a contract has been provided to the department.

(ii) The department shall update the transportation committees of the legislature on the impact of the program by January 31, 2020, and may adopt rules to administer the program.

(b) \$30,000 of the state vehicle parking account—state appropriation is provided solely for the STAR pass program for state employees residing in Mason and Grays Harbor Counties. Use of the pass is for public transportation between Mason County and Thurston County, and Grays Harbor and Thurston County. The pass may also be used within Grays Harbor County. The STAR pass commute trip reduction program is open to any state employee who expresses intent to commute to his or her assigned state worksite using a public transit system currently participating in the STAR pass program.

(c) \$1,000,000 of the multimodal transportation account—state appropriation is provided solely for a first mile/last mile connections grant program. Eligible grant recipients include cities, businesses, nonprofits, and transportation network companies with first mile/last mile solution proposals. Transit agencies are not eligible. The commute trip reduction board shall develop grant parameters, evaluation criteria, and evaluate grant proposals. The commute trip reduction board shall provide the transportation committees of the legislature a report on the effectiveness of this grant program and best practices for continuing the program.

(8) Except as provided otherwise in this subsection, ~~((28,048,000))~~ \$33,370,000 of the multimodal transportation account—state appropriation is provided solely for connecting Washington transit projects identified in LEAP Transportation Document ~~((2019-2))~~ 2020-2 ALL PROJECTS as developed ~~((April 27, 2019))~~ March 11, 2020. It is the intent of the legislature that entities identified

to receive funding in the LEAP document referenced in this subsection receive the amounts specified in the time frame specified in that LEAP document. If an entity has already completed a project in the LEAP document referenced in this subsection before the time frame identified, the entity may substitute another transit project or projects that cost a similar or lesser amount.

(9) ~~((2,000,000))~~ \$1,000,000 of the multimodal transportation account—state appropriation is provided solely for transit coordination grants.

(10) The department shall not require more than a ten percent match from nonprofit transportation providers for state grants.

(11)(a) For projects funded as part of the 2015 connecting Washington transportation package listed on the LEAP transportation document identified in subsection (4) of this section, if the department expects to have substantial reappropriations for the 2021-2023 fiscal biennium, the department may, on a pilot basis, apply funding from a project with an appropriation that cannot be used for the current fiscal biennium to advance one or more of the following projects:

(i) King County Metro - RapidRide Expansion, Burien-Delridge (G2000031);

(ii) King County Metro - Route 40 Northgate to Downtown (G2000032);

(iii) Mason Transit Park & Ride Development (G2000042); or

(iv) Pierce Transit - SR 7 Express Service ~~((G2000046))~~ (G2000045).

(b) At least ten business days before advancing a project pursuant to this subsection, the department must notify the office of financial management and the transportation committees of the legislature. The advancement of a project may not hinder the delivery of the projects for which the reappropriations are necessary for the 2021-2023 fiscal biennium.

(c) To the extent practicable, the department shall use the flexibility and authority granted in this section to minimize the amount of reappropriations needed each biennium.

(12) \$750,000 of the multimodal transportation account—state appropriation is provided solely for Intercity Transit for the Dash shuttle program.

(13)(a) \$485,000 of the multimodal transportation account—state appropriation is provided solely for King county for:

(i) An expanded pilot program to provide certain students in the Highline, Tukwila, and Lake Washington school districts with an ORCA card during these school districts' summer vacations. In order to be eligible for an ORCA card under this program, a student must also be in high school, be eligible for free and reduced-price lunches, and have a job or other responsibility during the summer; and

(ii) Providing administrative support to other interested school districts in King county to prepare for implementing similar programs for their students.

(b) King county must provide a report to the department and the transportation committees of the legislature by December 15, 2021, regarding:

(i) The annual student usage of the pilot program;

(ii) Available ridership data;

(iii) A cost estimate, including a detailed description of the various expenses leading to the cost estimate, and any other factors relevant to expanding the program to other King county school districts;

(iv) A cost estimate, including a detailed description of the various expenses leading to the cost estimate, and any other factors relevant to expanding the program to student populations other than high school or eligible for free and reduced-price lunches;

(v) Opportunities for subsidized ORCA cards or local grant or matching funds; and

(vi) Any additional information that would help determine if the pilot program should be extended or expanded.

(14) \$12,000,000 of the multimodal transportation account—state appropriation is provided solely for the green transportation capital grant program established in chapter 287 (~~((Engrossed Second Substitute House Bill No. 2042))), Laws of 2019 (advancing green transportation adoption). ((If chapter 287 (Engrossed Second Substitute House Bill No. 2042), Laws of 2019 is not enacted by June 30, 2019, the amount provided in this subsection lapses-))~~

(15) \$555,000 of the multimodal transportation account—state appropriation is provided solely for an interagency transfer to the Washington State University extension energy program to establish and administer a technical assistance and education program for public agencies on the use of alternative fuel vehicles. (~~((If chapter 287 (Engrossed Second Substitute House Bill No. 2042), Laws of 2019 (advancing green transportation adoption) is not enacted by June 30, 2019, \$375,000 of the amount provided in this subsection lapses-))~~

(16) As a short-term solution, appropriation authority for the public transportation program in this section is reduced to reflect anticipated underruns in this program, based on historical reappropriation levels. It is the intent of the legislature that no public transportation grants or projects be eliminated or substantially delayed as a result of revenue reductions.

(17) The appropriations in this section include savings due to anticipated project underruns; however, it is unknown which projects will provide savings. The legislature intends to provide sufficient flexibility for the department to manage to this savings target. To provide this flexibility, the office of financial management may authorize, through an allotment modification, reductions in the appropriated amounts that are provided solely for a particular purpose

within this section subject to the following conditions and limitations:

(a) No allotment modifications may be made to amounts provided solely for the special needs transportation grant program;

(b) The department must confirm that any modification requested under this subsection of amounts provided solely for a specific purpose are not expected to be used for that purpose in this biennium;

(c) Allotment modifications authorized under this subsection may not result in increased funding for any project beyond the amount provided for that project in the 2019-2021 fiscal biennium in LEAP Transportation Document 2020-2 ALL PROJECTS as developed March 11, 2020;

(d) Allotment modifications authorized under this subsection apply only to amounts appropriated in this section from the multimodal transportation account—state; and

(e) By December 1, 2020, the department must submit a report to the transportation committees of the legislature regarding the actions taken under this subsection.

(18)(a) The Washington state department of transportation public transportation division, working with the Thurston regional planning council, shall provide state agency management, the office of financial management, and the transportation committees of the legislature with results of their regional mobility grant program demonstration project I-5/US 101 Practical Solutions: State Capitol Campus Transportation Demand Management – Mobile Work. This includes reporting after the 2020 legislative session on the measurable results of an early pilot initiative, "Telework Tuesday," beginning in January 2020.

(b) Capitol campus state agency management is directed to fully participate in this work, which aims to reduce greenhouse gases, require less office space and parking investments; provide low cost congestion relief on I-5 during peak periods, US 101, and the local transportation network; and improve retention and recruitment of public employees. The agencies should actively: Encourage employees qualified to telework to participate in this program and increase the number of employees who qualify for mobile work and schedule shifts.

(c) If measurable success is achieved, the capitol campus state agencies shall provide options to expand the project to other jurisdictions concentrated with large employers. Expansion and encouragement of telework will help reduce demand on the transportation system, reduce traffic during peak hours, and reduce greenhouse gas emissions.

**Sec. 221.** 2019 c 416 s 221 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF  
TRANSPORTATION—MARINE—PROGRAM X**

Motor Vehicle Account—State Appropriation  
.....\$250,000

Puget Sound Ferry Operations Account—State	
Appropriation .....	<del>(\$540,746,000)</del>
	<u>\$545,997,000</u>
Puget Sound Ferry Operations Account—Federal	
Appropriation .....	\$7,932,000
Puget Sound Ferry Operations Account—Private/Local	
Appropriation .....	\$121,000
TOTAL APPROPRIATION .....	<u>\$549,049,000</u>
	<u>\$554,300,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) The office of financial management budget instructions require agencies to recast enacted budgets into activities. The Washington state ferries shall include a greater level of detail in its 2019-2021 supplemental and 2021-2023 omnibus transportation appropriations act requests, as determined jointly by the office of financial management, the Washington state ferries, and the transportation committees of the legislature. This level of detail must include the administrative functions in the operating as well as capital programs.

(2) For the 2019-2021 fiscal biennium, the department may enter into a distributor controlled fuel hedging program and other methods of hedging approved by the fuel hedging committee, which must include a representative of the department of enterprise services.

(3) (~~(\$76,261,000)~~) \$73,161,000 of the Puget Sound ferry operations account—state appropriation is provided solely for auto ferry vessel operating fuel in the 2019-2021 fiscal biennium, which reflect cost savings from a reduced biodiesel fuel requirement and, therefore, is contingent upon the enactment of section 703 (~~(of this act)~~), chapter 416, Laws of 2019. The amount provided in this subsection represents the fuel budget for the purposes of calculating any ferry fare fuel surcharge. The department shall review future use of alternative fuels and dual fuel configurations, including hydrogen.

(4) \$650,000 of the Puget sound ferry operations account—state appropriation is provided solely for increased staffing at Washington ferry terminals to meet increased workload and customer expectations. Within the amount provided in this subsection, the department shall contract with uniformed officers for additional traffic control assistance at the Kingston ferry terminal during peak ferry travel times, with a particular focus on Sundays and holiday weekends. Traffic control methods should include, but not be limited to, holding traffic on the shoulder at Lindvog Road until space opens for cars at the tollbooths and dock, and management of traffic on Highway 104 in order to ensure Kingston residents and business owners have access to businesses, roads, and driveways.

(5) \$254,000 of the Puget Sound ferry operations account—state appropriation is provided solely for a dedicated inventory logistics manager on a one-time basis.

(6) \$500,000 of the Puget Sound ferry operations account—state appropriation is provided solely for operating costs related to moving vessels for emergency capital repairs. Funds may only be spent after approval by the office of financial management.

(7) By January 1, 2020, the ferries division must submit a workforce plan for reducing overtime due to shortages of staff available to fill vacant crew positions. The plan must include numbers of crew positions being filled by staff working overtime, strategies for filling these positions with straight time employees, progress toward implementing those strategies, and a forecast for when overtime expenditures will return to historical averages.

(8) \$160,000 of the Puget Sound ferry operations account—state appropriation is provided solely for a ferry fleet baseline noise study, conducted by a consultant, for the purpose of establishing plans and data-driven goals to reduce ferry noise when Southern resident orca whales are present. In addition, the study must establish prioritized strategies to address vessels serving routes with the greatest exposure to orca whale movements.

(9)(a) \$250,000 of the motor vehicle account—state appropriation is provided solely for the department, in consultation with the Washington state transportation center, to develop a plan for service on the triangle route with a goal of providing maximum sailings moving the most passengers to all stops in the least travel time, including waits between sailings, within budget and resource constraints.

(b) The Washington state transportation center must use new traffic management models and scheduling tools to examine proposed improvements for the triangle route. The department shall report to the standing transportation committees of the legislature by January 15, 2021. The report must include:

(i) Implementation and status of data collection, modeling, scheduling, capital investments, and procedural improvements to allow Washington state ferries to schedule more sailings to and from all stops on the triangle route with minimum time between sailings;

(ii) Recommendations for emergency boat allocations, regular schedule policies, and emergency schedule policies based on all customers alternative travel options to ensure that any dock with no road access is prioritized in scheduling and scheduled service is provided based on population size, demographics, and local medical services;

(iii) Triangle route pilot economic analysis of Washington state ferries fare revenue and fuel cost impact of offering additional, better spaced sailings;

(iv) Results of an economic analysis of the return on investment of potentially acquiring and using traffic control infrastructure, technology, walk on loading bridges, and Good-to-Go and ORCA replacement of current fare sales, validation, collections, accounting, and all associated labor



and benefits costs that can be saved via those capital investments; and

(v) Recommendation on policies, procedures, or agency interpretations of statute that may be adopted to mitigate any delays or disruptions to scheduled sailings.

~~((c) If at least \$50,000,000 is not made available, by means of transfer, deposit, appropriation, or other similar conveyance, to the motor vehicle account for stormwater-related activities through the enactment of chapter 422 (Engrossed Substitute Senate Bill No. 5993), Laws of 2019 (model toxics control program reform) by June 30, 2019, the amount provided in this subsection (9) lapses.))~~

(10) \$15,139,000 of the Puget Sound ferry operations account—state appropriation is provided solely for training. Of the amount provided in this subsection:

(a) \$2,500,000 is for training for new employees.

(b) \$160,000 is for electronic chart display and information system training.

(c) \$379,000 is for marine evacuation slide training.

(11) \$1,600,000 of the Puget Sound ferry operations account—state appropriation is provided solely for naval architecture staff support for the marine maintenance program.

(12) \$336,000 of the Puget Sound ferry operations account—state appropriation is provided solely for inspections of fall restraint systems.

(13) \$4,361,000 of the Puget Sound ferry operations account—state appropriation is provided solely for overtime expenses incurred by engine and deck crew members.

(14) \$1,200,000 of the Puget Sound ferry operations account—state appropriation is provided solely for familiarization for new assignments of engine crew and terminal staff.

(15) \$100,000 of the Puget Sound ferry operations account—state appropriation is provided solely to develop a plan for upgrading a second vessel to meet the international convention for the safety of life at sea standards. The plan must identify the option with the lowest impacts to sailing schedules.

**Sec. 222.** 2019 c 416 s 222 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF  
TRANSPORTATION—RAIL—PROGRAM Y—  
OPERATING**

Multimodal Transportation Account—State

Appropriation .....~~(( \$75,576,000 ))~~  
\$70,244,000

Multimodal Transportation Account—Private/Local

Appropriation ..... \$717,000

Multimodal Transportation Account—Federal

Appropriation ..... \$500,000

TOTAL APPROPRIATION.....\$76,793,000  
\$71,461,000

The appropriations in this section are subject to the following conditions and limitations:

(1)(a)(i) \$224,000 of the multimodal transportation account—state appropriation and \$671,000 of the multimodal transportation account—private/local appropriation are provided solely for continued analysis of the ultra high-speed ground transportation corridor in a new study, with participation from Washington, Oregon, and British Columbia. No funds may be expended until the department is in receipt of \$671,000 in private/local funding provided solely for this purpose.

(ii) The ultra high-speed ground transportation corridor advisory group must include legislative membership.

(iii) "Ultra high-speed" means a maximum testing speed of at least two hundred fifty miles per hour.

(b) The study must consist of the following:

(i) Development of proposed corridor governance, general powers, operating structure, legal instruments, and contracting requirements, in the context of the roles of relevant jurisdictions, including federal, state, provincial, and local governments;

(ii) ~~((An assessment of current laws in state and provincial jurisdictions and identification of any proposed changes to laws, regulations, and/or agreements that are needed to proceed with development))~~ Development of a long-term funding and financing strategy for project initiation, development, construction, and program administration of the high-speed corridor, building on the funding and financing chapter of the 2019 business case analysis and aligned with the recommendations of (b)(i) of this subsection; and

(iii) Development of ~~((general recommendations for the authorization needed to advance the development of the corridor))~~ recommendations for a department-led ultra-high speed corridor engagement plan for policy leadership from elected officials.

(c) This study must build on the results of the 2018 Washington state ultra high-speed ground transportation business case analysis and the 2019 Washington state ultra high-speed ground transportation study findings report. The department shall consult with the transportation committees of the legislature regarding all issues related to proposed corridor governance.

~~((c))~~ (d) The development work referenced in (b) of this subsection is intended to identify and make recommendations related to specific entities, including interjurisdictional entities, policies, and processes required for the purposes of furthering preliminary analysis efforts for the ultra high-speed ground transportation corridor. This development work is not intended to authorize one or more entities to assume decision making authority for the design, construction, or operation of an ultra high-speed rail corridor.

((~~(d)~~)) (e) By December 1, 2020, the department shall provide to the governor and the transportation committees of the legislature a report of the study's findings regarding the three elements noted in this subsection. As applicable, the report should also be sent to the executive and legislative branches of government in the state of Oregon and appropriate government bodies in the province of British Columbia.

(2) The department is directed to continue to pursue efforts to reduce costs, increase ridership, and review Amtrak Cascades fares and fare schedules. Within thirty days of each annual cost/revenue reconciliation under the Amtrak service contract, the department shall report annual credits to the office of financial management and the legislative transportation committees. Annual credits from Amtrak to the department including, but not limited to, credits due to higher ridership, reduced level of service, and fare or fare schedule adjustments, must be used to offset corresponding amounts of the multimodal transportation account—state appropriation, which must be placed in reserve.

**Sec. 223.** 2019 c 416 s 223 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF  
TRANSPORTATION—LOCAL PROGRAMS—  
PROGRAM Z—OPERATING**

Motor Vehicle Account—State Appropriation .....	(( <del>\$12,190,000</del> ))
	<u>\$12,187,000</u>
Motor Vehicle Account—Federal Appropriation .....	\$2,567,000
Multiuse Roadway Safety Account—State Appropriation .....	(( <del>\$132,000</del> ))
	<u>\$450,000</u>
Multimodal Transportation Account—State Appropriation .....	\$350,000
TOTAL APPROPRIATION .....	<del>\$15,239,000</del>
	<u>\$15,554,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$350,000 of the multimodal transportation account—state appropriation is provided solely for a study by the Puget Sound regional council of new passenger ferry service to better connect communities throughout the twelve county Puget Sound region. The study must assess potential new routes, identify future terminal locations, and provide recommendations to accelerate the electrification of the ferry fleet. The study must identify future passenger only demand throughout Western Washington, analyze potential routes and terminal locations on Puget Sound, Lake Washington, and Lake Union with an emphasis on preserving waterfront opportunities in public ownership and opportunities for partnership. The study must determine whether and when the passenger ferry service achieves a net reduction in carbon

emissions including an analysis of the emissions of modes that passengers would otherwise have used. The study must estimate capital and operating costs for routes and terminals. The study must include early and continuous outreach with all interested stakeholders and a report to the legislature and all interested parties by January 31, 2021.

(2) \$1,142,000 of the motor vehicle account—state appropriation is provided solely for the department, from amounts set aside out of statewide fuel taxes distributed to counties according to RCW 46.68.120(3), to contract with the Washington state association of counties to:

(a) In coordination with stakeholders, identify county-owned fish passage barriers, with priority given to barriers that share the same stream system as state-owned fish passage barriers. The study must identify, map, and provide a preliminary assessment of county-owned barriers that need correction, and provide, where possible, preliminary costs estimates for each barrier correction. The study must provide recommendations on:

(i) How to prioritize county-owned barriers within the same stream system of state-owned barriers in the current six-year construction plan to maximize state investment; and

(ii) How future state six-year construction plans should incorporate county-owned barriers;

(b) Update the local agency guidelines manual, including exploring alternatives within the local agency guidelines manual on county priorities;

(c) Study the current state of county transportation funding, identify emerging issues, and identify potential future alternative transportation fuel funding sources to meet current and future needs.

(3) The entire multiuse roadway safety account—state appropriation is provided solely for grants under RCW 46.09.540, subject to the following limitations:

(a) Twenty-five percent of the amounts provided are reserved for counties that each have a population of fifteen thousand persons or less;

(b)(i) Seventy-five percent of the amounts provided are reserved for counties that each have a population exceeding fifteen thousand persons; and

(ii) No county that receives a grant or grants under (b) of this subsection may receive more than sixty thousand dollars in total grants.

**TRANSPORTATION AGENCIES—CAPITAL**

**Sec. 301.** 2019 c 416 s 301 (uncodified) is amended to read as follows:

**FOR THE FREIGHT MOBILITY STRATEGIC  
INVESTMENT BOARD**

Freight Mobility Investment Account—State

Appropriation ..... ((~~\$18,094,000~~))  
\$23,015,000

<u>Highway Safety Account—State Appropriation</u>	<u>\$81,000</u>
<u>Motor Vehicle Account—State Appropriation</u>	<u>\$4,907,000</u>
Freight Mobility Multimodal Account—State	
Appropriation .....(((\$21,220,000))	<u>\$4,992,000</u>
Motor Vehicle Account—Federal Appropriation	.....(((\$2,250,000))
	<u>\$1,899,000</u>
Freight Mobility Multimodal Account—Private/Local	
Appropriation .....(((\$1,320,000))	<u>\$1,250,000</u>
TOTAL APPROPRIATION .....	<u>\$42,884,000</u>
	<u>\$36,144,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) Except as otherwise provided in this section, the entire appropriations in this section are provided solely for the projects by amount, as listed in the LEAP Transportation Document ((2019-3 as developed April 27, 2019;)) 2020-3 as developed March 11, 2020, Conference FMSIB Project List.

(2) Until directed by the legislature, the board may not initiate a new call for projects. By January 1, 2020, the board must report to the legislature on alternative proposals to revise its project award and obligation process, which result in lower reappropriations.

(3) It is the intent of the legislature that no capital projects be eliminated or substantially delayed as a result of revenue reductions, but that as a short-term solution appropriation authority for the freight mobility strategic investment board's capital grant programs is reduced to reflect anticipated underruns in this program, based on historical reappropriation levels.

(4) It is the intent of the legislature to continue to make strategic investments in a statewide freight mobility transportation system with the help of the freight mobility strategic investment board, including projects that mitigate the impact of freight movement on local communities.

**Sec. 302.** 2019 c 416 s 303 (uncodified) is amended to read as follows:

#### **FOR THE COUNTY ROAD ADMINISTRATION BOARD**

Rural Arterial Trust Account—State Appropriation	.....(((\$65,996,000))
	<u>\$62,884,000</u>
Motor Vehicle Account—State Appropriation	.....
	<u>\$1,456,000</u>

County Arterial Preservation Account—State	
Appropriation .....	<u>\$39,590,000</u>
TOTAL APPROPRIATION .....	<u>\$107,042,000</u>
	<u>\$103,930,000</u>

The appropriations in this section are subject to the following conditions and limitations: It is the intent of the legislature that no capital projects be eliminated or substantially delayed as a result of revenue reductions, but that as a short-term solution appropriation authority for the county road administration board's capital grant programs is reduced to reflect anticipated underruns in this program, based on historical reappropriation levels.

**Sec. 303.** 2019 c 416 s 304 (uncodified) is amended to read as follows:

#### **FOR THE TRANSPORTATION IMPROVEMENT BOARD**

Small City Pavement and Sidewalk Account—State	
Appropriation .....	<u>\$5,890,000</u>
Transportation Improvement Account—State	
Appropriation ..... (((\$228,510,000))	<u>\$224,568,000</u>
Complete Streets Grant Program Account—State	
Appropriation ..... (((\$14,670,000))	<u>\$10,200,000</u>
TOTAL APPROPRIATION .....	<u>\$249,070,000</u>
	<u>\$240,658,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$9,315,000 of the transportation improvement account—state appropriation is provided solely for the Relight Washington Program. The transportation improvement board shall conduct a survey of all cities that are not currently eligible for the Relight Washington Program to determine demand for the program regardless of the current eligibility criteria. The transportation improvement board shall report the results of the survey to the governor and the transportation committees of the legislature by August 1, 2020.

(2) It is the intent of the legislature that no capital projects be eliminated or substantially delayed as a result of revenue reductions, but that as a short-term solution appropriation authority for the transportation improvement board's capital grant programs is reduced to reflect anticipated underruns in this program, based on historical reappropriation levels.

**Sec. 304.** 2019 c 416 s 305 (uncodified) is amended to read as follows:

#### **FOR THE DEPARTMENT OF TRANSPORTATION—FACILITIES—PROGRAM**

**D—(DEPARTMENT OF TRANSPORTATION-ONLY PROJECTS)—CAPITAL**

Motor Vehicle Account—State Appropriation .....	<del>(\$50,990,000))</del>
	<u>\$51,187,000</u>
Connecting Washington Account—State Appropriation .....	<del>(\$42,497,000))</del>
	<u>\$51,523,000</u>
TOTAL APPROPRIATION .....	<u>\$93,487,000</u>
	<u>\$102,710,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) ~~(\$42,497,000))~~ \$51,523,000 of the connecting Washington account—state appropriation is provided solely for a new Olympic region maintenance and administration facility to be located on the department-owned site at the intersection of Marvin Road and 32nd Avenue in Lacey, Washington.

(2)(a) ~~(\$43,100,000))~~ \$43,297,000 of the motor vehicle account—state appropriation is provided solely for the department facility located at 15700 Dayton Ave N in Shoreline. This appropriation is contingent upon the department of ecology signing a not less than twenty-year agreement to pay a share of any financing contract issued pursuant to chapter 39.94 RCW.

(b) Payments from the department of ecology as described in this subsection shall be deposited into the motor vehicle account.

(c) Total project costs are not to exceed \$46,500,000.

(3) \$1,565,000 from the motor vehicle account—state appropriation is provided solely for furniture for the renovated Northwest Region Headquarters at Dayton Avenue. The department must efficiently furnish the renovated building. ~~((The amount provided in this subsection is the maximum the department may spend on furniture for this facility.))~~

**Sec. 305.** 2019 c 416 s 306 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF  
TRANSPORTATION—IMPROVEMENTS—  
PROGRAM I**

<del>((High Occupancy Toll Lanes Operations Account—State Appropriation .....</del>	<del>\$7,000,000))</del>
Transportation Partnership Account—State Appropriation .....	<del>(\$325,275,000))</del>
	<u>\$385,619,000</u>
Motor Vehicle Account—State Appropriation .....	<del>(\$92,504,000))</del>
	<u>\$102,543,000</u>

Motor Vehicle Account—Federal Appropriation .....	<del>(\$154,337,000))</del>
	<u>\$151,857,000</u>
Motor Vehicle Account—Private/Local Appropriation .....	<del>(\$26,839,000))</del>
	<u>\$70,404,000</u>
Connecting Washington Account—State Appropriation .....	<del>(\$2,137,381,000))</del>
	<u>\$2,355,205,000</u>
Special Category C Account—State Appropriation .....	<del>(\$81,000,000))</del>
	<u>\$36,134,000</u>
Multimodal Transportation Account—State Appropriation .....	<del>(\$5,408,000))</del>
	<u>\$3,853,000</u>
Alaskan Way Viaduct Replacement Project Account—State Appropriation .....	<u>\$77,956,000</u>
Transportation 2003 Account (Nickel Account)—State Appropriation .....	<del>(\$21,819,000))</del>
	<u>\$10,429,000</u>
Interstate 405 and State Route Number 167 Express Toll Lanes <del>((Operations))</del> Account—State Appropriation .....	<del>(\$48,036,000))</del>
	<u>\$90,027,000</u>
TOTAL APPROPRIATION .....	<u>\$2,977,555,000</u>
	<u>\$3,284,027,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) Except as provided otherwise in this section, the entire connecting Washington account—state appropriation and the entire transportation partnership account—state appropriation are provided solely for the projects and activities as listed by fund, project, and amount in LEAP Transportation Document ~~((2019-4))~~ 2020-1 as developed ~~((April 27, 2019))~~ March 11, 2020, Program - Highway Improvements Program (I). However, limited transfers of specific line-item project appropriations may occur between projects for those amounts listed subject to the conditions and limitations in section 601 of this act.

(2) Except as provided otherwise in this section, the entire motor vehicle account—state appropriation and motor vehicle account—federal appropriation are provided solely for the projects and activities listed in LEAP Transportation Document ~~((2019-2))~~ 2020-2 ALL PROJECTS as developed ~~((April 27, 2019))~~ March 11, 2020, Program - Highway Improvements Program (I). Any federal funds gained

through efficiencies, adjustments to the federal funds forecast, additional congressional action not related to a specific project or purpose, or the federal funds redistribution process must then be applied to highway and bridge preservation activities or fish passage barrier corrections (0BI4001).

(3) Within the motor vehicle account—state appropriation and motor vehicle account—federal appropriation, the department may transfer funds between programs I and P, except for funds that are otherwise restricted in this act. Ten days prior to any transfer, the department must submit its request to the office of financial management and the transportation committees of the legislature and consider any concerns raised. The department shall submit a report on fiscal year funds transferred in the prior fiscal year using this subsection as part of the department's annual budget submittal.

(4) The connecting Washington account—state appropriation includes up to ~~(((\$1,519,899,000))~~ \$1,835,325,000 in proceeds from the sale of bonds authorized in RCW 47.10.889.

(5) The special category C account—state appropriation includes up to ~~(((\$75,274,000))~~ \$24,910,000 in proceeds from the sale of bonds authorized in RCW ~~((47.10.861))~~ 47.10.812.

(6) The transportation partnership account—state appropriation includes up to ~~(((\$150,232,000))~~ \$162,658,000 in proceeds from the sale of bonds authorized in RCW ~~((47.10.812))~~ 47.10.873.

(7) The Alaskan Way viaduct replacement project account—state appropriation includes up to \$77,956,000 in proceeds from the sale of bonds authorized in RCW 47.10.873.

(8) ~~((The multimodal transportation account—state appropriation includes up to \$5,408,000 in proceeds from the sale of bonds authorized in RCW 47.10.867.~~

~~((9) \$90,464,000))~~ \$168,757,000 of the transportation partnership account—state appropriation, ~~(((\$7,006,000))~~ \$19,790,000 of the motor vehicle account—private/local appropriation, ~~(((\$3,383,000))~~ \$3,384,000 of the transportation 2003 account (nickel account)—state appropriation, \$77,956,000 of the Alaskan Way viaduct replacement project account—state appropriation, and \$1,838,000 of the multimodal transportation account—state appropriation are provided solely for the SR 99/Alaskan Way Viaduct Replacement project (809936Z). It is the intent of the legislature that the \$25,000,000 increase in funding provided in the 2021-2023 fiscal biennium be covered by any legal damages paid to the state as a result of a lawsuit related to contractual provisions for construction and delivery of the Alaskan Way viaduct replacement project. The legislature intends that the \$25,000,000 of the transportation partnership account—state funds be repaid when those damages are recovered.

~~((40))~~ (9) \$3,000,000 of the multimodal transportation account—state appropriation is provided

solely for transit mitigation for the SR 99/Viaduct Project - Construction Mitigation project (809940B).

~~((41) \$164,000,000))~~ (10) \$168,655,000 of the connecting Washington account—state appropriation ~~((is))~~, \$1,052,000 of the special category C account—state appropriation, and \$738,000 of the motor vehicle account—private/local appropriation are provided solely for the US 395 North Spokane Corridor project (M00800R).

~~((12(a) \$22,195,000 of the transportation partnership account—state appropriation, \$12,805,000 of the transportation 2003 account (nickel account)—state appropriation, and \$48,000,000))~~ (11) \$82,991,000 of the Interstate 405 and state route number 167 express toll lanes ~~((operations))~~ account—state appropriation ~~((are))~~ is provided solely for the I-405/SR 522 to I-5 Capacity Improvements project (L2000234) for activities related to adding capacity on Interstate 405 between state route number 522 and Interstate 5, with the goals of increasing vehicle throughput and aligning project completion with the implementation of bus rapid transit in the vicinity of the project. ~~((The transportation partnership account—state appropriation and transportation 2003 account (nickel account)—state appropriation are a transfer or a reappropriation of a transfer from the I-405/Kirkland Vicinity Stage 2 Widening project (8BI1002) due to savings and will fund right of way and construction for an additional phase of this I-405 project.~~

~~((b) If sufficient bonding authority to complete this project is not provided within chapter 421 (Engrossed Substitute Senate Bill No. 5825), Laws of 2019 (addressing tolling) or chapter 421 (House Bill No. 2132), Laws of 2019 (addressing tolling), or within a bond authorization act referencing chapter . . . (Engrossed Substitute Senate Bill No. 5825), Laws of 2019 or chapter . . . (House Bill No. 2132), Laws of 2019, by June 30, 2019, \$21,000,000 of the Interstate 405 express toll lanes operations account—state appropriation provided in this subsection lapses, and it is the intent of the legislature to reduce the Interstate 405 express toll lanes operations account—state appropriation in the 2021-2023 biennium to \$5,000,000, and in the 2023-2025 biennium to \$0 on the list referenced in subsection (2) of this section.~~

~~((13))~~ (12)(a) (((\$395,822,000)) \$422,099,000 of the connecting Washington account—state appropriation ~~((, \$60,000 of the motor vehicle account—state appropriation,))~~ and ~~(((\$342,000))~~ \$456,000 of the motor vehicle account—private/local appropriation are provided solely for the SR 520 Seattle Corridor Improvements - West End project (M00400R).

(b) Recognizing that the department of transportation requires full possession of parcel number 1-23190 to complete the Montlake Phase of the West End project, the department is directed to:

(i) Work with the operator of the Montlake boulevard market located on parcel number 1-23190 to negotiate a lease allowing continued operations up to January 1, 2020. After that time, the department shall identify an area in the vicinity of the Montlake property for a temporary market or other food service to be provided during the period of project

construction. Should the current operator elect not to participate in providing that temporary service, the department shall then develop an outreach plan with the city to solicit community input on the food services provided, and then advertise the opportunity to other potential vendors. Further, the department shall work with the city of Seattle and existing permit processes to facilitate vendor access to and use of the area in the vicinity of the Montlake property.

(ii) Upon completion of the Montlake Phase of the West End project (current anticipated contract completion of 2023), WSDOT shall sell that portion of the property not used for permanent transportation improvements and initiate a process to convey that surplus property to a subsequent owner.

(c) \$60,000 of the motor vehicle account—state appropriation is provided solely for grants to nonprofit organizations located in a city with a population exceeding six hundred thousand persons and that empower artists through equitable access to vital expertise, opportunities, and business services. Funds may be used only for the purpose of preserving, commemorating, and sharing the history of the city of Seattle's freeway protests and making the history of activism around the promotion of more integrated transportation and land use planning accessible to current and future generations through the preservation of Bent 2 of the R. H. Thompson freeway ramp.

~~((14))~~ (13) It is the intent of the legislature that for the I-5 JBLM Corridor Improvements project (M00100R), the department shall actively pursue \$50,000,000 in federal funds to pay for this project to supplant state funds in the future. \$50,000,000 in connecting Washington account funding must be held in unallotted status during the 2021-2023 fiscal biennium. These funds may only be used after the department has provided notice to the office of financial management that it has exhausted all efforts to secure federal funds from the federal highway administration and the department of defense.

~~((15) \$265,100,000))~~ (14) \$310,469,000 of the connecting Washington account—state appropriation is provided solely for the SR 167/SR 509 Puget Sound Gateway project (M00600R).

(a) Any savings on the project must stay on the Puget Sound Gateway corridor until the project is complete.

(b) Proceeds from the sale of any surplus real property acquired for the purpose of building the SR 167/SR 509 Puget Sound Gateway (M00600R) project must be deposited into the motor vehicle account for the purpose of constructing the project.

(c) In making budget allocations to the Puget Sound Gateway project, the department shall implement the project's construction as a single corridor investment. The department shall develop a coordinated corridor construction and implementation plan for state route number 167 and state route number 509 in collaboration with affected stakeholders. Specific funding allocations must be based on where and when specific project segments are ready for construction to move forward and investments can be best optimized for timely project completion. Emphasis

must be placed on avoiding gaps in fund expenditures for either project.

(d) It is the legislature's intent that the department shall construct a full single-point urban interchange at the junction of state route number 161 (Meridian avenue) and state route number 167 and a full single-point urban interchange at the junction of state route number 509 and 188th Street. If the department receives additional funds from an outside source for this project after the base project is fully funded, the funds must first be applied toward the completion of these two full single-point urban interchanges.

(e) In designing the state route number 509/state route number 516 interchange component of the SR 167/SR 509 Puget Sound Gateway project (M00600R), the department shall make every effort to utilize the preferred "4B" design.

(f) The department shall explore the development of a multiuse trail for bicyclists, pedestrians, skateboarders, and similar users along the SR 167 right-of-way acquired for the project to connect a network of new and existing trails from Mount Rainier to Point Defiance Park.

(g) If sufficient bonding authority to complete this project is not provided within chapter 421 (~~((Engrossed Substitute Senate Bill No. 5825))~~), Laws of 2019 (addressing tolling) (~~((or chapter ... (House Bill No. 2132), Laws of 2019 (addressing tolling))~~), or within a bond authorization act referencing chapter 421 (~~((Engrossed Substitute Senate Bill No. 5825))~~), Laws of 2019 (~~((or chapter ... (House Bill No. 2132), Laws of 2019,))~~ by June 30, 2019, it is the intent of the legislature to return the Puget Sound Gateway project (M00600R) to its previously identified construction schedule by moving \$128,900,000 in connecting Washington account—state appropriation back to the 2027-2029 biennium from the 2023-2025 biennium on the list referenced in subsection (2) of this section. If sufficient bonding authority is provided, it is the intent of the legislature to advance the project to allow for earlier completion and inflationary savings.

~~((16))~~ (15) It is the intent of the legislature that, for the I-5/North Lewis County Interchange project (L2000204), the department develop and design the project with the objective of significantly improving access to the industrially zoned properties in north Lewis county. The design must consider the county's process of investigating alternatives to improve such access from Interstate 5 that began in March 2015.

~~((18) \$950,000))~~ (16) \$1,029,000 of the transportation partnership account—state appropriation is provided solely for the U.S. 2 Trestle IJR project (L1000158).

~~((19))~~ (17) The department shall itemize all future requests for the construction of buildings on a project list and submit them through the transportation executive information system as part of the department's annual budget submittal. It is the intent of the legislature that new facility construction must be transparent and not appropriated within larger highway construction projects.

~~((20))~~ (18) Any advisory group that the department convenes during the 2019-2021 fiscal biennium must consider the interests of the entire state of Washington.

~~((24))~~ (19) The legislature finds that there are sixteen companies involved in wood preserving in the state that employ four hundred workers and have an annual payroll of fifteen million dollars. Before the department's switch to steel guardrails, ninety percent of the twenty-five hundred mile guardrail system was constructed of preserved wood and one hundred ten thousand wood guardrail posts were produced annually for state use. Moreover, the policy of using steel posts requires the state to use imported steel. Given these findings, where practicable, and until June 30, 2021, the department shall include the design option to use wood guardrail posts, in addition to steel posts, in new guardrail installations. The selection of posts must be consistent with the agency design manual policy that existed before December 2009.

~~((22))~~ (20)(a) ~~((For projects funded as part of the 2015 connecting Washington transportation package listed on the LEAP transportation document identified in subsection (1) of this section, if the department expects to have substantial reappropriations for the 2021-2023 fiscal biennium, the department may, on a pilot basis, apply funding from a project in this section with an appropriation that cannot be used for the current fiscal biennium to advance one or more of the following projects:~~

~~(i) I 82 Yakima Union Gap Economic Development Improvements (T21100R);~~

~~(ii) I 5 Federal Way Triangle Vicinity Improvements (T20400R); or~~

~~(iii) SR 522/Paradise Lk Rd Interchange & Widening on SR 522 (Design/Engineering) (NPARAD);~~

~~(b) At least ten business days before advancing a project pursuant to this subsection, the department must notify the office of financial management and the transportation committees of the legislature. The advancement of a project may not hinder the delivery of the projects for which the reappropriations are necessary for the 2021-2023 fiscal biennium.~~

~~(e))~~ For connecting Washington projects that have already begun and are eligible for the authority granted in section 601 of this act, the department shall prioritize advancing the following projects if expected reappropriations become available:

(i) SR 14/I-205 to SE 164th Ave - Auxiliary Lanes (L2000102);

(ii) SR 305 Construction - Safety Improvements (N30500R);

(iii) SR 14/Bingen Underpass (L2220062);

(iv) I-405/NE 132nd Interchange - Totem Lake (L1000110);

(v) US Hwy 2 Safety (N00200R);

(vi) US-12/Walla Walla Corridor Improvements (T20900R);

(vii) I-5 JBLM Corridor Improvements (M00100R);

(viii) I-5/Slater Road Interchange - Improvements (L1000099);

(ix) SR 510/Yelm Loop Phase 2 (T32700R); or

(x) SR 520/124th St Interchange (Design and Right of Way) (L1000098).

~~((4))~~ (b) To the extent practicable, the department shall use the flexibility and authority granted in this section and in section 601 of this act to minimize the amount of reappropriations needed each biennium.

(c) The advancement of a project may not hinder the delivery of the projects for which the reappropriations are necessary for the 2021-2023 fiscal biennium.

~~((23))~~ (21) The legislature continues to prioritize the replacement of the state's aging infrastructure and recognizes the importance of reusing and recycling construction aggregate and recycled concrete materials in our transportation system. To accomplish Washington state's sustainability goals in transportation and in accordance with RCW 70.95.805, the legislature reaffirms its determination that recycled concrete aggregate and other transportation building materials are natural resource construction materials that are too valuable to be wasted and landfilled, and are a commodity as defined in WAC 173-350-100.

Further, the legislature determines construction aggregate and recycled concrete materials substantially meet widely recognized international, national, and local standards and specifications referenced in American society for testing and materials, American concrete institute, Washington state department of transportation, Seattle department of transportation, American public works association, federal aviation administration, and federal highway administration specifications, and are described as necessary and desirable products for recycling and reuse by state and federal agencies.

As these recyclable materials have well established markets, are substantially a primary or secondary product of necessary construction processes and production, and are managed as an item of commercial value, construction aggregate and recycled concrete materials are exempt from chapter 173-350 WAC.

~~((24))~~ (22)(a) \$17,500,000 of the motor vehicle account—state appropriation is provided solely for staffing of a project office to replace the Interstate 5 bridge across the Columbia river (G2000088). If at least a \$9,000,000 transfer is not authorized in section 406(29) ~~((of this act))~~, chapter 416, Laws of 2019, then \$9,000,000 of the motor vehicle account—state appropriation lapses.

(b) Of the amount provided in this subsection, \$7,780,000 of the motor vehicle account—state appropriation must be placed in unallotted status by the office of financial management until the department develops a detailed plan for the work of this project office in consultation with the chairs and ranking members of the transportation committees of the legislature. The director of the office of financial management shall consult with the

chairs and ranking members of the transportation committees of the legislature prior to making a decision to allot these funds.

(c) The work of this project office includes, but is not limited to, the reevaluation of the purpose and need identified for the project previously known as the Columbia river crossing, the reevaluation of permits and development of a finance plan, the reengagement of key stakeholders and the public, and the reevaluation of scope, schedule, and budget for a reinvigorated bistate effort for replacement of the Interstate 5 Columbia river bridge. When reevaluating the finance plan for the project, the department shall assume that some costs of the new facility may be covered by tolls. The project office must also study the possible different governance structures for a bridge authority that would provide for the joint administration of the bridges over the Columbia river between Oregon and Washington. As part of this study, the project office must examine the feasibility and necessity of an interstate compact in conjunction with the national center for interstate compacts.

(d) Within the amount provided in this subsection, the department must implement chapter 137 (~~((Engrossed Substitute House Bill No. 1994)))~~, Laws of 2019 (projects of statewide significance).

(e) The department shall have as a goal to:

(i) Reengage project stakeholders and reevaluate the purpose and need and environmental permits by July 1, 2020;

(ii) Develop a finance plan by December 1, 2020; and

(iii) Have made significant progress toward beginning the supplemental environmental impact statement process by June 30, 2021. The department shall aim to provide a progress report on these activities to the governor and the transportation committees of the legislature by December 1, 2019, and a final report to the governor and the transportation committees of the legislature by December 1, 2020.

~~((25)) (23) \$17,500,000 of the motor vehicle account—state appropriation is provided solely to begin the pre-design phase on the I-5/Columbia River Bridge project (G2000088)(; however, if at least \$50,000,000 is not made available, by means of transfer, deposit, appropriation, or other similar conveyance, to the motor vehicle account for stormwater related activities through the enactment of chapter 422 (Engrossed Substitute Senate Bill No. 5993), Laws of 2019 (model toxics control program reform) by June 30, 2019, the amount provided in this subsection lapses)).~~

~~((26)) (24)(a) ((\$36,500,000)) \$191,360,000 of the connecting Washington account—state appropriation, ((\$44,961,000)) \$47,655,000 of the motor vehicle account—federal appropriation, \$11,179,000 of the motor vehicle account—private/local appropriation, \$6,100,000 of the motor vehicle account—state appropriation, and ((\$18,539,000)) \$18,706,000 of the transportation partnership account—state appropriation are provided solely~~

for the Fish Passage Barrier project (OBI4001) with the intent of fully complying with the court injunction by 2030.

(b) Of the amounts provided in this subsection, \$320,000 of the connecting Washington account—state appropriation is provided solely to remove the fish passage barrier on state route number 6 that interfaces with Boistfort Valley water utilities near milepost 46.6.

(c) The department shall coordinate with the Brian Abbott fish passage barrier removal board to use a watershed approach to maximize habitat gain by replacing both state and local culverts. The department shall deliver high habitat value fish passage barrier corrections that it has identified, guided by the following factors: Opportunity to bundle projects, ability to leverage investments by others, presence of other barriers, project readiness, other transportation projects in the area, and transportation impacts.

(d) The department must keep track of, for each barrier removed: (i) The location; (ii) the amount of fish habitat gain; and (iii) the amount spent to comply with the injunction.

(e) It is the intent of the legislature that for the amount listed for the 2021-2023 biennium for the Fish Passage Barrier project (OBI4001) on the LEAP list referenced in subsection (1) of this section, that accrued practical design savings deposited in the transportation future funding program account be used to help fund the cost of fully complying with the court injunction by 2030.

~~((27) \$14,750,000)) (25)(a) The Washington state department of transportation is directed to pursue compliance with the U.S. v. Washington permanent injunction by delivering culvert corrections within the injunction area guided by the principle of providing the greatest fisheries habitat gain at the earliest time and considering the following factors: Opportunity to bundle projects, tribal priorities, ability to leverage investments by others, presence of other barriers, project readiness, culvert condition, other transportation projects in the area, and transportation impacts.~~

(b) The department and Brian Abbott fish barrier removal board, while providing the opportunity for stakeholders, tribes, and government agencies to give input on a statewide culvert remediation plan, must provide updates on the development of the statewide culvert remediation plan to the capital budget, ways and means, and transportation committees of the legislature by November 1, 2020, and March 15, 2021. The first update must include a project timeline and plan to ensure that all state agencies with culvert correction programs are involved in the creation of the comprehensive plan.

(26) \$16,649,000 of the connecting Washington account—state appropriation, \$373,000 of the motor vehicle account—state appropriation, and \$6,000,000 of the motor vehicle account—private/local appropriation are provided solely for the I-90/Barker to Harvard – Improve Interchanges & Local Roads project (L2000122). The connecting Washington account appropriation for the improvements that fall within the city of Liberty Lake may only be expended if the city of Liberty Lake agrees to cover any



project costs within the city of Liberty Lake above the \$20,900,000 of state appropriation provided for the total project in LEAP Transportation Document ((2019-4)) 2020-1 as developed ((April 27, 2019)) March 11, 2020, Program – Highway Improvements (I).

((~~(28)~~)) (27)(a) (\$7,060,000) \$6,799,000 of the motor vehicle account—federal appropriation, ((~~\$72,000~~)) \$31,000 of the motor vehicle account—state appropriation, ((~~\$3,580,000~~)) \$3,812,000 of the transportation partnership account—state appropriation, and \$7,000,000 of the ((~~high occupancy~~)) Interstate 405 and state route number 167 express toll lanes ((operations)) account—state appropriation are provided solely for the SR 167/SR 410 to SR 18 - Congestion Management project (316706C).

(b) If sufficient bonding authority to complete this project is not provided within chapter 421 ((~~Engrossed Substitute Senate Bill No. 5825~~)), Laws of 2019 (addressing tolling) ((~~or chapter . . . (House Bill No. 2132), Laws of 2019 (addressing tolling)~~)), or within a bond authorization act referencing chapter 421 ((~~Engrossed Substitute Senate Bill No. 5825~~)), Laws of 2019 ((~~or chapter . . . (House Bill No. 2132), Laws of 2019,~~)) by June 30, 2019, it is the intent of the legislature to remove the \$100,000,000 in toll funding from this project on the list referenced in subsection (2) of this section.

((~~(29)~~)) (28) For the I-405/North 8th Street Direct Access Ramp in Renton project (L1000280), if sufficient bonding authority to begin this project is not provided within chapter 421 ((~~Engrossed Substitute Senate Bill No. 5825~~)), Laws of 2019 (addressing tolling) ((~~or chapter . . . (House Bill No. 2132), Laws of 2019 (addressing tolling)~~)), or within a bond authorization act referencing chapter 421 ((~~Engrossed Substitute Senate Bill No. 5825~~)), Laws of 2019 ((~~or chapter . . . (House Bill No. 2132), Laws of 2019, by June 30, 2019,~~)), it is the intent of the legislature to remove the project from the list referenced in subsection (2) of this section.

((~~(30) \$7,900,000~~)) (29) \$7,985,000 of the Special Category C account—state appropriation and \$1,000,000 of the motor vehicle account—private/local appropriation are provided solely for the SR 18 Widening - Issaquah/Hobart Rd to Raging River project (L1000199) for improving and widening state route number 18 to four lanes from Issaquah-Hobart Road to Raging River.

((~~(34)~~)) (30) \$2,250,000 of the motor vehicle account—state appropriation is provided solely for the I-5 Corridor from Mounts Road to Tumwater project (L1000231) for completing a National and State Environmental Policy Act (NEPA/SEPA) analysis to identify mid- and long-term environmental impacts associated with future improvements along the I-5 corridor from Tumwater to DuPont.

((~~(32) \$1,290,000~~)) (31) \$622,000 of the motor vehicle account—state appropriation is provided solely for the US 101/East Sequim Corridor Improvements project (L2000343)((~~however, if at least \$50,000,000 is not made available, by means of transfer, deposit, appropriation, or other similar conveyance, to the motor vehicle account for stormwater-related activities through the enactment of~~

~~chapter 422 (Engrossed Substitute Senate Bill No. 5993), Laws of 2019 (model toxics control program reform) by June 30, 2019, the amount provided in this subsection lapses~~)).

((~~(33) \$12,800,000~~)) (32) \$12,916,000 of the motor vehicle account—state appropriation is provided solely for the SR 522/Paradise Lk Rd Interchange & Widening on SR 522 (Design/Engineering) project (NPARADI)((~~however, if at least \$50,000,000 is not made available, by means of transfer, deposit, appropriation, or other similar conveyance, to the motor vehicle account for stormwater-related activities through the enactment of chapter 422 (Engrossed Substitute Senate Bill No. 5993), Laws of 2019 (model toxics control program reform) by June 30, 2019, the amount provided in this subsection lapses~~)).

((~~(34)~~)) (33) \$1,000,000 of the motor vehicle account—state appropriation is provided solely for the US 101/Morse Creek Safety Barrier project (L1000247)((~~however, if at least \$50,000,000 is not made available, by means of transfer, deposit, appropriation, or other similar conveyance, to the motor vehicle account for stormwater-related activities through the enactment of chapter 422 (Engrossed Substitute Senate Bill No. 5993), Laws of 2019 (model toxics control program reform) by June 30, 2019, the amount provided in this subsection lapses~~)).

((~~(35)~~)) (34) \$1,000,000 of the motor vehicle account—state appropriation is provided solely for the SR 162/410 Interchange Design and Right of Way project (L1000276)((~~however, if at least \$50,000,000 is not made available, by means of transfer, deposit, appropriation, or other similar conveyance, to the motor vehicle account for stormwater-related activities through the enactment of chapter 422 (Engrossed Substitute Senate Bill No. 5993), Laws of 2019 (model toxics control program reform) by June 30, 2019, the amount provided in this subsection lapses~~)).

((~~(36) \$1,000,000 of the motor vehicle account—state appropriation is provided solely for the I-5/Rush Road Interchange Improvements project (L1000223); however, if at least \$50,000,000 is not made available, by means of transfer, deposit, appropriation, or other similar conveyance, to the motor vehicle account for stormwater-related activities through the enactment of chapter 422 (Engrossed Substitute Senate Bill No. 5993), Laws of 2019 (model toxics control program reform) by June 30, 2019, the amount provided in this subsection lapses~~)).

(35) It is the intent of the legislature that no capital projects be eliminated or substantially delayed as a result of revenue reductions, but that as a short-term solution appropriation authority for this program is reduced to reflect anticipated underruns in this program, based on historical reappropriation levels.

(36) The appropriations in this section include savings due to anticipated project underruns; however, it is unknown which projects will provide savings. The legislature intends to provide sufficient flexibility for the department to manage to this savings target. To provide this flexibility, the office of financial management may authorize, through an allotment modification, reductions in the appropriated

amounts that are provided solely for a particular purpose within this section subject to the following conditions and limitations:

(a) The department must confirm that any modification requested under this subsection of amounts provided solely for a specific purpose are not expected to be used for that purpose in this biennium;

(b) Allotment modifications authorized under this subsection may not result in increased funding for any project beyond the amount provided for that project in the 2019-2021 fiscal biennium in LEAP Transportation Document 2020-2 ALL PROJECTS as developed March 11, 2020;

(c) Allotment modifications authorized under this subsection apply only to amounts appropriated in this section from the following accounts: Multimodal transportation account—state, transportation partnership account—state, connecting Washington account—state, and special category C account—state; and

(d) By December 1, 2020, the department must submit a report to the transportation committees of the legislature regarding the actions taken under this subsection.

**Sec. 306.** 2019 c 416 s 307 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF  
TRANSPORTATION—PRESERVATION—  
PROGRAM P**

Recreational Vehicle Account—State Appropriation  
.....((~~\$1,744,000~~))  
\$2,971,000

Transportation Partnership Account—State  
Appropriation .....((~~\$23,706,000~~))  
\$20,248,000

Motor Vehicle Account—State Appropriation  
.....((~~\$74,885,000~~))  
\$82,447,000

Motor Vehicle Account—Federal Appropriation  
.....((~~\$454,758,000~~))  
\$490,744,000

Motor Vehicle Account—Private/Local  
Appropriation .....((~~\$5,159,000~~))  
\$7,408,000

State Route Number 520 Corridor Account—State  
Appropriation .....((~~\$544,000~~))  
\$326,000

Connecting Washington Account—State  
Appropriation .....((~~\$189,771,000~~))  
\$204,630,000

Tacoma Narrows Toll Bridge Account—State  
Appropriation .....((~~\$7,906,000~~))  
\$8,350,000

Alaskan Way Viaduct Replacement Project  
Account—State

Appropriation.....\$10,000

Interstate 405 and State Route Number 167 Express

Toll Lanes Account—State Appropriation \$3,018,000

Transportation 2003 Account (Nickel Account)—  
State

Appropriation .....((~~\$9,617,000~~))  
\$17,892,000

TOTAL APPROPRIATION.....\$768,100,000  
\$838,044,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Except as provided otherwise in this section, the entire connecting Washington account—state appropriation and the entire transportation partnership account—state appropriation are provided solely for the projects and activities as listed by fund, project, and amount in LEAP Transportation Document ((~~2019-4~~)) 2020-1 as developed ((~~April 27, 2019~~)) March 11, 2020, Program - Highway Preservation Program (P). However, limited transfers of specific line-item project appropriations may occur between projects for those amounts listed subject to the conditions and limitations in section 601 of this act.

(2) Except as provided otherwise in this section, the entire motor vehicle account—state appropriation and motor vehicle account—federal appropriation are provided solely for the projects and activities listed in LEAP Transportation Document ((~~2019-2~~)) 2020-2 ALL PROJECTS as developed ((~~April 27, 2019~~)) March 11, 2020, Program - Highway Preservation Program (P). Any federal funds gained through efficiencies, adjustments to the federal funds forecast, additional congressional action not related to a specific project or purpose, or the federal funds redistribution process must then be applied to highway and bridge preservation activities or fish passage barrier corrections (0B14001).

(3) Within the motor vehicle account—state appropriation and motor vehicle account—federal appropriation, the department may transfer funds between programs I and P, except for funds that are otherwise restricted in this act. Ten days prior to any transfer, the department must submit its request to the office of financial management and the transportation committees of the legislature and consider any concerns raised. The department shall submit a report on fiscal year funds transferred in the prior fiscal year using this subsection as part of the department's annual budget submittal.

(4) ((~~\$25,036,000~~)) \$26,683,000 of the connecting Washington account—state appropriation is provided solely for the land mobile radio upgrade (G2000055) and is subject

to the conditions, limitations, and review provided in section 701 of this act. The land mobile radio project is subject to technical oversight by the office of the chief information officer. The department, in collaboration with the office of the chief information officer, shall identify where existing or proposed mobile radio technology investments should be consolidated, identify when existing or proposed mobile radio technology investments can be reused or leveraged to meet multiagency needs, increase mobile radio interoperability between agencies, and identify how redundant investments can be reduced over time. The department shall also provide quarterly reports to the technology services board on project progress.

(5) (~~(\$2,500,000)~~) \$4,000,000 of the motor vehicle account—state appropriation is provided solely for extraordinary costs incurred from litigation awards, settlements, or dispute mitigation activities not eligible for funding from the self-insurance fund. The amount provided in this subsection must be held in unallotted status until the department submits a request to the office of financial management that includes documentation detailing litigation-related expenses. The office of financial management may release the funds only when it determines that all other funds designated for litigation awards, settlements, and dispute mitigation activities have been exhausted. No funds provided in this subsection may be expended on any legal fees related to the SR 99/Alaskan Way viaduct replacement project (809936Z).

(6) The appropriation in this section includes funding for starting planning, engineering, and construction of the Elwha River bridge replacement. To the greatest extent practicable, the department shall maintain public access on the existing route.

(7) (~~(\$22,729,000)~~) \$21,289,000 of the motor vehicle account—federal appropriation and (~~(\$553,000)~~) \$840,000 of the motor vehicle account—state appropriation are provided solely for the preservation of structurally deficient bridges or bridges that are at risk of becoming structurally deficient (L1000068). These funds must be used widely around the state of Washington. When practicable, the department shall pursue design-build contracts for these bridge projects to expedite delivery. The department shall provide a report that identifies the progress of each project funded in this subsection as part of its annual agency budget request.

(8) The department must consult with the Washington state patrol and the office of financial management during the design phase of any improvement or preservation project that could impact Washington state patrol weigh station operations. During the design phase of any such project, the department must estimate the cost of designing around the affected weigh station's current operations, as well as the cost of moving the affected weigh station.

(9) During the course of any planned resurfacing or other preservation activity on state route number 26 between Colfax and Othello in the 2019-2021 fiscal biennium, the department must add dug-in reflectors.

(10)(~~(a) For projects funded as part of the 2015 connecting Washington transportation package listed on the~~

~~LEAP transportation document identified in subsection (1) of this section, if the department expects to have substantial reappropriations for the 2021-2023 fiscal biennium, the department may, on a pilot basis, apply funding from a project in this section with an appropriation that cannot be used for the current fiscal biennium to advance the SR 4/Abernathy Creek Br—Replace Bridge project (400411A).~~

~~(b) At least ten business days before advancing the project pursuant to this subsection, the department must notify the office of financial management and the transportation committees of the legislature. The advancement of the project may not hinder the delivery of the projects for which the reappropriations are necessary for the 2021-2023 fiscal biennium.~~

~~(c) To the extent practicable, the department shall use the flexibility and authority granted in this section and in section 601 of this act to minimize the amount of reappropriations needed each biennium.~~

~~(44))~~ Within the connecting Washington account—state appropriation, the department may transfer funds from Highway System Preservation (L1100071) to other preservation projects listed in the LEAP transportation document identified in subsection (1) of this section, if it is determined necessary for completion of these high priority preservation projects. The department's next budget submittal after using this subsection must appropriately reflect the transfer.

**Sec. 307.** 2019 c 416 s 308 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF  
TRANSPORTATION—TRAFFIC OPERATIONS—  
PROGRAM Q—CAPITAL**

Motor Vehicle Account—State Appropriation .....	((\$7,311,000))
	<u>\$7,746,000</u>
Motor Vehicle Account—Federal Appropriation .....	((\$5,331,000))
	<u>\$6,137,000</u>
Motor Vehicle Account—Private/Local Appropriation .....	((\$500,000))
	<u>\$579,000</u>
<u>Interstate 405 and State Route Number 167 Express</u>	
<u>Toll Lanes Account—State Appropriation ...</u>	
<u>\$100,000</u>	
TOTAL APPROPRIATION .....	<u>\$13,142,000</u>
	<u>\$14,562,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$700,000 of the motor vehicle account—state appropriation is provided solely for the SR 99 Aurora Bridge ITS project (L2000338)(~~if, however, if at least \$50,000,000 is not made available, by means of transfer, deposit, appropriation, or other similar conveyance, to the motor~~

vehicle account for stormwater related activities through the enactment of chapter 422 (Engrossed Substitute Senate Bill No. 5993), Laws of 2019 (model toxics control program reform) by June 30, 2019, the amount provided in this subsection lapses)).

(2) It is the intent of the legislature that no capital projects be eliminated or substantially delayed as a result of revenue reductions, but that as a short-term solution appropriation authority for this program is reduced to reflect anticipated underruns in this program, based on historical reappropriation levels.

**Sec. 308.** 2019 c 416 s 309 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF  
TRANSPORTATION—WASHINGTON STATE  
FERRIES CONSTRUCTION—PROGRAM W**

Puget Sound Capital Construction Account—State	
Appropriation .....	<del>(\$111,076,000))</del>
	<u>\$116,253,000</u>
Puget Sound Capital Construction Account—Federal	
Appropriation .....	<del>(\$141,750,000))</del>
	<u>\$198,688,000</u>
Puget Sound Capital Construction Account—	
Private/Local	
Appropriation .....	<del>(\$350,000))</del>
	<u>\$4,779,000</u>
Transportation Partnership Account—State	
Appropriation .....	<del>(\$4,936,000))</del>
	<u>\$6,582,000</u>
Connecting Washington Account—State	
Appropriation .....	<del>(\$92,766,000))</del>
	<u>\$112,426,000</u>
Capital Vessel Replacement Account—State	
Appropriation .....	<del>(\$99,000,000))</del>
	<u>\$96,030,000</u>
Transportation 2003 Account (Nickel Account)—	
State	
Appropriation .....	<u>\$986,000</u>
TOTAL APPROPRIATION .....	<u>\$449,878,000</u>
	<u>\$535,744,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) Except as provided otherwise in this section, the entire appropriations in this section are provided solely for the projects and activities as listed in LEAP Transportation Document ((2019-2)) 2020-2 ALL PROJECTS as developed

((April 27, 2019)) March 11, 2020, Program - Washington State Ferries Capital Program (W).

(2) ~~(\$1,461,000))~~ \$2,857,000 of the Puget Sound capital construction account—state appropriation, ~~(\$59,650,000))~~ \$17,832,000 of the Puget Sound capital construction account—federal appropriation, and \$63,789,000 of the connecting Washington account—state appropriation, are provided solely for the Mukilteo ferry terminal (952515P). To the extent practicable, the department shall avoid the closure of, or disruption to, any existing public access walkways in the vicinity of the terminal project during construction.

(3) ~~(\$73,089,000))~~ \$102,641,000 of the Puget Sound capital construction account—federal appropriation, ~~(\$33,089,000))~~ \$47,819,000 of the connecting Washington account—state appropriation, and ~~(\$8,778,000))~~ \$4,355,000 of the Puget Sound capital construction account—~~(state))~~ local appropriation are provided solely for the Seattle Terminal Replacement project (900010L).

(4) ~~(\$5,000,000))~~ \$5,357,000 of the Puget Sound capital construction account—state appropriation is provided solely for emergency capital repair costs (999910K). Funds may only be spent after approval by the office of financial management.

(5) \$2,300,000 of the Puget Sound capital construction account—state appropriation is provided solely for the ORCA acceptance project (L2000300). The ferry system shall work with Washington technology solutions and the tolling division on the development of a new, interoperable ticketing system.

(6) \$495,000 of the Puget Sound capital construction account—state appropriation is provided solely for an electric ferry planning team (G2000087) to develop ten-year and twenty-year implementation plans to efficiently deploy hybrid-electric vessels, including a cost-benefit analysis of construction and operation of hybrid-electric vessels with and without charging infrastructure. The plan includes, but is not limited to, vessel technology and feasibility, vessel and terminal deployment schedules, project financing, and workforce requirements. The plan shall be submitted to the office of financial management and the transportation committees of the legislature by June 30, 2020.

(7) \$35,000,000 of the Puget Sound capital construction account—state appropriation and ~~(\$6,500,000))~~ \$8,000,000 of the Puget Sound capital construction account—federal appropriation are provided solely for the conversion of up to two Jumbo Mark II vessels to electric hybrid propulsion (G2000084). The department shall seek additional funds for the purposes of this subsection. The department may spend from the Puget Sound capital construction account—state appropriation in this section only as much as the department receives in Volkswagen settlement funds for the purposes of this subsection.

(8) \$400,000 of the Puget Sound capital construction account—state appropriation is provided solely for a request for proposals for a new maintenance management system

(project L2000301) and is subject to the conditions, limitations, and review provided in section 701 of this act.

(9) (~~(\$99,000,000))~~ \$96,030,000 of the capital vessel replacement account—state appropriation is provided solely for the acquisition of a 144-car hybrid-electric vessel. The vendor must present to the joint transportation committee and the office of financial management, by September 15, 2019, a list of options that will result in significant cost savings changes in terms of construction or the long-term maintenance and operations of the vessel. The vendor must allow for exercising the options without a penalty. It is the intent of the legislature to provide an additional \$88,000,000 in funding in the 2021-23 biennium. (~~Unless (a) chapter 431 (Engrossed Substitute House Bill No. 2161), Laws of 2019 (capital surcharge) or chapter ... (Substitute Senate Bill No. 5992), Laws of 2019 (capital surcharge) is enacted by June 30, 2019, and (b) chapter 417 (Engrossed House Bill No. 1789), Laws of 2019 (service fees) or chapter ... (Substitute Senate Bill No. 5419), Laws of 2019 (service fees) is enacted by June 30, 2019, the amount provided in this subsection lapses.~~) The reduction provided in this subsection is an assumed underrun pursuant to subsection (11) of this section. The commencement of construction of new vessels for the ferry system is important not only for safety reasons, but also to keep skilled marine construction jobs in the Puget Sound region and to sustain the capacity of the region to meet the ongoing construction and preservation needs of the ferry system fleet of vessels. The legislature has determined that the current vessel procurement process must move forward with all due speed, balancing the interests of both the taxpayers and shipyards. To accomplish construction of vessels in accordance with RCW 47.60.810, the prevailing shipbuilder, for vessels initially funded after July 1, 2020, is encouraged to follow the historical practice of subcontracting the construction of ferry superstructures to a separate nonaffiliated contractor located within the Puget Sound region, that is qualified in accordance with RCW 47.60.690.

(10) The capital vessel replacement account—state appropriation includes up to (~~(\$99,000,000))~~ \$96,030,000 in proceeds from the sale of bonds authorized in RCW 47.10.873.

(11) It is the intent of the legislature that no capital projects be eliminated or substantially delayed as a result of revenue reductions, but that as a short-term solution appropriation authority for this program is reduced to reflect anticipated underruns in this program, based on historical reappropriation levels.

(12) The appropriations in this section include savings due to anticipated project underruns; however, it is unknown which projects will provide savings. The legislature intends to provide sufficient flexibility for the department to manage to this savings target. To provide this flexibility, the office of financial management may authorize, through an allotment modification, reductions in the appropriated amounts that are provided solely for a particular purpose within this section subject to the following conditions and limitations:

(a) The department must confirm that any modification requested under this subsection of amounts provided solely for a specific purpose are not expected to be used for that purpose in this biennium;

(b) Allotment modifications authorized under this subsection may not result in increased funding for any project beyond the amount provided for that project in the 2019-2021 fiscal biennium in LEAP Transportation Document 2020-2 ALL PROJECTS as developed March 11, 2020;

(c) Allotment modifications authorized under this subsection apply only to amounts appropriated in this section from the following accounts: Puget Sound capital construction account—state, transportation partnership account—state, and capital vessel replacement account—state; and

(d) By December 1, 2020, the department must submit a report to the transportation committees of the legislature regarding the actions taken under this subsection.

**Sec. 309.** 2019 c 416 s 310 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF  
TRANSPORTATION—RAIL—PROGRAM Y—  
CAPITAL**

Motor Vehicle Account—State Appropriation .....	(\$1,750,000))
	\$3,300,000
Essential Rail Assistance Account—State Appropriation .....	(\$500,000))
	\$851,000
Transportation Infrastructure Account—State Appropriation .....	\$7,554,000
Multimodal Transportation Account—State Appropriation .....	(\$85,441,000))
	\$74,876,000
Multimodal Transportation Account—Federal Appropriation .....	(\$8,302,000))
	\$8,601,000
Multimodal Transportation Account—Local Appropriation .....	\$336,000
TOTAL APPROPRIATION .....	\$103,883,000
	\$95,518,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Except as provided otherwise in this section, the entire appropriations in this section are provided solely for the projects and activities as listed by project and amount in LEAP Transportation Document (~~(2019-2))~~ 2020-2 ALL

PROJECTS as developed (~~(April 27, 2019)~~) March 11, 2020, Program - Rail Program (Y).

(2) \$7,136,000 of the transportation infrastructure account—state appropriation is provided solely for new low-interest loans approved by the department through the freight rail investment bank (FRIB) program. The department shall issue FRIB program loans with a repayment period of no more than ten years, and charge only so much interest as is necessary to recoup the department's costs to administer the loans. The department shall report annually to the transportation committees of the legislature and the office of financial management on all FRIB loans issued.

(3) (~~(\$8,112,000)~~) \$7,782,000 of the multimodal transportation account—state appropriation, \$51,000 of the transportation infrastructure account—state appropriation, and \$135,000 of the essential rail assistance account—state appropriation are provided solely for new statewide emergent freight rail assistance projects identified in the LEAP transportation document referenced in subsection (1) of this section.

(4) \$367,000 of the transportation infrastructure account—state appropriation and \$1,100,000 of the multimodal transportation account—state appropriation are provided solely to reimburse Highline Grain, LLC for approved work completed on Palouse River and Coulee City (PCC) railroad track in Spokane county between the BNSF Railway Interchange at Cheney and Geiger Junction and must be administered in a manner consistent with freight rail assistance program projects. The value of the public benefit of this project is expected to meet or exceed the cost of this project in: Shipper savings on transportation costs; jobs saved in rail-dependent industries; and/or reduced future costs to repair wear and tear on state and local highways due to fewer annual truck trips (reduced vehicle miles traveled). The amounts provided in this subsection are not a commitment for future legislatures, but it is the legislature's intent that future legislatures will work to approve biennial appropriations until the full \$7,337,000 cost of this project is reimbursed.

(5)(a) (~~(\$365,000)~~) \$716,000 of the essential rail assistance account—state appropriation (~~(is)~~) and \$82,000 of the multimodal transportation account—state appropriation are provided solely for the purpose of the rehabilitation and maintenance of the Palouse river and Coulee City railroad line (F01111B).

(b) Expenditures from the essential rail assistance account—state in this subsection may not exceed the combined total of:

(i) Revenues and transfers deposited into the essential rail assistance account from leases and sale of property relating to the Palouse river and Coulee City railroad;

(ii) Revenues from trackage rights agreement fees paid by shippers; and

(iii) Revenues and transfers transferred from the miscellaneous program account to the essential rail assistance account, pursuant to RCW 47.76.360, for the

purpose of sustaining the grain train program by maintaining the Palouse river and Coulee City railroad.

(6) The department shall issue a call for projects for the freight rail assistance program, and shall evaluate the applications in a manner consistent with past practices as specified in section 309, chapter 367, Laws of 2011. By November 15, 2020, the department shall submit a prioritized list of recommended projects to the office of financial management and the transportation committees of the legislature.

(7) \$10,000,000 of the multimodal transportation account—state appropriation is provided solely as expenditure authority for any insurance proceeds received by the state for Passenger Rail Equipment Replacement (project 700010C.) The department must use this expenditure authority only to purchase (~~(new train sets)~~) replacement equipment that (~~(have)~~) has been competitively procured and for service recovery needs and corrective actions related to the December 2017 derailment.

(8) (~~(\$600,000)~~) \$898,000 of the multimodal transportation account—federal appropriation and (~~(\$6,000)~~) \$8,000 of the multimodal transportation account—state appropriation are provided solely for the Ridgefield Rail Overpass (project 725910A). Total costs for this project may not exceed \$909,000 across fiscal biennia.

(9)(a) For projects funded as part of the 2015 connecting Washington transportation package listed on the LEAP transportation document identified in subsection (1) of this section, if the department expects to have substantial reappropriations for the 2021-2023 fiscal biennium, the department may, on a pilot basis, apply funding from a project in this section with an appropriation that cannot be used for the current fiscal biennium to advance the South Kelso Railroad Crossing project (L1000147).

(b) At least ten business days before advancing the project pursuant to this subsection, the department must notify the office of financial management and the transportation committees of the legislature. The advancement of the project may not hinder the delivery of the projects for which the reappropriations are necessary for the 2021-2023 fiscal biennium.

(c) To the extent practicable, the department shall use the flexibility and authority granted in this section to minimize the amount of reappropriations needed each biennium.

(10) The multimodal transportation account—state appropriation includes up to (~~(\$19,592,000)~~) \$25,000,000 in proceeds from the sale of bonds authorized in RCW 47.10.867.

(11) The department must report to the joint transportation committee on the progress made on freight rail investment bank projects and freight rail assistance projects funded during this biennium by January 1, 2020.

(12) \$1,500,000 of the multimodal transportation account—state appropriation is provided solely for the Chelatchie Prairie railroad roadbed rehabilitation project (L1000233).

(13) \$250,000 of the multimodal transportation account—state appropriation is provided solely for the Port of Moses Lake Northern Columbia Basin railroad feasibility study (L1000235).

(14) \$500,000 of the multimodal transportation account—state appropriation is provided solely for the Spokane airport transload facility project (L1000242).

(15) \$1,000,000 of the motor vehicle account—state appropriation is provided solely for the grade separation at Bell road project (L1000239)(~~if at least \$50,000,000 is not made available, by means of transfer, deposit, appropriation, or other similar conveyance, to the motor vehicle account for stormwater related activities through the enactment of chapter 422 (Engrossed Substitute Senate Bill No. 5993), Laws of 2019 (model toxics control program reform) by June 30, 2019, the amount provided in this subsection lapses~~)).

(16) \$750,000 of the motor vehicle account—state appropriation ~~((is))~~ and \$399,000 of the multimodal transportation account—state appropriation are provided solely for the rail crossing improvements at 6th Ave. and South 19th St. project (L2000289)(~~if at least \$50,000,000 is not made available, by means of transfer, deposit, appropriation, or other similar conveyance, to the motor vehicle account for stormwater related activities through the enactment of chapter 422 (Engrossed Substitute Senate Bill No. 5993), Laws of 2019 (model toxics control program reform) by June 30, 2019, the amount provided in this subsection lapses~~)).

(17) It is the intent of the legislature that no capital projects be eliminated or substantially delayed as a result of revenue reductions, but that as a short-term solution appropriation authority for this program is reduced to reflect anticipated underruns in this program, based on historical reappropriation levels.

(18) The appropriations in this section include savings due to anticipated project underruns; however, it is unknown which projects will provide savings. The legislature intends to provide sufficient flexibility for the department to manage to this savings target. To provide this flexibility, the office of financial management may authorize, through an allotment modification, reductions in the appropriated amounts that are provided solely for a particular purpose within this section subject to the following conditions and limitations:

(a) The department must confirm that any modification requested under this subsection of amounts provided solely for a specific purpose are not expected to be used for that purpose in this biennium;

(b) Allotment modifications authorized under this subsection may not result in increased funding for any project beyond the amount provided for that project in the 2019-2021 fiscal biennium in LEAP Transportation Document 2020-2 ALL PROJECTS as developed March 11, 2020;

(c) Allotment modifications authorized under this subsection apply only to amounts appropriated in this section from the multimodal transportation account—state; and

(d) By December 1, 2020, the department must submit a report to the transportation committees of the legislature regarding the actions taken under this subsection.

**Sec. 310.** 2019 c 416 s 311 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF  
TRANSPORTATION—LOCAL PROGRAMS—  
PROGRAM Z—CAPITAL**

Highway	Infrastructure	Account—State	
Appropriation .....			(((\$793,000))
			<u>\$1,276,000</u>
Highway	Infrastructure	Account—Federal	
Appropriation .....			(((\$981,000))
			<u>\$1,337,000</u>
Transportation Partnership Account—State			
Appropriation .....			(((\$750,000))
			<u>\$2,380,000</u>
Highway	Safety	Account—State	Appropriation
.....			(((\$800,000))
			<u>\$1,314,000</u>
Motor	Vehicle	Account—State	Appropriation
.....			(((\$30,878,000))
			<u>\$35,607,000</u>
Motor	Vehicle	Account—Federal	Appropriation
.....			(((\$33,813,000))
			<u>\$41,420,000</u>
Motor	Vehicle	Account—Private/Local	
Appropriation .....			(((\$21,500,000))
			<u>\$24,600,000</u>
Connecting	Washington	Account—State	
Appropriation .....			(((\$172,454,000))
			<u>\$155,550,000</u>
Multimodal Transportation Account—State			
Appropriation .....			(((\$72,269,000))
			<u>\$77,469,000</u>
TOTAL APPROPRIATION.....			<u>\$334,238,000</u>
			<u>\$340,953,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) Except as provided otherwise in this section, the entire appropriations in this section are provided solely for the projects and activities as listed by project and amount in LEAP Transportation Document ((2019-2)) 2020-2 ALL

PROJECTS as developed (~~April 27, 2019~~) March 11, 2020, Program - Local Programs Program (Z).

(2) The amounts identified in the LEAP transportation document referenced under subsection (1) of this section for pedestrian safety/safe routes to school are as follows:

(a) \$18,380,000 of the multimodal transportation account—state appropriation is provided solely for newly selected pedestrian and bicycle safety program projects. (~~(\$5,940,000)~~) \$18,577,000 of the multimodal transportation account—state appropriation and (~~(\$750,000)~~) \$1,380,000 of the transportation partnership account—state appropriation are reappropriated for pedestrian and bicycle safety program projects selected in the previous biennia (L2000188).

(b) \$11,400,000 of the motor vehicle account—federal appropriation and \$7,750,000 of the multimodal transportation account—state appropriation are provided solely for newly selected safe routes to school projects. (~~(\$6,600,000)~~) \$11,354,000 of the motor vehicle account—federal appropriation, (~~(\$2,320,000)~~) \$4,640,000 of the multimodal transportation account—state appropriation, and (~~(\$800,000)~~) \$1,314,000 of the highway safety account—state appropriation are reappropriated for safe routes to school projects selected in the previous biennia (L2000189). The department may consider the special situations facing high-need areas, as defined by schools or project areas in which the percentage of the children eligible to receive free and reduced-price meals under the national school lunch program is equal to, or greater than, the state average as determined by the department, when evaluating project proposals against established funding criteria while ensuring continued compliance with federal eligibility requirements.

(3) The department shall submit a report to the transportation committees of the legislature by December 1, 2019, and December 1, 2020, on the status of projects funded as part of the pedestrian safety/safe routes to school grant program. The report must include, but is not limited to, a list of projects selected and a brief description of each project's status.

(4) (~~(\$28,319,000)~~) \$37,537,000 of the multimodal transportation account—state appropriation is provided solely for bicycle and pedestrian projects listed in the LEAP transportation document referenced in subsection (1) of this section.

(5) (~~(\$19,160,000)~~) \$23,926,000 of the connecting Washington account—state appropriation is provided solely for the Covington Connector (L2000104). The amounts described in the LEAP transportation document referenced in subsection (1) of this section are not a commitment by future legislatures, but it is the legislature's intent that future legislatures will work to approve appropriations in the 2019-2021 fiscal biennium to reimburse the city of Covington for approved work completed on the project up to the full \$24,000,000 cost of this project.

(6)(a) For projects funded as part of the 2015 connecting Washington transportation package listed on the LEAP transportation document identified in subsection (1) of this section, if the department expects to have substantial

reappropriations for the 2021-2023 fiscal biennium, the department may, on a pilot basis, apply funding from a project in this section with an appropriation that cannot be used for the current fiscal biennium to advance one or more of the following projects:

(i) (~~East West Corridor Overpass and Bridge (L2000067);~~

(ii) ~~41st Street Rucker Avenue Freight Corridor Phase 2 (L2000134);~~

(iii) ~~Mottman Rd Pedestrian & Street Improvements (L1000089);~~

(iv) ~~I-5/Port of Tacoma Road Interchange (L1000087);~~

(v) ~~Complete SR 522 Improvements Kenmore (T10600R);~~

(vi) ~~SR 99 Revitalization in Edmonds (NEDMOND); or~~

(vii) ~~SR 523 145th Street (L1000148);~~

(b) At least ten business days before advancing a project pursuant to this subsection, the department must notify the office of financial management and the transportation committees of the legislature. The advancement of a project may not hinder the delivery of the projects for which the reappropriations are necessary for the 2021-2023 fiscal biennium.

(c) To the extent practicable, the department shall use the flexibility and authority granted in this section to minimize the amount of reappropriations needed each biennium.

(7) It is the expectation of the legislature that the department will be administering a local railroad crossing safety grant program for \$7,000,000 in federal funds during the 2019-2021 fiscal biennium.

(8)(a) \$15,213,000 of the motor vehicle account—federal appropriation is provided solely for national highway freight network projects identified on the project list submitted in accordance with section 218(4)(b), chapter 14, Laws of 2016 on October 31, 2016.

(b) (~~In advance of the expiration of the fixing America's surface transportation (FAST) act in 2020, the department must work with the Washington state freight advisory committee to agree on a framework for allocation of any new national highway freight funding that may be approved in a new federal surface transportation reauthorization act. The department and representatives of the advisory committee must report to the joint transportation committee by October 1, 2020, on the status of planning for allocating new funds for this program.)~~ The department shall convene a stakeholder group for the purpose of developing a recommendation for a Washington freight advisory committee. The recommendations must include, but are not limited to, defining the committee's purpose and goals, roles and responsibilities, reporting structure, and proposed activities. Stakeholders must include representation from, but not limited to, the trucking industry,



the maritime industry, the rail industry, cities, tribal governments, counties, ports, and representatives from key industrial associations important to the state's economic vitality and other relevant public and private interests. In developing the recommendation, the stakeholder group must review practices used by other states. The proposed committee must conform with requirements of the fixing America's surface transportation act and other relevant federal legislation. The recommendations must include how the committee can address improving freight mobility including, but not limited to, addressing insufficient truck parking in Washington state, examining the link between preservation investments and freight mobility, and enhancing freight logistics through the application of technology. The stakeholder group shall make recommendations to the governor and the transportation committees of the legislature by December 1, 2020.

(9) \$1,000,000 of the motor vehicle account—state appropriation is provided solely for the Beech Street Extension project (L1000222)((; however, if at least \$50,000,000 is not made available, by means of transfer, deposit, appropriation, or other similar conveyance, to the motor vehicle account for stormwater-related activities through the enactment of chapter 422 (Engrossed Substitute Senate Bill No. 5993), Laws of 2019 (model toxics control program reform) by June 30, 2019, the amount provided in this subsection lapses)).

(10) \$3,900,000 of the motor vehicle account—state appropriation is provided solely for the Dupont-Steilacoom road improvements project (L1000224)((; however, if at least \$50,000,000 is not made available, by means of transfer, deposit, appropriation, or other similar conveyance, to the motor vehicle account for stormwater-related activities through the enactment of chapter 422 (Engrossed Substitute Senate Bill No. 5993), Laws of 2019 (model toxics control program reform) by June 30, 2019, the amount provided in this subsection lapses)).

(11) \$650,000 of the motor vehicle account—state appropriation is provided solely for the SR 104/40th place northeast roundabout project (L1000244)((; however, if at least \$50,000,000 is not made available, by means of transfer, deposit, appropriation, or other similar conveyance, to the motor vehicle account for stormwater-related activities through the enactment of chapter 422 (Engrossed Substitute Senate Bill No. 5993), Laws of 2019 (model toxics control program reform) by June 30, 2019, the amount provided in this subsection lapses)).

(12) \$860,000 of the multimodal transportation account—state appropriation is provided solely for the Clinton to Ken's corner trail project (L1000249).

(13) \$210,000 of the motor vehicle account—state appropriation is provided solely for the I-405/44th gateway signage and green-scaping improvements project (L1000250)((; however, if at least \$50,000,000 is not made available, by means of transfer, deposit, appropriation, or other similar conveyance, to the motor vehicle account for stormwater-related activities through the enactment of chapter 422 (Engrossed Substitute Senate Bill No. 5993), Laws of 2019 (model toxics control program reform) by

June 30, 2019, the amount provided in this subsection lapses)).

(14) ((~~\$750,000 of the multimodal transportation account—state appropriation is provided solely for the Edmonds waterfront connector project (L1000252).~~

~~(45))~~ \$650,000 of the motor vehicle account—state appropriation is provided solely for the Wallace Kneeland and Shelton springs road intersection improvements project (L1000260)((; however, if at least \$50,000,000 is not made available, by means of transfer, deposit, appropriation, or other similar conveyance, to the motor vehicle account for stormwater-related activities through the enactment of chapter 422 (Engrossed Substitute Senate Bill No. 5993), Laws of 2019 (model toxics control program reform) by June 30, 2019, the amount provided in this subsection lapses)).

~~((46))~~ (15) \$1,000,000 of the motor vehicle account—state appropriation and \$500,000 of the multimodal transportation account—state appropriation are provided solely for the complete 224th Phase two project (L1000270)((; however, if at least \$50,000,000 is not made available, by means of transfer, deposit, appropriation, or other similar conveyance, to the motor vehicle account for stormwater-related activities through the enactment of chapter 422 (Engrossed Substitute Senate Bill No. 5993), Laws of 2019 (model toxics control program reform) by June 30, 2019, the amount in this subsection provided from the motor vehicle account—state appropriation lapses)).

~~((47))~~ (16) \$60,000 of the multimodal transportation account—state appropriation is provided solely for the installation of an updated meteorological station at the Colville airport (L1000279).

~~((48))~~ (17)(a) \$700,000 of the motor vehicle account—state appropriation is provided solely for the Ballard-Interbay Regional Transportation system plan project (L1000281)((; however, if at least \$50,000,000 is not made available, by means of transfer, deposit, appropriation, or other similar conveyance, to the motor vehicle account for stormwater-related activities through the enactment of chapter 422 (Engrossed Substitute Senate Bill No. 5993), Laws of 2019 (model toxics control program reform) by June 30, 2019, the amount provided in this subsection lapses)).

(b) Funding in this subsection is provided solely for the city of Seattle to develop a plan and report for the Ballard-Interbay Regional Transportation System project to improve mobility for people and freight. The plan must be developed in coordination and partnership with entities including but not limited to the city of Seattle, King county, the Port of Seattle, Sound Transit, the Washington state military department for the Seattle armory, and the Washington state department of transportation. The plan must examine replacement of the Ballard bridge and the Magnolia bridge, which was damaged in the 2001 Nisqually earthquake. The city must provide a report on the plan that includes recommendations to the Seattle city council, King county council, and the transportation committees of the legislature by November 1, 2020. The report must include recommendations on how to maintain the current and future

capacities of the Magnolia and Ballard bridges, an overview and analysis of all plans between 2010 and 2020 that examine how to replace the Magnolia bridge, and recommendations on a timeline for constructing new Magnolia and Ballard bridges.

~~((49))~~ (18) \$750,000 of the motor vehicle account—state appropriation is provided solely for the Mickelson Parkway project (L1000282)~~((; however, if at least \$50,000,000 is not made available, by means of transfer, deposit, appropriation, or other similar conveyance, to the motor vehicle account for stormwater-related activities through the enactment of chapter 422 (Engrossed Substitute Senate Bill No. 5993), Laws of 2019 (model toxics control program reform) by June 30, 2019, the amount provided in this subsection lapses))~~.

~~((20))~~ (19) \$300,000 of the motor vehicle account—state appropriation is provided solely for the South 314th Street Improvements project (L1000283)~~((; however, if at least \$50,000,000 is not made available, by means of transfer, deposit, appropriation, or other similar conveyance, to the motor vehicle account for stormwater-related activities through the enactment of chapter 422 (Engrossed Substitute Senate Bill No. 5993), Laws of 2019 (model toxics control program reform) by June 30, 2019, the amount provided in this subsection lapses))~~.

~~((24))~~ (20) \$250,000 of the motor vehicle account—state appropriation is provided solely for the Ridgefield South I-5 Access Planning project (L1000284)~~((; however, if at least \$50,000,000 is not made available, by means of transfer, deposit, appropriation, or other similar conveyance, to the motor vehicle account for stormwater-related activities through the enactment of chapter 422 (Engrossed Substitute Senate Bill No. 5993), Laws of 2019 (model toxics control program reform) by June 30, 2019, the amount provided in this subsection lapses))~~.

~~((22))~~ (21) \$300,000 of the motor vehicle account—state appropriation is provided solely for the Washougal 32nd Street Underpass Design and Permitting project (L1000285)~~((; however, if at least \$50,000,000 is not made available, by means of transfer, deposit, appropriation, or other similar conveyance, to the motor vehicle account for stormwater-related activities through the enactment of chapter 422 (Engrossed Substitute Senate Bill No. 5993), Laws of 2019 (model toxics control program reform) by June 30, 2019, the amount provided in this subsection lapses))~~.

~~((23))~~ (22) \$600,000 of the connecting Washington account—state appropriation, \$150,000 of the motor vehicle account—state appropriation, and ~~((50,000))~~ \$267,000 of the multimodal transportation account—state appropriation are provided solely for the Bingen Walnut Creek and Maple Railroad Crossing (L2000328)~~((; however, if at least \$50,000,000 is not made available, by means of transfer, deposit, appropriation, or other similar conveyance, to the motor vehicle account for stormwater-related activities through the enactment of chapter 422 (Engrossed Substitute Senate Bill No. 5993), Laws of 2019 (model toxics control program reform) by June 30, 2019, the amount in this~~

~~subsection provided from the motor vehicle account—state appropriation lapses))~~.

~~((24))~~ (23) \$1,500,000 of the motor vehicle account—state appropriation is provided solely for the SR 303 Warren Avenue Bridge Pedestrian Improvements project (L2000339)~~((; however, if at least \$50,000,000 is not made available, by means of transfer, deposit, appropriation, or other similar conveyance, to the motor vehicle account for stormwater-related activities through the enactment of chapter 422 (Engrossed Substitute Senate Bill No. 5993), Laws of 2019 (model toxics control program reform) by June 30, 2019, the amount provided in this subsection lapses))~~.

~~((25))~~ (24) \$1,000,000 of the motor vehicle account—state appropriation is provided solely for the 72nd/Washington Improvements in Yakima project (L2000341)~~((; however, if at least \$50,000,000 is not made available, by means of transfer, deposit, appropriation, or other similar conveyance, to the motor vehicle account for stormwater-related activities through the enactment of chapter 422 (Engrossed Substitute Senate Bill No. 5993), Laws of 2019 (model toxics control program reform) by June 30, 2019, the amount provided in this subsection lapses))~~.

~~((26))~~ (25) \$650,000 of the motor vehicle account—state appropriation is provided solely for the 48th/Washington Improvements in Yakima project (L2000342)~~((; however, if at least \$50,000,000 is not made available, by means of transfer, deposit, appropriation, or other similar conveyance, to the motor vehicle account for stormwater-related activities through the enactment of chapter 422 (Engrossed Substitute Senate Bill No. 5993), Laws of 2019 (model toxics control program reform) by June 30, 2019, the amount provided in this subsection lapses))~~.

(26) It is the intent of the legislature that no capital projects will be eliminated or substantially delayed as a result of revenue reductions, but that as a short-term solution appropriation authority for this program is reduced to reflect anticipated underruns in this program, based on historical reappropriation levels.

(27) The appropriations in this section include savings due to anticipated project underruns; however, it is unknown which projects will provide savings. The legislature intends to provide sufficient flexibility for the department to manage to this savings target. To provide this flexibility, the office of financial management may authorize, through an allotment modification, reductions in the appropriated amounts that are provided solely for a particular purpose within this section subject to the following conditions and limitations:

(a) The department must confirm that any modification requested under this subsection of amounts provided solely for a specific purpose are not expected to be used for that purpose in this biennium;

(b) Allotment modifications authorized under this subsection may not result in increased funding for any project beyond the amount provided for that project in the

2019-2021 fiscal biennium in LEAP Transportation Document 2020-2 ALL PROJECTS as developed March 11, 2020;

(c) Allotment modifications authorized under this subsection apply only to amounts appropriated in this section from the following accounts: Connecting Washington account—state and multimodal transportation account—state; and

(d) By December 1, 2020, the department must submit a report to the transportation committees of the legislature regarding the actions taken under this subsection.

**Sec. 311.** 2019 c 416 s 313 (uncodified) is amended to read as follows:

#### **QUARTERLY REPORTING REQUIREMENTS FOR CAPITAL PROGRAM**

On a quarterly basis, the department of transportation shall provide to the office of financial management and the legislative transportation committees the following reports for all capital programs:

(1) For active projects, the report must include:

(a) A TEIS version containing actual capital expenditures for all projects consistent with the structure of the most recently enacted budget;

(b) Anticipated cost savings, cost increases, reappropriations, and schedule adjustments for all projects consistent with the structure of the most recently enacted budget;

(c) The award amount, the engineer's estimate, and the number of bidders for all active projects consistent with the structure of the most recently enacted budget;

(d) Projected costs and schedule for individual projects that are funded at a programmatic level for projects relating to bridge rail, guard rail, fish passage barrier removal, roadside safety projects, and seismic bridges. Projects within this programmatic level funding must be completed on a priority basis and scoped to be completed within the current programmatic budget;

(e) Highway projects that may be reduced in scope and still achieve a functional benefit;

(f) Highway projects that have experienced scope increases and that can be reduced in scope;

(g) Highway projects that have lost significant local or regional contributions that were essential to completing the project; and

(h) Contingency amounts for all projects consistent with the structure of the most recently enacted budget.

(2) For completed projects, the report must:

(a) Compare the costs and operationally complete date for projects with budgets of twenty million dollars or more that are funded with preexisting funds to the original project cost estimates and schedule; and

(b) Provide a list of nickel ~~((and))~~, TPA, and connecting Washington projects charging to the nickel/TPA/CWA environmental mitigation reserve (OBI4ENV) and the amount each project is charging.

(3) For prospective projects, the report must:

(a) Identify the estimated advertisement date for all projects consistent with the structure of the most recently enacted transportation budget that are going to advertisement during the current fiscal biennium;

(b) Identify the anticipated operationally complete date for all projects consistent with the structure of the most recently enacted transportation budget that are going to advertisement during the current fiscal biennium; and

(c) Identify the estimated cost of completion for all projects consistent with the structure of the most recently enacted transportation budget that are going to advertisement during the current fiscal biennium.

#### **TRANSFERS AND DISTRIBUTIONS**

**Sec. 401.** 2019 c 416 s 401 (uncodified) is amended to read as follows:

#### **FOR THE STATE TREASURER—BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR BOND SALES DISCOUNTS AND DEBT TO BE PAID BY MOTOR VEHICLE ACCOUNT AND TRANSPORTATION FUND REVENUE**

Special Category C Account—State Appropriation .....	<del>(\$376,000)</del>
	<u>\$105,000</u>
Multimodal Transportation Account—State Appropriation .....	\$125,000
Transportation Partnership Account—State Appropriation .....	<del>(\$1,636,000)</del>
	<u>\$1,407,000</u>
Connecting Washington Account—State Appropriation .....	<del>(\$7,599,000)</del>
	<u>\$7,723,000</u>
Highway Bond Retirement Account—State Appropriation .....	<del>(\$1,327,766,000)</del>
	<u>\$1,378,835,000</u>
Ferry Bond Retirement Account—State Appropriation .....	<del>(\$25,077,000)</del>
	<u>\$25,078,000</u>
Transportation Improvement Board Bond Retirement Account—State Appropriation .....	<del>(\$12,684,000)</del>
	<u>\$12,452,000</u>
Nondebt-Limit Reimbursable Bond Retirement	

Account—State Appropriation.....((\$29,594,000))  
\$31,253,000

Toll Facility Bond Retirement Account—State  
 Appropriation.....((\$86,493,000))  
\$86,483,000

TOTAL APPROPRIATION .....\$1,491,340,000  
\$1,543,461,000

**Sec. 402.** 2019 c 416 s 402 (uncodified) is amended to read as follows:

**FOR THE STATE TREASURER—BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR BOND SALE EXPENSES AND FISCAL AGENT CHARGES**

Multimodal Transportation Account—State  
 Appropriation.....\$25,000

Transportation Partnership Account—State  
 Appropriation.....((\$327,000))  
\$281,000

Connecting Washington Account—State  
 Appropriation.....((\$1,520,000))  
\$1,599,000

Special Category C Account—State Appropriation  
 .....((\$75,000))  
\$21,000

TOTAL APPROPRIATION .....\$1,947,000  
\$1,926,000

**Sec. 403.** 2019 c 416 s 403 (uncodified) is amended to read as follows:

**FOR THE STATE TREASURER—STATE REVENUES FOR DISTRIBUTION**

Motor Vehicle Account—State Appropriation:  
 For motor vehicle fuel tax distributions to  
 cities and counties .....((\$518,198,000))  
\$508,276,000

**Sec. 404.** 2019 c 416 s 404 (uncodified) is amended to read as follows:

**FOR THE STATE TREASURER—TRANSFERS**

Motor Vehicle Account—State Appropriation:  
 For motor vehicle fuel tax refunds and  
 statutory transfers.....((\$2,188,945,000))  
\$2,146,790,000

**Sec. 405.** 2019 c 416 s 405 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF LICENSING—TRANSFERS**

Motor Vehicle Account—State Appropriation:  
 For motor vehicle fuel tax refunds and  
 transfers .....((\$220,426,000))  
\$235,788,000

**Sec. 406.** 2019 c 416 s 406 (uncodified) is amended to read as follows:

**FOR THE STATE TREASURER—ADMINISTRATIVE TRANSFERS**

(1) Highway Safety Account—State Appropriation:  
 For transfer to the Multimodal Transportation  
 Account—State.....((\$10,000,000))  
\$54,000,000

(2) Transportation Partnership Account—State  
 Appropriation: For transfer to the Motor Vehicle  
 Account—State.....((\$50,000,000))  
\$45,000,000

(3) Motor Vehicle Account—State Appropriation:  
 For transfer to the State Patrol Highway  
 Account—State.....((\$7,000,000))  
\$57,000,000

(4) Motor Vehicle Account—State Appropriation:  
 For transfer to the Freight Mobility Investment  
 Account—State.....((\$8,511,000))  
\$8,070,000

(5) Motor Vehicle Account—State Appropriation:  
 For transfer to the Rural Arterial Trust  
 Account—State.....((\$4,844,000))  
\$1,732,000

(6) Motor Vehicle Account—State Appropriation:  
 For transfer to the Transportation Improvement  
 Account—State.....((\$9,688,000))  
\$5,067,000

(7) (~~Highway Safety Account—State Appropriation:~~  
~~For transfer to the State Patrol Highway~~  
~~Account—State.....\$44,000,000~~  
 (8)) Motor Vehicle Account—State Appropriation:  
 For transfer to the Puget Sound Capital Construction  
 Account—State.....\$52,000,000

(8) Motor Vehicle Account—State Appropriation: For transfer to the Puget Sound Ferry Operations Account—State ..... \$55,000,000

(9) Rural Mobility Grant Program Account—State Appropriation: For transfer to the Multimodal Transportation Account—State ..... \$3,000,000

((49)) (10) State Route Number 520 Civil Penalties Account—State Appropriation: For transfer to the State Route Number 520 Corridor Account—State ..... \$1,434,000

((40)) (11) Capital Vessel Replacement Account—State Appropriation: For transfer to the Connecting Washington Account—State ..... (\$50,000,000) \$60,000,000

((11) Multimodal Transportation Account—State Appropriation: For transfer to the Freight Mobility Multimodal Account—State .... \$8,511,000))

(12) ((Multimodal Transportation Account—State Appropriation: For transfer to the Puget Sound Capital Construction Account—State ..... \$15,000,000

(13) Multimodal Transportation Account—State Appropriation: For transfer to the Puget Sound Ferry Operations Account—State ..... \$45,000,000

((14)) Multimodal Transportation Account—State Appropriation: For transfer to the Regional Mobility Grant Program Account—State ..... ((27,679,000)) \$11,215,000

((45)) (13) Multimodal Transportation Account—State Appropriation: For transfer to the Rural

Mobility Grant Program Account—State \$15,223,000

((46)) (14) Transportation 2003 Account (Nickel Account)—State Appropriation: For transfer to the Puget Sound Capital Construction Account—State ..... ((20,000,000)) \$15,000,000

((47)) (15)(a) Alaskan Way Viaduct Replacement Project Account—State Appropriation: For transfer to the

Motor Vehicle Account—State.....\$9,992,000

(b) The transfer identified in this subsection is provided solely to repay in full the motor vehicle account—state appropriation loan from section 1005(21) ~~((of this act))~~, chapter 416, Laws of 2019.

((48)) (16)(a) Transportation Partnership Account—State

Appropriation: For transfer to the Alaskan Way Viaduct

Replacement Project Account—State ~~((77,951,000))~~ \$77,956,000

(b) The amount transferred in this subsection represents that portion of the up to \$200,000,000 in proceeds from the sale of bonds authorized in RCW 47.10.873, intended to be sold through the 2021-2023 fiscal biennium, used only for construction of the SR 99/Alaskan Way Viaduct Replacement project (809936Z), and that must be repaid from the Alaskan Way viaduct replacement project account consistent with RCW 47.56.864.

((49)) (17) Motor Vehicle Account—State Appropriation:

For transfer to the County Arterial Preservation Account—State..... ~~((4,844,000))~~ \$4,829,000

((20)) (18)(a) General Fund Account—State Appropriation:

For transfer to the State Patrol Highway Account—State.....\$625,000

(b) The state treasurer shall transfer the funds only after receiving notification from the Washington state patrol under section 207(7) ~~((of this act))~~, chapter 416, Laws of 2019.

((24)) (19) Capital Vessel Replacement Account—State

Appropriation: For transfer to the Transportation Partnership Account—State..... ~~((3,293,000))~~ \$2,312,000

((22)) (20)(a) Alaskan Way Viaduct Replacement Project

Account—State Appropriation: For transfer to the Transportation Partnership Account—State ..... ~~((19,262,000))~~ \$15,858,000

(b) The amount transferred in this subsection represents repayment of debt service incurred for the construction of the SR 99/Alaskan Way Viaduct Replacement project (809936Z).

~~((23))~~ (21) Tacoma Narrows Toll Bridge Account—  
State

Appropriation: For transfer to the Motor

Vehicle Account—State ..... \$950,000

~~((24))~~ (22)(a) Tacoma Narrows Toll Bridge  
Account—State Appropriation:

For transfer to the Motor Vehicle

Account—State ..... \$5,000,000

(b) A transfer in the amount of \$5,000,000 was made from the Motor Vehicle Account to the Tacoma Narrows Toll Bridge Account in April 2019. It is the intent of the legislature that this transfer was to be temporary, for the purpose of minimizing the impact of toll increases, and this is an equivalent reimbursing transfer to occur in November 2019.

~~((25))~~ (23)(a) Transportation 2003 Account (Nickel  
Account)

—State Appropriation: For transfer to the Tacoma

Narrows Toll Bridge Account—State ..... \$12,543,000

(b) It is the intent of the legislature that this transfer is temporary, for the purpose of minimizing the impact of toll increases, and an equivalent reimbursing transfer is to occur after the debt service and deferred sales tax on the Tacoma Narrows bridge construction costs are fully repaid in accordance with chapter 195, Laws of 2018.

~~((26))~~ (24) Transportation Infrastructure Account—  
State

Appropriation: For transfer to the multimodal

Transportation Account—State ..... \$9,000,000

~~((27))~~ (25) Multimodal Transportation Account—  
State

Appropriation: For transfer to the Pilotage

Account—State ..... \$2,500,000

~~((28))~~ (26)(a) Motor Vehicle Account—State

Appropriation: For transfer to the County Road

Administration Board Emergency Loan Account—  
State ..... \$1,000,000

(b) If chapter 157 (~~Senate Bill No. 5923~~), Laws of 2019 is not enacted by June 30, 2019, the amount provided in this subsection lapses.

~~((29))~~ (27)(a) Advanced Environmental Mitigation

Revolving Account—State Appropriation: For  
transfer

to the Motor Vehicle Account—State ..... \$9,000,000

(b) The amount transferred in this subsection is contingent on at least a \$9,000,000 transfer to the advanced environmental mitigation revolving account authorized by June 30, 2019, in the omnibus capital appropriations act.

~~((30))~~ Motor Vehicle account—State Appropriation:

For transfer to the Electric Vehicle Charging

Infrastructure Account—State ..... \$12,255,000

~~((34))~~ (28) Multimodal Transportation Account—  
State

Appropriation: For transfer to the Electric Vehicle

Charging Infrastructure Account—State  
..... (\$8,000,000)

\$1,000,000

~~((32))~~ (29) Multimodal Transportation Account—  
State

Appropriation: For transfer to the Complete Streets

Grant Program Account—State ..... (\$14,670,000)

\$10,200,000

~~((33))~~ (30)(a) Transportation Partnership

Account—State Appropriation: For transfer to the  
Capital Vessel Replacement Account—State  
..... (\$99,000,000)

\$96,030,000

(b) The amount transferred in this subsection represents proceeds from the sale of bonds authorized in RCW 47.10.873.

(31) Freight Mobility Multimodal Account—State

Appropriation: For transfer to the Multimodal  
Transportation

Account—State ..... \$7,296,000

(32) Connecting Washington Account—State

Appropriation: For transfer to the Motor Vehicle

Account—State ..... \$115,000,000

**Sec. 407.** 2019 c 416 s 407 (uncodified) is amended to read as follows:

**FOR THE STATE TREASURER—STATE  
REVENUES FOR DISTRIBUTION**

Multimodal Transportation Account—State

Appropriation: For distribution to cities and

counties ..... \$26,786,000

Motor Vehicle Account—State Appropriation: For

distribution to cities and counties ..... \$23,438,000

TOTAL APPROPRIATION ..... \$50,224,000

**Sec. 408.** 2019 c 416 s 408 (uncodified) is amended to read as follows:

**FOR THE STATE TREASURER—BOND  
RETIREMENT AND INTEREST, AND ONGOING  
BOND REGISTRATION AND TRANSFER**

**CHARGES: FOR DEBT TO BE PAID BY  
STATUTORILY PRESCRIBED REVENUE**

Toll Facility Bond Retirement Account—Federal	
Appropriation .....	\$199,522,000
Toll Facility Bond Retirement Account—State	
Appropriation .....	\$25,372,000
TOTAL APPROPRIATION .....	<u>\$225,273,000</u>
	<u>\$224,894,000</u>

**COMPENSATION**

**NEW SECTION. Sec. 501.** A new section is added to 2019 c 416 (uncodified) to read as follows:**COLLECTIVE BARGAINING AGREEMENTS**

Sections 502 and 503 of this act represent the results of the negotiations for fiscal year 2021 collective bargaining agreement changes, permitted under chapter 47.64 RCW. Provisions of the collective bargaining agreements contained in sections 502 and 503 of this act are described in general terms. Only major economic terms are included in the descriptions. These descriptions do not contain the complete contents of the agreements. The collective bargaining agreements contained in sections 502 and 503 of this act may also be funded by expenditures from nonappropriated accounts. If positions are funded with lidded grants or dedicated fund sources with insufficient revenue, additional funding from other sources is not provided.

**NEW SECTION. Sec. 502.** A new section is added to 2019 c 416 (uncodified) to read as follows:**DEPARTMENT OF TRANSPORTATION MARINE DIVISION COLLECTIVE BARGAINING AGREEMENTS—MEBA-UL**

An agreement has been reached between the governor and the marine engineers' beneficial association unlicensed engine room employees pursuant to chapter 47.64 RCW for the 2021 fiscal year. Funding is provided to ensure training opportunities are available to all bargaining unit employees.

**NEW SECTION. Sec. 503.** A new section is added to 2019 c 416 (uncodified) to read as follows:**DEPARTMENT OF TRANSPORTATION MARINE DIVISION COLLECTIVE BARGAINING AGREEMENTS—MEBA-L**

An agreement has been reached between the governor and the marine engineers' beneficial association licensed engineer officers pursuant to chapter 47.64 RCW for the 2021 fiscal year. Funding is provided to ensure training opportunities are available to all bargaining unit employees.

**NEW SECTION. Sec. 504.** A new section is added to 2019 c 416 (uncodified) to read as follows:**GENERAL STATE EMPLOYEE COMPENSATION ADJUSTMENTS**

Except as otherwise provided in sections 501 through 503 of this act, state employee compensation adjustments

will be provided in accordance with funding adjustments provided in the 2020 supplemental omnibus appropriations act.

**IMPLEMENTING PROVISIONS**

**Sec. 601.** 2019 c 416 s 601 (uncodified) is amended to read as follows:

**FUND TRANSFERS**

(1) The 2005 transportation partnership projects or improvements and 2015 connecting Washington projects or improvements are listed in the LEAP Transportation Document ((2019-4)) 2020-1 as developed ((April 27, 2019)) March 11, 2020, which consists of a list of specific projects by fund source and amount over a sixteen-year period. Current fiscal biennium funding for each project is a line-item appropriation, while the outer year funding allocations represent a sixteen-year plan. The department of transportation is expected to use the flexibility provided in this section to assist in the delivery and completion of all transportation partnership account and connecting Washington account projects on the LEAP transportation document referenced in this subsection. For the 2019-2021 project appropriations, unless otherwise provided in this act, the director of the office of financial management may provide written authorization for a transfer of appropriation authority between projects funded with transportation partnership account appropriations or connecting Washington account appropriations to manage project spending and efficiently deliver all projects in the respective program under the following conditions and limitations:

(a) Transfers may only be made within each specific fund source referenced on the respective project list;

(b) Transfers from a project may not be made as a result of the reduction of the scope of a project or be made to support increases in the scope of a project;

(c) Transfers from a project may be made if the funds appropriated to the project are in excess of the amount needed in the current fiscal biennium;

(d) Transfers may not occur for projects not identified on the applicable project list;

(e) Transfers may not be made while the legislature is in session;

(f) Transfers to a project may not be made with funds designated as attributable to practical design savings as described in RCW 47.01.480;

(g) Each transfer between projects may only occur if the director of the office of financial management finds that any resulting change will not hinder the completion of the projects as approved by the legislature. Until the legislature reconvenes to consider the 2020 supplemental omnibus transportation appropriations act, any unexpended 2017-2019 appropriation balance as approved by the office of financial management, in consultation with the chairs and ranking members of the house of representatives and senate transportation committees, may be considered when transferring funds between projects; and

(h) Transfers between projects may be made by the department of transportation without the formal written approval provided under this subsection (1), provided that the transfer amount does not exceed two hundred fifty thousand dollars or ten percent of the total project, whichever is less. These transfers must be reported quarterly to the director of the office of financial management and the chairs of the house of representatives and senate transportation committees.

(2) The department of transportation must submit quarterly all transfers authorized under this section in the transportation executive information system. The office of financial management must maintain a legislative baseline project list identified in the LEAP transportation documents referenced in this act, and update that project list with all authorized transfers under this section.

(3) At the time the department submits a request to transfer funds under this section, a copy of the request must be submitted to the chairs and ranking members of the transportation committees of the legislature.

(4) Before approval, the office of financial management shall work with legislative staff of the house of representatives and senate transportation committees to review the requested transfers in a timely manner and consider any concerns raised by the chairs and ranking members of the transportation committees.

(5) No fewer than ten days after the receipt of a project transfer request, the director of the office of financial management must provide written notification to the department of any decision regarding project transfers, with copies submitted to the transportation committees of the legislature.

(6) The department must submit annually as part of its budget submittal a report detailing all transfers made pursuant to this section.

**Sec. 602.** 2019 c 416 s 606 (uncodified) is amended to read as follows:

#### **TRANSIT, BICYCLE, AND PEDESTRIAN ELEMENTS REPORTING**

(1) By November 15th of each year, the department of transportation must report on amounts expended to benefit transit, bicycle, or pedestrian elements within all connecting Washington projects in programs I, P, and Z identified in LEAP Transportation Document ((2019-2)) 2020-2 ALL PROJECTS as developed ((April 27, 2019)) March 11, 2020. The report must address each modal category separately and identify if eighteenth amendment protected funds have been used and, if not, the source of funding.

(2) To facilitate the report in subsection (1) of this section, the department of transportation must require that all bids on connecting Washington projects include an estimate on the cost to implement any transit, bicycle, or pedestrian project elements.

#### **MISCELLANEOUS 2019-2021 FISCAL BIENNIUM**

**Sec. 701.** 2019 c 416 s 701 (uncodified) is amended to read as follows:

#### **INFORMATION TECHNOLOGY OVERSIGHT**

(1) Agencies must apply to the office of financial management and the office of the state chief information officer for approval before beginning a project or proceeding with each discreet stage of a project subject to this section. At each stage, the office of the state chief information officer must certify that the project has an approved technology budget and investment plan, complies with state information technology and security requirements, and other policies defined by the office of the state chief information officer. The office of financial management must notify the fiscal committees of the legislature of the receipt of each application and may not approve a funding request for ten business days from the date of notification.

(2)(a) Each project must have a technology budget. The technology budget must use a method similar to the state capital budget, identifying project costs, each fund source, and anticipated deliverables through each stage of the entire project investment and across fiscal periods and biennia from project onset through implementation and close out.

(b) As part of the development of a technology budget and at each request for funding, the agency shall submit detailed financial information to the office of financial management and the office of the state chief information officer. The technology budget must describe the total cost of the project by fiscal month to include and identify:

(i) Fund sources;

(ii) Full-time equivalent staffing level to include job classification assumptions;

(iii) A discreet appropriation index and program index;

(iv) Object and subobject codes of expenditures; and

(v) Anticipated deliverables.

(c) If a project technology budget changes and a revised technology budget is completed, a comparison of the revised technology budget to the last approved technology budget must be posted to the dashboard, to include a narrative rationale on what changed, why, and how that impacts the project in scope, budget, and schedule.

(3)(a) Each project must have an investment plan that includes:

(i) An organizational chart of the project management team that identifies team members and their roles and responsibilities;

(ii) The office of the state chief information officer staff assigned to the project;

(iii) An implementation schedule covering activities, critical milestones, and deliverables at each stage of the project for the life of the project at each agency affected by the project;



(iv) Performance measures used to determine that the project is on time, within budget, and meeting expectations for quality of work product;

(v) Ongoing maintenance and operations cost of the project post implementation and close out delineated by agency staffing, contracted staffing, and service level agreements; and

(vi) Financial budget coding to include at least discrete program index and subobject codes.

(4) Projects with estimated costs greater than one hundred million dollars from initiation to completion and implementation may be divided into discrete subprojects as determined by the office of the state chief information officer. Each subproject must have a technology budget and investment plan as provided in this section.

(5)(a) The office of the state chief information officer shall maintain an information technology project dashboard that provides updated information each fiscal month on projects subject to this section. This includes, at least:

(i) Project changes each fiscal month;

(ii) Noting if the project has a completed market requirements document;

(iii) Financial status of information technology projects under oversight; ~~((and))~~

(iv) Coordination with agencies;

(v) Monthly quality assurance reports, if applicable;

(vi) Monthly office of the state chief information officer status reports;

(vii) Historical project budget and expenditures through fiscal year 2019;

(viii) Budget and expenditures each fiscal month; and

(ix) Estimated annual maintenance and operations costs by fiscal year.

(b) The dashboard must retain a roll up of the entire project cost, including all subprojects, that can be displayed the subproject detail.

(6) If the project affects more than one agency:

(a) A separate technology budget and investment plan must be prepared for each agency; and

(b) The dashboard must contain a statewide project technology budget roll up that includes each affected agency at the subproject level.

(7) For any project that exceeds two million dollars in total funds to complete, requires more than one biennium to complete, or is financed through financial contracts, bonds, or other indebtedness:

(a) Quality assurance for the project must report independently the office of the chief information officer;

(b) The office of the chief information officer must review, and, if necessary, revise the proposed project to ensure it is flexible and adaptable to advances in technology;

(c) The technology budget must specifically identify the uses of any financing proceeds. No more than thirty percent of the financing proceeds may be used for payroll-related costs for state employees assigned to project management, installation, testing, or training;

(d) The agency must consult with the office of the state treasurer during the competitive procurement process to evaluate early in the process whether products and services to be solicited and the responsive bids from a solicitation may be financed; and

(e) The agency must consult with the contracting division of the department of enterprise services for a review of all contracts and agreements related to the project's information technology procurements.

(8) The office of the state chief information officer must evaluate the project at each stage and certify whether the project is planned, managed, and meeting deliverable targets as defined in the project's approved technology budget and investment plan.

(9) The office of the state chief information officer may suspend or terminate a project at any time if it determines that the project is not meeting or not expected to meet anticipated performance and technology outcomes. Once suspension or termination occurs, the agency shall unallot any unused funding and shall not make any expenditure for the project without the approval of the office of financial management. The office of the state chief information officer must report on July 1st and December 1st each calendar year, beginning July 1, 2020, any suspension or termination of a project in the previous six month period to legislative fiscal committees.

(10) The office of the state chief information officer, in consultation with the office of financial management, may identify additional projects to be subject to this section, including projects that are not separately identified within an agency budget. The office of the state chief information officer must report on July 1st and December 1st each calendar year, beginning July 1, 2020, any additional projects to be subjected to this section that were identified in the previous six month period to legislative fiscal committees.

(11) The following department of transportation projects are subject to the conditions, limitations, and review provided in this section: Labor System Replacement, New Ferry Division Dispatch System, Maintenance Management System, Land Mobile Radio System Replacement, and New CSC System and Operator.

**Sec. 702.** RCW 46.68.310 and 2013 c 104 s 4 are each amended to read as follows:

The freight mobility multimodal account is created in the state treasury. Money in the account may be spent only after appropriation. Expenditures from the account may be used only for freight mobility projects that have been approved by the freight mobility strategic investment board in RCW 47.06A.020 and may include any principal and interest on bonds authorized for the projects or improvements. However, during the 2019-2021 fiscal

biennium, the legislature may direct the state treasurer to make transfers of moneys in the freight mobility multimodal account to the multimodal transportation account.

**Sec. 703.** RCW 82.32.385 and 2015 3rd sp.s. c 44 s 420 are each amended to read as follows:

(1) Beginning September 2019 and ending ~~((June 2021))~~ December 2019, by the last day of September~~((, and December((, March, and June of each year)))~~, the state treasurer must transfer from the general fund to the connecting Washington account created in RCW 46.68.395 thirteen million six hundred eighty thousand dollars.

(2) Beginning March 2020 and ending June 2021, by the last day of September, December, March, and June of each year, the state treasurer must transfer from the general fund to the multimodal transportation account created in RCW 47.66.070 thirteen million six hundred eighty thousand dollars.

(3) Beginning September 2021 and ending June 2023, by the last day of September, December, March, and June of each year, the state treasurer must transfer from the general fund to the connecting Washington account created in RCW 46.68.395 thirteen million eight hundred five thousand dollars.

~~((3))~~ (4) Beginning September 2023 and ending June 2025, by the last day of September, December, March, and June of each year, the state treasurer must transfer from the general fund to the connecting Washington account created in RCW 46.68.395 thirteen million nine hundred eighty-seven thousand dollars.

~~((4))~~ (5) Beginning September 2025 and ending June 2027, by the last day of September, December, March, and June of each year, the state treasurer must transfer from the general fund to the connecting Washington account created in RCW 46.68.395 eleven million six hundred fifty-eight thousand dollars.

~~((5))~~ (6) Beginning September 2027 and ending June 2029, by the last day of September, December, March, and June of each year, the state treasurer must transfer from the general fund to the connecting Washington account created in RCW 46.68.395 seven million five hundred sixty-four thousand dollars.

~~((6))~~ (7) Beginning September 2029 and ending June 2031, by the last day of September, December, March, and June of each year, the state treasurer must transfer from the general fund to the connecting Washington account created in RCW 46.68.395 four million fifty-six thousand dollars.

**Sec. 704.** RCW 47.66.110 and 2015 3rd sp.s. c 11 s 4 are each amended to read as follows:

(1) The transit coordination grant program is created in the department. The purpose of the transit coordination grant program is to encourage joint planning and coordination on the part of central Puget Sound transit systems in order to improve the user experience, increase ridership, and make the most effective use of tax dollars. The department shall oversee, manage, score, select, and evaluate transit coordination grant program project

applications, and shall select transit coordination grant recipients annually. A transit agency located in a county or counties with a population of seven hundred thousand or more that border Puget Sound is eligible to apply to the department for transit coordination grants.

(2) Projects eligible for transit coordination grants include, but are not limited to, projects that:

(a) Integrate marketing efforts;

(b) Align fare structures;

(c) Integrate service planning;

(d) Coordinate long-range planning, including capital projects planning and implementation;

(e) Integrate other administrative functions and internal business processes as appropriate; and

(f) Integrate certain customer-focused tools and initiatives.

(3) Transit coordination grants must, at a minimum, be proposed jointly by two or more eligible transit agencies and must include a description of the:

(a) Issue or problem to be addressed;

(b) Specific solution and measurable outcomes;

(c) Benefits such as cost savings, travel time improvements, improved coordination, and improved customer experience; and

(d) Performance measurements and an evaluation plan that includes the identification of milestones towards successful completion of the project.

(4) Transit coordination grant applications must include measurable outcomes for the project including, but not limited to, the following:

(a) Impacts on service, such as increased service, improved service delivery, and improved transfers and coordination across transit service;

(b) Impacts on customer service, such as: Improved reliability; improved outreach and coordination with customers, employers, and communities; improvements in customer service functions, such as customer response time and web-based and other communications; and

(c) Impacts on administration, such as improved marketing and outreach efforts, integrated customer-focused tools, and improved cross-agency communications.

(5) Transit coordination grant applications must also include:

(a) Project budget and cost details; and

(b) A commitment and description of local matching funding of at least ten percent of the project cost.

(6) Upon completion of the project, transit coordination grant recipients must provide a report to the department that includes an overview of the project, how the grant funds were spent, and the extent to which the identified project outcomes were met. In addition, such reports must

include a description of best practices that could be transferred to other transit agencies faced with similar issues to those addressed by the transit coordination grant recipient. The department must report annually to the transportation committees of the legislature on the transit coordination grants that were awarded, and the report must include data to determine if completed transit coordination grant projects produced the anticipated outcomes included in the grant applications.

(7) This section expires (~~July 1, 2020~~) June 30, 2021.

**Sec. 705.** RCW 46.68.290 and 2019 c 416 s 707 are each amended to read as follows:

(1) The transportation partnership account is hereby created in the state treasury. All distributions to the account from RCW 46.68.090 must be deposited into the account. Money in the account may be spent only after appropriation. Expenditures from the account must be used only for projects or improvements identified as 2005 transportation partnership projects or improvements in the omnibus transportation appropriations act, including any principal and interest on bonds authorized for the projects or improvements.

(2) The legislature finds that:

(a) Citizens demand and deserve accountability of transportation-related programs and expenditures. Transportation-related programs must continuously improve in quality, efficiency, and effectiveness in order to increase public trust;

(b) Transportation-related agencies that receive tax dollars must continuously improve the way they operate and deliver services so citizens receive maximum value for their tax dollars; and

(c) Fair, independent, comprehensive performance audits of transportation-related agencies overseen by the elected state auditor are essential to improving the efficiency, economy, and effectiveness of the state's transportation system.

(3) For purposes of chapter 314, Laws of 2005:

(a) "Performance audit" means an objective and systematic assessment of a state agency or agencies or any of their programs, functions, or activities by the state auditor or designee in order to help improve agency efficiency, effectiveness, and accountability. Performance audits include economy and efficiency audits and program audits.

(b) "Transportation-related agency" means any state agency, board, or commission that receives funding primarily for transportation-related purposes. At a minimum, the department of transportation, the transportation improvement board or its successor entity, the county road administration board or its successor entity, and the traffic safety commission are considered transportation-related agencies. The Washington state patrol and the department of licensing shall not be considered transportation-related agencies under chapter 314, Laws of 2005.

(4) Within the authorities and duties under chapter 43.09 RCW, the state auditor shall establish criteria and protocols for performance audits. Transportation-related agencies shall be audited using criteria that include generally accepted government auditing standards as well as legislative mandates and performance objectives established by state agencies. Mandates include, but are not limited to, agency strategies, timelines, program objectives, and mission and goals as required in RCW 43.88.090.

(5) Within the authorities and duties under chapter 43.09 RCW, the state auditor may conduct performance audits for transportation-related agencies. The state auditor shall contract with private firms to conduct the performance audits.

(6) The audits may include:

(a) Identification of programs and services that can be eliminated, reduced, consolidated, or enhanced;

(b) Identification of funding sources to the transportation-related agency, to programs, and to services that can be eliminated, reduced, consolidated, or enhanced;

(c) Analysis of gaps and overlaps in programs and services and recommendations for improving, dropping, blending, or separating functions to correct gaps or overlaps;

(d) Analysis and recommendations for pooling information technology systems used within the transportation-related agency, and evaluation of information processing and telecommunications policy, organization, and management;

(e) Analysis of the roles and functions of the transportation-related agency, its programs, and its services and their compliance with statutory authority and recommendations for eliminating or changing those roles and functions and ensuring compliance with statutory authority;

(f) Recommendations for eliminating or changing statutes, rules, and policy directives as may be necessary to ensure that the transportation-related agency carry out reasonably and properly those functions vested in the agency by statute;

(g) Verification of the reliability and validity of transportation-related agency performance data, self-assessments, and performance measurement systems as required under RCW 43.88.090;

(h) Identification of potential cost savings in the transportation-related agency, its programs, and its services;

(i) Identification and recognition of best practices;

(j) Evaluation of planning, budgeting, and program evaluation policies and practices;

(k) Evaluation of personnel systems operation and management;

(l) Evaluation of purchasing operations and management policies and practices;

(m) Evaluation of organizational structure and staffing levels, particularly in terms of the ratio of managers and supervisors to nonmanagement personnel; and

(n) Evaluation of transportation-related project costs, including but not limited to environmental mitigation, competitive bidding practices, permitting processes, and capital project management.

(7) Within the authorities and duties under chapter 43.09 RCW, the state auditor must provide the preliminary performance audit reports to the audited state agency for comment. The auditor also may seek input on the preliminary report from other appropriate officials. Comments must be received within thirty days after receipt of the preliminary performance audit report unless a different time period is approved by the state auditor. The final performance audit report shall include the objectives, scope, and methodology; the audit results, including findings and recommendations; the agency's response and conclusions; and identification of best practices.

(8) The state auditor shall provide final performance audit reports to the citizens of Washington, the governor, the joint legislative audit and review committee, the appropriate legislative committees, and other appropriate officials. Final performance audit reports shall be posted on the internet.

(9) The audited transportation-related agency is responsible for follow-up and corrective action on all performance audit findings and recommendations. The audited agency's plan for addressing each audit finding and recommendation shall be included in the final audit report. The plan shall provide the name of the contact person responsible for each action, the action planned, and the anticipated completion date. If the audited agency does not agree with the audit findings and recommendations or believes action is not required, then the action plan shall include an explanation and specific reasons.

The office of financial management shall require periodic progress reports from the audited agency until all resolution has occurred. The office of financial management is responsible for achieving audit resolution. The office of financial management shall annually report by December 31st the status of performance audit resolution to the appropriate legislative committees and the state auditor. The legislature shall consider the performance audit results in connection with the state budget process.

The auditor may request status reports on specific audits or findings.

(10) For the period from July 1, 2005, until June 30, 2007, the amount of \$4,000,000 is appropriated from the transportation partnership account to the state auditors office for the purposes of subsections (2) through (9) of this section.

(11) During the 2015-2017 fiscal biennium, the legislature may transfer from the transportation partnership account to the connecting Washington account such amounts as reflect the excess fund balance of the transportation partnership account.

(12) During the 2017-2019 and the 2019-2021 fiscal biennia, the legislature may direct the state treasurer to make transfers of moneys in the transportation partnership account to the connecting Washington account ~~((and))~~, the motor vehicle fund, and the capital vessel replacement account.

**Sec. 706.** RCW 82.44.135 and 2006 c 318 s 9 are each amended to read as follows:

(1) Before a local government subject to this chapter may impose a motor vehicle excise tax, the local government must contract with the department for the collection of the tax. The department may charge a reasonable amount, not to exceed one percent of tax collections, or two and one-half percent during the 2019-2021 biennium, for the administration and collection of the tax.

(2) For fiscal year 2021, the department shall charge a minimum of seven million eight hundred two thousand dollars, which is the reasonable amount aimed at achieving full cost recovery for the administration and collection of a motor vehicle excise tax. The amount of the full reimbursement for the administration and collection of the motor vehicle excise tax must be deducted before distributing any revenues to a regional transit authority. Any reimbursement to ensure full cost recovery beyond the amount specified in this subsection may be negotiated between the department and the regional transit authority if full cost recovery has not been achieved, or if based on emergent issues.

**Sec. 707.** RCW 46.68.395 and 2015 3rd sp.s. c 44 s 106 are each amended to read as follows:

(1) The connecting Washington account is created in the motor vehicle fund. Moneys in the account may be spent only after appropriation. Expenditures from the account must be used only for projects or improvements identified as connecting Washington projects or improvements in a transportation appropriations act, including any principal and interest on bonds authorized for the projects or improvements.

(2) Moneys in the connecting Washington account may not be expended on the state route number 99 Alaskan Way viaduct replacement project.

(3) During the 2019-2021 fiscal biennium, the legislature may direct the state treasurer to make transfers of moneys in the connecting Washington account to the motor vehicle fund.

## MISCELLANEOUS

**NEW SECTION. Sec. 801.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

**NEW SECTION. Sec. 802.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

## **ESHB 2322 - CONF REPT**

By Conference Committee

**HOUSE ADOPTED 03/11/2020; SENATE ADOPTED 03/11/2020**

On page 1, line 1 of the title, after "appropriations;" strike the remainder of the title and insert "amending RCW 46.68.310, 82.32.385, 47.66.110, 46.68.290, 82.44.135, and 46.68.395; amending 2019 c 416 ss 103, 105, 108-110, 201-223, 301, 303-311, 313, 401-408, 601, 606, and 701 (uncodified); adding new sections to 2019 c 416 (uncodified); making appropriations and authorizing expenditures for capital improvements; and declaring an emergency."

Senators Hobbs, King and Saldaña  
Representatives Barkis, Fey and Wylie

There being no objection, the House adopted the conference committee report on SUBSTITUTE HOUSE BILL NO. 2322 and advanced the bill as recommended by the conference committee to final passage.

**FINAL PASSAGE OF HOUSE BILL AS RECOMMENDED BY CONFERENCE COMMITTEE**

Representatives Fey and Barkis spoke in favor of the passage of the bill as recommended by the conference committee.

The Speaker (Representative Orwall presiding) stated the question before the House to be final passage of House Bill No. 2322, as recommended by the conference committee.

**ROLL CALL**

The Clerk called the roll on the final passage of House Bill No. 2322, as recommended by the conference committee, and the bill passed the House by the following votes: Yeas: 96 Nays: 1 Absent: 0 Excused: 1

Voting Yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, Jinkins, Johnson, J., Kilduff, Kirby, Klippert, Kloba, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Mead, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shea, Shewmake, Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra, and Young

Voting Nay: Representative Kraft  
Excused: Representative Paul

HOUSE BILL NO. 2322, as recommended by the conference committee, having received the constitutional majority, was declared passed.

There being no objection, the House reverted to the sixth order of business.

**SECOND READING**

**SUBSTITUTE SENATE BILL NO. 6068, by Senate Committee on Ways & Means (originally sponsored by Warnick, Mullet, Wilson, L., Takko, Short, Liias and Honeyford)**

**Concerning sales and use tax exemptions for large private airplanes.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Ybarra, Springer and Dent spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 6068.

**ROLL CALL**

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6068, and the bill passed the House by the following vote: Yeas, 91; Nays, 6; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Dufault, Dye, Entenman, Eslick, Fey, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Mead, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Shea, Shewmake, Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Voting nay: Representatives Caldier, Duerr, Fitzgibbon, Frame, Ramos and Senn.

Excused: Representative Paul.

SUBSTITUTE SENATE BILL NO. 6068, having received the necessary constitutional majority, was declared passed.

**SECOND READING**

**ENGROSSED SENATE BILL NO. 6690, by Senators Liias and King**

**Concerning aerospace business and occupation taxes and world trade organization compliance.**

The bill was read the second time.

Representative Orcutt moved the adoption of amendment (2187):  
802.0.

On page 2, line 23, after "of" strike "0.357" and insert "0.2904"

On page 2, line 31, after "either" strike "0.357" and insert "0.2904"

On page 2, line 35, after "least" strike "0.357" and insert "0.2904"

On page 3, line 11, after "to" strike "0.357" and insert "0.2904"

On page 3, line 13, after "reduction to" strike "0.357" and insert "0.2904"

On page 9, line 6, after "to" strike "0.357" and insert "0.2904"

On page 9, line 14, after "of" strike "0.357" and insert "0.2904"

On page 9, line 17, after "of the" strike "0.357" and insert "0.2904"

On page 12, line 29, after "of" strike "0.357" and insert "0.2904"

On page 12, line 32, after "of the" strike "0.357" and insert "0.2904"

On page 12, line 39, after "of the" strike "0.357" and insert "0.2904"

Representative Orcutt spoke in favor of the adoption of the amendment.

Representative Sullivan spoke against the adoption of the amendment.

Amendment (2187) was not adopted.

Representative Sullivan moved the adoption of amendment (2189):

802.0.

Beginning on page 1, line 7, strike all of sections 1 and 2 and insert the following:

**"NEW SECTION. Sec. 803.** (1) Over the past two decades, the legislature has taken significant action to promote a positive business environment for Washington's aerospace industry. The legislature finds that the industry plays a significant role not only in the health of Washington's economy, but also in the health of the United States economy. Moreover, the domestic aerospace industry has faced significant challenges with the large subsidies provided to international competitors.

(2) The legislature finds that a commitment to the elimination of trade barriers for aerospace as well as several

other vital Washington exports is important. The legislature also wishes to help bring the United States into full compliance with a recent world trade organization ruling asserting Washington's business and occupation tax rate of 0.2904 percent violates world trade organization rules. The legislature hopes this action to help bring the United States into compliance will end the threat of retaliatory tariffs against many of Washington's industries, including agricultural products, fish, wine, and intellectual property.

(3) The legislature appreciates the state aerospace industry's commitment to complying with the world trade organization ruling by advocating for the repeal of the preferential business and occupation tax. The legislature hopes that the repeal of this Washington aerospace preference will ensure continued economic success and competitiveness for the industry as well as many other industries. The legislature further hopes that the repeal of the 0.2904 business and occupation tax will allow for the complete resolution of all trade disputes surrounding large civil aircraft.

(4) The legislature further finds that the people of Washington benefit from the presence of the aerospace industry in Washington state. The industry provides good wages and benefits for thousands of engineers, technicians, mechanics, and support staff working across the state. Furthermore, the legislature has a goal of preserving and growing employment in Washington state. The legislature intends that the future consideration of all tax measures will work to achieve this goal in a manner compliant with the world trade organization.

**NEW SECTION. Sec. 804.** A new section is added to chapter 82.04 RCW to read as follows:

The rate of 0.357 percent authorized pursuant to RCW 82.04.260(1)(e) may be imposed only if the following conditions are met:

(1) The department of commerce verifies with the United States trade representative that the United States and the European Union have entered into a written agreement that resolves any world trade organization disputes involving large civil aircraft.

(2) Such agreement expressly allows a business and occupation tax rate reduction for commercial airplane manufacturers to 0.357 percent or less.

(3) The department of commerce notifies the department in writing that the conditions of subsections (1) and (2) of this section are met and provides a copy of the agreement between the United States and the European Union or other document providing for the business and occupation tax rate reduction to the department.

(4) The department of labor and industries notifies the department in writing that a significant commercial airplane manufacturer has at least a three-tenths of one percent aerospace apprenticeship utilization rate of its qualified apprenticeable workforce in Washington, as defined in section 4 of this act.

(5) Within thirty days of receiving the last of the written notices described in subsections (3) and (4) of this

section, the department must provide written notice to the chief clerk of the house of representatives, the secretary of the senate, the office of the code reviser, and others as deemed appropriate by the department, that the tax rates in RCW 82.04.260(11)(e) are reduced to 0.357 percent and the effective date of the rate reduction.

(6) Any rate reduction to 0.357 percent pursuant to this section and RCW 82.04.260(11)(e) must occur on the first day of the next calendar quarter that is at least sixty days after the department receives the last of the written notices described in subsections (3) and (4) of this section.

(7) For the purpose of this section, "world trade organization disputes involving large civil airplanes" means any disputes filed by the United States or the European Union prior to the effective date of this section that involve either allegations of subsidies to large civil airplanes, or allegations of taxes imposed by Washington on commercial airplanes, or both."

Representatives Sullivan and Orcutt spoke in favor of the adoption of the amendment.

Amendment (2189) was adopted.

Representative Orcutt moved the adoption of striking amendment (2188):

804.0.

Strike everything after the enacting clause and insert the following:

"**Sec. 805.** RCW 82.04.240 and 2004 c 24 s 4 are each amended to read as follows:

(1) Upon every person engaging within this state in business as a manufacturer or processor for hire, except persons taxable as manufacturers or processors for hire under other provisions of this chapter(~~as to such persons the amount of the tax with respect to such business shall be equal to the value of the products, including byproducts, manufactured, multiplied by the rate of 0.484 percent.~~

~~The measure of the tax)), and every manufacturer engaging within the state in the business of making sales, at retail or wholesale, of products manufactured by the manufacturer, as to such persons the amount of tax with respect to such business is equal to the taxable amount under this section multiplied by the rate of 0.2904 percent.~~

(2) The measure of the tax on engaging in the business of:

(a) Manufacturing is the value of the products, including byproducts, so manufactured regardless of the place of sale or the fact that deliveries may be made to points outside the state;

(b) Retailing and wholesaling products manufactured by the manufacturer is the gross proceeds of the sales; and

(c) Processing for hire is the total charges made for those services.

**Sec. 806.** RCW 82.04.240 and 2017 3rd sp.s. c 37 s 518 are each amended to read as follows:

(1) Upon every person engaging within this state in business as a manufacturer or processor for hire, except persons taxable as manufacturers or processors for hire under other provisions of this chapter(~~as to such persons the amount of the tax with respect to such business is equal to the value of the products, including byproducts, manufactured, multiplied by the rate of 0.484 percent)), and every manufacturer engaging within the state in the business of making sales, at retail or wholesale, of products manufactured by the manufacturer, as to such persons the amount of tax with respect to such business is equal to the taxable amount under this section multiplied by the rate of 0.2904 percent.~~

(2)(a) Upon every person engaging within this state in the business of manufacturing semiconductor materials, as to such persons the amount of tax with respect to such business is, in the case of manufacturers, equal to the value of the product manufactured, or, in the case of processors for hire, equal to the gross income of the business, multiplied by the rate of 0.275 percent. For the purposes of this subsection "semiconductor materials" means silicon crystals, silicon ingots, raw polished semiconductor wafers, compound semiconductors, integrated circuits, and microchips.

(b) A person reporting under the tax rate provided in this subsection (2) must file a complete annual tax performance report with the department under RCW 82.32.534.

(3) The measure of the tax on engaging in the business of:

(a) Manufacturing is the value of the products, including byproducts, so manufactured regardless of the place of sale or the fact that deliveries may be made to points outside the state;

(b) Retailing and wholesaling products manufactured by the manufacturer is the gross proceeds of the sales; and

(c) Processing for hire is the total charges made for those services.

(4) This section expires January 1, 2024, unless the contingency in RCW 82.32.790(2) occurs.

**Sec. 807.** RCW 82.04.260 and 2019 c 425 s 1 and 2019 c 336 s 4 are each reenacted and amended to read as follows:

(1) Upon every person engaging within this state in the business of manufacturing:

(a) Wheat into flour, barley into pearl barley, soybeans into soybean oil, canola into canola oil, canola meal, or canola by-products, or sunflower seeds into sunflower oil; as to such persons the amount of tax with respect to such business is equal to the value of the flour, pearl barley, oil, canola meal, or canola by-product manufactured, multiplied by the rate of 0.138 percent;

(b) Beginning July 1, 2025, seafood products that remain in a raw, raw frozen, or raw salted state at the

completion of the manufacturing by that person; or selling manufactured seafood products that remain in a raw, raw frozen, or raw salted state at the completion of the manufacturing, to purchasers who transport in the ordinary course of business the goods out of this state; as to such persons the amount of tax with respect to such business is equal to the value of the products manufactured or the gross proceeds derived from such sales, multiplied by the rate of 0.138 percent. Sellers must keep and preserve records for the period required by RCW 82.32.070 establishing that the goods were transported by the purchaser in the ordinary course of business out of this state;

(c)(i) Except as provided otherwise in (c)(iii) of this subsection, from July 1, 2025, until January 1, 2036, dairy products; or selling dairy products that the person has manufactured to purchasers who either transport in the ordinary course of business the goods out of state or purchasers who use such dairy products as an ingredient or component in the manufacturing of a dairy product; as to such persons the tax imposed is equal to the value of the products manufactured or the gross proceeds derived from such sales multiplied by the rate of 0.138 percent. Sellers must keep and preserve records for the period required by RCW 82.32.070 establishing that the goods were transported by the purchaser in the ordinary course of business out of this state or sold to a manufacturer for use as an ingredient or component in the manufacturing of a dairy product.

(ii) For the purposes of this subsection (1)(c), "dairy products" means:

(A) Products, not including any marijuana-infused product, that as of September 20, 2001, are identified in 21 C.F.R., chapter 1, parts 131, 133, and 135, including by-products from the manufacturing of the dairy products, such as whey and casein; and

(B) Products comprised of not less than seventy percent dairy products that qualify under (c)(ii)(A) of this subsection, measured by weight or volume.

(iii) The preferential tax rate provided to taxpayers under this subsection (1)(c) does not apply to sales of dairy products on or after July 1, 2023, where a dairy product is used by the purchaser as an ingredient or component in the manufacturing in Washington of a dairy product;

(d)(i) Beginning July 1, 2025, fruits or vegetables by canning, preserving, freezing, processing, or dehydrating fresh fruits or vegetables, or selling at wholesale fruits or vegetables manufactured by the seller by canning, preserving, freezing, processing, or dehydrating fresh fruits or vegetables and sold to purchasers who transport in the ordinary course of business the goods out of this state; as to such persons the amount of tax with respect to such business is equal to the value of the products manufactured or the gross proceeds derived from such sales multiplied by the rate of 0.138 percent. Sellers must keep and preserve records for the period required by RCW 82.32.070 establishing that the goods were transported by the purchaser in the ordinary course of business out of this state.

(ii) For purposes of this subsection (1)(d), "fruits" and "vegetables" do not include marijuana, useable marijuana, or marijuana-infused products; and

(e) Wood biomass fuel; as to such persons the amount of tax with respect to the business is equal to the value of wood biomass fuel manufactured, multiplied by the rate of 0.138 percent. For the purposes of this section, "wood biomass fuel" means a liquid or gaseous fuel that is produced from lignocellulosic feedstocks, including wood, forest, or field residue and dedicated energy crops, and that does not include wood treated with chemical preservations such as creosote, pentachlorophenol, or copper-chrome-arsenic.

(2) Upon every person engaging within this state in the business of splitting or processing dried peas; as to such persons the amount of tax with respect to such business is equal to the value of the peas split or processed, multiplied by the rate of 0.138 percent.

(3) Upon every nonprofit corporation and nonprofit association engaging within this state in research and development, as to such corporations and associations, the amount of tax with respect to such activities is equal to the gross income derived from such activities multiplied by the rate of 0.484 percent.

(4) Upon every person engaging within this state in the business of slaughtering, breaking and/or processing perishable meat products and/or selling the same at wholesale only and not at retail; as to such persons the tax imposed is equal to the gross proceeds derived from such sales multiplied by the rate of 0.138 percent.

(5)(a) Upon every person engaging within this state in the business of acting as a travel agent or tour operator and whose annual taxable amount for the prior calendar year was two hundred fifty thousand dollars or less; as to such persons the amount of the tax with respect to such activities is equal to the gross income derived from such activities multiplied by the rate of 0.275 percent.

(b) Upon every person engaging within this state in the business of acting as a travel agent or tour operator and whose annual taxable amount for the calendar year was more than two hundred fifty thousand dollars; as to such persons the amount of the tax with respect to such activities is equal to the gross income derived from such activities multiplied by the rate of 0.275 percent through June 30, 2019, and 0.9 percent beginning July 1, 2019.

(6) Upon every person engaging within this state in business as an international steamship agent, international customs house broker, international freight forwarder, vessel and/or cargo charter broker in foreign commerce, and/or international air cargo agent; as to such persons the amount of the tax with respect to only international activities is equal to the gross income derived from such activities multiplied by the rate of 0.275 percent.

(7) Upon every person engaging within this state in the business of stevedoring and associated activities pertinent to the movement of goods and commodities in waterborne interstate or foreign commerce; as to such persons the amount of tax with respect to such business is equal to the



gross proceeds derived from such activities multiplied by the rate of 0.275 percent. Persons subject to taxation under this subsection are exempt from payment of taxes imposed by chapter 82.16 RCW for that portion of their business subject to taxation under this subsection. Stevedoring and associated activities pertinent to the conduct of goods and commodities in waterborne interstate or foreign commerce are defined as all activities of a labor, service or transportation nature whereby cargo may be loaded or unloaded to or from vessels or barges, passing over, onto or under a wharf, pier, or similar structure; cargo may be moved to a warehouse or similar holding or storage yard or area to await further movement in import or export or may move to a consolidation freight station and be stuffed, unstuffed, containerized, separated or otherwise segregated or aggregated for delivery or loaded on any mode of transportation for delivery to its consignee. Specific activities included in this definition are: Wharfage, handling, loading, unloading, moving of cargo to a convenient place of delivery to the consignee or a convenient place for further movement to export mode; documentation services in connection with the receipt, delivery, checking, care, custody and control of cargo required in the transfer of cargo; imported automobile handling prior to delivery to consignee; terminal stevedoring and incidental vessel services, including but not limited to plugging and unplugging refrigerator service to containers, trailers, and other refrigerated cargo receptacles, and securing ship hatch covers.

(8)(a) Upon every person engaging within this state in the business of disposing of low-level waste, as defined in RCW 43.145.010; as to such persons the amount of the tax with respect to such business is equal to the gross income of the business, excluding any fees imposed under chapter 43.200 RCW, multiplied by the rate of 3.3 percent.

(b) If the gross income of the taxpayer is attributable to activities both within and without this state, the gross income attributable to this state must be determined in accordance with the methods of apportionment required under RCW 82.04.460.

(9) Upon every person engaging within this state as an insurance producer or title insurance agent licensed under chapter 48.17 RCW or a surplus line broker licensed under chapter 48.15 RCW; as to such persons, the amount of the tax with respect to such licensed activities is equal to the gross income of such business multiplied by the rate of 0.484 percent.

(10) Upon every person engaging within this state in business as a hospital, as defined in chapter 70.41 RCW, that is operated as a nonprofit corporation or by the state or any of its political subdivisions, as to such persons, the amount of tax with respect to such activities is equal to the gross income of the business multiplied by the rate of 0.75 percent through June 30, 1995, and 1.5 percent thereafter.

(11)(a) Beginning October 1, 2005, upon every person engaging within this state in the business of manufacturing commercial airplanes, or components of such airplanes, or making sales, at retail or wholesale, of commercial airplanes or components of such airplanes, manufactured by the seller,

as to such persons the amount of tax with respect to such business is, in the case of manufacturers, equal to the value of the product manufactured and the gross proceeds of sales of the product manufactured, or in the case of processors for hire, equal to the gross income of the business, multiplied by the rate of:

(i) 0.4235 percent from October 1, 2005, through June 30, 2007; and

(ii) 0.2904 percent beginning July 1, 2007.

(b) Beginning July 1, 2008, upon every person who is not eligible to report under the provisions of (a) of this subsection (11) and is engaging within this state in the business of manufacturing tooling specifically designed for use in manufacturing commercial airplanes or components of such airplanes, or making sales, at retail or wholesale, of such tooling manufactured by the seller, as to such persons the amount of tax with respect to such business is, in the case of manufacturers, equal to the value of the product manufactured and the gross proceeds of sales of the product manufactured, or in the case of processors for hire, be equal to the gross income of the business, multiplied by the rate of 0.2904 percent.

(c) For the purposes of this subsection (11), "commercial airplane" and "component" have the same meanings as provided in RCW 82.32.550.

(d) In addition to all other requirements under this title, a person reporting under the tax rate provided in this subsection (11) must file a complete annual tax performance report with the department under RCW 82.32.534.

~~((e)(i) Except as provided in (e)(ii) of this subsection (11), this subsection (11) does not apply on and after July 1, 2040.~~

~~(ii) With respect to the manufacturing of commercial airplanes or making sales, at retail or wholesale, of commercial airplanes, this subsection (11) does not apply on and after July 1st of the year in which the department makes a determination that any final assembly or wing assembly of any version or variant of a commercial airplane that is the basis of a siting of a significant commercial airplane manufacturing program in the state under RCW 82.32.850 has been sited outside the state of Washington. This subsection (11)(e)(ii) only applies to the manufacturing or sale of commercial airplanes that are the basis of a siting of a significant commercial airplane manufacturing program in the state under RCW 82.32.850.))~~

(12)(a) Until July 1, 2045, upon every person engaging within this state in the business of extracting timber or extracting for hire timber; as to such persons the amount of tax with respect to the business is, in the case of extractors, equal to the value of products, including by-products, extracted, or in the case of extractors for hire, equal to the gross income of the business, multiplied by the rate of 0.4235 percent from July 1, 2006, through June 30, 2007, and 0.2904 percent from July 1, 2007, through June 30, 2045.

(b) Until July 1, 2045, upon every person engaging within this state in the business of manufacturing or

processing for hire: (i) Timber into timber products or wood products; (ii) timber products into other timber products or wood products; or (iii) products defined in RCW 19.27.570(1); as to such persons the amount of the tax with respect to the business is, in the case of manufacturers, equal to the value of products, including by-products, manufactured, or in the case of processors for hire, equal to the gross income of the business, multiplied by the rate of 0.4235 percent from July 1, 2006, through June 30, 2007, and 0.2904 percent from July 1, 2007, through June 30, 2045.

(c) Until July 1, 2045, upon every person engaging within this state in the business of selling at wholesale: (i) Timber extracted by that person; (ii) timber products manufactured by that person from timber or other timber products; (iii) wood products manufactured by that person from timber or timber products; or (iv) products defined in RCW 19.27.570(1) manufactured by that person ((H:\DATA\2020 JOURNAL\Journal2020\LegDay059\;doe)); as to such persons the amount of the tax with respect to the business is equal to the gross proceeds of sales of the timber, timber products, wood products, or products defined in RCW 19.27.570(1) multiplied by the rate of 0.4235 percent from July 1, 2006, through June 30, 2007, and 0.2904 percent from July 1, 2007, through June 30, 2045.

(d) Until July 1, 2045, upon every person engaging within this state in the business of selling standing timber; as to such persons the amount of the tax with respect to the business is equal to the gross income of the business multiplied by the rate of 0.2904 percent. For purposes of this subsection (12)(d), "selling standing timber" means the sale of timber apart from the land, where the buyer is required to sever the timber within thirty months from the date of the original contract, regardless of the method of payment for the timber and whether title to the timber transfers before, upon, or after severance.

(e) For purposes of this subsection, the following definitions apply:

(i) "Biocomposite surface products" means surface material products containing, by weight or volume, more than fifty percent recycled paper and that also use nonpetroleum-based phenolic resin as a bonding agent.

(ii) "Paper and paper products" means products made of interwoven cellulose fibers held together largely by hydrogen bonding. "Paper and paper products" includes newsprint; office, printing, fine, and pressure-sensitive papers; paper napkins, towels, and toilet tissue; kraft bag, construction, and other kraft industrial papers; paperboard, liquid packaging containers, containerboard, corrugated, and solid-fiber containers including linerboard and corrugated medium; and related types of cellulosic products containing primarily, by weight or volume, cellulosic materials. "Paper and paper products" does not include books, newspapers, magazines, periodicals, and other printed publications, advertising materials, calendars, and similar types of printed materials.

(iii) "Recycled paper" means paper and paper products having fifty percent or more of their fiber content that comes

from postconsumer waste. For purposes of this subsection (12)(e)(iii), "postconsumer waste" means a finished material that would normally be disposed of as solid waste, having completed its life cycle as a consumer item.

(iv) "Timber" means forest trees, standing or down, on privately or publicly owned land. "Timber" does not include Christmas trees that are cultivated by agricultural methods or short-rotation hardwoods as defined in RCW 84.33.035.

(v) "Timber products" means:

(A) Logs, wood chips, sawdust, wood waste, and similar products obtained wholly from the processing of timber, short-rotation hardwoods as defined in RCW 84.33.035, or both;

(B) Pulp, including market pulp and pulp derived from recovered paper or paper products; and

(C) Recycled paper, but only when used in the manufacture of biocomposite surface products.

(vi) "Wood products" means paper and paper products; dimensional lumber; engineered wood products such as particleboard, oriented strand board, medium density fiberboard, and plywood; wood doors; wood windows; and biocomposite surface products.

(f) Except for small harvesters as defined in RCW 84.33.035, a person reporting under the tax rate provided in this subsection (12) must file a complete annual tax performance report with the department under RCW 82.32.534.

(g) Nothing in this subsection (12) may be construed to affect the taxation of any activity defined as a retail sale in RCW 82.04.050(2) (b) or (c), defined as a wholesale sale in RCW 82.04.060(2), or taxed under RCW 82.04.280(1)(g).

(13) Upon every person engaging within this state in inspecting, testing, labeling, and storing canned salmon owned by another person, as to such persons, the amount of tax with respect to such activities is equal to the gross income derived from such activities multiplied by the rate of 0.484 percent.

(14)(a) Upon every person engaging within this state in the business of printing a newspaper, publishing a newspaper, or both, the amount of tax on such business is equal to the gross income of the business multiplied by the rate of 0.35 percent until July 1, 2024, and 0.484 percent thereafter.

(b) A person reporting under the tax rate provided in this subsection (14) must file a complete annual tax performance report with the department under RCW 82.32.534.

**NEW SECTION. Sec. 808.** The provisions of RCW 82.32.805 and 82.32.808 do not apply to this act.

**NEW SECTION. Sec. 809.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

Correct the title.

Representative Orcutt spoke in favor of the adoption of the amendment.

### POINT OF ORDER

Representative Stonier requested a scope and object ruling on striking amendment (2188) to ENGROSSED SENATE BILL NO. 6690.

### SPEAKER'S RULING

Madam Speaker: "Thank you for that request.

The bill modifies the preferential business and occupation tax related to aerospace manufacturing.

The amendment addresses the businesses and occupation taxes for all manufacturers.

The Speaker therefore finds and rules that the amendment is outside the scope and object of the bill.

The point of order is well taken."

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage, as amended by the House.

Representative Sullivan spoke in favor of the passage of the bill.

Representative Orcutt spoke against the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Engrossed Senate Bill No. 6690, as amended by the House.

### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Senate Bill No. 6690, as amended by the House, and the bill passed the House by the following vote: Yeas, 73; Nays, 24; Absent, 0; Excused, 1.

Voting yea: Representatives Barkis, Bergquist, Blake, Boehnke, Callan, Chambers, Chandler, Chapman, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Duerr, Dufault, Dye, Entenman, Fey, Gildon, Goehner, Goodman, Graham, Gregerson, Hansen, Harris, Hoff, Hudgins, J. Johnson, Kilduff, Kirby, Klippert, Kretz, Leavitt, Lovick, Maycumber, Mead, Morgan, Mosbrucker, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Slatter, Smith, Springer, Steele, Stonier, Sullivan, Tarleton, Thai, Tharinger, Valdez, Vick, Walen, Wilcox, Wylie, Ybarra and Mme. Speaker.

Voting nay: Representatives Appleton, Caldier, Chopp, Eslick, Fitzgibbon, Frame, Griffey, Irwin, Jenkin, Kloba, Kraft, Lekanoff, MacEwen, Macri, McCaslin, Orcutt, Rude, Shea, Stokesbary, Sutherland, Van Werven, Volz, Walsh and Young.

Excused: Representative Paul.

ENGROSSED SENATE BILL NO. 6690, as amended by the House, having received the necessary constitutional majority, was declared passed.

There being no objection, the House adjourned until 10:00 a.m., March 12, 2020, the 60th Day of the Regular Session.

LAURIE JINKINS, Speaker

BERNARD DEAN, Chief Clerk

## SIXTY SIXTH LEGISLATURE - REGULAR SESSION

## SIXTIETH DAY

House Chamber, Olympia, Thursday, March 12, 2020

The House was called to order at 10:00 a.m. by the Speaker (Representative Orwall presiding). The Clerk called the roll and a quorum was present.

The flags were escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Kamila Lopez and JJ Mulholland. The Speaker (Representative Orwall presiding) led the Chamber in the Pledge of Allegiance. The prayer was offered by Pastor David Wright, University Chaplain, University of Puget Sound.

Reading of the Journal of the previous day was dispensed with and it was ordered to stand approved.

The Speaker (Representative Lovick presiding) called upon Representative DeBolt to preside.

The Speaker assumed the chair.

**SIGNED BY THE SPEAKER**

The Speaker signed the following bills:

HOUSE BILL NO. 1368  
SUBSTITUTE HOUSE BILL NO. 2632  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2722  
SECOND SUBSTITUTE HOUSE BILL NO. 2737

There being no objection, the House advanced to the seventh order of business.

**THIRD READING****MESSAGE FROM THE SENATE**

March 11, 2020

Madame Speaker:

The Senate has passed SECOND SUBSTITUTE HOUSE BILL NO. 1661 with the following amendment: 809.0.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 810. (1) The legislature finds that:

(a) Chapter 47, Laws of 2011 1st sp. sess. (Engrossed Substitute House Bill No. 1981) established a framework to allow the state's institutions of higher education to begin funding the unfunded portion of the defined benefit component of the higher education retirement plans.

(b) Moneys in the fund are being invested in short-term assets with low rates of return because there is no stated or clear pathway for when these funds will be used to pay benefits and that a stated strategy would allow these funds to be invested at a higher rate of return.

(c) The first actuarial analysis of the plans was completed in 2016, which provided information about projected future costs and potential institution specific rates that would allow benefits to be paid from the fund beginning in 2035.

(2) Therefore, the legislature intends the following:

(a) To establish institution specific contribution rates for each institutions of higher education supplemental benefit plan.

(b) The pension funding council will adjust the institution specific rates periodically based on updated experience and actuarial analyses to maintain progress towards funding the actuarial liabilities of each institution and to allow payment from the funds by 2035.

(c) Future contribution rates represent the cost of paying on a combined prefunded and pay-as-you-go basis in a way that reduces the year-to-year changes in cost that the higher education retirement plan supplemental benefit has under current law.

(d) The department of retirement systems assumes responsibility for administering the higher education retirement plan supplemental benefit fund when sufficient assets have been accumulated, as determined by the pension funding council.

(e) When sufficient funding has been accumulated to begin making benefit payments that the payments be made solely from that institution's portion of the higher education retirement plan supplemental benefit fund.

(f) That moneys in the fund be invested in a way to maximize returns.

**Sec. 811.** RCW 28B.10.423 and 2012 c 229 s 516 are each amended to read as follows:

(1) For employees who are first employed by an institution of higher education in a position eligible for participation in an old age annuities or retirement income plan under this chapter prior to July 1, 2011, it is the intent of RCW 28B.10.400, 28B.10.405, 28B.10.410, 28B.10.415, and 28B.10.420((c)) and ((28B.10.423)) this section that the retirement income resulting from the contributions described herein from the state of Washington and the employee shall be projected actuarially so that it shall not exceed sixty percent of the average of the highest two consecutive years

salary. Periodic review of the retirement systems established pursuant to RCW 28B.10.400, 28B.10.405, 28B.10.410, 28B.10.415, and 28B.10.420(+) and ((28B.10.423)) this section will be undertaken at such time and in such manner as determined by the committees on ways and means of the senate and of the house of representatives, the select committee on pension policy, and the pension funding council, and joint contribution rates will be adjusted if necessary to accomplish this intent.

(2) Beginning July 1, 2011, state funding for annuity or retirement income plans under RCW 28B.10.400 shall not exceed six percent of salary. The state board for community and technical colleges and the student achievement council are exempt from the provisions of this subsection (2).

(3) By June 30, 2013, and every two years thereafter, each institution of higher education that is responsible for payment of supplemental amounts under RCW 28B.10.400(1)(c) shall contract with the state actuary under chapter 41.44 RCW for an actuarial valuation of their supplemental benefit plan. By June 30, 2013, and at least once every six years thereafter, each institution shall also contract with the state actuary under chapter 41.44 RCW for an actuarial experience study of the mortality, service, compensation, and other experience of the annuity or retirement income plans created in this chapter, and into the financial condition of each system. At the discretion of the state actuary, the valuation or experience study may be performed by the state actuary or by an outside actuarial firm under contract to the office of the state actuary. Each institution of higher education is required to provide the data and information required for the performance of the valuation or experience study to the office of the state actuary or to the actuary performing the study on behalf of the state actuary. The state actuary may charge each institution for the actual cost of the valuation or experience study through an interagency agreement. Upon completion of the valuation or experience study, the state actuary shall provide copies of the study to the institution of higher education and to the select committee on pension policy and the pension funding council.

(4)(a) ~~((A higher education retirement plan supplemental benefit fund is created in the custody of the state treasurer for the purpose of funding future benefit obligations of higher education retirement plan supplemental benefits. The state investment board has the full power to invest, reinvest, manage, contract, sell, or exchange investment money in the fund.~~

~~((b)))~~ From January 1, 2012, through June 30, 2013, an employer contribution rate of one-quarter of one percent of salary is established to begin prefunding the unfunded future obligations of the supplemental benefit established in RCW 28B.10.400.

~~((c)))~~ (b) Beginning July 1, 2013, an employer contribution rate of one-half of one percent of salary is established to prefund the unfunded future obligations of the supplemental benefit established in RCW 28B.10.400.

~~((d)))~~ (c)(i) Beginning July 1, 2020, the employer contribution rates for each state institution of higher education are as follows:

University of Washington: 0.38 percent

Washington State University: 0.30 percent

Western Washington University: 0.21 percent

Eastern Washington University: 0.28 percent

Central Washington University: 0.28 percent

The Evergreen State College: 0.23 percent

State board for community and technical colleges: 0.13 percent

(ii) The contribution rates established in this section may be changed by rates adopted by the pension funding council beginning July 1, 2021, consistent with (e) of this subsection.

(iii) The rates in this subsection (4) are subject to the limit established in subsection (2) of this section.

(d) Consistent with chapter 41.50 RCW, the department of retirement systems shall collect the employer contribution rates established in this section from each state institution of higher education, and deposit those contributions into the higher education retirement plan supplemental benefit fund under RCW 41.50.075(6). The contributions made by each employer into the higher education retirement plan supplemental benefit fund and the earnings on those contributions shall be accounted for separately within the fund.

(e) Following the completion and review of the ~~((initial))~~ actuarial valuations and experience study conducted pursuant to subsection (3) of this section, the pension funding council may~~((:~~

(i) Adopt), by July 31, 2020, and every two years thereafter, adopt and make changes to the employer contribution rates established in this subsection consistent with the procedures established in chapter 41.45 RCW. If the actuarial valuations of the higher education retirement plans of each institution contributing to the higher education retirement plan supplemental benefit fund suggest that different contribution rates are appropriate for each institution, different rates may be adopted. Rates adopted by the pension funding council are subject to revision by the legislature~~((:~~

(ii) Recommend legislation that will, upon accumulation of sufficient funding in the higher education retirement plan supplemental benefit fund, transfer the responsibility for making supplemental benefit payments to the department of retirement systems, and adjust employer contribution rates to reflect the transfer of responsibility).

(f)(i) The rates adopted by the pension funding council must be designed to keep the cost of the higher education retirement plan supplemental benefits at a more level percentage of pay than a pay-as-you-go method. This more level percentage of pay of costs means a combination of the cost of supplemental benefits paid by the institution directly, plus the cost of contributions to the higher education retirement plan supplemental benefit fund. Contributions shall continue until the projected value of the funds equals the projected cost of future benefits for the institution.

(ii) Funds are anticipated to be accumulated in the higher education retirement plan supplemental benefit fund, and not expended on benefits until approximately the year 2035.

(iii) The pension funding council, in consultation with the state actuary, may choose and occasionally revise, a funding method designed to achieve these objectives.

**Sec. 812.** RCW 41.45.050 and 2004 c 242 s 38 are each amended to read as follows:

(1) Employers of members of the public employees' retirement system, the teachers' retirement system, the school employees' retirement system, the public safety employees' retirement system, ~~((and))~~ the Washington state patrol retirement system, and the higher education retirement plans shall make contributions to those systems and plans based on the rates established in RCW 41.45.060 and 41.45.070.

(2) The state shall make contributions to the law enforcement officers' and firefighters' retirement system plan 2 based on the rates established in RCW 41.45.060 and 41.45.070. The state treasurer shall transfer the required contributions each month on the basis of salary data provided by the department.

(3) The department shall bill employers, and the state shall make contributions to the law enforcement officers' and firefighters' retirement system plan 2, using the combined rates established in RCW 41.45.060 and 41.45.070 regardless of the level of appropriation provided in the biennial budget. Any member of an affected retirement system may, by mandamus or other appropriate proceeding, require the transfer and payment of funds as directed in this section.

(4) The contributions received for the public employees' retirement system shall be allocated between the public employees' retirement system plan 1 fund and the public employees' retirement system combined plan 2 and plan 3 fund as follows: The contributions necessary to fully fund the public employees' retirement system combined plan 2 and plan 3 employer contribution shall first be deposited in the public employees' retirement system combined plan 2 and plan 3 fund. All remaining public employees' retirement system employer contributions shall be deposited in the public employees' retirement system plan 1 fund.

(5) The contributions received for the teachers' retirement system shall be allocated between the plan 1 fund and the combined plan 2 and plan 3 fund as follows: The contributions necessary to fully fund the combined plan 2 and plan 3 employer contribution shall first be deposited in the combined plan 2 and plan 3 fund. All remaining teachers' retirement system employer contributions shall be deposited in the plan 1 fund.

(6) The contributions received for the school employees' retirement system shall be allocated between the public employees' retirement system plan 1 fund and the school employees' retirement system combined plan 2 and plan 3 fund as follows: The contributions necessary to fully fund the combined plan 2 and plan 3 employer contribution

shall first be deposited in the combined plan 2 and plan 3 fund. All remaining school employees' retirement system employer contributions shall be deposited in the public employees' retirement system plan 1 fund.

(7) The contributions received for the law enforcement officers' and firefighters' retirement system plan 2 shall be deposited in the law enforcement officers' and firefighters' retirement system plan 2 fund.

(8) The contributions received for the public safety employees' retirement system shall be allocated between the public employees' retirement system plan 1 fund and the public safety employees' retirement system plan 2 fund as follows: The contributions necessary to fully fund the plan 2 employer contribution shall first be deposited in the plan 2 fund. All remaining public safety employees' retirement system employer contributions shall be deposited in the public employees' retirement system plan 1 fund.

(9) The contributions received for the higher education retirement plan supplemental benefit fund shall be deposited in the higher education retirement plan supplemental benefit fund and amounts received from each institution accounted for separately and shall only be used to make benefit payments to the beneficiaries of that institution's plan.

**Sec. 813.** RCW 41.45.060 and 2009 c 561 s 3 are each amended to read as follows:

(1) The state actuary shall provide preliminary actuarial valuation results based on the economic assumptions and asset value smoothing technique included in RCW 41.45.035 or adopted under RCW 41.45.030 or 41.45.035.

(2) Not later than July 31, 2008, and every two years thereafter, consistent with the economic assumptions and asset value smoothing technique included in RCW 41.45.035 or adopted under RCW 41.45.030 or 41.45.035, the council shall adopt and may make changes to:

(a) A basic state contribution rate for the law enforcement officers' and firefighters' retirement system plan 1;

(b) Basic employer contribution rates for the public employees' retirement system, the teachers' retirement system, and the Washington state patrol retirement system; and

(c) Basic employer contribution rates for the school employees' retirement system and the public safety employees' retirement system for funding both those systems and the public employees' retirement system plan 1.

The council may adopt annual rate changes for any plan for any rate-setting period. The contribution rates adopted by the council shall be subject to revision by the legislature.

(3) The employer and state contribution rates adopted by the council shall be the level percentages of pay that are needed:

(a) To fully amortize the total costs of the law enforcement officers' and firefighters' retirement system plan 1 not later than June 30, 2024;

(b) To fully fund the public employees' retirement system plans 2 and 3, the teachers' retirement system plans 2 and 3, the public safety employees' retirement system plan 2, and the school employees' retirement system plans 2 and 3 in accordance with RCW 41.45.061, 41.45.067, and this section; and

(c) To fully fund the public employees' retirement system plan 1 and the teachers' retirement system plan 1 in accordance with RCW 41.45.070, 41.45.150, and this section.

(4) The aggregate actuarial cost method shall be used to calculate a combined plan 2 and 3 normal cost, a Washington state patrol retirement system normal cost, and a public safety employees' retirement system normal cost.

(5) A modified entry age normal cost method, as set forth in this chapter, shall be used to calculate employer contributions to the public employees' retirement system plan 1 and the teachers' retirement system plan 1.

(6) The employer contribution rate for the public employees' retirement system and the school employees' retirement system shall equal the sum of:

(a) The amount required to pay the combined plan 2 and plan 3 normal cost for the system, subject to any minimum rates applied pursuant to RCW 41.45.155; plus

(b) The amount required to amortize the unfunded actuarial accrued liability in plan 1 of the public employees' retirement system over a rolling ten-year period using projected future salary growth and growth in system membership, and subject to any minimum or maximum rates applied pursuant to RCW 41.45.150; plus

(c) The amounts required to amortize the costs of any benefit improvements in plan 1 of the public employees' retirement system that become effective after June 30, 2009. The cost of each benefit improvement shall be amortized over a fixed ten-year period using projected future salary growth and growth in system membership. The amounts required under this subsection are not subject to, and are collected in addition to, any minimum or maximum rates applied pursuant to RCW 41.45.150.

(7) The employer contribution rate for the public safety employees' retirement system shall equal the sum of:

(a) The amount required to pay the normal cost for the system, subject to any minimum rates applied pursuant to RCW 41.45.155; plus

(b) The amount required to amortize the unfunded actuarial accrued liability in plan 1 of the public employees' retirement system over a rolling ten-year period using projected future salary growth and growth in system membership, and subject to any minimum or maximum rates applied pursuant to RCW 41.45.150; plus

(c) The amounts required to amortize the costs of any benefit improvements in plan 1 of the public employees'

retirement system that become effective after June 30, 2009. The cost of each benefit improvement shall be amortized over a fixed ten-year period using projected future salary growth and growth in system membership. The amounts required under this subsection are not subject to, and are collected in addition to, any minimum or maximum rates applied pursuant to RCW 41.45.150.

(8) The employer contribution rate for the teachers' retirement system shall equal the sum of:

(a) The amount required to pay the combined plan 2 and plan 3 normal cost for the system, subject to any minimum rates applied pursuant to RCW 41.45.155; plus

(b) The amount required to amortize the unfunded actuarial accrued liability in plan 1 of the teachers' retirement system over a rolling ten-year period using projected future salary growth and growth in system membership, and subject to any minimum or maximum rates applied pursuant to RCW 41.45.150; plus

(c) The amounts required to amortize the costs of any benefit improvements in plan 1 of the teachers' retirement system that become effective after June 30, 2009. The cost of each benefit improvement shall be amortized over a fixed ten-year period using projected future salary growth and growth in system membership. The amounts required under this subsection are not subject to, and are collected in addition to, any minimum or maximum rates applied pursuant to RCW 41.45.150.

(9) The employer contribution rate for each of the institutions of higher education for the higher education supplemental retirement benefits must be sufficient to fund, as a level percentage of pay, a portion of the projected cost of the supplemental retirement benefits for the institution beginning in 2035, with the other portion supported on a pay-as-you-go basis, either as direct payments by each institution to retirees, or as contributions to the higher education retirement plan supplemental benefit fund. Contributions must continue until the council determines that the institution for higher education supplemental retirement benefit liabilities are satisfied.

(10) The council shall immediately notify the directors of the office of financial management and department of retirement systems of the state and employer contribution rates adopted. The rates shall be effective for the ensuing biennial period, subject to any legislative modifications.

~~((40))~~ (11) The director shall collect those rates adopted by the council. The rates established in RCW 41.45.062, or by the council, shall be subject to revision by the legislature.

~~((44))~~ (12) The state actuary shall prepare final actuarial valuation results based on the economic assumptions, asset value smoothing technique, and contribution rates included in or adopted under RCW 41.45.030, 41.45.035, and this section.

**Sec. 814.** RCW 41.50.075 and 2004 c 242 s 44 are each amended to read as follows:

(1) Two funds are hereby created and established in the state treasury to be known as the Washington law enforcement officers' and firefighters' system plan 1 retirement fund, and the Washington law enforcement officers' and firefighters' system plan 2 retirement fund which shall consist of all moneys paid into them in accordance with the provisions of this chapter and chapter 41.26 RCW, whether such moneys take the form of cash, securities, or other assets. The plan 1 fund shall consist of all moneys paid to finance the benefits provided to members of the law enforcement officers' and firefighters' retirement system plan 1, and the plan 2 fund shall consist of all moneys paid to finance the benefits provided to members of the law enforcement officers' and firefighters' retirement system plan 2.

(2) All of the assets of the Washington state teachers' retirement system shall be credited according to the purposes for which they are held, to two funds to be maintained in the state treasury, namely, the teachers' retirement system plan 1 fund and the teachers' retirement system combined plan 2 and 3 fund. The plan 1 fund shall consist of all moneys paid to finance the benefits provided to members of the Washington state teachers' retirement system plan 1, and the combined plan 2 and 3 fund shall consist of all moneys paid to finance the benefits provided to members of the Washington state teachers' retirement system plan 2 and 3.

(3) There is hereby established in the state treasury two separate funds, namely the public employees' retirement system plan 1 fund and the public employees' retirement system combined plan 2 and plan 3 fund. The plan 1 fund shall consist of all moneys paid to finance the benefits provided to members of the public employees' retirement system plan 1, and the combined plan 2 and plan 3 fund shall consist of all moneys paid to finance the benefits provided to members of the public employees' retirement system plans 2 and 3.

(4) There is hereby established in the state treasury the school employees' retirement system combined plan 2 and 3 fund. The combined plan 2 and 3 fund shall consist of all moneys paid to finance the benefits provided to members of the school employees' retirement system plan 2 and plan 3.

(5) There is hereby established in the state treasury the public safety employees' retirement system plan 2 fund. The plan 2 fund shall consist of all moneys paid to finance the benefits provided to members of the public safety employees' retirement system plan 2.

(6)(a)(i) There is hereby established in the state treasury the higher education retirement plan supplemental benefit fund. The higher education retirement plan supplemental benefit fund shall consist of all moneys paid to finance the benefits provided to members of each of the higher education retirement plans.

(ii) The fund in this subsection (6) was originally created under chapter 47, Laws of 2011 1st sp. sess. (Engrossed Substitute House Bill No. 1981).

(b) The office of financial management must create individual accounts for each institution of higher education within the higher education retirement plan supplemental

benefit fund. For fiscal year 2021, the office of financial management must transfer all the assets of the higher education retirement plan supplemental benefit fund into the individual accounts for each institution that will be used to manage the accounting for each benefit plan. The higher education retirement plan supplemental benefit fund will include all the amounts in the individual accounts created in this subsection.

**NEW SECTION. Sec. 815.** A new section is added to chapter 41.50 RCW to read as follows:

(1) On July 1st of the fiscal year following a determination by the pension funding council that a higher education institution has sufficiently funded the liabilities of that institution through contributions to the higher education retirement plan supplemental benefit fund, the department shall assume responsibility for making benefit payments to higher education retirement plan supplemental beneficiaries for that institution from the portion of the higher education retirement plan supplemental benefit fund attributed to the individual institution.

(2) Immediately following the determination by the pension funding council under RCW 41.45.060(9) that an institution participating in the higher education retirement plan supplemental benefits has sufficiently funded the benefits of the plan that higher education institution:

(a) Must provide any data and assistance requested by the department to facilitate the transition of responsibility for making benefit payments to higher education retirement plan members eligible for supplemental benefit payments; and

(b) Is governed by the provisions of RCW 41.50.110.

(3) On the date that the department assumes responsibility for benefit payments under subsection (1) of this section, the department shall assess contributions to the department of retirement systems' expense fund under RCW 41.50.110(3) for active participants in the higher education retirement plan. Contributions to the expense fund for higher education retirement plan members must end when there are no longer retirees or beneficiaries from an institution receiving payments administered by the department.

(4)(a) Upon the department's assumption of responsibility for making benefit payments from an institution's higher education retirement plan, the institution shall submit to the department the benefit level for current higher education retirement plan supplemental beneficiaries, and each month following the department's assumption of responsibility for making benefit payments to an institution's higher education retirement plan supplemental beneficiaries, the institution shall submit to the department information on any new retirees covered by the higher education retirement plan supplemental benefit. The submission shall include all data relevant to the calculation of a supplemental benefit for each retiree, and the benefit that the institution determines the individual qualifies to receive. No later than January 1st, following the funding determination in RCW 41.45.060(9) that begins the transition of responsibility for benefit payments to the department, the department shall provide the institution with a notice of what data will be required to



determine higher education retirement plan supplemental benefit determinations for future retirees.

(b) The department shall review the information provided by the institution for each retiring higher education retirement plan member eligible for the supplemental benefit and determine the supplemental benefit amount the member is eligible to receive, if any.

(c) In the event that the department is not provided with all data required by the notice in (a) of this subsection, the institution of higher education will remain responsible for payment of higher education retirement plan supplemental benefits to that member. In addition, the collection of overpayments and error correction provisions of this chapter apply in the event that the department makes supplemental benefit payments based on incomplete or inaccurate data provided by an institution.

**Sec. 816.** RCW 43.84.092 and 2019 c 421 s 15, 2019 c 403 s 14, 2019 c 365 s 19, 2019 c 287 s 19, and 2019 c 95 s 6 are each reenacted and amended to read as follows:

(1) All earnings of investments of surplus balances in the state treasury shall be deposited to the treasury income account, which account is hereby established in the state treasury.

(2) The treasury income account shall be utilized to pay or receive funds associated with federal programs as required by the federal cash management improvement act of 1990. The treasury income account is subject in all respects to chapter 43.88 RCW, but no appropriation is required for refunds or allocations of interest earnings required by the cash management improvement act. Refunds of interest to the federal treasury required under the cash management improvement act fall under RCW 43.88.180 and shall not require appropriation. The office of financial management shall determine the amounts due to or from the federal government pursuant to the cash management improvement act. The office of financial management may direct transfers of funds between accounts as deemed necessary to implement the provisions of the cash management improvement act, and this subsection. Refunds or allocations shall occur prior to the distributions of earnings set forth in subsection (4) of this section.

(3) Except for the provisions of RCW 43.84.160, the treasury income account may be utilized for the payment of purchased banking services on behalf of treasury funds including, but not limited to, depository, safekeeping, and disbursement functions for the state treasury and affected state agencies. The treasury income account is subject in all respects to chapter 43.88 RCW, but no appropriation is required for payments to financial institutions. Payments shall occur prior to distribution of earnings set forth in subsection (4) of this section.

(4) Monthly, the state treasurer shall distribute the earnings credited to the treasury income account. The state treasurer shall credit the general fund with all the earnings credited to the treasury income account except:

(a) The following accounts and funds shall receive their proportionate share of earnings based upon each

account's and fund's average daily balance for the period: The abandoned recreational vehicle disposal account, the aeronautics account, the aircraft search and rescue account, the Alaskan Way viaduct replacement project account, the brownfield redevelopment trust fund account, the budget stabilization account, the capital vessel replacement account, the capitol building construction account, the Cedar River channel construction and operation account, the Central Washington University capital projects account, the charitable, educational, penal and reformatory institutions account, the Chehalis basin account, the cleanup settlement account, the Columbia river basin water supply development account, the Columbia river basin taxable bond water supply development account, the Columbia river basin water supply revenue recovery account, the common school construction fund, the community forest trust account, the connecting Washington account, the county arterial preservation account, the county criminal justice assistance account, the deferred compensation administrative account, the deferred compensation principal account, the department of licensing services account, the department of licensing tuition recovery trust fund, the department of retirement systems expense account, the developmental disabilities community trust account, the diesel idle reduction account, the drinking water assistance account, the drinking water assistance administrative account, the early learning facilities development account, the early learning facilities revolving account, the Eastern Washington University capital projects account, the education construction fund, the education legacy trust account, the election account, the electric vehicle account, the energy freedom account, the energy recovery act account, the essential rail assistance account, The Evergreen State College capital projects account, the federal forest revolving account, the ferry bond retirement fund, the freight mobility investment account, the freight mobility multimodal account, the grade crossing protective fund, the public health services account, the state higher education construction account, the higher education construction account, the higher education retirement plan supplemental benefit fund, the highway bond retirement fund, the highway infrastructure account, the highway safety fund, the hospital safety net assessment fund, the industrial insurance premium refund account, the Interstate 405 and state route number 167 express toll lanes account, the judges' retirement account, the judicial retirement administrative account, the judicial retirement principal account, the local leasehold excise tax account, the local real estate excise tax account, the local sales and use tax account, the marine resources stewardship trust account, the medical aid account, the mobile home park relocation fund, the money-purchase retirement savings administrative account, the money-purchase retirement savings principal account, the motor vehicle fund, the motorcycle safety education account, the multimodal transportation account, the multiuse roadway safety account, the municipal criminal justice assistance account, the natural resources deposit account, the oyster reserve land account, the pension funding stabilization account, the perpetual surveillance and maintenance account, the pollution liability insurance agency underground storage tank revolving account, the public employees' retirement system plan 1 account, the public employees' retirement system combined plan 2 and plan 3

account, the public facilities construction loan revolving account beginning July 1, 2004, the public health supplemental account, the public works assistance account, the Puget Sound capital construction account, the Puget Sound ferry operations account, the Puget Sound Gateway facility account, the Puget Sound taxpayer accountability account, the real estate appraiser commission account, the recreational vehicle account, the regional mobility grant program account, the resource management cost account, the rural arterial trust account, the rural mobility grant program account, the rural Washington loan fund, the sexual assault prevention and response account, the site closure account, the skilled nursing facility safety net trust fund, the small city pavement and sidewalk account, the special category C account, the special wildlife account, the state employees' insurance account, the state employees' insurance reserve account, the state investment board expense account, the state investment board commingled trust fund accounts, the state patrol highway account, the state route number 520 civil penalties account, the state route number 520 corridor account, the state wildlife account, the statewide broadband account, the statewide tourism marketing account, the student achievement council tuition recovery trust fund, the supplemental pension account, the Tacoma Narrows toll bridge account, the teachers' retirement system plan 1 account, the teachers' retirement system combined plan 2 and plan 3 account, the tobacco prevention and control account, the tobacco settlement account, the toll facility bond retirement account, the transportation 2003 account (nickel account), the transportation equipment fund, the transportation future funding program account, the transportation improvement account, the transportation improvement board bond retirement account, the transportation infrastructure account, the transportation partnership account, the traumatic brain injury account, the tuition recovery trust fund, the University of Washington bond retirement fund, the University of Washington building account, the voluntary cleanup account, the volunteer firefighters' and reserve officers' relief and pension principal fund, the volunteer firefighters' and reserve officers' administrative fund, the vulnerable roadway user education account, the Washington judicial retirement system account, the Washington law enforcement officers' and firefighters' system plan 1 retirement account, the Washington law enforcement officers' and firefighters' system plan 2 retirement account, the Washington public safety employees' plan 2 retirement account, the Washington school employees' retirement system combined plan 2 and 3 account, the Washington state health insurance pool account, the Washington state patrol retirement account, the Washington State University building account, the Washington State University bond retirement fund, the water pollution control revolving administration account, the water pollution control revolving fund, the Western Washington University capital projects account, the Yakima integrated plan implementation account, the Yakima integrated plan implementation revenue recovery account, and the Yakima integrated plan implementation taxable bond account. Earnings derived from investing balances of the agricultural permanent fund, the normal school permanent fund, the permanent common school fund, the scientific permanent fund, the state university permanent

fund, and the state reclamation revolving account shall be allocated to their respective beneficiary accounts.

(b) Any state agency that has independent authority over accounts or funds not statutorily required to be held in the state treasury that deposits funds into a fund or account in the state treasury pursuant to an agreement with the office of the state treasurer shall receive its proportionate share of earnings based upon each account's or fund's average daily balance for the period.

(5) In conformance with Article II, section 37 of the state Constitution, no treasury accounts or funds shall be allocated earnings without the specific affirmative directive of this section.

**NEW SECTION. Sec. 817.** This act takes effect July 1, 2020."

On page 1, line 1 of the title, after "plans;" strike the remainder of the title and insert "amending RCW 28B.10.423, 41.45.050, 41.45.060, and 41.50.075; reenacting and amending RCW 43.84.092; adding a new section to chapter 41.50 RCW; creating a new section; and providing an effective date."

and the same is herewith transmitted.

Sarah Bannister, Deputy, Secretary

#### **SENATE AMENDMENT TO HOUSE BILL**

There being no objection, the House concurred in the Senate amendment to SECOND SUBSTITUTE HOUSE BILL NO. 1661 and advanced the bill as amended by the Senate to final passage.

#### **FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED**

Representatives Chandler and Robinson spoke in favor of the passage of the bill.

#### **MOTION**

On motion of Representative Ramos, Representative Paul was excused.

The Speaker stated the question before the House to be the final passage of Second Substitute House Bill No. 1661, as amended by the Senate.

#### **ROLL CALL**

The Clerk called the roll on the final passage of Second Substitute House Bill No. 1661, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins,

Irwin, Jenkin, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Mead, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shea, Shewmake, Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Excused: Representative Paul.

SECOND SUBSTITUTE HOUSE BILL NO. 1661, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

### MESSAGE FROM THE SENATE

March 11, 2020

Madame Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 2248 with the following amendment: 817.0.

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 818.** (1) The legislature finds and declares that stimulating local investment in community solar projects continues to be an important part of a state energy strategy by helping to increase energy independence from fossil fuels, promote economic development, hedge against the effects of climate change, and attain environmental benefits. The legislature finds that while previous community solar programs were successful in stimulating these benefits, the programs failed to provide an adequate framework for low-income participation and long-term market certainty. The legislature finds that the vast majority of Washingtonians still do not have access to the benefits of solar energy. The legislature intends to stimulate the deployment of community solar projects for the benefit of all Washingtonians by funding the renewable energy production incentive program for community solar projects and by creating opportunities for broader participation, especially by low-income households and low-income service providers. As of December 2019, the state is thirteen megawatts short of the one hundred fifteen megawatts of solar photovoltaic capacity established as a goal under RCW 82.16.155. The legislature therefore intends to provide an incentive sufficient to promote installation of community solar projects through June 30, 2031, at which point the legislature expects to review the effectiveness of enhancing access to community solar projects.

(2) The legislature finds that participation of low-income customers in community solar projects is consistent with the goals and intent of the energy assistance provisions of chapter 19.405 RCW, the Washington clean energy transformation act, when this participation achieves a reduction in energy burden for the customers.

(3) The legislature also finds that offering energy assistance through renewable energy programs, including

community solar, at a discount to low-income customers is consistent with the goal and intent of RCW 80.28.068.

**Sec. 819.** RCW 82.16.130 and 2017 3rd sp.s. c 36 s 4 are each amended to read as follows:

(1) A light and power business is allowed a credit against taxes due under this chapter in an amount equal to:

(a) Incentive payments made in any fiscal year under RCW 82.16.120 and 82.16.165; and

(b) Any fees a utility is allowed to recover pursuant to RCW 82.16.165(5).

(2) The credits must be taken in a form and manner as required by the department. The credit taken under this section for the fiscal year may not exceed one and one-half percent of the ~~((businesses'))~~ business's taxable power sales generated in calendar year 2014 and due under RCW 82.16.020(1)(b) or two hundred fifty thousand dollars, whichever is greater, for incentive payments made for the following:

(a) Renewable energy systems, other than community solar projects, that are certified for an incentive payment as of June 30, 2020; and

(b) Community solar and shared commercial projects that are under precertification status under RCW 82.16.165(7)(b) as of June 30, 2020, and that are certified for an incentive payment in accordance with the terms of that precertification by December 31, 2021.

(3) The credit may not exceed the tax that would otherwise be due under this chapter. Refunds may not be granted in the place of credits. Expenditures not used to earn a credit in one fiscal year may not be used to earn a credit in subsequent years.

(4) For any business that has claimed credit for amounts that exceed the correct amount of the incentive payable under RCW 82.16.120, the amount of tax against which credit was claimed for the excess payments is immediately due and payable. The department may deduct amounts due from future credits claimed by the business.

(a) Except as provided in (b) of this subsection, the department must assess interest but not penalties on the taxes against which the credit was claimed. Interest must be assessed at the rate provided for delinquent excise taxes under chapter 82.32 RCW, retroactively to the date the credit was claimed, and accrues until the taxes against which the credit was claimed are repaid.

(b) A business is not liable for excess payments made in reliance on amounts reported by the Washington State University extension energy program as due and payable as provided under RCW 82.16.165(20), if such amounts are later found to be abnormal or inaccurate due to no fault of the business.

(5) The amount of credit taken under this section is not confidential taxpayer information under RCW 82.32.330 and is subject to disclosure.

(6) The right to earn tax credits for incentive payments made under RCW 82.16.120 expires June 30, 2020. Credits may not be claimed after June 30, 2021.

(7)(a) The right to earn tax credits for incentive payments made under RCW 82.16.165 for the following expires June 30, 2029:

(i) Renewable energy systems, other than community solar projects, that are certified for an incentive payment as of June 30, 2020; and

(ii) Community solar and shared commercial projects that are under precertification status under RCW 82.16.165(7)(b) as of June 30, 2020, and that are certified for an incentive payment in accordance with the terms of that precertification by December 31, 2021.

(b) Credits may not be claimed after June 30, 2030.

(8) This section expires June 30, 2031.

**NEW SECTION. Sec. 820.** A new section is added to chapter 82.16 RCW to read as follows:

(1) Beginning July 1, 2020, a light and power business is allowed a credit against taxes due under this chapter in an amount equal to incentive payments made in any fiscal year under section 7 of this act.

(2) The credits must be taken in a form and manner as required by the department. The credit taken under this section for the fiscal year may not exceed one and one-half percent of the business's taxable power sales generated in calendar year 2014 and due under RCW 82.16.020(1)(b) or two hundred fifty thousand dollars, whichever is greater, for incentive payments made for community solar projects that submit an application for precertification under section 7 of this act on or after July 1, 2020, and that are certified for an incentive payment in accordance with the terms of that precertification by June 30, 2031.

(3) The credit may not exceed the tax that would otherwise be due under this chapter. Refunds may not be granted in the place of credits.

(4) For any business that has claimed credit for amounts that exceed the correct amount of the incentive payable under section 7 of this act, the amount of tax against which credit was claimed for the excess payments is immediately due and payable. The department may deduct amounts from future credits claimed by the business.

(a) Except as provided in (b) of this subsection, the department must assess interest but not penalties on the taxes against which the credit was claimed. Interest may be assessed at the rate provided for delinquent excise taxes under chapter 82.32 RCW, retroactively to the date the credit was claimed, and accrues until the taxes against which the credit was claimed are repaid.

(b) A business is not liable for excess payments made in reliance on amounts reported by the Washington State University extension energy program as due and payable as provided under section 7 of this act, if such amounts are later found to be abnormal or inaccurate due to no fault of the business.

(5) The amount of credit taken under this section is not confidential taxpayer information under RCW 82.32.330 and is subject to disclosure.

(6) The right to earn tax credits for incentive payments made under section 7 of this act expires June 30, 2034. Credits may not be claimed under this section after June 30, 2035.

(7) This section expires June 30, 2036.

**Sec. 821.** RCW 82.16.160 and 2017 3rd sp.s. c 36 s 5 are each amended to read as follows:

(1) The definitions in this section apply throughout this section and RCW 82.16.165(~~(---82.16.170,)~~) and 82.16.175 unless the context clearly requires otherwise.

((4)) (a) "Administrator" means the utility, nonprofit, or other local housing authority that organizes and administers a community solar project as provided in RCW 82.16.165 and 82.16.170.

((2)) (b) "Certification" means the authorization issued by the Washington State University extension energy program establishing a person's eligibility to receive annual incentive payments from the person's utility for the program term.

((3)) (c) "Commercial-scale system" means a renewable energy system or systems other than a community solar project or a shared commercial solar project with a combined nameplate capacity greater than twelve kilowatts that meets the applicable system eligibility requirements established in RCW 82.16.165.

((4)) (d) "Community solar project" means a solar energy system that has a direct current nameplate generating capacity that is no larger than one thousand kilowatts and meets the applicable eligibility requirements established in RCW 82.16.165 and 82.16.170.

((5)) (e) "Consumer-owned utility" has the same meaning as in RCW 19.280.020.

((6)) (f) "Customer-owner" means the owner of a residential-scale or commercial-scale renewable energy system, where such owner is not a utility and such owner is a customer of the utility and either owns the premises where the renewable energy system is installed or occupies the premises.

((7)) (g) "Electric utility" or "utility" means a consumer-owned utility or investor-owned utility as those terms are defined in RCW 19.280.020.

((8)) (h) "Governing body" has the same meaning as provided in RCW 19.280.020.

((9)) (i) "Person" means any individual, firm, partnership, corporation, company, association, agency, or any other legal entity.

((10)) (j) "Program term" means: ((4)) (i) For community solar projects that are certified under RCW 82.16.165, eight years or until cumulative incentive payments for electricity produced by the project reach fifty percent of the total system price, including applicable sales

tax, whichever occurs first; and ~~((b))~~ (ii) for other renewable energy systems, including shared commercial solar projects, eight years or until cumulative incentive payments for electricity produced by a system reach fifty percent of the total system price, including applicable sales tax, whichever occurs first.

~~((44))~~ (k) "Renewable energy system" means a solar energy system, including a community solar project, an anaerobic digester as defined in RCW 82.08.900, or a wind generator used for producing electricity.

~~((42))~~ (l) "Residential-scale system" means a renewable energy system or systems located at a single situs with combined nameplate capacity of twelve kilowatts or less that meets the applicable system eligibility requirements established in RCW 82.16.165.

~~((43))~~ (m) "Shared commercial solar project" means a solar energy system, owned or administered by an electric utility, with a combined nameplate capacity of greater than one megawatt and not more than five megawatts and meets the applicable eligibility requirements established in RCW 82.16.165 and 82.16.175.

(2) This section expires June 30, 2031.

**Sec. 822.** RCW 82.16.165 and 2017 3rd sp.s. c 36 s 6 are each amended to read as follows:

(1) Beginning July 1, 2017, and through June 30, 2020, the following persons may submit a one-time application to the Washington State University extension energy program to receive a certification authorizing the utility serving the situs of a renewable energy system in the state of Washington to remit an annual production incentive for each kilowatt-hour of alternating current electricity generated by the renewable energy system:

(a) The utility's customer who is the customer-owner of a residential-scale or commercial-scale renewable energy system;

(b) An administrator of a community solar project meeting the eligibility requirements outlined in RCW 82.16.170~~(2)~~ and applies for certification on behalf of each of the project participants; or

(c) A utility or a business under contract with a utility that administers a shared commercial solar project that meets the eligibility requirements in RCW 82.16.175 and applies for certification on behalf of each of the project participants.

(2) No person, business, or household is eligible to receive incentive payments provided under subsection (1) of this section of more than five thousand dollars per year for residential systems or community solar projects, twenty-five thousand dollars per year for commercial-scale systems, or thirty-five thousand dollars per year for shared commercial solar projects.

(3)(a) No new certification may be issued under this section to an applicant who submits a request for or receives an annual incentive payment for a renewable energy system that was certified under RCW 82.16.120, or for a renewable energy system served by a utility that has elected not to

participate in the incentive program, as provided in subsection (4) of this section.

(b) The Washington State University extension energy program may issue a new certification for an additional system installed at a situs with a previously certified system so long as the new system meets the requirements of this section and its production can be measured separately from the previously certified system.

(c) The Washington State University extension energy program may issue a recertification for a residential-scale or commercial-scale system if a customer makes investments resulting in an expansion of the system's nameplate capacity. Such recertification expires on the same day as the original certification for the residential-scale or commercial-scale system and applies to the entire system the incentive rates and program rules in effect as of the date of the recertification.

(4) A utility's participation in the incentive program provided in this section is voluntary.

(a) A utility electing to participate in the incentive program must notify the Washington State University extension energy program of such election in writing.

(b) The utility may terminate its voluntary participation in the production incentive program by providing notice in writing to the Washington State University extension energy program to cease issuing new certifications for renewable energy systems that would be served by that utility.

(c) Such notice of termination of participation is effective after fifteen days, at which point the Washington State University extension energy program may not accept new applications for certification of renewable energy systems that would be served by that utility.

(d) Upon receiving a utility's notice of termination of participation in the incentive program, the Washington State University extension energy program must report on its web site that customers of that utility are no longer eligible to receive new certifications under the program.

(e) A utility's termination of participation does not affect the utility's obligation to continue to make annual incentive payments for electricity generated by systems that were certified prior to the effective date of the notice. The Washington State University extension energy program must continue to process and issue certifications for renewable energy systems that were received by the Washington State University extension energy program before the effective date of the notice of termination.

(f) A utility that has terminated participation in the program may resume participation upon filing notice with the Washington State University extension energy program.

(5)(a) The Washington State University extension energy program may certify a renewable energy system that is connected to equipment capable of measuring the electricity production of the system and interconnecting with the utility's system in a manner that allows the utility, or the customer at the utility's option, to measure and report to the

Washington State University extension energy program the total amount of electricity produced by the renewable energy system.

(b) The Washington State University extension energy program must establish a reporting and fee-for-service system to accept electricity production data from the utility or the customer that is not reported electronically and with the reporting entity selected at the utility's option as described in subsection (19) of this section. The fee-for-service agreement must allow for electronic reporting or reporting by mail, may be specific to individual utilities, and must recover only the program's costs of obtaining the electricity production data and incorporating it into an electronic format. A statement of the amount due for the fee-for-service must be provided to the utility by the Washington State University extension energy program with the report provided to the utility pursuant to subsection (20)(a) of this section. The utility may determine how to assess and remit the fee, and the utility may be allowed a credit for fees paid under this subsection (5) against taxes due, as provided in RCW 82.16.130(1).

(6) The Washington State University extension energy program may issue a certification authorizing annual incentive payments up to the following annual dollar limits:

(a) For community solar projects, five thousand dollars per project participant;

(b) For residential-scale systems, five thousand dollars;

(c) For commercial-scale systems, twenty-five thousand dollars; and

(d) For shared commercial solar projects, up to thirty-five thousand dollars a year per participant, as determined by the terms of subsection (15) of this section.

(7)(a) To obtain certification for the incentive payment provided under subsection (1) of this section by June 30, 2020, for renewable energy systems other than community solar projects, or by December 31, 2021, for community solar and shared commercial projects, a person must submit to the Washington State University extension energy program an application, including:

(i) A signed statement that the applicant has not previously received a notice of eligibility from the department under RCW 82.16.120 entitling the applicant to receive annual incentive payments for electricity generated by the renewable energy system at the same meter location;

(ii) A signed statement of the total price, including applicable sales tax, paid by the applicant for the renewable energy system;

(iii) System operation data including global positioning system coordinates, tilt, estimated shading, and azimuth;

(iv) Any other information the Washington State University extension energy program deems necessary in determining eligibility and incentive levels, administering the program, tracking progress toward achieving the limits on program participation established in RCW 82.16.130, or

facilitating the review of the performance of the tax preferences by the joint legislative audit and review committee, as described in RCW 82.16.155; and

(v)(A) Except as provided in (a)(v)(B) of this subsection (7), the date that the renewable energy system received its final electrical inspection from the applicable local jurisdiction, as well as a copy of the permit or, if the permit is available online, the permit number;

(B) The Washington State University extension energy program may waive the requirement in (a)(v)(A) of this subsection (7), accepting an application and granting provisional certification prior to proof of final electrical inspection. Provisional certification expires one hundred eighty days after issuance, unless the applicant submits proof of the final electrical inspection from the applicable local jurisdiction or the Washington State University extension energy program extends the certification, for a term or terms of thirty days, due to extenuating circumstances; and

(b)(i) Prior to obtaining certification under this subsection, a community solar project or shared commercial solar project must apply for precertification against the remaining funds available for incentive payments under subsection (13)(d) of this section in order to be guaranteed an incentive payment under subsection (1) of this section. Community solar and shared commercial projects that are under precertification status under this subsection (7) as of June 30, 2020, may not apply for precertification for the incentive payment provided under section 7 of this act for that same project;

(ii) A project applicant of a community solar project or shared commercial solar project must complete an application for certification with the Washington State University extension energy program within less than ~~((one year))~~ two years to retain the precertification status described in this subsection. If a community solar or shared commercial project application is in precertification status as of June 30, 2020, the project applicant must continue in that status until either it is certified by the Washington State University extension energy program or its precertification expires; and

(iii) The Washington State University extension energy program may design a reservation or precertification system for an applicant of a residential-scale or commercial-scale renewable energy system.

(8) No incentive payments may be authorized or accrued until the final electrical inspection and executed interconnection agreement are submitted to the Washington State University extension energy program.

(9) Within thirty days of receipt of ~~((the))~~ an application for certification, the Washington State University extension energy program must notify the applicant and, except when a utility is the applicant, the utility serving the situs of the renewable energy system, by mail or electronically, whether certification has been granted. The certification notice must state the rate to be paid per kilowatt-hour of electricity generated by the renewable energy system, as provided in subsection (12) of this section,

subject to any applicable cap on total annual payment provided in subsection (6) of this section.

(10) Certification is valid for the program term and entitles the applicant or, in the case of a community solar project or shared commercial solar project, the participant, to receive incentive payments for electricity generated from the date the renewable energy system commences operation, or the date the system is certified, whichever date is later. For purposes of this subsection, the Washington State University extension energy program must define when a renewable energy system commences operation and provide notice of such date to the recipient and the utility serving the situs of the system. Certification may not be retroactively changed except to correct later discovered errors that were made during the original application or certification process.

(11)(a) System certification follows the system if the following conditions are met using procedures established by the Washington State University extension energy program:

(i) The renewable energy system is transferred to a new owner who notifies the Washington State University extension energy program of the transfer; and

(ii) The new owner provides an executed interconnection agreement with the utility serving the premises.

(b) In the event that a community solar project participant terminates their participation in a community solar project, the system certification follows the system and participation may be transferred to a new participant. The administrator of a community solar project must provide notice to the Washington State University extension energy program of any changes or transfers in project participation.

(12) The Washington State University extension energy program must determine the total incentive rate for ~~((a new renewable energy system certification by adding to the base rate any applicable made in Washington bonus rate))~~ renewable energy systems, other than a community solar project, certified through June 30, 2020, and for community solar and shared commercial projects precertified as of June 30, 2020, and certified through December 31, 2021, as provided in this subsection. A made-in-Washington bonus rate is provided for a renewable energy system or a community solar project certified through June 30, 2019, with solar modules made in Washington or with a wind turbine or tower that is made in Washington. Both the base rates and bonus rate vary, depending on the fiscal year in which the system is certified and the type of renewable energy system being certified, as provided in the following table:

Fiscal year of system certification	Base rate - residential-scale	Base rate - commercial-scale	Base rate - utility solar	Base rate - shared commercial solar	Made in Washington bonus
2018	\$0.16	\$0.06	\$0.16	\$0.06	\$0.05

2019	\$0.14	\$0.04	\$0.14	\$0.04	\$0.04
2020	\$0.12	\$0.02	\$0.12	\$0.02	<del>(((\$0.03))</del>
2021	<del>(((\$0.10))</del>	<del>(((\$0.02))</del>	\$0.10	<del>(((\$0.02))</del>	<del>(((\$0.02))</del>

(13) The Washington State University extension energy program must cease to issue new certifications:

(a) For community solar projects and shared commercial solar projects in any fiscal year for which the Washington State University extension energy program estimates that fifty percent of the remaining funds for credit available to a utility for renewable energy systems certified under this section as of July 1, 2017, have been allocated to community solar projects and shared commercial solar projects combined;

(b) For commercial-scale systems in any fiscal year for which the Washington State University extension energy program estimates that twenty-five percent of the remaining funds for credit available to a utility for renewable energy systems certified under this section as of July 1, 2017, have been allocated to commercial-scale systems;

(c) For any renewable energy system served by a utility, if certification is likely to result in incentive payments by that utility, including payments made under RCW 82.16.120, exceeding the utility's available funds for credit under RCW 82.16.130; and

(d) For any renewable energy system, if certification is likely to result in total incentive payments under this section exceeding one hundred ten million dollars.

(14) If the Washington State University extension energy program ceases issuing new certifications during a fiscal year or biennium as provided in subsection (13) of this section, in the following fiscal year or biennium, or when additional funds are available for credit such that the thresholds described in subsection (13) of this section are no longer exceeded, the Washington State University extension energy program must resume issuing new certifications using a method of awarding certifications that results in equitable and orderly allocation of benefits to applicants.

(15) A customer who is a participant in a shared commercial solar project may not receive incentive payments associated with the project greater than the difference between the levelized cost of energy output of the system over its production life and the retail rate for the rate class to which the customer belongs. The levelized cost of the output of the energy must be determined by the utility that administers the shared commercial solar project and must be disclosed, along with an explanation of the limitations on incentive payments contained in this subsection (15), in the contractual agreement with the shared commercial solar project participants.

(16) In order to begin to receive annual incentive payments, a person who has been issued a certification for the incentive as provided in subsection (9) of this section must obtain an executed interconnection agreement with the utility serving the situs of the renewable energy system.

(17) The Washington State University extension energy program must establish a list of equipment that is eligible for the bonus rates described in subsection (12) of this section. The Washington State University extension energy program must, in consultation with the department of commerce, develop technical specifications and guidelines to ensure consistent and predictable determination of eligibility. A solar module is made in Washington for purposes of receiving the bonus rate only if the lamination of the module takes place in Washington. A wind turbine is made in Washington only if it is powered by a turbine or built with a tower manufactured in Washington.

(18) The manufacturer of a renewable energy system component subject to a bonus rate under subsection (12) of this section may apply to the Washington State University extension energy program to receive a determination of eligibility for such bonus rates. The Washington State University extension energy program must publish a list of components that have been certified as eligible for such bonus rates. The Washington State University extension energy program may assess an equipment certification fee to recover its costs. The Washington State University extension energy program must deposit all revenue generated by this fee into the state general fund.

(19) Annually, the utility must report electronically to the Washington State University extension energy program the amount of gross kilowatt-hours generated by each renewable energy system since the prior annual report. For the purposes of this section, to report electronically means to submit statistical or factual information in alphanumeric form through a web site established by the Washington State University extension energy program or in a list, table, spreadsheet, or other nonnarrative format that can be digitally transmitted or processed. The utility may instead opt to report by mail or require program participants to report individually, but if the utility exercises one or more of these options it must negotiate with the Washington State University extension energy program the fee-for-service arrangement described in subsection (5)(b) of this section.

(20)(a) The Washington State University extension energy program must calculate for the year and provide to the utility the amount of the incentive payment due to each participant and the total amount of credit against tax due available to the utility under RCW 82.16.130 that has been allocated as annual incentive payments. Upon notice to the Washington State University extension energy program, a utility may opt to directly perform this calculation and provide its results to the Washington State University extension energy program.

(b) If the Washington State University extension energy program identifies an abnormal production claim, it must notify the utility, the department of revenue, and the applicant, and must recommend withholding payment until the applicant has demonstrated that the production claim is accurate and valid. The utility is not liable to the customer for withholding payments pursuant to such recommendation unless and until the Washington State University extension energy program notifies the utility to resume incentive payments.

(21)(a) The utility must issue the incentive payment within ninety days of receipt of the information required under subsection (20)(a) of this section from the Washington State University extension energy program. The utility must resume the incentive payments withheld under subsection (20)(b) of this section within thirty days of receiving notice from the Washington State University extension energy program that the claim has been demonstrated accurate and valid and payment should be resumed.

(b) A utility is not liable for incentive payments to a customer-owner if the utility has disconnected the customer due to a violation of a customer service agreement, such as nonpayment of the customer's bill, or a violation of an interconnection agreement.

(22) Beginning January 1, 2018, the Washington State University extension energy program must post on its web site and update at least monthly a report, by utility, of:

(a) The number of certifications issued for renewable energy systems, including estimated system sizes, costs, and annual energy production and incentive yields for various system types; and

(b) An estimate of the amount of credit that has not yet been allocated for incentive payments under each utility's credit limit and remains available for new renewable energy system certifications.

(23) Persons receiving incentive payments under this section must keep and preserve, for a period of five years for the duration of the consumer contract, suitable records as may be necessary to determine the amount of incentive payments applied for and received. The Washington State University extension energy program may direct a utility to cease issuing incentive payments if the records are not made available for examination upon request. A utility receiving such a directive is not liable to the applicant for any incentive payments or other damages for ceasing payments pursuant to the directive.

(24) The nonpower attributes of the renewable energy system belong to the utility customer who owns or hosts the system or, in the case of a community solar project or a shared commercial solar project, the participant, and can be kept, sold, or transferred at the utility customer's discretion unless, in the case of a utility-owned community solar or shared commercial solar project, a contract between the customer and the utility clearly specifies that the attributes will be retained by the utility.

(25) All lists, technical specifications, determinations, and guidelines developed under this section must be made publicly available online by the Washington State University extension energy program.

(26) No certification may be issued under this section by the Washington State University extension energy program for any renewable energy system, other than a community solar project, after June 30, ~~((2021))~~ 2020. No certification may be issued under this section for any community solar or shared commercial project after December 31, 2021.



(27) The Washington State University extension energy program must collect a one-time fee for applications submitted under subsection (1) of this section of one hundred twenty-five dollars per applicant. The Washington State University extension energy program must deposit all revenue generated by this fee into the state general fund. The Washington State University extension energy program must administer and budget for the program established in RCW 82.16.120, this section, and RCW 82.16.170 in a manner that ensures its administrative costs through June 30, 2022, are completely met by the revenues from this fee. If the Washington State University extension energy program determines that the fee authorized in this subsection is insufficient to cover the administrative costs through June 30, 2022, the Washington State University extension energy program must report to the legislature on costs incurred and fees collected and demonstrate why a different fee amount or funding mechanism should be authorized.

(28) The Washington State University extension energy program may, through a public process, develop any program requirements, policies, and processes necessary for the administration or implementation of this section, RCW 82.16.120, 82.16.155, and 82.16.170. The department is authorized, in consultation with the Washington State University extension energy program, to adopt any rules necessary for administration or implementation of the program established under this section and RCW 82.16.170.

(29) Applications, certifications, requests for incentive payments under this section, and the information contained therein are not deemed tax information under RCW 82.32.330 and are subject to disclosure.

(30)(a) By November 1, 2019, and in compliance with RCW 43.01.036, the Washington State University extension energy program must submit a report to the legislature that includes the following:

(i) The number and types of renewable energy systems that have been certified under this section as of July 1, 2019, both statewide and per participating utility;

(ii) The number of utilities that are approaching or have reached the credit limit established under RCW 82.16.130(2) or the thresholds established under subsection (13) of this section;

(iii) The share of renewable energy systems by type that contribute to each utility's threshold under subsection (13) of this section;

(iv) An assessment of the deployment of community solar projects in the state, including but not limited to the following:

(A) An evaluation of whether or not community solar projects are being deployed in low-income and moderate-income communities, as those terms are defined in RCW 43.63A.510, including a description of any barriers to project deployment in these communities;

(B) A description of the share of community solar projects by administrator type that contribute to each utility's threshold under subsection (13)(a) of this section; and

(C) A description of any barriers to participation by nonprofits and local housing authorities in the incentive program established under this section and under RCW 82.16.170;

(v) The total dollar amount of incentive payments that have been made to participants in the incentive program established under this section to date; and

(vi) The total number of megawatts of solar photovoltaic capacity installed to date by participants in the incentive program established under this section.

(b) By December 31, 2019, the legislature must review the report submitted under (a) of this subsection and determine whether the credit limit established under RCW 82.16.130(2) should be increased to two percent of a light and power business's taxable power sales generated in calendar year 2014 and due under RCW 82.16.020(1)(b) or two hundred fifty thousand dollars, whichever is greater, in order to achieve the legislative intent under section 1, chapter 36, Laws of 2017 3rd sp. sess.

(31) This section expires June 30, 2031.

**NEW SECTION. Sec. 823.** A new section is added to chapter 82.16 RCW to read as follows:

(1) The definitions in this section apply throughout this section and section 7 of this act unless the context clearly requires otherwise.

(a)(i) "Administrator" means the utility, nonprofit, tribal housing authority as provided in (a)(ii) of this subsection, or other local housing authority that organizes and administers a community solar project as provided in section 7 of this act and RCW 82.16.170.

(ii) A tribal housing authority may only administer a community solar project on tribal lands or lands held in trust for a federally recognized tribe by the United States for subscribers who are tribal members.

(b) "Certification" means the authorization issued by the Washington State University extension energy program establishing a community solar project administrator's eligibility to receive a low-income community solar incentive payment from the electric utility serving the site of the community solar project, on behalf of, and for the purpose of providing direct benefits to, its low-income subscribers, low-income service provider subscribers, and tribal and public agency subscribers.

(c) "Community solar project" means a solar energy system that:

(i) Has an alternating current nameplate capacity that is greater than twelve kilowatts but no greater than one hundred ninety-nine kilowatts;

(ii) Has, at minimum, either two subscribers or one low-income service provider subscriber; and

(iii) Meets the applicable eligibility requirements in section 7 of this act and RCW 82.16.170.

(d) "Consumer-owned utility" has the same meaning as in RCW 19.280.020.

(e) "Electric utility" or "utility" means a consumer-owned utility or investor-owned utility as those terms are defined in RCW 19.280.020.

(f) "Energy assistance" has the same meaning as provided in RCW 19.405.020.

(g) "Energy burden" has the same meaning as provided in RCW 19.405.020.

(h) "Governing body" has the same meaning as provided in RCW 19.280.020.

(i) "Low-income" has the same meaning as provided in RCW 19.405.020.

(j) "Low-income service provider" includes, but is not limited to, a local community action agency or local community service agency designated by the department of commerce under chapter 43.63A RCW, local housing authority, tribal housing authority, low-income tribal housing program, affordable housing provider, food bank, or other nonprofit organization that provides services to low-income households.

(k) "Multifamily residential building" means a building containing more than two sleeping units or dwelling units where occupants are primarily permanent in nature.

(l) "Person" means an individual, firm, partnership, corporation, company, association, agency, or any other legal entity.

(m) "Public agency" means any political subdivision of the state including, but not limited to, municipal and county governments, special purpose districts, and local housing authorities, but does not include state agencies.

(n)(i) Except as otherwise provided in (n)(ii) of this subsection, "qualifying subscriber" means a low-income subscriber, low-income service provider subscriber, tribal agency subscriber, or public agency subscriber.

(ii) For tribal agency subscribers and public agency subscribers, only the portion of their subscription to a community solar project that is demonstrated to benefit low-income beneficiaries, including low-income service providers and services provided to low-income citizens or households, is to be considered a qualifying subscriber.

(o) "Subscriber" means a retail electric customer of an electric utility who owns or is the beneficiary of one or more units of a community solar project directly interconnected with that same utility.

(p) "Subscription" means an agreement between a subscriber and the administrator of a community solar project.

(2) This section expires June 30, 2036.

**NEW SECTION. Sec. 824.** A new section is added to chapter 82.16 RCW to read as follows:

(1) Beginning July 1, 2020, through June 30, 2031, an administrator of a community solar project meeting the eligibility requirements described in this section and RCW 82.16.170(3) may submit an application to the Washington

State University extension energy program to receive a precertification for a community solar project. Projects with precertification applications approved by the Washington State University extension energy program have two years to complete their projects and apply for certification. By certifying qualified projects pursuant to the requirements of this section and RCW 82.16.170(3), the Washington State University extension energy program authorizes the utility serving the site of a community solar project in the state of Washington to remit a one-time low-income community solar incentive payment to the community solar project administrator, who accepts the payment on behalf of, and for the purpose of providing direct benefits to, the project's qualifying subscribers.

(2) A one-time low-income community solar incentive payment remitted to a community solar project administrator for a project certified under this section equals the sum of the following:

(a) An amount, not to exceed twenty thousand dollars per community solar project, equal to the community solar project's administrative costs related to the administrative start-up of the project for qualifying subscribers; and

(b) An amount that does not exceed one hundred percent of the proportional cost of the share of the community solar project that provides direct benefits to qualifying subscribers.

(3) No new certification may be issued under this section to an applicant who receives an annual incentive payment for a community solar project that was certified under RCW 82.16.120 or 82.16.165, or for a community solar project served by a utility that has elected not to participate in the incentive program provided in this section.

(4) Community solar projects that are under precertification status under RCW 82.16.165 as of June 30, 2020, may not apply for precertification of that same project for the one-time low-income community solar incentive payment provided in this section.

(5)(a) In addition to the one-time low-income community solar incentive payment under subsection (2) of this section, a participating utility must also provide the following compensation for the generation of electricity from the certified project:

(i) For a community solar project that has an alternating current nameplate capacity greater than twelve kilowatts but no greater than one hundred kilowatts, and that is connected behind the electric service meter, compensation must be determined in accordance with RCW 80.60.020 and provided to the metered customer receiving service at the situs of the meter.

(ii) For all other community solar projects, compensation must be determined at a value set by the participating utility and paid to the administrator or subscribers according to the agreement between the project and the utility.

(iii) An administrator may deduct ongoing administrative costs from compensation provided from

power generation, provided those costs are identified in the subscription agreement.

(b) If the utility provides compensation for the generation of electricity to the administrator, the administrator of a community solar project must provide that compensation to the project subscribers. For ten years after certification, and by March 1st of each year following certification, the provider of compensation for the generation of electricity to the subscriber, whether the utility or the administrator, but not both, must provide the Washington State University extension energy program with signed statements of the following for the preceding year:

(i) The energy production for the period for which compensation is to be provided;

(ii) Each subscriber's units of the project;

(iii) The amount disbursed to each subscriber for the period; and

(iv) The date and amount disbursed to each subscriber.

(6) A utility's participation in the incentive program provided in this section is voluntary.

(a) A utility electing to participate in the incentive program must notify the Washington State University extension energy program of such election in writing by January 1st of each year.

(b) The utility may terminate its voluntary participation in the program by providing notice in writing to the Washington State University extension energy program to cease accepting new applications for precertification for community solar projects that would be served by that utility. Such notice of termination of participation is effective after fifteen days, at which point the Washington State University extension energy program may not accept new applications for precertification for community solar projects that would be served by that utility.

(c) Upon receiving a utility's notice of termination of participation in the incentive program, the Washington State University extension energy program must report on its web site that community solar project customers of that utility are no longer eligible to receive new certifications under the program.

(d) A utility that has terminated participation in the program may resume participation upon filing a notice with the Washington State University extension energy program.

(7)(a) The Washington State University extension energy program may issue certifications authorizing incentive payments under this section in a total statewide amount not to exceed twenty million dollars, and subject to the following biennial dollar limits:

(i) For fiscal year 2021, three hundred thousand dollars; and

(ii) For each biennium beginning on or after July 1, 2021, five million dollars.

(b) The Washington State University extension energy program will attempt to equitably distribute incentive funds throughout the state. Considerations for equitable fund distribution, based on precertification applications received from administrators served by utilities voluntarily participating in the program, may include measures to reserve or allocate available funds based on the proportion of public utility taxes collected, the proportion of the state's low-income customers served by each utility based on low-income home energy assistance program data at the department of commerce, and measures to achieve an equitable geographic distribution of community solar installations and a diversity of administrative models for community solar projects. If an equitable distribution of funds is not feasible due to a lack of precertification applications, the Washington State University extension energy program may allocate funds based on (a) of this subsection on a first-come, first-served basis.

(c) The Washington State University extension energy program shall regularly publish and update guidelines for how it will manage the allocation of available funding, based on the evaluation of applications and the factors specified in (b) of this subsection.

(8)(a) Prior to obtaining certification under this section, the administrator of a community solar project must apply for precertification against the funds available for incentive payments under subsection (7) of this section in order to be guaranteed an incentive payment under this section. The application for precertification must include, at a minimum:

(i) A demonstration of how the project will deliver continuing direct benefits to low-income subscribers. A direct benefit can include credit for the power generation for the community solar project, from sales of renewable energy credits, or other mechanisms that lower the energy burden of a low-income subscriber; and

(ii) Any other information the Washington State University extension energy program deems necessary in determining eligibility for precertification.

(b) The administrator of a community solar project must complete an application for certification in accordance with the requirements of subsection (9) of this section within less than two years of being approved for precertification status. The administrator must submit a project update to the Washington State University extension energy program after one year in precertification status.

(9) To obtain certification for the one-time community solar incentive payment provided under this section, a project administrator must submit to the Washington State University extension energy program an application, including, at a minimum:

(a) A signed statement that the applicant has not previously received a notice of eligibility from the department under RCW 82.16.120 or the Washington State University extension energy program under RCW 82.16.165 entitling the applicant to receive annual incentive payments for electricity generated by the community solar project at the same meter location;

(b) A signed statement of the costs paid by the administrator related to administering the project for qualifying subscribers;

(c) A signed statement of the total project costs, including the proportional cost of the share of the community solar project that provides direct benefits to qualifying subscribers;

(d) A signed statement describing the amount of the upfront incentive and the timing, method, and distribution of estimated benefits to qualifying subscribers. The statement must describe any estimated energy burden reduction associated with the direct benefits.

(e) Available system operation data, such as global positioning system coordinates, tilt, estimated shading, and azimuth;

(f) Any other information the Washington State University extension energy program deems necessary in determining eligibility and incentive levels or administering the program;

(g)(i) Except as provided in (g)(ii) of this subsection (9), the date that the community solar project received its final electrical inspection from the applicable local jurisdiction, as well as a copy of the permit or, if the permit is available online, the permit number or other documentation deemed acceptable by the Washington State University extension energy program;

(ii) The Washington State University extension energy program may waive the requirement in (g)(i) of this subsection (9), accepting an application and granting provisional certification prior to proof of final electrical inspection. Provisional certification expires one hundred eighty days after issuance, unless the applicant submits proof of the final electrical inspection from the applicable local jurisdiction or the Washington State University extension energy program extends certification, for a term or terms of thirty days, due to extenuating circumstances;

(h) Confirmation of the number of qualifying subscribers; and

(i) Any other information the Washington State University extension energy program deems necessary in determining eligibility and incentive levels or administering the program.

(10) No incentive payments may be authorized or accrued until the final electrical inspection and executed interconnection agreement are submitted to the Washington State University extension energy program.

(11)(a) The Washington State University extension energy program must review each project for which an application for certification is submitted in accordance with subsection (8) of this section for reasonable cost and financial structure, with a targeted cost of three dollars per watt of installed system capacity that is designated for a community solar project's qualifying subscribers. The Washington State University extension energy program may approve an application for a project that costs more or less than three dollars per watt of installed system capacity based

on a review of the project, documents submitted by the project applicant, and available data. Project cost evaluations must exclude costs associated with energy storage systems. Applicants may petition the Washington State University extension energy program to approve a higher cost per watt for unusual circumstances, except that such costs may not include costs associated with energy storage systems.

(b) The Washington State University extension energy program may review the cost per watt target under (a) of this subsection prior to each fiscal biennium and is authorized to determine a new cost per watt target.

(12)(a) Within thirty days of receipt of an application for certification, the Washington State University extension energy program must notify the applicant and, except when a utility is the applicant, the utility serving the site of the community solar project, by mail or electronically, whether certification has been granted. The certification notice must state the total dollar amount of the low-income community solar incentive payment for which the applicant is eligible under this section.

(b) Within sixty days of receipt of a notification under (a) of this subsection, the utility serving the site of the community solar project must remit the applicable one-time low-income community solar incentive payment to the project administrator, who accepts the payment on behalf of, and for the purpose of providing direct benefits to, the project's qualifying subscribers.

(13)(a) Certification follows the community solar project if the following conditions are met using procedures established by the Washington State University extension energy program:

(i) The community solar project is transferred to a new owner who notifies the Washington State University extension energy program of the transfer;

(ii) The new owner provides an executed interconnection agreement with the utility serving the site of the community solar project; and

(iii) The new owner agrees to provide equivalent ongoing benefits to qualifying subscribers as the current owner.

(b) In the event that a qualifying subscriber terminates their participation in a community solar project, the system certification follows the project and participation must be transferred to a new qualifying subscriber.

(14) Beginning January 1, 2021, the Washington State University extension energy program must post on its web site and update at least monthly a report, by utility, of:

(a) The number of certifications issued for community solar projects; and

(b) An estimate of the amount of credit that has not yet been allocated for low-income community solar incentive payments under each utility's credit limit and that remains available for new community solar project certifications in the state.

(15) Persons receiving incentive payments under this section must keep and preserve, for a period of five years for the duration of the consumer contract, suitable records as may be necessary to determine the amount of incentive payments applied for and received.

(16) The nonpower attributes of the community solar project belong to the individual subscribers, and must be kept, sold, or transferred at a subscriber's discretion, unless a contract between the subscriber and administrator clearly specifies that the attributes will be transferred to the administrator. If the nonpower attributes are sold or transferred, the utility to which the project is interconnected has the first right of refusal to procure the nonpower attributes at their fair market value.

(17) All lists, technical specifications, determinations, and guidelines developed under this section must be made publicly available online by the Washington State University extension energy program.

(18) The Washington State University extension energy program must collect a one-time fee for precertification applications submitted under this section of five hundred dollars per applicant. The Washington State University extension energy program must deposit all revenue generated by this fee into the state general fund.

(19) The Washington State University extension energy program may, through a public process, develop program requirements, policies, and processes necessary for the administration or implementation of this section.

(20) Applications, certifications, requests for incentive payments under this section, and the information contained therein are not deemed tax information under RCW 82.32.330 and are subject to disclosure.

(21) No certification may be issued under this section by the Washington State University extension energy program for a community solar project after June 30, 2033.

(22) This section expires June 30, 2036.

**Sec. 825.** RCW 82.16.170 and 2017 3rd sp.s. c 36 s 7 are each amended to read as follows:

(1) The purpose of community solar programs is to facilitate broad, equitable community investment in and access to solar power. Beginning July 1, 2017, a community solar administrator may organize and administer a community solar project as provided in this section.

(2) ~~((A))~~ In order to receive certification for the incentive payment provided under RCW 82.16.165(1) by December 31, 2021, a community solar project must have a direct current nameplate capacity that is no more than one thousand kilowatts and must have at least ten participants or one participant for every ten kilowatts of direct current nameplate capacity, whichever is greater. A community solar project that has a direct current nameplate capacity greater than five hundred kilowatts must be subject to a standard interconnection agreement with the utility serving the situs of the community solar project. Except for community solar projects authorized under subsection ~~((9))~~ (10) of this section, each participant must be a

customer of the utility providing service at the situs of the community solar project.

(3) In order to receive certification for the incentive payment provided under section 7 of this act beginning July 1, 2020, a community solar project must meet the following requirements:

(a) The administrator of the community solar project must be a utility, nonprofit, tribal housing authority that administers a community solar project on tribal lands or lands held in trust for a federally recognized tribe by the United States for subscribers who are tribal members, or other local housing authority. The administrator of the community solar project must apply for precertification under section 7 of this act on or after July 1, 2020;

(b) The community solar project must have an alternating current nameplate capacity that is greater than twelve kilowatts but no greater than one hundred ninety-nine kilowatts, and must have at least two subscribers or one low-income service provider subscriber;

(c) The administrator of the community solar project must provide a verified list of qualifying subscribers;

(d) Verification that an individual household subscriber meets the definition of low-income must be provided to the administrator by an entity with authority to maintain the confidentiality of the income status of the low-income subscriber. If the providing entity incurs costs to verify a subscriber's income status, the administrator must provide reimbursement of those costs;

(e) Except for community solar projects authorized under subsection (10) of this section, each subscriber must be a customer of the utility providing service at the site of the community solar project;

(f) In the event that a low-income subscriber in a community solar project certified under section 7 of this act moves from the household premises of the subscriber's current subscription to another, the subscriber may continue the subscription, provided that the new household premises is served by the utility providing service at the site of the community solar project. In the event that a subscriber is no longer served by that utility or the subscriber terminates participation in a community solar project certified under section 7 of this act, the certification follows the system and participation may be transferred by the administrator to a new qualifying subscriber;

(g) The administrator must include in the application for precertification a project prospectus that demonstrates how the administrator intends to provide direct benefits to qualifying subscribers for the duration of their subscription to the community solar project; and

(h) The length of the subscription term for low-income subscribers must be the same length as for other subscribers, if applicable.

(4) The administrator of a community solar project must administer the project in a transparent manner that allows for fair and nondiscriminatory opportunity for participation by utility customers.

~~((4))~~ (5) The administrator of a community solar project may establish a reasonable fee to cover costs incurred in organizing and administering the community solar project. Project participants, prior to making the commitment to participate in the project, must be given clear and conspicuous notice of the portion of the incentive payment that will be used for this purpose.

~~((5))~~ (6) The administrator of a community solar project must maintain and update annually through June 30, 2030, the following information for each project it operates or administers:

- (a) Ownership information;
- (b) Contact information for technical management questions;
- (c) Business address;
- (d) Project design details, including project location, output capacity, equipment list, and interconnection information; and
- (e) Subscription information, including rates, fees, terms, and conditions.

~~((6))~~ (7) The administrator of a community solar project must provide the information required in subsection ~~((5))~~ (6) of this section to the Washington State University extension energy program at the time it submits the applications allowed under RCW 82.16.165(1) and section 7 of this act.

~~((7))~~ (8) The administrator of a community solar project must provide each project participant with a disclosure form containing all material terms and conditions of participation in the project, including but not limited to the following:

- (a) Plain language disclosure of the terms under which the project participant's share of any incentive payment will be calculated by the Washington State University extension energy program ~~((over the life of the contract))~~;
- (b) Contract provisions regulating the disposition or transfer of the project participant's interest in the project, including any potential costs associated with such a transfer;
- (c) All recurring and nonrecurring charges;
- (d) A description of the billing and payment procedures;
- (e) A description of any compensation to be paid in the event of project underperformance;
- (f) Current production projections and a description of the methodology used to develop the projections;
- (g) Contact information for questions and complaints; and
- (h) Any other terms and conditions of the services provided by the administrator.

~~((8))~~ (9) A utility may not adopt rates, terms, conditions, or standards that unduly or unreasonably

discriminate between utility-administered community solar projects and those administered by another entity.

~~((9))~~ (10) A public utility district that is engaged in distributing electricity to more than one retail electric customer in the state and a joint operating agency organized under chapter 43.52 RCW on or before January 1, 2017, may enter into an agreement with each other to construct and own a community solar project that is located on property owned by a joint operating agency or on property that receives electric service from a participating public utility district. Each participant of a community solar project under this subsection must be a customer of at least one of the public utility districts that is a party to the agreement with a joint operating agency to construct and own a community solar project.

~~((10))~~ (11) The Washington utilities and transportation commission must publish, without disclosing proprietary information, a list of the following:

- (a) Entities other than utilities, including affiliates or subsidiaries of utilities, that organize and administer community solar projects; and
- (b) Community solar projects and related programs and services offered by investor-owned utilities.

~~((11))~~ (12) If a consumer-owned utility opts to provide a community solar program or contracts with a nonutility administrator to offer a community solar program, the governing body of the consumer-owned utility must publish, without disclosing proprietary information, a list of the nonutility administrators contracted by the utility as part of its community solar program.

~~((12))~~ (13) Except for parties engaged in actions and transactions regulated under laws administered by other authorities and exempted under RCW 19.86.170, a violation of this section constitutes an unfair or deceptive act in trade or commerce in violation of chapter 19.86 RCW, the consumer protection act. Acts in violation of chapter 36, Laws of 2017 3rd sp. sess. are not reasonable in relation to the development and preservation of business, and constitute matters vitally affecting the public interest for the purpose of applying the consumer protection act, chapter 19.86 RCW.

~~((13))~~ (14) Nothing in this section may be construed as intending to preclude persons from investing in or possessing an ownership interest in a community solar project, or from applying for and receiving federal investment tax credits.

(15) This section expires June 30, 2036.

**Sec. 826.** RCW 82.16.110 and 2011 c 179 s 2 are each amended to read as follows:

(1) The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

~~((1))~~ (a) "Administrator" means an owner and assignee of a community solar project as defined in ~~((subsection (2)(a)(i)))~~ (b)(i)(A) of this ~~((section))~~ subsection that is responsible for applying for the investment cost recovery incentive on behalf of the other owners and performing such administrative tasks on behalf of the other

owners as may be necessary, such as receiving investment cost recovery incentive payments, and allocating and paying appropriate amounts of such payments to the other owners.

~~((2)(a))~~ ~~(b)(i)~~ "Community solar project" means:

~~((4))~~ ~~(A)~~ A solar energy system that is capable of generating up to seventy-five kilowatts of electricity and is owned by local individuals, households, nonprofit organizations, or nonutility businesses that is placed on the property owned by a cooperating local governmental entity that is not in the light and power business or in the gas distribution business;

~~((4))~~ ~~(B)~~ A utility-owned solar energy system that is capable of generating up to seventy-five kilowatts of electricity and that is voluntarily funded by the utility's ratepayers where, in exchange for their financial support, the utility gives contributors a payment or credit on their utility bill for the value of the electricity produced by the project; or

~~((4))~~ ~~(C)~~ A solar energy system, placed on the property owned by a cooperating local governmental entity that is not in the light and power business or in the gas distribution business, that is capable of generating up to seventy-five kilowatts of electricity, and that is owned by a company whose members are each eligible for an investment cost recovery incentive for the same customer-generated electricity as provided in RCW 82.16.120.

~~((4))~~ ~~(ii)~~ For the purposes of "community solar project" as defined in ~~((4))~~ ~~(b)(i)~~ of this subsection:

~~((4))~~ ~~(A)~~ "Company" means an entity that is:

~~((4))~~ ~~(I)~~ A limited liability company; ~~((4))~~ ~~(A)~~ a cooperative formed under chapter 23.86 RCW; or ~~((4))~~ ~~(A)~~ a mutual corporation or association formed under chapter 24.06 RCW; and

~~((4))~~ ~~(II)~~ Not a "utility" as defined in this subsection ~~((2)(b))~~ ~~(1)(b)(ii)~~; and

~~((4))~~ ~~(B)~~ "Nonprofit organization" means an organization exempt from taxation under 26 U.S.C. Sec. 501(c)(3) of the federal internal revenue code of 1986, as amended, as of January 1, 2009; and

~~((4))~~ ~~(C)~~ "Utility" means a light and power business, an electric cooperative, or a mutual corporation that provides electricity service.

~~((3))~~ ~~(c)~~ "Customer-generated electricity" means a community solar project or the alternating current electricity that is generated from a renewable energy system located in Washington and installed on an individual's, businesses', or local government's real property that is also provided electricity generated by a light and power business. Except for community solar projects, a system located on a leasehold interest does not qualify under this definition. Except for utility-owned community solar projects, "customer-generated electricity" does not include electricity generated by a light and power business with greater than one thousand megawatt-hours of annual sales or a gas distribution business.

~~((4))~~ ~~(d)~~ "Economic development kilowatt-hour" means the actual kilowatt-hour measurement of customer-generated electricity multiplied by the appropriate economic development factor.

~~((5))~~ ~~(e)~~ "Local governmental entity" means any unit of local government of this state including, but not limited to, counties, cities, towns, municipal corporations, quasi-municipal corporations, special purpose districts, and school districts.

~~((6))~~ ~~(f)~~ "Photovoltaic cell" means a device that converts light directly into electricity without moving parts.

~~((7))~~ ~~(g)~~ "Renewable energy system" means a solar energy system, an anaerobic digester as defined in RCW 82.08.900, or a wind generator used for producing electricity.

~~((8))~~ ~~(h)~~ "Solar energy system" means any device or combination of devices or elements that rely upon direct sunlight as an energy source for use in the generation of electricity.

~~((9))~~ ~~(i)~~ "Solar inverter" means the device used to convert direct current to alternating current in a solar energy system.

~~((10))~~ ~~(j)~~ "Solar module" means the smallest nondivisible self-contained physical structure housing interconnected photovoltaic cells and providing a single direct current electrical output.

~~((11))~~ ~~(k)~~ "Stirling converter" means a device that produces electricity by converting heat from a solar source utilizing a stirling engine.

(2) This section expires June 30, 2031.

**Sec. 827.** RCW 82.16.120 and 2017 3rd sp.s. c 36 s 3 are each amended to read as follows:

(1)(a) Any individual, business, local governmental entity, not in the light and power business or in the gas distribution business, or a participant in a community solar project may apply to the light and power business serving the situs of the system, each fiscal year beginning on July 1, 2005, and ending June 30, 2017, for an investment cost recovery incentive for each kilowatt-hour from a customer-generated electricity renewable energy system.

(b) In the case of a community solar project as defined in RCW 82.16.110~~((2)(a)(i))~~ ~~(1)(b)(i)(A)~~, the administrator must apply for the investment cost recovery incentive on behalf of each of the other owners.

(c) In the case of a community solar project as defined in RCW 82.16.110~~((2)(a)(iii))~~ ~~(1)(b)(i)(C)~~, the company owning the community solar project must apply for the investment cost recovery incentive on behalf of each member of the company.

(2)(a) Before submitting for the first time the application for the incentive allowed under subsection (4) of this section, the applicant must submit to the department of revenue and to the climate and rural energy development center at the Washington State University, established under RCW 28B.30.642, a certification in a form and manner

prescribed by the department that includes, but is not limited to, the information described in (c) of this subsection.

(b) The department may not accept certifications submitted to the department under (a) of this subsection after September 30, 2017.

(c) The certification must include:

(i) The name and address of the applicant and location of the renewable energy system.

(A) If the applicant is an administrator of a community solar project as defined in RCW 82.16.110(~~((2)(a)(i))~~) (1)(b)(i)(A), the certification must also include the name and address of each of the owners of the community solar project.

(B) If the applicant is a company that owns a community solar project as defined in RCW 82.16.110(~~((2)(a)(iii))~~) (1)(b)(i)(C), the certification must also include the name and address of each member of the company;

(ii) The applicant's tax registration number;

(iii) That the electricity produced by the applicant meets the definition of "customer-generated electricity" and that the renewable energy system produces electricity with:

(A) Any solar inverters and solar modules manufactured in Washington state;

(B) A wind generator powered by blades manufactured in Washington state;

(C) A solar inverter manufactured in Washington state;

(D) A solar module manufactured in Washington state;

(E) A stirling converter manufactured in Washington state; or

(F) Solar or wind equipment manufactured outside of Washington state;

(iv) That the electricity can be transformed or transmitted for entry into or operation in parallel with electricity transmission and distribution systems; and

(v) The date that the renewable energy system received its final electrical inspection from the applicable local jurisdiction.

(d) Within thirty days of receipt of the certification the department of revenue must notify the applicant by mail, or electronically as provided in RCW 82.32.135, whether the renewable energy system qualifies for an incentive under this section. The department may consult with the climate and rural energy development center to determine eligibility for the incentive. System certifications and the information contained therein are not confidential tax information under RCW 82.32.330 and are subject to disclosure.

(3)(a) By August 1st of each year through August 1, 2017, the application for the incentive must be made to the light and power business serving the situs of the system by certification in a form and manner prescribed by the

department that includes, but is not limited to, the following information:

(i) The name and address of the applicant and location of the renewable energy system.

(A) If the applicant is an administrator of a community solar project as defined in RCW 82.16.110(~~((2)(a)(i))~~) (1)(b)(i)(A), the application must also include the name and address of each of the owners of the community solar project.

(B) If the applicant is a company that owns a community solar project as defined in RCW 82.16.110(~~((2)(a)(iii))~~) (1)(b)(i)(C), the application must also include the name and address of each member of the company;

(ii) The applicant's tax registration number;

(iii) The date of the notification from the department of revenue stating that the renewable energy system is eligible for the incentives under this section; and

(iv) A statement of the amount of kilowatt-hours generated by the renewable energy system in the prior fiscal year.

(b) Within sixty days of receipt of the incentive certification the light and power business serving the situs of the system must notify the applicant in writing whether the incentive payment will be authorized or denied. The business may consult with the climate and rural energy development center to determine eligibility for the incentive payment. Incentive certifications and the information contained therein are not confidential tax information under RCW 82.32.330 and are subject to disclosure.

(c)(i) Persons, administrators of community solar projects, and companies receiving incentive payments must keep and preserve, for a period of five years, suitable records as may be necessary to determine the amount of incentive applied for and received. Such records must be open for examination at any time upon notice by the light and power business that made the payment or by the department. If upon examination of any records or from other information obtained by the business or department it appears that an incentive has been paid in an amount that exceeds the correct amount of incentive payable, the business may assess against the person for the amount found to have been paid in excess of the correct amount of incentive payable and must add thereto interest on the amount. Interest is assessed in the manner that the department assesses interest upon delinquent tax under RCW 82.32.050.

(ii) If it appears that the amount of incentive paid is less than the correct amount of incentive payable the business may authorize additional payment.

(4) Except for community solar projects, the investment cost recovery incentive may be paid fifteen cents per economic development kilowatt-hour unless requests exceed the amount authorized for credit to the participating light and power business. For community solar projects, the investment cost recovery incentive may be paid thirty cents per economic development kilowatt-hour unless requests



exceed the amount authorized for credit to the participating light and power business. For the purposes of this section, the rate paid for the investment cost recovery incentive may be multiplied by the following factors:

(a) For customer-generated electricity produced using solar modules manufactured in Washington state or a solar stirling converter manufactured in Washington state, two and four-tenths;

(b) For customer-generated electricity produced using a solar or a wind generator equipped with an inverter manufactured in Washington state, one and two-tenths;

(c) For customer-generated electricity produced using an anaerobic digester, or by other solar equipment or using a wind generator equipped with blades manufactured in Washington state, one; and

(d) For all other customer-generated electricity produced by wind, eight-tenths.

(5)(a) No individual, household, business, or local governmental entity is eligible for incentives provided under subsection (4) of this section for more than five thousand dollars per year.

(b) Except as provided in (c) through (e) of this subsection (5), each applicant in a community solar project is eligible for up to five thousand dollars per year.

(c) Where the applicant is an administrator of a community solar project as defined in RCW 82.16.110(~~((2)(a)(i))~~) (1)(b)(i)(A), each owner is eligible for an incentive but only in proportion to the ownership share of the project, up to five thousand dollars per year.

(d) Where the applicant is a company owning a community solar project that has applied for an investment cost recovery incentive on behalf of its members, each member of the company is eligible for an incentive that would otherwise belong to the company but only in proportion to each ownership share of the company, up to five thousand dollars per year. The company itself is not eligible for incentives under this section.

(e) In the case of a utility-owned community solar project, each ratepayer that contributes to the project is eligible for an incentive in proportion to the contribution, up to five thousand dollars per year.

(6) The climate and rural energy development center at Washington State University extension energy program may establish guidelines and standards for technologies that are identified as Washington manufactured and therefore most beneficial to the state's environment.

(7) The environmental attributes of the renewable energy system belong to the applicant, and do not transfer to the state or the light and power business upon receipt of the investment cost recovery incentive.

(8) No incentive may be paid under this section for kilowatt-hours generated before July 1, 2005, or after June 30, 2017, except as provided in subsections (10) through (12) of this section.

(9) Beginning October 1, 2017, program management, technical review, and tracking responsibilities of the department under this section are transferred to the Washington State University extension energy program. At the earliest date practicable and no later than September 30, 2017, the department must transfer all records necessary for the administration of the remaining incentive payments due under this section to the Washington State University extension energy program.

(10) Participants in the renewable energy investment cost recovery program under this section will continue to receive payments for electricity produced through June 30, 2020, at the same rates their utility paid to participants for electricity produced between July 1, 2015, and June 30, 2016.

(11) In order to continue to receive the incentive payment allowed under subsection (4) of this section, a person or community solar project administrator who has, by September 30, 2017, submitted a complete certification to the department under subsection (2) of this section must apply to the Washington State University extension energy program by April 30, 2018, for a certification authorizing the utility serving the situs of the renewable energy system to annually remit the incentive payment allowed under subsection (4) of this section for each kilowatt-hour generated by the renewable energy system through June 30, 2020.

(12)(a) The Washington State University extension energy program must establish an application process and form by which to collect the system operation data described in RCW 82.16.165(7)(a)(iii) from each person or community solar project administrator applying for a certification under subsection (11) of this section. The Washington State University extension energy program must notify any applicant that providing this data is a condition of certification and that any certification issued pursuant to this section is void as of June 30, 2018, if the applicant has failed to provide the data by that date.

(b) Beginning July 1, 2018, the Washington State University extension energy program must, in a form and manner that is consistent with the roles and processes established under RCW 82.16.165 (19) and (20), calculate for the year and provide to the utility the amount of the incentive payment due to each participant under subsection (11) of this section.

(13) This section expires June 30, 2031.

**Sec. 828.** RCW 82.16.150 and 2010 c 202 s 5 are each amended to read as follows:

(1) Owners of a community solar project as defined in RCW 82.16.110(~~((2)(a)(i) and (iii))~~) (1)(b)(i)(A) and (C) must agree to hold harmless the light and power business serving the situs of the system, including any employee, for the good faith reliance on the information contained in an application or certification submitted by an administrator or company. In addition, the light and power business and any employee is immune from civil liability for the good faith reliance on any misstatement that may be made in such application or certification. Should a light and power

business or employee prevail upon the defense provided in this section, it is entitled to recover expenses and reasonable attorneys' fees incurred in establishing the defense.

(2) This section expires June 30, 2031.

**Sec. 829.** RCW 82.16.155 and 2017 3rd sp.s. c 36 s 2 are each amended to read as follows:

(1) This section is the tax preference performance statement for the tax preference and incentives created under ~~((RCW 82.16.130 and))~~ sections 4 and 6, chapter 36, Laws of 2017 3rd sp. sess. This performance statement is only intended to be used for subsequent evaluation of the tax preference and incentives. It is not intended to create a private right of action by any party or be used to determine eligibility for preferential tax treatment.

(2) The legislature categorizes the tax preference created under ~~((RCW 82.16.130))~~ section 4, chapter 36, Laws of 2017 3rd sp. sess. and incentive payments authorized in section 6, chapter 36, Laws of 2017 3rd sp. sess. as intended to:

(a) Induce participating utilities to make incentive payments to utility customers who invest in renewable energy systems; and

(b) By inducing utilities, nonprofit organizations, and utility customers to acquire and install renewable energy systems, retain jobs in the clean energy sector and create additional jobs.

(3) The legislature's public policy objectives are to:

(a) Increase energy independence from fossil fuels; and

(b) Promote economic development through increasing and improving investment in, development of, and use of clean energy technology in Washington; and

(c) Increase the number of jobs in and enhance the sustainability of the clean energy technology industry in Washington.

(4) It is the legislature's intent to provide the incentives in sections 4 and 6, chapter 36, Laws of 2017 3rd sp. sess. ~~((and RCW 82.16.130))~~ in order to ensure the sustainable job growth and vitality of the state's renewable energy sector. The purpose of the incentive is to reduce the costs associated with installing and operating solar energy systems by persons or entities receiving the incentive.

(5) As part of its 2021 tax preference reviews, the joint legislative audit and review committee must review the tax preferences and incentives in sections 4 and 6, chapter 36, Laws of 2017 3rd sp. sess. ~~((and RCW 82.16.130))~~ The legislature intends for the legislative auditor to determine that the incentive has achieved its desired outcomes if the following objectives are achieved:

(a) Installation of one hundred fifteen megawatts of solar photovoltaic capacity by participants in the incentive program between July 1, 2017, and June 30, 2021; and

(b) Growth of solar-related employment from 2015 levels, as evidenced by:

(i) An increased per capita rate of solar energy-related jobs in Washington, which may be determined by consulting a relevant trade association in the state; or

(ii) Achievement of an improved national ranking for solar energy-related employment and per capita solar energy-related employment, as reported in a nationally recognized report.

(6) In order to obtain the data necessary to perform the review, the joint legislative audit and review committee may refer to data collected by the Washington State University extension energy program and may obtain employment data from the employment security department.

(7) The Washington State University extension energy program must collect, through the application process, data from persons claiming the tax credit under ~~((RCW 82.16.130))~~ section 4, chapter 36, Laws of 2017 3rd sp. sess. and persons receiving the incentive payments created in ~~((RCW 82.16.165))~~ section 6, chapter 36, Laws of 2017 3rd sp. sess., as necessary, and may collect data from other interested persons as necessary to report on the performance of chapter 36, Laws of 2017 3rd sp. sess.

(8) All recipients of tax credits or incentive payments awarded under this chapter must provide data necessary to evaluate the tax preference performance objectives in this section as requested by the Washington State University extension energy program or the joint legislative audit and review committee. Failure to comply may result in the loss of a tax credit award or incentive payment in the following year.

(9) This section expires June 30, 2031.

**NEW SECTION. Sec. 830.** The provisions of RCW 82.32.805 and 82.32.808 do not apply to this act.

**NEW SECTION. Sec. 831.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

On page 1, line 2 of the title, after "projects;" strike the remainder of the title and insert "amending RCW 82.16.130, 82.16.160, 82.16.165, 82.16.170, 82.16.110, 82.16.120, 82.16.150, and 82.16.155; adding new sections to chapter 82.16 RCW; creating new sections; providing expiration dates; and declaring an emergency."

and the same is herewith transmitted.

Brad Hendrickson, Secretary

#### SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to ENGROSSED SUBSTITUTE HOUSE BILL NO. 2248 and advanced the bill as amended by the Senate to final passage.

#### FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representative Doglio spoke in favor of the passage of the bill.

Representative Dye spoke against the passage of the bill.

The Speaker stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 2248, as amended by the Senate.

### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2248, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 89; Nays, 8; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Duerr, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, Mead, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Sells, Senn, Shewmake, Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Voting nay: Representatives Dufault, Dye, Jenkin, Kraft, McCaslin, Schmick, Shea and Sutherland.

Excused: Representative Paul.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2248, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

### RESOLUTION

**HOUSE RESOLUTION NO. 2020-4682**, by Representatives Jenkins, Wilcox, Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Mead, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shea, Shewmake, Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wylie, Ybarra, and Young

WHEREAS, The 2020 legislature is drawing to a close; and

WHEREAS, The staff of the House of Representatives has once again meticulously and thoroughly assisted us in our legislative tasks; and

WHEREAS, Nonpartisan staff research and draft thousands of bills and amendments with highest integrity and inform members with data; and

WHEREAS, Workroom staff work tirelessly preparing necessary paperwork supporting the process to ensure our legislative work is uninterrupted; and

WHEREAS, Caucus staff has worked diligently to assist us in our work; and

WHEREAS, Support staff have guarded us, fed us, staffed our committees, and in all ways helped us perform our jobs; and

WHEREAS, Legislative assistants have performed the impossible by shuffling thousands of emails, answering our constantly ringing telephones, keeping our hectic schedules, greeting and meeting our visitors; and

WHEREAS, The dependable and honorable assistance of all these people contribute greatly to our ability to fulfill our duties as state legislators;

NOW, THEREFORE, BE IT RESOLVED, That the members of the House of Representatives extend our sincere appreciation to all who have worked long hours with the highest integrity to serve the greater good for all Washingtonians; and

BE IT FURTHER RESOLVED, That the copies of this resolution be distributed to staff in appreciation for a job well done.

Representative Thai moved adoption of HOUSE RESOLUTION NO. 4682

Representatives Thai and Rude spoke in favor of the adoption of the resolution.

HOUSE RESOLUTION NO. 4682 was adopted.

### RESOLUTION

**HOUSE RESOLUTION NO. 2020-4686**, by Representatives Jenkins, Wilcox, Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, Dent, Doglio, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Mead, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shea, Shewmake, Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wylie, Ybarra, and Young

WHEREAS, Representative Richard DeBolt was born on November 3, 1965, in Tacoma, Washington; and

WHEREAS, Representative Richard DeBolt traveled extensively as a youth while his father served in the military; and

WHEREAS, Representative Richard DeBolt graduated from Cheyenne East High School in Cheyenne, Wyoming; and

WHEREAS, Representative Richard DeBolt graduated from University of Wyoming where he studied International Relations; and

WHEREAS, Representative Richard DeBolt married his wife, Amy, in 1989; and

WHEREAS, Representative Richard DeBolt and his wife, Amy, have two children: Sophie (DeBolt) Traulsen and Austin DeBolt; and

WHEREAS, Representative Richard DeBolt has been a leader in the business community, including as former Director of the Chehalis-Centralia Chamber of Commerce; and

WHEREAS, Representative Richard DeBolt was elected to the Washington State House of Representatives in 1996; and

WHEREAS, Representative Richard DeBolt has been a pillar in his communities for years having served in several leadership roles, including on the Board of Directors for the United Way of Lewis County; and

WHEREAS, Representative Richard DeBolt has received numerous awards and recognition from various groups for his work in the Washington State Legislature and his communities; and

WHEREAS, Representative Richard DeBolt has advocated for taxpayers, employers, schools, local governments, and more accountability in state government during his time in the Washington State Legislature; and

WHEREAS, Representative Richard DeBolt has provided strong leadership for the House Republican Caucus in various positions, including as House Republican Leader from 2006 to 2013; and

WHEREAS, Representative Richard DeBolt is the ranking Republican on the House Capital Budget Committee, in which he has helped lead efforts to finance K-12 education school construction, enhancements in behavioral and mental health systems, programs to protect the environment, and important projects in communities across the state; and

WHEREAS, Representative Richard DeBolt has led, and continues to lead, efforts for Chehalis River flood-reduction programs; and

WHEREAS, On February 6, 2020, Representative Richard DeBolt announced on the House floor that he would not seek reelection in November 2020; and

WHEREAS, Representative Richard DeBolt's leadership, actions, and devotion to causes have made a positive difference for the people and communities of the 20th Legislative District and the State of Washington; and

WHEREAS, Representative Richard DeBolt looks forward to consulting, traveling, boating, golfing, and spending more time with his family;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives recognize Richard DeBolt for his twenty-four years of dedicated public service to the people and communities of the 20th Legislative District and to the State of Washington; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Chief Clerk of the House of Representatives to the Honorable Richard DeBolt.

Representative Wilcox moved adoption of HOUSE RESOLUTION NO. 4686

Representative Wilcox: Thank you Madam Speaker. I guess in honor of Richard I should button up my jacket. He's always been very careful about that. Madam Speaker, this is the end of an era. It's not just about Representative DeBolt, there's others that are leaving, but Richard is the person that I've sat next to in this chamber for eight years. There's been some strange moments sitting next to Richard. We've become close friends. We've gotten some very strange messages texted to us. For example, frequently, *You're in the shot JT, or you're in the shot Richard, stop laughing; behave yourself; you're slumping; put your computer down.* One of the really nice things about Richard is the first thing I ever heard from him, I think, when I first ran for office about 11 years ago, was you should be able to say everything that you need to say in three minutes - I thought that the majority would appreciate that. We don't always live by it, but Richard believed it. We've had some really fun hijinks down here in this part of the chamber. One of our deals has been for many years that if either Richard or I stand up to speak, the other person, because they're in the TV shot, is supposed to adopt a posture and an attitude as if we were learning at the feet of Socrates, and it's really really hard to give a speech when the person next to you is doing that, but Richard has always been equal to that. One of my fairly early experiences with Richard happened when I was a freshman, and I'd mentioned before I was on Ways and Means, and inadvertently someone in our caucus, who's no longer here, had subverted the rules and convinced all of us except for Representative Gary Alexander, who was our lead, to support his bill and then broke the news to Gary Alexander, and Richard has always been really good at supporting his ranking members, and so he took all of us in one by one and let us know just how bad we had been, and I think Gary asked Richard not to do that to me because I was so new. I had no clue that you can't trust every person in this building. But Richard let me have it. He lowered the boom, and in case you haven't noticed Richard is capable of being very intimidating, and when I was done, I looked to Richard and said "Well Richard, I've had to do what you're doing quite a few times in my life and I just want you to know that I know from experience you are really good at that." And I've told

people over and over that I've only had half a bad day in my 10 years in the legislature and when Richard lowered the boom on me, that was in the afternoon, so I had a good morning and a really bad half day, and the reason that it was a bad day was because nobody wants to disappoint Richard. There is no one as loyal as Richard. There's also no better delegator - I've never met someone that could delegate better than Richard. What a great talent to have, and you lift everyone up around you Richard. I want you to know that because I bet you're going to do that in your future life. Now not everything that Richard does is perfect. In fact, more than anyone I've ever known, I think Richard walks around the world with two little figures perched on his shoulders - one's an angel, the other one's a demon. I would say that most of the time, maybe 90% of the time, the angel wins, but the demon wins 10% of the time until you get to the last week or two of the session and then the demon, I think, wins about 50% of the time. I've always thought the scariest sight in this building is Richard walking around like he's got nothing to do because he's going to find it. The best example of that, I think, was the first year that he and I sat here when he wasn't leader and he didn't have enough to do and he was looking for things to speak about and if you haven't noticed he's not always paying perfect attention and he heard some things that bothered him. So he jumps up and gives a really rabble-raising speech about how bad this bill is while I am pulling on his sleeve telling him "It's Gina's bill! It's Gina's bill!" They took it down. It took us two years to get that bill back. Well, then to make matters worse about a month later I'm in the back of the chamber here and he starts doing the same thing and I'm sprinting up the aisle hampered to some extent because he's doing it to my bill this time and I can't stop laughing. So that was a fun year for Rich. He doesn't always kill two bills, but it's easier when they're Republican bills. I think the same year, he was a little less intense than he sometimes is; he was playing some games on his laptop or something like that and his phone goes off, and you know that Richard's used to being in trouble because instead of scrambling to turn on his, turn off his phone, he just points at me and I got gaveled. Rich I'm making light of all of this and I think you've learned in the last week or two that there's, there's nobody that has made a bigger difference from the minority over 10 years than you have. I know that people on the other side feel exactly the same way and you're going to have to hear that at length today. I hope you are crying like a baby when this is done because you need to know, it's, you don't often hear that you're loved when you're a leader, but you're going to hear it now. I'm so glad that Amy's here because she's put up with a lot over 24 years. You're like a brother to many people and made a difference here. You've never let being in the minority get in your way. You've never given up; I wish you would sometimes but you really do never give up, and the thing that is just driving me crazy today, Rich, is I should have expected this, but the day that you decide is your last day in the Legislature is one of the most drama-filled days I've ever had here, and thank you Richard, you had to do that to us, didn't you? Thanks Rich.

#### SPEAKER'S PRIVILEGE

The Speaker recognized Representative DeBolt's wife, Amy seated at the Rostrum.

Representative Tharinger: Thank you Madam Speaker. When I joined this house 10 years ago with Minority Leader Wilcox and you, Madam Speaker, Rich DeBolt was the minority leader and I was a freshman and I quickly thought he was one of the most obnoxious people I have ever met. I thought what is this? This guy just keeps popping up, just keeps causing trouble. I'm going "What?" you know, "What kind of, where does a guy like that come from?" Through the years, as I've been able to work with Rich, and I think some of us, and in fact Representative Smith and myself sort of agree to this and then did a little c Capital Budget event for Richard, we noticed a drastic change in Richard when he went from minority leader to a policy person and certainly working with him on the Capital Budget has been one of the highlights for me being in this session. And as JT mentioned, he lifts people up. He lifted me up and he lifted up our whole process because he has a big mind, a big mind, and a big heart and he cares about the citizens of Washington state. He cares about this institution and his skills and that big heart and that big mind will be missed. I certainly will miss him but Rich, forever together, thank you.

Representative Schmick: Well, thank you Madam Speaker. So, Representative DeBolt was the mentor of a former colleague of mine and that was Don Cox - served the 9th district when he was here. And so I asked Don I said, "What about Rich?" and Don said "Well," he said "I would always ask him questions." because he was my mentor, and he says "While he was playing his Game Boy," and he could answer the question. He knew all the answers but was always on that Game Boy." I guess I have another question for you, Rich, and is it really true that you felt that some people were talking too much on the floor so that you went and came in early one day and loosened the microphones underneath the desk so that when those people got up to speak, all of a sudden their mic wasn't working - I've just heard that that was... but that was from Don Cox he was a, he's a fine man and still get to visit with him today. I will remember one thing always from my tutelage under you and that is *want nothing and shoot the hostage*. I will remember these always. I will say, just to let the House know, when Representative DeBolt asked me to be the health care lead, I told him no three times before he talked me into it, and I did it and I so resent you for that but I have come to enjoy that committee and working with the good lady from the 34<sup>th</sup>. But I just want to tell you, I will miss you. Thank you for all your years of service.

Representative Riccelli: Thank you Madam Speaker. I'm so pleased to stand today as we recognize Richard. Richard and I didn't get off to the greatest start and it's something that we've talked a lot about in our years here. When I came in, I sat where Representative Kloba sat and sometimes Republicans even passed me amendments - forgot I was on that side, and I got up one day as a freshman, and the Minority Leader's job, part of it, is to kind of size up the freshman on the other side; see where they're coming from, and I got up and I gave my speech and thought it was a stem-winder and I was feeling pretty good about myself and Richard stands up and said "We should have gaveled you down!" and I was taken aback. I'm "what's going on here?"

Who is this guy?" and then I said something like "Well, do what you got to do." And quickly, I think, he went to the other side and said "Bergquist tried to fight me." That actually, you know, that first year was, was kind of rough. It was fun that the gentleman, the former gentleman from the 4<sup>th</sup>, Larry Haler said "Great speech kid!" But that first year we didn't chat much and then soon that next year we got together down in the lunchroom and he said "Hey, you know when I came and stepped up to you and did that? Like hey, let's put that aside." and we started chatting and I've learned a lot from you. Like for instance right now, it's a stream of consciousness. I want to have some notes in front of me, but the second year you told me *speak from the heart*. You told me. You didn't have to tell that to some second year Democrat. You said *speak from the heart* and I'm speaking from the heart today, and I know, I think I realized why that's so important - because in your job as Minority Leader, and then your job around here, you knew was about relationships and you knew that what we were saying did matter and sometimes it didn't always feel like you were listened to. And if you notice in my time here, I try my best and we, during those speeches sometimes that are long, we make eye contact because you know how important it is that people listen, that we're all bringing a voice here, and you listened to me. I came to you and you did a fantastic job on Capital Budget working with Rep Tharinger and so many people. But I came to you once on some kitchen equipment that we talked about, but more importantly, a couple years I came back on some dental access stuff and you pushed back and rightfully so, but you listened and we worked together and because of you thousands more people are getting access to dental and you listened. You know, a few years back, too, you grabbed me and it was close to Sine Die and you said "Hey, come up, I got something for you." and you had this thing that hung on your wall and it was an elephant crushing a donkey, and we sat in my office. You said "I want you to have this," and you said "because, you were, you remembered that day." and he said "a lot of people looked at that as that elephant crushing the donkey it was kind of a chest puffing thing," but he said "the donkey was standing up that day, and you said "that reminded me of you." That was so impactful and so meaningful and you get this place and I'll just close by saying, you know, my parents were here the other day and you said something to me, you said "Your mom loved this place." and what I don't, what I know that you believe, and we didn't hang out much outside of this place, but we love this place and this institution and that shows through. You care about this institution, you care about what goes on here, and I hope to help carry that tradition on because I think it's a heck of a tradition in something we should be all honored to carry on. Thank you.

Representative Orcutt: Thank you Madam Speaker. A lot of the House is a little too new to know this that when I came into the Legislature, Richard and I were not in the same district. I was actually in the 18th District at the time, so we were in adjacent districts, and I think Richard was the Floor Leader at the time, but he was also my mentor, and Richard, despite all of the duties that he had in his leadership position, still took time to mentor me. Unfortunately, it was sometimes after I'd done the thing wrong that he mentored me, and sometimes it was kind of like "You screwed up."

And, you know, over time, I've seen Richard kind of go from being a little more blunt to being a little more of a guide - of somebody who guides you, and instead of coming up and confronting you face to face and trying to get you to turn 180 degrees, he comes up beside you and kind of talks you through and you don't realize that while he's talking you through something, he's getting you to turn and go in the right direction and to do things in the right manner. So, he was my mentor when we first got here and a couple of years later he became the caucus leader and I got a chance to watch Richard lead. I got a chance to see his belief in the institution. I got a chance to see his belief in our caucus. I got a chance to see how much he cared for the people in our caucus; how much he cared for the people of the state of Washington, because everything he was doing, everything he was leading us to do was about making this state better for the citizens of the state of Washington and I really appreciated that about him and I started to understand how much he really cared about people. And, you know, along the way he started to have some health problems and had to step down from that leadership position and that was hard for me; I know it was hard for him. I think he did it because he thought it was the best thing, not only for him, but for the caucus and for the institution. And then, somewhere along the way, I ended up being redistricted into the 20<sup>th</sup> so I became his seat mate. So through the years he's been my mentor, he's been my leader, he's been my seatmate, but all that time, he's also been my friend and I very much appreciate my friend. He cares very much about our caucus. He cares very much about the citizens, especially of our district, about the people statewide. He cares about this institution and I so much appreciate all of the lessons that he has helped all of us to learn, and like the gentleman from the third, you know, he's left a legacy, he's left a legacy of leadership and stewardship of what we're granted here as legislators that we need to carry on. Richard, I want to say thank you for being my mentor, thank you for being my leader, thank you for being my seatmate, but mostly, thank you for being my friend.

Representative Fitzgibbon: Thank you Madam Speaker. You're hearing a little bit of a theme on our side and it will probably continue which is that we all like Richard a lot more than we used to. He has this tendency to kind of grow on you like a fungus, and when I started here the same time as Representative Tharinger and you, Madam Speaker, 10 years ago, I came into this body as a young environmentally minded, sort of hot-under-the-collar freshman ready to go into battle, and that was kind of a recipe for a little bit of friction with the Minority Leader at the time and, as we've heard before, he can be kind of intimidating at times, and there were a lot of times that first year in office when you know, he'd kind of storm over and tell me something that I had done that really made their side mad or that I should really knock off doing and some of the time he was right and a lot of times I was right, but, but the thing about that time, which was certainly tough and there's a lot of tension and friction around that, he was never unkind about it. He was never, you know, a mean guy, he just was direct and he picked his battles pretty well, in my experience. He picked to fight about the things that were really important to his district and to his caucus and to him personally and I just, I

valued that because there's a lot of conflict in this place. You know, you and I, Madam Speaker, have talked about productive conflict and how do we exercise productive conflict in this environment. I don't agree with anybody on this floor 100% of the time and some more than others, but I really think that Richard exhibits that and shows us how to disagree with each other in a way where even at the end of the disagreement, we're still disagreeing, but we got somewhere and maybe we understood each other a little bit better and we found a better policy, even if it's one that he didn't end up voting for or that I didn't end up voting for. Then as time went on, you know, I sit here next to the Capital Budget Chair and I also sat next to the previous Capital Budget Chair and when Richard moved into that role and would come over and work with the gentleman to my right or his predecessor, Representative Dunshee, I started to really see that other side of him that we've heard others mention when he developed that focus on policy and I think he really went into the capital budget because he knew that that was a place that his skills as a negotiator, but also just the high impact that the capital budget has on so many of our communities, that that was a great place for him to land after moving out of the role of Minority Leader, and I really started to see this new side of him, really policy focused and budget focused, very results-oriented and it was, it was really great to watch that relationship. I know the capital budget's always been one of our more bipartisan endeavors here, but it was really fun to watch that side of him unfold and I think we got a lot of good things done in every part of the state in the capital budgets that he worked on in that time. It really wasn't until this year though, that I got to know Richard at the level that I do now. When he stepped into the role as Ranking Member on the Environment Committee, I realized just how smart he is, how transparent he is when he wants to be, and I've learned a ton from him and the way that he treats people, the way that he observes people, he's paying attention, even when it seems like he's not paying attention, and he's paying attention, of course, you know I talked about policy already, but he's paying attention to people and what makes them tick, and once, you know, we got to that point we actually talked about what made each other tick and I don't think I've had that conversation with just about anybody here on either side of the aisle. Just to wrap up – you've heard this from a lot of people today, but I'll just, I'll add myself to that list. You've made me a better legislator and you've made probably just about everybody that you interacted with a better legislator and so thank you.

Representative Smith: Thank you Madam Speaker. There's been a lot of incredible things said. I had an amazing story that I wanted to tell just briefly. When Richard began to do more in policy and he was my Assistant Ranking in the ITED committee and I was his Assistant Ranking in Capital, we spent a lot of time together, and I'm sure that that, at times, was wearying for Richard and we were walking in together into our Minority Leader's office and he was so frustrated with me – I'm sure from just the many words I had to say about something, and in that moment, he declared to our Minority Leader...I probably shouldn't tell the rest of that story, so I'm going to skip that one. Here's what I want to say to Richard DeBolt: Other than your faith walk with our Lord, your best decision is sitting next to you. Watching

you and Amy and having both of you love me and love so many of us here and reach out and share life with us and invite us into your lives, thank you. Richard, I just want to say that watching you in these years, first as my leader and then as this incredible gift to Washington State, as someone with enormous intellectual horsepower, governed by a heart for those we serve, has been nothing but a privilege. You have taught me so much about leadership; about servant leadership; about sharing your heart. You are my little brother in faith, in our work, and forever my friend, thank you.

Representative Stonier: Well, thank you Madam Speaker. Richard, a lot of nice things said about you, I'm here to round out the stories. I would stand in support of this resolution, if you'd been kind to me but you haven't been. If you were a welcoming presence when I first arrived in this place, but you were not. You taught me a lot about politics – walking out of a seventh grade classroom in December and into this place as a freshman legislator in the 17th Legislative District, with my seatmates being Representative Harris and Senator Don Benton and you as Minority Leader, I learned a lot. For that I would thank you because I am better, stronger, and smarter because of the tough lessons you taught me. That's probably true for a lot of us here as you've heard. We come from a region of the state that's quite unique. Southwest Washington is different in that there's a river border community to another state with another system of taxation and business. Quite a mix of rural and urban communities; not very many places like our region can you drive through calm beautiful country roads and then find yourself in a town somewhere. The economy, when it tanks, hits our region harder than it does other places, takes a whole lot longer to recover, and your district is still seeing the results of that. When I returned here the second time, you said "You're going to like me a whole lot better now." I said I didn't believe you but, as it turns out, it's true. I like you a whole lot more because, while our politics in our region of the state can be ugly and divisive, the people that you and I serve count on us to find common ground for the sake of their families, their jobs and their futures. So in the last year or so of our co-service here, I stand to thank you for your service to this institution. You care so deeply about making sure this place works. You and I both loved the game of politics as it plays out on the chessboard. I learned years ago that when you take your red book out you're probably up to no good or you just want to see who sweats it over here, but the fact that we are all here to represent our communities and to serve them and that we should put those people we serve above all the politics at times, is what I've come back to do and I thank you for teaching me that lesson. I congratulate you on your redemption and your new found ways to enjoy life as I know you will with Amy, and I commit to you that I will make good on the promise I made to you in your office a couple weeks ago: That we have a community that needs us to come together and find common ground to deliver policy, budgets and good work, and whether you're in office or not, and whether I'm here or not, we know there's a lot of work we can do inside and outside these walls. I appreciate the love and compassion you've shown your caucus, the friendship and the teachings that you've offered mine, and I

look forward to whatever work we can do for Southwest Washington in the future. Congratulations.

Representative Harris: Thank you, Madam Speaker. Madam Speaker, can I read some Richard DeBolt quotes to you?

Madam Speaker: I'm not sure whether or not to say please proceed, but I will.

Representative Harris: Oh, they're not that bad. Madam Speaker, SQUIRREL! "Love the dog hate the dog." "Always be willing to kill the hostage, always." "Want nothing." So when you would go into Richard's office, and you'd say "Geeze, my bill..." he'd go "Harris, want nothing." Wow, really? And then the other one that I liked - "...and today will be a glorious day to die." That is the man, actually that got me in, you know he was mentor to others, but Richard was actually the person that got me to run for office. I ran in 2006 - lost; ran in 2008 - lost, and Richard was always there. I'd call him up and he'd say "You know Paul, I think you'll do better next time." and I you know, and so I did - I finally got elected, and then we started to golf together from time to time and just like politics, if you've ever golfed with Richard DeBolt, nothing's halfway. So, when the ball goes straight, it goes a mile, but when it doesn't go straight it goes a mile the other way. He is a great guy to be your friend. He is loyal. I'll never forget, in our caucus room we have the shield and we really haven't talked about the shield, but I'll never forget my freshman year - I'm another one that came in with the good Speaker, many of us came in together. But Richard talked about the shield and the importance of the shield and how if we all unite and stand behind the shield, it will protect us; that we are far stronger together, than we are being separate and alone - and I will never forget that. I want to thank Richard. You will be missed. You're a great statesman. If you ever want Richard to speak on an issue, he can do it instantaneously and speak on either side - he truly can. He can explain either side to you in 30 seconds and he takes no prep. He's awesome. You will be missed my man. Thank you.

Representative Chopp: Thank you, Madam Speaker. Richard, you and I are brothers; we've been through a whole lot together. An earthquake - living in the People's Portable in the parking lot. And by the way, that is not the definition of, what do you call it, "social distancing," it's just the opposite. We were packed in like sardines, yeah. The Great Recession, a budget crisis, or two actually, and also a fun dinner at the Ram in Lacey - that was so much fun. Through all that and more, we've worked together, we've struggled together, we hassled each other and dealt with family feuds in this place - just like real brothers. Richard, you have done a lot of good for the people of the state of Washington. In your many roles in leadership and on committees, you and I both really enjoyed creating a little trouble for the Healthcare Committee Chair, which she immediately squashed, so I feel your pain brother. In your Capital Budget role, just such great work, working with the Chair on our side. You've touched so many communities and so many lives and I really encourage the two of you to go around the state. Look at what you've done. Look at the school buildings, the college

facilities, the training centers, the childcare centers, the housing projects, one after another. I know you even advocated for projects in my district and so you ought to be proud of what you've done for the people of the state. Richard, also one of your greatest gifts is your ability to deal with people as people. In this imposing building you always work with people as people - not full of yourself, not pretentious, not grandiose, you treated everyone as a friend or colleague; down to Earth, among the people. With you in this place, this truly is the People's House. I don't know if many of you know, that Richard has a college degree in international relations. I mean, I just found that out today. I'm very impressed Richard, but maybe that's why you did such a great job building relationships in this place. Also Richard, you have many talents - your ability to speak your mind to give a great speech on the house floor; you're a great voice for your caucus; you have the gift of gab with anyone and I truly admire that, including your frequent use of zingers at the end of your speeches. Knowing that you probably would be gavel down, you often saved your most pungent points to the end of your speeches. Richard, you and I have an aversion to the usual House Rules. The other day, maybe that was yesterday, seems like a while ago, you were gavelled down by the Speaker for not wearing a tie on the floor and right after that moment, you came back here and asked me to do the same as part of my speech today right now. So at your request and in solidarity with my brother Richard, I renounce neckties and dispense with oppressive formality. Madam Speaker, forgive me.

Representative Kretz: That's a hard one to follow. Thank you, Madam Speaker. You know as we've been sitting here listening to this for the last, well, like two hours now, something like, I think this is a really good example of how Richard usually operates. You know, he came to me and he said "God, you know, we go way back and I'd really like you to speak and there's can only be three on our side" and he went and said the same thing to 35 people. That's how he works. Here we are. But those are two of my favorite people up there - people that have always been there for me. Amy has always been welcoming - been to their house, she's been to the ranch. I can tell you she looks a hell of a lot better on a horse than Richard does. I remember when I first got here, you know, we had the election and then there was reorg right after, and you don't know any of these people that are trying to convince you to support 'em and I really didn't like what Richard had to say. That's a common theme - none of us really liked him at first, but I remember my seatmate at the time, Bob Sump, talking about Richard and his qualifications and, he said he was smart and his mind is lightning fast and he will, you probably noticed this, finish your sentence for you quite often when you're talking to him because he knows what you're thinking. I think his main point though in Richard's support was that there's no one in this place that can drive Frank Chopp crazier than Richard. So that was the main selling point. He did say, though, you probably wouldn't pick him to be your next door neighbor. But I've never seen anybody that was in tune with this place like Richard is. You know, I've seen him sitting up here, things are going on, he's usually doing two or three things at once - Game Boy, whatever, talking to somebody on the phone, and something changes on the floor he knows it before anybody



else does and I've just been amazed over the years at that sense of awareness of what's going on in this place. He's tuned into it like nobody I've ever seen and it's a great talent, especially out here on the floor for a Floor Leader. I can think of some horrible moments. I remember the time in caucus where he confused Cesar Chavez with Che Guevara, and that was quite a speech. You know, I was trying to get some time this morning to work on this and there's a lot of things that I was trying to get jotted down here a lot in the last 10 minutes because I didn't have time this morning and then I kept thinking, you know, most of the stuff I know about Richard should never go on a piece of paper. It was interesting watching him in the early parts of... I got to go back to Bob Sump for a second. So that my freshman class got here after talking to Bob Sump, and the first thing my freshman class did was take him out, you know, which was kind of a crowning glory. But the political ability is like nobody I've ever seen here and when Richard was into the political end of it, I never saw anybody better. There were a lot of good ideas. There were some really bad ones, but it was all done in a really fast brilliant way. Sometimes it was brilliantly creative and sometimes brilliantly idiotic. I'm thinking Postcards From The Edge, things like that; a lot of history there. But I've never seen anybody make such a big change when he went from the political side, focused on that, to policy, and I remember, my early years here, that was the last thing Richard ever wanted to talk about was policy. He was always looking at the political – I think a lot of it was because we had 33 seats, you know, so you're looking at the other end of it. But watching him go into policy has been a real education for me. Watching him immerse himself in it. We heard several other members talk about the experience of working with you how you applied yourself to something that I knew was not your first, first instincts. You know, we were sitting, several people have mentioned the shoot the hostage thing, and Richard and I were in the back office here a few days ago with some of the leadership and we both shot our hostages and everybody went out and Rich and I were sitting there looking at each other and kind of going “did we do the right thing? you know, and I had to say “Richard, if you look around at the floor in that back office, there is years’ worth of blood back there from hostages being shot in that office.” and he was always willing to do it. If it was his it was gone, it had no value and it was gone if it was best for the caucus or another member if the hostage had to go and it was one of the main lessons I learned. I guess I'll just say there's nobody I've enjoyed more here. Nobody that I could trust more and you have always had my back and I'll never forget it. Thanks Richard.

Madam Speaker: Before we move to final passage Representative DeBolt wants me to know, or to let the viewing audience know that hostages are bills for the purposes of this discussion.

HOUSE RESOLUTION NO. 4686 was adopted.

## CONFERENCE COMMITTEE REPORT

March 11, 2020

Engrossed Substitute Senate Bill No. 6168

Includes “New Item”: YES

Madame Speaker:

We of your Conference Committee, to whom was referred ENGROSSED SUBSTITUTE SENATE BILL NO. 6168, Making 2019-2021 fiscal biennium supplemental operating appropriations, have had the same under consideration and we recommend that:

All previous amendments not be adopted and that the attached striking amendment (H-5432.2) be adopted

and that the bill do pass as recommended by the Conference Committee:

Strike everything after the enacting clause and insert the following:

### "PART I

#### GENERAL GOVERNMENT

**Sec. 101.** 2019 c 415 s 101 (uncodified) is amended to read as follows:

#### FOR THE HOUSE OF REPRESENTATIVES

General Fund—State Appropriation (FY 2020)	..... (( <del>\$40,202,000</del> ))
	<u>\$40,403,000</u>
General Fund—State Appropriation (FY 2021)	..... (( <del>\$43,039,000</del> ))
	<u>\$44,256,000</u>
Pension Funding Stabilization Account—State	
Appropriation.....	\$4,266,000
TOTAL APPROPRIATION.....	<u>\$87,507,000</u>
	<u>\$88,925,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$50,000 of the general fund—state appropriation for fiscal year 2020 and \$50,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of Engrossed Substitute House Bill No. 2018 (harassment/legislature). If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.

(2) \$25,000 of the general fund—state appropriation for fiscal year 2020 and \$100,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the joint legislative task force created in section 923 to develop a business plan for the establishment of a publicly owned depository/state bank in Washington state.

**Sec. 102.** 2019 c 415 s 102 (uncodified) is amended to read as follows:

#### FOR THE SENATE

General Fund—State Appropriation (FY 2020)	<del>(\$28,693,000)</del>
	<u>\$28,736,000</u>
General Fund—State Appropriation (FY 2021)	<del>(\$32,675,000)</del>
	<u>\$33,869,000</u>
Pension Funding Stabilization Account—State	
Appropriation .....	\$2,932,000
TOTAL APPROPRIATION .....	<del>\$64,300,000</del>
	<u>\$65,537,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$50,000 of the general fund—state appropriation for fiscal year 2020 and \$50,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of Engrossed Substitute House Bill No. 2018 (harassment/legislature). If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.

(2) \$175,000 of the general fund—state appropriation for fiscal year 2020 and \$175,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for a human resource officer consistent with the implementation of the senate's appropriate workplace conduct policy.

(3) \$25,000 of the general fund—state appropriation for fiscal year 2020 and \$100,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the joint legislative task force created in section 923 to develop a business plan for the establishment of a publicly owned depository/state bank in Washington state.

**Sec. 103.** 2019 c 415 s 103 (uncodified) is amended to read as follows:

**FOR THE JOINT LEGISLATIVE AUDIT AND REVIEW COMMITTEE**

Performance Audits of Government Account—State	
Appropriation .....	<del>(\$9,867,000)</del>
	<u>\$9,844,000</u>
TOTAL APPROPRIATION .....	<del>\$9,867,000</del>
	<u>\$9,844,000</u>

The appropriation~~(s)~~ in this section ~~((are))~~ is subject to the following conditions and limitations:

(1) Notwithstanding the provisions of this section, the joint legislative audit and review committee may adjust the due dates for projects included on the committee's 2019-2021 work plan as necessary to efficiently manage workload.

~~((3))~~ (2) \$266,000 of the performance audit of governments account—state appropriation is provided solely for implementation of Second Substitute House Bill No. 1216 (school safety & well-being). If the bill is not

enacted by June 30, 2019, the amount provided in this subsection shall lapse.

~~((4))~~ (3) \$17,000 of the performance audits of government account—state appropriation is provided solely for the implementation of Substitute Senate Bill No. 5025 (self-help housing development and taxes). If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.

~~((5))~~ (4)(a) \$342,000 of the performance audits of government account—state appropriation is provided solely for the joint legislative audit and review committee to conduct a performance audit of the department of health's ambulatory surgical facility regulatory program. The study must explore:

(i) A comparison of state survey requirements and process and the centers for medicare and medicaid services survey requirements and process;

(ii) The licensing fees required of ambulatory surgical facilities as they relate to actual department of health costs for regulating the facilities;

(iii) Payments received by the department of health from the centers for medicare and medicaid services for surveys conducted on behalf of the centers for medicare and medicaid services; and

(iv) Staffing for the survey program, including any need for an increase or reduction of staff.

(b) The audit must be completed and provided to the legislature by January 1, 2021.

(5) \$100,000 of the performance audits of government account—state appropriation is provided solely for the joint legislative audit and review committee to conduct a performance audit of the health care authority's budget structure, including its chart of accounts. The study must:

(a) Include a comparison of other state medicaid agency budget structures of similar size; and

(b) Be completed and provided to the legislature by September 1, 2021.

**Sec. 104.** 2019 c 415 s 104 (uncodified) is amended to read as follows:

**FOR THE LEGISLATIVE EVALUATION AND ACCOUNTABILITY PROGRAM COMMITTEE**

Performance Audits of Government Account—State	
Appropriation.....	<del>(\$4,573,000)</del>
	<u>\$4,585,000</u>
TOTAL APPROPRIATION.....	<del>\$4,573,000</del>
	<u>\$4,585,000</u>

**Sec. 105.** 2019 c 415 s 105 (uncodified) is amended to read as follows:

**FOR THE JOINT LEGISLATIVE SYSTEMS COMMITTEE**

General Fund—State Appropriation (FY 2020)	.....(( <del>\$12,081,000</del> ))
	<u>\$12,086,000</u>
General Fund—State Appropriation (FY 2021)	.....(( <del>\$12,233,000</del> ))
	<u>\$13,946,000</u>
Pension Funding Stabilization Account—State	
Appropriation .....	\$822,000
TOTAL APPROPRIATION .....	<u>\$25,136,000</u>
	<u>\$26,854,000</u>

The appropriations in this section are subject to the following conditions and limitations: Within the amounts provided in this section, the joint legislative systems committee shall provide information technology support, including but not limited to internet service, for the district offices of members of the house of representatives and the senate.

**Sec. 106.** 2019 c 415 s 106 (uncodified) is amended to read as follows:

**FOR THE OFFICE OF THE STATE ACTUARY**

General Fund—State Appropriation (FY 2020)	.....\$333,000
General Fund—State Appropriation (FY 2021)	.....\$347,000
State Health Care Authority Administrative Account—	
State Appropriation .....	\$471,000
Pension Funding Stabilization Account—State	
Appropriation .....	\$28,000
Department of Retirement Systems Expense	
Account—State Appropriation .....	(( <del>\$5,700,000</del> ))
	<u>\$5,721,000</u>
TOTAL APPROPRIATION .....	<u>\$6,879,000</u>
	<u>\$6,900,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$35,000 of the general fund—state appropriation for fiscal year 2020 is provided solely for a benchmark analysis of the value of public employee benefits and how those benefits compare to other employers.

(2) During the 2020 legislative interim, the select committee on pension policy shall study the consistency of administrative practices under the portability provisions of chapter 41.54 RCW. In conducting this study, the select committee on pension policy shall:

(a) Convene a study group including representatives of the department of retirement systems, the office of the state actuary, the state institutions of higher education, and the

cities of Seattle, Tacoma, and Spokane. The purpose of this study group is to facilitate the sharing of information and data needed for the select committee on pension policy to conduct the analysis and draft its report;

(b) Review and compare written policies of each of the entities in (a) of this subsection enacted pursuant to carrying out dual membership provisions under chapter 41.54 RCW, as well as any participant data needed to make reasonable comparisons of administrative practices;

(c) Identify differences in administrative practices, and consider the implications for making those practices consistent between entities; and

(d) Report any findings to the appropriate committees of the legislature by December 15, 2020.

**Sec. 107.** 2019 c 415 s 107 (uncodified) is amended to read as follows:

**FOR THE STATUTE LAW COMMITTEE**

General Fund—State Appropriation (FY 2020)	.....(( <del>\$5,002,000</del> ))
	<u>\$5,000,000</u>
General Fund—State Appropriation (FY 2021)	.....(( <del>\$5,503,000</del> ))
	<u>\$5,520,000</u>
Pension Funding Stabilization Account—State	
Appropriation.....	\$566,000
TOTAL APPROPRIATION.....	<u>\$11,071,000</u>
	<u>\$11,086,000</u>

**Sec. 108.** 2019 c 415 s 108 (uncodified) is amended to read as follows:

**FOR THE OFFICE OF LEGISLATIVE SERVICE SERVICES**

General Fund—State Appropriation (FY 2020)	.....(( <del>\$4,212,000</del> ))
	<u>\$4,213,000</u>
General Fund—State Appropriation (FY 2021)	.....(( <del>\$4,681,000</del> ))
	<u>\$4,694,000</u>
Pension Funding Stabilization Account—State	
Appropriation.....	\$436,000
TOTAL APPROPRIATION.....	<u>\$9,329,000</u>
	<u>\$9,343,000</u>

**Sec. 109.** 2019 c 415 s 111 (uncodified) is amended to read as follows:

**FOR THE SUPREME COURT**

General Fund—State Appropriation (FY 2020)	.....(( <del>\$8,989,000</del> ))
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	<u>\$9,016,000</u>
General Fund—State Appropriation (FY 2021)	
.....	<u>(((\$9,397,000))</u>
	<u>\$9,433,000</u>
Pension Funding Stabilization Account—State	
Appropriation .....	\$674,000
TOTAL APPROPRIATION .....	<u>\$19,060,000</u>
	<u>\$19,123,000</u>

The appropriations in this section are subject to the following conditions and limitations: \$163,000 of the general fund—state appropriation for fiscal year 2020 and \$167,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for salary increases for staff attorneys and law clerks based on a 2014 salary survey.

**Sec. 110.** 2019 c 415 s 112 (uncodified) is amended to read as follows:

**FOR THE LAW LIBRARY**

General Fund—State Appropriation (FY 2020)	
.....	<u>(((\$1,707,000))</u>
	<u>\$1,708,000</u>
General Fund—State Appropriation (FY 2021)	
.....	<u>(((\$1,728,000))</u>
	<u>\$1,739,000</u>
Pension Funding Stabilization Account—State	
Appropriation .....	\$128,000
TOTAL APPROPRIATION .....	<u>\$3,563,000</u>
	<u>\$3,575,000</u>

**Sec. 111.** 2019 c 415 s 113 (uncodified) is amended to read as follows:

**FOR THE COMMISSION ON JUDICIAL CONDUCT**

General Fund—State Appropriation (FY 2020)	
.....	<u>(((\$1,217,000))</u>
	<u>\$1,280,000</u>
General Fund—State Appropriation (FY 2021)	
.....	<u>(((\$1,280,000))</u>
	<u>\$1,614,000</u>
Pension Funding Stabilization Account—State	
Appropriation .....	\$130,000
TOTAL APPROPRIATION .....	<u>\$2,627,000</u>
	<u>\$3,024,000</u>

**Sec. 112.** 2019 c 415 s 114 (uncodified) is amended to read as follows:

**FOR THE COURT OF APPEALS**

General Fund—State Appropriation (FY 2020)	
.....	<u>(((\$20,390,000))</u>
	<u>\$20,575,000</u>
General Fund—State Appropriation (FY 2021)	
.....	<u>(((\$21,313,000))</u>
	<u>\$21,371,000</u>
Pension Funding Stabilization Account—State	
Appropriation.....	\$1,492,000
TOTAL APPROPRIATION.....	<u>\$43,195,000</u>
	<u>\$43,438,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$229,000 of the general fund—state appropriation for fiscal year 2020 and \$311,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for salary step increases for eligible employees.

(2) \$606,000 of the general fund—state appropriation for fiscal year 2020 and \$606,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for salary increases for court of appeals law clerks based on a 2014 salary survey.

**Sec. 113.** 2019 c 415 s 115 (uncodified) is amended to read as follows:

**FOR THE ADMINISTRATOR FOR THE COURTS**

General Fund—State Appropriation (FY 2020)	
.....	<u>(((\$64,569,000))</u>
	<u>\$64,580,000</u>
General Fund—State Appropriation (FY 2021)	
.....	<u>(((\$66,736,000))</u>
	<u>\$72,151,000</u>
General Fund—Federal Appropriation .....	\$2,203,000
General Fund—Private/Local Appropriation	\$681,000
Judicial Stabilization Trust Account—State	
Appropriation.....	\$6,692,000
Pension Funding Stabilization Account—State	
Appropriation.....	\$4,572,000
Judicial Information Systems Account—State	
Appropriation.....	<u>(((\$63,220,000))</u>
	<u>\$63,233,000</u>
TOTAL APPROPRIATION.....	<u>\$208,673,000</u>
	<u>\$214,112,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) The distributions made under this subsection and distributions from the county criminal justice assistance account made pursuant to section 801 of this act constitute appropriate reimbursement for costs for any new programs or increased level of service for purposes of RCW 43.135.060.

(2) \$1,399,000 of the general fund—state appropriation for fiscal year 2020 and \$1,399,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for school districts for petitions to juvenile court for truant students as provided in RCW 28A.225.030 and 28A.225.035. The administrator for the courts shall develop an interagency agreement with the superintendent of public instruction to allocate the funding provided in this subsection. Allocation of this money to school districts shall be based on the number of petitions filed. This funding includes amounts school districts may expend on the cost of serving petitions filed under RCW 28A.225.030 by certified mail or by personal service or for the performance of service of process for any hearing associated with RCW 28A.225.030.

(3)(a) \$7,000,000 of the general fund—state appropriation for fiscal year 2020 and \$7,000,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for distribution to county juvenile court administrators to fund the costs of processing truancy, children in need of services, and at-risk youth petitions. The administrator for the courts, in conjunction with the juvenile court administrators, shall develop an equitable funding distribution formula. The formula must neither reward counties with higher than average per-petition processing costs nor shall it penalize counties with lower than average per-petition processing costs.

(b) Each fiscal year during the 2019-21 fiscal biennium, each county shall report the number of petitions processed and the total actual costs of processing truancy, children in need of services, and at-risk youth petitions. Counties shall submit the reports to the administrator for the courts no later than forty-five days after the end of the fiscal year. The administrator for the courts shall electronically transmit this information to the chairs and ranking minority members of the house of representatives and senate fiscal committees no later than sixty days after a fiscal year ends. These reports are deemed informational in nature and are not for the purpose of distributing funds.

(4) \$96,000 of the general fund—state appropriation for fiscal year 2020 is provided solely for implementation of Engrossed Second Substitute House Bill No. 1517 (domestic violence). If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.

(5) \$66,000 of the general fund—state appropriation for fiscal year 2020 and \$66,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for DNA testing for alleged fathers in dependency and termination of parental rights cases.

(6) \$237,000 of the general fund—state appropriation for fiscal year 2020 and \$1,923,000 of the general fund—state appropriation for fiscal year 2021 are provided solely

for the expansion of the state interpreter reimbursement program.

(7) \$300,000 of the general fund—state appropriation for fiscal year 2020 and \$360,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the office of public guardianship for guardianship fees, initial assessments, average annual legal fees, and for less restrictive options to support decision-making.

(8) \$1,094,000 of the general fund—state appropriation for fiscal year 2020 and \$1,094,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the statewide fiscal impact on Thurston county courts. It is the intent of the legislature that this policy will be continued in subsequent fiscal biennia.

(9) \$25,808,000 of the judicial information systems account—state appropriation is provided solely for judicial branch information technology projects. Expenditures from the judicial information systems account shall not exceed available resources. Judicial branch information technology project prioritization shall be determined by the judicial information system committee.

(10) ~~(\$1,027,000)~~ \$750,000 of the general fund—state appropriation for fiscal year 2020 and ~~(\$377,000)~~ \$2,077,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of Second Substitute Senate Bill No. 5604 (uniform guardianship, etc.). If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.

(11) \$68,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the implementation of Second Substitute Senate Bill No. 5149 (monitoring w/victim notif.). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

(12) \$298,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the implementation of Engrossed Senate Bill No. 5450 (adding superior court judges). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

(13) \$25,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the implementation of Second Engrossed Second Substitute Senate Bill No. 5720 (involuntary treatment act). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

(14) \$207,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the development and implementation of a statewide online training system for court staff and judicial officers.

(15) \$135,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the implementation of Engrossed Substitute Senate Bill No. 6268 (abusive litigation/partners). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

(16) \$5,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the

implementation of Engrossed Substitute Senate Bill No. 6641 (sex offender treatment avail). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

(17) \$333,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the administrative office of the courts to implement a statewide text notification system. The court date notification texting services must provide subscribers with criminal court date notifications and reminders by short message service or text message that includes but is not limited to the court date, session changes, and a court date reminder in advance of the scheduled court date.

(18) \$300,000 of the general fund—state appropriation for fiscal year 2020 and \$300,000 of the general fund—state appropriation for fiscal year 2021 are provided solely to reimburse counties affected by extraordinary judicial costs arising from a long-term leave of absence by a superior court judge in the Asotin-Columbia-Garfield tri-county judicial district. An affected county may apply to the office for reimbursement for the reasonable costs of expenses incurred since April 24, 2019, for: Travel, lodging, and subsistence of visiting elected judges holding court in the tri-county district under RCW 2.08.140; the state and local shares of pro tempore judge compensation in the tri-county district under RCW 2.08.180; the state and local shares of pro tempore judge compensation under RCW 2.08.180 for a county that has provided a visiting elected judge; and similar county-borne extraordinary expenses that arise directly from the leave of absence. Where appropriate, the office must apportion reimbursement among the district's counties in accordance with RCW 2.08.110.

(19) \$200,000 of the general fund—state appropriation for fiscal year 2021 is provided solely to the YWCA Clark county court-appointed special advocates (CASA) program to fund volunteer efforts, staff, recruitment efforts, public awareness, and programs that assist abused and neglected children involved in legal proceedings.

(20) \$666,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for Engrossed Second Substitute House Bill No. 2467 (firearm background checks). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

(21) \$112,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for implementation of Second Substitute House Bill No. 2277 (youth solitary confinement). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

(22) \$1,214,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for implementation of Second Substitute House Bill No. 2793 (vacating criminal records). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

(23) \$50,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the administrative office of the courts to develop a domestic violence risk assessment instrument that:

(a) Uses information from relevant court records and prior offenses to predict the likelihood of a domestic violence incident; and

(b) Determines whether law enforcement risk data and domestic violence supplemental forms are useful in determining reoffense.

**Sec. 114.** 2019 c 415 s 116 (uncodified) is amended to read as follows:

#### **FOR THE OFFICE OF PUBLIC DEFENSE**

General Fund—State Appropriation (FY 2020)	.....	(\$46,538,000))
		\$47,200,000
General Fund—State Appropriation (FY 2021)	.....	(\$46,394,000))
		\$47,644,000
Judicial Stabilization Trust Account—State		
Appropriation.....	(\$3,805,000))	
		\$3,809,000
Pension Funding Stabilization Account—State		
Appropriation.....	\$278,000	
TOTAL APPROPRIATION.....	\$97,015,000	
		\$98,931,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The amounts provided include funding for expert and investigative services in death penalty personal restraint petitions.

(2) \$900,000 of the general fund—state appropriation for fiscal year 2020 and \$900,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the purpose of improving the quality of trial court public defense services. The department must allocate these amounts so that \$450,000 per fiscal year is distributed to counties, and \$450,000 per fiscal year is distributed to cities, for grants under chapter 10.101 RCW.

(3) The office of public defense shall enter into an interagency agreement with the department of children, youth, and families to facilitate the use of federal title IV-E reimbursement for parent representation services.

(4) \$288,000 of the general fund—state appropriation for fiscal year 2020 and ~~(\$244,000))~~ \$444,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the parents for parents program. Funds must be used to expand services in new sites and maintain and improve service models for the current programs. Of the amounts provided in this subsection, \$200,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for continuing services in Grant, Cowlitz, Jefferson, Okanogan, and Chelan counties and for providing oversight, coordination, start-up training, technical assistance, and quality monitoring for all sites across the state.

(5)(a) \$305,000 of the general fund—state appropriation for fiscal year 2020 and \$305,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the office to contract with a nonprofit organization for:

(i) Continuing legal education and case-specific resources for public defense attorneys; and

(ii) The incarcerated parents project to support incarcerated parents and their families, and public defenders representing incarcerated parents in the child welfare, juvenile, and criminal systems.

(b) The nonprofit organization must have experience providing statewide training and services to state-funded public defense attorneys for indigent clients.

(6) \$4,532,000 of the general fund—state appropriation for fiscal year 2020 and \$4,532,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for salary increases for state-contracted public defense attorneys representing indigent persons on appeal and indigent parents involved in dependency and termination cases.

(7) \$1,389,000 of the general fund—state appropriation for fiscal year 2020 and \$1,388,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for additional attorneys, social workers, and staff support, for the parents' representation program.

(8) \$180,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for a cost-of-living increase for contracted social workers.

(9) \$100,000 of the general fund—state appropriation for fiscal year 2021 is provided solely to compensate parents representation program attorneys to prepare parenting plans at the culmination of dependency cases.

**Sec. 115.** 2019 c 415 s 117 (uncodified) is amended to read as follows:

#### **FOR THE OFFICE OF CIVIL LEGAL AID**

General Fund—State Appropriation (FY 2020)	
.....	<del>(\$20,348,000))</del>
	<u>\$20,949,000</u>
General Fund—State Appropriation (FY 2021)	
.....	<del>(\$22,142,000))</del>
	<u>\$22,951,000</u>
Judicial Stabilization Trust Account—State	
Appropriation .....	\$1,464,000
Pension Funding Stabilization Account—State	
Appropriation .....	\$44,000
TOTAL APPROPRIATION .....	<del>\$43,998,000</del>
	<u>\$45,408,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) An amount not to exceed \$40,000 of the general fund—state appropriation for fiscal year 2020 and an amount not to exceed \$40,000 of the general fund—state appropriation for fiscal year 2021 may be used to provide telephonic legal advice and assistance to otherwise eligible persons who are sixty years of age or older on matters authorized by RCW 2.53.030(2) (a) through (k) regardless of household income or asset level.

(2) \$759,000 of the general fund—state appropriation for fiscal year 2020 and \$2,275,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the office to continue implementation of the civil justice reinvestment plan.

(3) \$400,000 of the general fund—state appropriation for fiscal year 2020 and \$105,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the children's representation study authorized in chapter 20, Laws of 2017 3rd sp. sess. The report of initial findings to the legislature must be submitted by December 31, 2020.

(4) The office of civil legal aid shall enter into an interagency agreement with the department of children, youth, and families to facilitate the use of federal title IV-E reimbursement for child representation services.

(5) \$150,000 of the general fund—state appropriation for fiscal year 2020 and \$150,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for a contract with the international families justice coalition to expand private capacity to provide legal services for indigent foreign nationals in contested domestic relations and family law cases. Amounts provided in this section may not be expended for direct private legal representation of clients in domestic relations and family law cases.

(6) \$100,000 of the general fund—state appropriation for fiscal year 2020 and \$100,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of Senate Bill No. 5651 (kinship care legal aid). If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.

(7) \$150,000 of the general fund—state appropriation for fiscal year 2020 and \$150,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for closing compensation differentials between volunteer legal aid programs and the northwest justice project.

(8) \$1,205,000 of the general fund—state appropriation for fiscal year 2020 and \$1,881,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for a vendor rate increase resulting from a collective bargaining agreement between the northwest justice project and its staff union.

(9) ~~(\$300,000)~~ \$307,500 of the general fund—state appropriation for fiscal year 2020 and ~~(\$300,000)~~ \$317,500 of the general fund—state appropriation for fiscal year 2021 are provided solely for a research-based controlled comparative study of the differences in outcomes for tenants facing eviction who receive legal representation and tenants facing eviction without legal representation in unlawful detainer cases filed under the residential landlord tenant act.

Funding must be used to underwrite both the research and the costs of legal representation provided to tenants associated with the study. Researchers will identify four counties to study. A preliminary report must be submitted to the appropriate committees of the legislature by January 31, 2021, and a final report on the study, which includes findings on demographics and outcomes, must be submitted to the appropriate committees of the legislature by ~~((March 31))~~ June 30, 2021.

(10) \$126,000 of the general fund—state appropriation for fiscal year 2020 is provided solely for expenditures made to address fiscal year 2019 caseload driven shortfalls in the children's representation program and the children's representation study.

(11) \$225,000 of the general fund—state appropriation for fiscal year 2020 and \$193,000 of the general fund—state appropriation for fiscal year 2021 are provided solely to wind down the children's representation study authorized in section 28, chapter 20, Laws of 2017 3rd sp.s.

(12) \$492,000 of the general fund—state appropriation for fiscal year 2021 is provided solely to establish a statewide reentry legal aid project. The office of civil legal aid shall enlist support from the statewide reentry council to identify an appropriate nonprofit entity to establish and operate the statewide reentry legal aid project, establish initial priority areas of focus, and determine client service objectives, benchmarks, and intended outcomes. The office of civil legal aid and the statewide reentry council shall provide the relevant legislative committees with an initial status report by December 2021.

(13) \$165,000 of the general fund—state appropriation for fiscal year 2020 is provided solely for the automation, deployment, and hosting of an automated family law document assembly system provided for in chapter 299, Laws of 2018.

(14) \$25,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the office of civil legal aid to provide funding to King county organizations that provide legal services. Of this amount:

(a) \$13,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for a nonprofit organization to develop an updated kinship legal services guide based on continuing changes in laws and practices.

(b) \$12,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for a bar association to operate a kinship legal services program that trains kinship caregivers about recent enacted guardianship laws.

**Sec. 116.** 2019 c 415 s 118 (uncodified) is amended to read as follows:

#### **FOR THE OFFICE OF THE GOVERNOR**

General Fund—State Appropriation (FY 2020)  
.....~~(((\$10,871,000))~~  
\$9,858,000

General Fund—State Appropriation (FY 2021)  
.....~~(((\$8,900,000))~~

\$10,454,000

Economic Development Strategic Reserve Account—  
State

Appropriation.....~~(((\$2,000,000))~~

\$7,000,000

Pension Funding Stabilization Account—State

Appropriation.....\$674,000

TOTAL APPROPRIATION.....\$22,445,000

\$27,986,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$703,000 of the general fund—state appropriation for fiscal year 2020 and ~~(((\$703,000))~~ \$803,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the office of the education ombuds.

(2) \$61,000 of the general fund—state appropriation for fiscal year 2020 and \$30,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of Engrossed Substitute House Bill No. 1130 (pub. school language access). ~~((If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.))~~

(3) \$311,000 of the general fund—state appropriation for fiscal year 2020 and \$301,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of Engrossed Second Substitute Senate Bill No. 5356 (LGBTQ commission). ~~((If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.))~~

(4) ~~(((\$375,000))~~ \$397,000 of the general fund state—appropriation for fiscal year 2020 and ~~(((\$375,000))~~ \$353,000 of the general fund state—appropriation for fiscal year 2021 are provided solely for the office to contract with a neutral third party to establish a process for local, state, tribal, and federal leaders and stakeholders to address issues associated with the possible breaching or removal of the four lower Snake river dams in order to recover the Chinook salmon populations that serve as a vital food source for southern resident orcas. The contract is exempt from the competitive procurement requirements in chapter 39.26 RCW.

(5) \$110,000 of the general fund—state appropriation in fiscal year 2020 is provided solely for the office of regulatory innovations and assistance to convene agencies and stakeholders to develop a small business bill of rights. Of this amount, a report must be submitted to appropriate legislative policy and fiscal committees by November 1, 2019, to include:

(a) Recommendations of rights and protections for small business owners when interacting with state agencies, boards, commissions, or other entities with regulatory authority over small businesses; and



(b) Recommendations on communication plans that state regulators should consider when communicating these rights and protections to small business owners in advance or at the time of any audit, inspection, interview, site visit, or similar oversight or enforcement activity.

(6) ~~(((\$2,003,000))~~ \$966,000 of the general fund—state appropriation in fiscal year 2020 is provided solely for executive protection unit costs.

(7) \$15,000 of the general fund—state appropriation for fiscal year 2020 is provided solely for the clemency and pardons board to expedite the review of applications where the petitioner indicates an urgent need for the pardon or commutation, including, but not limited to, a pending deportation order or deportation proceeding.

(8) \$50,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the office of the education ombuds, in consultation with the office of the superintendent of public instruction and the Washington state office of equity, to develop a plan to implement a program to promote skills, knowledge, and awareness concerning issues of diversity, equity, and inclusion among families with school-age children. The office of education ombuds shall submit a report with recommendations to the governor and the appropriate committees in the legislature by September 1, 2020.

(9) \$1,289,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the implementation of the Washington state office of equity.

**Sec. 117.** 2019 c 415 s 119 (uncodified) is amended to read as follows:

**FOR THE LIEUTENANT GOVERNOR**

General Fund—State Appropriation (FY 2020)	.....	<del>(((\$1,276,000))</del>
		<u>\$1,313,000</u>
General Fund—State Appropriation (FY 2021)	.....	<del>(((\$1,312,000))</del>
		<u>\$1,545,000</u>
General Fund—Private/Local Appropriation		\$90,000
Pension Funding Stabilization Account—State		
Appropriation .....		\$54,000
TOTAL APPROPRIATION .....		<del>\$2,732,000</del>
		<u>\$3,002,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$180,000 of the general fund—state appropriation for fiscal year 2020 and \$179,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the continuation of the complete Washington program and to add new pathways, such as the healthcare industry, to the program.

(2) \$195,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the Washington world fellows program.

**Sec. 118.** 2019 c 415 s 120 (uncodified) is amended to read as follows:

**FOR THE PUBLIC DISCLOSURE COMMISSION**

General Fund—State Appropriation (FY 2020)	.....	<del>(((\$5,229,000))</del>
		<u>\$5,532,000</u>
General Fund—State Appropriation (FY 2021)	.....	<del>(((\$5,109,000))</del>
		<u>\$5,456,000</u>
Public Disclosure Transparency Account—State		
Appropriation.....		<del>(((\$574,000))</del>
		<u>\$714,000</u>
Pension Funding Stabilization Account—State		
Appropriation.....		\$260,000
TOTAL APPROPRIATION.....		<del>\$11,172,000</del>
		<u>\$11,962,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$45,000 of the public disclosure transparency account—state appropriation is provided solely for implementation of Substitute Senate Bill No. 5861 (legislature/code of conduct). ~~((If the bill is not enacted by June 30, 2019, the amount provided in this subsection shall lapse.))~~

(2) \$85,000 of the general fund—state appropriation for fiscal year 2020 and \$83,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the commission to develop a training course for individuals acting as treasurers or deputy treasurers for candidates pursuant to RCW 42.17A.210. Out of this amount:

(a) The course must provide, at a minimum, a comprehensive overview of:

(i) The responsibilities of treasurers and deputy treasurers;

(ii) The reporting requirements necessary for candidate compliance with chapter 42.17A RCW, including triggers and deadlines for reporting;

(iii) Candidate campaign contribution limits and restrictions under chapter 42.17A RCW;

(iv) The use of the commission's electronic filing system;

(v) The consequences for violation of chapter 42.17A RCW; and

(vi) Any other subjects or topics the commission deems necessary for encouraging effective compliance with chapter 42.17A RCW.

(b) The commission must make the course available to all interested individuals no later than September 1, 2019. The course must be provided in a format able to be used both in person and remotely via the internet.

(3) \$140,000 of the public disclosure transparency account—state appropriation is provided solely for staff for business analysis and project management of information technology projects.

(4) No moneys may be expended from the appropriations in this section to establish an electronic directory, archive, or other compilation of political advertising unless explicitly authorized by the legislature.

**Sec. 119.** 2019 c 415 s 121 (uncodified) is amended to read as follows:

#### **FOR THE SECRETARY OF STATE**

General Fund—State Appropriation (FY 2020)	
.....	(\$33,449,000))
	<u>\$34,997,000</u>
General Fund—State Appropriation (FY 2021)	
.....	(\$18,313,000))
	<u>\$19,562,000</u>
General Fund—Federal Appropriation.	(\$8,097,000))
	<u>\$8,098,000</u>
Public Records Efficiency, Preservation, and Access	
Account—State Appropriation.....	(\$9,363,000))
	<u>\$9,677,000</u>
Charitable Organization Education Account—State	
Appropriation .....	\$900,000
Washington State (( <del>Heritage Center</del> ) Library	
<u>Operations</u> Account—State Appropriation	
.....	(\$11,498,000))
	<u>\$11,516,000</u>
Local Government Archives Account—State	
Appropriation .....	(\$11,019,000))
	<u>\$11,027,000</u>
Pension Funding Stabilization Account—State	
Appropriation .....	\$960,000
<u>Election Account—State Appropriation....</u>	<u>\$1,800,000</u>
Election Account—Federal Appropriation	
.....	(\$4,887,000))
	<u>\$13,687,000</u>
TOTAL APPROPRIATION .....	<u>\$98,486,000</u>

\$112,224,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$3,801,000 of the general fund—state appropriation for fiscal year 2020 is provided solely to reimburse counties for the state's share of primary and general election costs and the costs of conducting mandatory recounts on state measures. Counties shall be reimbursed only for those odd-year election costs that the secretary of state validates as eligible for reimbursement.

(2)(a) \$2,932,000 of the general fund—state appropriation for fiscal year 2020 and \$3,011,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for contracting with a nonprofit organization to produce gavel-to-gavel television coverage of state government deliberations and other events of statewide significance during the 2019-2021 fiscal biennium. The funding level for each year of the contract shall be based on the amount provided in this subsection. The nonprofit organization shall be required to raise contributions or commitments to make contributions, in cash or in kind, in an amount equal to forty percent of the state contribution. The office of the secretary of state may make full or partial payment once all criteria in this subsection have been satisfactorily documented.

(b) The legislature finds that the commitment of ongoing funding is necessary to ensure continuous, autonomous, and independent coverage of public affairs. For that purpose, the secretary of state shall enter into a contract with the nonprofit organization to provide public affairs coverage.

(c) The nonprofit organization shall prepare an annual independent audit, an annual financial statement, and an annual report, including benchmarks that measure the success of the nonprofit organization in meeting the intent of the program.

(d) No portion of any amounts disbursed pursuant to this subsection may be used, directly or indirectly, for any of the following purposes:

(i) Attempting to influence the passage or defeat of any legislation by the legislature of the state of Washington, by any county, city, town, or other political subdivision of the state of Washington, or by the congress, or the adoption or rejection of any rule, standard, rate, or other legislative enactment of any state agency;

(ii) Making contributions reportable under chapter 42.17 RCW; or

(iii) Providing any: (A) Gift; (B) honoraria; or (C) travel, lodging, meals, or entertainment to a public officer or employee.

(3) Any reductions to funding for the Washington talking book and Braille library may not exceed in proportion any reductions taken to the funding for the library as a whole.

(4) \$13,600,000 of the general fund—state appropriation for fiscal year 2020 is provided solely for

operation of the presidential primary election, including reimbursement to ((reimburse)) counties for the state's share of presidential primary election costs.

(5) \$50,000 of the general fund—state appropriation for fiscal year 2020 and \$50,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for humanities Washington speaker's bureau community conversations to expand programming in underserved areas of the state.

(6) \$2,295,000 of the general fund—state appropriation for fiscal year 2020 and \$2,526,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of Substitute Senate Bill No. 5063 (ballots, prepaid postage). ~~((If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.))~~

(7) \$1,227,000 of the local government archives account—state appropriation and \$28,000 of the public records efficiency, preservation, and access account—state appropriation are provided solely to implement Engrossed Substitute House Bill No. 1667 (public records request administration). ~~((If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.))~~

(8) \$114,000 public records efficiency, preservation, and access account—state appropriation and \$114,000 local government archives account—state appropriation are provided solely for digital archives functionality and is subject to the conditions, limitations, and review provided in ~~((section 719 of this act))~~ section 701 of this act.

(9) \$198,000 of the general fund—state appropriation for fiscal year 2020, \$198,000 of the general fund—state appropriation for fiscal year 2021, and \$500,000 of the election account—federal appropriation are provided solely for election security improvements.

(10) \$82,000 of the general fund—state appropriation for fiscal year 2020 and \$77,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for election reconciliation reporting. Funding provides for one staff to compile county reconciliation reports, analyze the data, and to complete an annual statewide election reconciliation report for every state primary and general election. The report must be submitted annually on July 31, beginning July 31, 2020, to legislative policy and fiscal committees. The annual report must include reasons for ballot rejection and an analysis of the ways ballots are received, counted, and rejected that can be used by policymakers to better understand election administration.

(11) \$500,000 of the general fund—state appropriation for fiscal year 2020 is provided solely for civic engagement. The secretary of state and county auditors will collaborate to increase voter participation and educate voters about improvements to state election laws that will impact the 2019 and 2020 elections.

(12) \$1,800,000 of the election account—state appropriation for fiscal year 2021 and \$8,800,000 of the election account—federal appropriation for fiscal year 2021 are provided solely to enhance election technology and make

election security improvements. The office of the secretary of state will provide one-time grant funding to county auditors for election security improvements. Election security improvements may include but are not limited to installation of multi-factor authentication, emergency generators, vulnerability scanners, facility access control enhancements, and alarm systems. Funding will be prioritized based on demonstrated need.

(13) \$132,000 of the general fund—state appropriation for fiscal year 2020 and \$520,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for dedicated staffing for maintenance and operations of the voter registration and election management system. These staff will manage database upgrades, database maintenance, system training and support to counties, and the triage and customer service to system users.

(14) \$300,000 of the public records efficiency, preservation, and access account—state appropriation is provided solely for additional project staffing to pack, catalog, and move the states archival collection in preparation for the move to the new library archives building that will be located in Tumwater.

(15) \$674,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for implementation of Engrossed Senate Bill No. 6313 (young voters). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

(16) \$75,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for general election costs for Substitute Senate Joint Resolution No. 8212 (investment of LTC funds). If the resolution is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

(17) \$75,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the secretary of state to support the capacity for the retention and transition of historical and archived records from the national archives and records administration located at Sandpoint. The secretary of state may explore options, including building storage and access capacity by working with universities, tribes, and museums that have engaged with the Smithsonian institution.

**Sec. 120.** 2019 c 415 s 122 (uncodified) is amended to read as follows:

**FOR THE GOVERNOR'S OFFICE OF INDIAN AFFAIRS**

General Fund—State Appropriation (FY 2020)	
.....	<del>(((\$365,000))</del>
	\$380,000
General Fund—State Appropriation (FY 2021)	
.....	<del>(((\$352,000))</del>
	\$420,000
Pension Funding Stabilization Account—State	
Appropriation.....	\$28,000

TOTAL APPROPRIATION .....\$745,000  
\$828,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The office shall assist the department of enterprise services on providing the government-to-government training sessions for federal, state, local, and tribal government employees. The training sessions shall cover tribal historical perspectives, legal issues, tribal sovereignty, and tribal governments. Costs of the training sessions shall be recouped through a fee charged to the participants of each session. The department of enterprise services shall be responsible for all of the administrative aspects of the training, including the billing and collection of the fees for the training.

(2) \$33,000 of the general fund—state appropriation for fiscal year 2020 and \$22,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of Second Substitute House Bill No. 1713 (Native American women). ~~((If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.))~~

(3) \$50,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the governor's office of Indian affairs for a task force to evaluate and propose a plan for tribal extradition in Washington.

**Sec. 121.** 2019 c 415 s 123 (uncodified) is amended to read as follows:

**FOR THE COMMISSION ON ASIAN PACIFIC AMERICAN AFFAIRS**

General Fund—State Appropriation (FY 2020)  
 .....~~(((\$318,000))~~  
\$332,000  
 General Fund—State Appropriation (FY 2021)  
 .....~~(((\$330,000))~~  
\$425,000

Pension Funding Stabilization Account—State  
 Appropriation .....\$26,000  
 TOTAL APPROPRIATION .....\$674,000  
\$783,000

The appropriations in this section ~~((is))~~ are subject to the following conditions and limitations: \$3,000 of the general fund—state appropriation for fiscal year 2020 and \$2,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of Substitute Senate Bill No. 5023 (ethnic studies). ~~((If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.))~~

**Sec. 122.** 2019 c 415 s 124 (uncodified) is amended to read as follows:

**FOR THE STATE TREASURER**

State Treasurer's Service Account—State  
 Appropriation.....~~(((\$19,982,000))~~  
\$20,045,000  
 TOTAL APPROPRIATION .....\$19,982,000  
\$20,045,000

**Sec. 123.** 2019 c 415 s 125 (uncodified) is amended to read as follows:

**FOR THE STATE AUDITOR**

General Fund—State Appropriation (FY 2020)  
 .....\$28,000  
 General Fund—State Appropriation (FY 2021)  
 .....\$32,000  
~~((State))~~ Auditing Services Revolving Account—State  
 Appropriation.....~~(((\$12,650,000))~~  
\$13,492,000  
 Performance Audits of Government Account—State  
 Appropriation.....~~(((\$1,679,000))~~  
\$2,502,000  
 TOTAL APPROPRIATION .....\$14,389,000  
\$16,054,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$1,585,000 of the performance audit of government account—state appropriation is provided solely for staff and related costs to verify the accuracy of reported school district data submitted for state funding purposes; conduct school district program audits of state-funded public school programs; establish the specific amount of state funding adjustments whenever audit exceptions occur and the amount is not firmly established in the course of regular public school audits; and to assist the state special education safety net committee when requested.

(2) Within existing resources of the performance audits of government account, the state auditor's office shall conduct a performance audit or accountability audit of Washington charter public schools to satisfy the requirement to contract for an independent performance audit pursuant to RCW 28A.710.030(2).

(3) The state auditor must conduct a performance and accountability audit of practices related to awarding, tracking, and reporting contracts with outside entities and contracts between the University of Washington and affiliated entities. Utilizing the information gathered under section 606(1)(z) of this act, similar provisions from prior biennia, and best practices in contract management and oversight, the auditor must recommend a plan to make contract information, including those for contracted services and consulting, available in a centralized and searchable form. The recommendations of the auditor must be reported to the fiscal committees of the legislature and the office of financial management no later than December 30, 2020.

(4) \$825,000 of the auditing services revolving account—state appropriation is provided solely for accountability and risk based audits.

(5) Within existing resources of the performance audits of government account, the state auditor's office shall conduct a performance audit of the 2020 general election for five counties with low ballot rejection rates and five counties with high ballot rejection rates as chosen by the state auditor. The audit must: Review each county's procedures for identifying, correcting if appropriate, and reviewing and rejecting questionable ballots; examine the accuracy of the ballot rejections; compare each county's practices with requirements of the law and with best practices; compare the counties' practices to one another to determine why ballot rejection rates vary; identify any trends in rejected ballots, including the demographics of the voters whose ballots were rejected; and make recommendations about process or procedure to reduce the rate of rejected ballots while protecting broad access to the ballot. The state auditor shall submit a report containing the results of the audit to the appropriate committees of the legislature and make the report available on its web site.

**Sec. 124.** 2019 c 415 s 126 (uncodified) is amended to read as follows:

**FOR THE CITIZENS' COMMISSION ON SALARIES FOR ELECTED OFFICIALS**

General Fund—State Appropriation (FY 2020)	.....(((\$226,000))	
		<u>\$238,000</u>
General Fund—State Appropriation (FY 2021)	.....(((\$243,000))	
		<u>\$270,000</u>
Pension Funding Stabilization Account—State Appropriation.....		\$30,000
TOTAL APPROPRIATION .....		<u>\$499,000</u>
		<u>\$538,000</u>

**Sec. 125.** 2019 c 415 s 127 (uncodified) is amended to read as follows:

**FOR THE ATTORNEY GENERAL**

General Fund—State Appropriation (FY 2020)	.....(((\$14,972,000))	
		<u>\$15,564,000</u>
General Fund—State Appropriation (FY 2021)	.....(((\$14,940,000))	
		<u>\$16,531,000</u>
General Fund—Federal Appropriation	.....(((\$15,992,000))	
		<u>\$17,801,000</u>
Public Service Revolving Account—State Appropriation.....		<u>(((\$4,195,000))</u>
		<u>\$4,228,000</u>

New Motor Vehicle Arbitration Account—State	
Appropriation.....	\$1,693,000
Medicaid Fraud Penalty Account—State	
Appropriation.....	(((\$5,556,000))
	<u>\$5,584,000</u>
Child Rescue Fund—State Appropriation.....	\$500,000
Legal Services Revolving Account—State	
Appropriation.....	(((\$276,544,000))
	<u>\$291,952,000</u>
Local Government Archives Account—State	
Appropriation.....	(((\$348,000))
	<u>\$356,000</u>
Local Government Archives Account—Local	
.....	\$330,000
Pension Funding Stabilization Account—State	
Appropriation .....	\$1,602,000
Tobacco Prevention and Control Account—State	
Appropriation.....	\$273,000
TOTAL APPROPRIATION.....	<u>\$336,945,000</u>
	<u>\$356,414,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) The attorney general shall report each fiscal year on actual legal services expenditures and actual attorney staffing levels for each agency receiving legal services. The report shall be submitted to the office of financial management and the fiscal committees of the senate and house of representatives no later than ninety days after the end of each fiscal year. As part of its by agency report to the legislative fiscal committees and the office of financial management, the office of the attorney general shall include information detailing the agency's expenditures for its agency-wide overhead and a breakdown by division of division administration expenses.

(2) Prior to entering into any negotiated settlement of a claim against the state that exceeds five million dollars, the attorney general shall notify the director of financial management and the chairs of the senate committee on ways and means and the house of representatives committee on appropriations.

(3) The attorney general shall annually report to the fiscal committees of the legislature all new cy pres awards and settlements and all new accounts, disclosing their intended uses, balances, the nature of the claim or account, proposals, and intended timeframes for the expenditure of each amount. The report shall be distributed electronically and posted on the attorney general's web site. The report shall not be printed on paper or distributed physically.

(4) \$58,000 of the general fund—state appropriation for fiscal year 2020 and \$58,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for

implementation of Second Substitute House Bill No. 1166 (sexual assault kits). ~~((If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.))~~

(5) \$63,000 of the legal services revolving account—state appropriation is provided solely for implementation of Substitute House Bill No. 1399 (paid family and medical leave). ~~((If the bill is not enacted by June 30, 2019, the amount provided in this subsection shall lapse.))~~

(6) \$44,000 of the legal services revolving account—state appropriation is provided solely for implementation of Engrossed Second Substitute House Bill No. 1224 (rx drug cost transparency). ~~((If the bill is not enacted by June 30, 2019, the amount provided in this subsection shall lapse.))~~

(7) \$79,000 of the legal services revolving account—state appropriation is provided solely for implementation of House Bill No. 2052 (marijuana product testing). ~~((If the bill is not enacted by June 30, 2019, the amount provided in this subsection shall lapse.))~~

(8) \$330,000 of the local government archives account—local appropriation is provided solely for implementation of Engrossed Substitute House Bill No. 1667 (public records request admin). ~~((If the bill is not enacted by June 30, 2019, the amount provided in this subsection shall lapse.))~~

(9) \$161,000 of the general fund—state appropriation for fiscal year 2020 and \$161,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the civil rights unit to provide additional services in defense and protection of civil and constitutional rights for people in Washington.

(10) \$88,000 of the general fund—state appropriation for fiscal year 2020, \$85,000 of the general fund—state appropriation for fiscal year 2021, and \$344,000 of the legal services revolving account—state appropriation are provided solely for implementation of Substitute Senate Bill No. 5297 (assistant AG bargaining). ~~((If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.))~~

(11) \$700,000 of the legal services revolving account—state appropriation is provided solely for implementation of Engrossed Second Substitute Senate Bill No. 5497 (immigrants in the workplace). ~~((If the bill is not enacted by June 30, 2019, the amount provided in this subsection shall lapse.))~~

(12) \$592,000 of the public service revolving account—state appropriation and \$47,000 of the legal services revolving account—state appropriation are provided solely for implementation of Engrossed Second Substitute Senate Bill No. 5116 (clean energy). ~~((If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.))~~

~~((14))~~ (13) \$200,000 of the general fund—state appropriation for fiscal year 2020 is provided solely for a work group to study and institute a statewide program for receiving reports and other information for the public regarding potential self-harm, potential harm, or criminal

acts including but not limited to sexual abuse, assault, or rape. Out of this amount:

(a) The work group must review the aspects of similar programs in Arizona, Michigan, Colorado, Idaho, Nevada, Oregon, Utah, Wisconsin, and Wyoming; and must incorporate the most applicable aspects of those programs to the program proposal;

(b) The program proposal must include a plan to implement a twenty-four hour hotline or app for receiving such reports and information; and

(c) The program proposal and recommendations must be submitted to legislative fiscal committees by July 31, 2020.

~~((15))~~ (14) \$75,000 of the general fund—state appropriation for fiscal year 2020 is provided solely for the attorney general to develop an implementation plan to collect and disseminate data on the use of force by public law enforcement agencies and private security services.

(a) The plan must identify how to effectively collect data on the occasions of justifiable homicide or uses of deadly force by a public officer, peace officer, or person aiding under RCW 9A.16.040 by all general authority Washington law enforcement agencies and the department of corrections. The plan must address any necessary statutory changes, possible methods of collection, and any other needs that must be addressed to collect the following information:

(i) The number of tort claims filed and moneys paid in use of force cases;

(ii) The number of incidents in which peace officers discharged firearms at citizens;

(iii) The demographic characteristics of the officers and citizens involved in each incident, including sex, age, race, and ethnicity;

(iv) The agency or agencies employing the involved officers and location of each incident;

(v) The particular weapon or weapons used by peace officers and citizens; and

(vi) The injuries, if any, suffered by officers and citizens.

(b) The implementation plan must also identify how to effectively collect data on the occasions of the use of force requiring the discharge of a firearm by any private security guard employed by any private security company licensed under chapter 18.170 RCW. The plan must address any necessary statutory changes, possible methods of collection, and any other needs that must be addressed to collect the following information:

(i) The number of incidents in which security guards discharged firearms at citizens;

(ii) The demographic characteristics of the security guards and citizens involved in each incident, including sex, age, race, and ethnicity;

(iii) The company employing the involved security guards and the location of each incident;

(iv) The particular weapon or weapons used by security guards and citizens; and

(v) The injuries, if any, suffered by security guards and citizens.

(c) The attorney general must compile reports received pursuant to this subsection and make public the data collected.

(d) The department of licensing, department of corrections, Washington state patrol, and criminal justice training commission must assist the attorney general as necessary to complete the implementation plan.

~~((46))~~ (15) \$4,220,000 of the general fund—federal appropriation and \$1,407,000 of the medicaid fraud penalty account—state appropriation are provided solely for additional staffing and program operations in the medicaid fraud control division.

~~((47) \$4,292,000))~~ (16) \$8,392,000 of the legal services revolving account—state appropriation is provided solely for child welfare and permanency staff.

~~((48))~~ (17) \$141,000 of the legal services revolving account—state appropriation is provided solely for implementation of Engrossed Substitute Senate Bill No. 5035 (prevailing wage laws). ~~((If the bill is not enacted by June 30, 2019, the amount provided in this subsection shall lapse.))~~

(18) \$751,000 of the general fund—state appropriation for fiscal year 2021, \$82,000 of the general fund—federal appropriation, \$32,000 of the public service revolving account—state appropriation, \$27,000 of the medicaid fraud penalty account—state appropriation, \$4,529,000 of the legal services revolving account—state appropriation, and \$8,000 of the local government archives account—state appropriation are provided solely for the collective bargaining agreement referenced in section 902 of this act.

(19) \$600,000 of the general fund—state appropriation for fiscal year 2020 and \$616,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for multi-year arbitrations of the state's diligent enforcement of its obligations to receive amounts withheld from tobacco master settlement agreement payments.

(20) \$605,000 of the legal services revolving fund—state appropriation is provided solely for defending challenges to chapter 354, Laws of 2019 that set vapor pressure limits for in-state receipt of crude oil by rail.

(21) \$1,069,000 of the legal services revolving fund—state appropriation is provided solely for the office to compel the United States department of energy to meet Hanford cleanup deadlines.

(22) \$1,563,000 of the legal services revolving fund—state appropriation for fiscal year 2021 is provided solely to defend the state in the *Wolf vs State Board for Community and Technical Colleges* case.

(23) \$59,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for implementation of Substitute Senate Bill No. 6158 (model sexual assault protocols). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

(24) \$192,000 of the legal services revolving account—state appropriation is provided solely for implementation of Engrossed Second Substitute House Bill No. 2467 (firearm background checks). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

(25) \$59,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for implementation of Substitute House Bill No. 2511 (domestic workers). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

(26) \$244,000 of the legal services revolving account—state appropriation is provided solely for implementation of Engrossed Substitute House Bill No. 2638 (sports wagering/compacts). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

(27) \$35,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for implementation of Engrossed Second Substitute House Bill No. 2662 (total cost of insulin). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

(28) \$394,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for two additional investigators and a data consultant for the homicide investigation tracking system (HITS).

**Sec. 126.** 2019 c 415 s 128 (uncodified) is amended to read as follows:

#### **FOR THE CASELOAD FORECAST COUNCIL**

General Fund—State Appropriation (FY 2020)	<del>((1,907,000))</del>
	<u>\$2,040,000</u>
General Fund—State Appropriation (FY 2021)	<del>((1,922,000))</del>
	<u>\$2,063,000</u>
Pension Funding Stabilization Account—State Appropriation	\$168,000
TOTAL APPROPRIATION	<u>\$3,997,000</u>
	<u>\$4,271,000</u>

The appropriations ~~((within))~~ in this section are subject to the following conditions and limitations: \$43,000 of the general fund—state appropriation for fiscal year 2020 and \$27,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the caseload forecast council to provide information, data analysis, and other necessary assistance upon the request of the task force established in section 952 of this act.

**Sec. 127.** 2019 c 415 s 129 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF COMMERCE**

General Fund—State Appropriation (FY 2020)	.....(((\$94,046,000))
	<u>\$96,462,000</u>
General Fund—State Appropriation (FY 2021)	.....(((\$92,285,000))
	<u>\$146,437,000</u>
General Fund—Federal Appropriation	.....(((\$327,876,000))
	<u>\$327,896,000</u>
General Fund—Private/Local Appropriation	.....(((\$9,107,000))
	<u>\$9,112,000</u>
Public Works Assistance Account—State Appropriation.....	(((\$8,207,000))
	<u>\$8,212,000</u>
Lead Paint Account—State Appropriation...	\$251,000
Building Code Council Account—State Appropriation	..... \$16,000
Liquor Excise Tax Account—State Appropriation	..... \$1,291,000
<del>((Economic Development Strategic Reserve Account—State</del>	<del>Appropriation..... \$5,000,000))</del>
Home Security Fund Account—State Appropriation	.....(((\$60,422,000))
	<u>\$120,425,000</u>
Energy Freedom Account—State Appropriation	..... \$5,000
Affordable Housing for All Account—State Appropriation.....	\$13,895,000
Financial Fraud and Identity Theft Crimes Investigation	
and Prosecution Account—State Appropriation	.....(((\$1,975,000))
	<u>\$2,325,000</u>
Low-Income Weatherization and Structural Rehabilitation	
Assistance Account—State Appropriation	\$1,399,000
Statewide Tourism Marketing Account—State Appropriation.....	\$3,028,000
Community and Economic Development Fee Account—State	
Appropriation .....	\$4,200,000

Growth Management Planning and Environmental Review

Fund—State Appropriation.....	\$5,800,000
Pension Funding Stabilization Account—State	
Appropriation.....	\$1,616,000
Liquor Revolving Account—State Appropriation	..... \$5,918,000
Washington Housing Trust Account—State	
Appropriation.....	(((\$12,944,000))
	<u>\$67,947,000</u>
Prostitution Prevention and Intervention Account—	
State	
Appropriation.....	\$26,000
Public Facility Construction Loan Revolving Account—	
State Appropriation.....	(((\$903,000))
	<u>\$1,076,000</u>
<u>Model Toxics Control Stormwater Account—State</u>	
<u>Appropriation.....</u>	<u>\$150,000</u>
<u>Dedicated Marijuana Account—State Appropriation</u>	
<u>(FY 2021) .....</u>	<u>\$1,100,000</u>
<u>Andy Hill Cancer Research Endowment Fund Match</u>	
<u>Transfer Account—State Appropriation ....</u>	<u>\$7,454,000</u>
<u>Community Preservation and Development Authority</u>	
<u>Account—State Appropriation .....</u>	<u>\$1,000,000</u>
TOTAL APPROPRIATION .....	<u>\$650,210,000</u>
	<u>\$827,041,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) Repayments of outstanding mortgage and rental assistance program loans administered by the department under RCW 43.63A.640 shall be remitted to the department, including any current revolving account balances. The department shall collect payments on outstanding loans, and deposit them into the state general fund. Repayments of funds owed under the program shall be remitted to the department according to the terms included in the original loan agreements.

(2) \$1,000,000 of the general fund—state appropriation for fiscal year 2020 and \$1,000,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for a grant to resolution Washington to build statewide capacity for alternative dispute resolution centers and dispute resolution programs that guarantee that citizens have access to low-cost resolution as an alternative to litigation.



(3) \$375,000 of the general fund—state appropriation for fiscal year 2020 and \$375,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for a grant to the retired senior volunteer program.

(4) The department shall administer its growth management act technical assistance and pass-through grants so that smaller cities and counties receive proportionately more assistance than larger cities or counties.

(5) \$375,000 of the general fund—state appropriation for fiscal year 2020 and \$375,000 of the general fund—state appropriation for fiscal year 2021 are provided solely as pass-through funding to Walla Walla Community College for its water and environmental center.

(6) (~~(\$804,000)~~) \$3,304,000 of the general fund—state appropriation for fiscal year 2020 and (~~(\$804,000)~~) \$3,304,000 of the general fund—state appropriation for fiscal year 2021 (~~(and \$5,000,000 of the economic development strategic reserve account state appropriation)~~) are provided solely for associate development organizations. During the 2019-2021 biennium, the department shall consider an associate development organization's total resources when making contracting and fund allocation decisions, in addition to the schedule provided in RCW 43.330.086.

(7) \$5,907,000 of the liquor revolving account—state appropriation is provided solely for the department to contract with the municipal research and services center of Washington.

(8) The department is authorized to require an applicant to pay an application fee to cover the cost of reviewing the project and preparing an advisory opinion on whether a proposed electric generation project or conservation resource qualifies to meet mandatory conservation targets.

(9) Within existing resources, the department shall provide administrative and other indirect support to the developmental disabilities council.

(10) \$300,000 of the general fund—state appropriation for fiscal year 2020 and \$300,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the northwest agriculture business center.

(11) \$150,000 of the general fund—state appropriation for fiscal year 2020 and \$150,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the regulatory roadmap program for the construction industry and to identify and coordinate with businesses in key industry sectors to develop additional regulatory roadmap tools.

(12) \$1,000,000 of the general fund—state appropriation for fiscal year 2020 and \$1,000,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the Washington new Americans program. The department may require a cash match or in-kind contributions to be eligible for state funding.

(13) \$643,000 of the general fund—state appropriation for fiscal year 2020 and \$643,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the department to contract with a private, nonprofit organization to provide developmental disability ombuds services.

(14) \$1,000,000 of the home security fund—state appropriation, \$2,000,000 of the Washington housing trust account—state appropriation, and \$1,000,000 of the affordable housing for all account—state appropriation are provided solely for the department of commerce for services to homeless families and youth through the Washington youth and families fund.

(15) \$2,000,000 of the home security fund—state appropriation is provided solely for the administration of the grant program required in chapter 43.185C RCW, linking homeless students and their families with stable housing.

(16) \$1,980,000 of the general fund—state appropriation for fiscal year 2020 and \$1,980,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for community beds for individuals with a history of mental illness. Currently, there is little to no housing specific to populations with these co-occurring disorders; therefore, the department must consider how best to develop new bed capacity in combination with individualized support services, such as intensive case management and care coordination, clinical supervision, mental health, substance abuse treatment, and vocational and employment services. Case-management and care coordination services must be provided. Increased case-managed housing will help to reduce the use of jails and emergency services and will help to reduce admissions to the state psychiatric hospitals. The department must coordinate with the health care authority and the department of social and health services in establishing conditions for the awarding of these funds. The department must contract with local entities to provide a mix of (a) shared permanent supportive housing; (b) independent permanent supportive housing; and (c) low and no-barrier housing beds for people with a criminal history, substance abuse disorder, and/or mental illness.

Priority for permanent supportive housing must be given to individuals on the discharge list at the state psychiatric hospitals or in community psychiatric inpatient beds whose conditions present significant barriers to timely discharge.

(17) \$557,000 of the general fund—state appropriation for fiscal year 2020 and \$557,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the department to design and administer the achieving a better life experience program.

(18) The department is authorized to suspend issuing any nonstatutorily required grants or contracts of an amount less than \$1,000,000 per year.

(19) \$1,070,000 of the general fund—state appropriation for fiscal year 2020 \$1,070,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the small business export assistance program. The department must ensure that at least one employee is located

outside the city of Seattle for purposes of assisting rural businesses with export strategies.

(20) \$60,000 of the general fund—state appropriation for fiscal year 2020 and \$60,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the department to submit the necessary Washington state membership dues for the Pacific Northwest economic region.

(21) \$1,500,000 of the general fund—state appropriation for fiscal year 2020 and ~~(\$1,500,000))~~ \$2,000,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the department to contract with organizations and attorneys to provide either legal representation or referral services for legal representation, or both, to indigent persons who are in need of legal services for matters related to their immigration status. Persons eligible for assistance under any contract entered into pursuant to this subsection must be determined to be indigent under standards developed under chapter 10.101 RCW.

(22)(a) \$3,500,000 of the general fund—state appropriation for fiscal year 2020 and \$3,500,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for grants to support the building operation, maintenance, and service costs of permanent supportive housing projects or units within housing projects that have or will receive funding from the housing trust fund—state account or other public capital funding that:

- (i) Is dedicated as permanent supportive housing units;
- (ii) Is occupied by low-income households with incomes at or below thirty percent of the area median income; and
- (iii) Requires a supplement to rent income to cover ongoing property operating, maintenance, and service expenses.

(b) Permanent supportive housing projects receiving federal operating subsidies that do not fully cover the operation, maintenance, and service costs of the projects are eligible to receive grants as described in this subsection.

(c) The department may use a reasonable amount of funding provided in this subsection to administer the grants.

(23)(a) ~~(\$2,735,000))~~ \$2,091,000 of the general fund—state appropriation for fiscal year 2020, ~~(\$2,265,000))~~ \$3,159,000 of the general fund—state appropriation for fiscal year 2021, and \$7,000,000 of the home security fund—state appropriation are provided solely for the office of homeless youth prevention and protection programs to:

- (i) Expand outreach, services, and housing for homeless youth and young adults including but not limited to secure crisis residential centers, crisis residential centers, and HOPE beds, so that resources are equitably distributed across the state;
- (ii) Contract with other public agency partners to test innovative program models that prevent youth from exiting public systems into homelessness; and

(iii) Support the development of an integrated services model, increase performance outcomes, and enable providers to have the necessary skills and expertise to effectively operate youth programs.

(b) Of the amounts provided in this subsection:

(i) \$2,000,000 of the general fund—state appropriation for fiscal year 2020 and \$2,000,000 of the general fund—state appropriation for fiscal year 2021 are provided solely to build infrastructure and services to support a continuum of interventions including but not limited to prevention, crisis response, and long-term housing in reducing youth homelessness in four identified communities as part of the anchor community initiative; and

(ii) ~~(\$625,000))~~ \$91,000 of the general fund—state appropriation for fiscal year 2020 and ~~(\$625,000))~~ \$1,159,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for a contract with one or more nonprofit organizations to provide youth services and young adult housing on a multi-acre youth campus located in the city of Tacoma. Youth services include, but are not limited to, HOPE beds and crisis residential centers to provide temporary shelter and permanency planning for youth under the age of eighteen. Young adult housing includes, but is not limited to, rental assistance and case management for young adults ages eighteen to twenty-four.

(24) \$36,650,000 of the general fund—state appropriation for fiscal year 2020 and ~~(\$36,650,000))~~ \$51,650,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the essential needs and housing support program.

(25) \$1,436,000 of the general fund—state appropriation for fiscal year 2020 and \$1,436,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the department to identify and invest in strategic growth areas, support key sectors, and align existing economic development programs and priorities. The department must consider Washington's position as the most trade-dependent state when identifying priority investments. The department must engage states and provinces in the northwest as well as associate development organizations, small business development centers, chambers of commerce, ports, and other partners to leverage the funds provided. Sector leads established by the department must include the industries of: (a) Aerospace; (b) clean technology and renewable and nonrenewable energy; (c) wood products and other natural resource industries; (d) information and communication technology; (e) life sciences and global health; (f) maritime; and (g) military and defense. The department may establish these sector leads by hiring new staff, expanding the duties of current staff, or working with partner organizations and or other agencies to serve in the role of sector lead.

(26) \$1,237,000 of the liquor excise tax account—state appropriation is provided solely for the department to provide fiscal note assistance to local governments, including increasing staff expertise in multiple subject matter areas, including but not limited to criminal justice, taxes, election impacts, transportation and land use, and

providing training and staff preparation prior to legislative session.

(27) The department must develop a model ordinance for cities and counties to utilize for siting community based behavioral health facilities.

(28) \$198,000 of the general fund—state appropriation for fiscal year 2020 and \$198,000 of the general fund—state appropriation for fiscal year 2021 are provided solely to retain a behavioral health facilities siting administrator within the department to coordinate development of effective behavioral health housing options and provide technical assistance in siting of behavioral health treatment facilities statewide to aide in the governor's plan to discharge individuals from the state psychiatric hospitals into community settings. This position must work closely with the local government legislative authorities, planning departments, behavioral health providers, health care authority, department of social and health services, and other entities to facilitate linkages among disparate behavioral health community bed capacity-building efforts. This position must work to integrate building behavioral health treatment and infrastructure capacity in addition to ongoing supportive housing benefits. By July 1, 2020, the department, in collaboration with the department of social and health services, the department of health, and the health care authority, must submit to the office of financial management and the appropriate committees of the legislature, a report on behavioral health treatment facility capacity. The department must submit updates of the report every six months to the office of financial management and the appropriate committees of the legislature. The format of the report must be developed in consultation with staff from the office of financial management and the appropriate fiscal committees of the legislature. The report must identify current capacity, capacity in development, and average daily utilization by state funded clients for the prior period. The report must summarize data by type of facility and location and must include all facilities licensed by the department of health to provide behavioral health treatment or residential services and all facilities licensed or operated by the department of social and health services that provide behavioral health treatment services or residential support for individuals with enhanced behavioral health support needs. The department of social and health services, the department of health, and the health care authority must provide timely information to the department for inclusion in the reports.

(29)(a) During the 2019-2021 fiscal biennium, the department must revise its agreements and contracts with vendors to include a provision to require that each vendor agrees to equality among its workers by ensuring similarly employed individuals are compensated as equals as follows:

(i) Employees are similarly employed if the individuals work for the same employer, the performance of the job requires comparable skill, effort, and responsibility, and the jobs are performed under similar working conditions. Job titles alone are not determinative of whether employees are similarly employed;

(ii) Vendors may allow differentials in compensation for its workers based in good faith on any of the following:

(A) A seniority system; a merit system; a system that measures earnings by quantity or quality of production; a bona fide job-related factor or factors; or a bona fide regional difference in compensation levels.

(B) A bona fide job-related factor or factors may include, but not be limited to, education, training, or experience, that is: Consistent with business necessity; not based on or derived from a gender-based differential; and accounts for the entire differential.

(C) A bona fide regional difference in compensation level must be: Consistent with business necessity; not based on or derived from a gender-based differential; and account for the entire differential.

(b) The provision must allow for the termination of the contract if the department or department of enterprise services determines that the vendor is not in compliance with this agreement or contract term.

(c) The department must implement this provision with any new contract and at the time of renewal of any existing contract.

(30)(a) \$150,000 of the general fund—state appropriation for fiscal year 2020 and \$150,000 of the general fund—local appropriation are provided solely for the department to contract with a consultant to study the current and ongoing impacts of the SeaTac international airport. The general fund—state funding provided in this subsection serves as a state match and may not be spent unless \$150,000 of local matching funds is transferred to the department. The department must seek feedback on project scoping and consultant selection from the cities listed in (b) of this subsection.

(b) The study must include, but not be limited to:

(i) The impacts that the current and ongoing airport operations have on quality of life associated with air traffic noise, public health, traffic, congestion, and parking in residential areas, pedestrian access to and around the airport, public safety and crime within the cities, effects on residential and nonresidential property values, and economic development opportunities, in the cities of SeaTac, Burien, Des Moines, Tukwila, Federal Way, Normandy Park, and other impacted neighborhoods; and

(ii) Options and recommendations for mitigating any negative impacts identified through the analysis.

(c) The department must collect data and relevant information from various sources including the port of Seattle, listed cities and communities, and other studies.

(d) The study must be delivered to the legislature by June 1, 2020.

(31) Within amounts appropriated in this section, the office of homeless youth prevention and protection must make recommendations to the appropriate committees of the legislature by October 31, 2019, regarding rights that all unaccompanied homeless youth and young adults should

have for appropriate care and treatment in licensed and unlicensed residential runaway and homeless youth programs.

(32) \$787,000 of the general fund—state appropriation for fiscal year 2020 and \$399,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of Second Substitute House Bill No. 1344 (child care access work group). ~~((If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.))~~

(33) \$144,000 of the general fund—state appropriation for fiscal year 2020 and \$144,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the department to contract with a nonprofit organization with offices located in the cities of Maple Valley, Enumclaw, and Auburn to provide street outreach and connect homeless young adults ages eighteen through twenty-four to services in south King county.

(34) \$218,000 of the general fund—state appropriation for fiscal year 2020 and \$61,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of Second Substitute House Bill No. 1444 (appliance efficiency). ~~((If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.))~~

(35) \$100,000 of the general fund—state appropriation for fiscal year 2020 is provided solely for implementation of Engrossed Second Substitute House Bill No. 1114 (food waste reduction). ~~((If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.))~~

(36) \$75,000 of the general fund—state appropriation for fiscal year 2020 and \$75,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for a contract with the city of Federal Way to support after-school recreational and educational programs.

~~((38))~~ (37) \$150,000 of the general fund—state appropriation for fiscal year 2020 is provided solely for the department to convene a work group regarding the development of Washington's green economy based on the state's competitive advantages. The work group must focus on developing economic, education, business, and investment opportunities in energy, water, and agriculture. The work group must consist of at least one representative from the department, the department of natural resources, the department of agriculture, the Washington state department of transportation, a four-year research university, a technical college, the private sector, an economic development council, a city government, a county government, a tribal government, a non-government organization, a statewide environmental advocacy organization, and up to two energy utility providers. The work group must:

(a) Develop an inventory of higher education resources including research, development, and workforce training to foster green economic development in energy, water, and agriculture;

(b) Identify investment opportunities in higher education research, development, and workforce training to enhance and accelerate green economic development;

(c) Make recommendations for green economic development investment opportunities and how state government may serve as a clearing house, or economic center, to support private investments and build the green economy in Washington to serve national and global markets;

(d) Identify opportunities for integrating technology in energy, water, natural resources, and agriculture, and create resource efficiencies including water and energy conservation and smart grid technologies;

(e) Recommend policies at the state and local government level to promote and accelerate development of the green economy in Washington state;

(f) Submit an interim report with the work group recommendations to the appropriate legislative committees by December 1, 2019; and

(g) Submit a final report with the work group recommendations to the appropriate legislative committees by June 30, 2020.

~~((39))~~ (38) \$75,000 of the general fund—state appropriation for fiscal year 2020 and \$75,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for a grant to a nonprofit organization focused on supporting pregnant women and single mothers who are homeless or at risk of being homeless throughout Pierce county. The grant must be used for providing classes relating to financial literacy, renter rights and responsibilities, parenting, and physical and behavioral health.

~~((40))~~ (39) \$200,000 of the general fund—state appropriation for fiscal year 2020 and \$200,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the department to provide capacity-building grants through the Latino community fund for educational programs and human services support for children and families in rural and underserved communities.

~~((41))~~ (40) \$400,000 of the general fund—state appropriation for fiscal year 2020 is provided solely for the city of Bothell to complete the canyon park regional growth center subarea plan.

~~((42))~~ (41) \$172,000 of the general fund—state appropriation for fiscal year 2020 and \$165,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the Washington statewide reentry council for operational staff support, travel, and administrative costs.

~~((44))~~ (42) \$964,000 of the general fund—state appropriation for fiscal year 2020 and \$1,045,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of Engrossed Third Substitute House Bill No. 1257 (energy efficiency). ~~((If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.))~~

~~((45))~~ (43) \$1,500,000 of the general fund—state appropriation for fiscal year 2020 and \$1,500,000 of the general fund—state appropriation for fiscal year 2021 are

provided solely for implementation of chapter 16, Laws of 2017 3rd sp. sess. (E2SSB 5254).

~~((46))~~ (44) General fund—federal appropriations provided in this section assume continued receipt of the federal Byrne justice assistance grant for state and local government drug and gang task forces.

~~((47))~~ (45) \$450,000 of the general fund—state appropriation for fiscal year 2020 and \$450,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for a grant to a nonprofit organization for an initiative to advance affordable housing projects and education centers on public or tax-exempt land in Washington state. The department must award the grant to an organization with an office located in a city with a population of more than six hundred thousand that partners in equitable, transit-oriented development. The grant must be used to:

- (a) Produce an inventory of potentially developable public or tax-exempt properties;
- (b) Analyze the suitability of properties for affordable housing, early learning centers, or community space;
- (c) Organize community partners and build capacity to develop sites, as well as coordinate negotiations among partners and public owners;
- (d) Facilitate collaboration and co-development between affordable housing, early learning centers, or community space;
- (e) Catalyze the redevelopment of ten sites to create approximately fifteen hundred affordable homes; and
- (f) Subcontract with the University of Washington to facilitate public, private, and non-profit partnerships to create a regional vision and strategy for building affordable housing at a scale to meet the need.

~~((48))~~ (46) \$500,000 of the general fund—state appropriation for fiscal 2021 is provided solely for the department to contract with an entity located in the Beacon hill/Chinatown international district area of Seattle to provide low income housing, low income housing support services, or both. To the extent practicable, the chosen location must be colocated with other programs supporting the needs of children, the elderly, or persons with disabilities.

~~((49))~~ (47) \$800,000 of the general fund—state appropriation for fiscal year 2020 and \$800,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the department to provide a grant for a criminal justice diversion center pilot program in Spokane county.

(a) Spokane county must report collected data from the pilot program to the department. ~~((The department must submit a report to the appropriate committees of the legislature by October 1, 2020.))~~ The report must contain, at a minimum:

~~((a))~~ (i) An analysis of the arrests and bookings for individuals served in the pilot program;

~~((b))~~ (ii) An analysis of the connections to behavioral health services made for individuals who were served by the pilot program;

~~((c))~~ (iii) An analysis of the impacts on housing stability for individuals served by the pilot program; and

~~((d))~~ (iv) The number of individuals served by the pilot program who were connected to a detoxification program, completed a detoxification program, completed a chemical dependency assessment, completed chemical dependency treatment, or were connected to housing.

(b) No more than fifty percent of the funding provided in this subsection may be used for planning and predevelopment activities related to site readiness and other startup expenses incurred before the pilot program becomes operational.

~~((50))~~ (48)(a) \$500,000 of the general fund—state appropriation for fiscal year 2020 and \$500,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for one or more better health through housing pilot project. The department must contract with one or more accountable communities of health to work with hospitals and permanent supportive housing providers in their respective accountable community of health regions to plan for and implement the better health through housing pilot project. The accountable communities of health must have established partnerships with permanent supportive housing providers, hospitals, and community health centers.

(b) The pilot project must prioritize providing permanent supportive housing assistance to people who:

- (i) Are homeless or are at imminent risk of homelessness;
- (ii) Have complex physical health or behavioral health conditions; and
- (iii) Have a medically necessary condition, risk of death, negative health outcomes, avoidable emergency department utilization, or avoidable hospitalization without the provision of permanent supportive housing, as determined by a vulnerability assessment tool.

(c) Permanent supportive housing assistance may include rental assistance, permanent supportive housing service funding, or permanent supportive housing operations and maintenance funding. The pilot program shall work with permanent supportive housing providers to determine the best permanent supportive housing assistance local investment strategy to expedite the availability of permanent supportive housing for people eligible to receive assistance through the pilot project.

(d) Within the amounts provided in this subsection, the department must contract with the Washington state department of social and health services division of research and data analysis to design and conduct a study to evaluate the impact of the better health through housing pilot project or projects. The division shall submit a final study report to the governor and appropriate committees of the legislature by June 30, 2021. The study objectives must include:

(i) Baseline data collection of the physical health conditions, behavioral health conditions, housing status, and health care utilization of people who receive permanent supportive housing assistance through the pilot project;

(ii) The impact on physical health and behavioral health outcomes of people who receive permanent supportive housing assistance through the pilot project as compared to people with similar backgrounds who did not receive permanent supportive housing assistance; and

(iii) The impact on health care costs and health care utilization of people who receive permanent supportive housing assistance through the pilot project as compared to people with similar backgrounds who did not receive permanent supportive housing assistance.

(e) A reasonable amount of the amounts provided in this subsection may be used to pay for costs to administer the pilot contracts and housing assistance.

(f) Amounts provided in this subsection do not include funding provided under title XIX or title XXI of the federal social security act, funding from the general fund—federal appropriation, or funding from the general fund—local appropriation for transformation through accountable communities of health, as described in initiative one of the medicaid transformation demonstration waiver under healthier Washington.

(g) The accountable communities of health must annually report the progress and impact of the better health through housing pilot project or projects to the joint select committee on health care oversight by December 1st of each year.

~~((54))~~ (49) \$250,000 of the general fund—state appropriation for fiscal year 2020 and \$250,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the department to contract for the promotion of leadership development, community building, and other services for the Native American community in south King county.

~~((52))~~ (50)(a) ~~((50,000))~~ \$12,000 of the general fund—state appropriation for fiscal year 2020 ~~((is))~~ and \$38,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the department to provide to Chelan county to collaborate with the department of fish and wildlife and the Stemilt partnership on the following activities:

(i) Identifying and evaluating possible land exchanges in the Stemilt basin that provide mutual benefits to outdoor recreation and the mission of a public agency; and

(ii) Completing independent appraisals of all properties that may be included in a possible land exchange by ~~((June 30, 2020))~~ January 1, 2021.

(b) \$20,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the department to provide to the department of fish and wildlife to complete technical studies, assessments, environmental review, and due diligence for lands included in any potential exchange and for project review for near-and long-term facility

replacement and expansion of the mission ridge ski and board resort.

(c) The department must require the department of fish and wildlife, in collaboration with Chelan county, to submit recommendations for potential land exchange and supporting appraisals and environmental analysis to the Chelan county board of commissioners and the appropriate committees of the legislature by ~~((December 1, 2020))~~ June 1, 2021.

~~((53))~~ (51) \$500,000 of the general fund—state appropriation for fiscal year 2020, ~~((500,000))~~ \$1,500,000 of the general fund—state appropriation for fiscal year 2021 and \$4,500,000 of the home security fund—state appropriation are provided solely for the consolidated homeless grant program.

(a) Of the amounts provided in this subsection, \$4,500,000 of the home security fund—state appropriation is provided solely for permanent supportive housing targeted at those families who are chronically homeless and where at least one member of the family has a disability. The department will also connect these families to medicaid supportive services.

(b) Of the amounts provided in this subsection, \$1,000,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for diversion services for those families and individuals who are at substantial risk of losing stable housing or who have recently become homeless and are determined to have a high probability of returning to stable housing.

~~((54))~~ (52) \$1,275,000 of the general fund—state appropriation for fiscal year 2020 and \$1,227,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of Engrossed Second Substitute Senate Bill No. 5116 (clean energy). ~~((If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.~~

~~((55))~~ (53) \$47,000 of the general fund—state appropriation for fiscal year 2020 and \$47,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of Engrossed Second Substitute Senate Bill No. 5223 (electrical net metering). ~~((If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.~~

~~((56))~~ (54) \$81,000 of the general fund—state appropriation for fiscal year 2020 and \$76,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of Substitute Senate Bill No. 5324 (homeless student support). ~~((If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.~~

~~((57))~~ (55) \$100,000 of the general fund—state appropriation for fiscal year 2020 and \$100,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of Engrossed Second Substitute Senate Bill No. 5497 (immigrants in the workplace). ~~((If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.~~

~~((58)))~~ (56) \$264,000 of the general fund—state appropriation for fiscal year 2020 and ~~(((\$264,000)))~~ \$676,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of Second Substitute Senate Bill No. 5511 (broadband service). ~~((If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.))~~ Within the amounts provided in this subsection, the department must translate survey materials used to gather information on broadband access into a minimum of three languages and include demographic data in the report associated with the bill.

~~((59)))~~ (57) \$272,000 of the general fund—state appropriation for fiscal year 2020 and \$272,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the lead based paint enforcement activities within the department.

~~((60)))~~ (58) \$250,000 of the general fund—state appropriation for fiscal year 2020 is provided solely for a one-time grant to the port of Port Angeles for a stormwater management project to protect ancient tribal burial sites and to maintain water quality.

~~((61)))~~ (59) \$100,000 of the general fund—state appropriation for fiscal year 2020 and \$100,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for a grant to municipalities using a labor program model designed for providing jobs to individuals experiencing homelessness to lead to full-time employment and stable housing.

~~((62)))~~ (60) \$75,000 of the general fund—state appropriation for fiscal year 2020 and \$75,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of the recommendations by the joint transportation committee's Washington state air cargo movement study to support an air cargo marketing program and assistance program. The department must coordinate promotion activities at domestic and international trade shows, air cargo events, and other activities that support the promotion, marketing, and sales efforts of the air cargo industry.

~~((63)))~~ (61) \$125,000 of the general fund—state appropriation for fiscal year 2020 and \$125,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for a grant to a nonprofit for a smart buildings education program to educate building owners and operators on smart building practices and technologies, including the development of onsite and digital trainings that detail how to operate residential and commercial facilities in an energy efficient manner. The grant recipient must be located in a city with a population of more than seven hundred thousand and serve anyone within Washington with an interest in better understanding energy efficiency in commercial and institutional buildings.

~~((64(a)))~~ (62) \$150,000 of the general fund—state appropriation for fiscal year 2020 and \$150,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the department to provide a grant to a nonprofit organization to assist fathers transitioning from incarceration to family reunification. The grant recipient must have experience contracting with:

~~((4))~~ (a) The department of corrections to support offender betterment projects; and

~~((4))~~ (b) The department of social and health services to provide access and visitation services.

~~((65)))~~ (63) \$100,000 of the general fund—state appropriation for fiscal year 2020 and \$100,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for a grant to a nonprofit organization to promote public education around wildfires to public school students of all ages and to expand outreach on issues related to forest health and fire suppression. The grant recipient shall sponsor projects including, but not limited to, a multi-media traveling presentation.

~~((66)))~~ (64) \$125,000 of the general fund—state appropriation for fiscal year 2020 and \$125,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for a grant to a nonprofit organization to help reduce crime and violence in neighborhoods and school communities. The grant recipient must promote safe streets and community engagement in the city of Tacoma through neighborhood organizing, law enforcement-community partnerships, neighborhood watch programs, youth mobilization, and business engagement.

~~((67)))~~ (65) \$125,000 of the general fund—state appropriation for fiscal year 2020 and \$125,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for a grant to increase the financial stability of low income Washingtonians through participation in children's education savings accounts, earned income tax credits, and the Washington retirement marketplace. The grant recipient must be a statewide association of local asset building coalitions that promotes policies and programs in Washington to assist low-and-moderate income residents build, maintain, and preserve assets through investments in education, homeownership, personal savings and entrepreneurship.

~~((68)))~~ (66) \$100,000 of the general fund—state appropriation for fiscal year 2020 and \$100,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for a grant to a nonprofit organization to catalyze a market for mass timber and promote forest health, workforce development, and updates to building codes. The grant recipient must have at least twenty-five years of experience in land acquisition and program management to conserve farmland, create jobs, revitalize small towns, reduce wildfires, and reduce greenhouse emissions.

~~((69)))~~ (67) \$250,000 of the general fund—state appropriation for fiscal year 2020 and \$250,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for a grant to assist people with limited incomes in nonmetro areas of the state start and sustain small businesses. The grant recipient must be a nonprofit organization involving a network of microenterprise organizations and professionals to support micro entrepreneurship and access to economic development resources.

~~((70)))~~ (68) \$270,000 of the general fund—state appropriation for fiscal year 2020 ~~((\*))~~ and \$250,000 of the

general fund—state appropriation for fiscal year 2021 are provided solely for a grant to a nonprofit organization within the city of Tacoma for social services and educational programming to assist Latino and indigenous communities in honoring heritage and culture through the arts, and overcoming barriers to social, political, economic, and cultural community development. Of the amounts provided in this subsection, \$250,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for a grant to provide a public policy fellowship program that offers training in grassroots organizing, leadership development, civic engagement, and policy engagement focused on Latino and indigenous community members.

~~((71))~~ (69) \$5,800,000 of the growth management planning and environmental review fund—state appropriation is provided solely for implementation of Engrossed Second Substitute House Bill No. 1923 (urban residential building). ~~((If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.))~~ Of the amounts provided in this subsection:

(a) \$5,000,000 is provided solely for grants to cities for costs associated with the bill;

(b) \$500,000 is provided solely for administration costs to the department; and

(c) \$300,000 is provided solely for a grant to the Washington real estate research center.

~~((72))~~ (70) \$100,000 of the general fund—state appropriation for fiscal year 2020 is provided solely for the department to produce a proposal and recommendations for establishing an industrial waste coordination program by December 1, 2019.

(71) \$200,000 of the general fund—state appropriation for fiscal year 2020 and \$400,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the department to develop a comprehensive analysis of statewide emissions reduction strategies. This technical analysis must: (a) Identify specific strategies that are likely to be most effective in achieving necessary emissions reductions for key energy uses and customer segments; and (b) be performed by one or more expert consultants, with administrative and policy support provided by the department.

(72) \$7,454,000 of the Andy Hill cancer research endowment fund match transfer account—state appropriation is provided solely for the Andy Hill cancer research endowment program. Amounts provided in this subsection may be used for grants and administration costs.

(73) \$600,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for grants to law enforcement agencies to implement group violence intervention strategies in areas with high rates of gun violence. Grant funding will be awarded to two sites, with priority given to Yakima county and south King county. The sites must be located in areas with high rates of gun violence, include collaboration with the local leaders and community members, use data to identify the individuals most at risk to perpetrate gun violence for interventions, and include a

component that connects individuals to services. Priority is given to sites meeting these criteria who also can demonstrate leveraging existing local or federal resources.

(74) \$80,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the department to facilitate research on nontraditional workers across the regulatory continuum, including convening cross-agency partners. The purpose of the research is to recommend policies and practices regarding the state's worker and small business programs, address changes in the labor market, and continue work initiated by the independent contractor employment study funded in section 127(47), chapter 299, Laws of 2018. The department must submit a report of its findings to the governor by November 1, 2020.

(75) \$1,343,000 of the financial fraud and identity theft crimes investigation and prosecution account—state appropriation is provided solely for the implementation of Substitute Senate Bill No. 6074 (financial fraud/theft crimes). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

(76) \$150,000 of the general fund—state appropriation for fiscal year 2020 and \$150,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the operations of the long-term care ombudsman program.

(77) \$607,000 of the general fund—state appropriation for fiscal year 2021 is provided solely to a statewide nonprofit resource center to assist current and prospective homeowners, and homeowners at risk of foreclosure. Funding must be used for activities to prevent mortgage or tax lien foreclosure, housing counselors, foreclosure prevention hotlines, low-income legal services, mediation, and other activities that promote homeownership.

(78) \$250,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for grants to nonprofit organizations that primarily serve communities of color and poor rural communities in community planning, technical assistance, and predevelopment as part of the development of capital assets and programs that help reduce poverty and build stronger and more sustainable communities. The funds will be used to further the goal of equitable development of all Washington communities.

(79) \$200,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the department to provide a grant to a nonprofit organization in King county to provide adult culinary skills training, housing, and other services to students who are experiencing or at risk of experiencing homelessness.

(80) \$391,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for Pacific county to operate or participate in a drug task force to enhance coordination and intelligence while facilitating multijurisdictional criminal investigations.

(81) \$350,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the department to convene a work group to review and make recommendations for legislation to update the growth management act in light of the road map to Washington's future report produced by



the Ruckelshaus center. The task force must involve stakeholders from diverse perspectives in the process, including but not limited to representatives of counties, cities, the forestry and agricultural industries, the environmental community, Native American tribes, and state agencies. The work group must report on its activities and recommendations by December 1, 2020.

(82) \$100,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the department to produce the biennial report identifying a list of projects to address incompatible developments near military installations as provided in RCW 43.330.520.

(83) \$250,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the formation of a healthy energy workers board. The board must conduct an unmet health care needs assessment for Hanford workers and develop recommendations on how these health care needs can be met. The board must also review studies on how to prevent worker exposure, summarize existing results and recommendations, develop key indicators of progress in meeting unmet health care needs, and catalogue the health surveillance systems in use at the Hanford site. The workers board must submit a report to the legislature by June 1, 2021, documenting recommendations on meeting health care needs, progress on meeting key indicators, and, if necessary, recommendations for the establishment of new health surveillance systems at Hanford.

(84) \$23,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for curriculum development and training sessions for a veteran's certified peer counseling pilot program in Lewis county delivered in partnership with a Lewis county veterans museum.

(85) \$60,000,000 of the home security fund—state appropriation is provided solely for increasing local temporary shelter capacity. The amount provided in this subsection is subject to the following conditions and limitations:

(a) A city or county applying for grant funding shall submit a sheltering proposal that aligns with its local homeless housing plan under RCW 43.185C.050. This proposal must include at a minimum:

(i) A strategy for outreach to bring currently unsheltered individuals into shelter;

(ii) Strategies for connecting sheltered individuals to services including but not limited to: Behavioral health, chemical dependency, education or workforce training, employment services, and permanent supportive housing services;

(iii) An estimate on average length of stay;

(iv) An estimate of the percentage of persons sheltered who will exit to permanent housing destinations and an estimate of those that are expected to return to homelessness;

(v) An assessment of existing shelter capacity in the jurisdiction, and the net increase in shelter capacity that will be funded with the state grant; and

(vi) Other appropriate measures as determined by the department.

(b) The department shall not reimburse more than \$56 per day per net additional person sheltered above the baseline of shelter occupancy prior to award of the funding. Eligible uses of funds include shelter operations, shelter maintenance, shelter rent, loan repayment, case management, navigation to other services, efforts to address potential impacts of shelters on surrounding neighborhoods, capital improvements and construction, and outreach directly related to bringing unsheltered people into shelter. The department shall coordinate with local governments to encourage cost-sharing through local matching funds.

(c) The department shall not reimburse more than \$10,000 per shelter bed prior to occupancy, for costs associated with creating additional shelter capacity or improving existing shelters to improve occupancy rates and successful outcomes. Eligible costs prior to occupancy include acquisition, construction, equipment, staff costs, and other costs directly related to creating additional shelter capacity.

(d) For the purposes of this subsection "shelter" means any facility, the primary purpose of which is to provide space for homeless in general or for specific populations of homeless. The shelter must: Be structurally sound to protect occupants from the elements and not pose any threat to health or safety, have means of natural or mechanical ventilation, and be accessible to persons with disabilities, and the site must have hygiene facilities, which must be accessible but do not need to be in the structure.

(86) \$500,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the implementation of Senate Bill No. 6430 (industrial waste program). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse. Of the amount provided in this subsection, \$250,000 of the general fund—state appropriation is provided solely for industrial waste coordination grants.

(87)(a) \$400,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the department to continue and expand the el nuevo camino pilot project for the purpose of addressing serious youth gang problems in counties in eastern Washington. The department shall adopt policies and procedures as necessary to administer the pilot project, including the application process, disbursement of the grant award to the selected applicants, and tracking compliance and measuring outcomes. Partners, grant recipients, prosecutors, mental health practitioners, schools, and other members of the el nuevo camino pilot project, shall ensure that programs, trainings, recruiting, and other operations for el nuevo camino pilot project prohibit discriminatory practices, including biased treatment and profiling of youth or their communities. For the purposes of this subsection, antidiscriminatory practices prohibit grant recipients or their partners from using factors such as race, ethnicity, national origin, immigration or citizenship status, age, religion, gender, gender identity, gender expression, sexual

orientation, and disability in guiding or identifying affected populations.

(b) An eligible applicant:

(i) Is a county located in Washington or its designee;

(ii) Is located east of the Cascade mountain range;

(iii) Has an identified gang problem;

(iv) Pledges and provides a minimum of sixty percent of matching funds over the same time period of the grant;

(v) Has established a coordinated effort with committed partners, including law enforcement, prosecutors, mental health practitioners, and schools;

(vi) Has established goals, priorities, and policies in compliance with the requirements of (c) of this subsection; and

(vii) Demonstrates a clear plan to engage in long-term antigang efforts after the conclusion of the pilot project.

(c) The grant recipients must:

(i) Work to reduce youth gang crime and violence by implementing the comprehensive gang model of the federal juvenile justice and delinquency prevention act of 1974;

(ii) Increase mental health services to unserved and underserved youth by implementing the best practice youth mental health model of the national center for mental health and juvenile justice;

(iii) Work to keep high-risk youth in school, reenroll dropouts, and improve academic performance and behavior by engaging in a grass roots team approach in schools with the most serious youth violence and mental health problems, which must include a unique and identified team in each district participating in the project;

(iv) Hire a project manager and quality assurance coordinator;

(v) Adhere to recommended quality control standards for Washington state research-based juvenile offender programs as set forth by the Washington state institute for public policy; and

(vi) Report to the department by April 1, 2021, with the following:

(A) The number of youth and adults served through the project and the types of services accessed and received;

(B) The number of youth satisfactorily completing chemical dependency treatment in the county;

(C) The estimated change in domestic violence rates;

(D) The estimated change in gang participation and gang violence;

(E) The estimated change in dropout and graduation rates;

(F) The estimated change in overall crime rates and crimes typical of gang activity;

(G) The estimated change in recidivism for youth offenders in the county; and

(H) Other information required by the department or otherwise pertinent to the pilot project.

(d) The department shall report the information from (c)(vi) of this subsection and other relevant data to the legislature and the governor by June 1, 2021.

(88) \$421,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the implementation of Engrossed Substitute Senate Bill No. 6288 (office of firearm violence). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

(89)(a) \$15,000,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for grants to support the operation, maintenance, and service costs of permanent supportive housing projects or permanent supportive housing units within housing projects that have or will receive funding from the housing trust fund—state account or other public capital funding where the projects or units:

(i) Are dedicated as permanent supportive housing units;

(ii) Are occupied by low-income households with incomes at or below thirty percent of the area median income; and

(iii) Require a supplement to rental income to cover ongoing property operating, maintenance, and service expenses.

(b) The department may use a maximum of five percent of the appropriations in this subsection to administer the grant program.

(90) \$1,007,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the department to administer a transitional housing pilot program for nondependent homeless youth. In developing the pilot program, the department will work with the adolescent unit within the department of children, youth, and families, which is focused on cross-system challenges impacting youth, including homelessness.

(91) \$420,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the implementation of Substitute Senate Bill No. 6495 (housing & essential needs). The amount provided in this subsection is provided solely for essential needs and housing support assistance to individuals newly eligible for housing and essential needs support under Substitute Senate Bill No. 6495. If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

(92) \$10,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the department to make recommendations on a sustainable, transparent, and reactive funding model for the operation of the long-term care ombuds program.

(a) The department must recommend a plan that:

- (i) Serves all residents in long term care equally;
- (ii) Is reactive to changes in service costs; and
- (iii) Is reactive to changes in number of residents and types of facilities served.

(b) The department shall convene not more than three stakeholder meetings that includes representatives from the department of social and health services, the department of commerce, the department of health, the office of financial management, the office of the governor, the long-term care ombuds program, representatives of long term care facilities, representatives for the area agencies on aging, and other stakeholders as appropriate. The department must submit a report with recommendations to the governor and the appropriate fiscal and policy committees of the legislature by December 1, 2020.

(93) \$300,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the department to establish representation in key international markets that will provide the greatest opportunities for increased trade and investment for small businesses in the state of Washington. Prior to entering into any contract for representation, the department must consult with associate development organizations and other organizations and associations that represent small business, rural industries, and disadvantaged business enterprises. By June 1, 2021, the department must transmit a report to the economic development committees of the legislature providing the following information, metrics, and private investment resulting from the department's engagement with international markets:

- (a) An overview of the international markets in which the department has established representation and activities and contracts funded with amounts provided in this subsection;
- (b) Additional funding invested in Washington companies;
- (c) The number of jobs created in Washington; and
- (d) The number of partnerships established and maintained by the department with international governments, businesses, and organizations.

(94) \$80,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the department to establish an identification assistance and support program to assist homeless persons in collecting documentation and procuring an identicard issued by the department of licensing. This program may be operated through a contract for services. The program shall operate in one county west of the crest of the Cascade mountain range with a population of one million or more and one county east of the crest of the Cascade mountain range with a population of five hundred thousand or more.

(95) \$400,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the office of homeless youth to administer a competitive grant process to award funding to licensed youth shelters, HOPE centers, and crisis residential centers to provide behavioral health support services for youth in crisis.

(96) \$75,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the department of commerce to co-lead a prevention workgroup with the department of children, youth, and families. The workgroup shall focus on preventing youth and young adult homelessness and other related negative outcomes. The workgroup shall consist of members representing the department of social and health services, the employment security department, the health care authority, the office of the superintendent of public instruction, the Washington student achievement council, the interagency workgroup on youth homelessness, community-based organizations, and young people and families with lived experience of housing instability, child welfare involvement or justice system involvement.

(a) The workgroup must develop a preliminary strategic plan to be submitted to the appropriate committees of the legislature by December 31, 2020 that details:

- (i) How existing efforts in this area are coordinated;
- (ii) The demographics of youth involved in homelessness and other related negative outcomes;
- (iii) Recommendations on promising interventions and policy improvements; and
- (iv) Detail and descriptions of current prevention funding streams.

(b) The department of commerce shall solicit private funding to support this workgroup. It is the intent of the legislature that this study be supported by a minimum of a one-to-one match with private funds.

(97) \$300,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for a grant to the pacific science center for a maker and innovation lab. Grant funds are to be used to develop and operate new experiential learning opportunities.

(98) \$1,500,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for grants and associated technical assistance and administrative costs to foster collaborative partnerships that expand child care capacity in communities. Eligible applicants include nonprofit organizations, school districts, educational service districts, and local governments. These funds may be expended only after the approval of the director of the department of commerce and must be used to support activities and planning that helps communities address the shortage of child care, prioritizing partnerships serving in whole or in part areas identified as child care access deserts.

(99) \$400,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for a grant to a regional museum that is working with a national museum of American history and a regional theater to provide educational tools and experiences to students statewide relating to the democratic system in the state of Washington.

(100) \$75,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for a grant to a nonprofit organization formed in 2018 that provides a shared housing and living environment for pregnant women, single

mothers, and their children who are homeless or at risk of being homeless throughout Pierce county. The nonprofit organization must have persons in executive leadership who have experienced family homelessness. The grant must be used for providing classes at the shared housing location on topics such as financial literacy, renter rights and responsibilities, parenting, and physical and behavioral health.

(101) \$200,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the department to contract with a consultant to study incorporating the unincorporated communities of Fredrickson, Midland, North Clover Creek, Collins, Parkland, Spanaway, Summit-Waller, and Summit View into a single city. The study must include, but not be limited to, the impacts of incorporation on the local tax base, crime, homelessness, infrastructure, public services, and behavioral health services, in the listed communities. The department must submit the study to the appropriate committees of the legislature by June 1, 2021.

(102) \$200,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for a grant to Clallam county to conduct an assessment of the needs of the county's homeless population. The assessment must include an analysis of the impacts of substance abuse treatment at the county's substance abuse treatment facilities on the county's homeless population. The assessment must also provide recommendations for improvements of the county's local homeless housing program. Funding provided in this subsection may also be used to implement recommendations from the assessment or to provide shelter, services, and relocation assistance for homeless individuals.

(103) \$500,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the office of homeless youth prevention and protection programs to create a centralized diversion fund to serve homeless or at-risk youth and young adults, including those who are unsheltered, exiting inpatient programs, or in school. Funding provided in this subsection may be used for short-term rental assistance, offsetting costs for first and last month's rent and security deposits, transportation costs to go to work, and assistance in obtaining photo identification or birth certificates.

(104) \$400,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for a grant to a nonprofit located in King county that serves homeless and at-risk youth and young adults. The grant must be used for a pre-apprenticeship program for youth and young adults experiencing homelessness to prepare and obtain employment in the construction trades by building affordable housing and to earn a high school diploma or equivalent, college credits, or industry certifications.

(105) \$175,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the department to contract with a nongovernment organization whose primary focus is the economic development of the city of Federal Way. The contract must be for economic development activities with a focus on business expansion,

retention, and attraction, job creation, and workforce development in the south Puget Sound.

(106) \$5,000,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for a pilot program to address the immediate housing needs of low or extremely low-income elderly or disabled adults receiving federal supplemental security, federal social security disability, or federal social security retirement income who have an immediate housing need and live in King, Snohomish, Thurston, Kitsap, Pierce, or Clark counties.

(107) \$25,000 of the general fund—state appropriation for fiscal year 2020 and \$50,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for a grant to the King county drainage district number 5 for extraordinary audit costs and to perform deferred maintenance on drainage ditches located within the district.

(108) \$150,000 of the model toxics control stormwater account—state appropriation is provided solely for planning work related to stormwater runoff at the aurora bridge and I-5 ship canal bridge. Planning work may include, but is not limited to, coordination with project partners, community engagement, conducting engineering studies, and staff support.

(109) \$750,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for a grant to the south King fire and rescue fire protection district located in King county to purchase a maritime emergency response vessel.

(110) \$100,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for a contract with a nonprofit to provide technical assistance to manufactured home community resident organizations who wish to convert the park in which they reside to resident ownership, pursuant to RCW 59.22.039.

(111) \$100,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for implementation of Engrossed Substitute House Bill No. 2342 (comprehensive plan updates). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

(112) \$46,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for implementation of Engrossed Second Substitute House Bill No. 2405 (comm. property/clean energy). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

(113) \$1,100,000 of the dedicated marijuana account—state appropriation for fiscal year 2021 is provided solely for implementation of Engrossed Second Substitute House Bill No. 2870 (marijuana retail licenses). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

(114) \$297,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for a grant to a nonprofit provider of sexual assault services located in Renton. The grant must be used for information technology system improvements.

(115) \$100,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for a grant to assist people with limited incomes in urban areas of the state start and sustain small businesses. The grant recipient must be a nonprofit organization involving a network of microenterprise organizations and professionals to support micro entrepreneurship and access to economic development resources.

(116) \$1,000,000 of the community preservation and development authority account—state/operating appropriation is provided solely for the operations of the Pioneer Square-International District community preservation and development authority established in RCW 43.167.060.

(117)(a) \$40,000,000 of the Washington housing trust account—state appropriation is provided solely for production and preservation of affordable housing.

(b) In evaluating projects in this subsection, the department must give preference for applications based on some or all of the criteria in RCW 43.185.070(5).

(c) The appropriations in this subsection are subject to the reporting requirements in section 1029 (3) and (4), chapter 413, Laws of 2019.

(118)(a) \$10,000,000 of the Washington housing trust account—state appropriation is provided solely for the preservation of affordable multifamily housing at risk of losing affordability due to expiration of use restrictions that otherwise require affordability including, but not limited to, United States department of agriculture funded multifamily housing.

(b) Within the amount provided in this subsection, the department must implement necessary procedures no later than July 1, 2020, to enable rapid commitment of funds on a first-come, first-served basis to qualifying project proposals that satisfy the goal of long-term preservation of Washington's affordable multifamily housing stock, particularly in rural areas of the state.

(c) The department must adhere to the following award terms and procedures for the rapid response program created under (b) of this subsection:

(i) The funding is not subject to the ninety-day application periods in RCW 43.185.070 or 43.185A.050.

(ii) Awards must be in the form of a recoverable grant with a forty-year low income housing covenant on the land.

(iii) If a capital needs assessment is required, the department must work with the applicant to ensure that this does not create an unnecessary impediment to rapidly accessing these funds.

(iv) Awards may be used for acquisition or for acquisition and rehabilitation of properties to preserve the affordable housing units beyond existing use restrictions and keep them in Washington's housing portfolio.

(v) No single award may exceed \$2,500,000, although the department must consider waivers of this award cap if an applicant demonstrates sufficient need.

(vi) The award limit in (c)(v) of this subsection may only be applied to the use of awards provided under this subsection. The amount awarded under this subsection may not be calculated in award limitations for other housing trust fund awards.

(vii) If the department receives simultaneous applications for funding under this program, proposals that reach the greatest public benefit, as defined by the department, must be prioritized. For purposes of this subsection, "greatest public benefit" includes, but is not limited to:

(A) The greatest number of units that will be preserved;

(B) Whether the project has federally funded rental assistance tied to it;

(C) The scarcity of the affordable housing applied for compared to the number of available affordable housing units in the same geographic location; and

(D) The program's established funding priorities under RCW 43.185.070(5).

(d) The appropriations in this subsection are subject to the reporting requirements in section 1029 (3) and (4), chapter 413, Laws of 2019.

(119)(a) \$5,000,000 of the Washington housing trust account—state appropriation is provided solely for housing preservation grants or loans to be awarded competitively.

(b) The funds may be provided for major building improvements, preservation, and system replacements, necessary for the existing housing trust fund portfolio to maintain long-term viability. The department must require a capital needs assessment to be provided prior to contract execution. Funds may not be used to add or expand the capacity of the property.

(c) To allocate preservation funds, the department must review applications and evaluate projects based on the following criteria:

(i) The age of the property, with priority given to buildings that are more than fifteen years old;

(ii) The population served, with priority given to projects with at least fifty percent of the housing units being occupied by families and individuals at or below fifty percent area median income;

(iii) The degree to which the applicant demonstrates that the improvements will result in a reduction of operating or utilities costs, or both;

(iv) The potential for additional years added to the affordability period of the property; and

(v) Other criteria that the department considers necessary to achieve the purpose of this program.

(d) The appropriations in this subsection are subject to the reporting requirements in section 1029 (3) and (4), chapter 413, Laws of 2019.

(120) \$500,000 of the general fund—state appropriation for fiscal year 2020 is provided solely for the department of commerce to contract with a nonprofit organization to establish and operate a center for child care retention and expansion. The nonprofit organization must be a Bellingham, Washington-based nonprofit community action agency with fifty years of experience serving homeless and low-income families and individuals.

(a) Funding provided in this subsection may be used for, but is not limited to, the following purposes:

(i) Creating a rapid response team trained to help child care businesses whose continuity of operations is threatened;

(ii) Developing business model prototypes for new child care settings; and

(iii) Assisting existing or new child care businesses in assessing readiness for expansion or acquisition.

(b) Of the amounts provided in this subsection:

(i) \$120,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for staffing at the center for child care; and

(ii) \$380,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the nonprofit organization to distribute grants to third party child care providers and nongovernmental organizations. Nonprofit entities applying for funding as a statewide network must:

(A) Have an existing infrastructure or network of academic, innovation, and mentoring program grant-eligible entities;

(B) Provide after-school and summer programs with youth development services; and

(C) Provide proven and tested recreational, educational, and character-building programs for children ages six to eighteen years of age.

**Sec. 128.** 2019 c 415 s 130 (uncodified) is amended to read as follows:

#### **FOR THE ECONOMIC AND REVENUE FORECAST COUNCIL**

General Fund—State Appropriation (FY 2020)  
.....((~~\$860,000~~))  
\$874,000

General Fund—State Appropriation (FY 2021)  
.....((~~\$888,000~~))  
\$914,000

Pension Funding Stabilization Account—State  
Appropriation..... \$102,000

Lottery Administrative Account—State Appropriation  
..... \$50,000

TOTAL APPROPRIATION ..... \$1,900,000  
\$1,940,000

**Sec. 129.** 2019 c 415 s 131 (uncodified) is amended to read as follows:

#### **FOR THE OFFICE OF FINANCIAL MANAGEMENT**

General Fund—State Appropriation (FY 2020)  
.....((~~\$28,833,000~~))  
\$29,306,000

General Fund—State Appropriation (FY 2021)  
.....((~~\$12,303,000~~))  
\$13,799,000

General Fund—Federal Appropriation  
.....((~~\$32,512,000~~))  
\$33,013,000

General Fund—Private/Local Appropriation  
.....\$5,526,000

Economic Development Strategic Reserve Account—  
State

Appropriation.....\$330,000

Personnel Service Account—State Appropriation  
.....((~~\$35,133,000~~))  
\$35,360,000

Higher Education Personnel Services Account—State  
Appropriation.....\$1,497,000

Statewide Information Technology System  
Development

Maintenance and Operations Revolving

Account—State Appropriation .....((~~\$13,298,000~~))  
\$32,921,000

Office of Financial Management Central Service  
Account—

State Appropriation.....((~~\$20,710,000~~))  
\$21,118,000

Pension Funding Stabilization Account—State  
Appropriation.....\$2,446,000

Performance Audits of Government Account—State  
Appropriation.....\$678,000

TOTAL APPROPRIATION .....\$153,266,000  
\$175,994,000

The appropriations in this section are subject to the following conditions and limitations:

(1)(a) The student achievement council and all institutions of higher education as defined in RCW 28B.92.030 and eligible for state financial aid programs under chapters 28B.92 and 28B.118 RCW shall ensure that data needed to analyze and evaluate the effectiveness of state

financial aid programs are promptly transmitted to the education data center so that it is available and easily accessible. The data to be reported must include but not be limited to:

(i) The number of state need grant and college bound recipients;

(ii) The number of students on the unserved waiting list of the state need grant;

(iii) Persistence and completion rates of state need grant recipients and college bound recipients as well as students on the state need grant unserved waiting list, disaggregated by institution of higher education;

(iv) State need grant recipients and students on the state need grant unserved waiting list grade point averages; and

(v) State need grant and college bound scholarship program costs.

(b) The student achievement council shall submit student unit record data for state financial aid program applicants and recipients to the education data center.

(c) The education data center shall enter data sharing agreements with the joint legislative audit and review committee and the Washington state institute for public policy to ensure that legislatively directed research assignments regarding state financial aid programs may be completed in a timely manner.

(2)(a) (~~(\$10,000,000)~~) \$29,623,000 of the statewide information technology system development revolving account—state appropriation is provided solely for (~~(continuation of readiness activities for)~~) the one Washington program agency financial reporting system replacement, phase 1A core financials. Of the amounts provided in this subsection:

(i) (~~(\$7,082,000)~~) \$7,082,000 of the statewide information technology system development revolving account—state appropriation is provided solely for organizational enterprise resource planning, organizational change management, and procurement contracts in fiscal year 2020.

(ii) \$459,000 of the statewide information technology system development revolving account—state appropriation is provided solely for staff in fiscal year 2020.

(iii) \$1,000,000 of the statewide information technology system development revolving account—state appropriation is provided solely for other contractual services or project staffing in fiscal year 2020.

(iv) (~~(\$459,000)~~) \$1,366,000 of the statewide information technology system development revolving account—state appropriation is provided solely for program staff in fiscal year 2021.

(v) \$442,000 of the statewide information technology system development revolving account—state appropriation is provided solely for dedicated integration development staffing in fiscal year 2021. This staff will work to expand the states integration layer.

(vi) \$140,000 of the statewide information technology system development revolving account—state appropriation is provided solely for a dedicated statewide accounting consultant in fiscal year 2021. This staff will work with state agencies to standardize workflow and work with the systems integrator to configure the agency financial reporting system replacement. The staff will also update applicable state administrative and accounting manual chapters to document new standardized workflows.

(vii) (~~(\$1,000,000)~~) \$19,576,000 of the statewide information technology system development revolving account—state appropriation is provided solely for other contractual services or project staffing in fiscal year 2021.

(b) Beginning September 30, 2019, the office of financial management shall provide written quarterly reports on the one Washington program to the legislative fiscal committees and the legislative evaluation and accountability program committee to include how (~~(funding was spent for the prior quarter)~~) funding was spent for the prior quarter and what the ensuing quarter budget will be by fiscal month. The written report must also include:

(i) A list of quantifiable deliverables accomplished and the expenditures by deliverable by fiscal month;

(ii) A report on the contract full time equivalent charged and paid to each vendor by fiscal month; and

(iii) A report identifying each state agency that received change management vendor work from the information technology pool by fiscal month.

(c) Prior to spending any funds, the director of the office of financial management must agree to the spending and sign off on the spending.

(d) This subsection is subject to the conditions, limitations, and review requirements of (~~(section 719 of this act)~~) section 701 of this act.

(e) Financial reporting for the agency change management funding must be coded and charged discretely in the agency financial reporting system each fiscal month so that it can be differentiated from the noninformation technology pool change management budget and costs.

(3) Within existing resources, the labor relations section shall produce a report annually on workforce data and trends for the previous fiscal year. At a minimum, the report must include a workforce profile; information on employee compensation, including salaries and cost of overtime; and information on retention, including average length of service and workforce turnover.

(4) \$12,741,000 of the personnel service account—state appropriation in this section is provided solely for administration of orca pass benefits included in the 2019-2021 collective bargaining agreements and provided to nonrepresented employees as identified in section 996 of this act. The office of financial management must bill each agency for that agency's proportionate share of the cost of orca passes. The payment from each agency must be deposited in to the personnel service account and used to purchase orca passes. The office of financial management

may consult with the Washington state department of transportation in the administration of these benefits.

(5) \$12,485,000 of the personnel service fund appropriation is provided solely for the administration of a flexible spending arrangement (FSA) plan. Agencies shall pay their proportional cost for the program as determined by the office of financial management. Total amounts billed by the office of financial management for this purpose may not exceed the amount provided in this subsection. The office of financial management may, through interagency agreement, delegate administration of the program to the health care authority.

(6) \$1,536,000 of the general fund—state appropriation for fiscal year 2020 is provided solely for the implementation of Engrossed Substitute Senate Bill No. 5741 (all payer claims database), and is subject to the conditions, limitations, and review provided in ~~((section 719 of this act))~~ section 701 of this act. ~~((If the bill is not enacted by June 30, 2019, the amount provided in this subsection shall lapse.))~~

(7) \$157,000 of the general fund—state appropriation for fiscal year 2020 is provided solely for the implementation of Substitute House Bill No. 1949 (firearm background checks). ~~((If the bill is not enacted by June 30, 2019, the amount provided in this subsection shall lapse.))~~

(8) Within amounts appropriated in this section, funding is provided to implement Second Substitute House Bill No. 1497 (foundational public health).

(9) \$110,000 of the general fund—state appropriation for fiscal year 2020 is provided solely for the office of financial management to determine annual primary care medical expenditures in Washington, by insurance carrier, in total and as a percentage of total medical expenditure. Where feasible, this determination must also be broken down by relevant characteristics such as whether expenditures were for in-patient or out-patient care, physical or mental health, by type of provider, and by payment mechanism.

(a) The determination must be made in consultation with statewide primary care provider organizations using the state's all payer claims database and other existing data.

(b) For purposes of this section:

(i) "Primary care" means family medicine, general internal medicine, and general pediatrics.

(ii) "Primary care provider" means a physician, naturopath, nurse practitioner, physician assistant, or other health professional licensed or certified in Washington state whose clinical practice is in the area of primary care.

(iii) "Primary care medical expenditures" means payments to reimburse the cost of physical and mental health care provided by a primary care provider, excluding prescription drugs, vision care, and dental care, whether paid on a fee-for-service basis or as a part of a capitated rate or other type of payment mechanism.

(iv) "Total medical expenditure" means payments to reimburse the cost of all health care and prescription drugs, excluding vision care and dental care, whether paid on a fee-

for-service basis or as part of a capitated rate or other type of payment mechanism.

(c) By December 1, 2019, the office of financial management shall report its findings to the legislature, including an explanation of its methodology and any limits or gaps in existing data which affected its determination.

(10) \$1,200,000 of the office of financial management central services—state appropriation is provided solely for the education research and data center to set up a data enclave and to work on complex data sets. This is subject to the conditions, limitations and review requirements of ~~((section 719 of this act))~~ section 701 of this act. The data enclave for customer access must include twenty-five users, to include one user from each of the following entities:

(a) The house;

(b) The senate;

(c) The legislative evaluation and accountability program committee;

(d) The joint legislative audit and review committee; and

(e) The Washington state institute for public policy.

(11) ~~(((\$345,000 of the statewide information technology system development revolving account—state appropriation is provided solely for modifications to the facilities portfolio management tool to expand the ability to track leases of land, buildings, equipment, and vehicles. This is subject to the conditions, limitations, and review requirements of section 719 of this act.))~~

~~((44)))~~ \$250,000 of the office of financial management central service—state appropriation is provided solely for a dedicated budget staff for the work associated with the information technology cost pool projects. The staff will be responsible for providing a monthly financial report after each fiscal month close to fiscal staff of the senate ways and means and house appropriations committees to reflect at least:

(a) Fund balance of the information technology pool account;

(b) Amount by project of funding approved to date and for the last fiscal month;

(c) Amount by agency of funding approved to date and for the last fiscal month;

(d) Total amount approved to date and for the last fiscal month; ~~((and))~~

(e) Amount of expenditure on each project by the agency to date and for the last fiscal month;

(f) A projection for the information technology pool account by fiscal month through the 2019-2021 fiscal biennium close, and as a calculation of amount spent to date as a percentage of total appropriation;

(g) A projection of each project by fiscal month through the 2019-2021 fiscal biennium close, and a



calculation of amount spent to date as a percentage of total project cost; and

(h) A list of agencies and projects that have not yet been approved for funding by the office of financial management.

~~((15))~~ (12) \$15,000,000 of the general fund—state appropriation for fiscal year 2020, \$159,000 of the general fund—state appropriation for fiscal year 2021, and \$5,000,000 of the general fund—private/local appropriation are provided solely for the office of financial management to prepare for the 2020 census. No funds provided under this subsection may be used for political purposes. The office must:

(a) Complete outreach and a communication campaign that reaches the state's hardest to count residents;

(b) Perform frequent outreach to the hard-to-count population both in person through community messengers and through various media avenues;

(c) Establish deliverable-based outreach contracts with nonprofit organizations and local and tribal contracts;

(d) Consider the recommendations of the statewide complete count committee;

(e) Prepare documents in multiple languages to promote census participation;

(f) Provide technical assistance with the electronic census forms; and

(g) Hold in reserve \$5,000,000 of the general fund—state appropriation for fiscal year 2020 and \$5,000,000 of the general fund—private/local appropriation, until January 1, 2020, for contracting with community based organizations with historical access to and credibility with hard-to-count people to support outreach to the hardest to count and last-mile efforts.

(13) Within existing resources and in consultation with the office of the superintendent of public instruction, the office of financial management shall review and report on the pupil transportation funding system for K-12 education. The report shall include findings and recommendations and shall be submitted to the governor and the appropriate committees of the legislature by August 1, 2020. This report shall include review of the following:

(a) The formula components and modeling approach in RCW 28A.160.192;

(b) The data used in the analysis for completeness, validity, and appropriateness;

(c) The timing requirements and whether they could be changed;

(d) The STARS model for appropriateness, functionality, and alignment with statute; and

(e) The capacity and resources of the office of the superintendent of public instruction to produce the transportation analysis.

(14) \$192,000 of the general fund—state appropriation for fiscal year 2020 and \$288,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the office of financial management to contract for project management and fiscal modeling to support collaborations with the office of the superintendent of public instruction and department of children, youth, and families to complete a report with options and recommendations for administrative efficiencies and long-term strategies which align and integrate high-quality early learning programs administered by both agencies. The report is due to the governor and the appropriate committees of the legislature by September 1, 2020.

(15) When determining financial feasibility and submitting a request for funds necessary to implement collective bargaining agreements for the 2021-2023 fiscal biennium, the office of financial management should request funds from the state general fund rather than the state wildlife account for the department of fish and wildlife cost. The legislature intends that requests for funds not be made from accounts with insufficient fund balances and where the administering agency lacks the statutory authority to generate additional revenue to the account.

(16) The office shall consult with agencies of the state, including but not limited to the department of natural resources, state parks and recreation commission, department of fish and wildlife, conservation commission, Puget Sound partnership, recreation and conservation office, and department of ecology, to prioritize actions and investments that mitigate the effects of climate change and strengthen the resiliency of communities and the natural environment. The recommended prioritization list shall be submitted to the governor and the legislature by November 1, 2020, to be considered for funding from the climate resiliency account created in section 924 of this act.

(17) The education research and data center must provide data requested by the joint legislative audit and review committee or the Washington state institute for public policy within six months from the date of the initial formal request. The education research and data center and data contributors must notify the joint committee or the institute in writing if they determine the data request does not comply with the federal educational rights and privacy act, no later than twenty-one days after the initial formal request.

(18) \$40,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the office of financial management to review and report on vendor rates for services provided to low-income individuals at the department of children, youth, and families, the department of corrections, and the department of social and health services. The report must be submitted to the governor and the appropriate committees of the legislature by December 1, 2020, and must include review of, at least:

(a) The current rates for services by vendor;

(b) A history of increases to the rates since fiscal year 2010 by vendor;

(c) A comparison of how the vendor increases and rates compare to inflation; and

(d) A summary of the billing methodology for the vendor rates.

(19) \$150,000 of the general fund—state appropriation for fiscal year 2021 and \$150,000 of the general fund—federal appropriation are provided solely for the office to seek an independent audit of the health care authority's administrative costs and expenditures. The audit must be provided to the legislature no later than September 1, 2021, and must include all administrative costs associated with the medicaid program, including, but not limited to costs expended by the authority for:

(a) Staff necessary to operate the program;

(b) Administrative costs associated with managed care plan operation;

(c) Other administrative costs incurred through additional third party administrators or administrators of medicaid or medicaid-related programs; and

(d) Fiscal intermediaries and third party administrators engaged on behalf of the authority.

(20) \$350,000 of the general fund—state appropriation for fiscal year 2021, and \$350,000 of the general fund—federal appropriation are provided solely to contract with one or more research or actuarial entities to examine the delivery of behavioral and physical health care services for which the health care authority contracts with a risk-bearing fiscal intermediary, excluding any contracts for employee benefit programs. A report must be provided to the legislature no later than September 1, 2021, and must include:

(a) A description of the types of payment methods currently used by risk-bearing fiscal intermediaries to establish provider payments. The report must identify, and, to the extent practicable, quantify, instances of case payment rates, broad encounter rates, value-based purchasing, subcapitation, or similar methodologies;

(b) Options available to the legislature and the governor to ensure that risk-bearing fiscal intermediaries meet standards for quality and access to care; and

(c) Options available to the legislature and the governor to modify payment rates to providers that offer services under medicaid managed care. To the extent practicable, for each option the report must discuss the potential implications to federal funding and client access to care for both state-funded and private pay patients and identify whether the option could be restricted to particular types of service, provider specializations, client characteristics, care settings, geographic areas, or other relevant, identified demographic criteria.

(21) \$250,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the education research and data center to expand its higher education finance report on the education research and data center web site to include budget, expenditure, and revenue data for institutions of higher education. The budget, expenditure,

and revenue data must be by fund for each institution and for all appropriated, nonappropriated, and nonallotted funds, including the source and use of tuition and fee revenue. Expenditure data must include program and activity information. Revenue data must include source of funds.

(22) \$50,000 of the general fund—state appropriation for fiscal year 2021 is provided on a one-time basis solely for the office to work with a correctional facility located in Des Moines, Washington serving the confinement needs of multiple member cities and a number of contract agencies to study and review the most cost effective delivery options for providing medication assisted treatment to individuals located in local jails and state correctional facilities. The office shall provide a report to the legislature and the appropriate fiscal committees of the legislature by November 10, 2020, which includes recommendations for and the costs associated with providing safe, effective treatment and coordination of care. The study and report must include identification of alternative revenue sources.

(23) \$90,000 of the general fund—state appropriation for fiscal year 2020 and \$85,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the education research and data center to conduct a statewide study of opportunity youth. The center shall provide a report of its findings to the appropriate committees of the legislature by December 31, 2020. The study must include:

(a) The number of people in Washington between the ages of sixteen and twenty-nine who have enrolled in Washington schools or participated in the Washington workforce between 2015 and 2019 before completely opting out, including:

(i) The rate of young people without a high school diploma or a high school equivalency certificate who are disconnected from high school;

(ii) The rate of young people with a high school diploma, but without a postsecondary credential, who are disconnected from postsecondary education and may or may not be working;

(iii) The rate of young people with a postsecondary credential, but not enrolled in postsecondary education, who are disconnected from the Washington workforce; and

(iv) The rate of young people disconnected from the Washington workforce and not enrolled in Washington schools.

(b) The education levels for each of the following age bands: 16-18, 19-21, 22-24, 25-29. The education levels include:

(i) No diploma;

(ii) High school diploma or high school equivalency certificate;

(iii) Some higher education but no degree;

(iv) Associates degree;

(v) Bachelor's degree;

(vi) Graduate degree or higher; and

(vii) Degree (associates or higher).

(c) The employment levels for each of the following age bands: 16-18, 19-21, 22-24, 25-29. The employment levels include:

(i) Not employed;

(ii) Part-time; and

(iii) Full-time.

(d) Disaggregation of data to the extent possible by race, gender, native or foreign born, income above or below 200 percent of the poverty line, average salary, and job industry.

**Sec. 130.** 2019 c 415 s 132 (uncodified) is amended to read as follows:

**FOR THE OFFICE OF ADMINISTRATIVE HEARINGS**

Administrative Hearings Revolving Account—State	
Appropriation .....	<del>(\$45,688,000))</del>
	<u>\$47,550,000</u>
TOTAL APPROPRIATION .....	<del>\$45,688,000</del>
	<u>\$47,550,000</u>

The appropriation in this section is subject to the following conditions and limitations:

(1) \$173,000 of the administrative hearing revolving account—state appropriation is provided solely for the implementation of chapter 13, Laws of 2019 (SHB 1399).

(2) \$46,000 of the administrative hearings revolving account—state appropriation is provided solely for the implementation of Second Substitute House Bill No. 1645 (parental improvement). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

**Sec. 131.** 2019 c 415 s 133 (uncodified) is amended to read as follows:

**FOR THE WASHINGTON STATE LOTTERY**

Lottery Administrative Account—State Appropriation	
.....	<del>(\$29,854,000))</del>
	<u>\$29,858,000</u>
TOTAL APPROPRIATION .....	<del>\$29,854,000</del>
	<u>\$29,858,000</u>

The appropriation in this section is subject to the following conditions and limitations:

(1) No portion of this appropriation may be used for acquisition of gaming system capabilities that violate state law.

(2) Pursuant to RCW 67.70.040, the commission shall take such action necessary to reduce retail commissions to an average of 5.1 percent of sales.

**Sec. 132.** 2019 c 415 s 134 (uncodified) is amended to read as follows:

**FOR THE COMMISSION ON HISPANIC AFFAIRS**

General Fund—State Appropriation (FY 2020)	
.....	<del>(\$401,000))</del>
	<u>\$438,000</u>
General Fund—State Appropriation (FY 2021)	
.....	<del>(\$413,000))</del>
	<u>\$465,000</u>
Pension Funding Stabilization Account—State	
Appropriation .....	\$26,000
TOTAL APPROPRIATION .....	<del>\$840,000</del>
	<u>\$929,000</u>

The appropriations in this section are subject to the following conditions and limitations: \$3,000 of the general fund—state appropriation for fiscal year 2020 and \$2,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of Substitute Senate Bill No. 5023 (ethnic studies). ~~((If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.))~~

**Sec. 133.** 2019 c 415 s 135 (uncodified) is amended to read as follows:

**FOR THE COMMISSION ON AFRICAN-AMERICAN AFFAIRS**

General Fund—State Appropriation (FY 2020)	
.....	<del>(\$318,000))</del>
	<u>\$321,000</u>
General Fund—State Appropriation (FY 2021)	
.....	<del>(\$301,000))</del>
	<u>\$408,000</u>
Pension Funding Stabilization Account—State	
Appropriation .....	\$26,000
TOTAL APPROPRIATION .....	<del>\$645,000</del>
	<u>\$755,000</u>

**Sec. 134.** 2019 c 415 s 136 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF RETIREMENT SYSTEMS—OPERATIONS**

Department of Retirement Systems Expense	
Account—State Appropriation .....	<del>(\$60,059,000))</del>
	<u>\$61,964,000</u>
TOTAL APPROPRIATION .....	<del>\$60,059,000</del>
	<u>\$61,964,000</u>

The appropriation in this section is subject to the following conditions and limitations:

(1) ~~(\$160,000))~~ \$166,000 of the department of retirement systems—state appropriation is provided solely

for the administrative costs associated with implementation of Substitute House Bill No. 1661 (higher education retirement). If the bill is not enacted by June 30, ~~((2019))~~ 2020, the amount provided in this subsection shall lapse.

(2) \$106,000 of the department of retirement systems—state appropriation is provided solely for the administrative costs associated with implementation of Senate Bill No. 5350 (optional life annuity). ~~((If the bill is not enacted by June 30, 2019, the amount provided in this subsection shall lapse.))~~

(3) \$139,000 of the department of retirement systems—state appropriation is provided solely for the administrative costs associated with implementation of Engrossed Substitute House Bill No. 1308 or Senate Bill No. 5360 (retirement system defaults). ~~((If the bill is not enacted by June 30, 2019, the amount provided in this subsection shall lapse.))~~

(4) \$44,000 of the department of retirement systems—state appropriation is provided solely for the administrative costs associated with implementation of House Bill No. 1408 (survivorship benefit options). ~~((If the bill is not enacted by June 30, 2019, the amount provided in this subsection shall lapse.))~~

(5) \$53,000 of the department of retirement systems—state appropriation is provided solely for implementation of Senate Bill No. 6417 (survivor option change). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

(6) \$48,000 of the department of retirement systems—state appropriation is provided solely for implementation of Engrossed House Bill No. 1390 (public employees retirement systems). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

(7) \$44,000 of the department of retirement systems—state appropriation is provided solely for the administrative costs associated with ongoing implementation and administrative costs associated with House Bill No. 2189 (PSERS/comp restoration work). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

(8) \$144,000 of the department of retirement systems—state appropriation is provided solely for the administrative costs associated with ongoing implementation of chapter 259, Laws of 2019 (E2SHB 1139).

(9) \$38,000 of the department of retirement systems—state appropriation is provided solely for the administrative costs associated with ongoing implementation and administrative costs associated with Substitute House Bill No. 2544 (definition of veteran). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

**Sec. 135.** 2019 c 415 s 137 (uncodified) is amended to read as follows:

#### **FOR THE DEPARTMENT OF REVENUE**

General Fund—State Appropriation (FY 2020)  
..... ~~((\$150,681,000))~~

\$150,901,000

General Fund—State Appropriation (FY 2021)  
..... ~~((\$144,287,000))~~

\$153,625,000

Timber Tax Distribution Account—State  
Appropriation..... ~~((\$7,289,000))~~

\$7,368,000

Business License Account—State Appropriation  
..... ~~((\$20,606,000))~~

\$20,666,000

Waste Reduction, Recycling, and Litter Control

Account—State Appropriation .....\$168,000

Model Toxics Control Operating Account—

State Appropriation.....\$119,000

Financial Services Regulation Account—State

Appropriation.....\$5,000,000

Pension Funding Stabilization Account—State

Appropriation.....\$13,486,000

TOTAL APPROPRIATION.....\$341,636,000

\$351,333,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$142,000 of the general fund—state appropriation for fiscal year 2020 is provided solely for the implementation of Second Substitute House Bill No. 1059 (B&O return filing due date). ~~((If the bill is not enacted by June 30, 2019, the amount provided in this subsection shall lapse.))~~

(2)(a) ~~((\$4,150,000))~~ \$4,268,000 of the general fund—state appropriation for fiscal year 2020 and ~~((\$1,921,000))~~ \$3,238,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the department to implement 2019 revenue legislation.

(b) Within the amounts provided in this subsection, sufficient funding is provided for the department to implement section 11 of Engrossed Substitute Senate Bill No. 5183 (manufactured/mobile homes).

(c)(i) Of the amounts provided in this subsection, ~~((\$1,061,000))~~ \$711,000 of the general fund—state appropriation for fiscal year 2020 and ~~((\$977,000))~~ \$1,327,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the department to facilitate a tax structure work group, initially created within chapter 1, Laws of 2017 3rd sp. sess. (SSB 5883) and hereby reauthorized.

(ii) In addition to the membership as set forth in chapter 1, Laws of 2017 3rd sp. sess., the tax structure work

group is expanded to include (~~(nonvoting))~~ voting members as follows:

(A) The president of the senate must appoint two members from each of the two largest caucuses of the senate;

(B) The speaker of the house of representatives must appoint two members from each of the two largest caucuses of the house of representatives; and

(C) The governor must appoint one member who represents the office of the governor.

(iii) The work group must include the following nonvoting members:

(A) One representative of the department;

(B) One representative of the association of Washington cities; and

(C) One representative of the Washington state association of counties.

(iv) All voting members of the work group must indicate, in writing, their interest in serving on the tax structure work group and provide a statement of understanding that the commitment to serve on the tax structure work group is through December 31, 2024. Elected officials not reelected to their respective offices may be relieved of their responsibilities on the tax structure work group. Vacancies on the tax structure work group must be filled within sixty days of notice of the vacancy. The work group must choose a chair or cochair from among its legislative membership. The chair is, or cochair is, responsible for convening the meetings of the work group no less than quarterly each year. Recommendations and other decisions of the work group may be approved by a simple majority vote. All work group members may have a representative attend meetings of the tax structure work group in lieu of the member, but voting by proxy is not permitted. Staff support for the work group must be provided by the department. The department may engage one or more outside consultants to assist in providing support for the work group. Members of the work group must serve without compensation but may be reimbursed for travel expenses under RCW 44.04.120, 43.03.050, and 43.03.060.

(v) The duties of the work group are to:

(A) By December 1, 2019, convene no less than one meeting to elect a chair, or cochair, and conduct other business of the work group;

(B) By December ~~((+))~~ 31, 2020, the department and technical advisory group must prepare a summary report of their preliminary findings and alternatives described in (c)(vii) of this subsection;

(C) By May 1, 2021, the work group must:

(I) Hold no less than one meeting in Olympia to review the preliminary findings described in (c)(vii) of this subsection. At least one meeting must engage stakeholder groups, as described in (c)(vi)(A) of this subsection;

(II) Begin to plan strategies to engage taxpayers and key stakeholder groups to encourage participation in the public meetings described in (c)(vii) of this subsection;

(III) Present the summary report described in (c)(vii) of this subsection in compliance with RCW 43.01.036 to the appropriate committees of the legislature;

(IV) Be available to deliver a presentation to the appropriate committees of the legislature including the elements described in (c)(vi)(B) of this subsection; and

(V) Finalize the logistics of the engagement strategies described in (c)(v)(D) of this subsection; and

(D) After the conclusion of the 2021 legislative session, the work group must:

(I) Hold no less than five public meetings in geographically dispersed areas of the state;

(II) Present the findings described in (c)(vii) of this subsection and alternatives to the state's current tax structure at the public meetings;

(III) Provide an opportunity at the public meetings for taxpayers to engage in a conversation about the state tax structure including, but not limited to, providing feedback on possible recommendations for changes to the state tax structure and asking questions about the report and findings and alternatives to the state's current tax structure presented by the work group;

(IV) Utilize methods to collect taxpayer feedback before, during, or after the public meetings that may include, but is not limited to: Small group discussions, in-person written surveys, in-person visual surveys, online surveys, written testimony, and public testimony;

(V) Encourage legislators to inform their constituents about the public meetings that occur within and near their legislative districts;

(VI) Inform local elected officials about the public meetings that occur within and near their communities; and

(VII) Summarize the feedback that taxpayers and other stakeholders communicated during the public meetings and other public engagement methods, and submit a final summary report, in accordance with RCW 43.01.036, to the appropriate committees of the legislature. This report may be submitted as an appendix or update to the summary report described in (c)(vii) of this subsection.

(vi)(A) The stakeholder groups referenced by (c)(v)(C)(I) of this subsection must include, at a minimum, organizations and individuals representing the following:

(I) Small, start-up, or low-margin business owners and employees or associations expressly dedicated to representing these businesses, or both; and

(II) Individual taxpayers with income at or below one hundred percent of area median income in their county of residence or organizations expressly dedicated to representing low-income and middle-income taxpayers, or both;

(B) The presentation referenced in (c)(v)(C)(IV) of this subsection must include the following elements:

(I) The findings and alternatives included in the summary report described in (c)(vii) of this subsection; and

(II) The preliminary plan to engage taxpayers directly in a robust conversation about the state's tax structure including, presenting the findings described in (c)(vii) of this subsection and alternatives to the state's current tax structure, and collecting feedback to inform development of recommendations.

(vii) The duties of the department, with assistance of one or more technical advisory groups, are to:

(A) With respect to the final report of findings and alternatives submitted by the Washington state tax structure study committee to the legislature under section 138, chapter 7, Laws of 2001 2nd sp. sess.:

(I) Update the data and research that informed the recommendations and other analysis contained in the final report;

(II) Estimate how much revenue all the revenue replacement alternatives recommended in the final report would have generated for the 2017-2019 fiscal biennium if the state had implemented the alternatives on January 1, 2003;

(III) Estimate the tax rates necessary to implement all recommended revenue replacement alternatives in order to achieve the revenues generated during the 2017-2019 fiscal biennium as reported by the economic and revenue forecast council;

(IV) Estimate the impact on taxpayers, including tax paid as a share of household income for various income levels, and tax paid as a share of total business revenue for various business activities, for (c)(vii)(A)(II) and (III) of this subsection; and

(V) Estimate how much revenue would have been generated in the 2017-2019 fiscal biennium, if the incremental revenue alternatives recommended in the final report would have been implemented on January 1, 2003, excluding any recommendations implemented before the effective date of this section;

(B) With respect to the recommendations in the final report of the 2018 tax structure work group:

(I) Conduct economic modeling or comparable analysis of replacing the business and occupation tax with an alternative, such as corporate income tax or margins tax, and estimate the impact on taxpayers, such as tax paid as a share of total business revenue for various business activities, assuming the same revenues generated by business and occupation taxes during the 2017-2019 fiscal biennium as reported by the economic and revenue forecast council; and

(II) Estimate how much revenue would have been generated for the 2017-2019 fiscal biennium if the one percent revenue growth limit on regular property taxes was replaced with a limit based on population growth and

inflation if the state had implemented this policy on January 1, 2003;

(C) To analyze our economic competitiveness with border states:

(I) Estimate the revenues that would have been generated during the 2017-2019 fiscal biennium, had Washington adopted the tax structure of those states, assuming the economic tax base for the 2017-2019 fiscal biennium as reported by the economic and revenue forecast council; and

(II) Estimate the impact on taxpayers, including tax paid as a share of household income for various income levels, and tax paid as a share of total business revenue for various business activities for (c)(vii)(C)(I) of this subsection;

(D) To analyze our economic competitiveness in the context of a national and global economy, provide comparisons of the effective state and local tax rate of the tax structure during the 2017-2019 fiscal biennium and various alternatives under consideration, as they compare to other states and the federal government, as well as consider implications of recent changes to federal tax law;

(E) To the degree it is practicable, conduct tax incidence analysis of the various alternatives under consideration to account for the impacts of tax shifting, such as business taxes passed along to consumers and property taxes passed along to renters;

(F) To the degree it is practicable, present findings and alternatives by geographic area, in addition to statewide; and

(G) Conduct other analysis as directed by the work group.

(3) \$63,000 of the general fund—state appropriation for fiscal year 2020 and \$7,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the implementation of Engrossed Second Substitute Senate Bill No. 5497 (immigrants in the workplace). ~~((If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.))~~

(4) Within existing resources, the department must compile a report on the annual amount of state retail sales tax collected under chapter 82.08 RCW on sales occurring at area fairs and county fairs as described in RCW 15.76.120. The report must be submitted to the appropriate committees of the legislature by December 1, 2019.

(5) \$4,000,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the department to implement 2020 revenue legislation.

(6) \$47,000 of the business license account—state appropriation is provided solely for implementation of Substitute Senate Bill No. 6632 (business licensing services). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

(7) By January 1, 2021, and by January 1st of each year thereafter, the department must notify the fiscal committees of the legislature of the amount of taxes

collected on qualified transactions and paid to each compacting tribe in the prior fiscal year under Substitute Senate Bill No. 6601 or Substitute House Bill No. 2803 (Indian tribes compact/taxes).

(8) Within amounts appropriated in this section, the department shall update the document titled "Washington Action Plan - FAA Policy Concerning Airport Revenue" to reflect changes to Washington tax code regarding hazardous substances. The department, in consultation with the aviation division of the Washington state department of transportation, shall develop and recommend a methodology to segregate and track actual amounts collected from the hazardous substance tax under chapter 82.21 RCW and the petroleum products tax under chapter 82.23A RCW as imposed on aviation fuel. The department must submit a report, including the recommended methodology, to the fiscal committees of the legislature by January 11, 2021.

(9) \$75,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the department to evaluate long-term funding options to support the operations of the Pioneer Square-International District community preservation and development authority established in RCW 43.167.060. The department must provide a report to the governor and appropriate committees of the legislature by June 30, 2021, with recommendations for funding options including but not limited to an impact fee on tickets sold for events held in major public facilities located adjacent to the geographic area established by the authority. In developing its recommendations, the department must consult with the authority, King county, the city of Seattle, and the owners and operators of major public facilities projects located adjacent to the geographic area established by the authority.

**Sec. 136.** 2019 c 415 s 138 (uncodified) is amended to read as follows:

#### **FOR THE BOARD OF TAX APPEALS**

General Fund—State Appropriation (FY 2020)  
.....((~~\$2,382,000~~))  
\$2,543,000

General Fund—State Appropriation (FY 2021)  
.....((~~\$2,421,000~~))  
\$2,598,000

Pension Funding Stabilization Account—State  
Appropriation.....\$162,000

TOTAL APPROPRIATION .....\$4,965,000  
\$5,303,000

The appropriations in this section are subject to the following conditions and limitations: \$30,000 of the general fund—state appropriation for fiscal year 2020 and \$9,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the board to continue maintaining its legacy case management software and conduct a feasibility study to determine how best to update or replace the case management software.

**Sec. 137.** 2019 c 415 s 139 (uncodified) is amended to read as follows:

#### **FOR THE OFFICE OF MINORITY AND WOMEN'S BUSINESS ENTERPRISES**

General Fund—State Appropriation (FY 2020)  
.....\$109,000

General Fund—State Appropriation (FY 2021)  
.....((~~\$101,000~~))  
\$760,000

Minority and Women's Business Enterprises

Account—State Appropriation .....((~~\$5,347,000~~))  
\$5,352,000

TOTAL APPROPRIATION.....\$5,557,000  
\$6,221,000

The appropriations in this section are subject to the following conditions and limitations: \$75,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the office of minority and women's business enterprises to enter into an interagency agreement with the Washington state department of transportation for the department to write a surety bonding program report. This report is due to the governor by December 1, 2020.

**Sec. 138.** 2019 c 415 s 140 (uncodified) is amended to read as follows:

#### **FOR THE INSURANCE COMMISSIONER**

General Fund—Federal Appropriation .....\$4,661,000  
Insurance Commissioner's Regulatory Account—  
State

Appropriation.....((~~\$69,673,000~~))  
\$68,917,000

Insurance Commissioner's Fraud Account—State  
Appropriation.....\$1,784,000

TOTAL APPROPRIATION.....\$74,334,000  
\$75,362,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$536,000 of the insurance commissioners regulatory account—state appropriation is provided solely to implement Engrossed Substitute Senate Bill No. 5526 (individual health insurance market). ((If the bill is not enacted by June 30, 2019, the amount provided in this subsection shall lapse.))

(2) \$45,000 of the insurance commissioners regulatory account—state appropriation is provided solely to implement Engrossed Substitute House Bill No. 1879 (Rx drug utilization management). ((If the bill is not enacted by June 30, 2019, the amount provided in this subsection shall lapse.))

(3) \$397,000 of the insurance commissioners regulatory account—state appropriation is provided solely to implement Substitute House Bill No. 1075 (consumer

competitive group insurance). ~~((If the bill is not enacted by June 30, 2019, the amount provided in this subsection shall lapse.))~~

(4) \$1,015,000 of the insurance commissioners regulatory account—state appropriation is provided solely to implement Second Substitute House Bill No. 1065 (out-of-network health). ~~((If the bill is not enacted by June 30, 2019, the amount provided in this subsection shall lapse.))~~

(5) \$60,000 of the insurance commissioners regulatory account—state appropriation is provided solely for implementation of chapter 16, Laws of 2019 (HB 1001) (service contract providers).

(6) \$84,000 of the insurance commissioners regulatory account—state appropriation is provided solely for implementation of chapter 56, Laws of 2019 (SSB 5889) (insurance communications confidentiality).

(7) \$125,000 of the insurance commissioners regulatory account—state appropriation is provided solely for implementation of Second Substitute Senate Bill No. 5602 (reproductive health care). ~~((If the bill is not enacted by June 30, 2019, the amount provided in this subsection shall lapse.))~~

(8) \$125,000 of the insurance commissioner's regulatory account—state appropriation is provided solely for staffing and supporting the work of the natural disaster and resiliency workgroup for Substitute Senate Bill No. 5106 (natural disaster mitigation). ~~((If the bill is not enacted by June 30, 2019, the amount provided in this subsection shall lapse.))~~

(9) Within the amounts appropriated in this section, the commissioner shall review how pharmacy benefit managers are regulated in other states and report the findings to the governor and appropriate committees of the legislature by September 15, 2019.

(10) \$333,000 of the insurance commissioners regulatory account—state appropriation is provided solely for the implementation of Second Substitute Senate Bill No. 5601 (health care benefit managers). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

(11) \$1,784,000 of the insurance commissioners fraud account—state appropriation is provided solely for the implementation of Senate Bill No. 6049 (insurance fraud account). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

(12) \$10,000 of the insurance commissioners regulatory account—state appropriation is provided solely for the implementation of Substitute Senate Bill No. 6050 (insurance guaranty fund). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

(13) \$61,000 of the insurance commissioners regulatory account—state appropriation is provided solely for the implementation of Substitute Senate Bill No. 6051 (medicare part D supplement). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

(14) \$30,000 of the insurance commissioners regulatory account—state appropriation is provided solely for the implementation of Substitute Senate Bill No. 6052 (life insurance/behavior). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

(15) \$45,000 of the insurance commissioners regulatory account—state appropriation is provided solely for the implementation of Engrossed Second Substitute House Bill No. 2662 (total cost of insulin). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

(16) \$323,000 of the insurance commissioners regulatory account—state appropriation is provided solely for the implementation of Engrossed Second Substitute Senate Bill No. 6331 (captive insurance). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

(17) \$15,000 of the insurance commissioners regulatory account—state appropriation is provided solely for the implementation of Engrossed Substitute Senate Bill No. 6404 (health plans/prior authorization). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

(18) \$10,000 of the insurance commissioners regulatory account—state appropriation is provided solely for the implementation of Second Engrossed Senate Bill No. 5887 (prior authorization). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

(19)(a) The office of the insurance commissioner and the health care authority shall convene a work group to determine next steps for insurance coverage of specialty palliative care as defined in the Bree collaborative's 2019 palliative care report. The office of the insurance commissioner and the health care authority shall cochair the work group.

(b) The work group shall consist of the executive director of the Bree collaborative; commercial health insurance companies regulated by the office of the insurance commissioner; managed care organizations; the Washington state hospital association; an organization representing palliative care providers; an organization representing home health agencies; an organization representing hospice services; and a pediatric palliative care provider.

(c) The work group shall report its recommendations to the health care committees of the legislature, and the joint legislative executive committee on aging and disability issues by November 1, 2020.

(20) \$23,000 of the insurance commissioner's regulatory account—state appropriation is provided solely to implement Second Substitute House Bill No. 2457 (health care cost board). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

(21) \$32,000 of the insurance commissioner's regulatory account—state appropriation is provided solely to implement Substitute House Bill No. 2554 (health plan exclusions). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.



(22) \$71,000 of the insurance commissioner's regulatory account—state appropriation is provided solely to implement Engrossed Substitute House Bill No. 2642 (sub. use disorder coverage). If the bill is not enacted by June 30, 2020, the amounts provided in this subsection shall lapse.

**Sec. 139.** 2019 c 415 s 142 (uncodified) is amended to read as follows:

**FOR THE STATE INVESTMENT BOARD**

State Investment Board Expense Account—State

Appropriation .....((~~\$60,028,000~~))  
\$60,101,000

TOTAL APPROPRIATION .....~~\$60,028,000~~  
\$60,101,000

**Sec. 140.** 2019 c 415 s 143 (uncodified) is amended to read as follows:

**FOR THE LIQUOR AND CANNABIS BOARD**

General Fund—State Appropriation (FY 2020)  
.....((~~\$356,000~~))  
\$355,000

General Fund—State Appropriation (FY 2021)  
.....((~~\$392,000~~))  
\$566,000

General Fund—Federal Appropriation.((~~\$3,034,000~~))  
\$3,035,000

General Fund—Private/Local Appropriation . \$75,000

Dedicated Marijuana Account—State Appropriation  
(FY 2020).....((~~\$11,662,000~~))  
\$11,649,000

Dedicated Marijuana Account—State Appropriation  
(FY 2021).....((~~\$11,625,000~~))  
\$12,148,000

Pension Funding Stabilization Account—State  
Appropriation ..... \$80,000

Liquor Revolving Account—State Appropriation  
.....((~~\$74,514,000~~))  
\$74,902,000

TOTAL APPROPRIATION .....~~\$101,738,000~~  
\$102,810,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The liquor and cannabis board may require electronic payment of the marijuana excise tax levied by RCW 69.50.535. The liquor and cannabis board may allow a waiver to the electronic payment requirement for good cause as provided by rule.

(2) The traceability system is subject to the conditions, limitations, and review provided in ~~((section 719 of this act))~~ section 701 of this act.

(3) \$70,000 of the liquor revolving account—state appropriation is provided solely to implement chapter 61, Laws of 2019 (SHB 1034) (restaurant/soju endorsement).

(4) \$23,000 of the dedicated marijuana account—state appropriation for fiscal year 2020 and \$23,000 of the dedicated marijuana account—state appropriation for fiscal year 2021 are provided solely to implement Engrossed Substitute House Bill No. 1794 (marijuana business agreements). ~~((If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.))~~

(5) \$722,000 of the dedicated marijuana account—state appropriation for fiscal year 2020 and \$591,000 of the dedicated marijuana account—state appropriation for fiscal year 2021 are provided solely for the implementation of Engrossed Substitute Senate Bill No. 5318 (marijuana license compliance). ~~((If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.))~~

(6) \$350,000 of the dedicated marijuana account—state appropriation for fiscal year 2020 and \$350,000 of the dedicated marijuana account—state appropriation for fiscal year 2021 are provided solely for the board to hire additional staff for cannabis enforcement and licensing activities.

(7) \$100,000 of the dedicated marijuana account—state appropriation for fiscal year 2020 is provided solely for the board to convene a work group to determine the feasibility of and make recommendations for varying the marijuana excise tax rate based on product potency. The work group must submit a report of its findings to the appropriate committees of the legislature by December 1, 2019.

(8) \$71,000 of the liquor revolving account—state appropriation is provided solely for the implementation of Engrossed Substitute Senate Bill No. 5006 (sale of wine by microbrewery). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

(9) \$178,000 of the liquor revolving account—state appropriation is provided solely for the implementation of Engrossed Second Substitute Senate Bill No. 5549 (distillery marketing and sales). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

(10) \$56,000 of the liquor revolving account—state appropriation is provided solely for the implementation of Substitute Senate Bill No. 6392 (local wine industry license). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

(11) \$42,000 of the dedicated marijuana account—state appropriation for fiscal year 2021 is provided solely for implementation of Substitute Senate Bill No. 6206 (marijuana compliance certification). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

(12) \$65,000 of the dedicated marijuana account—state appropriation for fiscal year 2021 is provided solely for

implementation of House Bill No. 2826 (marijuana vapor products). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

(13) \$348,000 of the dedicated marijuana account—state appropriation for fiscal year 2021 is provided solely for implementation of Engrossed Second Substitute House Bill No. 2870 (marijuana retail licenses). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

(14) \$172,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for implementation of Second Substitute Senate Bill No. 6254 (vapor products). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

(15) \$30,000 of the dedicated marijuana account—state appropriation for fiscal year 2021 is provided solely for the board to convene a task force on marijuana odor with members as provided in this subsection.

(a) The governor shall appoint seven members, who must include a representative from the following:

(i) The state liquor and cannabis board;

(ii) The department of ecology;

(iii) The department of health;

(iv) The Washington state department of agriculture;

(v) A state association of counties;

(vi) A state association of cities; and

(vii) A representative from the recreational marijuana community or a marijuana producer, processor, or retailer licensed by the state liquor and cannabis board.

(b) The task force shall choose its chair from among its membership. The state liquor and cannabis board shall convene the initial meeting of the task force.

(c) The task force shall review the following issues: The available and most appropriate ways or methods to mitigate, mask, conceal, or otherwise address marijuana odors and emissions and the potentially harmful impact of marijuana odors and emissions on people who live, work, or are located in close proximity to a marijuana production or processing facility, including but not limited to: (a) Filtering systems; (b) natural odor masking mechanisms or odor concealing mechanisms; (c) zoning and land use controls and regulations; and (d) changes to state laws and regulations including, but not limited to, laws and regulations related to nuisance and public health.

(d) Staff support for the task force must be provided by the board.

(e) Members of the task force are not entitled to be reimbursed for travel expenses if they are elected officials or are participating on behalf of an employer, governmental entity, or other organization. Any reimbursement for other nonlegislative members is subject to chapter 43.03 RCW.

(f) The task force must report its findings and recommendations to the governor and the majority and

minority leaders of the two largest caucuses of the house of representatives and the senate by December 31, 2020.

**Sec. 141.** 2019 c 415 s 144 (uncodified) is amended to read as follows:

**FOR THE UTILITIES AND TRANSPORTATION COMMISSION**

General Fund—State Appropriation (FY 2020)  
.....\$173,000

General Fund—State Appropriation (FY 2021)  
.....\$123,000

General Fund—Private/Local Appropriation  
.....(((\$16,725,000))

\$16,642,000

Public Service Revolving Account—State  
Appropriation.....(((\$41,545,000))

\$42,054,000

Public Service Revolving Account—Federal  
Appropriation.....\$230,000

Pipeline Safety Account—State Appropriation  
.....(((\$3,506,000))

\$2,571,000

Pipeline Safety Account—Federal Appropriation  
.....(((\$3,202,000))

\$4,163,000

TOTAL APPROPRIATION.....\$65,274,000

\$65,956,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Up to \$800,000 of the public service revolving account—state appropriation in this section is for the utilities and transportation commission to supplement funds committed by a telecommunications company to expand rural broadband service on behalf of an eligible governmental entity. The amount in this subsection represents payments collected by the utilities and transportation commission pursuant to the Qwest performance assurance plan.

(2) \$330,000 of the public service revolving account—state appropriation is provided solely for implementation of Engrossed Third Substitute House Bill No. 1257 (energy efficiency). ~~((If the bill is not enacted by June 30, 2019, the amount provided in this subsection shall lapse.~~

~~(4))~~ (3) \$95,000 of the public service revolving account—state appropriation is provided solely for implementation of Substitute House Bill No. 1512 (transportation electrification). ~~((If the bill is not enacted by June 30, 2019, the amount provided in this subsection shall lapse.~~

~~(6))~~ (4) \$50,000 of the general fund—state appropriation for fiscal year 2020 is provided solely for the commission to convene a work group on preventing

underground utility damage. The work group is subject to the following requirements:

(a) The utilities and transportation commission shall contract with an independent facilitator for the work group to facilitate and moderate meetings, provide objective facilitation and negotiation between work group members, ensure participants receive information and guidance so that they respond in a timely manner, and synthesize agreements and points under negotiation.

(b) The work group shall discuss topics such as, but not limited to: How facility operators and excavators schedule meeting times and places; new requirements for marking locatable underground facilities; a definition of "noninvasive methods"; the procedures that must take place when an excavator discovers (and may or may not damage) an underground facility; positive response procedures; utility identification procedures for newly constructed and replacement underground facilities; the membership composition of the dig law safety committee; liability for damage occurring from an excavation when either the excavator or the facility operator fails to comply with the statutory requirements relating to notice requirements or utility marking requirements; and ensuring consistency with the pipeline and hazardous materials safety administration towards a uniform national standard.

(c) The work group shall include, but is not limited to, members representing cities, counties, public and private utility companies, construction and excavator communities, water-sewer districts, and other government entities with underground facilities.

(d) The work group shall meet a minimum of four times and produce a report with recommendations to the governor and legislature by December 1, 2019.

~~((7))~~ (5) \$123,000 of the general fund—state appropriation for fiscal year 2020, \$123,000 of the general fund—state appropriation for fiscal year 2021, and \$814,000 of the public services revolving account—state appropriation are provided solely for the implementation of Engrossed Second Substitute Senate Bill No. 5116 (clean energy). ~~((If the bill is not enacted by June 30, 2019, the amount provided in this subsection shall lapse.~~

~~(8))~~ (6) \$14,000 of the public service revolving account—state appropriation is provided solely for the implementation of Engrossed Second Substitute House Bill No. 1112 (hydrofluorocarbons emissions). ~~((If the bill is not enacted by June 30, 2019, the amount provided in this subsection shall lapse.~~

~~(9))~~ (7) The appropriations in this section include sufficient funding for the implementation of Second Substitute Senate Bill No. 5511 (broadband service).

(8) \$580,000 of the public service revolving account—state appropriation and \$15,000 of the pipeline safety account—state appropriation are provided solely for implementation of Engrossed Second Substitute House Bill No. 2518 (natural gas transmission). If the bill is not enacted by June 30, 2020, the amounts provided in this subsection shall lapse.

**Sec. 142.** 2019 c 415 s 145 (uncodified) is amended to read as follows:

#### FOR THE MILITARY DEPARTMENT

General Fund—State Appropriation (FY 2020)		
..... (( <del>\$9,900,000</del> ))		
<u>\$10,101,000</u>		
General Fund—State Appropriation (FY 2021)		
..... (( <del>\$10,269,000</del> ))		
<u>\$11,403,000</u>		
General	Fund—Federal	Appropriation
..... (( <del>\$118,165,000</del> ))		
<u>\$119,228,000</u>		
Enhanced 911 Account—State	Appropriation	
..... (( <del>\$43,745,000</del> ))		
<u>\$43,746,000</u>		
Disaster Response Account—State	Appropriation	
..... (( <del>\$28,774,000</del> ))		
<u>\$49,998,000</u>		
Disaster Response Account—Federal	Appropriation	
..... (( <del>\$97,048,000</del> ))		
<u>\$134,058,000</u>		
Military Department Rent and Lease Account—State		
Appropriation..... (( <del>\$615,000</del> ))		
<u>\$1,066,000</u>		
Military Department Active State Service Account—		
State	Appropriation..... \$400,000	
Oil Spill Prevention Account—State Appropriation		
..... \$1,040,000		
Worker and Community Right to Know Fund—State		
Appropriation..... (( <del>\$1,848,000</del> ))		
<u>\$1,849,000</u>		
Pension Funding Stabilization Account—State		
Appropriation..... \$1,244,000		
TOTAL APPROPRIATION..... <del>\$313,048,000</del>		
<u>\$374,133,000</u>		

The appropriations in this section are subject to the following conditions and limitations:

(1) The military department shall submit a report to the office of financial management and the legislative fiscal committees ~~((on))~~ by February 1st and October 31st of each year detailing information on the disaster response account, including: (a) The amount and type of deposits into the account; (b) the current available fund balance as of the reporting date; and (c) the projected fund balance at the end

of the 2019-2021 biennium based on current revenue and expenditure patterns.

(2) \$40,000,000 of the general fund—federal appropriation is provided solely for homeland security, subject to the following conditions: Any communications equipment purchased by local jurisdictions or state agencies shall be consistent with standards set by the Washington state interoperability executive committee.

(3) \$625,000 of the general fund—state appropriation for fiscal year 2020 and \$625,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the conditional scholarship program pursuant to chapter 28B.103 RCW.

(4) \$11,000,000 of the enhanced 911 account—state appropriation is provided solely for financial assistance to counties.

(5) \$784,000 of the disaster response account—state appropriation is provided solely for fire suppression training, equipment, and supporting costs to national guard soldiers and airmen.

(6) \$100,000 of the enhanced 911 account—state appropriation is provided solely for the department, in collaboration with a representative group of counties, public service answering points, and first responder organizations, to submit a report on the 911 system to the appropriate legislative committees by October 1, 2020. The report must include:

(a) The actual cost per fiscal year for the state, including all political subdivisions, to operate and maintain the 911 system including, but not limited to, the ESInet, call handling equipment, personnel costs, facility costs, contractual costs, administrative costs, and legal fees.

(b) The difference between the actual state and local costs and current state and local 911 funding.

(c) Potential cost-savings and efficiencies through the consolidation of equipment, regionalization of services or merging of facilities, positive and negative impacts on the public, legal or contractual restrictions, and appropriate actions to alleviate these constraints.

(7) \$118,000 of the general fund—state appropriation for fiscal year 2020 and \$118,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the implementation of Substitute Senate Bill No. 5012 (governmental continuity). ~~((If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.))~~

(8) ~~(((\$464,000))~~ \$659,000 of the general fund—state appropriation for fiscal year 2020 and ~~(((\$464,000))~~ \$2,087,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the department to procure and install ~~((sixteen))~~ thirty-nine all-hazard alert broadcast sirens to increase inundation zone coverage to alert individuals of an impending tsunami or other disaster.

(9) \$500,000 of the general fund—state appropriation for fiscal year 2020 and \$500,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the

department to procure and install seismic monitoring stations and global navigation satellite systems that integrate with the early warning system known as ShakeAlert.

(10) \$120,000 of the general fund—state appropriation for fiscal year 2020 and \$120,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the department to support an education and public outreach program in advance of the new early earthquake warning system known as ShakeAlert.

(11) \$80,000 of the general fund—state appropriation for fiscal year 2020 and \$23,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementing Substitute Senate Bill No. 5106 (natural disaster mitigation). ~~((If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.))~~

(12) \$200,000 of the military department rental and lease account—state appropriation is provided solely for maintenance staffing.

(13) \$251,000 of the military department rental and lease account—state appropriation is provided solely for the maintenance and operation, including equipment replacement, of the communications infrastructure at camp Murray.

**Sec. 143.** 2019 c 415 s 146 (uncodified) is amended to read as follows:

**FOR THE PUBLIC EMPLOYMENT RELATIONS COMMISSION**

General Fund—State Appropriation (FY 2020)	<del>(((\$2,238,000))</del>
	<u>\$2,237,000</u>
General Fund—State Appropriation (FY 2021)	<del>(((\$2,283,000))</del>
	<u>\$2,291,000</u>
Personnel Service Account—State Appropriation	<del>(((\$4,282,000))</del>
	<u>\$4,343,000</u>
Higher Education Personnel Services Account—State Appropriation	<del>(((\$1,410,000))</del>
	<u>\$1,412,000</u>
Pension Funding Stabilization Account—State Appropriation	\$228,000
TOTAL APPROPRIATION	<u>\$10,441,000</u>
	<u>\$10,511,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$122,000 of the general fund—state appropriation for fiscal year 2020 and \$112,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the administrative costs associated with implementation of Substitute House Bill No. 1575 (collective bargaining/dues).

~~((If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.))~~

(2) The appropriations in this section include sufficient funding for the implementation of Senate Bill No. 5022 (granting interest arbitration to certain higher education uniformed personnel).

(3) \$56,000 of the personnel service account—state appropriation is provided solely for the administrative costs associated with ongoing implementation and administrative costs associated with Substitute House Bill No. 2017 (admin. law judge bargaining). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

**Sec. 144.** 2019 c 415 s 148 (uncodified) is amended to read as follows:

**FOR THE BOARD OF ACCOUNTANCY**

Certified Public Accountants' Account—State

Appropriation ..... ~~((3,631,000))~~

\$3,833,000

TOTAL APPROPRIATION ..... ~~\$3,631,000~~

\$3,833,000

**Sec. 145.** 2019 c 415 s 147 (uncodified) is amended to read as follows:

**FOR THE BOARD FOR VOLUNTEER FIREFIGHTERS**

Volunteer Firefighters' and Reserve Officers'

Administrative Account—State Appropriation

..... ~~((1,020,000))~~

\$1,121,000

TOTAL APPROPRIATION ..... ~~\$1,020,000~~

\$1,121,000

The appropriation in this section is subject to the following conditions and limitations: \$100,000 of the volunteer firefighters' and reserve officers' administrative account—state appropriation is provided solely for legal and consultation fees and services necessary for the board for volunteer firefighters' and reserve officers to address issues related to plan qualification with the federal internal revenue service. The board shall report on the measures taken, and the results to that point, to the appropriate legislative fiscal committees by December 15, 2020.

**Sec. 146.** 2019 c 415 s 149 (uncodified) is amended to read as follows:

**FOR THE FORENSIC INVESTIGATION COUNCIL**

Death Investigations Account—State Appropriation

..... ~~((692,000))~~

\$746,000

TOTAL APPROPRIATION ..... ~~\$692,000~~

\$746,000

The appropriation in this section is subject to the following conditions and limitations:

(1) \$250,000 of the death investigations account—state appropriation is provided solely for providing financial assistance to local jurisdictions in multiple death investigations. The forensic investigation council shall develop criteria for awarding these funds for multiple death investigations involving an unanticipated, extraordinary, and catastrophic event or those involving multiple jurisdictions.

(2) \$210,000 of the death investigations account—state appropriation is provided solely for providing financial assistance to local jurisdictions in identifying human remains.

**Sec. 147.** 2019 c 415 s 150 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF ENTERPRISE SERVICES**

General Fund—State Appropriation (FY 2020)

..... ~~((4,732,000))~~

\$4,810,000

General Fund—State Appropriation (FY 2021)

..... ~~((4,795,000))~~

\$6,324,000

General Fund—Private/Local Appropriation \$102,000

Building Code Council Account—State Appropriation

..... ~~((1,519,000))~~

\$1,966,000

TOTAL APPROPRIATION ..... ~~\$11,148,000~~

\$13,202,000

The appropriations in this section are subject to the following conditions and limitations:

(1) ~~((4,371,000))~~ \$4,343,000 of the general fund—state appropriation for fiscal year 2020 and ~~((4,371,000))~~ \$4,354,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the payment of facilities and services charges to include campus rent, utilities, parking, and contracts, public and historic facilities charges, and capital projects surcharges allocable to the senate, house of representatives, statute law committee, legislative support services, and joint legislative systems committee. The department shall allocate charges attributable to these agencies among the affected revolving funds. The department shall maintain an interagency agreement with these agencies to establish performance standards, prioritization of preservation and capital improvement projects, and quality assurance provisions for the delivery of services under this subsection. The legislative agencies named in this subsection shall continue to enjoy all of the same rights of occupancy and space use on the capitol campus as historically established.

(2) In accordance with RCW 46.08.172 and 43.135.055, the department is authorized to increase parking

fees in fiscal years 2020 and 2021 as necessary to meet the actual costs of conducting business.

(3) Before any agency may purchase a passenger motor vehicle as defined in RCW 43.19.560, the agency must have written approval from the director of the department of enterprise services. Agencies that are exempted from the requirement are the Washington state patrol, Washington state department of transportation, and the department of natural resources.

(4) From the fee charged to master contract vendors, the department shall transfer to the office of minority and women's business enterprises in equal monthly installments \$1,500,000 in fiscal year 2020 and \$1,300,000 in fiscal year 2021.

(5) \$100,000 of the general fund—state appropriation in fiscal year 2020 and \$100,000 of the general fund—state appropriation in fiscal year 2021 is provided solely for the agency to procure cyber incident insurance on behalf of forty-three small to medium sized agencies that are currently without this coverage.

(6)(a) During the 2019-2021 fiscal biennium, the department must revise its master contracts with vendors, including cooperative purchasing agreements under RCW 39.26.060, to include a provision to require that each vendor agrees to equality among its workers by ensuring similarly employed individuals are compensated as equals as follows:

(i) Employees are similarly employed if the individuals work for the same employer, the performance of the job requires comparable skill, effort, and responsibility, and the jobs are performed under similar working conditions. Job titles alone are not determinative of whether employees are similarly employed;

(ii) Vendors may allow differentials in compensation for its workers based in good faith on any of the following:

(A) A seniority system; a merit system; a system that measures earnings by quantity or quality of production; a bona fide job-related factor or factors; or a bona fide regional difference in compensation levels.

(B) A bona fide job-related factor or factors may include, but not be limited to, education, training, or experience, that is: Consistent with business necessity; not based on or derived from a gender-based differential; and accounts for the entire differential.

(C) A bona fide regional difference in compensation level must be: Consistent with business necessity; not based on or derived from a gender-based differential; and account for the entire differential.

(b) The provision must allow for the termination of the contract if the public entity using the contract or agreement of the department of enterprise services determines that the vendor is not in compliance with this agreement or contract term.

(c) The department must implement this provision with any new contract and at the time of renewal of any existing contract.

(d) Any cost for the implementation of this section must be recouped from the fees charged to master contract vendors.

(7) \$10,000 of the general fund—state appropriation for fiscal year 2020 is provided solely for the department to query and inventory all state agency use and amounts of glyphosate. Within amounts provided, the department must offer to pay to state agencies the difference in costs for using alternatives for vegetation control. A report to the appropriate committees of the legislature on the findings of the query and inventory must be made by December 31, 2019.

(8)(a) (~~(\$5,000)~~) \$45,000 of the general fund—state appropriation for fiscal year 2020 (~~(is)~~) and \$70,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for a legislative work group to study and make recommendations on a monument on the capital campus to honor residents who died in the global war in terror. The department of enterprise services must staff the work group, which shall be composed of:

(i) One member from each of the four major caucuses of the legislature;

(ii) The director of the department of veterans affairs or his or her designee;

(iii) The director of the Washington state parks and recreation commission or his or her designee;

(iv) The director of the department of enterprise services or his or her designee;

(v) The director of the Washington state military department or his or her designee;

(vi) The secretary of state or his or her designee;

(vii) The state archivist or his or her designee;

(viii) A representative of the capitol campus design advisory committee that is not the secretary of state or a legislative member already designated to be part of the work group; and

(ix) Two representatives from veterans organizations appointed by the governor.

(b) The work group shall choose two cochairs from among its legislative membership. The legislative membership shall convene the initial meeting of the work group before November 1, 2019.

(c) The work group shall:

(i) Conduct a study of the feasibility of establishing a new memorial on the capitol campus to honor fallen service members from the global war on terrorism;

(ii) Provide the names of the recommended individuals to be honored at the memorial;

(iii) Recommend locations where the memorial could be constructed on the capitol campus and provide any permit requirements or other restrictions that may exist for each location;

(iv) Provide potential draft designs that could be used for the memorial;

(v) Provide information regarding the anticipated funding needed for:

(A) The design, construction, and placement of the memorial;

(B) Any permits that may be required;

(C) Anticipated ongoing maintenance cost for the memorial based on potential materials used and historical maintenance of other memorials on campus; and

(D) An unveiling ceremony or other expenses that may be necessary for the memorial;

(vi) Make recommendations regarding the funding sources that may be available, which may include solicitation of private funds or a method for obtaining the necessary funds; and

(vii) Make recommendations regarding an agency, committee, or commission to coordinate the design, construction, and placement of a memorial on the capitol campus.

(d) Legislative members of the work group shall be reimbursed for travel expenses in accordance with RCW 44.04.120. Nonlegislative members shall be reimbursed for travel expenses in accordance with chapter 43.03 RCW.

(e) The work group shall submit a report of its recommendations to the appropriate committees of the legislature in accordance with RCW 43.01.036 by ~~((November 1, 2020))~~ June 30, 2021.

(9) ~~((The department may expend private local funds for new signage designating the Joan Benoit Samuelson marathon park if the private local funds are received for that specific purpose.~~

~~((40))~~(a) Within existing resources, beginning October 31, 2019, the department, in collaboration with consolidated technology services, must provide a report to the governor and fiscal committees of the legislature by October 31st of each calendar year that reflects information technology contract information based on a contract snapshot from June 30 of that calendar year. The department will coordinate to receive contract information for all contracts to include those where the department has delegated authority so that the report includes statewide contract information. The report must contain a list of all information technology contracts to include the agency name, contract number, vendor name, the contract term start and end dates, the contract dollar amount in total, contract dollar amount by state fiscal year to include contract spending projections for each ensuing state fiscal year through the contract term, and type of service delivered. The list of contracts must be provided electronically in excel and sortable by all fields.

(b) In determining the type of service delivered, groupings must include agreed upon items by the department, the office of the chief information officer, senate fiscal staff, and house fiscal staff. This grouping criteria must be agreed upon by August 31, 2019.

~~((44))~~ (10) The department must use any new resources provided for civic education solely for the free-to-schools civic education program.

(11) Within existing resources, the department must study the increase in tort claims filed generally and with a specific focus on the increase in tort claims filed and payouts made against the department of children, youth, and families. The study must include an assessment of the source of the payouts, such as jury awards, court judgments, mediation, and arbitration awards. The department should determine the root cause for these increases and develop recommendations on how to reduce the number of tort claims filed and payouts made. The department must coordinate its work with the department of children, youth, and families and the office of the attorney general. A report must be provided to the office of financial management and the appropriate committees of the legislature by November 1, 2020.

(12) In collaboration with the office of the governor, the department will add a diversity, equity, and inclusion training module to the learning management system by June 30, 2021.

(13) \$447,000 of the building code council account—state appropriation is provided solely for an economic study, additional staffing for the council, and to upgrade the web site. Upgrading the web site is subject to the conditions, limitations, and review provided in section 701 of this act.

**Sec. 148.** 2019 c 415 s 151 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF ARCHAEOLOGY  
AND HISTORIC PRESERVATION**

General Fund—State Appropriation (FY 2020)	
.....	<del>((1,926,000))</del>
	<u>\$2,133,000</u>
General Fund—State Appropriation (FY 2021)	
.....	<del>((1,979,000))</del>
	<u>\$2,328,000</u>
General Fund—Federal Appropriation	<del>((2,150,000))</del>
	<u>\$2,300,000</u>
General Fund—Private/Local Appropriation	..\$14,000
Pension Funding Stabilization Account—State	
Appropriation.....	\$136,000
TOTAL APPROPRIATION.....	<del>\$6,205,000</del>
	<u>\$6,911,000</u>

The appropriations in this section are subject to the following conditions and limitations: \$103,000 of the general fund—state appropriation for fiscal year 2020 and \$103,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for archaeological determinations and excavations of inadvertently discovered skeletal human remains, and removal and reinterment of such remains when necessary.

**Sec. 149.** 2019 c 415 s 152 (uncodified) is amended to read as follows:

**FOR THE CONSOLIDATED TECHNOLOGY SERVICES AGENCY**

General Fund—State Appropriation (FY 2020)	\$188,000
General Fund—State Appropriation (FY 2021)	\$188,000
Consolidated Technology Services Revolving Account—	
State Appropriation .....	<del>(\$25,048,000)</del>
	<u>\$29,522,000</u>
<del>((Consolidated Technology Services Revolving</del>	
<del>Nonappropriated Account State Appropriation</del>	<del>\$244,176,000))</del>
TOTAL APPROPRIATION .....	\$269,600,000
	<u>\$29,898,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) ~~((\$12,297,000))~~ \$11,468,000 of the consolidated technology services revolving account—state appropriation is provided solely for the office of the chief information officer. Of this amount:

(a) ~~((\$2,000,000))~~ \$1,663,000 of the consolidated technology services revolving account—state appropriation is provided solely for experienced information technology project managers to provide critical support to agency IT projects that are subject to the provisions of ~~((section 719 of this act))~~ section 701 of this act. The staff will:

(i) Provide master level project management guidance to agency IT stakeholders;

(ii) Consider statewide best practices from the public and private sectors, independent review and analysis, vendor management, budget and timing quality assurance and other support of current or past IT projects in at least Washington state and share these with agency IT stakeholders and legislative fiscal staff at least quarterly, beginning July 1, 2020; and

(iii) Beginning December 31, 2019, provide independent recommendations to legislative fiscal committees by December of each calendar year on oversight of IT projects.

(b)(i) \$250,000 of the consolidated technology services revolving account—state appropriation is provided solely to ensure that the state has a more nimble, extensible information technology dashboard. Dashboard elements must include at the minimum:

(A) Start date of the project;

(B) End date of the project when the project will close out and implementation will occur;

(C) Term of the project in fiscal years across all biennia to reflect the start of the project through the end of the project;

(D) Total project cost from start date through end date in total dollars, and a subtotal of near general fund outlook;

(E) Estimated annual fiscal year cost for maintenance and operations after implementation and close out;

(F) Actual spend by fiscal year and in total for fiscal years that are closed; and

(G) Date a feasibility study was completed.

(ii) The office of the chief information officer may recommend additional elements be included but must have agreement with legislative fiscal committees and the office of financial management prior to including the additional elements.

(c) The agency must ensure timely posting of project data on the information technology dashboard for at least each project funded in the budget to include, at a minimum, posting on the new dashboard:

(i) The budget funded level by project for each project within thirty calendar days of the budget being signed into law;

(ii) The project historical expenditures through fiscal year 2019, by June 30, 2020, for all projects that started prior to July 1, 2019; and

(iii) Whether each project has completed a feasibility study, by June 30, 2020.

(2) ~~((\$12,751,000))~~ \$13,001,000 of the consolidated technology services revolving account—state appropriation is provided solely for the office of cyber security. Of this amount:

(a) \$800,000 of the consolidated technology services revolving account—state appropriation is provided solely for the computer emergency readiness to review security designs of computer systems and to complete security evaluations of state agency systems and applications to identify vulnerabilities and opportunities for system hardening.

(b) \$768,000 of the consolidated technology services revolving account—state appropriation is provided solely for the office of cyber security to decrypt network traffic to identify and evaluate network traffic for malicious activity and threats, and is subject to the conditions, limitations, and review provided in ~~((section 719 of this act))~~ section 701 of this act.

(c) \$608,000 of the consolidated technology services revolving account—state appropriation is provided solely for the office of cyber security to complete cyber security designs for new platforms, databases, and applications.

(3) The consolidated technology services agency shall work with customer agencies using the Washington state electronic records vault (WASERV) to identify opportunities to:



(a) Reduce storage volumes and costs associated with vault records stored beyond the agencies' record retention schedules; and

(b) Assess a customized service charge as defined in chapter 304, Laws of 2017 for costs of using WASERV to prepare data compilations in response to public records requests.

(4)(a) In conjunction with the office of the chief information officer's prioritization of proposed information technology expenditures, agency budget requests for proposed information technology expenditures must include the following:

(i) The agency's priority ranking of each information technology request;

(ii) The estimated cost by fiscal year and by fund for the current biennium;

(iii) The estimated cost by fiscal year and by fund for the ensuing biennium;

(iv) The estimated total cost for the current and ensuing biennium;

(v) The total cost by fiscal year, by fund, and in total, of the information technology project since it began;

(vi) The estimated cost by fiscal year and by fund over all biennia through implementation and close out and into maintenance and operations;

(vii) The estimated cost by fiscal year and by fund for service level agreements once the project is implemented;

(viii) The estimated cost by fiscal year and by fund for agency staffing for maintenance and operations once the project is implemented; and

(ix) The expected fiscal year when the agency expects to complete the request.

(b) The office of the chief information officer and the office of financial management may request agencies to include additional information on proposed information technology expenditure requests.

(5) The consolidated technology services agency must not increase fees charged for existing services without prior approval by the office of financial management. The agency may develop fees to recover the actual cost of new infrastructure to support increased use of cloud technologies.

(6) Within existing resources, the agency must provide oversight of state procurement and contracting for information technology goods and services by the department of enterprise services.

(7) Within existing resources, the agency must host, administer, and support the state employee directory in an online format to provide public employee contact information.

(8) ~~(\$1,524,000 of the consolidated technology services revolving account non appropriated is provided solely to the logging and monitoring project and is subject to~~

~~the conditions, limitations, and review provided in section 719 of this act.~~

~~(9))~~ \$750,000 of the ~~((general fund state appropriation for fiscal year 2020))~~ consolidated technology services revolving account—state appropriation is provided for the office to conduct a statewide cloud computing readiness assessment to prepare for the migration of core services to cloud services, including ways it can leverage cloud computing to reduce costs. The assessment must:

(a) Inventory state agency assets, associated service contracts, and other relevant information;

(b) Identify impacts to state agency staffing resulting from the migration to cloud computing including:

(i) Skill gaps between current on-premises computing practices and how cloud services are procured, secured, administered, maintained, and developed; and

(ii) Necessary retraining and ongoing training and development to ensure state agency staff maintain the skills necessary to effectively maintain information security and understand changes to enterprise architectures;

(c) Identify additional resources needed by the agency to enable sufficient cloud migration support to state agencies; and

(d) Be submitted as a report, by June 30, 2020, to the governor and the appropriate committees of the legislature that summarizes statewide cloud migration readiness and makes recommendations for migration goals.

~~((40))~~ (9) The health care authority, the health benefit exchange, the department of social and health services, the department of health, and the department of children, youth, and families shall work together within existing resources to establish the health and human services enterprise coalition (the coalition). The coalition, led by the health care authority, must be a multi-organization collaborative that provides strategic direction and federal funding guidance for projects that have cross-organizational or enterprise impact, including information technology projects that affect organizations within the coalition. By October 31, 2019, the coalition must submit a report to the governor and the legislature that describes the coalition's plan for projects affecting the coalition organizations. The report must include any information technology projects impacting coalition organizations and, in collaboration with the office of the chief information officer, provide: (a) The status of any information technology projects currently being developed or implemented that affect the coalition; (b) funding needs of these current and future information technology projects; and (c) next steps for the coalition's information technology projects. The office of the chief information officer shall maintain a statewide perspective when collaborating with the coalition to ensure that the development of projects identified in this report are planned for in a manner that ensures the efficient use of state resources and maximizes federal financial participation. The work of the coalition is subject to the conditions, limitations, and review provided in ~~((section 719 of this act))~~ section 701 of this act.

(10) \$4,303,000 of the consolidated technology services revolving account—state appropriation is provided solely for the creation and ongoing delivery of information technology services tailored to the needs of small agencies. The scope of services must include, at a minimum, full-service desktop support, service assistance, security, and consultation.

**Sec. 150.** 2019 c 415 s 153 (uncodified) is amended to read as follows:

**FOR THE BOARD OF REGISTRATION OF PROFESSIONAL ENGINEERS AND LAND SURVEYORS**

Professional Engineers' Account—State Appropriation.....	(\$4,863,000)
	\$5,534,000
<b>TOTAL APPROPRIATION .....</b>	<b>\$4,863,000</b>
	<b>\$5,534,000</b>

The appropriation in this section is subject to the following conditions and limitations:

(1) \$4,172,000 of the professional engineers' account—state appropriation is provided solely for implementation of House Bill No. 1176 (businesses and professions). ((If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.))

(2) \$1,480,000 of the professional engineers' account—state appropriation is provided solely for the business and technology modernization project pursuant to an interagency agreement with the department of licensing and is subject to the conditions, limitations, and review provided in section 701 of this act.

**Sec. 151.** 2019 c 415 s 141 (uncodified) is amended to read as follows:

**FOR THE LAW ENFORCEMENT OFFICERS' AND FIREFIGHTERS' PLAN 2 RETIREMENT BOARD**

General Fund—State Appropriation (FY 2020) .....	\$50,000
<u>Law Enforcement Officers' and Firefighters' Plan 2 Expense Nonappropriated Fund—State Appropriation .....</u>	<u>\$50,000</u>
<b>TOTAL APPROPRIATION .....</b>	<b>\$100,000</b>

The appropriations in this section are subject to the following conditions and limitations:

(1) The \$50,000 general fund—state appropriation in this section is for the law enforcement officers' and firefighters' retirement system plan 2 board to study the tax, legal, fiscal, policy, and administrative issues related to allowing tribal law enforcement officers to become members of the law enforcement officers' and firefighters' plan 2 retirement system. This funding is in addition to other expenditures in the nonappropriated law enforcement officers' and firefighters' retirement system plan 2 expense

account. In preparing this study, the department of retirement systems, the attorney general's office, and the office of the state actuary shall provide the board with any information or assistance the board requests. The board shall also receive stakeholder input as part of its deliberation. The board shall submit a report of the results of this study to the legislature by January 1, 2020.

(2) \$50,000 of the law enforcement officers' and firefighters' plan 2 expense nonappropriated fund—state appropriation is provided solely for a study of the pension benefits provided to emergency medical technicians providing services in King county between October 1, 1978 and January 1, 2003. The board shall examine the legal and fiscal implications of extending membership in the plan for these periods, including King county employers that might be included, the benefits that would be paid to members on a prospective and retroactive basis, and the contribution requirements and plan liability that would be created for employers, employees, and the state.

**PART II**

**HUMAN SERVICES**

**Sec. 201.** 2019 c 415 s 201 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

(1) The appropriations to the department of social and health services in this act shall be expended for the programs and in the amounts specified in this act. Appropriations made in this act to the department of social and health services shall initially be allotted as required by this act. Subsequent allotment modifications shall not include transfers of moneys between sections of this act except as expressly provided in this act, nor shall allotment modifications permit moneys that are provided solely for a specified purpose to be used for other than that purpose.

(2) The department of social and health services shall not initiate any services that require expenditure of state general fund moneys unless expressly authorized in this act or other law. The department may seek, receive, and spend, under RCW 43.79.260 through 43.79.282, federal moneys not anticipated in this act as long as the federal funding does not require expenditure of state moneys for the program in excess of amounts anticipated in this act. If the department receives unanticipated unrestricted federal moneys, those moneys shall be spent for services authorized in this act or in any other legislation providing appropriation authority, and an equal amount of appropriated state general fund moneys shall lapse. Upon the lapsing of any moneys under this subsection, the office of financial management shall notify the legislative fiscal committees. As used in this subsection, "unrestricted federal moneys" includes block grants and other funds that federal law does not require to be spent on specifically defined projects or matched on a formula basis by state funds.

(3) The legislature finds that medicaid payment rates, as calculated by the department pursuant to the appropriations in this act, bear a reasonable relationship to

the costs incurred by efficiently and economically operated facilities for providing quality services and will be sufficient to enlist enough providers so that care and services are available to the extent that such care and services are available to the general population in the geographic area. The legislature finds that cost reports, payment data from the federal government, historical utilization, economic data, and clinical input constitute reliable data upon which to determine the payment rates.

(4) The department shall to the maximum extent practicable use the same system for delivery of spoken-language interpreter services for social services appointments as the one established for medical appointments in the health care authority. When contracting directly with an individual to deliver spoken language interpreter services, the department shall only contract with language access providers who are working at a location in the state and who are state-certified or state-authorized, except that when such a provider is not available, the department may use a language access provider who meets other certifications or standards deemed to meet state standards, including interpreters in other states.

(5) Information technology projects or investments and proposed projects or investments impacting time capture, payroll and payment processes and systems, eligibility, case management, and authorization systems within the department of social and health services are subject to technical oversight by the office of the chief information officer.

(6)(a) The department shall facilitate enrollment under the medicaid expansion for clients applying for or receiving state funded services from the department and its contractors. Prior to open enrollment, the department shall coordinate with the health care authority to provide referrals to the Washington health benefit exchange for clients that will be ineligible for medicaid.

(b) To facilitate a single point of entry across public and medical assistance programs, and to maximize the use of federal funding, the health care authority, the department of social and health services, and the health benefit exchange will coordinate efforts to expand HealthPlanfinder access to public assistance and medical eligibility staff. The department shall complete medicaid applications in the HealthPlanfinder for households receiving or applying for public assistance benefits.

(7) The health care authority, the health benefit exchange, the department of social and health services, the department of health, and the department of children, youth, and families shall work together within existing resources to establish the health and human services enterprise coalition (the coalition). The coalition, led by the health care authority, must be a multi-organization collaborative that provides strategic direction and federal funding guidance for projects that have cross-organizational or enterprise impact, including information technology projects that affect organizations within the coalition. By October 31, 2019, the coalition must submit a report to the governor and the legislature that describes the coalition's plan for projects affecting the coalition organizations. The report must

include any information technology projects impacting coalition organizations and, in collaboration with the office of the chief information officer, provide: (a) The status of any information technology projects currently being developed or implemented that affect the coalition; (b) funding needs of these current and future information technology projects; and (c) next steps for the coalition's information technology projects. The office of the chief information officer shall maintain a statewide perspective when collaborating with the coalition to ensure that the development of projects identified in this report are planned for in a manner that ensures the efficient use of state resources and maximizes federal financial participation. The work of the coalition is subject to the conditions, limitations, and review provided in (~~section 719 of this act~~) section 701 of this act.

(8)(a) The appropriations to the department of social and health services in this act must be expended for the programs and in the amounts specified in this act. However, after May 1, 2020, unless prohibited by this act, the department may transfer general fund—state appropriations for fiscal year 2020 among programs and subprograms after approval by the director of the office of financial management. However, the department may not transfer state appropriations that are provided solely for a specified purpose except as expressly provided in (b) of this subsection.

(b) To the extent that transfers under (a) of this subsection are insufficient to fund actual expenditures in excess of fiscal year 2020 caseload forecasts and utilization assumptions in the long-term care, developmental disabilities, and public assistance programs, the department may transfer state appropriations that are provided solely for a specified purpose. The department may not transfer funds, and the director of the office of financial management may not approve the transfer, unless the transfer is consistent with the objective of conserving, to the maximum extent possible, the expenditure of state funds. The director of the office of financial management shall notify the appropriate fiscal committees of the legislature in writing seven days prior to approving any allotment modifications or transfers under this subsection. The written notification shall include a narrative explanation and justification of the changes, along with expenditures and allotments by budget unit and appropriation, both before and after any allotment modifications or transfers.

(c) The department may not transfer appropriations from any other program or subprogram to the mental health program. Within the mental health program, the department may transfer appropriations that are provided solely for a specified purpose as needed to fund actual expenditures through the end of fiscal year 2020.

(d) The department may not transfer appropriations for the developmental disabilities program to any other program or subprograms of the department of social and health services.

**Sec. 202.** 2019 c 415 s 202 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF SOCIAL AND  
HEALTH SERVICES—MENTAL HEALTH  
PROGRAM**

**(1) INSTITUTIONAL SERVICES**

General Fund—State Appropriation (FY 2020)		
.....(( <del>\$400,740,000</del> ))		
<u>\$423,815,000</u>		
General Fund—State Appropriation (FY 2021)		
.....(( <del>\$417,578,000</del> ))		
<u>\$440,131,000</u>		
General	Fund—Federal	Appropriation
.....(( <del>\$117,745,000</del> ))		
<u>\$119,930,000</u>		
General	Fund—Private/Local	Appropriation
.....(( <del>\$27,800,000</del> ))		
<u>\$26,965,000</u>		
Pension Funding Stabilization Account—State		
Appropriation ..... \$33,300,000		
TOTAL APPROPRIATION ..... <del>\$997,163,000</del>		
<u>\$1,044,141,000</u>		

The appropriations in this subsection are subject to the following conditions and limitations:

(a) The state psychiatric hospitals may use funds appropriated in this subsection to purchase goods, services, and supplies through hospital group purchasing organizations when it is cost-effective to do so.

(b) \$311,000 of the general fund—state appropriation for fiscal year 2020 and \$310,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for a community partnership between western state hospital and the city of Lakewood to support community policing efforts in the Lakewood community surrounding western state hospital. The amounts provided in this subsection (1)(b) are for the salaries, benefits, supplies, and equipment for one full-time investigator, one full-time police officer, and one full-time community service officer at the city of Lakewood. The department must collect data from the city of Lakewood on the use of the funds and the number of calls responded to by the community policing program and submit a report with this information to the office of financial management and the appropriate fiscal committees of the legislature each December of the fiscal biennium.

(c) \$45,000 of the general fund—state appropriation for fiscal year 2020 and \$45,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for payment to the city of Lakewood for police services provided by the city at western state hospital and adjacent areas.

(d) \$19,000 of the general fund—state appropriation for fiscal year 2020 and \$19,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for payment to the city of Medical Lake for police services

provided by the city at eastern state hospital and adjacent areas. The city must submit a proposal to the department for a community policing program for eastern state hospital and adjacent areas by September 30, 2019.

(e) \$135,000 of the general fund—state appropriation for fiscal year 2020 and \$135,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the department to hire an on-site safety compliance officer, stationed at Western State Hospital, to provide oversight and accountability of the hospital's response to safety concerns regarding the hospital's work environment.

(f) \$100,000 of the general fund—state appropriation for fiscal year 2020 and \$100,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the department to track compliance with RCW 71.05.365 requirements for transition of state hospital patients into community settings within fourteen days of the determination that they no longer require active psychiatric treatment at an inpatient level of care. The department must use these funds to track the following elements related to this requirement: (i) The date on which an individual is determined to no longer require active psychiatric treatment at an inpatient level of care; (ii) the date on which the behavioral health entities and other organizations responsible for resource management services for the person is notified of this determination; and (iii) the date on which either the individual is transitioned to the community or has been re-evaluated and determined to again require active psychiatric treatment at an inpatient level of care. The department must provide this information in regular intervals to behavioral health entities and other organizations responsible for resource management services. The department must summarize the information and provide a report to the office of financial management and the appropriate committees of the legislature on progress toward meeting the fourteen day standard by December 1, 2019 and December 1, 2020.

(g) \$250,000 of the general fund—state appropriation for fiscal year 2020 and \$250,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the department, in collaboration with the health care authority, to develop and implement a predictive modeling tool which identifies clients who are at high risk of future involvement with the criminal justice system and for developing a model to estimate demand for civil and forensic state hospital bed needs pursuant to the following requirements.

(i) The predictive modeling tool must be developed to leverage data from a variety of sources and identify factors that are strongly associated with future criminal justice involvement. The department must submit a report to the office of financial management and the appropriate committees of the legislature which describes the following: (A) The proposed data sources to be used in the predictive model and how privacy issues will be addressed; (B) modeling results including a description of measurable factors most strongly predictive of risk of future criminal justice involvement; (C) an assessment of the accuracy, timeliness, and potential effectiveness of the tool; (D) identification of interventions and strategies that can be effective in reducing future criminal justice involvement of

high risk patients; and (E) the timeline for implementing processes to provide monthly lists of high-risk client to contracted managed care organizations and behavioral health entities.

(ii) The model for civil and forensic state hospital bed need must be developed and updated in consultation with staff from the office of financial management and the appropriate fiscal committees of the state legislature. The model shall incorporate factors for capacity in state hospitals as well as contracted facilities, which provide similar levels of care, referral patterns, wait lists, lengths of stay, and other factors identified as appropriate for predicting the number of beds needed to meet the demand for civil and forensic state hospital services. Factors should include identification of need for the services and analysis of the effect of community investments in behavioral health services and other types of beds that may reduce the need for long-term civil commitment needs. The department must submit a report to the legislature by October 1, 2019, with an update of the model and the estimated civil and forensic state hospital bed need by November 1, 2020, and each November 1st thereafter through the end of fiscal year 2027. The department must continue to update the model on a calendar quarterly basis and provide updates to the office of financial management and the appropriate committees of the legislature accordingly.

(h) (~~(\$2,982,000))~~ \$2,097,000 of the general fund—state appropriation for fiscal year 2020 and (~~(\$2,199,000))~~ \$3,084,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the phase-in of the settlement agreement under *Trueblood, et al. v. Department of Social and Health Services, et al.*, United States District Court for the Western District of Washington, Cause No. 14-cv-01178-MJP. The department, in collaboration with the health care authority and the criminal justice training commission, must implement the provisions of the settlement agreement pursuant to the timeline and implementation plan provided for under the settlement agreement. This includes implementing provisions related to competency evaluations, competency restoration, crisis diversion and supports, education and training, and workforce development.

(i) \$6,450,000 of the general fund—state appropriation for fiscal year 2020 and \$7,147,000 of the general fund—state appropriation for fiscal year 2021 are provided solely to maintain and further increase implementation of efforts to improve the timeliness of competency evaluation services for individuals who are in local jails pursuant to chapter 5, Laws of 2015 (SSB 5889) (timeliness of competency treatment and evaluation services). This funding must be used solely to maintain increases in the number of competency evaluators that began in fiscal year 2016 and further increase the number of staff providing competency evaluation services. During the 2019-2021 fiscal biennium, the department must use a portion of these amounts to increase the number of forensic evaluators pursuant to the settlement agreement under *Trueblood, et al. v. Department of Social and Health Services, et al.*, United States District Court for the Western District of Washington, Cause No. 14-cv-01178-MJP.

(j) \$56,441,000 of the general fund—state appropriation for fiscal year 2020, \$63,159,000 of the general fund—state appropriation for fiscal year 2021, and \$2,127,000 of the general fund—federal appropriation are provided solely for implementation of efforts to improve the timeliness of competency restoration services pursuant to chapter 5, Laws of 2015 (SSB 5889) (timeliness of competency treatment and evaluation services). These amounts must be used to maintain increases that began in fiscal year 2016 and further increase the number of forensic beds at western state hospital and eastern state hospital. Pursuant to chapter 7, Laws of 2015 1st sp. sess. (2E2SSB 5177) (timeliness of competency treatment and evaluation services), the department may contract some of these amounts for services at alternative locations if the secretary determines that there is a need. During the 2019-2021 fiscal biennium, the department must use a portion of these amounts to increase forensic bed capacity at the state hospitals pursuant to the settlement agreement under *Trueblood, et al. v. Department of Social and Health Services, et al.*, United States District Court for the Western District of Washington, Cause No. 14-cv-01178-MJP.

(k) (~~(\$67,463,000))~~ \$86,601,000 of the general fund—state appropriation for fiscal year 2020 and (~~(\$67,463,000))~~ \$86,705,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the department to continue to implement an acuity based staffing tool at western state hospital and eastern state hospital in collaboration with the hospital staffing committees. (~~(Of the amounts provided in each fiscal year, \$33,102,000 is provided on a one-time basis.)~~)

(i) The staffing tool must be designed and implemented to identify, on a daily basis, the clinical acuity on each patient ward and determine the minimum level of direct care staff by profession to be deployed to meet the needs of the patients on each ward. The department must also continue to update, in collaboration with the office of financial management's labor relations office, the staffing committees, and state labor unions, an overall state hospital staffing plan that looks at all positions and functions of the facilities and that is informed by a review of the Oregon state hospital staffing model.

(ii) Within these amounts, the department must establish, monitor, track, and report monthly staffing and expenditures at the state hospitals, including overtime and use of locums, to the functional categories identified in the recommended staffing plan. The allotments and tracking of staffing and expenditures must include all areas of the state hospitals, must be done at the ward level, and must include contracted facilities providing forensic restoration services as well as the office of forensic mental health services. By December 1, 2019, the department and hospital staffing committees must submit a report to the office of financial management and the appropriate committees of the legislature that includes the following: (A) Progress in implementing the acuity based staffing tool; (B) a comparison of average monthly staffing expenditures to budgeted staffing levels and to the recommended state hospital staffing plan by function and at the ward level; and (C) metrics and facility performance for the use of overtime

and extra duty pay, patient length of stay, discharge management, active treatment planning, medication administration, patient and staff aggression, and staff recruitment and retention. The department must use information gathered from implementation of the clinical staffing tool and the hospital-wide staffing model to provide budget oversight and accountability and inform and prioritize future budget requests for staffing at the state hospitals.

(iii) The department must submit calendar quarterly reports to the office of financial management and the appropriate committees of the legislature that include monitoring of monthly spending, staffing levels, overtime and use of locums compared to allotments and to the recommended state hospital staffing model. The format for these reports must be developed in consultation with staff from the office of financial management and the appropriate committees of the legislature. The reports must include an update from the hospital staffing committees.

(iv) Monthly staffing levels and related expenditures at the state hospitals must not exceed official allotments without prior written approval from the director of the office of financial management. In the event the director of the office of financial management approves an increase in monthly staffing levels and expenditures beyond what is budgeted, notice must be provided to the appropriate committees of the legislature within thirty days of such approval. The notice must identify the reason for the authorization to exceed budgeted staffing levels and the time frame for the authorization. Extensions of authorizations under this subsection must also be submitted to the director of the office of financial management for written approval in advance of the expiration of an authorization. The office of financial management must notify the appropriate committees of the legislature of any extensions of authorizations granted under this subsection within thirty days of granting such authorizations and identify the reason and time frame for the extension.

(l) \$11,285,000 of the general fund—state appropriation for fiscal year 2020 and \$10,581,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the department to implement strategies to improve patient and staff safety at eastern and western state hospitals. These amounts must be used for implementing a new intensive care model program at western state hospital. Remaining amounts may be used for enclosure of nursing stations, increasing the number of security guards, and provision of training on patient and staff safety. The department must provide implementation reports to the office of financial management and the appropriate committees of the legislature as follows:

(i) A report must be submitted by December 1, 2019, which includes a description of the intensive care model being implemented, a profile of the types of patients being served at the program, the staffing model being used for the program, and preliminary information on outcomes associated with the program. The outcomes section should include tracking data on facility wide metrics related to patient and staff safety as well as individual outcomes related to the patients served on the unit.

(ii) A report must be submitted by December 1, 2020, which provides an update on the implementation of the intensive care model, any changes that have occurred, and updated information on the outcomes associated with implementation of the program.

(m) \$4,262,000 of the general fund—state appropriation for fiscal year 2021 and \$2,144,000 of the general fund—federal appropriation are provided solely to open a new unit at the child study treatment center which shall serve up to eighteen children.

(n) \$2,593,000 of the general fund—state appropriation for fiscal year 2020 and \$2,593,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the department to increase services to patients found not guilty by reason of insanity under the *Ross v. Laswhay* settlement agreement.

(o) Within the amounts provided in this subsection, the department must facilitate the development of a volunteer support group and create a pilot program to encourage the visitation of patients by families and loved ones.

(i) The department must organize and coordinate the activities of a volunteer support group. The activities of the support group may include but are not limited to raising funds and providing support for (A) assisting family members who want to visit western state hospital with transportation and housing costs; (B) increasing patient opportunities to participate in activities such as arts and crafts, library, sports, and music; (C) allowing for the provision of service dogs to live at western state hospital; and (D) engaging in education about western state hospital to the public and public officials.

(ii) The department must establish a pilot program to increase visitation by families and loved ones. The department must designate a staff person to coordinate the pilot program. The pilot program shall: (A) Direct western state hospital staff at all levels that families will be encouraged to visit selected patients; (B) allow for the decision on whether a patient and or family would benefit from a visit to be made by a patients clinical care team; (C) facilitate communication between case workers and families and loved ones regarding invitations to visit; (D) provide for a welcoming space for family visits to occur in a location outside of the patient's ward; and (E) arrange, within available resources, for travel and accommodation subsidies for families of limited means.

(p) Within the amounts provided in this subsection, the department must develop and submit an annual state hospital performance report for eastern and western state hospitals. Each measure included in the performance report must include baseline performance data, agency performance targets, and performance for the most recent fiscal year. The performance report must include a one page dashboard as well as charts for each fiscal and quality of care measure broken out by hospital and including but not limited to (i) monthly FTE expenditures compared to allotments; (ii) monthly dollar expenditures compared to allotments; (iii) monthly FTE expenditures per ten thousand patient bed days; (iv) monthly dollar expenditures per ten thousand patient bed days; (v) percentage of FTE expenditures for

overtime; (vi) average length of stay by category of patient; (vii) average monthly civil wait list; (viii) average monthly forensic wait list; (ix) rate of staff assaults per 10,000 bed days; (x) rate of patient assaults per 10,000 bed days; (xi) average number of days to release after a patient has been determined to be clinically ready for discharge; and (xii) average monthly vacancy rates for key clinical positions. The department must submit the state hospital performance report to the office of financial management and the appropriate committees of the legislature by November 1, 2020, and provide annual updates thereafter.

(q) \$1,660,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the department to repair, replace, or upgrade failing infrastructure at western and eastern state hospitals.

(r) \$1,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for a cost of living adjustment to the personal needs allowance pursuant to RCW 74.09.340.

## (2) PROGRAM SUPPORT

General Fund—State Appropriation (FY 2020)  
.....(((\$5,884,000))  
\$5,812,000

General Fund—State Appropriation (FY 2021)  
.....(((\$5,763,000))  
\$5,736,000

General Fund—Federal Appropriation..... \$315,000

TOTAL APPROPRIATION ..... \$11,962,000  
\$11,863,000

**Sec. 203.** 2019 c 415 s 203 (uncodified) is amended to read as follows:

## **FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—DEVELOPMENTAL DISABILITIES PROGRAM**

(1)(a) The appropriations to the department of social and health services in this section must be expended for the programs and in the amounts specified in this section. However, after May 1, 2020, unless prohibited by this act, the department may transfer appropriations for fiscal year 2020 among programs and subprograms of this section after approval by the director of the office of financial management. However, the department may not transfer state appropriations that are provided solely for a specified purpose except as expressly provided in (b) of this subsection.

(b) To the extent that transfers under (a) of this subsection are insufficient to fund actual expenditures in excess of fiscal year 2020 caseload forecasts and utilization assumptions in the developmental disabilities program, the department may transfer state appropriations that are provided solely for a specified purpose. The department may not transfer funds, and the director of the office of financial management may not approve the transfer, unless the transfer is consistent with the objective of conserving, to the

maximum extent possible, the expenditure of state funds. The director of the office of financial management shall notify the appropriate fiscal committees of the legislature in writing seven days prior to approving any allotment modifications or transfers under this subsection. The written notification shall include a narrative explanation and justification of the changes, along with expenditures and allotments by budget unit and appropriation, both before and after any allotment modifications or transfers.

## (2) COMMUNITY SERVICES

General Fund—State Appropriation (FY 2020)  
.....(((\$737,825,000))  
\$732,559,000

General Fund—State Appropriation (FY 2021)  
.....(((\$803,041,000))  
\$810,256,000

General Fund—Federal Appropriation  
.....(((\$1,591,789,000))  
\$1,579,826,000

General Fund—Private/Local Appropriation  
.....\$4,024,000

## Pension Funding Stabilization Account—State

Appropriation.....\$6,364,000

## Developmental Disability Community Trust Account—State

Appropriation.....\$1,000,000

TOTAL APPROPRIATION.....\$3,143,043,000  
\$3,134,029,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) Individuals receiving services as supplemental security income (SSI) state supplemental payments may not become eligible for medical assistance under RCW 74.09.510 due solely to the receipt of SSI state supplemental payments.

(b) In accordance with RCW 18.51.050, 18.20.050, 70.128.060, and 43.135.055, the department is authorized to increase nursing facility, assisted living facility, and adult family home fees as necessary to fully support the actual costs of conducting the licensure, inspection, and regulatory programs. The license fees may not exceed the department's annual licensing and oversight activity costs and shall include the department's cost of paying providers for the amount of the license fee attributed to medicaid clients.

(i) The current annual renewal license fee for adult family homes is \$225 per bed beginning in fiscal year 2020 and \$225 per bed beginning in fiscal year 2021. A processing fee of \$2,750 must be charged to each adult family home when the home is initially licensed. This fee is nonrefundable. A processing fee of \$700 must be charged when adult family home providers file a change of ownership application.

(ii) The current annual renewal license fee for assisted living facilities is \$116 per bed beginning in fiscal year 2020 and \$116 per bed beginning in fiscal year 2021.

(iii) The current annual renewal license fee for nursing facilities is \$359 per bed beginning in fiscal year 2020 and \$359 per bed beginning in fiscal year 2021.

(c) \$7,527,000 of the general fund—state appropriation for fiscal year 2020, \$16,092,000 of the general fund—state appropriation for fiscal year 2021, and \$29,989,000 of the general fund—federal appropriation are provided solely for the implementation of the agreement reached between the governor and the service employees international union healthcare 775nw under the provisions of chapters 74.39A and 41.56 RCW for the 2019-2021 fiscal biennium.

(d) \$1,058,000 of the general fund—state appropriation for fiscal year 2020, \$2,245,000 of the general fund—state appropriation for fiscal year 2021, and \$4,203,000 of the general fund—federal appropriation are provided solely for the homecare agency parity impacts of the agreement between the governor and the service employees international union healthcare 775nw.

(e) The department may authorize a one-time waiver of all or any portion of the licensing and processing fees required under RCW 70.128.060 in any case in which the department determines that an adult family home is being relicensed because of exceptional circumstances, such as death or incapacity of a provider, and that to require the full payment of the licensing and processing fees would present a hardship to the applicant. In these situations the department is also granted the authority to waive the required residential administrator training for a period of 120 days if necessary to ensure continuity of care during the relicensing process.

(f) Community residential cost reports that are submitted by or on behalf of contracted agency providers are required to include information about agency staffing including health insurance, wages, number of positions, and turnover.

(g) \$1,705,000 of the general fund—state appropriation for fiscal year 2020, \$1,688,000 of the general fund—state appropriation for fiscal year 2021, and \$1,465,000 of the general fund—federal appropriation are provided solely for the development and implementation of thirteen enhanced respite beds across the state for children. These services are intended to provide families and caregivers with a break in caregiving, the opportunity for behavioral stabilization of the child, and the ability to partner with the state in the development of an individualized service plan that allows the child to remain in his or her family home. The department must provide the legislature with a respite utilization report in January of each year that provides information about the number of children who have used enhanced respite in the preceding year, as well as the location and number of days per month that each respite bed was occupied.

(h) \$2,025,000 of the general fund—state appropriation for fiscal year 2020 and \$2,006,000 of the general fund—state appropriation for fiscal year 2021 are

provided solely for the development and implementation of thirteen community respite beds across the state for adults. These services are intended to provide families and caregivers with a break in caregiving and the opportunity for stabilization of the individual in a community-based setting as an alternative to using a residential habilitation center to provide planned or emergent respite. The department must provide the legislature with a respite utilization report by January of each year that provides information about the number of individuals who have used community respite in the preceding year, as well as the location and number of days per month that each respite bed was occupied.

(i) \$4,005,000 of the general fund—state appropriation for fiscal year 2020, \$6,084,000 of the general fund—state appropriation for fiscal year 2021, and \$9,826,000 of the general fund—federal appropriation are provided solely to continue community alternative placement beds that prioritize the transition of clients who are ready for discharge from the state psychiatric hospitals, but who have additional long-term care or developmental disability needs.

(i) Community alternative placement beds include enhanced service facility beds, adult family home beds, skilled nursing facility beds, shared supportive housing beds, state operated living alternative beds, and assisted living facility beds.

(ii) Each client must receive an individualized assessment prior to leaving one of the state psychiatric hospitals. The individualized assessment must identify and authorize personal care, nursing care, behavioral health stabilization, physical therapy, or other necessary services to meet the unique needs of each client. It is the expectation that, in most cases, staffing ratios in all community alternative placement options described in (i)(i) of this subsection will need to increase to meet the needs of clients leaving the state psychiatric hospitals. If specialized training is necessary to meet the needs of a client before he or she enters a community placement, then the person centered service plan must also identify and authorize this training.

(iii) When reviewing placement options, the department must consider the safety of other residents, as well as the safety of staff, in a facility. An initial evaluation of each placement, including any documented safety concerns, must occur within thirty days of a client leaving one of the state psychiatric hospitals and entering one of the community placement options described in (i)(i) of this subsection. At a minimum, the department must perform two additional evaluations of each placement during the first year that a client has lived in the facility.

(iv) In developing bed capacity, the department shall consider the complex needs of individuals waiting for discharge from the state psychiatric hospitals.

(j) \$1,029,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for state-operated behavioral health group training homes for clients with developmental disabilities who require a short-term placement for crisis stabilization following a hospital stay. The developmental disabilities administration shall research and assess options to claim federal medicaid funds



for state-operated behavioral health group training homes and report its findings to the governor and appropriate legislative committees by December 1, 2019.

(k) \$605,000 of the general fund—state appropriation for fiscal year 2020, \$1,627,000 of the general fund—state appropriation for fiscal year 2021, and \$1,797,000 of the general fund—federal appropriation are provided solely for expanding the number of clients receiving services under the basic plus medicaid waiver. Approximately three hundred fifty additional clients are anticipated to graduate from high school during the 2019-2021 fiscal biennium and will receive employment services under this expansion.

(l) \$20,243,000 of the general fund—state appropriation for fiscal year 2020, ~~(((\$41,933,000))~~ \$44,855,000 of the general fund—state appropriation for fiscal year 2021, and ~~(((\$60,976,000))~~ \$63,822,000 of the general fund—federal appropriation are provided solely to increase rates for community residential service providers offering supported living, group home, and licensed staff residential services to individuals with developmental disabilities. The amounts in this subsection (l) include funding to increase the rate by 13.5 percent effective January 1, 2020, and by 1.8 percent effective January 1, 2021.

The amounts provided in this subsection must be used to improve the recruitment and retention of quality direct care staff to better protect the health and safety of clients with developmental disabilities.

~~(((\$m))~~ (m) \$50,000 of the general fund—state appropriation for fiscal year 2020 and \$50,000 of the general fund—state appropriation for fiscal year 2021 are provided solely to establish parent-to-parent programs for parents of children with developmental disabilities in Ferry, Pend Oreille, Stevens, San Juan, and Wahkiakum counties.

~~(((\$n))~~ (n) \$401,000 of the general fund—state appropriation for fiscal year 2020, \$424,000 of the general fund—state appropriation for fiscal year 2021, and \$1,043,000 of the general fund—federal appropriation are provided solely to assist home care agencies with implementing electronic visit verification systems that are compliant with the federal 21st century cures act no later than January 1, 2020.

~~(((\$o))~~ (o) \$3,626,000 of the general fund—state appropriation for fiscal year 2020, \$4,757,000 of the general fund—state appropriation for fiscal year 2021, and \$10,444,000 of the general fund—federal appropriation are provided solely for the implementation of an agreement reached between the governor and the adult family home council under the provisions of chapter 41.56 RCW for the 2019-2021 fiscal biennium.

~~(((\$p))~~ (p) \$63,000 of the general fund—state appropriation for fiscal year 2020, \$44,000 of the general fund—state appropriation for fiscal year 2021, and ~~(((\$62,000))~~ \$106,000 of the general fund—federal appropriation are provided solely to begin implementing an asset verification system that is compliant with the federal medicaid extenders act by January 1, 2021 and is subject to the conditions, limitation, and review provided in ~~((section 719 of this act))~~ section 701 of this act.

~~(((\$q))~~ (q) \$13,000 of the general fund—state appropriation for fiscal year 2020, \$20,000 of the general fund—state appropriation for fiscal year 2021, and \$23,000 of the general fund—federal appropriation are provided solely to implement chapter 70, Laws of 2019 (SHB 1199).

~~(((\$r))~~ (r) \$153,000 of the general fund—state appropriation for fiscal year 2020, \$356,000 of the general fund—state appropriation for fiscal year 2021, and \$643,000 of the general fund—federal appropriation are provided solely to increase rates for assisted living facility providers consistent with chapter 225, Laws of 2018 (SHB 2515) and for a rate add-on to providers that serve sixty percent or more medicaid clients.

~~(((\$s))~~ (s) \$193,000 of the general fund—state appropriation for fiscal year 2020, \$385,000 of the general fund—state appropriation for fiscal year 2021, and \$654,000 of the general fund—federal appropriation are provided solely for a ten percent rate increase, effective January 1, 2020, for nurse delegation, private duty nursing, and supported living nursing services.

~~(((\$t))~~ (t) \$3,490,000 of the general fund—local appropriation and \$3,490,000 of the general fund—federal appropriation are provided solely to implement Senate Bill No. 5359 (residential services and supports). The annual certification renewal fee for community residential service businesses is \$847 per client in fiscal year 2020 and \$859 per client in fiscal year 2021. The annual certification renewal fee may not exceed the department's annual licensing and oversight activity costs. ~~((If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.~~

~~(((\$u))~~ (u) The appropriations in this section include sufficient funding to implement Second Substitute Senate Bill No. 5672 (adult family ~~((homes))~~ homes specialty services).

~~(((\$v))~~ (v) \$100,000 of the general fund—state appropriation for fiscal year 2020, \$95,000 of the general fund—state appropriation for fiscal year 2021, and \$195,000 of the general fund—federal appropriation are provided solely for discharge case managers stationed at the state psychiatric hospitals. Discharge case managers will transition clients ready for hospital discharge into less restrictive alternative community placements. The transition of clients ready for discharge will free up bed capacity at the state psychiatric hospitals.

~~(((\$w))~~ (w) \$4,886,000 of the general fund—state appropriation for fiscal year 2020, \$7,150,000 of the general fund—state appropriation for fiscal year 2021, and \$11,894,000 of the general fund—federal appropriation are provided solely to complete the three-year phase in of forty-seven clients from residential habilitation centers to state operated living alternatives.

~~(((\$x))~~ (x) \$2,279,000 of the general fund—state appropriation for fiscal year 2020, \$2,279,000 of the general fund—state appropriation for fiscal year 2021, and \$4,558,000 of the general fund—federal appropriation are provided solely for additional staffing resources for the transition of clients living in the intermediate care facilities at Rainier school, Fircrest school, and Lakeland village to

state operated living alternatives to address deficiencies identified by the centers for medicare and medicaid services.

~~((bb))~~ (y) \$51,000 of the general fund—state appropriation for fiscal year 2020, ~~(\$54,000)~~ \$108,000 of the general fund—state appropriation for fiscal year 2021, and ~~(\$134,000)~~ \$203,000 of the general fund—federal appropriation are provided solely to increase the administrative rate for home care agencies by five cents per hour effective July 1, 2019, and by an additional five cents per hour effective July 1, 2020.

~~((ee))~~ (z) \$1,798,000 of the general fund—state appropriation for fiscal year 2020, \$2,422,000 of the general fund—state appropriation for fiscal year 2021, and \$4,219,000 of the general fund—federal appropriation are provided solely for state-operated living alternative homes.

(i) Of the amounts provided in this subsection, \$480,000 of the general fund—state appropriation for fiscal year 2020, \$646,000 of the general fund—state appropriation for fiscal year 2021, and \$1,125,000 of the general fund—federal appropriation are provided solely to place residents in transition from the Rainier PAT A intermediate care facility.

(ii) Of the amounts provided in this subsection, \$420,000 of the general fund—state appropriation for fiscal year 2020, \$565,000 of the general fund—state appropriation for fiscal year 2021, and \$985,000 of the general fund—federal appropriation are provided solely to place developmental disability administration clients upon discharge from a hospital stay when the clients' previous providers are unable to manage the clients' care needs.

(aa) \$75,000 of the general fund—state appropriation for fiscal year 2021 and \$96,000 of the general fund—federal appropriation are provided solely to implement House Bill No. 2380 (home care agencies). If the bill is not enacted by June 30, 2020, the amounts provided in this subsection shall lapse.

(bb) \$60,000 of the general fund—state appropriation for fiscal year 2020, \$120,000 of the general fund—state appropriation for fiscal year 2021, and \$120,000 of the general fund—federal appropriation are provided solely for implementation of Engrossed Substitute Senate Bill No. 6419 (habilitation center clients). If the bill is not enacted by June 30, 2020, the amounts provided in this subsection shall lapse.

(cc) \$145,000 of the general fund—state appropriation for fiscal year 2020, \$146,000 of the general fund—state appropriation for fiscal year 2021, and \$214,000 of the general fund—federal appropriation are provided solely to review the no-paid services caseload pursuant to Engrossed Substitute Senate Bill No. 6040 (developmental disability budgeting).

(dd) \$6,000 of the general fund—state appropriation for fiscal year 2021 and \$4,000 of the general fund—federal appropriation are provided solely for a cost of living adjustment to the personal needs allowance pursuant to RCW 74.09.340.

~~((2))~~ (3) INSTITUTIONAL SERVICES

General Fund—State Appropriation (FY 2020)  
..... ~~(\$119,201,000)~~

\$119,274,000

General Fund—State Appropriation (FY 2021)  
..... ~~(\$120,511,000)~~

\$120,754,000

General Fund—Federal Appropriation  
..... ~~(\$233,122,000)~~

\$233,430,000

General Fund—Private/Local Appropriation  
..... \$27,041,000

Pension Funding Stabilization Account—State

Appropriation.....\$11,396,000

TOTAL APPROPRIATION.....\$511,271,000

\$511,895,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) Individuals receiving services as supplemental security income (SSI) state supplemental payments may not become eligible for medical assistance under RCW 74.09.510 due solely to the receipt of SSI state supplemental payments.

(b) \$495,000 of the general fund—state appropriation for fiscal year 2020 and \$495,000 of the general fund—state appropriation for fiscal year 2021 are for the department to fulfill its contracts with the school districts under chapter 28A.190 RCW to provide transportation, building space, and other support services as are reasonably necessary to support the educational programs of students living in residential habilitation centers.

(c) The residential habilitation centers may use funds appropriated in this subsection to purchase goods, services, and supplies through hospital group purchasing organizations when it is cost-effective to do so.

(d) \$830,000 of the general fund—state appropriation for fiscal year 2020 and \$135,000 of the general fund—federal appropriation are provided solely for the loss of federal revenue and the transition of residents due to the decertification of the Rainier school PAT A intermediate care facility by the centers for medicare and medicaid services in calendar year 2019. It is the intent of the legislature that the developmental disabilities administration complete the transitions of Rainier PAT A residents by September 2019.

(e) \$3,455,000 of the general fund—state appropriation for fiscal year 2020, \$3,455,000 of the general fund—state appropriation for fiscal year 2021, and \$6,910,000 of the general fund—federal appropriation are provided solely for additional staffing resources for clients living in the intermediate care facilities at Rainier school, Fircrest school, and Lakeland village to address deficiencies identified by the centers for medicare and medicaid services and to gather information for the 2020 legislative session

that will support appropriate levels of care for residential habilitation center clients.

(i) The department of social and health services must contract with the William D. Ruckelshaus center or other neutral third party to continue the facilitation of meetings and discussions about how to support appropriate levels of care for residential habilitation center clients based on the clients' needs and ages. The options explored in the meetings and discussions must include, but are not limited to, the longer-term issues identified in the January 2019 report to the legislature, including shifting care and staffing needs, crisis stabilization, alternative uses of residential habilitation center campus, and transforming adult family homes. An agreed-upon preferred longer term vision must be included within a report to the office of financial management and appropriate fiscal and policy committees of the legislature before December 1, 2019. The report must describe the policy rationale, implementation plan, timeline, and recommended statutory changes for the preferred long-term vision.

(ii) The parties invited to participate in the meetings and discussions must include:

(A) One member from each of the two largest caucuses in the senate, who shall be appointed by the majority leader and minority leader of the senate;

(B) One member from each of the two largest caucuses in the house of representatives, who shall be appointed by the speaker and minority leader of the house of representatives;

(C) One member from the office of the governor, appointed by the governor;

(D) One member from the developmental disabilities council;

(E) One member from the ARC of Washington;

(F) One member from the Washington federation of state employees;

(G) One member from the service employees international union 1199;

(H) One member from the developmental disabilities administration within the department of social and health services;

(I) One member from the aging and long term support administration within the department of social and health services; and

(J) Two members who are family members or guardians of current residential habilitation center residents.

(K) Staff support for the work group must be provided by the department of social and health services.

~~((3))~~ **(4) PROGRAM SUPPORT**

General Fund—State Appropriation (FY 2020)  
~~.....(((\$2,558,000))~~  
\$2,536,000

General Fund—State Appropriation (FY 2021)  
~~.....(((\$2,660,000))~~  
\$2,640,000

General Fund—Federal Appropriation ~~(((\$3,080,000))~~  
\$3,203,000

Pension Funding Stabilization Account—State  
 Appropriation.....\$270,000  
 TOTAL APPROPRIATION.....~~\$8,568,000~~  
\$8,649,000

~~((4))~~ **(5) SPECIAL PROJECTS**

General Fund—State Appropriation (FY 2020)  
~~.....\$62,000~~

General Fund—State Appropriation (FY 2021)  
~~.....\$62,000~~

General Fund—Federal Appropriation .....\$1,092,000  
 Pension Funding Stabilization Account—State  
 Appropriation.....\$4,000  
 TOTAL APPROPRIATION.....\$1,220,000

**Sec. 204.** 2019 c 415 s 204 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—AGING AND ADULT SERVICES PROGRAM**

General Fund—State Appropriation (FY 2020)  
~~.....(((\$1,313,688,000))~~  
\$1,320,605,000

General Fund—State Appropriation (FY 2021)  
~~.....(((\$1,454,323,000))~~  
\$1,482,768,000

General Fund—Federal Appropriation  
~~.....(((\$3,465,113,000))~~  
\$3,457,726,000

General Fund—Private/Local Appropriation  
~~.....(((\$37,765,000))~~  
\$37,729,000

Traumatic Brain Injury Account—State Appropriation  
~~.....\$4,558,000~~

Skilled Nursing Facility Safety Net Trust Account—  
 State Appropriation.....\$133,360,000

Pension Funding Stabilization Account—State  
 Appropriation.....\$12,392,000

Long-Term Services and Supports Trust Account—  
 State  
 Appropriation.....~~(((\$2,437,000))~~

\$2,937,000

TOTAL APPROPRIATION ..... \$6,423,636,000

\$6,452,075,000

The appropriations in this section are subject to the following conditions and limitations:

(1)(a) For purposes of implementing chapter 74.46 RCW, the weighted average nursing facility payment rate may not exceed ((~~\$220.37~~)) \$229.10 for fiscal year 2020 and may not exceed ((~~\$251.49~~)) \$250.71 for fiscal year 2021.

(b) The department shall provide a medicaid rate add-on to reimburse the medicaid share of the skilled nursing facility safety net assessment as a medicaid allowable cost. The nursing facility safety net rate add-on may not be included in the calculation of the annual statewide weighted average nursing facility payment rate.

(2) In accordance with RCW 18.51.050, 18.20.050, 70.128.060, and 43.135.055, the department is authorized to increase nursing facility, assisted living facility, and adult family home fees as necessary to fully support the actual costs of conducting the licensure, inspection, and regulatory programs. The license fees may not exceed the department's annual licensing and oversight activity costs and shall include the department's cost of paying providers for the amount of the license fee attributed to medicaid clients.

(a) The current annual renewal license fee for adult family homes is \$225 per bed beginning in fiscal year 2020 and \$225 per bed beginning in fiscal year 2021. A processing fee of \$2,750 must be charged to each adult family home when the home is initially licensed. This fee is nonrefundable. A processing fee of \$700 shall be charged when adult family home providers file a change of ownership application.

(b) The current annual renewal license fee for assisted living facilities is \$116 per bed beginning in fiscal year 2020 and \$116 per bed beginning in fiscal year 2021.

(c) The current annual renewal license fee for nursing facilities is \$359 per bed beginning in fiscal year 2020 and \$359 per bed beginning in fiscal year 2021.

(3) The department is authorized to place long-term care clients residing in nursing homes and paid for with state-only funds into less restrictive community care settings while continuing to meet the client's care needs.

(4) \$1,858,000 of the general fund—state appropriation for fiscal year 2020 and \$1,857,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for operation of the volunteer services program. Funding must be prioritized towards serving populations traditionally served by long-term care services to include senior citizens and persons with disabilities.

(5) \$15,748,000 of the general fund—state appropriation for fiscal year 2020, \$33,024,000 of the general fund—state appropriation for fiscal year 2021, and \$62,298,000 of the general fund—federal appropriation are provided solely for the implementation of the agreement reached between the governor and the service employees

international union healthcare 775nw under the provisions of chapters 74.39A and 41.56 RCW for the 2019-2021 fiscal biennium.

(6) \$6,320,000 of the general fund—state appropriation for fiscal year 2020, \$13,142,000 of the general fund—state appropriation for fiscal year 2021, and \$24,768,000 of the general fund—federal appropriation are provided solely for the homecare agency parity impacts of the agreement between the governor and the service employees international union healthcare 775nw.

(7) \$5,094,000 of the general fund—state appropriation for fiscal year 2020 and \$5,094,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for services and support to individuals who are deaf, hard of hearing, or deaf-blind.

(8) The department may authorize a one-time waiver of all or any portion of the licensing and processing fees required under RCW 70.128.060 in any case in which the department determines that an adult family home is being relicensed because of exceptional circumstances, such as death or incapacity of a provider, and that to require the full payment of the licensing and processing fees would present a hardship to the applicant. In these situations the department is also granted the authority to waive the required residential administrator training for a period of 120 days if necessary to ensure continuity of care during the relicensing process.

(9) In accordance with RCW 18.390.030, the biennial registration fee for continuing care retirement communities shall be \$900 for each facility.

(10) \$479,000 of the general fund—state appropriation for fiscal year 2020 and \$479,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the kinship navigator program in the Colville Indian reservation, Yakama Nation, and other tribal areas.

(11) Within available funds, the aging and long term support administration must maintain a unit within adult protective services that specializes in the investigation of financial abuse allegations and self-neglect allegations.

(12) Within amounts appropriated in this subsection, the department shall assist the legislature to continue the work of the joint legislative executive committee on planning for aging and disability issues.

(a) A joint legislative executive committee on aging and disability is continued, with members as provided in this subsection.

(i) Four members of the senate, with the leaders of the two largest caucuses each appointing two members, and four members of the house of representatives, with the leaders of the two largest caucuses each appointing two members;

(ii) A member from the office of the governor, appointed by the governor;

(iii) The secretary of the department of social and health services or his or her designee;

(iv) The director of the health care authority or his or her designee;

(v) A member from disability rights Washington and a member from the office of long-term care ombuds;

(vi) The insurance commissioner or his or her designee, who shall serve as an ex officio member; and

(vii) Other agency directors or designees as necessary.

(b) The committee must make recommendations and continue to identify key strategic actions to prepare for the aging of the population in Washington, including state budget and policy options, and may conduct, but are not limited to, the following tasks:

(i) Identify strategies to better serve the health care needs of an aging population and people with disabilities to promote healthy living and palliative care planning;

(ii) Identify strategies and policy options to create financing mechanisms for long-term service and supports that allow individuals and families to meet their needs for service;

(iii) Identify policies to promote financial security in retirement, support people who wish to stay in the workplace longer, and expand the availability of workplace retirement savings plans;

(iv) Identify ways to promote advance planning and advance care directives and implementation strategies for the Bree collaborative palliative care and related guidelines;

(v) Identify ways to meet the needs of the aging demographic impacted by reduced federal support;

(vi) Identify ways to protect the rights of vulnerable adults through assisted decision-making and guardianship and other relevant vulnerable adult protections;

(vii) Identify options for promoting client safety through residential care services and consider methods of protecting older people and people with disabilities from physical abuse and financial exploitation; and

(viii) Identify other policy options and recommendations to help communities adapt to the aging demographic in planning for housing, land use, and transportation.

(c) Staff support for the committee shall be provided by the office of program research, senate committee services, the office of financial management, and the department of social and health services.

(d) Within existing appropriations, the cost of meetings must be paid jointly by the senate, house of representatives, and the office of financial management. Joint committee expenditures and meetings are subject to approval by the senate facilities and operations committee and the house of representatives executive rules committee, or their successor committees. Meetings of the task force must be scheduled and conducted in accordance with the rules of both the senate and the house of representatives. The joint committee members may be reimbursed for travel expenses as authorized under RCW 43.03.050 and 43.03.060, and chapter 44.04 RCW as appropriate. Advisory committee members may not receive compensation or reimbursement for travel and expenses.

(13) \$315,000 of the general fund—state appropriation for fiscal year 2020, \$315,000 of the general fund—state appropriation for fiscal year 2021, and \$630,000 of the general fund—federal appropriation are provided solely for discharge case managers stationed at the state psychiatric hospitals. Discharge case managers will transition clients ready for hospital discharge into less restrictive alternative community placements. The transition of clients ready for discharge will free up bed capacity at the state psychiatric hospitals.

(14) \$135,000 of the general fund—state appropriation for fiscal year 2020, \$135,000 of the general fund—state appropriation for fiscal year 2021, and \$270,000 of the general fund—federal appropriation are provided solely for financial service specialists stationed at the state psychiatric hospitals. Financial service specialists will help to transition clients ready for hospital discharge into alternative community placements. The transition of clients ready for discharge will free up bed capacity at the state hospitals.

(15)(a) No more than (~~(\$102,880,000)~~) \$79,799,000 of the general fund—federal appropriation may be expended for tailored support for older adults and medicaid alternative care described in initiative 2 of the medicaid transformation demonstration waiver under healthier Washington. The department shall not increase general fund—state expenditures on this initiative. The secretary in collaboration with the director of the health care authority shall report to the joint select committee on health care oversight no less than quarterly on financial and health outcomes. The secretary in cooperation with the director shall also report to the fiscal committees of the legislature all of the expenditures of this subsection and shall provide such fiscal data in the time, manner, and form requested by the legislative fiscal committees.

(b) No more than \$2,525,000 of the general fund—federal appropriation may be expended for supported housing and employment services described in initiative 3a and 3b of the medicaid transformation demonstration waiver under healthier Washington. Under this initiative, the department and the health care authority shall ensure that allowable and necessary services are provided to eligible clients as identified by the department or its providers third party administrator. The department and the authority in consultation with the medicaid forecast work group shall ensure that reasonable reimbursements are established for services deemed necessary within an identified limit per individual. The department shall not increase general fund—state expenditures under this initiative. The secretary in cooperation with the director shall report to the joint select committee on health care oversight no less than quarterly on financial and health outcomes.

The secretary in cooperation with the director shall also report to the fiscal committees of the legislature all of the expenditures of this subsection and shall provide such fiscal data in the time, manner, and form requested by the legislative fiscal committees.

(16) \$13,303,000 of the general fund—state appropriation for fiscal year 2020, \$15,891,000 of the general fund—state appropriation for fiscal year 2021, and

\$36,390,000 of the general fund—federal appropriation are provided solely for the implementation of an agreement reached between the governor and the adult family home council under the provisions of chapter 41.56 RCW for the 2019-2021 fiscal biennium.

(17) \$40,000 of the general fund—state appropriation for fiscal year 2020, \$40,000 of the general fund—state appropriation for fiscal year 2021, and \$80,000 of the general fund—federal appropriation are provided solely for the department, in partnership with the department of health and the health care authority, to assist a collaborative public-private entity with implementation of recommendations in the state plan to address alzheimer's disease and other dementias.

(18) \$428,000 of the general fund—state appropriation for fiscal year 2020, ~~(((\$446,000))~~ \$1,761,000 of the general fund—state appropriation for fiscal year 2021, and ~~(((\$896,000))~~ \$2,520,000 of the general fund—federal appropriation are provided solely for case managers at the area agencies on aging to coordinate care for medicaid clients with mental illness who are living in their own homes. Work shall be accomplished within existing standards for case management and no requirements will be added or modified unless by mutual agreement between the department of social and health services and area agencies on aging.

(19) \$117,000 of the general fund—state appropriation for fiscal year 2020 and \$116,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the department to contract with an organization to provide educational materials, legal services, and attorney training to support persons with dementia. The funding provided in this subsection must be used for:

(a) An advance care and legal planning toolkit for persons and families living with dementia, designed and made available online and in print. The toolkit should include educational topics including, but not limited to:

- (i) The importance of early advance care, legal, and financial planning;
- (ii) The purpose and application of various advance care, legal, and financial documents;
- (iii) Dementia and capacity;
- (iv) Long-term care financing considerations;
- (v) Elder and vulnerable adult abuse and exploitation;
- (vi) Checklists such as "legal tips for caregivers," "meeting with an attorney," and "life and death planning;"
- (vii) Standardized forms such as general durable power of attorney forms and advance health care directives; and
- (viii) A selected list of additional resources.

(b) Webinars about the dementia legal and advance care planning toolkit and related issues and topics with subject area experts. The subject area expert presenters must provide their services in-kind, on a volunteer basis.

(c) Continuing legal education programs for attorneys to advise and assist persons with dementia. The continuing education programs must be offered at no cost to attorneys who make a commitment to participate in the pro bono program.

(d) Administrative support costs to develop intake forms and protocols, perform client intake, match participating attorneys with eligible clients statewide, maintain records and data, and produce reports as needed.

(20) \$18,000 of the traumatic brain injury account—state appropriation is provided solely to implement Substitute House Bill No. 1532 (domestic violence TBIs). ~~((If the bill is not enacted by June 30, 2019, the amount provided in this subsection shall lapse.))~~

(21) \$543,000 of the general fund—state appropriation for fiscal year 2020, \$495,000 of the general fund—state appropriation for fiscal year 2021, and ~~(((\$543,000))~~ \$1,038,000 of the general fund—federal appropriation are provided solely to begin implementing an asset verification system that is compliant with the federal medicaid extenders act by January 1, 2021 and is subject to the conditions, limitation, and review provided in ~~((section 719 of this act))~~ section 701 of this act. Of the amounts provided in this subsection, \$75,000 of the general fund—state appropriation in fiscal year 2020 and \$75,000 of the general fund—federal appropriation are provided solely for a feasibility study of information technology solutions for an asset verification system. The feasibility study shall consider the department's existing case management systems that may be required to interface with the asset verification system. The department shall work with the health care authority to develop a long-term strategy for an asset verification system that complies with federal requirements, maximizes efficient use of staff time, supports accurate client financial eligibility determinations, and incorporates relevant findings from the feasibility study, and shall report its findings and recommendation to the governor and appropriate legislative committees no later than December 1, 2019.

(22) ~~(((\$2,437,000))~~ \$2,937,000 of the long-term services and supports trust account—state appropriation is provided solely to implement Second Substitute House Bill No. 1087 (long-term services and support). Of the amounts provided in this subsection, ~~(((\$217,000))~~ \$717,000 is provided solely for a contract with the state actuary. ~~((If the bill is not enacted by June 30, 2019, the amount provided in this subsection shall lapse.))~~

(23) \$2,373,000 of the general fund—state appropriation for fiscal year 2020, \$2,459,000 of the general fund—state appropriation for fiscal year 2021, and \$6,215,000 of the general fund—federal appropriation are provided solely to assist home care agencies with implementing electronic visit verification systems that are compliant with the federal 21st century cures act no later than January 1, 2020.

(24) \$727,000 of the general fund—state appropriation for fiscal year 2020, \$1,455,000 of the general fund—state appropriation for fiscal year 2021, and \$2,469,000 of the general fund—federal appropriation are provided solely for a ten percent rate increase, effective January 1, 2020, for in-

home skilled nursing services, nurse delegation, in-home private duty nursing, and adult family home private duty nursing.

(25) \$3,353,000 of the general fund—local appropriation and \$1,055,000 of the general fund—federal appropriation are provided solely to implement Senate Bill No. 5359 (residential services and supports). The annual certification renewal fee for community residential service businesses is \$847 per client in fiscal year 2020 and \$859 per client in fiscal year 2021. The annual certification renewal fee may not exceed the department's annual licensing and oversight activity costs. ~~((If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.))~~

(26) \$17,481,000 of the general fund—state appropriation for fiscal year 2020, \$28,471,000 of the general fund—state appropriation for fiscal year 2021, and \$41,031,000 of the general fund—federal appropriation are provided solely to continue community alternative placement beds that prioritize the transition of clients who are ready for discharge from the state psychiatric hospitals, but who have additional long-term care or developmental disability needs.

(a) Community alternative placement beds include enhanced service facility beds, adult family home beds, skilled nursing facility beds, shared supportive housing beds, state operated living alternative beds, assisted living facility beds, and specialized dementia beds.

(b) Each client must receive an individualized assessment prior to leaving one of the state psychiatric hospitals. The individualized assessment must identify and authorize personal care, nursing care, behavioral health stabilization, physical therapy, or other necessary services to meet the unique needs of each client. It is the expectation that, in most cases, staffing ratios in all community alternative placement options described in (a) of this subsection will need to increase to meet the needs of clients leaving the state psychiatric hospitals. If specialized training is necessary to meet the needs of a client before he or she enters a community placement, then the person centered service plan must also identify and authorize this training.

(c) When reviewing placement options, the department must consider the safety of other residents, as well as the safety of staff, in a facility. An initial evaluation of each placement, including any documented safety concerns, must occur within thirty days of a client leaving one of the state psychiatric hospitals and entering one of the community placement options described in (a) of this subsection. At a minimum, the department must perform two additional evaluations of each placement during the first year that a client has lived in the facility.

(d) In developing bed capacity, the department shall consider the complex needs of individuals waiting for discharge from the state psychiatric hospitals.

(27) \$1,344,000 of the general fund—state appropriation for fiscal year 2020 and \$1,344,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the kinship care support program.

(28) \$306,000 of the general fund—state appropriation for fiscal year 2020, ~~(((\$317,000))~~ \$634,000 of the general fund—state appropriation for fiscal year 2021, and ~~(((\$794,000))~~ \$1,198,000 of the general fund—federal appropriation are provided solely to increase the administrative rate for home care agencies by five cents per hour effective July 1, 2019, and by an additional five cents per hour effective July 1, 2020.

(29) \$94,000 of the general fund—state appropriation for fiscal year 2020 and \$94,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the department to establish a pilot project to provide personal care services to homeless seniors and persons with disabilities from the time the person presents at a shelter to the time the person becomes eligible for medicaid personal care services.

(a) The department shall contract with a single nonprofit organization that provides personal care services to homeless persons and operates a twenty-four hour homeless shelter, and that is currently partnering with the department to bring medicaid personal care services to homeless seniors and persons with disabilities.

(b) The department shall submit a report by December 1, 2020, to the governor and appropriate legislative committees. The report shall address findings and outcomes of the pilot and recommendations.

~~(((\$34))~~ (30) \$3,669,000 of the general fund—state appropriation for fiscal year 2020, \$8,543,000 of the general fund—state appropriation for fiscal year 2021, and \$15,434,000 of the general fund—federal appropriation are provided solely to increase rates for assisted living facility providers consistent with chapter 225, Laws of 2018 (SHB 2515) and to provide a rate add-on to providers that serve sixty percent or more ~~((medicare))~~ medicaid clients.

~~(((\$32))~~ (31) \$375,000 of the general fund—state appropriation for fiscal year 2020, ~~(((\$375,000))~~ \$637,000 of the general fund—state appropriation for fiscal year 2021, and ~~(((\$750,000))~~ \$1,016,000 of the general fund—federal appropriation are provided solely to increase rates for adult day health and adult day care providers effective July 1, 2019, and to increase rates by 6 percent effective July 1, 2020.

~~(((\$33))~~ (32) The appropriations in this section include sufficient funding for the implementation of Second Substitute Senate Bill No. 5672 (adult family homes specialty services).

(33) No later than December 31, 2021, the department of social and health services and the health care authority shall submit a waiver request to the federal department of health and human services to authorize presumptive medicaid eligibility determinations for clients preparing for acute care hospital discharge who may need long-term services and supports. The department and the authority shall hold stakeholder discussions, including opportunities for public review and comment, during development of the waiver request. Upon submission of the waiver request, the department and the authority shall submit a report to the governor and the appropriate legislative committees that

describes the request and identifies any statutory changes that may be necessary if the federal government approves the request.

(34) \$926,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for community-based resources for dementia education and support in two areas of the state, including dementia resource catalyst staff and direct services for people with dementia and their family caregivers.

(35) \$439,000 of the general fund—state appropriation for fiscal year 2021 and \$559,000 of the general fund—federal appropriation are provided solely to implement House Bill No. 2380 (home care agencies). If the bill is not enacted by June 30, 2020, the amounts provided in this subsection shall lapse.

(36) The appropriations in this section include sufficient funding to implement Engrossed Substitute House Bill No. 1023 (adult family homes/8 beds). A nonrefundable fee of \$455 shall be charged for each application to increase bed capacity at an adult family home to seven or eight beds.

(37)(a) The department is authorized, when granting a limited exception to a nursing facility from the registered nurse coverage requirement under the process described in RCW 74.42.360(3)(b), to consider the competitiveness of wages and benefits offered by the facility as compared to nursing facilities with comparable geographic or metropolitan areas within Washington state and the provider's recruitment and retention efforts.

(b) In addition to the review required in RCW 74.42.360(3)(b)(ii), the department, along with a stakeholder work group, shall conduct a review of the exceptions process to determine if it is still necessary. As part of this review, the department shall provide the legislature with a report that includes enforcement and citation data for facilities that received an exception in the three previous fiscal years compared to comparable facilities that did not receive an exception. The report must include a similar comparison of data, provided to the department by the long-term care ombuds, on long-term care ombuds referrals for facilities that were granted an exception in the three previous fiscal years versus those without an exception. This report, along with a recommendation as to whether the exceptions process should continue, is due to the legislature no later than June 30, 2021.

(38) \$1,364,000 of the general fund—state appropriation for fiscal year 2021 and \$1,633,000 of the general fund—federal appropriation are provided solely to increase rates for specialized dementia care services.

(39) \$77,000 of the general fund—state appropriation for fiscal year 2021 and \$76,000 of the general fund—federal appropriation are provided solely for implementation of Engrossed Second Substitute Senate Bill No. 6205 (long-term care workers). If the bill is not enacted by June 30, 2020, the amounts provided in this subsection shall lapse.

(40) \$17,000 of the general fund—state appropriation for fiscal year 2021 and \$12,000 of the general fund—federal appropriation is provided solely for a cost of living

adjustment to the personal needs allowance pursuant to RCW 74.09.340.

**Sec. 205.** 2019 c 415 s 205 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—ECONOMIC SERVICES PROGRAM**

General Fund—State Appropriation (FY 2020)	.....	(\$362,649,000))
		<u>\$354,021,000</u>
General Fund—State Appropriation (FY 2021)	.....	(\$365,538,000))
		<u>\$364,531,000</u>
General Fund—Federal Appropriation	.....	(\$1,453,819,000))
		<u>\$1,460,971,000</u>
General Fund—Private/Local Appropriation	.....	\$5,416,000
Domestic Violence Prevention Account—State		
Appropriation.....		\$2,404,000
Pension Funding Stabilization Account—State		
Appropriation.....		(\$26,754,000))
		<u>\$26,349,000</u>
Administrative Contingency Account—State		
Appropriation.....		\$4,000,000
TOTAL APPROPRIATION.....		<u>\$2,220,580,000</u>
		<u>\$2,217,692,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1)(a) ~~(\$77,346,000))~~ \$67,875,000 of the general fund—state appropriation for fiscal year 2020, ~~(\$74,058,000))~~ \$68,063,000 of the general fund—state appropriation for fiscal year 2021, ~~(\$808,761,000))~~ \$835,701,000 of the general fund—federal appropriation, \$4,000,000 of the administrative contingency account—state appropriation, and ~~(\$5,662,000))~~ \$5,585,000 of the pension funding stabilization account—state appropriation are provided solely for all components of the WorkFirst program. Within the amounts provided for the WorkFirst program, the department may provide assistance using state-only funds for families eligible for temporary assistance for needy families. The department must create a WorkFirst budget structure that allows for transparent tracking of budget units and subunits of expenditures where these units and subunits are mutually exclusive from other department budget units. The budget structure must include budget units for the following: Cash assistance, child care, WorkFirst activities, and administration of the program. Within these budget units, the department must develop program index codes for specific activities and develop allotments and track expenditures using these codes. The department shall report



to the office of financial management and the relevant fiscal and policy committees of the legislature prior to adopting a structure change.

(b)(i) (~~(\$266,668,000)~~) \$265,980,000 of the amounts in (a) of this subsection is for assistance to clients, including grants, diversion cash assistance, and additional diversion emergency assistance including but not limited to assistance authorized under RCW 74.08A.210. The department may use state funds to provide support to working families that are eligible for temporary assistance for needy families but otherwise not receiving cash assistance.

(ii) Of the amounts in (a) of this subsection, \$1,213,000 of the general fund—state appropriation for fiscal year 2020 and \$989,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of Second Substitute House Bill No. 1603 (economic assistance programs). (~~(If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.)~~)

(c)(i) (~~(\$158,316,000)~~) \$155,622,000 of the amounts in (a) of this subsection is for WorkFirst job search, education and training activities, barrier removal services, limited English proficiency services, and tribal assistance under RCW 74.08A.040. The department must allocate this funding based on client outcomes and cost effectiveness measures. Within amounts provided in this subsection (1)(c), the department shall implement the working family support program.

(ii) \$2,430,000 of the amounts provided in this subsection (1)(c) is for enhanced transportation assistance. The department must prioritize the use of these funds for the recipients most in need of financial assistance to facilitate their return to work. The department must not utilize these funds to supplant repayment arrangements that are currently in place to facilitate the reinstatement of drivers' licenses.

(iii) Of the amounts in (a) of this subsection, \$864,000 of the general fund—state appropriation for fiscal year 2020 and \$649,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of Second Substitute House Bill No. 1603 (economic assistance programs). (~~(If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.)~~)

(d)(~~(+)~~) \$353,402,000 of the general fund—federal appropriation is for the working connections child care program under RCW 43.216.020 within the department of children, youth, and families. The department is the lead agency for and recipient of the federal temporary assistance for needy families grant. A portion of this grant must be used to fund child care subsidies expenditures at the department of children, youth, and families. The department shall work in collaboration with the department of children, youth, and families to track the average monthly child care subsidy caseload and expenditures by fund type including the child care development fund, general fund—state, and the temporary assistance for needy families grant for the purpose of estimating the monthly temporary assistance for needy families grant reimbursement.

(e) \$68,496,000 of the general fund—federal appropriation is for child welfare services within the department of children, youth, and families.

(f)(i) (~~(\$122,945,000)~~) \$137,723,000 of the amounts in (1)(a) of this section is for WorkFirst administration and overhead.

(ii) Of the amounts in (a) of this subsection, \$218,000 of the general fund—state appropriation for fiscal year 2020 and \$39,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of Second Substitute House Bill No. 1603 (economic assistance programs). (~~(If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.)~~)

(iii) Of the amount in (f) of this subsection, \$284,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the implementation of Second Substitute Senate Bill No. 6478 (economic assistance programs). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

(iv) Of the amount in (f) of this subsection, \$291,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the implementation of Substitute House Bill No. 2441 (TANF access). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

(g) The amounts in subsections (1)(b) through (e) of this section shall be expended for the programs and in the amounts specified. However, the department may transfer up to ten percent of funding between subsections (1)(b) through (f) of this section. The department shall provide notification prior to any transfer to the office of financial management and to the appropriate legislative committees and the legislative-executive WorkFirst poverty reduction oversight task force. The approval of the director of financial management is required prior to any transfer under this subsection.

(h) Each calendar quarter, the department shall provide a maintenance of effort and participation rate tracking report for temporary assistance for needy families to the office of financial management, the appropriate policy and fiscal committees of the legislature, and the legislative-executive WorkFirst poverty reduction oversight task force. The report must detail the following information for temporary assistance for needy families:

(i) An overview of federal rules related to maintenance of effort, excess maintenance of effort, participation rates for temporary assistance for needy families, and the child care development fund as it pertains to maintenance of effort and participation rates;

(ii) Countable maintenance of effort and excess maintenance of effort, by source, provided for the previous federal fiscal year;

(iii) Countable maintenance of effort and excess maintenance of effort, by source, for the current fiscal year, including changes in countable maintenance of effort from the previous year;

(iv) The status of reportable federal participation rate requirements, including any impact of excess maintenance of effort on participation targets;

(v) Potential new sources of maintenance of effort and progress to obtain additional maintenance of effort;

(vi) A two-year projection for meeting federal block grant and contingency fund maintenance of effort, participation targets, and future reportable federal participation rate requirements; and

(vii) Proposed and enacted federal law changes affecting maintenance of effort or the participation rate, what impact these changes have on Washington's temporary assistance for needy families program, and the department's plan to comply with these changes.

(j) In the 2019-2021 fiscal biennium, it is the intent of the legislature to provide appropriations from the state general fund for the purposes of (b) through (f) of this subsection if the department does not receive additional federal temporary assistance for needy families contingency funds in each fiscal year as assumed in the budget outlook.

(2) \$2,545,000 of the general fund—state appropriation for fiscal year 2020 and \$2,546,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for naturalization services.

(3) \$2,366,000 of the general fund—state appropriation for fiscal year 2020 is provided solely for employment services for refugees and immigrants, of which \$1,774,000 is provided solely for the department to pass through to statewide refugee and immigrant assistance organizations for limited English proficiency pathway services; and \$2,366,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for employment services for refugees and immigrants, of which \$1,774,000 is provided solely for the department to pass through to statewide refugee and immigrant assistance organizations for limited English proficiency pathway services.

(4) On January 1, 2020, and annually thereafter, the department must report to the governor and the legislature on all sources of funding available for both refugee and immigrant services and naturalization services during the current fiscal year and the amounts expended to date by service type and funding source. The report must also include the number of clients served and outcome data for the clients.

(5) To ensure expenditures remain within available funds appropriated in this section, the legislature establishes the benefit under the state food assistance program, pursuant to RCW 74.08A.120, to be one hundred percent of the federal supplemental nutrition assistance program benefit amount.

(6) The department shall review clients receiving services through the aged, blind, or disabled assistance program, to determine whether they would benefit from assistance in becoming naturalized citizens, and thus be eligible to receive federal supplemental security income

benefits. Those cases shall be given high priority for naturalization funding through the department.

(7) \$3,682,000 of the general fund—state appropriation for fiscal year 2020, \$1,344,000 of the general fund—state appropriation for fiscal year 2021, and \$10,333,000 of the general fund—federal appropriation are provided solely for the continuation of the ESAR project and ~~((are))~~ implementation of a disaster recovery plan. The funding is subject to the conditions, limitations, and review provided in ~~((section 719 of this act))~~ section 701 of this act.

(8) The department shall continue the interagency agreement with the department of veterans' affairs to establish a process for referral of veterans who may be eligible for veterans' services. This agreement must include out-stationing department of veterans' affairs staff in selected community service office locations in King and Pierce counties to facilitate applications for veterans' services.

(9) \$1,000,000 of the general fund—state appropriation for fiscal year 2020 and ~~(((\$1,000,000))~~ \$1,200,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for operational support of the Washington information network 211 organization.

(10) ~~(((\$996,000))~~ \$748,000 of the general fund—state appropriation for fiscal year 2020, ~~\$2,930,000 of the general fund—state appropriation for fiscal year 2021,~~ and ~~(((\$775,000))~~ \$576,000 of the general fund—federal appropriation are provided solely to ~~((begin implementing))~~ implement an asset verification system that is compliant with the federal medicaid extenders act by January 1, 2021 and is subject to the conditions, limitations, and review provided in section 701 of this act.

(11) Within amounts appropriated in this section, the department must conduct a comprehensive study of the WorkFirst transportation pilot. The department must submit a report by November 1, 2020, to the governor and the appropriate fiscal and policy committees that includes a cost benefit analysis of the transportation pilot. At a minimum, the report must include the total annual cost of the pilot since implementation, total annual number of clients accessing transportation services through the pilot, impacts to sanctions and the participation rate, employment outcomes, caseload impacts, department recommendations, and lessons learned.

(12) \$2,375,000 of the general fund—state appropriation for fiscal year 2021 and \$44,000 of the general fund—federal appropriation are provided solely to eliminate the supplied shelter grant standard for the pregnant women assistance, refugee cash assistance, and the aged, blind, or disabled assistance programs.

(13) \$164,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the implementation of Third Substitute Senate Bill No. 5164 (trafficking victims assist.). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

(14)(a) \$142,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for staff

and information technology costs associated with extending health care coverage for an additional ten months for postpartum persons who are eligible under pregnancy eligibility rules at the end of the sixty day postpartum period, to provide a total of twelve months postpartum coverage.

(b) The department must coordinate system changes with the health care authority and the health benefit exchange.

(15) \$1,121,000 of the general fund—state appropriation for fiscal year 2021 and \$1,107,000 of the general fund—federal appropriation are provided solely for the implementation of Second Substitute Senate Bill No. 5144 (child support pass-through). If the bill is not enacted by June 30, 2020, the amounts provided in this subsection shall lapse.

(16) \$228,000 of the general fund—state appropriation for fiscal year 2021 is provided to eliminate the mid-certification review for aged participants in the aged, blind, and disabled program.

**Sec. 206.** 2019 c 415 s 206 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—VOCATIONAL REHABILITATION PROGRAM**

General Fund—State Appropriation (FY 2020)	.....	(\$16,656,000))
		<u>\$16,663,000</u>
General Fund—State Appropriation (FY 2021)	.....	(\$17,605,000))
		<u>\$17,632,000</u>
General Fund—Federal Appropriation	.....	(\$109,571,000))
		<u>\$109,595,000</u>
Pension Funding Stabilization Account—State		
Appropriation .....		\$2,024,000
TOTAL APPROPRIATION .....		<u>\$145,856,000</u>
		<u>\$145,914,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) The department of social and health services vocational rehabilitation program shall participate in the development of an implementation plan to build statewide capacity among school districts to improve transition planning for students in special education who meet criteria for services from the developmental disabilities administration, pursuant to section 501(3)(c) of this act.

(2) \$500,000 of the general fund—state appropriation for fiscal year 2020 and \$500,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for supported employment services for additional eligible clients with the most significant disabilities who would

otherwise be placed on the federally required order of selection waiting list.

**Sec. 207.** 2019 c 415 s 207 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—SPECIAL COMMITMENT PROGRAM**

General Fund—State Appropriation (FY 2020)	.....	(\$53,965,000))
		<u>\$52,711,000</u>
General Fund—State Appropriation (FY 2021)	.....	(\$54,800,000))
		<u>\$53,921,000</u>
Pension Funding Stabilization Account—State		
Appropriation.....		\$4,580,000
TOTAL APPROPRIATION.....		<u>\$113,345,000</u>
		<u>\$111,212,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) The special commitment center may use funds appropriated in this subsection to purchase goods and supplies through hospital group purchasing organizations when it is cost-effective to do so.

(2) \$705,000 of the general fund—state appropriation for fiscal year 2020 and \$784,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the department to expand its King county secure transition facility from six beds to twelve beds beginning January 1, 2020.

(3) \$225,000 of the general fund—state appropriation for fiscal year 2020 and \$210,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the department to hire staff to provide medical transportation and hospital watch services for individuals in need of medical care outside the main facility.

(4) \$158,000 of the general fund—state appropriation for fiscal year 2020 and \$152,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the department to hire an administrator to coordinate siting efforts for new secure community transition facilities to house individuals transitioning to the community from the main facility.

**Sec. 208.** 2019 c 415 s 208 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—ADMINISTRATION AND SUPPORTING SERVICES PROGRAM**

General Fund—State Appropriation (FY 2020)	.....	(\$31,403,000))
		<u>\$31,806,000</u>

General Fund—State Appropriation (FY 2021)	
.....(((\$32,427,000))	
	<u>\$36,863,000</u>
General Fund—Federal Appropriation	
.....(((\$44,592,000))	
	<u>\$48,142,000</u>
Pension Funding Stabilization Account—State	
Appropriation .....(((\$6,044,000))	
	<u>\$6,449,000</u>
TOTAL APPROPRIATION .....	<u>\$114,466,000</u>
	<u>\$123,260,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) Within amounts appropriated in this section, the department shall provide to the department of health, where available, the following data for all nutrition assistance programs funded by the United States department of agriculture and administered by the department. The department must provide the report for the preceding federal fiscal year by February 1, 2020, and February 1, 2021. The report must provide:

- (a) The number of people in Washington who are eligible for the program;
- (b) The number of people in Washington who participated in the program;
- (c) The average annual participation rate in the program;
- (d) Participation rates by geographic distribution; and
- (e) The annual federal funding of the program in Washington.

(2) \$47,000 of the general fund—state appropriation for fiscal year 2020, \$47,000 of the general fund—state appropriation for fiscal year 2021, and \$142,000 of the general fund—federal appropriation are provided solely for the implementation of an agreement reached between the governor and the Washington federation of state employees for the language access providers under the provisions of chapter 41.56 RCW for the 2019-2021 fiscal biennium.

**Sec. 209.** 2019 c 415 s 209 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—PAYMENTS TO OTHER AGENCIES PROGRAM**

General Fund—State Appropriation (FY 2020)	
.....(((\$36,426,000))	
	<u>\$36,524,000</u>
General Fund—State Appropriation (FY 2021)	
.....(((\$38,154,000))	
	<u>\$41,064,000</u>

General Fund—Federal Appropriation	
.....(((\$41,143,000))	
	<u>\$42,178,000</u>
TOTAL APPROPRIATION .....	<u>\$115,723,000</u>
	<u>\$119,766,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) Within the amounts appropriated in this section, the department must extend master property insurance to all buildings owned by the department valued over \$250,000 and to all locations leased by the department with contents valued over \$250,000.

(2) \$63,000 of the general fund—state appropriation for fiscal year 2020 and \$7,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of Engrossed Second Substitute Senate Bill No. 5497 (immigrants in the workplace). ~~((If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.))~~

**Sec. 210.** 2019 c 415 s 210 (uncodified) is amended to read as follows:

**FOR THE STATE HEALTH CARE AUTHORITY**

During the 2019-2021 fiscal biennium, the health care authority shall provide support and data as required by the office of the state actuary in providing the legislature with health care actuarial analysis, including providing any information in the possession of the health care authority or available to the health care authority through contracts with providers, plans, insurers, consultants, or any other entities contracting with the health care authority.

Information technology projects or investments and proposed projects or investments impacting time capture, payroll and payment processes and systems, eligibility, case management, and authorization systems within the health care authority are subject to technical oversight by the office of the chief information officer.

The health care authority shall not initiate any services that require expenditure of state general fund moneys unless expressly authorized in this act or other law. The health care authority may seek, receive, and spend, under RCW 43.79.260 through 43.79.282, federal moneys not anticipated in this act as long as the federal funding does not require expenditure of state moneys for the program in excess of amounts anticipated in this act. If the health care authority receives unanticipated unrestricted federal moneys, those moneys shall be spent for services authorized in this act or in any other legislation providing appropriation authority, and an equal amount of appropriated state general fund moneys shall lapse. Upon the lapsing of any moneys under this subsection, the office of financial management shall notify the legislative fiscal committees. As used in this subsection, "unrestricted federal moneys" includes block grants and other funds that federal law does not require to be spent on specifically defined projects or matched on a formula basis by state funds.

The health care authority, the health benefit exchange, the department of social and health services, the department of health, and the department of children, youth, and families shall work together within existing resources to establish the health and human services enterprise coalition (the coalition). The coalition, led by the health care authority, must be a multi-organization collaborative that provides strategic direction and federal funding guidance for projects that have cross-organizational or enterprise impact, including information technology projects that affect organizations within the coalition. By October 31, 2019, the coalition must submit a report to the governor and the legislature that describes the coalition's plan for projects affecting the coalition organizations. The report must include any information technology projects impacting coalition organizations and, in collaboration with the office of the chief information officer, provide: (1) The status of any information technology projects currently being developed or implemented that affect the coalition; (2) funding needs of these current and future information technology projects; and (3) next steps for the coalition's information technology projects. The office of the chief information officer shall maintain a statewide perspective when collaborating with the coalition to ensure that the development of projects identified in this report are planned for in a manner that ensures the efficient use of state resources and maximizes federal financial participation. The work of the coalition is subject to the conditions, limitations, and review provided in ~~((section 719 of this act))~~ section 701 of this act.

The appropriations to the health care authority in this act shall be expended for the programs and in the amounts specified in this act. However, after May 1, 2020, unless prohibited by this act, the authority may transfer general fund—state appropriations for fiscal year 2020 among programs after approval by the director of the office of financial management. To the extent that appropriations in sections 211 through 215 are insufficient to fund actual expenditures in excess of caseload forecast and utilization assumptions, the authority may transfer general fund—state appropriations for fiscal year 2020 that are provided solely for a specified purpose. The authority may also transfer general fund—state appropriations for fiscal year 2020 that are provided solely for a specified purpose within section 215 of this act to cover any deficits in section 215 of this act resulting from assumptions related to the return of \$35,000,000 in general fund—state behavioral health organization reserves in fiscal year 2020. The authority may not transfer funds, and the director of the office of financial management shall not approve the transfer, unless the transfer is consistent with the objective of conserving, to the maximum extent possible, the expenditure of state funds. The director of the office of financial management shall notify the appropriate fiscal committees of the legislature in writing seven days prior to approving any allotment modifications or transfers under this section. The written notification must include a narrative explanation and justification of changes, along with expenditures and allotments by budget unit and appropriation, both before and after any allotment modifications and transfers.

**Sec. 211.** 2019 c 415 s 211 (uncodified) is amended to read as follows:

**FOR THE STATE HEALTH CARE AUTHORITY—MEDICAL ASSISTANCE**

General Fund—State Appropriation (FY 2020)	..... (( <del>(\$2,281,076,000)</del> ))	<u>\$2,378,633,000</u>
General Fund—State Appropriation (FY 2021)	..... (( <del>(\$2,325,882,000)</del> ))	<u>\$2,440,100,000</u>
General Fund—Federal Appropriation	..... (( <del>(\$11,597,642,000)</del> ))	<u>\$12,319,236,000</u>
General Fund—Private/Local Appropriation	..... (( <del>(\$285,918,000)</del> ))	<u>\$246,218,000</u>
Emergency Medical Services and Trauma Care Systems		
Trust Account—State Appropriation.....	\$15,086,000	
Hospital Safety Net Assessment Account—State Appropriation.....	(( <del>(\$721,718,000)</del> ))	<u>\$715,909,000</u>
Medicaid Fraud Penalty Account—State Appropriation .....	(( <del>(\$10,364,000)</del> ))	<u>\$10,208,000</u>
Dedicated Marijuana Account—State Appropriation (FY 2020) .....	(( <del>(\$18,951,000)</del> ))	<u>\$20,870,000</u>
Dedicated Marijuana Account—State Appropriation (FY 2021) .....	(( <del>(\$19,341,000)</del> ))	<u>\$20,953,000</u>
Pension Funding Stabilization Account—State Appropriation.....	\$4,544,000	
Medical Aid Account—State Appropriation.	\$538,000	
TOTAL APPROPRIATION.....	<del>\$17,281,060,000</del>	<u>\$18,172,295,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) The authority shall not accept or expend any federal funds received under a medicaid transformation waiver under healthier Washington except as described in subsections (2) and (3) of this section until specifically approved and appropriated by the legislature. To ensure compliance with legislative directive budget requirements and terms and conditions of the waiver, the authority shall

implement the waiver and reporting requirements with oversight from the office of financial management. The legislature finds that appropriate management of the innovation waiver requires better analytic capability, transparency, consistency, timeliness, accuracy, and lack of redundancy with other established measures and that the patient must be considered first and foremost in the implementation and execution of the demonstration waiver. In order to effectuate these goals, the authority shall: (a) Require the Dr. Robert Bree collaborative and the health technology assessment program to reduce the administrative burden upon providers by only requiring performance measures that are nonduplicative of other nationally established measures. The joint select committee on health care oversight will evaluate the measures chosen by the collaborative and the health technology assessment program for effectiveness and appropriateness; (b) develop a patient satisfaction survey with the goal to gather information about whether it was beneficial for the patient to use the center of excellence location in exchange for additional out-of-pocket savings; (c) ensure patients and health care providers have significant input into the implementation of the demonstration waiver, in order to ensure improved patient health outcomes; and (d) in cooperation with the department of social and health services, consult with and provide notification of work on applications for federal waivers, including details on waiver duration, financial implications, and potential future impacts on the state budget, to the joint select committee on health care oversight prior to submitting waivers for federal approval. By federal standard, the medicaid transformation demonstration waiver shall not exceed the duration originally granted by the centers for medicare and medicaid services and any programs created or funded by this waiver do not create an entitlement. Beginning May 15, 2019, and continuing through December 15, 2019, by the 15th of each month, the director in consultation with the secretary shall report to the fiscal chair of the appropriate committees of the legislature in the manner and form requested the status of the medicaid transformation waiver, including any anticipated or proposed changes to accruals or expenditures.

(2) No more than ~~(((\$305,659,000))~~ \$153,357,000 of the general fund—federal appropriation and no more than ~~(((\$157,284,000))~~ \$86,190,000 of the general fund—local appropriation may be expended for transformation through accountable communities of health described in initiative 1 of the medicaid transformation demonstration wavier under healthier Washington, including preventing youth drug use, opioid prevention and treatment, and physical and behavioral health integration. Under this initiative, the authority shall take into account local input regarding community needs. In order to ensure transparency to the appropriate fiscal committees of the legislature, the authority shall provide fiscal staff of the legislature query ability into any database of the fiscal intermediary that authority staff would be authorized to access. The authority shall not increase general fund—state expenditures under this initiative. The director shall also report to the fiscal committees of the legislature all of the expenditures under this subsection and shall provide such fiscal data in the time, manner, and form requested by the legislative fiscal committees. By December 15, 2019, the authority in

collaboration with each accountable community of health shall demonstrate how it will be self-sustaining by the end of the demonstration waiver period, including sources of outside funding, and provide this reporting to the joint select committee on health care oversight. If by the third year of the demonstration waiver there are not measurable, improved patient outcomes and financial returns, the Washington state institute for public policy will conduct an audit of the accountable communities of health, in addition to the process set in place through the independent evaluation required by the agreement with centers for medicare and medicaid services.

(3)(a) No more than \$79,829,000 of the general fund—federal appropriation may be expended for supported housing and employment services described in initiative 3a and 3b of the medicaid transformation demonstration waiver under healthier Washington. Under this initiative, the authority and the department of social and health services shall ensure that allowable and necessary services are provided to eligible clients as identified by the department or its third party administrator. The authority and the department in consultation with the medicaid forecast work group, shall ensure that reasonable reimbursements are established for services deemed necessary within an identified limit per individual. The authority shall not increase general fund—state expenditures under this initiative. The director shall report to the joint select committee on health care oversight no less than quarterly on financial and health outcomes. The director shall also report to the fiscal committees of the legislature all of the expenditures of this subsection and shall provide such fiscal data in the time, manner, and form requested by the legislative fiscal committees.

(b) No more than \$89,476,000 of the general fund—federal appropriation and no more than \$36,548,000 of the general fund—local appropriation may be expended for the medicaid quality improvement program. Under federal regulations, the medicaid quality improvement program is authorized and allows states to design quality improvement programs for the medicaid population in ways that support the state's quality goals. Medicaid quality improvement program payments will not count against initiative 1 of the medicaid transformation demonstration waiver spending limit and are excluded from the waiver's budget neutrality calculation. Apple health managed care organizations and their partnering providers will receive medicaid quality improvement program payments as they meet designated milestones. Partnering providers and apple health managed care organizations will work together to achieve medicaid quality improvement program goals according to the performance period timelines and reporting deadlines as set forth by the authority. The authority shall only utilize the medicaid quality improvement program to support the transformation waiver and shall not pursue its use for other purposes. Any programs created or funded by the medicaid quality improvement program do not create an entitlement. The authority shall not increase general fund—state, federal, or local expenditures under this program. The director shall report to the joint select committee on health care oversight not less than quarterly on financial and health outcomes. The director shall report to the fiscal committees of the

legislature all of the expenditures under this subsection and shall provide such fiscal data in the time, manner, and form requested by the legislative fiscal committees.

(4) Annually, no later than November 1st, the authority shall report to the governor and appropriate committees of the legislature: (a) Savings attributed to behavioral and physical integration in areas that are scheduled to integrate in the following calendar year, and (b) savings attributed to behavioral and physical health integration and the level of savings achieved in areas that have integrated behavioral and physical health.

(5) Sufficient amounts are appropriated in this subsection to implement the medicaid expansion as defined in the social security act, section 1902(a)(10)(A)(i)(VIII).

(6) The legislature finds that medicaid payment rates, as calculated by the health care authority pursuant to the appropriations in this act, bear a reasonable relationship to the costs incurred by efficiently and economically operated facilities for providing quality services and will be sufficient to enlist enough providers so that care and services are available to the extent that such care and services are available to the general population in the geographic area. The legislature finds that the cost reports, payment data from the federal government, historical utilization, economic data, and clinical input constitute reliable data upon which to determine the payment rates.

(7) Based on quarterly expenditure reports and caseload forecasts, if the health care authority estimates that expenditures for the medical assistance program will exceed the appropriations, the health care authority shall take steps including but not limited to reduction of rates or elimination of optional services to reduce expenditures so that total program costs do not exceed the annual appropriation authority.

(8) In determining financial eligibility for medicaid-funded services, the health care authority is authorized to disregard recoveries by Holocaust survivors of insurance proceeds or other assets, as defined in RCW 48.104.030.

(9) The legislature affirms that it is in the state's interest for Harborview medical center to remain an economically viable component of the state's health care system.

(10) When a person is ineligible for medicaid solely by reason of residence in an institution for mental diseases, the health care authority shall provide the person with the same benefits as he or she would receive if eligible for medicaid, using state-only funds to the extent necessary.

(11) \$4,261,000 of the general fund—state appropriation for fiscal year 2020, \$4,261,000 of the general fund—state appropriation for fiscal year 2021, and \$8,522,000 of the general fund—federal appropriation are provided solely for low-income disproportionate share hospital payments.

(12) Within the amounts appropriated in this section, the health care authority shall provide disproportionate share hospital payments to hospitals that provide services to children in the children's health program who are not eligible

for services under Title XIX or XXI of the federal social security act due to their citizenship status.

(13) ~~(\$6,000,000)~~ (a) \$7,000,000 of the general fund—federal appropriation is provided solely for supplemental payments to nursing homes operated by public hospital districts. The public hospital district shall be responsible for providing the required nonfederal match for the supplemental payment, and the payments shall not exceed the maximum allowable under federal rules. It is the legislature's intent that the payments shall be supplemental to and shall not in any way offset or reduce the payments calculated and provided in accordance with part E of chapter 74.46 RCW. It is the legislature's further intent that costs otherwise allowable for rate-setting and settlement against payments under chapter 74.46 RCW shall not be disallowed solely because such costs have been paid by revenues retained by the nursing home from these supplemental payments. The supplemental payments are subject to retrospective interim and final cost settlements based on the nursing homes' as-filed and final medicare cost reports. The timing of the interim and final cost settlements shall be at the health care authority's discretion. During either the interim cost settlement or the final cost settlement, the health care authority shall recoup from the public hospital districts the supplemental payments that exceed the medicaid cost limit and/or the medicare upper payment limit. The health care authority shall apply federal rules for identifying the eligible incurred medicaid costs and the medicare upper payment limit.

(b) The authority, in consultation with the department of social and health services and the nursing homes operated by public hospitals in (a) of this subsection, must develop a plan with recommendations for an upper payment limit calculation and the supplemental payment model for nursing homes operated by a public hospital district. The group must consider how to restructure payments under (a) of this subsection, taking into consideration alternate upper payment limit calculation. If upon completion of the plan, the authority determines it can implement the recommendations of the group within the amounts provided in (a) of this subsection, the authority must submit a state plan amendment, if necessary, and submit a report to the fiscal committees of the legislature no later than September 30, 2020.

(c) \$193,000 of the general fund—state appropriation for fiscal year 2020 is provided solely for the authority to provide a one-time grant to a standalone skilled nursing facility operated by a public hospital district in Grant county. This grant is provided as a one-time offset to address the impact of the recoupment requirements of this subsection (13).

(14) The health care authority shall continue the inpatient hospital certified public expenditures program for the 2019-2021 fiscal biennium. The program shall apply to all public hospitals, including those owned or operated by the state, except those classified as critical access hospitals or state psychiatric institutions. The health care authority shall submit reports to the governor and legislature by November 1, 2020, and by November 1, 2021, that evaluate whether savings continue to exceed costs for this program.

If the certified public expenditures (CPE) program in its current form is no longer cost-effective to maintain, the health care authority shall submit a report to the governor and legislature detailing cost-effective alternative uses of local, state, and federal resources as a replacement for this program. During fiscal year 2020 and fiscal year 2021, hospitals in the program shall be paid and shall retain one hundred percent of the federal portion of the allowable hospital cost for each medicaid inpatient fee-for-service claim payable by medical assistance and one hundred percent of the federal portion of the maximum disproportionate share hospital payment allowable under federal regulations. Inpatient medicaid payments shall be established using an allowable methodology that approximates the cost of claims submitted by the hospitals. Payments made to each hospital in the program in each fiscal year of the biennium shall be compared to a baseline amount. The baseline amount will be determined by the total of (a) the inpatient claim payment amounts that would have been paid during the fiscal year had the hospital not been in the CPE program based on the reimbursement rates developed, implemented, and consistent with policies approved in the 2019-2021 biennial operating appropriations act and in effect on July 1, 2015, (b) one-half of the indigent assistance disproportionate share hospital payment amounts paid to and retained by each hospital during fiscal year 2005, and (c) all of the other disproportionate share hospital payment amounts paid to and retained by each hospital during fiscal year 2005 to the extent the same disproportionate share hospital programs exist in the 2019-2021 fiscal biennium. If payments during the fiscal year exceed the hospital's baseline amount, no additional payments will be made to the hospital except the federal portion of allowable disproportionate share hospital payments for which the hospital can certify allowable match. If payments during the fiscal year are less than the baseline amount, the hospital will be paid a state grant equal to the difference between payments during the fiscal year and the applicable baseline amount. Payment of the state grant shall be made in the applicable fiscal year and distributed in monthly payments. The grants will be recalculated and redistributed as the baseline is updated during the fiscal year. The grant payments are subject to an interim settlement within eleven months after the end of the fiscal year. A final settlement shall be performed. To the extent that either settlement determines that a hospital has received funds in excess of what it would have received as described in this subsection, the hospital must repay the excess amounts to the state when requested. ~~(((\$537,000))~~ \$759,000 of the general fund—state appropriation for fiscal year 2020 and ~~(((\$522,000))~~ \$740,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for state grants for the participating hospitals.

(15) The health care authority shall seek public-private partnerships and federal funds that are or may become available to provide on-going support for outreach and education efforts under the federal children's health insurance program reauthorization act of 2009.

(16) The health care authority shall target funding for maternity support services towards pregnant women with factors that lead to higher rates of poor birth outcomes,

including hypertension, a preterm or low birth weight birth in the most recent previous birth, a cognitive deficit or developmental disability, substance abuse, severe mental illness, unhealthy weight or failure to gain weight, tobacco use, or African American or Native American race. The health care authority shall prioritize evidence-based practices for delivery of maternity support services. To the extent practicable, the health care authority shall develop a mechanism to increase federal funding for maternity support services by leveraging local public funding for those services.

(17) The authority shall submit reports to the governor and the legislature by September 15, 2020, and no later than September 15, 2021, that delineate the number of individuals in medicaid managed care, by carrier, age, gender, and eligibility category, receiving preventative services and vaccinations. The reports should include baseline and benchmark information from the previous two fiscal years and should be inclusive of, but not limited to, services recommended under the United States preventative services task force, advisory committee on immunization practices, early and periodic screening, diagnostic, and treatment (EPSDT) guidelines, and other relevant preventative and vaccination medicaid guidelines and requirements.

(18) Managed care contracts must incorporate accountability measures that monitor patient health and improved health outcomes, and shall include an expectation that each patient receive a wellness examination that documents the baseline health status and allows for monitoring of health improvements and outcome measures.

(19) Sufficient amounts are appropriated in this section for the authority to provide an adult dental benefit.

(20) The health care authority shall coordinate with the department of social and health services to provide referrals to the Washington health benefit exchange for clients that will be ineligible for medicaid.

(21) To facilitate a single point of entry across public and medical assistance programs, and to maximize the use of federal funding, the health care authority, the department of social and health services, and the health benefit exchange will coordinate efforts to expand HealthPlanfinder access to public assistance and medical eligibility staff. The health care authority shall complete medicaid applications in the HealthPlanfinder for households receiving or applying for medical assistance benefits.

(22) \$90,000 of the general fund—state appropriation for fiscal year 2020, \$90,000 of the general fund—state appropriation for fiscal year 2021, and \$180,000 of the general fund—federal appropriation are provided solely to continue operation by a nonprofit organization of a toll-free hotline that assists families to learn about and enroll in the apple health for kids program.

(23) Within the amounts appropriated in this section, the authority shall reimburse for primary care services provided by naturopathic physicians.

(24) Within the amounts appropriated in this section, the authority shall continue to provide coverage for pregnant



teens that qualify under existing pregnancy medical programs, but whose eligibility for pregnancy related services would otherwise end due to the application of the new modified adjusted gross income eligibility standard.

(25) Sufficient amounts are appropriated in this section to remove the mental health visit limit and to provide the shingles vaccine and screening, brief intervention, and referral to treatment benefits that are available in the medicaid alternative benefit plan in the classic medicaid benefit plan.

(26) The authority shall use revenue appropriated from the dedicated marijuana fund for contracts with community health centers under RCW 69.50.540 in lieu of general fund—state payments to community health centers for services provided to medical assistance clients, and it is the intent of the legislature that this policy will be continued in subsequent fiscal biennia.

(27) Beginning no later than January 1, 2018, for any service eligible under the medicaid state plan for encounter payments, managed care organizations at the request of a rural health clinic shall pay the full published encounter rate directly to the clinic. At no time will a managed care organization be at risk for or have any right to the supplemental portion of the claim. Payments will be reconciled on at least an annual basis between the managed care organization and the authority, with final review and approval by the authority.

(28) Sufficient funds are provided for the authority to remove payment and billing limitations identified during the review process required for implementation of chapter 226, Laws of 2017 (behavioral health care – primary care integration) for health and behavior codes, psychotherapy codes, and to continue to offer face-to-face tobacco cessation counseling only for pregnant individuals. Additional funding is provided to increase the rates for the health and behavior codes and psychotherapy codes identified through the stakeholder work group process required under chapter 226, Laws of 2017 (SSB 5779) by ten percent.

(29)(a) \$34,145,000 of the general fund—state appropriation for fiscal year 2021 and \$5,898,000 of the general fund—federal appropriation are provided solely for the compromise of claims in the reconciliation process for rural health clinics for the calendar years 2014-2017. The authority may not recover the state portion of rural health clinic reconciliations for calendar years 2014-2017 for which no state accrual was made. If the authority determines there are unliquidated prior period accrual balances available to refund the federal government for these years, these amounts must be used prior to the amounts provided under this subsection.

(b) By October 15, 2019, the authority shall report to the governor and relevant committees of the legislature the status of rural health clinic reconciliations for calendar years 2011-2013, including any use of available unliquidated prior period accrual balances to refund the federal government for those calendar years. Additionally, the report shall include the status of rural health clinic reconciliations for calendar years 2014-2017, including anticipated amounts owed to or

from rural health clinics from the reconciliation process for those fiscal years. The authority shall not recover the state portion of rural health reconciliations for calendar years 2011-2013 for which no general fund state accrual was made. The authority shall not pursue recoveries for calendar years 2014-2017 until after the legislature has an opportunity to take action during the 2020 legislative session. If the legislature does not take any action on rural health clinic reconciliations for calendar years 2014-2017, recoveries shall commence per administrative rule.

(c) Beginning with fiscal year 2020, and for each subsequent year thereafter, the authority shall reconcile on an annual basis with rural health centers.

(d) Beginning with fiscal year 2020, and for each subsequent year thereafter, the authority shall properly accrue for any anticipated reconciliations with rural health centers during the fiscal year close process following generally accepted accounting practices.

(30) Sufficient amounts are appropriated in this section for the authority to provide a medicaid equivalent adult dental benefit to clients enrolled in the medical care service program.

(31) \$300,000 of the general fund—state appropriation for fiscal year 2020 and ~~(((\$300,000))~~ \$600,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the Bree collaborative to support collaborative learning and targeted technical assistance for quality improvement initiatives. The collaborative must use these amounts to hire one full-time staff person to promote the adoption of Bree collaborative recommendations and to hold two conferences focused on the sharing of best implementation practices.

(32) Within the amounts appropriated in this section, the authority shall reimburse for maternity ~~((support))~~ services provided by doulas. The authority and the department of health must consult with stakeholders and develop methods to secure approval from the centers for medicare and medicaid services for reimbursement for doulas. The authority will report the group's recommendations to the appropriate committees of the legislature by December 1, 2020.

(33) The authority shall facilitate a home health work group consisting of home health provider associations, hospital associations, managed care organizations, the department of social and health services, and the department of health to develop a new medicaid payment methodology for home health services. The authority must submit a report with final recommendations and a proposed implementation timeline to the appropriate committees of the legislature by November 30, 2019. The work group must consider the following when developing the new payment methodology:

(a) Reimbursement for telemedicine;

(b) Reimbursement for social work for clients with behavioral health needs;

(c) An additional add-on for services in rural or underserved areas;

(d) Quality metrics for home health providers serving medical assistance clients including reducing hospital readmission;

(e) The role of home health in caring for individuals with complex, physical, and behavioral health needs who are able to receive care in their own home, but are unable to be discharged from hospital settings; and

(f) Partnerships between home health and other community resources that enable individuals to be served in a cost-effective setting that also meets the individual's needs and preferences.

(34) \$969,000 of the general fund—state appropriation for fiscal year 2020, \$2,607,000 of the general fund—state appropriation for fiscal year 2021, and \$1,268,000 of the general fund—federal appropriation are provided solely to create and operate a tele-behavioral health video call center staffed by the University of Washington's department of psychiatry and behavioral sciences. The center must provide emergency department providers, primary care providers, and county and municipal correctional facility providers with on-demand access to psychiatric and substance use disorder clinical consultation. When clinically appropriate and technically feasible, the clinical consultation may also involve direct assessment of patients using tele-video technology. The center must be available from 8 a.m. to 5 p.m. in fiscal year 2020 and twenty-four hours a day in fiscal year 2021. Of the federal amounts provided in this subsection, \$700,000 is from the substance abuse prevention and treatment federal block grant and is to support addiction medicine services through the call center.

(35) \$300,000 of the general fund—federal appropriation, from the substance abuse prevention and treatment federal block grant amount, is provided solely for medication interaction services through the Washington state poison center.

(36) Within the amounts appropriated in this section, the authority shall review the current diagnosis-related group high outlier claim policies and examine the impact of increasing the current high outlier threshold. To the extent necessary, the authority shall seek actuarial support for this work. The authority must provide a report to the appropriate committees of the legislature by December 31, 2019, that:

(a) Outlines several options for increasing the threshold;

(b) Describes the impact of these options on hospitals, the state, and medicaid managed care organizations; and

(c) Identifies any technical challenge or limitations of changes to the threshold.

(37) Within the amounts appropriated in this section, the authority to include allergen control bed and pillow covers as part of the durable medical equipment benefit for children with an asthma diagnosis enrolled in medical assistance programs.

(38) Sufficient amounts are appropriated in this section to increase the hourly rate by ten percent for registered nurses and licensed practical nurses providing

skilled nursing services for children who require medically intensive care in a home setting. This rate increase begins on January 1, 2020.

(39) Sufficient amounts are appropriated in this section to increase the daily rate by ten percent for registered nurses and licensed practical nurses providing skilled nursing services to medically intensive children's program clients who reside in a group home setting. This rate increase begins on January 1, 2020.

(40) ~~(((\$400,000)) \$439,000 of the general fund—state appropriation for fiscal year 2020 ((is)) and \$519,000 of the general fund—state appropriation for fiscal year 2021 are provided solely to implement Engrossed Substitute Senate Bill No. 5526 (individual health insurance market). ((If the bill is not enacted by June 30, 2019, the amount provided in this subsection shall lapse.))~~

(41) \$22,000 of the general fund—state appropriation for fiscal year 2020, \$159,000 of the general fund—state appropriation for fiscal year 2021, and \$181,000 of the general fund—federal appropriation are provided solely to implement Substitute House Bill No. 1199 (health care/disability). ~~((If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.))~~

(42) \$290,000 of the general fund—state appropriation for fiscal year 2020 and ~~(((\$165,000)) \$463,000 of the general fund—state appropriation for fiscal year 2021 are provided solely to implement Engrossed Second Substitute House Bill No. 1224 (Rx drug cost transparency) with up to an additional year for initial reporting due within the 2019-2021 fiscal biennium. ((If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.))~~

(43) \$1,053,000 of the general fund—state appropriation for fiscal year 2020 and \$2,222,000 of the general fund—state appropriation for fiscal year 2021 are provided solely to implement Engrossed Substitute Senate Bill No. 5741 (all payer claims database). ~~((If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.))~~

(44) \$2,374,000 of the general fund—state appropriation for fiscal year 2020 and \$2,374,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the kidney disease program.

(45) The authority shall work with the department of health, other state agencies, and other hepatitis C virus medication purchasers to establish a comprehensive procurement strategy. As part of this work, the authority shall estimate, by program, any savings that will result from lower medication costs. It is the intent of the legislature to evaluate reinvesting any savings to expand treatment for individuals enrolled in state covered groups and to further the public health elimination effort during the 2020 legislative session. By October 31, 2019, the authority and department shall report to the governor and relevant committees of the legislature on:

(a) The progress of the procurement;

(b) The estimated savings resulting from lower medication costs;

(c) Funding needed for public health interventions to eliminate the hepatitis C virus;

(d) The current status of treatment; and

(e) A plan to implement the elimination effort.

(46) \$50,000 of the general fund—state appropriation for fiscal year 2020 and \$533,000 for fiscal year 2021 are provided solely for implementation of Engrossed Senate Bill No. 5274 (pacific islanders dental). Open enrollment periods and special enrollment periods must be consistent with the enrollment periods for the COFA medical program, through the health benefit exchange, and program administration must be consistent with the pacific islander medical program. The first open-enrollment period for the COFA dental program must begin no later than November 1, 2020. The dental services must be consistent with the adult medicaid dental coverage, including state payment of premiums, out-of-pocket costs for covered benefits under the qualified dental plan, and costs for noncovered qualified dental plan benefits consistent with, but not to exceed, the medicaid adult dental coverage. ~~((If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.))~~

(47) During the 2019-2021 biennium, sufficient amounts are provided in this section for the authority to provide services identical to those services covered by the Washington state family planning waiver program as of August 2018 to individuals who:

(a) Are over nineteen years of age;

(b) Are at or below two hundred and sixty percent of the federal poverty level as established in WAC 182-505-0100;

(c) Are not covered by other public or private insurance; and

(d) Need family planning services and are not currently covered by or eligible for another medical assistance program for family planning.

(48) \$282,000 of the general fund—state appropriation for fiscal year 2020 and \$754,000 of the general fund—federal appropriation are provided solely for the implementation of Senate Bill No. 5415 (Indian health improvement). ~~((If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.))~~

(49) \$3,150,000 of the general fund—state appropriation for fiscal year 2020 and \$3,500,000 of the general fund—state appropriation for fiscal year 2021 are provided solely to reimburse dental health aid therapists for services performed in tribal facilities for medicaid clients. The authority must leverage any federal funding that may become available as a result of appeal decisions from the centers for medicare and medicaid services.

(50) Sufficient amounts are appropriated within this section for the authority to incorporate the expected outcomes and criteria to measure the performance of service coordination organizations as provided in chapter 70.320 RCW into contracts with managed care organizations that provide services to clients. The authority is directed to:

(a) Contract with an external quality improvement organization to annually analyze the performance of managed care organizations providing services to clients under this chapter based on seven performance measures. The analysis required under this subsection must:

(i) Measure managed care performance in four common measures across each managed care organization, including:

(A) At least one common measure must be weighted towards having the potential to impact managed care costs; and

(B) At least one common measure must be weighted towards population health management, as defined by the measure; and

(ii) Measure managed care performance in an additional three quality focus performance measures specific to a managed care organization. Quality focus performance measures chosen by the authority must:

(A) Be chosen from the statewide common measure set;

(B) Reflect specific measures where a managed care organization has poor performance; and

(C) Be substantive and clinically meaningful in promoting health status.

(b) By September 1, 2019, the authority shall set the four common measures to be analyzed across all managed care organizations.

(c) By September 1, 2019, the authority shall set three quality focus performance measures specific to each managed care organization. The authority must determine performance measures for each managed care organization based on the criteria established in (a)(ii) of this subsection.

(d) By September 15, 2019, and annually thereafter, the authority shall notify each managed care organization of the performance measures for the organization for the subsequent plan year.

(e) Beginning in plan year 2020, two percent of the total plan year funding appropriated to each managed care organization that provides services to clients under chapter 70.320 RCW shall be withheld. At least seventy-five percent of the withhold shall be held contingent on each managed care organization's performance on the seven performance measures identified in this section. Each managed care organization may earn back the annual withhold if the external quality improvement organization finds that the managed care organization:

(i) Made statistically significant improvement in the seven performance measures as compared to the preceding plan year; or

(ii) Scored in the top national medicaid quartile of the performance measures.

(f) The amount of withhold annually paid to each managed care organization shall be proportional to findings

of statistically significant improvement or top national medicaid quartile scoring by a managed care organization.

(g) For no more than two of the four quality focus performance measures, the authority may use an alternate methodology to approximate top national medicaid quartile performance where top quartile performance data is unavailable.

(h) For the purposes of this subsection, "external quality improvement organization" means an organization that meets the competence and independence requirements under 42 C.F.R. Sec. 438.354, as it existed on the effective date of this section.

(51) \$1,805,727,000 of the general fund—state appropriation for fiscal year 2020 and \$1,876,135,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the authority to implement the recommendations of the centers for medicare and medicaid services center for program integrity as provided to the authority in the January 2019 Washington focused program integrity review final report. The authority is directed to:

(a) Organize all program integrity activities into a centralized unit or under a common protocol addressing provider enrollment, fraud and abuse detection, investigations, and law enforcement referrals that is more reflective of industry standards;

(b) Ensure appropriate resources are dedicated to prevention, detection, investigation, and suspected provider fraud at both the authority and at contracted managed care organizations;

(c) Ensure all required federal regulations are being followed and are incorporated into managed care contracts;

(d) Directly audit managed care encounter data to identify fraud, waste, and abuse issues with managed care organization providers;

(e) Initiate data mining activities in order to identify fraud, waste, and abuse issues with managed care organization providers;

(f) Implement proactive data mining and routine audits of validated managed care encounter data;

(g) Assess liquidated damages to managed care organizations when fraud, waste, or abuse with managed care organization providers is identified;

(h) Require managed care organizations submit accurate reports on overpayments, including the prompt reporting of overpayments identified or recovered, specifying overpayments due to fraud, waste, or abuse;

(i) Implement processes to ensure integrity of data used for rate setting purposes;

(j) Refine payment suspension policies; and

(k) Ensure all federal database exclusion checks are performed at the appropriate intervals. The authority shall update managed care contracts as appropriate to reflect these requirements.

(52) \$96,130,000 of the general fund—state appropriation for fiscal year 2020 and \$100,476,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for fee-for-service dental services. The authority must provide these services through fee-for-service and may not proceed with either a carved-out or carved-in managed care dental option. Any contracts that have been procured or that are in the process of being procured shall not be entered into or implemented. By November 15, 2019, the authority shall report to the governor and appropriate committees of the legislature a plan to improve access to dental services for medicaid clients. This plan should address options for carve-in, carve-out, fee-for-service, and other models that would improve access and outcomes for adults and children. The plan should also include the cost for any options provided.

(53) During the 2019-2021 fiscal biennium, the authority must revise its agreements and contracts with vendors to include a provision to require that each vendor agrees to equality among its workers by ensuring similarly employed individuals are compensated as equals as follows:

(a) Employees are similarly employed if the individuals work for the same employer, the performance of the job requires comparable skill, effort, and responsibility, and the jobs are performed under similar working conditions. Job titles alone are not determinative of whether employees are similarly employed;

(b) Vendors may allow differentials in compensation for its workers based in good faith on any of the following:

(i) A seniority system; a merit system; a system that measures earnings by quantity or quality of production; a bona fide job-related factor or factors; or a bona fide regional difference in compensation levels.

(ii) A bona fide job-related factor or factors may include, but not be limited to, education, training, or experience, that is: Consistent with business necessity; not based on or derived from a gender-based differential; and accounts for the entire differential.

(iii) A bona fide regional difference in compensation level must be: Consistent with business necessity; not based on or derived from a gender-based differential; and account for the entire differential.

(c) The provision must allow for the termination of the contract if the authority or department of enterprise services determines that the vendor is not in compliance with this agreement or contract term.

(d) The authority must implement this provision with any new contract and at the time of renewal of any existing contract.

(54) The authority is prohibited to direct any funds to safe-injection sites for the illicit use of drugs.

(55) \$1,400,000 of the general fund—state appropriation for fiscal year 2020, \$1,400,000 of the general fund—state appropriation for fiscal year 2021, and \$7,000,000 of the general fund—federal appropriation are provided solely to increase the rates paid to rural hospitals

that meet the criteria in (a) through (d) of this subsection. Payments for state and federal medical assistance programs for services provided by such a hospital, regardless of the beneficiary's managed care enrollment status, must be increased to one hundred fifty percent of the hospital's fee-for-service rates. The authority must discontinue this rate increase after June 30, 2021, and return to the payment levels and methodology for these hospitals that were in place as of January 1, 2018. Hospitals participating in the certified public expenditures program may not receive increased reimbursement for inpatient services. Hospitals qualifying for this rate increase must:

(a) Be certified by the centers for medicare and medicaid services as sole community hospitals as of January 1, 2013;

(b) Have had less than one hundred fifty acute care licensed beds in fiscal year 2011;

(c) Have a level III adult trauma service designation from the department of health as of January 1, 2014; and

(d) Be owned and operated by the state or a political subdivision.

(56) Within the amounts appropriated within this section the authority shall conduct an evaluation of purchasing arrangements and paid claims or encounter data for prescription drugs under managed care contracts for plan years 2017 and 2018 and compare these to contract purchasing agreements under the same years for the prescription drug consortium and identify any cost differences. The authority shall report its findings to the governor and appropriate committees of the legislature by November 15, 2019.

(57) The health care authority is directed to convene a work group on establishing a universal health care system in Washington. ~~(((\$500,000))~~ \$338,000 of the general fund—state appropriation for fiscal year 2020 ~~((is))~~ and \$162,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the health care authority to contract with one or more consultants to perform any actuarial and financial analyses necessary to develop options under (b)(vi) of this subsection.

(a) The work group must consist of a broad range of stakeholders with expertise in the health care financing and delivery system, including but not limited to:

- (i) Consumers, patients, and the general public;
- (ii) Patient advocates and community health advocates;
- (iii) Large and small businesses with experience with large and small group insurance and self-insured models;
- (iv) Labor, including experience with Taft-Hartley coverage;
- (v) Health care providers that are self-employed and health care providers that are otherwise employed;
- (vi) Health care facilities such as hospitals and clinics;
- (vii) Health insurance carriers;

(viii) The Washington health benefit exchange and state agencies, including the office of financial management, the office of the insurance commissioner, the department of revenue, and the office of the state treasurer; and

(ix) Legislators from each caucus of the house of representatives and senate.

(b) The work group must study and make recommendations to the legislature on how to create, implement, maintain, and fund a universal health care system that may include publicly funded, publicly administered, and publicly and privately delivered health care that is sustainable and affordable to all Washington residents including, but not limited to:

(i) Options for increasing coverage and access for uninsured and underinsured populations;

(ii) Transparency measures across major health system actors, including carriers, hospitals, and other health care facilities, pharmaceutical companies, and provider groups that promote understanding and analyses to best manage and lower costs;

(iii) Innovations that will promote quality, evidence-based practices leading to sustainability, and affordability in a universal health care system. When studying innovations under this subsection, the work group must develop recommendations on issues related to covered benefits and quality assurance and consider expanding and supplementing the work of the Robert Bree collaborative and the health technology assessment program;

(iv) Options for ensuring a just transition to a universal health care system for all stakeholders including, but not limited to, consumers, businesses, health care providers and facilities, hospitals, health carriers, state agencies, and entities representing both management and labor for these stakeholders;

(v) Options to expand or establish health care purchasing in collaboration with neighboring states; and

(vi) Options for revenue and financing mechanisms to fund the universal health care system. The work group shall contract with one or more consultants to perform any actuarial and financial analyses necessary to develop options under this subsection.

(c) The work group must report its findings and recommendations to the appropriate committees of the legislature by November 15, 2020. Preliminary reports with findings and preliminary recommendations shall be made public and open for public comment by November 15, 2019, and May 15, 2020.

(58) \$23,000 of the general fund—state appropriation for fiscal year 2020, \$2,000 of the general fund—state appropriation for fiscal year 2021, and \$36,000 of the general fund—federal appropriation are provided solely for implementation of Engrossed Second Substitute Senate Bill No. 5497 (immigrants in the workplace). ~~((If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.))~~

(59) \$1,667,000 of the general fund—state appropriation for fiscal year 2020, \$855,000 of the general fund—state appropriation for fiscal year 2021, and \$1,867,000 of the general fund—federal appropriation are provided solely for the Washington rural health access preservation pilot program.

(60) \$612,000 of the general fund—state appropriation for fiscal year 2021 and \$1,088,000 of the general fund—federal appropriation are provided solely for the authority to increase the nonemergency medical transportation broker administrative rate to ensure access to health care services for medicaid patients.

(61) \$250,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the authority to develop a public-private partnership with a state-based oral health foundation to connect medicaid patients to dental services and reduce barriers to accessing care. The authority shall submit a progress report to the appropriate committees of the legislature by June 30, 2021.

(62)(a) \$1,192,000 of the general fund—state appropriation for fiscal year 2020 and \$3,970,000 of the general fund—federal appropriation are provided solely for reconciliation of payment under alternate payment methodology four (APM4) for federally qualified health centers (FQHC) for state fiscal year 2020. The authority shall use unliquidated prior accrual balances to reconcile state fiscal years 2018 and 2019.

(b) By August 1, 2020, the authority shall convene representatives from FQHCs participating in the APM4 methodology, the FQHC association, the office of financial management, and fiscal committees of the legislature to evaluate and amend the APM4 model and memorandum of understanding.

(c) The authority in collaboration with the representatives in (b) of this subsection must develop an updated APM4 model and memorandum of understanding that:

(i) Complies with budget neutrality requirements and spending limits as required under the omnibus appropriations act;

(ii) Identifies predictable spending targets;

(iii) Clearly defines quality performance standards for participating FQHCs;

(iv) Requires progressively increasing standards of quality performance for participating FQHCs;

(v) Clearly defines financial performance expectations for participating FQHCs;

(vi) Requires progressively increasing standards of financial performance for participating FQHCs; and

(vii) Requires that reconciliation payments made under APM4 may not fall below the payment level required by the federal law for qualifying face-to-face encounters.

(d) The authority in collaboration with the office of financial management and representatives from fiscal committees of the legislature shall conduct an evaluation of

the APM4 model to determine its cost effectiveness and impact on patient outcomes and report its findings and recommendations to the appropriate committees of the legislature by November 15, 2022.

(e) The authority shall not enter into any future value-based arrangements with federally qualified health centers or rural health clinics prior to receiving approval from the office of financial management and the appropriate committees of the legislature.

(f) The authority shall require all managed care organizations to provide information to the authority to account for all payments to FOHCs to include how payments are made, including any additional payments and whether there is a sub-capitation arrangement or value-based purchasing arrangement.

(g) Beginning with fiscal year 2021 and for each subsequent year thereafter, the authority shall reconcile on an annual basis with FOHCs contracting under APM4.

(h) Beginning with fiscal year 2021 and for each subsequent year thereafter, the authority shall properly accrue for any anticipated reconciliations with FOHCs contracting under APM4 during the fiscal year close process following generally accepted accounting practices.

(63) \$70,000 of the general fund—state appropriation for fiscal year 2021 is provided solely to implement Engrossed House Bill No. 2755 (air ambulance cost transp.). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

(64) \$611,000 of the general fund—state appropriation for fiscal year 2021 is provided solely to implement Second Substitute House Bill No. 2457 (health care cost board). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

(65) \$259,000 of the general fund—state appropriation for fiscal year 2021 is provided solely to implement Engrossed Second Substitute House Bill No. 2662 (total cost of insulin). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

(66) The health care authority shall submit a state plan amendment to the centers for medicare and medicaid services to maintain children's health insurance program coverage as secondary payer for eligible child dependents of employees eligible for school employee or public employee benefit coverage. The intent of the legislature for this option is to provide children the best access to health care coverage while prioritizing efficient use of state funds. No later than October 15, 2020, the authority shall report to the fiscal committees of the legislature and the office of financial management on the status of the state plan amendment and the impact to the state. The health care authority shall implement the amendment in calendar year 2020, once approved by the centers for medicare and medicaid services.

(67) \$250,000 of the general fund—state appropriation for fiscal year 2020, \$250,000 of the general fund—state appropriation for fiscal year 2021, and \$500,000 of the general fund—federal appropriation are provided solely to increase the rates paid to provide education and clinical

training for dental professionals and students in the care of persons with developmental or acquired disabilities, or both.

(68) \$200,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for mental health training for maternity support services and infant case managers across the state. The authority must use the amounts provided in this subsection for scholarships or other support for training that assists maternity support services and infant case management providers in identification, referral, and provision of culturally competent, evidence-based mental health interventions.

(69) \$510,000 of the general fund—state appropriation for fiscal year 2021 and \$76,000 of the general fund—federal appropriation are provided solely for the authority to collaborate with the University of Washington department of psychiatry and behavioral sciences and Seattle children's hospital to extend the partnership access line for moms and partnership access line for kids referral assistance service programs, as described in RCW 71.24.061(3)(a), until June 30, 2021.

(70) \$66,000 of the general fund—state appropriation for fiscal year 2021 and \$66,000 of the general fund—federal appropriation are provided solely for the authority to identify, analyze, and address health equity disparities in access and outcomes for individuals in the medicaid population.

(71) \$200,000 of the general fund—state appropriation for fiscal year 2021 and \$200,000 of the general fund—federal appropriation are provided solely for contracting with the office of equity to implement Substitute House Bill No. 2905 (baby, child dentistry access). If the bill is not enacted by June 30, 2020, the amounts provided in this subsection shall lapse.

(72) \$150,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the development of a system to address individuals with intellectual and developmental disabilities who present in an emergency in crisis. The system must include crisis plans to be available to emergency room providers; and education and training for emergency room providers in how to best serve this population to provide immediate intervention to prevent acute care admissions and support the individual to return to their current living arrangements.

(73) \$187,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for a full-time employee to coordinate client assessments and implement plans for patients who are hospitalized and likely to need post discharge services including placement in community or out of state settings. Client assessments must include information regarding the individual's specific care needs, whether medical, behavioral, or cognitive, and ability to perform activities of daily living. The coordinator must collaborate with the department of social and health services, the department of children, youth, and families, and health care organizations to promote the transition of patients to postacute care settings.

(74) \$331,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for a grant to an

organization managing the Washington patient safety coalition to support the communication and resolution programs certification program to improve outcomes for patients by providing feedback to health care organizations.

(75) \$120,000 of the general fund—state appropriation for fiscal year 2021 and \$120,000 of the general fund—federal appropriation are provided solely for the authority to identify ways to maximize federal financial participation and any new opportunities to leverage federal funding. In collaboration with the department of health, the authority must explore options to leverage federal funding for foundational public health. The authority may use the amounts in this subsection for staff support and one-time contracting.

(76)(a) Within amounts provided in this section, the authority must establish a primary care collaborative. The authority shall invite representatives from at least the following to participate:

(i) Health care consumers;

(ii) Behavioral health treatment providers;

(iii) Employers that offer self-insured health benefit plans;

(iv) The office of the insurance commissioner;

(v) Medicaid-managed care organizations;

(vi) Commercial health insurance carriers;

(vii) The University of Washington school of medicine;

(viii) The Elson S. Floyd college of medicine;

(ix) The Pacific Northwest University of Health Sciences;

(x) A statewide organization representing federally qualified health centers;

(xi) A statewide organization representing hospitals and health systems;

(xii) A statewide organization representing local public health districts;

(xiii) A statewide professional association for family physicians;

(xiv) A statewide professional association for pediatricians;

(xv) A statewide professional association for physicians;

(xvi) A statewide professional association for nurse practitioners; and

(xvii) The centers for medicare and medicaid services.

(b) By December 1, 2020, the collaborative shall report findings and recommendations, including any recommended statutory changes, to the governor and appropriate committees of the legislature regarding statewide spending on primary care, addressing:

(i) How to define "primary care" for purposes of determining current and desired levels of primary care spending by public and private payers as a proportion of overall health care spending;

(ii) Barriers to the access and use of all the data needed to determine current and desired levels of primary care spending, and how to overcome them;

(iii) What the desired level of primary care spending is in this state, and the annual progress needed to achieve that level of spending in a reasonable period of time;

(iv) How and by whom it should annually be determined whether desired levels of primary care spending are being achieved;

(v) Methods to incentivize the achievement of desired levels of primary care spending;

(vi)(A) Specific practices and methods of reimbursement to achieve and sustain desired levels of primary care spending, including but not limited to: Supporting advanced, integrated primary care involving a multidisciplinary team of health and social service professionals; addressing social determinants of health within the primary care setting; leveraging innovative uses of efficient, interoperable health information technology; increasing the primary care workforce; and reinforcing to patients the value of primary care, and eliminating any barriers to access.

(B) As much as possible, the practices and methods specified must hold primary care providers accountable for improved health outcomes, not increase the administrative burden on primary care providers or overall health care spending in the state, allow for uniform implementation across payers, and take into account differences in urban and rural delivery settings; and

(vii) The ongoing role of the collaborative in guiding and overseeing the development and application of primary care spending targets, and the implementation and evaluation of strategies to achieve them.

(c) In developing its report, the collaborative shall be informed by existing work in this state and others regarding primary care, including but not limited to the December 2019 report by the office of financial management, the work of the Bree collaborative, the work of the AIMS center and the center for health workforce studies at the University of Washington, and the work of the health care authority to strengthen primary care within state purchased health care.

(77) No later than December 31, 2021, the health care authority, in partnership with the department of social and health services as described in section 204(33) of this act, shall submit a waiver request to the federal department of health and human services to authorize presumptive medicaid eligibility determinations for clients preparing for acute care hospital discharge who may need long-term services and supports. The department and the authority shall hold stakeholder discussions, including opportunities for public review and comment, during development of the waiver request. Upon submission of the waiver request, the department and the authority shall submit a report to the

governor and the appropriate legislative committees that describes the request and identifies any statutory changes that may be necessary if the federal government approves the request.

(78) \$1,857,000 of the general fund—state appropriation for fiscal year 2021 and \$3,146,000 of the general fund—federal appropriation are provided solely to maintain and increase access for behavioral health services through increased provider rates. The rate increases are effective in January 2021 and must be applied to the following codes for children and adults enrolled in the medicaid program: 90832, 90833, 90834, 90837, H0004, H0036, H2015, H2021, H0023, 90836, 90838, 96156, 96158, 96159, 96164, 96165, 96167, 96168, 96170, 96171, 90845, 90846, 90847, 90849, 90853, 90785, and 90791. The authority may use a substitute code in the event that any of the codes identified in this subsection are discontinued and replaced with an updated code covering the same service. Within the amounts provided in this subsection the authority must:

(a) Implement this rate increase in accordance with the process established in Engrossed House Bill No. 2584 (behavioral health rates);

(b) Raise the state fee-for-service rates for these codes by up to fifteen percent, except that the state medicaid rate may not exceed the published medicare rate or an equivalent relative value unit rate if a published medicare rate is not available;

(c) Require in contracts with managed care organizations that, beginning in calendar year 2021, managed care organizations pay no lower than the fee-for-service rate for these codes, and adjust managed care capitation rates accordingly; and

(d) Not duplicate rate increases provided in subsection (79) of this section.

(79) \$9,922,000 of the general fund—state appropriation for fiscal year 2021 and \$19,072,000 of the general fund—federal appropriation are provided solely to maintain and increase access for primary care services for medicaid-enrolled patients through increased provider rates beginning January 1, 2021. Within the amounts provided in this subsection the authority must:

(a) Increase the medical assistance rates for primary care services that are reimbursed solely at the existing medical assistance rates on a fee-for-service basis, as well as through managed care plans, by at least fifteen percent above medical assistance rates in effect on January 1, 2020;

(b) Increase the medical assistance rates for pediatric critical care, neonatal critical care, and neonatal intensive care services that are reimbursed solely at the existing medical assistance rates on a fee-for-service basis, as well as through managed care plans, by at least twenty-one percent above medical assistance rates in effect on January 1, 2020;

(c) Apply reimbursement rates required under this subsection to payment codes in a manner consistent with the temporary increase in medicaid reimbursement rates under federal rules and guidance in effect on January 1, 2014,



implementing the patient protection and affordable care act, except that the authority may not require provider attestations;

(d) Pursue state plan amendments to require medicaid managed care organizations to increase rates under this subsection through adoption of a uniform percentage increase for network providers pursuant to 42 C.F.R. Sec. 438.6(c)(1)(iii)(B), as existing on January 1, 2020; and

(e) Not duplicate rate increases provided in subsection (78) of this section.

(80) \$770,000 of the general fund—state appropriation for fiscal year 2021 and \$800,000 of the general fund—federal appropriation are provided solely to increase home health rates beginning January 1, 2021.

(81) \$100,000 of the general fund—state appropriation for fiscal year 2021 and \$100,000 of the general fund—federal appropriation are provided solely for the authority to lead, in coordination with the department of health and other agencies and purchasers, a comprehensive procurement strategy for the purchase of HIV antiviral drugs. The authority is directed to develop a strategy to cover antiviral drugs with preferred status and without any prior authorization or expedited prior authorization requirements or protocols. The authority is directed to collaborate with agencies and issue a single request for proposals for a joint, value-based purchasing agreement for HIV antiviral drugs from one or more pharmaceutical manufacturers in January 2021. This joint purchasing agreement will aim to reduce the costs of the drugs, increase the numbers of Washingtonians treated, and improve the health outcomes of people living with HIV. The authority is directed to collaborate with other state agencies, and to engage multi-state or national organizations, to develop a strategy to assess the interest and ability of extending the state's purchasing and public health strategy to not only Washington's other major purchasers of health care and commercial insurers, but also other states or purchasers. This work may include either working to partner with a multi-state collaborative or other states individually. The authority shall work with Washington's health benefit exchange and the office of the insurance commissioner to explore purchasing options for the health insurance markets.

(82)(a) Within the amounts appropriated within this section, the authority shall implement Engrossed Substitute Senate Bill No. 6534 (ambulance quality assurance fee). The authority is directed to submit a state plan amendment (SPA) pursuant to the terms of Engrossed Substitute Senate Bill No. 6534 without delay once the bill becomes effective. If the bill is not enacted by June 30, 2020, the amounts provided in this subsection shall lapse.

(b) The authority, in collaboration with an association representing private emergency ambulance providers and an organization representing employees of private emergency ambulance providers, shall develop reporting requirements prior to June 30, 2021, to account for how funds from the quality assurance fee program and base rate increase are spent. The reporting requirements should include, but not be limited to, the percent of the add-on fee and base rate increase used to increase wages; to which category of workers' wages these increases apply, specifically whether

wage increases are being used to increase wages for emergency medical technicians whose statewide average dollars-per-hour wage was less than \$25 per hour in calendar year 2020; and, whether the add-on and base rate increase are being used to address resulting wage compression for related job classes immediately affected by wage increases to emergency medical technicians.

(83) The health care authority shall work with the department of social and health services to assess a Katie Beckett waiver and a tax equity and fiscal responsibility act (TEFRA) waiver to expand coverage for children with significant disabilities who meet federal requirements for such services. No later than October 15, 2020, the authority shall report to the fiscal committees of the legislature and the office of financial management the number of children who would be eligible if such waivers were approved, the services for which they would be eligible, and the potential impact to the state budget.

(84) \$108,000 of the general fund—state appropriation for fiscal year 2020 and \$417,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of Substitute Senate Bill No. 6088 (Rx drug affordability board). If the bill is not enacted by June 30, 2020, the amounts provided in this subsection shall lapse.

(85) \$2,362,000 of the general fund—state appropriation for fiscal year 2021 and \$4,132,000 of the general fund—federal appropriation are provided solely to increase the rates paid to low volume, small rural hospitals that meet the criteria in (a) through (d) of this subsection. Payments for state and federal medical assistance programs for services provided by such a hospital, regardless of the beneficiary's managed care enrollment status, must be increased to one hundred fifty percent of the hospital's fee-for-service rates beginning July 1, 2020. The authority must discontinue this rate increase after June 30, 2021, and return to the payment levels and methodology for these hospitals that were in place as of June 30, 2020. A hospital qualifying for this rate increase must:

(a) Have fewer than seventy available acute beds as reported in the hospital's 2018 department of health year-end report;

(b) Not be currently designated as a critical access hospital, and not meet the current federal eligibility requirements for designation as a critical access hospital;

(c) Not be a certified public expenditure hospital;

(d) Have combined medicare and medicaid inpatient days greater than eighty percent as reported in the hospital's 2018 cost report.

(86) \$242,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for implementation of Engrossed Second Substitute Senate Bill No. 6128 (postpartum period/medicaid). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse. The funding in this subsection is provided solely for staff and information technology costs associated with system changes required in preparation for extending health care coverage for an additional ten months for postpartum

persons who are eligible under pregnancy eligibility rules at the end of the sixty day postpartum period, to provide a total of twelve months postpartum coverage. The authority must coordinate system changes with the department of social and health services and the health benefit exchange.

**Sec. 212.** 2019 c 415 s 212 (uncodified) is amended to read as follows:

**FOR THE STATE HEALTH CARE  
AUTHORITY—PUBLIC EMPLOYEES' BENEFITS  
BOARD AND EMPLOYEE BENEFITS PROGRAM**

State Health Care Authority Administrative  
Account—State

Appropriation .....	(\$35,274,000))
	<u>\$37,604,000</u>
TOTAL APPROPRIATION .....	<u>\$35,274,000</u>
	<u>\$37,604,000</u>

The appropriation in this section is subject to the following conditions and limitations:

(1) Any savings resulting from reduced claims costs or other factors identified after March 1, 2019, must be reserved for funding employee benefits in the 2021-2023 fiscal biennium. The health care authority shall deposit any moneys received on behalf of the uniform medical plan resulting from rebates on prescription drugs, audits of hospitals, subrogation payments, or any other moneys received as a result of prior uniform medical plan claims payments, in the public employees' and retirees' insurance account to be used for insurance benefits. The authority may, however, conduct a request for information about a diabetes disease management program.

(2) Any changes to benefits must be approved by the public employees' benefits board. The board shall not make any changes to benefits without considering a comprehensive analysis of the cost of those changes, and shall not increase benefits unless savings achieved under subsection (3) of this section or offsetting cost reductions from other benefit revisions are sufficient to fund the changes. However, the funding provided anticipates that the public employees' benefits board may increase the availability of nutritional counseling in the uniform medical plan by allowing a lifetime limit of up to twelve nutritional counseling visits, and may increase hearing aid benefits to reflect the provisions of chapter 159, Laws of 2018, for the plan year beginning January 1, 2021. Provided further, that within the amount provided, the health care authority may update the public employees benefits board benefits enrollment process. The board may also, within the amounts provided, use cost savings to enhance the basic long-term disability benefit.

(3) Except as may be provided in a health care bargaining agreement, to provide benefits within the level of funding provided in part IX of this bill, the public employees' benefits board shall require or make any or all of the following: Employee premium copayments, increases in point-of-service cost sharing, the implementation

of managed competition, or make other changes to benefits consistent with RCW 41.05.065.

(4) The board shall collect a surcharge payment of not less than twenty-five dollars per month from members who use tobacco products, and a surcharge payment of not less than fifty dollars per month from members who cover a spouse or domestic partner where the spouse or domestic partner has chosen not to enroll in another employer-based group health insurance that has benefits and premiums with an actuarial value of not less than ninety-five percent of the actuarial value of the public employees' benefits board plan with the largest enrollment. The surcharge payments shall be collected in addition to the member premium payment.

(5) \$7,000 of the state health care authority administrative account—state appropriation in this section is provided solely for implementation of Engrossed Second Substitute Senate Bill No. 5497 (immigrants in the workplace). ~~((If the bill is not enacted by June 30, 2019, the amount in this subsection shall lapse.))~~

(6) \$1,705,000 of the state health care authority administrative account—state appropriation in this section is provided solely for implementation of Engrossed Substitute Senate Bill No. 6189 (SEBB coverage eligibility). If the bill is not enacted by June 30, 2020, the amount in this subsection shall lapse.

(7) \$149,000 of the state health care authority administrative account—state appropriation is provided solely for a full-time equivalent employee dedicated to work on retiree health care. The authority will provide any necessary information to the office of the state actuary to support an analysis of medicare eligible health care benefits. The authority will convene a stakeholder work group to discuss the plans available to medicare eligible retirees. The stakeholder work group, at a minimum, must include representatives of the office of financial management and representatives of the largest associations representing retirees receiving benefits under the public employees' benefits board. The work group shall identify priorities and preferences that should be considered if changes were made to the medicare eligible retiree plans. A summary of the work group's feedback must be provided to the office of the state actuary by September 1, 2020.

**Sec. 213.** 2019 c 415 s 213 (uncodified) is amended to read as follows:

**FOR THE STATE HEALTH CARE  
AUTHORITY—SCHOOL EMPLOYEES' BENEFITS  
BOARD**

School Employees' Insurance Administrative  
Account—State

Appropriation.....	(\$25,343,000))
	<u>\$27,766,000</u>
TOTAL APPROPRIATION.....	<u>\$25,343,000</u>
	<u>\$27,766,000</u>

The appropriation in this section is subject to the following conditions and limitations:

(1) By February 5, 2020, the health care authority shall report to the appropriate committees of the legislature on the total amount by school district, educational service district, and charter school billed for January benefits and a detailed list of school districts, educational service districts, and charter schools that have not remitted payment for January coverage as of January 31, 2020.

(2) \$2,000 of the appropriation in this section is provided solely for implementation of Engrossed Second Substitute Senate Bill No. 5497 (immigrants in the workplace). ~~((If the bill is not enacted by June 30, 2019, the amount in this subsection shall lapse.))~~

(3) The health care authority must study the potential cost savings and improved efficiency in providing insurance benefits to the employers and employees participating in the public employees' and school employees' benefits board systems that could be gained by consolidating the systems. The consolidation options studied must maintain separate risk pools for medicare-eligible and non-medicare eligible employees and retirees, assume a consolidation date of January 1, 2022, and incorporate the experiences gained by health care authority during the initial implementation and operation of the school employees' benefits board program. The study must be submitted to the committees of the house of representatives and the senate overseeing health care and the omnibus operating budget by November 15, 2020.

(4) \$2,002,000 of the school employees' insurance administrative account—state appropriation in this section is provided solely for implementation of Engrossed Substitute Senate Bill No. 6189 (SEBB coverage eligibility). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

**Sec. 214.** 2019 c 415 s 214 (uncodified) is amended to read as follows:

**FOR THE STATE HEALTH CARE AUTHORITY—HEALTH BENEFIT EXCHANGE**

General Fund—State Appropriation (FY 2020)	\$6,407,000
General Fund—State Appropriation (FY 2021)	<del>(( \$5,234,000 ))</del>
	<u>\$5,659,000</u>
General Fund—Federal Appropriation	<del>(( \$52,128,000 ))</del>
	<u>\$50,055,000</u>
Health Benefit Exchange Account—State Appropriation	<del>(( \$57,720,000 ))</del>
	<u>\$60,117,000</u>
TOTAL APPROPRIATION	<u>\$121,489,000</u>
	<u>\$122,238,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) The receipt and use of medicaid funds provided to the health benefit exchange from the health care authority

are subject to compliance with state and federal regulations and policies governing the Washington apple health programs, including timely and proper application, eligibility, and enrollment procedures.

(2)(a) By July 15th and January 15th of each year, the authority shall make a payment of one-half the general fund—state appropriation and one-half the health benefit exchange account—state appropriation to the exchange.

(b) The exchange shall monitor actual to projected revenues and make necessary adjustments in expenditures or carrier assessments to ensure expenditures do not exceed actual revenues.

(c) Payments made from general fund—state appropriation and health benefit exchange account—state appropriation shall be available for expenditure for no longer than the period of the appropriation from which it was made. When the actual cost of materials and services have been fully determined, and in no event later than the lapsing of the appropriation, any unexpended balance of the payment shall be returned to the authority for credit to the fund or account from which it was made, and under no condition shall expenditures exceed actual revenue.

(3) \$50,000 of the general fund—state appropriation for fiscal year 2020, \$50,000 of the general fund—state appropriation for fiscal year 2021, and \$1,048,000 of the health benefit exchange account—state appropriation are provided solely to implement Engrossed Substitute Senate Bill No. 5526 (individual health insurance market). ~~((If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.))~~

(4) \$1,173,000 of the general fund—state appropriation for fiscal year 2020 is provided for the exchange to enhance Washington healthplanfinder so eligible COFA citizens can obtain dental coverage. Open enrollment periods and special enrollment periods for the COFA dental program shall be consistent with the enrollment periods for the COFA medical program. The first open-enrollment period for the COFA dental program must begin no later than November 1, 2020.

(5) \$426,000 of the health benefit exchange account—state appropriation and \$874,000 of the general fund—federal appropriation are provided solely for cloud platform costs and are subject to the conditions, limitations, and review provided in ~~((section 719 of this act))~~ section 701 of this act.

(6) \$968,000 of the health benefit exchange account—state appropriation and \$1,978,000 of the general fund—federal appropriation are provided solely for system integrator procurement and are subject to the conditions, limitations, and review provided in ~~((section 719 of this act))~~ section 701 of this act.

(7) \$152,000 of the health benefit exchange account—state appropriation for fiscal year 2021 is provided solely to implement Substitute House Bill No. 2554 (health plan exclusions). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

(8) \$172,000 of the health benefit exchange account—state appropriation for fiscal year 2021 is provided solely to implement Engrossed Second Substitute House Bill No. 2662 (total cost of insulin). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

(9)(a) \$325,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for staff and information technology costs associated with system changes required in preparation for extending health care coverage for an additional ten months for postpartum persons who are eligible under pregnancy eligibility rules at the end of the sixty day postpartum period, to provide a total of twelve months postpartum coverage.

(b) The exchange must coordinate system changes with the department of social and health services and the health care authority.

(10) \$100,000 of the general fund—state appropriation for fiscal 2021 is provided solely for the exchange to contract with an independent actuarial consultant to conduct an assessment of the impact of a state requirement that individuals enroll in health coverage. The assessment shall consider the effects of this requirement on revenue, individual market enrollment, individual market premiums, and the uninsured rate. The exchange shall submit assessment findings to the chairs of the health committees of the legislature no later than December 15, 2020.

**Sec. 215.** 2019 c 415 s 215 (uncodified) is amended to read as follows:

**FOR THE STATE HEALTH CARE  
AUTHORITY—COMMUNITY BEHAVIORAL  
HEALTH PROGRAM**

General Fund—State Appropriation (FY 2020)  
.....(~~(\$556,003,000)~~)  
\$579,402,000

General Fund—State Appropriation (FY 2021)  
.....(~~(\$604,424,000)~~)  
\$652,344,000

General Fund—Federal Appropriation  
.....(~~(\$1,966,699,000)~~)  
\$2,076,337,000

General Fund—Private/Local Appropriation  
.....\$36,513,000

Criminal Justice Treatment Account—State  
Appropriation .....(~~(\$12,986,000)~~)  
\$17,486,000

Problem Gambling Account—State Appropriation  
.....(~~(\$1,461,000)~~)  
\$1,961,000

Medicaid Fraud Penalty Account—State  
Appropriation.....\$51,000

Dedicated Marijuana Account—State Appropriation

(FY 2020) .....\$28,490,000

Dedicated Marijuana Account—State Appropriation

(FY 2021) .....\$28,493,000

Pension Funding Stabilization Account—State

Appropriation.....\$1,714,000

TOTAL APPROPRIATION.....~~\$3,236,834,000~~

\$3,422,791,000

The appropriations in this section are subject to the following conditions and limitations:

(1) For the purposes of this section, "behavioral health entities" means managed care organizations and administrative services organizations in regions where the authority is purchasing medical and behavioral health services through fully integrated contracts pursuant to RCW 71.24.380, and behavioral health organizations in regions that have not yet transitioned to fully integrated managed care.

(2) Within the amounts appropriated in this section, funding is provided for implementation of the settlement agreement under *Trueblood, et al. v. Department of Social and Health Services, et al.*, United States District Court for the Western District of Washington, Cause No. 14-cv-01178-MJP. In addition to amounts provided solely for implementation of the settlement agreement, class members must have access to supports and services funded throughout this section for which they meet eligibility and medical necessity requirements. The authority must include language in contracts that requires regional behavioral health entities to develop and implement plans for improving access to timely and appropriate treatment for individuals with behavioral health needs and current or prior criminal justice involvement who are eligible for services under these contracts.

(3) \$15,605,000 of the general fund—state appropriation for fiscal year 2020, \$15,754,000 of the general fund—state appropriation for fiscal year 2021, and \$4,789,000 of the general fund—federal appropriation are provided solely for the phase-in of the settlement agreement under *Trueblood, et al. v. Department of Social and Health Services, et al.*, United States District Court for the Western District of Washington, Cause No. 14-cv-01178-MJP. The department, in collaboration with the health care authority and the criminal justice training commission, must implement the provisions of the settlement agreement pursuant to the timeline and implementation plan provided for under the settlement agreement. This includes implementing provisions related to competency evaluations, competency restoration, crisis diversion and supports, education and training, and workforce development.

(4) (~~(\$8,777,000)~~) \$7,657,000 of the general fund—state appropriation for fiscal year 2020, (~~(\$10,424,000)~~) \$11,544,000 of the general fund—state appropriation for fiscal year 2021, and \$20,197,000 of the general fund—federal appropriation are provided solely for the authority and behavioral health entities to continue to contract for implementation of high-intensity programs for assertive

community treatment (PACT) teams. In determining the proportion of medicaid and nonmedicaid funding provided to behavioral health entities with PACT teams, the authority shall consider the differences between behavioral health entities in the percentages of services and other costs associated with the teams that are not reimbursable under medicaid. The authority may allow behavioral health entities which have nonmedicaid reimbursable costs that are higher than the nonmedicaid allocation they receive under this section to supplement these funds with local dollars or funds received under subsection (7) of this section. The authority and behavioral health entities shall maintain consistency with all essential elements of the PACT evidence-based practice model in programs funded under this section.

(5) From the general fund—state appropriations in this section, the authority shall assure that behavioral health entities reimburse the department of social and health services aging and long term support administration for the general fund—state cost of medicaid personal care services that enrolled behavioral health entity consumers use because of their psychiatric disability.

(6) \$3,520,000 of the general fund—federal appropriation is provided solely for the authority to maintain a pilot project to incorporate peer bridging staff into behavioral health regional teams that provide transitional services to individuals returning to their communities.

(7) \$81,930,000 of the general fund—state appropriation for fiscal year 2020 and ~~(((\$81,930,000))~~ \$85,122,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for persons and services not covered by the medicaid program. To the extent possible, levels of behavioral health entity spending must be maintained in the following priority order: Crisis and commitment services; community inpatient services; and residential care services, including personal care and emergency housing assistance. These amounts must be distributed to behavioral health entities as follows:

(a) Of the amount provided for fiscal year 2020, seventy percent must be distributed to behavioral health administrative service organizations and thirty percent to managed care organizations. The percentage of funding provided to each behavioral health administrative services organization must be proportionate to the fiscal year 2019 regional allocation of flexible nonmedicaid funds.

(b) \$3,939,000 of the fiscal year 2021 amounts must be distributed to behavioral health administrative service organizations. Of the remaining amount for fiscal year 2021, eighty percent must be distributed to behavioral health administrative service organizations and twenty percent to managed care organizations. The percentage of funding provided to each behavioral health administrative services organization must be proportionate to the fiscal year 2020 regional allocation of flexible nonmedicaid funds.

(c) The authority must include the following language in medicaid contracts with behavioral health entities unless they are provided formal notification from the center for medicaid and medicare services that the language will result in the loss of federal medicaid participation: "The contractor may voluntarily provide services that are in addition to those

covered under the state plan, although the cost of these services cannot be included when determining payment rates unless including these costs are specifically allowed under federal law or an approved waiver."

(8) The authority is authorized to continue to contract directly, rather than through contracts with behavioral health entities for children's long-term inpatient facility services.

(9) \$1,204,000 of the general fund—state appropriation for fiscal year 2020 and \$1,204,000 of the general fund—state appropriation for fiscal year 2021 are provided solely to reimburse Pierce and Spokane counties for the cost of conducting one hundred eighty-day commitment hearings at the state psychiatric hospitals.

(10) Behavioral health entities may use local funds to earn additional federal medicaid match, provided the locally matched rate does not exceed the upper-bound of their federally allowable rate range, and provided that the enhanced funding is used only to provide medicaid state plan or waiver services to medicaid clients. Additionally, behavioral health entities may use a portion of the state funds allocated in accordance with subsection (7) of this section to earn additional medicaid match, but only to the extent that the application of such funds to medicaid services does not diminish the level of crisis and commitment, community inpatient, residential care, and outpatient services presently available to persons not eligible for medicaid.

(11) \$2,291,000 of the general fund—state appropriation for fiscal year 2020 and \$2,291,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for mental health services for mentally ill offenders while confined in a county or city jail and for facilitating access to programs that offer mental health services upon release from confinement. The authority must collect information from the behavioral health entities on their plan for using these funds, the numbers of individuals served, and the types of services provided and submit a report to the office of financial management and the appropriate fiscal committees of the legislature by December 1st of each year of the biennium.

(12) Within the amounts appropriated in this section, funding is provided for the authority to develop and phase in intensive mental health services for high needs youth consistent with the settlement agreement in *T.R. v. Dreyfus and Porter*.

(13) The authority must establish minimum and maximum funding levels for all reserves allowed under behavioral health organization and administrative services organization contracts and include contract language that clearly states the requirements and limitations. The authority must monitor and ensure that behavioral health organization and administrative services organization reserves do not exceed maximum levels. The authority must monitor revenue and expenditure reports and must require a behavioral health organization or administrative services organization to submit a corrective action plan on how it will spend its excess reserves within a reasonable period of time, when its reported reserves exceed maximum levels established under the contract. The authority must review and approve such plans and monitor to ensure compliance.

If the authority determines that a behavioral health organization or administrative services organization has failed to provide an adequate excess reserve corrective action plan or is not complying with an approved plan, the authority must reduce payments to the entity in accordance with remedial actions provisions included in the contract. These reductions in payments must continue until the authority determines that the entity has come into substantial compliance with an approved excess reserve corrective action plan.

(14) During the 2019-2021 fiscal biennium, any amounts provided in this section that are used for case management services for pregnant and parenting women must be contracted directly between the authority and providers rather than through contracts with behavioral health organizations.

(15) Within the amounts appropriated in this section, the authority may contract with the University of Washington and community-based providers for the provision of the parent-child assistance program or other specialized chemical dependency case management providers for pregnant, post-partum, and parenting women. For all contractors: (a) Service and other outcome data must be provided to the authority by request; and (b) indirect charges for administering the program must not exceed ten percent of the total contract amount.

(16) \$3,500,000 of the general fund—federal appropriation (from the substance abuse prevention and treatment federal block grant) is provided solely for the continued funding of existing county drug and alcohol use prevention programs.

(17) Within the amounts provided in this section, behavioral health entities must provide outpatient chemical dependency treatment for offenders enrolled in the medicaid program who are supervised by the department of corrections pursuant to a term of community supervision. Contracts with behavioral health entities must require that behavioral health entities include in their provider network specialized expertise in the provision of manualized, evidence-based chemical dependency treatment services for offenders. The department of corrections and the authority must develop a memorandum of understanding for department of corrections offenders on active supervision who are medicaid eligible and meet medical necessity for outpatient substance use disorder treatment. The agreement will ensure that treatment services provided are coordinated, do not result in duplication of services, and maintain access and quality of care for the individuals being served. The authority must provide all necessary data, access, and reports to the department of corrections for all department of corrections offenders that receive medicaid paid services.

(18) The criminal justice treatment account—state appropriation is provided solely for treatment and treatment support services for offenders with a substance use disorder pursuant to RCW 71.24.580. The authority must offer counties the option to administer their share of the distributions provided for under RCW 71.24.580(5)(a). If a county is not interested in administering the funds, the authority shall contract with behavioral health entities to

administer these funds consistent with the plans approved by local panels pursuant to RCW 71.24.580(5)(b). The authority must provide a report to the office of financial management and the appropriate committees of the legislature which identifies the distribution of criminal justice treatment account funds by September 30, 2019.

(19) No more than \$27,844,000 of the general fund—federal appropriation may be expended for supported housing and employment services described in initiative 3a and 3b of the medicaid transformation demonstration waiver under healthier Washington. Under this initiative, the authority and the department of social and health services shall ensure that allowable and necessary services are provided to eligible clients as identified by the authority or its providers or third party administrator. The department and the authority in consultation with the medicaid forecast work group, shall ensure that reasonable reimbursements are established for services deemed necessary within an identified limit per individual. The authority shall not increase general fund—state expenditures under this initiative. The secretary in collaboration with the director of the authority shall report to the joint select committee on health care oversight no less than quarterly on financial and health outcomes. The secretary in cooperation with the director shall also report to the fiscal committees of the legislature all of the expenditures of this subsection and shall provide such fiscal data in the time, manner, and form requested by the legislative fiscal committees.

(20) \$6,858,000 of the general fund—state appropriation for fiscal year 2020, \$6,858,000 of the general fund—state appropriation for fiscal year 2021, and \$8,046,000 of the general fund—federal appropriation are provided solely to maintain new crisis triage or stabilization centers. Services in these facilities may include crisis stabilization and intervention, individual counseling, peer support, medication management, education, and referral assistance. The authority shall monitor each center's effectiveness at lowering the rate of state psychiatric hospital admissions.

(21) \$1,125,000 of the general fund—federal appropriation is provided solely for the authority to develop a memorandum of understanding with the department of health for implementation of chapter 297, Laws of 2017 (opioid treatment programs). The authority must use these amounts to reimburse the department of health for costs incurred through the implementation of the bill.

(22) \$6,655,000 of the general fund—state appropriation for fiscal year 2020, \$10,015,000 of the general fund—state appropriation for fiscal year 2021, and \$12,965,000 of the general fund—federal appropriation are provided solely for the operation of secure withdrawal management and stabilization facilities. The authority may not use any of these amounts for services in facilities that are subject to federal funding restrictions that apply to institutions for mental diseases, unless they have received a waiver that allows for full federal participation in these facilities. Within these amounts, funding is provided to increase the fee for service rate for these facilities up to \$650 per day. The authority must require in contracts with behavioral health entities that, beginning in calendar year

2020, they pay no lower than the fee for service rate. The authority must coordinate with regional behavioral health entities to identify and implement purchasing strategies or regulatory changes that increase access to services for individuals with complex behavioral health needs at secure withdrawal management and stabilization facilities.

(23) \$23,090,000 of the general fund—state appropriation for fiscal year 2020, \$23,090,000 of the general fund—state appropriation for fiscal year 2021, and \$92,444,000 of the general fund—federal appropriation are provided solely to maintain the enhancement of community-based behavioral health services that was funded in fiscal year 2019. Twenty percent of the general fund—state appropriation amounts for each regional service area must be contracted to the behavioral health administrative services organizations and used to increase their nonmedicaid funding and the remainder must be used to increase medicaid rates above FY 2018 levels. Effective January 2020, the medicaid funding is intended to increase rates for behavioral health services provided by licensed and certified community behavioral health agencies as defined by the department of health. This funding must be allocated to the managed care organizations proportionate to their medicaid enrollees. The authority must require the managed care organizations to provide a report on their implementation of this funding. The authority must submit a report to the legislature by December 1, 2020, summarizing how this funding was used and provide information for future options of increasing behavioral health provider rates through directed payments. The report must identify different mechanisms for implementing directed payment for behavioral health providers including but not limited to minimum fee schedules, across the board percentage increases, and value-based payments. The report must provide a description of each of the mechanisms considered, the timeline that would be required for implementing the mechanism, and whether and how the mechanism is expected to have a differential impact on different providers. The report must also summarize the information provided by managed care organizations in implementing the funding provided under this section.

(24) \$27,917,000 of the general fund—state appropriation for fiscal year 2020, \$36,095,000 of the general fund—state appropriation for fiscal year 2021, and ~~(\$60,644,000)~~ \$46,889,000 of the general fund—federal appropriation are provided solely for the department to contract with community hospitals or freestanding evaluation and treatment centers to provide long-term inpatient care beds as defined in RCW 71.24.025. Within these amounts, the authority must meet the requirements for reimbursing counties for the judicial services for patients being served in these settings in accordance with RCW 71.05.730. The authority must coordinate with the department of social and health services in developing the contract requirements, selecting contractors, and establishing processes for identifying patients that will be admitted to these facilities.

(a) Sufficient amounts are provided in fiscal year 2020 for the authority to reimburse community hospitals serving medicaid clients in long-term inpatient care beds as defined

in RCW 71.24.025 at a rate of \$1,171 per day, or the hospital's current psychiatric inpatient per diem rate, whichever is higher. ~~((The))~~ In fiscal year 2020, the rate paid to hospitals in this subsection cannot exceed one-hundred percent of the hospitals eligible costs based on their most recently completed medicare cost report. ~~((The authority in collaboration with the Washington state hospital association must convene a work group to develop a methodology for reimbursing community hospitals serving these clients. In developing this methodology, the authority must account for cost structure differences between teaching hospitals and other hospital types. The authority must provide a report to the appropriate committees of the legislature by December 1, 2019. The report must:~~

~~(a) Describe the methodology developed by the work group;~~

~~(b) Identify cost differences between teaching hospitals and other hospital types;~~

~~(c) Provide options for incentivizing community hospitals to offer long term inpatient care beds day beds including a rate recommendation;~~

~~(d) Identify the cost associated with any recommended changes in rates or rate setting methodology; and~~

~~(e) Outline an implementation plan.))~~

(b) Sufficient amounts are provided in fiscal year 2021 for the authority to reimburse providers serving medicaid clients in long-term inpatient care beds as defined in RCW 71.24.025 as follows: (i) Community hospitals whose costs exceed their current rates based on their most recently filed medicare cost report at one hundred percent of the hospital's eligible costs documented in the most recently filed medicare cost report; (ii) community hospitals that do not have a filed medicare cost report on file with the authority at the statewide average rate based on the average of provider specific long-term inpatient care rates or the provider's current per diem rate, whichever is higher; (iii) community hospitals whose costs do not exceed their current rates based on their most recently filed medicare cost report at a rate of \$940 per day; and (iv) nonhospital residential treatment centers certified to provide long-term inpatient care beds as defined in RCW 71.24.025 at a rate that reflects a five percent increase from their fiscal year 2020 rate for serving medicaid clients in long-term inpatient care beds as defined in RCW 71.24.025.

(c) The authority must provide a report to the office of financial management and the appropriate committees of the legislature by December 1, 2020, on the impact of the rate increases provided in fiscal year 2021 on long-term psychiatric inpatient provider capacity and utilization. The report must also include information on short-term psychiatric inpatient provider capacity and utilization and clearly identify which providers increased overall capacity and which converted short-term to long-term beds.

(d) It is the intent of the legislature that future rate increases for long-term inpatient providers be informed by the health care growth benchmark established by the health care cost transparency board pursuant to Second Substitute

House Bill No. 2457 (health care cost board). The legislature also intends to prioritize future rate increases for providers that increase their overall psychiatric inpatient capacity and utilization.

(e) The authority in collaboration with the Washington state hospital association must convene a work group to further refine the methodology for reimbursing community hospitals serving these clients. The authority must provide a report to the appropriate committees of the legislature by December 1, 2020. The report must include options for incorporating additional factors into future rate adjustments and identify where there may be overlap within the different options. The report must include the following areas and provide a description of the option and the methodology and implementation costs associated with each option:

(i) Acuity adjustments for providers serving individuals with higher levels of behavioral health or physical health care needs;

(ii) Retroactive reconciliation adjustments for providers whose total costs for serving clients under this subsection are higher or lower than payments received by the authority and any additional payers.

(25) \$1,455,000 of the general fund—state appropriation for fiscal year 2020, \$1,401,000 of the general fund—state appropriation for fiscal year 2021, and \$3,210,000 of the general fund—federal appropriation are provided solely for the implementation of intensive behavioral health treatment facilities within the community behavioral health service system pursuant to Second Substitute House Bill No. 1394 (behavioral health facilities).

(26) \$21,000 of the general fund—state appropriation for fiscal year 2020, \$152,000 of the general fund—state appropriation for fiscal year 2021, and \$173,000 of the general fund—federal appropriation are provided solely to implement chapter 70, Laws of 2019 (SHB 1199) (health care/disability).

(27)(a) \$12,878,000 of the dedicated marijuana account—state appropriation for fiscal year 2020 and \$12,878,000 of the dedicated marijuana account—state appropriation for fiscal year 2021 are provided for:

(i) A memorandum of understanding with the department of children, youth, and families to provide substance abuse treatment programs;

(ii) A contract with the Washington state institute for public policy to conduct a cost-benefit evaluation of the implementations of chapter 3, Laws of 2013 (Initiative Measure No. 502);

(iii) Designing and administering the Washington state healthy youth survey and the Washington state young adult behavioral health survey;

(iv) Maintaining increased services to pregnant and parenting women provided through the parent child assistance program;

(v) Grants to the office of the superintendent of public instruction for life skills training to children and youth;

(vi) Maintaining increased prevention and treatment service provided by tribes and federally recognized American Indian organization to children and youth;

(vii) Maintaining increased residential treatment services for children and youth;

(viii) Training and technical assistance for the implementation of evidence-based, research based, and promising programs which prevent or reduce substance use disorder;

(ix) Expenditures into the home visiting services account; and

(x) Grants to community-based programs that provide prevention services or activities to youth.

(b) The authority must allocate the amounts provided in (a) of this subsection amongst the specific activities proportionate to the fiscal year 2019 allocation.

(28)(a) \$1,125,000 of the general fund—state appropriation for fiscal year 2020 and \$1,125,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for Spokane behavioral health entities to implement services to reduce utilization and the census at eastern state hospital. Such services must include:

(i) High intensity treatment team for persons who are high utilizers of psychiatric inpatient services, including those with co-occurring disorders and other special needs;

(ii) Crisis outreach and diversion services to stabilize in the community individuals in crisis who are at risk of requiring inpatient care or jail services;

(iii) Mental health services provided in nursing facilities to individuals with dementia, and consultation to facility staff treating those individuals; and

(iv) Services at the sixteen-bed evaluation and treatment facility.

(b) At least annually, the Spokane county behavioral health entities shall assess the effectiveness of these services in reducing utilization at eastern state hospital, identify services that are not optimally effective, and modify those services to improve their effectiveness.

(29) ~~(((\$24,819,000))~~ \$29,288,000 of the general fund—state appropriation for fiscal year 2020 is provided solely to assist behavioral health entities with the costs of providing services to medicaid clients receiving services in psychiatric facilities classified as institutions of mental diseases. The authority must distribute these amounts proportionate to the number of bed days for medicaid clients in institutions for mental diseases that were excluded from behavioral health ~~((organization))~~ entity calendar year 2019 capitation rates because they exceeded the amounts allowed under federal regulations. The authority must also use these amounts to directly pay for costs that are ineligible for medicaid reimbursement in institutions of mental disease facilities for American Indian and Alaska Natives who opt to receive behavioral health services on a fee-for-service basis. The amounts used for these individuals must be reduced from the allocation of the behavioral health



~~((organization))~~ entities where the individual resides. If a behavioral health ~~((organization))~~ entity receives more funding through this subsection than is needed to pay for the cost of their medicaid clients in institutions for mental diseases, they must use the remainder of the amounts to provide other services not covered under the medicaid program. The authority must submit an application for a waiver to allow, by July 1, 2020, for full federal participation for medicaid clients in mental health facilities classified as institutions of mental diseases. The authority must submit a report on the status of the waiver to the office of financial management and the appropriate committees of the legislature by December 1, 2019.

(30) The authority must require all behavioral health organizations transitioning to full integration to either spend down or return all reserves in accordance with contract requirements and federal and state law. Behavioral health organization reserves may not be used to pay for services to be provided beyond the end of a behavioral health organization's contract or for startup costs in full integration regions except as provided in this subsection. The authority must ensure that any increases in expenditures in behavioral health reserve spend-down plans are required for the operation of services during the contract period and do not result in overpayment to providers. If the nonfederal share of reserves returned during fiscal year 2020 exceeds \$35,000,000, the authority shall use some of the amounts in excess of \$35,000,000 to support the final regions transitioning to full integration of physical and behavioral health care. These amounts must be distributed proportionate to the population of each regional area covered. The maximum amount allowed per region is \$3,175 per 1,000 residents. These amounts must be used to provide a reserve for nonmedicaid services in the region to stabilize the new crisis services system.

(31) \$1,850,000 of the general fund—state appropriation for fiscal year 2020, \$1,850,000 of the general fund—state appropriation for fiscal year 2021, and \$13,312,000 of the general fund—federal appropriation are provided solely for the authority to implement a medicaid state plan amendment which provides for substance use disorder peer support services to be included in behavioral health capitation rates beginning in fiscal year 2020 in accordance with section 213(5)(ss), chapter 299, Laws of 2018. The authority shall require managed care organizations to provide access to peer support services for individuals with substance use disorders transitioning from emergency departments, inpatient facilities, or receiving treatment as part of hub and spoke networks.

(32) \$1,256,000 of the general fund—state appropriation for fiscal year 2021 and \$1,686,000 of the general fund—federal appropriation are provided solely for the authority to increase the number of residential beds for pregnant and parenting women. These amounts may be used for startup funds and ongoing costs associated with two new sixteen bed pregnant and parenting women residential treatment programs.

(33) Within the amounts appropriated in this section, the authority must maintain a rate increase for community hospitals that provide a minimum of 200 medicaid

psychiatric inpatient days pursuant to the methodology adopted to implement section 213(5)(n), chapter 299, Laws of 2018 (ESSB 6032) (partial veto).

(34) \$1,393,000 of the general fund—state appropriation for fiscal year 2020, \$1,423,000 of the general fund—state appropriation for fiscal year 2021, and \$5,938,000 of the general fund—federal appropriation are provided solely for the authority to implement discharge wraparound services for individuals with complex behavioral health conditions transitioning or being diverted from admission to psychiatric inpatient programs. The authority must coordinate with the department of social and health services in establishing the standards for these programs.

(35) \$850,000 of the general fund—federal appropriation is provided solely to contract with a nationally recognized recovery residence organization and to create a revolving fund for loans to operators of recovery residences seeking certification in accordance with Second Substitute House Bill No. 1528 (recovery support services). ~~((If the bill is not enacted by June 30, 2019, the amount in this subsection shall lapse.))~~

(36) \$212,000 of the general fund—state appropriation for fiscal year 2020, \$212,000 of the general fund—state appropriation for fiscal year 2021, and \$124,000 of the general fund—federal appropriation are provided solely for the implementation of Engrossed Second Substitute House Bill No. 1874 (adolescent behavioral health). Funding is provided specifically for the authority to provide an online training to behavioral health providers related to state law and best practices in family-initiated treatment, adolescent-initiated treatment, and other services and to conduct an annual survey to measure the impacts of implementing policies resulting from the bill. ~~((If the bill is not enacted by June 30, 2019, the amounts in this subsection shall lapse.))~~

(37) \$500,000 of the general fund—state appropriation for fiscal year 2020, \$500,000 of the general fund—state appropriation for fiscal year 2021, and \$1,000,000 of the general fund—federal appropriation are provided solely for the authority to implement a memorandum of understanding with the criminal justice training commission to provide funding for community grants pursuant to Second Substitute House Bill No. 1767 (alternatives to arrest). ~~((If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.))~~

(38) \$500,000 of the general fund—state appropriation for fiscal year 2020 and \$500,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for provision of crisis stabilization services to individuals who are not eligible for medicaid in Whatcom county. The authority must coordinate with crisis stabilization providers, managed care organizations, and behavioral health administrative services organizations throughout the state to identify payment models that reflect the unique needs of crisis stabilization and crisis triage providers. The report must also include an analysis of the estimated gap in nonmedicaid funding for crisis stabilization and triage facilities throughout the state. The authority must provide a report to the office of financial management and the

appropriate committees of the legislature on the estimated nonmedicaid funding gap and payment models by December 1, 2019.

(39) The authority must conduct an analysis to determine whether there is a gap in fiscal year 2020 behavioral health entity funding for services in institutions for mental diseases and submit a report to the office of financial management and the appropriate committees of the legislature by November 1, 2019. The report must be developed in consultation with the office of financial management and staff from the fiscal committees of the legislature and must include the following elements: (a) The increase in the number of nonmedicaid bed days in institutions for mental diseases from fiscal year 2017 to fiscal year 2019 by facility and the estimated annual cost associated with these increased bed days in FY 2020; (b) the increase in the number of medicaid bed days in institutions for mental diseases from fiscal year 2017 to fiscal year 2019 by facility and the estimated annual cost associated with these increased bed days in FY 2020; (c) the amount of funding assumed in current behavioral health entity medicaid capitation rates for institutions for mental diseases bed days that are currently allowable under medicaid regulation or waivers; (d) the amounts provided in subsection (29) of this section to assist with costs in institutions for mental diseases not covered in medicaid capitation rates; and (e) any remaining gap in behavioral health entity funding for institutions for mental diseases for medicaid or nonmedicaid clients.

(40) \$1,968,000 of the general fund—state appropriation for fiscal year 2020, \$3,396,000 of the general fund—state appropriation for fiscal year 2021, and \$12,150,000 of the general fund—federal appropriation are provided solely for support of and to increase clubhouse facilities across the state. The authority shall work with the centers for medicare and medicaid services to review opportunities to include clubhouse services as an optional "in lieu of" service in managed care organization contracts in order to maximize federal participation. The authority must provide a report to the office of financial management and the appropriate committees of the legislature on the status of efforts to implement clubhouse programs and receive federal approval for including these services in managed care organization contracts as an optional "in lieu of" service.

(41) \$1,000,000 of the general fund—federal appropriation (from the substance abuse prevention and treatment federal block grant) is provided solely for the authority to contract on a one-time basis with the University of Washington behavioral health institute to develop and disseminate model programs and curricula for inpatient and outpatient treatment for individuals with substance use disorder and co-occurring disorders. The behavioral health institute will provide individualized consultation to behavioral health agencies in order to improve the delivery of evidence-based and promising practices and overall quality of care. The behavioral health institute will provide training to staff of behavioral health agencies to enhance the quality of substance use disorder and co-occurring treatment delivered.

(42) The number of beds allocated for use by behavioral health entities at eastern state hospital shall be one hundred ninety two per day. The number of nonforensic beds allocated for use by behavioral health entities at western state hospital shall be five hundred twenty-seven per day. During fiscal year 2020, the authority must reduce the number of beds allocated for use by behavioral health entities at western state hospital by sixty beds to allow for the repurposing of two civil wards at western state hospital to provide forensic services. Contracted community beds provided under subsection (24) of this section shall be allocated to the behavioral health entities in lieu of beds at western state hospital and be incorporated in their allocation of state hospital patient days of care for the purposes of calculating reimbursements pursuant to RCW 71.24.310. It is the intent of the legislature to continue the policy of expanding community based alternatives for long-term civil commitment services that allow for state hospital beds to be prioritized for forensic patients.

(43) \$190,000 of the general fund—state appropriation for fiscal year 2020, \$947,000 of the general fund—state appropriation for fiscal ~~((year))~~ year 2021, and \$1,023,000 of the general fund—federal appropriation are provided solely for the authority to develop a statewide plan to implement evidence-based coordinated specialty care programs that provide early identification and intervention for psychosis in behavioral health agencies in accordance with Second Substitute Senate Bill No. 5903 (children's mental health). ~~((If the bill is not enacted by June 30, 2019, the amounts in this subsection shall lapse.))~~

(44) \$708,000 of the general fund—state appropriation for fiscal year 2021 and \$799,000 of the general fund—federal appropriation are provided solely for implementing mental health peer respite centers and a pilot project to implement a mental health drop-in center beginning ~~((January))~~ July 1, 2020, in accordance with Second Substitute House Bill No. 1394 (behavioral health facilities).

(45) ~~(((\$250,000))~~ \$500,000 of the general fund—state appropriation for fiscal year 2020 ~~((and \$250,000 of the general fund—state appropriation for fiscal year 2021 are))~~ is provided on a one-time basis solely for a licensed youth residential psychiatric substance abuse and mental health agency located in Clark county to invest in staff training and increasing client census. This amount must be allocated subject to a contract with the authority concerning staffing levels, critical action plans, and client services.

(46) \$509,000 of the general fund—state appropriation for fiscal year 2020, \$494,000 of the general fund—state appropriation for fiscal year 2021, and \$4,823,000 of the general fund—federal appropriation are provided solely for diversion grants to establish new law enforcement assisted diversion programs outside of King county consistent with the provisions of Substitute Senate Bill No. 5380 (opioid use disorder).

(47) The authority must compile all previous reports and collaborate with any work groups created during the 2019-2021 fiscal biennium for the purpose of establishing the implementation plan for transferring the full risk of long-

term inpatient care for mental illness into the behavioral health entity contracts by January 1, 2020.

(48) \$225,000 of the general fund—state appropriation for fiscal year 2020 and \$225,000 of the general fund—state appropriation for fiscal year 2021 are provided solely to continue funding one pilot project in Pierce county to promote increased utilization of assisted outpatient treatment programs. The authority shall provide a report to the legislature by October 15, 2020, which must include the number of individuals served, outcomes to include changes in use of inpatient treatment and hospital stays, and recommendations for further implementation based on lessons learned from the pilot project.

(49) \$18,000 of the general fund—state appropriation for fiscal year 2020, \$18,000 of the general fund—state appropriation for fiscal year 2021, and \$36,000 of the general fund—federal appropriation are provided solely for the implementation of Substitute Senate Bill No. 5181 (involuntary treatment procedures). ~~((If the bill is not enacted by June 30, 2019, the amounts in this subsection shall lapse.))~~

(50) \$814,000 of the general fund—state appropriation for fiscal year 2020, \$800,000 of the general fund—state appropriation for fiscal year 2021, and \$1,466,000 of the general fund—federal appropriation are provided solely for the authority to implement the recommendations of the state action alliance for suicide prevention, to include suicide assessments, treatment, and grant management.

(51) Within existing appropriations, the authority shall prioritize the prevention and treatment of intravenous opiate-based drug use.

(52) \$446,000 of the general fund—state appropriation for fiscal year 2020, \$446,000 of the general fund—state appropriation for fiscal year 2021, and \$178,000 of the general fund—federal appropriation are provided solely for the University of Washington's evidence-based practice institute which supports the identification, evaluation, and implementation of evidence-based or promising practices. The institute must work with the authority to develop a plan to seek private, federal, or other grant funding in order to reduce the need for state general funds. The authority must collect information from the institute on the use of these funds and submit a report to the office of financial management and the appropriate fiscal committees of the legislature by December 1st of each year of the biennium.

(53) \$60,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the authority to provide a one-time grant to the city of Maple Valley to support a pilot project for a community resource coordinator position for the city of Maple Valley, Tahoma school district, and the greater Maple Valley area. This amount must be used to develop programs, projects, and training that specifically address mental health awareness and education and facilitate access to school-based and community resources. The grant must require a report be submitted by the city of Maple Valley to the authority and the Maple Valley city council which summarizes the services provided and the perceived value of the community resource coordinator position for the community. The authority must

submit the report to the office of financial management and the appropriate committees of the legislature by June 30, 2021.

(54) \$215,000 of the general fund—state appropriation for fiscal year 2020 and \$165,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for provision of crisis stabilization services in Island county. The authority must use this amount to contract for start-up and treatment services that are not reimbursable under medicaid provided in a crisis stabilization center in Island county. The authority must continue to coordinate with crisis stabilization providers and behavioral health entities to identify funding gaps for non-Medicaid services and payment models that reflect the unique needs of these facilities.

(55) \$200,000 of the general fund—state appropriation for fiscal year 2020 is provided on a one-time basis solely for the authority to contract with a family-centered substance use disorder treatment program which provides behavioral health services to families engaged in the foster system in Spokane county. This amount must be used to provide wraparound behavioral health services to individuals enrolled in the program.

(56) \$300,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for training support grants for community mental health and substance abuse providers. The authority must implement these services in partnership with and through the regional accountable communities of health or the University of Washington behavioral health institute. The grants must provide flexible funding for training and mentoring of clinicians serving children and youth. The authority must consult with stakeholders, including but not limited to, behavioral health experts in services for children and youth, providers, and consumers, to develop guidelines for how the funding could be used, with a focus on evidence-based and promising practices, continuing education requirements, and quality-monitoring infrastructure.

(57) \$50,000 of the general fund—state appropriation for fiscal year 2021 and \$50,000 of the general fund—federal appropriation are provided solely for the authority to work with the actuaries responsible for establishing behavioral health capitation rates, the University of Washington behavioral health institute, managed care organizations, and community mental health and substance use disorder providers to develop strategies for enhancing behavioral health provider reimbursement to promote behavioral health workforce development efforts. The authority must submit a report to the office of financial management and the appropriate committees of the legislature by December 1, 2020, that identifies: (a) A description of the actuarial assumptions related to clinical supervision included in the development of calendar year 2020 managed care behavioral health capitation rates and the relative dollar value of these assumptions; (b) available information on whether and to what extent managed care organizations are accounting for clinical supervision in establishing behavioral health provider reimbursement methodologies and rates; (c) identification of provider reimbursement models through managed care organizations

that effectively incentivize the expansion of internships and entry level opportunities for clinicians; and (d) recommendations for accountability mechanisms to demonstrate that amounts included in behavioral health capitation rates for clinical supervision are passed on to mental health and substance abuse agencies that provide internships and entry level opportunities for clinicians.

(58) \$281,000 of the general fund—state appropriation for fiscal year 2020, \$259,000 of the general fund—state appropriation for fiscal year 2021 and \$1,285,000 of the general fund—federal appropriation are provided solely to support the administrative costs associated with the application and implementation of a federal waiver allowing for full federal participation in mental health treatment facilities identified as institutions of mental diseases.

(59) \$128,000 of the general fund—state appropriation for fiscal year 2021 and \$123,000 of the general fund—federal appropriation are provided solely for implementation of Engrossed House Bill No. 2584 (behavioral health rates). If the bill is not enacted by June 30, 2020, the amounts provided in this subsection shall lapse.

(60) \$139,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for implementation of Second Substitute House Bill No. 2737 (children's mental health work group). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

(61) \$766,000 of the general fund—state appropriation for fiscal year 2021 and \$1,526,000 of the general fund—federal appropriation are provided solely for implementation of Engrossed Substitute House Bill No. 2642 (substance use disorder coverage). If the bill is not enacted by June 30, 2020, the amounts provided in this subsection shall lapse.

(62) \$31,000 of the general fund—state appropriation for fiscal year 2020, \$94,000 of the general fund—state appropriation for fiscal year 2021, and \$125,000 of the general fund—federal appropriation are provided solely to conduct an analysis on the impact of changing policy in the apple health program to match best practices for mental health assessment and diagnosis for infants and children from birth through five years of age. The analysis must include cost estimates from the authority and the actuaries responsible for establishing medicaid managed care rates on the annual impact associated with policy changes in assessment and diagnosis of infants and children from birth through age five that at a minimum: (a) Allow reimbursement for three to five sessions for intake and assessment; (b) allow reimbursement for assessments in home or community settings, including reimbursement for clinician travel; and (c) require clinician use of the diagnostic classification of mental health and developmental disorders of infancy and early childhood. The authority must submit a report to the office of financial management and the appropriate committees of the legislature summarizing the results of the analysis and cost estimates by December 1, 2020.

(63) As an element of contractual network adequacy requirements and reporting, the authority shall direct managed care organizations to make all reasonable efforts to develop or maintain contracts with provider networks that

leverage local, federal, or philanthropic funding to enhance effectiveness of medicaid-funded integrated care services. These networks must promote medicaid clients' access to a system of services that addresses additional social support services and social determinants of health as defined in RCW 43.20.025 in a manner that is integrated with the delivery of behavioral health and medical treatment services.

(64) \$864,000 of the general fund—state appropriation for fiscal year 2021 and \$1,788,000 of the general fund—federal appropriation are provided solely for the implementation of Second Engrossed Second Substitute Senate Bill No. 5720 (involuntary treatment act). If the bill is not enacted by June 30, 2020, the amounts provided in this subsection shall lapse.

(65) \$200,000 of the general fund—federal appropriation for fiscal year 2021 is provided solely for the implementation of Substitute Senate Bill No. 6191 (adverse childhood experience). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

(66) Within existing resources, the authority shall implement Substitute Senate Bill No. 6259 (Indian behavioral health sys).

(67) \$1,260,000 of the general fund—state appropriation for fiscal year 2021 and \$840,000 of the general fund—federal appropriation are provided solely for the authority to increase rates to parent-child assistance program providers in an effort to stabilize the workforce and increase training and evaluation.

(68) \$2,537,000 of the general fund—state appropriation for fiscal year 2020 is provided solely to ensure a smooth transition to integrated managed care for behavioral health regions and to maintain the existing level of regional behavioral health crisis and diversion programs, and other required behavioral health administrative service organization services. These amounts must be used to support the regions transitioning to full integration of physical and behavioral health care beginning January 1, 2020. These amounts must be distributed proportionate to the population of each regional area covered. The maximum amount allowed per region is \$2,494 per one thousand residents. These amounts must be used to provide a reserve for nonmedicaid services in the region and to stabilize the new crisis services system.

(69) \$846,000 of the general fund—state appropriation for fiscal year 2021 is provided solely to implement a statewide pilot project to provide increased access to emergent and nonemergent transportation to secure withdrawal management and stabilization services facilities under the involuntary treatment act for individuals detained with substance use disorders. The authority shall review the implementation of the statewide pilot and provide a report to the legislature no later than December 15, 2020, to include data on costs and the increased number of trips.

(70) \$15,000 of the general fund—state appropriation for fiscal year 2021 and \$15,000 of the general fund—federal appropriation are provided solely for the authority to develop a value-based case rate payment model for comprehensive community behavioral health services. It is

the intent of the legislature to strengthen the community behavioral health system in order to promote recovery and whole person care, avoid unnecessary institutionalization and ensure access to care in the least restrictive setting possible, and incentivize value-based alternative payment models. Therefore, the authority in collaboration with the Washington council for behavioral health must convene a work group to develop a case rate payment model for comprehensive community behavioral health services. The authority must submit a report to the legislature by October 31, 2020. The report must: (a) Identify a comprehensive package of services to be provided by community behavioral health agencies that are licensed and certified by the department of health as defined in RCW 71.24.025; (b) describe the methodology used to develop an actuarially sound case rate model for this comprehensive package of services, and propose a medicaid case rate or range of rates; and (c) identify key quality performance metrics focused on health and recovery as well as quality incentive payment mechanisms that reinforce value over volume.

(71) \$500,000 of the problem gambling account—state appropriation is provided solely for the authority to contract for a problem gambling adult prevalence study. The prevalence study must review both statewide and regional results about beliefs and attitudes toward gambling, gambling behavior and preferences, and awareness of treatment services. The study should also estimate the level of risk for problem gambling and examine correlations with broader behavioral and mental health measures. The health care authority shall submit results of the prevalence study to the problem gambling task force and the legislature by June 30, 2021.

(72) \$4,500,000 of the criminal justice treatment account—state appropriation for fiscal year 2021 is provided solely for the authority to provide funding for the setting up of new therapeutic courts for cities or counties or for the expansion of services being provided to an already existing therapeutic court that engages in evidence-based practices, to include medication assisted treatment in jail settings pursuant to RCW 71.24.580. Funding provided under this subsection shall not supplant existing funds utilized for this purpose.

(73) \$250,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the authority to contract with a statewide mental health nonprofit serving consumers and families that provides free community and school-based mental health education and support programs. Funding shall be used to provide access to programs tailored to peers living with mental illness, family members of people with mental illness, and the community.

(74) In establishing, re-basing, enhancing, or otherwise updating medicaid rates for behavioral health services, the authority and contracted actuaries shall use a transparent process that provides an opportunity for medicaid managed care organizations, behavioral health administrative service organizations, and behavioral health provider agencies, and their representatives, to review and provide data and feedback on proposed rate changes within their region or regions of service operation. The authority and contracted actuaries shall consider the information

gained from this process and make adjustments allowable under federal law when appropriate.

(75) The authority shall seek input from representatives of the managed care organizations (MCOs), licensed community behavioral health agencies, and behavioral health administrative service organizations to develop the format of a report which addresses revenues and expenditures for the community behavioral health programs. The report shall include, but not be limited to (i) revenues and expenditures for community behavioral health programs, including medicaid and nonmedicaid funding; (ii) access to services, service denials, and utilization by state plan modality; (iii) claims denials and record of timely payment to providers; (iv) client demographics; and (v) social and recovery measures and managed care organization performance measures. The authority shall submit the report for the preceding calendar year to the governor and appropriate committees of the legislature on or before July 1st of each year.

(76) \$1,801,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the authority to implement two pilot programs for intensive outpatient services and partial hospitalization services for certain children and adolescents.

(a) The effective date of the pilot sites is January 1, 2021.

(b) The two pilots must be contracted with a hospital that provides psychiatric inpatient services to children and adolescents in a city with the largest population east of the crest of the Cascade mountains and a hospital that provides psychiatric inpatient services to children and adolescents in a city with the largest population west of the crest of the Cascade mountains.

(c) The authority must establish minimum standards, eligibility criteria, authorization and utilization review processes, and payment methodologies for the pilot programs in contract.

(d) Eligibility for the pilot sites is limited pursuant to the following:

(i) Children and adolescents discharged from an inpatient hospital treatment program who require the level of services offered by the pilot programs in lieu of continued inpatient treatment;

(ii) Children and adolescents who require the level of services offered by the pilot programs in order to avoid inpatient hospitalization; and

(iii) Services may not be offered if there are less costly alternative community based services that can effectively meet the needs of an individual referred to the program.

(f) The authority must collect data on the pilot sites and work with the actuaries responsible for establishing managed care rates for medicaid enrollees to develop and submit a report to the office of financial management and the appropriate committees of the legislature. A preliminary report must be submitted by December 1, 2021, and a final

report must be submitted by December 1, 2022. The reports must include the following information:

(i) A narrative description of the services provided at each pilot site and identification of any specific gaps the sites were able to fill in the current continuum of care;

(ii) Clinical outcomes and estimated reductions in psychiatric inpatient costs associated with each of the pilot sites;

(iii) Recommendations for whether either or both of the pilot models should be expanded statewide; whether modifications should be made to the models to better address gaps in the continuum identified through the pilot sites, and whether statewide implementation should be achieved through a state plan amendment or some other mechanism for leveraging federal medicaid match; and

(iv) Actuarial projections on the statewide need for services related to the pilot sites and estimated costs of adding each of the services to the medicaid behavioral health benefit for children and adolescents and adults.

**Sec. 216.** 2019 c 415 s 216 (uncodified) is amended to read as follows:

#### FOR THE HUMAN RIGHTS COMMISSION

General Fund—State Appropriation (FY 2020)	.....(((\$2,510,000))
	<u>\$2,630,000</u>
General Fund—State Appropriation (FY 2021)	.....(((\$2,543,000))
	<u>\$3,007,000</u>
General Fund—Federal Appropriation.(((\$2,613,000))	
	<u>\$2,614,000</u>
Pension Funding Stabilization Account—State Appropriation.....	\$190,000
TOTAL APPROPRIATION .....	<del>\$7,856,000</del>
	<u>\$8,441,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$103,000 of the general fund—state appropriation for fiscal year 2020 and \$97,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of Second Substitute Senate Bill No. 5602 (reproductive health care). ~~((If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.))~~

(2) \$107,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the implementation of Senate Bill No. 6034 (pregnancy discrim. complaints). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

**Sec. 217.** 2019 c 415 s 217 (uncodified) is amended to read as follows:

#### FOR THE BOARD OF INDUSTRIAL INSURANCE APPEALS

Worker and Community Right to Know Fund—State Appropriation.....	\$10,000
Accident Account—State Appropriation .....	(((\$24,326,000))
	<u>\$24,437,000</u>
Medical Aid Account—State Appropriation .....	(((\$24,327,000))
	<u>\$24,438,000</u>
TOTAL APPROPRIATION .....	<del>\$48,663,000</del>
	<u>\$48,885,000</u>

The appropriations in this section are subject to the following conditions and limitations: \$114,000 of the accident account—state appropriation and \$114,000 of the medical aid account—state appropriation are provided solely for implementation of Substitute House Bill No. 2409 (industrial insur./employers). If the bill is not enacted by June 30, 2020, the amounts provided in this subsection shall lapse.

**Sec. 218.** 2019 c 415 s 218 (uncodified) is amended to read as follows:

#### FOR THE CRIMINAL JUSTICE TRAINING COMMISSION

General Fund—State Appropriation (FY 2020)	.....(((\$25,649,000))
	<u>\$27,447,000</u>
General Fund—State Appropriation (FY 2021)	.....(((\$25,697,000))
	<u>\$31,639,000</u>
General Fund—Private/Local Appropriation .....	(((\$6,630,000))
	<u>\$7,339,000</u>
Death Investigations Account—State Appropriation .....	\$682,000
Municipal Criminal Justice Assistance Account—	
State Appropriation.....	\$460,000
Washington Auto Theft Prevention Authority Account—State Appropriation.....	\$8,167,000
24/7 Sobriety Account—State Appropriation.	\$20,000
Pension Funding Stabilization Account—State Appropriation.....	\$460,000
TOTAL APPROPRIATION .....	<del>\$67,765,000</del>
	<u>\$76,214,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$5,000,000 of the general fund—state appropriation for fiscal year 2020 and \$5,000,000 of the general fund—state appropriation for fiscal year 2021, are provided to the Washington association of sheriffs and police chiefs solely to verify the address and residency of registered sex offenders and kidnapping offenders under RCW 9A.44.130.

(2) (~~(\$2,248,000))~~ \$2,768,000 of the general fund—state appropriation for fiscal year 2020 and (~~(\$2,269,000))~~ \$2,789,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for seventy-five percent of the costs of providing (~~(nine))~~ eleven additional statewide basic law enforcement trainings in each fiscal year. The criminal justice training commission must schedule its funded classes to minimize wait times throughout each fiscal year and meet statutory wait time requirements. The criminal justice training commission must track and report the average wait time for students at the beginning of each class and provide the findings in an annual report to the legislature due in December of each year. At least (~~(two))~~ three classes must be held in Spokane each year.

(3) The criminal justice training commission may not run a basic law enforcement academy class of fewer than 30 students.

(4) (~~(\$429,000))~~ \$1,179,000 of the general fund—state appropriation for fiscal year 2020 and (~~(\$429,000))~~ \$1,179,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for expenditure into the nonappropriated Washington internet crimes against children account for the implementation of chapter 84, Laws of 2015.

(5) \$2,000,000 of the general fund—state appropriation for fiscal year 2020 and \$2,000,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the mental health field response team program administered by the Washington association of sheriffs and police chiefs. The association must distribute \$3,000,000 in grants to the phase one regions as outlined in the settlement agreement under *Trueblood, et. al. v. Department of Social and Health Services, et. al.*, U.S. District Court-Western District, Cause No. 14-cv-01178-MJP. The association must submit an annual report to the Governor and appropriate committees of the legislature by September 1st of each year of the biennium. The report shall include best practice recommendations on law enforcement and behavioral health field response and include outcome measures on all grants awarded.

(6) \$450,000 of the general fund—state appropriation for fiscal year 2020 and \$449,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for crisis intervention training for the phase one regions as outlined in the settlement agreement under *Trueblood, et. al. v. Department of Social and Health Services, et. al.*, U.S. District Court-Western District, Cause No. 14-cv-01178-MJP.

(7) \$534,000 of the death investigations account—state appropriation is provided solely for the commission to update and expand the medicolegal forensic investigation training currently provided to coroners and medical

examiners from eighty hours to two-hundred forty hours to meet the recommendations of the national commission on forensic science for certification and accreditation. Funding is contingent on the death investigation account receiving three dollars of the five dollar increase in vital records fees from the passage of Engrossed Substitute Senate Bill No. 5332 (vital statistics). (~~(If the bill is not enacted by June 30, 2019, the amount provided in this subsection shall lapse.)~~)

(8) \$10,000 of the general fund—state appropriation for fiscal year 2020, \$22,000 of the general fund—state appropriation for fiscal year 2021, and \$10,000 of the general fund—local appropriation are provided solely for an increase in vendor rates on the daily meals provided to basic law enforcement academy recruits during their training.

(9) \$200,000 of the general fund—state appropriation for fiscal year 2020 and \$200,000 of the general fund—state appropriation for fiscal year 2021 are provided solely to implement Second Substitute House Bill No. 1767 (alternatives to arrest/jail). (~~(If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.)~~)

(10) (~~(\$75,000))~~ \$397,000 of the general fund—state appropriation for fiscal year 2020 and (~~(\$75,000))~~ \$397,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for a vendor rate increase (~~(of seven tenths of one percent))~~ for the Washington association of sheriffs and police chiefs.

(11) \$2,000,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the Washington association of sheriffs and police chiefs to administer the sexual assault kit initiative project under RCW 36.28A.430, to assist multidisciplinary community response teams seeking resolutions to cases tied to previously unsubmitted sexual assault kits, and to provide support to survivors of sexual assault offenses. The commission must report to the governor and the chairs of the senate committee on ways and means and the house of representatives committee on appropriations by June 30, 2021, on the number of sexual assault kits that have been tested, the number of kits remaining to be tested, the number of sexual assault cases that had hits to other crimes, the number of cases that have been reinvestigated, the number of those cases that were reinvestigated using state funding under this appropriation, and the local jurisdictions that were a recipient of a grant under the sexual assault kit initiative project.

(12) \$20,000 of the general fund—state appropriation for fiscal year 2020 and \$20,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the Washington association of sheriffs and police chiefs to work with local law enforcement agencies and the Washington fire chiefs association to provide helmets to persons contacted by local law enforcement or an official of a local fire department for not wearing a helmet while riding a skateboard or bicycle in order to reduce traumatic brain injuries throughout the state. The Washington association of sheriffs and police chiefs shall work in conjunction with the Washington fire chiefs association in administering the helmet distribution program.

(13) \$50,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for Engrossed Substitute House Bill No. 2318 (criminal investigatory practices). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

(14) \$316,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for House Bill No. 2926 (critical stress management programs). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

(15) \$830,000 of the general fund—state appropriation for fiscal year 2021 and \$155,000 of the general fund—local appropriation are provided solely for Second Substitute House Bill No. 2499 (correctional officer certification). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

(16) \$100,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the criminal justice training commission to develop and finalize the curriculum for the de-escalation law enforcement training as required under Initiative 940, the law enforcement training and community safety act.

(17) \$300,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for Substitute Senate Bill No. 6570 (law enforcement officer mental health and wellness). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

**Sec. 219.** 2019 c 415 s 219 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF LABOR AND INDUSTRIES**

General Fund—State Appropriation (FY 2020)	.....(( <del>\$13,107,000</del> ))
	<u>\$14,426,000</u>
General Fund—State Appropriation (FY 2021)	.....(( <del>\$11,696,000</del> ))
	<u>\$26,698,000</u>
General Fund—Federal Appropriation....	\$11,876,000
Asbestos Account—State Appropriation.....	\$590,000
Electrical License Account—State Appropriation	.....(( <del>\$58,068,000</del> ))
	<u>\$58,124,000</u>
Farm Labor Contractor Account—State Appropriation	.....\$28,000
Worker and Community Right to Know Fund—	
State Appropriation .....	\$1,039,000
Construction Registration Inspection Account—	
State Appropriation .....	(( <del>\$23,888,000</del> ))
	<u>\$25,453,000</u>
Public Works Administration Account—State	

Appropriation.....	(( <del>\$10,988,000</del> ))
	<u>\$11,001,000</u>
Manufactured Home Installation Training Account—	
State Appropriation.....	\$412,000
Pension Funding Stabilization Account—State	
Appropriation .....	\$1,434,000
Accident Account—State Appropriation	.....(( <del>\$392,548,000</del> ))
	<u>\$396,164,000</u>
Accident Account—Federal Appropriation	.....(( <del>\$15,674,000</del> ))
	<u>\$16,439,000</u>
Medical Aid Account—State Appropriation	.....(( <del>\$397,545,000</del> ))
	<u>\$399,802,000</u>
Medical Aid Account—Federal Appropriation	.....(( <del>\$3,515,000</del> ))
	<u>\$3,650,000</u>
Plumbing Certificate Account—State Appropriation	.....(( <del>\$2,004,000</del> ))
	<u>\$3,401,000</u>
Pressure Systems Safety Account—State	
Appropriation .....	(( <del>\$4,667,000</del> ))
	<u>\$4,672,000</u>
TOTAL APPROPRIATION.....	<u>\$949,079,000</u>
	<u>\$975,209,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$40,988,000 of the accident account—state appropriation and \$40,986,000 of the medical aid account—state appropriation are provided solely for the labor and industries workers' compensation information system replacement project and are subject to the conditions, limitations, and review provided in ~~((section 719 of this act))~~ section 701 of this act.

(2) \$250,000 of the medical aid account—state appropriation and \$250,000 of the accident account—state appropriation are provided solely for the department of labor and industries safety and health assessment and research for prevention program to conduct research to address the high injury rates of the janitorial workforce. The research must quantify the physical demands of common janitorial work tasks and assess the safety and health needs of janitorial workers. The research must also identify potential risk factors associated with increased risk of injury in the janitorial workforce and measure workload based on the strain janitorial work tasks place on janitors' bodies. The department must conduct interviews with janitors and their employers to collect information on risk factors, identify the tools, technologies, and methodologies used to complete



work, and understand the safety culture and climate of the industry. The department must issue an initial report to the legislature, by June 30, 2020, assessing the physical capacity of workers in the context of the industry's economic environment and ascertain usable support tools for employers and workers to decrease risk of injury. After the initial report, the department must produce annual progress reports, beginning in 2021 through the year 2022 or until the tools are fully developed and deployed. The annual progress reports must be submitted to the legislature by December 1st of each year such reports are due.

(3) \$1,700,000 of the accident account—state appropriation and \$300,000 of the medical aid account—state appropriation are provided solely for a contract with a permanently registered Washington sector intermediary to provide supplemental instruction for information technology apprentices. Funds spent for this purpose must be matched by an equal amount of funding from the information technology industry members, except small and mid-sized employers. Up to \$1,000,000 may be spent to provide supplemental instruction for apprentices at small and mid-sized businesses. "Small and mid-sized businesses" means those that have fewer than one hundred employees or have less than five percent annual net profitability. The sector intermediary will collaborate with the state board for community and technical colleges to integrate and offer related supplemental instruction through one or more Washington state community or technical colleges by the 2020-21 academic year.

(4) \$1,360,000 of the accident account—state appropriation and \$240,000 of the medical aid account—state appropriation are provided solely for the department of labor and industries to establish a health care apprenticeship program.

(5) \$273,000 of the accident account—state appropriation and \$273,000 of the medical aid account—state appropriation are provided solely for the department of labor and industries safety and health assessment research for prevention program to conduct research to prevent the types of work-related injuries that require immediate hospitalization. The department will develop and maintain a tracking system to identify and respond to all immediate in-patient hospitalizations and will examine incidents in defined high-priority areas, as determined from historical data and public priorities. The research must identify and characterize hazardous situations and contributing factors using epidemiological, safety-engineering, and human factors/ergonomics methods. The research must also identify common factors in certain types of workplace injuries that lead to hospitalization. The department must submit an initial report to the governor and appropriate legislative committees by August 30, 2020, and annually thereafter, summarizing work-related immediate hospitalizations and prevention opportunities, actions that employers and workers can take to make workplaces safer, and ways to avoid severe injuries.

(6) \$666,000 of the accident account—state appropriation and \$243,000 of the medical aid account—state appropriation are provided solely for implementation of Substitute Senate Bill No. 5175 (firefighter safety). ~~((If~~

~~the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.))~~

(7) \$2,257,000 of the public works administration account—state appropriation is provided solely for implementation of Engrossed Substitute Senate Bill No. 5035 (prevailing wage laws). Of this amount, \$464,100 is provided to incorporate information technology changes to the complaint activity tracking system, public works suite, accounts receivable collections, and the pay accounts receivable collections systems, and is subject to the conditions, limitations, and review provided in ((section 719 of this act)) section 701 of this act. ((If the bill is not enacted by June 30, 2019, the amount provided in this subsection shall lapse.))

(8) \$37,000 of the accident account—state appropriation and \$33,000 of the medical aid account—state appropriation are provided solely for implementation of Engrossed Second Substitute Senate Bill No. 5497 (immigrants in the workplace). ~~((If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.))~~

(9) \$52,000 of the accident account—state appropriation is provided solely for the complaint activity tracking system adjustment project, which will add functionality related to conducting company-wide wage investigations. This funding is subject to the conditions, limitations, and review provided in ~~((section 719 of this act))~~ section 701 of this act.

(10) \$850,000 of the accident account—state appropriation and \$850,000 of the medical aid account—state appropriation are provided solely for issuing and managing contracts with customer-trusted groups to develop and deliver information to small businesses and their workers about workplace rights, regulations and services administered by the agency.

(11) ~~(((\$4,676,000)) \$5,721,000 of the general fund—state appropriation for fiscal year 2020 and (((\$2,092,000)) \$504,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for increasing rates for medical and health care service providers treating persons in the crime victim compensation program. Of the amounts provided in this subsection, \$50,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the crime victims compensation program to pay for medical exams related to victims of suspected child abuse. No later than September 30, 2020, the department shall report to the legislature the following information, for each fiscal year from fiscal year 2016 through fiscal year 2020:~~

~~(a) The type of claims received by victims of suspected child abuse;~~

~~(b) The total number of claims received by victims of suspected child abuse;~~

~~(c) The type of claims paid to victims of suspected child abuse;~~

~~(d) The total number of claims paid to victims of suspected child abuse; and~~

(e) The total amounts of claims paid to victims of suspected child abuse.

(12) \$744,000 of the accident account—state appropriation and \$744,000 of the medical aid account—state appropriation are provided solely for customer service staffing at field offices.

(13) \$3,432,000 of the accident account—state appropriation and \$606,000 of the medical aid account—state appropriation are provided solely for the division of occupational safety and health to add workplace safety and health consultants, inspectors, and investigators.

(14) \$788,000 of the accident account—state appropriation and \$140,000 of the medical aid account—state appropriation are provided solely for apprenticeship staffing to respond to inquiries and process registrations.

(15) \$2,608,000 of the accident account—state appropriation and \$3,541,000 of the medical aid account—state appropriation are provided solely for claims management staffing to reduce caseloads.

(16) \$1,072,000 of the public works administration account—state appropriation is provided solely for implementation of Substitute House Bill No. 1295 (public works contracting). ~~((If the bill is not enacted by June 30, 2019, the amount provided in this subsection shall lapse.))~~

(17) \$695,000 of the accident account—state appropriation and \$124,000 of the medical aid account—state appropriation are provided solely for implementation of Engrossed Substitute House Bill No. 1817 (high hazard facilities). ~~((If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.))~~

(18) \$67,000 of the accident account—state appropriation and \$66,000 of the medical aid account—state appropriation are provided solely for implementation of Substitute House Bill No. 1909 (industrial ins. claim records). ~~((If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.))~~

(19) ~~(((\$313,000 of the accident account—state appropriation and \$312,000 of the medical aid account—state appropriation))~~ \$273,000 of the general fund—state appropriation for fiscal year 2020 and \$352,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of Engrossed Second Substitute Senate Bill No. 5116 (clean energy). ~~((If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.))~~

(20) \$683,000 of the accident account—state appropriation and \$683,000 of the medical aid account—state appropriation are provided solely for implementation of Substitute House Bill No. 2409 (industrial insur./employers). Of the amounts provided in this subsection, \$176,000 of the accident account—state appropriation and \$176,000 medical aid account—state appropriation are subject to the conditions, limitations, and review provided in section 701 of this act. If the bill is not enacted by June 30, 2020, the amounts provided in this subsection shall lapse.

(21) \$1,507,000 of the construction registration inspection account—state appropriation is provided solely for additional staff to conduct and facilitate additional elevator inspections.

(22) \$320,000 of the accident account—state appropriation and \$75,000 of the medical aid account—state appropriation are provided solely for implementation of chapter 296, Laws of 2019 (SHB 1155).

(23) \$1,393,000 of the plumbing certificate account—state appropriation is provided solely for implementation of Senate Bill No. 6170 (plumbing registration and licenses). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

(24) \$150,000 of the accident account—state appropriation and \$26,000 of the medical aid account—state appropriation are provided solely for implementation of Engrossed Senate Bill No. 6421 (farm internship program extension). If the bill is not enacted by June 30, 2020, the amounts provided in this subsection shall lapse.

(25) \$625,000 of the accident account—state appropriation and \$625,000 of the medical aid account—state appropriation are provided solely for implementation of Engrossed Substitute Senate Bill No. 6440 (workers' compensation medical exams). If the bill is not enacted by June 30, 2020, the amounts provided in this subsection shall lapse.

(26) \$255,000 of the accident account—state appropriation and \$45,000 of the medical aid account—state appropriation are provided solely for two additional crane inspectors to work in King county.

(27) \$280,000 of the accident account—state appropriation and \$50,000 of the medical aid account—state appropriation are provided solely for the implementation of Engrossed Substitute Senate Bill No. 6473 (asbestos building materials). If the bill is not enacted by June 30, 2020, the amounts provided in this subsection shall lapse.

(28) \$918,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for implementation of Second Substitute Senate Bill No. 6181 (crime victim compensation program). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse. The department shall report to the legislature no later than July 31, 2021, the following information for fiscal year 2021 regarding the benefits available under Second Substitute Senate Bill No. 6181:

(a) The number of claims received by month;

(b) The number of claims rejected by month;

(c) The number and amounts of claims paid by month;  
and

(d) The average processing time for claims.

(29) \$75,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for a grant to a nonprofit organization located in Seattle whose primary mission is to empower vulnerable workers in low-wage industries and from marginalized communities to provide

peer training to similar workers in order to prevent sexual harassment and assault of workers in low-wage industries.

(30)(a) \$15,000,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for grants to promote workforce development in aerospace and aerospace related supply chain industries by: Expanding the number of registered apprenticeships, preapprenticeships, and aerospace-related programs; and providing support for registered apprenticeships or programs in aerospace and aerospace-related supply chain industries.

(b) Grants awarded under this section may be used for:

(i) Equipment upgrades or new equipment purchases for training purposes;

(ii) New training space and lab locations to support capacity needs and expansion of training to veterans and veteran spouses, and underserved populations;

(iii) Curriculum development and instructor training for industry experts;

(iv) Tuition assistance for degrees in engineering and high-demand degrees that support the aerospace industry; and

(v) Funding to increase capacity and availability of child care options for shift work schedules.

(c) An entity is eligible to receive a grant under this subsection if it is a nonprofit, nongovernmental, or institution of higher education that provides training opportunities, including apprenticeships, preapprenticeships, preemployment training, aerospace-related degree programs, or incumbent worker training to prepare workers for the aerospace and aerospace-related supply chain industries.

(31) \$240,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the department to provide staff support to the aerospace workforce council created in House Bill No. 2945 (aerospace business and occupation taxes and world trade compliance) or Senate Bill No. 6690 (aerospace business and occupation taxes and world trade compliance). If neither bill is enacted by June 30, 2020, the amount provided in this subsection shall lapse.

**Sec. 220.** 2019 c 415 s 220 (uncodified) is amended to read as follows:

#### **FOR THE DEPARTMENT OF VETERANS AFFAIRS**

(1) The appropriations in this section are subject to the following conditions and limitations:

(a) The department of veterans affairs shall not initiate any services that will require expenditure of state general fund moneys unless expressly authorized in this act or other law. The department may seek, receive, and spend, under RCW 43.79.260 through 43.79.282, federal moneys not anticipated in this act as long as the federal funding does not require expenditure of state moneys for the program in excess of amounts anticipated in this act. If the department receives unanticipated unrestricted federal moneys, those moneys must be spent for services authorized in this act or

in any other legislation that provides appropriation authority, and an equal amount of appropriated state moneys shall lapse. Upon the lapsing of any moneys under this subsection, the office of financial management shall notify the legislative fiscal committees. As used in this subsection, "unrestricted federal moneys" includes block grants and other funds that federal law does not require to be spent on specifically defined projects or matched on a formula basis by state funds.

(b) Each year, there is fluctuation in the revenue collected to support the operation of the state veteran homes. When the department has foreknowledge that revenue will decrease, such as from a loss of census or from the elimination of a program, the legislature expects the department to make reasonable efforts to reduce expenditures in a commensurate manner and to demonstrate that it has made such efforts. By December 31, ~~((2019))~~ 2020, the department must: (i) Develop and implement a sustainable staffing model for the institutional services program to keep expenditures commensurate with the program revenue; and (ii) report to the legislature regarding its expenditures. In response to any request by the department for general fund—state appropriation to backfill a loss of revenue, the legislature shall consider the department's efforts in reducing its expenditures in light of known or anticipated decreases to revenues.

#### **(2) HEADQUARTERS**

General Fund—State Appropriation (FY 2020)	.....	<del>(\$4,088,000))</del>
		<u>\$3,369,000</u>
General Fund—State Appropriation (FY 2021)	.....	<del>(\$4,119,000))</del>
		<u>\$4,173,000</u>
Charitable, Educational, Penal, and Reformatory		
Institutions Account—State Appropriation.....		\$10,000
Pension Funding Stabilization Account—State		
Appropriation.....		\$185,000
TOTAL APPROPRIATION.....		<u>\$8,402,000</u>
		<u>\$7,737,000</u>

#### **(3) FIELD SERVICES**

General Fund—State Appropriation (FY 2020)	.....	\$6,602,000
General Fund—State Appropriation (FY 2021)	.....	<del>(\$6,770,000))</del>
		<u>\$7,029,000</u>
General Fund—Federal Appropriation <del>(\$4,435,000))</del>		<u>\$5,253,000</u>
General Fund—Private/Local Appropriation	.....	<del>(\$4,958,000))</del>
		<u>\$5,324,000</u>
Veteran Estate Management Account—Private/Local		

Appropriation .....	\$708,000
Pension Funding Stabilization Account—State Appropriation.....	\$444,000
Veterans Stewardship ( <del>Nonappropriated</del> ) Account— State Appropriation .....	\$300,000
Veterans Innovation Program Account—State Appropriation .....	\$100,000
TOTAL APPROPRIATION .....	<del>\$24,317,000</del>
	<u>\$25,760,000</u>

The appropriations in this subsection are subject to the following conditions and limitations:

(a) \$1,338,000 of the general fund—federal appropriation and \$120,000 of the general fund—local appropriation are provided solely for the expansion of the transitional housing program at the Washington soldiers home.

(b) \$300,000 of the general fund—state appropriation for fiscal year 2020, \$300,000 of the general fund—state appropriation for fiscal year 2021, and \$100,000 of the veterans innovation account—state appropriation are provided solely for veterans innovation program grants.

(c) \$300,000 of the veterans stewardship nonappropriated account—state appropriation is provided solely for the department's traumatic brain injury program.

(d) \$300,000 of the general fund—state appropriation for fiscal year 2020 and \$300,000 of the general fund—state appropriation for fiscal year 2021 are provided solely to implement Second Substitute House Bill No. 1448 (veterans service officers). ~~((If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.))~~

(e)(i) \$140,000 of the general fund—state appropriation for fiscal year 2020 and \$142,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the department to develop a statewide plan to reduce suicide among service members, veterans, and their families. In developing the plan, the department shall:

(A) Collaborate with government and nongovernment agencies and organizations to establish promising best practices for suicide awareness and prevention materials, training, and outreach programs targeted to service members, veterans, and their families;

(B) Cultivate peer-led organizations serving veterans in transition and recovery;

(C) Create statewide suicide awareness and prevention training programs with content specific to service members, veterans, and their families; and

(D) Provide safer homes materials and distribute safe firearms storage devices, to the Washington national guard, the Washington state patrol, allied veteran groups, and other organizations serving or employing veterans, following the recommendations of the suicide-safer homes task force.

(ii) The department must report to the legislature regarding the development of the plan no later than December 1, 2020.

(f) \$128,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for implementation of Substitute Senate Bill No. 5900 (LGBTQ coordinator/veterans). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

(g) \$128,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for implementation of Engrossed Senate Bill No. 6626 (military spouse liaison). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

#### (4) INSTITUTIONAL SERVICES

General Fund—State Appropriation (FY 2020) .....	<del>(\$13,379,000))</del>
	<u>\$13,155,000</u>
General Fund—State Appropriation (FY 2021) .....	<del>(\$14,565,000))</del>
	<u>\$14,453,000</u>
General Fund—Federal Appropriation .....	<del>(\$85,479,000))</del>
	<u>\$101,679,000</u>
General Fund—Private/Local Appropriation .....	<del>(\$28,737,000))</del>
	<u>\$20,744,000</u>
Pension Funding Stabilization Account—State Appropriation.....	\$1,464,000
TOTAL APPROPRIATION .....	<u>\$143,624,000</u>
	<u>\$151,495,000</u>

The appropriations in this subsection are subject to the following conditions and limitations:

(a) The amounts provided in this subsection include a general fund—state backfill for a revenue shortfall at the Washington soldiers home in Orting and the Walla Walla veterans home.

(b) If the department receives additional unanticipated federal resources at any point during the remainder of the 2019-2021 fiscal biennium, an equal amount of general fund—state must be placed in unallotted status so as not to exceed the total appropriation level specified in this subsection. The department may submit as part of the policy level budget submittal documentation required by RCW 43.88.030 a request to maintain the general fund—state resources that were unallotted as required by this subsection.

#### (5) CEMETERY SERVICES

General Fund—State Appropriation (FY 2020) .....	\$100,000
General Fund—State Appropriation (FY 2021) .....	\$100,000

General Fund—Federal Appropriation..... \$688,000  
 TOTAL APPROPRIATION ..... \$888,000  
**Sec. 221.** 2019 c 415 s 221 (uncodified) is amended  
 to read as follows:

**FOR THE DEPARTMENT OF HEALTH**

General Fund—State Appropriation (FY 2020)  
 .....((~~\$75,208,000~~))  
\$79,582,000

General Fund—State Appropriation (FY 2021)  
 .....((~~\$72,760,000~~))  
\$85,728,000

General Fund—Federal Appropriation  
 .....((~~\$581,269,000~~))  
\$579,457,000

General Fund—Private/Local Appropriation  
 .....((~~\$184,174,000~~))  
\$192,631,000

Hospital Data Collection Account—State  
 Appropriation..... \$362,000

Health Professions Account—State Appropriation  
 .....((~~\$144,746,000~~))  
\$147,610,000

Aquatic Lands Enhancement Account—State  
 Appropriation..... \$633,000

Emergency Medical Services and Trauma Care  
 Systems

Trust Account—State Appropriation..... \$10,091,000

Safe Drinking Water Account—State Appropriation  
 .....((~~\$6,050,000~~))  
\$6,057,000

Drinking Water Assistance Account—Federal  
 Appropriation .....((~~\$16,974,000~~))  
\$17,000,000

Waterworks Operator Certification Account—  
 State Appropriation ..... \$1,990,000

Drinking Water Assistance Administrative Account—  
 State Appropriation .....((~~\$1,228,000~~))  
\$1,628,000

Site Closure Account—State Appropriation \$183,000

Biotxin Account—State Appropriation  
 .....((~~\$1,693,000~~))  
\$1,694,000

Model Toxics Control Operating Account—  
 State Appropriation .....((~~\$4,465,000~~))

Medicaid Fraud Penalty Account—State  
 Appropriation .....((~~\$1,326,000~~))  
\$1,374,000

Medical Test Site Licensure Account—State  
 Appropriation.....((~~\$2,703,000~~))  
\$3,233,000

Secure Drug Take-Back Program Account—State  
 Appropriation.....\$1,008,000

Youth Tobacco and Vapor Products Prevention  
 Account—  
 State Appropriation.....((~~\$4,373,000~~))  
\$4,237,000

Dedicated Marijuana Account—State Appropriation  
 (FY 2020) .....\$10,786,000

Dedicated Marijuana Account—State Appropriation  
 (FY 2021) .....\$10,616,000

Public Health Supplemental Account—Private/Local  
 Appropriation.....((~~\$3,668,000~~))  
\$5,237,000

Pension Funding Stabilization Account—State  
 Appropriation.....\$3,816,000

Accident Account—State Appropriation .....\$362,000

Medical Aid Account—State Appropriation...\$54,000

TOTAL APPROPRIATION.....\$1,139,530,000  
\$1,169,837,000

The appropriations in this section are subject to the  
 following conditions and limitations:

(1) The department of health shall not initiate any  
 services that will require expenditure of state general fund  
 moneys unless expressly authorized in this act or other law.  
 The department of health and the state board of health shall  
 not implement any new or amended rules pertaining to  
 primary and secondary school facilities until the rules and a  
 final cost estimate have been presented to the legislature, and  
 the legislature has formally funded implementation of the  
 rules through the omnibus appropriations act or by statute.  
 The department may seek, receive, and spend, under RCW  
 43.79.260 through 43.79.282, federal moneys not  
 anticipated in this act as long as the federal funding does not  
 require expenditure of state moneys for the program in  
 excess of amounts anticipated in this act. If the department  
 receives unanticipated unrestricted federal moneys, those  
 moneys shall be spent for services authorized in this act or  
 in any other legislation that provides appropriation authority,  
 and an equal amount of appropriated state moneys shall  
 lapse. Upon the lapsing of any moneys under this subsection,  
 the office of financial management shall notify the

legislative fiscal committees. As used in this subsection, "unrestricted federal moneys" includes block grants and other funds that federal law does not require to be spent on specifically defined projects or matched on a formula basis by state funds.

(2) During the 2019-2021 fiscal biennium, each person subject to RCW 43.70.110(3)(c) is required to pay only one surcharge of up to twenty-five dollars annually for the purposes of RCW 43.70.112, regardless of how many professional licenses the person holds.

(3) In accordance with RCW 43.20B.110, 43.135.055, and 71.24.035, the department is authorized to adopt license and certification fees in fiscal years 2020 and 2021 to support the costs of the regulatory program. The department's fee schedule shall have differential rates for providers with proof of accreditation from organizations that the department has determined to have substantially equivalent standards to those of the department, including but not limited to the joint commission on accreditation of health care organizations, the commission on accreditation of rehabilitation facilities, and the council on accreditation. To reflect the reduced costs associated with regulation of accredited programs, the department's fees for organizations with such proof of accreditation must reflect the lower costs of licensing for these programs than for other organizations which are not accredited.

(4) Within the amounts appropriated in this section, and in accordance with RCW 43.20B.110 and 70.41.100, the department shall set fees to include the full costs of the performance of inspections pursuant to RCW 70.41.080.

(5) In accordance with RCW 70.96A.090, 71.24.035, 43.20B.110, and 43.135.055, the department is authorized to adopt fees for the review and approval of mental health and substance use disorder treatment programs in fiscal years 2020 and 2021 as necessary to support the costs of the regulatory program. The department's fee schedule must have differential rates for providers with proof of accreditation from organizations that the department has determined to have substantially equivalent standards to those of the department, including but not limited to the joint commission on accreditation of health care organizations, the commission on accreditation of rehabilitation facilities, and the council on accreditation. To reflect the reduced costs associated with regulation of accredited programs, the department's fees for organizations with such proof of accreditation must reflect the lower cost of licensing for these programs than for other organizations which are not accredited.

(6) The health care authority, the health benefit exchange, the department of social and health services, the department of health, and the department of children, youth, and families shall work together within existing resources to establish the health and human services enterprise coalition (the coalition). The coalition, led by the health care authority, must be a multi-organization collaborative that provides strategic direction and federal funding guidance for projects that have cross-organizational or enterprise impact, including information technology projects that affect organizations within the coalition. By October 31, 2019, the

coalition must submit a report to the governor and the legislature that describes the coalition's plan for projects affecting the coalition organizations. The report must include any information technology projects impacting coalition organizations and, in collaboration with the office of the chief information officer, provide: (a) The status of any information technology projects currently being developed or implemented that affect the coalition; (b) funding needs of these current and future information technology projects; and (c) next steps for the coalition's information technology projects. The office of the chief information officer shall maintain a statewide perspective when collaborating with the coalition to ensure that the development of projects identified in this report are planned for in a manner that ensures the efficient use of state resources and maximizes federal financial participation. The work of the coalition is subject to the conditions, limitations, and review provided in ~~((section 719 of this act))~~ section 701 of this act.

(7)(a) \$285,000 of the general fund—state appropriation for fiscal year 2020 and \$15,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the governor's interagency coordinating council on health disparities to establish a task force to develop a proposal for the creation of an office of equity. The purpose of the office of equity is to promote access to equitable opportunities and resources that reduce disparities, including racial and ethnic disparities, and improve outcomes statewide across all sectors of government. The council must provide staff support and coordinate community and stakeholder outreach for the task force.

(b) The task force shall include:

(i) The chair of the interagency coordinating council on health disparities, or the chair's designee, who shall serve as the chair of the task force;

(ii) Two members of the house of representatives, appointed by the speaker of the house of representatives;

(iii) Two members from the senate, appointed by the president of the senate;

(iv) A representative from the office of the governor, appointed by the governor;

(v) A representative from the office of financial management's diversity, equity, and inclusion council, appointed by the governor;

(vi) A representative from the office of minority and women's business enterprises, appointed by the director of the office of minority and women's business enterprises;

(vii) A representative from each ethnic commission, appointed by the director of each respective commission;

(viii) A representative from the women's commission, appointed by the director of the commission;

(ix) A representative from the human rights commission, appointed by the director of the commission;

(x) The director of the governor's office of Indian affairs, or the director's designee;

(xi) A member of the disability community, appointed by the chair of the governor's committee on disability issues and employment; and

(xii) A member of the lesbian, gay, bisexual, transgender, and queer community, appointed by the office of the governor.

(c) The task force must submit a preliminary report to the governor and legislature by December 15, 2019. The task force must submit a final proposal to the governor and the legislature by July 1, 2020. The final proposal must include the following recommendations:

(i) A mission statement and vision statement for the office;

(ii) A definition of "equity," which must be used by the office to guide its work;

(iii) The organizational structure of the office, which must include a community liaison for the office;

(iv) A plan to engage executive level management from all agencies;

(v) Mechanisms for facilitating state policy and systems change to promote equity, promoting community outreach and engagement, and establishing standards for the collection, analysis, and reporting of disaggregated data regarding race and ethnicity;

(vi) Mechanisms for accountability to ensure that performance measures around equity are met across all agencies, including recommendations on audits of agencies and other accountability tools as deemed appropriate; and

(vii) A budget proposal including estimates for costs and staffing.

(d) Nonlegislative members of the task force must be reimbursed for expenses incurred in the performance of their duties in accordance with RCW 43.03.050 and 43.03.060. Legislative members must be reimbursed for expenses incurred in accordance with RCW 44.04.120.

(8) \$400,000 of the general fund—state appropriation for fiscal year 2020 and \$400,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the department to contract with a community-based nonprofit organization located in Yakima valley to develop a Spanish-language public radio media campaign aimed at preventing opioid use disorders through education outreach programs. The goal of the radio media campaign is reaching underserved populations, who may have limited literacy and who may experience cultural and informational isolation, to address prevention, education, and treatment for opioid users or those at risk for opioid use. The nonprofit organization must coordinate with stakeholders who are engaged in promoting healthy and educated choices about drug use and abuse to host four workshops and two conferences that present the latest research and best practices. The department, in coordination with the nonprofit, must provide a preliminary report to the legislature no later than December 31, 2020. A final report must be submitted to the legislature no later than June 30, 2021. Both reports must include: (a) A description of the outreach programs and their

implementation; (b) a description of the workshops and conferences held; (c) the number of individuals who participated in or received services in relation to the outreach programs; and (d) any relevant demographic data regarding those individuals.

(9)(a) \$50,000 of the general fund—state appropriation for fiscal year 2020 and \$50,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the nursing care quality assurance commission to continue the work group on nurses in long-term care settings.

(b) The work group must base its work on the assessment of long-term care workforce needs required by chapter 299, Laws of 2018, and included in the long-term care workforce development report to the governor and the legislature submitted in December 2018. The commission shall maintain existing membership of the work group, may add additional stakeholder representation, and may create such technical advisory committees as may be necessary to accomplish its purposes.

(c) Work group priorities for the 2019-2021 fiscal biennium include:

(i) Identifying data sources necessary to ensure workers are achieving timely training, testing, and certification;

(ii) Working with regional workforce development councils to project worker shortages and on-going demands;

(iii) Establishing revised nursing assistant training that aligns directly with the learning outcomes of the competency-based common curriculum, and improves access, reduces costs, increases consistency across evaluators, increases pass rates, and provides support for languages other than English;

(iv) Recommending requirements to improve skilled nursing facility staffing models and address deficiencies in resident care; and

(v) Creating a competency-based common curriculum for nursing assistant training that includes knowledge and skills relevant to current nursing assistant practices; integrated specialty training on mental health, developmental disabilities, and dementia; and removing or revising outdated content. The curriculum must not unnecessarily add additional training hours, and must meet all applicable federal and state laws. The curriculum must be designed with seamless progression from or toward any point on the educational continuum.

(d) The commission must provide an interim report on the activities of the work group and its findings and recommendations for statutory and regulatory changes to the governor and legislature by November 15, 2019, and a final report to the governor and legislature by November 15, 2020.

(10) \$172,000 of the general fund—state appropriation for fiscal year 2020 and \$172,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of Substitute Senate Bill No. 5425 (maternal

mortality reviews). ~~((If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.))~~

(11) \$399,000 of the general fund—local appropriation is provided solely for implementation of Engrossed Substitute Senate Bill No. 5332 (vital statistics). ~~((If the bill is not enacted by June 30, 2019, the amount provided in this subsection shall lapse.))~~

(12) \$52,000 of the general fund—state appropriation for fiscal year 2020, \$22,000 of the general fund—state appropriation for fiscal year 2021, \$11,000 of the general fund—local appropriation, and \$107,000 of the health professions account—state appropriation are provided solely for implementation of Substitute Senate Bill No. 5380 (opioid use disorder). ~~((If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.))~~

(13) \$80,000 of the general fund—state appropriation for fiscal year 2020, \$7,000 of the general fund—state appropriation for fiscal year 2021, and \$32,000 of the health professions account—state appropriation are provided solely for implementation of Engrossed Second Substitute Senate Bill No. 5497 (immigrants in the workplace). ~~((If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.))~~

(14) \$132,000 of the general fund—state appropriation for fiscal year 2020 and \$132,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of Substitute Senate Bill No. 5550 (pesticide application safety). ~~((If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.))~~

(15) \$14,000 of the general fund—state appropriation for fiscal year 2020 is provided solely for implementation of Second Substitute Senate Bill No. 5846 (international medical graduates). ~~((If the bill is not enacted by June 30, 2019, the amount provided in this subsection shall lapse.))~~

(16) \$150,000 of the general fund—state appropriation for fiscal year 2020 and \$150,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the midwifery licensure and regulatory program to supplement revenue from fees. The department shall charge no more than five hundred twenty-five dollars annually for new or renewed licenses for the midwifery program.

(17)(a) \$62,000 of the general fund—state appropriation for fiscal year 2020 and \$63,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the King county local health jurisdiction, as part of the foundational public health services, to conduct a study on the population health impact of the SeaTac airport communities.

(b) By December 1, 2020, the King county local health jurisdiction shall submit a report to the appropriate committees of the legislature that must include:

(i) An analysis of existing data sources and an oversample of the best start for kids child health survey to produce airport community health profiles within a one mile, five mile, and ten mile radius of the airport;

(ii) A comprehensive literature review concerning the community health effects of airport operations, including a strength of evidence analysis;

(iii) The findings of the University of Washington school of public health study on ultrafine particulate matter at the airport and surrounding areas; and

(iv) Any recommendations to address health issues related to the impact of the airport on the community.

(18) \$1,000,000 of the youth tobacco and vapor products prevention account—state appropriation is provided solely, as part of foundational public health services, for the department to support local health jurisdictions to provide youth tobacco and vapor prevention programs, including the necessary outreach and education for Engrossed House Bill No. 1074 (tobacco and vapor/age).

(19) ~~((~~\$94,000~~))~~ \$126,000 of the general fund—state appropriation for fiscal year 2020 ~~((~~is~~))~~ and \$120,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of Engrossed Second Substitute Senate Bill No. 5116 (clean energy). ~~((If the bill is not enacted by June 30, 2019, the amount provided in this subsection shall lapse.))~~

(20) The department shall report to the fiscal committees of the legislature by December 1, 2019, and December 1, 2020, if it anticipates that the amounts raised by ambulatory surgical facility licensing fees will not be sufficient to defray the cost of regulating ambulatory surgical facilities. The report shall identify the amount of state general fund money necessary to compensate for the insufficiency.

(21) \$162,000 of the general fund—state appropriation for fiscal year 2020 ~~((~~is~~))~~ and \$61,000 of the general fund—state appropriation for fiscal year 2021 ~~((~~and \$2,007,000 of the general fund—federal appropriation~~))~~ are provided solely to create a statewide data system to provide early intervention services for all children appropriately screened for developmental delays, to track developmental screenings and delays identified in children, and to assist with care coordination and early intervention; and is subject to the conditions, limitations, and review provided in ~~((section 719 of this act))~~ section 701 of this act.

(22) \$420,000 of the health professions account—state appropriation is provided solely for a work group to develop policy and practice recommendations to increase access to clinical training and supervised practice for the behavioral health workforce. The work group shall include representatives from the department, the workforce training and education coordinating board, and other appropriate stakeholders. The recommendations of the work group must address the following potential barriers: (a) reimbursement and incentives for supervision of interns and trainees; (b) supervision requirements; (c) competency-based training; (d) licensing reciprocity or the feasibility of an interstate licensing compact, or both; and (e) background checks, including barriers to work related to an applicant's criminal history or substance use disorder. The board must convene and facilitate the work group, and recommendations may be presented in two phases. Recommendations presented in the



first phase must be provided by December 1, 2019. Recommendations presented in the second phase must be provided by December 1, 2020.

(23) \$500,000 of the general fund—state appropriation for fiscal year 2020 and \$500,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the Washington poison center. This funding is provided in addition to funding provided pursuant to RCW 69.50.540.

(24) \$21,000 of the general fund—state appropriation for fiscal year 2020 and \$4,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the development of a palliative care road map to provide information and guidance to providers, patients, families, and caregivers of individuals living with a serious or life-threatening illness. The department must work in consultation with appropriate stakeholders, including but not limited to, the health care authority, the department of social and health services, and hospital-based, outpatient, and community-based palliative care providers. The department must complete the document and make hard copies available for distribution no later than September 30, 2020.

(25) \$750,000 of the general fund—state appropriation for fiscal year 2020 ~~((and))~~ and \$750,000 of the general fund—state appropriation for fiscal year 2021 are provided to continue the collaboration between local public health, accountable communities of health, and health care providers to reduce potentially preventable hospitalizations in Pierce county. This collaboration will build from year ~~((one))~~ two planning to align care coordination efforts across health care systems and support the accountable communities of health initiatives, including innovative, collaborative models of care. Strategies include the following, to reduce costly hospitalizations: (a) ~~((Increasing immunizations for bacterial pneumonia and influenza; (b) screening, brief intervention, and referral to treatment for alcohol, tobacco, and other drugs, and for depression; and (c) the sharing of health system wide data regarding usage and access patterns. By December 15, 2019, the collaborative shall provide a report to the legislature that illustrates the successes and challenges of the project.))~~ Analyze heart failure data to identify sub populations and risk factors and use this data to determine targeted interventions; (b) support provider and clinic implementation of screening, brief intervention, and referral to treatment through immunizations and ensure other areas of the county and state can duplicate the strategies; and (c) provide resources to achieve results and support collaboration across local health care systems and providers.

(26) \$55,000 of the health professions account—state appropriation is provided solely to implement Engrossed Substitute House Bill No. 1768 (substance use disorder professionals). ~~((If the bill is not enacted by June 30, 2019, the amount provided in this subsection shall lapse.))~~

(27) \$14,000 of the health professions account—state appropriation is provided solely to implement Substitute House Bill No. 1865 (acupuncture and Eastern medicine). ~~((If the bill is not enacted by June 30, 2019, the amount provided in this subsection shall lapse.))~~

(28)(a) \$257,000 of the general fund—state appropriation for fiscal year 2020 and \$304,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the suicide-safer homes task force defined in RCW 43.70.445 to:

(i) Expand support to industries, professions, and workplaces impacted by high rates of suicide, develop and provide online resources to disseminate best practices in workplace mental health and suicide prevention, and provide trainings for industries with the highest suicide rates and who are unable to pay for trainings;

(ii) Conduct a workplace suicide summit;

(iii) Deliver the task force's SAFER intervention and firearms and medication locking devices in partnership with nongovernment organizations in twelve rural communities across Washington; and

(iv) Develop and distribute a tool kit for suicide prevention and curriculum for firearms safety instructors for their inclusion in firearms safety courses.

(b) The task force shall distribute to all firearms dealers in the state suicide awareness and prevention materials tailored to firearms owners that are developed. Firearms dealers are strongly encouraged to post on the premises and make available to firearms purchasers and transferees the suicide awareness and prevention materials.

(c) The task force shall provide a report to the legislature regarding the directives of this subsection, and the report shall be included in the task force's final report to the legislature by December 1, 2020.

(29) \$16,000 of the general fund—state appropriation for fiscal year 2020 and \$8,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the pharmacy quality assurance commission to:

(a) Distribute or make available through electronic means to all licensed pharmacies suicide awareness and prevention materials developed by the suicide-safer homes task force, and each licensed pharmacy shall, when deemed appropriate through patient evaluation, make available to patients at the point of care the suicide awareness and prevention materials distributed by the commission; and

(b) Survey each pharmacist licensed under this chapter on methods to bridge the gap between practice and suicide awareness and prevention training, including identifying barriers that exist in putting the training into practice. The commission shall consult with the suicide-safer homes task force in developing the survey. The commission may distribute the survey as part of each pharmacist's license renewal. The commission shall compile and analyze the survey data and report the results to the appropriate committees of the legislature by November 15, 2020.

(30) \$1,310,000 of the health professions account—state appropriation is provided solely for the Washington medical commission for clinical health care investigators.

(31) \$3,210,000 of the health professions account—state appropriation is provided solely for the nursing care

quality assurance commission to address increased complaints.

(32) Within the amounts appropriated in this section, and in accordance with RCW 43.70.110 and 71.12.470, the department shall set fees to include the full costs of the performance of inspections pursuant to RCW 71.12.485.

(33) \$18,000,000 of the general fund—local appropriation is provided solely for the department to provide core medical services, case management, and support services for individuals living with human immunodeficiency virus.

(34) \$1,606,000 of the general fund—local appropriation is provided solely for staff, equipment, testing supplies, and materials necessary to add Pompe disease and MPS-I to the mandatory newborn screening panel. The department is authorized to increase the newborn screening fee by \$10.50.

(35) \$332,000 of the general fund—local appropriation is provided solely for testing supplies necessary to perform x-linked adrenoleukodystrophy newborn screening panel testing. The department is authorized to increase the newborn screening fee by \$1.90.

(36) \$150,000 of the general fund—state appropriation for fiscal year 2020 and \$150,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the department to conduct formative research and development regarding dementia and the value and importance of early detection, diagnosis, and planning for the public, including racial and ethnic groups who are at increased risk. Qualified department staff or contracted experts must: (a) Investigate existing evidence-based messages and public awareness campaign strategies; and (b) develop, place, and evaluate messages through a short-term digital awareness campaign in at least two, but no more than four, targeted areas of the state.

(37) \$125,000 of the general fund—state appropriation for fiscal year 2020 and \$125,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the department to contract with a nonprofit organization that provides support and education for adults, children, and families impacted by cancer. The nonprofit must provide programs and services that include, but are not limited to, adult support groups, camps for children impacted by cancer, education programs for teens to reduce future risk of cancer, and emotional and social support to families dealing with cancer.

(38) \$20,000 of the general fund—state appropriation for fiscal year 2020 is provided solely for the department to conduct a study on the state producing generic prescription drugs, with a priority on insulin. By December 1, 2019, the department shall submit a report of its findings and recommendations to the legislature.

(39) \$2,000,000 of the general fund—state appropriation for fiscal year 2020 and \$500,000 of the general fund—state appropriation for fiscal year 2021 are provided solely to implement Substitute House Bill No. 1587 (increasing access to fruits and vegetables). ~~((If the bill~~

~~is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.))~~

(40) The department must submit an application for an extension or renewal of its current grant pursuant to the federal food insecurity incentives program. If an extension or renewal of the current grant is not permitted, the department must apply for a new grant under the same program, which was reauthorized in December 2018.

(41) \$22,000 of the general fund—state appropriation for fiscal year 2020 and \$22,000 of the general fund—state appropriation for fiscal year 2021 are provided solely to implement Engrossed House Bill No. 1638 (vaccine preventable diseases). ~~((If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.))~~

(42) \$207,000 of the health professions account—state appropriation is provided solely to implement chapter 69, Laws of 2019 (SHB 1198) (sexual misconduct notification).

(43) \$203,000 of the general fund—state appropriation for fiscal year 2020 and \$66,000 of the general fund—local appropriation are provided solely to implement Second Substitute House Bill No. 1394 (behavioral health facilities). ~~((If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.))~~

(44) \$36,000 of the health professions account—state appropriation is provided solely to implement House Bill No. 1554 (dental hygienists). ~~((If the bill is not enacted by June 30, 2019, the amount provided in this subsection shall lapse.))~~

(45) \$189,000 of the dedicated marijuana account—state appropriation for fiscal year 2020 is provided solely to implement Engrossed Substitute House Bill No. 1094 (medical marijuana renewals). ~~((If the bill is not enacted by June 30, 2019, the amount provided in this subsection shall lapse.))~~

(46) \$200,000 of the general fund—local appropriation is provided solely to implement chapter 68, Laws of 2019 (HB 1177) (dental laboratory registry).

(47) \$88,000 of the general fund—state appropriation for fiscal year 2020 and \$87,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for an online tutorial and link to web-based, continuing education funded by the centers for disease control for training for the primary care health workforce regarding the protocols for perinatal monitoring, birth-dose immunization, early diagnosis, linkage to care, and treatment for persons diagnosed with chronic hepatitis B or hepatitis using the project ECHO telehealth model operated by the University of Washington. Training shall focus on increased provider proficiency and increased number of trained providers in areas with high rates of reported cases of hepatitis B or hepatitis, including regions with high incidence of drug use or upward trend of children who have not received hepatitis B virus vaccinations according to centers for disease control recommendations. All digital and hardcopy training, educational, and outreach materials for this program must be culturally relevant and linguistically diverse.

(48) \$300,000 of the general fund—state appropriation for fiscal year 2020 and \$90,000 of the general fund—state appropriation for fiscal year 2021 are provided solely to the department of health for a task force established to recommend strategies for incorporating environmental justice principles into how state agencies discharge their responsibilities.

(a) The membership of the task force established under this section is as follows:

(i) The director of the department of commerce, or the director's designee;

(ii) The director of the department of ecology, or the director's designee;

(iii) The executive director of the Puget Sound partnership, or the executive director's designee;

(iv) The secretary of the department of transportation, or the secretary's designee;

(v) The secretary of the department of health, or the secretary's designee;

(vi) The chair of the energy facility site evaluation council, or the chair's designee;

(vii) The chair of the governor's interagency council on health disparities, or the chair's designee;

(viii) The commissioner of public lands, or the commissioner's designee;

(ix) A member from an organization representing statewide environmental justice issues, appointed by the governor;

(x) Three members from community-based organizations, appointed by the cochair specified under (b) of this subsection, the nominations of which are based upon maintaining a balanced and diverse distribution, of representation from census tracts that are ranked at an eight or higher on the cumulative impact analysis and of ethnic, geographic, gender, sexual orientation, age, socioeconomic status, and occupational representation, where practicable;

(xi) A tribal leader, invited by the governor;

(xii) One member from an association representing business interests, appointed by the governor;

(xiii) One member from a union or other organized labor association representing worker interests, appointed by the governor;

(xiv) The director of the department of agriculture, or the director's designee; and

(xv) One member from an organization representing statewide agricultural interests, appointed by the governor.

(b) The representative of statewide environmental justice interests, and the chair of the governor's interagency council on health disparities, or the chair's designee, must cochair the task force.

(c) The governor's interagency council on health disparities shall provide staff support to the task force. The

interagency council may work with other agencies, departments, or offices as necessary to provide staff support to the task force.

(d) The task force must submit a final report of its findings and recommendations to the appropriate committees of the legislature and the governor by October 31, 2020, and in compliance with RCW 43.01.036. The goal of the final report is to provide guidance to agencies, the legislature, and the governor, and at a minimum must include the following:

(i) Guidance for state agencies regarding how to use a cumulative impact analysis tool developed by the department of health. Guidance must cover how agencies identify highly impacted communities and must be based on best practices and current demographic data;

(ii) Best practices for increasing public participation and engagement by providing meaningful opportunities for involvement for all people, taking into account barriers to participation that may arise due to race, color, ethnicity, religion, income, or education level;

(iii) Recommendations for establishing measurable goals for reducing environmental health disparities for each community in Washington state and ways in which state agencies may focus their work towards meeting those goals;

(iv) Model policies for prioritizing highly impacted communities and vulnerable populations for the purpose of reducing environmental health disparities and advancing a healthy environment for all residents.

(e) If time and resources permit, the task force may also include in its final report:

(i) Recommendations for creating and implementing equity analysis into all significant planning, programmatic and policy decision making, and investments. The equity analysis methods may include a process for describing potential risks to, benefits to, and opportunities for highly impacted communities and vulnerable populations;

(ii) Best practices and needed resources for cataloging and cross-referencing current research and data collection for programs within all state agencies relating to the health and environment of people of all races, cultures, and income levels, including minority populations and low-income populations of the state.

(f) Members of the task force who are not state employees must be compensated in accordance with RCW 43.03.240 and are entitled to reimbursement individually for travel expenses incurred in the performance of their duties as members of the task force in accordance with RCW 43.03.050 and 43.03.060. The expenses of the task force must be paid by the governor's interagency council on health disparities.

(g) The task force must hold four regional meetings to seek input from, present their work plan and proposals to, and receive feedback from communities throughout the state. The following locations must be considered for these meetings: Northwest Washington, central Puget Sound

region, south Puget Sound region, southwest Washington, central Washington, and eastern Washington.

(h) Reports submitted under this section must be available for public inspection and copying through the governor's interagency council on health disparities and must be posted on its web site.

(49) \$500,000 of the general fund—state appropriation for fiscal year 2020 and \$500,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for testing of lead in public schools. The department must determine which school districts have the highest priority and test those districts first. The department and the school districts for which tests are conducted must provide to parents, educators, school staff, and the public clear communications regarding the test results, the consequences of even low levels of exposure or ingestion, such as cognitive deficits, reduction in IQ, and neurological development, and the information that no level of lead in drinking water is safe. The communications must include a comparison of the results to the recommendation of the American academy of pediatrics (August 2017) and the national toxicology program of the national institutes of health and the center for disease control, regardless of whether the level exceeds the standard for action pursuant to the federal lead and copper rule. Communications regarding test results where levels exceed the level recommended by the American academy of pediatricians must be accompanied by examples of actions districts may take to prevent exposure, including automated flushing of water fountains and sinks, and installation of certified water filters or bottle filling stations.

(50) \$68,000 of the health professions account—state appropriation is provided solely for implementation of Substitute House Bill No. 2378 (physician assistants). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

(51) \$88,000 of the health professions account—state appropriation is provided solely for implementation of Engrossed Substitute House Bill No. 2411 (suicide prevention/providers). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

(52) \$724,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for implementation of Substitute House Bill No. 2426 (psychiatric patient safety). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

(53) \$14,000 of the general fund—state appropriation for fiscal year 2020 and \$55,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of Engrossed Substitute House Bill No. 2731 (student head injury reports). If the bill is not enacted by June 30, 2020, the amounts provided in this subsection shall lapse.

(54) \$16,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for implementation of Engrossed House Bill No. 2755 (air ambulance cost transp.). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

(55) \$66,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for implementation of Substitute House Bill No. 2419 (death with dignity barriers). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

(56) \$111,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the department to distribute a fruit and vegetable benefit of no less than thirty-two dollars per summer farmers market season to each eligible participant in the women, infant, and children farmers market nutrition program.

(57) \$1,300,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for farmers market and grocery store basic food incentives for participants in the supplemental nutrition assistance program.

(58) \$52,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the department to collaborate, pursuant to section 501 of this act, with the office of the superintendent of public instruction in preparation of its report of findings related to statewide implementation of RCW 28A.210.383, authorizing prescriptions for, and the use of, school supplies of epinephrine autoinjectors.

(59)(a) Within amounts provided in this section, the department of health must convene a work group to collect information and establish guidelines and recommendations for how the office of the insurance commissioner can include telemedicine services in network adequacy requirements. The work group must consider the following:

(i) Changes to state statutes or rulemaking necessary for network adequacy to accommodate the use of telemedicine;

(ii) Changes to state statutes or rulemaking necessary regarding telemedicine and the scope of practice for providers;

(iii) Any other changes necessary for state statutes or rulemaking;

(iv) The best process for initial determinations of appropriate providers and services for telemedicine; and

(v) A method for updating the initial determinations as technology and practices change.

(b) The work group shall consist of the following members:

(i) State agency medical directors from the department of health, the health care authority, the department of labor and industries, the state board of health, the department of veteran affairs, the office of the insurance commissioner, and the department of corrections;

(ii) The chair of the Washington state telehealth collaborative;

(iii) The association of Washington health care plans; and

(iv) Health care providers.

(c) The work group must submit a final report with the work group recommendations to the appropriate legislative committees by January 1, 2021.

(60) Within amounts provided in this section, the department shall:

(a) Keep a monthly record of the wait times for processing applications for certification as an emergency medical technician, starting with the time the application is received until the certification is approved or denied. The record shall include the number of applications processed and the median and average wait times per month. The department shall provide a summary of the monthly wait times to the legislature no later than December 1, 2020.

(b) Conduct a review of the levels of emergency medicine competency applicable to military personnel and determine the equivalency of such levels to the standards required by the department for certification as an emergency medical technician in Washington state. The department shall report its findings to the legislature by December 1, 2020.

(61) \$1,674,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the implementation of Second Substitute Senate Bill No. 6254 (vapor products). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse. Of this amount, \$1,164,000 is for implementation of the ingredient tracking system and is subject to the conditions, limitations, and review requirements of section 701 of this act.

(62) The appropriations in this section include sufficient funding for the implementation of:

(a) Second Substitute Senate Bill No. 6309 (WIC fruit & veg. benefit);

(b) Substitute Senate Bill No. 6086 (opioid use/medications);

(c) Substitute Senate Bill No. 6526 (prescription drug reuse);

(d) Senate Bill No. 6038 (acupuncture and eastern med.); and

(e) Substitute Senate Bill No. 6663 (eating disorders & diabetes).

(63) \$50,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the department to convene a work group of relevant stakeholders to propose funding and policy initiatives to address the spread of sexually transmitted infections in Washington. The work group should focus on the prevention of infections and expanding access to pre- and post-exposure prophylaxis treatments. The department must provide a report of the work group recommendations to the legislature by December 15, 2020.

(64) \$19,000 of the health professions account—state appropriation is provided solely for implementation of Senate Bill No. 6143 (podiatric medical board). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

(65) \$76,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for implementation of Substitute Senate Bill No. 6570 (law enforce. mental health). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

(66) \$83,000 of the health professions account—state appropriation for fiscal year 2021 is provided solely for implementation of Senate Bill No. 6551 (international medical grads). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

(67) \$20,000 of the health professions account—state appropriation for fiscal year 2021 is provided solely for implementation of Engrossed Substitute Senate Bill No. 6641 (sex offender treatment avail). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

(68) \$492,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the department to coordinate with local health jurisdictions to establish and maintain comprehensive group B programs to ensure safe drinking water. These funds shall be used to support the costs of the development and adoption of rules, policies, and procedures, and for technical assistance, training, and other program-related costs.

(69) \$1,223,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the department to improve behavioral health and suicide prevention through any of the following: Implementation of the recommendations of the agricultural industry task force; providing support to tribes in developing and implementing culturally appropriate, evidence-based programs and tribal best practices to support youth and adults; developing continuing education for mental health professionals and partnering with agencies and organizations serving high-risk populations; and developing and implementing postvention aftercare programs, developing a community health worker training module, and creating a safer homes community campaign on suicide prevention.

(70) Within its existing resources, the department shall work with a stakeholder group to review current statutes, certification of practices in other states, and qualification standards regarding colon hydrotherapy and produce recommendations for implementation of a certification program for colon hydrotherapists in the state of Washington. The department must submit recommendations to the legislature no later than October 20, 2020.

(71) \$6,000 of the general fund—state appropriation for fiscal year 2020 and \$360,000 of the general fund—local appropriation is provided solely for staff, equipment, testing supplies, and materials necessary to add spinal muscular atrophy to the mandatory newborn screening panel. The department is authorized to increase the newborn screening fee by \$4.30 for this purpose. The department shall report to the fiscal committees of the legislature by December 1, 2020, if it anticipates that the amounts raised by the screening fee will not be sufficient to cover the costs of administering the program. The report shall identify the amount of any fee increase necessary to cover such costs.

(72) \$1,000,000 of the general fund—state appropriation for fiscal year 2021 is provided solely to cover increased costs for the child profile health promotion notification system. The department shall review its processes for efficiencies and possible technological advances to reduce costs in future biennia. The department should review at least the following: (a) Use of technology; (b) frequency of communication; (c) available alternative funding sources; and (d) use of the system for other public awareness campaigns that might create new funding streams. The department shall report its findings and any recommendations to the legislature by December 15, 2020.

(73) Sufficient funding is provided in this section to implement Engrossed Substitute House Bill No. 2576 (private detention facilities).

**Sec. 222.** 2019 c 415 s 222 (uncodified) is amended to read as follows:

#### **FOR THE DEPARTMENT OF CORRECTIONS**

The appropriations to the department of corrections in this act shall be expended for the programs and in the amounts specified in this act. However, after May 1, 2020, after approval by the director of financial management and unless specifically prohibited by this act, the department may transfer general fund—state appropriations for fiscal year 2020 between programs. The department may not transfer funds, and the director of financial management may not approve the transfer, unless the transfer is consistent with the objective of conserving, to the maximum extent possible, the expenditure of state funds. The director of financial management shall notify the appropriate fiscal committees of the legislature in writing seven days prior to approving any deviations from appropriation levels. The written notification must include a narrative explanation and justification of the changes, along with expenditures and allotments by budget unit and appropriation, both before and after any allotment modifications or transfers.

#### **(1) ADMINISTRATION AND SUPPORT SERVICES**

General Fund—State Appropriation (FY 2020)	<del>(\$68,636,000)</del>
	\$68,583,000
General Fund—State Appropriation (FY 2021)	<del>(\$69,672,000)</del>
	\$74,332,000
General Fund—Federal Appropriation.....	\$400,000
Pension Funding Stabilization Account—State	
Appropriation .....	\$7,616,000
TOTAL APPROPRIATION .....	<del>\$146,324,000</del>
	\$150,931,000

The appropriations in this subsection are subject to the following conditions and limitations:

~~((b))~~ (a) Within the funds appropriated in the subsection the department shall review and update the

necessary business requirements for implementation of a comprehensive electronic health records system. The department will utilize its feasibility study from 2013 and the health informatics roadmap completed in 2017 to update its business requirements and complete a request for information process by May 31, 2021. The department shall submit a report to the governor and the legislature outlining the system specifications and a cost model for implementation no later than June 30, 2021. This subsection is subject to the conditions, limitations, and review requirements of ~~((section 719 of this act))~~ section 701 of this act.

~~((e))~~ (b) \$13,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the implementation of Engrossed Second Substitute House Bill No. 1517 (domestic violence). ~~((If the bill is not enacted by June 30, 2019, the amount provided in this subsection shall lapse.~~

~~((d))~~ (c)(i) During the 2019-2021 fiscal biennium, the department must revise its agreements and contracts with vendors to include a provision to require that each vendor agrees to equality among its workers by ensuring similarly employed individuals are compensated as equals as follows:

(A) Employees are similarly employed if the individuals work for the same employer, the performance of the job requires comparable skill, effort, and responsibility, and the jobs are performed under similar working conditions. Job titles alone are not determinative of whether employees are similarly employed;

(B) Vendors may allow differentials in compensation for its workers based in good faith on any of the following:

(I) A seniority system; a merit system; a system that measures earnings by quantity or quality of production; a bona fide job-related factor or factors; or a bona fide regional difference in compensation levels.

(II) A bona fide job-related factor or factors may include, but not be limited to, education, training, or experience, that is: Consistent with business necessity; not based on or derived from a gender-based differential; and accounts for the entire differential.

(III) A bona fide regional difference in compensation level must be: Consistent with business necessity; not based on or derived from a gender-based differential; and account for the entire differential.

(ii) The provision must allow for the termination of the contract if the department or department of enterprise services determines that the vendor is not in compliance with this agreement or contract term.

(iii) The department must implement this provision with any new contract and at the time of renewal of any existing contract.

~~((e))~~ (d) The appropriations in this subsection include sufficient funding for the implementation of Second Substitute Senate Bill No. 5021 (DOC/interest arbitration).

(e) \$219,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for Engrossed Second

Substitute House Bill No. 1521 (government contracting). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

(2) CORRECTIONAL OPERATIONS

General Fund—State Appropriation (FY 2020)	
.....	<del>(((\$563,549,000))</del>
	<u>\$564,329,000</u>
General Fund—State Appropriation (FY 2021)	
.....	<del>(((\$582,774,000))</del>
	<u>\$599,334,000</u>
General Fund—Federal Appropriation.....	\$818,000
Washington Auto Theft Prevention Authority Account—	
State Appropriation .....	<del>(((\$4,680,000))</del>
	<u>\$4,679,000</u>
Pension Funding Stabilization Account—State	
Appropriation .....	\$62,920,000
TOTAL APPROPRIATION .....	<u>\$1,214,741,000</u>
	<u>\$1,232,080,000</u>

The appropriations in this subsection are subject to the following conditions and limitations:

(a) The department may contract for local jail beds statewide to the extent that it is at no net cost to the department. The department shall calculate and report the average cost per offender per day, inclusive of all services, on an annual basis for a facility that is representative of average medium or lower offender costs. The department shall not pay a rate greater than \$85 per day per offender excluding the costs of department of corrections provided services, including evidence-based substance abuse programming, dedicated department of corrections classification staff on-site for individualized case management, transportation of offenders to and from department of corrections facilities, and gender responsive training for Yakima jail staff assigned to the unit. The capacity provided at local correctional facilities must be for offenders whom the department of corrections defines as close medium or lower security offenders. Programming provided for offenders held in local jurisdictions is included in the rate, and details regarding the type and amount of programming, and any conditions regarding transferring offenders must be negotiated with the department as part of any contract. Local jurisdictions must provide health care to offenders that meet standards set by the department. The local jail must provide all medical care including unexpected emergent care. The department must utilize a screening process to ensure that offenders with existing extraordinary medical/mental health needs are not transferred to local jail facilities. If extraordinary medical conditions develop for an inmate while at a jail facility, the jail may transfer the offender back to the department, subject to terms of the negotiated agreement. Health care costs incurred prior to transfer are the responsibility of the jail.

(b) \$501,000 of the general fund—state appropriation for fiscal year 2020 and \$501,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the department to maintain the facility, property, and assets at the institution formerly known as the maple lane school in Rochester.

(c) The appropriations in this subsection include sufficient funding for the implementation of Substitute Senate Bill No. 5492 (motor vehicle felonies).

(d) \$1,861,000 of the general fund—state appropriation for fiscal year 2020 and \$1,861,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the department to contract for the costs associated with use of offender bed capacity in lieu of prison beds for a therapeutic community program in Yakima county. The department shall provide a report to the legislature by December 15, 2019, outlining the program, its outcomes, and any improvements made over the previous contracted beds.

(e) \$3,314,000 of the general fund—state appropriation for fiscal year 2020 and \$3,014,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the department to increase custody staffing in its prison facilities to provide watch staff for hospital stays, mental health needs, and suicide watches to reduce overtime hours. The department shall track and report to the legislature on the changes in working conditions and overtime usage for nursing services by November 15, 2019.

(f) ~~(((\$1,774,000))~~ \$1,071,000 of the general fund—state appropriation for fiscal year 2020 and \$1,567,000 of the general fund—state appropriation for fiscal year 2021 are provided solely to implement the settlement agreement in *Disability Rights Washington v. Inslee, et al.*, U.S. District Court for the Western District of Washington, cause No. 18-5071, for the portions of the agreement that require additional staff necessary to supervise individuals with greater out-of-cell time and to facilitate access to programming, treatment, and other required activities. If the settlement agreement is not fully executed and approved by the court before September 1, 2019, this appropriation shall lapse.

(g) ~~(((\$764,000 of the general fund—state appropriation for fiscal year 2020 and))~~ \$663,000 of the general fund—state appropriation for fiscal year 2021 ~~((are))~~ is provided solely for the department for payment of debt service associated with a certificate of participation for the equipment at the coyote ridge corrections center and its security electronics network project.

(h) \$16,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for Third Substitute House Bill No. 1504 (impaired driving). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

(i) \$335,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the department to install one additional body scanner at the Washington corrections center for women and one body scanner at the Monroe correctional complex. By November 1, 2021, the

department shall submit a report to the governor and legislature on the effectiveness of the body scanners in detecting contraband in state correctional facilities. At a minimum, the report must include the following:

(i) How the increased custody and health care staff funded in state fiscal years 2020 and 2021 changed the working conditions and overtime usage relating to the implementation of the body scanner pilots at both facilities;

(ii) An overview of the effectiveness of the body scanner pilot at the male facility including but not limited to the differences in policies and practices implemented between male and female facilities;

(iii) The number of strip searches conducted at each piloted facility before and after installation of a body scanner;

(iv) The types of contraband intercepted and whether the person found in possession of the contraband was an incarcerated individual in the state correctional institution or whether the contraband was confiscated from a person other than a prisoner in the institution;

(v) The methods used for the possession or attempted delivery of contraband into or on the premises of the state correctional facility; and

(vi) The number of dry cell watches that occurred as a result of the body scanner installation, and the length of time individuals were placed on dry cell watch.

(j) \$97,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for implementation of Substitute Senate Bill No. 6476 (correctional services access). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

### (3) COMMUNITY SUPERVISION

General Fund—State Appropriation (FY 2020)	.....(( <del>\$220,368,000</del> ))
	\$227,667,000
General Fund—State Appropriation (FY 2021)	.....(( <del>\$240,790,000</del> ))
	\$242,885,000
General Fund—Federal Appropriation.....	\$3,632,000
Pension Funding Stabilization Account—State	
Appropriation .....	\$12,800,000
TOTAL APPROPRIATION .....	<del>\$477,590,000</del>
	\$486,984,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) \$1,320,000 of the general fund—state appropriation for fiscal year 2020 and \$2,560,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the department of corrections to negotiate annual contract rate increases with local and tribal governments for jail capacity to house offenders who violate

the terms of their community supervision and must include increases for a regional jail serving the south King county area for providing enhanced medical services. A contract rate increase may not exceed five percent each year. The department may negotiate to include medical care of offenders in the contract rate if medical payments conform to the department's offender health plan and pharmacy formulary, and all off-site medical expenses are preapproved by department utilization management staff. If medical care of offender is included in the contract rate, the contract rate may exceed five percent to include the cost of that service.

(b) The department shall engage in ongoing mitigation strategies to reduce the costs associated with community supervision violators, including improvements in data collection and reporting and alternatives to short-term confinement for low-level violators.

~~((c))~~ (c) \$984,000 of the general fund—state appropriation for fiscal year 2020 and \$8,066,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the department to create two hundred work release beds in the community by the end of fiscal year 2021. The department shall create an implementation plan and provide a report to the legislature by September 1, 2019, that outlines when and where the work release facilities will be implemented.

~~((d))~~ (d) \$143,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the implementation of Engrossed Second Substitute House Bill No. 1517 (domestic violence). ~~((If the bill is not enacted by June 30, 2019, the amount provided in this subsection shall lapse.))~~

(e) Amounts provided in this subsection include additional funding for improving services to persons under community supervision. The savings from caseload reductions as a result of Substitute House Bill No. 2393 (community custody), Substitute House Bill No. 2394 (community custody), and Substitute House Bill No. 2417 (community custody terms) allow for investments as recommended by the sentencing guidelines commission and the criminal sentencing task force, in evidence-based supervision and reentry practices that support accountability and successful reintegration into the community. The department of corrections must report to the governor and the appropriate committees of the legislature on how additional funds are expended by June 30, 2021.

### (4) CORRECTIONAL INDUSTRIES

General Fund—State Appropriation (FY 2020)	.....(( <del>\$6,448,000</del> ))
	\$6,471,000
General Fund—State Appropriation (FY 2021)	.....(( <del>\$6,590,000</del> ))
	\$6,580,000
Pension Funding Stabilization Account—State	
Appropriation .....	\$510,000
TOTAL APPROPRIATION .....	<del>\$13,548,000</del>



	<u>\$13,561,000</u>
(5) INTERAGENCY PAYMENTS	
General Fund—State Appropriation (FY 2020)	<del>(\$46,625,000)</del>
	<u>\$47,835,000</u>
General Fund—State Appropriation (FY 2021)	<del>(\$45,238,000)</del>
	<u>\$49,181,000</u>
TOTAL APPROPRIATION .....	<u>\$91,863,000</u>
	<u>\$97,016,000</u>
(6) OFFENDER CHANGE	
General Fund—State Appropriation (FY 2020)	<del>(\$59,538,000)</del>
	<u>\$59,452,000</u>
General Fund—State Appropriation (FY 2021)	<del>(\$61,135,000)</del>
	<u>\$62,460,000</u>
Pension Funding Stabilization Account—State	
Appropriation .....	\$4,430,000
TOTAL APPROPRIATION .....	<u>\$125,103,000</u>
	<u>\$126,342,000</u>

The appropriations in this subsection are subject to the following conditions and limitations:

(a) The department of corrections shall use funds appropriated in this subsection (6) for offender programming. The department shall develop and implement a written comprehensive plan for offender programming that prioritizes programs which follow the risk-needs-responsivity model, are evidence-based, and have measurable outcomes. The department is authorized to discontinue ineffective programs and to repurpose underspent funds according to the priorities in the written plan.

(b) \$250,000 of the general fund—state appropriation for fiscal year 2020 and ~~(\$250,000)~~ \$924,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for additional rental vouchers for individuals released from prison facilities or to increase the value of the rental voucher.

(c) \$9,000 of the general fund—state appropriation for fiscal year 2020 is provided solely for the implementation of Second Substitute Senate Bill No. 5433 (DOC/post secondary education). ~~((If the bill is not enacted by June 30, 2019, the amount provided in this subsection shall lapse.))~~

(d)(i) \$1,156,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for costs relating to a pilot program for expanding educational programming to include postsecondary degrees and secure internet connections at up to three correctional institutions. The institutions chosen must be participating in the federal

second chance Pell program. The internet connections are limited to the following purposes:

(A) Adult basic education;

(B) Completion of the free application for federal student aid or the Washington application for state financial aid; and

(C) Postsecondary education and training.

(ii) A report shall be submitted to the governor and the appropriate committees of the legislature by December 1, 2021, including:

(A) A description of how the secure internet connections were implemented, including any barriers or challenges;

(B) How many inmates participated in the programs that used the secure internet connections and a description of how the internet connection changed existing practices; and

(C) Data on whether the secure internet connection increased general education development or high school equivalency certificate completions; free application for federal student aid or Washington application for state financial aid filings; access to Pell grants or other state financial aid; and postsecondary education and training credit, certificate, and degree completions.

#### (7) HEALTH CARE SERVICES

General Fund—State Appropriation (FY 2020)	<del>(\$160,657,000)</del>
	<u>\$164,516,000</u>

General Fund—State Appropriation (FY 2021)	<del>(\$164,466,000)</del>
	<u>\$174,549,000</u>

General Fund—Federal Appropriation ..... \$1,400,000

TOTAL APPROPRIATION .....	<u>\$325,123,000</u>
	<u>\$340,465,000</u>

The appropriations in this subsection are subject to the following conditions and limitations:

(a) The state prison medical facilities may use funds appropriated in this subsection to purchase goods, supplies, and services through hospital or other group purchasing organizations when it is cost effective to do so.

(b) \$895,000 of the general fund—state appropriation for fiscal year 2020 and \$895,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the department to increase on call nursing and overtime staff in order to cover required nursing posts in its prison facilities. The department shall track and report to the legislature on the changes in working conditions and overtime usage for nursing services by December 21, 2019.

~~(\$174,000)~~ \$108,000 of the general fund—state appropriation for fiscal year 2020 and \$164,000 of the general fund—state appropriation for fiscal year 2021 are provided solely to implement the settlement agreement in

*Disability Rights Washington v. Inslee, et. al.*, United States District Court for the Western District of Washington, Cause No. 18-5071, for the portions of the agreement that require additional staff necessary to supervise individuals with greater out-of-cell time and to facilitate access to programming, treatment and other required activities. If the settlement agreement is not fully executed and approved by the court before September 1, 2019, the amounts provided in this subsection shall lapse.

(d) \$73,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for implementation of Substitute Senate Bill No. 6476 (correctional services access). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

**Sec. 223.** 2019 c 415 s 223 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF SERVICES FOR THE BLIND**

General Fund—State Appropriation (FY 2020)	.....(( <del>\$3,653,000</del> ))
	<u>\$3,611,000</u>
General Fund—State Appropriation (FY 2021)	.....\$3,971,000
General Fund—Federal Appropriation....	\$25,492,000
General Fund—Private/Local Appropriation .	\$60,000
Pension Funding Stabilization Account—State Appropriation.....	\$172,000
TOTAL APPROPRIATION .....	<del>\$33,348,000</del>
	<u>\$33,306,000</u>

The appropriations in this subsection are subject to the following conditions and limitations:

(1) \$275,000 of the general fund—state appropriation for fiscal year 2020 and \$275,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for vocational rehabilitation supported employment services for additional eligible clients with visual disabilities who would otherwise be placed on the federally required order of selection waiting list.

(2) \$115,000 of the general fund—state appropriation for fiscal year 2020 and \$115,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the independent living program.

**Sec. 224.** 2019 c 415 s 224 (uncodified) is amended to read as follows:

**FOR THE EMPLOYMENT SECURITY DEPARTMENT**

General Fund—State Appropriation (FY 2020)	.....\$35,000
General Fund—State Appropriation (FY 2021)	.....( <del>\$35,000</del> )
	<u>\$910,000</u>

General Fund—Federal Appropriation	.....(( <del>\$224,813,000</del> ))
	<u>\$252,209,000</u>
General Fund—Private/Local Appropriation	.....(( <del>\$36,401,000</del> ))
	<u>\$36,421,000</u>
Unemployment Compensation Administration	
Account—Federal Appropriation ....	(( <del>\$299,413,000</del> ))
	<u>\$278,678,000</u>
Administrative Contingency Account—State	
Appropriation.....	(( <del>\$26,248,000</del> ))
	<u>\$26,256,000</u>
Employment Service Administrative Account—	
State Appropriation.....	(( <del>\$54,315,000</del> ))
	<u>\$66,060,000</u>
Family and Medical Leave Insurance Account—	
State Appropriation.....	(( <del>\$78,290,000</del> ))
	<u>\$129,563,000</u>
Long-Term Services and Supports Trust Account—	
State Appropriation.....	\$14,103,000
TOTAL APPROPRIATION .....	<del>\$733,653,000</del>
	<u>\$804,235,000</u>

The appropriations in this subsection are subject to the following conditions and limitations:

(1) The department is directed to maximize the use of federal funds. The department must update its budget annually to align expenditures with anticipated changes in projected revenues.

(2) \$70,000 of the employment service administrative account—state appropriation is provided solely for implementation of Engrossed Second Substitute Senate Bill No. 5497 (immigrants in the workplace). ~~((If the bill is not enacted by June 30, 2019, the amount provided in this subsection shall lapse.))~~

(3) \$3,516,000 of the employment service administrative account—state appropriation is provided solely for implementation of Engrossed Second Substitute Senate Bill No. 5438 (ag & seasonal workforce srv). ~~((If the bill is not enacted by June 30, 2019, the amount provided in this subsection shall lapse.))~~

(4) \$4,636,000 of the employment service administrative account—state appropriation is provided solely for the statewide reentry initiative to connect incarcerated individuals to employment resources prior to and after release.

(5) \$14,103,000 of the long-term services and supports trust account—state appropriation is provided solely for implementation of Second Substitute House Bill No. 1087

(long-term services and support). ~~((If the bill is not enacted by June 30, 2019, the amount provided in this subsection shall lapse.))~~

(6) \$162,000 of the family and medical leave insurance account—state appropriation is provided solely for implementation of Substitute House Bill No. 1399 (paid family and medical leave). ~~((If the bill is not enacted by June 30, 2019, the amount provided in this subsection shall lapse.))~~

(7) \$875,000 of the general fund—state appropriation for fiscal year 2021 is provided solely to expand career connected learning program intermediary grants.

(8) \$50,948,000 of the family and medical leave insurance account—state appropriation is provided solely to increase staffing levels and funding for the paid family medical leave program in order to align with projected business needs. The department must reassess its ongoing staffing and funding needs for the paid family medical leave program and submit documentation of the updated need to the office of financial management by September 1, 2020.

(9) \$491,000 of the employment service administrative account—state appropriation is provided solely for implementation of Substitute House Bill No. 2308 (job title reporting). Of the amount provided in this subsection, \$208,000 of employment service administrative account—state appropriation is subject to the conditions, limitations, and review provided in section 701 of this act. ~~If the bill is not enacted by June 30, 2020, the amounts provided in this subsection shall lapse.~~

(10)(a) Within existing resources, the department shall coordinate outreach and education to paid family and medical leave benefit recipients with a statewide family resource, referral, and linkage system that connects families with children prenatal through age five and residing in Washington state to appropriate services and community resources. This coordination shall include but is not limited to placing information about the statewide family resource, referral, and linkage system on the paid family and medical leave program web site and in printed materials, and conducting joint events.

(b) Within existing resources, by December 1, 2020, the department shall submit a report to the governor and the appropriate committees of the legislature concerning the ability for the paid family and medical leave program and a statewide family resource, referral, and linkage system to provide integrated services to eligible beneficiaries. The report shall include an analysis of any statutory changes needed to allow information and data to be shared between the statewide family resource, referral, and linkage system and the paid family and medical leave program.

(11) \$11,019,000 of the employment services administrative account—state appropriation is provided solely for increased compensation and other administrative costs that federal grant dollars are insufficient to cover. The department shall report the following to the legislature and the governor by September 30, 2020:

(a) An inventory of the department's programs, services, and activities, identifying federal, state, and other funding sources for each;

(b) Federal grants received by the department, segregated by line of business or activity, for each fiscal year from fiscal year 2014 through fiscal year 2020, and the applicable rules;

(c) State funding available to the department, segregated by line of business or activity, for each fiscal year from fiscal year 2014 through fiscal year 2020;

(d) A history of staffing levels by line of business or activity, identifying sources of state or federal funding, for each fiscal year from fiscal year 2014 through fiscal year 2020; and

(e) A projected spending plan for the employment services administrative account and the administrative contingency account. The spending plan must include forecasted revenues and estimated expenditures under various economic scenarios.

**Sec. 225.** 2019 c 415 s 225 (uncodified) is amended to read as follows:

#### **FOR THE DEPARTMENT OF CHILDREN, YOUTH, AND FAMILIES**

(1)(a) The appropriations to the department of children, youth, and families in this act must be expended for the programs and in the amounts specified in this act. However, after May 1, 2020, unless prohibited by this act, the department may transfer general fund—state appropriations for fiscal year 2020 among programs after approval by the director of the office of financial management. However, the department may not transfer state appropriations that are provided solely for a specified purpose except as expressly provided in (b) of this subsection.

(b) To the extent that transfers under (a) of this subsection are insufficient to fund actual expenditures in excess of fiscal year 2020 caseload forecasts and utilization assumptions in the foster care, adoption support, child protective services, working connections child care, and the juvenile rehabilitation programs, the department may transfer appropriations that are provided solely for a specified purpose.

#### **(2) CHILDREN AND FAMILIES SERVICES PROGRAM**

General Fund—State Appropriation (FY 2020)  
..... (\$399,796,000)

\$401,235,000

General Fund—State Appropriation (FY 2021)  
..... (\$412,306,000)

\$411,209,000

General Fund—Federal Appropriation  
..... (\$542,242,000)

\$458,790,000

General Fund—Private/Local	Appropriation
.....	\$2,824,000
Pension Funding Stabilization Account—State	
Appropriation .....	<del>((27,892,000))</del>
	<u>\$24,916,000</u>
TOTAL APPROPRIATION .....	<u>\$1,385,060,000</u>
	<u>\$1,298,974,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(a) \$748,000 of the general fund—state appropriation for fiscal year 2020 and \$748,000 of the general fund—state appropriation for fiscal year 2021 is provided solely to contract for the operation of one pediatric interim care center. The center shall provide residential care for up to thirteen children through two years of age. Seventy-five percent of the children served by the center must be in need of special care as a result of substance abuse by their mothers. The center shall also provide on-site training to biological, adoptive, or foster parents. The center shall provide at least three months of consultation and support to the parents accepting placement of children from the center. The center may recruit new and current foster and adoptive parents for infants served by the center. The department shall not require case management as a condition of the contract.

(b) \$253,000 of the general fund—state appropriation for fiscal year 2020 and ~~((253,000))~~ \$662,000 of the general fund—state appropriation for fiscal year 2021 ~~((is))~~ are provided solely for the costs of hub home foster families that provide a foster care delivery model that includes a ~~((licensed))~~ hub home. Use of the hub home model is intended to support foster parent retention, improve child outcomes, and encourage the least restrictive community placements for children in out-of-home care.

(i) Of the amounts provided in this subsection, \$253,000 of the general fund—state appropriation for fiscal year 2020 and \$253,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the costs of existing hub home foster family constellations.

(ii) Of the amounts provided in this subsection, \$231,000 of the general fund—state appropriation for fiscal year 2021 appropriation is provided solely to expand the number of hub home constellations and provide technical assistance for existing constellations.

(iii) Of the amounts provided in this subsection, \$178,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for a contract with an organization with expertise in implementing the hub home model with fidelity to identify and train organizations serving kinship caregivers in eastern and western Washington with the goal of establishing additional hub home constellations to provide respite, training, and support to kinship caregivers. The department of children, youth, and families shall make available to the contracted organization information about the rates of placement of children with relative caregivers in order for the contracted organization to identify appropriate locations for expanding the model.

(c) \$579,000 of the general fund—state appropriation for fiscal year 2020 and \$579,000 of the general fund—state appropriation for fiscal year 2021 and \$110,000 of the general fund—federal appropriation are provided solely for a receiving care center east of the Cascade mountains.

(d) \$1,245,000 of the general fund—state appropriation for fiscal year 2020 and \$1,245,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for services provided through children's advocacy centers. Of the amounts provided in this subsection, \$255,000 of the general fund—state appropriation for fiscal year 2020 and \$255,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for an expansion to child advocacy center services.

(e) \$1,884,000 of the general fund—state appropriation for fiscal year 2020 and ~~((1,884,000))~~ \$2,400,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for implementation of performance-based contracts for family support and related services pursuant to RCW 74.13B.020. Of the amounts provided in this subsection, \$533,000 of the general fund—state appropriation for fiscal year 2020 and ~~((533,000))~~ \$1,049,000 of the general fund—state appropriation for fiscal year 2021 are provided solely to expand performance-based contracts through network administrators.

(f) ~~((3,291,000))~~ \$2,799,000 of the general fund—state appropriation for fiscal year 2020, ~~((5,998,000))~~ \$1,754,000 of the general fund—state appropriation for fiscal year 2021, and ~~((5,876,000))~~ \$5,444,000 of the general fund—federal appropriation are provided solely for social worker and related staff to receive, refer, and respond to screened-in reports of child abuse and neglect pursuant to chapter 208, Laws of 2018.

(g) Beginning October 1, 2019, and each calendar quarter thereafter, the department shall provide a tracking report for social service specialists and corresponding social services support staff to the office of financial management, and the appropriate policy and fiscal committees of the legislature. ~~((The))~~ To the extent to which the information is available, the report shall include the following information identified separately for social service specialists doing case management work, supervisory work, and administrative support staff, and identified separately by job duty or program, including but not limited to intake, child protective services investigations, child protective services family assessment response, and child and family welfare services:

(i) Total full time equivalent employee authority, allotments and expenditures by region, office, classification and band, and job duty or program;

(ii) Vacancy rates by region, office, and classification and band; and

(iii) Average length of employment with the department, and when applicable, the date of exit for staff exiting employment with the department by region, office, classification and band, and job duty or program.

(h) \$94,000 of the general fund—state appropriation for fiscal year 2020 and \$94,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for a contract with a child advocacy center in Spokane to provide continuum of care services for children who have experienced abuse or neglect and their families.

(i) \$3,910,000 of the general fund—state appropriation for fiscal year 2020 and \$3,910,000 of the general fund—state appropriation for fiscal year 2021 and \$2,336,000 of the general fund—federal appropriation are provided solely for the department to reduce the caseload ratios of social workers serving children in foster care, to promote decreased lengths of stay and to make progress towards achievement of the Braam settlement caseload outcomes.

(j)(A) \$539,000 of the general fund—state appropriation for fiscal year 2020 and \$540,000 of the general fund—state appropriation for fiscal year 2021, \$656,000 of the general fund private/local appropriation, and \$252,000 of the general fund—federal appropriation are provided solely for a contract with an educational advocacy provider with expertise in foster care educational outreach. The amounts in this subsection are provided solely for contracted education coordinators to assist foster children in succeeding in K-12 and higher education systems and to assure a focus on education during the department's transition to performance-based contracts. Funding must be prioritized to regions with high numbers of foster care youth, or regions where backlogs of youth that have formerly requested educational outreach services exist. The department is encouraged to use private matching funds to maintain educational advocacy services.

(B) The department shall contract with the office of the superintendent of public instruction, which in turn shall contract with a nongovernmental entity or entities to provide educational advocacy services pursuant to RCW 28A.300.590.

(k) The department shall continue to implement policies to reduce the percentage of parents requiring supervised visitation, including clarification of the threshold for transition from supervised to unsupervised visitation prior to reunification.

(l) \$375,000 of the general fund—state appropriation for fiscal year 2020 and \$375,000 of the general fund—state appropriation for fiscal year 2021 and \$112,000 of the general fund—federal appropriation are provided solely for the department to develop, implement, and expand strategies to improve the capacity, reliability, and effectiveness of contracted visitation services for children in temporary out-of-home care and their parents and siblings. Strategies may include, but are not limited to, increasing mileage reimbursement for providers, offering transportation-only contract options, and mechanisms to reduce the level of parent-child supervision when doing so is in the best interest of the child.

(m) For purposes of meeting the state's maintenance of effort for the state supplemental payment program, the department of children, youth, and families shall track and report to the department of social and health services the

monthly state supplemental payment amounts attributable to foster care children who meet eligibility requirements specified in the state supplemental payment state plan. Such expenditures must equal at least \$3,100,000 annually and may not be claimed toward any other federal maintenance of effort requirement. Annual state supplemental payment expenditure targets must continue to be established by the department of social and health services. Attributable amounts must be communicated by the department of children, youth, and families to the department of social and health services on a monthly basis.

(n) \$1,230,000 of the general fund—state appropriation for fiscal year 2020 and ~~(\$1,230,000)~~ \$2,230,000 of the general fund—state appropriation for fiscal year 2021 and \$156,000 of the general fund—federal appropriation are provided solely to increase the travel reimbursement for in-home service providers.

(o) The department is encouraged to control exceptional reimbursement decisions so that the child's needs are met without excessive costs.

(p) \$197,000 of the general fund—state appropriation for fiscal year 2020 and \$197,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the department to conduct biennial inspections and certifications of facilities, both overnight and day shelters, that serve those who are under 18 years old and are homeless.

(q) ~~(\$1,740,000)~~ \$5,040,000 of the general fund—state appropriation for fiscal year 2020 ~~(and \$1,741,000)~~ \$6,051,000 of the general fund—state appropriation for fiscal year 2021 ~~(is)~~, and \$846,000 of the general fund—federal appropriation are provided solely for the department to operate emergent placement contracts. Of the amounts provided in this subsection (2)(q), \$1,037,000 of the general fund—state appropriation for fiscal year 2021 and \$115,000 of the general fund—federal appropriation are provided solely for contracts with enhanced therapeutic services and greater staff-to-child ratios. The department shall not include the costs to operate emergent placement contracts in the calculations for family foster home maintenance payments and shall submit as part of the budget submittal documentation required by RCW 43.88.030 any costs associated with increases in the number of emergent placement contract beds after the effective date of this section that cannot be sustained within existing appropriations.

(r) The appropriations in this section include sufficient funding for continued implementation of Chapter 80, Laws of 2018 (2SSB 6453) (kinship caregiver legal support).

(s)(i) \$10,828,000 of the general fund—state appropriation for fiscal year 2020, \$10,993,000 of the general fund—state appropriation for fiscal year 2021, and \$13,365,000 of the general fund—federal appropriation are provided solely for rate increases for behavioral rehabilitation services providers. The department shall modify the rate structure to one that is based on placement setting rather than acuity level pursuant to the rate study submitted in December 2018.

(ii) Beginning January 1, 2020, and continuing through the 2019-2021 fiscal biennium, the department must provide semi-annual reports to the governor and appropriate legislative committees that includes the number of in-state behavioral rehabilitation services providers and licensed beds, the number of out-of-state behavioral rehabilitation services placements, and a comparison of these numbers to the same metrics expressed as an average over the first six months of calendar year 2019. Beginning in state fiscal year 2021, the report shall identify beds with the behavioral rehabilitation services-plus services rate in (ii) of this subsection.

(t) Within existing resources, the department shall implement Engrossed Second Substitute Senate Bill No. 5291 (confinement alts./children).

(u) \$530,000 of the general fund—state appropriation for fiscal year 2021 and \$106,000 of the general fund—federal appropriation are provided solely to contract with a community organization with expertise in the yvifeset case management model to serve youth and young adults currently being served or exiting the foster care, juvenile justice, and mental health systems to successfully transition into self-reliant adults.

(~~(\$767,000 of the general fund—state appropriation for fiscal year 2020 and \$766,000)~~) (v) \$1,533,000 of the general fund—state appropriation for fiscal year 2021 (~~(are)~~) is provided solely for implementation of (~~(Second Substitute Senate Bill No. 5718 (child welfare housing assistance). If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.~~)) chapter 328, Laws of 2019 (2SSB 5718). Of the amount provided in this subsection, \$767,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the department to provide short-term housing assistance to families that must not result in ongoing expenditures after June 30, 2021, consistent with the requirements of chapter 328, Laws of 2019 (2SSB 5718).

(~~((w))~~) (w) \$413,000 of the general fund—state appropriation for fiscal year 2020, (~~(\$413,000)~~) \$513,000 of the general fund—state appropriation for fiscal year 2021, and \$826,000 of the general fund—federal appropriation are provided solely to increase family reconciliation services. The appropriations in this section include sufficient funding to implement Substitute House Bill No. 2873 (families in conflict).

(~~((x))~~) (x) \$250,000 of the general fund—state appropriation for fiscal year 2020 and \$250,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementing the supportive visitation model that utilizes trained visit navigators to provide a structured and positive visitation experience for children and their parents.

(~~((y))~~) (y) The department of children, youth, and families shall enter into interagency agreements with the office of public defense and office of civil legal aid to facilitate the use of federal Title IV-E reimbursement for parent representation and child representation services.

(~~((z))~~) (z) \$146,000 of the general fund—state appropriation for fiscal year 2020 and \$147,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of Substitute Senate Bill No. 5955 (DCYF/statewide system). (~~If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.~~)

(~~(z) \$7,586,000)~~) (aa) \$15,046,000 of the general fund—federal appropriation is provided solely for the department of children, youth, and families to leverage federal title IV-E funds available under the family first prevention services act for qualifying services and families.

(i) In fiscal year 2020, the department shall work with the department of social and health services to complete an evaluation of kinship navigator services that would enable establishment of a well-supported, supported, or promising practice model.

(ii) No later than December 1, 2019, the department shall report to the governor and appropriate legislative committees on the feasibility of claiming federal title IV-E reimbursement in fiscal year 2021 for home visiting services and kinship navigator services. The report shall include the estimated share of the current population receiving home visiting services whom the department would consider candidates for foster care for the purposes of title IV-E reimbursement under the family first prevention services act, and the estimated workload impacts for the department to identify and document the candidacy of populations receiving home visiting services.

(~~((aa))~~) (bb) \$443,000 of the general fund—state appropriation for fiscal year 2020, \$443,000 of the general fund—state appropriation for fiscal year 2021, and \$818,000 of the general fund—federal appropriation are provided solely for ten child and family welfare services case workers.

(~~((bb) \$379,000 of the general fund—state appropriation for fiscal year 2020 and \$871,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the department of children, youth, and families to contract with a countywide nonprofit organization with early childhood expertise in Pierce county for a pilot project to prevent child abuse and neglect using nationally recognized models. Of the amounts provided:~~)

(i) \$323,000 of the general fund—state appropriation for fiscal year 2020 and \$333,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the nonprofit organization to convene stakeholders to implement a countywide resource and referral linkage system for families of children who are prenatal through age five.

(ii) \$56,000 of the general fund—state appropriation for fiscal year 2020 and \$539,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the nonprofit organization to offer a voluntary brief newborn home visiting program. The program must meet the diverse needs of Pierce county residents and, therefore, it must be flexible, culturally appropriate, and culturally responsive. The department, in collaboration with the nonprofit organization, must examine the feasibility of leveraging

~~federal and other fund sources, including federal Title IV-E and medicaid funds, for home visiting provided through the pilot. The department must report its findings to the governor and appropriate legislative committees by December 1, 2019-))~~

(cc) \$400,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for a contract with a national nonprofit organization to, in partnership with private matching funds, subcontract with a community organization for specialized, enhanced adoption placement services for legally free children in state custody. The contract must supplement, but not supplant, the work of the department to secure permanent adoptive homes for children with high needs.

(dd) \$666,000 of the general fund—state appropriation for fiscal year 2021 and \$74,000 of the general fund—federal appropriation are provided solely to implement Second Substitute House Bill No. 1645 (parental improvement). If the bill is not enacted by June 30, 2020, the amounts provided in this subsection shall lapse.

(ee) \$937,000 of the general fund—state appropriation for fiscal year 2021 and \$66,000 of the general fund—federal appropriation are provided solely to implement Engrossed Third Substitute House Bill No. 1775 (sexually exploited children). If the bill is not enacted by June 30, 2020, the amounts provided in this subsection shall lapse.

(ff) \$499,000 of the general fund—state appropriation for fiscal year 2021 and \$155,000 of the general fund—federal appropriation are provided solely to implement Substitute House Bill No. 2525 (family connections program). If the bill is not enacted by June 30, 2020, the amounts provided in this subsection shall lapse.

(gg) \$498,000 of the general fund—state appropriation for fiscal year 2021 and \$93,000 of the general fund—federal appropriation are provided solely to increase all fees paid to child-placing agencies by 7.5 percent, effective July 1, 2020.

(hh) \$5,159,000 of the general fund—state appropriation for fiscal year 2021 and \$1,870,000 of the general fund—federal appropriation are provided solely to increase the basic foster care maintenance rate by an average of \$110 per month per child for all age groups effective July 1, 2020.

(ii) \$3,175,000 of the general fund—state appropriation for fiscal year 2021 and \$2,117,000 of the general fund—federal appropriation are provided solely to establish behavioral rehabilitation services-plus contracts to serve dependent youth whose needs cannot be met in regular behavioral rehabilitation services, and who may be transitioning from a hospital or other inpatient treatment, emergent placement services, a hotel stay, or an out-of-state placement. Contracts for behavioral rehabilitation services-plus must offer enhanced rates that support therapeutic services, appropriate staff-to-child ratios, and placement stabilization.

(jj) \$696,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for a contract with an

organization or organizations with expertise in foster youth advocacy to help cover the costs of extracurricular activities for foster youth. The uses of amounts provided in this subsection must reflect foster youth choice regarding their participation in extracurricular activities.

(kk) The department of children, youth, and families shall make foster care maintenance payments to programs where children are placed with a parent in a residential program for substance abuse treatment. These maintenance payments are considered foster care maintenance payments for purposes of forecasting and budgeting at maintenance level as required by RCW 43.88.058.

(ll) No later than October 1, 2020, the department shall complete the following and report its findings to the appropriate legislative committees:

(a) Develop a proposed rate for contracted parent-child visitation providers that would accommodate a supportive visitation approach. The report must include a cost estimate to implement the proposed rate, and information on potential cost savings associated with supportive visitation; and

(b) Work with a University of Washington-based research organization that is overseeing implementation of the supportive visitation model in described in section 225(1)(x) of this act to evaluate the impact of the model on outcome measures and cost savings. To facilitate this work, the department must establish data collection and evaluation methodologies to assess the impact of this model, as well as that of any other supportive visitation efforts undertaken by the department.

(mm) \$1,080,000 of the general fund—state appropriation for fiscal year 2021 and \$720,000 of the general fund—federal appropriation are provided solely for the department to engage with a behavioral rehabilitation services or behavioral rehabilitation services-plus provider or providers who previously provided behavioral rehabilitation services to the state but who do not have a contract with the department on the effective date of this section, and who can serve dependent youth whose needs require a staff-to-child ratio that is higher than one staff to three children. The funding in this subsection is provided on a one-time basis for fiscal year 2021 only.

(nn) \$139,000 of the general fund—state appropriation for fiscal year 2021 and \$26,000 of the general fund—federal appropriation are provided solely to implement Engrossed Second Substitute Senate Bill No. 5291 (confinement alts./children). If the bill is not enacted by June 30, 2020, the amounts provided in this subsection shall lapse.

~~((2))~~ (3) JUVENILE REHABILITATION PROGRAM

General Fund—State Appropriation (FY 2020)	
.....	(((\$100,860,000))
	\$100,445,000
General Fund—State Appropriation (FY 2021)	
.....	(((\$101,604,000))
	\$111,895,000

General Fund—Federal Appropriation.....	\$3,464,000
General Fund—Private/Local Appropriation .....	<del>(\$1,985,000)</del>
	<u>\$1,790,000</u>
Washington Auto Theft Prevention Authority	
Account—State Appropriation.....	\$196,000
Pension Funding Stabilization Account—State	
Appropriation .....	\$8,362,000
TOTAL APPROPRIATION .....	<u>\$216,471,000</u>
	<u>\$226,152,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(a) \$331,000 of the general fund—state appropriation for fiscal year 2020 and \$331,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for deposit in the county criminal justice assistance account for costs to the criminal justice system associated with the implementation of chapter 338, Laws of 1997 (juvenile code revisions). The amounts provided in this subsection are intended to provide funding for county adult court costs associated with the implementation of chapter 338, Laws of 1997 and shall be distributed in accordance with RCW 82.14.310.

(b) \$2,841,000 of the general fund—state appropriation for fiscal year 2020 and \$2,841,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for grants to county juvenile courts for the juvenile justice programs identified by the Washington state institute for public policy in its report: "Inventory of Evidence-based, Research-based, and Promising Practices for Prevention and Intervention Services for Children and Juveniles in the Child Welfare, Juvenile Justice, and Mental Health Systems." Additional funding for this purpose is provided through an interagency agreement with the health care authority. County juvenile courts shall apply to the department of children, youth, and families for funding for program-specific participation and the department shall provide grants to the courts consistent with the per-participant treatment costs identified by the institute.

(c) \$1,537,000 of the general fund—state appropriation for fiscal year 2020 and \$1,537,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for expansion of the juvenile justice treatments and therapies in department of children, youth, and families programs identified by the Washington state institute for public policy in its report: "Inventory of Evidence-based, Research-based, and Promising Practices for Prevention and Intervention Services for Children and Juveniles in the Child Welfare, Juvenile Justice, and Mental Health Systems." The department may concentrate delivery of these treatments and therapies at a limited number of programs to deliver the treatments in a cost-effective manner.

(d)(i) \$6,198,000 of the general fund—state appropriation for fiscal year 2020 and \$6,198,000 of the

general fund—state appropriation for fiscal year 2021 are provided solely to implement evidence- and research-based programs through community juvenile accountability grants, administration of the grants, and evaluations of programs funded by the grants. In addition to funding provided in this subsection, funding to implement alcohol and substance abuse treatment programs for locally committed offenders is provided through an interagency agreement with the health care authority.

(ii) The department of children, youth, and families shall administer a block grant to county juvenile courts for the purpose of serving youth as defined in RCW 13.40.510(4)(a) in the county juvenile justice system. Funds dedicated to the block grant include: Consolidated juvenile service (CJS) funds, community juvenile accountability act (CJAA) grants, chemical dependency/mental health disposition alternative (CDDA), and suspended disposition alternative (SDA). The department of children, youth, and families shall follow the following formula and must prioritize evidence-based programs and disposition alternatives and take into account juvenile courts program-eligible youth in conjunction with the number of youth served in each approved evidence-based program or disposition alternative: (A) Thirty-seven and one-half percent for the at-risk population of youth ten to seventeen years old; (B) fifteen percent for the assessment of low, moderate, and high-risk youth; (C) twenty-five percent for evidence-based program participation; (D) seventeen and one-half percent for minority populations; (E) three percent for the chemical dependency and mental health disposition alternative; and (F) two percent for the suspended dispositional alternatives. Funding for the special sex offender disposition alternative (SSODA) shall not be included in the block grant, but allocated on the average daily population in juvenile courts. Funding for the evidence-based expansion grants shall be excluded from the block grant formula. Funds may be used for promising practices when approved by the department of children, youth, and families and juvenile courts, through the community juvenile accountability act committee, based on the criteria established in consultation with Washington state institute for public policy and the juvenile courts.

(iii) The department of children, youth, and families and the juvenile courts shall establish a block grant funding formula oversight committee with equal representation from the department of children, youth, and families and the juvenile courts. The purpose of this committee is to assess the ongoing implementation of the block grant funding formula, utilizing data-driven decision making and the most current available information. The committee will be co-chaired by the department of children, youth, and families and the juvenile courts, who will also have the ability to change members of the committee as needed to achieve its purpose. The committee may make changes to the formula categories in (d)(ii) of this subsection if it determines the changes will increase statewide service delivery or effectiveness of evidence-based program or disposition alternative resulting in increased cost/benefit savings to the state, including long-term cost/benefit savings. The committee must also consider these outcomes in determining when evidence-based expansion or special sex offender



disposition alternative funds should be included in the block grant or left separate.

(iv) The juvenile courts and administrative office of the courts must collect and distribute information and provide access to the data systems to the department of children, youth, and families and the Washington state institute for public policy related to program and outcome data. The department of children, youth, and families and the juvenile courts must work collaboratively to develop program outcomes that reinforce the greatest cost/benefit to the state in the implementation of evidence-based practices and disposition alternatives.

(e) \$557,000 of the general fund—state appropriation for fiscal year 2020 and ~~(\$557,000)~~ \$707,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for funding of the teamchild project.

(f) \$283,000 of the general fund—state appropriation for fiscal year 2020 and \$283,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the juvenile detention alternatives initiative.

(g) \$500,000 of the general fund—state appropriation for fiscal year 2020 and \$500,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for a grant program focused on criminal street gang prevention and intervention. The department of children, youth, and families may award grants under this subsection. The department of children, youth, and families shall give priority to applicants who have demonstrated the greatest problems with criminal street gangs. Applicants composed of, at a minimum, one or more local governmental entities and one or more nonprofit, nongovernmental organizations that have a documented history of creating and administering effective criminal street gang prevention and intervention programs may apply for funding under this subsection. Each entity receiving funds must report to the department of children, youth, and families on the number and types of youth served, the services provided, and the impact of those services on the youth and the community.

(h) The juvenile rehabilitation institutions may use funding appropriated in this subsection to purchase goods, supplies, and services through hospital group purchasing organizations when it is cost-effective to do so.

(i) \$50,000 of the general fund—state appropriation for fiscal year 2020 and \$50,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for grants to county juvenile courts to establish alternative detention facilities similar to the proctor house model in Jefferson county, Washington, that will provide less restrictive confinement alternatives to youth in their local communities. County juvenile courts shall apply to the department of children, youth, and families for funding and each entity receiving funds must report to the department on the number and types of youth serviced, the services provided, and the impact of those services on the youth and the community.

(j) \$432,000 of the general fund—state appropriation for fiscal year 2020 and \$432,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the

department to provide housing services to clients releasing from incarceration into the community.

(k) ~~(\$2,063,000)~~ \$4,179,000 of the general fund—state appropriation for fiscal year 2020 and ~~(\$1,606,000)~~ \$7,516,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of Engrossed Second Substitute House Bill No. 1646 (juvenile rehabilitation confinement). ~~((If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.))~~

(l) \$80,000 of the general fund—state appropriation for fiscal year 2020 is provided solely for a contract with a non-governmental entity to research youth violence prevention strategies and explore new and existing resources to implement evidence-based youth prevention strategies in the city of Federal Way.

(m) \$200,000 of the general fund—state appropriation for fiscal year 2020 is provided for the department to measure the fidelity of the evidence-based interventions incorporated into the integrated treatment model. By July 1, 2020, the department must report to the governor and the appropriate fiscal and policy committees of the legislature on the results of the assessment of the integrated treatment model.

(n) \$425,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for community-based violence prevention and intervention services to individuals identified through the King county shots fired social network analysis. The department must complete an evaluation of the program and provide a report to the governor and the appropriate legislative committees by September 15, 2021.

(o) \$800,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the office of juvenile justice to establish a grant program for evidence-based services to youth who are at high risk to perpetrate gun violence and who reside in areas with high rates of gun violence.

(i) Priority shall be given to one site serving in south King county and one site in Yakima county.

(ii) Priority for funding shall be given to sites who partner with the University of Washington to deliver family integrated transition services through use of credible messenger advocates.

(p) \$25,000 of the general fund—state appropriation for fiscal year 2020 and \$75,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the juvenile rehabilitation administration to contract with a cultural-based education, rehabilitation, and positive identity formation program to host music, dance, therapeutic African drumming, and cultural awareness workshops at Naselle youth camp.

(q) \$1,059,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for Second Substitute House Bill No. 2277 (youth solitary confinement). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

(r) \$50,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the department of children, youth, and families to fund an educational advocate for the city of Yakima. The advocate will provide intervention services to youth identified as most at risk to engage in firearm violence.

~~((3))~~ (4) EARLY LEARNING PROGRAM

General Fund—State Appropriation (FY 2020)  
.....~~((232,310,000))~~

\$206,082,000

General Fund—State Appropriation (FY 2021)  
.....~~((246,369,000))~~

\$347,513,000

General Fund—Federal Appropriation  
.....~~((444,984,000))~~

\$412,831,000

General Fund—Private/Local Appropriation  
.....~~((100,000))~~

\$1,115,000

Education Legacy Trust Account—State  
Appropriation.....~~((28,336,000))~~

\$28,156,000

Home Visiting Services Account—State  
Appropriation.....~~((14,798,000))~~

\$14,926,000

Home Visiting Services Account—Federal  
Appropriation.....~~((27,677,000))~~

\$28,523,000

Washington Opportunity Pathways Account—

State Appropriation ..... \$80,000,000

Pension Funding Stabilization Account—State

Appropriation ..... \$3,900,000

TOTAL APPROPRIATION ..... \$1,078,474,000

\$1,123,046,000

The appropriations in this section are subject to the following conditions and limitations:

(a)(i) ~~((81,236,000))~~ \$80,273,000 of the general fund—state appropriation for fiscal year 2020, ~~((89,410,000))~~ \$97,570,000 of the general fund—state appropriation for fiscal year 2021, ~~((24,250,000))~~ \$24,070,000 of the education legacy trust account—state appropriation, and \$80,000,000 of the opportunity pathways account appropriation are provided solely for the early childhood education and assistance program. These amounts shall support at least 14,000 slots in fiscal year 2020 and 14,662 slots in fiscal year 2021. Of the 14,662 slots in fiscal year 2021, 50 slots must be reserved for foster children to receive school-year-round enrollment.

~~((ii) ((The department of children, youth, and families must develop a methodology to identify, at the school district level, the geographic locations of where early childhood education and assistance program slots are needed to meet the entitlement specified in RCW 43.216.556. This methodology must be linked to the caseload forecast produced by the caseload forecast council and must include estimates of the number of slots needed at each school district and the corresponding facility needs required to meet the entitlement in accordance with RCW 43.216.556. This methodology must be included as part of the budget submittal documentation required by RCW 43.88.030.))~~ \$6,903,000 of the general fund—state appropriation in fiscal year 2021 is for a slot rate increase of five percent beginning in fiscal year 2021.

(b) \$200,000 of the general fund—state appropriation for fiscal year 2020 and \$200,000 of the general fund—state appropriation for fiscal year 2021 is provided solely to develop and provide culturally relevant supports for parents, family, and other caregivers.

(c) The department is the lead agency for and recipient of the federal child care and development fund grant. Amounts within this grant shall be used to fund child care licensing, quality initiatives, agency administration, and other costs associated with child care subsidies.

~~((d) ((76,453,000))~~ \$51,815,000 of the general fund—state appropriation in fiscal year 2020, ~~((82,736,000))~~ \$80,265,000 of the general fund—state appropriation in fiscal year 2021, and \$283,375,000 of the general fund—federal appropriation are provided solely for the working connections child care program under ~~((RCW 43.215.135))~~ RCW 43.216.135. Of the amounts provided in this subsection:

(i) \$78,101,000 of the general fund—state appropriation shall be claimed toward the state's temporary assistance for needy families federal maintenance of effort requirement. The department shall work in collaboration with the department of social and health services to track the average monthly child care subsidy caseload and expenditures by fund type, including child care development fund, general fund—state appropriation, and temporary assistance for needy families for the purpose of estimating the monthly temporary assistance for needy families reimbursement.

(ii) \$44,103,000 is for the compensation components of the 2019-2021 collective bargaining agreement covering family child care providers as provided in section 943 of this act.

(iii) \$28,000 of the general fund—state appropriation for fiscal year 2020 and \$1,359,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of Second Substitute House Bill No. 1303 (child care/higher education) ~~((or Engrossed Second Substitute House Bill No. 2158 (workforce education investment). If neither bill is enacted by June 30, 2019, the amounts provided in this subsection (d)(iii) shall lapse))~~.

(iv) \$526,000 of the general fund—state appropriation for fiscal year 2020 and \$519,000 of the general fund—state

appropriation for fiscal year 2021 are provided solely for implementation of Second Substitute House Bill No. 1603 (economic assistance programs). ~~((If the bill is not enacted by June 30, 2019, the amounts provided in this subsection (d)(iv) shall lapse.))~~

(v) \$1,901,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for implementation of Substitute House Bill No. 2456 (working connect. eligibility). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

(vi) \$7,000 of the general fund—state appropriation for fiscal year 2020 and \$645,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of Engrossed Substitute House Bill No. 2455 (high school/child care). If the bill is not enacted by June 30, 2020, the amounts provided in this subsection shall lapse.

(vii) ~~(((\$101,414,000))~~ \$133,354,000 is for subsidy rate increases for child care center providers. Funding in this subsection is sufficient to achieve the 55th percentile of market at a level 3 standard of quality in fiscal year 2020 and the 65th percentile of market for both centers and licensed family homes at a level 2 standard of quality and providers of care for school aged children in fiscal year 2021. The state and the representative for family child care providers must enter into bargaining over the implementation of subsidy rate increases, and apply those increases consistent with the terms of this proviso and the agreement reached between the parties.

~~((viii))~~ (viii) \$6,000,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the department to reduce working connections child care monthly copayments for consumers with income that is less than two hundred twenty percent of the federal poverty guidelines to twelve percent or less of a consumer's countable income. Funding provided within this subsection shall also be used to reduce the child care subsidy cliff by expanding second tier eligibility for the program to consumers with countable income below two hundred fifty percent of the federal poverty level. The department shall report to the legislature no later than June 1, 2020, regarding the estimated number of consumers with income below two hundred twenty percent of the federal poverty level whose copayments will be relieved; the estimated number of consumers who will qualify for the expanded second tier eligibility under this subsection; and the copayment amounts that consumers who qualify for the expanded second tier eligibility under this subsection will pay in order for the department to implement these changes within the funding provided.

(ix) In order to not exceed the appropriated amount, the department shall manage the program so that the average monthly caseload does not exceed 33,000 households and the department shall give prioritized access into the program according to the following order:

(A) Families applying for or receiving temporary assistance for needy families (TANF);

(B) TANF families curing sanction;

(C) Foster children;

(D) Families that include a child with special needs;

(E) Families in which a parent of a child in care is a minor who is not living with a parent or guardian and who is a full-time student in a high school that has a school-sponsored on-site child care center;

(F) Families with a child residing with a biological parent or guardian who have received child protective services, child welfare services, or a family assessment response from the department in the past six months, and have received a referral for child care as part of the family's case management;

(G) Families that received subsidies within the last thirty days and:

(I) Have reapplied for subsidies; and

(II) Have household income of two hundred percent of the federal poverty level or below; and

(H) All other eligible families.

~~((vii))~~ (x) The department, in collaboration with the department of social and health services, must submit a follow-up report by December 1, 2019, to the governor and the appropriate fiscal and policy committees of the legislature on quality control measures for the working connections child care program. The report must include:

(A) An updated narrative of the procurement and implementation of an improved time and attendance system, including an updated and detailed accounting of the final costs of procurement and implementation;

(B) An updated and comprehensive description of all processes, including computer algorithms and additional rule development, that the department and the department of social and health services have implemented and that are planned to be implemented to avoid overpayments. The updated report must include an itemized description of the processes implemented or planned to be implemented to address each of the following:

(I) Ensure the department's auditing efforts are informed by regular and continuous alerts of the potential for overpayments;

(II) Avoid overpayments, including the billing of more regular business days than are in a month, to the maximum extent possible and expediently recover overpayments that have occurred;

(III) Withhold payment from providers when necessary to incentivize receipt of the necessary documentation to complete an audit;

(IV) Establish methods for reducing future payments or establishing repayment plans in order to recover any overpayments;

(V) Sanction providers, including termination of eligibility, who commit intentional program violations or fail to comply with program requirements, including compliance with any established repayment plans;

(VI) Consider pursuit of prosecution in cases with fraudulent activity; and

(VII) Ensure two half-day rates totaling more than one hundred percent of the daily rate are not paid to providers; and

(C) A description of the process by which fraud is identified and how fraud investigations are prioritized and expedited.

~~((viii))~~ (xi) Beginning July 1, 2019, and annually thereafter, the department, in collaboration with the department of social and health services, must report to the governor and the appropriate fiscal and policy committees of the legislature on the status of overpayments in the working connections child care program. The report must include the following information for the previous fiscal year:

(A) A summary of the number of overpayments that occurred;

(B) The reason for each overpayment;

(C) The total cost of overpayments;

(D) A comparison to overpayments that occurred in the past two preceding fiscal years; and

(E) Any planned modifications to internal processes that will take place in the coming fiscal year to further reduce the occurrence of overpayments.

(e) Within available amounts, the department in consultation with the office of financial management shall report enrollments and active caseload for the working connections child care program to the governor and the legislative fiscal committees and the legislative-executive WorkFirst poverty reduction oversight task force on an agreed upon schedule. The report shall also identify the number of cases participating in both temporary assistance for needy families and working connections child care. The department must also report on the number of children served through contracted slots.

(f) \$1,560,000 of the general fund—state appropriation for fiscal year 2020 and \$1,560,000 of the general fund—state appropriation for fiscal year 2021 and \$13,424,000 of the general fund—federal appropriation are provided solely for the seasonal child care program. If federal sequestration cuts are realized, cuts to the seasonal child care program must be proportional to other federal reductions made within the department.

(g) \$379,000 of the general fund—state appropriation for fiscal year 2020 and \$871,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the department of children, youth, and families to contract with a countywide nonprofit organization with early childhood expertise in Pierce county for a pilot project to prevent child abuse and neglect using nationally recognized models. Of the amounts provided:

(i) \$323,000 of the general fund—state appropriation for fiscal year 2020 and \$333,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the nonprofit organization to convene stakeholders to

implement a countywide resource and referral linkage system for families of children who are prenatal through age five.

(ii) \$56,000 of the general fund—state appropriation for fiscal year 2020 and \$539,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the nonprofit organization to offer a voluntary brief newborn home visiting program. The program must meet the diverse needs of Pierce county residents and, therefore, it must be flexible, culturally appropriate, and culturally responsive. The department, in collaboration with the nonprofit organization, must examine the feasibility of leveraging federal and other fund sources, including federal Title IV-E and medicaid funds, for home visiting provided through the pilot. The department must report its findings to the governor and appropriate legislative committees by December 1, 2019.

(h) ~~((4,674,000))~~ \$4,653,000 of the general fund—state appropriation for fiscal year 2020, ~~((3,598,000))~~ \$3,587,000 of the general fund—state appropriation for fiscal year 2021, and \$1,076,000 of the general fund—federal appropriation are provided solely for the early childhood intervention prevention services (ECLIPSE) program. The department shall contract for ECLIPSE services to provide therapeutic child care and other specialized treatment services to abused, neglected, at-risk, and/or drug-affected children. The department shall ensure that contracted providers pursue receipt of federal funding associated with the early support for infants and toddlers program. Priority for services shall be given to children referred from the department.

~~((4))~~ (i) \$38,622,000 of the general fund—state appropriation for fiscal year 2020, \$38,095,000 of the general fund—state appropriation for fiscal year 2021 and \$33,908,000 of the general fund—federal appropriation are provided solely to maintain the requirements set forth in chapter 7, Laws of 2015, 3rd sp. sess. The department shall place a ten percent administrative overhead cap on any contract entered into with the University of Washington. In a bi-annual report to the governor and the legislature, the department shall report the total amount of funds spent on the quality rating and improvements system and the total amount of funds spent on degree incentives, scholarships, and tuition reimbursements. Of the amounts provided in this subsection:

(i) \$1,728,000 of the general fund—state appropriation for fiscal year 2020 and \$1,728,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for reducing barriers for low-income providers to participate in the early achievers program.

(ii) \$17,955,000 is for quality improvement awards, of which \$1,650,000 is to provide a \$500 increase for awards for select providers rated level three to five in accordance with the 2019-2021 collective bargaining agreement covering family child care providers as set forth in section 943 of this act.

(iii) \$1,283,000 of the general fund—state appropriation for fiscal year 2020 and \$417,000 of the general fund—state appropriation for fiscal year 2021 are

provided solely for implementation of Engrossed Second Substitute House Bill No. 1391 (early achievers program). ~~((If the bill is not enacted by June 30, 2019, the amounts provided in this subsection (h)(iii) shall lapse.~~

~~((+))~~ (v) \$150,000 of the general fund—state appropriation for fiscal year 2020 and \$150,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for a contract with a nonprofit entity experienced in the provision of promoting early literacy for children through pediatric office visits.

~~((+))~~ (k) \$4,000,000 of the education legacy trust account—state appropriation is provided solely for early intervention assessment and services.

~~((+))~~ (l) Information technology projects or investments and proposed projects or investments impacting time capture, payroll and payment processes and systems, eligibility, case management and authorization systems within the department are subject to technical oversight by the office of the chief information officer.

~~((+))~~ (m)(i)(A) The department is required to provide to the education research and data center, housed at the office of financial management, data on all state-funded early childhood programs. These programs include the early support for infants and toddlers, early childhood education and assistance program (ECEAP), and the working connections and seasonal subsidized childcare programs including license exempt facilities or family, friend, and neighbor care. The data provided by the department to the education research data center must include information on children who participate in these programs, including their name and date of birth, and dates the child received services at a particular facility.

(B) ECEAP early learning professionals must enter any new qualifications into the department's professional development registry starting in the 2015-16 school year, and every school year thereafter. By October 2017, and every October thereafter, the department must provide updated ECEAP early learning professional data to the education research data center.

(C) The department must request federally funded head start programs to voluntarily provide data to the department and the education research data center that is equivalent to what is being provided for state-funded programs.

(D) The education research and data center must provide an updated report on early childhood program participation and K-12 outcomes to the house of representatives appropriations committee and the senate ways and means committee using available data every March for the previous school year.

(ii) The department, in consultation with the department of social and health services, must withhold payment for services to early childhood programs that do not report on the name, date of birth, and the dates a child received services at a particular facility.

~~((+))~~ (n) The department shall work with state and local law enforcement, federally recognized tribal

governments, and tribal law enforcement to develop a process for expediting fingerprinting and data collection necessary to conduct background checks for tribal early learning and child care providers.

~~((+))~~ (o) \$5,157,000 of the general fund—state appropriation for fiscal year 2020 and \$4,938,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for components of the 2019-2021 collective bargaining agreement covering family child care providers as set forth in section 943 of this act. Of the amounts provided in this subsection:

(i) \$1,302,000 is for the family child care provider 501(c)(3) organization for board-approved training;

(ii) \$230,000 is for increasing training reimbursement up to \$250 per person;

(iii) \$115,000 is for training on the electronic child care time and attendance system;

(iv) \$3,000,000 is to maintain the career development fund;

(v) \$5,223,000 is for up to five days of substitute coverage per provider per year through the state-administered substitute pool.

(vi) \$226,000 is to provide an increase to monthly health care premiums.

~~((+))~~ (p) \$219,000 of the general fund—state appropriation for fiscal year 2020 and \$219,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of chapter 236, Laws of 2017 (SHB 1445) (dual language in early learning & K-12).

~~((+))~~ (q) \$100,000 of the general fund—state appropriation for fiscal year 2020 and \$100,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of chapter 202, Laws of 2017 (E2SHB 1713) (children's mental health).

~~((+))~~ (r) \$317,000 of the general fund—state appropriation for fiscal year 2020 and \$317,000 of the general fund—state appropriation for fiscal year 2021 are provided solely to continue a four year pilot for implementation of chapter 162, Laws of 2017 (SSB 5357) (outdoor early learning programs).

~~((+))~~ (s) Within existing resources, the department shall implement Substitute Senate Bill No. 5089 (early learning access).

~~((+))~~ (t) \$250,000 of the general fund—state appropriation for fiscal year 2020 and \$250,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for additional facilitated play groups offered statewide to family, friend, and neighbor child care providers.

~~((+))~~ (u)(i) The department of children, youth, and families, in consultation with the office of the superintendent of public instruction, the office of financial management, and the caseload forecast council must develop a proposal to transfer the annual allocations appropriated in the omnibus appropriations act for early intervention services for children

with disabilities from birth through two years of age, from the superintendent of public instruction to the department of children, youth, and families beginning July 1, 2020. The department must submit a model detailing how allocations for this program will be determined and identifying the necessary statutory changes to the office of financial management and the fiscal committees of the legislature no later than September 1, 2019.

(ii) Beginning July 1, 2019, there shall be an administrative limit of five percent on all state funds allocated to school districts for early intervention services for children with disabilities from birth through two years of age.

~~((u))~~ (v) \$750,000 of the general fund—state appropriation for fiscal year 2020 is provided solely for the expanded learning opportunity quality initiative pursuant to RCW 43.216.085(3)(d). No later than December 1, 2020, the department shall submit a report to the governor and the appropriate committees of the legislature regarding the outcomes of this pilot program and recommendations for future implementation that includes phasing-out the need for ongoing state support.

~~((w))~~ (w) \$3,779,000 of the home visiting services—state appropriation and \$3,779,000 of the home visiting services—federal appropriation are provided solely for the department to contract for additional home visiting slots. To maximize the use of available federal funding, to the greatest extent possible, the department shall use these additional slots to serve families where one or more children are candidates for foster care. The federal amount in this subsection is contingent on the services and children being eligible under the federal family first prevention services act, P.L. 115-123. The department may not allocate the federal funds to contractors unless the federal funding requirements are met.

~~((x))~~ (x) \$9,000 of the general fund—state appropriation for fiscal year 2020 and \$9,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of Second Substitute House Bill No. 1344 (child care access work group). ~~((If the bill is not enacted by June 30, 2019, the amount provided in this subsection shall lapse.))~~

~~((y))~~ (y) \$773,000 of the general fund—state appropriation for fiscal year 2020 and \$773,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of Second Substitute Senate Bill No. 5903 (children's mental health). ~~((If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.))~~

(z) \$231,000 of the general fund—state appropriation for fiscal year 2020 and \$144,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the department of children, youth, and families to collaborate with the office of the superintendent of public instruction to complete a report with options and recommendations for administrative efficiencies and long-term strategies that align and integrate high-quality early learning programs administered by both agencies. The report shall address capital needs, data collection and data sharing, licensing

changes, quality standards, options for community-based and school-based settings, fiscal modeling, and any statutory changes needed to achieve administrative efficiencies. The report is due to the governor and the appropriate legislative committees by September 1, 2020.

(aa) \$95,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the department to contract with the Walla Walla school district to repurpose an elementary school into an early learning center to serve as a regional prekindergarten facility. The early learning center must provide birth to five services such as parent education and supports, child care, and early learning programs.

(bb) \$3,523,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the department to provide one-time scholarships for licensed family homes, child care center providers, and interested early learning providers to meet licensing requirements or meet ECEAP staff qualifications. Scholarships must support early childhood education associate degrees offered at state community and technical colleges or the early childhood education stackable certificates. The department shall administer the scholarship program and leverage the infrastructure established with early achievers grants.

(cc) \$246,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the department to develop and administer the early learning dual language grant program.

(i) The program shall consist of two competitive grant processes: One for child care providers and one for early childhood education and assistance program contractors. The department shall identify criteria for awarding the grants, evaluate applicants, and award grant funds. Beginning September 1, 2020, the department must award up to:

(A) Five two-year grants to eligible child care providers interested in establishing or converting to a dual language program; and

(B) Five two-year grants to early childhood education and assistance program contractors to support new early childhood education and assistance program dual language classrooms. At least two of the five grants must be awarded to tribal early childhood education and assistance program contractors.

(ii) It is the intent of the legislature that the department shall award grants in every even-numbered year, and that grant awards must be limited to one award per contractor or provider per biennium.

(dd) \$500,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for implementation of Substitute House Bill No. 2556 (early learning provider regs). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

(ee) \$250,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for implementation of House Bill No. 2619 (early learning access). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

(ff) \$91,991,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for payments to providers for the early support for infants and toddlers program to implement Substitute House Bill No. 2787 (infants and toddlers program). Beginning September 1, 2020, funding for this purpose is transferred from the office of the superintendent of public instruction. Funding and eligibility are associated with the 0-2 special education caseload prepared by the caseload forecast council.

~~((4))~~ (5) PROGRAM SUPPORT

General Fund—State Appropriation (FY 2020)	<del>(((\$75,435,000))</del>
	<u>\$118,341,000</u>
General Fund—State Appropriation (FY 2021)	<del>(((\$76,908,000))</del>
	<u>\$119,408,000</u>
General Fund—Federal Appropriation	<del>(((\$55,824,000))</del>
	<u>\$162,520,000</u>
General Fund—Private/Local Appropriation	<u>\$195,000</u>
Education Legacy Trust Account—State Appropriation	<u>\$180,000</u>
Home Visiting Services Account—State Appropriation	<u>\$472,000</u>
Home Visiting Services Account—Federal Appropriation	<u>\$354,000</u>
Pension Funding Stabilization Account—State Appropriation	<del>(((\$14,000))</del>
	<u>\$2,990,000</u>
TOTAL APPROPRIATION	<del>(\$208,181,000</del>
	<u>\$404,460,000</u>

The appropriations in this subsection are subject to the following conditions and limitations:

(a) The health care authority, the health benefit exchange, the department of social and health services, the department of health, and the department of children, youth, and families shall work together within existing resources to establish the health and human services enterprise coalition (the coalition). The coalition, led by the health care authority, must be a multi-organization collaborative that provides strategic direction and federal funding guidance for projects that have cross-organizational or enterprise impact, including information technology projects that affect organizations within the coalition. By October 31, 2019, the coalition must submit a report to the governor and the legislature that describes the coalition's plan for projects affecting the coalition organizations. The report must include any information technology projects impacting coalition organizations and, in collaboration with the office of the chief information officer, provide: (i) The status of any information technology projects currently being developed or implemented that affect the coalition; (ii) funding needs

of these current and future information technology projects; and (iii) next steps for the coalition's information technology projects. The office of the chief information officer shall maintain a statewide perspective when collaborating with the coalition to ensure that the development of projects identified in this report are planned for in a manner that ensures the efficient use of state resources and maximizes federal financial participation. The work of the coalition is subject to the conditions, limitations, and review provided in ~~((section 719 of this act))~~ section 701 of this act.

(b) \$300,000 of the general fund—state appropriation for fiscal year 2020 and ~~(((\$300,000))~~ \$400,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for a Washington state mentoring organization to continue its public-private partnerships providing technical assistance and training to mentoring programs that serve at-risk youth.

(c) \$5,000 of the general fund—state appropriation for fiscal year 2020, \$5,000 of the general fund—state appropriation for fiscal year 2021, and \$16,000 of the general fund—federal appropriation are provided solely for the implementation of an agreement reached between the governor and the Washington federation of state employees for the language access providers under the provisions of chapter 41.56 RCW for the 2019-2021 fiscal biennium.

(d) \$63,000 of the general fund—state appropriation for fiscal year 2020 and \$7,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of Engrossed Second Substitute Senate Bill No. 5497 (immigrants in the workplace). ~~((If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.))~~

(e) \$100,000 of the general fund—state appropriation for fiscal year 2020 and \$100,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for a full-time employee to coordinate policies and programs to support pregnant and parenting individuals receiving chemical dependency or substance use disorder treatment.

(f)(i) All agreements and contracts with vendors must include a provision to require that each vendor agrees to equality among its workers by ensuring similarly employed individuals are compensated as equals as follows:

(A) Employees are similarly employed if the individuals work for the same employer, the performance of the job requires comparable skill, effort, and responsibility, and the jobs are performed under similar working conditions. Job titles alone are not determinative of whether employees are similarly employed;

(B) Vendors may allow differentials in compensation for its workers based in good faith on any of the following:

(I) A seniority system; a merit system; a system that measures earnings by quantity or quality of production; a bona fide job-related factor or factors; or a bona fide regional difference in compensation levels.

(II) A bona fide job-related factor or factors may include, but not be limited to, education, training, or experience, that is: Consistent with business necessity; not

based on or derived from a gender-based differential; and accounts for the entire differential.

(III) A bona fide regional difference in compensation level must be: Consistent with business necessity; not based on or derived from a gender-based differential; and account for the entire differential.

(ii) The provision must allow for the termination of the contract if the department or department of enterprise services determines that the vendor is not in compliance with this agreement or contract term.

(iii) The department must implement this provision with any new contract and at the time of renewal of any existing contract.

(g) The department must submit an agency budget request for the 2020 supplemental budget that identifies the amount of administrative funding to be transferred from appropriations in subsections ~~((1), (2), and (3))~~ (2), (3), and (4) of this section to this subsection ((4) of this section) (5).

(h) \$83,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the office to participate in the work group established in section 922 of this act to create a family engagement framework for early learning through high school. At a minimum, the work group must review family engagement policies and practices in Washington and in other states, with a focus on identifying best practices that can be adopted throughout Washington.

(i) \$175,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the department to create a plan to merge servers and build infrastructure to connect the child welfare, early learning, and juvenile rehabilitation programs on a single network. The implementation plan must be completed and provided to the legislature by January 1, 2021.

(j) The department shall use funding provided in the information technology pool to develop and implement the following, subject to the conditions, limitations, and review provided in section 701 of this act:

(i) A web-based reporting portal accessible to mandated reporters for reporting child abuse and neglect as required by RCW 26.44.030; and

(ii) A call-back option for callers placed on hold to provide a phone number for the department to return a call to complete the report of child abuse and neglect.

### PART III

#### NATURAL RESOURCES

**Sec. 301.** 2019 c 415 s 301 (uncodified) is amended to read as follows:

#### FOR THE COLUMBIA RIVER GORGE COMMISSION

General Fund—State Appropriation (FY 2020)  
.....((~~\$544,000~~))  
\$605,000

General Fund—State Appropriation (FY 2021)  
.....((~~\$570,000~~))  
\$668,000  
General Fund—Federal Appropriation .....\$32,000  
General Fund—Private/Local Appropriation  
.....((~~\$1,138,000~~))  
\$1,158,000  
Pension Funding Stabilization Account—State  
Appropriation .....\$46,000  
TOTAL APPROPRIATION .....\$2,330,000  
\$2,509,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$45,000 of the general fund—state appropriation for fiscal year 2020 and \$45,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for a land use planner to conduct compliance monitoring on approved development projects and develop and track measures on the commission's effectiveness in implementing the national scenic area management plan.

(2) \$45,000 of the general fund—state appropriation for fiscal year 2020 and \$94,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for a land use planner to provide land use planning services dedicated to Klickitat county. Because the activities of the land use planner are solely for the benefit of Washington state, Oregon is not required to provide matching funds for this activity.

**Sec. 302.** 2019 c 415 s 302 (uncodified) is amended to read as follows:

#### FOR THE DEPARTMENT OF ECOLOGY

General Fund—State Appropriation (FY 2020)  
.....((~~\$30,725,000~~))  
\$30,696,000  
General Fund—State Appropriation (FY 2021)  
.....((~~\$29,342,000~~))  
\$31,396,000  
General Fund—Federal Appropriation  
.....((~~\$110,053,000~~))  
\$110,069,000  
General Fund—Private/Local Appropriation  
.....((~~\$23,406,000~~))  
\$27,066,000  
Reclamation Account—State Appropriation  
.....((~~\$4,906,000~~))  
\$4,919,000  
Flood Control Assistance Account—State  
Appropriation .....((~~\$4,174,000~~))



	<u>\$4,184,000</u>		<u>\$21,239,000</u>
State Emergency Water Projects Revolving Account—State		Air Pollution Control Account—State Appropriation	
Appropriation .....	\$40,000	.....	<del>(\$4,452,000)</del>
Waste Reduction, Recycling, and Litter Control			<u>\$4,463,000</u>
Account—State Appropriation .....	<del>(\$24,951,000)</del>	Oil Spill Prevention Account—State Appropriation	
	<u>\$26,052,000</u>	.....	<del>(\$11,351,000)</del>
State Drought Preparedness Account—State			<u>\$9,179,000</u>
Appropriation .....	\$204,000	Air Operating Permit Account—State Appropriation	
State and Local Improvements Revolving Account—		.....	<del>(\$4,679,000)</del>
Water			<u>\$4,692,000</u>
Supply Facilities—State Appropriation .....	\$183,000	Freshwater Aquatic Weeds Account—State	
Aquatic Algae Control Account—State Appropriation		Appropriation .....	\$1,497,000
.....	\$528,000	Oil Spill Response Account—State Appropriation	
Water Rights Tracking System Account—State		.....	<del>(\$7,076,000)</del>
Appropriation .....	\$48,000		<u>\$8,576,000</u>
Site Closure Account—State Appropriation	\$582,000	Dedicated Marijuana Account—State Appropriation	
Wood Stove Education and Enforcement Account—		(FY 2020) .....	\$465,000
State		Dedicated Marijuana Account—State Appropriation	
Appropriation .....	\$577,000	(FY 2021) .....	\$464,000
Worker and Community Right to Know Fund—State		Pension Funding Stabilization Account—State	
Appropriation .....	<del>(\$1,995,000)</del>	Appropriation .....	\$2,920,000
	<u>\$1,996,000</u>	Water Pollution Control Revolving Administration	
Water Rights Processing Account—State		Account—State Appropriation .....	<del>(\$3,858,000)</del>
Appropriation .....	\$39,000		<u>\$4,220,000</u>
Model Toxics Control Operating Account—State		Paint Product Stewardship Account—State	
Appropriation .....	<del>(\$237,148,000)</del>	Appropriation .....	\$182,000
	<u>\$257,389,000</u>	TOTAL APPROPRIATION .....	<u>\$587,658,000</u>
Model Toxics Control Operating Account—Local			<u>\$616,287,000</u>
Appropriation .....	\$499,000	The appropriations in this section are subject to the	
Water Quality Permit Account—State Appropriation		following conditions and limitations:	
.....	<del>(\$47,872,000)</del>	(1) \$170,000 of the oil spill prevention account—state	
	<u>\$48,068,000</u>	appropriation is provided solely for a contract with the	
Underground Storage Tank Account—State		University of Washington's sea grant program to continue an	
Appropriation .....	<del>(\$3,963,000)</del>	educational program targeted to small spills from	
	<u>\$3,976,000</u>	commercial fishing vessels, ferries, cruise ships, ports, and	
Biosolids Permit Account—State Appropriation		marinas.	
.....	<del>(\$2,703,000)</del>	(2) \$102,000 of the general fund—state appropriation	
	<u>\$2,709,000</u>	for fiscal year 2020 and \$102,000 of the general fund—state	
Hazardous Waste Assistance Account—State		appropriation for fiscal year 2021 are provided solely for	
Appropriation .....	<del>(\$7,150,000)</del>	implementation of Executive Order No. 12-07,	
	<u>\$7,170,000</u>	Washington's response to ocean acidification.	
Radioactive Mixed Waste Account—State		(3) \$726,000 of the general fund—state appropriation	
Appropriation .....	<del>(\$19,626,000)</del>	for fiscal year 2020, <del>(\$1,432,000)</del> <u>\$1,742,000</u> of the	

and develop or oversee capital grant-funded projects that will improve instream flows statewide.

(4) \$1,259,000 of the model toxics control operating account—state appropriation is provided solely for the increased costs for Washington conservation corp member living allowances, vehicles used to transport crews to worksites, and costs unsupported by static federal AmeriCorps grant reimbursement.

(5) \$3,482,000 of the model toxics control operating account—state appropriation is provided solely for the department to implement recommendations that come from chemical action plans (CAP), such as the interim recommendations addressing PFAS (per- and polyfluorinated alkyl substances) contamination in drinking water and sources of that contamination, to monitor results, and to develop new CAPs.

(6) \$592,000 of the reclamation account—state appropriation is provided solely for the department to assess and explore opportunities to resolve water rights uncertainties and disputes through adjudications in selected basins where tribal senior water rights, unquantified claims, and similar uncertainties about the seniority, quantity, and validity of water rights exist.

(7) \$2,147,000 of the waste reduction, recycling, and litter control account—state appropriation is provided solely for the department to address litter prevention and recycling programs, and in response to new China-imposed restrictions on the import of recyclable materials. Activities funded from this increased appropriation include litter pickup by ecology youth crews, local governments, and other state agencies, and litter prevention public education campaigns.

(8) \$120,000 of the general fund—state appropriation for fiscal year 2020 and ~~(((\$67,000))~~ \$569,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the implementation of Engrossed Second Substitute Senate Bill No. 5116 (clean energy). ~~((If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.))~~

(9) ~~(((\$807,000))~~ \$1,286,000 of the model toxics control operating account—state appropriation is provided solely for the implementation of Substitute Senate Bill No. 5135 (toxic pollution). ~~((If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.))~~

~~((14))~~ (10) \$392,000 of the waste reduction, recycling, and litter control account—state appropriation is provided solely for the implementation of Engrossed Second Substitute Senate Bill No. 5397 (plastic packaging). ~~((If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.))~~

~~((12))~~ (11) \$1,450,000 of the waste reduction, recycling, and litter control account—state appropriation is provided solely for the implementation of Engrossed Second Substitute House Bill No. 1543 (concerning sustainable recycling). ~~((If the bill is not enacted by June 30, 2019, the amount provided in this subsection shall lapse.))~~

~~((13))~~ (12) \$342,000 of the air pollution control account—state appropriation and \$619,000 of the model toxics control operating account—state appropriation are provided solely for the implementation of Engrossed Second Substitute House Bill No. 1112 (hydrofluorocarbons emissions). ~~((If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.))~~

~~((14))~~ (13) \$1,374,000 of the model toxics control operating account—state appropriation is provided solely for the implementation of Engrossed Substitute House Bill No. 1578 (oil transportation safety). ~~((If the bill is not enacted by June 30, 2019, the amount provided in this subsection shall lapse.))~~

~~((15))~~ (14) \$264,000 of the general fund—state appropriation for fiscal year 2020 and \$250,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the department to contract with the Walla Walla watershed management partnership board of directors to develop a thirty-year integrated water resource management strategic plan and to provide partnership staffing, reporting, and operating budget costs associated with new activities as described in Second Substitute Senate Bill No. 5352 (Walla Walla watershed pilot). ~~((If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.))~~

~~((16))~~ (15) \$455,000 of the general fund—state appropriation for fiscal year 2020 and \$455,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the department to grant to the northwest straits commission to distribute equally among the seven Puget Sound marine resource committees.

~~((17))~~ (16) \$290,000 of the general fund—state appropriation for fiscal year 2020 and \$290,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for rule making to change standards to allow for a higher volume of water to be spilled over Columbia river and Snake river dams to increase total dissolved gas for the benefit of Chinook salmon and other salmonids.

~~((18))~~ (17) \$118,000 of the general fund—state appropriation for fiscal year 2020 and \$118,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the agency to convene a stakeholder work group to identify actions to decrease loading of priority pharmaceuticals into Puget Sound, contract for technical experts to provide literature review, conduct an analysis and determine best practices for addressing pharmaceutical discharges, and carry out laboratory testing and analysis.

~~((19))~~ (18) \$319,000 of the general fund—state appropriation for fiscal year 2020 and \$319,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the department to increase coordination in reviewing shoreline armoring proposals to better protect forage fish.

~~((20))~~ (19) \$247,000 of the general fund—state appropriation for fiscal year 2020 and \$435,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for monitoring nutrient cycling and ocean

acidification parameters at twenty marine stations in Puget Sound and Hood canal.

~~((24))~~ (20) \$250,000 of the flood control assistance account—state appropriation is provided solely for the Washington conservation corps to carry out emergency activities to respond to flooding by repairing levees, preventing or mitigating an impending flood hazard, or filling and stacking sandbags. This appropriation is also for grants to local governments for emergency response needs, including the removal of structures and repair of small-scale levees and tidegates.

~~((22))~~ (21) \$500,000 of the model toxics control operating account—~~(local)~~ state appropriation is provided solely for the Spokane river regional toxics task force to address elevated levels of polychlorinated biphenyls in the Spokane river.

~~((23))~~ (22) \$244,000 of the model toxics control operating—state appropriation is provided solely for the implementation of Engrossed Substitute Senate Bill No. 5579 (crude oil volatility/rail). ~~((If the bill is not enacted by June 30, 2019, the amount provided in this subsection shall lapse.))~~

~~((24))~~ (23) \$432,000 of the model toxics control operating—state appropriation is provided solely for the implementation of Substitute House Bill No. 1290 (voluntary cleanups/has waste). ~~((If the bill is not enacted by June 30, 2019, the amount provided in this subsection shall lapse.))~~

~~((25) \$10,000,000)~~ (24) \$17,000,000 of the model toxics control operating account—state appropriation is provided solely for the department to provide grants to local governments for the purpose of supporting local solid waste and financial assistance programs.

~~((26))~~ (25) \$100,000 of the oil spill prevention account—state appropriation is provided solely for the department to produce a synopsis of current maritime vessel activity, navigation lanes, and anchorages in the northern Puget Sound and the strait of Juan de Fuca, including vessel transit in Canadian portions of transboundary waters. Consistent with RCW 43.372.030, the synopsis must compile key findings and baseline information on the spatial and temporal distribution of and intensity of current maritime vessel activity. The department may collect new information on vessel activity, including information on commercial and recreational fishing, where relevant to the synopsis. In producing the synopsis, the department must invite the participation of Canadian agencies and first nations, and must coordinate with federal agencies, other state agencies, federally recognized Indian tribes, commercial and recreational vessel operators and organizations representing such operators, and other stakeholders. The department must provide a draft of the synopsis to the appropriate committees of the legislature by June 30, 2021.

~~((27))~~ (26) \$500,000 of the waste reduction, recycling, and litter control account—state appropriation is provided solely for the implementation of Engrossed Second Substitute House Bill No. 1114 (food waste reduction). ~~((If~~

~~the bill is not enacted by June 30, 2019, the amount provided in this subsection shall lapse.))~~

~~((28))~~ (27) \$465,000 of the dedicated marijuana account—state appropriation for fiscal year 2020 and \$464,000 of the dedicated marijuana account—state appropriation for fiscal year 2021 are provided solely for the implementation of House Bill No. 2052 (marijuana product testing). ~~((If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.))~~

~~((29))~~ (28) \$182,000 of the paint product stewardship account—state appropriation is provided solely for the implementation of Substitute House Bill No. 1652 (paint stewardship). ~~((If the bill is not enacted by June 30, 2019, the amount provided in this subsection shall lapse.))~~

(29) \$535,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the department to develop a Puget Sound nutrients general permit for wastewater treatment plants in Puget Sound to reduce nutrients in wastewater discharges to Puget Sound.

(30) \$31,000 of the general fund—state appropriation for fiscal year 2020 and \$61,000 of the general fund—state appropriation for fiscal year 2021 are provided solely to San Juan county for a study to build on the existing knowledge of the islands' water resources to gain a current understanding of the state of groundwater in the county, including hydrologic data evaluation, completing recharge estimates, and updating the water balance.

(31) \$150,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the department to offer a grant to Clark county for the purpose of designing the process for developing a long-term plan to restore and maintain the health of Vancouver lake, a category 5 303(d) status impaired body of water, as well as designing an institutional structure to take responsibility for the plan's implementation in a financially sustainable manner. The plan will build on existing work completed by the county, state agencies, and nonprofit organizations. The department will support the work of the county to include involvement by property owners around the lake and within the watersheds that drain to the lake, the department of natural resources, the department of fish and wildlife, other state agencies and local governments with proprietary or regulatory jurisdiction, tribes, and nonprofit organizations advocating for the lake's health. The design should address timelines for plan development, roles and responsibilities of governmental and nonprofit entities, potential funding sources and options for plan implementation, including formation of a potential lake management district under chapter 36.61 RCW, and the management objectives to be included in the plan.

(32) \$150,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the department to support the Pierce county health department and the friends of Spanaway lake to treat and clean up elevated phosphorus and algae levels in Spanaway lake.

(33) \$80,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the department to work with the Guemes island planning advisory committee

to follow on to a United States geologic survey study of the island's aquifer recharge areas, quantify an updated water budget, and provide an accurate water-level analysis and water-table map of the two aquifers on the island.

(34) \$75,000 of the waste reduction, recycling, and litter control account—state appropriation is provided solely for the department and the recycling development center, created in RCW 70.370.030, to provide financial and technical assistance to women and minority-owned businesses and small businesses which manufacture or process single-use plastic packaging products in order to help transform these businesses to processors and producers of sustainable packaging.

(35) \$283,000 of the waste reduction, recycling, and litter control account—state appropriation is provided solely for the implementation of Engrossed Substitute Senate Bill No. 5323 (plastic bags), including the education and outreach activities required under section 5, chapter . . . , Laws of 2020 (ESSB 5323). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

(36) \$149,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the implementation of Senate Bill No. 5811 (clean car standards & prog.). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

(37)(a) The appropriations in this section include sufficient funding for the department to convene a work group of affected entities to study the design and use of the state water trust, water banking, and water transfers, and present its findings, including a summary of discussions and any recommendations on policy improvements, to the appropriate committees of the house of representatives and the senate. The department of ecology shall invite representatives to serve on the work group from organizations including, but not limited to:

- (i) Federally recognized Indian tribes;
- (ii) Local governments including cities, counties, and special purpose districts;
- (iii) Environmental advocacy organizations;
- (iv) The farming industry in Washington;
- (v) Business interests; and
- (vi) Entities that have been directly involved with the establishment of water banks.

(b) In addition to an invitation to participate in the work group, the department shall also consult with affected federally recognized tribal governments upon request.

(c) By December 1, 2020, the department of ecology must present its findings, including a summary of discussions and any recommendations on policy improvements, to the appropriate committees of the house of representatives and the senate and to the governor's office.

(38) \$750,000 of the model toxics control operating account—state appropriation is provided solely for the department to provide funding to local governments to help address stormwater permit requirements and provide

assistance to small businesses, as well as local source control monitoring to address toxic hotspots that impact Puget Sound.

(39) \$748,000 of the model toxics control operating account—state appropriation is provided solely for the department to add continuous freshwater monitoring at the mouth of the seven largest rivers discharging into Puget Sound.

(40) \$2,339,000 of the model toxics control operating account—state appropriation is provided solely for the department to use its authority under chapter 43.21C RCW to strengthen and standardize the consideration of climate change risks, vulnerability, and greenhouse gas emissions in environmental assessments for major projects with significant environmental impacts. To provide clarity for the public, governmental agencies and project proponents, the work conducted under this subsection must be uniform and apply to all branches of government, including state agencies, public and municipal corporations, and counties. It is the intent of the legislature that the department should carefully consider any potential overlap with other policies to reduce or regulate greenhouse gas emissions from major projects with significant environmental impacts, in order to avoid duplicative obligations.

(41) \$654,000 of the model toxics control operating account—state appropriation is provided solely for additional staff to process clean water act certifications in the event that a sixty-day processing requirement is implemented for all United States army corps of engineers permitted projects in Washington. If such a requirement is not imposed, the amount provided in this subsection shall lapse.

(42) \$70,000 of the model toxics control operating account—state appropriation is provided solely for the implementation of Engrossed Substitute House Bill No. 2722 (minimum recycled content). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

**Sec. 303.** 2019 c 415 s 303 (uncodified) is amended to read as follows:

#### **FOR THE STATE PARKS AND RECREATION COMMISSION**

General Fund—State Appropriation (FY 2020)	
.....	(\$16,013,000))
	<b>\$16,270,000</b>
General Fund—State Appropriation (FY 2021)	
.....	(\$16,501,000))
	<b>\$20,906,000</b>
General Fund—Federal Appropriation	(\$7,079,000))
	<b>\$7,080,000</b>
Winter Recreation Program Account—State Appropriation	\$3,310,000
ORV and Nonhighway Vehicle Account—State Appropriation	\$403,000

Snowmobile	Account—State	Appropriation
.....		\$5,657,000
Aquatic Lands Enhancement	Account—State	
Appropriation .....		\$367,000
Parks Renewal and Stewardship Account—State		
Appropriation .....	(( <del>\$125,438,000</del> ))	
		<u>\$126,881,000</u>
Parks Renewal and Stewardship Account—Private/Local		
Appropriation .....		\$420,000
Pension Funding Stabilization Account—State		
Appropriation .....		\$1,496,000
TOTAL APPROPRIATION .....		<del>\$176,684,000</del>
		<u>\$182,790,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$129,000 of the general fund—state appropriation for fiscal year 2020 and \$129,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for a grant for the operation of the Northwest weather and avalanche center.

(2) \$100,000 of the general fund—state appropriation for fiscal year 2020 and \$100,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the commission to pay assessments charged by local improvement districts.

(3) \$75,000 of the general fund—state appropriation for fiscal year 2020 and \$75,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the implementation of Senate Bill No. 5918 (whale watching guidelines). ~~((If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.))~~

(4) \$916,000 of the general fund—state appropriation for fiscal year 2020, \$915,000 of the general fund—state appropriation for fiscal year 2021, and \$169,000 of the parks renewal and stewardship account—state appropriation are provided solely for the commission to replace major equipment with an emphasis on fire response equipment and law enforcement vehicles that have over fifteen years of useful life.

(5) \$252,000 of the general fund—state appropriation for fiscal year 2020, \$216,000 of the general fund—state appropriation for fiscal year 2021, and \$322,000 of the parks renewal and stewardship account—state appropriation are provided solely for operating budget impacts from capital budget projects funded in the 2017-2019 fiscal biennium.

(6) \$154,000 of the general fund—state appropriation for fiscal year 2020 and \$146,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for hiring new park rangers and park aides.

(7) \$3,750,000 of the general fund—state appropriation for fiscal year 2020, \$3,750,000 of the general

fund—state appropriation for fiscal year 2021, and \$2,500,000 of the parks renewal and stewardship account—state appropriation are provided solely for maintaining current service levels for core functions such as customer service, facility maintenance, and law enforcement.

(8) \$382,000 of the general fund—state appropriation for fiscal year 2020 and \$567,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the commission to conduct forest health treatments on 500 acres of forestland each year, add stewardship staff capacity in the northwest region, and conduct vegetation surveys to identify rare and sensitive plants. One-time funding is also provided to replace a fire truck in the eastern region.

(9) \$750,000 of the general fund—state appropriation for fiscal year 2020 and \$750,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the commission to hire construction and maintenance staff to address the backlog of preventive maintenance at state parks.

(10) \$428,000 of the parks renewal and stewardship account—state appropriation is provided solely for increased technology costs associated with providing field staff with access to the state government network, providing law enforcement personnel remote access to law enforcement records, and providing public wi-fi services at dry falls, pacific beach, and potholes state parks.

(11) \$204,000 of the parks renewal and stewardship account—state appropriation is provided solely for maintaining the state parks' central reservation system, the law enforcement records management system, and discover pass automated pay stations.

(12) \$1,100,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the commission to carry out operation and maintenance of the state parks system.

(13) \$35,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the commission to supply each public library in the state with two Discover passes, to be made available to the public to check out through the library system, as described in Substitute Senate Bill No. 6670 (discover pass/libraries).

(14) \$60,000 of the general fund—state appropriation for fiscal year 2020 and \$65,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the commission to collaborate with the city of Issaquah to prepare an environmental impact statement at Lake Sammamish state park to identify impacts of the next phase of park development and assist with obtaining regulatory permits.

(15) \$120,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the implementation of House Bill No. 2587 (scenic bikeway). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

**Sec. 304.** 2019 c 415 s 304 (uncodified) is amended to read as follows:

**FOR THE RECREATION AND  
CONSERVATION OFFICE**

General Fund—State Appropriation (FY 2020)	<del>(\$1,193,000)</del>
	\$1,168,000
General Fund—State Appropriation (FY 2021)	<del>(\$1,166,000)</del>
	\$2,003,000
General Fund—Federal Appropriation.	<del>(\$3,779,000)</del>
	\$3,778,000
General Fund—Private/Local Appropriation .	\$24,000
Aquatic Lands Enhancement Account—State Appropriation.....	\$333,000
Firearms Range Account—State Appropriation	\$37,000
Recreation Resources Account—State Appropriation	<del>(\$4,143,000)</del>
	\$4,071,000
NOVA Program Account—State Appropriation	\$1,107,000
Pension Funding Stabilization Account—State Appropriation.....	\$80,000
TOTAL APPROPRIATION .....	\$11,862,000
	\$12,601,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$109,000 of the aquatic lands enhancement account—state appropriation is provided solely to the recreation and conservation funding board for administration of the aquatics lands enhancement account grant program as described in RCW 79.105.150.

(2) \$37,000 of the firearms range account—state appropriation is provided solely to the recreation and conservation funding board for administration of the firearms range grant program as described in RCW 79A.25.210.

(3) ~~(\$4,150,000)~~ \$4,071,000 of the recreation resources account—state appropriation is provided solely to the recreation and conservation funding board for administrative and coordinating costs of the recreation and conservation office and the board as described in RCW 79A.25.080(1).

(4) \$1,107,000 of the NOVA program account—state appropriation is provided solely to the recreation and conservation funding board for administration of the nonhighway and off-road vehicle activities program as described in chapter 46.09 RCW.

(5) \$175,000 of the general fund—state appropriation for fiscal year 2020 and \$175,000 of the general fund—state appropriation for fiscal year 2021 are provided solely to

contract for implementation of the Nisqually watershed stewardship plan.

(6) \$275,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for a grant to a nonprofit organization with a mission for salmon and steelhead restoration to continue mortality assessment work and to design solutions to mitigate steelhead mortality at the Hood Canal bridge.

(7) \$300,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the office to develop a standardized method to measure and report stewardship needs and costs on lands purchased by the state parks and recreation commission, department of fish and wildlife, and the department of natural resources with grants from the Washington wildlife and recreation program. The office shall contract with a facilitator to work with the agencies on developing a shared method. The method will be used to identify, assess, and report both the stewardship needs and performance outcomes of the grant funded land acquisitions. Assessments should be based on both the current condition and the desired future condition of ecosystems and will be used to: Develop a multi-agency approach to assess the health of ecosystems on state lands, develop a consistent approach to prioritizing management and restoration actions, and determine the cost to achieve desired standards.

(8) \$140,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the governor's salmon recovery office to coordinate ongoing recovery efforts of southern resident orcas and monitor progress toward implementation of recommendations from the governor's southern resident killer whale task force.

(9) \$68,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the implementation of Engrossed Second Substitute House Bill No. 2311 (greenhouse gas emissions). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

(10)(a) \$75,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the recreation and conservation office, in collaboration with the department of natural resources, the state parks and recreation commission, and the department of fish and wildlife, to convene and facilitate an advisory group that includes recreational industry, and non-profit, motorized, non-motorized and other outdoor recreation groups to:

(i) Engage affected state agencies, partners and stakeholders in the development of a bold vision and twenty-year legislative strategy to invest in, promote, and support state outdoor recreation in Washington state;

(ii) Review the investment strategies and approaches taken by other states, including but not limited to Colorado and Oregon, to invest, promote and support outdoor recreation;

(iii) Identify strategies, investment priorities, and funding mechanisms that might be useful to implement in Washington;

(iv) Solicit feedback on potential recommendations from the general public and interested outdoor recreation stakeholders; and

(v) Incorporate the review and recommendations into a strategy for the future investments in outdoor recreation.

(b) The recreation and conservation office must submit the strategy for the future investments in outdoor recreation to the appropriate committees of the legislature by November 30, 2020.

**Sec. 305.** 2019 c 415 s 305 (uncodified) is amended to read as follows:

**FOR THE ENVIRONMENTAL AND LAND USE HEARINGS OFFICE**

General Fund—State Appropriation (FY 2020)	.....	<del>(\$2,533,000))</del>
		<u>\$2,758,000</u>
General Fund—State Appropriation (FY 2021)	.....	<del>(\$2,440,000))</del>
		<u>\$2,641,000</u>
Pension Funding Stabilization Account—State Appropriation.....		\$254,000
TOTAL APPROPRIATION .....		<u>\$5,227,000</u>
		<u>\$5,653,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) ~~(\$170,000)~~ \$140,000 of the general fund—state appropriation for fiscal year 2020 ~~((is))~~ and \$30,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the implementation of ~~((Substitute Senate Bill No. 5151))~~ chapter 452, Laws of 2019 (growth management board/indexing). ~~((If the bill is not enacted by June 30, 2019, the amount provided in this subsection shall lapse.))~~

(2) \$4,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the implementation of Engrossed Substitute Senate Bill No. 6574 (GMHB & ELUHO powers, duties). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

**Sec. 306.** 2019 c 415 s 306 (uncodified) is amended to read as follows:

**FOR THE CONSERVATION COMMISSION**

General Fund—State Appropriation (FY 2020)	.....	<del>(\$7,936,000))</del>
		<u>\$7,845,000</u>
General Fund—State Appropriation (FY 2021)	.....	<del>(\$7,973,000))</del>
		<u>\$8,540,000</u>
General Fund—Federal Appropriation. <del>(((\$2,301,000))</del>		
		<u>\$2,482,000</u>

Public Works Assistance Account—State Appropriation.....		\$8,456,000
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Model Toxics Control Operating Account—State

Appropriation.....		<del>(\$1,000,000))</del>
		<u>\$1,226,000</u>

Pension Funding Stabilization Account—State Appropriation.....		\$254,000
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TOTAL APPROPRIATION .....		<u>\$27,920,000</u>
		<u>\$28,803,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$500,000 of the general fund—state appropriation for fiscal year 2020 and \$500,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the commission and conservation districts to increase landowner participation in voluntary actions that protect habitat to benefit salmon and southern resident orcas.

(2) \$8,456,000 of the public works assistance account—state appropriation is provided solely for implementation of the voluntary stewardship program. This amount may not be used to fund agency indirect and administrative expenses.

(3) \$50,000 of the general fund—state appropriation for fiscal year 2020 and \$50,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the commission to continue to convene and facilitate a food policy forum and to implement recommendations identified through the previous work of the food policy forum.

(a) The commission shall coordinate implementation of the forum with the department of agriculture and the office of farmland preservation.

(b) The director of the commission and the director of the department of agriculture shall jointly appoint members of the forum, and no appointment may be made unless each director concurs in the appointment.

(c) In addition to members appointed by the directors, four legislators may serve on the food policy forum in an ex officio capacity. Legislative participants may be reimbursed for travel expenses by the senate or house of representatives as provided in RCW 44.04.120. Legislative participants must be appointed as follows:

(i) The speaker of the house of representatives shall appoint one member from each of the two largest caucuses of the house of representatives; and

(ii) The majority leader and minority leader of the senate shall appoint one member from each of the two largest caucuses of the senate.

(d) Meetings of the forum may be scheduled by either the director of the commission or the director of the department of agriculture.

(e) Staffing for the forum must be provided by the commission working jointly with staff from the department of agriculture.

(f) The commission and the department of agriculture shall jointly develop the agenda for each forum meeting as well as a report from the food policy forum. The report must contain recommendations and a workplan to implement the recommendations and must be delivered to the appropriate committees of the legislature and the governor by June 30, 2021.

~~((5))~~ (4) \$20,000 of the general fund—state appropriation for fiscal year 2020 is provided solely for the following activities:

(a) The commission and the department of agriculture must produce a gap analysis reviewing existing conservation grant programs and completed voluntary stewardship program plans to identify what technical assistance and cost-share resources are needed to meet the requirements placed on those activities by the legislature.

(b)(i) The commission, in collaboration with the department of agriculture, must develop recommendations for legislation or additional work that may be needed to implement a sustainable farms and fields grant program that prioritizes funding based on net reduction of greenhouse gas emissions on farm, aquatic, or ranch lands, including carbon sequestration.

(ii) The recommendations must incorporate the gap analysis required by this section. The recommendations must include information about how the grant program can complement and avoid competing with existing conservation programs, and provide cost share benefits to existing and new programs designed to improve water quality, critical habitats, and soil health and soil-health research on farm, aquatic or timber lands.

(iii) The recommendations must be developed with input from stakeholder meetings with representatives from the environmental and agricultural communities.

(c) The commission and the department of agriculture must provide an update to the appropriate committees of the legislature by August 1, 2019, and final recommendations by November 1, 2019.

(5) \$332,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the commission to increase the capacity of conservation districts to assist landowners in environmental stewardship and achieving agricultural sustainability.

(6) \$59,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the implementation of Substitute Senate Bill No. 6091 (WA food policy forum). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

(7) \$55,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the implementation of Substitute Senate Bill No. 6306 (soil health initiative). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

(8) \$99,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the implementation of Second Substitute Senate Bill No. 5947 (sustainable farms and fields). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

(9) \$61,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the implementation of Engrossed Second Substitute House Bill No. 2311 (greenhouse gas emissions). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

(10) \$226,000 of the model toxics control operating account—state appropriation is provided solely for the commission to provide to the south Yakima conservation district to address nitrate concentrations in groundwater, including nutrient management plans, well water sampling and analysis, landowner education and outreach, and database maintenance.

**Sec. 307.** 2019 c 415 s 307 (uncodified) is amended to read as follows:

#### **FOR THE DEPARTMENT OF FISH AND WILDLIFE**

General Fund—State Appropriation (FY 2020)  
..... ~~(( \$74,521,000 ))~~

\$76,116,000

General Fund—State Appropriation (FY 2021)  
..... ~~(( \$63,849,000 ))~~

\$87,539,000

General Fund—Federal Appropriation  
..... ~~(( \$141,326,000 ))~~

\$140,234,000

General Fund—Private/Local Appropriation  
..... ~~(( \$69,360,000 ))~~

\$69,619,000

ORV and Nonhighway Vehicle Account—State  
Appropriation ..... \$701,000

Aquatic Lands Enhancement Account—State  
Appropriation ..... ~~(( \$11,871,000 ))~~

\$11,873,000

Recreational Fisheries Enhancement Account—State  
Appropriation ..... ~~(( \$3,332,000 ))~~

\$3,333,000

Warm Water Game Fish Account—State  
Appropriation ..... ~~(( \$2,824,000 ))~~

\$2,825,000

Eastern Washington Pheasant Enhancement  
Account—State

Appropriation ..... \$675,000



State Wildlife Account—State Appropriation	.....	(\$115,447,000))
		<u>\$96,018,000</u>
Special Wildlife Account—State Appropriation	.....	\$2,904,000
Special Wildlife Account—Federal Appropriation	.....	\$517,000
Special Wildlife Account—Private/Local Appropriation	.....	\$3,653,000
Wildlife Rehabilitation Account—State Appropriation	.....	\$361,000
Ballast Water and Biofouling Management Account—State Appropriation	.....	\$10,000
Model Toxics Control Operating Account—State Appropriation	.....	(( \$2,946,000))
		<u>\$2,947,000</u>
Regional Fisheries Enhancement Salmonid Recovery Account—Federal Appropriation	.....	\$5,001,000
Oil Spill Prevention Account—State Appropriation	.....	\$1,199,000
Aquatic Invasive Species Management Account—State Appropriation	.....	\$1,906,000
Pension Funding Stabilization Account—State Appropriation	.....	\$5,186,000
Oyster Reserve Land Account—State Appropriation	.....	\$524,000
TOTAL APPROPRIATION	.....	<del>\$508,113,000</del>
		<u>\$513,141,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$467,000 of the general fund—state appropriation for fiscal year 2020 and \$467,000 of the general fund—state appropriation for fiscal year 2021 are provided solely to pay for emergency fire suppression costs. These amounts may not be used to fund agency indirect and administrative expenses.

(2) \$415,000 of the general fund—state appropriation for fiscal year 2020, \$415,000 of the general fund—state appropriation for fiscal year 2021, and \$440,000 of the general fund—federal appropriation are provided solely for county assessments.

(3)(a) A legislative task force is established to recommend a group or entity to review the department's budget requests in place of the hatchery scientific review group. The task force is comprised of two members from each of the two largest caucuses in the senate, appointed by

the president of the senate, and two members from each of the two largest caucuses in the house of representatives, appointed by the speaker of the house. The task force shall be staffed by the office of program research and senate committee services. The task force must consult with tribes.

(b) The task force must review the purpose and activities of the hatchery scientific review group and develop recommendations for the legislature to establish a replacement group or entity that will analyze state spending and projects related to hatcheries that are proposed in state operating and capital budgets. Among other things, the task force shall recommend a process by which the replacement organization or entity, starting with the 2021-2023 fiscal biennium, contracts with the department to review the department's proposed agency biennial operating and capital budget requests related to state fish hatcheries prior to submission to the office of financial management. This review shall: (i) Examine if the proposed requests are consistent with independent scientific review standards using best available science; (ii) evaluate the components of the request based on the independent needs of each particular watershed and the return of salmonids including naturally spawning, endangered, and hatchery stocks; and (iii) evaluate whether the proposed requests are being made in the most cost-effective manner. This process must require the department to provide a copy of the review to the office of financial management and the legislature with its agency budget proposal.

(c) The task force shall report to the legislature on its findings and recommendations by December 1, 2019.

(4) \$400,000 of the general fund—state appropriation for fiscal year 2020 and \$400,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for a state match to support the Puget Sound nearshore partnership between the department and the United States army corps of engineers.

(5) \$762,000 of the general fund—state appropriation for fiscal year 2020, \$580,000 of the general fund—state appropriation for fiscal year 2021, and \$24,000 of the state wildlife account—state appropriation are provided solely for the implementation of Second Substitute Senate Bill No. 5577 (orca whales/vessels). ~~((If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.))~~

(6) \$156,000 of the general fund—state appropriation for fiscal year 2020 and \$155,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for operating budget impacts from capital budget projects funded in the 2017-2019 fiscal biennium.

(7) \$450,000 of the general fund—state appropriation for fiscal year 2020 and \$450,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the department to develop a pinto abalone recovery plan, expand field work, conduct genetics and disease assessments, and establish three satellite grow-out facilities. \$150,000 of the appropriation per fiscal year is for competitive grants to nonprofit organizations to assist in recovery and restoration work of native shellfish.

(8) \$350,000 of the general fund—state appropriation for fiscal year 2020 and \$350,000 of the general fund—state appropriation for fiscal year 2021, are provided solely for the department to increase the work of regional fisheries enhancement groups.

(9) \$457,000 of the general fund—state appropriation for fiscal year 2020, \$457,000 of the general fund—state appropriation for fiscal year 2021, and \$110,000 of the state wildlife account—state appropriation are provided solely for the department to pay for costs to maintain upgraded network infrastructure and pay the debt service on purchased equipment.

(10) \$165,000 of the general fund—state appropriation for fiscal year 2020, \$166,000 of the general fund—state appropriation for fiscal year 2021, and \$495,000 of the state wildlife account—state appropriation are provided solely for new service or vendor costs, including PC leases, mobile devices, a remote management system, IT issue tracking technology, and virtual private network services.

(11) \$3,500,000 of the general fund—state appropriation for fiscal year 2020 and \$3,500,000 of the general fund—state appropriation for fiscal year 2021 are appropriated for the department to increase hatchery production of salmon throughout the Puget Sound, coast, and Columbia river. Increases in hatchery production must be prioritized to increase prey abundance for southern resident orcas. The department shall work with federal partners, tribal co-managers, and other interested parties when developing annual hatchery production plans. These increases shall be done consistent with best available science, most recent hatchery standards, and endangered species act requirements, and include adaptive management provisions to ensure the conservation and enhancement of wild stocks. Of the amounts provided in this subsection, \$500,000 in fiscal year 2020 is for wells and generators at the Samish hatchery.

(12) \$2,257,000 of the general fund—state appropriation for fiscal year 2020 and \$1,785,000 of the general fund—state appropriation for fiscal year 2021 are provided solely to grant to the northwest Indian fisheries commission to grant to tribes for hatchery operations that are prioritized to increase prey abundance for southern resident orcas. Of the amounts provided in this subsection:

(a) \$1,535,000 in each fiscal year is for additional hatchery production in the following amounts per fiscal year: \$150,000 for the Quinault Indian Nation, \$169,000 for the Tulalip Tribes, \$268,000 for the Quileute Tribe, \$186,000 for the Puyallup Tribe, \$112,000 for the Port Gamble S'Klallam Tribe, \$23,000 for the Muckleshoot Indian Tribe, \$207,000 for the Squaxin Island Tribe, \$142,000 for the Skokomish Indian Tribe, and \$278,000 for the Lummi Nation.

(b) \$472,000 in fiscal year 2020 is for improvements to hatchery facilities that support additional hatchery production in the following amounts: \$98,000 for the Tulalip Tribes, \$38,000 for the Puyallup Tribe, \$14,000 for the Port Gamble S'Klallam Tribe, \$25,000 for the Muckleshoot Indian Tribe, \$200,000 for the Squaxin Island Tribe, \$24,000

for the Skokomish Indian Tribe, and \$73,000 for the Lummi Nation.

(13) \$771,000 of the general fund—state appropriation in fiscal year 2020 and \$76,000 of the general fund—state appropriation in fiscal year 2021 are provided solely for the department to provide to tribes for hatchery operations that are prioritized to increase prey abundance for southern resident orcas. Of the amounts provided in this subsection, \$76,000 in each fiscal year is for the Yakama Nation for additional hatchery production, \$195,000 in fiscal year 2020 is for the Yakama Nation for improvements to hatchery facilities, and \$500,000 in fiscal year 2020 is for the Confederated Tribes of the Colville Reservation for improvements to hatchery facilities.

(14) ~~(((\$425,000))~~ \$175,000 of the general fund—state appropriation for fiscal year 2020 and ~~(((\$175,000))~~ \$425,000 of the general fund—state appropriation for fiscal year 2021 are provided solely to grant to public utility districts for additional hatchery production that is prioritized to increase prey abundance for southern resident orcas and other species that are critical to the marine food web. Of the amounts provided in this subsection, \$250,000 in fiscal year ~~((2020))~~ 2021 is for Puget Sound energy for ~~((wells and generators))~~ water supply system improvements at the Baker river fish hatchery.

(15) ~~(((\$1,361,000))~~ \$1,201,000 of the general fund—state appropriation for fiscal year 2020 and ~~(((\$1,360,000))~~ \$1,520,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the following activities to increase the availability of salmon for southern resident orcas: Surveying forage fish populations, conducting rulemaking for fish screens, reducing salmon predation by nonnative fish, prioritizing fish barrier removal, developing a strategy to reestablish salmon runs above dams, and increasing review of shoreline armoring proposals to protect forage fish.

(16) \$710,000 of the general fund—state appropriation for fiscal year 2020 and \$253,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the department to migrate to the state data center and are subject to the conditions, limitations, and review provided in ~~((section 719 of this act))~~ section 701 of this act.

(17) \$278,000 of the general fund—state appropriation for fiscal year 2020 and \$278,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the department to provide grants to the Lummi Nation to increase salmon production at the Skookum creek hatchery and the Lummi bay hatchery.

(18) \$477,000 of the general fund—state appropriation for fiscal year 2020 and \$477,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the implementation of Engrossed Substitute House Bill No. 2097 (statewide wolf recovery). ~~((If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.))~~

(19) \$200,000 of the general fund—state appropriation for fiscal year 2020 and \$200,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the

department for elk management in the Skagit valley in cooperation with affected tribes and landowners. Authorized expenditures include, but are not limited to, elk fencing and replacement hay to mitigate the impacts of elk on agricultural crop production.

(20) \$49,000 of the general fund—state appropriation for fiscal year 2020, \$47,000 of the general fund—state appropriation for fiscal year 2021, and \$37,000 of the state wildlife account—state appropriation are provided solely for the implementation of Second Substitute House Bill No. 1579 (chinook abundance). ~~((If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.))~~

(21) \$357,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for suppression, eradication, and monitoring of northern pike in the Columbia river. The department must work with the Spokane Tribe of Indians, the Confederated Tribes of the Colville Reservation, and the Kalispel Tribe of Indians on identifying appropriate actions to reduce threats to anadromous salmon from invasive northern pike.

(22) \$573,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for a voluntary buyback of Columbia river-Willapa bay and Columbia river-Grays harbor commercial gill net licenses. The department shall solicit offers from gill net license holders who wish to participate in the buyback program, and purchase gill net licenses in ranked, ascending order from lowest to the highest bid price based on their 2015-2019 average annual Columbia river landings. License holders that agree to the voluntary buyback shall have their license retired and be prohibited from future participation in the fishery with a Columbia river-Willapa bay or Columbia river-Grays harbor gill net license. By December 31, 2020, the department shall submit a report to the legislature including the number of license holders that participated in the buyback, the annual landings associated with each license, and an estimate of the funding needed to buyback any remaining voluntary buyback offers that exceeded the available funds. No more than five percent of this appropriation may be spent on administering and reporting on the voluntary buyback.

(23) \$139,000 of the general fund—state appropriation for fiscal year 2020 and \$139,000 of the general fund—state appropriation for fiscal year 2021 are provided solely as matching funds for a federal grant to purchase two law enforcement vessels and equip them with optic system equipment to conduct marine patrols including vessel enforcement patrols related to southern resident orcas.

(24) \$225,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the department to increase enforcement of commercial and recreational vessel regulations for the protection of southern resident orcas in central and southern Puget Sound.

(25) \$95,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for a grant to the Woodland park zoo to conduct research relating to shell disease prevention in native western pond turtles.

(26) \$300,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the department to build elk fencing, with priority given to fencing the Concrete school playfields to exclude elk and conduct other measures for solving conflicts with elk in Skagit county in cooperation with tribes and landowners.

(27) The appropriations in this section include sufficient funding for the department to convene an independent science review council to advise the comanagers on critical anadromous fish management decisions. The nine member council shall include two members chosen by the tribal community, two members chosen by the department, one member from the United States fish and wildlife service, one member from the national oceanic and atmospheric administration, and three members chosen by the Washington academy of sciences. The Washington academy of sciences shall have final review of nominees to confirm their subject matter expertise.

(28) \$800,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the department to create a statewide permittee assistance program as part of hydraulic project approvals, in which department staff collaborate with landowners during construction to help resolve risks for permit noncompliance.

(29) \$252,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the implementation of Engrossed Second Substitute Senate Bill No. 5481 (collective bargaining/WDFW). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

(30) \$500,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the department to conduct a master planning process, to result in a plan, to assess and prioritize hatchery improvements based on the recommendations of the southern resident killer whale task force, including prioritization given for a new Cowlitz river salmon hatchery. The plan must include prioritized capital budget projects. The plan shall be submitted to the fiscal committees of the legislature by January 15, 2021.

(31) \$462,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for expanded management of pinniped populations on the lower Columbia river and its tributaries with the goal of increasing chinook salmon abundance and prey availability for southern resident orcas. The department may only expend funds in this subsection after receiving necessary permits from the national marine fisheries service.

(32) \$112,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the implementation of Engrossed Second Substitute House Bill No. 2311 (greenhouse gas emissions). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

(33) \$1,262,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the costs for the department to maintain shellfish sanitation activities necessary to implement its memorandum of understanding with the department of health to ensure the

state is compliant with its federal obligations under the model ordinance of the national shellfish sanitation program.

(34) \$142,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for work addressing fish passage barriers, including data analysis and mapping to identify streams and barriers that have the greatest potential benefit to listed salmon populations, southern resident orca whales, and fisheries. In conducting this work, the department must consult with tribes and coordinate with the department of transportation's fish barrier work plans.

(35) \$90,000 of the general fund—state appropriation for fiscal year 2020 and \$166,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the department to contract with the Washington academy of sciences to complete the following activities:

(a) By December 1, 2020, and consistent with RCW 43.01.036, the department must submit a report to the legislature that assesses how to incorporate a net ecological gain standard into state land use, development, and environmental laws and rules to achieve a goal of better statewide performance on ecological health and endangered species recovery, including the recovery of salmon in order to fulfill tribal treaty obligations and achieve the delisting of threatened or endangered runs. The report must address each environmental, development, or land use law or rule where the existing standard is less protective of ecological integrity than the standard of net ecological gain, including the shoreline management act, chapter 90.58 RCW; the growth management act, chapter 36.70A RCW; and construction projects in state waters regulated under 77.55 RCW.

(b) In developing the report under this subsection, the department must consult with the appropriate local governments, state agencies, federally recognized Indian tribes, and stakeholders with subject matter expertise on environmental, land use, and development laws including, but not limited to, cities, counties, ports, the department of ecology, and the department of commerce. The department's consultation process under this subsection must include a total of at least two meetings at which local governments, state agencies, federally recognized Indian tribes, and stakeholders may provide input.

(c) The report must include:

(i) The development of a definition, goals, objectives, and measurable performance metrics for the standard of net ecological gain;

(ii) An assessment and analysis of opportunities and challenges, including legal issues and costs for state and local governments to achieve net ecological gain through both:

(A) Implementation of a standard of net ecological gain under different environmental, development, and land use laws; and

(B) An enhanced approach to implementing and monitoring no net loss in existing environmental, development, and land use laws;

(iii) Recommendations on funding, incentives, technical assistance, legal issues, monitoring, and use of scientific data, and other applicable considerations to the integration of net ecological gain into each environmental, developmental, and land use law or rule;

(iv) Assessments of how applying a standard of net ecological gain in the context of each environmental, land use, or development law is likely to achieve substantial additional environmental or social co-benefits; and

(v) Assessments of why existing standards of ecological protectiveness, such as no net loss standards, have been sufficient or insufficient to protect ecological health and achieve endangered species recovery.

(36) \$400,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for developing and operating invasive species inspection stations and outreach to recreational boaters on the use of inspection stations. The department must report to the appropriate committees of the legislature by December 1, 2020, on the results of invasive species inspections and the status of invasive species threats.

**Sec. 308.** 2019 c 415 s 308 (uncodified) is amended to read as follows:

#### **FOR THE DEPARTMENT OF NATURAL RESOURCES**

General Fund—State Appropriation (FY 2020)	
.....	(\$74,086,000))
	\$98,897,000
General Fund—State Appropriation (FY 2021)	
.....	(\$62,093,000))
	\$67,682,000
General Fund—Federal Appropriation	
.....	(\$34,977,000))
	\$34,980,000
General Fund—Private/Local Appropriation	
.....	\$2,534,000
Forest Development Account—State Appropriation	
.....	(\$54,165,000))
	\$54,238,000
ORV and Nonhighway Vehicle Account—State	
Appropriation.....	(\$8,166,000))
	\$8,174,000
Surveys and Maps Account—State Appropriation	
.....	(\$2,595,000))
	\$2,598,000
Aquatic Lands Enhancement Account—State	
Appropriation.....	(\$18,537,000))
	\$14,249,000
Resource Management Cost Account—State	

Appropriation .....	<del>(\$128,255,000))</del>
	<u>\$128,545,000</u>
Surface Mining Reclamation Account—State Appropriation.....	<del>(\$4,103,000))</del>
	<u>\$4,113,000</u>
Disaster Response Account—State Appropriation .....	<del>(\$23,063,000))</del>
	<u>\$23,068,000</u>
Park Land Trust Revolving Account—State Appropriation.....	\$750,000
Forest and Fish Support Account—State Appropriation .....	<del>(\$16,354,000))</del>
	<u>\$16,356,000</u>
Aquatic Land Dredged Material Disposal Site Account—State	
Appropriation .....	\$402,000
Natural Resources Conservation Areas Stewardship Account—	
State Appropriation .....	\$39,000
Forest Fire Protection Assessment Nonappropriated Account—State Appropriation.....	\$5,896,000
Model Toxics Control Operating Account—State Appropriation .....	<del>(\$5,995,000))</del>
	<u>\$6,433,000</u>
Forest Practices Application Account—State Appropriation .....	<del>(\$2,015,000))</del>
	<u>\$2,018,000</u>
Air Pollution Control Account—State Appropriation .....	\$901,000
NOVA Program Account—State Appropriation .....	<del>(\$780,000))</del>
	<u>\$781,000</u>
Pension Funding Stabilization Account—State Appropriation .....	\$3,240,000
Derelict Vessel Removal Account—State Appropriation.....	\$2,001,000
Community Forest Trust Account—State Appropriation.....	\$52,000
Agricultural College Trust Management Account— State	
Appropriation .....	<del>(\$3,179,000))</del>
	<u>\$3,183,000</u>
Performance Audits of Government Account—State	

Appropriation.....	<u>\$325,000</u>
TOTAL APPROPRIATION.....	<u>\$454,178,000</u>
	<u>\$481,455,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$1,583,000 of the general fund—state appropriation for fiscal year 2020 and \$1,515,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for deposit into the agricultural college trust management account and are provided solely to manage approximately 70,700 acres of Washington State University's agricultural college trust lands.

(2) ~~(\$16,546,000))~~ \$41,514,000 of the general fund—state appropriation for fiscal year 2020, \$16,546,000 of the general fund—state appropriation for fiscal year 2021, and \$16,050,000 of the disaster response account—state appropriation are provided solely for emergency response, including fire suppression and COVID-19. The appropriations provided in this subsection may not be used to fund the department's indirect and administrative expenses. The department's indirect and administrative costs shall be allocated among its remaining accounts and appropriations. The department shall provide a monthly report to the appropriate fiscal and policy committees of the legislature with an update of fire suppression costs incurred and the number and type of wildfires suppressed.

(3) ~~(\$5,000,000))~~ \$5,500,000 of the forest and fish support account—state appropriation is provided solely for outcome-based performance contracts with tribes to participate in the implementation of the forest practices program. Contracts awarded may only contain indirect costs set at or below the rate in the contracting tribe's indirect cost agreement with the federal government. Of the amount provided in this subsection, \$500,000 is contingent upon receipts under RCW 82.04.261 exceeding eight million dollars per biennium. If receipts under RCW 82.04.261 are more than eight million dollars but less than eight million five hundred thousand dollars for the biennium, an amount equivalent to the difference between actual receipts and eight million five hundred thousand dollars shall lapse.

(4) \$1,857,000 of the general fund—state appropriation for fiscal year 2020 and \$1,857,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the department to carry out the forest practices adaptive management program pursuant to RCW 76.09.370 and the May 24, 2012, settlement agreement entered into by the department and the department of ecology. Scientific research must be carried out according to the master project schedule and work plan of cooperative monitoring, evaluation, and research priorities adopted by the forest practices board. The forest practices board shall submit a report to the legislature following review, approval, and solicitation of public comment on the cooperative monitoring, evaluation, and research master project schedule, to include: Cooperative monitoring, evaluation, and research science and related adaptive management expenditure details, accomplishments, the use of cooperative monitoring, evaluation, and research science in decision-

making, and funding needs for the coming biennium. The report shall be provided to the appropriate committees of the legislature by October 1, 2020.

(5) Consistent with the recommendations of the *Wildfire Suppression Funding and Costs (18-02)* report of the joint legislative audit and review committee, the department shall submit a report to the governor and legislature by December 1, 2019, and December 1, 2020, describing the previous fire season. At a minimum, the report shall provide information for each wildfire in the state, including its location, impact by type of land ownership, the extent it involved timber or range lands, cause, size, costs, and cost-share with federal agencies and nonstate partners. The report must also be posted on the agency's web site.

(6) \$26,000 of the general fund—state appropriation for fiscal year 2020 and \$27,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the implementation of Engrossed Second Substitute Senate Bill No. 5116 (clean energy). ~~((If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.))~~

(7) \$12,000 of the general fund—state appropriation for fiscal year 2020 and \$12,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the implementation of Substitute Senate Bill No. 5550 (pesticide application safety). ~~((If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.))~~

(8) The appropriations in this section include sufficient funding for the implementation of Engrossed Substitute Senate Bill No. 5330 (small forestland).

(9) \$42,000 of the general fund—state appropriation for fiscal year 2020 and \$21,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the implementation of Substitute Senate Bill No. 5106 (natural disaster mitigation). ~~((If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.))~~

(10) \$26,000 of the general fund—state appropriation for fiscal year 2020 and \$26,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the implementation of Substitute Senate Bill No. 5597 (aerial herbicide application). ~~((If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.))~~

(11) \$4,486,000 of the aquatic land enhancement account—state appropriation is provided solely for the removal of creosote pilings and debris from the marine environment and to continue monitoring zooplankton and eelgrass beds on state-owned aquatic lands managed by the department. Actions will address recommendations to recover the southern resident orca population and to monitor ocean acidification as well as help implement the Puget Sound action agenda.

(12) \$304,000 of the model toxics control operating account—state appropriation is provided solely for costs associated with the cleanup of the Fairview avenue site near Lake Union in Seattle. The aquatic site is contaminated with lead, chromium, and arsenic. This will be the department's final payment toward remediation costs.

(13) \$75,000 of the general fund—state appropriation for fiscal year 2020 and \$75,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the department to identify priority kelp restoration locations in central Puget Sound, based on historic locations, and monitor the role of natural kelp beds in moderating pH conditions in Puget Sound.

(14) \$188,000 of the general fund—state appropriation for fiscal year 2020 and \$187,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the department to coordinate with the Olympic natural resources center to study emerging ecosystem threats such as Swiss needlecast disease, conduct field trials for long-term ecosystem productivity and T3 watershed experiments, and engage stakeholders. The department must contract with the Olympic natural resources center for at least \$187,000 per fiscal year. The department may retain up to \$30,000 per fiscal year to conduct Swiss needlecast surveys and research. Administrative costs may be taken and are limited to twenty-seven percent of the amount of appropriation retained by the department.

(15) \$22,843,000 of the general fund—state appropriation for fiscal year 2020, \$11,364,000 of the general fund—state appropriation for fiscal year 2021, and \$4,000,000 of the forest fire protection assessment nonappropriated account—state appropriation are provided solely for wildfire response, to include funding full time fire engine leaders, increasing the number of correctional camp fire crews in western Washington, purchasing two helicopters, providing dedicated staff to conduct fire response training, creating a fire prevention outreach program, forest health administration, landowner technical assistance, conducting forest health treatments on federal lands and implementing the department's twenty-year forest health strategic plan, post-wildfire landslide assessments, and other measures necessary for wildfire suppression and prevention.

(16) \$186,000 of the general fund—state appropriation for fiscal year 2020 and \$185,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for compensation to the trust beneficiaries and department for lost revenue from leases to amateur radio operators who use space on the department managed radio towers for their equipment. The department is authorized to lease sites at the rate of up to one hundred dollars per year, per site, per lessee. The legislature makes this appropriation to fulfill the remaining costs of the leases at market rate per RCW 79.13.510.

(17) \$110,000 of the general fund—state appropriation for fiscal year 2020 and \$110,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the department to conduct post wildfire landslide hazard assessments and reports.

(18) ~~(((\$162,000))~~ \$59,000 of the general fund—state appropriation for fiscal year 2020 and ~~(((\$163,000))~~ \$266,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for paving the road access to Leader lake in northeast Washington.

(19) The appropriations in this section include sufficient funding for the department to conduct an analysis of revenue impacts to the state forestlands taxing district beneficiaries as a result of the proposed long-term conservation strategy for the marbled murrelet. The department shall consult with state forestlands taxing district beneficiary representatives on the analysis. The department shall make the analysis available to state forestlands taxing districts and submit it to the board of natural resources by September 30, 2019.

(20) \$150,000 of the aquatic lands enhancement account—state appropriation is provided solely for continued facilitation and support services for the marine resources advisory council.

(21) \$217,000 of the aquatic lands enhancement account—state appropriation is provided solely for implementation of the state marine management plan and ongoing costs of the Washington coastal marine advisory council to serve as a forum and provide recommendations on coastal management issues.

~~((23))~~ (22) \$485,000 of the general fund—state appropriation for fiscal year 2020 and \$485,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the implementation of Second Substitute House Bill No. 1784 (wildfire prevention). ~~((If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.~~

~~(24))~~ (23)(a) \$250,000 of the general fund—state appropriation for fiscal year 2020 and \$125,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the following activities:

(i) Conducting carbon inventories to build on existing efforts to understand carbon stocks, flux, trends, emissions, and sequestration across Washington's natural and working lands, including harvested wood products, wildfire emissions, land management activities, and sawmill energy use and emissions. Where feasible, the department shall use available existing data and information to conduct this inventory and analysis. For the purposes of this section, natural and working land types include forests, croplands, rangelands, wetlands, grasslands, aquatic lands, and urban green space.

(ii) Compiling and providing access to information on existing opportunities for carbon compensation services and other incentive-based carbon reducing programs to assist owners of private and other nonstate owned or managed forestland interested in voluntarily engaging in carbon markets.

(b) By December 1, 2020, the department must submit a report to the appropriate committees of the legislature summarizing the results of the inventories required under this section, and assessing actions that may improve the efficiency and effectiveness of carbon inventory activities on natural and working lands, including carbon sequestration in harvested forest products. The department must also describe any barriers, including costs, to the use of voluntary, incentive-based carbon reducing or sequestering programs. The department may also include

recommendations for additional work or legislation that may be advisable resulting from the advisory group created in this subsection as part of this report.

(c) The department must form a natural and working lands carbon sequestration advisory group to help guide the activities provided in this section. The advisory group must be composed of a balance of representatives reflecting the diverse interests and expertise involved on the subject of carbon sequestration on natural and working lands.

(24) \$100,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the department to increase technical assistance to small forestland owners.

(25) \$420,000 of the model toxics control operating account—state appropriation is provided solely for the department to conduct the following:

(a) Evaluate and conduct research trials of chemical and nonchemical forest vegetation management strategies, in a manner that does not disadvantage the trust beneficiaries, and collaborate with other forestland owners through coordination with leading forestry research cooperatives and universities in the Pacific Northwest.

(b) The department and the forest practices board must develop interpretive guidance in the forest practices board manual to clarify the adjacent property buffer requirements in the forest practices rules, including provisions for the board manual that explain the buffer rules for the protection of private property, including adjacent residential and agricultural properties.

(c) The department and the forest practices board must use a stakeholder process to update the forest practices board manual, as provided in WAC 222-12-090 as it existed on January 1, 2020, to include best management practices and technical guidance related to the aerial application of herbicides consistent with forest practices rules including, but not limited to, equipment, weather conditions, communicating best management practices to neighbors, signage, and as appropriate, information about alternatives to herbicides. The forest practices board manual updates must be completed by June 30, 2021.

(d) The department must improve the aerial herbicide application signage information included in the forest practices board manual and forest practices illustrated document and provide a sign template that satisfies the legal posting requirements. The department must update the guidance to reflect that emergency contact information must be included on the signage.

(e) The department must integrate evaluation of forest practices aerial applications of herbicide into the 2021-2023 biennial forest practices compliance monitoring sampling conducted pursuant to WAC 222-08-160, as it existed on the effective date of this section.

(f) The department must provide electronic access to forest practices applications to the public in the form of a readily available link on the department's web site.

(g) The department must develop a proposal to be submitted to the governor and the legislature for inclusion in

the 2021-2022 omnibus operating appropriations act to replace or upgrade the existing forest practices application review system. The department must develop a proposed upgrade or replacement with an external steering group composed of users of the existing system. One outcome of an upgraded or replaced system must be an improved user interface for review of applications with aerial herbicide application as a component.

(26) \$93,000 of the aquatic lands enhancement account—state appropriation and \$93,000 of the resource management cost account—state appropriation are provided solely for the implementation of Second Substitute Senate Bill No. 6027 (floating residences). If the bill is not enacted by June 30, 2020, the amounts provided in this subsection shall lapse.

(27) The appropriations in this section include sufficient funding for the department to report to the appropriate policy and fiscal committees of the legislature by July 2020 information on those parcels currently used for commercial or nonresource use purposes and those identified by the department as transition lands likely to be sold or redeveloped for nonresource use. By January 2021 the department shall bring to the legislature for its consideration a modernization package in the form of request legislation to update and remove performance barriers to the long-term management of state trust lands, considering both market and nonmarket values, ensuring intergenerational equity, and long term benefits for the trust beneficiaries and the public. The appropriate policy and fiscal committees of the legislature shall be kept informed of all proposed transactions, land sales, and exchanges involving trust lands prior to approval by the board, and all related financial and legal documents shall be available as public records immediately following the transaction's completion, as allowed under chapter 42.56 RCW.

(28) \$281,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the implementation of Second Substitute Senate Bill No. 6528 (derelict vessel prevention). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

(29) \$325,000 of the performance audit of state government account—state appropriation is provided solely for the department, in cooperation with the wildland fire advisory committee established under RCW 76.04.179 and the office of financial management, to conduct a zero-based budget and performance review of its resource protection program. The review shall be specifically focused on the wildfire program operating budget and activities. Throughout the review process the department shall submit monthly updates of actual and estimated fire expenditures, and obligated cost related to fire suppression to the fiscal committees of the legislature. A report of the review shall be submitted to the fiscal committees of the legislature by December 1, 2020. The report shall contain a description of findings, list of changes made, and recommendations and options for accounting structure changes. The review under this subsection shall include:

(a) A statement of the statutory basis or other basis for the creation of each subprogram within the resource

protection program and the history of each subprogram that is being reviewed;

(b) A description of how each subprogram fits within the strategic plan and goals of the agency and an analysis of the quantified objectives of each subprogram within the agency;

(c) Any available performance measures indicating the effectiveness and efficiency of each subprogram program;

(d) A description with supporting cost and staffing data of each program and the populations served by each program, and the level of funding and staff required to accomplish the goals of the subprogram program if different than the actual maintenance level;

(e) An analysis of the major costs and benefits of operating each subprogram and the rationale for specific expenditure and staffing levels;

(f) An analysis estimating each subprogram's administrative and other overhead costs;

(g) An analysis of the levels of services provided;

(h) An analysis estimating the amount of funds or benefits that actually reach the intended recipients;

(i) An analysis of terminology used to describe wildfire suppression, prevention, preparedness, forest health, pre-suppression, and any other term used to describe program activities and provide definitions for each. This should include cross reference to federal definitions and federal funding;

(j) An analysis of inconsistencies and increased costs associated with the decentralized nature of organizational authority and operations, including recommendations for the creation of policy and procedures and subsequent oversight for dispersed operations;

(k) An analysis of the department's budgeting and accounting processes, including work done at the central, program, and region levels, with specific focus on efficiencies to be gained by centralized budget control; and

(l) A review of the progress and findings of the ongoing internal department fire business transformation team related to current practices in wildfire business and the development of an organizational structure governing fire business practices across the department which complies with all state and federal statutes and agreements and which meets the needs of the department as a whole.

(30) \$24,000 of the general fund—state appropriation for fiscal year 2021, \$9,000 of the forest development account—state appropriation, and \$15,000 of the resource management cost account—state appropriation are provided solely for the implementation of Engrossed Second Substitute House Bill No. 1521 (government contracting). If the bill is not enacted by June 30, 2020, the amounts provided in this subsection shall lapse.

(31) \$240,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the implementation of Engrossed Second Substitute House Bill No. 2311 (greenhouse gas emissions). If the bill is not



enacted by June 30, 2020, the amount provided in this subsection shall lapse.

(32) \$384,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the implementation of Substitute House Bill No. 2768 (urban and community forestry). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

**Sec. 309.** 2019 c 415 s 309 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF AGRICULTURE**

General Fund—State Appropriation (FY 2020)	<del>(\$18,858,000))</del>
	<u>\$19,030,000</u>
General Fund—State Appropriation (FY 2021)	<del>(\$18,925,000))</del>
	<u>\$20,514,000</u>
General Fund—Federal Appropriation	<del>(\$32,078,000))</del>
	<u>\$32,646,000</u>
General Fund—Private/Local Appropriation	\$193,000
Aquatic Lands Enhancement Account—State	
Appropriation	<del>(\$2,527,000))</del>
	<u>\$2,533,000</u>
Northeast Washington Wolf-Livestock Management	
Nonappropriated Account—State Appropriation	<u>\$320,000</u>
Model Toxics Control Operating Account—State	
Appropriation	<del>(\$5,808,000))</del>
	<u>\$6,930,000</u>
Water Quality Permit Account—State Appropriation	\$73,000
Dedicated Marijuana Account—State Appropriation (FY 2020)	\$635,000
Dedicated Marijuana Account—State Appropriation (FY 2021)	\$635,000
Pension Funding Stabilization Account—State	
Appropriation	\$1,036,000
TOTAL APPROPRIATION	<del>\$80,768,000</del>
	<u>\$84,545,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$6,108,445 of the general fund—state appropriation for fiscal year 2020 and \$6,102,905 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementing the food assistance program as defined in RCW 43.23.290.

(2) \$58,000 of the general fund—state appropriation for fiscal year 2020 and \$59,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the implementation of Substitute Senate Bill No. 5550 (pesticide application safety). ~~((If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.))~~

(3) The appropriations in this section includes sufficient funding for the implementation of Engrossed Substitute Senate Bill No. 5959 (livestock identification).

(4) \$18,000 of the general fund—state appropriation for fiscal year 2020 and \$18,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the implementation of Substitute Senate Bill No. 5597 (aerial herbicide application). ~~((If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.))~~

(5) The appropriations in this section include sufficient funding for the implementation of Senate Bill No. 5447 (dairy milk assessment fee).

(6) \$250,000 of the general fund—state appropriation for fiscal year 2020 and \$250,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the department's regional markets program, which includes the small farm direct marketing program under RCW 15.64.050 and the farm-to-school program under RCW 15.64.060.

(7) \$125,000 of the general fund—state appropriation for fiscal year 2020 and \$125,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the northwest Washington fair youth education programs.

(8) \$197,000 of the general fund—state appropriation for fiscal year 2020 and \$202,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of Substitute Senate Bill No. 5552 (pollinators). ~~((If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.))~~

(9) \$32,000 of the general fund—state appropriation for fiscal year 2020, \$32,000 of the general fund—state appropriation for fiscal year 2021, and \$52,000 of the general fund—federal appropriation are provided solely for the department to migrate to the state data center and are subject to the conditions, limitations, and review provided in ~~((section 719 of this act))~~ section 701 of this act.

(10) \$24,000 of the general fund—state appropriation for fiscal year 2020 and \$24,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the department to continue to convene and facilitate a food policy forum and to implement recommendations identified through the previous work of the food policy forum.

(a) The department shall coordinate implementation of the forum with the conservation commission and the office of farmland preservation.

(b) The director of the department and the director of the conservation commission shall jointly appoint members of the forum, and no appointment may be made unless each director concurs in the appointment.

(c) In addition to members appointed by the directors, four legislators may serve on the food policy forum in an ex

officio capacity. Legislative participants must be appointed as follows:

(i) The speaker of the house of representatives shall appoint one member from each of the two largest caucuses of the house of representatives; and

(ii) The majority leader and minority leader of the senate shall appoint one member from each of the two largest caucuses of the senate.

(d) Meetings of the forum may be scheduled by either the director of the department or the director of the conservation commission.

(e) Staffing for the forum must be provided by the department working jointly with staff from the conservation commission.

(f) The department and conservation commission shall jointly develop the agenda for each forum meeting as well as a report from the food policy forum. The report must contain recommendations and a workplan to implement the recommendations and must be delivered to the appropriate committees of the legislature and the governor by June 30, 2021.

(11) \$212,000 of the general fund—state appropriation for fiscal year 2020 is provided solely for the implementation of Engrossed Second Substitute Senate Bill No. 5276 (hemp production). ~~((If the bill is not enacted by June 30, 2019, the amount provided in this subsection shall lapse.))~~

(12) \$125,000 of the general fund—state appropriation for fiscal year 2020 and \$125,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the department to review and assist with agricultural economic development in southwest Washington. Funding is provided for the department to perform or contract for agricultural economic development services, including but not limited to grant application assistance, permitting assistance and coordination, and development of a food hub.

(13) \$250,000 of the aquatic lands enhancement account—state appropriation is provided solely to continue a shellfish coordinator position. The shellfish coordinator assists the industry with complying with regulatory requirements and will work with regulatory agencies to identify ways to streamline and make more transparent the permit process for establishing and maintaining shellfish operations.

(14) \$10,000 of the general fund—state appropriation for fiscal year 2020 is provided solely for the following activities:

(a) The department and the conservation commission must produce a gap analysis reviewing existing conservation grant programs and completed voluntary stewardship program plans to identify what technical assistance and cost-share resources are needed to meet the requirements placed on those activities by the legislature.

(b)(i) The department, in collaboration with the conservation commission, must develop recommendations for legislation or additional work that may be needed to

implement a sustainable farms and fields grant program that prioritizes funding based on net reduction of greenhouse gas emissions on farm, aquatic, or ranch lands, including carbon sequestration.

(ii) The recommendations must incorporate the gap analysis required by this section. The recommendations must include information about how the program can complement and avoid competing with existing conservation programs, and provide cost share benefits to existing and new programs designed to improve water quality, critical habitats, and soil health and soil-health research on farm, aquatic, or timber lands.

(iii) The recommendations must be developed with input from stakeholder meetings with representatives from the environmental and agricultural communities.

(c) The department and the conservation commission must provide an update to the appropriate committees of the legislature by August 1, 2019, and final recommendations by November 1, 2019.

(15) \$650,000 of the model toxics control operating account—state appropriation is provided solely for research grants to assist with development of an integrated pest management plan to address burrowing shrimp in Willapa bay and Grays harbor and facilitate continued shellfish cultivation on tidelands. In selecting research grant recipients for this purpose, the department must incorporate the advice of the Willapa-Grays harbor working group formed from the settlement agreement with the department of ecology signed on October 15, 2019.

(16) \$58,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the implementation of Substitute Senate Bill No. 6091 (WA food policy forum). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

(17) \$87,000 of the model toxics control operating account—state appropriation is provided solely for the department to conduct the following:

(a) The department must work with the departments of natural resources, labor and industries, health, and ecology, as well as local health jurisdictions and the state poison center, and consult with nongovernmental stakeholders including, but not limited to, tribal and environmental representatives, to evaluate pesticide investigation rules and processes. By June 30, 2021, the work group must report back to the legislature with any recommended changes, including how complaints should be reported and ensuring that complaints are properly referred.

(b) The department in coordination with the department of natural resources, in consultation with stakeholders, shall review how the state environmental policy act is used for aerial application of herbicides and provide recommendations to the forest practices board and the appropriate committees of the senate and house of representatives, including any recommendations for revisions to statute, rule, or guidance by October 31, 2020.

(18) \$126,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the

implementation of Second Substitute Senate Bill No. 5947 (sustainable farms and fields). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

(19) \$299,000 of the model toxics control operating account—state appropriation is provided solely for the implementation of Engrossed Second Substitute Senate Bill No. 6518 (pesticide, chlorpyrifos). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

(20) \$200,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the implementation of Substitute Senate Bill No. 6306 (soil health initiative). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

(21) \$320,000 of the northeast Washington wolf-livestock management nonappropriated account—state appropriation is provided solely for the department of agriculture to contract with the northeast Washington wolf cattle collaborative, a nonprofit organization, for range riders to conduct proactive deterrence activities with the goal to reduce the likelihood of cattle being injured or killed by wolves on United States forest service grazing allotments and adjoining private lands in the Kettle mountains in Ferry county north of United States highway 20. The contract must provide that the organization must share all relevant information with the department of fish and wildlife in a timely manner to aid in wolf management decisions. Additionally, range riders must document their activities with geo-referenced photo points and provide written description of their efforts to the department of fish and wildlife by December 31, 2020.

(22) \$17,000 of the general fund—state appropriation for fiscal year 2020 and \$64,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the implementation of House Bill No. 2524 (ag. product negotiations). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

(23) \$167,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the implementation of Engrossed Substitute House Bill No. 2713 (compost procurement and use). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

(24) \$50,000 of the general fund—state appropriation for fiscal year 2020 and \$450,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for infrastructure and equipment grants to food banks and meal programs for the safe storage and distribution of perishable food. Of the amounts provided in this subsection:

(a) \$10,000 in fiscal year 2020 and \$5,000 in fiscal year 2021 are for the department to administer the grants and to convene a community stakeholder group to review the grant applications described in (b)(ii) and (iii) of this subsection. The community stakeholder group must include representatives from food banks and meal programs that are not applying for grants, community advocates, and people that use food banks or meal programs.

(b) \$40,000 in fiscal year 2020 and \$445,000 in fiscal year 2021 are for grants, divided into the following three categories:

(i) Thirty-five percent is for a rebate program for smaller food pantries and meal programs to purchase equipment costing up to \$2,000. To increase efficiency, the department may pass funding for this rebate program to larger food banks to administer the rebates;

(ii) Thirty percent is for requests for proposals for larger projects costing up to \$75,000, and which require a community match of at least thirty percent; and

(iii) Thirty-five percent is for larger projects that are collaborations between organizations and have a proposed impact to improve efficiency and capacity for a regional or statewide emergency food system, and which require a community match of at least fifty percent.

(25) \$40,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the department to provide to the sheriff's departments of Ferry county and Stevens county to cooperate with the department and the department of fish and wildlife on wolf management activities. Of the amount provided in this subsection, \$20,000 is for the Ferry county sheriff's department and \$20,000 is for the Stevens county sheriff's department.

(26) \$38,000 of the general fund—state appropriation for fiscal year 2020 and \$63,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementing an Asian giant hornet eradication program.

(27) \$150,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the department to work with the United States department of agriculture to explore and negotiate a cooperative agreement to conduct state inspections of meat and poultry facilities.

(28) The appropriations in this section include sufficient funding for the department to work with representatives from Canada and other stakeholders to develop labeling standards regarding country of origin for beef and other meat products. The standards are for the purpose of clearly displaying the country of origin for beef or other meat products sold to the public. The department shall report and propose any legislation and administrative changes that may be needed to the appropriate committees of the legislature by December 31, 2020.

**Sec. 310.** 2019 c 415 s 310 (uncodified) is amended to read as follows:

#### **FOR THE WASHINGTON POLLUTION LIABILITY INSURANCE PROGRAM**

Pollution Liability Insurance Agency Underground Storage

Tank Revolving Account—State Appropriation  
..... ((~~\$170,000~~))  
\$881,000

Pollution Liability Insurance Program Trust Account—State



Real Estate Appraiser Commission Account—State	
Appropriation .....	<del>(\$1,743,000))</del>
	<u>\$1,707,000</u>
Business and Professions Account—State	
Appropriation.....	<del>(\$24,752,000))</del>
	<u>\$26,855,000</u>
Real Estate Research Account—State Appropriation	
.....	\$415,000
Firearms Range Account—State Appropriation	
.....	\$74,000
Landscape Architects' License Account—State	
Appropriation .....	<del>(\$58,000))</del>
	<u>\$126,000</u>
Appraisal Management Company Account—State	
Appropriation.....	<u>\$442,000</u>
Concealed Pistol License Renewal Notification	
Account—State Appropriation.....	\$140,000
Geologists' Account—State Appropriation.....	<del>(\$53,000))</del>
	<u>\$114,000</u>
Pension Funding Stabilization Account—State	
Appropriation.....	\$96,000
Derelict Vessel Removal Account—State	
Appropriation.....	\$33,000
TOTAL APPROPRIATION .....	<u>\$54,473,000</u>
	<u>\$59,234,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) Appropriations provided for the business and technology modernization project in this section are subject to the conditions, limitations, and review provided in ~~((section 719 of this act))~~ section 701 of this act.

(2) \$72,000 of the real estate appraiser commission account—state appropriation is provided solely for implementation of Engrossed Substitute Senate Bill No. 5480 (real estate appraisers). ~~((If the bill is not enacted by June 30, 2019, the amount provided in this subsection shall lapse.~~

~~(4))~~ (3) \$144,000 of the business and professions account—state appropriation is provided solely for implementation of Senate Bill No. 5641 (uniform law on notarial acts). ~~((If the bill is not enacted by June 30, 2019, the amount provided in this subsection shall lapse.~~

~~(5))~~ (4) \$95,000 of the general fund—state appropriation for fiscal year 2020 and \$99,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the department to mail vessel registration renewal reminders.

~~((6) \$2,716,000))~~ (5) \$1,003,000 of the general fund—state appropriation for fiscal year 2020 and ~~(((\$1,337,000))~~ \$3,050,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the department to procure a commercial off-the-shelf solution to replace the legacy firearms system, and is subject to the conditions, limitations, and review provided in ~~((section 719 of this act))~~ section 701 of this act.

(6) \$72,000 of the general fund—state appropriation for fiscal year 2020 and \$601,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of Substitute House Bill No. 2555 (other firearms/background). If the bill is not enacted by June 30, 2020, the amounts provided in this subsection shall lapse.

(7) \$22,000 of the uniform commercial code account—state appropriation is provided solely for implementation of Substitute Senate Bill No. 6074 (financial fraud/theft crimes). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

(8) \$19,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the implementation of Second Substitute Senate Bill No. 6528 (derelict vessel prevention). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

**Sec. 402.** 2019 c 415 s 402 (uncodified) is amended to read as follows:

#### **FOR THE WASHINGTON STATE PATROL**

General Fund—State Appropriation (FY 2020)	
.....	<del>(\$56,301,000))</del>
	<u>\$57,529,000</u>
General Fund—State Appropriation (FY 2021)	
.....	<del>(\$55,374,000))</del>
	<u>\$58,775,000</u>
General Fund—Federal Appropriation	
.....	<del>(\$16,699,000))</del>
	<u>\$16,690,000</u>
General Fund—Private/Local Appropriation	
.....	\$3,091,000
Death Investigations Account—State Appropriation	
.....	<del>(\$9,365,000))</del>
	<u>\$9,098,000</u>
County Criminal Justice Assistance Account—State	
Appropriation .....	<del>(\$4,546,000))</del>
	<u>\$4,550,000</u>
Municipal Criminal Justice Assistance Account—	
State	
Appropriation .....	<del>(\$1,641,000))</del>
	<u>\$1,644,000</u>
Fire Service Trust Account—State Appropriation	
.....	\$131,000

Vehicle License Fraud Account—State Appropriation .....	\$119,000
Disaster Response Account—State Appropriation .....	\$8,000,000
Washington Internet Crimes Against Children Account—State Appropriation .....	\$1,500,000
Fire Service Training Account—State Appropriation .....	<del>(\$11,764,000)</del>
	<u>\$11,765,000</u>
Model Toxics Control Operating Account—State Appropriation .....	\$588,000
Aquatic Invasive Species Management Account—State Appropriation .....	\$54,000
Fingerprint Identification Account—State Appropriation .....	<del>(\$16,405,000)</del>
	<u>\$16,447,000</u>
Dedicated Marijuana Account—State Appropriation (FY 2020) .....	<del>(\$2,723,000)</del>
	<u>\$2,453,000</u>
Dedicated Marijuana Account—State Appropriation (FY 2021) .....	<del>(\$2,523,000)</del>
	<u>\$2,793,000</u>
Pension Funding Stabilization Account—State Appropriation .....	\$3,300,000
TOTAL APPROPRIATION .....	<u>\$194,124,000</u>
	<u>\$198,527,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$8,000,000 of the disaster response account—state appropriation is provided solely for Washington state fire service resource mobilization costs incurred in response to an emergency or disaster authorized under RCW 43.43.960 through 43.43.964. The state patrol shall submit a report quarterly to the office of financial management and the legislative fiscal committees detailing information on current and planned expenditures from this account. This work shall be done in coordination with the military department.

(2) \$2,878,000 of the fingerprint identification account—state appropriation is provided solely for the completion of the state patrol's plan to upgrade the criminal history system, and is subject to the conditions, limitations, and review provided in ~~((section 719 of this act))~~ section 701 of this act.

(3) ~~(\$2,723,000)~~ \$2,453,000 of the dedicated marijuana account—state appropriation for fiscal year 2020

and ~~(\$2,523,000)~~ \$2,793,000 of the dedicated marijuana account—state appropriation for fiscal year 2021 are provided solely for the Washington state patrol's drug enforcement task force. The amounts in this subsection are provided solely for the following:

(a) \$2,423,000 of the dedicated marijuana account—state appropriation for fiscal year 2020 and \$2,423,000 of the dedicated marijuana account—state appropriation for fiscal year 2021 are provided solely for the Washington state patrol to partner with multi-jurisdictional drug and gang task forces to detect, deter, and dismantle criminal organizations involved in criminal activity including diversion of marijuana from the legalized market and the illicit production and distribution of marijuana and marijuana-related products in Washington state.

(b) ~~(\$300,000)~~ \$30,000 of the dedicated marijuana account—state appropriation for fiscal year 2020 and ~~(\$100,000)~~ \$370,000 of the dedicated marijuana account—state appropriation for fiscal year 2021 are provided solely for a case management system to serve as a repository for all information regarding criminal cases. This system must allow state patrol investigators to enter information and to search to provide patterns, trends, and links which will allow the state patrol to identify connections on criminal investigations including efforts to dismantle marijuana and other drug trafficking organizations by identifying their established networks, and is subject to the conditions, limitations, and review provided in ~~((section 719 of this act))~~ section 701 of this act.

(4) \$479,000 of the general fund—state appropriation for fiscal year 2020 and \$255,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of Substitute Senate Bill No. 5181 (invol. treatment procedures). ~~((If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.))~~

(5) \$13,000 of the general fund—state appropriation for fiscal year 2020 and \$2,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of Engrossed Second Substitute Senate Bill No. 5497 (immigrants in the workplace). ~~((If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.))~~

(6) \$100,000 of the general fund—state appropriation for fiscal year 2020 and \$100,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of Senate Bill No. 5605 (marijuana misdemeanors). ~~((If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.))~~

(7) \$679,000 of the general fund—state appropriation for fiscal year 2020 and \$643,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for addressing a backlog of toxicology tests in the toxicology laboratory.

(8) \$1,500,000 of the Washington internet crimes against children account—state appropriation is provided solely for the missing and exploited children's task force within the patrol to help prevent possible abuse to children and other vulnerable citizens from sexual abuse.

(9) \$356,000 of the general fund—state appropriation for fiscal year 2020, \$356,000 of the general fund—state appropriation for fiscal year 2021, and \$298,000 of the death investigations account—state appropriations are provided solely for increased supply and maintenance costs for the crime laboratory division and toxicology laboratory division.

(10) \$5,770,000 of the general fund—state appropriation for fiscal year 2020, \$3,243,000 of the general fund—state appropriation for fiscal year 2021, and \$1,277,000 of the death investigations account—state appropriation are provided solely for implementation of Second Substitute House Bill No. 1166 (sexual assault). ~~((If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.))~~

(11) \$282,000 of the general fund—state appropriation for fiscal year 2020 and \$263,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of Second Substitute House Bill No. 1713 (Native American women). ~~((If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.))~~

(12) \$510,000 of the county criminal justice assistance account—state appropriation is provided solely for the Washington state patrol to support local police, sheriffs' departments, and multiagency task forces in the prosecution of criminals. However, the office of financial management must reduce the allotment of the amount provided in this subsection if allotment of the full appropriation will put the account into deficit.

(13) \$1,000,000 of the fire service training account—state appropriation is provided solely for the firefighter apprenticeship training program.

(14) \$100,000 of the general fund—state appropriation for fiscal year 2020 and \$300,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the Washington state patrol to develop a plan for implementation of a centralized firearm background check system. Funding is sufficient to fund a consultant to design an information technology system to conduct firearm background checks through a centralized system and a Washington state patrol project manager to design the implementation plan. The design should include recommendations to comply with the direction in RCW 9.41.139 and leverage the new firearms database system currently being procured by the department of licensing to create one streamlined system. The Washington state patrol shall convene an interagency work group to inform the centralized firearm background check system implementation plan, to include but not limited to the department of licensing, administrative office of the courts, health care authority, and office of financial management. Reports on the information technology system and the implementation plan shall be provided to the governor and appropriate committees of the legislature by December 1, 2020.

(15) \$25,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for collaboration with

Washington State University to produce the report in section 604 of this act.

(16) \$34,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for Engrossed Substitute House Bill No. 2318 (criminal investigatory practices). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

(17) \$100,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for implementation of Second Substitute House Bill No. 2793 (criminal records). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

## PART V

### EDUCATION

**Sec. 501.** 2019 c 415 s 501 (uncodified) is amended to read as follows:

#### FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION

General Fund—State Appropriation (FY 2020)		
..... (((\$30,861,000))		
\$31,265,000		
General Fund—State Appropriation (FY 2021)		
..... (((\$27,751,000))		
\$30,350,000		
General	Fund—Federal	Appropriation
..... (((\$99,348,000))		
\$99,355,000		
General	Fund—Private/Local	Appropriation
..... \$8,060,000		
Washington Opportunity Pathways Account—State		
Appropriation..... (((\$265,000))		
\$4,265,000		
Dedicated Marijuana Account—State Appropriation		
(FY 2020) ..... \$522,000		
Dedicated Marijuana Account—State Appropriation		
(FY 2021) ..... \$530,000		
Pension Funding Stabilization Account—State		
Appropriation ..... \$2,126,000		
Performance Audits of Government Account—State		
Appropriation..... \$213,000		
TOTAL APPROPRIATION..... \$169,676,000		
\$176,686,000		

The appropriations in this section are subject to the following conditions and limitations:

(1) BASE OPERATIONS AND EXPENSES OF THE OFFICE

(a) (~~(\$11,090,000))~~ \$11,109,000 of the general fund—state appropriation for fiscal year 2020 and (~~(\$11,087,000))~~ \$11,883,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the operation and expenses of the office of the superintendent of public instruction.

(i) The superintendent shall recognize the extraordinary accomplishments of four students who have demonstrated a strong understanding of the civics essential learning requirements to receive the Daniel J. Evans civic education award.

(ii) Districts shall report to the office of the superintendent of public instruction daily student unexcused absence data by school, using a uniform definition of unexcused absence as established by the superintendent.

(iii) By October 31st of each year, the office of the superintendent of public instruction shall produce an annual status report on implementation of the budget provisos in (~~sections 501, 515, and 522 of this act~~) section 501, chapter 415, Laws of 2019 and sections 513 and 520 of this act. The status report of each proviso shall include, but not be limited to, the following information: Purpose and objective, number of state staff funded by the proviso, number of contractors, status of proviso implementation, number of beneficiaries by year, list of beneficiaries, a comparison of budgeted funding and actual expenditures, other sources and amounts of funding, and proviso outcomes and achievements.

(iv) The superintendent of public instruction, in consultation with the secretary of state, shall update the program prepared and distributed under RCW 28A.230.150 for the observation of temperance and good citizenship day to include providing an opportunity for eligible students to register to vote at school.

(v) Districts shall annually report to the office of the superintendent of public instruction on: (A) The annual number of graduating high school seniors within the district earning the Washington state seal of biliteracy provided in RCW 28A.300.575; and (B) the number of high school students earning competency-based high school credits for world languages by demonstrating proficiency in a language other than English. The office of the superintendent of public instruction shall provide a summary report to the office of the governor and the appropriate committees of the legislature by December 1st of each year.

(vi) The office of the superintendent of public instruction shall provide statewide oversight and coordination to the regional nursing corps program supported through the educational service districts.

(b) \$857,000 of the general fund—state appropriation for fiscal year 2020 and (~~(\$857,000))~~ \$1,217,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for maintenance of the apportionment system, including technical staff and the data governance working group.

(c) \$2,300,000 of the general fund—state appropriation for fiscal year 2020 is provided solely for

activities associated with the implementation of chapter 13, Laws of 2017 3rd sp. sess. (fully funding the program of basic education) within the amounts provided in this subsection (1)(c), up to \$300,000 is for the office of the superintendent of public instruction to review the use of local revenues for compliance with enrichment requirements, including the preballot approval of enrichment levy spending plans approved by the superintendent of public instruction, and any supplemental contracts entered into under RCW 28A.400.200.

(d) \$494,000 of the general fund—state appropriation for fiscal year 2020 and \$494,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the implementation of chapter 240, Laws of 2010, including staffing the office of equity and civil rights.

(e)(i) \$61,000 of the general fund—state appropriation for fiscal year 2020 and (~~(\$61,000))~~ \$76,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the ongoing work of the education opportunity gap oversight and accountability committee.

(ii) Within amounts provided in this subsection, the committee must review the Washington kindergarten inventory of developing skills, including professional development available to educators and other assessment materials and tools, and make recommendations to the office of the superintendent of public instruction and the education committees of the legislature on the following topics:

(A) Opportunities for reducing bias in the observational assessment process and materials; and

(B) Barriers to implementation of the inventory.

(iii) The committee shall seek feedback from relevant stakeholders, including but not limited to:

(A) The office of the superintendent of public instruction;

(B) The department of children, youth, and families;

(C) Kindergarten teachers who are representative of or who teach in schools with diverse student subgroups;

(D) A representative from a tribal school who is currently using the inventory;

(E) Principals who are currently using the inventory;

(F) Parents who are representative of student populations that have historically scored low on the inventory, and who are recommended by an organization that serves parents of color;

(G) District assessment coordinators; and

(H) Early childhood providers.

(f) \$61,000 of the general fund—state appropriation for fiscal year 2020 and \$61,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the implementation of chapter 380, Laws of 2009 (enacting the interstate compact on educational opportunity for military children).



(g) \$265,000 of the Washington opportunity pathways account—state appropriation is provided solely for activities related to public schools other than common schools authorized under chapter 28A.710 RCW.

(h) Within amounts appropriated in this section, the office of the superintendent of public instruction and the state board of education shall adopt a rule that the minimum number of students to be used for public reporting and federal accountability purposes is ten.

(i) \$123,000 of the general fund—state appropriation for fiscal year 2020 and \$123,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of chapter 163, Laws of 2012 (foster care outcomes). The office of the superintendent of public instruction shall annually report each December on the implementation of the state's plan of cross-system collaboration to promote educational stability and improve education outcomes of foster youth.

(j) \$250,000 of the general fund—state appropriation for fiscal year 2020 and \$250,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of chapter 178, Laws of 2012 (open K-12 education resources).

(k) \$14,000 of the general fund—state appropriation for fiscal year 2020 and \$14,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of chapter 242, Laws of 2013 (state-tribal education compacts).

(l) \$131,000 of the general fund—state appropriation for fiscal year 2020, \$131,000 of the general fund—state appropriation for fiscal year 2021, and \$213,000 of the performance audits of government account—state appropriation are provided solely for the office of the superintendent of public instruction to perform on-going program reviews of alternative learning experience programs, dropout reengagement programs, and other high risk programs. Findings from the program reviews will be used to support and prioritize the office of the superintendent of public instruction outreach and education efforts that assist school districts in implementing the programs in accordance with statute and legislative intent, as well as to support financial and performance audit work conducted by the office of the state auditor.

(m) \$117,000 of the general fund—state appropriation for fiscal year 2020 and \$117,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of chapter 3, Laws of 2015 1st sp. sess. (computer science).

(n) \$250,000 of the general fund—state appropriation for fiscal year 2020 and \$250,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of chapter 237, Laws of 2017 (paraeducators).

(o) \$235,000 of the general fund—state appropriation for fiscal year 2020 and ~~((235,000))~~ \$385,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the office of native education to increase

services to tribes, including but not limited to, providing assistance to tribes and school districts to implement Since Time Immemorial, applying to become tribal compact schools, convening the Washington state native American education advisory committee, and extending professional learning opportunities to provide instruction in tribal history, culture, and government. Of the amounts provided in this subsection, \$150,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for professional learning and technical assistance to support the ongoing implementation of since time immemorial tribal sovereignty curriculum, tribal consultation and engagement, government to government training, and data collection and identification of American Indian and Alaska Native students. The professional development must be done in collaboration with school district administrators and school directors. Funding in this subsection is sufficient for the office, the Washington state school directors' association government-to-government task force, and the association of educational service districts to collaborate with the tribal leaders congress on education to develop a tribal consultation training and schedule. The tribal consultation training and schedule must be developed by January 1, 2022.

(p) \$175,000 of the general fund—state appropriation for fiscal year 2020 and ~~((175,000))~~ \$205,000 of the general fund—state appropriation for fiscal year 2021 are provided solely to promote the financial literacy of students. The effort will be coordinated through the financial literacy public-private partnership.

(q) \$75,000 of the general fund—state appropriation for fiscal year 2020 and \$75,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for staff at the office of the superintendent of public instruction to coordinate and promote efforts to develop integrated math, science, technology, and engineering programs in schools and districts across the state.

(r) \$481,000 of the general fund—state appropriation for fiscal year 2020 and \$481,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for additional full-time equivalent staff to support the work of the safety net committee and to provide training and support to districts applying for safety net awards.

(s) The superintendent of public instruction must study and make recommendations for how Washington can make dual credit enrollment cost-free to students who are enrolled in running start, college in the high school, advanced placement, international baccalaureate, or other qualifying dual credit programs within existing basic education apportionments. While developing recommendations, the superintendent must collaborate and consult with K-12 and higher education stakeholders with expertise in dual credit instruction, transcription, and costs. The superintendent shall report the recommendations to the education policy and operating budget committees of the legislature by November 1, 2019. The recommendations must, at a minimum, consider:

(i) How to increase dual credit offerings and access for students that aligns with the student's high school and beyond plan and provides a pathway to education and

training after high school, including careers, professional-technical education, apprenticeship, a college degree, or military service, among others.

(ii) How to ensure transfer of college credits earned by dual credit students to/among institutions of higher education.

(iii) How basic education funding will be used to provide for fees, books, and other direct costs charged by institutions of higher education and K-12 districts.

(iv) How K-12 and postsecondary institutions will equitably expand dual credit opportunities for students.

(v) How K-12 and postsecondary institutions will ensure coordinated advising and support services for students enrolled in, or considering enrollment in, dual credit programs.

(t) \$44,000 of the general fund—state appropriation for fiscal year 2020 and \$44,000 of the general fund—state appropriation for fiscal year 2021 are provided solely to pay for services for space in the state data center and networking charges.

(u) \$46,000 of the general fund—state appropriation for fiscal year 2020 and \$46,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for a new server and backup application due to the move to the state data center.

(v) \$55,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the consolidated technology services to host the office's web site and for web site maintenance and support services.

(w) Districts shall report to the office the results of each collective bargaining agreement for certificated staff within their district using a uniform template as required by the superintendent, within thirty days of finalizing contracts. The data must include but is not limited to: Minimum and maximum base salaries, supplemental salary information, and average percent increase for all certificated instructional staff. Within existing resources by December 1st of each year, the office shall produce a report for the legislative evaluation and accountability program committee summarizing the district level collective bargaining agreement data.

(x) The office shall review and update the guidelines "prohibiting discrimination in Washington public schools," which must include religious accommodations. Students' sincerely held religious beliefs and practices must be reasonably accommodated with respect to all examinations and other requirements to successfully complete coursework.

(y) In section 116(8) of this act, the office of the education ombuds is directed to develop a plan to implement a program to promote skills, knowledge, and awareness concerning issues of diversity, equity, and inclusion among families with school-age children, with a report due to the governor and the appropriate committees in the legislature by September 1, 2020. Within amounts provided in this

subsection, the office of the superintendent of public instruction shall collaborate on the plan and report.

(z) In section 129(13) of this act, the office of financial management is directed to review and report on the pupil transportation funding system for K-12 education, the report is due to the governor and the appropriate committees in the legislature by August 1, 2020. Within amounts provided in this subsection, the office of the superintendent of public instruction shall collaborate on this review.

## (2) DATA SYSTEMS

(a) \$1,802,000 of the general fund—state appropriation for fiscal year 2020 and \$1,802,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementing a comprehensive data system to include financial, student, and educator data, including development and maintenance of the comprehensive education data and research system (CEDARS).

(b) \$1,221,000 of the general fund—state appropriation for fiscal year 2020 and ~~(\$1,221,000)~~ \$281,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for K-20 telecommunications network technical support in the K-12 sector to prevent system failures and avoid interruptions in school utilization of the data processing and video-conferencing capabilities of the network. These funds may be used to purchase engineering and advanced technical support for the network.

(c) \$450,000 of the general fund—state appropriation for fiscal year 2020 and \$450,000 of the general fund—state appropriation for fiscal year 2021 are provided for the superintendent of public instruction to develop and implement a statewide accountability system to address absenteeism and to improve student graduation rates. The system must use data to engage schools and districts in identifying successful strategies and systems that are based on federal and state accountability measures. Funding may also support the effort to provide assistance about successful strategies and systems to districts and schools that are underperforming in the targeted student subgroups.

## (3) WORK GROUPS

(a) \$335,000 of the general fund—state appropriation for fiscal year 2020 and \$335,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of chapter 206, Laws of 2018 (career and college readiness).

(b) \$200,000 of the general fund—state appropriation for fiscal year 2020 and \$200,000 of the general fund—state appropriation for fiscal year 2021 are provided for the office of the superintendent of public instruction to meet statutory obligations related to the provision of medically and scientifically accurate, age-appropriate, and inclusive sexual health education as authorized by chapter 206, Laws of 1988 (AIDS omnibus act) and chapter 265, Laws of 2007 (healthy youth act).

(c) The office of the superintendent of public instruction, in collaboration with the department of social and health services developmental disabilities

administration and division of vocational rehabilitation, shall explore the development of an implementation plan to build statewide capacity among school districts to improve transition planning for students in special education who meet criteria for services from the developmental disabilities administration, and shall provide all school districts with an opportunity to participate. The plan shall be submitted in compliance with RCW 43.01.036 by November 1, 2018, and the final report must be submitted by November 1, 2020, to the governor and appropriate legislative committees. The final report must include the following:

(i) An examination of whether a data share agreement between the department of social and health services developmental disabilities administration, division of vocational rehabilitation, and the office of the superintendent of public instruction would improve coordination among the three agencies;

(ii) Defined roles for the associated stakeholders involved with the transition of students potentially eligible for services from the developmental disabilities administration, including but not limited to:

(A) The department of social and health services developmental disabilities administration;

(B) The office of the superintendent of public instruction;

(C) The division of vocational rehabilitation at the department of social and health services;

(D) School districts across the state of Washington; and

(E) Counties coordinating employment and day services.

(iii) An examination of the feasibility of a statewide developmental disabilities transition council, including representative positions, roles and responsibilities, costs, and data collection; and

(iv) Recommendations for supporting seamless transition from school to post-school life, up to and including potential legislation and funding, regional interagency transition networks, and coordination between counties, schools, and other partners for transition supports.

(d) \$40,000 of the general fund—state appropriation for fiscal year 2020 is provided solely for the legislative youth advisory council. The council of statewide members advises legislators on issues of importance to youth.

(e) \$118,000 of the general fund—state appropriation for fiscal year 2020 and \$118,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of chapter 75, Laws of 2018 (dyslexia).

(f) \$183,000 of the general fund—state appropriation for fiscal year 2020 and \$48,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the implementation of Engrossed Substitute House Bill No. 1130 (pub. school language access). ~~((If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.))~~

(g) \$200,000 of the general fund—state appropriation for fiscal year 2020 and \$200,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of Second Substitute Senate Bill No. 5082 (social emotional learning). ~~((If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.))~~

(h) \$60,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for a technical advisory committee to consider and make recommendations for an apportionment system that could effectively support teacher residency program model pilots in fiscal year 2022.

(i)(i) \$50,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the office of the superintendent of public instruction to convene a work group to develop recommendations for integrating, in a regular and ongoing basis, African American history, examinations of racism, and the history of the civil rights movement into curriculum provided to students in grades seven through twelve. Recommendations developed in accordance with this subsection must be preceded by a work group review of pertinent curriculum that is available to school districts, and must include recommendations for the professional development needed to support educators in providing the instruction to students.

(ii) The work group must consist of one representative from each of the following: (A) The Washington state commission on African American affairs; (B) the educational opportunity gap oversight and accountability committee; and (C) a statewide organization representing teachers. The work group may also include other persons with unique and specific expertise, including but not limited to, Washington state historians and persons representing teacher preparation programs.

(iii) The office must report the findings and recommendations required by this subsection to the education committees of the legislature by November 15, 2020.

(j) \$50,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the office to participate in the work group established in section 922 of this act to create a family engagement framework for early learning through high school. At a minimum, the work group must review family engagement policies and practices in Washington and in other states, with a focus on identifying best practices that can be adopted throughout Washington.

(k) \$200,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the office of the superintendent of public instruction to collaborate with the office of the department of children, youth, and families to complete a report with options and recommendations for administrative efficiencies and long-term strategies that align and integrate high-quality early learning programs administered by both agencies. The report shall address capital needs, data collection and sharing, licensing changes, quality standards, options for community-based and school-based settings, fiscal modeling, and any statutory changes needed to achieve administrative efficiencies. The report is

due to the governor and the appropriate legislative committees by September 1, 2020.

(I)(i)(A) Within amounts provided in this section, the office of the superintendent of public instruction shall convene a work group to:

(I) Review provisions related to sexual health education in the health and physical education learning standards adopted in 2016;

(II) Review existing sexual health education curricula in use in the state for the purpose of identifying gaps or potential inconsistencies with the health and physical education learning standards;

(III) Consider revisions to sexual health education provisions in statute; and

(IV) Consider the merits and challenges associated with requiring all public schools offer comprehensive sexual health education to students in all grades by September 1, 2022. For purposes of this subsection (h), "comprehensive sexual health education" means instruction in sexual health that, at a minimum, is evidence-informed, medically and scientifically accurate, age appropriate, and inclusive for all students.

(B) In meeting the requirements of this subsection (h), the work group shall consult with a broad array of stakeholders representing diverse opinions.

(ii) The work group shall consist of the following members:

(A) The superintendent of public instruction or the superintendent's designee;

(B) Three representatives of school districts recommended by the Washington state school directors' association. To the extent possible, the school district representatives must reflect a diversity of student enrollment, geographic location, and urban, suburban, and rural locations;

(C) Three school principals recommended by an association of Washington school principals, one each representing an elementary school, a middle school, and a high school. The three principals must represent the geographic diversity of urban, suburban, and rural locations;

(D) Three public school health educators recommended by an association of Washington educators, one each representing grades kindergarten through five, grades six through eight, and grades nine through twelve. The three public school health educators must represent the geographic diversity of urban, suburban, and rural locations;

(E) Three public health officials, at least two of whom are local public health officials with expertise in developing or presenting comprehensive sexual health education materials and resources, as recommended by the Washington state department of health. The three public health officials must represent the geographic diversity of urban, suburban, and rural locations; and

(F) Three parents recommended in accordance with this subsection (3)(h)(ii)(F), one with a child enrolled in a

public school west of the crest of the Cascade mountain range, one with a child enrolled in a public school east of the crest of the Cascade mountain range, and one with a child enrolled in a public school who is also receiving special education services. The recommendation for a parent of a public school student receiving special education services must be made by an association of parents, teachers, and students that focuses on the needs of students receiving special education services. The recommendation for the other parents under this subsection must be made by an association of parents, teachers, and students.

(iii) The office of the superintendent of public instruction shall submit findings and recommendations required by this section to the state board of education, the department of health, and, in accordance with RCW 43.01.036, the education committees of the house of representatives and the senate by December 1, 2019.

(iv)(A) The office of the superintendent of public instruction and the Washington state school directors' association, shall collaborate with department of health to conduct a data survey of the availability of sexual health education in public schools and relevant health measures in those schools. All school districts shall submit to the office of the superintendent of public instruction, through the Washington school health profiles survey, or other reporting mechanisms, the curricula used in the district to teach sexual health education. The data survey must include a list of the schools within the boundaries of each school district that offer sexual health education and in which grade levels, and the curricula used to teach sexual health education, as reported according to RCW 28A.300.475(7). In addition, the data shall include, for each school district and inclusive of any charter schools that may be within the boundaries of the school district, the rate of teen pregnancy, sexually transmitted infections, suicide, depression, and adverse childhood experiences in each of the previous five years for which data is available. To the extent that the data allows, the information shall be collected by school district, inclusive of any charter schools that may be within the boundaries of the school district. To the extent allowed by existing data sources, the information must be disaggregated by age, race, ethnicity, free and reduced lunch eligibility, sexual orientation, gender identity and expression, and geography, including school district population density, and conveyed, to the maximum extent possible, in a manner that complies with WAC 392-117-060. The data survey may combine multiple years of data if necessary to comply with student privacy requirements.

(B) The office of the superintendent of public instruction shall utilize the information collected from the data survey to inform the work group established in (f) of this subsection. The office, in accordance with RCW 43.01.036, shall submit the data survey to the committees of the legislature with jurisdiction over matters related to education and health care and the governor by December 1, 2019.

(m) \$107,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the office to support the children and youth behavioral health work group created in Second Substitute House Bill No. 2737 (child.

mental health wk. grp). If this bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.

#### (4) STATEWIDE PROGRAMS

(a) \$2,590,000 of the general fund—state appropriation for fiscal year 2020 and \$2,590,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the Washington kindergarten inventory of developing skills. State funding shall support statewide administration and district implementation of the inventory under RCW 28A.655.080.

(b) \$703,000 of the general fund—state appropriation for fiscal year 2020 and \$703,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of chapter 72, Laws of 2016 (educational opportunity gap).

(c) \$950,000 of the general fund—state appropriation for fiscal year 2020 and \$950,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the Washington reading corps. The superintendent shall allocate reading corps members to schools identified for comprehensive or targeted support and school districts that are implementing comprehensive, proven, research-based reading programs. Two or more schools may combine their Washington reading corps programs.

(d) \$909,000 of the general fund—state appropriation for fiscal year 2020 and \$909,000 of the general fund—state appropriation for fiscal year 2021 are provided solely to implement chapter 18, Laws of 2013 2nd sp. sess. (strengthening student educational outcomes).

(e) \$10,000 of the general fund—state appropriation for fiscal year 2020 and \$10,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for chapter 102, Laws of 2014 (biliteracy seal).

(f)(i) \$50,000 of the general fund—state appropriation for fiscal year 2020 and \$50,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for school bullying and harassment prevention activities.

(ii) \$15,000 of the general fund—state appropriation for fiscal year 2020 and \$15,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of chapter 240, Laws of 2016 (school safety).

(iii) \$1,268,000 of the general fund—state appropriation for fiscal year 2020 ~~((and \$1,268,000 of the general fund—state appropriation for fiscal year 2021 are))~~ is provided solely to educational service districts for implementation of Second Substitute House Bill No. 1216 (school safety and well-being). ~~((If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.))~~

(iv) \$570,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the office of the superintendent of public instruction to provide statewide support and coordination for the regional network of behavioral health, school safety, and threat assessment established in chapter 333, Laws of 2019 (school safety and

well-being). Within the amounts appropriated in this subsection (4)(f)(iv), \$200,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for grants to schools or school districts for planning and integrating tiered suicide prevention and behavioral health supports. Grants must be awarded first to districts demonstrating the greatest need and readiness. Grants may be used for intensive technical assistance and training, professional development, and evidence-based suicide prevention training.

(v) \$196,000 of the general fund—state appropriation for fiscal year 2020 and \$196,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the school safety center within the office of the superintendent of public instruction.

(A) Within the amounts provided in this subsection (4)(f)(~~(iv)~~) (v), \$100,000 of the general fund—state appropriation for fiscal year 2020 and \$100,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for a school safety program to provide school safety training for all school administrators and school safety personnel. The school safety center advisory committee shall develop and revise the training program, using the best practices in school safety.

(B) Within the amounts provided in this subsection (4)(f)(~~(iv)~~) (v), \$96,000 of the general fund—state appropriation for fiscal year 2020 and \$96,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for administration of the school safety center. The safety center shall act as an information dissemination and resource center when an incident occurs in a school district in Washington or in another state, coordinate activities relating to school safety, review and approve manuals and curricula used for school safety models and training, and maintain a school safety information web site.

(g)(i) \$162,000 of the general fund—state appropriation for fiscal year 2020 and \$162,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for youth suicide prevention activities.

(ii) \$204,000 of the general fund—state appropriation for fiscal year 2020 is provided solely for implementation of chapter 202, Laws of 2017 (children's mental health).

(iii) \$20,000 of the general fund—state appropriation for fiscal year 2020 is provided solely for implementation of chapter 175, Laws of 2018 (children's mental health services).

(iv) \$76,000 of the general fund—state appropriation for fiscal year 2020 and \$76,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of chapter 64, Laws of 2018 (sexual abuse of students).

(h)(i) \$280,000 of the general fund—state appropriation for fiscal year 2020, \$280,000 of the general fund—state appropriation for fiscal year 2021, and \$1,052,000 of the dedicated marijuana account—state appropriation are provided solely for dropout prevention, intervention, and reengagement programs, including the jobs

for America's graduates (JAG) program, dropout prevention programs that provide student mentoring, and the building bridges statewide program. Students in the foster care system or who are homeless shall be given priority by districts offering the jobs for America's graduates program. The office of the superintendent of public instruction shall convene staff representatives from high schools to meet and share best practices for dropout prevention. Of these amounts, \$522,000 of the dedicated marijuana account—state appropriation for fiscal year 2020, and \$530,000 of the dedicated marijuana account—state appropriation for fiscal year 2021 are provided solely for the building bridges statewide program.

(ii) \$293,000 of the general fund—state appropriation for fiscal year 2020 and \$293,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the office of the superintendent of public instruction to support district implementation of comprehensive guidance and planning programs in support of high-quality high school and beyond plans consistent with RCW 28A.230.090.

(iii) \$178,000 of the general fund—state appropriation for fiscal year 2020 and \$178,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of chapter 291, Laws of 2017 (truancy reduction efforts).

(i) Sufficient amounts are appropriated in this section for the office of the superintendent of public instruction to create a process and provide assistance to school districts in planning for future implementation of the summer knowledge improvement program grants.

(j) \$369,000 of the general fund—state appropriation for fiscal year 2020 and \$358,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the implementation of Second Substitute House Bill No. 1424 (CTE course equivalencies). ~~((If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.))~~

(k) \$400,000 of the general fund—state appropriation for fiscal year 2020 and \$196,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the implementation of Engrossed Second Substitute House Bill No. 1599 (high school graduation reqs.). ~~((If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.))~~

(l) \$60,000 of the general fund—state appropriation for fiscal year 2020, \$60,000 of the general fund—state appropriation for fiscal year 2021, and \$680,000 of the general fund—federal appropriation are provided solely for the implementation of Engrossed Second Substitute House Bill No. 1139 (educator workforce supply). Of the amounts provided in this subsection, \$680,000 of the general fund—federal appropriation is provided solely for title II SEA state-level activities to implement section 103 of Engrossed Second Substitute House Bill No. 1139 relating to the regional recruiters program. ~~((If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.))~~

(m) \$66,000 of the general fund—state appropriation for fiscal year 2020 and \$60,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the office of the superintendent of public instruction to evaluate and implement best practices and procedures for ensuring that student lunch periods include a seated lunch duration of at least twenty minutes. The office of the superintendent of public instruction shall, through an application-based process, select six public schools to serve as demonstration sites. Of the amounts provided in this subsection:

(i) \$30,000 of the general fund—state appropriation for fiscal year 2020 and \$30,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for annual grant awards of \$5,000 each provided to the six school districts selected to serve as school demonstration sites;

(ii) \$20,000 of the general fund—state appropriation for fiscal year 2020 and \$20,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the office of the superintendent of public instruction to hire a consultant with expertise in nutrition programs to oversee the demonstration projects and provide technical support;

(iii) \$10,000 of the general fund—state appropriation for fiscal year 2020 and \$10,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the office of the superintendent of public instruction to provide technical support to the demonstration sites and report its findings and recommendations to the education committees of the house of representatives and the senate by June 30, 2021; and

(iv) \$6,000 of the general fund—state appropriation for fiscal year 2020 is provided solely for the Washington state school directors' association, in consultation with the office of the superintendent of public instruction, to adopt and make publicly available by February 14, 2020, a model policy and procedure that school districts may use to ensure that student lunch periods include a seated lunch duration of at least twenty minutes. In developing the model policy and procedure, the Washington state school directors' association shall, to the extent appropriate and feasible, incorporate pertinent recommendations from the office of the state auditor.

(n) \$25,000 of the general fund—state appropriation for fiscal year 2020 and \$50,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the office of the superintendent of public instruction to publish a list of schools and districts that are not complying with RCW 28A.325.010 and 28A.325.050. The office must publish the list no later than December 30, 2020. Within amounts appropriated in this subsection, the office of the superintendent of public instruction must:

(i) Collaborate with associated student body executive boards statewide regarding district policies to reduce the extracurricular opportunity gap.

(ii) Require school districts to collect and report to the associated student body executive board the 2018-19 school year data related to students in possession of associated student body cards and student participation in school-based

athletic programs by January 15, 2020. School districts with more than one high school must provide each high school's associated student body executive board only the data from each associated student body executive board's respective high school.

(A) Each school district with a high school must collect and publish on its website the following school-level data from each high school for the 2018-19 school year by January 15, 2020, for the 2019-20 school year by April 15, 2020, and for the 2020-21 school year by April 15, 2021:

(I) The number of high school students who are eligible to participate in the federal free and reduced-price meals program;

(II) The purchase amount of an associated student body card for high school students;

(III) The discounted purchase amount of an associated student body card for high school students who are eligible to participate in the federal free and reduced-price meals program;

(IV) Athletic program participation fees and any discounted fees for high school students who are eligible to participate in the federal free and reduced-price meals program;

(V) The number of high school students who possess an associated student body card;

(VI) The number of high school students who are eligible to participate in the federal free and reduced-price meals program and possess an associated student body card;

(VII) The number of high school students participating in an athletic program; and

(VIII) The number of high school students participating in an athletic program who are eligible to participate in the federal free and reduced-price meals program.

(B) The data for the April 2020 and April 2021 reports must include at least two weeks of data from the beginning of spring athletics season.

(C) The office of the superintendent of public instruction must provide support to ensure that all districts comply with the data reporting requirements in this subsection.

(D) No later than January 15, 2020, the office of the superintendent of public instruction must publish a list of schools and districts that are not complying with RCW 28A.325.050.

(o) \$60,000 of the general fund—state appropriation for fiscal year 2020 and \$60,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the office of the superintendent of public instruction to collect and monitor restraint and isolation data pursuant to chapter 206, Laws of 2015, and to provide training, technical assistance, and other support to schools and districts to reduce the use of restraint and isolation.

(p) \$225,000 of the general fund—state appropriation in fiscal year 2020 and \$225,000 of the general fund—state appropriation in fiscal year 2021 are provided solely for the office of the superintendent of public instruction to develop or expand a mentoring program for persons employed as educational interpreters in public schools. Funds provided under this section may only be used for recruiting, hiring, and training persons to be employed by Washington sensory disability services who must provide mentoring services in different geographic regions of the state, with the dual goals of: Providing services, beginning with the 2019-20 school year, to any requesting school district; and assisting persons in the timely and successful achievement of performance standards for educational interpreters.

(q) \$150,000 of the general fund—state appropriation for fiscal year 2020 is provided solely for the office of the superintendent of public instruction to create a series of articles, videos, and educational curriculum on the history of agriculture in Washington state, including the role and impact of indigenous and immigrant farmers. The materials must be made available for free to schools, educators, and students. The office may collaborate with other agencies or entities in order to create the educational materials.

(r) \$61,000 of the general fund—state appropriation for fiscal year 2020 is provided solely for implementation of Substitute Senate Bill No. 5023 (ethnic studies). ~~((If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.))~~

(s) \$63,000 of the general fund—state appropriation for fiscal year 2020 and \$7,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of Engrossed Second Substitute Senate Bill No. 5497 (immigrants in the workplace). ~~((If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.))~~

(t) Within existing resources, the office shall consult with the Washington student achievement council to adopt rules pursuant to Senate Bill No. 5088 (computer science).

(u) \$125,000 of the general fund—state appropriation for fiscal year 2020 and \$125,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the office of the superintendent of public instruction to conduct a pilot program in five school districts of a dropout early warning and intervention data system as defined in RCW 28A.175.074, to identify students beginning in grade eight who are at risk of not graduating from high school and require additional supports. The system at a minimum must measure attendance, behavior, and course performance. The office of the superintendent of public instruction must report to the appropriate committees of the legislature the progress of all participating schools by December 15, 2020.

(v) \$100,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the superintendent of public instruction to administer a pilot program in a school district with enrollment under 2,000 students in the 2019-20 school year and with at least one school identified for improvement through the Washington school improvement framework to move to a balanced school year. For the purposes of this pilot program, "balanced calendar school

year" means a school schedule which distributes school vacations evenly throughout the school year while meeting minimum instructional hours and minimum days of instruction as required in law.

(w) \$75,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the office of the superintendent of public instruction to develop a list of curriculum and supplemental curriculum supports that align with the K-12 health education standards in order to support teaching emotional, mental, and behavioral health in schools.

(x)(i) \$76,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the office of the superintendent of public instruction to collaborate with the department of health to submit a report of findings related to statewide implementation of RCW 28A.210.383. In preparing the report, the office must collaborate with the department to:

(A) Analyze information about the schools that maintain a supply of epinephrine autoinjectors under RCW 28A.210.383;

(B) Examine the barriers and challenges licensed health professionals with the authority to prescribe epinephrine autoinjectors experience in prescribing this medication under a standing order;

(C) Review whether and to what extent the requirement under RCW 28A.210.320 that a student with a life-threatening allergic reaction present a medication or treatment order addressing the medical services that may be required to be performed at the school reduces the need for and use of a school supply of epinephrine autoinjectors;

(D) Determine the number of unused epinephrine autoinjectors discarded by schools, and returned to students' families, at the end of the 2019-20 school year;

(E) Complete an inventory of the number and categories of school district staff provided with training on identifying and responding to life-threatening allergies between September 1, 2017, and September 1, 2020; and

(F) Investigate any other implementation issues raised by school nurses, students who have life-threatening allergic reactions, and students' families during meetings held by the office for the purpose of soliciting feedback on these issues.

(ii) When collecting and analyzing information required under (i) of this subsection, the office and the department must collect information from multiple sources, and disaggregate information during analysis, such that information can be separated by school geography, student enrollment, school socioeconomic status, and other student demographics.

(iii) The office and the department must submit the report to the appropriate committees of the legislature by December 1, 2020.

(y) Within existing resources, the office shall implement Substitute Senate Bill No. 5324 (homeless student support).

(z) \$150,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for a tribal liaison at the office of the superintendent of public instruction to facilitate access to and support enrollment in career connected learning opportunities for tribal students, including career awareness and exploration, career preparation, and career launch programs, as defined in RCW 28C.30.020, so that tribal students may receive high school or college credit to the maximum extent possible.

(aa) \$474,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for implementation of Second Substitute House Bill No. 1182 (learning assistance program). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

(bb) \$57,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for implementation of Engrossed Substitute House Bill No. 2660 (school meals at no cost). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

(cc) \$872,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for implementation of Second Substitute House Bill No. 2864 (running start summer pilot). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

(dd) \$50,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the office to develop Spanish language arts standards, contract with an organization to conduct a bias and sensitivity review of the proposed Spanish language arts standards; and provide professional learning outreach to school districts to help educators implement the Spanish language arts standards. The office must also develop a plan for phasing in language arts standards for other languages spoken by Washington students.

(ee) \$50,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the Washington state school directors' association, in consultation with the office of the superintendent of public instruction, a state association of school nurses, and a national epilepsy organization, to adopt a model policy and procedure that school districts may use to implement individual health plans for students with epilepsy or other seizure disorders. At a minimum, the model policy and procedure must address the acquisition of parent requests and instructions, the acquisition of medication and treatment orders from licensed health professionals, the provision for storage of medical equipment and medication provided by parents, and training of parent-designated adults. The model policy and procedure must be periodically reviewed by the Washington state school directors' association and may be revised as necessary.

(ff) \$10,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the office of the superintendent of public instruction, in consultation with the four-year institutions as defined in RCW 28B.76.020, the state board for community and technical colleges, and the workforce training and education coordinating board, to review and report on potential adjustments or alterations to the standardized high school transcript created under RCW



28A.230.125, including, but not limited to, granting the option of using a weighted grade point average to recognize accelerated coursework. The report shall include findings and recommendations and shall be submitted to the governor and the appropriate committees of the legislature by January 1, 2021.

(gg) \$50,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for implementation of Senate Bill No. 6066 (ethnic studies materials). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

(hh) \$385,000 of the general fund—state appropriation for fiscal year 2020 and \$349,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of Substitute Senate Bill No. 6521 (innovative learning pilot). If the bill is not enacted by June 30, 2020, the amounts provided in this subsection shall lapse.

(ii) \$6,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for implementation of Senate Bill No. 6263 (data sharing/schools, tribes). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

(jj) \$100,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the office to develop a model civics curriculum, including resources and teacher materials designed to prepare students for lifelong civic engagement. Development of materials must include feedback from diverse communities, including those groups typically underrepresented in voter turnout. All materials must be openly licensed and posted on the superintendent of public instruction's web site.

(kk) \$4,000,000 of the Washington opportunity pathways account—state appropriation is provided solely for grants during the 2020-21 school year to school districts that have enrollments of less than six hundred fifty students. Funding provided in this subsection may be used only for enrichment activities permitted by RCW 28A.150.276(2). The superintendent of public instruction must prioritize districts with low operating fund balances or other demonstrated financial need. For the purposes of this subsection only, "school district" includes public schools receiving allocations under chapters 28A.710 and 28A.715 RCW.

**Sec. 502.** 2019 c 415 s 503 (uncodified) is amended to read as follows:

**FOR THE PROFESSIONAL EDUCATOR STANDARDS BOARD**

General Fund—State Appropriation (FY 2020)	\$3,839,000
General Fund—State Appropriation (FY 2021)	<del>(\$15,771,000)</del>
	<u>\$30,129,000</u>
TOTAL APPROPRIATION .....	<u>\$19,610,000</u>
	<u>\$33,968,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$2,834,000 of the general fund—state appropriation for fiscal year 2020 and \$2,887,000 of the general fund—state appropriation for fiscal year 2021 are provided solely to the professional educator standards board for the following:

(a) Within the amounts provided in this subsection (1), \$1,612,000 of the general fund—state appropriation for fiscal year 2020 and \$1,665,000 of the general fund—state appropriation for fiscal year 2021 are for the operation and expenses of the Washington professional educator standards board including implementation of chapter 172, Laws of 2017 (educator prep. data/PESB).

(b) Within the amounts provided in this subsection (1), \$600,000 of the general fund—state appropriation for fiscal year 2020 and \$600,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for grants to improve preservice teacher training and funding of alternate routes to certification programs administered by the professional educator standards board.

Within the amounts provided in this subsection (1)(b), up to \$500,000 of the general fund—state appropriation for fiscal year 2020 and up to \$500,000 of the general fund—state appropriation for fiscal year 2021 are provided for grants to public or private colleges of education in Washington state to develop models and share best practices for increasing the classroom teaching experience of preservice training programs.

(c) Within the amounts provided in this subsection (1), \$622,000 of the general fund—state appropriation for fiscal year 2020 and \$622,000 of the general fund—state appropriation for fiscal year 2021 are provided for the recruiting Washington teachers program with priority given to programs that support bilingual teachers, teachers from populations that are underrepresented, and English language learners. Of the amounts provided in this subsection (1)(c), \$500,000 of the general fund—state appropriation for fiscal year 2020 and \$500,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation and expansion of the bilingual educator initiative pilot project established under RCW 28A.180.120.

(2) \$272,000 of the general fund—state appropriation for fiscal year 2020 and \$150,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the implementation of Engrossed Second Substitute House Bill No. 1139 (educator workforce supply). ~~((If the bill is not enacted by June 30, 2019, the amount provided in this subsection shall lapse.))~~

(3) \$662,000 of the general fund—state appropriation for fiscal year 2020 and ~~((~~\$12,663,000~~))~~ \$27,021,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of chapter 237, Laws of 2017 (paraeducators).

(a) Of the amount in this subsection, ~~((~~\$12,001,000~~))~~ \$26,359,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for grants to districts to

provide ~~((two days))~~ four days of training in the fundamental course of study to all paraeducators. ~~((Funds in this subsection are provided solely for reimbursement to school districts that provide two days of training in the fundamental course of study to paraeducators during the 2019-20 school year.))~~

(b) No later than December 1, 2020, the professional educator standards board must submit a report to the legislature including the following:

(i) The total number of trainings that districts provided;

(ii) The number of paraeducators that completed the training, by district; and

(iii) The total expenditures reimbursed to school districts, by district.

**Sec. 503.** 2019 c 415 s 504 (uncodified) is amended to read as follows:

**FOR THE SUPERINTENDENT OF PUBLIC  
INSTRUCTION—FOR GENERAL  
APPORTIONMENT**

General Fund—State Appropriation (FY 2020)  
.....~~(( \$8,752,402,000 ))~~

\$8,449,996,000

General Fund—State Appropriation (FY 2021)  
.....~~(( \$9,137,269,000 ))~~

\$8,942,348,000

Education Legacy Trust Account—State

Appropriation .....~~(( \$1,345,730,000 ))~~

\$1,955,730,000

TOTAL APPROPRIATION ..... \$19,235,401,000

\$19,348,074,000

The appropriations in this section are subject to the following conditions and limitations:

(1)(a) Each general fund fiscal year appropriation includes such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.

(b) For the 2019-20 and 2020-21 school years, the superintendent shall allocate general apportionment funding to school districts as provided in the funding formulas and salary allocations in sections 504 and 505 of this act, excluding (c) of this subsection.

(c) From July 1, 2019, to August 31, 2019, the superintendent shall allocate general apportionment funding to school districts programs as provided in sections 502 and 503, chapter 299, Laws of 2018.

(d) The enrollment of any district shall be the annual average number of full-time equivalent students and part-time students as provided in RCW 28A.150.350, enrolled on the fourth day of school in September and on the first school day of each month October through June, including students

who are in attendance pursuant to RCW 28A.335.160 and 28A.225.250 who do not reside within the servicing school district. Any school district concluding its basic education program in May must report the enrollment of the last school day held in May in lieu of a June enrollment.

(e)(i) Funding provided in part V of this act is sufficient to provide each full-time equivalent student with the minimum hours of instruction required under RCW 28A.150.220.

(ii) The office of the superintendent of public instruction shall align the agency rules defining a full-time equivalent student with the increase in the minimum instructional hours under RCW 28A.150.220, as amended by the legislature in 2014.

(f) The superintendent shall adopt rules requiring school districts to report full-time equivalent student enrollment as provided in RCW 28A.655.210.

(g) For the 2019-20 and 2020-21 school years, school districts must report to the office of the superintendent of public instruction the monthly actual average district-wide class size across each grade level of kindergarten, first grade, second grade, and third grade classes. The superintendent of public instruction shall report this information to the education and fiscal committees of the house of representatives and the senate by September 30th of each year.

**(2) CERTIFICATED INSTRUCTIONAL STAFF  
ALLOCATIONS**

Allocations for certificated instructional staff salaries for the 2019-20 and 2020-21 school years are determined using formula-generated staff units calculated pursuant to this subsection.

(a) Certificated instructional staff units, as defined in RCW 28A.150.410, shall be allocated to reflect the minimum class size allocations, requirements, and school prototypes assumptions as provided in RCW 28A.150.260. The superintendent shall make allocations to school districts based on the district's annual average full-time equivalent student enrollment in each grade.

(b) Additional certificated instructional staff units provided in this subsection (2) that exceed the minimum requirements in RCW 28A.150.260 are enhancements outside the program of basic education, except as otherwise provided in this section.

(c)(i) The superintendent shall base allocations for each level of prototypical school, including those at which more than fifty percent of the students were eligible for free and reduced-price meals in the prior school year, on the following regular education average class size of full-time equivalent students per teacher, except as provided in (c)(ii) of this subsection:

Gener  
al education  
class size:

	Grade	RC W 28A.150.2 60	2019 -20 Scho ol Year	2020 -21 Scho ol Year
K	Grade		17.0	17.0
		0	0	
1	Grade		17.0	17.0
		0	0	
2	Grade		17.0	17.0
		0	0	
3	Grade		17.0	17.0
		0	0	
4	Grade		27.0	27.0
		0	0	
s 5-6	Grade		27.0	27.0
		0	0	
s 7-8	Grade		28.5	28.5
		3	3	
s 9-12	Grade		28.7	28.7
		4	4	

The superintendent shall base allocations for: Laboratory science average class size as provided in RCW 28A.150.260; career and technical education (CTE) class size of 23.0; and skill center program class size of 20.0.

(ii) Pursuant to RCW 28A.150.260(4)(a), the assumed teacher planning period, expressed as a percentage of a teacher work day, is 13.42 percent in grades K-6, and 16.67 percent in grades 7-12; and

(iii) Advanced placement and international baccalaureate courses are funded at the same class size assumptions as general education schools in the same grade; and

(d)(i) Funding for teacher librarians, school nurses, social workers, school psychologists, and guidance counselors is allocated based on the school prototypes as provided in RCW 28A.150.260 and is considered certificated instructional staff, except as provided in (d)(ii) of this subsection.

(ii)(A) For the twenty schools with the lowest overall school score for all students in the 2018-19 school year, as determined by the Washington school improvement framework among elementary schools, middle schools, and other schools not serving students up to twelfth grade, having enrollments greater than one hundred fifty students, in addition to the allocation under (d)(i) of this subsection the superintendent shall allocate additional funding for guidance counselors for each level of prototypical school in the 2019-20 school year as follows:

Elementary	Middle
------------	--------

Guidance counselors	0.307	0.512
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To receive additional allocations under (d)(ii)(A) of this subsection, a school eligible to receive the allocation must have demonstrated actual staffing for guidance counselors for its prototypical school level that meets or exceeds the staffing for guidance counselors in (d)(i) of this subsection and this subsection (2)(d)(ii)(A) for its prototypical school level. School districts must distribute the additional guidance counselors allocation in this subsection to the schools that generate the allocation. The enhancement within this subsection is not part of the state's program of basic education.

(B) For qualifying high-poverty elementary schools in the 2020-21 school year, in addition to the allocation under (d)(i) of this subsection, the superintendent shall allocate additional funding for guidance counselors for each level of prototypical school as follows:

	<u>Elementary</u>
<u>Guidance Counselors</u>	<u>0.500</u>

(c) Students in approved career and technical education and skill center programs generate certificated instructional staff units to provide for the services of teacher librarians, school nurses, social workers, school psychologists, and guidance counselors at the following combined rate per 1000 student full-time equivalent enrollment:

	2019-20 School Year	2020-21 School Year
Career and Technical Education	3.07	3.07
Skill Center	3.41	3.41

### (3) ADMINISTRATIVE STAFF ALLOCATIONS

(a) Allocations for school building-level certificated administrative staff salaries for the 2019-20 and 2020-21 school years for general education students are determined using the formula generated staff units calculated pursuant to this subsection. The superintendent shall make allocations to school districts based on the district's annual average full-time equivalent enrollment in each grade. The following prototypical school values shall determine the allocation for principals, assistant principals, and other certificated building level administrators:

Prototypical School Building:	
Elementary School	1.253

Middle School	1.353
High School	1.880

(b) Students in approved career and technical education and skill center programs generate certificated school building-level administrator staff units at per student rates that are a multiple of the general education rate in (a) of this subsection by the following factors: Career and Technical Education students ..... 1.025

Skill Center students..... 1.198

#### (4) CLASSIFIED STAFF ALLOCATIONS

Allocations for classified staff units providing school building-level and district-wide support services for the 2019-20 and 2020-21 school years are determined using the formula-generated staff units provided in RCW 28A.150.260 and pursuant to this subsection, and adjusted based on each district's annual average full-time equivalent student enrollment in each grade.

#### (5) CENTRAL OFFICE ALLOCATIONS

In addition to classified and administrative staff units allocated in subsections (3) and (4) of this section, classified and administrative staff units are provided for the 2019-20 and 2020-21 school years for the central office administrative costs of operating a school district, at the following rates:

(a) The total central office staff units provided in this subsection (5) are calculated by first multiplying the total number of eligible certificated instructional, certificated administrative, and classified staff units providing school-based or district-wide support services, as identified in RCW 28A.150.260(6)(b) and the increased allocations provided pursuant to subsections (2) and (4) of this section, by 5.3 percent.

(b) Of the central office staff units calculated in (a) of this subsection, 74.53 percent are allocated as classified staff units, as generated in subsection (4) of this section, and ~~((25.47))~~ 25.48 percent shall be allocated as administrative staff units, as generated in subsection (3) of this section.

(c) Staff units generated as enhancements outside the program of basic education to the minimum requirements of RCW 28A.150.260, and staff units generated by skill center and career-technical students, are excluded from the total central office staff units calculation in (a) of this subsection.

(d) For students in approved career-technical and skill center programs, central office classified units are allocated at the same staff unit per student rate as those generated for general education students of the same grade in this subsection (5), and central office administrative staff units are allocated at staff unit per student rates that exceed the general education rate established for students in the same grade in this subsection (5) by ~~((42.54))~~ 12.50 percent in the 2019-20 school year and ~~((42.53))~~ 12.52 percent in the 2020-21 school year for career and technical education students, and ~~((47.84))~~ 17.83 percent in the 2019-20 school year and ~~((47.86))~~ 17.85 percent in the 2020-21 school year for skill center students.

#### (6) FRINGE BENEFIT ALLOCATIONS

Fringe benefit allocations shall be calculated at a rate of 23.80 percent in the 2019-20 school year and ~~((23.80))~~ 24.03 percent in the 2020-21 school year for certificated salary allocations provided under subsections (2), (3), and (5) of this section, and a rate of 24.33 percent in the 2019-20 school year and ~~((24.33))~~ 24.44 percent in the 2020-21 school year for classified salary allocations provided under subsections (4) and (5) of this section.

#### (7) INSURANCE BENEFIT ALLOCATIONS

Insurance benefit allocations shall be calculated at the rates specified in section 506 of this act, based on the number of benefit units determined as follows:

(a) Until December 31, 2019 and for nonrepresented employees of educational service districts for the 2020-21 school year:

(i) The number of certificated staff units determined in subsections (2), (3), and (5) of this section; and

(ii) The number of classified staff units determined in subsections (4) and (5) of this section.

(b) Beginning January 1, 2020, and except for nonrepresented employees of educational service districts for the 2020-21 school year, the number of calculated benefit units determined below. Calculated benefit units are staff units multiplied by the benefit allocation factors established in the collective bargaining agreement referenced in ~~((section 938 of this act))~~ section 907 of this act. These factors are intended to adjust allocations so that, for the purpose of distributing insurance benefits, full-time equivalent employees may be calculated on the basis of 630 hours of work per year, with no individual employee counted as more than one full-time equivalent. The number of benefit units is determined as follows:

(i) The number of certificated staff units determined in subsections (2), (3), and (5) of this section multiplied by 1.02; and

(ii) The number of classified staff units determined in subsections (4) and (5) of this section multiplied by 1.43.

(c) For health benefits payments to the health care authority for benefits provided to school employees in January 2020, school districts must provide payment to the health care authority within three business days of receiving the January 2020 allocation for insurance benefits. The health care authority and office of the superintendent of public instruction must coordinate with school districts to enable timely payment to the health care authority consistent with this subsection.

#### (8) MATERIALS, SUPPLIES, AND OPERATING COSTS (MSOC) ALLOCATIONS

Funding is allocated per annual average full-time equivalent student for the materials, supplies, and operating costs (MSOC) incurred by school districts, consistent with the requirements of RCW 28A.150.260.

(a)(i) MSOC funding for general education students are allocated at the following per student rates:

## MSOC RATES/STUDENT FTE

MSOC Component	2019-20 School Year	2020-21 School Year
Technology	\$135.91	<del>(\$138.75)</del> <u>\$138.08</u>
Utilities and Insurance	\$369.29	<del>(\$377.04)</del> <u>\$375.20</u>
Curriculum and Textbooks	\$145.92	<del>(\$148.99)</del> <u>\$148.26</u>
Other Supplies	\$289.00	<del>(\$295.07)</del> <u>\$293.62</u>
Library Materials	\$20.79	<del>(\$21.23)</del> <u>\$21.12</u>
Instructional Professional Development for Certificated and Classified Staff	\$22.57	<del>(\$23.04)</del> <u>\$22.93</u>
Facilities Maintenance	\$182.94	<del>(\$186.79)</del> <u>\$185.87</u>
Security and Central Office	\$126.74	<del>(\$129.41)</del> <u>\$128.77</u>
TOTAL BASIC EDUCATION MSOC/STUDENT FTE	\$1,293.16	<del>(\$1,320.32)</del> <u>\$1,313.85</u>

(ii) For the 2019-20 school year and 2020-21 school year, as part of the budget development, hearing, and review process required by chapter 28A.505 RCW, each school district must disclose: (A) The amount of state funding to be received by the district under (a) and (d) of this subsection (8); (B) the amount the district proposes to spend for materials, supplies, and operating costs; (C) the difference between these two amounts; and (D) if (A) of this subsection (8)(a)(ii) exceeds (B) of this subsection (8)(a)(ii), any proposed use of this difference and how this use will improve student achievement.

(b) Students in approved skill center programs generate per student FTE MSOC allocations of \$1,529.98 for

the 2019-20 school year and ~~(\$1,562.44)~~ \$1,554.46 for the 2020-21 school year.

(c) Students in approved exploratory and preparatory career and technical education programs generate per student FTE MSOC allocations of \$1,529.98 for the 2019-20 school year and ~~(\$1,562.44)~~ \$1,554.46 for the 2020-21 school year.

(d) Students in grades 9-12 generate per student FTE MSOC allocations in addition to the allocations provided in (a) through (c) of this subsection at the following rate:

MSOC Component	2019-20 School Year	2020-21 School Year
Technology	\$39.08	<del>(\$39.90)</del> <u>\$39.70</u>
Curriculum and Textbooks	\$42.63	<del>(\$43.53)</del> <u>\$43.32</u>
Other Supplies	\$83.04	<del>(\$84.79)</del> <u>\$84.37</u>
Library Materials	\$5.78	<del>(\$5.90)</del> <u>\$5.87</u>
Instructional Professional Development for Certificated and Classified Staff	\$7.11	<del>(\$7.25)</del> <u>\$7.22</u>
TOTAL GRADE 9-12 BASIC EDUCATION MSOC/STUDENT FTE	\$177.64	<del>(\$181.37)</del> <u>\$180.48</u>

## (9) SUBSTITUTE TEACHER ALLOCATIONS

For the 2019-20 and 2020-21 school years, funding for substitute costs for classroom teachers is based on four (4) funded substitute days per classroom teacher unit generated under subsection (2) of this section, at a daily substitute rate of \$151.86.

## (10) ALTERNATIVE LEARNING EXPERIENCE PROGRAM FUNDING

(a) Amounts provided in this section from July 1, 2019, to August 31, 2019, are adjusted to reflect provisions of chapter 299, Laws of 2018 (allocation of funding for students enrolled in alternative learning experiences).

(b) The superintendent of public instruction shall require all districts receiving general apportionment funding for alternative learning experience (ALE) programs as defined in WAC 392-121-182 to provide separate financial accounting of expenditures for the ALE programs offered in district or with a provider, including but not limited to private companies and multidistrict cooperatives, as well as accurate, monthly headcount and FTE enrollment claimed for basic education, including separate counts of resident and nonresident students.

#### (11) DROPOUT REENGAGEMENT PROGRAM

The superintendent shall adopt rules to require students claimed for general apportionment funding based on enrollment in dropout reengagement programs authorized under RCW 28A.175.100 through 28A.175.115 to meet requirements for at least weekly minimum instructional contact, academic counseling, career counseling, or case management contact. Districts must also provide separate financial accounting of expenditures for the programs offered by the district or under contract with a provider, as well as accurate monthly headcount and full-time equivalent enrollment claimed for basic education, including separate enrollment counts of resident and nonresident students.

#### (12) ALL DAY KINDERGARTEN PROGRAMS

Funding in this section is sufficient to fund all day kindergarten programs in all schools in the 2019-20 school year and 2020-21 school year, pursuant to RCW 28A.150.220 and 28A.150.315.

#### (13) ADDITIONAL FUNDING FOR SMALL SCHOOL DISTRICTS AND REMOTE AND NECESSARY PLANTS

For small school districts and remote and necessary school plants within any district which have been judged to be remote and necessary by the superintendent of public instruction, additional staff units are provided to ensure a minimum level of staffing support. Additional administrative and certificated instructional staff units provided to districts in this subsection shall be reduced by the general education staff units, excluding career and technical education and skills center enhancement units, otherwise provided in subsections (2) through (5) of this section on a per district basis.

(a) For districts enrolling not more than twenty-five average annual full-time equivalent students in grades K-8, and for small school plants within any school district which have been judged to be remote and necessary by the superintendent of public instruction and enroll not more than twenty-five average annual full-time equivalent students in grades K-8:

(i) For those enrolling no students in grades 7 and 8, 1.76 certificated instructional staff units and 0.24 certificated administrative staff units for enrollment of not more than five students, plus one-twentieth of a certificated instructional staff unit for each additional student enrolled; and

(ii) For those enrolling students in grades 7 or 8, 1.68 certificated instructional staff units and 0.32 certificated

administrative staff units for enrollment of not more than five students, plus one-tenth of a certificated instructional staff unit for each additional student enrolled;

(b) For specified enrollments in districts enrolling more than twenty-five but not more than one hundred average annual full-time equivalent students in grades K-8, and for small school plants within any school district which enroll more than twenty-five average annual full-time equivalent students in grades K-8 and have been judged to be remote and necessary by the superintendent of public instruction:

(i) For enrollment of up to sixty annual average full-time equivalent students in grades K-6, 2.76 certificated instructional staff units and 0.24 certificated administrative staff units; and

(ii) For enrollment of up to twenty annual average full-time equivalent students in grades 7 and 8, 0.92 certificated instructional staff units and 0.08 certificated administrative staff units;

(c) For districts operating no more than two high schools with enrollments of less than three hundred average annual full-time equivalent students, for enrollment in grades 9-12 in each such school, other than alternative schools, except as noted in this subsection:

(i) For remote and necessary schools enrolling students in any grades 9-12 but no more than twenty-five average annual full-time equivalent students in grades K-12, four and one-half certificated instructional staff units and one-quarter of a certificated administrative staff unit;

(ii) For all other small high schools under this subsection, nine certificated instructional staff units and one-half of a certificated administrative staff unit for the first sixty average annual full-time equivalent students, and additional staff units based on a ratio of 0.8732 certificated instructional staff units and 0.1268 certificated administrative staff units per each additional forty-three and one-half average annual full-time equivalent students;

(iii) Districts receiving staff units under this subsection shall add students enrolled in a district alternative high school and any grades nine through twelve alternative learning experience programs with the small high school enrollment for calculations under this subsection;

(d) For each nonhigh school district having an enrollment of more than seventy annual average full-time equivalent students and less than one hundred eighty students, operating a grades K-8 program or a grades 1-8 program, an additional one-half of a certificated instructional staff unit;

(e) For each nonhigh school district having an enrollment of more than fifty annual average full-time equivalent students and less than one hundred eighty students, operating a grades K-6 program or a grades 1-6 program, an additional one-half of a certificated instructional staff unit;

(f)(i) For enrollments generating certificated staff unit allocations under (a) through (e) of this subsection, one

classified staff unit for each 2.94 certificated staff units allocated under such subsections;

(ii) For each nonhigh school district with an enrollment of more than fifty annual average full-time equivalent students and less than one hundred eighty students, an additional one-half of a classified staff unit; and

(g) School districts receiving additional staff units to support small student enrollments and remote and necessary plants under this subsection (13) shall generate additional MSOC allocations consistent with the nonemployee related costs (NERC) allocation formula in place for the 2010-11 school year as provided section 502, chapter 37, Laws of 2010 1st sp. sess. (2010 supplemental budget), adjusted annually for inflation.

(14) Any school district board of directors may petition the superintendent of public instruction by submission of a resolution adopted in a public meeting to reduce or delay any portion of its basic education allocation for any school year. The superintendent of public instruction shall approve such reduction or delay if it does not impair the district's financial condition. Any delay shall not be for more than two school years. Any reduction or delay shall have no impact on levy authority pursuant to RCW 84.52.0531 and local effort assistance pursuant to chapter 28A.500 RCW.

(15) The superintendent may distribute funding for the following programs outside the basic education formula during fiscal years 2020 and 2021 as follows:

(a) \$650,000 of the general fund—state appropriation for fiscal year 2020 and \$650,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for fire protection for school districts located in a fire protection district as now or hereafter established pursuant to chapter 52.04 RCW.

(b) \$436,000 of the general fund—state appropriation for fiscal year 2020 and \$436,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for programs providing skills training for secondary students who are enrolled in extended day school-to-work programs, as approved by the superintendent of public instruction. The funds shall be allocated at a rate not to exceed \$500 per full-time equivalent student enrolled in those programs.

(16) Funding in this section is sufficient to fund a maximum of 1.6 FTE enrollment for skills center students pursuant to chapter 463, Laws of 2007.

(17) Funding in this section is sufficient to fund a maximum of 1.2 FTE enrollment for career launch students pursuant to RCW 28A.700.130. Expenditures for this purpose must come first from the appropriations provided in section 521 of this act; funding for career launch enrollment exceeding those appropriations is provided in this section. The office of the superintendent of public instruction shall provide a summary report to the office of the governor and the appropriate committees of the legislature by January 1, 2022. The report must include the total FTE enrollment for career launch students, the FTE enrollment for career launch students that exceeded the appropriations provided in section

521 of this act, and the amount expended from this section for those students.

(18) Students participating in running start programs may be funded up to a combined maximum enrollment of 1.2 FTE including school district and institution of higher education enrollment consistent with the running start course requirements provided in chapter 202, Laws of 2015 (dual credit education opportunities). In calculating the combined 1.2 FTE, the office of the superintendent of public instruction may average the participating student's September through June enrollment to account for differences in the start and end dates for courses provided by the high school and higher education institution. Additionally, the office of the superintendent of public instruction, in consultation with the state board for community and technical colleges, the student achievement council, and the education data center, shall annually track and report to the fiscal committees of the legislature on the combined FTE experience of students participating in the running start program, including course load analyses at both the high school and community and technical college system.

((48)) (19) If two or more school districts consolidate and each district was receiving additional basic education formula staff units pursuant to subsection (13) of this section, the following apply:

(a) For three school years following consolidation, the number of basic education formula staff units shall not be less than the number of basic education formula staff units received by the districts in the school year prior to the consolidation; and

(b) For the fourth through eighth school years following consolidation, the difference between the basic education formula staff units received by the districts for the school year prior to consolidation and the basic education formula staff units after consolidation pursuant to subsection (13) of this section shall be reduced in increments of twenty percent per year.

((49)) (20)(a) Indirect cost charges by a school district to approved career and technical education middle and secondary programs shall not exceed the lesser of five percent or the cap established in federal law of the combined basic education and career and technical education program enhancement allocations of state funds. Middle and secondary career and technical education programs are considered separate programs for funding and financial reporting purposes under this section.

(b) Career and technical education program full-time equivalent enrollment shall be reported on the same monthly basis as the enrollment for students eligible for basic support, and payments shall be adjusted for reported career and technical education program enrollments on the same monthly basis as those adjustments for enrollment for students eligible for basic support.

((20)) (21) Funding in this section is sufficient to provide full general apportionment payments to school districts eligible for federal forest revenues as provided in RCW 28A.520.020. For the 2019-2021 biennium, general

apportionment payments are not reduced for school districts receiving federal forest revenues.

**Sec. 504.** 2019 c 415 s 505 (uncodified) is amended to read as follows:

**FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—BASIC EDUCATION EMPLOYEE COMPENSATION**

(1) The following calculations determine the salaries used in the state allocations for certificated instructional, certificated administrative, and classified staff units as provided in RCW 28A.150.260, and under ~~((section 504 of this act))~~ section 503 of this act: For the 2019-20 school year and the 2020-21 school year salary allocations for certificated instructional staff, certificated administrative staff, and classified staff units are determined for each school district by multiplying the statewide minimum salary allocation for each staff type by the school district's regionalization factor shown in LEAP Document 3.

**Statewide Minimum Salary Allocation**

Staff Type	2019-20 School Year	2020- 21 School Year
Certificated Instructional	\$66,520	<del>((67,917))</del> <u>\$67,585</u>
Certificated Administrative	\$98,741	<del>((100,815))</del> <u>\$100,321</u>
Classified	\$47,720	<del>((48,722))</del> <u>\$48,483</u>

(2) For the purposes of this section, "LEAP Document 3" means the school district regionalization factors for certificated instructional, certificated administrative, and classified staff, as developed by the legislative evaluation and accountability program committee on ~~((December 10, 2018, at 8:24 hours))~~ February 24, 2020, at 2:22 hours.

(3) Incremental fringe benefit factors are applied to salary adjustments at a rate of 23.16 percent for school year 2019-20 and ~~((23.16))~~ 23.39 percent for school year 2020-21 for certificated instructional and certificated administrative staff and 20.83 percent for school year 2019-20 and ~~((20.83))~~ 20.94 percent for the 2020-21 school year for classified staff.

(4) The salary allocations established in this section are for allocation purposes only except as provided in this subsection, and do not entitle an individual staff position to a particular paid salary except as provided in RCW

28A.400.200, as amended by chapter 13, Laws of 2017 3rd sp. sess. (fully funding the program of basic education).

**Sec. 505.** 2019 c 415 s 506 (uncodified) is amended to read as follows:

**FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR SCHOOL EMPLOYEE COMPENSATION ADJUSTMENTS**

General Fund—State Appropriation (FY 2020)	<del>((379,041,000))</del>
	<u>\$387,359,000</u>
General Fund—State Appropriation (FY 2021)	<del>((726,648,000))</del>
	<u>\$644,562,000</u>
TOTAL APPROPRIATION	<u>\$1,105,689,000</u>
	<u>\$1,031,921,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) The salary increases provided in this section are 2.0 percent for the 2019-20 school year, and ~~((2.4))~~ 1.6 percent for the 2020-21 school year, the annual inflationary adjustments pursuant to RCW 28A.400.205.

~~((2)(a) In addition to salary allocations ((specified in this subsection (1) funding)), the appropriations in this ((subsection includes two days of)) section include funding for professional learning as defined in RCW 28A.415.430, 28A.415.432, and 28A.415.434. Funding for this purpose is calculated as the equivalent of two days of salary and benefits for each of the funded full-time equivalent certificated instructional staff units in school year 2019-20, and three days ((of professional learning)) of salary and benefits for each of the funded full-time equivalent certificated instructional staff units in school year 2020-21. Nothing in this section entitles an individual certificated instructional staff to any particular number of professional learning days.~~

(b) Of the funding provided for professional learning in this section, the equivalent of one day of salary and benefits for each of the funded full-time equivalent certificated instructional staff units in school year 2020-21 must be used to train school district staff on racial literacy, cultural responsiveness, and stereotype threat for purposes of closing persistent opportunity gaps.

(3)(a) The appropriations in this section include associated incremental fringe benefit allocations at 23.16 percent for the 2019-20 school year and ~~((23.16))~~ 23.39 percent for the 2020-21 school year for certificated instructional and certificated administrative staff and 20.83 percent for the 2019-20 school year and ~~((20.83))~~ 20.94 percent for the 2020-21 school year for classified staff.

(b) The appropriations in this section include the increased or decreased portion of salaries and incremental fringe benefits for all relevant state-funded school programs in part V of this act. Changes for general apportionment (basic education) are based on the salary allocations and



methodology in ~~((sections 504 and 505 of this act))~~ sections 503 and 504 of this act. Changes for special education result from changes in each district's basic education allocation per student. Changes for educational service districts and institutional education programs are determined by the superintendent of public instruction using the methodology for general apportionment salaries and benefits in ~~((sections 504 and 505 of this act))~~ sections 503 and 504 of this act. Changes for pupil transportation are determined by the superintendent of public instruction pursuant to RCW 28A.160.192, and impact compensation factors in sections 504, 505, and 506 of this act.

(c) The appropriations in this section include no salary adjustments for substitute teachers.

(4) The appropriations in this section are sufficient to fund the collective bargaining agreement referenced in ~~((section 938 of this act))~~ section 907 of this act and reflect the incremental change in cost of allocating rates as follows:

(a) For the 2019-20 school year, \$973.00 per month from September 1, 2019, to December 31, 2019, \$994 per month from January 1, 2020, to June 30, 2020, and \$1,056 per month from July 1, 2020, to August 31, 2020; and

(b) For the 2020-21 school year, ~~(((\$1,056))~~ \$1,000 per month.

(5) When bargaining for funding for school employees health benefits for the 2021-2023 fiscal biennium, any proposal agreed upon must assume the imposition of a twenty-five dollar per month surcharge payment from members who use tobacco products and a surcharge payment of not less than fifty dollars per month from members who cover a spouse or domestic partner where the spouse or domestic partner has chosen not to enroll in another employer-based group health insurance that has benefits and premiums with an actuarial value of not less than ninety-five percent of the actuarial value of the public employees' benefits board plan with the largest enrollment. The surcharge payments shall be collected in addition to the member premium payment.

(6) The rates specified in this section are subject to revision each year by the legislature.

(7)(a) \$1,226,000 of the general fund—state appropriation for fiscal year 2020 ~~((and \$2,763,000 of the general fund—state appropriation for fiscal year 2021 are))~~ is provided solely for changes to the special education cost multiplier as specified in Engrossed Second Substitute Senate Bill No. 5091 (special education funding).

(b) Within amounts appropriated in this section, funding is provided for fiscal year 2021 for changes to the special education cost multiplier as specified in chapter 387, Laws of 2019 (special education funding).

**Sec. 506.** 2019 c 415 s 507 (uncodified) is amended to read as follows:

**FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR PUPIL TRANSPORTATION**

General Fund—State Appropriation (FY 2020)  
.....~~(((\$614,906,000))~~

\$646,545,000

General Fund—State Appropriation (FY 2021)  
.....~~(((\$615,788,000))~~

\$626,529,000

Education Legacy Trust Account—State

Appropriation.....\$29,500,000

TOTAL APPROPRIATION.....\$1,230,694,000

\$1,302,574,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Each general fund fiscal year appropriation includes such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.

(2)(a) For the 2019-20 and 2020-21 school years, the superintendent shall allocate funding to school district programs for the transportation of eligible students as provided in RCW 28A.160.192. Funding in this section constitutes full implementation of RCW 28A.160.192, which enhancement is within the program of basic education. Students are considered eligible only if meeting the definitions provided in RCW 28A.160.160.

(b) From July 1, 2019, to August 31, 2019, the superintendent shall allocate funding to school districts programs for the transportation of students as provided in section 505, chapter 299, Laws of 2018.

(3) Within amounts appropriated in this section, up to \$10,000,000 of the general fund—state appropriation for fiscal year 2020 and up to \$10,000,000 of the general fund—state appropriation for fiscal year 2021 are for a transportation alternate funding grant program based on the alternate funding process established in RCW 28A.160.191. The superintendent of public instruction must include a review of school district efficiency rating, key performance indicators and local school district characteristics such as unique geographic constraints in the grant award process.

(4) A maximum of \$939,000 of this fiscal year 2020 appropriation and a maximum of \$939,000 of the fiscal year 2021 appropriation may be expended for regional transportation coordinators and related activities. The transportation coordinators shall ensure that data submitted by school districts for state transportation funding shall, to the greatest extent practical, reflect the actual transportation activity of each district.

(5) Subject to available funds under this section, school districts may provide student transportation for summer skills center programs.

(6) The office of the superintendent of public instruction shall provide reimbursement funding to a school district for school bus purchases only after the superintendent of public instruction determines that the school bus was purchased from the list established pursuant to RCW 28A.160.195(2) or a comparable competitive bid process based on the lowest price quote based on similar bus

categories to those used to establish the list pursuant to RCW 28A.160.195.

(7) The superintendent of public instruction shall base depreciation payments for school district buses on the presales tax five-year average of lowest bids in the appropriate category of bus. In the final year on the depreciation schedule, the depreciation payment shall be based on the lowest bid in the appropriate bus category for that school year.

(8) Funding levels in this section reflect waivers granted by the state board of education for four-day school weeks as allowed under RCW 28A.305.141.

(9) The office of the superintendent of public instruction shall annually disburse payments for bus depreciation in August.

(10) \$29,500,000 of the education legacy trust account—state appropriation is provided solely for a one-time backfill funding for excess allocations to school districts in fiscal year 2019 that resulted from an erroneous methodology used by the office of superintendent of public instruction. The amount provided in this subsection must not be included in the methodology used to calculate the 2020-21 school year pupil transportation operations allocation. The amount in this subsection must remain unexpended and in unallotted status until the report required in section 129(13) of this act is completed and the superintendent and the office of financial management agree that the methodology used to allocate the funds in this section accurately reflect the components and modeling approach in RCW 28A.160.192 and will not result in the need for additional backfill funding.

(11) The office of the superintendent of public instruction must subtract pupil transportation amounts carried over from the 2018-19 school year to the 2019-20 school year from the prior year's expenditures used to determine the student transportation allocation for the 2020-21 school year.

(12) \$21,508,000 of the general fund—state appropriation for fiscal year 2020 is provided solely for one-time hold harmless pupil transportation payments to school districts to address lower pupil transportation payments for the 2019-2020 school year that were the result of corrections to the pupil transportation allocation methodology as implemented by the superintendent.

**Sec. 507.** 2019 c 415 s 509 (uncodified) is amended to read as follows:

**FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR SPECIAL EDUCATION PROGRAMS**

General Fund—State Appropriation (FY 2020)  
.....~~(\$1,402,262,000)~~  
\$1,406,767,000

General Fund—State Appropriation (FY 2021)  
.....~~(\$1,501,646,000)~~  
\$1,463,248,000

General	Fund—Federal	Appropriation
.....	.....	<del>(\$499,428,000)</del>
		\$514,008,000
Education	Legacy	Trust
Appropriation.....		Account—State
		\$54,694,000
Pension	Funding	Stabilization
Appropriation.....		Account—State
		\$20,000
TOTAL APPROPRIATION.....		\$3,458,050,000
		\$3,438,737,000

The appropriations in this section are subject to the following conditions and limitations:

(1)(a) Funding for special education programs is provided on an excess cost basis, pursuant to RCW 28A.150.390. School districts shall ensure that special education students as a class receive their full share of the general apportionment allocation accruing through ~~((sections 504 and 506 of this act))~~ sections 503 and 505 of this act. To the extent a school district cannot provide an appropriate education for special education students under chapter 28A.155 RCW through the general apportionment allocation, it shall provide services through the special education excess cost allocation funded in this section.

(b) Funding provided within this section is sufficient for districts to provide school principals and lead special education teachers annual professional development on the best-practices for special education instruction and strategies for implementation. Districts shall annually provide a summary of professional development activities to the office of the superintendent of public instruction.

(2)(a) The superintendent of public instruction shall ensure that:

(i) Special education students are basic education students first;

(ii) As a class, special education students are entitled to the full basic education allocation; and

(iii) Special education students are basic education students for the entire school day.

(b) The superintendent of public instruction shall continue to implement the full cost method of excess cost accounting, as designed by the committee and recommended by the superintendent, pursuant to section 501(1)(k), chapter 372, Laws of 2006.

(3) Each fiscal year appropriation includes such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.

(4)(a) For the 2019-20 and 2020-21 school years, the superintendent shall allocate funding to school district programs for special education students as provided in RCW 28A.150.390 as amended by chapter 266, Laws of 2018 (basic education), except that the calculation of the base allocation also includes allocations provided under ~~((section 504 (2) and (4) of this act))~~ section 503 (2) and (4) of this act

and RCW 28A.150.415, which enhancement is within the program of basic education.

(b) From July 1, 2019, to August 31, 2019, the superintendent shall allocate funding to school district programs for special education students as provided in section 507, chapter 299, Laws of 2018.

(5) The following applies throughout this section: The definitions for enrollment and enrollment percent are as specified in RCW 28A.150.390(3). Each district's general fund—state funded special education enrollment shall be the lesser of the district's actual enrollment percent or 13.5 percent.

(6) At the request of any interdistrict cooperative of at least 15 districts in which all excess cost services for special education students of the districts are provided by the cooperative, the maximum enrollment percent shall be calculated in accordance with RCW 28A.150.390(3) (c) and (d), and shall be calculated in the aggregate rather than individual district units. For purposes of this subsection, the average basic education allocation per full-time equivalent student shall be calculated in the aggregate rather than individual district units.

(7) (~~(\$71,253,000)~~) \$63,609,000 of the general fund—state appropriation for fiscal year 2020, (~~(\$87,253,000)~~) \$91,500,000 of the general fund—state appropriation for fiscal year 2021, and \$29,574,000 of the general fund—federal appropriation are provided solely for safety net awards for districts with demonstrated needs for special education funding beyond the amounts provided in subsection (4) of this section. If the federal safety net awards based on the federal eligibility threshold exceed the federal appropriation in this subsection (7) in any fiscal year, the superintendent shall expend all available federal discretionary funds necessary to meet this need. At the conclusion of each school year, the superintendent shall recover safety net funds that were distributed prospectively but for which districts were not subsequently eligible.

(a) For the 2019-20 and 2020-21 school years, safety net funds shall be awarded by the state safety net oversight committee as provided in section 109(1) chapter 548, Laws of 2009 (education).

(b) The office of the superintendent of public instruction shall make award determinations for state safety net funding in August of each school year, except that the superintendent of public instruction shall make award determinations for state safety net funding in July of each school year for the Washington state school for the blind and for the center for childhood deafness and hearing loss. Determinations on school district eligibility for state safety net awards shall be based on analysis of actual expenditure data from the current school year.

(8) A maximum of \$931,000 may be expended from the general fund—state appropriations to fund 5.43 full-time equivalent teachers and 2.1 full-time equivalent aides at children's orthopedic hospital and medical center. This amount is in lieu of money provided through the home and hospital allocation and the special education program.

(9) The superintendent shall maintain the percentage of federal flow-through to school districts at 85 percent. In addition to other purposes, school districts may use increased federal funds for high-cost students, for purchasing regional special education services from educational service districts, and for staff development activities particularly relating to inclusion issues.

(10) A school district may carry over from one year to the next year up to 10 percent of the general fund—state funds allocated under this program; however, carryover funds shall be expended in the special education program.

(11) \$50,000 of the general fund—state appropriation for fiscal year 2020, \$50,000 of the general fund—state appropriation for fiscal year 2021, and \$100,000 of the general fund—federal appropriation are provided solely for a special education family liaison position within the office of the superintendent of public instruction.

(12) \$30,746,000 of the general fund—state appropriation for fiscal year 2020 (~~and \$46,425,000 of the general fund—state appropriation for fiscal year 2021 are~~) is provided solely for changes to the special education cost multiplier as specified in Engrossed Second Substitute Senate Bill No. 5091 (special education funding).

(13) Within amounts appropriated in this section, funding is provided for fiscal year 2021 for changes to the special education cost multiplier as specified in chapter 387, Laws of 2019 (special education funding).

~~((13) \$10,000,000)~~ (14) \$5,200,000 of the general fund—state appropriation for fiscal year 2020 and ~~((15,000,000))~~ \$19,800,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the office of the superintendent of public instruction to support professional development in inclusionary practices for classroom teachers. The primary form of support to public school classroom teachers must be for mentors who are experts in best practices for inclusive education, differentiated instruction, and individualized instruction. Funding for mentors must be prioritized to the public schools with the highest percentage of students with individualized education programs aged six through twenty-one who spend the least amount of time in general education classrooms.

(15) Beginning September 1, 2020, funding for payments to providers for the early support for infants and toddlers program is transferred to the department of children, youth, and families to implement Substitute House Bill No. 2787 (infants and toddlers program). The amount of the transfer and related funding requirements are included in section 225(4)(ff) of this act.

**Sec. 508.** 2019 c 415 s 510 (uncodified) is amended to read as follows:

**FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR EDUCATIONAL SERVICE DISTRICTS**

General Fund—State Appropriation (FY 2020)  
.....\$12,869,000

General Fund—State Appropriation (FY 2021)	
.....	(\$12,948,000))
	\$18,930,000
TOTAL APPROPRIATION .....	\$25,817,000
	\$31,799,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The educational service districts shall continue to furnish financial services required by the superintendent of public instruction and RCW 28A.310.190 (3) and (4).

(2) Funding within this section is provided for regional professional development related to mathematics and science curriculum and instructional strategies aligned with common core state standards and next generation science standards. Funding shall be distributed among the educational service districts in the same proportion as distributions in the 2007-2009 biennium. Each educational service district shall use this funding solely for salary and benefits for a certificated instructional staff with expertise in the appropriate subject matter and in professional development delivery, and for travel, materials, and other expenditures related to providing regional professional development support.

(3) Funding in this section is provided for regional professional development related to English language arts curriculum and instructional strategies aligned with common core state standards. Each educational service district shall use this funding solely for salary and benefits for certificated instructional staff with expertise in the appropriate subject matter and in professional development delivery, and for travel, materials, and other expenditures related to providing regional professional development support.

(4) For fiscal year 2021, funding in this section is provided for regional technical support for the K-20 telecommunications network to prevent system failures and avoid interruptions in school utilization of the data processing and video-conferencing capabilities of the network. These funds may be used to purchase engineering and advanced technical support for the network.

(5) For fiscal year 2021, funding in this section is provided for a corps of nurses located at the educational service districts, to be dispatched in coordination with the office of the superintendent of public instruction, to provide direct care to students, health education, and training for school staff.

(6) For fiscal year 2021, funding in this section is provided for staff and support at the nine educational service districts to provide a network of support for school districts to develop and implement comprehensive suicide prevention and behavioral health supports for students.

(7) For fiscal year 2021, funding in this section is provided for staff and support at the nine educational service districts to provide assistance to school districts with comprehensive safe schools planning, conducting needs assessments, school safety and security trainings, coordinating appropriate crisis and emergency response and

recovery, and developing threat assessment and crisis intervention teams.

(8) For fiscal year 2021, funding in this section is provided for regional English language arts coordinators to provide professional development of teachers and principals around the new early screening for dyslexia requirements.

(9) The educational service districts, at the request of the state board of education pursuant to RCW 28A.310.010 and 28A.305.130, may receive and screen applications for school accreditation, conduct school accreditation site visits pursuant to state board of education rules, and submit to the state board of education post-site visit recommendations for school accreditation. The educational service districts may assess a cooperative service fee to recover actual plus reasonable indirect costs for the purposes of this subsection.

**Sec. 509.** 2019 c 415 s 511 (uncodified) is amended to read as follows:

**FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR LOCAL EFFORT ASSISTANCE**

General Fund—State Appropriation (FY 2020)	
.....	(\$365,560,000))
	\$353,213,000
General Fund—State Appropriation (FY 2021)	
.....	(\$389,331,000))
	\$332,158,000
TOTAL APPROPRIATION.....	\$754,891,000
	\$685,371,000

The appropriations in this section are subject to the following conditions and limitations: ~~(((\$17,010,000 of the general fund—state appropriation for fiscal year 2020 and \$44,586,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for changes to the levy and levy equalization system as specified in either Substitute House Bill No. 2140 or Engrossed Substitute Senate Bill No. 5313 (K-12 education funding). If neither bill is enacted by June 30, 2019, these amounts shall lapse. Included in these amounts are hold harmless local effort assistance payments. In calendar years 2020 and 2021, in each calendar year a school district will receive an amount equal to number A minus number B if number A is greater than number B. For purposes of this section:~~

(1) ~~"Number A" is the sum of the local effort assistance and enrichment levy a district would have received under law as it existed on January 1, 2019.~~

(2) ~~"Number B" is the sum of the local effort assistance and enrichment levy a district receives under Substitute House Bill No. 2140 (K-12 education funding), if the district's levy collections were the lesser of the maximum dollar amount that may be levied at twenty percent of the district's levy base or its voter approved levy amount in calendar year 2018.) \$25,170,000 of the general fund—state appropriation for fiscal year 2020 and \$20,593,000 of the general fund—state appropriation for fiscal year 2021 are~~

provided solely for a one-time hold harmless for local effort assistance in calendar year 2020.

**Sec. 510.** 2019 c 415 s 512 (uncodified) is amended to read as follows:

**FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR INSTITUTIONAL EDUCATION PROGRAMS**

General Fund—State Appropriation (FY 2020)	<del>.....(((\$15,886,000))</del>
	<u>\$15,501,000</u>
General Fund—State Appropriation (FY 2021)	<del>.....(((\$16,461,000))</del>
	<u>\$16,707,000</u>
TOTAL APPROPRIATION .....	<del>\$32,347,000</del>
	<u>\$32,208,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) Each general fund—state fiscal year appropriation includes such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.

(2) State funding provided under this section is based on salaries and other expenditures for a 220-day school year. The superintendent of public instruction shall monitor school district expenditure plans for institutional education programs to ensure that districts plan for a full-time summer program.

(3) State funding for each institutional education program shall be based on the institution's annual average full-time equivalent student enrollment. Staffing ratios for each category of institution shall remain the same as those funded in the 1995-97 biennium.

(4) The funded staffing ratios for education programs for juveniles age 18 or less in department of corrections facilities shall be the same as those provided in the 1997-99 biennium.

(5) \$701,000 of the general fund—state appropriation for fiscal year 2020 and \$701,000 of the general fund—state appropriation for fiscal year 2021 are provided solely to maintain at least one certificated instructional staff and related support services at an institution whenever the K-12 enrollment is not sufficient to support one full-time equivalent certificated instructional staff to furnish the educational program. The following types of institutions are included: Residential programs under the department of social and health services for developmentally disabled juveniles, programs for juveniles under the department of corrections, programs for juveniles under the juvenile rehabilitation administration, and programs for juveniles operated by city and county jails.

(6) ~~(\$1,066,000)~~ \$999,000 of the general fund—state appropriation for fiscal year 2020 and ~~(\$1,661,000)~~ \$2,113,000 of the general fund—state appropriation for

fiscal year 2021 are provided solely to increase the capacity of institutional education programs to differentiate instruction to meet students' unique educational needs. Those needs may include but are not limited to one-on-one instruction, enhanced access to counseling for social emotional needs of the student, and services to identify the proper level of instruction at the time of student entry into the facility.

(7)(a) \$100,000 of the general fund—state appropriation in fiscal year 2020 ~~((and \$100,000 of the general fund—state appropriation in fiscal year 2021 are))~~ is provided solely to support one student records coordinator in the Issaquah school district to manage the transmission of academic records with the Echo Glen children's center.

(b) \$300,000 of the general fund—state appropriation in fiscal year 2021 is provided solely to support three student records coordinators to manage the transmission of academic records for each of the long-term juvenile institutions. One coordinator is provided for each of the following: The Issaquah school district for the Echo Glen children's center, the Chehalis school district for Green Hill academic school, and the Naselle-Grays River Valley school district for Naselle youth camp school.

(8) Ten percent of the funds allocated for the institution may be carried over from one year to the next.

**Sec. 511.** 2019 c 415 s 513 (uncodified) is amended to read as follows:

**FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR PROGRAMS FOR HIGHLY CAPABLE STUDENTS**

General Fund—State Appropriation (FY 2020)	<del>.....(((\$30,490,000))</del>
	<u>\$30,504,000</u>
General Fund—State Appropriation (FY 2021)	<del>.....(((\$31,551,000))</del>
	<u>\$31,696,000</u>
TOTAL APPROPRIATION .....	<del>\$62,041,000</del>
	<u>\$62,200,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) Each general fund fiscal year appropriation includes such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.

(2)(a) For the 2019-20 and 2020-21 school years, the superintendent shall allocate funding to school district programs for highly capable students as provided in RCW 28A.150.260(10)(c) except that allocations must be based on 5.0 percent of each school district's full-time equivalent enrollment. In calculating the allocations, the superintendent shall assume the following: (i) Additional instruction of 2.1590 hours per week per funded highly capable program student; (ii) fifteen highly capable program students per teacher; (iii) 36 instructional weeks per year; (iv) 900

instructional hours per teacher; and (v) the compensation rates as provided in sections 505 and 506 of this act.

(b) From July 1, 2019, to August 31, 2019, the superintendent shall allocate funding to school districts programs for highly capable students as provided in section 511, chapter 299, Laws of 2018.

**Sec. 512.** 2019 c 415 s 514 (uncodified) is amended to read as follows:

**FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR MISCELLANEOUS—EVERY STUDENT SUCCEEDS ACT**

General Fund—Federal Appropriation. ~~(((\$5,802,000))~~

\$6,802,000

TOTAL APPROPRIATION ..... ~~\$5,802,000~~

\$6,802,000

**Sec. 513.** 2019 c 415 s 515 (uncodified) is amended to read as follows:

**FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—EDUCATION REFORM PROGRAMS**

General Fund—State Appropriation (FY 2020) ..... ~~(((\$134,185,000))~~

\$131,298,000

General Fund—State Appropriation (FY 2021) ..... ~~(((\$135,807,000))~~

\$135,955,000

General Fund—Federal Appropriation.... \$96,576,000

General Fund—Private/Local Appropriation ..... \$1,450,000

Education Legacy Trust Account—State Appropriation..... \$1,636,000

Pension Funding Stabilization Account—State Appropriation..... \$765,000

TOTAL APPROPRIATION ..... ~~\$370,419,000~~

\$367,680,000

The appropriations in this section are subject to the following conditions and limitations:

**(1) ACCOUNTABILITY**

(a) \$26,975,000 of the general fund—state appropriation for fiscal year 2020, \$26,975,000 of the general fund—state appropriation for fiscal year 2021, \$1,350,000 of the education legacy trust account—state appropriation, and \$15,868,000 of the general fund—federal appropriation are provided solely for development and implementation of the Washington state assessment system.

(b) \$14,352,000 of the general fund—state appropriation for fiscal year 2020 and \$14,352,000 of the general fund—state appropriation for fiscal year 2021 are

provided solely for implementation of chapter 159, Laws of 2013 (K-12 education - failing schools).

~~((c) Within the amounts provided in this section, the superintendent of public instruction shall obtain an existing student assessment inventory tool that is free and openly licensed and distribute the tool to every school district. Each school district shall use the student assessment inventory tool to identify all state-level and district-level assessments that are required of students. The state required assessments should include: Reading proficiency assessments used for compliance with RCW 28A.320.202; the required statewide assessments under chapter 28A.655 RCW in grades three through eight and at the high school level in English language arts, mathematics, and science, as well as the practice and training tests used to prepare for them; and the high school end-of-course exams in mathematics under RCW 28A.655.066. District required assessments should include: The second grade reading assessment used to comply with RCW 28A.300.320; interim smarter balanced assessments, if required; the measures of academic progress assessment, if required; and other required interim, benchmark, or summative standardized assessments, including assessments used in social studies, the arts, health, and physical education in accordance with RCW 28A.230.095, and for educational technology in accordance with RCW 28A.655.075. The assessments identified should not include assessments used to determine eligibility for any categorical program including the transitional bilingual instruction program, learning assistance program, highly capable program, special education program, or any formative or diagnostic assessments used solely to inform teacher instructional practices, other than those already identified. By October 15th of each year, each district shall report to the superintendent the amount of student time in the previous school year that is spent taking each assessment identified. By December 15th of each even numbered calendar year, the superintendent shall summarize the information reported by the school districts and report to the education committees of the house of representatives and the senate.))~~

**(2) EDUCATOR CONTINUUM**

(a) ~~(((\$72,124,000))~~ \$69,237,000 of the general fund—state appropriation for fiscal year 2020 and ~~(((\$73,619,000))~~ \$73,797,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the following bonuses for teachers who hold valid, unexpired certification from the national board for professional teaching standards and who are teaching in a Washington public school, subject to the following conditions and limitations:

(i) For national board certified teachers, a bonus of \$5,505 per teacher in the 2019-20 school year and a bonus of ~~(((\$5,624))~~ \$5,593 per teacher in the 2020-21 school year;

(ii) An additional \$5,000 annual bonus shall be paid to national board certified teachers who teach in either: (A) High schools where at least 50 percent of student headcount enrollment is eligible for federal free or reduced-price lunch, (B) middle schools where at least 60 percent of student headcount enrollment is eligible for federal free or reduced-price lunch, or (C) elementary schools where at least 70

percent of student headcount enrollment is eligible for federal free or reduced-price lunch;

(iii) The superintendent of public instruction shall adopt rules to ensure that national board certified teachers meet the qualifications for bonuses under (b) of this subsection for less than one full school year receive bonuses in a prorated manner. All bonuses in this subsection will be paid in July of each school year. Bonuses in this subsection shall be reduced by a factor of 40 percent for first year NBPTS certified teachers, to reflect the portion of the instructional school year they are certified; and

(iv) During the 2019-20 and 2020-21 school years, and within available funds, certificated instructional staff who have met the eligibility requirements and have applied for certification from the national board for professional teaching standards may receive a conditional loan of two thousand dollars or the amount set by the office of the superintendent of public instruction to contribute toward the current assessment fee, not including the initial up-front candidacy payment. The fee shall be an advance on the first annual bonus under RCW 28A.405.415. The conditional loan is provided in addition to compensation received under a district's salary allocation and shall not be included in calculations of a district's average salary and associated salary limitation under RCW 28A.400.200. Recipients who fail to receive certification after fully exhausting all years of candidacy as set by the national board for professional teaching standards are required to repay the conditional loan. The office of the superintendent of public instruction shall adopt rules to define the terms for initial grant of the assessment fee and repayment, including applicable fees. To the extent necessary, the superintendent may use revenues from the repayment of conditional loan scholarships to ensure payment of all national board bonus payments required by this section in each school year.

(b) \$3,418,000 of the general fund—state appropriation for fiscal year 2020 and \$3,418,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of a new performance-based evaluation for certificated educators and other activities as provided in chapter 235, Laws of 2010 (education reform) and chapter 35, Laws of 2012 (certificated employee evaluations).

(c) \$477,000 of the general fund—state appropriation for fiscal year 2020 and \$477,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the leadership internship program for superintendents, principals, and program administrators.

(d) \$810,000 of the general fund—state appropriation for fiscal year 2020 and \$810,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the development of a leadership academy for school principals and administrators. The superintendent of public instruction shall contract with an independent organization to operate a state-of-the-art education leadership academy that will be accessible throughout the state. Semiannually the independent organization shall report on amounts committed by foundations and others to support the development and implementation of this program. Leadership academy

partners shall include the state level organizations for school administrators and principals, the superintendent of public instruction, the professional educator standards board, and others as the independent organization shall identify.

(e) \$10,500,000 of the general fund—state appropriation for fiscal year 2020 and \$10,500,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for a beginning educator support program (BEST). The program shall prioritize first year educators in the mentoring program. School districts and/or regional consortia may apply for grant funding. The program provided by a district and/or regional consortia shall include: A paid orientation; assignment of a qualified mentor; development of a professional growth plan for each beginning educator aligned with professional certification; release time for mentors and new educators to work together; and educator observation time with accomplished peers. Funding may be used to provide statewide professional development opportunities for mentors and beginning educators.

(f) \$4,000,000 of the general fund—state appropriation for fiscal year 2020 and \$4,000,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the provision of training for teachers, principals, and principal evaluators in the performance-based teacher principal evaluation program.

**Sec. 514.** 2019 c 415 s 516 (uncodified) is amended to read as follows:

**FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR TRANSITIONAL BILINGUAL PROGRAMS**

General Fund—State Appropriation (FY 2020)	
.....	<del>(\$201,330,000)</del>
	<u>\$205,270,000</u>
General Fund—State Appropriation (FY 2021)	
.....	<del>(\$210,659,000)</del>
	<u>\$216,650,000</u>
General Fund—Federal Appropriation ..	\$102,242,000
Pension Funding Stabilization Account—State	
Appropriation .....	\$4,000
TOTAL APPROPRIATION .....	<u>\$514,235,000</u>
	<u>\$524,166,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) Each general fund fiscal year appropriation includes such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.

(2)(a) For the 2019-20 and 2020-21 school years, the superintendent shall allocate funding to school districts for transitional bilingual programs under RCW 28A.180.010 through 28A.180.080, including programs for exited students, as provided in RCW 28A.150.260(10)(b) and the

provisions of this section. In calculating the allocations, the superintendent shall assume the following averages: (i) Additional instruction of 4.7780 hours per week per transitional bilingual program student in grades kindergarten through six and 6.7780 hours per week per transitional bilingual program student in grades seven through twelve in school years 2019-20 and 2020-21; (ii) additional instruction of 3.0000 hours per week in school years 2019-20 and 2020-21 for the head count number of students who have exited the transitional bilingual instruction program within the previous two years based on their performance on the English proficiency assessment; (iii) fifteen transitional bilingual program students per teacher; (iv) 36 instructional weeks per year; (v) 900 instructional hours per teacher; and (vi) the compensation rates as provided in sections 505 and 506 of this act. Pursuant to RCW 28A.180.040(1)(g), the instructional hours specified in (a)(ii) of this subsection (2) are within the program of basic education.

(b) From July 1, 2019, to August 31, 2019, the superintendent shall allocate funding to school districts for transitional bilingual instruction programs as provided in section 514, chapter 299, Laws of 2018.

(3) The superintendent may withhold allocations to school districts in subsection (2) of this section solely for the central provision of assessments as provided in RCW 28A.180.090 (1) and (2) up to the following amounts: ~~((4.97))~~ 1.93 percent for school year 2019-20 and ~~((4.95))~~ 1.89 percent for school year 2020-21.

(4) The general fund—federal appropriation in this section is for migrant education under Title I Part C and English language acquisition, and language enhancement grants under Title III of the elementary and secondary education act.

(5) \$35,000 of the general fund—state appropriation for fiscal year 2020 and \$35,000 of the general fund—state appropriation for fiscal year 2021 are provided solely to track current and former transitional bilingual program students.

(6) \$1,023,000 of the general fund—state appropriation in fiscal year 2020 and \$1,185,000 of the general fund—state appropriation in fiscal year 2021 are provided solely for the central provision of assessments as provided in RCW 28A.180.090, and is in addition to the withholding amounts specified in subsection (3) of this section.

**Sec. 515.** 2019 c 415 s 517 (uncodified) is amended to read as follows:

**FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR THE LEARNING ASSISTANCE PROGRAM**

General Fund—State Appropriation (FY 2020)  
.....~~((438,940,000))~~

\$416,973,000

General Fund—State Appropriation (FY 2021)  
.....~~((450,681,000))~~

\$430,591,000

General Fund—Federal Appropriation ..\$533,481,000

TOTAL APPROPRIATION.....\$1,423,102,000

\$1,381,045,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The general fund—state appropriations in this section are subject to the following conditions and limitations:

(a) The appropriations include such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.

(b)(i) For the 2019-20 and 2020-21 school years, the superintendent shall allocate funding to school districts for learning assistance programs as provided in RCW 28A.150.260(10)(a), except that the allocation for the additional instructional hours shall be enhanced as provided in this section, which enhancements are within the program of the basic education. In calculating the allocations, the superintendent shall assume the following averages: (A) Additional instruction of 2.3975 hours per week per funded learning assistance program student for the 2019-20 and 2020-21 school years; (B) additional instruction of 1.1 hours per week per funded learning assistance program student for the 2019-20 and 2020-21 school years in qualifying high-poverty school building; (C) fifteen learning assistance program students per teacher; (D) 36 instructional weeks per year; (E) 900 instructional hours per teacher; and (F) the compensation rates as provided in sections 505 and 506 of this act.

(ii) From July 1, 2019, to August 31, 2019, the superintendent shall allocate funding to school districts for learning assistance programs as provided in section 515, chapter 299, Laws of 2018.

(c) A school district's funded students for the learning assistance program shall be the sum of the district's full-time equivalent enrollment in grades K-12 for the prior school year multiplied by the district's percentage of October headcount enrollment in grades K-12 eligible for free or reduced-price lunch in the prior school year. The prior school year's October headcount enrollment for free and reduced-price lunch shall be as reported in the comprehensive education data and research system.

(2) Allocations made pursuant to subsection (1) of this section shall be adjusted to reflect ineligible applications identified through the annual income verification process required by the national school lunch program, as recommended in the report of the state auditor on the learning assistance program dated February, 2010.

(3) The general fund—federal appropriation in this section is provided for Title I Part A allocations of the every student succeeds act of 2016.

(4) A school district may carry over from one year to the next up to 10 percent of the general fund—state funds allocated under this program; however, carryover funds shall be expended for the learning assistance program.



(5) Within existing resources, during the 2019-20 and 2020-21 school years, school districts are authorized to use funds allocated for the learning assistance program to also provide assistance to high school students who have not passed the state assessment in science.

**Sec. 516.** 2019 c 415 s 518 (uncodified) is amended to read as follows:

**FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—PER PUPIL ALLOCATIONS**

Statewide Average Allocations

Per Annual Average Full-Time Equivalent Student

Basic Education Program	2019-20 School Year	2020-21 School Year
General Apportionment	<del>(((\$9,173))</del> \$9,176	<del>(((\$9,450))</del> \$9,398
Pupil Transportation	<del>(((\$519))</del> \$586	<del>(((\$524))</del> \$586
Special Education Programs	<del>(((\$9,696))</del> \$9,611	<del>(((\$10,158))</del> \$10,107
Institutional Education Programs	<del>(((\$18,562))</del> \$19,186	<del>(((\$19,030))</del> \$20,540
Programs for Highly Capable Students	\$598	<del>(((\$615))</del> \$609
Transitional Bilingual Programs	<del>(((\$1,346))</del> \$1,365	<del>(((\$1,380))</del> \$1,390
Learning Assistance Program	<del>(((\$969))</del> \$932	<del>(((\$997))</del> \$950

**Sec. 517.** 2019 c 415 s 519 (uncodified) is amended to read as follows:

**FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION**

(1) Amounts distributed to districts by the superintendent through part V of this act are for allocations purposes only, unless specified by part V of this act, and do not entitle a particular district, district employee, or student to a specific service, beyond what has been expressly provided in statute. Part V of this act restates the requirements of various sections of Title 28A RCW. If any conflict exists, the provisions of Title 28A RCW control unless this act explicitly states that it is providing an enhancement. Any amounts provided in part V of this act in excess of the amounts required by Title 28A RCW provided

in statute, are not within the program of basic education unless clearly stated by this act.

(2) ~~((To the maximum extent practicable, when))~~ When adopting new or revised rules or policies relating to the administration of allocations in part V of this act that result in fiscal impact, the office of the superintendent of public instruction shall ~~((attempt to))~~ seek legislative approval through the budget request process.

(3) Appropriations made in this act to the office of the superintendent of public instruction shall initially be allotted as required by this act. Subsequent allotment modifications shall not include transfers of moneys between sections of this act except as expressly provided in subsection (4) of this section.

(4) The appropriations to the office of the superintendent of public instruction in this act shall be expended for the programs and amounts specified in this act. However, after May 1, 2020, unless specifically prohibited by this act and after approval by the director of financial management, the superintendent of public instruction may transfer state general fund appropriations for fiscal year 2020 among the following programs to meet the apportionment schedule for a specified formula in another of these programs: General apportionment; employee compensation adjustments; pupil transportation; special education programs; institutional education programs; transitional bilingual programs; highly capable; and learning assistance programs.

(5) The director of financial management shall notify the appropriate legislative fiscal committees in writing prior to approving any allotment modifications or transfers under this section.

(6) Appropriations in ~~((sections 504 and 506 of this act))~~ sections 503 and 505 of this act for insurance benefits under chapter 41.05 RCW are provided solely for the superintendent to allocate to districts for employee health benefits as provided in ~~((section 938 of this act))~~ section 907 of this act. The superintendent may not allocate, and districts may not expend, these amounts for any other purpose beyond those authorized in ~~((section 938 of this act))~~ section 907 of this act.

~~(((\$)))~~ (7) As required by RCW 28A.710.110, the office of the superintendent of public instruction shall transmit the charter school authorizer oversight fee for the charter school commission to the charter school oversight account.

**Sec. 518.** 2019 c 415 s 520 (uncodified) is amended to read as follows:

**FOR THE OFFICE OF THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR CHARTER SCHOOLS**

Washington Opportunity Pathways Account—State

Appropriation..... ~~(((\$99,810,000))~~

\$93,986,000

TOTAL APPROPRIATION.....\$99,810,000

\$93,986,000

The appropriation in this section is subject to the following conditions and limitations: The superintendent shall distribute funding appropriated in this section to charter schools under chapter 28A.710 RCW. Within amounts provided in this section the superintendent may distribute funding for safety net awards for charter schools with demonstrated needs for special education funding beyond the amounts provided under chapter 28A.710 RCW.

**Sec. 519.** 2019 c 415 s 521 (uncodified) is amended to read as follows:

**FOR THE OFFICE OF THE  
SUPERINTENDENT OF PUBLIC INSTRUCTION—  
FOR THE WASHINGTON STATE CHARTER  
SCHOOL COMMISSION**

Washington Opportunity Pathways Account—State

Appropriation ..... ~~(\$250,000)~~

\$294,000

Charter Schools Oversight Account—State  
Appropriation..... ~~(\$2,210,000)~~

\$2,454,000

TOTAL APPROPRIATION ..... \$2,460,000

\$2,748,000

The appropriations in this section are subject to the following conditions and limitations: The entire Washington opportunity pathways account—state appropriation in this section is provided to the superintendent of public instruction solely for the operations of the Washington state charter school commission under chapter 28A.710 RCW.

**Sec. 520.** 2019 c 415 s 522 (uncodified) is amended to read as follows:

**FOR THE OFFICE OF THE  
SUPERINTENDENT OF PUBLIC INSTRUCTION—  
FOR GRANTS AND PASS THROUGH FUNDING**

General Fund—State Appropriation (FY 2020)  
..... ~~(\$35,516,000)~~

\$35,491,000

General Fund—State Appropriation (FY 2021)  
..... ~~(\$35,621,000)~~

\$36,704,000

TOTAL APPROPRIATION ..... \$71,137,000

\$72,195,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$4,894,000 of the general fund—state appropriation for fiscal year 2020 and \$4,894,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for grants for implementation of dual credit programs and subsidized advanced placement exam fees,

international baccalaureate class fees, and exam and course fees for low-income students.

For expenditures related to subsidized exam fees, the superintendent of public instruction shall report: The number of students served; the demographics of the students served; and how the students perform on the exams.

(2)(a) \$2,052,000 of the general fund—state appropriation for fiscal year 2020 and ~~(\$2,052,000)~~ \$2,752,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for secondary career and technical education grants pursuant to chapter 170, Laws of 2008, including parts of programs receiving grants that serve students in grades four through six. If equally matched by private donations, \$1,075,000 of the 2020 appropriation and \$1,075,000 of the 2021 appropriation shall be used to support FIRST robotics programs in grades four through twelve. Of the amounts provided in this subsection, \$100,000 of the fiscal year 2020 appropriation and ~~(\$100,000)~~ \$800,000 of the fiscal year 2021 appropriation are provided solely for the purpose of statewide supervision activities for career and technical education student leadership organizations. If equally matched by private donations, \$10,000 of the general fund—state appropriation for fiscal year 2021 must be used to support FIRST robotics programs in grades one through four at elementary schools where more than fifty percent of the students were eligible for free and reduced-price meals in the prior school year and which are located within a county with a population of more than two million.

(b) \$135,000 of the general fund—state appropriation for fiscal year 2020 and \$135,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for science, technology, engineering and mathematics lighthouse projects, consistent with chapter 238, Laws of 2010.

(c) \$250,000 of the general fund—state appropriation for fiscal year 2020 and \$250,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for ~~(advanced)~~ project lead the way courses at ten high schools. To be eligible for funding ~~((in 2020))~~, a high school must have offered ~~((a foundational project lead the way course during the 2018-19 school year. The 2020 funding must be used for one-time start-up course costs for an advanced project lead the way course, to be offered to students beginning in the 2019-20 school year. To be eligible for funding in 2021, a high school must have offered a foundational))~~ at least one project lead the way course during the ~~((2019-20))~~ prior school year. The ~~((2020))~~ funding must be used for one-time start-up course costs for ~~((an advanced))~~ a new project lead the way course ~~((to be offered to students beginning in the 2020-21 school year))~~. The office of the superintendent of public instruction and the education research and data center at the office of financial management shall track student participation and long-term outcome data. The office may require the recipient of these funds to report the impacts of the recipient's efforts in alignment with the measures of the Washington school improvement framework.

(d) \$2,127,000 of the general fund—state appropriation for fiscal year 2020 and \$2,127,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for annual startup, expansion, or maintenance of existing programs in maritime, construction, aerospace, and advanced manufacturing programs. To be eligible for funding, the skills center and high schools must agree to engage in developing local business and industry partnerships for oversight and input regarding program components. Program instructors must also agree to participate in professional development leading to student employment or certification in maritime, construction, aerospace, or advanced manufacturing industries, as determined by the superintendent of public instruction. The office of the superintendent of public instruction and the education research and data center shall report annually student participation and long-term outcome data. Within the amounts provided in this subsection:

(i) \$900,000 of the general fund—state appropriation for fiscal year 2020 and \$900,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for annual startup, expansion, or maintenance of existing programs in aerospace and advanced manufacturing programs.

(ii) \$150,000 of the general fund—state appropriation for fiscal year 2020 and \$150,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for annual startup, expansion, or maintenance of existing programs in construction programs.

(iii) \$300,000 of the general fund—state appropriation for fiscal year 2020 and \$300,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for annual startup, expansion, or maintenance of existing programs in maritime programs.

(iv) ~~(\$350,000 of the general fund—state appropriation for fiscal year 2020 and \$350,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the office of the superintendent of public instruction to contract with a nonprofit entity to expand the current employer engagement program to support schools, teachers, and students.~~

~~(v) \$427,000 of the general fund—state appropriation for fiscal year 2020 and \$427,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the office of the superintendent of public instruction to contract with a nonprofit entity to provide management, development, assessment, and outreach of the programs.)~~ \$777,000 of the general fund—state appropriation for fiscal year 2020 and \$777,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the office of the superintendent of public instruction to contract with a nonprofit entity to expand the current employer engagement program to support schools, teachers, and students and to provide management, assessment, and outreach of the manufacturing programs.

(3)(a) \$75,000 of the general fund—state appropriation for fiscal year 2020 and \$75,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for project citizen and we the people: The citizen and

the constitution programs sponsored by the national conference of state legislatures and the center for civic education to promote participation in government by middle and high school students. Of the amounts provided, \$15,000 of the general fund—state appropriation for fiscal year 2020 and \$15,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for awarding a travel grant to the winner of the we the people: The citizen and the constitution state competition.

(b) \$384,000 of the general fund—state appropriation for fiscal year 2020 and \$373,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of chapter 127, Laws of 2018 (civics education). Of the amounts provided in this subsection (3)(b), \$10,000 of the general fund—state appropriation for fiscal year 2020 and \$10,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for grant programs to school districts to help cover travel costs associated with civics education competitions.

(c) ~~(\$55,000)~~ \$30,000 of the general fund—state appropriation for fiscal year 2020 ~~((\$55,000))~~ and \$25,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the office of the superintendent of public instruction to develop civics education materials for grades K-5. The office must contract for the production of the materials with an experienced Washington state organization that produces civics education materials currently posted as an open education resource at the office of the superintendent of public instruction.

(4)(a) \$31,000 of the general fund—state appropriation for fiscal year 2020 and \$55,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the office of the superintendent of public instruction for statewide implementation of career and technical education course equivalency frameworks authorized under RCW 28A.700.070 for math and science. This may include development of additional equivalency course frameworks, course performance assessments, and professional development for districts implementing the new frameworks.

(b) Within the amounts appropriated in this section the office of the superintendent of public instruction shall ensure career and technical education courses are aligned with high-demand, high-wage jobs. The superintendent shall verify that the current list of career and technical education courses meets the criteria established in RCW 28A.700.020(2). The superintendent shall remove from the list any career and technical education course that no longer meets such criteria.

(c) \$3,000,000 of the general fund—state appropriation for fiscal year 2020 and \$3,000,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the office of the superintendent of public instruction to provide grants to school districts and educational service districts for science teacher training in the next generation science standards including training in the climate science standards. At a minimum, school districts shall ensure that teachers in one grade level in each elementary, middle, and high school participate in this science training. Of the amount appropriated \$1,000,000 is

provided solely for community based nonprofits including tribal education organizations to partner with public schools for next generation science standards.

(5) \$250,000 of the general fund—state appropriation for fiscal year 2020 and \$250,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the Kip Tokuda memorial Washington civil liberties public education program. The superintendent of public instruction shall award grants consistent with RCW 28A.300.410.

(6) \$3,145,000 of the general fund—state appropriation for fiscal year 2020 and ~~(((\$3,145,000))~~ \$3,395,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for a contract with a nongovernmental entity or entities for demonstration sites to improve the educational outcomes of students who are dependent pursuant to chapter 13.34 RCW pursuant to chapter 71, Laws of 2016 (foster youth edu. outcomes). The office may require the recipient of these funds to report the impacts of the recipient's efforts in alignment with the measures of the Washington school improvement framework.

(a) Of the amount provided in this subsection (6), \$446,000 of the general fund—state appropriation for fiscal year 2020 and \$446,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the demonstration site established pursuant to the 2013-2015 omnibus appropriations act, section 202(10), chapter 4, Laws of 2013, 2nd sp. sess.

(b) Of the amount provided in this subsection (6), \$1,015,000 of the general fund—state appropriation for fiscal year 2020 and \$1,015,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the demonstration site established pursuant to the 2015-2017 omnibus appropriations act, section 501(43)(b), chapter 4, Laws of 2015, 3rd sp. sess., as amended.

(c) Of the amounts provided in this subsection (6), \$684,000 of the general fund—state appropriation for fiscal year 2020 and \$684,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the demonstration site established with funding provided in the 2017-2019 omnibus appropriations act, chapter 1, Laws of 2017, 3rd sp. sess., as amended.

(7) \$2,541,000 of the general fund—state appropriation for fiscal year 2020 ~~((and \$2,541,000 of the general fund—state appropriation for fiscal year 2021 are))~~ is provided solely for a corps of nurses located at educational service districts, as determined by the superintendent of public instruction, to be dispatched to the most needy schools to provide direct care to students, health education, and training for school staff.

(8)(a) \$1,000,000 of the general fund—state appropriation for fiscal year 2020 and ~~(((\$1,000,000))~~ \$1,200,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of chapter 157, Laws of 2016 (homeless students).

(b) \$36,000 of the general fund—state appropriation for fiscal year 2020 and \$36,000 of the general fund—state

appropriation for fiscal year 2021 are provided solely for chapter 212, Laws of 2014 (homeless student educational outcomes).

(9) \$375,000 of the general fund—state appropriation for fiscal year 2020 and \$375,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for a nonviolence and ethical leadership training and professional development program provided by the institute for community leadership.

(10) \$1,425,000 of the general fund—state appropriation for fiscal year 2020 and \$1,425,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for dual language grants to grow capacity for high quality dual language learning. Of the amounts provided in this subsection:

(a) \$1,425,000 of the general fund—state appropriation for fiscal year 2020 is provided solely for implementation of chapter 236, Laws of 2017 (SHB 1445) (dual language/early learning & K-12). In selecting recipients of the K-12 dual language grant, the superintendent of public instruction must prioritize districts that received grants under section 501(33), chapter 299, Laws of 2018.

(b) \$400,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for grants to establish a new dual language program.

(c) \$225,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for grants to expand an existing dual language program.

(d) \$400,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for grants to create heritage language programs for immigrant and refugee students.

(e) \$400,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for grants to create indigenous language programs for native students.

(11)(a) \$4,940,000 of the general fund—state appropriation for fiscal year 2020 and \$4,940,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the Washington state achievers scholarship and Washington higher education readiness program. The funds shall be used to: Support community involvement officers that recruit, train, and match community volunteer mentors with students selected as achievers scholars; and to identify and reduce barriers to college for low-income and underserved middle and high school students. Of the amounts provided: \$1,000,000 of the general fund—state appropriation for fiscal year 2020 and \$1,000,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the college success foundation to establish programming in new regions throughout the state. The office may require the recipient of these funds to report the impacts of the recipient's efforts in alignment with the measures of the Washington school improvement framework.

(b) \$1,454,000 of the general fund—state appropriation for fiscal year 2020 and \$1,454,000 of the

general fund—state appropriation for fiscal year 2021 are provided solely for contracting with a college scholarship organization with expertise in conducting outreach to students concerning eligibility for the Washington college bound scholarship consistent with chapter 405, Laws of 2007. The office may require the recipient of these funds to report the impacts of the recipient's efforts in alignment with the measures of the Washington school improvement framework.

(c) \$181,000 of the general fund—state appropriation for fiscal year 2020 and \$181,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of chapter 180, Laws of 2017 (Washington Aim program).

(12)(a) \$356,000 of the general fund—state appropriation for fiscal year 2020 and ~~((\$356,000))~~ \$500,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the Washington state leadership and assistance for science education reform (LASER) regional partnership activities, including instructional material purchases, teacher and principal professional development, and school and community engagement events. The office may require the recipient of these funds to report the impacts of the recipient's efforts in alignment with the measures of the Washington school improvement framework.

(b) \$3,000,000 of the general fund—state appropriation for fiscal year 2020 and \$3,000,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for a statewide information technology academy program. This public-private partnership will provide educational software, as well as information technology certification and software training opportunities for students and staff in public schools. The office must require the recipient of these funds to report the impacts of the recipient's efforts in alignment with the measures of the Washington school improvement framework. The report must include the number of students served disaggregated by gender, race, ethnicity, and free-and-reduced lunch eligibility as well as the number of industry certificates attained by type of certificate.

(c) \$50,000 of the general fund—state appropriation for fiscal year 2020 and \$50,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for grants of \$2,500 to provide twenty middle and high school teachers each year with professional development training for implementing integrated math, science, technology, and engineering programs in their schools.

(d) \$1,000,000 of the general fund—state appropriation for fiscal year 2020 and \$1,000,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the computer science and education grant program to support the following three purposes: Train and credential teachers in computer sciences; provide and upgrade technology needed to learn computer science; and, for computer science frontiers grants to introduce students to and engage them in computer science. The office of the superintendent of public instruction must use the computer science learning standards adopted pursuant to chapter 3,

Laws of 2015 (computer science) in implementing the grant, to the extent possible. Additionally, grants provided for the purpose of introducing students to computer science are intended to support innovative ways to introduce and engage students from historically underrepresented groups, including girls, low-income students, and minority students, to computer science and to inspire them to enter computer science careers. The office of the superintendent of public instruction may award up to \$500,000 each year, without a matching requirement, to districts with greater than fifty percent of students eligible for free and reduced-price meals. All other awards must be equally matched by private sources for the program, including gifts, grants, or endowments.

~~((Funds may be expended as grant funding only to the extent that they are equally matched by private sources for the program, including gifts, grants, or endowments-))~~

(e) \$500,000 of the general fund—state appropriation for fiscal year 2020 and \$500,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the office of the superintendent of public instruction to contract with a ~~((nonprofit organization))~~ qualified 501(c)(3) nonprofit community-based organization physically located in Washington state that has at least seventeen years of experience collaborating with the office and school districts statewide to integrate the state learning standards in English language arts, mathematics, and science with FieldSTEM outdoor field studies and project-based and work-based learning opportunities aligned with the environmental, natural resource, and agricultural sectors. The office may require the recipient of these funds to report the impacts of the recipient's efforts in alignment with the measures of the Washington school improvement framework.

(f) \$62,000 of the general fund—state appropriation for fiscal year 2020 and \$62,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for competitive grants to school districts to increase the capacity of high schools to offer AP computer science courses. In making grant allocations, the office of the superintendent of public instruction must give priority to schools and districts in rural areas, with substantial enrollment of low-income students, and that do not offer AP computer science. School districts may apply to receive either or both of the following grants:

(i) A grant to establish partnerships to support computer science professionals from private industry serving on a voluntary basis as coinstructors along with a certificated teacher, including via synchronous video, for AP computer science courses; or

(ii) A grant to purchase or upgrade technology and curriculum needed for AP computer science, as well as provide opportunities for professional development for classroom teachers to have the requisite knowledge and skills to teach AP computer science.

(g) \$100,000 of the general fund—state appropriation for fiscal year 2020 and \$100,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the Mobius science center to expand mobile outreach of science, technology, engineering, and mathematics (STEM)

education to students in rural, tribal, and low-income communities.

(13) \$85,000 of the general fund—state appropriation for fiscal year 2020 and \$85,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the centrum program at Fort Worden state park.

(14) \$125,000 of the general fund—state appropriation for fiscal year 2020 and \$125,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the office of the superintendent of public instruction to provide learning experiences for student-athletes in the science, technology, engineering, and math sectors. The office must contract with a nonprofit to offer student-athlete classes, programs, and scholarships to improve school performance and advancement across diverse communities.

(15) (~~(\$250,000))~~ \$600,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the office of the superintendent of public instruction to create and administer a grant program for districts to reduce associated student body fees or participation fees for students who are eligible to participate in the federal free and reduced-price meals program. The office must distribute grants for the 2020-21 school year to school districts by August 10, 2020 and grants for the 2021-22 school year to school districts by June 30, 2021.

(a) Grant awards must be prioritized in the following order:

(i) High schools implementing the United States department of agriculture community eligibility provision;

(ii) High schools with the highest percentage of students in grades nine through twelve eligible to participate in the federal free and reduced-price means program; and

(iii) High schools located in school districts enrolling five thousand or fewer students.

(b) The office of the superintendent of public instruction shall award grants of up to (~~(five))~~ ten thousand dollars per high school per year. The office may award additional funding if:

(i) The appropriations provided are greater than the total amount of funding requested at the end of the application cycle; and

(ii) The applicant shows a demonstrated need for additional support.

(16) \$125,000 of the general fund—state appropriation for fiscal year 2020 and \$125,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for contracts with state-based nonprofit organizations that provide direct services to military- connected students exclusively through one-to-one volunteer mentoring. The goal of the mentoring is to build resiliency in military connected students and increase their ability to cope with the stress of parental deployment and frequent moves, which will help promote good decision-making by youth, help increase attachment and a positive attitude toward school, and develop positive peer relationships. An applicant requesting funding for these dollars must successfully

demonstrate to the department that it currently provides direct one-to-one volunteer mentoring services to military connected elementary students in the state and has been providing military mentoring to students in the state for at least twenty-four months prior to application.

(17) \$83,000 of the general fund—state appropriation for fiscal year 2020 and \$100,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of Substitute Senate Bill No. 5612 (holocaust education). (~~(If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.)~~)

(18) \$250,000 of the general fund—state appropriation in fiscal year 2020 and \$130,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for a grant to the pacific science center to continue providing science on wheels activities in schools and other community settings. Funding is provided to develop a new computer science program and outfit a van with program resources in order to expand statewide outreach.

(19) \$250,000 of the general fund—state appropriation for fiscal year 2020 and \$250,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for contracts with Washington state based nonprofit organizations that provide a career-integrated one-to-one mentoring program for disadvantaged high school students facing academic and personal challenges with the goal of keeping them on track for graduation and post-high school success. The mentoring must include a focus on college readiness, career exploration and social-emotional learning. An applicant requesting funding for these dollars must successfully demonstrate to the department that it currently provides a career-integrated one-to-one volunteer mentoring program and has been mentoring high school youth for at least twenty years in the state prior to application.

(20) \$50,000 of the general fund—state appropriation for fiscal year 2020 and \$50,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for grants to school districts to provide school resource officer training, as required in Second Substitute House Bill No. 1216 (student mental health and well-being).

(21) \$125,000 of the general fund—state appropriation for fiscal year 2020 and \$125,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for Bethel school district to expand post-secondary education opportunities at Graham-Kapowsin high school.

(22) \$350,000 of the general fund—state appropriation for fiscal year 2020 and \$350,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the south Kitsap school district to develop pathways for high school diplomas and post-secondary credentials through controls programmer apprenticeships.

(23) \$255,000 of the general fund—state appropriation for fiscal year 2020 and \$255,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for a math improvement pilot program for school districts to improve math scores. Of the amounts provided in this subsection:

(a) \$85,000 of the general fund—state appropriation for fiscal year 2020 and \$85,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the Spokane school district to improve math scores.

(b) \$85,000 of the general fund—state appropriation for fiscal year 2020 and \$85,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the Chehalis school district to improve math scores.

(c) \$85,000 of the general fund—state appropriation for fiscal year 2020 and \$85,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the Bremerton school district to improve math scores.

(24) \$150,000 of the general fund—state appropriation for fiscal year 2020 and ~~(\$150,000)~~ \$220,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the office to establish the media literacy grant program.

(a) Of the amounts provided in this subsection, \$70,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for speaker costs, per diem and travel, and other expenses for five media literacy pre-conferences that coincide with the office's regional conferences in social studies, English language arts, health and technology.

(b) The office shall develop a plan for identifying and supporting a group of one hundred media literacy champions across the state that are K-12 professionals that promote, support, and provide media literacy education in their school districts and report to the legislature by December 31, 2020.

(25) \$250,000 of the general fund—state appropriation for fiscal year 2020 and \$250,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the Seattle education access program to ensure students on nontraditional educational pathways have the mentorship and technical assistance needed to navigate higher education and financial aid. The office may require the recipient of these funds to report the impacts of the recipient's efforts in alignment with the measures of the Washington school improvement framework.

(26) \$250,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the office of the superintendent of public instruction to contract with a Washington-based nonprofit organization to promote equitable access in science, technology, engineering, and math education for historically underserved students and communities. The nonprofit shall provide a system of science educational programming specifically for migrant and bilingual students, including teacher professional development, culturally responsive classroom resources, and implementation support. At least seventy-five percent of the funding provided in this subsection must serve schools and school districts in eastern Washington. The nonprofit organization must have experience developing and implementing environmental science programming and resources for migrant and bilingual students.

(27) \$250,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the office to

support the design and planning of a public secondary education institution in Washington state that is focused on maritime education in south King county. The population of the secondary education institution must reflect the student population of south King county through an enrollment process that ensures an equitable percentage of students at the institution are students of color or students with limited access to resources. In addition, the institution must meet criteria for state career and technical education and career launch operational funding requirements. The office must collaborate with a nonprofit institution that is completing similar design work and with local public schools and the various labor groups and industry associations representing maritime workers and business leaders.

(28) \$110,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the office to contract with the southwest Washington career connected learning network to convene education, industry, and higher education partners to create a system of career-related learning opportunities for students in Washington state. The amount provided in this subsection shall help support career connect southwest to scale the current network as a model for other statewide networks.

(29) \$250,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the office to contract with an organization to create an after-school and summer learning program in the city of Federal Way. The program shall provide comprehensive, culturally competent academic support and cultural enrichment for primarily latinx, spanish-speaking, low-income sixth, seventh, and eighth grade students. The department must contract with an organization with over forty years of experience that serves the latino community in Seattle and King county and has previously established an after-school and summer learning program.

(30) \$150,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the office to contract with the Yakama nation for a feasibility study to determine the scope, design, planning, and budget for the construction of a new state-tribal compact school.

(31) \$75,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for grants to school districts to create systems, policies, and practices to address racial discipline gaps consistent with RCW 28A.415.410. The office of superintendent of public instruction, in coordination with a state association representing both certificated and classified staff, an association representing principals, an association representing school superintendents, the Washington state school directors association, and an association representing parents, will guide grant recipients using existing training materials and resources. Grant recipients must develop systems that provide tiered supports for intervention, restorative approaches to behavior, and eliminate zero-tolerance policies that contribute to racial disparities.

(32) \$300,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the south Kitsap school district to co-develop a pilot strategy to increase

completion rates for the free application for federal student aid (FAFSA).

(33) \$50,000 of the general fund—state appropriation for fiscal year 2021 is provided solely to the Renton school district to expand early learning opportunities with the Somali parent's education board.

(34) \$450,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the office of the superintendent of public instruction to contract with an organization which specializes in developing tools to combine internal and external data sets and provide data analytics and visualizations and custom workflows to match existing data processes, without requiring data science or technical expertise by the end user. The organization must have demonstrated experience providing such tools to at least two state education agencies in the past five years. The contract must provide access to the developed tools to the state education agency, selected educational service districts, and up to five local education agencies.

**Sec. 521.** 2019 c 406 s 13 (uncodified) is amended to read as follows:

The appropriations in this section are provided to the office of the superintendent of public instruction and are subject to the following conditions and limitations:

(1) \$425,000, or as much thereof as may be necessary, is appropriated for the fiscal year ending June 30, 2020, from the workforce education investment account and \$425,000, or as much thereof as may be necessary, is appropriated for the fiscal year ending June 30, 2021, from the workforce education investment account provided solely for expanding career connected learning as defined in section 57 of this act.

(2) \$158,000, or as much thereof as may be necessary, is appropriated for the fiscal year ending June 30, 2020, from the workforce education investment account and \$480,000, or as much thereof as may be necessary, is appropriated for the fiscal year ending June 30, 2021, from the workforce education investment account provided solely for increasing the funding per full-time equivalent for career launch programs as described in ((section 60 of this act)) RCW 28A.700.130. In the 2019-21 fiscal biennium, for career launch enrollment exceeding the funding provided in this subsection funding is provided in section 503 of this act.

(3) \$750,000, or as much thereof as may be necessary, is appropriated for the fiscal year ending June 30, 2020, from the workforce education investment account and \$750,000, or as much thereof as may be necessary, is appropriated for the fiscal year ending June 30, 2021, from the workforce education investment account provided solely for Marysville school district to collaborate with Arlington school district, Everett Community College, other local school districts, local labor unions, local Washington state apprenticeship and training council registered apprenticeship programs, and local industry groups to develop a regional apprenticeship pathways pilot program. The pilot program must seek to:

(a) Establish an education-based apprenticeship preparation program recognized by the Washington state apprenticeship and training council that prepares individuals

for registered apprenticeships within the building and construction trades;

(b) Provide dual credit for participants by meeting high school graduation requirements and providing opportunities for credit leading to a college credential; and

(c) Provide participants with preferred or direct entry into a state registered apprenticeship program in the building and construction trades.

## **PART VI**

### **HIGHER EDUCATION**

**Sec. 601.** 2019 c 415 s 601 (uncodified) is amended to read as follows:

The appropriations in sections ((605 through 611 of this act)) 602 through 608 of this act are subject to the following conditions and limitations:

(1) "Institutions" means the institutions of higher education receiving appropriations under sections ((605 through 611 of this act)) 602 through 608 of this act.

(2) The legislature, the office of financial management, and other state agencies need consistent and accurate personnel data from institutions of higher education for policy planning purposes. Institutions of higher education shall report personnel data to the office of financial management for inclusion in the agency's data warehouse. Uniform reporting procedures shall be established by the office of financial management's office of the state human resources director for use by the reporting institutions, including provisions for common job classifications and common definitions of full-time equivalent staff. Annual contract amounts, number of contract months, and funding sources shall be consistently reported for employees under contract.

(3) In addition to waivers granted under the authority of RCW 28B.15.910, the governing boards and the state board may waive all or a portion of operating fees for any student. State general fund appropriations shall not be provided to replace tuition and fee revenue foregone as a result of waivers granted under this subsection.

(4)(a) For employees under the jurisdiction of chapter 41.56 or 41.80 RCW, salary increases will be in accordance with the applicable collective bargaining agreement. However, an increase shall not be provided to any classified employee whose salary is above the approved salary range maximum for the class to which the employee's position is allocated.

(b) For each institution of higher education receiving appropriations under sections ((605 through 611 of this act)) 602 through 608 of this act:

(i) The only allowable salary increases are those associated with normally occurring promotions and increases related to faculty and staff retention and as provided in Part IX of this act.

(ii) Institutions may provide salary increases from sources other than general fund appropriations and tuition revenues to instructional and research faculty, exempt



professional staff, teaching and research assistants, as classified by the office of financial management, and all other nonclassified staff, but not including employees under chapter 41.80 RCW. It is the intent of the legislature that salary increases provided under this subsection (4)(b)(ii) not increase state general fund support or impact tuition expenditures by an institution unless the legislature so determines.

(iii) Funding for salary increases provided under (b)(ii) of this subsection and RCW 41.76.035 and 28B.52.035 on or after July 1, 2019, must be excluded from the general fund and tuition salary base when calculating state funding for future general wage or other salary increases on or after July 1, 2019. In order to facilitate this funding policy, each institution shall report to the office of financial management on the details of locally authorized salary increases granted under (b)(ii) of this subsection and RCW 41.76.035 and 28B.52.035 with its 2021-2023 biennium budget submittal. At a minimum, the report must include the total cost of locally authorized increases by fiscal year, a description of the locally authorized provision, and the long-term source of funds that is anticipated to cover the cost.

(5) Within funds appropriated to institutions in sections ~~((605 through 611 of this act))~~ 602 through 608 of this act, teacher preparation programs shall meet the requirements of RCW 28B.10.710 to incorporate information on the culture, history, and government of American Indian people in this state by integrating the curriculum developed and made available free of charge by the office of the superintendent of public instruction into existing programs or courses and may modify that curriculum in order to incorporate elements that have a regionally specific focus.

(6) Each institution of higher education must include the phone number of a campus, local, state, or national suicide, crisis, or counseling hotline on the back of newly issued student and faculty identification cards starting in fall quarter 2019, or as soon as is practicable to implement.

(7)(a) The student achievement council and all institutions of higher education as defined in RCW 28B.92.030 and eligible for state financial aid programs under chapters 28B.92 and 28B.118 RCW shall ensure that data needed to analyze and evaluate the effectiveness of state financial aid programs are promptly transmitted to the education data center so that it is available and easily accessible. The data to be reported must include but not be limited to:

(i) The number of state need grant and college bound recipients;

(ii) The number of students on the unserved waiting list of the state need grant;

(iii) Persistence and completion rates of state need grant recipients and college bound recipients as well as students on the state need grant unserved waiting list, disaggregated by institution of higher education;

(iv) State need grant recipients and students on the state need grant unserved waiting list grade point averages; and

(v) State need grant and college bound scholarship program costs.

(b) The student achievement council shall submit student unit record data for state financial aid program applicants and recipients to the education data center.

(8) A representative of the public baccalaureate institutions and the state board for community and technical colleges shall participate in the work group under ~~((section 607(22) of this act))~~ section 604(22) of this act.

(9) Institutions of higher education must provide budget, expenditure, and revenue data as described in section 129(21) of this act on an annual basis to the education research and data center. Institutions must provide data for fiscal year 2020 by October 1, 2020. Institutions must also submit state-funded full-time equivalent student enrollment data to the education research and data center for the state-funded public higher education enrollment report by October 1st of each year.

**Sec. 602.** 2019 c 415 s 605 (uncodified) is amended to read as follows:

#### **FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES**

General Fund—State Appropriation (FY 2020)  
..... ~~(((\$677,935,000))~~  
\$678,312,000

General Fund—State Appropriation (FY 2021)  
..... ~~(((\$703,459,000))~~  
\$709,756,000

#### **Community/Technical College Capital Projects**

Account—State Appropriation .....\$23,505,000

Education Legacy Trust Account—State  
Appropriation ..... ~~(((\$158,528,000))~~  
\$158,532,000

#### **Pension Funding Stabilization Account—State**

Appropriation.....\$67,784,000

**TOTAL APPROPRIATION.....\$1,631,211,000**

**\$1,637,889,000**

The appropriations in this section are subject to the following conditions and limitations:

(1) \$33,261,000 of the general fund—state appropriation for fiscal year 2020 and \$33,261,000 of the general fund—state appropriation for fiscal year 2021 are provided solely as special funds for training and related support services, including financial aid, as specified in RCW 28C.04.390. Funding is provided to support at least 7,170 full-time equivalent students in fiscal year 2020 and at least 7,170 full-time equivalent students in fiscal year 2021.

(2) (~~(\$5,450,000)~~) \$2,443,000 of the general fund—state appropriation for fiscal year 2021 and \$5,450,000 of the education legacy trust account—state appropriation (~~(is)~~) are provided solely for administration and customized training contracts through the job skills program. The state board shall make an annual report by January 1st of each year to the governor and to the appropriate policy and fiscal committees of the legislature regarding implementation of this section, listing the scope of grant awards, the distribution of funds by educational sector and region of the state, and the results of the partnerships supported by these funds.

(3) \$425,000 of the general fund—state appropriation for fiscal year 2020 and \$425,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for Seattle central college's expansion of allied health programs.

(4) \$5,250,000 of the general fund—state appropriation for fiscal year 2020 and \$5,250,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the student achievement initiative.

(5) \$1,610,000 of the general fund—state appropriation for fiscal year 2020, and \$1,610,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the mathematics, engineering, and science achievement program.

(6) \$1,500,000 of the general fund—state appropriation for fiscal year 2020 and \$1,500,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for operating a fabrication composite wing incumbent worker training program to be housed at the Washington aerospace training and research center.

(7) \$100,000 of the general fund—state appropriation for fiscal year 2020 and \$100,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the aerospace center of excellence currently hosted by Everett community college to:

(a) Increase statewide communications and outreach between industry sectors, industry organizations, businesses, K-12 schools, colleges, and universities;

(b) Enhance information technology to increase business and student accessibility and use of the center's web site; and

(c) Act as the information entry point for prospective students and job seekers regarding education, training, and employment in the industry.

(8) \$19,759,000 of the general fund—state appropriation for fiscal year 2020 and (~~(\$20,174,000)~~) \$20,194,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the implementation of the college affordability program as set forth in RCW 28B.15.066.

(9) Community and technical colleges are not required to send mass mailings of course catalogs to residents of their districts. Community and technical colleges shall consider lower cost alternatives, such as mailing postcards or

brochures that direct individuals to online information and other ways of acquiring print catalogs.

(10) The state board for community and technical colleges shall not use funds appropriated in this section to support intercollegiate athletics programs.

(11) \$157,000 of the general fund—state appropriation for fiscal year 2020 and \$157,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the Wenatchee Valley college wildfire prevention program.

(12) The state board for community and technical colleges shall collaborate with a permanently registered Washington sector intermediary to integrate and offer related supplemental instruction for information technology apprentices by the 2020-21 academic year.

(13) \$150,000 of the general fund—state appropriation for fiscal year 2020 and \$150,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the Puget Sound welcome back center at Highline College to create a grant program for internationally trained individuals seeking employment in the behavioral health field in Washington state.

(14) \$750,000 of the general fund—state appropriation for fiscal year 2020 and \$750,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for increased enrollments in the integrated basic education and skills training program. Funding will support approximately 120 additional full-time equivalent enrollments annually.

(15)(a) The state board must provide quality assurance reports on the ctcLink project at the frequency directed by the office of chief information officer for review and for posting on its information technology project dashboard.

(b) The state board must develop a technology budget using a method similar to the state capital budget, identifying project costs, funding sources, and anticipated deliverables through each stage of the investment and across fiscal periods and biennia from project initiation to implementation. The budget must be updated at the frequency directed by the office of chief information officer for review and for posting on its information technology project dashboard.

(c) The office of the chief information officer may suspend the ctcLink project at any time if the office of the chief information officer determines that the project is not meeting or is not expected to meet anticipated performance measures, implementation timelines, or budget estimates. Once suspension or termination occurs, the state board shall not make additional expenditures on the ctcLink project without approval of the chief information officer. The ctcLink project funded through the community and technical college innovation account created in RCW 28B.50.515 is subject to the conditions, limitations, and review provided in (~~section 719 of this act~~) section 701 of this act.

(16) \$216,000 of the general fund—state appropriation for fiscal year 2020 and \$216,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the opportunity center for employment and education at North Seattle College.

(17) \$500,000 of the general fund—state appropriation for fiscal year 2020 and \$500,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for Highline College to implement the Federal Way higher education initiative in partnership with the city of Federal Way and the University of Washington Tacoma campus.

(18) \$350,000 of the general fund—state appropriation for fiscal year 2020 and \$350,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for Peninsula College to maintain the annual cohorts of the specified programs as follows:

- (a) Medical assisting, 40 students;
- (b) Nursing assistant, 60 students; and
- (c) Registered nursing, 32 students.

(19) \$338,000 of the general fund—state appropriation for fiscal year 2020 and \$338,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the Washington state labor education and research center at South Seattle College.

(20) \$75,000 of the general fund—state appropriation for fiscal year 2020 and \$75,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for Washington family and community and engagement trust and Everett Community College to continue and expand a civic education and leadership program for underserved adults and youth.

(21) \$150,000 of the general fund—state appropriation for fiscal year 2020 and \$150,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the aerospace and advanced manufacturing center of excellence hosted by Everett Community College to develop a semiconductor and electronics manufacturing branch in Vancouver.

(22) \$750,000 of the general fund—state appropriation for fiscal year 2020 and \$750,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of Second Substitute House Bill No. 1893 (student assistance grants). ~~((If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.))~~

(23) \$200,000 of the general fund—state appropriation for fiscal year 2020 and \$348,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of Second Substitute Senate Bill No. 5800 (homeless college students). ~~((If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.))~~

(24) \$1,500,000 of the general fund—state appropriation for fiscal year 2020 and \$1,500,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of guided pathways or similar programs designed to improve student success, including, but not limited to, academic program redesign, student advising, and other student supports.

(25) \$132,000 of the general fund—state appropriation for fiscal year 2020 and \$24,000 of the general fund—state

appropriation for fiscal year 2021 are provided solely for the state board to develop a plan for the maintenance and administration of opioid overdose medication in and around residence halls housing at least 100 students and for the training of designated personnel to administer opioid overdose medication to respond to symptoms of an opioid-related overdose.

(26) \$784,000 of the general fund—state appropriation for fiscal year 2020 and \$779,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for legal costs related to the *Wolf vs State Board for Community and Technical Colleges* litigation.

(27) \$100,104 of the general fund—state appropriation for fiscal year 2021 is provided solely for expansion of the interpreter training program at Spokane Falls Community College.

(28) \$500,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for staff support and contract services with a nonprofit organization with experience in advancing affordable housing projects and education centers on public or tax-exempt land to coordinate the building of student, faculty, staff, and affordable workforce housing at the following institutions:

- (a) Highline College;
- (b) Lake Washington Institute of Technology;
- (c) North Seattle College; and
- (d) Tacoma Community College.

(29)(a) \$300,000 of the general fund—state appropriation for the fiscal year 2021 is provided solely for a study to identify and evaluate compliance with the requirements for firefighter basic recruit training, apprenticeship, and the firefighter joint apprenticeship training committee. The study must include:

- (i) An evaluation of the firefighter joint apprenticeship training committee for funding source appropriateness, adequacy, and authority;
- (ii) Effectiveness and relationship of training programs to hiring veterans, minorities, and women within the fire service; and

(iii) Administrative and operational efficiencies and opportunities for improvement of the firefighter joint apprenticeship training committee.

(b) By January 31, 2021, the study must be submitted to the governor and appropriate committees of the legislature.

(30) \$197,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for implementation of Engrossed Substitute House Bill No. 2327 (sexual misconduct/postsec.). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

(31) \$200,000 of the general fund—state appropriation for fiscal year 2021 is provided solely to develop plans to increase the ratio of full-time tenure-track faculty to adjunct faculty, expand opportunities for adjunct faculty to

participate in the college community, and achieve pay equity between full-time and adjunct faculty. Each community and technical college district must develop, in consultation with academic employee bargaining representatives at the college, a plan to achieve these goals and provide the plan to the state board for community and technical colleges by November 1, 2020. The state board must develop, in consultation with academic employee collective bargaining representatives, a plan to accomplish these goals, as well as a plan to achieve a system-wide ratio of full-time tenure-track faculty to adjunct faculty of at least sixty percent. The state board must submit the plans to the fiscal and higher education committees of the legislature no later than December 31, 2020.

(32) Within existing resources, the state board for community and technical colleges shall coordinate with the Washington student achievement council task force as described in section 609(11) of this act to provide the following running start data for fiscal year 2018, fiscal year 2019, and fiscal year 2020, for each community and technical college:

(a) The total number of running start students served by headcount and full-time equivalent.

(b) The total amount of running start revenue received through apportionment as allocated with the running start rate by the office of superintendent of public instruction through local school districts;

(c) The total amount of revenue received directly from local school districts that is not provided through the running start allocation described in (b) of this subsection;

(d) The total amount of fee revenue generated directly from running start students and families, broken out by fee name, fee type, or both;

(e) Expenditures by object, sub-object, program, and fund for all running start revenues from state apportionment and fees;

(f) Any transfers of running start revenue between funds;

(g) Course completion rates for running start students;

(h) A list of courses by two-digit classification of instructional program code and the number of running start students in each course;

(i) A list of career and technical education area courses and the number of running start students in each course;

(j) The number of students at each community or technical college receiving complete fee waivers as required by RCW 28A.600.310(3)(a);

(k) The total dollar value of fee waivers provided to running start students;

(l) A total allocation of additional funds provided to cover fee waivers; and

(m) The method used by each college to determine running start fee waiver eligibility, including any policies adopted by the college or its program.

**Sec. 603.** 2019 c 415 s 606 (uncodified) is amended to read as follows:

**FOR THE UNIVERSITY OF WASHINGTON**

**((1) GENERAL APPROPRIATIONS))**

General Fund—State Appropriation (FY 2020)	..... (( <del>\$341,498,000</del> ))
	<u>\$340,784,000</u>
General Fund—State Appropriation (FY 2021)	..... (( <del>\$347,067,000</del> ))
	<u>\$358,083,000</u>
Aquatic Lands Enhancement Account—State Appropriation	..... (( <del>\$1,590,000</del> ))
	<u>\$1,606,000</u>
University of Washington Building Account—State Appropriation	..... \$1,546,000
Education Legacy Trust Account—State Appropriation	..... (( <del>\$36,530,000</del> ))
	<u>\$36,731,000</u>
Economic Development Strategic Reserve Account—State Appropriation	..... (( <del>\$3,075,000</del> ))
	<u>\$3,087,000</u>
Geoduck Aquaculture Research Account—State Appropriation	..... \$800,000
Biotoxin Account—State Appropriation	..... (( <del>\$609,000</del> ))
	<u>\$612,000</u>
Dedicated Marijuana Account—State Appropriation (FY 2020)	..... \$256,000
Dedicated Marijuana Account—State Appropriation (FY 2021)	..... (( <del>\$263,000</del> ))
	<u>\$272,000</u>
Pension Funding Stabilization Account—State Appropriation	..... \$50,906,000
Accident Account—State Appropriation	..... (( <del>\$7,814,000</del> ))
	<u>\$7,907,000</u>
Medical Aid Account—State Appropriation	..... (( <del>\$7,419,000</del> ))
	<u>\$7,507,000</u>
TOTAL APPROPRIATION	..... <del>\$799,373,000</del>
	<u>\$810,097,000</u>

The appropriations in this section are subject to the following conditions and limitations:

~~((a))~~ (1) \$41,010,000 of the general fund—state appropriation for fiscal year 2020 and ~~(((\$41,872,000))~~ \$41,913,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the implementation of the college affordability program as set forth in RCW 28B.15.066.

~~((b))~~ (2) \$200,000 of the general fund—state appropriation for fiscal year 2020 and \$200,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for labor archives of Washington. The university shall work in collaboration with the state board for community and technical colleges.

~~((c))~~ (3) \$8,000,000 of the education legacy trust account—state appropriation is provided solely for the family medicine residency network at the university to maintain the number of residency slots available in Washington.

~~((d))~~ (4) The university must continue work with the education research and data center to demonstrate progress in computer science and engineering enrollments. By September 1st of each year, the university shall provide a report including but not limited to the cost per student, student completion rates, and the number of low-income students enrolled in each program, any process changes or best-practices implemented by the university, and how many students are enrolled in computer science and engineering programs above the prior academic year.

~~((e))~~ (5) \$250,000 of the general fund—state appropriation for fiscal year 2020 and \$251,000 of the general fund—state appropriation for fiscal year 2021 and \$1,550,000 of the aquatic lands enhancement account—state appropriation are provided solely for ocean acidification monitoring, forecasting, and research and for operation of the Washington ocean acidification center. The center must continue to make quarterly progress reports to the Washington marine resources advisory council created under RCW 43.06.338.

~~((f))~~ (6) \$14,000,000 of the education legacy trust account—state appropriation is provided solely for the expansion of degrees in the department of computer science and engineering at the Seattle campus.

~~((g) \$3,000,000)~~ (7) \$1,549,000 of the economic development strategic reserve account appropriation is provided solely to support the joint center for aerospace innovation technology.

~~((h))~~ (8) The University of Washington shall not use funds appropriated in this section to support intercollegiate athletics programs.

~~((i))~~ (9) \$7,345,000 of the general fund—state appropriation for fiscal year 2020 and \$7,345,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the continued operations and expansion of the Washington, Wyoming, Alaska, Montana, Idaho medical school program.

~~((j))~~ (10) \$2,625,000 of the general fund—state appropriation for fiscal year 2020 and \$2,625,000 of the general fund—state appropriation for fiscal year 2021 are

provided solely for the institute for stem cell and regenerative medicine. Funds appropriated in this subsection must be dedicated to research utilizing pluripotent stem cells and related research methods.

~~((k))~~ (11) \$500,000 of the general fund—state appropriation for fiscal year 2020 and \$500,000 of the general fund—state appropriation for fiscal year 2021 are provided to the University of Washington to support youth and young adults experiencing homelessness in the university district of Seattle. Funding is provided for the university to work with community service providers and university colleges and departments to plan for and implement a comprehensive one-stop center with navigation services for homeless youth; the university may contract with the department of commerce to expand services that serve homeless youth in the university district.

~~((l))~~ (12) \$600,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the psychiatry residency program at the University of Washington to offer additional residency positions that are approved by the accreditation council for graduate medical education.

~~((m)(i))~~ (13)(a) \$172,000 of the general fund—state appropriation for fiscal year 2020 and \$172,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for a University of Washington study in the south Cascades to determine current wolf use and density, and to gather baseline data to understand the effects of wolf recolonization on predator-prey dynamics of species that currently have established populations in the area. The study objectives shall include:

~~((A))~~ (i) Determination of whether wolves have started to recolonize a 5,000 square kilometer study area in the south Cascades of Washington, and if so, an assessment of their distribution over the landscape as well as their health and pregnancy rates;

~~((B))~~ (ii) Baseline data collection, if wolves have not yet established pack territories in this portion of the state, that will allow for the assessment of how the functional densities and diets of wolves across the landscape will affect the densities and diets in the following predators and prey: Coyote, cougar, black bear, bobcat, red fox, wolverine, elk, white tailed deer, mule deer, moose, caribou, and snowshoe hare;

~~((C))~~ (iii) Examination of whether the microbiome of each species changes as wolves start to occupy suitable habitat; and

~~((D))~~ (iv) An assessment of the use of alternative wildlife monitoring tools to cost-effectively monitor size of the wolf population over the long-term.

~~((E))~~ (b) A report on the findings of the study shall be shared with the Washington department of fish and wildlife.

~~((F))~~ (14) \$5,000,000 of the general fund—state appropriation for fiscal year 2020 and \$5,000,000 of the general fund—state appropriation for fiscal year 2021 are provided solely to support the operations and teaching

mission of the Harborview Medical Center and the University of Washington Medical Center.

~~((+))~~ (15) \$1,000,000 of the general fund—state appropriation for fiscal year 2020 and \$1,000,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the University of Washington's psychiatry integrated care training program.

~~((+))~~ (16) \$400,000 of the geoduck aquaculture research account—state appropriation is provided solely for the Washington sea grant program at the University of Washington to complete a three-year study to identify best management practices related to shellfish production. The University of Washington must submit an annual report detailing any findings and outline the progress of the study, consistent with RCW 43.01.036, to the office of the governor and the appropriate legislative committees by December 1st of each year.

~~((+))~~ (17) \$1,000,000 of the general fund—state appropriation for fiscal year 2020 and \$1,000,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the University of Washington School of Dentistry to support its role as a major oral health provider to individuals covered by medicaid and the uninsured.

~~((+))~~ (18) \$200,000 of the general fund—state appropriation for fiscal year 2020 and \$200,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the pre-law pipeline and social justice program at the University of Washington Tacoma.

~~((+))~~ (19) \$200,000 of the general fund—state appropriation for fiscal year 2020 and \$200,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the Bothell branch to develop series of online courses for school district staff related to behavioral health. The standards for the online courses must be consistent with any knowledge, skill, and performance standards related to mental health and well-being of public school students. Among other things, the online courses must:

~~((+))~~ (a) Teach participants relevant laws, including laws around physical restraint and isolation;

~~((+))~~ (b) Provide foundational knowledge in behavioral health, mental health, and mental illness;

~~((+))~~ (c) Describe how to assess, intervene upon, and refer behavioral health and substance use issues; and

~~((+))~~ (d) Teach approaches to promote health and positively influence student health behaviors.

~~((+))~~ (20) \$110,000 of the general fund—state appropriation for fiscal year 2020 and \$110,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for core operations at forefront to achieve its mission of reducing suicide.

~~((+))~~ (21) \$138,000 of the general fund—state appropriation for fiscal year 2020 and \$138,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the university to collaborate with the northwest Parkinson's foundation and the state department

of veterans affairs to study Parkinson's diagnoses treatment and specialist care across ethnic and racial groups and to develop a pilot program that helps people with Parkinson's better access specialist care and community services.

~~((+))~~ (22) \$256,000 of the general fund—state appropriation for fiscal year 2020 and \$226,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the university's neurology department to create a telemedicine program to disseminate dementia care best practices to primary care practitioners using the project ECHO model. The program shall provide a virtual connection for providers and content experts and include didactics, case conferences, and an emphasis on practice transformation and systems-level issues that affect care delivery. The initial users of this program shall include referral sources in health care systems and clinics, such as the university's neighborhood clinics and Virginia Mason Memorial in Yakima with a goal of adding fifteen to twenty providers from smaller clinics and practices per year.

~~((+))~~ (23) \$102,000 of the general fund—state appropriation for fiscal year 2020 and \$102,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the university's center for international trade in forest products.

~~((+))~~ (24) \$500,000 of the general fund—state appropriation for fiscal year 2020 and \$500,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the Latino center for health.

~~((+))~~ (25) \$150,000 of the general fund—state appropriation for fiscal year 2020 is provided solely for the Latino center for health to:

~~((+))~~ (a) Estimate the number of practicing Latino physicians in Washington including age and gender distributions;

~~((+))~~ (b) Create a profile of Latino physicians that includes their geographic distribution, medical and surgical specialties, training and certifications, and language access;

~~((+))~~ (c) Develop a set of policy recommendations to meet the growing needs of Latino communities in urban and rural communities throughout Washington. The center must provide the report to the university and the appropriate committees of the legislature by December 31, 2020.

~~((+))~~ (26) To ensure transparency and accountability, in the 2019-2021 fiscal biennium the University of Washington shall comply with any and all financial and accountability audits by the Washington state auditor including any and all audits of university services offered to the general public, including those offered through any public-private partnership, business venture, affiliation, or joint venture with a public or private entity, except the government of the United States. The university shall comply with all state auditor requests for the university's financial and business information including the university's governance and financial participation in these public-private partnerships, business ventures, affiliations, or joint ventures with a public or private entity. In any instance in which the university declines to produce the information to

the state auditor, the university will provide the state auditor a brief summary of the documents withheld and a citation of the legal or contractual provision that prevents disclosure. The summaries must be compiled into a report by the state auditor and provided on a quarterly basis to the legislature.

~~((aa))~~ (27) \$50,000 of the general fund—state appropriation for fiscal year 2020 and \$30,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the university's school of public health to study home-sharing for privately-owned residential properties. The study must include:

~~((i))~~ (a) An analysis of home-sharing programs across the country, including population served, costs, duration of stays, and size of programs;

~~((ii))~~ (b) An analysis of similar initiatives in Washington state and potential barriers to expansion;

~~((iii))~~ (c) A review of best practices and policies; and

~~((iv))~~ (d) Recommendations for the establishment and continuation of home-sharing programs.

~~((bb))~~ (28) \$150,000 of the general fund—state appropriation for fiscal year 2020 and \$150,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the university to expand the project extension for community health care outcomes (ECHO) to include training related to people with autism and developmental disabilities. Project ECHO for autism and developmental disabilities must focus on supporting existing autism centers of excellence. The project will disseminate evidence-based diagnoses and treatments to increase access to medical services for people across the state.

~~((cc))~~ (29) \$100,000 of the general fund—state appropriation for fiscal year 2020 and \$75,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the William D. Ruckelshaus center to partner with the University of Washington and the Washington State University to provide staff support and facilitation services to the task force established in part 9 of this act.

~~((dd))~~ (30) \$500,000 of the general fund—state appropriation for fiscal year 2020 and \$500,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the University of Washington department of psychiatry and behavioral sciences and Seattle children's hospital in consultation with the office of the superintendent of public instruction to plan for and implement a two-year pilot program of school mental health education and consultations for students at middle schools, junior high, and high schools in one school district on east side of Cascades and one school district on west side of Cascades. The pilot program must:

~~((i))~~ (a) Develop and provide behavioral health trainings for school counselors, social workers, psychologists, nurses, teachers, administrators, and classified staff by January 1, 2020; and

~~((ii))~~ (b) Beginning with the 2020-21 school year:

~~((A))~~ (i) Provide school counselors access to teleconsultations with psychologists and psychiatrists at

Seattle children's hospital or the University of Washington department of psychiatry to support school staff in managing children with challenging behavior; and

~~((B))~~ (ii) Provide students access to teleconsultations with psychologists and psychiatrists at Seattle children's hospital or the University of Washington department of psychiatry to provide crisis management services when assessed as clinically appropriate.

~~((ee))~~ (31) \$213,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for implementation of Second Substitute Senate Bill No. 5903 (children's mental health). ~~((If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.~~

~~((ff))~~ (32) \$50,000 of the general fund—state appropriation for fiscal year 2020 is provided solely for implementation of Engrossed Second Substitute House Bill No. 1517 (domestic violence). ~~((If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.~~

~~((gg)(i))~~ (33)(a) \$463,000 of the general fund—state appropriation for fiscal year 2020 and \$400,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the climate impacts group in the college of the environment.

~~((iii))~~ (b) \$63,000 of the general fund—state appropriation for fiscal year 2020 in ~~((gg)(i))~~ (a) of this subsection is provided solely for implementation of Engrossed Second Substitute Senate Bill No. 5116 (clean energy). ~~((If the bill is not enacted by June 30, 2019, the amounts provided in this subsection (1)(gg)(ii) shall lapse.~~

~~((hh))~~ (34) \$25,000 of the general fund—state appropriation for fiscal year 2020 and \$25,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the university to develop a plan for the maintenance and administration of opioid overdose medication in and around residence halls housing at least 100 students and for the training of designated personnel to administer opioid overdose medication to respond to symptoms of an opioid-related overdose.

~~((iii))~~ (35) \$500,000 of the general fund—state appropriation for fiscal year 2020 and \$500,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for a firearm policy research program. The program will:

~~((i))~~ (a) Support investigations of firearm death and injury risk factors;

~~((ii))~~ (b) Evaluate the effectiveness of state firearm laws and policies;

~~((iii))~~ (c) Assess the consequences of firearm violence; and

~~((iv))~~ (d) Develop strategies to reduce the toll of firearm violence to citizens of the state.

~~((jj))~~ (36) \$100,000 of the general fund—state appropriation for fiscal year 2020 is provided solely for the Evans school of public affairs to complete the business plan

for a publicly owned Washington state depository bank as directed by section 129, chapter 299, Laws of 2018.

~~((kk))~~ (37) \$350,000 of the general fund—state appropriation for fiscal year 2020 and \$139,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of Engrossed Substitute Senate Bill No. 5330 (small forestland owners). ~~((If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.~~

~~((ll))~~ \$250,000 of the general fund—state appropriation for fiscal year 2020 and \$250,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the dental education in the care of persons with disabilities program.

~~((mm))~~ \$190,000)) (38) \$95,000 of the general fund—state appropriation for fiscal year 2020 ~~((is))~~ and \$95,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the college of education to partner with school districts on a pilot program to improve the math scores of K-12 students.

~~((nn))~~ \$300,000)) (39) \$100,000 of the general fund—state appropriation for fiscal year 2020 ~~((is))~~ and \$100,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for matching nonstate funding contributions for a study of the feasibility of constructing of a biorefinery in southwest Washington. No state moneys may be expended until nonstate funding contributions are received. The study must:

~~((i))~~ (a) Assess the supply of biomass, including poplar feedstock grown on low-value lands and hardwood sawmill residuals;

~~((ii))~~ (b) Assess the potential for using poplar simultaneously for water treatment and as a biorefinery feedstock;

~~((iii))~~ (c) Assess southwest Washington landowner interest in growing poplar feedstock;

~~((iv))~~ (d) Evaluate options for locating a biorefinery in southwest Washington that considers potential for integration of future biorefineries with existing facilities such as power plants and pulp mills; and

~~((v))~~ (e) Result in a comprehensive technical and economic evaluation for southwest Washington biorefineries that will be used by biorefinery technology companies to develop their business plans and to attract potential investors.

~~((oo))~~ (40) \$300,000 of the general fund—state appropriation for fiscal year 2020 and \$300,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the Harry Bridges center for labor studies. The center shall work in collaboration with the state board for community and technical colleges.

~~((pp))~~ (41) \$400,000 of the geoduck aquaculture research account—state appropriation is provided solely for the Washington sea grant program crab team to continue work to protect against the impacts of invasive European green crab.

(42) \$50,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the department of environmental and occupational health sciences to provide an air quality report. The report will study the relationship between indoor and outdoor ultrafine particle air quality at sites with vulnerable populations, such as schools or locations underneath flight paths within ten miles of Sea-Tac airport. The report recommendations must include an item addressing filtration systems at select locations with vulnerable populations. The report shall be submitted to the house environment and energy committee and the senate environment, energy and technology committee by December 15, 2020.

(43) \$135,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for Washington MESA to continue the first nations MESA program in the Yakima valley.

(44)(a) \$40,000 of the general fund—state appropriation for fiscal year 2020 and \$85,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for a study focusing on special purpose district elections to be completed within the division of politics, philosophy, and public affairs at the Tacoma campus. The study must include, at a minimum, an examination and comparison of:

(i) Different types of data collected based on the entity administering the election;

(ii) Voting frequency, eligibility, demographics of voters and candidates, and equity within special purpose district elections;

(iii) Individuals and entities affected outside the voting district of special purpose districts;

(iv) A review of other governance models regarding special purpose districts; and

(v) Potential statutory and constitutional issues regarding special purpose district elections.

(b) By December 1, 2020, the study must be submitted to the appropriate committees of the legislature.

(45) \$300,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for:

(a) Increased training in rural areas for sexual assault nurse examiners; and

(b) Expansion of web-based services for training of sexual assault nurse examiners to include webinars, live streamed trainings, and web-based consultations.

(46)(a) \$100,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the center for cannabis research at the university to collaborate with the Washington State University collaboration on cannabis policy, research, and outreach to create frameworks for future studies. Each framework will include the length of time to complete, research licenses necessary, cost, literature review of national and international research, and a scope of work to be completed. The following frameworks shall be compiled in a report:



(i) Measuring and assessing impairment due to marijuana use; and

(ii) Correlation between age of use, dosage of use, and appearance of occurrence of cannabis induced psychosis.

(b) The report on the frameworks must be submitted to the appropriate committees of the legislature by December 1, 2020.

(47) \$135,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for implementation of Engrossed Second Substitute House Bill No. 1521 (government contracting). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

(48) \$364,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for implementation of Engrossed Substitute House Bill No. 2327 (sexual misconduct/postsec.). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

(49) \$232,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for implementation of Substitute House Bill No. 2419 (death with dignity barriers). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

(50) \$450,000 of the general fund—state appropriation for fiscal year 2021 is provided solely to the University of Washington school of medicine for the development of simulation training devices at the Harborview medical center's paramedic training program.

(51) \$60,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for implementation of Substitute Senate Bill No. 6061 (telemedicine training). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

(52) \$1,549,000 of the economic development strategic reserve account—state appropriation is provided solely for implementation of Second Substitute Senate Bill No. 6139 (aerospace tech. innovation). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

(53) \$320,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for implementation of Substitute Senate Bill No. 6142 (higher ed common application). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

(54) \$205,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the university's center for human rights. The appropriation must be used to supplement, not supplant, other funding sources for the center for human rights.

(55) \$64,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for one full-time mental health counselor licensed under chapter 18.225 RCW who has experience and training specifically related to working with active members of the military or military veterans.

(56) \$143,000 of the general fund—state appropriation for fiscal year 2021 is provided solely to the University of Washington for the establishment and operation of the state forensic anthropologist. The university shall work in conjunction with and provide the full funding directly to the King county medical examiner's office to support the statewide work of the state forensic anthropologist.

(57) \$100,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the Burke museum of natural history and culture to make education programs offered by the museum accessible to more students across Washington, especially students in underserved schools and locations. The funding shall be used for:

(a) Increasing the number of students who participate in Burke education programs at reduced or no cost;

(b) Providing bus reimbursement for students visiting the museum on field trips and to support travel to bring museum programs across the state; and

(c) Staff who will form partnerships with school districts to serve statewide communities more efficiently and equitably through the Burkemobile program.

~~((2) CONDITIONAL GENERAL WAGE INCREASES~~

~~General Fund State Appropriation (FY 2020) .....~~ ~~\$2,320,000~~

~~General Fund State Appropriation (FY 2021) .....~~ ~~\$4,664,000~~

~~Aquatic Lands Enhancement Account State Appropriation .....~~ ~~\$16,000~~

~~Education Legacy Trust Account State Appropriation .....~~ ~~\$201,000~~

~~Economic Development Strategic Reserve Account—State~~

~~Appropriation .....~~ ~~\$12,000~~

~~Institutions of Higher Education—Grant and~~

~~Contracts Account—State Appropriation \$19,587,000~~

~~Institutions of Higher Education—Dedicated Local~~

~~Account Appropriation .....~~ ~~\$12,184,000~~

~~Institutions of Higher Education—Operating Fees~~

~~Account—Local Appropriation .....~~ ~~\$13,786,000~~

~~Biotoxin Account—State Appropriation .....~~ ~~\$3,000~~

~~Dedicated Marijuana Account—State Appropriation~~

~~(FY 2020) .....~~ ~~\$3,000~~

~~Dedicated Marijuana Account—State Appropriation~~

~~(FY 2021) .....~~ ~~\$6,000~~

~~University of Washington Hospital Account—Local~~

~~Appropriation .....~~ ~~\$16,375,000~~

~~Accident Account—State Appropriation .....~~ ~~\$92,000~~

~~Medical Aid Account—State Appropriation ..\$87,000~~

~~TOTAL APPROPRIATION ..... \$69,336,000~~

~~The appropriations in this subsection (2) are subject to the following conditions and limitations: Funding is provided solely for conditional general wage increases to all University of Washington employees of one percent on July 1, 2019, and one percent on July 1, 2020, subject to the conclusion of impacts bargaining over the application of the increases to represented employees covered by sections 921 through 925 of this act. If agreements to implement the one percent increases are not reached with the represented employees covered by sections 921 through 925 of this act by July 1, 2020, the amounts provided in this subsection (2) shall lapse. Funding for the conditional increases is provided from appropriated and nonappropriated accounts as authorized in this subsection (2-).)~~

**Sec. 604.** 2019 c 415 s 607 (uncodified) is amended to read as follows:

#### **FOR WASHINGTON STATE UNIVERSITY**

General Fund—State Appropriation (FY 2020)  
.....((~~\$222,455,000~~))

\$222,642,000

General Fund—State Appropriation (FY 2021)  
.....((~~\$230,453,000~~))

\$233,649,000

Washington State University Building Account—  
State

Appropriation ..... \$792,000

Education Legacy Trust Account—State  
Appropriation..... \$33,995,000

Model Toxics Control Stormwater Account—State  
Appropriation ..... \$50,000

Dedicated Marijuana Account—State Appropriation  
(FY 2020)..... \$138,000

Dedicated Marijuana Account—State Appropriation  
(FY 2021)..... \$138,000

Pension Funding Stabilization Account—State  
Appropriation ..... \$30,954,000

~~TOTAL APPROPRIATION ..... \$518,925,000~~  
\$522,358,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$90,000 of the general fund—state appropriation for fiscal year 2020 and \$90,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for a rural economic development and outreach coordinator.

(2) The university must continue work with the education research and data center to demonstrate progress

in computer science and engineering enrollments. By September 1st of each year, the university shall provide a report including but not limited to the cost per student, student completion rates, and the number of low-income students enrolled in each program, any process changes or best-practices implemented by the university, and how many students are enrolled in computer science and engineering programs above the prior academic year.

(3) \$500,000 of the general fund—state appropriation for fiscal year 2020 and \$500,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for state match requirements related to the federal aviation administration grant.

(4) Washington State University shall not use funds appropriated in this section to support intercollegiate athletic programs.

(5) \$7,000,000 of the general fund—state appropriation for fiscal year 2020 and \$7,000,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the continued development and operations of a medical school program in Spokane.

(6) \$135,000 of the general fund—state appropriation for fiscal year 2020 and \$135,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for a honey bee biology research position.

(7) \$29,152,000 of the general fund—state appropriation for fiscal year 2020 and ~~((\$29,764,000))~~ \$29,793,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the implementation of the college affordability program as set forth in RCW 28B.15.066.

(8) \$376,000 of the general fund—state appropriation for fiscal year 2020 and \$376,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for chapter 202, Laws of 2017 (2SHB 1713) (children's mental health).

(9) \$580,000 of the general fund—state appropriation for fiscal year 2020 and \$580,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the development of an organic agriculture systems degree program located at the university center in Everett.

(10) Within the funds appropriated in this section, Washington State University shall:

(a) Review the scholarly literature on the short-term and long-term effects of marijuana use to assess if other states or private entities are conducting marijuana research in areas that may be useful to the state.

(b) Provide as part of its budget request for the 2019-2021 fiscal biennium:

(i) A list of intended state, federal, and privately funded marijuana research, including cost, duration, and scope;

(ii) Plans for partnerships with other universities, state agencies, or private entities, including entities outside the

state, for purposes related to researching short-term and long-term effects of marijuana use.

(11) \$585,000 of the general fund—state appropriation for fiscal year 2020 and \$585,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of chapter 159, Laws of 2017 (2SSB 5474) (elk hoof disease).

(12) \$630,000 of the general fund—state appropriation for fiscal year 2020 and \$630,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the creation of an electrical engineering program located in Bremerton. At full implementation, the university is expected to increase degree production by 25 new bachelor's degrees per year. The university must identify these students separately when providing data to the education research data center as required in subsection (2) of this section.

(13) \$1,370,000 of the general fund—state appropriation for fiscal year 2020 and \$1,370,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the creation of software engineering and data analytic programs at the university center in Everett. At full implementation, the university is expected to enroll 50 students per academic year. The university must identify these students separately when providing data to the education research data center as required in subsection (2) of this section.

(14) General fund—state appropriations in this section are reduced to reflect a reduction in state-supported tuition waivers for graduate students. When reducing tuition waivers, the university will not change its practices and procedures for providing eligible veterans with tuition waivers.

(15) \$1,119,000 of the general fund—state appropriation for fiscal year 2020 and \$1,154,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of chapter 36, Laws of 2017 3rd sp. sess. (renewable energy, tax incentives).

(16) \$500,000 of the general fund—state appropriation for fiscal year 2020 and \$500,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the joint center for deployment and research in earth abundant materials.

(17) \$20,000 of the general fund—state appropriation for fiscal year 2020 and \$20,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the office of clean technology at Washington State University to convene a sustainable aviation biofuels work group to further the development of sustainable aviation fuel as a productive industry in Washington. The work group must include members from the legislature and sectors involved in sustainable aviation biofuels research, development, production, and utilization. The work group must provide recommendations to the governor and the appropriate committees of the legislature by December 1, 2020.

(18) \$113,000 of the general fund—state appropriation for fiscal year 2020 and \$60,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for

implementation of Engrossed Second Substitute House Bill No. 1517 (domestic violence). ~~((If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.))~~

(19) \$100,000 of the general fund—state appropriation for fiscal year 2020 and \$75,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the William D. Ruckelshaus center to partner with the University of Washington and the Washington State University to provide staff support and facilitation services to the task force established in section 9 of this act.

(20) \$264,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for implementation of Second Substitute Senate Bill No. 5903 (children's mental health). ~~((If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.))~~

(21) \$37,000 of the general fund—state appropriation for fiscal year 2020 and \$16,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the university to develop a plan for the maintenance and administration of opioid overdose medication in and around residence halls housing at least 100 students and for the training of designated personnel to administer opioid overdose medication to respond to symptoms of an opioid-related overdose.

(22) \$85,000 of the general fund—state appropriation for fiscal year 2020 is provided solely for the William D. Ruckelshaus center to coordinate a work group and process to develop options and recommendations to improve consistency, simplicity, transparency, and accountability in higher education data systems. The work group and process must be collaborative and include representatives from relevant agencies and stakeholders, including but not limited to: The Washington student achievement council, the workforce training and education coordinating board, the employment security department, the state board for community and technical colleges, the four-year institutions of higher education, the education data center, the office of the superintendent of public instruction, the Washington state institute for public policy, the joint legislative audit and review committee, and at least one representative from a nongovernmental organization that uses longitudinal data for research and decision making. The William D. Ruckelshaus center must facilitate meetings and discussions with stakeholders and provide a report to the appropriate committees of the legislature by December 1, 2019. The process must analyze and make recommendations on:

(a) Opportunities to increase postsecondary transparency and accountability across all institutions of higher education that receive state financial aid dollars while minimizing duplication of existing data reporting requirements;

(b) Opportunities to link labor market data with postsecondary data including degree production and postsecondary opportunities to help prospective postsecondary students navigate potential career and degree pathways;

(c) Opportunities to leverage existing data collection efforts across agencies and postsecondary sectors to minimize duplication, centralize data reporting, and create administrative efficiencies;

(d) Opportunities to develop a single, easy to navigate, postsecondary data system and dashboard to meet multiple state goals including transparency in postsecondary outcomes, clear linkages between data on postsecondary degrees and programs and labor market data, and linkages with P-20 data where appropriate. This includes a review of the efficacy, purpose, and cost of potential options for service and management of a statewide postsecondary dashboard; and

(e) Opportunities to increase state agency, legislative, and external researcher access to P-20 data systems in service to state educational goals.

(23) \$250,000 of the general fund—state appropriation for fiscal year 2020 and \$250,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the university's soil health initiative and its network of long-term agroecological research and extension (LTARE) sites. The network must include a Mount Vernon REC site.

(24) \$134,000 of the general fund—state appropriation for fiscal year 2020 and \$134,000 of the general fund—state appropriation for fiscal year 2021 are provided solely to implement Engrossed Substitute House Bill No. 2248 (community solar projects). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

(25) \$135,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the establishment of a mathematics, engineering, science achievement program on the Everett campus.

(26) \$50,000 of the model toxics control stormwater account—state appropriation is provided solely for the Washington stormwater center for the following purposes:

(a) The initial development of a plan for the implementation of a statewide don't drip and drive program; and

(b) The provision of technical assistance and education to local governments, community organizations, and businesses, that are undertaking or seek to potentially undertake behavior change strategies to prevent stormwater pollution from leaking motor vehicles.

(27)(a) \$25,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the collaboration with the Washington state patrol, to produce a report focused on recommendations to inform a longitudinal study regarding bias in traffic stops. The report shall include the following information and any additional items identified in the collaboration:

(i) Analysis of traffic stops data for evidence of biased policing in stops, levels of enforcement, and searches;

(ii) Statewide survey of Washington state residents' perception of the Washington state patrol, with a focus on communities and individuals of color; and

(iii) The driving population, Washington state patrol crash data, Washington state patrol calls for service or assistance data, and any other potential data sources and appropriate geographic-level analysis.

(b) The framework shall outline any needed policy changes necessary to perform a longitudinal study, including public engagement. The report shall be submitted to the appropriate committees of the legislature by December 31, 2020.

(28) \$130,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for implementation of Engrossed Substitute House Bill No. 2327 (sexual misconduct/postsec.). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

(29) \$32,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for implementation of Engrossed Substitute House Bill No. 2645 (photovoltaic modules). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

(30) \$128,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the William D. Ruckelshaus center to assess the feasibility of and barriers to expanding and integrating district energy systems in the city of Bellingham. The study must include a situation assessment by the center, and an independent technical review by the Washington state academy of sciences. The study must be submitted to the appropriate committees of the legislature by December 31, 2020.

(31) \$299,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for implementation of Substitute Senate Bill No. 6142 (higher ed common application). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

(32) \$788,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for implementation of Substitute Senate Bill No. 6306 (soil health initiative). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

(33) \$500,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for Washington State University's energy program to launch a least-conflict priority solar siting pilot project in the Columbia basin of eastern and central Washington. This program shall engage all relevant stakeholders to identify priority areas where there is the least amount of potential conflict in the siting of utility scale pv solar and to develop a map highlighting these areas. The program shall also compile the latest information on opportunities for dual-use and colocation of pv solar with other land values. The appropriation is the maximum amount the department may expend for this purpose.

(34) \$42,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for one full-time mental health counselor licensed under chapter 18.225 RCW who has experience and training specifically related to working with active members of the military or military veterans.

(35) \$280,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for implementation of Engrossed Second Substitute Senate Bill No. 6518 (pesticide, chlorpyrifos). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

**Sec. 605.** 2019 c 415 s 608 (uncodified) is amended to read as follows:

**FOR EASTERN WASHINGTON UNIVERSITY**

General Fund—State Appropriation (FY 2020)	<del>(\$54,894,000))</del>
	<u>\$55,128,000</u>
General Fund—State Appropriation (FY 2021)	<del>(\$57,331,000))</del>
	<u>\$57,943,000</u>
Education Legacy Trust Account—State Appropriation.....	\$16,794,000
TOTAL APPROPRIATION .....	<u>\$129,019,000</u>
	<u>\$129,865,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) At least \$200,000 of the general fund—state appropriation for fiscal year 2020 and at least \$200,000 of the general fund—state appropriation for fiscal year 2021 must be expended on the Northwest autism center.

(2) The university must continue work with the education research and data center to demonstrate progress in computer science and engineering enrollments. By September 1st of each year, the university shall provide a report including but not limited to the cost per student, student completion rates, and the number of low-income students enrolled in each program, any process changes or best-practices implemented by the university, and how many students are enrolled in computer science and engineering programs above the prior academic year.

(3) Eastern Washington University shall not use funds appropriated in this section to support intercollegiate athletics programs.

(4) \$10,472,000 of the general fund—state appropriation for fiscal year 2020 and ~~(\$10,692,000))~~ \$10,702,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the implementation of the college affordability program as set forth in RCW 28B.15.066.

(5) Within amounts appropriated in this section, the university is encouraged to increase the number of tenure-track positions created and hired.

(6) \$125,000 of the general fund—state appropriation for fiscal year 2020 and \$125,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for gathering and archiving time-sensitive histories and materials and planning for a Lucy Covington center.

(7) ~~(\$146,000))~~ \$73,000 of the general fund—state appropriation for fiscal year 2020 ~~((4s))~~ and \$73,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for a comprehensive analysis of the deep lake watershed involving land owners, ranchers, lake owners, one or more conservation districts, the department of ecology, and the department of natural resources.

(8) \$21,000 of the general fund—state appropriation for fiscal year 2020 and \$11,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the university to develop a plan for the maintenance and administration of opioid overdose medication in and around residence halls housing at least 100 students and for the training of designated personnel to administer opioid overdose medication to respond to symptoms of an opioid-related overdose.

(9) \$200,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for expansion of the American sign language program.

(10) \$73,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for implementation of Engrossed Substitute House Bill No. 2327 (sexual misconduct/postsec.). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

(11) \$88,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for implementation of Substitute Senate Bill No. 6142 (higher ed common application). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

(12) \$45,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for one full-time mental health counselor licensed under chapter 18.225 RCW who has experience and training specifically related to working with active members of the military or military veterans.

**Sec. 606.** 2019 c 415 s 609 (uncodified) is amended to read as follows:

**FOR CENTRAL WASHINGTON UNIVERSITY**

General Fund—State Appropriation (FY 2020)	<del>(\$54,390,000))</del>
	<u>\$54,520,000</u>
General Fund—State Appropriation (FY 2021)	<del>(\$56,517,000))</del>
	<u>\$57,179,000</u>
Central Washington University Capital Projects Account—	
State Appropriation.....	\$76,000
Education Legacy Trust Account—State Appropriation.....	\$19,076,000
Pension Funding Stabilization Account—State Appropriation.....	\$3,924,000
TOTAL APPROPRIATION.....	<u>\$133,983,000</u>

\$134,775,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The university must continue work with the education research and data center to demonstrate progress in engineering enrollments. By September 1st of each year, the university shall provide a report including but not limited to the cost per student, student completion rates, and the number of low-income students enrolled in each program, any process changes or best-practices implemented by the university, and how many students are enrolled in engineering programs above the prior academic year.

(2) Central Washington University shall not use funds appropriated in this section to support intercollegiate athletics programs.

(3) \$11,803,000 of the general fund—state appropriation for fiscal year 2020 and ((~~\$12,051,000~~)) \$12,063,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the implementation of the college affordability program as set forth in RCW 28B.15.066.

(4) Within amounts appropriated in this section, the university is encouraged to increase the number of tenure-track positions created and hired.

(5) \$221,000 of the general fund—state appropriation for fiscal year 2020 and \$221,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the game on! program, which provides underserved middle and high school students with training in leadership and science, technology, engineering, and math. The program is expected to serve approximately five hundred students per year.

(6) \$53,000 of the general fund—state appropriation for fiscal year 2020 and \$32,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the university to develop a plan for the maintenance and administration of opioid overdose medication in and around residence halls housing at least 100 students and for the training of designated personnel to administer opioid overdose medication to respond to symptoms of an opioid-related overdose.

(7) \$135,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for development of an educational American sign language interpreter preparation program.

(8) \$155,000 of the general fund—state appropriation for fiscal year 2020 is provided solely to implement chapter 295, Laws of 2019 (educator workforce supply).

(9) \$254,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for implementation of Substitute Senate Bill No. 6142 (higher ed common application). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

(10) \$52,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for one full-time mental health counselor licensed under chapter 18.225 RCW who has experience and training specifically related to

working with active members of the military or military veterans.

(11) \$53,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for implementation of Engrossed Substitute House Bill No. 2327 (sexual misconduct/postsec.). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

**Sec. 607.** 2019 c 415 s 610 (uncodified) is amended to read as follows:

#### **FOR THE EVERGREEN STATE COLLEGE**

General Fund—State Appropriation (FY 2020)  
..... ((~~\$29,766,000~~))  
\$30,208,000

General Fund—State Appropriation (FY 2021)  
..... ((~~\$30,305,000~~))  
\$31,303,000

The Evergreen State College Capital Projects Account—

State Appropriation.....\$80,000

Education Legacy Trust Account—State  
Appropriation.....\$5,450,000

Pension Funding Stabilization Account—State  
Appropriation.....\$2,000

TOTAL APPROPRIATION.....\$65,603,000  
\$67,043,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$3,590,000 of the general fund—state appropriation for fiscal year 2020 and ((~~\$3,665,000~~)) \$3,669,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the implementation of the college affordability program as set forth in RCW 28B.15.066.

(2) Funding provided in this section is sufficient for The Evergreen State College to continue operations of the Longhouse Center and the Northwest Indian applied research institute.

(3) Within amounts appropriated in this section, the college is encouraged to increase the number of tenure-track positions created and hired.

(4) Within the amounts appropriated in this section, The Evergreen State College must provide the funding necessary to enable employees of the Washington state institute for public policy to receive the salary increases provided in part 9 of this act.

(5) ((~~\$2,079,000~~)) \$2,437,000 of the general fund—state appropriation for fiscal year 2020 and ((~~\$2,054,000~~)) \$2,754,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the Washington state institute for public policy to initiate, sponsor, conduct, and publish research that is directly useful to policymakers and

manage reviews and evaluations of technical and scientific topics as they relate to major long-term issues facing the state. Within the amounts provided in this subsection (5):

(a) \$999,000 of the amounts in fiscal year 2020 and ~~(((\$879,000))~~ \$1,294,000 of the amounts in fiscal year 2021 are provided for administration and core operations.

(b) ~~(((\$1,030,000))~~ \$1,388,000 of the amounts in fiscal year 2020 and ~~(((\$1,002,000))~~ \$1,177,000 of the amounts in fiscal year 2021 are provided solely for ongoing and continuing studies on the Washington state institute for public policy's work plan.

(c) \$50,000 of the amounts in fiscal year 2020 and \$25,000 of the amounts in fiscal year 2021 are provided solely for the Washington state institute for public policy to evaluate the outcomes of resource and assessment centers licensed under RCW 74.15.311 and contracted with the department of children, youth, and families. By December 1, 2020, and in compliance with RCW 43.01.036, the institute shall report the results of its evaluation to the appropriate legislative committees; the governor; the department of children, youth, and families; and the oversight board for children, youth, and families. For the evaluation, the institute shall collect data regarding:

(i) The type of placement children experience following placement at a resource and assessment center;

(ii) The number of placement changes that children experience following placement in a resource and assessment center compared with other foster children;

(iii) The length of stay in foster care that children experience following placement in a resource and assessment center compared with other foster children;

(iv) The likelihood that children placed in a resource and assessment center will be placed with siblings; and

(v) The length of time that licensed foster families accepting children placed in resource and assessment centers maintain their licensure compared to licensed foster families receiving children directly from child protective services.

(d) \$115,000 of the amounts in fiscal year 2021 are provided solely for implementation of Engrossed Second Substitute House Bill No. 1391 (early achievers recommendations). ~~((If the bill is not enacted by June 30, 2019, the amount provided in this subsection (5)(d) shall lapse.))~~

(e) \$33,000 of the amounts in fiscal year 2021 are provided solely for implementation of Engrossed Second Substitute House Bill No. 1646 (juvenile rehab. confinement). ~~((If the bill is not enacted by June 30, 2019, the amount provided in this subsection (5)(e) shall lapse.))~~

(f) \$20,000 of the amounts in fiscal year 2021 are provided solely for the Washington state institute for public policy to evaluate student participation in and outcomes of transitional kindergarten programs across the state. No later than December 1, 2023, the institute shall report the result of its evaluation to the appropriate legislative committees; the governor; the office of the superintendent of public instruction; and the department of children, youth, and

families. For the evaluation, the institute shall collect data regarding:

(i) The number of districts providing transitional kindergarten programs, including the number of classrooms and students in the program per district;

(ii) The number of children participating in transitional kindergarten programs across the state, disaggregated by demographic information such as race, gender, and income level;

(iii) The number of children participating in transitional kindergarten programs that attended prekindergarten previous to transitional kindergarten;

(iv) The number of children participating in transitional kindergarten who received early learning services through the early childhood education and assistance program;

(v) The differences in classroom instruction for transitional kindergarten compared to the early childhood education and assistance program; and

(vi) The outcomes for transitional kindergarten participants on the Washington kindergarten inventory of developing skills compared to students who did not participate in transitional kindergarten.

(g) \$40,000 of the amounts in fiscal year 2021 are provided solely for the Washington state institute for public policy to conduct a literature review on mandatory arrests in domestic violence cases, including the effects of mandatory arrest on recidivism, domestic violence recidivism, domestic violence reporting, rates of domestic violence treatment, intimate partner violence, and other reported outcomes. By June 30, 2021, the institute must submit the review to the appropriate committees of the legislature.

(h) \$50,000 of the amounts in fiscal year 2021 are provided solely for the Washington state institute for public policy to study access to voting and voter registration, to determine if the policies outlined below have increased the number of registered voters and if the number of voters has increased. The study must analyze the impact of the recent policy changes including chapter 112, Laws of 2018 pertaining to same-day voter registration; chapter 110, Laws of 2018 pertaining to automatic voter registration, chapter 161, Laws of 2019 pertaining to pre-paid postage for ballots, chapter 327, Laws of 2017 pertaining to the number and locations by county of ballot boxes; and chapter 109, Laws of 2018 pertaining to the registration by individuals as a part of the future voter program. The institute must also report on absentee ballot requests by location. The institute shall submit a report on the impacts of the changes on voter registration, voter turnout, and voting method to the appropriate committees of the legislature by December 1, 2021.

(i) Notwithstanding other provisions in this subsection, the board of directors for the Washington state institute for public policy may adjust due dates for projects included on the institute's 2019-21 work plan as necessary to efficiently manage workload.

(6) \$86,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for implementation of Engrossed Substitute House Bill No. 2327 (sexual misconduct/postsec.). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

(7) \$9,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for implementation of Engrossed Senate Bill No. 6313 (young voters). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

(8) \$39,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for one full-time mental health counselor licensed under chapter 18.225 RCW who has experience and training specifically related to working with active members of the military or military veterans.

**Sec. 608.** 2019 c 415 s 611 (uncodified) is amended to read as follows:

**FOR WESTERN WASHINGTON UNIVERSITY**

General Fund—State Appropriation (FY 2020)	.....(( <del>\$78,694,000</del> ))
	<u>\$78,664,000</u>
General Fund—State Appropriation (FY 2021)	.....(( <del>\$81,478,000</del> ))
	<u>\$82,923,000</u>
Western Washington University Capital Projects Account—	
State Appropriation .....	\$1,424,000
Education Legacy Trust Account—State Appropriation.....	\$13,831,000
TOTAL APPROPRIATION .....	<del>\$175,427,000</del>
	<u>\$176,842,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) The university must continue work with the education research and data center to demonstrate progress in computer science and engineering enrollments. By September 1st of each year, the university shall provide a report including but not limited to the cost per student, student completion rates, and the number of low-income students enrolled in each program, any process changes or best-practices implemented by the university, and how many students are enrolled in computer science and engineering programs above the prior academic year.

(2) Western Washington University shall not use funds appropriated in this section to support intercollegiate athletics programs.

(3) \$16,291,000 of the general fund—state appropriation for fiscal year 2020 and ((~~\$16,633,000~~)) \$16,649,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the implementation

of the college affordability program as set forth in RCW 28B.15.066.

(4) \$700,000 of the general fund—state appropriation for fiscal year 2020 and \$700,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the creation and implementation of an early childhood education degree program at the western on the peninsulas campus. The university must collaborate with Olympic college. At full implementation, the university is expected to grant approximately 75 bachelor's degrees in early childhood education per year at the western on the peninsulas campus.

(5) \$1,306,000 of the general fund—state appropriation for fiscal year 2020 and \$1,306,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for Western Washington University to develop a new program in marine, coastal, and watershed sciences.

(6) Within amounts appropriated in this section, the university is encouraged to increase the number of tenure-track positions created and hired.

(7) \$250,000 of the general fund—state appropriation for fiscal year 2020 and \$250,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for campus connect to develop a student civic leaders initiative that will provide opportunities for students to gain work experience focused on addressing the following critical issues facing communities and campuses: Housing and food insecurities, mental health, civic education (higher education and K-12), breaking the prison pipeline, and the opioid epidemic. Students will:

(a) Participate in civic internships and receive wages to work on one or more of these critical issues on their campus and or in their community, or both;

(b) Receive training on civic education, civil discourse, and learn how to analyze policies that impact community issues; and

(c) Research issues and develop and implement strategies in teams to address them.

(8) \$45,000 of the general fund—state appropriation for fiscal year 2020 and \$25,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the university to develop a plan for the maintenance and administration of opioid overdose medication in and around residence halls housing at least 100 students and for the training of designated personnel to administer opioid overdose medication to respond to symptoms of an opioid-related overdose.

(9) \$215,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for development and expansion of American sign language education.

(10) \$87,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for implementation of Engrossed Substitute House Bill No. 2327 (sexual misconduct/postsec.). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.



(11) \$886,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the university to reduce tuition rates for four-year degree programs offered in partnership with Olympic college—Bremerton, Olympic college—Poulsbo, and Peninsula college—Port Angeles that are currently above state-funded resident undergraduate tuition rates. Tuition reductions resulting from this section must go into effect beginning in the 2020-21 academic year.

(12) \$42,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for implementation of Substitute Senate Bill No. 6142 (higher ed common application). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

(13) \$48,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for one full-time mental health counselor licensed under chapter 18.225 RCW who has experience and training specifically related to working with active members of the military or military veterans.

**Sec. 609.** 2019 c 415 s 612 (uncodified) is amended to read as follows:

**FOR THE STUDENT ACHIEVEMENT  
COUNCIL—POLICY COORDINATION AND  
ADMINISTRATION**

General Fund—State Appropriation (FY 2020)	.....(((\$6,431,000))
	\$6,459,000
General Fund—State Appropriation (FY 2021)	.....(((\$6,533,000))
	\$7,704,000
General Fund—Federal Appropriation.....	\$4,927,000
Pension Funding Stabilization Account—State	
Appropriation .....	\$534,000
TOTAL APPROPRIATION .....	\$18,425,000
	\$19,624,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$126,000 of the general fund—state appropriation for fiscal year 2020 and \$126,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the consumer protection unit.

(2) \$104,000 of the general fund—state appropriation for fiscal year 2020 and \$174,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of Second Substitute Senate Bill No. 5800 (homeless college students). ~~((If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.))~~

(3) \$150,000 of the general fund—state appropriation is provided solely to create a career connected learning statewide program inventory as required in RCW 28C.30.040(1) (f) through (g).

(4) \$211,000 of the general fund—state appropriation is provided solely to implement the Washington college grant program as set forth in RCW 28B.92.200. Funding is sufficient for a senior budget and forecast analyst position to assist in the administration of the Washington college grant program established in RCW 28B.92.200 and other financial aid programs and to develop financial aid models to forecast costs related to the Washington college grant and college bound programs.

(5) \$33,000 of the general fund—state appropriation for fiscal year 2021 is provided solely to implement chapter 298, Laws of 2019 (college bound scholarship – ninth grade pledge and state need grant eligibility).

(6) The student achievement council must ensure that all institutions of higher education as defined in RCW 28B.92.030 and eligible for state financial aid programs under chapters 28B.92 and 28B.118 RCW provide the data needed to analyze and evaluate the effectiveness of state financial aid programs. This data must be promptly transmitted to the education data center so that it is available and easily accessible.

(7) \$100,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the student achievement council to convene a task force on student access to health care at Washington's public institutions of higher education, with members as provided in this subsection.

(a) Membership of the task force is:

(i) One staff member appointed by each of the following: The council of presidents, state board for community and technical colleges, insurance commissioner, workforce training and education coordinating board, health care authority, health benefit exchange, and department of health; and

(ii) Three members, one of which must be currently enrolled in a graduate or professional program, appointed by the Washington student association with one member attending an institution west of the crest of the cascade mountains; one member attending an institution east of the crest of the cascade mountains; and one staff member of the Washington student association.

(b) The task force shall provide recommendations on the policies, resources, and technical assistance that are needed to support the institutions in improving access to affordable health care for their students. The task force, in cooperation with the state's public institutions of higher education, shall gather data related to affordable access to care for students at public institutions of higher education in Washington.

(c) Staff support for the task force must be provided by the council.

(d) In accordance with RCW 43.01.036 the task force shall report its preliminary findings to the governor and the appropriate committees of the legislature before the first day of the 2021 legislative session and its final findings and recommendations by November 1, 2021. The final report must include:

(i) A summary of the data reviewed by the task force, including information specific to each campus, when available;

(ii) Recommendations for the legislature and public institutions of higher education for improving student health care coverage and access including, but not limited to:

(A) A comparison of opt-in and opt-out student health insurance models, including their respective benefits, risks, impact on cost, level of coverage, and number of students enrolled;

(B) A model policy for the establishment of an opt-out insurance plan for public institutions of higher education to maximize accessibility, affordability, coverage, and ease of enrollment while minimizing accidental enrollment and other negative consequences;

(C) A review of currently available insurance plans and their feasibility in providing affordable and comprehensive coverage for Washington students enrolled in public institutions of higher education;

(D) A review of options for the state to provide greater coverage and access to care among students by allowing public institutions of higher education to provide opt-out plans, including premiums for student health insurance plans in cost of attendance considerations for state financial aid, among others; and

(E) Policy recommendations that address racial, ethnic, income-based, and geographic disparity and disproportionality in student health-based educational outcomes.

(8) \$208,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for implementation of Senate Bill No. 5197 (national guard ed. grants). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

(9) \$250,000 of the general fund—state appropriation for fiscal year 2021 is provided solely to implement a marketing and communications agenda as required in RCW 28C.30.040(1)(c).

(10) \$76,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the student achievement council to complete a study examining design options for a statewide child savings account program in Washington and creating an implementation plan. Child savings accounts are long-term savings or investment accounts to help children, especially low-income children and children of color, build dedicated savings for postsecondary education. The child savings account program's goals are to foster a higher education and career-readiness culture and boost college savings among Washington state residents, particularly low-income families; promote the financial security, financial literacy, and economic stability of Washington state families; and increase their ability to save for college. The program's purpose is to establish college savings accounts at birth for every child born in Washington state.

(a) At a minimum, the study must include the following elements:

(i) Program account options and mechanisms for automatic enrollment in the child savings account program at birth unless parents opt out;

(ii) The program structure and the initial seed deposit as well as progressive incentives to help reduce inequities in account accumulation between children from lower-income families and higher-income families;

(iii) Incentive structures so that families that participate and contribute, regardless of amount, can receive bonus deposits;

(iv) Plans for how relevant state agencies and programs would conduct outreach and provide information for families and children about their child savings accounts, opportunities to interact and/or save in the account, and other resources for families to build their financial capabilities in order to save for their future;

(v) Options for potential state funding sources to create and sustain the program and the feasibility of making the program self-sustaining or partially off-setting seed deposits through administrative fees charged in the Washington college savings program established in RCW 28B.95.032 or other college savings programs;

(vi) Possible ways for the state to collaborate with the philanthropic and private sectors; and

(vii) Possible ways for the accounts of foster children and youth to grow.

(b) In developing the implementation plan, the council may consult with the following entities:

(i) The economic services administration;

(ii) The department of health;

(iii) The department of children, youth, and families;

(iv) The department of financial institutions;

(v) The office of the state treasurer;

(vi) The office of the superintendent of public instruction;

(vii) Nonprofit and community-based organizations or coalitions focused on strategies to help families build financial assets or support families with children to thrive;

(viii) Institutions of higher education or research or policy organizations with expertise in asset building and child savings accounts;

(ix) Not-for-profit foundations, organizations, or agencies in Washington who are already operating child savings account programs in their communities;

(x) Philanthropic organizations and foundations with an interest in providing philanthropic support for child savings accounts in Washington state; and

(xi) Organizations and state commissions and offices representing communities of color and economically

disadvantaged communities that would be most impacted by the creation of a child savings account program.

(c) The council shall convene stakeholders to review preliminary recommendations by November 30, 2020. The council shall submit preliminary findings and recommendations to the appropriate committees of the legislature by December 30, 2020, and a final report by June 30, 2021.

(11) \$25,000 of the general fund—state appropriation for fiscal year 2020 and \$125,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the Washington student achievement council to convene and coordinate a task force by May 1, 2020 to propose strategies to eliminate financial and non-financial barriers to low-income students participating in running start, college in the high school, advanced placement, international baccalaureate, cambridge and career and technical education dual credit programs.

The task force shall submit a report to the appropriate committees of the legislature by December 1, 2020. The report shall include:

(a) Strategies to address the following financial and non-financial barriers to students:

(i) Per credit tuition fees and any other fees charged for college in the high school and career and technical education dual credit courses;

(ii) Books, fees, and any other direct costs charged to running start students when enrolling in college courses; and

(iii) Exam fees and other charges to students enrolling in exam-based dual credit courses.

(b) An analysis of efficiency and effectiveness of student use of dual credit toward higher education program, degree completion or both;

(c) Recommendations on student supports to close equity gaps in dual credit access, participation and success;

(d) Recommendations to improve and increase communication with students and families regarding the awareness, access and completion of dual credit;

(e) Expanding access to dual credit opportunities for students in career and technical education pathways; and

(f) Running start data for fiscal year 2018, fiscal year 2019, and fiscal year 2020 for each community and technical college as described in section 602(32) of this act.

**Sec. 610.** 2019 c 415 s 613 (uncodified) is amended to read as follows:

**FOR THE STUDENT ACHIEVEMENT COUNCIL—OFFICE OF STUDENT FINANCIAL ASSISTANCE**

General Fund—State Appropriation (FY 2020)  
.....((~~\$278,418,000~~))  
\$273,435,000

General Fund—State Appropriation (FY 2021)  
.....((~~\$281,669,000~~))

\$288,093,000

General Fund—Federal Appropriation  
.....((~~\$12,035,000~~))

\$12,038,000

General Fund—Private/Local Appropriation \$300,000

Education Legacy Trust Account—State  
Appropriation .....\$93,488,000

Washington Opportunity Pathways Account—State

Appropriation .....\$114,229,000

Aerospace Training Student Loan Account—State

Appropriation .....\$216,000

Workforce Education Investment Account—State

Appropriation .....\$14,824,000

Pension Funding Stabilization Account—State

Appropriation .....\$18,000

Health Professionals Loan Repayment and  
Scholarship

Program Account—State Appropriation ....\$1,720,000

State Educational Trust Fund ((Nonappropriated))

Account—State Appropriation .....\$6,000,000

State Financial Aid Account—State Appropriation

.....\$1,500,000

TOTAL APPROPRIATION .....\$788,093,000

\$805,861,000

The appropriations in this section are subject to the following conditions and limitations:

(1) If Engrossed Second Substitute House Bill No. 2158 (workforce education) is enacted by June 30, 2019, all references made in this section to the state need grant program are deemed made to the Washington college grant program.

(2) \$255,327,000 of the general fund—state appropriation for fiscal year 2020, ((~~\$266,528,000~~)) \$7,935,000 of the general fund—state appropriation for fiscal year 2021, ((~~\$77,639,000~~)) \$45,527,000 of the education legacy trust account—state appropriation, \$6,000,000 of the state educational trust fund nonappropriated account—state appropriation, and ((~~\$80,000,000~~)) \$38,350,000 of the Washington opportunity pathways account—state appropriation are provided solely for student financial aid payments under the state need grant and state work study programs, including up to four percent administrative allowance for the state work study program.

(3) \$258,593,000 of the general fund—state appropriation for fiscal year 2021, \$14,824,000 of the workforce education investment account—state

appropriation, \$32,112,000 of the education legacy trust fund—state appropriation, and \$56,950,000 of the Washington opportunity pathways account—state appropriation are provided solely for the Washington college grant program as provided in RCW 28B.92.200.

(4) Changes made to the state work study program in the 2009-2011 and 2011-2013 fiscal biennia are continued in the 2019-2021 fiscal biennium including maintaining the increased required employer share of wages; adjusted employer match rates; discontinuation of nonresident student eligibility for the program; and revising distribution methods to institutions by taking into consideration other factors such as off-campus job development, historical utilization trends, and student need.

(5) Within the funds appropriated in this section, eligibility for the state need grant includes students with family incomes at or below 70 percent of the state median family income (MFI), adjusted for family size, and shall include students enrolled in three to five credit-bearing quarter credits, or the equivalent semester credits. Awards for students with incomes between 51 and 70 percent of the state median shall be prorated at the following percentages of the award amount granted to those with incomes below 51 percent of the MFI: 70 percent for students with family incomes between 51 and 55 percent MFI; 65 percent for students with family incomes between 56 and 60 percent MFI; 60 percent for students with family incomes between 61 and 65 percent MFI; and 50 percent for students with family incomes between 66 and 70 percent MFI. If Engrossed Second Substitute House Bill No. 2158 (workforce education) is enacted by June 30, 2019, then the eligibility and proration provisions of that bill supersede the provisions of this subsection.

(6) Of the amounts provided in subsection ~~((4))~~ (2) of this section, \$100,000 of the general fund—state appropriation for fiscal year 2020 and \$100,000 of the general fund—state appropriation for fiscal year 2021 are provided for the council to process an alternative financial aid application system pursuant to RCW 28B.92.010.

(7) Students who are eligible for the college bound scholarship shall be given priority for the state need grant program. These eligible college bound students whose family incomes are in the 0-65 percent median family income ranges must be awarded the maximum state need grant for which they are eligible under state policies and may not be denied maximum state need grant funding due to institutional policies or delayed awarding of college bound scholarship students. The council shall provide directions to institutions to maximize the number of college bound scholarship students receiving the maximum state need grant for which they are eligible with a goal of 100 percent coordination. Institutions shall identify all college bound scholarship students to receive state need grant priority. If an institution is unable to identify all college bound scholarship students at the time of initial state aid packaging, the institution should reserve state need grant funding sufficient to cover the projected enrollments of college bound scholarship students.

~~((1,023,000))~~ \$972,000 of the general fund—state appropriation for fiscal year 2020, ~~((855,000))~~ \$1,165,000 of the general fund—state appropriation for fiscal year 2021, \$15,849,000 of the education legacy trust account—state appropriation, and ~~((34,229,000))~~ \$18,929,000 of the Washington opportunity pathways account—state appropriation are provided solely for the college bound scholarship program and may support scholarships for summer session. The office of student financial assistance and the institutions of higher education shall not consider awards made by the opportunity scholarship program to be state-funded for the purpose of determining the value of an award amount under RCW 28B.118.010. ~~((If Engrossed Second Substitute House Bill No. 2158 (workforce education) is enacted by June 30, 2019, then the amount that is provided solely for purposes of this subsection from the Washington opportunity pathways account is provided for the Washington college grant in the amount of \$15,300,000.))~~

(9) \$2,759,000 of the general fund—state appropriation for fiscal year 2020 and \$2,795,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the passport to college program. The maximum scholarship award is up to \$5,000. The council shall contract with a nonprofit organization to provide support services to increase student completion in their postsecondary program and shall, under this contract, provide a minimum of \$500,000 in fiscal years 2020 and 2021 for this purpose.

(10) ~~((7,468,000))~~ \$2,536,000 of the general fund—state appropriation for fiscal year 2020 ~~((is))~~ and \$4,432,000 of the general fund—state appropriation for fiscal year 2021 are provided solely to meet state match requirements associated with the opportunity scholarship program. The legislature will evaluate subsequent appropriations to the opportunity scholarship program based on the extent that additional private contributions are made, program spending patterns, and fund balance.

(11) \$3,800,000 of the general fund—state appropriation for fiscal year 2020 and \$3,800,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for expenditure into the health professionals loan repayment and scholarship program account. These amounts must be used to increase the number of licensed primary care health professionals to serve in licensed primary care health professional critical shortage areas. Contracts between the office and program recipients must guarantee at least three years of conditional loan repayments. The office of student financial assistance and the department of health shall prioritize a portion of any nonfederal balances in the health professional loan repayment and scholarship fund for conditional loan repayment contracts with psychiatrists and with advanced registered nurse practitioners for work at one of the state-operated psychiatric hospitals. The office and department shall designate the state hospitals as health professional shortage areas if necessary for this purpose. The office shall coordinate with the department of social and health services to effectively incorporate three conditional loan repayments into the department's advanced psychiatric professional recruitment

and retention strategies. The office may use these targeted amounts for other program participants should there be any remaining amounts after eligible psychiatrists and advanced registered nurse practitioners have been served. The office shall also work to prioritize loan repayments to professionals working at health care delivery sites that demonstrate a commitment to serving uninsured clients. It is the intent of the legislature to provide funding to maintain the current number and amount of awards for the program in the 2021-2023 fiscal biennium on the basis of these contractual obligations.

(12) \$850,000 of the general fund—state appropriation for fiscal year 2020 and \$750,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of Second Substitute House Bill No. 1973 (dual enrollment scholarship). ~~((If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.))~~

(13) \$1,000,000 of the general fund—state appropriation for fiscal year 2020 and \$1,000,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of Second Substitute House Bill No. 1668 (Washington health corps). ~~((If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.))~~ Within amounts provided in this subsection, the student achievement council, in consultation with the department of health, shall study the need, feasibility, and potential design of a grant program to provide funding to behavioral health students completing unpaid pregraduation internships and postgraduation supervised hours for licensure.

(14) Sufficient amounts are appropriated within this section to implement Engrossed Second Substitute House Bill No. 1311 (college bound).

(15) \$1,896,000 of the general fund—state appropriation for fiscal year 2020 and \$1,673,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of Engrossed Second Substitute House Bill No. 1139 (educator workforce supply). ~~((If the bill is not enacted by June 30, 2019, the amount provided in this subsection shall lapse.))~~ Of the amounts appropriated in this subsection, \$1,650,000 of the general fund—state appropriation for fiscal year 2020 and \$1,650,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for funding of the student teaching grant program, the teacher endorsement and certification help program, and the educator conditional scholarship and loan repayment programs under chapter 28B.102 RCW, including the pipeline for paraeducators program, the retooling to teach conditional loan programs, the teacher shortage conditional scholarship program, the career and technical education conditional scholarship program, and the federal student loan repayment in exchange for teaching service program.

(16) \$500,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for a state match associated with the rural jobs program. The legislature will evaluate appropriations in future biennia to the rural jobs

program based on the extent that additional private contributions are made.

(17) \$625,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for implementation of Senate Bill No. 5197 (national guard ed. grants). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

(18) \$1,500,000 of the state financial aid account—state appropriation is provided solely for passport to career program scholarship awards.

(19) \$161,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for implementation of Engrossed Substitute Senate Bill No. 6141 (higher education access). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

(20) \$396,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for implementation of Second Substitute Senate Bill No. 6561 (undocumented student support). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

**Sec. 611.** 2019 c 415 s 614 (uncodified) is amended to read as follows:

**FOR THE WORKFORCE TRAINING AND EDUCATION COORDINATING BOARD**

General Fund—State Appropriation (FY 2020)	
.....	\$2,270,000
General Fund—State Appropriation (FY 2021)	
.....	<del>((1,998,000))</del>
	<u>\$2,300,000</u>
General Fund—Federal Appropriation	
.....	<del>((55,509,000))</del>
	<u>\$55,511,000</u>
General Fund—Private/Local Appropriation	\$211,000
Pension Funding Stabilization Account—State	
Appropriation.....	\$176,000
TOTAL APPROPRIATION.....	<u>\$60,164,000</u>
	<u>\$60,468,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) For the 2019-2021 fiscal biennium the board shall not designate recipients of the Washington award for vocational excellence or recognize them at award ceremonies as provided in RCW 28C.04.535.

(2) \$240,000 of the general fund—state appropriation for fiscal year 2020 and \$240,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the health workforce council of the state workforce training and education coordinating board. In partnership with the office of the governor, the health workforce council shall continue to assess workforce shortages across behavioral health disciplines. The board shall create a recommended action

plan to address behavioral health workforce shortages and to meet the increased demand for services now, and with the integration of behavioral health and primary care in 2020. The analysis and recommended action plan shall align with the recommendations of the adult behavioral health system task force and related work of the healthier Washington initiative. The board shall consider workforce data, gaps, distribution, pipeline, development, and infrastructure, including innovative high school, postsecondary, and postgraduate programs to evolve, align, and respond accordingly to our state's behavioral health and related and integrated primary care workforce needs.

(3) \$260,000 of the general fund—state appropriation for fiscal year 2020 is provided solely for implementation of chapter 294, Laws of 2018 (future of work task force).

(4) \$28,000 of the general fund—state appropriation for fiscal year 2020 is provided solely for implementation of Substitute Senate Bill No. 5166 (postsecondary religious acc.). ~~((If the bill is not enacted by June 30, 2019, the amount provided in this subsection shall lapse.))~~

(5) \$300,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the board to provide a one-time grant to an accredited university offering a doctorate in osteopathic medicine. The grant must be used to purchase up to twelve fully-equipped VSee telemedicine kits for student training purposes in rural and underserved communities.

**Sec. 612.** 2019 c 415 s 615 (uncodified) is amended to read as follows:

**FOR THE STATE SCHOOL FOR THE BLIND**

General Fund—State Appropriation (FY 2020)	.....(( <del>\$8,951,000</del> ))
	<u>\$9,001,000</u>
General Fund—State Appropriation (FY 2021)	.....(( <del>\$9,153,000</del> ))
	<u>\$9,275,000</u>
General Fund—Private/Local Appropriation .	\$34,000
Pension Funding Stabilization Account—State	
Appropriation .....	\$590,000
TOTAL APPROPRIATION .....	<del>\$18,728,000</del>
	<u>\$18,900,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) Funding provided in this section is sufficient for the school to offer to students enrolled in grades nine through twelve for full-time instructional services at the Vancouver campus with the opportunity to participate in a minimum of one thousand eighty hours of instruction and the opportunity to earn twenty-four high school credits.

(2) \$149,000 of the general fund—state appropriation for fiscal year 2020 and \$99,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for

migration to the state data center, and are subject to the conditions, limitations, and review provided in ~~((section 719 of this act))~~ section 701 of this act.

**Sec. 613.** 2019 c 415 s 616 (uncodified) is amended to read as follows:

**FOR THE WASHINGTON STATE CENTER FOR CHILDHOOD DEAFNESS AND HEARING LOSS**

General Fund—State Appropriation (FY 2020)	.....(( <del>\$14,326,000</del> ))
	<u>\$14,463,000</u>
General Fund—State Appropriation (FY 2021)	.....(( <del>\$14,554,000</del> ))
	<u>\$14,581,000</u>
Pension Funding Stabilization Account—State	
Appropriation.....	\$728,000
TOTAL APPROPRIATION.....	<del>\$29,608,000</del>
	<u>\$29,772,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) Funding provided in this section is sufficient for the center to offer to students enrolled in grades nine through twelve for full-time instructional services at the Vancouver campus with the opportunity to participate in a minimum of one thousand eighty hours of instruction and the opportunity to earn twenty-four high school credits.

(2) \$12,319,000 of the general fund—state appropriation for fiscal year 2020 and \$12,319,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for operations, expenses, and direct service to students at the state school for the deaf referenced in RCW 72.40.015(2)(a).

(3) \$73,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the Washington center for deaf and hard of hearing youth to provide American sign language coaching to agency staff.

**Sec. 614.** 2019 c 415 s 617 (uncodified) is amended to read as follows:

**FOR THE WASHINGTON STATE ARTS COMMISSION**

General Fund—State Appropriation (FY 2020)	.....(( <del>\$2,108,000</del> ))
	<u>\$2,222,000</u>
General Fund—State Appropriation (FY 2021)	.....(( <del>\$2,307,000</del> ))
	<u>\$2,513,000</u>
General Fund—Federal Appropriation .....	\$2,160,000
General Fund—Private/Local Appropriation..	\$50,000
Pension Funding Stabilization Account—State	

(2) \$6,220,000, or as much thereof as may be necessary, is appropriated for the fiscal year ending June 30, 2020, from the workforce education investment account and \$7,610,000, or as much thereof as may be necessary, is appropriated for the fiscal year ending June 30, 2021, from the workforce education investment account provided solely for employee compensation, academic program enhancements, student support services, and other institutional priorities that maintain a quality academic experience for Washington students.

(3)(a) \$2,000,000, or as much thereof as may be necessary, is appropriated for the fiscal year ending June 30, 2020, from the workforce education investment account and \$30,124,000, or as much thereof as may be necessary, is appropriated for the fiscal year ending June 30, 2021, from the workforce education investment account provided solely to implement guided pathways at each of the state's community and technical colleges by academic year 2020-21. Guided pathways is a research-based approach that provides clear, structured, educational experiences for students with four elements: Clarify paths to students' end goals, help students choose and enter a pathway, help students stay on path, and ensure that students are learning.

(b) Guided pathways implementation includes:

(i) Increased student support services, including advising and counseling;

(ii) Faculty teaching and planning time to redesign curriculum, develop meta-majors, and engage in interdepartmental planning on pathways;

(iii) Data analytics and student tracking technology to help advisors and students address challenges that may impede a student's progress; and

(iv) Research and evaluation to ensure reforms lead to improvements for all students.

(c) The state board for community and technical colleges shall report to the legislature on an annual basis beginning December 1, 2020, on the impacts of guided pathways on postsecondary outcomes, including credential completion, transfer pathways, credit accumulation, grade point averages, and persistence.

(4) \$20,400,000, or as much thereof as may be necessary, is appropriated for the fiscal year ending June 30, 2020, from the workforce education investment account and \$20,400,000, or as much thereof as may be necessary, is appropriated for the fiscal year ending June 30, 2021, from the workforce education investment account provided solely to increase nurse educator salaries. The fiscal year 2020 and fiscal year 2021 appropriations can also be used for nursing program equipment, including simulation lab equipment.

(5) \$20,000,000, or as much thereof as may be necessary, is appropriated for the fiscal year ending June 30, 2021, from the workforce education investment account provided solely for increasing high-demand program faculty salaries, including but not limited to nursing educators, other health-related professions, information technology, computer science, and trades, including welding. Contract negotiations relating to salary increases must consider, and to the extent practicable establish, salaries that are comparable to industry professionals, and no less than the average salary identified by the college and university professional association for human resources or a similar organization.

(6) \$1,000,000, or as much thereof as may be necessary, is appropriated for the fiscal year ending June 30, 2020, from the workforce education investment account and \$2,000,000, or as much thereof as may be necessary, is appropriated for the fiscal year ending June 30, 2021, from

the workforce education investment account provided solely for enrollments in new career launch programs as defined in RCW 28C.30.020.

(7) \$500,000, or as much thereof as may be necessary, is appropriated for the fiscal year ending June 30, 2020, from the workforce education investment account provided solely for purchase of equipment for a regional training facility in Bothell to offer a simulated good manufacturing practice experience in partnership with a community college. The regional training facility must be located on the campus of a manufacturer of protein-based therapeutics. The state board for community and technical colleges must use a written agreement to ensure the equipment is used in a way that provides adequate public benefit.

## PART VII

### SPECIAL APPROPRIATIONS

**Sec. 701.** 2019 c 415 s 719 (uncodified) is amended to read as follows:

#### FOR THE OFFICE OF FINANCIAL MANAGEMENT—INFORMATION TECHNOLOGY INVESTMENT POOL

General Fund—State Appropriation (FY 2020)	.....	(\$7,628,000))
		<u>\$9,107,000</u>
General Fund—State Appropriation (FY 2021)	.....	(\$5,191,000))
		<u>\$12,309,000</u>
General Fund—Federal Appropriation		(\$4,608,000))
		<u>\$7,427,000</u>
General Fund—Private/local Appropriation		\$213,000
Other Appropriated Funds .....		(\$56,530,000))
		<u>\$65,139,000</u>
TOTAL APPROPRIATION .....		<u>\$74,170,000</u>
		<u>\$94,195,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) The appropriations in this section are provided solely for expenditure into the information technology investment revolving account created in RCW 43.41.433. Funds in the account are provided solely for the information technology projects shown in LEAP omnibus documents IT-2019, dated April 25, 2019, and IT-2020, dated March 9, 2020, which is hereby incorporated by reference. To facilitate the transfer of moneys from other funds and accounts that are associated with projects contained in LEAP omnibus documents IT-2019, dated April 25, 2019, and IT-2020, dated March 9, 2020, the state treasurer is directed to transfer moneys from other funds and accounts to the information technology investment revolving account in accordance with schedules provided by the office of financial management. However, restricted federal funds and qualified employee benefit and pension funds may be



transferred only to the extent permitted by law, and will otherwise remain outside the information technology investment account. The projects affected remain subject to the other provisions of this section.

(2) Agencies must apply to the office of financial management and the office of the chief information officer to receive funding from the information technology investment revolving account. The office of financial management must notify the fiscal committees of the legislature of the receipt of each application and may not approve a funding request for ten business days from the date of notification.

(3) Allocations and allotments of information technology investment revolving account must be made for discrete stages of projects as determined by the technology budget approved by the office of the state chief information officer and office of financial management. Fifteen percent of total funding allocated by the office of financial management, or another amount as defined jointly by the office of financial management and the office of the state chief information officer, will be retained in the account, but remain allocated to that project. The retained funding will be released to the agency only after successful completion of that stage of the project. For the military department enhanced 911 next generation project and the one Washington project, the amount retained is increased to at least twenty percent of total funding allocated for any stage of that project.

(4)(a) Each project must have a technology budget. The technology budget must use a method similar to the state capital budget, identifying project costs, each fund source, and anticipated deliverables through each stage of the entire project investment and across fiscal periods and biennia from project onset through implementation and close out.

(b) As part of the development of a technology budget and at each request for funding, the agency shall submit detailed financial information to the office of financial management and the office of the state chief information officer. The technology budget must describe the total cost of the project by fiscal month to include and identify:

(i) Fund sources;

(ii) Full time equivalent staffing level to include job classification assumptions;

(iii) A discreet appropriation index and program index;

(iv) Object and subobject codes of expenditures; and

(v) Anticipated deliverables.

(c) If a project technology budget changes and a revised technology budget is completed, a comparison of the revised technology budget to the last approved technology budget must be posted to the dashboard, to include a narrative rationale on what changed, why, and how that impacts the project in scope, budget, and schedule.

(5)(a) Each project must have an investment plan that includes:

(i) An organizational chart of the project management team that identifies team members and their roles and responsibilities;

(ii) The office of the state chief information officer staff assigned to the project;

(iii) An implementation schedule covering activities, critical milestones, and deliverables at each stage of the project for the life of the project at each agency affected by the project;

(iv) Performance measures used to determine that the project is on time, within budget, and meeting expectations for quality of work product;

(v) Ongoing maintenance and operations cost of the project post implementation and close out delineated by agency staffing, contracted staffing, and service level agreements; and

(vi) Financial budget coding to include at least discreet program index and subobject codes.

(6) Projects with estimated costs greater than one hundred million dollars from initiation to completion and implementation may be divided into discrete subprojects as determined by the office of the state chief information officer, except for the one Washington project which must be divided into the following discrete subprojects: Core financials, expanding financials and procurement, budget, and human resources. Each subproject must have a technology budget and investment plan as provided in this section.

(7)(a) The office of the state chief information officer shall maintain an information technology project dashboard that provides updated information each fiscal month on projects subject to this section. This includes, at least:

(i) Project changes each fiscal month;

(ii) Noting if the project has a completed market requirements document;

(iii) Financial status of information technology projects under oversight; ~~((and))~~

(iv) Coordination with agencies;

(v) Monthly quality assurance reports, if applicable;

(vi) Monthly office of the state chief information officer status reports;

(vii) Historical project budget and expenditures through fiscal year 2019;

(viii) Budget and expenditures each fiscal month; and

(ix) Estimated annual maintenance and operations costs by fiscal year.

(b) The dashboard must retain a roll up of the entire project cost, including all subprojects, that can be displayed the subproject detail.

(8) If the project affects more than one agency:

(a) A separate technology budget and investment plan must be prepared for each agency; and

(b) The dashboard must contain a statewide project technology budget roll up that includes each affected agency at the subproject level.

(9) For any project that exceeds two million dollars in total funds to complete, requires more than one biennium to complete, or is financed through financial contracts, bonds, or other indebtedness:

(a) Quality assurance for the project must report independently to the office of the chief information officer;

(b) The office of the chief information officer must review, and, if necessary, revise the proposed project to ensure it is flexible and adaptable to advances in technology;

(c) The technology budget must specifically identify the uses of any financing proceeds. No more than thirty percent of the financing proceeds may be used for payroll-related costs for state employees assigned to project management, installation, testing, or training;

(d) The agency must consult with the office of the state treasurer during the competitive procurement process to evaluate early in the process whether products and services to be solicited and the responsive bids from a solicitation may be financed; and

(e) The agency must consult with the contracting division of the department of enterprise services for a review of all contracts and agreements related to the project's information technology procurements.

(10) The office of the state chief information officer must evaluate the project at each stage and certify whether the project is planned, managed, and meeting deliverable targets as defined in the project's approved technology budget and investment plan.

(11) The office of the state chief information officer may suspend or terminate a project at any time if it determines that the project is not meeting or not expected to meet anticipated performance and technology outcomes. Once suspension or termination occurs, the agency shall unallot any unused funding and shall not make any expenditure for the project without the approval of the office of financial management. The office of the state chief information officer must report on July 1 and December 1 each calendar year, beginning July 1, 2020, any suspension or termination of a project in the previous six month period to the legislative fiscal committees.

(12) The office of the state chief information officer, in consultation with the office of financial management, may identify additional projects to be subject to this section, including projects that are not separately identified within an agency budget. The office of the state chief information officer must report on July 1 and December 1 each calendar year, beginning July 1, 2020, any additional projects to be subjected to this section that were identified in the previous six month period to the legislative fiscal committees.

(13) Any cost to administer or implement this section for projects listed in subsection (1) of this section, must be

paid from the information technology investment revolving account. For any other information technology project made subject to the conditions, limitations, and review of this section, the cost to implement this section must be paid from the funds for that project.

(14) The information technology feasibility study of the Washington state gambling commission is subject to the conditions, limitations, and review in this section.

(15) The learning management system project of the department of enterprise services is subject to the conditions, limitations, and review in this section.

(16) The gambling self-exclusion program project of the Washington state gambling commission is subject to the conditions, limitations, and review in this section.

(17) The facilities portfolio management tool project of the office of financial management is subject to the conditions, limitations, and review in this section.

(18) The logging and monitoring project of the consolidated technology services agency is subject to the conditions, limitations, and review in this section.

**Sec. 702.** 2019 c 415 s 701 (uncodified) is amended to read as follows:

**FOR THE STATE TREASURER—BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR DEBT SUBJECT TO THE DEBT LIMIT**

General Fund—State Appropriation (FY 2020)	
.....	(( <u>\$1,191,069,000</u> ))
	<u>\$1,179,075,000</u>
General Fund—State Appropriation (FY 2021)	
.....	(( <u>\$1,268,197,000</u> ))
	<u>\$1,224,915,000</u>
State Building Construction Account—State	
Appropriation.....	\$6,273,000
Columbia River Basin Water Supply Development	
Account—State Appropriation .....	\$30,000
Watershed Restoration and Enhancement Bond	
Account—State Appropriation .....	\$46,000
State Taxable Building Construction Account—State	
Appropriation.....	(( <u>\$213,000</u> ))
	<u>\$277,000</u>
Debt-Limit Reimbursable Bond Retirement	
Account—State	
Appropriation.....	\$566,000
TOTAL APPROPRIATION.....	<u>\$2,466,394,000</u>
	<u>\$2,411,182,000</u>

The appropriations in this section are subject to the following conditions and limitations: The general fund appropriations are for expenditure into the debt-limit general fund bond retirement account.

**Sec. 703.** 2019 c 415 s 703 (uncodified) is amended to read as follows:

**FOR THE STATE TREASURER—BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR BOND SALE EXPENSES**

General Fund—State Appropriation (FY 2020)	\$1,400,000
General Fund—State Appropriation (FY 2021)	\$1,400,000
State Building Construction Account—State Appropriation	\$1,052,000
Columbia River Basin Water Supply Development Account—State Appropriation	\$6,000
School Construction and Skill Centers Building Account—State Appropriation	(\$1,000)
	<u>\$2,000</u>
Watershed Restoration and Enhancement Bond Account—State Appropriation	\$9,000
State Taxable Building Construction Account—State Appropriation	(\$36,000)
	<u>\$55,000</u>
TOTAL APPROPRIATION	<u>\$3,904,000</u>
	<u>\$3,924,000</u>

**NEW SECTION. Sec. 704.** A new section is added to 2019 c 415 (uncodified) to read as follows:**FOR SUNDRY CLAIMS**

The following sums, or so much thereof as may be necessary, are appropriated from the general fund for fiscal year 2020, unless otherwise indicated, for relief of various individuals, firms, and corporations for sundry claims.

These appropriations are to be disbursed on vouchers approved by the director of the department of enterprise services, except as otherwise provided, for reimbursement of criminal defendants acquitted on the basis of self-defense, pursuant to RCW 9A.16.110, as follows:

(1) Gerardo Rodarte Gonzalez, claim number 99970260	\$24,385
(2) Edward Bushnell, claim number 99970261	\$153,357
(3) Shaun Beveridge, claim number 99970262	\$56,514
(4) Brandon Wheeler, claim number 9991001053	\$123,464

(5) Johnathan Paine, claim number 9991001583	\$22,246
(6) Michael Welsh, claim number 9991001600	\$5,000
(7) Douglas Bartlett, claim number 9991001646	\$5,500
(8) Brian Minniear, claim number 9991001941	\$111,956
(9) Thomas Carey, claim number 9991001917	\$122,431

**Sec. 705.** 2019 c 415 s 712 (uncodified) is amended to read as follows:

**FOR THE OFFICE OF FINANCIAL MANAGEMENT—ANDY HILL CANCER RESEARCH ENDOWMENT FUND MATCH TRANSFER ACCOUNT**

<del>((Foundational Public Health Services Account—State Appropriation</del>	<del>\$6,000,000))</del>
General Fund—State Appropriation (FY 2020)	\$6,022,000
TOTAL APPROPRIATION	<u>\$6,000,000</u>
	<u>\$6,022,000</u>

The appropriation in this section is subject to the following conditions and limitations: The appropriation in this section is provided solely for expenditure into the Andy Hill cancer research endowment fund match transfer account per RCW 43.348.080 to fund the Andy Hill cancer research endowment program. Matching funds using the amounts appropriated in this section may not be used to fund new grants that exceed two years in duration.

**Sec. 706.** 2019 c 415 s 720 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF RETIREMENT SYSTEMS—CONTRIBUTIONS TO RETIREMENT SYSTEMS**

(1) The appropriations in this section are subject to the following conditions and limitations: The appropriations for the law enforcement officers' and firefighters' retirement system shall be made on a monthly basis consistent with chapter 41.45 RCW, and the appropriations for the judges and judicial retirement systems shall be made on a quarterly basis consistent with chapters 2.10 and 2.12 RCW.

(2) There is appropriated for state contributions to the law enforcement officers' and firefighters' retirement system:

General Fund—State Appropriation (FY 2020)	\$73,000,000
General Fund—State Appropriation (FY 2021)	\$75,800,000
TOTAL APPROPRIATION	<u>\$148,800,000</u>

(3) There is appropriated for contributions to the judicial retirement system:

General Fund—State Appropriation (FY 2020)	
.....	\$1,545,000
Pension Funding Stabilization Account—State	
Appropriation .....	\$13,855,000
TOTAL APPROPRIATION .....	\$15,400,000

(4) There is appropriated for contributions to the judges' retirement system:

General Fund—State Appropriation (FY 2020)	
.....	\$400,000
General Fund—State Appropriation (FY 2021)	
.....	\$400,000
TOTAL APPROPRIATION .....	\$800,000

~~((5) There is appropriated for state contributions to the volunteer firefighters' and reserve officers' relief and pension principal fund:~~

<del>Volunteer Firefighters' and Reserve Officers'</del>	
<del>Administrative Account—State Appropriation</del>	
<del>.....</del>	<del>\$15,532,000</del>
<del>TOTAL APPROPRIATION .....</del>	<del>\$15,532,000</del>

**NEW SECTION. Sec. 707.** A new section is added to 2019 c 415 (uncodified) to read as follows:**FOR THE BOARD FOR VOLUNTEER FIREFIGHTERS AND RESERVE OFFICERS—CONTRIBUTIONS TO RETIREMENT SYSTEMS**

There is appropriated for state contributions to the volunteer firefighters' and reserve officers' relief and pension principal fund:

Volunteer Firefighters' and Reserve Officers'	
Administrative Account—State Appropriation	
.....	\$15,532,000
TOTAL APPROPRIATION .....	\$15,532,000

**Sec. 708.** 2019 c 415 s 725 (uncodified) is amended to read as follows:

**FOR THE OFFICE OF FINANCIAL MANAGEMENT—HEALTH PROFESSIONS ACCOUNT**

Dedicated Marijuana Account—State Appropriation	
(FY 2020) .....	<del>(\$701,000)</del>
	<u>\$1,323,000</u>
TOTAL APPROPRIATION .....	<u>\$701,000</u>
	<u>\$1,323,000</u>

The appropriation in this section is subject to the following conditions and limitations: The appropriations are provided solely for expenditure into the health professions account to reimburse the account for costs incurred by the

department of health for the development and administration of the marijuana authorization database.

**Sec. 709.** 2019 c 415 s 728 (uncodified) is amended to read as follows:

**FOR THE OFFICE OF FINANCIAL MANAGEMENT—FOUNDATIONAL PUBLIC HEALTH SERVICES**

General Fund—State Appropriation (FY 2020)	
.....	<del>(\$5,000,000)</del>
	<u>\$13,503,000</u>
General Fund—State Appropriation (FY 2021)	
.....	<del>(\$5,000,000)</del>
	<u>\$13,024,000</u>

Foundational Public Health Services Account—State	
Appropriation .....	<del>(\$12,000,000)</del>
	<u>\$1,473,000</u>

TOTAL APPROPRIATION .....	<u>\$22,000,000</u>
	<u>\$28,000,000</u>

The appropriations in this section are subject to the following conditions and limitations: The appropriations are provided solely for distribution as provided in section 2, chapter 14, Laws of 2019 (foundational public health services).

**Sec. 710.** 2019 c 415 s 730 (uncodified) is amended to read as follows:

**FOR THE OFFICE OF FINANCIAL MANAGEMENT—OUTDOOR EDUCATION AND RECREATION ACCOUNT**

General Fund—State Appropriation (FY 2020)	
.....	\$750,000
General Fund—State Appropriation (FY 2021)	
.....	<del>(\$750,000)</del>
	<u>\$1,250,000</u>
TOTAL APPROPRIATION .....	<u>\$1,500,000</u>
	<u>\$2,000,000</u>

The appropriations in this section are subject to the following conditions and limitations: The appropriations are provided solely for expenditure into the outdoor education and recreation account for the state parks and recreation commission's outdoor education and recreation program purposes identified in RCW 79A.05.351.

**NEW SECTION. Sec. 711.** A new section is added to 2019 c 415 (uncodified) to read as follows:**FOR THE OFFICE OF FINANCIAL MANAGEMENT—DEVELOPMENTAL DISABILITIES COMMUNITY TRUST ACCOUNT**

General Fund—State Appropriation (FY 2021)	
.....	\$1,000,000
TOTAL APPROPRIATION .....	\$1,000,000

The appropriation in this section is subject to the following conditions and limitations: The appropriation in this section is provided solely for expenditure into the developmental disabilities community trust account (Dan Thompson memorial trust account) for the purposes identified in RCW 71A.20.170.

**Sec. 712.** 2019 c 415 s 721 (uncodified) is amended to read as follows:

**FOR THE OFFICE OF FINANCIAL MANAGEMENT—LEASE COST POOL**

General Fund—State Appropriation (FY 2020)	
.....	<del>(\$3,788,000)</del>
	<u>\$4,405,000</u>
General Fund—State Appropriation (FY 2021)	
.....	\$4,082,000
General Fund—Federal Appropriation.....	\$4,488,000
Other Appropriated Funds.....	<del>(\$1,740,000)</del>
	<u>\$1,956,000</u>
TOTAL APPROPRIATION .....	<u>\$14,098,000</u>
	<u>\$14,931,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) The appropriations in this section are provided solely for expenditure into the state agency office relocation pool account created in RCW 43.41.455.

(2) Costs are as shown in LEAP omnibus documents LEAS-2019, dated April 25, 2019, and LEAS-2020, dated March 9, 2020, which is hereby incorporated by reference.

(3) To facilitate the transfer of moneys from other funds and accounts that are associated with office relocations contained in LEAP omnibus documents LEAS-2019, dated April 25, 2019, and LEAS-2020, dated March 9, 2020, the state treasurer is directed to transfer moneys from other funds and accounts in an amount not to exceed ~~(\$1,740,000)~~ \$1,956,000 to the lease cost pool in accordance with schedules provided by the office of financial management.

(4) Agencies may apply to the office of financial management to receive funds from the state agency office relocation pool account, in an amount not to exceed the amount identified in the LEAP omnibus documents LEAS-2019, dated April 25, 2019, and LEAS-2020, dated March 9, 2020. Prior to applying, agencies must submit to the office of financial management statewide oversight office a relocation plan that identifies estimated project costs, including how the lease aligns to the agency's six year leased facility plan. The office of financial management must copy legislative fiscal staff on the approval notice of funds from the state agency office relocation pool to the agency.

**Sec. 713.** 2019 c 415 s 722 (uncodified) is amended to read as follows:

**FOR THE STATE TREASURER—STATE REVENUE DISTRIBUTIONS TO CITIES FOR TEMPORARY STREAMLINED SALES TAX MITIGATION**

General Fund—State Appropriation (FY 2020)	
.....	<del>(\$7,100,000)</del>
	<u>\$5,362,000</u>
<del>((General Fund—State Appropriation (FY 2021)</del>	
.....	<del>\$9,300,000))</del>
TOTAL APPROPRIATION.....	<u>\$16,400,000</u>
	<u>\$5,362,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) In order to mitigate local sales tax revenue net losses as a result of the sourcing provisions of the streamlined sales and use tax agreement under Title 82 RCW, the state treasurer, on October 1, 2019, and each calendar quarter thereafter through June 30, ~~((2021))~~ 2020, must distribute the appropriations in this section to qualified local taxing districts to mitigate actual net losses as determined under this section by the department of revenue.

(2) In determining net losses under this section, the department must use each qualified local taxing district's annual loss as most recently determined pursuant to RCW 82.14.500 prior to January 1, 2019. The department is not required to determine annual losses on a recurring basis, but may make any adjustments to annual losses as it deems proper as a result of the annual reviews. Each calendar quarter, distributions must be made by the state treasurer on the last working day of the calendar quarter, as directed by the department, to each qualified local taxing district in an amount representing one-fourth of the district's annual loss reduced by voluntary compliance revenue reported during the previous calendar quarter and marketplace facilitator/remote seller revenue reported during the previous calendar quarter.

(3) The definitions in this subsection apply throughout this section unless the context clearly requires otherwise.

(a) "Loss" or "losses" means the local sales and use tax revenue reduction to a qualified local taxing district resulting from the sourcing provisions in RCW 82.14.490 and section 502, chapter 6, Laws of 2007, as most recently determined by the department under RCW 82.14.500 prior to January 1, 2019, including any adjustments made pursuant to subsection (2) of this section.

(b) "Marketplace facilitator/remote seller revenue" means the local sales and use tax revenue gain, including taxes voluntarily remitted and taxes collected from consumers, to each qualified local taxing district from part II of chapter 28, Laws of 2017 3rd sp. sess. and from chapter 8, Laws of 2019 (Substitute Senate Bill No. 5581), as estimated by the department in RCW 82.14.500(6). "Marketplace facilitator/remote seller revenue" includes the local sales tax revenue gain reported to the department from

remote sellers as defined in RCW 82.08.010 that have registered through the central registration system authorized under the streamlined sales and use tax agreement.

(c) "Net loss" or "net losses" means a loss offset by any voluntary compliance revenue and marketplace facilitator/remote seller revenue.

(d) "Qualified local taxing district" means a city:

(i) That was eligible for streamlined sales tax mitigation payments of at least fifty thousand dollars under RCW 82.14.500 in calendar year 2018, based on the calculation and analysis required under RCW 82.14.500(3)(a); and

(ii) That has a continued local sales tax revenue loss as a result of the sourcing provision of the streamlined sales and use tax agreement under Title 82 RCW, as determined by the department.

(e) "Voluntary compliance revenue" means the local sales tax revenue gain to each qualified local taxing district reported to the department from persons registering through the central registration system authorized under the agreement.

**Sec. 714.** 2019 c 415 s 724 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF AGRICULTURE—NORTHEAST WASHINGTON WOLF-LIVESTOCK MANAGEMENT ACCOUNT**

General Fund—State Appropriation (FY 2020)  
.....\$432,000

General Fund—State Appropriation (FY 2021)  
.....\$320,000

TOTAL APPROPRIATION .....\$432,000  
.....\$752,000

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely for expenditure into the northeast Washington wolf-livestock management account for the deployment of nonlethal wolf deterrence resources as provided in chapter 16.76 RCW.

**NEW SECTION. Sec. 715.** A new section is added to 2019 c 415 (uncodified) to read as follows:**FOR THE OFFICE OF FINANCIAL MANAGEMENT—CLIMATE RESILIENCY ACCOUNT**

General Fund—State Appropriation (FY 2021)  
.....\$50,000,000

TOTAL APPROPRIATION .....\$50,000,000

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely for expenditure into the climate resiliency account created in section 924 of this act.

**NEW SECTION. Sec. 716.** A new section is added to 2019 c 415 (uncodified) to read as follows:**FOR THE**

**OFFICE OF FINANCIAL MANAGEMENT—LANDLORD MITIGATION PROGRAM ACCOUNT**

General Fund—State Appropriation (FY 2021)  
.....\$500,000

TOTAL APPROPRIATION.....\$500,000

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely for expenditure into the landlord mitigation program account created in RCW 43.31.615.

**NEW SECTION. Sec. 717.** A new section is added to 2019 c 415 (uncodified) to read as follows:**FOR THE OFFICE OF FINANCIAL MANAGEMENT—STATE FIREARMS BACKGROUND CHECK SYSTEM ACCOUNT**

General Fund—State Appropriation (FY 2021)  
.....\$8,951,000

TOTAL APPROPRIATION.....\$8,951,000

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely for expenditure into the state firearms background check system account created in Engrossed Second Substitute Bill No. 2467 (firearm background checks). If the bill is not enacted by June 30, 2020, the amount provided in this section shall lapse.

**NEW SECTION. Sec. 718.** A new section is added to 2019 c 415 (uncodified) to read as follows:**FOR THE OFFICE OF FINANCIAL MANAGEMENT—ELECTION ACCOUNT**

General Fund—State Appropriation (FY 2021)  
.....\$1,800,000

TOTAL APPROPRIATION.....\$1,800,000

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely for expenditure into the election account created in RCW 29A.04.440.

**NEW SECTION. Sec. 719.** A new section is added to 2019 c 415 (uncodified) to read as follows:**FOR THE OFFICE OF FINANCIAL MANAGEMENT—HOME SECURITY FUND ACCOUNT**

General Fund—State Appropriation (FY 2020)  
.....\$60,000,000

TOTAL APPROPRIATION.....\$60,000,000

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely for expenditure into the home security fund account created in RCW 43.185C.060.

**NEW SECTION. Sec. 720.** A new section is added to 2019 c 415 (uncodified) to read as follows:**FOR THE OFFICE OF FINANCIAL MANAGEMENT—WASHINGTON HOUSING TRUST FUND**

General Fund—State Appropriation (FY 2021)  
.....\$55,000,000

TOTAL APPROPRIATION ..... \$55,000,000

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely for expenditure into the Washington housing trust fund created in RCW 43.185.030.

**NEW SECTION. Sec. 721.** A new section is added to 2019 c 415 (uncodified) to read as follows: **FOR THE DEPARTMENT OF ECOLOGY—OIL SPILL RESPONSE ACCOUNT**

Oil Spill Prevention Account—State Appropriation ..... \$2,200,000

TOTAL APPROPRIATION ..... \$2,200,000

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely for expenditure into the oil spill response account. This constitutes a loan from the oil spill prevention account and must be repaid, with interest, to the oil spill prevention account by June 30, 2028.

**NEW SECTION. Sec. 722.** A new section is added to 2019 c 415 (uncodified) to read as follows: **FOR THE OFFICE OF FINANCIAL MANAGEMENT—FOREST AND FOREST PRODUCTS CARBON ACCOUNT**

General Fund—State Appropriation (FY 2021) ..... \$200,000

TOTAL APPROPRIATION ..... \$200,000

The appropriation in this section is subject to the following conditions and limitations: The appropriation in this section is provided solely for expenditure into the forest and forest products account created in Engrossed Second Substitute House Bill No. 2528 (forest products/climate). If the bill is not enacted by June 30, 2020, the amount provided in this section shall lapse.

**Sec. 723.** 2019 c 415 s 726 (uncodified) is amended to read as follows:

**FOR THE OFFICE OF FINANCIAL MANAGEMENT—LONG-TERM SERVICES AND SUPPORTS ACCOUNT**

General Fund—State Appropriation (FY 2020) ..... ((~~\$1,231,000~~))

\$1,331,000

General Fund—State Appropriation (FY 2021) ..... ((~~\$15,309,000~~))

\$15,709,000

TOTAL APPROPRIATION ..... \$16,540,000

\$17,040,000

The appropriations in this section are subject to the following conditions and limitations: The appropriations are provided solely for expenditure into the long-term services and supports account pursuant to Second Substitute House Bill No. 1087 (long-term services and supports). This constitutes a loan from the general fund and must be repaid, with interest, to the general fund by June 30, 2022. If Second

Substitute House Bill No. 1087 (long-term services and supports) is not enacted by June 30, 2019, the amounts appropriated in this section shall lapse.

## PART VIII

### OTHER TRANSFERS AND APPROPRIATIONS

**Sec. 801.** 2019 c 415 s 801 (uncodified) is amended to read as follows:

### FOR THE STATE TREASURER—STATE REVENUES FOR DISTRIBUTION

General Fund Appropriation for fire insurance

premium distributions ..... ((~~\$10,528,000~~))

\$10,883,000

General Fund Appropriation for prosecuting attorney

distributions ..... ((~~\$7,014,000~~))

\$7,618,000

General Fund Appropriation for boating safety and

education distributions ..... \$4,000,000

General Fund Appropriation for public utility

district excise tax distributions ..... ((~~\$65,216,000~~))

\$65,249,000

Death Investigations Account Appropriation for

distribution to counties for publicly funded

autopsies ..... \$3,464,000

Aquatic Lands Enhancement Account Appropriation for

harbor improvement revenue distributions ... \$140,000

Timber Tax Distribution Account Appropriation for

distribution to "timber" counties ..... ((~~\$84,366,000~~))

\$79,337,000

County Criminal Justice Assistance Appropriation

..... ((~~\$106,123,000~~))

\$103,457,000

Municipal Criminal Justice Assistance Appropriation

..... ((~~\$42,084,000~~))

\$40,310,000

City-County Assistance Appropriation

..... ((~~\$33,218,000~~))

\$35,507,000

Liquor Excise Tax Account Appropriation for liquor

excise tax distribution ..... ((~~\$64,079,000~~))

\$67,362,000

Manufacturing and Warehousing Jobs Centers Account ..... \$6,727,000

Streamlined Sales and Use Tax Mitigation Account	
Appropriation for distribution to local taxing jurisdictions to mitigate the unintended revenue redistributions effect of sourcing law changes .....	<del>(\$2,220,000))</del>
	<u>\$1,937,000</u>
Columbia River Water Delivery Account Appropriation	
for the Confederated Tribes of the Colville Reservation.....	<del>(\$8,379,000))</del>
	<u>\$8,364,000</u>
Columbia River Water Delivery Account Appropriation	
for the Spokane Tribe of Indians .....	<del>(\$5,737,000))</del>
	<u>\$5,728,000</u>
Liquor Revolving Account Appropriation for liquor profits distribution .....	\$98,876,000
General Fund Appropriation for other tax distributions.....	\$80,000
General Fund Appropriation for Marijuana Excise Tax distributions.....	\$30,000,000
General Fund Appropriation for Habitat Conservation Program distributions .....	\$5,754,000
General Fund Appropriation for payment in-lieu of taxes to counties under Department of Fish and Wildlife program.....	<del>(\$3,993,000))</del>
	<u>\$4,040,000</u>
Puget Sound Taxpayer Accountability Account	
Appropriation for distribution to counties in amounts not to exceed actual deposits into the account and attributable to those counties' share pursuant to RCW 43.79.520. If a county eligible for distributions under RCW 43.79.520 has not adopted a sales and use tax under RCW 82.14.460 before July 1, 2019, then to prevent these distributions from supplanting existing local funding for vulnerable populations, the distributions are subject to the procedural requirements in this section. Before the county may receive distributions, it must provide a final budget for the distributions, submit the	

final budget to the department of commerce, and publish the final budget on its web site. To develop this final budget, under RCW 36.40.040 the county must develop and hold hearings on a preliminary budget that is separate from other appropriations ordinances or resolutions, and it must consult stakeholders, including community service organizations, and must consider input received during this process. Before holding a hearing on the preliminary budget, the county must notify local governments in the county that are within the borders of the regional transit authority, and legislators whose districts are within those borders. The county must then adopt a final budget under RCW 36.40.080 for the distributions that is separate from other appropriations ordinances or resolutions. After the county submits its final budget for the distributions to the department of commerce, the department must notify the state treasurer, who may then make the distributions to the county. ....\$28,683,000

TOTAL APPROPRIATION.....~~\$603,954,000~~  
\$607,516,000

The total expenditures from the state treasury under the appropriations in this section shall not exceed the funds available under statutory distributions for the stated purposes.

**Sec. 802.** 2019 c 415 s 802 (uncodified) is amended to read as follows:

**FOR THE STATE TREASURER—FOR THE COUNTY CRIMINAL JUSTICE ASSISTANCE ACCOUNT**

Impaired Driving Safety Appropriation(~~\$1,933,000~~)  
\$2,141,000

The appropriation in this section is subject to the following conditions and limitations: The amount appropriated in this section shall be distributed quarterly during the 2019-2021 fiscal biennium in accordance with RCW 82.14.310. This funding is provided to counties for the costs of implementing criminal justice legislation including, but not limited to: Chapter 206, Laws of 1998 (drunk driving penalties); chapter 207, Laws of 1998 (DUI penalties); chapter 208, Laws of 1998 (deferred prosecution); chapter 209, Laws of 1998 (DUI/license suspension); chapter 210,



Laws of 1998 (ignition interlock violations); chapter 211, Laws of 1998 (DUI penalties); chapter 212, Laws of 1998 (DUI penalties); chapter 213, Laws of 1998 (intoxication levels lowered); chapter 214, Laws of 1998 (DUI penalties); and chapter 215, Laws of 1998 (DUI provisions).

**Sec. 803.** 2019 c 415 s 803 (uncodified) is amended to read as follows:

**FOR THE STATE TREASURER—MUNICIPAL CRIMINAL JUSTICE ASSISTANCE ACCOUNT**

Impaired Driving Safety Appropriation(~~(\$1,289,000))~~  
\$1,428,000

The appropriation in this section is subject to the following conditions and limitations: The amount appropriated in this section shall be distributed quarterly during the 2019-2021 fiscal biennium to all cities ratably based on population as last determined by the office of financial management. The distributions to any city that substantially decriminalizes or repeals its criminal code after July 1, 1990, and that does not reimburse the county for costs associated with criminal cases under RCW 3.50.800 or 3.50.805(2), shall be made to the county in which the city is located. This funding is provided to cities for the costs of implementing criminal justice legislation including, but not limited to: Chapter 206, Laws of 1998 (drunk driving penalties); chapter 207, Laws of 1998 (DUI penalties); chapter 208, Laws of 1998 (deferred prosecution); chapter 209, Laws of 1998 (DUI/license suspension); chapter 210, Laws of 1998 (ignition interlock violations); chapter 211, Laws of 1998 (DUI penalties); chapter 212, Laws of 1998 (DUI penalties); chapter 213, Laws of 1998 (intoxication levels lowered); chapter 214, Laws of 1998 (DUI penalties); and chapter 215, Laws of 1998 (DUI provisions).

**Sec. 804.** 2019 c 415 s 805 (uncodified) is amended to read as follows:

**FOR THE STATE TREASURER—TRANSFERS**

Dedicated Marijuana Account: For transfer to the basic health plan trust account, the lesser of the amount determined pursuant to RCW 69.50.540 or this amount for fiscal year 2020, (~~(\$195,000,000))~~ \$213,000,000 and this amount for fiscal year 2021, (~~(\$199,000,000))~~ \$213,000,000.....(~~(\$394,000,000))~~  
\$426,000,000

Dedicated Marijuana Account: For transfer to the state general fund, the lesser of the amount determined pursuant to RCW 69.50.540 or this amount for fiscal year 2020, (~~(\$136,000,000))~~ \$152,000,000 and this amount for fiscal year 2021, (~~(\$138,000,000))~~ \$152,000,000.....(~~(\$274,000,000))~~  
\$304,000,000

Aquatic Lands Enhancement Account: For transfer to the clean up settlement account as repayment of the loan provided in section 3022(2), chapter 2, Laws of 2012 2nd sp. sess. (ESB 6074, 2012 supplemental capital budget), in an amount not to exceed the actual amount of the total remaining principal and interest of the loan, \$620,000 for fiscal year 2020 and (~~(\$620,000))~~ \$640,000 for fiscal year 2021 ..... (~~(\$1,240,000))~~  
\$1,260,000

Tobacco Settlement Account: For transfer to the state general fund, in an amount not to exceed the actual amount of the annual base payment to the tobacco settlement account for fiscal year 2020 .....\$90,000,000

Tobacco Settlement Account: For transfer to the state general fund, in an amount not to exceed the actual amount of the annual base payment to the tobacco settlement account for fiscal year 2021 .....\$90,000,000

General Fund: For transfer to the statewide tourism marketing account, \$1,500,000 for fiscal year 2020 and \$1,500,000 for fiscal year 2021 ..\$3,000,000

General Fund: For transfer to the streamlined sales and use tax account, (~~(\$2,220,000))~~ for fiscal year 2020 ..... (~~(\$2,220,000))~~  
\$1,937,000

General Fund: For transfer to the manufacturing and warehousing jobs centers account for fiscal year 2021 .....\$6,727,000

Criminal Justice Treatment Account: For transfer to the home security fund, (~~(\$4,500,000))~~ for fiscal year 2020 (~~and \$4,500,000 for fiscal year 2021~~)..... (~~(\$9,000,000))~~  
\$4,500,000

State Treasurer's Service Account: For transfer to the state general fund, \$8,000,000 for fiscal year 2020 and \$8,000,000 for fiscal year 2021 .....\$16,000,000

Disaster Response Account: For transfer to the

state general fund, ~~(((\$28,000,000))~~ \$13,726,000  
 for fiscal year 2021.....~~(((\$28,000,000))~~  
\$13,726,000

General Fund: For transfer to the fair fund under  
 RCW 15.76.115, \$2,000,000 for fiscal year  
 2020 and \$2,000,000 for fiscal year 2021 . \$4,000,000

Energy Freedom Account: For transfer to the general  
 fund, \$1,000,000 or as much thereof that  
 represents the balance in the account for  
 fiscal year 2020 ..... \$1,000,000

Financial Services Regulation Account: For transfer  
 to the state general fund, \$3,500,000  
 for fiscal year 2020 and \$3,500,000  
 for fiscal year 2021 ..... \$7,000,000

Aquatic Lands Enhancement Account: For transfer  
 to the geoduck aquaculture research account,  
 \$400,000 for fiscal year 2020 and \$400,000 for  
 fiscal year 2021 ..... \$800,000

Public Works Assistance Account: For transfer to  
 the education legacy trust account, \$80,000,000  
 for fiscal year 2020 and \$80,000,000 for  
 fiscal year 2021 ..... \$160,000,000

Model Toxics Control Operating Account: For  
 transfer  
 to the clean up settlement account as repayment  
 of the loan provided in section 3022(2),  
 chapter 2, Laws of 2012 2nd sp. sess. (ESB  
 6074, 2012 supplemental capital budget), in an  
amount not to exceed the actual amount of the  
total remaining principal and interest of the  
loan, \$620,000 for fiscal year 2020 and  
~~(((\$620,000))~~ \$640,000 for fiscal year 2021  
 .....~~(((\$1,240,000))~~  
\$1,260,000

Marine Resources Stewardship Trust Account: For  
 transfer to the aquatic lands enhancement  
 account, \$160,000 for fiscal year 2020..... \$160,000

Water Pollution Control Revolving Administration  
 Account: For transfer to the water pollution  
 control revolving account, \$4,500,000 for

fiscal year 2020.....\$4,500,000

Oil Spill Response Account: For transfer to the oil  
 spill prevention account for the military  
 department to continue assisting local  
 emergency planning committees statewide with  
 hazardous materials plans that meet minimum  
 federal requirements, \$520,000 for fiscal  
 year 2020 and \$520,000 for fiscal year 2021  
 .....\$1,040,000

General Fund: For transfer to the sea cucumber  
dive fishery account, in an amount not to exceed  
the actual amount to correct the cash deficit  
for fiscal year 2020 .....\$4,000

General Fund: For transfer to the sea urchin diver  
fishery account, in an amount not to exceed the  
actual amount to correct the cash deficit for  
fiscal year 2020.....\$1,000

Gambling Revolving Account: For transfer to the  
state general fund as repayment of the loan  
pursuant to Engrossed Substitute House Bill No. 2638  
(sports wagering/compacts), \$6,000,000 for fiscal  
year 2021 .....\$6,000,000

General Fund: For transfer to the home  
security fund, \$4,500,000 for fiscal  
year 2021 .....\$4,500,000

Child Care Facility Revolving Account: For  
transfer to the general fund, \$1,500,000  
for fiscal year 2021 .....\$1,500,000

General Fund: For transfer to the economic  
development strategic reserve account, \$1,000,000  
for fiscal year 2021 .....\$1,000,000

General Fund: For transfer to the workforce  
education investment account, \$41,342,000  
for fiscal year 2020 .....\$41,342,000

General Fund: For transfer to the community  
preservation and development authority  
account, \$1,500,000 for fiscal year 2020 ...\$1,500,000

## PART IX

## MISCELLANEOUS

**NEW SECTION. Sec. 901.** A new section is added to 2019 c 415 (uncodified) to read as follows:  
**COLLECTIVE BARGAINING AGREEMENTS**

Sections 902 through 905 of this act represent the results of the negotiations for fiscal year 2021 collective bargaining agreement changes, permitted under chapter 41.80 RCW. Provisions of the collective bargaining agreements contained in sections 902 through 905 of this act are described in general terms. Only major economic terms are included in the descriptions. These descriptions do not contain the complete contents of the agreements. The collective bargaining agreements contained in sections 502 and 503 of this act may also be funded by expenditures from nonappropriated accounts. If positions are funded with lidded grants or dedicated fund sources with insufficient revenue, additional funding from other sources is not provided.

**NEW SECTION. Sec. 902.** A new section is added to 2019 c 415 (uncodified) to read as follows:  
**COLLECTIVE BARGAINING AGREEMENT—ASSOCIATION OF WASHINGTON ASSISTANT ATTORNEYS GENERAL/WFSE**

An agreement has been reached between the governor and the association of Washington assistant attorneys general/Washington federation of state employees under the provisions of chapter 41.80 RCW for the 2021 fiscal year. Funding is provided to transition the represented employees into the newly established and agreed upon wage schedule, effective July 1, 2020.

**NEW SECTION. Sec. 903.** A new section is added to 2019 c 415 (uncodified) to read as follows:  
**COLLECTIVE BARGAINING AGREEMENT—UNIVERSITY OF WASHINGTON/WFSE**

An agreement has been reached between the University of Washington and the Washington federation of state employees under the provisions of chapter 41.80 RCW for the 2021 fiscal year. Funding is provided for a lump sum payment for all WFSE represented, permanent employees in the amount of \$700 for an FTE greater than .6 and \$125 for all WFSE represented, permanent employees holding an FTE of .6 or less, as of July 1, 2020.

**NEW SECTION. Sec. 904.** A new section is added to 2019 c 415 (uncodified) to read as follows:  
**COLLECTIVE BARGAINING AGREEMENT—UNIVERSITY OF WASHINGTON—SEIU 925**

An agreement has been reached between the University of Washington and the service employees international union local 925 under the provisions of chapter 41.80 RCW for the 2021 fiscal year. Funding is provided for a lump sum payment for all SEIU 925 represented, permanent employees in the amount of \$650 for an FTE greater than .6 and \$325 for all SEIU 925 represented, permanent employees holding an FTE of .6 or less, as of July 1, 2020.

**NEW SECTION. Sec. 905.** A new section is added to 2019 c 415 (uncodified) to read as follows:  
**COLLECTIVE BARGAINING AGREEMENT—**

## **UNIVERSITY OF WASHINGTON—SEIU 1199 RESEARCH/HALL HEALTH**

An agreement has been reached between the University of Washington and the service employees international union local 1199 under the provisions of chapter 41.80 RCW for the 2021 fiscal year. Funding is provided for a lump sum payment for all SEIU 1199NW represented, permanent employees in the amount of \$650 for an FTE of .5 or greater and \$325 for all SEIU 1199NW represented, permanent employees holding an FTE of less than .5 as of July 1, 2020.

**NEW SECTION. Sec. 906.** A new section is added to 2019 c 415 (uncodified) to read as follows:  
**COMPENSATION—PENSION CONTRIBUTIONS**

Appropriations to state agencies include funding for an increase in pension contribution rates for several state pension systems. An increase of 0.11 percent is funded for state employer contributions to the public employees' retirement system and the public safety employees' retirement systems. An increase of 0.23 percent for school employer contributions to the teachers' retirement system and an increase of 0.11 percent for employer contributions to the school employees' retirement system are funded. These increases are provided for the purpose of a one-time, ongoing pension increase for retirees in the public employees' retirement system plan 1 and teachers' retirement system plan 1, as provided in Engrossed House Bill No. 1390. If the bill is not enacted by June 30, 2020, this section shall lapse.

**Sec. 907.** 2019 c 415 s 938 (uncodified) is amended to read as follows:

## **COMPENSATION—SCHOOL EMPLOYEES—INSURANCE BENEFITS**

An agreement was reached for the 2019-2021 biennium between the governor and the school employee coalition under the provisions of chapters 41.56 and 41.59 RCW. Appropriations in this act for allocations to school districts are sufficient to implement the provisions of the 2019-2021 collective bargaining agreement, and for procurement of a benefit package that is materially similar to benefits provided by the public employee benefits program as outlined in policies adopted by the school employees' benefits board, and are subject to the following conditions and limitations:

(1) The monthly employer funding rate for insurance benefit premiums, school employees' benefits board administration, retiree remittance, and the uniform medical plan, shall not exceed \$994 per eligible employee beginning January 1, 2020. For ~~((fiscal year 2021))~~ July and August 2020, the monthly employer funding rate shall not exceed \$1,056 per eligible employee. Beginning September 1, 2020, through June 30, 2021, the monthly employer funding rate shall not exceed \$1,000 per eligible employee. Employers will contribute one hundred percent of the retiree remittance defined in section 939 of this act.

(2) For the purposes of distributing insurance benefits, certificated staff units as determined in section 504 of this

act will be multiplied by 1.02 and classified staff units as determined in section 504 of this act will be multiplied by 1.43.

(3) Except as provided by the parties' health care agreement, in order to achieve the level of funding provided for health benefits, the school employees' benefits board shall require any or all of the following: Employee premium copayments, increases in point-of-service cost sharing, the implementation of managed competition, or other changes to benefits consistent with RCW 41.05.740. The board shall collect a twenty-five dollar per month surcharge payment from members who use tobacco products and a surcharge payment of not less than fifty dollars per month from members who cover a spouse or domestic partner where the spouse or domestic partner has chosen not to enroll in another employer-based group health insurance that has benefits and premiums with an actuarial value of not less than ninety-five percent of the actuarial value of the public employees' benefits board plan with the largest enrollment. The surcharge payments shall be collected in addition to the member premium payment.

(4) The health care authority shall deposit any moneys received on behalf of the school employees' medical plan as a result of rebates on prescription drugs, audits of hospitals, subrogation payments, or any other moneys recovered as a result of prior uniform medical plan claims payments, into the school employees' and retirees' insurance account to be used for insurance benefits. Such receipts may not be used for administrative expenditures.

**Sec. 908.** 2019 c 415 s 946 (uncodified) is amended to read as follows:

**CONDITIONAL AND GENERAL WAGE INCREASES—UNIVERSITY OF WASHINGTON**

(1) Appropriations for the University of Washington in this act are sufficient to provide a general wage increase to employees who are not represented or who bargain under a statutory authority other than chapters 41.80 or 47.64 RCW or RCW 41.56.473. Funding is provided for a two percent general wage increase effective July 1, 2019, and a two percent increase July 1, 2020, for all employees described by this subsection.

(2) Appropriations for the University of Washington in this act are also sufficient to provide ~~((an additional wage increase))~~ a lump sum payment for all nonrepresented, classified employees, ~~((both represented and not represented, of one percent effective July 1, 2019, and one percent))~~ who earn less than \$54,264 in salary annually, in the amount of \$650 for an FTE greater than 0.6 and \$325 for an FTE of 0.6 or less, effective July 1, 2020. ((This additional wage increase, funded in section 606 of this act, is conditioned upon the University of Washington concluding changes to the bargaining agreements with represented employees, including those whose agreements are approved in sections 921, 922, 923, 924, and 925 of this act, to provide the same one percent increases to represented employees.))

**Sec. 909.** 2019 c 324 s 12 (uncodified) is amended to read as follows:

(1) The health care authority shall establish a pilot program to provide mental health drop-in center services. The mental health drop-in center services shall provide a peer-focused recovery model during daytime hours through a community-based, therapeutic, less restrictive alternative to hospitalization for acute psychiatric needs. The program shall assist clients in need of voluntary, short-term, noncrisis services that focus on recovery and wellness. Clients may refer themselves, be brought to the center by law enforcement, be brought to the center by family members, or be referred by an emergency department.

(2) The pilot program shall be conducted in the largest city in a regional service area that has at least nine counties. Funds to support the pilot program shall be distributed through the behavioral health administrative service organization that serves the pilot program.

(3) The pilot program shall begin on ~~((January))~~ July 1, 2020, and conclude July 1, 2022.

(4) By December 1, 2020, the health care authority shall submit a preliminary report to the governor and the appropriate committees of the legislature. The preliminary report shall include a survey of peer mental health programs that are operating in the state, including the location, type of services offered, and number of clients served. By December 1, 2021, the health care authority shall report to the governor and the appropriate committees of the legislature on the results of the pilot program. The report shall include information about the number of clients served, the needs of the clients, the method of referral for the clients, and recommendations on how to expand the program statewide, including any recommendations to account for different needs in urban and rural areas.

**Sec. 910.** RCW 28B.76.525 and 2019 c 406 s 38 are each amended to read as follows:

(1) The state financial aid account is created in the custody of the state treasurer. The primary purpose of the account is to ensure that all appropriations designated for financial aid through statewide student financial aid programs are made available to eligible students. The account shall be a nontreasury account.

(2) The office shall deposit in the account all money received for the Washington college grant program established under chapter 28B.92 RCW, the state work-study program established under chapter 28B.12 RCW, the Washington scholars program established under RCW 28A.600.110, the Washington award for vocational excellence program established under RCW 28C.04.525, and the educational opportunity grant program established under chapter 28B.101 RCW. The account shall consist of funds appropriated by the legislature for the programs listed in this subsection and private contributions to the programs. Moneys deposited in the account do not lapse at the close of the fiscal period for which they were appropriated. Both during and after the fiscal period in which moneys were deposited in the account, the office may expend moneys in the account only for the purposes for which they were appropriated, and the expenditures are subject to any other conditions or limitations placed on the appropriations.

(3) Expenditures from the account shall be used for scholarships to students eligible for the programs according to program rules and policies. For the 2019-2021 fiscal biennium, expenditures may also be used for scholarship awards in the passport to career program established under chapter 28B.117 RCW. It is the intent of the legislature that this policy will be continued in subsequent fiscal biennia.

(4) Disbursements from the account are exempt from appropriations and the allotment provisions of chapter 43.88 RCW.

(5) Only the director of the office or the director's designee may authorize expenditures from the account.

**Sec. 911.** RCW 28B.76.526 and 2019 c 406 s 39 are each amended to read as follows:

The Washington opportunity pathways account is created in the state treasury. Expenditures from the account may be used only for programs in chapter 28A.710 RCW (charter schools), chapter 28B.12 RCW (state work-study), chapter 28B.50 RCW (opportunity grant), RCW 28B.76.660 (Washington scholars award), RCW 28B.76.670 (Washington award for vocational excellence), chapter 28B.92 RCW (Washington college grant program), chapter 28B.105 RCW (GET ready for math and science scholarship), chapter 28B.117 RCW (passport to careers), chapter 28B.118 RCW (college bound scholarship), and chapter 43.216 RCW (early childhood education and assistance program). During the 2019-21 fiscal biennium, the account may also be appropriated for public schools funded under chapters 28A.150 and 28A.715 RCW.

**Sec. 912.** RCW 28B.145.050 and 2014 c 208 s 5 are each amended to read as follows:

(1) The opportunity scholarship match transfer account is created in the custody of the state treasurer as a nonappropriated account to be used solely and exclusively for the opportunity scholarship program created in RCW 28B.145.040. The purpose of the account is to provide matching funds for the opportunity scholarship program.

(2) Revenues to the account shall consist of appropriations by the legislature into the account and any gifts, grants, or donations received by the executive director of the council for this purpose.

(3) No expenditures from the account may be made except upon receipt of proof, by the executive director of the council from the program administrator, of private contributions to the opportunity scholarship program. Expenditures, in the form of matching funds, may not exceed the total amount of private contributions.

(4) Only the executive director of the council or the executive director's designee may authorize expenditures from the opportunity scholarship match transfer account. Such authorization must be made as soon as practicable following receipt of proof as required under subsection (3) of this section.

(5) The council shall enter into an appropriate agreement with the program administrator to demonstrate exchange of consideration for the matching funds.

(6) During the 2019-2021 fiscal biennium, expenditures from the opportunity scholarship match transfer account may be used for payment to the program administrator for administrative duties carried out under this chapter in an amount not to exceed two hundred fifty thousand dollars per fiscal year.

**Sec. 913.** RCW 41.80.040 and 2002 c 354 s 305 are each amended to read as follows:

The employer shall not bargain over rights of management which, in addition to all powers, duties, and rights established by constitutional provision or statute, shall include but not be limited to the following:

(1) The functions and programs of the employer, the use of technology, and the structure of the organization;

(2) The employer's budget, which includes for purposes of any negotiations conducted during the 2019-2021 fiscal biennium any specification of the funds or accounts that must be appropriated by the legislature to fulfill the terms of an agreement, and the size of the agency workforce, including determining the financial basis for layoffs;

(3) The right to direct and supervise employees;

(4) The right to take whatever actions are deemed necessary to carry out the mission of the state and its agencies during emergencies; and

(5) Retirement plans and retirement benefits.

**Sec. 914.** RCW 43.31.502 and 1991 c 248 s 1 are each amended to read as follows:

(1) A child care facility revolving fund is created. Money in the fund shall be used solely for the purpose of starting or improving a child care facility pursuant to RCW 43.31.085 and 43.31.502 through 43.31.514. Only moneys from private or federal sources may be deposited into this fund.

(2) Funds provided under this section shall not be subject to reappropriation. The child care facility fund committee may use loan and grant repayments and income for the revolving fund program.

(3) During the 2019-2021 fiscal biennium, the legislature may direct the state treasurer to make transfers of moneys in the child care facility revolving fund to the state general fund.

**Sec. 915.** RCW 43.185C.060 and 2018 c 85 s 6 are each amended to read as follows:

(1) The home security fund account is created in the state treasury, subject to appropriation. The state's portion of the surcharge established in RCW 36.22.179 and 36.22.1791 must be deposited in the account. Expenditures from the account may be used only for homeless housing programs as described in this chapter.

(2) The department must distinguish allotments from the account made to carry out the activities in RCW 43.330.167, 43.330.700 through 43.330.715, 43.330.911,

43.185C.010, 43.185C.250 through 43.185C.320, and 36.22.179(1)(b).

(3) The office of financial management must secure an independent expenditure review of state funds received under RCW 36.22.179(1)(b) on a biennial basis. The purpose of the review is to assess the consistency in achieving policy priorities within the private market rental housing segment for housing persons experiencing homelessness. The independent reviewer must notify the department and the office of financial management of its findings. The first biennial expenditure review, for the 2017-2019 fiscal biennium, is due February 1, 2020. Independent reviews conducted thereafter are due February 1st of each even-numbered year.

(4) During the 2019-2021 fiscal biennium, expenditures from the account may also be used for shelter capacity grants.

**Sec. 916.** RCW 69.50.540 and 2019 c 415 s 978 are each amended to read as follows:

The legislature must annually appropriate moneys in the dedicated marijuana account created in RCW 69.50.530 as follows:

(1) For the purposes listed in this subsection (1), the legislature must appropriate to the respective agencies amounts sufficient to make the following expenditures on a quarterly basis or as provided in this subsection:

(a) One hundred twenty-five thousand dollars to the health care authority to design and administer the Washington state healthy youth survey, analyze the collected data, and produce reports, in collaboration with the office of the superintendent of public instruction, department of health, department of commerce, family policy council, and state liquor and cannabis board. The survey must be conducted at least every two years and include questions regarding, but not necessarily limited to, academic achievement, age at time of substance use initiation, antisocial behavior of friends, attitudes toward antisocial behavior, attitudes toward substance use, laws and community norms regarding antisocial behavior, family conflict, family management, parental attitudes toward substance use, peer rewarding of antisocial behavior, perceived risk of substance use, and rebelliousness. Funds disbursed under this subsection may be used to expand administration of the healthy youth survey to student populations attending institutions of higher education in Washington;

(b) Fifty thousand dollars to the health care authority for the purpose of contracting with the Washington state institute for public policy to conduct the cost-benefit evaluation and produce the reports described in RCW 69.50.550. This appropriation ends after production of the final report required by RCW 69.50.550;

(c) Five thousand dollars to the University of Washington alcohol and drug abuse institute for the creation, maintenance, and timely updating of web-based public education materials providing medically and scientifically

accurate information about the health and safety risks posed by marijuana use;

(d)(i) An amount not less than one million two hundred fifty thousand dollars to the state liquor and cannabis board for administration of this chapter as appropriated in the omnibus appropriations act;

(ii) ~~((Two million six hundred fifty one thousand seven hundred fifty dollars for fiscal year 2018 and three hundred fifty one thousand seven hundred fifty dollars for fiscal year 2019))~~ One million three hundred twenty-three thousand dollars for fiscal year 2020 to the health professions account established under RCW 43.70.320 for the development and administration of the marijuana authorization database by the department of health;

(iii) Two million ~~((seven))~~ four hundred ~~((twenty-three))~~ fifty-three thousand dollars for fiscal year 2020 and two million ~~((five))~~ seven hundred ~~((twenty-three))~~ ninety-three thousand dollars for fiscal year 2021 to the Washington state patrol for a drug enforcement task force. It is the intent of the legislature that this policy will be continued in the 2021-2023 fiscal biennium; and

(iv) Ninety-eight thousand dollars for fiscal year 2019 to the department of ecology for research on accreditation of marijuana product testing laboratories;

(e) Four hundred sixty-five thousand dollars for fiscal year 2020 and four hundred sixty-four thousand dollars for fiscal year 2021 to the department of ecology for implementation of accreditation of marijuana product testing laboratories;

(f) One hundred eighty-nine thousand dollars for fiscal year 2020 to the department of health for rule making regarding compassionate care renewals;

(g) Eight hundred eight thousand dollars for fiscal year 2020 and eight hundred eight thousand dollars for fiscal year 2021 to the department of health for the administration of the marijuana authorization database; ~~((and))~~

(h) ~~(((\$635,000 ——— H:\DATA\2020 JOURNAL\Journal2020\LegDay060\Six hundred thirty-five thousand dollars.doc))~~ Six hundred thirty-five thousand dollars for fiscal year 2020 and ~~(((\$635,000 H:\DATA\2020 JOURNAL\Journal2020\LegDay060)six hundred thirty-five thousand dollars.doc))~~ six hundred thirty-five thousand dollars for fiscal year 2021 to the department of agriculture for compliance-based laboratory analysis of pesticides in marijuana; and

(i) One million one hundred thousand dollars for fiscal year 2021 to the department of commerce to fund the marijuana social equity technical assistance competitive grant program under Engrossed Second Substitute House Bill No. 2870 (marijuana retail licenses).

(2) From the amounts in the dedicated marijuana account after appropriation of the amounts identified in subsection (1) of this section, the legislature must appropriate for the purposes listed in this subsection (2) as follows:

(a)(i) Up to fifteen percent to the health care authority for the development, implementation, maintenance, and evaluation of programs and practices aimed at the prevention or reduction of maladaptive substance use, substance use disorder, substance abuse or substance dependence, as these terms are defined in the Diagnostic and Statistical Manual of Mental Disorders, among middle school and high school-age students, whether as an explicit goal of a given program or practice or as a consistently corresponding effect of its implementation, mental health services for children and youth, and services for pregnant and parenting women; PROVIDED, That:

(A) Of the funds appropriated under (a)(i) of this subsection for new programs and new services, at least eighty-five percent must be directed to evidence-based or research-based programs and practices that produce objectively measurable results and, by September 1, 2020, are cost-beneficial; and

(B) Up to fifteen percent of the funds appropriated under (a)(i) of this subsection for new programs and new services may be directed to proven and tested practices, emerging best practices, or promising practices.

(ii) In deciding which programs and practices to fund, the director of the health care authority must consult, at least annually, with the University of Washington's social development research group and the University of Washington's alcohol and drug abuse institute.

(iii) For each fiscal year, the legislature must appropriate a minimum of twenty-five million five hundred thirty-six thousand dollars under this subsection (2)(a);

(b)(i) Up to ten percent to the department of health for the following, subject to (b)(ii) of this subsection (2):

(A) Creation, implementation, operation, and management of a marijuana education and public health program that contains the following:

(I) A marijuana use public health hotline that provides referrals to substance abuse treatment providers, utilizes evidence-based or research-based public health approaches to minimizing the harms associated with marijuana use, and does not solely advocate an abstinence-only approach;

(II) A grants program for local health departments or other local community agencies that supports development and implementation of coordinated intervention strategies for the prevention and reduction of marijuana use by youth; and

(III) Media-based education campaigns across television, internet, radio, print, and out-of-home advertising, separately targeting youth and adults, that provide medically and scientifically accurate information about the health and safety risks posed by marijuana use; and

(B) The Washington poison control center.

(ii) For each fiscal year, the legislature must appropriate a minimum of nine million seven hundred fifty thousand dollars under this subsection (2)(b);

(c)(i) Up to six-tenths of one percent to the University of Washington and four-tenths of one percent to Washington State University for research on the short and long-term effects of marijuana use, to include but not be limited to formal and informal methods for estimating and measuring intoxication and impairment, and for the dissemination of such research.

(ii) For each fiscal year, except for the 2017-2019 and 2019-2021 fiscal biennia, the legislature must appropriate a minimum of one million twenty-one thousand dollars to the University of Washington. For each fiscal year, except for the 2017-2019 and 2019-2021 fiscal biennia, the legislature must appropriate a minimum of six hundred eighty-one thousand dollars to Washington State University under this subsection (2)(c). It is the intent of the legislature that this policy will be continued in the 2019-2021 fiscal biennium;

(d) Fifty percent to the state basic health plan trust account to be administered by the Washington basic health plan administrator and used as provided under chapter 70.47 RCW;

(e) Five percent to the Washington state health care authority to be expended exclusively through contracts with community health centers to provide primary health and dental care services, migrant health services, and maternity health care services as provided under RCW 41.05.220;

(f)(i) Up to three-tenths of one percent to the office of the superintendent of public instruction to fund grants to building bridges programs under chapter 28A.175 RCW.

(ii) For each fiscal year, the legislature must appropriate a minimum of five hundred eleven thousand dollars to the office of the superintendent of public instruction under this subsection (2)(f); and

(g) At the end of each fiscal year, the treasurer must transfer any amounts in the dedicated marijuana account that are not appropriated pursuant to subsection (1) of this section and this subsection (2) into the general fund, except as provided in (g)(i) of this subsection (2).

(i) Beginning in fiscal year 2018, if marijuana excise tax collections deposited into the general fund in the prior fiscal year exceed twenty-five million dollars, then each fiscal year the legislature must appropriate an amount equal to thirty percent of all marijuana excise taxes deposited into the general fund the prior fiscal year to the treasurer for distribution to counties, cities, and towns as follows:

(A) Thirty percent must be distributed to counties, cities, and towns where licensed marijuana retailers are physically located. Each jurisdiction must receive a share of the revenue distribution under this subsection (2)(g)(i)(A) based on the proportional share of the total revenues generated in the individual jurisdiction from the taxes collected under RCW 69.50.535, from licensed marijuana retailers physically located in each jurisdiction. For purposes of this subsection (2)(g)(i)(A), one hundred percent of the proportional amount attributed to a retailer physically located in a city or town must be distributed to the city or town.

(B) Seventy percent must be distributed to counties, cities, and towns ratably on a per capita basis. Counties must receive sixty percent of the distribution, which must be disbursed based on each county's total proportional population. Funds may only be distributed to jurisdictions that do not prohibit the siting of any state licensed marijuana producer, processor, or retailer.

(ii) Distribution amounts allocated to each county, city, and town must be distributed in four installments by the last day of each fiscal quarter.

(iii) By September 15th of each year, the state liquor and cannabis board must provide the state treasurer the annual distribution amount, if any, for each county and city as determined in (g)(i) of this subsection (2).

(iv) The total share of marijuana excise tax revenues distributed to counties and cities in (g)(i) of this subsection (2) may not exceed fifteen million dollars in fiscal years 2018, 2019, 2020, and 2021, and twenty million dollars per fiscal year thereafter. It is the intent of the legislature that the policy for the maximum distributions in the subsequent fiscal biennia will be no more than fifteen million dollars per fiscal year.

For the purposes of this section, "marijuana products" means "useable marijuana," "marijuana concentrates," and "marijuana-infused products" as those terms are defined in RCW 69.50.101.

**Sec. 917.** RCW 71.24.580 and 2019 c 415 s 980, 2019 c 325 s 1040, and 2019 c 314 s 27 are each reenacted and amended to read as follows:

(1) The criminal justice treatment account is created in the state treasury. Moneys in the account may be expended solely for: (a) Substance use disorder treatment and treatment support services for offenders with a substance use disorder that, if not treated, would result in addiction, against whom charges are filed by a prosecuting attorney in Washington state; (b) the provision of substance use disorder treatment services and treatment support services for nonviolent offenders within a drug court program; and (c) the administrative and overhead costs associated with the operation of a drug court. Amounts provided in this subsection must be used for treatment and recovery support services for criminally involved offenders and authorization of these services shall not be subject to determinations of medical necessity. During the 2017-2019 fiscal biennium, the legislature may direct the state treasurer to make transfers of moneys in the criminal justice treatment account to the state general fund. During the 2019-2021 fiscal biennium, the legislature may appropriate from the account for municipal drug courts and increased treatment options, and may direct the state treasurer to make transfers of moneys in the criminal justice treatment account to the home security fund account created in RCW 43.185C.060. ~~((It is the intent of the legislature to continue the policy of transferring moneys from the criminal justice treatment account to the home security fund account in subsequent biennia.))~~ Moneys in the account may be spent only after appropriation.

(2) For purposes of this section:

(a) "Treatment" means services that are critical to a participant's successful completion of his or her substance use disorder treatment program, including but not limited to the recovery support and other programmatic elements outlined in RCW 2.30.030 authorizing therapeutic courts; and

(b) "Treatment support" includes transportation to or from inpatient or outpatient treatment services when no viable alternative exists, and child care services that are necessary to ensure a participant's ability to attend outpatient treatment sessions.

(3) Revenues to the criminal justice treatment account consist of: (a) Funds transferred to the account pursuant to this section; and (b) any other revenues appropriated to or deposited in the account.

(4)(a) For the fiscal year beginning July 1, 2005, and each subsequent fiscal year, the state treasurer shall transfer eight million two hundred fifty thousand dollars from the general fund to the criminal justice treatment account, divided into four equal quarterly payments. For the fiscal year beginning July 1, 2006, and each subsequent fiscal year, the amount transferred shall be increased on an annual basis by the implicit price deflator as published by the federal bureau of labor statistics.

(b) In each odd-numbered year, the legislature shall appropriate the amount transferred to the criminal justice treatment account in (a) of this subsection to the department for the purposes of subsection (5) of this section.

(5) Moneys appropriated to the authority from the criminal justice treatment account shall be distributed as specified in this subsection. The authority may retain up to three percent of the amount appropriated under subsection (4)(b) of this section for its administrative costs.

(a) Seventy percent of amounts appropriated to the authority from the account shall be distributed to counties pursuant to the distribution formula adopted under this section. The authority, in consultation with the department of corrections, the Washington state association of counties, the Washington state association of drug court professionals, the superior court judges' association, the Washington association of prosecuting attorneys, representatives of the criminal defense bar, representatives of substance use disorder treatment providers, and any other person deemed by the authority to be necessary, shall establish a fair and reasonable methodology for distribution to counties of moneys in the criminal justice treatment account. County or regional plans submitted for the expenditure of formula funds must be approved by the panel established in (b) of this subsection.

(b) Thirty percent of the amounts appropriated to the authority from the account shall be distributed as grants for purposes of treating offenders against whom charges are filed by a county prosecuting attorney. The authority shall appoint a panel of representatives from the Washington association of prosecuting attorneys, the Washington association of sheriffs and police chiefs, the superior court judges' association, the Washington state association of counties, the Washington defender's association or the



Washington association of criminal defense lawyers, the department of corrections, the Washington state association of drug court professionals, and substance use disorder treatment providers. The panel shall review county or regional plans for funding under (a) of this subsection and grants approved under this subsection. The panel shall attempt to ensure that treatment as funded by the grants is available to offenders statewide.

(6) The county alcohol and drug coordinator, county prosecutor, county sheriff, county superior court, a substance abuse treatment provider appointed by the county legislative authority, a member of the criminal defense bar appointed by the county legislative authority, and, in counties with a drug court, a representative of the drug court shall jointly submit a plan, approved by the county legislative authority or authorities, to the panel established in subsection (5)(b) of this section, for disposition of all the funds provided from the criminal justice treatment account within that county. The submitted plan should incorporate current evidence-based practices in substance use disorder treatment. The funds shall be used solely to provide approved alcohol and substance use disorder treatment pursuant to RCW 71.24.560 and treatment support services. No more than ten percent of the total moneys received under subsections (4) and (5) of this section by a county or group of counties participating in a regional agreement shall be spent for treatment support services.

(7) Counties are encouraged to consider regional agreements and submit regional plans for the efficient delivery of treatment under this section.

(8) Moneys allocated under this section shall be used to supplement, not supplant, other federal, state, and local funds used for substance abuse treatment.

(9) If a region or county uses criminal justice treatment account funds to support a therapeutic court, the therapeutic court must allow the use of all medications approved by the federal food and drug administration for the treatment of opioid use disorder as deemed medically appropriate for a participant by a medical professional. If appropriate medication-assisted treatment resources are not available or accessible within the jurisdiction, the health care authority's designee for assistance must assist the court with acquiring the resource.

(10) Counties must meet the criteria established in RCW 2.30.030(3).

(11) The authority shall annually review and monitor the expenditures made by any county or group of counties that receives appropriated funds distributed under this section. Counties shall repay any funds that are not spent in accordance with the requirements of its contract with the authority.

**Sec. 918.** RCW 74.46.561 and 2019 c 301 s 1 are each amended to read as follows:

(1) The legislature adopts a new system for establishing nursing home payment rates beginning July 1, 2016. Any payments to nursing homes for services provided after June 30, 2016, must be based on the new system. The

new system must be designed in such a manner as to decrease administrative complexity associated with the payment methodology, reward nursing homes providing care for high acuity residents, incentivize quality care for residents of nursing homes, and establish minimum staffing standards for direct care.

(2) The new system must be based primarily on industry-wide costs, and have three main components: Direct care, indirect care, and capital.

(3) The direct care component must include the direct care and therapy care components of the previous system, along with food, laundry, and dietary services. Direct care must be paid at a fixed rate, based on one hundred percent or greater of statewide case mix neutral median costs, but shall be set so that a nursing home provider's direct care rate does not exceed one hundred eighteen percent of its base year's direct care allowable costs except if the provider is below the minimum staffing standard established in RCW 74.42.360(2). Direct care must be performance-adjusted for acuity every six months, using case mix principles. Direct care must be regionally adjusted using county wide wage index information available through the United States department of labor's bureau of labor statistics. There is no minimum occupancy for direct care. The direct care component rate allocations calculated in accordance with this section must be adjusted to the extent necessary to comply with RCW 74.46.421.

(4) The indirect care component must include the elements of administrative expenses, maintenance costs, and housekeeping services from the previous system. A minimum occupancy assumption of ninety percent must be applied to indirect care. Indirect care must be paid at a fixed rate, based on ninety percent or greater of statewide median costs. The indirect care component rate allocations calculated in accordance with this section must be adjusted to the extent necessary to comply with RCW 74.46.421.

(5) The capital component must use a fair market rental system to set a price per bed. The capital component must be adjusted for the age of the facility, and must use a minimum occupancy assumption of ninety percent.

(a) Beginning July 1, 2016, the fair rental rate allocation for each facility must be determined by multiplying the allowable nursing home square footage in (c) of this subsection by the RSMeans rental rate in (d) of this subsection and by the number of licensed beds yielding the gross unadjusted building value. An equipment allowance of ten percent must be added to the unadjusted building value. The sum of the unadjusted building value and equipment allowance must then be reduced by the average age of the facility as determined by (e) of this subsection using a depreciation rate of one and one-half percent. The depreciated building and equipment plus land valued at ten percent of the gross unadjusted building value before depreciation must then be multiplied by the rental rate at seven and one-half percent to yield an allowable fair rental value for the land, building, and equipment.

(b) The fair rental value determined in (a) of this subsection must be divided by the greater of the actual total facility census from the prior full calendar year or imputed

census based on the number of licensed beds at ninety percent occupancy.

(c) For the rate year beginning July 1, 2016, all facilities must be reimbursed using four hundred square feet. For the rate year beginning July 1, 2017, allowable nursing facility square footage must be determined using the total nursing facility square footage as reported on the medicaid cost reports submitted to the department in compliance with this chapter. The maximum allowable square feet per bed may not exceed four hundred fifty.

(d) Each facility must be paid at eighty-three percent or greater of the median nursing facility RSMean construction index value per square foot. The department may use updated RSMean construction index information when more recent square footage data becomes available. The statewide value per square foot must be indexed based on facility zip code by multiplying the statewide value per square foot times the appropriate zip code based index. For the purpose of implementing this section, the value per square foot effective July 1, 2016, must be set so that the weighted average fair rental value rate is not less than ten dollars and eighty cents per patient day. The capital component rate allocations calculated in accordance with this section must be adjusted to the extent necessary to comply with RCW 74.46.421.

(e) The average age is the actual facility age reduced for significant renovations. Significant renovations are defined as those renovations that exceed two thousand dollars per bed in a calendar year as reported on the annual cost report submitted in accordance with this chapter. For the rate beginning July 1, 2016, the department shall use renovation data back to 1994 as submitted on facility cost reports. Beginning July 1, 2016, facility ages must be reduced in future years if the value of the renovation completed in any year exceeds two thousand dollars times the number of licensed beds. The cost of the renovation must be divided by the accumulated depreciation per bed in the year of the renovation to determine the equivalent number of new replacement beds. The new age for the facility is a weighted average with the replacement bed equivalents reflecting an age of zero and the existing licensed beds, minus the new bed equivalents, reflecting their age in the year of the renovation. At no time may the depreciated age be less than zero or greater than forty-four years.

(f) A nursing facility's capital component rate allocation must be rebased annually, effective July 1, 2016, in accordance with this section and this chapter.

(g) For the purposes of this subsection (5), "RSMean" means building construction costs data as published by Gordian.

(6) A quality incentive must be offered as a rate enhancement beginning July 1, 2016.

(a) An enhancement no larger than five percent and no less than one percent of the statewide average daily rate must be paid to facilities that meet or exceed the standard established for the quality incentive. All providers must have the opportunity to earn the full quality incentive payment.

(b) The quality incentive component must be determined by calculating an overall facility quality score composed of four to six quality measures. For fiscal year 2017 there shall be four quality measures, and for fiscal year 2018 there shall be six quality measures. Initially, the quality incentive component must be based on minimum data set quality measures for the percentage of long-stay residents who self-report moderate to severe pain, the percentage of high-risk long-stay residents with pressure ulcers, the percentage of long-stay residents experiencing one or more falls with major injury, and the percentage of long-stay residents with a urinary tract infection. Quality measures must be reviewed on an annual basis by a stakeholder work group established by the department. Upon review, quality measures may be added or changed. The department may risk adjust individual quality measures as it deems appropriate.

(c) The facility quality score must be point based, using at a minimum the facility's most recent available three-quarter average centers for medicare and medicaid services quality data. Point thresholds for each quality measure must be established using the corresponding statistical values for the quality measure point determinants of eighty quality measure points, sixty quality measure points, forty quality measure points, and twenty quality measure points, identified in the most recent available five-star quality rating system technical user's guide published by the center for medicare and medicaid services.

(d) Facilities meeting or exceeding the highest performance threshold (top level) for a quality measure receive twenty-five points. Facilities meeting the second highest performance threshold receive twenty points. Facilities meeting the third level of performance threshold receive fifteen points. Facilities in the bottom performance threshold level receive no points. Points from all quality measures must then be summed into a single aggregate quality score for each facility.

(e) Facilities receiving an aggregate quality score of eighty percent of the overall available total score or higher must be placed in the highest tier (tier V), facilities receiving an aggregate score of between seventy and seventy-nine percent of the overall available total score must be placed in the second highest tier (tier IV), facilities receiving an aggregate score of between sixty and sixty-nine percent of the overall available total score must be placed in the third highest tier (tier III), facilities receiving an aggregate score of between fifty and fifty-nine percent of the overall available total score must be placed in the fourth highest tier (tier II), and facilities receiving less than fifty percent of the overall available total score must be placed in the lowest tier (tier I).

(f) The tier system must be used to determine the amount of each facility's per patient day quality incentive component. The per patient day quality incentive component for tier IV is seventy-five percent of the per patient day quality incentive component for tier V, the per patient day quality incentive component for tier III is fifty percent of the per patient day quality incentive component for tier V, and the per patient day quality incentive component for tier II is twenty-five percent of the per patient day quality incentive

component for tier V. Facilities in tier I receive no quality incentive component.

(g) Tier system payments must be set in a manner that ensures that the entire biennial appropriation for the quality incentive program is allocated.

(h) Facilities with insufficient three-quarter average centers for medicare and medicaid services quality data must be assigned to the tier corresponding to their five-star quality rating. Facilities with a five-star quality rating must be assigned to the highest tier (tier V) and facilities with a one-star quality rating must be assigned to the lowest tier (tier I). The use of a facility's five-star quality rating shall only occur in the case of insufficient centers for medicare and medicaid services minimum data set information.

(i) The quality incentive rates must be adjusted semiannually on July 1 and January 1 of each year using, at a minimum, the most recent available three-quarter average centers for medicare and medicaid services quality data.

(j) Beginning July 1, 2017, the percentage of short-stay residents who newly received an antipsychotic medication must be added as a quality measure. The department must determine the quality incentive thresholds for this quality measure in a manner consistent with those outlined in (b) through (h) of this subsection using the centers for medicare and medicaid services quality data.

(k) Beginning July 1, 2017, the percentage of direct care staff turnover must be added as a quality measure using the centers for medicare and medicaid services' payroll-based journal and nursing home facility payroll data. Turnover is defined as an employee departure. The department must determine the quality incentive thresholds for this quality measure using data from the centers for medicare and medicaid services' payroll-based journal, unless such data is not available, in which case the department shall use direct care staffing turnover data from the most recent medicaid cost report.

(7) Reimbursement of the safety net assessment imposed by chapter 74.48 RCW and paid in relation to medicaid residents must be continued.

(8)(a) The direct care and indirect care components must be rebased in even-numbered years, beginning with rates paid on July 1, 2016. Rates paid on July 1, 2016, must be based on the 2014 calendar year cost report. On a percentage basis, after rebasing, the department must confirm that the statewide average daily rate has increased at least as much as the average rate of inflation, as determined by the skilled nursing facility market basket index published by the centers for medicare and medicaid services, or a comparable index. If after rebasing, the percentage increase to the statewide average daily rate is less than the average rate of inflation for the same time period, the department is authorized to increase rates by the difference between the percentage increase after rebasing and the average rate of inflation.

(b) It is the intention of the legislature that direct and indirect care rates paid in fiscal year 2022 will be rebased using the calendar year 2019 cost reports. For fiscal year

2021, in addition to the rates generated by (a) of this subsection, an additional adjustment is provided as established in this subsection (8)(b). Beginning May 1, 2020, and through June 30, 2021, the calendar year costs must be adjusted for inflation by a twenty-four month consumer price index, based on the most recently available monthly index for all urban consumers, as published by the bureau of labor statistics. It is also the intent of the legislature that, starting in fiscal year 2022, a facility-specific rate add-on equal to the inflation adjustment that facilities received solely in fiscal year 2021, must be added to the rate.

(c) To determine the necessity of regular inflationary adjustments to the nursing facility rates, by December 1, 2020, the department shall provide the appropriate policy and fiscal committees of the legislature with a report that provides a review of rates paid in 2017, 2018, and 2019 in comparison to costs incurred by nursing facilities.

(9) The direct care component provided in subsection (3) of this section is subject to the reconciliation and settlement process provided in RCW 74.46.022(6). Beginning July 1, 2016, pursuant to rules established by the department, funds that are received through the reconciliation and settlement process provided in RCW 74.46.022(6) must be used for technical assistance, specialized training, or an increase to the quality enhancement established in subsection (6) of this section. The legislature intends to review the utility of maintaining the reconciliation and settlement process under a price-based payment methodology, and may discontinue the reconciliation and settlement process after the 2017-2019 fiscal biennium.

(10) Compared to the rate in effect June 30, 2016, including all cost components and rate add-ons, no facility may receive a rate reduction of more than one percent on July 1, 2016, more than two percent on July 1, 2017, or more than five percent on July 1, 2018. To ensure that the appropriation for nursing homes remains cost neutral, the department is authorized to cap the rate increase for facilities in fiscal years 2017, 2018, and 2019.

**Sec. 919.** RCW 82.08.170 and 2015 3rd sp.s. c 4 s 976 are each amended to read as follows:

(1) Except as provided in subsections (4) and (5) of this section, during the months of January, April, July, and October of each year, the state treasurer must make the transfers required under subsections (2) and (3) of this section from the liquor excise tax fund and then the apportionment and distribution of all remaining moneys in the liquor excise tax fund to the counties, cities, and towns in the following proportions: (a) Twenty percent of the moneys in the liquor excise tax fund must be divided among and distributed to the counties of the state in accordance with the provisions of RCW 66.08.200; and (b) eighty percent of the moneys in the liquor excise tax fund must be divided among and distributed to the cities and towns of the state in accordance with the provisions of RCW 66.08.210.

(2) Each fiscal quarter and prior to making the twenty percent distribution to counties under subsection (1)(a) of this section, the treasurer shall transfer to the liquor revolving fund created in RCW 66.08.170 sufficient moneys

to fund the allotments from any legislative appropriations for county research and services as provided under chapter 43.110 RCW.

(3) During the months of January, April, July, and October of each year, the state treasurer must transfer two million five hundred thousand dollars from the liquor excise tax fund to the state general fund.

(4) During calendar year 2012, the October distribution under subsection (1) of this section and the July and October transfers under subsections (2) and (3) of this section must not be made. During calendar year 2013, the January, April, and July distributions under subsection (1) of this section and transfers under subsections (2) and (3) of this section must not be made.

(5) During the 2015-2017 and 2019-2021 fiscal ~~((biennium))~~ biennia, the liquor excise tax fund may be appropriated for the local government fiscal note program in the department of commerce. It is the intent of the legislature to continue this policy in the ~~((2017-2019))~~ subsequent fiscal biennium.

**Sec. 920.** RCW 82.19.040 and 2019 c 415 s 989 are each amended to read as follows:

(1) To the extent applicable, all of the definitions of chapter 82.04 RCW and all of the provisions of chapter 82.32 RCW apply to the tax imposed in this chapter.

(2) Beginning June 30, 2019, taxes collected under this chapter shall be deposited in the waste reduction, recycling, and litter control account under RCW 70.93.180, except that until June 30, ~~((2024))~~ 2020, one million two hundred fifty thousand dollars ~~((per fiscal year))~~ must be deposited in equal monthly amounts in the state parks renewal and stewardship account, with the remainder deposited in the waste reduction, recycling, and litter control account. ~~((It is the intent of the legislature to continue this policy in the ensuing biennium.))~~

**Sec. 921.** RCW 90.56.510 and 2019 c 415 s 994 are each amended to read as follows:

(1) The oil spill prevention account is created in the state treasury. All receipts from RCW 82.23B.020(2) shall be deposited in the account. Moneys from the account may be spent only after appropriation. The account is subject to allotment procedures under chapter 43.88 RCW. If, on the first day of any calendar month, the balance of the oil spill response account is greater than nine million dollars and the balance of the oil spill prevention account exceeds the unexpended appropriation for the current biennium, then the tax under RCW 82.23B.020(2) shall be suspended on the first day of the next calendar month until the beginning of the following biennium, provided that the tax shall not be suspended during the last six months of the biennium. If the tax imposed under RCW 82.23B.020(2) is suspended during two consecutive biennia, the department shall by November 1st after the end of the second biennium, recommend to the appropriate standing committees an adjustment in the tax rate. For the biennium ending June 30, 1999, and the biennium ending June 30, 2001, the state treasurer may transfer a total of up to one million dollars from the oil spill

response account to the oil spill prevention account to support appropriations made from the oil spill prevention account in the omnibus appropriations act adopted not later than June 30, 1999.

(2) Expenditures from the oil spill prevention account shall be used exclusively for the administrative costs related to the purposes of this chapter, and chapters 90.48, 88.40, and 88.46 RCW. In addition, until June 30, 2021, expenditures from the oil spill prevention account may be used, subject to amounts appropriated specifically for this purpose, for the development and annual review of local emergency planning committee emergency response plans in RCW 38.52.040(3). Starting with the 1995-1997 biennium, the legislature shall give activities of state agencies related to prevention of oil spills priority in funding from the oil spill prevention account. Costs of prevention include the costs of:

(a) Routine responses not covered under RCW 90.56.500;

(b) Management and staff development activities;

(c) Development of rules and policies and the statewide plan provided for in RCW 90.56.060;

(d) Facility and vessel plan review and approval, drills, inspections, investigations, enforcement, and litigation;

(e) Interagency coordination and public outreach and education;

(f) Collection and administration of the tax provided for in chapter 82.23B RCW; and

(g) Appropriate travel, goods and services, contracts, and equipment.

(3) Before expending moneys from the account for a response under subsection (2)(a) of this section, but without delaying response activities, the director shall make reasonable efforts to obtain funding for response costs under this section from the person responsible for the spill and from other sources, including the federal government.

(4) During the 2019-2021 fiscal biennium, the legislature may appropriate moneys from the oil spill prevention account to the oil spill response account.

**NEW SECTION. Sec. 922.** (1) A work group is established to create a family engagement framework for early learning through school.

(2) At a minimum, the work group must review family engagement policies and practices in Washington and in other states, with a focus on identifying best practices that can be adopted throughout Washington.

(3) The members of the work group must represent the following groups: The department of children, youth, and families; the office of the superintendent of public instruction; the state board of education; parents of children in the state early childhood education and assistance program or the federal head start program; parents of students in elementary or secondary school; parents of students who are English learners, with at least one parent with a student in preschool and at least one parent with a

student in elementary or secondary school; parents of students who are in special education; parents of students in foster care; the office of the education ombuds; the educational opportunity gap oversight and accountability committee; the state commission on Asian Pacific American affairs; the state commission on Hispanic affairs; the state commission on African American affairs; the governor's office of Indian affairs; the Washington state school directors' association; a state organization of school principals; a state organization of teachers; early childhood teachers; elementary and postsecondary teachers; and a state organization representing school counselors.

(b) The members of the work group must elect cochaIRS. One of the cochaIRS must be a parent and the other cochair must represent a state agency.

(4) The work group must meet monthly. At each meeting of the work group, members must have the option to participate remotely. In addition, the work group must hold at least three meetings in central Washington and at least three meetings in eastern Washington.

(5) Staff support for the work group must be provided by the office of the superintendent of public instruction and the department of children, youth, and families.

(6) Members are not entitled to be reimbursed for meal or travel expenses if they are elected officials or are participating on behalf of an employer, governmental entity, or other organization. Any reimbursement for other members is subject to chapter 43.03 RCW.

(7) By June 30, 2021, and in compliance with RCW 43.01.036, the office of the superintendent of public instruction must report to the appropriate committees of the legislature with a summary of the activities of the work group and its recommendations for a family engagement framework for early learning through high school.

**NEW SECTION. Sec. 923.** A joint legislative task force is created to develop a business plan for the establishment of a publicly owned depository/state bank in Washington state.

(1) The task force membership must consist of:

(a) The president of the senate shall appoint two members from each of the two largest caucuses of the senate;

(b) The speaker of the house of representatives shall appoint two members from each of the two largest caucuses of the house of representatives;

(c) Two members from local government who have expressed an interest in the formation of or participation in a publicly owned depository/state bank with one member appointed by the association of Washington cities and one member appointed by the Washington association of counties; and

(d) Two citizen members with a background in finance appointed by the governor.

(2) Appointments to the task force must be made by April 15, 2020, and its first meeting must take place by May 1, 2020. The task force may have a total of four meetings

and may conduct meetings by video or telephonic means. The task force shall conduct business by consensus. However, if consensus cannot be reached, action shall be taken by a majority vote of members.

(3) The purpose of the task force is to engage in a contract for services to develop a business plan for the establishment of a publicly owned depository/state bank.

(a) The business plan must include the following elements:

(i) Overall business concept;

(ii) Governance and management policies;

(iii) The business and powers of the bank;

(iv) Identification of products and services to be offered by the bank;

(v) A financial plan identifying both operating and capitalization needs;

(vi) Ethical, transparency, and reporting policies;

(vii) Draft enabling legislation and other necessary statutory changes to implement the business plan; and

(viii) An overall road map of actions and activities to establish a publicly owned depository/state bank.

(b) The task force must solicit from the public banking institute recommendations of persons and organizations to contract for developing the business plan. The task force must select the contractor from this list unless sixty percent of the task force determines that broader solicitation of potential contractors is necessary.

(c) The contract may be entered into as a sole source contract to facilitate receipt of the business plan by its due date to the legislature.

(4) The task force shall assist with scoping the content of the contract, contractor selection, and reviewing contract deliverables.

(5) Staff support for the task force must be provided by the house of representatives office of program research and the senate committee services.

(6) Legislative members of the task force are reimbursed for travel expenses in accordance with RCW 44.04.120. Nonlegislative members are not entitled to be reimbursed for travel expenses if they are elected officials or are participating on behalf of an employer, governmental entity, or other organization. Any reimbursement for other nonlegislative members is subject to chapter 43.03 RCW.

(7) The expenses of the task force must be paid jointly by the senate and the house of representatives. Task force expenditures are subject to approval by the senate facilities and operations committee and the house of representatives executive rules committee, or their successor committees.

(8) The task force shall present the business plan to the appropriate committees of the legislature by December 15, 2020. The task force may extend the date for submitting the

plan if the task force determines that an extension will improve the quality and content of the plan.

(9) This section expires on June 30, 2021.

**NEW SECTION. Sec. 924.** A new section is added to chapter 43.79 RCW to read as follows:

The climate resiliency account is created in the state treasury. Revenues to the account shall consist of appropriations and transfers by the legislature and all other funding directed for deposit into the account. Moneys in the account may be spent only after appropriation. Expenditures from the account are dedicated to activities that increase climate resiliency and include, but are not limited to:

- (1) Response to climate driven stressors;
- (2) Prevention of environmental and natural resources degradation;
- (3) Activities that restore or improve ecosystem resiliency and sustainability; and
- (4) Measures that anticipate, adapt, or minimize the effects climate change has on communities and the natural environment.

**NEW SECTION. Sec. 925.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

**NEW SECTION. Sec. 926.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

#### **ESSB 6168 - CONF REPT**

By Conference Committee

#### **SENATE ADOPTED 03/12/2020**

On page 1, line 1 of the title, after "matters;" strike the remainder of the title and insert "amending RCW 28B.76.525, 28B.76.526, 28B.145.050, 41.80.040, 43.31.502, 43.185C.060, 69.50.540, 74.46.561, 82.08.170, 82.19.040, and 90.56.510; amending 2019 c 415 ss 101, 102, 103, 104, 105, 106, 107, 108, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 142, 143, 144, 145, 146, 148, 147, 149, 150, 151, 152, 153, 141, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 401, 402, 501, 503, 504, 505, 506, 507, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 601, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 719, 701, 703, 712, 720, 725, 728, 730, 721, 722, 724, 726, 801, 802, 803, 805, 938, and 946, 2019 c 406 ss 13 and 5, and 2019 c 324 s 12 (uncodified); reenacting and amending RCW 71.24.580; adding a new section to chapter 43.79 RCW; adding new sections to 2019 c 415 (uncodified); creating new sections; making appropriations; providing an expiration date; and declaring an emergency."

Senators Rolfes and Frockt  
Representatives Ormsby and Robinson

There being no objection, the House adopted the conference committee report on ENGROSSED SUBSTITUTE SENATE BILL NO. 6168 and advanced the bill as recommended by the conference committee to final passage.

#### **FINAL PASSAGE OF SENATE BILL AS RECOMMENDED BY CONFERENCE COMMITTEE**

Representatives Ormsby and Sullivan spoke in favor of the passage of the bill as recommended by the conference committee.

Representatives MacEwen, Hoff, Wilcox and Stokesbary spoke against the passage of the bill as recommended by the conference committee.

The Speaker stated the question before the House to be final passage of Engrossed Substitute Senate Bill No. 6168 as recommended by the conference committee.

#### **ROLL CALL**

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 6168, as recommended by the conference committee, and the bill passed the House by the following votes: Yeas: 57 Nays: 40 Absent: 0 Excused: 1

Voting Yea: Representatives Appleton, Bergquist, Blake, Callan, Chapman, Chopp, Cody, Davis, Doglio, Dolan, Duerr, Entenman, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hansen, Hudgins, Jinkins, Johnson, J., Kilduff, Kirby, Kloba, Leavitt, Lekanoff, Lovick, Macri, Mead, Morgan, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Ryu, Santos, Sells, Senn, Shewmake, Slatter, Springer, Stokesbary, Stonier, Sullivan, Tarleton, Thai, Tharinger, Valdez, Walen, and Wylie

Voting Nay: Representatives Barkis, Boehnke, Caldier, Chambers, Chandler, Corry, DeBolt, Dent, Dufault, Dye, Eslick, Gildon, Goehner, Graham, Griffey, Harris, Hoff, Irwin, Jenkin, Klippert, Kraft, Kretz, MacEwen, Maycumber, McCaslin, Mosbrucker, Orcutt, Rude, Schmick, Shea, Smith, Steele, Sutherland, Van Werven, Vick, Volz, Walsh, Wilcox, Ybarra, and Young

Excused: Representative Paul

ENGROSSED SUBSTITUTE SENATE BILL NO. 6168, as recommended by the conference committee, having received the constitutional majority, was declared passed.

#### **POINT OF PERSONAL PRIVILEGE**

Representative Ormsby thanked the staff of the Committee on Appropriations for their hard work and dedication.

There being no objection, the House reverted to the sixth order of business.

## SECOND READING

### ENGROSSED SUBSTITUTE SENATE BILL NO. 6534, by Senate Committee on Health & Long Term Care (originally sponsored by Cleveland)

#### Creating an ambulance transport quality assurance fee.

The bill was read the second time.

With the consent of the House, amendments (2176) and (2164) were withdrawn.

Representative Riccelli moved the adoption of amendment (2174):

926.0.

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 927.** The legislature finds that the payments to private emergency ambulance service providers for transports for medicaid recipients have not been increased since 2004, resulting in a loss for carriers who provide this service. This has resulted in the shifting of cost of medicaid transports to other payers.

The purpose of this chapter is to provide for a quality assurance fee for specified providers of emergency ambulance services as referenced in 42 C.F.R. Sec. 433.56, which will be used to add on to base funding from all other sources, thereby supporting additional medicaid payments to nonpublic and nonfederal providers of emergency ambulance services as specified in this chapter.

**NEW SECTION. Sec. 928.** The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Aggregate fee schedule amount" means the product of the add-on calculated pursuant to section 6(1) of this act multiplied by the number of emergency ambulance transports for the state fiscal year.

(2) "Ambulance transport provider" means an ambulance transport provider that is licensed under RCW 18.73.140 that bills and receives patient care revenue from the provision of ground emergency ambulance transports. "Ambulance transport provider" does not include a provider that is owned or operated by the state, cities, counties, fire protection districts, regional fire protection service authorities, port districts, public hospital districts, community services districts, health care districts, federally recognized Indian tribes, or any unit of government as defined in 42 C.F.R. Sec. 433.50.

(3) "Annual quality assurance fee rate" means the quality assurance fee per emergency ambulance transport during each applicable state fiscal year assessed on each ambulance transport provider.

(4) "Authority" means the Washington state health care authority.

(5) "Available fee amount" means the sum of the following:

(a) The amount deposited in the ambulance transport fund established under section 3 of this act during the applicable state fiscal year, less the amounts described in section 3(3)(a) of this act; and

(b) Any federal financial participation obtained as a result of the deposit of the amount described in this subsection, for the applicable state fiscal year.

(6) "Effective state medical assistance percentage" means a ratio of the aggregate expenditures from state-only sources for medicaid divided by the aggregate expenditures from state and federal sources for medicaid for a state fiscal year.

(7) "Emergency ambulance transport" means the act of transporting an individual by use of an ambulance during which a client receives needed emergency medical services en route to an appropriate medical facility. "Emergency ambulance transport" does not include transportation of beneficiaries by passenger cars, taxicabs, litter vans, wheelchair vans, or other forms of public or private conveyances, nor does it include transportation by an air ambulance provider. An "emergency ambulance transport" does not occur when, following evaluation of a patient, a transport is not provided.

(8) "Fee-for-service payment schedule" means the payment rates to ambulance transport providers for emergency ambulance transports by the authority without the inclusion of the add-on described in section 6 of this act.

(9) "Gross receipts" means the total amount of payments received as patient care revenue for emergency ambulance transports, determined on a cash basis of accounting. "Gross receipts" includes all payments received as patient care revenue for emergency ambulance transports from medicaid, medicare, commercial insurance, and all other payers as payment for services rendered.

(10) "Medicaid" means the medical assistance program and the state children's health insurance program as established in Title XIX and Title XXI of the social security act, respectively, and as administered in the state of Washington by the authority.

(11) "Program" means the ambulance quality assurance fee program established in this chapter.

**NEW SECTION. Sec. 929.** (1) A dedicated fund is hereby established within the state treasury to be known as the ambulance transport fund. The purpose and use of the fund shall be to receive and disburse funds, together with accrued interest, in accordance with this chapter. Moneys in the fund, including interest earned, shall not be used or disbursed for any purposes other than those specified in this chapter. Any amounts expended from the fund that are later recouped by the authority on audit or otherwise shall be returned to the fund. Moneys in the account may be spent only after appropriation.

(2) The quality assurance fees collected by the authority pursuant to section 5 of this act must be deposited in the ambulance transport fund.

(3) The moneys in the ambulance transport fund, including any interest and dividends earned on money in the fund, shall be available exclusively for the following purposes in the following order of priority:

(a) To provide funding in an amount not to exceed ten percent of the annual quality assurance fee rate collection amount, exclusive of any federal matching funds, for health care coverage for Washingtonians and for the authority's staffing and administrative costs directly attributable to administering this chapter; and

(b) To make increased payments to ambulance transport providers pursuant to section 6 of this act.

**NEW SECTION. Sec. 930.** (1) Each ambulance transport provider must report to the authority the number of emergency ambulance transports by payer type and the annual gross receipts for the state fiscal year ending June 30, 2020, pursuant to form and timing required by the authority. The authority shall establish the timing for such reporting to occur on or after August 15, 2020.

(2) Each ambulance transport provider must report to the authority the number of emergency ambulance transports by payer type for each state fiscal quarter commencing with the state fiscal quarter ending September 30, 2020, pursuant to form and timing required by the authority. The authority shall establish the timing for such reporting to occur on or after the forty-fifth day after the end of each applicable state fiscal quarter.

(3) Each ambulance transport provider must report to the authority the annual gross receipts for each state fiscal year commencing with the state fiscal year ending June 30, 2021, pursuant to form and timing required by the authority. The authority shall establish the timing for such reporting to occur on or after the forty-fifth day after the end of each applicable state fiscal year.

(4) The authority may require a certification by each ambulance transport provider under penalty of perjury of the truth of the reports required under this section. Upon written notice to an ambulance transport provider, the authority may impose a civil penalty of one hundred dollars per day against an ambulance transport provider for every day that an ambulance transport provider fails to make a report required by this section within five days of the date upon which the report was due. Any funds resulting from a penalty imposed pursuant to this subsection shall be deposited in the ambulance transport fund established in section 3 of this act.

**NEW SECTION. Sec. 931.** (1) Beginning July 1, 2021, and annually thereafter, the authority shall assess each ambulance transport provider a quality assurance fee. Each ambulance transport provider must pay the quality assurance fee on a quarterly basis. The quarterly quality assurance fee payment shall be based on the annual quality assurance fee rate for the applicable state fiscal year multiplied by the number of emergency ambulance transports provided by the ambulance transport provider in the second quarter

preceding the state fiscal quarter for which the fee is assessed.

(2)(a) For the state fiscal year beginning July 1, 2021, the annual quality assurance fee rate shall be calculated by multiplying the projected total annual gross receipts for all ambulance transport providers by five and one-half percent, which resulting product shall be divided by the projected total annual emergency ambulance transports by all ambulance transport providers for the state fiscal year.

(b) For state fiscal years beginning July 1, 2022, and continuing each state fiscal year thereafter, the quality assurance fee rate shall be calculated by a ratio, the numerator of which shall be the product of the projected aggregate fee schedule amount, and the denominator of which shall be ninety percent of the projected total annual emergency ambulance transports by all ambulance transport providers.

(c) If, during a state fiscal year, the actual or projected available fee amount exceeds or is less than the actual or projected aggregate fee schedule amount by more than one percent, the authority shall adjust the annual quality assurance fee rate so that the available fee amount for the state fiscal year is approximately equal to the aggregate fee schedule amount for the state fiscal year. The available fee amount for a state fiscal year shall be considered to equal the aggregate fee schedule amount for the state fiscal year if the difference between the available fee amount for the state fiscal year and the aggregate fee schedule amount for the state fiscal year constitutes less than one percent of the aggregate fee schedule amount for the state fiscal year.

(3) For each state fiscal year for which the quality assurance fee is assessed, the authority shall send each ambulance transport provider an assessment notice no later than thirty days prior to the beginning of the applicable state fiscal quarter. For each state fiscal quarter for which the quality assurance fee is assessed, the authority shall send to each ambulance transport provider an invoice of the quarterly quality assurance fee payment due for the quarter no later than thirty days before the payment is due. For each state fiscal quarter for which the quality assurance fee is assessed, the ambulance transport provider shall remit payment to the authority by the date established by the authority, which shall be no earlier than fifteen days after the beginning of the applicable state fiscal quarter.

(4)(a) Interest shall be assessed on quality assurance fees not paid on the date due at the rate and in the manner provided in RCW 43.20B.695. Interest shall be deposited in the ambulance transport fund established in section 3 of this act.

(b) In the event that any fee payment is more than sixty days overdue, the authority may deduct the unpaid fee and interest owed from any medicaid reimbursement payments owed to the ambulance transport provider until the full amount of the fee, interest, and any penalties assessed under this chapter are recovered. Any deduction made pursuant to this subsection shall be made only after the authority gives the ambulance transport provider written notification. Any deduction made pursuant to this subsection may be deducted



over a period of time that takes into account the financial condition of the ambulance transport provider.

(c) In the event that any fee payment is more than sixty days overdue, a penalty equal to the interest charge described in (a) of this subsection shall be assessed and due for each month for which the payment is not received after sixty days. Any funds resulting from a penalty imposed pursuant to this subsection shall be deposited into the ambulance transport fund established in section 3 of this act.

(d) The authority may waive a portion or all of either the interest or penalties, or both, assessed under this chapter in the event the authority determines, in its sole discretion, that the ambulance transport provider has demonstrated that imposition of the full amount of the quality assurance fee pursuant to the timelines applicable under this chapter has a high likelihood of creating an undue financial hardship for the provider. Waiver of some or all of the interest or penalties pursuant to this subsection shall be conditioned on the ambulance transport provider's agreement to make fee payments on an alternative schedule developed by the authority.

(5) The authority shall accept an ambulance transport provider's payment even if the payment is submitted in a rate year subsequent to the rate year in which the fee was assessed.

(6) In the event of a merger, acquisition, or similar transaction involving an ambulance transport provider that has outstanding quality assurance fee payment obligations pursuant to this chapter, including any interest and penalty amounts owed, the resultant or successor ambulance transport provider shall be responsible for paying to the authority the full amount of outstanding quality assurance fee payments, including any applicable interest and penalties, attributable to the ambulance transport provider for which it was assessed, upon the effective date of such transaction. An entity considering a merger, acquisition, or similar transaction involving an ambulance transport provider may submit a request to the authority to ascertain the outstanding quality assurance fee payment obligations of the ambulance transport provider pursuant to this chapter as of the date of the authority's response to that request.

**NEW SECTION. Sec. 932.** (1) Beginning July 1, 2021, and for each state fiscal year thereafter, reimbursement for emergency ambulance transports provided by ambulance transport providers shall be increased by application of an add-on to the associated medicaid fee-for-service payment schedule. The add-on increase to the fee-for-service payment schedule under this section shall be calculated by June 15, 2021, and shall remain the same for later state fiscal years, to the extent the authority determines federal financial participation is available. The authority shall calculate the projections required by this subsection based on the number of emergency ambulance transports and gross revenue data submitted pursuant to section 4 of this act. The fee-for-service add-on shall be equal to the quotient of the available fee amount projected by the authority on or before June 15, 2021, for the 2021–22 state fiscal year, divided by the total medicaid emergency ambulance transports, projected by the authority on or before June 15, 2021, for the 2021–22 state

fiscal year. The resulting fee-for-service payment schedule amounts after the application of this section shall be equal to the sum of the medicaid fee-for-service payment schedule amount and the add-on increase.

(2) The increased payments required by this section shall be funded solely from the following:

(a) The quality assurance fee set forth in section 5 of this act, along with any interest or other investment income earned on those funds; and

(b) Federal reimbursement and any other related federal funds.

(3) The proceeds of the quality assurance fee set forth in section 5 of this act, the matching amount provided by the federal government, and any interest earned on those proceeds shall be used to supplement, and not to supplant, existing funding for emergency ambulance transports provided by ambulance transport providers.

(4) Notwithstanding any provision of this chapter, the authority may seek federal approval to implement any add-on increase to the fee-for-service payment schedule pursuant to this section for any state fiscal year or years, as applicable, on a time-limited basis for a fixed program period, as determined by the authority.

**NEW SECTION. Sec. 933.** The authority may adopt rules to implement this chapter.

**NEW SECTION. Sec. 934.** (1)(a) The authority shall request any approval from the federal centers for medicare and medicaid services it determines are necessary for the use of fees pursuant to this chapter and for the purpose of receiving associated federal matching funds.

(b) This chapter shall be implemented only to the extent that any necessary federal approvals are obtained and federal financial participation is available. The quality assurance fee pursuant to section 5 of this act shall only be assessed and collected for quarters in which the add-on pursuant to section 6 of this act is paid.

(2) The authority may modify or make adjustments to any methodology, fee amount, or other provision specified in this chapter to the minimum extent necessary to meet the requirements of federal law or regulations or to obtain federal approval. If the authority, after consulting with ambulance transport providers, determines that a modification is needed, the authority shall execute a declaration stating that this determination has been made and that the actual or projected available fee amount for a state fiscal year remains approximately equal to the actual or projected aggregate fee schedule amount for each applicable state fiscal year, as defined by section 5(2)(c) of this act. The authority shall retain the declaration and provide a copy, within ten working days of the execution of the declaration, to the appropriate fiscal and policy committees of the legislature.

**NEW SECTION. Sec. 935.** If there is a delay in the implementation of this chapter for any reason, including a delay in any required approval of the quality assurance fee and reimbursement methodology specified by the federal

centers for medicare and medicaid services, the following shall apply:

(1) An ambulance transport provider may be assessed the amount the provider would be required to pay to the authority if the add-on increase to the fee-for-service payment schedule described in section 5(2)(c) of this act were already approved, but shall not be required to pay the fee until the add-on increase to the fee-for-service payment schedule described in section 6 of this act is approved. The authority shall establish a schedule for payment of retroactive fees pursuant to this subsection in consultation with ambulance transport providers to minimize the disruption to the cash flow of ambulance transport providers.

(2) The authority may retroactively implement the add-on increase to the fee-for-service payment schedule pursuant to section 6 of this act to the extent the authority determines that federal financial participation is available.

**NEW SECTION. Sec. 936.** (1) The assessment, collection, and disbursement of funds under this chapter shall be conditional upon:

(a) The federal centers for medicare and medicaid services not determining that the quality assurance fee revenues may not be used for the purposes set forth in this chapter;

(b) The state not reducing its fee-for-service payment schedule for emergency ambulance transports provided by ambulance transport providers;

(c) The state not delegating responsibility to pay for emergency ambulance transports to a managed care organization, prepaid inpatient health plan, or prepaid ambulatory health plan, as those terms are defined in 42 C.F.R. Sec. 438.2;

(d) Federal financial participation being available and not otherwise jeopardized;

(e) The program not prohibiting, diminishing, or harming the ground emergency medical transportation services reimbursement program described in RCW 41.05.730; and

(f) Consistent with section 6(3) of this act, the state continuing its maintenance of effort for the level of state funding not derived from the quality assurance fee of emergency ambulance transports reimbursement for the 2021–22 rate year, and for each applicable rate year thereafter, in an amount not less than the amount that the state would have paid for the same number of emergency ambulance transports under the rate methodology that was in effect on July 1, 2019.

(2) This chapter ceases to be operative on the first day of the state fiscal year beginning on or after the date one or more of the following conditions is satisfied:

(a) The federal centers for medicare and medicaid services no longer allows the collection or use of the ambulance transport provider assessment provided in this chapter;

(b) The increase to the medicaid payments described in section 6 of this act no longer remains in effect;

(c) The quality assurance fee assessed and collected pursuant to this chapter is no longer available for the purposes specified in this chapter;

(d) A final judicial determination made by any state or federal court that is not appealed, or by a court of appellate jurisdiction that is not further appealed, in any action by any party, or a final determination by the administrator of the federal centers for medicare and medicaid services that is not appealed, that federal financial participation is not available with respect to any payment made under the methodology implemented pursuant to this chapter;

(e) The state reduces its fee-for-service payment schedule for emergency ambulance transports provided by ambulance transport providers;

(f) The state delegates responsibility to pay for emergency ambulance transports to a managed care organization, prepaid inpatient health plan, or prepaid ambulatory health plan, as those terms are defined in 42 C.F.R. Sec. 438.2; and

(g) The program not prohibiting, diminishing, or harming the ground emergency medical transportation services reimbursement program described in RCW 41.05.730.

(3) In the event one or more of the conditions listed in subsection (2) of this section is satisfied, the authority shall notify, in writing and as soon as practicable, the secretary of state, the secretary of the senate, the chief clerk of the house of representatives, the appropriate fiscal and policy committees of the legislature, and the code reviser's office of the condition and the approximate date or dates that it occurred. The authority shall post the notice on the authority's web site.

(4)(a) Notwithstanding any other law, in the event this chapter becomes inoperative pursuant to subsection (2) of this section, the authority shall be authorized to conduct all appropriate close-out activities and implement applicable provisions of this chapter for prior state fiscal years during which this chapter was operative including, but not limited to, the collection of outstanding quality assurance fees pursuant to section 5 of this act and payments associated with any add-on increase to the medicaid fee-for-service payment schedule pursuant to section 6 of this act. In implementing these close-out activities, the authority shall ensure that the actual or projected available fee amount for each applicable state fiscal year remains approximately equal to the aggregate fee schedule amount for the state fiscal year, as defined by section 5(2)(c) of this act. During this close-out period, the full amount of the quality assurance fee assessed and collected remains available only for the purposes specified in this chapter.

(b) Upon a determination by the authority that all appropriate close-out and implementation activities pursuant to (a) of this subsection have been completed, the authority shall notify, in writing, the secretary of state, the secretary of the senate, the chief clerk of the house of representatives, the

appropriate fiscal and policy committees of the legislature, and the code reviser's office of that determination. This chapter shall expire as of the effective date of the notification issued by the authority pursuant to this subsection.

**Sec. 937.** RCW 43.84.092 and 2019 c 421 s 15, 2019 c 403 s 14, 2019 c 365 s 19, 2019 c 287 s 19, and 2019 c 95 s 6 are each reenacted and amended to read as follows:

(1) All earnings of investments of surplus balances in the state treasury shall be deposited to the treasury income account, which account is hereby established in the state treasury.

(2) The treasury income account shall be utilized to pay or receive funds associated with federal programs as required by the federal cash management improvement act of 1990. The treasury income account is subject in all respects to chapter 43.88 RCW, but no appropriation is required for refunds or allocations of interest earnings required by the cash management improvement act. Refunds of interest to the federal treasury required under the cash management improvement act fall under RCW 43.88.180 and shall not require appropriation. The office of financial management shall determine the amounts due to or from the federal government pursuant to the cash management improvement act. The office of financial management may direct transfers of funds between accounts as deemed necessary to implement the provisions of the cash management improvement act, and this subsection. Refunds or allocations shall occur prior to the distributions of earnings set forth in subsection (4) of this section.

(3) Except for the provisions of RCW 43.84.160, the treasury income account may be utilized for the payment of purchased banking services on behalf of treasury funds including, but not limited to, depository, safekeeping, and disbursement functions for the state treasury and affected state agencies. The treasury income account is subject in all respects to chapter 43.88 RCW, but no appropriation is required for payments to financial institutions. Payments shall occur prior to distribution of earnings set forth in subsection (4) of this section.

(4) Monthly, the state treasurer shall distribute the earnings credited to the treasury income account. The state treasurer shall credit the general fund with all the earnings credited to the treasury income account except:

(a) The following accounts and funds shall receive their proportionate share of earnings based upon each account's and fund's average daily balance for the period: The abandoned recreational vehicle disposal account, the aeronautics account, the aircraft search and rescue account, the Alaskan Way viaduct replacement project account, the ambulance transport fund, the brownfield redevelopment trust fund account, the budget stabilization account, the capital vessel replacement account, the capitol building construction account, the Cedar River channel construction and operation account, the Central Washington University capital projects account, the charitable, educational, penal and reformatory institutions account, the Chehalis basin account, the cleanup settlement account, the Columbia river basin water supply development account, the Columbia river basin taxable bond water supply development account, the

Columbia river basin water supply revenue recovery account, the common school construction fund, the community forest trust account, the connecting Washington account, the county arterial preservation account, the county criminal justice assistance account, the deferred compensation administrative account, the deferred compensation principal account, the department of licensing services account, the department of licensing tuition recovery trust fund, the department of retirement systems expense account, the developmental disabilities community trust account, the diesel idle reduction account, the drinking water assistance account, the drinking water assistance administrative account, the early learning facilities development account, the early learning facilities revolving account, the Eastern Washington University capital projects account, the education construction fund, the education legacy trust account, the election account, the electric vehicle account, the energy freedom account, the energy recovery act account, the essential rail assistance account, The Evergreen State College capital projects account, the federal forest revolving account, the ferry bond retirement fund, the freight mobility investment account, the freight mobility multimodal account, the grade crossing protective fund, the public health services account, the state higher education construction account, the higher education construction account, the highway bond retirement fund, the highway infrastructure account, the highway safety fund, the hospital safety net assessment fund, the industrial insurance premium refund account, the Interstate 405 and state route number 167 express toll lanes account, the judges' retirement account, the judicial retirement administrative account, the judicial retirement principal account, the local leasehold excise tax account, the local real estate excise tax account, the local sales and use tax account, the marine resources stewardship trust account, the medical aid account, the mobile home park relocation fund, the money-purchase retirement savings administrative account, the money-purchase retirement savings principal account, the motor vehicle fund, the motorcycle safety education account, the multimodal transportation account, the multiuse roadway safety account, the municipal criminal justice assistance account, the natural resources deposit account, the oyster reserve land account, the pension funding stabilization account, the perpetual surveillance and maintenance account, the pollution liability insurance agency underground storage tank revolving account, the public employees' retirement system plan 1 account, the public employees' retirement system combined plan 2 and plan 3 account, the public facilities construction loan revolving account beginning July 1, 2004, the public health supplemental account, the public works assistance account, the Puget Sound capital construction account, the Puget Sound ferry operations account, the Puget Sound Gateway facility account, the Puget Sound taxpayer accountability account, the real estate appraiser commission account, the recreational vehicle account, the regional mobility grant program account, the resource management cost account, the rural arterial trust account, the rural mobility grant program account, the rural Washington loan fund, the sexual assault prevention and response account, the site closure account, the skilled nursing facility safety net trust fund, the small city pavement and sidewalk account, the special category C

account, the special wildlife account, the state employees' insurance account, the state employees' insurance reserve account, the state investment board expense account, the state investment board commingled trust fund accounts, the state patrol highway account, the state route number 520 civil penalties account, the state route number 520 corridor account, the state wildlife account, the statewide broadband account, the statewide tourism marketing account, the student achievement council tuition recovery trust fund, the supplemental pension account, the Tacoma Narrows toll bridge account, the teachers' retirement system plan 1 account, the teachers' retirement system combined plan 2 and plan 3 account, the tobacco prevention and control account, the tobacco settlement account, the toll facility bond retirement account, the transportation 2003 account (nickel account), the transportation equipment fund, the transportation future funding program account, the transportation improvement account, the transportation improvement board bond retirement account, the transportation infrastructure account, the transportation partnership account, the traumatic brain injury account, the tuition recovery trust fund, the University of Washington bond retirement fund, the University of Washington building account, the voluntary cleanup account, the volunteer firefighters' and reserve officers' relief and pension principal fund, the volunteer firefighters' and reserve officers' administrative fund, the vulnerable roadway user education account, the Washington judicial retirement system account, the Washington law enforcement officers' and firefighters' system plan 1 retirement account, the Washington law enforcement officers' and firefighters' system plan 2 retirement account, the Washington public safety employees' plan 2 retirement account, the Washington school employees' retirement system combined plan 2 and 3 account, the Washington state health insurance pool account, the Washington state patrol retirement account, the Washington State University building account, the Washington State University bond retirement fund, the water pollution control revolving administration account, the water pollution control revolving fund, the Western Washington University capital projects account, the Yakima integrated plan implementation account, the Yakima integrated plan implementation revenue recovery account, and the Yakima integrated plan implementation taxable bond account. Earnings derived from investing balances of the agricultural permanent fund, the normal school permanent fund, the permanent common school fund, the scientific permanent fund, the state university permanent fund, and the state reclamation revolving account shall be allocated to their respective beneficiary accounts.

(b) Any state agency that has independent authority over accounts or funds not statutorily required to be held in the state treasury that deposits funds into a fund or account in the state treasury pursuant to an agreement with the office of the state treasurer shall receive its proportionate share of earnings based upon each account's or fund's average daily balance for the period.

(5) In conformance with Article II, section 37 of the state Constitution, no treasury accounts or funds shall be allocated earnings without the specific affirmative directive of this section.

**NEW SECTION. Sec. 938.** Sections 1 through 10 and 13 of this act constitute a new chapter in Title 74 RCW.

**NEW SECTION. Sec. 939.** This act expires July 1, 2024.

**NEW SECTION. Sec. 940.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

Correct the title.

Representatives Riccelli and Schmick spoke in favor of the adoption of the amendment.

Amendment (2174) was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Riccelli and Stokesbary spoke in favor of the passage of the bill.

The Speaker stated the question before the House to be the final passage of Engrossed Substitute Senate Bill No. 6534, as amended by the House.

#### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 6534, as amended by the House, and the bill passed the House by the following vote: Yeas, 87; Nays, 10; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chapman, Chopp, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Duerr, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Kretz, Leavitt, Lekanooff, Lovick, MacEwen, Macri, Maycumber, Mead, Morgan, Mosbrucker, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Wilcox, Wylie, Ybarra and Mme. Speaker.

Voting nay: Representatives Chandler, Dufault, Jenkin, Kraft, McCaslin, Orcutt, Shea, Sutherland, Walsh and Young.

Excused: Representative Paul.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6534, as amended by the House, having received the necessary constitutional majority, was declared passed.

**SUBSTITUTE SENATE BILL NO. 5628, by Senate Committee on Transportation (originally sponsored by Cleveland, Brown, Hobbs, Walsh and Palumbo)**

**Concerning the classification of heavy equipment rental property as inventory. Revised for 1st Substitute: Concerning heavy equipment rental property taxation.**

The bill was read the second time.

With the consent of the House, amendments (2185) and (2184) were withdrawn.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Stonier spoke in favor of the passage of the bill.

Representative Orcutt spoke against the passage of the bill.

The Speaker stated the question before the House to be the final passage of Substitute Senate Bill No. 5628.

**ROLL CALL**

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5628, and the bill passed the House by the following vote: Yeas, 53; Nays, 44; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Bergquist, Blake, Cody, Davis, DeBolt, Doglio, Dolan, Duerr, Entenman, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hansen, Hudgins, J. Johnson, Kilduff, Kirby, Kloba, Lekanoff, Lovick, Macri, Mead, Morgan, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Riccelli, Robinson, Ryu, Santos, Sells, Senn, Shewmake, Slatter, Springer, Stokesbary, Stonier, Sullivan, Tarleton, Thai, Tharinger, Valdez, Walen, Wylie and Mme. Speaker.

Voting nay: Representatives Barkis, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Corry, Dent, Dufault, Dye, Eslick, Gildon, Goehner, Graham, Griffey, Harris, Hoff, Irwin, Jenkin, Klippert, Kraft, Kretz, Leavitt, MacEwen, Maycumber, McCaslin, Mosbrucker, Orcutt, Ramos, Rude, Schmick, Shea, Smith, Steele, Sutherland, Van Werven, Vick, Volz, Walsh, Wilcox, Ybarra and Young.

Excused: Representative Paul.

SUBSTITUTE SENATE BILL NO. 5628, having received the necessary constitutional majority, was declared passed.

**ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 6515, by Senate Committee on Ways & Means (originally sponsored by Van De Wege, Randall, Mullet, Takko, Lovelett, Liias, Conway, Hasegawa, Wilson and C.)**

**Adjusting the medicaid payment methodology for skilled nursing facilities. Revised for 2nd Substitute: Concerning nursing facilities.**

The bill was read the second time.

Representative Cody moved the adoption of amendment (2190):

940.0. On page 6, beginning on line 37, strike all of sections 4 through 7

Correct the title.

Representatives Cody and Schmick spoke in favor of the adoption of the striking amendment.

Amendment (2190) was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Cody and Schmick spoke in favor of the passage of the bill.

The Speaker stated the question before the House to be the final passage of Engrossed Second Substitute Senate Bill No. 6515, as amended by the House.

**ROLL CALL**

The Clerk called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 6515, as amended by the House, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Mead, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shea, Shewmake, Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Excused: Representative Paul.

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 6515, as amended by the House, having received the necessary constitutional majority, was declared passed.

With the consent of the House the bills previously acted upon were immediately transmitted to the Senate.

The Speaker called upon Representative Thai to preside.

The Speaker assumed the chair.

**SIGNED BY THE SPEAKER**

The Speaker signed the following bills:

SECOND SUBSTITUTE HOUSE BILL NO. 1661  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2116  
 HOUSE BILL NO. 2242  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2248  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2322  
 SUBSTITUTE HOUSE BILL NO. 2441  
 SUBSTITUTE HOUSE BILL NO. 2711  
 HOUSE BILL NO. 2848  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2919  
 THIRD SUBSTITUTE SENATE BILL NO. 5164  
 ENGROSSED SENATE BILL NO. 5282  
 ENGROSSED SECOND SUBSTITUTE SENATE  
 BILL NO. 5291  
 ENGROSSED SENATE BILL NO. 5402  
 ENGROSSED SUBSTITUTE SENATE BILL NO.  
 5473  
 SECOND SUBSTITUTE SENATE BILL NO. 5488  
 ENGROSSED SECOND SUBSTITUTE SENATE  
 BILL NO. 5549  
 SECOND ENGROSSED SECOND SUBSTITUTE  
 SENATE BILL NO. 5720  
 ENGROSSED SUBSTITUTE SENATE BILL NO.  
 5759  
 ENGROSSED SUBSTITUTE SENATE BILL NO.  
 5829  
 SECOND SUBSTITUTE SENATE BILL NO. 5947  
 ENGROSSED SUBSTITUTE SENATE BILL NO.  
 6040  
 SUBSTITUTE SENATE BILL NO. 6065  
 SUBSTITUTE SENATE BILL NO. 6068  
 ENGROSSED SUBSTITUTE SENATE BILL NO.  
 6097  
 SUBSTITUTE SENATE BILL NO. 6152  
 SUBSTITUTE SENATE BILL NO. 6158  
 SENATE BILL NO. 6164  
 ENGROSSED SENATE BILL NO. 6180  
 ENGROSSED SUBSTITUTE SENATE BILL NO.  
 6189  
 SUBSTITUTE SENATE BILL NO. 6190  
 ENGROSSED SECOND SUBSTITUTE SENATE  
 BILL NO. 6205  
 SECOND SUBSTITUTE SENATE BILL NO. 6211  
 ENGROSSED SENATE BILL NO. 6239  
 ENGROSSED SUBSTITUTE SENATE BILL NO.  
 6248  
 SUBSTITUTE SENATE BILL NO. 6259  
 SENATE BILL NO. 6263  
 ENGROSSED SUBSTITUTE SENATE BILL NO.  
 6268  
 ENGROSSED SUBSTITUTE SENATE BILL NO.  
 6288  
 SENATE BILL NO. 6359  
 SUBSTITUTE SENATE BILL NO. 6397  
 ENGROSSED SUBSTITUTE SENATE BILL NO.  
 6404  
 SENATE BILL NO. 6417  
 SENATE BILL NO. 6420  
 ENGROSSED SUBSTITUTE SENATE BILL NO.  
 6442  
 SECOND SUBSTITUTE SENATE BILL NO. 6478  
 SENATE BILL NO. 6507

ENGROSSED SECOND SUBSTITUTE SENATE  
 BILL NO. 6518  
 ENGROSSED SUBSTITUTE SENATE BILL NO.  
 6574  
 ENGROSSED SUBSTITUTE SENATE BILL NO.  
 6617  
 SENATE BILL NO. 6623  
 ENGROSSED SENATE BILL NO. 6626  
 ENGROSSED SUBSTITUTE SENATE BILL NO.  
 6641  
 ENGROSSED SENATE BILL NO. 6690

The Speaker called upon Representative Thai to  
preside.

There being no objection, the House reverted to the third  
order of business.

### MESSAGES FROM THE SENATE

March 12, 2020

Mme. SPEAKER:

The President has signed:

SUBSTITUTE SENATE BILL NO. 6068,  
 ENGROSSED SUBSTITUTE SENATE BILL NO.  
 6248,  
 ENGROSSED SENATE BILL NO. 6690,

and the same are herewith transmitted.

Brad Hendrickson, Secretary

March 12, 2020

Mme. SPEAKER:

The Senate has passed:

ENGROSSED SECOND SUBSTITUTE SENATE  
 BILL NO. 6254,

and the same is herewith transmitted.

Brad Hendrickson, Secretary

March 12, 2020

Mme. SPEAKER:

The President has signed:

ENGROSSED SECOND SUBSTITUTE SENATE  
 BILL NO. 5549,  
 SECOND ENGROSSED SECOND SUBSTITUTE  
 SENATE BILL NO. 5720,  
 ENGROSSED SUBSTITUTE SENATE BILL NO.  
 5759,  
 ENGROSSED SUBSTITUTE SENATE BILL NO.  
 5829,

SECOND SUBSTITUTE SENATE BILL NO. 5947,  
 ENGROSSED SUBSTITUTE SENATE BILL NO.  
 6040,  
 ENGROSSED SUBSTITUTE SENATE BILL NO.  
 6097,  
 SUBSTITUTE SENATE BILL NO. 6152,  
 SENATE BILL NO. 6164,  
 ENGROSSED SUBSTITUTE SENATE BILL NO.  
 6189,  
 SUBSTITUTE SENATE BILL NO. 6190,  
 SECOND SUBSTITUTE SENATE BILL NO. 6211,  
 ENGROSSED SENATE BILL NO. 6239,  
 SUBSTITUTE SENATE BILL NO. 6259,  
 SENATE BILL NO. 6263,  
 ENGROSSED SUBSTITUTE SENATE BILL NO.  
 6268,  
 ENGROSSED SUBSTITUTE SENATE BILL NO.  
 6404,  
 SENATE BILL NO. 6417,  
 SENATE BILL NO. 6420,  
 SECOND SUBSTITUTE SENATE BILL NO. 6478,  
 SENATE BILL NO. 6507,  
 ENGROSSED SECOND SUBSTITUTE SENATE  
 BILL NO. 6518,  
 SENATE BILL NO. 6623,  
 ENGROSSED SENATE BILL NO. 6626,  
 ENGROSSED SUBSTITUTE SENATE BILL NO.  
 6641,

and the same are herewith transmitted.

Brad Hendrickson, Secretary

March 12, 2020

Mme. SPEAKER:

The President has signed:

ENGROSSED HOUSE BILL NO. 1390,  
 THIRD SUBSTITUTE HOUSE BILL NO. 1504,  
 ENGROSSED THIRD SUBSTITUTE HOUSE BILL  
 NO. 1775,  
 HOUSE BILL NO. 1841,  
 ENGROSSED HOUSE BILL NO. 1948,  
 HOUSE BILL NO. 2189,  
 ENGROSSED SUBSTITUTE HOUSE BILL NO.  
 2421,  
 HOUSE BILL NO. 2458,  
 SECOND SUBSTITUTE HOUSE BILL NO. 2499,  
 HOUSE BILL NO. 2505,  
 SECOND SUBSTITUTE HOUSE BILL NO. 2513,  
 SUBSTITUTE HOUSE BILL NO. 2554,  
 SUBSTITUTE HOUSE BILL NO. 2634,  
 ENGROSSED SUBSTITUTE HOUSE BILL NO.  
 2642,  
 ENGROSSED SUBSTITUTE HOUSE BILL NO.  
 2645,  
 ENGROSSED SUBSTITUTE HOUSE BILL NO.  
 2660,  
 HOUSE BILL NO. 2669,

ENGROSSED SUBSTITUTE HOUSE BILL NO.  
 2676,  
 ENGROSSED SUBSTITUTE HOUSE BILL NO.  
 2723,  
 SUBSTITUTE HOUSE BILL NO. 2728,  
 HOUSE BILL NO. 2739,  
 SECOND SUBSTITUTE HOUSE BILL NO. 2793,  
 ENGROSSED HOUSE BILL NO. 2811,  
 ENGROSSED SECOND SUBSTITUTE HOUSE  
 BILL NO. 2870,  
 HOUSE BILL NO. 2903,  
 SUBSTITUTE HOUSE BILL NO. 2905,  
 HOUSE BILL NO. 2926,  
 HOUSE BILL NO. 2943,

and the same are herewith transmitted.

Brad Hendrickson, Secretary

March 12, 2020

Mme. SPEAKER:

The Senate has passed:

HOUSE BILL NO. 2242,

and the same are herewith transmitted.

Brad Hendrickson, Secretary

March 12, 2020

Mme. SPEAKER:

The President has signed:

THIRD SUBSTITUTE SENATE BILL NO. 5164,  
 ENGROSSED SENATE BILL NO. 5282,  
 ENGROSSED SECOND SUBSTITUTE SENATE  
 BILL NO. 5291,  
 ENGROSSED SENATE BILL NO. 5402,  
 ENGROSSED SUBSTITUTE SENATE BILL NO.  
 5473,  
 SECOND SUBSTITUTE SENATE BILL NO. 5488,  
 SUBSTITUTE SENATE BILL NO. 6065,  
 SUBSTITUTE SENATE BILL NO. 6158,  
 ENGROSSED SENATE BILL NO. 6180,  
 ENGROSSED SECOND SUBSTITUTE SENATE  
 BILL NO. 6205,  
 ENGROSSED SUBSTITUTE SENATE BILL NO.  
 6288,  
 SENATE BILL NO. 6359,  
 SUBSTITUTE SENATE BILL NO. 6397,  
 ENGROSSED SUBSTITUTE SENATE BILL NO.  
 6442,  
 ENGROSSED SUBSTITUTE SENATE BILL NO.  
 6574,  
 ENGROSSED SUBSTITUTE SENATE BILL NO.  
 6617,

and the same are herewith transmitted.

Brad Hendrickson, Secretary

March 11, 2020

Mme. SPEAKER:

The President has signed:

ENGROSSED SUBSTITUTE SENATE BILL NO.  
5147,  
SECOND SUBSTITUTE SENATE BILL NO. 5149,  
ENGROSSED SUBSTITUTE SENATE BILL NO.  
5323,  
ENGROSSED SUBSTITUTE SENATE BILL NO.  
5385,  
ENGROSSED SUBSTITUTE SENATE BILL NO.  
5434,  
SECOND SUBSTITUTE SENATE BILL NO. 5601,  
SENATE BILL NO. 5613,  
SUBSTITUTE SENATE BILL NO. 5640,  
SENATE BILL NO. 5792,  
SENATE BILL NO. 5811,  
SECOND ENGROSSED SENATE BILL NO. 5887,  
SECOND SUBSTITUTE SENATE BILL NO. 6027,  
ENGROSSED SECOND SUBSTITUTE SENATE  
BILL NO. 6087,  
SUBSTITUTE SENATE BILL NO. 6088,  
SENATE BILL NO. 6090,  
ENGROSSED SECOND SUBSTITUTE SENATE  
BILL NO. 6128,  
ENGROSSED SUBSTITUTE SENATE BILL NO.  
6287,  
ENGROSSED SUBSTITUTE SENATE BILL NO.  
6300,  
SENATE BILL NO. 6305,  
SENATE BILL NO. 6312,  
SUBSTITUTE SENATE BILL NO. 6429,  
SECOND SUBSTITUTE SENATE BILL NO. 6561,  
SENATE BILL NO. 6565,  
SUBSTITUTE SENATE BILL NO. 6570,  
ENGROSSED SUBSTITUTE SENATE BILL NO.  
6592,  
SUBSTITUTE SENATE BILL NO. 6613,  
SUBSTITUTE SENATE BILL NO. 6660,

and the same are herewith transmitted.

Brad Hendrickson, Secretary

March 12, 2020

Mme. SPEAKER:

The Senate concurred in the House amendment(s) to the following bills and passed the bills as amended by the House:

ENGROSSED SUBSTITUTE SENATE BILL NO.  
6248,  
ENGROSSED SENATE BILL NO. 6690,

and the same are herewith transmitted.

Brad Hendrickson, Secretary

March 12, 2020

Mme. SPEAKER:

The President has signed:

SUBSTITUTE SENATE BILL NO. 6068,  
ENGROSSED SUBSTITUTE SENATE BILL NO.  
6248,  
ENGROSSED SENATE BILL NO. 6690,

and the same are herewith transmitted.

Brad Hendrickson, Secretary

March 12, 2020

Mme. SPEAKER:

The President has signed:

SUBSTITUTE HOUSE BILL NO. 2393,  
SUBSTITUTE HOUSE BILL NO. 2394,  
SUBSTITUTE HOUSE BILL NO. 2409,  
HOUSE BILL NO. 2412,  
SUBSTITUTE HOUSE BILL NO. 2426,  
SUBSTITUTE HOUSE BILL NO. 2456,  
SECOND SUBSTITUTE HOUSE BILL NO. 2457,  
SUBSTITUTE HOUSE BILL NO. 2464,  
ENGROSSED SECOND SUBSTITUTE HOUSE  
BILL NO. 2528,  
SUBSTITUTE HOUSE BILL NO. 2543,  
HOUSE BILL NO. 2545,  
ENGROSSED HOUSE BILL NO. 2584,  
HOUSE BILL NO. 2587,  
HOUSE BILL NO. 2601,  
SUBSTITUTE HOUSE BILL NO. 2622,  
HOUSE BILL NO. 2640,  
HOUSE BILL NO. 2641,  
ENGROSSED SECOND SUBSTITUTE HOUSE  
BILL NO. 2662,  
HOUSE BILL NO. 2691,  
ENGROSSED SUBSTITUTE HOUSE BILL NO.  
2713,  
SUBSTITUTE HOUSE BILL NO. 2794,  
SUBSTITUTE HOUSE BILL NO. 2889,

and the same are herewith transmitted.

Brad Hendrickson, Secretary

The Speaker assumed the chair.

There being no objection, the House advanced to the seventh order of business.

**THIRD READING**



**CONFERENCE COMMITTEE REPORT**

March 12, 2020

Engrossed Substitute Senate Bill No. 6280

Includes "New Item": YES

Madame Speaker:

We of your Conference Committee, to whom was referred ENGROSSED SUBSTITUTE SENATE BILL NO. 6280, concerning the use of facial recognition services, have had the same under consideration and we recommend that:

All previous amendments not be adopted and that the attached striking amendment (H-5447.1) be adopted

and that the bill do pass as recommended by the Conference Committee:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 941. The legislature finds that:

(1) Unconstrained use of facial recognition services by state and local government agencies poses broad social ramifications that should be considered and addressed. Accordingly, legislation is required to establish safeguards that will allow state and local government agencies to use facial recognition services in a manner that benefits society while prohibiting uses that threaten our democratic freedoms and put our civil liberties at risk.

(2) However, state and local government agencies may use facial recognition services to locate or identify missing persons, and identify deceased persons, including missing or murdered indigenous women, subjects of Amber alerts and silver alerts, and other possible crime victims, for the purposes of keeping the public safe.

NEW SECTION. Sec. 942. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Accountability report" means a report developed in accordance with section 3 of this act.

(2) "Enroll," "enrolled," or "enrolling" means the process by which a facial recognition service creates a facial template from one or more images of an individual and adds the facial template to a gallery used by the facial recognition service for recognition or persistent tracking of individuals. It also includes the act of adding an existing facial template directly into a gallery used by a facial recognition service.

(3)(a) "Facial recognition service" means technology that analyzes facial features and is used by a state or local government agency for the identification, verification, or persistent tracking of individuals in still or video images.

(b) "Facial recognition service" does not include: (i) The analysis of facial features to grant or deny access to an

electronic device; or (ii) the use of an automated or semiautomated process for the purpose of redacting a recording for release or disclosure outside the law enforcement agency to protect the privacy of a subject depicted in the recording, if the process does not generate or result in the retention of any biometric data or surveillance information.

(4) "Facial template" means the machine-interpretable pattern of facial features that is extracted from one or more images of an individual by a facial recognition service.

(5) "Identification" means the use of a facial recognition service by a state or local government agency to determine whether an unknown individual matches any individual whose identity is known to the state or local government agency and who has been enrolled by reference to that identity in a gallery used by the facial recognition service.

(6) "Legislative authority" means the respective city, county, or other local governmental agency's council, commission, or other body in which legislative powers are vested. For a port district, the legislative authority refers to the port district's port commission. For an airport established pursuant to chapter 14.08 RCW and operated by a board, the legislative authority refers to the airport's board. For a state agency, "legislative authority" refers to the technology services board created in RCW 43.105.285.

(7) "Meaningful human review" means review or oversight by one or more individuals who are trained in accordance with section 7 of this act and who have the authority to alter the decision under review.

(8) "Nonidentifying demographic data" means data that is not linked or reasonably linkable to an identified or identifiable individual, and includes, at a minimum, information about gender, race or ethnicity, age, and location.

(9) "Ongoing surveillance" means using a facial recognition service to track the physical movements of a specified individual through one or more public places over time, whether in real time or through application of a facial recognition service to historical records. It does not include a single recognition or attempted recognition of an individual, if no attempt is made to subsequently track that individual's movement over time after they have been recognized.

(10) "Persistent tracking" means the use of a facial recognition service by a state or local government agency to track the movements of an individual on a persistent basis without identification or verification of that individual. Such tracking becomes persistent as soon as:

(a) The facial template that permits the tracking is maintained for more than forty-eight hours after first enrolling that template; or

(b) Data created by the facial recognition service is linked to any other data such that the individual who has been tracked is identified or identifiable.

(11) "Recognition" means the use of a facial recognition service by a state or local government agency to determine whether an unknown individual matches:

(a) Any individual who has been enrolled in a gallery used by the facial recognition service; or

(b) A specific individual who has been enrolled in a gallery used by the facial recognition service.

(12) "Verification" means the use of a facial recognition service by a state or local government agency to determine whether an individual is a specific individual whose identity is known to the state or local government agency and who has been enrolled by reference to that identity in a gallery used by the facial recognition service.

**NEW SECTION. Sec. 943.** (1) A state or local government agency using or intending to develop, procure, or use a facial recognition service must file with a legislative authority a notice of intent to develop, procure, or use a facial recognition service and specify a purpose for which the technology is to be used. A state or local government agency may commence the accountability report once it files the notice of intent by the legislative authority.

(2) Prior to developing, procuring, or using a facial recognition service, a state or local government agency must produce an accountability report for that service. Each accountability report must include, at minimum, clear and understandable statements of the following:

(a)(i) The name of the facial recognition service, vendor, and version; and (ii) a description of its general capabilities and limitations, including reasonably foreseeable capabilities outside the scope of the proposed use of the agency;

(b)(i) The type or types of data inputs that the technology uses; (ii) how that data is generated, collected, and processed; and (iii) the type or types of data the system is reasonably likely to generate;

(c)(i) A description of the purpose and proposed use of the facial recognition service, including what decision or decisions will be used to make or support it; (ii) whether it is a final or support decision system; and (iii) its intended benefits, including any data or research demonstrating those benefits;

(d) A clear use and data management policy, including protocols for the following:

(i) How and when the facial recognition service will be deployed or used and by whom including, but not limited to, the factors that will be used to determine where, when, and how the technology is deployed, and other relevant information, such as whether the technology will be operated continuously or used only under specific circumstances. If the facial recognition service will be operated or used by another entity on the agency's behalf, the facial recognition service accountability report must explicitly include a description of the other entity's access and any applicable protocols;

(ii) Any measures taken to minimize inadvertent collection of additional data beyond the amount necessary

for the specific purpose or purposes for which the facial recognition service will be used;

(iii) Data integrity and retention policies applicable to the data collected using the facial recognition service, including how the agency will maintain and update records used in connection with the service, how long the agency will keep the data, and the processes by which data will be deleted;

(iv) Any additional rules that will govern use of the facial recognition service and what processes will be required prior to each use of the facial recognition service;

(v) Data security measures applicable to the facial recognition service including how data collected using the facial recognition service will be securely stored and accessed, if and why an agency intends to share access to the facial recognition service or the data from that facial recognition service with any other entity, and the rules and procedures by which an agency sharing data with any other entity will ensure that such entities comply with the sharing agency's use and data management policy as part of the data sharing agreement;

(vi) How the facial recognition service provider intends to fulfill security breach notification requirements pursuant to chapter 19.255 RCW and how the agency intends to fulfill security breach notification requirements pursuant to RCW 42.56.590; and

(vii) The agency's training procedures, including those implemented in accordance with section 7 of this act, and how the agency will ensure that all personnel who operate the facial recognition service or access its data are knowledgeable about and able to ensure compliance with the use and data management policy prior to use of the facial recognition service;

(e) The agency's testing procedures, including its processes for periodically undertaking operational tests of the facial recognition service in accordance with section 5 of this act;

(f) Information on the facial recognition service's rate of false matches, potential impacts on protected subpopulations, and how the agency will address error rates, determined independently, greater than one percent;

(g) A description of any potential impacts of the facial recognition service on civil rights and liberties, including potential impacts to privacy and potential disparate impacts on marginalized communities, and the specific steps the agency will take to mitigate the potential impacts and prevent unauthorized use of the facial recognition service; and

(h) The agency's procedures for receiving feedback, including the channels for receiving feedback from individuals affected by the use of the facial recognition service and from the community at large, as well as the procedures for responding to feedback.

(3) Prior to finalizing the accountability report, the agency must:

(a) Allow for a public review and comment period;

(b) Hold at least three community consultation meetings; and

(c) Consider the issues raised by the public through the public review and comment period and the community consultation meetings.

(4) The final accountability report must be updated every two years and submitted to a legislative authority.

(5) The final adopted accountability report must be clearly communicated to the public at least ninety days prior to the agency putting the facial recognition service into operational use, posted on the agency's public web site, and submitted to a legislative authority. The legislative authority must post each submitted accountability report on its public web site.

(6) A state or local government agency seeking to procure a facial recognition service must require vendors to disclose any complaints or reports of bias regarding the service.

(7) An agency seeking to use a facial recognition service for a purpose not disclosed in the agency's existing accountability report must first seek public comment and community consultation on the proposed new use and adopt an updated accountability report pursuant to the requirements contained in this section.

(8) This section does not apply to a facial recognition service under contract as of the effective date of this section. An agency must fulfill the requirements of this section upon renewal or extension of the contract.

**NEW SECTION. Sec. 944.** A state or local government agency using a facial recognition service to make decisions that produce legal effects concerning individuals or similarly significant effects concerning individuals must ensure that those decisions are subject to meaningful human review. Decisions that produce legal effects concerning individuals or similarly significant effects concerning individuals means decisions that result in the provision or denial of financial and lending services, housing, insurance, education enrollment, criminal justice, employment opportunities, health care services, or access to basic necessities such as food and water, or that impact civil rights of individuals.

**NEW SECTION. Sec. 945.** Prior to deploying a facial recognition service in the context in which it will be used, a state or local government agency using a facial recognition service to make decisions that produce legal effects on individuals or similarly significant effects on individuals must test the facial recognition service in operational conditions. An agency must take reasonable steps to ensure best quality results by following all guidance provided by the developer of the facial recognition service.

**NEW SECTION. Sec. 946.** (1)(a) A state or local government agency that deploys a facial recognition service must require a facial recognition service provider to make available an application programming interface or other technical capability, chosen by the provider, to enable legitimate, independent, and reasonable tests of those facial recognition services for accuracy and unfair performance

differences across distinct subpopulations. Such subpopulations are defined by visually detectable characteristics such as: (i) Race, skin tone, ethnicity, gender, age, or disability status; or (ii) other protected characteristics that are objectively determinable or self-identified by the individuals portrayed in the testing dataset. If the results of the independent testing identify material unfair performance differences across subpopulations, the provider must develop and implement a plan to mitigate the identified performance differences within ninety days of receipt of such results. For purposes of mitigating the identified performance differences, the methodology and data used in the independent testing must be disclosed to the provider in a manner that allows full reproduction.

(b) Making an application programming interface or other technical capability does not require providers to do so in a manner that would increase the risk of cyberattacks or to disclose proprietary data. Providers bear the burden of minimizing these risks when making an application programming interface or other technical capability available for testing.

(2) Nothing in this section requires a state or local government agency to collect or provide data to a facial recognition service provider to satisfy the requirements in subsection (1) of this section.

**NEW SECTION. Sec. 947.** A state or local government agency using a facial recognition service must conduct periodic training of all individuals who operate a facial recognition service or who process personal data obtained from the use of a facial recognition service. The training must include, but not be limited to, coverage of:

(1) The capabilities and limitations of the facial recognition service;

(2) Procedures to interpret and act on the output of the facial recognition service; and

(3) To the extent applicable to the deployment context, the meaningful human review requirement for decisions that produce legal effects concerning individuals or similarly significant effects concerning individuals.

**NEW SECTION. Sec. 948.** (1) A state or local government agency must disclose their use of a facial recognition service on a criminal defendant to that defendant in a timely manner prior to trial.

(2) A state or local government agency using a facial recognition service shall maintain records of its use of the service that are sufficient to facilitate public reporting and auditing of compliance with the agency's facial recognition policies.

(3) In January of each year, any judge who has issued a warrant for the use of a facial recognition service to engage in any surveillance, or an extension thereof, as described in section 11 of this act, that expired during the preceding year, or who has denied approval of such a warrant during that year shall report to the administrator for the courts:

(a) The fact that a warrant or extension was applied for;

(b) The fact that the warrant or extension was granted as applied for, was modified, or was denied;

(c) The period of surveillance authorized by the warrant and the number and duration of any extensions of the warrant;

(d) The identity of the applying investigative or law enforcement officer and agency making the application and the person authorizing the application; and

(e) The nature of the public spaces where the surveillance was conducted.

(4) In January of each year, any state or local government agency that has applied for a warrant, or an extension thereof, for the use of a facial recognition service to engage in any surveillance as described in section 11 of this act shall provide to a legislative authority a report summarizing nonidentifying demographic data of individuals named in warrant applications as subjects of surveillance with the use of a facial recognition service.

**NEW SECTION. Sec. 949.** (1) This chapter does not apply to a state or local government agency that: (a) Is mandated to use a specific facial recognition service pursuant to a federal regulation or order, or that are undertaken through partnership with a federal agency to fulfill a congressional mandate; or (b) uses a facial recognition service in association with a federal agency to verify the identity of individuals presenting themselves for travel at an airport or seaport.

(2) A state or local government agency must report to a legislative authority the use of a facial recognition service pursuant to subsection (1) of this section.

**NEW SECTION. Sec. 950.** (1)(a) The William D. Ruckelshaus center must establish a facial recognition task force, with members as provided in this subsection.

(i) The president of the senate shall appoint one member from each of the two largest caucuses of the senate;

(ii) The speaker of the house of representatives shall appoint one member from each of the two largest caucuses of the house of representatives;

(iii) Eight representatives from advocacy organizations that represent individuals or protected classes of communities historically impacted by surveillance technologies including, but not limited to, African American, Latino American, Native American, Pacific Islander American, and Asian American communities, religious minorities, protest and activist groups, and other vulnerable communities;

(iv) Two members from law enforcement or other agencies of government;

(v) One representative from a retailer or other company who deploys facial recognition services in physical premises open to the public;

(vi) Two representatives from consumer protection organizations;

(vii) Two representatives from companies that develop and provide facial recognition services; and

(viii) Two representatives from universities or research institutions who are experts in either facial recognition services or their sociotechnical implications, or both.

(b) The task force shall choose two cochairs from among its legislative membership.

(2) The task force shall review the following issues:

(a) Provide recommendations addressing the potential abuses and threats posed by the use of a facial recognition service to civil liberties and freedoms, privacy and security, and discrimination against vulnerable communities, as well as other potential harm, while also addressing how to facilitate and encourage the continued development of a facial recognition service so that individuals, businesses, government, and other stakeholders in society continue to utilize its benefits;

(b) Provide recommendations regarding the adequacy and effectiveness of applicable Washington state laws; and

(c) Conduct a study on the quality, accuracy, and efficacy of a facial recognition service including, but not limited to, its quality, accuracy, and efficacy across different subpopulations.

(3) Legislative members of the task force are reimbursed for travel expenses in accordance with RCW 44.04.120. Nonlegislative members are not entitled to be reimbursed for travel expenses if they are elected officials or are participating on behalf of an employer, governmental entity, or other organization. Any reimbursement for other nonlegislative members is subject to chapter 43.03 RCW.

(4) The task force shall report its findings and recommendations to the governor and the appropriate committees of the legislature by September 30, 2021.

(5) This section expires September 30, 2022.

**NEW SECTION. Sec. 951.** (1) A state or local government agency may not use a facial recognition service to engage in ongoing surveillance, conduct real-time or near real-time identification, or start persistent tracking unless:

(a) A warrant is obtained authorizing the use of the service for those purposes;

(b) Exigent circumstances exist; or

(c) A court order is obtained authorizing the use of the service for the sole purpose of locating or identifying a missing person, or identifying a deceased person. A court may issue an ex parte order under this subsection (1)(c) if a law enforcement officer certifies and the court finds that the information likely to be obtained is relevant to locating or identifying a missing person, or identifying a deceased person.

(2) A state or local government agency may not apply a facial recognition service to any individual based on their religious, political, or social views or activities, participation in a particular noncriminal organization or lawful event, or

actual or perceived race, ethnicity, citizenship, place of origin, immigration status, age, disability, gender, gender identity, sexual orientation, or other characteristic protected by law. This subsection does not condone profiling including, but not limited to, predictive law enforcement tools.

(3) A state or local government agency may not use a facial recognition service to create a record describing any individual's exercise of rights guaranteed by the First Amendment of the United States Constitution and by Article I, section 5 of the state Constitution.

(4) A law enforcement agency that utilizes body worn camera recordings shall comply with the provisions of RCW 42.56.240(14).

(5) A state or local law enforcement agency may not use the results of a facial recognition service as the sole basis to establish probable cause in a criminal investigation. The results of a facial recognition service may be used in conjunction with other information and evidence lawfully obtained by a law enforcement officer to establish probable cause in a criminal investigation.

(6) A state or local law enforcement agency may not use a facial recognition service to identify an individual based on a sketch or other manually produced image.

(7) A state or local law enforcement agency may not substantively manipulate an image for use in a facial recognition service in a manner not consistent with the facial recognition service provider's intended use and training.

**NEW SECTION. Sec. 952.** Nothing in this chapter applies to the use of a facial recognition matching system by the department of licensing pursuant to RCW 46.20.037.

**NEW SECTION. Sec. 953.** Sections 1 through 12 of this act constitute a new chapter in Title 43 RCW.

**NEW SECTION. Sec. 954.** Sections 1 through 9 and 11 through 13 of this act take effect July 1, 2021."

**ESSB 6280 - CONF REPT**

By Conference Committee

On page 1, line 1 of the title, after "services;" strike the remainder of the title and insert "adding a new chapter to Title 43 RCW; providing an effective date; and providing an expiration date."

Senators Nguyen and Wellman  
Representatives Entenman and Hudgins

There being no objection, the House adopted the conference committee report on ENGROSSED SUBSTITUTE SENATE BILL NO. 6280 and advanced the bill as recommended by the conference committee to final passage.

**FINAL PASSAGE OF SENATE BILL AS  
RECOMMENDED BY CONFERENCE COMMITTEE**

Representatives Entenman and Hudgins spoke in favor of the passage of the bill as recommended by the conference committee.

Representatives Boehnke, Klippert, Walsh and Smith spoke against the passage of the bill as recommended by the conference committee.

Representative Shea was excused from the bar.

The Speaker stated the question before the House to be final passage of Engrossed Substitute Senate Bill No. 6280 as recommended by the conference committee.

**ROLL CALL**

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 6280, as recommended by the conference committee, and the bill passed the House by the following votes Yeas: 53 Nays: 43 Absent: 0 Excused: 2

Voting Yea: Representatives Appleton, Bergquist, Callan, Chopp, Cody, Davis, Doglio, Dolan, Duerr, Entenman, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hansen, Hudgins, Jenkins, Johnson, J., Kilduff, Kirby, Leavitt, Lekanoff, Lovick, Macri, Mead, Morgan, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Ryu, Santos, Sells, Senn, Shewmake, Slatter, Springer, Stonier, Sullivan, Tarleton, Thai, Tharinger, Valdez, Walen, and Wylie

Voting Nay: Representatives Barkis, Blake, Boehnke, Caldier, Chambers, Chandler, Chapman, Corry, DeBolt, Dent, Dufault, Dye, Eslick, Gildon, Goehner, Graham, Griffey, Harris, Hoff, Irwin, Jenkin, Klippert, Kloba, Kraft, Kretz, MacEwen, Maycumber, McCaslin, Mosbrucker, Orcutt, Rude, Schmick, Smith, Steele, Stokesbary, Sutherland, Van Werven, Vick, Volz, Walsh, Wilcox, Ybarra and Young

Excused: Representatives Paul and Shea

ENGROSSED SUBSTITUTE SENATE BILL NO. 6280, as recommended by the conference committee, having received the constitutional majority, was declared passed.

**MESSAGE FROM THE SENATE**

March 12, 2020

Madame Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1154 with the following amendment:

954.0.

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 955.** (1) The legislature finds that the office of Chehalis basin, established in RCW 43.21A.730, is faithfully carrying out one of the prime directives of legislative intent from chapter 194, Laws of 2016, by drafting a strategic plan and accompanying environmental assessments, as the legislation called for a Chehalis basin strategy that "must include an

implementation schedule and quantified measures for evaluating the success of implementation."

(2) The legislature also finds that the office of Chehalis basin has been successful in its initial work to secure both state and federal funds for projects in the near term. However, specificity is needed for consideration of the long-term funding needs.

(3) In enacted appropriations to date, the legislature has provided significant funding for projects of the office of Chehalis basin, and it is the intent of the legislature to continue to do so.

**NEW SECTION. Sec. 956.** A new section is added to chapter 43.21A RCW to read as follows:

(1) The office of Chehalis basin shall, based on the anticipation of completing the strategic plan with an implementation schedule, submit agency decision packages in preparation for the 2021-2023 fiscal biennium omnibus capital appropriations act, with a report of out-biennia detail, containing:

- (a) A specific list of projects;
- (b) Project costs and suggested fund sources;
- (c) Location information; and
- (d) A time frame, including initiation and completion.

(2) The total cost for all submitted projects are expected to be consistent with biennial amounts of prior requests, which were fifty million dollars in state bonds in 2017-2019 and seventy-three million two hundred thousand dollars in 2019-2021 in state bonds.

**NEW SECTION. Sec. 957.** A new section is added to chapter 43.21A RCW to read as follows:

The office of Chehalis basin shall submit a report by January 1, 2021, to the legislature that meets the requirement of a finalized strategic plan containing an implementation schedule and quantified measures for evaluating the success of implementation, and the appropriate policy and fiscal committees of the legislature shall, within one hundred twenty days of the receipt, conduct a joint hearing for the purposes of: (1) Receiving a report from the office of Chehalis basin; and (2) considering potential funding strategies to achieve the implementation schedule.

**NEW SECTION. Sec. 958.** A new section is added to chapter 43.21A RCW to read as follows:

The Chehalis basin taxable account is created in the state treasury. All receipts from the proceeds of taxable bonds for the office of Chehalis basin, as well as other moneys directed to the account, must be deposited in the account. Interest earned by deposits in the account will be retained in the account. Moneys in the account may be spent only after appropriation. Expenditures from the account may be used only for the purposes set out in RCW 43.21A.730 and for the payment of expenses incurred in the issuance and sale of the bonds.

**Sec. 959.** RCW 43.84.092 and 2019 c 421 s 15, 2019 c 403 s 14, 2019 c 365 s 19, 2019 c 287 s 19, and 2019 c 95 s 6 are each reenacted and amended to read as follows:

(1) All earnings of investments of surplus balances in the state treasury shall be deposited to the treasury income account, which account is hereby established in the state treasury.

(2) The treasury income account shall be utilized to pay or receive funds associated with federal programs as required by the federal cash management improvement act of 1990. The treasury income account is subject in all respects to chapter 43.88 RCW, but no appropriation is required for refunds or allocations of interest earnings required by the cash management improvement act. Refunds of interest to the federal treasury required under the cash management improvement act fall under RCW 43.88.180 and shall not require appropriation. The office of financial management shall determine the amounts due to or from the federal government pursuant to the cash management improvement act. The office of financial management may direct transfers of funds between accounts as deemed necessary to implement the provisions of the cash management improvement act, and this subsection. Refunds or allocations shall occur prior to the distributions of earnings set forth in subsection (4) of this section.

(3) Except for the provisions of RCW 43.84.160, the treasury income account may be utilized for the payment of purchased banking services on behalf of treasury funds including, but not limited to, depository, safekeeping, and disbursement functions for the state treasury and affected state agencies. The treasury income account is subject in all respects to chapter 43.88 RCW, but no appropriation is required for payments to financial institutions. Payments shall occur prior to distribution of earnings set forth in subsection (4) of this section.

(4) Monthly, the state treasurer shall distribute the earnings credited to the treasury income account. The state treasurer shall credit the general fund with all the earnings credited to the treasury income account except:

(a) The following accounts and funds shall receive their proportionate share of earnings based upon each account's and fund's average daily balance for the period: The abandoned recreational vehicle disposal account, the aeronautics account, the aircraft search and rescue account, the Alaskan Way viaduct replacement project account, the brownfield redevelopment trust fund account, the budget stabilization account, the capital vessel replacement account, the capitol building construction account, the Cedar River channel construction and operation account, the Central Washington University capital projects account, the charitable, educational, penal and reformatory institutions account, the Chehalis basin account, the Chehalis basin taxable account, the cleanup settlement account, the Columbia river basin water supply development account, the Columbia river basin taxable bond water supply development account, the Columbia river basin water supply revenue recovery account, the common school construction fund, the community forest trust account, the connecting Washington account, the county arterial preservation

account, the county criminal justice assistance account, the deferred compensation administrative account, the deferred compensation principal account, the department of licensing services account, the department of licensing tuition recovery trust fund, the department of retirement systems expense account, the developmental disabilities community trust account, the diesel idle reduction account, the drinking water assistance account, the drinking water assistance administrative account, the early learning facilities development account, the early learning facilities revolving account, the Eastern Washington University capital projects account, the education construction fund, the education legacy trust account, the election account, the electric vehicle account, the energy freedom account, the energy recovery act account, the essential rail assistance account, The Evergreen State College capital projects account, the federal forest revolving account, the ferry bond retirement fund, the freight mobility investment account, the freight mobility multimodal account, the grade crossing protective fund, the public health services account, the state higher education construction account, the higher education construction account, the highway bond retirement fund, the highway infrastructure account, the highway safety fund, the hospital safety net assessment fund, the industrial insurance premium refund account, the Interstate 405 and state route number 167 express toll lanes account, the judges' retirement account, the judicial retirement administrative account, the judicial retirement principal account, the local leasehold excise tax account, the local real estate excise tax account, the local sales and use tax account, the marine resources stewardship trust account, the medical aid account, the mobile home park relocation fund, the money-purchase retirement savings administrative account, the money-purchase retirement savings principal account, the motor vehicle fund, the motorcycle safety education account, the multimodal transportation account, the multiuse roadway safety account, the municipal criminal justice assistance account, the natural resources deposit account, the oyster reserve land account, the pension funding stabilization account, the perpetual surveillance and maintenance account, the pollution liability insurance agency underground storage tank revolving account, the public employees' retirement system plan 1 account, the public employees' retirement system combined plan 2 and plan 3 account, the public facilities construction loan revolving account beginning July 1, 2004, the public health supplemental account, the public works assistance account, the Puget Sound capital construction account, the Puget Sound ferry operations account, the Puget Sound Gateway facility account, the Puget Sound taxpayer accountability account, the real estate appraiser commission account, the recreational vehicle account, the regional mobility grant program account, the resource management cost account, the rural arterial trust account, the rural mobility grant program account, the rural Washington loan fund, the sexual assault prevention and response account, the site closure account, the skilled nursing facility safety net trust fund, the small city pavement and sidewalk account, the special category C account, the special wildlife account, the state employees' insurance account, the state employees' insurance reserve account, the state investment board expense account, the state investment board commingled trust fund accounts, the

state patrol highway account, the state route number 520 civil penalties account, the state route number 520 corridor account, the state wildlife account, the statewide broadband account, the statewide tourism marketing account, the student achievement council tuition recovery trust fund, the supplemental pension account, the Tacoma Narrows toll bridge account, the teachers' retirement system plan 1 account, the teachers' retirement system combined plan 2 and plan 3 account, the tobacco prevention and control account, the tobacco settlement account, the toll facility bond retirement account, the transportation 2003 account (nickel account), the transportation equipment fund, the transportation future funding program account, the transportation improvement account, the transportation improvement board bond retirement account, the transportation infrastructure account, the transportation partnership account, the traumatic brain injury account, the tuition recovery trust fund, the University of Washington bond retirement fund, the University of Washington building account, the voluntary cleanup account, the volunteer firefighters' and reserve officers' relief and pension principal fund, the volunteer firefighters' and reserve officers' administrative fund, the vulnerable roadway user education account, the Washington judicial retirement system account, the Washington law enforcement officers' and firefighters' system plan 1 retirement account, the Washington law enforcement officers' and firefighters' system plan 2 retirement account, the Washington public safety employees' plan 2 retirement account, the Washington school employees' retirement system combined plan 2 and 3 account, the Washington state health insurance pool account, the Washington state patrol retirement account, the Washington State University building account, the Washington State University bond retirement fund, the water pollution control revolving administration account, the water pollution control revolving fund, the Western Washington University capital projects account, the Yakima integrated plan implementation account, the Yakima integrated plan implementation revenue recovery account, and the Yakima integrated plan implementation taxable bond account. Earnings derived from investing balances of the agricultural permanent fund, the normal school permanent fund, the permanent common school fund, the scientific permanent fund, the state university permanent fund, and the state reclamation revolving account shall be allocated to their respective beneficiary accounts.

(b) Any state agency that has independent authority over accounts or funds not statutorily required to be held in the state treasury that deposits funds into a fund or account in the state treasury pursuant to an agreement with the office of the state treasurer shall receive its proportionate share of earnings based upon each account's or fund's average daily balance for the period.

(5) In conformance with Article II, section 37 of the state Constitution, no treasury accounts or funds shall be allocated earnings without the specific affirmative directive of this section."

On page 1, line 2 of the title, after "projects;" strike the remainder of the title and insert "reenacting and amending

RCW 43.84.092; adding new sections to chapter 43.21A RCW; and creating a new section."

and the same is herewith transmitted.

Sarah Bannister, Deputy, Secretary

### SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to SUBSTITUTE HOUSE BILL NO. 1154 and advanced the bill as amended by the Senate to final passage.

### FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representatives DeBolt, Tharinger and Orcutt spoke in favor of the passage of the bill.

The Speaker stated the question before the House to be the final passage of Substitute House Bill No. 1154, as amended by the Senate.

### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1154, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 95; Nays, 1; Absent, 0; Excused, 2.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, Mead, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Voting nay: Representative McCaslin.

Excused: Representatives Paul and Shea.

SUBSTITUTE HOUSE BILL NO. 1154, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

### MESSAGE FROM THE SENATE

March 12, 2020

Madame Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 2486 with the following amendment:  
959.0.

Strike everything after the enacting clause and insert the following:

"**Sec. 960.** RCW 82.08.996 and 2019 c 287 s 21 are each amended to read as follows:

(1) The tax imposed by RCW 82.08.020 does not apply to:

(a) The sale of new battery-powered electric marine propulsion systems with continuous power greater than fifteen kilowatts((-));

(b) The sale of new vessels equipped with propulsion systems that qualify under (a) of this subsection((-));

(c)(i) The sale of batteries and battery packs used to exclusively power electric marine propulsion systems or hybrid electric marine propulsion systems, if such systems operate with a continuous power greater than fifteen kilowatts;

(ii) The sale of or charge made for labor and services rendered in respect to installing, repairing, altering, or improving batteries or battery packs that qualify under (c)(i) of this subsection;

(d)(i) The sale of new shoreside batteries purchased and installed for the purpose of reducing grid demand when charging electric and hybrid vessels;

(ii) The sale of or charge made for labor and services rendered in respect to installing, repairing, altering, or improving shoreside batteries;

(iii) The sale of or charge made for labor and services rendered in respect to installing, constructing, repairing, or improving shoreside batteries infrastructure; and

(iv) The sale of tangible personal property that will become a component of shoreside batteries infrastructure.

(2) Sellers may make tax exempt sales under this section only if the buyer provides the seller with an exemption certificate in a form and manner prescribed by the department. The seller must retain a copy of the certificate for the seller's files.

(3) ~~((On the last day of January, April, July, and October of each year, the state treasurer, based upon information provided by the department, must transfer from the multimodal transportation account to the general fund a sum equal to the dollar amount that would otherwise have been deposited into the general fund during the prior calendar quarter but for the exemption provided in this section. Information provided by the department to the state treasurer must be based on the best available data, except that the department may provide estimates of taxes exempted under this section until such time as retailers are able to report such exempted amounts on their tax returns.~~

(4)) For the purposes of this section:

(a) "Battery" means a secondary battery or storage cell that can be charged, discharged into a load, and recharged many times; and includes one of several different combinations of electrode materials and electrolytes;

(b) "Battery pack" means a group of any number of secondary or rechargeable batteries within a casing and used as a power source for battery-powered electric marine



propulsion systems or hybrid electric marine propulsion systems;

(c) "Battery-powered electric marine propulsion system" means a fully electric outboard or inboard motor used by vessels, the sole source of propulsive power of which is the energy stored in the battery packs. The term includes required accessories, such as throttles, displays, and battery packs; ~~((and~~

~~((b)))~~ (d) "Hybrid electric marine propulsion system" means a propulsion system that includes two or more sources of propulsion in one design, one of which must be electric;

(e) "Shoreside batteries" means batteries installed at a dock or similar location to provide an electric charge to a vessel powered by an electric marine propulsion system;

(f) "Shoreside batteries infrastructure" means the shoreside battery bank, charging apparatus, and emergency services generator; and

(g) "Vessel" includes every watercraft, other than a seaplane, used or capable of being used as a means of transportation on the water.

~~((5))~~ (4) This section expires July 1, ~~((2025))~~ 2030.

**Sec. 961.** RCW 82.12.996 and 2019 c 287 s 22 are each amended to read as follows:

(1) The tax imposed by RCW 82.12.020 does not apply to the use of:

(a) New battery-powered electric marine propulsion systems with continuous power greater than fifteen kilowatts; ~~((and))~~

(b) New vessels equipped with propulsion systems that qualify under (a) of this subsection;

(c)(i) Batteries and battery packs used to exclusively power electric marine propulsion systems or hybrid electric marine propulsion systems, if such systems operate with a continuous power greater than fifteen kilowatts;

(ii) Labor and services rendered in respect to installing, repairing, altering, or improving batteries or battery packs that qualify under (c)(i) of this subsection; and

(d)(i) New shoreside batteries purchased and installed for the purpose of reducing grid demand when charging electric and hybrid vessels;

(ii) Labor and services rendered in respect to installing, altering, or improving shoreside batteries; and

(iii) Tangible personal property that will become a component of shoreside batteries infrastructure.

(2) Sellers may make tax exempt sales under this section only if the buyer provides the seller with an exemption certificate in a form and manner prescribed by the department. The seller must retain a copy of the certificate for the seller's files.

(3) ~~((On the last day of January, April, July, and October of each year, the state treasurer, based upon information provided by the department, must transfer from~~

~~the multimodal transportation account to the general fund a sum equal to the dollar amount that would otherwise have been deposited into the general fund during the prior calendar quarter but for the exemption provided in this section. Information provided by the department to the state treasurer must be based on the best available data, except that the department may provide estimates of taxes exempted under this section until such time as retailers are able to report such exempted amounts on their tax returns.~~

(4) For the purposes of this section, "battery-powered electric marine propulsion system" and "vessel" have the same meanings as provided in section 22 of this act) The definitions in RCW 82.08.996 apply to this section.

~~((5))~~ (4) This section expires July 1, ~~((2025))~~ 2030.

**Sec. 962.** 2019 c 287 s 20 (uncodified) is amended to read as follows:

This section is the tax preference performance statement for the tax preferences contained in sections 1 and 2, chapter . . . , Laws of 2020 (sections 1 and 2 of this act) and sections 21 and 22, chapter 287, Laws of 2019. The performance statement is only intended to be used for subsequent evaluation of the tax preference. It is not intended to create a private right of action by any party or be used to determine eligibility for preferential tax treatment.

(1) The legislature categorizes the tax preferences as ones intended to induce certain designated behavior by taxpayers, as indicated in RCW 82.32.808(2)(a).

(2) It is the legislature's specific public policy objective to increase the use of electric vessels in Washington. It is the legislature's intent to establish a sales and use tax exemption on certain electric vessels in order to reduce the price charged to customers for electric vessels and to create and retain jobs associated with electric marine battery manufacturing and the construction of new electric ferries in Washington.

(3) To measure the effectiveness of the tax preferences in sections 1 and 2, chapter . . . , Laws of 2020 (sections 1 and 2 of this act) and sections 21 and 22, chapter 287, Laws of 2019 in achieving the public policy objectives described in subsection (2) of this section, the joint legislative audit and review committee must evaluate the number of electric vessels titled in the state.

(4) If a review finds that jobs in Washington associated with electric marine battery manufacturing and the construction of new electric ferries using electric battery power are created and retained, then the legislature intends to extend the expiration date of these tax preferences.

(5) In order to obtain the data necessary to perform the reviews in subsections (3) and (4) of this section, the department of licensing and the department of revenue must provide data needed for the joint legislative audit and review committee analysis. In addition to the data source described under this subsection, the joint legislative audit and review committee may use any other data it deems necessary.

**NEW SECTION. Sec. 963.** This act takes effect July 1, 2020."

On page 1, line 2 of the title, after "incentive;" strike the remainder of the title and insert "amending RCW 82.08.996 and 82.12.996; amending 2019 c 287 s 20 (uncodified); providing an effective date; and providing expiration dates."

and the same is herewith transmitted.

Sarah Bannister, Deputy, Secretary

#### **SENATE AMENDMENT TO HOUSE BILL**

There being no objection, the House concurred in the Senate amendment to SUBSTITUTE HOUSE BILL NO. 2486 and advanced the bill as amended by the Senate to final passage.

#### **FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED**

Representatives Lekanoff and Orcutt spoke in favor of the passage of the bill.

The Speaker stated the question before the House to be the final passage of Substitute House Bill No. 2486, as amended by the Senate.

#### **ROLL CALL**

The Clerk called the roll on the final passage of Substitute House Bill No. 2486, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Mead, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Excused: Representatives Paul and Shea.

SUBSTITUTE HOUSE BILL NO. 2486, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

#### **MESSAGE FROM THE SENATE**

March 12, 2020

Madame Speaker:

The Senate adheres to its position on ENGROSSED SUBSTITUTE HOUSE BILL NO. 2816 and asks the House to concur.

963.0. and the same is herewith transmitted.

Sarah Bannister, Deputy, Secretary

#### **SENATE AMENDMENT TO HOUSE BILL**

There being no objection, the House concurred in the Senate amendment to ENGROSSED SUBSTITUTE HOUSE BILL NO. 2816 and advanced the bill as amended by the Senate to final passage.

#### **FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED**

Representative Corry spoke in favor of the passage of the bill.

The Speaker stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 2816, as amended by the Senate.

#### **ROLL CALL**

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2816, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 94; Nays, 2; Absent, 0; Excused, 2.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Duerr, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Mead, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Voting nay: Representatives Dufault and Kraft.

Excused: Representatives Paul and Shea.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2816, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

With the consent of the House the bills previously acted upon were immediately transmitted to the Senate.

#### **RESOLUTION**

**HOUSE RESOLUTION NO. 2020-4688**, by Representatives Jenkins, Wilcox, Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey,

**Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, J. Johnson, Kirby, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Mead, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wylie, Ybarra, and Young**

WHEREAS, Representative Christine Kilduff was elected to the House of Representatives in 2014, after serving as president of the University Place School Board, named the State Board of the Year that same year; and

WHEREAS, Her passionate belief in the power of education to give people a chance at the American dream comes from her family's history, as she is the granddaughter of Irish immigrants who came to these shores without much of an education or any resources; and

WHEREAS, Kilduff excelled in her own studies, graduating summa cum laude and with Phi Beta Kappa honors from Boston College before attending law school; and

WHEREAS, She and Colleen, her wife and partner of more than 27 years, have two daughters, Julia and Amelia, who both graduated from University Place schools; and

WHEREAS, She came to Washington state, starting her career representing businesses in labor and employment issues and helping families going through difficult times, then joined the state attorney general's office where she made sure that kids and parents received the child support they were due, led a statewide team to tackle the problem of drunk driving, and protected the industrial insurance appeals fund; and

WHEREAS, As a civil prosecuting attorney, she worked to prevent gun violence and end criminal enterprises, experience she used in the House of Representatives in her time as chair of the Civil Rights and Judiciary Committee; and

WHEREAS, Chris Kilduff is known and valued by her legislative colleagues for her hard work, incisive questions, quick wit, and deep sense of caring for the people of the 28th district and Washington state; and

WHEREAS, Kilduff worked tirelessly for veterans, education, and justice during her time in the House of Representatives;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives acknowledge Christine Kilduff's service to this institution and to our democracy.

Representative Leavitt moved adoption of HOUSE RESOLUTION NO. 4688

Representative Leavitt: Thank you, Madam Speaker. Did you know that the good Representative from the 28<sup>th</sup> District likes music by Prince, Billy Idol, Puerto Rican

Rapper Daddy Yankee? Did you know that she speaks five languages – Spanish, Italian, English, conversational French, and dangerously conversational Mandarin? Did you know that she swears like a sailor to her seatmate, only to her seatmate in the 28<sup>th</sup> as we have conversations on the way here and on the way home, and did you know that she is a fierce mother to Amelia and Julia? Many of you may have known some of those things and some of you've just learned some of those things but I know that we all know that she is brilliant. There are legislators who become showboats and there are legislators who are workhorses, and she is the stallion of our caucus. She is graceful, competitive, on values that she's fought for – whether it's our earliest learners to people with disabilities to equity and making sure that we have fair laws for all. The good gentleman from the 24th earlier today called her a titan and I think that's a fitting title or a moniker for the good woman of the 28<sup>th</sup>. It's really hard for me. I have, it's really hard for me to stand up here and say how happy I am for her to have this opportunity to spend time with her family and how grateful we all are in this body for her diligence and her hard work and her brilliance and her mentorship and the compassion that she has shown and the impact she has had on our districts. I'll end with a quick story that I shared with folks earlier. We, in the interim this past session, we went and we visited Pierce County Transit and we went on a bus ride on this electric bus around the parking lot and the bus driver was there and the bus driver happened to be from our district and she remembered him as she remembers many in our district. Every day she comes here and remembers the people that she was sent here to serve. We are so fortunate that she has done that in her six years here and I will miss her and it's, I don't want to commend the body to say goodbye. So if we could put this resolution down I would do that, but I don't have that power Madam Speaker, but you do and I just, you know, she is a brilliant, compassionate, kind, caring, swearing sailor that I will miss very, very much. Thank you.

Representative Rude: Thank you Madam Speaker. Apparently, I did not hang out with the member from the 28th enough because I did not know that she swore like a sailor and that's fascinating. This is sad news for me. I'm bummed but happy for you as well. I've enjoyed the opportunity to spend one term with you and I remember, as an LA, appreciating you and your kindness. One of the highlights of this session was when we had the opportunity to work with the member from the 33rd on trying to wrap up some bill language in the last 15 minutes before cut off and running across, running all over the place trying to track down staff and so that's one of my highlights from the session. But I've always thought that you're a very thoughtful person and I remember that last session there was a bill, it was your bill, that we discussed in caucus and I thought, you know, I just, I feel like there's more information for Representative Kilduff to be running this bill with this language and I remember I went across the chamber and talked to you about it and you had great reasons and it definitely changed my vote from a no to yes. So, I definitely appreciated how thoughtful you've been and also the opportunity to serve on Civil Rights and Judiciary with you as Chair. That was a really great experience for me, so thank you for that. Again, I'm bummed; you're going to be missed

by many of us – definitely by me. Wish you all the best in the future.

Representative Doglio: It's an honor to be able to honor you today Chris. I first got to know her when I was a freshman and I was running a bill and the advocates said "You know, I'm not sure Rep Kilduff, she might have some concerns about this bill, you better go talk to her about it." I was new and nervous and I'm like oh she's a Democrat but she doesn't like my bill, what am I going to do, but I went in and we had a great conversation and I just remember her being super honest and transparent and talked me through it, and I knew that she was going to be one of my very favorite legislators in this body from that very first conversation that we had in your office. And then, over the years we sort of developed this friendship in the stairway, right? Like we are very committed stair walkers and we would often run into each other at odd hours of the day and have a little bit of private time in the stairway and we just had great conversations on issues and personal things and just continued to develop a really wonderful friendship that I know will continue well beyond our time here in the Legislature, so I'm really happy to have had that. But the things that I saw, that I see in you, you know, Rep Leavitt talked about them as well - your brilliance is just unbelievable. You're so freaking smart and you do it with such grace and integrity, and then your oratory skills. I just just love hearing you brief bills or speak on the House Floor or speak in small groups of people and, you know, I'm always kind of like "Dang, I'm so jealous." I wish I were half as articulate as she is. And I've gotten to know some of your constituents recently in your district and they just love you. They, I really have heard very few constituents speak more highly of a legislator than your constituents speak about you. It's really been, it's really been amazing to hear that and to get to know them and to know how much they have benefited and heard from you, and how much they care about you and have really really enjoyed having you as their legislator. I just, in closing I just think Chris, you know, this institution is a better place because of you. We've heard that about other legislators today and it's true about them as well. But it is really true about you and it's also true that I'm a better legislator because of you and the institution is better because of your mind and the issues that you've worked on and the people that you've cared about, the compassion that you brought forward in this work. I'm so honored to have you as a friend and a fellow colleague for the last four years and I wish you well in whatever your path is in the future and I look forward to seeing what that is.

Representative Dent: Thank you, Madam Speaker. Speeches like this are things I don't like to do. They're hard and when the floor leader asked me to do this I said "No. I'm not gonna do that." and he says "Yes you are or we're going to put you back on Appropriations." I said "Absolutely, I'm there. I'm in." But truly, I'm honored. I'm honored to speak. The gentlelady from the 28<sup>th</sup>, we came in at the same time and we were at the DoubleTree, I believe, doing our orientation meetings and things down here. You know, we hit it right off; we were friends instantly and you know, we do that sometimes in life. We get a chance to meet people that we just click with and we enjoy visiting about things and

it just happened and as we talk about our passions, you know, we both have a passion for our children; we have a passion for early learning and we had passion for young people in general and it allowed us to build on that friendship. And the fun thing about working with this, with this lady was that she would, we'd have an idea of where we wanted to go or a bill we were doing and we would know where we wanted to go, but we would disagree on how we were going to get there and how we were going to craft this, but she was always willing to talk, always, even interrupting me in committee sometimes saying "We'll work on this." because we did and we found common ground, and you know, and I think that's really what makes us so powerful as a body when we could do that. And I found her, too, as we became better friends, she trusted me because I would ask her to sign on to bills that she knew absolutely nothing about the subject area and she would say "Sure, where do you want me to sign?" and she trusted me, but unfortunately she would talk me into doing the same thing, and I would – so far I think I'm good, but I was a little suspect for that because she is an attorney and I wasn't sure. She's been here for the right reasons because she has service in her heart and she has passion for people and the previous speaker talked about her being so enamored by her constituents and I believe that, I can believe that. She's done an outstanding job and I can say that I really agree working with her. It's been, I've enjoyed working with her and I will say that she's passionate about her principles but they're somewhat misguided. I'm going to miss having you here because I think I was kind of getting you to turn just a little bit. Last weekend on Sunday, I went up to Tacoma and had lunch with a friend of mine. This friend of mine, we've known each other since 1955, since we were five years old, and about once a year we get together and we talk about things, you know, and we usually have quite a long lunch, you know, three or four hours and we just visit about our lives going to school together. We went all through school together and things, and we got the talking about what's important. What's important in life is the friends that we meet, the people that we know and the relationships that we build - that's all we have. You know, we can have all the fluff, all the cars, all the stuff, but what we have is our friendships and our relationships and that's what's really important in this life. That's what's important to me. I'm really proud to call you my friend. I hope we remain friends. I wish you all the best and I'm going to truly miss you. Thank you for being my friend.

Representative Senn: Thank you Madam Speaker. So to all the freshmen here in the chamber. I mean you no disrespect but when the good lady from the 28<sup>th</sup> started, I knew that we had found a star. She's compassionate, composed, as somebody said wicked smart. From that first session we started plotting about – "Okay, where would you go? What would be your role? Where can we use you? Where can we use your strength, your passion, your oratory, your brains, your poise in making this place a better place." I think the only people who might be, they might not know it, who might be a little bit lucky that you're leaving would be our good Speaker Pro Tems because, really, you would be amazing up there managing this floor and being up there in front of us all. But of course you became Chair of Judiciary in great part because of your brains and your

compassion and your poise. But I want to talk a little bit about your role on the Human Services and Early Learning Committee that I was just so honored to have you be a part of and we will miss you so much. There's lots of topics in our committee and it kind of gets natural that people start to specialize in one area or lead on one area and you are the leader for the developmental disabilities community and that's not an easy community to work with and that was part of your passion and of your community, and you worked tirelessly during the interim with that community - with individuals, with bringing forth the passion and their stories and their desires with the Able Act, and now with the DD Bill of Rights and you worked those bills and you made sure that they were something that spoke not just to us, but spoke to the community and was responsive to the community and that takes a special skill.

There's lots of times we introduced legislation and it's something that we've been thinking of and we put it forth but you brought forth bills and you made sure we saw them to the end that really reflected the voice of the community and as we've heard from the other speakers today, that's no surprise given how much you relate to your constituents and your constituents relate to you. But it was amazing to watch you work and to know what an impact you have made for the people of this state and the developmental disabilities community in particular. So the other day there was a particularly tough bill that I was trying to figure out how I was going to vote on and got some good advice. Somebody said, "Well don't listen to me, go find somebody you trust and talk to them about it" and I didn't have second thoughts about who I wanted to ask about what they thought and I sought you out and I was right. Seeking your counsel and sharing and talking about, very openly, our common concerns, our thoughts, our reasons for and reasons against and it was that kind of moment where you're like, "this is the person I want to have as my colleague," and so knowing that you're gone is really bittersweet. But we also had a lot of great discussions about college-bound for our kids, both as teenagers and the roles of parenting and the fears and the joys of what lies ahead for our kids. So it's no wonder to me that you're wanting to spend more time with your family and you worked so hard here, but as you've mentioned we know that you're not going far from public service because that is just part of your DNA. It is so clear. And so while we will miss you incredibly - I will personally miss you, I know the DD community will miss you, the HSEL committee will miss you, everybody that you have touched in this chamber, in this institution, in your community will miss your leadership, but your family will have more time with you, and again, we know that your impact is not ending. It's just moving in a different direction. Love you.

Representative Dufault: Thank you Madam Speaker. I think it's really cool to watch a powerful woman in action and I've had a ringside seat here for the last several months, watching you in action Madam Chair, and I've been so impressed with your leadership and that's the first of a couple words that mean a lot to me that I want to say about you. It's not every leader who, when they don't agree with something that's coming forward will still give it voice, and time and time again, you brought forward bills that maybe you didn't necessarily agree with or you weren't going to support in the

end, but you recognized that there were people on the committee, you recognized that there were people in both caucuses who thought they were important and that they represented constituents that wanted those policies to at least be heard and you did that and you didn't have to and I was so impressed, and as long as I'm privileged to be in this chamber, I will tell that story time and time again to folks who are, who are in leadership positions about what that means to people who don't necessarily have the ability to bring something forward on their own and they're given an opportunity to have their voice heard. The other word that comes to mind is character. You have such a strong character and I saw that firsthand when you did something, and I don't even know if you know how important this was to me and what an impact you made on the young lady who testified before the committee. She was a very, she's a very dear friend of mine. We've known each other for many years and go to church together and we're in church place together and when she started her testimony in Spanish and you responded back to her in Spanish. It was, it was hard for me to be the serious advocate that I that I sometimes need to be and just watching her reaction and knowing how much that meant to her a first-generation American coming to Olympia for the first time in her life to testify in a very intimidating situation and to get that kind of response from the person who was running the room meant the world to her. I could see it in that moment and she confirmed that after the fact and that really meant a lot and thank you for doing that and it just shows even though she wasn't articulating the position that you or your caucus agreed with you, again, you gave her voice and you gave her an opportunity to be heard and that legacy will carry on in her and her family and her children when she talks about how you can have a voice in your government. And the last thing that I want to say, Madam Chair, about you and the time that I've, the short time that I've been privileged to watch you at work in the Legislature is your advocacy for veterans and service members. You represent so many of our service members in this state and you have been so gracious and so fierce and so precise in bringing forward, in my view, much-needed legislation, much-needed policy, and much-needed perspective for the rest of the state that may not be as familiar with the military and the veteran community in our state, and vigorously advocating for them and effectively advocating for them and, as a veteran and on behalf of all the veterans that I know and represent in my district, I want to say thank you for your advocacy on behalf of our men and women in uniform. May God bless you and your family, and I hope you won't be far away. Thank you.

#### **SPEAKER'S PRIVILEGE**

Speaker Jenkins: You and I have known each other for 25 years. Started out playing softball together, worked together at the Attorney General's office, we knew each other before we had kids and then our kids' lives overlapped, and then it was just a wonderful experience to have you come here. Some know this but when I was talking to you about running and coming to serve here, one of the questions that's always asked, I'm sure of everyone in the room, is "is there anything about you that you've ever done that would prohibit you from serving or might be a problem?" So I'm going to

tell you what she told me - her big secret. She had a parking ticket once and I actually, when she told me that, I said "Well then you clearly can't serve here because you haven't done enough bad things ever to know how to do this job." She was really quite earnest and worried about her parking ticket because it did happen when she was driving a state car. But anyway, but that, the commitment that you have, your commitment to the law and to living life in alignment with that and also to being honest and direct and to treating every issue with sincere concern, I've always thought was amazing, and that was why when I took on this Speaker role, the one thing I knew about the Civil Rights and Judiciary Committee is that it would be in better hands with you then it was with me, and it was and you will be missed there. I am certain that your dad Joe is probably watching right now and probably your other family, so welcome to Chris's family. And I do know the one thing that gives me comfort, it's a little bit cold today seeing you go, but your commitment to public service, that's only second to your commitment to your family. Your commitment to your family comes first, and I know we will see you again serving the public because that is your second love and I love you, too, so does this body.

HOUSE RESOLUTION NO. 4688 was adopted.

There being no objection, the House reverted to the fourth order of business.

#### INTRODUCTION & FIRST READING

There being no objection, SECOND SUBSTITUTE SENATE BILL NO. 6231 was read the first time, and under suspension of the rules was placed on the second reading calendar.

The Speaker called upon Representative Lovick to preside.

There being no objection, the House reverted to the third order of business.

#### MESSAGES FROM THE SENATE

March 12, 2020

Mme. SPEAKER:

The President has signed:

ENGROSSED SUBSTITUTE SENATE BILL NO.  
6168,

and the same is herewith transmitted.

Brad Hendrickson, Secretary

March 12, 2020

Mme. SPEAKER:

The Senate has passed:

SUBSTITUTE HOUSE BILL NO. 2950,

and the same is herewith transmitted.

Brad Hendrickson, Secretary

March 12, 2020

Mme. SPEAKER:

The Senate concurred in the House amendment(s) to the following bills and passed the bills as amended by the House:

ENGROSSED SECOND SUBSTITUTE SENATE  
BILL NO. 6515,  
ENGROSSED SUBSTITUTE SENATE BILL NO.  
6534,

and the same are herewith transmitted.

Brad Hendrickson, Secretary

March 12, 2020

Mme. SPEAKER:

The Senate has adopted the report of the Conference Committee on ENGROSSED SUBSTITUTE SENATE BILL NO. 6168 and has passed the bill as recommended by the Conference Committee.

Brad Hendrickson, Secretary

March 12, 2020

Mme. SPEAKER:

The President has signed:

SECOND SUBSTITUTE HOUSE BILL NO. 1661,  
ENGROSSED SUBSTITUTE HOUSE BILL NO.  
2116,  
HOUSE BILL NO. 2242,  
ENGROSSED SUBSTITUTE HOUSE BILL NO.  
2248,  
ENGROSSED SUBSTITUTE HOUSE BILL NO.  
2322,  
SUBSTITUTE HOUSE BILL NO. 2441,  
SUBSTITUTE HOUSE BILL NO. 2711,  
HOUSE BILL NO. 2848,  
ENGROSSED SUBSTITUTE HOUSE BILL NO.  
2919,

and the same are herewith transmitted.

Brad Hendrickson, Secretary

March 12, 2020

Mme. SPEAKER:

The President has signed:

HOUSE BILL NO. 1368,  
SUBSTITUTE HOUSE BILL NO. 2632,  
ENGROSSED SUBSTITUTE HOUSE BILL NO.  
2722,  
SECOND SUBSTITUTE HOUSE BILL NO. 2737,

and the same are herewith transmitted.

Brad Hendrickson, Secretary

There being no objection, the House advanced to the fourth order of business.

### INTRODUCTION & FIRST READING

There being no objection the following bills were read the first time, and under suspension of the rules were placed on the third reading calendar.

SENATE CONCURRENT RESOLUTION NO. 8413  
SENATE CONCURRENT RESOLUTION NO. 8414

### RESOLUTION

**HOUSE RESOLUTION NO. 2020-4687**, by Representatives Jinkins, Wilcox, Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Mead, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wylie, Ybarra, and Young

WHEREAS, Representative Eric Pettigrew grew up in South Central Los Angeles, raised by a single mother, and attended Nogales High School, where he excelled on the football field; and

WHEREAS, He received a football scholarship to attend Oregon State University, where he received a degree in sociology and counseling psychology, and to this day remains a stalwart fan of the Oregon Beavers, and allergic to the yellow-and-gold colors of the University of Oregon Ducks; and

WHEREAS, Upon graduation in 1985, Pettigrew began his studies for a master's degree in social work at the University of Washington; and

WHEREAS, Pettigrew then began his career in public service and nonprofit work, serving as the director of the Minority Youth Health Project, which worked to reduce teen pregnancy and sexually transmitted disease rates in Seattle, and as Deputy Chief of Staff for Public Safety for Seattle Mayor Norm Rice; and

WHEREAS, In 2002, he was elected to the Washington State House of Representatives, where he advocated on behalf of affordable housing, and equity and opportunity for all when it came to education and jobs; and

WHEREAS, In 2010, Pettigrew was elected chair of the House Democratic Caucus, placing him in a leadership role that he retained throughout the final decade of his legislative career, providing a firm and steady guiding hand to facilitate caucus meetings and meting out justice to members who neglected to mute their cell phones; and

WHEREAS, Pettigrew has been a consistent progressive force in the Legislature, chalking up victories ranging from persons living with spinal cord injuries or Parkinson's disease, to grandmothers raising grandchildren and former convicts hoping to reintegrate into society; and

WHEREAS, Pettigrew reached across the aisle to build relationships with members from every corner of the state and each political party, leading to this Seattle Democrat's enthusiastic role as sponsor and advocate for laws and reforms on behalf of Washington's farmers and ranchers; and

WHEREAS, In his spare time, Pettigrew has worked tirelessly for community groups, including serving as president of the Rainier Valley Chamber of Commerce, and as a board member of the Rainier Vista Boys and Girls Club and the ACT Theatre, along with coaching Little League and youth basketball; and

WHEREAS, Without his enthusiastic "good morning" each day in caucus, who knows what will become of this place?

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives recognize Pettigrew's record of public service, both in and out of this chamber, on behalf of his district, his colleagues, and the people of the State of Washington.

Representative Stonier moved adoption of HOUSE RESOLUTION NO. 4687

Representative Stonier: Thank you. Mr. Speaker. I'm proud to rise in honor of our good friend and the steady hand of our caucus, Eric Pettigrew, today. Eric, you have been the heart and soul of this caucus from the first day that I arrived and it was clear to me that you had served in that form before I got here. You welcome everybody into the doors of this place. You help them to understand the integrity they should feel, the pride, the potential that each of us have, on either side of the aisle, walking up those marble steps and knowing that what we are about to do in this building is to be done with heart and passion - as I said in the caucus room yesterday. When I first stepped into your office as a newly elected freshman legislator, you said this is where you come to relax to take a break. You need a shoulder to cry on, you

need somebody to talk to, something's bothering you, you let me know. This is where you come. You take a break, sit on the couch, things are getting slow downstairs you want to come up here and visit with each other, this is where you do it; this is where the family meets. That is your office. It has been that for all of us. You care deeply about getting to know each one of us as a person and then beyond that you want to know our families. I know that this story is not unique to me. You sat down and got to know my dad; you realized we come from the same kind of family. I grew up in a really rough part of East LA County and when I told you where I was from you were like, "I know that neighborhood, it's right by Palmdale, I know that place." Tough places. Tough places to grow up with violence in the streets, and kids growing up not knowing whether they're going to face more violence on the street or in their home. Those are the kids you think about every day you walked up those marble steps. We all have different people we think about when we're working hard here on behalf of the state. It's no secret who you're thinking about. Every day you walked up those steps you were thinking about people who needed a second chance because they never got a first one. You think about people who are raising other people's children because the system is letting them down. The body of work that you have provided for this state is not without heart, it is not without a sense of justice, and it is not without the love that you expect from each of us. I'm proud to know you. I'm proud to have served with you, and I'm very proud to have gotten to know you, not just as a leader, a man, a Legislator, but also as somebody with a good sense of humor. Earlier today I showed a picture in our caucus room of my two feet, one on top of the other, sized up against one of your big feet. Your shoes will be big shoes to fill in this place, literally. But Eric, you have been a steady strong voice and a steady hand at the gavel in our caucus room when we needed time to vent, to process and to come together as a family. When we needed to know when it was okay to not find a center and to move on anyways because we can come back to revisit. When we needed a laugh and we needed a tissue. You have been the pulse and the heart of this caucus and you will continue to do so in your next steps. Wherever you go in your future you will continue to be the heart, the passion and the steady voice of those around you. We love you.

Representative MacEwen: Thank you Mr. Speaker. It's a privilege and honor to stand up and honor Representative Eric Pettigrew. I was elected in 2012. In those first few years, I didn't really have an opportunity to work with him or interact with him, and you know, I used to observe him on the floor and you see how people interact. As the good lady said you just can tell there's a cool calm demeanor about him. As I've gotten to know him and as we started to work on a couple of bills a few years ago and I got to know him a little bit better, there's a big heart there, that's without question, and I was happy to join forces with him on a victims rights bill that for whatever reason we're having a hard time getting through here, and I don't exactly remember the exact sequence. I think I tried it one time and then the following biennium we got together and I thought okay, this thing can get through; it'll be better with having Eric on that bill with me and we did it and then we worked on a few other things together, but just in getting to know him through that

it's just so clear and from his background and growing up on the streets of Los Angeles to getting a full ride scholarship to the Oregon State Beavers, and yeah, we don't like the Ducks either, that's a bipartisan agreement there; horrible school, don't send your kids there. And then to get elected to this legislature, you know, I know a little bit of your background, but I don't know all of it, but what I do know and I watch how you operate and to me that is just the model of leadership that's so badly needed in this world. We all come with things from our background that have shaped us and formed us and how we choose to learn from those and influence others is a big part of who we become and that you have put that mark on this legislature and on this state and we are forever grateful for that. I've never seen you mad and I don't want to. Whenever you see Eric, it's always a smile on his face and a good morning, how are you, good to see you, fist bump and that it's just a tone that is set for the day, and I so appreciate that and I'm excited for your new position and look forward to seeing you around the arena regularly and to have be able to bond with you about some sports stories that's been fantastic, and I know you'll be missed by your caucus, but you will be missed over here as well. You've been a great advocate for children and they thank you; we thank you. It's been an honor to work with you. I look forward to continue to grow our friendship and doing what we can outside of this arena and doing it in other places and a job well done. It's been an honor to serve with you. Thank you.

Representative Tharinger: Thank you, Mr. Speaker, and we all know about Eric's passion. We've seen it when it's dealing with children or those that are may be overlooked in various communities, but I want to speak about a little different passion. As a lot of you know, I grew up in Minnesota. I learned to skate when I was five. I played hockey from the time I was 14 through college and Division 1, and Western Washington is kind of a hockey desert. That desert's changing; its going to start to blossom thanks to Mr. Pettigrew and a lot of other folks. Hopefully the Orca or Sockeye will make that Desert Bloom, but when you're in western Washington looking for someone who's interested in hockey, there's not that many folk. So when I'm sitting in Approps, you know, and there's time in Approps where it's a little slow, and I'm looking at Eric's computer and Eric's watching hockey and I'm going what's the deal here Eric? So I sit down and say "Eric, you're watching NHL hockey, what's the deal?" He tells me this story about growing up in East LA, not having a lot of money, but his Mom would give him money to go take the bus down to the LA Forum where he could get into a Kings game for like five bucks. So he is one of the most rabid hockey fans I know and he's got the Kings jersey, he's totally, and his future with, I don't know was it the Orcas? The Sockeyes? I don't know what the team is going to be, Eric, but his passion will make western Washington less of a hockey desert and I'm glad to see you're moving to that arena. Thank you Eric for all you do.

Representative DeBolt: So it's funny. I was going to tell the story about your Olympic ice dancing tryout and how much you love to ice skate, but Represented Tharinger stole my thunder there. I just want to tell you there used to be this



thing when I first got elected called the big guy caucus. Do you remember the big guy caucus? And I remember one night, this is back before maybe, you know cell phones with photos and Twitter, the big guy caucus was having a rather raucous evening and Eric was there and I decided that you know, I'm not small, so I decided to go bust up the big guy caucus and tell them they need to calm down. And until you guys understand what the big I caucus is, they were massive; Volz was the runt. So I walk in the middle and I'm like I felt demure for the first time in my life and I wanted to thank you for that. And so you are the last of the big guy caucus, kind of leaving, and I will tell you this you have been so much fun to have around and the difference, I think, that makes it is that in our hearts and your hearts we're all the same and that you make us smile each and every one of us. There is never a time that goes by when things are too serious for you. I've seen you mad a couple times not my favorite days. But the thing that I'll always remember is that you always wanted to make sure you had time for people. You always had time for your visitors and you loved it when people came to the Capitol and you celebrated that, and you always wanted to make sure that they felt welcome in our building. Whether they were famous or not, you treated them the same way, and that's always been remarkable to me, and I actually look to you for diplomacy because I think you're one of the best diplomats that we have in this building. You are genuine, you are kind, you are thoughtful, you're massive, and all those things work for getting your point across in a very kind way. Some of us have to make up for it in, you know, spit and vinegar but you got this. One of the other things, though, that I want to tell you is as you go forth in your endeavors, and I remember when you were at one of your past jobs and you were helping your community and it was early on in your career and you were working on making sure that there was an opportunity for some kids to have a place to go after school, and it was in a project that you were focused in on and it was funny to me because I don't think you really knew how much people loved you in this building and were willing to do what you asked and you kind of asked hesitantly of some of us when we were on the floor, about supporting your project and I was like "You bet, happy to!" and I think you were surprised because you were new here and you were passionate about it, but you were so deliberate in your compassion and your love for everyone in this state. The neat thing about it is you are bringing hockey to Washington, so thank you very much. I don't really know much about hockey from... you and I have discussed this- I still can't get it on TV, I don't know how you do. I don't know how Rep. Tharinger does. I like it live, it's pretty neat but on TV, I just can't follow that puck but I will tell you this, our state is lucky to have you. You've been an advocate for us. You fought hard to keep the Sonics when the Sonics were trying to go and you brought all those people to town and you collaborated and I'm sorry that didn't work, but I know now that we're going to be richer for having you in the state and man you look nice today, and if I had known I would try to dress for the occasion. But you look spectacular, you look fabulous. You're going to have everything going your way and we are so proud to have had the opportunity to have your ray of sunshine in our world, and so thank you for that.

Representative Ormsby: Thank you, Mr. Speaker. It's an honor to rise in tribute to our good friend, my good friend, Eric whom I met at what's now the Murano, was the Sheraton Hotel, for an advance for the HDC. The last seat in the room was next to Eric and I sat down and we were getting presentations and he made a very funny play on words just to me. I was the only one that heard then someone louder said the same thing, and I turned to Eric and said "You just said that, you can claim some credit." and he said "That was just for you." I felt privileged in that moment and I felt privileged in every moment I've been able to share with him going back to times when Bill Grant was our caucus chair. There are photos that are proof of our admiration of him, and looking at him we shared that. Some of the things he taught us became life lessons and we've talked about that in that shared memory. All of those things keep flooding back. We looked up to Bill and Eric knew that was something that was important, that all of us need someone to look up to. When it was his time and in his place he knew he had to be a role model and model behavior for those that would look up to him and knew that it was a responsibility he couldn't shirk. He has taken that very seriously, has been a mentor to so many people that are going to do fabulous things. We were neighbors with the good gentleman from the 47th and some antics and hijinks that occurred in the offices where we migrated to are some of my fondest memories here and the fact that you're not going to be here as a North star for our collective good will, whoever shows up next year, we'll figure out a way to do it, but it's hard to imagine doing it without you at the helm. His heroes were my heroes - Rosa Parks and Doris Kearns Goodwin- not so much on the sports side, but Serena Williams and Frank Robinson and his walls are covered with photos of these people that he has sought out to be a part of because they were his heroes and having, with this background of the Watts area where the riots were, that was, and the struggles that he recognized; he always defaults to the underdog; the one that needs protecting and we've all been the beneficiary of that. I've heard folks say that they have seen Eric angry and not angry. I have seen him angry and it was right in this space where I'm standing and he had had an encounter with someone outside the doors and he came in a little bit of a raw nerve and even as thick as I am, I was perceptive enough to realize that it wasn't the Eric that I knew and I asked him and he explained what was happening and then to the cleanest version I can say is that the next time that happens with that individual he was going to go south central on their backside and I took him very seriously. But the other thing that we know about Eric was his football days and that's a violent sport and there is and for me football is a kind of a metaphor for life and we shared a little bit of that. The violence is prevalent. He told me that he played during those times in the Pac-10 and those days Kenny Easley and Ronnie Lott were also big players that went on to NFL careers and Eric bragged to me once that he cheapshot both of them after the play but before the whistle, and so he knew the rules and he's always played by them. But the one thing about that that is not intuitive, we know what a soft heart he has, and how gentle he is, and reconciling that is pretty easy when you know that he played left tackle and left tackle's job is to protect the blind side, the vulnerable side and that's what you've done. You've taken that to this place and to all the other places you've been. The

underdog, the awkward, the ones that need attention and you did that. Madam Speaker thanked you in caucus for being a role model in the sense of being the one that had to represent a lot of other people. You've recognized others and you've genuinely seen them, you've acknowledged that you share some of that journey and, including my mother who is one woman in the midst of nine boys, and her being the only, and I would just say, Eric, of all of the things that you have done for all of us and for me in particular the thing that I will remember most fondly is the ease at which you give people hugs and I was a beneficiary of one of those and I thank you because every time you do it makes me feel like the delicate flower that I am. Eric thank you. You are going to continue to do good things. You will always be looking out for others and it is a lesson for all of us tomorrow.

Representative Maycumber: Thank you. Mr. Speaker. I stand here in joy with Eric. I was at an event this summer and I heard someone say you are the weirdest legislative friendships and I heard Pettigrew and Maycumber and I was like, why is that weird? We are so much alike. And so I stand here in joy. We have been friends longer than I have been on the house floor, and when I became appointed, you got me in a lot of trouble and I don't know if you know that. You were almost excited as I was and when I came on the house floor I was very nervous. I was you know as scared as one would be and we went to announce to go to caucus and you grab the mic and you said "Democrats will caucus. *MAYCUMBER!*" so that wasn't cool for my caucus because I was new and I just remember being like so honored that you recognized me here as the new member and to have that friendship carry over here to the floor and that bipartisan way that was, that was special and to have it carry for years and you shared your joy and your love of your mother with us and you have texted me on Mother's Day for more years than many - I can't even think of another person to remind me that I'm a good mother and to thank me for being a mother as I had had two babies as staff here as you know, and you always were there to remind me and that's your love of your mother and you shared your joy of your beautiful wife and your marriage and when you came back you glowed. You glow with that love. And I'm honored to be able to share in that friendship and that love and that happiness with you and you've shared it with all of us and that love of your grandbaby, oh my goodness - I mean if there's not a conversation that we're not having when you don't talk about that beautiful grandbaby, I mean beautiful, and you share that joy with all of us. I'm just honored, honored to share those years of friendship with you. Honored to feel equal, whether I was staff or a member, and it didn't matter where I was, it was an equal friendship. Thank you for sharing your joy of music and dancing. I would like to say that I was equal to you on that, but I don't think so. It's been wonderful to have someone to just laugh with when all the seriousness goes away, and politics never dulled your shine - it never inhibited your joy. I remember voting on a bill that you had so much emotion for and I had voted against the policy, and I walked across the aisle and you gave me a hug even though I voted against it, you just hugged me because it wasn't about the policy, it was about helping people and bridging that divide right there. Eric, thank you for sharing your joy and your happiness with me all these years, and I look forward

to seeing that being shared with the rest of the state of Washington and your new adventures. You are a great man through and through. Thank you.

Representative Santos: Thank you, Mr. Speaker. The man seated to your right, my junior seatmate as I remind him every time I have to introduce him, the man seated to your right is a large man. He's larger than life. He has a big heart as you've heard and he leads with it. It's that motor of his passion. He wants to get things done, and that's where he and I have often had challenges in our relationship because I want to make sure the process is being observed, but he wants to get things done. You've heard, Mr. Speaker, that this passion of my seatmate's bleeds into a variety of different sectors, sectors that you might not imagine. There's sports, but there's every kind of sport as we heard from the good gentleman from the 24th. There's music that means so much to him, but not just the boogie down kind of music, it is musicals. He loves to travel and that's evident from all of the photographs that you see that adorn his office walls. But most of all, Mr. Speaker, his passion is in people. In meeting people, in knowing people, in loving people. Indeed as I said, it's so evident by the wall of mementos of the faces; faces of famous people that he has sought out. People that he admires for their principles, for their accomplishments, for the inspiration that they give to others and I think those mementos that are on his wall are there not just to inspire him but to inspire all of us who enter into that room. But Mr. Speaker, when I am in that room, and it's not very often, when I am in that room my eye is always drawn to one piece of art and it's a simple rendition, I think there are only two colors in it, of an older man - I imagine a grandfather - holding the hand of a small child, and to me that art gives me a peek, I think gives all of us a peek, into what is the core value of my seatmate. The value of love that exists in a relationship. The value of being responsible and responsive to one another. The value that passes between generations. It is that soft vulnerable sweet caring value. But Mr. Speaker, I would strongly admonish you to not let his teddy bear demeanor fool you. The good gentleman from the 20th District referenced the big guy caucus. I remember that big guy caucus - it included names like Bill Hinkle and Mike Armstrong and Eric Pettigrew, and my memory of the big guy caucus was of one late night late in a session where somebody came running to the wing saying the bulls are running the bulls are running and sure enough when we all came out there was my seatmate and Bill Hinkle, pressed chest to chest against one another arguing fiercely and this was not a joke. They were arguing, and we all thought the rotunda was going to fall over. But as we've also heard, my seatmate is very good about letting the day's challenges go and he and Representative, former Representative Hinkle became arguably the best of friends. That sense of bipartisan friendship is, I think, where I really want to commend the good gentleman from the 37th as he stepped into, as I told my caucus yesterday, some very big shoes. Succeeding our former caucus chair Bill Grant who was the only rural Democrat east of the mountains, who was constantly holding up many of the priorities of our good friends across the aisle and Representative Grant really forged that culture and that tradition that the good lady from the 49th mentioned of having a safe space where your partisan hat was left at the

door and when you walked across the threshold you were there for fellowship and fun regardless of where you are from. I'm very proud that my seatmate upheld that tradition with such grace and with such gusto. I think the other piece is that my seatmate does not recognize station. That everyone is a friend and while we often are huddled in our little corners – members to members, if you say “where's Eric?” chances are he's in the back, in the Chief Clerks Office huddling with the people from the workroom enjoying food and fellowship. So after tonight, Mr. Speaker, when we ask “Where's Eric?” we're going to have to say that he's following his heart, he's following his passion which leads him back to his beautiful wife Nicole at home in the 37th District. It leads him to a career in sports which he loves so much and I know nothing about NHL so I won't say anything. Life is large, Mr. Speaker, almost as large as Eric himself. I ask you to join me in giving my junior seatmate our best wishes as we asked him to go forth and share his passion in the world. Mr. Speaker with your permission. I would like to address personally the gentleman to your right. Eric it's been 18 years of shared journeys, shared adventures, shared conflicts. You have been not only a worthy successor to the caucus chair, but you have been a worthy successor to my former seatmate. I thank you for being such an honorable man, and someone that I can be proud of. Thank you, Mr. Speaker.

Representative Kretz: Thank you. Mr. Speaker. I'm a jumper tonight. So I'll be brief. I'm thinking back 16 years ago when I got here and I was fresh off Okanagan Farm Bureau president. I was interested in ag natural resource issues and I got here, I can't even remember the name of the committee we were on Eric, but I sat up in the back with Pat Sullivan and Bill Grant and I was interested in those issues and I was asking folks in your caucus, you know,” Who's the point guy? Who do I talk to?” and they said “Well, Eric Pettigrew.” and I'm looking at this guy and I'm thinking let's see East LA, downtown - is this the best you can do? and I asked Bill Grant about that and he told me then he said “This is a good, honorable man that you can trust.” and I have found that to be true. We haven't spent as much time together as we should have. We talked about having dinner the other night – I'm gonna hold you to that. But I think Bill Grant said it best - this is a good honorable, man. Thank you.

#### **SPEAKER'S PRIVILEGE**

The Speaker (Representative Lovick presiding) would take just a moment of Speaker's privilege to thank my good friend for being such an ambassador. I will never ever forget the day that you came to my office when I was County Sheriff in Snohomish County and you just wanted to talk about people that you didn't know; talk about doing things for people that you didn't even know, and I just have to tell you this - listening to these members speak, your values are the right values and I'm so honored to know you. Best to you sir.

HOUSE RESOLUTION NO. 4687 was adopted.

Speaker Jenkins assumed the chair.

There being no objection, the House advanced to the sixth order of business.

#### **SECOND READING**

**SECOND SUBSTITUTE SENATE BILL NO. 6231, by Senate Committee on Ways & Means (originally sponsored by Kuderer, Darneille, Dhingra, Hunt, Mullet, Wilson and C.)**

**Providing a limited property tax exemption for the construction of accessory dwelling units. Revised for 2nd Substitute: Expanding and studying the property tax exemption for physical improvements to single-family dwellings.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Walen and Orcutt spoke in favor of the passage of the bill.

The Speaker stated the question before the House to be the final passage of Second Substitute Senate Bill No. 6231.

#### **ROLL CALL**

The Clerk called the roll on the final passage of Second Substitute Senate Bill No. 6231, and the bill passed the House by the following vote: Yeas, 94; Nays, 2; Absent, 0; Excused, 2.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Mead, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Voting nay: Representatives Kraft and Pollet.

Excused: Representatives Paul and Shea.

SECOND SUBSTITUTE SENATE BILL NO. 6231, having received the necessary constitutional majority, was declared passed.

There being no objection, the House advanced to the seventh order of business.

#### **THIRD READING**

## MESSAGE FROM THE SENATE

March 12, 2020

Madame Speaker:

The Senate has passed ENGROSSED HOUSE BILL NO. 2797 with the following amendment:

963.0.

Strike everything after the enacting clause and insert the following:

"**Sec. 964.** RCW 82.14.540 and 2019 c 338 s 1 are each amended to read as follows:

(1) The definitions in this subsection apply throughout this section unless the context clearly requires otherwise.

(a) "Nonparticipating city" is a city that does not impose a sales and use tax in accordance with the terms of this section.

(b) "Nonparticipating county" is a county that does not impose a sales and use tax in accordance with the terms of this section.

(c) "Participating city" is a city that imposes a sales and use tax in accordance with the terms of this section.

(d) "Participating county" is a county that imposes a sales and use tax in accordance with the terms of this section.

(e) "Qualifying local tax" means the following tax sources, if the tax source is ~~((instated no later than twelve months after July 28, 2019))~~ adopted by December 31, 2021:

(i) The affordable housing levy authorized under RCW 84.52.105;

(ii) The sales and use tax for housing and related services authorized under RCW 82.14.530, provided the city has imposed the tax at a minimum ~~((or H:\DATA\2020 JOURNAL\Journal 2020\LegDay060\of.doe))~~ of at least half of the authorized rate;

(iii) The sales tax for chemical dependency and mental health treatment services or therapeutic courts authorized under RCW 82.14.460 imposed by a city; and

(iv) The levy authorized under RCW 84.55.050, if used solely for affordable housing.

(2) Starting on the effective date of this section, a city that has not adopted a qualifying local tax but intends to before December 31, 2021, must adopt a notice of intent to adopt the qualifying local tax and send a copy to the department, and to the county the city is located within, by July 28, 2020. If a notice of intent has not been adopted by July 28, 2020, the tax sources in subsection (1)(e)(i) through (iv) of this section are not considered a qualifying local tax for the purposes of this section, unless the tax was being imposed before July 28, 2020.

(3)(a) A county or city legislative authority may authorize, fix, and impose a sales and use tax in accordance with the terms of this section.

(b) The tax under this section is assessed on the selling price in the case of a sales tax, or value of the article used, in the case of a use tax.

(c) ~~((The))~~ For taxes authorized under this section after the effective date of this section, the rate of the tax under this section for an individual participating city and an individual participating county may not exceed:

(i) ~~((Beginning on July 28, 2019, until twelve months after July 28, 2019:~~

~~((A)))~~ 0.0073 percent for a:

~~((H))~~ (A) Participating city, ((unless the participating city levies a qualifying local tax)) that does not levy a qualifying tax; and

~~((HH))~~ (B) Participating county, within the limits of ((nonparticipating cities)) participating cities within the county ((and within participating cities)) that do not ((currently)) levy a qualifying tax;

~~((B))~~ (ii) 0.0146 percent for a:

~~((H))~~ (A) Participating city that ((currently)) levies a qualifying local tax;

~~((HH))~~ (B) Participating city ((if the county in which it is located declares they will not levy the sales and use tax authorized under this section or does not adopt a resolution in accordance with this section)) within a nonparticipating county; and

~~((HH))~~ (C) Participating county within the unincorporated areas of the county and within any nonparticipating city ((that declares they will not levy the sales and use tax authorized under this section or does not adopt a resolution in accordance with this section;

~~((ii))~~ Beginning twelve months after July 28, 2019:

~~((A))~~ 0.0073 percent for a:

~~((I))~~ Participating city that is located within a participating county if the participating city is not levying a qualifying local tax; and

~~((II))~~ Participating county, within the limits of a participating city if the participating city is not levying a qualifying local tax;

~~((B))~~ 0.0146 percent within the limits of a:

~~((I))~~ Participating city that is levying a qualifying local tax; and

~~((II))~~ Participating county within the unincorporated area of the county and within the limits of any nonparticipating city that is located within the county-))

(d) A county may not levy the tax authorized under this section within the limits of a participating city that levies a qualifying local tax.

(e)(i) In order for a county or city legislative authority to impose the tax under this section, the authority must adopt:

(A) A resolution of intent to adopt legislation to authorize ~~((the maximum capacity of))~~ the tax in this section within six months of July 28, 2019; and

(B) Legislation to authorize ~~((the maximum capacity of))~~ the tax in this section within one year of July 28, 2019, and send a copy to the department within forty-five days of adopting such legislation.

(ii) Adoption of the resolution of intent and legislation to authorize the tax requires simple majority approval of the enacting legislative authority.

~~((iii)) If a county or city has not adopted a resolution of intent in accordance with the terms of this section, the county or city may not authorize, fix, and impose the tax.~~

~~((3))~~ (4) The tax imposed under this section must be deducted from the amount of tax otherwise required to be collected or paid to the department of revenue under chapter 82.08 or 82.12 RCW. The department must perform the collection of such taxes on behalf of the county or city at no cost to the county or city.

~~((4))~~ (5) By ~~((December 31, 2019, or within thirty days of a))~~ January 1, 2021, for every county or city authorizing the tax under this section, ~~((which ever is later))~~ including those counties and cities currently imposing the tax authorized under this section, the department must calculate ((the)) or recalculate a preliminary annual maximum amount of tax distributions for each county and city authorizing the tax under this section and assign the authorized tax rate as provided in subsection (3)(c) of this section. The annual maximum must be calculated as follows:

(a) The annual maximum amount for a participating county equals the taxable retail sales within the unincorporated area of a county, within the nonparticipating cities, and within the participating cities without a qualifying local tax, in state fiscal year 2019 multiplied by the tax rate imposed under this section. ~~((If a county imposes a tax authorized under this section after a city located in that county has imposed the tax, the taxable retail sales within the city in state fiscal year 2019 must be subtracted from the taxable retail sales within the county for the calculation of the maximum amount))~~ The annual maximum amount for a participating county does not include the taxable retail sales within the participating cities with a qualifying local tax within the county; and

(b) The annual maximum amount for a participating city equals the taxable retail sales within the city in state fiscal year 2019 multiplied by the tax rate imposed under subsection ~~((4))~~ (3) of this section.

~~((5))~~ (6) By June 30, 2022, the department must calculate a final annual maximum amount of tax distributions for each county and city authorizing the tax under this section using the method in subsection (5)(a) and (b) of this section. The department must also assign the authorized tax rate as provided in subsection (3)(c) of this section.

(7)(a) The tax must cease to be distributed to a county or city for the remainder of any fiscal year in which the amount of tax exceeds;

(i) Until June 30, 2022, the preliminary annual maximum amount calculated in subsection ((4)) (5) of this section; and

(ii) Beginning July 1, 2022, the final annual maximum amount calculated in subsection (6) of this section.

(b) The department must remit any annual tax revenues above the annual maximum to the state treasurer for deposit in the general fund. Distributions to a county or city meeting the annual maximum amount must resume at the beginning of the next fiscal year.

~~((6))~~ (8)(a) If, when the tax is first imposed, a county has a population greater than four hundred thousand or a city has a population greater than one hundred thousand, the moneys collected or bonds issued under this section may only be used for the following purposes:

(i) Acquiring, rehabilitating, or constructing affordable housing, which may include new units of affordable housing within an existing structure or facilities providing supportive housing services under RCW 71.24.385; or

(ii) Funding the operations and maintenance costs ~~((of new units))~~ of affordable or supportive housing including, but not limited to, staffing necessary for daily operations of permanent supportive housing.

(b) If, when the tax is first imposed, a county has a population of four hundred thousand or less or a city has a population of one hundred thousand or less, the moneys collected under this section may only be used for the purposes provided in (a) of this subsection or for providing rental assistance to tenants.

~~((7))~~ (c) Administrative costs of the county or city associated with administering this section may not exceed six percent of the annual tax distributed to the jurisdiction under this section.

(d) Operations and maintenance costs or rental assistance under this section may not be funded with bonds.

(9) The housing and services provided pursuant to subsection ~~((6))~~ (8) of this section may only be provided to persons whose income, at each required income certification or recertification, is at or below sixty percent of the median household income of the ((county or city)) standard metropolitan statistical area within which the county, city, or town imposing the tax is located.

~~((8))~~ (10) In determining the use of funds under subsection ~~((6))~~ (8) of this section, a county or city must consider the income of the individuals and families to be served, the leveraging of the resources made available under this section, and the housing needs within the jurisdiction of the taxing authority.

~~((9))~~ (11)(a) To carry out the purposes of this section including, but not limited to, financing loans or grants to nonprofit organizations or public housing authorities, the legislative authority of the county or city imposing the tax has the authority to issue general obligation or revenue bonds within the limitations now or hereafter prescribed by the laws of this state, and may use, and is authorized to

pledge, the moneys collected under this section for repayment of such bonds.

(b) However, a county may not pledge for repayment of such bonds any moneys collected from retail sales within the limits of a participating city:

(i) Before July 28, 2020; or

(ii) Before June 30, 2022, within the limits of a participating city that has adopted a notice of intent under subsection (2) of this section.

~~((40) A)~~ (12) To carry out the purposes of this section, a county or city may enter into a contract or an interlocal agreement, or utilize an existing contract or interlocal agreement, in accordance with chapter 39.34 RCW with one or more ~~((counties, cities, or public housing authorities in accordance with chapter 39.34 RCW))~~ public entities or nonprofit organizations. The contract or interlocal agreement may include, but is not limited to, pooling the tax receipts received under this section, pledging those taxes to bonds issued by one or more parties to the agreement, and allocating the proceeds of the taxes levied or the bonds issued in accordance with such contract or interlocal agreement and this section. The contract or interlocal agreement must include a requirement, or otherwise ensure through contractual obligations, that the housing or services provided with moneys collected under this section comply with the use restrictions in subsection (8) of this section and the income restrictions in subsection (9) of this section.

~~((44))~~ (13) Counties and cities imposing the tax under this section must report annually to the department of commerce on the collection and use of the revenue. Counties and cities that have pooled funds may submit joint reports on their collective activities. The department of commerce must adopt rules prescribing content of such reports. By December 1, 2019, and annually thereafter, and in compliance with RCW 43.01.036, the department of commerce must submit a report annually to the appropriate legislative committees with regard to such uses.

~~((42))~~ (14) The tax imposed by a county or city under this section expires twenty years after the date on which the tax is first imposed."

On page 1, line 2 of the title, after "housing;" strike the remainder of the title and insert "and amending RCW 82.14.540."

and the same is herewith transmitted.

Brad Hendrickson, Secretary

#### SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to ENGROSSED HOUSE BILL NO. 2797 and advanced the bill as amended by the Senate to final passage.

#### FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representative Robinson spoke in favor of the passage of the bill.

Representative Orcutt spoke against the passage of the bill.

The Speaker stated the question before the House to be the final passage of Engrossed House Bill No. 2797, as amended by the Senate.

#### ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 2797, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 61; Nays, 35; Absent, 0; Excused, 2.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Callan, Chapman, Chopp, Cody, Davis, Doglio, Dolan, Duerr, Entenman, Fey, Fitzgibbon, Frame, Goehner, Goodman, Gregerson, Hansen, Harris, Hudgins, J. Johnson, Kilduff, Kirby, Kloba, Leavitt, Lekanoff, Lovick, Macri, Mead, Morgan, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Sells, Senn, Shewmake, Slatter, Springer, Steele, Stonier, Sullivan, Tarleton, Thai, Tharinger, Valdez, Walen, Wylie and Mme. Speaker.

Voting nay: Representatives Boehnke, Caldier, Chambers, Chandler, Corry, DeBolt, Dent, Dufault, Dye, Eslick, Gildon, Graham, Griffey, Hoff, Irwin, Jenkin, Klippert, Kraft, Kretz, MacEwen, Maycumber, McCaslin, Mosbrucker, Orcutt, Schmick, Smith, Stokesbary, Sutherland, Van Werven, Vick, Volz, Walsh, Wilcox, Ybarra and Young.

Excused: Representatives Paul and Shea.

ENGROSSED HOUSE BILL NO. 2797, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

#### MESSAGE FROM THE SENATE

March 12, 2020

Madame Speaker:

The Senate has passed ENGROSSED HOUSE BILL NO. 2965 with the following amendment:

964.0.

On page 1, line 5, after "sum of" strike "one hundred million" and insert "one hundred seventy-five million"

On page 1, line 14, after "sum of" strike "one hundred million" and insert "one hundred seventy-five million"

On page 1, line 15, after "account" insert "and the sum of twenty-five million dollars is appropriated from the general fund—federal"

On page 1, at the beginning of line 17, after "and" strike "is" and insert "are"

On page 2, line 1, after "The" strike "appropriation" and insert "appropriations"

On page 2, line 2, after "section" strike "is" and insert "are"

On page 2, line 7, after "state," insert "tribal,"

On page 2, line 9, after "Agencies" insert ", federally recognized tribes,"

On page 2, line 12, after "agency" insert ", federally recognized tribe,"

On page 2, line 14, after "agency" insert ", federally recognized tribe,"

On page 2, after line 22, insert the following:

"(5) In order to facilitate the monthly reporting required by subsection (1) of this section and to increase transparency, the office of financial management must create unique appropriation and expenditure codes to be used in the statewide accounting and financial reporting system that must be used by state agencies and institutions of higher education to separately identify state spending by the appropriations in this act and for other unanticipated spending in response to the coronavirus (COVID-19) outbreak funded by appropriations in the omnibus operating appropriations act."

On page 2, after line 22, insert the following:

**NEW SECTION. Sec. 3.** The sum of twenty-five million dollars is appropriated from the budget stabilization account for the fiscal year ending June 30, 2020, and is provided solely for expenditure into the COVID-19 unemployment account for the purposes described in section 5 of this act. For purposes of RCW 43.88.055(4), the appropriation in this section does not alter the requirement to balance in the ensuing biennium.

**NEW SECTION. Sec. 4.** A new section is added to chapter 50.16 RCW to read as follows:

(1) The COVID-19 unemployment account is created in the custody of the state treasurer. Revenues to the account shall consist of appropriations and transfers by the legislature and all other funding directed for deposit into the account. Only the commissioner of the employment security department or the commissioner's designee may authorize expenditures from the account. Expenditures from the account may be used only for reimbursing the unemployment trust fund account for unemployment benefits paid to the approved employees of employers approved for such reimbursement pursuant to section 5 of this act. The account is subject to the allotment procedures under chapter 43.88 RCW, but an appropriation is not required for expenditures.

(2) Any federal funding or relief for novel coronavirus that could be used for the purposes of section 5 of this act must be used first before spending from the account. Additionally, if the employment security department subsequently receives reimbursements from federal sources for amounts spent from the account, the department must remit the federal funding to the state treasurer for reimbursement to the budget stabilization account. If federal law or rules would prevent such remittance, the department must notify the office of financial management and the fiscal

committees of the legislature within thirty days of receipt of the reimbursement.

(3) By July 1, 2021, the commissioner must certify to the state treasurer the amount of any unobligated moneys in the COVID-19 unemployment account that are attributable to the budget stabilization account appropriation in section 3 of this act, and the treasurer must transfer those moneys back to the budget stabilization account.

**NEW SECTION. Sec. 5.** A new section is added to chapter 50.29 RCW to read as follows:

(1) By September 30, 2020, a contribution paying employer may submit an application to the employment security department to have the approved benefits paid to approved employees be reimbursed by the COVID-19 unemployment account instead of charged to the employer's experience rating account. The application must be submitted in a form and manner approved by the department through rule.

(2) The department should not approve an application if the benefits paid will not otherwise be charged to the employer's experience rating account or if the employer was otherwise eligible to receive relief of benefit charges.

(3) If the department approves an employer's application, the department will not charge the forgiven benefits to the employer's experience rating account. The commissioner shall instead transfer from the COVID-19 unemployment account to the unemployment trust fund account an amount equal to the forgiven benefits.

(4) If the department rejects an employer's application, the department shall present the employer with the reasons why the application was rejected. The reasons for the rejection are final and nonappealable.

(5) For purposes of this section, the following definitions apply:

(a) "Approved employee" means an employee who:

(i) Was temporarily laid off as a direct or indirect consequence of an outbreak of COVID-19;

(ii) Was approved by the department to be on standby pursuant to rules adopted by the department;

(iii) Has returned to the same employment with the employer the employee had prior to the temporary unemployment; and

(iv) Meets other criteria the department may establish by rule.

(b) "Approved benefits" means benefits paid to an approved employee while the approved employee was on standby pursuant to rules adopted by the department.

(c) "Total approved benefits" means the sum total of all approved benefits paid to all approved employees.

(d) "Forgiveness ratio" is computed by dividing the amount of money in the COVID-19 unemployment account by the total approved benefits. The forgiveness ratio cannot be more than 1.

(e) "Forgiven benefits" means the approved benefits for an individual employer multiplied by the forgiveness ratio.

(6) The department shall adopt such rules as are necessary to carry out the purposes of this section.

(7) This section expires July 30, 2021."

Renumber the remaining sections consecutively and correct any internal references accordingly.

On page 3, after line 16, insert the following:

**"NEW SECTION. Sec. 5.** If any part of this act is found to be in conflict with federal requirements that are a prescribed condition to the allocation of federal funds to the state or the eligibility of employers in this state for federal unemployment tax credits, the conflicting part of this act is inoperative solely to the extent of the conflict, and this finding or determination does not affect the operation of the remainder of this act. Rules adopted under this act must meet federal requirements that are a necessary condition to the receipt of federal funds by the state or the granting of federal unemployment tax credits to employers in this state."

Renumber the remaining section consecutively and correct any internal references accordingly.

On page 1, line 2 of the title, after "38.52.105;" insert "adding a new section to chapter 50.16 RCW; adding a new section to chapter 50.29 RCW;"

On page 1, line 2 of the title, after "74.46 RCW;" insert "creating a new section;"

On page 1, line 3 of the title, after "appropriations;" insert "providing an expiration date;"

and the same is herewith transmitted.

Brad Hendrickson, Secretary

#### **SENATE AMENDMENT TO HOUSE BILL**

There being no objection, the House concurred in the Senate amendment to ENGROSSED HOUSE BILL NO. 2965 and advanced the bill as amended by the Senate to final passage.

#### **FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED**

Representatives Cody and Schmick spoke in favor of the passage of the bill.

The Speaker stated the question before the House to be the final passage of Engrossed House Bill No. 2965, as amended by the Senate.

#### **ROLL CALL**

The Clerk called the roll on the final passage of Engrossed House Bill No. 2965, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Mead, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Excused: Representatives Paul and Shea.

ENGROSSED HOUSE BILL NO. 2965, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

With the consent of the House the bills previously acted upon were immediately transmitted to the Senate.

The Speaker called upon Representatives Appleton, Smith, Kilduff and Pettigrew to preside.

#### **RESOLUTION**

**HOUSE RESOLUTION NO. 2020-4689,** by Representatives Sullivan and Kretz

WHEREAS, It is necessary to provide for the continuation of the work of the House of Representatives after its adjournment and during the interim periods between legislative sessions;

NOW, THEREFORE, BE IT RESOLVED, That the Executive Rules Committee is hereby created by this resolution and shall consist of three members of the majority caucus and two members of the minority caucus, to be named by the Speaker of the House of Representatives and Minority Leader respectively; and

BE IT FURTHER RESOLVED, That the Executive Rules Committee may assign subject matters, bills, memorials, and resolutions to authorized committees of the House of Representatives for study during the interim, and the Speaker of the House of Representatives may create special and select committees as may be necessary to carry out the functions, including interim studies, of the House of Representatives in an orderly manner and shall appoint members to such committees with the approval of the Executive Rules Committee; and

BE IT FURTHER RESOLVED, That, during the interim, the schedules, agendas, and locations for all meetings of any legislative task force, committee, or subcommittee shall be approved by the Executive Rules Committee, and those task forces, committees, or subcommittees may conduct hearings and scheduling without a quorum being present; and



BE IT FURTHER RESOLVED, That, during the interim, authorized committees have the power of subpoena, the power to administer oaths, and the power to issue commissions for the examination of witnesses in accordance with chapter 44.16 RCW if and when specifically authorized by the Executive Rules Committee for specific purposes and specific subjects; and

BE IT FURTHER RESOLVED, That the Chief Clerk of the House of Representatives shall complete the work of the 2020 Regular Session of the Sixty-Sixth Legislature during interim periods, and all details that arise therefrom, including the editing, indexing, and publishing of the journal of the House of Representatives; and

BE IT FURTHER RESOLVED, That the Chief Clerk of the House of Representatives shall make the necessary inventory of furnishings, fixtures, and supplies; and

BE IT FURTHER RESOLVED, That the Chief Clerk of the House of Representatives may approve vouchers of the members of the House of Representatives, covering expenses incurred during the interim for official business of the Legislature in accordance with policies set by the Executive Rules Committee, at the per diem rate provided by law and established by the Executive Rules Committee, for each day or major portion of a day, plus mileage at the rate provided by law and established by the Executive Rules Committee; and

BE IT FURTHER RESOLVED, That the Chief Clerk of the House of Representatives shall, during the interim, and as authorized by the Speaker of the House of Representatives, retain or hire any necessary employees and order necessary supplies, equipment, and printing to enable the House of Representatives to carry out its work promptly and efficiently, and accept committee reports, committee bills, prefiled bills, memorials, and resolutions as directed by the Rules of the House of Representatives; and

BE IT FURTHER RESOLVED, That the Chief Clerk of the House of Representatives shall have authority to execute personal services contracts relating to workplace investigations, and with approval of the Executive Rules Committee, may execute other types of personal services contracts that necessitate the expenditure of House of Representatives appropriations; and

BE IT FURTHER RESOLVED, That the Chief Clerk of the House of Representatives shall execute the necessary vouchers upon which warrants are drawn for all legislative expenses and expenditures of the House of Representatives; and

BE IT FURTHER RESOLVED, That members and employees of the Legislature be reimbursed for expenses incurred in attending authorized conferences and meetings at the rate provided by law and established by the Executive Rules Committee, plus mileage to and from the conferences and meetings at the rate provided by law and established by the Executive Rules Committee, which reimbursement shall be paid on vouchers from any appropriation made to the House of Representatives for legislative expenses; and

BE IT FURTHER RESOLVED, That, during the interim, the use of the House of Representatives Chamber, any of its committee rooms, or any of the furniture or furnishings in them is permitted upon such terms and conditions as the Chief Clerk of the House of Representatives shall deem appropriate; and

BE IT FURTHER RESOLVED, That the Chief Clerk of the House of Representatives may express the sympathy of the House of Representatives by sending flowers and correspondence when the necessity arises; and

BE IT FURTHER RESOLVED, That this Resolution applies throughout the interim between sessions of the Sixty-Sixth Legislature, as well as any committee assembly.

There being no objection, HOUSE RESOLUTION NO. 4689 was adopted.

#### **SENATE CONCURRENT RESOLUTION NO. 8413, by Senators Liias and Short**

##### **Returning bills to their house of origin.**

The concurrent resolution was read the third time.

With the consent of the House, SENATE CONCURRENT RESOLUTION NO. 8413 was adopted.

#### **SENATE CONCURRENT RESOLUTION NO. 8414, by Senators Liias and Short**

##### **Adjourning SINE DIE.**

The concurrent resolution was read the third time.

With the consent of the House, SENATE CONCURRENT RESOLUTION NO. 8414 was adopted.

There being no objection, the House reverted to the third order of business.

#### **MESSAGE FROM THE SENATE**

March 12, 2020

Mme. SPEAKER:

The Senate has adopted:

SENATE CONCURRENT RESOLUTION NO. 8413,  
SENATE CONCURRENT RESOLUTION NO. 8414,

and the same are herewith transmitted.

Brad Hendrickson, Secretary

March 12, 2020

Mme. SPEAKER:

Under the provisions of SENATE CONCURRENT RESOLUTION NO. 8413, the following House Bills were returned to the House of Representatives:

SUBSTITUTE HOUSE BILL NO. 1009,  
 SUBSTITUTE HOUSE BILL NO. 1010,  
 ENGROSSED HOUSE BILL NO. 1058,  
     HOUSE BILL NO. 1061,  
     HOUSE BILL NO. 1079,  
 ENGROSSED SECOND SUBSTITUTE HOUSE  
     BILL NO. 1110,  
     HOUSE BILL NO. 1201,  
     HOUSE BILL NO. 1242,  
 SUBSTITUTE HOUSE BILL NO. 1255,  
 SUBSTITUTE HOUSE BILL NO. 1256,  
 ENGROSSED SUBSTITUTE HOUSE BILL NO.  
     1264,  
 ENGROSSED SECOND SUBSTITUTE HOUSE  
     BILL NO. 1272,  
     HOUSE BILL NO. 1278,  
 ENGROSSED SECOND SUBSTITUTE HOUSE  
     BILL NO. 1304,  
 SECOND ENGROSSED SUBSTITUTE HOUSE  
     BILL NO. 1332,  
 ENGROSSED SUBSTITUTE HOUSE BILL NO.  
     1422,  
 ENGROSSED SECOND SUBSTITUTE HOUSE  
     BILL NO. 1503,  
 SECOND ENGROSSED SUBSTITUTE HOUSE  
     BILL NO. 1565,  
 ENGROSSED SUBSTITUTE HOUSE BILL NO.  
     1598,  
 SECOND SUBSTITUTE HOUSE BILL NO. 1633,  
 SECOND SUBSTITUTE HOUSE BILL NO. 1659,  
     HOUSE BILL NO. 1674,  
     SUBSTITUTE HOUSE BILL NO. 1715,  
 SECOND SUBSTITUTE HOUSE BILL NO. 1733,  
 ENGROSSED SUBSTITUTE HOUSE BILL NO.  
     1813,  
     SUBSTITUTE HOUSE BILL NO. 1826,  
     HOUSE BILL NO. 1829,  
 SECOND SUBSTITUTE HOUSE BILL NO. 1853,  
 ENGROSSED SECOND SUBSTITUTE HOUSE  
     BILL NO. 1860,  
 ENGROSSED HOUSE BILL NO. 1894,  
     HOUSE BILL NO. 1952,  
     HOUSE BILL NO. 1983,  
 ENGROSSED HOUSE BILL NO. 2008,  
     HOUSE BILL NO. 2013,  
 SUBSTITUTE HOUSE BILL NO. 2032,  
     HOUSE BILL NO. 2033,  
 ENGROSSED SUBSTITUTE HOUSE BILL NO.  
     2036,  
 ENGROSSED SECOND SUBSTITUTE HOUSE  
     BILL NO. 2050,  
 ENGROSSED SUBSTITUTE HOUSE BILL NO.  
     2085,  
     HOUSE BILL NO. 2092,  
     HOUSE BILL NO. 2110,  
 ENGROSSED SUBSTITUTE HOUSE BILL NO.  
     2138,  
 SUBSTITUTE HOUSE BILL NO. 2155,

ENGROSSED HOUSE BILL NO. 2166,  
 SUBSTITUTE HOUSE BILL NO. 2187,  
     HOUSE BILL NO. 2197,  
 SUBSTITUTE HOUSE BILL NO. 2200,  
 ENGROSSED HOUSE BILL NO. 2216,  
     HOUSE BILL NO. 2218,  
 ENGROSSED SUBSTITUTE HOUSE BILL NO.  
     2220,  
 ENGROSSED HOUSE BILL NO. 2228,  
 SUBSTITUTE HOUSE BILL NO. 2244,  
     HOUSE BILL NO. 2252,  
 SUBSTITUTE HOUSE BILL NO. 2287,  
     HOUSE BILL NO. 2305,  
 SUBSTITUTE HOUSE BILL NO. 2306,  
 SECOND SUBSTITUTE HOUSE BILL NO. 2310,  
     HOUSE BILL NO. 2319,  
 SUBSTITUTE HOUSE BILL NO. 2326,  
     HOUSE BILL NO. 2340,  
     HOUSE BILL NO. 2345,  
     HOUSE BILL NO. 2347,  
     HOUSE BILL NO. 2348,  
     HOUSE BILL NO. 2352,  
 SUBSTITUTE HOUSE BILL NO. 2353,  
 SUBSTITUTE HOUSE BILL NO. 2356,  
 SUBSTITUTE HOUSE BILL NO. 2359,  
 SECOND SUBSTITUTE HOUSE BILL NO. 2386,  
 SUBSTITUTE HOUSE BILL NO. 2388,  
     HOUSE BILL NO. 2396,  
 SUBSTITUTE HOUSE BILL NO. 2400,  
 ENGROSSED SUBSTITUTE HOUSE BILL NO.  
     2427,  
 ENGROSSED HOUSE BILL NO. 2440,  
     HOUSE BILL NO. 2442,  
 ENGROSSED SUBSTITUTE HOUSE BILL NO.  
     2443,  
 ENGROSSED HOUSE BILL NO. 2461,  
 ENGROSSED SUBSTITUTE HOUSE BILL NO.  
     2471,  
     HOUSE BILL NO. 2477,  
     HOUSE BILL NO. 2484,  
 SUBSTITUTE HOUSE BILL NO. 2498,  
 ENGROSSED HOUSE BILL NO. 2501,  
     HOUSE BILL NO. 2540,  
     HOUSE BILL NO. 2542,  
 ENGROSSED SUBSTITUTE HOUSE BILL NO.  
     2575,  
     HOUSE BILL NO. 2580,  
     HOUSE BILL NO. 2596,  
 ENGROSSED HOUSE BILL NO. 2610,  
 SUBSTITUTE HOUSE BILL NO. 2621,  
 ENGROSSED HOUSE BILL NO. 2623,  
 ENGROSSED SUBSTITUTE HOUSE BILL NO.  
     2625,  
 ENGROSSED SUBSTITUTE HOUSE BILL NO.  
     2629,  
     HOUSE BILL NO. 2664,  
     HOUSE BILL NO. 2680,  
 SUBSTITUTE HOUSE BILL NO. 2684,  
 ENGROSSED HOUSE BILL NO. 2687,  
     HOUSE BILL NO. 2710,  
 SUBSTITUTE HOUSE BILL NO. 2712,  
 SUBSTITUTE HOUSE BILL NO. 2714,

SUBSTITUTE HOUSE BILL NO. 2725,  
 SUBSTITUTE HOUSE BILL NO. 2730,  
     HOUSE BILL NO. 2747,  
     HOUSE BILL NO. 2749,  
     HOUSE BILL NO. 2757,  
 SUBSTITUTE HOUSE BILL NO. 2768,  
 SUBSTITUTE HOUSE BILL NO. 2772,  
 SUBSTITUTE HOUSE BILL NO. 2773,  
 ENGROSSED SUBSTITUTE HOUSE BILL NO.  
     2775,  
 ENGROSSED SUBSTITUTE HOUSE BILL NO.  
     2786,  
     SUBSTITUTE HOUSE BILL NO. 2789,  
 ENGROSSED SUBSTITUTE HOUSE BILL NO.  
     2804,  
     HOUSE BILL NO. 2809,  
 ENGROSSED SUBSTITUTE HOUSE BILL NO.  
     2825,  
     SUBSTITUTE HOUSE BILL NO. 2836,  
 ENGROSSED SUBSTITUTE HOUSE BILL NO.  
     2849,  
     SUBSTITUTE HOUSE BILL NO. 2865,  
     HOUSE BILL NO. 2867,  
 ENGROSSED SUBSTITUTE HOUSE BILL NO.  
     2879,  
 ENGROSSED SUBSTITUTE HOUSE BILL NO.  
     2880,  
 ENGROSSED SUBSTITUTE HOUSE BILL NO.  
     2890,  
     ENGROSSED HOUSE BILL NO. 2896,  
     SUBSTITUTE HOUSE BILL NO. 2906,  
     SUBSTITUTE HOUSE BILL NO. 2936,  
     HOUSE JOINT MEMORIAL NO. 4012,  
 SUBSTITUTE HOUSE JOINT MEMORIAL NO.  
     4014,  
     HOUSE JOINT MEMORIAL NO. 4016,

and the same are herewith transmitted.

Brad Hendrickson, Secretary

#### MESSAGES FROM THE HOUSE

MR. PRESIDENT:

Under the provisions of SENATE CONCURRENT RESOLUTION NO. 8413, the following Senate bills are returned to the Senate:

SUBSTITUTE SENATE BILL NO. 5011  
 ENGROSSED SUBSTITUTE SENATE BILL NO.  
     5024  
 SECOND SUBSTITUTE SENATE BILL NO. 5093  
 ENGROSSED SUBSTITUTE SENATE BILL NO.  
     5167  
     SUBSTITUTE SENATE BILL NO. 5168  
 SECOND SUBSTITUTE SENATE BILL NO. 5236  
     SUBSTITUTE SENATE BILL NO. 5247  
     ENGROSSED SENATE BILL NO. 5294  
 ENGROSSED SECOND SUBSTITUTE SENATE  
     BILL NO. 5299  
     SENATE BILL NO. 5339

SECOND ENGROSSED SUBSTITUTE SENATE  
     BILL NO. 5389  
     SUBSTITUTE SENATE BILL NO. 5400  
     SUBSTITUTE SENATE BILL NO. 5441  
 SECOND SUBSTITUTE SENATE BILL NO. 5493  
 ENGROSSED SUBSTITUTE SENATE BILL NO.  
     5504  
 FOURTH SUBSTITUTE SENATE BILL NO. 5533  
 SECOND SUBSTITUTE SENATE BILL NO. 5607  
 ENGROSSED SUBSTITUTE SENATE BILL NO.  
     5614  
     SUBSTITUTE SENATE BILL NO. 5679  
 SECOND ENGROSSED SECOND SUBSTITUTE  
     SENATE BILL NO. 5740  
     SENATE BILL NO. 5749  
     SENATE BILL NO. 5782  
     SUBSTITUTE SENATE BILL NO. 5789  
     ENGROSSED SENATE BILL NO. 5834  
 ENGROSSED SUBSTITUTE SENATE BILL NO.  
     5908  
 ENGROSSED SUBSTITUTE SENATE BILL NO.  
     5946  
 ENGROSSED SUBSTITUTE SENATE BILL NO.  
     5984

and the same are herewith transmitted.

BERNARD DEAN, Chief Clerk

March 12, 2020

MR. PRESIDENT:

Under the provisions of SENATE CONCURRENT RESOLUTION NO. 8413, the following Senate bills are returned to the Senate:

ENGROSSED SUBSTITUTE SENATE BILL NO.  
     6012  
     SUBSTITUTE SENATE BILL NO. 6022  
     SUBSTITUTE SENATE BILL NO. 6035  
     SENATE BILL NO. 6046  
     SENATE BILL NO. 6047  
     SENATE BILL NO. 6057  
 ENGROSSED SUBSTITUTE SENATE BILL NO.  
     6062  
 SECOND SUBSTITUTE SENATE BILL NO. 6064  
     SENATE BILL NO. 6073  
     SUBSTITUTE SENATE BILL NO. 6081  
 ENGROSSED SUBSTITUTE SENATE BILL NO.  
     6092  
     SENATE BILL NO. 6099  
     SENATE BILL NO. 6100  
     SENATE BILL NO. 6101  
     SUBSTITUTE SENATE BILL NO. 6105  
     SUBSTITUTE SENATE BILL NO. 6112  
     SUBSTITUTE SENATE BILL NO. 6113  
     SENATE BILL NO. 6115  
 SECOND SUBSTITUTE SENATE BILL NO. 6117  
 ENGROSSED SUBSTITUTE SENATE BILL NO.  
     6122  
     SUBSTITUTE SENATE BILL NO. 6127

SENATE BILL NO. 6132  
 SENATE BILL NO. 6138  
 ENGROSSED SUBSTITUTE SENATE BILL NO.  
 6147  
 SUBSTITUTE SENATE BILL NO. 6155  
 ENGROSSED SUBSTITUTE SENATE BILL NO.  
 6156  
 SUBSTITUTE SENATE BILL NO. 6182  
 SUBSTITUTE SENATE BILL NO. 6183  
 ENGROSSED SECOND SUBSTITUTE SENATE  
 BILL NO. 6213  
 SUBSTITUTE SENATE BILL NO. 6215  
 ENGROSSED SENATE BILL NO. 6238  
 SUBSTITUTE SENATE BILL NO. 6262  
 SENATE BILL NO. 6265  
 SECOND SUBSTITUTE SENATE BILL NO. 6275  
 ENGROSSED SUBSTITUTE SENATE BILL NO.  
 6278  
 ENGROSSED SUBSTITUTE SENATE BILL NO.  
 6282  
 SUBSTITUTE SENATE BILL NO. 6297  
 SUBSTITUTE SENATE BILL NO. 6302  
 SENATE BILL NO. 6316  
 ENGROSSED SUBSTITUTE SENATE BILL NO.  
 6324  
 SECOND SUBSTITUTE SENATE BILL NO. 6342  
 SENATE BILL NO. 6354  
 SUBSTITUTE SENATE BILL NO. 6358  
 SENATE BILL NO. 6363  
 SENATE BILL NO. 6370  
 SECOND SUBSTITUTE SENATE BILL NO. 6382  
 SENATE BILL NO. 6403  
 SUBSTITUTE SENATE BILL NO. 6408  
 ENGROSSED SUBSTITUTE SENATE BILL NO.  
 6432  
 SUBSTITUTE SENATE BILL NO. 6455  
 SENATE BILL NO. 6468  
 SENATE BILL NO. 6480  
 SUBSTITUTE SENATE BILL NO. 6488  
 SUBSTITUTE SENATE BILL NO. 6501  
 SUBSTITUTE SENATE BILL NO. 6531  
 SENATE BILL NO. 6537  
 SENATE BILL NO. 6556  
 SENATE BILL NO. 6580  
 SENATE BILL NO. 6582  
 SECOND SUBSTITUTE SENATE BILL NO. 6591  
 SUBSTITUTE SENATE BILL NO. 6605  
 ENGROSSED SUBSTITUTE SENATE BILL NO.  
 6638  
 SENATE BILL NO. 6643  
 SUBSTITUTE SENATE BILL NO. 6676  
 SENATE JOINT MEMORIAL NO. 8014

and the same are herewith transmitted.

BERNARD DEAN, Chief Clerk

March 12, 2020

MR. PRESIDENT:

Under the provisions of SENATE CONCURRENT RESOLUTION NO. 8413, the following Senate bills are returned to the Senate:

SUBSTITUTE SENATE BILL NO. 6050  
 ENGROSSED SECOND SUBSTITUTE SENATE  
 BILL NO. 6331

and the same are herewith transmitted.

BERNARD DEAN, Chief Clerk

March 12, 2020

MR. PRESIDENT:

Under the provisions of SENATE CONCURRENT RESOLUTION NO. 8413, the following Senate bills are returned to the Senate:

ENGROSSED SECOND SUBSTITUTE SENATE  
 BILL NO. 6254

and the same is herewith transmitted.

BERNARD DEAN, Chief Clerk

### MOTIONS

On motion of Representative Sullivan, the reading of the Journal of the 60th Day of the 2020 Regular Session of the 66th Legislature was dispensed with and ordered to stand approved.

On motion of Representative Sullivan, the 2020 Regular Session of the 66th Legislature was adjourned SINE DIE.

LAURIE JINKINS, Speaker

BERNARD DEAN, Chief Clerk

1009-S	Third Reading.....	298	Third Reading Final Passage.....	179
	Third Reading Final Passage .....	299	Messages .....	2690
	Other Action .....	263	1120	
	Messages .....	2690	Committee Report .....	157
1010-S			Other Action .....	48
	Second Reading .....	146	1131	
	Amendment Offered.....	146	Committee Report .....	150
	Third Reading Final Passage .....	147	1154	
	Messages .....	2690	Committee Report .....	264
1018			Second Reading .....	397
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1056			Second Reading .....	159
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Other Action .....	58		Committee Report .....	274
Messages .....	1722, 1851		Second Reading .....	434
1058			Other Action .....	382
Third Reading.....	165		1182-S2 .....	1862
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1068			1191	
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1082			Speaker Signed .....	2236
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1082-S			Messages .....	2018
Other Action .....	573		1201	
1084			Committee Report .....	209
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1088			Third Reading Final Passage.....	335
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	Other Action .....	573	Speaker Signed .....	2076
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	Second Reading .....	352	1296	
	Third Reading Final Passage .....	352	Amendment Offered .....	390
	Other Action .....	263	1296-S2	
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	Other Action .....	1876	Messages .....	2690
	Speaker Signed .....	2076	1305	
	Messages .....	2232	Other Action .....	429
	Messages .....	1875	Other Action .....	573
1255			1315	
	Second Reading .....	309	Committee Report .....	202
	Other Action .....	49	1317	
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	Second Reading .....	471	Third Reading Final Passage.....	165
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	Other Action .....	49	1333	
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	Second Reading .....	321	Third Reading Final Passage.....	310
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	Messages .....	2690	Speaker Signed .....	2396
1272-S2			Messages .....	2679
	Amendment Offered.....	88	Messages .....	2244
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1435	Other Action .....	146		Second Reading .....	435
1441	Other Action .....	263		Amendment Offered .....	435
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	Other Action .....	2206		Speaker Signed .....	2236
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1645		Committee Report .....	170
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2066		Final Passage .....	2331
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Sixty Sixth Legislature  
2020 Regular Session  
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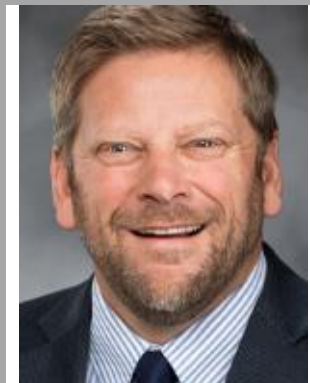


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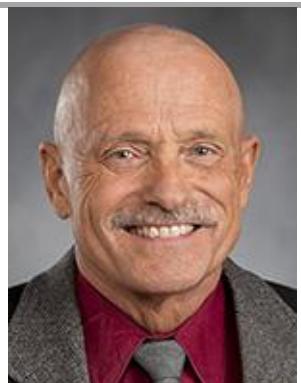
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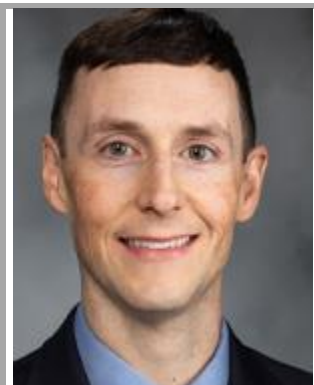
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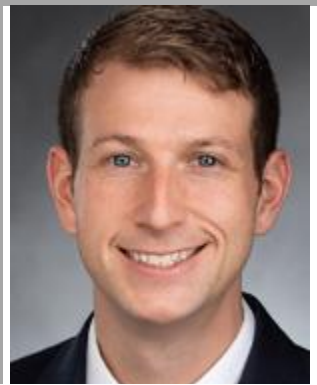


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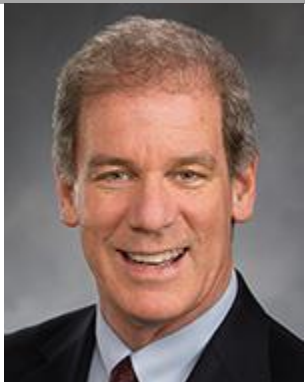


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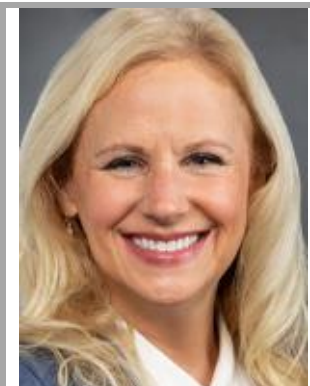
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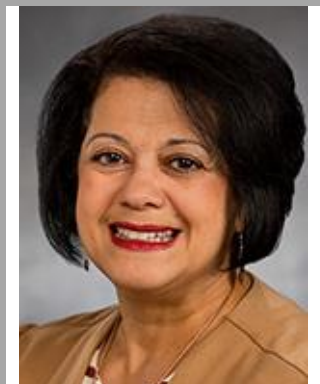
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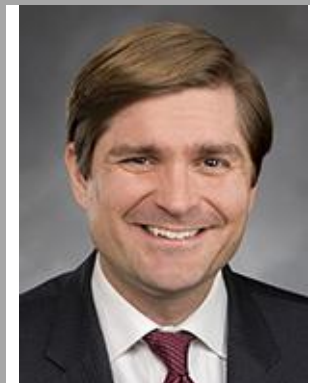


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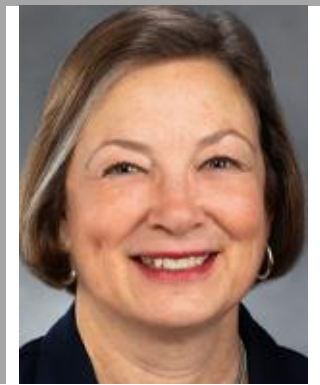
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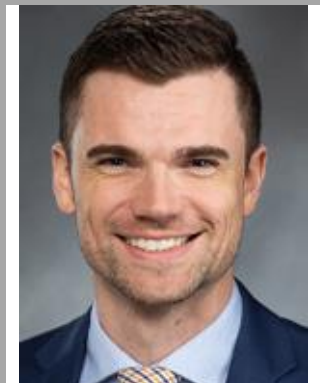


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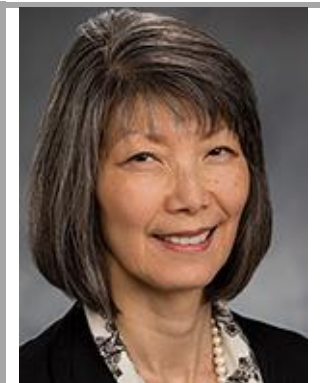


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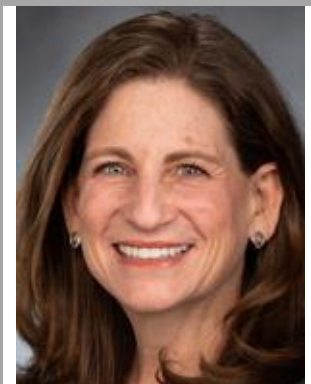
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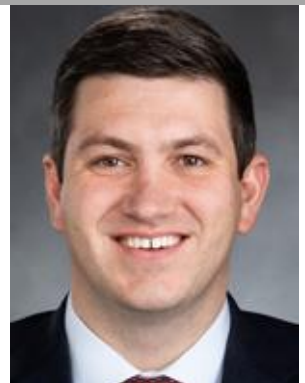
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**Ranking Member; Appropriations**

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Commerce & Gaming; Finance

Legislative Assistant: Peter Gilmour



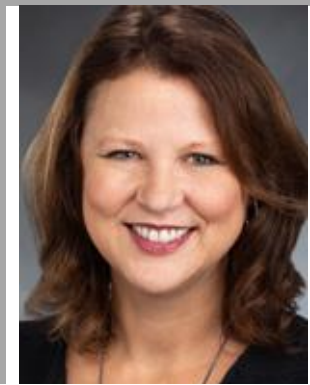
**Mike Volz (R) District 6**

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Legislative Assistant: Phillip Janzen

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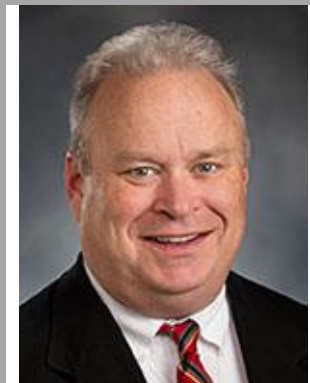


**Amy Walen (D) District 48**

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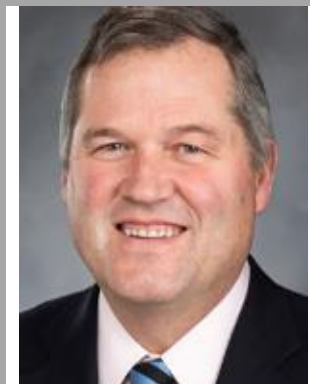


**Jim Walsh (R) District 19**

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**Transportation, Assistant Ranking Member;** Capital Budget;  
Rural Development, Agriculture & Natural Resources

Legislative Assistant: Kari Dodson

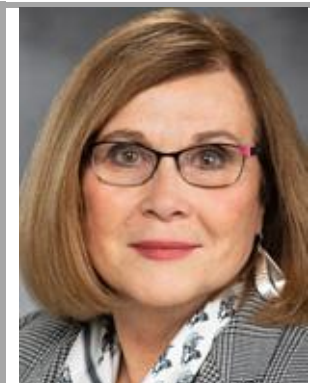


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**Sharon Wylie (D) District 49**

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Protection & Business; Education  
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**Assistant Ranking Member;** College & Workforce  
Development; Commerce & Gaming  
Legislative Assistant:

# BILLS, MEMORIALS AND RESOLUTIONS PASSED

## 2020 REGULAR SESSION

BILL	CHAPTER	DESCRIPTION	EFFECTIVE DATE	NOTE
Initiative 976	C 1 L 20	Motor vehicle taxes and fees	12/5/2019 *	
ESSB 6492	C 2 L 20	Addressing Workforce Education Investment	2/10/2020*	
EHB 1687	C 3 L 20	Limiting defenses based on victim identity	6/11/2020	
EHB 1552	C 4 L 20	Health care provider cred. by health carries	6/11/2020*	
ESHB 2099	C 5 L 20	Use of video technology under invol treatment act	6/11/2020*	
HB 2739	C 6 L 20	Adjusting certain requirements - shared leave prog	6/11/2020*	
EHB 2965	C 7 L 20	The state's response to the novel coronavirus	3/17/2020	
ESSB 6189	C 8 L 20	School employee's benefits board coverage	3/17/2020	
HB 1165	C 9 L 20	Low-water landscaping	6/11/2020	
ESHB 1261	C 10 L 20	Clean water act/discharges	6/11/2020	
HB 1347	C 11 L 20	Vehicle reseller permits	6/11/2020	
ESHB 1520	C 12 L 20	Ballot envelope dates	6/11/2020	
3SHB 1660	C 13 L 20	Extracurricular/low income	6/11/2020	
HB 1750	C 14 L 20	County sheriff vacancies	6/11/2020	
HB 1755	C 15 L 20	Education doctorate degrees	6/11/2020	
2SHB 2066	C 16 L 20	Driver's license restriction	1/1/2022	
HB 2109	C 17 L 20	Chehalis board membership	6/11/2020	
SHB 2205	C 18 L 20	Technical corrections	6/11/2020	
ESHB 2231	C 19 L 20	Bail jumping	6/11/2020	
SHB 2246	C 20 L 20	Environment reorganization	6/11/2020*	
HB 2251	C 21 L 20	Biological product notice	6/11/2020	
HB 2259	C 22 L 20	Background checks/education	6/11/2020	
ESHB 2265	C 23 L 20	Firefighting foam	6/11/2020	
HB 2271	C 24 L 20	Transp. bonds/budget ref.	6/11/2020	
SHB 2295	C 25 L 20	Small claims court judgments	6/11/2020	
ESHB 2318	C 26 L 20	Criminal investigation	6/11/2020*	
E2SHB 2405	C 27 L 20	Comm. property/clean energy	6/11/2020	
E2SHB 2467	C 28 L 20	Firearm background checks	6/11/2020	
SHB 2473	C 29 L 20	Domestic violence	3/18/2020	
SHB 2476	C 30 L 20	Debt buyers	6/11/2020	
HB 2508	C 31 L 20	City utility surplus	6/11/2020	
E2SHB 2518	C 32 L 20	Natural gas transmission	6/11/2020	
SHB 2525	C 33 L 20	Family connections program	6/11/2020	
SHB 2527	C 34 L 20	Census rights	3/18/2020	
ESHB 2551	C 35 L 20	Tribal regalia/graduation	3/18/2020	
SHB 2555	C 36 L 20	Other firearms/background	6/11/2020	
SHB 2567	C 37 L 20	Courts/arrests	6/11/2020	
ESHB 2571	C 38 L 20	Fish and wildlife violations	6/11/2020	
SHB 2589	C 39 L 20	Suicide prevention/ID cards	6/11/2020	

# BILLS, MEMORIALS AND RESOLUTIONS PASSED

## 2020 REGULAR SESSION

BILL	CHAPTER	DESCRIPTION	EFFECTIVE DATE	NOTE
HB 2617	C 40 L 20	Surplus school property	6/11/2020	
HB 2682	C 41 L 20	Out-of-home services	6/11/2020	
HB 2762	C 42 L 20	Peer support privilege/DOC	6/11/2020	
ESHB 2783	C 43 L 20	On-demand gasoline providers	6/11/2020	
SHB 2785	C 44 L 20	CJTC membership	6/11/2020	
EHB 2792	C 45 L 20	Missing & unident. persons	6/11/2020	
EHB 2819	C 46 L 20	Pumped storage projects	6/11/2020	
HB 2833	C 47 L 20	Engineers and land surveyors	6/11/2020	
HB 2837	C 48 L 20	Historical societies, powers	6/11/2020	
HB 2853	C 49 L 20	Charter school commission	6/11/2020	
HB 2860	C 50 L 20	Plane coordinate system	6/11/2020	
SHB 2873	C 51 L 20	Families in conflict	6/11/2020	
ESB 5165	C 52 L 20	Discrimination/immigration	6/11/2020	
ESB 5450	C 53 L 20	Adding superior court judges	6/11/2020	
SB 5519	C 54 L 20	Mosquito control districts	6/11/2020	
SSB 5867	C 55 L 20	Drug offense resentencing	6/11/2020	
SSB 5900	C 56 L 20	LGBTQ coordinator/veterans	6/11/2020	
ESSB 6028	C 57 L 20	Uniform electronic transact.	6/11/2020	
ESSB 6063	C 58 L 20	DOC health care admin.	6/11/2020	
SB 6066	C 59 L 20	Ethnic studies materials	6/11/2020	
SSB 6074	C 60 L 20	Financial fraud/theft crimes	6/11/2020	
SB 6103	C 61 L 20	Educational reporting	6/11/2020	
SB 6119	C 62 L 20	Money laundering proceeds	6/11/2020	
SSB 6135	C 63 L 20	System reliability/energy	6/11/2020	
SB 6136	C 64 L 20	Electronic benefit cards	6/11/2020	
SB 6187	C 65 L 20	Data breaches/SSN	6/11/2020	
SSB 6208	C 66 L 20	Bicyclists/stop signs	10/1/2020	
SSB 6210	C 67 L 20	Antifouling paints	6/11/2020	
2SSB 6309	C 68 L 20	WIC fruit & veg. benefit	6/11/2020	
SB 6326	C 69 L 20	Municipal conflicts	6/11/2020	
SB 6357	C 70 L 20	Pull-tab dollar limit	6/11/2020	
SB 6423	C 71 L 20	Child abuse, neglect reports	6/11/2020	
SB 6493	C 72 L 20	Active transp safety council	6/11/2020	
SSB 6500	C 73 L 20	Foster-family location move	6/11/2020	
SB 6567	C 74 L 20	Blood donor day	6/11/2020	
ESHB 6670	C 75 L 20	Discover pass/libraries	6/11/2020	
ESHB 1551	C 76 L 20	Communicable disease control	6/11/2020	
SHB 2017	C 77 L 20	Admin. law judge bargaining	3/19/2020	
EHB 2188	C 78 L 20	Military veteran CDL waivers	1/1/2021	
E2HB 2311	C 79 L 20	Greenhouse gas emissions	6/11/2020	
SHB 2378	C 80 L 20	Physician assistants	6/11/2020*	
HB 2416	C 81 L 20	Forensic mental health info.	6/11/2020	
SHB 2417	C 82 L 20	Community custody terms	6/11/2020	
HB 2449	C 83 L 20	Commissioner compensation	6/11/2020	
HB 2474	C 84 L 20	Sales commissions	6/11/2020	
HB 2602	C 85 L 20	Hair discrimination	6/11/2020	

# BILLS, MEMORIALS AND RESOLUTIONS PASSED

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## 2020 REGULAR SESSION

BILL	CHAPTER	DESCRIPTION	EFFECTIVE DATE	NOTE
SHB 2613	C 86 L 20	Unemployment benefits	6/11/2020	
SHB 2673	C 87 L 20	Infill development	6/11/2020	
HB 2701	C 88 L 20	Fire & smoke control systems	7/1/2021	
HB 2763	C 89 L 20	DOC employee interest arb.	6/11/2020	
SHB 2787	C 90 L 20	Infants and toddlers program	9/1/2020	
SHB 2868	C 91 L 20	Historic property valuation	6/11/2020	
ESSB 5385	C 92 L 20	Telemedicine reimbursement	3/19/2020	
ESB 6032	C 93 L 20	Apples special license plate	7/1/2020	
SSB 6058	C 94 L 20	Fire district health clinics	6/11/2020	
SB 6102	C 95 L 20	School bus stop signals	6/11/2020	
ESSB 6217	C 96 L 20	Airport labor standards	6/11/2020	
SB 6218	C 97 L 20	WSP retirement/salary def.	6/11/2020	
SSB 6267	C 98 L 20	Long-term services trust	6/11/2020	
SSB 6415	C 99 L 20	Perm. fire district charge	6/11/2020	
ESSB 6473	C 100 L 20	Asbestos building materials	6/11/2020	
SHB 1251	C 101 L 20	Election security breaches	6/11/2020	
ESHB 1608	C 102 L 20	Patient care/health entities	6/11/2020	
2SHB 1661	C 103 L 20	Higher education retirement	7/1/2020	
HB 1702	C 104 L 20	Low-cost course material/CTC	6/11/2020	
SHB 1847	C 105 L 20	Aircraft noise abatement	6/11/2020	
2SHB 1888	C 106 L 20	Employee info. disclosure	6/11/2020	
HB 2051	C 107 L 20	Pension & disability boards	6/11/2020	
HB 2189	C 108 L 20	PSERS/comp restoration work	6/11/2020	
HB 2229	C 109 L 20	Land dev. & management/tax	6/11/2020	
HB 2242	C 110 L 20	Travel trailers	6/11/2020	
HB 2266	C 111 L 20	Expression of breast milk	6/11/2020	
HB 2315	C 112 L 20	Mitigation equipment	6/11/2020	
ESHB 2342	C 113 L 20	Comprehensive plan updates	6/11/2020*	
HB 2402	C 114 L 20	Statutory committees	7/1/2020	
SHB 2426	C 115 L 20	Psychiatric patient safety	3/25/2020	
SHB 2464	C 116 L 20	Excess Rx medication charges	6/11/2020	
SHB 2483	C 117 L 20	DUI vehicle impoundment	6/11/2020	
HB 2491	C 118 L 20	Tribal vehicles compact	6/11/2020	
2SHB 2499	C 119 L 20	Correction officer cert.	6/11/2020	
E2SHB 2528	C 120 L 20	Forest products/climate	6/11/2020	
SEHB 2565	C 121 L 20	Disposable wipe labeling	7/1/2022	
HB 2599	C 122 L 20	Multiple handicaps, children	6/11/2020	
HB 2601	C 123 L 20	Parks & rec. common leases	6/11/2020	
SHB 2607	C 124 L 20	Identicards/homelessness	6/11/2020	
SHB 2614	C 125 L 20	Paid family & medical leave	6/11/2020*	
SHB 2622	C 126 L 20	Firearm orders compliance	6/11/2020	
ESHB 2638	C 127 L 20	Sports wagering/compacts	3/25/2020	
HB 2640	C 128 L 20	Private detention/GMA	3/25/2020	
HB 2669	C 129 L 20	Sports license plates	10/1/2020	
2SHB 2737	C 130 L 20	Child. mental health wk grp	6/11/2020	
EHB 2755	C 131 L 20	Air ambulance cost transp.	6/11/2020	



2776 **BILLS, MEMORIALS AND RESOLUTIONS PASSED**  
2020 REGULAR SESSION

BILL	CHAPTER	DESCRIPTION	EFFECTIVE DATE	NOTE
SHB 2803	C 132 L 20	Indian tribes compact/taxes	6/11/2020	
HB 2826	C 133 L 20	Marijuana vapor products	3/25/2020	
HB 2858	C 134 L 20	Assessment rolls filing	6/11/2020	
SHB 2889	C 135 L 20	Utility tax disclosures	6/11/2020	
3SSB 5164	C 136 L 20	Public assist./crime victims	2/1/2022	
E2SSB 5291	C 137 L 20	Confinement alts./children	6/11/2020	
ESSB 5323	C 138 L 20	Plastic bags	6/11/2020*	
ESB 5402	C 139 L 20	Tax and licensing laws	6/11/2020*	Partial Veto
ESB 5457	C 140 L 20	Naming of subcontractors	6/11/2020	
2SSB 5488	C 141 L 20	Youth sentencing guidelines	6/11/2020	
ESSB 5522	C 142 L 20	City annexing/interlocal ag.	6/11/2020	
SB 5811	C 143 L 20	Clean car standards & prog.	6/11/2020	
ESSB 5829	C 144 L 20	Vol. firefighter pensions	1/1/2021**	
SB 6034	C 145 L 20	Pregnancy discrim complaints	6/11/2020	
SB 6045	C 146 L 20	Vulnerable public way users	6/11/2020	
SSB 6061	C 147 L 20	Telemedicine training	6/11/2020	
SSB 6072	C 148 L 20	State wildlife account	7/1/2021	
SB 6090	C 149 L 20	Detection device liability	6/11/2020	
SB 6120	C 150 L 20	Gambling/nonprofit orgs	6/11/2020	
SB 6131	C 151 L 20	Debenture company laws	6/11/2020	
SSB 6152	C 152 L 20	Foreign national ownership	6/11/2020	
SB 6170	C 153 L 20	Plumbing	6/11/2020*	
SSB 6206	C 154 L 20	Marijuana compliance cert.	6/11/2020	
SB 6229	C 155 L 20	Housing funds/quality award	6/11/2020	
SSB 6257	C 156 L 20	Underground storage tanks	6/11/2020	
SB 6286	C 157 L 20	Athlete agents/benefits	6/11/2020	
ESSB 6300	C 158 L 20	Animals	6/11/2020	
SB 6312	C 159 L 20	Nonprofit fund-raising/tax	6/11/2020	
SB 6383	C 160 L 20	Retirement strategy funds	6/11/2020	
SB 6417	C 161 L 20	Survivor option change	6/11/2020	
SB 6420	C 162 L 20	Underground utilities/safety	6/11/2020	
SB 6565	C 163 L 20	Motorcycle parking methods	6/11/2020	
SSB 6632	C 164 L 20	Business licensing services	7/1/2020	
ESB 6690	C 165 L 20	Aerospace B&O taxes/WTO	3/25/2020	
EHB 1187	C 166 L 20	Fish habitat projects	6/11/2020	
2SHB 1191	C 167 L 20	School notifications	6/11/2020	
ESHB 1622	C 168 L 20	Drought preparedness	6/11/2020	
EHB 1694	C 169 L 20	Tenants/installment payments	6/11/2020	
HB 1841	C 170 L 20	Crew size on certain trains	6/11/2020	Partial Veto
HB 2217	C 171 L 20	Cottage food product labels	6/11/2020	
SHB 2250	C 172 L 20	Coastal crab derelict gear	6/11/2020	
SHB 2343	C 173 L 20	Urban housing	6/11/2020	
SHB 2374	C 174 L 20	Auto dealer products	6/11/2020	
HB 2512	C 175 L 20	Mobile home delinquent taxes	6/11/2020	
HB 2524	C 176 L 20	Ag. product negotiations	6/11/2020	
ESHB 2535	C 177 L 20	Grace period for past due rents	6/11/2020	



# BILLS, MEMORIALS AND RESOLUTIONS PASSED

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## 2020 REGULAR SESSION

BILL	CHAPTER	DESCRIPTION	EFFECTIVE DATE	NOTE
SHB 2544	C 178 L 20	Definition of veteran	6/11/2020	
ESHB 2588	C 179 L 20	Special purpose districts	6/11/2020	
HB 2624	C 180 L 20	Dept of Ag examination fees	6/11/2020	
HB 2641	C 181 L 20	Passenger-only ferry service	6/11/2020	
ESHB 2676	C 182 L 20	Autonomous vehicle testing	6/11/2020*	
HB 2677	C 183 L 20	Health insurance information	6/11/2020	
SHB 2794	C 184 L 20	Juvenile record sealing	6/11/2020*	
SHB 2883	C 185 L 20	Adolescent behavioral health	6/11/2020*	
ESSB 5006	C 186 L 20	On-premises endorsement	6/11/2020	
ESB 5282	C 187 L 20	Pelvic exam consent	6/11/2020	
ESSB 5395	C 188 L 20	Sexual health education	6/11/2020	
ESSB 5434	C 189 L 20	Weapons in certain locations	6/11/2020	
ESSB 5473	C 190 L 20	Unemployment benefits/cause	6/11/2020	
SSB 5640	C 191 L 20	Youth courts	6/11/2020	
SB 5792	C 192 L 20	Cultural access programs	6/11/2020	
2ESB 5887	C 193 L 20	Prior authorization	6/11/2020	
SSB 6037	C 194 L 20	Business corporations	6/11/2020	
SB 6049	C 195 L 20	Insurance fraud account	7/1/2020	
SSB 6051	C 196 L 20	Medicare part D supplement	3/27/2020	
SSB 6052	C 197 L 20	Life insurance/behavior	7/1/2020	
SB 6078	C 198 L 20	Fire juris. reimbursement	6/11/2020	
SSB 6084	C 199 L 20	Circular intersections	6/11/2020	
ESSB 6095	C 200 L 20	Liquor/common carriers	6/11/2020	
SB 6096	C 201 L 20	Labor unrest/state services	6/11/2020	
SSB 6158	C 202 L 20	Model sex. assault protocols	6/11/2020	
SB 6164	C 203 L 20	Resentencing discretion	6/11/2020	
2SSB 6231	C 204 L 20	Single-family dwellings	6/11/2020	
ESSB 6261	C 205 L 20	Farm labor contractor system	6/11/2020	
SB 6263	C 206 L 20	Data sharing/schools, tribes	6/11/2020	
SB 6305	C 207 L 20	Library districts	6/11/2020	
ESB 6313	C 208 L 20	Young voters	6/11/2020*	
SSB 6319	C 209 L 20	Senior property tax admin.	6/11/2020	
SSB 6392	C 210 L 20	Local wine industry license	6/11/2020	
SSB 6409	C 211 L 20	Industrial equip./electrical	6/11/2020	
ESB 6421	C 212 L 20	Farm internship program	3/27/2020	
ESSB 6440	C 213 L 20	Workers' comp medical exam	6/11/2020*	
ESSB 6574	C 214 L 20	GMHB & ELUHO powers, duties	6/11/2020	
ESSB 6592	C 215 L 20	Tourism authorities	6/11/2020	
SSB 6613	C 216 L 20	Aquatic farming inspections	6/11/2020	
ESSB 6617	C 217 L 20	Accessory dwelling units	6/11/2020	
SSB 6660	C 218 L 20	Four-year balanced budget	7/1/2020	
ESHB 2322	C 219 L 20	Transp. budget, supplemental	3/31/2020	Partial Veto
ESHB 1023	C 220 L 20	Adult family homes, 8 beds	6/11/2020	
SHB 1154	C 221 L 20	Chehalis basin financing	6/11/2020	
HB 1590	C 222 L 20	Housing tax/councilmanic	6/11/2020	
ESHB 1754	C 223 L 20	Homeless hosting/religious	6/11/2020	

2778 **BILLS, MEMORIALS AND RESOLUTIONS PASSED**  
2020 REGULAR SESSION

BILL	CHAPTER	DESCRIPTION	EFFECTIVE DATE	NOTE
ESHB 1793	C 224 L 20	Auto. traffic safety cameras	6/11/2020	
EHB 2040	C 225 L 20	Nonhigh school districts	6/11/2020	
ESHB 2116	C 226 L 20	Institutional education	3/31/2020	
SHB 2302	C 227 L 20	Child support	6/11/2020*	
SHB 2338	C 228 L 20	Mental health coverage	6/11/2020	
ESHB 2411	C 229 L 20	Suicide prevention/providers	6/11/2020*	
HB 2412	C 230 L 20	Domestic brewery retail	6/11/2020	
HB 2458	C 231 L 20	Optional benefits/schools	6/11/2020	
SHB 2543	C 232 L 20	In-state residency/veterans	6/11/2020	
SHB 2711	C 233 L 20	Educational outcomes	6/11/2020	
SHB 2758	C 234 L 20	911 dispatch personnel/PTSD	6/11/2020	
ESHB 2816	C 235 L 20	School & classroom climates	6/11/2020	
E2SHB 2870	C 236 L 20	Marijuana retail licenses	6/11/2020	
SHB 2950	C 237 L 20	Housing tax exemption	6/11/2020	Partial Veto
E2SSB 5549	C 238 L 20	Distillery marketing & sales	6/11/2020*	
ESSB 5591	C 239 L 20	Stolen vehicle check fee	7/1/2020	
2SSB 5601	C 240 L 20	Health care benefit manage.	6/11/2020*	Partial Veto
ESSB 5759	C 241 L 20	Remote technology/lens Rx	6/11/2020	Partial Veto
SSB 5976	C 242 L 20	Dentistry access/disability	6/11/2020	
SSB 6048	C 243 L 20	Insurance group supervision	6/11/2020	
SSB 6086	C 244 L 20	Opioid use/medications	6/11/2020	
E2SSB 6087	C 245 L 20	Insulin cost-sharing	6/11/2020	
SSB 6091	C 246 L 20	WA food policy forum	6/11/2020	
ESSB 6097	C 247 L 20	Health carrier surplus level	6/11/2020	
SB 6143	C 248 L 20	Podiatric medical board	6/11/2020	
ESB 6180	C 249 L 20	Juvenile sex offense regist.	6/11/2020	
SSB 6190	C 250 L 20	Dev. disabilities trust	6/11/2020	
SSB 6191	C 251 L 20	Adverse childhood experience	6/11/2020	
2SSB 6211	C 252 L 20	Drug offender sentencing	1/1/2021	
SB 6212	C 253 L 20	Affordable housing/prop. tax	10/1/2020	
SB 6236	C 254 L 20	Noneconomic damage waivers	6/11/2020	
ESB 6239	C 255 L 20	Public works projects	6/11/2020	
SSB 6259	C 256 L 20	Indian behavioral health sys	6/11/2020*	
ESSB 6280	C 257 L 20	Facial recognition services	7/1/2021	Partial Veto
SB 6359	C 258 L 20	Home health shortage areas	6/11/2020	
SB 6374	C 259 L 20	Apprenticeship materials	6/11/2020	
SSB 6397	C 260 L 20	Nonparticipating providers	6/11/2020	
SSB 6429	C 261 L 20	Medical condition desig.	1/1/2022	
SB 6507	C 262 L 20	DCYF program reporting	6/11/2020	
E2SSB 6515	C 263 L 20	Nursing facilities	6/11/2020	
SSB 6526	C 264 L 20	Prescription drug reuse	6/11/2020	
SB 6623	C 265 L 20	Host home funding	6/11/2020	
ESSB 6641	C 266 L 20	Sex offender treatment avail	6/11/2020	
SSB 6663	C 267 L 20	Eating disorders & diabetes	6/11/2020	
SHB 1293	C 268 L 20	Discover pass penalty dist.	6/11/2020	
E2SHB 1521	C 269 L 20	Government contracting	6/11/2020	

# BILLS, MEMORIALS AND RESOLUTIONS PASSED

2779

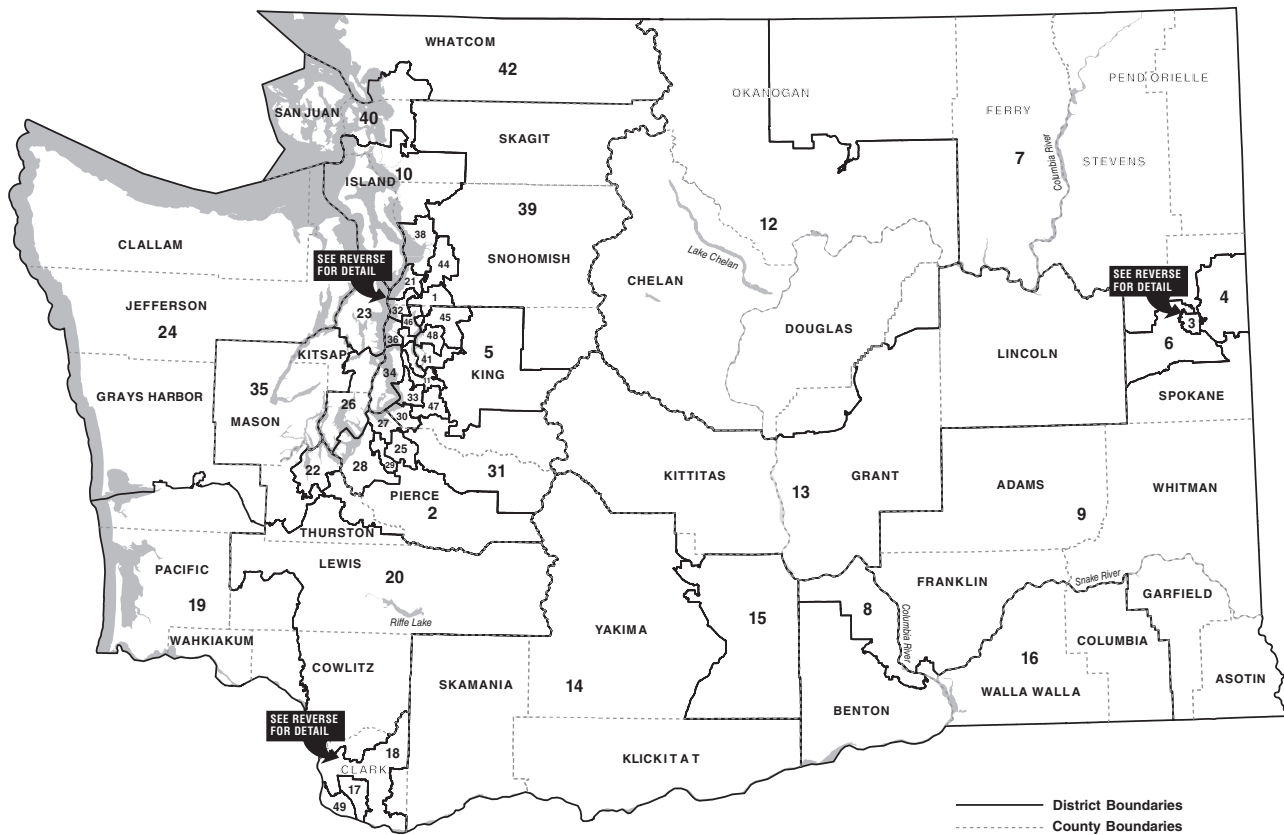
## 2020 REGULAR SESSION

BILL	CHAPTER	DESCRIPTION	EFFECTIVE DATE	NOTE
2SHB 1645	C 270 L 20	Parental improvement	1/1/2021	
2SHB 1651	C 271 L 20	Dev. disability serv. rights	6/11/2020	
HB 2230	C 272 L 20	Indian tribe-owned property	6/11/2020	
SHB 2384	C 273 L 20	Nonprofit housing/prop. tax	6/11/2020	
HB 2390	C 274 L 20	Dev. disability language	6/11/2020	
SHB 2393	C 275 L 20	Community custody credit	6/11/2020	
SHB 2394	C 276 L 20	Community custody	6/11/2020	
SHB 2409	C 277 L 20	Industrial insur./employers	9/1/2020*	
SHB 2448	C 278 L 20	Enhanced services facilities	6/11/2020	
SHB 2456	C 279 L 20	Working connect. eligibility	7/1/2020	
HB 2497	C 280 L 20	Affordable housing financing	6/11/2020	
2SHB 2513	C 281 L 20	Higher ed. debt collection	6/11/2020	
HB 2545	C 282 L 20	Jail records/managed health	6/11/2020	
SHB 2554	C 283 L 20	Health plan exclusions	6/11/2020	
ESHB 2576	C 284 L 20	Private detention facilities	6/11/2020	
EHB 2584	C 285 L 20	Behavioral health rates	6/11/2020	
HB 2587	C 286 L 20	Scenic bikeways	6/11/2020	
ESHB 2645	C 287 L 20	Photovoltaic modules	6/11/2020	Partial Veto
ESHB 2660	C 288 L 20	School meals at no cost	6/11/2020	
HB 2691	C 289 L 20	Language access providers	6/11/2020	
ESHB 2713	C 290 L 20	Compost procurement and use	6/11/2020	Partial Veto
SHB 2728	C 291 L 20	Funding model/telehealth	6/11/2020	
EHB 2811	C 292 L 20	Environmental education	6/11/2020	
SHB 2905	C 293 L 20	Baby, child dentistry access	6/11/2020	
HB 2926	C 294 L 20	Critical incident stress	6/11/2020	
SSB 5097	C 295 L 20	Massage therapists/photo	6/11/2020	
2SSB 5149	C 296 L 20	Monitoring w/ victim notif.	6/11/2020	
SB 5197	C 297 L 20	National guard ed. grants	6/11/2020	
E2SSB 5481	C 298 L 20	Collective bargaining/WDFW	6/11/2020	
2SSB 5572	C 299 L 20	School modernization grants	6/11/2020	
SB 5613	C 300 L 20	Road vacation/body of water	6/11/2020	
SSB 5628	C 301 L 20	Heavy equipment rental prop.	6/11/2020	
2E2SSB 5720	C 302 L 20	Involuntary treatment act	6/11/2020**	
SSB 6029	C 303 L 20	Uniform directed trust act	1/1/2021	
SSB 6068	C 304 L 20	Private airplanes/sales tax	6/11/2020*	
SB 6123	C 305 L 20	Organ donation leave	6/11/2020	
2SSB 6139	C 306 L 20	Aerospace tech. innovation	6/11/2020	
ESSB 6141	C 307 L 20	Higher education access	6/11/2020	
2SSB 6181	C 308 L 20	Crime victims' compensation	6/11/2020	
E2SSB 6205	C 309 L 20	Long-term care workers	6/11/2020	
SSB 6256	C 310 L 20	Heating oil insurance	6/11/2020	
ESSB 6268	C 311 L 20	Abusive litigation/partners	1/1/2021	
ESSB 6287	C 312 L 20	Guardianships, etc.	1/1/2022*	
ESSB 6288	C 313 L 20	Office of firearm safety	6/11/2020	
SSB 6306	C 314 L 20	Soil health initiative	6/11/2020	
ESSB 6378	C 315 L 20	Residential tenants	6/11/2020*	

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2020 REGULAR SESSION

BILL	CHAPTER	DESCRIPTION	EFFECTIVE DATE	NOTE
ESSB 6404	C 316 L 20	Health plans/prior auth.	6/11/2020	
ESSB 6419	C 317 L 20	Habilitation center clients	6/11/2020	
ESSB 6442	C 318 L 20	Private detainment	4/2/2020	
SSB 6476	C 319 L 20	Correctional services access	6/11/2020	
2SSB 6478	C 320 L 20	Economic assistance programs	6/11/2020*	
SSB 6483	C 321 L 20	Child care provider rating	6/11/2020	
SSB 6495	C 322 L 20	Essential needs & housing	6/11/2020	
SSB 6499	C 323 L 20	Health info./retirement	6/11/2020	
2SSB 6528	C 324 L 20	Derelict vessel prevention	6/11/2020	Partial Veto
SB 6551	C 325 L 20	International medical grads	6/11/2020	
2SSB 6561	C 326 L 20	Undocumented student support	7/1/2021	
SSB 6570	C 327 L 20	Law enforce. mental health	6/11/2020	Partial Veto
ESB 6626	C 328 L 20	Military spouse liaison	6/11/2020	
EHB 1390	C 329 L 20	PERS/TRS 1 benefit increase	7/1/2020	
3SHB 1504	C 330 L 20	Impaired driving	6/11/2020*	
E3SHB 1775	C 331 L 20	Sexually exploited children	6/11/2020*	
E2SHB 1783	C 332 L 20	Office of equity	6/11/2020*	Partial Veto
2SHB 2277	C 333 L 20	Youth solitary confinement	6/11/2020	
HB 2308	C 334 L 20	Job title reporting	10/1/2021	
ESHB 2327	C 335 L 20	Sexual misconduct/postsec.	6/11/2020	
HB 2380	C 336 L 20	Home care agencies	6/11/2020*	
ESHB 2421	C 337 L 20	Election cost reimbursement	7/1/2021	
SHB 2441	C 338 L 20	TANF access	7/1/2021	
ESHB 2455	C 339 L 20	High school/child care	6/11/2020*	
2SHB 2457	C 340 L 20	Health care cost board	6/11/2020	
SHB 2486	C 341 L 20	Electric marine batteries	7/1/2020	
SHB 2556	C 342 L 20	Early learning provider regs	6/11/2020	
HB 2619	C 343 L 20	Early learning access	6/11/2020	Partial Veto
SHB 2632	C 344 L 20	False reporting	6/11/2020	
ESHB 2642	C 345 L 20	Sub. use disorder coverage	6/11/2020	
E2SHB 2662	C 346 L 20	Total cost of insulin	6/11/2020	
ESHB 2731	C 347 L 20	Student concussion reports	6/11/2020	
2SHB 2864	C 348 L 20	Running start summer pilot	6/11/2020	
2SSB 5144	C 349 L 20	Child support pass-through	6/11/2020	
ESSB 5147	C 350 L 20	Menstrual products sales tax	7/1/2020	
2SSB 5947	C 351 L 20	Sustainable farms and fields	6/11/2020	
ESSB 6040	C 352 L 20	Dev. disability budgeting	6/11/2020	
SSB 6521	C 353 L 20	Innovative learning pilot	4/3/2020	
ESSB 6534	C 354 L 20	Ambulance quality assur. fee	4/3/2020	
ESSB 6540	C 355 L 20	Working connect. payments	1/1/2021	
ESSB 6248	C 356 L 20	Capital budget, supplemental	4/3/2020	
ESSB 6168	C 357 L 20	Operating budget, supplement	4/3/2020	Partial Veto

# 2020 Statewide Legislative District Map With Legislative Members



**District 1**  
Sen. Derek Stanford, D  
Rep. Davina Duerr, D  
Rep. Shelley Kloba, D

**District 2**  
Sen. Randi Becker, R  
Rep. Andrew Barkis, R  
Rep. J.T. Wilcox, R

**District 3**  
Sen. Andy Billig, D  
Rep. Marcus Riccelli, D  
Rep. Timm Ormsby, D

**District 4**  
Sen. Mike Padden, R  
Rep. Matt Shea, R  
Rep. Bob McCaslin, R

**District 5**  
Sen. Mark Mullet, D  
Rep. Bill Ramos, D  
Rep. Lisa Callan, D

**District 6**  
Sen. Jeff Holy, R  
Rep. Mike Volz, R  
Rep. Jenny Graham, R

**District 7**  
Sen. Shelly Short, R  
Rep. Jacquelin Maycumber, R  
Rep. Joel Kretz, R

**District 8**  
Sen. Sharon Brown, R  
Rep. Brad Klippert, R  
Rep. Matt Boehnke, R

**District 9**  
Sen. Mark Schoesler, R  
Rep. Mary Dye, R  
Rep. Joe Schmick, R

**District 10**  
Sen. Ron Muzzall, R  
Rep. Norma Smith, R  
Rep. Dave Paul, D

**District 11**  
Sen. Bob Hasegawa, D  
Rep. Zack Hudgins, D  
Rep. Steve Bergquist, D

**District 12**  
Sen. Brad Hawkins, R  
Rep. Keith Goehner, R  
Rep. Mike Steele, R

**District 13**  
Sen. Judy Warnick, R  
Rep. Tom Dent, R  
Rep. Alex Ybarra, R

**District 14**  
Sen. Curtis King, R  
Rep. Chris Corry, R  
Rep. Gina R. Mosbrucker, R

**District 15**  
Sen. Jim Honeyford, R  
Rep. Bruce Chandler, R  
Rep. Jeremie Dufault, R

**District 16**  
Sen. Maureen Walsh, R  
Rep. William Jenkin, R  
Rep. Skyler Rude, R

**District 17**  
Sen. Lynda Wilson, R  
Rep. Vicki Kraft, R  
Rep. Paul Harris, R

**District 18**  
Sen. Ann Rivers, R  
Rep. Brandon Vick, R  
Rep. Larry A. Hoff, R

**District 19**  
Sen. Dean Takko, D  
Rep. Jim Walsh, R  
Rep. Brian Blake, D

**District 20**  
Sen. John E. Braun, R  
Rep. Richard DeBolt, R  
Rep. Ed Orcutt, R

**District 21**  
Sen. Marko Liias, D  
Rep. Strom Peterson, D  
Rep. Lillian Ortiz-Self, D

**District 22**  
Sen. Sam Hunt, D  
Rep. Laurie Dolan, D  
Rep. Beth Doglio, D

**District 23**  
Sen. Christine Rolfes, D  
Rep. Sherry Appleton, D  
Rep. Drew Hansen, D

**District 24**  
Sen. Kevin Van De Wege, D  
Rep. Mike Chapman, D  
Rep. Steve Tharinger, D

**District 25**  
Sen. Hans Zeiger, R  
Rep. Kelly Chambers, R  
Rep. Chris Gildon, R

**District 26**  
Sen. Emily Randall, D  
Rep. Jesse Young, R  
Rep. Michelle Caldier, R

**District 27**  
Sen. Jeannie Darneille, D  
Rep. Sharon Tomiko Santos, D  
Rep. Jake Fey, D

**District 28**  
Sen. Steve O'Ban, R  
Rep. Mari Leavitt, D  
Rep. Christine Kilduff, D

**District 29**  
Sen. Steve Conway, D  
Rep. Melanie Morgan, D  
Rep. Steve Kirby, D

**District 30**  
Sen. Claire Wilson, D  
Rep. Mike Pellicciotti, D  
Rep. Jesse Johnson, D

**District 31**  
Sen. Phil Fortunato, R  
Rep. Drew Stokesbary, R  
Rep. Morgan Irwin, R

**District 32**  
Sen. Jesse Salomon, D  
Rep. Cindy Ryu, D  
Rep. Lauren Davis, D

**District 33**  
Sen. Karen Keiser, D  
Rep. Tina Orwall, D  
Rep. Mia Gregerson, D

**District 34**  
Sen. Joe Nguyen, D  
Rep. Eileen Cody, D  
Rep. Joe Fitzgibbon, D

**District 35**  
Sen. Tim Sheldon, D  
Rep. Dan Griffey, R  
Rep. Drew MacEwen, R

**District 36**  
Sen. Reuven Carlyle, D  
Rep. Noel Frame, D  
Rep. Gael Tarleton, D

**District 37**  
Sen. Rebecca Saldaña, D  
Rep. Sharon Tomiko Santos, D  
Rep. Eric Pettigrew, D

**District 38**  
Sen. June Robinson, D  
Rep. Emily Wicks, D  
Rep. Mike Sells, D

**District 39**  
Sen. Keith Wagoner, R  
Rep. Robert J. Sutherland, R  
Rep. Carolyn Eslick, R

**District 40**  
Sen. Liz Lovelett, D  
Rep. Debra Lekanoff, D  
Rep. Alex Ramel, D

**District 41**  
Sen. Lisa Wellman, D  
Rep. Tana Senn, D  
Rep. My-Linh Thai, D

**District 42**  
Sen. Doug Erickson, R  
Rep. Luanne Van Werven, R  
Rep. Sharon Shewmake, D

**District 43**  
Sen. Jamie Pedersen, D  
Rep. Nicole Macri, D  
Rep. Frank Chopp, D

**District 44**  
Sen. Steve Hobbs, D  
Rep. John Lovick, D  
Rep. Jared M. Mead, D

**District 45**  
Sen. Manka Dhingra, D  
Rep. Roger Goodman, D  
Rep. Larry Springer, D

**District 46**  
Sen. David Frockt, D  
Rep. Gerry Pollet, D  
Rep. Javier Valdez, D

**District 47**  
Sen. Mona Das, D  
Rep. Debra Entenman, D  
Rep. Pat Sullivan, D

**District 48**  
Sen. Patricia Kuderer, D  
Rep. Vandana Slatter, D  
Rep. Amy Walen, D

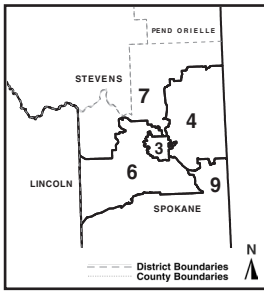
**District 49**  
Sen. Annette Cleveland, D  
Rep. Sharon Wylie, D  
Rep. Monica Jurado Stonier, D



# Break-out of Washington Area Legislative Districts

## Members Representing Spokane and Vancouver Areas

### Spokane Area



#### District 3

Sen. Andy Billig, D  
Rep. Marcus Riccelli, D  
Rep. Timm Ormsby, D

#### District 4

Sen. Mike Padden, R  
Rep. Matt Shea, R  
Rep. Bob McCaslin, R

#### District 6

Sen. Jeff Holy, R  
Rep. Mike Volz, R  
Rep. Jenny Graham, R

#### District 7

Sen. Shelly Short, R  
Rep. Jacquelin Maycumber, R  
Rep. Joel Kretz, R

#### District 9

Sen. Mark Schoesler, R  
Rep. Mary Dye, R  
Rep. Joe Schmick, R

#### District 14

Sen. Curtis King, R  
Rep. Chris Corry, R  
Rep. Gina R. Mosbrucker, R

#### District 17

Sen. Lynda Wilson, R  
Rep. Vicki Kraft, R  
Rep. Paul Harris, R

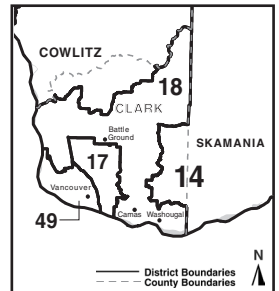
#### District 18

Sen. Ann Rivers, R  
Rep. Brandon Vick, R  
Rep. Larry A. Hoff, R

#### District 49

Sen. Annette Cleveland, D  
Rep. Sharon Wylie, D  
Rep. Monica Jurado Stonier, D

### Vancouver Area



## Members Representing the Puget Sound Area

#### District 1

Sen. Derek Stanford, D  
Rep. Davina Duerr, D  
Rep. Shelley Kloba, D

#### District 2

Sen. Randi Becker, R  
Rep. Andrew Barkis, R  
Rep. J.T. Wilcox, R

#### District 5

Sen. Mark Mullet, D  
Rep. Bill Ramos, D  
Rep. Lisa Callan, D

#### District 10

Sen. Ron Muzzall, R  
Rep. Norma Smith, R  
Rep. Dave Paul, D

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Rep. Zack Hudgins, D  
Rep. Steve Bergquist, D

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Rep. Strom Peterson, D  
Rep. Lillian Ortiz-Self, D

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Rep. Laurie Dolan, D  
Rep. Beth Doglio, D

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Rep. Sherry Appleton, D  
Rep. Drew Hansen, D

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Sen. Kevin Van De Wege, D  
Rep. Mike Chapman, D  
Rep. Steve Tharinger, D

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Rep. Kelly Chambers, R  
Rep. Chris Gildon, R

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Rep. Jesse Young, R  
Rep. Michelle Caldier, R

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Rep. Laurie Jinkins, D  
Rep. Jake Fey, D

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Rep. Christine Kilduff, D

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Rep. Steve Kirby, D

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Rep. Lauren Davis, D

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Rep. Tina Orwall, D  
Rep. Mia Gregerson, D

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Rep. Joe Fitzgibbon, D

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Rep. My-Linh Thai, D

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Rep. Frank Chopp, D

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Rep. John Lovick, D  
Rep. Jared M. Mead, D

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Sen. Manka Dhingra, D  
Rep. Roger Goodman, D  
Rep. Larry Springer, D

#### District 46

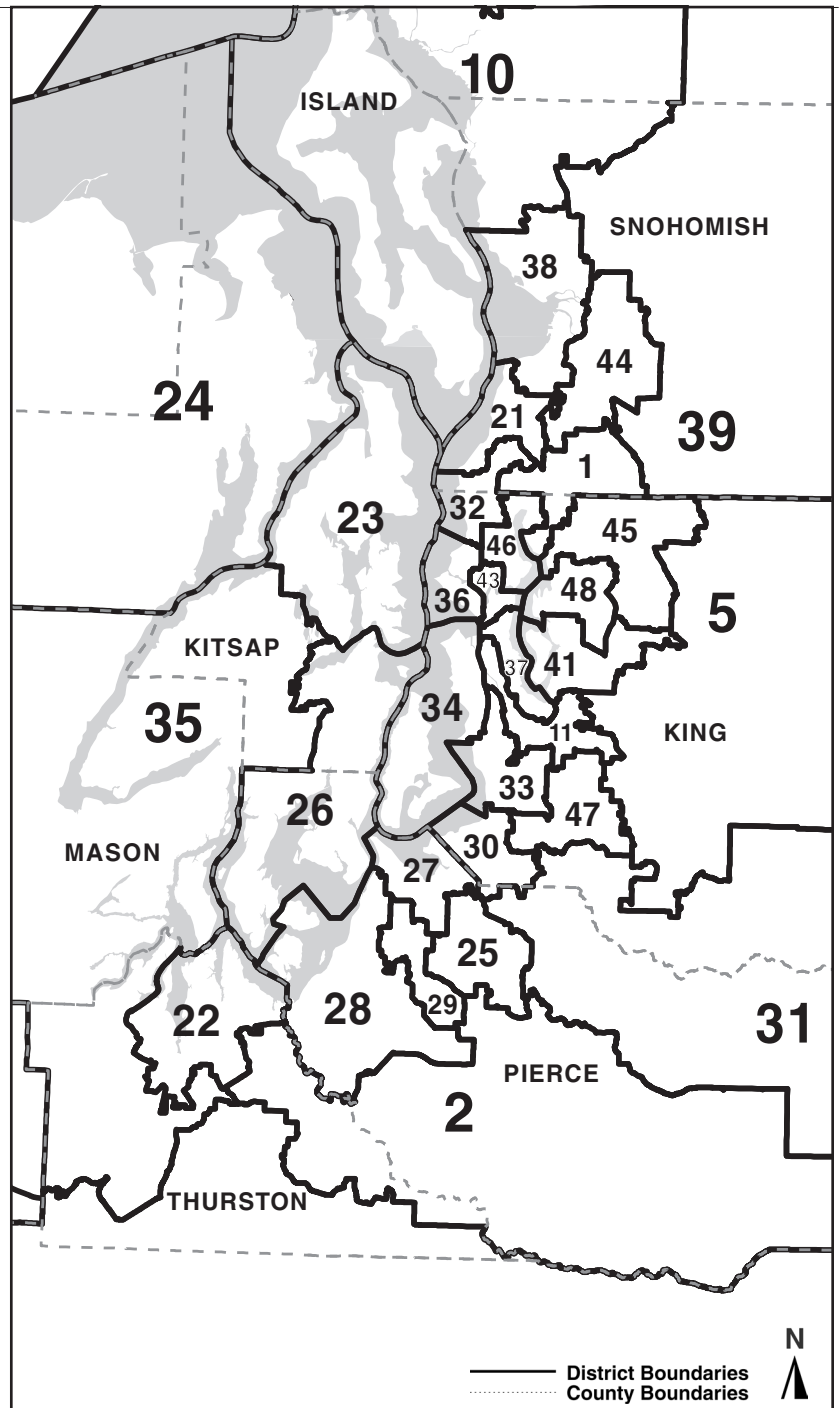
Sen. David Frocht, D  
Rep. Gerry Pollet, D  
Rep. Javier Valdez, D

#### District 47

Sen. Mona Das, D  
Rep. Debra Entenman, D  
Rep. Pat Sullivan, D

#### District 48

Sen. Patricia Kuderer, D  
Rep. Vandana Slatter, D  
Rep. Amy Walen, D





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April 3, 2020

To the Honorable Speaker and Members,  
The House of Representatives of the State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval, Second Engrossed House Bill No. 1056 entitled:

“AN ACT Relating to creating a task force to identify the role of the workplace in helping curb domestic violence.”

Circumstances have changed dramatically since the 2020 supplemental operating budget was approved by the Legislature last month. The COVID-19 pandemic is having catastrophic effects on the health and welfare of Washingtonians. It will also have a major impact on the economic health of our state. I have conferred with leaders in the House of Representatives and Senate, and we agree that we must prepare for the effects of the lost revenue that will result from this pandemic.

For these reasons I have vetoed Second Engrossed House Bill No. 1056 in its entirety.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "Jay Inslee".

Jay Inslee  
Governor

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April 3, 2020

To the Honorable Speaker and Members,  
The House of Representatives of the State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval, House Bill No. 1368 entitled:

“AN ACT Relating to reauthorizing the business and occupation tax deduction for cooperative finance organizations.”

Circumstances have changed dramatically since the 2020 supplemental operating budget was approved by the Legislature last month. The COVID-19 pandemic is having catastrophic effects on the health and welfare of Washingtonians. It will also have a major impact on the economic health of our state. I have conferred with leaders in the House of Representatives and Senate, and we agree that we must prepare for the effects of the lost revenue that will result from this pandemic.

For these reasons I have vetoed House Bill No. 1368 in its entirety.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "Jay Inslee".

Jay Inslee  
Governor





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**OFFICE OF THE GOVERNOR**  
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April 3, 2020

To the Honorable Speaker and Members,  
The House of Representatives of the State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval, Engrossed House Bill No. 1948 entitled:

“AN ACT Relating to supporting warehousing and manufacturing job centers.”

Circumstances have changed dramatically since the 2020 supplemental operating budget was approved by the Legislature last month. The COVID-19 pandemic is having catastrophic effects on the health and welfare of Washingtonians. It will also have a major impact on the economic health of our state. I have conferred with leaders in the House of Representatives and Senate, and we agree that we must prepare for the effects of the lost revenue that will result from this pandemic.

For these reasons I have vetoed Engrossed House Bill No. 1948 in its entirety.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "Jay Inslee".

Jay Inslee  
Governor

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OFFICE OF THE GOVERNOR*P.O. Box 40002 • Olympia, Washington 98504-0002 • (360) 902-4111 • [www.governor.wa.gov](http://www.governor.wa.gov)*

April 3, 2020

To the Honorable Speaker and Members,  
The House of Representatives of the State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval, Engrossed Substitute House Bill No. 2248 entitled:

“AN ACT Relating to expanding equitable access to the benefits of renewable energy through community solar projects.”

Circumstances have changed dramatically since the 2020 supplemental operating budget was approved by the Legislature last month. The COVID-19 pandemic is having catastrophic effects on the health and welfare of Washingtonians. It will also have a major impact on the economic health of our state. I have conferred with leaders in the House of Representatives and Senate, and we agree that we must prepare for the effects of the lost revenue that will result from this pandemic.

For these reasons I have vetoed Engrossed Substitute House Bill No. 2248 in its entirety.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "Jay Inslee", written over a faint, circular official seal.

Jay Inslee  
Governor



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April 3, 2020

To the Honorable Speaker and Members,  
The House of Representatives of the State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval, Substitute House Bill No. 2419 entitled:

“AN ACT Relating to studying barriers to the use of the Washington death with dignity act.”

Circumstances have changed dramatically since the 2020 supplemental operating budget was approved by the Legislature last month. The COVID-19 pandemic is having catastrophic effects on the health and welfare of Washingtonians. It will also have a major impact on the economic health of our state. I have conferred with leaders in the House of Representatives and Senate, and we agree that we must prepare for the effects of the lost revenue that will result from this pandemic.

For these reasons I have vetoed Substitute House Bill No. 2419 in its entirety.

Respectfully submitted,

A blue ink signature of Jay Inslee, written in a cursive style.

Jay Inslee  
Governor

JAY INSLEE  
Governor



STATE OF WASHINGTON  
OFFICE OF THE GOVERNOR

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April 3, 2020

To the Honorable Speaker and Members,  
The House of Representatives of the State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval, House Bill No. 2505 entitled:

“AN ACT Relating to extending the business and occupation tax exemption for amounts received as credits against contracts with or funds provided by the Bonneville power administration and used for low-income ratepayer assistance and weatherization.”

Circumstances have changed dramatically since the 2020 supplemental operating budget was approved by the Legislature last month. The COVID-19 pandemic is having catastrophic effects on the health and welfare of Washingtonians. It will also have a major impact on the economic health of our state. I have conferred with leaders in the House of Representatives and Senate, and we agree that we must prepare for the effects of the lost revenue that will result from this pandemic.

For these reasons I have vetoed House Bill No. 2505 in its entirety.

Respectfully submitted,

A blue ink signature of Jay Inslee, written in a cursive style.

Jay Inslee  
Governor



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April 3, 2020

To the Honorable Speaker and Members,  
The House of Representatives of the State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval, House Bill No. 2579 entitled:

“AN ACT Relating to establishing a wild horse holding and training program at Coyote Ridge corrections center.”

Circumstances have changed dramatically since the 2020 supplemental operating budget was approved by the Legislature last month. The COVID-19 pandemic is having catastrophic effects on the health and welfare of Washingtonians. It will also have a major impact on the economic health of our state. I have conferred with leaders in the House of Representatives and Senate, and we agree that we must prepare for the effects of the lost revenue that will result from this pandemic.

For these reasons I have vetoed House Bill No. 2579 in its entirety.

Respectfully submitted,

A blue ink signature of Jay Inslee, written in a cursive style.

Jay Inslee  
Governor

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April 3, 2020

To the Honorable Speaker and Members,  
The House of Representatives of the State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval, Substitute House Bill No. 2634 entitled:

“AN ACT Relating to exempting a sale or transfer of real property for affordable housing to a nonprofit entity, housing authority, or public corporation from the real estate excise tax.”

Circumstances have changed dramatically since the 2020 supplemental operating budget was approved by the Legislature last month. The COVID-19 pandemic is having catastrophic effects on the health and welfare of Washingtonians. It will also have a major impact on the economic health of our state. I have conferred with leaders in the House of Representatives and Senate, and we agree that we must prepare for the effects of the lost revenue that will result from this pandemic.

For these reasons I have vetoed Substitute House Bill No. 2634 in its entirety.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "Jay Inslee", written over a faint circular embossed seal.

Jay Inslee  
Governor



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April 3, 2020

To the Honorable Speaker and Members,  
The House of Representatives of the State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval, Engrossed Substitute House Bill No. 2722 entitled:

“AN ACT Relating to minimum recycled content requirements.”

Circumstances have changed dramatically since the 2020 supplemental operating budget was approved by the Legislature last month. The COVID-19 pandemic is having catastrophic effects on the health and welfare of Washingtonians. It will also have a major impact on the economic health of our state. I have conferred with leaders in the House of Representatives and Senate, and we agree that we must prepare for the effects of the lost revenue that will result from this pandemic.

For these reasons I have vetoed Engrossed Substitute House Bill No. 2722 in its entirety.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "Jay Inslee", written over a light blue circular official stamp.

Jay Inslee  
Governor



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April 3, 2020

To the Honorable Speaker and Members,  
The House of Representatives of the State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval, Engrossed Substitute House Bill No. 2723 entitled:

“AN ACT Relating to off-road vehicle and snowmobile registration enforcement.”

Circumstances have changed dramatically since the 2020 supplemental operating budget was approved by the Legislature last month. The COVID-19 pandemic is having catastrophic effects on the health and welfare of Washingtonians. It will also have a major impact on the economic health of our state. I have conferred with leaders in the House of Representatives and Senate, and we agree that we must prepare for the effects of the lost revenue that will result from this pandemic.

For these reasons I have vetoed Engrossed Substitute House Bill No. 2723 in its entirety.

Respectfully submitted,

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Jay Inslee  
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April 3, 2020

To the Honorable Speaker and Members,  
The House of Representatives of the State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval, Second Substitute House Bill No. 2793 entitled:

“AN ACT Relating to vacating criminal records.”

Circumstances have changed dramatically since the 2020 supplemental operating budget was approved by the Legislature last month. The COVID-19 pandemic is having catastrophic effects on the health and welfare of Washingtonians. It will also have a major impact on the economic health of our state. I have conferred with leaders in the House of Representatives and Senate, and we agree that we must prepare for the effects of the lost revenue that will result from this pandemic.

For these reasons I have vetoed Second Substitute House Bill No. 2793 in its entirety.

Respectfully submitted,

A blue ink signature of Jay Inslee, written in a cursive style.

Jay Inslee  
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April 3, 2020

To the Honorable Speaker and Members,  
The House of Representatives of the State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval, Engrossed House Bill No. 2797 entitled:

“AN ACT Relating to the sales and use tax for affordable and supportive housing.”

Circumstances have changed dramatically since the 2020 supplemental operating budget was approved by the Legislature last month. The COVID-19 pandemic is having catastrophic effects on the health and welfare of Washingtonians. It will also have a major impact on the economic health of our state. I have conferred with leaders in the House of Representatives and Senate, and we agree that we must prepare for the effects of the lost revenue that will result from this pandemic.

For these reasons I have vetoed Engrossed House Bill No. 2797 in its entirety.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "Jay Inslee", written over a light blue circular stamp.

Jay Inslee  
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April 3, 2020

To the Honorable Speaker and Members,  
The House of Representatives of the State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval, House Bill No. 2848 entitled:

“AN ACT Relating to changing the expiration date for the sales and use tax exemption of hog fuel to coincide with the 2045 deadline for fossil fuel-free electrical generation in Washington state and to protect jobs with health care and retirement benefits in economically distressed communities.”

Circumstances have changed dramatically since the 2020 supplemental operating budget was approved by the Legislature last month. The COVID-19 pandemic is having catastrophic effects on the health and welfare of Washingtonians. It will also have a major impact on the economic health of our state. I have conferred with leaders in the House of Representatives and Senate, and we agree that we must prepare for the effects of the lost revenue that will result from this pandemic.

For these reasons I have vetoed House Bill No. 2848 in its entirety.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read 'Jay Inslee'.

Jay Inslee  
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April 3, 2020

To the Honorable Speaker and Members,  
The House of Representatives of the State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval, House Bill No. 2903 entitled:

“AN ACT Relating to providing that qualified dealer cash incentives paid to auto dealers are bona fide discounts for purposes of the business and occupation tax.”

Circumstances have changed dramatically since the 2020 supplemental operating budget was approved by the Legislature last month. The COVID-19 pandemic is having catastrophic effects on the health and welfare of Washingtonians. It will also have a major impact on the economic health of our state. I have conferred with leaders in the House of Representatives and Senate, and we agree that we must prepare for the effects of the lost revenue that will result from this pandemic.

For these reasons I have vetoed House Bill No. 2903 in its entirety.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "Jay Inslee", written over a faint circular embossed seal.

Jay Inslee  
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April 3, 2020

To the Honorable Speaker and Members,  
The House of Representatives of the State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval, Engrossed Substitute House Bill No. 2919 entitled:

“AN ACT Relating to adjusting the amount and use of county fees on the real estate excise tax.”

Circumstances have changed dramatically since the 2020 supplemental operating budget was approved by the Legislature last month. The COVID-19 pandemic is having catastrophic effects on the health and welfare of Washingtonians. It will also have a major impact on the economic health of our state. I have conferred with leaders in the House of Representatives and Senate, and we agree that we must prepare for the effects of the lost revenue that will result from this pandemic.

For these reasons I have vetoed Engrossed Substitute House Bill No. 2919 in its entirety.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "Jay Inslee", written over a faint circular official seal.

Jay Inslee  
Governor

JAY INSLEE  
Governor



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April 3, 2020

To the Honorable Speaker and Members,  
The House of Representatives of the State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval, House Bill No. 2943 entitled:

“AN ACT Relating to providing a business and occupation tax preference for behavioral health administrative services organizations.”

Circumstances have changed dramatically since the 2020 supplemental operating budget was approved by the Legislature last month. The COVID-19 pandemic is having catastrophic effects on the health and welfare of Washingtonians. It will also have a major impact on the economic health of our state. I have conferred with leaders in the House of Representatives and Senate, and we agree that we must prepare for the effects of the lost revenue that will result from this pandemic.

For these reasons I have vetoed House Bill No. 2943 in its entirety.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read 'Jay Inslee', written over a faint circular seal.

Jay Inslee  
Governor

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